

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
MARCH 23, 2016

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Laura Suesser, Doug Thimm

EX OFFICIO:

Planning Director, Bruce Erickson; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Anya Grahn, Planner; Hannah Turpen, Planner; Makena Hawley, Planning Tech, Luis Rodriguez, Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

**ROLL CALL**

Chair Strachan called the meeting to order at 5:35 p.m. and noted that all Commissioners were present.

Chair Strachan welcomed Laura Suesser, the new Planning Commissioner, and thanked her for service.

**ADOPTION OF MINUTES**

February 24, 2016

MOTION: Commissioner Band moved to APPROVE the minutes of February 24, 2016 as written. Commissioner Campbell seconded the motion.

VOTE: The motion passed. Board Members Thimm and Suesser abstained.

**PUBLIC INPUT**

Clay Stuard referred to the memorandum that was handed out regarding the Annual Work Plan. He noted that one of the items for discussion were the LMC changes, and the bullet item - Code clarification and definitions. Mr. Stuard asked the Commissioners to discuss clarification on how density is calculated under the MPD ordinance. Mr. Stuard noted that a lot of Park City, particularly the Bonanza Park area, is under the GC zone and those properties will most likely be developed using the MPD ordinance. He challenged the Planning Commission to look at the LMC from the standpoint of a developer and try to figure out how to calculate the density under the Code. As currently written he did not

believe the Code offered a definitive answer. Mr. Stuard thought the lack of clarity has led to bogus calculations on applications that have come before the Planning Commission. It creates the illusion that the applicant is asking for less density than what is allowed by Code and it sets up the argument for additional height or other variances that have occurred in the past. Mr. Stuard urged the Planning Commission to add a review of the MPD ordinance and any associated sections in calculating density.

Chair Strachan announced that the item would be moved to the end of the agenda and he encouraged Mr. Stuard to stay for the discussion.

### **STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Planning Director Erickson noted that at the last Planning Commission meeting the Commissioners asked for an explanation of how height and bulk regulations were applied in the HR1 zone. His team did some research and some of the buildings in question were existing non-conforming uses and were allowed to continue as long as those non-conforming uses did not expand the non-conformity of the use. Director Erickson referred to one specific building and stated that the original application came in with a five-story building which was higher than the non-conforming use. The Staff required the applicant to remove the upper floor; however, allowing a flat roof allowed the bulk to be retained inside the height limit. Director Erickson explained that the original project was four condominium units that were reduced to three units. In addition, there were long negotiations between the applicant and the Planning Staff regarding the window size and placement and the architectural materials. Those were generally in compliance and the Staff found that they met Code.

Director Erickson noted that there is one additional building directly south in the HR1 zone and that building would go through the same process unless the City elects to change the Code. Director Erickson believes the flat roof influences a number of the heights in the HR1, the HRL and the HR2 zones. The Staff intends to look closely at those issues moving forward.

Chair Strachan agreed that it raises the issues of flat roofs, which has been an issue for most of the ten years he has been on the Planning Commission. Some Commissioners have liked flat roofs and others have not. Chair Strachan noted that the current Code allows for flat roofs but past Codes have prohibited them.

Director Erickson remarked that the flat roof came in as part of the 2007-2009 overhaul of the Code, and they were expected to be green roofs. The exception for elevators and mechanical space above the height limit also causes the dilemma, especially in the Historic District. He noted that the Planning Commission would have the opportunity to discuss

these items and come to some consensus before the Staff starts crafting the LMC amendments.

Director Erickson stated that the entire Planning Staff would be present to hear the discussion regarding the Annual Work Plan. He recognized all eight of his Staff and noted that most have advanced professional degrees.

Commissioner Band disclosed that Sandra Morrison from the Park City Historic Society approached her yesterday to talk about the upcoming agenda. She stopped Ms. Morrison from further conversation and asked her repeat her comments in an email to all of the Commissioners. Commissioner Band did not believe Ms. Morrison had sent the email and she was not in the audience this evening.

Commissioner Phillips recalled the issue he had raised last year about property signs. As he went past three sites in Old Town today, each sign was lying on the ground half covered with snow and they were not visible at all. Commissioner Phillips believed it was a failure to notify the neighbors. Fortunately, all three properties were plat amendments which rarely draws public comments. Commissioner Phillips understood that the Planning Department purchased new sign posts; however, two of the houses still had the wood posts with paper stapled on it. He intended to pursue this because it is paramount that the neighbors properly have that notification.

