



**PARK CITY REGULAR PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
December 15, 2021**

PUBLIC NOTICE IS HEREBY GIVEN that the Planning Commission of Park City, Utah will hold its Regular Planning Commission Meeting at the City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 for the purposes and at the times as described below on Wednesday, December 15, 2021.

MEETING CALLED TO ORDER AT 5:30 PM.

Notice of Electronic Meeting and How to Comment Virtually

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

Planning Commission members will connect electronically. Public comments will be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org.

1.ROLL CALL

2.MINUTES APPROVAL

- 2.A. Consideration to Approve the Planning Commission Meeting Minutes from November 10, 2021.

Consideration to Approve the Planning Commission Meeting Minutes from November 17, 2021.

[11.10.2021 Planning Commission Minutes - Pending Approval](#)

[11.17.2021 Planning Commission Minutes - Pending Approval](#)

3.PUBLIC COMMUNICATIONS

4.STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

5.WORK SESSION

- 5.A. Park City Mountain Resort Base Parking Lots - MPD Modification Work Session- Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, With a New Master Plan, Known as the Park City Base Area Lot Redevelopment Master Plan Study. The Commission Will Discuss Off-Site Parking and Transportation Mitigation, Draft Findings of Fact, Draft Conditions of Approval and Other Issues Raised in the Staff Report. PL-20-04475.

Public Input will be taken via e-comments and Zoom

(A) Work Session, No Action Will Be Taken

[PEG Staff Report](#)

[Exhibit A: PEG Impact Mitigation Framework and Methodology](#)

[Exhibit B: Applicant's Ordinance Interpretation](#)

[Exhibit C: Applicant's Open Space Exhibit](#)

[Exhibit D: Draft FOF](#)

[Exhibit E: Compiled Public Comment](#)

6.REGULAR AGENDA

- 6.A. Planning Commission Training - including annual open meeting requirements.
[LWH OPMA PowerPoint 2021](#)

7.ADJOURN

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting.

***Parking validations will be provided for meeting attendees that park in the China Bridge parking structure.**



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
November 10, 2021**

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

EX OFFICIO: Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; Browne Sebright, Planner II; Spencer Cawley, City Planner; Mark Harrington, City Attorney

1. ROLL CALL

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

The following written determination was read:

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

Public comments will be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org.

Chair Phillips reported that prior to the Park City Planning Commission Meeting, a site visit to Founders Place, formally called Deer Hollow Village, Parcel 00-0021-01977 took place. This was related to the Regular Session Item 6B. There were no members of the public present, but the majority of the Commissioners attended. Chair Phillips explained that they walked the property and received supplemental information. He noted that the applicant requested that the item be continued to a later date. The continuation date would likely be December 8, 2021.

2. MINUTES APPROVAL

- A. Consideration to Approve the Planning Commission Meeting Minutes from October 13, 2021.**

MOTION: Commissioner Thimm moved to APPROVE the Planning Commission Meeting

Minutes from October 13, 2021. Commissioner Johnson seconded the motion.

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

B. Consideration to Approve the Planning Commission Meeting Minutes from October 20, 2021.

MOTION: Commissioner Thimm moved to APPROVE the Planning Commission Meeting Minutes from October 20, 2021. Commissioner Van Dine seconded the motion.

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

3. PUBLIC COMMUNICATIONS

There were no Public Communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Commissioner Kenworthy shared a disclosure and stated that he owns a home on the 200 Block of Upper Woodside Avenue, but it would not impact his decision-making.

5. WORK SESSION

A. 543 Park Avenue – Minor Hotel Conditional Use Permit – The Applicant Requests a Minor Hotel Conditional Use Permit to Convert the Washington School Inn, a Landmark Historic Structure on the Park City Historic Sites Inventory in the Historic Residential – 1 Zoning District, from Bed and Breakfast to Minor Hotel with Accessory Facilities for Events. PLZ-20-04477.

Planner II, Browne Sebright, presented the Staff Report and stated that the Work Session item was for 543 Park Avenue. He noted that it was the second Work Session related to the Washington School Inn request for a Minor Hotel Conditional Use Permit ("CUP"). The first Work Session related to the item was held on April 28, 2021. Planner Sebright reported that the owner was present at the meeting as well as the applicant's representatives, Jason Boal and Wade Budge. Commissioner Suesser wondered if there would be public input on the item during the Work Session. Chair Phillips believed there would be time for public input at the current meeting. He understood that many members of the public had an interest in the application.

Planner Sebright stated that the application was for a CUP for the Washington School Inn. He noted that the Washington School Inn has an existing CUP dating back to 1983 and there was an additional CUP for an outdoor recreation facility that was issued in 2010 and amended in 2021. The building was a highly prominent Landmark Historic Structure, located in Old Town, one block west of Main Street. The property is approximately 0.34 acres or 15,000 square feet in size and encloses approximately eight original Old Town lots. It stretches from Park Avenue to Woodside Avenue and was surrounded by single-family residential to the north, south, and west. To the east were a parking garage and a right-of-way easement.

The property is located in the Historic Residential – 1 Zoning District and was bordered to the east by the Historic Residential – 2A Zoning District. It is approximately 100 feet from the Historic Commercial Business Zoning District. Planner Sebright explained that the property contains two

separate lots. The first was Lot 1 of the Washington School Inn, which was improved and contained the school, accessory garage, pool, and lawn area. The second was Lot 35 of Block 5, which was included in the property (subject to the modified 2012 CUP) and is unimproved. It contained landscaping and an extension of the Washington School Inn fence. Since 2012, the two lots were subject to a CUP that allowed the Washington School Inn to landscape the vacant lot and to enclose both lots in a single-perimeter fence.

Planner Sebright provided the following reasons for having a Work Session related to the item:

- It had been six months since the last Work Session and the applicant submitted updated application materials for review. Staff analyzed the updated materials and attempted to answer questions raised by the Planning Commission previously;
- Staff had additional background information, which would share more context related to the history of the property, previous land use applications and approvals as well as an interdepartmental review of the existing facilities;
- Staff was seeking feedback from the Planning Commission on key issues in the proposal to finalize the analysis and recommendations.

During the previous Work Session on the item, the Planning Commission raised a number of questions. They asked the applicant to respond to those questions. For instance, issues related to noise and light associated with outdoor uses on the property as well as graphics that would show where the outdoor events would be held. Staff also made a series of recommendations for additional information, including updated building plans, square footage of the facilities, proposed occupancy, vehicle access, and parking. Staff asked for more details on the nature of the events and activities, including the number of employees, how guests would get to and from the site as well as a more detailed Parking Management Plan. The applicant provided an updated Management Plan, which included provisions for parking management, staffing, shuttle service, and noise management.

The applicant also provided more details related to the location of private events on the property. The current Management Plan proposed using approximately 2,200 square feet of the interior of the building for event space and approximately 2,700 square feet of outdoor area. Planner Sebright reported that the application had gone through interdepartmental review. On August 26, 2021, it went before the Neighborhood Traffic Management Program Committee. The Committee reviewed the Traffic Management Plan and the proposed shuttle service for the property. Planner Sebright noted that the Committee did not have any major concerns and their recommendations were included in the Staff Report.

On October 27, 2021, the City Engineer reviewed and approved the applicant's request for a minor variation to the minimum parking stall dimensions. Planner Sebright explained that approximately half of the 11 parking spaces were substandard in dimension. He reported that the application was also reviewed by the Business Licensing team and the Finance Department. Those recommendations were outlined in the Staff Report. Planner Sebright shared images of the parking garage where the Washington School Inn had an agreement in place for 11 parking spaces. The City Engineer found that five of those spots were substandard in width, but all of the spots could be utilized by small and mid-sized vehicles.

There was some new information in the Staff Report, which included the updated history of land use approvals for the site, the existing facilities on the property as well as public comments that

had been submitted by neighbors of the Washington School Inn regarding the proposed change in use. Staff asked for feedback from the Planning Commission related to the following:

- Should the change in use to a Minor Hotel allow for outdoor activities?
- Should the requested reduction in parking include consideration of the parking requirements for Separately Leasable Commercial Space?
- Does the applicant need to provide more information, including Conditions of Approval beyond those outlined in the proposed Management Plan?

The Work Session was noticed for public input and Staff received 12 written comments from neighboring property owners. One letter was signed by 28 adjacent homeowners on Woodside Avenue and Park Avenue. Additionally, 11 additional email comments were received. Planner Sebright noted that all of the comments could be found in the Staff Report. Staff recommended that the Planning Commission hold a Work Session on the requested CUP for a change in use from a Bed and Breakfast to a Minor Hotel and that the Commission conduct a public hearing.

The applicant's representative, Mr. Budge explained that he was present to address the Commission. The owner, Thomas Holthus, and the manager, Michael Gregory were both present and available to answer questions. Mr. Budge reported that the applicant team attempted to establish a meeting with neighbors, but the neighbors preferred to speak only to Mr. Holthus. He stated that there had been some confusion about what they were seeking with the application. It was not a special exception, rezone, or text amendment. The application was a request for a use that was allowed within the Historic Residential – 1 Zoning District.

There were 12 rooms at the Washington School Inn as well as a dining establishment and amenities. Guests sometimes want non-resident guests to visit them while they were at the hotel. That was customary for the scale of the hotel, but the 1983 CUP was not clear about whether or not that type of activity was permitted. Mr. Budge stated that they did not want to operate in an area of uncertainty. For that reason, they looked at the Zoning Code, saw that Hotel Minor was allowed, and submitted an application. The purpose of the Work Session was to engage with the Planning Commission and understand public comments.

Mr. Budge clarified that there was no part of the application that sought parking on Woodside Avenue. There was some confusion from neighbors that they were trying to engage in parking on Woodside Avenue but that was not the case. The hotel currently had more than adequate parking and the Traffic Study showed that the demand for parking was below what was available to guests. Mr. Budge believed this was due to guests who arrived by car service.

Mr. Budge addressed the reason Woodside Avenue was mentioned in the application. There was a lot that was not part of the hotel that had landscaping on it. If the landscaping was removed, it would be possible to sell that land and have it developed as a home. Woodside School Inn did not desire that and intended to have the lot combined with the other seven lots to create one large lot. That would prevent a home from being built in that location in the future as it would be permanently incorporated into the hotel. Since the Code requires 12 parking spots for 12 hotel rooms, an additional parking spot needs to be provided. If the Planning Commission were to require the additional parking spot, an off-street parking spot on the lot could be constructed. He noted that if the application was approved, the proposal was to not immediately build that spot but to engage in a year-long monitoring process to determine whether the parking demand as a Hotel Minor increased or not. If it did not, the lot would not be built on and would be incorporated

into the property in its landscaped state. If it did, the off-street parking spot could be accommodated.

It was important to be respectful and take into account the public comments. However, there was a dining establishment inside of the hotel and the Washington School Inn needed to be able to operate that. If a guest wanted to have someone join them for dinner and there was capacity, it was important to be able to accommodate that. Mr. Budge believed that all conditions for the property should relate to the primary purpose of the property, which was the operation of the hotel. He suggested that the Planning Commission hear from the public and he could then address any questions or concerns raised. Chair Phillips believed it was important to address Commissioner questions before hearing from the public.

Chair Phillips wondered if Lot 35 met the size minimum for an Old Town lot, which was 1,825 square feet. Planner Sebright confirmed this. Chair Phillips asked about the dining capacity for the restaurant. Mr. Budge reported that the main level could seat 20 and the downstairs level could seat six. If the hotel is full, there was no extra dining capacity, but if there was a vacancy, they could allow diners on a reservation basis. Some of the neighbors had commented that they would appreciate being able to come in and eat.

Chair Phillips understood that dining was not generally open to the public. Mr. Budge explained that if there was a rare circumstance where occupancy was low and a group wanted to come in and dine but they were not associated with anyone staying on property, the applicant would like to be able to accommodate that group. The Washington School Inn was not looking to change its use. Chair Phillips was not certain whether that was allowed in the Historic Residential-1 Zoning District as that meant operating as a restaurant. Mr. Budge explained that they could not operate a restaurant but could operate a restaurant use accessory to the hotel. That was allowed within the definition of a Hotel Minor. The use always had to be in connection to the hotel.

Commissioner Thimm noted that the Staff Report specified that there was an intent to have outdoor gatherings beyond the 26 seats in the dining area. Mr. Budge reported that the main floor and the downstairs level could accommodate more than 60 people from a Fire Code standpoint. The proposal was that the combined resident and non-resident numbers would be 60. That was less than the Fire Code standard and was still manageable. The application mentioned that guests may want to have outdoor activities, but he wanted to hear more feedback from Commissioners and the public related to that proposal.

Commissioner Suesser noted that 60 guests at the facility would be defined as a private event because it was beyond the number of guests that the Bed and Breakfast could accommodate. She believed that a private event was a prohibited use in the Historic Residential-1 Zoning District. Mr. Budge explained that there would not be a private event, but rather a combination of resident and non-resident guests. For instance, there could not be 60 non-resident guests on site as that would not be permitted. What was being discussed was that the resident and non-resident population could not exceed 60 in total. Uses on the property need to be those specifically described in the Hotel Minor definition, which were as follows:

- Restaurants;
- Bars;
- Spas;
- Meeting Rooms;

- On-Site Check in Lobbies;
- Recreation Activities;
- Group Dining Facilities; and
- Other Activities Customarily Associated with Hotels.

Chair Phillips recalled that the last time the application was in front of the Planning Commission, one of the reasons for the requested change was to streamline the private events process. Mr. Budge noted that he had not been present at that Work Session, but he received a similar report. He explained that there had been some high-profile visitors who wanted to dine in, and the Washington School Inn did not want to be in a position where they were unable to provide a service or activity that was customary to a high-end hotel. Mr. Budge stated that the Bed and Breakfast CUP was arguably more constraining than the way they needed to operate.

Chair Phillips wondered if the Washington School Inn held private events. Mr. Budge reported that a private event would require a temporary permit. Planner Sebright had looked into the history of those applications. One was made and withdrawn in 2017. The administrative process was still available to them, but they did not want to seek one out on a semi-regular basis. However, the administrative burden was not the reason for the application. He reminded those present that Hotel Minor was an appropriate use in the Historic Residential – 1 Zoning District.

There were no further Commissioner comments. Chair Phillips allotted time for public comments.

Nicole Deforge spoke on behalf of homeowners who live along Park Avenue and Woodside Avenue and in close proximity to the Washington School Inn. It was important to note that 28 homeowners from 22 homes on Woodside Avenue and Park Avenue signed a public comment opposing the CUP application that was submitted. Of those 28 signatures, 13 of the closest and most affected property owners took part in a Zoom Meeting with the Washington School Inn owner. There were also over 28 property owners who submitted written comments and emails opposing the application.

The neighbors were concerned about the project and unanimously opposed it for several reasons. Ms. Deforge reported that the neighborhood is dense and tightly packed. The homes are close together, the streets are narrow, and they are unable to handle commercial traffic or additional parking. Ms. Deforge explained that the Bed and Breakfast and neighbors had generally been able to maintain a fragile coexistence. However, there were issues and concerns, such as guest parking along Park Avenue, delivery trucks blocking driveways, noise, and the use of the building across the street. She noted that the latter was an off-site accessory building, which was not permitted under the Land Management Code. All of those issues needed to be addressed first. Allowing new and expanded use of the property could create further issues.

Ms. Deforge stated that the owner of the property had historically taken a “toe in the door” approach, where something was permitted with certain conditions and then they crept towards doing something else. There was a continued push in favor of the business rather than the neighborhood. She noted that Mr. Budge stated earlier in the Work Session that the only reason they wanted the Hotel Minor CUP was so guests could have non-residents come and see them. That was not what was stated in the application. This would be a significant expansion and that type of expansion could not be accommodated in the small residential neighborhood.

Outdoor use was discussed. Ms. Deforge noted that outdoor events and uses are not allowed in the Historic Residential-1 Zoning District, which the Staff Report stated on Page 7. Not only is that type of use not permitted, but it was not permitted as a conditional use either. As far as the Hotel Minor CUP, it was not a matter of allowing a few non-residents to come and eat dinner. Approving the designation would allow additional changes to occur in the future. If the applicant simply wanted non-residents to dine with residents, that could likely be done through an amendment to the current CUP rather than asking for a Hotel Minor CUP.

Ms. Deforge noted that Hotel Minor is a conditional use under the zone but that does not mean it is an allowed use. It means that the use may be appropriate in some areas of the Historic Residential-1 Zoning District. While a Hotel Minor CUP may make sense in some residential neighborhoods in Park City, she did not believe it made sense in this particular location, since the houses are so close together. She reiterated that traffic on Park Avenue and Woodside Avenue were not fit for commercial traffic. The applicant proposed to nearly double the number of occupants allowed on the site while reducing the amount of parking currently required. Ms. Deforge noted that the garage on-site was being used for laundry. Instead of using the garage that was approved for parking, the applicant wanted to do construction on Woodside Avenue, where they were currently prohibited from having guest parking, employee parking, or deliveries.

Concerns were expressed about noise and the number of employees that will be on site. Ms. Deforge explained that there are also issues with delivery and service vehicles. There are problems with the current delivery vehicles since there was not enough space for them, and they tend to park in front of neighborhood driveways. Ms. Deforge also addressed the Park City General Plan and stated that the Hotel Minor CUP is not consistent with the goals in the General Plan. One of the core goals was to incentivize primary homeownership in Old Town. If the City sacrificed the interests of the residents and homeowners in Old Town in favor of businesses, no one would want to make Old Town their home. She asked that the Planning Commission follow the General Plan and consider the concerns of homeowners in the area.

Chair Phillips asked Planner Sebright to share the zone map. He asked for more information about the Historic Residential-2A Zoning District. Planner Sebright reported that it was intended to be a transition zone between the Main Street Commercial Corridor and the residential neighborhood. It had many of the same provisions as the Historic Residential-1 Zoning District but had more allowed conditional uses for small business activities.

Commissioner Johnson asked about the two parking spots in front of the garage. Mr. Holthus explained that a small vehicle could fit in the area without blocking the sidewalk, but otherwise, those spots are not really used. Commissioner Johnson noted that special events could be held under the Bed and Breakfast designation, but they need to file for a Special Event Permit. He felt it would be advantageous for the applicant to try that first to see what the potential impacts to the neighborhood would be. Mr. Budge explained that the applicant team wanted to speak further with City Staff, but they may want to modify the request related to outdoor use. Commissioner Johnson asked about valet parking for special events. Mr. Budge reported that if there were non-residents visiting and the property was approaching the 60-person threshold, the Washington School Inn would be staffed with a valet. There was an employee limit, with only eight employees permitted, including valets. The idea was to manage vehicles to benefit guests and neighbors.

Commissioner Kenworthy believed that the mitigation efforts in the neighborhood would be limited. Expanded use of the historic property would be difficult and may set a precedence that

was problematic. He referenced the small lot sizes in the area. Commissioner Hall believed that having a Minor Hotel CUP with mitigation was fine, but there was a lot more work to be done. It was a challenging location. The public comments shared thus far highlighted clear concerns related to the number of outdoor events, the size of the events, the logistics of events, deliveries, noise, and parking. The outdoor component was a significant piece of the discussion as it related to mitigating impacts on the neighborhood.

Commissioner Thimm believed the impacts would be more severe in the proposed location versus other parts of the City. He discussed outdoor events and commented that it would be difficult to mitigate the associated issues. However, he was interested to hear suggestions. Commissioner Thimm made note of the Traffic Engineer Report included in the Meeting Materials Packet. He was surprised that there would only be three spaces used by residents. If there was a situation where there were 60 people on the property, a Traffic Demand Management ("TDM") Plan would need to be put in place. Additionally, he stated that the delivery issues needed to be addressed. Commissioner Van Dine agreed with Commissioner Hall and Commissioner Thimm and looked forward to seeing what could be done to help the neighbors. She noted that nighttime events could be imposing on the surrounding neighborhoods.

Chair Phillips stated that the application was testing the use in the zone. While Hotel Minor was on the list of conditional uses, he felt that there would need to be a lot of conditions to ensure that it did not expand beyond what was currently being discussed. It was important to be thoughtful as the application moved forward. He wondered whether it was possible to expand on the rights that currently existed on the property rather than pursue a Hotel Minor CUP.

Commissioner Hall noted that there had been some comments from members of the public about not being able to eat, drink or use the pool on the property. There was no real benefit to them unless they were staying as a guest. She wondered whether the neighbors would prefer the Washington School Inn to be open to the public. Chair Phillips commented that he could see that going both ways. If the neighborhood felt that would be beneficial to them, it was something to consider. Chair Phillips thanked Planner Sebright and the applicant team.

6. REGULAR SESSION

A. Nightly Rentals in the Hidden Oaks at Deer Valley Subdivision, Phases 2 and 3 – Amendment to the Land Management Code Sec. 15-2.13-2 to Prohibit Nightly Rentals in Phase 2 and Phase 3 of the Hidden Oaks at Deer Valley Subdivision. (A) Public Hearing (B) Possible Recommendation for City Council's Consideration on December 16, 2021.

City Planner, Spencer Cawley, presented the Staff Report and stated that Cindy Welsh and Chris Carter were the petitioners for the Land Management Code amendment related to nightly rentals in the Hidden Oaks at Deer Valley Subdivision, Phases 2 and 3. He explained that the request was to amend the Land Management Code Section 15-2.13-2, which currently allows nightly rentals within the Hidden Oaks at Deer Valley Subdivision. On September 17, 2021, the property owners applied to amend the Land Management Code specifically restricting nightly rentals in Phases 2 and 3. There was support from 78% of property owners in the area.

Planner Cawley shared history related to the subdivision. He explained that the City Council adopted Ordinance 95-21 on May 11, 1995, which approved Phase 1, 2, and 3 of the Hidden Oaks at Deer Valley Subdivision. Phase 2 contained 16 lots and Phase 3 contained 17 lots.

Planner Cawley shared a map of the two phases and explained that the two phases combined totaled 33 lots. 79% or 26 of the lots were developed. Planner Cawley shared a map to illustrate where the Hidden Oaks at Deer Valley Subdivision sat within the zoning map. It was part of the Residential Development Zone but sat next to the Estate Zone. He explained that 11 of 16 property owners in Phase 2 and 15 of 17 property owners in Phase 3 supported the proposed amendment to the Land Management Code.

Planner Cawley reported that three properties within Phases 2 and 3 have active nightly rental business licenses. Those current business licenses would remain valid if the Land Management Code amendment was adopted by the City Council, as long as the property owners renew their licenses each year and complied with Municipal Code 4-5-3. Planner Cawley noted that 18% of the residents in the subdivision were primary residents and 61% were secondary residents. There were seven lots that remained unimproved or vacant.

The Staff analysis looked at how the proposal complied with the Park City General Plan and the Land Management Code. Planner Cawley stated that the General Plan allowed for: the mitigation of adverse impacts, preserving primary residential neighborhoods, and protecting a sense of community. The request was to limit the nightly rentals to maintain a sense of community and also for those who used the subdivision as their primary residence. Prohibiting the nightly rentals in Phase 2 and 3 was consistent with the General Plan as well as within some of the neighboring subdivisions within the same zoning district.

Planner Cawley shared language to illustrate what would change in the Land Management Code if the proposal were to be adopted. On October 19, 2021, the Development Review Committee reviewed the proposal. Additionally, the Planning Department, Engineering Department, and Legal Department had reviewed the application. Staff publicly noticed the item on October 27, 2021, mailed courtesy notices to the property owners in Phase 2 and 3, and published a notice in the Park Record. Staff recommended that the Planning Commission review the proposed Land Management Code amendment, hold a public hearing and consider forwarding a positive recommendation for City Council consideration on December 16, 2021.

Commissioner Suesser wondered why Phase 1 was not included. Ms. Welsh explained that the reason Phases 2 and 3 were included was due to nuisance houses in Phase 2. The same owners owned a lot in Phase 3, for which they had approved building permits and a business license for a lot with no home on it. They were planning to build a large 11,000 square foot home with 8 to 10 bedrooms. That was the reason to approach Phase 2 and Phase 3 rather than Phase 1. Chair Phillips wondered whether the property owners with the nightly rental permits had been contacted. Ms. Welsh noted that she had not approached those owners about the Land Management Code amendment, but neighbors had been in contact with them as had the City. Planner Cawley stated that public notices had been sent to all property owners in the area.

Commissioner Suesser noted that Ms. Welsh had mentioned nuisance properties and asked for additional information. Ms. Welsh explained that the nuisance properties were 25 Hidden Oaks Lane and 65 Hidden Oaks Lane. There had been multiple nights where surrounding neighborhoods had been impacted by the rentals. There were sometimes more than a dozen vehicles out front, and the renters stayed up all night with the lights on, in the hot tub, partying, yelling, and being disruptive. Commissioner Kenworthy asked who the complaints were registered with. Ms. Welsh stated that they did not know they were allowed to complain at first. The issues went on for a year before they started to complain. She noted that there is a Nightly

Rental Complaint Form and the police had also been contacted. Business and Yoga Retreats held also been held at the rental properties.

Ms. Welsh added that the property owners of 25 and 65 Hidden Oaks Lane also own a property on Nansen Court that was considered a nuisance property. They implemented mitigation strategies at that location but had not implemented mitigation strategies in Hidden Oaks until there had been many complaints. The property owners emptied the hot tubs and limited the number of vehicles that renters could have. However, there were now shuttle buses going up and down the street because renters were parking elsewhere and shuttling back and forth. There was also a lot of loud music, speeding vehicles, and smashed bottles.

Chair Phillips wanted to make sure that the discussions were focused on the fact that the majority of the residents in the neighborhood want to prohibit nightly rentals. Mr. Carter expressed his support for the amendment and explained that his home is in Phase 3. He believed that out of the 17 lots in Phase 3, 16 owners are now supportive of the amendment. The one that was not supportive was the lot in question. The intention of the amendment was to ensure that lots would not be developed for the primary purpose of hosting nightly rentals.

Chair Phillips opened the public hearing.

Jimmy Berg gave his address as 15 Hidden Oaks Lane and reported that he is next to one of the nightly rental properties. He was in full support of the proposed amendment to the Land Management Code. The nightly rental properties were clearly commercial ventures in a residential neighborhood, and he suggested that in the future, the Planning Commission look at the Municipal Code, because the homes have 30 to 40 people in them per weekend, which is a safety issue. This was a significant problem for Park City. He reiterated his support of the amendment.

Brent Peterson identified himself as one of the owners of 25 and 65 Hidden Oaks Lane. He reported that he met with Ms. Welsh a few months earlier to sort through some of the problems. He felt they had gone above and beyond to deal with the situation. Mr. Peterson wanted the neighborhood to be quiet and enjoyable. He noted that the Nansen Court property mentioned by Ms. Welsh was not relevant to the current discussions. The mitigation efforts at Hidden Oaks Lane were overviewed and Mr. Peterson explained that they had not heard any complaints in the last few months. They were willing to do all that was necessary to ensure that renters obey the rules. For instance, there were higher security deposits and they had cut down on the number of people that were allowed to rent. He believed that the comment about a dozen vehicles being parked out front was inaccurate currently.

Commissioner Suesser wondered if the City had contacted Mr. Peterson regarding the complaints. Mr. Peterson reported that they had been notified and met in person with some people from the City, including the Chief of Police. He explained that they were willing to respond to what was going on. Commissioner Thimm asked if 25 and 65 Hidden Oaks Lane were two of the three existing permitted licenses, which Planner Cawley confirmed. Commissioner Thimm wondered what the Commission should look for in the future as it relates to complaints about license renewals. City Attorney, Mark Harrington recommended that the Commission focus on the amendment before them. There could be follow-up discussions related to those types of questions, but this was not the right forum.

Scott Greenberg stated that there was overwhelming support for the amendment from the homeowners in Phases 2 and 3 as well as surrounding communities. The purpose of the proposal was to restore the residential neighborhood. He lives at 55 Hidden Oaks Lane. The home was purchased almost 20 years ago, and it was his dream to live there full time. That happened two years ago, but it had been more of a nightmare than a dream. He appreciated Mr. Peterson's comments and his attempts to mitigate some of the issues on the properties. However, it is not possible to control renters regardless of mitigation efforts. Since there was overwhelming support from the neighborhood, he hoped the Commissioners and City Council would take the amendment request to heart.

L. Bowering strongly disagreed with Mr. Peterson's statement that the comments made by Ms. Welsh were inaccurate. She presented the facts related to the nightly rental properties. Ms. Bowering stated that in Chapter 3 under Title 6, there was information related to the maximum permissible sound levels. Between 10:00 p.m. and 6:00 a.m. noise needs to be lower than 50 decibels. Neighbors can phone the police every time the noise exceeds that level, but she felt it would not be the best use of police services. She pointed out that the nightly rental properties are listed on rental sites as sleeping 27 guests. Ms. Bowering wondered how that was characterized as a nightly rental, as it was closer to a hotel. The situation was unfair to residents who had purchased properties. The noise that came from the properties was a disturbance and public nuisance. Neighbors overwhelmingly supported the proposed amendment.

Henry Oster gave his address as 60 Hidden Oaks Lane and explained that his property is diagonal from the 65 Hidden Oaks Lane property. This is his second home, and he has lived there for over 10 years. The last several times his family has been there, they experienced similar issues in terms of the noise, parties, and vehicles on the road. Mr. Oster expressed his support for the Land Management Code amendment and felt it did not make sense to permit a hotel-type residence.

Mary Hynes gave her address as 35 Hidden Oaks Lane. She reiterated the comments shared by her fellow neighbors. This is her second home, and the nightly rental property destroyed the neighborhood she bought into. She could not believe this would be considered a legal establishment in a residential neighborhood.

Jeff Laufer reported that he lives two houses away from 65 Hidden Oaks Lane, which is his primary residence. If they called the police every time there was a noise issue, the police would be there constantly. When his home was built two years ago he could not have imagined that there would be nightly rentals and parties on the street. He was in favor of the amendment. Mr. Laufer wanted to see a sense of normality restored to the neighborhood but stated that that cannot occur when there are party houses on the street and potentially more in the future.

Mr. Peterson clarified that he did not mean to imply that Ms. Welsh was misinformed. He simply did not agree with the characterization of his property on Nansen Court as a nuisance property. He also did not believe that was relevant to tonight's discussion. Mr. Peterson added that they recently sold the lot at 95 Hidden Oaks Lane to Mr. Laufer and were transitioning out of the neighborhood. They even signed a contractual agreement with Mr. Laufer that they would not purchase more homes or properties near him. There was a lot that they were trying to do. Mr. Laufer stated that Mr. Peterson did not sell the lot to him. It was sold to Mr. Carter.

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

Chair Phillips sympathized with the neighbors and saw efforts on all sides to mitigate the issues. He encouraged those mitigation efforts to continue. Chair Phillips stated that he would not be looking at the neighbor dispute aspect but at the fact that the neighborhood wants to limit the future impacts of additional nightly rentals. There was good cause for the amendment, and it would be of benefit to the community. There were also no negative impacts to those with existing rights and licenses. He was in favor of forwarding a positive recommendation to the City Council.

MOTION: Commissioner Suesser moved to forward a positive recommendation to the City Council for consideration on December 16, 2021, for an amendment to the Land Management Code Section 15-2.13-2 to Prohibit Nightly Rentals in Phase 2 and Phase 3 of the Hidden Oaks at Deer Valley Subdivision. Commissioner Van Dine seconded the motion.

VOTE: Commissioner Johnson-Aye; Commissioner Van Dine- Aye; Commissioner Hall-Aye; Commissioner Suesser-Aye, Kenworthy-Aye, Commissioner Thimm-Aye. The motion passed unanimously.

Chair Phillips felt it would be helpful if a map was prepared to illustrate areas designated as having no nightly rentals. That would benefit those purchasing properties as well as the Commission when they are reviewing these types of requests. Planner Cawley reported that there is a map online that shows where nightly rentals are prohibited within the City limits. However, they could share and advertise that more. Commissioner Suesser noted that the State had been making moves to limit the ability of cities to restrict property owners with respect to nightly rentals. Homeowners should be aware that at some point it might be out of the City's control. It was important to pay attention to the State Legislature.

- B. Founders Place (Formally Called Deer Hollow Village) Parcel 00-0021-01977 – Modification to a Master Planned Development and Conditional Use Permit – The Applicant Proposes a 78-Unit Residential Ski-in and Ski-out Village in Three Phases in the Recreation Commercial Zoning District. The Planning Commission Will Determine Whether the Proposed Project is a Minor or Substantive Modification to the Master Planned Development. PLZ-21-04917 and PLZ-21-05056. (A) Public Hearing (B) Action (C) Continuation to December 8, 2021.**

Assistant Planning Director, Rebecca Ward, presented the Staff Report and stated that the applicants agreed earlier in the day that the modification to the Master Planned Development was substantive and should be reviewed by the Planning Commission concurrently with the CUP. Rather than discuss whether the application was minor or substantive, the applicants requested that the public hearing be opened and that the item be continued until December 8, 2021.

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

MOTION: Commissioner Thimm moved to continue the Founders Place (formally called Deer Hollow Village) Parcel 00-0021-01977 modification to a Master Planned Development and Conditional Use Permit to the December 8, 2021, Planning Commission Meeting. Commissioner Kenworthy seconded the motion.

VOTE: Commissioner Johnson-Aye; Commissioner Van Dine- Aye; Commissioner Hall-Aye; Commissioner Suesser-Aye, Kenworthy-Aye, Commissioner Thimm-Aye. The motion passed unanimously.

C. Accessory Apartments – Land Management Code Amendments – The Planning Commission Will Review Amendments to Land Management Code Sections 15-2.23-2, 15-4-7, and 15-15-1 Regarding Reduced Accessory Apartment Regulations to Incentivize Construction of Long-Term Rentals. (A) Public Hearing (B) Possible Recommendation for City Council’s Consideration on December 9, 2021.

Planner Ward presented the Staff Report and stated that the proposed Land Management Code amendments had been in the works since 2018. She explained that accessory apartments are dwelling units that are attached to single-family homes. They had been permitted in most zoning districts since the 1990s. In 2018, the City Council directed Planning Staff to evaluate any barriers to accessory apartment construction in the Land Management Code to incentivize private development of long-term rentals. The amendments were listed as Goal 2 in the Park City 2020 Housing Assessment and Plan. Planner Ward overviewed the current accessory apartment regulations, which stated that accessory apartments:

- Could not be less than 400 square feet or more than 1,000 square feet;
- Could not be larger than a third of the square footage of the main home;
- Could not exceed two bedrooms;
- One additional parking space was required per accessory apartment bedroom;
- No more than four accessory apartments could be located within a 300-foot radius; and
- Nightly rentals were prohibited, and accessory apartments must be rented for more than 30 days at a time.

Planner Ward explained that the current regulations require notice be provided to homeowner’s associations for accessory apartments and the proposed amendments would not change that. Detached accessory apartments are specifically prohibited in the Holiday Ranchettes Subdivision and no changes were proposed. Planner Ward reported that the Planning Commission and City Council conducted several Work Sessions related to accessory apartments over the last few years. During the October 13, 2021, Work Session the Planning Commission requested additional information about occupancy for residential units. According to the Building Department, the International Building Code set residential occupancy at one per 200 square feet. Since the largest accessory apartments are 1,000 square feet, the maximum occupancy would be five.

On November 3, 2021, the Historic Preservation Board reviewed the proposed accessory apartments amendments related to the Historic Districts. The Board was in support of:

- Detached accessory apartments for lots that were 3,750 square feet or greater;
- A requirement that detached accessory apartments be set back from single-family homes in the Historic Districts;
- A recommendation to address the conversion of basement garages into accessory apartments in the Historic Districts;

- A requirement that the entry to the accessory apartment be on a secondary or tertiary façade on Historic Sites;
- Evaluating deed restrictions for accessory apartments that prohibited vehicle ownership in lieu of additional parking;
- Evaluating a car share to reduce parking requirements; and
- Considering Staff-level approvals for accessory apartments in the three residential Historic Zoning Districts (HR-1, HR-2, and HRL).

Planner Ward reported that a survey related to accessory apartments ran from September 24, 2021, to November 4, 2021, and nearly 200 community members completed the survey. She overviewed the results of the accessory apartments survey:

- Should detached accessory apartments be allowed?
 - 52% were in favor.
- What kind of review and approval process should be required?
 - 30% felt it should be a Staff-level review, 35% believed the Planning Commission should handle the review and 26% felt that accessory apartments should be allowed by right and only require a building permit.
- Should a property owner be required to live on-site?
 - 59% felt the property owner should be required to live in either the single-family home or in the accessory apartment and 35% were in favor of not requiring the property owner to live on-site.
- Should the proximity requirement in the Code remain?
 - 38% felt that the proximity requirement should be removed and 58% wanted to see the requirement stay in place.
- Should a deed restriction be required?
 - 44% were in favor and 47% were not in favor.
- Should accessory apartments be the same height as a single-family home?
 - 51% wanted accessory apartments to be at a lower height.
- Should the design and materials for accessory apartments reflect the single-family home?
 - The majority of those surveyed believed the design and materials should match.
- Should accessory apartments be allowed on Significant or Landmark Historic Sites that were designated on the Historic Sites Inventory?
 - 55% did not support accessory apartments on those sites and 35% were in favor.
- Should accessory apartments count towards the maximum building footprint?
 - 67% believed the accessory apartments should count towards the maximum building footprint or square footage allowed on the site for a single-family home.
- Should accessory apartments follow the same regulations indicated on the plat for a single-family home?
 - 63% were in favor.
- How likely is it that you would construct an accessory apartment?
 - 15% said it was likely, 11% said it was highly likely, 65% said it was not likely and 4.5% said they already had an accessory apartment.
- Should there be a reduction in parking near transit?
 - 41% were in favor and 48% were not in favor.

Planner Ward noted that the final question in the survey was open-ended. The community responses could be seen in the Accessory Apartments Survey Exhibit, included in the packet. The most frequently expressed concerns related to parking, traffic, impacts to significant

vegetation, increased noise, and impacts to viewsheds. The proposed amendments based on previous Planning Commission input were as follows:

- Reduce the minimum accessory apartments size from 400 to 280 square feet;
- Allow for Staff-level approval for tandem parking in the Historic Districts;
- Remove the proximity restriction of four accessory apartments within a 300-foot radius;
- Remove the requirement that the property owner must live on-site;
- Increase the required rental term to 90 days;
- Allow accessory apartments in the Community Transition Zoning District; and
- Allow detached accessory apartments on lots more than 3,750 square feet, but require that there be compliance with:
 - The same zoning district setbacks for single-family homes;
 - The area of disturbance, limits of disturbance, and any other regulations indicated on the recorded plat that was more restrictive than the underlying zoning district;
 - Cap the maximum height at 18 feet.

Planner Ward reported that there had been public input in addition to the survey. Staff received several emails, which were included in the Meeting Materials Packet as Exhibit E. There had also been two emails in opposition of the amendments, which were forwarded to the Planning Commission and would be included in the Public Input Exhibit that would be reviewed by the City Council. The emails in opposition were concerned about Covenants, Conditions & Restrictions ("CC&Rs") that prohibited nightly rentals. Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for a December 9, 2021, Work Session and possible final action on December 16, 2021.

Chair Phillips noted that it was common to hear about concerns with items that may conflict with CC&Rs. However, the CC&Rs would still stand within their boundaries. Education was important to consider as the item moved forward. Chair Phillips noted that the detached accessory apartments had a proposed height limitation of 18-feet. He wondered whether the other accessory structures in the City had a similar height limit, which Planner Ward confirmed.

Commissioner Suesser asked why certain preferences and suggestions from both the survey and the Historic Preservation Board had not been included in the proposed amendments. Planner Ward reported that there was a fairly even split related to whether there should be a Planning Commission review, a Staff-level review, or whether there should be a building permit review for accessory apartments. During the October 13, 2021, Planning Commission Work Session, there was support to continue the CUP requirement in Historic Residential Zones. That was currently in place and was supported by the survey. However, the Historic Preservation Board was in favor of a Staff-level review, so the Staff Report asked whether the Planning Commission would be in favor of reducing that requirement in the HR-1, HR-2, and HRL Zoning Districts. She noted that as a CUP, there would be public notices sent out to property owners within 300 feet of the property proposed for the accessory apartments. The Planning Commission process would allow for public notice and a public hearing. Additionally, the Planning Commission could add Conditions of Approval to mitigate site-specific issues.

Chair Phillips wondered how accessory apartments were currently handled. Planner Ward stated that in the HR-1, HR-2, and HRL Zoning Districts, Planning Commission review was required. The proposed amendments would retain that review process based on input from the October 13, 2021, Work Session. Chair Phillips pointed out that the review process could be a deterrent. He

could agree with the Historic Preservation Board's suggestion to make the approval administrative. Commissioner Suesser believed the Planning Commission should retain control of that process for the Historic Districts.

Commissioner Kenworthy asked for additional information about accessory apartments in Historic Districts. Planner Ward explained that accessory apartments were currently allowed in Historic Districts and the Historic Preservation Board supported their continued allowance. They were also supportive of detached accessory apartments in the Historic Districts for lots that were 3,750 square feet or larger. Commissioner Kenworthy was not in support of accessory apartments having Staff-level reviews as historic preservation was an economic driver for the City. He was not sure why the Board was in support of Staff-level reviews, but he did not think it was possible to create language that was one-size-fits-all for the different historic properties.

Chair Phillips asked about the reason behind the Historic Preservation Board recommendation. Planner Ward believed it was to reduce barriers to the construction of accessory apartments and to support more long-term rental development in Old Town. They felt there were already constraints within Old Town because a lot of the homes were already built to the maximum square footage that would be allowed for the site. As a result, the regulations would have a mitigating effect and accessory apartments could only work on a limited number of sites. Chair Phillips stated that he would feel comfortable with a Staff-level review. Planner Ward explained that anything constructed in the Historic Districts would go through the Historic District Design Review ("HDDR") process. If there were any changes to historic materials, they would go to the Historic Preservation Board for approval. Commissioner Suesser pointed out that the Board focused on historic design but did not necessarily focus on issues like parking constraints. They may not take into consideration the impact of accessory apartments on the Old Town neighborhood.

Further discussions were had about the review process. Commissioner Suesser believed that the Planning Commission should review any accessory apartments in the Historic District. Planner Ward noted that Planning Commission review was in the Code currently and was for all properties within the Historic Districts, both historic and non-historic. Commissioner Thimm was in favor of the review process being handled at an administrative level, as recommended by the Historic Preservation Board. Commissioner Hall and Commissioner Van Dine agreed. Commissioner Johnson agreed with Commissioner Suesser and Commissioner Kenworthy. Chair Phillips noted that the Planning Commission was split. Ultimately, it would be decided by the City Council, but the Commission could continue to discuss the issue.

Chair Phillips stressed the importance of incentivizing accessory apartments because the community needs housing. It was a City goal to provide better and different housing options. The Historic Districts needed additional housing options. Commissioner Kenworthy wondered how accessory apartments could be added onto historical homes. Planning Director, Gretchen Milliken explained that there were strict Historic District design guidelines for Significant or Landmark Historic Sites, but also for newly built structures in the Historic Districts. Restrictions and guidelines were already in place as part of the Land Management Code.

Commissioner Suesser believed there would be a lot of push back from the Old Town community if accessory apartments started to go in and Staff was responsible for working with the applicant rather than there being a Planning Commission review. She felt that in the Historic Districts, there needed to be additional reviews to ensure that the right conditions were put in place and that residents in the area could weigh in on each of the applications.

Commissioner Johnson asked how steep slope parcels in Old Town would impact the CUP process. Commissioner Thimm did not understand why it would matter whether there was an accessory apartment on a property that met all of the parameters for a Steep Slope CUP. Commissioner Suesser was in support of accessory apartments but felt they should require Planning Commission review. Planner Ward stated that if an accessory apartment was proposed for a site that already had a structure and a steep slope, which would trigger a Steep Slope CUP. The applicant would need to go through that process. Chair Phillips understood some of the concerns that had been expressed. However, he believed that the appropriate mechanisms were in place. There were guidelines and rules to dictate what could and could not be done as it related to accessory apartments in Historic Districts.

Commissioner Suesser expressed concerns related to parking. Planner Ward noted that there were no proposed changes to parking. Under the current Code, there was an on-site parking space required for each bedroom within the accessory apartment. There were some allowances if a site had a driveway that was 25 feet in length. She reported that there was a process where the owner could receive approval for a tandem parking space. There was another process where tandem parking could be allowed to protect significant vegetation. Planner Ward stated that the Housing team was looking into a potential Affordable Housing Overlay Zone where in the future, there could be accessory apartments located along transit corridors.

Commissioner Suesser asked about a rent cap. Planner Ward explained that it was not part of the proposed amendment. Based on initial research, the market rate and the affordable rate were about the same. She noted that during the October 13, 2021, Work Session, there had been some interest in evaluating possible incentives. That could be considered for future amendments. Commissioner Kenworthy wanted to make sure that the Planning Commission had considered the unintended consequences related to parking. A lot of vehicles would likely be pushed onto the streets due to accessory apartments. In narrow areas, which could be problematic. He reiterated the fact that he would prefer the Planning Commission to review applications.

Discussions were had about the property owner needing to live on site. Planner Hall suggested that one of the units could require a six-month rental term rather than 90 days. As long as someone was living there for six months to a year, they would still be a long-term community member. Chair Phillips agreed. Director Milliken explained that Park City was a resort company, and the 90-day suggestion would capture some of the seasonal workforce. Commissioner Hall believed the 90-day suggestion made sense for seasonal workers. If at least one of the leases was for six months to a year, that would make sense. Commissioner Thimm was supportive of a six-month lease for one of the units. Commissioner Thimm believed that because of the resort nature of Park City, six months would make the most sense. Chair Phillips, Commissioner Hall, Commissioner Kenworthy, and Commissioner Suesser agreed.

Commissioner Suesser hoped the City could enforce the provisions. Planner Ward stated that enforcement options could be explored ahead of the City Council Work Session. Commissioner Thimm suggested that there be future discussions related to enforcement. Commissioner Kenworthy expressed concerns about changes at the State level. Attorney Harrington explained that the deed restriction approach was recommended. The Planning Commission needed to plan without allowing possible changes from the State to dictate desired outcomes. He noted that there was commonality between the City and the State, as the intention was to promote accessory apartments, so long as there was a balance of interests. He felt the Commission was appropriately focused on mitigation and enforcement.

Commissioner Hall wondered what would happen if someone had an accessory apartment and they violated that with nightly rentals. Attorney Harrington explained that the process would depend on the specific circumstances. For instance, sometimes there was a direct violation, and other times, the tenant had violated the sublease. The State required the City to provide an opportunity to cure before a citation was issued. Attorney Harrington felt the City had increased its profile in terms of enforcement and believed that the accessory apartments posed less of a risk than a larger home. He added that deed restrictions also helped with enforcement.

Chair Phillips noted that 4.5% of those who completed the survey already had an accessory apartment. He was not aware of there being any issues with the existing accessory apartments and that indicated they were not causing problems. If that was the case, it would make sense for there to be more in the City. Planner Ward noted that some of the survey results from the open-ended question made references to noise. However, there was a noise ordinance in place. Parking was another concern and some of the input was related to existing accessory apartments, where on-street parking had become a challenge.

Commissioner Van Dine wondered if this was a time-sensitive issue. Chair Phillips stated that the Planning Commission was at a crossroads. There had been multiple meetings related to the topic and it seemed that the Commission was split on a few items. Unless the Commissioners felt that additional information was needed to make a decision, he believed it would be beneficial to move the item forward to the City Council. Commissioner Thimm stated that there was consensus on many aspects of the proposed amendments, but where there was no consensus, it was unlikely that any of the Commissioners would change their opinion. Chair Phillips agreed. He was ready to move this forward to the City Council and felt comfortable that Staff would present the highlights of the Planning Commission discussions.

Commissioner Kenworthy asked how many Significant or Landmark Historic Sites there were. Planner Ward reported that there were approximately 400, but not all of those sites were homes. Commissioner Kenworthy wanted to make an effort to protect the historic homes. Discussions were had about language for a motion. Commissioner Thimm suggested that a Planning Commission review be done only for Significant or Landmark Historic Sites. Commissioner Suesser asked that the Planning Commission approve the amendments as written in the Staff Report and if all went smoothly, there could be administrative approval in the future. Further discussions were had about a motion. Commissioner Johnson stated that he was torn. He felt that it would be good to have restrictions in Historic Districts.

Commissioner Hall noted that the Planning Commission review would create more of a burden on the applicant than the Planning Commission. Commissioner Thimm and Commissioner Van Dine agreed. Commissioner Thimm pointed out that just because the item did not come before the Planning Commission did not mean that it would not undergo a lot of scrutiny.

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

MOTION: Commissioner Thimm moved to forward a positive recommendation to the City Council for consideration on December 9, 2021, concerning Land Management Code amendments to Sections 15-2.23-2, 15-4-7, and 15-15-1, accessory apartment regulations to incentivize construction of long-term rentals, with the modification of administrative review within the Historic Districts for Significant and Landmark Historic Sites. Commissioner Hall seconded the motion.

VOTE: Commissioner Suesser-Nay; Commissioner Johnson-Nay; Commissioner Van Dine-Aye; Commissioner Kenworthy-Nay; Commissioner Thimm-Aye; Commissioner Hall-Aye; Chair Phillips-Aye. The motion passed 4-to-3.

It was noted that the Commissioners who voted against the motion were in support of the proposal as outlined in the Staff Report. Chair Phillips felt there had been excellent discussions and noted that the City Council would continue the conversation during their Work Session.

7. ADJOURN

MOTION: Commissioner Suesser moved to adjourn.

The meeting adjourned at approximately 9:30 p.m.

