

MINUTES

SNYDERVILLE BASIN PLANNING COMMISSION

REGULAR MEETING
TUESDAY, JULY 26, 2016
Sheldon Richins Building (Library)
1885 West Ute Boulevard,
Park City, UT

COMMISSIONERS PRESENT:

Bea Peck, *Chair*
Colin DeFord

Mike Franklin
Canice Harte

Regrets: Julia Collins, Greg Lawson, Chuck Klingenstein

STAFF PRESENT:

Peter Barnes– *Planning and Zoning Administrator* Jami Brackin– *Deputy County Attorney*
Amir Caus- *County Planner* Jennifer Strader- *Senior Planner*
Ray Milliner- *Principal Planner* Tiffanie Northrup-Robinson- *Senior Planner*
Patrick Putt– *Community Development Director* Kathy Lewis– *Secretary*

The regular meeting of the Snyderville Basin Planning Commission was called to order at 6:00 PM.

6:00 P.M. WORK SESSION

1. **Review draft Helicopter Ordinance – *Patrick Putt, Community Development Director***

Community Development Director Pat Putt said that in March of this year, the County Council adopted a temporary zoning ordinance (TZO) that dealt with helicopter uses. He explained that a TZO is a temporary 6-month set of regulations that will allow the County a sufficient amount of time to develop a permanent ordinance for the Commission's consideration. If a set of regulations replacing the TZO is not put into effect by September 9, 2016 the TZO lapses. The Code that existed before the TZO was put into place is reinstated.

Director Putt said that where this all started was with this past year's Sundance Film Festival. There was a situation of a helicopter transit service landing in various

locations throughout the Basin without permitting. The County is trying to fix this problem and consider other helicopter uses that could occur.

Director Putt said since March, a subcommittee has been meeting. The group consisted of experts and users. Those on the subcommittee were himself, Peter Barnes, Dave Thomas, Robert Gilberg, Leslie Stern, Rusty Gasling, and Ray Syms. Director Putt said that Mr. Syms will give a primer to the Commission on helicopter vocabulary so they can discuss the draft ordinance.

Director Putt said that tonight's goal is to introduce the document and preview it with the Commission. The goal is to get this to the County Council the first part of September so they can review this and take possible action. Mr. Syms was then invited to give a brief review of heliports and helicopters.

Mr. Syms listed his background and credentials. He distributed a one-page document about himself. He said he is there to help the Commission understand heliports, some of the terminology, and to answer questions. He listed the agencies that oversee heliports and helicopters. Some of these are: the Federal Aviation Administration, the National Fire Protection Association, and several others.

Mr. Syms said proper heliport site selection is important. There are good and bad places. He explained there are some heliports that are rarely used and heliports that have frequent commercial operations. The noise factor increases significantly.

Mr. Syms said safety guidelines are used when selecting a heliport location. He described the safety area surrounding the landing/takeoff area and what the surface can be made of. Clear approach and departure paths are critical.

The Wind Cone is a necessity. If there are to be night operations, lighting is required. The National Transportation Safety Board (NTSB) has kept statistics of helicopter

accidents for the past 50 years. Of the 11,618 helicopter accidents on record, only 185 occurred at a heliport. Most of the accidents at heliports have to do with obstructions. These include fences, wires, trees, and various other items. The number of the general public that has been killed by an accident at an appropriately designed heliport is zero.

Mr. Syms said he attends a number of heliport hearings each year. The major concerns on the part of the public are centered on safety and sound. A slide was displayed to help the Commission better understand the amount of sound created by a helicopter. A table ranging from 50 to 90 decibels was displayed. The ambient noise of a helicopter was compared to things like a city center, a freeway, and an urban shopping center.

Mr. Syms said the noise created by a helicopter is not constant. It comes and then leaves. The sound fluctuates with the nearness of the helicopter. The entire event is normally about 20 seconds. The noise created by a helicopter is a transient sound.

