

VOTE: The motion passed unanimously. Commissioner Strachan abstained.

3. Treasure Hill - Conditional Use Permit
(Application #PL-08-00370)

Kyra Parkhurst, a resident on Empire Avenue, had prepared a model of Lowell and Empire using Legos to address issues regarding Criteria 11, physical design and compatibility with the surrounding structures in mass, scale and design. Ms. Parkhurst was concerned that the development was located in the middle of the historic district surrounded by homes and structures that were built in line with the Historic District Building Codes. She had used the Summit County tax records to find addresses and to determine the square footage of each home. Ms. Parkhurst reviewed the model to show the size and scale of various structures in the area. She felt it demonstrated what Treasure Hill would look like in comparison and what people would visually see as they travel up and down Lowell and Empire to reach Treasure Hill.

Ms. Parkhurst stated that when she did the model she had forgotten the North Star homes, and they would be the most impacted. The model did not include vacant lots and homes that were not found in the tax records. Ms. Parkhurst noted that the average home size in the area was 1700 square feet. She explained that she had used the visuals contained in the Staff report to create models for each building in Treasure Hill and what it would look like standing in front of the structure looking up. She had labeled every building of the project indicating the use and the square footage.

Ms. Parkhurst provided a disclaimer stating that the model was not true to scale and that anyone should refer to all legal documents and the Treasure Hill website for accurate renderings. Ms. Parkhurst did not believe the Treasure Hill project was compatible with the mass and scale of the existing structures.

Rich Wyman stated that more than ten years ago he, Dana Williams, and others started CARG, Citizens Allied for Responsible Growth, to fight the Flagstaff Development. That project exceeded the MPD and for five years the City and the public hashed out the issues. Flagstaff was eventually approved, but the end result was less than half of what the applicants originally proposed. Mr. Wyman remarked that just like the Sweeney's, the United Park City Mining Company told everyone that they had a right to their proposal and everyone needed that development. Just like the Sweeney's, UPCMC tried to tell everyone how much better Park City would be with their development. Mr. Wyman stated that it did not work then and it will not work now.

Mr. Wyman explained that in addition to being approved for less than what was approved, UPCMC ended up putting huge pieces of prime property under permanent open space protection. The project was later sold two or three times before it was purchased by Talisker. With each sell, the new owners came back to the City requesting more than what was originally approved. They now have Talisker's development up Empire Pass, to the objection of many people. Mr. Wyman believed that the Sweeney's hope to do the same. In his opinion, they only care about getting their money rather than what it would do to Park City. Mr. Wyman stated that Park City's historic district would be dwarfed and crushed by this proposal. He noted that the General Plan states that development should not have a negative impact on Park City's

historic district and character. He believes that everything about this development has a negative impact on Park City's historic district and character. The proposed development violates traffic and safety guidelines. It violates zoning guidelines with its massive excavation and excessive height and square footage. Mr. Wyman stated that the proposed development was reviewed in 2004 and 2006 and sent back to the developers for review and revision. The applicant came back with an even larger proposal. Mr. Wyman urged the Planning Commission to require that the applicants scale down the size, lower the heights and reduce the excavation and to be in line with the existing grade. They should be made to address traffic and safety issues. The Planning Commission should send the applicants back to make the project fit within the MPD and to fit with the character and charm of Historic Old Town. He suggested that the applicants establish a price and give the City a chance to purchase it for open space. Mr. Wyman believed the applicants should either comply with MPD, sell the land for open space, or just go away.

John Stafsholt, a resident at 633 Woodside, reiterated his previous sentiment that he has the highest respect for the Sweeney family and that his comments are directed to the project itself and not the Sweeney's personally. He thanked Planner Cattan for a fabulous Staff report. Mr. Stafsholt directed his comments to CUP Criteria 15, impacts on environmentally sensitive lands, slope retention and appropriateness of the proposed structure to the topography of the site. Mr. Stafsholt stated that the topography of the site should be respected by the proposed development; however, he did not believe that was the case in the current version of the Treasure Hill project. He remarked that every tree, bush and blade of grass would be removed from the entire 11-1/2 acre site and not just the building locations. Mr. Stafsholt felt that would destabilize the soils in the project, which is directly above Old Town. Mud slides and snow slides have occurred on that site in the past. Through research, he found a 1926 law titled Protection of Standing Timber on Treasure Hill - Dangerous Excavation. Mr. Stafsholt noted that tree cutting on Treasure Hill at that time and moving forward, was punishable by a \$100 fine and/or up to 90 days of hard labor. Going back in history, Mr. Stafsholt stated that there was a deadly slide in Daly Canyon in 1948 and another large slide on the other side of Daly in the late 1960's.

