

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JULY 12, 2017

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Preston Campbell, Steve Joyce, John Phillips, Laura Suesser

EX OFFICIO: Planning Director, Bruce Erickson; Francisco Astorga, Planner; Kirsten Whetstone, Planner; Hannah Tyler, Planner; Anya Grahm, Planner; Mark Harrington, City Attorney, Jody Burnett, Outside Counsel

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REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:30 p.m. and noted that all Commissioners resent except Commissioners Thimm and Band, who were excused.

ADOPTION OF MINUTES

June 28, 2017

MOTION: Commissioner Joyce moved to APPROVE the Minutes of June 28, 2017 as written. Commissioner Phillips seconded the motion.

VOTE: The motion passed. Commissioner Suesser abstained since she was absent from the June 28th meeting.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson reported that at the request of the applicant, 4001 Kearns, the film studio subdivision, will be continued to a date uncertain. The Planning Commission should open a public hearing when the item comes up on the agenda and continue it to a date uncertain.

Director Erickson remarked that the agenda was revised and the Consent Agenda would occur after the Work Session.

13. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.

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: Francisco, how are we going to do it tonight?

Planner

Astorga: Well, I want to provide a brief introduction, which simply outlines the Staff report, and then we want to turn the time over to the applicant where they want to take 15 minutes each and discuss their Constructability Assessment Report, Refinement 17.1, and then Refinement 17.2. And then I would like to take the time back to go over the main three identified issues on the Staff report regarding excavation, geo-technical, and constructability. And then we will request that we have the public hearing, and then we will probably have your deliberations. And then we'll have you continue the item to the August 9th meeting.

Chair

Strachan: All right.

Planner

Astorga: If that's okay.

Chair

Strachan: Sure. Fifteen minutes each for each of you, the two applicants sitting here. Is that your understanding or---

Pat

Sweeney: There's three of us. Rob is going to take most of it, and then myself and David Eldredge and Steve Perkins are going to rapid fire go through 17.1 and 2. (Inaudible) but we're going to try and make it 45 minutes. It's all backed up with a lot of information. It's on our website now.

Director

Erickson: Pat do you want to grab a microphone.

Pat

Sweeney: Pat Sweeney for the applicant. So should I speak for a minute or---

Chair

Strachan: Yeah, just in terms of the procedure we're going to follow tonight.

Pat

Sweeney: Sure. So, so once again, Pat Sweeney for the applicant. We're going to speak as a group. Rob's going to take most of the time with the Constructability Assessment Report, and myself. David Eldredge, Architect, Steve Perkins, Land Planner, are going to talk about the refinements in what we call 17.1 and 17.2. And it will be rapid fire. There's a lot of information. We have posted a link, or place a link on our website, treasureparkcity.com on the home page, the left upper hand corner has all the files and all the references and all the reports. So, so they're available.

Chair

Strachan: All right. So I think what we'll do is we'll hear from Francisco, we'll hear from the applicant, and then Francisco will close it out. We'll take a break, we'll recess since it sounds like we're going to be here for a little while, and then we'll have public comment.

On a broader level, Mr. Sweeney, where are we on the timeline overall? Do you feel you guys are on schedule?

Pat

Sweeney: Yes.

Chair

Strachan: Okay. And what is on schedule mean to you?

Pat

Sweeney: We, we would like to see a vote in October. We think that makes sense for a lot of reasons.

Chair

Strachan: And you're ready? You are confident you'll be there?

Pat

Sweeney: Yes.

Chair

Strachan: Okay.

Pat

Sweeney: We're, we're going to provide some tools to help you all understand where we are, and the public as well, the Staff. And we think we'll be there. We think at some point we've got to wrap it up and put it in a package and see what you think.

Chair

Strachan: I'd agreed with that. I think what the Planning Commission, and they can correct me if I'm wrong, is give us at least, you know, a month or a month and a half warning about what meeting you feel is going to be your last to present information to us, so that we know going forward that that's the date certain. Fair enough?

Pat

Sweeney: That's fair enough. And do you want to talk about that right now or just talk with the Staff or---

Chair

Strachan: Yeah, why don't we talk about that right now.

Pat

Sweeney: So, in general, we think that we can get all the pieces together by the next meeting. They'll be a few lingering things as always. And as part of that we'll have what's called a written and pictorial that's required by the Code, or used to be. I assume we still, we still have that requirement. That's about an hour read with a lot of pictures. And then a lot of references or links on our website to---for people to go as deep as they want. We want to wrap up traffic next meeting. We will have the report, and at least a response to the

request from Staff for an analysis of the operational capacity. And Gary Horton will present that next meeting. We will go into more detail about the refinements of 17.2 at the next meeting, and at least address in a succinct, clear, complete way some items we haven't, such as employee housing. And then I think we need September to do whatever everybody wants to do in terms of responding to questions, information. And we could also do another meeting in the first part of October for the same thing, and then we would like the vote to---on the second meeting in October if possible.

Chair

Strachan: Okay.

Pat

Sweeney: And part of that, I mean, to be real honest with you, I know that there's two or three of you guys who are going to be gone, or would like to be gone maybe already.

Chair

Strachan: You bet.

Pat

Sweeney: And moving on hopefully to better things. But, so the timing seems right. If we go past that point then we jump into a whole new era, and we have to jump over Thanksgiving, Christmas, Sundance.

Chair

Strachan: Yeah, yeah.

Pat

Sweeney: We kind of go backwards in our opinion.

Chair

Strachan: Okay. All right. All right, so you see kind of the last meeting where you provide substantive information to us being the second meeting in September? Is that what I heard?

Pat

Sweeney: First meeting in August, first meeting in September, first meeting in October if you'd like, vote second meeting in October. If that makes sense to you.

Chair

Strachan: All right. Okay. When I say okay, I'm not speaking on behalf of Staff.

Pat

Sweeney: Right, and I understand.

Chair

Strachan: They may have a very different understanding of that timeline because they may not have all the information they need. But I just want to figure out where you guys are coming from and I appreciate that.

Pat

Sweeney: Right.

Chair

Strachan: All right. I'll leave it to Bruce and Francisco to digest that information that you probably just learned, but let's roll on with tonight. Okay? Unless the Commissioners, just scheduling questions. Anything? All right. Let's go.

Planner

Astorga: All right. So the first thing I was going to reiterate is that we anticipate transportation traffic study final August 9th, subject to us receiving it by July 20th. I do not have it so I need, we need, me and my team, we need enough time to review it. So the applicant has been made aware of that due date.

The other thing that I just want to quickly update you on is that our public comment website is completely up-to-date. Since the last June meeting we had we only received on additional public comment. So if you check that you'll have all public comments there.

The next thing is that as suggested by the applicant, that's what we said, 15/15/15 for their Constructability Assessment Report. And we did write a big portion within the staff report. And I would like to come back to that.

Refinement 17.1, we have received it fully, but we're still waiting for Refinement 17.2, which we've received it partially. So we gave the applicant the same due date. If we want to talk about that during the August 9th meeting, July 20th is their deadline.

And the other thing before I turn the time over, I want to say that the quality/technology that the applicant has been engaged in in the presentation

you're about to receive is quite impressive. You'll see it. And we, the Staff wanted to acknowledge that publicly as far as what the applicant has been doing to prepare this massing model with the drone that you're about to see. So we're grateful for that. And that is in conjunction to 17.1.

And that's all I have other than we'd love to have some more additional time at the end of their presentation.

Chair

Strachan: You bet.

Planner

Astorga: Thank you.

Chair

Strachan: All right.

Pat

Sweeney: So briefly, Rob, Rob is going to take, go first, and he's going to talk about the constructability, and then he's going to weave in some information about 17.1. By way of reminder over the last year or so, we've talked about dotting I's and crossing T's, and that's what 17.1 is. It's doing everything we think we can possibly do to the application in its 2009 form, and taking care of some things that we think we could improve on. It's eight things. We call them refinements, they're significant.

17.2 takes it one step further. I think it was Commissioner Band who is not here who asked us to do, to see if we could do something different more, and we pushed ourselves. These things are very simple, but they involve millions of clicks by David Eldredge in particular, our architect. And that's what 17.2 is. And we'll get into that.

So, I'm going to---I need to just put this up and then Rob is going to take over, and lickety-split, I think, Rob. Hit the high points of your report. It is on the web, once again, home page, upper left-hand corner.

Rob

McMahon: I'm Rob McMahon. I am a civil engineer with Alta Engineering, and I am the author of the Constructability Assessment Report. The first thing I guess I want to say is just the purpose of the constructability assessment report. Previously there were a lot of items that were scattered about, and we want

to have one report where we brought the CUP related items, and a lot of the Staff and Planning Commission comments into one place that contains all the items that are to be anticipated in the construction of the project. So, that's pretty much the purpose of the report. And so then the scope of the report is, it's a report, really, to confirm the feasibility of the construction of the project.

Through the past year we've retained qualified professional consultants in each of the areas that we covered in the assessment report. We also met with the Park City Engineering Department and the Park City Public Works Departments to get their concerns and to address those. So, that's pretty much the scope of it.

And so then the outline---what I wanted to cover tonight was I divided into three main areas. The outline that's up above is a little more detailed for each individual area that we covered in the report. But tonight, what I've done is I've divided it into three general areas. The first area is the excavation. You know, basically the quantity and the placement of it. The second general area covers the soils management and the water source protection and the service utilities. And the third general area is the construction phase activities, covering things like the employee traffic issues, the construction impacts and the construction mitigators.

So the first item would be the excavation. And a little historic background to it. In 2008-9 a presentation was made to the Planning Commission, and at that time---

Chair

Strachan: Just be careful with that mic pretty close to you. We're getting a bunch of crackling.

Rob

McMahon: Oh, sorry.

Chair

Strachan: You may need to back it off a little bit. I think that's probably it right there.

Rob

McMahon: Okay, sorry about that.

Chair

Strachan: No problem.

Rob

McMahon: So in excavation, a little historic background. In 2008, slash 9, the planning packet, the CUP packet was presented to the Planning Commission and [inaudible] an excavation management report, and it dealt specifically with the excavation. At that time, we took the 2009 plans and we did an estimation of the excavation quantities. And that is depicted there. And that is in the 2009 Constructability Report. And pretty much I divided it into the four areas based upon the topography, the building locations, and just from my experience what, what perhaps a contractor would go in and go about this. So pretty much defined four sites, and that has been reviewed and been presented previously.

