

# Planning Commission Staff Report



**Subject:** Lift Upgrades, Parcel Numbers: PCA-S-98-PCMR-1, PCA-29-A, PCA-29-D, PCA-1003, SA-402-A, SA-253-B-2 – Park City Mountain  
**Application:** PL-22-05145  
**Author:** Lillian Lederer, Planner I  
**Date:** June 8, 2022  
**Type of Item:** Appeal of an Approved Administrative Conditional Use Permit

## Recommendation

(I) Review the appeal of the PCM Lift Upgrades Administrative Conditional Use Permit (CUP) approval, (II) conduct a public hearing; and (III) consider denying the appeal based on the Findings of Fact and Conclusions of Law outlined in the Draft Final Action Letter (Exhibit A).

## Description

**Appellant:** Clive Bush, Angela Moschetta, Deborah Rentfrow, Mark Stemler  
**Administrative Conditional Use Permit Applicant:** Park City Mountain  
**Location:** Parcels: PCA-S-98-PCMR-1, PCA-29-A, PCA-29-D, PCA-1003, SA-402-A, SA-253-B-2  
**Zoning District:** Recreation And Open Space (ROS); Sensitive Land Overlay (SLO)  
**Adjacent Land Uses:** Recreation/Open Space; Multi-Unit Dwellings  
**Reason for Review:** The Planning Commission hears appeals of Planning Director decisions pursuant to Land Management Code [§ 15-1-18\(A\)](#)

## Abbreviations

|      |                                       |
|------|---------------------------------------|
| ACUP | Administrative Conditional Use Permit |
| CCC  | Comfortable Carrying Capacity         |
| CUP  | Conditional Use Permit                |
| DA   | Development Agreement                 |
| LMC  | Land Management Code                  |
| MPD  | Master Planned Development            |
| MUP  | Mountain Upgrade Plan                 |
| PCM  | Park City Mountain                    |
| ROS  | Recreation And Open Space             |

### Governing Documents

|   |   |
|---|---|
| Exhibit 7: 1998 PCM Development Agreement | Agreement between Park City Mountain and Park City Municipal Corporation regarding development on the mountain.                           |
| Exhibit 13: 1998 Land Management Code     | Establishes the review of a Ski Lift in the Recreation And Open Space Zone as a Conditional Use, under the Planning Commission.           |
| Exhibit C, D, E: Mountain Upgrade Plan    | Exhibit L to the DA. Depicts the location of proposed ski lift upgrades, and their corresponding Comfortable Carrying Capacity increases. |

### Background Information

On April 25, 2022, the Planning Department held an Administrative Public Hearing on proposed upgrades to the Eagle and Silverlode ski lifts at Park City Mountain (see Exhibit 3 for meeting minutes). The Planning Director approved the Administrative Conditional Use Permit (see Exhibit 2 for the Final Action Letter) as required by the Development Agreement and the Mountain Upgrade Plan. On May 5, 2022, the appellant filed an appeal of the Administrative Conditional Use Permit approval (see Exhibit 1 to review the appeal).

### Summary

The appellant argues that the Planning Director did not have authority to review the ACUP, and that the 1998 Park City Mountain Development Agreement (DA) criteria, specifically parking requirements, for ski lift upgrades within the Mountain Upgrade Plan (MUP), were not met, mitigated, or properly conditioned, and therefore the ACUP should not have been approved.

Part of the appellant's argument also centers around the capacity of a "Peak Ski Day." "Peak Ski Day" is not defined in either the DA or the MUP, and the purpose of the MUP is to develop a long-range plan for upgrading the ski area facilities, not to impose new parking, water, or sewer requirements. Furthermore, the DA does not discuss parking requirements for a Peak Ski Day, as purported.

Section 2.3 of the DA specifies that development of the skiing and related facilities identified in the MUP, Exhibit L to the DA, are subject to administrative staff-level review, and that the DA supersedes the Park City Land Management Code (LMC) with respect to the requirement for Planning Commission review and approval of such facilities. The Planning Director, per LMC § 15-1-11(D), has authority set forth to approve ACUPs. Furthermore, the City also procured a third-party consultant to conduct

an additional review of some of the technical aspects within the application. They indicate that there are minimal impacts or new parking demand resulting from the proposed lift upgrades, further negating some of the appellant's claims.

