

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
DECEMBER 6, 2017

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, Steve Joyce, John Phillips Laura Suesser, Doug Thimm,

EX OFFICIO: Planning Director, Bruce Erickson; Francisco Astorga, Polly Samuels McLean, Assistant City Attorney, Jody Burnett, Outside Counsel

REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:35 p.m. and noted that all Commissioners were present.

ADOPTION OF MINUTES

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Bruce Erickson stated that the Planning Staff was working to make sure that all the meetings are legally noticed. Meetings were noticed for December 13th and December 20th. The Agenda and Action Items, other than Treasure Hill, have not been identified and the action requested has not been identified.

Director Erickson announced that beginning mid-December, they would be advertising to replace the Commissioners who will be leaving the Planning Commission.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

NOTE: The Treasure Hill portion of the Minutes is a verbatim transcript.

1. **Treasure Hill Conditional Use Permit, Creole Gulch and Town Lift Mid-station Sites – Sweeney Properties Master Plan** (Application PL-08-00370)

Chair

Strachan: I think we better disclose right off the bat some events that have happened. Just in the last half hour really, at least to my knowledge---I know they've gone back longer than that, but I just became aware of some somewhat monumental news that the applicant and Staff are seeking a continuance tonight of one week. There is---and both the Mayor and the Mayor-elect are here tonight to explain further, but there is apparently an alternative plan that the applicant and Mayor Thomas and others have been working on, which I understand is close to coming to fruition.

I hadn't heard about this. And although I put a lot of time and effort into not only this meeting but into the many that have led up to this meeting, I totally understand that they could not tell me or any of the other Commissioners what they were negotiating. That was the entire purpose of having the City Council and the elected officials recuse themselves from this in the first place.

So, there has been a one-week continuance requested and stipulated to by the applicant. Both Mayors are here to shed more light on it. And I suggest strongly that we make that motion for the continuance, and I put it in now the laps of both the Mayor and the Mayor-elect to enlighten us as much as they can on where we stand and where things are going. And we will be taking public comment nonetheless, because the meeting has been noticed for public comment. But I would just warn the public that I'm sure neither the Mayor nor the Mayor-elect is at liberty to describe in any specific detail what the alternative plan is. I don't know. I haven't been told. So don't look to me, either.

But Mayor Thomas, Mayor-elect Beerman, you got some 'splaining to do.

Mayor

Thomas: We do indeed.

Commissioner

Band: Don't forget to turn on your mics.

Mayor

Thomas: It's this green light, right? I'm Jack Thomas, Park City's Mayor, and I'm with Andy Beerman, the Mayor-elect for the next four years. And I want to thank you all for the work that you do. Sound is good. Can everybody hear.

Audience: No.

Mayor

Thomas: ReNae, can we dial up the amplifier. Testing 1, 2,3,4,5. They usually add base to my microphone. Some depth.

So, we are indeed here before you tonight to ask for a continuance.

Audience: Still can't hear.

Mayor

Thomas: Stereo. Does that work.

Commissioner

Joyce: We got a yes.

Mayor

Thomas: That, that's better? This mic is working better, Andy. So, although this request may come as a surprise and be perceived as being last minute, I can guarantee you that it is actually not. This is the way things come together sometimes. They have to move through a process. They have to move through this incredible endeavor that you have all made. I can identify with that, given that I spent eight years on the Planning Commission as well. Some on the same project. This is an incredibly arduous process.

This request comes as a culmination of your long standing efforts. The efforts of the applicant, and the wonderful work of our planners and the Planning Department, and the public in its comments. And again, the Planning Commission. So, tonight we're here to ask for the one-week continuance to explore an alternative. The request is the result of a unique window of opportunity that has arisen, and we believe that it is in the public's best interest to seriously explore this alternative.

Again, we want to thank you for your efforts in this work. We thank you for your patience and your diligence. We respectfully ask for a continuance for this item for one week. And should we pursue any, any alternative, we will come back to the appropriate public process and input.