Then through the refinement process of 17.1 and 17.2 that Pat referred to, that affected the excavation quantities, and it was one of the primary drivers for the refinements. So here we have, what I was---can we go back to the 17 point---so this is the 17.2 delineation of the new excavated quantities that are to be expected. And this is a graphical representation. This isn't in the report, but we thought we'd just bring this out and show the reduction in the original 2009 quantity of 960,000 yards, and all the way down to the 17.2 where we got it to 868,500. It's about a 90,000, 91,000 cubic yard reduction.

Just an item to note, since 17.2 hasn't been completed and all the I's dotted and the T's crossed, but the 17.2 quantity could change. And I took my best shot at it and it's, it's pretty accurate in the engineering standards because I was able to do an engineering analysis on that. But if anything, that 17.2 quantity will, will go down, it won't go up through further completion of 17.2.

So, once we excavate it, one of the main items of the Treasure project, one of the mitigating factors, was to keep all the excavated material on site. And it's been a reoccurring theme through the presentations and, you know, resulting in a huge reduction in the construction related traffic trips on the local streets, trying to reduce the hauling of any kind of excavated material.

So this is an exhibit of the placement zones. Another historic note, and I noticed that it was noted in the Staff report. In 2009 the Park City Mountain Resort, it was a different climate, a different ownership. And the Treasure owners and developers had a relationship with the previous owners of the Park City Mountain Resort, and there were discussions of placement of the

excavated material. We took some trips up on site. Basically, really dealing with that Treasure Hollow area and the bottom of the Crescent Tram, and their issue of the grades and their own soil management issues. And so they were receptive to accepting various amount of material, but we never really got down to any kind of agreements or quantities. And that's why in the 2009 assessment, in the Excavation Management Report, there we had Creole accepting a much less amount of material and anticipating transporting a large amount of material up into that Treasure Hollow site. And so that's why there was kind of a plus or minus approach to that Excavation Management Report.

Since then the ownership has changed and the developer has decided to go with keeping all his material on the property that he has. So, it was more of a known quantity.

Pat

Sweeney: There's one exception. We do have an agreement to put some material right, excuse me, where is it. We do have an agreement to do that. That's on upper Payday.

Rob

McMahon: And that has always been an issue with the past owners of the Resort. Payday has a dual fall line and it could use some work from a ski run construction cross-section approach. The primary zone is the Creole Gulch, and that's where we're placing upwards of a million cubic yards.

The two zones that are outside the---the one zone that's outside the property boundary and also the Kings Crown Ski Run are secondary zones. And they are much less in scale.

Chair

Strachan: And do you have agreements to put anything on those?

Pat

Sweeney: Yes. Those---that's in the existing agreements, plus we own the upper part of Kings Crown. So Rob, I think you gotta rock it.

Rob

McMahon: Okay. So the, well, so, even in the placement of the material, part of the strategy is to place the material so that it enhances the ski run and ski access into the Old Town core. There's always been an issue of having a,

you know, a beginner/intermediate access into the Old Town core. And so in, in this process we are constructing ski runs both into the Treasure project, but also into the Old Town core area where we create a green slash blue access into the Old Town core area. The Creole Run as we know it will change dramatically, and it will continue to have a ski run down the perimeter of the placement zone of the material. And quite frankly, the material placement zone itself is going to be a great ski run if it is developed in that manner.

This is a 3-D visualization. We met with the representatives of Vail to just give them a birds eye view of what things could look like. And this is a 3-D rendering of what the Creole Gulch would be transformed into. And Pat is outlining the ski runs that we propose.

Pat
Sweeney: Those are the new, those are the new runs.

Rob
McMahon: The next slide is---so these are stills out of the rendering that you're going to see. We just picked a couple of stills to show that placement zone. And you can see the placement zone that exists. And there's a winter view of it. It---and that's the placement zone right there. It is, and you'll see that in the rendering. But this is just a still of both a fall view and then the winter view.

Pat
Sweeney: We'll go in---you'll see a better version of this with the video rendering.

Rob
McMahon: And that, you know, is the general outline of the excavation. We did retain applied geo-technical consultants, a geo-technical firm that has been involved in the Treasure project for over 15 years. And we met with them and presented the exhibits that you have seen, and also the---we discussed the placement of the material in the Creole zone. And we asked them to evaluate on a feasibility basis if, if---we asked them to weigh in on it and give us an opinion letter. We discussed the possible approaches to the placement and received a favorable feasibility report from them. They felt like that it can be done. And we even discussed, you know, some rough outlines of possible approaches to it.

We also retained---because the excavation and the material placement is a specialty item, we also retained a specialty contractor, a heavy civil

contractor that deals specifically in excavation. Robinson Construction. And they've dealt with projects of this scope. And we asked them for an opinion letter as well. And they provided us with a feasibility analysis and a rough outline of what they thought they could move that amount of dirt and put it up on the hillside.

Chair

Strachan: Is that on the website?

Rob

McMahon: It's on the website. It's contained in the constructability report as a reference, all those letters.

Chair

Strachan: Which we have. That's part of this packet. We've seen it. Okay.

Rob

McMahon: Yes.

Chair

Strachan: That's, there's nothing more?

Rob

McMahon: Right.

Chair

Strachan: Okay.

Rob

McMahon: Right. So then the general area #2 is, you know, covers the soils management and the service, the service utilities. There exists four sites on the Treasure property that are mine overburden sites, and they're pretty much the material that came out of the shafts and were placed outside of the entry portals. And it's interesting to note, I direct you to the reference of the Hansen, Allen and Luce letter where they go in and they analyze the difference between a mine tailing, which has been chemically processed, and the actual molecular structure of the material is altered so that the leeching, it becomes an issue. The material that exists up on the Treasure site is overburden. It hasn't been chemically altered. And when material---it, it, and so it's pretty much the same as the material that's going to come out of the entire excavation site. And the chemical properties and molecular

structure of material that hasn't been altered by a chemical process is much less susceptible to leeching. And they go into detail on that in their analysis. So I would direct you to that report that they have presented for more detail on that.

That being said, the material, the overburden material we did a, we surveyed the material and estimated the quantities. It's less than 3500 cubic yards. We asked the applied geo-technical for a protocol, a suggested protocol to deal with the material. And they suggested and recommended to encapsulate the material on site in environmentally acceptable areas. And I believe that that is still the preferred method for the EPA to deal with mine overburden in area, and has been employed in Park City previously.

What we're looking at here, this is a part of the Hansen, Allen and Luce presentation or opinion report. And Hansen, Allen and Luce is a hydro-geologic firm located in Salt Lake City, and they have been employed by Park City Municipal dealing with the Spiro Tunnel. They're very familiar with the Spiro Tunnel. They're very familiar with the Spiro Tunnel water protection zone. And we asked them to analyze the possibility or the impacts of the Treasure project excavation on the water sources of Park City Municipal. In essence, they did an overview and a geologic, hydro-geologic analysis of the existing topography in the area that the Treasure project is and the Spiro. To boil it all down, it's a detailed report, but pretty much the flow that they predict flows from the southeast to the northwest. Or am I getting that wrong? The southwest to the northeast. Excuse me.

They also note that the---in order for any kind of influence for the Treasure project to enter into the Spiro Tunnel water source, it would have to flow up the hydro-geologic gradient. And their conclusion was that it did---would not influence the, the Spiro Tunnel, and even recommend looking at the Spiro Tunnel water source protection boundaries, which I think has been looked at before, whether or not they're drawn in the right area or not.

Pat
Sweeney: And also I think concluded, Rob fairly stated, that it wouldn't affect any of the water sources in Park City.

Rob
McMahon: Right, yes. So then moving right along, the service utilities. Pretty much service utilities are divided into two main categories. There's the City, the City provided utilities; and those are water and storm drainage. Then

everything else is handled by either a special improvement district or private concerns. We met with, I previously stated, we met with the Works Department, we met with the Engineering Department, we met with Snyderville Basin Water Reclamation District and provided a sewer master plan for them, and discussed the project to bring them up to date. And then we contacted the anticipated utility providers, gas, telecommunications, power. And what typically is a requirement in the construction of contracts is to provide service provider letters, which pretty much states that service is available, and they will provide it. And, and that's---we secured service provider letters from all of the above. Park City Municipal does not issue service provider letters.

What was determined from the meeting with public works was that a water line to service the Treasure project to provide service flows and culinary flows to the project would require a 12" water line. And it, they have a preferred alignment that is what they would like it to come up Lowell Avenue. And in the current Lowell Avenue project there is an area that is provided for that future water line that could go in when needed during the construction.

Snyderville Basin Water Reclamation District gave us a service provider letter. They asked us to direct the flows to their preferred main line, which is down Empire. And then we discussed all the---a concept utility plan was provided to all the service utility providers for them to review. And then we secured the service provider letters.

Pat

Sweeney: Preston, this is for you. This one's hard to read. That's Comcast. But, anyway, they're all there.

Rob

McMahon: So then a concept utility plan was, was, what was prepared. And then--- and I stress concept utility plan because what we deal with there is we deal with the internal concept of how storm drainage and a water line and a storm drainage system would take place. On the concept utility plan we provide the outfalls for the storm drain and for the sewer to connect into the existing infrastructure of the utilities.

You're ahead of me, Pat. You're moving me right along.

Pat

Sweeney: Adam's given us a schedule, Rob.

Rob

McMahon: Okay, well. All right, which brings us to the area number three, which is the construction phase activities. The construction phase activities cover, you know, a number of items; employee transportation, material deliveries, you know, overview of the construction methodology and the construction phasing. The impacts, the mitigation factors.

Big D Construction back in 2006, they made several presentations to the Planning Commission. And in 2006 of January they provided, they presented a detailed presentation of addressing those items that I just mentioned. And so I would reference you to that to take a look at that for further detail. That is provided in the report as a reference. We met with Big D. We presented them with the current 17.2 plan, 17.1/17.2, to bring them up-to-date to the current application before the---you guys, the CUP. And we asked them to relook at their original assessments and presentation, and to validate whether or not it was still current and whether or not it was still viable. And we received an opinion letter that verifies both those items from Big D Construction. They go through several items. I'll just kind of outline those as we go through those.