Additionally, the Applicant's analysis of increased Comfortable Carrying Capacity (CCC) does not indicate there will be an increase in parking demand associated with the proposed lift upgrades. The maximum allowed CCCs established is 13,700. Currently, the Resort has a CCC of 12,570, and the proposed upgrades will increase to 12,860, or by 2.3%, which is well within the scope of the approved MUP.

Criteria 6 of the DA requires assurance that there is adequate parking to mitigate the impact of any proposed expansion of lift capacity. Additionally, the Applicant was required to submit an updated Parking Mitigation Plan (PMP), per LMC § 15-4-18(B)(6) and the DA.

The proposed PMP introduces, for the first time in Park City, a resort operated paid parking reservation system for next season, and on an ongoing basis after, to reduce parking demand at the base of the mountain. While it was determined that the lift upgrades do not trigger additional parking spots, the PMP purports to mitigate the potential for additional parking impacts as a result of the lift upgrades and creates an active management requirement to address skier parking moving forward, irrespective of when the next base area project is built.

The Applicant sufficiently demonstrated that implementation of a paid parking and reservation program will reduce parking demand by 11%, more than offsetting any potential increase in parking demand resulting from a lift upgrades (see Exhibit 11). Additionally, Condition of Approval 19 states that, "The Applicant shall use the net proceeds generated from paid parking at the Mountain Village base area of Park City Mountain to reinvest in transportation, transit, traffic mitigation, and/or parking measures to support guest access to the resort and traffic mitigation in and around the resort."

Finally, the Planning Director determined that the ACUP Conditions of Approval sufficiently mitigate reasonably anticipated impacts of the proposed lift upgrade application, and granted approval.

### **Standard of Review**

Pursuant to LMC [§ 15-1-18\(A\)](#), the Planning Commission reviews appeals of the Planning Director. The Planning Commission must act in a quasi-judicial manner. The Planning Commission shall review factual matters de novo, without deference to staff determination of factual matters. The Planning Commission shall determine the correctness of the Planning Director's interpretation and application of the plain meaning of the land use regulations, and interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.<sup>1</sup>

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<sup>1</sup> LMC [§ 15-1-18\(G\)](#)

## **Burden of Proof**

Pursuant to LMC [§ 15-1-18\(G\)](#), the appellant has the burden of proving that the application was incorrectly processed as an ACUP and that the Planning Director erred.

The appellant argues eleven points:

1. *The application does not meet the Standards of Review for granting Administrative CUPS set forth by Park City Land Management Code.*
2. *The application does not satisfy conditions of approval for Conditional Uses per Utah State Code.*
3. *The application does not adequately mitigate or address the Review criteria for Conditional Uses as outlined in the Land Management Code.*
4. *The application does not satisfy Standards for review or approval of Ski Operation Improvements as specified by special provision of the Development Agreement.*
5. *Planning Director's Conclusions of Law are invalid.*
6. *The Application is not eligible for Administrative CUP review per implementation of the Development Agreement as mandated by the DA.*
7. *The Conditions of Approval are inadequate to ensure satisfaction of mitigation of detrimental effects per the LMC.*
8. *Planning Director shall be precluded from authority to review and approve an Administrative CUP on Lift Upgrade Plan including current PMP.*
9. *The Administrative CUP was improperly applied and improperly noticed.*
10. *The application is precluded from Administrative Conditional Use Permit Review and Final Action.*
11. *The Conditions of Approval attached to the application are not wholly consistent with Park City's General Plan.*

(Please see Exhibit 1 to view the appellants' appeal.)

If the Planning Commission upholds the ACUP, and denies the appeal, the lift upgrade project may move forward. If the Planning Commission grants the appeal, the next step will depend upon the basis of the Planning Commission decision and whether the Applicant chooses to pursue a regular Conditional Use Permit application. Either way, the Applicant or any adversely affected party may file a petition for review of the Planning Commission decision with the District Court within 30 days after the final decision.

