PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
NOVEMBER 29, 2017

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, Steve Joyce, 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 except Commissioners Phillips and Suesser, who were excused.

ADOPTION OF MINUTES

November 8, 2017

Commissioner Joyce referred to page 24, middle paragraph, and corrected the word stablished to correctly read **established.** He referred to the top of Page 26, and changed they're to correctly read **their.** On the top of Page 39, he changed hills running up with the hills to correctly read **the buildings running up with the hills.**

MOTION: Commissioner Band moved to APPROVE the Minutes of November 8, 2017 as amended. Commissioner Joyce seconded the motion.

VOTE: The motion passed. Commissioner Thimm abstained since he was absent from the November 8th meeting.

PUBLIC COMMUNICATIONS
There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Bruce Erickson announced that a Work Session was scheduled on December 6, 2017. The Planning Commission will take public comment following their discussion. The Work Session was scheduled to take place in the Marsac Building so it could be live-streamed. Planner Erickson noted that the next meeting was scheduled for December 13, 2017. The Staff was attempting to work out a scheduling problem with the Santy Auditorium. The December 13th meeting was publicly noticed for the Marsac

APPROVED

Building. The Planning Department was looking at other options in case a larger crowd is anticipated and the Santy is not available.

Director Erickson stated that if the Planning Commission chooses to have another meeting on December 20th, the Staff was prepared to make that notice as well.

Commissioner Band disclosed that she would be recusing herself from the King's Crown item on the agenda this evening due to a conflict.

Commissioner Band stated that she has heard that the City was computerizing documents and the way things flow. Director Erickson replied that there were two tracks. The first one is the new permit program through the Building, Planning and Finance Departments. The City selected a contractor and the contract was currently being reviewed by Assistant City Attorney McLean. He expected that the beta testing would begin after the first of the year.

Director Erickson stated that the second track was the Minute Traq program, which currently manages the agenda and the meeting minutes, and provides the ability to listen live. That program is currently under review and a replacement has been selected. He expected that program to be implement within the first quarter of 2018.

Commissioner Band understood that in theory someone could submit an application and track it online. Director Erickson answered yes. An applicant would be able to submit an electronic submittal and have the ability to follow the process and review electronically.

Commissioner Thimm commented on the two agenda items related to the National Abilities Center. He disclosed that his firm is the Architect of Record for that project. Even though he was not directly involved, he would be recusing himself from those items this evening.

APPROVED

CONTINUATIONS (Public Hearing and Continue to date specified.)

1. 1000 Ability Way – National Ability Center (NAC) Master Planned Development Amendment (PL-16-03096)

Chair Strachan opened the public hearing. There were no comments. Chair Strachan closed the public hearing.

VOTE: Commissioner Joyce moved to CONTINUE 1000 Ability Way, National Ability Center MPD Amendment to a date uncertain. Commissioner Band seconded the motion.

VOTE: The motion passed. Commissioner Thimm abstained.

2. 7695 Village Way – Empire Residences Conditional Use Permit for a 20-unit lodge building subject to requirements of the Village at Empire Pass Master Planned Development for Building 3, with one employee housing unit and one ADA unit (Application PL-16-03096)

Chair Strachan opened the public hearing. There were no comments. Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to CONTINUE 7695 Village Way CUP to December 13, 2017. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

3. 638 Park Avenue – City Council Remand of a Conditional Use Permit (CUP) for a Private Event Facility Back to Planning Commission for Additional Review. (Application PL-16-03412)

Chair Strachan opened the public hearing. There were no comments. Chair Strachan closed the public hearing.

VOTE: Commissioner Joyce moved to CONTINUE 638 Park Avenue remand of a CUP to a date uncertain. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

APPROVED

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: Good evening, Francisco.

Planner Astorga: Good evening.

Chair Strachan: How do you want to do it tonight?

Planner Astorga: Well, I think that what we want to do is simply, I'll start out by going over the Staff report and what we have written. And then we'll turn the time over to the applicant as they've submitted a lot of information Tuesday and Wednesday last week. We did have a short work week due to the Thanksgiving holiday, and that's why we pushed the Staff report to be completed Wednesday evening; Wednesday afternoon.

And I'll be more than happy to answer any questions throughout my, my portion of, yeah, my presentation; or even throughout this whole evening. And then we'll let you decide when you'll have your questions or deliberations. But we did notice this as an official public hearing. So we do ask you to, to hold that and to continue also the public hearing, I think Bruce just indicated, to the special meeting of December 6. If that's okay with you.

Chair Strachan: Yep. Yeah.

Planner Astorga: So we want to simply start out just by going over what, what we wrote on the report, where we simply re-emphasize what we had discussed back in October and November regarding the support commercial space as indicated in the Master Plan. And on that same token, we wanted to do the same thing regarding the accessory space lobby category as found in the May 15th, 2985 document. We didn't go into too much detail here as we went over that specific analysis, like I said, in October and November, where there was specificity provided in the Master Plan relating to what documents were the permit.

To remind you, those documents are placed, are outlined on page 97 on our Staff report. And we hyperlinked all of them on page 98.

So the Staff, the Staff analysis or conclusion is that as far as the support commercial, that it would be limited to the 19 UEs, which translates to 19,000 square feet of support commercial. We make that analysis based on the, on the clause. The approved densities are those attached as an exhibit, and shall be limited to the maximums identified thereon. We make that analysis

APPROVED

based on the, on the clause. The approved densities are those attached as an exhibit, and shall be limited to the maximums identified thereon. The density exhibit of the Master Plan indicates that 19 UE.

Regarding the, the second category, the accessory space, the MPD does not provide much information. And that is an extremely broad category; accessory space. It includes back of house, it includes common space, it includes circulation. It includes anything that's not residential and commercial. That's the, that other category identified as accessory space. And we do recognize that we need to have those hallways and lobbies and spaces in order for the project to obviously function. So we revert back to that 1985 document, which did specify a limitation on that specific category of that subcategory of accessory space lobby, with that corresponding note that says lobby includes the following non-commercial, non-commercial support amenities. And then it lists weight rooms, recreational rooms, saunas, administrative offices, storage, guest key storage, guest meetings rooms, etc. We do recognize that it didn't outline anything relating to, or anything similar to circulation. And, and while we say that, we do find that in order to find compliance with the Master Plan, we would need to come up with compliance with that note and compliance with that square footage.

So we---in the first section of the Staff report, we want a confirmation; and we, we did receive it already from the Commission indicating that you did agree with Staff. But we just wanted to make sure that we're clear as far as that, that, that analysis that, that we have provided in the past. That the first, that's item 1 as outlined in the Staff report.

The second one is the limits of disturbance building area boundary/development boundary where the applicant indicated a few meetings ago that their proposed limit of distur-, yeah, limit of disturbance is approximately the red line as shown on a specific, on a specific exhibit that they provided. And I'm sure that they're going to go more into detail as far as that specific reasoning as to why they selected that to be their limit of disturbance. And that exhibit is placed on page 100 of our Staff report.

As we indicated in the past, this is one of the few sites that had a delineated building area boundary or development boundary. And our analysis remains the same; that the limit of disturbance needs to be within that, that specific building area boundary. We have not changed when it comes to that. Similarly, to other projects or other applications that the

APPROVED

City receives, reviews and approves for regrading on, on the mountain, we've indicated that we would be---that, that the City would, or we have authorized to regrade portions of the Mountain if it's done in an appropriate way. And we've outlined that in the, in the Staff report.

And what I just want to go over is that we do analyze that sensitive regrading can indeed be accomplished on the Mountain without the necessity of creating a brand new hill; of creating a brand new topographic feature that's not really there, which would certainly be a different approach than what the applicant is currently proposing. Instead of stockpiling excavated material creating a new hill in the middle of an existing ski run, there are ways to identify possible sites specifically that would correct double fault lines that can accommodate the possible excavated material. So, we are saying that this can be done in a sensitive manner. In fact, we do fine, or we, we believe that this has been done in the past.

And to further go into this portion of, of this analysis, I would actually---I would defer any questions to Bruce Erickson based on his experience that he has working with these specific types of regrading on the Mountain. And I'll be more than happy to answer, but I do recognize that Bruce is the town's expert when it comes to re-grading the Mountain. And I'm not saying that just because he's my boss. I, I do believe that. And anyone in the public can attest to that.

The third bullet is the mass, the bulkiness, the excavation, scale and physical compatibility. And for this portion of the analysis of the Staff report I simply want to jump to page 104 and page 105, where we've got the, the concept from the master plan.

Now from time to time I get some phone calls from the public, and from time to time I get to answer this question. Why would the City commission Woodruff to do such a type of review or analysis? And I have answered this question. And in case someone is confused, I want to say the City did not commission Mr. Eugene Woodruff. The applicant did. These were the documents that were commissioned and submitted by the applicant back in the 1980s; which was part of the Master Plan. The concept. And while this exhibit on page 104, the red buildings, was not exactly what the Planning Commission and City Council reviewed, this is the result of the site plan and the building sections. This drawing was indeed completed

APPROVED

by, by the applicant. And yes, the Planning Department, we have confirmed and we say that it is accurate.

The second diagram or---yeah, the second diagram on the bottom of page 104 is not the existing version Refinement 17.2. This was the 2009 application. This is the best comparison that I have, which does have some changes. It's not exactly what they're currently proposing. But when you put them both together on the second page, on page 105, you could see the differences between the concept which was, again, this is what the Planning Commission was looking at in that site plan and in that building section. And this is what the Planning Commission---the red was what the Planning Commission reviewed and approved. The same thing would take place to City Council regarding to the additional heights that were indeed granted in 1986.

Director Erickson: Francisco, before you go forward, is there a way the public can see---

Planner Astorga: Oh, yeah, I'm sorry about that. We're on page 105.

Director Erickson: The, the red pictures and the gray pictures and all---I, I noted that it wasn't up on the screen. So just take a second and do that, please.

Planner Astorga: Thank you, Bruce.

Director Erickson: There we go.

Planner Astorga: So this is page 104. The Master Plan concept on top versus the 2009, 2008 proposal. And the reason why I, I show this exhibit is because I don't have an exhibit by the applicant showing Refinement 17.2 and the 3-D concept of the Master Plan. What's here in red.

And Staff, we have never been enamored with the Woodruff plan. Unfortunately, this is what was approved. This is what we have. And we are not saying that this is exactly what has to be built, as the process back in the '80s, which was part of this project's approval is that the applicant,

APPROVED

before they could build anything, they had to go through a conditional use permit review that had to be reviewed by the Planning Commission. And that's where we mitigate detrimental impacts and reduce impacts regarding mass, scale, volume, physical compatibility.

We do recognize that the Master Plan does have a lot of volume placed towards the front of each building wing, is what I referred to in the Staff report. We do recognize that. But again, the major deviation is the excavation that the applicant is currently proposing, which is not, we don't believe it was contemplated back in the 1980s.

As you know you could always interrupt me at any given time and ask me any question.

So we do, we do ask if you, if the Planning Commission agree with our specific analysis as outlined in the Staff report regarding that physical design and compatibility, the building mass, bulk and orientation of the buildings.

Moving on the, on the Staff report, we provided a table here regarding the employee housing contribution. This does apply to refinement 17.2. I do what to outline one typo in the study. We're on page 107. This number here is not 22.3. It's 223. I think Steve was going to call me out on that one. I apologize. Fat fingers when we did the table here. The math is completely accurate. So what we try to show you here is what was proposed in 2009, and what their employee contribution would be, which did change from this current refinement, Refinement 17.2. It is reduced from 22,000 to 18,000 and change as far as in square feet because of the number of units that were changed from 2009. They had 100 residential units. Now they're proposing 55. And then the hotel unit was 200. Now they're proposing 223. When we run the formula those, those get changed a little bit.

The reason why we have two more columns towards the right-hand side is because the first one, when the City did this, this first study in 2009, they, they were just barely getting started regarding the, the 19 UE. So what I believe is that the housing department kept is simple and just said this is the housing---employee housing, I'm sorry, at 19 UEs. We'll let the Planning Commission sort that out later. So we did run the numbers on both scenarios. The one in the middle, the one that I'm pointing at, 18,222 square feet, is restricted at 19 UEs. While the second number to

APPROVED

the right would be restricted to the proposed square footage of support commercial, and the term that the applicant is calling it, allocated commercial, is both of those numbers added together. And that's why it triggers a little bit more.

And then to wrap up our portion of the Staff report is the Treasure comparison, just to go over my notes here, is that claims have been made that this is similar to other projects. And we don't believe that it is because of its location. Obviously we're familiar with the Montage and the St. Regis, and we came up---we, we drafted and we took some of the information that was associated with both of those projects. And we want to show you that a lot of thought went into both of those projects. They, they were not just simply approved, simply approved. And we did add some hyperlinks on that section of the Staff report for the Planning Commission or for anyone to go back and take a look at some of those construction mitigation plans that were discussed at Planning Commission stage. It wasn't just administratively done at any sort of Staff level. And also to show you that they were also quite complicated. The difference between those and this one briefly, a brief difference, is its location. This one, we believe that it is unique because it's adjacent to Old Town. Adjacent to historic structures and the scale of them. The access is, is much different than the other two projects that we outline here.

To wrap up, we want to say that we received a lot of information Tuesday and Wednesday last week. Most of it, most of it is, almost all of it is hyperlinked and outlined on page 109 of your Staff reports. I think this is one of my shorter reports as we've gone and used a lot of hyperlinks. This would have been a lot of pages of information. So, I think that regarding this information the applicant will hit all of these, all of these submittals, so I will simply refer to them. As my team, composed of at this stage the entire Planning Department, Building Department, Building Official, City Engineer's Office, plus a few others in the Marsac Building and throughout the City, we are currently in the process of reviewing this information that just barely came in. I know it came in a week ago, but because of that short week we were still trying to get our arms around it to try and review, analyze it, and come up with that specific recommendation.

That's all I have a far as the Staff report that, that we published. I will be more than happy to answer any questions, Bruce will too, and we'll simply

APPROVED

go from there. But I think if you don't have any questions we can just turn the time over to the applicant.

Chair Strachan: Okay. How do we want to proceed tonight from the applicant's point of view?

Pat Sweeney: We're going to present this material. Let me get this pad working. My name is Pat Sweeney and I represent the applicant. To my right is Rob McMahon and David Eldredge. The three of us will be speaking tonight. Steve Perkins back there might get questions.

What we're trying to do is touch on the material that we submitted; the key new items or updates in that material, none of the subjects are new and they've been covered in depth over the years. But we have made a great effort to answer the questions that have been raised and improved some of the materials.

The presentation for this meeting, November 29th, we'll start with an update to the Constructability Assessment Report by Rob McMahon. That report, to the extent that somebody has particular interest is worth reading. There's several hundred pages in that report. Rob will touch on the, the new aspects and refer to the appropriate documents. Rob?

Rob McMahon: Hello. My name is Rob McMahon, Alta Engineering, and I'm the author of the Constructability Assessment Report. So the updated Constructability Assessment Report, it's an updated version of the original report that was submitted on June 26th, 2017. And the report reflects the ongoing technical investigations and concept definitions that have taken place with the Treasure---the collaboration of the design and construction consultants that we employed.

So to touch on the high points. The report includes the addition of a technical report by Hansen, Allen and Luce that defines the hydrology of the site; and then an inclusion of the applied geo-technical consultants geo-technical report that further investigates the characteristics of the soil found on the site, and the characteristics of the bedrock. Also included is a summary, summary narrative of the construction staging, phasing, and

APPROVED

methodology presented by Big D Construction on the October 11th meeting.

So, just to get into it a little bit. The, the first thing really is that, you know, there's been a lot of questions on the excavation and tossed around and swell, and just, you know, never really has been defined what we've been talking about. So what I tried to do is I took the exhibits and I tried to show just what the numbers really are. And so, you know, when you analyze it from say a contractor's point of view, and it really comes down to how much money it's going to take, it really defines what the dirt is. So, really what you have is you have the dirt that comes out of the hole. And you know what comes out of the hole because it's pretty much a geometric exercise. Then you have the idea of, you know, once you dig it out of the hole it grows, it swells. And then you have to do something with that dirt. And so, really what you're dealing with is a number that comes out of the hole. And then you have a number that is, a number that is the swell factor of the dirt.

And so what I tried to show through the exhibits is that the number that comes out of the hole---the first thing that is evident is that through the 2009 analysis, and then the 17.1 Refinement and then the 17.2 Refinement, the goal was to reduce that number of ex-, of excavation coming out of the hole. And so that, that's reflected in the, in the report. And that's what that number represents. We got it down to 815,000 cubic yards. And what, what that represents is the amount of material that comes out of the hole. You minus the material that you're going to use to restore the site, and then you have excess that you have to haul and place somewhere. And so the 815,000 yards is the amount of material without swell that we basically have to do something with, place somewhere in a placement zone.

So then the, the next step. Once AGEC was able to determine and give us a range of what the swell factor would be on the material, then we were able to actually put a closer number to what we would take and---the swelled material to go place in a placement zone or haul off-site or do whatever we had to do with it.

So, the placement zones that we constructed and proposed have the capacity of more than the 17.2 material coming out of the hole with the highest swell factor of 35% that was given to us from AGEC. Because when we did the placement zones we, we didn't just put piles of material

APPROVED

out there. We wanted to grade them into a skiable terrain, and so we constructed a plausible scheme to construct ski runs, basically. And so it was more of the shape of the ski runs rather than the amount of capacity we needed that came up with the final number. We started out with having to place the material coming out of the excavation, but then we shaped them into ski runs that were plausible. And so that is why we have a placement capacity that really can accept up to an entire 815,000 cubic yards with a swell factor over 50%. So as the material varies and swells goes up or down, we have the capacity to accept everything; but most likely as the swell factor varies, the placement zones will change to accommodate that. I don't know if that makes sense or not. But, so that, that's kind of---and I tried to show that in the---I, I put a table on each one of the exhibits to show that, that math.

So that, that's the, I guess, the primary update.

The other thing is what I included in the Constructability Assessment Report is I included a---early on we, we met both with the City Engineer and we also met with the Public Works Department and, you know, we showed them the concept utility plan. And you know, it's been a project that been around so everybody knew what, what the, you know, scope of it was that was being proposed. So we wanted to meet with both entities to see and update and find out what the current state of affairs was and what the City wanted, basically. And so I included that reference into this report.

I also included the, the Lowell reconstruction plans as a reference just to show that, you know, the current project does show the design and definition of the upgrade of the utilities in the roadway. And it shows the design consultants that were involved in that. So, just as a reference to show that the utility from the City's point of view was referenced. Again, just relying on all the service provider letters. You know, it's, it's hard to get in and find out what the business plan of say, Dominion Engineering is, you know, for their capital improvement projects. But there was a concept utility plan delivered to each one of the utilities, and a request for them to review it and see if they could provide the utilities.

The next thing that was repor-, or included in the update is that we did have Hansen, Allen and Luce do a hydrologic study of the drainage basin that is affected for the project so that we could get a handle on really what the expected storm drain runoff was going to be on that site.

APPROVED

The other thing that is included is the AGEC report that I referenced to earlier that gets into the bedrock planning and the swell factor and, and things of that nature.

That pretty much wraps up what the update of the Constructability Report is.

Pat Sweeney: Thanks, Rob.

Commissioner Thimm: Question. A question, if it's okay. If we're taking 815,000 yards of dirt with a swell factor of 52% and spreading it over some area, you say we found a place to do---a way to do that. What is the depth of that fill?

Rob McMahon: Well, well first, you know, we used---

Commissioner Thimm: Like an average depth, maybe.

Rob McMahon: Yeah. We used the 35%. The only reason I said 50% is the way that---

Commissioner Thimm: I was, I was looking at the report here.

Rob McMahon: Right. And I'm sorry, I---

Commissioner Thimm: So I have 35%?

Rob McMahon: Yeah. Right.

Commissioner Thimm: Let's go there.

APPROVED

Rob McMahon: It's hard to say what the average depth is because, you know, that really, you know, you're familiar with the earthwork, so it starts at zero, it gets deep, it gets, you know. It, it really is determinant on the underlying topography, and then what the finished grade is going to be. Three zones were proposed, and pretty much the primary zone is the Creole zone that fills in the valley. And that probably has got the most depth to it. And I would say that I believe that it climbs up to 65 feet coming right off of the upper Quittin' Time there just as you drop off. But average depth throughout that gully, you know, it, it's pretty much over 25, 30 feet. And then it feathers out and fills in, you know.

Then the other two zones that we have as zones that are available to us are the King's Crown and the Payday. And there, you know, what we were trying to do on Payday is just take out that double fall line, pretty much. You know, the Resort has always wanted to. They call it a double fall line. I don't really see it. It really just slopes off, but it, it, you know, they've always expressed an interest to be able to fix that. So, you know, pretty much it goes from 5', and then by the time you get down to the sloughed off area, you're probably filling 25' or something like that.

Commissioner Thimm: Okay.

Rob McMahon: And then the King's Crown is similar. You know, pretty much we were thinking of that as an overflow area if we needed it. And, you know, there we're just taking the actual existing run and widening it a slight bit and, and bringing it up to a consistent profile. So that is on the order of 10' or less.

Commissioner Thimm: I see. Okay, well thank you.

Rob McMahon: Yeah.

Commissioner Joyce: So one thing I couldn't quite figure out is when you're putting that up there, what, what is that---you, you keep referring to it as dirt, but I thought

APPROVED

when we looked at the geological reports that that was really a lot of granite in there; that it was going to be blasted granite. So is it dirt, is it rock, is it, I mean, what, what size is that and are you processing that at all down below. Are, are you taking what was blasted out and hauling it up. What, what does that look like, because I know it's not dirt, other than, in fact, you're keeping the topsoil. So.

Rob McMahon: Right. Right. And you know, to an engineer it's soil. It's not dirt.

Commissioner Joyce: Yeah, but when you're trying to pile it up 65' deep on a steep slope.

Rob McMahon: Understood.

Commissioner Joyce: It's different.

Rob McMahon: No, understood. I was, I was just trying to be a little---add some levity to it. But no, it, it's true. And you know, the fractured quartzite is a material that really is---if I can use the word malleable. But one thing I guess I have to mention is that if you took three different contractors and asked them what they would do to solve this issue, or solve that problem, they would probably come up with three different scenarios. They might come up with the same. It's one of those areas that really is sort of---a lot of creativity goes into that earthwork and how they manage it. And if you, if you think, if you will, that's really where a lot of money is made in the dirt world. Being able to come up with solutions that are creative. But speaking directly to what material we could expect and whether it was going to be processed coming out, there is no doubt that there would have to be some processing of that material as it came out of the hillside to be able to transport it either by a conveyor system or a truck or---something would have to be done on a portion of it.

