



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
APRIL 24, 2024**

COMMISSIONERS IN ATTENDANCE: Chair Sarah Hall, Vice Chair Christin Van Dine, Laura Suesser, Bill Johnson, John Frontero, Henry Sigg, Rick Shand

EX OFFICIO: Rebecca Ward, Planning Director; Virgil Lund, City Planner; Lillian Zollinger, City Planner; Spencer Cawley, City Planner; Jason Berntson, Planning Technician; Jaron Ehlers, Planning Technician; Mark Harrington, City Attorney

1. ROLL CALL

Chair Sarah Hall called the meeting to order at approximately 5:30 p.m. She announced that all Commissioners were present, with the exception of Commissioner Henry Sigg and Commissioner Christin Van Dine, who were expected to join shortly.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from March 27, 2024.

MOTION: Commissioner Bill Johnson moved to APPROVE the Planning Commission Meeting Minutes from March 27, 2024. Commissioner Rick Shand seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission. Commissioners Van Dine and Sigg were not present for the vote.

B. Consideration to Approve the Planning Commission Meeting Minutes from April 10, 2024.

Commissioner Sigg joined the meeting.

MOTION: Commissioner John Frontero moved to APPROVE the Planning Commission Meeting Minutes from March 27, 2024. Commissioner Shand seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission. Commissioner Johnson abstained from the vote as he was not present at the April 10, 2024, Planning Commission meeting. Commissioner Van Dine was not present for the vote.

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director Rebecca Ward reported that per the Planning Commission's recommendations last year to amend the Land Management Code ("LMC"), appeals of Planning Commission final action were no longer reviewed by the City Council; rather, a new three-member Appeal Panel now reviewed appeals. She stated that the City Council adopted those recommended amendments, and in July 2023 established the Appeal Panel. City Council appointed Adam Strachan, Esteban Nunez, and Matthew Day to serve on the Appeal Panel. The Appeal Panel met for the first time in March to review the appeal of a denial for a sports court at 1115 Aerie Drive, and as a result of that review remanded it to the Planning Commission for review. That item is on tonight's Regular Agenda.

Director Ward also updated the Commission on the status of other pending appeals. She stated that the 220 King Road approval was scheduled for a hearing before the Appeal Panel on April 30th at 5:00 p.m. There was also an appeal of the Planning Commission's approval of the Smith Subdivision, scheduled for a hearing before the Appeal Panel on May 6, 2024.

Additionally, an appeal of the Planning Commission's denial of the 844 Empire Avenue Plat Amendment to change access from Empire Avenue to Crescent Tram Road was not yet scheduled for review by the Appeal Panel.

In response to an inquiry, Planning Technician Jaron Ehlers stated the address for the Smith Subdivision was 2685 Meadow Creek Drive.

Director Ward thanked the members of the public who were in attendance at the meeting and reminded those wishing to comment to state their full name and sign in. Comments would be limited to three minutes or less and should be directed to the Commission and not to the applicant or others in attendance. She also reminded speakers to be civil and address matters in the pending application before the Commission.

Commissioner Shand disclosed that he is a member of Park Meadows Country Club. He stated he would not be recusing himself from Regular Agenda Item 6.D., as his membership would not affect his vote on this item.

Commissioner Frontero also disclosed that he is a member of the Park Meadows Country Club, and stated he would be able to make an impartial decision on Regular Agenda Item 6. C. He did not recuse himself from this item.

Commissioner Sigg disclosed that for Work Session Item 5.A., he was originally contracted to purchase Snow Creek Drive, and was involved in the design of the current facility prior to the development of the Utah State Liquor Store, the coffee shop, and the Key Bank. He stated he would not recuse himself from that item.

Commissioner Johnson reported that for Regular Agenda Item 6.B., the Wildlife Management Plan and Open Space Management Plan were prepared by SWCA in 2001. He is a current employee of SWCA but was not employed with them in 2001. He stated this would not affect his decision on that matter.

With respect to Regular Agenda Item 6.C., Commissioner Johnson disclosed that his father-in-law was the original owner of Hidden Hollow LLC, which was part of the settlement agreement

with Telemark Park. He reported that he was not privy to any of that information, and it would not affect his decision on the matter.

Chair Hall acknowledged that Commissioner Christin Van Dine joined the meeting.

4. PUBLIC COMMUNICATIONS

There were no public communications.

5. WORK SESSION

- A. 1300 Snow Creek Drive – Minor or Substantive Determination for a Modification to a Master Planned Development** – The Applicant Proposes to Construct 29 Additional Parking Spaces at the Snow Creek Master Planned Development. PL-23-05780.

City Planner, Virgil Lund reported that the applicant was present as represented by the property manager for the Snow Creek Marketplace. This application sought modification to a Master Planned Development (“MPD”). The applicant proposed to construct 29 additional parking spaces with two Electric Vehicle (“EV”) Charging Stations. He presented a site plan that illustrated the location of these spaces. Planner Lund summarized the extensive background of this property. He stated that in April 1993, the Planning Commission originally denied a Large Scale MPD. That decision was appealed to the City Council, which then approved the MPD and removed the residential portion of the development.

In September 1993, the Planning Commission approved the MPD with 90,000 square feet of commercial shopping space. In October 1993, two Conditions of Approval were appealed to the City Council. He reported that the City Council removed the requirement found in Condition of Approval 17 that required the applicant to enter into an agreement with the City for event parking. He noted that the Final Action Letter contained in the packet might be slightly misleading as the first page had some communication from Staff and the applicant. He stated, however, that Condition of Approval 17 was removed.

Additionally, the City Council required that 365 parking spaces be constructed as part of the development instead of a total of 446 parking spaces over the course of three phases. Planner Lund reported that when the liquor store was constructed in 2006 42 parking spaces were removed. He presented a graphic showing the location of the liquor store and the parking spaces that were removed.

According to LMC Section 15-3-6, Planner Lund explained that the existing uses at the Snow Creek Shopping Center require approximately 396 parking spaces. There are currently 324 existing parking spaces, and the applicant has proposed 29 additional parking spaces for a total of 353 parking spaces. He explained that the Minor Modification Criteria include modifications that do not trigger additional off-street parking demand, do not reduce Open Space, and do not increase traffic by 5% or more.

Planner Lund reported that the applicant proposed to bring the MPD into greater compliance with the Finding of Fact regarding the number of parking spaces to be constructed originally. There were no other proposed changes to the Conditions of Approval. None of the dedicated Open Space parcels, which total 24 acres, would be affected by this proposal. There would still be

approximately 55,000 square feet of landscaped Open Space, which would total approximately 38% of the parking area. Therefore, this project would continue to meet the 30% Open Space requirement for the MPD. Planner Lund reported that Staff recommended the Planning Commission review the proposal and consider whether the modification to the MPD would be considered Minor or Substantive.

Applicant-representative Kent Gibson reported that he is with Capstone Property Management, the property manager for the site. He stated they had been the property manager for this site for close to eight years. As he expressed his intent to retire, he promised the property owner to do some housekeeping that involved evaluating the site. As part of this evaluation, he was significantly concerned with three issues. First, the site does not have good ADA parking for the market and he would like to have the ADA parking closer to the market. He noted that during the last major snow event, it became obvious that the areas between the liquor store and the market were overdone with snow removal due to the way it was built. He stated they want to remove some of the curb areas to be able to create a more efficient snow removal process. The third issue they were trying to solve was related to some of the parking issues that were created when the liquor store was constructed. He added that they looked at where they could gather some additional parking and do so appropriately. Applicant-representative Gibson stated they were not trying to do anything overly significant, but wanted to help provide better public access and availability for this site.

Chair Hall invited clarifying questions from the Commission.

Commissioner Shand acknowledged the applicant's intentions with respect to this application and mentioned Planner Lund's comments regarding installing EV Charging Stations. Applicant-representative Gibson reported that they had been working on this for a year or longer, and had taken input from the Planning Department as they have worked through the process. He stated that the EV Charging Stations were one of the requirements suggested by Staff, and they would incorporate two EV Charging Stations, one of which would be ADA-compliant.

Commissioner Suesser asked if the issue was that the parking was currently not ADA-compliant, or whether the location was further away from the market. Applicant-representative Gibson stated the ADA parking was located out in the field, requiring a patron to cross over the traffic lane in order to get to the market. If they were constructing this site anew, the ADA codes would require ADA parking closer to the market with direct access.

On the issue of whether this would be Minor versus Substantive Modification, Commissioner Johnson offered that based on the Planning Commission's Final Action Letter from September 23, 1993, he questioned whether there was current compliance with many of those items. He asked if this Commission could address those issues with either a Substantive or Minor Modification to the MPD.

Senior City Attorney, Mark Harrington stated that if the issues did not implicate the standards of Substantive versus Minor, they might raise them for Staff to follow up on if the Commission agreed it was Minor. If it was Substantive, the Commission could request those be addressed when this item is scheduled for Final Action. He added that it would only come back to the Commission if it determined that the modification was Substantive. He stated the first threshold issue was whether this would be a Minor or Substantive Modification. Thereafter, the pathway to address any issues could be defined.

Commissioner Suesser noted that this was a Work Session, and wondered if the Commission was being asked to determine whether this would be a Substantive or Minor Modification. Director Ward explained that for the initial determination, there would be no public hearing required; however, if this was determined to be a Minor Modification, then the application would be reviewed at the Staff level. If the Commission determined this to be Substantive, then it would come back to the Planning Commission for final action.

Commissioner Suesser had some questions about this application as well and expressed that she would need more information before making a decision on whether it would be a Substantive or Minor Modification.

Chair Hall directed the Commission to address the criteria for a Minor Modification as presented by Staff.

Commissioner Suesser observed that the proposal decreased Open Space, although not below the percentage required by the Code. She felt that given the plain meaning of the analysis, because the proposal would reduce Open Space it would trigger a Substantive Modification. Planner Lund clarified that the proposal would reduce the landscaped Open Space; however, the dedicated Open Space parcels included on the Plat would remain.

Commissioner Johnson noted that the Open Space would be reduced, but it would still be compliant with the Code. Commissioner Suesser proffered that if the proposal would reduce Open Space that would trigger a Substantive Modification. Commissioner Johnson agreed that was how he read it, and reiterated because there were some existing compliance issues with the property, his initial position was to consider this a Substantive Modification. He acknowledged that relying solely on the Open Space criterion would be a challenge. He desired to clean up some of the compliance issues and noted some were positive and some were negative, but felt there were ways to amend the MPD to benefit the community and the owner.

Commissioner Suesser also felt there were some issues in the application that needed to be addressed, particularly the amount of overflow parking in this center by Hotel Park City employees. She reported that she raised this issue with Planner Lund before this meeting, and asked the applicant to address it. Applicant-representative Gibson reported that there was no agreement that allowed Hotel Park City employees to park at this center, and additionally, he had contacted the employer to advise that the hotel employees were not allowed to use this parking lot. He added that prior to his involvement with this property, Hotel Park City had asked for some sort of agreement during construction activities at the Hotel, but nothing had been in place for years.

Commissioner Johnson noted that approximately 15 cars were shown parked on the aerial image, and asked if the applicant proposed to remove those and make this a non-parking area. Applicant-representative Gibson stated those spots were not part of their parking count, and was something that occurred organically due to insufficient parking. He added that they had not taken steps to tow those vehicles, but reiterated this area was not part of the applicant's recognized parking area, nor were they trying to make it part of the recognized parking area. Applicant-representative Gibson confirmed that was also the situation at the hammerhead and added that they sometimes had food trucks parked there that they needed to have towed. He stated the applicant has an ongoing agreement with Park City Towing to tow cars that are not authorized to park in those areas.

Commissioner Johnson requested some ideas to address that, as he lives nearby and walks by every day. He noted there are constantly vehicles parked in that area and at the hammerhead. He also mentioned that tour buses park in that area as well. Applicant-representative Gibson stated that he has told tour bus operators that the site was not built to allow tour bus parking. He offered that by building additional parking spaces that are close and convenient, they hope that some of this other parking would go away. He stated the purpose of the drive lane is vehicular traffic whereas the hammerhead is used for deliveries. He stressed this was part of the reason they were trying to address this issue. He stressed that the challenge they have as property managers is that if they start towing the tenant's customers that would become problematic. He stated they were trying to solve the issue without becoming aggressive.

Commissioner Johnson noted the constant non-compliance with parking in that area and in the hammerhead, and would ideally like to see a plan in place to address that non-compliance. Additionally, as he looked at the proposed ADA parking, they would remove four spots in front of the market. Applicant-representative Gibson stated they would add one more space in that area for EV Charging. He stated they worked through this with the Building Department to make certain that this plan conformed to ADA requirements. Planner Lund confirmed that the Building Department signed off on the site plan presented as part of this application.

Commissioner Johnson observed that the plan would only leave two spots for ADA parking in front of the market. Applicant-representative Gibson stated that the Building Department also had them place two more ADA parking spaces on the other side for the other entry. Those two spots would still require the users to go across the road. He added that the Building Department required them to spread out the ADA parking stalls so they could function with the curb cuts.

Commissioner Johnson noted that was interesting, but trusted the Building Department's input. He noted, however, that it appeared there would actually be a deficiency in ADA-compliant parking spaces directly in front of the two most popular businesses: the market and the liquor store. He noted that the ADA spaces near the dental office would require a patron to navigate the blocked-out sidewalk all the way to the market. Applicant-representative Gibson clarified that the sidewalk along the street face is approximately 9 feet wide, and the sidewalk by the dental office is approximately 19'6" wide and would not be removed. He confirmed that the major sidewalks were all in place and would remain.

Planner Lund recalled that the Building Department reasoned that instead of having the ADA spaces in front of the market and across the road, they wanted the spaces to have direct sidewalk access so users would not have to cross the road to get to the market. Commissioner Johnson observed that the sidewalk on the street side directly in front of the market was too narrow and not ADA-compliant. Applicant-representative Gibson stated there would be ADA parking on both sides and explained that the Building Department wanted ADA on both sides so there would be ADA spaces for the other side of the market.

Commissioner Johnson next referenced the maintenance and management plan for the development set forth in the Final Action Letter. This requirement included maintenance of the trails, walkways, bike racks, bus shelters, and more. He noted that those areas did not appear to be maintained on a consistent basis. He added there was no real sidewalk access from any of the public trail meet-points surrounding the development. He made particular mention of the west side where there was no connection point from the major McLeod Creek public trail to the shopping center, as well as no available curb cuts. He clarified for the applicant that the area to the west is the area where Hotel Park City employees have parked.

Applicant-representative Gibson noted there was a sidewalk along there, and if they created a curb cut he asked if that would satisfy Commissioner Johnson's concern. Commissioner Johnson agreed and stressed that this occurred on both sides, so they would need to figure out a way to connect the public trail to the shopping center sidewalks. He felt this would somewhat balance out the fact that the project was under-parked based on the center's current uses. It would also provide the community a benefit that would allow them to access this area safely.

Commissioner Johnson also mentioned keeping the sidewalks maintained. Applicant-representative Gibson stated that last year they performed substantial sidewalk work, as well as work on the storm water basins on the west side to make sure they were working well. He stated he would be open to Commissioner Johnson's suggestion of a curb cut off the trail.

Commissioner Johnson suggested it would be good for the applicant to sit down with the Trails Department before coming back before the Commission. Applicant-representative Gibson stated they would be happy to do that, and added that they were working with the Trails Department on the Snow Creek crossing on Kearns Boulevard.

Commissioner Johnson also addressed Condition of Approval 5 that no outdoor display of merchandise would be allowed without a Conditional Use Permit ("CUP"). He felt this was something that could be evaluated at the Staff level. He was unsure if the outdoor dining was compliant. Applicant-representative Gibson was also unsure whether the outdoor dining would be compliant with that Condition and explained that some of that arose during the pandemic. He stated that Wasatch Bagel had talked about creating an area for dining.

Commissioner Johnson clarified that he liked the outdoor dining, but noted the language in the Final Action Letter that "outdoor dining may be considered by the Planning Commission as a Conditional Use," and suggested making that an administrative use so it would be easier for the applicant.

Commissioner Johnson noted that the storm retention pond is and has been polluted for 14 years. He personally pulled three empty motor-oil bottles out of the pond and expressed concern that Park City Municipal owned the adjacent land that is classified as protected wetlands. Therefore, the polluted storm retention pond was not only draining into the City's land but also into the protected wetlands. He suggested that anyway this could be addressed would be appreciated.

Applicant-representative Gibson reported that the year before last, they received a neighbor complaint about trash in that area. He stated they noted that when snow was being relocated, they could have been part of the trash in that area; therefore they had cleaning crews clean up the entire area. He stated they would have the crew do the same thing this year. He mentioned that the oilcans were coming from somewhere else, but stressed they were trying to keep the area cleaned as best as possible. Commissioner Johnson understood but felt that under the Final Action Letter, it was the applicant's responsibility to maintain and manage the property.

Chair Hall suggested the Commission look into the issue of Minor versus Substantive Modification. She felt that the criterion that addressed the addition of off-street parking was moot because the applicant did not propose to add square footage. She also mentioned the component regarding increasing traffic by 5%, as the applicant would be adding stalls based on their ratio.