And that's about all I can say this evening, except it seems like a little short of the work and the effort that each one of you have put into this. I know

what goes into this, and I know the efforts that you've made. But I think all of that helps build to this possibility. Andy?

Andy

Beerman: I don't have a lot to expand upon that, but I do want to reiterate a thank you, not only to the Planning Commission for all the work that you've put in this, but also to the Staff and the applicant and the public that has given us all this feedback and helped to bring us to this point. The work you have done will shape any alternatives that we pursue if we go that route. I want to reiterate that this is a one-week continuance, and if we aren't able to find alternatives it, it will be coming back to you. And I'll also reiterate that this will still be a public process. If we choose to go, if we choose to go with one of these alternatives, it will come directly back to this Commission and before the public before any final decisions are made.

So, thank you for your patience and your hard work to help get us to this point. I want to thank Mayor Thomas for the tremendous amount of work that he's put into this, along with a number of key Staff. And, and we hope you'll give us a little time to---we think we owe it to the public to give this a shot.

Chair

Strachan: Let me ask you this. And it's probably a question on a few other peoples' minds, but we've seen some delays before in this project from time to time. Is it one week or is it some wishy-washy, oh give us a week. We think we're, you know, going to do something, we don't know. And then everything gets derailed and, you know, before we know it, all the work that these fine Commissioners have put into this is all for naught and we've hit the reset button.

Mayor

Thomas: I think that's a perfectly appropriate question given the past process. And I think it's a legitimate question. It is indeed one week. And if we have come to a conclusion in one week, then we'll have a slightly different process. If we don't, you're going to continue with your process. We haven't intended to, to jeopardize your process or the input you have given us and---or given the community. So that will continue if we don't come to an agreement.

Chair

Strachan: 'Cause you got a full hard stop with Commissioner Joyce leaving on January 3rd, and you've got an even harder stop with me leaving as soon as this god damn thing's over.

Mayor

Thomas: Well, there's a couple of us that could indeed be leaving. But it doesn't mean that we've given up on the---

Chair

Strachan: I'm going with you, Jack. We'll go camping together. Turn the phones off.

Mayor

Thomas: But there's no more, there's no more room in the Airstream for either one of you.

Chair

Strachan: All right. Well, you know, I think the Commissioners probably have some other questions. That's the only one I have. But just know that I don't hold it against you for not telling me. And you know, Andy's my, not only my elected mayor but a friend of mine, and if he didn't tell me then I know it's important. So. I don't hold it against you guys.

Mayor

Thomas: Well, thank you. I know it, it's, this is a painful process to be here at this moment in time. I would prefer that this happened much earlier. But given the circumstances and some personal issues with some of the parties involved, this is what it is.

Chair

Strachan: Understood. Questions Commissioners? I mean that changes quite dramatically what we had in store for this evening.

Commissioner

Band: I know. Does that mean we're going out tonight?

Chair

Strachan: I think at minimum that means that. But, you know, it's rare that we get a chance to, to ask our public officials when they come to us with

information like that, so you better use it. I don't know what they can tell you, but fire away.

Mayor

Thomas: Yeah, any questions that we can't answer for you.

Commissioner

Joyce: I have one for, for Bruce, actually. Is, I know you guys have been working on some information that you were going to bring us tonight, and then we've been working on kind of going back through all our stuff. If we continue this for a week, assuming that we actually---whatever doesn't work out and we pick this up next week right where we are right now, is there a way that you guys can distribute to us between now and then the materials that you were going to have, so that we can---I, I was a little concerned that we were going to try to sync up in this working meeting between what you'd done and what we were doing. And it would be nice if we could kind of do that as a package review. I don't even care if it's a normal package, but---

Director

Erickson: The answer is yes, there's some information that we can distribute in the meantime. The City Community Development Director, Anne Laurent, was prepared to make a presentation this evening. Her presentation is in power point, which summarizes the materials that we've been working on. We've prepared copies of that. There are copies of that online as well. Soon, Francisco?

Planner

Astorga: Yes.