Commissioner Joyce: So, having not been through a project like this, is that some form of crushing or are there other options? I don't, when you say something I don't---

APPROVED

Rob McMahon: No, there are other options. You know, crushing is probably the last that a contractor would use. I shouldn't say last, but it's an expensive type of processing that requires a lot of maintenance, a lot of welders, a lot of replacement of shoes. And there are other ways to be able to get material to where you can actually deal with it. Walking it back and forth with the dozers. How it comes out. What kind of ripping you use. There's a lot of different techniques that can be applied as it comes out before you actually have to go and set up a crusher and crush it.

Commissioner Joyce: So how do we evaluate? I mean, one of the big concerns here is, is all of this is going on basically adjacent to residential neighborhoods almost on all sides, or three sides. And so, I mean, obviously, noise, dust, all these things are things that, you know, we're supposed to be evaluating as part of the conditional use permit process. And I mean, if, if you told me yeah, pretty much, you know, every bit of whatever would be expanded to 1.1 million cubic yards of stuff has to be crushed before it gets hauled up, that's a pretty big thing to mitigate versus if none of it had to. So how, how---I'm just looking for guidance here. How should we evaluate that, because it's a bunch of the CUP things that, that we really have to address for impacts to the neighborhood.

Pat Sweeney: Rob, let me just interject. We have experience on the, on the property with the same material quartzite. It's highly variable. Some of it fractures in the gravel. And most of it, quite frankly, fractures very easily. There are pieces that you can't get to break up. In the construction we've done on the hillside, which includes Upper Norfolk homes, the two 5th Street homes, my home on Lot 8, for the most part it happened just like Rob said. You just run over it with a big piece of equipment, and most of it comes out ready to go into a truck. And if you think about it and you look around town at all excavations, a lot of those get into that same rock. And they get put in somebody's haul trucks and they go down the road. And they don't crush them on site. So I don't think there's a need to crush a great deal of this material. And at the same time I don't think that it's that much different than, for example, the material that came out right where the parking structure is. I don't remember them having a crusher.

APPROVED

Commissioner Joyce: For the, for the other projects you just mentioned, did you guys have to blast for, for the---

Pat Sweeney: Uh-huh.

Commissioner Joyce: Like the Norfolk homes and stuff like that?

Pat Sweeney: The only---on the Master Plan the only blasting we did, we had to blast for the original Town Lift base, because there just happened to be a big piece of rock there. It wasn't even part of the bedrock. And then the ski area told me they also blasted for the foundations of the bridge to get the pile so they could go down far enough. That's secondhand, so I, I wasn't aware of that. Otherwise, there were some areas on the Master Plan, in order to get the utilities through, that we had to use what's called a hammer hoe, which basically is a jackhammer attached to a trackhoe. We never blasted in any locations that I'm for certain aware of other than the Town Lift base.

Commissioner Joyce: But your expectation is for this plan that sounded like most everything would be blasted out?

Pat Sweeney: No, not most everything. I think it would be based on---and you have to read the AGEC report. Taylor Norquist talked about this on the 11th of October, most of it is very fractured. And there will be points where it will make more sense to blast, simply because if you don't you're going to be there scratching away forever or using a hammer hoe. And both of those take a lot longer and they also create a lot more noise than blasting.

Commissioner Joyce: Yeah.

APPROVED

Pat Sweeney: So blasting would be really an option that would be used when it makes sense.

Commissioner Joyce: One more quick one?

Chair Strachan: Sure.

Commissioner Joyce: I, I could see on the constructability thing where you had the maps of the the, the areas to put the soil in. And I could kind of see the little topo map in there. But what I couldn't get a judgement on was how, how big was that area. Do you have some acreage or something that would help us with that?

Rob McMahon: The overall placement or, you know---

Commissioner Joyce: Yeah.

Rob McMahon: There's three placement zones.

Commissioner Joyce: The big placement zone. 'Cause the one that was 1. Whatever million I---

Rob McMahon: 16 acres.

Commissioner Joyce: 16 acres. Okay. Okay, thank you.

Pat Sweeney: The next item is something we promised the Staff and the Planning Commission, and that was a narrative to kind of put in an easy read what

APPROVED

the presenters at the October 11th meeting said, and that has been completed. And we provided copies to the City. And it, the only way you can really see the advantage of it is to read it. It's an easy read.

Chair Strachan: Quick question on that. Is that narrative based on anything else other than what those presenters said and what they relied on during those verbal presentations?

Pat Sweeney: Yes. It's---the one thing that we changed is, the presenter by the name of Tim Jones said that we would close King's Crown for a period of time; and he meant year-round. And we thought about that. We talked to the Mountain Resort. I also talked to the owners of the Bamberger parcel. And it seems to be that that didn't make sense since we weren't going to be working during the ski season. And as long as we can protect the hydrants it would be easy to grade out any roads and make snow there. So, that's what's up on the, the screen there as we're making this commitment. And that the King's Crown and Quittin' Time will remain open each ski season with the snowmaking that's there. That's the only change.

Chair Strachan: Okay.

Pat Sweeney: The next item is some updates on the Woodruff comparison. Rob's going to start with the excavation portion of that, and then David Eldredge is going to talk about some of the architectural details. Once again, none of these things are different, but we took the work [inaudible]--- a new level. Rob?

Rob McMahon: Okay, so the task was to take Woodruff and try to come up with an estimation of what it would take excavation wise. What it would produce excavation if it were to be built. And so I divided it into three categories. And, and the first category pretty much follows Francisco's exhibit that he

APPROVED

showed, which is the placement of the buildings and the footprints on the hillside, and then used, you know, used the same criteria in what I used for estimating the Treasure project. Those being areas around the building to be able to get in there and actually build it like it ten-foot corridor outside the footprint. Over-excavation for the footings of about 2' to be able to come up with a ballpark figure of, of what the actual footprint would be as determined, as shown on the Master Plan drawings.

And that, that kind of is, you know, it's a geometric exercise. So, it fell out pretty straightforward. Then the next category were the items that, you know, would be put into that project, such as fire protection plans, egress, ingress and egress out of the buildings, constructability of the buildings, what it would take to actually get the equipment up there. Things of that nature to actually take the Woodruff and get it to an approvable project and practical.

And then the third category was a category that were included items that, you know, were---make it a viable project as a resort hotel. Interconnecting walkways, amenity spaces, service delivery bays, lobbies, things of that nature that were included in that category.

And so out of those three categories that is where that 450,000 yards came from.

Pat Sweeney: Questions?

Chair Strachan: And what's the additional excavation quantities?

Rob McMahon: The additional excavation is, you know, I, I stayed pretty conservative, or I tried to stay conservative on those numbers. As we all know, it's just, it could be anticipated that there will be additional items that come up that are just a matter of construction; final restrictions or design parameters that are put on by the Fire District or by the Planning Commission. Things of that nature. It's just---it doesn't have a number to it but it could be anticipated that there would be more. I don't anticipate a substantial amount, but there could be more.

Chair

APPROVED

Strachan: All right.

Commissioner Joyce: So, when I went through the numbers it looked like if you just took your estimates of the two, the two chunks of buildings, and before you added the 15% and the extra space and those kinds of things it came out to 273,100 cubic yards. And so that sounded like kind of what you were starting with. And I'm trying to just get to apples to apples between this and the, the 17.2 plan. So, like when you do contingency and you added space for around the buildings to get equipment up and things like that, is that already built into the 800,000 or would you expect that, that you end up with a contingency tacked onto that as well?

Rob McMahon: No, no, that's included.

Commissioner Joyce: That's included in those. Okay.

Rob McMahon: Yeah.

Commissioner Joyce: And, and I was going to ask David this, but it's just, I mean, since you're next apparently on the thing here, I'll just ask the two of you. I brought this up at the last meetings and I just want to kind of get us in agreement so we don't keep kind of going back and forth. We, we talk about this being conceptual, but then we said, oh, you know, we went through and measured, it was 875,000 square feet. And so it's like, okay, we've all kind of agreed to work with that as how big was the concept. But I keep hearing things like this where we say, oh, but we would have to add in for lobbies and things like that, and stairways, and egress and things like that. But I get back to 875,000 square feet. When I take the approved residential space plus commercial space plus parking space, I come up about 250,000 or 300,000 square feet short of 875,000. So it seems like in the concept, they built in hundreds of thousands of square feet of stuff in there that turns out to be almost exactly the same size as what you guys are proposing that includes all that stuff. Fire, you know, lobbies, all those kinds of things are in that same space, but you guys keep adding it into Woodruff. So I'm trying to figure out, what do you think those, those hundreds of thousands of square feet were if they weren't exactly that.

APPROVED

David Eldredge: I, I don't believe that there was any additional space anticipated for lobby. And I think things, basic things like lobbies and whatnot were included. The items that I put in my memorandum include things like there is no egress provided for at the back end of the building. And absolutely you would have to have some form of egress at that end of the building.

Commissioner Joyce: Sure.

David Eldredge: And the way it's anticipate that those units were laid out, it would have to be outside of that envelope or it would be obstructing those units. So---

Commissioner Joyce: But that seems kind of small. I mean, I'm looking at---

David Eldredge: Oh, yeah.

Commissioner Joyce: I mean, here on the---the reason I brought it up on the excavation piece was we added 45,000 square feet just for lobbies. And it's like, well wait, then what's that 875,000 square feet for then? It's got to be---

David Eldredge: [Inaudible.]

Commissioner Joyce: Okay. So, can we just agree that there may be some little things in the Woodruff that you would have to do, and I know you'll go through some of it. But in general, the 875,000 square feet to be anywhere near realistic has to be a hell of a lot more than the approved UEs and the approved parking, because those had very quantitative numbers associated with both of them, and they're nowhere close to 875,000. So they must be lobbies, circulation, something. Even if they weren't drawn in there, they must have been at some level, hey, add 40% or something. You know, somebody must have done something like that, or they drew it way too big.

APPROVED

David Eldredge: Well, I, I can only respond by the experience we had when we went from 2004 to 2009. And in 2004 we had nothing more than, than basic building blocks of a given volume, and we assumed an efficiency ratio of X. Then we were asked to come up with detailed plans. And you may recall that the building grew in that process by some 10%.

Commissioner Joyce: Yeah, 150,000 I think it was.

David Eldredge: And so I wouldn't be surprised at all if Woodruff had gone through the same exercise that the same thing wouldn't happen. I can't say it would. I can't say it wouldn't. But it's not unrealistic to expect that once you got down to saying this is where this function has to be, and I have to get to it from this place and whatever, that those buildings wouldn't have had to be juggled and grown or not. It's just impossible to say.

Commissioner Joyce: Okay. But, but you would agree that there are several hundred thousand square feet---

David Eldredge: Oh, yes.

Commissioner Joyce: In addition to the truly, what I'll call definite approved spaces that weren't marked out at all on the plans. And they just---whatever they are, they are, whether it's circulation, lobby, whatever. But it's fair to assume that the, the 875,000 that they ended up with is pretty close to what you guys are at with 17.2.

Pat Sweeney: So, excuse me Steve. David has prepared a presentation that speaks exactly to what you say. And I think it will add clarity or focus on the difference between what you're saying and taking it to the next level. And I, I would suggest at this point that David, you just walk through that presentation, because it addresses exactly what you're talking about.

APPROVED

Commissioner Joyce: And, and I was going to do that, except we're adding tens of thousands of cubic yards of excavation to the project based on what we just talked about, which I don't think---

Pat Sweeney: Well, there's, there's little things and he's going to talk about it. But at the very last minute of the---

David Eldredge: I have addressed that because I don't---

Pat Sweeney: Hang on, David. I'll be happy to do that. At the very last minute after a couple of years of work, the City Council voted on the Sweeney Master Plan, which included this as a part. And they dropped the height of portions of this part of the Master Plan in places 20'. And there was no accommodation at that point for where the density went. And David will talk about that. But there---the Woodruff drawings do not reflect that lost density due to that drop at the last Council meeting when it was voted on. And our assumption always was that it wasn't an evisceration of UEs. That we would be allowed the opportunity to recover those UEs. And the only direction we can go, and because we have a requirement for 70% open space within 11-1/2 acres and the height zones, is down. And that means excavation. How much is hard to say for sure. But that's what Rob is talking about, that's what David is talking about.

Commissioner Joyce: Okay. Thank you.

Pat Sweeney: David, why don't you go ahead and march through on that.

David Eldredge: David Eldredge, architect for MPE. Prior to this evening's meeting we submitted a memorandum enumerating many of the inconsistencies, the missions and shortcomings of the Woodruff drawings. And I won't reiterate those here, but rather discuss the issues that would have been addressed had Woodruff been pursued to be a viable proposal.

APPROVED

A required---before we could even submit for a CUP approval, a fire protection plan would have been required. Some months ago, Ron Ivie was asked in a Planning Commission meeting if such a plan was feasible for Woodruff, and he replied yes. What he didn't say and wasn't asked was what that might entail. When we met with Ron prior to that meeting and asked that question, his one response was access to the backside of all the buildings will be required, which would result in more disturbance and excavation. And even if not required for the Fire Department, some form of path on the uphill side of all the buildings would have been required for egress. At present, the only vertical circulation shown in this central core, the front of the building. The International Building Code requires a minimum two exits from every level. And given the proposed configuration and length of the buildings, it would have had to be at the uphill end of the structures with a means for the tenants to escape from the buildings.

The other woefully inadequate part of the Woodruff plan is the ski trail. On the Woodruff site plan the ski trail narrows down from approximately 140' to 40' at the entrance of the project. It continues to narrow as it traverses through the project to 30' just beyond building E. More troublesome, based upon the footprints, where it passes through the two buildings it either is reduced to only 20 feet, or several stories of the building are cantilevered over it; neither of which would be acceptable. And the 40' width would, is a requirement and would have to have been maintained. Some redistribution of the mass would have been required.

The buildings section show a dashed line noted as a height restriction. However, to insure compliance, a detailed analysis similar to what we did for the CUP would have been required. Based upon the building sections and the calculated floor elevations thereon, and I think you've seen the exhibit where I calculated those, I conducted a similar analysis to the CUP for the Creole site and found that approximately two-thirds of the roofs exceed the height limit. This is not surprising given that Woodruff drawings were hand drawn and only 5' contour intervals. Even so, most of the roofs exceeded the allowable by 5' or less. Not a big deal. Four by about 10' and only one approaching 20'. Conversely, three of the roofs could have been raised up to 5' and two by 10'. In other words, there would have been some juggling of the height of the buildings.

Also, as noted in my memorandum, the floor to floor heights calculated by dividing the total height by the number of stories, all of the levels are

APPROVED

between 9 and 9-1/2 feet. Whereas, on the plans, clearly it was the intention to have 10' floor to floor. And we believe even that is not appropriate or adequate. Clearly, had those errors been adjusted, the overall heights of the buildings would have increased.

We believe the Woodruff drawing were meant to be, to demonstrate to the Planning Commission at the time of approval that the project would be a large project with tall buildings, and to establish the parameters for height and building area zones for future proposals. Some time ago we submitted our analysis of the gross area of the Woodruff, which the Staff concurred appeared reasonable. And we determined a gross area of 875,000 square feet; compared to 949 square feet for Version 17.2. Only an increase of 8%. We also calculated the gross above grade area of Woodruff to be about 606,000 square feet compared to the CUP of 651---606,000 square feet compared to 651,000 square feet, which equates to an increase just over 7%.

Furthermore, the above grade area of Woodruff does not include multiple stories, and this is what Pat was just talking about, on all of the buildings that were eliminated based upon modification to the allowable heights when the MPD was finally approved; even though the allowable density was unchanged. However, on the Woodruff drawings, only the heights of the buildings were modified and the relocation of the affected areas was not included. Our conclusion is that an even larger project was anticipated, at least by the design team, to provide the approved UE density.

The below grade area calculated for the Woodruff drawings is about 269,000 square feet. For the CUP, 297,000 square feet, just over a 10% increase. And although Woodruff provides about 20 more stalls than the CUP, it lacks numerous necessary support facilities, including receiving, maintenance, mechanical, fire control center, or any means of connecting the structures on the two different sites.

On the Woodruff sections, if you measure from the apparent finished grade at the face of the building nearest Old Town to the tops of the buildings, ie. the perceived height, the heights range from a minimum of 95 feet at Building A to 121 feet at Building C. Furthermore, the aforementioned tops of buildings are only 60 to 90 feet from the face of those buildings. In other words, as Francisco has concurred, the tallest portion of the Woodruff building was placed nearest to Old Town and the

APPROVED

neighbors. One of the major shortcomings that the CUP proposal addresses by moving the height further into the site.

Given all of these shortcomings, inconsistencies, and omissions it is our belief that the direct comparison between the Woodruff drawings and the CUP submittal is neither realistic nor necessary. That said, the Staff and Commission have requested that comparison and we have submitted for your review a site plan with the two plans overlaid. It illustrates that the CUP buildings are in the same general location as Woodruff. We also used the Woodruff plan and sections to construct a direct comparison of the five building sections that were shown in Woodruff, which shows that the CUP buildings are about the same or lower than Woodruff, and in most cases, the maximum height is further away from the City than in Woodruff.

Chair Strachan: All right.

Pat Sweeney: Thank you, David.

Chair Strachan: Pat, where, where you going now?

Pat Sweeney: The next one is affordable housing, employee housing. We've exchanged emails with the Housing Authority and presently we're showing approximately 7,000 square feet of affordable/employee housing on site. And we're intending to pay fees in-lieu-of for the balance of the requirement. But if desired, and we put this in an email and I think you guys have a copy of that, we can locate it all on site. And floors can be added to the existing footprints in order to maintain the approved UEs. And we would submit that that would be covered with a condition. And ultimately, as Francisco pointed out, it's a fairly technical application of that ordinance to what's actually being built and the uses to determine what the amount is.

So, that's all we have to say on that.

The next one is more involved and it has to do with disturbance on Treasure Hill. And when I say Treasure Hill I'm referring to the portion

APPROVED

inside the Master Plan, because I think that's the portion which the concern has been raised about. And I have some exhibits that I'll walk through, and then I'm going to come back and go through this part of the outline.

This is the first exhibit. And what it, what it shows is the area that we anticipate could be potentially disturbed by the project. And that's located inside the red heavy line. And that includes ski runs, the area where the excess material would be placed, and the project itself. And so if I can briefly show those, it includes the ski runs, which are the blue area; and it includes the project; and then it includes this area here, which is where most of the soil/dirt goes.

Commissioner Joyce: So the thing you have labeled as partial disturbance area with the little dash lines, that's where you were going to---showed us kind of running the trucks across to haul on.

Pat Sweeney: Right. To get access into where you can place the material.

Commissioner Joyce: But, but there's no material that's scheduled to be there, I mean, with the current proposal? Is that right?

Pat Sweeney: There, there is one location where there could be, and that would be right here.

Commissioner Joyce: Okay.

Pat Sweeney: But for the most part, what would happen there. There's one road that already exists, we call that Jones, Jonesy's cutoff. Phil Jones put that in years ago. But then there would be several of these going up the hill to get access to the main deposition area. So that's why we called it partial disturbance. And we estimated that about 4 acres of that 7.90 acres will be disturbed.

APPROVED

The, the new groomed runs---these, these would be [inaudible] that are within this boundary are shown in the blue, the solid blue. And they comprise 23.72 acres. There's a portion of that hill that would be good, ungroomed ski, skiing. And that is shown with a dark line around it, which I'll point to right there. So that is the disturbance of what we believe---of what we think---the disturbance we think the project will result in. There's other components to this and I'm going to go through that. Once again, out of that 45.10 acres we're estimating that 4 acres would not be disturbed in what we call the partial disturbance area.

The next exhibit shows---

Chair Strachan: So, just quickly, Pat, going back to that last one. Who drew those lines?

Pat Sweeney: I did.

Chair Strachan: Okay. And based on what?

Pat Sweeney: Based on two things. One, knowing the plans very well, of course, and also knowing---three things, knowing the ground very well, and also Rob's work. And they also reflect some of the material that's from the October 11th meeting. So they're all consistent.

Director Erickson: Pat. Pat, before you move on, will you clarify that this diagram illustrates the post restoration area of disturbance and does not reflect the area of disturbance of the deposition zone in Creole.

Pat Sweeney: It, it's the post. That is correct, this is post.

Director Erickson: Okay. So when you're looking at this diagram, the hill if you will, or the Creole disturbance area is not shown. It's shown but it's not colored in the area that Pat is representing as being ungroomed ski run.

APPROVED

Pat Sweeney: Yeah, that's, that---we have a name for that but I'm not going to mention it. But it's, it's what we would think skiable terrain for your average skier in this room.

Chair Strachan: So if we were to craft conditions of approval that said you had to stay in those lines, how would we define those lines? I mean would we have a sur-, they're not surveyed. They're not based on a survey.

Pat Sweeney: Well, ultimately that, I mean, we've been through this process. And I'm going to show you some other exhibits where we've been through this process. And I can tell you how that, that process worked on other parts of this varied Master Plan and the Treasure Hill portion. And it fundamentally started with the approved density and UEs, and some other basic parameters like footprint, height. And then as part of the CUP process, we identified areas that would need to be disturbed, similar to what we've done with this process, but not in nearly as much detail. And then when it came to the building permit, then literally we walked it with people from the Building Department with exhibits in hand and flagged it. And then where they required fences, and they don't typically require fences on ski runs, although in this project because of the excavation the whole thing would be fenced. But we, we basically flagged it and fenced it. And then it---from that point on it was grading with heavy equipment. And then when it was all done put it back together and revegetate it.

And that---I actually have a slide that goes through that, so maybe we could talk about that further when we get to that slide, Adam.

Chair Strachan: Sure.

Pat Sweeney: But first of all, a little history. The, the project has been disturbed historically. And these areas in gray are the mine workings, and the straight area in gray is the old Silver Kind Tramway. And that amounted to about, well, approximately 3.49 acres. And these acreages, by the

APPROVED

way, were provided by Rob based on the drawings that he has, which is pretty, pretty good, real good survey material; and I think reasonable estimates.

The next drawing is more recent history. The area, the area shown in dark green is the 1983/84 Town Lift. But before that, in the lighter green, in the lime green, was the original Quittin' Time run, which was put in in 1963. And then in the somewhat opaque turquoise color, various additions have been added to the Town Lift system through improvements on the Master Plan that have to do with the Woodside Trail and then the Town Bridge and the Upper Norfolk ski system. All those three things total 17.24 acres; and so those are all grading disturbance for skiing into Old Town.

The brown stripe on the right of that picture is the power line that's been in there, I think, since the 1940s. And then the two gray areas are roads. One is the public road, the Lowell/Empire switchback that occurred; however, on the Master Plan before it was deeded to the City. And then the other one is King Road, and that goes back to when they closed the Silver King and started using that road.

