



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
January 12, 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; Rebecca Ward, Assistant Planning Director; Alexandra Ananth, Senior City Planner; Jason Glidden, Housing Program Manager; David Everett, Deputy City Manager; Mark Harrington, City Attorney

1. ROLL CALL

Chair Phillips called the meeting to order at approximately 5:30 p.m. Chair Phillips confirmed the presence of all Commissioners.

The following written determination was read:

The Chair issued a written determination that because of the public health emergency, conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may attend in person. This determination is based on the ongoing risks and infection rates statewide and in Summit County. For these reasons, this meeting will be an electronic meeting without an anchor location. Planning Commission members will connect electronically.

Public comments will be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. 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.

2. MINUTES APPROVAL

- A. Consideration to Approve the Planning Commission Meeting Minutes from December 8, 2021.
Consideration to Approve the Planning Commission Meeting Minutes from December 15, 2021.**

MOTION: Commissioner Doug Thimm moved to APPROVE the Planning Commission Meeting Minutes from December 8, 2021. Commissioner Bill Johnson seconded the motion.

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

MOTION: Commissioner Thimm moved to APPROVE the Planning Commission Meeting Minutes from December 15, 2021. Commissioner Christin Van Dine seconded the motion.

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

3. PUBLIC COMMUNICATIONS

Deb Rentfrow commented on the article in *The Park Record* that stated that the Planning Commission would possibly consider implementing a curfew for future meetings during the January 2022 calendar year. She noted that all of her information comes from the referenced article.

She thanked each Commissioner for their time and dedication. She also felt that attendees generally come to each meeting informed and do their best to ensure that things move forward with purpose.

Ms. Rentfrow agreed that the meetings have become quite lengthy and a curfew of some sort might be warranted. She asked the Commission to consider time limits for all involved and felt that Staff does a good job of highlighting the information in the Staff Reports. She also felt that the applicants generally take up a bulk of the time, which in most cases is how it should be. Ms. Rentfrow stated, however, that the applicant for the Park City Mountain Resort ("PCMR") project should not be allowed to cut into time set aside for public input. She noted that on more than one occasion, after PCMR's presentation and Commissioner discussion, the applicant managed to re-take the floor and it becomes quite late by the time they get to public input.

Chair Phillips thanked Ms. Rentfrow and noted that this issue would be discussed later in the meeting. He took Ms. Rentfrow's comments at this time in the event that she had to leave the meeting. Planning Director, Gretchen Milliken confirmed that this issue would be addressed as part of the Staff Communications agenda item.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

A. Southeast Quinn's Junction Annexation Petition.

Director Milliken stated that the Commission would be provided with an update on the Petition and noted that Staff was not necessarily seeking Commission input or feedback. She introduced Deputy City Manager, David Everett to provide the update. Mr. Everett shared a graphic showing the subject territory located in the southeast area of Quinn's Junction. He explained that the formal process began in October 2021 when the City filed a Petition to annex approximately 1,200 acres in the area that lies along U.S. Highway 40 and SR-248. The Petition proposed to zone the entire area Recreation Open Space.

In October, the City Council accepted the Petition for further review. Once the Petition was accepted, it triggered a proscribed State process that includes highly detailed elements and requirements that they have endeavored to follow to the letter. Mr. Everett presented a map of the Annexation area and explained that the green line depicted on the map shows the City's Annexation Expansion Area that was designated by the Council for future expansion. The light green areas shown on the map illustrated the parcels being considered as part of the Annexation Petition. He explained that this matter has had a long protracted history before the City reached the point of submitting the Petition for Annexation. It dates back to 1994 when United Park City

Mines ("UPCM") filed an application to annex the area initially referred to as Flagstaff Mountain. The area is now known as the Empire Pass Annexation Area.

In 1999, the City approved annexation of approximately 1,750 acres for that development proposal. Mr. Everett stated that the agreement also authorized certain development considerations for Flagstaff Mountain, Richardson Flat, and the Iron Mountain Area between UPCM and Park City. He explained that the Development Agreement speaks to the agreement to annex the private parcels that were controlled at the time by UPCM. The Development Agreement also included an agreement to restrict development on certain parcels to certain uses. He stated that the City was following up on its agreement to move forward with the annexation of those parcels.

Mr. Everett illustrated the Clark Ranch parcels, which are parcels that the City acquired in 2014. These parcels were always contemplated as Open Space preservation, with the caveat that there might be a small portion that could be developed for affordable housing at some point in the future. He added that at this point, development is not occurring. He clarified that the City's proposal stated that the entire area would be zoned Recreational Open Space at the outset.

Mr. Everett explained that the proposed Annexation must be consistent with the General Plan and the Quinn's Junction Joint Planning Commission Principles that the City and County developed. He stated that the Petition details how the Annexation and zoning proposal fits well with both of those plans. He stated that it is possible and legal for different jurisdictions to have overlapping designated Expansion Areas and referenced the issue involving the Town of Hideout. Mr. Everett stated that there is a City process that occurs to move the Petition along that includes a comprehensive regulatory evaluation. That process has begun internally in which different regulatory agencies participated in evaluating the impacts of annexation.

The next step would be a formal Work Session presentation to the Planning Commission to secure a recommendation to move the Petition to the City Council, at which point the City Council would make a decision on the Petition. He explained that the Planning Commission's review would include a public hearing in addition to the public hearing before the City Council, so there would be plenty of opportunity for public input.

Mr. Everett explained that there is also a County element to this process as a result of the protests filed to this Petition. He reported that the County determined that of the four protests filed, one was considered an eligible protest that could be heard by the Boundary Commission. He explained that the Boundary Commission was assembled by the County, and was currently missing one member. The County Council would likely re-convene to fill that vacancy. He reported that the Boundary Commission was scheduled to meet in February 2022 to work through the protest that was deemed eligible for adjudication. Mr. Everett commented that they look forward to coming back to the Commission to evaluate the Petition and make a recommendation to the Council.

Commissioner Suesser asked about the identity of the entity that submitted the protest scheduled to be considered by the Boundary Commission. Mr. Everett stated that the protest to be considered was not the one submitted by the Town of Hideout because they were not deemed to be an "affected entity," as defined by State law.

The petition that would be considered was filed by a property owner that owns a small amount of acreage within the area contemplated for annexation. That property owner contended that their

property should be considered “rural property,” which would allow them to protest. He explained that if the Boundary Commission deems this protest valid, they could alter the City’s Petition to reflect the concerns raised by the protest. Mr. Everett recalled that the owner of that property is Hideout Community Advancement and Development, LLC (“HCAD”).

Commissioner Suesser requested an update on the protest filed by the Town of Hideout. Mr. Everett explained that the County deemed that pursuant to State law, the Town of Hideout is not an entity that can legitimately protest. He highlighted that State law contains very specific requirements to allow an entity to protest and two primary requirements were land ownership and standing as an “affected entity.” He explained that a jurisdiction within the annexation area would be an example of an “affected entity.” Because Hideout is not within the area included in this Petition, it could not be considered an “affected entity.”

Mr. Everett further noted that the Town of Hideout had undertaken efforts to annex property into its Town, and the courts have ruled that those efforts were void. He stated that from the City’s perspective, there was no conflict or argument supporting any jurisdictional nexus between the Town of Hideout and the Annexation Petition.

Chair Phillips added his belief that the area included in this Petition did not overlap with what Hideout attempted to annex. Mr. Everett could not speak to that at this time; however, he reiterated that whatever Hideout attempted to annex was determined to be void. Chair Phillips requested that the City’s next presentation include a brief history on the original annexation into Quinn’s Junction that included the Film Studio. He was looking at it in terms of the entire area and felt that background would be helpful. He lauded Staff’s attention to detail on this Petition. He mentioned that early in the process, he was provided a binder that included the Annexation Petition and offered it to the Commissioners for their review in preparation for the Work Session.

It was noted by Mr. Everett that the Petition was also posted in its’ entirety on the Engage Park City page. He further explained that this matter would likely not be back before the Commission until the spring or summer.

B. 2022 Planning Commission Agendas.

Director Milliken reported that a number of Commissioners reached out with concerns about the preparation packets as well as the length and frequency of the meetings. She noted that 2021 was a heavy year. In response to these concerns, Staff derived recommendations they believe will result in more efficient meetings with more concise agendas to potentially alleviate pressures and heaviness of meetings moving forward. Director Milliken explained that Staff suggested creating a detailed agenda with estimated timeframes for each item. They would avoid stacking meetings with items that they know will extend beyond a certain time limit. The agenda itself will specify the timing of the agendas depending on what is scheduled. She felt that Staff has an understanding of the reasonable time frames for most of these agenda items. She stressed that these were recommendations only and if issues come up that will extend the timeframe on a particular matter, they could be addressed at the meeting. Director Milliken further explained that Staff suggested a meeting timeframe of four (4) hours and Staff would schedule the agenda items to fit within that four-hour period. They recommended that if the meeting timeframe of 5:30 p.m. to 9:30 p.m. was to be exceeded, the Commissioners would take a vote on whether to extend the meeting.

Chair Phillips confirmed his understanding that the Commission would still retain authority to keep meetings running efficiently and continue items or move items to the end of the agenda. Director Milliken confirmed this authority and reiterated that this would also allow Staff to not have to stack an agenda with numerous items and hope that it could be covered in one meeting.

Director Milliken referenced the PEG application and stated that Staff felt that three meetings per month was a lot for the Commissioners and Staff to handle. They, therefore, recommended returning to two meetings per month. The current 2022 Meeting Agenda includes three meetings through June 2022. She invited input from the Commissioners and added that three meetings might be necessary to address the PEG Proposal, however they could go back to two meetings per month at any time. Staff's final recommendation was to focus public comment on the agenda item at hand, rather than allowing comment on anything related to the project. She noted that the public would have the opportunity to comment on other issues during other meetings. Staff recommended a three to five-minute cap on each comment.

Chair Phillips commented that the three to five-minute cap had been the norm, however, lately, they have given extra time in certain situations due to the importance of certain issues. He noted that the City Council has the same general time limit.

Commissioner Van Dine stated that recently the Commission has not been enforcing the time limit on public comment and felt it was important to enforce it to allow the Commission to get through meetings. Chair Phillips added that it would also help them to fit the public comment time into the agendas. He recalled that there have been meetings where they have not been able to take public input. If they could make the entire agenda more concise it would hopefully allow them to fit public input in as often as possible. Chair Phillips emphasized that they were not changing anything; rather, they were just trying to create a framework so that Staff could stack the meetings properly to help keep the meetings on track. He also felt that the 9:30 p.m. stop time was appropriate.

Commissioner Hall wanted to immediately return to the historical norm of two meetings per month. She did not object to having meetings dedicated to the PEG application but did not want to add a meeting each month to accommodate it. She referenced the size of the packets and preparation time. Commissioner Van Dine agreed and also wanted to immediately return to two meetings per month. She explained that it has been a big imposition with trying to keep up with the workload for these meetings as well as each Commissioner's other obligations. Chair Phillips agreed. Commissioner Hall added that in addition to the number of meetings, the size of the packets has impacted the ability to review them in detail before the meetings.