PENDING APPROVAL



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
November 17, 2021**

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

EX OFFICIO: Gretchen Milliken, Planning Director

1. ROLL CALL

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

The following written determination was read:

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

Public comments will be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from November 5, 2021.

MOTION: Commissioner Johnson moved to approve the Planning Commission Meeting Minutes from November 5, 2021. The motion was seconded by Commissioner Van Dine. The motion passed with the unanimous consent of the Commission.

3. PUBLIC COMMUNICATIONS

There were no members of the public wishing to speak.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

It was noted that no Work Session would take place tonight.

5. WORK SESSION

- A. Park City Mountain Resort Base Parking Lots - MPD Modification Work Session- Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, with a New Master Plan, Known as the Park City Base Area Lot Redevelopment Master Plan Study. The Commission Will Discuss Off-Site Parking and Transportation, Draft Findings of Fact, Draft Conditions of Approval, and Other Issues Raised in the Staff Report. PL-20-04475.**

Chair Phillips reported that there was no need to continue the above item because it was scheduled as part of a work session. A question was raised as to the reasoning behind the matter being withdrawn by the applicant. Planning Director, Gretchen Milliken reported that staff discussed with the applicant the need for tonight's meeting since they do not have the AECOM study completed. The applicant determined that it would be better to wait to meet in December when the study is available. Any items that were to have been discussed tonight can be addressed at the next meeting.

There was no Planning Commission Meeting scheduled for the following week due to the Thanksgiving holiday. The next meetings were scheduled for December 8 and 15, 2021.

6. ADJOURN

MOTION: Commissioner Thimm moved to adjourn.

The meeting adjourned at approximately 5:40 p.m.

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: Park City Mountain Base Area
Development
Project #: PL-20-04475
Authors: Alexandra Ananth
Date: December 15, 2021
Type of Item: MPD Modification

Summary Recommendation

Staff recommends the Planning Commission conduct a Work Session to review: 1) Staff and Applicant updates on Transportation and Parking; and 2) Applicant's Ordinance Interpretations; and 3) Findings of Fact.

No action on the proposed [Park City Base Area Lot Redevelopment Master Plan Study](#) is expected until the Commission has completed its review of the entire project. ***The next Planning Commission meeting for this project is tentatively scheduled for January 19, 2022, starting at 5:30 PM.***

Project Description

Applicant: PEG Development c/o Robert Schmidt
Location: PCMR Base Parking Lots including Parcels SA-402E, SA-402-A-1-A, SA-402-A-2, SA-253-B, SA-253-B-2-A, and SA-253-C
Zoning District: Recreation Commercial (RC)
Adjacent Land Uses: Park City Mountain Ski Resort, Resort Support, Hotel, Single Family and Multi-Unit Residential, Open Space
Reason for Review: MPD amendments require Planning Commission review and approval and a finding of compliance with the Park City General Plan and the Land Management Code

Abbreviations

Average Vehicle Occupancy (AVO)	Park City Mountain Resort (PCMR)
Bus Rapid Transit (BRT)	Park City Mountain (PCM)
Comfortable Carrying Capacity (CCC)	Parking Management Plan (PMP)
Condition of Approval (COA)	Quinn's Junction Park & Ride (QJPR)
Conditional Use Permits (CUP)	Recreation Commercial (RC)
Development Agreement (DA)	Recreational Open Space (ROS)
Federal Transit Administration (FTA)	Return on Community (ROC)
Finding of Fact (FOF)	Richardson Flat Parking Lot (RFPL)
Land Management Code (LMC)	Traffic Impact Study (TIS)
Level of Service (LOS)	Transportation Network Companies (TNCs)
Master Planned Development (MPD)	

Terms that are capitalized as proper nouns throughout this staff report are defined in [LMC § 15-15-1](#).

Background Information

The Planning Commission held public meetings (and took public input during all but the August 18, 2021, meeting) on this application on:

1. [August 26, 2020](#)
2. [September 23, 2020](#)
3. [October 28, 2020](#)
4. [November 18, 2020](#)
5. [December 16, 2020](#)
6. [January 20, 2021](#)
7. [March 24, 2021](#)
8. [April 21, 2021](#)
9. [May 19, 2021](#)
10. [June 16, 2021](#)
11. [July 21, 2021](#)
12. [August 18, 2021](#)
13. [September 15, 2021](#)
14. [September 29, 2021](#)
15. [October 20, 2021](#)

Analysis

Throughout the Planning Commission's review of this project, including [analysis](#) from the applicant's consultant SE Group, staff and the Planning Commission recognize that there are existing challenges and limitations with the site, as well as traffic congestion and parking deficits with the way the Resort's base area operates today. Addressing these issues while considering long term goals for transportation modal shifts away from building at traditional parking levels and considering additional development and parking exceptions in accordance with LMC criteria is a complicated task.

The applicant has presented that the implementation of paid parking, an enhanced bus stop, and the removal of employee parking at the base, will help reduce congestion and parking issues to some extent. However, these mitigation measures will also have a significant impact on the City and County's park and ride facilities, as well as transit services, that the applicant and Resort must sufficiently mitigate Park City for. At recent meetings, the Planning Commission identified a deficiency in the proposed ability to accommodate off-site park and ride capacity under [LMC Section 15-6-5\(E\)\(1\)\(f\)](#), provisions for overflow parking during peak periods.

The applicant is requesting to replace the existing 1,200 surface day-skier parking stalls with 1,200 paid garage parking stalls, remove the prior MPD requirement to construct an

additional 600 Resort parking stalls, and seeks a 502-stall exception from the LMC parking requirements for the new development based on a [shared parking analysis](#). This requested parking reduction must meet the criteria in [LMC Section 15-6-5](#), and the applicant requests renewed emphasis and consideration regarding [LMC Section 15-6-5\(E\)\(1\)\(d\)](#) regarding their [shared parking calculations](#).

Land Use	Parking Required	Parking Proposed
Day-Skier Parking	1,200 existing	1,200 proposed
1997 MPD	+ 600 stalls	0 new Resort stalls
New Residential Use Parking	555 required	450 proposed
New Commercial Use Parking	468 required	71 proposed
Totals	2,823 required	1,721 proposed

Parking and Transportation Mitigation

At the October 20, 2021, Planning Commission meeting, the applicant agreed to consider supplementing their application with additional off-site options, possibly including a fee similar to the Parking In-Lieu Fee and/or a Transportation Mitigation Fee. However, the applicant prefers to focus on mitigation measures to address the impacts of diverting day-skiers to public parking facilities in the Quinn's Junction area and the related need to enhance transit service to transport those visitors to the Resort base in the short term and address broader capital or off-site parking capacity as needed in the future.

Since the October Planning Commission meeting, staff and the applicant have had numerous meetings to discuss a potential framework and methodology for parking and transit mitigation, as well as costs associated with serving the Resort's day-skiers that the City would accrue. To gain a better understanding of the operational impacts, the City asked third-party transportation consultants AECOM, to develop an assumed base level of transit service for the future Quinn's Junction Park and Ride (QJPR) and an "enhanced" level of transit service that will be required to service the Resort, particularly on peak days and peak hours, due to the implementation of paid parking and the goal of maintaining acceptable levels of service at the internal Resort base intersections. The City determined that regardless of the base area project, Park City Transit currently plans to provide service to the entire system from QJPR every 20-30 minutes with potential stops at the High School, A Fresh, PCMR, Old Town and Deer Valley.

The applicant proposes that approximately 272 cars (408 day-skiers with an AVO of 1.5 people) will require parking and transit from QJPR to the Resort on peak days during the peak AM and PM hours. Both the applicant and staff also agree that the required frequency and capacity needed to serve the Resort's anticipated day-skiers on peak days is somewhere between one bus every 10-20 minutes on average during peak AM and PM hours, and that a modified route (fewer local stops) will enhance the attractiveness of transit and help the Applicant meet their required modal split goals to reduce congestions at the base area. Providing transit services at this level of frequency allows transit users the freedom to not be constrained to watching a bus schedule knowing their wait is not

more than 10-15 mins. This level of frequency also helps to incentivize and ultimately promotes transit ridership.

Overall, the City Executive and planning staff and applicant/Resort are getting closer to alignment on the framework and methodology for addressing the impact on QJPR and Park City Transit. The City believes the necessary level of service is achievable with a contribution from the applicant as this is above the planned level of service for this area. Staff and the applicant/Resort are working to address other variables to define what the future service model will be.

The applicant has outlined two (2) scenarios including:

- Scenario 1: The applicant/Resort rely on QJPR and Park City Transit for day-skier parking and transportation, and the High School is not available.
- Scenario 2: The applicant/Resort does not use QJPR at all and secures their own off-site parking and transit solutions without reliance on the City.

The applicant has proposed a methodology (Exhibit A) for calculating their potential obligation to the City into three categories. Each of the three categories listed below includes capital contributions and operations and maintenance contributions.

1. Mode Split Transit and Parking Mitigation for Resort day-skiers;
2. Employee Off-Site Parking Mitigation; and
3. Shared Parking Reduction Mitigation.

The staff's focus right now is on the applicant's Scenario 1, as it represents the most robust scenario in terms of required parking and transit service to be provided by the City.

A key metric used to calculate parking and transit mitigation amounts related to the QJPR is the number of peak days, which informs the number of days when off-site parking and enhanced transit service are most needed. Current assumptions range between the applicant's 4% and the City's 12% of the calendar year (15 versus 43 days); staff anticipates finalizing this number with the applicant soon. The City is currently planning for 43 peak days in the 2021-2022 winter season when traffic mitigation protocols, such as increased transit, additional traffic police, signal engineers monitoring traffic lights, real-time VMS messaging to users, and other measures are in place.

Applicant's Mode Split Transit and Parking Mitigation (Category 1 above)

The purpose of this mitigation is for use of the Quinn's Park and Ride by Resort day-skiers. The applicant's [Off-Site Parking Evaluation](#) estimates that up to 272 vehicles will use the QJPR on a peak day including 132 vehicles that naturally approach Park City via SR-248 and 140 vehicles that will be redirected to access the Resort using SR-248.

The applicant is proposing a one-time capital contribution to the City for parking capacity at QJPR, which would be calculated based on the number of stalls used, the price per stall based on current pricing for QJPR, and the percentage of the year used. The applicant is also proposing a one-time capital contribution to increase the City's bus fleet.

The applicant notes that they are willing to make an annual operations and maintenance contribution for the number of stalls used at QJPR. Finally, the applicant appears willing to make a Transit Contribution equal to the incremental hours of service for peak transit demand based on the annual cost per hour and the percent of the year serviced.

Scenario 2 states that if an agreed upon minimum number of stalls are secured at a private or other off-site location to remove the necessary vehicles from the intersections, and the Resort transports these day-skiers, there would be no parking or transit mitigation paid to the City.

The analysis conducted by AECOM in close coordination with the City's Transit and Transportation Planning Departments shows that 10 –15-minute bus service frequencies from the QJPR to the Resort will be needed to serve the anticipated number of transit riders on peak days, and that up to six hours of enhanced service will be required per peak day. AECOM is using the assumption that 25% of riders will load onto buses in the first hour, 50% will load during the second hour, and 25% will load during the third hour, and that the reverse will be true in the afternoon peak hours. This requires an additional 3-6 electric buses to operate at 10 -15-minute frequencies during peak hours (with a spare bus as required by Federal Transit Administration (FTA) regulations), and has a significant cost to operations for fuel, labor, and fixed overhead. The City has provided a menu of transit service options and costs for the applicant and Resort to consider.

Richardson Flat (Employee Off-Site) Parking (Category 2)

The purpose of this mitigation is to offset City costs for enhanced winter operation of the Richardson Flat Parking Lot (RFPL) for Resort, base area businesses and PEG employees. It is expected that there will be sufficient employee parking at the base area during the summer months for employees who would not be charged a parking fee. The applicant anticipates 200-300 employees using the RFPL. As per FTA regulations, the RFPL is available on a first come first served basis and is unable to be encumbered for private exclusive use. Since this lot is currently utilized for overflow parking only during other peak events such as Sundance or World Cup, there is plenty of available capacity and will not conflict with City or other uses. The use proposed by the applicant is not converting or encumbering the lot to private use, and 200-300 stalls on a first come first served basis does not impede the public usage of this lot in the future.

The applicant is proposing a capital contribution for the construction of a standard City transit shelter and/or other basic amenities at this lot as negotiated (e.g., improved lighting and security may be necessary). A privately funded parking association for the project (with PEG and the Resort as primary members) will run the employee shuttle service from the RFPL to the Resort.

In addition, the applicant is proposing to fund an annual commitment to operations and maintenance costs of the RFPL on a pro-rata basis.

Staff believes that a one-time contribution to the City for the construction of a standard City Transit Shelter is appropriate in combination with an annual operations and maintenance fee to the City for the applicant and Resort use of the RFPL.

Parking Fee in Lieu/Mitigation

The applicant submitted a [shared parking analysis](#) in order to support the proposed number of parking stalls for the new development. The applicant is arguing that proposed infrastructure improvements such as their enhanced transit stop, bus-only lanes, enhanced sidewalk and multi-use path infrastructure, and signalization improvements could be used to offset some of this fee. They are also arguing that their parking and transit mitigation should be used in place of any Parking Fee In-Lieu payment.

Although staff and the applicant have been meeting frequently to discuss these issues, to date, the applicant has not agreed with City Executive staff on a dollar number for off-site parking and transportation mitigation.

Staff requests discussion to inform the applicant and staff if the Commission is satisfied with the applicant's proposed methodology and categories of mitigation prior to staff and the applicant putting actual numbers to the proposed mitigation.

Ordinance Interpretation

The applicant submitted a letter addressing the applicant's interpretation of the LMC with respect to Maximum Allowed Building Height and perimeter Setback exceptions for Master Planned Development projects (Exhibit B). The applicant is proposing reduced Setbacks to the zone required setback on portions of two facades of Parcel B, specifically along portions of the Shadow Ridge Road and Empire Avenue facades.

Open Space

At the October Work Session some members of the Planning Commission asked staff to clarify the intent of the Ordinance language with respect to exceptions for Building Height, Setbacks and Open Space.

LMC Section [15-6-5\(D\)](#) requires that MPD projects contain a minimum of sixty percent (60%) Open Space as defined in Chapter 15-15. Chapter 15-15 contains three definitions of Open Space as follows:

1. **Open Space, Landscaped.** Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, recreation amenities, **public landscaped and hard-scaped plazas, and public pedestrian amenities**, but excluding Buildings or Structures.
2. **Open Space, Natural.** A natural, undisturbed Area with little or no improvements. Open space may include, but is not limited to, such Areas as Ridge Line Area,

Slopes over thirty percent (30%), wetlands, Stream Corridors, trail linkages, Subdivision or Condominium Common Area, or view corridors.

3. **Open Space, Transferred Development Right (TDR).** That portion of a Master Planned Development, PUD, Cluster Plan, or other Development plans from which Density is permanently Transferred. This Area may be either Natural or Landscaped Open Space.

LMC Section [15-6-5\(D\)](#) further states that “The Planning Commission shall designate the preferable type and mix of Open Space for each Master Planned Development. The Commission's determination shall be based on the guidance given in the General Plan. Landscaped Open Space may be utilized for project amenities such as gardens, greenways, pathways, plazas, and other similar Uses. Open Space may not be utilized for Streets, roads, driveways, Parking Areas, Commercial Uses, or Buildings requiring a Building Permit.”

Although the Planning Commission is tasked with designating the preferable type and mix of Open Space for MPDs, as noted in the definition of Landscaped Open Space, public landscaped and hard-scaped plazas and public pedestrian amenities are acceptable forms of Open Space.

The applicant is proposing Open Space area that includes 11.8 acres of the Resort that are zoned ROS. They are also including Open Space on Parcels B, C, D and E and have excluded all of Parcel A and the footprint of the future NAC building from their calculations. The applicant's Open Space includes property around the proposed Buildings including sidewalks and landscape areas, pedestrian amenities such as the proposed public access cut-through on Building B, the area in front of the townhomes, hard-scaped plazas, and the proposed ski beach in front of the hotel.

In accordance with the LMC, the applicant's Open Space does not include driveways or roadways, the hotel pool, loading areas, or areas covered by buildings.

The City's General Plan for the [Resort Center](#) neighborhood notes that the PCMR parking lots are entitled to future redevelopment of a mix of resort-oriented residential and commercial uses. The hardscaped plazas in the applicant's plan could be programed and used as public gathering places in the off-season, similarly to how the parking lots are used now for the Park City Farmers Market.

Finding #5 of the 1997 Planning Commission Approval states “The Large Scale MPD proposes over 70% open space in the form of pedestrian plazas and walkways, ski runs, and landscaped areas. Special conditions will be placed on the Master Plan to ensure the long-term maintenance and quality of those open space areas and that they remain open to the public, subject to reasonable restrictions.”

The applicant submitted revised Open Space calculations (Exhibit C) including CAD files and staff believes the applicant meets the minimum LMC Open Space requirements as consistently applied to other projects. Although staff notes a small math error in the Build

Area calculation, ***the Planning Department believes the Open Space area meets the minimum LMC requirements of 60% (although less than the 1997 MPD approval), and that the proposed type and mix of Open Space is appropriate for the site*** given that it is adjacent to the Park City Ski Resort and Park City Municipal Golf Course, which are largely comprised of Open Space. Additionally, the upper mountain open space area was formally added to the MPD as part of the 2007 Annexation and 2015 MPD amendment.

Additional Visual Perspectives

At the October Work Session some Commissioners requested additional perspectives, including from the Empire Avenue Shadow Ridge Road intersection and from the 14th Street corridor. The applicant declined to submit additional perspectives.

Final Plan Set

The applicant submitted a [final plan set](#) on Wednesday November 10, 2021 that is posted on the City's [Park City Base Area Project webpage](#).

Notice

On May 13, 2020, notice of the May 27, 2020, Work Session was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website and in the Park Record on May 13, 2020. A second mailing was sent to property owners within 300 feet of the base area on January 6, 2021. A third notice will be mailed to property owners for the next public hearing and prior to a vote on this project.

Notice for this public meeting was published on the Utah Public Notice Website on November 29, 2021.

Public Input

Public comments received since the last Staff Report are included in Exhibit E and have been forwarded to the Planning Commission. Public input received after the publication of this Staff Report will also be forwarded to the Planning Commission and attached to subsequent Staff Reports.

Exhibits

- Exhibit A – Applicant's proposed Impact Mitigation Framework with Methodology
- Exhibit B – Ordinance Interpretation from the Applicant's Attorney
- Exhibit C – Applicant's Open Space Calculations
- Exhibit D -- Draft Findings of Fact
- Exhibit E -- Public Input

IMPACT MITIGATION FRAMEWORK WITH METHODOLOGY

Updated December 10, 2021

Mode Split Mitigation

- 422 vehicles need to be removed from Deer Valley Drive/224 intersection on peak hour of peak day
- Peak hour of peak day = one hour in the morning of a Saturday
- Vehicles to be removed is significantly lower on non-peak days

Scenario 1: Use of Quinn's Junction Public Park-n-Ride and Transit

- Of the 422 vehicles to be removed from Deer Valley Drive/224 intersection:
 - 290 "naturally" approach Park City via 224
 - 132 "naturally" approach Park City via 248
- Of the 290 vehicles "naturally" approaching via 224:
 - Existing park-n-rides along 224 can comfortably accommodate 150 vehicles
 - The remaining 140 vehicles will be redirected via signage, apps, etc. to access via 248
- Total of 272 vehicles are anticipated to use Quinn's Junction on peak day
 - 132 "naturally" approaching via 248

Mitigation Methodology:

- Capital Use Contribution = number of stalls used * price per stall based on current pricing for Quinn's * percentage of year used
- O&M Use Contribution = number of stalls used * annual O&M per space * percent of year used * number of years
- Capital Transit Contribution = funding for City to increase bus fleet
- O&M Transit Contribution = incremental hours of service for peak demands * annual cost per hour * percent of year serviced * number of years

Scenario 2: Use of Other Private Offsite Parking and No Transit

- If an agreed upon minimum number of spaces are secured at a private or other offsite location that would still remove the necessary vehicles from the intersection
- Private or other offsite location served by private transportation or regular base level of existing transit service

Mitigation Methodology:

- Evidence that parking is secured
- No Capital Use Contribution
- No O&M Use Contribution
- No Capital Transit Contribution
- No O&M Transit Contribution

Employee Offsite Parking Mitigation

- Construction of capital lot amenities
- Contribution for pro rata O&M costs
- Private shuttle to base area

Construction of capital lot amenities

- Project will construct a warming shelter or similar amenity

Mitigation Methodology:

- Capital Use Contribution: Cost of capital purchase and construction

Contribution for pro rata O&M costs

- Project will fund an annual commitment for pro rata costs for O&M of RF during winter season

Mitigation Methodology

- $\text{O\&M Use Contribution} = \text{Number of stalls used} * \text{annual O\&M per stalls} * \text{percent of year used} * \text{number of years}$

Private shuttle of base area

- Project will fund shuttle from RF parking to base area during the winter season to serve employees of resort and base area
- Parking supply onsite during the summer is sufficient to accommodate employees – employees would not be charged for parking onsite

Mitigation Methodology:

- $\text{O\&M Transportation Cost} = \text{Annual O\&M cost of operating shuttle}$

Parking Reduction Mitigation

- Project parking reduction (for new uses – hotel, condo, retail – not including day skier) justified by shared parking analysis
- In addition, proposed infrastructure improvements onsite mitigate any potential impacts
 - Transit Center
 - Bus Only Lanes
 - Enhanced Pedestrian and Multi-Model Paths
 - Signalization improvements
- Other considerations
 - Building affordable housing onsite displaces market for-sale product and significant revenues
 - Substantial increase in tax revenues to the City

Robert A. McConnell
Attorney at Law
rmcconnell@parrbrown.com

November 5, 2021

Park City Planning Commission
Mark Harrington, City Attorney
Gretchen Milliken, Planning Director
Alexandra Ananth, Senior Planner
Park City Municipal Corp.
445 Marsac Avenue
Park City, UT 84060

Re: Property Enhancement Group 2021 Concept Master Plan Proposal – Ordinance Interpretation

During the Planning Commission’s meeting of October 20, 2021, which addressed the 2021 Concept Master Plan proposed by Property Enhancement Group (“PEG”), several LMC definitions and specific code provisions were discussed in connection with PEG’s request for Building Height and Setback exceptions. This letter is written to articulate PEG’s position with respect to those definitional and interpretive issues and to respond to interpretations of the LMC suggested by Ms. Deforge that are unsupported by the language of the LMC and requirements of Utah law.

As PEG has previously noted in correspondence with the City, PEG’s requests are entirely consistent with both the development approvals memorialized in the 1998 Development Agreement and the previously approved 1998 Master Plan, as well as the fact that those development approvals were granted in consideration of a significantly more robust designation and restriction of Open Space than typically required by City ordinance.

When the original MPD was considered in 1998, a very specific discussion ensued with respect to the City’s decision to allow increased Building Heights in the proposed village core as part of its approval. Recital E of the Development Agreement indicates that the “City granted development rights and height variations contained in the PCMR Concept Master Plan in exchange for, inter alia, development restrictions on both the Open Space designations within the 1997 Master Planned Area and within the Park City Alpine Terrain.” PEG’s current proposal reflected in the 2021 Concept Master Plan does not include any proposal to modify the Open Space designations or requirements set forth in and/or governed by the 1998 Development Agreement pertaining to Open Space. For that reason, while PEG’s proposed 2021 Concept Master Plan

requires exceptions to current Building Height standards and Setback requirements, it is not altering the status quo with respect to allowed Building Heights and Setbacks and is substantively consistent with the previously granted development approvals.

Stated differently, the 2021 Concept Master Plan substantively complies with the Building Heights, massing and Setbacks allowed pursuant to the previously approved 1998 Master Plan. The 2021 Concept Master Plan strikes a refined balance amongst multiple competing factors so that PEG can advance a viable project for the City's approval. The factors carefully considered and studied by PEG include the depth of excavation, required haul-off, short construction seasons for excavation and concrete placement, ski season parking requirements, and the total allowed density and square footage limitations set forth in the Development Agreement. The resulting proposal is a thoughtfully designed village core and proposed Master Plan that allows for 1,200 day skier parking stalls and a reduced amount of density and square footage when compared against the 1998 Master Plan.

The LMC defines a “Master Planned Development” or “MPD” as “[a] form of Development characterized by a comprehensive and unified Site plan and design reviewed under the Master Planned Development review processes described in LMC Chapter 15-6. The MPD generally includes a number of housing units; a mix of Building types and land Uses; clustering Buildings and providing Open Space; *flexibility in Setback, Height, and Density allocations*; and providing additional valued community amenities” (emphasis added).

Section 15-6-5(F) of the LMC specifically permits the Planning Commission to increase the Building Height limitation applicable to any given MPD based upon a Site-specific analysis if the Planning Commission is able to make certain specified findings. Sub-Section 15-6-5(F)(4) of the LMC sets forth the following required finding: “Increased Setbacks and separations from adjacent projects are proposed.”

Sub-Section 15-6-5(C) of the LMC requires a twenty-five foot (25') Setbacks for Parcels within an MPD “greater than two (2) acres in size,” subject to the Planning Commission's ability to reduce the general Setback requirement to the zone-specific Setback of the underlying zoning district when “necessary to provide desired architectural interest and variation.” Unlike Sub-Section 15-6-5(C), Sub-Section 15-6-5(F) does not make a distinction between Parcels within an MPD that are more or less than two (2) acres in size, nor does it specify whether the increased Setbacks are to be evaluated against the Sub-Section 15-6-5(C) Setback for Parcels larger than two (2) acres in size or “the applicable zone-specific Setback of the underlying zoning district” in which a Parcel is located, which in this case is twenty feet (20').

Sub-Section 15-6-5(F) also does not specify whether a particular quantum of additional Setback is required or whether such additional Setback is required on a particular block face (e.g. the block face where the additional Building Height is approved) or on all block faces. That said, use of the undefined term

“projects,” as opposed to the defined terms “Lot” or “Parcel” in Sub-Section 15-6-5(F)(4), should be viewed as a deliberate choice by the legislative body adopting the LMC, and use of the term “projects” lends itself to a reading of the Sub-Section pursuant to which the Planning Commission should evaluate the Building Height and Setback equation holistically over the entire MPD area, effectively utilizing the “flexibility” reflected in both the definition of MPD quoted above and Section 15-6-1 of the LMC, which sets forth the purpose of the MPD process.

Utah law requires the LMC to be liberally construed in favor of approving the PEG 2021 Concept Master Plan.¹ “[B]ecause zoning ordinances are in derogation of a property owner’s common-law right to unrestricted use of his or her property, provisions therein restricting property uses should be strictly construed, and provisions permitting property uses should be liberally construed in favor of the property owner.”² This standard is similarly articulated in Section 10-9a-707(4)(b) of MLUDMA, which sets forth the standard of review pursuant to which an appeal authority, and therefore a land use authority, is required to “interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.” Thus, in the absence of language in the LMC prohibiting the PEG Master Plan or a particular element thereof, the LMC should be interpreted to allow PEG’s proposed uses and its proposed site designs.

With the exception of specifically identified portions of Building B on two street fronts, the PEG Master Plan maintains the increased twenty-five foot (25’) setback generally required by Sub-Section 15-6-5(C) and it proposes increased Setbacks and separations from other adjoining projects at both ground and upper levels in a variety of areas throughout the PEG Master Plan area, including on Parcel B in particular. The two areas of reduced Setback proposed by PEG seek a Setback reduction to the zone-specific Setback of 20-feet, as specifically permitted pursuant to Sub-Section 15-6-5(C) of the LMC. As noted above, this Sub-Section authorizes the Planning Commission to reduce the generally required perimeter Setback to the applicable zone-specific Setback when “necessary to provide desired architectural interest and variation.” There is no provision in the LMC that indicates that both a Building Height Exception and a Setback exception cannot be sought with respect to any given MPD or any particular parcel within an MPD.

In addition, the Building Height for the townhome product across the street from the single-family product on Empire Avenue is only 43 in height, with the taller portions of Building B occurring further away and separated from the Empire Avenue single-family homes by no less than 90 feet.

Given the foregoing provisions of the LMC and requirements of Utah law, PEG respectfully submits that the Building Heights proposed in the PEG Master Plan satisfy the requirements of Sub-Section 15-6-5(F) of the LMC and support each of the findings proposed by the City Staff, which are set forth on

¹ *Patterson v. Utah County Board of Adjustment*, 893, 602, 606 (Utah Ct. App. 1995).

² *Id.*

Exhibit A attached hereto for your convenience in reviewing. PEG also submits that the limited Setback exceptions proposed in the PEG Master Plan satisfy the requirements of Sub-Section 15-6-5(C) of the Land Management Code and support each of the findings proposed by the City Staff pertaining to Setbacks, which are set forth on Exhibit B for your convenience.

The definition and calculation of Open Space was also raised in the last Planning Commission meeting, with Ms. Deforge suggesting that landscaped plazas and hardscaped areas could not be counted towards Open Space if located atop a Building or Structure, even if such landscape plazas are open to public use. PEG disagrees, as the qualification, as read pursuant to Ms. Deforge's interpretation, would eviscerate the specifically allowed categories of Open Space identified in the definition itself.

The LMC defines Landscaped Open Space as "Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, recreation amenities, public landscaped and hard-scaped plazas, and public pedestrian amenities, but excluding Buildings or Structures." The inclusion in this definition of "playground equipment, recreation amenities," and "hard-scaped plazas" make clear that there is no requirement that the open space be limited to areas that are not man-made. In fact, many of the identified amenities would themselves be "Structures," which are defined in the LMC as "[a]nything constructed, the Use of which requires a fixed location on or in the ground, or attached to something having a fixed location on the ground and which imposes an impervious material on or above the ground"

The Utah Supreme Court counsels that items in a list should be given related meanings. The Court stated that "[u]nder the interpretive canon *noscitur a sociis*, we read associated words as bearing similar contextual meanings to each other."³ Here, the inclusion of phrases like "playground equipment, recreation amenities," and "hard-scaped plazas" establishes that the defining feature of "Open Space" is simply its openness and outdoor location. Outdoor space that is "hard-scaped" and open to the public is still Open Space. Ms. Deforge points to the exclusion of "Buildings or Structures" at the end of the Open Space definition for Landscaped Open Space. But here the LMC is simply establishing another feature of Open Space—it has to be outdoors—a developer cannot satisfy its Open Space requirements with an indoor plaza, no matter how accommodating. Nothing in this definition, however, forecloses placing the Open Space on top of a Structure, and the inclusion of "hard scaped plazas" in the definition of Open Space makes clear that such a use is permitted.

In addition, while PEG has, for purposes of comparison to the 1998 Master Plan, provided Open Space calculations utilizing the Open Space and Master Planned Area acreages used in the 1998 Master Plan, the 2015 Amendment of the 1998 Development Agreement annexed into the Master Planned Area

³ See *Richards v. Cox*, 2019 UT 57, ¶ 34, 450 P.3d 1074 (2019) (quoting Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 195 (2012) (explaining that "words grouped in a list should be given related meanings" (citation omitted))).

governed by the 1998 Development Agreement an additional approximately 2,800 acres of mountainside property (the “Annexed Property”).⁴ Incorporating the Annexed Property into the Open Space calculation, as the findings supporting the Planning Commission’s approval of the 2015 Amendment specifically did, dramatically increase the percentage of Open Space for the Master Planned Area. In fact, the Planning Commission’s specific findings supporting the 2015 Amendment indicate that “[o]f the approximately 3,700 acres in the ski resort, nearly 95% of the property is considered recreation/open space (i.e. trails and forested areas).”⁵ Even if no portion of Parcels B, C, D or E are included in the Open Space calculation, therefore, the Master Planned Area still vastly exceeds the Open Space requirements of the LMC.⁶

Finally, PEG has provided CAD drawings to the City Staff for purposes of their independent verification of the amount of Open Space proposed by PEG pursuant to the 2021 Concept Master Plan.

We trust that the foregoing information is helpful to your analysis and that it will help inform the narrative you advance in describing the requested exceptions. We hope that with this background, you will be able to support the requested exceptions.

Sincerely,



Robert A. McConnell

cc: Property Enhancement Group

⁴ First Amendment to Development Agreement, dated [INSERT], Section 3.

⁵ Planning Commission Staff Report, dated March 25, 2015, Administrative - Master Planned Development, Development Agreement, and Mountain Upgrade Plan Amendments & Conditional Use Permit, Findings 26 and 27; Planning Commission Meeting Minutes, March 15, 2015, 1345 Lowell Avenue – Amendments to Master Planned Development and Mountain Upgrade Plan; and Conditional Use Permits – Proposed Interconnect Gondola between Canyons and PCMR & Snow Hut on-mountain restaurant expansion (Application PL-14-02600), Findings 26 and 27.

⁶ Parcels B, C, D and E total approximately 805,977 square feet, which represents less than one percent (1%) of the Master Planned Area subject to the 1998 Development Agreement.

Exhibit A
To
Letter of November 5, 2021

Proposed Building Height Findings

1. The RC District allows for structures up to thirty-five feet (35') in height from Existing Grade.
2. Section 15-6-5(F) of the Land Management Code allows the Planning Commission to "...consider an increase in Building Height based upon a Site specific analysis."
3. The 1998 Development Agreement and 1997 Approvals, allowed for exceptions to Building Height, and the 2021 Master Plan is seeking exceptions to Building Height consistent with the 1997 approved plans. The 1997 Approvals allowed for the following approximate maximum building heights as measured under the current Land Management Code:
 - a. Parcel B maximum Building Height of 78 feet.
 - b. Parcel C maximum Building Height of 75 feet.
 - c. Parcel D maximum Building Height of 60 feet.
 - d. Parcel E maximum Building Height of 83 feet.
4. These height exceptions expired with the site plan and the applicant has applied for new height exceptions with respect to the 2021 Concept Master Plan.
5. The Planning Commission finds that the increase in Building Height as shown in the 2021 Concept Master Plan set dated _____ does not result in increased square footage or Building volume over what was approved in the 1998 Development Agreement and 1998 PCMR Concept Master Plan.
6. Height exceptions are appropriate given that in 1997 the City Council determined that clustering density at the base area was preferable to spreading density up the mountain, and that the clustering preserves open space, provides opportunities for view corridors, and increases the effectiveness of public transportation.
7. The Planning Commission finds that buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss of air circulation have been mitigated through building placement and increased Setbacks.
8. The Planning Commission finds there is adequate buffering in the form of Setbacks from adjacent Properties and Uses; In addition, Landscape buffering and detailed landscape plans will be required for the CUP application process.
9. The Planning Commission finds there is adequate room for Landscaping for adjacent Properties and Uses. Landscaping details will be required at the CUP process to ensure adequate buffering for adjacent Properties and Uses.

10. The Planning Commission finds that building Setbacks are increased, resulting in an overall average approximately 9-10 feet in excess of the zone setbacks after including setback reductions for portions of Building B, with additional Building Height in order to provide increased separation from adjacent properties.
11. The Planning Commission finds that the proposed additional Building Height results in more than the minimum Open Space required, and results in Open Space that is publicly accessible.
12. The Planning Commission finds that additional Building Height is designed in a manner that provides a transition in roof elements in compliance with Chapter 15-5, Architectural Review, including the Façade Length and Variation requirements of §15-5-8.
13. The Planning Commission finds that additional Building Height shall only apply to the specific plans reviewed and approved by the Planning Commission as represented in the 2021 Master Plan. This results in the following maximum Building Heights from Existing Grade for the following parcels:
 - a. Parcel B maximum Building Height of [87] feet and [6] stories from Existing Grade. The nearest abutter is approximately [65] feet away from this Building Height.
 - b. Parcel C maximum Building Height of [103] feet and [7] stories from Existing Grade. The nearest abutter is approximately [70] feet away from this Building Height.
 - c. Parcel D maximum Building Height of [71] feet and [5] stories from Existing Grade. The nearest abutter is approximately [40] feet away from this Building Height.
 - d. Parcel E maximum Building Height of [84] feet and [6] stories from Existing Grade. The nearest abutter is approximately [50] feet away from this Building Height.

Exhibit B
To
Letter of November 5, 2021

Proposed Setback Findings

1. LMC 15-6-5(C) requires the minimum Setback around the exterior boundary of a Master Planned Development shall be twenty-five feet (25') for Parcels greater than 2 acres.
2. Section 15-6-5 of the Land Management Code allows the Planning Commission to decrease the required perimeter Setback to the zone-required Setback "...if it is necessary to provide desired architectural interest and variation."
3. The zone-required Setback is twenty feet (20') for the Recreation Commercial (RC) District and the 1998 PCMR Concept Master Plan expressly contemplated twenty foot (20') setbacks for Parcel B.
4. The limited areas of 20-foot setback requested for Parcel B provide both vertical and horizontal architectural articulation.
5. The applicant currently requests and the Planning Commission hereby approves reductions in the perimeter setbacks to twenty feet (20') for the north (floors 2,3 and 4 only), and west façade of Parcel B only, specifically finding that the twenty-feet (20') Setbacks for Parcel B are consistent with the Recreation Commercial zone and are necessary to provide desired architectural interest and variation because the reduced setbacks:
 - a. Are necessary to transition the scale of the proposed building from the Resort to the surrounding neighborhood and to decrease the perceived scale of the proposed building on Parcel B;
 - b. Are necessary for vertical and horizontal architectural articulation providing increased architectural interest and variation both desired and required by the Planning Commission, both at the ground level and at the above-ground level stories for the proposed Parcel B building, that would not be achieved if the applicant was required to meet the twenty-five feet (25') Setback requirements;

- c. Are necessary to include architectural elements that are similar to those allowed to extend into the front Setback pursuant to the Recreation Commercial District (i.e. decks, porches, bay windows, roof overhangs, eaves and cornices); and
 - d. Are necessary to implement additional horizontal façade variations while remaining compatible with the setbacks for neighboring streetscape and residential development. The resulting architecture and variation is desired to mitigate the transition to the residential areas of the zone. The 2021 Master Plan provides for adequate space for a minimum of twelve feet (12') multi-use trails, landscaping and snow storage area, even in the areas where architectural elements extend beyond the twenty-five feet (25') Setback requirements.
- 6. The 2021 Master Plan provides no perimeter Setbacks less than twenty feet (20'). Any potential canopy over the transit station on Lowell Avenue will be reviewed in accordance with right of way regulations and the LMC, if applicable, at the time of CUP.
- 7. The 2021 Master Plan provides that all parking structures above Existing Grade meet the twenty-five feet (25') MPD Setback requirements. No setback reductions are proposed for any façade of a parking structure.



PARK CITY MOUNTAIN RESORT
MASTER PLAN STUDY

OPEN SPACE:

 PARCEL AREA COUNTED AS OPEN SPACE

NOTE: PER EXHIBIT A OF THE DEVELOPMENT AGREEMENT, AN 11.40 ACRE PARCEL OF THE MOUNTAIN WAS RESERVED FOR OPEN SPACE AND WAS TO BE COUNTED AS PART OF THE OVERALL OPEN SPACE FOR THE DEVELOPMENT. THIS PARCEL IS INCLUDED IN THE OPEN SPACE CALCULATIONS BELOW. OPEN SPACE ON EACH PARCEL WAS DETERMINED BY LMC 15-15-1 DEFINITION FOR LANDSCAPED, OPEN SPACE AND INCLUDES RECREATION AMENITIES AND LANDSCAPE AND HARDSCAPED PLAZAS BUILT OVER PARKING GARAGES AND OTHER SPACES.

PARCEL B - VILLAGE

BUILT AREA: 93,705 SF
OPEN SPACE: 43,786 SF

PARCEL C - HOTEL

BUILT AREA: 82,556 SF
OPEN SPACE: 70,670 SF

PARCEL D - CONDOMINIUMS

BUILT AREA: 37,358 SF
OPEN SPACE: 50,225 SF

PARCEL E - CONDOMINIUMS & CLUB

BUILT AREA: 41,738 SF
OPEN SPACE: 34,917 SF

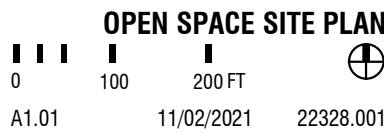
EXHIBIT A, PARCEL A, & NAC

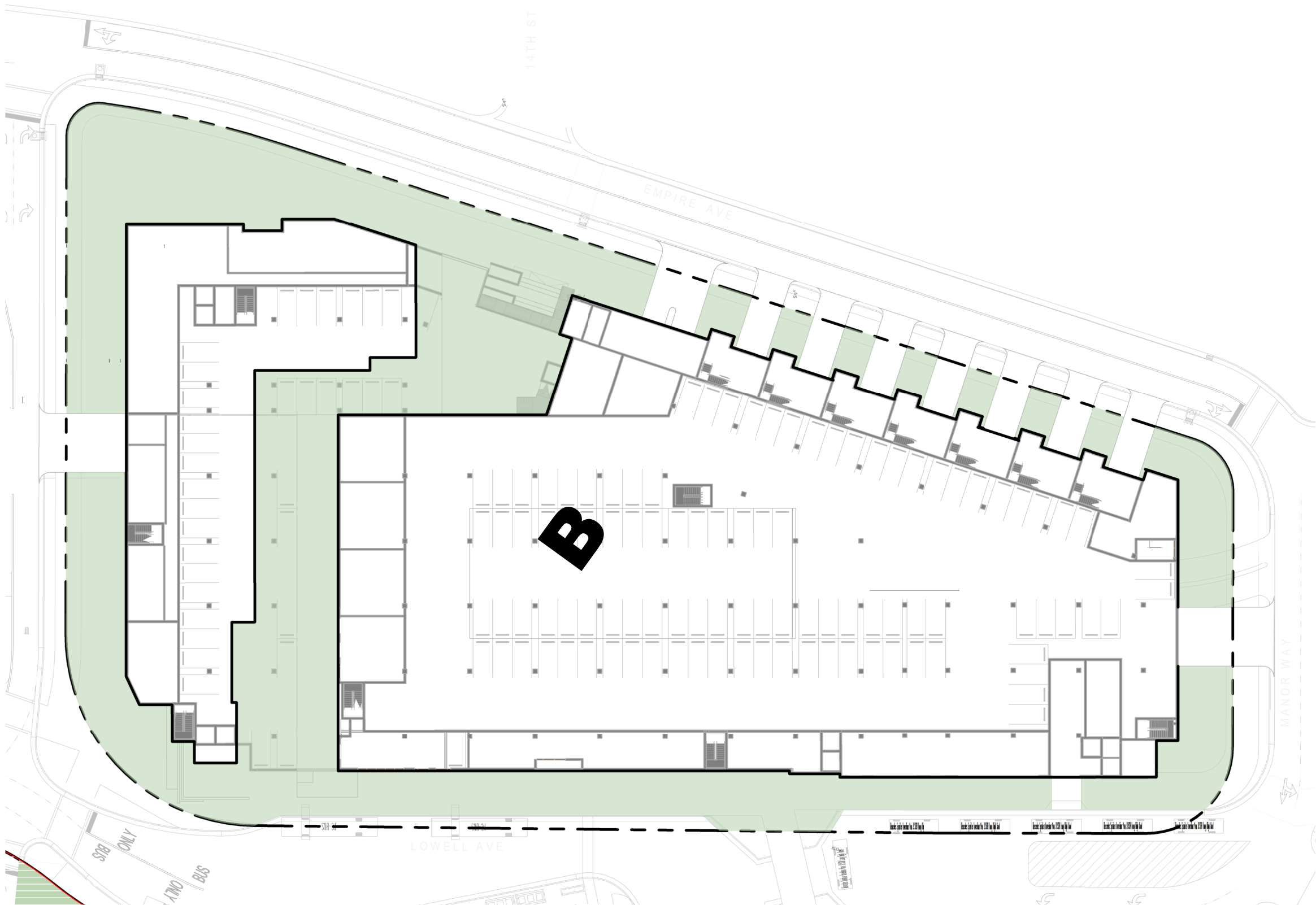
BUILT AREA (PARCEL A): 148,975 SF
OPEN SPACE (EXHIBIT A): 517,270 SF
NAC BUILDING FOOTPRINT: 5,000 SF
* NOTE: NO OPEN SPACE ACCOUNTED FOR ON PARCEL A

TOTAL MASTER PLANNED DEVELOPMENT

TOTAL BUILT AREA: 408,972 SF
TOTAL OPEN SPACE: 716,868 SF
TOTAL SF: 1,125,840 SF

% OPEN: 63.67%





OPEN SPACE:

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EXHIBIT A, PARCEL A, & NAC

BUILT AREA (PARCEL A): 148,975 SF
OPEN SPACE (EXHIBIT A): 496,584 SF
NAC BUILDING FOOTPRINT: 5,000 SF

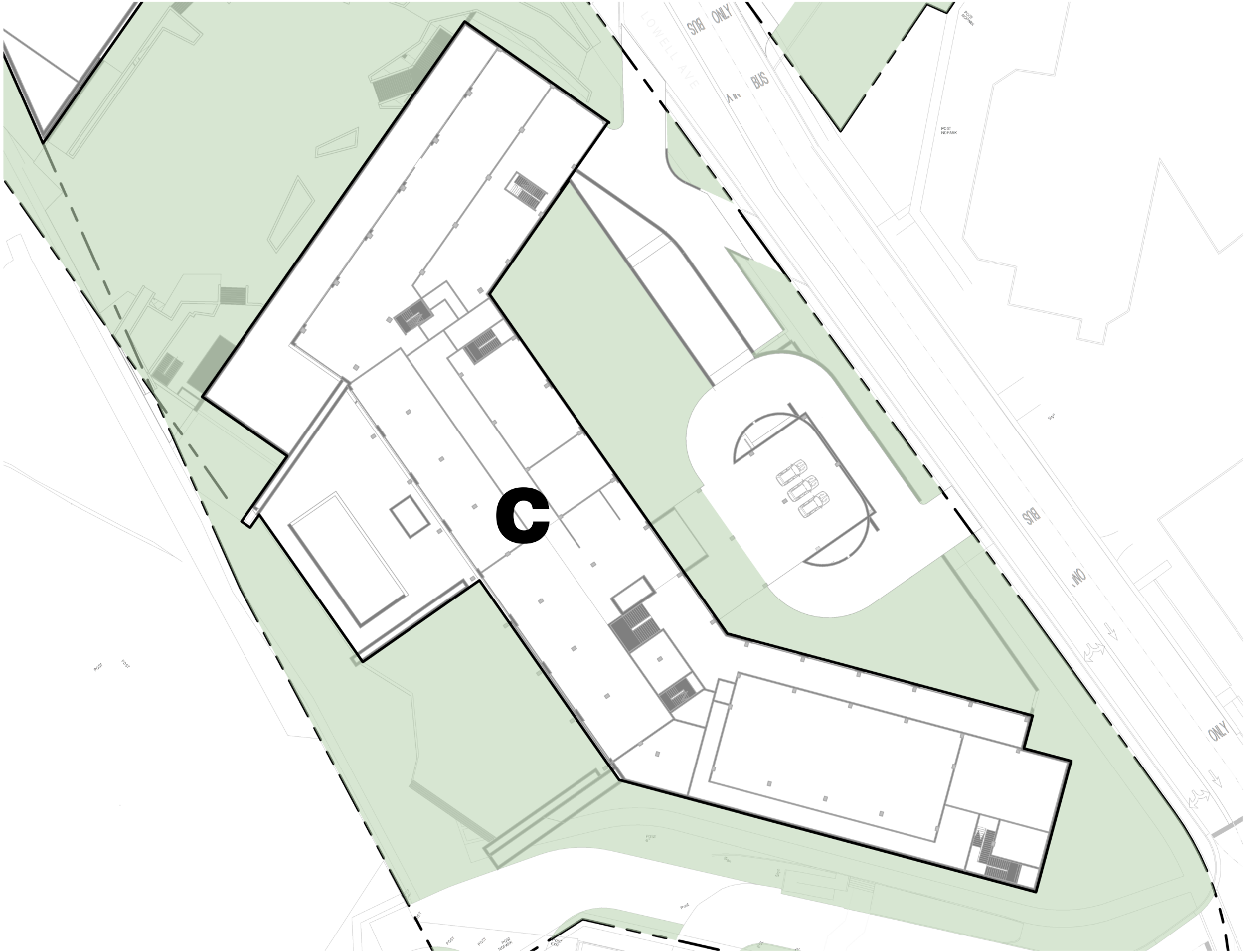
TOTAL MASTER PLANNED DEVELOPMENT

TOTAL BUILT AREA: 408,972 SF
TOTAL OPEN SPACE: 696,182 SF
TOTAL SF: 1,105,154 SF

% OPEN: 62.99%

OPEN SPACE - PARCEL B





OPEN SPACE:

 PARCEL AREA COUNTED AS OPEN SPACE

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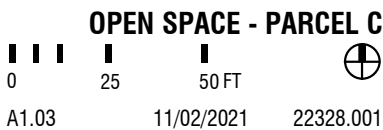
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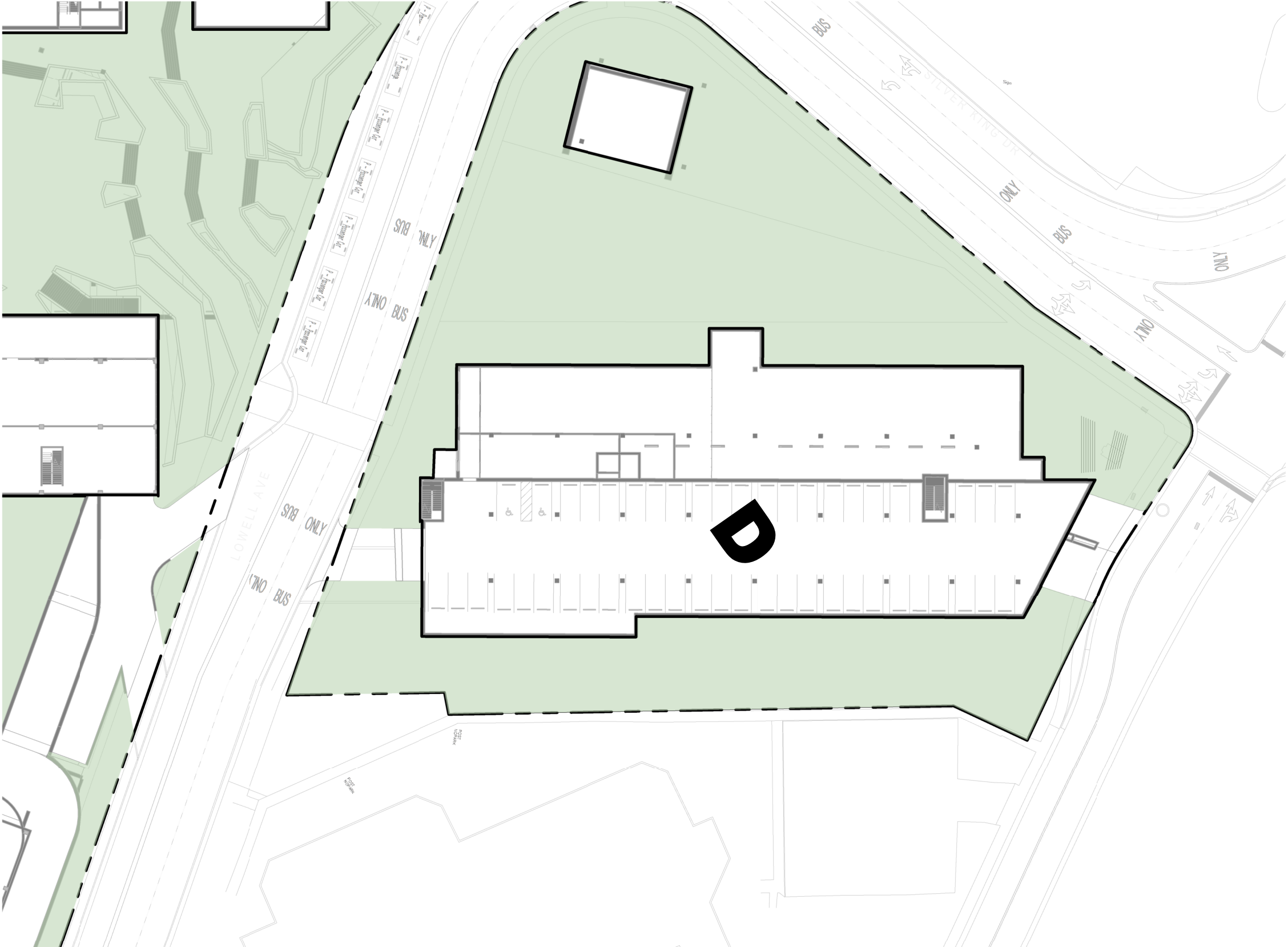
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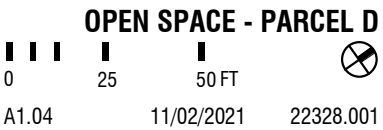
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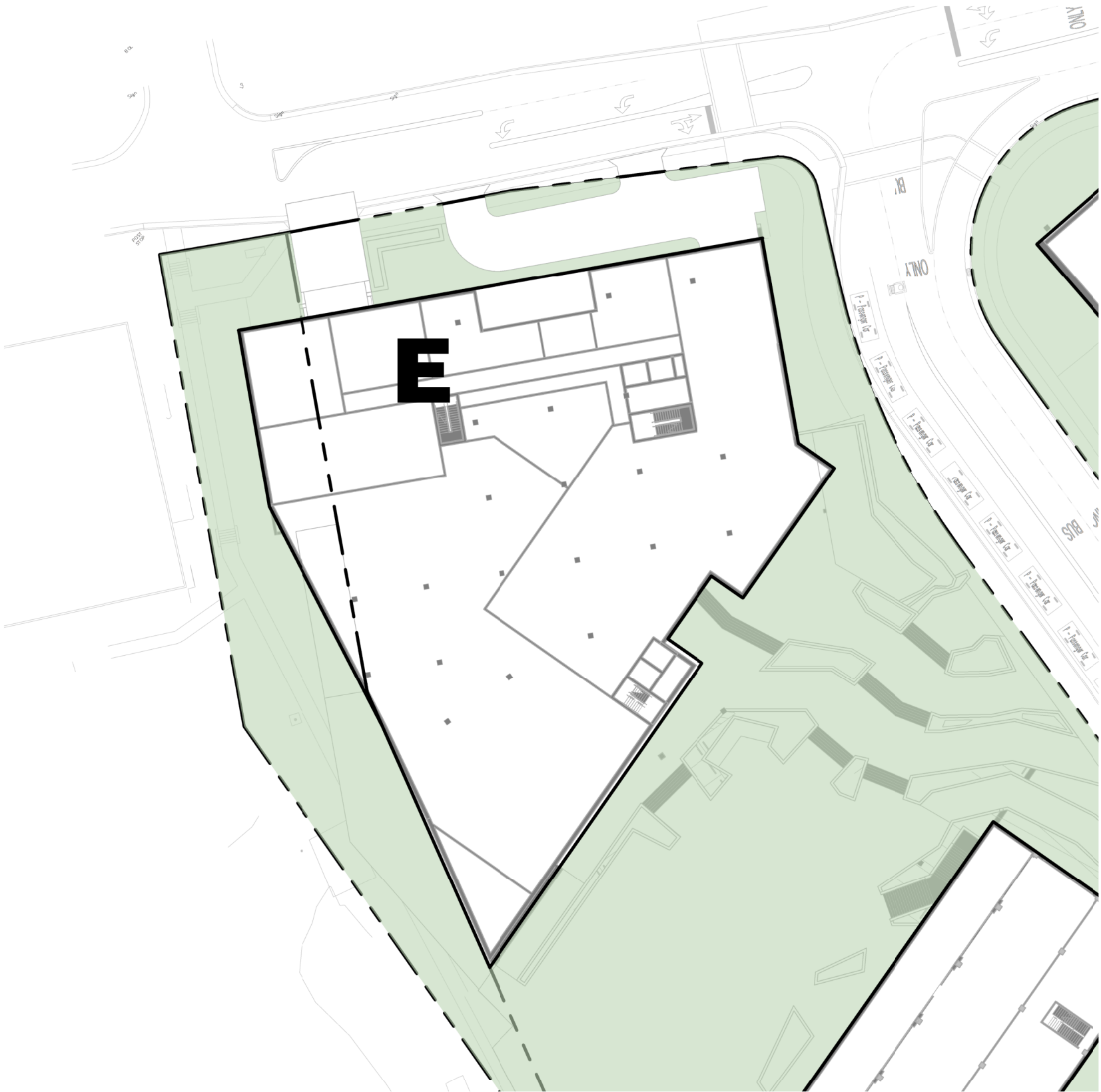
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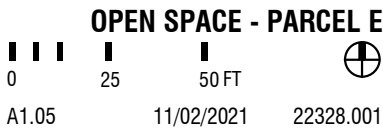
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Draft Findings of Fact: PEG's Park City Base Area Lot Redevelopment Master Plan Study 10.20.21

The Planning Commission's consideration of the following Findings of Fact is requested by the Planning Department.

