



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
October 14, 2020**

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, October 14, 2020.

NOTICE OF ELECTRONIC MEETING & HOW TO COMMENT VIRTUALLY:

This meeting will be an electronic meeting without an anchor location as permitted by Utah Code Open and Public Meetings Act section 52-4-207(4) as amended June 18, 2020, and Park City Resolution 18-2020, adopted March 19, 2020. The written determination of a substantial health and safety risk, required by Utah Code section 52-4-207(4) is attached as Exhibit A. Planning Commission members will connect electronically. Public comments will be accepted virtually as described below.

To comment virtually, use eComment or raise your hand on Zoom. eComments submitted before the meeting date will be attached to the packet as appendices. eComments submitted on Commission meeting days will be read aloud. For more information on participating virtually and to listen live, please go to www.parkcity.org.

Exhibit A: Determination of Substantial Health and Safety Risk

On September 23, 2020 the Commission Chairperson determined that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. Utah Code section 52-4-207(4) requires this determination and the facts upon which it is based, which include:

- Summit County has extended its Emergency Declaration and Public Health Emergency Declaration through January 8, 2021.
- Statewide COVID cases and hospitalizations are increasing. This determination is valid for 30 days, and is set to expire on October 23, 2020.

Dated September 23, 2020.

MEETING CALLED TO ORDER AT 5:30 PM.

1.ROLL CALL

2.MINUTES APPROVAL

- 2.A. Consideration to Approve the Planning Commission Meeting Minutes from September 23, 2020.
[PC Minutes 09.23.2020_Pending Approval](#)

3.PUBLIC COMMUNICATIONS

4.STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

CONTINUATIONS

Twisted Branch Road - Subdivision – REDUS Park City LLC and Park City Municipal Corporation, are Proposing to Create Two (2) Lots of Record for 1) an Existing City Pump Station; and 2) a Private On-Mountain Restaurant. The Plat Also Creates Four (4) Non-Development Parcels for Deer Valley to be Used for Access, Utilities, Ski Runs and Open Space. The Property is Subject to the Amended Flagstaff Development Agreement and Technical Reports. No Changes to SR 224 are Proposed. PL-17-03664.
(A) Public Hearing and (B) Continue to a Date Uncertain
[Twisted Branch Subdivision Continuation Staff Report 20142020](#)

5.REGULAR AGENDA

- 5.A. Land Management Code – Enactment of Section 15-3-5 to Outline Limited Circumstances and a Process for Applicants to Apply to the Commission and Council to Build a Private Driveway Over the Platted, Un-Built Rights-of-Way. PL-20-04658
(A) Public Hearing (B) Possible Recommendation for City Council's Consideration on November 19, 2020
[Replacement Code for Land Management Section 15-3-3, Private Driveways in Platted, Un-Built Rights-of-Way](#)
[Exhibit A: Draft Ordinance and Land Management Code Redlines](#)
[Exhibit B: Public Input](#)
- 5.B. Land Management Code – Amendments to Chapter 15-3, Off-Street Parking, and Chapter 15-15, Definitions, to Establish Electric Vehicle Charging Station Standards, and Enactment of Section 15-3-11, Electric Vehicle Charging Stations, to Require Infrastructure for Future Electric Vehicle Charging Stations and Electric Vehicle Charging Station Installations for Multi-Unit Dwellings and Non-Residential Development. PL-20-04623
(A) Public Hearing (B) Possible Recommendation for City Council's Consideration on November 19, 2020
[Electric Vehicle Charging Station Land Management Code Amendments Staff Report](#)
[Exhibit A: Draft Ordinance and Land Management Code Redlines](#)
[Exhibit B: Electric Vehicle Charging Station Networks](#)
[Exhibit C: Public Input](#)

6.ADJOURN

A majority of PLANNING COMMISSION members may meet socially after the meeting. If so, the location will be announced by the PLANNING COMMISSION Chair Person. City business will not be conducted.

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. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4:00 p.m. to 9:00 p.m. Posted: See: www.parkcity.org

***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
SEPTEMBER 23, 2020

COMMISSIONERS IN ATTENDANCE:

Chair John Phillips, Sarah Hall, John Kenworthy, Laura Suesser, Doug Thimm, Christin Van Dine

EX OFFICIO: Planning Director Bruce Erickson; Caitlyn Barhorst, Planner; Alexandra Ananth, Planner; Rebecca Ward, Planner; Mark Harrington, City Attorney

The Planning Commission meeting was conducted virtually via Zoom.

The public was able to submit eComments during the meeting.

NOTICE OF ELECTRONIC MEETING & HOW TO COMMENT VIRTUALLY:

Chair Phillips read the Public Notice for Electronic Meetings and Exhibit A: Determination of Substantial Health and Safety Risk.

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 all the times as described on Wednesday, September 23, 2020.

This meeting will be an electronic meeting without an anchor location as permitted by Utah Code Open and Public Meetings Act section 52-4-207(4) as amended June 18, 2020, and Park City Resolution 18-2020, adopted March 19, 2020. The written determination of a substantial health and safety risk, required by Utah Code section 52-4-207(4), is attached as Exhibit A. Planning Commission members will connect electronically. Public comments will be accepted virtually as described below.

To comment virtually, use eComment or raise your hand on Zoom. eComments submitted before the meeting date will be attached to the packet as appendices. eComments submitted on Commission meeting days will be read aloud. For more information on participating virtually and to listen live, please go to www.parkcity.org.

Exhibit A: Determination of Substantial Health and Safety Risk

On September 23, 2020 the Commission Chairperson determined that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. Utah Code section 52-4-207(4) requires this determination and the facts upon which it is based, which include:

• Summit County has extended its Emergency Declaration and Public Health Emergency Declaration through January 8, 2021. • Statewide COVID cases and hospitalizations are increasing. This determination is valid for 30 days and is set to expire on October 23, 2020.

Dated September 23, 2020.

ROLL CALL

Chair Phillips called the meeting to order at 5:40 p.m. and noted that all Commissioners were present except for Commissioner Sletten, who was excused.

APPROVAL OF MINUTES

September 9, 2020

Commissioner Thimm referred to page 6, partway down the page and changed Planner Thimm to correctly read **Commissioner Thimm**.

Commissioner Kenworthy referred to page 1 and changed gold course property to correctly read **golf course property**.

MOTION: Commissioner Thimm moved to APPROVE the Minutes of September 9, 2020 as amended. Commissioner Suesser seconded the motion.

VOTE: The motion passed. Commissioner Hall was not present for the vote.

PUBLIC COMMUNICATIONS

Joe Butterfield thanked the Planning Commission and Staff for their service to the City and to the citizens. He appreciated the opportunity to speak this evening. Mr. Butterfield commented on the recent incident that occurred on the Empire Pass Road this week. He stated that the incident is recent but the issue on the Empire Pass Road has been ignored for far too long. Mr. Butterfield remarked that the road above the Montage is not an access issue nor a backdoor issue. It is solely a public safety issue. The City Council and the Mayor have neglected it, kicked it down the road, and labeled it an access issue. Mr. Butterfield stated that the individual in the recent incident survived with minor injuries; however, if this incident had happened a few hundred yards up the road he would have ended up on Twisted Branch and probably would not have survived. Mr. Butterfield clarified that his road is a summertime issue only. The road will not be plowed year-round. The road to Midway handles 20% grades and double switchbacks. There is no way that

road could be plowed as is. It would require millions of dollars to engineer, cut, and build to adequately serve a year-round road. He did not believe the citizens of Wasatch County, Summit County, and Park City would want to pay it this because they do not want it. Mr. Butterfield stated that the Guard Road from the Y is a similar situation. It is tight, steep, and expensive. In addition, Salt Lake City does not want it and Save Our Canyons would never allow that to be open year-round. It is a summertime issue. Mr. Butterfield pointed out that the traffic is there, and they need to deal with it. The backdoor boogeyman of development is not there and does not exist. Even if a few hundred homes from Brighton Estates is to be the avalanche of traffic that engulfs the town, everyone should keep their eyes closed to the thousands of pillows that have been built and continue to be built and approved for that road. Mr. Butterfield stated that the clarification Bruce Erickson made on the radio regarding the Empire Pass Road, and that the Mayor and Councilmember have said numerous times, that road is not a UDOT issue, and UDOT has said so. Mr. Butterfield noted that after the 1999 Annexation Agreement and subsequent amendments, that road was abandoned from the Tower Club turnoff to the switchback below the winter gate. The road was rerouted, and it was lengthened by $\frac{3}{4}$ of a mile. None of that was done in the name of public safety, or to deter the backdoor boogeyman. It was done solely for the resort expansion, development, and tax revenue. He understands that is good for Park City, but the public needs to be aware of why these things are happening. It is not to stop a few hundred homes in Brighton Estates. Mr. Butterfield remarked that when that road was condemned and rerouted it was not done for social equity.

Mr. Butterfield thought the purchase and development of Bonanza flats was amazing. He supported it and donated money to the effort. He still supports it, even though he is not a fan how easily Talisker obtained a prime location. Mr. Butterfield stated that the City has built and encouraged traffic on that road, and the car counts are proof. It has increased from 1,000 to 1,500 trips per day on the weekends two years ago to almost double that amount now. He suggested that this might be the boogeyman that is going to ruin their town. Twisted Branch is already there, and it goes to the exact same place. It is safe, it is year-round, and it is built to accommodate the traffic going up there. However, it is not public, and it is not being used by the public because the developer does not want the traffic. Mr. Butterfield understood that people paid millions of dollars for their lots. However, none of the development is down in that lower section and he could not understand why that road is not public.

Mr. Butterfield noted that Redus Development was coming before the Planning Commission at the next meeting, and they will be asking for more development on their road. They want a private restaurant and other things, yet Brighton Estates is considered the boogeyman. Mr. Butterfield stated that the City dodged a bullet last week and that man was fortunate enough to go home to his family. He believes it is only a matter of time before someone dies on that road. He hoped the Planning

Commission, the Mayor, and the City Council will stop allowing developers to push their base and to equalize the public safety for everyone. Mr. Butterfield urged the City to stop any new development until Twisted Branch is public.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson stated that with Planner Tyler gone, the Planning Department will be short staffed for a couple of weeks. He informed the Planning Commission that the question of lot combinations in the Historic District, General Plan Updates, and Transfer of Development Right Code update were being deferred until he hires additional Staff. He noted that the Code updates presented to the Planning Commission in previous meetings will continue to be followed up, including affordable housing.

Commissioner Kenworthy disclosed that he would be recusing himself the King's Crown agenda item.

Commissioner Kenworthy indicated a letter regarding Lower Rossi Hill that was sent by Attorney Matt Hutchinson and disclosed that he has used Mr. Hutchinson for legal matters on many occasions. His association with Mr. Hutchinson would not affect his decision on the agenda item this evening. Commissioner Kenworthy clarified that he has never spoken to Mr. Hutchinson about this item.

Commissioner Hall disclosed that she provided public comment as a citizen at the last City Council meeting regarding the King's Crown Development. In addition, she briefly looked into the King's Crown Development and personally decided that it was not the right fit and would not work out. It would not affect her decision this evening.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

5.A. 1128 Park Avenue – Conditional Use Permit – The application Proposes to Construct a Basement Addition using the Footprint of the Existing Historic Structure Located Within the Building Setback. (Application PL-20-04607)

Planner Caitlyn Barhorst reviewed the application for a conditional use permit to construct a basement using the footprint of the historic structure located within the side setbacks.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the conditional use permit, based on the findings of fact, conclusions of law and conditions of approval found in the Staff report.

Chair Phillips understood that the red shown on the drawing represented the CUP area. He assumed there was foundation in that area. Planner Barhorst answered yes. She explained that if this conditional use permit is not approved, the applicant would build an interior wall. The foundation can occupy that space, but it cannot be livable space. Chair Phillips asked if there were window wells in that area. Planner Barhorst answered no. Chair Phillips understood that the foundation would be minimum exposure. Planner Barhorst replied that he was correct.

Commissioner Thimm understood the proposed basement would follow the footprint of the building above. Planner Barhorst replied that it would be the exact footprint of the historic structure. She noted that currently there is a crawl space/no foundation.

Chair Phillips clarified that he would not oppose this application; however, he questioned whether there were other ways to support that portion of the structure, such as with a cantilevered beam, if the purpose is to support the existing structure. Chair Phillips stated that most of these requests are minimal and they are becoming routine. However, he is concerned that it could grow into more than what they want, and they will have already set the precedent. In the future, he would like to see if other options might be possible for supporting a structure when these requests are submitted. Chair Phillips also requested at least one elevation included in the future to give the Commissioners more of a visual. Planner Barhorst offered to include elevations as an exhibit in future applications, and to ask the applicants to provide potential structural options.

Commissioner Suesser agreed that it would be helpful to understand what the proposal will look like when completed. She could see the property line, but it was unclear what abuts the house. Planner Barhorst replied that what was showing was the front of the house. She appreciated the Commissioners feedback because it would make the Staff reports more thorough in the future.

Chair Phillips opened the public hearing.

No eComments were submitted and no hands were raised on Zoom.

Chair Phillips closed the public hearing.

MOTION: Commissioner Thimm moved to APPROVE the conditional Use Permit for 1128 Park Avenue for the construction of a basement using the footprint of the historic structure located within the building setback. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1128 Park Avenue

Background:

1. On July 27, 2020, the Planning Department received a complete Conditional Use Permit application.
2. The property is located at 1128 Park Avenue.
3. The Legal Description is All Lot 8 & S 1/2 Lot 9 BLK 56 Snyder's Addition to Park City. Parcel Number SA-365. This Lot is part of the Double H Plat Amendment approved by Ordinance 2019-28. Upon recordation of the plat, the legal description and parcel number with Summit County will be updated to reflect the change.
4. The property is designated as Landmark on the Park City Historic Sites Inventory.
5. The applicant is proposing to construct a basement addition using the footprint of the existing Historic Structure located 67 square feet into the Side Setback.

Zoning District:

6. The property is located in the Historic Residential- Medium Density (HRM) Zoning District.
7. The proposed Lot complies with the HRM Zoning District Requirements outlined in LMC § 15-2.4:

Zoning Requirement

Minimum Lot Area – 1,875 square
Minimum Lot Width – 37.5 feet
Minimum Front Setback – 10 feet
Minimum Rear Setback – 10 feet
Minimum Side Setback – 5 feet
Minimum Corner Lot Side Setback – 5 feet

Maximum Building Height – 27 feet

Analysis of Proposal

feet Lot contains 2,812.5 square feet.
Lot Width of 37.5 feet.
Historic Structure – 17'-6"
Proposed addition – 10 feet
Proposed addition – 5 feet
Proposed addition – 5 feet
Proposed basement addition –
subject to this CUP approval
Proposed addition – 27 feet

8. Per LMC § 15-2.4-6 Existing Historic Structures: Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures.
9. A Letter of Map Revision (LOMR) was issued by the Federal Emergency Management Agency (FEMA) on April 17, 2017 which revised the flood zone the property is located within from a Flood Zone AO to Flood Zone X. Structures are permitted to include a basement in Flood Zone X.

Conditional Use Permit Criteria

10. The proposal complies with the Requirements outlined in LMC § 15-2.4-6(A).

Requirement

1. Upon approval of a Conditional Use permit, and
2. When the scale of the addition and/or driveway is Compatible with the Structure and

3. When the addition complies with all other provisions of this Chapter and,

4. When the addition complies with the adopted Building and Fire Codes, and
5. When the addition complies with the Design Guidelines for Historic Districts and Sites.

11. The proposal complies with the requirements outlined in LMC § 15-1-10(E).

CUP Review Criteria

1. Size and location of the site.

2. Traffic considerations including capacity of

Analysis of Proposal

Pending Planning Commission review and approval of subject application.

Complies. The scale of the addition is compatible with the Historic Structure as the addition maintains the same-sized building module and roof form of the Historic Structure proportions. The proposal is necessary for the rehabilitation of the Historic Structure, as the existing Historic Structure will remain in its Historic location on the Site and requires a new foundation. The HDDR application for the design of the rear addition and basement level is currently under review for compliance with the Historic District Design Guidelines.

Complies: The addition complies with all HRM Zoning requirements (see table in Section 1 above).

Complies as conditioned (See Condition of Approval #8)

The Historic District Design Review application is currently under review for Compliance with the Design Guidelines

Analysis of Proposal

No unmitigated impacts. The size and Location of the site is conducive to the to the proposed development as it complies with the HRM Zoning District requirements as well as with the Design Guidelines.

No unmitigated impacts. There is no change in Use that would generate additional

the existing Streets in the Area.

vehicular trips beyond the current and Historic Single-Family use

3. Utility capacity

No unmitigated impacts. The utilities are accessed from Park Avenue. All utility requirements will be reviewed during the Building Permit review.

4. Emergency vehicle Access.

No unmitigated impacts. The emergency vehicle access is from Park Avenue.

5. Location and amount of off-street parking.

No unmitigated impacts. The Historic Structure is exempt from Off-Street parking requirements. The proposal creates one (1) off-street parking space.

6. Internal vehicular and pedestrian circulation system.

No unmitigated impacts. There are no changes to the internal vehicular and pedestrian circulation system.

7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses.

No unmitigated impacts. The Use is not proposed to change. The adjoining Uses are also Single-Family Dwellings; the fencing, Screening, and landscaping will comply with the HDDR requirements.

8. Building mass, bulk, and orientation, and the location of Building on the Site, including orientation to Buildings on adjoining Lots.

No unmitigated impacts. The design of the Structure is compatible in building mass, bulk, and orientation. The location of the existing Historic Structure is not proposed to change.

9. Usable Open Space.

No unmitigated impacts. The proposed landscaping complies with the Design Guidelines for Historic Districts and Historic Sites.

10. Signs and lighting.

No unmitigated impacts. No signs are proposed. The lighting will comply with LMC 15-5-5(J) as conditioned.

11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing.

No unmitigated impacts. The proposal is compatible with the surrounding Structures in mass, scale, style, design, and architectural detailing as the addition is being reviewed for compliance with the Design Guidelines for Historic Districts and Historic Sites.

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

Not applicable. There are no changes in Use that will result in additional noise, vibration, odors, steam, or other mechanical factors. All exterior mechanical equipment will be screened and comply with the underlying Setback requirements.

13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup areas.

Not applicable. There are no changes in Use that will impact the control of delivery and service vehicles, loading, and unloading zones or screening of trash pickup areas.

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

Not applicable. A Single-Family Dwelling is an allowed Use in this Zone.

15. Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.

No unmitigated Impacts. The property is relatively flat. The proposed improvements will be appropriately re-graded and reviewed thoroughly through the Building Permit. This site is not considered a Steep Slope (30% or greater slope) and will not require Slope retention.

16. Reviewed for consistency with the goals and objectives of

No unmitigated impacts. This proposal has been reviewed for consistency with the Goals and Objective of the Park City

the Park City General Plan; however such review for consistency shall not alone be binding.

General Plan. The General Plan establishes several goals and objective specific to Historic Preservation, including, but not limited to:

- Goal 15: Preserve the integrity, mass, scale compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations.
- Objective 15A: Maintain the integrity of historic resources within Park City as a community asset for future generations, including historic resources locally designated on the Park City Historic Sites Inventory and its two National Register Historic Districts – the Main Street Historic District and the Mining Boom Era Residences Thematic District.
- Objective 15B: Maintain character, context and scale of local historic districts with compatible infill development and additions.

12. Staff finds any CUP criteria are met by the proposed application and will not require any additional conditions for mitigation.

13. Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on August 20, 2020. Staff mailed courtesy notice to property owners within 300 feet on August 26, 2020. The Park Record published notice on August 22, 2020. The Development Review Committee and Planning, Engineering, and Legal Departments reviewed this application.

14. Staff did not receive any public input at the time this report was published

Conclusions of Law - 1128 Park Avenue

1. The 1128 Park Avenue Conditional Use Permit complies with the Land Management Code requirements pursuant to LMC § 15-1-10(E).
2. The 1128 Park Avenue Conditional Use Permit complies with the Land Management Code requirements pursuant to LMC § 15-2.4.
3. The 1128 Park Avenue Conditional Use Permit complies with the Land Management Code requirements pursuant to LMC § 15-2.4-6(A).

Conditions of Approval – 1128 Park Avenue

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards, to include driveway and Parking Area layout, is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.
4. This approval will expire on September 23, 2021, if a complete building permit submittal has not been received, unless a written request for an extension is received and approved by the Planning Director prior to the date of expiration
5. Modified 13-D fire sprinkler system is required for any new construction/addition.
6. All above grade utility facilities shall be located on the property and properly screened.
7. All lighting shall comply with LMC § 15-5-5(J).
8. All related new construction shall comply with the adopted Building and Fire Codes.
9. All Conditions of Approval from the Historic Preservation Board Review for Material Deconstruction Action Letter (PL-20-04484) shall apply.
10. This Conditional Use Permit (CUP) approval is contingent upon approval of the pending Historic District Design Review application. If such application is denied, this CUP approval is void.
11. All Conditions of Approval from the Double H Plat Amendment approved by City Council on May 16, 2020 (Ord 2019-28) shall apply.
12. The property is not located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore it is not regulated by the City for mine related impacts. However, if the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.
13. The property is located within Flood Zone X and shall provide an elevation certificate prior to building permit issuance.
14. The applicant shall resolve the existing shed encroachment located within the Park City Municipal owned property (SA-360-A-X) prior to building permit issuance.

5.B. Land Management Code Amendment to Section 15-2.1-2, Uses, to Establish A Conditional Use Permit for Nightly Rentals in the Lower Rossi Hill Area of the Historic Residential Low-Density District (Application PL-20-04613)

Planner Rebecca Ward reported that this item was an LMC Amendment for the Lower Rossi Hill area of the Historic Residential Low Zoning.

Planner Ward read into the record public input she had received prior to the meeting.

Linda Mason, a full-time resident at 655 Rossi Hill Drive, located just above the Lilac Hill East property. She was concerned about changing the zoning for nightly rentals. Ms. Mason wondered why the City was changing the Code if the property was already zoned for nightly rentals. She stated that Rossi Hill Drive is already a parking lot for renters. Her building has three units. The middle unit is used for nightly rentals. In her experience, three bedrooms is often rented to three couples and they bring three vehicles. If a house has four bedrooms it will be rented to four couples with four vehicles. Despite Mr. Watanabe's statement regarding parking on the property, most of the vehicles will be lined up on Rossi Hill Drive around the hairpin turn. People already park there and up the hill. While there are parking restrictions in the winter, they are rarely enforced. Ms. Mason was opposed to changing the Code for Lilac Hill East.

