



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
March 9, 2022**

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

EX OFFICIO: Gretchen Milliken, Planning Director; Browne Sebright, Planner II; Makena Hawley, Planner II; Heinrich Dieters, Trails and Open Space Manager; Mark Harrington, City Attorney

1. ROLL CALL

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

The following written determination was read:

The Chair issued a written determination about hybrid in-person and electronic meetings. 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 for the purposes and at the times as described below on Wednesday, March 9, 2022.

Planning Commission members may 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.

All Commissioners were present, with Commissioners Sarah Hall, Laura Suesser, and Doug Thimm attending virtually.

2. MINUTES APPROVAL

There were no Park City Planning Commission Meeting Minutes to approve.

3. PUBLIC COMMUNICATIONS

There were no Public Communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Gretchen Milliken, reported that the joint session with the City Council would take place on March 15, 2022, at 5:00 p.m. in Council Chambers. It was an in-person meeting but would be hybrid to accommodate Commissioners Suesser and Thimm, who would be out of town. However, it was expected that all Commissioners in town would attend the joint meeting in person. Chair Phillips noted that the joint session would focus on the Snow Park discussions. He wondered if other discussion topics would be addressed during the meeting as well. Director Milliken explained that an agenda would be sent out shortly, but the main focus was the vacation and dedication included in the Snow Park proposal. There would also be Council priority discussions with regard to the Land Management Code and General Plan. Information on moratoriums would be shared and there would be a Closed Session.

Chair Phillips was excited to be back at an in-person meeting. He was proud of how the Planning Commission handled meetings during the COVID-19 pandemic. He wondered if it would be possible to schedule a social event in the near future with the Planning Commission and Staff. He asked Director Milliken to send out an email to determine possible dates for the social event.

Commissioner Suesser asked when PEG would come back to present. Director Milliken reported that Staff met with PEG earlier that day. The intention was to include PEG on a Planning Commission Meeting agenda in April 2022. She noted that the applicants had been working diligently on their Traffic and Circulation Mitigation Plan and wanted to have something solid to present to the Planning Commission for consideration. It was taking a bit of time to put all of that information together as there were regional partners to consider as well. Commissioner Suesser asked about the regional partners. Director Milliken explained that the parking solutions were outside of Park City and, which requires involving regional partners in Summit County.

5. CONTINUATIONS

A. 3805 Fox Tail Trail – Rezone – PL-21-04865. Continue to May 11, 2022.

Chair Phillips reported that the applicant was looking to continue the 3805 Fox Tail Trail - Rezone to the May 11, 2022, Planning Commission Meeting.

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

MOTION: Commissioner Van Dine moved to continue PL-21-04865, 3805 Fox Tail Trail Rezone, to May 11, 2022. Commissioner Kenworthy seconded the motion.

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

B. 3805 Fox Tail Trail – Plat Amendment – PL-21-04826. Continue to May 11, 2022.

Chair Phillips reported that the applicant was also looking to continue the 3805 Fox Tail Trail – Plat Amendment to the May 11, 2022, Planning Commission Meeting.

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

MOTION: Commissioner Van Dine moved to continue PL-21-04826, 3805 Fox Tail Trail Plat Amendment, to May 11, 2022. Commissioner Kenworthy seconded the motion.

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

6. REGULAR AGENDA

- A. 9300 Marsac Avenue (Sommet Blanc/B2East Parcel)** - Applicant is Requesting Amendments to the Approved Master Planned Development and a Conditional Use Permit for the Proposed Development of 49 Residential Units Above Underground Parking and a 3,600-Square-Foot Public Restaurant. PL-21-04771 & PL-20-04702.

Planner II, Makena Hawley reported that there had been multiple meetings related to 9300 Marsac Avenue. Rather than reshare previous presentations, she would simply share updates with the Planning Commission. Planner Hawley discussed height and explained that the current proposal had three buildings with proposed heights of 82 feet, 94 feet, and 106 feet above benchmark grades. There was a change in the site plan that incorporated the four villas into additional floors on Building B and Building C. The change in site plan allowed for significantly less site disturbance than previously proposed. The density would be clustered and the footprint on the site would be 12% for Sommet Blanc compared to the Hill Glazier Plan with 19%. Planner Hawley reminded the Commission that due to the limited area of disturbance, the applicant proposed a 3.06-acre conservation easement on the northern portion of the property.

At the February 9, 2022, Planning Commission Meeting, the Commission discussed a height cap on the buildings and expressed a desire not to include allowances for mechanical equipment. At that time the applicant was amenable to that suggestion. Since then, the applicant had returned to discuss the matter further with Staff. According to the applicant's Architecture Team, the cap would cause many issues, mainly regarding elevator overruns and screened mechanical equipment. The applicant came back with a proposal that would allow a maximum of three feet above the requested height proposal for the buildings. The Land Management Code definition for building height considered height to be the vertical distance under the roof element to existing grade. Mechanical equipment and elevator overruns were expected and were not normally included within the height limit of a structure. However, through the Master Planned Development ("MPD") amendment, the height was under review by the Commission.

The applicant provided updated Solar Studies. The most impact there would be on Empire Day Lodge was in the morning during the spring-fall equinox and in the morning during the winter solstice. Planner Hawley pointed out that the Empire Day Lodge lawn, ski beach, and patio were not obstructed by the proposal. She also noted that there was a correction that needed to be made to the Staff Report. The intention was to remove the portion about the Sommet Blanc owners and guests being allowed to utilize Twisted Branch Road. She explained that use of the road was discussed at length during the previous meeting. The Commission made it clear at that time that they did not feel the use was appropriate.

Trails and Open Space Manager, Heinrich Dieters, explained that Exhibit X in the Meeting Materials Packet was the old design. The new designs had been sent out to Commissioners. Page 11 of the Meeting Materials Packet identified Condition of Approval #25 and Condition of

Approval #26. He clarified that those were conditions of approval associated with the trailhead discussions. Some language had been submitted to Planner Hawley to add further clarity.

Manager Dieters discussed the Mid Mountain Parking Lot and Trailhead improvements. Some Commissioners had previously suggested looking at the trailhead location to try to make it safer. Since then, a design had been created, public comment had been received, and the proposed changes had been presented. For instance, the removal of the guard rail and the addition of parallel parking had been incorporated into the design. He believed a restroom was needed at that location, as well as a kiosk, and trash receptacles. The new design did not just address safety improvements but ensured that there was an overall level of improvement for the public. The applicant had submitted the design to the Utah Department of Transportation ("UDOT"). UDOT was supportive of the design and felt that it improved safety in the area. It was dangerous for vehicles to back out of a parking lot and into a travel lane. The design addressed that concern.