The construction staging is a CUP requirement. One of the advantages of Treasure is that all of the construction will be able to take place---all of the construction staging, vehicular parking will be able to take place on the project site itself. There's enough area in that site to be able to do that. And so the construction staging---to reduce the amount of impact to the surrounding neighborhoods as much as possible, the expeditious, expeditious establishment of an initial construction staging area would be a priority to come right off of Lowell, establish that first, and then go right into a berming, fencing, screening and aggressive re-vegetation to create that buffer right off the street so that the initial staging is mitigated and bermed, and the impacts reduced. And then as the staging progresses, it would follow what we anticipate as the construction phasing, which would progress further into the site and move further away from the Lowell/Empire entry. It's speculation at this point, but most likely the excavation and the construction of the initial parking garages will occur at the same time so that the, the parking garage itself will be able to serve as a lay down construction staging area for the vertical construction. The nature of the parking garages being built to accommodate fire trucks and ambulances are such that they are large spaces so that they will be able to accommodate material deliveries and off-loading.

The next item that Big D covered was the construction phasing. Again, you know, the, the construction, the initial excavation, its anticipated that the excavation and the vertical construction of the parking garages will occur concurrently. Again, we---on the construction phasing we asked Big D to give a time frame on what they thought they could be able to do a project of this size. And they are, they have done projects of this size before. And they anticipated a three to five-year construction phase or, or timing. Robinson Construction felt that they could move that material out of that site in about 2-1/2 years.

There could be---not sure how the actual construction will go. It is anticipated that the collaborative effort between the, the contractor, developer at the time, and the City will issue either one overall permit for the entire project, or a series of permits for the different areas of the buildings. That is yet to be determined. The other aspect of the construction phasing that we can say at this time, and it's a priority, is that the Town Lift will operate each season, and ski access into the Old Town core area will remain a priority.

Moving right along. Then we, then we---really relying on the, the experts that do this for a living and it's the contractors. And they provided a whole approach to the mitigation of the construction of the project. This is a summary of the mitigators that they have outlined.

The first one, construction traffic. The very first one, the Treasure owners participated in the Lowell Avenue vertical structural section to be able to handle the construction traffic. Reason it's a mitigator is because it---and it is anticipated that because of the increased structural section to handle the construction traffic, that when the project is absolutely completed, that it would result in an overlay surfacing of Lowell Avenue to bring it back to acceptable street, you know, the, the utility, or the Public Works requirements. Other than---if we didn't participate in the enhanced road section, it would be another year project or so to reconstruct Lowell Avenue from the ground up. The cost to be able to put the money upfront in a construction road, if you will, underneath the residential road is considered a mitigator.

Big D outlined remote parking and a shuttle system for the employees to the project. Deliveries would be limited to favorable weather conditions.

It's not anticipated that they're going to order a concrete pour when there's a three-foot snow storm predicted for the next two weeks.

The other effort that Big D put into the construction traffic is to put a lot of effort into the traffic control coordination with the surrounding neighborhoods to have a project website, to have a communication available with newsletters and projected construction scheduling for all the---both the City and the neighbors. And fully anticipated that a construction schedule will be reviewed and updated on a regular basis with, with the Park City Building Department.

The next item that was covered, again construction staging. Pretty much the, the same item.

We asked Big D to take a good look at the construction scheduling. And they---again, time is of the essence. They're, they want to be as efficient as possible. That's really what they're bottom line is all about. Again, the construction schedule would be a collaborative effort between the Park City Building Department and the contractor. Again, the hours of work will comply with the ordinances and the ultimate construction mitigation plan that is developed. And they're fully aware of the event structure of Park City and of the difficulties that are presented during those events, and have anticipated the reduced crews during busy holidays and special events and reduced construction activities.

And the environmental mitigators. It's something that they have to contend with all the time. It's something that is part of their entire process of construction. Again, the fencing, screening, berms, proactive re-vegetation. Fully aware of the proximity of the neighborhoods they did a pretty good job of outlining their mitigation as far as the fencing and screening.

Again, the remote parking and shuttles. The coordinated material deliveries. It's going to be in their best interest to have materials lay on the ground the shortest time possible. Basically being delivered and put in place on an on-demand basis.

Adherence to noise ordinances. They deal with the noise issue as just a daily basis. And fully anticipate, again, the traffic control meetings, the communication with the public, and the coordination with Park City. The development of a storm water pollution protection plan, typically that is

done once the contr-, a construction project is complete, or rather approved. And the contractor has the responsibility to apply, through a notice of intent, to secure a storm water pollution prevention permit. Park City has gotten proactive on that and they are beginning to push the storm water pollution prevention plan into the construction plans so that the contractor knows beforehand what he has to adhere to.

Best Management Practices is a term that they, that is coined through that process. Those are a defined set of practices for [inaudible] dust control, water runoff protection, various other factors that are contained in the storm water pollution prevention plan. Wash stations. They are fully aware of having no material get out on the streets. We really believe that the material is going to go up on site so there won't be a haul through the neighborhoods.

That is a general outline of the report. The report goes into more detail on the feasibility of the project. A list of references are also included in that report that gives some historic framework, if you will, of how this has evolved and developed over the years. And so I would direct you to that for further detail.

Pat
Sweeney: So, Adam, we could, we could go for a break now and we will do the rest of it in 20 minutes.

Chair
Strachan: Great. I, you know, unless the other Commissioners really feel strongly about it, I'd probably like to roll right into that 20-minute presentation.

Pat
Sweeney: Okay.

Chair
Strachan: That gives the public a chance to digest it all, gather their thoughts before the public comment. But I'm, you know, whatever you guys think. If you feel you need to take a break now.

Pat
Sweeney: I'm good. I think we can do it that way.

Chair

Strachan: Can you do it. All right. If you need to take a, you know.

Pat

Sweeney: No, we're good. So if Steve Perkins and David Eldredge would joint me for this. Once again, 17.1 is, is basically 2017.1, and it has the dotted I's, crossed T's. And it really boils down to eight building things that then result in reduced cliffscapes as well because of improve geo-technical information. But we eliminate the mine exhibit. Adam, I don't know if you were around, Bruce you were around, but that was something that we had a long time ago. We threw that overboard a long time ago.

We shipped the commercial and residential from the Mid-station side, or from the Creole side back to the Mid-station side based on the recommendation of Staff. To accommodate that residential coming back, we added a floor to 1B. We added or eliminated a story from a building that you all are, I believe, familiar with in the middle of the project. We'll show that on the renderings a lot better. That's called 3B. We added some steps here and there in 4A, 5A, we eliminated a couple of stories on the west wing of 5A. All to accomplish some stepping, some massing changes that we, we thought we heard request for along the way. We converted 5B to flats. That gave us some extra space up there that allowed us to do some of these massing changes. We also stepped the west end of 5C. That all resulted in reducing the cliffscapes. And that resulted in the video rendering which I'm going to show right now.

So I'm just going to sit here and people can watch this. Hopefully, you've got good images on your screens up there. This video, by the way, is on the information that I mentioned earlier; home page, upper left-hand corner.

Video plays

These are the required viewpoints, and you'll see the project wiped in in each of them, including the excavated material.

Pat

Sweeney: So once again, that is on the web. What I'm going to do now is go to some, some of the stills. These are also on the web. And I think that if anybody wants to kind of study no only the video rendering, but all the various views that are incorporated in the video rendering, you can go to

these stills. And they, they [inaudible] organized somewhat like this, and you basically have the skills and then you can go to any of these. And I'm just going to pick some. And I'm just going to pick some, and if you have questions later we can go back. But for example, you can kind of look and see what's happening in areas that you are interested in. That's what the stills are all about.

In the same area we have the views, the required views, which show quite well some of the ski terrain we're talking about that would result from this project. And they're, they're all there so you can take the time to look at them. There's a lot of information in each one of them. This, this one we think, in particular, demonstrates how the texture of the project fits in with the texture of Old Town.

To give you a sense of what was behind all this work, this view is the various viewpoints that we were required to shoot photos from and render from, and you, you've seen all of those.

David Eldredge, who is sitting next to me, went through the entire project, literally layer by layer, and there are a lot of them, about 50 with information that is quite really amazing. So these are not just pretty pictures. There's a lot of detailed, accurate, architectural work that went into this presentation. This is a summary of all the numbers. And the bottom line is that's the current number that we're talking about. A little over a million square feet in this 17.1.

There's elevations as required by the Code. And you can see those in some detail. There are also sections that go with these. A lot, a lot of information there.

David put together a comparison. This is also on the web. And some of the technical numbers for Francisco in this letter, but also some drawings that help show the reduction in cliffscapes. And this, this one here---David you can speak up, but there's quite a bit of reduction in between, or behind the Mid-station buildings. He has also shown where the buildings have changed in elevation. The drop floors, additional floors, that sort of thing. That's all in there.

The next really---the next item, and I'm going to go into that. This is in draft form. It's 17.2, and once again those are, those are refinements to the best that we could do with 2009, which is 17.1, based on what we

believe we have heard from you all and the Staff. And they involve some more dramatic things. This is where the cliffscape, the top of cliffscape used to be. And now it's moved to here. So there's some significant reduction in site disturbance, visual disturbance, and excavation quantities. The main run going through the project was widened as a result of moving these buildings down and inward. I believe that was something that Steve Joyce asked about. This is the outline of the previous building. You can see where we've moved it down, down and inward.

The items that, that really add up to substance would be on this slide and the final slide of the other presentation, so let me go back to that really quickly. And they basically have to do with accepting the grade at Lowell and Empire, eliminating two building footprints, 5B and 5D, transferring the mass from those to 4B and 5A and 5C, compressing the footprint of 4B, more efficient parking underground, centralized check-in, a more efficient design which we're finalizing right now of 1B and 1C, that brings the cliffs even further down and in, and results ultimately in less excavation, cliffscapes, site disturbance and accessory.

If we go briefly back to here, the bottom line really boils down to the elimination of excavation and disturbance. And also when we get the final numbers we'll see that there's less gross square footage.

David, do you want to add anything? A brief commentary?

David
Eldredge: Unless there's questions.

Pat
Sweeney: I think the next step would be that we can, Adam, take a break if you think it's time, and then we can go to specifics and answer questions using this material.

Chair
Strachan: All right. Why don't we do that, Francisco. Let's take a break. And we'll come back and we'll see what Francisco has and then have public comment. So we'll take ten. Thanks.

Break

Chair

Strachan: Call the meeting back to order. Francisco, you were going to lead us off. Why don't we get going?

Planner

Astorga: Great. So the first thing I want to say is that Staff does appreciate the applicant willing to place all of the constructability assessment documents all in one place. It's 231 pages or 321, I don't want to count again; but those are the number of references that are part of that Constructability Assessment Report, so we do acknowledge and appreciate that.

