



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MAY 8, 2024**

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

EX OFFICIO: Rebecca Ward, Planning Director; Spencer Cawley, City Planner; Virgil Lund, City Planner; Heinrich Dieters, Trails and Open Space Manager; Logan Jones, Trails and Open Space Project Manager; Alex Roy, Senior Transportation Planner; Jaron Ehlers, Planning Technician; Jacob Klopfenstein, Planning Department Administrative Assistant; Dave Thacker, Chief Building Official; Mark Harrington, City Attorney

1. ROLL CALL

Chair Sarah Hall called the meeting to order at approximately 5:30 p.m. She announced that Planning Director Rebecca Ward and Senior City Attorney Mark Harrington were attending via Zoom. She noted the presence of all Commissioners with the exception of Commissioner John Frontero who was excused.

2. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Director Ward acknowledged that the Deer Valley Ski Lift Conditional Use Permit ("CUP") would be continued to May 22, 2024, at the applicant's request. She stated this item was scheduled for a public hearing, but no discussion on the CUP was scheduled for this meeting. She also acknowledged that Staff received public input regarding this application, which was forwarded to the Planning Commission and added to the record. This public comment would be included in the Staff Report for the May 22nd Planning Commission meeting.

Director Ward reminded speakers wishing to submit public comment during this meeting to state their full name and sign in. Comments would be limited to three minutes or less and directed to the Commission. She also reminded speakers to remain civil and address only those matters regarding the pending application.

Commissioner Suesser sought clarification on the Deer Valley application and noted that it still stated that the Commission was reviewing a CUP for the lift and included the storage building, which she thought was being separated out. She asked if it was all one CUP, or whether the Commission would be considering the storage building at another time. Director Ward responded that the matters outlined in the title were what would be included in the current CUP, which does include the footprint of the storage building. Commissioner Suesser asked if the distinction was the footprint versus the building and recalled that the Commission was advised that it would be presented at a different time. Director Ward stated that they would have the

applicant clarify this on May 22, 2024. Staff's understanding was that the applicant would like to include the terminal and the storage building as part of this CUP.

Chair Hall noted that the applicant's representative was present and asked Director Ward if he could clarify this issue.

On behalf of the applicant Deer Valley, Attorney Wade Budge confirmed that Deer Valley was not seeking approval for the building as part of this application. They were seeking approval of the buildable area, as opposed to the footprint, for which they would bring forward a future application for the building. He stated the building would be subject to a separate CUP and a separate set for mitigation criteria. He stated the applicant would work with Staff before May 22nd to make sure that is clear in all of the materials presented to the Commission.

3. PUBLIC COMMUNICATIONS

There were no public communications.

4. CONTINUATION

- A. 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.

Chair Hall opened the public hearing but reminded those present that it would be continued along with this item to May 22, 2024.

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

MOTION: Commissioner Christin Van Dine moved to CONTINUE 2250 Deer Valley Drive South – Conditional Use Permit and the public hearing thereon to May 22, 2024. Commissioner Henry Sigg seconded the motion.

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

5. REGULAR AGENDA

- A. 1115 Aerie Drive – Conditional Use Permit** – On April 24, 2024, the Planning Commission Conducted a Public Hearing and Directed Staff to Draft a Final Action Letter Approving the Construction of a Private Recreation Facility in the Estate Zoning District. PL-21-05101.

City Planner Spencer Cawley stated that this item sought ratification of a CUP Final Action Letter from last month's Planning Commission meeting. He mentioned this item was not scheduled for a public hearing, as the public hearing was closed at the prior meeting. Public comment could still be submitted to planning@parkcity.org.

Commissioner Suesser recalled that during the last meeting she mentioned adding the measurements for the sports court as presented during the site visit rather than just stating it would fall within the Setbacks. She understood that the final action would limit the sports court to those specific measurements. She confirmed that this comment referenced Finding of Fact 9.a. and the Conditions. She noted that was the reference she requested should be changed to include the exact dimensions of the sports court. Planner Cawley recalled that as well.

An unidentified member of the public sought clarification that no public hearing would be held at this meeting. Chair Hall confirmed and explained that a public hearing was held during the last meeting and thereafter closed followed by a vote. Tonight's action was to ratify the Draft Final Action Letter pursuant to the Commission's vote during the previous meeting. The speaker asked if further comment would have to be in the form of an appeal. Chair Hall directed the speaker to Director Ward regarding next steps. Director Ward stated that Planner Cawley could provide the speaker with her contact information so that she could advise about next steps following ratification of the Draft Final Action Letter.

In response to Commissioner Suesser's comment regarding square footage, Director Ward stated that the court was currently 4,795 square feet and applicant proposed to reduce it to 2,085 square feet. She asked if Commissioner Suesser proposed adding that information to the Condition of Approval that the final court shall not exceed 2,085 square feet. Commissioner Suesser agreed as long as a member of Planning Staff measured the represented sports court and could confirm those dimensions represented during the site visit.

Senior City Attorney, Mark Harrington asked if the site plan for the existing conditions and topography had the new proposed dimensions or whether there was another Finding of Fact that could be referenced to an exact site plan.

Chair Hall suggested adding it to Finding of Fact 9.a. that addressed the size and location of the site. She noted that this Finding states that the sports court would be located entirely within the property Setback.

Commissioner Shand mentioned there was also reference in the Project Summary on page 1 that stated "The applicant proposes reducing the size of the concrete pad from 4,795 square feet to 2,085 square feet." City Attorney Harrington agreed that the measurement should either be included in either the Findings of Fact or Conditions of Approval because the Project Summary information would not be binding. Planner Cawley stated there was a dated Site Plan they could reference.

Commissioner Johnson asked if Finding of Fact 4.c. covered that as well and suggested adding a date to that Finding. City Attorney Harrington stated that could work as well.

Commissioner Suesser did not know what that plan looked like and did not know if it represented the conditions at the site visit. She would like to make Finding 4.c. a Condition of Approval because the applicant had not yet constructed the project yet.

Chair Hall asked if they could add the Site Plan and some of the language in the Project Summary to Condition of Approval A. She asked Planner Cawley to revise the documents so the Commission could review it.

Virginia Schulman approached the dais and sought to ask a question. Chair Hall reiterated that there was no public hearing scheduled for this item but allowed the speaker to ask her question. Speaker Schulman stated she lives in Aerie. At the last meeting, she noted that someone said they were not going to worry about the retaining walls because it would be too disruptive. She asked if the retaining walls were now corrected pursuant to the Land Management Code and whether the applicant was required to make the retaining walls compliant with the LMC. She noted that she did not see that in the report.

Director Ward advised the speaker that she could reach out directly to her with any questions. She explained that this application was for use of the sports court, and the applicant already had a pending application regarding the retaining walls.

Planner Cawley read the following addition to Condition of Approval A: "The sports court shall be constructed to the specifications of the updated site plan dated March 28, 2024, not to exceed 2,085 square feet."

Commissioner Johnson asked Planner Cawley to present the site plan so they could verify the dimensions. Planner Cawley noted the updated site plan was an exhibit to the April 24th meeting.

Commissioner Johnson stated that to address the public comment, one retaining wall would be addressed in this application, and referenced the retaining wall located in the Front Setback. He noted that that retaining wall would actually be brought back into compliance and dropped to a level of 2 – 3 feet. He also noted that the retaining wall along the road would actually be removed or in filled.

Speaker Schulman spoke off the record and Chair Hall encouraged her to reach out to Director Ward who could talk about future applications for this project that would include the retaining walls.

Planner Cawley showed the Commission the site plan that included the proposed dimensions of 30 feet x 69.5 feet. He stated they could be more specific in the Conditions of Approval and include those measurements.

Chair Hall offered that referencing the site plan, which included the dimensions, was clear.

