

PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 pm by Chair Leas.

ROLL CALL

Mike Giller - **Absent** Mark Leas Allen Frechter Keely Ambrose – **Absent**
Ethan Guerra Elaine Gort Susan Propper

APPROVAL OF MINUTES

Ms. Propper: I have one correction in my comments about the Gondola Lots Master Plan. There were a couple of words left out. I was asking a question about dedicating land as a benefit and here is where the words were left out; dedicating land “fee simple.” That was my question.

With the noted changes, the June 4, 2024 Planning Commission Minutes were approved.

APPROVAL OF AGENDA

With no changes, the June 18, 2024 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- There were no public comments and the comment period was closed.

CONSENT CALENDAR:

1. Highlands Riverfront Lot 24 Deed Restricted Duplex (EM), 41 & 43 Monitor Drive, PL-2024-0173

With no call-ups, the Consent Calendar was approved as presented.

FINAL HEARINGS:

1. Cammett House Addition, Restoration, and ADU (SVC), 203 S. French Street, PL-2024-0064

Ms. Crump presented a proposal to construct an addition of 186 square feet above ground to the rear of the primary historic residence, complete an exterior rehabilitation, full interior remodel, and basement addition. Exterior rehabilitation and adaptive reuse of historic garage into a deed-restricted accessory dwelling unit with full interior remodel and basement addition.

Commissioner Questions / Comments:

Ms. Gort: Can you explain how the final point analyses shows negative six points under policy 24R Social Community? (Ms. Crump: They received negative six points under Design Standard 23 for the removal of historic fabric. This is based on past precedent for this amount of removal of historic fabric in other projects. This point assessment is also in groups of three; negative three, negative six, negative nine. It met the threshold of at least negative three based on past precedent for other projects. They also proposed to add the skylights which is an additional negative three points; total negative six points. There is more discussion about the precedent within the preliminary hearing staff report.) Thank you.

The hearing was opened for public comment.

Ms. Anne Harris, 206 S French Street: Are there any landscaping plans? My concern is this place hasn't been mowed or weeded; it looks like a pigsty. It's not like it's just been bought and they're doing all new stuff. This is the same owner. If it is going to continue to look like that, why should it get any bigger? (Ms. Crump: There are proposed landscaping plans that show the addition of several aspen trees and several new shrubs with this application. This maybe be something that we would refer to our Community

Service Offices if upkeep of the yard is a problem. So, there are standards within the Town? Like keeping up basic maintenance or minimum something? Okay.

Mr. Truckey: It may be a nuisance provision. We would have to look at the code to see. It is not something that we enforce, like Sarah mentioned, it is something that the Community Service Officers might oversee. I do not know how bad the condition would have to get before the Town would do that. There are standards, but we do not know if these issues rise to that level.

There were no additional comments and the hearing was closed to public comment.

Mr. Frechter: Thank you to the applicant for making the changes we suggested.

Ms. Propper: I appreciate the changes.

Mr. Leas: My only comment is this looks like another very nice project, Janet, and we thank you for your work in the Town.

Ms. Propper made a motion to approve the Cammett House Addition, Restoration, and ADU, seconded by Mr. Guerra. The motion was approved 5 to 0.

PRELIMINARY HEARINGS:

1. 9th Amendment to the Amended Peak 7&8 Master Plan (SVC), 1599 Ski Hill Rd., PL-2024-0117

Ms. Crump presented a proposal to amend the Amended Peak 7&8 Master Plan to update allowed uses and create two additional planning areas, authorize density in excess of the amount currently permitted by up to 90.2 additional SFES, from a transference of density from the Gondola Lots Master Plan area to within the Peak 8 area of the Master Plan. This amendment also modifies the Parking and Traffic Requirements, Heights of Buildings, Development Plan Concept, and Vesting sections of the Master Plan in accordance with the approved Development Agreement.

Commissioner Questions / Comments:

Mr. Frechter: Thank you for pointing out all the differences. On the BOEC language, it says that making space at the BOEC is not a public benefit, so it shall be eligible for positive points. That seems like it should be classified as a public benefit to get the positive points? (Ms. Crump: They are trying to state that they're withholding the opportunity to receive positive points until the site-specific application. We can clarify the language to make it very evident that's what is happening.) Right now, it says it doesn't and wouldn't ever qualify. You might want to amend that language. (Mr. Kulick: During the Development Agreement, anything that's labeled as a public benefit is not eligible for positive points later in the master plan or at site-specific applications. There were a lot of very deliberate discussions between the applicants and Town Council. We are acknowledging while there are things that are public benefits, they are not public benefits under the Development Agreement, but are essentially committed in order to preserve their ability to earn positive points.) Could we just specifically say it is not a public benefit under the Master Plan? (Mr. Kulick: We can work with the applicant on the language. Understanding how the Code works in terms of the Development Agreement is very nuanced. If you do not have the context when looking at the Master Plan, it does read weirdly for the average person.)