Mr. Syms then compared the relevant sounds of a helicopter with chain saws, trains, and lawn mowers. He showed a graphic that demonstrated the decibels created when a helicopter flies over. He said the decibels increase with the size of the helicopters.

Mr. Syms said a different approach or takeoff pattern can be taken if the pilot wants to avoid flying over a house. Appropriately designed heliports with proper site selection will take into account the community impact.

When selecting a location, the first thing they look at is where the least community impact would be on the site. Mr. Syms stated that noise abatement guidelines are generally provided by helicopter manufacturers. He asked if the Commission had any questions. At this point, they had none.

Director Putt said when he first looked at this situation he thought it might be appropriate to establish a location for a heliport. He has since learned that in addition

to heliports, helicopters can land and takeoff from different places for various reasons. The problem is more complicated than first understood.

Director Putt said the ordinance has taken into account the different activities associated with helicopters. The subcommittee has considered each of the activities and which should or should not be considered in the different zones. If they are going to be considered, what would be the process?

Director Putt displayed the Land Use Table with the draft helicopter ordinance added. The different categories of helicopter use were defined as: heliport, air taxis, and heli-skiing. He said that helicopters are also used in construction. The subcommittee wanted to make sure the Code would allow that use to continue.

Director Putt said private helicopter use would be addressed in the Code. It has been broken into two categories: regular or occasional use. Regular use would not be more than 10 trips a month and no more than four trips per day. The occasional use would be defined as not exceeding more than two trips per month.

Director Putt referred to the Use Table in the handout. He went through the different helicopter activities and how this activity would apply in the different zones and in which zone would the activity be conditional, low impact, or not permitted. He said that any use that isn't described, is not permitted. If a new use comes up, it would be reviewed.

Chair Peck asked if there is a reason why Emergency Helicopter services have not been listed. Director Putt said it is because they are exempt from these regulations.

Director Putt said that helicopter activity, approved through a special event permit, has not been added to the Use Chart. That doesn't mean these services would be exempt from the regulations. It means that the permitting process would be dealt with by the County Council. If an event (like the Olympics) were to come to Summit County,

helicopters would be subject to the regulations of the Code, but would be processed through the special event permit process.

Director Putt said performance standards have been established for both helicopter landing sites and heliports. At some point in the future, a heliport may be established in the Park City area. If that should occur, there will be some direction available. Director Putt said Staff would like to have a public hearing on August 23, 2016, to allow the public to react.

COMMISSION COMMENTS AND QUESTIONS

Chair Peck said the ordinance needs to state that emergency helicopters are exempt. The ordinance language was reviewed by **Chair Peck**, Attorney Brackin, and Director Putt. Some highlights of this review were:

- Wording changes were suggested such as “may” instead of “can.”
- In another section, “both” is mentioned and then three things are listed.
- Should it be spelled out how things are impacted in order to substantiate their findings? Attorney Brackin responded that after the public hearing, they can be more specific.
- **Chair Peck** said some of the heliport requirements language reads like guidelines, while other parts use the wording of “shall meet.” Mr. Syms said that following an inspection of a heliport, a letter of determination will be issued from the FAA. The FAA may have some recommendations that, to the Fire Marshall, would be mandatory. That is where the different levels of requirement may come into play. **Chair Peck** asked that the language be reviewed and tightened up.
- Mr. Syms said the FAA recommendations can be made mandatory by the Planning Commission if they choose.

- **Chair Peck** asked if the letters of agreement are different than the air space determinations. Mr. Syms said the letter of agreement is the FAA's way of making sure all pertinent entities know the others exist.
- **Chair Peck** asked who the other authorities are that regulate flight paths. Attorney Brackin said the authorities are the FAA and the NTSB. **Chair Peck** recommended these be listed.
- **Chair Peck** asked how the Commission would know what the noise abatement procedures are. Mr. Syms said it is an industry standard. Director Putt said this draft takes into account the County noise ordinance, which is 60 decibels. **Chair Peck** asked if that should be included. Mr. Syms said it should not because it would be very difficult to enforce. A lawnmower and a motorcycle are above 60 decibels.

