



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MAY 22, 2024**

COMMISSIONERS IN ATTENDANCE: Chair Sarah Hall, Vice Chair Christin Van Dine (joined at 6:50 p.m.), Laura Suesser (attended virtually), Bill Johnson, Rick Shand, John Frontero

EX OFFICIO: Rebecca Ward, Planning Director; Lillian Zollinger, Planner II; Virgil Lund, City Planner; Mark Harrington, City Attorney

1. ROLL CALL

Chair Sarah Hall called the meeting to order at approximately 5:33 p.m. She announced that Commissioner Laura Suesser is attending the meeting virtually via Zoom. She noted the presence of all Commissioners with the exception of Commissioner Henry Sigg, who was excused. Commissioner Christin Van Dine joined the Planning Commission Meeting at 6:50 p.m.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from April 24, 2024.

MOTION: Commissioner Johnson moved to APPROVE the Planning Commission Meeting Minutes from April 24, 2024. Commissioner Shand seconded the motion.

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

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Rebecca Ward, reminded those wishing to participate in the public comment periods to state their full name and sign in. Comments are limited to three minutes or less. Additionally, she asked that comments be directed to the Planning Commission rather than the applicant or audience on matters pertaining to an application. Civility is also requested.

Chair Hall shared a disclosure. Commissioners received an email regarding the Brandsford Land Company. She believes it was intended to be associated with Item 5C, but this was unclear from the email received and she did not respond. There were no additional disclosures shared.

4. PUBLIC COMMUNICATIONS

There were no public communications.

5. REGULAR AGENDA

- A. 176 Main Street – Plat Amendment** - The Applicant Proposes to Create One Lot from a Metes and Bounds Parcel in the Historic Residential - 2 Zoning District. PL-24-06085.

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

MOTION: Commissioner Shand moved to CONTINUE the 176 Main Street Plat Amendment until the July 10, 2024, Planning Commission Meeting. Commissioner Johnson seconded the motion.

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

- B. 1061 and 1063 Lowell Avenue – Condominium Plat Amendment** - The Applicant Proposes to Create Four Condos in Two Duplexes in the Historic Residential - 1 Zoning District. PL-24-06052.

Planner II, Lillian Zollinger, presented the Staff Report and explained that this item relates to 1061 and 1063 Lowell Avenue. This is a Condominium Plat Amendment for properties located in the HR-1 Zoning District. There was a Plat Amendment approved and recorded in 2022 for two duplexes. Following that, the owner received a Conditional Use Permit (“CUP”) and Historic District Design Review (“HDDR”) approvals for two duplexes. With the application currently before the Planning Commission, the applicant is proposing to convert the two duplexes into condominiums for four total units. She shared an image of the plat recorded in 2022 and noted that the applicant has also submitted updated proposed Condominium Plat draft sheets.

Planner Zollinger explained that the proposed Condominium Plat complies with previous approvals. There is good cause for the Condominium Plat because there are no proposed changes to the existing structures and no additional impacts from the conversion to the condominiums. Regarding the Conditions of Approval, Condition of Approval #2 sets a one-year expiration date for recording a Condominium Plat or requesting an extension before that date. Condition of Approval #3 states that all conditions under the CUP and HDDR continue to apply.

Commissioner Suesser noticed that on the approved plat, the first note mentions the building footprint for each lot. She wondered whether the proposed plans are compliant with that number. Based on some quick math, it appears the applicant is over that amount. Planner Zollinger reported that she can double-check that and explained that it can also be a Condition of Approval.

Director Ward stated that the building footprint is confirmed at the time of the HDDR. There are platted elements, such as the deck area, but as far as the structural building footprint, that was verified during the HDDR process that took place previously. Commissioner Suesser had a question about the access easement. Her understanding was that the access easement came in from Lowell Avenue, went across the property, and then continued across the neighboring property. Planner Zollinger confirmed that this is the access easement currently recorded.

The applicant representative, Nick Frost, reported that there is an easement, and it is shown on both the old and new plat. However, properties that benefit from that easement have secured other access, so that easement is no longer necessary. The process is underway to put together an abandonment termination of that easement, but the easement is still in place at this time. Commissioner Suesser asked for additional details about that. If the access is abandoned, she

wants to know whether the plan will still be compliant with the Fire Code. Mr. Frost explained that the road will remain because it services both of the duplexes. The configuration and dimensions of that road and access will not change, but the people using that road will. He informed the Commission that the other neighbors have been using alternative access for a number of years.

Commissioner Suesser pointed out that the previous approval included the access that went across the neighboring property. She asked the Planning Department to share some feedback. Planner Zollinger explained that if the access was removed, there would need to be an agreement that included the neighboring properties. Mr. Frost clarified that under this plat, there is no proposal to remove the access easement. It is platted and will exist. If there is a subsequent agreement made with the neighbors, that is something that will come forward in the future.

Commissioner Suesser asked about Condition of Approval #9 which relates to nightly rentals in Exhibit C. She asked that the Commission review that condition to better understand what is being proposed. Director Ward explained that there are required reviews and licenses prior to allowing a nightly rental. Chair Hall asked if that is covered in Condition of Approval #3, which makes a reference to the existing Conditions of Approval under the HDDR and CUP. Commissioner Suesser understood the intent of the language but felt that should be reiterated. Mr. Frost suggested that there be a reference to Condition of Approval #9 in the Exhibit C document. Commissioner Bill Johnson asked that an addition be made to Condition of Approval #4. Director Ward stated that a plat note can be added to clarify the building footprint, so it is recorded on the Final Condominium Plat as well as on the underlying plat.

Commissioner Suesser noticed that in the proposed plat the existing lot line is being removed. She wanted to understand if there will be one lot with four condominium units or if there are two lots. Planner Zollinger clarified that it will remain two lots. Commissioner Suesser asked about the removal of the lot line on the proposed plat document. Director Ward explained that there were discussions with the applicant about this. As part of the red line phase, there needs to be compliance with all of the Conditions of Approval. The lots cannot be combined because of the maximum lot size in the current code. A condition can be added to state that the property must remain in the two previously platted lots. Discussions were had about snow storage easements.

Chair Hall opened the public hearing.

Arnie Rusten gave his address as 1058 Lowell Avenue. He stated that there is some confusion about the 10-foot storage for snow off of Lowell Avenue, as he does not know what that means exactly. There is not a lot of real estate left after the development. Mr. Rusten reported that the thru access that used to be there through the adjacent property to the south has been blocked off. He is somewhat confused about the footprint and some of the specific details.

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

The applicant, Stacy Head, asked to address some of the earlier comments made by Commissioner Suesser. With regard to the easement, it sounded like there was a question about whether or not she has taken action on the easement that would be inconsistent. She denied this. She did not build a fence across the easement. If there is a desire to remove the easement in the future, that will require a process at the City level. The easement is not currently blocked.

Ms. Head wanted to make sure the applicant representative present does not agree to anything about short-term rentals. She explained that there was never a statement made that short-term

rentals will not be there. It is important to maintain the ability to have those rentals. Mr. Frost clarified that he only agreed to conditions that reference the previously agreed on conditions. Planner Zollinger explained that Condition of Approval #9 from Exhibit C states:

- The Owner shall demonstrate compliance with applicable standards prior to establishing a Lockout Unit or Nightly Rental use.

Planner Zollinger reiterated that the language does not prohibit nightly rentals, but in order for that to happen in the future, there needs to be compliance with Code. Ms. Head next discussed the snow melt and explained that she wants the snow to be moved where it needs to be moved. That being said, she noted that there are inconsistencies with what is being applied to her property compared to other nearby properties. The two properties built next to hers at the same time did not have to sign a snow melt agreement, but she has no issue signing something like that.

Chair Hall asked Staff to share information about the snow storage easement. Planner Zollinger reported that a 10-foot snow storage easement is a fairly common requirement in recent years. It is typically 10 feet from the property line. She shared an example image with the Commission.

The Commission reviewed the Conditions of Approval and discussed the proposed amendments. Planner Zollinger shared the drafted language, which included the addition of Condition of Approval #6 and Condition of Approval #7. Commissioner Suesser asked to review the Conditions of Approval from the prior approval. She believes something might need to be done with the access. Commissioner Suesser reported that previously when the duplex was approved, a significant portion of the discussion had to do with the access easement over the neighboring property. It is her understanding that the neighbor to the south has now blocked off that access. She does not know now whether the applicant property is compliant with the requirements due to the lack of access back onto Lowell Avenue and wants to make sure that is addressed properly. Planner Zollinger explained that she would need to look into the matter more, but if it is an issue where something is not compliant with the Code, then that would be a code enforcement issue.

MOTION: Commissioner Johnson moved to APPROVE the 1061 and 1063 Lowell Avenue Condominium Plat, according to the Findings of Fact, Conclusions of Law, and amended Conditions of Approval, as follows:

Findings of Fact

1. 1061 and 1063 Lowell Avenue are in the Historic Residential – 1 (HR-1) Zoning District and are both Duplexes under construction.
2. On October 28, 2021, the City Council approved the Northstar Subdivision – Lot 1 Amended Plat Amendment at 1061 and 1063 Lowell Avenue (Ordinance No. 2021-42).
3. On March 22, 2023, the Planning Commission approved Conditional Use Permits (PL-22-05491 and PL-22-05492) for both Duplexes.
4. On May 4, 2023, the Planning Director approved Historic District Design reviews for both Duplexes (PL-22-05444 and PL-22-05445).

5. The Applicant proposes to covert two Duplexes to four Condominium Units.
6. There are no proposed changes to the existing structures or HDDR or CUP approvals.
7. The Development Review Committee reviewed the proposed Plat Amendment on May 7, 2024, and required Condition of Approval 4.
8. Staff published notice of the Planning Commission's public hearing on the City website, the Utah Public Notice website, and posted notice to the property on May 8, 2024. Staff mailed courtesy notice to property owners within 300 feet on May 8, 2024. The Park Record published courtesy notice on May 8, 2024.

Conclusions of Law

1. There is Good Cause for this Plat Amendment because it does not change the footprints or masses of the existing Structures, will have no negative impacts to the public, and does not create any non-conformities.
2. The Plat Amendment is consistent with the Land Management Code, including LMC Chapter 15-2.2, Historic Residential - 1 (HR-1) Zoning District and § 15-7.1-3(C) Classification Of Subdivision – Condominium.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer shall review and approve the final form and content of the Plat Amendment for compliance with State law, the Land Management Code, and these Conditions of Approval, prior to recordation of the plat.
2. The Applicant shall record this Plat Amendment at the County within one year from the date of Planning Commission approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the Planning Director.
3. All existing Conditions of Approval under the HDDR and CUP continue to apply, including Condition of Approval 9 from the CUP. Any proposed modifications to the HDDR or CUP require a Modification Application.
4. The Applicant shall provide a 10' snow storage easement off Lowell Avenue prior to Plat recordation.
5. The final Condominium Plat shall comply with Utah Code § 57-8-13.

6. The Building Footprint for each Lot is 2,818 square feet.
7. The property shall remain two Lots, as previously platted under the North Star Subdivision – Lot 1 Amended.

Commissioner Shand seconded the motion.

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

- C. 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.