Morgan Hull stated that as a long-time resident of McHenry Avenue, he was not in favor of rezoning Lower Rossi Hill Historic Residential low-density to allow nightly rentals. Mr. Hull questioned how zoning designations could be changed arbitrarily without regard as to the reason why they were established in the first place. He was sick that this area was allowed to be developed at all. Mr. Hull remarked that the three historic homes on Lower Rossi Hill are the only true examples of Park City history that remain. These homes should have been bought by the City and turned into museums like the McPolin Farm, or possibly tiny homes for families, or more open space and wildlife corridor in Old Town Park City. Mr. Hull stated that Park City has hotels to accommodate nightly rentals, not neighborhoods. He remarked that developers and second homeowners want the designation to allow nightly rentals because it adds value to their property. This in turn exacerbates affordability of single-family homes in Old Town, the very thing the City tries to address every day. Mr. Hull asked the Planning Commission to say no to nightly rentals on Lower Rossi Hill Historic District.

Mary Wintzer stated that she had a discussion with Morgan Hull and after hearing his letter she completely concurred with the content. Mr. Wintzer stated that Park City must begin to make adjustments as they are now living with the results of decisions that no longer work in their new congested Park City.

Kevin Barker and his wife, residents at 257 McHenry Avenue, stated that last night a neighbor informed him that the Planning Commission was scheduled to vote on a recommendation to allow nightly rentals on the lower section of Rossi Hill. Mr. Barker stated that he never received any notice and that was the first he had heard of this planned vote. He noted that Rossi Hill is a small narrow street that is poorly maintained by the City and has numerous issues on the lower section with illegal parking. Residents living on Coalition View and McHenry have to deal with navigating around these cars and the bad street conditions every day. The Commission's plans will simply exacerbate the situation by adding additional traffic to the street. In addition, much of

Park City is already zoned for and is full of houses offering nightly rentals. This results in properties that are fully occupied in peak season times and empty off-season. Mr. Barker remarked that the City officials often decry this exact situation and now they are looking to expand it. When he and his wife made the decision to live full-time in Park City they spent days and days visiting nearly every street in Old Town, and made the decision to purchase their house on McHenry due to the fact that the residents on the whole live their full-time. Mr. Barker asked the Planning Commission to reconsider their plans.

Jordan Pines, a resident on Coalition View Drive, was opposed to the proposed amendment to the Land Management Code that would allow nightly rentals in this district. The problem is the nuisance that nightly rentals cause with increased levels of noise and traffic. The noise factor that nightly rentals will produce in the lower Rossi Hill area would negatively affect the residents of our neighborhood. Daily renters do not have the same respect for their neighbors and there are no repercussions for playing loud music, having parties, or packing multiple families into one rental unit. Nightly rentals will also compound the traffic congestion on Rossi Hill by Deer Valley Drive. This area and intersection are already congested and poses a danger for drivers entering and leaving our neighborhood and for pedestrians going to the bus stop. Mr. Pines asked the Planning Commission to help protect their wonderful and quiet neighbor and restrict nightly rentals.

Thomas Grady stated that he received today the notice to property owners dated September 9th. In that notice they requested input regarding nightly rentals in the Rossi Hill area. Mr. Grady stated that he has lived on McHenry Avenue since 2011. At present, McHenry and Rossi Hill Drive are both designated first priority roads for snow clearing and maintenance. Most of these roads are designated "no parking areas", yet cars are always parked on these roads, preventing the City even now from proper maintenance. This is the case without the completion of entitled development, the sale of recently built homes, the development or use of the BLM property, or worse of all, permitting the area to become a high-density, high-volume multi-car occupied daily rental transient hotel community. Mr. Grady stated that as for Deer Valley Loop Road, he encouraged the Commissioners to drive there today in the Covid off-season to see what it looks like. Cars are everywhere, passage is often impossible, trash pickup frustrated, and more development in the works. He asked them to imagine this with nightly rentals, particularly in season, with multiple families in each unit. This is despite prohibitions that may limit occupancy numbers. Forget social distancing or fire. People better hope all sprinklers work. Even a simple Planning Commission meeting has been found to present a substantial health and safety risk, thus warranting an online meeting. Mr. Grady stated that similar substantial health and safety risks will be needlessly caused by changing the very nature and character of this historic district into a crowded

hotel/motel row. He purchased in this area on reliance of the fact that in a historic district and given other land use requirements in place, such daily rentals would never be permitted. Every neighbor he has spoken with feels the same way and some also said they purchased in such a district specifically because no nightly rentals were permitted. Basic City services, not to mention life safety concerns such as ambulance, police and fire would suffer dramatically. The City will not be able to police the resulting increase in Code violations and risk to public safety. Despite this burden, there appears to be no consideration of the financial impact of the proposal in the Planning Commission Staff report. Mr. Grady thought it was required in good practice to include an evaluation of the fiscal impact of any Council decision. In addition to the direct costs above, there will be indirect costs because of declining property values around any "to be permitted" mini-hotels. The complaining property owner has not claimed any prior historical use as a nightly rental, or any other claimed entitlement or basis to justify deviation from the Land Management Code. Mr. Grady urged the Planning Commission and the City Council to cease any consideration of permitting such a use. An error in the Staff report has no force of law, unlike the LMC that clearly prohibits. Public safety and policy guide an easy decision, and that is to just say no.

Susan Himes opposed the Land Management Code amendment that would allow nightly rentals in this district. She resides in the Sunnyside Subdivision located across Deer Valley Drive from the lower Rossi Hill District. She stated that the Sunnyside Homeowners Association has had a negative experience with nightly rentals, and seven years ago moved to change their zoning to prohibit nightly rentals in her subdivision. The problem has been the nuisance that nightly rentals cause with the increased levels of noise and traffic, as well as illegal parking. The noise factor that nightly rentals will produce in the lower Rossi Hill area would negatively affect the residents of her subdivision because noise along Deer Valley Drive is magnified by the canyon that the street is located in. Furthermore, nightly rentals will compound the traffic congestion at the entrance to their neighborhood where Sunnyside Drive and Rossi Hill Drive intersect with Deer Valley Drive. This intersection is already congested and poses a danger for drivers entering and leaving the subdivision, particularly given the number of service and construction trucks entering and leaving our streets.

Pete Larsen, a resident on Mellow Mountain Road, was opposed to the nightly rental amendment. Mr. Larsen stated that the Sunnyside neighborhood has a nightly rental house that has been a constant source of noise that lasts well into the night. Police have been called to deal with disturbances many times. Nightly rentals on the sections of Deer Valley Drive and Deer Valley Loop have been troublesome as well. Large groups of people have rented these properties and the noise echoes across the canyon to their homes. Rossi Hill nightly rentals would add to the disturbance. Since the houses in question on Rossi Hill are directly across from his neighborhood, the noise

from their inevitable late-night parties would add to the nuisance level in the Sunnyside area, as well as several other neighborhoods within easy earshot of the parties. Traffic from those houses will also increase, as will on-street parking issues. Mr. Larsen urged the Planning Commission to deny the proposed zoning.

Wendy Lavitt stated that she lives in the Sunnyside Subdivision across from Deer Valley Drive from the lower Rossi Hill District. Ms. Lavitt was adamantly opposed to the proposed amendment to the Land Management Code to allow nightly rentals in the District. She stated that the Sunnyside Homeowners Association for years has had a negative experience with nightly rentals, and therefore, several years ago moved to change their zoning to prohibit nightly rentals in their subdivision. The problem is the nuisance that nightly rentals cause with increased levels of noise and traffic. The noise factor that nightly rentals would produce in the lower Rossi Hill area would negatively affect the residents of their subdivision, because noise along Deer Valley Drive is magnified by the canyon. Unfortunately, nightly renters often do not take care of the homes, indulging in loud parties, excessive use of fireworks on holidays, and leaving large amounts of trash in front of the home they occupy. Nightly rentals will also compound the traffic congestion at the entrance to the neighborhood where Sunnyside Drive and Rossi Hill Drive intersect with Deer Valley. Ms. Lavitt noted that this intersection is already congested and poses a danger for drivers leaving their subdivision. Mellow Mountain Road, which is already impacted by increased traffic, will be affected, making what was once a pleasant neighborhood into a noisy and dangerous thoroughfare.

Rick Anderson, a resident in the Sunnyside Subdivision, opposed the proposed amendment to the Land Management Code that would allow nightly rentals in this District. The Sunnyside Homeowners Association has had negative experiences with nightly rentals, and several years ago they moved to change their zoning to prohibit nightly rentals in the subdivision. The problem is the nuisance nightly rentals cause with increased levels of noise and traffic. The noise factor that nightly rentals would produce in the lower Rossi Hill area negatively affect the residents of his subdivision because noise is magnified by the canyon that the street is located in. Furthermore, nightly rentals will compound traffic congestion.

Alison Kitching stated that as a full-time resident and condo owner living immediately adjacent to the lower Rossi Hill HRL zone, she was writing to support the recommendations of the Planning Commission Staff report allowing nightly rentals for the lower Rossi Hill HRL zone. Limiting parking to on-site only and heightening the CUP criteria will reduce the impact of the nightly rentals on the neighbors. While the neighborhood could not stop this development, the size and scope of the development could have been much more significant. At no time over the past few years could she

recall a conversation regarding not allowing nightly rentals in this area. Ms. Kitching did recall the developer saying that he was creating these homes to appeal to full-time residents. She did not want nightly rentals next to her condo; however, she felt the responsibility to be fair and support nightly rentals since this was only an oversight in changing the zone.

Planner Ward explained that the above email were read into the record because the only time nightly rentals are addressed in a public hearing is when conditional use permits or LMC amendment come before the Planning Commission. She thought it was clear that community members have a lot of concerns and frustrations regarding nightly rentals.

Planner Ward noted that the Planning Commission had already addressed similar concerns. On July 8th the Planning Commission recommended that the City Council hold a work session to talk about how nightly rentals can be better regulated to help reduce the impact on the community members. Planner Ward stated that on July 30th the City Council agreed to hold the recommended work session. The Staff was in the process of preparing for a work session to address Municipal Code Regulations for the business licensing aspect of nightly rentals. Some considerations provided so far including restricting parking to what is available on site and to make sure parking is enforced, to post property management information inside nightly rentals, and to improve the City's process of tracking complaints, following through, and responding to the complaints. Additionally, there are potential regulations of outdoor lighting and making sure lights are turned off when nightly rentals are vacant. Planner Ward emphasized that these amendments will be addressed in a future City Council work session on nightly rental regulations in general.

Planner Ward stated that the discussion this evening relates to an oversight in a 2017 Staff report. She noted that they have been talking about the Historic Residential Low Density Zones throughout this year for a few reasons. It is an outlier zone where they have three subzones: The Western zone, the McHenry Zone, and the lower Rossi Hill area being discussed this evening.

Planner Ward stated that on July 30th the City Council approved a cap of 12 nightly rentals in the Western HR-L area. In 2015 the residents of McHenry petitioned for a Land Management Code Amendment to prohibit nightly rentals. Therefore, nightly rentals in the McHenry zone are restricted. Planner Ward explained that the issue comes up as a result of the 2015 zoning amendment that limited nightly rentals to the Western Zone. In 2017 there was a rezone in order to protect the three historic homes on Rossi Hill Drive. The rezone was from residential medium to historic residential low density. Planner Ward noted that there was an oversight in the Staff report, and when

this information was presented to the Planning Commission and the City Council at the time of the rezone, nightly rentals were shown to be a conditional use permit. In January 2020, the City Council approved a five-lot plat for five single-family dwellings, which are the property at issue under the proposed amendment. The lower Rossi Hill area was higher density prior to the 2017 rezone when it was downzoned. Before the rezone, nightly rentals were allowed. This area is surrounded by residential medium zoning shown in dark brown where nightly rentals are allowed. A lighter brown identified the residential development zone where nightly rentals are allowed. Nightly rentals are also allowed in the Estate Zone. Planner Ward indicated the single-family rezone area where nightly rentals are prohibited.

Planner Ward stated that the amendments proposed this evening require a conditional use for nightly rentals in this area. The process requires public notice, a public hearing, and reasonable mitigation of impacts. If any property owners apply for a nightly rental permit, it will come before the Planning Commission, and the public will be noticed and given the opportunity to provide input. Planner Ward stated that the conditional use permit proposed in these amendments heightens the requirements. Vehicles would be restricted to the number of on-site parking spaces. Contact information for the property management would be displayed in the nightly rental so if there are complaints, the responsible party could be notified.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to amend the footnote in the Land Management Code to establish nightly rentals as a conditional use for these five lots in the lower Rossi Hill area of the Historic Residential Low-Density zoning district, so the LMC will reflect the information that was presented at the time of the rezone.

Commissioner Suesser asked Planner Ward to explain exactly when the oversight occurred and how it occurred. Planner Ward stated that the City Council asked the Planning Staff to downzone the area in part to protect the three historic structures located in the lower Rossi Hill area. Commissioner Suesser asked if it was an area that allowed nightly rentals. Planner Ward replied that nightly rental was allowed under the previous zoning; however, no Planning Commission review or permit was required. The only requirement was to have a business license. During the rezone, it was presented that the nightly rental review would be heightened, and nightly rentals would become a conditional use permit reviewed by the Planning Commission, in addition to the business license requirement. That was an oversight in the Staff report in 2017.

Chair Phillips asked if it was an oversight in the Staff report, or an oversight when the rezoning was codified. Planner Ward stated that the Staff report represented that nightly rentals would be a conditional use permit, but that was not the case. In this

case, nightly rentals are only allowed in the HRL in the Western zone. Planner Ward noted that when lower Rossi Hill was rezoned to HRL, by default nightly rentals were prohibited because per the Code as written, nightly rentals are only allowed as a CUP in this Western HRL area. At that time, the Staff report should have represented that nightly rentals would be prohibited. Instead, it was shown as a conditional use permit.

Chair Phillips recalled the history of McHenry and that area. The owners came before the Planning Commission and they worked together to successfully create that pocket. It was never represented or intended that Lower Rossi Hill would function like McHenry, and instead it was represented as functioning more in line with the Western HRL area. Chair Phillips stated that based on his recollection of the discussions, it was an oversight, and the intention was never to prohibit nightly rentals in the rezone.

Commissioner Kenworthy asked Planner Ward for the number of CUPs the Staff was recommending for this area. Planner Ward replied that the cap is 12 CUPs in the Western area. The Staff was not recommending a cap in the lower Rossi Hill area because there were five lots. Since the area was downzoned in 2015, the density is lower than it was when nightly rentals were an allowed use. The only additional criteria is that parking be restricted on site. Commissioner Kenworthy asked if the proposed zoning would only apply to those five homes. Planner Ward answered yes.

Commissioner Kenworthy wanted to know when the owner purchased these five properties. The plat that approved the five lots was approved by the Planning Commission in December 2019 and by the City Council in January 2020.

Commissioner Thimm understood that a City Council work session would be scheduled to discuss nightly rentals. Planner Ward replied that he was correct. Commissioner Thimm asked if there was a compelling reason why the Planning Commissioner would take action on this amendment before the work session. Planner Ward stated that the Staff learned about this oversight after publishing public notice on the Western HRL regarding the amendments on the cap and the heightened criteria. Otherwise, they would have addressed both issues at the same time. To make sure they reached out to the public and that property owners within 300 feet of the zone were notified, the work session discussion was deferred to a later date.

Planner Ward pointed out that the property owner's concern was attached as an Exhibit to the Staff report for this meeting. It was also attached as an exhibit to the City Council Staff report. The City Council was aware of the oversight and that this specific amendment was coming forward to address it.

Chair Phillips asked if the Planning Commission added a work session to their list to potentially find more areas where nightly rentals can be restricted. Planner Ward offered to add that item to the work sessions list. Chair Phillips thought it was important to find other areas to preserve, such as they did in the McHenry area and the Western HRL area. They were very successful, and it was positive for the entire community, and especially those neighborhoods. Chair Phillips thought the desire to restrict nightly rentals was evident in the public comments. He believed the Planning Commission should continue looking for other areas. He suggested that people in certain neighborhoods may want to be part of those discussions and potentially include their neighborhood.

Chair Phillips stated that the Planning Commission had an intent in their conversations and he personally thought they should follow through with that intent.

Chair Phillips opened the public hearing.

The comments read by Planner Ward at the beginning of this discussion will be included in the record.

Jessica Nelson read an eComment from Jeff Jonas that was submitted during the discussion.

Jeff Jones stated that they are residents at the home #Lilac#2. As a general point, given the current situation with Covid we believe re-initiating single-night rentals makes very little sense. With respect to this particular neighborhood, on-street parking has made walking and driving on Deer Valley Loop perilous. Further, the density of the rentals makes night-time noise a frequent problem. In general, single-night renters are indifferent to the regulations, so if this is resumed, it would be better for the neighborhood to have strict enforcement of the rules and fine owners and management companies in such a way that compliance with neighborhood standards is enforced. Finally, it might be noted that making homes only available for protracted rentals could help alleviate some of the housing issues in PC.

Justin Klein raised his hand on Zoom and he was unmuted to make comment.

Justin Klein stated that he is a neighbor of Jeff Jonas and one of the people who purchased a house in the area under discussion. Mr. Klein thanked everyone for the attention being paid to the question. He respected the views from all sides. Mr. Klein stated that when they purchased their house, they did so with this oversight in mind, and they understood that nightly rentals would be permitted. Mr. Klein stated that while they do not intend to take advantage of the opportunity, he thought it could be a right

that some people will find appealing when they look at the area. Mr. Klein voiced support for the proposed restrictions and additional obligations being placed on the renters. He thought it was positive that the area was rezoned to low density, which will help mitigate a lot of the issues associated with noise, traffic, and any additional burdens placed on the public with nightly rentals. He also supported parking restrictions, lighting, and posting information of the responsible person so it can all be managed appropriately.

Chair Phillips closed the public hearing.

Commissioner Van Dine agreed that the Planning Commission should stay with what was intended when the area was rezoned. She favored keeping the CUP process so nightly rentals can be regulated.

Commissioner Kenworthy recalled that when they last spoke about nightly rentals, the number was just under 50% of Old Town homes that were nightly rentals. As he stated then, he strongly believes that the prior mapping that was done by previous Planning Commissions found the correct balance in the community. He thought 50% was a fair balance. Commissioner Kenworthy remarked that it also allows for the new buyers to understand where nightly rentals are allowed or restricted. Both sides of the argument have presented that it is financially harmful, and he understood both sides.

Commissioner Kenworthy stated that CUPs in a non-conforming nightly rental territory as mapped, makes this a very slippery slope when people who purchased a house have no idea that they are going to be next door or down the block from a nightly rental.

He believed this was an important issue. Commissioner Kenworthy remarked that scattered CUPs make enforcement more difficult, and all the Commissioners have discussed the enforcement of nightly rentals. He believed keeping nightly rentals in those mapped areas will help enforcement a great deal. Commissioner Kenworthy remarked that the Planning Commissions that preceded them looked at snow shed, looked at the slopes, looked at the vicinity and the close proximity to Resorts, and looked at walkability and transportation. He thought this was well-thought out and the numbers prove it. Commissioner Kenworthy understood that there might have been an oversight. These five homes were mostly unoccupied for many years and he did not believe they were in the rental pool. Therefore, the neighbors who purchased homes over the last several years probably had an expectation. He was leaning in favor of the people who had the expectation of purchasing a home in a primary neighborhood. However, Commissioner Kenworthy agreed with Commissioner Thimm's comment and he would vote to continue this item until after the work sessions.

Commissioner Suesser agreed with all of Commissioner Kenworthy's comments. She understood there might have been an oversight and that this property is in limbo.

However, she thought they should allow the City Council to have their work session and provide a policy decision on how to move forward with nightly rentals before the Planning Commission makes any further decisions on night rentals.

Chair Phillips pointed out that the City Council policy would be city-wide. Planner Ward replied that he was right. The work session was scheduled as a city-wide discussion, and it would change the business license regulations. Chair Phillips noted that whatever is decided by the City Council would still apply to property, as it would to every property in town. Planner Ward reiterated that these five properties are required to obtain a conditional use permit and a business license. The heightened regulations under the Municipal Code would apply.

MOTION: Commissioner Suesser moved to CONTINUE the LMC Amendment to Section 15-2 regarding nightly rentals, to a date uncertain. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

5.C. Master Planned Development, Conditional Use Permit, and Development Agreement Amendment – Amendments to the King’s Crown Master Planned Development, Conditional Use Permit, and Development Agreement to Convert Two Attainable Units to Affordable Units and Five Attainable Units to Market-Rate Units. (Application PL-20-04612)

Commissioner Kenworthy recused himself from this item.

Planner Ward noted that Exhibit F in the Staff report includes a letter that was presented to the City Council and the Planning Commission from the owner of the attainable unit in Work Force Building A, the subject of the amendments this evening. The unit owner submitted an updated letter earlier that day that she read into the record as follows:

The undersigned owner of Unit 501 within the King’s Crown Workforce Housing Condominiums hereby consents to and approves an Amendment to the Declaration of Condominium for the King’s Crown Work Force Housing Condominiums for the purpose of changing the method for allocating to each unit an undivided percentage interest in the common areas and facilities, the voting rights, and the percentage allocation of the common expenses.

Planner Ward reported on a submittal from property owners who live across the street from Building D of the King’s Crown MPD and provided input specific to Building D.

The applicant requested to rescind and vacate the Building D approval, and an amended plat for Building D will come before the Planning Commission and the City Council for consideration at a later date. The scope of the review tonight is to update the MPD, CUP final action letter and the Development Agreement to reflect previous approvals by the Planning Commission and the Housing Authority.

Planner Ward stated that this Master Planned Development was approved in 2018 in the form of a combined MPD/CUP final action letter. In May 2019, the Planning Commission approved modifications. In November 2019, the Planning Commission approved amendments to a condominium plat. Planner Ward stated that the approved amendments to Lot 2 from the November approval are not yet reflected in the MPD/CUP final action letter as it was not updated at that time. The May and November modifications from last year are not reflected in the Development Agreement.

The Staff recommended that the Planning Commission approve modifications to the MPD/CUP final action letter findings of fact listed in the Staff report, to outline what was approved for Building B. Planner Ward noted that it was to reduce Unit B 401 square footage, to shift the pool location to the rear of Building B, to remove approximately 7,000 square feet from the lower two floors of the building, and to amend the plat to designate the affordable unit as a private unit.

Planner Ward commented on the King's Crown Affordable Housing. She noted that where the Planning Commission reviews initial housing mitigation plans that are recommended to the City Council, the King's Crown MPD/CUP final action letter states that the Housing Authority would have the final say on the affordable housing figures for King's Crown.

Planner Ward reported that the Affordable Housing Mitigation Plan went through several amendments. In August, the Housing Authority approved the original plan. In May they amended a plan to remove the income limits for attainable condos in the Work Force Housing Building A on Lot 1. In November of last year, they approved another amendment to add an additional affordable unit in Building B. This month, the Housing Authority approved another amendment to convert two of the attainable units in Building A to affordable units, and five attainable units to market rate units.

Planner Ward stated that to reflect the Housing Authority approval to convert these units, the Staff recommended modifying Findings of Facts in the MPD/CUP final action letter and the Development Agreement to reflect accordingly.

Planner Ward remarked that a typo correction in the Development Agreement was attached as an Exhibit. Nine deed restricted units will be ten and eight will be nine.