Commissioner Frontero opined that by adding 29 spaces, they would increase parking by 9 percent. He felt that adding 9% more parking would increase traffic by more than 5%, thereby piercing the Substantive threshold.

Commissioner Suesser expressed concern about the applicant's statement that the overflow parking was coming from Hotel Park City employees. Applicant-representative Gibson clarified that he did not know for sure, and noted that today no one was parked there. He stated that it happens, and many times people cannot find a parking spot and that's where they go.

Commissioner Suesser noted the golf course was closed and there was no more Nordic skiing. She asked if the applicant undertook any efforts to monitor who used the parking lot because traditionally the Planning Department and City prefer not to pave their way out of problems. If there is overflow parking from Hotel Park City, for instance, they may need to find another place to park their employees. She agreed there was a need for additional parking, but she wanted to understand how that parking was being used and by whom. Commissioner Suesser wanted to see a Parking Management Plan in place wherein the applicant would monitor the parking before undertaking to pave their way out of the problem. She added that she was not saying she was completely opposed to this application and felt it was reasonable; however, these larger issues should be addressed in conjunction with any additional parking stalls.

Applicant-representative Gibson reported they had been active in letting the Hotel know that their employees cannot park there. There was initial verification that employees were parking there, and often it was the tenants who let property management know if they saw someone abusing the parking at the site. He assured that they act on that information, and mentioned the agreement with Park City Towing and the signs they erected to discourage parking in those areas. He stated that unless they actually saw the users, it was difficult to monitor who was parking there. He also spoke with the market operator about skiers who patronize the market and then leave their vehicles in the lot. The market requested that these vehicles not get towed because they view them as customers of the market.

Commissioner Johnson suggested making the entire overflow area a "No Parking" zone, as it already is not part of the center's parking area. If they need the spaces, then the applicant could come back. He noted that the concern was that the parking spaces were to be used for the uses at the Snow Creek Shopping Center, not for the adjacent properties. Applicant-representative Gibson stated that the east side utilization of the overall parking worked fine and there were available stalls on that side; however, the areas by the liquor store and the market were where they saw the over-demand that had never been solved. He did not believe it was just a matter of people poaching during certain times of the day; rather, there was simply a lot of demand. He confirmed that they needed the additional spaces outlined in this proposal because they lost 54 spots when the liquor store went in. Commissioner Johnson focused on the overflow issue on the west side.

Applicant-representative Gibson expressed hope that with the addition of parking spaces as proposed, the overflow parking along the curb by the trail would go away. Commissioner Johnson felt that the additional spots would not really allow room to come out, and his thought was to eliminate that overflow parking altogether if possible, or the applicant could include it in this proposal and add spots in that area as long as it was compliant.

Applicant-representative Gibson reported that because that is a truck lane, they assumed they could not add parking in that location.

Commissioner Sigg suggested that a formal Parking Study might help address some of the concerns expressed by the Commission. The Parking Study could analyze peak use times and the adequacy of parking spaces, which could shed a lot of light on this discussion. Commissioner Suesser suggested adding information as to who is using the parking spaces. Commissioner Sigg added that a Parking Study might also address whether employees are parking in that area or if there was another alternative for employees to get to work. He observed that the central aisle that connects the market and the liquor store would be reduced under this proposal, and asked if the proposed sidewalk connecting these two uses would continue to be a raised sidewalk or be lowered to grade with bollards. He noted that currently, it was a pretty safe transition zone.

Applicant-representative Gibson stated this sidewalk would stay in place as is. The only thing that would be different would be the removal of the two flowerbeds at the end to facilitate snow plowing. He confirmed there would still be a buffer between the sidewalk and the back of curb at the parking. Commissioner Suesser agreed with the suggestion of a Parking Study and felt it would be helpful to include who is parking in the lot and address inadequate parking in that way rather than adding additional stalls.

Commissioner Shand asked to see the criteria for a Minor versus Substantive Modification. He did not feel that this proposal would trigger any additional off-street parking. He also did not believe that adding 29 parking spaces to an existing parking lot would increase traffic by 5% or more, as there would be no change in the footprint of the parking lot other than removing some of the median strips.

Commissioner Shand understood the points about not reducing Open Space, and noted that theoretically, this proposal would reduce Open Space; however, he stated it would not reduce Open Space below the threshold. He expressed this was the only real trigger point for him and stated that the Commission was not tasked at this time with looking at those other issues.

Commissioner Shand recognized the concerns expressed by other Commissioners, and agreed that there were likely improvements that could be made; however, considering the proposal before the Commission, he felt that a proposal that would add 29 parking spaces, add EV Charging Stations, and increase ADA parking would in his mind be a Minor Modification.

Commissioner Van Dine agreed with Commissioner Shand and did not feel the Commission required a Parking Study for 29 parking spaces that would bring the applicant closer to compliance. She agreed this would be a Minor Modification. Planner Lund explained that a Substantive Modification is one that creates additional impacts and requires review of the entire MPD. This includes modifications to a Finding of Fact or a Condition of Approval, a change in use or increase in Floor Area that triggers additional off-street parking, or a change in use that increases traffic or reduces Open Space.

Commissioner Johnson understood how this proposal could fit within the criteria for a Minor Modification and did not necessarily feel the need for a Parking Study. He noted that the applicant was currently required by Code to have 396 parking spaces, and with the proposal would increase the parking to 353 parking spaces. He struggled because he could see this as a Minor Modification to the MPD, but at the same time, he would challenge the applicant's compliance with Conditions of Approval 4, 5, 6, 7, 7.4, and 10 of the Final Action Letter. He posited that they could determine this proposal to be a Minor Modification with direction to Staff to address each of the aforementioned Conditions.

Commissioner Johnson expressed that with this understanding he would be comfortable moving forward with this Minor Modification. He stressed he would like to get this property back into compliance with the Conditions of Approval.

In response to an inquiry, City Attorney Harrington explained that the Commission could ask Staff to focus on the issues raised, but expressed a preference that such direction be secondary to the threshold determination on the criteria.

Commissioner Suesser noted that references that the amount of stalls proposed would bring the parking into compliance. She asked for a breakdown of the parking that had been allocated and she questioned the calculation of the number of stalls required. She mentioned Silver King Coffee was allocated 34 stalls, and it is a drive-through.

Commissioner Suesser expressed that this proposal should be reviewed as a Substantive Modification because some other issues in the MPD should be addressed as raised by Commissioner Johnson. She felt that rather than just adding stalls, the applicant should monitor the parking lot so that the parking lot works more efficiently.

Commissioner Frontero agreed that there were issues with this lot that needed to be addressed as highlighted by Commissioner Johnson. That being said, looking at what is in front of the Commission he leaned towards viewing the addition of 29 parking spaces to an under-parked lot as being a Minor Modification. He requested a commitment from the property manager to address the items raised during this meeting. If the property manager made that commitment, he would be comfortable moving forward with a Minor Modification. Based on the statements made by the property manager, Commissioner Frontero felt comfortable that the applicant would address some of these issues; therefore he would consider this a Minor Modification.

Applicant-representative Gibson offered that they had been working with Planning Staff for over a year and demonstrated that they are flexible in trying to solve problems. He noted that by adding the ADA spaces they lost some other spaces, but they made the adjustments because that was the requirement. He stressed that the applicant was trying to do the best they could for the community and make this work.

Commissioner Sigg stated he was inclined to view this proposal as a Minor Modification. However, he concurred with the statements of some of the other Commissioners about fixing some of the issues raised during this meeting. If they could receive a commitment from the applicant, he was comfortable moving forward as a Minor Modification.

Commissioner Suesser asked if they could include some enforcement measures to make sure that the 'no parking' along the north curb was enforced. She felt they needed an analysis of who is parking there and whether they should be parking elsewhere. Planner Lund stated that Staff could work with the applicant to come up with something to monitor that area. Applicant-representative Gibson noted there are trails in that area, and sought clarification on whether people who park to use the trails should also be moved along.

Commissioner Johnson stated this was the problem with the parking along the street. He relayed that he is in the area every day and watches Hotel Park City employees park along there along with people using it for trailheads. He suggested that if the applicant wanted to keep this parking, and as long as it complied with City Streets and Fire requirements, then those spaces should be

marked on the parking plan so that they could be counted as additional spaces. Alternately, if the applicant does not want people to park there, they should make it a "No Parking" zone.

Applicant-representative Gibson reported that he worked with an architect on this issue, and his impression was that they were not allowed to put parking in that area because it would be against Fire Codes and other requirements. Commissioner Johnson stated that the applicant could then simply make it a "No Parking" zone. Applicant-representative Gibson stated they could paint the curbs red.

Commissioner Suesser asked what would then prevent Hotel Park City employees from parking in the parking lot. It was noted that would be on the applicant to enforce pursuant to the parking plan and the allocation of the parking spaces. Commissioner Suesser was more interested in having parking available for people who use the shopping center or employees of the shopping center rather than having others park there all day.

Commissioner Van Dine stated that would come down to the applicant's enforcement, and it is not the Commission's job to enforce. Commissioner Suesser explained that was why she suggested a Parking Study or a monitoring plan so they know who is parking there and can enforce the plan appropriately. Commissioner Van Dine questioned whether it was the Commission's job to tell the applicant that they had to do that. As the property owner of the allocated spaces, that would be the applicant's decision to enforce.

Applicant-representative Gibson stated he did not have first-hand knowledge that hotel employees were parking in that area, but he would be happy to tell the hotel their employees could not park there. He stated he talks with the tenants about who is using the parking lot and monitors it that way, with enforcement by towing.

Commissioner Suesser proffered that if Hotel Park City employees were parking along the curb, they were likely parking in the lot, which takes spots away from people trying to access the shopping center. She felt that was creating the need for the additional spaces proposed by this application without addressing the bigger problem of people who are not using the shopping center parking in the lot.

Chair Hall expressed that there was consensus on this application being a Minor Modification. She stated there was a lot of feedback from the Commission for the applicant and Staff.

B. Land Management Code Amendment – The Planning Commission will Conduct a Work Session to Review Proposed Land Management Code Amendments Regarding Steep Slope Conditional Use Permit Regulations for the Historic Residential-1, Historic Residential-2, and Historic Residential Low-Density Zoning Districts. PL-23-05673.

City Planner Lillian Zollinger reported that Staff recommended the following be incorporated into the Steep Slope criteria in the LMC:

- Add geotechnical criteria, which would be reviewed by the Building and Engineering Departments;
- Add regulations to terracing modifications, wherein changes to the plans would trigger a re-review before the Planning Commission; and

- Make the interior height regulation consistent within the Historic Residential – Low Density (“HRL”), Historic Residential – 1 (“HR-1”), and Historic Residential – 2 (“HR-2”) Zoning Districts, eliminate loopholes and remove the crawlspace definition.

Planner Zollinger reported that currently, nine criteria apply to a Steep Slope Conditional Use Permit (“SSCUP”) presented to the Planning Commission. Staff recommended the addition of an additional criterion for Geotechnical Analysis, as follows:

“The Applicant shall provide the Planning Department with a Geotechnical report prepared by a registered geotechnical engineer, engineering geologist, or other qualified professional. The report must include information such as soil characteristics and preliminary structural recommendations intended to inform for the design and mitigation of soil conditions, slope limitations, and/or ground water. The Engineering or Building Department may request additional information in the form of a Geotechnical survey if additional information is deemed necessary.”

She explained that this proposed criterion was reviewed by the Building and Engineering Departments.

She reported that Staff also recommended amending the criterion for terracing to read as follows:

“The proposed plans shall include detailed information, including height from Existing Grade and width on all proposed retaining walls. The Applicant shall terrace retaining walls to return to Natural Grade. If the height of the retaining walls is proposed to be modified by more than six inches in height, width, length, or location, the Applicant shall file a modification application with the Planning Department and return it to the Planning Commission for review and Final Action for any proposed modification to retaining walls. Additionally, modification of pervious material to impervious material or changes to excavation depths requires a modification application and Planning Commission for review and Final Action.”

Planner Zollinger explained that the impetus for this proposed amendment was that they often see excavators realizing that they need to construct a taller wall or change something from the plans. Staff would like that information presented to the Commission before that occurs so that those plans are continuous. If a builder unexpectedly encounters an issue, they would be required to return to the Planning Commission for re-review, thereby reducing modifications having to be reviewed by Staff.

Staff also recommended amending the interior height criteria. She reported that currently, the language in the Code regarding interior height in the HR-L zone states that “Structures shall have a maximum height of 35 feet measured from the lowest floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.” She noted that this language was inconsistent with the language for the HR-1 and HR-2 zoning Code, which states that interior heights should be measured from the lowest finish floor plane.

Planner Zollinger reported that Staff recommended removing “finish floor plane” and replacing it with language that interior height shall be measured from the lowest floor plane. This would make it consistent across all zones, and applicants would understand that 35 feet would be the absolute maximum depth for a floor plane. She noted that Staff also recommended the removal of the definition of “crawlspace” and including a definition of “lowest floor plane.” She stated this was

also reviewed by the Building Department and would state: “The bottom level of a structure, regardless of material (dirt, concrete, etc.), or the lowest point of excavation (excluding footings).”

Chair Hall noted that this was a Work Session, and the public hearing would be scheduled for a later date.

Commissioner Van Dine referenced the following language from SSCUP criterion 6 – Building Form and Scale, “Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District.” She queried whether they wanted to establish stepping back versus stepping forward, and noted that was an issue they ran into on King Road.

Commissioner Frontero agreed this was a good point to bring up and concurred with Commissioner Van Dine’s suggestion that the stepping should be back and not forward. If the Code just referred to “stepping,” then he would be in favor of amending it to state, “stepback.” Commissioner Van Dine noted that she liked the amendments proposed by Staff.

Chair Hall clarified that Commissioner Van Dine’s suggestion related to the Steep Slope Criteria, number 6. Planner Zollinger reported that it would be changed to “Structures must be *stepped back* with the Grade...”

Commissioner Johnson and Commissioner Shand expressed support for this change. Commissioner Shand sought clarification regarding eliminating the crawlspace definition. He questioned whether the 35-foot interior height limit would be measured from the dirt below the crawlspace. Planner Zollinger confirmed.

Commissioner Shand observed that would behoove people to construct slab on grade to maximize interior height. In terms of removing the definition of crawlspace in this section, Chair Hall asked if any other sections of the Code defined “crawlspace.” Planner Zollinger confirmed that it was only in this section in the LMC; she noted that it was also included in the Building Code.

Commissioner Johnson referenced the second SSCUP criterion – Visual Analysis and expressed that he wanted to start seeing real-time photographs included in the Visual Analysis. He felt that it was required with the application criteria, but they continued to see Google Earth imagery that was not real-time. He suggested looking to incorporate that as part of these LMC Amendments.

Planner Zollinger suggested adding, “The applicant must provide the Planning Department with a visual analysis, *with real-time photographs taken within six months...*”

Commissioner Suesser sought confirmation that the terracing requirement specified that the terrace must be wide enough for vegetation to be planted. She noted that landscaping was the idea of the terracing. Planner Zollinger suggested amending the proposed amendment as follows, “The Applicant shall terrace retaining walls to return to Natural Grade. *The terracing shall leave enough space for sufficient vegetation between the steps.*” Commissioner Frontero suggested identifying a specific measurement of three feet.

Commissioner Van Dine felt that specifying a dimension might be difficult as terracing is very site-specific, and it would come before the Commission for review anyway so the Commission would have input and flexibility.

Commissioner Suesser questioned the phrase “sufficient landscaping” and suggested tightening the language. Planner Zollinger reported this would come back to the Commission before it goes before the City Council for review and possible adoption.

Commissioner Frontero supported the balance of the proposed amendments. Chair Hall did not think minor modifications needed to come back before the Commission. She felt it would be sufficient for the Planning Director to determine the sufficiency of modifications to the width, length, or location of terracing within six inches of the plan.

Planner Zollinger reported that currently, Staff issues an Administrative CUP for walls in the Setbacks. She explained that the idea with these amendments was to encourage architects and builders to get it right the first time. If they want to make it Administrative, Staff could rework the language.

Commissioner Van Dine suggested changing the modification from 6 inches to provide a little more leeway for Administrative review, and once it becomes a more significant modification then it could come back to the Commission.

Commissioner Johnson would keep the language regarding modifications in the Terracing amendment as is. Commissioner Van Dine was agreeable either way. There was a question off the record, and Chair Hall reported that when these amendments come back before the Planning Commission as a Regular Agenda Item, it would be noticed for a public hearing, and public comment would be taken at that time. In the interim, the public could email planning@parkcity.org to provide feedback.

6. REGULAR AGENDA

- A. Land Management Code Amendments** – The Planning Commission will Review Proposed Amendments to Create a Maximum Lot Size in the Recreation Commercial Zoning District. PL-23-05821.

City Planner, Spencer Cawley, stated that these proposed LMC Amendments had previously been presented to the Commission. He presented a map that illustrated where Maximum Lot Sizes had been established. He stated these proposed amendments would address the area highlighted in red. He explained that the General Plan states that its goals were to preserve the character of the Recreation Commercial (“RC”) Zoning District to have development that is compatible in scale and design with the Historic Districts, as well as to provide context-sensitive development. One of the purposes of the RC Zoning District was to provide development that reflects traditional patterns, character, designs, and historic character.