With that said, if you were trying to follow along with their presentation, on page 204 of your Staff report, the specific reference that Commissioner Strachan was Reference 5. We did not print all of the references. We couldn't print the 231 pages.

Chair

Strachan: Yeah.

Planner

Astorga: And the geo-technical opinion letters, they're all listed under Reference 4. So I just quickly want to indicate three things that we outline in the Staff report. The first one is that regarding the excavation, it is a little bit of a change from the former excavation plan, specifically at the Creole zone, excavation zone. Not excavation zone, but where they're going to place the excavated material, which was formerly listed at 125,000 cubic yards, and now it's over a million. So I'm working with the City Civil Engineer, the City Engineer to analyze that. On that same token, when we move on to the geo-technical, some of our concerns indicate on that last May 20, 2017 letter from AGECE indicates statements as in AGECE has been requested to proceed. AGECE investigation will include providing their professional opinions and recommendations. And we've done a preliminary analysis on the many opinion letters and soils reports and whatnot where Mr. Matt Cassel is here, he can expand upon those if the Planning Commission request. It's listed on page 201.

Regarding the constructability. Staff, we find that we need specificity. I don't know, Pat, if you could go to your presentation page where you had the outline for the construction staging for me real quick, where we, we don't have specificity. We've got statements written such as, as soon as possible, we will proceed with caution, we will progressively plant material.

We need to know what it is exactly that they want to do. This is our opinion. The submitted documents do not outline specific mitigation measures aligned with direct and indirect construction impacts within Old Town. We don't recommend that we solely rely on the CMP, the Construction Mitigation Plan, because of the adjacency, the location of the proposal within Old Town, and also because of the size and scale of the project.

So the construction staging exhibit, I think it was the very first one. While you're doing that, as we listed on page 203---. Yeah, right here. The first statement, the word expeditiously, what does that mean. Second statement, it talks about doing it as soon as possible. What does that mean. Third statement has the same theme such as will comply with applicable codes. We, we are having issues as we need specific materials. We did get the Big D letter, which indicated that they estimate that the entire construction would be three to five years. And that's great, but we need more information, such as how long they will take for excavation. Today we heard it would be about 2-1/2 years. How about the foundation work, how long will that take? How about going vertical, how long will that take? We need specificity in their proposal. So that has been a little bit of the specific theme.

And the question that Staff had, that we have for Planning Commission is that do we agree with the current approach, which is we will comply with all applicable codes. Or do we go with the approach that Staff is suggesting which is provide that information right now so we can analyze it. That is the last question that we placed on 203.

And pretty much that, that's all I have. I will be more than happy to answer any questions. We did invite Mr. Matt Cassel, City Engineer, to see if you had any additional questions about the, the geo-technical comments that we provided in the Staff report. And that's all I have.

Chair

Strachan: Great. Thanks, Francisco. Commissioners any questions for either the applicant or Francisco before we open public comment?

Commissioner

Suesser: Francisco, make sure I understand the comment in the Staff report about the AGECE's letter from May 15th, 2017. That states that they will proceed with the recommended scope of the work and to conduct the geo-

technical investigation. So some have been done but AGEC has not done a geo-technical investigation and they plan to. Is that what that means?

Planner

Astorga: That's how we read their letter.

Commissioner

Suesser: Okay. So maybe Mr. Sweeney can help us understand when we should expect that study.

Pat

Sweeney: The answer to that is Jim Norquist is the principal of Applied Geo-Technical Engineering Consultants has been involved in the project for over ten years. He wrote a letter in 2003 that he thought this project was phaseable, including placing the dirt on our property or on the Park City Mountain. He wrote another letter recently saying the same thing. He has recommended that we do further studies in anticipation of moving ahead. And we have signed a contract for those and they are to happen this summer. I don't believe it's his opinion, and I think we could probably get him here to say that, that it would change what he considers the feasibility. It's just one more step in the process of moving towards a final design.

Chair

Strachan: The only question I have is, have you provided Staff with the information that you gave the service providers, like the water company and Summit County to get them to issue your service providers letters.

Planner

Astorga: If I could answer that. The letters have been submitted and we, they, they're all referenced in the packet from Reference 8 through 11. The comment that we wrote is that each one has something to this effect, that it's, that they would apply services based on subsequent receipt of payment of all required fees, including impact fees, signed contracts, reviewed development plans, and other specific requirements.

Chair

Strachan: Yeah, and what I'm wondering is---

Planner

Astorga: That's what each letter says.

Chair

Strachan: What did the applicant give to them to allow them analyze whether they could provide, for instance, enough water or enough sewage service.

Planner

Astorga: That, that we, we don't have.

Rob

McMahon: And what I did, is I proceeded that concept utility plan to each utility provider. And we also showed that to the Public Works Department just to bring everybody up to speed on the current application before you guys.

Chair

Strachan: So all of those service letters are based on the concept utility plan?

Rob

McMahon: Correct.

Chair

Strachan: Okay.

Pat

Sweeney: We also had met, had meetings with Roger McClain, and Clint and, is Brent or Brian Atwood at the Sewer District. We had a couple meetings with Roger and company, and then we had one with, with Atwood and who was the other person at the Sewer District.

Rob

McMahon: Kevin. Kevin Berkley.

Chair

Strachan: Where is that concept utility plan? Is that on the website too?

Rob

McMahon: And its part of the assessment report.

Chair

Strachan: Which one?

Rob

McMahon: The constructability assessment report. It's one of the exhibits.

Planner

Astorga: I believe it's on Exhibit B in your packet.

Pat

Sweeney: It's this one. Page---

Chair

Strachan: E4, E4.0 and E4.1.

Pat

Sweeney: You got, yeah.

Chair

Strachan: Okay. All right, any other questions. All right. Let's open the public comment. Let's get an idea just in case we need to take a break in the middle of public comment. How many people are planning on providing public comment? All right, great. We should be fine then.

Let's open the public hearing on Treasure Hill CUP. Please don't forget to sign in.

Public Comments

Brian

Van Hecke: Hi, I'm Brian Van Hecke with THINC. And before I start I would like to have one request to see if it's possible to have these sessions recorded and available to the public online, much like we do the City Council meetings. I have two young kids that are under five, I travel. Not everybody can be here that wants to be here. Is that possible? Can we do that? Why can't we---can we do that? We do it for City Council meetings. Can we do it for the Planning Commission meetings, especially the ones where Treasure Hill is involved.

Chair

Strachan: I'm not sure I've got a clean answer for you tonight on like the IT involved in that, but we can look into it.

Brian

Van Hecke: Okay, that, that would be great. I think a lot of people would appreciate that. And I know a lot of people are following this and can't make the meetings and would like to hear it.

Chair

Strachan: Understood.

Brian

Van Hecke: Yeah, okay. Thanks. So I'm going to read some prepared comments from our attorney, Nikki DeForge, who could not be here tonight. So I'm going to pretty much stick to her comments. These comments were made, obviously, prior to the presentation this evening, and are based on previous proceedings in, in the packet.

So, yeah, from Nikki DeForge, who is our attorney at THINC.

(Mr. Van Hecke read the following comments from Nikki DeForge)

First, as a general observation, the applicant is continuing his practice of withholding the prerequisite, or the requisite detail on the Treasure Hill project, and promising it at some unknown time in the future. It obtained its Master Plan approval based on one set of plans and promises, and was expressly directed by the City at that time, that it would need to provide detailed information on those plans at the conditional use review stage. Then it substantially revised those plans and promises during this year's long conditional use review process, claiming that it was not bound by the plans it provided at the master plan stage. Now, the applicant hopes that the City will let them off the hook again and simply grant a conditional use permit without having much of the detail needed for the project. The applicant promises to provide that detail later still, and simply expects the City to trust that the details will actually resemble what was approved as part of the Master Plan. But, the devil is always in the details. As part of the Master Plan approval, the applicant was required to provide that detail now. It cannot be allowed to punt the ball even further down the road and hope that no one will notice any inconsistencies between what was actually approved in 1985, and what is potentially to be built up there.

So talking about construction plans and traffic, as for its construction plans, paragraph 9 of the MP specifies that at the time of conditional use

review approval, individual projects or phases shall provide detailed construction staging plans. Instead of providing detailed construction staging plans for the CUP review, the applicant's constructability report provides nine sentences. As for construction phasing, the report includes only five sentences. As the Planning Staff noted, there is no time frame at all for the various construction phases such as excavation, footing, foundation, vertical construction and so on. Although the applicant previously submitted a few more details in the 2006 presentations made by Big D to the Planning Commission, it is unclear from Big D's May 30th, 2017 construction feasibility report, which applicant just submitted, whether that report incorporates anything from the 2006 presentations. In the 2017 version, Big D predicts three to five years of construction, but merely provides 13 bullet points statements, each one sentence or less to describe the entire construction process. Those bullet points consist almost entirely of vague suggestions and recommendations, like have a controlled construction entrance, provide a safety certified flaggers, provide a project website to communicate schedules to neighbors. These are merely feel good statements devoid of any real substance. They certainly do not qualify as detailed construction [inaudible] plans as required by the MPD approval.

To the extent that the 2017 Big D letter incorporates any of its prior presentations to the Planning Commission, there is a great deal of inconsistencies, and much to be concerned about. For example, in their presentation, Big D claimed on the one hand that construction traffic would travel one-way to the project from Lowell and back to Empire. But in the 2017 letter, they state that heavy construction traffic will be limited to Lowell. This means that the largest construction vehicles would be occupying both of the very narrow lanes of Lowell at the same time. And keep in mind that all other traffic will be going in both directions during construction, regardless of what construction routes may be. There is no explanation of how construction traffic will be mitigated. Also, in those 2006 presentations, Big D predicted up to 10 construction delivery employee shuttle trucks per hour along Lowell and Empire. That number appears to only include trucks going to the site, and not any vehicles coming back the other direction on Lowell. Based on the stated construction hours of 7:00 a.m. to 9:00 p.m. for every day but Sunday, that could mean up to 280, 280 construction related vehicles, vehicle trips per day on Lowell. Six days a week for three to five years. All of those vehicles are expected to arrive via Empire/Silver King intersection, which is already at failure rate according to the applicant, without the inclusion of

any construction traffic. And the Big D diagram show the trucks being forced to cross into oncoming traffic lanes at that intersection and others in order to navigate the turns at all. This will be gridlock. Yet none of this was figured into the recent traffic studies that the applicant presented last month. There is simply no possible way for the narrow historic streets in neighborhoods of Old Town to possibly handle this type of construction traffic for years, and years, and years.