Commissioner Thimm agreed to return to two meetings per month after the next month or two, as there might already be agenda items scheduled in contemplation of three meetings per month. He liked the recommendations that will help them focus public input on the agenda items before the Commission at any given meeting. When topics go far afield, they lose sight of the focus for that evening.

Chair Phillips added that this would not only help them stay on task but the comments from the public can get lost when they are not on topic to the meeting at hand. Moving forward he would like to create a prepared statement specifying how meetings would proceed. Commissioner Thimm agreed that allowing information that is not the focus of a given meeting could detract from the task at hand.

Chair Phillips asked if there was a way to include a statement on the Agenda or in the Staff Report that would help the public understand the process as they are preparing for the meeting. Director Milliken stated that Chair Phillips' suggestion was something that could be included in the Staff Report so that it would be clear for both the Commission and the public. Chair Phillips added his belief that this structure would help the public in terms of its own preparation for the meetings. He cautioned against the unintended consequence of the framework as a hard and fast schedule and wanted to make sure that people would understand that the meeting might not line up perfectly with the agenda in terms of timing. Director Milliken stated that they would include a disclaimer that any indicated times are estimates only.

Commissioner Suesser did not mind having three meetings per month but stated that if the majority of the Commission wants to return to two meetings per month, she would be agreeable. She wanted to ensure that they are careful to not restrict public input and stated that it is critically important to the Commission's decision-making process. She had felt that, at times, people have been cut off too soon to give the applicant and Commissioners more time to speak.

Chair Phillips expressed support for three meetings for two more months but felt it was important to get back on track. He asked each Commissioner to state their position on the number of meetings so that Staff can prepare going forward. He agreed that waiting until July 2022 to return to two meetings per month was too much to ask of the Commission and Staff. He expressed hope that the PEG application would reach an end point, which would to some degree relieve the workflow.

Commissioner Kenworthy supported transitioning to two meetings per month and supported the Planning Director's recommendations as to the timing of that transition. He lauded Staff for the detailed packages, as well as Director Milliken who came in under a difficult situation. Commissioner Kenworthy remarked that he learns a great deal from public comment and does not want it to be compromised. He felt it could be more concise and could be monitored by the Commission. He imagined that they would have hours and hours of public comment on the PEG application before the vote and would not want to cut that public comment short. Chair Phillips agreed with Commissioner Kenworthy's comments.

Commissioner Johnson supported going to two meetings per month beginning in March or April 2022 and deferred to the Planning Director as to what would be feasible. He agreed with Commissioner Kenworthy's comments regarding public comment. He wanted to ensure that the Commission incorporates public comment to the extent possible on the larger projects.

Commissioner Hall reiterated her position to return to two meetings per month as soon as possible. She agreed that public comment is important and especially liked the written public comment included in the packet or provided prior to the start of each meeting. She would like to advertise or encourage written comments. Chair Phillips agreed that written comments are very helpful.

Commissioner Thimm suggested that the schedule on page 82 of the packet be revised to eliminate the center meeting starting in March. In terms of public comment, Commissioner Thimm takes notes on all of the commentaries and appreciates it. He reviews his notes prior to subsequent meetings, and having the meetings organized and being on task helps him be more prepared.

Commissioner Van Dine agreed with Commissioner Hall and would like to go back to two meetings per month as soon as possible, preferably by March at the latest. She also agreed with the other Commissioners' statements regarding public comment, which drives much of what they do. She did not want to see that compromised. It would be helpful to keep public comments on task but she would not want people to think that they were not being heard.

Commissioner Suesser agreed to go back to two meetings per month and felt that the schedule laid out by Commissioner Thimm would be acceptable.

Chair Phillips stated that they have been placing a limit of five minutes for public comment. He would continue to use that time frame. He added that he has been planning on allowing for a substantial amount of time for the public as they reach the end of the PEG application or any large project. He stated that it is at that time when the comments help them round everything out.

Chair Phillips stated that he uses a stopwatch but he has often allowed people to go exceed the five-minute limit. He supported maintaining the five-minute limit for public comment. He stated that telling people to wrap up their comments is a difficult position to be in.

Director Milliken thanked the Commission for their feedback and stated that they could probably manage the March deadline to return to two meetings per month. She then introduced Jaron Ehlers, a part-time employee in the Planning Department who has agreed to take on Planning Commission Meetings. He could potentially put a timer on his screen during public comment that Chair Phillips could use as a guidepost. She suggested that could help not only the Commissioners but also the public speaker.

Director Milliken also raised the prospect of in-person meetings. Given the current situation, it was Staff's recommendation to maintain virtual meetings for the time being. Chair Phillips stated that as long as there is a mask mandate in Summit County, he did not see returning to in-person meetings. Director Milliken stated that Staff would adjust the Regular Meeting Agenda for 2022 and remove the third meeting from March, April, May, and June. She asked if the Commission needed to officially approve the revised dates. City Attorney, Mark Harrington confirmed that the Commission does not need to vote on the revised Agenda and that the Commission's direction and consent were sufficient.

Deb Rentfrow agreed with the suggestion of having a timer that the public could see so that they could gauge how much time they had as they speak. She added that when the packet is published, there is often the information contained therein that is not specific to the specified agenda items. She felt that because that information is in the packet, it gives her leeway to discuss it. Ms. Rentfrow also mentioned Commissioner discussion that goes off-topic, which she felt opens the door for the public to comment on that issue. She stated that she goes through the Staff Reports in detail before each meeting and outlines her comments based on what is on the agenda and what is in the Staff Report. If the subject matter goes another direction, she takes notes and comments on those discussions as well. She stated she would do her best to stay on topic and would encourage the RAD members to streamline their comments as well so that they could be more productive moving forward.

Chair Phillips agreed that the timer is a great idea. He added that the comments they have been receiving have been largely on topic. Commissioner Suesser added that it is not just the public that sometimes goes off-topic. She liked the reforms being suggested to help the meetings move along more efficiently. Chair Phillips confirmed that the Commission was agreeable to the

schedule as amended by the discussions during this meeting. Director Milliken confirmed that the third meeting would remain on the schedule for January and February. The third meeting will be removed from March onward.

Mr. Harrington explained that a motion to approve the Consent Agenda could reference the changes as discussed during the Staff Communications portion of this meeting.

5. CONSENT AGENDA

A. Adoption of 2022 Planning Commission Meeting Dates.

MOTION: Commissioner Thimm moved to APPROVE the Consent Agenda regarding the 2022 Meeting Schedule, as amended with two monthly meetings beginning in March 2022. Commissioner Suesser seconded the motion.

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

6. REGULAR AGENDA

A. 4001 Kearns Boulevard (SR-248) – Park City Film Studios First Amended Subdivision – Request to Subdivide the Current Park City Film Studios Plat Into Two (2) Lots of Record. The Applicant Will Also Give the Planning Commission an Overview of the Proposed Studio Crossing Project for Questions and Feedback. PL-21-05035.

Senior City Planner, Alexandra Ananth was joined by Housing Program Manager, Jason Glidden as well as the applicant's team. Ms. Ananth explained that this item involved a proposal to subdivide the current Film Studio Plat into two lots of record. She noted that all of the existing plat notes were recommended to run with the new subdivision. The Annexation and the existing Master Planned Development ("MPD") would still apply to both lots until they might be amended.

Planner Ananth stated that the applicant was seeking a recommendation on the Subdivision only, and would come back to the Planning Commission with applications to modify the Annexation and the MPD. The applicant would be introducing the potential project to the Planning Commission at this meeting for high-level comment only. She provided some background on the project and referenced the Staff Report that laid out its complicated history. This project was subject to an Annexation Agreement as well as a Development Agreement and MPD specifically for a Film Studio campus. This property was also part of a Settlement Agreement with the County.

Planner Ananth explained that last year the applicant proposed to modify the Phasing Plan and during those discussions, the Council decided to designate two liaisons to provide a high-level assessment of whether the City might want to entertain amendments to the Annexation Agreement and MPD for a more mixed-use development on the undeveloped portion of the site. She reported that the Mayor and the City Council designated Council Members Steve Joyce and Nann Worel to review the owner's new Concept Plan. Several meetings were held with the liaisons, Staff, and the applicant, as well as consultations with the Affordable Housing Staff. The applicant was asked to return to the City Council to present the Concept Plan for the remaining density on-site prior to filing applications with the Planning Commission for review.

Planner Ananth explained that the applicant updated the City Council on December 9, 2021, and the City Council was unanimously supportive of potential amendments that would include a strong affordable housing component at an average of 80% Area Median Income ("AMI") and a density consistent with the MPD. She presented a graphic that showed the existing plat and explained that the entire Park City Film Studio Subdivision consisted currently of one lot of approximately 29 acres. The applicant was seeking a recommendation to divide the lot into two separate parcels. Lot 1A would contain the existing Film Studio Campus and Lot 1B, which is completely undeveloped, would be addressed by the applicant during this meeting.

Chair Phillips asked about the carve-out at the Highway. Planner Ananth explained that the area was dedicated to public access to the site; she believed that it also contained some infrastructure for the light. She confirmed that this parcel, which is just under $\frac{1}{2}$ acre, would become its own parcel. Planner Ananth reported that Staff found good cause for this proposed Plat Amendment and that it complied with the existing zoning for the site, which is Community Transition with Regional Commercial Overlay and Entry Corridor Protection Overlay. The proposal also complied with the Annexation Agreement and MPD for the Film Studio and Media Campus. She reiterated that the existing plat notes would continue to apply and the Subdivision would not preclude development in the future, remaining consistent with the Annexation Agreement and the MPD, unless they are amended.

No public streets or right-of-ways would be vacated with the proposed Plat Amendment. She referenced the Conditions of Approval as set forth in the Ordinance and noted that they would carry forward the prior Conditions as well as a few new Conditions including the Entry Corridor Overlay protection applicable to Lot 1B. Staff recommended that the Commission review the Subdivision, hold a public hearing on the Plat Amendment, hear from the applicant on the proposal and consider forwarding a positive recommendation on the Subdivision only for the City Council's consideration on February 3, 2022.

Chair Phillips clarified that the Plat Amendment was the action item before the Planning Commission at this meeting. He understood they would be provided more high-level information on what might potentially be proposed, but emphasized that the focus of the Commission would be on the Plat Amendment. He noted that the Commission would be provided additional information that was not necessarily required at this point but was being given to allow the Commission to better understand the project.

Justin Keyes, Attorney for the applicant, Quinn Capital Partners, LLC, and Trent Smith, AIA were introduced. Mr. Keyes explained that the Crandall Family owns the Quinn's Junction development, which is the subject of tonight's application. He explained that they would be moving to the application stage to amend the MPD. Mr. Keyes explained that this application has been in the works for several years. The Crandall Family has operated the Film Studio for several years; however, they are not the original developer. They have used the Film Studio with great success, and Mr. Keyes referenced productions such as *Yellowstone* and others over the years.