## **Analysis**

### **1. The application meets the standard of review for granting Administrative Conditional Use Permits set forth by the Land Management Code.**

Section 2.3 of the Development Agreement (DA) states, "development of the skiing and related facilities as identified in the Mountain Upgrade plan is a conditional use within the city limits and is a subject to administrative review" (see Exhibit J), so long as the development of the skiing related facilities are identified in and compliant with the Mountain Upgrade Plan (MUP). The MUP outlines the locations of future lift upgrades and CCCs for those lift upgrades (see Exhibits C, D, E).

Previous approvals under the DA include the 2015 King Con and Motherlode lift upgrades, which were found to comply with the DA and MUP and approved by the Planning Director (see Exhibit 4). The Crescent lift was also approved in 2015, but as it was not identified in the MUP, it was reviewed by the Planning Commission (See Exhibit 5). The current lift upgrades were processed consistently with previous lift upgrades as outlined in Section 2.3 of the DA.

Section 2.3 of the DA requires that lift upgrades be reviewed administratively by staff if six criteria are met (see Exhibit J for full criteria). The appellant argues that Criteria 1 and 6 are not met.

Criteria 1 requires “consistency with the Mountain Upgrade plan.” The Planning Director determined that the ACUP was consistent with the MUP for the following reasons:

- The proposed lift upgrade locations were determined to be within the lift upgrade alignments identified in the MUP (Exhibits C, D, E); and
- The Comfortable Carrying Capacity (CCC) was analyzed by two (2) third-party consultants, one from the Applicant, and one hired by the Planning Department. Both confirmed the CCCs did not exceed the allowable 13,700 CCC limit and determined the increase in CCCs was not enough to make a significant impact on many factors that CCCs are used to determine, including parking.

Criteria 6 addresses parking and states that “at all times, the Developer shall assure that it has adequate parking or has implemented such other assurances, as provided in the Parking Mitigation Plan, to mitigate the impact of any proposed expansion of lift capacity.” The existing Parking Mitigation Plan only has affirmative parking phasing triggers for the base area developments, not for the lift upgrades within the MUP.

The Applicant’s consultant, SE Group, stated the following:

“The parking analysis studied the parking demand at the base area based on the Comfortable Carrying Capacity (CCC) of the resort under both existing conditions and a future condition following completion of the Mountain Upgrade Plan. The conclusion of that analysis is that essentially the skiers from the new base area development would balance out with the increased on-mountain capacity of the resort, meaning that there is no need for additional day skier parking in the future condition” (see Exhibit G).

The City’s consultant, Ecosign, concluded the following:

“An increase in CCC does not directly cause an increase in business or in demand. If business levels remain the same, an increase in CCC will result in a better skier experience, with shorter lift lines and potentially marginally more skiing available for each skier due to less time waiting in the lift line. Due to the maximized use of the current accommodation and parking inventory at the base areas, business levels (& base area throughput) are unlikely to rise in the short term unless measures are taken to increase the occupancy of the parked vehicles or increase transit/shuttle use to those base areas” (see Exhibit M).

Based on the additional professional review, additional parking is not required for the proposed lift upgrades the increase in CCCs is minimal, and an increase in CCCs does not create an increase in parking demands. However, on April 19, 2022, the Applicant provided a Parking Mitigation Plan to meet the requirements of LMC as well as the Section 2.3 Criteria 6 of the DA.

The Applicant proposes to increase the CCC by 2.3%, which is within the approved MUP. To mitigate the CCC increase, the Planning Director conditioned the Applicant provide a paid parking reservation system for next season, which will reduce parking demand by 11% (see Exhibit X). This offsets any increase in parking demand as a result of the lift upgrades. In regards to the PMP, the Planning Director also determined parking was sufficiently mitigated for the ski lift upgrades, and all six criteria of the DA were met to qualify for an ACUP review.

Therefore, the Planning Director has authority to approve the Administrative Conditional Use Permit pursuant to the Development Agreement and Land Management Code.

## **2. The application satisfies conditions of approval for Conditional Uses pursuant to Utah Code.**

Utah Code § [10-9a-507\(2\)\(a\)](#) requires the following:

“A land use authority shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.”

This language is further codified in § [LMC 15-1-10](#) and established the standard of review for the ACUP. A land use authority—the Planning Director or designee in this case—shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use.