Commissioner Suesser asked to see an additional image of the rolled curb proposal. She wanted to better understand what that would look like. Manager Dieters did not have another image to share but described the rolled curb proposal. He stated that a high back curb was the traditional type of curb that was seen on the side of the street. It went up six to eight inches. On the other hand, a rolled curb was not a vertical impediment. Commissioner Christin Van Dine wondered who did the plowing in that area. Sommet Blanc representative, Doug Ogilvy explained that he also represented the Empire Pass Master Owners Association ("MOA"). Empire Pass MOA maintained Marsac Avenue and the parking lot. The plow drivers had no issue with the design.

Commissioner Kenworthy wanted to know if there were any restrictions on the parking lot. Manager Dieters reported that there are currently 25 spots. The City Council decided to make 15 of those spots 24 hours and 10 of the spots 72 hours. Commissioner Kenworthy expressed concerns about Deer Valley skiers using the parking spaces. Manager Dieters noted that the City monitored the time spent in a spot rather than the user group. Commissioner Kenworthy wondered if a certain number of stalls were allocated to Bonanza Flat. Manager Dieters explained that what the Council heard during the Bonanza Flat discussions was that people wanted to be able to park and utilize spots while visiting their cabins, so 10 of the spaces had been set aside for 72-hour parking. There was discussion regarding how to monitor the parking spaces. Mr. Ogilvy explained that there was a License Agreement on the parking lot in favor of the City and the property owner handed oversight of the parking lot over to the City. Commissioner Van Dine asked if it would be possible to add signs to the lot to indicate that no resort parking was permitted. Manager Dieters believed it was a City Council decision.

Commissioner Suesser pointed out that the parking lot design is larger than what currently exists. She asked if snow storage would be an issue. Manager Dieters reported that the parking lot design was expanded slightly to accommodate additional trailer parking spots. The lot had gone from approximately 25 spots to 29 spots. There was also an ADA spot. Commissioner Suesser asked if snow storage was currently handled within the lot. Manager Dieters explained that part of it was on the lot. Mr. Ogilvy believed it may be possible to record a snow storage easement on the upper portion of the Sommet Blanc site. That snow storage could be directly across the street from the parking lot. He could work with Manager Dieters to find an appropriate location that did not involve removing any trees in the area.

Chair Phillips noted that there had been previous discussions about the retaining walls and the Commission asked for visuals at that time. He expressed concerns about whether the improved parking lot and added restroom would draw more people to the area. Certain hazards exist, and

he worried that the additions could attract more visitors. Chair Phillips felt it was important to consider public safety and the unintended consequences. However, he saw the benefit of the proposal. Manager Dieters noted that there were different tools to manage trailheads, such as enforcement and the Transit to Trails program. He did not believe the slight expansion to the parking lot would draw additional visitors to the area.

Commissioner Suesser asked for additional information about the Transit to Trails Program. Manager Dieters reported that the plan was to have another year of the Transit to Trails Program. The Central Wasatch Commission ("CWC") recently opened its short-term project call for ideas, which was part of how the program was funded previously. Park City will apply for the short-term projects funding again. Manager Dieters noted that another component to consider was appropriate noticing, so when parking lots are full, it would be possible to inform visitors beforehand. He believed an app could be a useful tool for this purpose. Chair Phillips expressed further concerns about public safety and the condition of the roads.

Commissioner Van Dine felt the parking lot and trailhead plans would benefit the area and appreciated the work that had gone into them. Commissioner Thimm echoed those sentiments. He was in full support of the improvements there. Commissioner Suesser was also in support of the improvements and believed it would be wise to take Mr. Ogilvy up on his offer to have additional snow storage across the street from the parking lot. Commissioners Johnson and Kenworthy agreed and felt that the snow storage was important.

Commissioner Kenworthy brought up equity issues and believed that the Transit to Trails Program should be allowed to utilize Twisted Branch Road. Mr. Ogilvy explained that there had been previous discussions between REDUS and the City about the possibility of allowing transit vehicles onto Twisted Branch Road. Those conversations stopped but REDUS was open and amenable to those types of discussions in the future. Commissioner Kenworthy believed it was important to come together and focus on addressing equity and safety issues. Chair Phillips believed there was consensus about the Mid Mountain Parking Lot and Trailhead improvements.

Manager Dieters shared recommended changes to Condition of Approval #25 and Condition of Approval #26. He read the proposed language to the Commission, which was as follows:

- Condition of Approval #25:
 - The applicant shall construct a parking lot at the Mid Mountain location and reroute the Mid Mountain Trail, which shall be reviewed and approved by the Trails and Open Space Manager.
- Condition of Approval #26:
 - The applicant shall obtain a license agreement, subject to the City Attorney's Office approval, which ensures the City's ability to operate, manage, and maintain the Mid Mountain Parking Lot.

He felt that the changes to those Conditions of Approval would add another level of clarity to the language. The Commissioners discussed the issue of snow removal. It was determined that it would be addressed in an additional Condition of Approval. Commissioner Suesser thought that the Empire Pass MOA currently cleared the lot and wanted to know whether Condition of Approval

#26 would shift that to a City responsibility. Mr. Ogilvy clarified that the lot is on private property. Manager Dieter wanted to ensure that a License Agreement is in place so that the parking lot remains on private property. Manager Dieter added that the language related to maintenance had to do with trash, restrooms, and the surface. It did not imply snow removal. Mr. Ogilvy shared the following suggested language for the snow removal condition:

- The applicant shall provide snow storage easements on the adjacent Sommet Blanc property to the satisfaction of the Trails and Open Space Manager.

Planner Hawley was asked to make note of the suggested language and also stated that no significant vegetation will be removed from the area. That language would be finalized before the end of the Planning Commission Meeting and added as a Condition of Approval.

Commissioner Van Dine had a question related to Condition of Approval #13, which related to Covenants, Conditions, and Restrictions ("CC&Rs") and deed-restricted affordable units. She wanted to know if that language was specific enough to ensure that affordable units would be included. Planner Hawley explained that work would be done with the Affordable Housing Department and the department would help determine appropriate prices. City Attorney, Mark Harrington explained that the condition was also backstopped by the approval of the housing authority. It was more of a reminder to the planner that the requirement was in place.

Sommet Blanc representative, Lynn Padan introduced himself. He believed a lot had been done to improve upon the existing 2007 approved project. There was now a much better project proposed than before. Mr. Padan reviewed some of the modifications that had been made to the 2007 approved project and outlined some of the community benefits. For instance, the footprint had been substantially reduced from 19% down to 12%, a public restroom would be added, the amount of affordable housing in the project had increased, the density had been moved off of the hillside, and a Conservation Easement was agreed to on the upper portion of the site. Additionally, there was agreement on the redesigned parking lot. Mr. Padan discussed Twisted Branch Road. He understood the concerns expressed by Commissioner Kenworthy about equity.