Moving on to landscaping and erosion control. The Master Plan also required on page 15, that the applicant provide the detailed, and this is in quotes, "provide the detailed landscaping plans and erosion control revegetation methodologies for minimizing site impacts at the time of conditional use review". Instead of detailed methodologies, the 2017 Big D report merely states that it could implement aggressive revegetation and landscaping of areas closest to neighbors, and install temporary erosion and sedimentation control facilities in accordance with best management practices. The Planning Staff notes that even applicant's own geo-technical experts have concluded that the hillside is creeping, but that there is only a short inadequate section on the slope, on slope stability in the geo-tech reports. AGEC has stated merely that it will provide its professional opinions and recommendations on this, and related geo-technical issues, which we still have no idea what those might be, despite the requirement for detailed methodologies at the time of conditional use review. Applicant has not provided anything remotely resembling detailed erosion control methodologies, as was required at the time of conditional use review. These concerns are on top of the violations of express limits found in the MPD with respects to excavation. Mr. Stormont, our other attorney, highlighted these limits in his September 2nd, 2016 letter to the Planning Commission at pages 5 and 6 of that letter. But by way of a reminder, one example of an express limit found in the MP approval is on page 11 of the approval with respect to the tallest buildings, "Tallest buildings have been tucked into Creole Gulch where topography combines with densely vegetated mountainside to effectively reduce the buildings visibility". End quote. That, tucked into Creole Gulch, is a clear and express requirement of the MP approval. Yet, the current plans eliminate any possibility of a tuck that follows the slope of the existing mountainside, and replace it with blasted cliffscapes. And to make matters even worse, those cliffscapes sit outside the building area boundary, again in violation of the express requirements of the MP approval. Mr. Stafsholt highlighted this problem in his September 14, 2016 public comments. And Mr. Stormont outlined the legal problems

associated with this problem in his October 4, 2016 letter to the Planning Commission at pages 3 through 5, and in his November 7, 2016 letter at pages 2 to 4, which we would ask you all to review carefully and consider.

Now, we have a revised excavation plan that adds yet another violation of the MP approval. We've already talked about paragraph 9 of the approval requiring detailed construction plans, which we do not have, but that same paragraph also states "cut and fill shall be balanced and distributed on site whenever practical, with any waste material to be hauled over City specified routes. I'll read that again. "Cut and fill shall be balanced and distributed on-site whenever practical, with any waste material to be hauled over City specified routes". Yet revision 17.1 shows approximately 100,000 cubic yards of material being relocated off site in the Payday placement zone. This is most apparent on page 222 of tonight's packet, and is yet another clear violation of the requirements of the MP approval. That MP approval in 1986 did not anticipate or approve affecting neighboring property with 100,000 cubic yards of material, period. Of course, as Staff has noted, we also have no explanation as to how areas that could previously only hold 125,000 cubic yards of material can now hold more than 1 million cubic yards. Further, THINC would encourage Staff and the Planning Commission to carefully consider whether a 25% swell figure is appropriate, as our resources tell us that 40% is a very conservative swell figure, and 50% is far more realistic. Taking all these problems together, you have multiple violations of the MP approval, and a complete failure to satisfy CUP criteria 15. That criteria requires consideration of slope retention and appropriateness of the proposed structure to the topography of the site. The current plans do not retain any of the existing slope, highlighting that the proposed structures are far from appropriate to the topography of the site. The MP approval contemplated smooth terrain and buildings tucked into the hillside. But the current plan has retaining walls, cliffscapes with huge drop-offs, and fully exposed buildings. Those profound impacts to Park City, Historic Park City, removing the mountainside cannot be mitigated.

Some comments on Exhibit 17, Refinements. As for the latest refinements found in Exhibit 17, they are yet another example of the applicant purporting to give with hand, while actually taking more with the other. It's so-called efforts to mitigate project impacts are in reality simply a shifting of impact from one criteria to another. For example, the applicant proposes to eliminate a story or reduce a footprint from one building here or there, then add stories to other buildings, which may

result in the applicant exceeding the height limitations of the master plan. We would ask that this be clarified. It also claims to be mitigating impact by reducing excavation, grading and square footage, but the reduction is from the 2009 plans, not from what was approved in the Master Plan. When compared to the Master Plan approval, the applicant's claimed reductions are (inaudible). It now claims a 11,500 square foot reduction from its 2009 plans. This in reality is still hundreds of thousands of square feet more than its Master Plan approval. It now claims a reduction of roughly 100,000 cubic yards in excavated material from its 2009 plans, but the excavation required is far greater than what was proposed at the Master Plan stage, because they are going much, much deeper and further back into the mountain than they originally indicated. Instead of having the buildings partly underground and partly above ground, the current plan is to blast the entire mountain away, and to do much of that blasting outside of the building area boundary, and to move much of that blasting material off site, all in violation of the MP approval.

We would refer to THINC's numerous prior public comments on these projects, as they remain just as applicable now as they were when they were submitted. At the end of the day, the applicant still far exceeds their approval, and they do not comply with the CUP criteria that must be considered at this stage. In conclusion, I would like to again reiterate how much we all appreciate the Planning Commission and Staff considering our concerns. And I thank you.

Chair

Strachan: Thanks.

Brian

Van Hecke: Thank you.

Chair

Strachan: Will you submit that letter?

Brian

Van Hecke: Yes.

Chair

Strachan: And then also it referenced some resources in there regarding the swell factor. To the extent you have those resources and can submit them to Staff, it might be helpful.

Brian

Van Hecke: Sure. Yes, sure.

Chair

Strachan: Thanks.

Brian

Van Hecke: Thank you.

Cynthia

Fowler: Good evening. My name is Cynthia Fowler. I have a home on Empire Avenue. We have had this property since the 1960s. Our family built a home there called the Ski Shack. It was on four lots. It was nine stories high. It was beautiful. It was a great home for Park City. It was a replicate of the Coalition Mine Building. Unfortunately, in 1975 it burned to the ground. In the mid-80s, my mother went, because she wanted to resurrect our nine-story home on Empire Avenue, and it was approved through the Planning Commission. We never built it, you all know that. However, it was approved, not built. Now we're going to fast forward to 2007. My mom has, my mom and my parents were in failing health and we divided, or we came to Park City to see what we could do and build. So, we brought our old plans for Ski Shack, and they looked at us and they said, you can't do this. And I said, but 1985 when my mom came here it was approved. And they said, your mother did not come every single year to get it re-approved. You had to reapply every single year. You can't build this. So my question first of all, is, did you reapply every single year? Because I never saw it come up to get this approved. I know it was approved in 1985. So was the Ski Shack. Was it approved every single year to be extended.

Chair

Strachan: You know, it's not really a question and answer session. I'll summarize by saying that issue has been looked at in depth and analyzed by our legal counsel and theirs in depth, and the conclusion has been that they haven't waived any of the rights that they obtained in '86. And so to the extent that helps, that's the answers. But generally, in the future---

Cynthia

Fowler: I couldn't do it. I couldn't build my nine-story home.

Chair

Strachan: Well see, this is kind of one of the reasons why we don't engage in a question and answer session.

Cynthia

Fowler: Okay, that, that's fine. Then just, that's my question. Just so it's on the record.

Chair

Strachan: Okay.

Cynthia

Fowler: So, I had to go. We divided our property into four lots and I built my little home. I submitted plans and it was during your moratorium in Old Town. I had to scale back. I was the only person building at the time. I couldn't even put my three bedrooms where I wanted them. Somebody on the Commission told me I had to use bedrooms, and that my teenage kids, my son and daughter could sleep together, which was a joke. Anyway, I build my home. I'm happy. I got it. But that was my question, because I, you know, we would have loved to have built that nine-story home. But it wasn't right, and we knew it wasn't right for Park City, either. So, there you have it.

My other question is that they originally wanted to widen Empire Avenue. I don't see how taking away my property is going to help them. Because in the---when you guys redesigned my home to have it where I had to have a two---I had a two-car tandem, you guys redesigned it. I had to put a bedroom down there. So I lost my parking, too.

My other question, is the Fire Department. Has the Fire Department weighed, weighed in on this project. I don't know that. I haven't seen anything from the Fire Department. I do know that when I needed them this, this winter they got stuck in traffic on Empire Avenue, and it took them a long time to get there as I was standing out of the house. It was only a carbon monoxide alarm, that's all I needed, but it took them forever. I do know our home in 1975 burned to the ground in 13 minutes. If I were to wait a fire department with the traffic and everything that is going on, on Empire Avenue, we would have more fires, more homes burned to the ground, even though I've got sprinklers.

The other question I have is your soil study. It's showing that it is creeping. And then you also want to use explosives. And also, that the soil is toxic. Has the Department of Air Quality also weighed in, and have they looked at the soil? My question, to see what their report. That would be a really interesting report. So I would like to see what the Department of Air Quality has to say, because in one sentence you're saying we're going to encapsulate, and then the next I hear you're going to blow it up. And then that puts all the toxic soil up into the air. So just curious as to how that's going to happen.

The other issue that I heard tonight is your 12" water line. And again, the soil sample is creeping, the mountainside is creeping. How can you guarantee that a 12" water line is not going to break on a creeping mountainside? So those are my questions.

And then to excavate and put all that soil up on the mountain, how are you going to get it up Payday? What's the method of transportation? And again, toxic soil. And again we're going to expose it. You can't encapsulate it.

So those are my questions. Thank you very much.

Chair
Strachan: Thank you.

Peter
Marth: Peter Marth, 37-year Old Town resident. You know, I must say, this is the most unreasonable conditional use application I have seen in my 37 years of living here. Now there's an old saying. Hypocrites, the father of medicine said, there are those who know and there are those who believe they know. The applicant believes this is compatible with the residential surrounding neighborhood and---not only the surrounding neighborhood but the Main Street Historic Business District. But we know it's not. The applicant believes he can mitigate all the effects of construction traffic for years and years and years. He believes, and the investors believe that they can mitigate those things, but we've seen no details. We know that's not possible.

The applicant and the investors believe that this is a good thing for the community, but this community and the Planning Commission, I believe, knows that it's not. I mean you, you---constructability---let me just, I don't

want to ramble on. Stop me if I start, but in terms of constructability, of course you can put a lot of asphalt on Norfolk and Empire and run a million trucks on it. Of course you can do that. But the applicant hasn't answered any of the preliminary questions from all the previous meetings that the Planning Commission has been asking for, and the community's been asking for. All the details. How are you going to do this, is it compatible? And none of those questions have been answered, and so therefore this is still the most unreasonable conditional use application I've ever seen in my life.