Mr. Keyes explained that the owners have been considering for some time what to do with the remaining density. The Film Studio itself only takes up a small portion of the 30 acres. In addition to the Film Studio, there is also another 284,000 square feet of density to be constructed. That density was originally entitled as a 100 key hotel, as well as support commercial.

He recalled attending a prior Planning Commission meeting where there was discussion about why the City was not meeting its affordable housing goals. At that time, the applicant was in the

midst of constructing The Commons, an affordable housing and mixed-used project. Around that same time, the 2020 Envision Park City Study was published where affordable housing was identified as one of the key issues to be addressed in the City. He referenced the slogan "Embrace Bold Action."

Afterward, Mr. Keyes approached the Crandall Family and asked if they would consider affordable housing at Quinn's Junction rather than a hotel. He noted that what is currently entitled for the parcel is a closed-campus concept that would be internally directed and mostly fenced. It would not provide any community benefits. He suggested that the Crandall Family construct something similar to The Commons and accomplish many of the City's needs. He reported that the Crandall Family was receptive to this idea, so they met with a number of community stakeholders who all agreed that this type of development would be beneficial. Mr. Keyes reported that this prompted discussions with Staff and ultimately a proposal to the City.

Mr. Keyes explained that the applicant proposes to take the existing commercial and hotel density and convert it to mixed-use, which would include 100 market-rate units and 120 affordable housing units with approximately 60,000 square feet of commercial property to complement those uses. He felt that this concept would take a project that had very little community benefit and create a project that would be primarily driven by community benefit. He expressed appreciation for the feedback and input from Planning Staff as well as the Affordable Housing Director and stated that they have developed a Site Plan and proposal that would be brought before the Commission in an application to amend the MPD. Mr. Keyes reported that the first step is the Subdivision, which is currently before the Commission. He noted that subdividing the parcel would still provide the needs for the Film Studio and work well with the proposed plan.

Mr. Smith presented the design concept for the plan and presented a graphic showing the original Film Studio and the Subdivision Plat that follows along the roadway to separate the Film Studio from the proposed community. He reiterated that they looked at creating an enormous amount of change and community benefit for this parcel as compared to what was originally proposed. Mr. Smith presented an overall Site Plan and explained the various elements to the Commission using the Building Legend. The proposal would include market-rate condominiums and a Transit Hub or Bus Turnaround. He also highlighted a series of retail development within this site, which would include coffee shops, small restaurants, small grocery stores, and clinics. He explained that they contemplated that the commercial would be within one-story buildings, with a large plaza that would become the heart of this community.

He pointed out the two three-story buildings with mixed-use on the first floor and two stories of affordable 80% AMI housing. He next pointed out the building that would contain two stories of affordable housing, with no commercial. Mr. Smith explained that based on feedback from Staff regarding creating opportunities for rentals, they created a series of for-sale townhome units.

Mr. Smith explained that the applicant was requesting some initial high-level feedback from the Commission on this proposed plan. He added that the applicant was looking at phasing the project, with Phases 1 and 2 setting a strong foundation for a true community. He presented a graphic to the Commission that illustrated the proposed phasing for this development and highlighted that Phases 1 and 2 would create the hub for the community.

He explained that the mixed-use and affordable housing proposed to be part of Phase 1 would consist of two three-story buildings with 15,000 square feet of retail at the lower level, and 30,000 square feet of 80% AMI housing above. The total square footage for these two buildings would

be 90,000 square feet. Mr. Smith reiterated that the applicant was neither adding nor requesting any additional density; they were using the density already allotted as part of the current MPD.

With respect to Community Focused Commercial, Mr. Smith stated that they took a lot of inspiration from developments in Colorado and Idaho that have great water features as part of a hub as well as great four-season development for a plaza piece that does not exist in Quinn's Junction. They hope to tie the plaza in with some of the commercial to activate the plaza and the development as a whole. Mr. Smith reported that they performed a Traffic Study and the proposed development will substantially reduce the amount of traffic versus the original proposal because much of the traffic would be inside the development. An important aspect to the applicant was to keep some of the commercial component focused on the immediate community so that they would not create more traffic.

He next addressed the Transit Hub, which they have included in Phase 2. The goal would be to tie into the existing trail systems, including Round Valley Trail and the Historic Rail Trail. They created a small roundabout at the entrance to this development to provide a great opportunity for the Round Valley System as well as the Historic Rail Trail System. It would provide a safe means to cut through the property, but also allow one to experience the development. Mr. Smith explained that their goals for the market rate townhomes would be to create a strong family-oriented development piece to this project. They contemplate 48 townhomes. He explained that while they originally contemplated 36 townhomes, after consultation with Staff and work on the plaza, they found a way to add some townhomes to create a better piece to this development. They felt that 48 townhomes would provide a better balance mix for family-oriented development.

The market-rate condominiums would be for-sale units, which could accommodate seniors who wanted to downsize and have the amenities to support that lifestyle. The footprint of the building would replace the original footprint for the original hotel. He explained that they would want a strong architectural feature to orient the development, but also keep it separate enough so that it would be its own structure as a for-market rate parcel.

Mr. Smith next turned to the affordable housing, which would be located near a Sports Court as well as a trail connection. He added that the Historic Rail Trail is actually part of this development, and the applicant has put up the money and worked with the City to create a connection between the Historic Rail Trail System and this site. He stressed the importance of creating a hub that connects to the trail system to promote the great outdoor lifestyle in Park City. He explained that this property is located in the hub of Quinn's Junction and highlighted the user groups that this development would be focused on for affordable housing and worker housing.

Mr. Smith reported that they were looking at a rich mix of affordable housing types, ranging from studios to three-bedrooms. He stated that a significant portion of the density is geared towards affordable housing and is a significant component of this development. He added that they also focused on open space and whether they could improve open space over the original design. He felt that they were successful in this regard by creating nearly a 20% growth in open space from the original 2012 development. He highlighted the open space that would allow the indoor/outdoor lifestyle for this community. Mr. Smith addressed the original development and noted that the commercial portion had a strong plaza component that the applicant worked with Staff to maintain. Instead of an amphitheater or movie cinema, they bookended the site with townhomes and more open space, and a strong trail connection.

Mr. Keyes added that the advantage they have with having developed another affordable housing project was that this applicant brings experience to this project. The applicant has worked closely with Staff as to how this mix should work. The average of 80% AMI was what the applicant used at The Commons at the recommendation of the County. For that project, the County felt that it would provide the flexibility to allow the County to put people below the 80% AMI into a unit while filling the next unit with a slightly higher AMI. He noted that the average 80% AMI model used at The Commons has been very successful.

He added that the mix was also driven by their experience in constructing The Commons and seeing the demand for units. He reported that there are 38 affordable housing units in The Commons, and it is fully leased with a waitlist of 34 people. He offered that this showed the demand in this area for this type of product. He would assume that they would have a waterfall provision that would prioritize local residents similar to what they have at The Commons. Mr. Keyes stated that the applicant looks forward to providing a housing opportunity that is needed and not available. Mr. Smith added that the scale of this development would be similar to The Commons.

Chair Phillips expressed appreciation to the applicant for looking to provide affordable housing and for being collaborative with City Staff. He felt that this discussion was more fitting for a Work Session, but acknowledged that they were trying to assist applicants in streamlining the process for affordable projects. He offered that due to lack of details, he would be cautious in his comments and keep them at a very high level. He sought input from the Commission on this approach.

Commissioner Thimm felt that this seemed like two agenda items with one being the Subdivision and the other being a Work Session to discuss some future application for an MPD modification. He felt that they should look at the Subdivision and act on that before addressing the proposed MPD modification as a separate item for discussion. Chair Phillips supported the suggestion made by Commissioner Thimm.

Commissioner Kenworthy asked the applicant if they explored using the existing Film Studio in this redevelopment effort rather than keeping it as a stand-alone entity. Mr. Keyes responded that they had not considered that, as they had been fairly successful in keeping the Film Studio booked. He noted that they felt that the Film Studio could continue to operate as a stand-alone quite well within this development in a way that would be symbiotic to the proposed development.

Commissioner Kenworthy referenced major ancillary components within the MPD when this was approved a decade ago. He imagined the City Council and Planning Commission looked at those ancillary uses approved within the MPD that mitigated a lot of the production elements. He added that if they were to address these as two separate agenda items, they would want to ensure that the ultimate Film Studio use would not spill over into the proposed community and/or the other City efforts for that community.

Mr. Keyes stated that the Development Agreement originally contemplated a Film School and other ideas for this property, some of which were not financially viable. There was broad language in the Agreement regarding what type of density would be allowed. Mr. Keyes noted that it was a lot of what is not needed. He reported that when they talked with production as to what they needed on-site, they indicated that they needed affordable housing for their employees as well as affordable places to eat. The productions were housing their large crews in Salt Lake County

and driving them up every day to work. He added that having operated the Film Studio for the past five to seven years, the proposed development would better serve its existing needs.

Commissioner Kenworthy noted that the housing element was his primary concern and asked about restrictions on the hotel. Mr. Keyes confirmed that the hotel had no restrictions, and they had a deal with Marriott before this concept was presented to the Crandall family. He added that there was some restrictive language on some of the commercial uses, but no restrictive language on the hotel use.

Commissioner Kenworthy noted that the Community Good Cause would be affordable housing. He did not think the Community Good Cause would be as interesting if it were being utilized by some of the Film Studio employees and added that studio employees were fairly transient. Mr. Keyes stated that when *Yellowstone* was committed to the Film Studio for a number of years, people started buying housing. He noted their lead carpenter bought in Heber City and still lives there and commutes. He explained that while there might be some people housed on a short-term basis, they would not be constructing anything short-term, so they would have to qualify through Affordable Housing like any other local worker.

Chair Phillips expressed concern that they were getting into detailed Work Session discussions before acting on the Agenda Item for the Plat Amendment; therefore, any member of the public who saw the Plat Amendment on the Agenda was missing out on these discussions.

Commissioner Kenworthy expressed concern over separating the two parcels. Chair Phillips understood that with the proposed Plat Amendment, everything that exists now with respect to the parcel was not changing. Mr. Keyes confirmed this understanding and explained that the applicant would have moved to subdivide regardless of whether they wanted to amend the MPD because they would have needed to subdivide for financing purposes to construct the hotel. Commissioner Kenworthy stated that the Subdivision Plat Amendment was intended to create a stand-alone property and wanted to know about any mitigation efforts and whether this stand-alone property would be the highest and best use for the applicant going forward. Mr. Keyes confirmed those discussions and stated that this would be the highest and best use for that building.

Chair Phillips reiterated his concern that the public was missing out on these discussions. He stated that it was good to have some information on the bigger picture. He suggested discussions on the application before them and then, time permitting, provide high-level comments. He felt that more detailed discussions should be held during a Work Session.

Planner Ananth commented that the notice stated that the applicant would be taking time to provide an overview of the future project. She agreed with Commissioner Thimm's assessment and suggestion to address the action item and then hold a "mini" Work Session. She added that it would provide the Commission with an opportunity to give some feedback that the applicant could use when they return. Mr. Harrington stated that the suggestion to bifurcate the discussions was appropriate.