Background Information

1. On June 25, 1997, the Planning Commission approved the Park City Mountain Resort (PCMR) Large Scale Master Plan, with Findings and Conditions.
2. On August 14, 1997, the City Council approved height and setback exceptions beyond what was allowed in the Recreation Commercial zoning district, with Findings and Conditions.
3. These two approvals (1997 Approvals) resulted in the June 1998 Development Agreement (1998 Development Agreement) for the Park City Mountain Resort Base Area, ~~subject to~~inclusive of the 1998 PCMR Concept Master Plan.
4. The City granted development rights and height variations contained in the ~~1997~~ 1998 PCMR Concept Master Plan in exchange for, *inter alia*, development restrictions on both the Open Space designations within the 1997 Master Planned Area and within the Park City Alpine Terrain.
5. The 1998 Development Agreement allowed for a permitted density of up to 491.78 Unit Equivalents and subject to the volumetrics of the PCMR Concept Master Plan, which represented maximums that could be achieved on any Parcel A-E. Specifically, the maximums on each parcel are as follows: Parcel B: 323,519 sf; Parcel C: 192,963 sf; Parcel D: 102,338 sf; Parcel A: 350,810 sf; Parcel E: 187,157 sf. See also the footnotes to the 1998 Parcel Square Footage Allowance Table on page 14 of the 1998 Development Agreement
6. Because of the general nature of the MPD, final site planning details were required in the form of Conditional Use Permits for each Parcel.
7. Only Parcel A has been developed to date, with the equivalent of approximately 334,000 square feet of the total 1,156,787 square feet. After the development of Parcel A, 353 UEs remain. Under the 1997 Large Scale Master Plan this equated to a total of 805,700 allowable square feet on Parcels B-E, not including Resort Accessory Uses, mechanical, maintenance or storage space below grade, public convention and meeting space below grade, or parking. (page 15 1998 Development Agreement). However, the 1998 Development Agreement does not allow for the transfer of Density from one parcel to another.
8. In 2007, certain terrain of the Park City Mountain Resort was annexed into Park City.
9. In 2015 the Planning Commission approved an Amendment to the MPD and Mountain Upgrade Plan, as well as a Conditional Use Permit for the Interconnect

- Gondola (aka the Quicksilver Gondola) and expansion of the Snow Hut (aka Miners Camp) on-mountain restaurant (collectively “the 2015 Amendment”).
10. The 2015 Amendment includes the additional ski terrain lands annexed into the City in 2007.
 11. The 2015 Amendment also clarifies that:
 - a. The 1998 Development Agreement and Mountain Upgrade Plan remains in full force and effect;
 - b. The ~~1997-1998~~ PCMR Concept Master Plan component of the DA has lapsed;
 - c. The Developer’s rights under the DA are fully vested, ~~subject to compliance with the express conditions and requirements in the Development Agreement;~~ and
 - d. Exhibit E of the 1998 Development Agreement is amended to add the March 25, 2015 Conditions of Planning Commission Approval.
 12. The Developer under the 1998 Development Agreement, VR CPC Holdings, is ~~proposing to assign~~ing some of its rights and obligations to PEG Properties, LLC (the applicant) including those rights and obligations pertaining to development of Lots B, C, D and E, as well as the requirements relating to all Employee Housing commitments associated with the development of these Parcels. **Assign to Resort Operator or applicant, see 9/29 Staff Report.**
 13. ~~Assuming the assignment to the applicant occurs, the applicant’s proposal indicated that~~ VR CPC Holdings will retain all obligations pertaining to the Ski Operations and ~~that~~ the City retains the right to enforce all requirements of the 1998 Development Agreement as they relate to the Resort Operator.

General Information

14. On February 13, 2020, PEG Development submitted an application to Amend the 1998 Development Agreement by replacing Exhibit D, which is the expired PCMR Base Area Master Plan Study, with a proposed new site plan (the “2021 Concept Master Plan”).
15. This application was supplemented with additional information on April 20, 2020.
16. Following several administrative hearings, on July 8, 2020, the Planning Commission made a formal determination that the applicant’s proposed new site plan was a “substantive modification” to the 1998 Development Agreement justifying a review of the entire master plan and Development Agreement by the Planning Commission.
17. The public hearing process was officially opened on August 26, 2020, with the Planning Commission holding public meetings on:
 - a. August 26, 2020
 - b. September 23, 2020

- c. October 18, 2020
- d. November 18, 2020
- e. December 16, 2020
- f. January 20, 2021
- g. March 24, 2021
- h. April 21, 2021
- i. May 19, 2021
- j. June 16, 2021
- k. July 21, 2021
- l. August 18, 2021
- m. September 15, 2021
- n. September 29, 2021
- n-o. October 20, 2021

18. The applicant is seeking the following exceptions or reductions/increases from the requirements of the Land Management Code including:
- a. In accordance with LMC 15-6-5(C)(1), a reduction from the MPD required perimeter Setback from twenty-five feet (25') to the Recreation Commercial zone required Setback of twenty feet (20') for portions of Parcel B specifically on the Shadow Ridge Road and, Empire Avenue and Lowell Avenue facades.
 - b. In accordance with LMC 15-6-5(E)(1), a 502 parking stall reduction from the LMC required number of Off-Street Parking stalls provided for the Commercial and Residential Uses of proposed for the project totaling 502 LMC required parking stalls due to based upon a shared parking analysis provided by the applicant (see related which is Condition of Approval #X).
 - c. In accordance with LMC ~~LMC~~ 15-6-5(F), an increase in allowed Building Height from the Recreation Commercial maximum Zone Height of 35 feet (35') for all parcels;
19. The applicant is seeking the following amendments to the 1998 Development Agreement:
- a. To replace expired Exhibit D with a new Master Plan including perimeter Setback reductions for Parcel B, Building Height increases for all parcels, and a reduction of day skier parking reductions from LMC required Commercial and Residential required parking in the amount of 502 stalls from the total amount of day skier parking contemplated in the 1998 PCMR Concept Master Plan.
 - b. A Transfer of approximately 15,000 square feet of Density to Parcel C.
 - c. To allow for a 249 room hotel-Hotel Use instead of 101 condominiums and a skier services and learning center on Parcel C.

- d. Changes to the Employee Housing Obligations consistent with the approved 2021 Housing Mitigation Plan.
- e. ~~To not provide~~ A reduction of 600 additional underground day skier parking stalls for the exclusive use of the Resort consistent with the City's desired modal split, transit plans and transit first priorities.
- f. Updated Exhibits including the Phasing Plan and Traffic and Parking Mitigation Plan.
- ~~f.g.~~ For a bifurcation of the obligations and Conditions of Approval of the 1998 Development Agreement.

Zoning

- 20. The Base Area Parcels B, C, D and E are all located in the Recreation Commercial zoning district and the applicant is not proposing any changes to the zoning.
- 21. The Recreation Commercial zone allows for the development of hotel and resort related housing in close proximity to major recreation facilities and encourages the clustering of development to preserve Open Space and minimize the impacts of development on hillsides and sensitive view areas.
- ~~22. A hotel was not a proposed use in the 1998 Development Agreement.~~
- ~~23-22.~~ All of the proposed Uses in the 2021 Concept Master Plan are Allowed or Conditional Uses within the Recreation Commercial zoning district.
- ~~24-23.~~ The applicant has applied for a Master Planned Development approval, including amending the 1998 Development Agreement and a new Concept Master Plan.
- ~~25-24.~~ Further development of the Parcels will require additional site-specific approvals in the form of platting and Conditional Use Permits for each Parcel prior to the issuance of Building Permits.

Density

- ~~26-25.~~ Density for MPDs is based on the Unit Equivalent Formula defined in LMC 15-6-8.
- ~~27-26.~~ The 1998 Development Agreement utilizes the Unit Equivalent Formula and limits density on a square footage basis per parcel in the Parcel Square Footage Allowance Table set forth in Section 3.2.1 of the 1998 Development Agreement. Building square footage does not include Resort Accessory Uses, mechanical, maintenance or storage space that may be located below grade or parking as shown in the ~~1997-1998~~ PCMR Concept Master Plan.
- ~~28-27.~~ Utilizing the same square footage calculation results in the following Maximum Parcel Allowed Square Footage [insert applicants final table when received].
- ~~29-28.~~ The 1998 Development Agreement does not allow for the transfer of Density from one parcel to another. However, this proposal is to amend the 1998

Development Agreement to allow for additional Density on Parcel C, which is adjacent to the mountain, where additional height is appropriate as it is central to the Resort Core and is located further away from neighboring single family and multi-family uses. Although the Planning Commission approves the transfer of Density to Parcel C as consistent with LMC 15-6-1 and 15-6-5, the Total Square Footage and Unit Equivalents are less than what was approved under the 1998 Development Agreement [a reduction of approximately 150,000 square feet and 90 UEs. **update** when received]

~~30-29.~~ The 2021 Concept Master Plan identifies up to [146] residential units resulting in [203] Residential Unit Equivalents, and up to [63,000] square feet of Commercial space resulting in [60] Commercial Unit Equivalents, totaling [insert] Unit Equivalents and up to [insert] total square feet, which is within the maximum permitted density allowed under the 1998 Development Agreement. **[update]**

Setbacks

~~31-30.~~ LMC 15-6-5(C) requires the minimum Setback around the exterior boundary of a Master Planned Development shall be twenty-five feet (25') for Parcels greater than 2 acres.

~~32-31.~~ Section 15-6-5 of the Land Management Code allows the Planning Commission to decrease the required perimeter Setback to the zone-required Setback "...if it is necessary to provide desired architectural interest and variation."

~~33-32.~~ The zone-required Setback is twenty feet (20') for the Recreation Commercial (RC) District and the 1998 Concept Master Plan expressly contemplated twenty foot (20') Setbacks for portions of Parcel B.

~~34-33.~~ The limited areas of 20-foot setback requested for Parcel B provide both vertical and horizontal architectural articulation.

~~35-34.~~ The applicant currently requests and the Planning Commission hereby approves reductions in the perimeter setbacks to twenty feet (20') for the north (floors 2,3 and 4 only), ~~east~~ and west façades of Parcel B only, specifically finding that the twenty-feet (20') Setbacks for Parcel B are consistent with the Recreation Commercial zone and are necessary to provide desired architectural interest and variation because the reduced setbacks:

- a. Are necessary to transition the scale of the proposed building from the Resort to the surrounding neighborhood and to decrease the perceived scale of the proposed building on Parcel B;
- b. Are necessary for vertical and horizontal architectural articulation providing increased architectural interest and variation both desired and required by the Planning Commission, both at the ground level and at the above-ground level stories for the proposed Parcel B building, that would not be achieved if the

applicant was required to meet the twenty-five feet (25') Setback requirements;

- c. Are necessary to include architectural elements that are similar to those allowed to extend into the front Setback pursuant to the Recreation Commercial District (i.e. decks, porches, bay windows, roof overhangs, eaves and cornices; and
- d. Are necessary to implement additional horizontal façade variations while remaining compatible with the setbacks for neighboring streetscape and residential development. The resulting architecture and variation is desired to mitigate the transition to the residential areas of the zone. The 2021 Master Plan provides for adequate space for a minimum of twelve feet (12') multi-use trails, landscaping and snow storage area, even in the areas where architectural elements extend beyond the twenty-five feet (25') Setback requirements.

~~36-35.~~ The 2021 Master Plan provides no perimeter Setbacks less than twenty feet (20'). Any potential canopy over the transit station on Lowell Avenue will be reviewed in accordance with right of way regulations and the LMC, if applicable, at the time of CUP.

~~37-36.~~ The 2021 Master Plan provides that all parking structures ~~above Existing Grade~~ meet the twenty-five feet (25') MPD Setback requirements. ~~Therefore, n~~No setback reductions are ~~allowed~~ proposed for any façade of the parking structure on Parcel B.

Open Space

~~38-37.~~ LMC 15-6-5(D) requires a minimum of 60% Open Space as defined in LMC Chapter 15-15. The application meets this minimum requirement, providing 64% Open Space consisting of pedestrian plazas, sidewalks and multi-use trails, landscape buffers, ski runs, and landscaped areas open to the public. Streets, driveways, parking areas and private open space areas are not included in the applicant's Open Space calculations. Helipad?

Off Street Parking

General

~~39-38.~~ LMC 15-6-5(E) stated that "The number of Off-Street Parking Spaces in an MPD shall not be less than the requirements of the LMC, except that the Planning Commission may decrease the required number of ~~Off-Off~~ Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal."

~~40-39.~~

- [41.40.](#) The applicant is proposing a modal shift from vehicles to transit and more sustainable transportation options that address and mitigate the amount of traffic going to and from the Resort base area in order to reduce congestions and improve levels of service at proximate intersections.
- [42.41.](#) Related to parking, the applicant submitted the following (collectively, the “Parking Study & TDM/PMP Plans”):
- a. A Resort Parking Study by Hales Engineering dated February 11, 2021.
 - b. A Draft TDM and PMP dated May 7, 2021 and Addendum dated July 9, 2021.
 - c. Existing and Proposed Parking Condition Analysis from SE Group dated September 23, 2020.
- [43.42.](#) The applicant is proposing 1,721 parking stalls for the base area. Of these, 1,200 spaces are dedicated to day skier parking, and the remainder (521 stalls) are primarily for residential (hotel and condo) and resort commercial patronage.
- [44.43.](#) Utilizing mixed-use parking reductions, Hales Engineering in the Parking Study & TDM/PMP Plans estimates the peak shared parking demand will be 1,583 stalls, less than the 1,721 parking stalls proposed.
- [45.44.](#) The City’s professional planning staff and separately retained parking and transit consultant AECOM reviewed and analyzed the Parking Study & TDM/PMP Plans including a parking sensitivity test and concluded that for the entire site there is still excess parking anticipated assuming shared parking arrangements are in place between all uses including the day skier parking and TDM/PMP strategies are implemented.

Day Skier Parking

- [46.45.](#) The 2021 Concept Master Plan proposes the replacement of the existing 1,200 day skier surface parking stalls with 1,200 structured day skier stalls, thus there is no material loss in day skier parking.
- [47.46.](#) The applicant is also removing all employee parking from the base area which will effectively increase the parking supply at the base area for Resort guests.
- [48.47.](#) The Parking Study & TDM/PMP Plans outline an actively managed parking system with real time, dynamic parking signs that guide patrons to open parking spaces within Parcels B and E, creating a more efficient search for parking availability.
- [49.48.](#) The Parking Study & TDM/PMP Plans provide for the implementation of paid parking for day skiers concurrently with the development of the base area project. The Parking Study estimates that paid parking will increase the Average Vehicle Occupancy (AVO), and that the Resort will move from a parking deficit to a parking surplus on a typical day if coupled with robust TDM measures and shared parking agreements (See SE Analysis).
- [50.49.](#) SE Group, on behalf of the applicant, submitted corroborating information that an increase in the AVO to a goal of 2.3-2.7, with peak days seeing 3.1, shows that

the resort is expected to have sufficient parking on most days under the paid parking model outlined in the Parking Study & TDM/PMP Plans.

51-50. The Planning Commission finds that the implementation of the paid parking model set forth in the Parking Study & TDM/PMP Plans will affect the AVO and that parking pricing can be adjusted to help achieve the target AVO's set forth in the Parking Studies.

52-51. The Conditions of Approval imposed with respect to parking will require the applicant to work with the City to modify parking mitigation efforts to achieve the target AVOs as necessary over a five-year period beginning with the occupancy of the garage on Parcel B. As outlined in the Parking Study & TDM/PMP Plans this includes at least two annual coordination meetings per year to discuss actual vehicle counts and parking demand, and the implementation of new or revised parking and transportation strategies designed to achieve the target AVOs and intersection LOS goals.

53-52. The Development Agreement with the applicant will provide the City with the enforcement mechanisms necessary to ensure compliance with the Conditions of Approval.

54-53. The 1998 Development Agreement required 600 additional parking stalls for exclusive use of the Resort including parking for the Resort's Accessory Uses and or Support Commercial to the Resort.

55-54. The 1998 Mountain Upgrade Plan estimates the Comfortable Carrying Capacity (CCC, defined as the number of active and inactive skiers that can be accommodated at a ski area at any given time while guaranteeing a pleasant recreational experience and preserving the quality of the environment) of the Resort was 9,910 skiers, but noted that it is not uncommon for ski areas to experience peak days which visitation exceeds the CCC by as much as 25 percent, or approximately 11,000 skiers in Park City's case.

56-55. The Mountain Upgrade Plan makes a number of upgrade recommendations increasing the CCC from 9,910 to 13,700 skiers per day, which could mean 15,070 skiers on a peak ski day.

57-56. Many of the upgrades discussed in the 1998 Mountain Upgrade Plan have occurred and SE Group estimates that the existing CCC for the Park City side of the Resort is 12,570 skiers with an AVO of 2.3 on average and ranging from 1.9 to 3.1. SE Group estimates the CCC will increase to 13,440 with a future planned upgrade to Town Lift and Silver Star, new homes and nightly rentals, and a 5% increase in transit use. However, SE Group is also projecting an increase in the AVO to an average of 2.7 and ranging from 1.9 to 3.1 on peak ski days due to the implementation of paid parking. SE Group notes that with an AVO of 2.7 the Resort will see a surplus of parking stalls averaging 126 stalls on typical ski days due to the implementation of paid parking.

~~58-57.~~ Due to the fact that the Resort is no longer anticipating the Comfortable Carrying Capacity (CCC) assumed in the Mountain Upgrade Plan that was part of the 1998 application and the anticipated modal shift to transit due to paid parking, the 600 additional parking stalls are no longer required. Additionally, the creation of said parking stalls will lead to more cars accessing the site and additional congestion in the Resort Center, which the City and the applicant are seeking to minimize in accordance with the General Plan objectives for the Resort Center neighborhood and the Vision 2020 Strategic Pillar of Transportation Innovation.

~~59-58.~~ SE Group, on behalf of the applicant, submitted corroborating information that these 600 stalls are no longer necessary to meet the Resort's anticipated parking demand with the implementation of paid day skier parking at the base area.

~~60-59.~~ As provided in the 1998 Development Agreement, the City retains the authority to require the Resort to limit ticket sales if parking mitigation fails to adequately mitigate peak day parking demands. The intent is that off-site parking solutions include a coordinated and cooperative effort with the City and the Resort Operator to provide creative solutions for peak day and special event parking.

Applicant's alternative language for COA #62 above attempting to address parking issues with parking solutions:

Upon the City's reasonable determination that a "Parking Failure" has occurred on more than fifteen (15) days in a ski season during the first five (5) years following completion of the Resort Core pursuant to the 2021 Concept Master Plan by reasons attributable solely to the Resort and the applicant's development of the Resort Core (as opposed to conditions arising from other City events, such as the Sundance Film Festival), the City shall notify applicant of such Parking Failure and City and applicant shall thereafter work with the Resort Operator to determine the remedial actions that must be taken to prevent future Parking Failures, which remedial action may include the construction of additional off-site parking spaces. The number of additional off-site parking spaces required to alleviate similar Parking Failures and which party shall be responsible for installing the same shall be collectively determined by the City, the Resort Operator and the applicant depending on the reasonably identified causes of the Parking Failure. For purposes of this condition, a Parking Failure at the PCM Base would be found to occur only if all of the following conditions apply:

- The Park City transit system has increased bus frequency to its full capacity such that not less than [INSERT] buses are arriving/departing the Transit Center during the peak hours of 8:00 a.m. to 10:30 a.m. and from 3:30 p.m. to 5:00 p.m. on the days of the purported Parking Failure;
- The utilization rate for the Park City transit system buses serving the PCM Base during such peak hours averages 90%;

- On-site and off-site park and ride lots then in existence and feeding the Park City transit system are fully utilized; and
- Excessive on-street parking is occurring in local streets adjacent to the PCM Base notwithstanding the City's consistent enforcement of the City's parking regulations applicable to such local streets.

Notwithstanding anything in this condition to the contrary, the combined responsibility of the Resort Operator and applicant for construction of off-site parking stalls shall not exceed

[INSERT] stalls at a total cost of [INSERT] per stall.

The City has concerns with the applicant's recommended finding above and instead recommends Transportation and Parking Mitigation Conditions of Approval #35-40 in the Draft Conditions of Approval Document. The final fees associated with these Conditions will be negotiated by the City's Executive Department during the Development Agreement process.

~~64-60.~~ The applicant is proposing a drop-off/pick-up area in front of the plaza between Buildings C and E, which will be staffed during peak periods to promote efficient loading and unloading. This area can accommodate approximately eight vehicles.

~~62-61.~~ In addition to the drop off area mentioned above, the applicant is providing a separate area for hotel shuttle drop off south of the new transit station. This area can accommodate up to six hotel shuttles at one time.

~~63-62.~~ The applicant has agreed that garage parking will include ~~15-30~~ minutes of free parking, and that 20 parking stalls will be reserved during peak hours with 30 minutes of free parking to accommodate ski school and ski team pick up and drop off parking.

[Staff suggests further discussion with the applicant and Vail directly regarding any additional appropriate FF and COAs regarding consequence of inadequate parking mitigation regarding day skiing versus residential/commercial uses.]

Commercial and Residential Parking

~~64-63.~~ The 2021 Concept Master Plan proposes 521 parking stalls for the residential and commercial uses based on a shared parking analysis, which represents a 502 parking stall exception (waiver of parking stalls) based on the Hales Engineering analysis included in the Parking Study & TDM/PMP Plans. The parking stall exception is primarily for the Commercial Uses as skiers are the primary driver of parking at the Resort and Hales Engineering has conservatively estimated that 80% of Commercial users are already parked as skiers or guests,

based on a study of the Canyons, which estimates that 95% of Commercial users are skiers or guests already parked at the Resort.

- ~~65-64.~~ The Conditions of Approval will require the site to offer shared parking agreements for existing and proposed uses to provide adequate parking at peak times and mitigate parking demand for non -day skier parking consistent with the Parking Study & TDM/PMP Plans.
- ~~66-65.~~ The Conditions of Approval will require the proposed Hotel to provide valet parking at all times, which valet parking may include use of stacked parking in order to increase the Hotel's parking supply.
- ~~67-66.~~ According to analysis submitted by Hales Engineering in the Parking Plan & TDM/PMP Plans, the proposed parking exceptions are conservatively in line with what is experienced at the Canyons side of the Resort, where the applicant reports a 95% capture ratio for the commercial uses from day skiers already parked on site.
- ~~68-67.~~ The Parking Study & TDM/PMP Plans assume one stall per affordable housing unit, one stall per hotel room, and one stall per condominium.
- ~~69-68.~~ The City's independent third-party transportation consultant, AECOM, performed a sensitivity analysis which demonstrates that although Building C is under parked for a few hours in the afternoon (which can be accommodated with valet parking), there should be excess parking within the entire site overall including during peak hours. Accordingly, a Condition of Approval requires the TDM to include valet parking and shared use agreements to mitigate peak use.
- ~~70-69.~~ The Conditions of Approval will require an updated parking analysis be submitted to the City based on actual parking demand for the uses in Building B after the first ski season of occupancy for this garage.
- ~~71-70.~~ The proposed number of parking stalls is consistent with the location of employee housing on site, the applicant's proposed shared parking arrangement set forth in the Parking Study & TDM/PMP Plans, the City's desire to promote fewer overall vehicle trips and use of other transit options to access the site, including public transit, and with the City's desire to help the applicant reach the identified modal split goal for a 20% reduction in vehicles accessing the site over a five year period, beginning with the occupancy of the parking structure on Parcel B.
- ~~72-71.~~ The Planning Commission, with recommendation from the Planning Department and AECOM, finds that the Parking Study & TDM/PMP Plans support a decrease in the required number of parking spaces consistent with LMC Section 15-6-5(E).

Building Height

- ~~73-72.~~ The RC District allows for structures up to thirty-five feet (35') in height from Existing Grade.

- ~~74-73.~~ Section 15-6-5(F) of the Land Management Code allows the Planning Commission to "...consider an increase in Building Height based upon a Site specific analysis."
- ~~75-74.~~ The 1998 Development Agreement and 1997 Approvals, allowed for exceptions to Building Height, and the 2021 Master Plan is seeking exceptions to Building Height consistent with the 1997 approved plans. The 1997 Approvals allowed for the following approximate maximum building heights as measured under the current Land Management Code:
- a. Parcel B maximum Building Height of 78 feet.
 - b. Parcel C maximum Building Height of 75 feet.
 - c. Parcel D maximum Building Height of 60 feet.
 - d. Parcel E maximum Building Height of 83 feet.
- ~~76-75.~~ These height exceptions expired with the site plan and the applicant has applied for new height exceptions with respect to the 2021 Concept Master Plan.
- ~~77-76.~~ The Planning Commission finds that the increase in Building Height as shown in the 2021 Concept Master Plan set dated _____ does not result in increased square footage or Building volume over what was approved in the 1998 Development Agreement and ~~1997-1998~~ PCMR Concept Master Plan.
- ~~78-77.~~ Height exceptions are appropriate given that in 1997 the City Council determined that clustering density at the base area was preferable to spreading density up the mountain, and that the clustering preserves open space, provides opportunities for view corridors, and increases the effectiveness of public transportation.
- ~~79-78.~~ The Planning Commission finds that buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss of air circulation have been mitigated through building placement and increased Setbacks.
- ~~80-79.~~ The Planning Commission finds there is adequate buffering in the form of Setbacks from adjacent Properties and Uses; In addition, Landscape buffering and detailed landscape plans will be required for the CUP application process.
- ~~81-80.~~ The Planning Commission finds there is adequate room for Landscaping for adjacent Properties and Uses. Landscaping details will be required at the CUP process to ensure adequate buffering for adjacent Properties and Uses.
- ~~82-81.~~ The Planning Commission finds that building Setbacks are increased, resulting in an overall average approximately 9-10 feet in excess of the zone setbacks after including setback reductions for portions of Building B, with additional Building Height in order to provide increased separation from adjacent properties.
- ~~83-82.~~ The Planning Commission finds that the proposed additional Building Height results in more than the minimum Open Space required, and results in Open Space that is publicly accessible;

~~84-83.~~ The Planning Commission finds that additional Building Height is designed in a manner that provides a transition in roof elements in compliance with Chapter 15-5, Architectural Review, including the Façade Length and Variation requirements of §15-5-8.

~~85-84.~~ The Planning Commission finds that additional Building Height shall only apply to the specific plans reviewed and approved by the Planning Commission as represented in the 2021 Master Plan. This results in the following maximum Building Heights from Existing Grade for the following parcels:

- a. Parcel B maximum Building Height of [87] feet and [6] stories from Existing Grade. The nearest abutter is approximately [65] feet away from this Building Height.
- b. Parcel C maximum Building Height of [103] feet and [7] stories from Existing Grade. The nearest abutter is approximately [70] feet away from this Building Height.
- c. Parcel D maximum Building Height of [71] feet and [5] stories from Existing Grade. The nearest abutter is approximately [40] feet away from this Building Height.
- d. Parcel E maximum Building Height of [84] feet and [6] stories from Existing Grade. The nearest abutter is approximately [50] feet away from this Building Height.

Site Planning

~~86-85.~~ The 2021 Concept Master Plan sets forth a plan for development/redevelopment consistent with the Resort Center neighborhood, the City's General Plan for the Resort Center neighborhood, the City's adopted Transportation Plans, the 1998 Development Agreement, and LMC 15-6.

~~87-86.~~ The units are clustered on the most developable and least visually sensitive portions of the RC zoned remaining parcels, and the buildings are separated by Open Space.

~~88-87.~~ No Significant Vegetation exists on the parcels as they are surface parking lots.

~~89-88.~~ The project is designed to minimize Grading and the need for large retaining Structures.

~~90-89.~~ Roads, utility lines, and Structures are designed to work with the Existing Grade and cuts and fills are minimized.

~~91-90.~~ Existing trails are maintained and incorporated into the Open Space elements of the project. Parking garage E is considered the primary trailhead parking area.

~~92-91.~~ Adequate internal vehicular, pedestrian, and bicycle circulation is provided and pedestrian and bicycle circulations are separated from vehicular circulations and provide safe travel within the boundaries of the project and safe travel to adjoining public sidewalks, trails, and Rights-of-Way.

~~93-92.~~ Snow storage Areas will be further detailed and evaluated at the CUP process in order to provide adequate areas for snow removal and storage.

~~94-93.~~ Areas for convenient trash and recycling, including adequate circulation area for pick-up vehicles, will be further detailed and evaluated at the CUP process.

~~95-94.~~ The project will include a recycling program that accommodates for materials generated by tenants, residents, users, operators, and/or owners and this will be further detailed and evaluated at the CUP process.

~~96-95.~~ The project includes transportation amenities including separate drop-off Areas for hotel shuttle service, general purpose vehicles, and an existing bus stop. Additional drop off can be accommodated in the garage structures.

~~97-96.~~ Service and delivery Access and loading/unloading Areas are included in the project and separated from pedestrian Areas and will be further detailed and evaluated at the CUP process.

Landscape and Lighting

~~98-97.~~ A preliminary Landscape Plan was submitted with the MPD application.

~~99-98.~~ Detailed landscape plans will be required for the CUP application process.

~~100-99.~~ The Planning Commission finds there is sufficient area in the form of Setbacks from adjacent Properties and Uses to provide for sufficient landscape buffering.

~~101-100.~~ Lighting must meet the requirements of Section 15-5-5(J).

~~102-101.~~ Detailed Lighting Plans will be required for the CUP application process.

Sensitive Lands Compliance

~~103-102.~~ The project site is located outside of the City's Sensitive Lands Overlay Zone.

Employee/Affordable Housing

Reference 4/29/21 Housing Authority Approval and Conditions

Child Care

~~104-103.~~ The project site does not include a Child Care Center.

Mine Hazards

~~105-104.~~ There are no known Physical Mine Hazards on the project site.

Historic Mine Waste Mitigation

~~106-105.~~ The project site is located outside of the City's Soils Ordinance Boundary.

General Plan Review

~~407.~~106. Park City's General Plan for the Resort Center neighborhood anticipates that future development will create a more dense resort core and "combine the ski experience with the lodging experience," and anticipates that such development/redevelopment would "redefine the character of the base area and influence the entire Resort Center neighborhood." (General Plan p. 190)

~~408.~~107. The majority of the Resort Center neighborhood is located in the Lower Park Avenue Redevelopment Area (RDA), and the applicant's project is in the "resort core" of the Resort Center neighborhood.

~~409.~~108. The General Plan for the Resort Center outlines 7 objectives for the neighborhood including:

- a. Increasing opportunities for public transit (including consideration of dedicated transit lanes);
- b. Circulation modifications to improve the user experience of arriving and leaving the Resort Center;
- c. Implementing alternative parking locations with public transportation connections;
- d. The development of transportation demand management strategies to decrease vehicle traffic;
- e. Improving multimodal connections between the Resort and Main Street, Deer Valley and the Bonanza Park areas;
- f. Decreasing resort impacts on surrounding residential communities; and
- g. Discouraging resort through traffic on Three Kings Drive.

~~410.~~109. The General Plan specifically recommends flexibility "regarding the execution of the existing PCMR MPD approval in order to facilitate: 1) public/private partnership opportunities for public transit visitors and locals, parking and affordable housing; 2) potential relocation/transfer of density; and 3) new uses including emerging recreation and resort visitor experiences." (General Plan p. 191)

~~411.~~110. The 2021 Concept Master Plan increases opportunities for public transit and includes an improved Transit Station and bus only lanes through the Resort.

~~412.~~111. PEG has proposed a comprehensive Transportation Demand Management plan and circulation modifications to reduce traffic congestion and improve intersection LOS through its modal split goals, which will improve the user experience of arriving and leaving the Resort Center.

~~413.~~112. The Parking Study & TDM/PMP Plans does not expand parking on site but encourages public transportation use through the implementation of paid parking at the base, improving the Transit Station and adding bus only lanes through the Resort. This should encourage use of the regional park and ride facilities that will be served with expanded public transportation connections reducing congestion in Park City.

~~414-113.~~ The Parking Study & TDM/PMP Plans specifically incorporate recommended TDM strategies to decrease vehicle traffic including increasing the AVO through paid parking, improvements to the Transit Station, and an employee TDM.

~~415-114.~~ The 2021 Concept Master Plan improves multimodal connections with improved pedestrian and bicycle pathways, public plazas and an improved Transit Station.

~~416-115.~~ The 2021 Concept Master Plan decreases resort impacts on surrounding residential communities by improving traffic circulation and congestion, improving opportunities for public transit, and improved multimodal connections.

~~417-116.~~ The 2021 Concept Master Plan discourages resort through traffic on adjoining residential streets, including Three Kings Drive, through improved traffic and wayfinding signage and a median on Silver King Drive to prevent cars leaving the parcel E from making a left turn onto Three Kings Drive.

Sustainability

~~418-117.~~ The City has ambitious but achievable climate goals to be net zero carbon and to meet annual electricity needs through 100% renewable resources for the entire community by 2030, as embodied in Resolution 32-2018 (the “City’s Sustainability Goals”).

~~419-118.~~ The project will add to the City’s overall energy demand and carbon footprint, and the applicant submitted Sustainability Guidelines, dated December 1, 2020 (as amended), detailing the applicant’s plans for the project and the manner in which the project contributes to the City’s Sustainability Goals. The applicant’s Sustainability Guidelines will be reviewed in further detail at each CUP process.

~~420-119.~~ The Sustainability Guidelines target energy savings compared to the State of Utah’s currently adopted energy codes as of December 1, 2020 (i.e. IECC 2018) in excess of 20%, and include the applicant’s commitment to integrate energy modeling in the design process of all buildings and building types within the project in order to achieve that goal through the use of high-performance building envelopes and energy efficient mechanical, lighting, and window systems (core and shell).

~~421-120.~~ The Sustainability Guidelines provide for the creation of a construction waste management plan and the diversion of construction and demolition materials away from landfills and incinerators, including diversion of 100% of demolished asphalt, and diversion of a minimum of 50% of construction waste into not less than four material streams for recycling.

~~422-121.~~ The Sustainability Guidelines provide for the creation of a waste management plan to reduce landfill waste that is generated by building

occupants (commercial tenants as well as residential) and all buildings will include accommodations for recycling.

~~123-122.~~ The Sustainability Guideline provide for a pEUI-25 average for the four (4) building parcels at full build-out. The targeted individual pEUI for the specific buildings are set forth in the Sustainability Guidelines.

~~124-123.~~ The Sustainability Guidelines provide for the installation of rooftop photovoltaic arrays, as well as the potential for other on-site renewable energy generation methods such as micro-anaerobic digester for food waste, intended to supply not less than 8% of the project's energy demands (including 100% of the energy demand for the project's structured parking facilities), and the design and preparation of additional roof areas that will be "PV ready" so that additional panels can be installed in the future.

~~125-124.~~ The Sustainability Guidelines provide for the applicant's purchase of Renewable Energy Credits ("REC") for each completed building in the project to offset delivered [energy] to the Project that is not supported by on-site renewable energy systems, for a period equal to the lesser of: (a) five (5) years; or (b) the number of years from the date the final Certificate of Occupancy is issued for the applicable building and the estimated date that the City's fully renewable power source will be on line (currently estimated to be 2030).

~~126-125.~~ The Sustainability Guidelines provide for rigorous energy commissioning for each building to support the energy efficient operation of such buildings and to compare performance back to modeled design targets.

~~127-126.~~ The Sustainability Guidelines provide for applicant's use of management tools to log, track and verify building performance including delivered energy consumption, indoor and outdoor water usage and recording the REC purchases applicable to each building.

~~128-127.~~ Based on the above, and the items set forth in the Sustainability Guidelines, the Planning Commission finds that the applicant's project and Sustainability Guidelines incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the codes in effect at the time of the current Application as of February 2020 (i.e. IECC 2018).

Section 15-6-6 Findings

~~129-128.~~ The 2021 Concept Master Plan complies with all requirements of the Land Management Code with the exception of the Setbacks for Building B, allowed Building Height, the number of Off-Street Parking stalls and the amount of Resort Support Commercial and Accessory Use allowed for Parcel C.

- ~~130-129.~~ The 2021 Concept Master Plan meets the minimum requirements of Section 15-6-5 except as noted above.
- ~~131-130.~~ The 2021 Concept Master Plan provides the highest value of Open Space, as determined by the Planning Commission.
- ~~132-131.~~ The 2021 Concept Master Plan strengthens and enhances the resort character of Park City with additional Resort Support Commercial uses, lodging opportunities and public transit improvements.
- ~~133-132.~~ The 2021 Concept Master Plan compliments the natural features on the Site, which parcels are not characterized by significant features or vegetation.
- ~~134-133.~~ The 2021 Concept Master Plan is Compatible in Use, scale, and mass with adjacent Properties within the Resort Center Neighborhood, promotes neighborhood Compatibility, and protects surrounding residential neighborhoods and Uses. The 2021 Concept Master Plan is compatible with the density allowed by the development agreement and is in keeping with the Building Height approved on Parcel A, Marriott's MountainSide Hotel.
- ~~135-134.~~ The 2021 Concept Master Plan provides amenities to the community so that there is no net loss of community amenities including but not limited to a new transit station, employee and affordable housing, 1,200 day skier parking stalls, public plazas and new commercial and residential uses.
- ~~136-135.~~ The 2021 Concept Master Plan is consistent with the employee Affordable Housing requirements as evidenced by the Housing Authority's 4/29/21 Approval of the applicant's Housing Mitigation Plan.
- ~~137-136.~~ The project Parcels are not located within the Sensitive Land Overlay Zone, and the project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site.
- ~~138-137.~~ The 2021 Concept Master Plan promotes the Use of non-vehicular forms of transportation through the use of paid parking, dedicated bus lanes, a new transit station, multi-use trails and trail connections.
- ~~139-138.~~ The 2021 Concept Master Plan was properly noticed and the Planning Commission held public hearings in accordance with this Chapter.
- ~~140-139.~~ The 2021 Concept Master Plan incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes in effect at the time of the Application.
- ~~141-140.~~ No Physical Mine Hazards are located on the Parcels.
- ~~142-141.~~ The 2021 Concept Master Plan mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.
- ~~143-142.~~ No Historic Structures or Sites are located on the Parcels.
- ~~144-143.~~ The 2021 Concept Master Plan addresses and mitigates traffic and the applicant and submitted the Parking Study & TDM/ PMP Plans demonstrating the

applicant's commitment to work with the City in a combined effort to achieve a 20% modal split within five years of the occupancy of Building B.

Applications for CUPs shall include but are not limited to:

1. Detailed landscape plan
2. Details for snow storage areas
3. Details for trash and recycling areas
4. Details for service and delivery access
5. Detailed Lighting plan
6. Detailed sustainability plan

DRAFT

Alexandra Ananth

From: deb <der0813@aol.com>
Sent: Friday, December 10, 2021 12:37 PM
To: John Phillips; John Kenworthy; Laura Suesser; Douglas Thimm; Bill Johnson; Sarah Hall; Christin VanDine; Alexandra Ananth; planning
Cc: ndeforge@fabianvancott.com; Margaret Plane; Mark Harrington
Subject: [External] PCMR Base Area Project

[CAUTION] This is an external email.

All,

This week a site visit was held at Snow Park for the proposed development at that location. It was very helpful and efficiently completed; thank you for taking the time to do it and allowing the public to attend.

The meeting following was quite long, but three big projects were on the agenda as you know. In listening in, there were a few comments which stood out to me which I believe should be considered as we prepare for another meeting to review the PCMR Base Area Project. In summary, it seems the Vail/PEG project is like the wayward child that you've given up on so anything from them is better than building nothing. While some aspects of their project would definitely be an improvement (covered parking, additional sidewalks), many aspects fall short of what our community needs and desires. Please consider the following:

Specific to Snow Park

1) Deer Valley went back and re-calculated their trip generation counts. It was discovered their previous figures understated the trips generated by the hotels which have a combined 192 rooms. In fact, DV upped their trip generation by 15% of existing trips to more accurately reflect the impact.

The PEG hotel has 249 hotels and the applicant has stated over and over this will not generate additional traffic and in fact has stated it will REDUCE trips due to slope-side accommodations. Please do not believe this statement and approve their proposal for circulation and reduced parking without accurate information and analysis. To rely on a TDM and PMP plans based on a bunch of ifs will not serve our community well.

2) Concerns were expressed about the number of curb cuts along Doe Pass. The distance between Deer Valley East and Deer Valley West along Doe Pass is around 528 feet per Google maps and there is concern about the number of curb cuts. There are none proposed on the north side and four on the south side. In addition, they are proposing the 12' multi-use pathway be on the north side so as to prevent conflict between vehicles and pedestrians.

Now, let's compare this to PCMR Base curb cuts. On Empire between Manor Way and 14th Street, there are currently 5 curb cuts for the existing single family homes. The PEG proposal adds 8 curb cuts (townhomes & garage entrance) on the west side of Empire for the same stretch. The distance between Manor Way and 14th Street is approximately 388 feet per Google Maps. And, the plan is the multi-use path will be on the west side intersecting with all 8 curb cuts. A 40' SHORTER stretch of roadway and 13 curb cuts.

On Silver King drive there are currently no curb cuts between Lowell and Three Kings Drive on the north side and only one on the south side. The proposed project will have 3 cuts on the south side in a short distance of 276 feet, all of which intersect with the pedestrian pathway on Silver King.

Safety of pedestrians and cyclists will be compromised and potential for additional congestion also an issue with all of these curb cuts.

3) Concern over the over-burdening of Deer Valley East was expressed. Under the DV proposal, all transit including shuttles will have access to the Mobility Hub via Deer Valley West and Doe Pass without having to use the longer loop of Deer Valley East designated primarily for general traffic. In addition, DV admits enforcement and measures will have to be

put in place to prevent general traffic from using Deer Valley West and also to prevent use of transit lanes. They clearly stated enforcement will be a major component of keeping the transit lanes restricted to transit vehicles.

Let's compare this to PCMR. Empire will be extremely overburdened as now a 900+ vehicle garage (760 day-skier) will exist compared to the 388 space lot today. In addition, all non-bus transit vehicles (shuttles) will be forced to use Empire both on arrival and departure to access the shuttle drop off at the south end of Lowell. The majority of the skier drop-off is being located in Parcel B as well, which again, requires departure via Empire and could include arrival traffic in attempt to avoid Lowell congestion. No discussion of enforcement of transit lane usage has occurred for the transit lanes on Lowell. It is frustrating the concerns expressed for one resort area are overlooked or minimized for another.

4) The Commission also noted during the meeting after the site visit, it was good because it appears the view corridors will be maintained.

