



R. McConnell Group PLLC

**VIA EMAIL**

Nan Larsen, Senior Planner  
Alec Barton, Senior Planner  
Park City Municipal Corporation  
445 Marsac Avenue  
Park City, Utah 84060

October 12, 2026

*Re: Five-Acre Site—Applications PL-26-06914, PL-26-06915, PL-26-06917, and PL-26-06920*

Dear Ms. Larsen and Mr. Barton:

Thank you for your work on this file. We write with one question about the October 14, 2026 packet and with five points for the revised submittal.

Our comment dated September 17, 2026, which we filed on September 18 with its slides, does not appear in that packet. Neither does the September 28 response of the Utah Division of Environmental Response and Remediation, nor Terracon's Analysis of Brownfield Cleanup Alternatives of August 15, 2024, both of which we sent on September 29.

We believe we understand why, and we would like you to confirm it. The Five-Acre Site came to the October 14 agenda as a staff-approved continuation. That staff report runs two pages and carries one exhibit. Staff attaches public correspondence to a substantive staff report, and this cycle produced none. If that is the reason, please say so, and please confirm that all four documents will appear with the next substantive report on these applications.

Ms. Larsen wrote on September 18 that the comment had "been entered into the public record and will be included in the next packet for Planning Commission review." We take her at her word and ask only about the timing. Please also give each commissioner a copy.

We do not oppose the continuance. Three points belong in the record.

1. The legal notice posted September 25, 2026 lists the item as "(A) Public Hearing; (B) Continuation to a Later Date." Staff wrote that the applicant asked for the continuance on October 5, and the applicant signed the written request on October 7. The notice carried the continuation ten days before the applicant asked and twelve days before he put the request in writing.
2. Staff found that the applicant asked "in writing more than seven days prior to the public hearing." October 7 to October 14 is seven days. The Code requires at least seven, so the continuance stands. We note the finding for the minutes.

3. On September 30, 2026 Director Ward told the Commission that the item “was publicly noticed for possible Final Action on October 14, 2026.” The notice posted five days earlier says otherwise. She also told the Commission that the applicant “will return on October 14, 2026, but not for Final Action”—five days before October 5, the date staff gives for the applicant’s request. Please correct the minutes.

One line in the applicant’s request raises a question of sequence. Mr. Swisher wrote that “City Council has requested an update on the revisions in-progress prior to submitting them to the Planning Commission.” The City owns the land. City staff described the second amendment to the exclusive negotiation agreement, which the Council approved on March 19, 2026, as carrying “a City contribution up to \$40 million, and a commitment from the City to pay for soil remediation.” The Planning Commission decides these applications, and the Council will see the revisions first. Please notice that work session and put its materials in the Commission’s record.

We raise five points now so the applicant can address them in the redesign rather than at the hearing.

1. On October 9, 2026 the City answered our request for any determination, classification, or written analysis of which listed Use applies to the proposed amphitheater. The answer was “No responsive records.” Nobody has classified the amphitheater against a listed Use. The applicant must still do it.
2. The City Engineer approved the scope of the traffic study on the applicant’s answers to the City’s own reviewer. METHODS Consulting wrote that the trip distribution came with “no specific basis.” On the 40 percent pass-by reduction the applicant assumed, METHODS wrote that “most, if not all, parking will be underground” and asked, “Will this configuration be conducive to pass-by trips?” Hales Engineering answered “Underground parking is not anticipated to reduce a pass-by percentage.” The City produced no record of METHODS agreeing. The applicant will use that same scope unless the City scopes the study again.
3. DERR has not reviewed the plans before the Commission. It has not received a Remedial Action Plan. It takes no position on the geothermal boreholes because no one has proposed and accepted a remedy. Terracon wrote that soil gas sampling “would be required to confirm whether or not vapor intrusion is a potential issue at the site.” Nothing in this record shows that anyone has done it.
4. Terracon wrote the Analysis of Brownfield Cleanup Alternatives on August 15, 2024, more than a year before these applications. Terracon priced the cleanup for a site with “an unknown future use” and left out backfilling and compaction for that reason. Terracon did not evaluate an underground parking garage, and Terracon did not evaluate geothermal boreholes. Terracon wrote that “the estimated range of costs is relatively wide” because nobody knew how much fill soil the cleanup would remove. Terracon recommended leaving contaminated fill on the Site under “an Environmental Covenant ... recorded on the property deed” and a Site Management Plan. Neither exists. The City agreed to pay for soil remediation. Please ask the applicant to show how the cleanup now proposed matches the design now proposed.
5. Hales told the City in May 2026 that the applicant plans “289 parking stalls” and that “the residential parking lot will be restricted for only residential use.” The applicant cannot count a residents-only lot toward shared parking.

We appreciate your help, and we are glad to answer any question about any of this. Please direct any response to the undersigned.

Best regards.

Very truly yours,

A handwritten signature in blue ink, appearing to be "RJM", is positioned above the typed names.

Ryan D. McConnell (Utah Bar 20650)  
Matthew S. Boyden (Utah Bar 20701)