



## AGENDA

**MEETING CALLED TO ORDER AT 5:30 PM**

**WORK SESSION** – *Discussion and possible public input. No action taken.*

Mine Soil Hazard Mitigation Plan for Empire Pass 3  
*Informational update*

**ROLL CALL**

**ADOPTION OF MINUTES OF MAY 12, 2010**

**ADOPTION OF MINUTES OF MAY 26, 2010**

**PUBLIC COMMUNICATIONS** – *Items not scheduled on the regular agenda*

**STAFF/BOARD COMMUNICATIONS AND DISCLOSURES**

**CONTINUATION(S)** – *Open public hearing and continue as outlined below*

1200 Little Kate Road – Ratification of Development Agreement PL-09-00785  
*Continue to June 23, 2010*

1440 Empire Avenue – Conditional Use Permit PL-09-00725  
*Public hearing and continue to July 14, 2010*

**REGULAR AGENDA** – *Discussion, public hearing, and possible action as outlined below*

9100 Marsac Avenue, Montage - Update and Ratification of Amended 77  
Soil Hauling Plan for the Montage Construction Mitigation Plan  
pursuant to the Conditional Use Permit

*Possible action*

201 Norfolk Avenue – Extension of Steep Slope Conditional Use PL-10-00941 83  
Permit

*Public hearing and possible action*

**ADJOURN**

Items listed on the Regular Meeting may have been continued from a previous meeting and may not have been published on the Legal Notice for this meeting. For further information, please call the Planning Department at (435) 615-5060.

A majority of Planning Commission members may meet socially after the meeting. If so, the location will be announced by the Chair person. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.  
Planning Commission - June 9, 2010

## **WORK SESSION**

## Planning Commission Staff Report



PLANNING DEPARTMENT

Building Department

**Subject:** Mine Soil Hazard Mitigation Plan:  
Capacity at Richardson Flat  
**Author:** Ron Ivie/Jeff Schoenbacher  
**Date:** June 9<sup>th</sup>, 2010  
**Type of Item:** Informational

### Summary

Staff is providing the Planning Commission with an update regarding implementation of the Mine Soil Hazard Mitigation Plan as approved and conditioned on August 13<sup>th</sup> of 2008.

Due to recent actions by the USEPA, Staff is in the process of obtaining updated technical information regarding overall, City and private resident capacity at Richardson Flat from Talisker/UPCMC and USEPA. The Mine Soil Hazard Mitigation Plan will then need to be modified accordingly. .

### Topic

**Applicant:** United Park City Mines  
**Location:** Empire Canyon and Newly Annexed Land  
**Reason:** Amendment to the Mine Soil Hazard Mitigation Plan

### Background

On March 12, 2008 the Building Department provided the Planning Commission with a Staff Report that requested changes to the Mine Soil Hazard Mitigation Plan (MSHMP). At the Planning Commission Meeting Staff and Talisker/UPCMC were directed to work together on amending the MSHMP.

Talisker/UPCMC submitted an update to the MSHMP after this meeting dated April 30, 2008. The Building Department required further changes to the MSHMP. On July 9, 2008 the Building Department provided the Planning Commission with a staff report, dated June 18, 2008, that summarized the outstanding issues within Empire Canyon and the needed revisions to the Mine Soil Hazard Mitigation Plan (MSHMP). Two requested revisions to the MSHMP are relevant to the update before the Planning Commission.

The first requested revision was to include in the MSHMP the May 10<sup>th</sup> 2005 Memorandum of Understanding (MOU) between PCMC and Talisker. This MOU recognizes the use of Richardson Flat for projects that generate soils within City limits.

A second request was that UPCM reserve 1.5 m cyds of space at the Richardson Flat Repository.

The intent of these requests was to allow the City, residential and other property owners impacted with mine tailings to utilize the repository at Richardson Flat. This also mitigates existing mine soils that are outside of the development pods within the Flagstaff Development by allowing access to the Richardson Flat repository.

These requests were substantively discussed by the Planning Commission on July 23, 2008. As it pertains to Richardson Flat Repository, Dave Smith agreed that Talisker/United Park City Mines would, as part of the MSHMP, inform USEPA that Park City requests that 1.5 mil. Cu/yds of capacity at Richardson Flat be reserved for use consistent with the 2005 MOU. This was done as a request to USEPA because USEPA has regulatory oversight including the authority to close Richardson Flat. Simply, USEPA must approve everything that goes into Richardson Flat. However, Talisker/United Park City Mines agreed to maintaining a repository for mining wastes from within the City and include the request to USEPA for the 1.5 mil cu/yds of capacity.

This agreement and other discussion that occurred at the July 23, 2008 meeting resulted in direction to Staff to bring the amended MSHMP matter back on the Consent Agenda for action on August 13, 2008.

Staff prepared an August 13, 2008 Staff Report that was in substance similar to the June 18th Staff Report, but updated to reflected the discussion and agreements with David Smith that occurred at the July 23, 2008 Meeting. At the August 13, 2008 Planning Commission meeting, the Planning Commission packet contained this Staff Report, as well as an Amendment and Supplement to the April 30, 2008 MSHMP submitted by Talisker/United Park City Mines. No discussion of this item occurred, and the Consent Agenda adopted the Amendment and Supplement to the April 30, 2008 MSHMP which incorporated the 2005 MOU and the "request" for 1.5 mil cu/yds of capacity, and as conditioned by the staff recommendations in the Staff Report.

### **Analysis**

On May 11, 2010, USEPA informed Kerry Gee that Park City was no longer permitted to haul soil to Richardson Flat. It appears USEPA is limiting the City to 101,920 cu/yds of capacity that was referenced in a July 2, 2007 annual update letter from the City to USEPA., The City has been unable to obtain further explanation regarding the decision and expects to meet with USEPA early in the week prior to the Planning Commission meeting. It also appears that the School District and private projects have similarly been denied access to Richardson Flat. This action immediately stops clean up efforts City-wide and threatens to delay and increase the cost of City, school and private projects in the short term. Over

the long term, this substantial increase in the costs for all projects that generate mine waste in the City will likely make it economically difficult if not impossible for clean ups to continue as envisioned by the watershed approach and as stated in the MSHMP, as amended.

Park City Municipal Corporation and its citizens have been remediating historic mine impacted property for 25 years. With USEPA approval, Richardson Flat was identified as a repository for consolidating mine waste. Prior to the Richardson Flat repository, mine tailings were required to be disposed of as in a permitted landfill as far away as Tooele Utah. Rather than pursue traditional recovery under CERCLA/Superfund, UPCM, the City and USEPA agreed upon mutual and voluntary participation in the watershed approach, with individual property owners bearing their own costs but utilizing UPCM repository for cleanups.

As part of this approach, the City entered a Memorandum of Understanding with UPCM/Talisker. This MOU allowed the City and its citizens to dispose of soils within Richardson Flat. The soils that have thus far entered Richardson Flats have been related to the remediation of property exhibiting heavy metal levels exceeding USEPA Health Base Risk Standard.

Before the MOU, disposal costs incurred by the City have been as high as \$150 per ton, not including transportation to and from the disposal facility. As a result, the main intent of the MOU was to formalize an agreement that would allow entry into a mine waste repository.

The issue of access to a local repository is a material part of the MSHMP. A local repository is vital to the City sustainability and its citizens so that property can continue to be remediated in a manner that protects public health from heavy metal concentrations that exceed health risk standards.

The total savings of a local mine waste repository can only be understood when you consider that approximately 277 parcels remain within the City limits that have not been remediated under the Soils Ordinance. The remediation of these 277 parcels will generate soils that will need to be disposed of within a mine waste repository or permitted disposal facility. This year alone, the City will generate 37,574 cubic yards of soils impacted with mine tailings. These must be disposed of in a manner that is protective of the public. Equally important, this material will need to be disposed of in a manner that complies with State and Federal law.

Park City has requested information from Talisker/UPCM on whether they requested that USEPA reserve 1.5 m cyds of capacity at Richardson Flat. Park City has also requested that Talisker/UPCM share USEPA's response to that request if it was made. USEPA's reason for excluding Park City is that the City has exceeded their allocation of capacity at Richardson Flat. Park City was not aware of any allocation and has asked Talisker/UPCM for information on when Talisker/UPCM knew of an allocation for Park City. Talisker/UPCM's initial

response is that they are as surprised as we are. Park City has also requested a list of all materials that have been brought in under the 2005 MOU. Talisker/UPCMC have not responded yet responded to these requests for information. As Park City gathers this information, it is anticipated that Talisker/UPCMC will need to further amend the MSHMP.

**Recommendation:**

No action is requested at this time. Staff will provide further updates at the Planning Commission meeting. If efforts to reverse the USEPA capacity determination fail, staff intends to request that UPCM work with the City to identify an alternative repository location as a part of their amended MSHMP.

**Public Input**

No public input has been received at the time of drafting this report.

**Significant Impacts**

There are significant fiscal and environmental impacts involved in disposing of regulated mine waste and the progress of remediation will significantly be impacted.

Attachment:

August 13, 2008 Staff Report

August 13, 2008 Amendment and Supplement to the April 30, 2008 MSHMP

## Planning Commission Staff Report

**Subject:** Mine Soil Hazard Mitigation Plan  
for the Empire Pass Development  
**Author:** Jeff Schoenbacher  
**Date:** August 13, 2008  
**Type of Item:** Administrative



### Summary Recommendations

Staff recommends the Planning Commission review the supplemental summary, hold a public hearing and consider requiring the applicant to amend the Mine Soil Hazard Mitigation Plan for the Empire Pass Development as detailed in the July 9<sup>th</sup> staff report

### Topic

**Applicant:** United Park City Mines  
**Location:** Empire Canyon and Newly Annexed Land  
**Reason:** Amendment to the Mine Soil Hazard Mitigation Plan

### Background

In June 2008 the City received a revised Mine Soil Hazard Mitigation Plan (MSHMP) for the Empire Pass Development (Dated April 30<sup>th</sup> 2008). A staff report was provided on July 9 to summarize United Park City Mine's (UPCM) most recent submittal dated April 30<sup>th</sup> 2008 for Empire Pass. The Planning Commission requested additional summarization.

**SUMMARY OF JUNE 18<sup>TH</sup> 2008 STAFF REPORT**

**AUTHOR: Jeff Schoenbacher**

**TITLE: Mine Soil Hazard Mitigation Plan for the Empire Pass Development**

TOPIC	SPECIFICS	ISSUE	UPCM POSITION	STAFF RECOMMENDATION
<b>Outstanding Parcel Remediation</b>	Parcel D3	Non-Remediated per USEPA Standards.	Remediated by August 2008.	<ul style="list-style-type: none"> <li>Parcel has not been remediated in accordance with development agreement.</li> <li>Submit official correspondence from USEPA to the Building Department recognizing the parcel has been remediated.</li> </ul>
	Parcel P6	Non-Remediated per USEPA Standards.	Will be remediated with the commencement of the approval process and prior to any building permits issued.	<ul style="list-style-type: none"> <li>Parcel has not been remediated in accordance with development agreement.</li> <li>P6 is partially in developable area.</li> <li>Clean-up will occur during permit activity.</li> </ul>
	Parcel D10	Non-Remediated per USEPA Standards.	Will be remediated with the commencement of the approval process and prior to any building permits issued.	<ul style="list-style-type: none"> <li>Parcel has not been remediated in accordance with development agreement.</li> <li>Clean-up will occur during permit activity.</li> </ul>
	Mazeppah Shaft	Mine Hazard not closed and Non-Remediated per USEPA Standards.	Will be remediated with the commencement of the approval process and prior to any building permits issued.	<ul style="list-style-type: none"> <li>Has not been remediated in accordance with development agreement.</li> <li>Firm dates established for closure and remediation.</li> <li>Closure protocol complying with Utah Department of Oil, Gas, and Mining (DOG M) standards.</li> <li>Procurement of GPS coordinates of shaft footprint for integration into the GIS System.</li> <li>Professional Engineer certifies closure in accordance with a reclamation plan.</li> </ul>

<p><b>Empire Creek</b></p> <p>Planning Commission - June 9, 2010</p>	<p>Waters of the State of Utah<sup>1</sup></p>	<ul style="list-style-type: none"> <li>• Non-Compliant with PCMC Storm Water Management Plan efforts.</li> <li>• Reclamation of stream has failed during high precipitation events.</li> <li>• Long term integrity of Empire Creek is important.</li> </ul>	<p>UPCM has contracted Golder Associates to do an evaluation of the improvements of Empire Creek.</p>	<ul style="list-style-type: none"> <li>• Evaluation of Empire Creek is conducted with DOGM oversight and recommendations.</li> <li>• Installation of additional detention basins for retaining sediment and other pollutants generated from the Montage Resort.</li> <li>• Rock gabion armoring within Empire Creek that have historically failed due to high precipitation events.</li> <li>• Copy of USEPA Closure Report submitted to the City for historical reference.</li> </ul>
<p><b>Mine Hazard Inventory and Reclamation</b></p>	<p>Mine Hazards have not been reclaimed and closed in accordance with the development agreement<sup>2</sup>.</p>	<p>The City does not have the resources or the time to oversee UPCM reclamation and closure.</p>	<p>“United Park has never been subject to the Act nor could it obtain a permit under the Act.”<sup>3</sup></p>	<ul style="list-style-type: none"> <li>• UPCM enter into a Memorandum of Understanding with Utah Department of Oil, Gas, and Mining (UDOGM) to oversee reclamation and closure of mine hazards.</li> <li>• Most recent submittal does not constitute and reclamation plan.</li> <li>• UDOGM is the state agency that has this expertise to provide oversight and has offered the City assistance in this effort, thereby relieving the City from this liability.</li> <li>• PCMC will expect the reclamation and closure to comply with UDOGM standards.</li> <li>• Closure of all mine hazards to be certified by a Professional Engineer (PE).</li> <li>• Procurement of GPS coordinates of all mine hazards and impacts in order to integrate this data into the City’s GIS System.</li> </ul>
<p><b>PCB Transformer Inventory and Management Plan</b></p>	<p>The City recognizes that many of the mine operations had/have PCB transformer units.</p>	<p>PCBs or PCB Contaminated Equipment are regulated under 40 CFR 761.</p> <p>PCBs are a known health and environmental risk due to toxicity.</p>	<p>In the most recent plan UPCM believes that a leasee (Noranda) mitigated the PCB transformers while leasing UPCM land. However, no verification has been provided that anything has been done with the transformers</p>	<ul style="list-style-type: none"> <li>• Provide an inventory of all transformers and associated PCB concentrations to the Fire Marshall.</li> <li>• The units will be considered PCB contaminated under the “PCB concentration assumption rule.</li> <li>• In the event PCB are discovered a management plan will be required for all regulated units that complies with 40 CFR 761.</li> </ul>

<sup>1</sup> Utah Water Quality Act 19-5-102 (18) "Waters of the state": (a) means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion of the state; and (b) does not include bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, a public health hazard, or a menace to fish or wildlife.

<sup>2</sup> "Additionally, developer shall reclaim all mining and mining overburden sites within Flagstaff Mountain, in accordance with state and federal regulatory agency review"(Section 2.2.1.6).

**Montage Resort (MR)  
Post Closure Site Control  
Plan.**

	<p><i>"A post-removal site control plan is required under the AOC. The AOC will bind UPCM and future owners to ongoing maintenance."</i><sup>4</sup></p>	<p>The City recognizes that under CERCLA, mandated liability is directed to the owners of contaminated sites, which includes the management and disposal of contaminated material. Talisker as "owners" is responsible for the implementation and compliance of Post Closure Site Control Plan for the MR and it will need to be completed and included as an addendum to the Mine Soil Hazard Mitigation Plan.</p>	<p>in question. UPCM proposes to sample the transformers and soils by August 1<sup>st</sup> 2008. A management/disposal plan will be developed after the results are obtained.</p> <p>Property control and responsibilities for the Montage site has been formally transferred to the Montage, which requires that they conduct any and all post removal action site control measures.</p>	<ul style="list-style-type: none"> <li>• The City maintains that Talisker as the "owner" is responsible for the management of the environmental engineering controls and any emergency response issues that may require the generation of mine tailings (i.e. utility work ect.) at the MR. By doing so, the City will not inherit any more environmental liability related to mine tailings, without a clear understanding of who owns the site and who is responsible for the management and disposal of generated tailings.</li> <li>• Due to the recognition that the MR will be backfilled with regulated mine tailings from the Daley West Mine Dump. Talisker will be responsible for the Post Closure Site Control Plan for the MR and it will need to be completed and included as an addendum to the Mine Soil Hazard Mitigation Plan.</li> </ul>
<p><b>Memorandum of Understanding – Richardson Flats</b></p>	<p>The May 10<sup>th</sup> 2005 MOU between PCMC and Talisker recognizing the use of Richardson Flats for those entities within the Soils Ordinance Boundary is</p>	<p>The importance of this document allows residential and other property owners impacted with mine tailings to utilize the repository at Richardson Flats.</p>	<p>UPCM has not included the MOU in the plan.</p>	<ul style="list-style-type: none"> <li>• Amend the Mine Soil Hazard Mitigation Plan to include this agreement between Talisker and PCMC – signed by Tom Bakaly and Jim Tadeson.</li> <li>• Staff recommends that UPCM reserve 1.5 million cyds of capacity within Richardson Flats consistent with USEPA Record of Decision<sup>5</sup>.</li> <li>• Park and Ride Parking lot and fields is also a component of the development agreement.</li> </ul>

<sup>4</sup> Jim Christiansen to Tom Bakaly dated August 20<sup>th</sup> 2003

<sup>5</sup> *"There are several reasons why the Richardson Flat Site is an appropriate location for the placement and consolidation of mine wastes from cleanups conducted at other locations in the Watershed. First, the nature of the mine wastes found throughout the watershed is similar. Second, the volume of waste from other locations is extremely small relative to the volume of wastes already present in the impoundment. The impacts from such a small contribution would be negligible. Lastly, the RI has shown that the mine tailings at the Site are well contained and present no unacceptable risks to human health. The selected remedy will ensure conditions remain this way and that all other Site risks are addressed. These factors make the Site an acceptable long term repository, and, in conjunction with these factors an off-site rule determination was made and agreed upon in date."*

	<p>absent from the plan as an addendum.</p>	<p>The importance of deed restrictions is that it notifies, into perpetuity, any potential purchasers or anyone intending to disturb the site of the presence of mine waste and associated mandated controls.</p>	<p>Deed Restriction language absent from the plan.</p>	<p>UPCM does not have the authority or the right to place any deed restrictions relating to the Montage Resort property and is not responsible for the post removal action site control measures for the hotel property.</p>	<ul style="list-style-type: none"> <li>Consistent with the USEPA approved Construction Work Plan for the Montage Hotel dated September 6<sup>th</sup> 2006 under Section 7.4 titled Institutional Controls<sup>6</sup> the following is stated:  <i>The existence of mine waste remaining below hotel infrastructure will be noted in a recorded deed restriction as required by Park City...</i></li> <li>Staff recommends recorded deed restriction language is included into the Mine Hazard Mitigation Plan as addendum.</li> <li>The recommendations outlined by PCMC legal council, Connie King's<sup>7</sup> memo dated August 26<sup>th</sup> 2003 should be used as a template.</li> <li>UPCM owns the land where the Montage Resort will reside and as "owners" have the right to implement deed restrictions for this parcel.</li> </ul>
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**DEED RESTRICTIONS**

<sup>6</sup> Page 30

<sup>7</sup> Merrill, Anderson, King & Harris – Subject List of Components in a Deed Restriction

Mine Soil Hazard Mitigation Plan  
 Revised Table 1  
 (Amending and Supplementing the April 30, 2008  
 Update & Addendum to the February 2008 Update)

	<u>Issue</u>	
<b>A</b>	<p>Remediation Parcel D-3</p> <p>Parcel P-6 and Mezeppah Shaft</p> <p>Parcel D-10</p>	<ul style="list-style-type: none"> <li>• Remediation completed by 8/31/08; Closure Report to Building Department by 9/15/08; Remediation Completion Certification filed with USEPA by 9/30/08.</li> <li>• Remediation and closure will occur when Site is developed.</li> <li>• Closure will meet DOGM standards.</li> <li>• Closure Certification by Professional Engineer.</li> <li>• United Park to provide GPS coordinates.</li> <li>• United Park to apply for USEPA Comfort Letter – <i>(Caveat: United Park will apply for Comfort Letter upon completion, but cannot compel USEPA to issue the Comfort Letter.)</i></li> <li>• Remediation and closure will occur when Site is developed.</li> <li>• United Park will provide Closure Report.</li> <li>• United Park will provide confirmation of sampling results.</li> <li>• United Park will apply for USEPA Comfort Letter – <i>(Caveat: United Park will apply for Comfort Letter upon completion, but cannot compel USEPA to issue the Comfort Letter.)</i></li> </ul>

# Mine Soil Hazard Mitigation Plan

## Revised Table 1

(Amending and Supplementing the April 30, 2008 Update & Addendum to the February 2008 Update)

<b>B</b>	Empire Creek	<ul style="list-style-type: none"> <li>• Third party evaluation completed by Golder Associates 6/30/08; Report and Recommendations submitted to City and United Park by 9/30/08.</li> <li>• Golder Report will evaluate need for additional detention basins.</li> <li>• Golder Report will evaluate need for installation of gabion armoring.</li> <li>• United Park will submit copy of USEPA Closure Report.</li> </ul>
<b>C</b>	Mine Hazard Inventory / Reclamation	<ul style="list-style-type: none"> <li>• All mine hazards in the Developable Area have been inventoried, reclaimed and closed (except the Mezeppah).</li> <li>• All reclamation and closure expected to comply with DOGM standards.</li> <li>• Closure of all mine hazards to be certified by Professional Engineer.</li> <li>• United Park will provide GPS coordinates for mine hazards.</li> </ul>
<b>D</b>	PCB Transformers	<ul style="list-style-type: none"> <li>• United Park will submit a transformer inventory and analytical results to the City Fire Marshall.</li> <li>• If PCBs are discovered, United Park will prepare a management plan for all regulated units that complies with 40 CFR 761.</li> </ul>
<b>E</b>	Montage Post Closure Site Control Plan	<ul style="list-style-type: none"> <li>• The Montage Post Closure Site Control Plan will be completed by Montage and included as addendum to the Mitigation Plan.</li> </ul>

# Mine Soil Hazard Mitigation Plan

## Revised Table 1

(Amending and Supplementing the April 30, 2008 Update & Addendum to the February 2008 Update)

<b>E</b>	Montage Post Closure Site Control Plan (Cont.)	<ul style="list-style-type: none"><li>• Per USEPA contracts and formal requirements, Montage has sole responsibility for site control measures under the USEPA's Lessee Agreement with Montage, the USEPA-approved Montage Work Plan and Site Control Plan, and the USEPA's Revised Action Memorandum and Administrative Order on Consent.</li></ul>
<b>F</b>	Richardson Flat MOU	<ul style="list-style-type: none"><li>• MOU and site capacity are both subject to USEPA who approves all deposits at Richardson and determines limits. The City recommends that 1.5 million cubic yards of additional capacity be reserved at Richardson Flat.</li></ul>
<b>G</b>	Deed Restrictions	<ul style="list-style-type: none"><li>• Montage will provide written environmental disclosures as part of the purchase contract documentation provided to all purchasers of units at the Montage.</li></ul>

## Planning Commission Staff Report

**Subject:** Mine Soil Hazard Mitigation Plan  
for the Empire Pass Development.  
**Author:** Jeff Schoenbacher  
**Date:** June 18<sup>th</sup> 2008  
**Type of Item:** Administrative



### Summary Recommendations

Staff recommends the Planning Commission review the staff report, hold a public hearing and consider requiring the applicant to amend the Mine Soil Hazard Mitigation Plan for the Empire Pass Development.