The next slide is a picture of what happened with the Master Plan since 1986. And I'm going to go through them top to bottom. The top blue part is Lot 8. And for that lot, which currently has a 1500 square foot home on it and a 1,000 square foot shop garage, disturbed 5.17 acres approximately. And that was in 2005.

Then the next---and maybe I'll go, I think I'm going to back up and go in the order it occurred. That would be a little easier. If you look, if you look at the yellow part, that's the Upper Norfolk homes; 1998. If you look at the purple part, that's the King Road Lot 2. That was 1996. And then there was an addition after that. 2003 is the orange part, and that's the 5th Street lots. Back in 1995 Fred Moore approved the lot to the Moore House, which is part of the Master Plan. And then there's the blue part that I've already talked about.

In addition to that, all those red dots are where we have granted use of our property for three purposes, sometime at the request of the Building Department. And those purposes are to aid in the construction on those lots. And these are all lots that neighbor our, our property. The second purpose was to provide egress for fire and safety. And the third purpose

APPROVED

was to improve their ski access. And many of those lots [inaudible] regraded our property and the open space in the Master Plan, the ROS, for the purposes of improving their homes. And we were fine with that. We supported that. The Sweeney family did not personally benefit financially from any of those.

The final exhibit, improvements that the City has put across the Master Plan open space. The blue line occurred in 1975 and that was a water line across the bottom of the Master Plan. It was then revised in 2004 to allow for the 5th Street lots. And that's the purple part. And then in 2014 the City put a redistribution line across the property in order to clean up the water in town. And it went from here, went from here to here. And, and went like that. That was in 2014. And that involved about 3.25 acres.

So those are all the things that have happened on our property, on the Hillside portion.

The final exhibit is a little complicated so I don't want you to freak out. This looks like a Francisco exhibit. He's the only person that could match this. But that sort of puts it in graphic form, everything that happened. The key points here is that from---these things here are previous disturbance, and they, they include all the things I just went through; mine activity, old ski terrain, roads, power line, houses, water lines. And they add up to 42 acres of disturbance. Now some of this disturbance is more than once. In other words, they overlap so it's not 42 acres of the entire Mountain has been disturbed. But over time that much has been if you add it up.

On the other side of the equation is what would happen with the proposed project, and it boils down to that. And we think this project will disturb approximately 41 acres. And that would be the 17.2 version. Of that, 30.72 acres would become new ski terrain. And as I pointed out in the first slide, about 20 some odd acres that would be [inaudible]. So what it boils down to is of the disturbed land, eventually 30.72 acres would be new ski terrain improving skiing into Old Town, in addition to the new lift. And 10.2 acres will be ground that really the project sits on.

Now I'm going to go back to that outline and walk through that and we'll be almost there.

APPROVED

Commissioner Joyce: Before you do, can you go back, actually, to the first slide where you showed us how the 41 acres---there you go. Thank you. Can I just, can you make the area---there you go, perfect.

Look at this for one minute.

Director Erickson: Francisco, when are we going to deliver these exhibits out to the Planning Commission? These came in in the package yesterday, right? Or the day before.

Planner Astorga: Tis one came in yesterday. What, what we're looking at right now we've hyperlinked it on our website. We sent you an email this morning. We don't know if you received it. But it's not the same version. This---what I see here I'm comparing it to---

Pat Sweeney: This, these are, these have been improved.

Planner Astorga: Right. So, I'm already, the, the version I sent you this morning is already outdated. Once Pat gets me his updated version we'll go ahead and send that new one out. And we'll put it on the website.

Director Erickson: So for the public's benefit, these are hyperlinked now?

Planner Astorga: Yeah, but, but as Pat just mentioned.

Director Erickson: [Inaudible.]

Planner Astorga: He's already updated them.

APPROVED

Director Erickson: All right.

Commissioner Joyce: Okay. Thank you. Just wanted to kind of sync up.

Pat Sweeney: So now I'm going to take a minute to run through what that boils down to in writing. To date, approximately 41 acres of Treasure Hill has been disturbed at some point in time. Some of it is overlapping disturbance, so just want to be---make people aware of that. Some of it occurred back in the late 1800s. The Town Lift and ski trails account for approximately 17 acres of disturbance as it sits right now. The Master Planned single family homes account for approximately 15 acres of disturbance as it sits right now. Part of that's been disturbed twice, the same thing, unfortunately. City water lines account for three acres. And there's other items; roads, power lines, mining activities. Approximately 41 acres would be disturbed by the Treasure project. Of this, approximately 32 acres become new ski terrain, and the remaining non-ski areas approximately---that number should be 10. So that needs to be corrected. But that kind of boils down into words what I just said. There's some other things that we think are important. There's multiple adjacent land owners have been granted use to the open space over the past 30 years to facilitate construction, fire egress and ski access to their properties. The Master Plan open space has been graded on multiple occasions with City building permits since the approval. The ROS zoning and underlying agreements allow this.

The next item is the final one. Sometime ago we indicated we would do some updated renderings and videos of 17.2 on the surrounding streets. And so we did that for Lowell Avenue. There are 2009 versions as well. And I'm going to show you those and we'll be done with this.

Commissioner Thimm: So, but before we go to those, a quick question. Does the 41 acres that is disturbed by 17.2, does that include the fill site, then, for the distributed fill?

Pat Sweeney: Yes.

APPROVED

Commissioner
Thimm: Okay. Thank you.

Commissioner
Joyce: And that, that's counted---the fill area is counted as ski terrain.

Commissioner
Thimm: Correct. That, that's what I thought I was seeing. I just wanted to confirm that. So thanks.

Pat
Sweeney: These are renderings of coming up Lowell of the 17.2 project. And then this is a video.

Commissioner
Band: Pat? Excuse me, Pat?

Pat
Sweeney: Yes.

Commissioner
Band: Can you point out which buildings, just so I know are which here. If you could go back to the still if you don't mind.

Pat
Sweeney: I think I can stop this if I'm smart.

Commissioner
Band: Okay, when we get a little closer. A little---so, keep going. That's probably good right there. So is this round, is that 3A.

Pat
Sweeney: You know what, let me, let me go back to the stills, because then I can draw on it for you.

Commissioner
Band: Thanks. That's perfect. Except that we're a little too far away there.

Pat
Sweeney: Yeah, I'll, I'll, I'll get back in. Tell me when?

APPROVED

Commissioner Band: Perfect. Right there. So---

Pat Sweeney: Question. Go ahead with your questions.

Commissioner Band: Okay, I'm just wondering which building. So 3A and then where the orange is, is that 4A and 4B behind it, or---

Pat Sweeney: Okay, this, this is what would be the new lobby behind there. This is employee housing.

Commissioner Band: Okay.

Pat Sweeney: This is 3A. This is David---

Commissioner Band: So 3A is behind the employee housing?

Pat Sweeney: Yeah. There's a lot of depth here that's hard to replicate with technology. But these all step back from one another. Like this is significantly back from frontage. So is that. This is 4A. And this is 3B. David, did I get that right?

David Eldredge: Yeah.

Pat Sweeney: Okay.

Commissioner Band: Thank you.

APPROVED

Pat Sweeney: That concludes our formal presentation. Happy to answer any questions.

Chair Strachan: Thank you.

Commissioner Joyce: Can I just offer that I, I watched that video about eight times. It was helpful to me. But I have to tell you just for the levity of it; a) the little people walking at the end, great; b) the fact that you guys did it on trash day; and c) if you're really watching closely, right at the end when it's about to stop over on the left is one of the signs that says Stop Treasure. And so, I have to tell you, you made my day earlier today. I just laughed and laughed, so.

Pat Sweeney: It's transparency.

Commissioner Joyce: Yeah, it's, it's certainly realism right there.

Chair Strachan: All right. Pat, how are we looking on our schedule? We talked about this last time and I just want to make sure we're all on the same page here.

Pat Sweeney: Well, we, we anticipate having whatever conversation you'd like to have next time, which is the 6th. And then we would like to respond to the Staff report, also on the 6th. And then on the 13th we'd like to present a final statement and, and we'd like to see a vote.

Chair Strachan: Okay. That's kind of our thinking, too. So, I don't think we need to schedule a December 20th meeting, as you kind of had hinted at earlier. At least for Treasure. If there's some other Planning Commission items that we need to do on the 20th, we can hash that out potentially on the 6th. But it sounds like we're good to go.

So that brings us to public comment. I think what we ought to do is, it looks like---how many people just by a show of hands are going to give

APPROVED

public comment tonight? Okay. So I think what we'll do is we'll start it right now. We'll run until about 7:30 and then take a break. And any public comment we haven't finished before then we will take, and we'll go as long as it takes and we'll conclude after public comment is over.

All right. So we'll now open the public hearing on the Treasure Hill CUP.

Public Comment

Arnie Rusten: Good evening. My name is Arnie Rusten. I live at 1058 Lowell Avenue. I would like to make some comments on the building heights and the proposed fill. Next. Fortunately, Park City has Codes and Regulations in place to govern what we do here. One may ask why we have these Codes and Regulations, and basically to summarize, they are in place to protect public health, safety, and general welfare. They are in place to protect the environment, land, air, water and soil. And to protect and preserve wildlife. We also have special regulations that govern what we are allowed to do within the historic residential district. I'm having difficulties in understanding how Treasure Hill, as proposed, fits within these Codes and Regulations. Next one. And nobody, whoever they are gets a blank check to do whatever they please. In my opinion, that is good.

Next one. I'd like to make a few comments regarding the building heights of the proposed Treasure Hill project. Building height regulations are defined in the Park City Land Code as shown here. Zone height, outlined in red is limited to 27 feet; defined as measured from existing grade. In addition, there are limits to the building height of 35 feet, outlined in green, defined for a flat roof building as the distance from the lowest floor plain to the highest wall top plate that supports a ceiling joist or roof rafters.

This info is copied by permission from John Stafsholt from the material provided by him to the Planning Commission in a letter on 7/13/2016. As you can see on this sheet, zoning is HR-1 with permitted height in 1986 of 28'. As seen from the Minutes from the City Council meeting on 10/16/1986, the Sweeney's Master Plan approval was granted and the applicant was given building height, the zone height, a variance to 75'. In addition, there were limits set to have no portion of any building in the Creole Gulch site be above elevation 7,275 feet.

APPROVED

Next one. Here is one of the applicant's cross sections of the proposed buildings in Creole Gulch. The maximum building height line as shown in red measures 75 feet from existing grade. The maximum building elevation height shown as a black line at elevation 7,275 feet. This agrees with the Council's approval in 1986. I've listed the Land Management Code requirements and the applicant's variance above.

Next one. So, if I were to build in Creole Gulch I could then stack these red blocks with exposed heights of 27 feet, and with a maximum structure height of 35 feet as I've shown here. What I need clarification on is with regard to the applicant's maximum structure height, as it should be the allowed 35', plus their variance given, which was 48', for a total of 83 feet. Next one. However, as you see here, the total height of their building is 167 feet; over twice what is allowed according to my interpretation of the Land Management Code.

Next one. So, what I've shown inside this big black, black box should not be permitted as it violates the Land Management Code. This is a big area and has led to this enormous excavation that the applicant now proposes, and to the material disposal plan, which I would like to address next.

Next one. This page is from the applicant's position statement dated November 3rd, 2017. There is an agreement in place to use the open space to deposit excess material. There's a statement that they have unconditional rights. There is no such thing. All use of land in Park City designated as recreational open space is subject to Park City's Land Management Code. Next one. Here is the page from the Park City Municipal Code, Title 15, Land Management Code, as it relates to vegetation protection.

Next one. I've enlarged Section 15-2.7-7 here. As stated, "The property owner must protect significant vegetation during any development activity. Significant vegetation includes large trees, 6" in diameter or greater. Next. So the applicant's concept of clear cutting within the area designated as recreational open space is in clear violation of the Land Management Code. There are thousands of trees within the red area designated as a placement zone, and within the associated haul roads shown in green and black.

Next one. The process for placing the excavated material is to first remove all trees and vegetation within the placement zone and the access

APPROVED

roads. Remove the overburden soil there, stockpile what is suitable, dispose of unsuitable material, handle and dispose of contaminated material, construct construction roads, place the rock fill to an engineered sequence. And last, place the overburden and revegetate. This concept came as a real surprise to the Planning Commission---Planning Department and the Planning Commission, when it was introduced a few months ago.

Next one. Here is a page from the applicant's preliminary geo-technical report, where they briefly discuss the 130' tall fill. The geo-technical report being preliminary in nature does not address the seismic stability of this fill. As I mentioned at the last meeting, I'm very concerned about the potential for sliding. An engineered fill required much more than just excavating rocks and drive over it with some equipment to crush it. It's scientific. You need to blend it because it has to provide tremendous stability when you're dealing with such enormous weights as you will have here.

Next one. I have enlarged the section here where they talk about a fill depth at the Creole ski run, at the test pit number one, of at least 22'. And the statement that the locations where fill is proposed to be placed should be cleared of topsoil, debris, fill and other deleterious materials prior to the placement of additional fill. Next one. So now, we have another significant excavation project to remove the deep overburden at the Creole ski run over 20' in depth, shown here inside the blue bold line.

Next one. As stated in this letter, that the parties that agreed to allow the applicant to use the open space were aware of the substantial nature of the deposits of excavated material on the hillside is blatantly false. The concept presented to those who granted this approval was to truck most of the excavated material off-site, and spread the excess material on the ski slopes to improve them. A concept dealing with the fraction of the now estimated, by me, over a million cubic yards of material. This fill concept of clear cutting and using heavy off-road trucks were only introduced a few months ago. Before that concept, I read about spreading excavated material on ski runs with slopes less than 25% grade using a conveyor system. Of course, the applicant has realized that trucking is not feasible, as the neighborhood streets cannot handle the heavy truck traffic and has introduced this clear cutting and mound concept, which they are now also calling mitigation to reduce traffic. Quite a stretch in my opinion.

APPROVED

Codes are in place to protect the Park City community against a project like this. I ask the Planning Commission, please enforce the laws, codes and regulations. Thank you for an opportunity to address the Commission.

Chair Strachan: Thank you.

Nikki Deforge: Good evening. Nikki Deforge with Fabian VanCott here speaking on behalf of THINC, a non-profit group of hundreds of Park City residents and businesses. As the first step in this CUP process, Treasure Hill has the burden of demonstrating that it's proposed project complies with its Master Planned Development Approval. And it does not. In its most recent report, the Planning Staff has specifically identified a number of ways in which the applicant's current proposal falls short of what was required under the SPMP. We agree with Staff that each of these constitutes a deviation from the MPD approval and is grounds for denial of a CUP permit. Specifically, Staff is correct that the maximum approved support commercial was 19,000 square feet. The applicant is demanding twice that amount. The Staff is correct that the maximum approved accessory lobby space was 17,500 square feet; yet the applicant demands far in excess of that as well. And in addition to that, the circulation space that the Staff is saying was not addressed in the MPD, we agree, we believe was actually addressed in the MPD with the Woodruff drawings, which allow extrapolation of precisely how much circulation space was expected and approve. And the circulation space that we see now exceeds that considerably. Staff was also correct that the limits of disturbance must match the building area boundary, particularly given that everything outside of the building area boundary is zoned as recreation open space. Staff is also correct that the Woodruff drawings submitted and approved as an exhibit to the SPMP constitute the approved volumetrics for the project, and that Refinement 17.2 reflects a deviation from the approved volumetrics. Staff is also correct that the proposed excavation, as built heights, massing, scale, altered finished grade, site disturbance, compatibility, and plans for placement of fill are not consistent with the approved Master Plan.

In addition to these deviations that are expressly called out in the most recent Staff report, there are numerous other ways in which the current plans do not comply with what was approved in the SPMP, as has been

APPROVED

noted by both Staff and THINC in recent months. And we expect that Staff will include those in their final report.

In the interest of time I'll only briefly touch on some of these tonight and THINC will follow up with a more comprehensive treatment in writing.

The first is the building area boundary. The MPD approval established a building area boundary outside of which no permanent structures could be located. Refinement 17.2 shows new permanent cliffscapes and retaining walls located outside of that land now zoned as Recreation Open Space. No permanent structures can be located in Recreation Open Space land under the Land Management Code.

Second, drawing off-site traffic. The MPD approval requires that quote, all support commercial uses shall be oriented and provide convenience service to those residing within the project, and not designed to serve off-site or attract customers from other areas. The applicant has admitted in numerous places that as designed the project will draw quote, significant and even substantial off-site visitors to the commercial support spaces. It's traffic engineer has said so. Its attorneys have said so. And its plans clearly reflect that.

Third, tucked into the hillside. The MPD approval states with respect to the issue of visibility that quote, the tallest buildings have been tucked into Creole Gulch where topography combines with densely vegetated mountainside to reduce---to effective, to effectively reduce the buildings visibility. Yet the applicant's plans eliminate any possibility of a tuck into the existing hillside, and instead blast away the hillside and replace it with cliffscapes and retaining walls.

Fourth, setbacks. The MPD approval requires buildings to be set back from the adjacent road approximately 100 feet, with buildings sited considerably farther from the closest residence. The buildings as proposed will be no more than 20 feet from the road and much closer than 100 feet from the closest residence currently there.

Fifth, landscaping erosion control. The MPD approval requires quote, detailed landscaping plans and erosion control revegetation methodologies for minimizing site impacts at the time of conditional use review. As noted in the Staff report, none of these have been provided, even in the most recent last minute submissions. In fact, it directly states

APPROVED

on page 7 of the Constructability Assessment that was presented tonight, that construction protocols, revegetation, and final grading will be addressed at the building permit stage. That is not what the MPD requires.

Sixth, storm drainage. The MPD approval requires that quote, prior to any conditional use application, a utility plan addressing, among other things, storm drainage shall be prepared for and reviewed and approved by City Staff. In its recent submission, the applicant expressly states that the storm drainage plan will not be addressed until the building permit stage, which again, is directly contrary to the MPD approval.

Seventh, construction staging. The MPD approval requires that quote, at the time of conditional use review approval, individual projects or phases shall provide detailed construction staging plans. The applicant has never provided detailed construction staging plans as required. Only generalized, broad brushed statements and presentations utterly lacking in detail or measurable.

Eighth, construction traffic. The MPD approval directly states that for construction traffic quote, Empire Avenue and Lowell Avenue will be the main access routes to the Creole Gulch site. And then it goes on to address the relevant issues with respect to both roads in great detail. The City clearly anticipated, in connection with the MPD approval, that construction traffic would come up one street and go down the other, given the narrow width of these roads. But the applicant's plans now call for using only Lowell for construction traffic; effectively doubling the approved construction traffic for the road, and requiring construction vehicles to pass one another on a street not wide enough to accommodate them.

Ninth, reconstruction of Empire and Lowell. The MPD approval directly states that quote, Empire and Lowell south of Manor Way are and will be low volume residential streets with a pavement quality, width, and thickness that won't support that type of traffic. So, the MPD includes an express finding that the width of these roads could not handle the construction traffic as they then existed. The applicant was, therefore, invited to participate in reconstruction of these road, but declined to do so with respect to Empire. And now they want to send all of the construction traffic down Lowell alone, which the MP has already stated was not wide enough or thick enough to handle even half the traffic back then. Lowell

APPROVED

and Empire are currently the same width or narrower than they were at the time of the MPD approval. And Empire remains at the same thickness that was deemed insufficient to support the construction truck traffic for this project.

Tenth, snow removal. The MPD approval states quote, no additional snow removal will be required of the City, yet the central feature of the applicant's plans with respect to traffic on Lowell and the adjacent streets is a requirement for more frequent snow removal by the City.

Now, any one of these deviations is grounds for denial of the CUP permit for the project. Because the applicant has failed to overcome this first obstacle of demonstrating that its plans fully comply with the MPD approval, the Commissioner must deny its CUP application as a matter of law.

Let me say a few words about these last minute submissions by the applicant concerning constructability and excavation. Nothing in any of those materials impacts the Staff's conclusions that the lack---about the lack of MPD compliance. If anything, the submissions confirm those conclusions. For example, excavation volumes. As you've seen tonight, according to the applicant's Woodruff excavation volume quantity memo, the Woodruff drawings, which were incorporated as Exhibit 1 into the MPD approval contemplated only about 400,000 cubic yards of excavated material from the site. Yet, Refinement 17.2 contemplates over 800,000 cubic yards of excavated material. The proposed excavation is, therefore, double what was approved in the SPMP. This additional excavation is the result of the applicant attempting to circumvent the building height requirement, the limitation requirements, by digging its buildings far deeper into the ground than was ever contemplated by either the City or the applicant at the time of approval. And certainly deeper than what was represented to the City in the Woodruff drawings and approved, therefore, in the, in the MPD approval.

Another example is placement of fill. Obviously, double the excavation at least doubles the material that needs to be moved, which is now acknowledged by the applicant to be in excess of one million cubic yards, with a conservative swell factor of 28-35%. And by the way, there has been no documentation provided backing up that estimated swell factor. And the information that we have received is that this is extremely conservative and small based on the known swell factors for the type of

APPROVED

rock found on the site. Because such massive excavation was never contemplated or approved in the SPMP, the movement and placement of this much fill was never contemplated by anyone; much less approved in the MPD. To the contrary, the MPD expressly required that quote, all cut and fill shall be balanced and distributed on site with any waste material to be hauled over City specified routes. On site means within the building area boundary for the project. It does not mean the recreation open space mountainside that has been conveyed by the City---to the City by the applicant. And it most certainly cannot be construed to allow any, to allow any placement of this material on recreation open space owned by PCMR. That most certainly would not be considered on site.

The applicant has reversed the requirements of the MPD approval entirely, proposing to keep only about 60,000 cubic yards of fill on site, with all of the rest dumped over in excess of 16 acres of open space owned by the City and PCMR. Yet, the MPD expressly provides the mountain open space must be preserved substantially intact and pristine. We, therefore, respectfully disagree with the Staff's conclusion in its recent report that it might somehow be permissible under limited circumstances for the applicant to place any excavated material in this recreation open space land for any purpose. Again, this would be directly contrary to the provisions of the MPD, and is also inconsistence with the Staff's conclusions that the limits of disturbance must match the building area boundary. By definition, no construction activity can take place outside of the limits of disturbance. Therefore, no dumping of fill, regrading of slopes, or construction of roads for that purpose can take place outside of the limits of disturbance, and surely not on Recreation Open Space Zoned land.

As noted by the Staff, the applicant's current plans would dramatically and permanently transform the topography of the hillside and the ridgeline of the mountain. It would fill in Creole Gulch with over one million cubic yards of excavated materials, approximately 65 feet deep. This is no mere regrading of a ski slope. This will, by all accounts, fill in the valley as they said tonight, with virtually all of the place, the fill placement. That fill placement is primarily going into Creole Gulch. It is not being used to regrade existing ski slopes. And these plans do not remotely preserve the pristine mountainside and, therefore, do not comply with the MPD approval.