Commissioner Suesser pointed out that in approving the Subdivision and finding Good Cause, there must be an understanding of the public benefit and the public amenities. Because the Commission was being asked to separate these parcels, it needs a good reason to do that; she questioned how the Commission could determine "good cause" without going into the proposed use for that parcel. She was conflicted about whether the Subdivision was appropriate at this

junction because they had not been provided the details of the project. Commissioner Suesser expressed that the Film Studio uses and adjoining uses were tightly conceived, and what the applicant presented represented a significant change in the use of this property. She felt that the Commission needed to understand that difference, and the first stage in this process would be subdividing the property.

Commissioner Suesser stated that while she supported the idea of the affordable housing component, the density was tied to Film Studio amenities and that is all that is permitted to be built other than the hotel. By contemplating the Film Studio as a stand-alone parcel she felt that they were separating the Film Studio uses from the rest of the property.

Chair Phillips stated that what was presented by the applicant was a potential amendment to the MPD. He liked the idea of bifurcating the discussion to address the Plat Amendment because right now, there is an existing MPD and Agreement. He asked the applicant whether they would still seek this Plat Amendment even if there were no contemplated change of use from what currently exists.

Mr. Keyes confirmed that the applicant would have requested this Subdivision regardless of whether they would seek an amendment to the MPD at some future date. They would have needed to create the same separation of the property to construct the hotel. He added that while the applicant needs "good cause," the "good cause" is that the applicant was complying with the Code. They have "good cause" for the Subdivision because they comply with the Code whether they maintain the current MPD or amend the MPD. Mr. Keyes confirmed that this application was made under the existing MPD and, as indicated by Staff, it complies. Mr. Keyes recalled his prior experience with Subdivisions of this sort, and the "good cause" was complying with the Code. Additional ancillary community benefits beyond what the Code requires is not necessary.

Chair Phillips added that "good cause" also includes consistency with zoning and the MPD and might allow for future uses with more community benefits. The Subdivision does not preclude compliance with the existing MPD. He commented that the action item for this meeting was the Plat Amendment, and felt that there was "good cause" for the Plat Amendment on its' own merit.

Commissioner Thimm echoed the comments of Chair Phillips. He had not considered any proposed changes to the MPD as part of this Action Item. His focus was looking at this application in terms of whether it was in compliance with the Land Management Code ("LMC") and the creation of legal lots.

Commissioner Suesser referenced the definition of "good cause" contained in the Staff Report that the purpose of the Subdivision under the LMC is to provide the most beneficial relationship between the use of land and buildings with a number of different reasons to support the "good cause" Subdivision. She felt that they were simplifying it too much to just say that this application complied with the Code. She opined that they needed to look at the significant restrictions in place on this property before they could move forward with the Subdivision.

Chair Phillips noted that the restrictions would remain in place after the Commission's action on this application. Commissioner Thimm added that there was nothing in this division of land that would preclude the improvements outlined by the original MPD, and he could not see any reason that this lot line would change what was contemplated by the original MPD. Whether the modifications to the MPD that are contemplated by the applicant would be appropriate under the LMC would entail an entirely different discussion.

Commissioner Thimm stated that the lot line could be drawn through the existing MPD and the improvements proposed in the original development could be accomplished with this lot line.

Commissioner Kenworthy agreed with Commissioner Thimm. He clarified that his questions addressed the Work Session portion of this discussion to make sure that the applicant had looked at this holistically. He emphasized that he was not taking a position on the appropriateness of the proposed Plan; but he agreed with the comments regarding the Plat Amendment that the MPD, including its restrictions, would not be changed by this Subdivision. He stressed to the applicant that approval of the Subdivision would not mean that the Commission would approve the applicant's Concept Plan. Mr. Keyes confirmed that the applicant had not even filed an application for the plan.

Commissioner Kenworthy recalled a prior discussion about a 60% AMI and questioned the 80% AMI presented. Mr. Keyes stated that the 60% AMI came up in the context of being able to reach 60% by having an average. The applicant, however, has always contemplated an 80% AMI.

Chair Phillips encouraged the applicant to bring the Work Session forward as soon as possible so that the Commission could begin providing feedback.

Chair Phillips opened the public hearing and noted that they would accept public comment on anything discussed on this item.

Angela Moschetta echoed Commissioner Suesser's concerns and stated that she was not as inclined to just trust the developer. She felt that although the Subdivision might seem standard, it was in the best interests of the developer and worthy of more scrutiny to ensure that there were no loopholes. She highlighted the discussion regarding the AMI as a basis for her concern. She listened to the last presentation and was excited about it, but heartbroken that the City did not work with the County to buy the Film Studio and turn it into a massive Transit Center with affordable and workforce housing. This proposal seemed like a great Plan B, and many referenced the 60% AMI during those prior discussions. She did not understand the current explanation about the AMI. Ms. Moschetta offered that most in the community would support the notion that 80% AMI would not be nearly enough. She felt that broad community support for this project would need an AMI closer to or at 60 percent.

Ms. Moschetta added that there are extremely wealthy individuals in this community who throw the numbers off; someone could own a \$200,000 Sprinter Van and qualify under an 80% AMI. To benefit the community and the workforce, the average must come down and there must be more authenticity in the discussions going forward. She felt that this seemed like a "bait and switch."

There were no further public comments. Chair Phillips closed the public hearing and turned to the Commission for comments on the Plat Amendment.

Commissioner Thimm clarified that the Commission would come back to Commission feedback on the applicant's project proposal after its action on the Plat Amendment. He had no further comments with regards to the proposed Subdivision modification. Commissioners Van Dine and Kenworthy agreed with Commissioner Thimm.

Commissioner Hall asked about the “good cause” referenced by Commissioner Suesser and whether they required this with the intended “good cause” knowing what the applicant intended to propose in the future.

Mr. Harrington stated that Commissioner Suesser correctly cited the “good cause” definition in the LMC; however, that is qualified by the context of the application. He referenced the Staff Report, which stated that Section 1.4.6 of the original MPD contemplated breaking out sales or subdivisions for planning purposes much like what occurred at Deer Valley. In the case of Deer Valley, the subdivisions allowed the different development pods to come forward at different times, subject to the overall restrictions in the MPD. These subdivisions did not create separate developable lots. He explained that the Ordinance is conditioned by Planner Ananth to make it expressly clear that there is no separate developable rights on this Subdivision; rather, this would only enable the subsequent applications. He noted that this layout would have been contemplated had they gone forward with the existing MPD, or should they go seek an amendment to the MPD. Mr. Harrington stated that, as conditioned, Staff was comfortable with this intermediary step that would allow either path to go forward.

Commissioner Hall commented that given the information in the Staff Report where the “good cause” is the loosely proposed affordable housing, she would like to see that as part of the ordinance. Mr. Harrington responded that the Commission had more discretion to make that decision during the re-zone than they do as part of this application because affordable housing is not permitted under the existing zoning. The Commission could not condition today’s approval on something that is not approved in the current zoning.

Commissioner Suesser was comfortable moving forward with the Subdivision as proposed given Mr. Harrington’s clarifications, particularly with regard to the rezone, as well as how the ordinance is conditioned.

Chair Phillips invited the Commission to provide high-level comments on the applicant’s Concept Plan. One of his concerns was getting the AMI as low as possible as it would weigh in on his ultimate decision. He felt that there was a larger need for a lower AMI and that has been one of the shortcomings of the City’s Affordable Housing. He also looked at some of the other impacts and whether this development would draw in customers or visitors to the area. He would assume that the applicant would provide Traffic Studies to help the Commission understand those issues.

Chair Phillips noted the separate entrance near the townhomes and expressed concern about having to cross over traffic upon exiting the development at that location. He acknowledged the traffic issues that exist along that corridor and preliminarily would like to see that as a one-way entrance and not an exit.

Commissioner Johnson echoed Chair Phillips’ comments and reiterated that he would like to see the applicant reduce the AMI to the extent possible. He referenced his experience with affordable housing and the jump that has occurred that is impacting affordability for the people that need housing. He felt that the applicant’s tier system needed to be set in place so that there would be no questions.

The applicant, Matthew Crandall from Quinn Capital Partners, LLC, addressed the comments about the 60% AMI versus the 80% AMI. He stated that Staff could verify that the applicant has been consistent from the outset in representing that they would propose an 80% AMI. With respect to the comment about trusting the developers, Mr. Crandall noted that developers were

not rushing to build affordable housing and switching their current entitlements to deed-restricted entitlements. He relayed that his father, who has been very involved in the community, has shown that he is the type of person who does things with a handshake; he referenced his raising millions of dollars for the Peace House. Mr. Crandall stressed that they were not doing a bait and switch and stated that they have been consistent and are open to discussions. He wanted to clarify the issue given the questions raised about the developer's character.

Commissioner Thimm expressed that overall he liked the connectivity shown in the Concept Plan and felt that the creation of a trail system would be an enhancement. He wondered if there could be some consideration about bringing the plaza space to make it part of the gateway into the City. Based on his involvement in other projects over the years, he has found that opening plaza spaces to the south seemed to create more magic for those spaces. He would like the parking areas around the plaza area to be looked at a bit closer.

Commissioner Thimm commented that he would like to see a range of affordable housing from 40-50% AMI and graduating up to 80% AMI so that they could have multi-generational families within this development. He felt that this would go a long way towards achieving some of the City's goals. He expressed that understanding the impacts to the traffic that would come with the changes in use should be carefully evaluated. This would include any changes in curb cuts that would necessitate discussions with The Utah Department of Transportation ("UDOT").

Commissioner Hall sought clarification as to whether the community-focused mixed-commercial use would pull people from outside the community. She would like more information on the Transit Hub and whether it would be user-friendly for those outside the community. She did not see anything in the layout for a bus pickup. She would also like to see lower AMI units. Of greater concern to her were the affordable rental units, which are sorely lacking in the City's current affordable housing units. Commissioner Hall also wanted more information on the heights given the proposed exemptions to the existing MPD.

Commissioner Kenworthy agreed with the prior comments, and highlighted Commissioner Hall's comments regarding the Transit Hub and whether there would be a place for the public to access the trails. He was open to seeing a proposal from the applicant that would include re-use of the Film Studio building. He stated that given the desperate housing situation in the City, the more housing they can provide for employees, the better. Commissioner Kenworthy added that the Crandall Family has always been a good community member and suggested they look at a way to re-use the Film Studio. He referenced distilleries in San Francisco that have been turned into beautiful artists' lofts.

Commissioner Suesser concurred with the comments of Commissioners Hall and Kenworthy. She requested clarification on whether there would be a nightly rental restriction on the units and whether attainable units would be in the mix. She would also like further information on the retail component and whether it would be meant to serve only this community. She noted that if the Film Studio intends to use some of the housing that is being proposed, she imagined that would be on a short-term basis; she would like a better understanding of how the Film Studio would be symbiotic with this project. She would also like more information on whether or if there is a potential change in use of the Film Studio.

Commissioner Van Dine agreed with the comments of Commissioners Hall, Kenworthy, and Suesser.