### Topic

**Applicant:** United Park City Mines  
**Location:** Empire Canyon and Newly Annexed Land  
**Reason:** Amendment to the Mine Soil Hazard Mitigation Plan

### Background

In June 2008 the City received a revised Mine Soil Hazard Mitigation Plan (MSHMP) for the Empire Pass Development (Dated April 30<sup>th</sup> 2008). The purpose of this staff report is to summarize United Park City Mine's (UPCM) most recent submittal dated April 30<sup>th</sup> 2008 for Empire Pass and check for consistency within the original Development Agreement that states the following:

*"Additionally, developer shall reclaim all mining and mining overburden sites within Flagstaff Mountain, in accordance with state and federal regulatory agency review"(Section 2.2.1.6).*

The intent of the Mine Soil Hazard Mitigation Plan (MSHMP) is to define the remediation and reclamation of mining impacts within Empire Canyon. The outcome of the staff review of the MSHMP is a reiteration of the March 12<sup>th</sup> 2008 staff report that recommended to amend the plan outlining dates certain for the completion of mine hazard inventory, reclamation plan, inclusion of the Montage Site Management Plan, Memorandum of Understanding (Richardson Flats to accept soils from the Soils Ordinance Boundary), and an assessment of Empire Creek.

## Analysis

There are two types of environmental regulatory land classification within the Empire Pass annexed parcel; the first are areas recognized as “developable”, with the second being land classified as the Empire Canyon site EPA ID# 0002005981. The “developable” parcels reside within the boundaries of the Empire Canyon CERCLIS<sup>1</sup> site; however the United States Environmental Protection Agency (USEPA) and Utah Department of Environmental Quality (UDEQ) have excluded these areas from the stigma of CERCLA<sup>2</sup> authority. In January 2002, USEPA and UPCM outlined and identified clean up standards for the developable areas. The result is an agreement that all residential developable areas would be mitigated to a standard of <500-ppm lead and <100-ppm arsenic. Regarding the acreage known as the Empire Canyon CERCLIS site, UPCM entered into an Administrative Order on Consent (AOC) in May of 2002. An AOC is a legal agreement signed by USEPA and an individual, business, or other entity through which the party agrees to implement the required corrective or cleanup actions. This agreement can be enforced in court and describes the actions to be taken, which are subject to a public comment period. The first AOC resulted in UPCM doing several studies to determine the extent and nature of the contamination as well as doing an Engineering Evaluation/Cost Analysis (EE/CA). Empire Canyon is a significant contributor to the impairment of the Silver Creek Watershed. As stated in USEPA’s report titled “Data Interpretation Report for the Upper Silver Creek Watershed Surface Water Monitoring 2000 dated February 13<sup>th</sup> 2001 page 31:

*Surface water emanating from Empire Canyon has by far the highest concentrations of metals found in the watershed. Zinc levels were up to 17 times higher than the aquatic life standard....*

*Storm events also have the potential to move large volumes of highly contaminated water or sediment in a very short time. These points, coupled with the fact that Empire Canyon is at the “top” of the watershed, suggest that it is a critical point source in the contamination of Silver Creek and should be addressed further.*

The Mine Soil Hazard Mitigation Plan was required by Park City to allay long-term environmental regulatory liability and clarify the expectations related to remediation and reclamation of United Park City Mines. The following are the recommendations to the Planning Commission based on the most recent submittal dated April 30<sup>th</sup> 2008:

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<sup>1</sup> Comprehensive Environmental Response, Compensation, and Liability Information System

<sup>2</sup> Comprehensive Environmental Response, Compensation, and Liability Act

## 1. PART A – Outstanding Parcel Remediation

As stated in the previous plan, there remain three Parcels identified as D3, P6, and D10 that have not been remediated in accordance with the development agreement.

- Based on the revised report, **Parcel D3** located above the Ontario Mine below POD A will be remediated by August 2008. Upon completion a closure report will be submitted to the City. The report states that since this is a non-residential parcel, comfort letters will not be requested from USEPA. Nonetheless, the City will require an official USEPA correspondence that verifies that the remediation is complete.
- The revised plan states that **Parcel P6** will be remediated with the commencement of the approval process and prior to any building permits issued for the B2 East Parcel. This parcel is located adjacent to the Mazeppah Shaft, which is approximately 400 feet deep. The report goes on to state that the shaft is also partially contaminated. There is not a date given to remediate either P6 or the Mazeppah Shaft. Yet based on Park City's GIS overlay it appears that these areas are within the area classified as "developable"<sup>3</sup>. As stated in the previous technical report, the City request that firm dates be established for P6. Regarding the Mazeppah Shaft, firm dates will also be required along with a closure protocol complying with DOGM standards. Lastly, the City will require that a Professional Engineer (PE) certify closure of this unit. The reclamation will be addressed later in this report; however, the City will request that GPS coordinates for the Mazeppah Shaft as well as other mine hazards.
- Regarding **Parcel D10** located adjacent to the Day Lodge similar to P6 the plan states the parcel will be remediated with the commencement of the approval process and prior to any building permits issued for the B2 East Parcel. The report goes on to state that a closure report will be sent to the City along with comfort letters for this parcel. There is not a date given to remediate D10, the Temporary Building Permit was issued on August 22<sup>nd</sup> 2003 and expires October 28<sup>th</sup> 2008<sup>4</sup>. The permit was issued based on the understanding that this parcel would be remediated within a five year time frame. As a result, the City will require that firm dates be established for remediation before the expiration date of the temporary permit (October 28<sup>th</sup> 2008).

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<sup>3</sup> Parcel P6 a portion resides within the "developable area".

<sup>4</sup> Permit Number B03-08748

## Recommendations:

### Parcel D3

Remediation is expected to be completed by August 2008 and a closure report submitted to the Building Department. The City will require an official USEPA correspondence that verifies that the remediation is complete.

### Parcel P6

There is not a date given to remediate either P6 or the Mazeppah Shaft yet based on Park City's GIS overlay it appears that these areas are within the area classified as "developable"<sup>5</sup>. As stated in previous, comments the City request that firm dates be established for P6. Regarding the Mazeppah Shaft, firm dates will also be required along with closure complying with DOGM standards. Lastly, the City will require that a Professional Engineer (PE) certify closure of this unit. Finally, the City requests GPS coordinates for the Mazeppah Shaft.

### Parcel D10

There is not a date given to remediate D10, the Temporary Building Permit was issued on August 22<sup>nd</sup> 2003 and expires October 28<sup>th</sup> 2008<sup>6</sup>. The permit was issued based on the understanding that this parcel would be remediated within a five year time frame. As a result, the City will request that firm dates be established for remediation before the expiration date of the temporary permit (October 28<sup>th</sup> 2008). The City will also request that the closure report is submitted to the Building Department along with the USEPA comfort letter.

## 2. Park B – Empire Creek

Empire Creek is considered mapped "waters of the state of Utah"<sup>7</sup>, which starts approximately 2,200' up gradient from the Montage Resort Building footprint. The revised plan states that UPCM has contracted with Golder Associates to do an evaluation of Empire Creek. The evaluation is proposed to be completed by the **summer of 2008**.

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<sup>5</sup> Parcel P6 a portion resides within the "developable area".

<sup>6</sup> Permit Number B03-08748

<sup>7</sup> Utah Water Quality Act 19-5-102 (18) "Waters of the state": (a) means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion of the state; and (b) does not include bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, a public health hazard, or a menace to fish or wildlife.

## Recommendations:

Since the long term integrity of Empire Creek is extremely important to Park City, staff recommends that the evaluation be conducted with DOGM oversight. In addition, the evaluation should include the installation of additional detention basins for retaining sediment and other pollutants generated from the Montage development. Lastly, staff recommends the installation of gabion armoring within the areas of Empire Creek that have historically failed due to extreme precipitation events. These requirements coincide with the City's Storm Water Management Plan responsibilities that are intended to comply with the Federal Clean Water Act Phase II Rule that has been adopted within the Utah Water Quality Act, Title 19, Chapter 5, Utah Code. Lastly, staff recommends that a copy of the USEPA Closure Report related to Empire Creek be submitted to the Building Department for historical reference.

### 3. Part C - Mine Hazard Inventory and Reclamation Plan

As stated in the original Development Agreement:

*"Additionally, developer shall reclaim all mining and mining overburden sites within Flagstaff Mountain, in accordance with state and federal regulatory agency review"(Section 2.2.1.6).*

During the development of the Empire Pass Development it was assumed that all reclamation was being conducted in accordance with Utah's Division of Oil, Gas, and Mining. The City made that conclusion based on the following statements made by UPCM representatives such as Kevin Murray, UPCM legal counsel, December 2<sup>nd</sup> 2003;

*"United Park strongly disagrees with the City's suggestion that United Park "has yet to fully accomplish" mine reclamation requirements "in accordance with state and federal regulatory agency review" as stated in the original Development Agreement. All applicable mine reclamation requirements imposed upon United Park by state or federal law have been fully satisfied."*

*"United Park's obligation under the Development Agreement is to reclaim all mining and mining overburden sites within Flagstaff Mountain, in accordance with state and federal regulatory requirements."*

Stated in United Park City Mines Company SEC Annual Report (1998-2003);

*"The maintenance activities on a number of these shafts and adits are undertaken to provide that all types of equipment are in adequate condition, that underground transportation and ventilation systems are adequate and that the Company is in compliance with its governmental permits and regulations."*

The SEC Annual Reports go on to state (1998-2003 General second paragraph):

*“United Park acquired mining properties in the Park City area upon its formation in 1953. Prior to 1982, United Park’s principal business was the mining of lead, zinc, silver, gold, and copper ore from these properties or the leasing of these properties to other mine operators. United Park now conducts no active mining operations and has no agreement to sell or lease its mining properties. The mining properties are maintained on a stand-by basis. The company also performs mine and tunnel maintenance for other entities on a contract basis.”*

Lastly, as documented in the DOGM historical file, United Park City Mines Company had an enforcement file to force the mine to obtain a permit as early as June 16<sup>th</sup> 1992, thereby requiring a permit and reclamation<sup>8</sup>. DOGM staff felt strongly that a permit was required; however the Division did not act upon the Notices of Intentions in a timely manner. As a result, the DOGM retains the current position that the mines in Empire Canyon are not mines subject to their jurisdiction<sup>9</sup>.

Nonetheless, the City recognizes that mine “reclamation” is not synonymous with environmental remediation. Reclamation normally refers to remedying physical hazards and impacts of past mining and is normally subject to bonding requirements, while environmental remediation contemplates remedying unacceptable contaminant levels in soil and water.

As stated in the previous report, USEPA is not overseeing the reclamation and has never addressed this issue as requested in formal comments<sup>10</sup>.

### **Recommendations:**

On March 14<sup>th</sup> 2007 Mark Harrington (City Attorney) received a correspondence from Mary Ann Wright (DOGM Associate Director, Mining) stating that her agency would be willing to oversee UPCM mine reclamation and the closure of mine hazards.

As a result, staff recommends that UPCM enter into a Memorandum of Understanding with DOGM to oversee the reclamation and closure of mine hazards. The most recent submittal does not constitute a Reclamation Plan for mine impacts or closure of hazards residing within the City limits (a requirement within the development agreement). DOGM is the state agency with this type of oversight expertise to watch over all reclamation and closure of mine hazards relieving the City from liability of having to oversee UPCM reclamation requirements. As stated in the previous report, PCMC will expect the reclamation and closure to comply with DOGM standards. The closure of all mine hazards

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<sup>8</sup> D. Wayne Hedberg, Permit Supervisor Memo – Proposed Inspection Meeting, United Park City Mines Company, Ontario Mine, M/043/003, Summit County, Utah

<sup>9</sup> Letter to Mark Harrington from Mary Ann Wright Associate Director of DOGM March 14<sup>th</sup> 2007.

<sup>10</sup> See USEPA Region 8 letter to Kathy Hernandez dated April 20<sup>th</sup> 2007

should be certified by a Professional Engineer that is identified within the reclamation plan. Lastly, staff recommends that UPCM procure GPS coordinates for all mine hazards and impacts so that this information can be integrated into the City's GIS System.

#### 4. Part D - PCB Transformer Inventory (Absent from the submitted Plan)

USEPA regulates the use, storage and disposal of PCB Transformers and PCB-Contaminated Transformers containing between 50 and 499 ppm PCBs within 40 CFR Part 761 under the Toxic Substances Control Act (TSCA).

In the February 2008 Mine Soil Hazard Mitigation Plan the following inventory of transformers was provided:

- Daly West Mine 3
- Ontario Mine 6
- Thaynes Borehole 3
- Thaynes Shaft 3
- Silver King Number not identified.

In the most recent plan UPCM believes that a leasee (Noranda) mitigated the PCB transformers while leasing UPCM land. However, no verification has been provided that anything has been done with the transformers in question. As a result, UPCM is proposing to sample all transformers and any impacted soils by August 1<sup>st</sup> 2008.

#### Recommendations:

The Building Department recommends that the analytical results and TR location/identification be submitted to the Fire Marshall along with a management plan that fully complies with Toxic Substance Control Act within 40 CFR 761 that includes USEPA registration and disposal. Until then the Building Department will consider the following as applicable since these units did contain PCB's at one time and therefore would be considered PCB contaminated.

As stated under 40 CFR 761.2 (a)(3)(4) "PCB concentration assumptions for use.":

- (3) Any person must assume that a transformer manufactured prior to July 2, 1979, that contains 1.36 kg (3 pounds) or more of fluid other than mineral oil and whose PCB concentration **is not established**, is a PCB Transformer (i.e. 500 ppm). If the date of manufacture and the type of dielectric fluid are unknown, any person must assume the transformer to be a PCB Transformer.

- (4) Any person must assume that a capacitor manufactured prior to July 2, 1979, whose PCB concentration is not established contains  $\geq 500$  ppm PCBs. Any person may assume that a capacitor manufactured after July 2, 1979, is non-PCB (i.e.,  $< 50$  ppm PCBs). If the date of manufacture is unknown, any person must assume the capacitor contains  $\geq 500$  ppm PCBs. Any person may assume that a capacitor marked at the time of manufacture with the statement "No PCBs" in accordance with §761.40(g) is non-PCB.

## 5. Part E - Montage Resort (MR) Post Closure Site Control Plan

On July 30<sup>th</sup> 2003 PCMC submitted a letter<sup>11</sup> to Jim Christiansen (USEPA Remedial Project Manager) asking him that there be a definitive owner to any tailings areas that remain in place that will require long term maintenance and stewardship. On August 20<sup>th</sup> 2003 Mr. Christiansen replied with the following:

*"A post-removal site control plan is required under the AOC. The AOC will bind UPCM and future owners to ongoing maintenance."*<sup>12</sup>

Additionally as stated by Kerry Gee in the January 2004 submittal Mitigation Plan:

*"The Post Removal Site Control Plan prepared for the Non Time Critical Removal Action will be implemented for the site."*

However, in the most recent June 2008 submittal the plan states the following:

"Property control and responsibilities for the Montage site has been formally transferred the Montage, which requires that they conduct any and all post removal action site control measures..."

### Recommendations:

PCMC is not against the Montage accepting the compliance responsibilities for the Post Closure Site Control Plan. However, due to the recognition that the MR will be backfilled with regulated mine tailings from the Daly West Mine Dump. Talisker as "owners" will be responsible for the implementation and compliance of Post Closure Site Control Plan for the MR and it will need to be completed and included as an addendum to the Mine Soil Hazard Mitigation Plan.

Furthermore, the site is within the clean-up boundaries identified as Empire Canyon CERCLA site under EPA ID No. 0002005981 with an applicable Administrative Order on Consent dated December 12<sup>th</sup> 2003<sup>13</sup>. Therefore, until USEPA has issued a No Further Action Decision for Empire Canyon, the City

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<sup>11</sup> Tom Bakaly to Jim Christiansen dated July 30<sup>th</sup> 2003

<sup>12</sup> Jim Christiansen to Tom Bakaly dated August 20<sup>th</sup> 2003

<sup>13</sup> CERCLA 08-2004-003

considers the Montage site as part of the overall Empire Canyon site clean-up owned by Talisker. The City recognizes that under CERCLA, mandated liability is directed to the owners of contaminated sites, which includes the management and disposal of contaminated material.

Therefore, the City will maintain that Talisker as the “owner” is responsible for the management of the environmental engineering controls and any emergency response issues that may require the generation of mine tailings (i.e. utility work ect.) at the MR. By doing so, the City will not inherit any more environmental liability related to mine tailings, without a clear understanding of who owns the site and who is responsible for the management and disposal of generated tailings.

The Montage Resort leases the land and Talisker owns the property, therefore as “owners” and consistent with the AOC and previous statements by the project manager, the owners are required to develop the site management plan. It is staff’s recommendation that prior agreements be honored consistent with CERCLA liability and the ownership/management of contaminated sites.

## **6. Part F - Memorandum of Understanding – Richardson Flats**

The May 10<sup>th</sup> 2005 Memorandum of Understanding between PCMC and Talisker recognizing the use of Richardson Flats for those entities within the Soils Ordinance Boundary is absent from the plan as an addendum. The June plan states that UPCM is required to have prior approval from USEPA before any mining waste or impacted soils are accepted into the Richardson Flats repository. The City accepts this condition and has been sending these letters to Kerry Gee upon citizens or contractors needing access to Richardson Flats repository.

### **Recommendations:**

Amend the Mine Soil Hazard Mitigation Plan to include this agreement between Talisker and PCMC – signed by Tom Bakaly and Jim Tadeson. The importance of this document allows residential and other property owners impacted with mine tailings to utilize the repository at Richardson Flats. Furthermore, in looking towards the future, related to the remediation of properties within the expanded soils ordinance area. Staff recommends that UPCM reserve 1.5 million cyds of capacity within Richardson Flats. As cooperative stakeholders in the Upper Silver Creek Watershed, the City believes that UPCM and the City should work together to remediate the Upper Silver Creek Watershed. This coincides with USEPA’s Record of Decision for Richardson Flats<sup>14</sup>:

*“There are several reasons why the Richardson Flat Site is an appropriate location for the placement and consolidation of mine wastes from cleanups conducted at other locations in the Watershed. First, the nature of the mine wastes found throughout the watershed is similar. Second, the volume of waste*

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<sup>14</sup> Dated and Finalized June 28<sup>th</sup> 2005

*from other locations is extremely small relative to the volume of wastes already present in the impoundment. The impacts from such a small contribution would be negligible. Lastly, the RI has shown that the mine tailings at the Site are well contained and present no unacceptable risks to human health. The selected remedy will ensure conditions remain this way and that all other Site risks are addressed. These factors make the Site an acceptable long term repository, and, in conjunction with these factors an off-site rule determination was made and agreed upon in date.”*

## **7. PART G - Deed Restrictions**

The June 2008 states that the deed restriction was an outfall of the placement of a repository for regulated materials. The deed restriction for historic mine impacted property is **not** a new requirement for Park City. Since the development of Prospector, deed restrictions have been required that recognize the underlying regulated mine tailings. The importance of deed restrictions is that it notifies, into perpetuity, any potential purchasers or anyone intending to disturb the site of the presence of mine waste and associated mandated controls. Furthermore, the deed restriction language recognizes the employment of the Post Closure Site Control Plan and the existence of mine tailings underlying the MR.

Furthermore, within the USEPA approved Construction Work Plan for the Montage Hotel dated September 6<sup>th</sup> 2006 under Section 7.4 titled Institutional Controls<sup>15</sup> the following is stated:

*The existence of mine waste remaining below hotel infrastructure will be noted in a recorded deed restriction as required by Park City...*

### **Recommendation:**

Staff recommends recorded deed restriction language is included into the Mine Hazard Mitigation Plan as addendum. As a template, the recommendations outlined by PCMC legal council, Connie King's<sup>16</sup> memo dated August 26<sup>th</sup> 2003 should be used as a resource.

## **8. Access Issues**

This issue seems to be addressed in the most recent submittal.

### **Notice**

Legal Notice was published in the Public Record.

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<sup>15</sup> Page 30

<sup>16</sup> Merrill, Anderson, King & Harris – Subject List of Components in a Deed Restriction

## **Public Input**

No public input has been received at the time of drafting this report.

## **Alternatives**

- The Planning Commission may request an amendment to the Mine Soil Hazard Mitigation Plan as outlined in Attachment A.
- Park City may request an amendment to the Mine Soils Hazard Mitigation Plan as outlined in Attachment A with direction to staff on necessary revisions.
- Park City may continue the discussion.
- Planning Commission may direct staff not to alter the current Mine Soils Hazard Mitigation Plan.

## **Significant Impacts**

The City will inherit additional long-term regulatory liability if the recommendations are not followed. There are significant fiscal and environmental impacts involved with the mitigation plan.

## **Consequences of not taking the Suggested Recommendation**

PCMC inherits significant liability related to UPCM's mining activity and impacts.

## **Recommendation**

Hold UPCM to their obligations under the Development Agreement. To ensure the environmental impacts and mine hazards within the new phases of development are adequately mitigated to protect the health, safety, and welfare of the community.

## Attachment A Summary of Recommendations

### **Part A      Remediation:**

#### **Parcel D3**

Remediation is expected to be completed by August 2008 and a closure report submitted to the Building Department. The City recommends UPCM provide the Building Department with an official USEPA correspondence that verifies that the remediation is complete.

#### **Parcel P6**

There is not a date given to remediate either P6 or the Mazeppah Shaft yet based on Park City's GIS overlay it appears that these areas are within the area classified as "developable"<sup>17</sup>. As stated in previous, comments the City request that firm dates be established for P6. Regarding the Mazeppah Shaft, firm dates will also be required along with closure complying with DOGM standards. Lastly, the City will require that a Professional Engineer (PE) certify closure of this unit. Lastly, the City requests that GPS coordinates be procured for the Mazeppah Shaft.

#### **Parcel D10**

There is not a date given to remediate D10, the Temporary Building Permit was issued on August 22<sup>nd</sup> 2003 and expires October 28<sup>th</sup> 2008<sup>18</sup>. The permit was issued based on the understanding that this parcel would be remediated within a five year time frame. As a result, the City will request that firm dates be established for remediation before the expiration date of the temporary permit (October 28<sup>th</sup> 2008). The City will also request that the closure report is submitted to the Building Department along with the USEPA comfort letter. Once these parcels have been mitigated, the Building Department recommends that UPCM submit closure reports that verify the remediation is completed along with confirmation sampling results. Lastly, it is strongly recommended that USEPA "comfort letters" for all three parcels be submitted to the Building Department for the record. This coincides with the January 2004 submittal that states "*United Park will also work with the EPA to obtain comfort letters for these remaining parcels.*" Lastly, firm dates should be established for all parcels.

