PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
NOVEMBER 13, 2024

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

EX OFFICIO: Rebecca Ward, Planning Director; Elissa Martin, Assistant Planning Director; Lillian Zollinger, Planner III; Virgil Lund, Planner II; Mark Harrington, Senior City Attorney; Jacob Klopfenstein, Planner I

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1. ROLL CALL

Chair Sarah Hall called the meeting to order at 5:30 p.m.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from October 9, 2024.

MOTION: Commissioner Suesser moved to APPROVE the Planning Commission Meeting minutes of October 9, 2024. Commissioner Shand seconded the motion. The motion passed unanimously with one abstention. Commissioner VanDine was not present for the vote.

B. Consideration to Approve the Planning Commission Meeting Minutes from October 23, 2024.

MOTION: Commissioner Suesser moved to APPROVE the Planning Commission Meeting minutes of October 23, 2024. Commissioner Shand seconded the motion. The motion passed with the unanimous consent of the Commission. Commissioner VanDine was not present for the vote.

C. Consideration to Approve the Planning Commission Meeting Minutes from October 30, 2024.

MOTION: Commissioner Suesser moved to APPROVE the Planning Commission Meeting minutes of October 30, 2024. Commissioner Shand seconded the motion. The motion passed with the unanimous consent of the Commission. Commissioner VanDine was not present for the vote.

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Rebecca Ward, reported that agenda item 5E was scheduled for discussion this evening but was continued to January 8, 2025. She asked that it be addressed first.

For those in attendance wishing to provide public comment, she asked that they state their full name and that those in the Council Chambers sign in. Those participating via Zoom were asked to sign in with their full names as well. Comments were to be limited to three minutes or less. Comments should be directed to the Commission and pertain to the pending application.

4. PUBLIC COMMUNICATIONS

There were no public communications.

5. REGULAR AGENDA

A. 2025 Regular Meetings – Consideration to Adopt the Planning Commission Regular Meeting Dates for 2025.

Meetings for 2025 were scheduled for the second and fourth Wednesdays of each month.

MOTION: Commissioner Sigg moved to ADOPT the Planning Commission Regular Meeting Dates for 2025. Commissioner Johnson seconded the motion. The motion passed with the unanimous consent of the Commission. Commissioner VanDine was not present for the vote.

B. 1251 Kearns Boulevard – Conditional Use Permit Final Action Letter – On October 23, 2024, the Planning Commission Reviewed a Conditional Use Permit for a 3,795-Square-Foot Addition to the Blind Dog Restaurant/Yard Commercial Complex at 1251 Kearns Boulevard in the General Commercial Zoning District and Frontage Protection Overlay, Continued the Item to November 13, 2024, and Directed Staff to Draft a Final Action Letter to Approve the Conditional Use Permit. PL-22-05240.

Assistant Planning Director, Elissa Martin, presented the Staff Report and stated that the request is for a Conditional Use Permit (“CUP”) for a 3,795-square-foot addition to the Blind Dog Restaurant and The Yard commercial complex. The property is located at 1251 Kearns Boulevard in the 100-foot Frontage Protection Zone Boundary. Approving the CUP requires approval of a parking reduction of 23% from acquired parking and a Shared Parking Agreement with 1351 Kearns Boulevard. The Planning Commission reviewed the matter at its August 28 Work Session. Input from the Planning Commission was incorporated and additional findings were reviewed and discussed at the October 23, 2024, Planning Commission Public Hearing. At that meeting, the item was continued to tonight's meeting. Tonight the Planning Commission should review and approve the Final Action Letter with changes, if needed.

The significant Findings of Fact were reviewed. Ms. Martin stated that the existing parking infrastructure at The Yard is not compliant with the Land Management Code ("LMC"), bike parking, the landscaping requirements, and the Electric Vehicle ("EV") charging station infrastructure. The applicant proposes to install one dual port EV charging station as part of the immediate improvements and requests a phased approach for installing the other required improvements. That is due to the future right-of-way improvements that the City is planning to install, which will impact the site. Staff determined that 156 parking spaces are required for commercial uses at The Yard. Currently, there are 128 existing striped spaces in The Yard parking lot, which results in a deficit of 36 spaces requiring a reduction of 23% to approve the CUP. The applicant is proposing a Shared Parking Agreement with 1351 Kearns Boulevard, The Emporium, as a mitigation measure to offset the parking demand. As conditioned, the proposed addition can be reasonably conditioned to mitigate the anticipated detrimental effects of the proposed addition in accordance with applicable standards outlined in LMC Section 15.1-10 Conditional Use Review criteria.

Specific Conditions of Approval were identified and include an overarching requirement to submit a Parking Demand reduction Plan. It would include a Parking Area Improvement Plan and a strategy for incentivizing employees and patrons to bike or use transit in conjunction with the Shared Parking Agreement. The Parking Area Improvement Plan should outline the timeline for improvements to the parking lot and identify where on the property the required bike parking will be placed, a Landscaping Plan, and where future EV charging conduit will be installed. The conditions also require that a total of 32 bike parking spaces be installed, which is twice the number required by Code. The additional 16 spaces would go toward offsetting the parking deficit. Currently, the conditions call for 16 to be installed up front prior to issuance of a Certificate of Occupancy for the addition and 16 spaces as part of a future phase within one year of completion of the City's right-of-way improvements. The conditions also require that half of the required parking area landscaping be installed up front and the remaining half at a future phase. The same would apply to the EV Charging Station conduit, which must be installed within one year of completion of the City's right-of-way improvements.

The Shared Parking Agreement must include a strategy for successfully balancing daytime and evening parking and other provisions to ensure long-term viability of the arrangement with 1351 Kearns Boulevard. The conditions also include annual reporting requirements to ensure that the actual plan for parking demand reduction is effective. If the Shared Parking Agreement fails they will have a chance to reevaluate the plan and the Shared Parking Agreement and make modifications, if needed.

Staff recommended that the Planning Commission review the Final Action Letter approving the CUP to enclose an outdoor dining area to create a 3,795-square-foot addition to the Blind Dog Restaurant Yard Commercial Complex at 1251 Kearns Boulevard in the 100-Foot Frontage Protection Zone, a parking reduction of 23% from required parking, and a Shared Parking Agreement with 1351 Kearns Boulevard. Staff should be provided with any revisions or additions to the Final Action Letter, close the public hearing that remains pending from October 23, 2024, and vote on the Final Action Letter with revisions, if needed.

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

Commissioner Suesser reported that at the last hearing, they discussed maintaining the landscape buffer. She noted that the existing vegetation will not be impacted by the construction. She did not believe Condition of Approval #3 captures that adequately and suggests that it may be compacted and potentially need to be replaced with like-kind vegetation. Ms. Martin offered to revise that to reflect her concerns. After some discussion, the condition was revised to better clarify the intent and add verbiage to state "any other vegetation impacted by construction".

Commissioner Suesser referenced Condition of Approval #2 and asked for clarification on whether there will continue to be outdoor dining. Ms. Martin explained that the proposal includes, in addition to the 3,423 net leasable floor area, 1,198 square feet of outdoor dining. Senior City Attorney, Mark Harrington, suggested that future expansion of the proposed 1,198-square-foot outdoor dining area is prohibited.

A comment was made on Condition of Approval number six and whether to put the address rather than business name for The Yard because there are multiple uses at the property. Mr. Harrington suggested that "tenants or business licensees" replace "The Yard and 1351 Kearns Boulevard".

A comment was made about Condition of Approval number eight and if there are two 12-hour blocks with evening parking hours being 5:00 PM to 5:00 AM.

With regard to Condition of Approval #6, there was some question as to whether they can include 1351 Kearns Boulevard in the parking reduction. It was noted that 1351 can be removed as it is not part of the application. If the Emporium at some point comes forward with an expansion of use they would need to come into compliance with their own parking requirements. Mr. Harrington agreed but pointed out that the applicant stipulated in the proposal and put forth the hours as being differentiated. That was directly related to the success of a Shared Parking Program. Chair Hall agreed with that in terms of Condition of Approval number seven, which includes 1351 Kearns Boulevard in terms of balancing the parking demand during the day and evening operating hours, which seemed reasonable. It was noted that the Parking Demand Reduction Plan is the overarching plan. Within that would be the Shared Parking Agreement with 1351 Kearns Boulevard, which would outline specific things the two properties have to work out. Condition of Approval number six, however, pertains to the overarching parking demand reduction for 1251 Kearns Boulevard. A comment was made that in the future if there is an impact on the neighborhood a new Parking Demand Reduction Plan could be requested to include three components. One is a Shared Parking Agreement, which is an off-site parking allowance through a Shared Parking Agreement. Regardless of whether it is with The Emporium or a future property in the area, there needs to be flexibility. The comment was made that the area will be severely under-parked.

Chair Hall's recollection was that on the map there was bike parking by the different entrances and that that was to be incorporated into Phase 1 and not wait for the right -of-way rather than have the two-part aggregated approach. The recollection was that Condition of Approval number 12 was to be modified to specify that instead of 16 bike parking spaces being installed up front and 16 later, all 32 bike parking spaces would be installed up front. Another Commissioner recalled that they had not proposed the additional 16 spots to offset the parking deficit. At the time they were talking about the 16 required spaces. Since then they have added the additional 16 spaces. Reference was made to Condition of Approval number 18 with the suggestion they do the same thing as was done on number eight and change out The Yard to 1251 Kearns Boulevard.

Commissioner Suesser asked if the intent is to have overnight parking there. Director Ward recalled that it was part of the prior Staff Report that was voted on. The decision was made to leave the verbiage as-is.

MOTION: Commissioner Johnson moved to APPROVE 1251 Kearns Boulevard Conditional Use Permit based on the following:

Findings of Fact

1. On April 15, 2022, the Applicant submitted a Conditional Use Permit (CUP) application to enclose an outdoor dining area, creating a 3,795-square-foot addition to the Blind Dog Restaurant and Yard Commercial Complex at 1251 Kearns Boulevard.

2. 1251 Kearns Boulevard is in the General Commercial Zoning District within the Frontage Protection Zone (FPZ), which requires CUP review by the Planning Commission for any new construction within the 100-foot FPZ.

3. The Blind Dog Restaurant is one of three tenants occupying the Yard Commercial Complex; the other two tenants are the Boneyard Saloon and the Kimball Arts Center.

4. On June 10, 2009, the Planning Commission approved a CUP for an Indoor Entertainment Facility and commercial parking lot at 1251 Kearns Boulevard; the Final Action Letter states that the Indoor Entertainment

Facility was 14,110 square feet and required 72 parking spaces (5 parking spaces per 1,000 square feet).

5. In 2011, the Planning Department approved outdoor dining for 12 tables along Kearns Boulevard for the Blind Dog Outdoor Dining Area (PL-11-01257).

6. In 2016, the Planning Department approved an outdoor dining permit for 4,054 square feet of rooftop dining and 613 square feet of outdoor patio dining for the Boneyard Saloon (PL-16-03263).

7. Through 2017, the site had approximately 339 parking spaces across 4.6 acres, serving the parking demand of the three commercial uses.