APPROVED

Although the applicant relies on the open space conveyance deed in support of its right to use the land for this purpose, the deed does nothing of the sort. The deed does not and cannot expand any rights granted or any restrictions contacted in the Master Planned Development approval. The deed does nothing more than reserve whatever rights that the applicant might have had to use the open space land that were expressly granted in the MPD approval. And the deed says precisely that. Because the MPD approval says nothing about placing any materials on that land, and in fact, doing so is contrary to the provisions of the MPD, the deed has no bearing on any right or ability to do that.

Again, keep in mind that everything discussed so far goes to this first issue of whether the applicant's current plans comply with the provisions of the MPD approval, as they must.

As the second step in the CUP process, the applicant must still propose a mitigation plan that sufficiently addresses the tremendous impact of this project on this historic neighborhood. And all of these issues of MPD compliance also go to the impacts under each of these CUP criteria.

The applicant has failed at every turn to identify specifically what it proposes to do to mitigate the substantial impact of its project on virtually every one of these, these 15 CUP criteria. It's latest submissions merely continue this pattern. Just take a look at the so-called Constructability Assessment. After projecting 600 days of blasting, and excavation of nearly 1 million cubic yards of material, and eight years of continuous construction, with hundreds of heavy construction vehicles daily, the applicant provides only a handful of one sentence bullet points as its construction mitigation plan. These bullet points include such soft and fluffy statements, as Commissioner Joyce like to say, as these: Traffic control meetings will be held regularly. A project website will be maintained. Initial construction staging will be established and internalized to the extent practical, and as soon as possible, inside the parking structures. Fencing, screening, and berms will be installed and proactive revegetation will occur. When? What? Where? Revegetation will be scheduled to occur as soon as practical. Construction work hours will be reduced during busy holiday periods and special events. Again, reduced to what? Measureable. How? Significant off-site parking for employees and shuttles to the project will be provided. Significant meaning what? Apparently, not all or even most. Just significant as

APPROVED

determined by the applicant and not measurable by the City. And having no accountability. And how many shuttles? When, where, for whom?

None of this detail has ever been provided, even though it was required to be provided at the conditional use stage. And without this detail, quite frankly, the job of the Planning Commission to evaluate the impacts and the potential mitigation under these CUP criteria is virtually impossible. And this is something that the Planning Commission can't simply guess at in the absence of actual data that has not been provided, because the, the stakes are simply too large and the failures would be too catastrophic to these neighborhoods.

The reality is that given the tremendous impacts of this project on Historic Old Town and its residential streets and neighborhoods, no amount of mitigation will truly mitigate these impacts. And that is the reason for the half-hearted attempt by the applicant to propose any measureable mitigation efforts with any detail. At the end of the day, whatever they propose will be facially insufficient because the impacts cannot be reasonably mitigated. The CUP application must be denied. Thank you.

Chair Strachan: Thank you. All right. Let's take a quick break since we've reached the 7:30 mark. And we'll continue with the public comment after that. We'll take ten minutes.

Break

Chair Strachan: Call the meeting back to order. If everybody could take their seat, we'll get rolling again. I know we have quite a bit of public comment we need to get through. And we'll just keep going.

All right. Calling the November 29th Planning Commission meeting to order. Public comment is still open, so we will continue with doing that. Anyone from the public wishing to speak, please come forward, sign in, and provide your name, please.

Neals Vernagaard: My name is Neals Vernagaard. I live at 222 Lowell Avenue. [Inaudible]. I've signed in but I thought it would be easier to get [inaudible] if I run the slide show from here.

APPROVED

Chair Strachan: Sure.

Neals Vernagaard: If I can figure out [inaudible]. First, before I get started, I wanted to thank the Commission. We've been at this, you've been at this for, for 18 months, and it's clear that you've listened not only to the applicant, but to the public. And as a Park City resident, well, thank you for your public duty and I appreciate that.

Chairman, 18 months ago you suggested to the public that we cannot just show up and say we don't like this project, make it go away. That you needed facts. You needed figures. And you needed them related to the Land Management Code and to the CUP. As the Treasurer of THINC, I can tell facts are expensive things. But nevertheless, we have gone out and, and, and provided the Commission with facts that we don't think are indisputable. And in that regard, I'd like to thank all of those people for not only their time and their expertise, but they're money, so that we could get you what you wanted.

Now, the applicant's lawyer has told us that we're---what's the word he used?

Chair Strachan: Without waiving the attorney client privilege, are you going to tell us what she told you not to say and then say it?

Neals Vernagaard: No, no, no. I think we were described as the clamoring public.

Chair Strachan: Oh, the applicant's lawyer. Sorry.

Neals Vernagaard: Yeah, the applicant's lawyer.

Chair Strachan: Sorry, sorry, I thought you meant your own lawyer.

APPROVED

Neals
Vernagaard: Oh, no. No, no. And, but let me just say, if THINC is the definition of a clamoring public, then that's a badge I'm proud to wear. So, thank you.

So, into my presentation. You all have seen these, these slides and what, what's on them. But for the public, this is really what we're talking about. This is a conditional use review process. And, you know, it really starts out under the standards for review. You know, that the City shall not issue a conditional use permit unless the Planning Commission concludes that two---and I'll just go to that to create, to save some time. The use will be compatible with surrounding structures in use, scale, mass and circulation. It's plain English. Use. They want a hotel up there. The surrounding area is residential. Scale and mass we'll get to. They, the, the applicant obviously gets to mitigate the, the issues. We don't think they've mitigated any. Nikki has described that very carefully. And, of course, the applicant thinks they've mitigated everything.

As you debate this over the next couple of weeks, I ask you to go up to the site. Go stand in my driveway. If you can't, here's a picture of the driveway. What you're looking at is this part here is the Creole adit. It's about 50 feet from my house. And above that up in the trees is the Creole Gulch, the ski run. Right here is going to be one of the main entrances to the, to the hotel. So they literally have to start tunneling into this ground right in front of my driveway.

Let's go to a few of the CUPs. Traffic considerations, including capacity of the existing streets in the area. We have shown through extensive photographic evidence these facts. And I'm not going to go back through that entire presentation that I gave you. Here's just some samples of Lowell, Empire and 8th Street; the streets that will be mostly impacted. But if you have a chance, go back through what I presented to you.

We've also shown through facts, through Avenue Consultants, that these roads will not be able to handle the excess capacity that will be generated. We have shown that the roads will be over capacity.

Now, let's go to number 4; emergency vehicle access. The applicant has shown that you can get an ambulance and a fire truck up there? What they have not shown, and they cannot show, is timeliness of emergency vehicle access. And why is that important? Let me just give you a couple of examples. Say somebody has a heart attack. The best time to treat a

APPROVED

heart attack is within one to two hours of the first onset of symptoms. Waiting longer increases your damage to your heart and reduces your chance of survival. When most people have a heart attack it's not bam, fall down, your dead. It's you've got a little indigestion. You're just not quite feeling right. You have a bit of a pain in your arm. For women, it might be a pain in the jaw or things. You don't know you've had a heart attack. You've been skiing, you might feel you're just tired. The clock is ticking, ticking, ticking. That hour is being reduced. Now they call an ambulance and they've got to get the ambulance up through this traffic. Okay. The same thing with a stroke. Fortunately, for the applicant we have a certified stroke treatment center at the Park City hospital, and the timeliness of, of strokes is longer than, than a heart attack. But nevertheless, when you have a stroke it's usually a patient will wake up with it. They'll be slurring. Their wife or, or spouse will notice that. And that time clock has already been ticking before they can go for thrombolytic therapy.

So those are just two examples of timeliness of care. I mean, what about somebody falling down the stairs in the hotel and knocking their head. One of the cooks slicing one of their fingers. On and on and on. Timeliness of care is critical. This CUP is not only not met, it's, it's just downright dangerous. You know, I showed earlier in one of those slides that, you know, the post office doesn't even deliver mail on these streets because they're considered to be substandard roads. You know, I'll let the lawyers, and there's plenty of lawyers in here, debate whether this exceeds the standard of gross negligence. But I would suggest a plaintiff's attorney would have a field day with it.

Public safety considerations. The First Department response. My neighbor's house last winter caught on fire. It was only a chimney fire and the fire department actually did a good job getting up there with, with one of their trucks to get it out. I do not know the time frame between the time that they called to the time the fire truck showed up, but as Arnie Rusten commented after that, the trucks had to back all the way down the streets to get out of there. They could not turn around. They had to back out.

Now we're going to put a million square foot resort up on this hill. What happens if there is a major fire, a major catastrophe, and you need five, ten ambulances and fire trucks up there. Isn't going to happen. I mean, common sense. Those pictures will show you. The roads size will show you. These are one-lane roads. This is a dangerous situation.

APPROVED

Now, let's talk about fencing, screening, landscaping to separate the use from adjoining uses. Here's a typical Park City construction fence. Just keep that in mind as we go to the next CUPs. I've combined 8 and 11; The physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailings. You've seen, you saw these pictures. I thought they were, they were great. We'll go to the one that's a little bit more blown up. I did think it was comical seeing my sign. This is my, my driveway right here. I did think it was comical seeing my sign in the video. But I noticed they photo-shopped it out for this one. But anyway.

Do you remember that, that fence? How is that fence going to do anything around this project? Are they planning on putting a fence up that's 14 stories high? Here, by the way, is the entrance, that tunnel that I talked about, that will go in there. And then, under the case of a picture's worth a thousand words. Scale, mass, size. That's my house. Enough said.

Now let's go to number 12; noise, vibration, odors, steam, and other mechanical factors that might affect people and property off-site. Arnie Rusten provided this picture of the truck. I added a few extra details on it. Notice that for the operator sitting in the cab with the windows rolled up, they will face a 76 decibel rating in there; and that hearing protection may be needed when operating with the windows open. Remember that, and remember the 76.

Let's talk about blasting. This is in Eagle Mountain. You can see the houses in the foreground and the blasting going across the street. KSL news had a little blurb about that, so let's take a listen. [plays KSL news report.]

A little technical glitch on the rest, on that, and I apologize. I did send, I did send you that video link and I hope you do take a look at it, because when the applicant says oh, it's just a little dynamite, it won't be bothersome, you can just see from the evidence of what this is like in another neighborhood.

And I thought this was a little comical. This is what Eagle Mountain does to alert the neighborhood on, on blasting. They send out tweets. So, I guess, you know, in, in Park City should this project go through and this

APPROVED

blasting occur, that not only will we have the 10 o'clock whistle, we'll have the 3 o'clock blasting. Can't wait to see what our tourists and business owners think of that.

Now, going back to this noise pollution zones, that 76 decibels. Again, I appreciate Arnie Rusten putting this together. Look at the key on the left. You got 60 decibels, which is intrusive. That's outside the 65 decibel green line that you see on the, on the chart. So it's basically covering the entire town of Park City. This 70 decibel, which is near the, the blue line, that's like freeway traffic. Difficulty using your telephone. 80 decibels which is near the red line and covers a lot of the houses near that is like having an alarm clock two feet from your head. Really? And at 90 decibels, which is probably the outside noise level of the trucks that we saw, can cause hearing damage within eight hours. How long do we have to put up with that? One estimate is 4.8 years.

Now, let's talk about number 15; within the adjoining site impacts on environmentally sensitive land, slope retention, and appropriateness of the proposed structure to the topography of the site. In the Salt Lake Magazine there was a lengthy article. I hope you have a chance to read it sometime. It was back in December of last year. Here's a few quotes from it. Steve Swanson, who's here, talks about the, the soil is likely contaminated with bio-available lead and would contain---and would become airborne if disturbed. People are concerned for obvious reasons. And if you go back to the picture from my driveway, the Creole Gulch, the Creole Mine adit is within 100 feet of my front door. Now, of course, the applicant just says, well, that's just fearmongering. But, you know, when you're afraid of something that not fearmongering. Fearmongering is when you know it's not right and you spread it anyway. This is not fearmongering. This is real fear.

Let's talk about the crushed rock disposal zone. There was a discussion about what, what's crushed rock. Well, it seems like rock gets crushed whether it's dynamited or crushed with a bulldozer or through other means. So any of this rock is going to be crushed in one way or manner. When this was put together, we thought the average fill thickness was going to be about 30', but apparently tonight we learned it's going to be up to 65 feet deep in the, in the---along the Creole run. And here's the Creole ski run.

APPROVED

Now, as a reminder, the Wasatch Fault runs along Wasatch Boulevard just on the other side of the mountains here. It's an active fault line. We've had earthquakes while I've been living here, and potentially could have a, a major earthquake. Crushed rock is like marbles when you put it up on the side of the hill. When that shakes, what do you think is going to happen? It's all rolling right down that, that Creole ski run. Just yip-, yippee, I'm going skiing. And here's Old Town. That's all just rolling right into Old Town. On this particular one I, I do know what gross negligence is. You put gravel up on a ski run, shake it, it's coming down the hill. And nobody's ever going to be able to tell me that that's not the case. And it is just common sense. Here's the Creole ski run. Walk up on it, you can see it's a, it's a fairly steep run. Here's another picture of it. And here's my house.

As far as the applicant saying, well, that's just fearmongering. As Arnie Rusten has shown, it's happened before when they piled rubble up on a, on a ski run at the Hyak ski area in Washington. And they had a landslide and it slid into people's houses. This is not fearmongering. This is real fear. And again, here's the, the---another picture.

So let me just close by saying that we have shown over and over again through legal facts, through photographic facts, through statistical facts, and through common sense that the applicant has not met the burden of proof to be able to build this. They have said they cannot build the, the Woodruff plans because of all the things that are wrong with that. I would suggest that you send them back to the drawing board. Send them back with the idea that, that they should work with the neighborhood to, to come up with a win/win scenario. Send them back with the idea that they should work with Park City to come up with a win/win scenario. Send them back with something that's additive to this community we all love. You know, every one of us in this community is, is just lucky to live in our little slice of paradise. Every day I wake up and think what a great place to live. Please do not let one family and one faceless New Yorker ruin it for the rest of us. Thank you very much.

Chair Strachan: Thank you.

Brian Van Hecke: Okay. I'm Brian Van Hecke and---with THINC. And let me first just say thank you to Arnie and his incredible insights and due diligence; and just

APPROVED

basically say I concur. Nobody envision, nor was it ever allowed to destruct thousands of trees for the sake of a building, and the devastation of an entire mountainside. That was never part of the plan, never part of the deal. And I think Arnie clearly showed that tonight again.

I first attended---I attended my first Planning Commission meeting back in 2009 pertaining to, to Treasure Hill. Didn't know anything about it. Not many people in town even did know anything about it. That's why I went. I had no opinion about it at that time, but I thought it was probably something important, it seemed pretty big, so I attended. And there was a couple people in the meeting, that was it, so I founded THINC. I decided initially just wanted people to find out about---that this was going to happen; that this may happen. That this was something that was being discussed. And wanted to first create awareness and then very quickly decided that this was not something that would be in the best interest of Park City. I'm proud to say, since then we have hundreds of people who have signed up to join THINC. Hundreds of people who follow us on Facebook. These are all Park City residents, concerned citizens. And also, would like to thank our hundreds of donors who have helped contribute to our, to our cause to help stop Treasure Hill from happening.

I'd like to thank the Planning Commission and Francisco for their incredible amount of due diligence and consideration of our thoughts. I, I certainly fully agree with Nikki, our Counsel, and sincerely hope we do the right thing here, and protect and preserve all that is Park City and the historical integrity of Old Town. Thank you.

Chair Strachan: Thank you.

Kyra Parkhurst: Hello. I am Kyra Parkhurst. And before I give my presentation, a neighbor asked that I present something to you. Her name is Terry Laroe and she lives on Upper Norfolk by the 3-house subdivision that's currently being constructed. She writes, "You are absolutely correct to feel that Treasure will be a runaway train. The project up here has violated so many items required by the planning documents; parking, delivering, staging areas, vehicles backing up and down Norfolk. Our experience has been that the City has done a poor job of managing this three-house subdivision and supervising to be sure they are in compliance with

APPROVED

planning requirements. It's one thing for the Planning Department to require things on paper; it's another thing altogether to enforce it. The construction crews have taken many liberties using my property, my driveway, even my water spigot; which broke a pipe and flooded my home. I have been doing nothing but dealing with this since October. Too much for me to handle so I had to hire attorneys. I'm working with Scott DuBois. They have been in contact with the City about the many problems I've encountered. I'm here. I will do my best to attend, but I badly need a break from all this and may go visit family. I'm afraid to leave, though. I feel I need eyes on the project."

The project on Upper Norfolk is 1% of the size of Treasure. It's not the citizen's responsibility to monitor developers and subcontractors to keep them compliant. It is the City's responsibility. What is the plan to ensure that all aspects of Treasure will be compliant? How many more employees will we have to hire to do so? This is especially hard when we are given such vague terms; such as we hope to, we endeavor to be compliant, we will monitor, we will route traffic elsewhere. If the inability to keep contractors compliant affects the lives of community members, causing severe frustration and invasion of their property, this cannot be ignored.

Oh, and here, she wanted me to give that to you.

So now first, this doesn't have to be on the record. I'd sincerely like to thank both the present Planning Commission, members of all the prior Commissions, and Francisco for all the time and effort he has spent on this project. You're to be commended. I thank you for listening to both my facts, my opinion, and my emotions. I feel I have brought important points to the table in the past, but I must apologize for times I came to this podium with my mind so jumbled with facts, figures, and vague ideas, that my off-the-cuff comments were not presented in a clear, concise, or composed manner. So thank you for your patience. Public speaking is definitely not one of my strong points, but I continue on because the impact of this project to the private and business community is critical. I gladly stand up and embarrass myself for that cause.

So, now that's out of the way, I'd like to make my last presentation. Clearly, the emotions and frustrations that Terry mentioned in her comments are real. Is the solution just move out of Old Town if you do not like it? I don't think so. My main concern on this project has always

APPROVED

been the safety of the pedestrians. Residents and occupants of the homes on Lowell and Empire must use the roadways to access the resort base, the library, Park Avenue, Main Street, the grocery store, concerts, the City Park, to walk our dogs, to push our baby carriages, to throw a ball with our kids, and to ski back down to our homes at the end of the day. We have no sidewalks. The streets are our only means of access and must be shared with every single construction vehicle. That is a fact.

So if you want facts and numbers, here are a few that have yet to be presented. We presented a video in the past showing the pedestrian use of the streets, but yet I was starting to wonder what actual numbers of people are we talking about. So, Francisco, could you put up the first slide?

So I went and I did a count of---oh, do you guys need these? Do they, do they have that on their screens or not?

Planner Astorga: Yeah, they have it.

Kyra Parkhurst: Yeah? Okay. Cool. I didn't know if it was up there. So I went and did a count of all the single-family homes on Lowell, all the condos, the Sweetwater condos, the Bamberger projects. I called different management companies to say, okay, how many occupants does an average three/four-bedroom home have in the winter time. So I applied those figures to get number of occupants that would be in the, in the homes. So for instance, the uphill side on Lowell has 34 3-5 bedroom units. If you figure six is in each, three's a potential 204 pedestrians. The Bamberger project will bring another 204.

So, then I did the same for the downhill side. Then I went into Park City Resort and asked them how many employees do they have check into their main street that have to cross directly across Lowell, which is the main access way. They have approximately 331 people at the beginning, at the end of the day have to cross Lowell in order to get to work. I did the same thing for Empire. And I came up with there are approximately 2091 people who will use Lowell and Empire at some time during the year. Now I'm certainly not saying that everyone is going to be there all at the same time. But times like Christmas, Sundance, the chance of occupancy

APPROVED

at 75% is pretty high. And at the end of the day, someone from each of these homes will be on the road at some point in time.

And also one other note. When I spoke to Park City they said they also have a severe blind spot for both pedestrians and drivers on Manor Way, that the driver's coming down Lowell and turning on to Manor cannot see the street from the location of the existing stop sign. And there's also a large electronic mechanical box that blocks their view. So not until they pull out can you see.

They also indicated they would like a railing installed on the sidewalks on the corner because they have a lot of employees in their ski boots who have slipped into the street. So you can take that slide down now.

Mr. Ferrin has instructed you to ignore the emotions of the public speakers, meaning us, and stick to the facts, figures, and details. However, Mr. Ferrin did not give us advice on how are we to handle the emotions that the facts and figures produce. The tourism industry will suffer because visitors will be so upset over the traffic delays and inability to navigate town, so they will go to another Vail property. The decrease in tourism will be caused by an emotion, not a fact or figure. As tourist numbers decrease, as tourists stay away from Old Town area because of the frustration of the congestion, the business community will suffer financially. This will be attributed to an emotion, not a fact or figure.

As explosives are used and are toxic, causing illness. The noise is disturbing. The shaking of the ground is unsettling. The blasts can trigger post-traumatic stress disorder. These are emotional issues that are real and felt; not a slide show presentation. Should the emotions of illness not be considered? Our water system has a great chance of being affected due to the Spiro water supply being endangered. Should the cost to the City and the possible hazards to the community health not be considered as it is not a fact or a figure? And last, should the traumatic emotion of a parent whose child has been hit or killed while running into the street to chase a ball not be listened to because it is not a fact or a figure?

So I ask the Planning Commission to also consider the emotional side of the Treasure project. The applicant does not want you to listen to the emotions that stem from their numbers, charts, and figures because it is what represents the consequences of the project. And those cannot be mitigated.

APPROVED

I leave you with one last slide. Francisco, the departures. So I was flying out yesterday. I took a break from all this and was reading my departures magazine, which is a magazine for affluent travels. And they happen to be gearing into the New York citizens and people and travelers. And I wondered---I was flipping through it, and you might ask, how does this pertain to Treasure. Could you go to the [inaudible]? Well, in this magazine is a full-page ad that Visit Park City put on calling Park Splendor. And yes, that is Treasure Hill. So tell me, are they not selling an emotion? What will they sell when this is what our City becomes. Could you do the next three? And the next one. And the last one.

Thank you very much. I really do appreciate all your time and energy in listening to me over the years. Thank you.

Chair Strachan: Thank you.

Dana Williams: Good evening, guys. My name's Dana Williams. And I apologize, the last several months I've had something else to do and, and at the behest of the City have stayed out of dealing with Treasure Hill. And needless to say, a couple weeks ago that ended and so I welcome, welcome myself back here. While licking my wounds in Mexico the last couple of weeks, one of the things I did get to do was go back through each of the conditional use permit applications here to try to see if in my mind and my experience they, they fit the criteria. The only one that even came close because it was so subjective, and I'm not saying anyone's right, was the CUP on traffic that it basically says you have to mitigate this. It didn't have the same criteria that the other CUPs had.