Chair Phillips opened the public hearing.

Mark Fischer appreciated some of the adjustments the developer had made but noted that his main concern was public safety. Mr. Fischer expressed support for comments made by the Commissioners about initiating road-related discussions with UDOT. He felt the City needed to take on a leadership role. One of the reasons he believed a new Mayor was elected was because the public wanted change and for there to be a more aggressive focus on public safety. Mr. Fischer hoped the Twisted Branch Road discussions would not end once the Sommet Blanc proposal was approved. Regarding the parking lot, it was important to note that on weekends and busy days there is bumper-to-bumper parking down to the Montage roundabout from the top of the parking lot. That would continue and likely accelerate in the area. The parking lot was not large enough, but he understood the limitations of the site.

Though the developer stated that they had worked with REDUS to expand the parking area, Mr. Fischer felt it should be noted that the developer had not worked with REDUS, in the same manner, to get the public on Twisted Branch Road. The latter was a more pressing safety issue. He did not necessarily believe that the redesign of the parking lot would make things safer. The

public was still required to go up a 15-foot-wide road with a 196-foot dead drop to Twisted Branch Road.

Ann Bransford stated that Twisted Branch Road has been a long-time issue. She asked that the Commission make a decision about the road and determine who owns it since people in Park City are using that road and it is dangerous. Twisted Branch Road needs to be taken care of and improved. The residents were tired of the issue being ignored.

Bob Peek explained that he is a resident of Brighton Estates and uses Twisted Branch Road every day. One concern pertained to winter access. If anyone was welcome to drive up and down during the winter months, the parking would be an issue at the top of Empire Pass. There was enough parking for the residents that live in the area, however, if that is open to the public in the wintertime, residents will not be able to park or access their homes.

Commissioner Suesser wondered if he anticipated Brighton Estates owners or renters would utilize the Transit to Trails program. For instance, if it would be possible to take the shuttle from town to the pass during the winter months. Mr. Peek did not want to speak for everyone that lives in Brighton Estates. It could be valuable to some, but he believed that people normally come and go at odd hours and the program may not accommodate those hours. Commissioner Kenworthy wanted to know how he dealt with the overload of illegal parking in the summers. Mr. Peek explained that in the summer he is normally able to drive to his home, however, there had been times when he could not get through if he had a flatbed trailer attached.

Robert Powell identified himself as a resident of Brighton Estates. He supported the comments shared by Messrs. Fischer and Peek and felt that the parking area would be an improvement. However, he had several concerns. During the summer months, the road is very busy, and having people on Twisted Branch Road would be much safer. There had been many close calls on Guardsman Pass Road. In the winter, the road is fairly dangerous as well. Mr. Powell wanted to see a solution where the residents of Brighton Estates could access the ridge or access parking close to the ridge to avoid cluttering the new parking area and also access their homes with ease. He did not support plowing into Brighton Estates and stressed the importance of access to parking. Mr. Powell stated that he would be happy to take transit once his vehicle is parked but the timing of the transit was important.

Mr. Fischer acknowledged that Mr. Powell serves as President of the Brighton Estates Homeowners Association ("HOA"). They made a deal in 1999 that specified that the people of Brighton Estates would not object to Deer Valley's expansion into what was now known as Empire Pass and construction problems and delays associated with the multi-year construction of Twisted Branch Road. In return, those residents were permitted to use that road.

Commissioner Suesser asked about access from the top of Twisted Branch Road into Wasatch County. She wanted to know if he felt that should be gated. Mr. Fischer noted that at the last meeting, he was surprised to hear the developer state that the intention was to put people from the Empire Pass MOA up Twisted Branch Road and across a gravel road to connect back upper SR-224 before the Wasatch County line. He understood that it had been revoked, which was a good decision because it created a social equity issue. It was a Deer Valley maintenance road that was never intended for public use. As a result, he felt that should be gated and residents of Red Cloud should drive down Twisted Branch Road, take a right, and then take the same road everyone else used to get to Bonanza Flat.

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

Chair Phillips still believed the upper portion of the road should be gated. He wanted that to be captured in language, so it is enforceable. The only exception he would support was dump trucks, to keep them off of the more dangerous sections of the road. Chair Phillips discussed the heights of the buildings. He noted that the Commission previously agreed to the additional heights but was clear that no allowances would be permitted above the exception. However, he understood that each zone had height exceptions for mechanical equipment. He was okay with an additional three feet to accommodate the elevators. It was a reasonable request and would not increase the mass of the buildings. While he had remaining concerns about light pollution, there was language to mitigate some of those issues.

Commissioner Van Dine believed the project had come a long way and was in a much better state. She felt that the Mid Mountain Trailhead Parking Lot and Trailhead improvements would be a benefit to the area and the changes made to address light pollution were also beneficial. Commissioner Van Dine did not have concerns with the small overruns of height, as that followed normal code exceptions. She felt that the way the applicant had addressed Twisted Branch Road was acceptable and did not think the project should be held up because of the road. That would be a larger project for the City to take on and address further.

Commissioner Suesser noted that according to the Development Agreement it was on the developer to initiate the petition for the transfer of SR-224 to the newly constructed road. When the lower portion of SR-224 was realigned, Park City Mines petitioned UDOT to vacate the road, and UDOT now owns the road. She believed the Development Agreement anticipated that the upper portion of SR-224 would require the developer to petition to have that road vacated and realigned on the newly constructed road. It was a matter of the City Council stating publicly that they would direct the developer to petition UDOT. Then the upper portion of SR-224 could be transferred and vacated over to Twisted Branch Road.

Commissioner Suesser felt that the developer had agreed within the Development Agreement to cooperate with any petition of the transfer of the road to a state road. It already took place on the lower portion and now needed to take place on the upper portion. She pointed out that Deer Valley and the general public wanted to see this happen. There should be a strong recommendation from the Planning Commission to the City Council to move forward with the transfer of SR-224 to Twisted Branch Road, including the continuation of the seasonal closure of that upper portion, with exceptions for Brighton Estates homeowners, Red Cloud residents, Deer Valley maintenance vehicles, and the Transit to Trails program. Commissioner Suesser did not agree with the additional three-foot exception for the elevator shafts. She believed the project needed to be constructed within the height exceptions that had already been granted.

Commissioner Thimm agreed with Commissioner Suesser about the petition of transfer for SR-224. He believed the project had evolved positively, thanks to the increased amount of open space and the clustered density. Commissioner Thimm appreciated that the applicant had worked with the Planning Commission to make changes based on their feedback. As a result, he agreed with the additional three feet for the elevator overrun. He noted that elevator overrun was expected and he was not opposed to that exception.