Chair Phillips asked if there was anything new that the Planning Commission had not previously discussed. Planner Ward replied that everything for consideration this evening related to a previous approval in terms of Buildings B and C. The Housing Authority approved the reallocation of attainable and affordable housing. She pointed out that the developer was still in excess of the required housing. Planner Ward reiterated that the approval this evening would update the approved documents to reflect the changes to the project over the past year.

Chair Phillips opened the public hearing.

Jessica Nelson read three comments that were received earlier in the day, as follows:

Debra Rentfrow stated that as a resident on Empire, my primary concern is this setting a precedent that potentially will be thrown in the face of the City Council and Planning Commissions when the PCMR Base Area is developed. Based on supporting documentation included with the Staff Report, the only party against the change in classification of 7 units was the purchaser of the only attainable unit sold. According to their email, the developer stopped marketing the other 6 attainable units and has already been "getting them ready for market" by upgrading the units. Now the developer comes to the Housing Authority, City Council & Planning Commission asking for an exception. It's dangerous territory as any future developer for PCMR Base Area will take it as a precedent and permission to make changes that do not meet the approved MPD and be able to cite such a grant of permission to amend in recent history. In addition, if indeed our community doesn't have a viable population for attainable units, this requirement for future developments should be reviewed. Thank you.

Stan Rodman stated that the proposed amendment to convert 5 of the 7 "attainable" condominiums at Kings Crown to market-rate units means that new condominiums that were priced at \$569,000 will now be for sale by the developer for in excess of \$900,000. How many Park City residents attempted to qualify for these "attainable" units and failed? In my case, despite being a 9-year tax-paying resident of Park City, within the Park City School District and having a daughter attending a Park City school, following a 4-month back-and-forth with the City and the developer I was denied the opportunity to purchase one of these units at Kings Crown due to being an employee of Delta Airlines based in Salt Lake. If this amendment is approved, how many local Park City residents will be able to afford the same, formally "attainable" units, now priced at nearly \$1,000,000?

Hands were raised on Zoom and the participants were unmuted to make comment.

Patricia Kravtin stated that she and her husband Jonathan Horowitz are residents of 1240 Lowell Avenue, which is the first single-family home on Lowell south of Manor Way. Due to their home's location and orientation they are most severely impacted by the mass, scale, and character of the King's Crown stacked condominium development, and in particular, Building D, the largest mass structure to be built directly adjacent to their home. Ms. Kravtin remarked that the Staff report included their very detailed and documented written comments concerning the issues with Building D. She appreciated that the Planning Commission had a full agenda and specific matters concerning A, B, and C to address tonight. However, as indicated in the Staff report, the applicant was resubmitting plans for Building D. This follows the applicant's acknowledgement that the current plat does not conform with the Building D boundary agreement facilitated by Planner Astorga in 2017 and affirmed multiple times on the record of the Planning Commission, to move the southernmost boundary of Building D at least 15 feet to the north to line up with the multi-unit Lift Lodge, consistent with the MPD and the conditional use permit findings of fact requiring the applicant to mirror the existing neighborhood pattern. Ms. Kravtin stated that she was speaking this evening so the Planning Commission was fully aware of a significant error in the previously submitted Building D plat, and the likelihood the applicant's resubmission for Building D will not conform with the MPD, conditional use permit findings of fact, and the associated boundary agreement that was embraced in a very amicable fashion, and agreed upon all along until recently and after the applicant admitted their error. She hoped by raising these issues in advance of the Planning Commission's review that the Commission would take the opportunity to provide guidance and clarity that the applicant's resubmission would be held to the same MPD standards, agreements, and representations concerning Building D, made at the time of the Planning Commission's original project review, namely, that the southernmost boundary of Building D not extend past the multi-unit Lift Lodge.

Ms. Kravtin thanked the Commissioners for their time and consideration, and for their public service.

Commissioner Suesser asked Planner Ward to respond to Ms. Kravtin's comments. She believed the attainable to affordable housing aspect of this modification was overwhelming the other changes to Building D. Planner Ward replied that no modifications to Building D were being proposed as part of any of the amendments this evening. She clarified that there have been no changes to Building D since the Planning Commission approval in 2018. Planner Ward stated that the approval for the Building D plat has been rescinded and it will come before the Planning Commission at

a later date. She believed that was the basis of Ms. Kravtin's comments. No action on Building D was proposed at this time.

Angela Moschetta commented on the issue of bringing some of the attainable units to market rate. She understood from the developer and from people at the City that there were challenges addressing this category in the beginning. Supportive of the other comment that was offered, she understood there were also challenges for people who were trying to obtain the units. Ms. Moschetta noted that this is the hottest real estate market in years, and there is a lack of inventory. She wanted to know why the units were pulled off the market this summer in order to prepare for this change. She questioned why they did not push forward to see if they could be sold as attainable units.

Han Fuegi, representing the developer of work force housing, the infrastructure, the lots, and the townhomes, stated that they tried for two years to market the 8 attainable units, and they retained a realtor to try to sell them. Due to the restrictive guidelines, the applicants did not qualify. In early summer the developer approached the City to see if they would consider establishing an appeals board that would allow applicants to qualify, even if they did not meet every qualification required by the City regulations. Mr. Fuegi stated that the City did not favor that idea, and instead proposed the solution before the Commissioners this evening, which is to convert attainable units to affordable units, and the remaining five units to market rate.

Mr. Fuegi noted that the City has struggled with the attainable concept. Out of a large stack of applicants, only one of two units were sold in the project the City is building. Mr. Fuegi stated that for whatever reason, it has been a challenging product to sell these units in the attainable category.

Ms. Moschetta stated that in terms of HOA and homeowners rights, she asked if any of these units had sold between summer and now, whether that would have tipped favor or balance into the homeowner's hands in any way that they are not afforded now. Mr. Fuegi replied that it was difficult to determine because once the City approached them with this proposal, they pulled them off the market because they were ready to act on that proposal. He unsure whether or not they could have sold more units. Mr. Fuegi stated that even though the real estate market is hot, attainable units are a challenging product to sell because the price point is higher, and the restrictions make them less desirable.

Mr. Fuegi reminded the Planning Commission that this development left approximately 40% of the allowed density on the table in the King's Crown Development. After adding 5 market rate units, they were still way below the allowed density. He also referred to

comments at that City Council meeting that the developer will now be making money on these units. He clarified that even with 5 market rate units converted from attainable units, the developer is far from making a profit on this building. It is even more so the case if they attribute any kind of land value. He wanted it clear that converting the five market rate units was not a profitable venture.

Chair Phillips closed the public hearing.

Commissioner Hall believed Mr. Fuegi's final comment was in response to her comments at the City Council meeting on Thursday. She noted that when she looked into the King's Crown Development and read some of the deeds and restrictions and qualification, it was startling because the Planning Commission does not see the full process. Commissioner Hall stated that it was frustrating to look through everything and try to understand why this is such an issue. She did not have the solution to make affordable and attainable units more successful, but they need to take a serious look in addressing how they move forward to make them successful long term for the applicants, the residents, and the people who win them in the lottery. Commissioner Hall stated that the point she tried to make in her comments was that in converting two units from the attainable, there was still net more money being made by the developer. She thought the precedent would be that the City was amending an affordable housing plan because it did not go well, and that will net more money to the developer.

Chair Phillips thought Commissioner Hall made a valid point and it was a valid concern.

Commissioner Thimm stated that when he read the Staff report he wondered about the change from attainable to market rate. However, he also saw the change from two attainable to affordable, which is a more detailed targeted residence. He did not think they should lose sight of that trade-off. Commissioner Thimm believed that having a little more deeply targeted affordability was a good thing for this area of the City.

Commissioner Suesser thought it was important to note that the developer thought to build more affordable housing than what was required. They worked out an affordable/attainable mix and the attainable was not successful. To address the concern of setting a precedent for other developers to change from attainable to market rate, she thought they should be clear that if they approve this request it is because the developer added more affordable units to the project and the goodwill that engendered. Chair Phillips and Commissioner Van Dine concurred.

MOTION: Commissioner Thimm moved to APPROVE the modifications to the King's Crown Master Planned Development Conditional Use Permit and Development Agreement, based upon the amended Findings of Fact, Conclusions of Law, and

Conditions of Approval found in the Staff report. Commissioner Van Dine seconded the motion.

VOTE: The motion passed. Commissioner Hall voted against the motion. Commissioner Kenworthy was recused.

5.D. Park City Mountain Resort Base Parking Lots - MPD Modification - 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. This Hearing Will Focus on Transit and Pedestrian Connectivity, Traffic, Parking and Circulation. (Application PL-20-04475)

Commissioner Thimm noticed that Ryan Hales was on the participants list. He disclosed that he worked with Ryan Hales in a collaborative matter on a number of projects over the years. They are not financially or contractually tied in on any of the projects. Commissioner Thimm clarified that his working relationship with Mr. Hales would have no bearing on any decisions he might make.

Planner Alexander Ananth reviewed the request to amend the 1998 Park City Mountain Resort Development Agreement, and replace the expired Exhibit D, which was the Master Planned Study, with a new master plan or site plan known as the Park City Base Area Lot Redevelopment Master Plan study.

John Robertson, the City Engineer, introduced some of the Staff that was hired to help with the process of reviewing the traffic impacts to the overall system, and to make sure what is presented is consistent with the City Council's objective and plans, specifically related to the priorities for transportation and traffic in the City. Mr. Robertson stated that Julia Collins, Senior Transportation Planner, would be presenting this evening. In addition, the City hired AECOM as consultants to help with the traffic impact study. AECOM has been working closely with the City and reviewed the City's goals and requirements and priorities. Mr. Robertson introduced Laynee Jones, a Senior Project Manager with AECOM, and Kordel Braley, who would also address the Planning Commission regarding traffic, transportation, and transit.

Planner Ananth noted that the applicant was also on the line with a number of consultants who would be speaking this evening.

Planner Ananth reported that she had received 70 public comments in writing. Due to the number she would not read the comments this evening, but she would read the

names during the public hearing so people would know their comments were received. She noted that all the written comments were forwarded to the Planning Commission.

Planner Ananth stated that the City has a number of plans they look to when projects are reviewed. Specific to the base resort, there is the 1998 Development Agreement and related exhibits. Exhibits J & K is the traffic and mitigation plan. Exhibit L is the mountain upgrade plan, which speaks to the relevant topics for discussion this evening, as well as the 1997 MPD Approval. Planner Ananth noted that the Park City General Plan identifies seven specific objectives related to the base area. Planner Ananth referred to a long-term strategic plan for the City which identifies four critical priorities that are intended to guide the decision-making and provide structure to ensure that the City's vision and values are achieved. One of those critical priorities is transportation. The goal is to reduce congestion with integrate multi-modal transportation systems.

Planner Ananth noted that the City also looks towards a number of adopted transportation plans, which includes the Complete Streets Resolution that establishes new street construction and new construction guidelines, the Transportation Demand Management Plan, which is geared towards reducing vehicle miles traveled and reducing congestion during peak days and hours, and the Traffic and Transportation Master Plan, which reinforces the City's commitment to enabling safe access for all users.

Planner Ananth commented on the LMC MPD requirements. She specifically noted four requirements, including a plan to discourage the use of motorized vehicles often referred to as a TDM, Transportation Demand Management Plan, which encourages other forms of transportation. Other requirements are provisions for overflow parking during peak periods, evaluation of potential adverse impacts of the proposed parking reduction, and density increase on the surrounding neighborhood, as well as conditions to mitigate such impacts. Finally, the site planning for an MPD should include transportation amenities, such as drop-off areas for van and shuttle service and a bus stop.

Planner Ananth commented on the circulation pattern. She noted that the applicant was proposing a one-way circulation pattern that includes two new roundabouts, and two direction traffic flow between the two roundabouts. The loop converts to a two-lane, one-way traffic pattern. There are two specific drop-off areas. The first is between Building C and Building E, and is intended to be an Uber, Lyft, Black Car skier drop-off area. A second drop-off area will be adjacent to Building B, which is in closer proximity to the upper base area. This drop-off area is intended for guests and shuttle drop-offs.

Planner Ananth pointed out that the drop-off area is directly across from the existing bus transit stop and she could foresee potential conflicts.

Julia Collins, Senior Transportation Planner, highlighted specific City transportation goals related to this development, provided context to Transit First, and summarized the existing transit conditions. Ms. Collins stated that throughout the history of Park City, the goals, projects, policies, and adopted plans have always looked to advance multi-modal options and transit first over single private automobile use.

Ms. Collins defined multi-modal travel, which includes riding the bus, biking, and walking in lieu of using a private automobile. It could also extend to things such as van pool, small scale shuttles, micro-transit, gondola travel, and other modes. Ms. Collins noted that Planner Ananth highlighted a few of the adopted plans to help guide their review of the development; however, she wanted to add additional specificity to Transit First. She provided a graphic and recommended guiding this development based on this graphic. In addition to the General Plan, the existing Transportation Master Plan, the complete streets policy, there are also some plans currently under development, which include the Transportation Master Plan Park City Forward and the Park City Vision 2020 effort. Ms. Collins clarified that Park City Vision 2020 is a ten-year strategic plan that had extensive public input and was discussed the prior evening at the City Council. This initiative is to explore innovative multi-modal transportation solutions and reaffirms that multi-modal travel remains a critical priority by City Council and the community.

Ms. Collins stated that by providing the community with transportation options and prioritizing transit, they will experience less cars on the road, reach their aggressive sustainability goals, support social equity goals, be more efficient at moving a lot of people, and deliver it in the best use of scarce City-owned streets and rights-of-ways.

Ms. Collins remarked that this development is a critical opportunity for the City to advance all of these goals that need to be realized in this project by the applicant. She stated that the General Plan has seven specific objectives for this development:

- 1) increasing opportunities for public transit, including consideration of dedicated transit lanes;
- 2) circulation improvements for the users' experience;
- 3) implementing alternative parking locations with transit connections;
- 4) implementing travel demand management strategies to decrease the number of vehicles going to and from the site;
- 5) is improving connections to major Park City destinations;
- 6) decreasing impacts on surrounding residential communities;
- 7) to discourage traffic on Three Kings Drive.

Ms. Collins pointed out that the applicant has the responsibility to demonstrate how their project conforms to all of these plans, the City's resolutions and objectives, and critical transportation priorities during the MPD review process.

Ms. Collins noted that the Staff report called out many areas for multi-modal and transit improvements where the applicant's proposal was lacking. It needs to be reassessed and updates provided to meet the standards and goals so the Planning Commission can adequately evaluate the project. Ms. Collins remarked that AECOM would delve into the Staff report recommendations during their presentation.

Ms. Collins emphasized that this development represents an incredible opportunity to advance the City's transit goals in an area that currently suffers with poor transit circulation and is a major destination in Park City. She stated that during typical winter conditions, approximately 26 buses per hour are sent to the Resort. Under normal traffic conditions it takes the buses 6 minutes to circulate from the Park Avenue/Empire intersection through the Resort and back to that area. However, during peak winter conditions, it can take the buses 35 to 45 minutes to loop through this development. Ms. Collins pointed out that buses get stuck in general travel lanes with traffic. They go through every intersection and hit every conflict in the resort. They also need to navigate a challenging drop-off and pick-up zone that is commonly mixed with taxis, Ubers, Lyft and hotel shuttles, as well as mixing with general Resort visitor traffic.

Ms. Collins stated that the current bus stop lacks adequate amenities that are typical for any public transit stop of this magnitude. These include a covered shelter, compliant ADA, proper lighting, wayfinding signage, safe crossings, and many more. She recommended adding these amenities to the users' experience.

Ms. Collins summarized that the existing circulation facilities have an overall impact on the reliable bus travel times, the users' experience, and the transit ridership. The desire is to improve all of these to increase the customer experience and use of transit.

Ms. Collins stated that the current proposal leaves many questions unanswered and it does not adequately advance transit nor align with the City's multi-modal transportation goals. Ms. Collins noted that Park City hired AECOM to independently review the applicant's traffic impact study, current circulation, and transit and multi-modal components. This review is broken into two sections and Laynee Jones with AECOM was prepared to explain the transit and multi-modal components.

Laynee Jones with AECOM noted that their detailed recommendations were included in the Staff report. She intended to highlight three important items in her presentation. The first pertained to transit, the second pertained to a people-based analysis, and the third was a pedestrian review. Ms. Jones echoed Ms. Collins' comments regarding transit. She stated that in reviewing the circulation plan there was not enough information to understand whether buses would still be caught in traffic, even with a one-way circulation loop. AECOM recommended setting a goal for transit capacity to

know exactly how many buses they need to be designing for in the future. Ms. Jones stated that without the benefit of that information, they were recommending a system that can carry at least 2500 people per hour. They believe 8 bus bays is appropriate for that level of bus capacity, and likely bus priority lanes. In addition, bus stop features and amenities, ADA, bathrooms, etc. Ms. Jones stated that one reason why this is critical for the site to operate is because a fixed number of pedestrians will be accessing the site based on the housing around the facility. There will also be a fixed number of cars accessing the site based on parking availability. The remainder needs to be accommodated by the transit system. If they do not size the infrastructure at the site properly, they may regret it later if they do not have the capacity to handle an adequate transit system.

Ms. Jones commented on how they could do a better job of sizing the transit system and the pedestrian system on the site. She recommended a people-based analysis where they estimate the number of people expected on the bus, estimate the number of people who will be walking to the Resort, and estimate the number of people coming in via car, and compare it to the Presidents Day conditions that the current TIS was based on.

Ms. Jones remarked that the Master Planned Development has a comfortable carrying capacity analysis which almost gets to the people-based analysis. She explained that the people-based analysis is important because they do not know if the crosswalks or sidewalks are big enough or in the right place unless they actually know the numbers of people will be using those facilities. The same applies to the bus system.

Ms. Jones stated that regarding the people-based analysis, the proposal started looking at the number of people who would be accessing the site via parking, lodging at the base area, via the Town Lift, and transit. Currently, approximately 4,000 people come to the site in cars and approximately 1800 on the bus. She presented a slide showing the proposed condition of approximately 6,000 arriving by car and 2500 on the bus. AEMCO recommend that the mode shift should be given a higher priority to transit and that the transit system could handle more than 2500 people if it is designed properly.

Chair Phillips noted that one parking slide showed 2.7 skiers per space, but another slide showed 3.7. He wanted to know why the number was different. Ms. Jones replied that one of the recommendations is to have more specificity on how that will be achieved. One way to achieve it is through paid parking, and that would be a recommendation to shift the mode from driving to transit.

Ms. Jones stated that AEMCO recommended additional analysis based on the people-analysis and correlating it with the traffic impact study, which was based on a

Presidents Day scenario. The proposed analysis was based on a comfortable carrying capacity which proposed approximately 15,000 people. On President's day that number is higher and the two need to be correlated. Ms. Jones clarified that currently the design for cars is based on the peak day, but the design for the bus system is only based on a comfortable carrying capacity.

Ms. Jones commented on the pedestrian analysis in the Master Plan proposal. The analysis did a good job identifying where the pedestrian crossings need to be. AEMCO recommended a half mile buffer around the entire site and dividing it into three to five zones so every housing unit within a half mile has an actual formal path to get to the Resort. They can estimate the number of people crossing at each location, and based on that analysis, they may want more substantial infrastructure than just a crosswalk or potentially wider sidewalks.

Commissioner Van Dine asked if there was any way to look at the impact of traffic. Ms. Jones answered yes. Especially along the circulator roads they would recommend doing more analysis on the capacity of the road. Ms. Jones stated that the capacity of the roads will be decreased by pedestrian crossings, snow conditions, etc.

Kordel Braley with AECOM commented on some of the recommendations based on their review of the Traffic Impact Study. He noted that it followed a standard methodology. The study looked at peak hour conditions on Presidents Day weekend. It estimated how much new traffic will be added to the intersections based on data from the Institute of Transportation Engineers and other local sources. It also recommended roadway capacity improvements to achieve a Level of Service D condition or better, which is generally acceptable for these types of areas. Mr. Braley stated that AECOM agreed with that general methodology for traffic impact; however, they had additional recommendations moving forward.

Mr. Braley pointed out some of the key findings and recommendations from the Traffic Impact Study. He stated that at the intersection of Park Avenue and SR224, the developer recommended dual left turn lanes as approaching from the north. They also recommended a right turn channelized lane. Mr. Braley pointed out that those would require additional right-of-way because it is highly unlikely that those could be accommodated within the existing paved area. Mr. Braley noted that the developer also recommended two multi-lane roundabouts on the north end of the project on Silver King Drive. They recommended restriping Empire Avenue from what is currently two lanes in each direction to two inbound lanes and three outbound lanes. Due to requirements for snow storage, as well as accommodating pedestrians and bicycles, Mr. Braley thought it was unlikely that this could be accommodated within the existing pavement and this improvement would require some widening. Mr. Braley stated that

the current bus stop handles not only the Park City buses, but it also handles shuttles from hotels, transportation network company vehicles, as well as people being dropped off in private vehicles. The developer's recommendation was to keep the bus stop on the south end of the project and create a new drop-off area for the shuttles, the TNCs and the private vehicles. They also recommended providing bus space at the current transit location.

Mr. Braley presented the two over-arching recommendations proposed by AEMCO. Instead of starting with existing conditions and building on what they think will occur and adding vehicular roadway capacity to accommodate that, AEMCO suggested starting with studying the intersections and figuring out what kind of traffic reductions are needed to keep traffic flowing well without adding additional roadway capacity. They would first determine the travel demand management strategies, such as transit and other modes, that would help alleviate that pressure on the intersections.

Mr. Braley stated that AEMCO recommended increasing the study area. Currently, it goes to the Park Avenue/Empire intersection and their recommendation was to move it up to SR248. They were also recommending that the a.m. peak hour be studied in addition to the p.m. peak hour. AEMCO recommends utilizing the newly developed Summit County travel demand model to assess the likelihood of growth in the area. Mr. Braley noted that the Summit County travel demand model would incorporate all the latest land use plans for Park City and the surrounding communities. AEMCO recommends additional documentation on the trip generation calculations and reductions that were applied. They also recommend additional analysis on the developer's recommendations for multi-lane roundabouts, including how those would impact pedestrians and bicyclists. In terms of how the drop-off, pick-up areas and pedestrians would affect vehicular flow and circulation, AEMCO recommended specific analysis to determine how people crossing, as well as cars and shuttles picking up and dropping off, would affect flow. It should also include vehicles going into parking garages. Mr. Braley stated that AEMCO recommended conducting a safety analysis, specifically focusing on pedestrian and bicycle incidences.

Commissioner Kenworthy asked if the study ends at the intersection on SR248 or if it goes further. Mr. Braley replied that the current study ends at the intersection of Park Avenue and Empire. AEMCO was suggesting that the study area extend to SR248 and include the intersection of SR248 and SR224.

Commissioner Suesser asked about expanding the study to Bonanza and Deer Valley Drive. Mr. Braley believed it was also in their memo to extend one intersection to the east, which would include that intersection.