MOTION: Commissioner Suesser moved to RATIFY the amended Final Draft Action Letter Approving 1115 Aerie Drive – Conditional Use Permit for a Private Recreation Facility, as follows:

Procedural History

- A. On December 20, 2021, the applicant 1115 Aerie LLC ("Applicant") submitted an application ("Application") and paid the required fee for a conditional use permit in connection with a proposed sports court (the "Sports Court") on Summit County, Utah Tax Parcel No. OOT-HSTONE-8 (the "Property"). The Application was submitted after a contractor commenced work without all necessary permits.
- B. On July 13, 2022, the Park City Planning Commission ("Planning Commission") held a public hearing and denied the Application.

- C. On July 20, 2022, the Planning Commission issued its written denial of the Application. The Planning Commission reasoned that the Application (a) was not compatible with prior land use approvals, specifically a building pad note on the applicable subdivision plat prohibited the proposed sports court; (b) lacked information regarding the conditional use permit requirements for screening and landscaping, compatibility with surrounding structures, noise, lighting, sensitive lands, and steep slopes; and (c) was inconsistent with the General Plan.
- D. On July 29, 2022, the Applicant appealed that denial and on August 2, 2022, submitted an advisory opinion request on for the Application to the Utah Office of the Property Rights Ombudsman.
- E. On November 16, 2023, the Ombudsman issued an advisory opinion on this matter and concluded that the Planning Commission erred in denying the Application. Specifically, the Ombudsman concluded that: (i) the Sports Court did not violate any plat note or building area restriction, (ii) the Planning Commission erred in denying the Application for insufficient evidence, and (iii) the Application should be allowed to supplement its Application with any insufficient information.
- F. On March 4, 2024, the Park City Appeal Panel held a hearing on the Applicant's appeal and concluded that: (i) the Sports Court did not violate any plat note or building area restriction; (ii) the Applicant should be allowed to supplement its Application with additional information; and (iii) the Planning Commission should reconsider the following issues in light of the conclusions from the Appeal Panel and the Applicant's supplemental information:
 - (1) Whether the Sports Court will cause any detrimental effects, and, if any, could those effects be reasonably mitigated; and
 - (2) Whether the Sports Court complies with the City's very steep slope, significant vegetation, and impervious surface requirements.
- G. On March 22, 2024, the Applicant formally supplemented its Application with a steep slope analysis, drainage plan, and an analysis of how the proposed use satisfies Park City's conditional use permit requirements.

Findings of Fact

- 1. The Property is located within the Nielsen/Korthoff (Hearthstone) Small Scale Master Plan Development that was approved June 14, 1993, and within the Hearthstone Subdivision Plat that was recorded June 13, 1994.
- 2. The Property is primarily used as a single-family residence, which use will continue with the Sports Court being accessory thereto.
- 3. Pursuant to the Park City Land Management Code ("LMC") Sports Courts are a conditional use for the Property and thus require a conditional use permit ("Sports Court CUP"). The Sports Court CUP must be issued to the Applicant if

the Planning Commission finds that the proposed Sports Court causes no detrimental effects on adjacent uses or if it does cause detrimental effects, those effects can be reasonably mitigated.

4. In connection with the Application, the Applicant submitted the following documents for the Planning Commission's consideration:
 - a. Existing Conditions & Topography Map (Job No. 3-9-21) prepared by Alliance Engineering Inc.;
 - b. Conceptual Grading & Drainage Plan (Job No. 8-3-23) prepared by Alliance Engineering Inc.;
 - c. Landscaping Plan/sports court exhibit prepared by DBS + Associates, LLC.
5. The Planning Commission has the authority to act as the land use authority for the Sports Court CUP. See LMC § 15-1-10.D(D).
6. The Applicant submitted all the materials required by the LMC for the Sports Court CUP and presented in a public hearing regarding the proposals set forth in the Application.
7. With respect to the Sports Court CUP, the Planning Commission, after carefully considering the Applicant's submittals referenced above and the Applicant's presentation at the public hearing, has determined that any detrimental effects caused by proposed development can be reasonably mitigated and comply with the LMC's requirements.

Additional Findings

8. The Planning Commission, as the land use authority, finds that the proposed Sports Court CUP complies with the standards in LMC § 15-1-10-D(D). Specifically:
 - a. The Application complies with all applicable requirements of the LMC as required by LMC § 15-1-10-D.1(D)(1). Based on the materials provided with the Application the Sports Court complies with all applicable LMC provisions.
 - b. The Sports Court is compatible with surrounding structures in use, scale, mass, and circulation. See LMC § 15-1-10-D.2(D)(2). Specifically, the Sports Court is compatible with surrounding uses as it is accessory to the primary single-family residential use on the Property. Use of the Sports Court will be limited to the Property's residents and guests and will not be open to the general public. This is consistent with the surrounding residential area. The Sports Court is and will be located entirely within the Property's setbacks and will be screened from view by the existing

residence and carefully designed landscaping. The Sports Court will have no impact on the onsite pedestrian and vehicular circulation.

- c. The Applicant has proposed several conditions to mitigate any differences in use or scale. See LMC § 15-1-10-D.3(D)(3).
9. The Planning Commission, as the land use authority, finds that the Sports Court CUP complies with the standards in LMC § 15-1-10-E(E). Specifically:
- a. Size and location of the site:

The Property a single-family lot that was approved/created when the Hearthstone Subdivision was recorded on 6-13-1994. The proposed Sports Court is accessory to the single-family home existing on the Property. The size of the Property is more than adequate for the Sports Court as it will be located entirely within the Property's setbacks. The location of the Sports Court on the Property is appropriate because it is within the Property's designated building pad, as defined by LMC § 15-15.
 - b. Traffic considerations including capacity of the existing streets in the area:

The Sports Court will not increase traffic to the Property as it will be primarily used by the Property's residents and guests. No new traffic impacts are being created.
 - c. Utility capacity, including storm water run-off:

No new utilities are being proposed for the Sports Court because as a proposed condition of approval the Sports Court will not have any outdoor lighting. The Applicant's drainage plan is adequate to manage any stormwater runoff generated by the Sports Court's impervious surface.
 - d. Emergency vehicle access:

The Sports Court will not change or impact any emergency vehicle access. The current emergency access to the Property from Aerie Dr. will not be impacted by the Sports Court.
 - e. Location and amount of off-street parking:

Per the LMC, a private recreation facility generates a parking demand of 1 space per 4 persons. This is in addition to the 2 spaces required for a single-family dwelling. Thus, the Property requires 3 parking spaces. As shown on the submitted plans, the capacity of the existing garage is 3 vehicles, with additional parking space in the driveway, outside of the setbacks of 7 vehicles. The Property has sufficient parking.
 - f. Internal vehicular and pedestrian circulation system:

There is no change to the existing pedestrian or vehicular circulation patterns.

- g. Fencing, screening, and landscaping to separate the use from adjoining uses:

The provided landscape plan shows that the Sports Court will be extensively screened from view from Aerie Drive and the neighbors to the north and east. The landscape plan shows that at least thirty-nine (39) trees will be planted, but it is anticipated that up to sixty (60) trees will be planted, most of which are evergreens, which will provide year-round screening. The Application also depicts a ten-foot chain link fence surrounding the Sports Court on all sides for additional screening and safety, security, and noise reduction purposes. The Sports Court is adequately fenced, screened, and landscaped to separate it from adjoining uses.

- h. Building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots:

The Sports Court will be within the setback and within the Property's building pad, as defined in LMC § 15-15-1. Due to the grade of the site, the Sports Court will sit approximately ten feet (10') below the elevation of Aerie Drive. There will be a two-foot (2') retaining wall on the north side of the Sports Court, then an approximately 4:1 slope from the retaining wall to Aerie Drive.

- i. Usable open space:

The portion of the lot containing the Sports Court will continue to be open space, as defined by the LMC¹. Thus, the Sports Court does not change the existing open space, and in fact, makes the existing open space more usable for recreational activities.

- j. Signs and lighting:

No signs or lighting are being proposed with the Sports Court.

- k. Physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing:

The proposed Sports Court will be used solely for the residents and guests at the Property. The landscaping associated with the Sports Court will screen the use from Aerie Dr. The landscaping wall on the north of the Sports Court is being reduced in size from what is currently constructed to reduce visibility from adjoining uses.