Commissioner Johnson wanted to better understand why the additional three feet were necessary. Chair Phillips explained that he had worked on many elevator shafts in residential homes. The space is generally needed for the mechanical equipment. Mr. Ogilvy further

discussed the height exception and architectural design. He explained that the elevator overrun was contiguous with the screening for all of the mechanical equipment. There was a roof over the mechanical equipment with vents around the side. Commissioner Johnson was in support of the exception as long as there was a three-foot limit for future uses as well. Commissioner Thimm agreed. Planner Hawley noted that a Condition of Approval could be added to allow the requested three feet. Otherwise, it would be held to the same code for the zone, which was eight feet for elevators and five feet for other items, such as screening mechanical equipment.

Commissioner Johnson noted that the packet included a Deer Valley Approval Letter dated December 2, 2021, and an Empire Pass Design Review Board Preliminary Approval Letter, which was dated June 11, 2021. There was a new design and he wanted to clarify that the approvals still stood. Planner Hawley reported that as a Condition of Approval, the applicant was required to gain approval from the Design Review Board.

Commissioner Kenworthy agreed with Commissioners Suesser and Thimm relative to SR-224. He asked about the three-prong agreement that was made 20 years ago. Mr. Ogilvy reported that REDUS was the property owner that had been operating Twisted Branch Road in accordance with the Development Agreement. The City had never asked the property owner to change the access provisions on the road. He did not believe that a letter written by the Brighton Estates Property Owners Association trumped the Development Agreement. If the City wanted to reopen the discussions related to Twisted Branch Road, he encouraged the City to sit down with REDUS and UDOT. Mr. Ogilvy explained his understanding of the discussions from 1999. He believed there was a strong opinion from the City that they wanted to limit access to Wasatch County. There was language in the technical report to that effect.

Attorney Harrington noted that if all parties wanted to implement the Development Agreement, as written, the Commission could suggest that the City Council address that. If that was something the Commission wanted to do, he recommended that it be a separate motion. Commissioner Thimm wondered if that type of motion could be made during the current meeting since it had not been noticed. Attorney Harrington felt it was related to the agenda item and would be appropriate. The Commission would simply forward a recommendation to the City Council. Chair Phillips was in support of the recommendation and separate motion. Additionally, the recommendation could be verbalized during the joint meeting with City Council.

There was discussion about developer responsibilities. Mr. Ogilvy clarified that it was a complicated matter. It was important to get the relevant parties together to move the Twisted Branch Road discussions forward. Sommet Blanc was not one of those parties. The parties that could do something about the issue were the City, UDOT, and the Empire Pass MOA. The City has never taken a position that Twisted Branch Road should be managed in a different way than it was currently being managed. He felt it was important that the Planning Commission move the project forward. Commissioner Kenworthy asked that the three-foot height exception be limited to only the indicated elevator shafts. Chair Phillips was glad there had been public safety discussions related to Twisted Branch Road. He was hopeful that all necessary parties would work together to address that issue in the future.

The Commission overviewed the Conditions of Approval language. Planner Hawley noted that the suggested changes to Conditions of Approval #25 and #26 would be made. Conditions of Approval #48 and #49 were added and the appropriate language was discussed. Commissioner Suesser asked that Condition of Approval #26 exclude snow removal to ensure that the City was not obligated to handle that responsibility. Attorney Harrington did not know that the exclusion of

snow removal needed to be specified within the actual Condition of Approval. Commissioner Van Dine pointed out that Manager Dieters had addressed that concern and the Condition of Approval #26 language was written by him.

Commissioner Suesser felt that some of the Conditions of Approval needed to be cleaned up. For instance, there were references to Approval #1 of the MPD. Those references were somewhat confusing and unclear. The Commission discussed appropriate language. Attorney Harrington explained what Finding of Fact 7(K) meant. Some suggestions were made to clarify the language, which included a reference to Building A. Commissioner Thimm pointed out a typo in 7(H), which was corrected. Commissioner Suesser wondered if Condition of Approval #37 had been addressed. Planner Hawley explained that some changes had been made and the language was updated. Additionally, Condition of Approval #31, which was discussed previously, had been updated. Commissioner Suesser shared suggested changes for that condition.

Chair Phillips noted that the Commission could vote on the application and then a second motion could be made to share recommendations with the City Council. He pointed out that several changes had been suggested for the Findings of Fact and Conditions of Approval sections. Attorney Harrington explained that Chair Phillips would sign the Action Letter and it would be possible to double-check the language at that time. Chair Phillips asked for the Findings of Fact, Conclusions of Law, and Conditions of Approval, as amended, to be sent out to the Commissioners for final review. Chair Phillips would also review them before signing the Action Letter. It was important for all of the language to be clear and correct.

MOTION: Commissioner Thimm moved to APPROVE an Amendment to the 2007 Pod B2 Empire Pass MPD, and Amendment to the 2007 Flagstaff Development Agreement, and a Conditional Use Permit for the Pod B2 East, Sommet Blanc Residences, Located at 9300 Marsac Avenue, subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval, as outlined in the Final Action Letter, and as Amended by the Record of the Planning Commission Meeting:

Findings of Fact

1. Site Location:
 - a. Sommet Blanc Residences LLC is Lot 1 of the B2 East Subdivision, located at 9300 Marsac Avenue. The site is located within Pod B2 of the Village at Empire Pass Master Planned Development MPD and of the 2007 Flagstaff Amended Development Agreement, adjacent to the Deer Valley Empire Day Lodge.
2. Site Zoning:
 - a. The site is zoned Residential Development (RD-MPD) as part of the Flagstaff Annexation and Master Planned Development.
 - b. In the RD zone, a Multi-Unit Dwelling is a Conditional Use.
3. Controlling Documents:

- a. The property was originally part of the Flagstaff Mountain Annexation and Development Agreement approved by City Council per Resolution No. 99-30 on June 24, 1999, and amended on March 2, 2007.
 - b. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and development approval process; as well as development conditions, restrictions, obligations, and amenities for each parcel.
 - c. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (Village MPD) (Pods A and B1) within the Flagstaff Mountain Annexation and Development area. The MPD (known as Mountain Village) was amended to include Pod B2 (Montage). The Mountain Village (Pods A, B1, and B2) was approved for a maximum of 785 UE of multi-family (550 multifamily units) and 16 single-family units. A maximum of 60 PUD style units (i.e., Belles, Paintbrush, and Nakoma) were approved as part of the overall multi-family units.
4. Application:
- a. In November 2020, the applicant submitted an application for a Conditional Use Permit which was amended on July 15, 2021, for three (3) condominium lodges (Multi-Unit Dwellings) buildings with 43 residential units above underground parking, a 3,600-square-foot public restaurant, and four (4) townhome villas within two (2) duplexes, and a detached ancillary ski locker building located on the hillside above the condominiums.
 - b. On January 20, 2022, the applicant submitted modified plans for the Conditional Use Permit which includes three (3) condominium lodges (Multi-Unit Dwellings) buildings with 49 residential units above underground parking, a 3,600-square-foot public restaurant.
 - c. The property is known as Lot 1 of the B2East Subdivision, approved by the Council on March 9, 2017.
 - d. The subdivision plat entails a 7.85-acre metes and bounds parcel. The subdivision consists of a 6.91 acre 'Lot 1', and a 0.94 acre 'Parcel A', for anticipated Deer Valley Resort ski-related activities and infrastructure (potential ski bridge). Parcel A has no assigned density and is not developable in terms of residential units or UEs. The applicant recorded a Development Covenant which allocates 3,600 square feet of Resort Support Commercial (from MPD maximum of 75,000 square feet), and 81 UEs, to be located within a maximum of 70 multi-family dwelling units.
 - e. With 49 residential units, the project includes fewer units than entitled under the 2007 MPD (Maximum of 70) but is proposing to utilize the same 81 Unit Equivalents (UEs) of residential density.

- f. The applicant is requesting to modify the Conditions of Approval #1 and #2 regarding the allowed Volumetrics and Building Height within Pod B2 MPD pursuant to LMC Chapter 15-6, Master Planned Developments.
 - g. Through the 2007 MPD process for Pod B2 Empire pass, the Empire Pass Design Guidelines had approved a plan referred to as the Hill Glazier plan regarding volumetrics and design.
- 5. Compliance with CUP Criteria:
 - a. Size and Location of the Site;
 - i. Staff finds that the current Sommet Blanc proposal is within the prescribed development pod. Subdivision. (15-1-10(E)1).
 - b. Traffic Considerations Including Capacity of the Existing Streets in the Area;
 - i. Hales Engineering performed a Trip generation study, completed October 6, 2021. The report addresses the trip generation by Sommet Blanc, reporting that an average of 442 trips would be anticipated on an average weekday, including 28 trips during the morning peak hour and 48 trips during evening peak hour.
 - ii. As a comparison with the previous HG plan, the report states "With the anticipated patronage, the morning peak hour trips generated will be reduced by 36% under the new plan, the evening peak hour trips generated will be reduced by 11%, and the daily trips will be reduced by 24%."
 - iii. The second Hales Engineering Traffic Study completed on January 25, 2022, produced similar results to the initial Traffic Study. The Conclusion stated there would still be a reduced number of trips compared to the Hill Glazier plans and that there would still be a high level of service available during peak hours on SR-224.
 - c. Utility Capacity;
 - i. The Empire Pass utilities were all sized assuming 81 UEs of development at B2 East. As such, there is ample sewer, water, electricity, and gas available for the proposed project.
 - ii. Lot 1 of the B2 East subdivision is included in the stormwater detention for the Empire Canyon community, which includes use of the large detention basin.
 - iii. A final Storm Water Plan is required for review and approval prior to the issuance of a building permit (15-1-10(E)3).

- d. Emergency Vehicle Access;
 - i. Before the building permit is issued, the Applicant will be required to gain approval from the Fire Department with fully compliant plans. (15-1-10(E)4)
- e. Location and Amount of Off-Street Parking;
 - i. Per the Flagstaff DA, the residential parking stall requirement is reduced by 25% to 107.1, which rounds to 107 parking stalls. Each residential condo unit will have one assigned parking space.
 - ii. Per an agreement between Deer Valley and the Applicant, the Sommet Blanc project includes 56 tandem parking spaces within a parking deck dedicated for valet parking by Deer Valley for the Fireside Dining operation in the Empire Day Lodge. (15-1-10(E) 5).
- f. Internal Vehicular and Pedestrian Circulation System;
 - i. The lodge buildings are accessed from the Lower Driveway with a proposed curb cut off the roundabout at SR 224. (15-1-10(E)6)
- g. Fencing, Screening, and Landscaping to Separate the Use from Adjoining Uses;
 - i. Sufficient screening and landscaping separate the use from adjoining uses.
 - ii. A final landscape plan is required as a condition precedent to Building Permit (15-1-10(E)7).
- h. Building Mass, Bulk, and Orientation, and the Location of Buildings on the Site, including Orientation to Buildings on Adjoining Lots;
 - i. The project is smaller in bulk, height, and mass compared to its neighbor the Montage and there are no other developments on the adjoining lots with the exception of the Empire Day Lodge (15-1-10(E)8).
- i. Usable Open Space;
 - i. Both passive and active Open Space are provided in excess of 88% within the Flagstaff Annexation boundary and individual lots were not required to provide open space.
 - ii. The Applicant proposes to record a Conservation Easement on 3.06 acres on the upper portion of the site.
- j. Signs and Lighting;

- i. Signs and lighting must be in conformance with the LMC and the Flagstaff Mountain Resort Design Guidelines. (15-1-10(E)10).
- k. Physical Design and Compatibility with Surrounding Structures in Mass, Scale, Style, Design, and Architectural Detailing;
 - i. Amended Building articulation and massing are consistent with approved lodge buildings and meet the intent of the Flagstaff DA. The applicant has received preliminary Design Approval from the Empire Pass Design Review Board and will require final approval by the Building Permit stage.
- l. Noise, Vibration, Odors, Steam, or Other Mechanical Factors that Might Affect People and Property Off-Site;
 - i. All uses except the outdoor plaza area are inside the building and there are no expected impacts on residents, visitors, or abutters. (15-1-10(E)12).
- m. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas;
 - i. Trash is located inside the garage and 4 parking spaces in the front provide for sufficient loading and unloading (15-1-10(E)13).
- n. Expected Ownership and Management of the Project as Primary Residences, Condominiums, Time Interval Ownership, Nightly Rental, or Commercial Tenancies, How the Form of Ownership Affects Taxing Entities;
 - i. The project will be platted as a Condominium and Nightly Rental is a permitted use within the RD zone. (15-1-10(E)14).
- o. Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site;
 - i. There are no environmentally sensitive lands within or adjoining the site.
 - ii. The building is located on a sloping lot within Pod B2 and is appropriate for the topography of the site with the garage below grade (15-1-10(E)15).
- p. Review for Consistency with the Goals and Objectives of the Park City General Plan;
 - i. This property was annexed, zoned, master-planned, and platted to be consistent with the goals and objectives of the Park City General

Plan in providing resort-based lodging and guest amenities in close proximity to Deer Valley Resort, affordable housing, reduction in traffic generation, with clustered development in the Village, shuttle service within the development and within Park City, significant open space and trails, as well as attention to mitigation of past and present environmental impacts. (15-1-10(E)16).