Planner Cawley presented a map that highlighted the vacant parcels in the RC Zoning District. These amendments would allow for establishing the Maximum Lot Size for redevelopment. The proposal for a Single-Family Dwelling was a maximum of two Old Town Lots, and for Duplexes it would be four Old Town Lots. The Historic Sites that are on the Historic Sites Inventory would be exempt from the Maximum Lot Size, and Fourplexes in this zone require a CUP approved by the Planning Commission.

Planner Cawley noted that any Lots that had gone through a Subdivision or Plat Amendment prior to these regulations could be built according to the regulations in effect at the time of approval. These amendments would only affect amendments to Subdivisions or Plats moving forward.

Planner Cawley noted that during prior Planning Commission meetings, there was consensus to establish a Maximum Lot Size in the RC Zoning District. These amendments would allow for the preservation of smaller Lots, which would result in compatible infill and a balanced transition in development patterns. These amendments also aligned with the goals of the General Plan and support the purpose of the RC Zoning District. He indicated that Staff recommended the Planning Commission review these amendments, hold a public hearing, and consider forwarding a positive recommendation for the City Council's consideration on May 23, 2024.

Chair Hall invited clarifying questions from the Commission. There being none, Chair Hall opened the public hearing.

There was no public comment. Chair Hall closed the public hearing.

MOTION: Commissioner Johnson moved to forward a positive recommendation for Land Management Code Amendments to Create a Maximum Lot Size in the Recreation Commercial Zoning District, to the City Council for its consideration on May 23, 2024.

Commissioner Frontero seconded the motion.

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

Following a brief recess, Chair Hall called the meeting back to order and confirmed the attendance of all Commissioners.

- B. 2250 Deer Valley Drive South – Conditional Use Permit –** The Applicant Proposes a New Passenger Tramway (Ski Lift), Approximately 4.62 Miles of New Beginner Ski Runs, an 8,483-Square-Foot Terminal and Lift Storage Building, and a 375-Square-Foot Operator House in the Recreation and Open Space Zoning District and Sensitive Land Overlay. PL-23-05938.

Planner Lund reported that this application sought a CUP for a new lift at the Deer Valley Resort. He presented a graphic showing the proposal and the location of the new lift. He explained that this proposal was for a six-passenger ski lift, 4.62 miles of new ski runs, an 8,000-square-foot terminal, and a lift storage building which would come back for a CUP at a later date. The proposal also included an operator house for the lift.

Planner Lund highlighted the Draft Final Action Letter included in the Packet and pointed to some updated Conditions of Approval. Condition of Approval 13 addressed an update and amendment to the Open Space Management Plan.

Conditions of Approval 14 and 15 referenced the public trails affected by the construction of the lift and a re-route of those trails to be approved by the Trails and Open Space Department. He stated that Conditions of Approval 17 – 20 addressed wildlife management and mitigation.

Planner Lund reported that Staff recommended the Commission review the proposal, open a public hearing, and consider approving the CUP based on the Draft Final Action Letter. The following persons were present on behalf of the applicant: Steve Graff, Vice President of Mountain Operations for Deer Valley, Todd Bennett, President of Deer Valley, Wade Budge, counsel for Deer Valley, and Hannah Tyler, Vice President of Resort Planning.

Applicant-representative Tyler thanked the Commission for its continuing discussion on Lift 7 terrain and the lift itself. She also thanked the Commissioners and the members of the community for coming to Deer Valley last week for the site visit. Due to technical difficulties with the applicant's presentation, the Commission moved to Regular Agenda Item 6. C. Following the completion of that Agenda Item, the presentation on this Item proceeded.

Applicant-representative Graff reported that at the site tour on April 10th, attendees met at Silver Lake and went to the top of Flagstaff Mountain. At 9,100 feet, that provided a good view of Park Peak and the Lift 7 alignment. He stated the only part they could not see from that elevation was the bottom terminal. After viewing the area from Flagstaff Mountain, they skied down Ontario. In preparation for the site visit, the applicant flagged the proposed location of the bottom terminal as well as the lift carrier storage building.

Applicant-representative Graff reported that after spending some time at the site, they all went back down to Silver Lake and rode the Sterling Lift up, and then skied off Bald Mountain onto what would be the top of the new ski run down into the Lift 7 terrain itself. They then returned back to Homeward Bound just above the quad.

Applicant-representative Tyler added that during the site visit, the Commission recommended the applicant return with drone footage to provide current aerial footage. She explained that this new drone footage was overlaid onto the terrain, the lift, and the footprint for the bottom terminal.

Applicant-representative Graff presented the drone footage to the Commission with the overlay. He noted that the one to the far left was the one they did on the site visit. He stated that the graphic illustrated the Lift 7 alignment, which showed the ski run and the Lift 7 corridor together.

Commissioner Frontero understood that the applicant presented drone footage with the addition of the base and the lift. Applicant-representative Graff confirmed that the top

was also shown, and confirmed that this represented the 60-foot wide clear-cut required to install the lift in this area.

Commissioner Sigg asked if there was a drone image that did not have the overlay of the lift alignment and the clear cut of the right-of-way for the lift. Applicant-representative Tyler stated she would present that image.

Commissioner Shand asked what consideration was given to the placement of the lower portion of the lift in relation to the Trump and Ontario ski runs. Applicant-representative Graff stated it was a good area to put the bottom terminal for the lift, and the mazing would be similar to Northside where there would be lanes on either side. He added that the capacity of Lift 7 would be so great that they would not need a lot of mazing. They did not believe the mazing would stick out into Ontario.

Commissioner Shand observed that Ontario was pretty heavily traveled, and he did not want the maze to stick out. Applicant-representative Graff expressed that Deer Valley has always prided itself on delivering an exceptional and uncrowded experience. He stated that the crowding on Ontario referenced by Commissioner Shand was largely due to the circulating beginner skiers on that run. He noted they were using a connecting trail to teach beginners and circulate them.

Applicant-representative Graff proffered that Lift 7 would give them an opportunity that they currently do not have—a vast amount of terrain to circulate beginning skiers and not trying to teach them on a connecting trail that causes those conflicts. He added that Ontario would always be a connecting trail, but taking the circulating skiers off of it would create a much better experience for everyone.

Applicant-representative Tyler presented the drone footage of existing conditions with no overlay. Commissioner Johnson asked if there was currently a run going down the gulley, and Applicant-representative Graff responded there currently was not a run in that location. It was noted that two runs would come down east and uphill of the gulley.

Commissioner Sigg asked if the run would require a cut to make the aspect of the run graded as opposed to pitched. Applicant-representative Graff stated it would require a cut, and the run was contemplated to be 50 – 60 feet wide, which would be similar to lower Ontario today.

In response to Commissioner Van Dine's inquiry regarding the width of the run next to the retention pond, Applicant-representative Graff estimated it would be around 50 – 75 feet. He then corrected himself and said 30 – 40 feet, and would be more like lower Homeward Bound.

Applicant-representative Tyler stated presented a graphic to tell the story of the beginner experience, and how the grading would occur. She explained that the next series of slides addressed the Flagstaff Open Space Management Plan referenced in the Staff Report.

Not only would the improvements fall within the Recreation Open Space (“ROS”) and the SLO, but they would also fall within the Open Space Management Plan area of the Flagstaff Development Agreement. She reported that they worked with Staff on additional Conditions of Approval to amend the Open Space Management Plan, and they discussed waiting for the gondola to do that because it would require a change for that as well.

Applicant-representative Tyler explained that not only would the Open Space Management Plan memorialize that they re-route trails temporarily during construction and then return them upon completion of construction, but their intent was to memorialize Deer Valley’s Open Space tactics. She noted these tactics had evolved over the past 25 years, and the Open Space Management Plan did not reflect those changes. She assured those present that they would include some of the stewardship strategies in the Plan. She noted that they updated the map to show how Lift 7 would align. On this map, north is to the right and they found that the uses were consistent with what is listed in the Open Space Management Plan.

Applicant-representative Tyler provided a graphic that illustrated where they were in the last Commission meeting versus where they are today. She expressed that the applicant believed this was a permitted use in the ROS zone and complied with the SLO, which is consistent with the Findings of Fact drafted by Staff. She added that the applicant had met all the requirements of LMC Section 15-1-10(D). She stressed that the applicant had agreed to all of the Conditions of Approval proposed by Staff. She applauded Staff’s efforts and steps to make sure that Deer Valley was in compliance. Applicants believed that not only were the Conditions of Approval achievable, but they were the right thing to do.

Chair Hall invited clarifying questions from the Commission.

With regard to the Open Space Management Plan and lift alignments, Commissioner Sigg requested information on the small red line shown on the graphic. Applicant-representative Tyler reported that there would be a future carpet that would be in Wasatch County. She stated it would not land in the Open Space Management area.

Commissioner Johnson appreciated that Staff added the Wildlife Management Plan as well as the Open Space Management Plan. He struggled in that while he liked the current alignment of the lift, he found that the Open Space Management Plan and the Wildlife Management Plan were quite cohesive. The intention when the Flagstaff Agreement was made was to preserve certain areas for certain uses. He noted that the ROS and the Developed ROS (“DROS”) were defined in the Plan. He referenced page 486 of the Packet and commented that Section 1.1 of the Open Space Management Plan required compliance with the goals and objectives of that Plan, or an amendment to the Plan would be required.

Commissioner Johnson then referenced the goals and objectives of the Undeveloped ROS (“UROS”) listed on page 488 of the Packet that clearly defined that the UROS was

to be used for backcountry skiing or snowshoeing in the winter, and hiking or horseback riding in the summer. Some UROS contained trails suitable for mountain biking, but only on a limited basis relative to the DROS.

With respect to Condition of Approval 13, he suggested that the Wildlife Management Plan also be amended so that the two Plans create a cohesive document. He asked if there was a way to swap UROS with DROS in the designation to essentially re-designate the lands within the Open Space Plan. He interpreted that a lift was not an intended use based on the Wildlife Management Plan and the Open Space Management Plan.

Attorney Budge stated they scrutinized the Management Plan because Deer Valley had been living with it since its' adoption and was involved in its' preparation. He noted that it discusses DROS and UROS, but given how the resort is currently operating and intends to continue to operate with Lift 7, it contemplated lifts. He commented that the UROS was trying to get to the fact that there would be other uses, particularly in the summer. In this instance, the applicant was acting consistent with their understanding of this Plan. He noted this Plan was intended to operate as a guiding document and recognized that there would be a series of Small Scale MPDs and CUP applications that needed to take the Plan into account.

Attorney Budge stated that was what the applicant was doing. They were taking into account the Plan and recognizing that they would have trails in this area. He highlighted the level of ground disturbance as the distinction between DROS and UROS. He referenced the Grading Plan and noted they did not have any of the colored heavy areas within the UROS; instead, they would have the removal of vegetation for the run, which would then be re-vegetated per the standard.

Attorney Budge opined that this proposal was consistent with the Plan, but they recognized that as they accommodated other goals, including the gondola and connectivity, there would need to be further refinements adopted in the Open Space Plan. Therefore, in this approval, they felt they should communicate the need to bring forward what is going on at the site and have that reflected in an update to the Management Plan that would also include the gondola. He noted that the gondola would cross Lift 7, so that alignment needed to be accounted for as they update the Management Plan.

Commissioner Johnson understood and noted that his interpretation differed. He expressed that he was shocked that he did not see it as a lift service area where trails could be cut. That being said, he felt they could find a swap of the designation if there was land available within the large swath of DROS space. He understood the intention of the documents and noted there was no development at the time these documents were originally prepared. SWCA was tasked with finding those protection areas and designated the Morgan Pond area and Centennial as Protected Open Space so nothing could occur there.

SWCA then came up with DROS, which was intended more for lift services. He felt the UROS was more directed towards low uses such as mountain biking, along with continuity with existing mining trails that might have existed on those properties.

Attorney Budge stated he read it the same, with the exception that he saw that lift services were still contemplated for the UROS because those uses exist elsewhere in the resort. He agreed that Lady Morgan and Centennial had explicit restrictions called out and were worked into conservation documents. He added that when this was being done, there was an area where they did not want to have runs, and that was part of Iron Mountain.

Attorney Budge stressed that the subject area was identified as an area for skiing, and all of those associated uses permeate these documents. He acknowledged the Plans were well done, but they were ready for an update, particularly given the new opportunity for a gondola.

Commissioner Johnson stated he had a different mindset regarding this application when he first received the Packet. He questioned why they would not include an updated Wildlife Management Plan with the updated Open Space Management Plan. He noted that those Plans would not say that the applicant could not install Lift 7; rather, it would include mitigation techniques for potential wildlife corridors or habitat protection.

Attorney Budge offered that the Wildlife Plan talked about monitoring the wildlife during construction, as it would be a very dynamic element. As a result, he liked the Staff's Conditions because once this is approved, the applicant would then prepare a Construction Mitigation Plan and evaluate when they would actually begin construction. Their consultants will analyze the areas that would be disturbed for this project to make sure they do not interfere with any of the wildlife activity that occurs. He explained that they wanted to do the updates because they want to take into account the conditions that result from this project, and also bring the details for the gondola into the Plan.

Attorney Budge stated the gondola alignment that goes all the way to the County line would be part of the second phase of Snow Park, which they anticipated bringing before the Commission at the end of the year. He stated the idea was to have a Management Plan in the next six months that would anticipate that use, and by the time the gondola permit was approved they could see how that compared with the summertime activity.

Additionally, a good time to have the consultants analyze the area is during the melt season, so this is perfectly timed in that regard.

Commissioner Johnson felt the Wildlife Management Plan needed updating along with the Open Space Management Plan, but stated it would be helpful to have had some narrative on how the applicant interpreted what is allowed. He noted that it could come down to smaller issues such as whether the building would be allowed in the UROS. He stated that there was a potential wildlife corridor coming down the gulley.

Attorney Budge stated there were multiple wildlife corridors shown and they are in areas where they have lifts currently. He deferred to Applicant-representative Graff as to how they accommodate wildlife and noted that in the applicant's view, this lift would be a use that would not require any fencing that would interfere with the wildlife. He also stated that the first paragraph of the Open Space Management Plan contemplated that there would be refinements through the CUP process. Commissioner Johnson reiterated that he looked at it differently.

Attorney Budge offered that the Open Space Management Plan laid out the issues that needed to be considered so that as a CUP is presented, they do not gloss over those details. However, looking at everything that Alliance and others had submitted, they analyzed those components and identified what they need to address. Staff put that in the Conditions of Approval.

Applicant-representative Tyler clarified that the bottom terminal was located in the DROS, so the only parts of this proposal that would be in the UROS would be the upper portions of the lift and the top terminal.

Commissioner Johnson asked if there was anywhere in the entire Open Space parcel where they could swap UROS with DROS land. Attorney Budge stated that was not possible since the Plan is a management document and not a transfer of density or similar concept.

Attorney Budge stated that because they would prepare an update, any comments by the Commission would be taken into account in a fresh assessment. They could look at whether there would be areas where they could designate as UROS as they update the area over the next six months. He stressed that these Open Space values were important and it was clear that the Open Space was something enjoyed by people in a way that does not interfere with the other values. He felt that this proposal would make it so that people could get into this area in a way that was still protective of those other values.

Commissioner Johnson asked if they would have to update the Flagstaff Agreement in that the applicant would be updating this technical report, which is an exhibit to the Flagstaff Agreement.

City Attorney Harrington stated that the Flagstaff Development Agreement would not have to be amended; however, he reported the Commission to consciously choose their words. The applicant has used the word "update," whereas he opined that the Commission needed to approve the update. He reported that the Commission had the discretion to determine the intent of the Plan and the protection that it proposed, and whether the mitigation would be replaced by acreage in kind. He felt the Conditions of Approval proposed by Staff were somewhere in the middle of these two positions. It would provide the flexibility that there does not need to be an acreage for acreage exchange and was worded to contemplate that in combination with other measures that mitigate the difference.

He thought the only problem Staff would have with the explanation offered by Attorney Budge was that it was not just additional uses because that would make the UROS less restricted than the DROS. At the same time, Staff agreed that it was self-regulated and the lift uses and ski uses were reserved uses in all of the overlying regulations above. It was not until Deer Valley submitted its own Management Plan that it became designated as more of a current status as UROS. He stated this area was always subject to future management by Deer Valley, but it was within the Commission's prerogative to make sure that the original intent of the Open Space protections were still balanced.

City Attorney Harrington stated the Commission had the discretion to look at what mitigation it would like to see in that update that is not just descriptive of what Deer Valley does in that area.

Commissioner Johnson struggled with analyzing this under the CUP criteria without having that information to provide any sort of mitigation techniques. City Attorney Harrington offered that it was a combination of everything, and mentioned the Forestry Board going through the same exercise to a lesser degree. The Forestry Board wanted increased management techniques in order to approve the necessary disturbance for the cut. He stated the Commission was charged with a similar exercise in approving or not approving the updated proposed Management Plan. He stressed that the Plan was not just descriptive, but it had to contemplate flexibility to allow the resort to run the resort.

