PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COMMUNITY ROOM
PARK CITY LIBRARY
JULY 23, 2025

COMMISSIONERS IN ATTENDANCE: Chair Christin Van Dine, John Frontero, Bill Johnson, Henry Sigg, Grant Tilson, Seth Beal

EX OFFICIO: Rebecca Ward, Planning Director; Virgil Lund, Planner II; Mark Harrington, Senior City Attorney; Alec Barton, Senior Planner; Elissa Martin, Planning Project Manager

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1. ROLL CALL

Chair Christin Van Dine called the Planning Commission Meeting to order at 6:00 p.m. She explained that the meeting is taking place in the Community Room of the Park City Library. There was a site visit held for multiple applications ahead of the Planning Commission Meeting. All Commissioners are present with the exception of Commissioner Rick Shand. Chair Van Dine welcomed Commissioner Seth Beal.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from June 25, 2025.

There was discussion about the Meeting Minutes. Commissioner Bill Johnson referenced the first paragraph of Page 3 and noted that the word “plate” should be “plat” instead.

MOTION: Commissioner Sigg moved to APPROVE the Meeting Minutes from June 25, 2025, as amended. The motion was seconded by Commissioner Frontero. The motion passed unanimously with one abstention. Commissioner Beal abstained from the vote.

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Rebecca Ward, reminded those present that the Draft General Plan is available on the project website, www.engageparkcity.org. A questionnaire is available where community members can provide input, which will be open until July 31, 2025.

Chair Van Dine reminded those present that public comments are limited to three minutes. She asked that all comments be related to the agenda item being discussed.

4. PUBLIC COMMUNICATIONS

There were no public communications.

5. CONTINUATION

A. **301 Marsac Avenue - Plat Amendment -** The Applicant Proposes Creating a 3,750-Square-Foot Lot to Construct a New Single-Family Dwelling on Very Steep Slopes in the Historic Residential - 1 Zoning District. PL-23-05947.

MOTION: Commissioner Frontero moved to CONTINUE the Plat Amendment for 301 Marsac Avenue and the Public Hearing to the August 13, 2025, Planning Commission Meeting. The motion was seconded by Commissioner Johnson. The motion passed with the unanimous consent of the Commission.

6. REGULAR AGENDA

A. **General Plan -** The Planning Commission Will Review and Provide Input on the Draft Recommendations for the Updated General Plan. For Project Information, Please Visit www.engageparkcity.org/generalplan. PL-24-06358.

Director Ward reported that there will be additional information about the General Plan shared with the Planning Commission. Jessica Garrow and Marianne Stuck from Design Workshop are present. Callie New from WSP is also attending the meeting. Ms. Garrow explained that the presentation will focus on the Moderate Housing, Water and Open Space Preservation, and Sustainability chapters of the General Plan. She noted that there will be a brief project overview and a review of some adjustments to the plan format.

Ms. Garrow reminded those present that the project has been underway for just over a year. There is excitement to be in the final phases of review for the Draft General Plan. Currently, the third engagement window is in progress. There is a community survey that is open and available on the City website so community members can provide comments. That will remain open until the end of this month. Ms. Garrow reviewed the process that has taken place so far. This is the second Planning Commission Meeting held in July, which is focused on the Draft General Plan. There will be a second Joint Work Session between the Planning Commission and City Council in August. It is anticipated that the final adoption process will take place in September for the Commission and Council.

The Vision Statement incorporates the various pieces of feedback that have been heard from the community. It is included in the Draft General Plan and is as follows:

- Park City is a mountain community that preserves our small-town feel, unique character and history, natural environment, open space, and world-class recreation. We advance multi-modal transportation and innovation for residents, workforce and visitors, while fostering thoughtful planning and land uses for balanced growth, today and for future generations.

The plan framework and structure are substantially similar, but Ms. Garrow reviewed some of the updates that have been made. In the Meeting Materials Packet, there is a draft version of the plan reorganization. That reorganization includes the key pieces that were discussed during the previous Joint Work Session and the previous Planning Commission Meeting. There has been some consolidation where certain information has been moved to the Appendix. In addition, some font sizes have been adjusted and some of the divider pages have been further consolidated. The Draft General Plan document is currently 77 pages. She shared example images of the plan structure for reference.

Ms. Garrow asked for feedback from the Commission about the overall framework and structure. After this meeting, document updates will be fully implemented ahead of the August and September meetings. Commissioner Johnson expressed support for the format. He appreciates the updates made and the information in the Appendix. Chair Van Dine agreed. It is clear that an effort was made to condense the information so it is easier to navigate. She appreciates the work done to improve the draft. Commissioner John Frontero echoed those comments and expressed support for the current version of the draft. It is more concise and makes it easier to review. He also likes the plan themes and the layout, as it makes the document stronger overall.

The first plan theme reviewed during the Planning Commission Meeting was Moderate Income Housing. The focus areas are Variety of Housing Options and Workforce Housing. Ms. Garrow explained that the original draft document is being used to share more detailed information with the Commission. There is an existing Moderate Income Housing Plan in the City and there was no desire to duplicate the work there, so the pieces within the General Plan are focused on the development of housing. Ms. Garrow reviewed the feedback provided. Housing is an important issue for the Park City community. Based on the results of the statistically valid survey, it is clear that different housing types are important to different demographics. For example, first-time homebuyer options are important to the 18 to 34-year-old demographic, while affordable housing is important to people who are earning less than $100,000 per year.

H1: Variety of Housing Options was reviewed. Ms. Garrow explained that this relates to incentivizing housing options for all residents, but the strategies are a little more specific. Strategy 1A has to do with providing a range of housing options at varying price levels. Some of the actions include 1A.1 to evaluate existing incentives for the construction of affordable and attainable housing. 1A.2 is to incentivize housing developments that provide a housing mix and incorporate senior living housing. 1A.3 is to evaluate the accessory apartment regulations to understand possible obstacles to development.

1A.4 is to evaluate allowing duplexes in single-family neighborhoods where it makes sense contextually. For instance, when there is proximity to transit and services. 1A.5 is to regularly evaluate the Affordable Master Planned Development ("AMPD") code. 1A.6 is to consider an accessory apartment toolkit that establishes pre-approved plans and evaluates the potential for pre-fabrication and a pilot program for installations. 1A.7 relates to the creation of an affordable housing toolkit and 1A.8 has to do with the evaluation of tiny homes as an appropriate housing typology in Quinn's Junction Mixed-Use Node, based on compatibility with scale and surrounding land uses.

Commissioner Henry Sigg asked for additional information about 1A.4, which relates to duplexes in single-family neighborhoods. He wanted to understand when that might be considered. Ms. Garrow explained that the language was drafted in a way that is open. There could be an evaluation of new projects as well as retrofit projects. Other communities are starting to look at whether duplexes might work in the context of a neighborhood based on the size and architectural character. The language in the draft plan does not state that duplexes should be allowed everywhere, but states that it is worth looking into further on a neighborhood-by-neighborhood basis. Commissioner Sigg pointed out that there would need to be a code rewrite to allow for that evaluation. He understands the General Plan is a long-term vision document and is not necessarily what will happen, but allowing an increased use like that would require a code rewrite.

Chair Van Dine pointed out that 1A.4 is not suggesting that duplexes be allowed in all single-family neighborhoods in the City. The language specifically references the context of compatibility. Director Ward noted that this could be prioritized for evaluation in the future. There would need to be outreach to neighborhoods and public hearings held to see if there are appropriate areas that are closer to transit and services. If this evaluation were prioritized in the future, there would need to be a lot of research conducted and outreach. As far as code modifications, an amendment would need to be reviewed at that time. Chair Van Dine likes the proposed language in 1A.4. This is one option that can be considered moving forward and is appropriate to evaluate as a long-term goal.

Commissioner Beal noticed that the actions listed in this section use words like "consider" and "evaluate." He asked if that is preferable to more defined action steps. Ms. Garrow reported that there are some areas where the plan is prescriptive about the next logical step, but there are also some areas that are broader. She pointed out that there is an existing Moderate Income Housing Plan that provides some direction. Strategy 1A includes some additional policies, programs, and code amendments to explore.

Commissioner Johnson stated that the language provides flexibility. If there is a desire to update the code, it is possible to look at what is included in the General Plan. Chair

Van Dine explained that the General Plan is a useful document for the Planning Commission to reference when large projects come in. She clarified that the General Plan is not used to make decisions, but it is an important guiding document.

H2: Workforce Housing was reviewed. This section states that Park City will prioritize housing for 15% of the total workforce within the City boundary. Strategy 2A was shared, which is to continue to facilitate housing in the City and increase incentives for employment centers to incorporate workforce housing in new developments. Ms. Garrow reviewed some of the specific actions. 2A.1 is to implement resident-occupied deed restrictions to enable the workforce to live in the community. 2A.2 is to evaluate the current code regarding parking requirements for workforce housing development that is deed restricted and located within a ¼ mile walk of a transit stop that includes a sidewalk.

2A.3 relates to coordination with regional partners, resorts, and major employers to create workforce housing. 2A.4 is to expand the land banking program to include sites for workforce housing. 2A.5 is to regularly review the Land Management Code ("LMC") incentives for affordable housing to make sure they reflect the current market conditions.

Ms. Garrow reviewed the other action items in the section. 2A.6 is to work with private landowners, including resorts, to expand housing stock and typologies. 2A.7 is to create land use regulations for seasonal workforce housing typologies, such as single-room occupancy or dormitory-style projects. 2A.8 is to establish a strategic plan with local governments, businesses, and developers to build local expertise and share the risk and return for housing projects. She reported that 2A.9 involves working with other government or governmental entities on housing, such as the Park City School District, Park City Fire District, or Park City Hospital, to create essential worker housing. 2A.10 is to evaluate existing and pipeline developments, water and wastewater infrastructure, and traffic generation to determine where capacity exists for deed-restricted infill housing.

Commissioner Johnson asked whether the Housing Team is aligned with the language included in the Draft General Plan. It was clarified that the Housing Team has been involved in the process and has seen the language multiple times. Feedback was provided on prior versions, and there is comfort with what has been presented. Ms. Garrow confirmed that there have been a number of conversations with the Technical Advisory Committee, as well as some departmental conversations to make sure the General Plan is in alignment with the policies and goals that are in place.

Josh Palmer explained that he is with a consulting group called WSP. He shared information about the Water and Open Space Preservation plan theme. The focus areas are Water Preservation, Open Space Conservation, and Sensitive Lands. He explained that there will be some recommendations about continuing to support the efforts that have already been made. Some communities are starting from nothing, but that is not the case in Park City. The progress that has been made is impressive so far.

Ms. Garrow reported that there was a lot of strong support from the community for sustainability and the preservation of natural areas. Those pieces have been incorporated into the plan. She explained that the Water and Open Space Preservation draft is something that has continued to be workshopped. There are redlines and notes in the draft version that incorporate comments from the meeting with Staff last week.

Mr. Palmer discussed W1: Water Preservation and explained that it relates to initiatives that result in water reduction and efficiency. Strategy 1A is to reduce water demand and protect water supply through collaboration, education, and technology. He reviewed the different actions listed, including 1A.1, which is to incentivize water efficiency improvements in existing developments through rebates for turf replacement, smart irrigation controllers, or water audits. 1A.2 is to encourage remodels and conversions of outdoor spaces to adopt water-efficient landscaping. Mr. Palmer explained that he is not against grass when it has a use, but sometimes, it is in a place that does not make sense.

1A.3 is to continue updating land use regulations to consider water-wise landscaping. Mr. Palmer pointed out that a lot of the language focuses on what is happening outdoors. This is because the average Utahn uses 3,000 gallons of water every time they water their lawn. 1A.4 is to incentivize water-wise development. For example, combining ordinances and incentives to encourage better water-wise landscaping and best practices for both existing and new development. 1A.5 is about supporting conservation initiatives: pricing tools, leak detection, place-based data measurements, and water-wise policies.

Mr. Palmer reported that 1A.6 is to evaluate site-level water demand during development approval processes, particularly for outdoor water use. 1A.7 is to incorporate water efficiency standards for landscaping. 1A.8 is about partnering with programs like Localscapes and Utah Water Ways to amplify water conservation messaging and the adoption of sustainable landscaping practices. These are newer organizations that take a different approach and have new funding sources. Localscapes is interesting because there is not a conservation-first approach taken from a messaging standpoint, but an aesthetics approach taken. This has been effective. Change has been driven by the aesthetics of water-wise landscapes. There have been discussions with the leaders of these programs and there is a willingness to work with Park City. 1A.9 is to explore tiered water pricing strategies to incentivize efficient use and reduce wasteful consumption.

Commissioner Johnson asked why 1A.10 and 1A.11 have been crossed out in the version of the document shown. Mr. Palmer explained that those are items that are happening with an outside group already. As a result, those are not seen as plan priorities.