The Planning Director approved 19 Conditions of Approval as part of the ACUP that reasonably mitigate anticipated detrimental effects of the proposed use in accordance with applicable standards. See further analysis in Section 3 and 4 below.

Specifically, the Planning Director determined that Conditions of Approval 15, 17, 18, and 19 allow for adjustment to the Parking Management Plan for increased impact mitigation, if necessary:

“15. The Applicant shall meet with the Planning Director and other relevant staff bi-annually, including prior to the beginning of the ski season, and within sixty (60) days of completion of the ski season to provide parking and traffic information demonstrating compliance with the Parking Mitigation Plan and a communications plan to ensure information dissemination to the public. The applicant shall share relevant parking information with staff, including parking lot

occupancy rates and achievement of increased Average Vehicle Occupancy rates. The Planning Director may impose additional conditions or operational changes if the Parking Mitigation Plan results in on-going adverse impacts or is not achieving a demonstrated increased Average Vehicle Occupancy.

17. The Applicant shall provide adequate residential neighborhood mitigation and designate a residential liaison to meet with the city regarding impacts and mitigation.

18. The Applicant shall be responsible for effectively managing the parking reservation system with an on-site parking attendant presence with a turn-away and tow policy for people without a reservation.

19. The Applicant shall use the net proceeds generated from paid parking at the Mountain Village base area of Park City Mountain to reinvest in transportation, transit, traffic mitigation, and/or parking measures to support guest access to the resort and traffic mitigation in and around the resort. As part of the bi-annual review meeting process, the Applicant shall provide an accounting regarding the net proceeds and will review the resorts' expenditures on these measures, including, if requested by the City, verification of the expenditures by an independent third party. The Applicant shall discuss in good faith any proposed expenditures by the City that advance the City's infrastructure goals at each bi-annual review. If funded, such proposals will be documented pursuant to an amendment to the Parking Mitigation Plan processed as part of the bi-annual review."

The ACUP Conditions of Approval adequately addresses the review criteria for Conditional Uses and adequately mitigates the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

### **3. The application adequately mitigates and addresses the review criteria for Conditional Uses as outlined in the Land Management Code.**

Pursuant to LMC § [15-2.7-2\(C\)\(8\)](#), Ski Lifts are a Conditional Use in the Recreation and Open Space Zoning District, and are reviewed by the Planning Commission. LMC § 15-1-10 sets forth the Conditional Use Review Process, which is used for both Conditional Use Permits and Administrative Conditional Use Permits.

[Section 2.3](#) of the Park City Mountain [1998 Development Agreement](#) states the development of the skiing and related facilities identified in the Mountain Upgrade Plan are "subject to administrative review."

LMC § [15-1-11\(D\)](#) sets forth the process for an ACUP review: "The Planning Director, or his or her designee, shall review and take Final Action on Administrative Conditional Use permits. The review process shall be consistent with Section [15-1-10\(A-H\)](#)."

Pursuant to § [LMC 15-1-10](#), "A Conditional Use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards."

The April 25, 2022, ACUP Staff Report addresses the LMC review criteria for Conditional Uses on pages 6-8 (Exhibit A), including recommended Conditions of Approval.

The Use for this Application is a Ski Lift Passenger Tramway Station/Ski Lift. The proposed conditions were determined to mitigate the reasonably anticipated detrimental effects of the Use of a Ski Lift upgrade at PCM. The lift upgrade was determined, by both the Applicant’s consultant and the City’s consultant (see Exhibits G & M), to pose minimal impacts to PCM CCCs. Analysis Section III of the Staff Report shows that the proposal either complied with Conditional Use Permit criteria of the LMC, or was Conditioned to comply (see Exhibit 1).