As with any mitigation, City Attorney Harrington explained that it must be reasonably tied to the objective outlined in the Code and what they are trying to protect. Summit Lands had conversations with the applicant as well, and Staff would continue to be a resource as they work through this and identify the potential amendment that could also accommodate the gondola, which is the bigger issue in the background.

Chair Hall opened the public hearing. She reminded the public that comments would be limited to three minutes and that comments should be directed to the Commission and not the applicant.

Diane Bode stated she would read the letter she sent to the Planning Commission. She was honored to be here to engage in respectful, open-minded discussion to more effectively evaluate the proposed Deer Valley six-pack lift and the housing facility for the chair lift off the Ontario run. She presented some of my background. She noted that it would help to understand that her primary concern with the Deer Valley proposal was safety. She is the Executive Director of Another Way School in Park City. With a Master's degree in early childhood education and an American Montessori certification, she worked here for over 20 years to integrate alpine skiing and equestrian training into an experiential academic program that is nature-based for children 3 – 12.

She was determined to use skiing as a vehicle for studying how children learn, and because she was an instructor certified in 1964 in the Western Division of PSIA, it made

sense because she loves skiing and Montessori. In that process, she developed a safe and effective instructional model for teaching adults to ski. By integrating perceptual motor theory, Montessori, and cognitive development, they developed the first integrated ski instructional program and it was presented as a pilot program at Dodge Ridge in 1979, at Squaw Valley in 1980, and Vail Beaver Creek in 1982.

Speaker Bode co-authored and fully illustrated a book draft with Dr. Rosemary Peterson and contributing author Dr. Carol Workman from the University of Utah. In 1988, PSIA published *Child-Centered Skiing-The American Teaching System for Children*. This ski instructional model was then introduced at Inner Ski in 1988 in Japan. Beginning at Dodge Ridge at the age of 10, she has 62 years of teaching skiing.

Speaker Bode stated that Deer Valley was her beloved home resort when Sal Raya was the Director of Skiing, and it remains beloved to this day. As someone who was given the opportunity to view the proposed site, offered the following for the Commission to weigh and consider. Having taught skiing at Deer Valley for 7 years, as well as free skiing at the resort, she was more than familiar with the proposed site. She understood the need for the access width to connect the east village ski resort complex to Deer Valley slopes, and resort complexes and to open access to new terrain to expand ski instructional services and open more green and blue runs for novice and intermediate skiers.

However, she expressed a very serious concern with the proposed site location that deserves focused attention on skier safety. There are converging runs that would have beginning, intermediate, and advanced skiers all moving at speeds on what is essentially a narrow trail or funnel that is already a dangerous gauntlet.

Chair Hall noted that Speaker Bode had exceeded her three-minute limit, but stated the Commission would be happy to read her letter and incorporate it as part of the record.

Speaker Bode stressed that she was asking that they look at the safety concerns because it would affect the ski instructors, the classes, and the general clientele of the resort. She stated she loves this resort and this industry, and Deer Valley carries a tremendous responsibility. She wanted to help in any way possible as her experience is deep and she has also been seriously injured on three occasions. She expressed that she wants this proposal to work, and it can but they have to figure out how to make it work.

Raelene Davis stated she is a Deer Valley skier. Unlike the prior speaker, she does not have teaching credentials. She thanked the Commission for the opportunity to lend her support for Deer Valley's desire to build a new lift on their expanded terrain. She has skied Deer Valley since it opened, and six of her grandchildren have learned to ski there. While they all had great experiences, she was always concerned when they advanced from the beginner terrain at the base to Success and then to Ontario, as these runs get very busy with beginners and others accessing the mountain. When she heard that the expanded terrain would include beginner terrain at the top, she was thrilled. She has

witnessed the excitement of beginners being able to access terrain at the top of the mountain, as it seems to empower these skiers and give them a sense of accomplishment.

Ski Utah introduces thousands of children and ethnically diverse adults to skiing each year through its programs and media. Many of these individuals learn to ski at Deer Valley Resort. Having them able to travel to the top of the mountain for their first lessons would be amazing as they would be able to experience the beauty of Utah's mountains and learn to ski on the greatest snow on earth. She added that the new lift and terrain would disperse the skiers around the mountain to provide a better experience for all visitors. She believed it would be safer to have this lift and terrain because it would disperse the skiers around the mountain beyond the Homeward Bound and Ontario experience. Speaker Davis stated that as a Utah skier and a Deer Valley skier, she supported this application to build Lift 7 which would provide access to additional beginner terrain. She expressed certainty that Deer Valley would not do anything that would be unsafe for their skiers.

Glenn Price stated he came to Utah in the 1970s and met Speaker Bode at the National Children's Symposium in the late 1980s. He was a member of the group that piloted the Ski Utah program in the early 1990s. He has been a coach and ski instructor since the 1970s. Speaker Price attended the site visit on this application and expressed three concerns. The first was that he was told the current design was 4,800 square feet for the storage shed at the base of the lift which would cover approximately 40% of the chairs. Another 30% of the chairs would be at the summit. He was told that the remaining 30% would be left on the lift cable, which meant they would be subject to weather. As a result, they would be prematurely aged and would need replacement.

His second concern was with respect to the current design, which has the new lift trails coming into the building with a very narrow corridor around the outside of the shed and access to the lower trails. This would mean that beginner skiers would be required to move past a very narrow corridor. Speaker Price's biggest concern was the number of skiers arriving lower on the hill. He stated there would be a convergence zone of Trump, Ontario, and Homeward Bound. This new lift would load the equivalent of a couple more trails' worth of skiers. More skilled skiers would be trying to get onto Homeward Bound. He expressed concern with the fact that this plan contained no description as to how they would operate in this area. Right now it is a collision zone, and he felt the Commission should address how Deer Valley would adjust this area with the additional load onto this trail.

Ted Ligety stated he had skied much of the newly expanded terrain and felt it would be some of the best. However, having six-year-old and three-year-old twins, he saw a lot of green runs with his children, and part of the experience of skiing with his children involved being in the mountains. Getting the kids out of the base area was an amazing experience. Speaker Ligety expressed that the view for these skiers was stunning, and having the beginners out of the base area and in a true mountain setting was valuable for the skiing

experience. He felt this proposal would be a great way to mitigate all of the congestion on Ontario. He added there was a great need to get more beginners and children out of the main congestion zones in the base area and into the mountain experience. He expressed excitement for the opportunity to take his children to this upper terrain that will be easier to ski while giving them a true mountain experience.

Mary Bransford Leader stated she is a fourth-generation property owner in 84060. She stated that earlier her sister, Ann Bransford, on behalf of Bransford Land Company, submitted a detailed written public comment. Skier safety and employee safety were of paramount importance to Bransford Land Company. They take pride in their land, their longstanding 40+ year relationship with Deer Valley, and with this community. Her daughters learned to ski at Deer Valley, and now her grandchildren are beginner skiers there. Over the years they watched the resort grow in skiers, amenities, lodging, hospitality, and reputation. They acknowledge and applaud Deer Valley and its' pride in its excellence.

Speaker Leader stated it was impossible for her to state the significance that Deer Valley holds to the Bransford family, which is why they feel responsible for supporting the resort's continued excellence. She noted, however, that the design and planning flaws related to Lift 7, and its' alignment and terminals were significant and would present safety issues that an alternative alignment would resolve. Additionally, impacts to the ski runs serviced by Lift 7, accessing Lift 7 and the increase in skiers that Lift 7 would bring to higher elevations could be resolved with re-alignment and a change in the ski run cutting.

On behalf of the Bransford Land Company, Speaker Leader asked the Commission to take public safety as seriously as they do and encourage Deer Valley to explore alternate alignments including one evaluated by Ecosign. In addition to the safety issues, she also felt that Deer Valley's proposal and Staff's Findings of Fact and Conditions of Approval failed to meet the requirements of the LMC. They also failed to satisfy protections for wildlife under the Flagstaff Agreement and the overlaying conservation easement.

Finally, Speaker Leader mentioned that based on precedent set by the Commission that was upheld by the Utah justice system, the applicant must prove compliance with its' own Development Agreement and Master Plan. She proffered that the Comfortable Carrying Capacity of the new Lift 7 and the effects on other lifts must be verified as safe and compliant with the Development Agreement. If the applicant was unable to confirm compliance with all Code and governing documents, she respectfully asked the Commission to continue this item or deny the application.

Benny Freeland stated that he resides in 84060 and is a frequent Deer Valley skier. He confirmed that Ontario is very congested. He was excited about everything else that Deer Valley was doing with the expansion of the east; however, for this proposal, he felt there might be a high environmental impact for a relatively low benefit for skiing. He was concerned about the impacts on the aesthetic beauty of the area, especially in the summer. Additionally, he mentioned the existing green train at Deer Valley. Speaker

Freeland also raised potential wind exposure at the top and low visibility for beginners. Finally, he expressed concern with regard to connectivity to the eastward expansion with already existing trails.

With regard to his first point, he stated it was unfortunate that they were hearing this application in winter, because in the summer that zone is absolutely stunning. He felt it would be sad to see cutting through the Aspen grove, which is a living organism that is connected underground. Additionally, Speaker Freeland stated that Deer Valley was 27% green right now, and the average of the other main Wasatch resorts was 11.5%. He noted the limited benefit of Lift 7 and highlighted the visibility at the top. There was inclement weather on a significant minority of days with high winds and snow, and limited trees at the top of Park Peak. He stated that when looking at the Deer Valley trail map, there were already several ways to connect the eastern side of the resort to the main resort. Therefore, there was not a huge need for connectivity and the natural impacts on this pristine land were not worth the benefits of this lift.

There was no further public comment. Chair Hall closed the public hearing.

Commissioner Shand noted that a number of the public comments focused on safety, primarily with respect to the queue to get on the lift. He asked if the applicant had looked at alternatives, and requested some insight as to why they chose this particular alignment.

Applicant-representative Bennett appreciated the comments and stated that the group before the Commission had a lot of pride in what they do in making sure they provide a great experience. Not only did they look at a number of options, but he stressed that this was the right plan and the one that would work for the resort and be safe for the resort. He reported that they developed and vetted the plan. They brought in two primary international and world-renowned resort developers, SE Group and Ecosign, to vet this plan. Applicant-representative Bennett stated they took this very seriously and brought in experts to look at it, and they felt good about the alignment.

Applicant-representative Graff added that this alignment would eliminate a lot of cross traffic and they would not have the skiers going in a lot of different directions. Both C, which comes around the north side, and I, which comes around the south side would come into the terminal on either side. He remarked that this was actually a very good location for a lift terminal.

Chair Hall stated safety was important to her as she is a Montessori mom and her children are in the ski program. Commissioner Johnson stated it would have been nice to have an image of how it would flow in during the site visit, but he felt if there were enough clearance, the line would not potentially impede the adjacent trail. Applicant-representative Graff confirmed that the mazing would not go out into the trail.

Commissioner Johnson asked about the Carrying Capacity for the lift. Applicant-representative Graff reported that it was 2,800, but added that they rarely run lifts at their

capacity. Commissioner Johnson stated it would be nice to have a conceptual from a safety standpoint.

Applicant-representative Graff added that the entire mountain was based more on comfort and experience rather than capacity, so whenever they talk about capacity that is not how Deer Valley does business. He added that they were trying to address all the concerns about safety with Lift 7. He stated that currently, they were teaching skiers on a connector trail. Being able to take those beginner skiers and move them to their own, larger location would decrease that conflict in Ontario.

Commissioner Johnson focused on the lift terminal congestion and asked about the distance between the corner of the building and the existing trail. Applicant-representative Graff estimated it was 100 feet, which was significant compared to other locations.

Applicant-representative Tyler stated that they had Ecosign review the plan as proposed, and they validated that this plan complied with the industry norms and could be deemed "safe." She felt there might be some confusion as to Ecosign's opinion, but stressed that they vetted the plan that was put together, and she would submit their letter confirming that validation. She reiterated that the applicant felt good about this plan, and two different resort-planning firms had vetted it. She expressed they did their diligence in knowing that it would be safe.

In response to an inquiry, she confirmed that the two firms came to the same conclusions.

Commissioner Van Dine sought clarification about the storage of the chairs. She understood that the chairs would be stored at the top terminal, the bottom terminal, and the storage shed so there would be no chairs on line during the summer. She asked if the chairs would be stored each night after hours. Applicant-representative Graff stated that 60% of the chairs would be stored in the building itself and the other 40% would be at the bottom terminal. He added that they also could store some at the top as well. He explained the chairs stack and would be stored inside the terminals, but the current plan was 60% in the building and 40% in the bottom terminal every night and all summer. The chairs are stored whenever the lift is not actively running, which also serves to preserve the views.

Commissioner Sigg asked if the Tramway Board approved this lift. Applicant-representative Graff reported they had not yet approved it, and Applicant-representative Tyler added that the Board would review it during construction to validate its' construction.

In response to a further inquiry from Commissioner Sigg, it was anticipated that the Tramway Board would look at this lift in the context of the gondola.

With respect to the geotechnical report in the Packet, Commissioner Johnson observed that it appeared to be related to the Park Peak gondola building and asked if it was related

to this application. Planner Lund explained that as part of the SLO, there were provisions for Staff to require the applicant to submit additional materials, one of which is a geotechnical report.

Commissioner Johnson noted that the geotechnical report included in the Packet was for a different area. Applicant-representative Tyler stated it was for the same region and addressed the same mountain. Commissioner Johnson referenced Figure 1 on page 368 and noted that was not Lift 7. Applicant-representative Tyler agreed that was not Lift 7 but rather depicted an adjacent area where The Lodge in Wasatch County was located. She confirmed this report would apply to this application because it addressed an area very close to the Lift 7 location; therefore there was a level of comfort that the geotechnical report for the top terminal would be similar to the one presented. There was discussion about the location on the map.

Commissioner Johnson asked if the applicant was required to submit a geotechnical report for the base terminal. Planner Lund stated that Staff could require the applicant to do so, but did not think it was necessary. Applicant-representative Tyler stated that the applicant would be back before the Commission for the building, as this application was only for the building pad. They could provide the Commission with a geotechnical report specific to that location at that time.

In response to an inquiry, she did not believe it would be a Steep Slope for the lower building pad.

Commissioner Shand referenced page 269 of the Packet which showed a view of the base of the lift. He asked about the significance of the accuracy of the drawing with respect to the location of the base terminal. He noted that the bottom terminal seemed to shift around a bit, and this drawing appeared to be a fair distance away from Ontario and Trump and more in the area of the two runs that come down around the perimeter of the new area. He noted that most of the concerns related to skier safety in the Ontario and Trump areas. He understood how this lift would alleviate the congestion in the gully of Ontario, but expressed concern about the ski school queuing up to get onto Lift 7.

Applicant-representative Graff confirmed that the drawing referenced by Commissioner Shand illustrated the location of the bottom of the lift. He added that the mazing would take place approximately where the "6s" were in the 8660 on the drawing, and on the other side just adjacent to that. The mazing would not run outwards into the ski run area. He confirmed this would be a left-hand up lift.

With respect to the Wildlife Protection Plan dated 2001, Commissioner Suesser struggled to accept that it had not been updated. She felt that in a number of places in the Staff Report, migration patterns were mentioned and they were not sure of the corridors or how they would be impacted by this lift. She felt that in order to move forward with this application, a Wildlife Protection Plan should be put in place rather than preparing it after and seeing conflicts that would then have to be addressed.

Commissioner Suesser commented that it was the Commission's obligation to ensure that this lift was in the least impactful location possible, and updating the Wildlife Protection Plan would help establish that.

Commissioner Sigg concurred with Commissioner Suesser. He appreciated the critical path outlined for the various reports and plans, but it would be much more beneficial to look at these in real time of how things exist today prior to the disturbance. He noted they were looking at data that was 22 – 23 years old and conditions had likely changed as the areas had been developed.

Attorney Budge agreed that was a great suggestion, and Conditions of Approval 18 and 20 would impose an obligation on the applicant to be very current in terms of their approach both in terms of construction and use. Commissioner Sigg appreciated the response but noted the applicant was seeking approval prior to seeing the data.

Chair Hall asked if the 2001 data was what was submitted for the wildlife habitat areas for the SLO analysis. This was confirmed. Attorney Budge stated there had been approximately 7 updates to the Open Space Management Plan but not the Wildlife Plan. This would be an opportunity to update that plan as part of this project. Commissioner Frontero agreed that what was submitted as Exhibit K was outdated and strongly felt that prior to a vote that the Wildlife Plan be updated.

With regard to Exhibit P, the Open Space Management Plan, Commissioner Frontero noted that was also created 23 years ago and was an important piece of information to consider. He stated that the Plan contemplated three areas: a protected area, and ROS divided into developed and undeveloped. He found that the UROS was very restrictive and not flexible as described earlier. He quoted from page 20 of the Staff Report that the "UROS forms the second largest type of Open Space within the Plan Area. While these areas may contain a variety of hiking, biking, and equestrian trails, these facilities do not dominate the character of the land. Native vegetation coverage remains largely intact, and forest stands do not exhibit high levels of fragmentation characteristics of the DROS. Consequently, these tend to have greater visual appeal and higher quality wildlife habitats relative to DROS."