PCMR view corridors will be drastically reduced, perhaps a small sliver will be maintained. Deer Valley is asking for no height exception - 45'. Do the Old Town citizens and visitors to PCMR not deserve more than one "hurry up, look, don't miss it" view?

Specific to Sommet Blanc

1) Public Safety should be #1. Multiple commissioners made a comment to this effect.

The number of opportunities for pedestrian conflict along Empire and Lowell with the PCMR Base project definitely does not put safety first.

2) Commissioners sought verification the Sommet Blanc development would include shuttle service to Old Town which the developer assured was included.

Comparing to PCMR, no shuttle service has been discussed with regards to the Master HOA implementing a shuttle service and this should be a requirement. In addition, PEG has stated their hotel will offer shuttle service with 24 hour advance booking. People on vacation do not always know their plans 24 hours in advance and this reduces the responsibility of the developer/hotel and offers minimal benefit overall.

3) It was raised by the Commission the development will increase the number of employees, service workers, deliveries, etc to the area and this needs to be factored in as well.

The PCMR project is expected to create over 500 positions and will house potentially 30%; the others will have to commute in via transit, shuttle or personal vehicle. Are we confident the trip generation numbers put forth by this developer accurately reflect this additional traffic as well?

4) There was much discussion over the building height and whether an increase in height is truly necessary for architectural interest. Concern was also raised about "screening" and light pollution.

Where is this same level of concern re: architectural interest and building height for PCMR? There is limited stepping - a balcony jutting out is hardly stepping. The building height is completely out of line with the LMC and even very different from the '98 CMP with exception of Parcel E.

When have we discussed light pollution for the PCMR Base Project? It has been limited to "they will follow the LMC requirements". I'm sure Sommet Blanc plans to follow LMC lighting requirements as well, but that doesn't necessarily prevent light pollution and clearly wasn't enough for the Commission. More discussion should occur on common area lighting impacts, glassed in sections of buildings, circulation lighting and egress lighting for individual buildings, etc.

Specific to Founder's Place (Deer Hollow)

1) Shuttle service will be available within 15 minutes of ordering and transport employees, owners, guests throughout Park City.

PCMR has no such arrangement included in their plans and this should be required of their Master HOA and 4 Star hotel.

2) The developer presented different roof form designs and explained the importance of safety with regards to snow shedding appropriately. They expressed concern over preventing snow from falling off roofs onto plazas, walkways, service access pathways, etc.

What do we know about PEG's roof design and safe snow shedding from their 45' - 103' tall structures?

Other

Snow Park and Founder's Place each have pedestrian bridges in order to provide additional safety for visitors. PEG has a HAWK signal along an extremely busy and sure to be congested stretch of Lowell.

Snow Park has escalators with a canopy to facilitate movement up through the plaza to lift service. Further push from the Commissioners for the developer to add something similar to get pedestrians slope-side up to the existing resort area would not be inappropriate.

In conclusion, please set the bar as high for the PCMR project as is seemingly being set for other projects around town. And, thank you again for continuing to push for a better project.

Sincerely,
Deb Rentfrow

Alexandra Ananth

From: Timothy Herbst <bin@herbstmail.net>
Sent: Friday, December 10, 2021 10:12 AM
To: Alexandra Ananth
Subject: [External] Re: Park City Base Plan

[CAUTION] This is an external email.

To the Commission:

Last year I wrote you to emphasize the importance of keeping the Transit Center, or at least a substantial stop, in the current location. Since then PEG has modified their proposal to greatly improve on the current Center, and we fully support that plan.

Best Regards,

Timothy J. Herbst, Manager
Waterfall Holiday Properties, LLC
2115 E. Vaughn St.
Tempe, AZ 85283-3343
480-839-8827
bin@herbstmail.net

On Friday, January 8, 2021 4:26:46 PM MST you wrote:

> Hi Timothy,
>
> Thank you for your email.
>
> The Staff Reports are sent to the Planning Commission the Friday before the meeting so your email was not received in time for the packet that week. However, I did receive it, and it was forwarded to the Planning Commission in advance of the 12/16 public hearing. It will also be included in the comments included for the 1/20 public hearing, which will include all comments received after 12/11.
>
> Thank you for your interest in this project.
>
> Best,
>
> Alexandra Ananth
> Senior Planner
> Park City Planning Department
> Marsac City Hall
> 445 Marsac Avenue
> Park City, UT. 84060
> Ph: 435.615.5066
>
>
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>
>
>
> -----Original Message-----

> From: Timothy Herbst [mailto:bin@herbstmail.net]
> Sent: Friday, January 8, 2021 3:36 PM
> To: Alexandra Ananth
> Subject: Fwd: Park City Base Plan

>
> Ms. Ananth,
>
> Looking at the published Public Comment about the PEG Development through 12/18/20 it appears my note below did not get to you.

>
>

Alexandra Ananth

From: planning
Sent: Monday, November 29, 2021 11:00 AM
To: Alexandra Ananth
Subject: FW: [External] Preserving our town

From: Gerard Ruvo <gerardruvo24@gmail.com>
Sent: Friday, November 26, 2021 10:14 AM
To: planning <planning@parkcity.org>
Subject: [External] Preserving our town

[CAUTION] This is an external email.

To Whom,

My wife and I are additional voices in the movement (which is considerable) to stop the ridiculous developments planned here in PC. We have been coming to PC since 1978, bought our first condo here in 2014 and moved here permanently in January of 2018. We love this town and certainly understand development and progress, but enough is enough. What I see on the horizon, the Park City mountain project, the Deer Valley project and the Dakota project at Redstone will have considerable negative impact. The statement I continue to see in the Park Record about the Dakota project I paraphrase - "this development will help/fix the traffic issues" - is preposterous !! Our vote is keep the current zoning in place and not make changes. ENOUGH !

Gerard and Sue Ruvo
2097 Three Kings Ct.
Park City, UT. 84060
USA
Cell - +1 415 627 8855

Alexandra Ananth

From: planning
Sent: Monday, November 22, 2021 8:23 AM
To: Alexandra Ananth
Subject: FW: [External] Park City on the Verge of Disappearing

From: Judith Collins <jcollins261@verizon.net>
Sent: Saturday, November 20, 2021 12:54 PM
To: planning <planning@parkcity.org>
Subject: [External] Park City on the Verge of Disappearing

[CAUTION] This is an external email.

To the Planning Board,

My family has been coming to Park City at least 4 times a year since 1998. 10 years ago we bought a small condo in Old Town knowing we wanted to retire here once we became empty nesters. We loved the small town charm and the shoulder seasons, and the summers and the winters. Well... we finally sold a home in NJ and moved here permanently this summer and sorry to say we are already thinking about selling and getting out because of the growth.

As much as I have read over the years that PC is concerned about the traffic, water, sewerage, schools, and the environment, the town just keeps building and expanding without resolving the issues. Every house that is being built is a monstrosity. We are allowing builders to dig away at our mountains, for goodness sakes! I can't stress enough...I truly fret for the animals and the environment!

We left a heavy populated area hoping for quieter times. Sure we knew we moving to a very fun area... who wouldn't want to live here? Skiing/Boarding in the East is icy and very crowded and not enjoyable. We stopped going to Vail, CO because we disliked the overbuild in their village. Walls of buildings, blocking the view! PC is duplicating the East Coast and Vail, CO. I feel like we are all banging our heads on the walls.

Now the town wants to build walls of buildings at the PC base!? Isn't there a point where we can just say no?! How many vacation rentals do we need? Our decisions can include to know when to stop. Stop the greed. Perfect what we have. Stop adding more and more and more. As a voter and taxpayer, as a lover of nature, I say NO(!) to the expansion to the PC base, NO to the expansion to Kimball Junction and No to the over build around Deer Valley.

Sincerely,
Judy Collins
Woodside Ave

Alexandra Ananth

From: Julie Schultz
Sent: Friday, November 19, 2021 2:20 PM
To: Alexandra Ananth
Subject: Phone public Comment

Dr. Richard Poll – lives in lower DV

The town is becoming overdeveloped, and he and his wife are concerned about PEG, DV and Kimball. Concerned over the extent of developers control in Utah and how overdeveloped Park City is becoming. In general, I'm not against development but the uncontrolled development in Park City currently is unprecedented.

Julie Schultz
Executive Office Administrator
Park City Municipal - Planning Department
445 Marsac Avenue, PO Box 1480
Park City, UT 84060
o: 435.615.5061
www.parkcity.org





Hi Laura

This is an interesting article to read. It appeared in a ski industry magazine and online. As much as I am not a fan of the Mayflower development, it looks like they are following the guidelines outlined here reflecting the current trends in resort development and the demands of the public. But it is not just about that development as they are only mentioned as an example. The article is far more reaching than that.

This makes the PEG project look obsolete before it even breaks ground. I hope you agree that this article is worth sharing with the entire planning commission.

Thank you for your time and your service.

Mary Whitesides

Mary Whitesides

PO Box 2189 Park City, Utah 84060 P: 435-649-7249 C: 435-513-0740 F: 435-655-3279 mary@dancindeerdesign.com
www.dancindeerdesign.com

Consultant / Interior Designer / Author



BUILDING SKI TOWNS OF THE FUTURE

A big opportunity is coming
for ski town developers.
Let's not squander it.

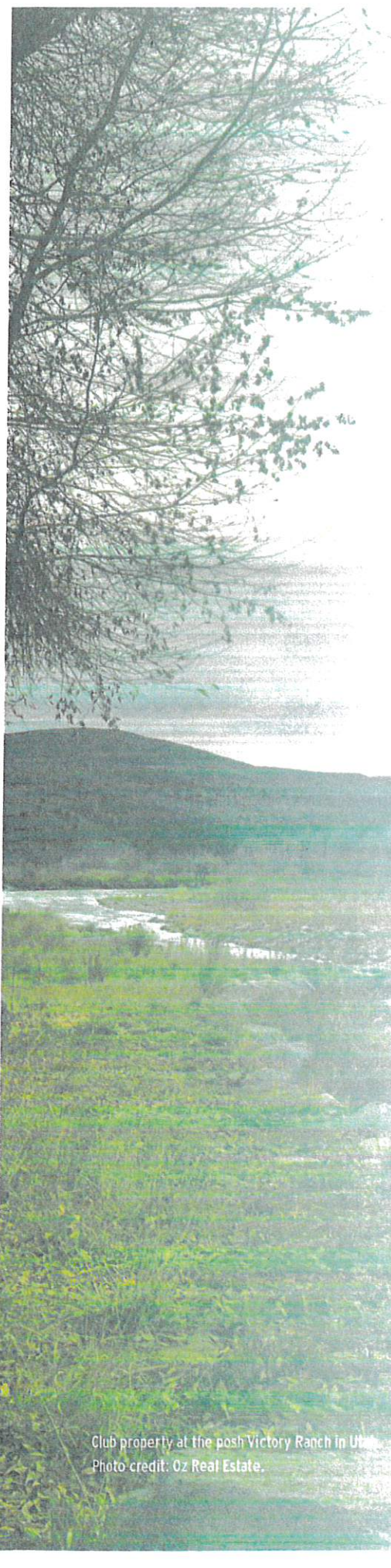
By Rebecca Stone,
Managing Principal, OZ Architecture

Recent ski industry consolidation and partnerships that have spawned aggregated season passes, such as Alterra Mountain Company's new Ikon Pass and Vail Resorts' Epic Pass, are dramatically shifting the landscape of skiing in a variety of ways. Most obviously, the new competitive passes are attractive to consum-

ers. But consolidation and passes are also a boon for developers.

With new attention on ski resorts that are connected to these mega-passes—resorts that perhaps were previously viewed as too expensive or too far away for some markets—we in the architectural world are seeing develop-

ment heat up in these communities to accommodate new guests who will visit in both winter and summer. The consolidation effect will drive a ton of guest visits, and developers will benefit. With some care, local communities will benefit, too.



LET'S DO IT RIGHT

Across the architecture, development, and real estate industries, we're seeing previously untouched parcels of land being explored in anticipation of on-mountain upgrades, primarily at resorts affiliated with Ikon or Epic. These include Steamboat, Colo., Squaw Valley, Calif., Park City, Utah, and Big Sky, Mont. Other resorts in Colorado that have not had development in years are seeing a flurry of new activity: Keystone, Breckenridge, Copper Mountain, Telluride, and Snowmass all have new hotel-condominium projects in the works.

As architects and designers, we can't blame the developers for taking advantage of this opportunity. But we can urge them not to squander it. We can urge them to do it right.

To do it right, we must first recognize what not to do. Real estate has come to a standstill at some resorts after mass-producing condos that have no defining characteristics or a sense of community or destination. This approach will not fly in today's market. Instead of that cookie-cutter plan, good architects, planners, developers, and resort owners are designing places with character and soul. Places that welcome multiple generations, from Millennials to their aging grandparents.

In addition, doing it right means taking care of seasonal and year-round employees. It means hotels alongside condos (or sprinkled into the same building as condos), and incorporating experiential elements such as museums, programmed and local retail, edutainment opportunities, destination dining, family friendly entertainment, conference facilities, and theaters to entice people to enjoy the areas throughout the year.

It also means a more refined sense of design and a bit more transitional architectural style where modern forms, such as single pitched roofs and lots of glass, meet warm and traditional mountain materials. It means bringing the outdoors in, and also getting the family outdoors. Big balconies, operable walls in units, lobbies and meeting spaces, roll-up doors on restaurants and expansive plazas with activities programmed for all seasons, and nature threading between buildings to allow for direct access to trails.

Resort design is moving down a markedly different path than it was 20 years ago. It's no longer centered on the investment property condo and a retail shopping village. Travelers today seek a memorable experience that those older options simply won't satisfy.

THE GANG'S ALL HERE

In the resort industry, multi-generational travel has become bigger than ever. Today's resort-goers seek experiences to satisfy the whole family. Grandparents—no longer porch-sitters, but Baby Boomers who are still active and exploring—join their adult children and grandkids. Resort designs are being carefully planned to accommodate and appeal to all ages and all adventure levels. So the accommodations, too, must be welcoming to bigger groups with multiple interests, including interests outside of skiing. Resorts are quickly becoming popular summer destinations, and design is responding.

For example, ski areas have traditionally focused on après ski bars and fine dining for late night when planning a base area. But with multi-generational families visiting year-round, architects and developers recognize visitors need more variety than just winter-focused places to eat and drink. Now we design base areas more like public courtyards, with amenities such as family-friendly ice-skating rinks and fire pits in winter, and green lawns for art festivals or concerts in summer.

Incorporating a variety of summer activities and amenities akin to summer camp—where there's something for everyone—is vital. Consider easy access to hiking and biking trails for all abilities, high ropes courses, or skate parks in the outdoor space. Indoor opportunities can include fitness and wellness, arts and crafts, theaters, wine tastings, cooking classes, and game nights. All are rapidly becoming part of every ski area master plan.

KEEP IT LOCAL

Developers and architects alike have begun designing with the existing community in mind, not just short-term guests. For example, plans often include local restaurants and retail in the same areas as lodging. Savvy resort owners are turning the often-underwhelming tourist restaurants into more authentic and interesting locally-focused joints that attract both denizens and visitors. Restaurateurs who can showcase cuisine made from locally sourced products are joining forces with designers to create spaces that are unique and appealing to all.

Local, independent retailers are essential in new resort developments. Including space for these small businesses can be a smart way to stimulate the economy, connect visitors with residents, and spur a more meaningful connection with the region. From the start, retail spaces need to be designed for smaller independent businesses, not just for

Club property at the posh Victory Ranch in Utah.
Photo credit: Oz Real Estate.

larger chains.

The shops in these spaces need to be unusual, locally owned, or experiential because resort visitors mostly shop for things they cannot get at home. Developers are curating the retail experience, and success comes from great programming and thoughtful envisioning of the variety and quality of the shops.

Another opportunity is to build in collaboration with local businesses for guest participation, such as allowing guests to help beekeepers collect honey, and later get to taste that honey in a cocktail or a sweet dessert.

DESIGN FOR WHO'S BUYING

As mentioned earlier, multi-generational travel is trending, and that trend extends to resort homebuyers. Baby Boomers are still buying, and they want units with room for the kids and grandkids to stay (and play) in together. The same is true of Gen X affluent families. Instead of the "crash pad" of foregone ski days, we're seeing greater emphasis on larger, family-heirloom units that also have independent rental potential via Airbnb or VRBO.

Millennials represent the final, albeit smaller, piece of the new purchasers market. Millennials with disposable income are buying property in resorts and traveling with groups of family or friends. This generation is savvy, and they buy with an eye on the property's rental potential, as well its appeal for home exchanges and other travel arrangements. They look for more modern design elements. Integrated technology is a must, so they can work remotely and



A rendering of future development on the Mayflower property at Deer Valley, Utah, shows a mix of outdoor recreation space, restaurants and retail, and a variety of accommodations.

connect seamlessly.

Finally, developers are still building for the ultra-posh set. Club properties such as Victory Ranch, Utah (near Park City), Martis Camp (near Lake Tahoe), Yellowstone Club (near Big Sky) or Marabou Ranch (near Steamboat Springs) are wildly successful. The developers are hitting a home run with exclusive experiences that connect like-minded guests.

The best of these accommodations offer family-centered spaces with multiple bedrooms, a central living room, and large kitchens. These types of places are popular with urban families who want to get their kids outdoors and off technology, while enjoying the more "camp-like" experience of seeing the same friends

and families every year without sacrificing the luxury setting.

HOTELS CAN EXPAND THE MARKET

With the ease of condo rental opportunities, and the aforementioned tendency for buyers to consider a property's rental potential, resorts are getting creative amid this competition. The uptick in short-term rentals has triggered a surge in hotel construction.

In the past, the upkeep, cost, and competition from condos was too great for the hotel model to work. But with guests looking for more tailored rental experiences with memorable character, full-service hotel brands are becoming more and more common. Delivering similar living-room quality lobbies, luxurious but approachable accommodations, unique and beautiful spaces, and interesting dining, hotels such as Snowmass's new Limelight or The Blake in Taos Ski Valley are changing the direction of much ski resort development.

Even select and limited-service hotel brands are finding a home at ski resorts, offering the right price for last-minute and frugal renters. These compete with Airbnb and may be cheaper alternatives for vacations. Many developers are planning such hotels at existing resorts already, including Squaw Valley, Copper Mountain, Snowmass, Aspen, Keystone, Deer Valley, and Breckenridge.

This influx of options will offer multiple experiences for different types of travelers, and developers can do more than condos, keeping the resort experience diverse.

» on page 64



Slope-side hotel accommodations, and hotels in general, are becoming more common.

Building Ski Towns of the Future

» from page 52

BUILD FOR ALL SEASONS

Ski resorts are no longer "ski resorts," they are "mountain experiences." And developers and designers are taking notice by emphasizing the experience, not the weather.

In fact, experiential design is now more critical than ever to the resort industry, mostly because of the popularity of season passes. In the past, people felt they needed to ski hard all day to get the most out of the day ticket they bought. Today, passholders can enjoy a guilt-free half day on the slopes and enjoy other activities the rest of the day.

The key is, resorts need to offer those other activities, particularly activities that are locally authentic. That might be a sleigh ride to a refurbished historic mining cabin that is now a restaurant, or the chance to create art with local artists, hike with local ecologists, or a back-country trek with a local guide.

In summer, while some resorts may focus

more on traditional mountain activities such as hiking and biking, many owners are finding success in ropes courses, skateboard parks, fishing amenities, and even glamping. Architects and developers can work together to maximize space, style, and opportunities—without damaging the authenticity of the mountain or the eco-system—of these nontraditional ski town experiences.

Of course, it can be a bit of a challenge to attract guests during shoulder seasons. Conference centers are one solution; they can help fill guest rooms and activate a hotel. Conference centers are ideal for weddings, receptions, and corporate events. The trend is to create tech-enabled, multi-functional conference spaces that speak to the place. They have windows to enjoy the scenery, patios off of the ballroom with sliding walls for indoor-outdoor opportunities, and breakout rooms that allow for smaller meetings to occur. Flexible space is key.

Designing with year-round outdoor space in mind is a critical component to success. >>

THE FUTURE IS DIVERSITY OF DESIGN

Industry consolidation—however you feel about it—is changing the travel habits of skiers and snowboarders nationwide. Rather than one home mountain, people are exploring many resorts, and developers must strive to meet the guests' interests.

Dozens of ski communities across North America are investing in development, and with an eye on key concepts—multi-generational travel, local integration, year-round experiences, and hotels vs. rentable condos—we can create authentic ski communities that offer unique (and affordable) experiences and adventures for all.



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Aspen Highlands, CO ■ Mammoth Mountain, CA (their 2nd)

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Best regards,
Reynold Wilden
Sales Manager

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Phone: 800-525-1173 • Fax: 303-289-6381

Email: reywil@pioneerpipe.com

Web: www.pioneerpipe.com

Alexandra Ananth

From: Julie Schultz
Sent: Wednesday, November 17, 2021 3:34 PM
To: Alexandra Ananth
Subject: FW: [External] New eComment for Planning Commission

From: noreply@granicusideas.com <noreply@granicusideas.com>
Sent: Wednesday, November 17, 2021 1:39 PM
To: Council_Mail <Council_Mail@parkcity.org>; Michelle Kellogg <michelle.kellogg@parkcity.org>; Matt Dias <matt.dias@parkcity.org>
Subject: [External] New eComment for Planning Commission

[CAUTION] This is an external email.



New eComment for Planning Commission

Sherie Harding submitted a new eComment.

Meeting: Planning Commission

Item: 5.A) Park City Mountain Resort Base Parking Lots - MPD Modification Work Session- Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, With a New Master Plan, Known as the Park City Base Area Lot Redevelopment Master Plan Study. The Commission Will Discuss Off-Site Parking and Transportation, Draft Findings of Fact, Draft Conditions of Approval and Other Issues Raised in the Staff Report. PL-20-04475. *Public Input will be taken via e-comments and Zoom* (A) Work Session, No Action Will Be Taken

eComment: The Planning Commission Nov 17th meeting on the PEG Development goes forward, maybe. Apparently, that is up to PEG. Per the applicant's specific request, this work session was for PEG to continue presentations on transportation and parking. Is this a waste time? The City awaits their AECOM analyses which will include an operations model, cost per mile factor, and application to other projects. Other projects! Is this the progressive, far sighted, regional approach to transportation and parking promised by our new City leaders? Thank you to our Planners and Commissioners. The transportation and parking variables are many, and it is wise to analyze with the big picture in mind. It is particularly wise to include all parties, PEG, Vail, The City, Summit County, Deer Valley, et al. At first, I was concerned that our tax dollars were paying for the AECOM study. After all PEG is responsible for off-site employee parking, for fewer

underground parking stalls, and consequently for overflow parking. But, now I realize, all need to weigh in, including the City planners and leadership. Sherie Harding Old Town

[View and Analyze eComments](#)

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Alexandra Ananth

From: planning
Sent: Wednesday, November 17, 2021 3:34 PM
To: Alexandra Ananth
Subject: FW: [External] Preserve the Park City we know and love

Julie Schultz
Executive Office Administrator
Park City Municipal - Planning Department
445 Marsac Avenue, PO Box 1480
Park City, UT 84060
o: 435.615.5061
www.parkcity.org



From: Margaret vallejo <margaretlv90@gmail.com>
Sent: Wednesday, November 17, 2021 3:32 PM
To: planning <planning@parkcity.org>
Subject: [External] Preserve the Park City we know and love

[CAUTION] This is an external email.

Dear Park City Planning Commissioners,

I have lived in Park City my entire life and seeing the growth and changes over the years has been bittersweet. All of us came to Park City for the slower pace of life, the love of outdoors, and the reliance on our community for what we need.

Decisions about our town used to be discussed openly, transparently, and in communication with the locals. But recently, with the huge influx of new corporations and part-time residents, these decisions now seem to be governed more by potential profit than what's in the best interest for the locals and the environment.

The recent proposed developments at the base of Park City Mountain Report and the Kimball Arts Center are extremely worrying due to their enormous size.

Park City's charm is neither exponential nor scalable. It's finite and precious. And it is up to each of us Parkites to be good stewards of what makes this place so special.

If we don't preserve what makes this town great – which in large part is our open spaces and access to nature – we are going to lose the appeal of what brings visitors to our town, cause irrevocable havoc on our environment, and lessen our quality of life.

Please put people before profit and move to not approve these detrimental developments.

Sincerely,

Alexandra Ananth

From: planning
Sent: Wednesday, November 17, 2021 1:59 PM
To: Alexandra Ananth
Subject: FW: Traffic, existing and traffic increases with combined construction proposal

Julie Schultz
Executive Office Administrator
Park City Municipal - Planning Department
445 Marsac Avenue, PO Box 1480
Park City, UT 84060
o: 435.615.5061
www.parkcity.org



From: Len Starbeck <lstarbeck@gmail.com>
Sent: Wednesday, November 17, 2021 1:45 PM
To: planning <planning@parkcity.org>
Subject: [External] RE: Traffic, existing and traffic increases with combined construction proposal

[CAUTION] This is an external email.

16 November 2021

Dear sirs and mams,

Parking and traffic in Summit County now and in the future is a critical concern. I want to respectfully ask for clarify on what the future traffic in Park City will be with all the approved proposed and pending construction developments going on in our county. The Jordanelle, Mayflower and the four hotels and new ski resort developments will have additional impacts on our county even though they are not within our county.

Park City Mountain Resort base area development, you're aware that Vail Resorts has a contract to sell its development rights for the four surface parking lots (a total of ten acres) to PEG, a Provo developer (contingent upon approval of the plans by the Park City Planning Commission).

1) three condominium complexes, 2) a 500-foot-wide and 87-foot-tall parking garage/condominium building, and 3) a hotel that is over one hundred feet tall. What are the current updated parking and traffic impacts, and studies are indicating how much more traffic?

Lincoln View has done some homework reaching out to many agencies for their support and promising benefits of money for each. Brady Brandon (Summit County senior Engineer) does annual traffic surveys there himself. What will the county and UDOT do to mitigate the traffic increase?

Mixed use neighborhood proposal on Rasmussen Road. 143 multi-family units, including 112-unit apartment building. 18,000 square feet of commercial is also proposed. This second attempt is a County Council decision by councilors who won't be affected by the traffic increases. That is if this development and other are approved by the Snyderville Planning Commission. The five councilors continuously vote on construction sites that are not in their neighborhoods. This is similar outcome for the Dakota Project.

The city's Land Management Code requires there be a dedicated open space within the area being developed when there is new construction in order to offset the new structures.

Why not let Crisco Development build on the dedicated 6.7 acres of open space as well! The Provo based developer (PEG) has been granted the use of eleven acres of the Park City existing ski runs and mountain to meet their open space requirement. In other words, PEG is using 11 acres of the mountains ski runs to count towards the open space it is required to have for this parking lot development! Since Swaner's Preserve land is right there, why not adopt that open space and adopt the 6.7 acres of that preserve in the same city shuffle they are for the 11 acres of the ski resort? Why they could build 30 percent more housing units with the same waver Crisco is getting for their open space!

Park City Mountain Vail Resorts has been granted the acceptance, why not Crisco Development?! Not!

Traffic was the issue at hand with the Highland Flats downfall. The developer shot themselves in the foot trying to use outdated traffic surveys and still tried to not only bluff the public, but they also boldly presented the dated and skewed traffic data to the county council and the Snyderville Planning Commission as well. Not once or twice but at least three times. No, I ask, what indirect ways are these other developers not revealing about the accurate traffic increases that will certainly impact the growth and traffic increases. Our County Engineers (Brady's) are the only studies I am inclined to believe, not the developers. The county council once again ignored the falsified numbers but, in the end, voted it down.

UDOT, Zoning and the Vision of 2020 master plan. These are our guides. Can I respectfully ask what these entities have on our growth and traffic mitigation for the enormous housing growth Summit County?

Parking, Density and traffic

The Dakota Project has 1,100 units and this too is a critical concern. Density and traffic would be a nightmare. When you drive up to a red light that cross's SR224 in Kimball Junction with four cars in front of you and wait for a green light, that can change in 4 seconds. That means you have to wait for a second or third light evolution. This light is three seconds during high traffic times, especially when the ski lifts close. Imagine 1100 new units and another 2200 cars needing to travel through that intersection... This is controlled by UDOT, and they are aware of the traffic concerns and adjust the timing of these traffic lights at Kimball Junction, right now. What is the UDOT's input of the traffic surveys and future potential housing proposals? A two second intersection light?!

The Silver Summit has 1600 units going up a mile north of Home Depot. They have a bottleneck at the Burt Brothers round about. That traffic nightmare is about to unfold if there are no plans to open up another access to that neighborhood by UDOT. Does the Summit County Planning Commission have, and road construction

plans to mitigate that concern? Traffic lights? What input does UDOT on this development and the increase in traffic for this development?

How much traffic has the Jordanelle Development of 20,000 units created and will create on completion? Though it will be years of construction the new development of a ski resort. Located on Highway 40 by the Jordanelle Reservoir, how much traffic will that development generate on SR-248; SR-224 to US-40. There will be four high rise hotels in that project. Do we think that traffic will affect the traffic coming into Park City past the high school? This project will certainly affect SR 224 and SR 248. Kim Clark with the UDOT points out they have repaved these roads. UDOT and the county had about 250 road repairs this summer. UDOT and the county has done a remarkable job upgrading our existing state and county roads this summer.

There is a nearly completed Lincoln Project on Bitner Road. What is that going to contribute to the overall traffic increases to the county traffic?

I will ask the Park City Council, the Summit County Council, the Park City planning commissioners and UDOT, "what the overall traffic increases will be with all these current and in particular, the proposed development will have on the traffic in our county? To include the Wasatch numbers that will certainly affect out traffic from the new ski resort at Mayflower. I want to see the numbers on the traffic projections for all projects in the county now and in the future. The infrastructure in the northern Wasatch neighbors is lacking. The 20,000 units will need to travel on out state roads to get everyday supplies and fuels. This development along will bring 40,000 cars to their community. They will certainly affect the increase in traffic on our county and state roads.

The second question is how they see any and all mitigation of the crisis we will face with the resulting traffic increases that is and will affect Park City roads. Can we determine, clarify and verify the traffic mitigation before the councils approve of the actual construction of any new housing projects.

With the answers of how much combined traffic increases and the proposed mitigation what is UDOT going to guarantee for traffic mitigation for Park City?

Respectfully
Len Starbeck
lstarbeck@gmail.com
Snyderville Basin
(858) 208-6505

[Planned Projects | UDOT \(utah.gov\)](#)

[Project Summary \(utah.gov\)](#)

[Utah Transportation Commission Meeting | UDOT](#) 19 November 2021 UDOT transportation Commission Meeting on where funds are to be spent.

[Engineering | Summit County, UT - Official Website](#)

[Public Works | Summit County, UT - Official Website](#)

Sent from [Mail](#) for Windows

From: [planning](#)
Sent: Wednesday, November 17, 2021 1:02 PM
To: [Len Starbeck](#)
Subject: RE: Traffic, existing and traffic increases with combined construction proposal

Hi,
Thank you for your comment. However, it came through corrupted. Could you please resend?
Julie

Julie Schultz
Executive Office Administrator
Park City Municipal - Planning Department
445 Marsac Avenue, PO Box 1480
Park City, UT 84060
o: 435.615.5061
www.parkcity.org

-----Original Message-----

From: Len Starbeck <lstarbeck@gmail.com>
Sent: Wednesday, November 17, 2021 8:08 AM
To: kclark@utah.gov
Subject: [External] Traffic, existing and traffic increases with combined construction proposal

[CAUTION] This is an external email.

" <kclark@utah.gov>,
"Brandon C. Brady" <bbrady@summitcounty.org>,
"tcooke@summitcounty.org" <tcooke@summitcounty.org>,
"planning@parkcity.org" <planning@parkcity.org>
Cc: "jcdeyoung33@gmail.com" <jcdeyoung33@gmail.com>,
"karens.spencer@comcast.net" <karens.spencer@comcast.net>,
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@font-face
    {font-family:Calibri;
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Alexandra Ananth

From: planning
Sent: Wednesday, November 17, 2021 1:58 PM
To: Alexandra Ananth; Gretchen Milliken
Subject: FW: [External] FW: Continuance of Park City Base Area MPD Amendment to December 15

From: deb <der0813@aol.com>
Sent: Wednesday, November 17, 2021 1:49 PM
To: Sean Higgins <shiggins@kpcw.org>; Leslie Thatcher <lthatcher@kpcw.org>; bubba@parkrecord.com; Parker Malatesta <parker@townlift.com>
Cc: ndeforge@fabianvancott.com; planning <planning@parkcity.org>
Subject: [External] FW: Continuance of Park City Base Area MPD Amendment to December 15

[CAUTION] This is an external email.

All,

Our town is getting jerked around. PEG insisted on this meeting (see staff report) in spite of Staff requesting they continue until December. PEG refused to agree with staff and so the meeting remained on schedule. Now, they cancel four hours prior. It's absolutely unacceptable and an indication of things to come if we approve their proposal. This should be a clear indication of how they respect teamwork and our City employee's, servant's and resident's time. See email thread below for details.

Sincerely,
Deb Rentfrow

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[Sent from the all new AOL app for Android](#)

[Sent from the all new AOL app for Android](#)

From: Alexandra Ananth <alexandra.ananth@parkcity.org>
Sent: Wednesday, November 17, 2021 1:25 PM
To: Christin VanDine <christin.VanDine@parkcity.org>; Douglas Thimm <douglas.thimm@parkcity.org>; John Kenworthy <john.kenworthy@parkcity.org>; John Phillips <john.phillips@parkcity.org>; Laura Suesser <laura.suesser@parkcity.org>; Mark Harrington <mark@parkcity.org>; Mark Sletten <mark.sletten@parkcity.org>;

Planning_Mail <Planning_Mail@parkcity.org>; Sarah Hall <sarah.hall@parkcity.org>
Cc: Nicole Deforge <ndeforge@fabianvancott.com>; Deborah Rentfrow <der0813@aol.com>
Subject: FW: Continuance of Park City Base Area MPD Amendment to December 15

Dear Planning Commissioners,

See below request for a continuation of tonight's meeting to the December 15th Planning Commission meeting from PEG and Vail.

You will still need to log in to tonight's meeting so that the Commission can officially continue the meeting to a date certain.

Please let me know if you have questions and please do not reply all.

Thank you,

Alexandra Ananth

Senior Planner

Park City Planning Department

Marsac City Hall
445 Marsac Avenue
Park City, UT. 84060
Ph: 435.615.5066



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From: Kara Bowyer <Kbowyer@vailresorts.com>
Sent: Wednesday, November 17, 2021 11:12 AM
To: Gretchen Milliken <gretchen.milliken@parkcity.org>; Alexandra Ananth <alexandra.ananth@parkcity.org>
Cc: Robert Schmidt <rschmidt@pegcompanies.com>
Subject: [External] Continuance of Park City Base Area MPD Amendment to December 15

[CAUTION] This is an external email.

Gretchen and Alex, we request that you forward this email to each member of the Planning Commission.

Members of the Planning Commission, Planning Director Milliken and Planner Ananth,

On behalf of the applicant and at the request of staff, we agree to continue the work session scheduled for Wednesday, November 17 to a work session on December 15, 2021.

While PEG Development and Vail Resorts were disappointed that the AECOM study was not completed in October as staff had originally planned, we appreciate staff's continued efforts to review and make recommendations to the Commission regarding the remaining open items on our application. We continue to have productive conversations regarding the application and project with the City, and we look forward to returning to your December 15th meeting for staff to present the findings of the AECOM study and to discuss the status of the ongoing negotiations between staff, the applicant and the Resort.

We are mindful of Commissioner Suesser and Commissioner Kenworthy's comments in our September 29th hearing, in which they emphasized the importance of the Planning Commission retaining visibility into any discussions between the applicant, the Resort, and the City regarding parking and transit mitigation. To that end, and at our request, we understand that staff has reviewed the scope of the AECOM study with members of the Planning Commission, and that those Commissioners and staff believe the scope will allow staff to address any outstanding issues raised by Commissioners in relation to transit and offsite parking mitigation in hearings on the project over the past 18 months. Staff has informed us that staff will receive the AECOM study results on November 24th and staff has agreed to share those results with the applicant and the Resort on or before November 30th. Staff has agreed to meet with the applicant and the Resort on or before December 3rd to discuss the study in advance of the December 15th Planning Commission. We appreciate staff's commitment to this schedule, and likewise are committed to providing staff with the information and work product necessary to facilitate staff's recommendations on this timeline.

We appreciate the Commission's continued work on this project. Along with the applicant, we believe that this project will be spectacular for Park City, both in creating a world class resort at the base of a world class mountain but also to bring to life the City's goals of a more transit-focused, car-optional City.

Thank you,

Robert Schmidt

Kara Bowyer

PEG Development

Vail Resorts

Kara M.W. Bowyer, AICP

Director of Land Use & Community Development

Vail Resorts Management Company

Cell: 202.215.3330

kbowyer@vailresorts.com

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November 16, 2021

VIA E-MAIL (planning@parkcity.org)

Park City Planning Commission
P.O. Box 1480
Park City UT 84060

Re: Park City Mountain Base Area Development—MPD Modification

Dear Commissioners and Staff:

We are writing on behalf of RRAD Coalition, Inc, a non-profit organization comprised of many Park City residents, business owners, and homeowners. RRAD submits the following comments in response to the November 17 Staff Report and to the letter submitted by PEG's counsel, dated November 5, 2021.

Insufficient Open Space

In its letter, PEG continues to rely on the 1998 DA, arguing that its current "requests are entirely consistent" with what was approved before. With respect to open space, PEG states that the "development approvals were granted in consideration of a significantly more robust designation and restriction of Open Space than typically required by City ordinances." However, as staff notes, the 1997 MPD had over 70% open space. Even assuming PEG's latest calculations to be correct, which they are not, it now has at best only 63.99% open space. That is a very significant *loss* of open space from what PEG agreed to provide in exchange for the approvals it still claims entitlement to. By PEG's own logic, it therefore should get *less* than it received under the 1998 DA, not more. Yet, it is demanding a 37.5% increase in building height, a 40% reduction in parking requirements, and a 31,200 sf increase in density on Parcel B and 26,620 sf on Parcel C, among other concessions.

The Utah Supreme Court has explained that "[a] development approval does not create independent free-floating vested property rights – the rights obtained by the submission and later approval of a development plan are necessarily conditioned upon compliance with the approved plan." *Keith v. Mountain Resorts Dev., LLC*, 2014 UT 32, ¶ 31, 337 P.3d 213 (emphasis added). Because PEG has admittedly not complied with a multitude of conditions in the 1998 DA, including open space requirements, it cannot demand entitlement to whatever it was granted in the 1998 DA severed from those conditions.

PEG's claimed 63.99% open space calculation is also incorrect and based on a misapplication of the law. Before launching into the legal analysis, it is important for the Planning Commission to understand the rules of statutory construction that are used by courts in determining whether a governmental entity correctly applied the law. The Planning Commission must interpret each ordinance according to its plain language. It must avoid "any interpretation which renders parts or words in a statute inoperative or superfluous" in order to "give effect to every word of a statute." *Monarrez v. Utah Dep't of Transp.*, 2016 UT 10, ¶ 11, 368 P.3d 846. Only if there are two equally plausible interpretations of an ordinance can the Planning Commission choose which to adopt. Otherwise, it must adopt the most plausible interpretation. It cannot interpret an ordinance in a way that would lead to an absurd result.

PEG repeatedly complains that the Planning Commission must "interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application." But that has no relevance to any of the legal disputes raised in PEG's letter. As described in detail below, the only plausible interpretation of each of the disputed ordinances plainly prohibits what PEG is asking the Planning Commission to approve. They are not silent on the issues. The Planning Commission has no obligation to ignore the plain language of its ordinances and instead accept PEG's nonsensical interpretations in order to give PEG the benefit of the doubt.

The Planning Commission also cannot simply follow its past interpretation of ordinances if those interpretations were contrary to the plain language of the ordinance. It does not matter how the Planning Commission has interpreted or applied an ordinance in a different project, particularly when nobody was paying attention, if that interpretation does not entirely square with the plain language of the current ordinance.

With that in mind, LMC 15-6-5(D) plainly explains what counts as open space and what does not. Open space includes "Landscaped Areas, which may include ... public landscaped and hard-scaped plaza, and public pedestrian amenities, but excluding Buildings or Structures." RRAD have never disputed that public landscaped areas and hardscaped plazas *may* count as open space under this provision. But if they are on top of Buildings or Structures, they are not open space. That is the plain language of the ordinance.

Both staff and PEG continue to ignore the critical qualifying language, "but excluding Buildings or Structures" in calculating open space. In its latest report, staff bolded the language in the ordinance about plazas, but not the qualifying phrase "excluding Buildings or Structures." And it did not address that carve-out at all in its brief analysis.

PEG's counsel likewise effectively reads the phrase out of the ordinance by arguing that "excluding Buildings or Structures" actually means "has to be outdoors." That interpretation ignores the plain language of the statute and gives no effect to the words actually chosen by the City Council. It also overlooks the fact that the very first line of the ordinance already limits claimed open space to "'Landscaped Areas", which necessarily means outdoor areas. So, PEG's interpretation of the phrase "but excluding Buildings or Structures" as simply meaning "it has to

be outdoors” would make the phrase “Landscaped Areas” entirely superfluous. As noted above, such an interpretation is directly contrary to the rules of statutory construction, and no judge would uphold such a twisted interpretation of the ordinance.

PEG’s interpretation also defies common sense and would lead to an absurd result. By PEG’s interpretation, a developer could build a 10-story building that completely covers every square inch of a lot from setback to setback, plant trees on the roof, and then claim the entire lot as landscaped open space simply because it is outdoors. That is not only an absurdity, it is most certainly not the interpretation that the City wants to adopt for all future developments.

The only plausible and common-sense reading of the open space provision is that public landscaped plazas count as open space *unless* they are on Buildings or Structures. If there are buildings and structures on the land, that land is by definition not open space even if there is a landscaped public plaza on top. Therefore, to the extent that any of the public plazas shown on PEG’s plans are not located on Buildings or Structures, they clearly count on open space. But if they are located on Buildings and Structures, they do not count under the plain language of the LMC and must be deducted from PEG’s open space calculations.

Additionally, neither staff nor PEG have cited to any provision in the LMC that would allow use of open space for a helipad. The LMC only allows landscaped open space area to be used for “project amenities such as gardens, greenways, pathways, plazas, and other similar Uses.” Such uses do not include a helipad. The Planning Staff has properly required PEG to designate the area it intends to use as a helipad for the medical clinic. PEG has previously stated that it plans to use an area for the helipad that it is also counting as open space. Now it says it can’t designate any area as the helipad because a helicopter will land anywhere on the mountain that it can. But we are talking about a medical clinic, not a mountain rescue. PEG’s claim that there will be no designated area for the helicopter to access the medical clinic is not credible. It is simply refusing to designate the helipad area to avoid having that area deducted from its open space calculations.

Increased Building Heights and Setbacks

PEG curiously continues to argue that it is somehow entitled to increased building heights because they were approved in the 1998 DA. No one disputes that had PEG complied with the deadlines in the 1998 DA, it would have been entitled to build in accordance with the maximum heights and minimum setbacks as allowed in the 1998 DA. But it didn’t. Even PEG now concedes in its proposed findings of fact that the “height exceptions have expired with the site plan.”

Despite having failed to comply with the 1998 DA in multiple respects, and agreeing that the site plan has expired, PEG attempts to bootstrap the old approvals into its new plans by claiming that “it is not altering the status quo with respect to allowed Building Heights and Setbacks.” That is simply not true. The building heights it now proposes are multiple stories higher than what was approved in 1997: Parcel B is nearly 10’ higher; Parcel D is more than 10’ higher; and Parcel C is nearly 30’ higher. Given that, PEG’s claim that it is complying with what was approved for building heights in the 1997 MPD is baffling.

Moreover, as the Planning Commission has correctly noted on many occasions, the *use* that was approved in the 1998 DA is radically different than what PEG now wants to do on the site. That change dramatically disrupts the balanced give-and-take that was struck in the 1998 DA. Rather than having a resort center at the base with critical resort services, like a workable ski school drop-off, there is a 7-story hotel. So, if PEG's plan is approved there will be two hotels instead of one on the site. Just as the traffic problems with the site are the result of PEG's ill-advised decision to shift 50% of current parking from Parcel E to Parcel B in violation of the 1997 MPD, PEG's unilateral decision to change Parcel C from a resort center to a hotel in violation of the MPD is the catalyst for many of the insoluble problems plaguing the current plans. Again, PEG cannot argue that its current plans are "entirely consistent with" the 1998 DA given these major deviations.

PEG's interpretation of the LMC provisions regarding increased building heights and setbacks are also legally and analytically flawed. The parties do not dispute that increased building heights can only be allowed if PEG provides "increased Setbacks and separations from adjacent projects," as required under LMC 15-6-5(F)(4). At the last Planning Commission meeting, PEG's counsel conceded that RRAD's interpretation of this provision as requiring increased setbacks from adjacent projects for each building that would exceed the MPD height restrictions was a plausible interpretation of the ordinance. But it then argued that the Planning Commission did not have to adopt that interpretation if there was another plausible interpretation. There isn't one.

PEG's proffered interpretation reads key terms out of the ordinance and, regardless, does not lead to any different result. PEG argues that the use of the term "projects" instead of Lot or Parcel means that "the Planning Commission should evaluate the Building Height and Setback equation holistically over the entire MPD area." Therefore, its logic goes, it only has to show that the average setback across the site is more than what the minimum average would be. There are three fatal flaws with that argument.

First, PEG reads the first two words of the phrase "from adjacent projects" out of the ordinance entirely. Instead, it suggests that the term "projects" references the MPD site itself, rather than the "adjacent projects" it actually references. The ordinance therefore requires PEG to show that it has increased setbacks next to adjacent projects. And whether you use the phrase adjacent projects, adjacent lots, or adjacent parcels, the result would be precisely the same. There must be increased setbacks from adjacent properties. Simply looking at the average setback across the site tells you nothing about whether there are increased setbacks "from adjacent properties."

Second, the result is the same whether you look at increased setbacks building-by-building, façade-by-façade, or at the site as a whole. You still have to look at the "adjacent projects" and see whether there are increased setbacks from those projects. There aren't any. The areas of increased setback on the site are either internal or not adjacent to any other projects. PEG argues that it meets the increased setback requirement for Parcel B because it "maintains the increased twenty-five foot (25') setback" required in the zone. But a 25' setback is not an "increased" setback at all. It is the *minimum* setback required for all MPDs in any zone. PEG's improper use of the word "increased" in that context seems designed to mislead.

Third, even if the Planning Commission could ignore the language of the ordinance and instead just take an average of all the setbacks on the site and see if it turns out to be less than what an average setback would be, PEG's claim to a 9-10' increased setback in its proposed findings is wrong. PEG counts *stepping* at upper stories as increased *setbacks* even if the main floor of the building is actually right at or even below the minimum setback requirement. That is not how setbacks work. The setback of a building is measured at the point where the building is closest to the property line. If that were not the case, you could build an entire building right on the property line provided that just one floor was stepped back to the minimum setback line. PEG also counts internal areas that are not actually adjacent to any other projects. Those areas clearly do not count under the ordinance.

Finally, keep in mind that PEG must also provide "more than the minimum Open Space required" for a building height increase. To the extent that PEG is relying on the 1998 approvals increased buildings heights, it was required to provide minimum open space of 70%. It now claims only 63.99%. That is a *decrease* in required open space by any calculation. To the extent the proper comparison is the minimum LMC requirement instead, PEG asking for a *60% increase* in building heights with, at the very most, only a 3.99% increase in required open space. That *de minimis* increase does not by any stretch justify the enormous height increases PEG asks for, particularly next to adjacent residential properties.

Reduced Setbacks

PEG does not dispute in its letter that it must show its requested setback reductions are "necessary for desired architectural interest and variation" or they cannot be approved. It also does not dispute that "necessary" means necessary. Instead, it argues that without the reduced setbacks, it will design monolithic façades on the Parcel B buildings. In other words, it argues that because it unilaterally designed those buildings to go right up next to the 25' perimeter setback, it has created the necessity for reduced setbacks to avoid monolithic façades. By that logic, every developer can likewise design all buildings on an MPD site to go up to the perimeter setback and get all the reductions it wants to prevent monolithic façades at the setback line. Such an interpretation provides no standard at all for setbacks.

This same argument was raised and repeatedly rejected by the Board of Adjustment during the Woodside Affordable Housing project. The City claimed that its plans necessitated reduced setbacks on three perimeters to provide architectural interest. The Planning Commission approved the reductions over the same objections raised now—that a self-created necessity is not a necessity. The Board of Adjustment reversed, but the Planning Commission bolstered its finds and approved the reduced setbacks again. The Board of Appeals unanimously reversed again, with board members making the following statements:

- "Board Member Fuegi thought the argument was made that the setbacks are required for the project as it is designed. It resonated with him that the project was designed first and the setback reduction was requested after. He could not understand why they did not even try to comply when they had such a large parcel

to work with. Mr. Fuegi liked the design but it is not within what the rules require. In his opinion, you first start with following the rules and if there is a hardship or some good reason to request a change, that is understandable. He was having a difficult time justifying that the reduction is necessary to make the project work as designed.”

- “Board Member Wilson echoed Mr. Fuegi.... She thought the City came back with the same plan and no proof that this was the only plan that would work. Ms. Wilson stated that she was having a hard time with ‘necessary’.”
- “Chair Gezelius stated that good site planning is the reason why they have setbacks.”

The same considerations apply here. If PEG decides to build right up to the setback line without façade variation, it cannot demand setback reductions so that it can comply with the LMC requirements for façade variation. And don’t forget that PEG conceded that the true reason it needed the setback reduction was because of its parking deck placement. None of that constitutes “necessity” under the setback provision.