8. In 2017, the City Council approved Ordinance 2017-14 for The Yard Subdivision – First Amended Plat, a two-lot subdivision, which separated 1.86 acres subsequently purchased by the City and dedicated a portion of the property as public Right-of-Way.

9. The available parking on the 2.31-acre lot containing the Boneyard Saloon, the Blind Dog Restaurant, and an Indoor Entertainment Facility (currently the Kimball Art Center), was reduced by roughly ~235 parking spaces.

10. According to the findings of fact in Ordinance 2017-14, the remaining 104 parking spaces on-site at The Yard were considered adequate for the existing Restaurants (The Boneyard and the Blind Dog).

11. Ordinance 2017-14 findings also describe the "Event Center" (currently Kimball Art Center) with a net leasable "floor area of 6,887 square feet, which triggers 35 parking spaces "based on the parking standard for an Indoor Entertainment Facility.

12. The 2017 Yard Subdivision Plat Amendment created a non-compliance with parking at 1251 Kearns Boulevard; thus Ordinance 2017-14 Condition of Approval 4 required that "In order for the event center on Lot 1 to continue operation, the applicant shall secure parking of the missing parking spaces on their Lot or on Lot 2. Should the applicant fail to obtain a lease of the required parking for the event center for whatever reason, the applicant shall cease to operate the event center.

13. The Planning Commission continued the CUP application at their August 10, 2022 meeting and again at the October 12, 2022 meeting to allow the Applicant additional time to conduct a Parking Study for The Yard complex.

14. On August 28, 2024, the Planning Commission held a work session to review the CUP for the Blind Dog Addition as well as a CUP for the neighboring property, 1351 Kearns Boulevard, for construction of an increased Parking Area within the FPZ. (The Applicant later withdrew the Parking Area expansion within the FPZ request.) The Planning Commission requested additional updated application materials regarding the existing parking, proposed parking, and renderings to show the proposed addition at 1251 Kearns Boulevard in the context of the FPZ and entry corridor.

15. On October 23, 2024, the Planning Commission held a public hearing to review the CUP for the Blind Dog Addition with updated materials submitted by the Applicant.

16. The Applicant submitted an updated Parking Study indicating the existing Parking Area at 1251 Kearns Boulevard has 120 striped parking spaces, with non-compliant Parking Area Landscaping and bike parking.

17. The existing parking infrastructure at The Yard and The Emporium is not compliant with LMC Chapter 15-3 Off-Street Parking Requirements.

18. LMC § 15-3-9 requires bike parking for 10% of Off-Street Parking, and bike parking to be mounted in concrete, be installed no more than 50 feet from the primary entrance, be inverted-U, post and ring, corral or other type approved by the City Engineer and Transportation Planning Department. The existing bike parking does not meet this standard.

19. Pursuant to LMC § 15-3-3(D) parking areas are required to have a minimum 20% landscaped area as a percentage of the total parking area. The existing Yard parking lot does not meet this standard.

20. LMC § 15-13-11 requires Electric Vehicle Charging Station Infrastructure (conduit) for fifty percent (50%) of the first one hundred (100) required Off-Street parking spaces for non-Residential Development and for five percent (5%) of required Off-Street parking spaces above one hundred (100).

21. The Applicant proposes to install one dual port EV Charging Station and the remaining required conduit at a future phase, conditioned below.

22. The Applicant requests a phased approach to installing the required improvements to the Parking Area as part of the CUP approval to synchronize the timing of the City's public improvements with the installation of required EV Conduit and Parking Area Landscaping.

23. The City's planned public improvements to surrounding Rights-of-Way, including Woodbine Way, Homestake Road, and Kearns Boulevard, may impact portions of The Yard Parking Area along the perimeter.

24. There are internal portions of the Parking Area that will not be impacted by the City's future Right-of-Way improvements.

25. The Applicant's updated measurements of the three commercial spaces within The Yard at 1251 Kearns Boulevard indicate that the total required parking spaces for the existing commercial uses and the proposed Blind Dog Addition, combined, is 156.

26. The Applicant's Parking Study proposed a 20% parking reduction based on proximity to public transit.

27. The Parking deficit (with the proposed addition) is 36 spaces, requiring Planning Commission approval of a 23% parking reduction to approve the CUP for the Blind Dog Addition, per the parking area calculations.

28. Currently, overflow parking for The Yard patrons is on 1351 Kearns Boulevard and along the public Woodbine Way Right-of-Way. LMC Section 15-3-2(C) requires Applicants to provide sufficient parking on-site. Public parking spaces on Woodbine Way are not the exclusive use of the Applicant's property and do not count towards the on-site parking requirement for either property.

29. As a mitigation measure to off-set the parking deficit, the Applicant proposes a shared parking agreement between 1251 and 1351 Kearns Boulevard (The Emporium commercial complex), which has 19 on-site parking spaces for evening operating hours.

30. The Parking area at The Emporium also has a parking deficiency and can benefit from the shared parking agreement with The Yard to provide off-site parking in the Daytime hours.

31. The proposed Blind Dog addition will expand the Net Leasable Floor Area from 5,330 square feet to 8,753 square feet of internal space and a 1,198-square-foot Outdoor Dining Area.

32. The General Commercial Zoning District and the FPZ require protection of view sheds in the entry corridors; the Planning Commission has discretion to require reduced building height within the FPZ.

33. The proposed addition will extend the front-facing façade of the Blind Dog Restaurant along Kearns Boulevard by approximately 72 feet; the façade is broken into three offset sections.

34. The tallest portion of the proposed addition is on the corner of Kearns Boulevard and Homestake Drive, within the 100-foot FPZ, and is 28 feet, the maximum height allowed in the General Commercial Zoning District.

35. The proposed addition is designed to be set back from the future multi-use pathway along Kearns Boulevard and buffered with landscaping; the current design does not include a dedicated pedestrian ingress/ egress from the multi-use pathway and the Blind Dog Restaurant.

36. The proposed addition does not affect current loading and unloading zones, ingress and egress to the property, or internal circulation.

37. The proposed addition may cause impacts to stormwater drainage, that must be mitigated.

38. The location of the proposed addition, where an outdoor dining area currently exists, is buffered from Kearns Boulevard ROW with tall trees; a mix of conifers and evergreens.

39. The proposed addition to 1251 Kearns Boulevard can be reasonably conditioned to mitigate the reasonably anticipated detrimental effects of the proposed Addition in accordance with applicable standards outlined in LMC Section 15-1-10(E).

Conclusions of Law

1. The proposed application, as conditioned, complies with the requirements of the Land Management Code.

2. The proposed CUP for an addition in the FPZ is compatible with surrounding structures in use, scale, mass, and circulation.

3. The proposed CUP for an addition in the FPZ is consistent with the Park City General Plan.

4. The effects of the difference in use or scale of the CUP for an addition in the FPZ have been mitigated through careful planning and Conditions of Approval.

Conditions of Approval

1. The Proposed Blind Dog Addition shall be built consistent with the submitted plans, for up to 3,423 square feet of interior space and 1,198 square feet of outdoor dining area.

2. Expansion of the outdoor dining area is prohibited.

3. The existing Landscaped Buffer between the Blind Dog and Kearns Boulevard shall be maintained; any vegetation impacted through construction of the addition shall be replaced in like and kind in compliance with the Municipal Code Wildland Urban Interface regulations and the LMC waterwise landscaping requirements.

4. A Parking Demand Reduction plan shall be drafted by the Applicant and reviewed and approved by the Planning Department prior to submittal of a building permit.

5. The Parking Demand Reduction Plan shall include the draft shared parking agreement with The Emporium at 1351 Kearns Boulevard to satisfy 19 off-site parking spaces for The Yard. The draft shared parking agreement shall be reviewed and approved in form by the City Attorney's Office. The final shared parking agreement shall be recorded with Summit County prior to submittal of a Building Permit.

6. The Parking Demand Reduction plan shall include a robust program for incentivizing employees and patrons to bike and take transit to and from The Yard.

7. The Shared Parking Agreement shall include a comprehensive strategy to balance the parking demand for daytime and evening operating hours of all businesses at both 1251 Kearns and 1351 Kearns Boulevard.

8. Daytime parking hours at both properties shall be between 5:00 AM – 5:00 PM; Evening parking hours shall be between 5:00 PM – 5:00 AM.

9. The Shared Parking Agreement shall establish a minimum number of required parking spaces required for all businesses at both properties that operate during daytime hours and a minimum number of required parking spaces for all businesses at both properties that operate during evening hours.

10. The Shared Parking Agreement shall include a provision prohibiting new businesses that would create a parking deficit for either or both operating

times (daytime and/or evening) without first revising the Parking Demand Reduction Plan and obtaining Planning Commission approval.

11. A Parking Improvements Plan shall be included in the Parking Demand Reduction Plan, to specify details and timelines for future improvements required to be installed; the Parking Improvements Plan shall be submitted and approved by the Planning and Engineering Departments prior to submittal of a building permit. If modifications are required to the Parking Improvements Plan, the Applicant shall update the Parking Improvements Plan for Planning and Engineering review and approval.

12. The Parking Improvements Plan shall identify areas on the Property to install a minimum of 32 Bike Parking spaces, compliant with LMC § 15-3-3(D), as amended. Sixteen of the bike parking spaces shall be installed prior to Certificate of Occupancy being issued for the Blind Dog addition; the remaining 16 bike parking spaces shall be installed within one year of completion of the City's public improvements on the surrounding Rights-of-Way.

13. The Parking Improvements Plan shall include a Landscaping Design for the Parking Area, compliant with LMC § 15-3-3(D), as amended; half of the required 20% of the Parking Area shall be installed prior to closure of the building permit for the Blind Dog addition and the remaining half of the required landscaping shall be installed within one year of completion of the City's public improvements on the surrounding Rights-of-Way. The Applicant shall be required to submit a Parking Improvements Plan Bond in an amount to be determined by the City Engineer to ensure completion of the required improvements.

14. The Parking Improvements Plan shall identify areas where the required EV Charging Infrastructure (conduit) will be installed, pursuant to LMC § 15-3-11.

15. Public parking spaces on Woodbine Way are not the exclusive use of the Applicant's property and do not count towards the on-site parking requirement for either property; signage for exclusive parking along Woodbine is prohibited.

16. The Applicant shall submit an annual parking report to the Planning Department outlining compliance with the Parking Demand Reduction Plan and the shared parking arrangement by December 31 of each year. The Planning Department shall review the Parking Demand Reduction Plan for compliance and to ensure the neighboring properties, businesses, and residents are not negatively impacted by the parking reduction and shared parking agreement. The Planning Department may require the Applicant to

return to the Planning Commission for reevaluation of the parking reduction and shared parking agreement.

17. An approved Parking Reduction is only valid as long as an off-site parking agreement offsets at least 19 spaces and other parking demand reduction measures outlined above are proven to be effective.

18. New commercial uses at The Yard will be evaluated for the Parking Requirement pursuant to LMC § 15-3, Off Street Parking.