Commissioner Franklin asked Mr. Syms to briefly explain FAA Regulation 157. Mr. Syms answered there are requirements stating that the FAA will receive notice when establishing a heliport, which triggers an airspace study. The notice consists of what is being done and where it is located.

Commissioner Franklin asked how it was determined to require 100 feet for takeoffs and landings? Mr. Syms said it was a judgment call that that would be a safe distance. **Commissioner Franklin** asked if it would be reasonable to increase that distance in certain instances. Mr. Syms said 200 feet would be reasonable; 500 feet would not.

Rusty Gasling added the 100-foot takeoff area helps to minimize the distance people have to walk in snow. The length of the fuel hose was also considered. Mr. Syms added that some factors to be considered when selecting a landing site are the trees and the noise. It is a matter of judgment.

Commissioner DeFord asked Director Putt to explain the circumstances that caused the reason for the TZO. He understands helicopters were landing by houses,

but do they know how far away they were landing? He wanted to be sure they are solving the original problem.

Director Putt said there were two separate operations. One was operating off Old Ranch Road, most likely on private property. He guesstimated that was probably within 200 feet of a residential structure. The other location was agricultural. The closest structure was probably a barn that was 300 feet away. **Commissioner DeFord** said this new ordinance would allow what was happening on Old Ranch Road to continue. Director Putt said that air taxis wouldn't be permitted in the Rural Residential (RR) or the Hillside Stewardship zones.

Commissioner DeFord asked Director Putt to describe the approval process. Director Putt said the activity would first be identified and then the Land Use Table would be referred to. An air taxi use would not be permitted on Old Ranch Road.

Commissioner DeFord asked Director Putt to bring back the criteria for the Conditional Use Permit. He asked Mr. Syms if the definition of "helicopter" is accurate. Mr. Syms said it is.

Commissioner DeFord asked Mr. Syms how the limited number of trips would be regulated. Mr. Syms answered the Commission may want to reference this in the ordinance so the maximum number of trips would not be exceeded.

Commissioner DeFord asked how the subcommittee decided on the permitted number of takeoffs and landings. Is there a standard number? Director Putt said the number was debated. He said feedback on that number will probably be offered during the public hearing.

Commissioner DeFord asked if someone who already has a helipad in their backyard would be grandfathered in. Attorney Brackin said most likely so, if the

helipad was approved under FAA regulations. If not, they would have to go through the permitting process. A legal non-conforming use could continue.

Commissioner DeFord asked for further explanation of the noise decibels. He said a graphic was displayed showing 75 decibels, but at what distance? Is that when it is flying overhead? Standing next to it? How much noise does a helicopter make when coming to a landing site?

Mr. Syms responded that as a rule of thumb, if you double or half the distance to the sound producer, the difference will be about 6 decibels, which is what the human ear can detect. If a helicopter normally comes in at 1,000 feet and instead it comes in at 1,500 feet, there would be a decrease of about 3 decibels. This would not be noticed by the human ear.

Commissioner DeFord said to him, a helicopter makes a different type of sound when it is flying overhead than when it is landing. Mr. Syms said helicopters make more sound on landing than they do when taking off. **Commissioner DeFord** said he would like to understand what the sound is for landing and takeoff. Is the 75 decibels when the helicopter is at 1,000 feet overhead?

Mr. Syms said that is why this would be a conditional use. If the adjacent land use isn't in conflict, it could be allowed. **Commissioner DeFord** responded that in the Snyderville Basin Development Code, the conditional use has a set of criteria. The criteria is either met or it is not, which is why he wants to see what those conditions are. If an applicant meets the criteria, they get the conditional use. Mr. Syms said that a conditional use requires notice to adjacent property owners. The neighbors would have an opportunity to make their concerns known. **Commissioner DeFord** responded they would need to show that the conditions couldn't be mitigated.