Tandem Parking Prohibited. In the staff report and letter from PEG’s counsel, it is important to note not only what was argued but what was not. Neither PEG nor staff has ever disputed the fact that tandem parking for the hotel is prohibited under LMC 15-3-3(I). The hotel does not have enough parking with tandem parking.

Driveways Too Close to Intersections. PEG’s current plans show eight new driveways and related curb cuts being added to a half-block section of Empire Avenue across from homes. Those driveways do not comply with the Spacing requirements under the LMC 15-3-3(H). Empire Avenue is designated as a “collector” road in the Park City Transportation Master Plan. On collector roads, driveways must be at least 75’ from the intersection. The closest driveway appears to be less than 15’ from the intersection. Driveways must also be 50’ from another driveway with the sole exception of Single-Family dwellings. Yet, the parking garage entrance on Empire appears to be only 10-15’ from the nearest Single-Family dwelling. That parking garage entrance violates the LMC. It appears that the driveways on Parcel E may also run afoul of the Spacing requirements in this LMC. Planning staff should require that distances be included on the plans to be able to confirm whether that is the case.

PEG’s Proposed Findings. We also enclose with this letter a redline of the proposed findings submitted by PEG in its letter. We encourage the Planning Commission and staff to pay close attention to every place where the proposed language deviates from the actual language in the LMC. This is intentional. These deviations fudge the true LMC requirements and the necessary findings that must be made. The proposed findings do not accurately reflect the law or the facts.

We appreciate your consideration of these critical issues.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nicole', with a stylized flourish at the end.

Nicole M. Deforge

cc: client; Mark Harrington; Margaret Plane; alexandra.ananth@parkcity.org

RRAD'S Revisions to
PEG'S Proposed Building Height Findings

1. The RC District allows for structures up to thirty-five feet (35') in height from Existing Grade.
2. Section 15-6-5(F) of the Land Management Code allows the Planning Commission to "...consider an increase in Building Height based upon a Site specific analysis."
3. The 1998 Development Agreement and 1997 Approvals, allowed for exceptions to Building Height, and the 2021 Master Plan is seeking exceptions to Building Height consistent with the 1997 approved plans. The 1997 Approvals allowed for the following approximate maximum building heights as measured under the current Land Management Code:
 - a. Parcel B maximum Building Height of 78 feet.
 - b. Parcel C maximum Building Height of 75 feet.
 - c. Parcel D maximum Building Height of 60 feet.
 - d. Parcel E maximum Building Height of 83 feet.
4. These height exceptions expired with the site plan and the applicant has applied for new height exceptions with respect to the 2021 Concept Master Plan, as follows:-
 - a. Parcel B maximum Building Height of 87 feet.
 - b. Parcel C maximum Building Height of 103 feet.
 - c. Parcel D maximum Building Height of 71 feet.
 - e.d. Parcel E maximum Building Height of 84 feet.
5. The Planning Commission may consider an increase in Building Height based upon a Site specific analysis. The Applicant must request a Site-specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings for an increase in Building Height can be made. In order to grant Building Height in addition to that which is allowed in the underlying Zoning District, the Planning Commission must find that:
 - a. The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone-required Building Height and Density, including requirements for Facade variation and design, but rather provides desired architectural variation, unless the increased square footage or Building volume is from the Transfer of Development Credits;
 - b. Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss of air circulation have been mitigated as determined by the Site specific analysis;
 - c. There is adequate Landscaping and buffering from adjacent Properties and Uses;
 - d. Increased Setbacks and separations from adjacent projects are proposed;
 - e. The additional Building Height results in more than the minimum Open Space

required and results in Open Space that is publicly accessible;

f. The additional Building Height is designed in a manner that provides a transition in roof elements in compliance with Chapter 15-5, Architectural Review, or the Design Guidelines for Park City's Historic Districts and Historic Sites if the Building is located within the Historic District.

4. The Planning Commission finds that the increase in Building Height as shown in the 2021 Concept Master Plan set dated _____ does not results in increased square footage or Building volume over what was approved in the 1998 Development Agreement and 1998 PCMR Concept Master Plan for Parcel B, Parcel C, and Parcel D. The Applicant has also improperly shifted density between parcels, which was prohibited in the 1998 Development Agreement and 1998 PCMR Concept Master Plan.
5. ~~Height exceptions are appropriate given that in 1997 the City Council determined that clustering density at the base area was preferable to spreading density up the mountain, and that the clustering preserves open space, provides opportunities for view corridors, and increases the effectiveness of public transportation. [None of these are relevant under the LMC.]~~
6. ~~_____~~
- 6-7. The Planning Commission finds that buildings have not been positioned to minimize visual impacts on adjacent Structures with respect to Parcels _____. The Applicant has not taken into consideration the slope on the site, which results in an even greater visual impact on adjacent Structures, like the residential homes on Empire, than is reflected in the proposed maximum heights. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss of air circulation have not been mitigated through building placement and increased Setbacks with respect to Parcels _____. The buildings have been placed at the Setback line on Parcels _____, resulting in no increased Setbacks from neighboring Properties, and there are reduced Setbacks from neighboring Properties on Parcel B.
7. The Planning Commission finds the Applicant has not met its burden of showing that there is adequate Landscaping and buffering in the form of Setbacks from adjacent Properties and Uses on Parcels _____; In addition, Landscape buffering and detailed landscape plans will be required for the CUP application process.
8. ~~The Planning Commission finds there is adequate room for Landscaping for adjacent Properties and Uses. Because the Applicant must make the showing at the MPD stage to make the necessary findings, it cannot delay to the Landseaping details will be required at the CUP process to make the necessary showing, ensure adequate buffering for adjacent Properties and Uses.~~

- ~~10.9.~~ The Planning Commission finds that there are no increased building Setbacks—are increased, resulting in an overall average approximately 9-10 feet in excess of the zone setbacks after including setback reductions for portions of Building B, with additional Building Height in order to provide increased separation from adjacent properties from adjacent projects on Parcels _____. There are even reduced Setbacks from adjacent parcels on Parcel B.
- ~~11.10.~~ The Planning Commission finds that the Applicant has not met its burden of showing that the proposed additional Building Height results in more than the minimum Open Space required, and results in Open Space that is publicly accessible. The 1998 Development Agreement and 1998 PCMR Concept Master Plan required 70% Open Space on the site. The Applicant claims only 63.99% Open Space. The Applicant has also failed to show that the 63.99% it claims is Open Space as defined in the LMC. First, not all the claimed space is public, such as front yards for private townhouses. Second, some of the claimed Open Space is on Buildings and Structures, which does not constitute Open Space under the LMC. Third, the Applicant has indicated that some of the claimed Open Space will be used has a helipad for the medical clinic, which cannot then be claimed as Open Space. Because the Applicant has failed to designate a helipad location, the Planning Commission must assume based on the Applicant's past comments that it will be located on area that Applicant improperly claims as Open Space.
- ~~12.11.~~ The Planning Commission finds that additional Building Height is not designed in a manner that provides a transition in roof elements in compliance with Chapter 15-5, Architectural Review, including the Façade Length and Variation requirements of §15-5-8 on Parcels _____. There is very little stepping on most façades, particularly those adjacent to neighboring properties. Merely stepping back the top floor is insufficient.
- ~~12.~~ The Planning Commission finds that additional Building Height shall only apply to the specific plans reviewed and approved by the Planning Commission as represented in the 2021 Master Plan. This results in the following maximum Building Heights from Existing Grade for the following parcels:
- ~~b.~~ Parcel B maximum Building Height of [87] feet and [6] stories from Existing Grade. The nearest abutter is approximately [65] feet away from this Building Height.
 - ~~c.~~ Parcel C maximum Building Height of [103] feet and [7] stories from Existing Grade. The nearest abutter is approximately [70] feet away from this Building Height.
 - ~~d.~~ Parcel D maximum Building Height of [71] feet and [5] stories from Existing Grade. The nearest abutter is approximately [40] feet away from this Building Height.
 - ~~e.a.~~ Parcel E maximum Building Height of [84] feet and [6] stories from Existing Grade. The nearest abutter is approximately [50] feet away from this Building

RRAD's Redline to PEG's Proposed Setback Findings

1. LMC 15-6-5(C) requires the minimum Setback around the exterior boundary of a Master Planned Development shall be twenty-five feet (25') for Parcels greater than 2 acres.
2. Section 15-6-5 of the Land Management Code allows the Planning Commission to decrease the required perimeter Setback to the zone-required Setback "...if it is necessary to provide desired architectural interest and variation."
3. The zone-required Setback is twenty feet (20') for the Recreation Commercial (RC) District and the 1998 PCMR Concept Master Plan expressly contemplated twenty foot (20') setbacks for Parcel B.
4. ~~The limited areas of 20-foot setback requested for Parcel B provide both vertical and horizontal architectural articulation.~~
5. ~~The applicant currently requests and the Planning Commission hereby approves reductions in the perimeter setbacks to twenty feet (20') for the north (floors 2,3 and 4 only), and west façade of Parcel B only, specifically finding that the twenty feet (20') Setbacks for Parcel B are~~ which is consistent with the underlying Recreation Commercial zone.
6. ~~However, the Planning Commission finds that the Applicant has not shown that the requested setback reductions~~ and are necessary to provide desired architectural interest and variation because the reduced setbacks. The Applicant could have provided the same architectural interest and variation it claims necessitate setback reductions by simply not building right up to the setback line for the entire façade of the affected buildings.
- 5.7. ~~The Applicant cannot design for reduced setbacks and then claim that the reduced setbacks are necessary for its designs. :~~
 - ~~Are necessary to transition the scale of the proposed building from the Resort to the surrounding neighborhood and to decrease the perceived scale of the proposed building on Parcel B;~~
 - ~~Are necessary for vertical and horizontal architectural articulation providing increased architectural interest and variation both desired and required by the Planning Commission, both at the ground level and at the above-ground level stories for the proposed Parcel B building, that would not be achieved if the applicant was required to meet the twenty-five feet (25') Setback requirements;~~

- ~~Are necessary to include architectural elements that are similar to those allowed to extend into the front Setback pursuant to the Recreation Commercial District (i.e. decks, porches, bay windows, roof overhangs, eaves and cornices); and~~
- ~~Are necessary to implement additional horizontal façade variations while remaining compatible with the setbacks for neighboring streetscape and residential development. The resulting architecture and variation is desired to mitigate the transition to the residential areas of the zone. The 2021 Master Plan provides for adequate space for a minimum of twelve feet (12') multi-use trails, landscaping and snow storage area, even in the areas where architectural elements extend beyond the twenty-five feet (25') Setback requirements.~~

~~11.8.~~ It is unclear whether the 2021 Master Plan provides includes no perimeter Setbacks less than twenty feet (20') because the Applicant has no provided below-grade dimensions. To the extent there are any Setbacks less than 20', they prohibited by the LMC. Any potential canopy over the transit station on Lowell Avenue will be reviewed in accordance with right of way regulations and the LMC, if applicable, at the time of CUP.

~~12.9.~~ The 2021 Master Plan provides shows that all parking structures above Existing Grade meet the twenty-five feet (25') MPD Setback requirements, but it is unclear whether the parking structures extend beyond the 25' MPD boundary below grade. LMC 15-15 states that between the setback line and the property line, "no Structure or portion thereof shall be permitted, erected, constructed, or placed unless specifically allowed by the Zoning District." To the extent that any parking structures extend beyond the 25' MPD boundary below grade, the Applicant has failed to make a showing that the setback reduction is necessary to desired architectural variation and interest, and corresponding setback reduction request is denied. No setback reductions are proposed for any façade of a parking structure.

Formatted: Underline

Alexandra Ananth

From: planning
Sent: Wednesday, November 17, 2021 1:05 PM
To: Alexandra Ananth
Subject: FW: [External] PCMR Project

From: deb <der0813@aol.com>
Sent: Tuesday, November 16, 2021 4:33 PM
To: John Phillips <john.phillips@parkcity.org>; John Kenworthy <john.kenworthy@parkcity.org>; Laura Suesser <laura.suesser@parkcity.org>; Sarah Hall <sarah.hall@parkcity.org>; Christin VanDine <christin.VanDine@parkcity.org>; Bill Johnson <bill.johnson@parkcity.org>; Douglas Thimm <douglas.thimm@parkcity.org>; planning <planning@parkcity.org>
Cc: Nicole Deforge <ndeforge@fabianvancott.com>
Subject: [External] PCMR Project

[CAUTION] This is an external email.

Commissioners,

As we prepare for another PEG/PCMR meeting tomorrow night, please consider the following:

NO PUBLIC COMMENT submitted via email or e-comment was included in the packet. Not knowing the habits of the commissioners, this is concerning. Perhaps although comments are emailed, forwarded or otherwise to the Commissioners over time, it's not unreasonable to assume some may be overlooked or else one waits until the packet comes out and then reads and reviews all at once. Unfortunately, no public input was included in the packet under this scenario. It is my understanding it wasn't determined there would be a meeting until the 11th hour and it's at the applicant's request in spite of AECOM not having their analysis complete or any other new information being provided ahead of the meeting other than the letter from their attorney.

It is currently planned that during the December meeting AECOM will bring their analysis on parking/traffic needs including a per mile factor, enhanced transit capacity and Quinn's park & ride facility. Is AECOM performing this review as a neutral 3rd party or in negotiation with PEG? Please consider AECOM is being paid with the resident's tax dollars so they should be operating under the mindset of what is best for the community, not what best works for the developer. Can any assurances be made this is their approach? Previous analysis and recommendations have gone ignored by the developer and AECOM seems to have had their arm twisted into going along with what the developer wants instead of what would be best scenario.

Staff points out applicant is proposing to rely on City & County Park and Ride facilities served by transit on peak days. There aren't just a handful of peak days and overflow parking at the high school has been necessary. Park & Rides do not currently exist to support the demand and with the school bond passing, the high school construction begins in 2022 and goes through 2024 – if completed as scheduled. Therefore, the overflow at this location is not guaranteed beyond this upcoming ski season. PCMR is not the only resort needing overflow – DV is in same boat. The county has ZERO plans for additional park and rides. In addition, the proposed park & ride at Quinn's has not gone back out for bids yet & is not guaranteed. Even if built, it is inadequate to meet the parking demand. And the claim of a shoulder bus lane being a big improvement that will reduce traffic is faulty thinking. There is only 1.25-1.5 miles of inbound shoulder lane for buses on 248; there is no dedicated outbound shoulder for any length of roadway. People will try it once & then never again when they realize the hassle. They will park at FreshMarket, Walgreens, Library, City Park, neighborhood streets, etc like they already do and NOT reduce traffic – negatively impacting Old Town, the Resort area and our busiest intersections. Even the BRT lanes on 224 in 8-10 years will not help if there is nowhere for people to park to get on these buses at Kimball and beyond. Again, the county has ZERO plans for additional park and rides.

Staff points out applicant has not agreed with City Executive staff on an **approach to or number for** off-site parking and transportation. This is a sign of things to come. Same will happen with TDM, PMP and all COA's. If they don't agree with City, then what? This is why it must all be carved out in stone now with specific details, measurements, statistics and consequences to the applicant. Otherwise, our residents/community will suffer immeasurably.

Applicant is still including front yards of 7 townhomes on Empire Ave in Open Space calculation which is absurd. In addition, early on some commissioners expressed concern about the number of curb cuts as this project will more than double the number that currently exist on Empire between Manor Way and 14th Street. Townhome parking/garages should be accessed via the parking garage rather than street. This reduces curb cuts by 7 (pairs) and reduces potential for conflicts between pedestrians and cyclists using the multi-use path on Empire which as proposed intersects all 7 driveways PLUS a primary garage entrance/exit. I have attended an Open House in Park City where this interior private residence garage configuration was built so it can certainly be done.

Staff points out the plazas can be used as public gathering places in off season & mentions the Farmer's Market. This is another community benefit/amenity that is being lost when forced to move again away from much of the community it serves. A large number of people are able to walk, cycle or take transit to the market currently because of its proximity to transit and Old Town. It will not function on the proposed plazas. Trailers, trucks, etc will not be able to access either plaza and set up or operate safely and the spaces are too small.

Another potential lost amenity - and life saving at that - is the heli-pad. During the September and October meetings it was clearly stated by City staff a location near the base must be determined/identified. Someone breaks their neck on the half-pipe, don't think we want to have to sled them up the mountain for an appropriate landing area. Consequently, if they don't identify a place this is in effect another "lost" amenity. The updated 2021 CMP makes no mention of a location near the base. They simply don't care or think it is important.

1997 MPD requirement was 70% open space; we're down to 60% as required for an MPD in the LMC. Again, the applicant is picking and choosing which document/code they want to adhere to yet, not really, as buildings are still **sky high** and based on LMC, excess building height is supposed to result in additional open space, not less. Spelling it out, that means **more** than 60% based on LMC or 70% as required by '97 MPD.

NAC – outcome unknown – once again, applicant does not provide information in advance for staff, commissioners or public to review but advises they'll bring to the meeting.

Additional perspectives – applicant refuses to provide. Why? It's glaringly obvious how their project will completely destroy the ambiance of PCMR. Regardless, this is a sign of how eager they truly are to work together. They will simply disagree and/or refuse to do anything they don't want to do. Consider this attitude when attempting to enforce TDM, PMP and all the COA's. As stated before, it'll be the residents who suffer the consequences.

The issues created by this proposed development severely outweigh the net benefit to our community. Please vote accordingly.

Sincerely,
Deb Rentfrow

Alexandra Ananth

From: planning
Sent: Wednesday, November 17, 2021 1:04 PM
To: Alexandra Ananth
Subject: FW: [External] Reject PEG's proposal which is OUTSIDE of the original agreement

From: Eileen Galoostian <eileengaloostian@gmail.com>
Sent: Tuesday, November 16, 2021 6:27 PM
To: planning <planning@parkcity.org>
Subject: [External] Reject PEG's proposal which is OUTSIDE of the original agreement

[CAUTION] This is an external email.

Dear Planning Commission Members,

I urge you to reject this proposal from PEG regarding the development of the Park City ski resort base. There is no requirement by you to accept any offer or proposal. Follow the approved plan/agreement and reject any amendments. It will FOREVER change the face, character and soul of Park City. Others have eloquently stated reasons to reject PEG's proposal that modifies and requests exceptions to the code and agreement. Therefore I have no need for me to repeat them here.

We are losing Park City as a quaint ski town. This proposal is another step to extinguish the soul of Park City. You have the power to say no. Please do the right thing and exercise that power and say NO.

Peace,
Eileen

Life ain't certain; ride your best horse first.

*____*____*____*____*

Eileen Galoostian
eileengaloostian@gmail.com

Alexandra Ananth

From: planning
Sent: Wednesday, November 17, 2021 1:04 PM
To: Alexandra Ananth
Subject: FW: [External] PCMR Base Area 2021 Concept Master Plan is Flawed

From: deb <der0813@aol.com>
Sent: Wednesday, November 17, 2021 11:30 AM
To: John Phillips <john.phillips@parkcity.org>; John Kenworthy <john.kenworthy@parkcity.org>; Laura Suesser <laura.suesser@parkcity.org>; Sarah Hall <sarah.hall@parkcity.org>; Bill Johnson <bill.johnson@parkcity.org>; Douglas Thimm <douglas.thimm@parkcity.org>; Christin VanDine <christin.VanDine@parkcity.org>; planning <planning@parkcity.org>
Cc: Margaret Plane <margaret.plane@parkcity.org>; mark.harrington@parkcity.org; ndeforge@fabianvancott.com
Subject: [External] PCMR Base Area 2021 Concept Master Plan is Flawed

[CAUTION] This is an external email.

Dear Commissioners,

The 2021 Concept Master Plan has been uploaded to the City website for review. In simply reviewing the five page memorandum at the beginning of the document intended to provide an overview on the project, errors or misstatements unfortunately abound. A few examples follow and can be confirmed by referring back to the 2021 Concept Master Plan dated November 8, 2021.

It states clearly in the last sentence of the first page of the memorandum under **Site Plan** "...just 144 condos..." but if you add up the numbers for each parcel as broken out in this same memo on the next page, the math is incorrect and they are actually building 166 condos – 22 more than stated. There's an error somewhere and correction is necessary.

Parcel B	70
Parcel C	13
Parcel D	44
<u>Parcel E</u>	<u>39</u>
Total	166

Also, Affordable Housing is now just provided in square footage terms rather than number of beds/units.

The Site Plan portion breaks out what each parcel consists of in terms of programming. Please note under Parcel C it's written "...a four-star hotel with 249 keys and associated amenities including meeting space...outdoor ski deck." PEG & Planning Staff are also including this ski deck square footage in Open Space. Maybe it's available to both public & hotel guests, but applicant is clearly identifying it as belonging to the hotel.

At the bottom of page 3 under **Building Setback**, it states setback request for Silver King on Parcel B for attainable and workforce housing. Silver King doesn't abut Parcel B; of course they mean Shadow Ridge. However, it raises the question how reliable is anything they submit when throughout this entire process inaccuracies and/or misleading data and/or information continue to be interwoven into their documents, exhibits and plans?

On page 4 under **Open Space** the applicant briefly states they are meeting the requirements. However, this is questionable as they continue to claim the front yards of the townhomes, the paseo on Parcel B is on a structure and there remains no location identified near the resort base Medical Clinic for a helicopter to land.

Also, on page 4 under **Traffic and Transit**, applicant states there is an area for ride share drop-off. Where? It is not shown in any plans and when discussed in recent meetings, applicant stated drivers can use garages for drop-off which is unsafe and adds to congestion and certainly not an improvement over what exists today. In plain language, there is no dedicated ride share drop off area and to state otherwise is misleading. The designated shuttle drop-off only facilitates 6-7 shuttles and certainly not larger ones, specifically Snowflower Limousine. This drop-off area is terribly inadequate. Continuing on through this section, applicant states the ski school and program drop off is "greatly enhanced". To be clear, the proposed 12 car drive through drop-off for ski school is extremely insufficient and not located in close proximity to the mountain access used by participants.

As you thumb through the 2021 Concept Master Plan, you'll continue to find inconsistencies and misleading representations by the applicant. Please do not let their attempt at a "slick presentation" blind you to the number of issues this proposed development will cause for our community and subsequent negative impact on our quality of life.

Sincerely,
Deb Rentfrow

Alexandra Ananth

From: planning
Sent: Wednesday, November 17, 2021 12:49 PM
To: Alexandra Ananth
Subject: FW: [External] Protect our town

Julie Schultz
Executive Office Administrator
Park City Municipal - Planning Department
445 Marsac Avenue, PO Box 1480
Park City, UT 84060
o: 435.615.5061
www.parkcity.org

-----Original Message-----

From: Wendy Lavitt <wendy@lavittfamily.com>
Sent: Wednesday, November 17, 2021 12:29 PM
To: planning <planning@parkcity.org>
Subject: [External] Protect our town

[CAUTION] This is an external email.

The enormous developments proposed for Kimble Junction, Deer Valley and Park City Mountain Resort will not only contribute to our traffic problem but will ruin the ambiance of our town - it is up to you to protect it.

Sincerely, Wendy Lavitt
Sent from my iPhone

Alexandra Ananth

From: planning
Sent: Wednesday, November 17, 2021 10:43 AM
To: Alexandra Ananth
Subject: FW: PEG space

Julie Schultz
Executive Office Administrator
Park City Municipal - Planning Department
445 Marsac Avenue, PO Box 1480
Park City, UT 84060
o: 435.615.5061
www.parkcity.org



From: matthew lindon <mattlindon@hotmail.com>
Sent: Wednesday, November 17, 2021 10:11 AM
To: planning <planning@parkcity.org>
Cc: PJMarth <pmarth@earthlink.net>; Kathryn Deckert <deckertkathryn@gmail.com>
Subject: [External] PEG space

[CAUTION] This is an external email.

PC Planning

I was just wondering why the PEG development can use someone else's existing ski run open 'space' and satellite parking 'spaces' and everyone's air 'space' to meet their development requirements and economic expectations. When will development pay for itself and not make us pay for the deterioration of our own town and quality of life. Why do we think we owe the developer excessive profits on inferior developments. Why do we feel compelled to negotiate with these people to maintain what we have.

Please do not settle or compromise, allow or approve this development. It did not make sense in the past when they had to replace 'space' and does not make sense now even with 'space' gifts from the city worth hundreds of millions of dollars. Property owners have development rights but they do not need to extort our entitlements to make bad development work. Do not approve this egregious development and do not buy it out with our money or our future. Lawyer up, show some backbone and stand up to Vail and the powers that be.

Thanks

Matt

Matthew C. Lindon, P.E.

Hydrologist

***4964 East Meadows Drive
Park City Utah 84098***

mattlindon@hotmail.com

435-659-1326 cell

< = >

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Alexandra Ananth

From: planning
Sent: Wednesday, November 17, 2021 7:50 AM
To: Alexandra Ananth
Subject: FW: [External] Please stop

Julie Schultz
Executive Office Administrator
Park City Municipal - Planning Department
445 Marsac Avenue, PO Box 1480
Park City, UT 84060
o: 435.615.5061
www.parkcity.org



From: Kip Dakil <e.kipdakil@gmail.com>
Sent: Tuesday, November 16, 2021 9:52 PM
To: planning <planning@parkcity.org>
Subject: [External] Please stop

[CAUTION] This is an external email.

Please stop this over development in a state that barely has enough water as it is.

Also this area is small, it's not Los Angeles.

The people who run this town and survive it's community will be pushed out.

Vail resorts is not the answer, and it's not a gold mine... it will tank because it's business plans are making it impossible to find employees. Then what is Park City left with? Exactly what the real locals and full time residents actually want: their town back.

Alexandra Ananth

From: planning
Sent: Tuesday, November 16, 2021 8:37 AM
To: Alexandra Ananth
Subject: FW: [External] More density than the area can handle?

-----Original Message-----

From: Tara Kelly <etkelly2002@gmail.com>
Sent: Tuesday, November 16, 2021 7:10 AM
To: planning <planning@parkcity.org>
Subject: [External] More density than the area can handle?

[CAUTION] This is an external email.

I'm becoming increasingly concerned that btw Kimball and PC, we're creating more density than the area can handle from an efficiency and aesthetic standpoint.

Sent from my iPhone

Alexandra Ananth

From: planning
Sent: Tuesday, November 16, 2021 8:34 AM
To: Alexandra Ananth
Subject: FW: PEG

-----Original Message-----

From: Tom <tom@MOORESMAIL.COM>
Sent: Monday, November 15, 2021 6:39 PM
To: planning <planning@parkcity.org>
Subject: [External] PEG

[CAUTION] This is an external email.

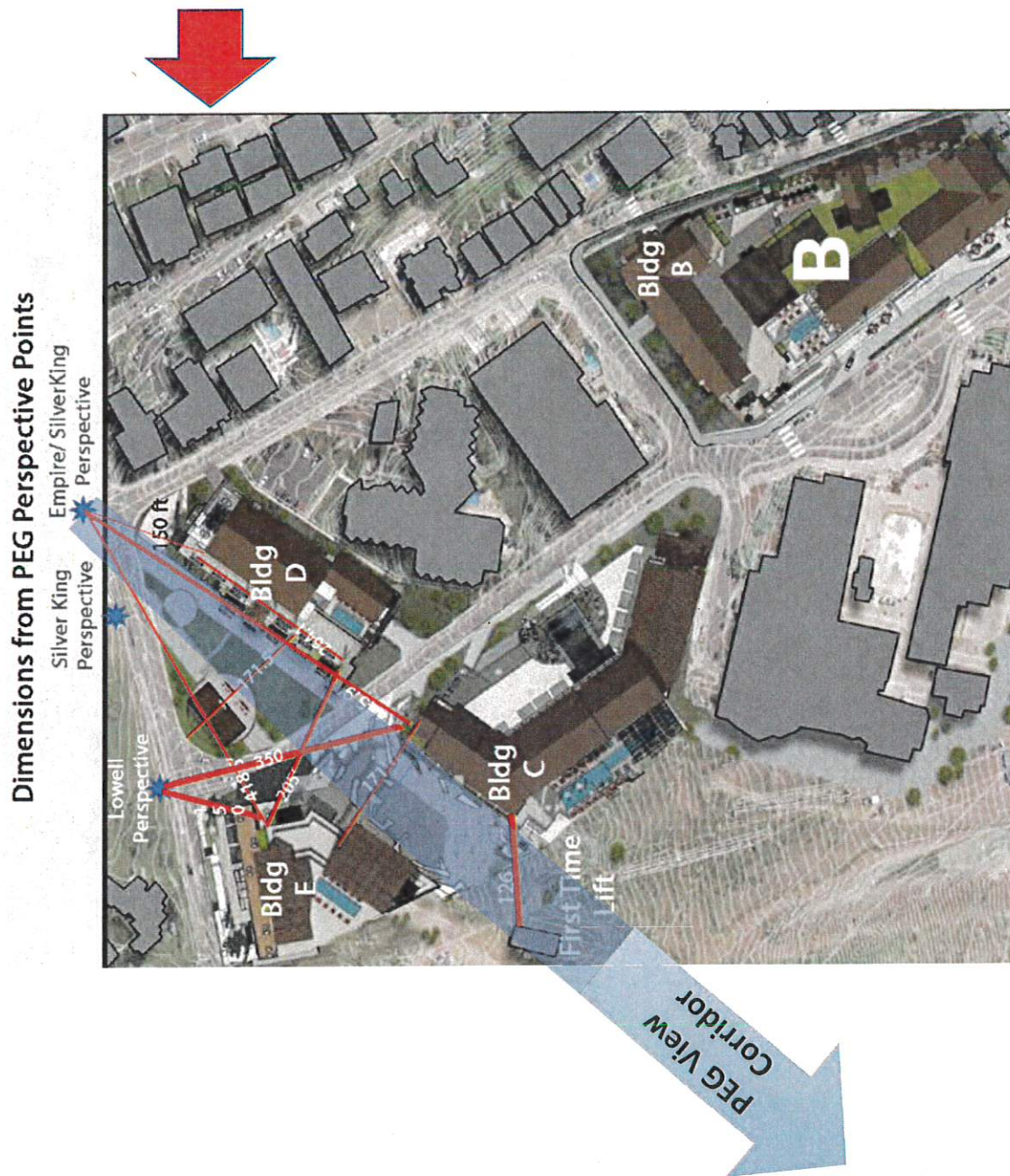
Keep our town as the jewel of the mountains that we all love. The PEG project is an abomination to everything that matters most to all of us who live here. Enforce the rules, keep spaces green, don't allow good enough traffic solutions. We taught our kids and grand kids to ski here and to love the mountains. We retired here in hopes that Park City would always maintain its small town charm and not fall victim to greedy developers who will exploit every opportunity regardless of the cost and then move on leaving us the mess.

Tom Moore
tom@mooresmail.com
Cell: 205 567 9414

Analysis of PEG's PCMR Proposal's Perspective Views

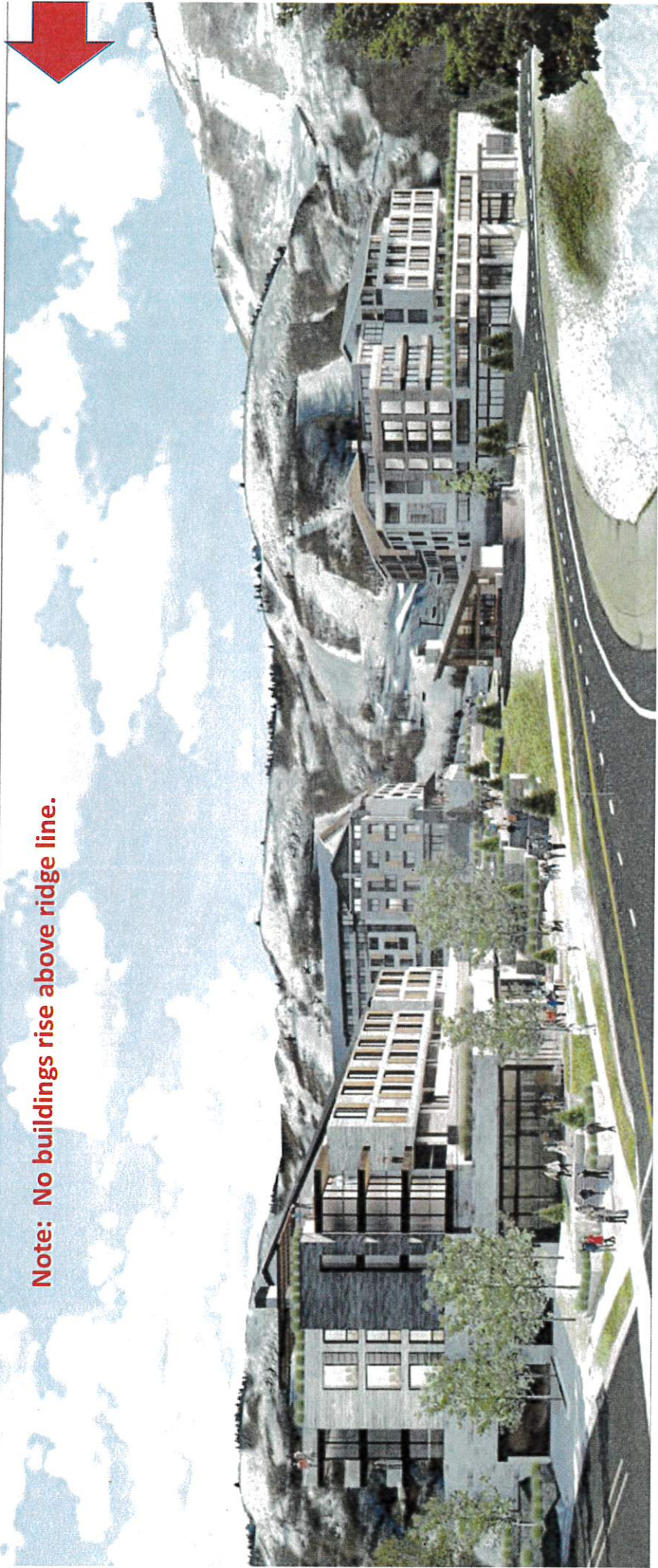
Tom Gadek, Old Town Resident

PEG Perspective

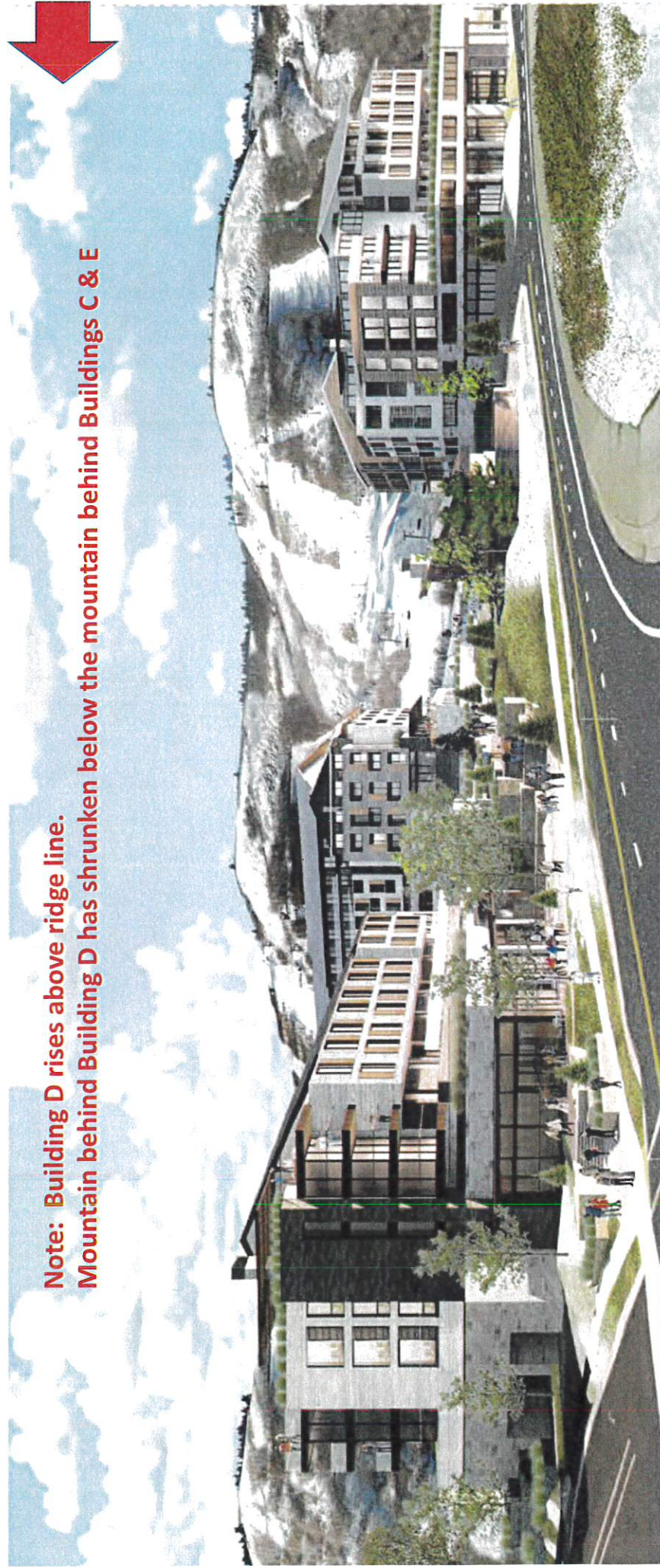


PEG's 'Empire & Silver King' Perspective

Note: No buildings rise above ridge line.

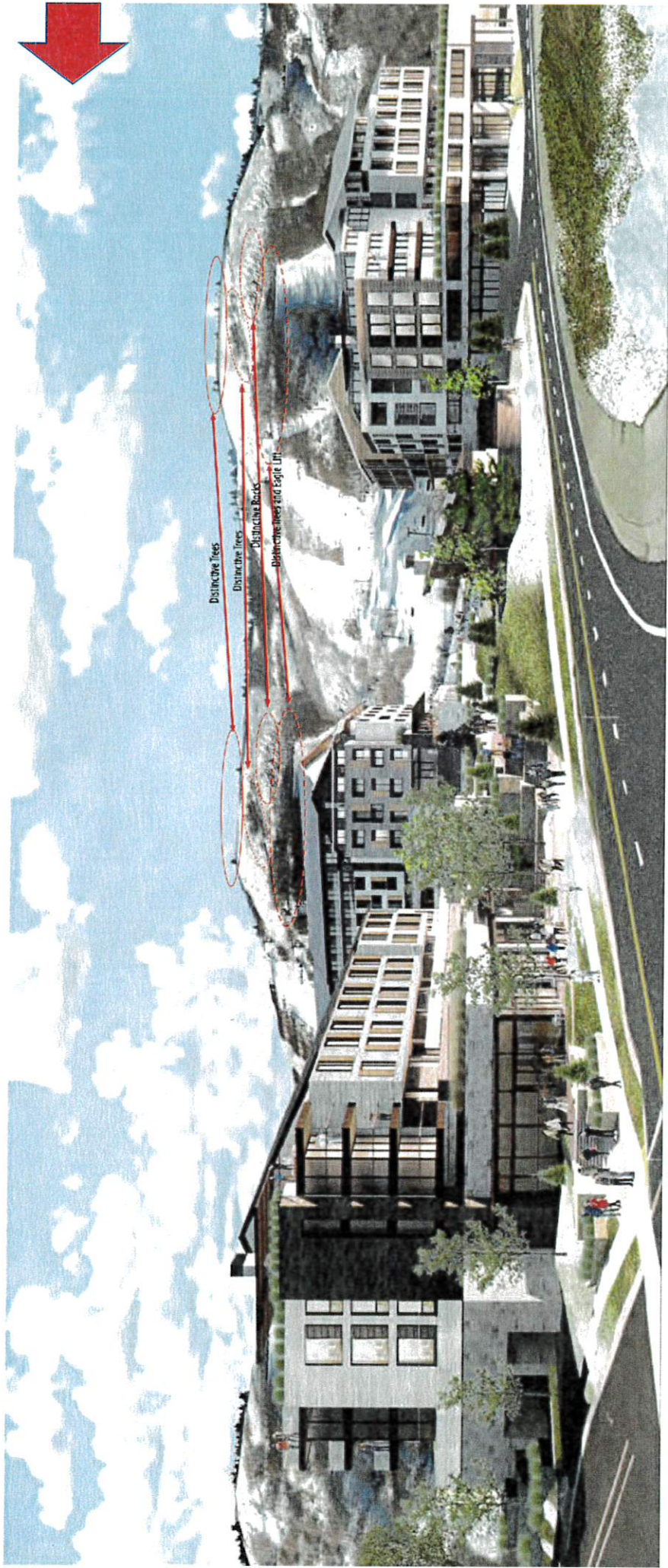


PEG's 'Empire & Silver King 'Perspective



Note: Building D rises above ridge line.
Mountain behind Building D has shrunken below the mountain behind Buildings C & E

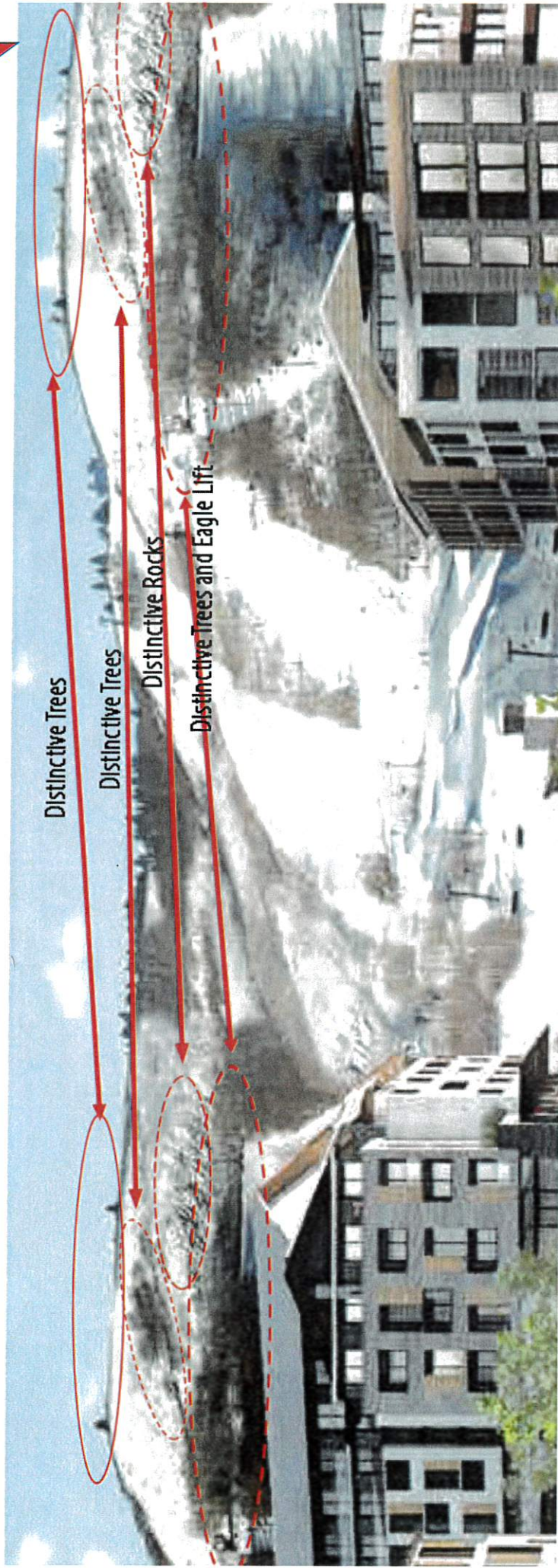
PEG's Artistic License?



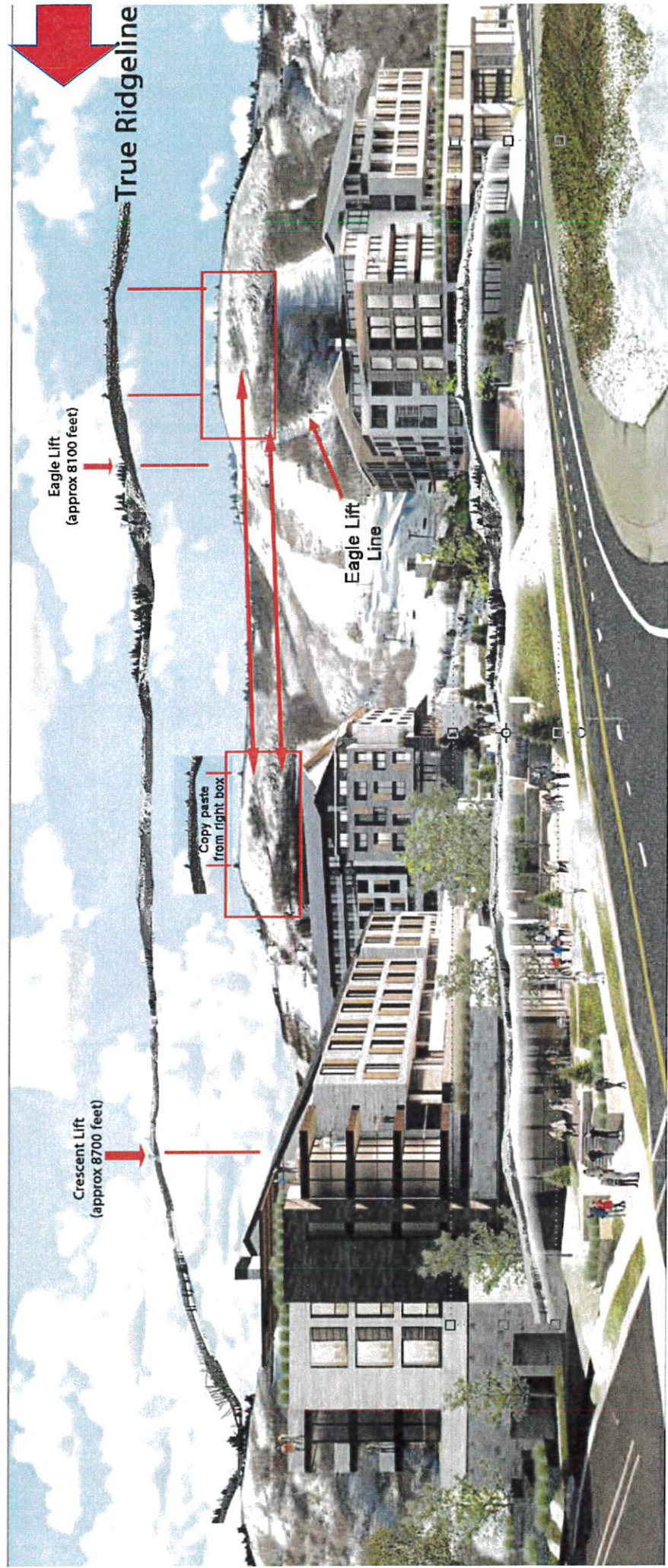
PEG's Artistic License is Photoshop cut and paste.
Why???



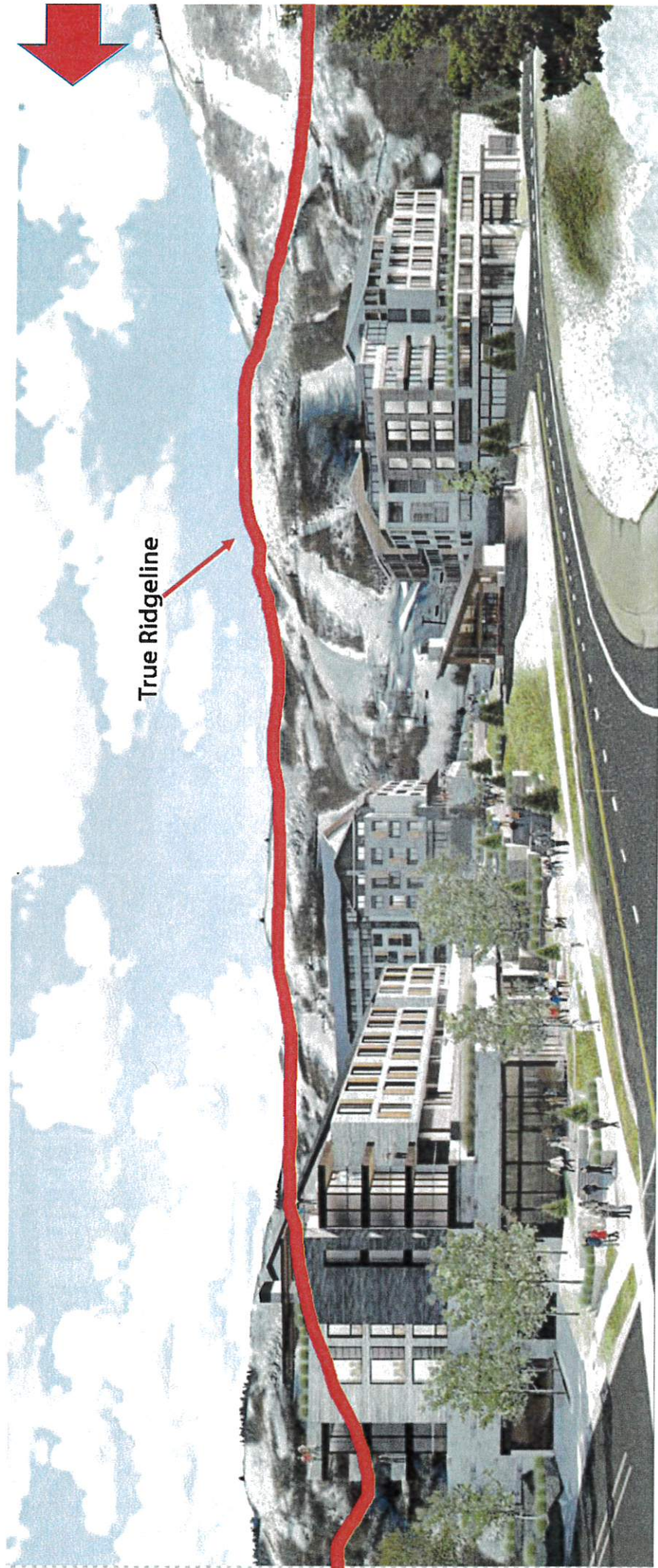
Why Photoshop cut and paste???