Director Erickson thanked Commissioner Phillips for drawing it to their attention. They will make an effort to make sure the fallen signs are uprighted and that future signs stay up.

Chair Strachan disclosed that he would recuse himself from the work session discussion regarding the Park City Mountain Resort Development Agreement because his law firm represents Vail and personal injury matters.

## **WORK SESSION**

Vice-Chair Joyce assumed the Chair. Commissioner Strachan left the room.

Planner Astorga reported that this was a work session discussion regarding the amendments to the Park City Mountain Resort MPD Development Agreement Upgrade Plan which the City approved on March 25, 2015. The amendments allowed the owner to move forward with the interconnect, as well as major renovations and remodeling of the Snow Hut, currently known as the Miners Camp. Representatives from Vail and PCMR were in attendance.

Planner Astorga stated that the only condition of approval that required an annual review was tied to the MPD and it was a condition that specifically relates to historic preservation.

Planner Astorga had provided links to past Staff reports and Minutes instead of printing those documents. In response to an earlier comment by Commissioner Band, Planner Astorga reported that the Planning Department had not received an email from Sandra Morrison or the Park City Historic Society. The Historic Society was given a copy of the Staff report when it was published last Friday, but they had not responded.

Planner Astorga noted that the condition of approval was written on page 18 of the Staff report. The Staff found that Vail was progressing on all counts and money has been spent regarding historic preservation. The Staff was working with Vail on the funding plan. The Planning Department had received technical information from the Alta survey, which takes more time than a traditional survey. Planner Astorga noted that this is the largest parcel in Park City and it will take a long time to complete the survey. This item was scheduled as a work session to conduct the annual review.

Planner Astorga stated that the applicant would have to come back to the Planning Commission for final action. The specific condition of approval indicated that the applicant had one year to comply; however, the Staff felt it is reasonable for the City to add another 120 days to allow time to complete the work.

Bill Rock, representing the applicant, summarized the progress that has taken place. Vail had paid \$50,000 in escrow to do the work. Some work was done before the end of summer and they have a Scope of Work that will start immediately in the Spring. Mr. Rock stated that since the last meeting with the Planning Commission they drafted a tentative MOU between Vail, the City and the Historical Preservation Society to find a way to deploy funds to preserve the mining structures within the Resort boundaries in the future. Mr. Rock noted that another condition was to put together a five year funding plan with the Historical Society to help raise money to preserve these structures. That five year plan had been submitted.

Commissioner Band asked if Vail gave \$50,000 to the City and the City has the responsibility to disburse it. Director Erickson explained that the MOU between Vail, the City and the Historical Society set the priority sites. The City is required to approve the work before any of the \$50,000 can be disbursed. Director Erickson stated that \$2700 was spent last year doing internal stabilization on California Comstock, which helped it survive the winter. The work was being done by a mining contractor who is familiar with working with wood structures and mining preservation. The Planning Department will be rigorous in making sure the other sites move forward. The prioritized list was included in the Staff report.

Commissioner Band asked Planner Grahn for her opinion. Planner Grahn replied that she was felt comfortable that through the MOU they could move forward with the structural stabilization work. They were doing their best last year until it snowed earlier than expected and affected the amount of work that was done on California Comstock. Planner Grahn remarked that it was a good working relationship and she hoped it would continue.

Commissioner Band understood that there was a one-year deadline but as long as progress was being made and the mine structures were stabilized she was comfortable extending the time frame.

Commissioner Thimm stated that he thought from the beginning that the schedule was aggressive. Since Park City has seasons, he was not opposed to granting the request for an additional 120 days.

Director Erickson stated that the Staff would come back with a recommendation for the 120 extension at the next meeting. He emphasized that Vail had reached out to the Historical Society and made them a party to the operating agreement for Historic Preservation. It was not a requirement of the conditions of approval and they chose to take that extra step.

Commissioner Joyce stated that when they met last year in March there was a set of items that needed to be shielded somewhat before they experienced another winter and risked structures falling down. However, he was disappointed when he realized that almost nothing was done with the exception of \$2700 worth of work, which is minimal. Commissioner Joyce stated that an inventory and a survey are good to have, but the important aspect is the actual work to shore up the structures.