Commissioner Frontero proffered that having a majority of the trail and required cuts for this plan located in the UROS was a challenge. As presented, he believed it was not compliant with the Open Space Management Plan. He was open to re-routing the lift or a plan that would make him more comfortable with building this in the UROS. He offered that the Flagstaff Agreement contemplated 1,511 acres in the Plan, and called out 937 acres, or 62%, for DROS and 459 acres, or 30% for UROS. Protected Open Space was approximately 115 acres or roughly 7% of the total land area.

Commissioner Frontero averred that if the applicant wanted to put Lift 7 in the UROS, he would like to see the 30% preserved at the end of the project. He suggested it would be

important to be consistent with the Flagstaff Agreement, and put back an equal amount of UROS acreage so that the UROS area would remain at 30%. Attorney Budge noted that the bottom lift terminal and the building were not located in the UROS. The only portion of this project in the UROS was the lift area, which would involve a cut of vegetation, but not of grading. He acknowledged there was also a ski run, which was a use found in both DROS and UROS throughout the mountain.

Commissioner Frontero opined that the definition of UROS did not contemplate ski runs. As he read the Open Space Management Plan, the UROS did not contemplate ski lifts or ski runs. Attorney Budge referenced page 4 which stated, "undeveloped Open Space may be skied in the winter and typically contains some summer trails." Commissioner Frontero stated that it does not state that UROS may be cut. Attorney Budge stated that these Management Plans were not regulating documents; rather, they were documents intended to guide the consideration of CUPs, Large Scale Master Plans, and Small Scale Master Plans. He recalled that in 1999 and into 2001, these documents resulted in certain zone changes, such as the POS zone. He added that in this particular instance however, there was no zoning restriction and the Management Plan did not rise to the level of a zoning restriction. He stressed this was a Management Plan approved by the Planning Commission to help guide future applications such as the one being presented.

Attorney Budge continued by stating that the documents state that the Commission must consider how this relates to other areas of the mountain. He did not want to view this document in an inappropriate manner considering how they regulate the use of land. The appropriate way to regulate the use of land was to determine if the use is included in the Use Table. This particular use is within the Use Table in the ROS zone. There was also a series of criteria that Staff required of the applicant. The applicant and Staff proposed mitigation to address the criteria, and to the extent that the mitigation was found to be lacking, the applicant would be happy to further discuss. He stressed that this language talked about this as a conceptual document designed to be implemented through a series of future land use approvals. This application is one of those land use approvals being sought.

Attorney Budge expressed concern about an acre-for-acre trade of land and identified another area of land as UROS that is currently designated DROS. Commissioner Frontero confirmed that was his intention. He agreed the Plan was a guiding document meant to guide future development such as this application. Attorney Budge questioned the amount of acreage that would be involved. He reiterated that there would be two applications and suggested that the updated information be presented between this application and the next. He viewed it as an opportunity to update this information but did not know if the applicant could go elsewhere in the resort to find an acre-by-acre trade. He stressed that the activities proposed for the UROS were the removal of Aspens, not a "heavy disturbance."

Commissioner Suesser commented that the Wildlife Plan had not been updated, so this proposal might disturb more than just an Aspen grove. Attorney Budge agreed but added

that the corridors would be preserved. He stated there was an opportunity to move forward with Lift 7, and in advance of construction, they would make sure there is current data for the construction activities and the planning process. As part of that, they would look at whether there would be a way to identify other areas that could be set aside to achieve the kind of trade suggested by Commissioner Frontero.

Attorney Budge stated they would be happy to look into that, but the applicant could not agree to a swap without analyzing whether there would be an area of land to swap. Commissioner Frontero stated that just as Attorney Budge was uncomfortable committing to a swap, he was uncomfortable committing to approving this project without seeing an updated Wildlife Plan.

Attorney Budge stated that an updated Wildlife Plan was not required in order to move forward. Commissioner Frontero emphasized that the Commission was charged with ensuring that the wildlife would not be greatly disturbed by this plan, and if it would be that there is a mitigation plan in place. Without an updated Wildlife Plan, it would be difficult for the Commission to address the required mitigation. Attorney Budge noted the Condition of Approval that would require an updated report prior to construction.

Commissioner Johnson requested a summary of the road map going forward. He understood that the applicant intended to update these plans, but was waiting on the gondola information to do so. Attorney Budge explained they would have these reports by the fall. Applicant-representative Tyler added that as soon as the snow melts they would have the biologist on site to do the work for the whole area regardless of whether they have the information on the gondola alignment. As soon as they have the gondola alignment, the biologist can then address that information as well.

Attorney Budge stated for the Wildlife Plan, they would narrow in on the area of construction with the biologist prior to construction. In terms of the update, however, they would be looking at a much broader area that would include the gondola. He commented that the original 2001 Wildlife Plan was prepared by a reputable firm, and they identified an area of particular concern that was located on the other side of Flagstaff. He acknowledged that they would intend to impact migration, which they would be held to in their Construction Mitigation Plan. Commissioner Johnson noted that if they find a species nesting in one of the proposed runs, then they would leave a patch of trees there. Attorney Budge stated they would have a wildlife consultant advise during certain activities in certain areas.

In response to Commissioner Frontero's question regarding runs and lifts in the UROS, Attorney Budge referenced page 3 of the Open Space Management Plan, in the paragraph starting with "To that end..." at the bottom of Section 1.2. He read as follows: "Some currently undeveloped areas have been proposed for ski lift run development." He acknowledged it talked about it in the immediate 8-year period; however, it communicated to the applicant that there would be certain impacts in those areas, and the idea of having the building outside of the UROS was consistent with their interpretation. He reiterated

that they tried to glean what was intended by this Plan and in that instance it was recognized that there would be trail development.

Commissioner Frontero stated he had a different interpretation, but appreciated the building being located in the DROS. Commissioner Frontero asked if the storage building would be required if they installed standard chairs as opposed to bubble chairs. Applicant-representative Graff confirmed that the storage building would not be required and the chairs would stay on the line. Planner Lund confirmed that the CUP for the building would come before the Commission at a later date. Commissioner Frontero stated that if this were put to a vote this evening he would struggle with this application and would be more comfortable with a continuation of this item.

There was discussion regarding continuing this item. Commissioner Shand stated that his concerns regarding safety were answered. Commissioner Sigg stated it would be helpful to have the capacity numbers and the intersections that people would use to get home, which also feeds into that capacity number. He encouraged the applicant to look at the congregation points for the beginner skiers. If the intent were to give beginner skiers the upper mountain experience, there would likely be more people at Snow Park starting their day in the ski school. He noted that everything starts at the bottom and drives toward the top.

Applicant-representative Bennett stated they would look at that, and added that they have a mix of Snow Park and people coming from different pods. If they get more beginners up on the mountain from Lift 7, they could look at how that would affect the end of the day. One of the options was for a beginner to take the gondola up to the top and then take the gondola back down at the end of the day.

Commissioner Sigg noted that was a point well taken, understanding that the East Village would have a pretty significant ski school base. He stated the way that is diffused would have a large impact on Snow Park, for example.

Applicant-representative Graff added that Lift 7 would also take people from Lady Morgan, Empire, and Flagstaff and would help with congestion.

With regard to the map before the Commission, Applicant-representative Tyler pointed out the location of the gondola from Deer Valley East Village, Lift 6, Lift 7, and Lift 17. Additionally, she confirmed that the section of DROS referenced by Commissioner Suesser was the gulley that they looked at during the site visit.

Commissioner Suesser commented that part of the Commission's obligation is to ensure that this lift was positioned in the least impactful location, and she wanted to understand why that alternative was not explored. She understood that Deer Valley did not own that property; however, if Deer Valley did own that property she queried whether the lift would go up that corridor because it was already naturally cleared.

Applicant-representative Bennett stated that was hypothetical since Deer Valley does not own that land. He stressed that Deer Valley had been a good partner with Bransford for many years, but the land referenced by Commissioner Suesser was not currently available and was in litigation.

Commissioner Van Dine expressed that she did not require further information to take action at this time, but would not oppose a continuance. Commissioner Johnson stated he had the information he needed, but felt a continuance would be helpful to allow the Commission to go through the Findings of Fact and Conditions of Approval.

Commissioner Suesser suggested a continuance and requested the applicant provide an updated wildlife study, as well as confirmation from the Tramway Board that Lift 7 would not be an impediment to bringing the gondola to Silver Lake and Snow Park. She liked Commissioner Frontero's suggestion of keeping the 30% UROS as part of this plan and encouraged the applicant to look into a land swap.

She was concerned about the environmental impact caused by this lift, but a land swap could help them get there.

In terms of public safety, Commissioner Suesser would like to see information on the Comfort and Carrying Capacity of this lift and noted the courts have stated the Commission had a duty to verify that for public safety reasons.

Commissioner Sigg concurred that it would be wise to continue this item, and would like to see it move forward at a good pace. He would like to see more of the data as discussed, as well as information on how the gondola would impact this application. He would not want this lift to limit the ability of the gondola to make that very important transit connection.

In terms of safety, he queried whether there was another way off the mountain from here because this would head back toward the top of Bald Mountain. He appreciated what Deer Valley was trying to do, but wanted to see more data.

Commissioner Johnson asked if they could have a Condition of Approval that would require a biologist on-site during construction. Attorney Budge stated that generally the biologist has to clear an area before construction, and agreed that could be included. Commissioner Sigg also felt it would be helpful to have a construction timeline.

There was discussion about the sufficiency of Condition of Approval 3. Applicant-representative Graff stated it was fairly standard to have lifts cross over other lifts, and as long as the gondola is enclosed, it would take the high ground over the other aerial lift.

Chair Hall suggested that the Condition be modified to include that the Tramway Board must approve this lift. Applicant-representative Graff did not believe the Board would

approve a hypothetical lift, and the applicant would have to present an approved design in order for the Board to approve it.

Applicant-representative Bennett stated they could address Commissioner Suesser's concern even if it would not be through a Tramway Board approval. There was discussion about the continued date for this item. Director Ward stated there was room on the May 8th Agenda.

MOTION: Commissioner Van Dine moved to CONTINUE 2250 Deer Valley Drive South – Conditional Use Permit – to May 8, 2024. Commissioner Suesser seconded the motion.

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

Chair Hall noted that it was 9:00 p.m. and two long Agenda Items were remaining. She stated that both she and Commissioner Van Dine would need to leave by 9:30 p.m. for childcare reasons. She noted there would still be a quorum and they could appoint a Chair Pro Tem.

- C. 11343 Snow Top Road – Conditional Use Permit** – The Applicant Proposes Constructing an Outdoor Swimming Pool (Private Recreation Facility) Eight Feet Wide by 12 Feet Long by Five Feet Deep (480 Cubic Feet) in the Estate Zoning District and Sensitive Land Overlay. PL-24-06055.

City Planning Technician, Jason Berntson, reported that the applicant's representative, Kevin Horn, was also present. Planner Berntson presented a graphic that illustrated the location of the property within the Hidden Hollow at Deer Crest Subdivision. He explained that the applicant proposed to build a swimming pool on the same site as the Single-Family Dwelling. This property is located within the Estate Zoning District. The swimming pool was proposed to be 12' x 8' or 96 square feet in size. The applicant referred to the pool as a swim spa and offered that it would only be used by the owner and their guests. He presented a graphic showing the location of the proposed pool.

Planner Berntson stated that the proposed pool met the Estate Zoning District Lot and site requirements, as well as the Hidden Hollow at Deer Crest Subdivision Plat requirements. In addition to being within the Estate Zoning District, this property is located within the Sensitive Land Overlay ("SLO"). In 1995, this Lot was subject to the Telemark Settlement Agreement that exempted this Subdivision from the provisions of the SLO; therefore applicants were not required to submit an SLO analysis for this project.

Planner Berntson reported that the proposed pool would be within the existing Building Pad and within an existing enclosed courtyard. Because this pool would be built within an already existing house, and the applicants would not add any footprint to the existing home. He identified the retaining walls that enclose the courtyard. Additionally, no

additional landscaping was proposed and the existing retaining walls would screen the pool from the surrounding properties.

Planner Berntson reported that this proposal, as conditioned, complied with the Estate Zoning District requirements and the requirements for Private Recreation Facilities. As conditioned, the proposal also complied with the LMC. He highlighted Condition of Approval 2 that no signs would be allowed. He also noted the Conditions that any lighting must be compliant and the applicant must comply with the Noise Ordinance, Chapter 6-3. Staff recommended the Commission review the CUP for a Private Recreation Facility, open a public hearing, and consider approving the CUP based on the Findings of Fact, Conclusions of law, and Conditions of Approval.

Chair Hall invited any clarifying questions from the Commission. There were none. She opened the public hearing. There were no public comments. Chair Hall closed the public hearing.

Commissioner Frontero found the application to be in compliance with the Estate Zone and had no concerns about this application. Commissioner Johnson felt this proposal complied with the criteria outlined in LMC Section 15-1-10.

MOTION: Commissioner Johnson moved to APPROVE 11343 Snow Top Road – Conditional Use Permit for a Private Recreation Facility, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter as follows:

Findings of Fact

1. The Site is located at 11343 Snow Top Road.
2. 11343 Snow Top Road is located in the Estate (E) Zoning District and the Sensitive Land Overlay (SLO).
3. The site contains an existing Single-Family Dwelling constructed in 2021.
4. 11343 Snow Top Road is Lot 2 of the Hidden Hollow Subdivision at Deer Crest.
5. In 1995, the Telemark Park Settlement Agreement was recorded that allowed for 4 Single-Family Plots in the current Hidden Hollow Subdivision.
6. On October 21, 1998, the property was annexed by Park City (Ordinance No. 98- 52).
7. On April 13, 2000, the City Council approved the Hidden Hollow Subdivision at Deer Crest.

8. The Lot contains 10.26 acres (446,925.6 square feet).
9. Private Recreation Facilities (outdoor swimming pool) are a Conditional Use in the RD Zoning District and require Planning Commission review and approval.
10. The 1995 Settlement Agreement exempts the Hidden Hollow Subdivision from the provisions of the Sensitive Land Overlay.
11. On February 2, 2024, the Planning Department received a Conditional Use Permit Application to construct an outdoor swimming pool.
12. The proposed outdoor swimming pool is for the benefit of the Property Owner and will not be accessible to the general public.
13. The proposed outdoor swimming pool is located within an enclosed courtyard behind the Single-Family Dwelling.
14. The proposed outdoor swimming pool is within the platted Building Pad.
15. Front Setback – The required Front Setback in the E Zoning District is 30 feet. The outdoor swimming pool is set back approximately 200 feet from the front property line.
16. Side Setback – The required Side Setback in the E Zoning District is 30 feet. The outdoor swimming pool is set back approximately 180 feet from the rear property line.
17. Rear Setback – The required Rear Setback in the E Zoning District is 30 feet. The outdoor swimming pool is set back approximately 500 feet from the side property line.
18. Conditional Use Permits require review pursuant to the criteria outlined in Land Management Code (LMC) § 15-1-10(E).
 - a. Size and Location of Site – 11343 Snow Top Road is Lot 2 of the Hidden Hollow Subdivision. The Lot contains 10.26 acres (446,762 square feet). The Building Pad is 19,000 square feet. The outdoor swimming pool is within the existing Building Pad and the Limits of Disturbance.
 - b. Traffic Capacity – The outdoor swimming pool will not generate traffic beyond the property's primary Use as a Single-Family Dwelling.

- c. Utility Capacity – No unmitigated impacts.
- d. Emergency Vehicle Access – The proposal will not change emergency access to the property.
- e. Off-Street Parking – Parking requirements are met by the existing garage and driveway.
- f. Internal Vehicle and Pedestrian Circulation – The outdoor swimming pool will be used primarily by the property owner and their guests which will not change the Lot's vehicle and pedestrian circulation.
- g. Fencing, Screening, and Landscaping – The outdoor swimming pool is located within a courtyard and will be screened from surrounding properties by formed concrete retaining walls that fully enclose the 3 courtyards. The swimming pool will not be visible from surrounding properties or from Snow Top Road. No additional landscaping is proposed with this CUP.
- h. Structure Mass, Bulk, and Orientation – The property gradually slopes upward from Snow Top Road on the east to the west side of the property. The proposed outdoor swimming pool is behind the Single-Family Dwelling on the northwest within an enclosed courtyard area.
- i. Useable Open Space – There are no open space requirements for a Single-Family Dwelling.
- j. Signs and Lighting – No Signs or additional lighting are proposed or approved with this application.
- k. Physical Design and Compatibility with Surrounding Structures – The Planning, Engineering, and Building Departments will review the final design prior to the issuance of a building permit. The Planning Department will review the swimming pool materials for compliance with the Conditions of Approval of this CUP.
- l. Noise, Vibration, Odors, Steam, or Other Mechanical Structures – Mechanical equipment for the outdoor swimming pool will be located in the basement of the Single-Family Dwelling.
- m. Control of Delivery and Service Vehicles; Loading and Unloading; Screening of Trash and Recycling Pickup Areas – Vehicles for

service and swimming pool maintenance will access the property from Snow Top Road.

