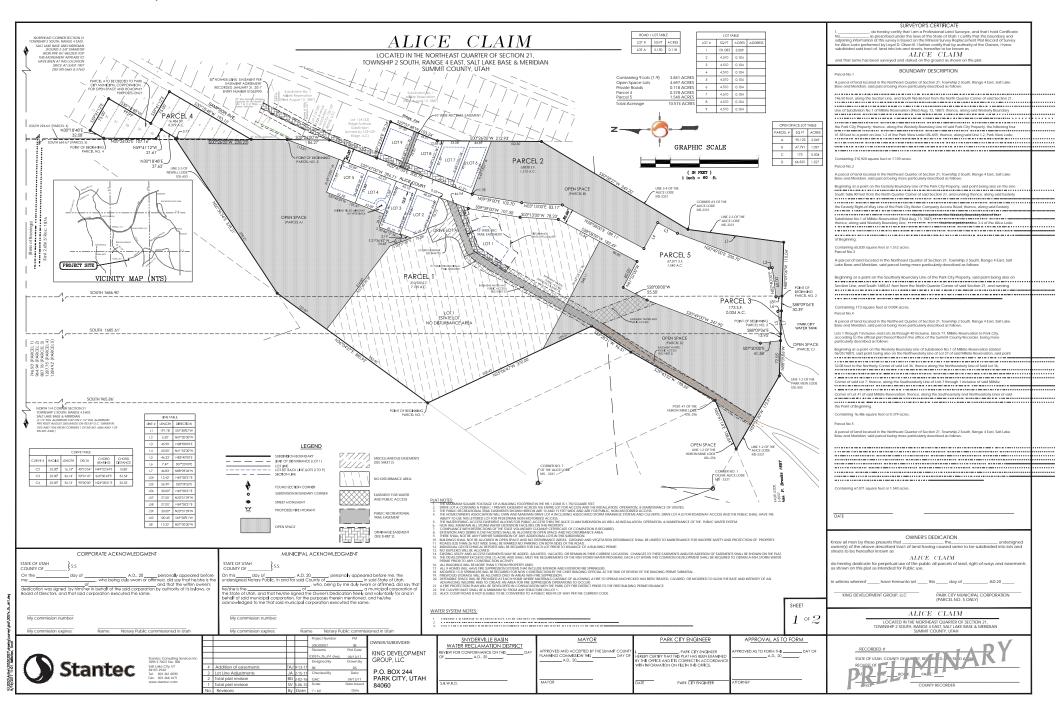
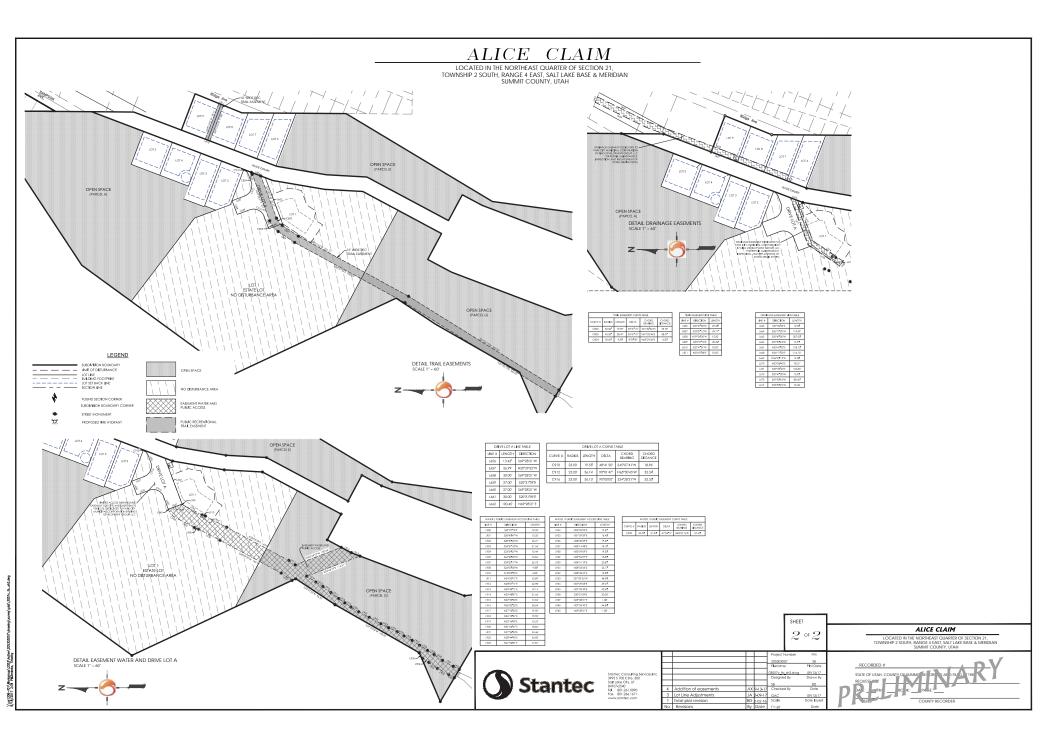
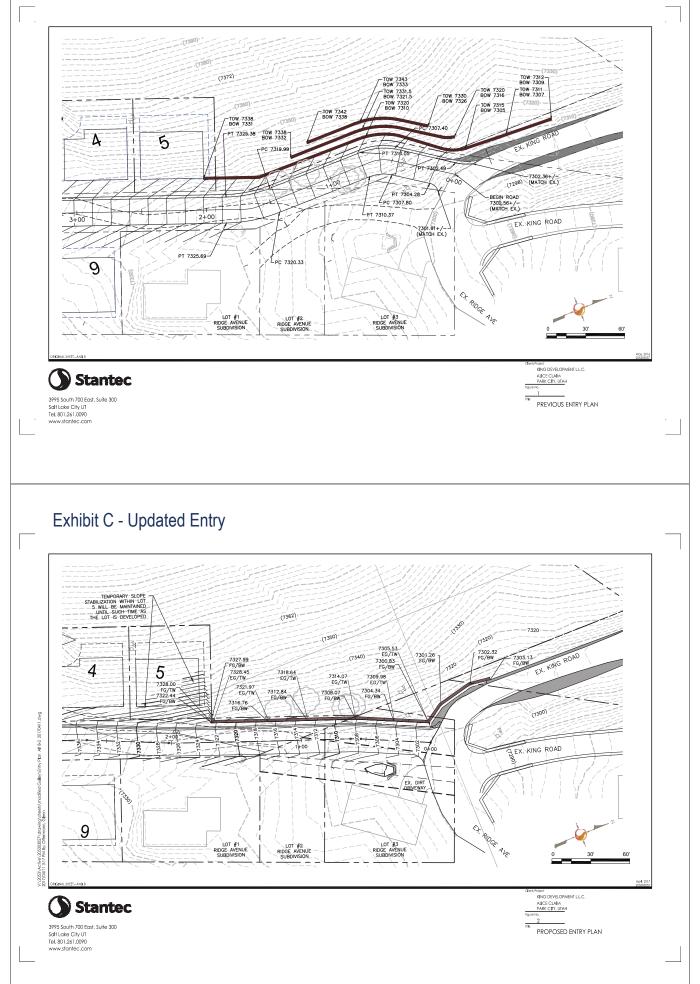
# Attachment 1 – Proposed Subdivision and Plat Amendment





# Exhibit B - Former Entry



# Exhibit D - Public Comments

## Francisco Astorga

From:	Bruce Erickson
Sent:	Wednesday, October 07, 2015 4:10 PM
То:	Francisco Astorga
Subject:	FW: Alice Claim Proposed Development
Attachments:	image1.JPG; ATT00001.txt

PUBLIC INPUT

Bruce M. Erickson, AICP

Planning Director Park City Municipal Corporation Park City, Utah

-----Original Message-----From: Karen Anderson Sent: Wednesday, October 07, 2015 2:33 PM To: Bruce Erickson Subject: FW: Alice Claim Proposed Development

Bruce,

I received this email from a resident who wants to make his opinion known to Council but is unable to be at Council meeting tomorrow night. Matt said To forward it to you.

Karen

-----Original Message-----From: John Vrabel [mailto:jvdesign@comcast.net] Sent: Wednesday, October 07, 2015 1:38 PM To: Karen Anderson Subject: Alice Claim Proposed Development

Wednesday October 7th 2015

To: Park City Council Membership C/O Karen Anderson

Fm: John Vrabel Resident 143 Upper Norfolk Avenue

Re: AliceClaim (proposed) Development

Dear Park City Council Members:

I am writing to express my strong opposition to the proposed Alice Claim development, as I will be unable to attend the October 8th City Council meeting.

Having attended many of the prior Planning Commission meetings re the proposed Alice Claim development, I would like to recall the last Planning Commission meeting dealing with the Alice Claim in which Bruce Eriksen presided. The developer presented his points and the commission members followed with comments related to those points. First I was very impressed by the commission members' thorough responses and second on the quality of their overall knowledge of the subject.

At this point Bruce Eriksen suggested that because of the unusually long time this project, in its various aspects, has been before the Planning Commission, it was important that the Planning Commission members bring current, 'for the record', their overall comments regarding the (proposed) Alice Claim development.

I was not only extremely impressed with the commission's overall scope and thoroughness of their responses and especially as to how this development specifically related to the city's design and building requirements, but I was also proud of how well the Commission, in my opinion, represented the best interests of Park City.

In closing, I strongly urge you as City Council Members to rely on the Planning Commission's professionalism and expertise as the development guardians of our City. Thank you.

Warmest Regards,

John Vrabel Park City Property Owner & Resident since 1968.

The Alice Claim:



Brooke Hontz PO Box 2128 Park City, Utah 84060 brooke@dalysummit.com

Charlie Wintzer Wintzermc@aol.com

#### 12/7/2015

RE: Alice Claim aka Alice Lode Subdivision and Plat Amendment, Gully Site Plan Discussion PL-08-00371

Dear Planning Commission:

Thank you for forwarding a negative recommendation to the City Council on the Alice Claim applications a few months ago. Please consider thoroughly reviewing and referencing all of the previous issues that have been brought forth since 2005 that have not been addressed in any of the plans including this "new" gully plan and putting these issues on record, again, as part of the December 9<sup>th</sup> 2015 work session.

As you are aware, by Land Management Code, the Commission is required to review Chapter 7.1 – Subdivision Procedures, 7.3 (A)-(C) Subdivision Policy and Section 1.112 Good Cause when processing a Subdivision application (at a minimum). At all of your previous meetings the Commission has addressed these requirements. In particular, Commissioner Band has provided specific language regarding the deficiencies of the character of the land in this application that it cannot be subdivided safely to meet the Subdivision and Good Cause Standards, with other Commissioners in support. As a Commission, public health safety and welfare are mandatory elements of review and cannot be ignored. To make a clean record for the applicant and the public, I am requesting you clearly list the numerous inadequacies of this application that still remain unaddressed and incapable of being fixed with a density over the allowed one lot.

In this application a slope map has been provided that is extremely valuable information proving that good cause to create 8 new lots from one platted lot does not exist. Lots 1, 3,4,5,6 and 7 all are partially or entirely over **50% slope**. A steep slope CUP cannot mediate the increase of density from one to 8, as the development impacts are much larger than just the amount of soil that will be removed and retention of earth that will take place. As required by the LMC we need to pay "particular attention to the arrangement, location and width of Streets, their relation to sewerage disposal, drainage, erosion, topography and natural features of the Property, location of Physical Mine Hazards and geologic hazards, Lot sizes and arrangement, the further Development of adjoining lands as yet un-subdivided, and the requirements of the Official Zoning Map, General Plan, and Streets Master Plan, as adopted by the Planning Commission and City Council.

It would be helpful in this work session to again indicate clearly that King and Ridge roads are located outside of their platted location for some or all of their entire length. The capability of these roads to support the existing platted rights of homes (which are very few) plus 8 more lots is impossible. Other traffic, transportation and civil engineers have deemed the new 6 road intersection and the additional 8 un-platted lots as unwise and unsafe. Respectfully the public has repeatedly submitted testimony

regarding the health, safety and welfare negligence of a plan that puts forth 9 lots related to the roads, traffic, and also fire danger. I have personally met with Scott Adams of the Park City Fire District regarding this project and showed the previously submitted application and the entire area's roads, current development and platted but unbuilt lots. He had not been contacted by Park City Municipal to discuss the plan although the public had asked questions and submitted issues and the Commission had queried the former staff member about them. In our meeting he did not feel comfortable with servicing the 9 lots when presented with the entire area's information (the platted lots on Ridge, Anchor and King).