Director Erickson stated that when this comes back they would be asking for additional timing commitments from VR CPC on renovations this coming summer.

Commissioner Thimm asked if when Vail comes back to the Planning Commission for approval of the 120 extension, whether it would be appropriate to ask them to provide a list of sites at that time. Director Erickson stated that if they come back at the next meeting they would be close to those requirements. He thought it would be unfair to request a list before the extension; however, the Commissioners could add a condition of approval stating that within 45 days after this action the application will provide a draft list. Director Erickson believed they needed to give the opportunity to react, and because the Museum is a participating party, they need to make sure the Museum, as well as Planners Grahn and Turpen, are in agreement as well.

Commissioner Band noted that the Planning Commission considering extending the time specified in the condition of approval, but the interconnect is there and the restaurant is open for business. Director Erickson stated that the City would not accept an application for anything else on the Mountain or for the parking lot until these requirements are fulfilled. They have had this discussion and Vail is fully aware of it. Director Erickson was comfortable making the recommendation knowing the urgency of the situation and what the Museum has suggested in this situation.

Commissioner Phillips assumed that Vail was confident that they could complete the work within the additional 120 days. Mr. Rock replied that the extension was actually for the survey to be finalized, and he was confident that it would be completed within 120 days. Mr. Rock also noted that in addition to the \$50,000 that has already been committed, the next step is to create a five year plan and to raise money for the rest of the work based on prioritization and inventory.

The Planning Commissioner was comfortable having this come back as a formal request for a 120 day extension. Planner Astorga remarked that how long it takes to send out notices would determine whether this comes back at the next meeting or a later meeting. Director Erickson stated that the Staff would do their best to expedite the process.

Mr. Rock thanked Director Erickson and the Staff for helping them work through these complicated issues.

Vice-Chair Joyce closed the work session and returned to the Regular Meeting.

Chair Strachan resumed the Chair.

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

1. **803 Norfolk Avenue, Plat Amendment – Combining Lot 1 and the south half of Lot 2, Block 14 of Snyder’s Addition to the Park City Survey**  
**(Application PL-15-03049)**

Planner Grahn reported that this item would be continued at the request of the applicant. The applicant had concerns regarding the dedication of Crescent Tramway and access to the property off of it. They will continue working with the Staff and the City Engineer to work out the issues. Planner Grahn requested that the Planning Commission continue this item to April 13<sup>th</sup>.

MOTION: Commissioner Band moved to CONTINUE the 803 Norfolk Avenue plat amendment to combine Lot 1 and the south half of Lot 2, Block 14 of the Snyder's Addition to the Park City Survey to April 13, 2016. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

**2. 844 Empire Avenue – Plat Amendment creating one (1) lot of record from the lot and portions of lots at 844 Empire Avenue (Application PL-15-03034)**

Planner Francisco Astorga reviewed the application for a plat amendment at 844 Empire Avenue. He noted that the site is complicated due to the existing historic structure currently listed as a Significant Site on the Historic Site Inventory. The main entry of the dwelling faces north over platted 9<sup>th</sup> Avenue and there are some non-compliances in that the historic structure did have setbacks when it was built, as well as other items that do not comply with current Code.

Planner Astorga asked if the Commissioners had received the letter he had sent from the property owner. The letter indicates that the applicant disagrees with the Staff recommendation of the maximum building footprint due to the road dedication, as requested by the City Engineer. Planner Astorga explained that the portion of land owned by the property owner consisting of 932 square feet was shown on page 60 of the Staff report, and that piece would be dedicated to the City. He stated that in several conversation with City Engineer Matt Cassel, he is trying to acquire all of the right-of-way of Crescent Tram. Planner Astorga noted that in some parts of town the City Engineer may feel comfortable with an easement over private property, but when it comes to Crescent the City Engineer is very clear that through a plat amendment process he is tries to acquire property for public use.

Planner Astorga clarified that the maximum building footprint was the source of disagreement that the applicant was having with the Staff recommendation. He stated that the maximum building footprint comes from the lot area. Therefore, if the lot becomes smaller due to the road dedication it results in a smaller building footprint.