### **Part B      Empire Creek:**

Since the long term integrity of Empire Creek is extremely important to Park City, staff recommends that the evaluation be conducted with DOGM oversight. In

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<sup>17</sup> Parcel P6 a portion resides within the "developable area".

<sup>18</sup> Permit Number B03-08748

addition, the evaluation should include the installation of additional detention basins for retaining sediment and other pollutants generated from the Montage development. Lastly, staff recommends the installation of gabion armoring within the areas of Empire Creek that have historically failed due to extreme precipitation events. These requirements coincide with the City's Storm Water Management Plan responsibilities that are intended to comply with the Federal Clean Water Act Phase II Rule that has been adopted within the Utah Water Quality Act, Title 19, Chapter 5, Utah Code. Lastly, staff recommends that a copy of the USEPA Closure Report be submitted to the Building Department for historical reference.

**Part C**      **Mine Hazards and Reclamation:**

On March 14<sup>th</sup> 2007 Mark Harrington (City Attorney) received a correspondence from Mary Ann Wright (DOGM Associate Director, Mining) stating that her agency would be willing to oversee UPCM mine reclamation and the closure of mine hazards.

As a result, staff recommends that UPCM enter into a Memorandum of Understanding with DOGM to oversee the reclamation and closure of mine hazards. The most recent submittal does not constitute a Reclamation Plan for mine impacts or closure of hazards residing within the City limits (a requirement within the development agreement). DOGM is the state agency with this type of oversight expertise to oversee mine reclamation and closure of mine hazards relieving the City of inheriting this liability. As stated in the previous plan, PCMC will expect the reclamation and closure to coincide with DOGM standards. The closure of all mine hazards should be certified by a Professional Engineer that is identified within the reclamation plan. Lastly, staff recommends that UPCM procure GPS coordinates for all mine hazards and impacts so that this information can be integrated into the City's GIS System. Staff recommends an amendment to the Plan that includes an approved Reclamation Plan for all mine impacts residing within the City limits (this coincides with the obligations within the development agreement).

**Part D**      **PCB Transformers:**

The Building Department recommends that the analytical results be submitted to the Fire Marshall and a management plan that fully complies with Toxic Substance Control Act within 40 CFR 761 that includes USEPA registration and disposal. Until then the Building Department believes the following is applicable since these units did contain PCB's and would potentially be considered PCB contaminated.

As stated under 40 CFR 761.2 (a)(3)(4) "PCB concentration assumptions for use.":

- (3) Any person must assume that a transformer manufactured prior to July 2, 1979, that contains 1.36 kg (3 pounds) or more of fluid other than mineral oil and whose PCB concentration **is not established**, is a PCB Transformer (i.e. 500 ppm). If the date of manufacture and the type of dielectric fluid are unknown, any person must assume the transformer to be a PCB Transformer.
- (4) Any person must assume that a capacitor manufactured prior to July 2, 1979, whose PCB concentration is not established contains  $\geq 500$  ppm PCBs. Any person may assume that a capacitor manufactured after July 2, 1979, is non-PCB (i.e.,  $< 50$  ppm PCBs). If the date of manufacture is unknown, any person must assume the capacitor contains  $\geq 500$  ppm PCBs. Any person may assume that a capacitor marked at the time of manufacture with the statement "No PCBs" in accordance with §761.40(g) is non-PCB.

It is recommended that these units be identified within the reclamation plan with associated PCB concentrations, management plan, USEPA Registration, and dates certain for disposal.

**Part E Montage Site Management Plan:**

PCMC is not against the Montage accepting the compliance responsibilities for the Post Closure Site Control Plan. However, due to the recognition that the MR will be backfilled with regulated mine tailings from the Daly West Mine Dump. Talisker as "owners" will be responsible for the implementation of Post Closure Site Control Plan for the MR and it will need to be completed and included as an addendum to the Mine Soil Hazard Mitigation Plan.

Furthermore, the site is within the clean-up boundaries identified as Empire Canyon CERCLA site under EPA ID No. 0002005981 with an applicable Administrative Order on Consent dated December 12<sup>th</sup> 2003<sup>19</sup>. Therefore, until USEPA has issued a No Further Action Decision for Empire Canyon, the City considers the Montage site as part of the overall Empire Canyon site clean-up owned by Talisker. It is the City understanding that under CERCLA, mandated liability is against the owners of contaminated sites.

Therefore, the City will require Talisker as the "owner" is responsible for the management of the environmental engineering controls and any emergency response issues that may require the generation of mine tailings (i.e. utility work ect.). By doing so, the City will not inherit any more environmental liability related to mine tailings, without a clear understanding of who owns the site and who is responsible for the management and disposal of generated tailings.

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<sup>19</sup> CERCLA 08-2004-003

The Montage Resort leases the land and Talisker owns the property, therefore as “owners” and consistent with the AOC and previous statements by the project manager, the owners are required to develop the site management plan. It is staff’s recommendation that prior agreements be honored consistent with CERCLA liability and the ownership/management of contaminated sites.

**Part F Memorandum of Understanding:**

Amend the Mine Soil Hazard Mitigation Plan to include this agreement between Talisker and PCMC – signed by Tom Bakaly and Jim Tadeson. The importance of this document allows residential and other property owners impacted with mine tailings to utilize the repository at Richardson Flats. Furthermore, in looking towards the future, related to the remediation of properties within the expanded soils ordinance area. Staff recommends that UPCM reserve 1.5 million cyds of capacity within Richardson Flats. As cooperative stakeholders in the Upper Silver Creek Watershed, the City believes that UPCM and the City should work together to remediate the Upper Silver Creek Watershed.

**Part G Deed Restrictions:**

Consistent with the Montage Work Plan, staff recommends recorded deed restriction language is included into the Mine Hazard Mitigation Plan as addendum. As a template, the recommendations outlined in Connie King’s<sup>20</sup> memo dated August 26<sup>th</sup> 2003 can be used by Talisker as a resource.

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<sup>20</sup> Merrill, Anderson, King & Harris – Subject List of Components in a Deed Restriction



## **WORK SESSION NOTES – MAY 12, 2010**



**PARK CITY PLANNING COMMISSION  
WORK SESSION NOTES  
MAY 12, 2010**

PRESENT: Charlie Wintzer, Dick Peek, Richard Luskin, Julia Pettit, Mick Savage, Adam Strachan, Thomas Eddington, Matt Cassel, Kayla Sintz, Polly Samuels McLean

Commissioner Hontz was expected to arrive later in the meeting.

**WORK SESSION ITEMS**

**Fiscal 2011 Capital Improvement Project Plan**

City Engineer, Matt Cassel, noted that the Capital Improvement Project list was being presented to the Planning Commission so they could review it for consistency with the General Plan. Providing the Planning Commission with the CIP list was a process that began last year.

Mr. Cassel noted that the Capital Improvement Committee had met and ranked the projects. Last year was a new set of projects. This year the projects were the same as last year, with a few new projects incorporated into the list.

Commissioner Pettit indicated the numbered zero to five Alternative categories and asked about the ranking process. Mr. Cassel explained that all the projects are in priority and the very first project, Water Department Service equipment, is the number one ranked project. He noted that there is a five or six point criteria used to evaluate these projects. The Budget Department adds and averages the numbers from the criteria to come up with a priority list. Mr. Cassel explained that the Budget Department looks at the amount of money requested for each project, as well as outside sources that would help fund that project. Projects eligible for outside funding are ranked higher than those that draw completely from the general fund. Based on financial requests, the projects are lumped into money categories so when the City Manager reviews the list, he can determine which projects would be cut off based on the money allocated for CIP projects.

Mr. Cassel explained that the zero to five Alternative categories are potential cut-off lines for projects. He stated that last year they were able to do most of the projects down to Alternative 5 and a third of the projects made it on the list.

Commissioner Pettit asked if the ranking process also considers disruption of the surrounding areas and coordinates timing as each of the projects are undertaken. Mr. Cassel replied that it is not considered as part of the ranking. He outlined the criteria for ranking; 1) meeting City Council vision and goals; 2) source of availability and competition for funds; 3) is the project a "need" to have or "nice" to have; 4) the project has a positive history of prior investment suggesting additional support; 5) a cost benefit analysis and whether there is a return on the investment.

Commissioner Strachan asked if the Bonanza tunnel was under Alternative 3, Bonanza Drive Reconstruction project. Mr. Cassel replied that the Bonanza tunnel was not included on the CIP list because it is being funded from the Walkability Fund. Commissioner Strachan clarified that none of the walkability projects were included in the CIP list. Mr. Cassel replied that this was correct. All projects on the CIP list would be funded from the General Fund. Commissioner Pettit questioned whether it would fall under Walkability Implementation under Alternative 2. Mr. Cassel explained that walkability had a few small projects that request money from the General Fund each year.

Those are mostly maintenance and small trail projects.

Commissioner Peek referred to Alternative 3, #73, Marsac Seismic Renovation and asked if that project was complete. Mr. Cassel explained that some are close to completion and others still hold money for clean up, repairs, etc. The project was rolled over from last year and money was held in that fund for miscellaneous items.

Chair Wintzer asked about the Racquet Club. Mr. Cassel noted that money had been set aside in the CIP budget for the Racquet Club; however, he expected a separate discussion in terms of how to cover the shortfall. The City Council would need to make that determination.

#### **1440 Empire Avenue - Conditional Use Permit**

Discussion and public hearing on this item was moved to the last item on the regular agenda.

The Work Session was adjourned.

## **MINUTES – MAY 12, 2010**



PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
MAY 12, 2010

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Dick Peek, Julia Pettit, Richard Luskin, Mick Savage, Adam Strachan

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Kayla Sintz Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING - 6:30 p.m.

**I. ROLL CALL**

Chair Wintzer called the meeting to order at 5:50 p.m. and noted that all Commissioners were present except Commissioner Hontz, who was expected to arrive late.

Chair Wintzer welcomed Mick Savage, the new Commissioner on the Planning Commission.

**II ADOPTION OF MINUTES OF APRIL 28, 2010**

MOTION: Commissioner Pettit moved to APPROVE the minutes for the work session and regular agenda for April 28, 2010 as written. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously. Commissioner Hontz was not present for the vote.

**III. PUBLIC COMMUNICATIONS**

There was no comment.

**IV. STAFF & COMMISSIONERS' COMMUNICATIONS**

Planning Director, Thomas Eddington, asked if the Planning Commission was interested in having a City-issued email account for Staff reports and other Planning Commission related correspondence.

Assistant City Attorney, Polly Samuels McLean, highly recommended that the Commissioners have a separate email aside from their personal or business email. In the event of a lawsuit or a GRAMMA request, someone could obtain a court order to search their home or business computer if it was used for communication between the City and the Planning Commission. Ms. McLean felt it was important for the Commissioners to be on the City system and that all communications between the City and the Planning Commission be done through that email.

Chair Wintzer asked if emails from the public would still go through the City email or if the public would be sending emails to individual Commissioners. Ms. McLean replied that the public should go through the City and not use individual email addresses. The Commissioners should hear public input during the meeting or as part of the packet.

Director Eddington noted that the City holds all communication and information in storage, and it is available if requested.

Chair Wintzer was concerned about having to check two different emails and forgetting to check the City address.

Commissioner Pettit agreed with the legal recommendation for the purpose of insulating themselves and their workplace from subpoenas and discovery requests. However, she shared Chair Wintzer's about checking two emails. If there was a reason to notify the Commissioners on a specific issue that needed an immediate response, she could not guarantee that she would be checking the City email address regularly. Commissioner Pettit favored a City email account with a noticing procedure to alert the Commissioners that they need to check their email.

City Council Member, Liza Simpson, stated that the City Council has a policy that if the Staff requests a response to an email within 24 hours, they are to call each Council member. She recommended the same policy for the Planning Commission.

The Planning Commission concurred to have City-issued email accounts with a policy that the Staff would call each Commissioner if a response is needed within 24 hours. For all other emails, the Staff would send an email to their personal accounts notifying them that an email was sent to their City account.

Julia reported that she, Commissioners Luskin and Commissioner Strachan had attended the Utah Land Use Institute Training Session. She highly recommended the session to her fellow Commissioners in terms of getting an overview on land use law and how the State of Utah Code is broken down and what has been delegated to local communities for purposes of planning. They came away with a great handbook that had checklists and other helpful information.

Commissioner Pettit stated that the training session gave her food for thought as they work through the General Plan process, recognizing that it is the starting point for Land Management Code changes. They often think of themselves as being in a State that does not allow the flexibility to regulate. However, she now understands that there are opportunities that are not prohibited in terms of regulations. Commissioner Pettit encouraged the Planning Commission to keep an open mind in terms achieving community goals.

Commissioner Pettit commented on how often they look at the different zoning areas in the LMC and how they have created the list of uses and conditional uses, assuming that in the list of conditional use they are protected in shaping what those look like. However, they have less flexibility than what they think because uses are deemed to be allowed with conditions. Commissioner Pettit thought the Planning Commission should keep this in mind as they revisit

the different zoning areas and think about uses they may not want in that category. There are other ways to come in with an overlay zone so they can have more control over an application and become more legislative versus administrative. Commissioner Pettit realized from the training session that the Planning Commission has more tools available than what they think.

Director Eddington stated that Patricia would send out an email to all the Commissioners for the next scheduled training. Commissioner Strachan requested that the email include a list of topics for that seminar to make sure the sessions are relevant to the Planning Commission.

Director Eddington announced that a joint meeting with the City Council was scheduled for Thursday, June 17<sup>th</sup>, from 5:00-6:00 p.m. The discussion would be Bonanza Park and other redevelopment opportunities that the Planning Commission could tie into the General Plan.

Commissioners Wintzer and Luskin stated that they would be out of town on June 17<sup>th</sup>. Director Eddington offered to speak with the City Council and possibly schedule a different date.

**CONTINUATION(S)** - Open public hearing and continue to date specified.

1. 1150 Deer Valley Drive - CUP  
(Application #PL-09-00858)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE 1150 Deer Valley Drive - CUP to a date uncertain. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously. Commissioner Hontz was not present for the vote.

2. 1150 Deer Valley Drive - Amendment to Record of Survey  
(Application #PL-09-00768)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE 1150 Deer Valley Drive - Amendment to Record of Survey to a date uncertain. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously. Commissioner Hontz was not present for the vote.

3. 1440 Empire Avenue - Conditional Use Permit  
(Application #PL-09-00725)

MOTION: Commissioner Peek made a motion to MOVE 1440 Empire Avenue CUP to the last item on the regular agenda for discussion and public hearing. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously. Commissioner Hontz was not present for the vote.

## **REGULAR AGENDA/PUBLIC HEARINGS/POSSIBLE ACTION**

1. 154 Marsac Avenue, Habitat for Humanity - Steep Slope CUP  
**(Application #PL-08-00430)**

Planner Francisco Astorga reviewed the application for a steep slope conditional use permit from Habitat for Humanity, located at 154 and 156 Marsac Avenue. The request is to build on slopes that are 30% or greater. This application was received by the City in July 2008 and it was deemed complete on October 15<sup>th</sup>, 2008. Since that time the Staff has been working with the applicant to achieve a design that meets the 1983 Historic District Guidelines and the Land Management Code.

Planner Astorga noted that because the application was deemed complete prior to the Spring 2009 amendments to the LMC regarding construction on steep slopes and building height, the criteria for reviewing this application was under the previous edition of the LMC.

Planner Astorga noted that the application was for two small family dwellings. Both structures are utilizing less than 50% of the allowed footprint in the HR-1 zone and both units are proposed at 600 square feet.

Planner Astorga reported that a height exception was being requested for both structures. He provided a detailed site plan showing the property line, the setback line, and the roof line. He had highlighted the area requiring a height exception. The highest area was 31 feet, which is exactly 4 feet above the 27 foot regulation. Planner Astorga noted that the Planning Commission has the ability to authorize a height exception if it meets the criteria outlined in Criteria 10 for Height Exceptions, as well as the criteria for a standard conditional use permit. Planner Astorga also showed the area around that perimeter that would not need a height exception. He pointed out that the roof over topo was the only area where the height exceeds the 27 foot regulation.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the steep slope conditional use permit at 154 and 156 Marsac Avenue, based on the findings of fact, conclusions of law, and conditions of approval.

Kathy Lofft, representing the applicant, thanked the Staff, the Planning Commission and the City Council for their efforts in helping Habitat for Humanity reach this point. She looked forward to an approval so they could begin the project.

Chair Wintzer asked about construction timing. Ms. Lofft replied that tentative ground breaking was planned for early June and construction would start immediately afterwards.

Planner Astorga presented slides of cross canyon views. He noted that the site is near the intersection of Marsac Avenue and Ontario.

Commissioner Strachan thought the grade appeared to have been manipulated in the past. Chair Wintzer explained that at one time there was a small house on that site. Commissioner Peek stated that the house was City-owned and eventually demolished, but the footprint of the building remained.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Commissioner Peek questioned the rendering. Director Eddington remarked that the rendering pre-dates the actual proposal because it came in prior to the applicant and contractor working with the Staff. The elevations were a more accurate representation of what was being proposed. Director Eddington noted that the project had gone through the Design Review process and any issues were resolved.

Planner Astorga clarified that the rendering was only included to show the massing of the structure as viewed from the front.

MOTION: Commissioner Peek moved to APPROVE the Steep Slope conditional use permit for 154 and 156 Marsac Avenue, according to the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the Staff report. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously. Commissioner Hontz was not present for the vote.

Chair Wintzer was interested in seeing how the current Code would have affected this building. Planner Astorga offered to provide that information and explain the difference after the meeting this evening.

#### Findings of Fact - 154 Marsac Avenue

1. The property is located at 154 & 156 Marsac Avenue.
2. The property is within the HR-1 (Historic Residential) District.
3. Lot 1 is 3,787 square feet in size and Lot 2 is 3,145 square feet in size.
4. The maximum footprint allowed on Lot 1 is 1,531 square feet, while maximum footprint allowed on Lot 2 is 1,318 square feet.
5. The applicant proposes a footprint of 600 square feet for each lot.
6. The overall square footage of both structures will be 1,640 square feet.

7. The applicant proposes a twelve foot (12') front setback and a 33 feet rear setback on Lot 1 and ten foot (10') front setback and a thirteen foot (13') rear setback on Lot 2.
8. The minimum front and rear yard setbacks are both for both lots. Lot 1 requires a minimum of twelve feet (12') front and rear setbacks with a total of 25 feet. Lot 2 requires a minimum of ten feet (10') front and rear yard setback with a total of twenty feet (20').
9. The applicant proposes two parking areas. One is to be located within the attached one car garage and the other parking area will be placed on the driveway.
10. Both lots require a minimum of two (2) parking spaces.
11. The maximum height for a single-family dwelling in the HR-1 District is 27 feet above existing grade, unless the Planning Commission grants an exception.
12. The applicant is requesting an exception of 31 feet above existing grade.
13. The proposed building pad has been sited so as to place as much of the building bulk away from the rear steeper slopes.
14. The structure on Lot 1 will have approximately 120 square feet of floor area on the steeper slopes towards the rear.
15. The structure on Lot 2 will have approximately 60 square feet of floor area on the steeper slopes towards the rear.
16. The proposed structure is not from any of the LMC mandated vantage points. Due to the size of the proposed structures staff finds that the proposed design is compatible with surrounding Old Town structures.
17. The proposed design consists of each structure having a twelve foot (12') wide by eighteen foot (18') long driveway accessing a one-car garage each on the front facade off Marsac Avenue.
18. The structure where designed to accommodate a legal parking area within the garage and another on the driveway accessing the garage.
19. The proposed driveway and garage grading of the natural topography is minimized and the overall building scale is being reduced.
20. The lot has a relatively gentle slope at the front becoming steeper towards the rear.
21. The only retaining walls being proposed are located towards the rear of the structures.
22. The retaining walls will not exceed four feet (4') in height.

23. The building is proposed on a lot that is steep in the rear with a gradual slope towards the front.
24. Staff find that most of the buildings have been located in the area with the least perceived natural topography has not been altered.
25. Access has been located directly from Marsac Avenue.
26. The utilities are available from the street and will require a limit amount of grading.
27. The primary roofline and mass of both structures run perpendicular to Marsac Avenue which is very typical of historic structures throughout Old Town.
28. Due to the size of the proposed structures staff find the design compatible.
29. The porch element on the front facade breaks up the building form and scale.
30. The footprint of the structure on Lot 1 is 39% of the maximum footprint allowed in a lot this size while the footprint of the structure on Lot 2 is 45% of the maximum.
31. The applicant is requesting a four foot (4') height exception for both structures from the maximum building height of 27.
32. The design of the two (2) structures incorporates a break in the front facade which increase building articulation.
33. The design is compatible with the volume of historic single family dwellings in Old Town.
34. The structures were designed with a roof form perpendicular to the street which creates snow shedding issues between the proposed structures.
35. Staff requests that the snow release issues are resolved to the satisfaction of the Chief Building Official by having the applicant sign a snow-shed easement agreement and having that agreement recorded at the County Recorder's Office.
36. The structure includes different heights throughout the structure indicating height variation. The building height ranges from 21 feet above existing grade to 31 feet.
37. The height exception is for architectural articulation as the applicant could have selected a lesser roof pitch.
38. The proposal currently shows a 9:12 pitch on both main roof forms.
39. The structures have been designed to enhance the building's compatibility with Old Town structures.

40. The proposed design contributes to the unique character and scale of the neighborhood.
41. Marsac Avenue has sufficient capacity for the two new structures.
42. The emergency access will be from Marsac Avenue.
43. The proposed dwelling will comply with all of the development standards as outlined in the LMC pertaining to fencing, screening and landscaping.
44. The design is compatible with the volume of historic structures throughout Old Town. The primary roofline and mass of the building runs perpendicular to Marsac Avenue.
45. The proposed single-family dwellings meet the maximum building footprint. The proposed improvements including the driveway, building pad and patio will cover 29% of both lots, allowing the 71% of the lots to be utilized as open space.
46. There are no proposed signs with this application. Any lighting must comply with the LMC residential lighting standards.
47. Other than what would typically be found in a residential neighborhood there are not any noises, vibration, odors, steam or other mechanical factors that might affect people associated with the proposed dwelling.
48. Control of delivery and service vehicles, loading and unloading zones, and screening of trash pickup area will be typical of single-family dwellings.
49. The expected ownership and management of the project is not expected to change due to the specific deed restrictions placed by Habitat for Humanity and the allowed uses of the HR-1 District.
50. The site does not lie within the Sensitive Lands Overlay District.
51. The applicant is seeking exception of four feet (4') to the required height as measured from existing grade.
52. The height exception area is located towards the front of the main ridges.
53. The proposed design does not require a height exception around the perimeter of the structures.
54. The criteria allowing the height exception is met.
55. The discussion in the Analysis section above is incorporated herein.

Conclusions of Law - 154 Marsac

1. The application, as conditioned, complies with all requirements of Section 15-2.2(6)B of the Land Management Code 54<sup>th</sup> Edition, revised October 2007.
2. The proposed use, as conditioned, is compatible with the surrounding residential structures in use, scale, mass and circulation.
3. The use is consistent with the Park City General Plan.
4. The effects of any differences in use and scale have been mitigated through careful planning.