So we have a project that was approved in the '80s for four-story buildings that were stair stepped up the hillside. And I realize that the vein of my existence for the last 15 years has been back of house. I hate that term. It's the most nebulous crap I've, I have ever heard of. And what we've seen is that on one side the developer is able to use that to justify hundreds of thousands of square feet, which Steve, you alluded to earlier and I completely agree to. And two, because it's not defined, I'm not sure

APPROVED

that you get it. And that's been the basis for the argument of a lot of the square footage here.

So, rather than go through all of those, because you guys are infinitely more understanding of each CUP than I, and so much has been said already, just a couple of points.

Francisco, is the comparisons part of your report tonight, when you were making the comparison with the Montage, you forgot the 2800 acres of permanently deed restricted property that came as part of that trade, which is all of former PCMR property. And I think that's pretty germane to the discussion.

And the second part, I'd like to stick to what we spoke about tonight. And with all due respect to my friend here that is my coffee companion, dirt is something that is dust or mud. And dirt is something that when it's on you it's dirt. The rest of the time it's soil. Soil, soil in this area ranges typically from 1-inch to about 6-inches. The concept of 25 to 30 feet of dirt anywhere in this area is absolutely geologically impossible. There are a few places in the world, Flathead Valley being one of them, that has 30' of soil or, or dirt. So the concept is that, no this rock. And this is fractured rock that---what you were alluding to, and I agree with 100%.

One of the things that we've seen with the amount of overburden on this property and the fracturing of rock is the potential of both water loading and soil loading of heavy metals. That alone---and there was a slide earlier saying we've moved hundreds of millions of tons of material with no problems. Well, that's actually not true. And, and a lot of the material we moved was going to repositories. So, I, I am very concerned about the concept of regrading in a naturally occurring manner seems kind of ludicrous to me. And especially when it can be dozens of feet deep.

The, the other point that I would like to make is the revegetation concept. From where the Town Lift is now, if you're looking at that 41 acres who was---that's been disturbed, that's clear cutting. So we are looking at actually losing that whole face there. And that would be a 30 to 45-year rehabilitation project.

So needless to say, I don't think they have met the criteria on any of the CUPs. And I would strongly urge you to deny this project. Thanks.

APPROVED

Chair Strachan: Thank you.

John Plunkett: Hi, I'm John Plunkett. My wife, Barbara and I have lived here in the historic District for about 25, 26 years. A lot of my concerns have been touched on tonight so I think I'll skip over those.

But, you know, we read the current Staff report and want to thank the Planning Department for taking this sort of, to me a first important step to, to document the many ways that this application failed to meet the requirements of the MPD. But now as others have talked about tonight, it seems the next step is, is to focus in much greater detail on the CUP requirements; the current requirements.

In some of these hearings I get the impression from the applicant that what they're trying to tell us is times have changed, and they shouldn't really be held to that 1985 MPD. Well, in fact, the MPD anticipated this with the requirement that the MPD approval must also meet the future CUP requirements. But this cuts both ways. I think the applicant has viewed this as a, as meaning how much bigger can we grow from 1985. I actually think if you look at the current CUP, it would lead you to conclude that the whole project has to get much smaller than was approved in 1985.

So, I won't go through the CUP points on this, other than one that I think has been missed recently. Let me just dig it out here. So the, the CUP review process states that the Planning Commission must conclude a number of things. And point 3 to me is the most important. The Planning Commission must conclude that the use is consistent with the Park City General Plan. I think a reading of that General Plan---and it's the 1997 General Plan that would, would related to this 2004 application. Here's some relevant excerpts from that General Plan. The Plan itself is quite dense. These are just a few items. But in the Overview Section, Part 2, Park City Direction, the first goal is to preserve the mountain resort and historic character of Park City. And it goes on to say, "New development should be modest in scale. New structures should blend in with the landscape". That's goal one. Goal five is to maintain the unique identity of our historic community. "The downtown should maintain its historic character marked by pedestrian friendly buildings of modest scale and modest height". Goal 10 states that Park City needs to develop and

APPROVED

integrated transportation system. And then it goes into detail by saying, "The City should not consider proposed transportation mitigation techniques that decrease existing environmental quality, or the quality of life of residents and visitors".

Lastly, State, Utah State law states the following in their Section 10-9a-406, that public uses need to conform to the General Plan. And it goes on to say, "After the legislative body has adopted a General Plan, no street or other public way may be constructed or authorized unless and until it conforms to the current General Plan".

So, to summarize. You know, we, we believe that the 1985 MPD is too large above ground and too tall to meet the requirements of the Park City CUP and the General Plan. Therefore, we request, respectfully, that the Planning Commission deny the application for its failure to meet so many critical requirements of not only the 1985 MPD but also the CUP and General Plan in effect in 2004.

Thank you very much.

Chair Strachan: Thank you.

Rob Horacek: 1415 Park Avenue. Do I need to sign in.

Chair Strachan: Yeah, you do.

Planner Astorga: Someone took the sign-in sheet.

Chair Strachan: You can go ahead. And I'll remind you to sign in afterward if you want.

Rob Horacek: I'm against this project based on its increased scope compared with the original approved proposal, as well as the project in whole being in contradiction with high level values and goals our town has set for itself.

APPROVED

Taken from the official Park City values, goals, priorities and long term strategic plan documents, the vision states, Keep Park City Park City; with the four main tenants being sense of community, natural setting, small town, and historic character. Asking questions for quality of life impacts, such as how will any proposed activity make Park City Park City, and environmental impact such as how will any proposed activity demonstrate responsible environmental stewardship.

The City Council critical priorities are listed as affordable housing, congestion reduction, and energy conservation. In this official document, it states that if we don't get these critical priorities right, it could have a significant negative impact to our community. Additional top priorities include affordability, environmental health, conservation, historic preservation, and open spaces. This project does not advance any of these goals for our community. In fact, it is in direct opposition to them.

As far as actual items for the conditional use permit; however, the project does not comply with Land Management Code criteria for a variety of reasons. These have been discussed at length so I will just highlight a few concerns.

Regarding emergency vehicle access. I realize that when a fireman's asked they say they will do whatever is necessary to get to a fire or emergency situation. However, this should not be our go in plan. We should create a scenario that, under normal conditions, emergency vehicles can respond in the timeliest manner without unnecessary obstructions. If unusual circumstances are present; for instance, a blizzard, an illegally parked car, etc., then they will do whatever is necessary to get through. But we should not plan on that attitude being necessary on a day to day basis.

Regarding traffic. We have seen numerous traffic studies in these discussions. The majority of the traffic studies done have been paid for by the applicant, so, of course, being their client, will show the best case situation in the applicant's interest. At a higher gut level, anyone who lives in Old Town knows that roads like Lowell are not meant to carry high traffic loads required for conflicts of this size.

Regarding water and soil contamination. In the engineering world that I come from, we refer to things as known unknowns, and unknown unknowns. Any study on toxic soils and water contamination only looks at

APPROVED

the known, unknown side of this. My concern here is about the unknown unknowns. We all know much of Park City has contaminated soil, and we're discussing disrupting a huge amount of earth right at the heart of this historic mining operations and in a water protection zone. There's no way this size of excavation can be done without further contaminating water supplies and other adverse side effects of moving around large amounts of toxic soils. Especially with the increase and amount of excavation recently, this again show the current plan not in line with the original approval.

Regarding land use and zoning. Any project approval, small or large, needs to meet zoning requirements. The vast majority of land in the proposed areas designated as recreational use, the proposal now includes mulching all the trees in this land and creating a full construction zone filling it with dump trucks. These are not recreational activities.

Regarding overall size. The current project proposal is much larger than the original project approval in terms of square footage, building height, and amount of excavation. We've all seen the numbers as presented previously. This itself is enough basis to deny the project approval, as it does not stay even close to what was originally approved.

In conclusion, we as residents of Park City do not want this project. It benefits one family at the expense of the rest of the members of our community. It does not move our town in the direction of our guiding values and development goals. It moves us away from them in the largest scale possible. I urge the members of the Planning Commission to deny this application, as it does not comply with the Land Management Code criteria in the original Master Plan approval.

Thank you.

Chair Strachan: Thank you. All right. Okay.

John Stafsholt: Sorry to be slow here. John Stafsholt, 633 Woodside. Believe it or not, we pretty much spread things out so we've covered a lot of things. I'm not going to cover what everybody else has said, so that should make everyone happy.

APPROVED

I'm here to represent THINC. And I want to make a few points that are historical, that are key. You've seen them before, but still. Treasure Hill is in historic Old Town Park City. I'm going to try and use this mouse to point things out. This is the original Park City Planning Department Staff report from 12/18/85. The key point I'm just going to put out is that the hillside properties that we're discussing here have 123 acres. Zoned HR-1 was 15 of those acres, and Estate was 108. So almost all the hillside density that we're talking about today comes from the 15 acres of HR-1 zoned properties. And this is something I talked to Francisco about. On page 95, the first page of his Staff report, he mentions just Estate. And its HR-1 and Estate, and that's a key point.

So this is Park City circa 1985. Some of us would all like to go back to that time, but anyway. If you can see that pointer, I'm drawing, trying to draw a line from Upper Norfolk here down to Norfolk here. So the line is right above all the houses here on Upper Woodside. That was a platted street on Norfolk. And that area here is where most all of the density comes from, which is HR-1 zoning that was put into the Master Planned Development.

So this is Treasure Hill again, circa 1985. Those of you who know Old Town you can see here Lowell Avenue looks a little bit different. Very few houses. Same for Empire. More houses, but still traffic doesn't look like it would be a problem back then. This shows better the line where I was saying where Upper Norfolk would be continued through here where the density came. You can see Upper Woodside. The lower side of the street is pretty much not built either. You can also look down---if you can follow this ski lift down here, this is the Town Lift Plaza. Okay. So, none of this stuff was built out. No Caledonia, none of this area in here.

Just---that was a bit of a way back machine that I just went in. But there's a reason. The reason is, in the '85 report, talking about scale, it's key. It says located within the Historic District. When you hear the applicant's talk they say above the Historic District, adjacent to the Historic District. No, it's located within the Historic District. And it's important for the project design to be compatible with the scale already established. It's a requirement. Okay. So accommodating the development of the property while being mindful of and sensitive to the surrounding neighborhood. I don't think anybody here could think that that's the case in this current project.

APPROVED

One key point is, the Historic District Design Guidelines, the Land Management Code, which some people have brought up, and some people have brought up the General Plan today, all three of those things govern this project. And the most restrictive is the one that rules.

So here's an example. This is the 1983 Land Management Code. The project, this version of the project is 2004 Land Management, but this pre-dates the MPD. This is how they came up with the MPD. The key point here, I have boxes, HR-1 zone. Okay. In the HR-1 zone you see these stars, okay? The stars mean prohibited uses. Okay? Hotel, motel, and boarding house with 16 rooms or more; less than 16 rooms. They're all prohibited in the HR-1 zone. Okay. In the Estate zone, which was a historic zone, there's conditional with a 1. The 1 means the only way you can get these is with a Master Planned Development. So any hotel/motel type use had to be in the Estate Zone. And that's how it was in the beginning. But that isn't how it is now. Okay? That's a critical point.

Now, to prove this point I went back in the way back machine again, and got an old document, just took the critical part of it. And you'll see here, the date. Hopefully, you can see it, August 2nd, 1995. Okay. This isn't apples and oranges. This is the Creole and Mid-Station Sites Sweeney Master Plan from August of 1995. If you go to the bottom left and you see open space, height, square feet commercial, square feet residential, you'll see that the current plan that was there before this plan had 95---109 acres of open space. That stayed the same. Maximum height was 95. It was cut down to 35', or 63% reduction. The net square foot of commercial, as we've talked about this many times, 19,000 is the maximum. They actually, the Sweeney's actually lowered it to 10,000. A 47% reduction. Square foot residential from 394,000 to 266,000. That's huge deductions back then going---because they listened to the public and to the Planning Department and the Planning Commission back in the late '80s early '90s, and made the project smaller. Okay. You look up under the site data, there's 44 single-family homes. I only have a little picture here at the top, but you can see these are dead-end cul-de-sacs. They're set up for lots for single-family homes. The average size of the home is 2200 square feet. Okay. And then the residential was 85 units. Wouldn't this be a lot nicer project than what we're dealing with now. And lots of people I've talked to in Old Town who bought their houses, their real estate agents never told them about Treasure. And they freak out like oh, this is going to ruin my property value. I'm not one of those guys. I do my due diligence. In 1994 I bought my house. I went to Pat's house

APPROVED

and he was gracious. Had me in, showed me these plans. I picked out the lot I was going to buy if I was going to move out of my house on Upper Woodside because of this project. It was a single-family project in the Mid-Station site in '95. Okay. So they were working with the City making it smaller. If you read the concept right here, "Replacing height with less height. Replacing density with less density. Creating compatibility with the Historic District". That was then, this is now. Okay.

So, Treasure Hill current. You can see it's much more dense than it used to be, but you also don't see anything there. Treasure Hill future. Is that our future? Does that match anything that was talked about in '85. We all know it doesn't. Okay?

To get back to this again from the 1985 report, at the time of project review and approval, all buildings shall be reviewed for conformance with the Historic District Design Guidelines and architectural related requirements. There is no way that this---look at this---can possibly, anybody can possibly believe that this conforms to the Historic District Design Guidelines. And yet it's a requirement. And we've been spending our time for eight years now at least dealing with this, when there no way that this can pass. Anybody can look at this and make that decision pretty quick.

So, I'm not going to go through all this, but I could sit here and if I spent days, literally, I could come up with hundreds of reasons to deny this project. And not one reason that stands up to the scrutiny to approve it. If you really look deep, it's all smoke and mirrors. Just like using the Cabriolet to mitigate traffic when they're building the project.

Bottom line at the bottom. None of the 15 CUP criteria can be mitigated with this plan that's here. And I think we all know that. So what happened between '95 and now, what we're dealing with? Was there a change of intent by the applicants and the Sweeney's? I don't know. But there was a letter of intent between Park City Municipal Corporation and the, and the developers, the Sweeney's, in September 30th of 2010. So why was that letter of intent done? We pulled the project out from the Planning process and set up private negotiations that were started in 2010. The goal was to at least reduce 50% of the original 1986 density from Treasure. Not the 2009 density; the '86 density. The actual goal was to take all of the, all of the project and remove it. So what happened in that? There's negotiations, there is a private buy-out offer was made to the Sweeney's

APPROVED

for tens of millions of dollars. Have to remember that the Sweeney's acquired the property in a land swap back pre-skiing days. Not cash transaction, not debt servicing. It was a land swap before our time. This was a private buyout offer. It wasn't public. All I know is rumors. It was somewhere between 40 and 60 is what I've heard, million dollars that they were offered. Sweeney's flatly refused the offer to sell for tens of millions of dollars. Okay. That's in 2010 negotiation.

So what I'm doing here now is to show you what we're stuck with looking at, at this point, but it's to orient you for the next slide. So you see Lowell and Empire roundabout here and all the buildings. Okay. And the buildings down here. And you can see the extent on the white line of what's Treasure property. Okay. So what is that property, actually? That land. I'm going to go into that next. So keep in mind this. I can go back if you want to see it again.

This picture here is directly from the Summit County GIS tax map, okay. And so you can see Lowell and Empire here, and then this piece here with Park City in the middle, PC800-1, that's one piece. That's the biggest piece that Treasure's on. The next piece, PC364A goes from Lowell and Empire down to here and around and back up. Okay. It's bisected by this piece, which is the line for the lift. And there was a couple other little, little parcels here for the ski run to get across Woodside Avenue and across the bridge. Another interesting point to note is that down here, which you might not be able to see but where my arrow is, is also the Sweeney's own that as well. And that's Upper Woodside but has a Norfolk address.

So why am I going through this exercise here? I want to talk about what they actually have, and what was planned, and what's been paid for. So this big piece 800-1 is right here. I isolated it as good as I could to cut it out. This is one of the Treasure Hill parcels. So, what parcel information---this is directly from the SummitCounty.org. This is 40.29 acres of land. It has a taxable value of $100,000 and 725. Sorry, $100,725. That 40 acres. Okay. So the actual tax is paid by the Sweeney's, or applicant, whatever you want to call it. This year, $787, okay, for 40 acres. And this is public record. This isn't any smoke and mirrors.

Let's go to the next parcel, the 364A, this bigger parcel here where most of it is, this parcel exists. And this parcel is 20 acres. It has a taxable value of $50,000. The Sweeney's taxes for this year, $391. Okay. The next piece is the bisection piece here for the lift; 800-1-1A. That's a

APPROVED

smaller piece, 1.6 acres. Taxable value of $4,200. Taxes paid on this, $32. This here. This gets a little more interesting here. The next piece, 325B, right here; which is used to ski down to the bridge, that piece is .13 acres or roughly three Old Town lots. Has a taxable value of $1500; and $11 taxes paid this year on that. The next piece, 321, which is right here. A smaller piece. Taxable value at $1,000. Taxes paid is $782.

So if somebody lives in the neighborhood, I kind of think, well how do the neighbors feel and how does it compare. Yeah, they're zoned different. So 364-A-4, which is bounded on three sides by this parcel that paid $11 in tax, their taxes this year were $15,000 instead of $11. This parcel here, their taxes this year were $12,000. Okay. So to compare these amounts and look at the land assessed value for 364; $600,000 for .16 acres. The other one has $650,000 for .15 acres. And the Sweeney's adjacent land has a $1500 value. So that's kind of interesting, to me anyway.

Chair Strachan: Where we going with this, John?

John Stafsholt: I'm almost done.

Chair Strachan: Okay.

John Stafsholt: I'm almost done. 351 is another one. That value of five Old Town lots has a value of $1,000. Taxes of $7 this year. All the ones around, I won't talk about them all. But all of them go from $300 to $1.4 million; all these lots right around this one. But this one is $1,000. Okay.

In summary, I'll sum up this money thing. The reason I'm doing this, Adam, is because in the end, what we hear from the applicant, the reason we have to do this is for the benefit to the town. The financial benefit to the City and the people in this town. So if we look at all these parcels, we've got six parcels of 62 acres with a current land value of $158,000. Actual taxes paid this year is $1200. Okay. And over 31 years the maximum total amount of taxes that they've paid Park City is less than $39,000. Okay. So why am I doing this? I'm comparing it to the

APPROVED

neighborhood. The people that are impacted. You saw Kyra put up some numbers. I've got some numbers as well. So these are just the streets right against Treasure or right on the traffic like Lowell and Empire. So ballpark calculation. I admit this is estimated, but it's from tax, plats and phone calls. Approximately 500 houses, townhomes, condos, lots. Five hundred different parcels. These are your neighbors. We're directly affected by the years of blasting, construction, traffic, permanent noise, loss of quality of life, and especially immediately lower property values. I've ballparked 42500 for average. So 500 properties times 2500, $1.25 million. Thirty-one years of the neighbors paying taxes about $38 million. Thirty-one years of the Sweeney's paying taxes is about $38,000. Okay. Why does this matter? It matters. The Sweeney's have turned a good-faith buyout of many tens of millions of dollars from us, and the whole time they knew that their taxes were based on $158,000. So I'm questioning their intent, and I'm also questioning the cost to all of you, all of us, of our time and our effort when we're dealing with people who are dealing with us in this matter. That's my point. It was different. I know you wanted something different, so I've brought you something different.

Thank you.

Chair Strachan: All right. Anyone else from the public wishing to speak? All right, we'll close the public hearing on the Treasure Hill CUP.

<u>End of public comments</u>

Chair Strachan: Commissioners, comments on some of the new information we've heard tonight? Knowing, also, if you're anything like me, we're going to be getting into the nitty-gritty work session on December 6th, where by that time I'll have more time to digest all the material we got in the last week or so. But initial comments we can probably take care of right now if you guys want to. Melissa, why don't you go first.

Commissioner Band: Okay. I, we did have a lot of information tonight. So---and we got some of it last minute so I'm not going to get to wordy on all of that, again, anticipating our work session.

APPROVED

Francisco, you asked for some direction in our packet. And I agree with the 19,000 square feet. I mean, I, I've looked over, especially as we've been sitting here tonight, again through the MPD, and it seems pretty cut and dry. Also, I do agree with the proposal that the proposed limit of disturbance, as well as come regrading, it's obviously based on a couple of documents we've seen. There is a little bit that can be done there, although I think everybody is starting to feel the same way about clear cutting and, and the amount that's proposed.

One thing that I keep going back to looking at the MPD here that I did want to mention, if I can get my computer up again. And I asked when we were looking at the slides and the, the little video there. If, as the applicant suggests, the Woodruff wasn't meant to be followed exactly, and it's just a conceptual thing, I keep going back to this 4A, 4B area and seeing it stepped up slightly. If you want to pull up, Francisco, page 104 please, because you can see in both of the two photos here, when we look at the MPD it's important for the project to be designed to be compatible with the scale already established. We know that's not going to happen exclusively, based on Jody's letter. That we have to look at it in a different light than we would everything else. However, if you were going to say, hey this is just kind of a rough idea of what we wanted to do, I think that I would have gone the opposite direction. The buildings here stepping up in the lower right-hand corner, they step up. If you look at the lower one; especially in comparison with the little teeny house next to it, that is---it's not compatible. It's not stepped into the hillside. I think you took an arguably bad plan and made it a lot, lot worse. So if you were going to throw out the concept and say, hey let's improve it, I think that would have been a huge improvement. To mitigate the effects on the neighborhood would be to actually downsize that to something like the opposite end of the---on the lower left. On the lower picture where you've got more single-family home, more townhome style looking places.

I think Ron Ivie's name keeps getting thrown around about some of the things he said. But one of the things he also said that has stuck with me is---and, you know, we're looking at everything here. But one of the first things he said is let's be honest---and I'm paraphrasing---there's no way we're going to mitigate the impacts on the surrounding neighborhoods. So if we're going to take some of Ron Ivie's comments, we have to look at all of Ron Ivie's comments.

And I think that's it.

APPROVED

Chair Strachan: Great. Commissioner Campbell?

Commissioner Campbell: So, Francisco, I've just got one quick question for you. The hardest thing for me to get my mind around is, is what side of these figures to trust when I see, you know, is this amount of dirt going to have a swell factor of X or Y, and how big is this pile of dirt really going to get? Is that something that you guys have worked on at all?

Planner Astorga: We have, based on the latest submittal that the applicant has provided to us. We then received additional exhibits this morning that after we, we asked them to provide some clarity in their---not assessment, but their drawings. Their diagrams. We couldn't tell the different between existing grade and proposed grade with the given aerial photograph that was placed on the information that was provided to you. I'll be more than happy to go into additional detail as we've done a quick, not analysis, but just quick, quick identifying of the proposed grade at the top of that new hill, versus existing grade. And we could tell you what that height will be.

Commissioner Campbell: You can tell us in the future, or you can tell me now?