The Appellant argues Conditional Use Permit review criteria 2, 3, 5, 6, 13, and 16 do “not satisfy conditions of approval for Conditional Uses.” Criteria 2, 3, 5, 6, 13, and 16 are outlined in the table below with analysis:

| <b>CUP Review Criteria</b>  | <b>Analysis of Approval</b>   |
|---|---|
| 2. traffic considerations including capacity of the existing Streets in the Area  | The paid parking proposal from the PMP, in connection with COAs 15, 17, and 18, proposes to reduce traffic issues.  |
| 3. utility capacity, including Storm Water run-off;   | The lift upgrades were brought before the Development Review Committee on February 1, 2022, and the service districts, City Engineering Department, and other reviewers identified no issues regarding utility capacity or Storm Water run-off. The lift upgrades do not propose additional restrooms or services that would impact existing utilities. |
| 5. location and amount of off-Street parking;   | The paid parking proposal from the PMP, in connection with COAs 15, 17, and 18 propose to reduce off-street parking demand.   |
| 6. internal vehicular and pedestrian circulation system;  | The paid parking proposal from the PMP, in connection with COAs 15, 17, and 18, propose to improve internal and external circulation issues.  |
| 13. control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas; | The proposed ski lift upgrades do not have an impact on these criteria, and therefore no correlation applies.   |



|  |   |
|--|---|
| 16. reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding | The ski lift upgrades contribute to Park City's goal to be a World Class ski destination (see further analysis under Section 11). |
|--|---|

The approved conditions are sufficient for the application of ski lift upgrades. Additionally, the conditions set forth achieve additional parking and transportation mitigation, consistent with City planning documents, to help address CUP criteria 2 and 6 above.

**4. The ACUP was approved in compliance with the Ski Operation Improvements required in the Development Agreement.**

Criteria 6 of Section 2.3 of the DA, as discussed previously, established parking requirements for a ski lift upgrade.

The appellant argues that “the MUP demands that the PMP address parking and circulation with respect to a Peak Ski Day.” A peak ski day, while commonly used in Ski development discussions, is referred to in the DA and MUP, but not defined in the DA, MUP, or the LMC.

The MUP mentions peak ski day under the Analysis of Comfortable Carrying Capacity section. In the April 25, 2022, Staff Report, the Analysis of Comfortable Carrying Capacity Section determined the consistency of the lift upgrade with the allowed CCC. However, the Analysis of Comfortable Carrying Capacity section does not establish a consequence for the parking not being sized for the capacity of a peak ski day.

Section 2.1.13 of the DA establishes overall Resort parking requirements “[if] the parking mitigation plan fails to adequately mitigate peak day parking requirements, the City shall have the authority to require the Resort to limit ticket sales until the parking mitigation plan is revised to address the issues. The intent is that any off-site parking solution include a coordinated and cooperative effort with the City, other ski areas, the Park City School District, Summit County, and the Park City Chamber/Bureau to provide creative solutions for peak day and special events parking.” This Section describes the consequences of failure to establish parking for peak days and does not include the denial of lift upgrades as one of those consequences.

The currently proposed PMP aims to reduce the average parking demand by 11% (see Exhibit L), and targets freeing an additional 90 spaces for more parking for skiers. The current parking demand of the ski resort is 1,950 (see Exhibit 14). Taken together, the PMP makes available 300 parking stalls ((11% of 1,950) + 90), which satisfied the DA and LMC criteria for ski lift upgrades. Additionally, PCM has procured a contract with PCHS for overflow parking on the weekends. In summary, the “Developer [has assured] that it has adequate parking or has implemented other assurances, as provided in the Parking Mitigation Plan, to mitigate the impact of any proposed expansion of lift

capacity.”

Additionally, Condition of Approval 15 was set to continually analyze the effectiveness of the proposed PMP, and allows the Planning Director to “impose additional conditions or operational changes” if necessary. See further analysis regarding the Conditions of Approval in Section 7 below.

## **5. The Planning Director’s Conclusions of Law are valid.**

The Appellant notes issues with Conclusions of Law 1, 3, and 4.

The Appeal states:

Conclusion of Law No. 1 is only made valid if pursuant to LMC 15-2.7.2 2. ADMINISTRATIVE CONDITIONAL USES Planning Director is authorized to consider Application for an Administrative Conditional Use Permit because “a subsequent provision of this LMC specifically sets forth an administrative approval process...” No such subsequent provision exists in the LMC.

Conclusion of Law 1 has been established through the review of the project, as outlined and supported by the Staff Report, wherein: the project was determined to be compliant with the Land Management Code requirements pursuant to Chapter 15-2.7, Recreation and Open Space (ROS) District, Chapter 15-2.21, Sensitive Land Overlay Zone (SLO) Regulations, Section 15-1-10(E), Conditional Use Permits, and Section 15-4-18, Passenger Tramways And Ski Base Facilities, per the [Staff Report](#).