Commissioner DeFord asked if enforcement would take place through the normal venue. Director Putt said it would be. He said one of the questions that came up

was how can they monitor the number of trips in order to determine if the helicopter use would be regular or occasional. He said that all pilots are required to log their flights. It is possible to track the number of flights from someone's private property on a private aircraft.

Commissioner DeFord asked what would be the process to permit a temporary landing site. Where is the language that requires the Fire District be notified? Director Putt said both of these would be part of the permitting process.

Commissioner DeFord noted that the Planning Commission must approve a heliport. He asked if that would require a quorum to meet at the location. Attorney Brackin said that as part of their review, there would be a site visit. If the decision is made two weeks later, only those that had been to the site visit should vote.

Commissioner Harte asked if this ordinance would also apply to power paragliders. Director Putt said paragliders are not addressed in the ordinance. Perhaps in the future, the subcommittee should take this into consideration.

Commissioner Harte confirmed there are no current regulations against taking someone on a tour of the area in a paraglider. If they are trying to address commercial air space use in the County, they are omitting a few things. Mr. Syms said the FAA regulates paragliders, but if it lands in someone's back pasture, that would come under the jurisdiction of the Planning Commission.

Commissioner Franklin recommended that the checklist for a master event permit be provided at the next meeting. He would like to know the amount of traffic that would be generated. **Chair Peck** asked what the requirements are for a special event. Director Putt explained that in Summit County there is a special event license. In Park City, someone is required to obtain a master festival license. The only time these came together was for the 2002 Olympic Games.

Director Putt said the subcommittee didn't want to focus solely on the Sundance Film Festival. There could be other big events, like a world cup, that would require helicopter use. The County Council can choose what to include as part of the permit.

Chair Peck asked Director Putt what is the problem that they are trying to solve. Director Putt said they are trying to get in front of the possible change in the way they move about the County. He doesn't believe that as a result of this ordinance there will be a helicopter on everyone's property.

Director Putt said that currently there are events, such as the Sundance Film Festival, that could include air taxis. This past January seemed to be an indication of things to come. He would like to get in front of these issues and protect the health and safety of both the residents and those who use this mode of transportation.

Chair Peck asked if air taxis should be allowed in all zones. Director Putt said the Commission could elect to allow this in any zone. They will help to make that decision and then will make a recommendation to the County Council. Director Putt said the subcommittee heard strongly from the community that an air taxi service would not be embraced by those living in a residential area, such as the RR and HS zones. He thinks they will try to strike a balance so they are not inviting these services to take place in those zones.

Director Putt said if someone had a lot of acreage in one of these zones and they wanted to land or take off a couple of times a month, the question would be if that is appropriate. He said they are looking forward for the public to give input on this. If it is allowed, conditions would need to be identified.

Director Putt said because they have received input from various sources, it is a far better draft ordinance than if they had not. A lot of expertise has been brought to

the table. They hope that the Public Hearing will help to filter out unfounded fear from legitimate concerns about health and safety.

Commissioner Franklin congratulated those who worked on the ordinance for creating a good document. **Commissioner DeFord** thanked Mr. Syms for sharing his expertise.

REGULAR SESSION

1. General Public Input

The general public input session was opened. There were no comments made and the public input session was closed.

2. *****This item has been moved to the August 9, 2016 meeting.*****
Public hearing and possible action regarding a Low Impact Permit for a 415 foot long extension to the existing Hiltrac Life in Phase 4E of the Colony Development: Kristian Mulholland, applicant – *Amir Caus, County Planner*

WORK SESSION

1. *****This item has been moved to the August 9, 2016 meeting.*****
Annual review of the Colony Hiltrac Lift Low Impact Permit – Amir Caus, County Planner
2. **Preliminary review** of the Woodward/Gorgoza Conditional Use Permit – *Ray Milliner, Principal Planner*

Administrator Peter Barnes said he is filling in for Ray Milliner. He said this proposal has been in the public eye for several weeks. Staff felt it was important for this to come to the Planning Commission. He introduced the applicant, Michael Barille, who is the project manager. Mr. Barille introduced others of his group, although they did not speak. He said the facility is proposed be constructed on a 126 acre parcel in the Hillside Stewardship zone. It would be integrated with the existing facility.