Strategy 1B was reviewed, which is to protect and improve water quality through a holistic and collaborative approach. The action items include 1B.1, which is to safeguard water delivery systems from wildfire threats by installing fire-resistant materials, establishing defensible space around key infrastructure, and incorporating green infrastructure and water infiltration practices. 1B.2 is to monitor and evaluate PFAS levels in groundwater wells and assess the feasibility of treatment options. 1B.3 is to continue to work with ski industry partners to proactively manage and mitigate emerging contaminants, like PFAS, through treatment and dilution strategies. 1B.4 is to evaluate the risks associated with artificial turf, particularly its contribution to microplastics and PFAS contamination.

Mr. Palmer discussed Strategy 1C, which is to continue to maintain water infrastructure in a state of good repair. The associated actions include 1C.1, which is related to an Asset Management Plan to anticipate the needs and budget for an aging infrastructure system. He explained that the replacement approach should not simply be to fix pipes once they break. That is a reactive approach and the intention is to be proactive. 1C.2 is to identify water infrastructure investments that align with the 2034 Olympic Games planning. Mr. Palmer reported that action 1C.3 is to coordinate with other departments to align water infrastructure upgrades with other capital projects.

Commissioner Johnson asked if the development and implementation of a 20-year Asset Management Plan has been removed because there is already an Asset Management Plan in place. This was confirmed. Commissioners expressed support for this section.

W2: Open Space Conservation was reviewed. This states that Park City will implement plans and policies to protect and restore natural environments. Callie New from WSP introduced herself to the Commission and reviewed the information in this section. The Open Space Conservation chapter is focused on three different elements: maintaining and preserving sensitive lands, acquiring new lands as open space, and adding and enhancing natural features, specifically within the built environment or urbanized area.

Strategy 2A has to do with protecting and enhancing natural environments. Actions include 2A.1, which is to continue to support policies that protect, rehabilitate, and maintain wetlands, riparian zones, and other natural areas to enhance their ability to filter pollutants, provide habitat for wildlife, and store water. 2A.2 is to create and adopt a Natural Resource Management Plan for public open space to balance human use with ecosystem health and protection of biodiversity. Natural resource plans should address best practices for urban environments, including, but not limited to, erosion and invasive species. 2A.3 is to develop additional carbon sequestration projects, such as open space conservation, carbon-sequestering vegetation growth, and biochar application.

Ms. New reviewed Strategy 2B, which is to continue conservation efforts to increase the land preserved as open space. She discussed the different actions. 2B.1 is to utilize the 2025 Park City General Plan's conservation analysis layer to create a matrix to prioritize open space acquisitions based on existing environmental conditions and community values, including ecosystem health, sensitive lands, wildlife corridors, viewsheds, and recreation. 2B.2 is to continue to use restrictive covenants such as deed restrictions and conservation easements to protect and expand open space values. Action 2B.3 is to continue to allocate annual dedicated public funds to ongoing open space acquisitions to maintain key ecological resources, wildlife habitat, and/or mitigation corridors.

2B.4 is to evaluate increase opportunities for preservation of open space through comprehensive updates to the Transfer of Development Rights ("TDR") sending zones and identify appropriate areas for increased density within receiving zones. 2B.5 is to establish land stewardship education and incentive programs for private landowners with property dedication as open space. Ms. New discussed Strategy 2C, which is to support efforts that maintain, add, and/or enhance natural features within urbanized areas to reduce the heat island effect and improve access to green space for residents and visitors.

2C.1 is to complete and implement a Forestry Plan to develop, maintain, and protect the City's tree canopy. 2C.2 is to evaluate areas outside of the Sensitive Land Overlay ("SLO") to determine whether additional land use regulations are needed to protect the City's natural resources. Some potential regulations are outlined and could include:

- Setbacks from water resources such as streams and wetlands based on best practices (e.g., 50 to 500 feet) and an evaluation of the water resource;
- Compatible uses that do not impact flooding or water quality in areas adjacent to streams and wetlands; and
- Steep slope management during development that prevents adverse effects (e.g., erosion). Consider establishing a Steep Slope Conditional Use Permit ("SSCUP") for construction on lots with slopes of 30% or greater for properties that are outside of the Historic Districts.

Ms. New reviewed 2C.3, which is to update land use regulations related to the impermeable surface area of lots to ensure proper drainage, hydrology, and mitigation of the heat island effect. 2C.4 is to encourage improvements to stream corridors, such as stream restoration, streambank stabilization, and/or restoration of riparian buffer areas, to enhance a range of benefits such as, but not limited to wildlife corridor and breeding and foraging habit improvements, water quality improvements, reduction of heat island effect, a more resilient flood zone, and a reduction in peak flow that reduces infrastructure erosion and flooding potential. She asked for Commission feedback on this section.

Commissioner Frontero referenced 2A.2, which is to create and adopt a Natural Resource Management Plan. He asked how involved that plan would be. He assumes that other communities have that kind of plan in place, but he wondered who would create that in Park City. Ms. New imagined there would be a partnership between different departments. Plans range in scale depending on the level of detail, so it could be something that is high-level and sets objectives for the management of natural resources. Alternatively, it could include specific policies depending on what the City is looking for. It is possible to provide examples from other communities, if desired by the Commission.

Commissioner Frontero asked what a Forestry Plan would look like, as mentioned in 2C.1. Ms. New explained that the Forestry Plan is focused on taking inventory of the tree resources within the community. The Forestry Plan would essentially take stock of the existing conditions, identify challenging areas, and consider potential opportunities to grow the forest canopy, as appropriate. Commissioner Frontero pointed out that the draft suggests the creation of two different plans. He referenced the necessary Staff time.

Commissioner Johnson noted that there was a request for proposal ("RFP") out for a Forestry Plan, but he does not know whether a consultant was chosen. It is possible to handle the work in-house or hire consultants to do that work. Director Ward reminded the Commission that the actions being shown will be shifted to the Appendix section of this document. These actions are recommendations and are not required to be pursued. Based on feedback from the Joint Work Session, there will be an annual review and prioritization process that takes place. Actions can move forward as they are prioritized. Currently, there is no adopted Forestry Plan or an updated Natural Resource Management Plan. Commissioner Johnson thought those plans would be good to have.

Commissioner Johnson asked if Commissioner Frontero is uncomfortable with the suggestion that there be more plans created. Commissioner Frontero explained that he would prefer action. However, he understands that plans can lead to action. While he is not opposed to these plans, it is important to think about the resources it will take to create them and what the outcomes will be. Chair Van Dine acknowledged that not everything in the General Plan will be accomplished, but it provides direction. She understands the concerns expressed by Commissioner Frontero, because the draft document does mention the creation of several different plans, but those plans could be useful to have.

Commissioner Sigg understands both perspectives. He does not want to create a lot of plans that do not have action components to them, but on the other hand, certain plans can be used to benchmark conditions. Commissioner Frontero asked what would happen if the General Plan was reviewed in five years and neither of the referenced plans have been created. Chair Van Dine does not believe that would be considered a failure, because the priorities will be discussed annually and certain items will become the focus. Commissioner Frontero is fine leaving the mentions of the plans in the document, but asked Commissioners to consider the number of plans that are being recommended.

Ms. New reviewed 2C.5, which is to encourage local agriculture through the adoption of standards for community gardens and support structures within neighborhoods and public common areas. She next discussed W3: Sensitive Lands. This states that Park City will maintain natural ecosystems that support wildlife health. Strategy 3A is intended to support the maintenance and preservation of sensitive lands, including wildlife corridors.

The actions for Strategy 3A were shared. 3A.1 is to update the boundary and regulations of the SLO of the LMC to reflect best practices for ridgeline protection, mitigation on steep slopes, wetland and stream setbacks, and wildlife corridors and habitat. 3A.2 is to utilize the findings of the Park City Natural Resource Inventory study to identify sensitive lands to be protected within the SLO. 3A.3 is to identify local and regional wildlife corridors with a protected area designation, establish buffer zones around these habitats to minimize human impact and maintain natural landscapes, and implement land use planning and zoning regulations that prioritize the preservation and connectivity of these corridors. Reevaluate local wildlife corridors every 10 years or so unless major changes in vegetation are present, which may necessitate more frequent evaluations.

3A.4 states that within Master Planned Developments ("MPD"), encourage development practices that minimize habitat fragmentation and maintain ecological connectivity (without increasing wildfire risk), such as cluster lot design tactics, wildlife-friendly fencing, reduction of fish barriers, and contiguous open space requirements. 3A.5 is to develop overland wildlife corridors for SR-224, SR-248, and US 40 to accommodate wildlife movement. Evaluate transportation improvement projects for potential conflicts with wildlife movements. Ms. New noted that some of the latter is already being done with the wildlife crossings. She next reviewed Strategy 3B, which is to collaborate with surrounding local governments, conservation organizations, and community members to ensure that sensitive land considerations are integrated into regional planning efforts.

The actions for Strategy 3B were reviewed. Ms. New reported that 3B.1 is to collaborate with Summit County, the Wasatch Front, and the Wasatch Back communities to identify and protect regional wildlife corridors and sensitive lands. 3B.2 is to collect and share data for the systems that have influences beyond municipal borders, including ecosystems, waterways, wildlife corridors, air quality, shared view corridors, open space, and scenic roadways. Incorporate findings into regional planning strategies. 3B.3 is to update the City's Annexation Policy Plan to expand the green buffer that surrounds the City and ensures that City-owned open space can be brought into the City boundary.

Strategy 3C is to continue to promote human health in areas affected by historic mining through comprehensive restoration programs. Ms. New reviewed the associated actions. 3C.1 is to continue to maintain environmental programs that embrace the City's responsibilities to protect public health and the environment as set forth in Park City's Soil Ordinance. 3C.2 is to continue efforts to mitigate and restore contaminated soils to reduce the City's liability and demonstrate compliance with Federal regulations. Ms. New explained that action item 3C.3 is to investigate the value and feasibility of designating portions of contaminated soils as the Brownfield District to potentially receive redevelopment planning assistance and the EPA Brownfields Grant for future redevelopment efforts.

The Sustainability plan theme was reviewed. Ms. New noted that Park City is a leader in sustainability, especially within mountain communities. Sustainability is something that community members felt was important. She reported that there are different focus areas: Environmental Leadership, Wildfires, Waste Reduction, and Energy Efficiency. Based on community feedback, preserving natural open space was a priority for 61% of respondents. Wildlife mitigation is another concern for Park City residents and was identified as a top priority by 55% of survey respondents. 35% of respondents identified trail development, as well as trailhead parking and neighborhood mitigations, as priorities.

S1: Environmental Leadership was reviewed. It states that Park City leads efforts for environmental sustainability through programs, collaboration, partnerships, and training. Ms. New reviewed Strategy 1A, which is to develop sustainability education and campaigns to increase awareness of existing opportunities related to energy efficiency, renewable generation, indoor air quality, and electrification measures. The actions include 1A.1, which is to advance education and partnership efforts that mitigate waste generation and GHG emissions, including second homes and nightly rentals. 1A.2 is to collaborate interdepartmentally to create and share resources for best practices in sustainable community development. 1A.3 is to use influence through the Olympic and Paralympic Games period to showcase Park City's climate innovations.

Strategy 1B is to develop sustainability programs to meet Park City's sustainability goals of full carbon neutrality by 2030 and 80% GHG reduction by 2050. The actions include 1B.1, which is to partner with organizations to provide energy reduction advisory services for residents and businesses. 1B.2 is to partner with utilities and the State to offer building operator training on energy management for larger businesses. 1B.3 is to examine and utilize green financing mechanisms to fund zero-emission infrastructure and grant assistance for residents and businesses to reduce their energy use and GHG emissions.

Strategy 1C is to develop a Climate Action and Resilience Plan and implement actions to further establish climate action efforts and environmental stewardship. Ms. New reviewed the actions. 1C.1 is to develop a tracking mechanism for goals, objectives, and strategies related to sustainability and resilience to record and communicate progress. 1C.2 is to join efforts with other local communities, such as Moab, as established in their Climate Action Plan, to advocate for higher-performance Building Code requirements Statewide.

1C.3 is to create a climate action awareness campaign to promote interdisciplinary sustainability-oriented habits that serve overall community resilience. 1C.4 is to improve and foster communication and education with residents and commercial property owners to promote sound environmental management practices and compliance requirements.

1C.5 is to engage in interdepartmental and interjurisdictional collaboration to create educational campaigns aiming to protect and improve ecosystems in Park City and the surrounding region. 1C.6 is to encourage City employees to keep current on training and best practices related to their functions within the City's environmental responsibilities, such as supporting involvement with industry groups. 1C.7 is to work with community partners and conservation groups, such as the Green Business Program, to increase the effectiveness of the City's practices supporting its mission of environmental stewardship.

Ms. New reviewed Strategy 1D, which is to coordinate with community groups, businesses, and resorts to establish and implement environmental standards and policies that promote sustainable tourism. She reported that a broad case study review was conducted of similar mountain communities, and there are references included in the action items. The first action is 1D.1, which is to collaborate with local resorts to introduce grooming vehicles and other machinery associated with recreation opportunities with reduced carbon emissions. See precedent example Avoriaz/Morzine, France.

