



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 24, 2025**

COMMISSIONERS IN ATTENDANCE: Chair Christin Van Dine (arrived at 6:00 p.m.), Bill Johnson, John Frontero, Grant Tilson, Seth Beal, Rick Shand, Henry Sigg

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

1. ROLL CALL

In the absence of Chair Christin Van Dine, Chair Pro Tem Bill Johnson called the Planning Commission Meeting to order at 5:30 p.m. He explained that Chair Van Dine will arrive at the meeting shortly. Commissioner Henry Sigg is attending the meeting virtually.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from September 10, 2025.

MOTION: Commissioner Frontero moved to APPROVE the Meeting Minutes from September 10, 2025. The motion was seconded by Commissioner Tilson. The motion passed with the unanimous consent of the Commission.

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Rebecca Ward, reminded the Commission that the General Plan is scheduled for City Council consideration at the City Council Meeting tomorrow evening.

Commissioner Sigg disclosed that he received a call this week from one of the owners of the Thaynes Canyon Tennis Club explaining that a letter would be submitted to the City outlining their position. This will not impact his decision on the item being discussed. He clarified that this relates to the 2110 Webster Drive item on the agenda. Commissioner Rick Shand received a similar phone call from one of the club members at the tennis court facility. This will not impact any decision made or the discussion about the item.

4. PUBLIC COMMUNICATIONS

Chair Pro Tem Johnson read the guidelines for sharing public comments. He asked that those commenting sign in and limit comments to three minutes or less. All comments should be directed to the Commission rather than to an applicant or the audience. He clarified that there will be time provided for public input during the Clark Ranch item.

There were no public communications.

5. CONTINUATIONS

- A. 322 Main Street – Plat Amendment** – The Applicant Proposes to Combine One Lot and Two Partial Lots into One Lot for a Landmark Historic Site in the Historic Commercial Business Zoning District. PL-25-06637.

Director Ward asked that the 322 Main Street item be continued to a date uncertain.

Chair Pro Tem Johnson opened the public hearing. There were no comments. The public hearing was closed.

MOTION: Commissioner Shand moved to CONTINUE the 322 Main Street Plat Amendment to a date uncertain. The motion was seconded by Commissioner Beal. The motion passed with the unanimous consent of the Commission.

- B. 384 Woodside Avenue – Steep Slope Conditional Use Permit** – The Applicant Proposes to Construct a 2,465-Square-Foot Single-Family Dwelling on a Steep Slope in the Historic Residential-1 Zoning District. PL-25-06608.

Director Ward asked that the 384 Woodside Avenue item be continued.

Chair Pro Tem Johnson opened the public hearing. There were no comments. The public hearing was closed.

MOTION: Commissioner Sigg moved to CONTINUE the 384 Woodside Avenue Steep Slope Conditional Use Permit to the October 22, 2025, Planning Commission Meeting. The motion was seconded by Commissioner Shand. The motion passed with the unanimous consent of the Commission.

- C. 368 Woodside Avenue – Steep Slope Conditional Use Permit** – The Applicant Proposes to Construct a 3,915-Square-Foot Single-Family Dwelling on a Steep Slope in the Historic Residential-1 Zoning District. PL-25-06609.

Director Ward asked that the 368 Woodside Avenue item be continued.

Chair Pro Tem Johnson opened the public hearing. There were no comments. The public hearing was closed.

MOTION: Commissioner Frontero moved to CONTINUE the 368 Woodside Avenue Steep Slope Conditional Use Permit to the October 22, 2025, Planning Commission Meeting. The motion was seconded by Commissioner Shand. The motion passed with the unanimous consent of the Commission.

6. WORK SESSION

- A. 2110 Webster Drive – Plat Amendment** – The Applicant Proposes Amending the Thaynes Canyon Subdivision No. 2, Lot 42, to Create a Single-Family Dwelling Lot and a Recreation Open Space Lot in the Single-Family Zoning District. PL-25-06467.

Planning Project Manager, Elissa Martin, presented the Staff Report and explained that the first Work Session item relates to 2110 Webster Drive. She explained that this is an application related to the Thaynes Canyon Tennis Club. The Planning Commission reviewed the subdivision proposal for Lot 42 during a Work Session in May. The property is owned by the Thaynes Canyon Tennis Club III, a Utah non-profit corporation. The subdivision was approved in 1975. The applicant proposes subdividing Lot 42 to sell a 0.22-acre lot for the development of a single-family dwelling in order to raise funds for a major renovation to the tennis courts. She reiterated that this was reviewed by the Planning Commission in May. It is before the Commission again to receive additional feedback.

The four units per acre density of the Thaynes Canyon Subdivision No. 2 was compliant in 1975. However, the Planning Commission agreed at the Work Session in May that the proposal to further amend the subdivision to add a new lot would exceed the density allowed today based on the Single-Family Zoning District requirements of three units per acre. The Commission was open to considering the development of a single-family dwelling on the lot if the applicant could bring forward additional information or alternative findings for Good Cause. The Covenants, Conditions, and Restrictions (“CC&Rs”) prohibit re-subdivision of any lot, but the applicant has explained that the Homeowners Association (“HOA”) was disbanded for the subdivision many years ago and the CC&Rs have not been enforced since that time.

The applicant also proposes that Lot 42 is not explicitly restricted by the plat for the development of a single-family dwelling. It calls out that Lot 42 is for a tennis center, but there is no Plat Note restricting development of a different use. According to the applicant, the proposed lot size or density of the subdivision is compliant with the density approved in the original Planned Unit Development (“PUD”) from the 1970s. The applicant submitted an updated narrative. It outlines what they believe would be findings for Good Cause for the Plat Amendment. The narrative mentions the following:

- Providing a public amenity with the tennis courts;

- Resolving non-conformity by retrofitting the deteriorated courts;
- Promoting sustainable, excellent design by designing durable, low-maintenance courts;
- Preserving neighborhood character, "respecting existing lot sizes";
- Addressing density and land efficiency by utilizing under-utilized land to support a community amenity.

At the last Work Session, Staff recommended denial based on the current zoning requirements of the Single-Family Zoning District and the maximum density being three units per acre. There are two questions that the Commission is asked to consider:

- Does the Planning Commission find a basis to revisit whether the applicant's proposal would be allowed pursuant to the original 1975 PUD-approved density and is there Good Cause?
- If the Planning Commission finds no basis to permit further subdivision of Lot 42, could be a single-family dwelling be developed on Lot 42 as an accessory use to the tennis courts, without subdividing the lot?
 - If so, development of a single-family dwelling would require amending the original Conditional Use Permit ("CUP") approved by the Planning Commission in 1975 for the PUD, to allow the residential use on Lot 42, which was originally approved as a tennis center.