Mr. Barille said they would like to introduce the project to the Planning Commission and tell them about the steps they have done to get ready for this application. He said they chose to have an open house about the project. Invited to the open house were the residents of Jeremy Ranch, Pinebrook, and the area surrounding the project.

Mr. Barille said this is a facility they are excited to bring to the area. It will provide a safe way of teaching some of the sports that many of the kids in this area want to participate in. The Park City area has great venues for showcasing skills, but not the best and safest way to learn these skills. Site design, architecture, parking, trip generation, and employee generation, among other things, have been taken into consideration.

Mr. Barille said the question may be asked, "What is Woodward and what do they mean by 'action sports'?" He said that what they are proposing would be a facility to safely learn the following sports: skiing, snowboarding, skateboarding, BMX biking, gymnastics, parkour, digital media, cheerleading, graphic arts, and music.

The idea at Woodward is that an athlete doesn't progress from one level to another until they have learned the level before it. They don't progress to a hard surface until the skill has been perfected on a soft surface.

Mr. Barille said that Woodward usually does not separate the individual sports. They are combined so the athletes can learn from one another. For example, a gymnast may help a snowboarder learn about aerial awareness.

Mr. Barille said they want to be upfront with the Commission about the issues that have been identified. In this zone the permitted height is 32 feet. Their structure will be taller than that; therefore, they will be applying for a special exception. He said during the presentation the reason for this will be explained.

Chair Peck asked Attorney Brackin why this would need to go before the County Council. Attorney Brackin said a special exception is asking the legislative body that created the law to exempt them from the law. Only they can grant the exception.

A vicinity map was shown that demonstrated the outline of the property boundary. It showed the Jeremy Ranch area and the existing parking. Mr. Barille gave a history on the operations that are currently on the site.

Mr. Barille said the current business can have up to 1,000 visitors a day and more on the weekend. It was realized that a lot of the activities that are proposed for this facility are the same as what has been approved for the SPA. A discussion was held with Staff about if an extension of the SPA agreement should be sought, but they were guided towards the condition use process (CUP).

Mr. Barille said the main building would have three large training sections. Outside the building, an outdoor plaza would be used for gatherings and demonstrations. The existing parking area would be expanded. He said there would be ski runs, free-style runs, lifts, and other winter sports terrains. He explained they don't see this as another ski resort, but an area to learn new skills. In the future they would like camper cabins for those who are there at weeklong camps. These would serve as seasonal housing during the winter.

The site plans were shown. There is a summer and a winter version. He described the activities that would take place during the summer and then during the winter months. Mr. Barille said the total size of the structure would be ~52,000 square feet and the footprint would be ~48,000 square feet.

Different renderings of the structure were shown. Mr. Barille described the look of the building. A video was shown that was taken at a Woodward facility at Tahoe. A diagram showed the areas of the structure that would exceed the height limitation. Mr.

Barille said they have worked with Staff to address the issues that would be created by the stream and wetlands. He said the site constraints have contributed to the type of design that was chosen for this site.

Mr. Barille said that an employee study has taken place. They are looking at addressing the housing need. A trip generation study was completed. He said he expects to spend a good portion of a meeting going through the mechanics of these reports.

Mr. Barille said he would like to address the question of “Why locate this facility in Summit County?” He said that interest in action sports is growing. Park City is a natural choice for this type of facility. It has world-class terrain parks for both winter and summer sports. He said they want to receive input from the Commission on how they can be prepared to come back.

Director Putt explained the reasons why this application is coming to the Commission as a CUP rather than under the 1999 Gorgoza SPA. The first reason is that under the current Development Code, resort accessory structures over 5,000 square feet automatically trigger the CUP process.

