

# DHM DESIGN

LANDSCAPE ARCHITECTURE | LAND PLANNING | ECOLOGICAL PLANNING | URBAN DESIGN

June 17, 2016

Via email: [fastorga@parkcity.org](mailto:fastorga@parkcity.org)

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

**Re: Alice Claim Application for Conditional Use Permit, Significant Vegetation Mitigation**

Francisco:

I write on behalf of the applicant, King Development Group, LLC, to clarify our understanding of the protection requirements of significant vegetation and the mitigation process for removal of significant vegetation, per LMC 15-2.1-9 Vegetation Protection.

As you are aware, the pending development application necessitates the removal of two mature evergreen trees (significant vegetation) due to their conflict with the proposed entry road that will be necessary to achieve legal access to our property over the platted King Road right-of-way.

During the Planning Commission hearing on May 25, 2016, Chairman Strachan stated correctly that we must protect significant vegetation but did not state that the Planning Director is authorized to allow mitigation for loss of significant vegetation.

The relevant LMC section is set forth below, for your convenience.

LMC: 15-2.1-9 Vegetation Protection

The Property Owner **must protect Significant Vegetation** during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4½') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and **may require mitigation for loss** of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3.... (Emphasis added.)

As shown on the latest development plan, we have protected all significant vegetation on the site; however, we cannot avoid removal of the two trees described above and should be permitted to mitigate their removal.

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In the staff report for the June 10, 2015 Planning Commission hearing, a Condition of Approval was included that stated, "All mature trees that will be lost due to the subdivision, retaining walls, addition of drives and building pads, shall be approved by the Planning Department and be replaced in kind or with three smaller trees as close to the original location as possible within 1 year of tree removal."

In terms of mitigation, we propose to plant 33 evergreen trees and 31 deciduous trees for a combined (minimum) 212 inches of caliper while the two trees to be removed are approximately 53 inches in caliper combined. This is a 4:1 replacement ratio. Further, the extensive site clean-up and revegetation of Alice Claim property and the City's property completely changed the site from an unsightly polluted dump to a beautiful vegetated site with significant improvements to water quality. This public benefit should also be taken into account in allowing the removal and mitigation of the two trees.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Diemer", is centered on a light gray rectangular background.

DHM Design Corporation  
Marc Diemer, Associate Principal

cc: King Development Group, LLC  
Bradley R. Cahoon, Esq.