In efforts to be productive for the Planning Commission and the Applicant, the time has come for better records that summarize findings. It would be so helpful to have the Planning Commission direct staff to create a table of all of the issues brought up over the 10 year period this application has been in front of this body AND DID NOT ASK FOR A RECCOMENDATION. The work has been done over and over again by many members of the public and the different Planning Commissioners and never followed through with by staff or the applicant. The Planning Staff typically does not create task lists or summaries of input because applications typically don't turn on and off over a ten year period. I believe this is the 9<sup>th</sup> Planning Commission work session since 2005 (with only 2 Public Hearings during the same time). The Applicant has gone back and forth on a plan and not made substantial progress with the legislative process based on their volition. Here's an example of what staff could create – this is only a fraction of the list of issues:

Issue	Direction	Date	Findings
Does Application meet	Review each lot and site	12/9/15	To be presented at next Planning
HR-1 Zone standards	plan against code		Commission Meeting
	requirements		
What version of LMC	Arguments have been	7/2015	City Attorney to present findings
and General Plan is the	made by the applicant		at next Planning Commission
new Gully plan under	that they are under a		meeting
and does the PC and	pre-2007 code and		
the Public have access	current General Plan. Is		
to those documents	this accurate?		
Fire District – Does fire	Planning Commission	Fill in	Fill in
district agree to	member plus staff		
support this plan with	member Meet with Scott		
the complete	Adams with the area		
understanding of ALL	plat.		
platted lots, per the			
requirement of the LMC			
Mine Shaft	Determine if mitigation		
	and explanation is		
	satisfactory to Plan		
	Commish.		
GeoTech	Determine if mitigation		
	and explanation is		
	satisfactory to Plan		
	Commish.		
Traffic	Review impacts of 9 lots		

	versus 1, include traffic		
	generation, steep slopes		
	and winter conditions		
Adequacy of King and	Review impacts of 9 lots		
Ridge to serve the	versus 1, include traffic		
property	generation, steep slopes		
	and winter conditions		
Sewer	Review entire site for		
	acceptable service with		
	Sewer District – with		
	Planning Commissioner		
Does Application meet	Review each lot and site	7/2015	Each Planning Commissioner to
Subdivision Purpose,	plan against code		create list against code
standards? Purpose of	requirements		requirements
HRL, E, SLO and Chapter			
7 Subdivision			
Does Application meet	Review each lot and site	7/2015	Each Planning Commissioner to
good cause?	plan against code		create list against code
	requirements		requirements

Thank for your continued hard work. We appreciate all that you do.

Best regards, Brooke Hontz Charlie Wintzer

From:	Carol Sletta <cbsletta@gmail.com></cbsletta@gmail.com>
Sent:	Wednesday, December 09, 2015 2:10 PM
То:	Francisco Astorga
Subject:	Fwd: Alice Claim - "Gully" Plan

Francisco, Here's the email I sent to the Commission. I understand no action will be taken, but will the Commission be taking public input? I am hoping my email will suffice as it will be difficult for me to attend this evening.

Carol Sletta ------ Forwarded message ------From: **Carol Sletta** <<u>cbsletta@gmail.com</u>> Date: Tue, Dec 8, 2015 at 4:17 PM Subject: Alice Claim - "Gully" Plan To: <u>adam.strachan@parkcity.org</u>, <u>nann.worel@parkcity.org</u>, <u>melissa.band@parkcity.org</u>, <u>douglas.thimm@parkcity.org</u>, <u>john.phillips@parkcity.org</u>, <u>preston.campbell@parkcity.org</u>, <u>steve.joyce@parkcity.org</u>

## Good afternoon:

Before your work session on Wednesday, I just wanted to take this opportunity to once again express my concern about the intersection that will be created with the access to the Alice Claim Subdivision.

King Road, Ridge Avenue and Sampson Avenue "as is" illustrates the Historic Old Town feel of Park City; adding the large retaining walls and an intersection would change the look of this historic neighborhood forever.

I respectfully disagree with the City Engineer who states that there is not a fatal flaw in the intersection. I am concerned about emergency vehicle access as well as navigating traffic to and from the ski area via Upper King Road and the existing traffic in the neighborhood, not to mention an addition of nine residences.

If you haven't done so, I suggest you drive up King Road, turn right, then visualize turning left into the proposed entry to the subdivision.

Thank you. Respectfully, Carol B Sletta 135 Sampson Avenue <u>435 640 1595</u> <u>cbsletta@gmail.com</u>

From:	Joy Berry <joy@joyberry.org></joy@joyberry.org>
Sent:	Friday, May 20, 2016 4:45 PM
То:	Francisco Astorga
Cc:	KIM DENKERS Owner
Subject:	Ridge Ave Plat Amendment

Hi Francisco,

I own the home at 141 Ridge Avenue and I am very concerned about the new project with the Alice Claim at the intersection of King Road & Ridge Avenue.

My property is at that intersection and the town is already using a very large portion of my land for the Ridge Road and if anymore is taken from me for this new subdivision I will be damaged tremendously.

How can I see the plans they have submitted for this Alice Claim project?

As you can imagine; I am opposed to this project.

Please call me.

Joy Berry

Cell: 949-500-7009

From:	Kathryn Deckert <deckertkathryn@gmail.com></deckertkathryn@gmail.com>
Sent:	Sunday, May 22, 2016 11:21 PM
То:	Francisco Astorga
Subject:	Alice Lode Subdivision
Attachments:	I have been a resident on Daly Avenue for the past thirty five years.docx

Francisco I am unable to attend the Planning Commission meeting 5/25/16. Please include my concerns regarding this property and send to planning commissioners.j Thanks so much

Kathryn Deckert 102 Daly Avenue

I have been a resident on Daly Avenue for the past thirty five years. I also lived for a time on King Road prior to Daly Avenue. I have lived all told for about 45 years at this end of town witnessing the evolution of change . The status of this neighborhood has slowly evidenced new growth and housing but now is also a venue for recreationalists, bikers, and hikers to access trails.

This is not a static neighborhood where an occasional vehicle saunters up the street. It is an area where bikers, hikers, children, pets, are actively participating outside their homes. None of the streets have been enlarged to help sustain this level of activity and as a resident I don't want to see changes in the streets as they reflect the historically nature of this part of town. Three new homes were built off of Ridge Avenue last summer compromising resident's ability to navigate around their neighborhood. Two more new excavations have just occurred off of Ridge adding to the impact of new residential growth. Now we are comtemplating adding another 9 homes at the top of King Road. These roads are at their maximum capacity to accommodate parked cars in the winter months, while residents drive around the piled up snow especially on King Road. Please please take into account the additional new homes just built and in the process of being built. Think again about King Road impacted with cement trucks, back hoes and large excavation machinery. It is a dangerous situation and an overload on current residents.

I suggest the Alice Lode Subdivision proposal reflect the safety, welfare and health of the neighboring community and limit the size of this project to 1 or 2 homes. Also I believe that there should be discussion as to how long the developer anticipates the intrusions of this project will last for the neighborhood.

Traffic impacts abound in our town; please let's begin to live the talk and reduce traffic impacts by reducing density on this project. Thank you.

Kathryn Deckert 102 Daly Avenue I'd like to take this opportunity to thank the Planning Commission for all the time they've taken to thoroughly review and evaluate this project in the past, and now again. I am curious: As a member of the public who has made numerous comments on this project, along with many others, in the past; how are our comments kept as reference materials? And for that matter, the Commissioners' comments? Years of important testimony has been given and I was wondering how that information is made available to the current Planning Commission.

As I reviewed the packet for the three Alice Gully Project items on the agenda, I thought: Why three items on the agenda? If the first is not approved, there's no need for #2 or #3. Guess it must be procedural.

## 1) Alice Claim Subdivision and Plat Amendment

Why should the City approve this project? Adding density would benefit only the developer. Is there good cause for this project? Does it benefit the City? The neighborhood? As I understand it, it is one parcel that must meet very specific requirements to be subdivided into more lots; and it's not a land use right to have more lots in this case. Both the public and Commissioners have made arguments that must be reviewed and resolved to meet the subdivision standards.

Approving this project would set a precedent, encouraging future developers to increase the density on the remaining parcels and hillsides in Historic Old Town Park City.

**Public Safety:** Viewing Document (**EXHIBIT J**) prepared by FEHR & PEERS to show Emergency Vehicle Turning Movement, just confirms to me the inherent danger of this intersection by adding access to Alice Claim. The applicant offering land at the corner adds no benefit. Exhibit J does not reference the severe pitch or grade of this intersection.

Adding a stop sign at the uphill corner of King Road and Ridge only reconfirms to me that drawing something doesn't mean it works. I'd like to see any passenger vehicle, dump truck, cement truck, or PC Mountain Resort vehicle come to a complete stop on the uphill of King Road, then proceed (whether left or particularly right) in the winter. I would even question the ability of any vehicle, particularly a large vehicle, to stop on a dry day on the uphill, then safely proceed.

Having lived on Sampson Avenue since 1980, I respectfully disagree with the applicant's traffic engineer and our City Engineer when they state that nine homes have negligible traffic impact in this area. (Exhibit N)

Many public safety concerns have been expressed over the course of the Planning Commission meetings. Future Planning Commissions will have a hard time using public health, safety and welfare standards to appropriately limit lands not suitable for development, if the Planning Commission ignores them here.

## To: Park City Planning Commission Subject: Alice Claim Subdivision

## 2) CUP for Retaining Walls

The three-10'- step back walls, totally 30 feet, is not the desired look for Historic Old Town Park City. Rather than a paragraph describing the walls, we need to see a realistic/accurate drawing of the retaining wall(s) from the vantage point of, say, the center of the intersection: Like a superimposed wall to scale on a photo of the hillside.

If approved, this sets a precedent for future development. Permitting these walls in Historic Old Town Park City would give the undesirable look of, say, Deer Crest.

### 3) Property Swap 123 Ridge and Lot 1

No need to address. Swapping these two triangular parcels has no purpose unless project is approved.

Alice Claim Gully Subdivision does not belong in Historic Old Town Park City.

Respectfully,

ы

Ille

Carol B Sletta 135 Sampson Avenue

From:	Makena Hawley
Sent:	Tuesday, July 05, 2016 8:30 AM
То:	Kirsten Whetstone; Francisco Astorga; Anya Grahn; Adam Strachan; Laura Suesser;
	Melissa Band; Douglas Thimm; John Phillips; Preston Campbell; Steve Joyce
Cc:	'jvdesign@comcast.net'
Subject:	FW: Density Development

Public comment forwarded from Mr. John Vrabel at 143 Norfolk Avenue.

Thank you, makena

Makena Hawley Park City Planning Department 445 Marsac Avenue, PO Box 1480 435.615.5065

View our 2016 Play Magazine online and plan your best summer yet! Summer program registration opens April 1<sup>st</sup>: <u>www.parkcityrecreation.org</u>

From: John Appleseed [mailto:jvdesign@comcast.net] Sent: Tuesday, July 05, 2016 8:22 AM To: Makena Hawley Subject: Fwd: Density Development

Sent from my iPhone

Begin forwarded message:

From: John Appleseed <jvdesign@comcast.net> Date: July 4, 2016 at 1:26:48 PM MDT To: bruce.erickson@parkcity.org Cc: kirsten@parkcity.org, fastorga@parkcity.org, anya.grahn@parkcity.org, adam.strachan@parkcity.org, laura.suesser@parkcity.org, melissa.band@parkcity.org, douglas.thimm@parkcity.org, john.phillips@parkcity.org, preston.campbell@parkcity.org, steve.joyce@parkcity.org Subject: Density Development

Dear Bruce, Planners, and members of the Park City Planning Commission:

I saw you (Bruce) jogging up the Sampson Avenue hill last week. Did you happen to notice the two high rises under construction to your right (west side of Sampson)? These are huge buildings especially in Park City's Historic (HR1) district.



(This photo shows 2 projects on Sampson Avenue. Note jogger to the left)

One area of what I call 'Excessive

Density' should not lead to another area nearby just because it appears that it is now the 'norm' and/or that a 'president has been set.'

The reaction of visitors to our neighborhood, when they see what is under construction is nothing short of 'astonishment!'



(These are 2 projects, the left-upper has our neighborhood's first elevator. The right-lower, sits almost in front of, albeit lower, than, the elevator house)

This huge size/density, is the reason for my note.

It is my hope that we as a City should not repeat this situation up in Woodside Gulch, on the Alice Claim.

The developer is entitled to a density of ONE, which came with his purchase of the property. It is my contention that even one is too much for this steep, pristine, park-like area.

Please consider the potential OVERLOAD to King Road.

Further, what if in the future, Vail elects to develop its property at the 'angle station?' What will the traffic on King Road be then? Can Vail's development in that area be denied? I think not, but perhaps the density can be limited.



Woodside Gulch - Alice Claim

Who benefits besides the developer, with the Alice Claim development?

Increasing traffic/density in this historic part of old town on these narrow roads dose not benefit the City.

It dose not benefit the current property owners in the neighborhood. Rather, this development is problematic.

Heaven forbid if we have a normal or big winter in the future. How will emergency vehicles respond then? Will the City be at future risk legally, for allowing this potential congestion?

In closing please consider the long term effects on our City by your decisions. Do you want the high density Woodside Gulch/Alice Claim development to be part of your legacy? Or do you want your legacy to be one of preserving this open, park-like space for the benefit of all?

Thank you, Kind Regards and Love John Vrabel 143 Norfolk Avenue resident since 1968.

Sent from my iPhone

# Ballard Spahr

One Utah Center, Suite 800 201 South Main Street Salt Lake City, UT 84111-2221 TEL 801-531-3000 FAX 801-531-3001 www.ballardspahr.com Mark R. Gaylord Tel: (801) 531-3070 Fax: (801) 321-9070 gaylord@ballardspahr.com

JUL 0 8 2016

July 7, 2016

#### **Via Federal Express**

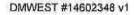
Park City Planning Commission 445 Marsac Avenue PO Box 1480 Park City, Utah 84060 Attn: Adam Strachan, Chairman

#### Re: Objections to Alice Claim Subdivision and Ridge Avenue Subdivision (Shari Levitin and Lee Gerstein)

Dear Planning Commission:

This firm represents Shari Levitin and Lee Gerstein, residents of Old Town whose home is located at 135 Ridge Avenue (the "Residents"). We are writing this letter on behalf of the Residents to raise their concerns and objections to the proposed development of The Alice Claim Subdivision ("Alice Subdivision") and the proposed Ridge Avenue Development ("Ridge Subdivision" and, together with the Alice Subdivision, the "Subdivisions"). The Alice Subdivision is being developed by King Development Group, LLC (the "Alice Developer"). The Subdivisions are adjacent to the Residents' home and they are deeply concerned about the impact the Subdivisions will have on them and the neighborhood.