1D.2 is to consult with resorts and other businesses to assess existing energy performance and emissions related to on-site buildings and operations. Additionally, work to plan for energy upgrades and community-scale efficiency and resiliency interventions. 1D.3 is to introduce a program, similar to the CopenPay Pilot Program, that incentivizes visitors to engage in activities and volunteer opportunities that encourage sustainable tourism habits. 1D.4 is to evaluate retroactive compliance requirements for outdoor lighting to protect the night sky. Ms. New reported that the action for 1D.5 is to continue to support Park City Chamber's Sustainable Tourism Plan for tourism reimagined.

Strategy 1E is to continue to promote soil health through comprehensive soil remediation actions and monitoring programs. The actions include 1E.1, which is to continue long-term monitoring programs to track soil health and ensure the effectiveness of remediation efforts. 1E.2 is to explore the value and feasibility of using phytoremediation tactics, which involve planting hyperaccumulator species that can absorb heavy metals and other pollutants from the soil, helping to clean and restore the soil over time. 1E.3 is for areas not intended for redevelopment. It is possible to advance planning efforts to recontour and revegetate contaminated soils to promote natural drainage patterns, stabilize the soil, and prevent erosion. 1E.4 is to evaluate a potential grant program for soil remediation or a program to educate property owners about soil remediation grant opportunities.

Strategy 1F is to maintain an overarching consideration of fair and positive conditions through the implementation of all recommendations that tie to the community's value. The action, 1F.1 is to create a policy that ensures positive quality of life and outcomes for all residents, with reference to existing and future policies that are associated with clean energy and energy efficiency, clean transportation, remediation and reduction of pollution, clean water and wastewater infrastructure, and conservation of natural resources.

S2: Wildfires states that Park City works proactively to reduce wildfire risk and support emergency efforts. Ms. New reviewed Strategy 2A, which is to collaborate interdepartmentally to implement actions, protocols, and policies present in the most recent wildfire hazard plans, such as the 2023 Community Wildfire Risk Assessment.

The actions for Strategy 2A include 2A.1, which is to develop and implement community-wide wildfire awareness education and outreach campaigns. 2A.2 is to maintain current pre-attack, evacuation, and community wildfire preparedness plans. 2A.3 is to engage in fuel treatments by reducing the quantity of flammable materials in and around Park City, particularly reducing fuels in the understory on the slopes and following Fire Wise principles around buildings. Also, to utilize best practices in smoke and carbon emissions reduction for pile burning for on-site biochar production. 2A.4 is to strengthen community and landowner relations, enabling cross-boundary collaboration and increasing the likelihood of developing partnerships to receive funding from wildfire protection grants.

Ms. New reported that the action for 2A.5 is to use the results from current resources on wildfire risk to prioritize fuel treatment areas. 2A.6 is to monitor the success of completed fuel treatments in locations outside of Park City. 2A.7 is to integrate wildfire mitigation techniques like Defense Zones into the City landscaping standards. 2A.8 is to update building design and material standards to increase wildfire resiliency.

Strategy 2B is to develop programmatic approaches to assess wildfire risk on a more individualized basis and thoughtfully target spot mitigation improvements. Ms. New reviewed the actions, which include 2B.1 to establish a Fire Property Assessment Program to allow property owners to understand their individualized risks and receive unique mitigation action guidance. 2B.2 is to provide resources to encourage creating defensible space for wildfire protection. An example is from Summit County, Colorado. 2B.3 is to offer a grant program (Truckee, California) to incentivize public-private partnerships in developing wildfire-resilient projects and improvements such as fire detection equipment, fuel reduction activities, and emergency signage additions.

S3: Waste Reduction states that Park City works to reduce its environmental footprint by reducing, reusing, and recycling. Ms. New reported that there are several actions related to waste reduction. Strategy 3A is to establish waste reduction and diversion actions.

3A.1 requires waste reduction in Construction Mitigation Plans through strategies such as minimizing the number of materials where possible and waste diversion through material reuse, sorting, and recycling procedures. 3A.2 is to continue work with Historic Park City Alliance and expand coordination to other businesses to implement waste streams and propose an approach to zero waste. 3A.3 is to refocus outreach to restaurants and bars and expand availability of glass drop-offs to increase glass diversion. 3A.4 is to adopt a resolution and code to require all businesses to register with an authorized hauler, with haulers required to disclose annual waste hauled, including materials diverted from landfill and ultimate hauling destinations. 3A.5 is to continue to support community organizations working on zero waste programs. 3A.6 is to restrict the types of materials used for to-go containers, such as Styrofoam and single-use plastics.

3A.7 is to facilitate waste reduction and improved landfill diversion programs in coordination with businesses. It was noted that 3A.8 has repeated language. 3A.9 is to conduct regular waste characterization studies in order to evaluate conditions not captured in the existing study. 3A.10 states that, as required by the Olympics International Organizing Committee, develop a municipal environmental purchasing policy for goods, services, and associated supply chains. See also: City of Moab Sustainability Action Plan.

Commissioner Beal referenced the Wildfire section. He asked if there is any action related to undergrounding the power lines in the City. This was denied. Director Ward reported that this is prioritized in other sections of the Draft General Plan document, but it is specific to Old Town and Historic Preservation. Commissioner Beal suggested that there be an evaluation of the above-ground powerlines in the Wildfire section as well.

S4: Energy Efficiency states that Park City works to achieve net-zero energy emissions through policy, technology, and action. Strategy 4A is to prioritize policies that support next steps in achieving energy use reduction, adoption of renewable electricity, and future carbon neutrality. The actions include 4A.1, which is to adopt a Zero Emissions Stretch Code that is integrated with ASHRAE 90.1 standard and International Energy Conservation Code best practices to promote greater energy efficiency and emission reduction than the base energy code. 4A.2 follows Resolution 32-2018, which established Park City's goal of reaching 100% renewable electricity by 2030. Ms. New noted that 4A.3 and 4A.4 are a bit redundant, so work will be done to clean those up.

4A.5 is to develop a GHG emissions inventory and tracking system to monitor the energy use of different building types and any potential Olympic venues. 4A.6 is to incorporate environmental considerations as an integral part of reviewing future development and redevelopment projects. 4A.7 is also redundant, so that will also be cleaned up moving forward. 4A.8 is to explore opportunities for Thermal Energy Networks utilization for snowmelt and heating and cooling buildings. 4A.9 is to ensure that water heaters inspected adhere to ULN standards for Utah. 4A.10 is to integrate energy considerations and water conservation in the "Good Cause" review standards for Plat Amendments that accommodate a larger residence. 4A.11 is to partner with organizations to offer free residential energy advisory services. 4A.12 is to evaluate the feasibility of community-scale programs such as rooftop solar bulk buy or heat pumps and weatherization offers.

Ms. New reported that 4A.13 is to develop a commercial energy benchmarking ordinance and program, similar to Aspen's Building IQ. 4A.14 is to review the LMC for opportunities to encourage building and site improvements that support the City's climate goals.

Strategy 4B was reviewed, which is to explore modifications to transportation policies that incentivize or require more efficient operations. The actions include 4B.1, which is to develop an electric vehicle transition plan for transit vehicles to support the transition to a no and low-energy bus fleet. 4B.2 is to develop a Municipal Fleet Electrification Plan. 4B.3 is to create incentives for the installation of electric vehicle charging stations in existing developments. 4B.4 is to create a Sustainable Freight Management Plan that details potential delivery hubs to reduce vehicle miles traveled by freight vehicles and associated carbon emissions within Park City. Ms. New asked if there were questions.

Chair Van Dine referenced 4B.3 and asked how that would be different than what is currently being done in Park City. Ms. New shared an example scenario where there might be an established restaurant owner who does not have an electric vehicle charging station within their parking lot. There could be work done to potentially incentivize the installation of one. It is possible to work strategically to increase the number of electric vehicle charging stations throughout the community, including in existing developments.

Commissioner Beal wants to better understand what success looks like within the context of the General Plan document. He feels it is important to measure what is being done. Ms. Garrow appreciated the comment shared. She used the example of the goals the City has adopted relative to greenhouse gas emissions. The pieces related to transportation efficiency and electrification of the fleet work to support the greenhouse gas emissions goals. It is possible to track success through that. While the General Plan is general in nature and provides guidance, there are pieces that link to existing goals or suggest the establishment of more specific goals. She added that tracking progress would likely take place during the annual review and prioritization process.

Ms. Garrow reported that additional Commissioner feedback can be communicated to Director Ward. That feedback can then be incorporated into the updates. She reminded the Planning Commission that there will be a Joint Work Session held in August.

Chair Van Dine opened the public hearing. There were no comments. The public hearing was continued.

MOTION: Commissioner Frontero moved to CONTINUE the General Plan Agenda Item to a Date Uncertain. The motion was seconded by Commissioner Sigg. The motion passed with the unanimous consent of the Commission.

The Planning Commission took a five-minute break before continuing with the agenda.

B. 10206 Twisted Branch Road - Subdivision - The Applicant Proposes to Create a One-Lot, 2.83-Acre Subdivision in the Recreation and Open Space Zoning District and Sensitive Land Overlay. PL-23-05073.

Chair Van Dine reported that Items 6B and 6C will be presented at the same time. Item 6B is for a Subdivision and Item 6C is for a Conditional Use Permit ("CUP"). Planner II, Virgil Lund, presented the Staff Reports and explained that the subject property is 10206 Twisted Branch Road. A site visit was conducted before the Planning Commission Meeting. Planner Lund shared some background information with the Commission.

Section 2.6 of the Amended Flagstaff Development Agreement allows the developer to construct a private restaurant. In 2008, the Planning Commission approved a CUP for a private restaurant at the site, but the approval expired and no Building Permit was submitted. In 2018, the Planning Commission discussed a proposal for a four-lot subdivision along Twisted Branch Road, but that application expired. In 2018, the Planning Commission approved an amendment to Technical Report #15 – Construction

Mitigation Plan, which approved 10206 Twisted Branch Road as a receiving site for clean, excavated soil. In addition, Flagstaff Technical Report #5 mentions the restaurant:

- Beyond the proposed development pods, the Development Agreement allows Flagstaff to develop a restaurant/club facility in the Developed Recreation Open Space ("DROS"). The facility is to be located within the ski terrain near the Mountain Village.

Planner Lund shared the outline of the proposed subdivision at 10206 Twisted Branch Road in relation to the top of Flagstaff Mountain and The Montage. He next shared an image that illustrates the existing conditions at the site and a Deer Valley ski map. The red star on the map shows where the proposed restaurant will be located, which is just off the Bandana Ski Run. The proposal is a one-lot subdivision, a 2,862-square-foot private restaurant, outdoor dining, and an 800-square-foot tent for events during the summer months for members. The Flagstaff Development Agreement states that the restaurant can be between 7,000 and 10,000 square feet with no parking spaces allowed. It must also be near the Mountain Village and within the Deer Valley ski terrain. In the Draft Final Action Letter, there is a proposed Condition of Approval related to square footage. The proposed restaurant is less than the square footage in the Development Agreement, but the additional square footage cannot be transferred or used for an additional structure.

The Subdivision and CUP comply with the subdivision criteria in 15-7, CUP criteria, Outdoor Dining criteria, SLO, Development Agreement requirements, ROS Zoning District requirements, and architectural design standards. Planner Lund shared additional background information for the Commissioners who were not present at the Work Session held in April 2025. The Planning Commission held a Work Session at that time to discuss the building height. The applicant is proposing to place the restaurant on final grade instead of existing grade, so the applicant is seeking a height exception from the Commission for the additional building height. The Planning Commission last discussed this proposal in April and requested additional materials as well as a site visit.

Final Action on the proposal and the building height exception is requested. Staff finds the proposal complies with the MPD criteria for a building height exception, as outlined in the Staff Report. The building height, if measured from final grade, is approximately 26.5 feet. If it was measured from existing grade, it would be approximately 36.5 feet or 8.5 feet above the zone height, which is the reason the height exception has been requested. Staff recommends that the Planning Commission review the proposed Subdivision and CUP applications, open a public hearing, and consider approval of the applications.

Commissioner Sigg asked if the Commission is looking at this as a special exception or a CUP. Planner Lund clarified that a CUP is being considered with a height exception. Commissioner Johnson asked if the Commission is looking at 15-6-5(F) for the height exception, which was confirmed. Planner Lund noted that there are six criteria listed.

Commissioner Johnson believed the argument is that the first criterion is met because the size of the building has been reduced. Planner Lund reported that the Staff Report outlines the analysis conducted by Staff for each of the criteria included in that section. Commissioner Johnson referenced Condition of Approval #14, which states that the remaining square footage cannot be transferred. Director Ward clarified that based on the current language, the applicant could come back to the Planning Commission to request a modification to the CUP to build to the square footage that is outlined in the Development Agreement. Commissioner Johnson thought it would be better to have a more defined square footage included in that Condition of Approval. Currently, the applicant has rights in the Development Agreement for a 7,000 to 10,000 square foot restaurant. Condition of Approval #14 is drafted so that the applicant cannot transfer the remaining square footage anywhere else. If there is a desire to enlarge the structure in the future, it would be possible to expand from 7,000 to a 10,000-square-foot restaurant.