- n. Expected Ownership – The Applicant is the owner of record, and the property is maintained as a Single-Family Dwelling.
 - o. Environmentally Sensitive Lands, Physical Hazards, Historic Mining Waste, Park City Soils Ordinance, or Steep Slope – As per the 1995 Settlement Agreement, the Hidden Hollow Subdivision is exempted from the provisions of the Sensitive Land Ordinance.
 - p. General Plan Consistency – Goal 7 of the General Plan states that the City strives to create a diversity of primary housing opportunities, allowing full-time residents to have local options for work and play.
- 19. The Hidden Hollow Subdivision is exempted from the Sensitive Land Overlay criteria due to the 1995 Telemark Settlement Agreement.
 - 20. On March 19, 2024, the Development Review Committee reviewed the proposal and does not require additional Conditions of Approval.
 - 21. On April 10, 2024, staff published public notice on the City and Utah Public Notice websites and mailed courtesy notices to property owners within 300 feet.
 - 22. *The Park Record* published notice on April 10, 2024.

Conclusions of Law

- 1. The Application complies with the requirements of the LMC.
- 2. The Use is compatible with the surrounding Structures in Use, scale, mass, and circulation.
- 3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

- 1. The swimming pool shall be within the Building Pad as indicated on the plans.
- 2. No Sign installations are allowed.

3. All outdoor lighting must be down-directed, fully shielded, with bulbs 3000-degree Kelvin or less. A fully shielded light is installed in such a manner that all light emitted either directly from the bulb, or indirectly by reflection or refraction, is below the horizontal plane through the fixture's lowest light-emitting part. The top and sides of a Fully Shielded fixture are made of completely opaque material such that light only escapes through the bottom of the fixture. Final lighting details shall show compliance with this condition and shall be reviewed by the Planning Staff prior to installation.
4. The Applicant shall adhere to Park City's Noise Ordinance.

Commissioner Sigg seconded the motion.

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

- D. 2000 Meadows Drive (Park Meadows Golf Course) – Conditional Use Permit and Modification to the Master Planned Development** – The Applicant Proposes to Construct a 6,386-Square-Foot Maintenance Building, a 2,018-Square-Foot Lean-To Shed, and a 20,744-Square-Foot Paved Parking Area for 20 Off-Street Parking Spaces within the Park Meadows Master Planned Development and Recreation and Open Space Zoning District. PL-23-05986, Modification to MPD. PL-2305893.

City Planning Technician, Jaron Ehlers, recalled that on February 28, 2024, the Planning Commission held a Work Session on this item. He presented a graphic that illustrated the location of the area affected by this application. He presented the proposed Site Plan, with the lean-to shed, the proposed storage building, parking, and soil storage areas. On April 4, 2024, the Housing Authority approved the applicant's waiver request for the affordable housing obligation.

Planner Ehlers noted that per a letter from the Army Corp of Engineers, no permit was required. Condition of Approval 12 would require another letter if there are modifications to the proposal. On behalf of the applicant, a representative from Park Meadows Golf Club was in agreement with the Staff Report and was present to respond to any questions.

There were statements made off the record. Chair Hall opened the public hearing. There was no public comment. The public hearing was closed.

Commissioner Frontero reported that he visited the site a few days ago and toured the area with the head groundskeeper. He proffered that the proposal complied all the way around and would be an improvement. Currently, there is equipment strewn about the blacktop, and it needs to be put away. He felt that the proposed building would go a long way towards cleaning up this area. Commissioner Frontero noted there was a significant amount of perimeter fence and wondered if any portion of that would be removed and replaced with trees.

The Applicant's Representative reported that the new areas around the new building would have fencing beginning and ending at the building and the building would act as the fence itself. There would also be a berm behind the building and the current fairway to the east. The fence would continue clockwise around the southerly pond and to the roadway that enters into the maintenance yard. On the west side, the fence would begin and end at the lean-to and the lean-to would also act as the fence in that location.

Commissioner Frontero commented that the proposed employee parking was shown on page 5 in the Staff Report, and inquired about the improvement in the parking situation.

The Applicant's Representative reported that they would add 18 - 20 spaces. Planner Ehlers confirmed there would be 18 spaces in that area, and then two additional spaces by the soil storage. Commissioner Frontero felt that would be a vast improvement over the current situation, and noted that currently that area was a mess. He felt the bump-out for parking would increase the utilization of this area.

Commissioner Suesser sought confirmation that no soil would be removed from the site or would be used to berm around the fencing at the perimeter of the maintenance facility. The applicant's representative stated that was the intention, and the berming would help to shield the building from the golf course and surrounding properties, as well as serve as a way to remove the material from the site.

MOTION: Commissioner Johnson moved to APPROVE 2000 Meadows Drive (Park Meadows Golf Course) – Conditional Use Permit and Modification to Master Planned Development, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter as follows:

Findings of Fact

1. The Site is located at 2000 Meadows Drive.
2. The Site is located within the Recreation Open Space (ROS) Zoning District.
3. The Site is part of the Park Meadows Master Planned Development (MPD).
4. The Site is currently used as a maintenance yard for the Park Meadows Golf Course.
5. The Applicant proposes to construct a 6,386-square-foot Maintenance Building, a 2,018-square-foot lean-to shed, and a Parking Area with 20 spaces.
6. The Applicant proposes to increase the total paved area of the maintenance yard from 44,419 square-feet to 55,163 square-feet.

7. On March 15, 1973, the City Council approved the Holiday Ranch Annexation, the boundaries within which the Park Meadows Golf Course primarily exists.
8. On August 28, 1975, a Declaration of Restrictive Covenants was recorded with Summit County, which placed the following conditions on any development:
 - a. A maximum of 1600 Residential Units would be allowed within the property;
 - b. A portion of the property was restricted to only be utilized for “construction, maintenance, and operation of a golf course, golf clubhouse, and related improvements and facilities.”
9. The recorded document was “executed at the request of and for the benefit of the Park City Municipal Corporation and may be enforced by Park City Municipal Corporation.”
10. On September 29, 1980, the 1975 Restrictive Covenants were released due to additional open space being added to the Park Meadows Golf Course. A new restrictive covenant was then recorded. The language from the 1975 Restrictive Covenants used to restrict what could be built on the Park Meadows Golf Course was carried over to the updated 1980 covenant. The addition of the open space was authorized by the City Council on August 16, 1979 (minutes are attached to the recorded document) and the release and recording of the new Restrictive Covenant was signed by the Mayor.
11. On May 8, 1981, an Amendment to the 1980 Restrictive Covenant was recorded to correct errors in the legal description. The legal description was the only portion amended, and the document makes clear the open space restrictions for the Park Meadows Golf Course remain in effect. The Restrictive Covenants have not been amended since 1981.
12. In July of 1982, Park Meadows submitted a Planned Unit Development (PUD) Master Plan Update.
13. The MPD encompasses the golf course and numerous residential subdivisions, from Park Meadows 1-6A, Gleneagles, Four Lakes, Fairway Meadows, Meadows Planning Department Estates, and Racquet Club, amongst others. As the MPD was built out, the residential subdivisions were platted and density (lots) were assigned. The area of the MPD has been platted in total, except for the Golf Course, which exists as a metes-and-bounds parcel.

14. On June 5, 1992, the Community Development Director sent a letter determining that the construction of the Clubhouse was a permitted use and “does not require a conditional use approval.”
15. On October 14, 1996, in response to a request for a zoning certification, the Assistant City Attorney sent a letter determining that no additional approvals would be needed to convert the Golf Course to a private, members-only golf course. It was also determined that any old approvals for any unbuilt structures or density would be expired and so “any new structures or expansion of the existing Golf Course would have to go through a permit process.”
16. On December 16, 1998, the Planning Commission approved a Conditional Use Permit (CUP) allowing the construction of a swimming pool and fitness center, amending the MPD.
17. On June 14, 2006, the Planning Commission considered an application that included a request to rezone a portion of the Golf Course to construct residences. Staff determined the density allocated by the MPD had all been used and neighbors were concerned about an increase in density (PL-05-0242). While no motion was taken, the Commission voiced strong concerns about the proposal.
18. On November 7, 2023, the Application was reviewed by the Development Review Committee.
19. On March 1, 2024, the Applicant was issued a complete application notice for the applications for a Conditional Use Permit and a Modification to the Park Meadows Master Planned Development.
20. On February 14, 2024, the Planning Commission held a work session to consider the current proposal for a CUP and Modification of the MPD. The Commission voiced support for the additional density that would be approved under this proposal, subject to the results of the US Army Corps of Engineers (Army Corps) Determination and the requested Waiver from the Affordable Housing Obligation.
21. On February 28, 2024, the Army Corps sent a letter to the applicant determining that a permit from the Army Corps would not be required for this proposal.
22. On April 4, 2024, the Park City Housing Authority held a public hearing and approved the Applicant’s requested waiver from the Affordable Housing Obligation.

23. The proposal requires a modification to the existing Park Meadows Master Planned Development.
24. Staff published notice on the City's website and posted notice to the property on April 10, 2024.
25. Staff mailed courtesy to property owners within 300 feet on April 10, 2024.
26. *The Park Record* published notice on April 10, 2024.

Recreation and Open Space Zoning District Requirements

27. The proposal, as conditioned, complies with the Recreation Open Space Zoning District Requirements.
 - a. 2000 Meadows Drive is within the ROS Zoning District. Per the LMC, Accessory Buildings greater than 600 square-feet and Parking Areas with five (5) or more spaces are Conditional Uses within the ROS Zoning District.
 - b. The following table analyzes the proposal in relation to the Building Height and Lot and Site Requirements of the ROS Zoning District

Front, Side, and Rear Setbacks
Per LMC §15-2.7-3: "All Structures must be no less than twenty-five feet (25') from the boundary line of the Lot, district or public Right-of-Way". This is the same size of Setbacks as is required under the MPD in LMC § 15-6-5(C). 2000 Meadows Drive (PCA-2-2100-A-9) is a 180.09-acre parcel. The property lines nearest to the existing maintenance yard are those that border Estates Drive, directly to the east and southeast of the maintenance yard. The existing maintenance building is 240 feet from the nearest property line that borders Estates Drive. The proposed shed is 140 feet from the nearest property line that borders Estates Drive. The proposed maintenance building is 310 feet from the nearest property line. The proposed parking area is 102 feet from the nearest property line. Per LMC §15-2.7-3(A): "Fences, walls, stairs, paths, trails, sidewalks, patios, driveways, Ancillary Structures, approved Parking Areas, and Screened mechanical and utility equipment are allowed as exceptions in the Front, Side and Rear Setbacks" Construction within the Setbacks is not proposed as part of this application.
Building Height
Per LMC §15-2.7-4: "No Structure No Structure may be erected to a height greater than twenty-eight feet (28') from Existing Grade. This is the Zone Height".

Complies: The existing maintenance building is 20'-5" tall at the height point. The maintenance building is proposed to be 20'-9 ¼" tall. The shed is proposed to be 17'-7 ¾" tall at the highest point.

Conditional Use Permit Requirements

28. The proposal, as conditioned, complies with Conditional Use Permit Requirements outlined in LMC Section 15-1-10(E).
29. The Analysis of the Conditional Use Permit Requirements are outlined in the following table:

CUP Review Criteria	Analysis of Proposal
Size and Location of the Site	No Mitigation Required: This is a 55,163 square foot site. There is an existing maintenance building on site that has an area of 8,522 square-feet. The proposed maintenance building will have an area of 6,386 square feet and the new lean-to shed will have an area of 2,018 square feet. The combined area of the proposed structures is 8,404 square-feet, which is slightly less than the area of the existing maintenance building. The existing maintenance building, along with the proposed maintenance building and shed, comply with the setback and height requirements of the ROS Zoning District.
Traffic	No Mitigation Required: The Traffic Impact Study Guidelines adopted by the Planning Commission outline the following: "a transportation impact study is required when a proposed development or redevelopment will generate 25 or more net new vehicle trips during the weekday AM or PM peak hour or other analysis hour at the discretion of Park City staff." Depending on the season, the maintenance yard is accessed by 5-20 employees daily. No increase in employees is proposed and therefore,

	there will not be enough new trips generated to require a Traffic Impact Study.
Emergency Vehicle Access	No Mitigation Required: The Park City Fire District (PCFD) reviewed this application on November 7, 2023. PCFD does not require Conditions of Approval.
Parking	See Conditions of Approval 13, 14, & 15 As mentioned earlier, depending on the season, the existing maintenance yard is accessed by 5-20 employees daily. There are currently no formal parking spaces on site for existing employees. The applicant proposes to create a Parking Area with 20 Parking Spaces. According to the Applicant, the additional spaces will reduce the conflict between parked cars and equipment activity within the maintenance yard.
Internal Vehicular and Pedestrian Circulation System	No Mitigation Required: The proposed construction will not impact existing circulation. Access to the maintenance yard is currently achieved from Estates Drive. The proposal will not change how vehicular or pedestrian access is achieved.
Fencing, Screening, and Landscaping	See Conditions of Approval 6 & 7 The proposed landscape plan will add 28 Colorado Blue Spruce trees, 16 Aspen trees, and 12,032 square-feet of native grass seed mix. 20 Evergreen trees, 11 Cottonwood trees, and six Aspen trees will remain on the north and northwestern perimeter of the maintenance yard. No plantings are proposed to be removed, and native grasses are proposed to be replaced with equivalency. The proposal also calls for a six-foot-tall wood fence that will extend along the southern perimeter of the proposed maintenance building and parking area.
Building Mass, Bulk, and Orientation	No Mitigation Required:

	The proposed maintenance building and shed will mimic the design and appearance of the existing maintenance building. The parking area will be shielded from neighboring residences with fencing and landscaping.
Usable Open Space	No Mitigation Required: MPDs require 60% Open Space under LMC § 15-6- 5(D). 2000 Meadows Drive (PCA-2-2100-A-9) is a 180.09-acre parcel. The proposal increases the total paved area and reduces Open Space by 12,171 square feet, or 0.28 acres. The majority of the site remains Open Space
Signs and Lighting	See Condition of Approval Recommended 5 Per the proposed plans, no exterior lighting is proposed. Neither are Signs.
Physical Design and Compatibility with Surrounding Structures	
See Conditions of Approval Recommended 2, 8, & 9 The proposal will not impede any ridgelines. The LMC defines the Park Meadows Country Club Clubhouse as a Vantage Point. The existing Maintenance Building is slightly visible but mostly shielded from the clubhouse. The proposed structures will complement the design of the existing maintenance building. The siding for the new maintenance building will be comprised of horizontal cedar and pre-cast concrete blocks. The roofing material will be Presidential TL shingles. The siding materials for the new shed will be corrugated metal and the roofing material will be Presidential TL shingles.	
Noise, Vibration, Odors, Stream, or Other Mechanical Factors	No Mitigation Required: The existing maintenance yard is currently used for the storage and maintenance of vehicles and equipment that support the Park Meadows Golf Course.

	The new buildings will allow for maintenance activities to take place indoors.
Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas	No Mitigation Required: The proposed maintenance building, shed, landscaping and fencing will further shield the existing maintenance yard and its uses from the adjoining residential neighbors.
Expected Ownership and Management	No Mitigation Required: The facilities are proposed to remain private in association with the Use of the Park Meadows Country Club. Current operations are from 4:30 am till 5 pm seasonally. The proposal will not modify the existing hours of operation.
Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site	See Conditions of Approval 11 & 12 There are no Steep Slopes located on or near the proposed site and the site is not located within the Sensitive Lands Overlay or Park City Soils Ordinance.
Reviewed for Consistency with the Goals and Objectives of the Park City General Plan	No Mitigation Required: The proposal does not compromise the key characteristics of the Park Meadows neighborhood, Neighborhood 2 of the General Plan. The Golf Course is listed in the General Plan as a community amenity, and the proposal will not change the character of that amenity considering it is intended for maintenance and employee use. The General Plan also requires that there should be “careful mitigation of negative impacts such as traffic, lighting, and compatibility.” These concerns are minimal in this application and are proposed to be mitigated through Conditions of Approval.