Planner Astorga: I could tell you now. Not that one. Here it is. So this is the exhibit I received this morning. It was still hard to see, especially for Bruce. Bruce and I both wear eyeglasses, but my, my eyes tend to be a little bit better than his. With that said, I've simply identified, identified the lines that crosses the peak of the new hill; and I've outlined it in gray if you can see it on your screen. And Rob can confirm that these are 10' intervals, right? This is 7600. So therefore, this is 7630, thank you. And then we just follow the line. And that's where it crosses over at that peak of that new hill that's going to be created. We do the same thing with the red line, that's 7750, 7760, 7770. The math at that peak is going to be 140'. And as, as we come down, it comes down to 140, 130, 120, 100 and so on.

APPROVED

Obviously, it's not a box. It is, it is a hill. And it's, I don't know how you would determine the average, other than using their software and the computer to see exactly. As you can see the shape of the placement zone of excavation is, is not easy that you could get that grade just by doing quick lines or calculations. But we do recognize that---I, I do say that this is the worst case scenario. This is the tallest. And I measure it from existing grade because that's how we measure everything in Park City, including the MBH, the maximum building height. It's always done from existing grade.

Commissioner Campbell: And these red topo lines are based on something that the applicant submitted [inaudible].

Planner Astorga: Yeah. The only thing that I added---so I gotta say, there's no analysis here. I just, I just crossed these two lines over and did some basic math. There's no need for different interpretation, unless I got my subtraction wrong there.

Commissioner Campbell: So, so it's your calculation that in what they've submitted in at least some places there will be 140' of dirt on that.

Planner Astorga: This is the worst case scenario.

Commissioner Campbell: Okay. Thanks.

Planner Astorga: For the tallest.

Commissioner Campbell: That's all I've got.

Commissioner Thimm: Okay. So, let's see. The Staff report, Francisco asked for a response on, on a few points. With regard to the interpretation of square footage, the 19,000 square feet of commercial space. Yes, I agree with Staff on that point. I also agree with regard to the area of disturbance. And I'm

APPROVED

interested, Francisco, in is there anything tangible in the LMC or anyplace else that speaks of the subtle approach to placement of fill? I mean that, that's outlined and mentioned in the report, but I'm---

Director Erickson: Excuse me. Speaks to what fill? I didn't hear you.

Commissioner Thimm: A subtle approach of placement of the fill site.

Director Erickson: Yeah. While it's not 100% regulatory, I think in the purpose statements of each one of those zones that the project is in in the ROS and in the Estate there's, there's some discussions about respectful to topography. If you were to apply the Sensitive Lands in the Estate Zone, then you're modifying a ridgeline with the hill placement, if you will. The General Plan in 2009, which I heard you represented earlier this evening, also has some language. The 85 Land Management Code also has some purposes statements with respect to topography.

Planner Astorga: And also, Bruce, if I could add the CUP criteria specifically dealing with mass, scale, volume, and physical compatibility; as well as the standard of review that was mentioned over by the public today regarding that compatibility with the use and the surrounding neighborhood.

Commissioner Thimm: So, thank you for that dialogue because I knew it was there. I wanted to hear that dialogue. I wanted it to go on the record. So thank you.

So, yes, I, I agree with, with that. As we've started to wrap our arms around what's being contemplated with this image, it, it's, it's a tremendous amount of fill of whatever type of material it is that does not seem to match up with those. And that's, that's become a major issue in terms of my considerations of what's going on here.

With respect to---just in, in general, and I keep going back to this, but I still regard the Woodruff plan, the 1985/86 approval as a measuring stick we need to look to. Are there problems? Are there egress issues? Perhaps there are. My thought is that they need to be solved. And we still have our measuring stick to work with.

APPROVED

Chair Strachan: Great. Commissioner Joyce?

Commissioner Joyce: Yeah. Yeah. You asked about the commercial space. You know my answer for that one. I've been doing that for a year now. I think it's 19 and I think the discussion we had as kind of my theoretical last meeting of if it was made clear that the limit was 19,000, and that is the limit not to be exceeded, then does that overrule the 5% bonus that you could normally get; like you can do for meeting space. And I think it was just as explicit as it possibly could be. So I, I'm sticking with that.

The 17,500 square feet for accessory and lobby space. That's one I'm struggling with, and I'll go back to you guys and, and give you an opportunity before the next meeting to help me with this, is that Fact Sheet. When I go through and look at the material, that Fact Sheet is part---explicitly brought out as part of the, the package of what the total agreement is. And it's very clear about 17,500 and exactly what it includes. And the current plan blows those numbers away. And I haven't heard, or if somehow you thought you told me I didn't get it, is why, why doesn't that count. I've never heard something that says oh, yeah, that's part of the contractual obligation, but don't look at that part because we changed it later or something. And it's like, no, it's just very explicit and it's brought out as an explicit component of the agreement. So, you know, you guys said you were going to come back to us with some more information for, for our work session for next week. That's a really important one to me that, that I haven't heard a good legal argument to how is that part of the agreement but we should ignore it because it's not important or not relevant, or was changed in some way that we don't have documented anywhere that I've seen. So, help me with that one. Until I see something different then I'm stuck on the 17,500 because it's just so explicitly in this document.

The LOD. This is the one that I have to disagree with my, my fellow Commissioners so far. I think there is a reasonable thing that is a building footprint; and this building area boundary is it. I think there was obviously discussion about moving excavation material up onto the hillside, even if it's nowhere near the order of magnitude that we're seeing today. It was obviously explicitly brought out in the transfer of land for, to Park City. And you can't, you can't move dirt up there, I don't care whether it's a

APPROVED

conveyor belt or a truck or anything else, and put dirt there if it's outside the limits of disturbance. And so to me I, I haven't seen a project that says that the building footprint equals the LOD like that. To me it's much, and in fact, it was explicitly brought out that we would set the limits of disturbance when, when we were doing this CUP review. To me, the one thing that I see that is, is clearly broken is the idea that we are building a hundred and something foot permanent retaining walls outside the building footprint. And so to me, when I look at what we have as the flexibility to do a setting, the disturbance area, to me that's going to be a no, no. That's going to be outside of the disturbance area. And I just don't think that's reasonable that---I don't think they ever intended---in fact when you look at the Woodruff drawings, there's no idea there were these monstrous retaining walls. And the fact that they would be in the, the Recreational Open Space, to me that's just broken. I went back and looked at the ROS definitions, and I don't see how you could possibly justify that.

Ski runs I got. Putting some dirt up there and regrading it as ski runs, I got that. But I don't see how you put a 100-foot retaining wall, a permanent retaining structure in the disturbance area. So, I think there's something in between what you guys have drawn as kind of all the ski areas and where you want to dump the dirt and all that kind of thing, and the, the building area boundary. And I look forward to trying to discuss that with my fellow Commissioners up here to try to work through that. But I think just drawing it at the building area boundary is, is not what was intended and is not realistic. So that's one that we need to work on, on me for.

But on the other hand, when you start looking at what can be done in that area of disturbance, I'm still broken on, you know, mow down 16 acres of trees and fill it with, you know, what I thought---I keep doing the simple math. To me it's, when you talk about your 800,000 and 35% swell, that ends up being 1.1 million cubic yards, which is 207 yard acres. So however many acres you have. If you had one acres to put it all, you'd put it 207 yards deep. And so if you have 16 acres then it's about 14 yards deep. So, exactly even as kind of built like a square with straight walls up, it would be 42 feet everywhere. And the fact that we're putting that on a steep slope right where it's very much in the view of the City, I'm broken on. I mean, I, I can't imagine what the revegetation plan for that is going to be. And it's not, you know, throw down some grass seed, because that ain't it.

APPROVED

And I'm even broke a little more when I start looking at like the hydraulic report. And it's getting into things---I'll, I'll just read you a little piece of it. This is, this is your technical report. The study area comprises a ski run, Creole Run, a pine forest, a mix of aspen and scrub oak woods, the residential areas at the bottom of the tributary area. The drainage basin is vegetated and was determined to have excellent cover. The open ski run is well-vegetated with natural grasses. And this is all supporting this idea that says that land use and vegetation drastically alter runoff. Well, the first thing you're going to do is all this stuff that your hydraulic report says why it's okay, is you're going to mow all that to the ground. I mean, you're going to disturb all of the area that we just talked about. Why vegetation and the forest and everything was so key to it, we're going to get rid of all that. So I've got to go back and look at the hydraulic report again and go, this isn't relevant anymore, because you're going to mow down all of the stuff you were just counting on to, to soak up the rain.

So to me, even if we extend the, the LOD out, I'm still broken on what you're doing up there. I think the idea that you originally proposed---I went back and looked at the original excavation plan again. And it really was addressing mostly putting this as reshaping ski run areas. And if you don't believe that, I mean, go back and look at the plan that you guys created, and that's what it talked about almost completely. And, in fact, most of it was going to end up on Payday, which we've now moved away from, at least for the majority of what we're looking at now. And so to me that made a lot more sense than mow down a forest and build up what seems to suddenly be a 144' tall hill in plain view of all over the City.

So even though I think I'm being more flexible on the limits of disturbance, what you can do in them needs a lot of work.

The piece you asked about, about just kind of the height, the building height. I still think if you go back and look, there was---the idea of digging down. I've heard what you guys have said, which is, you know, the only to keep the density and move it down was to dig deeper into the ground. But I just go back and look at all the work that was done, and there was so much focus on building height. You can see it in the Woodruff drawings, you can see it in the elevations that were set. All the detail of how things stepped back up the hill. And I don't think there's any evidence at all that there was any intent to, to you know, suddenly dig down 100 feet in some

APPROVED

places. And it just, it just seems completely inconsistent with the Master Plan.

One thing that you guys have kind of chastised us a couple of times, because we've said things about things running with the slope and going up the hill. Honoring the topology. And you said hey, that's not relevant. But you've also told us that, you know, if things like the Montage were important examples of what was here. I was reading through the Montage CUP, and I'll give you a little quote here. "There are several retaining structures and a bridge in the entry court to the Montage. Generally, the buildings step with the site without the need of large or numerous retaining structures. The outdoor amenities to the buildings will flow into the grade of the existing landscape". So, you know, here's a quote out of the Montage CUP where they were explicitly talking about why it was important that it actually flowed with the topology and didn't require a lot of retaining walls. And so I just want to make it clear, I don't, I don't think we're inventing any of that stuff. I think it's important, and it's been important for decades because it has---a lot of the impacts that we're seeing for how long the project is going to take, how much soil has to be moved, how much acreage you have to tear out, and that kind of thing to put the dirt is all a result of digging deeper.

And I'll ask you guys, 'cause you guys have been around a lot longer than I have. Even if all you did was the excavation plan that you drew out today for, for the Woodruff drawings, which was 440 or something like that, ballpark. Has there ever been a project in Park City that had 440,000 cubic yards of excavation?

Pat Sweeney: You, you're asking me?

Commissioner Joyce: I was trying to---because to me it helps me to just visually look at things that are similar.

Pat Sweeney: This is a statement from Robinson. They said they moved about 500,000 cubic yards for the Olympics down at the base of Park City Mountain Resort.

APPROVED

Commissioner Joyce: For the base?

Pat Sweeney: So, I mean, and if you look at what the Park City---well, it was Park City Mountain but it was United Park City Mines pushed around up the top of the Silver King. And then, they did that last year. And then this year they covered it with topsoil. I'm guessing that they probably pushed that much around. So, it's, it's, that kind of dirt has been moved.

Commissioner Joyce: It just---to me the interesting thing is even if we're looking at Woodruff, I mean, Woodruff is certainly significant. And by the time you kind of added the 15% and this and that and the other, and I don't agree with all those things but we'll ignore that, 400,000 is still a tremendous amount of dirt to be moving, especially adjacent to a residential area. But when I compare it and I go we went from 400,000 to a second proposal that's now 800,000, that gets me back to is it consistent with the Master Plan. Because when I look at all the work that the, the Planning Commission, Planning Staff and City Council and everything did when they approved this back in '85 and '86, this to me---I mean it, it's substantive. If it went from, you know, 20,000 cubic yards to 40,000 cubic yards it's kind of, yeah, no one probably would have noticed. But when all of a sudden you add 350 or 400,000 to the plans that were drawn up, it's hard to, for me to imagine that the volumetrics really match what was intended. I mean, that's, that's a dramatic difference and certainly has huge impacts.

So I think that's it for me.

Chair Strachan: I think I'll, I'll hold off on, on answering Staff's questions presented in the Staff report for now. I'm still getting my arms around everything that's been submitted. I spent a good part of Thanksgiving reading over the position papers and the other submittals and Minutes, and still have more work to do. But I think that we are, you know, subject to input from the other Commissioners, on December 6th going to be in a position to hammer out a decision in form with direction to Staff to construct findings and conclusions in accordance with that decision. Any objections to that time frame?

Commissioner

APPROVED

Joyce: No.

Chair Strachan: All right. That decision is---hopefully Staff can turn around some proposed findings and conclusions in a week's time before the December 13th meeting. So we'll just have to cross our fingers and hope we get there. And the laboring more is going to be on Mr. Burnett. I don't envy your position but it's the one you signed up for.

So, you know, I, I just want to say that however it shakes out on December 6th, however, the decision comes down I, I just want to thank everybody for doing a really quite stellar job at conducting themselves. However, that decision comes down I don't think you can argue with the process. So just keep that in mind.

Anything further?

Director Erickson: No. Thank you, Mr. Chairman.

Chair Strachan: Okay. We'll conclude the hearing, continue to December 6th.

Director Erickson: We need a motion to continue.

MOTION: Commissioner Joyce moved to CONTINUE the Treasure Hill conditional use permit to December 6th. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

2. <u>1000 Ability Way – National Ability Center (NAC) Conditional Use Permit for Phase 1 improvements including: expansion of equestrian center, addition to administration building, new recreation/gymnasium building, new program building, relocation and improvements to archery pavilion, campground area for program participants, green house for gardening activities, addition to storage areas and maintenance shop, additional parking and various landscaping improvements</u>. (Application PL-17-03436)

Commissioner Thimm recused himself and left the room.

APPROVED

Planner Kirsten Whetstone reviewed the request for a conditional use permit for the Phase 1 of the National Ability Center's expansion plans, which the Planning Commission previously saw in the overall plan during the pre-MPD review. Planner Whetstone noted that the Staff report included much of the background on this project. The property is zoned ROS, which is the Recreation Open Space zone. It came into the City as an annexation. It has a Specially Planned Area designation from the County. The proposal includes two new buildings; and the additions to existing buildings and uses are conditional use uses in the zone. Planner Whetstone remarked that the Planning Commission was being asked to review the conditional use permit for various items.

The Staff had analyzed this CUP against the 16 criteria and found that the impacts could be mitigated either through plan revisions or through conditions of approval. The Staff recommended that the Planning Commission conduct a public hearing and consider approving this conditional use permit.

Alison Kuhlow introduced herself and stated that she was assisting the National Ability Center with their Master Plan project. Also present were Gail Barille, CEO with the National Ability; Kevin Stickelman, COO with the National Ability Center; Michael Barille, consultant on the original Master Plan; Steve Ward, a Board member and father of a participant.

Gail Barille updated the Planning Commission on work that has been done since they were last in front of the Planning Commission. The NAC continues to see unparalleled growth in their programs. They continue to have a growing stakeholder and support community of staff, volunteers and donors allow their programs to occur. Ms. Barille was thankful to have the National Ability Center in Park City and in the State of Utah because both the State the local community are very supportive of what they do, which brings people of all abilities from around the Country. Ms. Barille noted that several years ago when they embarked on this project they recognized that there was a lot of catch-up to do. They had not had any new program buildings since 2002, and they have seen significant growth in that time.

Ms. Barille felt it was important to emphasize that they had taken a strategic and thoughtful approach to make sure the planning was done right. Coming before the Planning Commission in 2014 for feedback was part of that strategy, and they have addressed some of their comments. A lot of work was done on the fundraising side as well, which was successful. They have the funds to begin work on some of these projects, and they intend to close their campaign in the next year or two.

APPROVED

Ms. Barille reminded the Planning Commission that the National Ability Center is part of the community. The City has a strong plan and the NAC is a big part of trying to match what the City is doing to make sure their Mission helps to accomplish the City's goals. She believed they fit in with the sense of community. In addition, they work with a number of non-profits and other organizations within the community. They offer an inclusive and healthy community. A lot of diversity comes through the NAC programs. They continue to connect people with the natural environment. Having a disability makes that difficult, but the National Ability Centers makes sure they can say yes to that. They also continue to support a thriving Mountain town and economic development. The NAC brings in people from all 50 states and over 18 countries to train or vacation in Park City through the National Ability Center.

Steve Ward provided a family perspective of the NAC. He has been on the Board for four years. His family left Salt Lake 25 years ago and came back in 2012. He has an 18-year-old son who was 13 when they came back. They chose this side of the mountain versus the Salt Lake side because of the National Ability Center. His son does all the programs. Mr. Ward remarked that the NAC gives his son a social platform. He is a senior in high school and the programs at the NAC are his extracurricular activities. In the short time he has been involved in the NAC, they have seen a large increase in numbers. In 2010 the National Ability Center had 2200 individual participants. Last year there were 6600 participants. Mr. Ward commented on some of the activities that took place in a dirt floor barn. The plan is to build a recreation center for those types of activities.

Mr. Ward asked the Planning Commission to think about the families who benefit from the National Ability Center, and those who chose to move here because of that need.

Kevin Stickelman stated that initially they came before the Planning Commission in 2014 with a pre-MPD. At that time, they were asked to go back and look strategically at whether that was all they needed for the foreseeable future. Over the last several years they were able to go back and have those hard conversations not only internally; but also with planners, engineers, architects. They have consulted with industry professionals, climbing wall companies, outdoor recreation groups such as the Forest Service, and have come to what is being presented today for this conditional use permit application. Mr. Stickelman remarked that this plan would not only fill the current need for those 6600 individuals and the programs offered, but it also allows them to accommodate the future.

Mr. Stickelman pointed out that this was only the Phase 1 proposal. There is another plan that will come later in Phase 2. The needs that were being presented this evening focused on the immediate needs to accommodate the current demand and meet the

APPROVED

needs of the groups and the kids. He remarked that it is a recreation building, it's a campground with a few learning areas to teach people how to explore and experience the outdoors. They have a community and programs building that houses camps. They propose an expansion to the administration building. They also have an equestrian expansion that helps to provide training and education opportunities to other organizations similar to the NAC; as well as to other groups with various abilities that come on site for training purposes.

Alison Kuhlow walked through the site plan and showed where the new buildings would be located in relation to the existing buildings. She noted that Phase 2 was highlighted in blue on the site plan. Phase 2 is a lodging proposal that will come back to the Planning Commission. As previously mentioned, the NAC would like to move forward with Phase 1 so they can accommodate the current needs. Ms. Kuhlow pointed to the existing program services building, which is the admin building that houses staff offices, a meeting room, and the climbing wall. That building would be expanded on the two wings on the left and the right. In the center an expansion is planned for the climbing wall.

Alison Kuhlow stated that as they move to the elevations, they could see that the look from the front tries to mimic what exists. However, when these buildings were built and when the structures were constructed, it was all done through Summit County. It was pre-annexation. Therefore, all of the existing buildings were built under Summit County Codes. Ms. Kuhlow pointed out that the admin building meets current height code, except for the climbing wall portion. She presented the east and west elevations showing the proposed extension, which was above the current height of the zone. The existing height of the climbing wall is 43'4". They would be keeping the wall at that, but extending it approximately 12' to make it a larger area.

Ms. Kuhlow moved on to the existing equestrian center and noted that surrounding the arena they would like to add a conference room, additional meetings rooms, classrooms, as well as a physical therapy room. A small second story addition is proposed to the east of the building. All height meets the zone. She presented the front elevation of the existing building with the addition on top. She also presented the two side elevations for that structure.

Ms. Kuhlow stated that when the Planning Commission saw the buildings in 2014 the recreation building was an unclosed space. It was simply a roof structure, and she understood that there were a lot of comments from the Planning Commission. As the National Ability Center went back and looked at their needs and the feasibility study, they realized they needed an enclosed space. The building proposed is a gymnasium

APPROVED

with restroom facilities. It currently meets all the height requirements within the zone. She presented the side elevations for the recreation building.

Ms. Kuhlow presented the communities and programs building, and noted that the day operations would operate out of that building. Many community partners would also use this facility. It has a multi-purpose space, restrooms, a kitchen, and additional support for Staff. The buildings all meet the height for the zone. Mike Barille noted that the intent was to highlight some of the community partners; however, other programming occurs there that is integral to the existing programs at the NAC. Currently, all the Nordic and winter programming operates out of a yurt at the edge of the parking lot. The same with summer camps. This building would also serve those purposes.

Ms. Kuhlow pointed to the outdoor camping and tent area. She indicated three cabins, three yurts, and six tent platforms. She presented an elevation of the cabins. The lower right showed the tent platform, which is a flat space. Ms. Kuhlow noted that there would not be campfires in those spaces. It would be low-level lighting and there is a restroom facility nearby. Currently, they would use the existing fire pit, and it may be relocated. No individual fire pits were planned in the area.

Commissioner Joyce asked how these get used versus the existing lodge. Gail Barille stated that they have found through communication with families that camping tends to be the inter-sport to the outdoors; and lot of the families choose not to try it because they are not sure how to do it. This camping space is meant to be specifically training and education focused to teach how to camp.

Ms. Kuhlow stated that a detail analysis of parking calculations was included in the Staff report. They will be meeting the parking requirements for the added square footage, which is a net parking gain of 104 spaces. Regarding open space, they are right at the 75% open space required by Code.

Chair Strachan asked if the open space included Phase 2. Ms. Kuhlow replied that it did include Phase 2.

Chair Strachan asked about a staging plan for construction. Mike Barille noted that they were still developing those ideas. He believed this plan would be executed as funding was available; and not all at once. There would be opportunities to use existing parking areas or pasture areas on a temporary basis for staging to make sure the rest of the facility is not interrupted.

APPROVED

Chair Strachan asked if the NAC had phasing ideas within Phase 1. Gail Barille answered yes; and that it was driven mostly by need and funding. The first project they hope to begin is the equestrian expansion. The funds are available and there is a high need for that space. After that, depending on timing, they could either build the enclosed recreation center or the expansion to the administrative building. The campground has minimal impact and as funding becomes available that would be the next project. The last project would be the community and programs building.

Chair Strachan opened the public hearing.

Bob Chamberlain stated that he is a local Park City resident, a 30-year Navy veteran, and current Co-chair of the Military subcommittee for the NAC. He remarked that the Country has been at war for 25+ years and it has driven the population of Wounded Warriors and Disabled Vets through the roof. Mr. Chamberlain believed they were now working on a couple of projects where they could dramatically increase the through-put of the folks who desperately needed it. They may be able to open it up to active duty people as well. Mr. Chamberlain stated that the development plan is critical to the ability to be able to get these folks through the program. As a veteran, he hears people saying thank you for your service. Approving this is actually going to be a great step in really thanking these folks for their service. Mr. Chamberlain urged the Planning Commission to approve this CUP.