Director Putt said if this is called an accessory use, then it is an accessory use to an existing SPA; however, any building over 10,000 square feet triggers the conditional use permit. He said the project is proposing at least one additional lift. A lift in the Hillside Stewardship zone requires a CUP. The CUP gives the public a chance to weigh in.

COMMISSION COMMENTS AND QUESTIONS

Commissioner DeFord asked the applicant what they would do if the special exception isn't granted. Mr. Barille said they don't have an alternative because the increased height is essential for what they are planning.

Commissioner DeFord referred to policy 2.3. How do they get around that? Director Putt said that policy 2.3 was never intended to prohibit an existing approved development from building. **Commissioner DeFord** requested that Staff look at this for when they come back.

Commissioner DeFord noted there are yurts that have been there for 15 years but they were supposed to have been gone in five. What happened? Mr. Barille said they want to bring this and other things into compliance.

Commissioner DeFord said the SPA vested some things. Are they consistent with that language? What expired when the SPA expired? Attorney Brackin said there is an analysis that identifies what carries over and what doesn't.

Commissioner DeFord requested they explore how onsite affordable housing could be achieved. He would like to understand the times of operation. What will be the traffic generation? He added there is also the sticky wicket of setbacks and what is and isn't considered a structure.

Commissioner DeFord cautioned the applicant to keep the signage on the renderings to be in line with the Sign Code. He asked if there are any windows facing the highway corridor. He wants to be sure there aren't distractions from the Interstate. Mr. Barille responded that they are working with Staff.

Commissioner DeFord said he looks forward to see the architectural design features to break up the massing of the building. He doesn't think the site design would allow a 53' television truck onsite. This might be something to think about. TV will be there.

Commissioner DeFord asked about the parking. He said they have a parking minimum, not a parking maximum. **Chair Peck** questioned if the parking requirements are subject to the old agreement. **Commissioner DeFord** recommended they work with Staff to figure out what is appropriate. Mr. Barille said they have been working

with Staff to make sure that parking is addressed adequately. The parking will incorporate some trailhead parking as well. He thinks a lot less parking will be used during summer than in winter.

Commissioner DeFord recommended they install updated lighting even though it is not required by the Code. He asked if they have considered installing solar panels. Mr. Barille said they are starting to look at the pieces of the construction design. They want to use sustainability practices, starting with good insulation.

Commissioner DeFord asked if there are homes that will look down on them. He was told there are. **Commissioner DeFord** said he was thinking about the reflectivity of the solar panels to these homes.

Commissioner DeFord requested to have better renderings. It is difficult to see and understand what is actually going on, such as if the tubing lanes are still there. How big is the half-pipe? He asked how the facility would work if someone is a local. Would it be time-based? Would there be a season pass? Mr. Barille said there would be both.

Commissioner Harte said this is a Work Session. He doesn't have to have all the answers to his questions. He said this makes a lot of sense.

Commissioner Harte said in lieu of the special exception, which may or may not be granted, they could dig out the ground 13 feet to reach the height they need. He thinks the height will be a key issue. Mr. Barille said the short answer is there are some major ground waters and a fault line in the area.

Commissioner Harte said he said he isn't sure what would be required for Affordable Housing. He wants to be sure this is treated the same as any other project. He would like Staff to flesh this out at the next meeting. He added that it would be good to have clarification on who owns what, as far as the trails in the area.

Commissioner Harte said the lighting needs to be carefully looked at so that it would not affect the neighboring residents. He asked what the building would look like from the Interstate. What would the lighting be like?

Commissioner Harte said the Commission will be looking hard at the traffic generation. He reads Policy 2.3 differently than the explanation given to **Commissioner DeFord**. An avenue to increase density was created in 2.3, but the intent was not to allow any new density until things were figured out. He would like Staff to explain this policy in greater detail when they come back.

Commissioner Harte said he would like a greater explanation of how the SPA affects this application. Has public transportation already been planned for or incorporated? This becomes key when taking traffic generation into account. Mr. Barille said they have come up with some ideas. They hope to extend the bus services. They have discussed having a bus pull-through. **Commissioner DeFord** said once the transit center goes in, there will probably be a realignment of bus routes.