Chair Phillips imagined that the last couple of years had made the Affordable Housing Director's job difficult and invited Mr. Glidden to provide an update and overall view of housing in the City at a future Work Session.

Mr. Glidden stated that he would be happy to provide an update to the Commission. He replied to the comments of Mr. Crandall and wanted to confirm that the proposal had always been an 80% AMI. Currently, there is no housing requirement to be had on that approved development. He added that they were still working through the details with the applicant, and there were still conversations to be had on these issues. Mr. Glidden appreciated the comments provided and expressed that the Crandall family and their team would agree. He stated that there have been discussions to add additional affordability; they are at the beginning stages and the Commission's feedback would be helpful moving forward.

Chair Phillips acknowledged the complexities of where they are in the process. He appreciated the additional information provided by the applicant at this meeting and understood that this proposal would likely change significantly as they work through the details. He hoped that the Commission's feedback would help the applicant understand some of the issues. Chair Phillips expressed appreciation to the applicant, and their willingness to work with the City on this future growth and provide for these dire needs of the community.

MOTION: Commissioner Thimm moved that the Commission forward a positive recommendation to the City Council for their consideration on February 3, 2022, for the Park City Film Studio First Amended Subdivision. Commissioner Kenworthy seconded the motion.

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

The Commission took a short break before reconvening.

B. Founders Place (formerly Deer Hollow) Parcel 00-0021-01977 – Substantive Master Planned Development Modification, Conditional Use Permit, Subdivision, and Condominium Plat – The Applicant Proposes Constructing Approximately 350,000 Square Feet in the Deer Crest area with 199,200 Square Feet for 78 Residential Units in Four Buildings with 3,327 Square Feet of Support Commercial, 97,589 Square Feet of Residential Accessory Uses, and 45,289 Square Feet for 123 Parking Spaces for a Ski-In Ski-Out Village Developed in Three Phases in the Recreation Commercial Zoning District.

Assistant Planning Director, Rebecca Ward, reported that the above item involves a Substantive Modification to the MPD, as well as a Conditional Use Permit ("CUP") for construction of multi-unit dwellings. In addition, the Planning Commission would consider the Subdivision Plat and Condominium Plat as part of the next Agenda Item. She introduced the Applicant's Representatives, Bill Fiveash, and Carter Lamb; the Project Architect, Seth Striple, AIA; and the Applicant's Attorney, Thomas Bennett. She reported that the Founders Place Project is located in the Deer Crest area, west of Highway 40 and east of the St. Regis Project in Wasatch County. Access to the project is via a private road with two gates including the Queen Esther Gatehouse located in Park City and the Jordanelle Gatehouse in Wasatch County.

The project dates back to 1989 when the project owner applied to develop in Wasatch County, which was approved. A lawsuit involving development and infrastructure resulted in a Settlement Agreement reached in 1995 that outlined a process for this area to be annexed into Park City.

She added that subsequent agreements served as the governing documents for this site, including the First Amended Density Determination in Wasatch County and an Interlocal Agreement between Park City and some Wasatch County districts.

Ms. Ward stated that overall, the site has no more than 83 units at 2,400 square feet per unit, 60% in a primary structure with some supporting commercial up to 5% of the gross square footage of the project. Appropriate amenities are also part of the site. She explained that the applicant has proposed 78 residential units in four buildings, six employee housing units, support commercial that includes a café for the residents, residential accessory uses, and underground parking. This project is to be developed in three phases; Phase I would be the Condominium Plat that the Commission would consider in the next Agenda Item.

Ms. Ward stated that the Planning Commission reviewed and visited the site, and conducted a public hearing on December 8, 2021. The project has also been reviewed in collaboration with Wasatch County. She explained that since the last meeting, some changes were made as a result of the applicant's continued work with the Wasatch County Fire Department. The applicant added a second access for Phases I and II along Deer Hollow Road and updated the Site Disturbance for the overall project. She noted the 1995 Site Disturbance that the applicant had calculated for limits of disturbance and then showed the updated Site Disturbance depicting the additional access road required by the Wasatch County Fire District. She referenced the revised Site Disturbance calculations prepared by the applicant and included in the Staff Report. The referenced table showed the current percentage decrease with the second access.

Ms. Ward explained that Finding of Fact No. 44 was therefore updated to reflect these changes. She stated that the density was previously approved for no more than 83 units at 2,400 square feet. The applicant has proposed a cap at 78 units, with six affordable units on-site that are exempt from density. She reported that the project complied with setbacks, the 25-foot perimeter setback overall, as well as the internal setbacks. There would be a common wall between Lots 1 and 2, which is allowed in this zone as long as there is a Party Wall Agreement; they have included this as a Condition of Approval in the Ordinance for the plats. Ms. Ward further stated that the project meets and exceeds the Open Space requirement and explained that 60% of the project must be open space; with the updated numbers referenced earlier, 72% of the 30-acre parcel would be open space.

The applicant proposed reduced parking to include 128 parking spaces on-site, mostly underground; five parking spaces would be uncovered. She explained that the First Amended Density Determination requires 166 parking spaces; therefore, the applicant proposed a 23% reduction. If this project were governed by the current LMC, 159 parking spaces would be required, which would translate to a 20% reduction.

She reminded the Commission that the applicant submitted a Transportation Demand Management Plan, a Parking Study, and a Trip Generation Study. To reduce parking requirements, the Commission is to look at the proposed number of vehicles required by the project. She reported that the Parking Study concluded that the demand for the project would be 104 spaces.

In addition, there must be a parking comparison with projects of similar size and occupancy. Ms. Ward stated that the applicant completed a comparison with several similar developments in the Empire Pass area under the Flagstaff Development Agreement that averaged 1.5 stalls per unit. With respect to parking needs for non-dwelling uses and traffic attracted to the site, she noted

that this was a gated community and not accessible to public vehicles. In addition, the supporting commercial would be limited to a small restaurant for the residents. She explained that the applicant's Trip Generation Study for residents, employees, and guests showed that there would not be a significant increase to the area.

The applicant's Transportation Demand Management Plan outlined the ski-in/ski-out access to Deer Valley, public trail connections to the Village and Pipeline Trail, reduced parking, shared-ride services, property management grocery delivery services, on-site ski valet, and activities for residents.

Ms. Ward explained that no overflow parking during peak periods was proposed as part of this project, but Wasatch County requires a Condition of Approval that would prohibit parking in unincorporated Wasatch County and require that the parking be satisfied on-site. In terms of adverse impacts on the surrounding neighborhood, she noted that this project is quite distant from other developments in the area and is surrounded by open space. She highlighted some of the recommended Conditions of Approval, including those requiring Founders Place Homeowner Association to finance and operate the ongoing ride-share service, the installation of bike racks, and the prohibition of parking on Deer Hollow Road and in unincorporated Wasatch County. Additionally, the project would be required to comply with the Electric Vehicle Charging Station Code.

Ms. Ward highlighted the change proposed by the applicant during the December 8, 2021 meeting regarding the requirement to finance the ongoing ride-share service; instead of offering service to the Salt Lake Airport, the Agreement would encourage the use of shared services from Salt Lake City Airport through pre-arrival assistance and by notifying owners and guests of the availability of on-site alternatives.

The Site Plan would be a reduction from the 1995 Site Plan and she referenced an overlay of the difference. She noted that the applicant's proposal included some development on portions of Steep Slopes. There would be Conditions of Approval required by the Code for the overall site and management of snow storage, trash and recycling facilities, and delivery and service vehicle access. She reported that the Engineering Department reviewed this project because of the Steep Slopes, and recommended a series of Conditions of Approval, as discussed on December 8, 2021, to ensure that mitigations were provided on-site.

Ms. Ward stated that the Affordable Housing proposed for this MPD would be an increase from the 1995 Settlement Agreement that required 4% of the units to be affordable. The applicant and the Housing Department met and agreed to a draft Affordable Housing Mitigation Plan, which would provide for six on-site affordable units for managers, full-time and seasonal employees. In addition, it provides for a net purchase price fee for market-rate units to be transferred to the City's Affordable Housing Budget. She noted that this fee is estimated to be \$1.5 million with initial sales and approximately \$37,500 per year for subsequent sales through 2035. She explained that four of the units were proposed for Phase I, followed by one unit in Phase II and one unit in Phase III.

The Conditions of Approval would require that deed restrictions be recorded against the affordable units, that the Founders Place Declarations and CC&R's include the affordable housing obligations, and that no certificate of occupancy for any market-rate unit could be issued until the affordable employee units were completed and the deed restrictions recorded.

Ms. Ward next addressed the height of the retaining walls. She stated that the applicant updated the Site Plan with the additional access that would add some retaining walls to the project. Phase I retaining walls would reach a maximum height of 20 feet just south of Deer Hollow Road where the site slopes significantly; and 14 feet and 5 feet along the road with other minor retaining walls.

The retaining walls in Phase II would reach a maximum height of 13 feet, and then 7 feet along Deer Hollow Road. She noted the applicant incorporated the Planning Commission's recommendation of an additional retaining wall at the base of the Phase II building, with landscaping along the exposed concrete. The applicant also removed a section of retaining wall based on the changes to site access. She explained that in Phase III, the significant retaining walls to the north of the building would reach a maximum height of 16 feet.

She addressed the Planning Commission's direction to amend Condition of Approval No. 17 and explained that it would approve the retaining wall heights presented to the Planning Commission, with the requirement that landscaping, as approved by Planning Staff, would shield any of the retaining walls that exceed 8 feet and which are visible from Deer Hollow Road.

Ms. Ward stated that the applicant requested a change that would allow for a vertical wall more than three levels in height. She explained that the proposal complied with the requirement that the upper level be 50% or less than the overall building footprint. She added that the applicant would comply with the overall 70-foot height cap for the site. With respect to the different roof forms and designs discussed during the December 8, 2021 meeting, Ms. Ward stated that the "Current Design" was best for snow shedding on the site and was selected by the applicant for approval.

As far as Sustainability, she noted that the applicant added an additional feature wherein they proposed no gas fireplaces or cooking appliances in residential units. The Conditions of Approval were updated to reflect that addition, as well as to require review by the Sustainability Department at the building permit phase. The Conditions of Approval also require that the applicant achieve the certification within 18 months of the issuance of the Certificate of Occupancy as each Phase is completed.

She next turned to Deer Hollow Road and the 2017 Amendment to the Settlement Agreement. She explained that the 1995 Settlement Agreement included a requirement that the project disconnect Deer Hollow Road; however, that requirement was removed in 2017 at the recommendation of the Planning Commission and approval of City Council. Through that amendment, there is still access for emergency vehicles; otherwise, it is a private road for exclusive use by owners, guests, and invitees. She added that the public might use Deer Hollow Road during an evacuation.

The Deer Crest Master Association would maintain and operate the Queen Esther and Jordanelle Gates that maintain the privacy of the road.

She reported that Staff provided the additional information requested by the Planning Commission. Ms. Ward stated that while the Planning Commission was the body that would take final action on the MPD and CUP, as part of the recommendation on the Subdivision and Condominium Plat, it could include a Condition of Approval that the City Council preserves the future reconsideration for potential expansion of public use of Deer Hollow Road.