The Appeal states:

Conclusion of Law No. 3 is valid only if differences in use can be determined mitigated through careful planning. Failure to use Peak Ski Day metrics for the basis of analyses as required by the MUP invalidates this Conclusion. So too does inability to prove paid parking will successfully mitigate car traffic and circulation issues without other mitigation strategies in place.

Conclusion of Law 3, the effects of any differences in use or scale have been mitigated through careful planning, has been established by the review and analysis of the project, and proposed Conditions of Approval.

The Appeal states:

Conclusion of Law No. 4 is valid only if compliance with the MUP is demonstrated. Failure of the PMP and other mitigation criteria to factor a Peak Ski Day confirms non-compliance.

Conclusion of Law 4, the proposal complies with Section 2.3 of the 1998 Development Agreement and the MUP and has been established by the implementation of the PMP and the Conditions of Approval set for the Applicant to be able to complete the proposed project.

The appellants have not carried their burden of demonstrating how the Planning Director erred in reaching her conclusions of law, in particular as supported by the findings of fact and additional conditions of approval discussed above and in #7 below.

**6. The Application is eligible for Administrative Conditional Use Permit review per implementation of the Development Agreement.**

The Appeal references Section 5.1 of the DA (see Exhibit 7, page 16), which states, “Site specific plans shall be deemed proposed Small Scale Master Plans pursuant to Section 1.14(a) of the Park City Municipal Corporation Land Management Code (or its equivalent) and shall be subject to the conditional use permit process as set forth in the [PCMC LMC].”

Site specific plans refer Development Parcels referred to in the DA, not lift upgrades which is governed by Section 2.3, Lift Upgrades. The DA requires development parcels A-E to pursue small scale MPD approval, currently known as CUPs. However, lift upgrades are reviewed as ACUPs pursuant to Section 2.3.

Additionally, in 1998, when the DA was approved, the 1998 LMC (see Exhibit 13) shows that Ski Lifts are a Conditional Use. Whereby, the intent of allowing Ski Lifts to be an administrative review under the DA was expressly written to supersede the LMC.

Section 2.3 of the DA states that development of the skiing and related facilities identified in the MUP are subject to administrative review. The proposed upgrades are consistent with the MUP.

**7. The Conditions of Approval mitigate possible detrimental effects, pursuant to the Land Management Code.**

The Conditions of Approval sufficiently mitigate the impacts of the proposed upgrades. The Planning Director procured a third-party technical reviewer (Exhibit M) in order to provide an additional level of expertise and review some of the technical aspects of the application.

The Appellant notes issues regarding Conditions of Approval 13, 14, 15, 18, and 19 (see Exhibit 2 for full Conditions).

Condition of Approval 13 states, “Any proposed overflow parking with Canyons and Park City School District must be approved by Summit County and the School District respectively.” This Condition was set forth by the Planning Director to require the Applicant to establish legal agreements with the Park City School District and Summit County. The Applicant has subsequently confirmed they now hold a contract with Park City High School for the next ski season (see Exhibit 6).

Condition of Approval 14 states, “The Applicant shall provide information that the proposed Parking Mitigation Plan dated April 19, 2022, is in effect before the start of the

2022/2023 ski season. This includes the implementation of 90 employee parking spaces at Munchkin and a paid parking reservation system. This Condition was set forth to specify a timeline for the Applicant to establish and implement the currently proposed PMP. If the Conditions are not met within the timeframe, a building permit will not be issued for the lift upgrades.

Condition of Approval 15 states, "The Applicant shall meet with the Planning Director and other relevant staff bi-annually, including prior to the beginning of the ski season, and within sixty (60) days of completion of the ski season to provide parking and traffic information demonstrating compliance with the Parking Mitigation Plan and a communications plan to ensure information dissemination to the public. The applicant shall share relevant parking information with staff, including parking lot occupancy rates and achievement of increased Average Vehicle Occupancy rates. The Planning Director may impose additional conditions or operational changes if the currently proposed Parking Mitigation Plan results in on-going adverse impacts or is not achieving a demonstrated increased Average Vehicle Occupancy." This Condition was set forth to work with the Applicant to establish required parking data. City teams are working internally to outline prior to the ski season the specific reporting data required to demonstrate compliance. This also allows the City to adjust parking mitigation, if necessary.