19. Modifications to the Parking Reduction Plan and shared parking agreement may be requested by the Planning Department and/or Planning Commission to mitigate impacts to the surrounding neighborhood.

The motion was seconded by Commissioner Sigg. The motion passed with the unanimous consent of the Commission. Commissioner VanDine was not present for the vote.

C. 255 Heber Avenue – Condominium Plat Amendment – The Applicant Proposes a Plat Amendment to Combine Three Commercial Units into One Commercial Unit on the Main Level to Reflect Existing Conditions of Poison Creek Mercantile. PL-24-06282.

Planner III, Lillian Zollinger presented the Staff Report and stated that Applicant Representative, Tracy Selman was present. 255 Heber Avenue is also known as the Poison Creek Mercantile, which is a mixed-use building with mostly commercial on the bottom and residential units on top. It is in the Historic Recreation Commercial Zoning District as well as the Frontage Protection Zone. For the plat, the applicant is proposing to combine three commercial units into one. A rendering was displayed of the plat that was approved in 1999, which designated seven commercial units on the lower level of the Poison Creek Mercantile Units A, B, and C. It was unclear, but at some point either the walls were not constructed as outlined on the condo plat, or they were removed and designed to be removed as demising walls. Currently, however, the walls are configured and do not match what is recorded on the plat. The applicant is requesting to combine the units into one to reflect what is existing. Units A, B, and C are all under the same ownership with the intent being to update what has been existing for the past few years.

Staff found good cause for the plat amendment because the proposed amendment is updating the plat to reflect existing conditions. The proposal does not increase parking requirements or impact the Frontage Protection Zone as no construction is proposed. Staff recommended that the Planning Commission approve the plat amendment that combines three commercial units into one based on the Findings of Fact, Conclusions of Law, and Conditions of Approval set forth in the Staff Report.

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

Commissioner Shand confirmed that currently, Units A, B, and C are owned by the same person. He asked what happens if the owner of platted spaces A, B, and C wants to sell Unit C. Ms. Selman stated that the walls are already removed, so when they tried to do a cosmetic remodel, they submitted the plan to the City which recognized that the walls were not as shown on the 1999 plat. As a result, they had to submit a Plat Amendment. She explained that they are not doing any construction now on the walls and are attempting to memorialize how they have been operating for the past 20 years. She stated that Barclay Butera owns the four spaces and indicated that when he first moved into the space, the wall was discussed and taken down but never submitted to the City.

Commissioner Shand's understanding was that the City required it to be replatted. Ms. Selman's understanding was that in 1999 the walls were never fully constructed. They also were never completely removed and are just openings in the walls. It was noted that the intent is to fix an existing non-conformity.

Commissioner Sigg asked if there is a Homeowners Association ("HOA") since there are residential units above. Planner Zollinger believed there was but stated that the request was not impacted by it. The matter was properly noticed.

Commissioner Suesser was of the understanding that the applicant also owns Unit D, which is not included in the request. Planner Zollinger confirmed that was the case and stated that it is on the opposite side while Units A, B, and C are connected. Commissioner Suesser asked if thought was given to amending the plat and also reflecting on whether or not the walls are as they appear on the plat with respect to the other units on the main floor. Planner Zollinger stated that the other units are owned by different owners. If there are changes to be made, they would have to come forward. Unit D is a separate unit so the wall should be accurate.

MOTION: Commissioner Frontero moved to APPROVE the Plat Amendment for 255 Heber Avenue subject to the following:

Findings of Fact

1. 255 Heber Avenue is in the Historic Recreation Commercial (HRC) Zoning District and the Frontage Protection Zone (FPZ).

2. On March 27, 1997, the City Council approved Ordinance No. 97-15, which combined seven Lots and one metes and bounds parcel into one Lot known as 255 Heber Avenue.

3. On May 19, 1999, the City Council approved Ordinance No. 99-18, which approved the Poison Creek Mercantile Condominium Plat.

4. The Condominium Plat Amendment amends Units A, B, and C only.

5. The legend on the Poison Creek Mercantile Condominium Plat notes that walls are listed a Common Areas and Facilities and that Units A, B, and C are Private Commercial Ownership.

6. The walls shown on the recorded Plat were either not constructed as recorded, or at some point, the walls between the Units were modified.

7. The Applicant proposes to modify the existing Plat and show existing conditions, wherein the walls of Units A, B, and C, have been modified and combined to create one larger Unit.

8. LMC § 15-2.5-2(A) allows for Multi-Unit Dwelling and Commercial and Retail Services. Dwellings Units are prohibited in Storefront Property adjacent to Heber Avenue and Swede Alley. The existing Structure has operated seven Commercial and two Residential Units on the main level, and four Residential Units on the upper level since its construction. There are no proposed changes to the Use, Setbacks, or Height of the existing Structure.

9. 255 Heber Avenue falls partially into the FPZ, off Deer Valley Drive. LMC § 15-2.20-4 requires Conditional Use Permit (CUP) review for construction proposed in the FPZ between 30 and 100 feet from the nearest Right-of-Way. In 1997, the Planning Commission approved a CUP for the construction of the Poison Creek Mercantile partially in the FPZ. There are no proposed changes to the structure as part of this Condominium Plat Amendment.

10. The current structure is a mixed Use of Commercial and Dwelling Units. The structure provides 27 Parking Spaces, and the proposed Plat Amendment does not increase the parking requirement.

11. The Development Review Committee reviewed the proposal on October 15, 2024, and does not require any Conditions of Approval.

Conclusions of Law

1. The Plat Amendment is consistent with Land Management Code Chapter 15-2.5, *Historic Recreation Commercial*, Chapter 15-2.20, *Frontage Protection Zone*, Chapter 15-3, *Off-Street Parking*, and Chapter 15-7.1, *Subdivision Procedures*.

2. The Condominium Plat Amendment complies with LMC § 15-7.1-6(C), wherein, Staff finds Good Cause for this Plat Amendment because the proposed amendment updates the Plat to reflect existing conditions. The proposal also does not increase parking requirements or impacts the FPZ.

3. Neither the public nor any person will be materially injured by the proposed Plat Amendment. Page

4. Approval of the Plat Amendment, subject to the conditions below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, the Conditions of Approval, and the amended CC&Rs prior to recordation of the plat.

2. The Applicant shall record the plat at the County within one year from the date of Planning Commission approval. If recordation is not complete within one year, this approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the Planning Director.

3. Any changes made to the Common Areas require a Plat Amendment.

4. The Final Plat shall be updated so Units A, B, and C are combined to show one combined commercial unit.

Commissioner Shand seconded the motion. The motion passed with the unanimous consent of the Commission. Commissioner VanDine was not present for the vote.

D. 6453 Silver Lake Drive – **Plat Amendment –** The Applicant Proposes a Plat Amendment to Revise the Platted Area of Disturbance to Reflect Existing Conditions and Accommodate a Future Addition to a Single-Family Dwelling in the Residential Development Zoning District. PL-24-06225.

Planner I, Jacob Klopfenstein was present along with Applicant Representative, Martina Nelson. Planner Klopfenstein presented the Staff Report and stated the subject property is Lot 28 of the Evergreen Subdivision. The single-family dwelling currently on the site was approved to be built outside the Area of Disturbance ("AOD") shown on the current recorded plat. As a result, the applicant is seeking a plat amendment to expand the AOD to reflect the built conditions of the existing single-family dwelling and to accommodate a future addition. That expansion would be from just under 3,000 square feet to about 6,500 square feet. For this subdivision, the AOD is defined as representing the boundary in which all building and associated construction disturbance shall occur. A rendering was displayed showing the existing conditions on the site. What is proposed would be substantially larger than the existing home on the lot. Photos of the existing home were presented. The home is approximately 39' 8" from existing grade. The height was approved through a Building Permit in 1991 but exceeds the zoning district height allowance of 33 feet with a roof pitch of 4/12 or greater. It was noted that the home has a roof pitch of about 5/12.

Mr. Klopfenstein reminded the Commission that for plat amendments, the Land Management Code requires the Planning Commission to make a finding of good cause. Staff recommended the Commission review the plat amendment, conduct a public hearing, and consider approving the plat amendment to reflect existing conditions based on the Findings of Fact, Conclusions of Law, and Conditions of Approval contained in the draft Final Action Letter. The Planning Commission can approve a plat amendment to amend the platted AOD to reflect existing conditions. The Commission can deny and direct staff to make findings for the denial or continue the matter and request additional information.

Ms. Nelson identified herself as the applicant's land surveyor. She noted that the applicant resides in Georgia. When Ms. Nelson received the Staff Report she was surprised that there was no new additional AOD allowance. She shared facts and provided the flavor of the Evergreen Subdivision. If the Commission is leaning toward denial, she hoped to have more time to conduct research. Ms. Nelson reported that the applicant, Elizabeth Allen, purchased the lot in 1998 and the home was built in 1991. Utah is not a survey-requirement state, which means that people can buy and sell property multiple times without any requirement for a land survey, which is at the discretion of the purchaser. Ms. Nelson explained that if someone moves into an existing home a Certificate of Occupancy would have been issued, which is typically based on the home being built on the correct lot, in the correct location, and the correct fashion. There is a presumption of correctness when someone purchases property that it is correct.

When Ms. Allen purchased the property she did not understand that the roof exceeds the zoning height limits. They now know that the roof is non-compliant. In 2021, the Evergreen HOA disbanded as did the Evergreen Architectural Review Committee. Before this time, the Evergreen Architectural Review Committee was able to internally modify AODs or the building envelopes. Since the HOA disbanded, there is no recourse but to appear before the Planning Commission. The plat of record was presented and discussed. She noted that many of the homes in Evergreen have been built outside the AOD without plat amendments, which were identified. Ms. Nelson stated that they went to great lengths to research what has gone on in the neighborhood. The homes in Evergreen are very large.

Lot 2 was referenced as it recently had a plat amendment but has not been recorded. Ms. Nelson focused on the trees and stated that if they were allowed some expansion, the area of expansion is in the southern part of the lot where there are few significant trees. There is a large area in the rear yard that has no vegetation. A rendering of Amended Lot 10 was displayed that showed the new AOD that includes the side setbacks to the rear of the ski easement. Lots 10 and 28 are similar in terms of square footage and size. She next showed for comparison what Ms. Allen was asking for.

Ms. Allen commended Ms. Nelson for her presentation and appreciated the Commission's consideration.

Commissioner Johnson asked Ms. Nelson to overlay the existing AOD with what is proposed, which was helpful. She explained that what was shown in light pink was the existing AOD for the original plat of record. The lot has never been amended and the building was built outside of the AOD. Commissioner Johnson asked to be provided with the footprint of the existing home compared to what the proposed AOD will be. A slide was presented showing the building footprint in gray dotted hatch. Exhibit C was also referenced.

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

A Commissioner commented that he found it exasperating that the home is so far out of compliance, which worsens the issue in the subdivision. Ms. Nelson believed that when the Evergreen subdivision was created, the original developer, Bob Wells, had handshake agreements with lot purchasers and builders. The AOD box was identified but not enforced to save trees. She was certain that took place on Lot 55 in the Bald Eagle Subdivision.