Staff recommends the Planning Commission review the applicant's updated proposal for the Thaynes Canyon Subdivision No. 2 Lot 42 Plat Amendment to subdivide Lot 42 into two lots and provide input to the applicant. There are representatives from the applicant team present at the Planning Commission Meeting who can answer questions.

Commissioner Sigg asked if restriction of the use on the property is included in any Title Report. The applicant, Michael Pfeiffer, introduced himself as the President of the tennis club. Craig Elliott stated that he is one of the members of the tennis club and is on the Board. Mr. Pfeiffer reported that the only reference to the tennis club is in the CC&Rs. There is a statement that Lot 42 may be used for the purpose of constructing and operating a tennis club. If the lot split occurs, there would be a restriction on any sale or development of the tennis court lot to develop only a small portion of the remaining lot for sale as a residential unit. There would not be increased density, because they believe that Lot 42 could be developed as a single-family residence based on the language.

Commissioner Sigg wanted to know if the CC&Rs show up as a deed restriction. The HOA might not be active, but the CC&Rs could still be recorded and show up on a Title Report. Ms. Pfeiffer confirmed this. Commissioner Shand mentioned the Declaration of Protective Covenants for Thaynes Canyon Subdivision No. 2 document. In section 5.3, it states that Lot 42 may be used for a tennis club. Section 5.6 mentions no re-subdivision. He noted that the Declaration also states the density is four units per acre, but the current zoning is three units. It appears there is some picking and choosing of which sections of the Declaration will be applied. Manager Martin confirmed there is language that references

density at the time of approval. She reminded those present that the Planning Department does not enforce CC&Rs, but looks to the code. Based on the Land Management Code ("LMC"), it is three units per acre for the Single-Family Zoning District.

The Planning Commission discussed the Staff questions. Commissioner Sigg explained that he is in favor of improving neighborhoods and the aesthetic. This is a situation where there is a desire to improve the area. He is struggling with looking retroactively at the 1975 ordinance while also considering the current ordinance. As for the Good Cause arguments outlined in the narrative, he finds a lot of Good Cause for the members, but Good Cause is civic and community-based as well. He mentioned the value of land in Park City and pointed out that there could be surplus. Commissioner Sigg does not believe the lot should be divided for financial gain beyond improvements to the tennis court area. This is a complicated request because there would be a need for a Plat Amendment, Plat Notes, an official disbanding of the HOA, and a redaction of the CC&Rs.

Commissioner Seth Beal referenced the first question from Staff about whether there is Good Cause to revisit the issue of the 1975-approved density. He does not believe this rises to the level of Good Cause. As for the second question, he is more on the fence. He can see some pros and cons, but would need to know more before making a decision.

Commissioner John Frontero does not find a basis to revisit the applicant's proposal pursuant to the original 1975 PUD on density. He stated that the current code is clear with three units per acre and that is the code the Commission is there to enforce. Regarding Good Cause, the applicant's narrative refers to this as a public amenity. He visited the tennis court two days ago and all four doors to the court were locked. There is a large sign that states it is for member use only. Between the locks and the signage, the argument that this is a public amenity is not convincing to him, as it is a private club. Commissioner Frontero addressed the second question posed by Staff and explained that he is leaning against what was described. He is unsure how that would be possible.

Commissioner Shand does not find Good Cause and does not find that the original 1975 declaration should be applied here when there is current code that clearly states the maximum density is three units per acre. The idea that some parts of the original declaration are proposed to be rejected while others are proposed to be accepted does not make sense to him. A lot of this comes down to the application of the LMC. As for the second question, if the subdivided lot met code, then he would consider it. However, he assumes there is a reason the applicant has come in asking for a 0.22-acre lot.

Commissioner Grant Tilson believes the current LMC and zoning restrictions would still apply to this application. He would only find Good Cause if there was more of a public benefit. For example, if the tennis courts benefited the City and were not for private use. In addition, if the single-family home had a deed restriction as an affordable housing unit, that could contribute to Good Cause. Commissioner Tilson shared comments about the second Staff question and acknowledged that the proposal is a complicated one.

Mr. Elliott explained that the intention is to find a way to repair the courts. It was determined that repairs could not be warranted because of the age of the courts. There was communication received that there would need to be a replacement. At the same time, the County provided notice that they would be taxed as if this was a residential lot, because there were no restrictions placed on the lot according to County Records. Mr. Elliott responded to the locks on the gates and explained that it was done in response to people at Hotel Park City using the tennis courts. The intention was to prevent tennis court use from a commercial business. As for the lot size, Mr. Elliott reported that he lives on Lot 2, which is approximately 0.22 acres. All of the neighboring properties are that size, so the proposed lot size is consistent with the other properties in the neighborhood.

Mr. Pfeiffer addressed some of the Commissioners' comments. When it comes to the funds raised, he clarified that the goal is not to make money, but to address the tennis court. There is uncertainty about what the lot could be sold for, but the intention is to use all of the proceeds on the necessary tennis court work. Whatever remained would be put aside to address future needs. He reiterated that no money would be distributed to anyone in the neighborhood. Mr. Pfeiffer discussed Good Cause and the CC&Rs. If the disrepair continues, there will be an eyesore in Thaynes Canyon, as there is no money for necessary repairs. From a community perspective, the tennis courts reduce the use of other courts in Park City. If the repairs are made, membership could increase to 60, which is what the bylaws provide. 60 residents would not be using other courts in the City.

It was noted that Chair Van Dine joined the meeting at approximately 6:00 p.m.

Manager Martin expressed appreciation for the feedback received from the Planning Commission. Commissioner Johnson stated that for the first Staff question, there is consensus that there is no Good Cause found. There is some flexibility with the second question, but it would require some creativity as well as additional information.

Mr. Pfeiffer mentioned the suggestion made by Commissioner Tilson about affordable housing. He asked if that would contribute to Good Cause. Commissioner Johnson believed that it might, but pointed out that the entire context of the application needs to be reviewed. Commissioner Frontero noted that the current zoning code does not allow for what has been proposed. When it comes to a deed-restricted unit, it is something that could be considered, but the proposal would still not be in alignment with the current code. There would need to be an exception made, so this is a fairly complicated proposal.