Master Planned Development Requirements

30. The proposal, as conditioned, meets the standards of the Park Meadows MPD and the Master Planned Development Criteria outlined in LMC Chapter 15-6.
31. Complies with all requirements of the Land Management Code.
32. Meets the minimum requirements of Section 15-6-5;
 - a. **Density - No Mitigation Required:** The 1982 MPD did not allocate specific density units to the Golf Course. There are no specific limitations in prior approvals governing what accessory structures can be built to support the Club House. The only restriction is what is imposed by the LMC and Zoning. The ROS Zone allows Golf Courses and accessory uses. The proposed Maintenance Building, lean-to shed, and Parking Area are accessory uses to the Golf Course necessary to support its functions.
 - b. **Traffic - No Mitigation Required:** The Traffic Impact Study Guidelines adopted by the Planning Commission outlined the following: "a transportation impact study is required when a proposed development or redevelopment will generate 25 or more net new vehicle trips during the weekday AM or PM peak hour or other analysis hour at the discretion of Park City staff." Depending on the season, the existing maintenance yard is accessed by 5-20 employees daily. As the new Maintenance Building is primarily so that employees can be shifted from the old building, there will not be enough new trips generated to cause a Traffic Impact Study to be required.
 - c. **Parking - See Conditions of Approval 13, 14, & 15:** Depending on the season, the existing maintenance yard is accessed by 5-20 employees daily. There are currently no formal parking spaces on site for existing employees. The applicant proposes to create a Parking Area with 20 Parking Spaces, one for each existing employee. The Applicant's proposal will not increase the need for additional employees. Per the Applicant, the additional spaces will reduce the conflict between parked cars and equipment activity within the maintenance yard and this proposal will ensure the site can accommodate up to 20 vehicles parked on-site.
 - d. **Setbacks – See Condition of Approval 5:** Per LMC §15-6-5(C): "The minimum Setback around the exterior boundary of a Master Planned Development shall be twenty-five feet (25') for Parcels greater than two (2) acres." Complies: 2000 Meadows Drive (PCA-2-2100-A-9) is a 180.09-acre parcel. The property lines nearest to

the existing maintenance yard are those that border Estates Drive, directly to the east and southeast of the maintenance yard. The existing maintenance building is 240 feet from the nearest property line that borders Estates Drive. The proposed shed is 140 feet from the nearest property line that borders Estates Drive. The proposed maintenance building is 310 feet from the nearest property line. The proposed parking area is 102 feet from the nearest property line. Construction within the Setbacks is not proposed as part of this application.

- e. **Usable Open Space - No Mitigation Required:** MPDs require 60% Open Space under LMC § 15-6-5(D). 2000 Meadows Drive (PCA-2-2100-A-9) is a 180.09-acre parcel. The proposal increases the total paved area and reduces Open Space by 12,171 square feet, or 0.28 acres. The majority of the site remains Open Space.
- f. **Building Height - No Mitigation Required:** LMC § 15-6-5(F) requires buildings subject to an MPD to meet the Building Height requirements outlined in the Zoning District the MPD is located in. For Recreation and Open Space, LMC § 15-2.8-4 states: "No Structure may be erected to a height greater than twenty-eight feet (28') from Existing Grade. This is the Zone Height". Complies: The existing maintenance building is 20'-5" tall at the highest point. The second maintenance building is proposed to be 20'-9 1/4" tall. The lean-to shed is proposed to be 17'- 7 3/4" tall at the highest point.
- g. **Site Planning – See Condition of Approval 1:** LMC § 15-6-5(G) requires that "A Master Planned Development shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project." The proposed plans will see an expansion in the area that is disturbed on the site, but it remains clustered around the disturbance created by the existing Maintenance Building and access road.
- h. **Landscaping and Lighting – See Conditions of Approval 6, 7, & 8:** The applicant submitted a proposed landscaping plan (EXHIBIT E) and it is compliant with: LMC § 15-5-5(N) (water-wise landscaping) and Park City Municipal Code Chapter 11-21, Utah Wildlife-Urban Interface Code.
- i. **Sensitive Land Analysis – See Condition of Approval 12:** While part of the Golf Course is located within the Sensitive Land Overlay (SLO), the actual portion of the parcel subject to the Application is not within the SLO. Located south-west of the lot is a pond.

Considering the proximity of the proposed construction, the Engineering Department requested the Army Corps of Engineers' review. On February 28, 2024, the Army Corps sent a letter stating they had determined that the Applicant wouldn't need a permit from the Army Corps for the proposed construction. The letter did state that "(i)f future plans would result in a change to the design or construction methods of proposed action, we recommend you contact our office for a new determination."

- j. **Employee/Affordable Housing – Waiver Granted:** LMC § 15-6-5(J) requires the applicant submit "a housing mitigation plan that addresses employee Affordable Housing required by the adopted housing resolution in effect at the time of a complete Application." Resolution 05-2021 Section 12(A) states "Developments, which received development plan approvals prior to the adoption of this housing resolution, shall conform to the provisions of the resolution in place at the time of applicable complete application. Any modifications to an existing Planning Department Development Agreement that results in an increase in housing units or employee generation shall be subject to the provisions of this Resolution." While there is not a Development Agreement governing the Park Meadows MPD, it is a "Development, which received development plan approvals prior to the adoption" of the resolution. As such, the Applicant is required to submit a housing mitigation plan for a recommendation by the Planning Commission to the Park City Housing Authority. The Applicant requested a waiver from the Affordable Housing Obligation and on April 4, 2024, the Park City Housing Authority granted that waiver (Exhibit M).
- k. **Child Care – No Mitigation Required:** No Child Care facility is proposed as part of this Application, nor will there be an increase in demand as the number of employees will not increase.
- l. **Mine Hazards – No Mitigation Required:** There are no known Mine Hazards located on the site.
- m. **Historic Mine Waste Mitigation - No Mitigation Required:** The site is not located in the Park City Soils Ordinance Boundary.
- n. **Reviewed for Consistency with the Goals and Objectives of the Park City General Plan - No Mitigation Required:** The proposal does not compromise the key characteristics of the Park Meadows neighborhood, Neighborhood 2 of the General Plan. The Golf Course is listed in the General Plan as a community amenity, and the proposal will not change the character of that amenity considering it

is intended for maintenance and employee use. The General Plan also requires that there should be “careful mitigation of negative impacts such as traffic, lighting, and compatibility.” These concerns are minimal in this application and are proposed to be mitigated through Conditions of Approval.

- o. **Historic Sites - No Mitigation Required:** There are no Historic Sites located on the site.
 - p. **Land Management Code Review** – This proposal, as conditioned, complies with the requirements of the Recreation and Open Space Zoning District and the Conditional Use Permit Requirements.
33. Provides the highest value of Open Space, as determined by the Planning Commission; MPDs require 60% Open Space under LMC § 15-6-5(D). 2000 Meadows Drive (PCA-2-2100-A-9) is a 180.09-acre parcel. The proposal Planning Department increases the total paved area and reduces Open Space by 12,171 square feet, or 0.28 acres. The majority of the site remains Open Space.
34. Strengthens and enhances the resort character of Park City; this proposal enhances the operations of a well-known Golf Course and Country Club.
35. Compliments the natural features on the Site and preserves significant features or vegetation to the extent possible; The proposed plans will see an expansion in the area that is disturbed on the site, but it remains clustered around the disturbance created by the existing Maintenance Building and access road. To ensure this and maintain visual continuity with the existing structure, Conditional of Approval 1 is required.
36. Is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses; The 1982 MPD did not allocate specific density units to the Golf Course. There are no specific limitations in prior approvals governing what accessory structures can be built to support the Club House. The only restriction is what is imposed by the LMC and Zoning. The ROS Zone allows Golf Courses and accessory uses. The proposed Maintenance Building, lean-to shed, and Parking Area are accessory uses to the Golf Course necessary to support its functions.
37. Provides amenities to the community so that there is no net loss of community amenities; allows for enhanced operations of a well-known Golf Course and Country Club, while mostly confining additions to previously disturbed area.

38. Is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time staff determined the Application to be complete.
39. Meets the Sensitive Lands requirements of the Land Management Code and is designed to place Development on the most developable land and least visually obtrusive portions of the Site; As no new employees will be generated, the Applicant requested a waiver from the Affordable Housing Obligation and on April 4, 2024, the Park City Housing Authority granted that waiver (Exhibit M).
40. Promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; The project is located within a Golf Course and Country Club. It will not create more traffic and those accessing the site will be limited to employees only.
41. Was noticed and the Planning Commission held a public hearing in accordance with this Chapter; Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on April 10, 2024. Staff Planning Department mailed a courtesy notice to property owners within 300 feet on April 10, 2024. The Park Record published notice on April 10, 2024. On April 24, 2024, the Planning Commission held a public hearing.
42. Incorporates best planning practices for sustainable development, including water conservation measures and energy-efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application; all buildings will be required to meet existing Building Code Standards.
43. Addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies; There are no known Mine Hazards located on the site.
44. Addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance; The site is not located in the Park City Soils Ordinance Boundary.
45. Addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan; There are no Historic Sites on the site.

46. Addresses and mitigates traffic; Depending on the season, the existing maintenance yard is accessed by 5-20 employees daily. As the new Maintenance Building is primarily so that employees can be shifted from the old building, there will not be enough new trips generated to cause a Traffic Impact Study to be required.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.7 Recreation Open Space.
2. The proposal complies with the Land Management Code Requirements pursuant to Section 15-1-10, Conditional Use Review Process.
3. The proposal complies with the Land Management Code Requirements pursuant to Chapter 15-6, Master Planned Developments.

Conditions of Approval

1. Prior to the issuance of a building permit, Planning Staff shall review final plans for consistency with plans reviewed by the Planning Commission on April 24, 2024.
2. Final building plans and construction details shall reflect substantial compliance with the plans dated October 20, 2023, and approved by the Planning Commission on February 14, 2024.
3. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
4. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.
5. No construction activity is proposed or approved within the required 25-foot Front, Rear, and Side Setbacks.
6. Existing vegetation shall be preserved and protected during construction. The Applicant shall submit a vegetation protection plan for Planning approval prior to building permit issuance. The landscape plan is subject to LMC Section 15-5- 5(N) Water Wise Landscaping, Park City Municipal Code 11-21, Utah Wildland-Urban Interface Code. Any Irrigation must be water-wise compliant with LMC Section 15-5-5(N) Water Wise Landscaping and needs a watersense/smart label.

7. Any modifications to the approved landscape plan shall be submitted to the Planning Department to ensure compliance with LMC Section 15-5-5(N) Water Wise Landscaping, and the Municipal Code of Park City Chapter 11-21, Utah Wildland-Urban Interface Code.
8. No exterior lighting is proposed or approved as part of this Conditional Use Permit. Exterior lighting shall comply with LMC Section 15-5-5(J) and shall be fully shielded and down-directed with light bulbs that are 3,000 degrees Kelvin or less. New lighting details shall be reviewed by Planning Staff prior to installation.
9. Building materials shall comply with LMC Section 15-5-5, which states that each building facade may have a maximum of three different types of materials, stone siding must be natural, and metal siding shall be non-reflective.
10. Roofing materials shall comply with LMC Section 15-5-5(E), which states all roofing materials shall be natural earth-toned in color and shall have a Solar Reflective Index of 35 or less.
11. The Applicant shall provide an updated Storm water management to the Engineering Department prior to issuance of a Building Permit.
12. If the Applicant proposes a modification or new development on site, the Applicant shall provide written approval from the Army Corps of Engineers which permits the proximity of the proposed construction to the neighboring ponds.
13. Parking Spaces must be at least nine feet (9') wide by eighteen feet (18') long as required by LMC § 15-3-3(F).
14. All bicycle parking, both Enclosed Storage and Exterior Bike Racks, must comply with LMC § 15-3-9. 15. The Outdoor Parking Area must contain Electric Vehicle Charging Station Installations and Conduit as required by LMC § 15-3-11.

Commissioner Van Dine seconded the motion.

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

- E. **1115 Aerie Drive – Conditional Use Permit** – The Appeal Panel Granted an Appeal in Part and Remanded to the Planning Commission an Appeal in Part of the Planning Commission's July 13, 2022, Denial of a Conditional

Use Permit to Construct a Private Recreation Facility at 1115 Aerie Drive.
PL-21-05101.

Planner Cawley reported that he would forego his presentation and noted that the Staff Report outlined the status of the Appeal. Staff's recommendation was to decide if there was enough information for the Commission to make an informed decision, and if not, continue this item to a date certain. If the Planning Commission felt there was adequate information to approve, Staff recommended the Commissioner direct Staff to prepare Findings of Fact and Conditions of Approval and continue this item to May 8, 2024, for ratification.

Attorney Budge appeared on behalf of the applicant, along with Jason Boll and the owner's son. Attorney Budge thanked those who were able to visit the site today. He stated the history of this application was detailed in the Staff Report, and despite the long history, they were at a point where they could wrap this entire matter up today.

Attorney Budge highlighted some important dates. Applicant filed this application on December 20, 2021. He recalled that they had some permits in hand but the contractor jumped the gun, and the applicant did not have all the required permits. He became involved once the stop-work orders were issued, and as a result, the appropriate applications were filed. In July 2022, there was a public hearing and denial. The denial was reviewed by the State and following that decision, they went to the Appeal Authority that considered the Ombudsman's opinion.

The Appeal Authority then granted the Appeal relative to some issues and remanded the issue before the Commission at this hearing, which relates to some of the materials relative to the slopes.

Attorney Budge reminded the Commission that this application was being processed under the Code that existed prior to a number of updates that had since occurred. This application was for a Recreation Facility, which was a sports court. In terms of the current conditions, he reported that the tennis court was poured. The applicant would remove much of that material and make it a sports court to make it comply with Code. He presented the pertinent provisions that were also before the Appeal Authority.

Attorney Budge presented the Appeal Authority's ruling and explained that it granted the appeal and remanded the matter, in part, to the Planning Commission with a direction to make Findings on whether reasonable conditions may be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards in the LMC. The applicant was also directed to put before the Commission the details provided relating to the Steep Slopes. He presented images of the site and the re-sized court. He noted that the image showed the amount of screening, and pointed out locations where the hard surface would instead be trees. He also explained that the applicant would move the retaining wall near the road after it was engineered and they had taken into consideration its conditions so as to not compromise a public improvement.

They would re-size the wall so that this area would be screened. He reported that the applicant also entered into an agreement with the neighbor and would install landscape mitigation on the neighbor's property in an area where they obtained an easement. He mentioned that this would include 42 Spruces, 35 Maples, 20 Quaking Aspens and shrubs as indicated. The next slide would help everyone to understand how there would be an improvement in the area by removing the hard surface. He offered that the area would remain as a more appropriately sized and scaled sports court for the site.

Attorney Budge also explained that they removed all of the sports court material from the Setbacks and the current retaining wall would be removed. With regard to the question regarding compliance with the requirement that there be a Setback from the Very Steep Slopes, he stated that Alliance performed an analysis on this issue. He explained that the area of Very Steep Slopes was shown below the house depicted by the crossed lines. The Code definition of a Very Steep Slope required not only that it be greater than 40%, but also that it be of a certain dimension. Attorney Budge stressed that this was the only area on the site with Very Steep Slopes.

The dashed line above the area of the Very Steep Slopes represented the required Setback, and he stated the applicant complied with the Setback and did not propose improvements in the Very Steep area. The map before the Commission was prepared after the comments discussed before the Appeal Authority, and removed any of the issues. He recalled that one of the issues was ground disturbance prior to submitting the application. To address this issue, they consulted with Alliance who referred to topography information they had prior to the ground disturbance so they were comfortable that the information presented was accurate.

Attorney Budge expressed that the location of the sports court was the only suitable location on the site where the applicant could locate a Recreational Facility because otherwise, it would be in the Setback or on a Very Steep Slope. A small area outside the Setback was not sized appropriately for a sports court. He presented a further slide with added detail relative to the landscaping and screening that would be provided. They were pleased to include those as Conditions as indicated.

Because there were Steep Slopes involved, the applicant prepared a Visual Assessment to make sure that they would not create any impact from any of the Vantage Points identified in the Code. He stated that the sports court would not be visible from the identified Vantage Points. He noted these were the Vantage Points at the time the applicant submitted the application in 2021.

There was some additional mitigation that should be added as Conditions. One of the uses would be for pickleball, and they hired a consultant to advise on the latest technology with respect to noise. Based on this analysis, the applicant offered to add four requirements. One was that the applicant would employ a self-surface system that absorbs 20% of the downward reflected sound waves.

The next component was to install an acoustic fence around the court. He stated that the only way they could get approval for a fence was if the Planning Director later determined that a fence was appropriate for this site. If the Commission determined that this fence was not a needed mitigation, then the applicant would not install the fence. However, if a fence was needed, they would put that material on the fence for the added mitigation. He mentioned a ball technology and a paddle technology that has sound mitigation components. Any paddle play would have to use only these materials.

Attorney Budge presented a summary of how this application complies with the Code criteria.

- The Zoning Ordinance references this as being an appropriate use for this zone.
- The proposal would not add traffic.
- As conditioned, stormwater mitigation would be required due to the surface and would be handled on-site and reviewed by the Engineering Department. He stated that this would be a daytime-only facility.
- There were no changes for Nos. 4, 5, or 6.
- He mentioned the fencing and the proposed landscaping/screening.
- The mass of the hard surface would be reduced.
- This project was approved as part of an overall Subdivision and the Open Space would not be impacted or changed by this proposal.
- There would be no lights or signs.
- As conditioned, the pour size would be reduced.
- He stated that 12, 13, 14, 15, and 16 would not be impacted. He mentioned the right to install landscaping on the neighbor's property
- This project was not inconsistent with the General Plan, which anticipated accessory uses such as this.

Chair Hall opened the public hearing.