Commissioner Thimm commented on the third-party review. He noted that there were two major issues with regard to the traffic as proposed as part of this development. One is the one-way circulation pathway, and the other is a double roundabout. Commissioner Thimm asked if AECOM had enough information now or would eventually be prepared to provide input to the Planning Commission on whether those solutions are the most proper solutions. Mr. Braley replied that at this time AECOM did not have enough information to fully evaluate, which is why they were requesting additional analysis for the roundabouts if the developer continues to recommend those. He noted that some of the other points that AEMCO provided will help make a better evaluation of the proposed one-way circulation plan.

Commissioner Thimm stated that those two items are a major crux of this plan and it will be important for the Planning Commission to understand the third-party opinion. Ms. Jones outlined the information AECOM needed to analyze whether one road is enough, or whether a transit lane exclusively for buses would be necessary. Their initial thought is that roundabouts will create pedestrian and bike barriers from one side to the other. However, until they could do the full analysis, roundabouts were still on the table.

Planner Ananth reported that AECOM had a zoom call on Monday with the applicant's transportation consultants to address some of these issues. The developer is aware of the information AECOM was requesting. She believed some of that information would be addressed this evening in the developer's presentation. Information that takes longer to provide will be submitted at a later time. Planner Ananth stated that everyone was trying to be very collaborate in order to get the information, understand the impacts, and make sure they have a project that is designed to work for the site.

Commissioner Kenworthy asked Ms. Jones to pull up the slide that focused on the bus drop-off and the car drop-off area. He was very sensitive to people who have had businesses there for 40 years and they do not want to lose that transit center. Commissioner Kenworthy asked if AECOM recommended multiple transit drop-offs or one enlarged transit drop-off. Ms. Jones stated that they did not yet know the answer. She believed there are opportunities for transit drop-offs and other places on the site that can be evaluated. She thought the evaluation would be much better if they could size the system first. She also thought they needed to understand the number of cars on each section of these roads and how many drop-offs. It just needs to be quantified.

Commissioner Kenworthy asked where they would get the needed numbers. Ms. Jones replied that they requested them from the applicant.

Planner Ananth stated that this was a real opportunity to look at how transit can best serve this site. It is an issue the applicant needs to address, and the City intends to be an active participant as well.

Planner Ananth reminded the Commissioners that there was very little detail on the sidewalks. They do not know the width or how wide they need to be. In general, the Staff would look for 12' to 15' wide sidewalks, and they would want them on both sides of the streets throughout the development, as well as sidewalks that connect into the neighborhood on the cross streets used by pedestrians. Planner Ananth stated that the applicant needs to submit a trailhead plan and further detail how cyclists are going to navigate the roundabouts to access the site, and where they will be able to unload the bikes from their vehicles before parking. They also need to know where parking is going to be for cyclists, where restrooms, kiosks, and maps of the bicycle trails, and trash receptacles will be located.

Planner Ananth commented on parking. The applicant was proposing to maintain the 1200 day-skier parking stalls on site. The 1997 MPD approval noted that the then applicant was going to replace the 1200 skier parking stalls with 1800 underground stalls, exclusive to the Resort's use. She pointed out that the current applicant is saying that they are not building as many UEs, which is true, but parking has been very constrained over the last two years during peak periods at the Resort. It is important to make sure they provide the correct number of parking stalls or that they are able to shift trips over to transit. Planner Ananth stated that the applicant does not address the 600 parking stalls in their application, nor do they address the commitment of the 1997 MPD approval for employee shuttles, where employees will park, or the stalls they already use at the high school. Planner Ananth emphasized that any expansion to skier capacity was limited unless they can generate additional trips via transit. She pointed out that one of the MPD provisions requires a provision for overflow parking during peak periods; however, no information on that was provided in the applicant's application. The Planning Department recommended that the applicant seek to satisfy those additional stalls either on-site or collaboratively work with the City to identify additional off-site parking options that will promote transit ridership.

Planner Ananth stated that the Staff asked the applicant to submit a Transportation Demand Management Plan and a Parking Management Plan so they can understand how the parking will be managed and sequenced. Planner Ananth stated that if this project is approved, the Planning Department recommended that the Resort be required to submit an annual parking utilization report to the City, which would include specific provisions and mitigation that would be required if the Resort fails to meet their parking demands. Planner Ananth noted that there are similar provisions in the existing

development agreement, but they lacked teeth and the Planning Department was looking to refine those should this project be approved.

Planner Ananth commented on parking for the commercial and residential uses on site. In addition to the 1200 parking stalls, the applicant has 488 parking stalls that are dedicated for the commercial uses, as well as the hotel and condo uses. The applicant was also requesting a significant parking stall waiver or exception of 364 stalls that would additionally be required for the types of uses and intensity of uses on site. Planner Ananth noted that in addition to the 488 stalls, when parking is at its peak on site, which is when the residents are home and the restaurant uses are at peak capacity, all of the day skier parking will be available. The Staff analysis is that there would be sufficient parking for those uses. At this time, they were only focused on the day skier parking.

Planner Ananth reported that the applicant was proposing real time wayfinding signage that will help direct vehicles to the available parking stalls and lots. The applicant was also proposing to share available parking among uses when it is available. For example, if 50 condo owners are not using their parking space, those would be transferred into the day skier parking pool. Planner Ananth stated that this would be helpful, but the applicant did not address employee parking for the new uses, or where existing employees who currently park at the base area for free will be parking and how they will get to the site.

Planner Ananth believed the applicant would be talking about proposed changes to their plan. She noted that they were looking at approximately 4,000 square feet of land from the City Golf Course for their proposed roundabouts. Planner Ananth stated that this was not justified in the application and there was insufficient information to adequately analyze this request. Planner Ananth noted that the Planning Department was very concerned about this request and oppose the use of municipal land for private development, unless it can be demonstrated that this will improve a community goal or critical priority such as Transit First.

Planner Ananth summarized that the Staff was asking the applicant to further address all of the issues that were raised in the Staff report related to transit, traffic, and connectivity; and to submit additional information so they can ensure that the impacts of this development are sufficiently mitigated. The Staff recommended that the Planning Commission seek clarification and require that additional information be submitted to the Planning Department for additional analysis.

The Staff recommended that the Planning Commission hear the applicant's presentation, conduct a public hearing, discuss the project in order to give the applicant

additional feedback, and continue the discussion and public hearing to October 28, 2020.

Chair Phillips asked if there was enough time for the applicant to address the questions and provide the additional information, and for it to be analyzed fully before the October 28th meeting. Planner Ananth was uncertain whether they would be back with agreements on transit, parking and connectivity on October 28th; and if not, they should be able to do additional work on other review areas of this project. However, if they need more time to address other issues, they could ask for a continuation to November. Chair Phillips asked if the date is moved back, whether they would move into the next item on the agenda for this MPD or whether the entire schedule would be delayed. Planner Ananth replied that it was still being worked out. The applicant was tweaking some of the architecture and it was possible that could come forward. It was also possible that some of the transit information would be ready to come back. They could potentially move forward with utilities and sustainability. Planner Ananth clarified that she was not able to give a more definitive answer this evening.

Robert Schmidt, representing PEG Development, stated that they would begin their presentation with parking, and explain what they did and why they did it. The presentation would then move to traffic and then transit. Mr. Schmidt noted that like the Planning Commission, PEG only received the Staff report Friday afternoon and a draft copy of the TIS review earlier in the week. They were still evaluating a lot of the comments and they looked forward to continuing the collaborative process with the Staff and AECOM to come to solutions that work for everyone.

Mr. Schmidt reported that alternatives for the two roundabouts would be presented this evening. They have solutions that remove the roundabouts from the golf course. He stated that it was never the intent to create issues. They believed the transportation network is a public benefit because residents and businesses in the area are the beneficiaries of a good road system. Mr. Schmidt stated that they initially went in that direction based on information they received a year ago; but in an effort to be accommodating, they looked at alternate solutions.

Mr. Schmidt pointed out that PEG Development has been working on this for over years with the City Staff and the community. It is a complicated project, but it also provides a lot of opportunity. He believed this project could be a solution to many of the issues. PEG conducted community outreach, attended work sessions, and held many community meetings before reaching this formal application process. Mr. Schmidt remarked that this project is a balancing act and there are many things to consider. He appreciated Area Plan Principle 7 from the General Plan for this neighborhood, which talks about the need to balance.

Mr. Schmidt highlighted the seven points identified in the General Plan. They believe that one-way circulation fixes and adds increased opportunity for public transit without the need to add a dedicated bus lane. When they remove some of the delays, congestion, and conflicts, they believe that while a traffic solution, it creates much better flow that solves the transit issues and issues the current buses experience. Mr. Schmidt stated that creating a one-way loop decreases travel times and reduces conflicts across all intersections. Reduced travel times improves the user experience arriving and leaving the Resort Center. Mr. Schmidt remarked that they would explore off-site locations with public transportation connections. They will also be more specific in developing a transportation demand strategy as they work with the Staff and AECOM over the next few weeks.

Mr. Schmidt believed their pedestrian plan improves multi-modal connections, not only as identified in the General Plan, but also to the north to Three Kings. They established a pedestrian pathway in response to the residents would live on that end of the project. They established a connection to the existing bike trail system that come up Empire. Mr. Schmidt stated that over the next few weeks they will look at additional connections as needed and necessary to improve this entire area. Mr. Schmidt stated that a way to decrease the impacts on the surrounding community is to increase the infrastructure on site. Improving the infrastructure and reducing the travel times will take the pressure off and allow drivers to choose the path of least resistance. If they stay within the circulation loops, they will not be tempted to veer off into neighboring streets. Mr. Schmidt clarified that the Resort traffic is intended to arrive and depart via 224 and Empire. Through wayfinding directional signage and traffic controls, they will direct and move the traffic exiting Parcel E away from Three Kings Drive.

Mr. Schmidt noted that Pete Williams, with SE Group, would address the parking demand of the Resort and the CCC Analysis. Ryan Hales, with Hales Engineering, would talk about the parking demand based on the new additions to the site and the basis for some of their calculations and reasoning. Mr. Hales would also be talking about traffic and transit.

Pete Williams, the Director of Mountain Planning for SE Group, stated that they have been involved with the planning and design of ski resorts since the beginning of the ski industry in the US, and they were personally responsible for the planning and design of over 300 of the 456 resorts currently operating in the US. Mr. Williams stated that he was extensively involved in the planning and design of the Park City ski area and then Park City Mountain Resort. He has remained involved and works closely with John Sale, the Staff Mountain Planner at PCMR. Mr. Williams stated that he helped write the

1996 Park City Ski Area Master Plan that became the basis of the 1998 Mountain Upgrade Plan, which was incorporated into the Development Agreement.

Mr. Williams stated that his goal was to address questions regarding traffic as it relates to the on-mountain capacity. He would begin with comfortable carrying capacity and then the parking access capacity analysis that was done. Mr. Williams stated that a critical part of the planning process for mountain resorts is determining the daily capacity of the resort, which is called comfortable carrying capacity. They came up with the formula for calculating CCC, and it has become the standard in the industry for determining resort capacity. Mr. Williams remarked that the CCC represents an optimal level of visitation that provides a good, comfortable recreational experience for skiers on the mountain, without overtaxing the infrastructure of the Resort or creating excessively crowded situations. Mr. Williams pointed out that CCC is a planning parameter. It is not a determination of peak day numbers or a cap on visitation. It usually represents a visitation level that is just below peak day numbers. Mr. Williams stated that another typical parameter is that in almost all situations, peak days end up being roughly 25% higher than CCC. Mr. Williams thought it was important to note that the CCC is really an on-Mountain based capacity. It is the capacity of the ski functions of the resort. As such, parking is intended to balance to that capacity rather than being the other way around. Mr. Williams clarified that increasing parking does not increase resort capacity.

Mr. Williams reviewed the existing CCC. He noted that in 1996 the CCC was calculated at 9,910. The large majority of projects proposed in the original master plan were implemented. Mr. Williams provided an idea of how CCCs are calculated, noting that it is a supply versus demand calculation. The units they use are skiing and it is quantified through vertical feet. Vertical Transfer Feet per hour is one of the most important parameters for any ski area. It is basically the total amount of vertical transport that each individual lift can supply within an hour, multiplied by the number of hours in the day. Those numbers are added together for all the lifts to determine the total VTF. Mr. Williams stated that Vertical Demand is the number of aggregate amounts of vertical terrain that people will want to ski. It is a commonly used way of looking at the amount of skiing that people want. It is a supply versus demand calculation based on those two things. The CCC for each individual lift is calculated and added up to get the total resort CCC. Mr. Williams stated that as the current existing conditions stand today, the current existing CCC is at 12,507.

Mr. Williams noted that there were very few components of the master plan that had not yet been implemented. He outlined three anticipated components of the master plan that could be implemented. One is to upgrade the capacity of the Silver Lode Lift. The second is the Town Lift, which is a very long and slow ride. He noted that the Town Lift has always been discussed as being upgraded to a detached high-speed lift at some

point, and that is still on the table. The last component from the original master plan is what was shown as a new out-of-base lift coming out of the lower base area. It was drawn on the original master plan and it could provide additional out-of-base capacity.

Mr. Williams clarified that everything he was showing and talking about today was just for the Park City side of PCMR. It did not include the Canyons side of the Resort or the Quick Silver transfer gondola.

Mr. Williams commented on parking. He explained that typically for a parking analysis for resorts they start with the CCC and eliminate the people who are not using parking. He provided a slide showing the actual counts of the people who use the Town Lift and those from Silver Star who do not use parking. Mr. Williams stated that the next calculation is to determine the number of guests within walking distance of the Resort either in lodging at the base area or in ski-in/ski-out lodging. Mr. Williams stated that in 1996, 3,249 were calculated to be from lodging. Since that time the only thing added that fits within that category is the Marriott MountainSide, which contributes 437 people per day. He explained that those numbers are based on number of beds per unit, as well as taking an occupancy rate and a factor that accounts for people in those units who are not skiers.

Mr. Williams stated that short-term rentals is another category that was not formalized in 1996 and rarely occurred. They looked at available data from Airbnb, VERBO, and other sources and determined that 260 homes within a quarter mile are listed for short-term rental. That number does not include numerous condos within the Resort Center that are available on Airbnb or VERBO. Mr. Williams stated that using the assumed occupancy rate, number of guests per unit, etc. they increased the numbers by another 624 people.

Mr. Williams commented on transit drop-off. The numbers shown were people who could be arriving on buses between 8:30-11:00 a.m. Mr. Williams stated that 398 people from hotel shuttles was an actual real count. The 251-drop-off ride share was an assumed number of 5%. After taking out those numbers, the remaining count is 4,486 skiers. The Average Vehicle Occupancy is a critical issue and a key parameter to make parking at any resort work. Mr. Williams reported that the existing 1603 parking spaces is based on 1212 surface spaces. He noted that when the snow is plowed in the parking lot, 100 spaces could be lost to snow storage. Mr. Williams presented the total number of parking spaces required. He calculated 2.7 people per car average, which results in a deficiency of approximately 58 cars. He pointed out that it is very rare to hit the 2.7 average. Mr. Williams noted that on peak days AVOs go higher. It happens across the industry and it is one of the best ways for how resorts can hit peak days numbers. AVO goes up, lodging occupancy rates go up, number of

people per unit goes up, and in many cases, people use additional overflow off-site parking. Mr. Williams stated that using 3.1 on peak days shows a surplus of cars, which is inaccurate, because on those peak days there is more than 12,570 people.

Mr. Williams stated that 3.1 is the actual true AVO on peak days at PCMR. It is a number calculated by the Resort's parking Staff. Mr. Williams remarked that on a slow Tuesday the number drops down to 1.9 because most people drive by themselves. There is a fairly significant deficiency of parking spaces at that low AVO. He pointed out that the goal is to avoid under 2 people per car scenarios.

Mr. Williams highlighted the upgrade analysis showing the 13,440 CCC that was calculated as the upgrade, an increase from upgrading town and the Silver Star, and a very small assumed increase of use of Silver Star at 5%, increase the number of guest within walking distance by the 710 skiers that would be calculated to be contributed from the new proposed lots. For transit drop-off they used all the same numbers to be conservative and assumed a 5% increase, which calculates to approximately 40 cars. As already discussed, the hope is for that number to be significantly higher. Mr. Williams stated that the remaining numbers at 39 and 59, which is less than under existing conditions, is exclusively due to the new 710 skiers contributed from the new spaces. Using 2.7 there is a surplus of 120 cars. Using 2.3 there is a slight deficiency. Using 9.1 creates a large deficiency. The larger surplus created by 3.7 would most likely never occur.

Mr. Williams stated that the goal is to use the paid parking tool to increase the AVO. It is effective and the hope would be to bring it up to the 2.7 range on average, and to get 3.1 days more often. Mr. Williams believed this showed the need for the 1463 spaces; retaining the existing 1200 surface spaces and all the same parking at the Resort Center parking.

Mr. Williams understood there was a concern about a proposal to increase AVOs to 3.7. He wanted it clear that this was certainly not the case. The assumption is to bring it up to the 2.7 range. The higher the better, the more days the better. Another comment was that this might limit the potential future for increases in skier capacity on mountain. Mr. Williams thought he adequately addressed that concern by showing that no increases to skier capacity on mountain would happen out of this portal.

Mr. Williams stated that in the 1996 report those 600 spaces were added but they were not needed. The report indicated that if the additional 600 spaces were added, it would bring over 1700 skiers to the Resort, which is much higher than the anticipated use and the mountain capacity.

Mr. Williams stated that the goal is to have additional lodging and to provide additional skiers on the mountain. The goal is not to bring additional cars into the mix. Mr. Williams emphasized the importance of balancing out the Resort in terms of on mountain capacity and parking capacity. Additional parking will not increase the mountain capacity.

Chair Phillips asked if Mr. Williams' presentation was submitted to the City and the third-party consultant for their review. Mr. Schmidt stated that Laynee Jones had pulled up the exhibits that were submitted in the application.

Mr. Schmidt asked Mr. Williams to address a question about the 3.7 AVO that was shown in the diagram, and the CCC up to 15,000. He thought there was some confusion as to where the 3.7 came from. Mr. Williams referred to a slide he presented looking at the 1996 numbers as proposed at the time. For whatever reason, an AVO of 3.7 was reported to be the AVO at the time, which is why it was used. Mr. Williams stated that the actual real count is the 1.9 on slower days, and 3.1 on peak days; with the mid-2s for an average. Mr. Williams stated that the goal is to get it the AVO up to the high 2s. He noted that paid parking has proven effective to achieve that goal.

Mr. Williams stated that in terms of higher CCCs than the 13,440 or the 13,007 would all be discussions of peak days. There has never been any discussion of a CCC higher than those numbers. He reiterated that 13,007 was in the upgrade plan from 1998 and is part of the Development Agreement. There is not expectation to exceed that number.

Planner Ananth thought Mr. Williams' presentation made it sound like there was sufficient parking. However, on most Saturdays driving into PCMR there are signs from I-80 telling people that Park City is full, park at Canyons. She pointed out that it does not include the parking that Vail uses at the high school. Planner Ananth asked Mr. Williams to address how they message parking and the reality. She believed the parking is full more often than what was represented in his presentation.

Mr. Williams thought that her question would be better answered by the Parking Supervisor at the Resort. However, he did know that somewhere in the range of 25 days last season the parking lot was full. Mr. Williams thought this was consistent with standard numbers from resorts around the Country. Planner Ananth pointed out that 25 days out of a 100-day ski season is significant.

Commissioner Suesser asked Mr. Williams to talk about some of the strategies other resorts have used, or strategies he would suggest Park City might want to consider to discourage people from driving up to the Resort. Mr. Williams stated other resorts around the County have done several things, such as incentivizing carpooling, paid

parking, aerial transportation to the resort, and other measures that encourage people to use transit.

Commissioner Kenworthy stated that with the 1200 parking spaces for day skiers, he understood the developer was looking to have no additional cars into the mix, and to try to achieve a 2.7 AVO. Mr. Williams replied that it was basically the same as the existing scenario. Very little is changing on the mountain or with the parking. The hope is to continue the existing scenario, with the addition of 700 people contributed from the new units proposed. Commissioner Kenworthy clarified that the changes would come from the on-site uses and proposed density

Ryan Hales from Hales Engineering stated that following a recent meeting on Monday, they would be taking a closer look at several items and to keep working with the City to try to achieve the goals of the City and the developer. Mr. Hales remarked that over 2,000 studies were completed in the area. Some of the more recent ones have been several different ski resorts, including PCMR.

Mr. Hales stated that in looking at the mixed-use nature of the site, some of the parking on-site can be minimized with shared-use parking; and by maintaining the 1200 surface parking stalls but moving them into parking structures. When the day skiers are gone and the restaurants fill up at night, they can utilize the same parking stalls. The goal is to make sure there is not too much pavement, and at the same time provide a nice balance that works for the resort and the community. It goes hand in hand with the bus transit and other options being discussed.

Mr. Hales stated that they were talking about implementing wayfinding signage to get people around the parking areas quickly. He explained how the wayfinding signs would work, including a countdown sign that directs people to areas where parking is available and the total number of empty stalls in that area.

Mr. Hales presented a slide showing the primary signage entering the resort and identifying the number of parking stalls. He stated that one of the goals and objectives is to load in on Lowell Avenue and load out on Empire. They want to avoid parking infiltration into any other areas outside of where parking is planned in the Resort area. People would be pushed down Silver King Drive down to Empire where they would exit out through the main entry and down to Park Avenue on Empire Avenue. Mr. Hales stated that the circulation pattern has been designed to keep all traffic moving north and east to the roundabout on the far side. Mr. Hales pointed out the roundabout on the east side where 15th comes up and Silver King and Empire are located, as well as the traffic signal on the intersection of Silver King and Lowell Avenue. He believed a signal is a good option to get people across the road efficiently and to make sure that

transportation flows efficiently for the buses. The intent is for the buses to circulate quickly through the Resort at a reasonable rate and reduce the drop-off time. Mr. Hales stated that reliability is a concern and they want to make sure reliability is built into the system by cleaning up the existing system.

Mr. Hales moved to another slide regarding traffic. He stated that they evaluated the two-directional flow of circulation. Under current conditions there are open parking areas where the stalls are lined up in a pattern where each one has its own access down into the main circulation road. That can be problematic because there are multiple access points and multiple conflict points which increases the risk for pedestrians, vehicles, and those traveling through the corridor. Mr. Hales stated that in order to make this concise, they looked at the counts that were available and completed on February 18, 2017, President's Day weekend, which is one of the highest peak weekends for skiing. The peak hours were from 8:15 to 9:15 a.m. on the in-load; and 4:00 to 5:00 p.m. on the out-load. Mr. Hales noted that during the evening peak hour, the traffic volumes were about 25% higher than the morning peak hour volumes. They primarily focused on the evening peak, but they also ran an a.m. analysis to find out how the in-load would look. In addition to looking at the peak times, they also looked at the peak snow year conditions and found that Presidents Day 2016 was a very peak snow year as opposed to 2017 Presidents Day. They adjusted the counts by 14% and bumped it upward to make sure it could account for the increased peak ski day.