A Commissioner pointed out that the Planning Commission is being asked to do what happened in 1991 when no one knew how this house got so far out of the AOD. This time, however, it will have been approved. Commissioner Sigg was curious to know the square footage of the platted OAD versus the square footage of the current home. He wanted to know if the square of the footprint of the current home exceeds the original platted AOD. He also felt that the overlays would be helpful along with some elevations to better understand how it relates to the non-conforming height.

The architectural renderings from the Architect, Mike Stoker, were shared. It was noted that Mr. Stoker prepared the renderings before they realized that the roofs were too tall. As a result, there are extended roof lines toward the rear of what would be a new addition on the rear of the house if what is proposed is allowed. Those roof lines would need to go lower because they did not know at the time Mr. Stoker prepared the renderings that the house was too tall. She clarified that the roof lines will not be extended at the non-compliant height. If allowed the roofs on the new addition will have to be LMC Code compliant. The preliminary rendering of the proposed addition was displayed.

Planner Klopfenstein displayed the preliminary rendering of the proposed addition and stated that the proposed plat that was submitted by the applicant reflects the addition. Ms. Nelson explained that the bold red dashed line would be the new footprint of the home. Similar to homes in Iron Canyon Subdivision, the footprint of the home is often the building envelope. The proposed plat amendment was displayed that will allow for the addition.

Director Ward commented that based on the applicant's request, staff's recommendation is if the plat amendment is approved that it reflect what is built. It sounded, however, like the Commission would like additional information to consider whether there is good cause for that on the site. Her understanding was that the Commission is asking for a document that shows the square footage of the existing AOD, the square footage of the existing home, how it is overlaid with the original AOD and the square footage of the addition. This would require preparation of a new exhibit. The soonest availability on a Commission agenda is February 12. If they were to continue the public hearing to that date, that would give additional time to update the exhibits for the Commission with accurate information.

The comment was made that Exhibit H relates to Commissioner Shand's previous comment that deviations from the AOD may and must be approved by the Evergreen Architectural Committee. It seemed that only Architectural Committee approval was needed.

Mr. Harrington believed that part of the original agreement was a delegation. Lot 10 was a poor example since the City spent five to six years litigating that plat approval. He considered that to be the genesis of the downfall of the Architectural Committee. He asked Ms. Nelson to update that chart to show what the ratio would be if approval was granted and show where they stand on the chart. Ms. Nelson agreed to provide updated exhibits to the Commission.

With regard to Chair Hall's comment on the plat amendment note that addresses how the HOA can modify the building envelope, Ms. Nelson stated that this was thought to be true previously. But is not true. Utah Statute clearly states that if a line of any type is shown on a recorded plat and is to be changed, a plat amendment is required. This cannot be done by an HOA. Ms. Nelson explained that several lots in the Bald Eagle area were amended by the HOA without a plat amendment. The plat amendment that was recorded is merely a plat note called the Evergreen Amended to the Amended and is likely not a legally recorded plat amendment. There is no survey, signature, or stamp, and no individual landowner signatures or a signature from the HOA or representative from the subdivision. She recognized that the City meant well and was trying to clarify the vague language on the original Evergreen plat, but they created an additional problem with a plat note that is recorded as a plat amendment that does not comply with the Utah State Statute. Ms. Nelson requested a continuance to February 12, 2025. Ms. Allen explained that they are adding onto the home because their family has grown.

Commissioner Sigg asked to be provided with dimensions when the proposed footprint of the new home is presented of the foundation walls to the perimeter of the AOD. He wanted to ensure that there was enough circulation around what was proposed to be built so that equipment could get around. Based on what he had seen there did not seem to be sufficient circulation around the proposed foundation walls of the home. Ms. Nelson explained that the reason they configured the AOD as they did was because of the plat notes they had read historically on the Evergreen Subdivision plats they thought the AOD could be the building foundation. The plat note provided an additional 15-foot buffer for construction equipment to navigate the site during construction. Ms. Nelson stressed that they want to follow the rules that are in place and agreed to meet with staff as necessary.

Staff was asked to provide more information on the Sensitive Lands Overlay ("SLO") and why the analysis is relevant. There seemed to be some contradiction as to whether the Deer Valley 12th Amended Master Planned Development ("MPD") already addresses it. The question was raised as to whether the application needs to be included and if the analysis is necessary in this application. If it is not, the suggestion was to omit it. If it is, the comment was made that Section 8 does not seem to comply with 15-2.21-3A(9) in particular. The Wetlands Map also did not seem to be up-to-date. There is nothing close by, but it is not referenced on the map. The comment was made that the SLO is in place to provide those details.

Ms. Nelson reported that she patterned some aspects of the SLO after watching the Lot 2 plat amendment. The Commission did not want to set a precedent and wanted it to be updated per the New Code that it is subject to. As a result, the analysis needs to be relevant. If it is subject to the MPD and not necessary, it should be omitted from the record. Ms. Nelson agreed to communicate with Mr. Klopfenstein on that issue since on the Lot 2 plat amendment, the Surveyor of Record believed that an SLO was not needed since the subdivision was developed. It was suggested that the issue be resolved before coming to the Planning Commission again.

MOTION: Commissioner Suesser moved to CONTINUE 6453 Silver Lake Drive to February 12, 2025, including the public hearing. The motion was seconded by Commissioner Shand. The motion passed with the unanimous consent of the Commission.

E. 2250 Deer Valley Drive South – Amendment to the Flagstaff Development Agreement Technical Reports – The Applicant Proposes to Update the Flagstaff Technical Reports #5 Open Space Management Plan and #13 Wildlife Management Plan Related to the Flagstaff Development Agreement, Master Planned Development, and the Conditional Use Permit Approving the Installation of Lift 7. PL-24-06258.

Planner II, Virgil Lund, presented the Staff Report and stated that the matter is a continuation of the Flagstaff Technical Report Amendment. He noted Condition of Approval #13 from the May 22, 2024, Conditional Use Permit, which states that:

- Planning Commission review and approval must be obtained within six months of the date of Planning Commission approval of the Conditional Use Permit. This approval will expire if either deadline is not met or extended by the Planning Commission.

Staff recommended the Planning Commission continue the matter item to January 8, 2025, and amend Conditions of Approval #13 and #26.

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

MOTION: Commissioner Johnson moved to CONTINUE the agenda item and the public hearing to January 8, 2025, and amend Conditions of Approval #13 and #16 to accommodate the change of date. Commissioner Sigg seconded the motion. The motion passed with the unanimous consent of the Commission. Commissioner VanDine was not present for the vote.

The Planning Commission took a short break.

F. Snow Park Village Base Area – Deer Valley Resort 13th Amended and Restated Large Scale Master Planned Development Permit and Phase 1 Conditional Use Permit – The Applicant Proposes a Three-Level Parking Garage with 1,971 Parking Spaces, and Underground Transit Hub Adjacent to Snow Park Lodge, a Conceptual Site and Circulation Plan, and Road and Utility Improvements. The Discussion will Focus on the Applicant's Construction Mitigation Plan. MPD PL-21-04767, CUP PL-21-04811, Subdivision PL-22-05168.

Director Ward presented the Staff Report and stated that with the Snow Park Master Plan Development. The Planning Commission was reviewing the phased project review with the Phase 1 application related to the 1,971 parking spaces. Construction mitigation was scheduled for tonight's discussion. The item will, however, be continued to December 11, 2024, and January 22, 2025, with additional meetings in 2025 is needed. The Planning Commission's review of a Construction Mitigation Plan is unique because it is not generally part of an MPD review, but due to the vacation of Deer Valley Drive, Resolution 24-2023 requires the applicant to submit mitigation measures related to construction, which includes maintaining temporary public access, regulating permitted times for truck trips, and minimizing soil hauling from excavation. Director Ward explained that construction mitigation plans are regulated through the Municipal Code and there are 10 requirements outlined in the Staff Report. The applicant and their team will present their proposed plan and the matter is scheduled for a public hearing. Staff requested that the Commission provide input on the recommended Conditions of Approval and identify any additional information needed before the matter is continued.

Hannah Tyler, Vice President of Resort Planning for Deer Valley was present with members of our development team, technical consultants, and design teams. They were present to address the Commission's comments from the October 30, 2024, Work Session pertaining to circulation, transportation, and parking. Tonight's presentation began with responses to those comments and then transitioned to construction mitigation, phasing, and sustainability strategies. She mentioned that they will be having an Open House the following day that will include an in-person event at Snow Park as well as an online option. They will be presenting the same topics for construction and sustainability to the community at that time.

Jon Nepstad from Fehr & Peers, reviewed some of the comments from the October 30 meeting. He recalled that Commissioner Frontero asked them to come back with five-year aspirational thoughts on single-occupant vehicle reductions and a more robust idea for a Transportation Demand Management ("TDM") Plan. They have done a significant amount of research on that. He reported that they do a significant amount of work for the California Air Quality Board and the State of California. They have developed a tool that shows the efficacy of a Vehicle Miles Traveled ("VMT") reduction that is essentially a proxy for trip reduction. A chart was displayed that was prepared by their team showing items they want to take further. Those they feel are relevant to achieve were identified. Mr. Nepstad explained that it is based on very extensive research and they feel strongly that they are great ideas to carry forward with the five-year plan.

Commissioner Frontero explained that his comment was to encourage the applicant to think about what is at their disposal that can result in trip reductions, particularly single-occupancy vehicles. He considered the list to be a great start. What he had in mind as a five-year plan to reduce single-occupancy vehicles with a goal for each year. He explained that 61% are single-occupancy vehicles heading to Deer Valley on any given day. With the parking reduction requested and the build-out that is going to occur, he felt that the single occupancy rate is not as sustainable as it is currently. He suggested that the number of single-occupancy vehicles be reduced to 20% or 30%. He also did not think that the loop could handle that type of load, particularly with the build-out that was going to occur. He encouraged the development of a five-year plan with stated goals. He suggested there be progressive planning with the goal by year five to determine what has and has not worked.

Mr. Nepstad stressed the importance of monitoring and stated that many of the concepts are proven but require adjustments, feedback, and monitoring. Commissioner Frontero agreed and did not expect a linear drop every year but expects there to be adjustments, improvements, changes, and discussions along the way. He suggested it be measured every year and adjusted, improved, and changed.

Ms. Tyler reported that Commissioner Frontero also asked for more information on the Deer Valley Shuttle Service on Deer Valley Drive and which HOAs are served on Deer Valley Drive East. Those are The Lodges and Silver Baron, which are part of the overall ski or shuttle circulator. There is nothing precluding other HOAs from joining. Many do not join due to proximity.