Assistant
City Attorney

McLean: I, I would just jump in that just in light of the circumstances. I, I don't want to prom-, Staff doesn't want to promise anything at a particular point until we know what's going to happen. But as soon as we do, if we are proceeding, we will give you the materials as soon as we can.

Commissioner

Joyce: Well, let me just throw out the thing that, you know, we've always kind of had a fallback that said we're going to work tonight, and then we have the 13th. But we always kind of knew that if we had to, we still had the 20th

sitting out there. And if we lose tonight, then the 13th and the 20th is it, really. And that's, I mean, because again, we start losing people. And so anything that you guys can do to make the 13th more productive if we're back on to kind of the conditional use review of 17.2 that we were walking in here to do tonight, I think that's really critical that we make the most out of that meeting. And I guess the other question would be, if we're continuing this, you guys had three or four other things on the agenda for the 13th. And to me, if that meeting becomes this meeting, those things get tossed. I mean, we don't have time to do all those other things and this.

Director
Erickson: I think Polly and I will consider the, the weight of the agenda on the 13th if this doesn't move forward.

Chair
Strachan: Yeah, I would strongly encourage Staff to keep moving forward despite what, you know, the upper echelon's and power brokers at the high level of the City are doing. We should not stop the presses at this point.

Director
Erickson: We, we are---

Chair
Strachan: Uh-uh.

Director
Erickson: We are on the working end---we're on the point of the spear here. We're prepared to respond as we promised to the Planning Commission. As I said, the power point is available. The rest of it is completely in draft and hasn't been through all the review cycles necessary. So, we, we'll do our best to respond by, by next Wednesday, whatever it is we're being asked to do.

Chair
Strachan: Great. Okay.

Commissioner
Joyce: Is everybody good for the 20th? You've never asked that.

Director

Erickson: I think we had, we had an email discussion. We've been talking about the 20th now for a month or ten days, but a couple of folks had soft calendars. So we will find out tomorrow. We'll send out an email and see who's available for 20. I can't tell you whether we need it or not right now.

Chair

Strachan: All right. Any other questions.

Commissioner

Suesser: I'm curious to know if it was at the City's suggestion or the applicant's as to discussions about this alternative.

Mayor

Thomas: This was brought about by the desire of the applicant.

Chair

Thomas: Anything else? All right. Let's open the public comment. We've noticed it for public comment. I'm sure everybody came prepared to say something much, much different, but, including myself.

Commissioner

Band: I have six pages.

Chair

Strachan: I've got a lot of, a lot of ink and time. But, anyway, let's---

Assistant

City Attorney

McLean: No, I mean, obviously, public comment is welcome. It's a public hearing. But since we're not holding---since we didn't have the work session and public hearing, anything obviously that was going to be discussed tonight, if it gets continued---if it does move on starting on the 13th, we are going to have an extensive public comment then as well.

Chair

Strachan: Absolutely.

Assistant
City Attorney

McLean: So I just want to let the public know that they'll have that opportunity to speak if the application is moving forward on the 13th.

Chair

Strachan: I think they understand that. All right. So, we'll open the public comment on Treasure Hill Conditional Use Permit. Anyone from the public wishing to speak on this item, please come forward, knowing that you may get a second change to do it.

Public Comments

Arnie

Rusten: Yeah, I'm Arnie Rusten. I live at 1058 Lowell Avenue. And I do really at this moment sympathize tremendously with this Planning Commission having gone through these 18 months that I've been involved with this. And this is obviously quite a, quite a change. I thought about maybe not coming up and speak because I obviously had prepared something that I thought directly fitting to where we had been. And I guess right now I'm not so sure. Well, I think I know where we've been, but I'm certainly not sure where we're going. But permit me just to go through these, and I'll, I'll make it short. But what I had intended to do was basically this. You've had these, you've had these public input and I've had this sense, you know, that's it been frustrating being a public making comments and feeling that we haven't been heard. We've had these 10 months of hearings, and certainly our attorney from the THINC group, Nicole, has done a tremendous in, I think, compiling a lot of very valid points relative to the application. And I just want to say that continuing on, we have to be aware of what has been said and how it has been said. Is she incorrect? I, I certainly don't feel by any means that we, the public, have been given good answers as to what she is saying on our behalf. Is it correct or is it not correct? And I'm a little frustrated by that. And I've seen that with a lot of other things as well.