City Planner, Virgil Lund, presented the Staff Report and explained that this is an application for a CUP for property located at 2250 Deer Valley Drive South. He reported that this relates to Deer Valley Lift 7. He shared a map of the area and stated that the proposal is for a six-passenger 0.56-mile-long ski lift on Park Peak with 4.62 miles of new ski runs. Since the last submission, the ski-related accessory building footprint has been removed from this proposal and will be under a separate CUP. That will be reviewed by the Planning Commission at a later date. Planner Lund clarified that the updated request is only for the area shown in blue on the map, which he explained illustrates the 4,437 square foot bottom terminal and lift storage building.

Some updated Conditions of Approval were shared with the Commission. For Condition of Approval #27, there was a reference made to Technical Report #13, Wildlife Management Plan. That must be updated within a certain timeline. As for Conditions of Approval #16-27, those are based on the Consultant's Report that was submitted to the City and is included in the Meeting Materials Packet. Planner Lund explained that it relates to wildlife management and mitigation.

Staff recommends that the Planning Commission review the proposal, open a public hearing, and consider approving the CUP based on the Final Action Letter in the Meeting Materials Packet.

Commissioner Johnson asked about the Open Space Management Plan that is part of the Flagstaff Development Agreement. He wanted to know what regulatory power that document has. City Attorney, Mark Harrington, clarified that the Open Space Management Plan is a technical report that is required. It was not adopted concurrently with the Development Agreement but was adopted as a separate submittal. It was a comprehensive submittal addressing all of the technical reports at the time. It addresses the necessity of open space management and designation. Attorney Harrington stated that it was a plan submitted by the applicant that clearly outlined how the management would be handled.

Commissioner Johnson noted that part of the designation is on Park City Municipal lands. He wanted to know how to approach this for other landowners outside of Deer Valley. Attorney Harrington believed Commissioner Johnson wanted to better understand the evaluation of the current proposal before the Commission. Previously, it was possible that additional property owners could come and join the Development Agreement. That did not really happen, so there were amendments made to other agreements that were outside of the Development Agreement.

The main purpose of the Development Agreement was to concentrate the development activity within the designated pods and allow flexibility in terms of the ski area use and open space. However, on Page 19-21 of the Development Agreement, it calls out specific areas that are subject to additional restrictions. Within that, there is discretion to evaluate a proposed management plan based on public access, public use, or ski area uses that are otherwise permitted uses in the Development Agreement. Commissioner Johnson explained that he wants to make sure the Commission is not setting a precedent with some other parts of the plan.

Commissioner Johnson further discussed the Open Space Management Plan. He believed the goals and objectives are guides but are not regulatory. Attorney Harrington clarified that those are regulatory. The Planning Commission approved the Open Space Management Plan, and it is not simply a guideline. He suggested that the Commission consider whether the proposal is consistent with the overall methodology and goals of the original Master Planned Development. For instance, preserving ski use flexibility, but focusing on the residential and commercial density in the pods. He reiterated that some additional restrictions were called out in the Development Agreement. The Planning Commission is now considering whether proposed changes meet the intent of the original approval and will evaluate whether there are reasons to approve or deny.

Todd Bennett, President and Chief Operating Officer at Deer Valley, Hannah Tyler, Vice-President of Resort Planning, Steve Graff, Vice-President of Mountain Operations, and Garrett Lang, Director of Mountain Operations, introduced themselves to the Planning Commission. Ms. Tyler thanked the Commission for having them back to discuss this project. This evening, the plan is to address the comments and information requests received from the Commission during the April 24, 2024, Planning Commission Meeting. Before that, she wanted to cover some housekeeping information included in the Staff Report and referenced in public comment.

Ms. Tyler reviewed some details related to the lift enclosure building included on Page 1 of the Staff Report. The Staff Report insinuates that Deer Valley updated the application to add the lift enclosure and storage building since the last Planning Commission Meeting. However, that is not the case. The plan included in the Staff Report was given to the Planning Department as part of the February 2024 submission. The information was presented on both the 10th and 24th of April and it was Finding of Fact #11 in both meetings. What is proposed as part of the application is a building pad and maximum building footprint for the lift enclosure and storage building.

Ms. Tyler explained that the lift enclosure is simply a building that goes over the bottom terminal. Attached to that is a storage building. Those are included as separate square footage so there is clarity that one is for the lift enclosure, and one is for storage. The building pad is similar to what is seen in the historic district or subdivisions with large lots. The possible location of the building was included in the application to provide context about what would come back. Additionally, a maximum building footprint was included to identify how large that building can be within the building pad. The footprint is smaller than the building pad. The current application is simply for the lift infrastructure, the ski terrain, and the building pad/maximum building footprint. Deer Valley will come back to the Planning Commission later in the year with the application for the building.

Ms. Tyler next addressed a public comment that was received. That comment calls into question their drone footage. She reported that the drone footage was updated because it was directional at the time and was more artistic than intended. Ms. Tyler clarified that there was no desire to cause confusion. Every civil drawing and plan represents the accurate ski runs that are proposed.

On April 24, 2024, the Planning Commission requested supplemental information, which includes:

- Safety;
- Gondola and Lift 7 infrastructure analysis;
- Skier movement and paths of travel;
- Wildlife review;
- Flagstaff Open Space Management Plan review;
- Construction timeline.

Mr. Graff shared information about skier circulation. The Planning Commission wanted to see additional egress routes other than the Ontario ski run. Not only will Lift 7 be beneficial for the beginner terrain that it services, but it will also be a connection to larger pieces of the resort. He shared a map of the area and explained that the upper righthand side shows where people can board Lift 7 from the western half of the resort. It is possible to board Lift 7 and go down via intermediate or beginner runs to Deer Valley East. This makes it possible to avoid Ontario, Silver Lake, and Snow Park. Mr. Graff pointed out the center of the screen moving to the left. That is another ski run that will be 8% to 10%. Another option off of Lift 7 coming from the western half of the resort will be access to Park Peak, which he explained is the new day lodge.

Mr. Graff next shared a slide to illustrate grading. He explained that the image is of the Lift 7 Base Terminal. The runs that come from the north and south were pointed out. One of the call outs for safety are the large flat areas on either side of the terminal. Commissioner Johnson asked if there was always a plan to soften that corner. Mr. Graff confirmed that it has always been in the plan and the corner of Ontario will be softened. Commissioner Johnson appreciated the information shared and found the visuals useful. Commissioner John Frontero asked where the storage access building is proposed to be located. Mr. Graff pointed out the building pad location.

A request was made to clarify the square footage of the building footprint that is under review. Ms. Tyler reported that it is included in the Meeting Materials Packet as part of Exhibit C. The pad and the footprint were reviewed. Director Ward noted that the Draft Final Action Letter references 4,437 square foot lift equipment, so if the request is for the full building footprint, that will need to be updated accordingly. The original Staff Report included the full footprint, which is over 8,000 square feet. Based on the clarification provided, the Draft Final Action Letter was updated.

Commissioner Frontero wanted to know why the request was made to include the accessory building footprint in this application rather than waiting for the CUP at a later date. Ms. Tyler explained that the intention was to provide predictability to the Planning Commission. Commissioner Frontero wondered what would happen if the accessory building is not approved. Ms. Tyler clarified that nothing would be built in the location unless there is approval. She reported that what will be built as part of this CUP is the bottom terminal. There will not be a roof over it, and it will be a traditional terminal, similar to what is seen elsewhere at Deer Valley.

Chair Hall reported that Commissioner Van Dine joined the Planning Commission Meeting.

Mr. Graff further reviewed the grading plan and pointed out the setback of 25 feet from the Bransford land. The next slide shows how this will be utilized as a skiable surface. What is highlighted in blue is what will be done in mid-season as a maintained snow surface, which is slightly different than the graded surface on the natural land. The next presentation slide showed

some circulatory traffic patterns and how the area will function. Mr. Graff explained that the position of the lift is ideal because if it was moved further to the north or south, cross traffic would increase. The placement ensures the flow will happen in a much better manner for all involved. Mr. Graff reported that the design capacity on the lift is 3,000, but it is not expected it will be run at that capacity. It is more comfortable to run 75% to 80% of the overall capacity of the lift.

Commissioner Frontero asked what the plan is if the lift has to be stopped for maintenance. He wanted to understand whether it is possible to maze the lift area. While most of the time, it is anticipated that this will not be necessary, he wants to make sure for safety reasons that there is a backup plan. Mr. Graff reported that there are always plans to accommodate weather events, mechanical issues, visitation levels, and so on. There are a lot of ways to mitigate issues. For example, varying speed, queuing, staffing, and different egress points. If the lift were to stop for an hour to address maintenance, it would be possible to redirect skiers to other lifts and areas.

Mr. Graff reported that work was done with SE Group, who designed the Lift 7 pod and all of the expanded terrain. There has been a lot of success with SE Group in the past and there is always follow-up done after. The EcoSign Analysis Memo was shared next. Both EcoSign and SE Group evaluated the plan. In the memo, it notes that EcoSign agrees it is a safe and viable plan.

During the previous meeting, Commissioner Suesser requested additional information about the potential gondola crossing in the future. She wanted confirmation that Lift 7 would not get in the way of the gondola. The minimum clearance is 10 feet at the maximum sag of the gondola. Over Lift 7 that can easily be accommodated. He shared an image to highlight the two alignments and how those would cross. Additionally, some example images were shared. Mr. Graff pointed out that the images represent scenarios where a gondola goes over a chair lift. The Tramway Analysis Memo from Steven Kilmer was reviewed. It states that this can be done safely.

Ms. Tyler reviewed the Wildlife Study. She reported that a previous request was for a wildlife consultant to do an analysis of the area. Due to the current weather conditions, it was not possible for the consultant to physically see down to the dirt, so the current conditions and current impacts were analyzed. The consultant determined that based on current impacts, the winter infrastructure proposed will not have a greater impact than what is already there. However, the consultant recommended an additional study be conducted once the snow melts.

Mr. Lang reported that BIO-WEST is a wildlife and environmental consultancy firm out of Logan. They took a look at the site, compared it to other areas in the State, and shared some conclusions. There was a lengthy interview with the biologist as well. The conclusion was ultimately that while wildlife inhabits the area, it does not inhabit the area heavily during the winter months. During the summer months, it is possible to cross through the area unimpeded.

Commissioner Frontero appreciates that there is snow in the area and BIO-WEST cannot get out there to see the dirt. That being said, he has some questions about the sequencing of this if it moves forward. He asked if the necessary tree removals will be done prior to the study being complete. Ms. Tyler clarified that the Building Permit will not be issued until the study is done.

Ms. Tyler reported that at the last Planning Commission Meeting on the item, Commissioner Frontero requested that Deer Valley come back with an exact analysis of the trees that will be removed. She reported that 13.1 acres of trees will be removed. At the last meeting, it was requested that there be an equal trade of the tree removal from undeveloped recreation open space to developed recreation open space. The entire pod has been identified and within the

Deer Valley resort boundary, lands that are currently developed recreation open space have been identified as good candidates for undeveloped recreation open space. Mr. Graff explained that pieces of the mountain with minimal impact were considered. For instance, no roads and no structures. The areas that were identified were shared and were shown in red on the map. Discussions were had about the locations that were identified and the reasons for the choices.