¹ LMC § 15-15-1: OPEN SPACE - Open Space, Landscaped. Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, recreation amenities, public landscaped and hard-scaped plazas, and public pedestrian amenities, but excluding Buildings or Structures.

- I. Noise, vibration, odors, steam, or other mechanical factors that might affect people and off-site property:

Sports courts typically create noise that might affect people and offsite properties. The Sports Court, however, has been carefully designed by including a SportGam PB open cell court surface and AcoustiFence soundproofing surrounding the Sport Court to mitigate noise. Likewise, the Applicant has agreed to the conditions identified below to further mitigate potential noise concerns. The Sports Court, as conditioned, adequately mitigates any potential detrimental noise. The Sports Court will not cause any vibration, odors, steam, or other mechanical factors that may affect people and property off-site.

- m. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup areas:

No changes are proposed or anticipated with regards to service vehicles.

- n. Expected Ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities:

The Sports Court will not change the ownership or management composition of the Property and will be used only by the Property's residents and guests. There is no change affecting taxing entities.

- o. Within and adjoining the site, environmentally sensitive lands, physical mine hazards, historic mine waste and Park City soils ordinance, steep slopes, and appropriateness of the proposed structure to the existing topography of the site:

The Applicant provided a detailed steep slope analysis that shows that the Sports Court is not be located within fifty feet (50') of very steep slopes. The Property is not within the soil ordinance boundary. Finally, the sensitive land overlay is not applicable to the Nielson portion of the Nielson/Korthoff MPD, as approved on June 14, 1993. (The Property is in the Neilson portion of that MPD).

- p. Reviewed for consistency with the goals and objectives of the Park City General Plan; however, such review for consistency shall not alone be binding.

The use is consistent with the Park City General Plan and is an allowed conditional use; however, such review for consistency shall not alone be binding. There are specific elements of the general plan that the Application supports:

- i. Objective 1A - Direct complimentary land use and development into existing neighborhoods that have available infrastructure and resource capacity. (pg. 27)
 - ii. Objective 1C - Primary residential neighborhoods should encourage opportunities to enhance livability with access to daily needs, including: a mini market, a neighborhood park, trails, community gardens, walkability, bus access, home business, minor office space, and other uses that are programmed to meet the needs of residents within the neighborhood and complement the existing context of the built environment. (pg. 27)
 - iii. The more Park City residents are able to take advantage of the benefits provided by parks and recreational facilities, the healthier our community will be. (pg. 99)
- 10. The location of the Sports Court is more than seventy-five (75') from Very Steep Slopes as shown on Alliance Engineering Existing Conditions & Topography Exhibit dated 4/2/2024. See LMC § 15-2.21-3.A.3(A)(3).
- 11. The Planning Commission finds that for the reasons above, the Sports Court will not have any unmitigated detrimental impact on surrounding uses.
- 12. As discussed below, the Applicant has agreed to self-impose certain conditions on the Property to minimize any potential detrimental effects that may result from the proposed Sports Court. The Planning Commission finds that these conditions adequately mitigate potential detrimental effects that may result from the Sports Court.

Conclusion

Based on the foregoing, and subject to the conditions listed below, the Sports Court CUP meets the standards and requirements of the LMC, including the criteria for approving a conditional use per LMC § 15-1-10(D) and Utah Code § 10-9A-507. The Planning Commission concludes it is appropriate to approve the Sports Court CUP subject to the below conditions, each of which will mitigate any reasonably anticipated detrimental effects associated with the uses described in the Application.

Conditions

The Sports Court CUP is conditioned upon the following:

- A. Portions of the Sports Court and retaining walls currently located inside the front and side setbacks must be removed. The disturbed areas must be revegetated in accordance with the submitted plans. The sports court shall be constructed to the specifications of the updated site plan dated March 28, 2024, not to exceed 2,085 square feet.

- B. Any disturbed area offsite from the Property must be revegetated in accordance with submitted landscape plans.
- C. The Applicant shall bury or relocate the retaining wall that is north of the Sports Court and within the applicable setbacks and in the front a side setbacks. The new wall is limited to two feet (2') in accordance with the plans as submitted. 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 is created by the relocation of the retaining wall.
- D. The Applicant shall submit a construction mitigation plan for approval by the City's Chief Building Official that mitigates construction traffic on Aerie Dr. The Applicant shall submit a management and safety plan for the proposed route. Time of operations, truck inspections, and the number of trips hauling shall be outlined and regulated through the Construction Mitigation Plan.
- E. The Applicant's stormwater mitigation plan shall include mitigation for onsite retention and shall be reviewed and approved by the Engineering Department prior to building permit submittal.
- F. The Applicant shall notify the Planning Department prior to making any changes to the plans approved as part of the Sports Court CUP.
- G. The Property is located outside of the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine-related impacts. If the Applicant does encounter mine waste or mine waste impacted soils, the Applicant must handle the material in accordance with State and Federal law.
- H. No overhead lighting is permitted for the Sports Court. All exterior lighting for walkways and landscaping shall be down-directed, fully shielded, with bulbs 3,000 degrees Kelvin or less to prevent glare onto adjacent property and shall comply with the City's outdoor lighting code per LMC § 15-5-5(J). Floodlights are prohibited on the Sports Court. Fully Shielded outdoor lights shall not exceed 12 feet above existing grade. Fully shielded ground-level fixtures are encouraged. Final lighting details must be reviewed by the City's planning staff prior to installation and final inspection.
- I. Use of the Sports Court will be prohibited from 10:00 PM to 7:00 AM and the use of pickleball is restricted from 8:00 PM to 8:00 AM.
- J. The surface of the Sports Court shall be comprised of SportGame PB Open Cell materials or similar noise-reducing materials.
- K. An "Acoustic Fence" or similar soundproofing fencing must be installed around the Sports Court.

- L. Sports court may be used for paddle games (including pickleball), but only when USA Pickleball's Quiet Category compliant paddles and soft balls are used.

Commissioner Johnson seconded the motion.

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

Chair Hall encouraged the members of the public to reach out to Planner Cawley with any questions regarding next steps.

- B. 1200 Little Kate Road – Conditional Use Permit** – The Applicant Proposes to Relocate and Expand the Existing Swimming Pools at the MARC to be Located at the Rear of the Property in the Residential Development Zoning District. PL-24-06090.

City Planner, Virgil Lund, explained that this application sought a CUP for the Park City Municipal Athletic Recreation Center ("MARC"). He reminded that a Work Session was held on this item in February 2024. He reported that the original CUP for the MARC was approved in 1976 and included an expansion of the then-existing Racquet Club. In 2010, the Planning Commission approved a CUP and Master Planned Development ("MPD") for construction of the MARC as it currently exists.

Planner Lund presented some renderings of the proposal and explained that the applicant proposed a 3,200 square foot lap pool that would remain unchanged in size. It also included a 5,000 square foot leisure pool and an approximate 1,200 square foot structural addition. He reminded that the MPD perimeter Setback was 25 feet, and the Setback in the Recreation Development ("RD") zone was 15 feet. The current plans complied with the 15-foot Rear Setback but did not comply with the 25-foot MPD Setback.

During the last Work Session, the applicant requested the Planning Commission review the proposal under the 15-foot zoning district Setback requirements and reduce the perimeter Setback. He stated that the Planning Commission had the authority to make that determination within the MPD based on architectural interest and variation of the proposal.

Planner Lund stated that the Planning Commission had a couple of options for Final Action. First, the Commission could approve the CUP based on the Final Action Letter with Condition of Approval 5 that states "The applicant shall revise the plan to comply with the 25-foot MARC MPD perimeter Setback or obtain a variance from the requirements of the MPD perimeter Setback from the Board of Adjustment prior to submitting a Building Permit."

The second option was that if the Planning Commission found that the pools provided architectural interest and variation, they could approve the CUP and amend the Final Action Letter to remove Condition of Approval 5.

Ken Fischer, Recreation Director for Park City Municipal, appeared on behalf of the applicant along with architect Brent Tippetts, VCBO Architecture. Applicant-representative Fischer presented a slide with their Mission Statement, which stated "enriching lives in the community through exceptional people, programs and facilities." He stated that with this pool project, they were looking to create an exceptional aquatics facility for the community. He next presented a

slide showing the current view of the facility. He also presented an image showing the properties within 100 feet of the property line.