Restore the 'True Ridgeline'



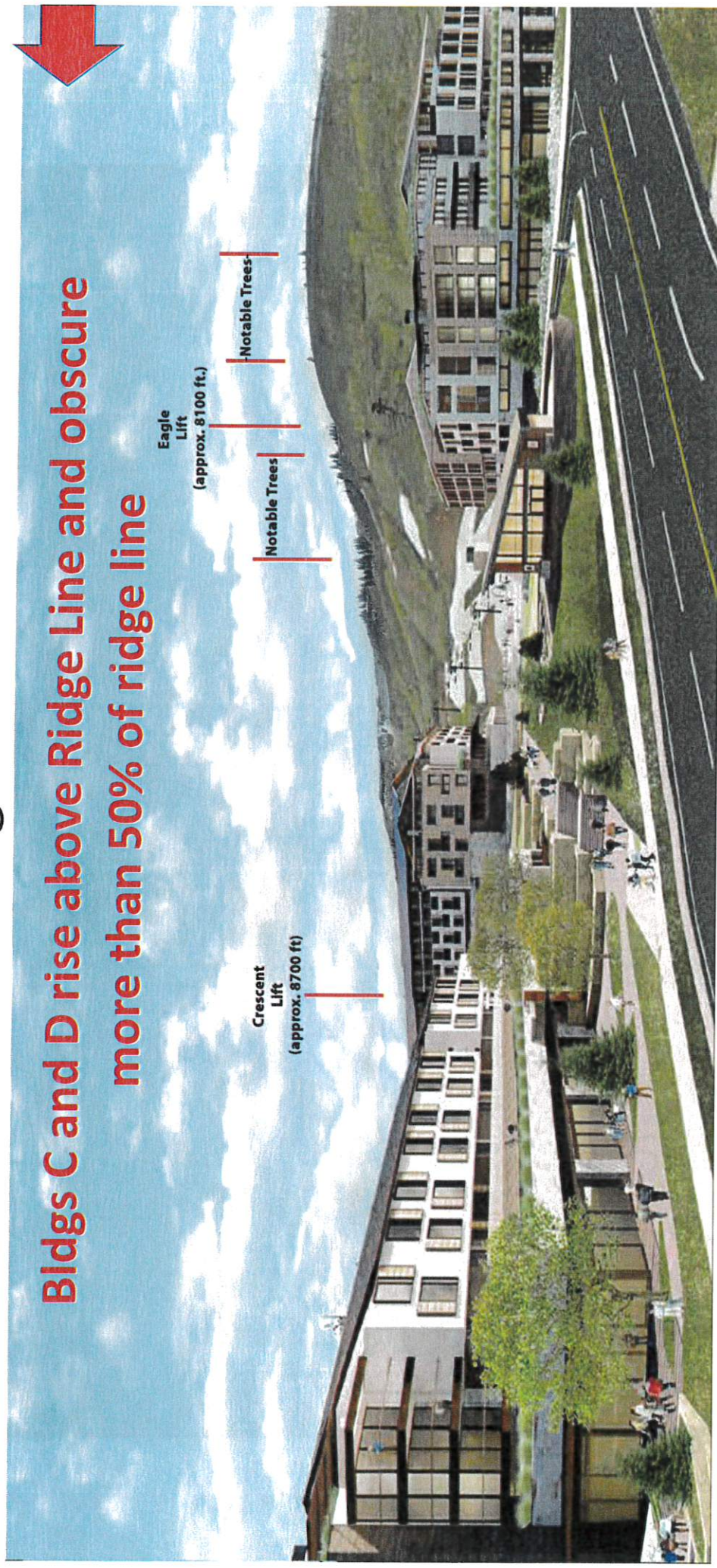
Restore the 'True Ridgeline'



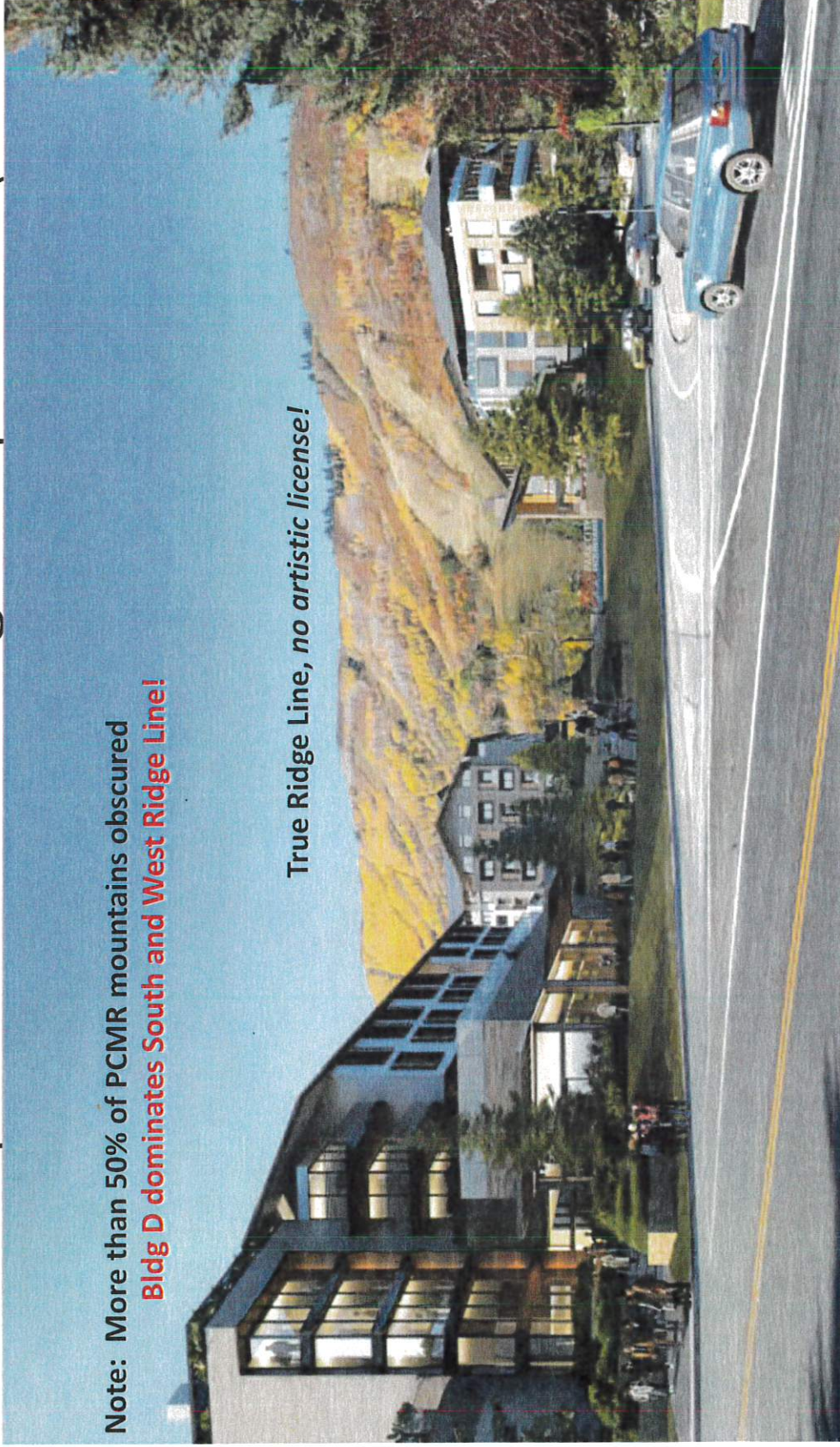
PEG's Silver King Perspective with 'Empire Ridgeline'

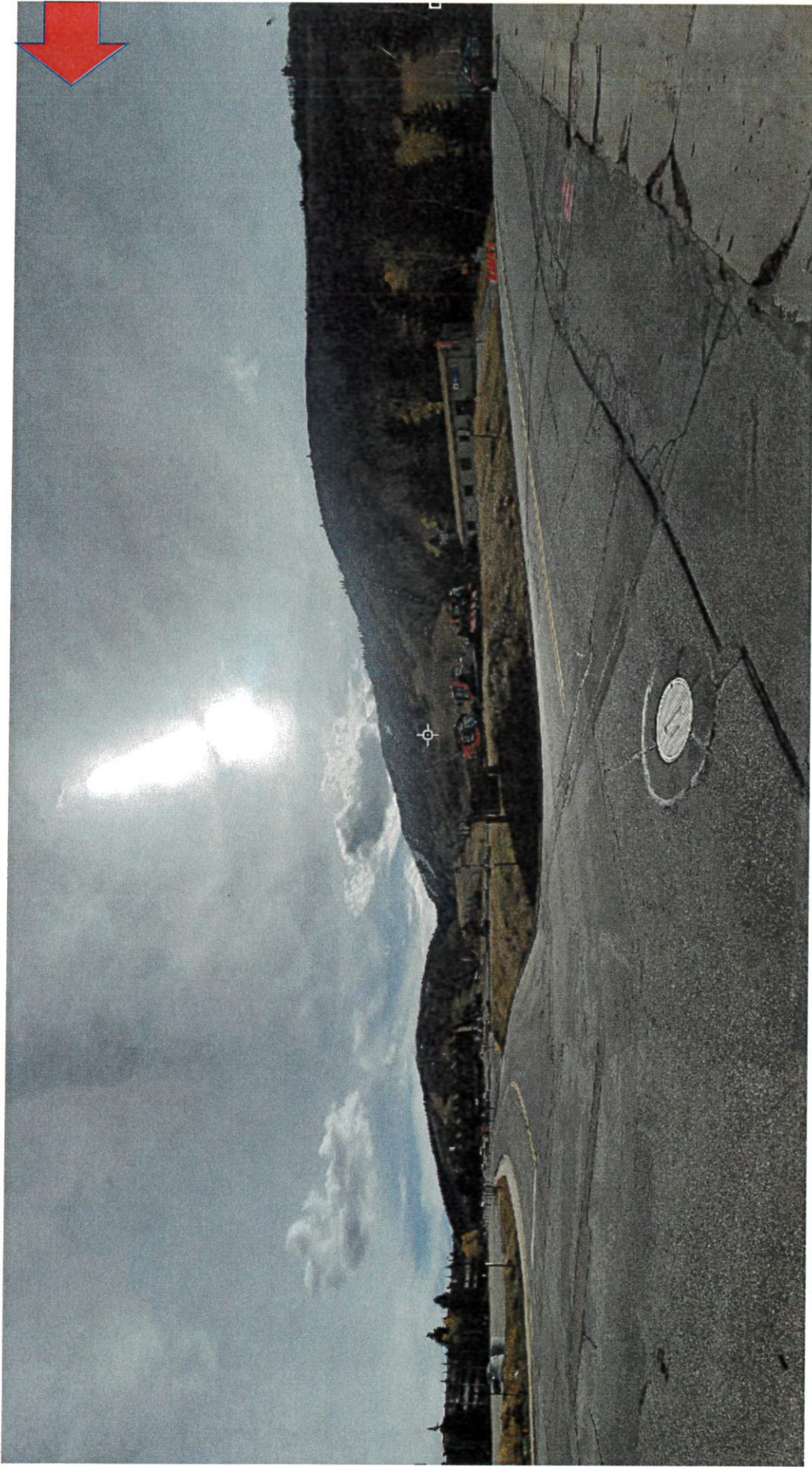


PEG's Silver King Perspective with 'Silver King' Ridge Line



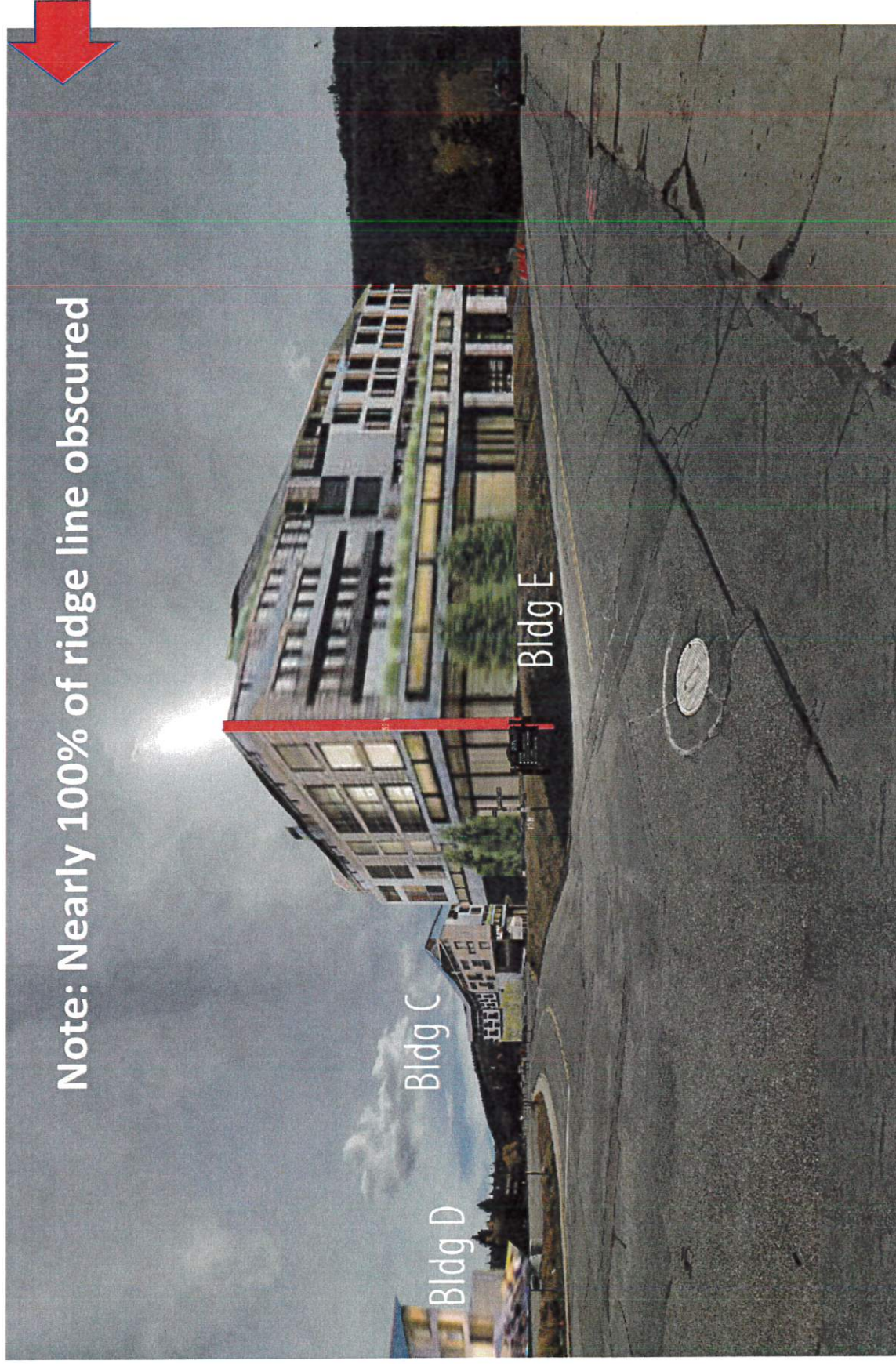
PEG's Empire & Silver King Perspective (Photo)





Lowell and Silver King
Perspective (New)

Lowell and Silver King Perspective (New)



Perspective Summary



Summary of PEG's Perspectives

- PEG has repeatedly misrepresented the height and massive scale of their proposed Buildings C, D & E.
- Has been far and away beyond anything interpretable as innocent *artistic license*.
- *It rises to the level of intentional DECEPTION!*
- Perhaps for the purpose of hiding the true MASSIVE scale of the project from the Planning Commission and Park City Community.
- It walls off the Community from PCMR and the Mountains.
- The 'modern circuit board' design does not fit into any of the history of Park City.

Alexandra Ananth

From: planning
Sent: Monday, November 15, 2021 9:54 AM
To: Alexandra Ananth
Subject: FW: [External] Development of five parcels at the base of Park City Mountain Resort

From: Dave McFawn <davemcfawn@gmail.com>
Sent: Sunday, November 14, 2021 11:14 AM
To: planning <planning@parkcity.org>; Sarah Hall <sarah.hall@parkcity.org>; John Kenworthy <john.kenworthy@parkcity.org>; John Phillips <john.phillips@parkcity.org>; Bill Johnson <bill.johnson@parkcity.org>; Laura Suesser <laura.suesser@parkcity.org>; Douglas Thimm <douglas.thimm@parkcity.org>; Christin VanDine <christin.VanDine@parkcity.org>
Subject: [External] Development of five parcels at the base of Park City Mountain Resort

[CAUTION] This is an external email.

To the Park City Planning Department and Planning Commission,

I have been a resident of the Park City area since 1995. I have seen the area grow significantly over that time. I have served on the Park City Historic Preservation Board and am a past chair of that board. I have worked jointly with the City Government as well as with the Planning Department and Planning Commission during my time on the Board as well. I do understand the immense challenges that you face week in and week out.

I am writing to you regarding my concerns around PEG Companies' development plans for Park City Mountain Resort's five parcels.

Original Agreement

PEG is attempting to operate under the original agreement which is well within their rights. What I do take issue with it PEG attempting to operate under the old agreement but now asking for exceptions to the old agreement. If PEG wishes to operate under the original agreement, then they should operate 100% under the original agreement. The only exception would be if they offer benefits to to community that outweigh those items that Park City and the community would get in return. I have not seen or heard anything from PEG that indicates this.

Ski School / Education area

In the original agreement, there was to be a skier services/education area to allow for local ski school/drop off/pick up. As a former instructor at PCMR as well as a current parent, this is extremely important, not just for today, but for years to come. The base area of Park City near First Time & Eagle chairlifts are extremely busy and dangerous. A dedicated area for ski school students to be dropped off/picked up would be a benefit to the community that cannot be overstated enough. This would reduce risks of someone getting hurt, makes for easier planning of picking up and dropping off and no matter how many more skiers arrive at the resort, a truly dedicated area would not disappear. A true permanent benefit for the resort and the community. Any alteration or loss of a dedicated skier education center/ski school pick up drop off is a huge loss now and in the future.

Hotel

First off, there is no hotel in the original planning agreement. Thus, there must be significant, truly significant benefits for the community if PEG wishes to operate under the original agreement. I do not see significant benefits being offered by PEG. Some benefits, yes, significant, no.

PEG has not operated in good faith with regards to the hotel, which is not approved in the original agreement as I understand it. It has been well documented that PEG has magically created mountains that simply do not exist in order to make it visually more appealing before it is too late for anyone to do anything. Fortunately, citizens have spoken up about this and it does appear as though PEG will now begin rendering visuals that reflect what it would actually look like.

I do not see the benefits of giving up a skier education center for a hotel. Yes, there would be some affordable housing, which is desperately needed. Park City already has numerous hotels and nightly rentals. Another hotel at the expense of community loss of a dedicated skier education center and keeping risks for pick ups and drop-offs is simply not worth it.

An Eye towards The Future

I have no doubt that someone, maybe PEG, perhaps some other group, will develop the five parcels at the base of Park City. There is absolutely NOTHING that states that PEG is entitled, and make no mistake, that is what this is, entitlement, for PEG to operate under the original agreement AND make changes to the original agreement. You are all well within your rights to protect Park City now and in the future by requiring PEG to operate 100% under the original agreement. If PEG wishes to alter that agreement, then they should be denied and operate under existing code. That is actually how development should be handled. For far too long Park City has allowed developers to offer up tiny benefits to the community in exchange for huge benefits on their part. It is time for a balance.

I urge all of you to consider the future. Vail touts Park City Mountain Resort as the largest in North America. Great! please ensure that we offer benefits to current and future residents as well as future visitors with a dedicated skier education are or PEG can operate under the existing code.

I would like to remind you that the code is written the way that the code is written and while the code is written to allow flexibility, it is not written in such a way that says the Planning Department and Planning Commission must approve anything put before it just because a developer requests it. You are beholden to the citizens of Park City and challenged to balance the rights of the developers as permitted by the code.

Please do your part to follow the code. Exceptions should be treated as just that - EXCEPTIONS. EXCEPTIONS are not the rule. Somewhere along the way people began treating exceptions as the rule. That is simply not the case.

If any of you have further questions for me, please feel free to contact me.

Dave McFawn
5793 Kingsford Ave
Park City, UT 84098

Alexandra Ananth

From: Fred Fox <fred.fox@comcast.net>
Sent: Friday, November 12, 2021 2:40 PM
To: Alexandra Ananth
Subject: [External] PARK CITY MOUNTAIN BASE AREA DEVELOPMENT PROJECT

[CAUTION] This is an external email.

Hello Alexandra:

I live on Payday Drive and I am concerned about construction traffic related to the above referenced development project. I did not see anything in the massive project description about the planned routes for construction equipment during the rather lengthy project construction timeframe. How will construction vehicles be routed to and from the project? Will there be any designated routes for this equipment and all related vehicles for ingress and egress to the development site? My position is that there be designated routes and restrictions placed on any project vehicle; especially through any residential neighborhoods such as Payday Drive, Thaynes Canyon Drive and Three Kings Drive.

If there are designated traffic routes for construction vehicles in the project development plan, please refer them to me. If there are no planned traffic routes for construction vehicles then the plan is deficient in this matter.

Thank you,

Fred Fox
8 Payday Drive

Alexandra Ananth

From: planning
Sent: Monday, November 8, 2021 8:50 AM
To: Alexandra Ananth
Subject: FW: [External] Proposed development at PCMR

Julie Schultz
Executive Office Administrator
Park City Municipal - Planning Department
445 Marsac Avenue, PO Box 1480
Park City, UT 84060
o: 435.615.5061
www.parkcity.org



From: Damian Roche <thomas.damian.roche@gmail.com>
Sent: Sunday, November 7, 2021 9:49 PM
To: John Phillips <john.phillips@parkcity.org>; John Kenworthy <john.kenworthy@parkcity.org>; Laura Suesser <laura.suesser@parkcity.org>; Bill Johnson <bill.johnson@parkcity.org>; Sarah Hall <sarah.hall@parkcity.org>; Christin VanDine <christin.VanDine@parkcity.org>; Douglas Thimm <douglas.thimm@parkcity.org>; planning <planning@parkcity.org>
Subject: [External] Proposed development at PCMR

[CAUTION] This is an external email.

Dear Planning Commission,

We currently own a property at 1120 Empire Avenue in Park City and have been a part of the community for 21 years. The proposed PCMR Base Area Project is very concerning and it is imperative the Planning Commission follow the law, consider the community's desires and not approve the current development plan.

Due to the numerous "open issues" which remain unanswered, it would be unacceptable to approve this proposal. Please consider the following:

Excessive Building Height. The area is zoned for buildings no taller than 35 feet, but unfortunately, the developer is requesting heights ranging from 71'-103' clearly in excess of the zone maximum. The end result will be a massive wall of buildings blocking views and dividing the mountain and resort area from the community. The developer argues that the height variance should be permitted as it was granted in 1998 but that is not the case as the original approval has lapsed. There are six conditions in the Code, ALL of which must be satisfied for a height variance and the developer has not satisfied these criteria.

Reduced Setbacks. PEG has proposed reduced setbacks of 20 feet vs. the required minimum of 25 feet. Given the massive height and bulk of the project, the generally 2-4 story neighboring buildings will be dwarfed by the project and cast in shadows most of the year. The Code lists specific criteria for setback reductions, including the provision that the setback reductions must be NECESSARY for architectural interest – these proposed reductions are harmful to the community and, decidedly, not necessary. In addition, where a height exception is allowed, the setback is supposed to be IN EXCESS of the required 25', not less.

Parking. The applicant is proposing to provide 1,721 spaces, this is 1,102 LESS than required by the 1998 Development Agreement and the Code. As we all know, parking in the resort area is already in extremely short supply and by reducing required parking without any concrete plan to provide ample parking off site and efficient transfer to the base area, this problem will only get worse. The surrounding neighborhoods and Old Town residents will suffer the consequence.

The applicant (PEG) has clearly indicated their lack of willingness to make any further modifications to the submitted development proposal.

During the October 20, 2021 Planning Commission meeting, PEG expressly stated their desire to let their proposal stand as currently submitted for a determination (vote).

Therefore, a vote is requested on the current submission's conformity to the Park City Land Management Code, 1997 MPD/1998 DA and the Park City General Plan.

Denial is the only legally supportable outcome for this development proposal in its current form.

Sincerely,

Damian Roche

FASQUE LLC

+61409588781

Alexandra Ananth

From: Bill Johnson
Sent: Friday, November 5, 2021 9:29 AM
To: Alexandra Ananth
Subject: FW: [External] PCMR Base Perspectives and 3D Model
Attachments: Analysis of PEGs Perspectives for PC Planning Commission.pdf

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Tom Gadek <gadek@pacbell.net>
Date: 11/5/21 8:28 AM (GMT-07:00)
To: Bill Johnson <bill.johnson@parkcity.org>
Subject: [External] PCMR Base Perspectives and 3D Model

[CAUTION] This is an external email.

Dear Bill

I am writing to you in your role as a Planning Commission member regarding the overall scale and scope of PEG's proposed development of the PCMR Base Parking lots.

Attached is an analysis of PEG's perspective views of the site and proposed buildings which is the promised follow up to my comments at the last meeting. I have focused on Buildings C, D and E and developed a new perspective from the corner of Lowell and Silver King looking to the South. What became obvious to me in this analysis is the truly massive scale of the development which will obscure the current mountain views the residents of Park City know and love. I have done this in response to PEG's refusal to produce a 3D model of their proposal. They have focused on a single perspective highlighting their proposed 'View Corridor'. from the corner of Empire and Silver King.

Attached is a document with 13 images documenting 3 perspectives for the development with an overall 90 degree range of views from the East to the North of Buildings C, D and E. Note that when the buildings rise above the ridge line, any mountain view is obliterated for that view point. A compressed low resolution version (2Mb) is attached to this email and a larger high resolution version (44Mb) can be viewed or downloaded from the dropbox link below. The latter is useful if you want to zoom in on any particular image.

<https://www.dropbox.com/s/diurd7crxehq6t6/Analysis%20of%20PEGs%20Perspectives%20for%20PC%20Planning%20Commission%2044Mb.pdf?dl=0>

I am willing to attempt any other perspectives you may wish to see, and overall advocate the preparation of a 3D model which will allow the Commission to assess any angle and perspective with precision in its review of PEG's

proposal. Unfortunately, I am limited to static perspectives, but could help the Planning Department staff work with local engineering firms to produce a 3D model.

Best regards

Tom

Tom Gadek
291 Daly Ave
Old Town
510-914-1896
gadek@pacbell.net

Dear Members of the Planning Commission,

This document presents an analysis of PEG's Perspective images presented during 2020 and 2021 and a new perspective from the corner of Lowell and Silver King of Buildings C, D and E.

My professional background is in pharmaceutical research and development and I have used CAD software on a molecular and atomic level to design and synthesize molecules targeting proteins involved in particular disease targets for over 40 years. I have applied these same techniques to try to analyze PEG's Perspective views and found them to be inaccurate. Recently I have used their images to generate new perspective views of the proposed buildings to the prospective site. As a validation of my abilities, the FDA approved a drug I designed and invented for the treatment of dry eye in 2016. So, you might say I am a molecular architect with experience and expertise in CAD.

Please include this in the Public Record.

Generation of a new perspective of PEG's proposed Buildings C, D and E from the northern edge of the site, the corner of Lowell and Silver King.

Background. PEG has proposed a large development with 4 major buildings on the site of the current PCMR parking lots. They have made numerous presentations over the last 18 to 24 months. This document attempts to review their computer renderings of the proposed development program over that timespan and reach conclusions as to the scale of the project relative to Park City's character, history, Community, neighborhoods and the natural splendor of Park City's mountains. In the most recent Planning Commission meeting, PEG declined the Commission's interest in a 3D virtual computer model to allow an informed exploration of the project's scope and scale. This presentation attempts to analyze PEG's Perspective views as presented to the Planning Commission and correct any deficiencies or errors. It begins with a new Perspective of the project from its heart along Lowell Avenue using PEG's data and previous Perspectives to generate a novel and accurate view of Buildings C, D and E relative to the mountains within PCMR.

A new panoramic perspective of the building site was generated using Photoshop from 4 individual pictures taken from the Perspective Point on the North side of Silver King at the intersection of Lowell looking to the South.



Next, images provided by PEG in presentations to the Planning Commission were used to accurately generate projections of the size and scale of representations of Buildings C, D and E relative to in the measured height of items in the above photo of the building site. For example, the street sign at the corner of Lowell and Silver King was measured to be 10 ft high and this was used to scale Bldg E's facade. These are not actual images of the buildings, but have been captured in Photoshop from PEG's images and assembled into representations of C, D and E where the accuracy of the height and width of the proposed buildings C, D and E are presented in perspective below. The red line at the front corner of Building E was measured at 55 feet relative to the 10 foot street sign to its left. Note that Building E is proposed to be 84 feet high and the roofline is not visible in this perspective. The building's first 55 feet obscures the Western and Southern ridge lines of PCMR. Building C obscures more of the Southern ridge.



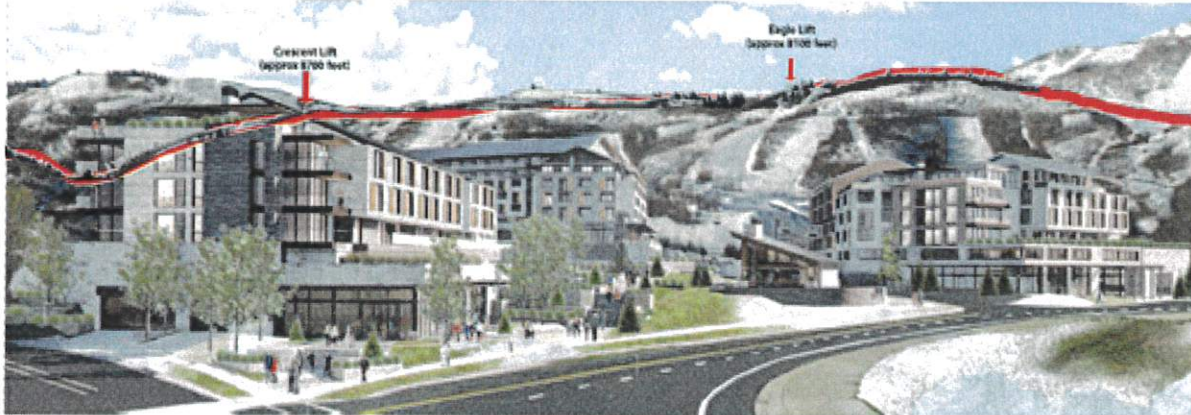
Perspective views from the corner of Empire and Silver King and along Silver King, a Time Lapse Perspective of PEG's proposed PCMR Base Development from approximately 6,900 ft



The ridge line of the above photo taken from PEG's Empire Perspective Point (at the corner of Empire and Silver King) was traced as a red line. This was compared to the ridge line in PEG's May 19 presentation to the Planning Commission. Note that none of the buildings rise above the ridge line in this May 19 Perspective below.



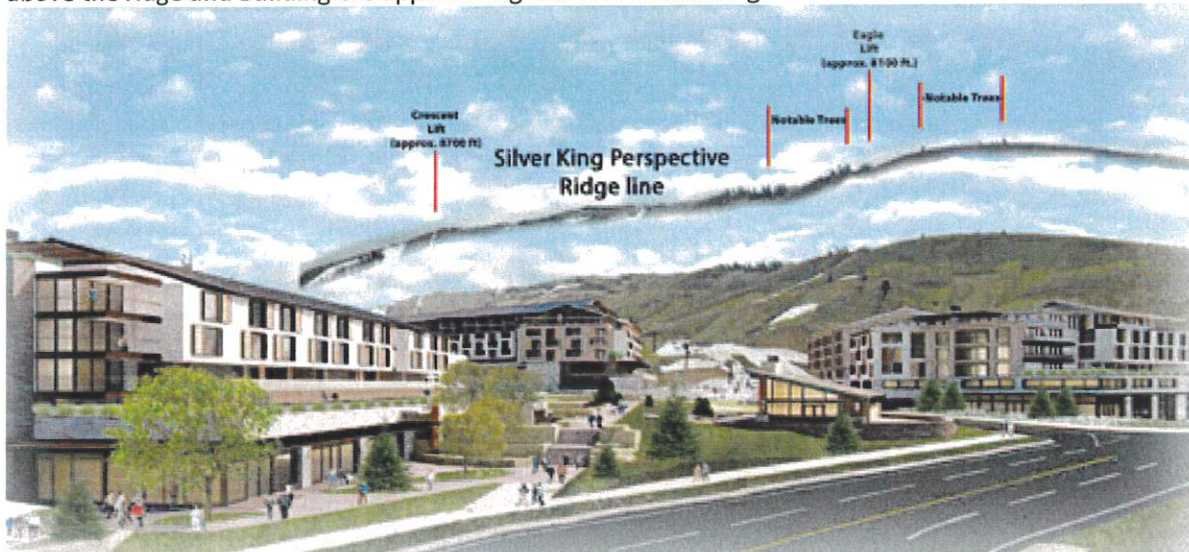
Large mountainous discrepancies from the photo ridge line were noted to the South and North (i.e., left and right) in PEG's Empire Perspective below.



When brought to their attention, PEG produced another rendered Perspective below. Comparison to the actual ridge line extracted from the photo taken from the PEG Perspective Point noted that while PEG had corrected some of its Northern and Southern enhancements to the ridge line, additional discrepancies remained. In particular, this analysis revealed that the ridge line had also been enhanced behind Bldgs C and E with 'artistic' cut and pastes of the actual ridge line behind Bldg E (see below).



The discrepancies noted above prompted a review of the PCMR ridge line in other PEG Perspectives. They produced a new perspective from across Empire and 50-100 feet to the West along Silver King, beyond the corner of Empire and Silver King. PEG defined this as their Silver King Perspective. Comparison of PEG's new Perspective (below) with photos from the Silver King Perspective revealed the ridge line in PEG's rendered perspective below is not from the Silver King Perspective, but from the Empire Perspective at the corner of Empire and Silver King. Note that Building D has completely risen above the ridge and Building C is approaching it in PEG's rendering.



The ridgeline extracted from a current photo taken from the Silver King Perspective was docked onto the PEG Silver King Perspective and indicated that Building C should be above the ridge from this vantage point (See below).



This was corrected in the Perspective below using the Notable Trees along the ridgeline in the current photo to guide the docking of the extracted ridge line onto PEG's Perspective. Why has PEG used its 'artistic license' to keep renderings of buildings C and D below the ridge line from both the Empire and Silver King perspectives? When you hear 'artistic license', think deception.



This revealed that Building C does in fact rise above the ridge line from the Silver King Perspective. This prompted us to review the most recent PEG Perspective presented to the Planning Commission in its last meeting. While there is a discrepancy in the location of the Crescent Lift's summit, overall there is good correlation of the ridgeline with one extracted from a recent photo (see below). In this most recent perspective using an actual photo of the ridge, Building D appears massive relative to earlier presentations. Though I questioned the building C size presented in this perspective in comments at the recent meeting, it's size and dimensions in the perspective below appear to be correct. This is not surprising since PEG finally used a photo of the building site from a defined perspective rather than an artistically rendered image as the basis of its this most recent perspective. It is harder to fudge a photo.



FIELD OF VIEW
ELEVATION

34 MM LENS
EYE LEVEL (5'-0" FT)

In summary, moving along Silver King changes the perspective of the proposed PEG development dramatically and reveals its truly massive scale. No single perspective is sufficient to judge the scale of this proposed development. The projection of Building D from the PEG Perspective above obscures the PCMR ridgeline to the South and together with Bldgs C and E blocks more than 50% of the mountain

view. As we cross Empire and move toward Building E, Building C rises above the ridgeline obscuring the Southwestern ridge. Moving further West along Silver King to the corner of Lowell it is apparent that the proposed development is indeed massive in scale and blocks miles of the mountain view residents of Park City cherish. This summary is captured in the following 3 photos. These are but 3 still frames in an interactive 3D model the Planning Commission should require PEG to produce in order to appropriately judge the proposed development's impact on Park City. If they won't produce it, the City should as part of its review. Any of the engineering firms in town can help the Planning Department Staff arrange this.



You must ask yourselves why has PEG spent so much time and effort in its early Perspectives fantasizing about the natural beauty and splendor of the mountains above Park City while minimizing the massive scale of their development which they know will obliterate that beauty and splendor. They have done a lot of work in generating their Fantasy Perspectives. If you ask yourself why, the only reasonable answer is they sought to deceive you and soothe the concerns of the Park City community as to the true scope and scale of their proposal. They don't want you to understand what they are truly proposing. PEG will create a sterile new ridge line in concrete and glass which is incompatible with the City's heritage and the Old Town district. An interactive high resolution 3D model of their proposal using photos rather than artistic license, should provide the basis of your review. You cannot decide based on what PEG has chosen to show you. They have demonstrated in their inaccurate renderings that they are not worthy of your trust.

Respectfully,

Tom Gadek
Old Town

Alexandra Ananth

From: planning
Sent: Thursday, November 4, 2021 8:23 AM
To: Alexandra Ananth
Subject: FW: PEG development proposal for PCMR base

Julie Schultz
Executive Office Administrator
Park City Municipal - Planning Department
445 Marsac Avenue, PO Box 1480
Park City, UT 84060
o: 435.615.5061
www.parkcity.org



From: Pegg Hislop <phislop@msn.com>
Sent: Wednesday, November 3, 2021 10:35 PM
To: planning <planning@parkcity.org>
Subject: [External] PEG development proposal for PCMR base

[CAUTION] This is an external email.

Dear Park City Planning Commissioners,

I am writing to you today to express my dismay and disappointment with the PEG development proposal for Park City Mountain Resort base area. I believe it harms the residents of Park City far more than it helps them and therefore the development should be denied unless significant changes are made. There are several areas of concern that must be addressed and the developer continues to avoid addressing.

1. Building height variance request. The height variance is unreasonable and will impact the surrounding neighborhoods disproportionately. The PEG renderings do not accurately depict the enormity of the buildings and the impact of shadowing and 'no sunlight' zones that will be created. Take a walk through the Canyons base development and its easy to see the impact of overly high buildings. Or look no further than the ugliness and shadows created by Kings Crown development. Neither of the recent developments are an asset to the city or the people that live here. They are strictly a means to create wealth in the developers and realtors pockets and provide second homes for skiers.
2. Transportation planning. The transportation plan for a base area with greatly reduced parking is inadequate. There are not enough spaces for drop off, for either private cars (which is ridiculous to assume a local Parkite will have a 'driver' drop them off and subsequently pick them up for a 2 hour morning ski) or for the ever more numerous shuttle buses coming in from hotels and outlying communities like Tuhaye and Promontory. In addition- the garage drop off and pick up for kids in Ski Camp is a huge liability for the city. As

soon as 1 child is picked up by a non custodial parent or injured in a car/child collusion the planning board, city, PCMR and PEG will be liable.

3. Parking for local skiers. I don't understand the planning commission being accepting of a reduction of 30% of the current parking spaces, with all spaces being 'pay for' and no viable public transportation increase before the plan is approved. Additionally, while it is easier to ride a bus to the ski base for those coming into town from SLC or Kamas (although those coming from SLC have to drive the world's most stupidly designed road- Kilby- to get to the Park n Ride), the transportation is discriminatory for those living in the 84060 town of Park City- the very people who will be most affected by this parking reduction. No micro buses, and in many subdivision, such as Park Meadows, over half of the homes are over a quarter mile from the nearest bus stop, making it a long or impossible walk with ski equipment. (see attachment) This is very similar to the Thaynes Canyon and Aerie subdivisions.
4. Parking for workers and 'affordable' housing occupants. During one of the zoom meetings, PEG stated that there would be 141 'Affordable' beds. I am not sure what that really means, does it mean separate units, or dormitory style rooms with 4 bunks in a room? No commissioner asked for clarification, but what stood out to me most was PEG smugly said there would be no parking available for those units, even the ones purchased and owned outright. How is this even a consideration? The optics say that you are too poor to buy a 'real' house, therefore you must not be able to afford a car? Or is it that you will have to park in a surrounding neighborhood? The other sticking point for me was that no worker would be allowed to park onsite. Why not allow carpools of workers garage access? This assumes that somehow they will be able to attract workers from neighboring towns and convince them to drive, park remotely and take the bus, all while paying them base wages with a Park n Ride system that is not fully developed.
5. Setback variance. The setback variance requests is yet another ridiculous request, particularly when PEG stated that they needed the variance because the planning commission asked for some architectural interest. Really? So they designed a building without interesting architecture but then needed an extra 5' to create that 'interest'? So disingenuous. The project needs more sidewalk width for safety, not less. And the proposed building is still ugly and enormous.

In summary, there are many aspects of this project that I find offensive, certainly not limited to the above objections. I haven't touched on the water use, electricity consumption or the impact to the summer trail users. In all, this project does not meet the vision Park City has set for the community in the future. I quote from Park City's Website Plan for the future "Social Fabric – The community of Park City delights in the social fabric and human connection that people have with each other. This represents the soul of the community, and people are concerned this is being lost. Key concerns include neighborhoods turning over to nightly rentals, lack of affordability and displacement of locals. Embracing Bold Action articulates a desire to place a heavy hand on the scales, to tilt the balance back to local neighborhoods and people who live and work in the community."

"Embrace Bold Action" and deny the PEG proposal. The harm to the fabric of Park City is too great.

Respectfully,
Pegg Hislop
Park Meadows



Alexandra Ananth

From: planning
Sent: Wednesday, November 3, 2021 11:22 AM
To: Alexandra Ananth
Subject: FW: [External] Park City Planning Commission Vote on PCMR Base Area Development

From: Linda Gee <lindagee01@gmail.com>
Sent: Monday, November 1, 2021 2:50 PM
To: John Phillips <john.phillips@parkcity.org>; John Kenworthy <john.kenworthy@parkcity.org>; Douglas Thimm <douglas.thimm@parkcity.org>; Laura Suesser <laura.suesser@parkcity.org>; Sarah Hall <sarah.hall@parkcity.org>; Christin VanDine <christin.VanDine@parkcity.org>; Bill Johnson <bill.johnson@parkcity.org>; planning <planning@parkcity.org>
Subject: [External] Park City Planning Commission Vote on PCMR Base Area Development

[CAUTION] This is an external email.

Dear Commissioners,

As a resident of Old Town Park City whose condominium directly faces the base area parking lot at 14th and Empire Avenue, I write again as a vote gets closer to express my concern with the building heights and density. This project is not designed with the best interests of our community in mind. Creating so many multi-story buildings will block the view of the ski resort from much of Old Town. The plans submitted do not accurately represent what the actual view will be since they are not showing the slope. As you know, there is a significant sloping grade from the base area down to Park Avenue. Anyone below Empire Avenue will be looking at nothing but dense housing. I think it is imperative that you request the developer to provide a 3D model of the entire project with accurate hills and streets included and then invite the public to see it.

In addition, I echo so many other Park City residents who are concerned about the traffic nightmare that will come with that much more hotel rooms and condos clustered in what is already a congested area.

The applicant (PEG) has clearly indicated their lack of willingness to make any further modifications to the submitted development proposal.

During the October 20, 2021 Planning Commission meeting, PEG expressly stated their desire to let their proposal stand as currently submitted for a determination (vote).

Therefore, a vote is requested on the current submission's conformity to the Park City Land Management Code, 1997 MPD/1998 DA and the Park City General Plan.

Denial is the only legally supportable outcome for this development proposal in its current form.

Respectfully submitted,

*Linda Gee
1401 Woodside Avenue
Park City, UT 84060*

Alexandra Ananth

From: planning
Sent: Friday, October 29, 2021 4:01 PM
To: Alexandra Ananth
Subject: FW: [External] Park City's Resources - Who is Assessing?

From: deb <der0813@aol.com>
Sent: Thursday, October 28, 2021 10:53 AM
To: Steve Joyce <steve.joyce@parkcity.org>
Cc: planning <planning@parkcity.org>; John Phillips <john.phillips@parkcity.org>; John Kenworthy <john.kenworthy@parkcity.org>; Laura Suesser <laura.suesser@parkcity.org>; Douglas Thimm <douglas.thimm@parkcity.org>; Bill Johnson <bill.johnson@parkcity.org>; Sarah Hall <sarah.hall@parkcity.org>; Christin VanDine <christin.VanDine@parkcity.org>; Nann Worel <nann.worel@parkcity.org>; andy.beerman@parkcity.org; Max Doilney <max.doilney@parkcity.org>; Becca Gerber <becca.gerber@parkcity.org>; Tim Henney <tim.henney@parkcity.org>; countycouncil@summitcounty.org; Andy Beerman <andy@parkcity.org>
Subject: Re: [External] Park City's Resources - Who is Assessing?

Steve,

Thank you very much for the information and amount of detail provided. In processing it, I have a follow up question or two.

I'm wondering how the Snyderville Basin and Weber Basin account for changes to these development plans. For example, the PCMR project wasn't supposed to have another 249 room hotel and therefore, the water demand will be potentially more than in the original plan. In addition, the buildings are taller which will potentially require more water during the construction phase for concrete. The same is happening potentially out at the tech center where now they are looking at 500+ residences instead of a business park. Obviously, more water is generally necessary for a residence over a commercial business. I'm not trying to be difficult, but most of the projects in the pipeline aren't being submitted for approval as originally planned and until they get through the Planning Commission, how can the Snyderville Basin be accurately planning for requirements and consumption?

As to electricity, we have "brown-outs" (flickering) on the regular on Empire, almost daily and more so on a windy or heavy rain day. It isn't unusual to hear about other parts of town experiencing similar issues or outages. I've inquired with Rocky Mountain about a report and plans for the future, but after three different calls/conversations, no one can provide any data or information. They actually seemed more concerned about why I want the information than anything else. If you happen to know the President personally, maybe he could provide the right contact information.

Again, thanks for your time on this; it is very helpful.

Deb Rentfrow

-----Original Message-----

From: Steve Joyce <steve.joyce@parkcity.org>
To: Deborah Rentfrow <der0813@aol.com>
Cc: planning <planning@parkcity.org>; John Phillips <john.phillips@parkcity.org>; John Kenworthy <john.kenworthy@parkcity.org>; Laura Suesser <laura.suesser@parkcity.org>; Douglas Thimm <douglas.thimm@parkcity.org>; Bill Johnson <bill.johnson@parkcity.org>; Sarah Hall <sarah.hall@parkcity.org>; Christin VanDine <christin.VanDine@parkcity.org>; Nann Worel <nann.worel@parkcity.org>; andy.beerman@parkcity.org <andy.beerman@parkcity.org>; Max Doilney <max.doilney@parkcity.org>; Becca Gerber <becca.gerber@parkcity.org>; Tim Henney <tim.henney@parkcity.org>; countycouncil@summitcounty.org <countycouncil@summitcounty.org>
Sent: Wed, Oct 27, 2021 8:53 pm
Subject: Re: [External] Park City's Resources - Who is Assessing?

Others may chime in, but I can offer you a good view from the city's perspective. I am the liaison to both the sewer district and Park City's water department. In my work with the water department, I have been active in the regional water planning meetings for the Weber Basin Water Conservancy District. Locally this includes PC, Summit Water and Mountain Regional.

Start with Sewer. The Snyderville Basin Water Reclamation District does frequent reviews of all the development plans, schedules and future zoning potential throughout the district. They create long term maps of when and where everything is anticipated to come online. No one gets it perfect, but they update it frequently. It is amazingly comprehensive. This is actually the basis for discussions the sewer board is having right now for expanding the East Canyon facility. Design is starting now and construction is likely to start in the next 2-3 years. This should carry the district's growth for the next 2-3 decades. If you want to follow this project, we would love to have you as our only "public" participant.

Park City water. Like the sewer district, the water department has projections based on all the development plans, unbuilt lots, etc. As projects come and go (like Treasure turning into open space), the projections get updated. They monitor the effects of water conservation for residential, commercial and group residential. So much about water delivery is peak day use, which is generally about 6 weeks in the summer. The Summit and Mountain Regional water districts perform similar exercises. Over the past few years, the districts have expanded the number of interconnections between them. This allows surplus water to be sold to districts in need and also allows them to help each other in case of emergency. The treatment capacity at the Quinns Junction facility was recently upgraded and of course, the new Three Kings treatment facility comes online in 2023. A new water tank was just completed above PC Heights and another one will be added somewhere up around the Town Lift. I forget the exact location. Of course, with major drought, you start the next level of planning. Weber Basin is exploring additional options for the region, including bringing more water into Quinns Junction for treatment or bringing water into the system from East Canyon Reservoir. They have water rights for both.

I can't speak as much to the standard utilities like gas and electric. I know Rocky Mountain Power has been making significant updates to the power lines, both for new development and for the transition to electric cars and buses. They have also been building new power lines to increase redundancy in their network. The president of RMP lives in PC.

I can put you in touch with the smart people who know a LOT more about each area than I do, but I would at least offer that the development you are seeing is all closely monitored and included in the appropriate capacity planning. Of course, if we have five years of super drought, none of this matters. If a forest fire burns down all the utility lines, then none of this matters. But for development plans, I think you will be pleasantly surprised.