Planner Astorga stated that the difference in the building footprint before the road dedication is approximately 300 feet. The applicant was not informed of the reduced building footprint until Friday, which is why they submitted the letter indicating that they do not want to use the full 300 square feet, but they would like to use 125 of what would be allowed over the maximum building footprint. However, the LMC does not provide language that would allow it. Therefore, it would be limited to 1351 square feet instead of 1476 square feet as indicated on the submitted letter.

Planner Astorga suggested that the applicant may request a continuance and he did not believe it was an unreasonable request. It would allow the applicant time to work with their architect to see if future plans to remodel the historic site would be affected.

Chair Strachan asked if the applicant intended to request a continuance. Tom Goff, representing the applicant, replied that they would like to request a continuance.

Commissioner Thimm asked if the City would pay for the dedication of land or if it would occur as a land swap. He was unclear of the process in this particular circumstance. Assistant City Attorney McLean stated that generally dedication language on the plat indicates that when the plat is recorded the land gets dedicated. She clarified that in this case, the land at issue is a prescriptive right-of-way that the public has been using for a long time, dating back to the 1800s. Ms. McLean stated that the dedication is an easier way for the City to have control over that land as opposed to a titled action or some other means. The City would purchase it because it is already an existing roadway.

Commissioner Campbell asked how the square footage calculation affects this type of situation, because normally the square footage calculation for the footprint would include the size of the lot. Planner Astorga replied that they run the building footprint formula outlined in the LMC. The issue is that the LMC only says take X, which is the lot size, and plug it into the formula to get Y. It makes no mention of road dedications or anything else. Planner Astorga referred to the comparison between pages 60 and 62 of the Staff report. He noted that page 62 was the actual application that was originally submitted, and there is no road dedication. He explained that the road dedication only came about after review by the internal review committee, which included the City Engineer. It was later in the process where they further studied the footprint formula and the maximum building footprint that they found it was based on that area. Planner Astorga clarified that if the road is dedicated the applicant would not be able to include that road area. He was unsure what the City Engineer would do if the applicant returned to the original application that was submitted without the road dedication. The prescriptive access is already there, but Mr. Cassel indicated in a discussion earlier today that for Crescent Tram he would want to acquire every piece of property and not have it through an easement.

Commissioner Campbell understood that if it was an easement the applicant would be able to count the easement into the square footage. He felt this was a good example of bureaucratic taking. Planner Astorga noted that Mr. Cassel was the signing entity on the plat amendment and he thought it was better to continue this item until Mr. Cassel could be present to explain his reasoning.

Assistant City Attorney McLean pointed out that nothing could be calculated without a plat amendment because currently the lot line runs through the lot. She apologized to the



applicant that this came up so late in the process and that they were forced to address it just before the meeting. It was an issue that came up internally and they realized the need for a clear policy to correctly address it because it is a prescriptive easement. Ms. McLean remarked that another way to look at it, is that there is a roadway through the lot that is not buildable property, and that also affects the building footprint.

Commissioner Campbell emphasized the need to get this right because consistency is important and this same issue may come up again. He thought it was a Catch-22 and the applicant was caught in the middle.

Commissioner Joyce agreed that the City Attorney needed to provide an explanation because it was not only a later issue for the applicant, but the Planning Commission did not have enough information to understand the situation.

Assistant City Attorney McLean suggested that the Planning Commission continue this item to allow time for the Staff to meet with the applicant and to hear input from Mr. Cassel.

Sara Goff, representing the applicant, stated that as part of their commitment to the process, they spent \$5,000 doing research on 100 years of history and dedication, and nowhere in history has this property ever dedicated this piece of land to the City. Chair Strachan believed that was obvious because if it had been dedicated the City would already have it and would not need the dedication moving forward.

Commissioner Campbell asked if it was reasonable for the Planning Commission to say that philosophically they would be in favor of the applicant having a larger footprint because of the other negatives that are about to happen.

Commissioner Phillips believed another piece of this issue is for the Planning Commission to understand completely the purpose of the maximum building footprint. He assumed it was to prevent building completely to the setbacks. Commissioner Phillips stated that in doing this, if the applicant is allowed to build to their setback lines on all four sides, he would absolutely not be in favor. He requested that the Staff provide information and background on the exact reasoning for the building footprint.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to CONTINUE the 844 Empire Avenue plat amendment to April 13, 2016. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

**3. 921 Norfolk Avenue – Plat Amendment combining two lots in order to remove the lot line that runs through an existing home (Application PL-16-03091)**

Planning Tech, Makena Hawley, reviewed the plat amendment application to combine two lots into one by removing a lot line that runs through the existing home.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Joyce read Condition of Approval #3, "The property owner shall address/remove the encroachment of the concrete retaining walls, concrete steps and garage, over the front (east) property line into the City Right-of-Way (ROW)". When he looked at the picture on page 84 of the Staff report he realized that the garage, the steps and the retaining wall were quite large and integrated. Commissioner Joyce asked whether the City would allow an easement or whether those had to be removed.