Commissioner Harte said the County seems to be headed towards mixed-use developments. Is there a mixed-use application that could take place here? Mr. Barille asked **Commissioner Harte** to give more details about the mixed-use scenario.

Commissioner Harte said this is a Code they are working on, but there isn't anything specific at this point.

Commissioner Franklin said most of his concerns have been brought up. He had a couple of recommendations for the graphics. He would like a better view of what is going on in the east. One of the slides has a lot of information. He suggested that a couple of different overlays be added. Putting it on bigger paper would be helpful. There are several year-round streams in the area. These should be addressed.

Chair Peck asked what the typical age group is for these types of facilities. She was told it is between the ages of 7-24. She said this seems like an interesting project. Mr. Barille said he thinks a lot of these issues have been addressed and they will be better answered at the next meeting. He thanked the Commission for their time.

DRC UPDATES

(None)

COMMISSION ITEMS

Director Putt said he would like to give an update on the Skull Candy building project. He introduced Brandon Brady from the Engineering Department. He is here to answer questions that the Commission may have.

Director Putt said the Planning Commission and the County Manager approved a final site plan for the Skull Candy project with an associated grading plan. When construction began, the developer and builder approached the County Engineer with a request to expand the limit of grading disturbance. They are requesting to remove approximately 18,000 cubic yards of dirt off the site. Director Putt said he suggested this be brought to the Planning Commission for a discussion. They are not asking for the Commission to take action, but they are looking for input.

Director Putt distributed a memo from the Boyer Company explaining the circumstances. He introduced Ben Hawkins, who is there to answer questions.

Commissioner DeFord noted the amount of digging already taking place. He asked if this is like asking for forgiveness. Mr. Hawkins said there has yet to be digging in the area they are talking about.

Commissioner DeFord asked if they have dug further down than planned in the area they are working on. Mr. Hawkins agreed that they have, but this will be filled. He is not certain why this was done.

Mr. Hawkins explained that a geo-tech report indicated they should expect to have 10-12 feet of undocumented fill. He said that instead of 10-12 feet, it will be more like 28-30 feet. The fill needs to be blended with other materials to ensure it is suitable for putting back in. The 18,000 cubic foot number is very high. He expects it to be lower. He said they are crushing onsite to blend with the dirt to make it suitable to use. Several comments were made that this is a lot deeper. It is three stories.

Commissioner DeFord asked for more details about what they are trying to accomplish. Director Putt said the material that is being dug out in the construction of the building is unengineered fill. In order to get to the soil condition that would be appropriate to put the footers in, they need to remove additional material from the hole.

Commissioner DeFord asked if this has anything to do with mine tailings from long ago. Mr. Hawkins said he isn't aware of any mine tailings. Attorney Brackin said to the best of her knowledge this is not an area of concern to the EPA. Mr. Hawkins said they need to dig down to the bedrock, but are having to dig a lot deeper than expected.

Director Putt explained that a substantial amount of dirt is going to come out of the hole. There are basically two options. The first is to have it hauled offsite. Using the worse-case scenario, 18,000 cubic yards will translate to over 1,000 truckloads. He added that he isn't advocating for Boyer. He is just establishing the facts. This will create impacts to the County roads and on the traffic.

The other alternative is to consider storing the dirt onsite. He pointed to the exhibit that the Boyer Company provided to show where it would be placed. It would be used to fill a hole which could then be used for temporary event parking. **Commissioner Harte** asked what would happen when a building is built at this site.

Mr. Hawkins answered his crew will take the larger rocks and crush and blend it with what they are excavating out. It would be placed where future parking is planned and could be used to support parking.

Chair Peck asked if it is hauled offsite, where it would go in the County. Attorney Brackin said there are assorted options. There are people who will buy it to mix with other materials. Builders may want it. Mr. Hawkins pointed out that if it takes 1,000 trucks to remove the dirt, it will take another 1,000 trucks to bring in the needed fill dirt to fill up the space.