Deer Valley Resort President, Todd Bennett, reported that they have a good history of world-class arrival experience and the team takes a lot of pride in what they do. In the future, the structure and layout will be different but they will actively manage drop-off areas and parking lots to create a warm welcome experience that most have enjoyed at Deer Valley. The arrival experience is a core item that they think about and they will carefully evaluate the parking systems and provide a smooth start to the day. Commissioner Frontero mentioned parking reservation systems and asked them to explore that. They will do that and have had discussions with other ski area operators in Utah on how they do their parking and whether they take reservations or if they do first come first served. He sees a pattern in why different groups use different systems and where they use them but the goal is to provide the best guest experience possible. They will continue to explore that option to ensure that the parking experience aligns with their high standards.

Commissioner Frontero commented that when he thinks about the parking client experience he pictures someone driving on Deer Valley Drive to the parking lots. When they get halfway they see the flashing sign indicating that the lots are full. That person then has to either park illegally or drive out and around to a Park and Ride. Without the reservation system, there is a risk that people will show up with an expectation that will result in frustration. Mr. Bennett agreed and stated that he has been impressed by how quickly traffic slows down once the communication channels are in place.

Ms. Tyler next addressed transit incentives after being asked by the Commission to provide a list for that. They want to highlight that there is a new incentive for this season that is a new initiative that is part of our current TDM strategy that is designed to get more guests on transit. What they are hearing from their guests in feedback is that when they arrive in ski gear on transit, it is incredibly inconvenient. This season they are offering during peak periods a free basket check so that transit riders can come in their street shoes and store them in the Lodge for free. They can then put their boots on once they get to The Lodge. Ms. Tyler reiterated that they want their guests to ride transit and will continue to test model things that can hopefully be implemented in the new plan.

Mr. Bennett reported that another question raised previously was the duration of outbound heavy traffic. A graph provided contained data from February 2024 showing AM and PM traffic patterns as well as data from typical dry pavement driving. The volume of PM outbound traffic generally exceeds what the roadway handles well. There are about 90 minutes of heavy flows at that time.

Connor Densmore with Alliance Engineering reported that they are the Civil Engineer for the project. A question received at the last Planning Commission Meeting pertained to what is being done on Deer Valley Drive north in front of the Fawn Grove and Bristol Cone Subdivisions. They plan to widen Deer Valley Drive one to two feet to the north to accommodate three lanes. With this widening, they will widen to the north away from the subdivisions and into the existing landscaping within the right-of-way. The existing curb and sidewalk on the south side of the road will remain as-is. They are proposing to have a five-foot wide flat shoulder of the northern curb that will provide snow storage during the winter months and an area for people to stand while waiting for the bus year-round. Due to the existing grade on the north side of the road, there are areas where they will have to install a small one to two-foot rock wall to keep the grading within the right-of-way. They also plan to maintain all the bus stops in the area and around the loop.

On the south side of the road, there will be an eight-foot wide path. The pedestrian area on the north side of the road will be widened to provide a five-foot wide shoulder that will either go up to a small retaining rock wall or a slip up to the grade. Buses will be able to stop in the SNL lane and pedestrians will be able to stand on that five-foot shoulder to load the bus in the area. Another question received was whether they could do a roundabout at Royal Street in the Deer Valley Drive West intersection. Currently, they are proposing to connect Royal Street to the New Deer Valley Drive West layout with a stop sign and regrade a short portion of Royal Street. To install a roundabout in this location they are constrained by right-of-way constraints. There could also be impacts on traffic flow due to the proximity of adding another roundabout being so close to the Doe Pass roundabout. There would not be sufficient queue length between the Doe Pass and Royal Street roundabouts which could possibly impact traffic flow through these areas if one was backed up.

Mr. Densmore reported that the grading presents a challenge as well in that the minimum slope through a roundabout is 4%. As they exist today, there is a 20-foot elevation difference between Doe Pass and Royal Street. He was proposing to lower the Royal Street intersection by about five feet. If this intersection was to become a roundabout it would introduce retaining walls and they would have to chase back up Royal Street more to regrade it and connect back in.

Mr. Bennett commented that from a traffic perspective, their modeling shows that Royal Street works quite well. Something to consider with roundabout planning and design is relatively even volumes in terms of the legs coming in and with Royal Street, they would have significant disparate approach volumes from Royal Street which is relatively low volume compared to the higher volumes on Deer Valley Drive West.

Another question received pertained to the transit hub and ingress and egress. They spent a lot of time as a team working through the inbound, which comes off the roundabout with three lanes inbound. This allows drivers to sort themselves out by vehicle type and mode as they enter the hub underground. Buses are in the outside lane and it is not necessary to do any weaving on the inbound which can slow traffic down. There will be a clean shot with the three lanes and people know where they are to go. On the outbound, the flow of traffic will not be a constant steady stream. There will be cars and buses intermixed on the single lane that will merge underground. There will be a sign-in striping plan with buses having a priority. For efficiency and safety, they will got to a single lane outbound so that there is no weaving. They will come to a single point at Deer Valley Drive east where they will make their movement. Drivers will be able to turn right when they get to the Ski School or other drop-off area but few were expected to do so because most of the drop-off operations will occur at the hub. There is expected to be very little cross traffic.

Commissioner Shand asked about the single lane outbound and how the intersection to the right outside the parking area will work when crossing over the Ski School inbound. Mr. Bennett stated that there is not that much traffic southbound to make the left out of the hub an issue.

Ms. Tyler explained that they are redoing the layout of Snow Park to provide a better arrival experience for the Ski School. By pulling people out of the Transit Center they are able to give them a much better experience and a quicker experience getting in. Mr. Bennett explained that the capacity is around 10 cars but the area will be manned during peak periods. He did not expect the volume of traffic coming in for the Ski School will be an issue but the volume of traffic leaving and the inability of those using the Ski School to crossover. It was clarified that the vehicles coming out of the mobility hub have stop control.

Mr. Densmore explained that there is a three-way stop at the Doe Pass and Deer Valley Drive East Intersection that will create traffic breaks as well. For people coming out who are stopped at the transit hub exit, it is free-flowing that way. But there will be traffic breaks there as well.

Commissioner Sigg asked what happens when you get to the northbound lane of Deer Valley Drive East and come out of the parking area at the Transit Center and someone stops at the first stop sign when the southbound traffic is coming into the Ski School. He asked how the traffic is mitigated there. Mr. Bennett stated that it is like any other side street stop sign. The traffic coming up and out stops and the traffic north/south has to go. It would operate similar to any other stop sign at a three-way intersection. Upon exiting the Ski School drop off there would be a straight shot out to Doe Pass Road where there is a stop sign. The conflict is limited to a stop sign. There is continuous movement on to the northbound traffic. Mr. Bennett explained that the thru lane is the same as the receiving lane. He commented that the north-south traffic won't be that heavy and will not impede the full turning movement. They do not want people to stop in the middle.

Ms. Tyler agreed and stated that most of the Ski School starts about the time the resort opens. Mr. Bennett stated that activities such as transit and carpooling are being split up. He felt that what was presented accurately shows what will occur. He noted that cars dropping off Ski School participants will not linger. They did not anticipate a congestion issue. The simulation was intended to show traffic conditions during the afternoon rush. It was noted that there is a stop sign in the simulation. Commissioner Frontero observed that 1,971 potential people are parking in the three-level underground lot on a given day. They will likely all leave around between 4:00 PM and 5:00 PM. He asked why all 1,971 cars will be required to stop at a stop sign. It was clarified that these users are those they are encouraging to use shuttles as well as drop-off and ride-share. It was clarified that the 1,971 stall count includes the hotel and the behaviors of the drivers will be different on the daily. The Traffic Study represents that with trip generation. It was reported that the simulation collected data on the Ski School and the underground drop-off. All of the buses, shuttles, and drop-offs will be doing so underground and then leaving.

Katherine Schultz from GBD Architects identified the bus lanes, the shuttles, and lanes for cars. There will be three market modes with guidance and wayfinding. It was reported that one of the designs of the new garage, gondola, and the lifts was involved bringing the gondola and lifts further down. Some of the design is intended to reduce the number of people who feel the need to drop off. It will be a better parking experience with more direct access to a gondola or a lift in the future than it is today.

With regard to the circle near the Ski School, the capacity was estimated at 10 but motorists need to keep moving. Ms. Tyler commented that the Ski School drop-off experience once someone is inside the lodge will be much more efficient than it is today.

Commissioner Frontero expressed concern with 10 cars. He noted that one of the benefits of having two world-class ski resorts is that they can use experiences from both. They have seen that 10 is inadequate at other resorts for youth programs and there are often backups. He suggested that consideration be given to expanding the Construction Mitigation Plan. It was also recommended that they expand the drop-off capacity for the Ski School. Commissioner Van Dine agreed.

Commissioner Sigg commented on the number of drop-off spaces and the traffic flow and was interested in seeing what the Traffic Enforcement Program will be. He appreciated Deer Valley striving to provide a world-class experience but he felt that people have become accustomed to stopping, opening the back of their cars, and putting their boots on in the drop-off area. With respect to the employees, he felt that the original goal was to help with skis, and get them off cars but they are not well trained in traffic enforcement. He noted that they did much better over the past few years and kept things moving but a key component will be enforcement. His experience has been that oftentimes that creates congestion, which is frustrating.

Ms. Tyler offered to come back with details of their Enforcement Plan. She mentioned that between the Transit Center and Ski School drop-offs, the capacity is the same has today.

Mr. Bennett felt that the experience would be better because they have built it to replicate what exists today; however, the demand for that space will decrease. The need will diminish when someone can park in Lot 2 and come straight up an elevator and be at the gondola. Because the demand will be reduced, he felt that the capacity will remain about the same. Currently, a lot of traffic comes through Deer Valley Drive West even if they are going to park. In the future, motorists will turn left on Doe Pass and into the parking area.

The comment was made that to Commissioner Frontero's point, the reservation system will be important and is a great idea. With regard to enforcement, how will then convey to retail, hotel, and private guests that single-ride occupancy is not desirable regardless of what was paid for membership. Commissioner Johnson commented on the underground drop-off area, which will likely help alleviate congestion. He wanted to again address the Construction Mitigation Plan where only 10 spaces were proposed. He did not consider that to be sufficient.

Mr. Bennett reported that construction will bring changes and temporary disruptions to operations over the next few years. They are committed to proactive and transparent communication with guests and the community. Their team will work consistently to reduce the impacts on guests, staff, and neighbors. A portion of their on-site parking will be dedicated to staff to help ease logistical challenges. This project is transformational and will ultimately help improve Deer Valley. Mr. Bennett introduced Vice-President of Construction Operations, Matt Greenberg, who did an in-depth look for each season going forward.

Mr. Greenberg introduced their Construction Mitigation and Phasing Plan and reported that they looked at the project in three separate phases in terms of major milestones. Currently, design entitlements are progressing with a groundbreaking in the summer for the parking garage in Zone 1 (Phase 1). In 2026, Zones 1 and 2 (Phases 1 and 2) will be constructed with Zone 3 (Phase 3) in 2027 for excavation. The vertical portions of the project starting in 2027 with Phase 1 and running through the 2028 and 2030 seasons. It was clarified that the project will all be constructed at once over the next five years. They are trying to articulate the impact on parking lots. The construction process has been broken up into sections also referred to as Zones.