Go to the next one. John Stafsholt has presented a table like this. And this is the Land Management Code of 1983, as to what uses are allowed. And we've never been given any good answers as to why is John wrong. And personally having researched it, I can only conclude that John is right. So why have you been going down this avenue? And certainly now

switching gears, I certainly want to say we need to stay, you know, with some of these arguments and points that have been brought up.

Go to the next one. Neals has pointed out many times issues about this project, particularly size, but also extremely important to me and us is the potential for significant safety risks to the public. And the fact is---go to the next one, the access to this project, I presume is not going to change, or maybe I'm going to be tremendously positively surprised, to say they have come up with a fantastic solution as to how are we going to handle something like this that you see here, the Kyra has presented. And that's not going to go away. It has to be addressed.

Likewise, the next one. Some of the issues that Mary Whitesides has said, has, has discussed, including some of the tremendous environmental impacts, and, and given some really good information relative to what happens in, in a community like this relative to these environmental impacts. We had very few rebuttals and comments on that.

And likewise, the next one. I've made some comments myself. This one I talked about was relative to structure height, and what I see as violations. And nobody has come to me and said, well Arnie, your wrong because of points A, B or C. I never heard that. Consequently, I could say I think I'm, I'm right in how I interpret this. So those kind of things need to be kept in mind.

And the next one. May as well skip this one. This was used as an argument as to why you should be allowed to build something big. And I just don't think that's a good one.

Next one. I probably should skip this in the interest of time. There has been, in my mind, tremendous, you know, lack of satisfaction of these conditional use permit criteria. And, and bear in mind these still will apply moving forward.

Next one. This month we saw this article. I'm sure some of you have seen it, but I thought I'd share some with you. It's a very good article here about Park City regarding our environmental responsibility. Next one. There's a double page of Main Street blown up. The next one here. This quote, it says, "In the face of climate change, Park City, Utah has become a leader among ski towns". Is it enough. And the next one. There's a

quote from our newly elected Mayor, "If we can go out there and show other communities how to get it---how to do it and get hundreds of communities to join in, that's a movement". I think this is a very positive. We do a lot of good things here in Park City. We need to continue to do so. This is a photo out of that article. We, you know, this is for the whole world to see what it looks like. We should be proud to live here in Park City.

The next one. And I sure hope that it will never look like this. So, you know, I guess I'll say to the Planning Commission, whatever comes your way here, please, please enforce the laws and regulations. They're not, they're not going to change based on the new proposal. It has to be compliant. I was going to suggest get to work, applicant, to get to a development plan that we can all live with. And I guess that still goes. This is not about making a profit for an old Park City family. We believe they are entitled. It's about protecting all of the citizens in Park City.

And just go to the last. So, I will use my closing statement as I had prepared to do, and that is a message to the applicant's professional team. And for me that message is, you have failed your client. As a professional licensed civil and structural engineer with over years of experience, I know that saying no to your client can be difficult. However, that is what your duties are when it comes to performing your services in accordance with your professional and ethical obligations. You are not to violate laws and codes. It is that simple. Go home tonight. Look in the mirror and ask yourself if you have performed your duties as you should have. I contend you have not.

I appreciate the opportunity to address the Commission. I wish you luck in the next steps. Thank you.

Neals

Vernagaard: Neals Vernagaard, a full-time resident, 822 Lowell. This is frustrating as hell. Mayor-elect, Mayor, I appreciate you guys trying to come up with a solution, but it's not just these, these people that have been working their asses off. It's been all of those people in the back. As I explained to the, to the Commission last week, I'm the treasurer of THINC, and the facts are expensive things. We've spent a lot of money. Raised a lot of money from hundreds and hundreds of Park City residents. And if this is just a slight of hand by the applicant to punt this thing off one more time, to do one more thing, I can tell you, I gotta tell you guys, the public is going to

be furious. It's a fact. We've been at this for a long time. They do not meet any of the CUPs. This thing can only be turned down, but yet we're stopping it yet one more time. You're both good, good people. I trust you to come up with a win/win for the public and for the applicant. But if this is just to protect from some lawsuit, to protect, you know, special interest and flush the rest of the us down the toilet, it ain't going to be right. But I trust you not that to happen. So thank you.