Commissioner Harte asked who will make this decision. Will it be the County Engineer, Gary Horton? Director Putt said that would be the case. The Commission asked to hear from Engineer Brady.

Engineer Brady said that the County Engineer is the one over this project, but was unable to attend this meeting. Some of his concerns are the same that the Commission has expressed. If the dirt is placed at a different location, will the next builders have to move it somewhere else? If that is the case, eventually it would have to be trucked off site anyway. If they are going to use the dirt in another location, that might work if they revegetate the area of disturbance. He said the Sasaki report estimates the entire Tech Park will require a net cut of 1,300 cubic yards. That means there will still be more dirt that has to be taken off.

Chair Peck asked what temporary event parking would look like. Mr. Hawkins said this material could be used for that. It would look like gravel.

Commissioner Harte asked if there is anything that offers the belief that this is an isolated incident or could this be a potential problem throughout the project. He said knowing that would affect how this is handled. Moving the fill at this point may be the least damaging thing to do. Engineer Brady said he doesn't know enough about the project to give an honest answer to that question.

Mr. Hawkins said it seems like the lots to the west may not have as much of a problem. He explained the first geotechnical report used a backhoe. They are now doing borings to verify where they are at.

Chair Peck asked for an explanation of Exhibit 103. Mr. Hawkins said it shows a cross section of Exhibit 102, which is terraced parking. He said the 18,000 is truly a worst-case scenario number. Because they are able to crush some of the material, they would not have to export or import as much.

Chair Peck asked how this will affect the final grading and height. Director Putt said height is measured from the edge of the road. **Commissioner Harte** said that moving the material to the westward lot, coupled with trying to make it look natural, seems like the best solution. Whoever takes on the next project would have to deal with it, but they would know about it ahead of time.

Commissioner DeFord said he doesn't like the ramifications that come with 1,000 truckloads of dirt being moved offsite. He asked Director Putt if it is even possible to revegetate. Would temporary parking work with this material? Director Putt said that it would. He said there is an area that has been used for a number of years as overflow parking for the resorts during peak periods, such as Christmas. He said that having overflow parking would be a public benefit. If they could get a layer of topsoil and put some seed on it, it wouldn't just end up as a storage area full of dyers woad.

Commissioner DeFord asked Mr. Hawkins to explain some of the pictures. Mr. Hawkins said where they would put the dirt is currently a hole. This means that the visibility would be limited. He said there are some boulders at this site. They would use the larger ones for landscaping; the smaller ones would be crushed.

Director Putt said his recommendation to the County Engineer would be that in exchange for reducing the number of truck trips needed, the County would allow the material to be deposited at the location indicated with a couple of conditions.

The first condition would be that the dirt would be engineered fill and it would be compacted. Top soil would be placed on top and seeded, along with temporary watering so the seed mix would take. This would eliminate a dust and weed problem.

Commissioner DeFord said looking at the original renderings, the dirt would eventually need to be dug out in order to build there. Mr. Hawkins said he is creating dirt that could be built on. They will import material if needed, in order to blend it.

Commissioner DeFord asked how many truckloads that would require. Mr. Hawkins said he thinks it would be a lot less; perhaps 100 or 120 trucks.

Director Putt said he wouldn't be in support of an unvegetated pile of dirt. He would like it if they could end up with a sensitively contoured dispersement of the material with something growing on it. This would be especially true if it doesn't have to be moved again.

Commissioner Franklin said he doesn't want to see a resulting scar. **Chair Peck** expressed frustration with this project. It seems that the lesser of two evils is the vegetation. Director Putt said this discussion has been helpful.

DIRECTOR ITEMS

Director Putt informed the Commission of the upcoming agenda items.

ADIJOURN

At 9:00 p.m., the meeting was adjourned.

Beatrice M. Peck

Approval Signature