Ms. Gort: I had a question about the height. It talks about the Town and the applicant shall determine the finished grades and the heights will be measured. You also mentioned One Ski Hill Place and I do not see that here as the ultimate maximum. It is a little ambiguous. Is that in there somewhere else and I cannot find it? (Ms. Crump: It is absolutely written into the Development Agreement, but we can confirm that language is in here. It is 7E;

The maximum height of buildings within Lot 4, Peak 8 Subdivision Filing #1 shall not exceed the elevation of the existing east cross gable of One Ski Hill Place.) (Mr. Kulick: If you look at the history of the amendments to the Master Plan, the language is consistent with what the goal was from the very beginning of the Master Plan. Every amendment we do have the opportunity to get smarter, be even more transparent and prescriptive of exactly how we want the height to be measured. In the latest amendment, referencing the east cross gable which was the benchmark from the previous East Peak 8 Hotel application. It was set as the absolute limit to make sure it is subordinate in terms of ridge height to One Ski Hill Place. Most of the previous East Peak 8 Hotel site was benched for parking and we previously relied on height exhibits to recreate what the natural slope would be. There is a provision that allows you to do that under the Code and we relied on that. But under the advice of our previous director, Peter Grosshuesch, that it was probably in our best interest to exactly spell it out in the Master Plan too. That is a short history on building height provisions in the master plan and we want to ensure that we are following the original intent of the Master Plan, so we have tried to make it a little more prescriptive and easier to interpret at every Master Plan amendment.) It still sounds a little ambiguous to say we are going to agree on it. (Mr. Kulick: It does but since we have updated the language that has not been an issue with more recent buildings or ones that weren't constructed. We have had height exhibits prepared. If you look at the administrative building, there is a hard cut into the slope right next to it and that is the historical slope that you can tie back to the grades at the base of the ski area that haven't been altered. That is how the finished grade map was established, that both parties have agreed to.) If the newer building will be further down the hill, are they allowed more height? (Ms. Kulick: It is recreating the natural grade when you are measuring down. That is the original intent of the Code provision under Building Height. It has been negotiated measure through time. Every time that is one of the areas that we are trying to meet the original intent. We are trying to have a definitive prescription to know how we are measuring the height. It has been an ongoing discussion between the developers, the Town Council and staff.) My next question has to do with the setbacks, is there a number for the maximum setback that I missed? (Ms. Crump: There is not a number for the setback but it refers back to a diagram from the November 14, 2023 work session with the Town Council. That exhibit is the conceptual diagram that sets the maximum that staff will compare any proposal to for setbacks.) Do any of those drawings specify a number? (Ms. Crump: There are not numbers that I am aware of.) Alright, I guess that is a concern that I have.

Mr. Leas: That will likely be a site-specific issue when the building is applied for.

Mr. Leas: I noticed that there is a concept of negative points carrying forward. Can you explain how that works to the Commissioners? I noticed a penalty for the relocation of the old Ski Hill Road which predates a lot of the buildings. What's the concept behind that so we can understand why those negative points carry on? (Ms. Crump: It goes back to the Master Plan Policy in the Development Code, Policy 39A. A provision within that allows for Master Plans that are still vested, for the point allocations to be carried forward in any amendments that occur. This was reiterated in the Development Agreement that it was allowed. So yes, the point assignments that predate developments on Peak 7 are 20 years old at this point, but because the master plan is vested the point allocations carry forward.) (Mr. Kulick: This Master Plan has extended vesting. And the original Development Agreement which allowed a lot of the provisions in the Master Plan, is what provided the original 20 years of vesting hence we are still within the vested period. Normally it would only be three years. In most applications, you would not have a situation where most of the work has been completed 10 years ago, and there's still point assignments. The provision that Sarah mentioned carries forward previous negative

points that were assigned as well as getting the benefit of positive points that were awarded years ago on the Master Plan. It is something that is discussed in the Development Agreement and is allowed by the Code.) And this applies specifically because we are amending the Master Plan? It would not apply to any site-specific application? They would have no bearing on that, correct? (Mr. Kulick: They have no bearing in the sense they wouldn't take more negative points for something that was already assigned under the Master Plan.) Sarah, you spoke on the 220 Single Family Equivalents (SFE) that remained underdeveloped? Could you clarify that? At the top of this chart, which totals 729.3 SFE. It says below are the SFEs that are proposed for the various planning areas. We are saying that there are 220 SFEs that are unused? (Ms. Crump: That is correct. The 729.3 SFE is the total allowed on all sites across the Master Plan.) Somewhere I saw a provision that would not allow any excessive foundation depth that would accommodate additional parking? I was wondering if there was a reason for that. Is it a density reason? I cannot find where I saw that in the text. (Mr. Kulick: It is really because of the ground water issue. There is a lot of water flowing through the hillside. The water will end in the Gulch which is an aquatic resource of high importance. Since day one of the Master Plan, it was important to ensure the ground water is not cutoff going to the Gulch. There are very specific depths that you can build foundations to, and we've had extensive water quality monitoring that's been required with the Development up there. And infiltration galleries for cases where there are foundations that are dug to ensure that the water that would be disrupted from those foundations still makes its way down into the Gulch. And that is really what the intent is.) I'm assuming that has been applied to all the buildings that are constructed up there? (Mr. Kulick: Yes, that has been a cornerstone of the of the plan from day one.)

The hearing was opened for public comment; there were no comments and the hearing was closed to public comment.

Mr. Leas: I'd like to commend you guys. I know there's been a lot of hard work that has gone into this.

OTHER MATTERS:

1. Town Council Summary

ADJOURNMENT:

The meeting was adjourned at 6:45 pm.

Mark Leas, Chair