I have gone ahead and copied the County Council on this since all these answers cover both PC and the Snyderville Basin. The cooperation across "borders" has been wonderful in these areas.

Steve Joyce
(he/him/his)
919-539-4401
steve.joyce@parkcity.org

On Oct 27, 2021, at 6:08 PM, deb <der0813@aol.com> wrote:

[CAUTION] This is an external email.

All,

After years of inactivity on development agreements signed (some) over 20 years ago, for whatever reason developers are now wanting to revive those development plans. Obviously, Park City and Summit County in the 80's and 90's could not have predicted where Park City and Summit County would be today.

At the city level, we have SnowPark, PCMR, Deer Hollow, Sommet Blanc, Arts and Culture and Affordable Housing all in the pipeline at various stages. At the county level we have ongoing development at the Canyons and Silver Creek and the Tech Center in the pipeline at a minimum.

So, here's the question that I'm asking you, but will also be raising to our City Council, our County Planning and our County Council.

Who in our local government is responsible for insuring our residents/community of today and those of tomorrow will have adequate water and other natural resources 10 years from today considering all of the development in the pipeline? We look at and "figure" in income from sales and transient taxes into our future planning, but who's actually digging in and evaluating the necessary resources in our future planning be it water, electricity, gas, etc and assuring us these resources are plentiful enough to sustain our community?

Thank you for your serious consideration of this very important issue for our community today and tomorrow.

Sincerely,
Deb Rentfrow

Alexandra Ananth

From: planning
Sent: Thursday, October 28, 2021 3:36 PM
To: Alexandra Ananth
Subject: FW: [External] PEG Project Concerns

From: Mary Whitesides <mary.whitesides@icloud.com>
Sent: Thursday, October 28, 2021 3:32 PM
To: John Phillips <john.phillips@parkcity.org>; John Kenworthy <john.kenworthy@parkcity.org>; Douglas Thimm <douglas.thimm@parkcity.org>; Laura Suesser <laura.suesser@parkcity.org>; Sarah Hall <sarah.hall@parkcity.org>; Christin VanDine <christin.VanDine@parkcity.org>; Bill Johnson <bill.johnson@parkcity.org>; planning <planning@parkcity.org>
Subject: [External] PEG Project Concerns

[CAUTION] This is an external email.

I am a 42 resident of Old Town Park City. Over the years we residents have done everything we can to ensure that Park City remains special. That includes the historic feel, the open space, mountain preservation and compatible architecture. The PEG project does not fit this criteria. As designed, it crams generic mass produced condos/apartments into the allotted spaces to maintain a standard of monetary return on the PEG investment. There is no defining character. There is no sense of destination or community. It provides only a place to crash where people are packed in like sardines. PEG as it stands now might as well be in NYC or Chicago rather than charming Old Town Park City.

There is a trend in development in ski areas around the mountain west that pays special attention to what visitors and second home owners are looking for in this day and age. A refined sense of design, transitional architecture with modern forms, lots of glass and bringing the outdoors in is now the trend. The trend is no longer centered on just an investment property. Travelers seek a memorable experience for all ages. The PEG project in no way covers these requirements and thus compromises the future of Park City. A project stuck in the past.

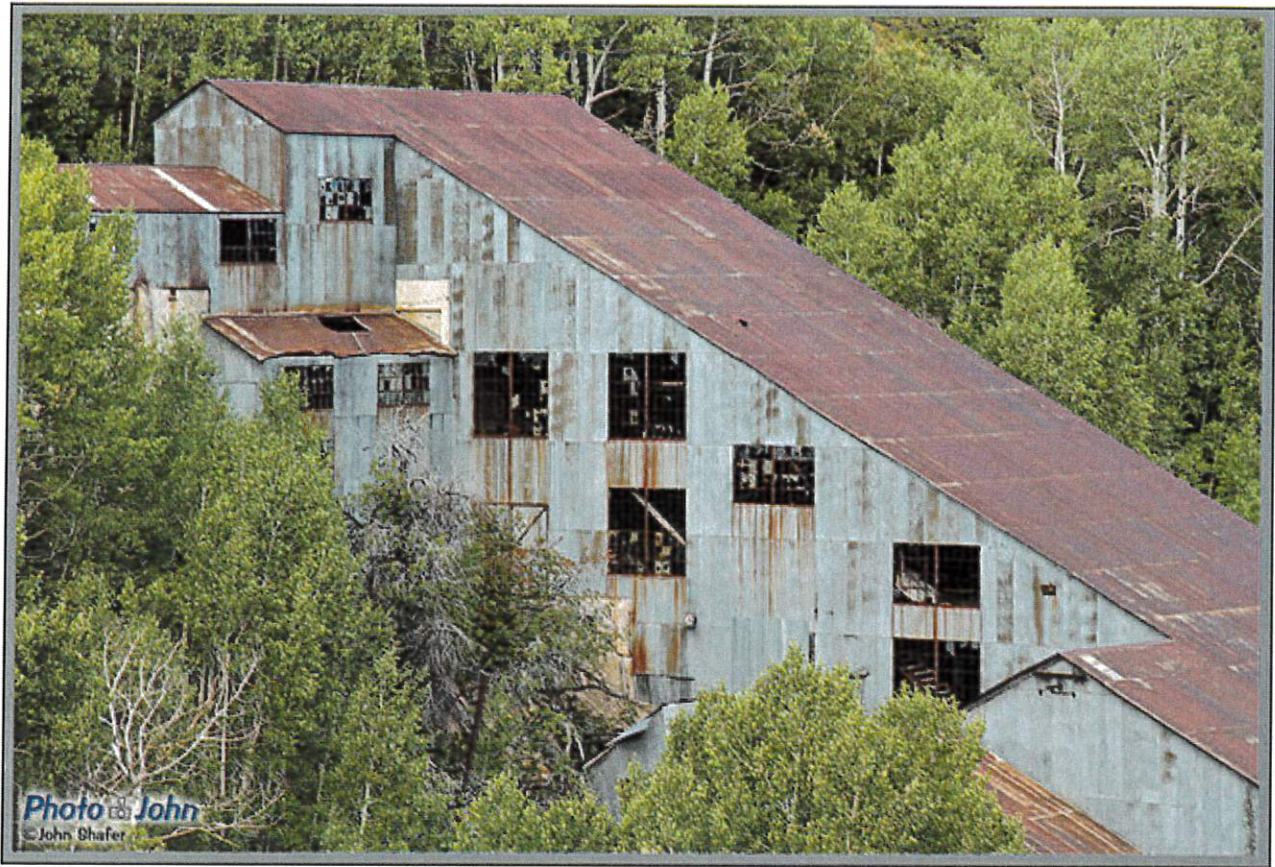
1. There is nothing local looking about it. No local restaurants, local shops, local architecture.
2. The materials do not fit the style or ambience of Old Town.
3. There are no gardens, walkways, amenities or open space,
4. Nothing to spur a meaningful connection with Park City
5. Materials do not reflect the historic nature of Old Town
6. Lacking in experience oriented destination beyond skiing
7. Lacks lifestyle

It is my hope that the commission will strongly consider the future of Park City by taking a hard look at the density, look and feel of the PEG project. It is the a make-it or break-it development for the town of Park City. See below.

Mary Whitesides

Here are two examples of materials and architecture that could be incorporated into the PEG project used as inspiration a mix of historic and modern buildings that would suit Park City.







Alexandra Ananth

From: Sherie C Harding <sherieharding@gmail.com>
Sent: Thursday, October 28, 2021 8:47 AM
To: Alexandra Ananth; John Phillips; Laura Suesser; Mark Sletten; Douglas Thimm; Christin VanDine; Sarah Hall; John Kenworthy; Bill Johnson; Mark Harrington; Margaret Plane
Subject: [External] Park City Mountain Base Development, a 3D Model

[CAUTION] This is an external email.

To: Planning Department
and The Planning Commission
From: Sherie C. Harding

A 3D Model for PC Mountain Base Area

A 3D model of the proposed PEG development at Park City Mountain Base Area has been requested countless times over many months in public comment and letters. Planning Commissioners have heard and echoed the need for accurate depictions. 3D models are crucial for city planners to understand the impact of buildings on surrounding neighborhoods and the community. Certainly, they have been used in our region in the past. The technology is available. The Park City area topography is digitized so the work can be done. There is no excuse for not applying real topography correctly. PEG is giving the Planning Commission and the public wrong information, which they term "artistic license." Their visuals are faulty and misleading.

During the October 20 Planning Commission meeting, again, the need for a 3D model was discussed. Our commissioner clarified that there are two types of 3D models, a physical model, and a digital virtual model. Physical prototypes can be made of plastic and wood, while digital prototypes use computer software (cheaper). Has PEG created a virtual 3D model of the proposed base area development? If so, it has not been shared openly with the public. The public has seen selected 2-dimensional views with odd perspectives, photoshopped backgrounds, and hardly a glimpse of surrounding neighborhood buildings. Those which have included neighboring structures have not been to scale. Their perspectives are deceptive and commonly not from eye level.

A 3D model can offer an infinite number of views of a project. Virtual or digital 3D models are easily edited to accommodate input from planners and the community. A dynamic, virtual 3D model that includes accurately depicted mountains and existing neighborhood buildings can solve the mystery of visual impact on our Old Town community.

The applicant has clearly indicated a lack of willingness to make any additional modifications and expressly stated during the October 20, 2021, meeting the desire to let their proposal stand as currently submitted for a determination (vote). Therefore, any further delay is futile and based on the current submission and the Land Management Code, 1997 MPD/1998 DA and General Plan, a denial is the only legitimate outcome

Note, I am not an architect or developer.
I am a concerned Park Citian.
Sherie Harding

Sherie C. Harding
PhD, Paleontology-Ichnology
Department of Geology and Geophysics
University of Utah
Salt Lake City, UT 84112-0102

Alexandra Ananth

From: planning
Sent: Monday, October 25, 2021 1:53 PM
To: Alexandra Ananth
Subject: FW: [External] PCMR Base Area Drop Off Comparison

Julie Schultz
Executive Office Administrator
Park City Municipal - Planning Department
445 Marsac Avenue, PO Box 1480
Park City, UT 84060
o: 435.615.5061
www.parkcity.org



From: deb <der0813@aol.com>
Sent: Monday, October 25, 2021 11:48 AM
To: John Phillips <john.phillips@parkcity.org>; John Kenworthy <john.kenworthy@parkcity.org>; Douglas Thimm <douglas.thimm@parkcity.org>; Laura Suesser <laura.suesser@parkcity.org>; Sarah Hall <sarah.hall@parkcity.org>; Bill Johnson <bill.johnson@parkcity.org>; Christin VanDine <christin.VanDine@parkcity.org>; planning <planning@parkcity.org>
Cc: ndeforge@fabianvancott.com
Subject: [External] PCMR Base Area Drop Off Comparison

[CAUTION] This is an external email.

Dear Commissioners,

Much time was spent discussing the plan for Ski school/ski club drop-off in Parcels B & E, but primarily B. Vail's representative as well as the Applicant compared it to an elementary school drop-off process where vehicles simply pull up, let the child out and pull away. Here are some aspects to consider:

<u>Elementary School Drop Off (ages 5-11)</u>	<u>Ski School/Ski Club Drop Off (ages 5-11)</u>
A child being dropped off for school likely has a backpack and maybe one other item; generally these items can be on their lap, in the floorboard, etc.	A child being dropped off for ski school/club may also have a backpack, but will also likely have a helmet, skis and poles, even boots if they don't have them on. These items will not be in the front or back seat with the child in most cases so the driver or another passenger will likely need to exit the vehicle to assist with unloading items. Proposed lockers are not inside the garage on the same level and are not free.

A child being driven to school encounters everyday traffic between their home and school grounds; however, once accessing the school grounds, the general traffic is no longer an issue and the other vehicles on the premises are primarily there to drop off as well.	A child being driven to the resort for ski school/ski club encounters everyday traffic between their home and the Deer Valley/Park Avenue intersection; however, traffic does not wane once on the resort "grounds". In fact, there is potential for another 1,200 day-skier vehicles in addition to the 600 vehicles or more for drop-off all in this same geographic "resort area" at the same time. Even more specifically, 760 day-skier vehicles are potentially entering the Parcel B garage at the same time parents/guardians are attempting to deliver their child to the program. As a result, there is an additional risk of congestion, delays, conflict and reduced safety.
A child being dropped off late for school receives a tardy. The students who arrived on time are in their respected classroom and proceeding with their day.	A child being dropped off late for ski school/ski club under the proposed scenario results in a delay for all students in the class being able to proceed with their activity. Their tardiness may be largely in part to a poor circulation and drop-off process for the redevelopment.

I'm confident there are other failures with the comparison, but these seemed most obvious and difficult to ignore. Once again, the Applicant is trying to make an apples to apples comparison where one does not exist. However, any follow-up with the Applicant regarding this comparison is futile.

The applicant (PEG) has clearly indicated their lack of willingness to make any further modifications to the submitted development proposal.

During the October 20, 2021 Planning Commission meeting, PEG expressly stated their desire to let their proposal stand as currently submitted for a determination(vote).

Therefore, a vote is requested on the current submission's conformity to the Park City Land Management Code, 1997 MPD/1998 DA and the Park City General Plan.

Denial is the only legally supportable outcome for this development proposal in its current form.

Sincerely,
Deb Rentfrow

Alexandra Ananth

From: planning
Sent: Monday, October 25, 2021 10:27 AM
To: Alexandra Ananth
Subject: FW: [External] PCMR development

Julie Schultz
Executive Office Administrator
Park City Municipal - Planning Department
445 Marsac Avenue, PO Box 1480
Park City, UT 84060
o: 435.615.5061
www.parkcity.org



From: Annie Lewis Garda <annielewisgarda@yahoo.com>
Sent: Monday, October 25, 2021 10:22 AM
To: John Phillips <john.phillips@parkcity.org>; John Kenworthy <john.kenworthy@parkcity.org>; Douglas Thimm <douglas.thimm@parkcity.org>; Laura Suesser <laura.suesser@parkcity.org>; Sarah Hall <sarah.hall@parkcity.org>; Christin VanDine <christin.VanDine@parkcity.org>; Bill Johnson <bill.johnson@parkcity.org>; planning <planning@parkcity.org>
Subject: [External] PCMR development

[CAUTION] This is an external email.

It seems clear that PEG is unwilling to make the changes necessary for conformity to the Park City Land Management Code, 1997 MPD/1998 DA, and the Park City General Plan. These documents have been crafted and updated with full community input and failure to adhere to them is definitely grounds for refusing to approve an application.

It seems that few/none of the staff reviewing this proposal was a part of creating or updating these documents. Perhaps these staff members, as well as the PEG executives, do not appreciate how much the community has invested in these documents and how much the community expects that any variations must have full community support. It is obvious that the variations requested do not have full community support.

Unless the applicant makes the changes needed to comply with these documents, I urge denying the requested approval.

Annie Lewis Garda
923 Northstar Dr. (off the top of Lowell)

Alexandra Ananth

From: planning
Sent: Monday, October 25, 2021 10:27 AM
To: Alexandra Ananth
Subject: FW: [External] PEG

Julie Schultz
Executive Office Administrator
Park City Municipal - Planning Department
445 Marsac Avenue, PO Box 1480
Park City, UT 84060
o: 435.615.5061
www.parkcity.org



From: Tom Ward <tomward29@gmail.com>
Sent: Monday, October 25, 2021 10:05 AM
To: John Phillips <john.phillips@parkcity.org>; John Kenworthy <john.kenworthy@parkcity.org>; Douglas Thimm <douglas.thimm@parkcity.org>; Laura Suesser <laura.suesser@parkcity.org>; Sarah Hall <sarah.hall@parkcity.org>; Christin VanDine <christin.VanDine@parkcity.org>; Bill Johnson <bill.johnson@parkcity.org>; planning <planning@parkcity.org>
Subject: [External] PEG

[CAUTION] This is an external email.

Dear Planning Commissioners,

I have been following RRAD and this is my understanding of current status.

The applicant (PEG) has clearly indicated their lack of willingness to make any further modifications to the submitted development proposal.

During the October 20, 2021 Planning Commission meeting, PEG expressly stated their desire to let their proposal stand as currently submitted for a determination(vote).

Therefore, a vote is requested on the current submission's conformity to the Park City Land Management Code, 1997 MPD/1998 DA and the Park City General Plan.

Denial is the only legally supportable outcome for this development proposal in its current form.

Please vote against!

Tom Ward (34 year resident)
2110 Belle Star Ct, Park City, UT 84060

Alexandra Ananth

From: planning
Sent: Monday, October 25, 2021 10:27 AM
To: Alexandra Ananth
Subject: FW: [External] PEG project

From: Harriet Henry <harriethenry@icloud.com>
Sent: Monday, October 25, 2021 9:58 AM
To: John Phillips <john.phillips@parkcity.org>; John Kenworthy <john.kenworthy@parkcity.org>; Douglas Thimm <douglas.thimm@parkcity.org>; Laura Suesser <laura.suesser@parkcity.org>; Sarah Hall <sarah.hall@parkcity.org>; Christin VanDine <christin.VanDine@parkcity.org>; Bill Johnson <bill.johnson@parkcity.org>; planning <planning@parkcity.org>; Nancy Lazenby <nhlazenby@hotmail.com>
Subject: [External] PEG project

[CAUTION] This is an external email.

Commissioners:

As a homeowner in Park City and a member of a family of avid skiers, I am very concerned about the proposed development at PCMR and the impact it will have on our charming community. It is my understanding that little to no thought has been put into development of structures that would enhance our status as an old silver mining town. Do we really want to lose our identity and the reason so many love this area? I would hope not.

Having been involved in historic and/or significant residential projects, we have endured costly and laborious rules and regulations which are instituted to maintain Park City's colorful history. Commercial entities should, at a minimum, be held to the same strict standards.

The applicant (PEG) has clearly indicated their lack of willingness to make any further modifications to the submitted development proposal.

During the October 20, 2021 Planning Commission meeting, PEG expressly stated their desire to let their proposal stand as currently submitted for a determination(vote).

Therefore, a vote is requested on the current submission's conformity to the Park City Land Management Code, 1997 MPD/1998 DA and the Park City General Plan.

Denial is the only legally supportable outcome for this development proposal in its current form.

Your service and responsiveness to the will of Park City's citizens is greatly appreciated.

Sincerely,

Alexandra Ananth

From: Nicole Deforge <ndeforge@fabianvancott.com>
Sent: Tuesday, October 19, 2021 5:25 PM
To: planning
Cc: Alexandra Ananth; John Phillips; Laura Suesser; Mark Sletten; Douglas Thimm; Christin VanDine; Sarah Hall; John Kenworthy; Bill Johnson; Mark Harrington; Margaret Plane
Subject: [External] RE: Park City Mountain Resort Base Development public comments - Sept 29 meeting
Attachments: RRAD Oct 20 Planning Commission comment letter.pdf

[CAUTION] This is an external email.

Dear Planning Commission and Staff,

Please see the attached letter sent on behalf of the RRAD community organization regarding the proposed Park City Mountain Resort Base Development. Please include the letter as part of the public comments that will be circulated in advance of tomorrow's October 20, 2021 Planning Commission meeting.

Thank you.

Nikki

NICOLE M. DEFORGE

Attorney

FabianVanCott

215 South State Street, Suite 1200

Salt Lake City, UT 84111-2323

(T) 801-531-8900 (D) 801-574-2620

ndeforge@fabianvancott.com

www.fabianvancott.com

- Helipad. The LMC does not allow use of open space for a helipad. The Planning Staff has properly required the developer to designate the area it intends to use as a helipad for the medical clinic. The developer has previously indicated that it plans to use an area for the helipad that it is also counting as open space. The LMC only allows landscaped open space area to be used for "project amenities such as gardens, greenways, pathways, plazas, and other similar Uses." Such uses do not include a helipad. The developer cannot simply avoid designating a helipad area in order to double count it as open space.

2. Setbacks

- Shuttle Drop-off and Bus Stop. The latest plans show that the bus stop and shuttle drop-off areas are located in part within the front setbacks for the surrounding buildings. LMC 15-15-1 states that "no Structure or portion thereof shall be permitted, erected, constructed, or placed" within setbacks. Consequently, no bus shelters, ski racks, or the like can be constructed in those setback areas.
- Setbacks at Every Level. The developer has not provided current setbacks for each level of the buildings, including underground. Those must be provided before the Planning Commission can make any findings about setbacks.
- No Reduced Setbacks for Parking. The developer has repeatedly stated in public hearings before the Planning Commission that it needs the requested setback reductions to fit all the parking it wants on Parcel B. Given this admission, the developer cannot meet its burden as a matter of law of showing that its setback reductions comply with LMC 15-6-5 as being "necessary for desired architectural interest and variety."
- No Reduced Setbacks to Meet LMC Requirements. A setback variance cannot be granted to enable the developer to meet other LMC requirements. The developer claims that it needs setback reductions to have façade variation. But façade variation is already required under LMC for MPDs, as referenced in Section 15-6-5(F)(1). Therefore, the developer cannot receive setback reductions for the purpose of façade variation.

3. Building Heights

- No Density Increase. LMC 15-6-5(F)(1) requires no increase in density as the result of a building height increase. The 1998 DA did not grant a blanket increase in density for the entire site and instead granted increased density *by parcel* and prohibited shifting between parcels. Therefore, to the extent the developer is relying on the 1998 DA for its claimed "Transfer of Development Credits," any increase in density on *any parcel* now would not have been received as part of that transfer. The developer has requested additional density on multiple parcels where it also seeks additional building heights. It therefore has failed to meet the first requirement for building height exceptions.

- Increased Setbacks from Adjacent Projects: LMC 15-6-5(F)(4) requires “increased Setbacks and separations from adjacent projects” as a requirement for approving any building height increases. This requirement is intended to mitigate the impact on properties that are adjacent to the taller buildings. There are no increased setbacks next to adjacent projects where height increases are requested. That is true even if one considers the site as a whole rather than building by building, as the developer urges.
 - Increase in Public Open Space. LMC 15-6-(F)(5) requires that a building height increase “results in more than the minimum Open Space required and results in Open Space that is publicly accessible.” That is not the case here, as noted above.
 - Findings. The Planning Commission must make separate findings as to whether the above requirements have been met for each building. It is not legally possible for the Planning Commission to find that all six factors are met with respect to each building.
4. Hotel Parking
- Tandem Parking Prohibited. Tandem parking for the hotel is prohibited under LMC 15-3(1). But the developer depends on tandem parking in the hotel to meet its parking requirements.
5. Mountain Upgrade Plan
- Upgrades and CCC. The developer has represented throughout the process that there were no mountain upgrades planned to the resort that would require an amendment to the Mountain Upgrade Plan, which was incorporated as an exhibit to the 1998 MPD and 2015 amendment. The upgrade plans recently announced by Vail Resorts will inevitably increase current carrying capacity significantly. The developer’s claims to the contrary are not plausible.
6. Site Circulation
- Empire Avenue. The site circulation plan still does not properly function as a whole. That failure is most egregious with respect to Empire Avenue. Everyone agrees that Empire is already significantly over capacity and its intersections do not function in peak hours. Yet, the developer is increasing current parking capacity on the Parcel B lot by over 233%, with the associated increase in traffic. Vehicles not opting to enter the garage from Empire will have to navigate the bus lanes, HAWK signal, drop-off and hotel traffic on Lowell in order to access from Shadow Ridge. Therefore, virtually all the incoming traffic parking on Parcel B will enter and exit via Empire Avenue. Additionally, all the shuttle and drop-off traffic using the south shuttle area opposite the transit center will go to and from the resort via Empire. Yet, the General Plan requires that traffic be *reduced* on Empire Avenue and there be a *decrease* in resort impacts

on surrounding residential communities. The plans therefore do not comply with the General Plan.

- Silver King Drive. Although admittedly much of our focus has been on Empire Avenue and Parcel B parking and congestion, the potential for problems on Silver King should be examined as well. Currently, there is no day-skier parking access from Silver King and all must enter via Lowell Avenue. Under the current plan, all day-skier parking for the 440 vehicles on Parcel E must enter from Silver King Drive. With proposed drop-off in the garage, the condos and ski club, this number will easily climb to or beyond 500 vehicles in and 500 out each day. The impact of this change is unimaginable for that road and nearby Three Kings and Snowflower residents. Again, this results in an increased impact rather than a *decrease* in the impact on surrounding residential communities as required by the General Plan.
- Lowell Avenue. The north stretch of Lowell between Silver King and Shadow Ridge is another area of failure with the circulation plan. Upon making a turn onto Lowell from Silver King, a vehicle is limited to one general purpose lane between and, without any physical separation, a shoulder lane for parallel parking drop-off for approximately eight vehicles and a dedicated bus lane. Once drop-off is complete, the vehicle must merge into general traffic with very limited distance before reaching the HAWK signal for pedestrians. This will result in much congestion and potential for conflict. Add on the two proposed loading dock driveways and the hotel entrance and many conflicts will arise for vehicles, pedestrians and cyclists. This fails to meet the required findings for Site Planning and the General Plan.

In addition to the legal issues, there are numerous reasons why the requested MPD amendment will not function and should not be approved. Those issues have been repeatedly raised by RRAD and many Park City residents and are detailed again in the latest comments submitted to Planning Commission in connection with the October 20 staff report.

Sincerely,



Nicole M. Deforge

cc: client; Mark Harrington; Margaret Plane; alexandra.ananth@parkcity.org

Alexandra Ananth

From: planning
Sent: Tuesday, October 19, 2021 1:37 PM
To: Alexandra Ananth; Gretchen Milliken
Subject: FW: [External] KPCW Interview with Planning re: PEG and PCMR

From: deb <der0813@aol.com>
Sent: Tuesday, October 19, 2021 12:26 PM
To: lthatcher@kpcw.org; shiggins@kpcw.org; info@townlift.com; bubba@parkrecord.com
Cc: ndeforge@fabianvancott.com; planning <planning@parkcity.org>
Subject: [External] KPCW Interview with Planning re: PEG and PCMR

[CAUTION] This is an external email.

All,

KPCW did an Interview with Planning Director Gretchen Milliken and Planner Alexandra Ananth this morning. Either inaccurate statements were made or the staff report is inaccurate. Here are the highlights:

1. Planner Ananth stated during the interview "...parking garage clearances raised to 9.5' to accommodate vehicles with boxes..." **Per staff report for tomorrow evening's meeting page 33** "The applicant has agreed to increase the floor-to-floor clear heights to 9.5 ft for **all garage levels with drop off** to accommodate vehicles with roof boxes". **That's one level in Parcel B and one level in Parcel E garage - total misrepresentation unless the staff report is wrong. There has been no attention given to the depth of the spaces for vehicles with racks on back.** This is an outdoor sports venue, not a shopping mall.
2. Planner Ananth stated during the interview "...there is a drop-off location at the new plaza with additional drop-off of 20-30 spaces in each of the garages..." **Per PEG's plans shared on September 29th, 2021**, there are 14 spaces in Parcel E and 20 spaces in Parcel B - all temporary from 8-9:30am and taking away from Day-Skier parking space allocation. No pick-up space allocated in any garage. **Big difference between 40-60 spaces and 38 temporary spaces. The drop-off in front of the plaza accommodates 8 vehicles (parallel parked along curb) adjacent to one single lane of general traffic.** I have the screen shots of the presentation for verification upon request.
3. The '98 DA is a guiding document; however, a portion of that DA has expired and the current Land Management Code applies for heights and setbacks. Planner Ananth stated the current code has a 60% threshold for Open Space. The '98 DA had a 70% threshold. **Perhaps we should stop cherry picking what we want to use for guidance and stick to the table provided by our City attorney on each aspect of the project.** See page 79 of Staff Report for tomorrow's meeting. The heights and setbacks are based on the current LMC not the '98 DA.
4. The plan was to have the Applicant's consultant SE Group come address the potential impact of increased pass sales and improved lift capacity (CCC), specifically how it could impact parking and traffic. Planner Ananth stated "...instead Vail contends no more congestion/people (increased CCC) as it's just to facilitate movement around the mountain..." **Why doesn't the City feel the need to confirm/verify this? Eagle is going from a 3 person to a 6 person and it's at the Base not up on the mountain.**
5. Planner Ananth stated "...applicant is seeking building height exceptions on most of the project..." **Incorrect: The applicant is asking for building height exceptions for EVERY building .**
6. Both the Director and Planner mentioned opportunity for public input during the meetings. Here's a summary of that claim:

- Public has been told to submit input via e-comment or email to planning. **Neither E-comments nor emails have been read during the meeting since October 28, 2020.** We have been told they are included in the subsequent packet. I have emails proving this has not always occurred.
- In almost all cases, **public input doesn't begin until after 9:00pm** with a 5:30pm start time on the PCMR project only.
- Public has been instructed to only talk about the PCMR agenda'd subject matter; however, many times other aspects relevant to the project are discussed or covered. This is a large project with many inter-related pieces yet the public is regularly reminded to stick to topic regardless.
- Public has been limited to 3 minutes on occasion, 5 minutes on occasion and a timer goes off during our delivery. We have not been allowed to finish and told to submit our comments for inclusion in the next packet. See the first item listed under this category.
- The May 19th and June 16th meetings utilized a typed Q & A format followed by "timed" public input via oral comment. **This abrupt change was not noticed.**
- **The August 18th meeting allowed NO public input of any kind.**
- The September 15th meeting allowed "timed" oral public input and individuals were cut off.
- The Chair announced a time limit for the latest September 29th meeting but then stepped away. The co-chair did not implement a timer which was much appreciated.

I can't confirm the above are the only issues with this morning's interview, but they are what stood out while listening. This proposal has so many issues that must be resolved in order for a vote of approval to occur. The misrepresentations which continue to occur are very frustrating.

Sincerely,
Deb Rentfrow

Alexandra Ananth

From: Teri Whitney <teri@snowflowerparkcity.com>
Sent: Tuesday, October 19, 2021 11:05 AM
To: Alexandra Ananth
Cc: Edwin Shackeroff 23; Mike Mangano (mikempve@gmail.com); Sandy Chinn; SF041 Claudia Ehrenfeld (claudiae@ehrenfeldgroup.com); Tony Reed; Cary and Charly Harvey 124; Debbie Halkovics; Eric & Terri Brelin 122; Jo Carlson 136; Ron & Deb Doyle 103
Subject: [External] Park City Mountain Resort Parking Lot Development

[CAUTION] This is an external email.

Alexandra,

I'm writing on behalf of the Snow Flower Homeowner's Associations. We have not read/heard much about Parcel E and we still have numerous concerns about height, set backs and most of all, what is happening with the proposed delivery bay. We had been told a while back that PEG was considering moving that location but we have only heard about changes to Parcel B and Parcel D. Which I might say I personally think PEG has done a great job on the redesign of both Parcel B & D. We also have concerns about the traffic on Silver King Drive but I believe that's an ongoing issue throughout the entire proposal.

Thank you in advance
Teri

Teri Whitney | General Manager

Snow Flower Condominiums
401 Silver King Drive | PO Box 957
Park City, UT 84060
Office: 435.649-6400
www.ParkCityLodging.com



Park City Lodging, Inc. proudly supports 1% for open space.
Please consider the environment before printing this e-mail.

Alexandra Ananth

From: planning
Sent: Tuesday, October 19, 2021 8:53 AM
To: Alexandra Ananth
Subject: FW: [External] AECOM & PCMR Base Area Project
Attachments: Transit Center Design Updated June 2021.pdf; AECOM Original PCMR Contract.pdf; AECOM Change Order #1.pdf; AECOM Change Order #2.pdf; AECOM Change Order #3.pdf

Julie Schultz
Executive Office Administrator
Park City Municipal - Planning Department
445 Marsac Avenue, PO Box 1480
Park City, UT 84060
o: 435.615.5061
www.parkcity.org



From: deb <der0813@aol.com>
Sent: Saturday, October 16, 2021 3:33 PM
To: John Phillips <john.phillips@parkcity.org>; John Kenworthy <john.kenworthy@parkcity.org>; Douglas Thimm <douglas.thimm@parkcity.org>; Sarah Hall <sarah.hall@parkcity.org>; Laura Suesser <laura.suesser@parkcity.org>; Christin VanDine <christin.VanDine@parkcity.org>; Bill Johnson <bill.johnson@parkcity.org>; planning <planning@parkcity.org>
Cc: ndeforge@fabianvancott.com; Margaret Plane <margaret.plane@parkcity.org>; Mark Harrington <mark@parkcity.org>
Subject: [External] AECOM & PCMR Base Area Project

[CAUTION] This is an external email.

Commissioners and Planning Staff,

First off, this is not an attack on AECOM - it's the opposite.

During the August 19th, 2021 City Council meeting, three change orders were presented to the Council for consent of extension of contract, scope of work and payment to AECOM as the consultant reviewing the PCMR Base Area Project. I've attached them should you wish to verify content.

Original Contract dated August 14, 2020 \$18,510.

This contract was set to expire June 30, 2021.

Change Order #1 dated February 2, 2021 \$ 6,492.

This extended the scope and was for the review of various site circulation scenarios and to assist staff with a PowerPoint. As we all know, the applicant made the decision to proceed with their own design rather than taking the advice of the City's expert AECOM.

Change Order #2 dated March 12, 2021 \$30,000.

This extended the scope again to include reviewing the applicant's March and April submissions and assist staff with a PowerPoint thereafter. It included such tasks as reviewing shuttle drop-off and staging, reviewing ped/bike plan and recommend improvements for capacity/connectivity, review applicant's plan for Empire Avenue and ensure compatibility with 224/Park/Empire intersection.

Change Order #3 dated June 9, 2021 \$13,500.

This extended the scope again to "Prepare a concept layout for the transit station..." It includes six specific items as well as this specific deliverable included in the change order "Provide the concept designs to the city in PDF and CAD format." I believe this is the attached file Transit Center Design (Updated) from the June 18, 2021 meeting. Unfortunately, this exhibit does not reflect the same waiting area at the Transit Center on the east side of Lowell as what the applicant shows in their setback exhibit for this month on page 39. Inconsistencies continue to occur in the applicant's submissions and unfortunately, we have no idea how many are out there and what the applicant is actually proposing.

Change Order #4 dated ? \$??,???

This change order is forthcoming as during the September 29th Planning meeting, it was determined AECOM should meet with the Applicant, City and potentially two commissioners to review the Park and Ride/Transit/Lack of parking issues that remain.

The residents/Park City has paid \$68,500 to AECOM to date...before Change Order #4. I agree the City needs an expert and AECOM has tried to be one, but for some unknown reason, we're not taking their expert advice on various aspects of this proposal. Why?

How much money is the City willing to pay AECOM to only have their EXPERT advice in most cases ignored?
We've heard the applicant complain about how much this is costing them; it's actually costing all of us - time and money.

As we all know, AECOM has made several recommendations for change with regards to site circulation, pedestrian passage, loading dock locations, drop-off, pathway widths, etc. Unfortunately, the applicant has dug in on their own plan making very few modifications since January 2021. They continue to tout success based on models (no actual data) stating they are confident they will achieve their goals of the TDM/PMP. If not, well there's those Conditions of Approval which unfortunately, we all know will likely go un-enforced due to the finger pointing as to **whose fault** it really is for the failure.

It will be OURS if we approve this current proposal. Please don't put our quality of life in further jeopardy.

Sincerely,

Deb Rentfrow

Alexandra Ananth

From: planning
Sent: Tuesday, October 19, 2021 8:19 AM
To: Alexandra Ananth
Subject: FW: [External] PCMR - Findings of Fact
Attachments: Unresolved Circulation Issues.pdf

Julie Schultz
Executive Office Administrator
Park City Municipal - Planning Department
445 Marsac Avenue, PO Box 1480
Park City, UT 84060
o: 435.615.5061
www.parkcity.org



From: deb <der0813@aol.com>
Sent: Monday, October 18, 2021 9:08 PM
To: planning <planning@parkcity.org>; John Phillips <john.phillips@parkcity.org>; John Kenworthy <john.kenworthy@parkcity.org>; Laura Suesser <laura.suesser@parkcity.org>; Sarah Hall <sarah.hall@parkcity.org>; Christin VanDine <christin.VanDine@parkcity.org>; Douglas Thimm <douglas.thimm@parkcity.org>; Bill Johnson <bill.johnson@parkcity.org>
Cc: ndeforge@fabianvancott.com; Margaret Plane <margaret.plane@parkcity.org>; Mark Harrington <mark@parkcity.org>
Subject: [External] PCMR - Findings of Fact

[CAUTION] This is an external email.

All,

Your time and attention to the details of the current proposal for PCMR are greatly appreciated.

As the review of the Findings of Fact related to the Site Circulation (#85-96), the General Plan (#106-116) and LMC Findings (#128-143) likely continue on Wednesday, issues remain with the following (at a minimum): #95, #96, #108, #111, #115, #131, #134 and #143.

#91. Adequate internal vehicular, pedestrian, and bicycle circulation is provided and pedestrian and bicycle circulations are separated from vehicular circulations and provide safe travel within the boundaries of the project and safe travel to adjoining public sidewalks, trails, and Rights-of-Way.

- The most notable failure of this finding is southbound Lowell between Silver King and Shadow Ridge. This section of roadway has the potential for vehicle conflict with pedestrians and cyclists using the multi-use path in no less than three locations. There is a loading dock which crosses the path in TWO different places as well as the hotel

entrance. In addition, the HAWK signal is in direct proximity to the (insufficient) eight passenger vehicle parallel drop off merge with general purpose traffic (see attached drawing).

#95. The project includes transportation amenities including separate drop-off Areas for shuttle service, general purpose vehicles, and an existing bus stop. Additional drop off can be accommodated in the garage structures.

- Drop-off area for shuttles is inadequate supporting only approximately eight vehicles. Many of the shuttles such as Snow Country Limousine due to size will not be easily accommodated and will take up more than one space and add to congestion of the drop-off area. Also, there is no queuing area provided for the shuttles. A single level of 9'5" clearance in the garage will also limit certain shuttles from access to perform drop off in a garage. And, this is dangerous as there are not designated areas nor spaces large enough for the shuttle to load/unload safely inside the garage if the shuttle will meet the clearance.
- Drop-off area for general purpose vehicles is only 8 spaces 24/7. This is incredibly inadequate. The current plan to use day-skier spaces temporarily in the garages does not address pick up and cuts into day-skier parking at peak arrival time.
- There is no Uber/Lyft drop-off; these vehicles are advised to use the garage. Safety and convenience issues result.
- The transit center will handle 6-7 buses/stops; however, the highly utilized stops on Empire Avenue between Shadow Ridge and Silver King/15th Street will be lost. It is unclear how the circulation will impact the Three Kings stop at the corner of Silver King and other stops along Three Kings, but it doesn't look good.

#96. Service and delivery Access and loading/unloading Areas are included in the project and separated from pedestrian Areas and will be further detailed and evaluated at the CUP process.

- This is false. There are two crossings through the pedestrian/cyclists path on Lowell at Parcel C. What incentive will the applicant have to change this if approved as is today? None - further review doesn't insure any improvement.

#108. The General Plan for the Resort Center outlines 7 objectives for the neighborhood including:

a) Increasing opportunities for public transit (including consideration of dedicated transit lanes);

- Increases at Transit Center, decreases on Empire Avenue.
- The bus lanes on Lowell are not separated from General Purpose traffic as advised by UDOT.

b) Circulation modifications to improve the user experience of arriving and leaving the Resort Center;

- 66% of all day-skier traffic must travel to the furthest parcel in this proposal for parking;
- Shuttles must go to the absolute furthest point from entry (unless using a garage - safety/clearance issues);
- Drop-off on north Lowell requires parallel parking maneuvers with a very short distance to merge with the general purpose traffic lane furthering opportunity for increased congestion;
- Nothing in proposal prevents traffic from cutting through Payday/Thaynes neighborhoods on arrival. Signage doesn't work today, it won't work tomorrow.

c) Implementing alternative parking locations with public transportation connections;

- Proposed is insufficient. Let's also keep in mind if the School bond passes, the HS lot will be lost sooner rather than later due to construction on that site;

d) The development of transportation demand management strategies to decrease vehicle traffic;

- To date, nothing measurable and enforceable and our community will suffer.

e) Improving multimodal connections between the Resort and Main Street, Deer Valley and the Bonanza Park areas;

- This hasn't been addressed in months - perhaps last January. The applicant has mentioned offering shuttles to other areas of town with 24 hours notice. Can it be stated this is an improvement? Similar services already exist in

town. It does serve to keep the demand up for Ubers and Lyfts, circling the area (environmental impact) and potentially causing additional congestion.

f) Decreasing resort impacts on surrounding residential communities;

- Traffic will increase significantly on Empire resulting in an INCREASE in resort impacts due to 66% of all day-skier traffic, 100% of all shuttle traffic, 100% of all owner/renter traffic for Parcel B, etc using Empire to access the area.

g) Discouraging resort through traffic on Three Kings Drive.

- Median on Silver King will help with this on departure from the resort; however, current proposal does not do anything to address traffic arriving to the resort. Again, current signage is a failure.

#111. PEG has proposed a comprehensive Transportation Demand Management plan and circulation modifications to reduce traffic congestion and improve intersection LOS through its modal split goals, which will improve the user experience of arriving and leaving the Resort Center.

- Goals. And if they are not achieved? Who suffers the consequences for the unforeseen future? We will not get a do-over.
- Plan is based on studies and no real actual data for this specific geographic area and its use.

#115. The 2021 Concept Master Plan decreases resort impacts on surrounding residential communities by improving traffic circulation and congestion, improving opportunities for public transit, and improved multi-modal connections.

- See #108 letters b, f and g. This proposal does not meet this Finding.

#131. The 2021 Concept Master Plan strengthens and enhances the resort character of Park City with additional Resort Support Commercial uses, lodging opportunities and public transit improvements.

- Enhances the resort character is subjective but current plan does not enhance the resort character for the residents of Park City other than covered parking (at a price).

#134. The 2021 Concept Master Plan provides amenities to the community so that there is no net loss of community amenities including but not limited to new transit station, employee and affordable housing, 1,200 day-skier parking stalls, public plazas and new commercial and residential uses.

- The community is comprised of Park City residents and this plan eliminates bus stops, increases traffic on neighborhood streets and reduces day-skier parking as everything that is inadequate is being "made up" by using day-skier spaces in the garages.
- The community does not benefit from another hotel in the resort center; the other hotels and rental properties will still book up.

#143. The 2021 Concept Master Plan addresses and mitigates traffic and the applicant and submitted the Parking Study & TDM/PMP Plans demonstrating the applicant's commitment to work with the City in a combined effort to achieve a 20% modal split within five years of occupancy of Building B.

- Five years after occupancy of Building B. And if not achieved, they've built on every other Parcel. Are we going to halt construction? We will be stuck with it.
- The TDM/PMP plans are insufficient. The proposal needs to be improved so we don't have to rely on a "commitment to work with the City" as our only hope. Require a better plan based on real data and the guidance of the City's paid consultants rather than the applicant's.

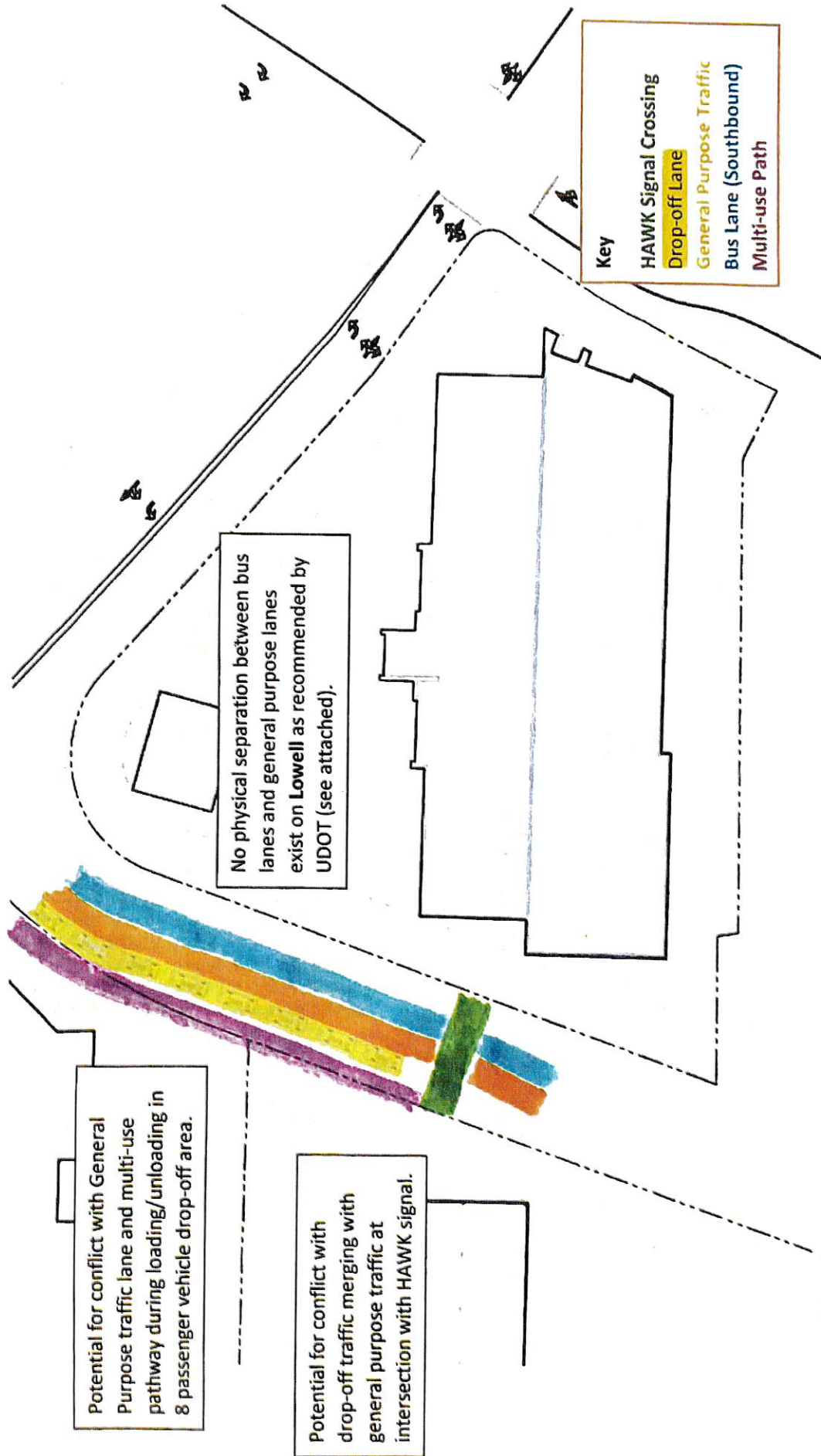
In the attached file is a drawing pertaining to circulation; unfortunately, it highlights only one of many issues with this proposal. In addition, I've included a section from UDOT's website pertaining to bus lanes. I have highlighted the sections within the document which pertain to FOF #108. Either automated camera and/or heavy police presence for enforcement should be required of the applicant - cost, implementation, management, etc.

Again, thank you for your service to our community and for taking the time to review my numerous submissions. We all want a successful development that offers benefit to the entire community.

Sincerely,
Deb Rentfrow

UNRESOLVED CIRCULATION ISSUES

Parcel D Open Space Exhibit included on p. 45 of Current Staff Packet



3.7 Bus Lanes

3.7.1 PURPOSE

Bus lanes are reserved only for transit vehicles but sometimes also allow use by bicyclists, taxis, HOVs, or energy-efficient vehicles. The objective of this strategy is to reduce the overall amount of vehicle miles traveled (VMT) by shifting commuters to transit systems such as BRT, and to increase the speed and reliability of transit service.

3.7.2 BENEFITS

This strategy can increase travel time reliability and reduce the travel time of transit service. Traffic congestion, urban sprawl, central city decline, and air pollution are all problems associated with excessive dependence on automobiles, which can be partially resolved by implementing this strategy. Dedicated, visual bus lanes create a sense of permanence, which can help promote economic development oriented toward transit investment.

3.7.3 START DATE

The first bus lanes in Europe were established in 1963 in the German city of Hamburg, when the tram system was closed and the former segregated tram tracks were converted for bus travel. The strategy was put into service in Japan, United Kingdom, and France in the 1970s and 1980s. The El Monte Busway between El Monte and downtown Los Angeles was the first dedicated busway in the United States, constructed in 1974.

In Utah, MAX BRT began running in dedicated bus lanes in 2010. This system features nearly 1 mile of exclusive bus lanes along 3500 South in Salt Lake County. The Utah Valley Express (UVX) is another BRT line in Utah County, which began running in 2018. The route features center-running bus lanes in two separate sections totaling about 4.75 miles.

3.7.4 INSTITUTIONAL ISSUES

The overall success of any bus lane implementation project heavily depends on interagency coordination and stakeholder outreach. Interagency coordination is essential not just in the planning, design, and construction of bus lanes, but also in their operation because transit operating agencies are not the exclusive responsible agency for maintaining bus lanes in many cases. Maintaining lane markings, setting traffic signal timings, and performing other essential activities of a bus lane usually require cooperation at all phases of implementation among state, regional, and local agencies, as well as between traffic engineering and transit service planning officials. Case studies from across the United States reiterate such a need.

3.7.5 PUBLIC REACTION

The installation of bus lanes typically requires additional space to accommodate new bus lanes and/or conversion of existing general traffic lanes to dedicated bus lanes. Widening the roadway may result in negative public reaction if it impacts the surrounding area or requires the taking of private land. **Converting existing general traffic lanes may also be controversial because it reduces roadway capacity**

available for personal vehicles. Some jurisdictions allow electric cars and/or hybrid cars to use bus lanes. However, this provision may not always address public concerns. Oslo (Norway) removed bus-lane access to electric (non-bus) vehicles in 2017 following public protests about congested bus lanes. The large number of electric vehicles (EVs) on Norwegian roads slowed buses, defeating the purpose of bus lanes.