Mr. Stafsholt believed the unexpected consequence of giving the MPD approval with maximum elevations for buildings has turned into a request for unlimited excavation. He stated that the site plan from the developer's engineer, Alta Engineering, calls for an estimated 960,000 cubic yards of excavation. He noted that an average dump truck carries approximately 12 cubic yards of dirt. Mr. Stafsholt remarked that another example for the scale of this excavation is the Montage development in Empire Pass. That project is only slightly smaller than the Treasure Hill development; however, the expected excavation for the Montage was 50,000 cubic yards. Treasure Hill plans to removed 20 times as much dirt as the Montage. Mr. Stafsholt commented on statements from the developer that no dirt would be removed from the site and would instead be relocated on the mountain. He found that hard to be guaranteed when the site includes four mining sites within close proximity to the development and three mining sites have elevated levels of lead and arsenic. Mr. Stafsholt noted that the developer has not provided full geo-technical data. He pointed out that extensive geo-technical work was done for the Montage project prior to building and only four mine operations were found to exist at the Montage site. After excavation was started, an additional four mining operations were found at the site, which

required the Montage developers to remove another unexpected 40,000 cubic yards of dirt. Mr. Stafsholt noted that there is not yet an approved soil remediation plan for Treasure Hill. The plan originally proposed was to take contaminated soil from the Creole Aided up to the Creole Mine Shaft and then dumped down into the mine shaft, which is also contaminated. He noted that the City rejected that plan in a letter dated August 28, 2006. Mr. Stafsholt read from that letter to explain that the Creole Mine Shaft is within the Spiro Drinking Water Source Protection Zone and it has to be protected.

Due to unprecedented excavation and the potential for additional excavation, Mr. Stafsholt believed this version of the development was not appropriate for the topography of the site and slope retention cannot be guaranteed. In addition, it is an environmentally sensitive site that could potentially harm the Spiro drinking water source.

Richard Hughes, a resident of Thaynes Canyon, agreed with the comments regarding the amount of excavation and the de-stabilization of the mountain above Old Town. He provided a number of examples where an entire hill slid down and destroyed multiple homes. Mr. Hughes was sure the Sweeney's have looked into these things, but experts do not always have the right answers. He was very concerned about the destabilization of the hill with the deep excavation proposed. Mr. Hughes also expressed concern with water runoff. A million square feet in a footprint the size of Treasure Hill sitting on top of Old Town could be disastrous in the event of a 100 year storm. The water would run down on top of the people who live on that hill. He has not heard that point discussed and felt it was an important concern.

Vice-Chair Russack continued the public hearing.

Planner Cattan stated that the Staff report had been reviewed by the City Legal Staff and outside Counsel had reviewed the calculations. She offered to provide additional background information if requested, but wanted the Planning Commission to know that her report was supported by the Legal Staff.

Commissioner Wintzer applauded Planner Cattan for a great Staff report and he agreed with all of her conclusions. He was interested in seeing the Sweeney rebuttal in writing for comparison. Commissioner Wintzer stated that the size of the building, the amount of commercial space, and the amount of excavation relate to future uses that contribute to mass and space. He felt they needed to do as much as possible to reduce the mass and scale of the building and to make sure the commercial space requested is used in the original content of the MPD, which is support commercial only. It cannot attract outsiders into this project.

Commissioner Peek agreed with the Staff report. He was open to addressing the Sweeney rebuttal in conjunction with the Staff report at the next meeting. Commissioner Peek deferred to the Legal Staff in terms of which era of the Code applies to this project. Regarding excavation, Commissioner Peek stated that in looking at the original MPD, he found that the point of excavation for the significant buildings was from natural grade. In each drawing, by the time it gets to the top of the building, there is a half a story of existing grade without the big cut. With a million square feet proposed and without having the tailing issue resolved to the satisfaction of the City Staff, Commissioner Peek felt the excavation still needed to be

addressed.