Mr. Elliott asked what would happen if the lot size was changed to 0.33 acres and there was a restriction placed on the tennis center as a non-developable parcel. Senior City Attorney, Mark Harrington, explained that the density issue needs to be addressed in order for there to be Good Cause. Based on the Commission feedback received, the majority is in agreement with Staff on the density issue. As for the second question, it was reiterated that there is a willingness to consider additional information.

Mr. Pfeiffer expressed appreciation for the Work Session discussion. He noted that the property taxes are high because the County believes it is a developable lot and are charging based on that. He wondered whether something could be presented to the County from the City to state that it is not developable, so that at least the property taxes could be reduced. It was noted that there can be communication with Staff about that matter.

Commissioner Johnson stated that the applicant can determine how to move forward. The Planning Commission has provided direction as far as the Staff questions posed.

- B. Parcel PC-SS-121-X (Clark Ranch) – Zone Change, Subdivision Plat, Master Planned Development, Conditional Use Permit** – The Applicant Proposes a Zone Change from Recreation Open Space to Allow an Affordable Residential Development, to Create a Three-Lot Subdivision, and to Construct 201 Dwelling Units Under a Master Planned Development in the Sensitive Land Overlay. PL-25-06656, PL-25-06655, PL-25-06654, PL-25-06653.

Chair Van Dine shared information about the public comment process that will take place during the Work Session item. Public comment should be based on the subject matter being discussed, which includes the Zone Change, Subdivision Plat, MPD, and CUP. It was noted that while public input will be received during the Work Session, it is not a public hearing. There will be a public hearing at the meeting on October 8, 2025. Chair Van Dine added that multiple emails have been received ahead of the current meeting. All of those emails will be entered into the public record. She reminded those submitting comments to submit them to planning@parkcity.gov rather than to Commissioners.

The Staff Report was presented to the Commission. It was explained that this Work Session item relates to the Clark Ranch Subdivision. The applicant is seeking Planning Commission input on the proposed 10-acre rezone. The applicant has submitted the following land use applications: Zone Change, Subdivision, MPD, CUP, and Sensitive Land Overlay (“SLO”). The Planning Commission previously heard the proposal during a Work Session on September 10, 2025. The proposal is returning to the Commission to focus on the Zone Change and the Subdivision applications. The other land use applications will be reviewed at a later date. The applicant is proposing the Clark Ranch Subdivision, an affordable housing project. This project will encompass an area that will not exceed 10 acres. The 10 acres will consist of three development pods. The remaining 47 acres are proposed to be protected open space through a conservation easement.

The applicant proposes a zone change to Residential Development – Medium Density within the three development pod areas. A zone change to Residential Development – Medium Density would allow for a potential Affordable Master Planned Development (“AMPD”). An AMPD would allow for a project with a much greater density, beyond what is being proposed for the Clark Ranch project. To address the limitations of a zone change, the Planning Commission could consider creating a Modified Affordable Residential Development – Medium Density Zoning District or a Residential Development Medium Density Zoning

District with an Affordable Housing Overlay. The applicant will present and after the presentation, Staff will pose questions to the Planning Commission.

The applicant representatives introduced themselves to the Commission. It was noted that representatives from The Alexander Company are attending virtually. The Stereotomic representatives are attending in person. Chris Day and Colin Cassady are from The Alexander Company and Jarrett Moe and Cody Storey are from Stereotomic.

Mr. Day reported The Alexander Company is a second-generation full-service real estate development and property management company. The Alexander Company has developed and managed complex housing projects for the last 40 years throughout the country. Though the company is based in Wisconsin, local experts have been hired. The project team includes: The Alexander Company, Stereotomic Architecture, Talisman Civil Consultants, New Star General Contractors, and Parr Brown Gee & Loveless.

Mr. Cassady shared some background information with the Commission. He reported that in 2014, Park City purchased the Clark Ranch site. Part of the COSAC recommendation was to maintain 10 acres of that site for a variety of possible uses, including an affordable housing development or a community use. The City hired Stereotomic to conduct a Feasibility Study in 2022. The City issued a request for proposal ("RFP") and The Alexander Company was selected during a public process in 2024.

Mr. Cassady explained that there are a number of shared goals, which include:

- Prioritize a housing mix of 80% rental and 20% ownership;
- Target affordability and attainability;
- Prioritize essential/frontline workers and municipal employees;
- Provide ample and meaningful community engagement opportunities;
- Prioritize multi-modal transportation options, connections to transit.

The previous feedback from the Planning Commission was summarized:

- Development should be limited to 10 acres;
- Concerns regarding the slope of the site;
- Amenity spaces and ties to recreation;
- Public transit access;
- Population expected on site; and
- Status of the Traffic Study.

Mr. Moe shared an aerial map of the site and reported that there has been work done with the Planning Department to redefine the boundaries and better reinforce that the development will be limited to 10 acres or less, with the remaining area shown as Recreation and Open Space ("ROS"). The development boundary shown in red is 10 acres. There are four zones identified within the boundary of the 10 acres. The image shown illustrates that

the areas built in the four zones will be less than 10 acres. Commissioner Johnson asked if the stormwater retention basin depicted on the image is existing or proposed. Mr. Moe clarified that it is part of the proposal.

Some statistics were shared. Mr. Moe reported that the total developed area is shown as 10 acres. He noted that at the last meeting, there were questions about the slope, so slope analysis information was shared. Mr. Moe explained that the defined slope generally runs between 15% and 30% with the majority of the site at approximately 20%. That is consistent and typical for development in Park City. Work has been done to determine the most appropriate layout for the access roads and building footprints to balance the visual impact as well as the amount of cut and fill and disturbance on the site.

The existing Site Plan was shared with the Commission. Mr. Moe pointed out Building A, Building B, Building C, and the location of the townhomes. There has been work done with the Landscape Architect and Civil Engineer to design family zones and playground zones between Building B and Building C and adjacent to Building A. There have also been discussions about the most appropriate location for a community trailhead.

Mr. Moe shared a map related to the proposed transit. It shows a proposed transit stop, a proposed transit line extension, and a proposed paved trail connection. Commissioner Frontero asked if there had been discussions with the Transit Department about an additional transit stop. Mr. Moe confirmed that there have been several conversations with them, including a few during the Feasibility Study process. He clarified that further evaluation will need to take place, but this is seen as the easiest connection.