Brian

Van Hecke: Oh, thanks. I'm Brian Van Hecke with THINC. And all I can say is wow. Wow and why now. Lots of questions, obviously. You know, I feel like deja vu a little bit. You know, we've been here. You know, we were almost at the finish line what, eight, nine years ago, and it was decided that they would try negotiations then. And I just have to ask why now. We're so close to the finish line. I think we have, we have as the public and the Planning Department raised significant real factual evidence of why this proposal should be rejected and turned down. Why now? You know, why enter negotiations now, especially with the history that the applicant has shown. And frankly the disregard to the input that they've received from practically everybody in this room. The Commission, the Staff, the Department, the concerns raised, the information requested. And what, what, what sense of balance and what sense of reason has the applicant shown. With all the concerns that we've raised, all the requests and the necessities to mitigate, and yet they have failed. Frankly, failed on all 15 criteria. So I would just be very leery and to enter in some sort of once again kind of behind the scenes negotiations taken the public out of the process when we are so close to the finish line, and when we have put in so much hard work and effort and evidence and facts that I believe, and I think many other people in this department and the City, the public, believe that this project should be flat out rejected. So, again, why now. So, Jack, Andy, again with all due respect, I'm just very leery and I want to make sure that we do what's best for the future of Park City.

And Francisco, if you want, I'm going to show this. If you want to kind of slide it. I was planning on showing just to remind everybody what the applicant has been asking for. These are some of the older renderings that they've had. If you want to keep going. We tried to highlight it because they kind of try to camouflage what they have proposed, which is way beyond what they're entitled to from the MPD. So, we as a public group have tried to do our best to clearly depict what this project, as proposed, would not only look like but potentially do to this City and

historic Old Town Park City. Keep going. There it is again, kind of camouflaged into the background. Keep going. One more time. And now, I also want you to also take a close look, as you're looking at this picture, what they have proposed to do to the Hillside. Look closely at the excavation behind the buildings. Look at the dynamite and the blasting that would be required to make those massive scars in the hillside. Landmark Treasure Hill. So, again, during the next week, please keep this in mind, but this is what the applicant feels that they are entitled to, even though so much evidence points the contrary.

Francisco, if you want to continue. Again, even a closer shot of not only the buildings that are proposed, but also the excavation that is behind it. Those scars will not go away. So, I don't know. It's, I suppose it's one week. I'm concerned about the time line. We're running out of time as, as the Commission's already said. I would say no more. And I would say give us an opportunity to have the process followed.

The other, other comment I'd like to make is that just because somebody believes they're entitled to say a million or ten million square feet and they fight and fight and fight and fight like that, fight to get that for years, and yet, what, what law and rational thinking says they're entitled to much less. Don't settle someplace in the middle here. Okay? Because, just because somebody asks for something way over here when they're only entitled to this, it's not a meet in the middle thing. Let's hold them to what the MPD is, and what it says, and no more. And they have to mitigate from there. And they have not mitigated. And I think we've pointed out every time for the 15 CUP criteria that they've failed to mitigate. And so whatever that density is that they think they're entitled to, and we have evidence again that points to the contrary, that they still have to mitigate. And so I would just be very, very careful in negotiating when the applicant has stood here for months and years, and it has grown over time, what they feel their entitlements are. And to now sit at the table at last minute to try to work out a deal, I don't think it makes sense.

Anyway, thank you for the time. I really appreciate everybody's considerations. Thank you.