Mr. Hales stated that Level of Service is a measure of effectiveness that traffic engineers consider. The level of service comes in many different forms, including pedestrian flow, bike flow, and transit flow, and they will definitely be looking at those issues as they move forward. However, level of service is one way to look at vehicular traffic and the ability to move buses through the traffic. Level of Service A through D is acceptable, and E and F are poor levels indicating excessive congestion and back up. Mr. Hales stated that they were trying to balance between circulating buses, pedestrians, bicycles, and anything else that might move through that area in peak winter and summer seasons. Mr. Hales remarked that in looking at the existing conditions analysis, they looked at all of the intersections. The white numbers shown on the slide were the volumes that went through each intersection. Mr. Hales pointed out that they also looked at Manor Way and Empire and Lowell Avenues and made recommendations for changes that he would discuss later.

Mr. Hales stated that on the evening peak hour scenario, two intersections hit the lower level of service: Silver King/Empire and Silver King/Lowell. The other intersections were acceptable during that time period. There were some delays and peaks, but traffic was still moving. Silver King/Empire and Silver King/Lowell had failing conditions that needed to be evaluated to identify the best path to keep everyone moving. Mr.

Hales stated that they looked at several different alternatives, which included a no-build; a two-lane road traveling around the entire area without a roundabout at Silver King and Empire. Mr. Hales stated that Alternative 1 is a one-way loop except for some two-way travel on Silver King and Shadow Ridge. Alternative 2 is a one-way loop except for two-way travel on Silver King/Shadow Ridge and Empire/Shadow. Alternative 3 is a one-way road on Lowell Avenue from Silver King to Manor Way. Alternative 4 is a one-way loop except for two-way travel on Silver King with a roundabout at Silver King and Empire. Alternative 5 is a one-way loop except for two-way traffic on Silver King, with a roundabout at Silver King and Empire. Alternative 6 is a one-way loop except for two-way travel on Silver King with roundabouts at Silver Kings and Empire, and Lowell Avenue and Silver King. Mr. Hales stated that Alternative 6B, which is the preferred scenario, is the same as Alternative 6A, only with a signal at Lowell and Silver King instead of the roundabout.

Mr. Hales presented the comparative analysis of level of service. He pointed to the column of intersections that were evaluated. He noted that when they moved over to the no-build, many were still Level of Service E and/or F. They started looking at roundabouts and one-way circulation, and they started moving through those alternatives trying to find an alternative that would provide the maximum of green within their evaluation. He stated that Alternative 4 got very close, Alternative 5 was also close, but two intersections in the a.m. and one in the p.m. that did not function well. Mr. Hales remarked that Alternatives 6A and 6B gave them the ability to look at the one-way circulation with a roundabout at Silver King and Empire, and a traffic signal at Lowell and Silver King to be able to move that traffic as efficiently as possible. He believed that combining the knowledge and what they have with the comments from the review of the traffic impact study, they were all working towards the same goal of how to most efficiently move the traffic in a pattern that will be successful. Mr. Hales remarked that Alternative 6B as the preferred alternative will be safe and efficient. It is safer for pedestrians because they only need to look in one direction to cross the road. In addition, the number of vehicle conflict points are reduced. Two accesses coming in from drive aisles into Lowell Avenue creates sixteen conflict points with two-directional traffic flow. He believed that changing to one-way traffic would reduce the conflict points from 16 down to three. Mr. Hales pointed out that reducing the conflict points results in a safer situation. If they can keep everything flowing well, they will be successful in getting people to parking, efficient flows, reduced travel times.

Mr. Hales noted that they estimated some travel times using the simulations software for existing the two-way configuration and for the one-way configuration to show a difference between the two. Mr. Hales pointed out that the numbers will be changing because they are looking at adding more transit. He reminded everyone that they were showing a slice in time and they will come back to it sometime in the future.

Mr. Hales stated that in Alternative 6B, the drop-off point was maximized adjacent to the ski beach area to give Uber, Lyft, and other rideshare companies the ability to pull in, and have a right-side drop-off for people to get out of the vehicle, and then get back into the travel lane. He believed that could be done fairly efficiently with the one-way circulation flow. Mr. Hales stated that they also talked about the sawtooth configuration. He noted that the sawtooth is a very convenient configuration because buses can pull in, stop behind each other, load up and then pull out when they want to. Mr. Hales stated that in the old configuration, two buses would pull in and if the back bus unloaded faster than the bus in front, the back bus could not back up because there might be a car behind it. He pointed out that in some cases, the inefficiency of the bus system was the stacking of the buses themselves when one was ready to leave and the other was still unloading. By putting in a sawtooth they can enhance the bus lane drop-off and pickup area.

Mr. Hales stated that the other drop-off area on the east side of the road is also meant for people to be able to pull in and pull back out into the circulation system. It is primarily for hotel use and users coming through that area. Mr. Hales noted that in the corners where Lowell comes down and goes to Manor Way, there has been talk for many years about parking infiltration and circulation. The street continues on and goes up the hill. Mr. Hales stated that to discourage people from going up the hill, they would like to put a bend in the roadway to direct people to follow the primary road. It would help reduce the parking infiltration up the road on upper Lowell and upper Empire. The same would occur on Empire on the corner to keep the flow moving. Mr. Hales believed it would provide additional protection to that area, as well as keep the flows efficient.

Mr. Hales stated that Shadow Ridge would be one-directional eastbound and allow a cut-through loop area. Parking structure access points would be on Shadow Ridge, Manor Way, and Lowell for the largest parking element locations on site. The parking area on Silver King Drive would load in and push people out to the east through the traffic light, down to the roundabout, and up to Park Avenue. The primary circulation flow has always been to push traffic that way and away from residential areas.

Mr. Hales presented another slide showing what a travel time would look like in a non-congested time period. They recognize that on the west is the existing two-way configuration with cars traveling both northbound and southbound on Lowell and Empire, and two directions on Shadow Ridge and Manor Way. Mr. Hales remarked that starting at the potential roundabout location, the travel time to reach Manor Way and Lowell Avenue would be approximately 2 minutes and 30 seconds. If they leave that same spot on Manor Way and Lowell and travel back towards the roundabout, the

time is approximately 1 minute and 10 seconds. With two-directional flow it would take 3 minutes and 40 seconds to drive the entire loop. Mr. Hales stated that with a one-way configuration it would take approximately 40 seconds of travel time going down to the intersection of Manor Way and Lowell. Leaving that point and traveling back to the roundabout, one-way circulation on Empire would take 51 seconds. The difference is a 49% decrease in travel time on those loops. Mr. Hales emphasized the ability of a one-way circulation pattern to move traffic efficiently through the area.

Mr. Hales presented times for the existing two-way configuration on Empire. Traveling from the potential roundabout down to Manor Way and Empire and turning around to travel back would be 55 seconds southbound and 50 seconds northbound; not counting the turnaround time of the vehicle. He stated that in a one-way circulation configuration starting at the potential roundabout and traveling around the loop, it would be 57 seconds down to Manor and Empire, and 42 seconds northbound for a 1:39 second loop.

Mr. Hales stated that with the traffic impact study they evaluated existing and future conditions, without the project and with the project, to evaluate level of service and future recommendations. Mr. Hales recalled that Kordel Braley said it was typical for the Institute of Transportation Engineers to do a traffic impact study in this type of fashion. Mr. Hales stated that the developer has looked at going a step further and looking more into transit, recognizing that the City wants to go in a more enhanced direction. He pointed out that the study was completed before they received those comments on Friday. He was looking forward to working with the City to make the study more robust.

Commissioner Suesser understood that the input they received on Friday was to remove the roundabout at Lowell and Silver King. She asked if they had analyzed the traffic light at the end of Lowell versus the roundabout. Mr. Hales replied that they did look at the traffic light and both are similar in the ability to move traffic. One does it through traffic control with coordinate signals. The other is the roundabout where traffic continues to flow. He stated that one of the issues is when they slide the roundabout out of the golf course, it creates a straight flow movement when on Three Kings and traveling westbound. Mr. Hale remarked that roundabouts are most efficient when there is deviation. It works as a form of traffic calming and slows people down. He explained that the previous request from former City Staff was to look at roundabouts and try to implement them wherever possible. Recognizing that there is new Staff with different ideas, they were willing to make the necessary adjustments. Both options work and the roundabout could easily be replaced with a traffic signal.

Mr. Hales stated that in looking at the level of service that existed in 2019, they were able to make recommendations and mitigations with each scenario. The project will be built in various different lifts, and the lifts they looked out were added to this. Traffic was added incrementally, and in 2024 the units were assumed to be occupied at 100%. In 2040 it was a full buildout condition. In 2040, the assumed a full buildout condition. Mr. Hales noted that Empire and Park Avenue is an intersection that is projected to fail in the future. There is very little that can be done in terms of widening. They spoke with UDOT about the possibility of dual southbound left turn lanes.

Mr. Hales noted that the study identified recommendations and mitigations with each scenario. He briefly walked through each scenario. He pointed to Mr. Braley's presentation which indicated more than 600 vehicles make that southbound left turn. Mr. Hales stated that UDOT is aware of the problem and everyone will be working together to try to solve the problem through a number of different methodologies. The traffic southbound to eastbound is not related to the Resort, but it is something they all need to resolve together.

Mr. Hales commented on the recommendations from the traffic impact study, including solutions for the Park Avenue/Empire/SR224 intersection; restriping Empire Avenue to five lanes between Park Avenue and Silver King Drive; installing a roundabout at Silver King and Empire and a traffic signal at Silver King and Lowell; implementing a one-way circulation with two travel lanes; enhancing the experience for all transportation modes; minimizing access points and conflict points into Lowell Avenue; looking at dual lanes; extended bus opportunities by expanding to four buses in the cueing area; incentivizing transit ridership through paid parking; active transportation and looking at the bike lanes provided on the one-way loop; pedestrian safety enhancements; bus circulation and circulation in general.

Commissioner Suesser asked if there would still be a stop sign at Shadow Ridge. Mr. Hales answered yes. He noted that the red symbols on the slide were stop signs. Commissioner Suesser asked about the intersection of Lowell and Shadow Ridge coming south on Lowell. Mr. Hales replied that there would be free movement coming south. Mr. Hales stated that it is a free south and a free left turn lane to go east. The stop sign will stop the traffic existing the day skier parking and the Resort Center parking. It was noted that currently there is a stop sign southbound, but it would not remain with the proposed configuration.

Mr. Schmidt commented on pedestrian, cycling, active transportation, and bus transportation. He believed it had been talked about extensively and he intended to have additional discussions with Planner Ananth.

Mr. Schmidt pointed out that the lots as shown on the slides have been the same for 20 years. He believed that PEG was bringing solutions to the table and that the project proposed enables those solutions. Mr. Schmidt emphasized that PEG Development wanted to be collaborative. When they became aware that the golf course was an issue, they re-evaluated. They were able to pull the roundabout at Silver King and Empire back more onto their side of the property. When they looked at the intersection of Silver King and Lowell, due to the geometry, the roundabout situation is problematic in that location. They believe a signalized intersection can take care of the issues that need to be handled there, and still avoid conflicts with the golf course property.

Mr. Schmidt remarked that a lot of information was presented regarding the solutions being proposed. PEG believes that one-way circulation will solve the majority of the issues. They can accommodate the buses, the bus load, and bus traffic using two lanes in a one-way circulation route. Mr. Schmidt stated that if they were to create a dedicated bus lane within the current right-of-way configurations and put all the traffic into one lane, it would create congestion for vehicular traffic and an under-utilized bus lane. Mr. Schmidt believed that they could come to a transit resolution that benefits everyone.

Mr. Schmidt thought parking and the 1200-day skier stalls have been clearly presented and emphasized. He hoped they had demonstrated that the 600 stalls require an understanding of CCC and the relationship of CCC and AVO. It is an intertwined calculation. It is important to understand how they arrived at the calculations for the day skier parking. Recognizing that overflow parking occurs, those issues will be addressed in greater detail as they prepare the Transportation Demand Management Plan.

Commissioner Suesser asked if a sawtooth configuration was contemplated at the Uber, Lyft, skier drop-off area near the ski beach. Mr. Schmidt asked if Commissioner Suesser was asking about a sawtooth configuration for the private vehicles, or a sawtooth configuration for transit was being considered. Commissioner Suesser clarified that it was sawtooth for the Uber and Lyft vehicles. Mr. Schmidt stated that it was not evaluated because the sawtooth configuration is most effective for large vehicles. A sawtooth configuration is not as critical for private vehicles.

Based on the presentation this evening, Commissioner Thimm asked if the applicant was pursuing a signalized intersection at Silver King and Lowell rather than a roundabout. Mr. Schmidt replied that they were responding in real time. The plan is to propose a signalized intersection, but the Staff had not yet seen that analysis. It will be part of their discussions going forward. Mr. Schmidt was interested in hearing feedback from the Planning Commission on that issue.

Commissioner Thimm thought a signalized intersection was an improvement in terms of the flow. From a pedestrian and bicycle standpoint, it creates a safer pathway and easier flow, which helps promote pedestrian traffic.

Commissioner Suesser referred to the bends in the roads that Mr. Hales discussed toward Lowell and on Empire to discourage traffic from going up Lowell and Empire. For the next meeting, she thought it would be helpful if the applicant could provide a better understanding of what it would look like and how it would be configured.

Commissioner Kenworthy liked the idea of the signalized intersection because of the pedestrian benefits. However, if the roundabout is more efficient, he was open to hearing that reasoning. Commissioner Kenworthy found the bus and the car drop-off alongside Parcel B, as well as the pedestrian walkway 100 feet to the south, to be problematic. The buses and cars will be coming out, and that location will have the most used pedestrian access for people crossing into the plaza coming from the parking and the units in Lot B.

Mr. Schmidt indicated the area Commissioner Kenworthy was talking about. He explained that the thought process has been that currently uncontrolled pedestrian crossing occurs across Lowell, as well as day skier drop-off across that entire location. They looked at moving the individual day skier drop-off zone to the ski beach, and to limit the one access to buses only. If they put shuttle and van drop-off across the street to Lowell, it would be easier to manage people coming off those shuttles and encourage them to walk south to the crossing, or to the north where there will be another pedestrian crossing. He pointed out another location where there would be controlled crossing. Mr. Schmidt understood Commissioner Kenworthy's concern with the crossings and how they conflict with traffic. He pointed out that it involves data analysis that needs to be furthered in the next few weeks.

Chair Phillips thought the Staff was headed in the right direction. The applicant is engaging and trying to respond to all comments and concerned. He would like the applicant to put more emphasis on transportation and to look at the City's goals, rather than just moving existing types of traffic efficiently.

Chair Phillips opened the public hearing.

Jessica Nelson clarified that she would read into the record the comments that were submitted through the eComment portal. Anyone with their hands raised on Zoom to make comment would be unmuted to speak.

Planner Ananth had received several pages of comments and in the interest of time she would only read the names of those people and not their actual comments. Those comments were from: Debra Rentfrow, Jim Doilney, John Serio from the NAC, Suzanne Englehart, Kent Greenwald, Andy Jermanell, Scott Bass on behalf of the Lodge at the Mountain Village, Steve Yapp, Angela Palank, Gerald Ruvo, Mira Strauchen, Jason Cole, Lori Sweeney, Adam Block, Doug Shellinger, Pam and Jim Laukinen, Ed Doyle, the Snowflower Homeowners Association, Paul Hurst, Terry Whitney, Linda Smiley, Greg Ottenson, Julie Breslyn.

Planner Ananth noted that the above comments came in too late to be included in the Staff report, but they were forwarded to the Planning Commission prior to this meeting. These comments will be attached to the next Staff report.

Jessica Nelson read the eComments that came through the eComment portal as follows:

Jamie Peters stated that he opposed any plan in the PEG development proposal that includes diverting resort traffic onto Three Kings Drive and other small residential streets. There is precedent set in Park City to protect mostly residential neighborhoods from the extreme influx of outside traffic. On Westbound HWY 248/a.k.a. Kearns Blvd. Left-hand turns into the Prospector Square neighborhoods have been prohibited for years. Old Town residential areas have restricted access and parking. These restrictions have been successfully enforced by PC Police. Three Kings Drive, Thaynes Canyon Drive, Pay Day Drive, Iron Canyon Drive, and Aspen Springs Drive are primarily Residential. Park City Municipal has done a lot to protect Old Town Residential areas and Prospector Square Residential areas. Please ensure equal protection for the Thaynes Canyon Residential areas.

Sherrie Harding stated that in midsummer, PEG replaced the old master plan with the "NEW" master plan. The name changed, but not much else changed. An opportunity was missed to update the old plan, and to offer 21st Century alternatives. Thank you to the Planning Commission staff for their comprehensive Staff Report (dated Sept 23). From it, I gleaned significant alternatives to the old/new PEG plan. I look forward to PEG's response and their genuine NEW Redevelopment Master Plan that follows Staff Report recommendations. Example Alternative: Prioritize safe walk ability and bike ability, "transit first." Effective transit requires dedicated, uncongested transit routes. A slow bus in traffic is completely ineffective. Drop the antiquated "car focused" approach. I know we love our personal auto, but too many cars are the basis of all problems. If you build all the proposed parking stalls, "They Will Come." With car focus comes: 1. Increased traffic congestion on 224 and 248. 2. Gridlock at the resort. 3. Increased CO2 emissions. 4. Contribution to planet warming. 5. Failed sustainability goals.

6. Decreased snowpack.

Ried Schott stated that a properly executed development at the Park City Mountain Resort would establish it as a more highly regarded world class destination and benefit all associated interests. Since this project will remain for lifetimes, it is vital that any significant deficiencies and issues be resolved in this planning process. As evident by the recent staff report for the Planning Commission meeting on September 23rd, 2020, there are numerous problems PEG's plan pertaining to Transit and Pedestrian Connectivity, Traffic, Parking and Circulation. There are many other issues as well. It should be relatively obvious at this point that to adequately resolve these issues, it is simply not realistic for PEG to make the needed changes to their plans and have them approved within three months from now. There are also consequences of beginning construction on March 1, before the season is over, which have not been carefully considered. The Commissioners and Planning Department are encouraged not to feel pressured into approving this development plan on PEG's time frame. Making rushed judgements will not only cause problems in the foreseeable future, but for generations to come. With the opening of our resorts and the holidays fast approaching, the Planning Department and Planning Commissioners should consider modifying their calendar and extending the planning process for this project into 2021. Instead of having the construction begin in just five months, it should begin no sooner than in 2022 in order to allow the necessary time to provide more community and professional input to truly solve the major problems that confront the current plans. Let's take the time needed for Park City to be proud of this project.

Angelica Palank stated that they own a unit in the Snowflower that will be significantly impacted by Building E, as our unit faces it. It is appropriate to appreciate that many of us bought our units when the Area Master Plan had expired, so that, in our due diligence we had no reason to expect that any plan was in existence. We had no reason to believe any such development rights were current. Therefore, any developer should have to start anew with no vested rights, and with input of neighboring owners. Owners such as we are opposed to this project being considered an "amendment" to an old and unattended plan. After all, how far back in history should a buyer/owner have to assume an expired plan would be picked up years later and treated as current? Also, an "amendment" to an agreement should mean that there is a "new" agreement, thus open for negotiating the new terms.

Sue Ruvo stated that sending ski resort traffic on Three Kings Drive and Thaynes Canyon area is an ill-advised idea. Three Kings Drive is winding, narrow, especially with snow, and has many pedestrians and no sidewalks. The recent loss of the Blue bus route will add even more foot traffic. This is a dangerous proposition. Please rethink.

The following people raised their hand on Zoom to comment.

Trent Davis stated that he is one of the largest stakeholders at the base area besides Vail. He appreciated the time and work of the Staff, PEG Development, and the Planning Commission that has taken place so far on this incredibly important development. He would be asking questions that did not need to be answered this evening. Mr. Davis remarked that the transit center is crucial to the continue success of the base area and the continued operations of lodging and commercial businesses that have been in that base for over 40 years. The current transit center provides skiers the best access to the resort base, lift tickets, stores, and dining. It services employees for the ski hill. Mr. Davis asked the Planning Commission and the Staff to take into account the financial damage that will occur to the Lodge and the commercial by eliminating or moving the transit center out of its current location. Mr. Davis remarked that the west side of parking lot B for the transit center needs to be considered. Asking bus patrons to exit a bus and then walk to only one exit/entry point in the southwest corner of Lot B across a bridge will only cause more congestion and only serves the upper plaza base area. This is not an option for the Lodge or for the lower commercial areas. Moving the transit center to Lot D does not satisfy any of the concerns they all have. Parcel D is too far away from the existing base area and ski hill access. The walk from Parcel D to the base area is long and uphill. It will negatively impact the skiers, shoppers, and guest experiences. This also may require pedestrians to cross Lowell Avenue, thus creating a safety hazard. Mr. Davis asked for an explanation of how to get skiers and pedestrian traffic, Lodging guests, and shoppers from the lower lots to the existing base area without a transit center in its current location. Mr. Davis expressed concerns of how traffic will conflict with buses and private transportation. He offered one solution he thought might work, which is for cars to travel up Lowell Avenue and make the left-hand turn onto Shadow Ridge Drive, and then make a right turn off of Shadow Ridge into the parking structure. He suggested keeping Empire Avenue a two-way so that other entry points and exit points can be used. This eliminates the majority of vehicle traffic for entering what he calls the "transit center zone". This greatly reduces the interaction between vehicles and buses, private transportation companies, and the pedestrians exiting the garage. Everyone agrees that right now the skiers exiting Lot B is not controlled and thus causes unsafe interaction with vehicles and buses and creates congestion. If they control the pedestrian exit/entry point of the garage and have controlled crosswalks like PEG is suggesting, this eliminates the majority of this issue. The controlled crosswalks disperse the pedestrian traffic out of the garage to both the lower areas and the upper areas of the base and does not cause congestion over one skier bridge. Mr. Davis stated that he heard a comment earlier about 260 VRBOs being referenced. He asked if all those have business licenses. Mr. Davis reiterated that many of the lodging and commercial have been at the Resort for over 40 years. Most survived the last economic downturn, the closing of the ski hill last

March, and the reduction in lodging reservations. Now they are all dealing with the uncertainty of the Covid virus. Mr. Davis stated that there is no way they can accept the closing of Lot B next March. The construction can only start after April. Mr. Davis thanked the Planning Commission for their time and attention.