Ms. Ward referenced the inclusion of public input received from the adjacent property owner, SITLA, and Gary Heintz attached as Exhibit S to the Staff Report. She also referenced an email from the developer of the MIDA Project voicing concern about increased public access on Deer Hollow Road; she reported that this email was forwarded to the Commission just prior to this meeting.

She stated that Staff was recommending that the Commission conduct a public hearing and consider approving the Substantive Modifications to the MPD. Staff also recommended the Commission conduct a separate public hearing specific for the Multi-Unit Dwelling CUP as outlined in the Draft Final Action Letter.

Bill Fiveash from Deer Crest Associates I, LC introduced Mr. Lamb from East West Partners, Mr. Striple, AIA, and Tom Bennett, Esq. He thanked Ms. Ward for her presentation. He explained that he did not prepare any information in addition to that presented by Ms. Ward and would answer any questions from the Commission.

Commissioner Suesser pointed the applicant to the Housing Mitigation Plan and asked that the applicant walk the Commission through the units proposed on-site and the new model of the fee-in-lieu on the net sales price of the units as they are sold.

Mr. Fiveash explained that the 1995 Settlement Agreement required a 4% inclusionary housing requirement that was very specific to units rather than unit equivalents. Therefore, this project would have only been required to provide approximately 3.8 units. Based on discussions with the Housing Authority, there was some disagreement as to where that should settle out, so the applicant submitted a proposal that would be good for the community. He offered that Mr. Glidden agreed with this approach.

Mr. Fiveash stated that they did not want to put too much housing on-site, as it is a remote location and not intended to be a ski-in/ski-out residential community. They understood, however, the importance of, and need for employee housing. As a result, they arrived at six on-site employee-housing units, which they felt represented a good match for the 78-unit condominium development. He commented that the employee housing would be for ski valets, housekeepers, front desk personnel, and the like.

To fulfill the balance of being a good contributor, Mr. Fiveash stated that they proposed to Mr. Glidden a one-half point benefit fee covenant on the development that would begin with the first transaction and go into perpetuity. They projected the fees on the initial transactions will total \$1.5 million over the next 2 to 5 years, depending upon how the market absorbs the inventory. They also proposed that the covenant fee run with the property in perpetuity and offered an additional portion of that at half of the initial fee until 2035. He explained that the intent is that the rest of the fee is there for the future homeowners to be good citizens and contribute to other needs in the community; they proposed taking half of those fees and applying them to the most important need.

Mr. Fiveash stressed that these fees would go on forever and every time there is a sale of a property, ½ point would go to the Founders Place Community Foundation. The Foundation would have a Board of Directors comprised of homeowners and community-wide members who, until 2035, would direct half of those monies to other needs, which could include housing. After 2035, the Foundation would have discretion on the full amount to benefit the community.

Mr. Fiveash stated that as progress is made on the housing front, the money could also be allocated to things like schools, Peace House, and other community needs. He added that early on, they wanted to allocate these funds to the more pressing needs of housing. He explained that the Housing Mitigation Plan was originally submitted in October and has been part of the application for quite some time. Mr. Glidden would present that Plan to the City Council for their approval. While at this point it is a proposal, Mr. Fiveash expressed hope that with Mr. Glidden's support, it would be approved.

Commissioner Kenworthy asked about the meaning of the word "net sales." Mr. Fiveash explained that there would be a covenant recorded against the future plat that would generate the fee requirement to the new Foundation that would have its own Articles of Incorporation. The Foundation would then enter into an agreement through the year 2035 with the City in which they would agree to dedicate that money. He explained that the "net" exists in the covenant and would allow for a deduction for any value of personal items. For example, if a property were transferred with furniture, the value of the furniture could be deducted; real estate commissions or other similar items could not be deducted. Mr. Fiveash commented that they included "net" because many times these high-end properties transfer fully furnished, and if a buyer wanted to take an exemption for the personal property, they could file a personal articles exemption. The fee is based only on the full value of the real property.

Commissioner Kenworthy clarified that "net" would mean the gross sale price, less any personal property purchases. Mr. Fiveash agreed and added that based on his experience, it was very rare that anyone in this community takes a deduction for any personal property. In response to an inquiry from Commissioner Suesser, Mr. Fiveash clarified that the covenant would direct the initial fees to the Foundation; the Foundation would sign an agreement to contribute to the City. Therefore, the Foundation would become a middleman in those early years but would become the authority and recipient in later years. He stressed that there would be a document between the City and the Foundation that would guarantee that the City would collect that money. Mr. Fiveash added that the proposed agreement provides that the Foundation would have 30 days to transfer that money once received.

Mr. Glidden emphasized that normally these covenants were put in place after the developer has made the initial sale; here, the applicant included this agreement as part of the initial sale, which is why there would be such a big bump in the first couple of years. He confirmed that the estimated fees from the initial sales would be \$1.5 million.

Commissioner Suesser agreed that including more affordable housing beyond the six units did not make sense in that location. She asked whether the City had a plan to put that money into affordable housing to ensure that housing is constructed as soon as possible.

Mr. Glidden restated that this plan was not yet approved and would be presented to the City Council; however, Staff supports this plan for a number of reasons. He agreed that more than six affordable units would likely not be beneficial at this time. He added that these fees would allow more flexibility for the Housing Authority in how they could be used and stated that they are looking at some new programming. He explained that the bond money they have for housing is very restrictive, so they could not necessarily use that funding for something like a Deed Restriction Program. Fees-in-lieu typically has similar types of restriction. He stated that they are hopeful that they could utilize these funds for programs such as the Deed Restriction Program and Rental Assistance.

Mr. Glidden stated that while the money from this agreement might not lead directly into the development of another home, it could lead to more deed restrictions of primary residences in the future.

Commissioner Suesser liked the flexibility of this fee and agreed that additional affordable housing did not belong on-site in this instance.

Chair Phillips asked the applicant to walk through the changes with regard to the retaining walls. Mr. Fiveash presented a graphic and explained that the only change is at the switchback. The applicant worked with the Park City Fire Marshall and the Chief Building Officer and initially felt this second access was not required. It was after the presentation on December 8, 2021, that they learned that the Wasatch County Fire Marshall wanted input into this plan.

They learned that the Wasatch County Fire Department has different equipment than the Park City Fire Department, and there was concern about blocking access out of the site from the two garage entrances. He stated that including the second access was not easy to accomplish because the elevation difference from Phase I to the road is 30 to 40 feet.

Mr. Fiveash lauded the design team for making this second access point work but noted that it added lineal feet to the driveway. He offered that they would like to limit this as much as possible to emergency access only, and have been working with Wasatch County Fire Department to see if they could potentially make this road more of a trail. The graphic for the Commission was drawn in the biggest form that it might need to be, but they would continue to negotiate with the Fire Department in hopes of reducing it as much as possible between now and construction.

He added that with the inclusion of the second access, they were required to increase their retainage to access Deer Hollow Road and get the slopes to work. It is that retainage that increased from the plan presented in December, but they will do their best to minimize it. Mr. Fiveash added that this added retaining wall would not be seen from the road, and only has an impact on the homeowners, so they would do their best to cover it with landscaping.

In response to an inquiry from Commissioner Suesser, Mr. Fiveash stated that the second access was part of the prior plan, although it was designed differently. The prior plan showed the road coming in along the ski run and then winding through the units.

Commissioner Hall asked about Wasatch County's request regarding parking. Ms. Ward explained that they have been collaborating with the Wasatch County Planning Department and the rest of the Wasatch County Development Review Team, and they brought up the parking requirement early on in the discussions; it was included in the December 8, 2021 Conditions of Approval that no parking be satisfied on-site. She mentioned public input regarding parking in unincorporated Wasatch County that is pending construction and would be built once an additional project is constructed at the base. She clarified that within the Park City side of the Deer Crest Development, all parking would be satisfied within the project.

Mr. Fiveash added that the Deer Crest Master Association also includes a requirement that there would be no parking on the roads inside the Master Association so that Condition of Approval was agreeable to the applicant.

Commissioner Hall sought clarification regarding the restaurant, which Mr. Fiveash confirmed would be closed to the general public.

Chair Phillips opened the public hearing. There was no public comment. Chair Phillips closed the public hearing.

Commissioner Thimm commented that with the additional Conditions of Approval, he did not need any further information. He added that he spent some time reviewing the Parking Analysis and the Traffic Demand Management Plan and agreed with the proposals therein.

Chair Phillips requested guidance from Mr. Harrington on opening the public hearing for Agenda Item 6.C. Mr. Harrington suggested taking a motion on the Substantive Modification for the MPD and CUP first and then move to open the public hearing for Item 6. C. He noted that there might be a small presentation on Item 6. C.

MOTION: Commissioner Kenworthy moved to approve modifications to the Master Planned Development and Multi-Unit Dwelling Conditional Use Permit, according to the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Draft Final Action Letter on Founders Place, attached to the Staff Report as Exhibit A. Commissioner Van Dine seconded the motion.

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

C. Founders Place (formerly Deer Hollow) Parcel 00-0021-01977 – Subdivision – The Applicant Proposes the Founders Place Subdivision to Create a 6.93-acre Lot 1, a 2.50-acre Lot 2, a 2.93-acre Lot 3, and an 18.88-acre Open Space Parcel for the Founders Place Development, a Ski-In Ski-Out Village in the Deer Crest Master Planned Development. PL-21-04914.

Ms. Ward reported that the above application involves the Subdivision and Condominium Plat for Phase I. The Subdivision would create three separate lots for the three separate Phases of the project. There would be a common wall crossing Lots 1 and 2, with the Open Space parcel. The Condominium Phase I would include four affordable employee-housing units as well as the amenity building for the site. This Phase has approximately 160,000 square feet with construction proposed to begin in the spring of 2022. Staff found good cause for the Subdivision based on the increased affordable housing contributions and reduced Site Disturbance, as explained earlier. Even with the slight changes to the site, the impacts were decreased in comparison to what was originally approved in 1995.

As part of this Subdivision, there would be a Party Wall Agreement that would be recorded at the time that the Condominium Plat is recorded for Phase II. A Phasing Plan would be submitted as part of the Development Agreement, which would then come back to the Planning Commission for ratification. She reported that Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation for City Council's consideration on January 27, 2022. She added that at the Planning Commission's request, they could include as a Condition of Approval in both ordinances a recommendation to preserve the possible future reconsideration of expanding public use of Deer Hollow Road.

Chair Phillips asked if not including the aforementioned Condition of Approval would preclude the future reconsideration regarding Deer Hollow Road. Mr. Harrington explained that the Commission was split on this issue during the last meeting, so Staff did not feel it was appropriate to suggest it as an affirmative Condition of Approval. An alternative could be to include it in the

motion as a recommendation. He added that the scope would be intended to ask the City Council to consider working with the applicant on additional language in the final plat that would preclude the owner or subsequent Homeowners' Association from vetoing any subsequent re-opening or reconsideration of the settlement terms as they currently exist.