Commissioner Johnson pointed out that the height exception is being considered because of the smaller square footage, so he does not want to see the applicant drastically expand the square footage after the height exception has been granted. Based on the site visit, it sounds like the building is being placed in the most appropriate location on the property and there is no intention to redevelop the building in the future, but specificity in the condition language would be beneficial in the event of new ownership.

Commissioner Frontero suggested language that states, “this extinguishes the remaining density allowed from the Flagstaff Development Agreement.” Senior City Attorney, Mark Harrington, stated that there will need to be a discussion with the applicant about whether the proposed language is acceptable. He noted that some of the Findings of Fact could be refined so that the building height is tied to the reduction. There might be different ways to frame the findings that Staff have proposed, but the Commission will need to articulate some additional specificity about the value as it relates to the height exception.

Commissioner Sigg shared comments about the grade. To consider the building height exception, he would be in favor of a cap on the size of the facility, without the ability for a future expansion. As for the tent permit, he asked if that would be a permanent tent facility. Chair Van Dine reported that it would be there five times a year for a maximum of 14 days each. That would comply with the current ordinance that is in place for the use.

Commissioner Frontero agrees with the comments shared by Commissioner Sigg. In order to grant the building height exception, he needs to be comfortable so that there will be no further contemplation of expanding the restaurant size. If there is any chance of expansion, then the height exception is something that he would need to think more about. The applicant representative, Rhett Riding, introduced himself to the Commission. During the site visit, it was fairly clear that there is not a lot of room, so he is not certain where a 7,000 to 10,000 square foot restaurant would be located. He cannot envision the structure being anywhere near 10,000 square feet. While there are no plans to expand at this point, he suggested there be a cap at 5,000 or 7,000 square feet. This would allow some flexibility in the future but would still provide a significant reduction. Chair Van Dine believes it is fair to set that kind of limitation. Commissioner Frontero thought a concession on the maximum square footage makes sense for the exception.

There was discussion about the maximum square footage. Commissioner Frontero believed 5,000 square feet was reasonable, because that is lower than the lowest amount that is allowed, but is above what has been proposed. This provides some flexibility. Commissioner Grant Tilson reported that he is comfortable with a 5,000 square foot cap. He asked about the Development Agreement and private restaurant use. He wanted to make sure there is not already another private restaurant within the development area and referenced one near the Silver Strike Lift. Mr. Riding stated that he is unaware of a private restaurant that has been constructed from this Development Agreement.

Commissioner Sigg noticed during the site visit that there is another tip site. There is drainage between the two tip sites and one tip site is significantly higher in elevation than the other. As it comes down, it creates a drainage swale. He is not sure which property the swale is on, but his concerns relate to erosion and how that will be treated for stabilization. Mr. Riding reported that there is matting that will be used on slopes that are 40% or greater. One of the sites mentioned has a separate property owner. Commissioner Sigg wanted to know how erosion will be controlled. Mr. Riding explained that measures can be taken in some areas, but not on the property with a different owner.

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

Commissioner Tilson referenced the language in the Development Agreement that states the developer may construct a private restaurant at a location to be determined. However, it sounds like there is already a private restaurant in this development. Director Ward clarified that there are supported commercial uses that have been approved as part of some of the other developments in the Flagstaff Annexation Area. There are some resort accessory uses integrated into some of the other approvals. Those accessory uses have limitations, but when through the full review process. Commissioner Tilson thanked Director Ward for the clarification, but wished the language was a little bit clearer.

Director Ward noted that a public hearing has been held for the Subdivision application. It seems like the Commission's discussions are focused on the CUP, so she suggested that a motion be made on the Subdivision item before the CUP discussions continue. Chair Van Dine asked if there were additional questions or comments on the Subdivision application. There were none, so it was determined that a motion could be made.

MOTION: Commissioner Frontero moved to APPROVE the Hot Creek Subdivision to Create a One-Lot, 2.83-Acre Subdivision in the Recreation and Open Space Zoning District and Sensitive Land Overlay, subject to the following:

Findings of Fact:

1. The Applicant proposes a 2.83-acre one-lot Subdivision to construct a private Restaurant.

2. On May 10, 1997, the City Council approved Ordinance No. 99-30 annexing approximately 1,750 acres in the Flagstaff Mountain/Empire Pass area into Park City.

3. Pursuant to the Flagstaff/Empire Pass Master Planned Development (MPD) outlining Development within the annexed area, the Applicant was required to submit 14 technical reports/studies to address utilities, impacts to wildlife, open space management, project phasing, and construction mitigation. In December 2001, the Planning Commission approved the 14 technical reports.

4. On December 13, 2006, the Planning Commission held a public hearing on proposed Development Agreement amendments to include the Montage Resort and to modify Mountain Village development. The Planning Commission forwarded a positive recommendation to the City Council.

5. On February 1, 2007, the City Council adopted Ordinance No. 07-10 approving the Development Agreement amendments.

6. On March 2, 2007, the Amended and Restated Development Agreement was recorded with Summit County (Recorder Entry No. 806100).

7. Section 2.6 of the Amended Development Agreement states: “Developer may construct a private Restaurant (Beano’s Cabin at Beaver Creek-style), at a location to be determined at the CUP phase. No private parking areas or vehicular access will be allowed except (i) access and space for patron drop-offs and pickups, and (ii) access, loading areas and circulation for emergency, delivery and service vehicles. The size of the private Restaurant shall be determined by the Planning Commission at the CUP review phase and shall be between 7,000 and 10,000 square feet.”

8. On February 13, 2008, the Planning Commission approved a Conditional Use Permit (CUP) for a 9,954-square-foot private Restaurant at 10206 Twisted Branch Road.

9. On April 8, 2009, the Planning Commission approved a one-year extension for the private Restaurant CUP.

10. A Building Permit was never submitted for the proposed private Restaurant, and the application expired due to inactivity.

11. On June 13, 2018, the Planning Commission discussed a proposal for a four-lot Subdivision which included multiple parcels along Twisted Branch Road. The draft Ordinance attached to the packet for the June 13 meeting includes the following Condition of Approval:

    a. "Prior to recordation of this plat, the owner's dedication language for Parcel 1 (REDUS, Park City) shall state that as Owner of the parcel identified on this plat as Parcel 1, hereby irrevocably offers to dedicate the road, known as Twisted Branch Road, for public use as a roadway, which shall remain a private roadway until the dedication thereof is accepted by the City."

12. On July 11, 2018, the Planning Commission continued the proposed Subdivision to a date uncertain. The application expired due to inactivity.

13. The proposed Subdivision being reviewed concurrently with this CUP is for a one-lot Subdivision. Twisted Branch Road is under different ownership, and the Applicant does not have the authority to pursue the dedication of Twisted Branch Road.

14. On August 8, 2018, the Planning Commission approved an amendment to Flagstaff Technical Report #15 Construction Mitigation Plan. This amendment approved 10206 Twisted Branch Road as a location to receive clean, excavated soil as part of the Flagstaff Mountain construction and development.

15. On August 25, 2023, the Applicant submitted a CUP application for a private Restaurant. On March 13, 2024, the Planning Commission opened a public hearing and continued the CUP application for a private Restaurant to a date uncertain. This application expired due to inactivity.

16. On December 17, 2024, the Applicant submitted a CUP application for a 2,862-square-foot private Restaurant with a 2,807-square-foot patio for Outdoor Dining and events at 10206 Twisted Branch Road.

17. Flagstaff Technical Report #5 Open Space Management Plan considers the proposed Restaurant, mentioned in Section 3.8, p. 10: "Beyond the proposed development pods, the Development Agreement gives Flagstaff

the opportunity to develop a restaurant/club facility (AKA "Beano's Cabin") in the [Developed Recreation Open Space] DROS. The facility is to be located within the ski terrain near the Mountain Village."

18. The Site for the proposed Restaurant is in Developed Recreation Open Space (DROS) within the existing Deer Valley ski terrain near Silver Lake village and the Empire base area.

19. The proposed Subdivision complies with the requirements of the Recreation and Open Space (ROS) Zoning District.

    a. The purpose of the ROS District is to:
        i. Establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots.
        ii. Permit recreational Uses and preserve recreational Open Space land,
        iii. Encourage parks, golf courses, trails and other Compatible public or private recreational Uses,
        iv. Preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridgelines, meadows, stream corridors, and forests, and
        v. Encourage sustainability, conservation, and renewable energy.
    b. The proposed Subdivision complies with the purpose of the ROS District in that it establishes a Lot for the development of a private on-mountain restaurant that complies with the Annexation Agreement and Open Space requirements for Flagstaff Mountain.
    c. Lot Size.
        i. There is no minimum or maximum Lot size in the ROS Zoning District.

20. The proposed Subdivision complies with the requirements outlined in LMC Chapter 15-7.

    a. The Hot Creek Subdivision is a minor Subdivision, containing one Lot fronting Twisted Branch Road, a private street. Pursuant to LMC § 15-7.1- 3(A), the Planning Commission may combine the requirements of a Preliminary Plat and Final Subdivision Plat into one submittal. The Applicant requests review of a Final Subdivision Plat.
    b. LMC § 15-7.3-2 outlines the relevant general Subdivision requirements.
        i. Subdivision Name.

1. The proposed name of the Subdivision must not duplicate, or too closely approximate, the name of any other Subdivision platted with Summit County. On June 28, 2025, the County Recorder confirmed the name "Hot Creek Subdivision" does not duplicate or approximate the name of any other Subdivision in Summit County.

ii. Limits of Disturbance/ Vegetation Protection.

1. The Applicant's existing conditions survey shows a small group of aspen and pine trees in the northwest corner of the proposed Lot. No development is proposed in this area.

iii. Ridge Line Development.

1. Lot 1 is approximately 1,000 feet from the nearest ridgeline and is not visible from any designated Vantage Points.

iv. Open Space.

1. Section 2.9.6 of the Flagstaff DA states that all land outside of the development pods shall be zoned ROS-MPD and shall remain as Open Space. The proposed Restaurant is in the designated Open Space area, but does not decrease the amount of required Open Space in the Flagstaff Annexation Area, as outlined in Section 2.6 of the Flagstaff DA. Members of the Talisker Club will have access to the Restaurant off the Bandana ski run in the winter. In the summer, members could access the Restaurant via the Road to Ruby mountain bike trail. No hiking or biking trails will be impacted by the proposal.

v. Roads.

1. The proposed Lot for the Hot Creek Subdivision is accessed off Twisted Branch Road, a private road, through Parcel 1C. There is an existing access easement (Recorder No. 1213826) which gives the Applicant (Talisker Club 2.0 LLC) an easement for vehicular and pedestrian ingress and egress over and across Twisted Branch Road (owned by Redus Park City LLC). This easement was recorded on December 20, 2023.

vi. Utility Lines.

1. There are no recorded Utility easements within the proposed Lot 1. There is an existing easement for the Snyderville Basin Water Reclamation District along

Twisted Branch Road (Summit County Recorder Entry No. 784734).

vii. Drainage Ways.
1. There are no drainage ways within the proposed Subdivision.

viii. Soil Conditions.
1. On August 8, 2018, the Planning Commission approved an amendment to the Flagstaff Technical Report #15 Construction Mitigation Plan, which established 10206 Twisted Branch Road as a receiving Site for clean, excavated soil within the Flagstaff/Empire Pass area. The Applicant estimates that approximately 15,000 cubic yards of soil have been deposited at the Site. The Applicant provided a Geotechnical Report detailing the soil conditions at the Site and recommendations for development on the existing soils.

ix. Trails and Sidewalks.
1. There are no public or private trails on Lot 1. The nearest trails to Lot 1 are the Corvair, Mid Mountain, and Payroll mountain bike trails. Access to these trails will not be affected by the proposed Restaurant on the Lot.
2. Deer Valley's Bandana ski run goes through Lot 1. A recorded easement permits Deer Valley's continued use of the ski run (Summit County Recorder Entry No. 1079220).

x. Topsoil Preservation and Final Grading.
1. See Condition of Approval 6.

xi. Architectural Standards.
1. LMC § 15-5-5 outlines restrictions on architectural styles, prohibitions on siding materials, the amount of exterior wall materials, and roof shapes and materials. The Applicant proposes constructing the Restaurant of stone, wood, and metal siding, and a standing-seam metal roof. These materials comply with architectural requirements. The Applicant does not propose any prohibited siding, roof, or architectural style.
2. LMC § 15-5-5(K) outlines requirements for trash and recycling enclosures. The Applicant proposes to construct a trash and recycling enclosure near the drop-off area. The enclosure will be screened on all sides with steel and matches the design of the proposed Structure.

3. On December 13, 2024, the Empire Pass Design Review Board approved the proposed design for the Restaurant.

xii. Waterbodies and Water-Courses.