Condition of Approval 18 states, "The Applicant shall be responsible for effectively managing the parking reservation system with an on-site parking attendant presence with a turn-away and tow policy for people without a reservation." This Condition was required to establish the monitoring of the new parking mitigation system, and to promote safety within the City. If the Condition is not met, the City would require review and stricter implementation, per COA 15.

Condition of Approval 19 states, "The Applicant shall use the net proceeds generated from paid parking at the Mountain Village base area of Park City Mountain to reinvest in transportation, transit, traffic mitigation, and/or parking measures to support guest access to the resort and traffic mitigation in and around the resort. As part of the bi-annual review meeting process, the Applicant shall provide an accounting regarding the net proceeds and will review the resorts' expenditures on these measures, including, if requested by the City, verification of the expenditures by an independent third party. The Applicant shall discuss in good faith any proposed expenditures by the City that advance the City's infrastructure goals at each bi-annual review. If funded, such proposals will be documented pursuant to an amendment to the Parking Mitigation Plan processed as part of the bi-annual review." This condition was negotiated to work with PCM in establishing a PMP that would benefit future parking management, transit and transportation improvements, and traffic mitigation endeavors for both PCM and the City, until at least a base development is approved and realized. Additional information and documentation is required to hold the Applicant accountable for implementing the PMP.

While positive results have been seen at other ski resorts (see Exhibit 11), the currently

proposed PMP at PCM provides the opportunity to evaluate and assess for at least one ski season, with results reviewed, analyzed, and potentially adapted, if necessary. This creates an ongoing obligation to adapt to report, document and adapt to new conditions as they arise due to the proposed PMP.

**8. As established previously, the Planning Director has authority pursuant to the Development Agreement and Land Management Code to review ski lift upgrades, and to approve an Administrative CUP.**

Established previously in Section 1 of this report, as the Planning Director reviews ACUPs, and the ski lift upgrade is an administrative review under the DA, the Planning Director also reviews all materials related to the application. This includes a PMP.

PCM originally submitted a Parking Mitigation Plan proposal that did not comply with the LMC for possible impacts of the lift upgrades. The Planning Director requested PCM propose a more robust PMP and better alignment with the City's planning documents and best practices. The Applicant's proposal also includes the implementation of a circulation mitigation solution created last ski season to aid traffic and congestion issues associated with ingress and egress.

For all applications, if a proposed solution is not compliant with the LMC, we attempt to work with the Applicant to find or condition a compliant solution. Additionally, the DA, Section 2.1.13 states, "The intent is that any-off-site parking solution includes a coordinated and cooperative effort with the City, other ski areas, the Park City School District, Summit County, and the Park City Chamber/Bureau to provide creative solutions for peak day and special event parking." The proposed PMP that introduces paid parking and reservations, as well as the newly implemented circulation solution and additional management and communications resources, requires a coordinated and cooperative effort with the City. Further, success has also been achieved with similar plans and mitigation management programs in other ski resort towns (see Exhibit 11).

Given that this plan is a major change in how PCM operates, unforeseen impacts are further conditioned under COA 15 and 19, which allow the Planning Director to review the proposed PMP for effectiveness and require additional parking mitigation, if necessary, due to the lift upgrades.

**9. The Administrative CUP was properly applied and properly noticed.**

As detailed under Appeal Point 1, the Ski Lift upgrades were established to be reviewed under an ACUP. Per LMC § [15-1-12](#), the Application was properly noticed for an ACUP, wherein the property must be posted and courtesy mailing notices sent out to adjacent property owners 10 days prior to Final Action. The application was noticed on March 29, 2022, for the original hearing date of April 12, 2022. On April 12, 2022, the item was conditioned to a date certain (April 25, 2022), and the hearing did not need to be re-noticed per LMC [15-1-21](#).