Ms. Hawley stated that she, Matt Cassel, and the applicant had met to address it earlier today. She noted that it is up to the owner to decide which route to take. Some type of encroachment agreement would be required. Ms. Hawley noted that because there is only one parking space on-site, the owner would be required to park one car in the garage and only one off-site parking would be allowed. She stated that the encroachment agreement has not been finalized, but there is a condition stating that an encroachment agreement must be recorded prior to recording the plat.

MOTION: Commissioner Band moved to forward a POSITIVE recommendation to the City Council the plat amendment to combine two lots at 921 Norfolk Avenue. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 921 Norfolk Avenue

1. The property is located at 921 Norfolk Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of all of Lot 6 and the north half of Lot 5, Block 15 of Snyders Addition to Park City Survey. The proposed plat amendment creates one (1) lot of record.
4. This site was previously listed on Park City's Historic Sites Inventory (HSI) and was designated as Significant until 2009 when it was removed from the Historic Sites Inventory.
5. The Plat Amendment removes one (1) lot line going through the existing structure.
6. The proposed Plat Amendment combines the property into one (1) lot measuring 2,812.5 square feet.
7. A single-family dwelling is an allowed use in the District.
8. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lots meet the minimum lot area for single-family dwellings.
9. The minimum lot width required is twenty-five feet (25'). The proposed lot meets the minimum lot width requirement at 37.5 feet along Norfolk Avenue.
10. The maximum building footprint allowed based on proposed lot size is 1,200.49 square feet. The existing Building Footprint equates to approximately 1,200 square feet.
11. The existing house is valid non-complying structure.
12. LMC § 15-9-3 (B) indicates that non-complying structures that were lawfully constructed with a permit prior to a contrary change in this Code, may be used and maintained, subject to the standards and limitations of LMC 15-9.
13. The front/rear yard setbacks are ten feet (10') minimum. The combined front/rear yard setbacks are twenty feet (20') minimum.
14. The side yard setbacks are three feet (3') minimum. The total side yard setbacks

are six feet (6') minimum.

15. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

#### Conclusions of Law – 921 Norfolk 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 lot combinations.
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 – 9221 Norfolk Avenue

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The property owner shall address/remove the encroachment of the concrete retaining walls, concrete steps and garage, over the front (east) property line into the City Right-of-Way (ROW).
4. The existing stone pavers and concrete steps encroaching over the north property line into the neighboring property at 927 Norfolk shall either be removed or the applicant shall enter into an encroachment agreement with their neighbor for these improvements.
5. The existing railroad tie retaining wall encroaching over the south side property line into the neighboring property at 915 Norfolk shall either be removed or the applicant

shall enter into an encroachment agreement with their neighbor for these improvements.

**4. 2392 Holiday Ranch Loop Road – Conditional Use Permit for a new well filtration building. (Application PL-15-03079)**

Planning Tech Hawley handed out public comment she had received and she apologized for not sending it to the Commissioners prior to the meeting.

Planning Tech Hawley reviewed the application for a conditional use permit for a new well filtration building that would replace the old well filtration buildings at the Creekside park and the recreation open space. This will be considered an Essential Municipal Public Utility use, facility, service and structure greater than 600 square feet, which is a conditional use in the zone.

The Staff recommended that the Planning Commission review the conditional use permit application for 2392 Holiday Ranch Loop Road, conduct a public hearing and approve the CUP for an Essential Municipal Public Utility use Facility, service and structure greater than 600 square feet. The Staff had prepared Findings of Fact, Conclusion of Law and Condition of Approval for consideration.