6. Compliance with the Amended and Restated Development Agreement for Flagstaff Mountain:
 - a. Per the 2007 DA, the Mountain Village was granted a maximum density of 785 Unit Equivalents in a maximum of 550 dwelling units.
 - b. The Pod B2 MPD approval allotted the east side of B2, 81 Unit Equivalents.
 - c. Per LMC § 15-6-8, One UE equates to 2,000 square feet of Multi-family dwelling floor area or 1,000 square feet of commercial or office floor area.
 - d. 81 UEs is equal to 162,000 square feet.
 - e. The 2018 B2 East subdivision approval confirmed the 81 UEs but added the restraint that they must be constructed in a maximum of 70 units total.
 - f. The Development Agreement included a total of 75,000 square feet of Resort Support Commercial uses. Out of the total granted Resort Support Commercial square footage, B2 East was allotted 3,600 square feet.
 - g. The applicant is proposing 81 UEs in 49 units for a total of under 162,000 square feet.
 - h. The applicant is proposing under 3,600 square feet Resort Support Commercial.
 - i. The applicant is proposing two ADA units.
 - j. Sommet Blanc is meeting the Americans with Disabilities Act definition of a 'Place of Public Accommodations' which is requiring the project to provide two ADA dwelling units. Since the units are required, they do not count towards the 81 UE limit.
 - k. The ADA units will be owned by the HOA and provided for guests who require such accommodations.
 - l. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities for the annexation area.

- m. The application is in compliance with the location, density, volumetrics, parking, design, and affordable housing requirements of the Development Agreement as they apply to this lot.
7. Compliance with the Amended Pod B2 Empire Pass Master Planned Development:
- a. On July 28, 2004, the Planning Commission approved a Master Planned Development ("MPD") for the Village at Empire Pass ("Pod A"), known as the Village Master Planned Development ("VMPD") Pod A.
 - b. On March 14, 2007, the Planning Commission approved a Master Planned Development ("MPD") for Pod B2 at Empire Pass as an amendment to the July 28, 2004, Village at Empire Pass MPD ("VMPD").
 - c. Building volumetric diagrams were approved with the Pod B2 MPD known as the Hill Glazier plans.
 - d. The Pod B2 MPD approved 192 hotel rooms utilizing 69.6 Unit Equivalents (UEs) and 94 hotel condominiums utilizing 114 UEs, on the west side parcel (aka Montage Deer Valley).
 - e. 81 UEs of residential condominiums were assigned to the east side parcel, aka B2 East.
 - f. Condition of Approval #1 of the MPD states: "The building plans and volumetrics for the project shall meet substantial compliance with the drawings dated April 24, 2006, and as reviewed by the Planning Commission.
 - g. As amended, the MPD will update COA #1 to state: "The building plans and volumetrics for the project shall meet substantial compliance with the revised Sommet Blanc drawings dated 3/9/2022 as reviewed by the Planning Commission."
 - h. Condition of Approval #2 of the 2007 MPD states: "A height exception for the Montage to 114 feet above a benchmarked grade (USGS 8346') is granted with the Master Plan. A height exception for the east side condominiums to 82 feet above benchmarked grades (USGS 8330' for north datum point and 8380' for south datum point) is granted with the Master Plan. Datum points are indicated on the site plans reviewed by the Planning Commission."
 - i. Buildings B and C are granted an exception for a building height of up to 94 feet above the benchmark grade and 106 feet above the benchmark grade, respectively, stated in the MPD.
 - j. This building height was approved based on a site-specific analysis made by the Planning Commission.

- k. As amended, the MPD will update COA #2 to state: "A height exception for the Montage to 114 feet above a benchmarked grade (USGS 8346') is granted with the Master Plan. A height exception for Building A of 82 feet and an allowance of 94 feet for Building B and 106 feet for Building C above-benchmarked grades (USGS 8330' for north datum point and 8380' for south datum point) is granted with the Master Plan. Datum points are indicated on the site plans reviewed by the Planning Commission."
- l. Lot 1 adheres to minimum RD zone setbacks.
- m. Per the MPD: "As with the setback requirement in (C) above, the annexation area contains more than the minimum 60% requirement. The development of the Village (pods A, B-1 and B-2) is limited to 87 acres, as amended, within the original 1550 acres or 5% of the land area." Lot 1 complies with the open space requirements.
- n. The Applicant will record a Conservation Easement on 3.06 acres of the Lot to count towards Open Space.
- o. The total On-Mountain remaining requirement for the Flagstaff DA is 4.03 Affordable Unit Equivalents ("AUEs").
- p. The applicant proposes six (6) Affordable housing units (Four Studio apartments and two, two-bedroom units). This is a total of 5.9 AUEs or 4,683 square feet.
- q. Staff does not recommend that a Child Care center be provided on-site.
- r. The Mazepah mine shaft, located on Lot 1, was permanently closed in 2016 under geotechnical supervision.
- s. In August of 2018, the EPA confirmed that all mine soil remediation work performed on-site was in accordance with EPA requirements.
- t. There are no Historic Sites on the B2-East development Lot.
- u. The proposal complies with the RD Zoning District Requirements outlined in LMC § 15-2.13.
- v. The MPD, as conditioned, complies with all the requirements of the Land Management Code;
- w. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein, except as noted in Findings of Fact 6(M), 6(O), 7(G), 7(J), & 7(L);

- x. The MPD, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission. As previously approved in the DA, the applicant is proposing the Sommet Blanc development within the development Pod B2-E, specifically set aside to ensure that 826 acres of the Flagstaff Annexed land were deeded to Open Space;
- y. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
- z. The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, promotes neighborhood compatibility, and protects residential neighborhoods and Uses;
- aa. The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities, such as transportation amenities, a public restaurant, skier lounges, fitness and yoga rooms, and bike storage;
- bb. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the application was filed. The applicant is providing 5.9 AUEs totaling 6 units;
- cc. The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;
- dd. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections. Sommet Blanc will be part of the EPMHOA which offers on-demand shuttle service to Main Street area and back; and
- ee. The MPD has been noticed and a public hearing held in accordance with this Code.
- ff. The MPD, as conditioned, incorporates best planning practices for sustainable development, including water conservation measures and energy-efficient design and construction, per the Residential and Commercial Energy and Green Building program codes adopted by the Park City Building Department in effect at the time of the application;
- gg. The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.
- hh. The MPD, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.