Public outreach can help address concerns by clearly communicating the intent and use of the bus lane to community stakeholders and the general public. Best practices for bus lane public outreach include clear bus lane infrastructure markings as well as signage and targeted outreach tailored and scaled to the needs of the community. Additionally, it is helpful to educate the public with easily accessible project information that is easy to read sufficiently detailed, and updated in real time to reflect up-to-date information. Critical project details include a description of the project (including bus facility and service improvements), frequently asked questions, upcoming meetings, and discussion forums on websites, blogs, and social media. Effective education of the general traveling public improves public acceptance as well as use compliance and bus lane efficiency.

3.7.6 ENVIRONMENTAL ISSUES

Several studies show that the environmental benefits from the implementation of bus lanes are very significant. Passengers shifting from low-occupancy vehicles to high-occupancy buses reduce overall VMT. Also, reductions in

vehicle emissions can be achieved by increased efficiency of transit systems resulting from implementing bus lanes.

3.7.7 IMPLEMENTATION

This strategy is best suited in cities and urban areas with higher ridership and greater levels of roadway congestion that affect bus travel times. However, extensive project-specific market research and ridership estimation are required to ensure the success of a bus lane. In addition to institutional issues and public outreach, several other aspects should be considered for implementing bus lane projects, including the following:

- **Enforcement:** Physical separation of bus lanes from GP lanes can decrease the rate of violations by unauthorized vehicles. When automated camera enforcement is impractical or illegal, some level of police presence is needed to discourage potential violators from entering the bus lanes. Police enforcement can be especially important and impactful when bus lanes first open (e.g., the first month after opening).
- **Design:** Bus lanes may be located within or adjacent to a roadway. They typically run along the sides of a street near the curb or along the center of the street. They may be long and continuous networks or short segments used to allow buses to bypass bottlenecks or reduce route complexity, such as in a contraflow bus lane or queue jump lane. The design of bus stops or stations can also vary widely and must optimize efficiencies and safety of all users, including

Alexandra Ananth

From: deb <der0813@aol.com>
Sent: Monday, October 18, 2021 7:51 AM
To: Alexandra Ananth; planning
Cc: Gretchen Milliken; ndeforge@fabianvancott.com; Margaret Plane; Mark Harrington
Subject: [External] PCMR Building Height/Compatibility Exhibit
Attachments: Sept 29 PDF Exhibit.pdf

[CAUTION] This is an external email.

Good morning.

In reviewing this month's packet as well as the public input, it was discovered some submissions are again missing. An email from myself included exhibits specifically pertaining to building heights and how the proposed structures fit in with the existing structures. All three pages were attached as a single document to an email on September 29th. The email requesting the exhibits be reviewed is included, but the exhibits are not. This is very concerning as it goes to how this proposed plan does not meet the General Plan criteria or the criteria for a building height exception.

Why do these omissions continue to occur? I've attached the 3 pages again and would appreciate their inclusion in the next packet.

Sincerely,

Deb Rentfrow

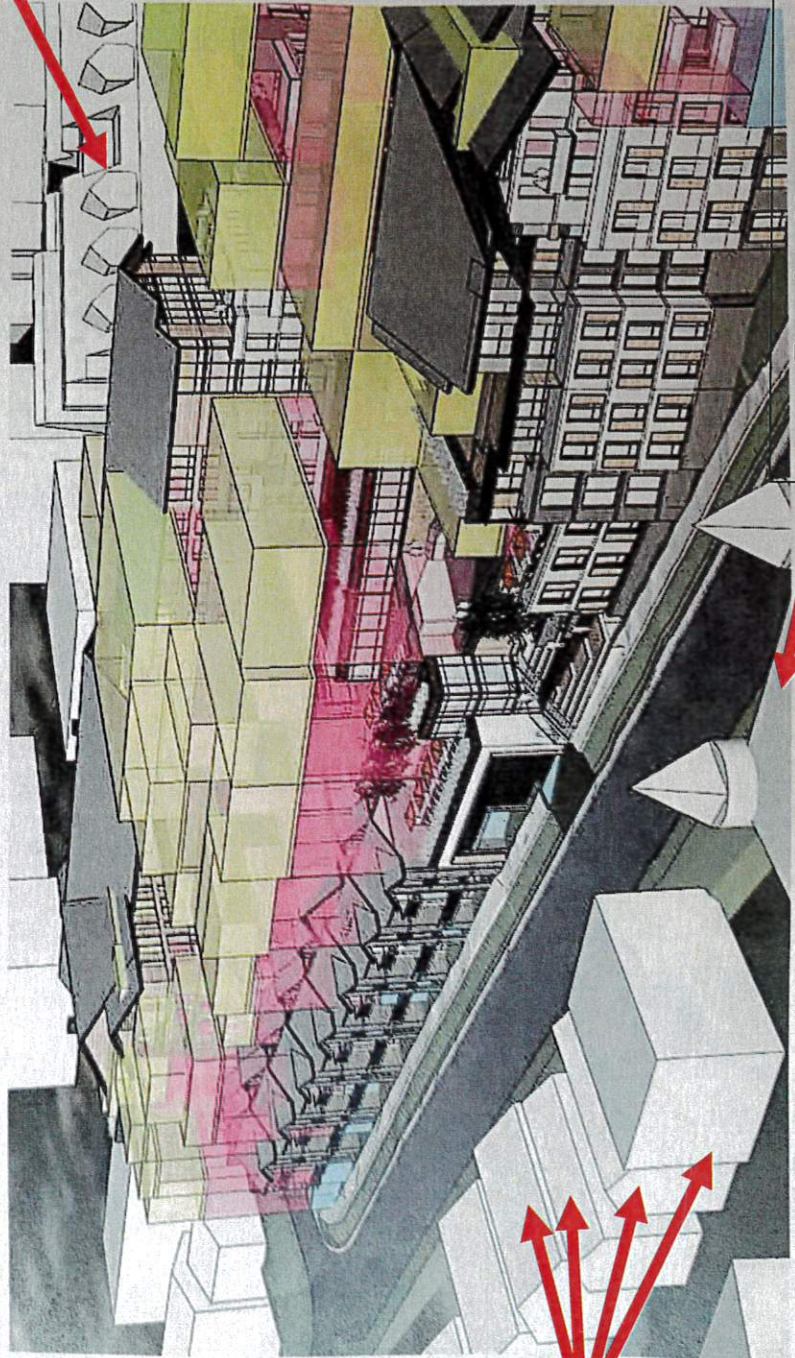
This exhibit was included in the May 19, 2021 Packet – the last time any extensive review of building density and heights was discussed. What’s misleading? Resort Lodges, Single Family Homes and Empire House all no more than 3 stories appear to tower over or stand equal to the 6-7 story proposed building on Parcel B. This exhibit is not to scale and an inaccurate reflection of the compatibility with the surrounding neighborhood.

2.0 - BUILDING SITING/MASSING- PARCEL B

While generally compatible with the building height and massing of the approved 1998 master plan, the proposed Parcel B massing mitigate

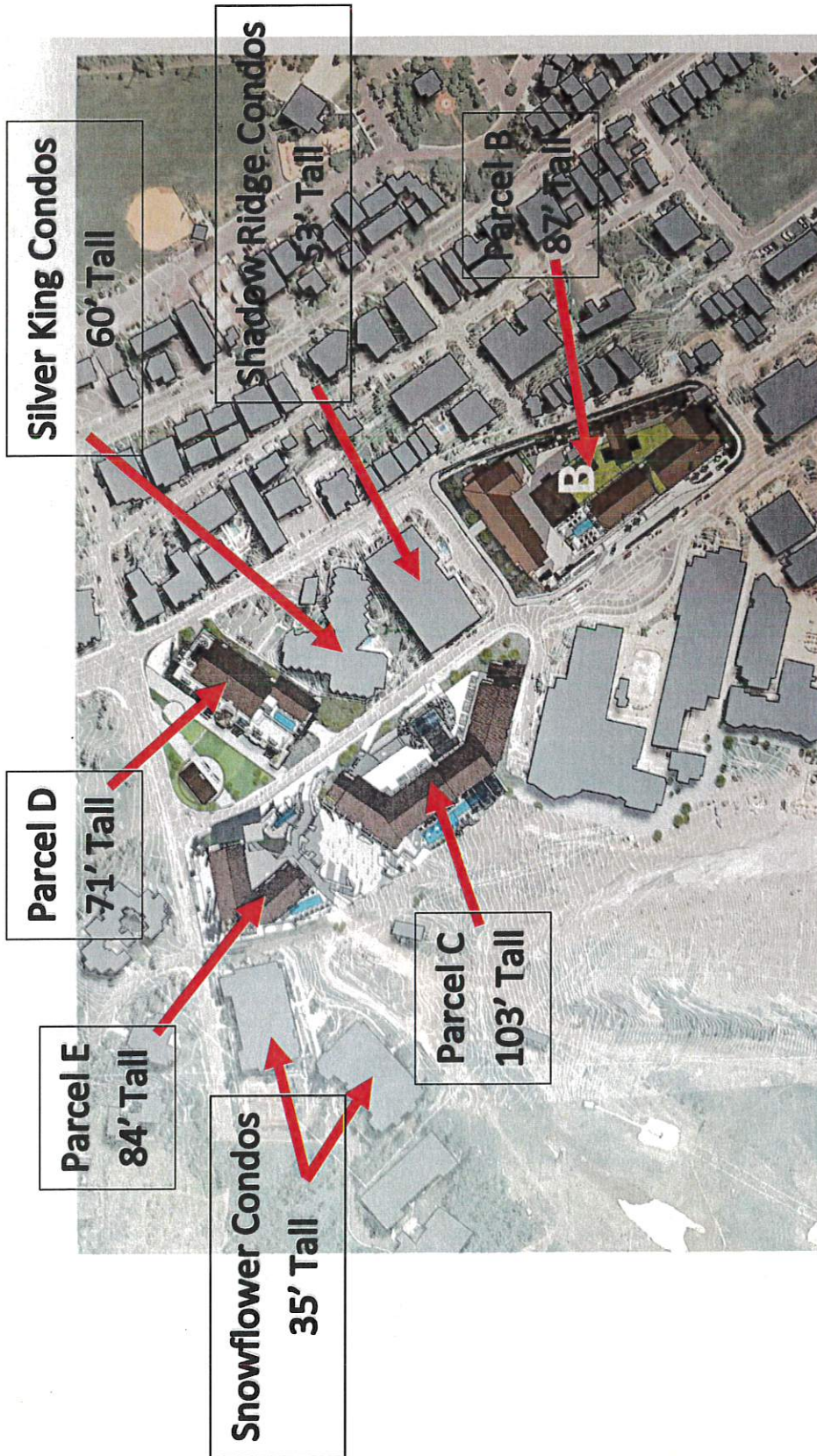
- The building height massing and height along Empire Avenue has been significantly reduced compared to 1998 masterplan to relate
- The building height and massing along Shadow Ridge has been reduced to relate to the residential context
- The overall density has been reduced by approximately 26% creating a lot more open space in the center of the site.
- The building height and massing has been maximized along Lowell Avenue relating to the existing scale of the resort building.

**Resort
Lodges
3 Story
Buildings**



**Single
Family
Homes
< 35' Tall**

**Empire House
3 Story Building**



The heights requested by the Applicant are NOT compatible in scale or mass to the surrounding neighborhood as this clearly identifies.

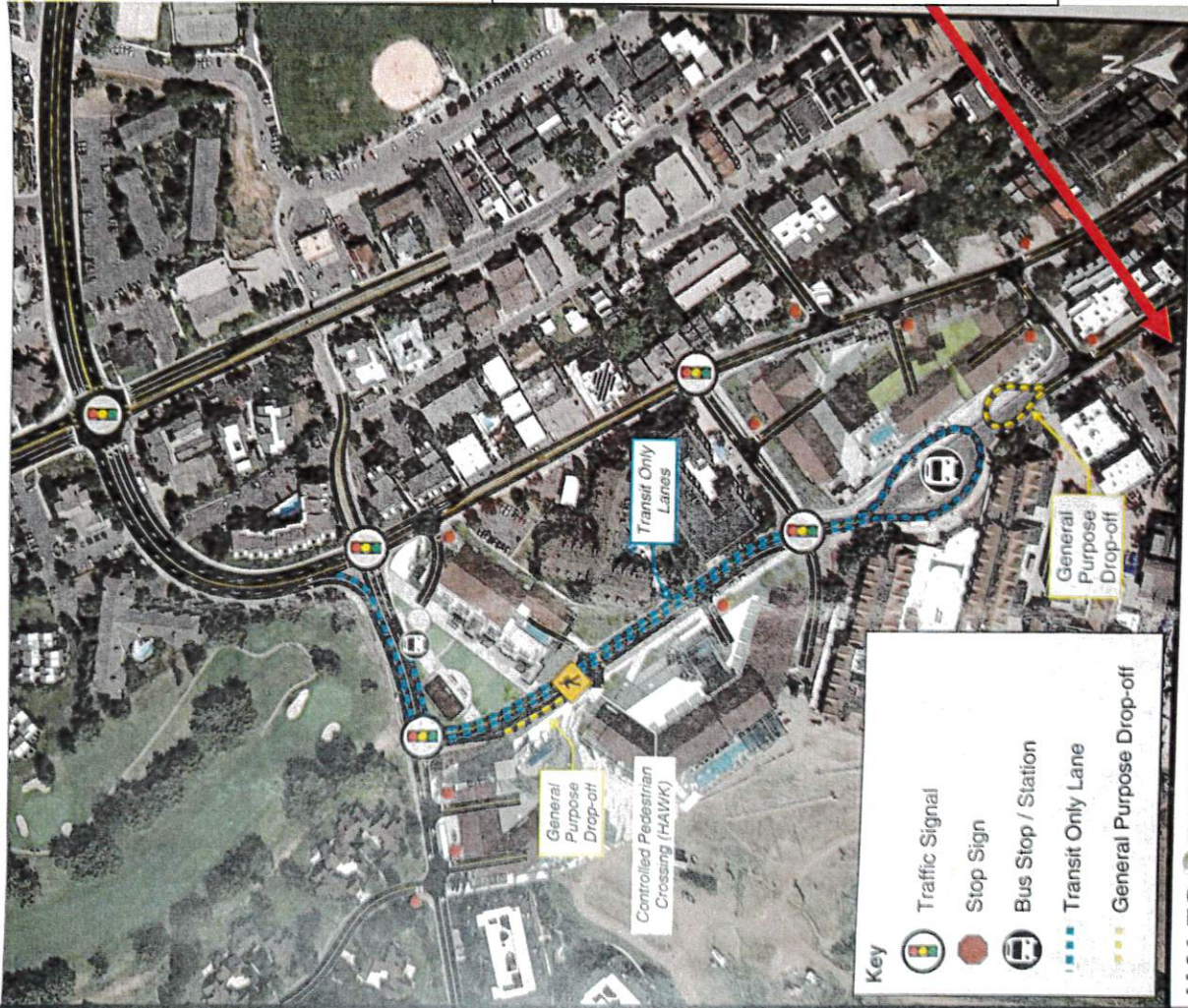
The Marriott Mountainside is not pictured as it is not an adjacent property/structure.

Existing Building Heights pulled from Summit County Website

<http://documents2.summitcounty.org/publicaccess/datasourcetemplate.aspx>

Scenario 2b

Transit and Vehicle Circulation and Control



As clearly indicated, the Marriott Mountainside isn't included in this exhibit either because it is **NOT** an **adjacent property/structure**. Its height is therefore irrelevant when considering the compatibility of the proposed heights of the other parcels.

Alexandra Ananth

From: Clive Bush <cbushuk@gmail.com>
Sent: Sunday, October 17, 2021 4:57 PM
To: John Phillips; Sarah Hall; Laura Suesser; Bill Johnson; Douglas Thimm; Christin VanDine; John Kenworthy; Alexandra Ananth
Subject: [External] Re: Park City Mountain Base Traffic Mitigation & Parking
Attachments: PCMR_Planning_10162021.pdf

[CAUTION] This is an external email.

Dear Commissioners:

Please note the attached report that asks many questions of the Applicants Modal Split analysis and parking requirements.

The onus is on the Applicant to prove its strategy works – it continues to fail to do that, it omits important details and assumptions from its presentations - despite an open floor to do otherwise. It fails to guarantee success. It doesn't pay for itself; it manufactures and creates a liability for the community to deliver a solution that is the responsibility of the Applicant.

Thank you again for your time and dedication to our community.

Regards,

Clive Bush, Park City Resident



Virus-free. www.avg.com

Dear Commissioners:

October 16, 2021

RE: Park City Base Area Development – Modal Split & Parking:

I'm sure by now you've all come to the understanding that the Applicant's Modal Split proposal will increase traffic accessing the site over current conditions - peak mornings, peak afternoons, all day and every day - there will be more cars. A Transit First Policy that delivers more cars! But do you know by how many, or how adding more cars are projected to improve the access to the resort?

The fact that you may not is a result of the brevity of information provided to you by the Applicant's Engineering Consultant. Their analysis is unclear, vague, and provides limited background data that led to improper statements and analysis from the City's reviewing Consultant – AECOM, that are yet to be fully corrected or reported on.

Hales Engineering analysis - published in February and reviewed by AECOM in March, prompted AECOM to state that the Applicants Modal Split of 20% would reduce traffic accessing the site over current conditions.

AECOM's March review stated that:-

".....The modified mode split would result in a 20% reduction in the number of vehicles accessing the site over current conditions, which is necessary to achieve an acceptable level of service on roads surrounding the base area (in particular Empire Ave)."

And then AECOM said during the March 24th meeting:

"..... the proposed 20% mode split reduces the number of vehicles accessing the site over current conditions."

City staff in their presentation on May 11th published a slide that linked the 20% modal split to a necessary reduction of on-site day skier parking from 1200 to 800 stalls in order to make the intersections function correctly:

Both these statements miss the mark on the Applicants actual modal split proposal - which increases resort traffic over current conditions - by reducing traffic globally everywhere else. While AECOM and City Staff recommended a modal split that reduced resort traffic, the Applicant moved the goal posts to strategize a solution that caught everyone off guard at the time by leaning heavily on the City hitting its Transit First goals by 2040, and not the development reducing its traffic over current conditions as required.

AECOM and the City need to revisit their analysis of the Hales report(s) given the incorrect assumptions applied to their prior analysis.

Hales Engineering were very brief in the description of their proposal, and left out important details - they explained that growth projections for internal roads matched those previously submitted to the Commission, but failed to disclose that growth numbers for all other roads were lowered dramatically by almost 85% to less than 0.2% annually or less than 4% TOTAL to the year 2040.

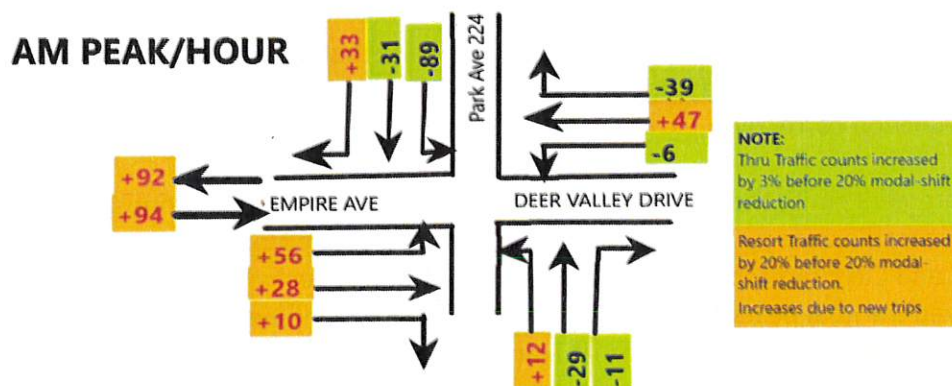
One has to read carefully the background information from Hales Engineering to understand this. Missing in their narration is the factor applied to traffic by-passing the resort that is reduced to a **3 to 4% total growth in traffic by-passing the resort to 2040 that requires further explanation and justification and review by AECOM.**

Background Traffic Volumes

Most of the traffic counts used for the intersections were collected in February 2017 and were increased by approximately 14%, as discussed in the previous PCMR TIS, to bring the volumes up to a peak ski season level. Other counts were collected by Park City or Hales Engineering in other times of year and adjusted accordingly to match peak February conditions.

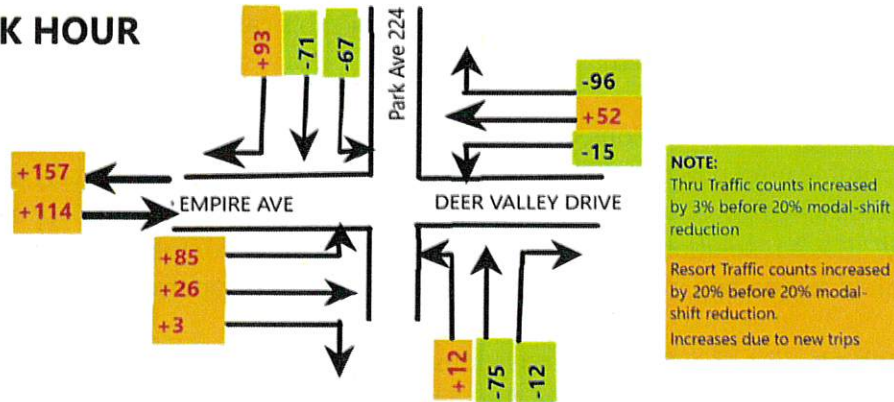
Future background traffic growth was determined based on the Summit County / Wasatch County travel demand model (TDM) results for winter conditions. The growth internal to the PCMR base area estimated by the TDM was almost identical (within ~20 peak hour vehicles) to that estimated previously with a 1% growth rate per year, so the previous volume growth that was used was implemented for this analysis. Hales Engineering used the people-based analysis to estimate volume elements such as pedestrian volumes and pick-ups and drop-offs, etc.

By doing the calculus, of comparing existing counts to the modal split counts provided by Hales Engineering, the next two diagrams show the reduction/increase in vehicles over current conditions for each peak hour. They may help in envisaging the Applicants final plans to redistribute traffic accessing and by-passing the site.



CHANGE IN VEHICLE COUNTS FROM EXISTING CONDITIONS - AS PROPOSED BY APPLICANT'S 20% MODE SPLIT FORECAST

PM/PEAK HOUR



CHANGE IN VEHICLE COUNTS FROM EXISTING CONDITIONS - AS PROPOSED BY APPLICANT'S MODE SPLIT FORECAST

Traffic accessing and exiting the resort is higher than it is today in both AM and PM peak hours. Traffic by-passing the resort is reduced approximately 17 % from current conditions as a result of the meager 0.2% per year growth inexplicably attributed to all traffic by-passing the Resort.

This is the Applicant's intended plan to mitigate traffic at the Resort in order to satisfy their requirement to make the intersections work; it's based upon traffic counts from 2017 and unsubstantiated future growth predictions of unknown derivation. It shifts the burden of mitigating traffic onto the town of Park City, instead of where it belongs - on the shoulders of the Applicant.

A couple more things....

A common theme in the Applicants engineering study has been the lack of clarity and detail of background and projected data. The modal split calculus is no different. I'm certain Hales Engineering and the Applicant have always understood the rudiments of their calculus and yet refrained from correcting the conflicting narration of AECOM during planning meetings and in staff reports. They continue to present less than a full picture and it should be incumbent on the City and its Consultant to reveal these details and not back down on proper mitigation solutions that benefit the entire community and are warranted.

Without delving further into this, it's evident that the Applicants proposed Global Modal Shift makes way for 1200 day skier stalls to be filled up during peak hours as they do today, and remain that way forever. Drop-off proposed by the Applicant becomes problematic with less than 80 available parking stalls in Parcel B (Condos & AF housing) and less than 60 in parcel E (Condos and Commercial) during load-in, while an almost equivalent number are required to be reserved for drop-off. It's uncertain how this can be guaranteed or how the Applicant's vaunted VMS will accommodate this type of scenario, or why we should subject our children to such an unhealthy scenario to begin with?

It's not clear from the Applicants Trip Generation Sheet, how the Private Ski Club trips are categorized in Building E. The Planning Commission Chairman had asked that these be broken

out separately for good reason. If they are included in the Retail/Commercial line item, it would be inaccurate to apply the 80% Internal Capture Ratio to them. This would seem to be true for the Parking Analysis too that fails to break out this category and would also be inappropriately under-reported?

While reviewing Trip Generations, the planning commission had asked for more than Canyons as a comparable option as the similarities are few, if not nil. The Applicant claimed other resorts match these same figures but was unable to provide details citing “proprietary information immunity”. Has a resolution been found to report these other comparisons that the Applicant said they had researched in order that the commission may be appropriately informed?

The following is a list of outstanding questions that highlight the flawed conclusions in the Hales traffic analysis and AECOM’s review of the same:

1. When did AECOM realize the Applicants Modal Split proposal was not linked to reducing traffic accessing the site over current conditions?
2. What caused this confusion?
3. Does AECOM believe it has properly corrected the record?
4. Is AECOM now clear on the global nature of the Applicants Modal Split proposal and has AECOM provided complete review, analysis and calculus on all aspects of the proposal, including the revised growth projections?
5. Can AECOM explain how the Summit County/Wasatch County Travel Model has drastically reduced the projected traffic growth compared to other publications, such as the Summit County Active Transportation Plan published in 2019 in conjunction with Park City that forecast a doubling in Summit County population in the next 30 years, not including Wasatch County or visitor growth or the recent trends due to the pandemic?
6. Why did AECOM originally propose a reduction in on-site parking and do they still recommend this solution?
7. Does AECOM agree with the future growth projections used in the Applicants modal split analysis, and why, and is this data irrefutable?
8. How does AECOM propose the Applicant be held accountable for the City delivering on a future modal split strategy to the year 2040?
9. A great deal of the initial traffic mitigation strategy revolves around parking management strategies of paid parking, and roadside messaging to be successful – how is this strategy affected by the need to mitigate traffic leaving town without these inducements for a required modal shift AECOM has described as large and challenging?
10. Has AECOM studied the effects of the Ecker Hill Park and Ride that went live after the Applicants background data was published, and how do any changes in traffic volumes resulting from the Ecker modal split predict the use and effectiveness of Quinn’s Park and Ride to mitigate this development?
11. Does AECOM share Park City Councilors observations that the choke point on 248 between the High School and Bonanza will deter many people from getting on buses during peak hours?
12. Is AECOM aware that the High School will at some point move to an 8:30am start and how will this affect the express bus service that is comingled with general traffic and how will the extra school traffic shifted to a peak timeframe affect the global mitigation strategy?
13. Has AECOM reviewed the Private Ski Club parking and trips in Building E?

14. Has AECOM calculated the number of off-site parking stalls required to service visitor, employee and overflow parking?
15. Has AECOM reviewed the Applicants revised drop-off and pick-up arrangements?
16. Does AECOM believe the resorts offsite parking requirements can be effectively shared with other users?
17. Does AECOM concur with the findings of Park City's transit consultant - Mr. Jerry Benson in his memorandum to the City Manager that certain commitments, including regional commitments need to be met to demonstrate that Quinn's will be a viable Park & Ride option?
18. Does AECOM still agree with its own fatal flaws analysis that the Richardson Flats parking lot has safety and security concerns? Does the late and early shift work of employees make this better or worse? And how does this affect the viability of Richardson Flats?
19. Can AECOM elaborate on the implications of the challenged conditions of Richardson Flats lot such as environmental, groundwater and Comprehensive Environmental Response Compensations Liability Act (CERCLA) boundary mitigation that is highlighted in its fatal flaws analysis?
20. Can AECOM confirm its findings from the fatal flaws analysis that Richardson Flats location is problematic for any visitor parking due to its remote location, poor connections and would require widening of the underpass at US-40 to accommodate multi modal use that is sought after?

Regards,

Clive Bush

Alexandra Ananth

From: planning
Sent: Friday, October 15, 2021 4:13 PM
To: Alexandra Ananth
Subject: FW: [External] Please put this public input in the packet for Wednesdays meeting!

Have fun this weekend!!!!!!!!!!!!!!!!!!!!!!

From: Mitchell Andrus <mitchandrus@gmail.com>
Sent: Friday, October 15, 2021 4:00 PM
To: planning <planning@parkcity.org>
Subject: [External] Please put this public input in the packet for Wednesdays meeting!

[CAUTION] This is an external email.

Mitchell Andrus
1402 Empire Ave 1B
Park City Ut 84060
435-640-0246
mitchandrus@gmail.com

October 15, 2021

Hello Park City Planning Commission,

I hope you're well and planning for a wonderful weekend. I'm writing to express my concern over the PCMR base area development. It's important that I first lay out that I'm not against developing those parking lots (as they're pretty terrible in ski boots anyway!) but I am taken aback by PEG's proposal.

I currently reside in California due to my line of work but I was born in Park City and lived there until I turned 25. Additionally, I just bought a condo at **1402 Empire Ave**. I feel it is also worth noting that my roots in Park City run very deep, being the son a PCHS graduate (class of '69) and grandson of the chief engineer at Park City United Mines.

What PEG is proposing goes against a whole host of things I feel are responsible development but I'd like to highlight a couple things I don't think have been voiced. Or at least not loudly enough. Firstly; how sustainable a development is this? Is this something Park City can be proud of if we're going to move in the **green** direction?

- Where is their power coming from?
- Can they use geothermal heat?
- Can they treat their grey water and reuse it?
- Can they capture rain or melted snow for use in their landscaping?
- What downline implications will a development that big have on our infrastructure?
- Do we even have enough water in Summit County for that many more residences?

I propose that the planning commission nudge PEG to not only make the development smaller and less monolithic, but to also **GREEN IT UP!** Where is the sustainability ethos we are all striving for today?

Your homepage on the Park City municipal site has some wonderful community pillars. They are:

- Social Equity and Affordability

- Environmental Leadership
- Authentic Local Culture
- Transportation Innovation

Working from the top down I have some comments directly regarding the base area development. For the first one, Social Equity would be taking into consideration the existing residents and how they use that land. Affordability will certainly be relevant if there is substantial employee housing. Environmental Leadership is the big one for me, see above. The third one I really like. Looking at the grossly modified renderings supplied by PEG, I don't see any authenticity to our local culture. Do those buildings look Western or like they belong in a ski town? Do they even resemble the Mining Era? No, they are just modern contemporary buildings that will be out of style in 15-20 years. That's not at all looking into the future. And lastly, I think the transportation innovation this will bring will be great. I hope we get it right. Less cars equals less emissions and that's always great by me.

I'll join you Wednesday night for another constructive and insightful meeting. Thank you for all the work you do.

Mitchell Andrus

Park City Native.

Alexandra Ananth

From: J Moira Howard <moira_howard@yahoo.com>
Sent: Thursday, October 14, 2021 11:59 PM
To: Alexandra Ananth; Gretchen Milliken; John Phillips; Laura Suesser; John Kenworthy; Douglas Thimm; Bill Johnson; Sarah Hall; Christin VanDine
Subject: [External] PEG

[CAUTION] This is an external email.

Hi

Please include in public comments:

Re September 15 and 29 Planning Commission meetings.

* We now have had 14 meetings re this proposal. This is *not* the Commission's, Council's or the public's fault. It is PEG's fault!

PEG has not budged much, doesn't provide information requested of them, continues with misrepresentative illustrations, won't provide scale models of planned and neighbouring buildings and has a lousy traffic "plan".

* I've heard of TWO residents who support PEG's proposal. I've heard of HUNDREDS who don't!

* Building masses, heights, design do not fit in with the rest of the Resort or the character of Park City. PEG wants to fit in as much as possible, as easily as possible in order to make as much money as possible.

* Setback exceptions are NOT necessary for architectural interest. The solution is for PEG to decrease building footprints and design WITHIN limits. If anything, setbacks should be increased to reduce the impact of the planned height and density.

* How does placing a 103 foot tall building in front of the ski hill enhance anything?! People like to see mountains, not multi-storays.

They say Building D is 4 storeys but bottom floor looks double height.

* As for the claim that building hotels and condos will mean an extra 700 people will be at the Resort and walk is hoping we'll have our heads in the sand. OTHER HOTELS WILL NOT BE CLOSING THEIR DOORS BECAUSE OF THIS. People lodge further from the slopes because it is more economical to do so.

Vail has reduced season pass prices, sold MANY more and will be increasing lift capacity. They will *not* turn people away. That would be extremely bad for business.

* Much more offsite parking will be required.

It was stated an estimated 290 vehicles would drive up from Salt Lake City on a peak day. Really??!

Many locals probably ski multiple times a week and won't want to shell out for parking.

Some ski a couple of hours - are they going to want the inconvenience of driving to and from a park and ride and the two goodness-knows-how long bus journeys? Will they want to pay to park for a couple of hours, or will they just not come? Doesn't sound like a benefit for locals!

* Why should our local shopping amenities i.e. Snow Creek, Holiday Village, Fresh Market, Walgreens.... incur extra expense to prevent the parking problems with which PEG/Vail will present them??

* For some reason, Kristin of Commfluent referenced children at Ecker Hill calling HVT. There will be no micro transit to/from the Resort.

* Why not make Richardson Flat the primary parking lot for employees. If the public can't get into Quinn's, are you going to recall employees to move their cars?! It would be more efficient, practical and less confusing to make Richardson Flat the first port of call for employees. Their transport should be the employers' responsibility.

* 35 buses per hour to Resort. - Does that account for inbound *and* outbound or is it really 70 per hour. Even if it's 35, it is not realistic to expect buses to unload and load in less than 2 minutes - not under ski resort conditions! In addition, buses do not run to schedule in winter so things are not going to go like the necessary clockwork.

* Where are school buses going to stop, drop off students, park and pick up?

* Extra drop-off spots for local ski programs - sounds good but is ludicrous.

We'll now have maybe hundreds of children waiting around for the last member of their class to arrive. Try controlling that for half an hour and then they are expected to walk up stairs or take an elevator with their equipment and then another walk and stairs.

If children arrive by bus, do they then have to go down into the garage to meet their group and 'leader'?

Who will be responsible for SAFETY - PEG, VAIL, instructors? Eager, excited children don't stand motionless. They will be in danger and drivers/cars will be in danger from children and equipment.

Better option would be to do away with the plaza and make a drop-off/pick-up loop for cars and (some) shuttles. This is much closer to what presently exists.

* **HELICOPTER:**

Can we see statistics of how many landings are at the base v on the mountain?

Can we see statistics of how many accidents happen in the half-pipe/lower terrain park v higher up?

A helicopter will have more challenges trying to land in the midst of tall, dense buildings.

All for now.

Thank you.

Moir Howard

Alexandra Ananth

From: Alexandra Ananth
Sent: Wednesday, October 13, 2021 5:53 PM
To: Alexandra Ananth
Subject: FW: [External] Fw: PEG proposed development

[CAUTION] This is an external email.

Hi

The below was omitted from public comments for the Sept.15 meeting. I incorrectly assumed it would be included in the packet for Sept. 29 meeting.

Please ensure it is included in public comments for the October meeting.

Thank you.

Moira Howard

----- Forwarded Message -----

From: J Moira Howard <moira_howard@yahoo.com>

To: alexandra.ananth@parkcity.org <alexandra.ananth@parkcity.org>; Gretchen Milliken <gretchen.milliken@parkcity.org>; john.phillips@parkcity.org <john.phillips@parkcity.org>; john.kenworthy@parkcity.org <john.kenworthy@parkcity.org>; laura.suesser@parkcity.org <laura.suesser@parkcity.org>; sarah.hall@parkcity.org <sarah.hall@parkcity.org>; christinvandine@parkcity.org <christinvandine@parkcity.org>; douglas.thimm@parkcity.org <douglas.thimm@parkcity.org>; bill.johnson@parkcity.org <bill.johnson@parkcity.org>

Sent: Thursday, September 9, 2021, 09:45:22 PM MDT

Subject: PEG proposed development

Hi

Please include in public comments:

* Hope you have all had the chance to read and digest Tom Clyde's Aug. 28 and Sept. 4 columns in the Park Record:

<https://www.parkrecord.com/opinion/columns/tom-clyde-epic-renewal/>

<https://www.parkrecord.com/opinion/columns/tom-clyde-jackrabbit-habitat/>

* Also, from Park Record:

<https://www.parkrecord.com/news/park-city-mountain-resort-announces-dates-for-2021-22-ski-season/>

The announcement also indicated that the company does not plan to have a reservation system in place for mountain access this winter at PCMR or its other properties.

The company's goal is to sell as many passes as possible, to, as Katz said on Vail's recent earnings call, "... be aggressive ... and really move big numbers of people into the [Epic Pass] program." The numbers are already big: Vail sold **around 1.4 million Epic Passes** for the 2020-21 ski season. Mar 24, 2021

* From <https://www.stormskiing.com/p/vail-slashes-epic-pass-prices-by>

Vail aims to supercharge season pass base.....

transforming it from a niche locals product to a **mountain passport for the masses**.....

The company's goal is to sell as many passes as possible, to, as Katz said on [Vail's recent earnings call](#), "... be aggressive ... and really move big numbers of people into the [Epic Pass] program." The numbers are already big: Vail sold [around 1.4 million Epic Passes](#) for the 2020-21 ski season. Katz [calls](#) the Epic Pass the "cornerstone" of its business, and it is: invest several hundred or thousand dollars into a ski pass, and **most skiers will choose one of the pass' resorts as its destination, with all the attendant spending on shuttles, hotels, food, and ski school that entails.**

That the **aim is to pack as many people as possible** onto the mountain ought to be a consideration for anyone looking to buy an Epic Pass. Price matters, but so does the overall experience. Katz said last week that Vail would nix its reservation system for next ski season. **That means the only ski area capacity restriction in many communities may be the size of their parking lots.** What happens when ultra-cheap passes meets a holiday weekend with good snowfall is predictable enough. How well Vail manages those peak periods will determine skier's perception of the Epic Pass as a true value over the long term.

*** Remote parking limitations were well discussed at Aug. 18 meeting. If people have prepaid tickets, they expect to ski when they want. You cannot limit ticket sales when they are already sold! If skiers are going to be forced to turn away, they will not be happy! Neither will Vail or Park City!! Such visitors may also not return.**

*** Buses:**

High Valley Transit hopes to double or triple the frequency of buses during peak season. i.e. 8 or 12 buses per hour coming and going equals 16 or 24 buses per hour navigating the Resort transit hub. (Plus perhaps more from Heber/Wasatch side in future.) (Plus possibly buses from Salt Lake Valley!) Add to that City buses times two. In summer 3 City routes go there. That will likely increase in winter. Even if it doesn't, then there's probably at least 18 City buses transitting the resort in winter.

i.e. a *minimum* of 34 or 42 buses per hour! CAN THE RESORT COPE WITH WHAT IS PLANNED??! Or will buses be queued back to Park Ave.?

HVT has about 15 stops on the way to PCMR. Nobody wants to sit on a bus for an hour. Limited stop? What about the folk in between (likely locals?) - they also need a decent frequent service or they will be forced to drive somewhere!

*** Shuttles:**

Shuttle drop-off may work just now but if you expect more people to shuttle, you need more spaces!

*** Annual/bi annual reviews:**

PEG are talking about things they might address in 10 or 15 years. What if they aren't around in 10 or 15 years?

* Site Planning

79. The 2021 Concept Master Plan sets forth a plan for development/redevelopment

consistent with the Resort Center neighborhood..... and LMC 15-6.

80. The units are clustered on the most developable and least visually sensitive portions of the RC zoned remaining parcels, and the buildings are separated by Open Space.

85. Adequate internal vehicular, pedestrian, and bicycle circulation is provided and pedestrian and bicycle circulations are separated from vehicular circulations and provide safe travel within the boundaries of the project and safe travel to

adjoining public sidewalks, trails, and Rights-of-Way.

86. The plan includes adequate Areas for snow removal and snow storage that are accommodated by the Landscaping plan, and the Structures are set back from any hard surfaces so as to provide adequate Areas to remove and store snow on-site. Snow storage Areas will be further detailed at the CUP process.

* Section 15-6-6 Findings

128. The 2021 Concept Master Plan is Compatible in Use, scale, and mass with adjacent Properties within the Resort Center Neighborhood, promotes neighborhood Compatibility, and protects surrounding residential neighborhoods and Uses.

131. and the project has been designed to place Development on the most developable

land and least visually obtrusive portions of the Site.

How does what is planned comply with any of the above?

* Building Heights:

The Marriot is *against* the mountain. The 103ft, as planned, hotel is *in front* of the mountain and next to the much lower Lodge. Do you want to see the mountain or a skyscraper?! How does this fit in with minimising the impact of development on hillsides and sensitive view areas, neighbourhood compatibility.....?

ETC.

Again, PEG has the sole mission of making as much money as possible. What they are planning will **not** work for the City, residents or visitors!

PEG should be compelled to go back to the drawing board!!

Thank you for your time and consideration.

Moir Howard

Planning Commission Agenda Item Report

Meeting Date: December 15, 2021

Submitted by: Julie Schultz

Submitting Department: Planning

Item Type: Work Session

Agenda Section:

Subject:

Planning Commission Training - including annual open meeting requirements.

Suggested Action:

Attachments:

[LWH OPMA PowerPoint 2021](#)

An aerial photograph of a mountain town covered in snow. The town features numerous buildings with snow-laden roofs, interspersed with evergreen trees. In the background, steep, snow-covered mountain slopes rise. The overall scene is serene and wintry.

Annual Training

Open and Public Meetings Act



Utah Open And Public Meetings Act

Utah Code §§ 52-4-101 to 305

PARK CITY

1884

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OPMA

MEETINGS of a
PUBLIC BODY are open
to the public, unless an
EXCEPTION is available
under the Act that allows
the meeting to be
CLOSED.



Meetings

MEETINGS of a PUBLIC BODY are open to the public, unless an EXCEPTION is available under the Act that allows the meeting to be CLOSED.

MEETINGS

- Convening of
- At least a quorum
- To discuss, receive comments, or act on a matter over which the Board has jurisdiction or advisory power.



Meetings

INCLUDE:

- Retreats
- Workshops
- Field trips
- Electronic meetings



DO NOT INCLUDE:

- Chance meetings
- Social gatherings
- When no quorum is present



Public Body

MEETINGS of a **PUBLIC BODY** are open to the public, unless an EXCEPTION is available under the Act that allows the meeting to be CLOSED.

PUBLIC BODY

Any local administrative, advisory, executive, or legislative body which:

- Consists of two or more persons;
- Spends, distributes, or is supported by tax money;
- Authority to make decisions about the public's business (this includes advisory boards or groups).



Public Notice

Requirements of the Open and Public Meetings Act

Notice

PUBLIC NOTICE

HOW?

- Post
- Publish

WHAT?

- Annual meeting schedule
- Every meeting

EMERGENCY MEETINGS

MUST BE:

- **Posted** at the principal office or where the meeting will be held.
 - (Except for electronic meetings without an anchor location.)
- **Published** on the Utah Public Notice **website**.



Notice

PUBLIC NOTICE

HOW?

- Post
- Publish

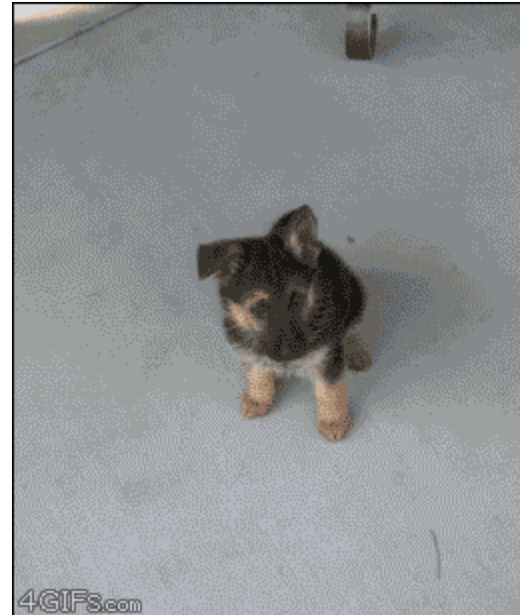
WHAT?

- Annual meeting schedule
- Every meeting

EMERGENCY MEETINGS

ANNUAL MEETING SCHEDULE

- Once a year provide notice of:
 - Date
 - Time
 - Place



Notice

PUBLIC NOTICE

HOW?

- Post
- Publish

WHAT?

- Annual meeting schedule
- **Every meeting**

EMERGENCY MEETINGS

EVERY MEETING

- 24 hours notice
- Content
 - Date
 - Time
 - Place
 - Agenda



Notice

PUBLIC NOTICE

HOW?

- Post
- Publish

WHAT?

- Annual meeting schedule
- **Every meeting**

EMERGENCY MEETINGS



EVERY MEETING

- 24 Hour Notice
- Content
 - Date
 - Time
 - Place
 - **Agenda**
 - Reasonable specificity.
 - Cannot take action on items that are not on agenda.

Notice

PUBLIC NOTICE

HOW?

- Post
- Publish

WHAT?

- Annual meeting schedule
- Every meeting

EMERGENCY MEETINGS

EMERGENCY MEETINGS

- **MUST attempt to notify** all Board members and **a majority of Board** members must approve holding the meeting because of an “emergency or urgent matter.”
- **Best notice practicable** of time, place, and topics.
- **Final action** may be taken at an emergency meeting.
- **Minutes** should include a statement of the unforeseen circumstances that made the meeting necessary.





Meeting Records

Requirements of the Open and Public Meetings Act

Meeting Records

OPEN MEETINGS

- Recording
- Written minutes
 - Date, time, and place.
 - Members present and absent.
 - Substance of all matters proposed, discussed, or decided.
 - Record of each vote.
 - Name of anyone who provided testimony/comments and a summary of the comments.
 - Other information requested.



Meeting Records

Make the recording and minutes of the open meeting available to the public.

- **Recordings** should be made available to the public within **3 business days** after the meeting.
- **Written minutes**
 - For public bodies other than Council, **draft minutes** which must be clearly marked as “pending approval” should be made available within **a reasonable time**.
 - Approved minutes as well as any public materials distributed at the meeting should be made available to the public within 3 business days by:
 - Posting to the Utah Public Notice Website;
 - Making a copy available at the public body’s primary office; and
 - Posting on the public body’s website, if applicable.



Closed Meetings

Closed Meetings



MEETINGS of a
PUBLIC BODY are
open to the public,
unless an EXCEPTION
is available under the
Act that allows the
meeting to be CLOSED

Closed Meetings

A meeting may be closed **only** to discuss **specified topics**



- An Individual's Character, Professional Competence, or Physical or Mental Health
- Pending or Reasonably Imminent Litigation
- Deployment of Security Devices
- Criminal Misconduct Investigations
- Advice of Legal Counsel

— Closed Meeting Procedures —

- Open meeting with quorum present
- 2/3 vote to approve closing the meeting
- Publicly announce and enter into the minutes:
 - Reason for closing the meeting.
 - Location of the meeting.
 - Vote by name.



Closed Meeting Records

CLOSED MEETINGS

- **Recording**
- **Written** minutes optional
 - Date, time, and place.
 - Names of all present and absent (unless disclosure would impair confidentiality necessary for original purpose of closing the meeting).
- **Exception to recording requirement** if discussing:
 - Character, professional competence, or physical or mental health of an individual.
 - Deployment of security personnel, devices, or systems.
- **Protected Records** under GRAMA.

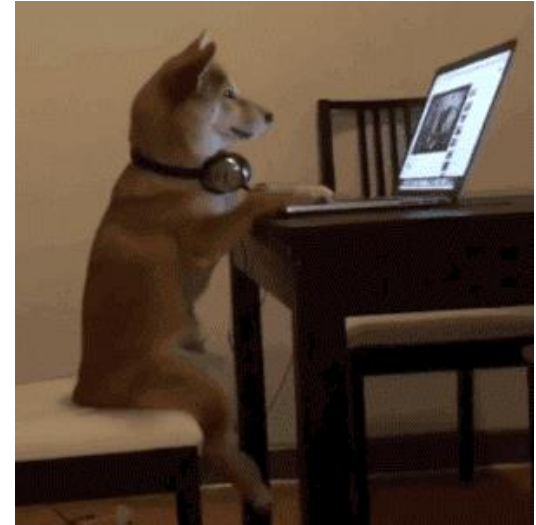


Electronic Meetings

New rules in 2021

Types Of Electronic Meetings

- Resolution or Rule governing use of electronic meetings.
- **Electronic Meetings WITH Anchor Location**
 - Provide anchor location for the public to join.
- **Electronic Meetings WITHOUT Anchor Location**
 - Chair must make determination.
 - Notice must detail the Chair's determination, facts supporting Chair's determination, and include information on how to connect.
 - Determination renewed every 30 days.





Public Comment or Participation

Public Comment or Participation

- **Public must be allowed to come and watch**, but there is no requirement to allow them to comment.
 - Unless the meeting is a public hearing, which does require an opportunity for public comment.
- **Public has a right to record meetings** if they can do so without disrupting the meeting.



- **Public comments about items not on agenda.**
 - At discretion of the Chair, comments may be discussed during open meeting if not on agenda.
 - No FINAL ACTION if not on agenda.

Disruption of Meeting

- Acceptable to keep people on point.
- Disruptions at meetings do not have to be tolerated.
- May **remove** an individual from the meeting if:
 - **Willfully disrupts** and
 - The orderly conduct of the meeting is **seriously compromised**.





Consequences of Violating the Act

Consequences of Violating the Act



- Private individuals can bring lawsuits for violations of the Act
 - Final action may be voidable.
- Class B misdemeanor for knowingly violating the closed meeting provisions of the Act



Questions?

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