Conditions of Law - 154 Marsac

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. A final landscape plan shall be submitted for review and approval by the City Landscape Architect, prior to building permit issuance.
5. No building permits shall be issued for this project unless and until the design of the structure is reviewed and approved by the Planning Department staff for compliance with the 1983 Historic District Design Guidelines.
6. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed buildings ridges.
7. Prior to issuance of a building permit the applicant shall submit a detailed shoring plan, as required by the Building Department, with calculations that have been reviewed and approved by a licensed geotechnical/structural engineer. This plan will demonstrate how the proposed excavation will protect Marsac Avenue and Ontario Avenue from being compromised during construction.
8. A snow shed easement agreement for both lots with the each other is a condition precedent to Building Permit issuance.
9. All exterior lights on porches, garage doors, or entryways shall be shielded to prevent glare onto adjacent property or public right-of-way and light trespass in to the night sky.

10. Modified 13-D sprinklers are required for all new structures.
11. This approval will expire on May 12, 2011, if an application for a building permit has not been submitted prior to this date.

2. 1110 Woodside Avenue - Plat Amendment  
**(Application #PL-10-00924)**

Planner Kirsten Whetstone reviewed the application for a plat amendment to combine two Old Town lots located at 1110 Woodside Avenue, in the HR-1 zone. An historic house, listed as a landmark structure on the Historic Sites Inventory, exists on the site. The house was constructed across two lot lines and the requested plat amendment would remove the lot line and create one lot of record for this house.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval outlined in the Staff report.

Chair Wintzer assumed the applicants needed the plat amendment to accommodate a remodel. Planner Wintzer replied that the applicants are proposing to put an addition on the rear of the house. An existing non-historic addition would be removed and replaced with a new addition. Planner Wintzer noted that the proposed addition was approved through a Historic Design Review in November 2009.

Commissioner Peek asked for the location of the encroaching wood shed. Planner Whetstone replied that it was located on the southeast corner. It was noted that both Ron and the applicant use the existing shed. Planner Whetstone stated that an easement agreement would be required. Commissioner Peek asked about the larger wood shed. Planner Whetstone replied that it was completely on the property and located to the north. Because that shed does not encroach, there is no need for an encroachment agreement. Planner Whetstone pointed out that a condition of approval addresses the encroachment agreements.

Commissioner Pettit assumed that because the lot is flat, the Planning Commission would not see plans for the remodel. Planner Whetstone replied that this was correct. A steep slope CUP would not be required.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the plat amendment at 1110 Woodside Avenue, based on the Findings of Fact,

Conclusions of Law, and Conditions of Approval found in the draft ordinance. Commissioner Luskin seconded the motion.

VOTE: The motion passed unanimously. Commissioner Hontz was not present for the vote.

Findings of Fact - 1110 Woodside Avenue

1. The property is located in the Historic Residential (HR-1) zone and is subject to regulations provided in Section 15-2.2 of the Land Management Code.
2. The HR-1 zone is characterized by medium to smaller sized contemporary and historic residential structures. There are also larger single family homes and condominium buildings in the neighborhood due to the adjacent HRM zoning district and larger lots in that zone.
3. The purpose of the HR-1 zone is to provide an area of lower density residential uses with the Old Town area.
4. The project is located off of Woodside Avenue where there is limited area for construction staging.
5. The property consists of Lots 29 and 30, Block 5 of the Snyder's Addition to the Park City Survey. A plat amendment to combine these lots into one lot of record is required before any building permits for new construction can be issued.
6. A building permit cannot be issued for construction across a lot line.
7. There is a 9.7" by 8.10" accessory shed located in the southeast corner. This shed encroaches onto adjacent Lot 31. An encroachment easement and agreement is required to be executed and recorded prior to recordation of the plat.
8. There are non-historic low (2' high) stone/paver walls in the front yard that encroach approximately 2" into the undeveloped Woodside right-of-way.
9. A complete HDDR application was submitted on June 12, 2008 prior to adoption of the 2009 Park City Historic Design Guidelines. The application was subject to the Park City Historic Design Guidelines. The application was subject to the Park City Historic District Design Guidelines adopted by City Council on June 16, 1983. On November 30, 2009, a Historic District Design Review was approved for a proposed addition to the rear of the house.
10. At the time of the Historic District Design Review application, the house was listed as a significant historic structure on the 2007 Park City Historic Building Inventory.
11. The house is currently listed as a landmark structure on the 2009 Park City Historic Sites Inventory.

12. The minimum number of on-site parking spaces required for an historic structure is 0. The applicant proposes 2 parking spaces on a paved off-street driveway. No garage is proposed as part of the Historic Design Review approval.
13. The minimum lot size in the HR-1 zone is 1,875 sf and the maximum building footprint is 1,511 sf. The property consists of 3,750 square feet and the existing building footprint is 1,203 sf.
14. The topography of the lot does not exceed 30% slope and therefore a Steep Slope CUP approval is not required for new construction.
15. The applicant stipulates to the conditions of approval.
16. The discussion in the Analysis section is incorporated herein.

Conclusions of Law - 1110 Woodside Avenue

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding plat amendments.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval - 1110 Woodside Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law; the Land Management Code; requirements for utility, snow storage, and encroachment easements; and any conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the subdivision will be void, unless the City Council grants an extension of the approval.
3. Execution and recordation of an encroachment easement for the existing shed at the rear of the property is a condition precedent to recordation of the plat amendment.
4. The existing low stone/paver walls encroaching into the Woodside Avenue right-of-way shall be removed, or an encroachment easement shall be executed and recorded

between the property owner and Park City, as a condition precedent to recordation of the plat amendment.

5. A preservation plan and a preservation guarantee, the amount to be determined by the Planning and Building Departments upon review of the construction plans, shall be provided to the City by the owner, as a condition precedent to issuance of a building permit for the addition.

**Commissioner Hontz arrived at 6:15.**

3. 1440 Empire Avenue - Conditional Use Permit  
**(Application #PL-09-00725)**

Planner Kayla Sintz stated that this item was remanded from the City Council due to an appeal of the Planning Commission decision. The CUP heard the appeal on February 25, 2010 and the appeal was granted in part and denied in part. The City Council remanded the CUP to the Planning Commission for further review on two matters:

- 1) the height, scale, mass and bulk of the rear of the building shall be further modified and considered under the standard in LMC 15-1-10(E)(8); and
- 2) Further design changes with consideration for ensuring that the proposed development transition to and complements the existing historic structure to the east shall be reviewed and/or further conditioned.

Planner Sintz noted that page 11 of the Staff report outlined the proposed CUP and re-design. Bulleted items described the changes proposed by the applicant.

Because this item was originally scheduled for work session, Planner Sintz requested dialogue between the Planning Commission and the applicant. The Planning Commission should also open a public hearing.

Craig Elliott, representing the applicant, compared the concepts of the originally proposed project and the proposed revisions. He explained that the roof eave was moved down one entire floor. The roof was moved down to spring line from the floor of Level 3. It made the roof pitch steeper and reduced the setbacks at the rear and upper levels of the building to step back and away from the historic structures. Mr. Elliott stated that dormers were added to break down the mass of the rear building. He explained how they had reduced the impression of the building and its relationship to the historic structure by ten feet, or one story, at the rear.

Mr. Elliott presented boards showing the existing conditions, the originally proposed building and the revised building.

Chair Wintzer understood that the building footprint and the length of the facades remained the same, and that the only change was the back roof pitch. Mr. Elliott stated that he had also changed the front roof pitch by bringing down the roof form in the front.

Mr. Elliott reviewed shadow studies of the original proposal and the revised proposal. Based on City Council discussion, one drawing showed the building moved forward on the site. Mr. Elliott noted that the Winter Solstice only went to 4:00 p.m. The other shadow studies went to 5:00 p.m. He noted that changes in the shadows are typically seen between 2:00 and 5:00 p.m.

Commissioner Luskin asked if the applicant was considering moving the structure to the front. Mr. Elliott remarked that it was a question raised at the City Council meeting, but doing so would put parking at the rear of the building and in the backyards of the historic homes, instead of along the busy street. The applicant felt that option created greater impacts to the neighbors.

Mr. Elliott presented the shadow study of the Spring equinox. He noted that the study went to 5:00 p.m. because the shadows change. Mr. Elliott showed the Summer Solstice, which is considered the longest day of the year and the point in which the sun is at the highest angle in the sky. He noted that in the summer shadow study the changes begin between 4:00 and 6:00.

Mr. Elliott pointed out that the Fall Equinox was similar to the Spring Equinox.

Commissioner Savage asked Mr. Elliott for his interpretation of the study results. Mr. Elliott explained that in the winter the lower setting sun is more affected by the building across the street due to the height and scale of those buildings. The summer has extended distances and times. He noted that the trees in the area were not shown on the study. Based on the shadow study, Mr. Elliott believed impacts were relatively minor. He thought the difference between moving the building forward to the street or back from the street was interesting. His analysis was that there was very little difference between the two.

Mr. Elliott noted that based on direction from the City Council they were asked to make changes to the exterior and work towards bringing the building into context with scale and transition. Mr. Elliott presented a board showing how they made the transition from Shadow Ridge to single family residences on Woodside and back to multi-family on the other side of Woodside. They tried to be more in tune to the character and scale by changing the exterior in the rear elevation, reducing the heights in the rear, and working towards a better connection that transitions down to the smaller single family.

Chair Wintzer asked for the distance between the proposed building and the existing house behind it. Mr. Elliott did not have that information available.

Planner Sintz requested direction from the Planning Commission on the discussion points outlined on page 13 of the Staff report. Chair Wintzer stated that the Planning Commission would address those points following the public hearing.

Chair Wintzer opened the public hearing.

Bruce Baird, legal counsel representing David and Rosemary Olsen, Rick Margolis and Dianne and Bill Newland, understood that the issues of the remand were limited; however, he wanted it clear that his clients were not waiving the claims made in previous statements, even if those claims could not be reiterated this evening.

Based on the remand, Mr. Baird felt it was made evident during the City Council meeting that this was not a low-income project. He believed the idea of a low-income project colored some of the decisions of the original approval. It is an apartment building and that fact should be clear. For information purposes only, Mr. Baird reported that his clients had filed a suit on the plat amendment.

Mr. Baird acknowledged that the pictures presented by the applicant this evening were prettier than what was shown in the past. However, using a political metaphor, Mr. Baird believed it was nothing more than putting lipstick on a pig. He noted that height, scale, mass and bulk were the four issues specifically remanded by the City Council.

Mr. Baird stated that the height of the building was lowered three-eighths of an inch. He acknowledged that the building was slid 3'6" forward for that height, but that was all the applicant did in response to the height issue raised by the City Council. Mr. Baird remarked that in looking at the revisions, nothing changes in terms of the impacts to the house below. The building slides backwards three feet but the scale impacts viewed from that property is essentially the same. Mr. Baird stated that by definition, the change was not responsive to the City Council's issue regarding height.

Mr. Baird remarked that the shadow studies was one effect of the height. He referred to the Spring Equinox at 4:00 p.m. as an example, and pointed out that there was only an arc-degree difference on the 4:00 p.m. shadow between the old design and the revised design. Mr. Baird stated that there was no material difference between the old plan and the new plan on the Summer 4:00 p.m. study. He indicated a dramatic and positive difference in impacts when the building was moved forward as suggested by the City Council. Mr. Baird stated that this building still dwarfs the historic structures below it in height, physical size and footprint. The footprint remained the same and it is 3 times the size of the house below. Therefore, the scale has not changed.

In terms of mass, Mr. Baird stated that the floor area ratio had gone down exactly 170 square feet, which is 1.3% reduction in floor area ratio. He did not think that percentage represented the change directed by the City Council.

Mr. Baird was unclear on the difference between bulk and mass, but he strongly believed the building was still too large. He stated that the building was pushed to the back to maximize already insufficient parking, because parking would not work if the building were moved forward.

Mr. Baird stated that moving the building that far back and maintaining its same size, it looms over, darkens and does not transition to or protect the historic houses below, which is the precise mandate the applicant was given.

Mr. Baird remarked that the Staff report indicates that the applicant submitted one application that was unacceptable to Staff, and then came back with a second application that they wanted presented to the Planning Commission. Mr. Baird believed this was why the Staff report was neutral on the matter and why the Staff was requesting direction from the Planning Commission on whether or not the revised design complies with the four-part mandate from the City Council.

Mr. Baird argued that it does not comply and it does not resolve any of the other associated problems. They can no longer use the excuse of affordable housing and there is no reason for the Planning Commission to support this plan.

Dianne Newland stated that she and her husband live at 1455 Woodside Avenue, which is the property directly behind and below the proposed project. Ms. Newland has lived in Old Town for over 30 years and in their present home for over 20 years. She is a geography teacher and her husband was on full-time ski patrol at PCMR for 25 years. They have given a lot to the community and they keep to themselves.

Ms. Newland stated that at the City Council meeting on March 4<sup>th</sup>, the City Council voted 4-1 in favor of a remand for Planning Commission review. At that time, Council Member Matsumoto stated that she had reviewed the materials and visited the site and she found that the building mass, bulk and orientation to the building, particularly as it relates to historic buildings, are not appropriate and a better structure could be designed for the site. Council Member Matsumoto also stated that the parking issue needed to be resolved. Ms. Newland remarked that Council Members Butwinski, Simpson and Erickson also agreed with Council Member Matsumoto and relayed that it should be remanded to the Planning Commission to review the rear facade and possible consideration for moving the building forward. Ms. Newland read the findings adopted by the City Council on March 4<sup>th</sup>, as outlined in the Staff report.

Ms. Newland stated that both the applicant's visuals and the supplemental visual that she brought to the appeal hearing confirm that the design has unmitigated impacts on the historic property to the east, including visual impacts, loss of light, and building orientation. She believes the size, scope and scale of this project is not in keeping with the surrounding homes. Ms. Newland stated that she and her husband have a large parcel that could have been a large condo if they had sold their property. Instead, they have chosen to live there and not develop their property, but they already are surrounded by gigantic condo projects. She remarked that because this project is so large, her 1100 square foot home would be engulfed in shadows and darkness for most of the day and she would have to endure adverse, unmitigated impacts. Ms. Newland disagreed with the shadow studies. She actually lives there and has sunlight during the day in summer, winter, spring and fall. The study generated by a computer is not real and does not reflect what she experiences as a real person.

Ms. Newland used a tape measure to demonstrate the short distance of 3'6" that the building was moved away from her home. She noted that the new structure was designed with a very steep roof form, which creates a snow shedding issue between the proposed structure and her backyard. Ms. Newland passed around a picture of her backyard. Her property line is 10 feet from the proposed structure and there is nowhere for the snow to go when it comes off the roof except into her yard. Ms. Newland wanted to know who would be responsible for this project's snow removal and the effect it places on surrounding property owners.

Ms. Newland pointed out that the project does not propose a retaining wall or any type of slope stabilization. She wanted to know what would keep the project from sliding down the hill on to her home. Ms. Newland questioned why the building could not be moved forward or angled in a different direction on the lot. She noted that the other homes built on Woodside and adjacent to this project are single family. The homes were built to the front to create a large area in the back to separate those homes from the historic homes below. Ms. Newland commented on the drop of the slope down into her property. From her backyard it would be like looking up six stories high to the top of the roof of the proposed building. She will have lack of privacy and

lack of natural light. She believed there was no way to mitigate the difference in scale between this proposed project and her existing structure, unless they reduce the overall height. Ms. Newland noted that the Planning Commission could require a reduction in building height to minimize its visual mass and to mitigate difference in scale between the proposed structure and an existing residential structure.

Ms. Newland recognized that the comments should focus on the issues of the remand, however, she wanted to comment on parking. She stated that by forcing tenants to pay \$25 to park in their lot would create a huge problem. With only twelve parking spaces provided, this would force tenants and their visitors and guests to park on Woodside or somewhere else. People who park on Woodside would walk through her yard and hike up to get to their units. Ms. Newland remarked that the project management cannot control who parks where and cannot control the trespassing that would occur on her property due to the lack of parking for this project. Ms. Newland stated that there are unmitigated impacts on her property, including visual impacts, the wall effect, loss of light, building orientation, lack of privacy and snow shedding, and she urged the Planning Commission to take that into consideration.

Dave Olsen, a resident at 1430 Empire Avenue, adjacent to this property, stated that the one thing that has not been changed through this process is the applicant's unwillingness to reduce the size to anything similar to the surrounding structures. He noted that the transitioning argument by the applicant is that they are not transitioning to the historic homes or the density of the historic district, which would allow them a story and a half with 60% open space. Instead, they are trying to transition down and then transition up. Mr. Olsen did not believe that was directed by the City Council, nor was it according to Code requirements or the General Plan. Mr. Olsen remarked that the structure is too massive for the size of the lot and that is reflected in size, parking, views, and shadow studies. He identified turnaround problems with the two parking spots adjacent to his home.

Chair Wintzer requested that Mr. Olsen focus his comments on the issues remanded from the City Council. Mr. Olsen believed his comments related to the mass of the project. Chair Wintzer advised Mr. Olsen to speak to the mass of the project and not the parking.

Mr. Olsen stated that the neighbors had not had the opportunity to look at the shadow studies before this evening. It would have been nice to see them beforehand so someone with more experience could analyze them on their behalf. Mr. Olsen believed Mr. Baird had stated most of their objections. However, he was particularly concerned that the north/south had actually increased in footprint and that the side yard setback next to his property was smaller. He asked if that was a fact or if it just appeared that way when the drawing was printed.

Mr. Elliott replied that there was no difference.

Mr. Olsen remarked that the solution for protecting the neighbors and the smaller historic structures would be to scale down the project. He asked the Planning Commission to require that of the applicant because it was consistent with the City Council directive and the General Plan. Mr. Olsen did not believe transition means something bigger. He believes the intent is to transition to historic. This project as designed would be the tallest and largest building on his

side of the street. He requested that this application be denied and that the Planning Commission consider requiring a reduction in size. Mr. Olsen suggested that the Planning Commission ask the applicant to consider consulting with the neighbors, which they have not done.

Ms. Newland invited the Planning Commission to visit her home and stand in her back yard to understand her concerns.

Rick Margolis stated that he lives two houses away from the proposed apartment building. He echoed all the previous comments. Mr. Margolis thought it was clear from the shadow studies that the impacts on the existing houses does not change at all between the old project and the revised project. In addition, it does not comply with the request to reduce the size and mass of the project. Mr. Margolis stated that parking was an issue discussed during the City Council meeting. The City Council raised the question that reducing the mass of the building would create more land and could possibly resolve the parking issue.

Chair Wintzer clarified that the building footprint and the building location remained the same in the revised plan. Mr. Elliott replied that it was the same as in the previous design.

Commissioner Hontz asked Planner Sintz to clarify the affordable housing component. She noted that page 33 of the Staff report quotes Council Member Simpson as saying that this application was not being processed as an affordable housing project. The fact that it was not affordable housing was also mentioned during the public hearing.

Planner Sintz stated that the project may be used as affordable housing for a future project. However, the City Council and the Planning Commission reviewed this application as a CUP for a multi-unit dwelling. Commissioner Hontz recalled a finding related to affordable housing in their approval. Commissioner Peek pointed out that Condition of Approval #10 states that if it is used as affordable housing, it must meet the housing resolution in effect at the time.

Mark Fischer, the applicant, stated that this is an affordable housing project and he took offense at the attorney telling him what his building is and is not. Mr. Fischer remarked that he would not be building this project if it was not an affordable housing/work force housing project. He found it frustrating that people who chose to purchase homes in a resort commercial (RC) zone are now causing problems for a use that is allowed in the zone. Mr. Fischer stated that at his direction, Mr. Elliott complied with every criteria of the Code in designing this project and they are not requesting any variances or other things not allowed under the Code. He is frustrated by the way this project has ping-ponged back and forth and seemingly has no end. Mr. Fischer emphasized that he has tried to comply with the intent of the zone and the Code for that piece of land.

Mr. Baird was unsure if the public hearing had been closed, but if the Planning Commission intended to hear comment from the applicant, he advised that the public be given the same consideration. If the public hearing was closed, it should be closed to both side. Mr. Baird remarked that the applicant needed to decide whether or not he wants an affordable housing project. As it stands now it is not affordable housing, even though the applicant was trying to sway the Planning Commission to that thinking. Mr. Baird believed the applicant has not

complied with Code. In addition, the neighbors built what they were entitled to build.

Mr. Baird recommended that the Planning Commission close the public hearing and discuss the issues among themselves, otherwise it runs the risk of becoming a due process violation.

Chair Wintzer stated that the typical process is that the applicant presents the project, the Planning Commission takes public input, and the applicant has the opportunity to respond. He asked if that was an appropriate format.

Assistant City Attorney McLean stated that the Planning Commission could make the decision on whether to close the public hearing or leave it open for public response. She explained that it was within their right to close the public hearing and have a dialogue with the applicant.

Assistant City Attorney McLean clarified the issue of affordable housing. Because the application was not submitted as an affordable housing MPD, the City is not treating it as an affordable housing project. Mr. Fischer has indicated his intention for affordable housing, and the Planning Commission can take that into consideration. Ms. McLean noted that Condition #10 states that if it is used as an affordable housing project it would need to be deed restricted. Currently, there is no deed restriction requirement and the applicant is not receiving any City benefits from the City for being an affordable housing project.

Chair Wintzer did not believe the Planning Commission had ever made pro or con comments based on the project being affordable housing. The Planning Commission has looked at mass and scale of the building. Chair Wintzer clarified that the use could be either affordable housing or an apartment.

Chair Wintzer closed the public hearing.

Commissioner Luskin suggested that moving the structure to the front could alleviate some of the concerns expressed by the public. He realized that it may not change the mass and bulk, but it might have an effect on its relationship to the historic homes and snow shedding. He asked Mr. Elliott whether moving the building was a realistic possibility.

Mr. Elliott stated that the unintended consequence of moving the building forward puts the parking lot in the rear of the project. He explained that they tried to mitigate the parking impacts by keeping it in a location consistent with what is on the street. It keeps the parking associated with the visual side on Empire and it addresses safety issues. Mr. Elliott stated that the purpose of moving the building on the shadow study was to see if there was a significant change. The result was a relatively minor change. Mr. Elliott remarked that the site is taller and much higher than the building below. They found that the buildings across the street have a similar impact on the shadows. Mr. Elliott believed it was kinder and more relative to the fabric to put the building to the rear of the site.

Commissioner Luskin asked Mr. Elliott to address the snow shedding concerns. Mr. Elliott remarked that 95% of his work is in Park City and 70% of that is in Old Town. The dilemma is that everyone wants steep roofs to match the historic nature and character. Unfortunately, that

leads to health, safety and welfare issues. Mr. Elliott stated that he has designed a number of steep roofs three feet from property lines and he has worked with the Building Department to provide ways to manage and hold the snow. He was comfortable that snow shedding could be managed. Mr. Elliott stated that this project provided more distance than what is typical in most historic projects. He noted that the Building Department would not issue a permit if snow shedding is not satisfactorily proven in their documentation.