Jennifer Adler thanked everyone for the time and energy that has been put into this project. She was speaking as a Thaynes Canyon resident. She lives on Kings Court, which is off Three Kings Drive. She stated that her neighborhood's real concern is about skier traffic through Thaynes Canyons. With the placement of the garage opening of Lot E at the top of Three Kings Drive, she could not see how that will prevent hundreds of cars from attempting to access the garage as they access the Resort in the morning and leave in the evening. Ms. Adler was appreciative to see as an objective of the town to try and keep skier traffic off Three Kings Drive. The last three years have been very frustrating, particularly in the winter when the roads become unsafe because they become narrower and people are walking on them. She stated that in the past year there was a lot of contention in the neighborhood about two buses on Three Kings Drive going in opposite directions and the safety issues associated with that. Elementary kids are picked up by school buses. Cars park along the side of the golf course using the cross-country course. There is a lot of pressure on Three Kings Drive to become a secondary access to the Resort. Ms. Adler pointed out that people look at the plans and see the garage entrance and how very little attention is being paid into how ski traffic will be kept away from a residential neighborhood. She emphasized that it is not a quasi-commercial neighborhood. It is a residential neighborhood. She was not whether a traffic signal would do much to meet that objective. When she looked at the developer's plans for traffic flow, it does not address that point at all. Ms. Adler stated that as a neighborhood, they would like more support from the City. One of the issues they see going forward is if parking will be paid at the Resort base, which she agrees with, traffic needs to be managed. People scope their neighborhood looking for places to park on residential streets so they can go to Silver Star instead. There have been years where skiers have tried to park on both sides of the street with a trash truck to collect bins. It is unsafe and it is a horrible intrusion on their quality of life. Ms. Adler would like some of the parking protections that Old Town gets to try and stop this gradual infiltration into the neighborhood. Ms. Adler also echoed the sentiment around trying to get more people to come in on buses. Ms. Adler reiterated her point regarding the parking garage and consideration for keeping traffic off Three Kings Drive and from going through Thaynes Canyon.

Angelica Palank stated that she is the Snowflower unit owner that sent in the previous letter. She remarked that some of the issues regarding Building E will need to wait for another time. Regarding parking and transportation, she thought it was critical that all parking be timed with whatever increases in demand, and that they not allow that to lag.

Ms. Palank stated that in alignment with the last speaker, Three Kings Drive should not be the alternative route. She noted that there are four buildings at the Snowflower that all come toward Three Kings, toward Lowell, and toward Empire. In the plan that were online, it showed two traffic circles, one at Empire and one at Lowell. She was pleased with the discussion of not having one at Lowell and instead having a traffic signal. Ms. Palank noted that a traffic signal can be timed and computed in ways to do different things at different times of the day. It is also a very firm traffic control device, as opposed to a traffic circle where everyone just needs to place nice. Ms. Palank stated that all four buildings at the Snowflower, which is more than 100 units, all need to come out toward that intersection. Every visitor, every paid guest, and some owners will have their GPS telling them to go across towards Empire. They need to be able to do that, because otherwise they will need to go across Three Kings Drive into that residential neighborhood offending all those people with all the safety issues, but also all the pollution and congestion. They would then need to come back to get to the very same intersection of SR284 and SR224, which is the most congested area in the entire municipality. Ms. Palank pointed out that it makes no sense to go through a neighborhood and come back to the congestion, when instead they could go directly towards as long as they have a traffic signal. Ms. Palank stated that she would like to discuss parking and traffic. She asked how owners can be notified at an earlier stage because she only found out about this meeting through the Homeowners Association. As an owner immediately contiguous to the development, she felt she should have a written of when these meetings will occur so she can participate before developers vest their rights. She also suggested that the developer's presentations should be limited. It is midnight in Florida, and they have been listening to the Staff and the developer for hours.

Commissioner Suesser asked Planner Ananth to clarify whether or not Three Kings was being proposed as one-way going west. She understood that Three Kings would remain a two-way road. Planner Ananth replied that she was correct. Three Kings would remain two-ways.

Nancy Lazenby agreed that it was a long evening, and it was getting late. She thought Planner Ananth and AECOM had done a great job identifying the shortcomings. She wanted to address the proposed one-way traffic and the impact it would have on the surrounding community. Ms. Lazenby noted AECOM has requested that PEG Development give more analysis to the number of cars and buses that will be traveling on the streets surrounding the Resort. In particular, Lowell Avenue is currently one-way during ski season, and sometimes analysis and reality do not always mesh. She likes doing analysis and crunching numbers, but reality is reality. Ms. Lazenby stated that the simulation of 57 seconds up Lowell Avenue from Silver King to Manor Way is not during winter ski season. Currently, it is gridlocked between Shadow Ridge and Manor

Way on Lowell Avenue with the current situation. In her opinion, what PEG is suggesting would make it even worse. There is no way it could be better. Number one, currently 400 cars park in Parking Lot B. All of those cars enter off Empire Avenue. With PEG's plan, those 400 cars are now going to be 800 cars, and they are going to be diverted to Lowell Avenue. She pointed out that it is already a mess currently with buses, the drop-offs, and cars, and they would be adding 800 more cars. Ms. Lazenby stated that in addition to those 800 cars, by making Empire one-way going north, anybody that lives in Old Town on Empire, on Lowell, or in the Northstar community will also have to travel on Lowell Avenue to get to their home. In addition to the skier traffic, residents will be driving through the Resort to get to their homes. The only option is 8th Avenue, and that is completely inadequate with the big bend at the top. It is not a solution, and everyone will need to go through Lowell. In addition to that, pedestrian crossing is now going to double. If they had 400 numbers before and roughly 2.5 people per car, that is 1,000 pedestrians crossing Lowell. Now there would be 800 cars and 2,000 pedestrians crossing Lowell, as well as the pedestrians who will be staying in the employee and affordable housing. In addition to that, and a matter of life and death, if there is an emergency at any of the houses in Lowell, on Empire, or in Northstar and any of those houses needs an ambulance or a fire truck, they will also have to go through Lowell Avenue. If it currently takes 45 minutes to get through the Resort, and the plan is to add more, if it is the only way for a fire truck to get to a house on Lowell, half of Old Town will burn down before a fire truck can get there. Ms. Lazenby stated that no alternative is set up for how a fire truck could get to anywhere on Empire, on Lowell, or anywhere in Northstar. There is no other alternative for an emergency vehicle to reach a home. In addition, all the utility trucks, construction vehicles, trash trucks, etc., currently go up and down Empire. Those will also be diverted and need to go through the Resort. She thought it was delusional to think that it would only take 57 seconds to go from Three Kings to Manor Way on Lowell. Regardless of the analysis, the reality is people will be devastated if they need an emergency vehicle, there will be a tremendous amount of pedestrian and auto accidents, and the cars will triple or quadruple. Ms. Lazenby thought the analysis Hales used was lovely in assuming that pedestrians look both ways at a crosswalk and wait for traffic to clear; however, the reality is that when a pedestrian hits a crosswalk, they start walking. By the time pedestrian has cross the crosswalk, another pedestrian has gotten into the crosswalk. It will be gridlock. No vehicles will be able to cross through Lowell from Shadow Ridge to Manor Way. It will be complete gridlock. Ms. Lazenby reiterated AECOM's request for more analysis of how many cars and buses will be traveling on these streets. She believed in addition to cars and buses, the analysis should include utility vehicles, emergency vehicles, cars and vehicles that live in the community that will be accessing their homes, and the added pedestrians.

Debra Rentfrow, a homeowner on Empire, stated that she submitted an email and understood that it was received. Ms. Rentfrow echoed the earlier comments by Commissioner Kenworthy regarding the pedestrian crossing from Parcel B to the main area. She also believes Nancy Lazenby's comments were absolutely correct. She also agreed with the comments by Trent Davis. Ms. Rentfrow stated that while she thinks the traffic light at Silver King and Lowell may be an improvement, there is as much, if not more, pedestrian traffic at Silver King and Empire. On the east side of Empire there are the Powder Point Condos, Snow Crest Condos, Silvertown Condos, and a variety of multi-unit buildings that are mostly nightly rentals. A lot of pedestrians will be trying to cross at the point where the roundabout is located to get up to the resorts. Ms. Rentfrow pointed out that Parcel C, which is dedicated as a hotel, will have 183 parking stalls for that facility; however, the developer stated that those are all valet parking. From looking at the drawings and the small circular drive in front of the hotel, she could not imagine how many valets would be hired for the cars pulling in and trying to unload their cars and get everything loaded on a rack so one valet can take it up to their room and another valet can take their car. It will increase the number of cars sitting on Lowell waiting for access into the hotel. Ms. Rentfrow understood there were designated drop-off spots, but the reality is that people will drop-off wherever they want, especially if a driver gets into the loop to let three or four passengers exit the vehicle before the driver goes to find a parking spot.

Ms. Rentfrow thanked Planner Ananth for a very thorough report.

Bob Bernstein, an owner on Three Kings, stated that he felt blindsided by the presentation. They spent a lot of time talking with PEG and absolutely none of their concerns were addressed. He noted that the first or second slide of the presentation this evening was one of the seven priorities of the City that traffic on Three King is not affected or not viewed as being affected by the Resort. Mr. Bernstein stated that it will be catastrophic for families on Three Kings. He personally believes a traffic light is worse than a traffic circle because 400 spots emptying out of Building E will now be stopped at a traffic light. That means people living on Three Kings will have to go through Thaynes Canyon. Mr. Bernstein remarked that no one mentioned the loading dock in Building E immediately across from the intersection of Three Kings and Silver King. The residents have asked whether the truck would be limited in size. They heard that might be the case, but they have seen nothing in writing. They asked if there would be a trash dumpster and that question was never answered. Mr. Bernstein noted that trucks back up from a loading dock, and now there will be trucks backing up into an intersection that everyone already admits is a mess. Mr. Bernstein pointed out that there is a bus stop on the corner of Three Kings and Silver King which is heavily used by skiers who do not want to stay on the bus for a few more stops. That bus stop will get more use with the increases. He personally had three people towed out of his

parking spot at Three Kings and he was certain that other owners had similar events. Mr. Bernstein stated that the community would be looking to the City, to Vail, or the developer to provide patrols because this plan will make the situation a whole lot worse. Mr. Bernstein commented on the issue of focusing on bike traffic. He was there today and there was plenty of parking for bikes. He pointed out that biking and skier primarily occur in different seasons and trying to accommodate both at the same time did not make sense. Mr. Bernstein did not believe the traffic and parking volumes did not include locals coming to eat at a restaurant or someone staying in Kimball Junction coming to a restaurant. All the numbers he saw were skiers. People who live in the community or want to buy something or eat in the community are basically being told they are not welcome. He found that to be very distressing. Mr. Bernstein appreciated the time and effort, but the residents will do everything possible in order protect their rights because as other residents in the area, they are being told they are third class and that is not acceptable.

Ried Schott thanked the Planning Commission, the Planning Department, and everyone involved in this project for their efforts. Mr. Schott stated that he is the managing principle of Silver Mill, LLC. Besides Trent Davis, his firm is possibly the second largest stakeholder at PCMR. He is on the Board of the Association of the Resort Plaza, Marsac Mill Manor, and Silver Mill House. His commercial space represents approximately 20,000 square feet. Trent Davis has 40,000 square feet. Mr. Schott thought it was important to recognize their employees and tenants. There can be 100 employees at a time and their livelihood depends on the work at the Resort. He pointed out that there is no allocation in the plan for employee parking. Originally, in 1998 approximately 100 spaces were allocated, and he believes more than 100 spaces are needed now. Mr. Schott thought the issue of on-site employee parking definitely needs to be addressed. He stated that he has had no contact with PEG even though he has tried a couple of times. He has a significant interest in this project because of their ownership interest and their employees. In addition to employee parking, Mr. Schott had concerns with handling the pedestrian traffic from Parcel B. He thought there should be a bridge from Parcel B into the transportation center area. He suggested escalators two or three levels down that could funnel traffic into this bridge. They could be inside and well-maintained well. There could also possibly be a second level of parking on Parcel B above the ground floor parking, or space on the bottom level of Parcel B to accommodate an additional 100 to 150 spaces for employee parking. Mr. Schott pointed out that there are solutions to the employee parking situation. One of the issues regarding traffic that has not been addressed is the pandemic and Covid-19. He did not think it was realistic to force people to take public transportation, especially when Covid-19 may last for years. If people do not want to take public transportation, they may go to another ski area. He thought the issue of having enough parking spaces and thinking that 1200 spaces is sufficient may be

inaccurate. Mr. Schott thought they should consider another 200-300 spaces because of the pandemic. Another consideration related to Airbnb and VRBO regarding the sale of the condos that PEG develops. If they go on Airbnb or VRBO, they are often managed by small management companies. There will be more management companies with more vehicles and more housekeepers that need to be served. He asked how these people would be accommodated. It is another issue that has not been taken into account. Mr. Schott stated that in respect for all the employees that work at the commercial space, he believed that other interests need to be represented that are not being heard at this point. He hoped this was the beginning of the dialogue and they can make better progress.

Debra Hickey stated that she is a resident at Silver King, and she was speaking on behalf of the Silver King Condominium owners. Shadow Ridge is next door. Ms. Hickey noted that these units are right in the middle of everything. The roundabout one-way roadway would totally affect them the most. She is concerned about the density of all the traffic. Ms. Hickey suggested an air pollution study. She noticed remarks that PEG cares about the neighborhood, however, nothing has been said about residents at the Silver King or Shadow Ridge. A lot of the units are nightly rentals, but there are also residents who live in these units full-time. Other concerns are property values and safe crossings. Ms. Hickey believed the loop needs to be diversified. She watches the traffic out her front window every day, and she knows how it flows. She thought they should put parking at other corners and diversify so everyone is not going to one lot. Ms. Hickey suggested that the traffic might flow better if they let it go in different directions.

Justin Keys stated that he was representing the Three Kings HOA. He had submitted a letter, but he wanted to recap certain points in his letter after hearing the presentations this evening. Like other speakers, he would like to bring more focus to that corner and the drive of traffic going up Silver King Drive. Recognizing that Three Kings will still be a two-way street, Silver King Drive will also still be the only two-way street under the current proposal and the easiest access. He noted that signage was the only mitigating effort that he heard from PEG to prevent vehicles from traveling up Silver King and on to Three Kings Drive. They intend to put up signage pointing people towards the base of the Resort. Mr. Keys believes that misses the fact that over a third of the day skier parking anticipated to park beneath Building E. The location of the entrances to Building E are all off of Silver King Drive past where the turn signal or roundabout is anticipated. That means everyone will have to drive up Silver King Drive to the point where it meets Three Kings Drive to turn into Building E. Mr. Keys did not see anything in the traffic study or any of the presentations regarding the load that will be added to Silver King Drive for the commercial use of the loading dock. They are very concerned about that and what it will add to a very narrow street. Silver King Drive and Three

Kings Drive is a major drop-off area and people choose to unload there because it is the quickest point to access the mountain. It will be even faster to access the mountain from that point when the rest is developed. He was certain there would be an increase in pedestrian users at that junction. He thought it was telling that in many of the presentations this evening, Building E was entirely cut off the screen. The focus was entirely on how the traffic would work its way around the one-way street. The section of the development of Building E was entirely lost, and there was never a green line or any kind of line showing how things should flow as it relates specifically to Silver King Drive. He would like to see that rectified before the next presentation and see more analysis performed as to exactly how that will be impacted. He would also like to see how pedestrians will be able to easily access that point. Mr. Keys noted that PEG put in a pedestrian walk behind Building E recognizing historic rights and how people have accessed the First Time Lift from there, but there is no tie-in with the community. It is a walkway that does not tie into the rest of the neighborhood and he would like to see that addressed. Mr. Keys appreciated the efforts that have been put in, but there needs to be more focus on Building E given the volume of overall traffic that is anticipated to come in right at that point without improving that road in any way from what it is. Mr. Keys thanked the Commissioners for their time, and he looked forward to seeing more on this at the next meeting.

Tracy Lehfeltdt stated that she is a long-time property owner in Pay Day Condominiums on Three Kings Drive. Ms. Lehfeltdt echoed the previous speakers. She is concerned about traffic coming down Three Kings Drive, and also about skiers deciding to park in their condominium parking, which has happened in the past. They have had no help from the City to patrol the situation. Ms. Lehfeltdt commented on the danger because there are no sidewalks, and the road can get very narrow in the wintertime. This project, particularly Building E is frightening, and she especially appreciated the comments of Jennifer Adler, Bob Bernstein, and Justin Keys that addressed that issue.

Ed Parigian thanked everyone for their great attention to all the details. He agreed with most of the public comment. Mr. Parigian stated that they still had not addressed the inevitable bottleneck at Empire and Park. They were planning the circulation within the Resort, but ultimately the bottleneck will still occur at the bottom and everything will be backed up. Mr. Parigian stated that more attention needs to be made on how to get the cars out of that bottleneck rather than just the circulation within. As the cars back up on Empire, he wanted to know the plan for 14th and 15th that come up into Empire coming west. As the cars back up, people will want to get out of traffic, go down 14th through Woodside, and down 15th to get onto Park Avenue. Those neighbors will see a huge influx of traffic added to what they already have now. Mr. Parigian thought Empire should remain two-way. However, no matter what they decide for Empire, they need to

make 14th and 15th one-way going west up the hill between Woodside and Empire because that neighborhood does not deserve to be the brunt of the traffic. Mr. Parigian emphasized that his two main points this evening is to take care of the big issue which is the bottleneck at Empire and Park, and to make 14th and 15th one-way. He thanked the Planning Commission for their work, and he looks forward to the next meeting.

Chair Phillips closed the public hearing.

Commissioner Thimm thought they had come a long way this evening in terms of explaining how the one-way loop works. He believed the next development in terms of the traffic analysis needs to understand the impacts on all the surrounding streets. Commissioner Thimm referred to a question in the Staff report about whether or not the AECOM scope should be extended to a third-party review of the parking analysis. In his opinion, the answer is yes. Commissioner Thimm thought it was very important from a pedestrian standpoint to understand the sidewalks and cross sections of the sidewalks, widths, etc. He noted that the parking analysis identifies certain reductions and parking ratios that are analyzed. He thought that should be a big part of what AECOM looks at if their scope is expanded. Commissioner Thimm stated that there was significant discussion of cars and pedestrians and bikes. He thought it was important to make sure that the traffic analysis fully addresses emergency vehicular access and circulation, service, and construction traffic for the period of time where there is construction traffic. Commissioner Thimm suggested that they ask AECOM to prepare a succinct list of items that they need to complete their third party review.

Commissioner Kenworthy echoed Julia Collins' opening comments that this is the City's opportunity to get it right. If they do not get it right, they will be waiting 50 or 60 years for a remodel to try again to get it right. Commissioner Kenworthy did not want to rush it because this is their opportunity, and they should take advantage of it.

Commissioner Suesser concurred with the comments and sentiments of Commissioner Thimm and Commissioner Kenworthy. She thought the issue of employee parking was interesting and should be addressed by AECOM, the City, and the developer. Commissioner Suesser understood that the consultant was not hired to design the project; however, based on the 1998 plan, the pedestrian access across Lowell remains a concern. Options for pedestrian access such as the pedestrian bridge should be considered to alleviate some of the congestion on Lowell. She would like the consultant to weigh in on that option. Commissioner Suesser thought the items Commissioner Thimm had listed were very relevant. The sidewalks and the locations and tie-in with the surrounding neighborhoods were especially important.

Commissioner Van Dine agreed with the comments expressed by the other Commissioners and she looked forward to this coming back.

Commissioner Hall echoed all the Commissioners. She believed they were all in agreement. She particularly agreed with Commission Kenworthy on getting this right this time around. She looked forward to seeing this again.

The Planning Commission Meeting adjourned at 10:40 p.m.

Approved by Planning Commission: _____

PENDING APPROVAL



PLANNING DEPARTMENT

Planning Commission Staff Report

Subject: Twisted Branch Subdivision
Application: PL-17-03664
Author: Alexandra Ananth, Senior Planner
Date: October 14, 2020
Type of Item: Administrative – Plat Amendment

Recommendation

At the applicant's request, the Planning Department Staff recommends that the Planning Commission open a Public Hearing and **Continue** the item to a date uncertain.

Description

Proposal: Twisted Branch Subdivision, an existing private road owned by REDUS Park City LLC, to create two (2) platted lots of record

Applicant: REDUS Park City, LLC

Zoning: RD-MPD and ROS-MPD, subject to the 2007 Flagstaff Development Agreement (Amended Agreement)

Adjacent Land Uses: Deer Valley Resort, Marsac Avenue/ SR 224 (aka Guardsman Road), B2 East Subdivision (undeveloped multi-family residential), Red Cloud Subdivision (single family houses and vacant lots), open space areas and trails and conservation easement properties

Reason for Review: Subdivision plats require Planning Commission review and City Council approval

Planning Commission Staff Report



Subject: Private Driveways in the Platted, Un-Built ROW
Application: PL-20-04658
Author: Rebecca Ward, Land Use Policy Analyst
Date: October 14, 2020
Type of Item: Legislative – Land Management Code Amendment

Summary Recommendation

Staff recommends the Commission review proposed Land Management Code amendments to establish a review process for private driveways in the platted, un-built rights-of-way in the Historic Districts, hold a public hearing, and consider forwarding a positive recommendation for City Council's consideration on November 19, 2020.

Description

Applicant: Planning Department
LMC Amendment: Enacting § 15-3-5, *Private Driveways Within Platted, Un-Built Rights-of-Way in the Historic Districts*
Reason for Review: LMC amendments require Planning Commission review and recommendation to the City Council for Final Action

Acronyms

CUP Conditional Use Permit
LMC Land Management Code
ROW Right-of-Way

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

Executive Summary

Rights-of-Way (ROW) in the Historic Districts can be complicated. Some ROWs were built outside of the platted area. This means—in limited circumstances—there are properties in the Historic Districts that may not have access to their property unless they construct a private driveway on the un-built portion of the platted ROW.

To accommodate such properties, the former LMC § 15-3-5 established a process for property owners to apply for a Conditional Use Permit (CUP) to construct a private driveway over a platted, un-built ROW. On March 30, 2000, Council passed [Ordinance No. 00-25](#), which enacted Land Management Code § 15-3-5, *Driveway Standards for Private Driveways Within Platted, Unbuilt City Streets*:

The following standards apply to driveways within platted but un-built Streets.

- A. The driveway shall not exceed ten percent (10%) Slope.
- B. Adequate snow storage Area along the downhill side and/or end of the driveway shall be provided.

- C. The driveway must be paved with asphalt or concrete.
- D. The driveway must not pre-empt any existing physical parking, which may occur in the platted Street. If the platted Street has been improved to provide Public Parking, then any driveway proposal must replace such parking within new Public Parking of equal or better convenience and construct.
- E. The driveway and related improvements such as retaining walls shall be designed and built to minimize present and future conflicts with public utilities and stairs.
- F. The driveway construction requires a Conditional Use Permit, Section 15-1-10.
- G. An encroachment permit for the driveway is required.
- H. Private utilities, including snow melt devices, within the platted City Street require approval by the City Engineer.

This CUP process for a private driveway—an encroachment into the public ROW—became problematic for several reasons.

First, the Utah Legislature amended CUP standards to require cities to approve a CUP if reasonable conditions mitigated detrimental effects.¹ Second, any encroachment into the ROW requires an encroachment agreement, which is granted at City Council's discretion. The Commission could approve a CUP for a private driveway in the ROW, but the City Council could deny an encroachment agreement, prohibiting an applicant from constructing the driveway. Third, members of the public voiced concern that private property owners could use public ROWs for private benefit.