Karen Antonsson resides in zip code 84060 and lives on Aerie Drive. She noted that the applicant stated this project complied with the prior Code; however, her understanding was that the applicant did not have the permit during the time of the prior Code and did not understand why they would therefore have the benefit of that timing. She did not understand the noise mitigation but expressed concerns about the mitigation and how it would be enforced. She wondered if she would be required to use her binoculars to see if they were using the correct racquet. Speaker Antonsson also did not know how the water runoff would work. She questioned whether the Commission could allow the applicant to do what they want when they did not have a permit in place and felt they should adhere to the current Code.

Tyler Sutton deeply regretted that his neighbors had to endure the past couple of years. He stated that he was looking forward to the Commission's decision and as they worked

with Attorney Budge and the applicant's team, they followed the path set out by the State and the City.

There was no further public comment. Chair Hall closed the public hearing.

Commissioner Van Dine mentioned that LMC Section 15-4-22 for Outdoor Pickleball Courts in Residential Areas had very specific requirements, and she did not see those outlined in the Staff Report or the applicant's presentation. She inquired whether this Code would be applicable to this application.

Attorney Budge stated that was considered in January 2022 and then approved in April 2022, and because this application was submitted approximately six weeks prior to January 2022, it was vested under the prior ordinance. Commissioner Suesser asked what aspects of the new pickleball ordinance this application did not comply with.

Attorney Budge recalled that the new Ordinance required sound studies; instead, they engaged someone to suggest mitigation. Commissioner Suesser requested confirmation that the drainage from the sports court would be onsite and not directed to the neighboring property. Attorney Budge confirmed. He also confirmed that the fencing and soundproofing of the fencing, if approved by the Planning Director, would be on four sides of the court.

Commissioner Shand mentioned time limitations for play and whether that was in the Conditions of Approval. Attorney Budge referenced proposed Condition I that the court could not be used between 10:00 p.m. and 7:00 a.m. He noted the sun would also limit the time, as the court would not be lighted.

Commissioner Shand respected and understood the noise mitigation, but he had an issue with playing from 7:00 a.m. to 10:00 p.m. Attorney Budge suggested 8:00 a.m. Commissioner Shand suggested that at a minimum it should be 8:00 a.m. to 8:00 p.m. for the pickleball use. Commissioner Suesser noted that basketball could be quite loud as well.

Chair Hall noted the Condition that no exterior lighting was proposed or approved included the relevant Code that it would be shielded downward and those details would be reviewed by Planning Staff prior to installation.

Attorney Budge explained that was for lighting outside, but agreed it should be removed as to the sports court. He noted the applicant installed some path lighting, but there would be no light fixtures on the court itself or shining onto the court for illumination.

Chair Hall stated they could enhance the first sentence of Condition of Approval A to clarify that there would be no exterior lighting for the court and would only be on the walkway leading to the court.

Director Ward asked if this Condition was proposed to extend to all outdoor lighting for the Single-Family Dwelling. Attorney Budge stated that there were a lot of other improvements, and any of the other fixtures installed since 2021 complied with this section of the Code.

Commissioner Frontero requested Planner Cawley to pull up the Conditions of Approval. Planner Cawley clarified that Staff did not draft a Final Action Letter, as the Commission would direct Staff to do so. Commissioner Suesser noted that they had not seen the applicant's proposed Conditions.

Director Ward noted that the Conditions were included in Exhibit A to the Staff Report.

Commissioner Johnson asked if the lower section of the retaining walls would be subject to the Administrative CUP approval. Attorney Budge confirmed and stated that would be done later.

Attorney Budge presented the proposed Conditions of Approval:

- Portions of the sports court and retaining walls located outside the Front and Side Setbacks must be relocated as discussed.
- Any disturbed area offsite from the property must be revegetated. He stated that the applicant poured onto the neighbor's property so this would require correction of that condition.
- The applicant shall relocate the retaining wall that is north of the sports court within the applicable Setbacks.
- The applicant must engineer plans for the relocated retaining wall if it is over 4 feet in height.
- Prior to obtaining a Building Permit for the relocated retaining wall, the applicant shall submit to the City's Engineering Department an Excavation and Grading Plan showing no erosion, land subsidence, or avalanche.
- The applicant shall submit a Construction Mitigation Plan for approval
- The Stormwater Mitigation Plan shall be reviewed and approved by the Engineering Department prior to Building Permit submittal for onsite retention.
- The applicant shall notify the Planning Department prior to making any change to the plans approved as part of the sports court CUP.
- The property is located outside of the Soils Ordinance, but if those conditions are found they must be handled in accordance with law.
- No overhead lighting is permitted for the sports court and all exterior lighting for walkways shall be down-directed, fully shielded pursuant to the Code. He stated that the fully shielded outdoor lights were intended to show compliance with the Code for those lights leading to the sports court.
- Use of the sports court shall be prohibited from 10:00 p.m. to 7:00 a.m. and between 8:00 p.m. and 8:00 a.m. as to any paddle sports, including pickleball.
- The surface shall be comprised of the sports game PB open-cell material or similar noise-reducing material.

- An acoustic fence or similar fencing must be installed around all four sides.
- The sports court may be used for paddle games, including pickleball, but only when the USA quiet category-compliant paddles and softballs are used.

Commissioner Suesser felt that removing the current retaining wall would require another retaining wall, and the applicant should work with Staff and the Engineering Department to determine the best way to remove that wall. She did not think they should necessarily require the removal of that wall, as it would likely be more disruptive.

Commissioner Johnson commented that the Conditions were a good way to reasonably mitigate any concerns and reflected a different application than previously presented.

City Attorney Harrington suggested that the motion could be to direct Staff to return with the suggested Conditions of Approval as amended and to include the Findings of Fact that support the approval. The Commission could then vote to approve subject to ratification of the Final Action Letter prepared by Staff.

Commissioner Suesser questioned whether the proposed Condition of Approval A captured what they observed during the site visit regarding the reduced size of the sports court. She wanted to ensure that this reflected what they saw mapped out and the sports court would only be the size of that area identified at the site.

Commissioner Frontero suggested including square footage. Attorney Budge stated they would include that in the Conditions of Approval.

City Attorney Harrington understood that Commissioner Suesser did not suggest that any part of the retaining wall remain exposed unless an engineer determined that some portion of it needed to remain as the grade is re-established. He noted the proposal was to re-establish the grade to the smaller retaining wall and not to have two exposed retaining walls. Commissioner Suesser confirmed and noted that the proposal during the site visit was a 2-foot retaining wall, not anything over 4 feet, and recommended amending that Condition of Approval.

MOTION: Commissioner Suesser moved to APPROVE the Conditional Use Permit for 1115 Aerie Drive for a Private Recreation Facility, direct Staff to draft Findings of Fact, Conclusions of Law, and Conditions of Approval consistent with these discussions, and continue this item to May 8, 2024 for ratification. Commissioner Shand seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission. Commissioner Van Dine did not participate in the vote as she left the meeting before the vote was taken.

Chair Hall reported that the Commissioners would not be meeting following this meeting.

7. ADJOURNMENT

MOTION: Commissioner Frontero moved to adjourn.

The meeting adjourned at approximately 10:00 P.M.

Approved 05.22.2024



11343 SNOW TOP ROAD

CONDITIONAL USE PERMIT

Planning Commission

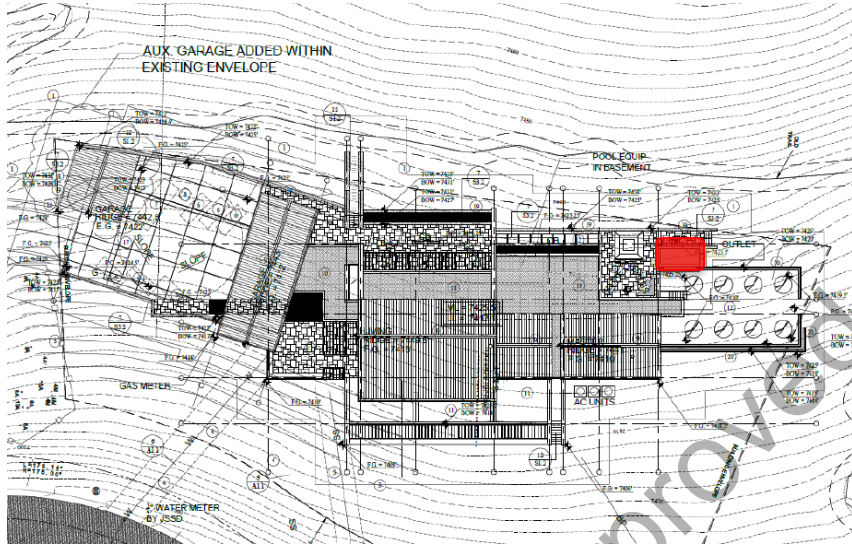
PL-24-06055 | April 24, 2024



— 11343 Snow Top Road —



11343 Snow Top Road



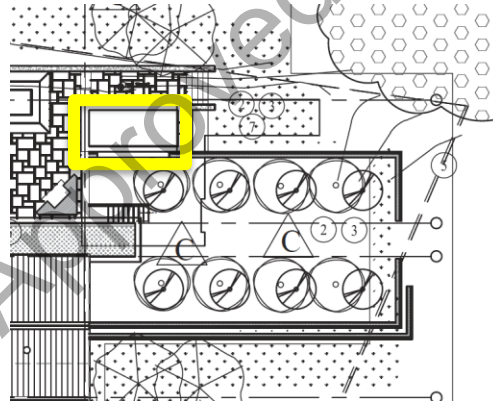
- The Applicant proposes to build a swimming pool on the same site as a Single-Family Dwelling at 11343 Snow Top Road.
- 11343 Snow Top Road is in the Estate (E) Zoning District, the Sensitive Land Overlay (SLO), and the Hidden Hollow at Deer Crest Subdivision
- Swimming pool is proposed to be 12 ft. x 8 ft. (96 sq. ft.)
- Pool is proposed to be used as a swim spa for owner and guests.

11343 Snow Top Road

The proposed swimming pool meets the Estate Zoning District lot and site requirements.

The proposed swimming pool meets the Hidden Hollow at Deer Valley Subdivision Plat requirements.

- This lot was subject to a Settlement Agreement (Telemark Settlement Agreement) in 1995. This Settlement Agreement exempts the subdivision from the provisions of the SLO.
- The swimming pool is within the existing Building Pad and within an existing enclosed courtyard.



11343 Snow Top Road

The proposal, as conditioned, complies with the E Zoning District requirements.

The proposal, as conditioned, complies with the requirements for private recreation facilities.

Approved 05.22.2024



Conditions of Approval

The proposal, as conditioned, complies with LMC §15-1-10(E)

- Condition of Approval 2 – No signs are allowed
- Condition of Approval 3 – Compliant lighting
- Condition of Approval 4 – Noise ordinance/Chapter 6-3

11343 Snow Top Road

Recommendation:

(I) Review the Conditional Use Permit to construct a Private Recreation Facility (swimming pool) at 11343 Snow Top Road, (II) hold a public hearing, and (III) consider approving the Conditional Use Permit based on the Findings of Fact, Conclusions of Law, and Conditions of Approval.



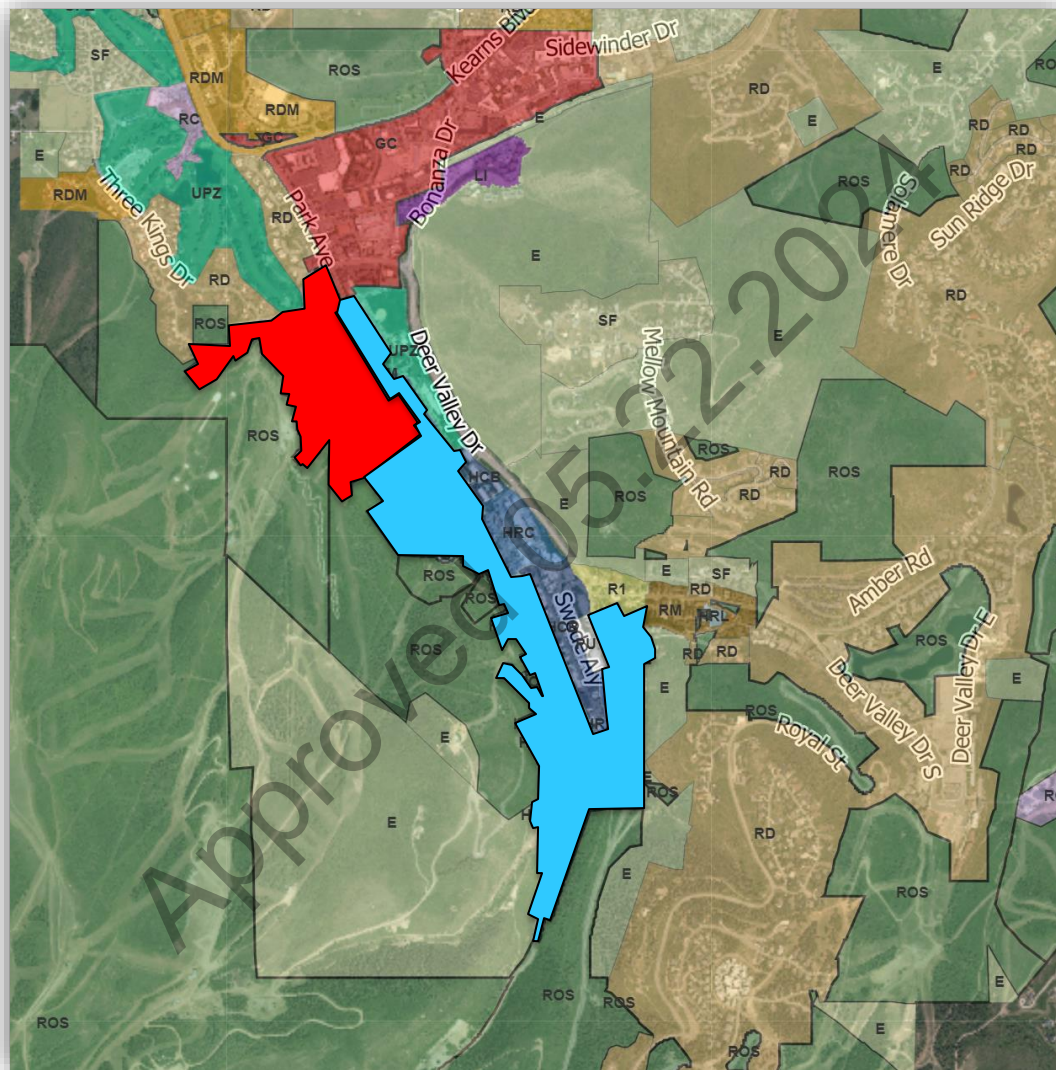


LAND MANAGEMENT CODE

MAXIMUM RESIDENTIAL LOT SIZE

PARK CITY

1884



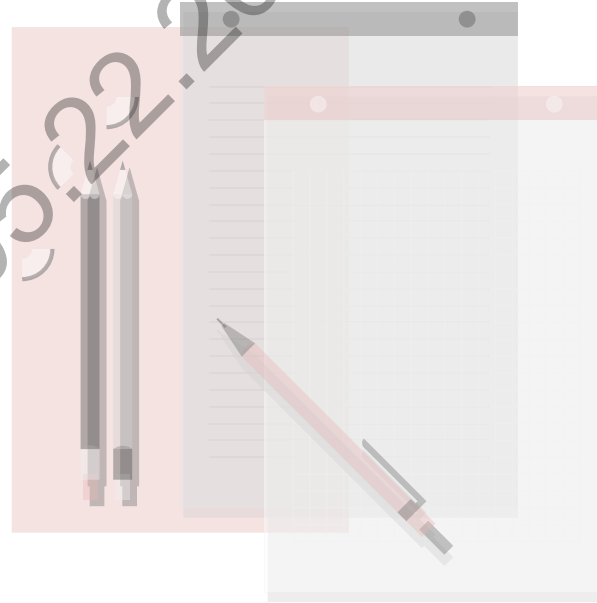
MAXIMUM LOT SIZE

General Plan Goals:

- Preservation of Character
- Compatibility and Scale
- Context-Sensitive Development

RC Zoning District Purposes:

- Development that reflects traditional patterns, character, designs, & historic character



MAXIMUM LOT SIZE



MAXIMUM LOT SIZE

MAX LOT SIZE PER HOUSING TYPE*			
SINGLE FAMILY	DUPLEX	TRIPLEX	FOURPLEX
3,750 SF	7,750 SF		+
2 Old Town Lots	4 Old Town Lots		

*Exempt Historic Sites that exceed the maximum lot size.

+Conditional Use

Lots previously approved by Subdivision or Plat Amendment may be built pursuant to the regulations in effect at the time the plat was approved. These amendments apply only to new Subdivisions or Plat Amendments for Single-Family or Duplex proposals.

MAXIMUM LOT SIZE



Recommendation:

- Consensus in establishing a maximum lot size in the RC Zoning District.
- Preservation of smaller lots = compatible infill, balanced transition in development patterns.
- Aligns with the General Plan goals and strategies.
- Supports the purpose of the RC Zoning District (fosters traditional styles, preserves character, safeguards historic and mountain town identity).
- Forward a positive recommendation for Council's consideration on May 23, 2024.