Several Conditions of Approval were shared. Ms. Tyler explained that there is a desire to ensure that the biologist has enough time to get on site, but also conduct a proper analysis. There has been work with Staff to amend Condition of Approval #13. Information was next shared about construction phasing. Mr. Lang noted that at the last meeting, there were some questions about the phasing plan. Pending approval of the CUP and the subsequent Building Permit, the intention is to start work on the grading and foundations. From there, the vertical work will begin in the summer of 2025. Discussions were had about the construction map shown.

Ms. Tyler reported that Deer Valley has agreed to all of the Conditions of Approval that have been added throughout this process, including the additional ones since the last meeting. She clarified that for Condition of Approval #13, the request is to allow for three months instead of two. Director Ward explained that this also relates to Condition of Approval #27. That allows the applicant more time to submit the application, but the timeline required for the Planning Commission review will stay the same. The applicant would need to come to the Commission within six months. The Conditions of Approval document was shared with the Commission as well as the redline changes. Discussions were had about the building's footprint size. Ms. Tyler explained that she can take the numbers from the plan. The building footprint and building pad should both be listed.

Commissioner Suesser had comments about Conditions of Approval #16-27. She noted that there are references to a project area, development, and development site, which she felt needed to be clarified further. Chair Hall suggested that comments be heard while adjustments are made.

Chair Hall opened the public hearing.

Rick Luskin explained that he is a skier who skies at Deer Valley, but also has some background in the ski industry and liability. There are a lot of crowded and congested areas at various ski resorts, and he has dealt with congestion issues. He did not believe the letter from Shauna Kerr should have that much significance in this process. There is no downside to adding this kind of lift. He referenced the beginner area, which is something that is needed at Deer Valley.

John Kenworthy expressed appreciation for the work done by the Planning Commission. The record that Deer Valley has of good stewardship is well documented and has been appreciated throughout Park City for more than 40 years. Deer Valley has been a great partner. He appreciates that Deer Valley does not stop listening and acting to satisfy community voices. There is a desire to see applications that focus on safety and environmental protections. After viewing the safety reports, he found that the expert reports were satisfactory. He does not believe anyone from Deer Valley will put skiers in dangerous situations, which is something that has been proven in the past. Deer Valley has swapped open space, which will result in more open space than is being sacrificed. As a result, Mr. Kenworthy expressed his support for the application.

Carrie Oaks reported that she has been an instructor at Deer Valley for 30 years. When she saw the addition, she first thought of the huge benefit to skiers and instructors as there will be a safe space and the choke point will be taken away. She is grateful for the thoughtfulness that has

been put into the design of the runs. Ms. Oaks is excited to see what this will bring in the future. There will be a much better environment for teaching. She thinks this will improve safety.

Brad Ulch appreciated the presentation materials shared by Deer Valley. He pointed out that the new area will give beginners and young children the opportunity to have a safe space. As for the wildlife issue, he knows that Deer Valley is very sensitive to that and has been in the past. Mr. Ulch believes that this is a great project and thought the Deer Valley growth was positive.

Michael Demkowicz stated that the location of the ski run in the previous materials was incorrect. That exhibit will be fixed. There was no intention to show the ski run in the incorrect location. Mr. Demkowicz clarified that his comment was in response to an email from Anne Bransford.

Anne Bransford reported that she is with Bransford Land Company. She explained that the company has tried to keep things friendly, which is evident by the repeated outreach to their long-term partner and tenant, Deer Valley. The company believes that the Lift 7 plan proposed is unnecessarily conflicted and dangerous. The Bransford Land Company wishes to offer their land to them by way of an easement to build a safer and more compliant alternative, but it seems their new partner and landlord will not allow that to happen. As a result, Deer Valley is left to pursue a lesser alternative to the detriment of the brand. The Bransford Land Company is deeply disappointed by recent statements made by Deer Valley that misrepresent their land as unavailable because it is in litigation. The accurate record is that the land is not in litigation.

Ms. Bransford is disheartened that Staff seems to supporting Deer Valley's opposition to the Bransford alternative by cherry-picking a single amendment to the Summit Lands Conservation Easement that paints the Bransfords as anti-conservation. The current Staff Report claims that their land, under a new conservation easement, cannot be disturbed or developed, but that is not the case. The reason they are advocating for an alternative is because they truly believe the alternative is better. This is not about money, as they are not asking Deer Valley for any.

Last year, after Bransford Land Company was granted a zone change to support the development of two estate lots, Ms. Bransford and her sisters decided to dedicate the remainder of their property to Park City Municipal. There was a desire to thank the community. On June 13, 2023, long before Lift 7, she delivered a letter personally to Mayor Nann Worel, along with the term sheet for 18 acres they intended to deed to Park City in a conservation easement. For reasons unknown, the gift was never accepted. If Park City Municipal had assumed control of the 18 acres, they would be the ones engaging with Deer Valley now in a public-private partnership.

Brandon Halcott noted that Deer Valley has the right to have lifts, and this will solve a problem that will be created due to additional skiers in the area. Right now, there is nowhere for younger children to ski, minus one run. This will create a wonderful opportunity for Deer Valley moving forward. All of the decisions that have been made have been made in reaction to what is coming. There is a clear desire to mitigate future issues as much as possible. He has comfort as a local with what is proposed, and he likes the idea of being proactive rather than reactive.

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

Discussions were had about the Conditions of Approval. Commissioner Frontero asked to address the Open Space Management Plan. As was noted, that was a main area of focus for him at previous Planning Commission Meetings. He finds Condition of Approval #13 to be a strong movement in ensuring the integrity of the Development Agreement remains in place. He

greatly appreciates the applicant making the 111-acre swap. That was a big ask and he was pleased to see that it was addressed in this way. He thanked the applicant for that willingness.

Commissioner Frontero was interested to see the Wildlife Management Plan when it comes through. As for the other items related to safety, he does not find this to be overly congested and there are mitigation efforts. Commissioner Rick Shand explained that his main concerns related to safety, queueing, and the footprint of the structure that covers the lift and the storage building. His questions have since been answered. However, there was some confusion about the three components at the base: lift storage, cover structure over the lift, and the lift itself. He thanked the Deer Valley representatives for taking time to share clarifying information with the Commission. He also appreciated that one of the diagrams included the queueing lines.

Commissioner Suesser stated that her main concern was the fact that Deer Valley wanted to take open space out of the undevelopable designated area and develop that. There are concerns about the natural habitat that might be disturbed in doing so. She appreciates the efforts from Deer Valley to redesignate the 111 acres to undevelopable land. That being said, she still has some concerns about the way Conditions of Approval #16-27 were drafted. She asked Wade Budge whether or not the intent there is to block areas for hikers and bikers as well as any human activity including construction in the event that elk with calves or large herds are observed.

Attorney Wade Budge responded to comments from Commissioner Suesser. He clarified that the intent of those provisions is to make sure that if sensitive wildlife behaviors are observed, those areas are protected so the species will be undisturbed. Commissioner Suesser thought the conditions need to be edited to reflect this. To address some of the concerns raised during the public comment with regard to whether or not alternative paths for Lift 7 were contemplated, it would be helpful for Deer Valley to share that information. Mr. Graff reported that the terrain was evaluated by SE Group and this alignment was shown to be one of the best. He reiterated that if the alignment is moved to the north or south, there is a lot more cross traffic created.

Chair Hall asked whether there were any specific amendments Commissioner Suesser wanted to see made to the Conditions of Approval. Discussions were had about Condition of Approval #24 and the desire to add a reference to all human activity for clarity. Attorney Budge suggested that there be language to state that the applicant will implement the recommendations coming out of the Wildlife Management update. Commissioner Johnson was supportive of that addition. Planner Lund made amendments to the Conditions of Approval based on comments by the Commission. There were next discussions about Condition of Approval #25. Commissioner Suesser suggested combining Condition of Approval #23 and Condition of Approval #24. It was requested that the reference to BIO-WEST Inc. be removed and replaced with wildlife consultant.

Additional discussions were had about the Condition of Approval language. Amendments and additions were made for clarity. Condition of Approval #29 was drafted. Following the Condition of Approval language review, the Planning Commission focused on the Findings of Fact language. Chair Hall asked to review the initial summary and Finding of Fact #2. The project summary language from the Draft Final Action Letter was amended and now reads as follows:

- Project Summary:
 - The Applicant proposes to install a new ski lift (Lift 7) with a bottom terminal and lift storage Building Pad not to exceed 13,543 square feet, a 375 square foot

operator house, and 4.62 miles of new ski runs in the Recreation and Open Space Zoning District and Sensitive Land Overlay.

The Action Taken language was amended. The language now reads as follows:

- Action Taken:
 - On May 22, 2024, the Planning Commission conducted a public hearing and approved the new ski lift (Lift 7) with a bottom terminal and lift storage Building Pad not to exceed 13,543 square feet, a 375 square foot top terminal operator house, and 4.62 miles of new ski runs according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval.

Finding of Fact #2 was amended. Commissioner Johnson next shared comments about Finding of Fact #14-a-4. He wanted to ensure that there is clarity. It was noted that the term “ROS” was added. Chair Hall referenced Condition of Approval #11. She noted that the language, “Planning Commission retains authority to add Conditions of Approval if future traffic and parking mitigation is required,” is a generic statement. Commissioner Suesser believed that statement should stay. Attorney Harrington also recommended that the Commission leave that in the document. Commissioner Johnson shared comments about the Utility Capacity language in the CUP criteria.

MOTION: Commissioner Van Dine moved to APPROVE the Conditional Use Permit for 2250 Deer Valley Drive South, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval, as amended, in the Draft Final Action Letter:

Findings of Fact:

1. The Site includes Parcels PCA-S-98-R, PCA-S-85, PCA-S-85-D, and PCA-S-81-A and is within the Recreation and Open Space (ROS) Zoning District and Sensitive Land Overlay (SLO).
2. The new ski runs, ski lift, with a bottom terminal and lift storage Building Pad, not to exceed 13,543 square feet, and 375 square foot top terminal operator house are proposed to be constructed on Parcels PCA-S-98-R, PCA-S-85, PCA-S-85-D, and PCA-S-81-A in the Upper Deer Valley neighborhood of the General Plan, the Recreation and Open Space Zoning District, and the Sensitive Land Overlay.
3. A Grant of Conservation Easement, Amendment to Grant of Conservation Easement (Ski Area), and Deed of Conservation Easement Agreement are recorded for these Parcels.
4. Parcels PCA-S-98-R, PCA-S-85, PCA-S-85-D, and PCA-S-81-A are within the Flagstaff/Empire Pass Development Agreement.
5. Ski lifts included in the Flagstaff/Empire Pass Development Agreement Deer Valley Ski Area Master Plan require an Administrative Conditional Use Permit with Planning Director Final Action.