In terms of Setbacks, Applicant-representative Fischer echoed that the Commission had the authority to reduce the 25-foot MPD Setback. At the Work Session in February, he stated that the Commission directed the applicant to meet the underlying zone Setbacks. He reported that since that Work Session, the applicant worked to re-design the pools to meet that direction given by the Commission. He stated the updated pool design complied with the underlying 15-foot RD Zone Setback requirements as requested by a majority of the Planning Commission. The revised plan set the pools back 16 feet and the rec pool sits back 18 feet x 1-3/4 inches from the north property line.

Applicant-representative Fischer stated the updated design met the underlying Setback requirements of the zone. There would be no vertical play equipment or slide within the 25-foot Setback. Additionally, there were no visual impacts. The existing mature trees screen the residents to the north and the residents are angled away from the facility. Currently the pools are fenced. He also stated there would be no lighting other than inside the pools as required by Code. The pools would not be operated at night. The pools are currently opened seasonally, and they try to get the leisure pool open by Memorial Day and run it to Labor Day, where the typical hours are 8:00 a.m. to 7:00 p.m. The lap pool is open from April to October, and the typical hours are 6:30 a.m. to 7:00 p.m.

Applicant-representative Fischer stated that noise would be mitigated with the natural landscape. He was unaware of the MARC ever receiving a noise complaint from the pools.

With regard to the prior question regarding the distance to the closest condominium, he reported that the closest condominium was approximately 15 feet from applicant's property line. The pools are 15 feet from the property line, so the distance would be 30 feet. He reiterated that the condominiums were oriented away from the MARC property. He presented a graphic that illustrated the Setbacks as they moved the pools further to the south.

Applicant-representative Fischer stated that the question posed was whether the Planning Commission finds that the reduced MPD perimeter Setback to the 15-foot zoning Setback would provide architectural interest and variation. The applicant believed that the aquatic facilities met that requirement by virtue of the design that included curved walkways, water features, pool tiles, deck shades and overall aesthetic design. In terms of public support and outreach, Applicant-representative Fischer reported that they had worked on this quite extensively over the past couple of months. They were on the Engage Park City site where people could fill out a survey. He noted that there was overwhelming support for the project. The data showed that 55 respondents definitely supported, 27 respondents supports, 7 were neutral and 9 stated they did not support the project.

They held an open house at the MARC where they invited the Racquet Club Homeowners' Association ("HOA") as well as the residents around Park Meadows. They also posted design boards in the MARC lobby, and they held another project open house at the library. Chair Hall invited clarifying questions from the Commission.

Commissioner Shand asked about the feedback from the Racquet Club HOA. Applicant-representative Fischer stated they did not have a direct meeting with the HOA, but they did speak with the HOA president and also made them aware of the open house held at the MARC.

Commissioner Shand assumed that there was no objection by the HOA president, given the lack of public comment received on this proposal. Applicant-representative Fischer confirmed.

Commissioner Suesser noted that the prior proposal had the pool approximately 10 feet from the property line and sought clarification that it was re-designed to be located 15 feet from the property line. Applicant-representative Fischer explained that they reduced the width of the lap pool, so the proposed pool would essentially be a replacement of what exists currently.

Commissioner Van Dine asked about the current Setbacks for the tennis courts. Applicant-representative Fischer confirmed that the tennis courts were within the 25-foot Setback.

Planner Lund stated the location of the tennis courts was within the zone Setback requirements and obtained under a prior approval. Director Ward asked for clarification as to whether the tennis courts went through a CUP or a Building Permit, as the tennis courts met the original 25-foot MPD Setback. She wondered if there was a CUP for the addition to the tennis courts.

Planner Lund reported that there was an Administrative CUP ("ACUP") for the pickle ball courts that were added. He was unaware as to when the tennis courts were added, but believed it was part of the 2010 MPD. Applicant-representative Fischer advised that it was all done at the same time in 2012. The MARC obtained an ACUP and rebuilt the tennis courts and added the four pickle ball courts. He stated they raised the height of those courts by three feet and created a larger walkway around the three bubble courts so they could clear the snow around the bubble. He explained that pushed the courts to a location that was pretty close to the property line, and confirmed they were not required to obtain a Variance from the Board of Adjustment.

Chair Hall understood that the ACUP in the Packet addressed the additional tennis courts, which were approved by the Planning Director and did not require a Variance. She asked if that was because it did not involve an actual structure, and Planner Lund stated he was unaware as to the basis.

Director Ward noted that Staff found that the Setbacks were not addressed as part of that ACUP. Planner Lund confirmed.

Chair Hall opened the public hearing.

Dane Taylor identified himself as the President of the Racquet Club HOA. He expressed that there was some concern in the community about the Setback to the living units. He would welcome further conversations on that and provided his contact information as pcrchoa@gmail.com.

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

Commissioner Suesser asked if the Applicant had spoken to the HOA President. Applicant-representative Fischer stated he did not speak with Speaker Taylor but recalled that Assistant Recreation Director Tate Shaw did have conversations.

In response to a further inquiry from Commissioner Suesser regarding additional mitigation suggested from that conversation, Applicant-representative Fischer was unaware of any suggestions made.

Chair Hall asked if there was a Landscaping Plan associated with this proposal. Planner Lund advised that a landscape plan would be required as part of the Building Permit and would be reviewed at that stage.

In response to an inquiry regarding the existing fence, Applicant-representative Fischer stated that they would end up replacing the fence along the north property line. He noted that this fence is older, and they talked about installing a solid concrete masonry unit ("CMU") block wall similar to that along the leisure pool at the entrance. He added that the rest of the fencing around the property is 10-foot-high chain link. Commissioner Johnson observed that it was black vinyl chain link. He noted that there was a combination of CMU block fencing with segments of metal pickets around the remaining perimeter of the property. The CMU block fence is 6 feet high, and the existing chain link fence is 10 feet. At the property line with the Racquet Club, the applicant would keep the 10-foot-high chain link fencing and replace the 6-foot fence with a 6-foot CMU block wall.

Commissioner Suesser referenced the photograph before the Commission and stated what looked like a perimeter fence that runs along the tennis courts is chain link fencing. Applicant-representative Fischer confirmed and added that the pickle ball courts to the south have a 10-foot chain link fence. At the bubble, there were two sections of 10-foot chain link at the tennis court and at a 4-foot walkway. At the pickle ball courts to the north, the fences are all 10-foot chain link. He stated that along the north end of the property near the tennis court closest to the pool is where the 6-foot CMU block fence with ornamental iron begins. This fencing continues all the way around to the edge of the gymnasium and along the front perimeter from the parking lot. Applicant-representative stressed that due to the pools, the perimeter of the property needed to be secured.

Commissioner Shand referenced the Municipal Code and asked if Setbacks applied to structures 30" above the ground or higher. Planner Lund confirmed and stated there were certain Setback exceptions within certain Zoning Districts as well. Commissioner Shand asked how the Setback requirements applied to pools. Planner Lund explained that since this applicant met the Setback requirement of 15 feet, the applicant complied with the requirements. Commissioner Shand observed that if someone wanted to install a patio right up to a property line, they could do that as long as it was not 30 inches or higher. He reasoned that at best, a pool is 12 inches above the ground, and queried about the difference between a patio and a pool in terms of Setbacks. Planner Lund stated that would require more analysis because, at present, the LMC did not define swimming pools; rather, it only defined Private Recreation Facilities.

Commissioner Shand expressed that he wished the HOA President who spoke earlier had elaborated on his concerns; as a result, they really do not know how to address the HOAs concerns. Commissioner Suesser suggested inviting the HOA President to call back if possible.

Chair Hall understood these suggestions but noted that the Commission was not soliciting public comment and open a public hearing back and forth.

Commissioner Shand commented that if someone stated they had concerns that they want the Commission to consider, they should be more specific. He clarified that he was not inviting a call back to the HOA President.