Seth Lansky, a local resident, stated that he is a parent of a participant of the NAC. His family moved to Park City because of the National Ability Center and the programs that they offer. Camping is one program that his son would like to be able to do. It would be a process that he would be able to start through the NAC that he is unable to do at this time. There are very few programs at the NAC that his son does not participate in as a local resident. He is 20 years old and they have been in Park City 5 years. His youngest son who just left for college has volunteered at the NAC for many years, and it has become an integral part of his life. Mr. Lansky stated that he is not only a parent but also a volunteer, and it has become an integral part of his life as well. One area he volunteers is working in the equestrian center and it is woefully short of space for all the participants. This would enable the NAC to do programming in addition to things that are surrounded around the equestrian side. As a parent, the additions proposed make a lot of sense to further the growth of his son, as well as the many people he is lucky enough to work with as a volunteer.

Morgan Bush with Intermountain Healthcare stated that when they were locating the hospital to the location at Quinn's, one of the ideas was to make it a health and wellness center. The location of NAC was one of the attractions for Intermountain

APPROVED

Healthcare to choose that location. IHC is totally supportive of what the NAC has done and the contributions they add to the community.

Chair Strachan closed the public hearing.

Commissioner Joyce thanked the group for no open fires. He referred to the parking study and assumed they were building parking for the lodge, since it was in the calculations, even though the Lodge was not yet being built. Commissioner Joyce asked how they look at a parking study that has built out everything for the lodge but the lodge is not actually there and operational.

Planner Whetstone stated that the issue was that they not build more parking than what was actually needed. The parking calculations include a reduction. In the pre-MPD they talked about a 25% reduction, but with the additional enclosed buildings it was actually a 30% reduction. There is a lot of overlap because a lot of people use multiple buildings. To have the NAC provide more parking that is actually needed, the thought was if it works without the lodging building that would be an indication. If the parking is maxed with all these uses but no lodging building, they may need to provide additional parking.

Commissioner Joyce stated that when the Planning Commission looks at under parking it is because the overflow will park in the neighborhoods. In this case, the NAC is in a more open area. In his opinion, the NAC will come back for Phase 2 and they do not want to be under parked. If they need parking it needs to be part of the proposal. Commissioner Joyce did not think it was necessary to ask for a one-year parking study. It is an important question that needs to be addressed when the Planning Commission looks at Phase 2. In terms of overlapping uses, he believed there would be tremendous overlap when the Lodge goes in. He was not in favor of asking a non-profit to pay for a traffic study.

Commissioner Joyce referred to Condition #16 on page 127 of the Staff report. It read, "The applicant should coordinate special events and activities with the City at least 30 days prior to the event". He pointed out that the Special Events Department have different rules and he could not see why they would put that language as a condition in this type of approval. For example, a level 3 event requires 90 days ahead; not 30 days ahead. In his opinion the condition was not consistent with the Special Events Department. He suggested that they either eliminate Condition #16, or edit it to make it consistent with the requirements.

Commissioner Joyce referred to a map on page 146 of the Staff report. There were a few things labeled as Phase 3 and he assumed it was a holdover from something else.

APPROVED

Gail Barille explained that when they originally came to the Planning Commission they had three phases. As a result of the success in fundraising they were able to move the first buildings into all of Phase 1 and the just carve out the lodge as Phase 2.

Commissioner Joyce referred to page 160 of the Staff report, which was a water agreement that was done when the buildings were first done. Number 7 was the NAC commitment to maximum use parameters. It talks about how in 1999 the NAC received a use permit approval and it talks about the different uses. It says that essentially in perpetuity it is limited to those uses. Commissioner Joyce noted that the NAC was expanding on the uses. He recognized that it pertained to water use, but they were also doubling the uses.

Director Erickson remarked that it was a bit of a misnomer to call it a development agreement and a water agreement. It addresses the transfer of the water rights. He stated that the water rights were transferred to Park City. They have not perfected the wet water. They are now within the City and the City has to serve them irrespective of whether or not they deliver the water rights. Director Erickson noted that the Staff crafted into the document is the ability to clean up the water situation while they work on Phase 2. The maximum uses are tiered to that water transfer and not the ability to the City to deliver water now. That is the Staff's opinion, but they want to get it cleaned up before Phase 2. Director Erickson noted that Tom Daly, the City Water Attorney has been involved, as well as Planner Whetstone, himself, and City Attorney Mark Harrington. They were comfortable with the approach taken by Planner Whetstone.

Commissioner Joyce was comfortable with that explanation.

Commissioner Band thought everything looked great. She is always very supportive of the NAC and she liked the proposed plan.

Commissioner Campbell had no further comments.

Director Erickson asked if everyone agreed with Commissioner Joyce to remove the condition of approval with respect to the parking study. The Commissioners concurred. Commissioner Campbell pointed out that they should eliminate conditions 16 and 17.

Chair Strachan recommended that they insert a staging plan because they are generally required for a CUP. He believed that even though the NAC has a lot of area to work with, having a staging plan upfront is a good idea. Planner Whetstone noted that Condition #8 addresses a construction mitigation plan. Chair Strachan thought it would be sufficient to say construction mitigation and staging.

APPROVED

Assistant City Attorney McLean realized that there was not a condition of approval in terms of when the CUP would expire. That is normal language and typically it expires in one year. She suggested adding a condition of approval stating that, "This approval will expire on November 28, 2018, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director".

The applicant's representatives were comfortable with adding the condition regarding the expiration.

MOTION: Commissioner Joyce moved to APPROVE the 1000 Ability Way National Ability Center Conditional Use Permit for Phase 1 based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Commissioner Band seconded the motion.

VOTE: The motion passed. Commissioner Thimm was recused.

APPROVED

Findings of Fact – National Ability Center CUP

1. The property is located at 1000 Ability Way and is within the Recreation Open Space Master Planned Development (ROS-MPD) Zoning District subject to the National Ability Center Master Planned Development (aka Specially Planned Area (SPA)).
2. Access to the property is from Round Valley Drive, a public street, and Ability Way, a private access drive.
3. The site was previously is described as Parcel # PCA-97-B, a metes and bounds parcel of land located in the Quinn's Junction neighborhood of Park City.
4. The 26.2 acre parcel was annexed to Park City in 2004 as part of the National Ability Center and Quinn's Recreation Complex Annexation.
5. The parcel was deeded to the NAC by Florence Gillmor and restricted to adaptive recreational programs, including equestrian, fitness, therapy and various related and complementary recreational activity facilities.
6. The National Ability Center is a non-profit organization specializing in community sports, recreation, therapy, and education programming.
7. Prior to annexation, the property received approval of a Specially Planned Area (SPA) from Summit County, which is a similar to a Master Planned Development (MPD) in the City, as well as a Conditional Use Permit.
8. The NAC Specially Planned Area (SPA) allows for development of various uses and buildings. The property currently includes a 21,368 sf equestrian center (16,868 sf equestrian arena and 4,500 sf of barns/stalls), an outdoor challenge/ropes course, a playground and outdoor activity area, an outdoor equestrian arena, an archery pavilion, a gazebo, various barns/stalls and storage buildings, 14,301 sf of residential

dormitory/lodging uses with 25 rooms on two levels, 7,276 sf support administrative building and 121 parking spaces.
9. A July 15, 1999, Development and Water Service Agreement between NAC and the City was entered into prior to the annexation. The Agreement describes conditions of water services as well as findings regarding the approved Conditional Use Permit and terms of transfer and converting of water rights. The water right (35-8457) is currently in the City's name, according to Water Rights (State); however the required conversion for municipal use has not been requested of the State Engineer and has not occurred. The applicant has agreed to remedy this situation prior to submittal of a Conditional Use Permit for expansion of support lodging uses. Lodging uses have the greatest impact on water use for this property.
10. On October 21, 2004, the Park City Council adopted Ordinance #04-50 to amend the Park City Zoning Map to include the annexed NAC parcel into the ROS-MPD District. The property is subject to the National Ability Center MPD (aka Specially Planned Area (SPA)) as approved and amended.
11. The ROS zone allows for a variety of conservation, open space, and recreation uses. It was determined at the time of the annexation that the National Ability Center was consistent with the purpose and uses of the zone and the approved Specially Planned Area (aka MPD). The proposed uses are support uses to the primary use of the National Ability Center and are consistent with the ROS Zone and in support of the mission of the NAC.
12. The NAC is located in the Quinn's Junction neighborhood, as described in the Park City General Plan.
13. The Joint Planning Principles for the Quinn's Junction area recommend development patterns of clustered development balanced with preservation of open space. Public preserved open space and recreation is the predominant existing land use. Clustered development should be designed to enhance public access through interconnection of trails, preserve public use and enjoyment of these areas, and continue to advance these goals along with the preservation of identified view sheds and passive open space areas. New development should be set back in compliance with the Entry Corridor Protection Overlay. Sensitive Lands should be considered in design and protected. Uses contemplated for this neighborhood include institutional development limited to hospital, educational facilities, recreation, sports training, arts, cultural heritage, etc.
14. On September 2, 2014, the applicant submitted a pre-MPD application for proposed additions to the NAC. On December 10, 2014, the Planning Commission held a public hearing, discussed the pre-MPD application and found the proposed additions to be in compliance with the General Plan and underlying zoning district.
15. On January 26, 2016, the City received a complete application for a Master Planned Development (MPD) for proposed amendments to the SPA. The applicant indicated that additional support lodging uses are proposed as Phase 2 of the MPD and they are

APPROVED

not part of this CUP application. (The proposed lodging building is shown on the overall concept plan for reference.)
16. The Planning Director determined that the ropes course improvements, relocation of riding arena and archery pavilion, and additional minor storage areas and buildings could be approved through administrative review processes.
17. On January 5, 2017, Staff received this application for a Conditional Use Permit for various additions, buildings, and improvements to the National Ability Center. The application was considered complete on January 17, 2017 and was reviewed at Development Review on January 31, 2017.
18. A one lot subdivision to create a platted lot of record for the National Ability Center (NAC) was approved by City Council on July 21, 2016 and recorded at Summit County on March 28, 2017.
19. The applicant proposes the following additions and buildings:

- Indoor Equestrian Arena additions (10,910 sf)
- Program Services building and climbing wall additions (1,250 sf)
- Community and Programs building (new) (4,962 sf)
- Recreation Center/gymnasium (new) (7,613 sf)
- Cycling Center (storage addition) (783 sf)
- Archery Pavilion and Range (relocated)
- Camping (new) - 3 recreational cabins (444 sf each), 6 graded tent sites, 3 yurt platforms and 1 restroom building (2,274 sf total)
- Greenhouse and gardening area (new) (400 sf)
- Maintenance shop and storage (additions) (1,250 sf)
- Additional parking area (104 spaces), snow storage and landscaping

20. The applicant proposes to construct approximately 29,819 sf of new building floor area for recreation, administration, programs and storage uses with a total building footprint of 27,810 sf. The proposed building footprint is approximately 2.43% of the total lot area. Existing building footprint is 41,629 sf (3.65% of the site). Total new and proposed building footprint is 69,439 sf (6.08%).
21. The lot is sufficient in size for the proposed uses.
22. Proposed uses are consistent with the uses allowed by the National Ability Center MPD (SPA) as support uses to the primary use.
23. A traffic study (Hales Engineering, November 2015) was provided by the applicant indicating that study intersections are anticipated to continue operating at acceptable levels of service. Capacity of existing streets can handle anticipated normal traffic, however during special events and activities additional traffic enforcement may be required and Special Event permits maybe required.
24. The proposal includes 104 additional parking spaces to provide a total of 225 spaces for the entire site (there are currently 121 spaces). Staff reviewed both a 25% and a 30% reduction for this CUP as the parking uses do overlap and NAC participants

APPROVED

use multiple buildings per visit. The parking requirement use chart in the LMC also does not match up well for some of the proposed uses and parking reductions are consistent with transportation goals and the General Plan.
25. Staff recommends a parking study be conducted one year following certificate of occupancy for the uses approved with the CUP and if additional parking is recommended, it shall be reviewed and provided with Phase 2 and the expanded support lodging uses.
26. The parking layout will be reviewed at the time of building permit review to ensure compliance with the LMC regarding interior and perimeter landscaping, lighting, and use of landscaped islands to break up expanses of parking.
27. Utilities necessary for this use are available at or near the site. Comments regarding storm water detention, water service, fire riser size and capacity of sewer laterals were gathered at the Development Review Committee meeting, and will be addressed with final utility plans prior to the issuance of a building permit.
28. The proposed additions and uses have been reviewed for potential interference with access routes for emergency vehicles. Fire District has reviewed and approved the emergency access routes and final Fire District approval of building plans is required prior to building permit issuance.
29. Existing internal vehicular and pedestrian circulation systems will be modified and enhanced by this project to provide accessible routes and connections to surrounding City open space, trails and recreation amenities, as well as to public transit routes (currently dial-a-ride service).
30. No outdoor storage of goods or mechanical/utility equipment is proposed or allowed onsite. No new fencing has been proposed.
31. Impacts of the adaptive camping tents site, cabins, and connected trail system on the open space will be minimized by limiting the number and size of the tent platforms and cabins, by installing natural pathways (not concrete or asphalt) and by minimizing grading and vegetation disturbance. LOD fencing will be installed prior to building permit issuance to contain disturbance for all construction sites. Any exterior lighting will be subdued, fully shielded and down directed.
32. Additions to the Arena and Program Services buildings are located in areas that are already disturbed with pavement and hardscape. The proposed recreation building will impact an area that has been previously disturbed and re-seeded.
33. Approximately 78% of the property will remain as useable open space, either as horse pasture, natural open space, or landscaped open space.
34. No signs are proposed at this time.
35. The proposal does not increase the number of horses on the site.
36. Exterior lighting fixtures will be reviewed at the time of the building permit review.
37. The proposal is not within the Park City Soil Ordinance Boundary.

APPROVED

38. There are wetlands on the property and they will not be disturbed by construction of the additions or any improvements and will be protected during construction as required by the Building Department.
39. The construction mitigation plan shall provide enhanced fencing of construction sites and activities in consideration of the safety of NAC participants.
40. An amended MPD Development Agreement shall be submitted for ratification by the Planning Commission to address specific requirements of the City's Water Department regarding water rights, impact fees, timing, etc.
41. The Amended Agreement requires Planning Commission ratification, City Council approval and recordation at Summit County.
42. Prior to issuance of building permits for any new buildings, not to include permits for additions to existing buildings, storage areas, archery pavilion, camping area, gardening center or parking, the amended Development Agreement shall be approved, executed and recorded at Summit County.
43. Phase 2 development, including additional support lodging uses, shall be conditioned upon finding compliance with terms of the Amended Development Agreement.
44. The proposed mass and scale of the buildings and additions, as well as the architectural design, materials, and colors are consistent with adjacent buildings on the property and in the surrounding area.
45. Proposed buildings and additions are setback more than 25' from all property lines.
46. Proposed addition to the Program Services Building, for expansion of the climbing wall, will maintain the height exception allowed by the Specially Planned Area approvals that is 43'4" in height from existing grade. All other additions and structures will not exceed the maximum zone height of 28', with LMC height exceptions permitted for pitched roofs, mechanical, elevators, etc.
47. The findings in the Analysis section of this report are incorporated herein.

APPROVED

Conclusions of Law – National Ability Center CUP

1. The application satisfies the Conditional Use Permit review criteria as established by the LMC's Conditional Use Review process (§15-1-10(E), Criteria 1-16);
2. The uses, as conditioned, will be compatible with surrounding structures in use, scale, mass, and circulation;
3. The Applicant complies with all requirements of the LMC; and
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – National Ability Center CUP

1. All standard conditions of project approval shall apply to this application.

2. The final building plans (site and landscape plans, building design, articulation, materials, colors, and design details) shall be in substantial compliance with the plans and drawings reviewed by the Planning Commission on November 29, 2017.
3. Final utility, storm water and grading plans shall be approved by the City Engineer prior to Building Permit issuance.
4. All exterior regulated signs shall comply with the City's Sign Code and shall require a separate sign permit issued by the Planning Department prior to installation.
5. A fire protection plan shall be approved by the Fire District prior to issuance of any building permits.
6. Final plans shall be approved by the Snyderville Basin Water Reclamation District prior to issuance of building permits for new construction.
7. Parking lot layout, lighting and landscaping shall adhere to regulations in the Chapter 3 of the Land Management Code.
8. Construction mitigation and staging plans shall be submitted with the building permit application. Additional temporary fencing may be required during construction activities for safety of NAC participants. Wetland areas on the property shall be protected during construction and all required wetland setbacks shall be maintained.
9. All exterior lighting, including for buildings and parking lot, shall be shielded and down directed in compliance with the LMC and shall adhere to regulations in the LMC.
10. Location, orientation, lighting and grading of tent platforms and cabin sites shall be done in a manner that minimizes impacts on the natural vegetation and visual impacts on adjacent public open space to the greatest extent possible. Lighting for the cabins and restroom building shall be shielded and placed on a timer or motion detector to protect the night sky.
11. The Development Agreement shall be amended to address specific requirements of the City regarding water rights, water development and use fees and provision of any necessary water infrastructure to meet water demand and fire flow requirements.
12. The Amended Development Agreement requires City Council approval and recordation at Summit County prior to issuance of building permits for any new buildings; not to include permits for additions to existing buildings, storage and shop areas, archery pavilion, camping area, gardening center or parking.
13. Compliance with the terms and conditions of the Amended Development Agreement is a requirement prior to approval of Phase 2 development, specifically including any additional support lodging uses.
14. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping.
15. A final landscape plan shall be submitted with the building permit application. The Planning Department shall review and approve the final landscape plan prior to issuance of a building permit. The plan shall include water efficient landscaping and

APPROVED

irrigation, snow storage areas, defensible space requirements, and additional berms and landscaping to screen parking and mechanical.
16. Individual campfire rings are not to be permitted within the camping area.
17. This approval will expire on November 29, 2018, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.

Commissioner Thimm returns to the meeting.

3. 1201-1299 Lowell Avenue – King's Crown Master Planned Development (consisting of 27 single-family lots, 25 residential units, 7 townhouses, and 18 affordable housing units, all residential), Conditional Use Permit for five (5) multi-unit dwellings (consisting of residential flats, townhouses, and affordable housing units), and Re-Subdivision of subject land into 33 lots of record (consisting of 27 single-family dwelling lots, 3 lots for the five (5) multi-unit dwellings, and 3 open space lots).
(Applications PL-17-03515 PL-17-03566 PL-17-03567)

Commissioner Band recused herself and left the room.

Planner Astorga reported that this item was a three-part application consisting of a Master Planned Development, a conditional use permit, and a re-subdivision.

The Planning Commission held a work session/public hearing on July 26, 2017. Since that meeting the City Engineer, himself, and Planning Director Erickson have met many times with the applicant. In those meetings the primary focus was utilities and grading.

Planner Astorga recalled that the applicant had presented a model at the July 26th meeting. He noted that Rory Murphy, who was representing the applicant, was not pleased with the model and the lack of information it provided specifically regarding the 27-single family dwelling. Planner Astorga stated that instead of using the physical model, the applicant had moved to a computer model. Some of the screen shots from the model were included in the Staff report.

Planner Astorga reviewed the proposal as outlined on page 216 of the Staff report; which includes an affordable building with 15 residential units. Another portion was Building B/C, which is one building divided by a split in between. Building B/C has 12 residential units. The next building has 11 residential units. And the next multi-unit dwelling has 7 residential units. Planner Astorga stated that the all four buildings require a conditional use permit as required by the RC District. A Master Planned

APPROVED

Development is required because the project exceeds 10 units. Planner Astorga noted that the Subdivision application plats three lots into open space, and it removes all of the density in the entire parcel.

Planner Astorga explained that the majority of the site is within the Master Plan; but the lot located in the back, which is the Nastar LLC property, is not part of the Master Plan. However, it is part of the subdivision due to the number of lot lines in that back corner. Planner Astorga reported that all of the MPD calculations for open space is based on the MPD area and not the entire subdivision.

Planner Astorga stated that the Staff requested a re-confirmation of the density analysis that the Planning Commission provided on July 26th. The challenge is based on the two different types of uses that the applicant was proposing. A single family dwelling is an allowed use in the District. A Multi-unit dwelling is a conditional use. The Staff uses different methodologies for reviewing the two types of uses. Planner Astorga noted that the Staff assessment was outlined on page 218 of the Staff report. The analysis was still the same as the one provided on July 26th. The Staff wanted confirmation from the Planning Commission that they should continue to move forward with the same analysis and direction they were given on July 26th.

Planner Astorga stated that the second discussion point in the Staff report was that some of the proposed single-family dwelling lots require a setback reduction. Whenever an MPD is more than one acre, the automatic setback on the perimeter of the boundary is 25'. The multi-unit dwellings comply with that requirement. However, on seven lots the applicant was requesting to reduce the setback from the 25' perimeter to 10'. Based on the analysis, the Staff finds that the applicant is able to make the findings for that setback reduction.

The third discussion point related to open space. Planner Astorga stated that the proposal provided approximately 82% open space in the Master Planned area; not including the back corner lot. The LMC indicates that the Planning Commission can review the types of open space being proposed. In this case, it would be natural open space.

Planner Astorga stated that the final discussion point related to the Subdivision, as outlined on pages 223 and 224. He explained that this was a unique situation where 32 lots were being proposed from an existing total of 299. Planner Astorga pointed out that a majority of the total lots do not have access a legal right-of-way, due to changing, shifting and removing all the existing lot lines. He stated that language in the LMC under the Subdivision ordinance requires that seven or more lots go through the subdivision process. He explained that the applicant comes before a Planning

APPROVED

Commission for a preliminary concept approval; and later come back to the Planning Commission to go through a final subdivision process. In the initial preliminary plat approval nothing is recorded; but they pay more attention to utilities and grading. The Staff and the applicant spent a significant amount of time working with different grades and percentages of grading. The Staff recommended that the Planning Commission exercise their authority to merge the preliminary plat and the final plat into one process.

Planner Astorga introduced the representatives for the applicant who were present this evening; Rory Murphy, Chimso Onwuegbu, Andrew Moran with Evergreen Engineering, Hans Fuegi and Chuck Heath.

Rory Murphy thanked the Planning Commission for their time and patience to hear them this evening. Due to the late hour, their presentation would be brief. Mr. Murphy thanked the Staff, particularly Planner Astorga, for his efforts on their behalf.