Planner Sintz stated that the Chief Building Official had done a study on snow shedding due to the issue of small side yard setbacks in the Historic District. The study was based on a 9:12 roof pitch and it was determined that snow would shed off of a metal roof a distance of 7 feet. That is an important number because 25' x 75' Old Town lots have 3 foot setbacks. In those cases, the Building Department requires a reciprocal snow shed agreement so if snow sheds off of one property and breaks windows on the adjacent property, an agreement is already in place. If a property owner cannot obtain that agreement from his neighbor, a re-design of the roof is required before pulling a building permit.

Planner Sintz stated that in the scenario for this particular project, where there is a 10 foot rear yard setback that handles the 7 foot distance, the proposed roof re-design minimizes the effect of snow shedding from the previous roof design. The way the building is positioned on the site, the setbacks become greater as it moves to the north.

Chair Wintzer referred to the side elevations and asked if the slope at the back of the building was accurate. Mr. Elliott replied that the survey information was put into the computer and that was as accurate as he could say it was. Chair Wintzer did not think the topo was consistent with the picture Ms. Newman had passed around. Mr. Elliott identified the topo line that runs from the corner and noted that it was steeper on one side than the other and it angles back to a cross slope on the site. Chair Wintzer recalled that the slope was steeper than what was shown on the topos. Mr. Elliott offered to check it again, but he did not think the result would be different.

Commissioner Hontz was pleased that the application was remanded back to the Planning Commission for the reasons specified by the City Council, since they addressed her original concerns at the time the Planning Commission voted to approve the application. Commissioner Hontz favored the design revisions and felt they went a long way in terms of the roof element, the appearance of the mass and scale, and the materials.

Commissioner Hontz liked the shadow study, but she believed there was a huge difference in allowing more light by moving the structure to the front. She recalled her comment at the time of the original review regarding continual erosion of the historic nugget and thought the revised design was more compatible with Old Town and the neighborhood feel. However, she personally wanted to see the building moved forward with the parking lot in the back. She understood there were design pros and cons if the building was moved, but she thought it was a better solution from the standpoint of addressing the remand and her original concerns.

Commissioner Hontz stated that she previously had concerns about snow shedding from the front of the building on to the parking lot. She believed the current solution did more to reduce

the impacts on vehicles and pedestrians. Commissioner Hontz stated that she was thrilled with the majority of the application as revised.

Commissioner Pettit echoed Commissioner Hontz. She agreed that the design had definitely evolved and was more sensitive to the historic properties adjacent to the project. In looking at the aerial view and orientation of the single family homes to the south of the project and the building below, she concurred with Commissioner Hontz that bringing the building forward would provide greater space between the project and the historic home on Woodside. It would be more consistent with the single family homes and mitigate the effects of the shadowing. Commissioner Pettit believed that the design elements included in the re-design, as well as the separation, minimized the wall effect and other impacts that were a concern in the previous review. Commissioner Pettit was interested in seeing what the project would look like with the building moved forward and believed it would do more to meet the intent of the City Council remand.

Chair Wintzer agreed that moving the building forward would help the three houses behind. However, he was concerned about creating a wall effect going down Empire. Chair Wintzer was also concerned about creating an uncomfortable living environment by having the window 12' feet from the street. He thought it would be helpful to see the scenario of moving the building forward, but he was not convinced it was the right solution. Chair Wintzer commended the applicant on a better design and he believed it softened the project significantly.

Commissioner Peek stated that lowering the main eave line a full story and changing the dormers to a massing that relates to the dormer element of the historic structure had improved the east elevation. Snow shed issues are consistently resolved at the plan review stage with the Building Department and he was confident that issue would be addressed. Commissioner Peek stated that he would need to see a drawing of the building moved forward before he could determine if it was a viable option.

Commissioner Strachan agreed with Commissioners Wintzer and Peek. The revised project was better than the design that was initially approved, even though the original design met the CUP criteria and the Code requirements. Commissioner Strachan was concerned that if the allowed uses in that zone were built, it would completely overshadow the historic home. He pointed out that the applicant could simply change the use and build a triplex that would dwarf every structure to the east, and the Planning Commission would have no control because it is an allowed use. In their attempt to tweak and move and micro-manage this project, they may lose it entirely and end up with something much worse. Commissioner Strachan believed that was a real threat. If the intent is to keep the historic fabric of Old Town, they need to weigh the lesser of all the evils. In his opinion, this project meets the criteria of the CUP and transitions as best as possible with the structures to the east. He agreed that the situation was not ideal because of how the zoning map is structured, but it is as good as it can get.

Commissioner Strachan believed the revised plans were moving in the right direction in terms of meeting the Code criteria and reducing the building mass, bulk and scale.

Commissioner Savage asked how much the revised plan changed the volume of the building.

Mr. Elliott replied that he had not done that study, but he believed it would be significantly less because the mass was reduced in the front and the rear. Commissioner Savage wanted to know the height difference in eave height between the original design and revised design. Planner Sintz replied that it was 8'10 to 11'5 as the grade changes across the setback.

With respect to the concept of moving the building forward, Commissioner Savage understood that the rear of the building would be landscaped if the parking remained in front. Mr. Elliott replied that this was correct. Commissioner Savage asked if doors were proposed as access at the rear of the building. Mr. Elliott answered no. Commissioner Savage pointed out that if the building was moved to the front, there would be a parking lot in the back with no landscaping, people coming in and out of the building, and more noise and activity. He felt that fact should also be considered in terms of neighbor impacts.

Commissioner Savage stated that he was new to the Planning Commission, but in his brief assessment, he believed the applicant had complied with the City Council request. Commissioner Luskin complimented the applicant on the revisions and felt the project was much better than originally designed. He was a dissenting vote in the original approval and he believed the remand proves that the system works. Commissioner Luskin agreed with Commissioner Strachan that the changes were beneficial and because of the zoning something far worse could occur. He was still troubled by some elements of the project and he was still concerned about the incremental losses in Old Town.

Commissioner Luskin believed the applicant had done as much as possible to mitigate the impacts and meet the direction of the City Council. He commended them on the design and its compatibility with the historic structures. Commissioner Luskin understood opposing positions for moving the building to the front and he wrestled with whether or not it would be beneficial. Overall, Commissioner Luskin was comfortable that the project fulfilled all the obligations of the LMC and it was a better project than originally presented.

Commissioner Hontz noted that in the RC zone, the height would be the same for any of the allowed uses. However, if the applicant proposed an allowed use larger than 3500 square feet, it would come back to the Planning Commission as a CUP.

The Planning Commission discussed the three points raised by the Staff.

Does the Planning Commission agree that the proposed new design responds to the City Council remand as outlined in this report.

Commissioners Strachan, Peek, Wintzer, Luskin and Savage believed the revised project adequately responded to the remand. Commissioner Pettit did not believe it did. Commissioner Hontz thought it only partially responded to the remand. Her issue was still with the building location on the site.

Does the Planning Commission find that the rear of the building transitions to the historic structure on Woodside Avenue.

Commissioners Strachan, Peek, Luskin and Savage answered yes to the building transition.

Commissioners Peek and Hontz answered no. Chair Wintzer thought the transition had improved, but he still had concerns.

If the Commission agrees the project does not transition appropriately or meet the intent of the remand, what specific design changes the Commission feel is appropriate in order to meet the intent of the remand.

Planner Sintz summarized the Commissioners answers on the first two questions and suggested that the third question would go to Commissioners Hontz, Pettit and Wintzer.

Commissioner Pettit stated that the Planning Commission had seen the shadow study with the building moved forward, but she thought it would be helpful to see the design impacts of moving the project forward and how that might respond to the direction given by City Council. In order to fully evaluate the newly proposed design, Commissioner Pettit needed to see the alternative option. Commissioner Hontz concurred.

Commissioner Savage commented on the measurement used in the shadow study. He believed that the incremental benefit associated with moving the building would be minor because of the obtuse nature of the angle of the sun during the long winter days. Mr. Elliott agreed and pointed out that the setting sun is always lower and the shadow impact on the site comes from the setting sun. He stated that this was another reason for placing the building in its proposed location.

Commissioner Peek remarked that the movement of the shadow would equal the movement of the building. Chair Wintzer stated that the shadow was only one issue. The other issue is what the neighbors would be looking at in their backyard. For that reason he was interested in seeing the benefits and impacts of moving the building to the front.

The Planning Commission discussed the need for a site visit. Chair Wintzer thought a site visit would be helpful. He requested a section that incorporates the back yard of the historic house beyond the property line. Planner Sintz noted that the applicant had provided that section drawing but it was not included in the Staff report. Mr. Elliott presented the requested drawing.

Planner Sintz clarified that there was a majority consensus from the Planning Commission for the applicant to provide an analysis of moving the building from the back of the lot to the front. Commissioner Hontz stated that she could not support the project without seeing that analysis.

Mr. Elliott offered to ask the applicant if he was willing to pay for additional renderings to show both building locations. He pointed out that moving the structure to the front would require a complete re-design of the building because it is a significantly different application.

MOTION: Commissioner Pettit moved to CONTINUE 1440 Empire Avenue Conditional Use Permit to June 9, 2010. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

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The Park City Planning Commission Meeting adjourned at 7:45 p.m.

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Park City Planning Commission

## **WORK SESSION NOTES – MAY 26, 2010**



**PARK CITY PLANNING COMMISSION  
WORK SESSION NOTES  
MAY 26, 2010**

PRESENT: Chair Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Mick Savage, Adam Strachan, Thomas Eddington, Katie Cattan, Brooks Robinson, Kayla Sintz, Polly Samuels McLean, Matt Cassel

Ex Officio Participants: Jack Thomas, Craig Elliott, Mike Sweeney, Mary Wintzer, Neil Krasnick, Ruth Meintsma, Mark Fischer, Liza Simpson, Alex Butwinski

**WORK SESSION ITEMS**

**Roll Call**

Chair Wintzer called the meeting to order at 5:35 p.m. All Commissioners were present except Commissioner Pettit, who was excused.

**Staff Communications**

Planning Director, Thomas Eddington, noted that the Commissioners needed to formalize the designation of Julia Pettit as the Board of Adjustment liaison through June 1, 2011. Assistant City Attorney, Polly Samuels McLean, recommended that the Planning Commission formalize the appointment through a motion at the next regular meeting on June 9<sup>th</sup>.

Director Eddington announced that the Staff would be bringing forth a recommendation to change the wording in the General Plan from "Park Bonanza" to "Bonanza Park" to reflect the name change in that area.

Chair Wintzer asked if there were other issues the Planning Commission should consider in the General Plan for the Bonanza Park area. Mr. Eddington replied that the 16 page supplement to the General Plan that was done in 2001 is the only section that addresses Bonanza Park. The recommendation will be for the Planning Commission to amend the name in that supplement.

Chair Wintzer was not comfortable with the entire Bonanza Park supplement and suggested that it be amended to better fit the District. Director Eddington stated that it could be amended as part of the General Plan process. He noted that the Staff has begun the land use discussion with Bonanza Park. He would keep the Planning Commission updated on the progress and request input as they move forward.

Commissioner Hontz recalled that the LMC needed to be changed to correctly reflect that the Planning Commission meets on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday rather than the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday as currently referenced in the Code. Director Eddington stated that other sections of the LMC, as well as that section, are being revised and the Planning Commission will see those when they are completed.

Commissioner Luskin asked if the Planning Commission would consider changing their meetings to Tuesday night during the summer so it does not conflict with the free Music Concerts at Deer Valley. Assistant City Attorney McLean, advised against making that change for consistency. Chair

Wintzer pointed out that the Planning Commission had already reduced their meetings to once a month for public hearing items. The Commissioners preferred to keep the same schedule.

Director Eddington requested that the Planning Commissioners email their summer vacation schedules so the Staff could draft a summer meeting schedule for discussion at the next meeting.

### **General Plan - Discussion on future public participation meetings**

Planner Cattan remarked that the next two General Plan meetings would be Outreach and those could be scheduled on a Tuesday. This would allow both the public and the Commissioners to attend the Deer Valley concert on Wednesday. City Council Member, Liza Simpson believed they would have a better turnout for the Outreach if it was scheduled on Tuesday.

Planner Cattan requested that the Planning Commission discuss scheduling possibilities for Outreach. She noted that Commissioner Pettit had suggested one each month so people who miss one can still participate in another one.

Commissioner Savage suggested that they avoid a conflict with the Wednesday night concert if the intent is to draw public interest.

Commissioner Hontz asked if it was possible to hold three Outreach meetings. The first two could be held back to back on a Tuesday and Wednesday of one month and the third could be scheduled the following month. This would encourage those who attend the first two Outreach meetings to talk about it and possibly peak the interest of others who would then have the opportunity to attend the following month.

Planner Cattan stated that the initial idea was to plan an Outreach around the 4<sup>th</sup> of July since most residents stay in town for the holiday. After further discussion, the Planning Commission and Staff agreed to tentatively schedule the first Outreach on Tuesday, July 6<sup>th</sup> and the second on Tuesday, July 20<sup>th</sup>.

Planner Cattan noted that the intent this evening was for the Planning Commission to interact and test the exercises that the public will be participating in during Outreach. She wanted the Planning Commission to identify any gaps and to provide ideas to fill in those gaps.

Planner Cattan stated that on the night of Outreach, the public will see a presentation on the findings of visioning. A list of goals under the General Plan will be provided and the first activity will be for the public to rate those goals. This exercise will help with consensus building on goals the Staff has been working on for the community based on visioning and other research.

Planner Cattan noted that the public would also receive a neighborhood survey. She requested that the Planning Commission review the survey this evening and provide input. The point of the survey is to get feedback on different neighborhoods within the City.

The first exercise this evening was to define the neighborhoods within the City.

Mike Sweeney suggested that in addition to circling “the neighborhood where you live”, they should also include the neighborhood “where people work” in order to hear from those who work in the community but live elsewhere. Commissioner Peek pointed out that you have to live in a neighborhood to give input on that neighborhood. Mr. Sweeney remarked that people who work there also contribute to the neighborhood. Commissioner Peek stated that he lives in Park Meadow and asked if he could give input on Deer Valley or Old Town.

Planner Cattan explained that residents living in one neighborhood should not be able to provide input on another neighborhood. However in cases like Mike Sweeney, he lives in Salt Lake but comes to Park City every day to work, that group should have some input.

Commissioner Luskin disagreed because living and working in Park City are different experiences. What he experiences as a resident is different from what the construction worker experiences when he comes to Park City to work. Planner Cattan commented on people who work in the commercial areas of the City. Commissioner Luskin thought the survey should separate commercial and residential areas.

Chair Wintzer suggested adding a question that asks, where do you live and where do you work. He agreed that people who live and work in Park City see things differently than those who live one place and work in another place.

Neil Krasnick asked about the number of areas in town that are predominantly rental versus residential. He lives in a predominantly rental neighborhood and this time of year it is empty. Planner Cattan replied that this is a huge trend in Park City and more than 60% of the homes are rentals. There are more second homes in the Historic District than in areas like Park Meadows.

Commissioner Savage asked if the survey targets taxpayers, but not those who pay property tax. Planner Cattan stated that they want to hear from anyone who lives in Park City or has a connection to Park City. She pointed out that renters still share the experience. Planner Cattan clarified that the Staff did not want to nick-pick those who fill out the survey and everyone should participate.

Chair Wintzer thought the survey could identify people by asking if they are full-time residents, where they work, where they live, etc., and use those answers to build the data base.

Planner Cattan stated that the intent of the survey questions was to make everyone feel included. Council Member Simpson pointed out that people who are not interested will not fill out the survey or participate in Outreach. Director Eddington noted that the survey would be posted on the website so a second homeowner would have the opportunity to fill out the survey and be heard.

Mr. Krasnick asked Planner Cattan to provide a brief summary of the purpose of the survey. Planner Cattan stated that the Staff has been doing research on current planning and General Plans and goals. They have compiled numbers on the trends in Park City and the direction the City

is taking. The Staff wants feedback from the community in terms of land use and what the people want to experience. The questions were designed to think about the future and what new ideas should be incorporated into the General Plan. She noted that the survey contained sustainability questions. Planner Cattan pointed out that visioning indicated that they want to be a green community and they care about nature. However, when it comes down to what people actually want in their backyard, they need those questions answered so the Staff is not making assumptions for the community.

Commissioner Savage asked if there was a mechanism to quantitatively analyze the results of the survey or if the procedure was more qualitative. Planner Cattan believed they would quantitatively bring the answers together, but many of the questions are qualitative, which presents a balancing act for the Staff.

Commissioner Savage asked if the Staff had given any consideration to the mechanism or how to analyze the data once it has been gathered. Planner Cattan replied that the Staff had not discussed the method. Commissioner Savage encouraged the Staff to consider how they would analyze the data once it has been compiled. That type of thinking might help create opportunities to clarify, modify or enhance the survey to make sure the questions provide the information they want to obtain.

Jack Thomas thought the questions were good and quantitative; however, he suggested adding a series of questions that address the issue of the aesthetic component of the community. People could identify the most and the least aesthetically pleasing component of their specific neighborhood. Mr. Thomas remarked that aesthetics is an important aspect of the community that gets forgotten. He believed that aesthetics should be a significant part of the General Plan. Chair Wintzer agreed that asking that question leads people to start looking at their community as a picture rather than a word.

Mr. Krasnick pointed out that one man's beauty is another man's ugly. Planner Cattan clarified that this was the reason for getting a perspective from everyone. With regard to aesthetics, Planner Cattan stated that stars will be utilized for people to identify special and aesthetically pleasing places in their neighborhood.

Commissioner Strachan suggested that the Staff use pictures of different homes and structures in different neighborhoods in the survey and have people identify which ones they like. Planner Cattan liked that idea and suggested that the Staff could solicit volunteers from each neighborhood to help with that process.

### **Mapping the neighborhoods of Park City**

The Commissioners and other participants broke into two groups to identify and map the neighborhoods. Planner Cattan asked that both groups circle areas that they think should be defined neighborhoods to fill out the survey. At the end of the exercise, both maps would be discussed. The goal was to reach a consensus of the entire group.

Director Eddington stated that sub-neighborhoods could also be identified on the maps. Planner

Sintz cautioned them against breaking down the neighborhoods so far that they would miss the purpose of looking at evaluating areas as a whole.

Once both maps were completed, the two maps were overlaid over each other so everyone could see the similarities and differences between the two. In general, the maps were more similar than different.

Planner Cattan asked each group to explain their thoughts, beginning with Park Meadows. Chair Wintzer explained that his group thought the flatter part around Park Meadows, which are areas not around the golf course or on the hills, was more primary residence. The flatter areas were divided from the hilly portions because the issues would be different.

Commissioner Hontz pointed out that her group had the same thought and believed the values for the two areas would be different; however, they chose to keep it intact as one neighborhood. Both groups came to the same conclusion but with different ideas. Planner Cattan noted that the Planning Department cut the flats and the hills a little higher than the first group. The group discussed whether Park Meadows should be kept intact as one neighborhood or broken into areas.

Chair Wintzer stated that he would be interested in keeping Park Meadows as one neighborhood if people would put their address and whether or not they live there full-time. He believed the people in Park Meadow would divide it out themselves. Everyone agreed.

Commissioner Peek suggested including a blank map on the survey and ask people to survey their neighborhood. Planner Cattan explained that the first step for Outreach is for people to come in and see their neighborhood in terms of where they actually live and how the Staff and Planning Commission defined their neighborhood. At that point, people will be divided into specific groups based on the neighborhood they live in. She was concerned about making the process too confusing.

Planner Cattan noted that both groups had defined the Aspen/Thaynes area almost identical. Craig Elliott pointed out that the only difference was that one group had included the Hotel Park City in that piece. Commissioner Hontz stated that her group had put the Hotel Park City with PCMR. After further discussion, Chair Wintzer and his group agreed with that assessment and the Hotel Park City was included with the Resort. Planner Cattan noted that the Staff had not put PCMR as a separate area. They included PCMR and Silver Star with Old Town. The group was not comfortable including PCMR as part of the Historic District. Both groups had separated PCMR from the Historic District at Park Avenue.

Planner Cattan noted that both groups defined Upper and Lower Deer Valley the same. There was a definite difference in how the two groups mapped Prospector. One group showed Prospector all the way out to Bonanza and the second group separated commercial from residential in Prospector.

Commissioner Strachan stated that the residents in Prospector use the commercial district and when NOMA is built up, he believed the residents would use it even more. People in Prospector already consider that to be their neighborhood. Planner Cattan noted that the Staff had the same thought. Chair Wintzer believed it was a good point. He explained why his group had divided the two, but he thought Commissioner Strachan was right. Mr. Elliott thought Snow Creek should be dragged into Prospector. He remarked that the road is not the divider, it is the part that holds it all

together. Commissioner Peek agreed that the hill that divides the cemetery from Park Meadows was the dividing line.

Commissioner Hontz noted that some of her group supported that idea and others were unsure. She was comfortable with the dividing line and including Snow Creek with Prospector. Commissioner Strachan thought Snow Creek should be separate because it is accessed by every neighborhood. In his opinion, no single neighborhood can claim Snow Creek. Mr. Elliott explained why he disagreed. He did not see Snow Creek as part of Park Meadow. He believed the road holds that piece together as opposed to breaking it up. It is commercial activity that uses both sides and the use is very similar.

Planner Cattan remarked that Snow Creek did not have a connection to Prospector, but it could connect to the frontage on Park Avenue.

Council Member Simpson believed that the residents at Windrift would say that they live in Park Meadows. Planner Cattan asked if they should put the residential portion of Snow Creek into Park Meadows. Chair Wintzer thought they should be careful about dividing it up too much, particularly if they are only trying to determine where people live. He was unsure how many of the Windrift residents would even participate in Outreach.

Planner Cattan suggested putting the residential area of Snow Creek into Park Meadows and the commercial portion into Bonanza/Prospector. Mark Fischer pointed out that when people turn into that neighborhood off of the highway, they think it is Park Meadows. He recommended bringing it in a couple of blocks to the south so the residents are part of a neighborhood rather than a commercial zone.

Mr. Thomas thought they should not always separate the commercial from the residential because the combination in a neighborhood is what makes the community work.

Planner Cattan asked about Deer Valley Drive and the entrance into Deer Valley. Council Member Simpson replied that Rossi Hill Road was the dividing line. Both groups had treated that area identical.

### **Discussion of interactive maps exercise**

Each person was given labels and asked to pretend that they all live in Lower Park Meadows. The stickers represented uses in a neighborhood such as a café, deli or bar and each person was to place the stickers on a map to indicate where they would want those uses located. Anyone who did not want a café, deli, or bar located in their neighborhood, would specify that on a blank piece of paper provided titled, "This use does not belong in my neighborhood." Planner Cattan indicated an area called the "void", which indicates an under utilized area in the neighborhood. Everyone was also given stars to identify special or aesthetically pleasing places in the neighborhood. The first row of stickers were placed on the map. The second row of stickers indicate larger uses such as a wind farm, solar farm, a big box store, etc.

Planner Cattan clarified that the top row of stickers was for the Park Meadows neighborhood, the

middle row of stickers was for greater Park City, and the rest should be used on the County map.

At the end of the map exercise, Planner Cattan asked everyone to give one piece of advice on how this exercise could be made easier for the public.

Chair Wintzer thought the legend identifying the stickers should be placed on the map it was intended for. Commissioner Peek suggested colored backgrounds for each row of stickers. A green background could indicate in favor of something and a red background would indicate being against something. That would replace the “doesn’t belong in my neighborhood” sheet and color would make it easier to identify for and against. Commissioner Peek pointed out that a piece of paper of “doesn’t belong in my neighborhood” would not indicate which neighborhood.