In February of this year, the City Council repealed LMC §15-3-5 with the expectation that a new process and code would be developed. Staff recommends replacement code for LMC § 15-3-5 that (1) first considers vacation of the Right-of-Way; (2) establishes City Engineer recommendation to the Commission and Council; (3) retains public notice and a public process; (4) retains Planning Commission recommendation to Council; and (5) places final encroachment discretion with City Council.

Background

On January 22, 2020, the Commission recommended the City Council consider repealing LMC § 15-3-5, *Driveway Standards for Private Driveways Within Unbuilt City Streets* ([Staff Report](#); [Minutes](#), p. 11).

On February 6, 2020, the City Council adopted [Ordinance No. 2020-12](#), repealing Land Management Code § 15-3-5 ([Staff Report](#); [Minutes](#), p. 5).

On August 4, 2020, the City Council conducted a work session on encroachments in the Rights-of-Way and a proposed replacement code for Private Driveways in Platted, Un-Built Rights-of-Way ([Staff Report](#); [Minutes](#), p. 1).

¹ Utah Code [§ 10-9a-507\(2\)](#).

Analysis

The Commission has the primary responsibility of reviewing LMC amendments and forwarding a recommendation for City Council's consideration.² The City Council holds a public hearing and takes Final Action on LMC amendments.³ City Council has jurisdiction and control over the City's Rights-of-Way for public use.⁴

There may be instances where—especially in the Historic Districts—the Rights-of-Way were not built in the platted Right-of-Way. This can lead to issues when property owners apply to develop their property, but do not have the required access to the Right-of-Way. In some circumstances, a private driveway within the platted, un-built city street may be required to best protect the existing Right-of-Way, while allowing a property owner to access their property.

Staff recommends replacement code for LMC § 15-3-5 that:

- First considers vacating the ROW pursuant to [Resolution No. 8-98](#), which establishes criteria for good cause that benefits the immediate neighborhood and City as a whole and ensures no material injury to any person or the public;
- If vacating the ROW is not feasible, establishes City Engineer recommendation to the Commission and Council for an encroachment agreement;
- Retains public notice and a public process;
- Retains Planning Commission recommendation to Council; and
- Places final encroachment discretion with City Council.

The proposed LMC § 15-3-5 replacement code below and was reviewed by the City Council on August 4, 2020, and amended to reflect Council input:

15-3-5 Private Driveways Within Platted, Un-built City Rights-of-Way in the Historic Districts

A. A Property Owner may petition the City Council for an encroachment agreement to construct a private driveway within a platted, un-built Right-of-Way that abuts the Property Owner's Property in a Historic District. The City Council shall first consider vacation of the Right-of-Way pursuant to Resolution No. 8-98. If vacation of the Right-of-Way is not feasible or appropriate, the City Engineer and the Planning Commission shall review the proposed private driveway within the platted, un-built Right-of-Way and provide a recommendation to the City Council.

B. The City Engineer shall consider the following when making a recommendation to the Planning Commission and

² LMC [§ 15-12-15\(B\)\(3\)](#).

³ LMC [§ 15-1-7\(D\)](#).

⁴ Utah Code [§ 10-8-8](#); [§ 72-3-104\(3\)](#).

City Council on a proposed private driveway within a platted, un-built Right-of-Way:

1. The existing and future use of the Right-of-Way;
2. Existing and proposed utilities, walkways, and stairs within the Right-of-Way;
3. Driveway Slope, which may not exceed ten percent (10%);
4. Adequate snow storage Area;
5. Adequate pavement;
6. Replacement Parking. If the platted, un-built Right-of-Way has been improved to provide public Parking, then, in addition to required Off-Street Parking for the Property, the Applicant shall replace the public Parking with new public Parking of equal or better convenience and construction;
7. Private utilities, including snowmelt devices, and interference with existing or proposed public utilities;
8. Impact of the proposed driveway on future public improvements and public use of the Right-of-Way.

C. The Planning Commission shall consider the following in a public hearing when making a recommendation to the City Council on a proposed private driveway within a platted, un-built City Right-of-Way:

1. The recommendation of the City Engineer;
2. Compatibility of the private driveway in size and location with the size and location of the driveways of the adjacent Properties;
3. Compatibility of the physical design of the private driveway and any appurtenant retaining walls or landscaping in mass, scale, style, design, and architectural detailing of the adjacent Properties;
4. Mitigation of the impact of the private driveway on public access and use of the Right-of-Way through

fencing, Screening, and landscaping to separate the private driveway from adjoining Uses;

5. Compliance with the Land Management Code;

6. Compliance with the General Plan.

D. The City Council shall consider the City Engineer and Planning Commission recommendation and the following in a public hearing for a private driveway in a platted, un-built Right-of-Way encroachment agreement, which may be issued in the sole discretion of the City Council:

1. The proposal results in a design which improves upon existing alternatives to otherwise meet the intent of the Zoning District, applicable Historic District regulations, and the General Plan;

2. Preserves intended uses of the Right-of-Way for the neighborhood and public;

3. Whether compensation to the City for the loss of the Right-of-Way based on the market value of the square footage is appropriate;

4. An encroachment agreement, in a form approved by the City Attorney, protects the City's interest in future public improvements, public utilities, and public use of the Right-of-Way.

E. If the City Council approves an encroachment for a private driveway within a platted, un-built Right-of-Way, the City Council may adopt a resolution approving the proposal and may limit such approval to a specific site plan and conditions of approval.

F. Public notice for a proposed private driveway in the platted, un-built Right-of-Way shall be the same as the public notice required for a plat amendment vacating or changing a Public Street, Right-of-Way, or Easement.

Department Review

The Planning, Engineering, and Legal Departments reviewed this application.

Notice

Staff published notice on the City's website and the Utah Public Notice website on

September 25, 2020. The *Park Record* published notice on September 26, 2020. LMC [§ 15-1-21](#).

Public Input

Please see Exhibit B for an email submitted to City Council prior to the August 4, 2020 work session.

Exhibit

Exhibit A: Draft Ordinance and Redlines

Exhibit B: Public Input

DRAFT ORDINANCE 2020-XX

AN ORDINANCE ENACTING LAND MANAGEMENT CODE § 15-3-5, *PRIVATE DRIVEWAYS WITHIN PLATTED, UN-BUILT CITY RIGHTS-OF-WAY IN THE HISTORIC DISTRICTS*

WHEREAS, the Land Management Code implements the goals, objectives, and policies of the Park City General Plan to maintain the quality of life and experiences for City residents and visitors;

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah, to promote the health, safety, and welfare of the residents, visitors, and property owners of Park City;

WHEREAS, on March 30, 2000, the City Council passed Ordinance No. 00-25, which enacted Land Management Code § 15-3-5, *Driveway Standards for Private Driveways Within Platted, Unbuilt City Streets*, to establish a Conditional Use Permit wherein private property owners could apply to construct a private driveway over the platted, un-built right-of-way;

WHEREAS, on January 22, 2020, the Planning Commission recommended the City Council consider repealing Land Management Code § 15-3-5 and developing a new code to separate City Council's authority to issue encroachment permits from the Conditional Use Permit review process;

WHEREAS, on February 6, 2020, the City Council adopted Ordinance No. 2020-12 to repeal Land Management Code § 15-3-5;

WHEREAS, on August 4, 2020, the City Council conducted a work session on encroachments in the rights-of-way and a proposed replacement code for Land Management Code § 15-3-5;

WHEREAS, on October 14, 2020, the Planning Commission reviewed the replacement code, conducted a duly noticed public hearing, and forwarded a _____ recommendation for City Council's consideration;

WHEREAS, on November 19, 2020, the City Council duly noticed and conducted a public hearing.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah, as follows:

SECTION 1. LAND MANAGEMENT CODE TITLE 15. The recitals above are incorporated herein as findings of fact. Section 15-3-5, *Private Driveways Within*

Platted, Un-built City Rights-of-Way in the Historic Districts, is hereby enacted as outlined in Attachment 1.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 19th day of November, 2020

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

Attest:

City Recorder

Approved as to form:

Mark Harrington, City Attorney

Attachment 1

15-3-5 Private Driveways Within Platted, Un-built City

Rights-of-Way in the Historic Districts

A. A Property Owner may petition the City Council for an encroachment agreement to construct a private driveway within a platted, un-built Right-of-Way that abuts the Property Owner's Property in a Historic District. The City Council shall first consider vacation of the Right-of-Way pursuant to Resolution No. 8-98. If vacation of the Right-of-Way is not feasible or appropriate, the City Engineer and the Planning Commission shall review the proposed private driveway within the platted, un-built Right-of-Way and provide a recommendation to the City Council.

B. The City Engineer shall consider the following when making a recommendation to the Planning Commission and City Council on a proposed private driveway within a platted, un-built Right-of-Way:

1. The existing and future use of the Right-of-Way;
2. Existing and proposed utilities, walkways, and stairs within the Right-of-Way;
3. Driveway Slope, which may not exceed ten percent (10%);
4. Adequate snow storage Area;

- 24 5. Adequate pavement;
- 25 6. Replacement Parking. If the platted, un-built Right-
- 26 of-Way has been improved to provide public Parking,
- 27 then, in addition to required Off-Street Parking for the
- 28 Property, the Applicant shall replace the public
- 29 Parking with new public Parking of equal or better
- 30 convenience and construction;
- 31 7. Private utilities, including snowmelt devices, and
- 32 interference with existing or proposed public utilities;
- 33 8. Impact of the proposed driveway on future public
- 34 improvements and public use of the Right-of-Way.

35 C. The Planning Commission shall consider the following in
36 a public hearing when making a recommendation to the City
37 Council on a proposed private driveway within a platted, un-
38 built City Right-of-Way:

- 39 1. The recommendation of the City Engineer;
- 40 2. Compatibility of the private driveway in size and
- 41 location with the size and location of the driveways of
- 42 the adjacent Properties;
- 43 3. Compatibility of the physical design of the private
- 44 driveway and any appurtenant retaining walls or
- 45 landscaping in mass, scale, style, design, and
- 46 architectural detailing of the adjacent Properties;

4. Mitigation of the impact of the private driveway on public access and use of the Right-of-Way through fencing, Screening, and landscaping to separate the private driveway from adjoining Uses;
5. Compliance with the Land Management Code;
6. Compliance with the General Plan.

D. The City Council shall consider the City Engineer and Planning Commission recommendation and the following in a public hearing for a private driveway in a platted, un-built Right-of-Way encroachment agreement, which may be issued in the sole discretion of the City Council:

1. The proposal results in a design which improves upon existing alternatives to otherwise meet the intent of the Zoning District, applicable Historic District regulations, and the General Plan;
2. Preserves intended uses of the Right-of-Way for the neighborhood and public;
3. Whether compensation to the City for the loss of the Right-of-Way based on the market value of the square footage is appropriate;
4. An encroachment agreement, in a form approved by the City Attorney, protects the City's interest in

69 future public improvements, public utilities, and public
70 use of the Right-of-Way.

71 E. If the City Council approves an encroachment for a
72 private driveway within a platted, un-built Right-of-Way, the
73 City Council may adopt a resolution approving the proposal
74 and may limit such approval to a specific site plan and
75 conditions of approval.

76 F. Public notice for a proposed private driveway in the
77 platted, un-built Right-of-Way shall be the same as the public
78 notice required for a plat amendment vacating or changing a
79 Public Street, Right-of-Way, or Easement.

On Aug 2, 2020, at 6:06 PM, Frederique Bouty <frederique@astie.com> wrote:

Hello City Council,

First, many thanks to the cross-departmental team that took time to assemble these proposed changes, I believe they did a terrific job.

I have 2 comments regarding proposed Land Management Code 15-3-5:

Comment 1 re 15-3-5 Step A: As a rule, building private driveways in platted, unbuilt rights of way should be an ***exceptional solution for exceptional circumstances***, and not something one decides could improve one's property so "why not apply". The process should start with deep considerations on the "exceptional need". This may be what part A. of the proposed process wants to achieve (cf reference to resolution 8-98, = "the Property Owner shall first consider vacation of the Right-of-Way pursuant to Resolution No. 8-98. (") but I would suggest the requirement of a mere "consideration" is too vague.

As a proposed solution, Item A of the process could consist of a pre-application by owners that requires them to ***prove*** that no viable parking option exists for their property on their property. ***Viable parking options would include status quo for existing properties, such as street parking where permitted. For improvements on existing constructions or for new constructions it would require proving that no parking can be built on the owner's own property, including non covered parking.***

Building a private driveway in the platted, unbuilt rights of way is a ***last resort*** when there are unmitigated access dangers, no access at all, or no other possible parking, covered or uncovered, on street or on property. Again, it should be the exception. Some recent examples show that property owners will try to use platted - unbuilt streets to benefit their own property, whereas alternate options or status quo is possible.

This pre-application would be submitted to the planning department, not the engineering department since this is broader than just technical aspects. The planning commission issues a recommendation for city council to approve or reject this pre-application. If viable parking options exist such as described above even if of inferior appeal or more costly for the owner, then the pre-application should be denied.

If the pre-application is approved, then the process can proceed to phase B as described in the staff report.

This pre-application will serve as a screening process and avoid dubious applications. It will avoid expensive proceedings for both the owner and the town and would cut on the overall process time for “legitimate” applications.

2. Comment 2 re 15-3-5 Step B: It is not for the Engineering department to consider the existing and future use of the right of way. Their perspective is too technical, and may not appropriately consider community use or broader future city plans. Not sure how to solve that one. In the same vein, and early in the process, the planning department and the City Council should weigh the benefits gained by 1 applicant against the loss or risks for the whole community, current or potential in the future.

Thank you,

Frederique ASTIE
WOODSIDE Avenue

Planning Commission Staff Report



Subject: Electric Vehicle Charging Stations
Application: PL-20-04623
Author: Rebecca Ward
Date: October 14, 2020
Type of Item: Legislative – Land Management Code Amendments

Summary Recommendation

Staff recommends the Planning Commission review Land Management Code amendments that require Electric Vehicle Charging Station Infrastructure and installations for Multi-Unit Dwellings and non-Residential Developments, hold a public hearing, and consider forwarding a positive recommendation for City Council's consideration on November 19, 2020.

Description

Applicant: Planning Department
LMC Amendment: Amending § 15-3-1, *Purpose*; § 15-3-2, *Requirement*; § 15-15-1, *Definitions*; and § 15-15-2, *List of Defined Terms*
Reason for Review: Enacting § 15-3-11, *Electric Vehicle Charging Stations*
LMC amendments require Planning Commission review and recommendation to the City Council for Final Action

Acronyms

EV Electric Vehicle
EVCS Electric Vehicle Charging Station
LMC Land Management Code

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

Executive Summary

The proposed LMC amendments:

1. Define *Electric Vehicle*; *Electric Vehicle Charging Station*; *Electric Vehicle Charging Station Infrastructure*; and *Electric Vehicle – Ready*;
2. Encourage EV – Ready Private Garages for Single-Family Dwellings, Duplexes, and Triplexes;
3. Require that an Applicant provide EVCS Infrastructure for fifteen percent of Off-Street parking spaces for Multi-Unit Dwellings and non-Residential Development for the first 100 parking spaces, and for five percent thereafter;
4. Require that an Applicant install EVCS for five percent of Off-Street parking spaces for Multi-Unit Dwellings and non-Residential Developments for the first 200 parking spaces;
5. Establish uniform standards for EVCS;
6. Amend § 15-3-1, *Purpose*, and § 15-3-2, *Requirement*, to include EVCS;
7. Allow EVCS as an Accessory Use in all Zoning Districts; and
8. Allow Solar Energy Systems to support EVCS in non-Historic Zoning District

Parking Areas.

The Building Department determined that all EVCS and EV installations comply with the currently adopted building, electrical, and energy efficiency codes. Building staff will ensure case by case compliance during the permitting and plan review process.

Permit fees for EVCS installations will be waived pursuant to [Park City Fee Schedule 1.2.2.](#)

Background

Park City set ambitious sustainability goals to be net-zero carbon, running on 100% renewable electricity by 2022 for City operations and 2030 communitywide ([Resolution No. 32-2018](#)). The City implemented [a four-pillar strategy](#) to meet these goals: (1) Energy Efficiency, (2) Electrification, (3) Renewables, and (4) Regeneration. The initial Park City Vision 2020 public input indicates that the community continues to prioritize and support the City's net-zero carbon goal.¹

Part of the work toward carbon neutrality is to convert combustion-based transportation to electric transportation powered by renewables. To promote electric transportation, the City waives building permit fees for installation of EVCS and Solar Energy Systems.

In 2019, the City announced a plan to install 100 EVCS throughout town. To date, the City has installed 46 (16 of these stations are dual port, for a total of 62 EVCS.)² Rocky Mountain Power committed to cover fifty percent of the EVCS installation costs. Additionally, the City operates 13 electric buses.

On a regional, state, and county level, EVCS networks are growing (Exhibit B). Some of this growth is planned to support the state's tourism industry with EVCS installations at locations along scenic byways, interconnecting national parks and other tourist destinations.

The Commission conducted two work sessions to discuss Land Management Code amendments to support future installations of EVCS:

June 10, 2020 Commission work session ([Staff Report](#); [Minutes](#), p. 2 - 10)

July 8, 2020 Commission work session ([Staff Report](#); [Minutes](#), p. 9 - 15)

The proposed Land Management Code amendments are a result of the Commission work sessions, staff outreach to local developers and community members, collaboration with the Building and Sustainability Department, Development Review Committee input, and Park City Fire District recommendations.

¹ City Council September 22, 2020 [Staff Report](#); [Exhibit A](#), Draft Strategic Pillars

² City Council May 21, 2020 [Staff Report](#).

Analysis

The [General Plan Community Planning Strategy 5.7](#) (p. 10) recommends requiring dedicated parking and EVCS to support Electric Vehicles within new development and redevelopment. The LMC implements the goals and policies of the General Plan.³ The Commission has the primary responsibility of reviewing LMC amendments and forwarding a recommendation for City Council's consideration.⁴ The City Council holds a public hearing and takes Final Action on LMC amendments.⁵

There are three Electric Vehicle Charging Station levels:⁶

Level 1	Plugs into a basic household outlet Requires many hours to fully charge a battery Cost ranges from \$300 - \$1,500
Level 2	Plugs into a 208/240 volt outlet similar to a household dryer outlet Requires a few hours to fully charge a battery Cost ranges from \$400 - \$6,500
Level 3	Direct Current Fast Charger (DCFC) that requires a 480 volt outlet Fully charges a battery in less than an hour Generally located along major highways Cost ranges from \$10,000 - \$40,000

The following Land Management Code amendments are specific to Level 2 Charging Stations as follows:

1. Define *Electric Vehicle*; *Electric Vehicle Charging Station*; *Electric Vehicle Charging Station Infrastructure*; and *Electric Vehicle – Ready*.

LMC § 15-15-1 is proposed to be amended as follows:

15-15-1 Definitions

For the purpose of the LMC, certain numbers, abbreviations, terms, and words shall be

³ LMC [§ 15-1-2](#).

⁴ LMC [§ 15-12-15\(B\)\(3\)](#).

⁵ LMC [§ 15-1-7\(D\)](#).

⁶ [Costs Associated with Non-Residential Electric Vehicle Supply Equipment](#), U.S. Department of Energy (2015).

used, interpreted, and defined as set forth herein. Defined terms will appear as proper nouns throughout this Title. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition.

...

Electric Vehicle (EV). Any motor vehicle registered to operate on public roadways that operates either partially or exclusively on electric energy.

Electric Vehicle Charging Station. A public or private parking space with Level 2 Electric Vehicle supply equipment that consists of the conductors, including the ungrounded, grounded, and equipment grounding conductors, and the Electric Vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus, installed specifically for the purpose of transferring energy between the premises wiring to a battery or other energy storage device in an Electric Vehicle.

Electric Vehicle Charging Station Infrastructure. Development designed and constructed to include a fully-wired circuit for Electric Vehicle Charging Station power, including conduit and wiring with the electrical service capacity necessary to serve the power outlets to allow for the future installation of Level 2 Electric Vehicle Charging Stations.

Electric Vehicle – Ready. A Private Garage that includes a dedicated circuit to accommodate the potential installation of a Level 2 Electric Vehicle Charging Station.

LMC § 15-15-2 is proposed to be amended as follows:

-E-

Economic Hardship, Substantial

Elder Care

Electric Vehicle (EV)

Electric Vehicle Charging Station

Electric Vehicle Charging Station Infrastructure

Electric Vehicle – Ready

Elevator Penthouse

Emergency Repair Work

Equipment Shelter (see Telecommunications Facility, Equipment Shelter

Escrow

Essential Historic Form

Exterior Architectural Appearance

2. Encourage EV – Ready Private Garages for Single-Family Dwellings, Duplexes, and Triplexes.

In the July 8, 2020 work session, staff recommended requiring that Single-Family Dwellings, Duplexes, and Triplexes be Electric Vehicle – Ready, meaning the Garage is built to support a future Level 2 EVCS installation. However, upon further review and input from the Park City Fire District and Building Department regarding ventilation systems that may be required, staff suggests that the City encourage EV – Ready Private Garages for Single-Family Dwellings, Duplexes, and Triplexes, which means that the Private Garage includes a dedicated circuit to accommodate the potential installation of a Level 2 EVCS.

It should be noted that (1) most Private Garages already accommodate Level 1 EVCS capacity for overnight charging; and (2) constructing Single-Family Dwellings, Duplexes, and Triplexes to be Electric Vehicle – Ready adds value to property and is an increasing trend.⁷

⁷ [Electric Vehicle Charging Station Strategy for Real Estate Implementation in the United States](#), RCLCO Real Estate

LMC § 15-3-11(C) is proposed to be enacted as follows:

ELECTRIC VEHICLE - READY. Applicants are encouraged to construct Private Garages for Single-Family Dwellings, Duplexes, and Triplexes that are Electric Vehicle - Ready.

3. Require that an Applicant provide Electric Vehicle Charging Station Infrastructure for fifteen percent of Off-Street parking spaces for Multi-Unit Dwellings and non-Residential Development up to the first 100 parking spaces, and for five percent thereafter.

The electrical load of a Building is established when the Building is designed. Retrofitting existing Parking Areas and Parking Structures to accommodate EVCS can require trenching or boring to connect to conduit, an expensive and disruptive process.

To support EV charging locally, staff recommends that developers install EVCS Infrastructure, meaning the conduit to support the future installation of Level 2 Charging Stations is put into place at the time of construction. Once the baseline infrastructure is put into place for fifteen percent of parking spaces, it is possible to expand this infrastructure without expensive retrofits. This requirement is recommended for the first 100 parking spaces, and for five percent thereafter.

LMC § 15-3-11(B) is proposed to be enacted as follows:

INFRASTRUCTURE. An Applicant shall provide Electric Vehicle Charging Station Infrastructure for fifteen percent (15%) of the first one hundred (100) required Off-Street parking spaces for Multi-Unit Dwellings and non-Residential Development and for five percent (5%) of required Off-Street parking spaces above one hundred (100).