Mr. Murphy remarked on the comments and questions from the Planning Commission at the July Work Session. He believed they had answered every comment in detail, including the request by Commission Campbell to research and address every pertinent question from the Planning Commission meetings over the past year regarding other projects currently being contemplated. Mr. Murphy noted that the responses were included in the Staff report and he would not take the time to address them individually. Instead, they were prepared to answer any follow-up questions from the Planning Commission.

Mr. Murphy stated that they have addressed every Staff comment and worked closely with the Staff; especially Planner Astorga, Director Erickson and Matt Cassel, the City Engineer. He believed they had worked out solutions to all the questions and concerns raised. Since most of the concerns were engineering in nature, Andrew Moran with Evergreen Engineer was present to answer questions or address issues regarding engineering.

Mr. Murphy stated that relative to affordable housing, there would be at least 8 units in the 60-80% AMI range. The remaining seven units will be in the attainable housing range of 100-120%. That demographic is facing a serious housing shortage and they continue to work with the City Housing Staff to make that mix work.

Mr. Murphy requested to use the public forum to address the issues raised by the neighbors so that their promises go on the record and the neighbors are assured for their sincerity regarding their concerns. Mr. Murphy stated that the applicants held 40

APPROVED

meetings with the neighbors and all of them were pertinent. He wanted to provide an overview so the neighbors would know they were listening.

Mr. Murphy felt the most important issues was the ski access improvement, which would include snowmaking and grooming relative to Commissioner Joyce's comment from the last meeting. He explained that the ski access improvement would go back down to the back of the existing townhomes as well as accessing their units. It is a mitigation measure they have taken with the neighbors. They all want it to be there and the applicant has agreed in an effort to improve the situation in that neighborhood.

Mr. Murphy commented on pedestrian access and noted that they intend to put in a sidewalk as a connection to the Resort. It will pull the pedestrians off of Lowell and increase the safety situation that was addressed in a previous presentation this evening. Mr. Murphy stated that the sidewalk is intended to be radiant heated, and offset with solar panels. He believed it would improve considerably what is currently a dangerous situation.

Mr. Murphy stated that the intention of the proposed plan is to mirror the existing development pattern. They clustered high density where high density exists, and single-family where there are existing single family lots, and they continued the pattern of townhomes coming along the upper side of Lowell. Regarding the seven lots that Planner Astorga referred as requesting a reduced setback, Mr. Murphy remarked that the 10' setbacks are the same as the other single-family lots in Old Town. He pointed out that they tried to have no exceptions to the LMC, and it was Planner Astorga who actually caught the setback reduction that caused them to request an exception.

Mr. Murphy stated that they have strived to minimize the traffic impact. Voluntary density reduction aside, there is no commercial activity and, therefore, no employees. It is a ski in/ski out project, which would considerably reduce the traffic impacts. In addition, Park City has a terrific public transit center that is 100 meters away from the project and serves every destination in town.

Mr. Murphy stated that one consideration they put on the table is that no excavation or footings and foundations would be done from Christmas until the end of March. Having large fleets of construction trucks on that road is not practical during the winter; particularly given the activity that takes place. In addition, they plan to put in a truck turnaround lane on the property for two reasons: 1) it eliminates the backup beepers; 2) it pulls all the traffic off of upper Lowell. There will be no truck traffic from this project on Empire, whatsoever. Mr. Murphy stated that they were also looking at on-mountain excavation displacement areas as well. The total excavation is approximately 15-16,000 cubic yards, which includes swell. They intend to use the route that is cut in for

APPROVED

the access ski run; and that will be on the adjacent ski run. They were working with Vail on that matter.

Mr. Murphy stated that they had significant roof and building placement consideration. A building was moved 15 feet north from its original site to accommodate the Crafton/Horowitz house, and minimize the disturbance on their visual corridor. They also moved the townhomes around in an effort to accommodate some of the issues that were raised by Planner Astorga and Director Erickson. In addition, they moved some of the single family homes to accommodate snow storage areas, as well utility lines, based on concerns raised by the City Engineer.

Mr. Murphy remarked that all construction parking would be on-site. No parking will be allowed on the street. Lowell would remain open throughout the process. The only time it may be necessary to close Lowell would be at the end of the project when they re-scarify and repave that road. Mr. Murphy stated that they were approached by the Marriott Hotel about shielding the pool activities. At the request of the Planning Commission, they have implemented community within the neighborhood gathering areas. One is a pool and hot tub area. The other is a ski locker area located to the townhomes adjacent to the ski run. They will shield the pool activity area with vegetation and architectural screening to protect that activity from the Marriott as much as possible.

Mr. Murphy reiterated that this project will have no hotel, convention, or commercial uses. The building facades will match the current vernacular of a mountain mining theme. Landscape mitigation is planned in several places. One is to protect the Smith lots around the townhome areas. They also intend to do landscape mitigation by the Marriott as much as possible, given the restraints of an existing water line. They also plan vegetation mitigation adjacent to the pedestrian access stairs in an effort to protect the views of the Crafton/Horowitz house.

Mr. Murphy stated that the windows were adjusted on the affordable housing building at the request of the Marriott, so the windows do not stare into each other. They continue to work with Mark Harney, the General Manager of the Marriott on that issue.

In terms of dust control, they intend to have a water truck onsite at all times throughout the excavation. Mr. Murphy did not believe the dust would be dramatic, but they will do their best to mitigate it and will continue to work with the neighbors on that issue.

Mr. Murphy stated that they were planning to put a community gathering area on the affordable housing deck, which was directly adjacent to space the Marriott considers to

APPROVED

be private and quiet space. At the request of the Marriott, they agreed to remove the deck and not offer it as a community gathering area to address those concerns.

Mr. Murphy noted that the access road was aligned with 12th Street to keep lights from cars from directly impacting any particular house. A set of stairs was added to the Smith property so those townhomes can access the ski run. They have made significant roofline modifications for neighbors' views in at least four different areas in trying to protect views where they exist.

Mr. Murphy reiterated that relative to the Crafton/Horowitz house, they pulled the building 15' to the north. He noted that the southernmost boundary on Building C/D matches the southernmost boundary on the Lift Lodge. Also, the driveway for Building D was pulled 42' to the north to accommodate Crafton/Horowitz because they did not want headlights coming out of the driveway and into their house. Mr. Murphy stated that the applicant would continue to make a strong effort to keep the public informed. They were setting up bi-weekly meetings with the Marriott and anyone else who is interested during the construction period.

Mr. Murphy outlined some of the major benefits of the proposed plan. The project has significantly less density than even the most conservative estimates of what is allowed on the site. None of the property in the SLO overlay zone would be disturbed. The applicant was proposing 84% open space, including hardscape; and 82% contiguous undisturbed open space with a conservation easement placed on it. The visual aesthetics of the hillside will be preserved. They were proposing 200% of the affordable housing obligation. Mr. Murphy stated that the most important point of the entire proposal is the elimination of 247 platted Old Town lots. The project has no commercial or hotel uses. No height exceptions are being requested, no use exceptions being requested, and no zoning exceptions being requested. They will preserve the maple forest on the property in perpetuity.

Chair Strachan wanted to know the plans for a mountain biking trail goes through the maple forest. Mr. Murphy replied that the trail has a special quality and it will remain. It is an old railroad line and the only historic feature on the site.

Chair Strachan asked for clarification on the request for the setback exception. Mr. Murphy stated that for the five homes along Lowell, the 10' setback is on every other single-family home on Lowell. He stated that no one had thought about it until Planner Astorga pointed it out. Chismo Onwuegbu stated that the biggest reason for the 10' setback was to maintain the character of the single family homes throughout that zone.

APPROVED

Planner Astorga presented an exhibit on page 262 of the Staff report showing the lots. Mr. Onwuegbu clarified that they were talking about Lots 3, 4, 5, 6 and 7. Instead of having a 25' setback, they were requesting a 10' setback along Lowell, which is typical of every lot along Lowell. Commissioner Campbell asked if the 25' setback was triggered because the project has more than 10 units. Mr. Onwuegbu replied that the requires a 25' perimeter setback. The underlying zone, which is the RC zone, actually calls for a 10' setback.

Planner Astorga explained that the LMC states that at the MPD approval, the applicant can request to reduce the 15' perimeter setback down to the zone setback, which in this case would be 10' for Lots 3, 4, 5 6, and 7. Planner Astorga pointed out Lots 21 and 22 and the perimeter line. Requiring a 25' setback would make those lots challenging to build on. He remarked that the Staff was comfortable reducing the setbacks for Lots 21 and 22 because they were at the end of the road and it would be appropriate for the Planning Commission to reduce that setback.

Chair Strachan asked Planner Astorga to remind the Planning Commission of the findings they needed to make to grant the exception. He did not expect an answer tonight and asked Planner Astorga to come back with that information.

Commissioner Campbell asked for the setback on Lot 30. Mr. Onwuegbu replied that the setback was 10' because it is an internal property line to the entire site. Planner Astorga clarified that it was not a perimeter setback.

Commissioner Campbell referred to Exhibit AG102 showing the height analysis. He noted that Mr. Murphy had said they were not requesting a height exception, yet the analysis indicates it as a typical height exception. Planner Astorga explained that it was not an exception they were seeking from the Planning Commission. It was a Land Management Code exception. A 4:12 or higher roof pitch gets another 5'.

Planner Astorga noted that the height of the single family dwellings is limited to 27'. The RC District for single-family dwellings and duplexes mimics the HR-1 zone. For multi-unit dwelling the height is 35'; and another 5' with that specific roof pitch. He pointed out that height is measured from existing grade, and he thought the applicant had done a good job on the four buildings stepping with the grade.

Commissioner Campbell referred to a project the Planning Commission reviewed several months ago where they pushed the applicant to lower the ceiling height. Director Erickson noted that it was an HR-1 single-family home and they were requesting an exception for the tandem garage. Commissioner Campbell recalled that the applicant wanted a 10' ceiling and some of the Commissioners pushed back on it.

APPROVED

Director Erickson explained that the control mechanism was the 35' height and extending the building down to the ground.

Chair Strachan opened the public hearing.

Patricia Crafton stated that she and her husband John Horowitz reside at 1240 Lowell Avenue, which is the first single family resident on Lowell south of Manor Way. She appreciated that their names were mentioned quite a bit this evening because given their location, they are the most impacted by the massing of the development, which is concentrated at the northern end. They previously shared their concerns primarily relating to the massing and traffic related externalities of the project with the development team, and also with Planner Astorga. Ms. Crafton expressed her appreciation of the development team's outreach to the residents of Lowell Avenue, and to her and her husband. They have shown a sensitivity to their concerns and made a number of modifications to their original designs to help mitigate the negative externalities associated with the development of this scale. Ms. Crafton stated that ultimately it is the job of the Planning Commission to ensure all necessary and feasible mitigation has been incorporated as discussed, and that there are means to ensure their implementation and enforcement, since they all know that enforcement, especially in Old Town, has been lacking. Given the challenges of Lowell Avenue in the neighborhood, she asked that this be seriously considered in the ongoing implementation of this project. It is essential to their quality of life and to the entire neighborhood. Mr. Crafton thanks the Planning Commission and Staff for their service to the residents of Park City in ensuring reasonable, sustainable development sensitive to the existing character of the neighborhood and that requires developers to take responsibility, as they should, to mitigate the costs they impose through negative externalities. Their work is greatly appreciated.

APPROVED

Chair Strachan closed the public hearing.

Chair Strachan needed to look at the plans further, but he was not sure it made sense to give a setback exception on the Lowell Avenue side on all three or four of those units. It may be worthwhile to push them back gradually from south to north. Commissioner Campbell disagreed. He thought they should look like the ones to the north. Chair Strachan was willing to engage in that dialogue. It is currently structured to have an abrupt stop of a 10' setback and then a 25' setback against a bigger building. He asked if they wanted to keep the abrupt change in the rhythm of the street, or whether it should be gradualized.

Planner Astorga stated that if they were looking at Lots 3, 4, and 5 it would not take away from the applicant's footprint, because the entire footprint cannot be placed on

the building pad. These three lots are exactly 25' x 75'. The maximum building footprint per lot is 844 square feet. The building pad is approximately 1,000 square feet. Somewhere there has to be that specific articulation. Planner Astorga wanted to make sure that the applicant understood that on Lots 3, 4 and 5 pushing the setback does not take away specific square footage.

Mr. Onwuegbu stated that most likely there would be a setback to fit a car in front of the garage in the single-family homes to meet the requirement for two parking stalls. He agreed that there would not be a building on the face of that 10' setback. Mr. Onwuegbu referred to the rendering, which showed approximately 27' between the house and the first structure because of plantings and the community stairs. It would not go from a 10' setback with the single-family home to the 25' setback of the condo. Commissioner Thimm clarified that there would be a buffer. Mr. Onwuegbu answered yes.

Chair Strachan remarked that the rendering helped him understand it better than the lot line diagram. Commissioner Campbell thought the 3-D model made it look like they were stepping back towards the north. Mr. Onwuegbu replied that that was the point he was trying to make. By the time a driveway goes in to fit a car that parks in front of the garage, the buildings will actually step back. In looking at the rendering, Chair Strachan thought the setbacks appeared to be gradualized against Lowell.

Planner Astorga clarified that the applicant was not requesting to build the 27 single-family dwellings. The intent is to plat them and sell each lot individually in the future. That was part of the discussion in July as to why they had not modeled the single-family dwelling.

Commissioner Campbell understood that the applicant was only asking not to be constrained; so whoever buys the lot could put it as close as 10' or further back if they want. He also understood they would probably have to go back further in order to accommodate the two-car parking. Mr. Onwuegbu replied that he was correct. Chair Strachan asked if those would be subject to CUP review. Planner Astorga answered no, because single-family is an allowed use. However, they are running an MPD and they have the ability to place a condition on the Master Plan that would mimic that language. For example, for the 27 single family dwellings, the Staff and the applicant have been discussing the idea of making those units comply with the design guidelines. In the development pattern as proposed, most of the units are smaller lot configurations in the range of 25' x 75'.

Commissioner Joyce asked if the language Planner Astorga was talking about stipulating would be that each lot would have to go through a CUP. Planner Astorga

APPROVED

stated that he was talking about requiring the 27 lots to comply with the design guidelines.

Mr. Murphy stated that the applicant would also be willing to follow the HR-1 requirement because it followed the intention of what they were trying to do.

Chair Strachan asked about the retaining wall on the south side where the stairs to the Smith's proper was shown. He assumed it would have to be retained off Rothwell Way. Mr. Onwuegbu stated that there was a series of three retaining walls between four and six feet that step up. Chair Strachan asked for the setback on the southernmost top tier from the neighbor's home. Mr. Onwuegbu replied that they were 17' of their property line at the closest point, and another 8' off the neighbor's property line. It was approximately 25' and then approximately 40' off their actual building. Chair Strachan assumed it would be revegetated. Mr. Onwuegbu answered yes. It would be a thick evergreen buffer.

Commissioner Campbell thought the retaining walls looked like steel plates instead of rock. Mr. Onwuegbu stated that currently they anticipated using concrete with an actual corten face

Assistant City Attorney McLean asked the applicant to speak to the driveways for the proposed single-family homes and whether there would be any issues due to their steepness. She was told that they had cut sections through every part of the single family homes to show how they can fit the driveways in a maximum 12% slope and a 27% maximum height with 35' bottom of garage to the top plate. They had done sections on every lot to show they could be built on.

Planner Astorga referred to Exhibit C4 in the engineering section. He noted that the Staff had extensive discussions with the applicant regarding the slope of the private drive. The turnaround for the fire truck drove the existing slope of the drive. Chair Strachan clarified that he was referring to Rothwell Way and not an individual driveway. Mr. Murphy replied that he was correct. Planner Astorga stated that it is a private drive that accesses several units. He indicated the area that was approximately 6% grade until it reaches Lot 29, at which point it jumps to 13.5% grade. The maximum in the Code is 14%. The applicant was aware that they needed to be extremely careful in how they regrade the private drive. Planner Astorga noted that Lots 7-11 would be regraded to build a road going through. He believed the same slope would remain in place; however, the angle of the slope would change from an east to west orientation to north to south.

APPROVED

Chair Strachan asked them to point out the turnaround. Mr. Onwuegbu replied that the turnaround basically occurs through Lots 8-10. Commissioner Thimm asked if there would be a transition at the base. Mr. Onwuegbu replied that there would be a 25' transition. Chair Strachan asked if the road would be heated. Mr. Murphy answered no. They only intend to heat the sidewalk. He pointed out that the sidewalk starts where the multi-family begins.

Chair Strachan asked for the location of the snow storage post construction. Mr. Murphy stated that they eliminated a set of stairs at the request of Staff at the hammerhead; which is a significant snow storage area. They also moved around the buildings and lots at the end of the cul-de-sac to allow space to push snow. Commissioner Joyce indicated places on the exhibit where they literally have snow storage completely across the front of someone's garage. Ms. Onwuegbu explained that they have a 10' snow storage easement that runs across the front of all the lots, but it was broken for a 12' section where the driveways are located. Planner Astorga stated that in order for the 27 single-family dwelling to comply with the design guidelines, the maximum driveway is 12', which leaves ample room for snow storage. It is not possible to have a double-wide driveway. The only exception are the 7 townhouses based on that specific design.

Commissioner Thimm asked about the depth of the displaced fill. Planner Astorga stated the application needed to provide additional information in terms of the topography and how that would change; specifically, as it is adjacent to the Marriott Mountainside. He would like the applicant to provide more specificity, similar to and earlier application discussed this evening. Director Erickson stated that the issue had not been resolved and the Staff was working with the applicant and the Resort for fill placement on the ski run. The Staff had concerns about vegetation protection and placement of the fill in that location, and it was still an open item.

Commissioner Joyce commented on the importance of resolving that issue because the alternative is 1,000 dump trucks on Lowell if the dirt has to be hauled off. Mr. Murphy stated that given the level of discussion this evening, they would come back with a much greater level of detail and hopefully an agreement in hand.

Commissioner Joyce noted that in his presentation Mr. Murphy talked about not doing excavation work and foundation work during the ski season. He believed there would still be issues of what would normally get put off to construction mitigation; but, given the sensitivities with Lowell and the potential construction traffic, he thought they would need to have a better look at the construction. In addition to the ski season, summer is also a busy time on those parking lots. Mr. Murphy asked if he was looking at times, etc. Commissioner Joyce remarked that it was time and the issue of congestion with

APPROVED

the buses and trucks. Mr. Murphy offered to obtain more detail regarding routing times. With this particular road and location, Commissioner Joyce thought it was better to address it sooner rather than later and be sensitive to the issues.

Chair Strachan noted that the item was noticed for possible action but he did not believe they had reached that point.

Commissioner Joyce noted that Mr. Murphy had said that the open space would not be disturbed, but the ski access run would be in the open space. He asked if that area would also be included in the conservation easement. Mr. Murphy answered yes. Commissioner Joyce pointed out that it would have to be part of the easement details. He thought it would be important to describe all of that in detail; especially if they would be running water and power out for snowmaking. Commissioner Joyce thought they should look towards the future and anticipate that someone might decide to put another run off of King's Crown onto this property. It is important to determine whether or not that would be allowed and to nail down what can and cannot be done with ski access in that open space. Mr. Murphy stated that their ski run would be within the conservation easement; and the conservation easement would preclude anyone from doing anything in the future.

Commissioner Joyce asked how trash removal works in a hammerhead. Mr. Onwuegbu stated that all the lots face on Rothwell Road and they would use that as a turnaround. They would do trash pickup as they go down the road. At the end, they would back up and then turn around because they do not have to get down the hammerhead facing downhill or northeast.

Mr. Murphy requested that the Planning Commission continue to a date certain. Director Erickson suggested that they continue to the January 10, 2018 meeting. Mr. Murphy asked if it was possible to schedule it for a meeting in December. Director Erickson noted that the Staff report for the December 13th meeting was due one week from Friday on December 6th. Chair Strachan stated that they could continue to December 13th, and if the Staff or the applicant could not meet the Staff report deadline on December 6th, they could continue it to the January meeting. Mr. Murphy preferred to try for the December 13th meeting.

Director Erickson stated that even if there were no other projects on the agenda, the normal turnaround time on a project of this magnitude is at least a couple of weeks. He could not see how the applicant could provide all the information to the Planning Department, and give any member of the Staff sufficient time to prepare the Staff report in time for the December 13th meeting.

APPROVED

Mr. Murphy stated that the concern is that many of the Commissioners are leaving at the end of the year. He understood the challenge for the Staff, but they would still like the opportunity to be scheduled on December 13th, and if it had to be continued they would accept it.

Chair Strachan asked if it was possible to schedule it as a work session with no further Staff analysis; and only the submittals that the applicant was asked to provide this evening. It would not be up for action or a decision. There would be no promises or representations that the Staff does or does not approve the submittals. Commissioner Campbell pointed out that Mr. Murphy wanted a vote before the current Commissioners leave in January. Chair Strachan did not believe the Staff could be ready with findings and conditions by December 13th. He thought the closest they would get is to have the Planning Commission say that based on what was submitted they did not see many objectionable items or issues that could not be worked out. He hoped that the new Commissioners in January would defer to the Minutes and the Findings made by this Planning Commission.

Mr. Murphy asked if there would be a quorum on the Planning Commission after the first of January. Director Erickson stated that a meeting was scheduled for Friday morning with the new Mayor to discuss the recruitment of new members to replace Commissioner Joyce, and possibly Chair Strachan. At that point they will see how many of the current Commissioners want to be reappointed. The recruitment process would take place in December. Interviews would be conducted early in January, and the appoints would probably take place the latter half of January. He pointed out that the Planning Commission would have a quorum but a smaller Planning Commission if Steve Joyce and Adam Strachan were gone.

Mr. Murphy accepted the work session compromise for December 13th. Chair Strachan stated that the item would be on the agenda as a work session. The applicant should submit as much of the information requested this evening as possible. Assistant City Attorney stated that the applicant should submit whatever else is outstanding so it is not piecemeal at each meeting. If they are not able to provide all the information, the item should be continued. Mr. Murphy believed they could provide all the submittals requested in the short timeframe. He agreed with Ms. McLean's assessment and they would submit a complete package. Chair Strachan reiterated that even if they submitted a complete package there would no Staff findings or analysis. The Planning Commission will read it, consider it, and provide feedback and their initial assessment. He pointed out that the feedback might contradict what the Staff concludes from their analysis. Mr. Murphy understood and thanked the Commissioners.

APPROVED

MOTION: Commissioner Joyce moved to CONTINUE 1201-1299 Lowell Avenue, King's Crown Master Planned Development to a work session to be held on December 13, 2017. Commissioner Thimm seconded the motion.

VOTE: The motion passed. Commissioner Band was recused.

The Park City Planning Commission Meeting adjourned at 11:00 p.m.

Approved by Planning Commission: _____

APPROVED