Chair Hall reiterated her understanding of Commissioner Shand's point with regards to the triggering element for the Setback. Commissioner Shand noted that he respected the 15-foot Setback.

Commissioner Suesser sought clarification of what was going into the addition between the current building and the lap pool. Applicant-representative Fischer explained that there would be an expansion of the equipment area to accommodate the pool equipment. Additionally, they would create an enclosed space for the lifeguard.

Chair Hall directed the Commission's attention to Condition of Approval 5 and whether the Commission felt this item needed to go before the Board of Adjustment for a Variance.

Commissioner Van Dine advised that she preferred the second option presented by Planner Lund to not require the applicant to seek a Variance. She felt the proposal was compliant with the 15-foot zone Setback, especially given that they would not be installing any large structures within the 25-foot Setback. She further opined that the applicant had done their due diligence to make this a safer facility and one that would benefit the community. She felt that the noise impact would generally not be significantly different than it is currently.

Commissioner Van Dine reiterated she supported moving forward with the 15-foot Setback and not requiring a Variance from the Board of Adjustment.

Commissioner Johnson agreed but noted that the only way they could go with this option would be to find architectural interest and variation, which he struggled with. He mentioned that LMC Section 15-15-1 referenced architectural detail, and by that definition they could easily state that it embodied the distinctive characteristics of the type, period or method of construction when the property was conceived, designed and fabricated. He noted that the original Racquet Club MPD was contemplated to have the Racquet Club, the MARC and the surrounding condominiums for this typical use.

Commissioner Sigg offered that because the Code is vague on pools in the Setback, he agreed with Commissioner Van Dine that the applicant would not need to go before the Board of Adjustment. He stated there was no vertical elevation to this condition. Further, he noted they had not heard any outcry from the most immediate residents at the Racquet Club and those units between the lap pool and the proposed pool. He agreed it would have been nice to hear more specificity on the concerns mentioned by the public speaker; however, they did not, so he was inclined to agree that it did not require Board of Adjustment action.

Commissioner Johnson asked if the fact that proposed use would remain a pool would benefit the architectural interest and variation of the development. Commissioner Sigg commented that they could debate the architectural aspects of a pool that is in a horizontal plane versus a vertical plane.

Chair Hall commented that without an exception, everything would be squished, and the architectural variation would come from the overall project.

Commissioner Sigg observed that having a solid wall would essentially mask any architectural elements.

Commissioner Suesser stated that moving the kid's pool closer to the property line was the more significant aspect of the new plans. The kid's pool was currently well within the facility, and by putting it closer to the perimeter it could potentially be more disruptive for the surrounding neighbors and residents. She noted that this concern would not prevent her from moving forward with this application, but she did not know if she could find architectural variation that would preclude having the applicant go to the Board of Adjustment.

Commissioner Shand advised that for 12 years he lived within 400 yards of the MARC, and he said he could hear all of the uses at the facility. He considered it the sounds of summer. He agreed that it would likely not be appreciably louder or much different than how it is now.

Chair Hall asked if there was any suggested language for an alternate Condition of Approval. Planner Lund advised that the alternative would be to remove Condition of Approval 5.

MOTION: Commissioner Johnson moved to APPROVE 1200 Little Kate Road – Conditional Use Permit pursuant to the Findings of Fact, Conclusions of Law and Conditions of Approval, as amended to omit Condition of Approval 5, outlined in the Draft Final Action Letter as follows:

Findings of Fact

1. The Park City Municipal Athletic and Recreation Center (MARC) is located at 1200 Little Kate Road in the Residential Development Zoning District.
2. The Applicant proposes to relocate the existing lap pool, leisure pool, and construct a 1,240-square-foot addition.
3. The Planning Commission approved a CUP for the Park City Racquet Club on November 17, 1976, which included an expansion of the existing Racquet Club for additional tennis courts, racquetball courts, and a squash court.
4. On January 20, 2010, the Planning Commission approved the MARC Conditional Use Permit (CUP) and MPD (Master Planned Development) for a 73,000-squarefoot Public Recreation Facility, including seven outdoor tennis courts, four outdoor pickleball courts (added in 2013), an outdoor six-lane 25-yard lap pool constructed in 1990, and a recreation pool built in 2003.
5. On August 06, 2012, the Planning Department approved an Administrative Conditional Use Permit (ACUP) to reconstruct the outdoor tennis courts and to construct four additional pickleball courts. The City issued Building Permit (BD12-17439) for the reconstruction of the tennis courts and the addition of the pickleball courts on August 6, 2013.
6. Swimming pools (Public Recreation Facilities) are a Conditional Use in the Residential Development Zoning District.
7. The proposal, as conditioned, complies with the MARC MPD.

- a. The MPD approval for the MARC included two pools: a lap pool and a leisure pool. The proposed relocation and expansion of the pools is a minor modification to the MPD.
- 8. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E)
 - a. Size and Location of Site
 - i. The proposed pools are in an appropriate location at the rear of the property and are similar in size and dimensions to other public pools.
 - b. Traffic Capacity
 - i. The adopted Transportation Impact Study Guidelines require submittal of a Traffic Impact Study when a project triggers 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. The proposed pools or structural addition do not trigger an increase in traffic pursuant to the adopted Transportation Impact Study Guidelines.
 - c. Utility Capacity
 - i. On February 20, 2024, the Development Review Committee reviewed the proposal and confirmed the proposal conforms with their requirements.
 - d. Emergency Vehicle Access
 - i. The proposal will not change emergency access to the property. On February 20, 2024, the Park City Fire District reviewed the proposal and confirmed the proposal conforms with their requirements.
 - e. Off-Street Parking
 - i. Per LMC § 15-3-6 a Public Recreation Facility requires five Parking Spaces per 1,000 square feet of floor Area. The total number of code-required Parking Spaces for the MARC is 330. The proposed structural addition requires an additional six Parking Spaces.
 - ii. The original Racquet Club prior to the construction of the MARC had 155 Parking Spaces. The 2010 MPD approved a reduction to 148 Parking Spaces. The Applicant submitted an updated parking analysis that shows a parking demand of 142.6 Parking Spaces in the Winter/Fall and 144 Parking Spaces in Spring/Summer.

- iii. Staff recommends a Condition of Approval to require the Applicant to provide an annual updated parking analysis to the Planning Department after the summer season to analyze parking impacts of the proposed pool and structural expansions. The Planning Commission retains authority to add Conditions of Approval if future traffic and parking mitigation is required. There is no adjacent onstreet parking allowed so there are no adverse impacts at peak use and patrons must use alternative transportation to the MARC. Public transit stops are adjacent to the MARC parking.
- f. Internal Vehicular and Pedestrian Circulation System
 - i. The location of the proposed pools adjacent to each other and away from the tennis circulation will improve pedestrian access, staffing, safety, and security issues.
- g. Fencing, Screening, and Landscaping
 - i. The existing five-foot-tall chain link fence surrounding the perimeter of the property will not be changed. The Applicant proposes to remove five trees and replace them on site. Condition of Approval 4 requires the Applicant to screen the proposed pools with the replaced Significant Vegetation and include a landscape plan with Building Permit submittal.
- h. Structure Mass, Bulk, and Orientation
 - i. The proposed pools are similar in size and dimensions to standard public pools.
- i. Useable Open Space
 - i. Finding of Fact #2 from the Development Agreement for the MARC MPD states: "The proposed facility Open Space is 44.7% and includes exterior tennis and pools as well as future phases."
 - ii. The proposal to increase the size of the recreation pool by 2,400 square feet does not decrease the MPD required Open Space, since the pools were included in the original analysis of Landscaped Open Space. LMC § 15-15-1 defines Open Space:
 - a. Open Space, Landscaped: "Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, recreation amenities, public landscaped and hard-scaped plazas, and public pedestrian amenities, but excluding Buildings or Structures."