Specifically, the Residents believe that: (i) the Alice Subdivision cannot be developed as planned because the Alice Developer does not have legal access necessary to connect the Alice Subdivision to King Road ("King Access Road"); (ii) the proposed location of the King Access Road will result in excessive road cuts and have a negative visual impact within the neighborhood and Ridge Road (directly behind the Residents' property); (iii) the construction of the King Access Road at the Access Point is dangerous and violates Chapter 7.3 of the Land Management Code ("LMC"); and (iv) construction of Ridge Road directly behind the Residents' home for the Ridge Development will result in the Residents' property fronting three streets in violation of the LMC. For the foregoing reasons which are discussed in further detail below, the Residents object: (i) to the proposed Alice Subdivision site plans (the "Alice Site Plans") attached hereto as Exhibit A and requests that the Commission reject the Alice Subdivision as currently designed; and (ii) to the proposed Ridge Development and requests that the Commission reject the Ridge Development as currently designed. The objections raised herein were previously raised in a letter to the Park City Planning Commission dated September 4, 2009. As the new proposal for the Alice Subdivision has not materially changes, we again raise the following objections.



#### I. No Legal Access (Alice Subdivision)

As shown on the Alice Site Plans, the Alice Developer proposes that the point ("Access Point") where the King Access Road will connect the Alice Subdivision to King Road be located approximately 50 feet west of the horseshoe where King Road and Ridge Avenue intersect (the "Horseshoe"). The Alice Developer does not have an easement over the diamond area (the "Diamond") shown on Exhibit A and does not have the right to construct the King Access Road at the Access Point. Page 11 of the Planning Staff Work Session Notes dated March 11, 2009 ("2009 March Staff Report") state that legal access for the Access Point is "gained through the platted but unbuilt Sampson Avenue (aka King Road) right of way." The exhibits to the May 25, 2016 planning packet (the "Planning Packet") appears to show the same access over the Access Point through Sampson Avenue. However, contrary to the Planning Staff's conclusion, there is not a public right-of-way over the Diamond because Sampson Avenue/King Road was not established in accordance with the 1887 plat attached hereto as Exhibit B ("1887 Plat") and there is not any language on the 1887 Plat dedicating Sampson Avenue/King Road to Park City (the "City").

For a dedication to be effective, Utah law currently requires dedicatory language on the plat. See Utah Code Annotated Section 10-9a-603(1)(b) (stating that "the owner of the land shall provide an accurate plat that describes or specifies . . . whether the owner proposes that any parcel of ground is intended to be used as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose"). Where there is not an express dedication of property to the public, then courts have analyzed whether there is intent to dedicate property and whether the government entity to which the property was allegedly dedicated actually accepted the dedication. See William J. Lemp Brewing Co. v. P.J. Moran, Inc., 169 P. 459, 461 (Utah 1917) (stating that "it is fundamental, always, that there must be an intention to dedicate" and "acceptance must be made within a reasonable time after the dedication"). Even if there was intent to dedicate property to a governmental entity and the entity originally accepted such dedication, the governmental entity may be estopped from claiming that land was dedicated if it allowed others to place improvements on the land. See Premium Oil Co. v. Cedar City, 187 P.2d 199, 204 (Utah 1947) (stating that "[i]n many cases where cities attempt to open dedicated streets for the benefit of the public, the courts have estopped the city from enforcing a dedication because the city authorities and the public itself has taken no action over a period of years to prevent the erection of valuable improvements").

The foregoing cases combined with the facts surrounding the Diamond calls into serious question whether there is a public right of way over the Diamond. As stated above, there is no dedication language on the 1887 Plat. The pink highlighted portions of the attached Exhibit C show where Sampson Avenue/King Road was platted on the 1887 Plat in the area of the Horseshoe. The yellow highlighted portions of Exhibit C show the actual location of Sampson Avenue/King Road at the Horseshoe and how Sampson Avenue/King Road as-built deviates significantly from where it is platted. As evident on Exhibit C, the platted portions of Sampson Avenue/King Road currently run through houses and lots. The fact that Sampson Avenue/King Road was not dedicated to the City on the 1887 Plat coupled with the fact that the Diamond has not been developed, is currently not part of Sampson Avenue/King Road, casts significant doubt on whether there is a public right-of-way over the Diamond. Absent any evidence of there being intent to dedicate the Diamond to the City and/or the City accepting such dedication, it is unlikely that the Alice Developer has the right to construct the King Access Road on the Diamond.

JUL 0 8 2016

Another portion of the King Access Road which the Alice Developer does not currently have access over is shown on Exhibit A and is a portion of the easement (i.e. dirt road) that the City uses to maintain the water tank ("Water Tank Easement"). The City only has an easement over the Water Tank Easement and the scope of this easement is limited to maintaining the water tank. Accordingly, the Alice Developer cannot expand the use of the Water Tank Easement above and beyond its historical use which was limited to providing access to and from the water tank. See 25 Am. Jur. 2D Easements and Licenses § 71 (stating "the principle that the owner of the easement cannot materially increase the burden of the servient estate or impose thereon a new and additional burden underlies the use of all easements). Hence, the Water Tank Easement cannot be used for access to and from the Alice Subdivision because such use would be greater in scope than that permitted by the Water Tank Easement.

One alternative that the Alice Developer previously contemplated was connecting the King Access Road to a dirt road located on the Residents' property. However, as correctly stated on Page 26 of the 2009 March Staff Report, "access has not been perfected over the private property at 135 Ridge Avenue."<sup>1</sup> Not only would the Alice Developer need to obtain an easement over the Residents' property in order to pursue this alternative, the Alice Developer would also need to obtain an easement over the Water Tank Easement because, as discussed in the previous paragraph, the Alice Developer's use of the Water Tank Easement is beyond the scope of the City's easement. As citizens of Park City, the Residents object to expanding the use of this public easement beyond its current use.

Accordingly, the Residents request that the Planning Commission not approve the Alice Subdivision until such time as the Alice Developer establishes that it has legal access to construct the King Access Road at the Access Point and over the Water Tank Easement.

### II. Excess Road Cuts and Visual Impact on Neighborhood (Alice Subdivision)

In January of 2006, the Planning Commission requested that the Alice Developer consider an alternative access "due to the excessive road cuts that would be required and the visual impacts on the neighborhood." *See* page 2 of January 11, 2006 Work Session Notes. Based on this recommendation, the Residents believe that the Alice Developer approached them in an effort to secure access rights from them and comply with the Panning Commission's recommendations. Although the Alice Developer was able to successfully negotiate the purchase of the property from the adjacent owner, it was unable to reach an agreement with the Residents.<sup>2</sup>

Accordingly, the Alice Developer's current plans do not properly address the Planning Staff's concerns. Construction of the Access Point will "require retaining walls on the western side as the road would cut into the toe of the slope" and such retaining walls would be over 20 feet tall. See Pages 11

JUL 0 8 2016

<sup>&</sup>lt;sup>1</sup> Over the years the Residents have, in good faith, had discussions with the Alice Developer about access. The Residents remain ready and willing to undertake further discussions with the Alice Developer provided the terms and conditions that are commensurate with the long-term impact and disruption caused by such an access easement.

<sup>&</sup>lt;sup>2</sup> As the City knows, the Alice Developer, with the City's consent, used the public easement and proceeded with the environmental cleanup of the tailings site at no cost to the City. However, it was at a substantial cost to the Residents who were displaced from their home (without compensation) due to environmental and health concerns due to the hundreds of trucks passing in front of their home.

and 25 of the 2009 March Staff Report and page 140 of the Planning Packet. These retaining walls would be constructed less than 100 feet from the Residents' property. Moreover, because most of the proposed lots in the Alice Subdivision are located on Very Steep Slopes or Steep Slopes, additional retaining walls will be constructed around the houses in the Alice Subdivision which will further scar the hillside of the canyon. The Planning Commission should closely examine all alternatives before allowing such excessive road cuts which will forever change this pristine area of Old Town.

#### III. Safety of Access Point and Violation of Land Management Code (Alice Subdivision)

The proposed location of the Access Point is also unsafe and violates the LMC. Undoubtedly, the Alice Subdivision will increase traffic on King Road and Ridge Avenue which are narrow roads that some consider to be the most dangerous in Park City, particularly during the winter. See Page 4 of the January 11, 2006 Work Session Notes (indicating that former Commissioner Volkman believes that King Road is clearly one of the most dangerous streets in Park City); see also Page 17 of January 28, 2009 Planning Commission Meeting (indicating that Vice-Chair Russack believes that the road is extremely steep and can be a nightmare during the winter.) Construction of the King Access Road at the Access Point results in five roads (the Residents' driveway, the Access Point, Ridge Avenue, King Road and Sampson Avenue) intersecting at or near the sharp curve of the Horseshoe. This layout appears to violate the following safety standards in the LMC: (i) Section 15-7.3-2(F) of the LMC states that roads "should be designed to work with Existing Grade and cut and fill Slopes should be minimized." (ii) Section 15-7.3-4(A)(3)(a) requires that "[a] combination of steep Grades and curves shall be avoided." (iii) Section 15-7.3-4(G)(1) requires that "[s]treets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new Streets at an angle within ten degrees of perpendicular is required. An oblique Street should be curved approaching an intersection and should be approximately at right angles for at least one hundred feet (100') therefrom." Based on the current plans for the Alice Subdivision, it appears these safety standards are being disregarded.

More importantly, as currently designed and proposed, the Residents and others may be unable to see cars driving out of the Access Point and onto Ridge Avenue. The Access Point drivers may not be able to clearly see the Residents when they pulls out of their driveway. With limited visibility around the Horseshoe, the Access Point drivers may not have enough time, distance or space to avoid an accident. Of course, winter conditions further exacerbate this hazardous condition.

#### IV. Double Frontage Lot (Ridge Subdivision)

Finally, as shown on <u>Exhibit A</u>, the Alice Developer leaves open the possibility of connecting the Alice Subdivision with the Ridge Development. As further illustrated on <u>Exhibit A</u>, the Ridge Road proposed for construction is directly behind the Residents' home. Construction of Ridge Road and the road proposed by the Alice Developer would violate Section 15-7.3-3(E)(1) of the LMC which states that "[I]ots fronting two (2) Streets, except a Corner Lot, shall be avoided." In fact, upon closer examination (*see* Exhibit A) the Residents' home actually would be surrounded by roads on three sides creating a virtual island parcel via the Horseshoe, Access Point and proposed Ridge Road. In considering the proposed Alice Subdivision, the Planning Commission should review it in conjunction with the Ridge Development as the two together will have a dramatic impact on the Residents' home in violation of the LMC. Accordingly, the Planning Commission should prohibit such a circumstance.

In conclusion, as stated in the 2009 March Staff Report, Section 15-7.3-1(D) of the LMC states that if the Planning Commission finds land to be unsuitable for development due to (among other

JUL 0 8 2016

things) Steeps Slopes, adverse earth formations or other features, including ridgelines, "which will be unreasonably harmful to the safety, health and general welfare of the inhabitants of the Alice Subdivision and/or its surrounding Areas" then such land shall not be subdivided or developed unless the Alice Developer and the Commission agree upon adequate methods to "solve the problems created by the unsuitable land conditions." Because the Access Point creates hazardous conditions at the Horseshoe, violates safety standards in the LMC, will require excessive road cuts and the construction of retaining walls over 20 feet in height which will visually impact the neighborhood, and because the Alice Developer does not have legal access over the Diamond or Water Tank Easement, the Residents believe that Alice Developer has not solved any of the problems created by the "unsuitable land conditions" and that the proposed Alice Subdivision should be rejected by the Planning Commission. Furthermore, because the Ridge Development violates the LMC and will result in their home being an island surrounded by roads, the Residents also request that the proposed Ridge Development be rejected by the Planning Commission.

Very truly yours. Mark R. Gaylord

MRG/jgw

cc: Park City Planning Department Park City Building Department Mr. Matt Cassel Mark O. Harrington, Esq. Polly Samuels McLean, Esq. Joseph Tesch, Esq.