Mr. Harrington added that the current owner of this property has neither the ability nor legal rights to modify the existing Settlement Agreement; however, if such Agreement were ultimately made, this recommendation would ensure that a future Owner's Association or owner of this project could not have veto authority.

He opined that it made sense to ensure that no one party can veto or otherwise prevent a broader solution should that emergency access exemption get re-evaluated. Based on discussions with the applicant's attorney, he understood that the applicant would not have concerns.

Commissioner Thimm observed that the redlined language did not seem to include the provision regarding the non-veto language mentioned by Mr. Harrington. Mr. Harrington felt that he did not want it included without a majority consensus. He further stated that he was open to including the language he just referenced and the motion could reference conforming written language in a form approved by the City Attorney.

Commissioner Thimm suggested that if they could add that language, it would satisfy the concerns he expressed during the last meeting. Commissioner Suesser stated that she was in favor of adding that additional language. Commissioner Kenworthy and Chair Phillips also expressed their agreement.

The Applicant's Counsel, Thomas Bennett, was uncertain what the redline language had to do with the item before the Commission. He argued that the City Council has the right to reconsider any expanded public use of Deer Hollow Road at any time, and that right is not tied to this plat. He stated that if the intent is to simply make it clear that the owners of Founders Place would not have a veto right or a unilateral right to prohibit expanded public use of the road, he suggested just stating that instead. He had concerns that this language suggests that the Planning Commission was recommending that there be a reconsideration of expanding the public use of Deer Hollow Road and did not believe the Planning Commission went that far. Absent that kind of position by the Planning Commission, he could not see the purpose of including that language in the recommendation.

Commissioner Kenworthy stated that if the major stakeholders agreed that there need to be even the minor adjustments suggested, the individual developments along this corridor that are not present today should not get in the way. He felt that employee access and some of the other suggestions for use of Deer Hollow Road would be something that the major stakeholders might want to revisit in the future. They do not want Founders Place to go against that position. Mr. Bennett agreed that that was fair. He stressed that at the end of the day, they must remember that this is a private road that is owned and controlled by the Deer Crest Master Owners' Association. Founders Place simply has a vote in what actions the Master Association might take, and these issues are separate from the development of this project.

Commissioner Thimm commented that the Commission has weighed in on this issue. Mr. Fiveash added that it seemed like everyone was saying the same thing, and the applicant was agreeable with working with the Planning Department between now and January 27, 2022, to arrive at a Condition of Approval that these homeowners would not object to. He offered that

trying to involve all of the stakeholders would be a long process; if Founders Place simply gets out of the way, then it could move forward. Commissioner Kenworthy stated that this was consistent with the agreement of the Commission. Chair Phillips agreed.

Commissioner Suesser clarified her understanding that there was a consensus among the Commission that it would recommend that the City Council meet with the other stakeholders to look at the potential expansion of the use of Deer Hollow Road. Chair Phillips disagreed and clarified that he was agreeable with adding this Condition with the veto language as discussed. He did not view this as a recommendation for the City Council to actively engage with the stakeholders at this point.

Mr. Harrington suggested that another option might be that in conjunction with further work with the City Council regarding affordable housing, the Planning Commission could suggest including both Deer Hollow Road and Twisted Branch Road as part of a broader transportation priority in a future joint meeting that would allow Commissioner discussion directly with the City Council. That would split the difference between getting the veto Condition through on this application and keeping the remainder of the discussion on the City Council's radar for future proactive discussions.

Commissioner Kenworthy liked that idea, and supported only including the veto language in the action on this item. Chair Phillips and Commissioners Thimm, Suesser, and Van Dine agreed.

Chair Phillips opened the public hearing. There was no public comment. Chair Phillips closed the public hearing.

Commissioner Suesser asked if the calculations were updated to reflect the new access road. Ms. Ward confirmed that the calculations were updated in the Ordinance.

MOTION: Commissioner Kenworthy moved to forward a positive recommendation to the City Council for its consideration on January 27, 2022, based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Founders Place Subdivision Ordinance:

Findings of Fact

1. Founders Place (formerly known as Deer Hollow and Slalom Village) is in the Deer Crest area east of Deer Valley Resort and west of HYW 40 along Deer Hollow Road, a private road accessed from Park City through the Queen Esther Gatehouse to the west or from HWY 40 through the Jordanelle Gatehouse to the east.
2. The Applicant proposes constructing 199,200 square feet for 78 residential units in four buildings, 5,400 square feet for six affordable employee units, 3,299 square feet of support commercial, 100,857 square feet of residential accessory uses, and 45,578 square feet for 123 underground parking spaces, five uncovered parking spaces, and parking circulation.
3. The area was originally within unincorporated Wasatch County and the proposed project started the land use review process with Wasatch County in the late 1980s.

4. In 1989, the property owner applied for a Density Determination from Wasatch County to develop what was then called the Telemark Park Resort.
5. In 1991, the Wasatch County Commissioners approved the Density Determination.
6. However, due to the project's location in several jurisdictions, a lawsuit ensued regarding development and services.
7. In 1995, Park City Consolidated Mines Company, Trans-Wasatch Company, and Park City Municipal Corporation entered into the Telemark Settlement Agreement.
8. The 1995 Settlement Agreement ¶ 2.2 describes the location of the Deer Crest property, which straddles several jurisdictions: A portion of the Property lies within Park City city limits, and another portion of the Property lies within the annexation boundary of Park City. Of the approximately 678 acres, 524 acres lie within unincorporated Wasatch County, approximately 84 acres lie within unincorporated Summit County and approximately 70 acres lie within the Park City Municipal Corporation city limits.
9. The 1995 Settlement Agreement outlined the process and conditions for annexing portions of the Deer Crest property into Park City, as well as development parameters. The 1995 Settlement Agreement established the following regarding Founders Place within what was then identified as the Slalom Village development envelope:
 - a. No more than 83 Multi-Unit Dwellings at 2,400 square feet per unit (totaling 199,200 square feet).
 - b. 60% of the Multi-Unit Dwellings concentrated in a primary village structure.
 - c. Four Single-Family Dwellings.
 - d. A 20,000-square-foot ski academy.
 - e. A ski chairlift located within a 1,100-foot radius of the primary village structure.
 - f. Support commercial up to 5% of the gross square footage and appropriate amenities.
10. The 1995 Settlement Agreement required the property owners to amend the 1991 Wasatch County Density Determination. In 1996, the First Amended Density Determination was recorded with Wasatch County. The First Amended Density Determination increased the single-family dwellings from four to five and included 83 townhouse/cottages (units not to exceed 2,400 square feet, totaling 199,200 square feet).

11. In 1997, the parties amended the 1995 Settlement Agreement, transferring the 20,000-square-foot ski academy to Telemark Park (also known as the Jordanelle Village Resort).
12. On December 17, 1998, the City Council approved Ordinance No. 98-53, annexing 253 acres of the Deer Crest property into Park City.
13. Also on December 17, 1998, the City Council approved Ordinance No. 98-51, amending the Zoning Map to include the Deer Crest annexation area.
14. Founders Place is in the Recreation Commercial within a Master Planned Development Zoning District.
15. On December 23, 1998, Deer Crest Associates I, LC recorded the Deer Hollow Village Subdivision at Deer Crest, creating five single-family lots pursuant to the Founders Place density allocation.
16. In 2021, the Applicant submitted Conditional Use Permit, Modification to a Master Planned Development, Subdivision, and Phase I Condominium Plat applications to construct the remaining Multi-Unit Dwelling density.
17. The Founders Place Subdivision creates a 6.93-acre Lot 1, a 2.50-acre Lot 2, a 2.93-acre Lot 3, and an 18.88-acre Open Space Parcel.
18. The Applicant proposes developing the project in three phases:
 - a. Phase I: Buildings 1 and 2, amenity space, and the pool/ski deck.
 - i. Housing unit count: 32
 - ii. Gross square footage: 158,813
 - iii. Construction start date: spring 2022
 - b. Phase II: Building 3
 - i. Housing unit count: 19
 - ii. Gross square footage: 89,422
 - iii. Construction start date: spring 2023
 - c. Phase III: Building 4 and associated pedestrian bridge
 - i. Housing unit count: 27
 - ii. Gross square footage: 114,222
 - iii. Construction Start Date: spring 2024
19. On October 19, 2021, the Park City Development Review Committee evaluated the project and did not identify issues or concerns.
20. On October 27, 2021, the Planning Commission conducted a work session on the project.

21. On November 4, 2021, the Wasatch County Development Review Committee evaluated the project and provided input and recommended Conditions of Approval.
22. On November 10, 2021, the Planning Commission visited the site.

Conclusions of Law

1. There is Good Cause for the Founders Place Subdivision because the Founders Place proposal improves the development for the site compared to the 1995 Site plan and reduces the overall Site disturbance by decreasing the Limit of Disturbance by 40%, the driveway square footage by 53%, the gross building footprint square footage by 8%, the linear retaining wall square footage by 4%, and the exposed retaining wall face square footage by 34%. Additionally, the Applicant will provide affordable employee housing for 10% of the project.
2. The Founders Place Subdivision is consistent with the Land Management Code Chapter 15-2.16 Recreation Commercial Zoning District, Chapter 15-6 Master Planned Developments, and Chapters 15-7 Subdivisions.
3. Neither the public nor any person will be materially injured by the Founders Place Subdivision.
4. Approval of the Founders Place Subdivision, subject to the conditions below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. Approval of the Founders Place Subdivision is contingent upon Planning Commission approval of the Founders Place modifications to the Deer Crest Master Planned Development and the Founders Place Conditional Use Permit for Multi-Unit Dwellings.
2. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Founders Place Subdivision Plat for compliance with State law, the Land Management Code, and the Conditions of Approval, prior to recordation of the plat.
3. The Applicant shall record the plat with Wasatch County within one year from the date of City Council approval. If recordation has not occurred within one year, this approval for the Subdivision will be void, unless a request for an extension is made in writing prior to the expiration date and extension is granted by the City Council.
4. The property is not located within the Park City Soil Ordinance Boundary and therefore is not regulated by the City for mine related impacts. However, if the property owner encounters mine waste or mine waste impacted soils the property owner must handle the material in accordance with state and federal law.