- iii. The proposed structural additions will decrease the amount of Open Space by 1,240 square feet, a 0.4% decrease overall on a 7.5-acre site.
- j. Signs and Lighting
 - i. No Signs or additional lighting are proposed or approved with this application.
- k. Physical Design and Compatibility with Surrounding Structures
 - i. Condition of Approval 4 requires the Applicant to screen the proposed pools with the replaced Significant Vegetation and include a landscape plan with Building Permit submittal.
- l. Noise, Vibration, Odors, Steam, or Other Mechanical Structures
 - 1. Condition of Approval 5 requires adherence to Municipal Code of Park City Chapter 6-3 Noise. The proposed hours of operation:
 - Lap Pool: Mid-April to October: 6AM – 7PM.
 - Rec Pool: Memorial Day to Labor Day: 9AM – 7PM.
- m. Control of Delivery and Service Vehicles; Loading and Unloading; Screening of Trash and Recycling Pickup Areas
 - i. No changes to the delivery, loading and unloading zones, or trash and recycling areas are proposed.
- n. Expected Ownership
 - i. The MARC is owned by Park City Municipal Corporation.
- o. Environmentally Sensitive Lands, Physical Hazards, Historic Mining Waste, Park City Soils Ordinance, or Steep Slopes
 - i. The proposed pools are not located on a steep slope and are outside of the Park City Soils Ordinance.
- p. General Plan
 - i. The proposed pools comply with Goal 9 and Objective 9A of the General Plan:
 - a. Goal 9: “Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors.”
 - ii. Objective 9A: “Maintain local recreation opportunities with high quality of service, exceptional facilities, and variety of options.”

Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.13 Residential Development Zoning District, Chapter 15-6 Master Planned Developments, and Section 15-1-10, Conditional Use Review Process.
2. The Use will be compatible with 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 Applicant must obtain an Administrative Permit approval for the MARC MPD minor modification by the Planning Director prior to Building Permit submittal.
2. The Applicant shall screen the proposed pools with the replaced Significant Vegetation and include a landscape plan with Building Permit submittal.
3. The Applicant must adhere to Municipal Code of Park City Chapter 6-3 Noise.
4. The Applicant must provide an annual updated parking analysis to the Planning Department after the summer season to analyze parking impacts of the proposed pool and structural expansions. The Planning Commission retains authority to add Conditions of Approval if future traffic and parking mitigation is required.

Commissioner Van Dine seconded the motion.

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

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

Chair Hall noted that both Work Session items would return to the Commission on a Regular Agenda and would be publicly noticed for a public hearing; therefore, no public comment would be taken for these Work Session items during this meeting.

6. WORK SESSION

- A. **Trails Master Plan** – The Planning Commission will Conduct a Work Session on the Updated Park City Trails Master Plan (“TMP”) to Facilitate Passive, Non-Motorized Recreation and Establish a Comprehensive Framework for the Design, Planning, Development, Management, and Maintenance of the City’s Trail System and Amenities and May Consider a Recommendation to the City Council.

Heinrich Dieters, Trails and Open Space Manager introduced himself as well as Logan Jones,

Trails and Open Space Project Manager and Alex Roy, Senior Transportation Planner, who were present on Zoom.

Manager Dieters noted that while the Planning Commission would not ultimately adopt this plan, given the Commission's important role in this community, they requested input on this Trails Master Plan ("TMP"). City Council would review this Plan for adoption next week. He noted that Commissioner Van Dine and Commissioner Johnson served as liaisons for the creation of the updated TMP. Additionally, Planner Lund and City Planner Lillian Zollinger also assisted in this document. He also mentioned assistance from the Mountain Trails Foundation, Summit Land Conservancy, and Utah Open Lands. Several different departments weighed in and reviewed the document. Manager Dieters also noted that Myles Rademan, who is the godfather of Park City's Open Space and trails, was provided this document for feedback.

Manager Dieters stated that they were not seeking any type of formal approval of this document from the Planning Commission. The intent was to seek input on anything that might be missing, or whether there were fatal flaws in the Plan or other questions that might exist regarding the Plan. He noted that he took the original Plan from approximately 140 pages down to 18 pages. He drafted the Plan in house, in collaboration with many others. This community has a lot of technical and community knowledge associated with its Open Space and trails.

The Trails Master Plan does not set forth strict parameters; rather it would provide a set of guidelines and a framework. That being said, he noted there were also certain parameters and definitions in this document that would hopefully help the Planning Commission as it goes through a development process. He stressed that this was not a strict regulatory document; rather it provided an opportunity to apply "art versus science" and as one appreciates the trails, he felt it was more art than science. He looked toward transparency in terms of community input and Commission input. He noted that many of the trails were created as a result of Open Space bonds and acquisitions, especially over the last several years. While the TMP has a Subdivision Ordinance associated with the LMC, most developers actually contact him directly when they consider developing a piece of property because they know the community is so interested in trails as a benefit.

Manager Dieters stated he would like the Commission's input on the Sensitive Land Overlay ("SLO") process. He advised they created a data set that he would walk through for what his team felt was the SLO process. They first looked at the Trails Master Plan in 1981, and it was not until the early 1990's and the early 2000's that they had visuals and analysis, which showed how far technology had come. In terms of acquisition of Open Space, Manager Dieters stated there were very few communities as blessed as Park City to be able to go out and purchase large tracts of land and provide them with public trails. He reported the City's recreation users had changed. He mentioned a recent discussion with City Council about e-bikes and noted that the Commission was frequently dealing with pickle ball.

With the user demands and changes also comes a lot of technology. He stated in the past they did not have crowdsourcing apps or smart phones. This technology has driven new standards and definitions.

Manager Dieters reported that the scope of the document changed. He noted that it went from approximately 150 pages to 18 pages. He mentioned that the Transportation Department has a Bike and Pedestrian Plan, Summit County has an Active Transportation Plan, and there are Streets Master Plans. He explained that the TMP was specifically a backcountry recreation

document specific to the trails. It acknowledges the multi-use pathways, and the urban network and trailheads because those are part of the overall network; however, this document focuses on definitions and standards.

As the TMP had historically sat on a shelf, he stated that going forward they would return with updates a minimum of every three years. He felt it might actually occur more often in that they often get grants before planning approvals because you could not know the elevation of a trail until funding is received. They have the goals and objectives in the TMP or the regional connectors they know will happen, and they often are looking for grants several years out.

Manager Dieters advised that he ran the Trails Department by himself for approximately 15 years, and now they were blessed with a Staff that allows him the time to develop new programming and projects. He advised that every good Master Plan contains an inventory, and he presented the list to the Commission. He felt the list was impressive and most impressive was the list of trailheads. He noted that trailheads are not cheap, and they are difficult to mitigate in neighborhoods where amenities such as restrooms often bring about contentious discussions.

Commissioner Suesser noted that the inventory did not include the Treasure Hill trailhead. Manager Dieters thanked Commissioner Suesser for catching that omission. In response to an inquiry regarding what "Class Level meant" Manager Dieters explained that it was something they were considering to help to classify these trailheads. They took some of the language from the Snyderville Basin Code's reference to major and minor trailheads.

Commissioner Suesser made some inaudible comments off the record.

Commissioner Shand asked if the Meadows Drive trailhead had started. Manager Dieters confirmed that McLeod had started, and they would start Meadows next. Those trailheads would come online without restrooms.

With regard to the list of trailheads, Commissioner Suesser noted that Aerie stated it included winter maintenance and asked if that referred to the two spots off of Deer Valley Drive. She noted that those areas were often not plowed. Manager Dieters stated he would look into this. He lauded the snow removal efforts of the Streets Department and the Parks Department and surmised that the Aerie trailhead was likely at the bottom of the list in terms of priority for plowing.

Commissioner Suesser stated was glad Aerie was on the list and appreciated the fact that it was likely one of the last that the plows would get to.

In terms of Goals and Objective, Manager Dieters explained that this list was developed by input from the stakeholder group. He suggested that the TMP provide some guiding policies that could be used as a basis for a policy discussion that a project was actually advancing some of the aspects associated with the TMP.

Although the TMP would not be regulatory, he felt it was important to know that the City received grants to pay for the projects, or that the construction of a trail would solve or mitigate an impact in another area. He expressed hope that when he comes before the Commission with future trails that not only would the SLO analysis be done, but he could point to certain objectives to explain why a particular project had risen to the top of the list.