1. No existing waterbodies or water-courses are within the proposed Subdivision.

c. LMC § 15-7.3-3 outlines general Lot design requirements.

i. Building Sites.

1. The proposed Restaurant is in an appropriate location adjacent to the Bandana ski run to allow ski-in/ski-out access for members of the Talisker Club. Section 2.6 of the Amended Development Agreement requires that the Restaurant be between 7,000 and 10,000 square feet. The Applicant proposes a Structure that is 2,862 square feet with a 400-square-foot area for Outdoor Dining, less than the allowable density for the Site.

ii. Square Footage.

1. The proposed Building is less than the square footage described in Section 2.6 of the Flagstaff DA and is adjacent to the Bandana ski run to allow ski-in/ski-out access for members of the Talisker Club.

iii. Lot Dimensions.

1. LMC § 15-7.3-3(D) requires that the Side Lot Lines shall be at right angles to Street lines. The proposed Lot shows the Side Lot Lines are at right angles to Twisted Branch Road.

iv. Revegetation, Seed and Sod.

1. See Condition of Approval 6.

v. Drainage.

1. The proposal will be evaluated by the Engineering Department for compliance with drainage requirements at the Building Permit plan review phase.

vi. Debris and Waste.

1. See Condition of Approval 3.

21. There is Good Cause for the Hot Creek Subdivision.

a. LMC § 15-15-1 defines Good Cause as "[Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community."

b. There is Good Cause for the proposed Subdivision because a Lot is created for the development of the private Restaurant outlined in Section 2.6 of the Flagstaff Development Agreement. While the Restaurant is not open to the public, it complies with Section 2.6 of the Flagstaff DA which outlines that the Restaurant shall be private and provides ski-in/ski-out access for members of the Talisker Club. The character of the Upper Deer Valley Neighborhood is preserved by limiting parking and traffic and requiring all guests and staff to access the Restaurant by shuttle.

22. The Development Review Committee reviewed the proposal on January 21, 2025, and confirmed the proposal conforms to their requirements.

23. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on July 9, 2025. Staff mailed courtesy notice to property owners within 300 feet on July 9, 2025.

24. *The Park Record* published courtesy notice on July 9, 2025.

Conclusions of Law:

1. There is Good Cause for the Hot Creek Subdivision because a Lot is created for the development of a private Restaurant as outlined in Section 2.6 of the Flagstaff Development Agreement.

2. The Hot Creek Subdivision is consistent with the LMC Chapter 15-2.7 Recreation and Open Space Zoning District and Chapter 15-7 Subdivisions.

3. Neither the public nor a person will be materially injured by the Hot Creek Subdivision.

4. Approval of the Hot Creek Subdivision, 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 LMC, and the Conditions of Approval, prior to recordation of the plat.

2. The Applicant shall record the plat with Summit County within one year from the date of the Planning Commission approval. If recordation has not occurred within one year, this approval for the Subdivision 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. Unless otherwise approved by the City Engineer and Building Official, no cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land or left or deposited on the Subdivision at the time of issuance of a Certificate of Occupancy for the private Restaurant.

4. All Conditions of Approval from the Flagstaff Development Agreement shall apply.

5. The Significant Vegetation located in the northwest corner of Lot 1 must be protected during construction and maintained.

6. Erosion control shall consist of re-vegetating all exposed surfaces with a native plant mix. The Applicant shall install erosion control blankets on all Slopes steeper than 40 percent.

7. All Development at the Hot Creek Subdivision must comply with the Empire Pass Design Guidelines and receive approval from the Empire Pass Design Review Board.

8. The Flagstaff Development Agreement allows for the construction of a Restaurant between 7,000 and 10,000 square feet. The proposed Restaurant is 2,862 square feet. The remaining square footage cannot be used on any other site in the Flagstaff MPD area and any increase in square footage to the Restaurant will trigger an additional Conditional Use Permit to be reviewed by the Planning Commission. The height approval for the Restaurant shall not apply to any future expansion unless separately approved by the Planning Commission.

9. If the City, UDOT and/or the owner of Twisted Branch Road and other parties later agree to allow expanded public use or dedication of Twisted Branch Road, Talisker Club 2.0 LLC, its successors, and Talisker Club members shall not object to, or veto expanded public use or dedication.

The motion was seconded by Commissioner Beal. The motion passed with the unanimous consent of the Commission.

C. **10206 Twisted Branch Road - Conditional Use Permit -** The Applicant Proposes to Construct a 2,862-Square-Foot Private Restaurant with a 2,807-Square-Foot Patio for Outdoor Dining as Contemplated in Section 2.6 of the Amended Flagstaff Development Agreement. PL-24-06370.

Following the vote on the Subdivision portion of the application, the Planning Commission further discussed the CUP application for 10206 Twisted Branch Road.

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

There was discussion about the Draft Final Action Letter. Director Ward asked that the Commission review Finding of Fact #5(i)(1), which is the criteria for the MPD height review. It is the code requirement regarding the density. The following was proposed:

- Section 2.6 of the Amended Development Agreement requires that the Restaurant be between 7,000 and 10,000 square feet. The Applicant proposes a Structure that is 2,862 square feet with a 400-square-foot area for Outdoor Dining, less than the allowable density for the Site. The Applicant agrees to a Condition of Approval that the future Restaurant shall not exceed 5,000 square feet. The increase in Building Height will not result in increased square footage or Building volume beyond what would be allowed under the MPD.

Director Ward next asked to discuss Condition of Approval #14. The following language was added: "The maximum Restaurant square footage shall not exceed 5,000 square feet…" The applicant representative expressed support for the language. Chair Van Dine pointed out that the height exception would not automatically be granted if a CUP modification was submitted, so the applicant would need to request an exception.

MOTION: Commissioner Johnson moved to APPROVE the 10206 Twisted Branch Road Conditional Use Permit, according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval, as amended:

Findings of Fact:

1. The Applicant proposes to construct a 2,862-square-foot private Restaurant with a 400-square-foot area for Outdoor Dining at 10206 Twisted Branch Road, within the Empire Pass area. The Outdoor Dining area will accommodate up to 30 guests.

2. The Applicant proposes an 800-square-foot tent to be installed up to five times per year on an ongoing basis, not to exceed 14 days at one time.

3. The Applicant has a pending application for a proposed 2.83-acre one-lot Subdivision for the Restaurant reviewed by the Planning Commission concurrently with this Application (PL-23-05973).

4. The proposal complies with the Recreation and Open Space (ROS) Zoning District requirements outlined in Land Management Code (LMC) Chapter 15-2.7.

   a. LMC § 15-2.7-3 requires that all Structures must be no less than 25 feet from the Lot lines. The proposed Restaurant exceeds this requirement and is greater than 50 feet from the Side and Rear Lot lines. The Restaurant is 26 feet from the Front Lot line. The Outdoor Dining area is greater than 50 feet from the Front, Side, and Rear Lot lines.
   b. LMC § 15-2.7-3(A) establishes Fences and retaining walls, paths, patios, and driveways as Setback exceptions. The Applicant proposes to construct a four-foot-tall stacked-rock retaining wall measuring approximately 105 feet in length, a pedestrian path approximately 110 feet in length, a 410-square-foot patio, and a circular driveway in the Front Setback.
   c. LMC § 15-5-5 outlines restrictions on architectural styles, prohibitions on siding materials, the amount of exterior wall materials, and roof shapes and materials. The Applicant proposes constructing the Restaurant of stone, wood, and metal siding, and a standing-seam metal roof. These materials comply with architectural requirements. The Applicant does not propose any prohibited siding, roof, or architectural style.
   d. LMC § 15-5-5(K) outlines requirements for trash and recycling enclosures. The Applicant proposes to construct a trash and recycling enclosure near the drop-off area. The enclosure will be screened on all sides with steel and matches the design of the proposed Restaurant. On December 13, 2024, the Empire Pass Design Review Board approved the proposed design for the Restaurant.
   e. LMC § 15-2.7-4 outlines Building Height requirements in the ROS District: No Structure may be erected to a height greater than 28 feet from Existing Grade. The Applicant requests a building height exception pursuant to LMC § 15-6-5(F).
   f. LMC § 15-2.7-6 outlines requirements for the protection of Significant Vegetation on Site. There is no Significant Vegetation located within the area proposed for development. The Applicant's existing conditions survey shows a small grouping of Significant Vegetation in the northwest corner of the proposed Subdivision Lot. No

development is proposed in this area and the Significant Vegetation will not be impacted.

5. The proposal, as conditioned, complies with LMC Section 15-6-5(F) pertaining to Building Height for Master Planned Developments.

   a. The Building Height requirements of the Zoning District in which a Master Planned Development (MPD) is located shall apply. LMC § 15-2.7-4 establishes the ROS Zoning District Building Height regulations: "No Structure may be erected to a height greater than 28 feet from Existing Grade."
   b. LMC § 15-15-1 Defined Terms distinguishes Existing Grade and Final Grade.
      i. Existing Grade: The Grade of a Property prior to any proposed Development or Construction Activity. ("Construction Activity" is defined as "[a]ll Grading, excavation, construction, Grubbing, mining, or other Development Activity which disturbs or changes the natural vegetation, Grade, or any existing Structure . . ." and "Grading" is defined as "[a]ny earthwork or activity that alters the Natural or Existing Grade, including but not limited to excavating, filling or embanking.")
      ii. Final Grade: The finished or resulting Grade where earth meets the Building after completion of the proposed Development Activity.
   c. The Applicant proposes to measure the height of the Restaurant from Final Grade rather than Existing Grade.
   d. When the area was annexed into the City, it was zoned ROS-MPD.
   e. On August 8, 2018, the Planning Commission approved an amendment to the Flagstaff Technical Report #15 Construction Mitigation Plan, which established 10206 Twisted Branch Road as a receiving Site for clean, excavated soil. The Applicant estimates that approximately 15,000 cubic yards of soil have been deposited at the Site, altering the grade.
   f. The Applicant's proposed roof over topography plan shows that the maximum height of the proposed Structure is 26.5 feet from Final Grade. If measured from Existing Grade, the highest point of the Structure would be approximately 36.5 feet from Existing Grade, 8.5 feet above ROS height.
   g. The Applicant submitted a visual analysis demonstrating that the proposed Structure measured from Final Grade will not be visible from any designated Vantage Points.
   h. LMC § 15-6-5(F) establishes an allowance to exceed Building Height through an MPD when the Applicant can demonstrate that six criteria are met.

i. The Building Height requirements of the Zoning District in which a Master Planned Development is located shall apply, except that the Planning Commission may consider an increase in Building Height based upon a Site-specific analysis. The Applicant must request a Site-specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings for an increase in Building Height can be made. In order to grant Building Height in addition to that which is allowed in the underlying Zoning District, the Planning Commission must find that:

  i. The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone-required Building Height and Density, including requirements for Facade variation and design, but rather provides desired architectural variation, unless the increased square footage or Building volume is from the Transfer of Development Credits.

    1. Section 2.6 of the Amended Development Agreement requires that the Restaurant be between 7,000 and 10,000 square feet. The Applicant proposes a Structure that is 2,862 square feet with a 400-square-foot area for Outdoor Dining, less than the allowable density for the Site. The Applicant agrees to a Condition of Approval that the future Restaurant shall not exceed 5,000 square feet. The increase in Building Height will not result in increased square footage or Building volume beyond what would be allowed under the MPD.

  ii. Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring properties caused by shadows, loss of solar Access, and loss of air circulation have been mitigated as determined by the site-specific analysis.

    1. The nearest Structure, a Single-Family Dwelling at 8 Red Cloud Trail, is approximately 1,138 feet southeast of the proposed Restaurant. There will be no impacts such as loss of solar Access, loss of air circulation, or increased shadows to nearby Structures from the proposed Restaurant.

  iii. There is adequate Landscaping and buffering from adjacent properties and Uses.

    1. There are no adjacent properties to 10206 Twisted Branch Road with Structures. The proposed Restaurant is adjacent to the Deer Valley Ski Resort and will provide ski-in/ski-out access for members of

the Talisker Club. The Applicant proposes a four-foot retaining wall and Significant Vegetation, including trees and shrubs, along the Front Setback to help screen the Structure from Twisted Branch Road.

iv. Increased Setbacks and separations from adjacent projects are proposed.

1. The proposed Structure complies with the Front Setback requirements and is greater than 150 feet from the Side and Rear property lines.

v. The additional Building Height results in more than the minimum Open Space required and results in Open Space that is publicly accessible.

1. Section 2.9.6 of the Flagstaff DA states that all land outside of the development pods shall be zoned ROS-MPD and shall remain as Open Space. The private restaurant is outlined in Section 2.6 of the Flagstaff DA. Members of the Talisker Club will have access to the Restaurant off the Bandana ski run in the winter, and there are no hiking or biking trails that will be impacted by the proposal.

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

1. The Applicant proposes a roof form that complies with LMC § 15-5-5(F). The Applicant proposes a single-sloped roof with contributing flat roofs.