Mr. Cassady reported that at the last Planning Commission Meeting, there was a question about how many people are expected to be living on this site. An analysis was conducted and there are 382 people expected to live on the site, with approximately 236 of those people being of driving age. Mr. Cassady noted that there have been some questions about the Traffic Study. The traffic count field work is complete and the report and analysis are expected to be done by October 3, 2025. He offered to answer questions.

Commissioner Johnson asked whether the Traffic Study that is being done by Hales Engineering will have a third-party review, which was confirmed. Commissioner Beal asked to further review the slide related to the anticipated occupants. Under the number of one-bedroom apartments, it lists 102 units and 122 total persons. He is confused about the persons over the age of 16 (driving age) being listed as 75. Mr. Day explained that the 61.2% number shown was based on properties in their portfolio that are similar to the proposed project. That percentage was applied to the total persons for each unit type. It is possible to do a more thorough analysis, but the most important number is the total anticipated. Commissioner Beal felt a more persuasive analysis was needed.

Commissioner Frontero agreed with Commissioner Beal about the numbers presented. Rather than applying the 61.2% across all units, it might make sense to fine-tune the numbers. Realistically, there will be at least one driver per one-bedroom apartment.

Commissioner Frontero mentioned the red border shown on the first slide. He asked if that would be the limit of disturbance (“LOD”). It was clarified that the red border indicates the 10 acres. There might be some disturbance that happens outside of that. Commissioner Frontero is currently in favor of keeping the total LOD to 10 acres.

Commissioner Johnson mentioned the stormwater retention pond. He asked if that would be an example of a use outside of the 10 acres. Mr. Moe confirmed this. Commissioner Johnson wanted to understand the kind of disturbance that goes into a retention pond. Mr. Moe explained that there would be some minor regrading to retain the stormwater runoff. There are other techniques, but the design team felt the other ways to capture and redistribute might not be as desirable to the end product. Commissioner Shand asked about the allocation of parking spaces per residence. Mr. Cassady reported that the majority of the parking will be under the buildings and it will likely be assigned as units are rented. There is some surface parking proposed as well. Mr. Moe added that the townhomes have their own dedicated parking with two stalls per unit in a private garage.

Commissioner Sigg asked if there has been a Geotechnical Report had been conducted. It was noted that the Geotechnical Report is underway and should be ready by the end of the week. There is no information available at this point on soil stability and earth movement. Commissioner Sigg pointed out that further south on Highway 40, there is significant evidence of earth sloughing, so the Geotechnical Report would need to support development in this location. He expressed support for development to be limited to 10 acres. As for transportation, there is a mandate to reduce trip-generated traffic into town. This could be a traffic generator, so the inclusion of a transportation stop is important.

Commissioner Sigg liked the Staff recommendation of some sort of overlay or zone that creates parameters for massing and density. He stressed the importance of considering the impression someone will have when driving into Park City. This is a prominent hillside that is seen when heading south on Highway 40. He is not opposed to the number of units that have been proposed, but the buildings in their current form might not be ideal when it comes to a first impression. There needs to be additional design discussion.

Commissioner Tilson referenced the access road. He requested additional information about the plan to construct that road since it is on a very steep slope. It seems like there will need to be heavy land disturbances in order to construct an access road there.

Chair Van Dine opened the public input portion of the meeting. This portion of the meeting will be limited to 30 minutes, so she asked that comments be three minutes or less.

Jeff Iannaccone gave his zip code as 84060 and stated that he is a resident of Park City Heights. He is also a member of the newly formed citizen advocacy group, Keep Clark Ranch Wild. The group does not want to prohibit affordable housing development, but wants to ensure that any subsidized affordable housing happens responsibly, so open space can be protected where intended. During the last Work Session, Commissioner Frontero asked about expediency. Mr. Iannaccone wanted to know why Staff is combining the Preliminary

and Final review. Once open space is upzoned, there is no going back. If the proposal is not deemed to be viable, then the upzone will remain in place. Rezoning should be taken off the table until the rest of the proposal has been evaluated.

Mr. Iannaccone suggested that the Planning Commission do what was done in December 2022 with Snow Park and pause the review of planning applications until the City Council confirms there is a clear reason to proceed. In 2022, Commissioner John Kenworthy made a motion for Snow Park to be reviewed by the City Council. A member of the Commission can make a similar motion at any time. As for why the Planning Commission is being asked to review four applications simultaneously in a combined review, he stated that the City is a co-developer and co-applicant on this project while also driving Staff recommendations. Mr. Iannaccone believes this is a conflict of interest. The Alexander Company has previously stated that its urgency is tied to bond market timing.

Repeated in Staff Reports and public narratives is the claim that COSAC unanimously recommended affordable housing on the 10 acres potentially excluded from conservation. However, that is untrue. The actual COSAC Meeting Minutes from August 25, 2015, which Mr. Iannaccone will submit into the record something very different than what has been described. COSAC recommended up to 10 acres located in the northwest parcel adjacent to Park City Heights to be excluded from this easement for other City uses to be determined by the Council. Those Meeting Minutes confirm that housing was not discussed. Wendy Fisher showed a rendering with a firehouse, but there was no notable discussion about that. Recreation uses, like equestrian facilities and trailhead restrooms, were debated, but housing was not. He wanted to understand why the Staff Report in 2025 mentions affordable housing and why subsequent reports have mentioned a unanimous decision. These misrepresentations have created a false narrative that obscures the truth and impacts the ability to have an honest debate. Mr. Iannaccone urged the Planning Commission to pause this process and ask the City Council to resolve the following question: Should housing be considered, or is that a violation of the COSAC recommendation and the conservation values that are meant to be preserved.

Sue Gould gave her zip code as 84060 and stated that she is a member of Keep Clark Ranch Wild. She highlighted several areas where the Clark Ranch application is incomplete under the code requirements in Park City. Pursuant to those standards, she requested that the applicant be directed to provide the missing technical materials before the project proceeds further. Under LMC 15-2.21-2, applicants in the SLO must submit a complete Sensitive Lands Analysis at the time of application. This means identifying the steep slopes, ridgelines, wetlands, wildlife habitat, and the wildland interface. Those materials are absent or deferred, which makes it impossible to determine site suitability.