Commissioner Pettit concurred with the comments of her fellow Commissioners. She thought the conclusions from the analysis were consistent with the supported documentation of the Land Management and the legal counsel interpretation of which Code applies. Commissioner Pettit commented on how the currently proposed project has grown from what was approved under the MPD. She referred to the tables provided on Page 23 of the Staff report, which showed the differences between the MPD and the current proposal in support commercial and residential. She noted that four primary items that identify where the increases have occurred and how it impacts mass and scale were the additional support commercial at 33,412 square feet; the additional meeting space at 16,127 square feet; and the circulation, common space and accessory space at 309,511 square feet, which was slightly under the amount of residential. As she looks through the plans and flips through each level, she is surprised at how much the back of house circulation square footage is built into the additional support commercial and meeting space. Commissioner Pettit clarified that her concerns regarding the increase are less about the support commercial and residential and more about the other additional uses. Commissioner Pettit stated that parking was still a major issue. She believed that in today's world not everyone needs a car, and in some cases should not be allowed to have a car when they come to visit Park City. Commissioner Pettit favored a parking reduction for this project and felt they needed to think proactively about gaining access to Treasure Hill.

Commissioner Pettit understood that the Planning Commission would discuss environmental concerns at a later meeting. She stated that the Planning Commission would need to spend a considerable amount of time on that issue to understand the impacts of the excavation, as well as the water and mine tailing issues. Commissioner Pettit referred to a drawing submitted by the applicant showing the correlation between the MPD approval and the excavation of pushing the massing back. She stated that in doing the excavation and taking existing grade down to final grade, the massing is much larger than what was approved with respect to the MPD. She felt there was a significant disconnect between what was approved and what was being proposed.

Commissioner Strachan felt a major question raised in the Staff report was whether or not the applicant was willing to change their plan. If the answer is no, he felt the Planning Commission needed to take a different path. Commissioner Strachan asked Pat Sweeney if they were willing to change their plan or if the Planning Commission should rule on the current proposal.

Mr. Sweeney replied that they would need time to discuss their options and to respond to the Staff report before making that decision.

Commissioner Strachan stated that his comments would be subject to the answer Mr. Sweeney provides at the next meeting. Commissioner Strachan remarked that shifting the mass into the hill only changes the mass; it does not reduce the mass. In addition, that approach triggers other impacts caused by the additional excavation required to move the massing back. He was unsure if that was a wise approach and questioned whether it was permissible under the MPD or the CUP criteria. Commissioner Strachan felt that Commissioner Pettit raised a good point regarding the tables on Page 23 of the Staff report. The MPD limits the amount of commercial space to what is needed for residents and guests on-site. He found it hard to believe that nearly

60,000 square feet of meeting space and support commercial was necessary for on-site users. He was concerned that it would draw people off-site to the project. This was not the intent of the MPD and it was not permissible.

Commissioner Strachan felt strongly about having an environmental impact study commissioned by the City because it is crucial in evaluating the final plans for the project.

Commissioner Hontz felt it was important for the Planning Commission to address the discussion points raised in the Staff report at the next meeting. She came prepared to have that discussion this evening, but she was willing to wait until the applicants respond to the Staff report. Commissioner Hontz requested that the City's environmental specialist, Jeff Schoenbacher, give a presentation at a future Planning Commission meeting. She also needed additional materials beyond what was provided in the Staff report.

Vice-Chair Russack reiterated Commissioner Pettit regarding the need for automobiles. He noted that the comment has been made several times, yet nothing has been done to address it. Vice-Chair Russack agreed with Commissioner Strachan about shifting the massing into the hill. He did not believe that was in compliance with the original MPD. He echoed Commissioner Peek's comments about the excavation. He stated that the original illustrations in the MPD show the grade coming back and the building stepping up, and that is clearly not being proposed in the current plan. Vice-Chair Russack agreed with all comments regarding the additional square footage. He also requested an additional streetscape.

Commissioner Peek noted that Page 29 of the MPD document shows the Creole area and the Town Lift area. At the border of those areas is the Town Lift Mid-station development boundary. He noted that the excavation is substantially within the development boundary of the Town Lift portion of the MPD. However, the Creole portion is significantly outside the development boundary. Commissioner Peek asked if significant excavation was allowed outside of the development boundary, since that area borders open space. He suggested that the Staff and the applicant research that question for the next meeting.

Commissioner Wintzer encouraged the applicants to provide a massing model of the project with topography as part of the streetscape. Commissioner Pettit remarked that most of the visuals provided by the applicant are in a vacuum and do not show the correlation with the surrounding houses. She requested a streetscape that provides a better feel for how that fits in with the surrounding structures on the street.

The Commissioners were interested in another site visit and Planner Cattani offered to schedule a visit before the October 28th meeting.

MOTION: Commissioner Peek moved to CONTINUE the Treasure Hill CUP to October 28, 2009. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.