Director Thomas clarified that for the Outreach, each neighborhood would have its own map and only people in that neighborhood would be placing stickers on the map or writing on that piece of paper. Planner Cattan pointed out that each neighborhood would also have the greater Park City map. The exercise will be set up for nine different neighborhoods throughout the room.

Commissioner Hontz liked the interaction that occurred when the legend was not on the map because it encouraged people to talk to each other and ask questions.

Ruth Meintsma found the exercise confusing because she was unsure where solar would work. She thought the bus stop was the simplest and most straightforward sticker because people will know if they want buses closer to their neighborhood.

Commissioner Savage asked if the City had done an analysis to determine the most suitable locations for solar or wind facilities. Planner Cattan replied that one location at Quinn’s Junction was tested for wind power, but there was not sufficient wind. The University of Utah also did a solar inventory for the County. Council Member Simpson pointed out that Park City has such great solar that as long as they have the angles it could be located anywhere.

Commissioner Savage asked if wind energy was a viable option based on recent studies. Director Eddington replied that only one or two anemometers were put up for testing and the wind was questionable. Commissioner Savage questioned why wind would be a matter for Outreach if there is no reason to think wind is a viable option. Planner Cattan replied that the intent is to see if people agree or disagree with the use from a land use perspective. The person investing in wind power would be responsible for doing the background research of whether or not it would work.

Director Eddington clarified that this as an aesthetical exercise to see if people were willing to see wind towers and whether the LMC would eventually be amended to allow them.

Mr. Krasnick suggested that they reduce the number of items they are asking for opinions on in order to keep the analysis manageable for the Staff.

Mary Wintzer liked having the sheet for what you do not want in your neighborhood because it helps to quickly identify what people oppose.

Commissioner Strachan thought it was important to emphasize during Outreach that this is a hypothetical exercise; otherwise people will be like Ms. Meintsma and think they need to understand whether something would actually work in a specific location.

Mr. Thomas stated that in his mind, a community garden did not register as a potential greenhouse. The thought of a greenhouse rendered many more possibilities. Mr. Thomas believed that greenhouses could be a new component in the community that could be integrated into a number of different areas, particularly roof top greenhouses. Ms. Meintsma noted that greenhouses came to mind when she saw residential agriculture in the survey.

Council Member Simpson suggested having two maps for each neighborhood and dividing the stickers between uses, such as a commercial and transportation. She was concerned how the Staff would sort out a giant pile of stickers at the Racquet Club if it was all lumped together.

Commissioner Luskin thought they should have two maps of each neighborhood. One map would be things you want in your neighborhood and the second map would be what you would not want in your neighborhood. He felt that important things would get lost if all the stickers were placed on one map or the negatives were put on a sheet of paper.

The Staff and Commissioners discussed the best place to put the legends relative to the maps. The majority still favored a sheet of paper for the things people would not want anywhere in their neighborhood and stickers on the map for favorable things.

Planner Cattan stated that from the standpoint of collecting data, it is better to keep the process simple.

Commissioner Savage was concerned about clustering because people tend to follow the cluster rather than think on their own. He suggested using tracing paper that can be changed and only allow three or four people at the map at one time. If the paper is changed frequently they would continue to get quality input as different people go the map. Director Eddington stated that the Staff could print out several maps and instead of using tracing paper, the map could be changed when one is full. Chair Wintzer liked the idea and preferred a map over tracing paper.

Commissioner Luskin suggested a blank sticker that people can write on if they would like to suggest something that the Staff did not foresee with the stickers.

Planner Cattan asked if the Staff had left out any uses that people might like to see. She noted that Ms. Meintsma had raised the issue of being able to have chickens in a backyard. Planner Cattan remarked that in the larger areas they would add a conference center or convention space. Commissioner Peek suggested recreation uses. Another suggestion was a dog park. Planner Cattan clarified that she was looking for uses that do not currently exist. Council Member Simpson thought that would be the purpose of the blank sticker. Everyone agreed.

### **Review and Edit Neighborhood Survey**

Mr. Elliott recommended adding commercial questions in the "How often do you" section of the

survey, such as how often do you go to Main Street, how often do you go to Prospector, how often do you go to Bonanza Park. This would identify different neighborhoods that have different relationship to uses.

Chair Wintzer suggested that the survey ask people to list three places they drive to most often and three that they walk to most often.

Council Member Simpson thought the transportation question should ask people to give their two primary forms of transportation. Commissioner Savage suggested ranking the modes of transportation on a percentage basis that totals 100%. This would give quantitative information on how much people walk, drive, bike, or bus.

The group reviewed the survey questions in order beginning with question one.

Commissioner Luskin thought questions 2 and 3, were too vague. A better approach would be to ask for the best and least desirable features of the neighborhood.

Ms. Meintsma commented on question 4 and felt the choice of "commercial" was too broad. She suggested that they ask people to describe the type of commercial they would like to see in their neighborhood. For instance, A coffee shop might be fine but other commercial uses may not.

Regarding the residential component of question 4, Ms. Meintsma stated that in her neighborhood there is nightly, yearly, primary and secondary. She stated that it would be great to have growth of primary residential in her neighborhood, but primary compared to yearly are completely different. Council Member Simpson suggested making residential growth a two-part question.

Commissioner Strachan stated that people will interpret the questions differently and it would be helpful to provide space where people can comment on their choice.

Commissioner Savage felt it was important for the Staff to make sure that the questions are asked in a way that obtains the information they hope to gain from the survey.

Commissioner Hontz commented on the importance of knowing what data they actually want and balancing that with how fast it can be processed and analyzed. She did not think that most of the questions as written passed the test for quantitative and qualitative analysis. However, in the end the Staff would need to determine if all the data and comments can be analyzed. Planner Cattan agreed. That was her concern with allowing space for comments on every question.

Planner Cattan favored the suggestion to break down question 4 and ask specific questions about the types of residential and commercial. Chair Wintzer thought they should change "commercial" to "support commercial" because no one wants larger commercial uses in their neighborhood.

Commissioner Peek suggested that they avoid hot button terms such as "affordable housing" and "green building standards". He believed those terms politicize the question. Question 5 asks people to identify their primary mode of transportation within town. Per their earlier discussion, Planner Cattan would revise the question to rank the choices by percentage.

Question 6 was a yes or no question on whether you utilize public transit. Planner Cattan remarked that if question 5 was answered with percentages, that would provide the answer for question 6. Ms. Meintsma stated that if the answer is yes, people should be asked to comment on what does or does not work with public transit.

For purposes of analyzing, Director Eddington suggested that they add more choices to some of the questions and limit the number of comments.

Commissioner Luskin noted that question 7 talks about parking but nothing in the survey addresses traffic. A question regarding traffic would be added. Chair Wintzer thought question 7 should be revised to ask whether or not people are willing to decrease the amount of parking in their neighborhood to encourage use of public transit, walking, etc. Commissioner Hontz felt that was a good question for the survey matrix to make sure it would obtain the right information. Commissioner Luskin wanted to know the point of question 9, how often do you leave Summit County. Commissioner Strachan also could not see the relevance of question 9. Planner Cattan replied that the issue is whether public transportation works within the County or if a transit system connection to Salt Lake is needed. Commissioner Strachan suggested that question 9 be revised to ask that question directly.

Commissioner Savage felt the real question is why they care how many times people leave Summit County. Mr. Thomas stated that it is important to know if people are leaving because goods and services are not available in Park City or Summit County. Director Eddington stated that the question could be broken down to address transportation and goods and services.

Commissioner Luskin pointed out that the grid on question 16 could address all the issues asked in the previous fifteen questions and the format would provide better information. He suggested expanding the grid to encompass the other questions and provide space at the bottom for further comments or issues.

Chair Wintzer agreed. In addition, they could ask a few additional questions, such as list the five places you go to most often. Commissioner Strachan agreed with Commissioners Luskin and Wintzer. The survey could be condensed into a grid with a few follow up questions. He was concerned that people would lose interest filling out a long survey.

Mr. Sweeney disagreed with the approach. He noted that Park City is a destination resort community with 7,000 people living in the community and 100,000 who come and visit. He stated that the neighborhoods are being supported by the destination resort tourist. Mr. Sweeney thought a more important issue was how to encourage the tourists to spend money in Park City to make the neighborhoods better. He believed the Planning Commission has the responsibility to look at those issues when revising the General Plan for the community.

Planner Cattan pointed out that the purpose of these exercises is to determine what this community wants to be in 20 years so that can be considered in the General Plan. Planner Cattan stated that the information Mr. Sweeney wanted could be obtained from the census data and it did not need to be asked in the survey.

Mary Wintzer stated that as a 30 year resident in Park City, this process and the questions about neighborhoods are important to her and others who live in the community. Ms. Wintzer pointed out that people who live in Park City see the issues differently than those who only work or own businesses in town.

Mr. Sweeney did not disagree, but he questioned the point of the process. Planner Cattan replied that the point was land use and future development for both small neighborhoods and the community as a whole.

After further discussion, the decision was made to expand the grid on question 16 with a few additional questions or comments, as opposed to using the sixteen question survey.

The work session was adjourned.



## **REGULAR AGENDA**



## Planning Commission Staff Report



PLANNING DEPARTMENT

Building Department

**Subject:** Montage Amended  
Construction Mitigation Plan  
**Author:** Ron Ivie/Jeff Schoenbacher  
**Date:** June 9<sup>th</sup>, 2010  
**Type of Item:** Administrative: Ratification of Amended CMP

### Summary Recommendation

Approved the Amended CMP, as described in the attached letter dated 6/3/10.

### Topic

**Applicant:** DV Luxury Resort LLC/Athens Dev. LLC  
**Location:** Montage Resort,  
**Reason:** Amendment to the Mine Soil Hazard Mitigation Plan

### Background

Park City recently determined that hauling volumes from Montage to Richardson Flat were substantially higher than previously reported and requested in conjunction with the Building Department's recent administrative approval for an additional hauling which is currently underway. Since as Building Official, I can only approve amendment to the CMP which are substantially in compliance with the 2007 CUP and subsequent CMP, the record needs to be clarified regarding actual volume of soil hauled.

### Analysis

Recent information shows hauling to be approximately double what was originally authorized for truck trips by the City. While truck hauling days were reported to the City, actual volumes were not. A recent change in the applicant's contractor resulted in amended and updated information to the USEPA which conflicted with prior information submitted to the City.

Despite the new information, hauling was allowed to continue pending ratification by the Planning Commission due to the City's original intent to minimize impacts by having the hauling occur in compressed segments, on-going safety and a desire to avoid holiday conflicts with traffic anticipated for the July 4<sup>th</sup> weekend.

All current operation plans and conditions remain in full force and effect.

Staff does not recommend any changes at this time. This item confirms for the record the hauling to date.

Future requests may be handled differently and staff would return to the Planning Commission prior to authorizing any further changes/amendments.

**Recommendation:**

Approved the Amended CMP, as described in the attached letter dated 6/3/10.

**Public Input**

No public input has been received at the time of drafting this report.

**Significant Impacts**

The amended data would be relevant should any further requests be submitted. Alternate routes or neighborhood conditions may be warranted and the updated data would be considered in assessing potential neighborhood and traffic impacts.

Attachment:

06/03/10 Letter- Amended CMP Data

# *DV Luxury Resort LLC*

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June 3, 2010

Mr. Ron Ivie  
Chief Building Official  
Park City Municipal Corp  
145 Marsac Avenue  
P.O. Box 1480  
Park City, UT 84060-1480

Re: Montage Resort – Construction Mitigation Plan

Dear Mr. Ivie:

Thank you for your continued assistance as we work through the challenging site issues associated with the Montage construction and implementation of our EPA-approved work plan for site cap activities. Per your request, this letter is to supply you with an informational update related to historical and planned activities associated with the mine waste hauling to Richardson Flat. In response to your questions we offer the following information:

1. Since project site activities started in June 2007 our contractor has exported 133,908 cyds. of mine waste to the repository at Richardson Flat through 2009. This has been verified by United Park and reported to EPA.
2. Our contractor commenced hauling activity to RF this year on May 21, 2010. As of Tuesday, June 1 our contractor had exported another 5,400 cyds. for a total export to date of 139,308 cyds.
3. EPA has authorized a total of 155,000 cyds. of regulated soils export from Montage to Richardson Flat. This leaves approx. 15,600 cyds. remaining to export in order to complete our site cap activities. In a typical day, working with the hours of operation and truck/pup limitations imposed by our construction mitigation plan our contractor can export approximately 1,200 cyds. of mine waste to Richardson Flat. This leaves approximately 13 work days of planned export activity in order to achieve the planned subgrade for our Work Plan site cap.
4. Our contractor will continue to submit to the City building department daily reports of quantity of regulated soils exported to Richardson Flat.

*136 Heber Avenue Suite 103  
Post Office Box 2309  
Park City, UT 84060  
435-200-0444 Fax: 435-200-0469*

Our contractor is behind schedule in completing this export activity due to recent inclement weather and inability to commence hauling operations. We have a very tight schedule to complete all the necessary site cap work this summer as we work towards close out of all site activities including finished hardscape and landscape by October before winter sets in. Thus we must complete the export of mine waste in order to avoid a substantial delay in completion and opening of the hotel which is planned for early December 2010.

To date our export figures have been higher than the amounts assumed in the original construction mitigation plan for the project. This was due to a number of unforeseen site conditions associated with the Daly West mine site including:

- Substantially more mine waste than was originally anticipated due to lack of specific information on where the historical mine dump interface with native grade occurred.
- Discovery of a number of unmapped mine shafts and tunnels during the excavation process that required additional mitigation including over-excavation in certain areas of the site
- Inability to use material as suitable backfill for various reasons including being too wet, presence of debris, etc.
- Discovery of mining era remnants including dynamite that required other mitigation and construction disruption.
- Delays associated with various unforeseen site conditions caused the site activities to be extended over a longer period of time. This contributed to the activities being extended to multiple summer construction seasons with various start/stop disruptions due to discovery of unforeseen site conditions, weather, etc.

We have worked closely with the building department to make sure our contractor strictly adheres to the mitigation measures imposed by the City in the CUP and construction mitigation plan to mitigate the impacts of the mine waste export to Richardson Flat. These limitations include a limitation on the work hours, number of trucks allowed, hauling routes, safety inspections, pre-notification to the building and police departments, compliance with the City's noise ordinance with respect to engine brakes and fines for any violations. Hauling activity has occurred during three summer construction seasons from 2007-2009. During that time, to my knowledge, only one formal complaint has been raised with the building department related to hauling activities. This demonstrates that the mitigation measures imposed by the City and implemented by our contractor have worked.

We appreciate the City's cooperation and willingness to work with us through the difficult site conditions we have encountered. We look forward to completing the hauling activities before the busy summer visitor season begins in late June.

Please let me know if you have any questions or need any additional information.

Sincerely,

ATHENS DEVELOPMENT DV, LLC

A handwritten signature in black ink that reads "JEFF". The letters are stylized and cursive.

Jeffrey J. Mongan  
Senior Vice President

Cc: David Zimmerman  
Kerry Gee – United Park City Mines



# Planning Commission Staff Report



**Subject:** 201 Norfolk Avenue  
**Author:** Brooks T. Robinson  
**Application #:** PL-10-00941  
**Date:** June 9, 2010  
**Type of Item:** Administrative – Extension of Approval of Steep Slope Conditional Use Permit

## Summary Recommendations

Staff recommends that the Planning Commission review the request for a one year extension of the approval of the Steep Slope Conditional Use Permit (CUP) at 201 Norfolk Avenue as a Consent Agenda item. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

## Description

**Applicant:** Eric and Susan Fredston-Herman, owner, represented by Ken Pollard, architect  
**Location:** 201 Norfolk Avenue  
**Zoning:** Historic Residential (HR-1)  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Construction on a steep slope requires a CUP

## Background

On May 27, 2009, the Planning Commission approved a Steep Slope Conditional Use Permit for an addition to a non-historic house at 201 Norfolk Avenue. A complete application to extend to approval of this CUP was received on March 31, 2010.

On November 25, 2008 the City received a completed application for a Conditional Use Permit (CUP) for Construction on a Steep Slope at 201 Norfolk Avenue. The property is located in the Historic Residential (HR-1) zoning district. There is an existing residence on the property; the application is for an addition including a garage. Because the total proposed dwelling square footage is greater than 1,000 square feet, and would be constructed on a slope greater than 30%, the applicant is required to file a Conditional Use Application for review by the Planning Commission, pursuant to Section 15-2.2-6 of the LMC.

The existing building started as a duplex built circa 1970's. In 2000, the 201 Norfolk Avenue subdivision was approved and recorded. The subdivision created two lots, one for the duplex and the second for a new building located at 205 Norfolk. In 2002, the duplex was rehabilitated and converted into a single family dwelling at the same time as the construction of the adjacent (to the north) 205 Norfolk Avenue by a previous owner. The First Amended 201 Norfolk Avenue subdivision was approved in 2007 which

included the adjacent (to the south) 16 Sampson Avenue. The First Amended 201 Norfolk Avenue subdivision made the 201 Norfolk property larger in order to create a garage to the south with shared access with 16 Sampson.

The original application for this CUP was received after October 22, 2008; therefore the application was subject to the pending ordinance doctrine with the proposed Land Management Code changes to the Historic Residential zones. The Land Management Code changes adopted April 22, 2009 apply.

A Steep Slope CUP for the existing historic house at 16 Sampson was initially reviewed concurrently with the CUP for 201 Norfolk. However, the design for 16 Sampson was not found by the Planning Commission to be in compliance with the revised LMC requirements for the historic zones. The garage and driveway for 201 Norfolk are integrally connected to the outcome of 16 Sampson. Pending a re-design of 16 Sampson, the applicant has requested that the CUP for 201 Norfolk be extended for one year.

**Analysis**

No change in the LMC or circumstances requiring mitigation has occurred, pursuant to LMC 15-1-10(G) which states in part:

“Unless otherwise indicated, Conditional Use permits expire one year from the date of Planning Commission approval, unless the Conditionally Allowed Use has commenced on the project. The Planning Commission may grant an extension of a Conditional Use permit for up to one additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact.”

Thus, the standard of review of an extension is if the “applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact.”

**Previous Approval and Criteria**

The following analysis was provided during the analysis of the original Steep Slope CUP:

The applicant proposes an addition to a non-historic single-family home at 201 Norfolk Avenue in the HR-1 zoning district. The existing house at 201 Norfolk is approximately 2,310 square feet. If approved, a structure of approximately 4,286 square feet (including garage and the existing building) will be built. Staff has reviewed the proposed design and made the following LMC related findings:

<b>Requirement</b>	<b>LMC Requirement</b>	<b>Proposed</b>
Lot Size	1,875 square feet, <u>minimum</u>	6,115 square feet, <u>complies</u>
Building Footprint	2,168 square feet (based on lot area) <u>maximum</u>	2,165 square feet, <u>complies</u>

Front and Rear Yard	10 feet, <u>minimum</u>	10 feet (front), <u>complies</u> 10 feet (rear), <u>complies</u>
Side Yard (from First Amended plat)	5 feet, <u>minimum</u>	5 and 19 feet, <u>complies</u>
Height	27 feet above existing grade, <u>maximum.</u>  27 feet above final grade around the perimeter, <u>maximum.</u>	19 feet above existing grade with a flat, vegetated roof, <u>complies.</u>  Various heights around the perimeter under 27 feet, <u>complies</u>
Parking	Two parking spaces are required.	2 interior spaces, <u>complies</u>
Roof Pitch	7:12 to 12:12, or a “green” roof	New roof is flat, vegetated, green roof, <u>complies</u>
Number of stories	3 maximum	Two existing and proposed, <u>complies</u>
Final grade	No more than four feet from existing grade	<u>Complies</u>

Section 15-2.2-6 of the LMC provides for development on steep sloping lots in excess of one thousand square feet (1,000 s. ft.) within the HR-1 zoning district, subject to the following criteria:

**Criteria 1: Location of Development.** Development is located and designed to reduce visual and environmental impacts of the Structure. **No unmitigated impacts**

The proposed design consists of an addition to a single-family non-historic structure. The addition includes a two-car garage (none exists currently) and reconfiguration of the existing spaces creating a five bedroom home. The addition will match the existing house in materials, height, and scale. The minimum setback requirements for the HR-1 zone are met. The topography of the site varies in terms of steep slope percentages with rock retaining walls on the south side.

**Criteria 2: Visual Analysis.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the project. **No unmitigated impacts**

The proposed structure will not be viewed from the key vantage points as indicated in the LMC. The applicant has submitted a photo montage inserting the proposed addition onto the existing house with the house to the north and south included. Past the house to the south (16 Sampson) is a vacant lot.

**Criteria 3: Access.** Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. **Common**

driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible. **No unmitigated impacts**

The proposed design incorporates a single driveway to both 201 Norfolk and 16 Sampson on the south side of 201 Norfolk. The driveway to 201 Norfolk is nearly flat as Sampson rises steeply to the south and the driveway is at the southern extent of the lot for 201 Norfolk. The garage for 201 Norfolk will be accessed from the side.

**Criteria 4: Terracing.** The project may include terraced retaining Structures if necessary to regain Natural Grade. **No unmitigated impacts**

Limited retaining is necessary as the rear of the house retains grade. A single retaining wall extends from the southwest corner of the garage of 201 Norfolk and curves around a planting area becoming the east side of the stairs into 16 Sampson. The driveway entrance from Sampson is situated to provide near level access to the garage of 201 Norfolk.

**Criteria 5: Building Location.** Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard. **No unmitigated impacts**

The addition is on a portion of the lot that has several retaining walls that were constructed with remodel of the building. The construction of the rear building wall will retain grade. The grade at the front of the addition will be undisturbed. Access is shared with 16 Sampson to the south minimizing the amount of hard surface for driveways. Utilities are already installed for the existing building.

**Criteria 6: Building Form and Scale.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts**

The building addition is parallel to the existing contours. It is two stories with a flat, vegetated roof that is lower than the existing roof. The front façade of the addition steps back from the existing building face. The garage door faces south and is not visible from a direct view of the house.

**Criteria 7: Setbacks.** The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints,

proposed Building scale, and Setbacks on adjacent Structures. **No unmitigated impacts**

The minimum front setback for this lot is ten feet (10') along both Norfolk and Sampson. The foundation wall is close to the setback at two corners then steps away. The rear setback is also ten feet (10'). The rear property line is overlapped by 16 Sampson and 205 Norfolk with no common corner for all three properties. No wall effect is created at either the front or the rear.

**Criteria 8: Dwelling Volume.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts**

The design is generally compatible with the volume of the contemporary single-family homes in the area. If approved, a house of 4,286 square feet including the garage and existing house will be created. The total footprint will be 2,165 square feet. The addition and the existing house are both two stories. The historic house directly to the south (16 Sampson being reviewed concurrently) is proposed to be remodeled and added on to creating an overall house size of 4,006 feet.

**Criteria 9: Building Height (Steep Slope).** The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **No unmitigated impacts**

The proposed addition is 19' and incorporates a flat green, planted roof meeting the twenty-seven feet (27') maximum building height requirement measured from existing grade and from final grade around the perimeter.