And just in closing, you know, I would highly recommend that the applicant and whoever the investors are behind this boondoggle, if they want to get out of this hole they better stop digging. And I'll also say one more time, I've said it many times, all investment is at risk. Thank you.

Chair

Strachan: Thank you. All right. Anyone else from the public?

Rodney

Moogan: My name is Rodney Moogan, I am a---live at 1150 Empire Avenue. I'm also the President of the Condo Association at that address on Empire. And one of the biggest things, you know, from what the applicant has said, looking at different things, I just have just a couple quick comments.

Number one is, you know, they talked about encapsulating the toxic soil. We had a major foundation issue in our situation in both Park City and also the State of Utah so that we cannot encapsulate toxic soil. That we must actually ship it all off. So that was, that kind of makes me wonder how we can encapsulate on the mountain, which is probably going to still be very toxic.

At the same time, the biggest thing which I know has already been addressed many times, but I did want to bring it up because I have a personal story with it. You know, their concept video where they showed cars driving up Empire and Lowell, to me it was lacking a couple of things. Number One. I think I saw one car driving up and there was only I think one car parked on Empire on the side. I have lived there for seven years. I don't think I've seen just one car parked on Empire Avenue or Lowell Avenue unless you have torn it up for, you know, construction or whatever it might be. There are probably, you know, 50, 20, 30, 80 cars at any given time at any given day. And I'll give you a great example. I know it

was July 4th and I know it's busy, but I was walking back from the parade after lunch with my wife at about 1 o'clock, we almost got run over by people driving up Empire because there were people flooding the streets going down. Cars were parked bumper to bumper all the way up and down from the Park City Mountain Resort all the way up to Crescent Tram Trail. We almost got hit. A car actually took out two cars and continued driving. It's only going to get worse. Yes, the report was filed with the Park City Police Department and the license plate was taken and all that stuff, but the thing is, it's only going to get worse if we have more people up there, more traffic. You know, the mitigation for construction traffic is ridiculous. That is not mitigation. There is really a lot of concerns about there's not going to be a whole lot of opportunity there. And at the same time, it just, you know, I'm really nervous about the, really the traffic and the safety and how that's going to be mitigated. So, thank you.

Chair

Strachan: Thank you.

Annie Lewis

Garda: I'm Annie Louis Garda. Our home is adjacent to the Treasure property. Blasting was not mentioned in any of the presentations tonight. However, Pat had indicated to the Park Record that that was to be expected. And he indicated that 300 feet away you would barely hear anything. Well, in the exhibit that was included in the packet tonight, our house is shown to be 62-1/2 feet from the top of one of the cuts. So I'm very interested in knowing what the decibel level will be at 62 feet away. I'm interested in how much vibration we will feel, and how likely our foundation is to be damaged and what recourse we have if it is.

Also, as mentioned earlier, the soils report says that the soil is creeping. What will blasting do to that? Will it become flowing soils instead of creeping soils? Tonight, when the visual was shown about where they're going to put these soils, a large part of it was shown to be put into a heavily forested area above our home. How do you put hundreds of thousands of cubic feet of soil into a forested area? Do you have to cut down those trees, and if so, what is that going to do to erosion above our home? Thank you.

Chair

Strachan: Thank you.

Kyra

Parkhurst: Hi, I'm Kyra Parkhurst. And just as a follow up to the meeting my husband and I were on vacation in Tahiti the last time, and Neals and I put together a video, and you wanted proof of the dates and everything. So they were imbedded on my computer and they're all printed on here.

Chair

Strachan: Yeah, great. Give them to Francisco and we can put them on the website and everybody will have them.

Kyra

Parkhurst: And they were from, from 2008-2017. And the dates are all in there. Anyhow, if, again, things are really rather vague, especially when it comes to explosive excavation. I am by no means an expert but I did spend a couple hours on the computer, and there are very specific details in OSHA and in risk management on the transportation of explosives up to a site, and specifically how they have to be transported. In urban areas streets have to be shut down, traffic has to be stopped. It can't be sitting in bumper to bumper traffic. So we need to know how much explosive is going to come up there, how long it's going to take, what streets will have to be shut down. There are very specific detailed criteria to the building that has to store the explosives on site. It has to be so many feet of concrete. It has to be [inaudible] down. It has to have so much locks. It has to have built-in perimeters of fencing, it has to have security, it has to have 24-hour security. We haven't heard anything of that other than it's all going to go in the parking garage. What are plans during the excavation blasting for flooding? That's not---there's going to be holes, you know, flooding is going to occur, especially if all those trees are now down that used to absorb some of the water.

What if a blast gets set up and then due to bad weather it has to stop? So that means overnight a blasting area sits there with live blasting in the ground. Are we still going to run the lift over the site while this is happening? Who's going to control it? Who's going to be the security? Who's going to make sure nobody is riding their bicycle? Who's going to make sure nobody is walking their dogs. Who's going to---and what if it goes off accidentally? When blasts are exposed to water they can fail. And we all know there's a lot of water that goes into that ground after

every winter, and there's a lot of moisture. Have tests been done to see, like if the put a blast in a specific area that there's no an open fisher that goes down, and the explosive goes down into another area and it explodes where it shouldn't. What utilities will have to be shut down during the blast because there's certain parameters that all electrical lines have to be shut down within a certain area.

What is the area that rocks will be thrown? There are specific charts that say if you're using---and I don't know all the chemical names and all the things, but it said that, you know, rocks will be flown. So will some homes have to be evacuated. Will the rocks travel even further because of it being on a slope site? I haven't heard anything about any of that information.

In answer to previous things, here is an attorney in West Virginia where they did some blasting. And he said what to do if your home is damaged from blasting. If you believe that excavation blasting has damaged your home, there are steps you can take for your safety and successful resolution. Also, in some cases you have the right to file a lawsuit against the company who caused the damage for additional compensation.

Here is a fire that was put out in an urban area by the City of Quebec when they were doing some explosives. It said carbon monoxide orders will be in the air during the next couple days while we were doing explosives.

I'll let you have that.

And then the International Risk Management Institute has a report on construction blasting fundamentals. And it said commercial explosives rarely detonate under ideal actual---under ideal conditions. So in actual practice, small amounts of toxic gases such as oxides of nitrogen and carbon monoxide are produced and commercial blasting, explosive and blasting agents are characterized by various properties that define how they will perform under field conditions. These all can be affected by the density of the stone, the water resistance, the fume class, temperature effects, sensitivity and strength of the underlying rock.

Let's see. I talked about the water [inaudible]. I'll give you this report so you can have it. There's a lot of legal stuff in here that I haven't heard

anything reported on that we should have information on. So I'll turn that over to you guys, too. In some time in the future we can look into that.

Chair

Strachan: Thank you.

JF Lanvers: Good Evening. I'm JF Lanvers. I am a property owner on Main Street. And I have not followed the, you know, the Treasure development very much, except that tonight, or a few days before I had the chance of seeing the video. And we said that, you know, a picture is worth a thousand words. And that beautiful, professionally made video was worth probably a million words. Because for the first time it showed me that, you know, well, basically nailed the, the concept in my brain. And no pun intended, it put almost a nail in the coffin of the concept because I thought that, you know, it's, the, the project sticks, literally speaking, like a sore thumb. And you know, it's going to deface Park City forever. So I am very appalled by it and I am very emotional about that. I think it could have been done differently probably by hugging the, you know, the natural, you know, relief of the terrain. And by, you know, adding to the mosaic effect of the, you know, old miner homes that are adorning the hill, and provide a continuum for that.

So basically, that's the only thing I wanted to say. This is, this is going to, if it ever happens in its form, it's going to leave a terrible legacy for Park City and be a recurring nightmare. Thank you.

Chair

Strachan: Thank you.

Arnie

Ruston: I'm Arnie Ruston. I live on 1058 Lowell Avenue. And I have been a practicing civil and structural engineer for over 40 years. And I will make a couple of comments. First of all, I consider a swell factor between 40% and 60% to be appropriate for this type of soil. I am concerned if there is in fact soil creep, the last thing I would want to do then, is to dig a big hole and take all of that stuff and put it back on the top. That is just contrary to what you should be doing. So that would be a real big concern for me.

I've been sitting and looking at the poster right behind me here about the community vision and values of Park City. And I will say, in my opinion this project does not fit at all with those values. And it does not fit, for

one, I continue to say and speak about that, it has no viable access. Empire and Lowell are residential streets that even today, in the summer time with little traffic, you cannot drive down. Well, of course, you can't drive on Lowell at the moment, but down Empire you cannot drive down without having to stop and let a car go by. So how in the world are we going to handle multiple years of construction traffic. They're talking about hundreds of trucks per day. Simply not feasible. It will not work. Absolutely a non-starter. And I will appeal to all the professionals in this room to literally take a big step back and say there comes a time when you have to advise your client. That is your professional responsibility to say this is not feasible.

With respect to noise, you're going to drill, you're going to blast, you're going to crush, you're going to transport, and you're going to grade that for several years. And I guarantee you, because we are living in winter country, you will not be able to do it in 2-1/2 years because you can't work every week. It's a given. You only need to go out Highway 189, out to [inaudible], I believe it's called. Go out there and just stop by the side of the road and look out where they're working with rock and listen. And this is what you're going to literally do only a few hundred feet from Main Street Park City, and of course, a residential neighborhood. Absolutely, I cannot, I cannot for the life of me think that you could even consider that.

And as far as traffic, traffic study. You can, you can count cars all you want, it doesn't matter. What was presented to you last month was reality. That is what it looks like. The paper, Park City Record, I was extremely disappointed. It basically blew it off in saying, hey, this is after a snow storm. Well, it isn't and it wasn't. It happens literally any day during five months of the year. That's what we deal with. So that has to be considered. This simply does not fit.

And again, I appeal to the professionals, please do your duty as you have signed up to do. That is your duty. Thanks for your time.

Chair

Strachan: Thank you. All right, anyone else from the public wishing to speak on this item? Seeing no one, we'll close the public hearing.

End of public comment

Chair

Strachan: All right. Why don't we start with the Commissioners' comments. We'll move left to right. Commissioner Suesser, you ready?

Commissioner

Suesser: Sure.

Chair

Strachan: All right. Why don't you lead it off?

Commissioner

Suesser: Okay. Well, I guess I'll first address Francisco's request that he put I the Staff report to us. He asked us to specifically comment on whether the Commission will agree to the applicant's approach on certain items to condition our approval on future performance by the applicant, rather than apparently submit everything or, or comply with every aspect of the criteria and the CUP.