Mr. Greenberg reported that in the summer of 2025, they will kick off the project in Zone 1 on Lots 3 and 4 for excavation. The major excavation areas in that zone were shown with the hauling route. In the summer of 2025, they will focus on road work and utilities. In Deer Valley West there is a sewer line replacement as well as roundabout work described earlier. All traffic will continue around the loop or into the existing drop-off area from Deer Valley West to Deer Valley East. In terms of parking, they will lose Lots 3 and 4 starting next summer so parking will take place in Lots 1 and 2, and 5, and 6. Construction staging was identified where the contractor will be set up. They will close Doe Pass next summer with access for Emergency Medical Services ("EMS") vehicles. That will be managed by the contractor with their staff.

The 2025/2026 ski season was described. Mr. Greenberg stated that there will be no road construction during the winter months. The Deer Valley West portion of construction will be complete and the current drop-off area open next to the lodge. The roundabout at Doe Pass will also be completed. All hauling activities will cease in the winter months with construction taking place only within the parameters of the green-hatched area. They will focus on construction of the parking structure during the winter months. Parking will remain the same as in the summer with Lots 1 and 2 and 5 and 6 open to the public and for guests. It was noted that 712 stalls will be available for the ski season. There are currently 1,700 stalls on a peak day. Mr. Bennett stated that they will see what happens this ski season to see how traffic is impacted with fewer stalls.

A question was raised as to whether the intent is to introduce paid parking before the garage is finished. Ms. Tyler responded that they are exploring a Parking Management Plan for construction. They continue to work on how it will work from an operational standpoint.

Mr. Greenberg reported that they will begin their temporary drop-off construction during the Summer of 2026. They will close off the drop-off area to the south shown in purple. There will be turn around areas in each of the hatched locations. It will be managed with traffic control signage as well as flaggers. They also plan to provide preemptive signage on Deer Valley West indicating that it is not a thru road other than for permanent residents. They will also move into Zone 2 for excavation. They will be moving soil from the excavation work up onto the hill. They will also begin construction of the east portion of Doe Pass in order to prepare for parking within the parking structure. This will force them to park in Lots 5 and 6 where 400 stalls are starting in the summer of 2026. The parking will accommodate staff and hotel guests.

Commissioner Johnson asked if another drop-off area would be proposed as a way to mitigate the potential impact. Mr. Greenberg stated that there will still need to be a place to drop people off. They looked at the possibility of providing a dedicated drop-off zone for passenger vehicles with parking shuttles. Ms. Tyler stated that they looked at other areas where they could increase capacity including at Deer Valley Plaza which did not yield that many more cars compared to what they can provide in Lots 5 and 6. The challenge with the Plaza was getting people to a drop-off location that does to require them to go all the way around the loop. They found this to be the most efficient and safest way to get guests on trams. They will also address off-site parking locations. They need to be inventive in getting guests out of their cars and to take transit.

Mr. Greenberg highlighted the permanent condition of the temporary drop-off. When complete there will be a transit lane and a pass-thru lane for traffic. They will encourage parking in Lots 5 and 6 to take the Y intersection to loop around. The area shown in blue is the tram turnaround area. The pass thru lane will be specified as a no-stopping zone.

A rendering of Lots 5 and 6 was displayed highlighting the area where the tram and passenger drop off will be located in Lots 5 and 6. The purple-dotted area is where the tram will circle in on the south side of the entry and loop around into the blue for passenger pickup and then back toward the turn-around area. The proposed configuration also allows cars to come in, drop off passengers, and continue back around on Deer Valley East toward the Y intersection.

Commissioner Shand commented that what is proposed is a 75% reduction in parking. Mr. Bennett did not want to provide an overabundance of free parking, which encourages single-occupancy cars. It was noted that this season there may not be reservations and or paid parking. Mr. Bennett stated that there are certain conditions where it makes sense. You don't want people to get to a place and then realize en masse that there is no place to go. It depends on the supply and demand. In situations where demand is much greater than supply, reservations are much better. From an operator and guest perspective, when there is a reservation and you see open spaces you might realize that you didn't need a reservation. That is challenging so he is trying to balance the operational needs and deliver a great guest experience and try not to have streets backed up. This season he expected reservations to be a much stronger candidate.

Mr. Greenberg next addressed the 2026/2027 ski season and showed a rendering that highlighted the tram location. Construction soil will be complete at this point in Zones 1 and 2 and no road work will be taking place. The major impacts are parking. In the summer of 2027, they will do more road work that is more focused on Deer Valley East and some of the loop area up in the Y intersection. The road work will be managed with signage, flaggers, and traffic control. Their hauling and excavation activities will have moved into Zone 3 on Lots 5 and 6. The haul routes will come up through Doe Pass and down Deer Valley West. That will be managed with flaggers and robust traffic control to ensure that the public is interfacing appropriately with the haul routes. The parking will be moved into the first area of the parking structure. They will utilize the parking structure built on levels P2 and P3 to bring the parking counts up to about 690.

Due to their excavation activities, the contractor is now relocating within the parking garage and will be doing their staging lay down, and construction trailers and offices within the parking structure starting in 2027. This will be the last summer of hauling within the project. Ski season 2027/2028 will involve parking within the parking structure on P3 and P2. The only difference this season is that the tram drop-off will have been moved from Lots 5 and 6 closer to the P2 and P3 areas. The tram will be running into the turnaround area. Roadway work will not take place during the ski season with traffic flowing freely around that new temporary drop off.

In the summer of 2028, the new transit hub will be open to the public starting the summer of 2028. They will also expand into the parking garage for permanent parking. The parking counts and footprints will be expanded closer toward the transit hub. They will have increased the number of parking stalls to just over 1,000 beginning in the summer of 2028. At this point, the Ski School drop-off will also be constructed.

In 2027, they will start to have some vertical activity on the podium above the parking deck. Mr. Greenberg reported that they are in communication with the Building Department and talking about life safety issues that will need to be in place and making sure that the parking structure is suitable for permanent parking. Okland Construction is actively participating in that. During ski season 2028/2029, the Ski School drop-off will be done is done and utilized.

In the summer of 2029, they will expand into Zone 3 for parking. They will then have just over 1,300 stalls. They will also begin the roadway work on Doe Pass on the west side to allow access to the parking garage. It will serve as the hotel parking entrance area. The contractor will still be staged there during the summer but work will take place on Doe Pass on the west.

Ski season 2029/2030 will involve the contractor moving out of the parking garage and position back in Lots 5 and 6 temporarily. They will then be making a lot of vertical progress and the hotel will near completion. Many of the residential and hotel components will be completed in this phase. In the summer of 2030, construction will be complete on the first area south of Doe Pass consisting of Lots 1, 2, 3, and 4. It will be open to the public the early summer of 2030. Late 2030 they expect to complete Lots 5 and 6 for completion of the project. Mr. Greenberg next addressed off-site parking. Areas they are looking at include the Richardson Flat area. They hope to utilize it for employees, guests, and possible construction parking of available as well as the Jordanelle State Park Area.

Commissioner Johnson asked if they will try to incentivize people to use the East Village during this time to access the resort. Mr. Bennett stated that notification is significant and people coming from the valley will quickly understand that getting onto a surface lot will be a good experience, particularly with all of the lift development taking place. Once they are down to 400 spaces at Snow Park, it will naturally move that segment of the skier base to East Village.

A question was raised regarding the number of parking spaces at Deer Valley East. Mr. Bennett stated that there will be 1,200 surface spots by next December. This December they 500. He recognized that they are accommodating the capacity need that will be generated out of Snow Park. Ms. Tyler stated that they are proposing to enter into a one-year lease to provide 208 parking stalls to the State. That was expected to continue over the next few seasons. They are planning to provide a shuttle that will provide access to Deer Valley East Village. It was clarified that the Richardson Flat Park and Ride shuttles will come to Snow Park and Jordanelle will go exclusively to Deer Valley East during construction. They also plan to have some level of service from Richardson Flat to East Village if there is a demand for it.

Mr. Greenberg highlighted the loop roadway improvements. The summer of 2026 will focus on Deer Valley West. The summer of 2027 will be the Y intersection in Deer Valley East with the temporary drop off the summer of 2026. He identified some of the intersections that will be impacted around the loop area. They plan right to do that work in the summer of 2027 over eight to 12 weeks per intersection. They would be done one after another to not overly impact the road. This will be managed with traffic signage, lighting, and flaggers to ensure that residents and traffic flow as smoothly and safely as possible.

Their hauling plan is intended to bring soil onto the mountain. They are focused on utilizing the needs of the mountain and how they can excavate nearly 500,000 cubic yards out of the parking lot. Over time they will be placed in various locations. Their focus is to keep trucks off the road to the extent possible and address dust mitigation. They will also focus on sustainability by regrading some areas and bringing the grade up. Mr. Bennett reiterated that this will be beneficial.

Mr. Greenberg touched on the general conditions and construction requirements. The hours of operation will be 7:00 AM to 4:30 PM six days per week. With regard to noise mitigation, Okland is committed to conducting noise mitigation, tracking decibel levels, and reporting back to the City. With regard to traffic control, they are committed to the Traffic Control Plan and measures. As roadwork takes place the public will be active in these areas in the summer and winter. They feel like communication with the City and community will be critical. They plan to use websites, social media, newsletters, and town halls to communicate to the extent possible. They aim to be as transparent as possible.

Mr. Greenberg stated that there may be times when they will need to work later hours at which time they will notify the public. They will work within the City Ordinance hours and will try to limit the hours of operation to 7:00 AM to 4:30 PM.

Commissioner Sigg asked about trip-generated traffic by the general contractors and their employees and if there is a plan that will mitigate the employee trip-generated traffic to the site. He asked if there is a centralized location where workers can be transported to the site to avoid traffic congestion. Harmon Tobler, Oakland Construction Project Director, stated that they are looking at a multi-phased approach to parking. They are currently looking at options in the North and South Salt Lake Valley and busing from there. If everyone drives to a Park and Ride and then try to shuttle them they will feel as if they have accomplished nothing. Productivity goes down and the challenges of getting workers to and from the project will be unproductive. They are looking to minimally use the parking options in the Park City area. There will be equipment trucks since there are many trades that require their vehicles to be on site but the constraints are not conducive to much of that. They have a rideshare program that they will mandate due to lack of availability. Their workers also do not want to drive their own vehicles every day for five years.

There will be stipulations in the Request for Proposals (“RFP”) about how they will manage getting the workforce to and from the site. They are looking at shuttles and large-volume buses as well to transport people to and from the work site. Commissioner Johnson encouraged the contract to include a rideshare requirement of some sort.

Mr. Bennett next discussed sustainability in Snow Park Village and emphasized the local environment. He noted that they are building this with the local environment in mind.

Throughout the project, they have not talked much about their parent company, Alterra Mountain Company. That was intentional since many of the decisions and approaches are made locally and with Deer Valley's best interests in mind. Alterra brings very ambitious climate action goals that are set across the entire portfolio aiming to create sustainable change on a large scale. As they design and develop Snow Park, they will integrate the goals into Deer Valley with Alterra's commitment to environmental stewardship.