6. The proposed ski lift and ski runs are not in the Deer Valley Ski Area Master Plan and therefore require a Conditional Use Permit and Planning Commission Final Action pursuant to Land Management Code (LMC) § 15-2.7-2(C)(8).
7. The proposed 375-square-foot operator house and a 4,437-square-foot terminal lift gallery building footprint require Planning Commission review of a Conditional Use Permit pursuant to LMC § 15-2.27-2(C)(14) for Ski-Related Accessory Buildings greater than 600 square feet proposed within the ROS Zoning District.
8. The Applicant proposes constructing approximately 4.62 miles of ski runs.
9. The Applicant proposes the ski lift and ski runs to increase beginner ski terrain at the resort.
10. On March 1, 2024, Planning staff issued a complete application notice to the Applicant for the Conditional Use Permit.
11. On April 15, 2024, the Planning Commission and City staff participated in a Site Visit to see the proposed project area. The Applicant provided a tour showing the proposed lift alignment and ski runs from three separate vantage points: West-Flagstaff Mountain, East- Bald Mountain, and the proposed bottom terminal and lift storage building.
12. The application as conditioned complies with LMC Chapter 15-2.7 ROS Zoning District as follows:
 - a. The proposed ski lift, ski runs, 375-square-foot operator house, and terminal building provide additional recreational opportunities for residents and visitors of Park City – especially for beginner skiers.
 - b. Setbacks
 - i. The ski lift, ski runs, 375-square-foot operator house, and terminal building are proposed to be constructed on metes-and- bounds Parcels leased by Deer Valley Resort.
 - ii. The ski lift bottom terminal and terminal building are proposed to be constructed adjacent to Parcel PCA-S-79C, which is excluded from Deer Valley Resort's lease and is under separate ownership.
 - iii. The ski lift bottom terminal must meet at least a 25-foot Setback from Parcel PCA-S-79-C. The Applicant exceeds this requirement, and the proposed ski lift and terminal building are set back 90 feet from Parcel PCA-S-79-C.
 - iv. The top ski lift terminal and 375-square-foot operator house maintain a 61-foot Setback from the nearest property line.
 - c. Vegetation Protection

- i. LMC § 15-2.7-6 requires the Applicant to protect Significant Vegetation during construction within the ROS Zoning District. Significant Vegetation includes large trees six inches in diameter or greater measured four and one-half feet above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet or more measured at the drip line.
 - d. ROS Zoning District Height
 - i. In the ROS Zoning District, no Structure may be erected to a height greater than twenty-eight feet from Existing Grade.
 - ii. The applicant proposes installing 10 ski lift towers.
 - iii. The ski lift towers range in height as follows:
 - Tower 1 – 19.54 feet (complies with ROS height).
 - Tower 2 – 33.01 feet (exceeds ROS height by 5.01 feet).
 - Tower 3 – 46.33 feet (exceeds ROS height by 18.33 feet).
 - Tower 4 – 52.87 feet (exceeds ROS height by 24.87 feet).
 - Tower 5 – 46.31 feet (exceeds ROS height by 18.31 feet).
 - Tower 6 – 49.59 feet (exceeds ROS height by 21.59 feet).
 - Tower 7 – 39.75 feet (exceeds ROS height by 11.75 feet).
 - Tower 8 – 46.31 feet (exceeds ROS height by 18.31 feet).
 - Tower 9 – 36.29 feet (exceeds ROS height by 8.29 feet).
 - Tower 10 – 29.72 feet (exceeds ROS height by 1.72 feet).
 - iv. The bottom terminal reaches a height of approximately 22 feet from Existing Grade, and the top terminal reaches a height of approximately 24 feet from Existing Grade.
 - v. LMC § 15-2.7-4(A)(4) states ski lifts within the ROS Zoning District may extend above the maximum Height subject to a visual analysis and administrative approval by the Planning Director.
 - vi. On March 29, 2024, the Planning Director approved the proposed lift tower heights, pending Planning Commission approval of the top terminal and Lift Tower 10 within a Ridge Line Area.
13. The application as conditioned complies with LMC Chapter 15-2.21 SLO:
 - a. LMC § 15-2.21-2(A) requires Applicants proposing construction within the SLO to submit a Sensitive Lands Analysis, including sensitive environmental and aesthetic Areas such as Steep Slopes, Ridge Line Areas, Crest of Hills, wetlands, Stream Corridors, Wildland interface, and wildland habitat Areas. The Applicant submitted a Sensitive Lands Analysis prepared by Alliance Engineering.

- b. Additionally, LMC § 15-2.21-3(A)(3) requires a Soils Investigation Report and Geotechnical Report. The Applicant submitted a Geotechnical Investigation prepared by AGECE Applied GeoTech, dated November 17, 2023.
- c. Sensitive Land Overlay Evaluation for Ski Area Construction and Expansion:
 - i. LMC § 15-2.21-7 establishes Sensitive Land Regulations for Ski Area Construction and Expansion within the SLO. LMC §15-2.21-7(A) requires the following: "The Developer must submit a plan detailing the location, alignment, and scope of the undertaking. If the Planning Director determines that the project may have significant visual and environmental impacts, a consultation meeting will be scheduled. No Development shall occur until after the consultation meeting and any required approvals have been granted."
 - ii. Since submittal, the Applicant has modified the proposed ski lift to comply with the ROS Zoning District setbacks.
- d. Steep Slopes: The proposed ski lift does not cover a topographic Area at least twenty-five feet vertically upslope or downslope and fifty feet horizontally and is not within fifty feet of Very Steep Slopes. The average slope for the length of the ski lift and the proposed ski runs are between 15 and 30 percent. LMC § 15-2.21-4(B) exempts ski slopes from the limitation of a 3 to 1 slope.
- e. Ridge Line Area Protection:
 - i. The Applicant's Sensitive Lands Analysis shows the proposed ski lift from the Vantage Points designated in LMC § 15-2.21-3(A)(6). The proposed ski lift is visible from one Vantage Point only. The top terminal of the ski lift will be visible from the Park Meadows Golf Course Clubhouse Vantage Point.
 - ii. The Applicant states: "The top terminal of Lift 7 will be situated on the ridge line that separates Wasatch and Summit Counties at an elevation of approximately 9285'. While sitting on a ridge line, this structure will only be visible from one of the Park City's Designated Vantage Points (Vantage Point "G": Park Meadows Golf Course Clubhouse) and will not be placed directly onto the peak. Given that the proposed Lift 7 will be a vital piece of infrastructure in the terrain expansion efforts to improve the recreational opportunities and experiences offered by Deer Valley Ski Resort, it's [sic] construction shall be to great public benefit. Furthermore, there are numerous examples of existing ski area chairlifts in the Park City area that appear in greater prominence from the Designated Vantage Points than the proposed lift 7."

- iii. LMC § 15-2.21-7(B), Development Approvals for Ski Area Construction and Expansion within the SLO, requires the Applicant to mitigate impacts to the “Maximum Extent Feasible.” LMC § 15-15-1 defines “Maximum Extent Feasible” as the maximum mitigation where no prudent, practical, and feasible alternative exists to completely mitigate the adverse impact. Economic considerations may be taken into account but shall not be the overriding factor in determining “Maximum Extent Feasible.”
- iv. From Vantage Points within Park City, there are ski lifts visible within Ridge Line Areas. The proposed ski lift will be minimally visible from the Park Meadows Golf Course Clubhouse Vantage Point, which is approximately four map miles north of the proposed ski lift. However, the Planning Commission may require a Condition of Approval establishing a minimum required distance from the Ridge Line Area.
- f. Wetlands and Stream Protection
 - i. According to the Applicant’s Sensitive Lands Analysis, the Utah Department of Environmental Quality data does not identify any wetlands within the area proposed for the ski lift and ski runs. However, the Utah Department of Environmental Quality identifies an intermittent or ephemeral stream channel.
 - ii. On November 6, 2023, Daren Rasmussen, an Environmental Scientist – Dam Safety & Stream Alterations with the Utah Department of Natural Resources Division of Water Rights outlines the designated stream channel as a natural stream and therefore will not require special permitting for stream alteration.
 - iii. LMC § 15-2.21-6(F) establishes a minimum of fifty feet outward from the Ordinary High-Water Mark in the SLO for streams.
- g. Wildlife and Wildlife Habitat Protection
 - i. LMC § 15-2.21-8 establishes the intent of the Wildlife and Wildlife Habitat Protection to “promote, preserve, and enhance wildlife and wildlife habitat Areas in and around Park City, and to protect them from adverse effects and potentially irreversible impacts.” The LMC explains further: “If the Development Site contains or is within five hundred feet (500') of a natural Area or habitat Area, and the wildlife and habitat report show the existence of Sensitive or Specially Valued Species, the Development plans shall include provisions to ensure that any habitat contained in any such natural Area shall not be disturbed or diminished, and to the Maximum Extent Feasible, such habitat shall be enhanced.”

- ii. Technical Report #13 from the Flagstaff Development Agreement outlines that “there are no federally listed threatened or endangered species likely to make substantive use of the Plan Area.” The proposed ski lift is not located within a Sensitive Wildlife Area as designated on Appendix B of Technical Report #13.
- iii. The Utah Division of Wildlife Resources has compiled a list of all Sensitive and Specially Valued Species in the State of Utah. The Applicant submitted analysis to show there are no Sensitive or Specially Valued species occupying or using on-Site and adjacent Areas where the proposed ski lift, ski runs, and associated facilities are proposed. Sensitive or Specially Valued Species includes Federally Threatened and Endangered Species; State of Utah Threatened and Endangered Species; State of Utah Species of Concern and animals and plants of special concern to the Park City Community as identified in the General Plan and in need of special protection.
- iv. The Flagstaff Development Agreement Technical Report #13 “Wildlife Management Plan” describes the major habitat types that occur within the Plan Area and provides information on common wildlife species that have the potential to occur within these habitats. The goal of the Wildlife Management Plan is to preserve wildlife habitat values within the Plan Area by minimizing habitat loss and human/wildlife conflicts. There are no federally threatened or endangered species likely to occur in the Plan Area. The proposed Lift 7 is located near a potential wildlife movement corridor.
- v. The Wildlife Management Plan explains “It should be noted that the primary cause of habitat fragmentation within the Plan Area is associated with the clearing of lift alignments and construction of ski runs. It is imperative that existing wildlife movement corridors continue to function in this capacity. Accordingly, habitat modifications should be minimized, fencing prohibited, and recreationists should be directed away from these areas in the spring and fall migration periods.” Staff recommends Conditions of Approval to mitigate any potential wildlife corridor impacts.
- h. Preserve the Natural Character of the Sensitive Lands, Revegetate, and Establish Permanent Erosion Control Measures.
- i. The Applicant included a vegetative cover evaluation in their Sensitive Land Analysis submittal.
On March 14, 2024, the Forestry Board approved the removal of Significant Vegetation for the proposed ski lift, ski runs, terminal building, and 375-square-foot operator house with the following Condition of Approval: The Applicant is responsible for the removal of dead and dying Significant Vegetation in an area equal to the proposed area of disturbance.