## **10. The application meets the criteria for Administrative Conditional Use Permit Review and Final Action.**

As detailed under Analysis Section 1 above, the ski lift upgrades are compliant with the DA criteria and have been established to be reviewed administratively.

## **11. The Conditions of Approval required for the application are consistent with Park City's General Plan.**

Goal 10 of the Park City General Plan is to provide world-class recreation and public infrastructure to host local, regional, national, and international events that further Park City's role as a world-class, multi-seasonal destination resort while maintaining a balance with our sense of community.<sup>2</sup> Community Planning Strategy 10.1 outlines consideration of industry standards for new recreation facilities and remodels to enable hosting world-class events while benefitting the locals' quality of life.<sup>3</sup>

LMC § 15-1-10(E)(16) states, that a CUP application must be "reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding."

The proposed lift upgrades will help alleviate on-mountain traffic by moving skiers more quickly from the base of the mountain and provide an enhanced skiing experience. The Conditions of Approval protect the locals' quality of life and provide interim parking mitigations until a broader solution is reached as part of the larger base area project review.

With regards to the General Plan, the PMP proposes to incentivize carpooling, which reduces single occupancy driving, as identified as goals in the General Plan. The Staff Report also noted that the project aids "in making Park City a world-class ski destination," which is another goal of the General Plan.

### **Conclusion**

The Appellants' argument is that this application should not have been reviewed under an Administrative Conditional Use Permit. We appreciate the importance of the application and its implications for residents, businesses, visitors, and the ski resort. The Planning Team scrutinized the applicant's information, procured additional expertise and, ultimately, concluded that the application complied with the requirements of the 1998 DA, the MUP, and therefore subject to administrative review.

The Appellant believes that the application should not have been approved due to insufficient parking mitigation or Conditions of Approval for peak ski days. However, the Planning Director believes the mitigation and PMP as proposed are appropriate for the application of lift upgrades, and is complies with the LMC, the ROS Zone, and the SLO

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<sup>2</sup> [General Plan](#), Volume I, Sense of Community, p. 16

<sup>3</sup> [General Plan](#), Volume I, Sense of Community, p. 18

Zone. As a result, the Planning Director held a public hearing, and the application was approved with the Findings of Fact, Conditions of Law, and additional Conclusions of Approval.

The Planning Team has also worked with both the Appellants and the Applicant to provide additional information, answer questions, and maintain a fair and transparent appeal process. The Planning Team also created a website that includes a broad array of relevant information as a one-stop-shop to help inform and keep the public apprised of the process.

### **Exhibits**

Exhibit 1: Appeal

Exhibit 2: Signed Final Action Letter Dated April 25, 2022

Exhibit 3: ACUP Meeting Minutes Dated April 25, 2022

Exhibit 4: King Con and Motherlode Lift Upgrades ACUP

Exhibit 5: Crescent Lift CUP

Exhibit 6: PCM and PCSD Contract

Exhibit 7: 1998 PCM Development Agreement

Exhibit 8: PCM PMP Narrative

Exhibit 9: PCM Snow Flower Memo

Exhibit 10: PCM Appeal Responses

Exhibit 11: PCM Fehr and Peers Paid Parking Memorandum

Exhibit 12: PCM Materials Memo

Exhibit 13: 1998 LMC ROS Zone Requirements

Exhibit 14: SE Group's 2020 Base Area Parking Analysis

Exhibit 15: Public Comments

Exhibit 16: Draft Final Action Letter

Exhibit A: Staff Report Dated April 25, 2022

Exhibit B: Proposed Plans

Exhibit C: Mountain Upgrade Plan Figure IV-1 and Table IV-1

Exhibit D: Mountain Upgrade Plan Map

Exhibit E: Mountain Upgrade Plan Table IV-4 (CCC)

Exhibit F: Sensitive Lands Overlay Material

Exhibit G: SE Group Memo on Silverlode and Eagle Capacity

Exhibit H: PCM CCC Upgrading Plan

Exhibit I: Steep Slope Plans

Exhibit J: PCM Development Agreement (p. 11-13)

Exhibit K: ACUP Updated Public Comments

Exhibit L: Lift Upgrade Parking Mitigation Plan

Exhibit M: Ecosign PCM CCC Review Report

Exhibit N: Planning Director Tower Heights Determination