6. The proposal complies with the Sensitive Land Overlay requirements in LMC Chapter 15-2.21.

a. Slope Protection: No Development is allowed on or within 50 feet, map distance, of Very Steep Slopes, Areas subject to landslide activity, and other high-hazard geologic Areas. An Area of Very Steep Slopes must cover a topographic Area at least 25 feet vertically, upslope or downslope, and 50 feet horizontally in any direction to be subject to this prohibition.

i. The Applicant's slope map shows that the proposed Development is not on or within 50 feet of a Very Steep Slope.

b. No Structure or other appurtenant device, including mechanical equipment, may visually intrude on the Ridge Line Area from any of the designated Vantage Points depicted in LMC § 15-2.21-5(B).

i. The proposed Restaurant is approximately 1,000 feet from the nearest ridgeline and is not visible from any designated Vantage Points.

c. Wetlands and Stream Protection.

i. The nearest stream is approximately 1,500 feet north of the proposed Restaurant.

d. Wildlife and Wildlife Habitat Protection.

i. The Applicant's wildlife and wildlife habitat report, prepared by wildlife consultant Bio-West, concludes that due to the clearing and soil filling that has occurred at the Site, there is no suitable habitat for any federal or state-listed species. No additional wildlife or wildlife habitat protection measures are required.

7. The proposal complies with the Conditional Use Permit criteria outlined in LMC §15-1-10(E).

a. Size and Location of the Site.

i. The proposed Restaurant is in an appropriate location adjacent to the Bandana ski run to allow ski-in/ski-out access for members of the Talisker Club. The size of the Restaurant is less than the original square footage limitations outlined in the Flagstaff Development Agreement (DA).

b. Traffic considerations, including the capacity of the existing Streets in the Area.

i. The Flagstaff DA requires that the Restaurant is accessible exclusively to members of the Talisker Club and not open to the public. No Parking Spaces are proposed. The Restaurant will only generate traffic from the private shuttles for club members to access the Restaurant. The Talisker Club operates between two and 14 shuttles at one time to transport members within the Empire Pass area. Employees will access the Restaurant via shuttle after parking at or taking transit to the Ontario or Mine Bench Parking Lots or other approved parking areas for Talisker employees. During the winter, members of the Talisker Club may ski to the Restaurant or take a shuttle. In the summer season, club members can mountain bike or hike to the Restaurant and the Applicant has confirmed that the shuttles will be used for members to access the Restaurant via Twisted Branch Road.

ii. Service and delivery vehicles will access the Restaurant via the drop-off/shuttle drive-through area. When there is a conflict between service/delivery vehicles and shuttles, there is a space for vehicles to pull into and wait.

c. Utility Capacity, including Storm Water run-off.
   i. The Development Review Committee (DRC) reviewed the proposal on January 21, 2025. The Park City Fire District requires the Applicant to install two fire hydrants in locations to be determined by the Fire District prior to Building Permit issuance.
d. Emergency Vehicle Access.
   i. The DRC confirmed the proposal conforms with all emergency vehicle access standards.
e. Location and amount of off-street parking.
   i. Section 2.6 of the Amended Flagstaff DA stipulates that no Off-Street parking is allowed for the private Restaurant. The Applicant proposes no Off-Street Parking Spaces. The Ontario and Mine Bench Parking Lots have 92 Parking Spaces for Talisker Club use.
f. Internal vehicular and pedestrian circulation system.
   i. The Applicant proposes to construct a drop-off area for shuttle vehicles and deliveries. The proposed Restaurant is off the Bandana ski run and is accessible to skiers.
g. Fencing, Screening, and landscaping to separate the Use from adjoining Uses.
   i. The Applicant proposes a four-foot-tall retaining wall that is 105 feet long within the Front Setback, which is an allowed exception pursuant to LMC § 15-2.7-3(A). LMC § 15-5-5(N) requires at least 50 percent of the landscaped area to be Water Wise landscaping containing non-invasive drought drought-tolerant plants and minimal irrigation. The Applicant's landscape plan shows a native seed mix for all disturbed areas, and water-wise trees and shrubs. The Applicant's existing conditions survey shows a small grouping of Significant Vegetation in the northwest corner of the proposed Subdivision Lot. No development is proposed in this area and the Significant Vegetation will not be impacted.
h. Building mass, bulk, and orientation, and the location of Buildings on the Site, including orientation to Buildings on adjoining Lots.
   i. The proposed Building is less than the square footage described in Section 2.6 of the Flagstaff DA and is adjacent to the Bandana ski run to allow ski-in/ski-out access for members of the Talisker Club. The proposed Restaurant is approximately 1,000 feet from the nearest ridgeline and is not visible from any designated Vantage Points. The Structure will be located below the grade from Twisted Branch Road and will be screened by landscaping along Twisted Branch

Road. The Structure is in an appropriate location on the Site to minimize visual impacts and impacts to Steep Slopes.

i. Useable Open Space.
   i. Section 2.9.6 of the Flagstaff DA states that all land outside of the development pods shall be zoned ROS-MPD and shall remain as Open Space. The proposed Restaurant is in the designated Developed Recreation Open Space (DROS) area, but does not decrease the amount of required Open Space in the Flagstaff Annexation Area, as outlined in Section 2.6 of the Flagstaff DA. Flagstaff Technical Report #5 Open Space Management Plan considers the proposed Restaurant, mentioned in Section 3.8, p. 10: "Beyond the proposed development pods, the Development Agreement gives Flagstaff the opportunity to develop a restaurant/club facility (AKA "Beano's Cabin") in the DROS. The facility is to be located within the ski terrain near the Mountain Village." Members of the Talisker Club will have access to the Restaurant off the Bandana ski run in the winter, and there are no hiking or biking trails that will be impacted by the proposal.

j. Signs and Lighting.
   i. See Conditions of Approval 6 and 7.

k. Physical design and compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing.
   i. LMC § 15-5-5 outlines restrictions on architectural styles, prohibitions on siding materials, amount of exterior wall materials, and roof shapes and materials. The Applicant proposes constructing the Restaurant of stone, wood and metal siding, and a standing-seam metal roof. These materials comply with the architectural requirements. The Applicant does not propose any prohibited siding, roof, or architectural style.
   ii. LMC § 15-5-5(K) outlines requirements for trash and recycling enclosures. The Applicant proposes to construct a trash and recycling enclosure near the drop-off area. The enclosure will be screened on all sides with steel and matches the design of the proposed Structure.
   iii. On December 13, 2024, the Empire Pass Design Review Board approved the proposed design for the Restaurant.

l. Noise, Vibration, Odors, Steam, or Other Mechanical Factors that might affect people and Property off-site.
   i. See Condition of Approval 8. The Applicant proposes to install all mechanical equipment on the roof the Structure and will be screened by a parapet wall and will not be visible.

m. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas.
   i. The Applicant proposes a drop-off area for loading and unloading to the side of the Restaurant. The Applicant also proposes a round, screened trash enclosure near the drop-off area.
n. Expected Ownership and Management.
   i. The Restaurant will be owned and operated by Talisker Club. Only members of the Talisker Club will have access to the private Restaurant. All events will be held for members of the Talisker Club and will not be open to the public.
o. Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site.
   i. The proposed Restaurant is not near any physical mine hazards and is not within the Park City Soils Ordinance boundary. The Flagstaff DA Technical Report #1 “Physical Mine Hazards” shows the nearest mine hazard approximately 360 feet from the proposed Development.
p. Reviewed for Consistency with the Goals and Objectives of the Park City General Plan.
   i. The proposed Restaurant is within the Upper Deer Valley neighborhood. The General Plan states that future improvements within the area should focus on a comfortable visitor experience and support the resort economy. While the Restaurant is not open to the public, it complies with Section 2.6 of the Flagstaff DA, which outlines that the Restaurant shall be private and provides ski-in/ski-out access for members of the Talisker Club.

8. The proposal, as conditioned, complies with the Outdoor Dining criteria in LMC §15-4-21(B)(1).

   a. The Applicant proposes to construct a 400-square-foot Outdoor Dining Area with four picnic tables for a total seated capacity of approximately 30 people. The Outdoor Dining area will operate in the winter ski season only.
   b. The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.
      i. The proposed seating area is on Talisker Club’s private property and will not diminish any existing or proposed landscaping.
   c. The proposed seating Area does not impede pedestrian circulation.

i. The proposed seating area is in a convenient location for ski-in/ski-out access and does not impede pedestrian circulation.

d. The proposed seating Area does not impede emergency Access or circulation.

i. The DRC confirmed the proposal conforms to their requirements regarding emergency access and circulation.

e. The proposed furniture is Compatible with the Streetscape.

i. See Condition of Approval 9.

f. No music or noise in excess of the City Noise Ordinance, Title 6.

i. See Condition of Approval 8.

g. No Use after 10:00 PM.

i. The Applicant's narrative states that the Restaurant will be open from 7:00 AM to 5:00 PM in the winter and will only operate in the summer if an event is planned. Condition of Approval 13 requires any summer use of the outdoor dining to be completed by 10:00 PM.

9. The proposal, as conditioned, complies with the criteria for tents in LMC § 15-4- 16(B).

a. The Applicant proposes to install an 800-square-foot tent on the outdoor patio up to five times per year. The tent will be installed for 14 days each time and then removed.

b. Members of the Talisker Club can reserve the tent during the summer for private events. The Applicant's management plan states that events will not exceed the occupancy of the Restaurant at any one time.

c. The Applicant shall provide written notice of the Property Owner's permission.

i. The Restaurant and tent will be owned and operated by the Talisker Club. Only members of the Talisker Club will have access to the private Restaurant and tent.

d. The proposed Use should not diminish existing parking. Any net loss of parking shall be mitigated in the Applicant's plan.

i. The tent is not located on any off-street parking spaces or loading/unloading zones.

e. The proposed Use shall not impede pedestrian circulation, emergency Access, or any other public safety measure.

i. The tent will be on the outdoor patio and will not affect pedestrian circulation, emergency access, or any other public safety measure.

f. The Use shall not violate the Noise Ordinance, Municipal Code Chapter 6-3.

i. See Condition of Approval 8.

g. The Use shall comply with the LMC, the signage shall comply with the Sign Code, Title 12, and the lighting shall comply with Illumination Section 12-4-9.
   i. See Conditions of Approval 6 and 7.
h. The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.
   i. See Condition of Approval 10.
i. The Use shall not violate the International Building Code.
   i. See Condition of Approval 11.
j. The Applicant shall adhere to all applicable City and State licensing ordinances.
   i. See Condition of Approval 12.

10. The Development Review Committee reviewed the proposal on January 21, 2025.

11. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on July 9, 2025.

12. Staff mailed courtesy notice to property owners within 300 feet on July 9, 2025. *The Park Record* published courtesy notice on July 9, 2025.

Conclusions of Law:

1. The proposal complies with the Land Management Code requirements outlined in LMC Chapter 15-2.7 *Recreation and Open Space Zoning District*, Chapter 15- 2.21 *Sensitive Land Overlay*, Section 15-6-5(F) *Building Height Exception Criteria*, Section 15-4-21(B)(1) *Outdoor Dining Criteria*, Section 15-4-16(B) *Review Criteria for Tents*, and Section 15-1-10(E) *Conditional Use Permits*.

2. The Use will be compatible with surrounding Structures in use, scale, mass, and circulation.

3. The effects of any difference in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. Any changes, modifications, or deviations from the approved plans that have not been approved in advance by the Planning Department may result in a stop-work order.

2. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.

3. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.

4. The Park City Fire District requires the Applicant to install two fire hydrants in locations to be determined by the Fire District prior to Building Permit issuance.

5. The Applicant is responsible for managing parking consistent with Section 2.6 of the Amended Development Agreement. Any Restaurant employees and guests utilizing off-site parking, including the Ontario or Mine Bench Parking Lots, shall be limited to the spaces leased by the Talisker Club and shall not impact public trailhead parking or other approved parking uses.

6. Any proposed signs for the Restaurant must receive a separate sign permit approved by the Planning Department.

7. Any exterior lighting must be down-directed and Fully Shielded and with bulbs 3000-degree Kelvin or less.

8. The proposed Use must comply with Municipal Code Chapter 6-3 Noise.

9. The Applicant is required to submit final furniture details prior to Building Permit issuance.

10. The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.

11. The Use shall not violate the International Building Code.

12. The Applicant shall adhere to all applicable City and State licensing ordinances.

13. Any summer use of the outdoor dining must be completed by 10:00 PM.

14. The Flagstaff Development Agreement allows for the construction of a Restaurant between 7,000 and 10,000 square feet. The proposed Restaurant is 2,862 square feet. The remaining square footage cannot be used on any other site in the Flagstaff MPD area, and any increase in square footage to the Restaurant will trigger an additional Conditional Use

Permit to be reviewed by the Planning Commission. The maximum Restaurant square footage shall not exceed 5,000 square feet and the height and the height approval shall not apply to any future expansion unless separately approved by the Planning Commission.