Manager Dieters addressed Facility Types and Definitions and explained that the old TMP listed some types and definitions associated with them; however, those types and definitions were outdated and included the same definitions from 1992. He advised that now they have much better technology and design standards, specifically from the International Mountain Bike Association. These standards are continually being revamped and people are always looking at the best ways and materials. With this Plan, he would not have to return to the Commission every time there is a standard change; rather, they could keep referring to the standards. He also noted this would be the first time they would have trail accessibility guidelines, and stated there was a lot of interest from his department and the community at large to provide additional access for the adaptive users. These standards would really help them guide these efforts.

Manager Dieters also stated they would have minimums and measurements on back country trails easements at 10 feet and pathways at 20 feet, which were consistent with the engineering standards. He also included preferences for construction phasing. He stated they do not want to just build trails that are being affected by ski runs or a home. He had seen developers install trails during the first phase of a project and have construction equipment and activities thereafter that make it difficult to use. The TMP would address practical applications as the community benefits go in.

Manager Dieters mentioned that he included preferences for the title conveyances of Open Space as well as management oversight standards. He also added language that easements would be dedicated on the plats and in the plat notes. There was also some information regarding amenities for the Planning Commission to consider when reviewing a proposal. In addition to restrooms and kiosks, he stated they had been using trailhead webcams as part of their planning and mitigation. They also included some standards for maintenance and creation of winter trails. He stated that winter trails standards were difficult to locate outside of Minnesota or Anchorage, but now Park City would have those standards in the TMP. He mentioned that many of the adopted policies regarding trails and Open Space addressed mitigation. He offered that a commercial use policy is likely something they should explore in the future.

In terms of Rules and Regulations, Manager Dieters stated there was no adopted set. Trailhead hours were something that they used to come across, and while some are set forth in Code, others are for the rangers out on the system to help them educate people. When they adopt certain rules and regulations, the user's expectations are therefore enhanced.

Manager Dieters touched on winter trails and recalled that there were not a lot in the area unless a user had a winter pass, worked for the resort or went skiing at White Pine. The City has a huge network of free public trails for Nordic skiing and fat biking.

In the past, people would hike in the snow by just putting on boots and slogging out into the Open Space. The winter trails now are groomed and packed, and include messaging and mutt mitt stations, which provide great benefits for the community. Identifying those and providing standards is therefore important.

Manager Dieters reported that Transit to Trails had been very successful and really the only game in town for winter. He noted that winter is when they have the most impact on parking at trailheads. He mentioned the Commission's familiarity with Bonanza Flat and explained that transit options to areas like that have set a precedent and it does work. He suggested it might be a tool the Commission could point to in the future.

Commissioner Suesser asked if there had been any issue with dogs on the shuttles. Manager Dieters responded that they had not. Commissioner Suesser was pleased with that information.

Manager Dieters commented that they ask people to behave accordingly and to be professional and courteous, and while people using the trails system likely do not want to be met with a lot of rules, they encourage people to be accountable and nice.

Commissioner Suesser mentioned that she would like to see some rules regarding parking at trailheads. Manager Dieters pointed out a chart presented to the Commission that illustrated the March ticket data showing zero tickets. The data also showed that it was different in past years, and posited that the community had come to learn that these areas are patrolled, and violators would be ticketed. He stressed that they use Bluetooth data collection to help them shape management styles to understand who is visiting certain areas. They have rangers who monitor certain sites, and the effort is ongoing and something they want to ensure is addressed in the TMP because it is part of a modern trail network.

Chair Hall stated that it was clear that there was Code enforcement available for parking. In terms of the other rules/guidelines, she felt the difficulty was in enforcement with many who might not know the rules or do not care as much about respecting the rules.

Manager Dieters proffered that most people want to do the right thing if they know the rules. Posting Rules and Regulations provides that information to most people. There are ordinances for parking, non-motorized vehicles, and off-leash dogs, whereas regarding the dawn to dusk usage and area closures, it comes down to signage. He acknowledged that enforcement was difficult, but if they could get up to 98-99% informed through education and presence, they would be doing pretty well. He added that the rangers look very official and have radios, which makes a difference. The rangers are connected to dispatch and can call if needed.

Manager Dieters explained that every TMP has a TMP map. He explained that the maps would identify the trails and connections. They would inherit certain elements from the old TMP and mentioned the straight lines that represented conceptual corridors for regional connections. He was unsure if the SLO aspect would be applicable, however they want to use those so they can apply for grants.

They want to make a connection to Wasatch County, and in the general area of Clark Ranch they foresee a multi-use path. On the other hand, there are trails for which they will know more precise corridors.

In response to an inquiry, he offered that he would likely come back before the Commission on this next year when there were more proposed trails.

With regard to the Trails Map included as Attachment 1, Commissioner Suesser mentioned the red dashed lines, and stated that she would need a couple more layers to really know where those are located. She would like to be better oriented when she looks at the map. Chair Hall mentioned that the Trails Map was page 67 of the Packet.

Manager Dieters stated that the red lines on the Trails Map were the inherited connections that had been in the TMP since 2003. He stated that when they present this to Council next week, those red lines would not be on this map, and he presented this for informational purposes. He

explained that the green on the Trails Map was City-owned Open Space, and wondered if including roads would help to orient the locations. He mentioned that SR-242 and SR-248 were common as was Richardson. Commissioner Van Dine suggested some neighborhood labels, while Commissioner Johnson queried whether it would be easier to have multiple maps.

Manager Dieters felt that was great input and they would look into splitting up the maps. Commissioner Johnson understood there was a City department that could put the maps together. Manager Dieters expressed that they should probably have a winter map as well. There was discussion on whether they wanted to include the SLO in these maps.

With regard to the SLO, he explained that they created a data set along with Alliance Engineering, which is, in a sense, a citywide SLO. They would use this data set to go through their initial analysis of where they could locate trails. There would be times where a trail would cross a ridgeline or a stream corridor. He stressed that it was important to collect this data and they would then be much more zoomed in for a trail associated with this. He presented the SLO with the Trail Map, which they would be able to zoom in and add layers when they return to the Commission with proposed projects. He presented graphics showing Ridgelines and Steep Slopes. He acknowledged the Commission's familiarity with the Ridgelines. With respect to the Steep Slopes, the areas in purple were "bad" whereas green was "good." He explained that they could overlay a trail into this map to determine the steepness.

From a mitigation standpoint, there is a standard practice on some of these, and they would be built by hand so as to not having a machine cut through these areas. He mentioned the Mid-Mountain that was cut numerous years ago.

Commissioner Shand understood the advantages of hand-cut trails, but the once the vegetation grows back along machine cut trails, they hold up much better to rain or runoff. Manager Dieters did not disagree with Commissioner Shand's point, but noted that if they go with machine cuts, there were also seeding aspects they could do to improve the vegetation.

Commissioner Van Dine felt it was helpful to adopt the various trail standards as well so that the trails are being built with all those mitigation efforts.

Commissioner Suesser reminded that not all trails were built for mountain biking, so different standards could apply.

In regard to wetlands and streams, there were new designs such as boardwalks that could enable access through these areas. From a vegetation standpoint, he felt that the community had embraced forest health approaches, and he stated that they avoid all Significant Vegetation when possible. Wildlife is also a consideration and they have done some closures on certain trails. Most of those have been done in connection with conservation easements. He was not aware of any endangered or threatened species within the SLO, but whenever there is an application they look into that. They pull those data sets from DWR and Fish & Wildlife and would present them at the time of application.

Commissioner Suesser stated that this type of resource would be helpful for the Commission, even in contemplation of proposals like Lift 7 at Deer Valley. She noted that applicant had an outdated Wildlife Study, and if the Commission had an updated map, then they could look at what the City has in terms of that information.

Manager Dieters commented that they might not want to assume the responsibilities of the applicant; however, this would be a data set and something they could use as a tool to help make better decisions.