**Process**

The approval of this application constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed. Approval of the Historic Design Guideline compliance is noticed separately and required prior to issuance of any building permits.

**Department Review**

This project has gone through an interdepartmental review. Issues that were brought up at that time have been addressed with revised plans or conditions of approval.

**Notice**

The property was posted and notice was mailed to the one property owner within 300 feet. Legal notice was also put in the Park Record.

### **Public Input**

No public input has been received at the time of this report. A neighbor, Gary Bush, commented during the public input at the original hearings.

### **Alternatives**

- The Planning Commission may approve the extension to the Conditional Use Permit as conditioned or amended, or
- The Planning Commission may deny the extension to the Conditional Use Permit and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion on the extension to the Conditional Use Permit and provide specific direction to the applicant and staff.

### **Significant Impacts**

There are no significant fiscal or environmental impacts to the City from this application.

### **Consequences of not taking the Suggested Recommendation**

The Conditional Use Permit would expire and the addition could not be built without going through the CUP process again.

### **Recommendation**

Staff recommends that the Planning Commission review the request for an extension of the Steep Slope Conditional Use Permit (CUP) at 201 Norfolk Avenue as a Consent Agenda item. Staff has prepared the following findings of fact, conclusions of law, and conditions of approval for the Commission's consideration:

#### **Findings of Fact:**

1. The property is located at 201 Norfolk Avenue within the Historic Residential (HR-1) zoning district.
2. The existing building started as a duplex built circa 1970's. In 2000, the 201 Norfolk Avenue subdivision was approved and recorded. The subdivision created two lots, one for the duplex and the second for a new building located at 205 Norfolk. In 2002, the duplex was rehabilitated and converted into a single family dwelling at the same time as the construction of the adjacent (to the north) 205 Norfolk Avenue by a previous owner.
3. The existing house at 201 Norfolk is approximately 2,310 square feet.
4. The First Amended 201 Norfolk Avenue subdivision was approved in 2007 which included the adjacent (to the south) 16 Sampson Avenue. The First Amended 201 Norfolk Avenue subdivision made the 201 Norfolk property larger in order to create a garage to the south with shared access with 16 Sampson.
5. This lot is adjacent to the HRL zone and is characterized by several historic residential structures and mostly larger contemporary houses on larger lots.
6. Access to the property is from a shared driveway with 16 Sampson Avenue.
7. Under the current LMC, the minimum front yard setback for lots of this size is 10 feet.
8. Under the current LMC, the minimum rear yard setback is 10 feet.

9. Under the current LMC, the minimum side yard setback is 5 feet for this lot, with a total of 19 feet.
10. Under the current LMC, the maximum building height in the HR-1 zone is 27 feet. No height exceptions are allowed.
11. The maximum number of stories allowed is three stories.
12. The roof pitch in the HR-1 zone is required to be a minimum of 7:12, unless the roof is a flat vegetated roof.
13. The addition is two stories with a flat, vegetated roof under the 27-foot height requirement.
14. The applicant is proposing two parking spaces within a double car garage with a shared access driveway with 16 Sampson. The garage doors face away from the street.
15. The maximum footprint for the lot is 2,168 square feet, subject to Steep Slope CUP review by the Planning Commission. The proposed footprint is 2,165 square feet with the addition.
16. The Planning Commission approved a Steep Slope Conditional Use Permit on May 27, 2009. The CUP is valid for one year unless a building permit or an extension is granted.
17. An application for extension of approval was received on March 31, 2010.
18. The findings in the Analysis section of this report are incorporated herein.

#### Conclusions of Law:

1. The CUP and extension, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B) and 15-1-10(G).
2. The CUP extension, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.
5. No change in circumstance that would result in an unmitigated impact has been found.

#### Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. A final landscape plan shall be submitted for review and approval by the City Landscape Architect, prior to building permit issuance.
5. No building permits shall be issued for this project unless and until the design of the addition is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the Historic District Design Guidelines.
6. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and

U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges.

7. Prior to the issue of a building permit the applicant shall submit a detailed shoring plan with calculations that have been prepared, stamped, and signed by a licensed structural engineer if required by the Building Department.
8. This approval will expire on May 27, 2011, if an application for a building permit has not been submitted prior to this date.
9. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission.

**Exhibits**

Exhibit A – Site Plan, Floor Plans and Elevations

Exhibit B – Streetscape

**SURVEYOR'S CERTIFICATE**

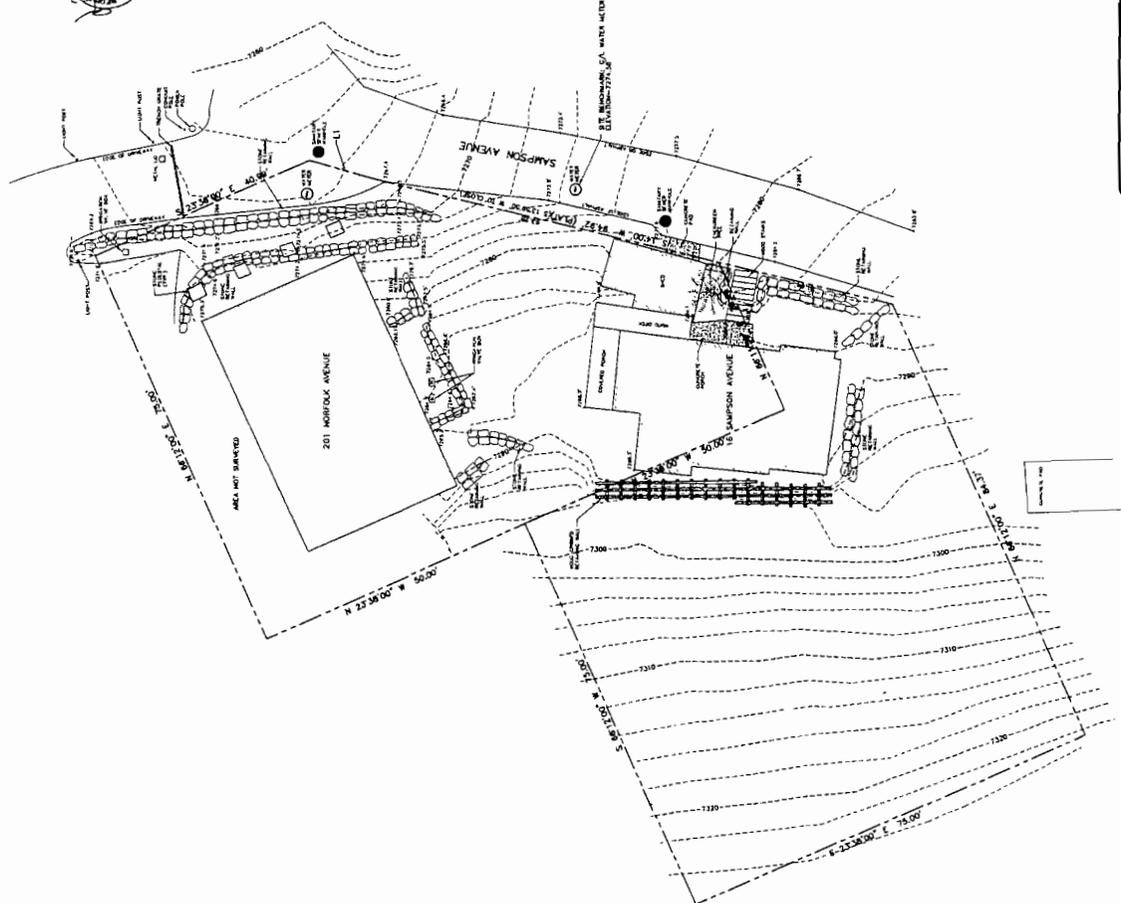
I, John Dembecki, do hereby certify that I am a registered land surveyor in the State of Virginia, License No. 11196. This map has been made under my direction of the lands shown and described hereon, and that the same is a true and correct representation of the land surveyed at the time the field work was completed in accordance with generally accepted industry standards for accuracy.



**NOTES**

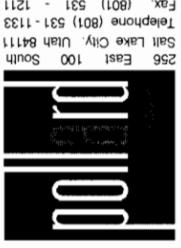
1. Site Benchmark: Meter Meter, Elevation=7274.52
2. The architect is responsible for verifying boring setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on July 29, 2008
4. Property corners were not set.

LINE	BEARING	DISTANCE
1	N 15° 14' 00" E	11.95



	STAFF: MARSHALL KING JAMES HARRIS STEVE SCHUELER BRYAN SCHMIDT DATE: 8/17/08	TOPOGRAPHIC SURVEY 16 SAMPSON/201 NORFOLK AVENUE BLOCK 78, LOTS 14-16, 44-46 FOR: POLLARD+PARTNERS ARCHITECTS JOB NO.: P-7-08 FILE: S:\Projects\p7\Map\1\topo\201\080728.dwg	SHEET 1 OF 1
	POLYGRAPHIC ENGINEERS, LAND PLANNERS, SURVEYORS 10000 FARM ROAD, SUITE 100, FARMERSVILLE, VA 22434 TEL: 540-821-1100 FAX: 540-821-1101 WWW.POLYGRAPHIC.COM		

10/25/2008



256 East 100 South  
 Salt Lake City, Utah 84111  
 Telephone (801) 531-1133  
 Fax (801) 531-1211

SEAL \_\_\_\_\_  
 NAME \_\_\_\_\_  
 REGISTRATION NO. \_\_\_\_\_  
 DATE PUBLISHED \_\_\_\_\_

PROJECT: 201 Norfolk Residence  
 Park City, Utah

# 201 Norfolk Residence

REVISION	DATE
A GENERAL	04/28/09

PROJECT NO. \_\_\_\_\_  
 DATE: 04/28/09  
 SHEET \_\_\_\_\_

LOWER LEVEL FLOOR PLAN  
 A-101 of

**BUILDING AREAS**

**BUILDING FOOTPRINT:**  
 TOTAL LOT SIZE: 6,115 SQUARE FEET  
 MAXIMUM BUILDING FOOTPRINT: 2,168 SQUARE FEET  
 PROPOSED BUILDING FOOTPRINT: 2,165 SQUARE FEET

**BUILDING SQUARE FOOTAGE:**

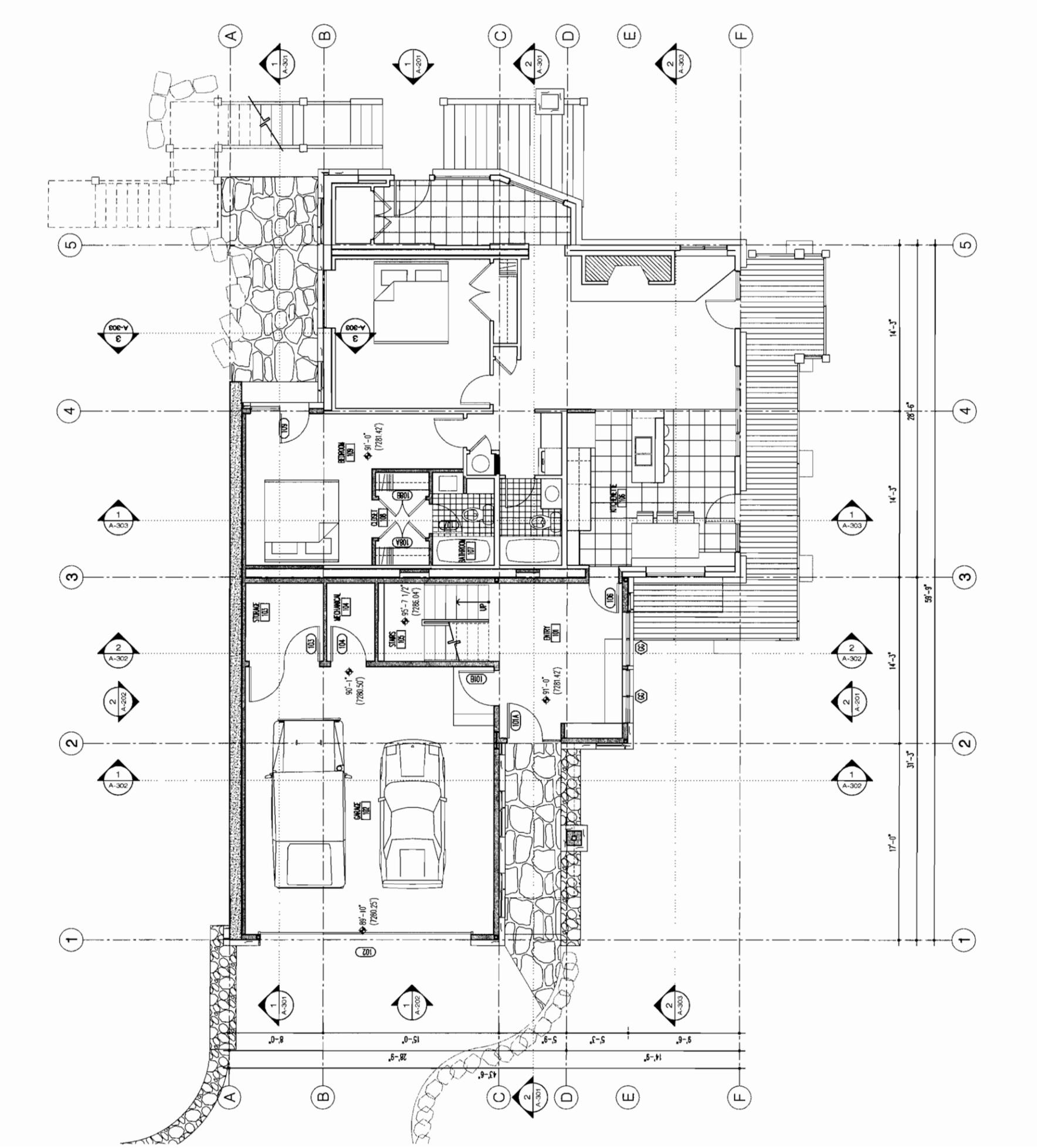
LEVEL	EXISTING	ADDITION	TOTAL
LOWER LEVEL	1,133 SQUARE FEET	546 SQUARE FEET	1,679 SQUARE FEET
UPPER LEVEL	1,177 SQUARE FEET	888 SQUARE FEET	2,065 SQUARE FEET
<b>BUILDING TOTAL</b>	<b>4,286 SQUARE FEET</b>	<b>1,434 SQUARE FEET</b>	<b>5,720 SQUARE FEET</b>

**LIMITS OF DISTURBANCE (LOD):**  
 XXXX SQUARE FEET

**KEYED NOTES**

XXX

**GENERAL NOTES**



1 LOWER LEVEL FLOOR PLAN  
 A-101 SCALE: 1/4" = 1'-0"

N

SEAL \_\_\_\_\_  
SIGNATURE \_\_\_\_\_  
NAME \_\_\_\_\_  
REGISTRATION NO. \_\_\_\_\_  
DATE \_\_\_\_\_

PROJECT: 201 Norfolk Residence  
Park City, Utah

# 201 Norfolk Residence

## 201 Norfolk Residence

### Park City, Utah

REVISION	DATE
GENERAL	04/28/09

PROJECT NO. \_\_\_\_\_  
DATE: 04/28/09  
SHEET \_\_\_\_\_

UPPER LEVEL  
FLOOR PLAN

# A-102

of \_\_\_\_\_

### BUILDING AREAS

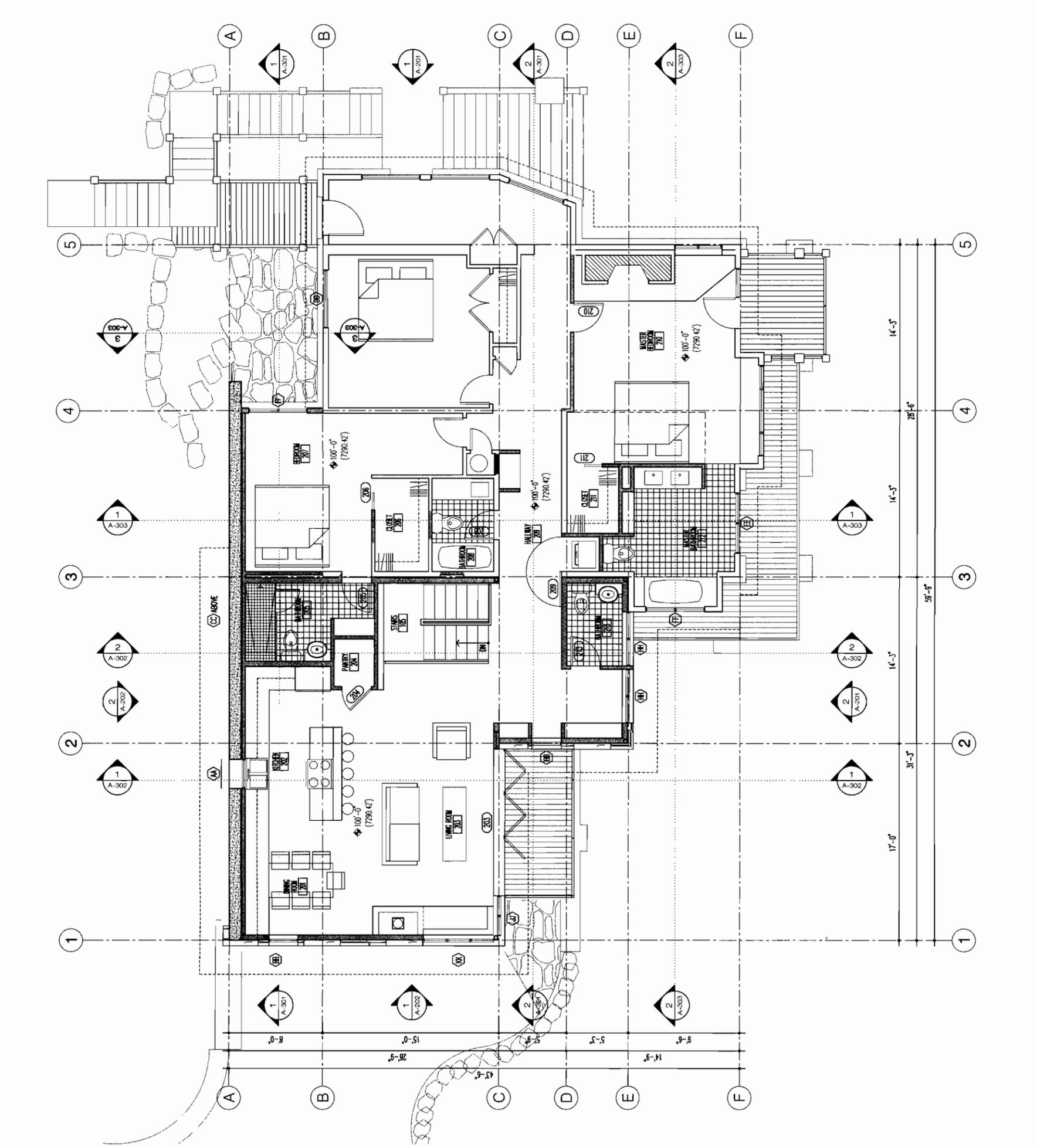
DESCRIPTION	EXISTING	ADDITION	TOTAL
TOTAL LOT SIZE:	6,115 SQUARE FEET		
MAXIMUM BUILDING FOOTPRINT:	2,168 SQUARE FEET		
PROPOSED BUILDING FOOTPRINT:	2,165 SQUARE FEET		
<b>LOWER LEVEL:</b>			
EXISTING:	1,133 SQUARE FEET		
CARPACE:	546 SQUARE FEET		
ADDITION:	442 SQUARE FEET		
TOTAL:	2,121 SQUARE FEET		
<b>UPPER LEVEL:</b>			
EXISTING:	1,177 SQUARE FEET		
ADDITION:	988 SQUARE FEET		
TOTAL:	2,165 SQUARE FEET		
<b>BUILDING TOTAL:</b>			
EXISTING:	4,206 SQUARE FEET		
ADDITION:	3,XXX SQUARE FEET		
TOTAL:	7,XXX SQUARE FEET		