15. The small grouping of Significant Vegetation in the northwest corner of the proposed Subdivision Lot shall not be impacted. No Significant Vegetation is proposed or approved to be removed.

16. The Applicant shall re-vegetate all disturbed areas with a native seed mix and all areas must have at least 80 percent germination prior to Site completion.

17. Maximum occupancy for the Restaurant and outdoor events must not exceed 67 people, including staff and guests.

18. Only members of the Talisker Club will have access to the private Restaurant. All events will be held for members of the Talisker Club and will not be open to the public.

19. The Applicant shall update their plans prior to Building Permit submittal to shift access to the private Restaurant 20 feet further from the ski bridge to clear site distance requirements, as approved by the City Engineer.

The motion was seconded by Commissioner Frontero. The motion passed with the unanimous consent of the Commission.

D. The Applicant Proposes Three Applications to (I) Modify the Village at Empire Pass Master Planned Development to Establish Volumetrics for Four Dwelling Units in a Multi-Unit Dwelling on the 'R-5 Parcel' (PL-25-06522), (II) Create One 1.58-Acre Lot at 8946 Marsac Avenue for Four Dwelling Units in a Multi-Unit Dwelling to Be Known as the Argus (R-5) Subdivision (PL-25-06523), and (III) Create Three Lots for Three Single-Family Dwellings, One 1.52-acre Lot for the Park City Municipal Water Tank, a 1.18-acre Open Space Parcel A for the Mid-Mountain Trailhead, and a 0.97-acre Common Area Open Space Parcel B at 9401 Marsac Avenue (PL-25-06547).

8946 Marsac Avenue - Master Planned Development Modification - The Applicant Proposes to Modify the Volumetrics for Pod A in Empire Pass Village and Establish the 'R-5 Parcel' and 'the Water Tank Parcel' as Development Sites and an Amendment to the Amended and Restated Development Agreement for the Flagstaff Mountain, Bonanza Flats, Richardson Flats, the 20-Acre Quinn's Junction Parcel and Iron Mountain. PL-25-06522.

Chair Van Dine reported that three items will be covered in one presentation. These items will be continued to the Planning Commission Meeting scheduled for August 13, 2025. There will need to be separate motions made to continue each of the items. Senior Planner, Alec Barton, reported that on March 26, 2025, the Planning Commission forwarded a positive recommendation to the City Council to approve an amendment to the Flagstaff/Empire Pass Development Agreement. There was a separate motion recommending that the City Council consider including Twisted Branch Road as part of the proposed land transfer between the City and Redus. On April 24, 2025, the Council approved Ordinance 2025-05 – Flagstaff/Empire Pass MPD and Development Agreement modifications. The motion for Twisted Branch Road was not considered.

The amended Development Agreement allows seven additional residential units in Empire Pass on two sites, the R-5 Parcel and the Water Tank Parcel. The R-5 Parcel has an allowed density of four units in one multi-unit dwelling. The Water Tank Parcel has an allowed density of three single-family dwellings. The applicant proposes modifications to the MPD for the Village at Empire Pass to establish volumetrics for the proposed multi-unit dwelling at the R-5 site. There are two subdivisions proposed: Argus (R-5) Subdivision and Guardsman Subdivision, also known as the Water Tank Parcel.

The proposed multi-unit dwelling on the R-5 site also requires a CUP. The applicant will submit an application for a CUP at a future date. As mentioned by Chair Van Dine, this presentation will cover the three applications for two subdivisions and the proposed modifications to the MPD. All three items will be continued to August 13, 2025.

Planner Barton shared a map with the location of the Argus (R-5) Subdivision highlighted. The proposed plat establishes a building envelope informed by the zoning district setbacks for the Residential Development Zoning District and easements. The site is disturbed and existing conditions do not reflect natural grade. He shared an image and explained that the solid red line is the approximate existing grade of the site and the dashed black line is the approximate assumed natural grade of the site. The applicant responded to the third-party review of the assumed natural grade exhibit and the updated survey, which is attached to the Staff Report. It serves as the existing grade for the purposes of determining the building height. The applicant proposes a structure extending up to 62 feet above final grade. To grant additional building height, there are six criteria the Planning Commission must determine have been met, which include:

1. The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone-required Building Height and Density, including requirements for Facade variation and design, but rather provides desired architectural variation, unless the

increased square footage or Building volume is from the Transfer of Development Credits.

2. Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss of air circulation have been mitigated as determined by the site-specific analysis.
3. There is adequate Landscaping and buffering from adjacent Properties and Uses.
4. Increased Setbacks and separations from adjacent projects are proposed.
5. The additional Building Height results in more than the minimum Open Space required and results in Open Space that is publicly accessible.

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

Planner Barton requested input from the Planning Commission concerning two elements of the proposed multi-unit dwelling. The first is a recommended Condition of Approval that requires the roof slope to be angled downward to follow the slope of the site. He shared a conceptual image of the structure. Staff would also recommend that the applicant demonstrate in future plans that there is a prominent shift in the west façade, either through a 15-foot change in the façade alignment, a 15-foot change in height, or a combination of both. There was discussion about the conceptual image that was shared.

The R-5 site is characterized primarily by Very Steep Slopes and Steep Slopes. Planner Barton shared an image with the Commission and explained that the Very Steep Slopes are shown in red and the Steep Slopes are shown in orange. A small portion of the conceptual building footprint is on Very Steep Slopes, which was indicated on the image. The applicant is requesting a variance to allow development within 50 feet of Very Steep Slopes. Staff is recommending restricting development on Very Steep Slopes and only allowing development within 50 feet of Very Steep Slopes. To grant the variance, the Planning Commission must make the findings that are included in the Staff Report.

Planner Barton next discussed the Guardsman Subdivision. The applicant proposes two half acre lots and one three quarter acre lot for single-family dwellings, a one and a half acre lot for the City water tank, and two parcels for open space, including the Mid Mountain Trailhead parking area and an access road for the single-family lots. The applicant had initially proposed access to the water tank lot via the same access road serving the single-family lots. However, reduced grades further up Marsac Avenue create better conditions for access to the lot. Planner Barton reported that the alternate access is included as an exhibit to the Staff Report and is proposed by the applicant.

The applicant is also proposing trail realignments for three trails at the R-5 and Guardsman sites. The applicant proposes realigning the Empire Link Trail at the R-5 Site, as well as adjustments to the Tour De Suds and Mid Mountain Trails at the Water Tank site. Planner Barton explained that the applicant has agreed to the proposed Conditions of Approval for the trail realignments and there has been coordination with the Trails and Open Space team. At the R-5 site, one of the recommended conditions is as follows:

- The Applicant shall provide a trail connection from Marsac Avenue to the Empire Link Trail. The trail connection shall conform to the specifications of the City's Bicycle & Pedestrian Plan.

At the Guardsman site, one of the recommended conditions is as follows:

- The Applicant shall install a plumbed bathroom facility at Mid Mountain Trailhead in a location approved by the City. The bathroom facility shall receive all required Building Permits before construction may begin.

There will be additional coordination between the applicant and the Trails and Open Space team. Staff will be prepared to present additional information at the August 13, 2025, meeting. Planner Barton reported that the application includes proposed Plat Notes on the Guardsman Subdivision. Staff redlined Plat Note 3 and Plat Note 4 to better align the Plat Notes with the requirements of the amended Development Agreement. Staff is seeking input on the issues that have been reviewed so far during the meeting, including the proposed volumetrics, development on Very Steep Slopes, site access, trail relocation, and other items needed for Final Action. The recommendation from Staff is to continue the public hearings for each of the agenda items to August 13, 2025.

Commissioner Sigg referenced Page 5 of the Staff Report, which shows the existing and natural grade. He assumes this is the basis of the height request. Commissioner Sigg pointed out that what is shown is not a cut or anything recent, but is likely an antiquated road that has been there for many years. The applicant representative, Douglas Ogilvy, explained that there are two issues to consider: the height request and the determination of natural grade. Since that mine road cuts through the middle of the site, the site is not developable unless there is a determination of natural grade received. The applicant's perspective is that natural grade is what was there before the road went in.

Director Ward referenced Section 15-15-1 – Definitions in the LMC. Natural grade is the grade of the surface of any land prior to any development activity or any other manmade disturbance or grading. When it is not readily apparent what that is, there is a process in place. Alliance Engineering went through and completed a historic analysis of the site and evaluated the surrounding site context to create the best estimate of the natural grade. That was submitted, and the Planning Department had a third-party surveyor, Horrocks Engineers, visit the site, look at the historic record, and create a best estimate of the natural grade prior to that manmade disturbance. That will be the underlying natural grade determination that will be measured from. She clarified that the applicant is also asking for a height exception. Commissioner Sigg asked if Alliance Engineering and Horrocks Engineers had the same determination. Director Ward stated that it was close.

Chair Van Dine asked for feedback on the slopes. Commissioner Johnson agrees with the Staff analysis that was provided. At the next meeting, he looks forward to seeing feedback from the applicant about whether a variance will be sought out. He would prefer the Staff recommendation. In addition, he is interested in seeing what the trail relocation will look like. Commissioner Johnson asked about the location of the historic road that was mentioned. Page 10 of the Staff Report was reviewed by the Commission. Chair Van Dine agreed with the comments shared by Commissioner Johnson. She believes the site allows for the development to move off of some of the Very Steep Slopes. As for the volumetrics of the building, she would like to see it come into better compliance.

Chair Van Dine opened the public hearing for the Argus (R-5) Subdivision.

Steve Barch stated that he is a Park City resident. He urged the Commission to reject or defer the R-5 application. Park City understandably wants the water rights and open space involved, but in return, Redus is looking to receive multiple variances that carry long-term legal, planning, and environmental risks. When it comes to the height, he believes that area allows for 35 feet, but Redus is proposing 62 feet, which is a 71% increase. As for slope, the parcel exceeds a 30% grade, which should trigger height reductions and stepped massing, but Redus is proposing taller, unstepped buildings.

Mr. Barch commented on setbacks. He believes SR-224 requires a 100-foot setback from the center line. With a 50-foot road width, the center line is 25 feet from the edge. Redus proposes a 20-foot setback from the edge, with 45 feet total, which is a 55% reduction. These three variances would allow a structure that is 71% taller and 55% closer to a State Highway on a steep terrain where height should be reduced. These variances are not being requested to serve the public, but because Redus cannot develop the other parcels. That is a private hardship and is not the responsibility of Park City. Mr. Barch expressed concerns that this will set a troubling precedent. Redus is offering 300 acres of land with documented contamination, but there is no public commitment to indemnify Park City if cleanup is needed. If Redus believes the land is safe, then there should be no objection to a full environmental indemnity. That should be required before anything moves forward. Mr. Bach stated that Park City's water rights and benefits matter, but not at the cost of the code, legal protections, or future precedent.

Marni Cohen reported that she has been in Empire Pass for almost 20 years. She believes this unit is proposed to be in the middle of the hiking trail, but with the grade at the bottom of the building, she is not certain how the Empire Link Trail will continue. She would like to see some assurances that the trail will be maintained if this moves forward. Ms. Cohen expressed support for the comments that were made by Mr. Barch.

Susan and Craig Curtis have lived in the Empire Pass area for two years. Ms. Curtis thanked their neighbors who have made comments about the height, setbacks, and trails. They share those concerns. Ms. Curtis also expressed concerns that the roof is sloped upward towards the west. There are also concerns that it might be pitched. She would request that it be flat to reduce visual massing and preserve the views for the surrounding properties. There is also a request that the roof use ballast gravel or green roofing materials instead of metal, which can be highly reflective and out of place. She has concerns about the reflective nature of the materials based on what is currently proposed.

Mr. Curtis asked that the proposed project include adequate natural buffering, such as rows of aspen trees and a stone or rock wall, so the development blends more seamlessly into the landscape and respects the visual character of Empire Pass. According to the drawings, when driving up Marsac Avenue, headlights will shine directly into the proposed units. He asked if there is a way for the Commission to consider some type of natural buffer. Mr. Curtis next mentioned Tour De Suds. He rides that trail almost every day, and his request is that the realignment of the trail remain in the forest, because right now, it is heavily wooded. It looks like the proposed relocation would move it across an open area.

Kelly Mercier explained that she has concerns about erosion, but there is someone else with the same concern participating via Zoom. Unfortunately, that individual is unsure how to raise her hand. Ms. Mercier shared comments with the Commission. She knows various studies have been conducted, but during her time in Empire Pass, she has seen the trails move because of erosion. Under the Moonshadow construction, there is a new erosion site that appeared in the last two years during the construction period. She has concerns that once new construction starts right next to the Moonshadow development, it will exacerbate the issue. She is not convinced there has been a third-party review of the erosion situation and wildlife corridor.

Chair Van Dine informed those present that comments can also be emailed to planning@parkcity.org. In addition, the item will be continued to August 13, 2025.

There were no further comments. The public hearing was continued to August 13, 2025.