14. The application, as conditioned, complies with the Flagstaff Mountain Development Agreement Technical Reports:
 - a. Several technical reports were prepared as part of the Flagstaff Development Agreement and are relevant to the development of the proposed Lift 7.
 - i. Technical Report #5 “Open Space Management Plan” details objectives, goals, and strategies for the Open Space areas that are not located within any of the designated development pods. The overall goal of the Open Space Management Plan is to ensure the preservation and maintenance of Flagstaff Mountain’s open space for public enjoyment and the protection of ecological values. The proposed project area for Lift 7 is in an area designated as Recreational Open Space (ROS). The purpose of ROS is to establish and preserve districts for land uses requiring large areas of undeveloped open land; permit, preserve, and encourage recreational use of these lands; and preserve and enhance environmentally sensitive lands such as wetlands, steep slopes, ridge lines, meadows, stream corridors, and forests.
 - ii. According to the Flagstaff Development Agreement, all land outside of the development pods was zoned as Recreation Open Space. Upon issuance of the first MPD or CUP for any portion of the Project, Deer Valley Resort executed a conservation easement for the benefit of the City and a third-party conservation trust, to limit the use of Flagstaff Mountain to construction, development, and operation of ski lifts, ski runs, one skier day lodge, and other similar winter and summer recreational uses and services.
 - iii. The Open Space Management Plan classifies two separate types of ROS. Developed Recreational Open Space (DROS), and Undeveloped Recreational Open Space (UROS). The proposed Lift 7 project area is located within UROS. Undeveloped Recreational Open Space (UROS) may be skied in the winter and typically contains some summer trails, but it has not been heavily modified for these purposes. Where the main purpose of DROS is to provide year-round public recreation opportunities, UROS serves a wider variety of functions. The general management objectives for UROS are to continue to allow human access and use while maintaining the scenic qualities and habitat values of these areas.
 - iv. The Open Space Management Plan further clarifies the goals and objectives of ROS: “Much of the Plan Area consists of moderately steep, north-facing slopes that provide ideal opportunities for downhill skiing. Most of these areas have or will be developed by Deer Valley Resort for this purpose. As mentioned above, these areas are considered DROS. Areas containing steep, rocky, and/or heavily vegetated south- or west-facing slopes as well as areas

lying beyond practical lift-served terrain are less well-suited for alpine skiing and more appropriate for other forms of recreation such as hiking, biking, or horseback riding. These areas are designated UROS. Other amenities associated with designated UROS include the preservation of wildlife habitat and the protection of scenic viewsheds.”

- v. “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 cover remains largely intact and forest stands do not exhibit the high level of fragmentation characteristic of DROS. Consequently, these areas tend to have greater visual appeal and higher-quality wildlife habitats relative to DROS. While these areas will continue to experience summer trail construction and maintenance, the overall character of UROS within the Plan Area is unlikely to experience substantive change over time.”
 - vi. Staff recommends a Condition of Approval which requires separate review and approval of an amendment to the Open Space Management Plan by the Planning Commission.
 - b. Technical Report #8 “Trails Master Plan” outlines the goals and objectives of trails planning for the Flagstaff Mountain area. The goal of the Trails Master Plan is to establish guidelines to maintain and enhance public access and provide quality public recreation opportunities for hikers, mountain-bikers, and equestrians. Staff recommends Conditions of Approval to comply with the Trails Master Plan.
 - c. Technical Report #12 “Drainage Study” outlines the methodology and criteria to be used to design the drainage structures and systems for the Flagstaff Mountain Area. Staff recommends a Condition of Approval for ski runs to comply with the Drainage Study technical report.
 - d. Technical Report #15 “Construction Mitigation Plan” outlines specific measures to mitigate the impacts of infrastructure construction associated with the Resort.
15. The application as conditioned complies with LMC § 15-4-18 Passenger Tramways and Ski Base Facilities as follows:
- a. Ownership
 - i. The Applicant owns or controls the Liftway necessary to construct and operate the Passenger Tramway. For the purpose of this section, ownership or control is established if the Applicant can demonstrate that he has title to the Property being crossed by the Liftway, or an easement over that Property, or options to acquire the Property or an easement or a leasehold interest in the Property,

or an option to acquire a leasehold, of at least fifteen (15) years duration.

- ii. The Applicant (Deer Valley Resort Company, LLC) has an existing lease with the property owner (BLX LEASE 2 LLC) for 105 years, commencing on August 24, 2023, and expiring on August 23, 2128.
- b. Width
 - i. The Liftway shall extend a distance of at least ten feet (10') outward from the vertical plane established by the outermost surface of the Passenger Tramway, which generally is the outside edge of the chair or passenger compartment, on each side of the tramway's course excluding base and terminal Structures. Width is computed in this manner, rather than measuring from the center line of the Passenger Tramway or the cable in order to provide a minimum clearance of ten feet (10') on each side of the Liftway regardless of the configuration of the passenger-carrying elements.
 - ii. The Applicant has proposed a 15' foot clearance on either side of the lift and therefore complies with this requirement.
- c. Base or Terminal Facilities
 - i. The Passenger Tramway must be constructed without the installation of base or terminal facilities within the HR-1 or HRL zones. Mid-loading and unloading points are allowed in the HR-1 and HRL zones.
 - ii. The proposed ski lift, base terminals, and accessory structures are within the ROS Zoning District.
- d. Crossing of Public Roads
 - i. The Applicant must show that all components of the Passenger Tramway and any components of the Liftway, such as safety netting provide a minimum clearance of eighteen feet (18') over major roads and fourteen feet (14') over residential Streets. In addition, the Applicant must show compliance or the ability to comply with any safety or height restrictions, which might be imposed by any governmental agency having jurisdiction over public roads crossed by the Liftway.
 - ii. There is no required mitigation, the proposed ski lift will not cross any public roads or ROW.
- e. Utility Clearance
 - i. The Applicant must show all portions of the Passenger Tramway including any associated safety netting constructed with it provides a minimum clearance of ten feet (10') over any wires or utility line which it crosses, and that the Applicant has complied with or has

the ability to comply with safety restrictions or regulations imposed by utilities having possession or control over wires that tramway crosses over.

- ii. No required mitigation, the proposed ski lift, associated lift terminals, and ski runs will not cross over any existing utilities.

f. Parking and Traffic Plans

- i. The Applicant must present a parking, traffic, and transportation plan pertaining to the Passenger Tramway for review and approval by the Planning Commission. The plan must address at least the following considerations: auto, bus, and pedestrian traffic, which could be generated by the Passenger Tramway, the impacts of this traffic on the adjoining landowners and the neighborhood in general, parking demand created by the Passenger Tramway and how that parking would be provided.
- ii. The traffic and parking plan may be included in the neighborhood impact analysis. The parking requirements and impacts of a Passenger Tramway will vary within the zones depending upon the location and the ability of the Applicant to make use of existing public and private parking facilities; therefore, no specific requirement has been set. The Applicant is expected to show workable means of dealing with the traffic generated by the Passenger Tramway construction and operation, including such regulations as resident parking permits, Off-Site traffic controls and facilities, or similar means for controlling traffic and minimizing Off-Site impacts on adjoining Properties.
- iii. The Applicant has stated: "The proposed Ski Lift will circulate skiers on the new beginner ski runs. The new Ski Lift will not move skiers to or from any base area skier portal (current Deer Valley or expanded terrain), rather, this is a circulator Ski Lift that will move skiers within the newly created beginner terrain pod near Park Peak. Those skiers can choose to ski back to the various skier portals or other Ski Lift infrastructure. All of this is to say that no parking, traffic, or transportation plan is required because there is no direct connection between the various base area skier portals and the proposed Ski Lift infrastructure."
- iv. While the Applicant states the new ski lift is intended for beginner skiers already at the resort, staff recommends Conditions of Approval regarding the overall parking and traffic mitigations required for the Snow Park Area. The Applicant has a pending Master Planned Development amendment application before the Planning Commission for the Snow Park parking lot development and parking and traffic evaluation will be key in the Planning Commission's review of that project. Pending Final Action on the

Snow Park project, staff recommends Conditions of Approval to address parking and traffic mitigation in the meantime.

- v. The Deer Valley Resort Twelfth Amended and Restated Large Scale Master Planned Development Permit, dated November 30, 2016, includes the following: Paragraph G, Off-Street Parking: If the capacity of the surface parking lots in the Snow Park Community is exceeded on 10% or more of the days during any single ski season the need for constructing additional parking in said area shall be reviewed by the Commission.
- vi. This provision has been included in the Deer Valley approvals since 1993 when the Seventh Development Agreement was completed. Since 1993, Deer Valley constructed temporary parking for the 2002 Winter Olympics and after the Olympics, the resort converted the additional parking area into a snowmaking pond.
- vii. Deer Valley provides parking within the Snow Park area in two ways: 1,340 on-site parking spaces in five lots, as approved by the Planning Commission; up to 142 parking spaces on Deer Valley Drive not to exceed 10% of the operating days (averaging 13 to 14 days per season), as approved by the City Council.
- viii. Deer Valley exceeded parking overflow allowances during the 2018-2019 ski season. On August 14, 2019, the Planning Commission conducted a work session to discuss parking in the Snow Park area. The report includes the following: Surface parking lot capacity at that time provided approximately 1,250 spaces; during the 2018-2019 ski season there was considerable traffic and congestion; an average of 80 vehicles parked along Deer Valley Drive, creating conflicts with City buses and pedestrians.
- ix. As part of an August 14, 2019, work session, the Planning Commission approved an expansion of parking lot 5 to create an additional 90 parking spaces and encouraged the applicant to collaborate with the City to mitigate additional impacts. In November of 2019, the Planning Director approved an Administrative Permit for the construction of the 90-parking space addition to lot 5.
- x. On December 19, 2019, the City Council discussed resort overflow parking on Deer Valley Drive in a work session and authorized a temporary parking program that allowed the resort up to 142 on-street parking spaces not to exceed 10% of the operating days.
- xi. The Applicant provides reports to the City outlining compliance. As of March 8, 2024, the Applicant's last report, Deer Valley has not exceeded overflow parking days this year.

- xii. To further mitigate traffic and parking impacts in the Snow Park area, on October 5, 2023, the Transit team presented a staff communication to City Council outlining winter transit service from Richardson Flat Park & Ride to Snow Park. On November 1, 2023, Deer Valley entered into an agreement with the City to pay \$150,000 toward the cost of running a direct bus route from Richardson Flat Park & Ride to Snow Park during the 2023-2024 winter season. Transit service was offered from December 10, 2023, through March 30, 2024, in 20-minute intervals from 6:00 AM through 6:00 PM.

g. Liftway Setback

- i. The minimum Setback between the outermost surface of Structure of the Liftway and any existing dwelling shall be ten feet (10'), in addition to the width of the Liftway itself. This Setback may be waived with the written consent of the Owner of the affected dwelling, which consent shall be in a form suitable for recording with the County Recorder.
- ii. There are no existing dwellings or Structures within the proposed Liftway. The nearest Structure is approximately 0.35 miles away from the bottom terminal and lift storage building. The nearest Structure is approximately 0.5 miles away from the top terminal.

h. State Regulation

- i. Any Passenger Tramway constructed under a Conditional Use permit is subject to safety regulation by the Passenger Tramway Safety Committee of the State Department of Transportation. The Applicant is expected to involve the State in the planning process to the extent necessary to inform the Commission of State requirements in order to avoid the imposition of inconsistent requirements by the State and the Planning Commission.
- ii. Condition of Approval 4 requires the Applicant to work with the Tramway Board for final approval consistent with the standard state review authority review process.

i. Public Purpose Served

- i. The Planning Commission must find that the construction and operation of the tramway serves the overall community interest by accomplishing or furthering community goals such as reducing traffic congestion and volume between the downtown Area and the base facilities of the ski resorts, mitigating the demand for, parking in the Historic District, and that adequate controls on noise, mechanical equipment, smoking and safety aspects of the tramway

have been provided to mitigate the effects of the Passenger Tramway on adjoining Properties.