LIMITS OF DISTURBANCE (LOD):  
XXX

### KEYED NOTES

XXX

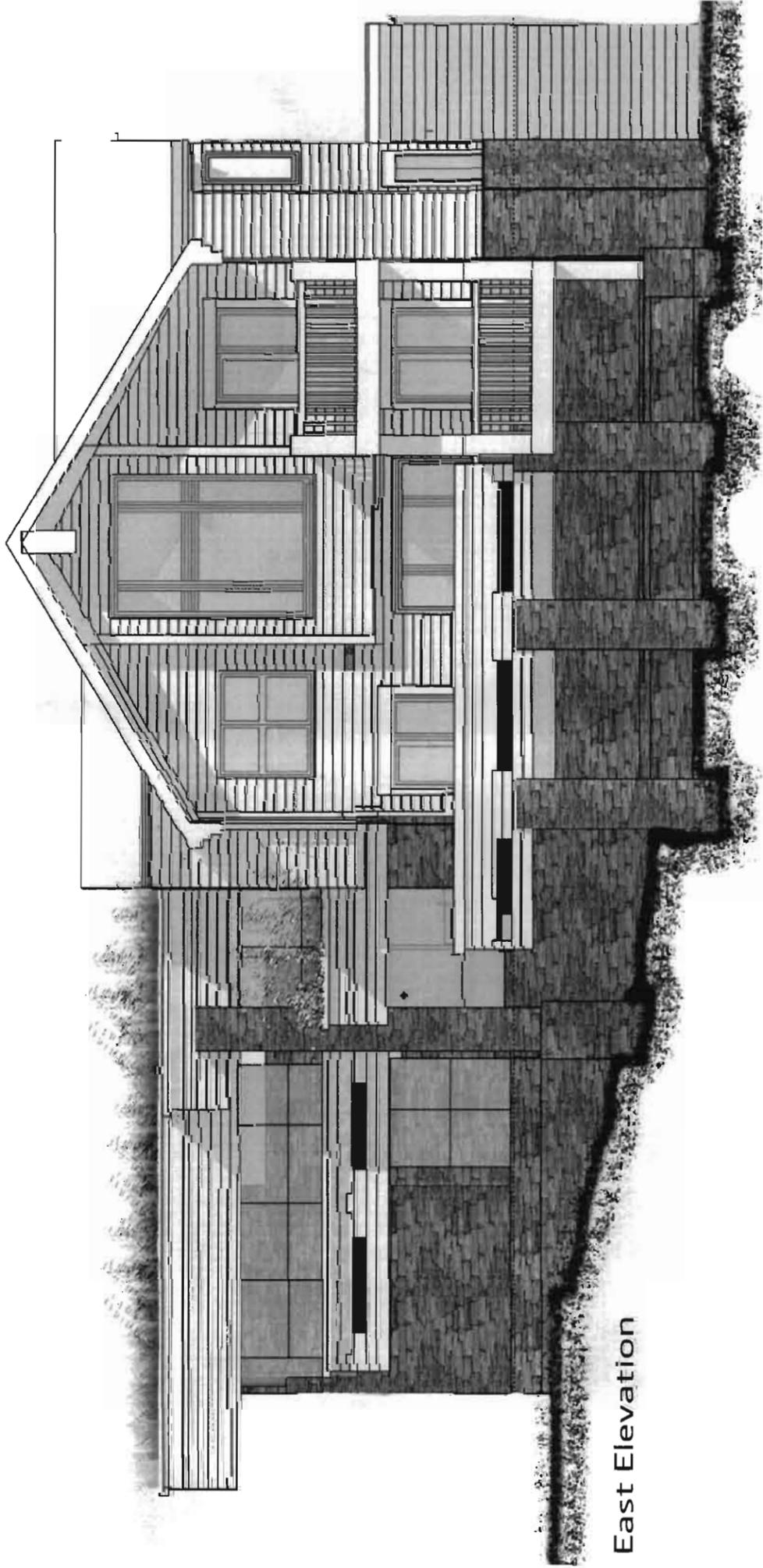
### GENERAL NOTES



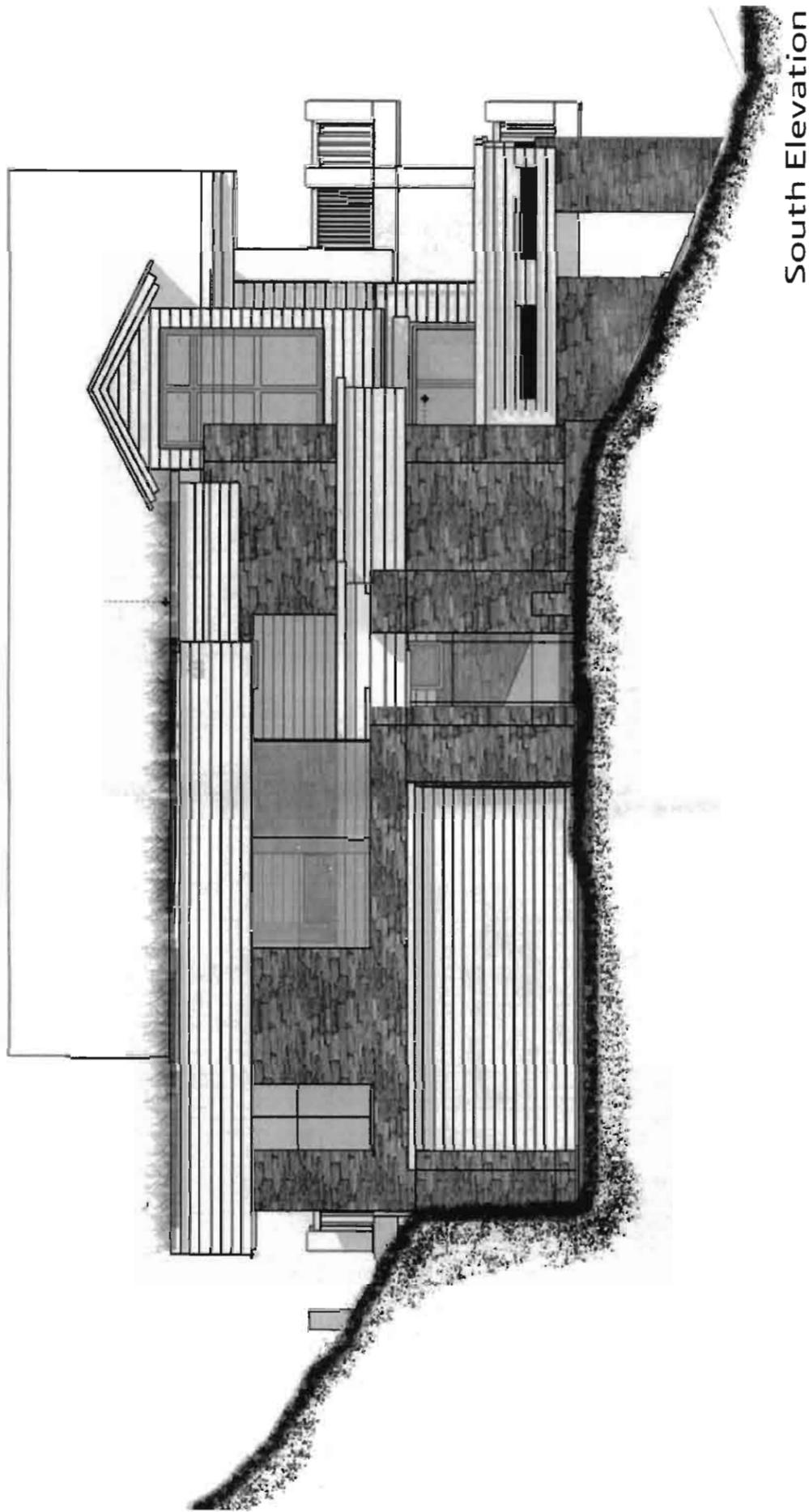
UPPER LEVEL FLOOR PLAN

# A-102

SCALE: 1/4" = 1'-0"

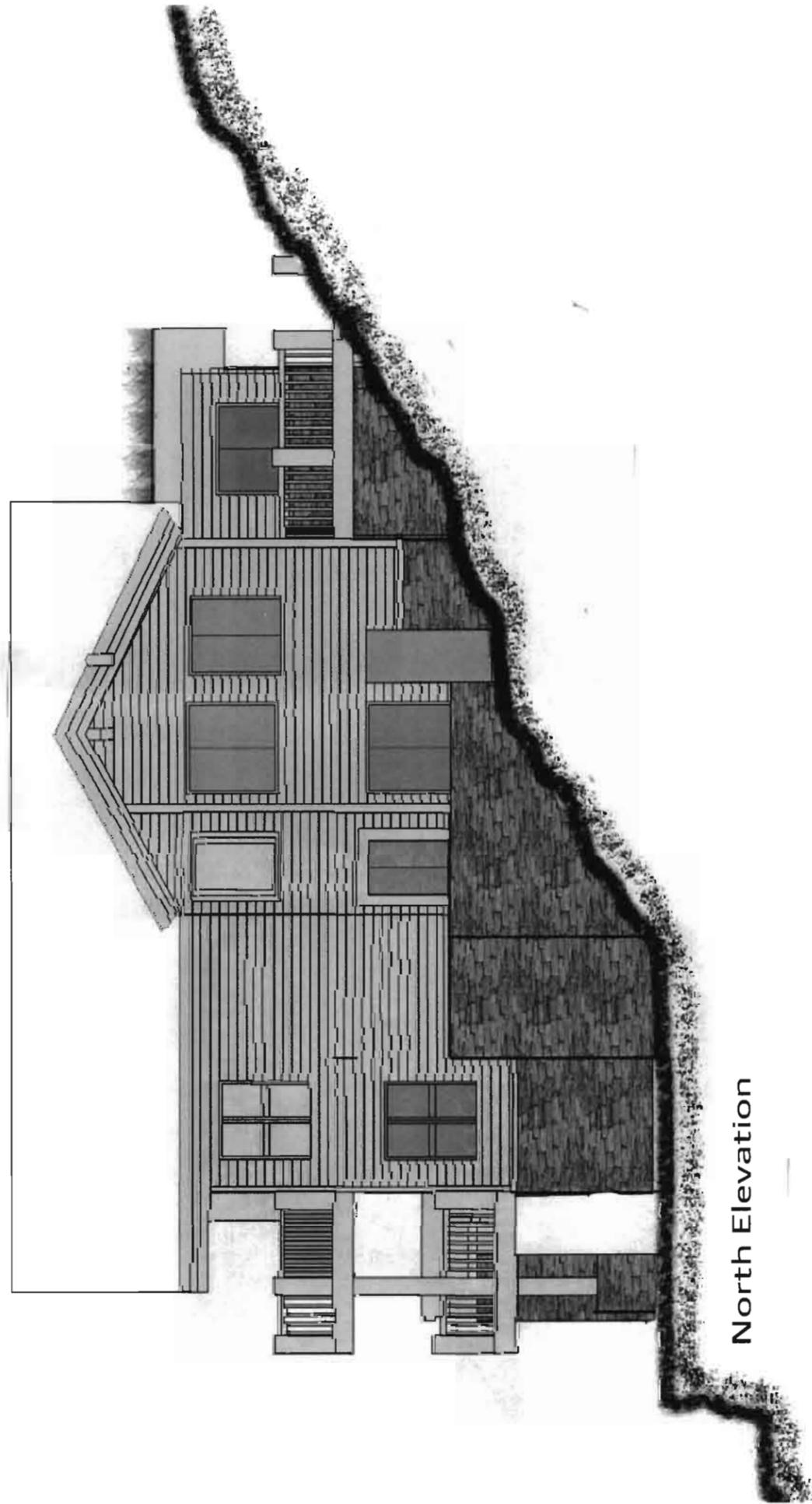


East Elevation

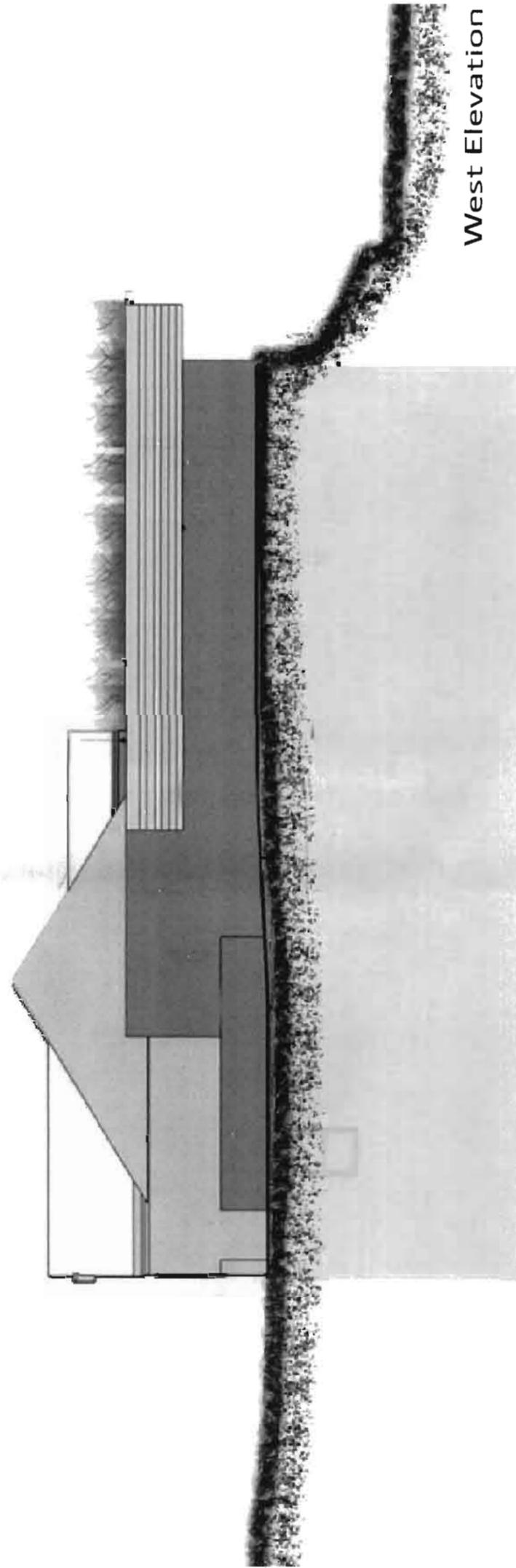


South Elevation

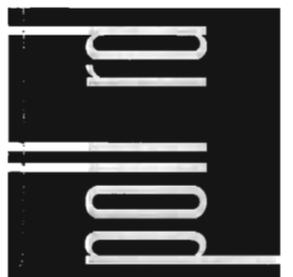


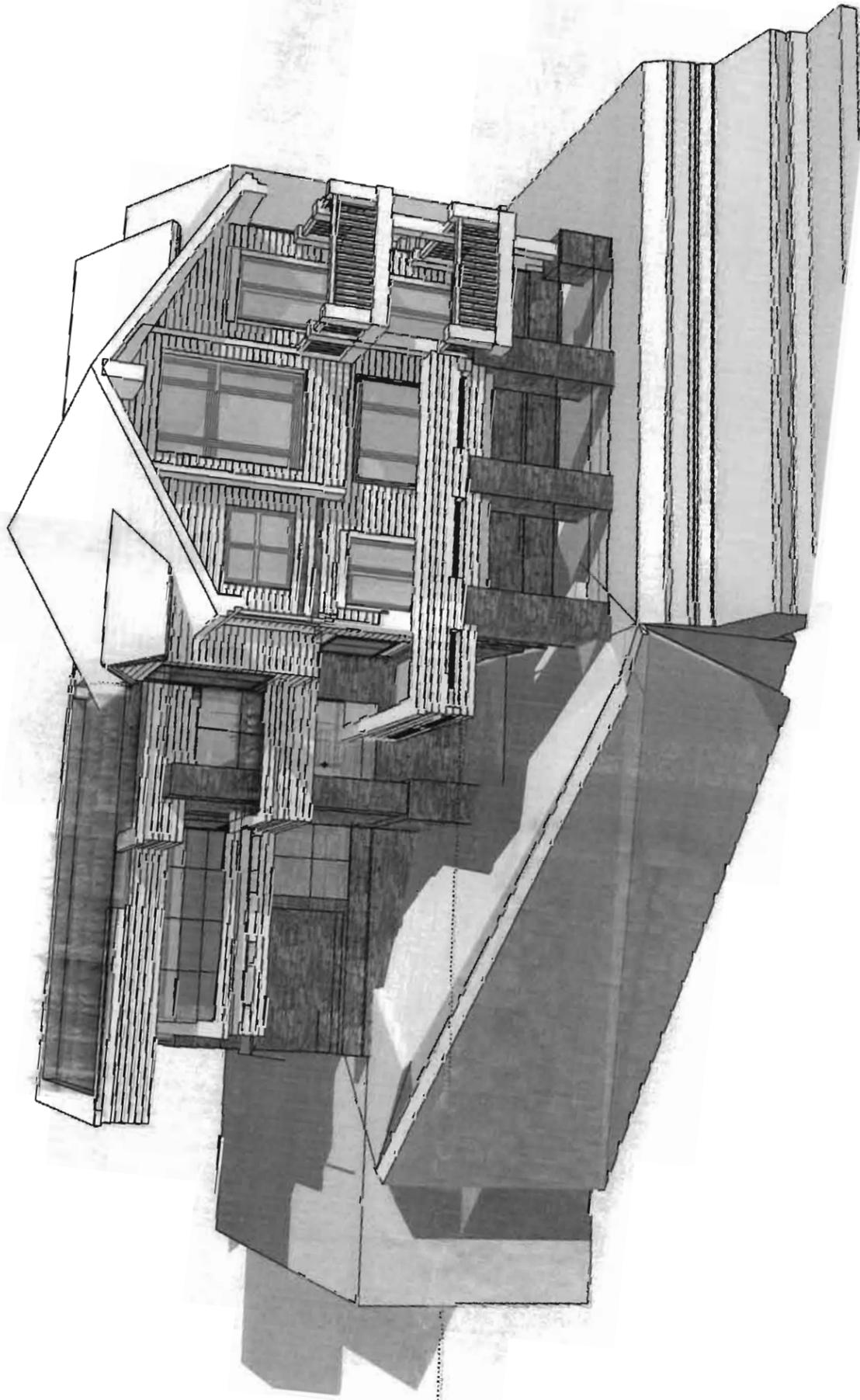


North Elevation

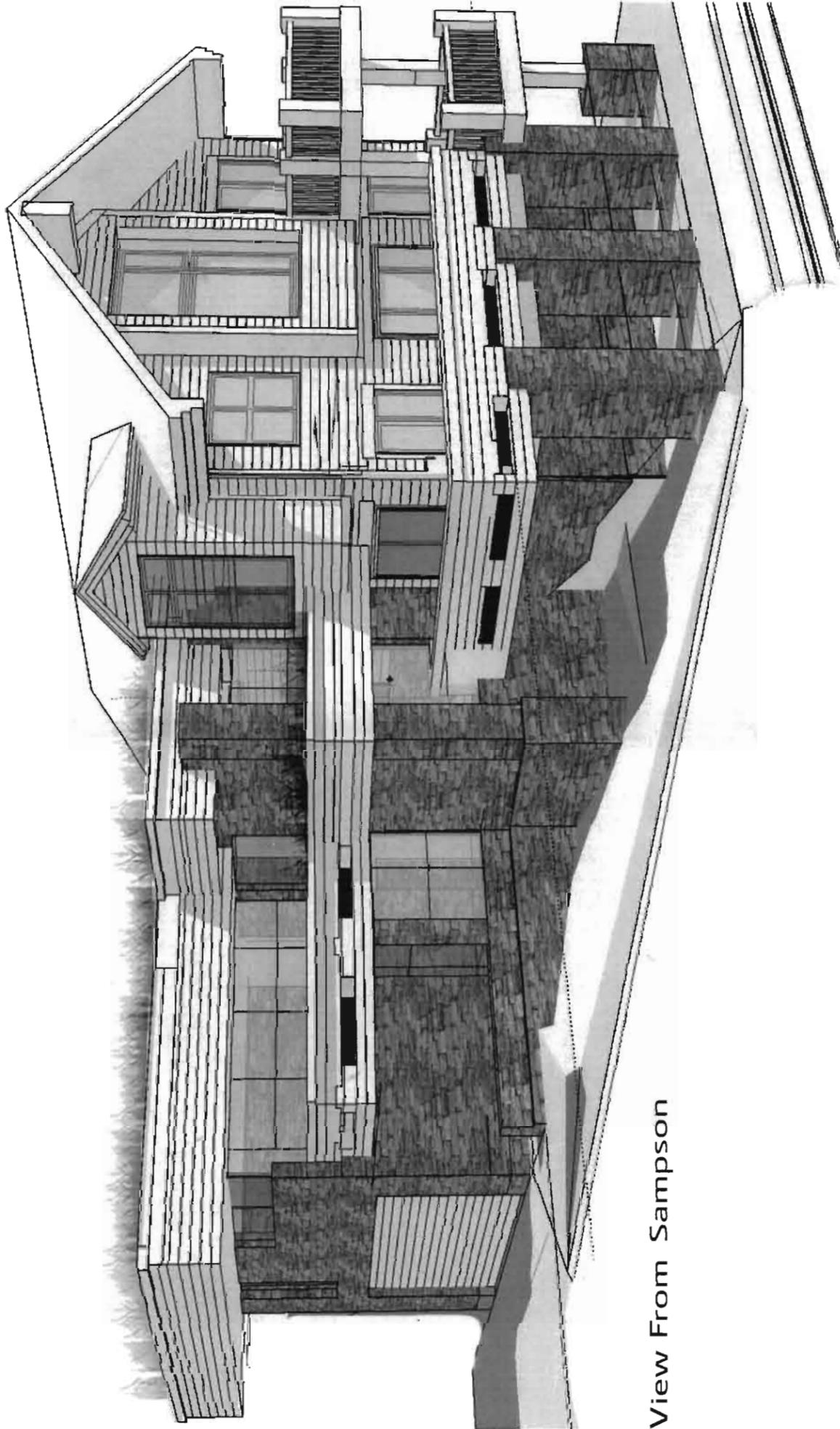


West Elevation

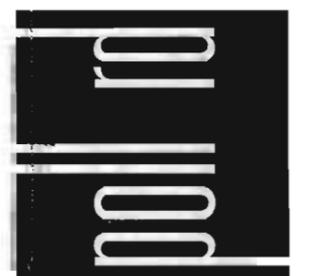




View Above



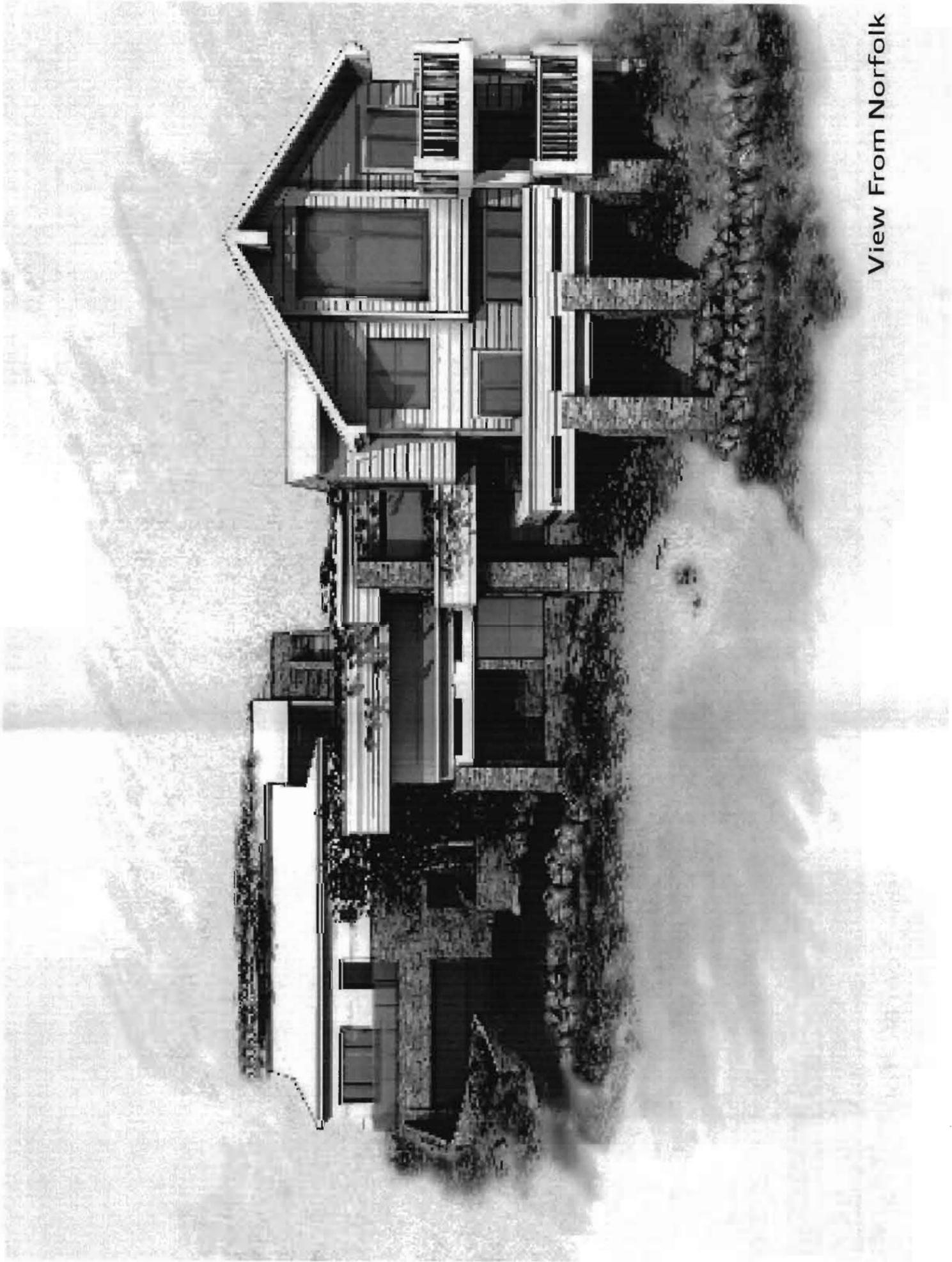
View From Sampson





View From Norfolk





View From Norfolk