Mr. Ogilvy reported that there is a historical landslide that is north of the Moonshadow development, which he pointed to on a map of the area. The Geotechnical Engineer does not consider there to be a slide risk associated with this application. As for the topography and terrain for the Empire Link Trail, the tie-in point has been considered further south. There have been discussions with Deer Valley representatives and there is support for that. He does not believe it will be problematic to receive approval for the trail. The other request he has heard is to try to maintain access from Empire Pass Village down to the Empire Link Trail, which makes sense. To provide this access at a decent grade, the best option would be to cross the road and then turn left. There would need to be approval from Summit Land Conservancy to backfill against that wall with a slope that a trail could be built across. It would be possible to build that trail at an 8% or 10% grade.

With respect to the Tour De Suds, Deer Valley shares the concerns that were expressed during the public hearing. Mr. Ogilvy reported that Deer Valley would rather see the trail alignment be within the forested areas. He believes there are some opportunities there.

One aspect of the Staff Report that is concerning is the proposal that the building step down and follow the natural terrain down. That is mitigating an impact that is not really impacting anyone. He shared an image with the Commission and explained that the west side of the building will not be highly visible. He shared an example of a home built with a green roof and a ballast gravel roof. A rendering of the roof area was presented. The opportunity to incorporate flat roof elements like this would be beneficial to the neighbors to the west. He does not believe that sloping the roof down on the western side of the building will make a meaningful difference. An alternate roof plan was presented.

Rather than being asked to slope the roof down to the west side, the following is proposed:

- Argust (R-5) Plat – Alternate Condition of Approval:
    - Maximum roof elevation is 8062'. Roof forms shall be well articulated with varied roofing materials to soften the view from Marsac Avenue and properties to the east. Green roofs are encouraged.

Commissioner Frontero stated that the building height in this zone is a maximum height of 28 feet from existing grade. He knows there has been some discussion about natural grade versus existing grade. Ahead of the August 13, 2025, Planning Commission Meeting, he would ask Staff to provide additional information about the grade. Planner Barton reported that the assumed natural grade that was determined by the survey is what will function as existing grade for the purposes of determining where the 28 feet will be measured from. Commissioner Frontero pointed out that a significant height increase is being proposed by the applicant. He also noted that there appears to be area available to avoid building into Very Steep Slopes. He suggested that more work be done. As for the roof, he does not think a metal roof in this area would be the best construction material.

Commissioner Sigg asked what is driving the height that is proposed. Mr. Ogilvy explained that the standard right now for a flat ceiling is 12 feet floor to floor. The conceptual building is a three-story building. For the middle floor, the elevation is set by the slope of the driveway. The lower floor drops 12 feet below that. The lowest floor of the building is around 6 feet above grade. That means there are 6 feet, plus 12 feet, plus 12 feet, and then on the upper floor, there is a desire to have some flexibility so there is articulation in the roof. In terms of the visual impact to the west, what is proposed is reasonable. As for the earlier comment made by Commissioner Frontero, there is agreement that there will not be development in the Very Steep Slope areas. Chair Van

Dine has less of a concern about height. In this area, there is more of a willingness to look at different heights, especially with the viewsheds that others have.

Mr. Ogilvy asked for feedback on his proposed Condition of Approval. Commissioner Johnson expressed support for what has been proposed by Staff. He understands the argument made by the applicant about the viewshed, but there will be impacts to the viewshed, because people do use the Empire Link Trail and the surrounding open space. Having some variation, especially with proposed height, makes sense. He believes it would be beneficial to look into a different concept before the next meeting.

Commissioner Beal and Commissioner Tilson are less concerned about the height. That being said, Commissioner Tilson is concerned about the roof materials. He feels the non-reflective roof materials are important because reflections could impact road safety as well as the neighboring residents. As a result, he would like to see more non-reflective materials used. Commissioner Sigg agreed with the comments made. He also supports the Staff comments about placing the building outside of the Very Steep Slopes.

MOTION: Commissioner Johnson moved to CONTINUE the Plat Amendment for 8946 Marsac Avenue and the Public Hearing to August 13, 2025. The motion was seconded by Commissioner Frontero. The motion passed with the unanimous consent of the Commission.

Chair Van Dine opened the public hearing for the MPD modification. There were no comments. The public hearing was continued to August 13, 2025.

MOTION: Commissioner Johnson moved to CONTINUE the Village at Empire Pass Master Planned Development Modification and the Public Hearing to August 13, 2025. The motion was seconded by Commissioner Tilson. The motion passed with the unanimous consent of the Commission.

Chair Van Dine opened the public hearing for the Guardsman Subdivision. There were no comments. The public hearing was continued to August 13, 2025.

Commissioner Tilson would like to ensure that there is proper shading between the new homes and the Hawkeye Ski Run to mitigate the visual impacts of the homes there. Commissioner Frontero asked whether that would involve screening with a tree buffer, which was confirmed. Chair Van Dine appreciated the change related to access. She believes the addition of restrooms and potentially a bus stop at the Mid Mountain parking lot will be a community benefit. Commissioner Frontero commended the applicant for the restroom there, as that was not required. That kind of community benefit is appreciated.

Commissioner Sigg asked about the curb cut for the new water tank access to the south. Mr. Ogilvy reported that there is current approval for a Conditional Access Permit for the main driveway, as shown. There will need to be an application for an additional

Conditional Access Permit for the water tank driveway. He does not believe that it will be controversial because the sightlines are good, and based on discussions with the Water Department, that driveway is used approximately once a month. Commissioner Sigg wanted to know what kind of separation there is between curb cuts. Connor Fraser with Alliance Engineering reported that 150 feet is needed; otherwise, there will need to be a variance. Mr. Ogilvy stated it is possible to achieve 150 feet based on the site plan.

The comment made by Commissioner Tilson was discussed. Mr. Ogilvy stated that there is a 15-foot setback, and for Lot 1, there are trees on the Deer Valley parcel. On Lot 3, the home will be developed closer to the end of the hammerhead so views can be oriented to the west. Through the design, there will be healthy tree preservation along Hawkeye.

MOTION: Commissioner Johnson moved to CONTINUE the Plat Amendment for 9401 Marsac Avenue and the Public Hearing to August 13, 2025. The motion was seconded by Commissioner Sigg. The motion passed with the unanimous consent of the Commission.

E. **8946 Marsac Avenue - Plat Amendment -** The Applicant Proposes to Create a 1.58-Acre Lot for Four Dwelling Units in One Multi-Unit Dwelling. PL-25-06523.

Items 6D, 6E, and 6F were presented and discussed at the same time.

F. **9401 Marsac Avenue - Subdivision -** The Applicant Proposes to Create Three Lots for Three Single-Family Dwellings, a Lot for the Park City Municipal Corporation Water Tank, and a Parcel for the Mid Mountain Trailhead Parking Lot. PL-25-06547.

Items 6D, 6E, and 6F were presented and discussed at the same time.

G. **301 Marsac Avenue - Steep Slope Conditional Use Permit -** The Applicant Proposes Constructing a 4,103-Square-Foot Single-Family Dwelling on Very Steep Slopes in the Historic Residential - 1 Zoning District. PL-23-05946.

Planning Project Manager, Elissa Martin, presented the Staff Report and explained that the application is for an SSCUP at 301 Marsac Avenue. The proposal is for a 4,103 square foot single-family dwelling in the Historic Residential – 1 ("HR-1") Zone. Slopes range between 90% and 100%. The duplex to the east of the property has encroachments that go over onto 301 Marsac Avenue on the rear lot line that is shared. The Commission reviewed the plans during a Work Session on June 25, 2025, and provided feedback.

The applicant provided updated plans that addressed many of the inconsistencies. Manager Martin explained that the item has been brought to the Planning Commission to review the progress that has been made. However, there is still some work to be done in order to meet the SSCUP and Historic District standards. She wants to make sure there is nothing outstanding that needs to be addressed so when the item comes back to the Planning Commission in August, it will be possible to take Final Action on the application.

Manager Martin reported that one of the remaining inconsistencies relates to the zoning requirements. The HR-1 Zone allows a setback exception for decks and patios to encroach into the side setback, but those decks may not exceed 30 inches in height above final grade. The two decks on the secondary façade appear to exceed that. As a result, those decks will need to be modified or removed in order to meet the requirement.

The Historic District standards need to be considered as well to ensure there is consistency. One of the concerns is the window glazing on the front façade of the structure. While the glazing was significantly reduced in the updated plans compared to the previous iteration, there are two sliding glass doors on the third level that are almost floor-to-ceiling. Those are inconsistent with the Historic District design standards. Staff would recommend eliminating one of the sliding glass doors and replacing it with compatible solid-to-void ratio windows. She shared some example images with the Commission. The idea with the solid-to-void ratio is that there is more solid than void.

As for the decks, the previous plans had wraparound decks on both levels, but the updated plans have reduced them. However, there are still some areas that need to be reduced in width and depth. The smaller deck on the second level on the front façade needs to be reduced so it does not wrap the building. The third-level deck also needs to be reduced and minimized in width. The Staff Report provides some possible ideas.

The roof deck in the previous plans was quite large and there was a rear retaining wall that was exposed. Manager Martin reported that the updated plans provide a reduced depth in the roof deck. There is a landscaped terrace that helps to reduce that depth. In addition, it would provide some vegetative screening. The width of the deck was slightly reduced, but there is still an overhang that extends beyond the roof form on either side. That would need to be eliminated in order to meet the standard that is in place.

Manager Martin next discussed terracing and screening. In the previous plans, the retaining walls did not step with the grade. The applicant has provided terraced retaining walls that step with the grade. The intention is to provide vegetation, but there will be a Condition of Approval drafted to ensure the vegetation screens the retaining walls.

Manager Martin reviewed the Staff recommendation for this agenda item:

- Review the proposed 4,103 square foot single-family dwelling at 301 Marsac Avenue on Very Steep Slopes in the HR-1 Zoning District;

- Provide feedback to the applicant regarding additional modifications to the house plans needed to comply with the HR-1 Zoning District, SSCUP, and Historic District Design Requirements;
- Open a public hearing; and
- Consider continuing the SSCUP application to the August 13, 2025, Planning Commission Meeting for Final Action.

There was discussion about the retaining wall and potential modifications. Director Ward reported that the Design Architect, Andrea Taylor, has joined the Planning Commission Meeting. Ms. Taylor reported that the retaining walls are modeled conceptually and there is a four-foot step as an estimate. The final engineering and landscape design will have a smoother transition. She reiterated that the renderings are conceptual and it is not the intention to show the retaining walls as a design feature. The client wants any sort of necessary grading to be hidden. Chair Van Dine appreciated the clarification.

Commissioner Frontero asked whether Manager Martin has voiced her concerns about the remaining items to the applicant. This was confirmed. Commissioner Frontero wanted to know if the applicant will be able to make the changes by August 13, 2025. Ms. Taylor confirmed that there is enough time to make the suggested changes. Chair Van Dine agrees with the Staff interpretation of the changes that need to be made. Reducing the decks and glazing to conform with the guidelines makes sense. Ms. Taylor reported that the side decks comply with the maximum 30-inch elevation grade, which can be illustrated ahead of the next Planning Commission discussion on the item. Manager Martin noted that there might need to be more detailed information provided.

Ms. Taylor asked to discuss the rear deck. It exists mostly on grade and does not exist as a roof form over the building below. Manager Martin reported that the requirement that applies is the Historic District Design Standards. She read the following language:

- New balconies and roof decks shall be visually subordinate to the new building and shall be minimally visible from the primary public right-of-way.

With the roof deck extending over the sides of the building, it is possible to see the roof deck clearly from the right-of-way. That is the concern from Staff. Ms. Taylor asked to address the question of the glazing on level three. The site is unique and there is concern about comfort inside the unit in terms of natural daylighting and visibility, as there are not a lot of opportunities to add glazing on the facades. She understands the solid-to-void ratio but asked how that is intended to be addressed with the Very Steep Slope. Chair Van Dine pointed out that multiple nearby houses have managed to follow the guidelines. When this item comes back, that needs to be more in compliance.

Commissioner Johnson asked about the ingress and egress. He wanted to know if there is a proposal for a paved turnaround area and what the distance is from the Marsac right-of-way to the entry of the garage. Manager Martin reported that the Engineer will need to look at the turnaround area. The applicant would need to provide site-specific conditions that justify the additional turnaround. It could be because there is a shallow depth of space between the right-of-way and the garage. Commissioner Johnson asked that drawings be provided next time to illustrate that there is an adequate turnaround area.

Chair Van Dine opened the public hearing. There were no comments. The public hearing was continued to August 13, 2025.

MOTION: Commissioner Frontero moved to CONTINUE the Steep Slope Conditional Use Permit for 301 Marsac Avenue and the Public Hearing to August 13, 2025. The motion was seconded by Commissioner Tilson. The motion passed with the unanimous consent of the Commission.

7. ADJOURNMENT

MOTION: Chair Van Dine moved to ADJOURN. There was no second. The motion passed with the unanimous consent of the Commission.

The meeting adjourned at approximately 9:50 p.m.