## EXHIBIT A

# Alice Site Plans

(attached)

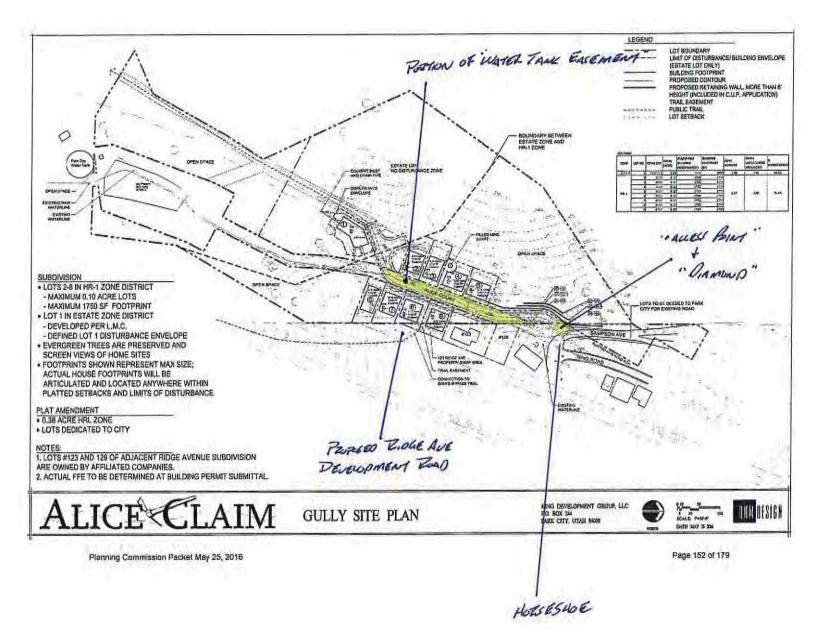
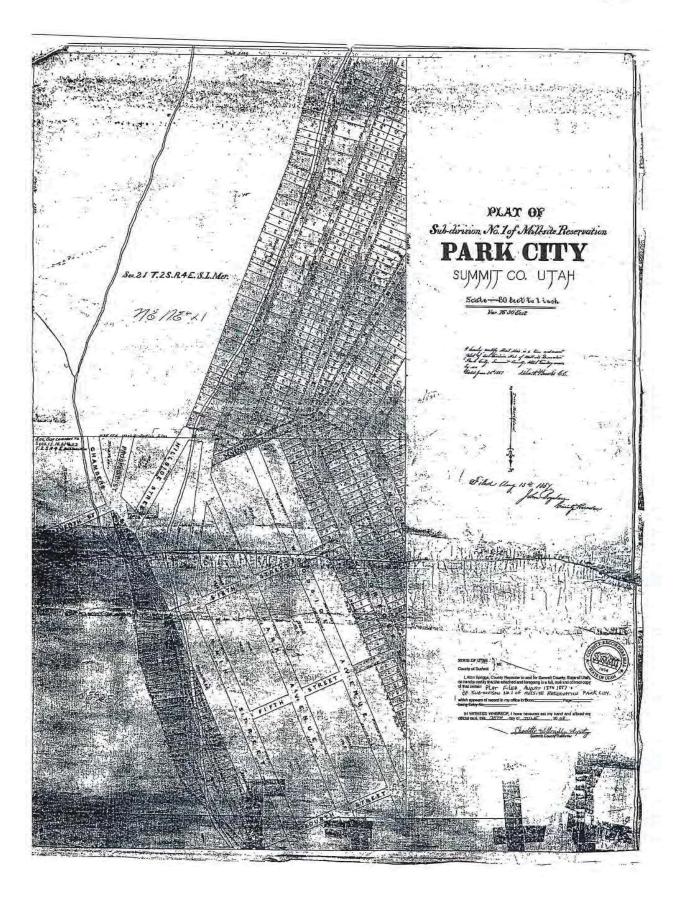




EXHIBIT B <u>1887 Plat</u> (attached)

JUL 0 8 20%



## EXHIBIT C

Sampson/King As Platted And As Actually Built

(attached)

Google Maps 135 Ridge Ave



Imagery ©2016 DigitalGlobe, State of Utah, USDA Farm Service Agency, Map data ©2016 Google 200 ft -----



https://www.google.com/maps/place/135+Ridge+Ave.+Park+Citv.+UT+84060/@40.6380627.-111.497515.644m/data=!3m1!1e3!4m5!3m4!1s0x875272bf84d7e457.0x5914ee012a191935!8m2!3d40.637588214d-111.4 6/30/2016

From:	Tom Gadek <gadek@pacbell.net></gadek@pacbell.net>
Sent:	Tuesday, July 12, 2016 3:58 PM
То:	Bruce Erickson; Francisco Astorga; Anne Laurent
Subject:	Development above substandard roads in Old Town (i.e., Ridge Ave, King Rd, Sampson Ave, Woodside Ave, Norfolk Ave, etc)
Attachments:	HISTORY Tunnel Fire, 20 Years After - Wildfire Magazine.pdf; ATT00001.htm

I am writing in concern to increased development above substandard roads in Park City's Old Town neighborhood. In particular, two large developments, the Alice Claim and the Sweeney properties are under consideration by the Planning Commission. I would like to have my concerns added to the record of discussions of these development proposals by the Planning Commission as part of the package for the July 13th meeting.

The Land Management Code (LMC) defines Good Cause as the following:

Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: **providing public amenities and benefits, resolving existing issues and non-conformities**, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and **furthering the health**, **safety, and welfare of the Park City community.** 

The current substandard width of Ridge Avenue and King Road as primary access and egress to the proposed Alice Claim development make it impossible for simultaneous passage of vehicles in opposite directions along these roads. In particular, in the case of an emergency vehicle unable to reach the properties of the Alice Claim and any other properties above the 12 foot wide sections of Ridge Avenue or King Road place future residents of the proposed development at higher risk of property loss, personal injury and/or death than residents living on standard width roads in Park City. Consequently, development of the Alice Claim and other development above the substandard roads in Old Town does not further the health, safety and welfare of the Park City community.

In addition, approval of the Alice Claim and Sweeney properties development without resolving the existing nonconformity of these narrow roads places the City of Park City itself at unacceptable risk and legal liability in placing future residents at increased risk of loss, injury or death.

I believe the death of 11 residents of Oakland, CA in a traffic jam along a similarly narrow 12 foot wide section of city streets (Charring Cross Road) during a wild land urban interface fire in 1991 speaks to the reality of the danger in Park City. Indeed, only 20 houses were built above this limited access and egress where the citizens lost their lives. This situation threatening Park City today is described in the International Association of Wildland Fire article attached below.

I believe that findings of Fact, Conclusion of Law, and Conditions of Approval require the Commission's denial of these developments based on concerns over public safety until existing issues and non-conformities are addressed.

Sincerely

Tom Gadek

Please provide this to the planning commission as part of the package for the July 13th meeting and the discussion of the Alice Claim and Sweeney properties.

You are here: Home / World Fire News / North America / HISTORY: Tunnel Fire, 20 Years After

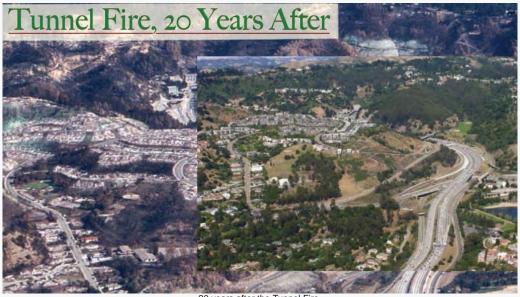
# HISTORY: Tunnel Fire, 20 Years After

September 23, 2011 By Guest Writer 🔍 Leave a Comment

By Kenneth S. Blonski, Cheryl Miller and Carol L. Rice.

In a windy October weekend in 1991, the Tunnel Fire ignited the Berkeley-Oakland hills. Driven by fierce northeasterly winds, it was the deadliest fire in California history. Twenty years after the Tunnel Fire, a tour through the Oakland Berkeley hills highlights many of the changes in the local area, the region and in our national understanding of fire at the urban-wildland interface. Some changes are easy to see; others are evident only to those in the know. A few important actions have proven elusive.

Today there is growing recognition that minimizing fire hazards in an existing community will always be challenging. Critical elements we can't change mean that we must compensate in other ways – or accept the consequences of living with those hazards.



20 years after the Tunnel Fire.

1. Gateway Emergency Exhibit Center: Our tour starts at a permanent exhibit on Tunnel Road on the hillside overlooking Highway 24. This exhibit sits at an entry to Hiller Highlands, below 500+ condominiums. The exhibit consists of steel frames and large stone blocks and columns, evocative of the shell and surviving chimney of a home – all common components of the post-fire landscape.

Here, display panels document the important statistics of the Tunnel Fire:

Deaths: 25

Homes lost: 3,642

Estimated Dollar Fire Loss: \$1.68 Billion

FEMA and OES after-action reports indicate that 1,520 acres were burned by the fire, whose perimeter included 5.25 miles. What the panels don't fully capture was an important lesson in wildfire behavior. Immediately south and east is the eight-lane freeway the fire crossed within the first few hours after destroying over 700 homes. Until the 1991 fire, the importance of embers and burning brands in fire spread was not widely appreciated. Even though multiple mutual-aid agreements signed since the Tunnel Fire will bring the region's firefighting forces to a fire, the aerial spread of fire can rapidly overwhelm our ability to contain it.

Now building codes are aimed at ember intrusion, focusing on vents and ignition-resistant exterior materials. Fuel treatments are beginning to target the production and distribution of embers. We also learned that the size of a wildfire does not determine the amount of damage. A small fire on the urban edge can cost billions. Much of the damage is usually done in the first few hours.

2. Eucalyptus Trees: Looking further east is a dense stand of eucalyptus trees on the city of Oakland's property, reminders of the enduring nature of vegetative fuels. These eucalyptus trees are re-sprouts of those burned and cut in 1992 using helicopters to lift trunks off the steep slope. Oakland prohibits herbicide use on its land, so these trees have regrown, despite recutting using hand labor.

City policies restricting herbicide use may prove beneficial to human and environmental health. However, elimination of herbicides is costly in terms of labor, which has proven difficult to fund. The inability to prevent these trees from regrowing means they are once again a fire hazard with their shedding bark and leaves full of volatile oils.

The role of vegetation and structures in the fire was hotly debated immediately after the fire. Some residents blamed eucalyptus trees for the fire spread and loss of homes. Others contended that the homes would have been lost, regardless of the species nearby.

Berkeley and Oakland formed The Mayors' Task Force to provide citizens a venue to weigh in on recommendations spanning infrastructure, communications, construction and vegetation management. Policies regarding trees and forestry were tackled by a committee that recognized increased hazards posed by Monterey Pine and eucalyptus, but stopped short of outlawing them. One change to Oakland's tree protection code was to allow removal of both species without a permit. The controversy over the role of trees continues today. There are vocal defenders of *Eucalyptus globulus* that contend that the species poses no greater hazard than shrubby fuel types.

The view to the west also includes eucalyptus trees in small residential lots. Oakland required that homeowners submit a landscape plan using fire-resistant species when applying for a building permit. However, species of every type, including dense eucalyptus stands, grow within small private lots.

Today, the density of vegetation almost reaches pre-fire conditions. The annual inspections of defensible space have no code-based mechanism to require removal of all but the most obviously dead or dying ornamental plants. In spite of the nationwide increase of WUI fires, the research on residential landscapes' role remains negligible. Most plant lists provided to the homeowner about flammability are subjective, with only a few studies available on a small number of species and limited discussion on spacing.

In the late spring, you may see down slope of the eucalyptus a herd of goats at work reducing the volume of brush and annual grasses. The goat herd is funded by the Oakland Wildfire Prevention Assessment District (WPAD) as part of an overall program for both private and public lands to reduce fire hazards. Both Berkeley and Oakland established assessment districts right after the fire. A subsequent California proposition required voter approval by a supermajority of all assessment districts. Both districts were disbanded. However, after many years and grass roots support, voters approved a new Oakland Fire that will continue until 2014.

3. Charring Cross: This road is infamous as a a location where 11 people died in a huge traffic jam during the fire. It is easy to envision the narrow roads – some only onehalf as wide as minimum national standards require – throughout these hills as potential death traps during emergencies. The 12-14 foot wide roads were installed in the 1920's but not brought up to modern standards when 21 homes were built in the 1970's and 1980's.

Right after the fire William Penn Mott, NPS Director (retired), opined that the hill should be made into a park and homes not rebuilt. The very next day Oakland Mayor Elihu Harris promised that all homes could be rebuilt. Many people agreed that roads should be widened during rebuilding; however, the prescription proved impractical. The sheer number of parcels required for a wider right-of-way, engineering costs and the public desire to recover rapidly, all reinforcing existing development patterns.

#### Today, Charring Cross remains narrow, even though it was widened by a few feet.

The lesson here is to resist making concessions on initial development patterns, lot configurations, road alignments or infrastructure standards. Emergency ingress and resident egress are critical and should not be compromised. Once a neighborhood is populated, fire response will have to adapt to these initial approvals and may always be compromised. Access, lot size and the footprint of development cast the die for every community.

4. Old Tunnel Road: An observant viewer can pick out the one house in this area that is different from the rest. This house was typical of many of the homes in the area before the Tunnel Fire: wood frame construction, shake roof, wood siding, decks and abundant vegetation. This home survived, even though there was nothing in the construction materials or design that made the home resistant to ignition. During the fire, this was an area that was actively defended by professional firefighters as a last resort while sheltering from the brunt of the firestorm to save both firefighter and civilian lives.

New building codes were adopted immediately after the fire. State-of-the-art knowledge regarding how structures succumb to wildfire were incorporated into the rebuilding standards from top to bottom, including: Class A roofing, clipping or boxing of eaves, stucco or other non-flammable siding, enclosing or skirting hillside decks, double-pane windows and undergrounding utilities. In January 1, 2009, the new building codes became reality in the Very High Fire Hazard Severity Zones of California. The local jurisdictions chose to exceed these minimum standards and now require residential water sprinklers, stricter building codes and annual inspection for defensible space.

#### 5. Intersection of Claremont Avenue, Fish Ranch Road and Grizzly Peak Boulevard:

Moving uphill from Tunnel Road to the ridgeline, the developed area abruptly changes to wildlands rimmed with homes as you enter Claremont Canyon. This watershed includes land managed by Oakland, East Bay Municipal Utilities District, East Bay Regional Park District and the University of California, Berkeley, as well as a few large parcels of private in-holdings. A sign reads" Working together to Prevent Wildfire" and lists nine agencies that have joined the Hills Emergency Forum (HEF), a product of the desire for agencies to work more closely together. This innovative group has an impressive list of accomplishments aimed at improving resource-sharing and staff-to-staff communication, including a shared set of goat-grazing contract specifications, roadside treatment standards and patrol operations during red flag days. The HEF provides a unified message regarding fire safety in the East Bay Hills.