Ms. Gould reported that the record does not include grading cross sections, cut and fill data, or a road slope matrix. Without these, it is not possible to apply the slope protections in LMC 15-2.21-4. She added that no stamped stormwater or hydrology plan has been provided. Preliminary and Final Subdivision findings under LMC 15-7.1-5 and 15-7.1-6 require evaluation of runoff, downstream capacity, detention operations and maintenance, and

property line edge sections. None of that is in the record at this point, which means there are questions about drainage, erosion, and public safety. Ms. Gould stated that the SLO requires that 75% of steep slope areas remain natural open space, but the application appears to count detention basins toward that requirement. In addition, she stated that the traffic analysis is incomplete. The applicant also proposes development on three parcels that total over 14 acres. Development limits are inclusive of setbacks and LOD. The proposal, as it stands, is a clear violation of the 10-acre constraint and should not be considered by the Commission until it is within that limit.

Ms. Gould asked the Planning Commission to direct the applicant to provide a complete sensitive land analysis, grading cross sections and slope data, stamped hydrology and stormwater plans, and a corrected open space table. Only once these materials are submitted can the Planning Commission and the public fairly evaluate this project.

John Greenfield gave his zip code as 84060 and is a member of Keep Clark Ranch Wild. He has long supported affordable housing development in Park City. He lives in affordable housing and would like to see more families benefit from the opportunities his family has been able to benefit from. Mr. Greenfield expressed support for the other comments made. He called attention to what appears to be an omission from the last two Staff Reports. Staff notes that the Feasibility Study was completed in 2023 by Stereotomic, which is who The Alexander Company presents as the local architect chosen for the Clark Ranch project. The omission is that Park City Municipal pursued feasibility work in 2021 prior to the final annexation. It was determined that the west side of the proposed annexation was unsuitable for housing for a multitude of reasons, including access, expense, steep slopes, lack of services, isolation from transit and support commercial, and sewer inadequacy. The details of these conversations and conclusions are relevant to the current discussions. He asked that this information be included in all future Meeting Materials Packets. Mr. Greenfield added that KPCW reported on the Utah Department of Transportation ("UDOT") proposed road development and expansion along both sides of Highway 40. He feels it is critical that all traffic studies factor in impacts from the proposed Clark Ranch development as well as the many luxury homes, condominiums, and hotels that will soon be occupied in the area.

Lynn Sheldon gave his zip code as 84060 and stated that he is also a member of Keep Clark Ranch Wild. He wanted to know if the Park City Municipal Code conditions related to radon mitigation have been taken into consideration. The underlying question is not if radon is present in the Clark Ranch soil, but at what level and if it is tolerable. Many Park City Heights residents have already installed radon remediation systems. Established standards indicate that up to 4 pCi/L is considered tolerable, but should be monitored. The radon readings at Clark Ranch will likely be high and remediation will be required. He pointed out that radon readings are lower in warmer months than in the winter months.

Mr. Sheldon lives next door to the property and currently does not have a radon remediation system in place. However, he does have a radon reading device and currently has short-term readings between six and eight, which is well above the tolerable range. He plans to put a system in his home to address this. If the possibility of high radon levels in the soil is

not taken into consideration for the Clark Ranch property, there could be potential health consequences. Extended exposure to radon gas is proven to result in symptoms related to lung damage, which is a leading cause of lung cancer. It takes between five and 25 years for symptoms to appear. He asked what consideration is being built into the construction planning and if there will be inspections conducted.

Whitney Zaino gave her zip code as 84060 and stated that she is a member of Keep Clark Ranch Wild. She expressed her support for the previous comments shared. Ms. Zaino noted that Commissioner Johnson voted to uphold the citizen appeal of the Administrative Conditional Use Permit on the chair lifts. When that matter went before the local Third District Court, the Judge was clear and stated that it is not only the right of the Planning Commission to be able to verify inputs, but it is also a duty. She referenced the comments made by Mr. Iannaccone about how Staff has chosen to present the COSAC discussions. The Commission has a duty to review the available written records. COSAC never recommended housing, which is important to take into consideration. Ms. Zaino does not believe a Clark Ranch housing proposal should have been presented to the Commission.

Lance Lucey gave his zip code as 84060. He commented that the Traffic Study did not include information about service vehicles or visitors in the area. Unless there is a regulation that there will not be visitors, the study needs to take those into account.

There were no further comments. Chair Van Dine reiterated that there will be another opportunity to share comments at the Planning Commission Meeting on October 8, 2025. In addition, written comments can be submitted to planning@parkcity.gov.

Staff posed the following questions to the Planning Commission:

- Would the Planning Commission recommend creating an Affordable Residential Development – Medium Zoning District?
 - The new zoning district could establish criteria for evaluating requested exceptions that account for the unique features of the site.
- Would the Planning Commission recommend creating an Affordable Housing Overlay over the requested Residential Development – Medium Zoning District?
 - If so, would the Planning Commission recommend the overlay be specific to the 10 acres in Clark Ranch or potentially be applied broadly for affordable housing?

Commissioner Johnson pointed out that additional information is still needed, so he is not sure how to answer the Staff questions. Director Ward explained that during the Work Session, it is possible to discuss the process the Commission would like to consider.

The applicant is requesting a rezone to the Residential Development – Medium Zoning District. As Staff outlined in the earlier portion of the presentation, this would allow for an AMPD that would far exceed the density. Director Ward referenced the Staff questions and explained that the answers will impact the path that is pursued. There is a desire to

understand the type of rezone that the Commission is interested in evaluating. This could be the applicant requested Residential Development – Medium Zoning District. Alternatively, the Commission could consider pursuing something more site-specific.

Commissioner Shand asked if the overlay would be more site-specific. Director Ward explained that there are avenues that would be more site-specific than the general Residential Development – Medium Zoning District. Commissioner Sigg asked if the options would only be applicable to the 10-acre site or if the options would be applicable throughout the Residential Development – Medium Zoning District. Director Ward explained that this would be up to the Commission. Commissioner Beal asked if it is possible to do a rezone with a sunset provision so that the rezone would be specific to this project. If the proposal does not move forward, it could revert back. Director Ward confirmed that this is something that has been considered. Additional questions were shared:

- Does the Planning Commission recommend that the 10 acres retain the SLO?
- Would the Planning Commission like to evaluate a sunset clause as part of the proposed rezone?

Chair Van Dine feels there needs to be something that is site-specific. Commissioner Johnson agreed that there should be an overlay of some sort because there are a lot of site-specific details that need to be taken into account. He pointed out that not all of the information is currently available. An overlay is a cautionary way to move forward. Chair Van Dine pointed out that the Commission will receive the necessary information in the future. Moving forward with the zoning is reasonable as long as certain restrictions are considered, because this project does not fit into the regular Residential Development – Medium Zoning District. Commissioner Shand agreed with the comments shared.