I think it's been our approach throughout the application to request that the applicant submit follow-up information to enable a finding of compliance with the MPD and the CUP criteria. And I think we need to continue that pattern, and we need the specific details before we can approve the application. I don't foresee us conditioning our approval extensively here. I see us requiring them to meet the CUP and the MPD criteria as it's laid out.

So, just other comments. I would like the applicant to address the items mentioned by the City Engineer in today's Staff report. I reiterate the Staff's request for the specifics of the construction storm management plan, including the location of the detention facilities, the capacity and the plans for the diversion of the water and the runoff.

As noted in the Staff report, the applicant still needs to provide the utility service routes and the locations of dry utilities, transformers, etc., as part of its application. I would like to see excavation specifics, including with respect to explosives and the transportation and then storage of them. I'd like the applicant to provide the AGECE's geo-technical investigation that AGECE references in its May 15th, 2017 letter. I think that's, that letter specifically says that that study still needs to be done. So I'd like the applicant to submit it when that study is completed.

I think that's all I have right now. Thanks, Adam.

Chair

Strachan: Great. Commissioner Joyce?

Commissioner

Joyce: I'll start with the good news, which is thank you for what you did to move some buildings and combine some buildings to back away from the cliffs some, and, and, you know, basically reduce the amount of excavation that was going to be required. I still, as you know, I, I still have major issues with kind of the difference of the amount of excavation required by this plan, which I think is fundamentally different than what was approved in the Master Plan. But I think you're at least moving in the right direction. When I sit and look at the excavation amount, even as it was reduced to, what was that, about 870,000 cubic yards. Even with a 25% expansion rate you're up at about 1.1 million cubic yards. And your storage space said that you could put about 1.04 of that on site. So you're still, when you talked about kind of back up or secondary locations, it seems like even with what we're hearing as a conservative expansion rate, you're already outrunning your 16-acre spot and going off into Payday and Kings Crown, whatever. And if you get up to something like a 40% or 50% expansion rate, you've blown right past everything you have accounted for right now.

So, I guess a couple of things. One is I'd like to nail down from---I'd like to be comfortable from the City Staff or the City Engineer what they believe the correct expansion rate is. And if you guys think it's 25% and disagree with the City Staff, then I would love to see some justification behind it, because that's going to become very important.

I would like at least at some point down the road to see something specific. Kind of like you did with the utility letters, only very crisp, that says from Vail. If we're counting on excavation material going on to their property, I'd like to see them say we agree to the following. And that shouldn't just be, we agree to some amount of dirt to be determined later. I, you know, if the answer is you guys are planning on putting a 100 or 200,000 cubic yards of dirt on their property, I'd like to see Vail stand up and go, yes we agree to that. I mean that may be simple. If you already have contractual agreements with them, that's fine. I'd just like to see some evidence of that.

I'll tell you, though, I was in a lot better shape on the excavation when I thought most of the soil was going to go to existing ski runs, like Payday, primarily because you've already got areas that have been cleared of most vegetation and have kind of settled out. But I, now all of a sudden we're looking at 16-acres up in the Creole Gulch area as the primary dumping ground for this soil, and I just started doing some math. First of all, I thought isn't that the, isn't that 16 of the acres that are put into a conservation easement as part of this whole mater plan agreement? Is that---when, when we carved out the, out of the total acreage of this and said everything is going to go down into the 11 acres, I thought everything else was written into a conservation easement. And so now what I'm hearing is 16-acres of land that is protected by a conservation easement is basically going to have all the trees cut down, all the topsoil scraped off. And then my calculation was an average of 45 feet of dirt piled up across, evenly across the 16 acres, even with a conservation expansion ratio. Because just for what it's worth, my back of the envelope here is 16 acres is about 77,000 square yards. And so you guys are putting about 15 yards deep if you covered every foot of it evenly. And so we're taking 45 feet deep across all 16 acres. And it sounds like it could be considerably more than that.

So, I've asked for this before. I've never seen it from either Staff or from you guys. There's a bunch of things in here that are outside the boundaries of what I believe was supposed to be the development footprint that are being affected. I thought most, if not all of that was under conservation easement. And I would love to see somebody's evidence that that conservation easement either doesn't include that land that's being affected, or allows for this kind of impact. And I've just never heard of a conservation easement that allows you to clear 16 acres of trees.

So I just can't, for kind of setting my bar, I can't accept that this is the correct excavation solution until I see evidence that all the landing zones for this are clear and adequate space, and approved by Vail, and approved as part of the conservation easement. So there's just, there's just tons missing.

Pat
Sweeney: Excuse me, Steve. Do, do you want me to answer that or we could get you a response to these questions in writing.

Commissioner

Joyce: If there's something real easy now, that's fine. If you, if it's a more detailed thing, I mean, I'm happy to wait and see them as part of the next month's package.

Pat

Sweeney: It would probably be---I mean it's nothing simple, as you know. We can put a package together and share it, particularly with legal of the City that show them our agreements with Vail and remind them about what conservation easements there are or aren't, and what they allow and what they don't.

Commissioner

Joyce: That, that's fine. In fact, I would love it if, if we came in and you guys said here it is, here's why we're good doing what we're doing, and Mark or Polly or whatever nodded their head and went yes we reviewed this and we completely agree. That would be great.

Pat

Sweeney: Okay.

Commissioner

Joyce: The construction staging thing, I'll tell you, it was just kind of lost on me. It really---if you turned around and read the, the kind of, the five-point bullet kinds of things that we saw today, and imagined that somebody was building a house on a lot down the street here, that's very much what it sounded like. It's like, yeah, as soon as we clear out space we'll stop dumping stuff on the street, and instead we'll dump it on the property. And you know, at the end of the day when the trucks drive out we'll either wash them off or we'll keep the dirt out of the street.

I, I didn't see much of anything in anything that you guys addressed in this package that talked about the fact that you're building a million square feet on the steep side of a hill with access from a neighborhood that essentially has sub-standard streets. There was just no, there was no meat behind it. It sounded kind of like a construction template that, quite frankly, I almost could have just listed to start with. You start mentioning things like detention ponds. I want to see where they are. You got, you got cliffs that are bigger than we've ever cut anywhere in Park City before, and no description about how that happens and how it gets staged and how it gets protected. And I've gone back and looked at the old

documents, and it's, you know, it's some pretty pictures of what the cliffscapes are going to look like, but the whole old excavation plan was like four pages long. It's not that simple. And so some of the things that might get traditionally pushed off into a construction mitigation plan, I mean, we've got to address now. There's just, there's just no doubt. I mean this is too big a project with too many impacts and too many questions for us to be able to sign off on something that's, that's just kind of that vague.

I had one that was like, where we talked about the 3500 acres of, I'll loosely call it, more toxic dirt. Whatever that is. The mine tailings, the mine overburden, and describing the difference. And I was kind of fine with, okay we're going to try to cap that somewhere, but I had hoped to see kind of a plan of where do you think that can happen. Is that something you're sticking up, because again, we're doing this in the Park City sensitive water, or the Spiro Tunnel sensitive water area boundaries. And it's like, well, okay, are we capping it somewhere where it's going to be leeching right into our water. You said that hey, this is the overburden, it's not anymore toxic than most of what we're just going to be digging out. I apologize because I haven't had time sitting here in this meeting to go back and find it, but I saw the soil test results from some of those mine sites, and some of the arsenic levels in at least one, and I think two of those four sites, were off the charts. I mean they were huge. And so when I hear you tell me, hey, that's what we're going to be digging up, you know, a million cubic yards of and spreading around, you just bumped the mitigation issues for blasting and air impacts and things. I, I hope to God you're actually wrong and this is actually---the soil samples that I saw were much worse than what we'll see from the rest of it. But that was, I mean, I can go back and find those numbers. We went through that last year this time, or something like that. But there's some sites with some really high numbers in them.

And just as a request, you guys are giving us a lot of material and some of it is very deep and takes a lot of crawling to go through. The thing we got from, I don't know, you have a nice little acronym, the AGECC, the geo-tech stuff. There were four letters in there that you guys included in our stuff. And one had a little bit of information, but all four of them really sounded like, hey, if you'd like us to do a good job of this, here's our billing information of dollars per hour, per---it, it didn't have any meat. It was literally like a request for work or something like that. And honestly I didn't see much of that in anything else either. There wasn't---I think the meat

that we actually got tonight was more in your revised drawings, and that's, it's a little hard to go through and parse out. There were a lot of kind of bullet stuff that said, we made parking more efficient, we got rid of this floor, we did all of these kinds of things. But then we got to the net, and the only thing that was really gone was the museum. I mean, basically we netted out to the same kinds of numbers that we've been working with for a long, long time. So I didn't understand, there were some things that said like, got rid of accessory space because we made this more efficient, you know, made the parking more efficient. If you made it more efficient, why, why didn't the square footage down. Or where did it go?

Pat

Sweeney: We'll get to that next time. But that was 17.1, Steve, and you're right, we basically reduced it by a size---

Commissioner

Joyce: Yeah, the museums been gone since we started this.

Pat

Sweeney: 17.2, we haven't calculated the reduction. So that's coming.

Commissioner

Joyce: Okay. So, so the more you can make that clear, because I'm, I mean, I really spent some time because you had some very detailed building renderings and things like that. And I went through trying to figure out, if you got rid of this how did it not get smaller. And it didn't. So I'm just assuming things go added somewhere else that I can't find yet.

So I would ask, when we get back---the biggest take away from me, and I think you've heard it pretty consistently from both the public and from Laura so far, is the construction stuff, I mean, we, we need considerably more detail. The thing you're doing is so far beyond anything we've seen here in Park City. I mean, we need a lot more meat to these plans. Even things like, you know, I look back at the Big D truck, or the Big D proposal and they had a number of delivery vehicles. I mean, I'd like to see, you know, for a project this big, how many concrete trucks are we going to see coming up. And I assume they're going to tend to come in batches because you're going to do pours and things like that. And what impact is that going to have. But it's all lost. The only, the ironic thing is the thing in there that said it was going to be ten per hour per day. Had pictures of Lowell and Empire that oddly enough looked like what the public brought

to us last week with basically single lane roads going up Lowell and Empire. And I was wondering exactly what Big D's point was with that, other than there's no way you can do two-way traffic on these roads. But they didn't actually talk about it. There were just pictures in the May presentation, the first presentation from way back. So lots and lots of questions to be answered on this construction piece.