Since 1991, management activities have steadily reduced the fuel load. Major projects have removed exotic eucalyptus and pine, rejuvenated decadent north coastal scrub and begun to re-establish a grassland-oak-bay woodland mosaic. Local efforts of volunteer groups, such as the Claremont Canyon Conservancy, have focused on control of invasive species and return of native plants, as well as fire hazard reduction. These efforts have changed potential behavior for the next wildfire both in terms of ember production and fire intensity.

6. KPFA Tower Ridge: Looking back to the south on the ridgeline, the view of a cluster of transmission towers and dishes reinforces the fact that communications are the lifeline during any wildfire. The Tunnel Fire saw the same communications problems experienced on many large WUI incidents with multi-agency response. Issues ranged from overwhelmed dispatchers, incomplete mutual-aid procedures, loss of ability to track and allocate resources, insufficient radio frequencies and interoperability shortfalls. Existing systems can rarely meet the challenge when a complex fire happens infrequently and is added on top of ordinary potential communication snafus. In heavily populated areas communication networks often become rapidly overwhelmed as citizens call in to report ignitions or seek evacuation advice. Outside fire agencies arrive to assist and must be coordinated. Flames destroy communication infrastructure.

In the 20 years since the Tunnel Fire, many effective systems have become common in the region. The Incident Command System (ICS) grew out of Project Firescope and lessons learned in the 1970's. Senator Petris' legislation for Standardized Emergency Management System (SEMS) extended application of ICS principles to urban fire departments after the Tunnel Fire. Further expansion of the use of ICS came with the Homeland Security Directive mandating in 2003 that all federal, state and local agencies use the National Incident Management System (NIMS) to manage emergencies in order to receive federal funding. Training occurs regularly to keep local agencies NIMS compliant.

The local urban fire agencies now use the National Wildfire Coordinating Group's Resource Ordering Status System (ROSS) for ordering, status and reporting of resources. Since 1991, major facilities and equipment upgrades in communication have improved local departments' ability to coordinate with outside agencies and provide additional dispatch stations for expansion of operations during a major event. Mutual-aid agreements have flourished since the Tunnel Fire, formalizing response partnerships. Technology advances have played a major role in being able to customize notifications in local and regional agencies' alerting and warning systems.

7. Turnout on Grizzly Peak: If you moved south of the communication towers to above the Caldecott Tunnel and looked west, you would see the canyons open out below. Imagining the path of the fire down-slope from the point of origin spreading to the south and west, you can appreciate the large role that topography and acceleration of easterly winds down from the ridgeline played in the Tunnel Fire. For years, fire science has calculated the interaction of fuel, weather and topography with fire-spread models. During litigation following the Tunnel Fire, the first urban application of the fire model FARSITE not only helped resolve legal battles but also advanced the science.

Mark A. Finney modeled the fire and David Sapsis corroborated the model results through residents' stories, firefighter testimony and photographic evidence. It should be understood that these models replicated the spread of the Tunnel Fire largely because the highly flammable vegetation and home materials resulted in fire behavior similar to wildland fires. The underlying algorithms developed by Rothermel in the 1970's still form the basis of the models we use in these urban wildland interfaces.

We still do not fully understand how structures and wildfire interact. A full physics-based model was being developed in the late 1990's by Michael Bradley of Lawrence Livermore National Laboratory and Rod Linn of Los Alamos National Laboratory. However, lack of funding stalled that project. An improved model could give us a better understanding of how structures burn in wildfires, how landscapes around our homes interact with structures and additional ways to improve ignition resistance and structure survivability. For now we look to other researchers to provide advances.

#### 8. Water Tank near Grizzly Peak Blvd. and Marlboro Terrace

The water tank located on the finger ridge to the west is a visual reminder of the importance of water delivery systems to urban wildland interface fire suppression tactics. Water supply was a major problem during most of the Tunnel Fire. A highly publicized issue was the 3-inch hose connection at the hydrants. When California adopted a standard 2-1/2-inch threaded connection, both Oakland and San Francisco decided to maintain their 3-inch connections and provide adapters to mutual-aid engines from out of the area.

Even when the adaptors were delivered, the water supply on the hills was problematic. Due to the layered pressure zones, each tank was supplied by a tank at a higher level and serviced by electrically powered pumps. Before the high-voltage electric lines shorted out and the pumps failed, the high demand on the system rapidly had depleted the stored water.

Unprecedented demand came from fire companies establishing defensive lines and homeowners with garden hoses guarding their property against flying embers. As homes burned, broken water connections released even more water. According to the USFA after-action report, it "does not appear that water supply was a deciding factor in the outcome of the fire, since the crews were unable to make any progress against the flames before the hydrants went dry. The strength of wind and thermal forces made water almost totally ineffective to stop the downwind progress of the fire."

In the 20 years since the Tunnel Fire, many upgrades have been made to the region's water delivery infrastructure. By July 1998, all 6,500 hydrants in Oakland had been changed to 2 ½-inch national standard thread connections. By 2006, East Bay Municipal Utilities District had worked with local cities to improve supply and increased fire flow in conjunction with their 10-year, \$189 million Seismic Improvement Program.

A major improvement project at a cost of \$3.1 million upgraded delivery in Oakland's Rockridge district, an area that suffered heavy losses in the Tunnel fire.

In addition, EBMUD acquired portable pumping units for emergency deployment; all pumping plants are now equipped with an emergency generator connection, and some of the plants have a dedicated emergency backup generator.

#### Conclusion

This tour has highlighted that many changes have occurred, but that not all fire hazards can be completely mitigated. The issue revolves around a complex set of pressures from many sources. Homeowners are not uniformly on board with their responsibilities or taking the actions required of them. Insurance and other market factors result in neighbor pitted against neighbor for affordable insurance to meet mortgage requirements. Regulations are required – voluntary actions are not enough. Funding, training, inspection, enforcement and implementing to make these regulations effective require continued public support. Critical elements we can't change mean we must compensate in other ways or accept the consequences of living with those hazards.

#### Wildfire doesn't care.

Kenneth S. Blonski is a Fire Chief with the East Bay Regional Park District responsible for fire management in over 65 parks and 100,000 acres in the urban wildland interface; Cheryl Miller is a registered Landscape Architect in private practice in Oakland, California, and has been active in wildland urban interface fire planning since the Oakland Berkeley Hills Tunnel Fire in 1991; and Carol L. Rice is a natural resource manager and fire ecologist in private practice developing fire management plans with Wildland Resource Management, Inc., Alamo, California.

Filed Under: North America, Wildland Urban Interface, World Fire News

#### **Speak Your Mind**

You must be logged in to post a comment.

Connect with a Wordpress login or with your social network:



Powered by OneAll Social Login

▲ RETURN TO TOP OF PAGE

COPYRIGHT © 2014 INTERNATIONAL ASSOCIATION OF WILDLAND FIRE · LOG IN

#### Francisco Astorga

From:	Carol Sletta <cbsletta@gmail.com></cbsletta@gmail.com>
Sent:	Wednesday, July 13, 2016 8:01 AM
То:	Kirsten Whetstone; Francisco Astorga; Anya Grahn; Adam Strachan; Laura Suesser; Melissa Band; Douglas Thimm; John Phillips; Preston Campbell; Steve Joyce; Bruce
	Erickson
Subject:	Alice Claim

Planning Commissioners and Staff:

I am compelled each time this application is brought before you, to bring up a couple of points.

<u>Landscape Walls</u> -- I was hoping to see the walls superimposed on a photo (taken from the proposed 5-point intersection) of the side of the mountain where the walls are to be built so that it would be clear as to what the retaining walls would actually look like. Exhibit 1 Retaining Wall Illustration is distorted and does not accurately emphasize the actual visual impact of the wall(s). The side of the mountain where the walls are proposed is where there are large evergreens and other well established vegetation naturally preventing erosion and providing a beautiful Old Town landscape.

I believe the "erosion issue" that was mentioned at the May meeting refers to where the area was disturbed when the water line was installed (and not re-vegetated upon completion), and not from some form of erosion that the proposed retaining walls will correct.

<u>Improvement of King Road and intersection</u>. Recommending a stop sign at the steepest section of the uphill of King Road makes no sense and attempting to widen the intersection will damage the historic, Old Town character of the neighborhood. Who makes the decision to change the profile of a street in Historic Park City to accommodate a development?

When is it enough? When is it determined that there is NO GOOD CAUSE? How much more can the neighborhood of King Road, Ridge Avenue, Sampson Avenue, and Upper Norfolk withstand? Adding nine homes will bring an excessive number of vehicles to the neighborhood, especially during construction, and then after with garbage/recycling pickups, deliveries, and the comings/goings of residents and their support personnel. In addition, what kind of light pollution will nine houses along with street lights, bring to the neighborhood? Snow removal, snow storage, and emergency vehicle access is also a serious concern. At what point does CUPs and subdivision development take precedence over an established historic Old Town neighborhood?

Thanks for your dedication and commitment.... And, please think about the big picture....the picture of our quirky, funky, historic old town neighborhood.

Respectfully,

Carol B Sletta 135 Sampson Avenue

### Emergency Vehicle and Resident Access and Egress to the Alice Claim Neighborhood

- Alice Claim property is currently undeveloped wildland
- Development of a subdivision on the Alice Claim will bring this parcel into the Wildland-Urban Interface (WUI)
- The proposed development impacts the health, safety and welfare of the Neighborhood
- Development within the WUI requires Emergency Vehicle Access and Egress defined in the Utah WUI Code (2006)
- Park City has adopted the Utah WUI Code (2006) July 1, 2016 (Ordinance No. 2016-31, <u>http://parkcity.org/Home/ShowDocument?id=29430</u>)

### 2006 UTAH WILDLAND-URBAN INTERFACE CODE

#### SECTION 401 GENERAL

**401.1 Scope.** Wildland-urban interface areas shall be provided with emergency vehicle access and water supply in accordance with this chapter.

**401.2 Objective.** The objective of this chapter is to establish the minimum requirements for emergency vehicle access and water supply for buildings and structures located in the wildland-urban interface areas.

**401.3 General safety precautions.** General safety precautions shall be in accordance with this chapter. See also Appendix A.

#### 402.2 Individual structures.

**402.2.1 Access.** Individual structures hereafter constructed or relocated into or within wildland-urban interface areas shall be provided with fire apparatus access in accordance with the *International Fire Code* and driveways in accordance with Section 403.2. Marking of fire protection equipment shall be provided in accordance with Section 403.5 and address markers shall be provided in accordance with Section 403.6.

**402.2.2 Water supply.** Individual structures hereafter constructed or relocated into or within wildland-urban interface areas shall be provided with a conforming water supply in accordance with Section 404.

**403.3** Fire apparatus access road. When required, fire apparatus access roads shall be all-weather roads with a minimum width of 20 feet (6096 mm) and a clear height of 13 feet 6 inches (4115 mm); shall be designed to accommodate the loads and turning radii for fire apparatus; and have a gradient negotiable by the specific fire apparatus normally used at that location within the jurisdiction. Dead-end roads in excess of 150 feet (45 720 mm) in length shall be provided with turnarounds as approved by the code official. An all-weather road surface shall be any surface material acceptable to the code official that would normally allow the passage of emergency service vehicles to protect structures and wildlands within the jurisdiction.

**403.7 Grade.** The gradient for fire apparatus access roads and driveways shall not exceed the maximum approved by the code official. It will be up to the code official to ascertain the standard based on local fire equipment grade not to exceed 12 percent.

#### SECTION 405 FIRE PROTECTION PLAN

**405.1 Purpose.** The plan is to provide a basis to determine overall compliance with this code, for determination of Ignition Resistant Construction (IRC) (see Table 503.1) and for determining the need for alternative materials and methods.

**405.2 General.** When required by the code official, a fire protection plan shall be prepared and approved prior to the first building permit issuance or subdivision approval.

A108.4 Access roadways. In addition to the requirements in Section 403, access roadways shall be a minimum of 24 feet (7315 mm) wide and posted NO PARKING. Two access roadways shall be provided to serve the permitted use area.