John

Stafsholt:

Hi, John Stafsholt before you once again. Quite different than I was expecting, just like it is for you guys. I think we all understand why it's this way to us. Still surprising. Still a lot of work gone into tonight already for a

lot of things, as I know you all are. First, I want to say thank you so much for your time and your work. It is frustrating to have it kind of seem like we did all this work just each week, every two weeks going on and on and now it's kind of pushed aside. But that being said, I've for eight years done this in front of Jack. I have full trust in Jack. Andy's our new Mayor-elect. I have full trust in Andy as well, and so does THINC. So we believe all the negotiations will be in the best interest of the City. Just kind of hate to say it, but we've been here enough times already. 1990 turns into 1994, 2004 turn into 2006, turns into 2009 where we're ready right like this for an up/down vote. They pulled this out. They didn't---they felt they were going to get a down vote. They did exactly the same thing in 2009. We're eight years later of work. I presented the exact same facts in 2004, 2006, 2009, 2016, 2017. I don't think we can go through this again, you know. And the historic is we, as a City and our representatives, had signed a letter of intent. They've come to the negotiation table with true intent for the best of the people, and we have not had a history of that being the case with the applicant, or else we all still wouldn't be spending our time, our effort, and significant taxpayer money on this project for decades. So, the history is not on their side. One week sounds great. Boy, I would have liked to have that happen 20 years ago.

Again, thank you for everything. All the best. I really hope this works out. Thank you.

Chair

Strachan: Maybe our recollections are a little bit different, but I don't think we were every this close in 2009 for what it's worth. I don't think that's entirely say we were right on the verge of an up/down vote. And I think Jack, who was there, would agree with that. There was considerably more to be done in 2009. I don't know whether that makes it worse or better, but just, just saying.

Steve

Swanson: Steve Swanson, Park City resident, design professional for nearly 30 years. And I reprise some of the comments I had prepared given the change of situation. And again, I'm shocked as many are, but not surprised. So, we'll go forward. My journey began long ago. I actually saw the '86 approved original drawings in the Marsac building, so that kind of dates me a little bit. I was intrigued. What was it. You know, it's very, it was very big. Certainly, ambitious, yes. Achievable, not many thought so at the time. But no matter, we had a town and ski resorts to

plan and historic buildings to save. And life went on. The [inaudible] roll out of the new Sweeney plans for Treasure Hill again peaked my interest, which led to my own research, leading to concern, involvement, and ultimately activism. To oppose the project, how grateful was I to discover that I wasn't alone in that effort. THINC had been formed. And I want to acknowledge Brian, Kyra, John, Neals and all the rest of the THINC family. It's a valuable resource and it proves to me that organized action by involved, intelligent, committed citizens is, is really the, the stalwart backbone of a society that we want to really live in if we're really true to all of our statements and our principles that are stated in the City's vision for Park City. And everybody that I know certainly wouldn't disagree with that. It takes work. It takes effort. So we're out here.

Acknowledge, of course, the Planning Commission, Staff under several administrations for maintaining the highest levels of integrity throughout this long process. In the final analysis, I believe the finding will be that the criteria had not been met. I think we all probably agree on that. And the project has materially changed from the '86 proposal. The only real alternative here, I think, and path forward is a new application. And I do hope the Planning Commission decision reflects that whenever we get the chance to, to receive that.

And I would actually recognize the efforts of the applicant and their team for the effort they've been in. I have nothing personal against the Sweeney family, who I believe have been good, fairly good stewards of their Treasure Hill property. And in their other developments have contributed to Park City by their Town Lift projects, the Caledonian, which was designed by Mr. Eldredge, and I think that's a fine building, and conducted themselves fairly civilly throughout the process. I'll refrain from a comment about tonight, but it's simply the process. The process has to continue.