1. The Electric Vehicle Charging Station Infrastructure shall be identified on all construction documents submitted for review.
2. To put future Property Owners on notice of the Electric Vehicle Charging Station Infrastructure, an Applicant shall provide information in Covenants.

Conditions, and Restrictions or other documents governing a homeowner or master owners association for the Development and/or on the breaker panel.

Parking Spaces	15% EVCS Infrastructure		
15	1		
25	4		
50	8		
75	12		
100	15	+5% EVCS Infrastructure	TOTAL
125	15	+1	16
150	15	+3	18
175	15	+4	19
200	15	+5	20
225	15	+6	21
250	15	+8	23
275	15	+9	24
300	15	+10	25

4. Require that an Applicant install Electric Vehicle Charging Stations for five percent of Off-Street parking spaces for Multi-Unit Dwellings and non-Residential Development for the first 200 parking spaces.

To ensure EVCS are made available as a part of new Development and redevelopment and that the first of these stations accommodates ADA accessibility, LMC § 15-3-11(D) is proposed to be enacted as follows:

INSTALLATION. An Applicant shall install Electric Vehicle Charging Stations for five percent (5%) of required Off-Street parking spaces for Multi-Unit Dwellings and non-Residential Development for the first 200 parking spaces.

- The first Electric Vehicle Charging Station installed shall be ADA accessible, but shall not be restricted to ADA-only use.

EVCS installations use required parking spaces calculated according to the land use, outlined in LMC [§ 15-3-6](#), *Parking Ratio Requirements for Specific Land Use Categories*. While this number is conservative initially, as the demand for EVCS

increases over time, the infrastructure will be in place to increase the number of EVCS Installations.

Parking Spaces	EVCS Installations
25	1
50	3
75	4
100	5
125	6
150	8
175	9
200	10

5. Establish uniform standards for Electric Vehicle Charging Stations.

LMC § 15-3-11(E) is proposed to be enacted as follows:

STANDARDS.

1. **Location.** Electric Vehicle Charging Stations shall not obstruct:
 - a. Building access;
 - b. Rights-of-Way;
 - c. sidewalks or pathways;
 - d. parking space dimensions; or
 - e. the Sight Distance Triangle.
2. **Signs.** An Applicant shall install Electric Vehicle Charging Station signage that complies with the *Federal Highway Administration Manual on Uniform Traffic Control Devices*, as amended for use in Utah. An Applicant shall install signage as follows:

- a. At the point of entrance to direct drivers to the location of Electric Vehicle Charging Stations for Parking Structures with fifty (50) or more parking spaces.
 - b. At the point of entrance to direct drivers to the location of Electric Vehicle Charging Stations for Parking Areas with seventy-five (75) or more parking spaces.
 - c. For each Electric Vehicle Charging Station to indicate that such Station is for Electric Vehicle charging only.
3. **User Information.** An Applicant shall label each Electric Vehicle Charging Station with information regarding safety, voltage and amperage levels, usage fees if any, hours of operation, charging time limits, the contact information to report malfunctioning equipment or other issues, and cord management requirements.
4. **Cord Management.** An Applicant shall install Electric Vehicle Charging Stations that contain a retraction device or place to hang and store cords, cables, and connectors. Cords, cables, and connectors shall not obstruct Building access, sidewalks or pathways, parking spaces, or the Rights-of-Way.
5. **Protection.** An Applicant shall install wheel stops, concrete-filled bollards, or other device approved by the Planning Director to protect Electric Vehicle Charging Stations from damage by vehicles.
6. **Snow Removal.** An Applicant shall install Electric Vehicle Charging Stations that are safe for use in inclement weather. Cords, cables, and

connectors shall be stored at least 24 inches above the ground. Property owners shall manage cords so that they do not impede snow removal and shall remove snow from Electric Vehicle Charging Stations in a timely manner.

7. **Maintenance.** Property owners shall maintain Electric Vehicle Charging Stations in good condition, appearance, and repair. If an Electric Vehicle Charging Station is inoperable, the Property Owner shall replace the Charging Station within three (3) months.

6. Amend § 15-3-1, *Purpose*, and § 15-3-2, *Requirement*, to include EVCS.

LMC § 15-3-1, *Purpose*, is proposed to be amended as follows:

The purpose of this Chapter is to:

- A. specify Parking Area, Parking Structure, and Access drive standards for all Development within the City;
- B. specify Parking Ratio requirements for specific land Use categories to ensure adequate and not excessive parking is provided for the Use[-];
- C. provide solutions to mitigate impacts of parking and vehicular oriented Development;
- D. provide for safe and efficient parking for people with disabilities; ~~and~~
- E. provide for convenient and safe motorcycle and bicycle parking to encourage and facilitate alternative modes of transportation[-]; and
- F. establish requirements and standards for Electric Vehicle Charging Stations.

LMC § 15-3-2, *Requirement*, is proposed to be amended as follows:

- A. An Applicant ~~[must]~~ shall provide required Off-Street parking with adequate provisions for independent ingress and egress by automobiles and other motorized vehicles, and required Electric Vehicle Charging Station Infrastructure, and Electric Vehicle Charging Station installation at the time a Building is erected or enlarged.
- B. If any land, Structure, or Use is changed to create more Off-Street parking demand, the Owner must provide such additional Off-Street parking~~[,]~~ and required Electric Vehicle Charging Station Infrastructure and installation for the new Use ~~[as is required by this Chapter]~~.
- C. Required parking must be on-Site unless the Planning Commission allows such parking on adjacent or nearby deed restricted Lots.

7. Allow Electric Vehicle Charging Stations as an Accessory Use in all Zoning Districts.

The proposed amendments enact LMC § 15-3-11(A):

ELECTRIC VEHICLE CHARGING STATIONS. Electric Vehicle Charging Stations are an Allowed Accessory Use in all Zoning Districts.

8. Allow Solar Energy Systems to support Electric Vehicle Charging Stations in non-Historic Zoning District Parking Areas

A *Solar Energy System* is defined as “[a]n energy system which converts solar energy to usable thermal, mechanical, chemical, or electrical energy to meet a structure’s energy requirement.” *Structure* is defined 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; definition includes *Building*.” LMC [§ 15-15-1](#).

There are temporary solar-powered EVCS installations that would not be appropriate for Park City. However, permanent Solar Energy Systems may be constructed in non-Historic District Parking Areas if the Solar Energy Systems meet the criteria in the Architectural Design Guidelines. LMC [§ 15-5-5\(G\)](#).

The proposed amendments enact LMC § 15-3-11(F):

SOLAR ENERGY SYSTEMS. Solar Energy Systems may be installed on permanent Parking Area Structures for Electric Vehicle Charging Stations in non-Historic Zoning Districts. Solar Energy Systems shall be incorporated in the roof of the permanent Structure and shall be mounted flush to the roof plane. Solar panels, solar devices, and Solar Energy Systems and mounting equipment shall use non-reflective finishes such as an anodized finish.

Department Review

The Development Review Committee and Planning, Building, Engineering, Sustainability, Economic Development, and Legal Departments reviewed the proposed code.

Notice

Staff published notice on the City's website and the Utah Public Notice website on September 25, 2020. The *Park Record* published notice on September 25, 2020.⁸

Public Outreach

Staff published notice of the proposed amendments in the Community Development Newsletter, asked the City's Advisory Committee on sustainability for input, and reached out to the Park City Homebuilders Association and local developers for feedback. Public input received to date is attached as Exhibit C.

Public Input

Please see Exhibit C.

Exhibits

Exhibit A: Draft Ordinance and LMC Redlines

Exhibit B: Regional, State, County, and City EV Charging Station Network Plans

Exhibit C: Public Input

Resources

To develop this code, staff referred to the following:

AchiEve: Model Policies to Accelerate Electric Vehicle Adoption (the Sierra Club and Plug In America, 2019)

Cleaner Cars from Cradle to Grave: How Electric Cars Beat Gasoline Cars on Lifetime Global Warming Emissions (Union of Concerned Scientists, 2015)

⁸ LMC [§ 15-1-21](#).

Costs Associated with Non-Residential Electric Vehicle Supply Equipment: Factors to Consider in the Implementation of Electric Vehicle Charging Stations (U.S. Department of Energy, 2015)

Creating EV-Ready Towns and Cities: A Guide to Planning and Policy Tools (Georgetown Climate Center, Clean Cities, and Transportation & Climate Initiative of the Northeast and Mid-Atlantic States, 2012)

Electric Vehicles: A Primer on Technology and Selected Policy Issues (Congressional Research Service, 2020)

Electric Vehicle Infrastructure: A Guide for Local Governments in Washington State (Washington Department of Commerce and Puget Sound Regional Council, 2010)

Electrified Transportation Roadmap: Best Practices and Clean Air Solutions Guide for Local Governments in Utah (Utah Clean Energy and Salt Lake City, 2018)

Enabling Fast Charging: A Technology Gap Assessment (U.S. Department of Energy and Office of Energy Efficiency & Renewable Energy, 2017)

EV Charging for Persons with Disabilities (Clean Fuels Ohio and Virginia Clean Cities, 2012)

Tahoe-Truckee Plug-in Electric Vehicle Readiness Plan: A Road Map to Charging Infrastructure and Zero Tailpipe Emissions (Tahoe Regional Planning Agency | Truckee Donner Public Utility District, 2017)

Staff referred to the following EV codes:

[Lancaster, California](#); [Long Beach, California](#); [Los Angeles County, California](#); [Pacific, California](#); [Marin County, California](#); [Richmond, California](#); [San Francisco, California](#); [Summit County, Colorado](#); [Boca Raton, Florida](#); [Coral Gables, Florida](#); [Miami Beach, Florida](#); [Miami-Dade, Florida](#); [Surfside, Florida](#); [Atlanta, Georgia](#); [Clayton County, Georgia](#); [Ferndale, Michigan](#); [New York, New York](#); [League City, Texas](#); [Salt Lake City, Utah](#); [Powhatan County, Virginia](#); [Arlington, Washington](#); [Coupeville, Washington](#); [Seattle, Washington](#)

DRAFT ORDINANCE 2020-XX

AN ORDINANCE AMENDING LAND MANAGEMENT CODE CHAPTER 15-3, PARKING, SECTIONS 15-15-1, *DEFINITIONS*, AND 15-15-2, *LIST OF DEFINED TERMS*, AND ENACTING LAND MANAGEMENT CODE SECTION 15-3-11, *ELECTRIC VEHICLE CHARGING STATIONS*, TO ESTABLISH ELECTRIC VEHICLE CHARGING STATION INFRASTRUCTURE AND INSTALLATION REQUIREMENTS FOR MULTI-UNIT DWELLINGS AND NON-RESIDENTIAL DEVELOPMENT

WHEREAS, on November 29, 2018, the City Council of Park City adopted Resolution 32-2018 to set ambitious sustainability goals to be net-zero carbon, running on 100% renewable electricity by 2022 for City operations and 2030 communitywide;

WHEREAS, part of the work toward carbon neutrality is to convert combustion-based transportation to electric transportation powered by renewables;

WHEREAS, the General Plan Community Planning Strategy 5.7 recommends requiring dedicated parking and Electric Vehicle Charging Stations to support Electric Vehicles within new development and redevelopment;

WHEREAS, the Land Management Code implements the goals, objectives, and policies of the Park City General Plan to maintain the quality of life and experiences for City residents and visitors;

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah, to promote the health, safety, and welfare of the residents, visitors, and property owners of Park City;

WHEREAS, Electric Vehicle Charging Station networks are growing on a regional, state, county, and local level;

WHEREAS, initial Vision 2020 results indicate the Park City community continues to prioritize and support the City's net-zero carbon goal;

WHEREAS, the Planning Commission duly noticed and conducted a work session on June 10, 2020 and July 8, 2020;

WHEREAS, the Planning Commission duly noticed and conducted a public hearing on October 14, 2020 and forwarded a _____ recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing on November 19, 2020.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah, as follows:

SECTION 1. LAND MANAGEMENT CODE TITLE 15. The recitals above are incorporated herein as findings of fact. Sections 15-3-1; 15-3-2; 15-15-1; and 15-15-2 are hereby amended as outlined in Attachment 1. Section 15-3-11 is hereby enacted as outlined in Attachment 1.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 19th day of November, 2020

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

Attest:

City Recorder

Approved as to form:

Mark Harrington, City Attorney

Attachment 1

15-3-1 Purpose

The purpose of this Chapter is to:

- A. specify Parking Area, Parking Structure, and Access drive standards for all Development within the City;
- B. specify Parking Ratio requirements for specific land Use categories to ensure adequate and not excessive parking is provided for the Use~~[-];~~
- C. provide solutions to mitigate impacts of parking and vehicular oriented Development;
- D. provide for safe and efficient parking for people with disabilities; ~~[and]~~
- E. provide for convenient and safe motorcycle and bicycle parking to encourage and facilitate alternative modes of transportation~~[-]; and~~
- F. establish requirements and standards for Electric Vehicle Charging Stations.

HISTORY

Adopted by Ord. 00-25 on 3/30/2000

15-3-2 Requirement

- A. An Applicant ~~[must]~~ shall provide required Off-Street parking with adequate provisions for independent ingress and egress by automobiles and other motorized vehicles and required Electric Vehicle Charging Station Infrastructure, and Electric Vehicle Charging Station installation at the time a Building is erected or enlarged.
- B. If any land, Structure, or Use is changed to create more Off-Street parking demand, the Owner must provide such additional Off-Street parking~~[-]~~ and

required Electric Vehicle Charging Station Infrastructure and installation for the
new Use ~~[as is required by this Chapter]~~.

- C. Required parking must be on-Site unless the Planning Commission allows such
parking on adjacent or nearby deed restricted Lots.

HISTORY

Adopted by Ord. 00-25 on 3/30/2000

15-3-11 Electric Vehicle Charging Stations

A. **ELECTRIC VEHICLE CHARGING STATIONS.** Electric Vehicle Charging
Stations are an Allowed Accessory Use in all Zoning Districts.

B. **INFRASTRUCTURE.** An Applicant shall provide Electric Vehicle Charging
Station Infrastructure for fifteen percent (15%) of the first one hundred (100)
required Off-Street parking spaces for Multi-Unit Dwellings and non-Residential
Development and for five percent (5%) of required Off-Street parking spaces
above one hundred (100).

1. The Electric Vehicle Charging Station Infrastructure shall be identified on
all construction documents submitted for review.
2. To put future Property Owners on notice of the Electric Vehicle Charging
Station Infrastructure, an Applicant shall provide information in Covenants,
Conditions, and Restrictions or other documents governing a homeowner
or master owners association for the Development and/or on the breaker
panel.

45 C. **ELECTRIC VEHICLE - READY.** Applicants are encouraged to construct Private
46 Garages for Single-Family Dwellings, Duplexes, and Triplexes that are Electric
47 Vehicle - Ready.

48 D. **INSTALLATION.** An Applicant shall install Electric Vehicle Charging Stations for
49 five percent (5%) of required Off-Street parking spaces for Multi-Unit Dwellings
50 and non-Residential Development for the first 200 parking spaces.

- 51 1. The first Electric Vehicle Charging Station installed shall be ADA
52 accessible, but shall not be restricted to ADA-only use.

53 E. **STANDARDS.**

- 54 1. **Location.** Electric Vehicle Charging Stations shall not obstruct:

- 55 a. Building access;
56 b. Rights-of-Way;
57 c. sidewalks or pathways;
58 d. parking space dimensions; or
59 e. the Sight Distance Triangle.

- 60 2. **Signs.** An Applicant shall install Electric Vehicle Charging Station signage
61 that complies with the *Federal Highway Administration Manual on Uniform*
62 *Traffic Control Devices*, as amended for use in Utah. An Applicant shall
63 install signage as follows:

- 64 a. At the point of entrance to direct drivers to the location of
65 Electric Vehicle Charging Stations for Parking Structures
66 with fifty (50) or more parking spaces.

b. At the point of entrance to direct drivers to the location of Electric Vehicle Charging Stations for Parking Areas with seventy-five (75) or more parking spaces.

c. For each Electric Vehicle Charging Station to indicate that such Station is for Electric Vehicle charging only.

3. **User Information.** An Applicant shall label each Electric Vehicle Charging Station with information regarding safety, voltage and amperage levels, usage fees if any, hours of operation, charging time limits, the contact information to report malfunctioning equipment or other issues, and cord management requirements.

4. **Cord Management.** An Applicant shall install Electric Vehicle Charging Stations that contain a retraction device or place to hang and store cords, cables, and connectors. Cords, cables, and connectors shall not obstruct Building access, sidewalks or pathways, parking spaces, or the Rights-of-Way.

5. **Protection.** An Applicant shall install wheel stops, concrete-filled bollards, or other device approved by the Planning Director to protect Electric Vehicle Charging Stations from damage by vehicles.

6. **Snow Removal.** An Applicant shall install Electric Vehicle Charging Stations that are safe for use in inclement weather. Cords, cables, and connectors shall be stored at least 24 inches above the ground. Property owners shall manage cords so that they do not impede snow removal and

shall remove snow from Electric Vehicle Charging Stations in a timely manner.

7. **Maintenance.** Property owners shall maintain Electric Vehicle Charging Stations in good condition, appearance, and repair. If an Electric Vehicle Charging Station is inoperable, the Property Owner shall replace the Charging Station within three (3) months.

F. **SOLAR ENERGY SYSTEMS.** Solar Energy Systems may be installed on permanent Parking Area Structures for Electric Vehicle Charging Stations in non-Historic Zoning Districts. Solar Energy Systems shall be incorporated in the roof of the permanent Structure and shall be mounted flush to the roof plane. Solar panels, solar devices, and Solar Energy Systems and mounting equipment shall use non-reflective finishes such as an anodized finish.

15-15-1 Definitions

For the purpose of the LMC, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth herein. Defined terms will appear as proper nouns throughout this Title. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations"; "used" or "occupied" as applied to any land or Building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

112 . . .

113 **Electric Vehicle (EV).** Any motor vehicle registered to operate on public roadways that
114 operates either partially or exclusively on electric energy.

115 **Electric Vehicle Charging Station.** A public or private parking space with Level 2
116 Electric Vehicle supply equipment that consists of the conductors, including the
117 ungrounded, grounded, and equipment grounding conductors, and the Electric Vehicle
118 connectors, attachment plugs, and all other fittings, devices, power outlets, or
119 apparatus, installed specifically for the purpose of transferring energy between the
120 premises wiring to a battery or other energy storage device in an Electric Vehicle.

121 **Electric Vehicle Charging Station Infrastructure.** Development designed and
122 constructed to include a fully-wired circuit for an Electric Vehicle Charging Station
123 power, including conduit and wiring with the electrical service capacity necessary to
124 serve the power outlets to allow for the future installation of Level 2 Electric Vehicle
125 Charging Stations.

126 **Electric Vehicle – Ready.** A Private Garage that includes a dedicated circuit to
127 accommodate the potential installation of a Level 2 Electric Vehicle Charging Station.

128 **15-15-2 List Of Defined Terms**

129 -E-

130 Economic Hardship, Substantial

131 Elder Care

132 Electric Vehicle (EV)

- 133 [Electric Vehicle Charging Station](#)
- 134 [Electric Vehicle Charging Station Infrastructure](#)
- 135 [Electric Vehicle – Ready](#)
- 136 Elevator Penthouse
- 137 Emergency Repair Work
- 138 Equipment Shelter (see Telecommunications Facility, Equipment Shelter
- 139 Escrow
- 140 Essential Historic Form
- 141 Exterior Architectural Appearance

REGIONAL, STATE, COUNTY, AND CITY EV CHARGING STATION NETWORK PLANS

- In 2016, the Legislature enacted the [Sustainable Transportation and Energy Plan Act](#), which created the electric vehicle incentive program, subject to Public Service Commission approval. In 2017, the Public Service Commission approved [Rocky Mountain Power's Electric Vehicle Incentive Program](#). The [Program](#) provides \$10 million in funding over five years and includes financial incentives to install EV charging stations statewide.
- In 2017, Governor Herbert entered into a Memorandum of Understanding with seven states to establish the Regional Electric Vehicle Plan for the West ([REV West Plan](#)). The REV West Plan creates the Intermountain West Electric Vehicle Corridor, which includes I-80. (The [Plan](#) was updated in 2019).
- In 2018, the state created an [Electric Vehicle Master Plan](#) for EV Charging Stations. One of the Plan's initiatives is to develop EV Charging Stations along Utah's scenic byways to connect the state's national parks and other tourist destinations. (Maps showing statewide installations can be viewed [here](#).)
- In 2018, [Summit County](#) installed two Level 3 EV Charging Stations in the Kimball Junction area.
- In 2019, the Legislature appropriated \$4.9 million for the [Workplace Electric Vehicle Charging Funding Assistance Program](#) to provide grants to reimburse businesses and nonprofits for up to half of the purchase and installation costs for EV Charging Stations.
- In 2019, [Summit County](#) installed a Level 3 EV Charging Station in Coalville and more Level 2 Charging Stations for the County's EVs.
- In 2019, [the City announced a plan to install 100 charging stations](#) throughout town. Fourteen have been installed on City property, with an additional 28 under contract to be installed this spring/summer.
- In January of this year, the Kem C. Gardner Policy Institute published [The Utah Roadmap: Positive solutions on climate and air quality](#) at the request of the Legislature to assist with air quality and climate change policy. While the Legislature did not adopt the roadmap, one of the seven recommendations is to position Utah as the market-based EV state.
- This year, the Legislature enacted [HB 259](#), *Electric Vehicle Charging Network*, which requires the Department of Transportation to create a charging network plan to install EV Charging Stations at strategic locations by June 30, 2021, and to install an EV Charging Station at least every 50 miles along the state's interstate highway system by December 31, 2025.

Exhibit C

(Received July 2, 2020)

Hi Rebecca, just saw this come through from the HBA. I'm not a builder that deals in multi family, just single family dwellings. I install either a 50 amp or 100 amp junction box in the garage of every home that I build, it's foolish not to. The 100 amp service is only installed by request from my clients for a Tesla super charger. A 50 amp service is only a few hundred dollars. It seems like a no brainer.

That being said I support this being mandatory and part of the LMC.

Travis Smith
T and T Mountain Builders INC
Tandtmountainbuilders.com

(Received July 2, 2020)

I got a message from PCAHBA about this being a topic. I don't think these should be required at any development and for sure any single family or multi family dwelling. While a good idea, I don't think they should be required as part of a new project as it is just more cost for something that is not a life and safety issue and only a nice option to have. Thanks.

Jake Jorgenson
Jorgenson Builders

(Received August 7, 2020)

Hi Rebecca,

I spoke with a couple people who know more about charging stations than I do and my initial hunch was correct; if the requirement to install the conduit is built into the infrastructure it is simply the cost of laying the conduit and the trenching. It does not have to be buried deep or even buried at all once it goes into the building. The trenching can be placed in with other electrical utilities, so it really becomes a very small cost. Conduit costs about \$1.50/ft. Everyone I spoke to said it was a smart idea and made sense for the future and these guys are contractors!

Have a good weekend,

Rory

Rory Murphy