- ii. According to the Applicant: “The initiative aligns seamlessly with the objectives outlined in the Park City General Plan (2014). Specifically, it contributes to Objective 10A, aimed at enhancing the competitiveness of Park City as a world-class, multi-season destination resort community through the expansion of year-round recreational events. Furthermore, it supports Objective 11A, emphasizing the importance of allowing primary resorts to evolve within the tourism industry, thus ensuring sustained relevance and attractiveness to visitors. Finally, as per Section K of the 12th Amended and Restated Large Scale Master Planned Development Permit dated November 30, 2016, access to Lift 7 remains accessible to all users of the resort, further underlining its inclusive and community-oriented nature. This underscores Deer Valley’s commitment to providing enhanced recreational opportunities while maintaining alignment with established regulatory frameworks and long-term development objectives.”
- j. Status of Land Within Liftway
 - i. Owners of Lots or other land, which is burdened by the easement for the Liftway are entitled to count the land within the Liftway for calculation of open space for improvement of that Property. Normal Setback and Side Yard requirements apply from the Lot Line or Property boundary.
 - ii. There are no other property owners who will be affected by the proposed Liftway.
- k. Structures Within Liftway
 - i. Structures may be constructed within the Liftway, subject to the terms of the easement agreement between the Lot Owner and the owner of the Liftway.
 - ii. No Structures are proposed to be constructed within the Liftway.
- l. Preservation of Historic Structures
 - i. It is the policy of the City to protect and preserve Historic Structures within the City. The Applicant for the Passenger Tramway must provide a study, which catalogues any Structures within the Liftway easement and identifies their Historic value and indicates whether the Structure will be removed to accommodate the tram.
 - ii. There are no Historic Structures or Historic Mine Sites within the proposed project area.

16. 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 ski lift, ski runs, 375-square-foot operator house, and terminal building are located within the existing Deer Valley Resort ski area and will increase beginner ski terrain on the upper portion of the mountain. The proposed lift is similar in size and dimensions of the exiting lifts in the resort and is in an appropriate location on the mountain to connect to the future Deer Valley East Village expansion area. The proposed lift will help distribute skiers on the mountain.
 - b. Traffic
 - i. The City's adopted Traffic Impact Study Guidelines require a Traffic Impact Study when a land use generates 25 or more net new vehicle trips during the weekday AM or PM peak hour.
 - ii. The Applicant states: "The proposed ski lift will circulate skiers on the new beginner ski runs. The new ski lift will not move skiers to or from any base area skier portal (current Deer Valley or expanded terrain), rather, this is a circulator Ski Lift that will move skiers within the newly created beginner terrain pod near Park Peak. Those skiers can choose to ski back to the various skier portals or other Ski Lift infrastructure. All of this is to say that no parking, traffic, or transportation plan is required because there is no direct connection between the various base area skier portals and the proposed Ski Lift infrastructure."
 - c. Utility Capacity
 - i. As part of the ski improvements, the Applicant proposes installing a snowmaking line and power line.
 - ii. The proposed ski lift associated lift terminals, and ski runs do not cross existing utilities. The Development Review Committee reviewed the Application on December 5, 2023, and does not require additional Conditions of Approval.
 - d. Emergency Vehicle Access
 - i. The Park City Fire District reviewed this Application on December 5, 2023, and confirmed the proposal conforms with their requirements.
 - e. Parking

- i. LMC § 15-3-6 "Parking Ratio Requirements For Specific Land Use Categories" does not outline any specific Off-Street Parking requirements for ski lifts.
 - ii. Parking for Deer Valley resort is regulated by the Twelfth Amended and Restated Large Scale Master Planned Development Permit. The Deer Valley MPD Permit states the following: "Parking required with relation to each portion of the Project shall be based upon Code as in effect at the time application for a building permit for such portion of the Project as is filed with City. Parking for each separate development parcel in the Project shall be determined in accordance with the Code at the time of application for Conditional Use approval. Any additional parking shall not encroach into zoned open space." The MPD permit continues: "If the capacity of the surface parking lots in the Snow Park Community is exceeded on 10% or more of the days during any single ski season, the need for construction additional parking in said area shall be reviewed by the Commission."
 - iii. The Applicant has stated: "The proposed Ski Lift will circulate skiers on the new beginner ski runs. The new Ski Lift will not move skiers to or from any base area skier portal (current Deer Valley or expanded terrain), rather, this is a circulator Ski Lift that will move skiers within the newly created beginner terrain pod near Park Peak. Those skiers can choose to ski back to the various skier portals or other Ski Lift infrastructure. All of this is to say that no parking, traffic, or transportation plan is required because there is no direct connection between the various base area skier portals and the proposed Ski Lift infrastructure."
- f. Internal Vehicular and Pedestrian Circulation System
- i. The proposed ski lift will help improve the circulation and distribution of beginner skiers throughout the resort. The proposed location of the lift located between Flagstaff Mountain and Bald Mountain gives beginner skiers additional area on the mountain to ski. The additional 4.62 miles of ski run helps distribute the number of skiers on the mountain.
- g. Fencing, Screening, and Landscaping
- i. The Applicant is responsible for the removal of dead and dying Significant Vegetation in an area equal to the proposed area of disturbance.
- h. Building Mass, Bulk, and Orientation
- i. The proposed ski lift, terminal building, and 375-square-foot operator house are appropriate in size and scale. The Structures comply with the ROS Zoning District Height and Setbacks. The

Planning Director determined the ski lift towers may exceed ROS Zoning District Height pursuant to LMC § 15-2.7-4(A)(4).

i. Useable Open Space

- i. The proposed ski lift will increase the amount of recreational open space for beginner skiers at Deer Valley Resort.

j. Signs and Lighting

- i. The lights proposed for the ski lift are emergency lights and utility lighting that is consistent with current ski lift infrastructure.
- ii. Condition of Approval 6 states that all Outdoor Lighting must be down-directed, fully shielded, with bulbs 3,000 degrees 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.
- iii. No signs are proposed or approved as part of this CUP Application.

k. Physical Design and Compatibility with Surrounding Structures

- i. The proposed ski lift will be similar in design to the existing ski lifts in Deer Valley Resort. The proposed lift will be 0.56 miles long and the towers will range in height from 19 feet to 52 feet. The lift will be manufactured by Doppelmayr.
- ii. The proposed materials for the ski lift will be constructed with materials similar to other standard ski lifts across the resort and painted with colors to match the existing Deer Valley ski lifts. The ski lift towers will be constructed of steel and painted green consistent with the existing Deer Valley lift towers. The bottom and top terminals will be of the same aesthetic as the existing Deer Valley lift terminals.

l. Noise, Vibration, Steam, or Other Mechanical Factors

- i. The proposed ski lift will be 70 to 80 decibels, typical for ski lifts. It will not be located near any existing residences (the proposed ski lift is located 0.35 miles away from the nearest residence), and it must comply with the City Noise Ordinance in Chapter 6-3.

- ii. The ski lift bottom terminal and terminal building are proposed to be constructed adjacent to Parcel PCA-S-79C, which is excluded from Deer Valley Resort's lease and is under separate ownership. The ski lift bottom terminal must meet at least a 25-foot Setback from Parcel PCA-S-79-C. The Applicant exceeds this requirement, and the proposed ski lift and terminal building are set back 90 feet from Parcel PCA-S-79-C.
- m. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas.
 - i. There is an existing service road through Ontario Canyon that will serve as access for the construction of the new lift. The Applicant is responsible for providing trash and recycling areas during construction and operation of the ski lift.
 - ii. The construction site must be maintained in a neat manner. Trash and other debris may not accumulate outside the construction dumpster. The construction site shall be cleaned prior to the end of each workday.
- n. Expected Ownership and Management
 - i. The parcels are owned by BLX Lease, LLC and BLX Lease 2, LLC and are being leased by Deer Valley Resort. BLX Lease has given written permission for the construction of the proposed ski lift. The Applicant (Deer Valley Resort Company, LLC) has an existing lease with the property owner (BLX LEASE 2 LLC) for 105 years, commencing on August 24, 2023, and expiring on August 23, 2128.
- o. Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site.
 - i. See above sections for analysis of Steep Slopes. The Sustainability Department reviewed the proposal on March 6, 2024, and confirmed the project area is not within the Park City Soils Ordinance. The proposed ski lift does not cover a topographic Area at least twenty-five feet vertically upslope or downslope and fifty feet horizontally and is not within fifty feet of Very Steep Slopes. The average slope for the length of the ski lift and the proposed ski runs are between 15 and 30 percent. LMC § 15-2.21-4(B) exempts ski slopes from the limitation of a 3 to 1 slope.
- p. Reviewed for consistency with the goals and objectives of the Park City General Plan.

- i. The project is proposed within the Upper Deer Valley Neighborhood of the General Plan, home to resort-oriented development, surrounded by open space.
 - ii. The proposed ski lift, ski runs, terminal building, and 375-square-foot operator house align with Goals 9, 10, and 11 outlined in the Park City General Plan. Goal 9 of the General Plan states: "Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors."
 - iii. Goal 10 of the General Plan is to "provide world-class recreation and public infrastructure to host local, regional, national, and international events that further Park City's role as a world-class, multi-seasonal destination resort while maintaining a balance with our sense of community." Objective 10A of the General Plan is to "remain competitive as a world-class, multi-season, destination resort community by increasing year-round recreation events and demand for resort support services, such as hotels and restaurants."
 - iv. Goal 11 of the General Plan is to "Support the continued success of the multi-seasonal tourism economy while preserving the community character that adds to the visitor experience." Objective 11A of the General Plan states the "vibrancy of Park City's resorts is essential to the success of resort support businesses. The City must provide flexibility to allow the primary resorts to evolve with the tourism industry, increase occupancy rates year-round, and create more demand for the resort support industries throughout the City."
- 17. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on March 27, 2024.
 - 18. Staff mailed courtesy notice to property owners within 300 feet on March 27, 2024.
 - 19. *The Park Record* published courtesy notice on March 27, 2024.
 - 20. On April 10, 2024, the Planning Commission reviewed the proposal, opened a public hearing, requested a site visit, and continued the public hearing to April 24, 2024.
 - 21. On April 15, 2024, the Planning Commission and City staff participated in a site visit to see the proposed project area. The Applicant provided a tour to show the proposed lift alignment and ski runs from three separate vantage points: West-Flagstaff Mountain, East- Bald Mountain, and the proposed bottom terminal and lift storage building footprint.
 - 22. On April 24, 2024, the Planning Commission reviewed the proposal, held a public hearing, requested additional information, and continued the public hearing to May 8, 2024.

23. On May 8, 2024, the Planning Commission opened a public hearing and continued the public hearing to May 22, 2024, to allow the Applicant time to gather additional information.

Conclusions of Law

1. The proposed ski lift, ski runs, and accessory structures comply with the Land Management Code requirements pursuant to Chapter 15-2.7 Recreation and Open Space Zoning District, Chapter 15-2.21 Sensitive Land Overlay, Section 15-4-18 Passenger Tramways and Ski Base Facilities, 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. Final buildings plans and construction details shall reflect substantial compliance with the final plans dated March 19, 2024, submitted to the Planning Department and reviewed May 22, 2024, by the Planning Commission.
2. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans. 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 prior to construction.
3. The project is subject to safety regulation by the Passenger Ropeway Safety Committee of the Utah State Department of Transportation. The Applicant must work with the Safety Committee for final approval consistent with the standard state review authority review process prior to submitting a Building Permit.
4. The Applicant is responsible for the removal of dead and dying Significant Vegetation in an area equal in square footage to the proposed areas of disturbance.
5. All Outdoor Lighting must be down-directed, fully shielded, with bulbs 3,000 degrees 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.