Roger McClain, the Public Utilities Engineer, stated that Alison Butz was the liaison from the Public Utilities Department working with the Planning Department. He noted that the architect and engineer team were present to answer questions and address any comments. Mr. McClain stated that the project started on August 6, 2014 when the Division of Drinking Water issued a letter notifying the Water Department that the well designation was changed to ground water under the direct influence. The Park City Water Department entered into a bi-lateral compliance agreement with the State which required adding a filtration treatment to the current well. Mr. McClain explained that they looked at the options and realized that it would take longer than an 18 month period to implement the requirement. Therefore, Park City requested and was granted a four year compliance period for implementation of the filtration system.

Mr. McClain outlined the milestones that were established in that agreement. Final construction plans are to be submitted to the State by September 26, 2106. The well filtration will be active by August 30<sup>th</sup>, 2018.

Alison Butz, representing Park City Municipal, reviewed an overhead view of the site. Two yellow rectangles represented the two exiting well house buildings. They originally considered expanding those buildings to accommodate the filtration equipment, but the

buildings are non-conforming because they sit within the setback of the ROS zone. Per Code a non-conforming use cannot be expanded. Ms. Butz oriented the Commissioners to the site and indicated the well heads, the wetlands, an existing water line, a power line, and the required setback for the power line. The area where they could place a new structure was limited, but the proposed location is away from Holiday Ranch Loop Road and is accessed off of Creek Drive. Ms. Butz noted that the new location is place further south on the site and away from the residents. The building is being located in the area identified as wetlands; however, it would impact less than 1/10<sup>th</sup> of an acre of wetlands. They still needed to obtain a permit from the Army Corp of Engineers.

Ms. Butz stated that they were directed to keep the building as small as possible within a minimum footprint as well as the lowest height. The building is proposed to be 2700 square feet and the proposed height is 19-1/2 feet off of grade. The exterior elevations being proposed are a stacked dry stone with hardy board and corrugated metal. They were proposing a 30 kilowatt solar system for generating power. There will be a power generator within the building as a back-up generator for this operation. It will be fueled with natural gas which will eliminate the need for fuel deliveries to the site. They will also be generating on-site chlorine and that will also eliminate deliveries. Ms. Butz noted that no one would be officed or housed in this building but it will be monitored and visited by the Water Department Staff. No additional security is needed and motion sensor lights will be installed on the exterior. There should not be additional noise, fences, or any other impacts to the neighborhood with this new location.

Ms. Butz noted that the two existing structures along Holiday Ranch Loop Road would be demolished once the new structure is constructed. Building on a new site allows the two wells to remain in operation during construction.

Commissioner Thimm commented on the height and asked if the low point was the minimum height for the equipment it was housing. Mr. McClain noted that the building is two-stepped. The equipment housed in the higher roof are the canisters. He explained the process for the filter system within the structure and the need for a slightly higher height requirement in that area. The height was minimized in other areas even though the generator and other equipment is housed in those areas as well. Commissioner Thimm clarified that the extra height at the high slope of the roof is actually needed for access to the equipment. Mr. McClain answered yes.

Commissioner Joyce noted that page 95 of the Staff report mentions that this is in the Sensitive Lands Overlay. The language states that no development is to take place within 50 feet of identifying wetlands. He asked how they could build on top of the SLO.

Planning Tech Hawley stated that in the SLO, Chapter 15-2.21-6, there is an Intent and Jurisdiction. The Jurisdiction portion talks about "all significant wetlands and stream corridors are regulated as provided below". Per the definition, significant wetlands are defined as, "All wetlands that occupy a surface area greater than 1/10<sup>th</sup> of an acre or are associated with permanent surface water that are adjacent to or contiguous with a stream corridor." Ms. Hawley stated that because the wetlands being affected would be under 1/10<sup>th</sup> of an acre at 2,875 square feet, it falls under that Jurisdiction.

Commissioner Joyce thought they were stretching the definition. In his opinion, the 1/10<sup>th</sup> of an acre that would be affected is different than the total significant wetlands. He thought it was a measure of the wetlands and not what they were about to replace. He asked if the 1/10<sup>th</sup> of an acre included the total wetland and stream and everything on the property. He noted that there was a significant amount of wetlands along there independent of where they would place the concrete platform. Ms. Hawley clarified that she was talking about the actual wetlands and not just the building area. Commissioner Joyce asked if the entire wetlands was less than 1/10<sup>th</sup> of an acre. Ms. Hawley answered yes.