Summary of development under WUI Code

•Emergency vehicle access and water supply are required

•Structures constructed within WUI to be provided with: Two all weather access roads posted NO PARKING

20-24 foot minimum width

Grade no more than 12%

•Fire protection plan required prior to subdivision approval

### Road Access to the Alice Claim

The Alice Claim can ONLY be reached via King Road, Sampson Avenue and Ridge Avenue



The land above the intersection of King Road and Ridge Avenue is currently Wildland
The Park City roads leading to the Alice Claim are substandard for WUI development

- •King Road is 15 feet wide
- •Sampson Avenue is 11 feet wide
- •King Road appears >12% grade
- •Ridge Avenue is 11 feet wide

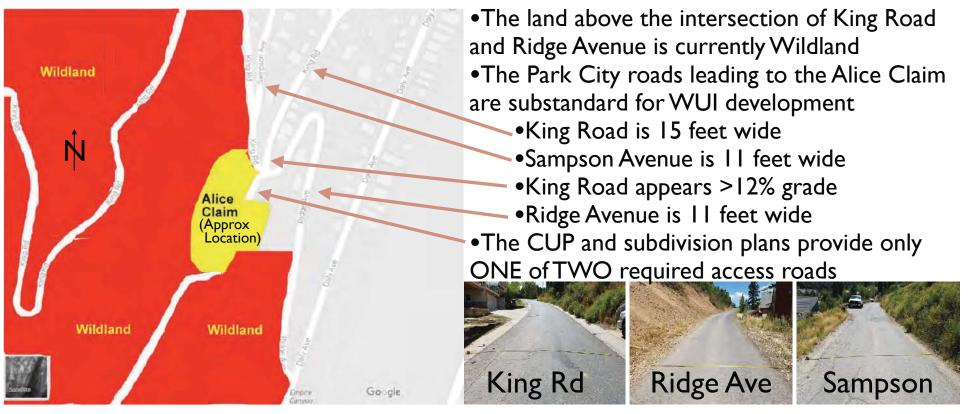
•The CUP and subdivision plans provide only ONE of TWO required access roads



Tape measure stretched across the road at narrowest point

# Road Access to the Alice Claim

The Alice Claim can ONLY be reached via King Road, Sampson Avenue and Ridge Avenue

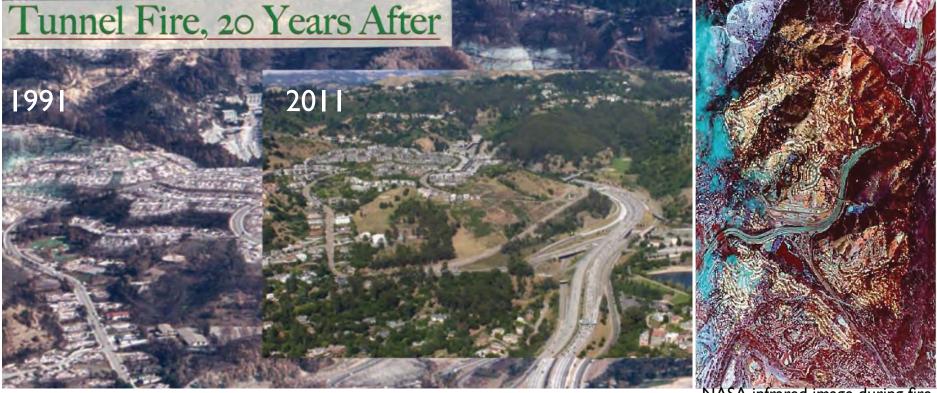


Tape measure stretched across the road at narrowest point

### Effect of the Proposed Alice Claim Subdivision on the Health, Safety and Welfare of the Park City Community

- •A wildfire at the Wildland-Urban Interface in Park City is inevitable
- •Emergency fire resources may be overwhelmed
- •Citizens will be evacuating and accessing involved areas
- •Emergency and Fire vehicles will be responding
- Substandard roads leading to the Alice Claim will not allow simultaneous emergency vehicle access and and resident egress. They are a choke point!
  The community living above King Road, Ridge Avenue and Sampson Avenue will be at increased risk for loss of property, injury and loss of life relative to their neighbors who live below these substandard roads.
- •The developers have tried to minimize perception of this real risk.
- •If you doubt the potential for fatal gridlock, look to Sundance and Arts Fest.

### The 1991 Oakland CA Tunnel Fire: A Premonition for Park City



NASA infrared image during fire

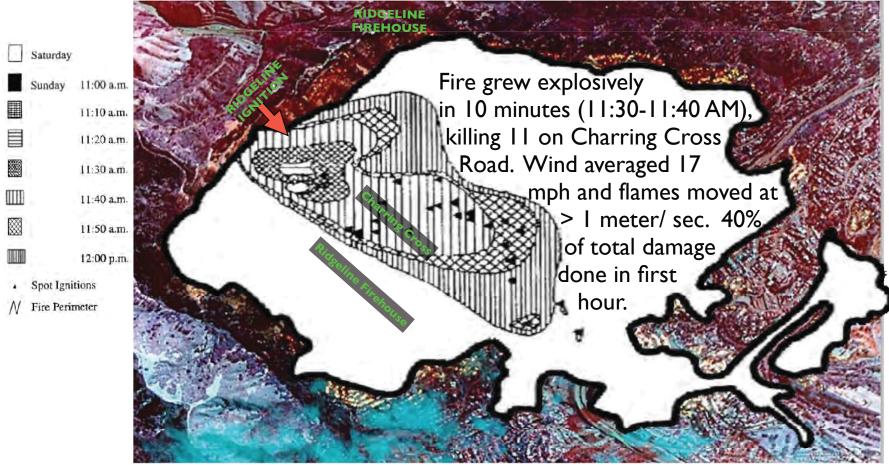
# Summary of the Tunnel Fire

- •11 fatalities occurred in gridlocked traffic on Charring Cross Road. 8 others on nearby roads.
- •Charring Cross Road was 12 feet wide, a choke point, not capable of both access and egress
- •Charring Cross was built in 1920's, not brought up to standards when 21 homes built in 70's & 80's.
- •Wider than Park City's Ridge, Sampson and King neighborhood roads
- •Addition of the Alice Claim subdivision will increase the number of neighborhood homes beyond 21

•WUI fire destroyed 3642 homes in the Oakland hills above the Caldecott Tunnel
•25 fatalities within the first hour of fire including one police officer, one firefighter. 600 acres (I square mile) burned in first hour. 2.35 square miles total in approx 12 hrs, \$1.68 Billion in property.
•Ignition filmed live on TV, Fire department on scene with hoses in place monitoring site of brush fire from previous day, reignited by sudden wind, fire's spread broadcast nationally during 49ers game.

- •Oakland is a modern city of 400,000 with a large fire department, 24 engine companies.
- •Oakland's city emergency response was overwhelmed
- •Fire mutual aid activated from adjoining cities, then adjoining counties, the entire Bay Area, all of Northern California, and finally, adjoining states (Oregon and Nevada)
- •As many as 440 engine companies, 1500 personnel and 250 agencies responded
- •Arial fire suppression by 6 air tankers was ineffective, fire spread driven by wind blown embers <a href="https://en.wikipedia.org/wiki/Oakland\_firestorm\_of\_1991#">https://en.wikipedia.org/wiki/Oakland\_firestorm\_of\_1991#</a>Origins\_of\_the\_fire

### FIRST HOUR OF THE FIRE



http://www.fire.nist.gov/bfrlpubs/fire97/PDF/f97076.pdf

# Expert Analysis of the Tunnel Fire on its 20th Anniversary (2011)

"The lesson here is to resist making concessions on initial development patterns, lot configurations, road alignments or infrastructure standards."

"Emergency ingress and resident egress are critical and should not be compromised."

"Once a neighborhood is populated, fire response will have to adapt to these initial approvals and may always be compromised. Access, lot size and the footprint of development <u>cast the die</u> for every community."

Analysis by Kenneth S. Blonski, Cheryl Miller and Carol L. Rice. Published in *Wildfire Magazine*, the journal of the International Association of Wildland Fire, **HISTORY: Tunnel Fire**, **20 Years After**. Sept 23, 2011. <u>http://wildfiremagazine.org/2011/09/history-tunnel-fire-20-years-after/</u>

# Considerations for the Park City Community

Narrow substandard streets in steep mountainous terrain at the Wildland-Urban Interface are potential deathtraps in catastrophic emergencies likely to occur in Park City (e.g., wildland fire, avalanche, etc.) and diminish the health, safety and welfare of the Park City Community

The Alice Claim subdivision represents a significant change to the undeveloped wildlands above an identified series of existing substandard roads (King, Ridge and Sampson) and establishes a dangerous Wildland-Urban Interface. As such, it sets a dangerous precedent for the community and unacceptable risk to the safety and welfare of residents above, along and below King, Ridge and Sampson.

Approval of the Alice Claim subdivision without improving the existing substandard roads and requiring a second roadway entrance to the subdivision may leave Park City liable in the loss of property, health and life in the event of a foreseeable emergency.

# Recommendation to Deny the Alice Claim Development, Subdivision and CUP

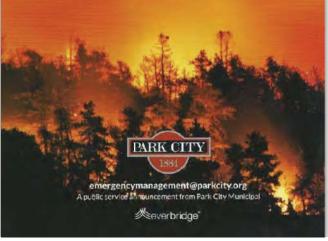
<u>The Park City Land Management Code (LMC) defines Good Cause as the following</u>: Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: **providing public amenities and benefits, resolving existing issues and nonconformities**, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and **furthering the health, safety, and welfare of the Park City community.** 

The existing substandard Park City roadway access (i.e. King, Ridge and Sampson) to the proposed Alice Claim subdivision and the single roadway entrance to the Alice Claim subdivision proposed in the CUP and subdivision plans are inconsistent with Sections 403.3, 403.7 and A108.4 of the 2006 Utah Wildland Urban Interface Code and the Park City Wildland Urban Interface Code (July 2016).

Consequently, Fact, Conclusion of Law, and Conditions of Approval require the Park City Council's denial of the Alice Claim subdivision and CUP based on concerns over public health, safety and welfare until existing issues and non-conformities are addressed.

### If we can't **REACH** you we can't **ALERT** you

RECEIVE EMERGENCY ALERTS BY PHONE, APP, TEXT OR EMAIL. REGISTER TODAY! parkcityalerts.org

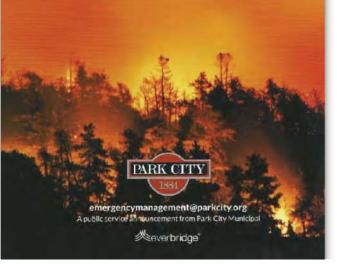


# It is Time to Cast the Die for Park City

- Catastrophic emergencies involving the proposed subdivision at the Alice Claim and in Old Town are inevitable.
- The Utah and Park City Wildland Urban Interface code was adopted to prepare for that emergency.
- The Oakland Tunnel Fire is an example of how bad a fire emergency can be, how quickly it can spread, how emergency services can be overwhelmed, and how gridlock on substandard roads can lead to loss of life.
- The rights of landowners and pressure to develop increasingly risky properties, especially in Old Town, should be balanced by Park City's responsibilities for the health and safety of present and future residents and the WUI code.
- Park City should consider a moratorium on development above substandard access roads and adhere to the WUI code

### If we can't **REACH** you we can't **ALERT** you

RECEIVE EMERGENCY ALERTS BY PHONE, APP, TEXT OR EMAIL. REGISTER TODAY! parkcityalerts.org



# It is Time to Cast the Die for Park City

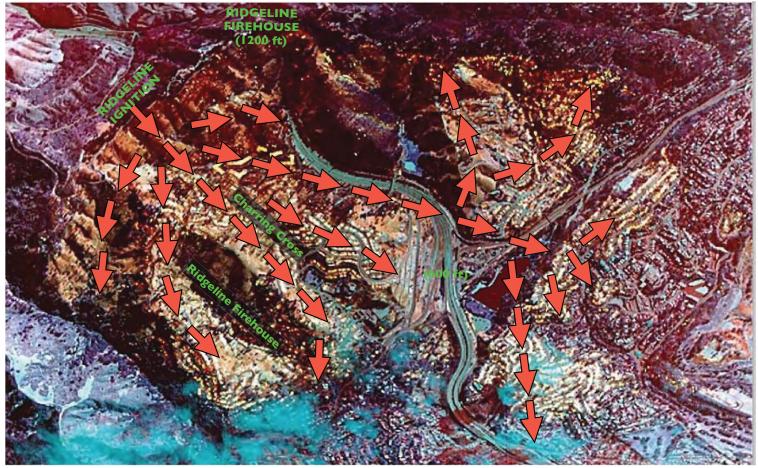
- The annual traffic surges in the southern end of Old Town for Sundance and The Arts Festival provide the Council with firsthand knowledge of how easily the streets of Old Town gridlock.
- This year, during Sundance, with two police officers present on foot, the intersection of Daly, Main, Hillside and King was gridlocked for more than an hour for no apparent reason.
- An emergency situation, such as the wildland fire shown in the Park City Emergency Management brochure will gridlock the streets. Drivers may be forced to flee on foot.
- With approximately 50% of the housing rented to visitors with no firsthand knowledge of the Old Town streets, the situation will only be worse than you may imagine.
- YOU KNOW THERE IS A PROBLEM! PLEASE DON'T ADD TO IT!

# Appendix

# Wildland-Urban Interface (WUI)

- Wildland:
  - Area in which development is essentially nonexistent, except for roads, railroads, powerlines, etc., and any structures are widely scattered.
- WUI
  - Zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels (NWFCG 2006)
  - An area where a wildland fire can potentially ignite homes

### SPREAD OF THE FIRE



Brooke Hontz Daly Avenue PO Box 2128, 84060 brooke@dalysummit.com

Charlie Wintzer McHenry Avenue Wintzermc@aol.com

Tom Gadek Daly Avenue

Holger and Ellie Vogel Daly Avenue

Carol B Sletta Sampson Avenue

Kathryn Deckert Daly Avenue

Michelle Skally Doilney James A. Doilney Sampson Avenue

4/4/2017

RE: Alice Claim aka Alice Lode Subdivision and Plat Amendment Planning Commission review

Dear Planning Commission:

Please find the letter below that we provided to the City Council on March 8<sup>th</sup>, 2017 regarding the proposed Alice Claim/Alice Lode project.

At the March 9, 2017 Council meeting, the project was remanded back to the Planning Commission as part of a procedural requirement to have the Commission review the proposed changes to the plan due to a redesigned access into the desired subdivision.

Thus far, a summary of the key actions on this application over the past three years have included the following:

- 1) a recommendation of denial to the Subdivision and CUP by the Planning Commission with a complete "findings of fact and conclusions of law" to support that denial;
- 2) an edited plan with the same density but lots locations altered remanded back to you after the applicant presented a new plan to City Council at their Council hearing;
- 3) a recommendation of approval of the Subdivision and approval of the retaining wall CUP by the Planning Commission of the edited plan;

- 4) an appeal filed by interested parties on the approval of the CUP for the retaining walls;
- 5) an agreement for an easement across an access into the proposed subdivision, altering the site plan and reducing the retaining walls;
- 6) an agreed upon stay of the appeal of the CUP pending the outcome of the Subdivision Plat;
- 7) the remand of the Subdivision Plat with the new access to the Planning Commission.