Chair

Strachan: Thank you. Commissioner Campbell.

Commissioner

Campbell: I'm going to keep mine short, but I want to make sure that you guys, since, not, I'm sorry, that you don't have to sense but you hear my frustration, because I've asked very specific questions in the past. And Pat you were kind enough to say that your gas letter was for me, and I think that's in reference that I've consistently asked for some specific measure of how much---and as Steve said, we've got hundreds of questions on lots of items. I'm just using, I'm going hang my hat on just this one. The letter that you had from Questar basically says, give us some info on how much gas you need and we'll tell you how much it's going to cost. And that's just go nothing to do with what we've been asking for. I specifically said how big will the gas pipe be, how far down Lowell, how far out 224 will it have to go before it taps into a source of gas that's big enough to supply all of that. How many of our roads will we have to tear up. And I'm not, I'm not getting any of that back from this letter.

So, I'm going to add one more genera thing to it, which I feel like hasn't been addressed at all, and that is, you know, AGEC says yes, you can tear all of this dirt off of there and yes, you can physically move it up on to the top of the hill, but what's going to keep it up there. I want to make sure that we have some kind of plan in place that we know that stuff is not going to come sliding back down. Because it won't just slide into your project, it will slide back down on, you know, on to our houses too. So to me, that's probably the biggest thing that hasn't been mitigated yet.

Chair

Strachan: Good, thanks. Commissioner Phillips?

Commissioner

Phillips: Let's see. I did want to thank the applicants for the illustrations you gave. It really does, it really does allow us to see what it will look like, whether you like it or not. I also appreciate, I appreciate the efforts you've made in addressing some of our concerns. There's a lot of new information to digest in a few days time that tie back to discussions we've had months and years ago. And of course, you know, we'll all need time to review a lot of the information before we can provide complete educated questions. But, you know, I'm just going to just take a stab at a few that come to mind.

As I think Preston had stated, you know, there's many more questions. But you know, I'll start with traffic mitigation, specifically during construction. Are the construction workers using the Cabriolet in conjunction with skiers, you know? I don't know if we get that information in the traffic study or construction mitigation plan. But I'll certainly need to know more about, you know, the details and how all of that is going to function.

One of the questions that I had, and maybe you guys can even answer this one now. Does the reduction of the cliffscapes, does that make them steeper than they were? It would be interesting for me to know what the grade, the grade of those are, and maybe what they were in previous versions, you know.

David

Eldredge: Well, in, in the original submittal there was a bit of discrepancy in that the plan showed the cliffscape behind the 1 and 5 buildings laid back basically at the angle that we're going to propose. Whereas, on the sections we schematically steepened that and put in little terraces that we could plant. So those two at that presentation were not in sync. The new information is basically in almost all areas except where it's almost a direct north facing the allowable slope is two to one. And in the north facing, we can go four to one.

Pat

Sweeney: So does that---I think that boils down to steeper. But then in the case of 17.2, we're also bringing the buildings closer together, limiting to---

Commissioner

Phillips: Right.

Pat

Sweeney: And so there's less of them. They're less tall.

Commissioner

Phillips: Okay. Thanks for---

Pat

Sweeney: Is that a fair statement, David? Okay.

Commissioner

Phillips: Okay, thanks for answering that.

David

Eldredge: And I'll just mention, on those new documents we put the AGEC recommended maximum slope on the building sections.

Commissioner

Phillips: Okay. Let's see. I mean, in my opinion the steeper they go the more unnatural they look. But that's something that, you know, like I said, after I have more time to, to look at it, I might have better questions.

Let's see here, what else do I have. You know, just simple questions like how are the materials getting transported to the deposit sites? And will this occur during the ski season? How do you disperse soils in the forest area? Where's the snow going to go during construction? And how are you going to retain spring runoff? You know, I mean, there's, there's a lot of things, you know, a lot of details that I feel are missing. And, you know, I'll try to maybe put together a list. Write them down and provide them. I don't know. I'll have to see how I want to approach that.

But anyhow, moving on. I agree with Staff on the specificity. I've seen, I've seen much smaller projects with much greater detail. And one-line bullet points are vague and seem more like strategies as opposed to plans. I also agree with Staff's approach on page 203, for your information, Francisco.

We are going to have to thoroughly evaluate detailed plans and detailed mitigation strategies on the impacts in order to have, to be able to come to a real decision. I look forward to getting more opinion from the Staff and professionals looking at this new information after they've had proper time

to sift through it. And I look forward to more information on 17.2. Basically, to sum it up, I struggle with the big picture information and really understanding the details with the information given in regards to the recent information you have provided. So, that's pretty much all I have tonight.

Commissioner

Campbell: Can I ask one more question.

Chair

Strachan: Sure.

Commissioner

Campbell: Get one more thing on. And Francisco, this might be for you, or maybe Bruce it might be for you. My frustration that's bubbling up tonight of all the unanswered questions is in part I feel like is our fault on this side of the table because we don't really have a list of them. We throw them out, they don't get answered. I'm wondering if that's something that we could get Staff to compile a list of these are the questions that we've asked over and over again, and these are the ones that still remain unanswered. It feels to me like those would have more importance. And maybe it would make it easier for the applicant, too, to go back and say there's 27 questions, we've only answered six of them, let's work on these other 21.

Planner

Astorga: Yeah, that's something that we're working in-house.

Commissioner

Campbell: Should, I mean, should each of us present to you a list of what we feel like are our individual unanswered questions, you could compile them? Is that--

Planner

Astorga: We're going back to the actual record. Meeting minutes and Staff reports. I asked that question for the legal department to see if that would be appropriate to receive individual lists from Commissioners. We could do that in terms of double-checking the work that we've done, but--

Commissioner

Campbell: You're right. It is even better if you're pulling it from the minutes. But I like to see it---I know Staff is already overworked, but I'd love to see a list of what those questions are.

Chair

Strachan: Okay. Thanks. You know, I agree with Francisco and some of the other Commissioners that what we're really lacking here is specificity. And I'll point to an example, the Robinson construction letter, which Mr. McMahon referenced as a, I quote "analysis of the excavation". It's dated 5/24/17. It's a one-pager and it says, "After careful review of the proposed Treasure project we are of the opinion that the excavation operation of the project can feasibly be completed within two to 2-1/2 years". Next paragraph, "If blasting is required, mats and seismic monitoring will be utilized to safely perform blasting operations, and to keep vibration within acceptable levels". I mean, that's about as vague as it gets. What acceptable levels? What blasting materials? What seismic monitoring? What are the numbers, what are the specifics?

Likewise, next paragraph, "A water system utilizing capital B, capital W, capital G, Big Water Gun sprinkler (or similar) heads will be used to control any fugitive dust". I mean, what are those things. Where are these guys' analysis of how much dust there's going to be? What the gun can cover. What even is the gun? I mean you can't just give us this letter that references things that we don't know, and say, well look, it's the opinion of an expert, we're good to go. I mean there has---we need to delve into the specifics and really analyze this.

You know, and then it just concludes and says, "We feel the project will cause some inconvenience, but will provide a great upside to the City and its residents for years to come". Why is an excavation guy making that opinion? I mean, it just feels like these are shill submittals that don't provide the analysis that really gets us from point A to point B.

And to Staff's questions along those lines, you know, are we willing to condition the project on submittal of information in the future, no. I mean, we don't have the information now. We can't, for instance, you want to just let the construction mitigation plan go to the building department and let them sort it out. I mean, the building department is one step, but we're the first step. We look at the impacts; we look at the mitigation. That's what the Land Management Code compels us to do.

To me, you know, as we get down to the short strokes of this thing and looking at an October decision date potentially, if those specifics aren't there we can't determine a) what the impacts are; and b) how to mitigate them. If you want us to condition your project and approve it, you have to identify for us what the mitigators are. And in order for us to know, we need to know what the impacts are. And we don't know those yet because all we have are submittals from experts who probably are experts, but they're one liners and their conclusory.

Likewise, the mitigators that I saw tonight---just for future reference, complying with existing ordinances is not a mitigator. So, you know, complying with noise ordinance or work hour ordinances, that's not a mitigator. You're obligated to do that no matter what.

And give us more of the benefit of the doubt that we understand what mitigates impacts and what doesn't. The fact that you would have a project website and a superintendent available. First of all, what impact does that tie to, that's unclear. But second of all, how do you quantify that? You need to, you need to quantify for that for us. To me, that's a given. You're not going to have a superintendent on site? I mean, what do the construction workers themselves do. So again, it's sort of like complying with the noise ordinance. Of course you're going to do that. That's not a mitigator, that's a given.

I guess I would just conclude by incorporating the other Commissioners' comments. But we're going to be, we're going to be looking down the barrel of this thing, and when other projects have come before us and we get into the short strokes, it's the specifics that matter. And it's always the specifics that matter on every project. And if we don't have them we can't help you, we can't help ourselves, we can't help anybody. I mean, without specifics you can't approve. You just can't. So, anyway, I'll just say that.

Francisco, anything else to finish up on?

Planner
Astorga: No, nothing else.

Chair
Strachan: Okay. Great. Anything further, Bruce, Commissioners? Nothing? All right.

MOTION: Commissioner Phillips moved to CONTINUE the Treasure Hill Conditional Use Permit to August 9, 2017. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

2. **4001 Kearns Boulevard – First Amendment to the Park City Film Studios Subdivision, a re-plat to create three platted lots of record from existing 29.55 acre Lot 1 and to include a 0.8 acre parcel acquired from UDOT for storm water detention. The property consists of approximately 30 acres. (Application PL-15-03005)**

Planner Kirsten Whetstone reported that this item was a request to amend the Park City Film Studios subdivision plat to create three lots for the development. The applicant recently contacted the Staff with a request to continue this item to the next meeting. However, because this item has already been continued several times, the Staff recommended that the Planning Commission conduct a public hearing and continue to a date uncertain. The Staff will coordinate with the applicant and when they have a date certain the item will be re-noticed and placed on the agenda.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to CONTINUE the First Amendment to the Park City Film Studio Subdivision to a date uncertain. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

3. **632 Deer Valley Drive – Subdivision to divide the existing Lilac Hill Subdivision into two lots of record. (Application PL-17-03494)**

Planner Anya Grahn handed out additional public comment that was received after the Staff report was prepared.

Planner Grahn reviewed the application for the Lilac Hill Subdivision first amended. The first Lilac Hill subdivision was approved last Fall, and it created a legal lot of record