5. The City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans is required for compliance with City standards and is a condition precedent to building permit issuance.
6. The Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.
7. The Applicant shall coordinate with Park City and Wasatch County entities regarding public improvements as outlined in the Deer Crest Interlocal Agreement.
8. Within six months of the modification to the Master Planned Development approval, the Applicant shall submit a phasing plan as part of the Development Agreement in a form approved by the City Attorney's Office and Mayor.
9. The City Engineer shall review and approve the final Subdivision mylar prior to recordation with Wasatch County for compliance with Park City Design Standards, Construction Specifications, and Standard Drawings.
10. The Applicant shall work with the Engineering Department to address subsurface drainage and storm water drainage, prior to submitting a building permit.
11. Slope stability analysis completed by a geotechnical engineer prior to submitting a building permit, to be reviewed and approved by the Engineering Department.
12. The Applicant shall dedicate the four-foot soft-surfaced Pipeline and Village Trails for public use on the subdivision plat, as approved by the Trails & Open Space Manager and City Attorney's Office.
13. No Certificate of Occupancy shall be issued until Final Grading is completed and Lots are recovered with top soil an average depth of at least six inches, which shall contain no particles over two inches in diameter over the entire area of the Lot, except that portion covered by buildings or included in Streets, or where the Grade has not been changed or natural vegetation damaged.
14. All disturbed areas on Lots shall be covered with topsoil and re-vegetated at a minimum with seed sown at not less than four pounds to each one thousand square feet. In the spring, seed shall be sown between March 15 and May 15; in the fall, seed shall be sown between August 15 and September 30. The seed shall be a native grass seed mix approved by the City and shall have been tested for germination within one year of the date of seeding.
15. Interior and exterior fire sprinkler systems may be required of all projects based upon an analysis of the size of the Structures, vegetation surrounding the Structures, and location of the project as it relates to Fire District response time, to be determined with the Wasatch County Fire District.
16. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land or left deposited on any Lot or

road at the time of issuance of a Certificate of Occupancy and removal shall be required prior to issuance of any Certificate of Occupancy.

17. The Applicant shall submit a draft Founders Place Homeowner Association Declaration that includes the affordable housing obligations outlined in the approved Housing Mitigation Plan for review and approval by the Planning, Housing, and Legal Departments prior to submitting a subdivision mylar. The Declaration shall be approved, executed, and recorded simultaneously with the condominium plat.
18. The Applicant shall change the name of the Subdivision Plat during the redline process from Deer Hollow to Founders Place to reflect the renaming of the project prior to printing to final mylar.

and The Founders Place Phase I Condominium Plat as follows:

Findings of Fact

1. Founders Place (formerly known as Deer Hollow and Slalom Village) is in the Deer Crest area east of Deer Valley Resort and west of HYW 40 along Deer Hollow Road, a private road accessed from Park City through the Queen Esther Gatehouse to the west or from HWY 40 through the Jordanelle Gatehouse to the east.
2. The Applicant proposes constructing 199,200 square feet for 78 residential units in four buildings, 5,400 square feet for six affordable employee units, 3,299 square feet of support commercial, 100,857 square feet of residential accessory uses, and 45,578 square feet for 123 underground parking spaces, five uncovered parking spaces, and parking circulation.
3. The area was originally within unincorporated Wasatch County and the proposed project started the land use review process with Wasatch County in the late 1980s.
4. In 1989, the property owner applied for a Density Determination from Wasatch County to develop what was then called the Telemark Park Resort.
5. In 1991, the Wasatch County Commissioners approved the Density Determination.
6. However, due to the project's location in several jurisdictions, a lawsuit ensued regarding development and services.
7. In 1995, Park City Consolidated Mines Company, Trans-Wasatch Company, and Park City Municipal Corporation entered into the Telemark Settlement Agreement.
8. The 1995 Settlement Agreement ¶ 2.2 describes the location of the Deer Crest property, which straddles several jurisdictions: A portion of the Property lies within Park City city limits, and another portion of the Property lies within the annexation boundary of Park City. Of the approximately 678 acres, 524 acres lie within unincorporated Wasatch County, approximately 84 acres lie within unincorporated

Summit County and approximately 70 acres lie within the Park City Municipal Corporation city limits.

9. The 1995 Settlement Agreement outlined the process and conditions for annexing portions of the Deer Crest property into Park City, as well as development parameters. The 1995 Settlement Agreement established the following regarding Founders Place within what was then identified as the Slalom Village development envelope:
 - a. No more than 83 Multi-Unit Dwellings at 2,400 square feet per unit (totaling 199,200 square feet).
 - b. 60% of the Multi-Unit Dwellings concentrated in a primary village structure.
 - c. Four Single-Family Dwellings.
 - d. A 20,000-square-foot ski academy.
 - e. A ski chairlift located within a 1,100-foot radius of the primary village structure.
 - f. Support commercial up to 5% of the gross square footage and appropriate amenities
10. The 1995 Settlement Agreement required the property owners to amend the 1991 Wasatch County Density Determination. In 1996, the First Amended Density Determination was recorded with Wasatch County. The First Amended Density Determination increased the single-family dwellings from four to five and included 83 townhouse/cottages (units not to exceed 2,400 square feet, totaling 199,200 square feet).
11. In 1997, the parties amended the 1995 Settlement Agreement, transferring the 20,000-square-foot ski academy to Telemark Park (also known as the Jordanelle Village Resort).
12. On December 17, 1998, the City Council approved Ordinance No. 98-53, annexing 253 acres of the Deer Crest property into Park City.
13. Also on December 17, 1998, the City Council approved Ordinance No. 98-51, amending the Zoning Map to include the Deer Crest annexation area.
14. Founders Place is in the Recreation Commercial within a Master Planned Development Zoning District.
15. On December 23, 1998, Deer Crest Associates I, LC recorded the Deer Hollow Village Subdivision at Deer Crest, creating five single-family lots pursuant to the Founders Place density allocation.

16. In 2021, the Applicant submitted Conditional Use Permit, Modification to a Master Planned Development, Subdivision, and Phase I Condominium Plat applications to construct the remaining Multi-Unit Dwelling density.
17. The Founders Place Subdivision creates a 6.93-acre Lot 1, a 2.50-acre Lot 2, a 2.93-acre Lot 3, and an 18.88-acre Open Space Parcel.
18. The Applicant proposes developing the project in three phases:
 - a. Phase I: Buildings 1 and 2, amenity space, and the pool/ski deck.
 - i. Housing unit count: 32
 - ii. Gross square footage: 158,813
 - iii. Construction start date: spring 2022
 - b. Phase II: Building 3
 - i. Housing unit count: 19
 - ii. Gross square footage: 89,422
 - iii. Construction start date: spring 2023
 - c. Phase III: Building 4 and associated pedestrian bridge
 - i. Housing unit count: 27
 - ii. Gross square footage: 114,222
 - iii. Construction Start Date: spring 2024
19. On October 19, 2021, the Park City Development Review Committee evaluated the project and did not identify issues or concerns.
20. On October 27, 2021, the Planning Commission conducted a work session on the project.
21. On November 4, 2021, the Wasatch County Development Review Committee evaluated the project and provided input and recommended Conditions of Approval.
22. On November 10, 2021, the Planning Commission visited the site.
23. The Founders Place Phase I Condominium Plat includes 32 units, four affordable employee units, and associated Founders Place Homeowner Association owned and controlled amenities.

Conclusions of Law

1. There is Good Cause for the Founders Place Phase I Condominium Plat because the Applicant will provide four affordable employee housing units within the Condominium.

2. The Founders Place Phase I Condominium is consistent with the Land Management Code Chapter 15-2.16 Recreation Commercial Zoning District, Chapter 15-6 Master Planned Developments, and Chapters 15-7 Subdivisions.
3. Neither the public nor any person will be materially injured by the Founders Place Phase I Condominium.
4. Approval of the Founders Place Phase I Condominium Plat, subject to the conditions below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. Approval of the Founders Place Phase I Condominium Plat is contingent upon Planning Commission approval of the Founders Place modifications to the Deer Crest Master Planned Development and the Founders Place Conditional Use Permit for Multi-Unit Dwellings.
2. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Founders Place Phase I Condominium Plat for compliance with State law, the Land Management Code, and the Conditions of Approval, prior to recordation of the plat.
3. The Applicant shall record the Founders Place Phase I Condominium Plat with Wasatch County within one year from the date of City Council approval. If recordation has not occurred within one year, this approval for the Condominium Plat will be void, unless a request for an extension is made in writing prior to the expiration date and extension is granted by the City Council.
4. The property is not located within the Park City Soil Ordinance Boundary and therefore is not regulated by the City for mine related impacts. However, if the property owner encounters mine waste or mine waste impacted soils the property owner must handle the material in accordance with state and federal law.
5. The City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans is required for compliance with City standards and is a condition precedent to building permit issuance.
6. The Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.
7. The Applicant shall coordinate with Park City and Wasatch County entities regarding public improvements as outlined in the Deer Crest Interlocal Agreement.
8. Within six months of the modification to the Master Planned Development approval, the Applicant shall submit a phasing plan as part of the Development Agreement in a form approved by the City Attorney's Office and Mayor.

9. The City Engineer shall review and approve the final Founders Place Phase I Condominium Plat mylar prior to recordation with Wasatch County for compliance with Park City Design Standards, Construction Specifications, and Standard Drawings.
10. The Applicant shall work with the Engineering Department to address subsurface drainage and storm water drainage, prior to submitting a building permit.
11. Slope stability analysis completed by a geotechnical engineer prior to submitting a building permit, to be reviewed and approved by the Engineering Department.
12. The Applicant shall dedicate the four-foot soft-surfaced Pipeline and Village Trails for public use on the subdivision plat, as approved by the Trails & Open Space Manager and City Attorney's Office.
13. No Certificate of Occupancy shall be issued until Final Grading is completed and Lots are recovered with top soil an average depth of at least six inches, which shall contain no particles over two inches in diameter over the entire area of the Lot, except that portion covered by buildings or included in Streets, or where the Grade has not been changed or natural vegetation damaged.
14. All disturbed areas on Lots shall be covered with topsoil and re-vegetated at a minimum with seed sown at not less than four pounds to each one thousand square feet. In the spring, seed shall be sown between March 15 and May 15; in the fall, seed shall be sown between August 15 and September 30. The seed shall be a native grass seed mix approved by the City and shall have been tested for germination within one year of the date of seeding.
15. Interior and exterior fire sprinkler systems may be required of all projects based upon an analysis of the size of the Structures, vegetation surrounding the Structures, and location of the project as it relates to Fire District response time, to be determined with the Wasatch County Fire District.
16. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land or left deposited on any Lot or road at the time of issuance of a Certificate of Occupancy and removal shall be required prior to issuance of any Certificate of Occupancy.
17. Prior to submitting a condominium plat mylar for Phase II, the Applicant shall submit a party wall agreement for the shared wall between Lots 1 and 2 in a form approved by the City Attorney and Chief Building Official.
18. The on-site affordable housing obligations outlined in the approved Housing Mitigation Plan shall be satisfied prior to City issuance of a Certificate of Occupancy within each phase of the project.
19. The Applicant shall submit draft deed restrictions in compliance with the approved Housing Mitigation Plan for review and approval by the Planning, Housing, and Legal Departments prior to submitting a subdivision or condominium mylar. The

deed restrictions shall be approved, executed, and recorded simultaneously with the condominium plat.

20. The Applicant shall submit a draft Founders Place Homeowner Association Declaration that includes the affordable housing obligations outlined in the approved Housing Mitigation Plan for review and approval by the Planning, Housing, and Legal Departments prior to submitting a condominium mylar. The Declaration shall be approved, executed, and recorded simultaneously with the condominium plat.
21. No Certificate of Occupancy for any market rate unit shall be issued by the City until the affordable employee units required for that phase of development are complete and deed restrictions, in a form approved by the City Attorney's Office, are recorded.

The motion was also to include the veto language presented by the City Attorney during this meeting. Commissioner Johnson 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 9:30 p.m.