Commissioner Beal noted that there could be a sunset clause with the Residential Development – Medium Zoning District. He is concerned about creating an overlay that could potentially be used elsewhere in the City, but recognizes that site-specific constraints are needed on this project. He asked if the sunset clause could be used to maintain some control over this project area without creating a whole new zoning overlay. Attorney Harrington discussed some of the options that could be considered, but noted that there would need to be more information provided to weigh the pros and cons.

Commissioner Frontero does not feel he currently has enough information to make a recommendation on a rezone. The preferred rezone type is not something he feels comfortable answering with the amount of information that has been provided. Director Ward explained that Staff wants to understand the type of rezone that the Planning Commission would recommend be pursued. At the Planning Commission Meeting on October 8, 2025, there can be more detailed information presented to the Commission.

Commissioner Johnson stated that the Residential Development – Medium Zoning District does not fit, so something else will need to be considered. Commissioner Frontero wanted to understand what the harm would be in waiting to make a decision until there is more

information available. Attorney Harrington clarified that Staff is not asking for a recommendation on the zoning itself, but has asked if the Commission would prefer something that is more site-specific. It is possible to provide that preliminary input.

Commissioner Sigg agrees with other Commissioners that he would like to see more information. He believes there needs to be more site-specific information as well as more direction on how this could be approached. Chair Van Dine believed the question is essentially whether there is a desire for this to be site-specific. Commissioner Tilson noted that there are a lot of questions about this site. If the site is unable to fit into the general zoning, it seems there might be issues with what has been presented. However, he pointed out that there is no complete information at this time. Additional information might indicate that the site fits within a more general zone.

There was discussion about zoning and what could be created. Director Ward reported that there are incentives built into the code for an AMPD. Those are allowed wherever multi-unit dwellings are allowed Citywide. She mentioned the Moderate Income Housing Plan and explained that the recommendations are specific to the distinct neighborhoods of Clark Ranch and Bonanza Park. There is a recommendation for a rezone, but it does not necessarily state what the rezone should be. Director Ward noted that the Staff recommendation is to consider something specific to the 10 acres, such as an overlay.

Commissioner Johnson believes there needs to be an overlay if the application is processed, because the Residential Development – Medium Zoning District does not fit the topography in this area. Chair Van Dine added that the uses in the zone do not fit. The uses allowed in the Residential Development – Medium Zoning District, in general, are not compatible uses with this property, considering that there is retail space allowed.

Commissioner Frontero asked when the Geotechnical Report is expected. Director Ward reported that the Geotechnical Report could be included in the next Meeting Materials Packet. The proposal that was reviewed by the Planning Commission on September 10, 2025, went over the slope regulations in the SLO, so that analysis is available. There is no proposal for a development that would be contrary to what the SLO regulations are.

Commissioner Frontero asked about the Traffic Studies and the timeline. Director Ward clarified that the rezone application is distinct from the SLO analysis. If there is consensus with the overlay, additional details will be shared with the Commission at the next meeting. Mr. Cassady reported that the Traffic Study is anticipated to be done next week.

Commissioner Frontero would prefer to wait to make a decision about the overlay until there is more information presented. Commissioner Sigg agreed with that approach. Chair Van Dine pointed out that Staff needs some sort of direction ahead of the next meeting. Director Ward asked if the Commission is open to considering something site-specific. Commissioner Beal is open to considering it, but cannot promise that he will be in favor of it in the future. Others agreed that the rezone and overlay can be considered.

As for the question about whether the Commission would recommend that the 10 acres retain the SLO, there was support for that. Chair Van Dine believed it made sense to evaluate a sunset clause as part of the proposed rezone. Commissioner Johnson mentioned the MPD code. He read the following language from Section G – Site Planning:

- The project should be designed to fit the Site, not the Site modified to fit the project.

Commissioner Johnson stated that the project should be built to the site. The site has been identified and up to 10 acres was identified by COSAC, though there seems to be some disagreement about the uses. However, the project should fit the site. He is not sure where the disconnect has come from. What has been presented to the Commission is development pods on 10 acres, but retention ponds are also proposed. Commissioner Shand asked if he believes the retention ponds should be part of the 10 acres, which was confirmed. It was noted that Clark Ranch will be discussed again in the future.

The Planning Commission took a five-minute break before the Regular Agenda items.

7. REGULAR AGENDA

- A. 41 Red Cloud Trail – Conditional Use Permit** – The Applicant Proposes Constructing a 1,984-Square-Foot Private Pool in the Estate Zoning District and Sensitive Land Overlay. PL-25-06595.

Planner II, Virgil Lund, presented the Staff Report and explained that this is a CUP application for a private pool at 41 Red Cloud Trail in the Red Cloud Subdivision. The MPD and Subdivision for Red Cloud were approved in 2004. A Building Permit for a single-family dwelling at 41 Red Cloud was issued in November 2023. He shared a map of the area as well as an overview of the Site Plan and a rendering of the proposed pool. The pool will be located outside of all setbacks and within the LOD. The pool complies with the Estate Zoning District requirements, the CUP criteria, off-street parking, and SLO. Staff recommends that the Planning Commission open a public hearing and consider approving the CUP at 41 Red Cloud Trail based on the Draft Final Action Letter.

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

Commissioner Frontero stated that the Staff Report was complete. He appreciates when Staff takes time to outline whether an application does or does not comply. The Staff Report makes it clear that this application complies with each of the items discussed.

MOTION: Commissioner Frontero moved to APPROVE the CUP at 41 Red Cloud Trail for a private outdoor pool, according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. On August 11, 2004, the Planning Commission approved the Master Planned Development (MPD) for 30 Single-Family Dwellings (SFDs) for Red Cloud.
2. On November 11, 2004, the City Council adopted Ordinance 04-56 approving the Red Cloud Subdivision for the 30 SFDs.
3. 41 Red Cloud Trail is Lot 29 of the Red Cloud Subdivision.
4. On November 15, 2023, the Building Department issued permit number 23-1499 for the construction of an SFD on Lot 29.
5. The proposed outdoor pool complies with the Estate (E) Zoning District requirements outlined in LMC Chapter 15-2.11.
6. The Estate Zoning District requires a 30-foot Front, Side, and Rear Setback.
 - a. The proposed pool is greater than 35 feet from all property lines - it is 38 feet from the rear Lot line, 39 feet from the north side Lot line, and greater than 100 feet from the front and south side Lot lines.
7. LMC § 15-2.11-10 states: "The Property Owner must protect Significant Vegetation during any Development activity."
 - a. The Applicant's proposal does not impact any Significant Vegetation.
8. The proposed outdoor pool complies with the Red Cloud Subdivision Plat requirements.
 - a. Plat note #3 under the "Building Approval Process" restricts total limits of disturbance cannot to no more than 20 feet beyond the outside walls of the building.
 - b. The proposed pool is underneath the cantilevered main level of the SFD and is within the total limits of disturbance for Lot 29.
9. The proposed outdoor pool complies with the Sensitive Land Overlay (SLO) requirements found in LMC Chapter 15-2.21.
 - a. The Subdivision, MPD approval and platting of the Lots considered SLO principles, such as Steep Slopes, proximity to Open Space and wetlands, Ridge Lines, and visual analysis. The proposed outdoor pool is not near wetlands or Ridge Lines and is not visible from any designated vantage points. The proposed outdoor pool is on a slope

between 10 and 20 percent and is not within 50 feet of Very Steep Slopes.

10. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in Land Management Code Section 15-1-10(E).
 - a. Size and location of the Site
 - b. 41 Red Cloud Trail is Lot 29 of the Red Cloud Subdivision. The Lot is 1.21 acres, and the proposed pool is approximately 1,984 square feet, located adjacent to the SFD.
 - c. Traffic considerations including capacity of the existing Streets in the Area
 - i. The Transportation Impact Study Guidelines state that a study is required when a proposed development or redevelopment will generate 25 or more net new vehicle trips during the weekday AM or PM peak hour or other analysis hour at the discretion of Park City Staff.
 - ii. The proposed outdoor pool will not generate any additional traffic beyond the property's primary Use as a SFD. The outdoor pool will be used by the property owner and their guests.
 - d. Utility capacity, including Storm Water run-off
 - i. The Development Review Committee (DRC) reviewed the proposal on July 15, 2025, and confirmed the proposal conforms with their requirements.
 - e. Emergency Vehicle Access
 - i. The DRC reviewed the proposal on July 15, 2025, and confirmed the proposal conforms with their requirements.
 - f. Location and amount of off-Street parking
 - i. LMC § 15-3-6(A) requires two Off-Street Parking Spaces per Dwelling Unit for an SFD.
 - ii. LMC § 15-3-6(B) requires one Off-Street Parking Space per four persons maximum rated capacity for a Private Recreation Facility.
 - iii. The Applicant states the capacity for the pool would be between 20 to 25 people, requiring approximately 6.5 Parking Spaces.
 - iv. LMC § 15-3-4(A)(1) requires double car garages to be at least 20 feet wide by 20 feet deep.
 - v. The Applicant can park four vehicles in the SFD's attached garage, which measures 48 feet wide by 23 feet deep. An additional six vehicles can be parked in the driveway, for a total of eight Off-Street Parking Spaces.
 - g. Internal vehicular and pedestrian circulation system
 - i. The proposed outdoor pool does not change the Lot's vehicle or pedestrian circulation.

- h. Fencing, Screening, and landscaping to separate the Use from adjoining Uses.
 - i. The proposed outdoor pool will be screened by the SFD, and the Applicant's landscape plan shows evergreen and deciduous trees surrounding the pool on the north, south, and east side.
 - i. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots
 - i. The proposed outdoor pool is in the backyard of the SFD and is not visible from neighboring properties.
 - j. Useable Open Space
 - k. The proposed outdoor pool does not decrease the amount of Open Space for the Red Cloud Subdivision.
 - l. Signs and Lighting
 - i. No signs or exterior lighting are proposed with this application. If Outdoor Lighting is proposed to be installed, it requires compliance with the Dark Sky Code (LMC § 15-5-5(J)) and Planning Department review and approval.
 - m. Physical Design and Compatibility with Surrounding Structures
 - i. The proposed pool is in-ground, surrounded on three sides by the SFD, and is not visible from neighboring properties.
 - n. Noise, Vibration, Odors, Steam, or Other Mechanical Factors
 - i. The Applicant must adhere to the Noise Ordinance.
 - o. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas
 - i. Vehicles for service and maintenance of the outdoor pool will access the property from the private driveway and Red Cloud Trail. No additional trash or recycling areas are proposed. All trash and recycling areas are inside the SFD.
 - p. Expected Ownership and Management
 - i. 41 Red Cloud Trail is under private ownership and the proposed outdoor pool is for the use of the owner and guests.
 - q. 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. See Finding of Fact 8.
 - r. Reviewed for Consistency with the Goals and Objectives of the Park City General Plan
 - i. Goal 7 of the General Plan states that the City strives to create a diversity of primary housing opportunities, allowing full-time residents to have local options for work and recreation.
11. The Development Review Committee reviewed the proposal on July 15, 2025 and confirmed the proposal conforms to their requirements.

12. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on September 10, 2025.
13. Staff mailed courtesy notice to property owners within 300 feet on September 10, 2025. The Park Record published courtesy notice on September 10, 2025.

Conclusions of Law:

1. The proposed pool complies with the LMC requirements pursuant to Chapter 15 2.11 *Estate Zoning District*, Chapter 15-2.21 *Sensitive Land Overlay*, and Section 15-1-10 *Conditional Use Review Process*.
2. The use will be compatible with surrounding Structures in use, scale, mass, and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. Final building plans and construction details shall reflect substantial compliance with the final plans dated June 24, 2025, submitted to the Planning Department and reviewed September 24, 2025, by the Planning Commission.
2. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director prior to construction.
3. The Applicant shall adhere to Municipal Code of Park City Chapter 6-3, Noise.
4. If Outdoor Lighting is proposed to be installed, it requires compliance with the Dark Sky Code (LMC Section 15-5-5(J)) and Planning Department review and approval.
5. The Applicant shall coordinate pool drainage with the Snyderville Basin Water Reclamation District at the Building Permit phase.
6. The pool cannot be rented out separately from the property's primary Use of a Single-Family Dwelling.

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

B. FEMA – Municipal Code Amendment – Review and Consider the Proposed Changes to Chapter 11-16 Flood Damage of the Municipal Code of Park City. GI-25-00569.

City Engineer, John Robertson, explained that the item before the Planning Commission is a review of proposed updates to Chapter 11-16 – Flood Damage. Some might be surprised to learn that there are floodplains and flood zones in this mountainous area, so he shared a map that illustrates the location of the City. He explained that the map is from the Federal Emergency Management Agency (“FEMA”) website for flood zones. The areas shown in blue represent flood zones, which is often referred to as the 100-year floodplain. The brown areas shown on the map represent the 500-year floodplain.