As stated in our letter to the Council below, we believe the progress made on the plan by eliminating the unnecessary 5<sup>th</sup> point of convergence in that very tight canyon is the best solution for this site. However, it continues to be our opinion that the other areas of concern with the plan, some of which were highlighted in the initial 2015 denial, continue to not be addressed. We believe that these issues ranging from wildfire hazard to traffic, and safety to code compliance will need to be addressed in order to comply with City's adopted Subdivision Standards.

As the final undeveloped (some platted, some un-platted) parcels come before you for discussion, they all are required to meet the same standards based on their zoning and the proposal of the developer. Please recognize this review of the Alice parcel as a continued opportunity to use the tools provided to you – that will require replication for all others planning to make proposals in the future. A failure to utilize the standard now does not benefit the community as we face challenges ahead.

Thank you.

Sincerely,

Brooke Hontz Charlie Wintzer Tom Gadek Holger and Ellie Vogel Carol B Sletta Kathryn Deckert Michelle Skally Doilney James A. Doilney

#### 3/8/2017

RE: Alice Claim aka Alice Lode Subdivision and Plat Amendment

Dear City Council:

We support the proposed action of remanding the Alice Claim Subdivision Plat application to the Planning Commission for their review while staying the CUP for the proposed retaining walls. The progress made by the applicant and their neighbors to eliminate a 5<sup>th</sup> ingress and egress in that location and reduce the overall impact of the retaining walls is both supported and appreciated. Utilizing the existing driveway located at the top of King Road eliminates two of the major issues with the whole project. We appreciate the significant improvement of this new proposal and easement location.

The purpose of this letter is to preserve our rights to comment on the Subdivision application going forward. Instead of a presentation and public comment at the March 9, 2017 meeting, where you've planned on sending it back to the Commission prior to your review, we'd like to provide the broad issues herein and be prepared to speak when the plan comes back in front of you for decision. Our desire is to allow the Planning Commission to complete their process as a recommending body, then to provide direct comment to you on any remaining issues we may have.

As you may recall, the first time a Planning Commission ever (since the first submittal in 2004) provided a recommendation to you on this Subdivision Plat was in 2015 – and it was a negative recommendation. The applicant chose to present an alternative plan, called the "new gully plan" to City Council instead of the denied plan at their public hearing in front of you, which you immediately remanded back to the Planning Commission.

Although the revised access plan is a huge improvement to traffic and safety concerns at the King/Ridge/Sampson etc. intersection, there continue to be unaddressed issues that mandate attention in order to provide an approval. To be clear, density remains an issue. The creation (which is why a subdivision is required) of 9 new lots where there currently is one parcel is driving the requirements for a subdivision application review – which must meet the City' standards.

In both written letters/presentations and in public testimony we have identified the following thematic issues which still need to addressed:

- 1. Land Management Code Purpose
- 2. Subdivision Code
- 3. Zoning Standards (including but not limited to standards, purpose, vegetation, wildlife)
- 4. What year/code the application is required to follow, and General Plan (2004-2017)?
- 5. Density
- 6. Lot and building pad locations
- 7. Good Cause
- 8. Traffic
- 9. Public Health, Safety and Welfare
- 10. Slope
- 11. Vegetation
- 12. Snow removal and storage
- 13. Old Town Streets

- 14. Wild land/Urban Interface Public Safety
- 15. Restrictions due to the Characteristics of the land
- 16. Public Services (water and sewer, etc)
- 17. Adjacent potential development

We will plan on addressing these issues when the application is in front of you again for your decision.

Thank for your continued hard work. We appreciate all that you do.

Best regards,

Brooke Hontz Charlie Wintzer Holger and Ellie Vogel Carol B Sletta Kathryn Deckert Michelle Skally Doilney James A. Doilney Dear Mayor Thomas and City Council,

I oppose the Alice Claim approval for many reasons, but my comments here mostly focus on density.

<u>Please remand the Alice Claim approval to the Planning Commission to re-consider</u> <u>density</u> and, potentially, reduce the project down from nine lots to three or four lots for the following reasons:

- The nine lot number was never evaluated. It appears nine lots were chosen to avoid MPD requirements including workforce housing requirements.
- An approval would be discretionary and pro-growth. A denial would not violate a vested right.
- Additional density beyond the two existing lots can only be achieved if the Council votes to grant the seven lot density increase and donate a city owned Right of Way.
- Increasing density from the legal two lots to nine lots is not an appropriate, required, or entitled increase. The proposed roads and area infrastructure, as detailed in fire, road, traffic, and neighborhood resident objections over years of meetings, will not serve the needs of existing or proposed new residents (or construction). Roads and infrastructure can't be adjusted to serve the increase.

I support increasing the density by one or two lots to mitigate city legal risks. Applicant indicates he received encouragement to do environmental work from city staff. Applicant also claims non-Council approved Planning Commissioner statements recognize he's owed for having done this work. Mitigation work should not have been encouraged or negotiated under implied future considerations and privileges without Council approval. I'd far prefer that the canyon had remained an environmental hazard or been cleaned up in a business-neutral manner versus approving the nine lot density.

I feel it's bad public policy to add discretionary density in the upper King Road area. Last winter King Road was blocked due to snow related problems at least 20 periods for our family, including a jack-knifed semi once blocking it. During those periods the only access, Ridge Road, had only one lane open due to snow, occasionally forcing me to back up 100 to 300 feet to allow an oncoming vehicle to pass.

Please do not approve this <u>pro-growth</u> density increase.

James Doilney

2/8/18

To: Park City Council From: Jim and Michelle Doilney Re: February 15, 2018 Alice Claim public hearing

We object to King Development's proposed Alice Claim Subdivision and Plat Amendment for the following reasons:

- An <u>approval would constitute a density increase</u> in an Old Town area already burdened with too much traffic, increasing health and safety risks;
- The proposal requires the city to abandon its rights of way, without which building Alice would be impractical;
- Alice Claim's 40+ existing platted lots are unbuildable under normal city standards;
- While King Development *may* deserve some density beyond its two buildable lots to help it recover its environmental clean up costs, going from two to nine grossly overcompensates King, and no one has been able to explain how nine lots are justified; and
- Approving this project, which imposes risks and losses on our neighborhood, will cost votes on the expected Treasure bond election which itself resulted from ill-advised Treasure project approval in exchange re-organization of its un-buildable platted lots.... Why would rational citizens vote for a bond to pay to eliminate similar density if you just create more for King Development?

King Road, Alice's main access, is already almost impassable due to both general snow and construction congestion many days each year. During winter 2016-17 on 20++ occasions it was totally blocked to us by vehicles/trucks unable to move in the snow (including a jack-knifed trailer truck at the top of King Road). On any snowy day, even in this lean snow year, we often do not use King Road due to winter visitor and construction vehicles inadequately experienced/equipped for winter. During winter 2016-17 this often caused us to use the 400' long, single lane Ridge Road on over 50% of our trips....sometimes requiring a dangerous 300' back up because the on-coming vehicle/driver was unable not back up.

We have many other concerns, but we will let our neighbors explain those.

Thank you

Jim and Michelle



August 28, 2017

Via email: <u>fastorga@parkcity.org</u>

Mr. Francisco Astorga Park City Planning Department 445 Marsac Ave Park City, UT 84060

Re: Alice Claim responses to City Council requests

Dear Francisco,

I write on behalf of King Development Group, LLC in connection with its pending subdivision plat amendment applications that received positive recommendations for approval from the Planning Commission.

On May 25, 2017, the City Council held a hearing on the applications. In moving to continue the applications, the City Council listed a number of requests. Below is the list of requests transcribed from a recording of the hearing and King's response to each item:

Beerman (4:48:40) Motion: "Continue this item to a date uncertain pending more information

- o ITEM: On the overall neighborhood context for potential platting and subdivisions
  - RESPONSE: Planner Francisco Astorga agreed to provide this information.
- ITEM: Traffic studies both residential and construction; we would like further information on those particularly on the construction traffic.
  - RESPONSE: See attached memorandum outlining mitigation measures proposed for construction traffic.
- ITEM: Wildfire hazards, would like a representative from the fire department or fire district here.
  - RESPONSE: The Applicant has met with Mike Owens, Park City Fire District along with Dave Thacker, Chief Building Official and Matt Cassel, City Engineer to review mitigation measures for potential wildfire hazards. The attached memorandum outlines these proposed mitigation measures. Mr. Owens is invited to the next hearing.
- o ITEM: Potential construction mitigation plan
  - RESPONSE: See attached memorandum outlining mitigation measures proposed for construction traffic.
- ITEM: Worel (4:49:22): Do you want information on conditions of approval where they are talking about the sewer lateral design and water model to see if they are adequate and if they have to be revised? – add to motion



- RESPONSE: The Applicant and its experts met and consulted with you, Dave Thacker, Chief Building Official and Matt Cassel, City Engineer. See attached sewer design and final water model.
- o ITEM: Beerman (4:50:07): We want City Engineer here for the street discussion
  - RESPONSE: Matt Cassel is invited to next hearing. The Applicant and its experts met and consulted with you, Dave Thacker, Chief Building Official and Matt Cassel, City Engineer regarding traffic issues.
- o ITEM: Beerman (4:50:14): So with the addition of sewer,
  - **RESPONSE:** See attached sewer design and final water model.
- ITEM: Worel: (4:50:15) And Water, and a FEMA Flood Plain Study
  - RESPONSE: The Applicant and its experts met and consulted with Matt Cassel, City Engineer regarding flood and debris flow issues. See attached flood and debris flow study by engineer Gus Sharry.
- ITEM: Thomas (4:50:28) I'd say with consultation with our engineer experts with regard to all those things
  - RESPONSE: The Applicant and its experts met and consulted with Matt Cassel, City Engineer. See attached flood and debris flow study by engineer Gus Sharry.
- ITEM: Beerman (4:52:46): I would like to amend my motion to remove the request for the FEMA study; although, I would like the city engineer to give us a preliminary opinion on potential flooding.
  - RESPONSE: Matt Cassel is invited to next hearing. The Applicant and its experts met and consulted with Matt Cassel, City Engineer. See attached flood and debris flow study by engineer Gus Sharry.

Please include this information in your staff report to the City Council. Should you have any questions, please contact me any time.

Thank you for your consideration.

Respectfully, Marc Diemer Associate Principal

midiemer

DHM Design Corporation

cc: King Development Group, LLC Bradley R. Cahoon, Esq. Gregg E Brown Director of Special Projects

DHM Design SMA



August 28, 2017

Via email: fastorga@parkcity.org

Mr. Francisco Astorga Park City Planning Department 445 Marsac Ave Park City, UT 84060

#### Re: Alice Claim Proposed Construction Mitigation

Dear Francisco:

We write on behalf of the applicant, King Development Group, LLC, to submit the following proposed construction mitigation measures for the Alice Claim development. These applicant imposed requirements are in addition to the standard requirements imposed by the Park City Land Management Code.

The size of the Alice Claim property provides room and flexibility for construction mitigation onsite that will minimize offsite impacts for residents. Further, King Development has a proven record of adherence to construction mitigation.

Due to the size of project and land area available, construction staging, deliveries and contractor parking will be much easier to coordinate in a safe and convenient manner all within the Alice Claim property, when compared to construction on small individual lots in the historic districts. During construction of homes, un-built lots within the Alice Claim subdivision may be used for staging and storage. This will allow significant amounts of excavated materials to remain within the project and not require removal from the project only to be returned for backfill as is the case on many historic district projects. Construction materials may be stored within the project boundary as well. This will eliminate the need for daily delivery vehicles clogging neighborhood roads.

The Applicant has demonstrated the ability to successfully manage construction operations in a safe and nonobtrusive manner during the extensive work done in 2009 to remove mine tailing-impacted soils from this site without incident.

Additionally, except as otherwise exempted or allowed by the Chief Building Official, specific mitigation measures will include:

- 1. Construction mitigation plans will be prepared for each building permit as required by the Code.
- Materials that need to be removed or delivered to the site, such as concrete, sub-base materials and asphalt, will be done during normal business hours and sensitive to surrounding neighbors, residents and visitors to the city. Peak travel times of 8:00am-9:00am and 4:00pm-5:00pm will be prohibited for material deliveries except for deliveries pre-approved by the CBO or City Engineer.

DENVER CARBONDALE DURANGO RALE IGH BOZEVIAN WWW.DHVDES IGH
--

### DHM DESIGN

- 3. Deer Valley Drive to Sweet Alley to King Road will be the primary route used for ingress and egress, with a turn-around provided on site for delivery vehicles. No alternate route will be used without approval by the City Engineer.
- 4. The traffic report defines an increase in traffic of 90 trips/day after completion of the project, which does not adversely impact the current Level of Service of 'A'. Fewer than 90 trips/day are expected during construction.
- 5. No excavation work will begin between November 1 and April 30.
- 6. Excavation of each house should require less than 100 trucks over 2 to 3 weeks.
- 7. Contractor parking will be provided on site and not on public roads outside the property.
- 8. During construction of homes, Alice Court and the emergency vehicle turn-around will remain open and usable in a safe and efficient manner.
- 9. Construction traffic will use Alice Court for turnaround and will not use King Road, Sampson Road, or Ridge Road for turn-around.
- 10. Dust and mud will be controlled as required by City Code.
- 11. Emission controls will include idling enforcement.
- 12. Waste materials will be properly sorted and recycled.
- 13. There will be a maximum of 3 or 4 houses under construction at any one time. Building permits and construction starts will be staggered.
- 14. Infrastructure construction may impact trail users, so safe, alternate trail access points or alignments will be identified and maintained for trail users in coordination with the City.
- 15. General Contractors will be required to post on-site project information boards providing contact information for emergencies and complaints.
- 16. The project will comply with all other construction mitigation measures required by the City Code.