So some observations. The project has been described, has been described six ways from Sunday, and has been taken apart. It's been described numerically and visually, and I think it's, it's fairly open and available for everyone to make their own decision on. My sense is that visually and architecturally, it's not really architecture. It doesn't really create a dialogue, reference history, or relate to a site adequately. It's more of a pictorial representation of a bar chart or a spread sheet. The more defined and differentiated they attempted to make, make it, the worse it got. A cascading series of poor decisions, in my view. The

ambition didn't equal the vision. Ambition doesn't equal vision in this case. Functionally, was the benefit to the town overstated when it was apparent they were intending to move the town base up to their project. And as I had mentioned in a previous meeting, I feel money can just as easily move up to the Treasure Hill site as it was purported to be flowing down to historic Old Town and Main Street. The cliffscapes were interesting to me. The first time I saw them my artistic sensibilities said to me, why try and create cliffs, you know, artificially. Couldn't the buildings look like a cliff or a forest or even a cloud. Deep thinking, not just problem solving, was required here. Why no mention of the historic link to Creole Gulch and its proposed elimination as we can see. They would be filling it in. To the birth of ski jumping at Park City, I think this is important. This goes in part to Parkites connections to Treasure Hill and the love of their town. Did time simply pass by the Sweeney's on this, in this case. John Stafsholt at the last meeting pointed out the vagaries of operating and developing in a bubble with, in my view, no forward planning for neither infrastructure, there was none, as the community and a vibrant and valuable historic neighborhood grew up around them over 30 years. And ultimately, it was the failure to win the hearts and minds of the public certainly. In this respect the public was never convinced of a tangible benefit or over-arching reason for this development, especially given the risks, impact and environmental costs.

So I'll, I'll finish by just restating a couple of things that went out. This was not in public comment before, but went out internally to our THINC group. And it was actually---you guys kind of previewed this for us tonight. And it was what happens after a decision. Okay. What's the public's responsibility and involvement. THINC will stay on. And whether this goes to a legal challenge and Park City is on the hook to defend itself and defend its position, I caution because the Council and City feared legal exposure in the past, and independent commission was established, we all know this, to hear appeals and so on pending a CUP denial. Could this help or weaken or even sever the ties of the public to their elected representatives in the negotiations. And I think we need to be very careful. And I'm speaking to my fellow citizens in this regard. I have to remind people that the business of the City is business. So, they stand to gain where certain decisions are made. Does the City through its hiring of Burnett and so on, outside counsel, intend to marshal the necessary resources and vigorously defend any appeal in the courts? We, we will be watching that. Would interest in the health, safety and welfare of

neighborhood citizens and the public in general be well and completely represented, or would the City try to negotiate a settlement to try to minimize costs and legal exposure. Again, my opinions only, and my questions. Can, will it be argued, that the CUP proposes a project that is materially different from the '86 Master Plan, thus requiring a new master plan application. How transparent and open to the public will the process and any negotiations be. Will there be the political will to support another buy-out if that's an option of the Treasure project. I know current and future THINC members will remain vigilant and active to ensure these and other issues are identified and addressed going forward. And I'm thankful for the efforts of all our members and consultants to help save the heart and spirit of historic Park City. Thank you. And I'll try not to steal the list.

Peter
Marth:

Peter Marth, 35-year Old Town resident. I had a prepared statement I wanted to read, but obviously there's been a big wrench thrown into this. I'm going to read it anyway. I'd like to make a couple quick observations and comments if I could. This doesn't surprise me one little bit. I've seen this kind of strategy happen over and over again, and it's just an affront to me, and it should be an affront to you. For, for an applicant to go behind closed doors and start some new negotiation for some new square footage after all the hard work this community and you as the Planning Commission put into this. And I am offended by it. Flat out. If this is the way business works in this town today, we're doomed. If it's a 400,000 square foot comeback and then, I mean, you'd have to go through the whole process again. And I'll tell you what, this is just a boondoggle. I'm frankly just tired of it to be honest with you.

Just to shorten my comments. I'm going to read my statement as if this has--and with all due respect, it's unfortunate you two guys have had to be put through this because I respect both of you very much, but I'll tell you, this is just an affront to me. The applicant pulling this kind of game. It's BS.