Commissioner Shand asked if the primary risk of flood is abnormally high snowfall and snowmelt. Engineer Robertson explained that it depends. He reported that flood risks are typically in the spring when there is a large storm in the mountains and then the water comes rushing down. On the other hand, snowmelt tends to be more gradual. Park City is part of the National Flood Insurance Program (“NFIP”). When there are updates to the NFIP, there is a requirement to update the code in order to remain compliant. Remaining compliant means those who have residences within these flood areas are allowed to have flood insurance. It is difficult to obtain this kind of insurance anywhere else, because most insurance companies will not insure a house within the floodplain or will charge such a high rate that it becomes difficult to afford. That is the reason the NFIP exists.

The revisions to Chapter 11-16 – Flood Damage are included in the Meeting Materials Packet. Engineering Robertson reported that there are four additional sections added:

- 11-16-13 – Stop Work Order;
- 11-16-14 – Penalties for Noncompliance;
- 11-16-17 – Requirements to Submit New Technical Data;
- 11-16-21 – Substantial Improvement and Substantial Damage.

There were also updates made to the language for clarification, new definitions, or additional requirements made to eight existing code sections. This includes the following:

- 11-16-15 Designation of Floodplain Administrator;
- 11-16-16 Duties and Responsibilities of the Floodplain Administrator;
- 11-16-18 Permit Procedures;
- 11-16-19 Appeals and Variance Procedures;
- 11-16-22 Specific Standards;
- 11-16-24 Standards for Areas of Shallow Flooding (AO/AH Zones);
- 11-16-25 Floodways;
- 11-16-26 Definitions.

Engineer Robertson shared information about freeboard and noted that it was one foot, but it is now two feet. Chair Van Dine asked if that is only for new construction. Engineer Robertson explained that it would be for new construction or if a remodel was 50% or more. The standard would not apply to a basic remodel unless something was proposed within the floodplain. He further reviewed the updates that have been proposed.

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

Commissioner Frontero asked how many buildings or homes are located within the flood zone. Engineer Robertson offered to find that out and report back to the Commission, but he believes it is a number in the hundreds. Commissioner Frontero thanked him for the estimate and clarified that he did not need a follow-up with the exact number.

MOTION: Commissioner Shand moved to forward a POSITIVE RECOMMENDATION to the City Council for the Proposed Changes to Chapter 11-16 – Flood Damage. The motion was seconded by Commissioner Frontero. The motion passed with the unanimous consent of the Commission.

- C. Continuations – Land Management Code Amendment** – The Planning Commission will Consider Forwarding a Recommendation to the City Council Regarding Amendments to Land Management Code Section 15-1-12.5 Continuations. PL-25-06512.

Director Ward explained that the last item on the agenda has to do with LMC amendments. The City Council has requested that there be consolidation, so additional amendments will be brought to the Commission on October 8, 2025. However, during the current meeting, a recommendation on continuations can be made to the Council.

Planner Lund presented the Staff Report and explained that it has to do with a proposed amendment to the LMC regarding continuations. In 2017, the continuations section of the code was updated. It provided Staff authority to approve an applicant's request for continuation up to five days before a public hearing and up to two times. The request must be made in writing. As discussed previously, there were situations where applicants requested continuations a day before a public hearing or even on the day of a public hearing. This did not respect the time Commissioners put into reviewing the Meeting Materials Packet. The code update is intended to create more efficiency in review, respect Commissioner time, and reduce delays for complete land use applications.

The updates would require continuation requests to be made in writing seven days prior to the public hearing. After the seven days, there must be a reasonable cause to continue the item. Reasonable cause is outlined in the code update, but could include a travel disruption at no fault of the applicant, a family emergency, or additional time to respond to input from the public, Development Review Committee ("DRC"), or Staff. Planner Lund reported that

Staff recommends the Planning Commission open a public hearing and consider forwarding a positive recommendation for City Council consideration.

Commissioner Shand asked what would happen if sufficient notice was not provided. He believed the applicant would need to proceed with the information that existed or not attend the meeting. He wondered what the ramifications would be in the second scenario. Attorney Harrington reported that the first time the code was amended was to benefit applicants, as Staff could not guarantee that an item would be continued, no matter how much notice was provided. People from out of town or second property owners needed to wait and see if the Planning Commission would grant a continuance on the night of the hearing. There was no way to adjust that. The first amendments were intended to create an efficiency so applicants did not need to travel or attend a meeting unnecessarily. However, some took advantage of the ability to make requests inside the window. There was discussion about efficiency and the amendments proposed.

Attorney Harrington discussed due process. He noted that one continuation is not normally considered unreasonable. He discussed what could happen in the event that a continuation request did not occur with appropriate notice. Attorney Harrington pointed out that with electronic meetings, the hardship is greatly reduced, because it is almost always possible for a representative to attend a meeting either in person or virtually.

Commissioner Frontero asked about the current standard when someone requests a continuance, specifically whether someone receives a date certain. Attorney Harrington explained that it might depend on how much time the applicant needs to respond to a request made. Often, there is a request made for additional information. Alternatively, there might have been a deficiency in the information provided. A date uncertain might be selected because the applicant needs more time. The consequence is that the public hearing has to be re-noticed when there is a date uncertain. The Staff preference is to continue to a date certain whenever possible. Director Ward pointed out that there were three continuations on the Planning Commission Meeting agenda tonight. The goal is not to have continuations, but different situations occur. As far as continuing to a date certain or uncertain, that can depend on a lot of different factors, including what the Planning Commission Meeting agendas look like in the next few months.

Commissioner Frontero thought the amendments were a step in the right direction, but wanted to continue to discuss the issue. Everyone dedicates their time to the applications, so it is disappointing when there are late continuation requests that come in.

Chair Van Dine opened the public hearing.

Unknown explained that he is a student studying architecture at Utah Valley University. He commended the Commission for its discussion about the code amendments. He was curious about the process and appreciated all of the information shared.

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

MOTION: Commissioner Beal moved to forward a POSITIVE RECOMMENDATION to the City Council for Land Management Code Amendments to Section 15-1-12.5 - Continuations. The motion was seconded by Commissioner Shand. The motion passed with the unanimous consent of the Commission.

8. ADJOURNMENT

MOTION: Commissioner Shand moved to ADJOURN. The motion passed with the unanimous consent of the Commission.

The meeting adjourned at approximately 8:16 p.m.

Approved 10.22.2025