Commissioner Suesser inquired about the status of Iron Mountain Trail. Manager Dieters reported that they continue to work with the neighbors. Commissioner Suesser mentioned the trail that was shut down at Temple. Manager Dieters stated that was in the basin and he understood it was gone. Commissioner Suesser stated there were signs that stated, "No Trail Access" and the parking lot was nearly always empty. She noted that used to be a way to access the trail. She felt that part of the approval of the MPD was that trail connection, and she would like to see it come back.

Commissioner Johnson was looking forward to the SLO aspect in the future. He mentioned that at page 13 under the Goals and Objectives paragraph, there needed to be a space between 2003 and 2. In the Winter Trails section, on page 58 of the Packet, he suggested changing the last sentence because it reads: "Development of this resource should consider the following considerations..."

Manager Dieters invited further comments or corrections via email. The document was still in draft form so that these corrections could be made. He confirmed that it would be presented to City Council for adoption on May 16, 2024.

Chair Hall noted for the listening public, the City Council meeting would provide an opportunity to provide input and comment. The public could also email planning@parkcity.org before that meeting.

Commissioner Suesser stated there was a need for more snowshoeing trails and access to them.

Chair Hall appreciated the work on the trails and stated they make all their lives better.

- B. Land Management Code Amendments** – The Planning Commission will Discuss Potential Management Code ("LMC") Amendments Regarding Radon Regulations for Section 15-1-10 Conditional Use Review Process, Chapter 15-6 Master Planned Developments, Chapter 15-6.1 Affordable Master Planned Developments, and Chapter 15-13 Regulations for Historic Districts and Historic Sites.

Planning Department Administrative Assistant Jacob Klopfenstein explained that radon cannot be seen or smelled but is the leading cause of lung cancer among non-smokers. It is attributed to approximately 21,000 lung cancer deaths per year. Overall, Utah is the ninth worst in the United States in terms of radon levels. He added that the Environmental Protection Agency ("EPA") considers Summit County a moderate radon-potential zone where radon levels in buildings were expected to be between 2 and 4 picoCuries per liter of air ("pCi/L"). The EPA action level where they recommend mitigation is anything over 4 pCi/L; they recommend consideration of mitigation at levels between 2 and 4 pCi/L. He reported that Park City recently started a task force to discuss radon. The task force included members from the Affordable Housing Departments, Sustainability, Executive and the City Attorney's Office. The task force

recommendations included testing City-owned properties and mitigation for any properties where the levels test between 2 – 4 pCi/L.

Other recommendations included amending the LMC and establishing a community-wide awareness campaign. Utah House Bill (“H.B.”) 518 was passed in the 2024 Legislative Session and would take effect in July. This bill aligned Utah with the International Residential Building Code Standards, including Appendix F that details radon control methods. Appendix F required radon mitigation and insulation in residential construction.

Planner Klopfenstein explained that these systems typically included five elements: a gravel layer to allow soil gasses to move freely under the home; sheeting or some other vapor barrier; a vent pipe to exhaust the gas from the soil and out of the home; sealing and caulking; and a junction box installed in the attic to accommodate a fan for mitigation of radon in the future. The Code amendments being considered would require the installation of this type of system, with the exception of the fan, which could be easily installed if a home tested within that range for radon. He stated that Staff proposed changing the Code to include these requirements for MPDs and Affordable MPDs. They also proposed changes for CUPs and regulations for Historic Districts. Planner Klopfenstein stated that Staff was looking for general feedback from the Commission on these proposed amendments.

Commissioner Shand asked about the fan in the attic. Planner Klopfenstein explained that the junction box for the fan was typically installed in the attic to accommodate a fan. Commissioner Shand observed that the fan would not be required to be in the attic. He asked if any thought was given for locating the fan inside the footprint of the building as opposed to outside. Planner Klopfenstein stated they had not considered adding language regarding location of the fan, but they would explore that. Commissioner Shand felt that having the piping in place for a future fan was the important thing.

Commissioner Johnson felt the language was kept intentionally broad to allow for multiple options.

Commissioner Suesser asked if the radon pipe would ever get a fan. Planner Klopfenstein explained the fan would be integrated into the system to pump the air through the vent pipe.

Commissioner Shand understood that the junction box was an electrical box to accommodate the powering of the fan.

In response to Commissioner Sigg’s inquiry, Planner Klopfenstein stated that the fan would not be required by the Code because it would not necessarily be needed in all cases. The infrastructure would be required for new construction to allow for installation of a fan if radon testing revealed levels in or above the stated range. He added that the EPA found that building this infrastructure would save builders money, so it would be a proactive measure.

Commissioner Sigg asked if there was a provision for retrofit and whether a vent pipe could run exterior to the structure. Planner Klopfenstein answered in the affirmative for some cases and must be able to vent gas out.

Chief Building Official, Dave Thacker explained that the vent pipes would not always have to be vertical, but there would be clearance requirements for exhausting the pipe. The Code would

require it to not impact neighboring properties, walkways, etc. There would be specific regulations as to how and where the vent pipe would terminate.

Commissioner Suesser asked if the vent pipe would vent radon gas without a fan. Chief Thacker stated it could if the vent piping was free flowing because it would naturally draft. However, if a test revealed radon to be present, the Code would require the installation of a fan. It is referred to in the Code as an "air handler," which provides for movement of that air. He suggested thinking of the entire system as an exhaust system, with an air handler to assist in ventilation. Chief Thacker added that each system would be unique and depending on the type of building, some fans might be closer to the ground, whereas some might be in an attic space. As long as the air handler is sized appropriately, it would work the same regardless of location.

Chair Hall was generally very much in favor of adding this to the Code. She stated that she had installed two in pre-existing homes, and it worked well. She commented that like laying conduit for Electric Vehicles, it would be much easier to install at the front end rather than having to install this after construction. Planner Klopfenstein stated these amendments incorporated the same idea as for Electric Vehicle conduit.

Commissioner Suesser asked if testing had been done on City-owned buildings. Planner Klopfenstein explained that they had begun testing City-owned buildings, and it was ongoing. He stated the plan was that if a building tested in the level of 2 – 4 pCi/L, the City would monitor those properties for up to three months before deciding if they need to perform mitigation. The City was also giving away radon test kits to City employees, and over 60 employees had taken them.

Commissioner Johnson noted that Summit County was actually in Zone 2 for the EPA maps. He also mentioned H.B. 104 that pertained more to HOAs and providing flexibility to install. He stated that he was very excited about these amendments but would prefer requiring any proposed additions where ground is disturbed to test and monitor as well. He acknowledged that would likely be an issue for the City Attorney to address in terms of legality. He stated that any time the ground is disturbed, it can create cracks or fissures where additional radon could be exposed.

Commissioner Suesser would like to see a requirement for new residential or additions. She would like to see language that would encourage landowners to test for radon.

Chief Thacker mentioned that the State Legislature adopted an Appendix for radon control methods that was specific to new construction. These amendments would require these methods with all new Single-Family homes. He added that they were also looking at the definition of "new construction," which is defined by FEMA and states that 50% of the value of the property or greater would trigger this requirement. He agreed with encouraging any additions or ground disturbance to have this as well, but they do not yet have the tools in the Residential Code.

Chair Hall observed they could incorporate more obvious education components. Chief Thacker stated they were bringing this up at the permit stage to let people know they should test because many are unaware of the dangers associated with radon and how close it might be to a home.

Commissioner Johnson stated the range was important, because he felt eventually mitigation would be required within that range.

Chair Hall remarked that the consensus was that the Commission was supportive of incorporating this into the LMC and she was happy with the proposed language.

Commissioner Suesser liked the idea of a larger education component to raise awareness.

Commissioner Johnson stated that 60 tests had been handed out, and there were likely 40 left with more coming. Commissioner Suesser added they were also available from the State and possibly the County.

Chair Hall stated some of the radon tests could be relatively inexpensive and the mitigation could be inexpensive as well. Chair Hall confirmed that a majority of Commissioners would meet at The White House following this meeting.

7. ADJOURNMENT

MOTION: Commissioner Shand moved to adjourn.

The meeting adjourned at approximately 7:35 PM