With a 35-year resident of Old Town and one who has followed the Treasure Hill Conditional Use Permit application from the beginning, I have poured through the applicant's submitted documents, participated at public hearings, and submitted written testimony during a long and fair process. To date, I have found zero evidence showing size and scale compatibility, zero clear mitigation strategies dealing with the high volume construction traffic, noise and/or toxic exhaust. Emissions in the historic

district, both residential and commercial, and nothing whatsoever from the applicant, that results in clear answers for any of the important and relevant questions we have all been asking regarding all of it during the entire process. Our carefully crafted General Plan and Land Management Code serves as the guide for anyone pursuing construction or development projects within the City limits, and it must be respected during any project application large or small, no exceptions. I feel the Planning Commissioners and Planning Staff have been more than thorough and fair during this detailed and well-dissected process. I've come away with the same observations and questions that the Planning Commissioners have and support them if they render a complete and outright rejection of this conditional use permit based on complete lack of information and/or documentation from the applicant that both the public and Planning Commission have been asking for from the beginning. Since there still is no documentation showing, or evidence proving that the application follows the General Plan or Land Management Code intent, it must be denied. I applaud the Planning Commission and all the Commissioners for carefully weighing and considering all the information provided. I also find that this comprehensive process has been more than fair and complete. It has gone above and beyond anything I have seen in this town in 35 years. Unfortunately for the applicant, you can't approve a conditional use permit where there are no clear answers forthcoming. I also, on the other hand, despise and distrust the big money influence that continually threatens our quality of life that is so precious to all of us. I'm offended that the applicant's financiers have not shown their faces or spoken publicly during any of this public process, providing zero comments at the public meetings as to why we need this massive project. I remain hopeful that our Commissioners and Planning Department will hold true to the intent of the General Plan and Land Management Code, and reject this conditional use application. The majority of our resident support your decision to deny.

Thank you.

Chair

Strachan: All right. Anyone else from the public wishing to speak on this matter? All right, with that we will close---

Angela

Moschetta: One more. Sorry. I didn't intend to speak this evening. Angela Moschetta. I am friends with Brian Van Hecke. I lived on Lowell and I

totally understand the neighborhood concern. I'm also friend with Mike Sweeney. And I understand why the Treasure Partnership is pursuing everything to the maximum that they are. I have tremendous, tremendous respect for the amount of time that has been committed to this. It certainly predates my Park City career and I know that it's a big kick in the butt for all of you sitting up there tonight, and everyone that has invested time and money in THINC. But, I guess, if I would like to express support for anything it's not either side, but it's my trust in process. Brian asked why now, and I think there's a reason that the phrase, or expression, the 11th hour exists. There's going to be a deal no matter how you want to look at it. There's a lot of people who wish that nothing would end up on that hillside, but there's this thing called property rights. And we know the Sweeney's would like to see a million plus square feet on that hillside, and neither of those is going to happen. So, rather than, I don't know, what I see is the alternative, a decision be rendered, the Sweeney's not be happy, this go to an appeal committee. They still not be happy, and then this gets dragged out in court and costs the City many millions in legal fees, and then perhaps be awarded to the applicant many years down the road when the impacts might be even greater. I am content to place my trust in our Mayor, our Mayor-elect, and our Planning Department who I think has probably spent more hours on this than anybody else combined. And that you guys will make the right decision in the best interest of Park City. Thank you.

Chair

Strachan: All right. Anybody else wishing to speak on this item? All right. We'll close the public hearing.

End of Public Comments

Chair

Strachan: And we will entertain a motion to continue until December 13th.

MOTION: Commissioner Thimm moved to CONTINUE the Treasure Hill CUP to December 13, 2017. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Chair

Strachan: All right. You got one week. One week. I'm just kidding.

Mayor

Thomas: Again, thank you very much.

Chair

Strachan: We've got time to go out tonight. I think it's only fitting we stay in Old Town. Why don't we go to the Saloon? No Name Saloon. A majority of the Planning Commissioners may meet informally at the No Name Saloon. No official business will be discussed. The public is encouraged to attend.

The Park City Planning Commission Meeting adjourned at 6:25 p.m.

Approved by Planning Commission: _____