- ii. The MPD, as conditioned, addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan.
 - jj. The MPD, as conditioned, addresses and mitigates traffic expected with the development.
 - kk. The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone-required Building Height and Density, including requirements for Facade variation and design, but rather provides desired architectural variation; the proposal distributes previously allocated density on the site and meets the LMC Section 15-5-8 façade length and variation requirements;
 - ll. The buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss of air circulation have been mitigated as determined by the Site-specific analysis;
 - mm. The MPD, as conditioned, permits adequate Landscaping and buffering from adjacent Properties and Uses;
 - nn. The MPD follows required setbacks and separations from adjacent projects;
 - oo. The additional Building Height results in more than the minimum Open Space required and results in Open Space that is publicly accessible per the previously approved 2007 MPD;
 - pp. The additional building height is designed in a manner that provides a transition in roof elements in compliance with Chapter 5 Architectural Guidelines.
8. Other Findings of Fact:
- a. The building complies with RD District zone setbacks maintaining a 20' front setback, 12' side setbacks, and 15' rear setbacks. LMC exception to the side yard setback allows screened mechanical equipment to have a five-foot setback from the Side Lot Line.
 - b. A Master Homeowners Association document and Maintenance Agreement for the Mountain Village were reviewed and approved by the City prior to issuance of building permits for buildings within the Mountain Village. This property is also subject to these documents, in addition to any declaration of condominium and CCRs recorded with the condominium plat.

- c. Excavated soil will remain within the Flagstaff Annexation area as required by the Annexation Agreement with a location to be identified on the final Construction Mitigation Plan submitted with the building permits.
- d. The property is part of a common development that exceeds one acre and thus has MS4 requirements to meet.

Conclusions of Law

- 1. The application, as conditioned, is consistent with the Village at Empire Pass Master Planned Development, the Pod B2 Master Planned Development and Flagstaff Mountain Resort Master Planned Development, the Park City Land Management Code, and the General Plan.
- 2. The proposed CUP, as conditioned, will be compatible with the surrounding structures in use, scale, mass, and circulation.
- 3. The effects of any differences in use or scale have been mitigated through careful planning.
- 4. As conditioned, the Master Planned Development Amendment meets the 16 Conclusions of Law outlined in 15-6-6:
 - a. Complies with all requirements of the Land Management Code;
 - b. Meets the minimum requirements of Section 15-6-5;
 - c. Provides the highest value of Open Space, as determined by the Planning Commission;
 - d. Strengthens and enhances the resort character of Park City;
 - e. Complements the natural features on the Site and preserves significant features or vegetation to the extent possible;
 - f. Is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;
 - g. Provides amenities to the community so that there is no net loss of community amenities;
 - h. Is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time staff determined the Application to be complete;
 - i. Meets the Sensitive Lands requirements of the Land Management Code and is designed to place Development on the most developable land and least visually obtrusive portions of the Site;

- j. Promotes the Use of non-vehicular forms of transportation through design and by providing trail connections;
- k. Was noticed and the Planning Commission held a public hearing in accordance with this Chapter;
- l. Incorporates best planning practices for sustainable development, including water conservation measures and energy-efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application;
- m. Addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies;
- n. Addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance;
- o. Addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan; and
- p. Addresses and mitigates traffic.

Conditions of Approval

1. All standard Conditions of Approval apply to this Conditional Use Permit.
2. This Conditional Use Permit shall expire one year from the date of Planning Commission approval if a building permit has not been issued prior to this date unless an extension is requested in writing prior to the expiration date and the extension is granted by the Planning Director.
3. Final building plans and construction details submitted with the building permit application shall substantially comply with the plans reviewed by the Planning Commission on March 9, 2022.
4. A final water-efficient landscape and irrigation plan that indicates required stormwater facilities and snow storage areas, and that meets the defensible space requirements and mitigates for removal of significant vegetation, shall be submitted with the building permit application for approval by the Planning, Building, and Engineering Department, and shall be in substantial conformance with the plans reviewed by the Planning Commission on March 9, 2022.
5. All exterior lights must conform to the City lighting ordinance and the Flagstaff Mountain Resort Design Guidelines. Final compliance with the City's Lighting Ordinance will be verified at the time of building permit plan review and prior to

issuance of a certificate of occupancy. Exterior lighting shall be shielded and down directed.

6. All exterior signs require an approved sign permit prior to installation.
7. Materials, color samples, and final design details shall be approved by staff prior to building permit issuance and shall be in substantial compliance with the elevations reviewed by the Planning Commission on March 9, 2022.
8. All exterior mechanical equipment shall be located out of required setbacks and screened and shielded from public streets. Screening with landscaping and fencing/grating materials is allowed. All wall and rooftop vents and protruding mechanical shall be painted to match the adjacent wall or roof to minimize impacts on public view.
9. All utility facilities must be located on-site unless specific easements have been provided on the recorded plat. A plan must be provided at the time of the building permit application showing all utility locations, including dry utilities. The applicant shall provide verification that the utility plan is viable, and the utility boxes can be screened with landscaping and/or fencing.
10. The applicant shall record a Condominium Plat for the site prior to selling individual units.
11. Affordable housing provided with this Conditional Use Permit shall comply with all requirements of the City's affordable housing resolution in effect at the time of the Development Agreement. The affordable units shall be indicated on the final condominium plat prior to recordation of such plat and shall be completed prior to issuance of a certificate of occupancy for the building.
12. Deed restrictions for the six (6) affordable units, approved by the City in accordance with the applicable Housing Resolution, shall be recorded prior to plat recordation. The deed restrictions shall outline and resolve any issues or concerns that may have come upon other affordable units platted as private. The plat shall note that the affordable units are subject to a deed restriction.
13. The CC&Rs shall limit the HOA dues related to the deed-restricted affordable units in order to ensure the Units remain affordable. The CC&Rs shall reflect a lower par-value to reflect the reduced cost of the unit (or exempt the unit from HOA fees) to ensure that the unit doesn't lose its affordability due to HOA fees.
14. The CC&Rs shall be submitted with the condominium plat for review and approval by the City prior to final condominium plat recordation.
15. All conditions of approval of the Village at Empire Pass MPD shall continue to apply.
16. All conditions of approval of the Flagstaff Annexation and Development Agreement shall continue to apply, including the restrictions on solid wood-burning fireplaces

(Flagstaff DA 2.9.4), removal of excavated materials, construction of pedestrian connections to the transit hub within the Village, and provision of any required ADA and affordable housing units.