Alterra Mountain Company Chief Development Officer, Krista Springer, shared the goals and how they shape the project. She stated that she is a self-proclaimed green building capitalist and considers sustainability to be a smart thing to do and not just the right thing to do. It is something that they have brought to Alterra Mountain Company in an effort to tie all of their projects and resorts together within a bigger mission. They firmly believe that the most authentic development happens when it is driven locally. She commented that sustainability is very important to Alterra but they have not been very public about it. Two years ago they published their forward stance, which is a published document that has set very lofty targets and provided something to measure and publish against to make sure they were achieving goals around them. The forward stance has four pillars consisting of prioritizing people; protecting the planet; investing in our communities; and responsible operations. They believe that when these pillars work together, we can create positive change. Across our varied landscapes, the mountains embody the spaces where our lives and our livelihoods intertwine. As a result, they recognize the pressing threats of climate change on our passions and professions. Their commitment to climate action is unwavering and last year they boldly embraced science-based carbon reduction goals in three major targets that they hope to achieve by 2030. By 2030, they intend to reduce carbon emissions and transition to 100% renewable energy at all of their resorts and attain carbon neutrality by 2030.

Ms. Springer reported that to further this commitment, they have developed a series of Alterra Minimum Requirements (“AMR”) and they have been working with each of the resorts to prepare sustainability plans to ensure that they can meet those targets. At Deer Valley, they have been working very closely with the team. From a zero carbon standpoint, they are participating in the Electron Solar Project which is supplying them with 80% of their energy needs at the resort. They are looking at alternative ways to do snow melt as well. They are working to ensure that their development projects are carbon-zero. They have identified a path to 50% emissions reduction by shifting to electrification as they are swapping out old equipment making and facility upgrades, snowmaking, efficiency upgrades, and fleet tracking for the Electric Vehicle (“EV”) transition as they start to move those vehicles over.

Ms. Springer reported that Deer Valley is also committed to finding a path to zero waste. They have instituted a compost program, have a zero-waste event plan, and are working to eliminate single-use plastics in all of their food and beverage operations. At Snow Park, they believe that it is an incredible opportunity to be a showcase for sustainability so they want to go above and beyond the goals that Alterra has set. They are looking at

10 categories of sustainability including energy; carbon; water resiliency; waste operations; waste management; site equity and empowerment; mobility; indoor environmental quality; materials; and certifications for the project.

Ms. Springer hoped to put their sustainability strategy together. They will be making it public and measuring against it. The goals are ambitious and they are not far along in the design of the vertical work. The goals were set early to integrate it as part of the design. It will be an iterative process. From a carbon standpoint, they are looking to reduce carbon by 50% with a path to zero, a 50% reduction in energy usage, and 100% renewable energy. That will be done site-wide on electrification. They firmly believe that fire and fireplaces belong in the mountains, so we will be offsetting that. They are also looking at geothermal heating and cooling because of that electrification. They are installing a commercial test kitchen. Ms. Springer noted that commercial kitchens are quite difficult to electrify currently due to a lack of technology. In the Event Center, they will do testing and sure that they put in the conduit necessary to enable all of their commercial kitchens and be able to switch over when the technology improves. They will use 100% LED lighting and using occupancy and daylight sensors, and robust building management systems to reduce and track consumption. They will also look at energy-efficient snow melt technologies as well.

Ms. Springer reported that water is a significant problem in the State of Utah. They are bound and determined to significantly reduce potable water demand to make sure they are protecting the local watershed and focusing on consumption reduction. They set targets of 30% indoor water use below the baseline and a 30% reduction in irrigation water use. They will also have a Rainwater Collection Demonstration System at the Event Center that will be used to reduce the demand for potable water and used as a showcase. From a waste materials and health standpoint, their goal is to divert 75% of any construction and demolition waste from the landfill. They are also working to make sure their designs consider ways to enhance operational waste diversion as the buildings come online. From a materials standpoint, they will source materials locally. They will also use low-carbon concrete in all major concrete applications. From a health standpoint, it is their aim for guests and staff to leave their buildings healthier than when they arrive. They are focusing on Non-VOC materials for carpet and paint, prioritizing materials with healthy product declarations, focusing on enhanced air filtration, and installing Merv 13 filters

With regard to mobility, Commissioner Frontero mentioned the transportation demand strategy. Ms. Springer stated that she has never worked on a project that does not have a published one. She committed to preparing a TDM strategy and stated that driving down single-occupancy vehicles should be a focus for every development and they will work with the team to accomplish that. They will ensure that the garage is EV enabled with 100% of the stalls having conduit and what is needed to convert to EV when the technology improves. To start, they will have 10% of the parking stalls will have a Level 2 charging capacity or greater.

With regard to site and habitat, there could be better native and adaptive landscape woven into it. They want to bring that back and provide a better, healthier place for biodiversity, see pollinators, and look at how to integrate habitat into the broader project. They know that wildfires are a threat and they are implementing defensible space and fire-resistant landscaping into the design. Ms. Springer referenced light pollution and stated that they will follow all dark sky requirements and include that in the lighting package moving forward. She stressed that sustainability for Alterra and Deer Valley is of utmost importance.

Chair Hall opened the public hearing.

Allison Keenan gave her zip code as 84060. She thanked the Commission for their time in reviewing the Snow Park Development, MPD, and CUP applications and responding to community feedback at each public hearing. She thanked Deer Valley and Mr. Greenberg for the detailed Construction Mitigation Plans by the end season. As a resident of Lower Deer Valley and a regular client of the resort, understanding parking at the base changes to the drop-off areas, and when portions of roads in the area will be closed is extremely helpful. She thanked Ms. Springer for focusing on sustainability and listening to the local community. During the first three years of construction when parking is limited, a reservation for parking is essential both during the ski season and during the summer for special events. Richardson Flats and Jordanelle State Park will both have overflow parking. Richardson Flats has just over 700 spaces, which are used by skiers from both Park City and Deer Valley. Jordanelle State Park will add an additional 208 spaces. More parking may be needed off-site if construction workers, most employees, and hundreds of skiers are required to park off. Ms. Keenan stated that the proposed construction hours are 7:00 AM to 4:30 PM Monday through Saturday. She suggested that a detailed plan be in place on Fridays and Saturdays when peak afternoon ski traffic leaves the resort coinciding with the end of the construction work day. There are myriad issues still to be addressed and clarified in both the site circulation and construction mitigation plans. As Deer Valley has stated, this is a generational project and there is no need to rush the process. Additional information and careful consideration will be required to ensure that the applications comply with the Land Management Code and conditions of approval.

Meredith Berkowitz, an In the Trees HOA Board Member, thanked all involved for listening and being responsive. She was pleased to see that the plan includes keeping Deer Valley Drive West and Deer Valley Drive East open throughout construction and that a Snow Park drop-off, at least at the base, will remain open until the transit hub can open. Overall, the construction mitigation seemed to be a solid plan. Ms. Berkowitz's main concern was noise, especially from what is likely to be constant piling, jackhammering, and road grinding. Being in a valley where noise will travel and reverberate, she would have preferred to see crews start a bit later and end later in the evening for the noisiest components. The 4:30 PM end time concerned her from a traffic perspective because it is at the same time skiers and employees tend to depart the resort. With regard to peak traffic, her observations were that from 8:00 AM to 9:30 AM and from 3:30 PM to 6:00 PM, there is the most traffic. This is more than the road can handle which results in a gridlock in the afternoons. That makes it very difficult for people who live in the In the Trees development to leave their homes because it backs up in either direction in the mornings toward the resort but we have to go that way to get to town. It can take over one hour at times to get to town or Kimball Junction. With limited parking, she echoed the comments of the Commission Members and hoped Deer Valley will consider a reservation system to mitigate traffic in the area during construction.

Tom Miller gave his zip code as 84060 and thanked the Commission for addressing the sidewalk next to Fawn Grove. He was pleased to hear that it will remain the same size. He stated that the five-foot shoulder expansion on the opposite side of the road will work as a bus stop as long as the lane stays plowed. He asked about the November 2026 to May 2028 temporary drop-off, which shows west to east in one direction for transit buses only. He asked how residents from Fawn Grove, Pinnacle, Daystar, and Bristol Cone will get to Snow Park in the morning if the buses are only going in a counterclockwise direction. With limited parking during the construction, he asked if they will start the parking on Deer Valley Drive loop again. Mr. Miller stated that he lives less than one-half mile from Snow Park, with construction going until 9:00 PM would be a nuisance to residents, especially in the summer.

There were no further public comments. The public hearing was continued to December 11, 2024.

Chair Hall asked that the Commission's feedback be limited to the Construction Mitigation Plan.

Chair Hall preferred a later construction time frame. She agreed with the public that a 4:30 PM end time is not ideal. She also asked for more information on how they can communicate with visitors regarding the new pattern for construction mitigation. She asked for additional information for number two regarding bus frequency and how that will be decided. She agreed with Commissioner Johnson about possible incentives rather than information about two options and letting a natural progression to Mayflower take place for certain demographics. She commented that number three is specific and seems like they are not allowing the option to have reservations or paid parking before the structure is complete. She wanted to leave the option as it is worded. For number 29 she asked for more information on how that would work.

Commissioner Shand echoed Chair Hall's comments. With regard to the hours he asked if there was a plan to start earlier than 7:30 AM for concrete pours. In the summertime, concrete is in high demand, and in the heat of the day, pours start at 5:30 AM or 6:00 AM. Mr. Greenberg stated that there will be times when they will have early pours. Commissioner Shand asked that in those cases, the neighbors be notified. Mr. Bennett stated that often they pour early to avoid traffic. Those would be the only times they would start earlier than 7:00 AM. He stressed the desire to be a good neighbor.

In response to a question raised by Commissioner Johnson, Director Ward referred to Condition of Approval number 21, which states that except for emergencies, requests for exceptions to the noise regulations would need to be made at least one working day in advance. There is a section in the Code, however, that allows for exceptions. Construction deliveries are limited to the hours of construction set forth in the Code. Her understanding was that it is not possible or it could be interpreted as not allowing paid parking or reservations until the parking structure is built. She felt that adding the option to allow for paid parking reservations should be clear.

Commissioner Johnson had concerns about number five and how it would be enforced. He felt that expanding the surrounding neighborhoods to below the Y is the burden of the applicant since it could impact that area. He wanted to ensure that there is enforcement during construction. With regard to number 19, Commissioner Johnson asked if an item should be added for a Fugitive Dust Control Plan.

Commissioner Suesser liked the way staff drafted the Conditions of Approval but wanted more detail. With respect to Deer Valley and the City collaborating on number one and asked what transportation to Snow Park will consist of. She asked if Deer Valley would be making a financial contribution or providing shuttles or buses. She referenced Condition of Approval number 3 and agreed with the parking reservation system and that it should be implemented prior to full build-out. She wanted to see an Employee Parking Plan that requires employee and visitor carpooling. With regard to Condition of Approval number five, Commissioner Suesser suggested that Deer Valley consider providing a complimentary shuttle during construction to the wider Deer Valley area. Currently, there is a paid shuttle service but a complimentary shuttle for HOAs in the Deer Valley area during construction would be appropriate during the ski season.