We look forward to discussing these mitigation measures with City Council.

Respectfully, Marc Diemer Associate Principal

Midiemer

DHM Design Corporation

cc: King Development Group, LLC Bradley R. Cahoon, Esq. Gregg E Brown Director of Special Projects

DHM Design SMA

### DHM DESIGN

August 28, 2017

Via email: fastorga@parkcity.org

Mr. Francisco Astorga, AICP Planning Director Park City Planning Department 445 Marsac Ave Park City, UT 84060

#### Re: Alice Claim Proposed Fire Mitigation

Dear Francisco:

I write on behalf of the applicant, King Development Group, LLC, to submit the following proposed mitigation measures for Alice Claim. The Applicant consulted with Dave Thacker, Chief Building Official, Mike Owens, Park City Fire District, and Matt Cassel, City Engineer. The applicant is proposing these measures even though the City does not currently have enforceable requirements beyond the Building Code.

### PROPOSED MITIGATION MEASURES

- 1. Existing Building Code requirements at the time of Building Permit Application will be followed.
- 2. All buildings will be more than 5' from property lines.
- 3. A vehicle turn-around, sized for fire trucks, will be provided.
- 4. All 9 homes will have fire suppression systems that include interior and exterior fire sprinklers.
- 5. Firewood storage will be allowed only in areas with fire suppression.
- 6. Fire hydrants will be provided along Alice Court.
- 7. Defensible Space will be provided at each home where materials capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur.
- 8. A fire protection plan will developed in consultation with the PCFD prior to the first building permit issuance. The plan will determine whether ignition resistant construction or alternative materials and methods are necessary. The plan shall be based upon considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space and vegetation management.

These measures go above and beyond the enforceable requirements of the City Code and what has been required of other similar developments within the City. The measures minimize any perceived fire risk. We suggest that the mitigation items 2, 4, 5, 7, and 8 be added as plat notes. Unless directed

### DHM DESIGN

otherwise, we will add these as notes to the plat. Item 1 already applies per the Code. Item 3 has been confirmed and is featured on the plat.

Thank you for your consideration.

Respectfully, Marc Diemer Associate Principal

midiemer

DHM Design Corporation

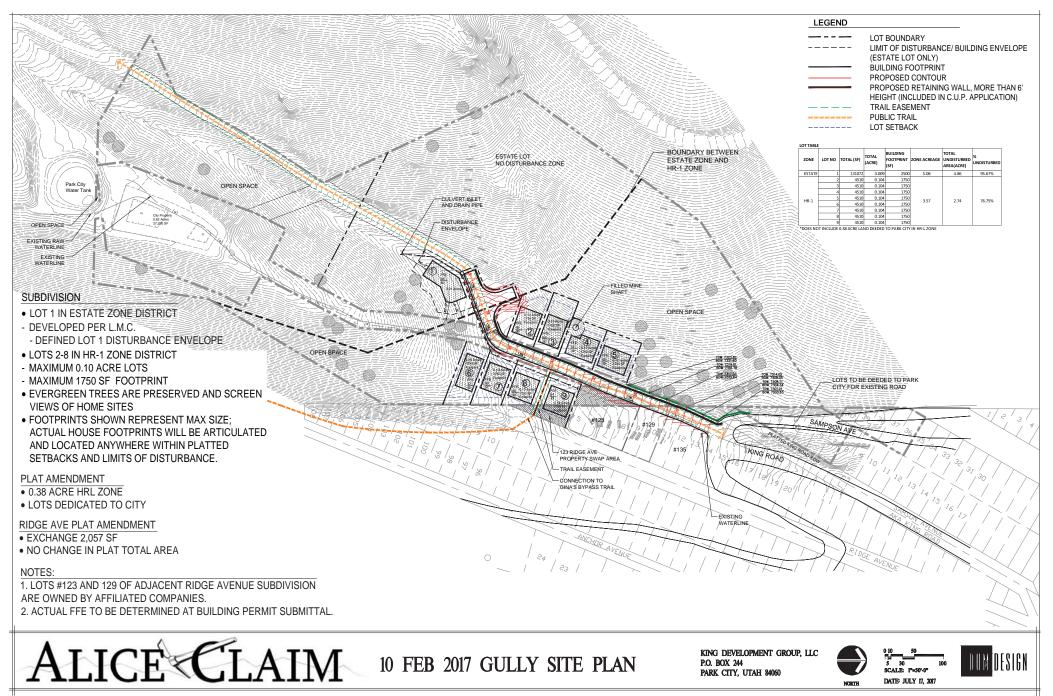
cc: King Development Group, LLC Bradley R. Cahoon, Esq. Gregg E Brown Director of Special Projects

DHM Design SMA

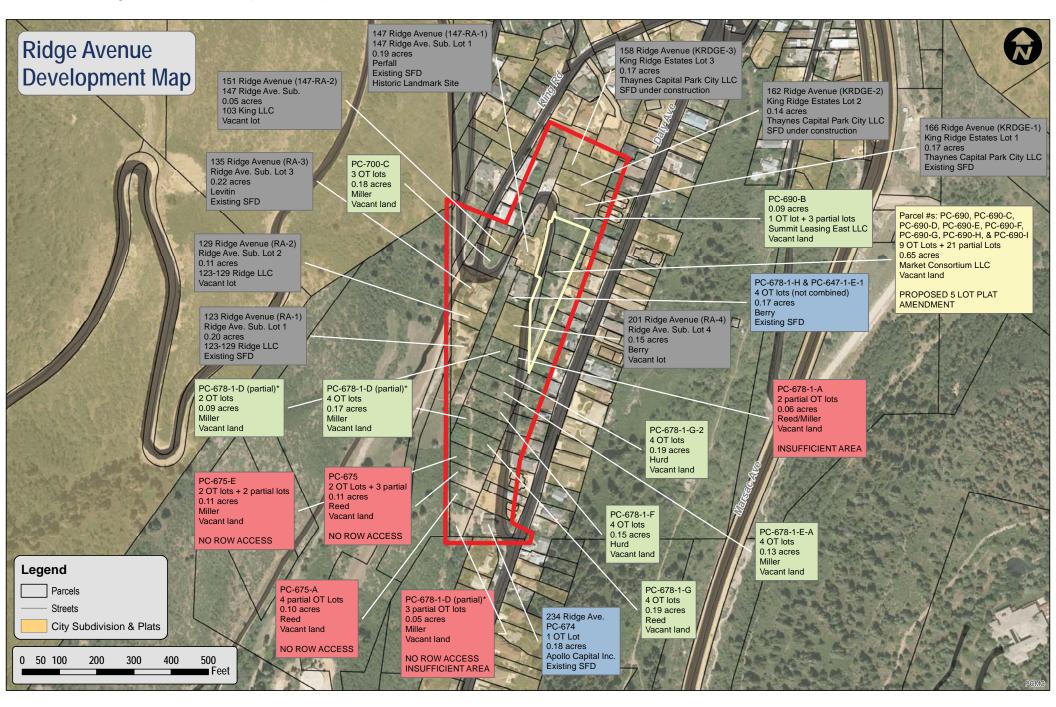
### Exhibit H – Entry Photo Simulation



### Exhibit I – Gully Site Plan (July 2017)



### Exhibit J – Ridge Avenue Development Map



### **Ridge Avenue Development Table**

Address (Parcel #)	Subdivision / Lot #	<u>Acres</u>	Owner	<u>Use</u>	Status/Issue:
123 Ridge (RA-1)	Ridge Ave. Sub. Lot 1	0.20	123-129 Ridge LLC	Existing SFD	Re-platted lot
129 Ridge (RA-2)	Ridge Ave. Sub. Lot 2	0.11	123-129 Ridge LLC	Vacant lot	Re-platted lot
135 Ridge (RA-3)	Ridge Ave. Sub. Lot 3	0.22	Levitin	Existing SFD	Re-platted lot
151 Ridge (147-RA-2)	147 Ridge Ave. Sub. Lot 2	0.05	103 King LLC	Vacant lot	Re-platted lot
147 Ridge (147-RA-1)	147 Ridge Ave. Sub. Lot 1	0.19	Perfall	Existing SFD	Re-platted lot
158 Ridge (KRDGE-3)	King Ridge Estates Lot 3	0.17	Thaynes Capital Park City LLC	SFD under const.	Re-platted lot
162 Ridge (KRDGE-2)	King Ridge Estates Lot 2	0.14	Thaynes Capital Park City LLC	SFD under const.	Re-platted lot
166 Ridge (KRDGE-1)	King Ridge Estates Lot 1	0.17	Thaynes Capital Park City LLC	Existing SFD	Re-platted lot
201 Ridge (RA-4)	Ridge Ave.Sub. Lot 4	0.15	Berry	Vacant lot	Re-platted lot
234 Ridge (PC-674)	1 OT lot	0.18	Apollo Capital Inc.	Existing SFD	Platted, Lot 33 BLK 74 Millsite Res. to Park City
141 Ridge Ave.	4 OT lots	0.17	Berry	Existing SFD	Existing house over 2 lot lines (not re-platted)
Various parcel #s.	9 OT lots + 21 partial lots	0.65	Market Consortium LLC	Vacant land	Proposed 5 lot Plat Amendment application
PC-690-B	1 OT lot + 3 partial lots	0.09	Summit Leasing East LLC	Vacant land	Possible future re-plat or development
PC-700-C	3 OT lots	0.18	Miller	Vacant land	Possible future re-plat or development
PC-678-1-D*	2 OT lots	0.09	Miller	Vacant land	Possible future re-plat or development
PC-678-1-D*	4 OT lots	0.18	Miller	Vacant land	Possible future re-plat or development
PC-678-1-E-A	4 OT lots	0.13	Miller	Vacant land	Possible future re-plat or development
PC-678-1-F	4 OT lots	0.19	Hurd	Vacant land	Possible future re-plat or development
PC-678-1-G-2	4 OT lots	0.15	Hurd	Vacant land	Possible future re-plat or development
PC-678-1-G	4 OT lots	0.19	Reed	Vacant land	Possible future re-plat or development
PC-678-1-A	2 partial OT lots	0.06	Reed	Vacant land	Insufficient area: HR-L District 0.085 acres, min.
PC-678-1-D*	2 partial OT lata	0.05	Miller	Vacant land	No ROW access
	3 partial OT lots	0.05			Insufficient area: HR-L District 0.085 acres, min.
PC-675	2 OT lots + 3 partial lots	0.11	Reed	Vacant land	No ROW access
PC-675-A	4 partial OT lots	0.10	Reed	Vacant land	No ROW access
PC-675-E	2 OT lots + 2 partial lots	0.11	Miller	Vacant land	No ROW access

\*3 separate areas listed under the same parcel #: PC-378-1-D.

OT: Platted Old Town (OT) lot from the Millsite Reservation / Park City Survey, i.e., historic lot configuration. May not be the traditional configuration of 25'x75' (1,825 sf. / 0.04 acres).

### Exhibit L - Applicant's Continuation Letter



DURHAM JONES & PINEGAR, P.C. 111 South Main Street, Suite 2400 Salt Lake City, Utah 84111 801.415.3000 801.415.3500 Fax www.djplaw.com Bradley R. Cahoon Attorney at Law <u>bcahoon@djplaw.com</u> Direct: (801) 297-1270

February 12, 2018

VIA E-MAIL - council\_mail@parkcity.org

Park City Council 445 Marsac Avenue Park City, Utah 84060

#### Re: King Development Group, LLC--Alice Claim—City Council Hearing Continued until March 8, 2018

Dear Park City Council:

I write on behalf of King Development Group, LLC and 123-129 Ridge, LLC (collectively "King"). King has submitted for final approval by the Park City Council the following subdivision and plat amendment applications (collectively "**Applications**"):

Alice Claim Gully Site Plan, south of intersection of King Road and Ridge Avenue – Alice Claim Subdivision and Plat Amendment (Application PL-08-00371), and

123 Ridge Avenue, Alice Claim Gully Site Plan property swap - Ridge Avenue Plat Amendment (Application PL-16-03069).

King was ready to proceed with the City Council hearing on February 15, 2018. City staff advised King that the February 15<sup>th</sup> agenda has items ahead of King's Applications that are expected to take significant time and that King's Applications very likely will not come up until very late into the evening. Further, staff advised King that the Treasure Hill matter, in particular, has dominated their time in advance of the February 15<sup>th</sup> hearing. Based on staff's advice and these considerations for all involved, King has agreed to a continuance of the City Council hearing until March 8, 2018 on the Applications.

We thank you for your assistance with and attention to this matter.

February 12, 2018 Page 2

Very truly yours,

### **DURHAM JONES & PINEGAR, P.C.**

Uhoon

Bradley R. Cahoon

BRC:cm

cc: King Development Group, LLC Jerry Fiat <u>jfiat727@gmail.com</u> Gregg Brown <u>gbrown@dhmdesign.com</u> Joseph E. Tesch, Esq. <u>joet@teschlaw.com</u> Bruce Erickson, Planning Director <u>bruce.erickson@parkcity.org</u> Francisco Astorga, Senior Planner <u>fastorga@parkcity.org</u> Mark D. Harrington, Park City Attorney <u>mark@parkcity.org</u> Polly Samuels McLean, Assistant City Attorney <u>pmclean@parkcity.org</u>