6. The operation of the ski lift must comply with the City Noise Ordinance found in Chapter 6-3.
7. The Applicant shall retain the minimum fifty-foot Setback for the natural stream.
8. The finish surface of ski runs shall be graded with a three-foot maximum topsoil and native soils.
9. The Applicant shall install erosion control blankets on all slopes steeper than 2:1.
10. The Applicant is responsible for providing trash and recycling areas during construction and operation of the ski lift. The construction site must be maintained in a neat manner. Trash and other debris may not accumulate outside the construction dumpster. The construction site shall be cleaned prior to the end of each workday.
11. Pending approval of the Snow Park Master Planned Development, the Applicant shall submit an annual report that provides an overview of overflow on-street parking to the Planning Commission no later than May 31. The Planning Commission retains authority to add Conditions of Approval if future traffic and parking mitigation is required.
12. The annual report and Planning Commission review shall continue until the Transportation Demand Management and Parking Management Plan are updated, reviewed, and approved by the Planning Commission through the Snow Park Master Planned Development amendment, or other Planning Commission approval. If Deer Valley fails to secure off-site parking and winter bus service prior to the 2024-2025 ski season and on an annual basis, Deer Valley shall obtain Planning Commission approval for an amendment their Parking Management Plan pursuant to Paragraph G of the Deer Valley Resort Twelfth Amended and Restated Large Scale Master Planned Development Permit, dated November 30, 2016.
13. The Applicant must submit an application to amend Technical Report #5 Open Space Management Plan which shall include a substitution of the designated Undeveloped Recreation Open Space impacted by this application and adjustment of Developed Recreation Open Space Areas, with a minimum 111- acre replacement of the Undeveloped Recreation Open Space, and any proposed additional mitigation measures from the result of increased lift disturbance within Undeveloped Recreation Open Space. The Applicant shall submit the application to the Planning Department within three months of this Conditional Use Permit approval. Planning Commission review and approval must be obtained within six months of the date of Planning Commission approval of this Conditional Use Permit. This approval will expire if either deadline is not met or extended by the Planning Commission.
14. Any trails or portions of trails that must be closed as a result of development will be rerouted prior to their closure. Thus, trail continuity will be maintained during and after construction. Where and when feasible, temporary trail detours will be established to maintain trail continuity during closures.

15. The Applicant must submit a temporary trail alignment for all re-routed public trails to be reviewed and approved by the Trails and Open Space department prior to construction.
16. Silt fencing will be placed at the toe of fill slopes to control erosion during construction. Erosion control will consist of re-vegetating all exposed ski run surfaces including cut and fill slopes. Where appropriate, ditches will be placed to protect cut slopes. Lined channels may be used to convey runoff along ski runs and trails depending on design conditions. Erosion control blankets will be placed as necessary.
17. Fencing is prohibited and users of the project area must be directed away from the wildlife movement corridors during the spring and fall migration periods.
18. Construction must be organized and timed to minimize the disturbance of wildlife habitat areas.
19. To the Maximum Extent Feasible, the Applicant shall preserve any natural habitat Area connections. If natural Areas lie adjacent to the Development Site, but such natural Areas are not presently connected across the Development Site, then the Development plan shall, to the extent reasonably feasible, provide such connection. Such connections shall be designed and constructed to allow for the continuance of existing wildlife movement between natural Areas and to enhance the opportunity for the establishment of new connections for movement of wildlife.
20. If wildlife that may create conflicts for future occupants of the Development are known to exist in Areas adjacent to or on the Development Site, then the Development plan must include provisions to minimize these conflicts to the extent reasonably feasible.
21. A nest clearance for all migratory birds should be performed if land clearing is required during the nesting season.
22. Signage and warnings to hikers and bikers must be installed advising of moose activity. If adult cow moose with calves are utilizing the project area, then a buffer zone around those animals should be blocked from human activity including closing trails and preventing hiking, biking, and construction activity until the animals are no longer in the area.
23. Any areas where Mule Deer are giving birth to and raising fawn within the project area must be blocked off to all human activity.
24. If Elk with calves are observed or if large herds of Elk are utilizing a particular part of the project area, then that area must be closed off to human activity such as hiking, biking, and construction until those animals are no longer present.
25. The Applicant must conduct an additional site visit and habitat assessment with a wildlife consultant for further mitigation and management considerations to be

refined following the snow melt. The Applicant and the wildlife consultant shall submit their findings and plans for review and approval by Planning staff prior to issuance of a Building Permit.

26. The Applicant must submit a modification application to amend Technical Report #13 Wildlife Management Plan which shall include updated Wildlife Data. The Applicant shall submit a modification application to the Planning Department within three months of this Conditional Use Permit approval. The modification must be reviewed and approved by the Planning Commission within six months of the date of Planning Commission approval of this Conditional Use Permit.
27. If the updated Wildlife Management Plan Technical Report #13 identifies any additional species necessitating protection, the report shall include additional recommendations consistent with Conditions of Approval #16-#25 for such species.
28. The Applicant must submit a Construction Mitigation Plan that complies with all applicable Park City Construction Mitigation Guidelines, at the time of Building Permit submittal.
29. The Building Pad shall not exceed 13,543 square feet and the Building Footprint shall not exceed 8,446 square feet, as demonstrated in the Concept Floor Plan dated February 28, 2024, and reviewed by the Planning Commission on May 22, 2024. The Applicant shall return to the Planning Commission and Conditional Use Permit review and approval for the ski-related accessory building.

Commissioner Frontero seconded the motion.

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

- D. Bonanza Park Small Area Plan** – The Consultants will Present the Draft Plan to the Planning Commission, Which Establishes a Vision Statement and Project Goals to Create a Mixed-use, Local, User-Friendly, Inclusive, Green, and Cultural Neighborhood. PL-24-06026.

Director Ward shared information about the Bonanza Park Small Area Plan. Within the 200-acre neighborhood, there will likely be a lot of redevelopment in the coming years. There is an opportunity to envision what the future of this neighborhood will be. There has been an extensive community engagement process and work has been done with an advisory group. It is now time for a preliminary review of the draft plan. It is scheduled for a public hearing and will come back to the Planning Commission for a second public hearing and potential recommendation on June 12, 2024. The focus of the current meeting is on the first three goals in the recommended plan.

Two consultants from MKSK are present at the Planning Commission Meeting, including Andy Knight and Emily Silvius. Mr. Knight shared presentation slides and pointed out the 200-acre study area. He reported that Fehr & Peers is working on the transportation component and Future IQ is assisting with the engagement. During the current meeting, the intention is to share the Phase 3 engagement results and the plan recommendations as well as receive feedback from

the Planning Commission. There will ultimately be a formal document. Mr. Knight shared the Executive Summary and stated that the draft version of the plan has been shared with Staff.

Mr. Knight reported that there has been a robust engagement process. There were three different engagement opportunities as well as online and paper surveys. As far as the timeline, the Small Area Plan schedule is currently in the Task 6 section and the adoption process is close.

Ms. Silvius took the time to review the engagement process in more detail. Phase 1 was from May to July 2023 and 250 people attended the community meeting. Phase 2 was from August 2023 to January 2024 and 150 people attended the community meeting. Phase 3 was from January to June 2024 and 100 people attended the third community meeting. One of the key findings from the Phase 3 engagement included support for additional building heights in parts of Bonanza Park in return for community benefits. This finding was derived from feedback from the third community meeting. 29% of commenters wanted no changes to the building levels, 29% were supportive of four stories in exchange for community benefits, and 42% were supportive of more than four stories. The benefits residents were most passionate about trading for additional density were:

- Connectivity;
- Affordable Housing;
- Outdoor Community Areas.

The other key findings were that there is support for improving the Frontage Protection Zone ("FPZ"), prioritizing pedestrian safety in future improvements, and there is a desire to keep Bonanza local. The mountain views through the entry corridor of Park City are integral to the character and there is a desire to codify support and protection for those. Ms. Silvius explained that residents want to see Bonanza remain local and there is support to limit the number of nightly rentals, hotels, and timeshares in Bonanza Park. The Bonanza Park Vision Statement was read:

- Bonanza Park is a neighborhood where Parkites gather to shop, dine, and express local art and culture. The Bonanza Park of tomorrow will build on this vibrancy to become a more walkable, connected, livable, and inclusive community for current and future Parkites of all ages.

Mr. Knight reported that the project goals for Bonanza Park are as follows:

- Mixed Use;
- Local;
- User-Friendly;
- Inclusive;
- Green;
- Cultural.

Mixed Use, Local, and User-Friendly are the items that will be reviewed during the current Planning Commission Meeting. The recommendations for a Mixed-Use Bonanza Park are to create a safe and intuitive network for pedestrians, cyclists, and transit users. There are three recommendations within this goal. Mr. Knight read the following recommendations:

- Create a Bonanza Park Mixed Use District that allows for increased densities when new development provides significant community benefits;
- Update the Frontage Protection Zone to ensure that Park City's entry corridors remain scenic and awe-inspiring;
- Establish development guidelines for new multi-family and mixed-use buildings to create walkable, human-scale, development that is contextual and sensitive to its environments.

Mr. Knight further discussed the Bonanza Park Mixed Use Zoning District ("BPMX"). Right now, it is currently zoned General Commercial. Mixed-use will introduce the potential for residential, which is a conditional use currently. There could be more residential uses by right. This shift will encourage the missing middle housing in addition to potential affordable housing. As for vertical zoning standards, if density increases and there is a desire for a walkable community, there could be a requirement for active ground-level uses. For building heights, the base height could remain 35 feet, with some expanded opportunities available as density bonuses. Mr. Knight next shared several examples of community benefits, such as affordable/workforce housing, outdoor community spaces, connectivity, bike share stations, underground parking, transit stop improvements, transit-oriented development, community facilities, and sustainable development.

Additional information about density bonuses was shared. Mr. Knight informed the Commission that density bonuses are a zoning tool that permits developers to build more housing units, taller buildings, or more floor space than normally allowed in exchange for providing a defined public benefit. The means of providing a density bonus for Bonanza Park can be through:

- Reducing setback requirements from 25 feet, unless it is in the Frontage Protection Zone;
- Reducing parking requirements for mixed-use buildings;
- Increasing building heights to 45 feet with community benefits.

Mr. Knight shared example scenarios of density bonuses in other areas such as Colorado Springs, CO. He next shared information about the second recommendation, which is to update the FPZ. The third recommendation has to do with the establishment of development guidelines. The intention is to ensure that new multifamily and mixed-use buildings reflect human scale design for a walkable community by regulating design elements. Some example renderings were shared by Mr. Knight to illustrate the different ways the regulations can shape development.

Ms. Silvius discussed the Local project goal for Bonanza Park. Throughout the engagement process, it was clear residents want a neighborhood they can spend time in and connect in. The land uses in Bonanza Park need to reflect that sentiment. The recommendations are:

- Limit nightly rentals, hotels, and timeshares to grow the residential base for Bonanza Park, and ensure that new dwellings are supporting a neighborhood for locals;
- Limit conventional chain businesses to prioritize locally owned and unique retailers/restaurants in Bonanza Park;
- Cap commercial square footages per building, with exceptions for grocery stores, to incentivize mixed-use development.