17. A Final Construction Mitigation Plan ("CMP") shall be submitted for approval by the Planning, Building, and Engineering Departments prior to issuance of a building permit. The CMP shall indicate where and how excavated soils will be hauled and/or stored, hours of construction, truck routes, phasing of construction, road closures, and other items required by the Building Department.
18. Interior fire sprinklers are required for new construction and shall meet the requirements of the Chief Building Official at the time of review of the Building Permit.
19. The property is located within a water source protection zone. All sewer construction must comply with State of Utah drinking water regulations.
20. All requirements and conditions of the Snyderville Basin Water Reclamation District shall be met prior to building permit issuance.
21. The deed-restricted units shall meet the plat note requirement of 4.2 AUEs for this lot. One AUE is equivalent to 800 square feet according to the Development Agreement.
22. The plat shall note that this development is part of a common plan development, and an MS4 stormwater permit is required for all land disturbance activities, prior to Building Permit issuance.
23. Prior to Building Permit issuance, the applicant shall verify that capacity exists in the existing detention pond utilized by Pod A and shall demonstrate that sufficient run-off will remain on-site to support existing tree stands.
24. Development of this property is subject to the conditions of approval, plat notes, easements, and restrictions of the Village at Empire Pass North Subdivision plat.
25. The Applicant shall construct a parking lot at the Mid Mountain location and reroute the Mid Mountain Trail, which shall be reviewed and approved by the Trails and Open Space Manager.
26. The Applicant shall obtain a license agreement, subject to the City Attorney's Office approval, which ensures the City's ability to operate, manage, and maintain the Mid Mountain Parking Lot.
27. A final landscape plan is required as a condition precedent to Building Permit.
28. Landscaping and irrigation must be water-efficient, utilizing drought-tolerant planting, limited turf area, and drip irrigation. The plan shall indicate mitigation for the removal of identified significant trees.

29. A plan shall be provided indicating mitigation for removal of identified significant trees and replacement in kind of these trees.
30. A final approved stormwater plan, as well as final utility and grading plans, are required prior to issuance of a Building Permit.
31. The CC&Rs shall provide notice and process for the tracking and collection of the Open Space Transit Management Fund also known as the Re-Investment Fee as required and defined in 3.2 of the Amended and Restated Flagstaff Mountain Development Agreement.
32. All applicable conditions, regulations, requirements, and stipulations of the Amended and Restated Development Agreement for Flagstaff Mountain, the 2007 Empire Pass B2-East MPD, B2-East Subdivision plat, Bonanza Flats, Richardson Flats, The 20-Acre Quinn's Junction Parcel, and Iron Mountain (recorded at Summit County on March 2, 2007), and associated technical reports and Agreements, continue to apply.
33. Requirements and obligations of the Flagstaff Mountain Development Agreement, as amended and recorded at Summit County in March of 2007, as applied to this Property, shall be completed, or bonded for completion, prior to issuance of certificates of occupancy for any approved development located on Lot 1, unless otherwise conditioned herein. This includes gondola payments, number of shuttles in operation, provision of affordable housing units, collection mechanism for Open Space Transit Management Fund, and all other such obligations as are outlined in the March 2007 Agreement, some of which are triggered by the number of certificates of occupancy issued.
34. Before the Building Permit is issued, the Applicant will be required to gain approval from the Fire Department with fully compliant plans. (15-1-10(E)4)
35. Sufficient screening and landscaping separate the use from adjoining uses.
36. Precedent to a Building Permit application the applicant must receive Final Design Approval from the Empire Pass Design Review Board ("DRB").
37. Prior to building permit issuance, documentation from UDOT showing approval of any curb cuts or modifications to existing curb cuts onto Marsac Avenue, a state highway, is required.
38. Per 15-3-11(B) Applicant must provide Electric Vehicle Charging Station Infrastructure for twenty percent (20%) of the first one hundred (100) required Off-Street parking spaces and 5% for the spaces above one hundred (100).
39. The applicant shall provide information in the CC&Rs or other documents governing a homeowner or master owners association for the Development regarding notice of the Electric Vehicle Charging Station infrastructure that exists on site.

40. Electric Vehicle Charging Stations shall be installed for 5% of required Off-Street parking spaces (five spaces in this case). The first charging station installed shall be dual-port with one Charging Station that is ADA accessible.
41. The Applicant shall include bike racks for securing at least 10 bicycles on the site plan submitted for building permit review. Bike racks must provide for both the bike frame and wheels to be locked by the user and must be designed to prevent damage to the bike and to facilitate easy and secure storage without interference from or to adjacent bikes. Bike racks must be anchored and be of solid construction, resistant to rust, corrosion, hammers, and saws. Bike racks shall be in convenient, highly visible, active, well-lit areas, and shall not interfere with pedestrian movements or snow storage. Bike racks shall be installed prior to City issuance of a Certificate of Occupancy.
42. The two (2) ADA units will be owned and maintained in perpetuity as ADA units by the HOA. The CC&Rs shall designate the City as a third-party beneficiary for enforcement purposes and prohibit the third-party sale of the ADA units unless a density increase and plat amendment are approved by the City.
43. The Applicant will record a Conservation Easement on 3.06 acres on the upper portion of the site.
44. The Applicant will be required to meet the 4.03 AUEs with a total of 5.9 AUEs (a total of 4,683 square feet) to meet the Affordable Housing obligation.
45. Nightly Rentals require compliance with City Code, including a Business License.
46. The Applicant shall submit an arborist report to the Planning Director prior to submitting a building permit application that identifies Significant Vegetation impacted by development and plans to replace Significant Vegetation with like vegetation, as approved by the Planning Director.
47. If the City and the owner of Twisted Branch Road and other parties later agree to allow expanded public use of Twisted Branch Road, Sommet Blanc developers and Sommet Blanc Homeowners [Sub]Association shall not object to, or veto expanded public use.
48. The Applicant shall provide a snow storage easement, approved by the City Engineer, on the Sommet Blanc property across from the Mid Mountain Trail parking lot, in an area that does not disturb significant vegetation.
49. Notwithstanding greater exceptions for appurtenances in LMC-15-2.13-4-A, elevator overruns and mechanical screening may extend no more than three feet (3') above-permitted building height, as shown in plans approved on March 9, 2022.

Commissioner Van Dine seconded the motion.

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

MOTION: Commissioner Suesser moved that the Planning Commission direct and strongly recommend that the City Council consider taking action, pursuant to the terms of the Amended and Restated Flagstaff Development Agreement, particularly Sections 2.8, 2.10, and Exhibit M, and direct the developer, who was currently REDUS, to immediately petition UDOT to transfer and vacate the existing portion of SR-224, from the Mid Mountain Trailhead to the Wasatch County line over to Twisted Branch Road, and dedicate Twisted Branch Road to the State to serve as the new alignment of SR-224 with the understanding that the developer (REDUS) and UDOT will continue to support and not undermine the seasonal closure of the newly aligned SR-224, and prevent winter vehicle traffic on the newly aligned SR-224, with the exception that Brighton Estates homeowners and renters shall have vehicle access year-round on the newly aligned SR-224, and the City shall be permitted year-round access on the newly aligned SR-224 for Transit to Trails programs that benefit the public.

Commissioner Kenworthy seconded the motion.

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

7. ADJOURN

MOTION: Commissioner Thimm moved to adjourn.

The meeting adjourned at approximately 8:25 p.m.