Commissioner Suesser was confused by Condition of Approval number six which states that construction employees will park at the Richardson Flat lot and take public transit to the Snow Park Base area. Staff then recommended a Conditional of Approval requiring Deer Valley to outline the number of parking spaces at Snow Park for construction workers. Director Ward explained that that was to address employees who need to bring vehicles to the site.

Commissioner Suesser wanted a better understanding of whether Deer Hollow Road could be used for construction vehicles, delivery vehicles, construction workers, employees, and people coming to Snow Park, particularly during construction. She wanted to understand how that road is managed and the extent to which Deer Valley can use it. She suggested that be part of the Construction Mitigation Plan. She asked if construction vehicles that haul soil from the excavation site up the hillside should be covered to prevent dust and debris from blowing. She referenced Condition of Approval number 20 and suggested that a decibel reading be reported daily to the Chief Building Official rather than just when required. It was confirmed that 100% of the grading and excavation will be kept on-site or on the hillside and none will be hauled off. She suggested that Condition of Approval number 22 include a reference to safety inspections for trucks and daily excavation tallies for the excavation to determine whether it is in alignment with what is being estimated. She recommended that Condition of Approval number 28 clarify the level of service of shuttles that Deer Valley will provide. Commissioner Suesser asked that Condition of Approval number 29 be clarified to specify who is paying for the shuttles. She thought Deer Valley should be responsible for those vehicles during construction. She asked that a Condition of Approval be added to address Emergency Evacuation Plans.

Commissioner Frontero commented on the communication mechanisms and hoped to see two-way communication so that people in lower Deer Valley can communicate during construction. He asked what was the preferred way for the public to communicate with the developer with regard to noise, traffic, and construction. So I see your communication mechanisms.

Commissioner Sigg agreed with many of the previous statements made by his fellow Commissioners. He asked if there is a contingency plan. With regard to public health and safety, he asked how sanitation will be set up. He also asked about crane towers and where they will be located and if they will encroach over rights-of-way. He would want to ensure that they are in the right location and not impact public safety.

Commissioner VanDine mentioned trying to expand the drop-off area in Lot 5.

MOTION: Commissioner Johnson moved to CONTINUE the public hearing and the item to December 11, 2024. Commissioner Shand seconded the motion. The motion passed with the unanimous consent of the Commission.

The Commission took a short break.

G. **Land Management Code Amendments –** Pending Ordinance Regarding Accessory Uses and Support Commercial. The Park City Planning Department Formally Initiated Proceedings to Amend the Municipality's Accessory Uses in Master Planned Development Land Use Regulations Outlined in Land Management Code Section 15-6-8 Unit Equivalents and Section 15-15-1 Definitions Regarding Support Commercial and Residential and Resort Accessory uses for Master Planned Developments, and Sections 15-2.7-2 Uses for the Recreation and Open Space Zoning District, 15-2.18-2 Uses for the General Commercial Zoning District, and 15-2.19-2 Uses for the Light Industrial Uses to Clarify Resort Support Commercial is Allowed when Approved as Part of the Master Planned Development. PL-24-06193.

Director Ward reported that the above matter has been discussed previously and based on the September 11, 2024, meeting there were four points the Commission asked to come back for additional discussion. That included the definitions for "hotel" and "nightly rental condominium", "long-term enforcement", the "5,000-square-foot support commercial cap", and the footnote in the recreation open space. Director Ward provided an overview of potential ways to address the four items with the definitions to distinguish hotels, hotel condominiums, and nightly rental condominiums. The recommended amendments that are outlined in the pending ordinance clarified that support commercial is really for hotel uses. The current hotel definition includes a reference to nightly rental condominiums but it is not a defined term. One of the possible red lines could be to update "hotel" to include "hotel condominium" and remove any reference to "nightly rental condominium" and replace that term with "residential condominium project", which would be a condominium project for residential use and not for a hotel or hotel condominium use. The "residential use" definition would be updated to remove references to support commercial and associated uses to distinguish those types of projects. That would still allow for accessory uses under the pending ordinances for residential condominium projects for elevators, stairways, hallways, and circulations that are needed for the building to function.

Director Ward explained that if those definitions were clarified, long-term enforcement could be built in through a few different opportunities. They could update the application submittal materials so that when an applicant can specify which definition they fall under. They should also clarify project ownership and operation in Development Agreements and update the required Findings of Fact and Conclusions of Law to include the ownership and management of the project. If that is proposed to change over time there would still be flexibility. It would simply come back as an amendment to the MPD. If the changes are incorporated with clarifications on the type of projects that the support commercial use applies to, there could be an opportunity to reconsider the 5,000-square-foot cap.

Director Ward next referenced the footnote in Recreation and Open Space and stated that there are resort accessory uses such as public restrooms, employee facilities, and childcare facilities that are expected at resorts. There are also resort support commercial uses that are not addressed in the MPD Code and are in the uses of each zone and include businesses buying and selling goods and services. Currently, in the Resort Support Commercial, General Commercial, and Light Industrial zones, they are allowed. This means that if something is under 10,000 square feet, the property owner can submit a Building Permit. In the pending ordinance, they were recommended to be shifted to a CUP so that they come to the Commission for review. In the Recreation and Open Space Zone, resort support commercial uses are CUPs, and the pending ordinance included a footnote to tie the commercial uses to the approved resort MPD. If there was support to keep the resort support commercial as a conditional use so that it comes to the Commission, it would allow for additional commercial uses to come into an MPD boundary.

Director Ward reported that Task Force members were present to share their thoughts and potentially open a public meeting at the discretion of the Commission. Staff could be directed to draft updates to the pending ordinance for a potential recommendation to the City Council on December 12. It was clarified that if the resort support activities were coming back in the CUP the Commission could eliminate the footnote altogether. It was noted that the footnote suggested that they open up the whole MPD, which was problematic.

A Task Force Member commented that previously there was discussion about the Commission feeling that they had a lot of control but they realized that perhaps they do not have as much control as they thought. He felt they do have enough control over abuse of net and gross square footage. It is a volume-based code so there are setbacks and heights. He noted that gross and net square footages are often listed as Findings of Fact in CUPs.

A Task Force Member/Liaison commented that upon review, the original amendment came forth before he began serving on April 13. He thought there was a reaction to something that came before you the Commission that made it seem that there was abuse of both the request for the resort accessory and the resort support square footage. The Commission reacted and it went to the City Council who was not in lockstep and suggested that the Task Force be formed. The Task Force met several times and addressed why it was formed and its purpose. They also looked in detail at the current Code and found that measures are in place to prohibit abuse. Ultimately, they want to build world-class resorts where warranted with amenities and not just a stripped-down hotel at the base of a ski area with minimal square footage for guest amenities. They have control over the process if they see abuse.

Commissioner Sigg agreed that there is a Form-Based Code that defines the parameters in terms of what can be done. He thanked Director Ward for guiding the liaisons through language in a way that we can navigate definitions. He noted that there are different kinds of hotels. He was pleased with the definitions they have created for condominium hotels as differentiated from hotel condominiums. It was acknowledged that there is a very distinct difference. There is a distinction between a hotel, a hotel condominium, and a residential condominium. He felt it was important to make that distinction and define who will operate that, what are the parameters of the operation, and who gets to use the spaces. He compared this to a residential condominium that provides accessory uses that are defined by the Form-Based Code.

The comment was made that there are a lot of condominium projects in the City and a residential condominium typically has more residences for sale and not as much support space. Examples were provided. When a buyer comes into the market, lenders differentiate hotels and residential condominiums as to whether it has a front desk and if someone can walk in off the street and rent a room. Even though Flagstaff, Silver Strike, Shooting Star, Arrow Leaf, and Grand Lodge have front desks you cannot walk in and rent a room. This is more of a property management front desk. Contrast that with a condo hotel like Waldorf or St. Regis.

Commissioner Sigg commented that there is a distinct difference between a residential condo project that is managed. Commissioner Suesser commented on issues they faced when trying to apply the Code to an MPD. If they were to apply support commercial or if applying accessory uses for a residential development project, defining them properly allows them to apply the Code to accessory uses whether they are residential or support commercial.

A question was raised as to whether the maximum square footages are to be eliminated. Director Ward commented that if they clarify the definitions, the cap will be eliminated in the footnote. It was thought that a lot of concerns can be addressed by better defining the projects, uses, and ownership structure upfront which makes some of the guardrails not necessary. Director Ward explained that they would be addressed through new application requirements and the Findings of Fact for projects and the Development Agreement requirements.

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

Commissioner Johnson was frustrated by the process and focused on the example of the resort base area. While we want world-class resorts, currently the two base areas have existing Development Agreements with zero expiration, no sunset clause, with increased density beyond what the Code allows. He asked if they are striking the sections where they will try to limit some uses. He stated that it is bonus density and they have an extensive amount of unit equivalents already that they legally can construct. This was to address that additional bonus density and limit some of those in some way.

Commissioner Suesser stated that in the past they would ask for support commercial for a residential condo in a resort center. There was confusion about how the Code applied to that type of project and what to call it. Commissioner Johnson was frustrated with this item since they went through the process before the Task Force was created. No one came to meetings or gave feedback. He felt they were on the right track and was frustrated that they were still here. He felt they were being painted negatively by the public as well. The comment was made that little can be done regarding

Mitigate it. I think there's nothing that we can do about those who have already been granted rights but when looking at resort commercial development they are addressing the ski area. Director Ward stated that accessory uses are allowed and have been refined in the pending ordinance. A commercial use would fall under the commercial definition. If it is proposed to go to a location that is governed by an overarching MPD, the footnote would require an evaluation of the MPD to increase the commercial.

They spent a great deal of time over four meetings and had a unanimous consensus. In the end, they did not get deference from the City Council. The Planning Commission has done a tremendous amount of work along with the Task Force. Her preference was to pass the matter on to the City Council as they have done what they asked. Ultimately, it is a policy decision by the City Council who last time outright rejected the Commission's unanimous recommendation. Commissioner Sigg was frustrated that the advisory committee was stacked deck in that the majority consisted of developers.

The comment was made that Planning Commission Members can attend City Council Meetings and voice their opinion. He reported that he has served at every level in the State and how he makes a living has nothing to do with his findings. He was not speaking from the standpoint of a developer.

MOTION: Commissioner Suesser moved to direct staff to draft an ordinance to amend the accessory uses for MPDs in the Land Management Code for review by Commissioner Sigg and Commissioner Suesser to submit to the City Council on December 8, 2024. Staff should take the draft pending ordinance and amend it as outlined in the Staff Report with a positive recommendation to the City Council. Commissioner Frontero seconded the motion. The motion passed unanimously.

6. ADJOURNMENT

MOTION: Commissioner Frontero moved to adjourn.

The meeting adjourned at approximately 10:00 PM.