For the first recommendation, to limit nightly rentals and hospitality, some options are:

- Make major hotels a conditional use, while still allowing for minor or boutique hotel uses;

- Establish limits on nightly rentals, such as a total cap on the number of nightly rentals in Bonanza Park, limit the number of nights a property can be rented, or limit the number of tenants who can stay in a nightly rental;
- Establish a policy limiting investor-owned nightly rentals, while still allowing for homeowners in their primary residence.

As for limiting conventional chain businesses, a few different options were recommended:

- Limit chain businesses into the neighborhood by reducing the size of single-store square footages;
- Limit the amount of chain stores for any single building by establishing a threshold. For instance, a target that chain stores may not occupy more than 30% of the ground floor commercial space for a building.

For the third recommendation, to cap commercial square footages per building, the options were:

- Limit the allowable commercial square feet for a single building to no more than 15,000 to 29,000 square feet;
- Limit the size of allowed square footage for all commercial uses to no more than 5,000 square feet for a single tenant;
- Require that at least 50% of the total square footage for mixed-use buildings are dedicated to residential or office (excludes grocery stores, institutional uses, and municipal uses).

Mr. Knight discussed the third goal for Bonanza Park, which is that it be User-Friendly. The intention is to create a safe and intuitive network for pedestrians, cyclists, and transit users. He explained that there are several recommendations associated with the User-Friendly goal:

- Establish a future network of pedestrian and bicycle linkages through Bonanza Park to connect with regional trails and improve the area's connectivity;
- When considering development proposals, encourage multiple connections through Bonanza Park to create a more walkable and interconnected block system;
- Leverage future developments to fund and implement mobility improvements, such as traffic calming, crosswalk improvements, transit hubs, and tunnels to surrounding neighborhoods;
- Create a vibrant pedestrian-oriented neighborhood by restricting auto-centric uses, lowering parking minimums, and incentivizing underground parking structures.

A map was shared to illustrate existing and planned trail connections as well as potential signature trail connections. Mr. Knight explained that the lines shown in orange indicate opportunities. He reported that during the engagement process, it was clear there is a desire to see more sidewalks and connections. He shared a map of the sidewalk network. The connections would help to create a more walkable neighborhood. Mr. Knight discussed some of the superblocks in the area and the recommendation that those be broken down with access streets and a traffic light. The latter has been identified in previous studies at Kearns and Homestake.

To leverage future developments, Mr. Knight reported that suggestions include traffic calming measures, crosswalk improvements, transit hubs, and tunnels to surrounding neighborhoods. When it comes to creating a pedestrian-oriented neighborhood, recommendations include:

- Restrict car-centric uses: These may include auto-related retail, drive-up windows, and gas stations;
- Lower parking minimums: Lower required parking minimums for mixed-use developments or when in close proximity to transit. A shared parking strategy should be developed as an implementation next step update to the Land Management Code;
- Incentivize underground parking: Included as a community benefit within the BPMX, underground parking should be encouraged and incentivized through a parking reduction (for example: a 5% reduction of parking minimum).

The study that was conducted by Fehr & Peers took a maximum build-out of the area. Based on the 2032 build-out, if all went according to plan, the level of service ("LOS") grades will start to drop. One of the questions for Commissioners to consider is whether there should be a more City-wide approach to transportation. With each development that occurs, there will be more congestion. It is not something individual roads within the Bonanza Park area will necessarily be able to solve, so it might be best to have a broader discussion about transportation needs.

Commissioner Suesser asked whether previous Commissioner feedback was passed along to the consultant. Director Ward explained that there have been meetings with Commissioners in groups of two, but there has not been an opportunity to meet with Commissioner Sigg yet. All Commissioners were provided with the draft plan in preparation for the current Planning Commission Meeting. The Commission's input has been consolidated. The draft plan before the Commission currently will be updated before the June 12, 2024, Planning Commission Meeting.

Mr. Knight shared a list of questions for the Commission. Chair Hall determined that the Commission would address each question one by one. The first two questions were as follows:

- The details of measuring community benefits in exchange for density will be an important element in the codification of the proposed plan. If the exchange for increased density with community benefits is determined by a point system, how should benefits be ranked?
- Are there any other community benefits that should be added or removed from the list?

Chair Hall noted that a lot of the community benefits listed are already required. For instance, Park City requires sustainable development, connectivity, and open space. As a result, this is a difficult question to answer. Director Ward explained that the assumption is that the benefits will be above and beyond the current requirements. Commissioner Van Dine thought the cost a developer should contribute should be in a tier level. For instance, increasing the affordable housing and putting in underground parking will be a lot more expensive than an outdoor community space. Commissioner Johnson did not believe ranking the options was appropriate. He does not want a developer to choose the easiest items rather than make positive changes.

Commissioner Shand wondered whether it is possible to handle this on a case-by-case basis. It might be possible to rank the items based on cost, benefits to the community, and so on. However, he thought it makes the most sense to look at things on a case-by-case basis. Commissioner Van Dine pointed out that a lack of predictability for developers can cause issues. Chair Hall found it difficult to justify the increases based on the items included on the community benefits list. She shares the reservations expressed by Commissioner Shand.

Director Ward referenced the AMPD and inclusionary housing, where 80% AMI can be required. She wondered whether a community benefit might be that a certain number of units meet a 50%

or 60% AMI. It might be possible to incentivize affordability. Discussions were had about the suggestion. Commissioner Shand asked whether the consultants have experience with ratios for affordable housing, market-rate condominiums, as well as hotel rooms. Each one of those items creates a different type of vitality to help support commercial uses. Mr. Knight reported that they work with a lot of development partners to determine what those market demands are in order to develop a strategy. Having the right balance between market rate and affordable is important. This is an exercise that can be done for the area in the future to understand the appropriate ratio.

Mr. Knight suggested that Commissioners consider positive impacts to the neighborhood. What is considered a positive impact will evolve over time. At a certain point, there may not be value added to the community if the same item is being added over and over again. An evaluation can happen as the neighborhood matures and grows. Chair Hall wondered whether there are any additional community benefits the Commission feels could supplement the provided list. She agrees with Commissioner Shand that it is difficult to rank the different items and create a formula.

Commissioner Frontero stated that he is not in favor of a formula, but based on the comments by the consultant, it seems that a case-by-case basis is possible moving forward. What works at one time may not make the most sense further down the line. As much as he understands that developers want there to be certainty, it is not necessarily possible to have a set formula where there is always certainty provided. Commissioner Suesser noted that certain community benefits listed are already built into the requirements. Those things should not necessarily add up to a density bonus. Mr. Knight clarified that these items would be above and beyond what is already required. Commissioner Frontero believed the Commission is open to hearing about exceptional community benefits, but it would be challenging for the City to create a formula or list of those benefits. Mr. Knight explained that the items on the list are examples rather than a concrete list.

Chair Hall is open to allowing certain incentives to a developer, such as a parking reduction or setback reduction. However, the Commission is fairly height-sensitive, so added density for community benefits might be a little more difficult. Chair Hall suggested burying powerlines as a potential benefit. Discussions were had about a fund that could be used for some of the community benefits. Commissioner Van Dine believed bike share stations should be removed from the benefit list. She wants to see them be added to the community but does not feel it is a big enough contribution to warrant an incentive. However, it could be combined with other items. She suggested that a point system be developed for the different community benefit list items.

Another question was posed to the Commissioners, which was as follows:

- Are there any changes to the FPZ sufficient to protect Park City's viewsheds along entry corridors?

The Commission reviewed the slide that showed the recommendations for the FPZ. Commissioner Johnson expressed concerns with the overall recommendation. He understood it based on some of the community feedback but was reluctant to make drastic changes to the FPZ. He likes that there is currently discretion, so it is possible to look at things on a site-by-site basis. Commissioner Suesser stated that she is in favor of keeping the first 50 feet of the FPZ development free. From 50 feet to 100 feet would retain a 35-foot height limit. Outside of the FPZ, there can be density bonuses. That was the consensus at the breakout session.

The next question had to do with the Local focus area. Mr. Knight read the following question:

- Understanding that the proposed recommendation on transient uses is more restrictive than what exists under the current code, should there be a distinction between major hotels and boutique hotels in the proposed Mixed-Use Zone?

Commissioner Van Dine leaned towards allowing boutique hotels and setting a number cap. Small boutique hotels help add to the livelihood of the neighborhood since those visitors will dine at local restaurants. She believes major hotels should be a Conditional Use. Suggestions were made to limit boutique hotels to 35 rooms. Commissioner Johnson asked that a boutique hotel definition come back to the Commission for consideration as well as a definition of minor hotel.

It was noted that Commissioner Suesser left the Planning Commission Meeting.

Chair Hall stated that there is consensus for allowing boutique hotels in the Mixed-Use Zone, but there is a desire to maintain a CUP for a major hotel. Commissioner Frontero pointed out that there is not a desire to allow too many boutique hotels. There will need to be some limitations placed. It was noted that these are somewhat self-regulating because if there are too many in one area, there is too much competition. However, some limitations might make sense.

Mr. Knight shared the final questions that were prepared for Planning Commission consideration:

- User-Friendly:
 - The City's major intersections are within or pass through the Bonanza Park neighborhood and already experience challenges during peak hours. Improving traffic under existing conditions and the anticipated future buildout will require comprehensive strategies. Are there additional recommended considerations for the mobility component of the plan?
- General:
 - What additional revisions would the Commission like to be incorporated into the draft plan scheduled for a public hearing on June 12, 2024?

Chair Hall felt that at a high level, adding connectivity within the area would be beneficial, since there are no real cut-throughs. Adding pathways for all modes of transportation would be ideal. Director Ward mentioned a point of discussion in one of the group conversations. There was an idea to have a capital improvements fund for the neighborhood. She wondered whether there would be support for a broader park and ride plan outside of the neighborhood that developers could potentially contribute towards. Commissioner Van Dine thought something like that could work. Commissioner Frontero agreed that contributions towards a specific goal could potentially be beneficial to all. Chair Hall preferred to see a lot of the money stay in the user area. One of the goals is to keep the project local, so it does not make sense to spend money outside the area.

Chair Hall asked for additional recommendations for mobility. Director Ward noted that representatives from Fehr & Peers will be at the June 12, 2024, Planning Commission Meeting. It is possible to further address this matter at that meeting. Discussions were had about connectivity. Chair Hall thought it was best to prioritize pedestrian and bicycle connectivity. Commissioner Frontero noted that if pedestrian and bicycle connectivity is prioritized, then vehicles will be de-emphasized. As a result, there can be reduced parking requirements in the BPMX. Director Ward reported that the draft plan includes planned trail connectivity.

Commissioner Frontero asked about an open space area where there can be live music or something similar to draw in locals. Mr. Knight believed there is a scenario where something like that can occur. It is not unheard of for cities to develop that or for developers to include that. It could be either public or private, but that is something that should be discussed early on.

Chair Hall asked that any additional comments and suggestions be submitted to Director Ward. She can then forward those questions to the appropriate consultant ahead of the next meeting.

Chair Hall opened the public hearing. There were no comments. The hearing remained open.

MOTION: Commissioner Johnson moved to CONTINUE the Bonanza Park Small Area Plan item and the public hearing to the June 12, 2024, Planning Commission Meeting. Commissioner Van Dine seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission. Commissioner Frontero was not present for the vote.

6. ADJOURNMENT

MOTION: Commissioner Van Dine moved to ADJOURN.

The meeting adjourned at approximately 9:33 p.m.