Director Erickson pointed to page 96 of the Staff report which identified the total acreage of the wetlands. He noted that a condition of approval requires an Army Corp of Engineers permit before this project could move forward. Director Erickson explained that the Staff was asking the Planning Commission to make a land use choice on the location of the filtration plan, and let the Army Corp of Engineers address the wetlands. Commissioner Joyce did not expect the Corp would enforce Park City's SLO zoning. Director Erickson remarked that the Planning Commission was being asked to consider the effect of the 50' setback from a "significant" versus the Corp of Engineers required mitigation of impacts to any wetland. Commissioner Joyce understood the Corp piece for mitigation, but he did not understand how it applied to the LMC for Sensitive Land.

Commissioner Suesser asked someone to address the concerns raised in the letter that was handed out this evening. Ms. Butz stated that when they gave their initial presentation were showing a larger building and they were asked to reduce the footprint of the building, which they did. Ms. Butz explained how the building was designed as a two-story structure as a way to add visual interest; however, they were asked to keep it as low as possible. Therefore, the design was modified to reduce the height. Ms. Butz felt that the changes made to the building met the concerns addressed in the letter. She noted that there are two driveways off Holiday Ranch Loop Road as stated in the letter, and they were willing to remove both driveways. They were also willing to add a back sidewalk into the park, recognizing that the location might change because of the wetlands. To address the last issue in the letter, Ms. Butz explained that the height is measured off of the street level because the site is at a different height. Ms. McClain explained that the entire berm adjacent to the wetlands is an isolated area that goes out from the wetlands. The building

is set off of the existing Creek Road; therefore, the berm would be removed and the elevation would be at grade off of Creek Road.

Commissioner Suesser asked if there would only be one driveway. Mr. McClain replied that it would be the one driveway adjacent to the building. The only remaining access would be off of Creek Road.

Chair Strachan asked if they had ever considered using the property across the street to the north and adjacent to the fire station. Mr. McClain replied that it was part of the Fire Station property. That location would require a more complicated piping system and it would interfere with Fire Station activities.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Chair Strachan stated that these types of buildings are typically aesthetically unpleasant. He suggested that adding windows would be a good idea, and that kids using the park would enjoy looking into the building to see how the filtration system works. He thought windows would make the building look more inviting.

Commissioner Phillips concurred with Chair Strachan that adding windows would make the building look nicer architecturally. Mr. McClain thought that windows could present security concerns, but he would speak with the architect to investigate their options.

Commissioner Joyce referred to page 107 of the Staff report and noted that it was the view everyone would see. Ms. Butz stated that there is landscape plan and the building would not look as bare as what was showing. Mr. McClain outlined the plans for landscaping, which included berming. Chair Strachan cautioned against using berming as a "cure-all". For example, the movie studio was promised to be concealed with berming, but that was not the case. He remarked that berming is a tool but not something they should solely rely on.

Assistant City Attorney McLean asked Director Erickson to explain the Army Corp of Engineers' definition and criteria for wetlands. Director Erickson stated the Army Corp of Engineers 1987 Wetlands Delineation Manual lists three criteria for wetlands; 1) if the ground is wet more than seven days; 2) it has to have growing hybrid vegetation; 3) it has to have the correct soils. Director Erickson remarked that the way the Corp of Engineers gives jurisdiction over a piece of land that is wet and has soils and vegetation is that it



needs to be connected hydraulically to a water of the United States. The connection to water of the United States is what is being debated in the application, which states that the well is not connected hydraulically to the stream; and therefore is not jurisdictional under the Corp of Engineers 1988 Manual.

Commissioner Joyce noted that the land is in the Sensitive Lands Overlay and it is marked on the map as a wetland. Based on all the facts provided to the Planning Commission he thought it was fair to say that it is a wetland. Director Erickson explained that the difference is that through the LMC the Planning Commission can define wetland. The LMC also has a definition for wetland significant as well, including the LMC requirement for the Army Corp of Engineers 1987 Delineation. Director Erickson stated that Commissioner Joyce was correct. This application was being presented in order to enable the Water Department to determine whether or not they can move forward with this site, knowing the criteria and the issues moving forward.

Commissioner Band wanted to know what would happen if the Planning Commission approved this application and the Army Corp of Engineers denies the permit. Director Erickson replied that it could not move forward without approval by the Corp of Engineers. The applicant would have to find a different location that is still fairly close to the well heads.

Assistant City Attorney McLean asked if the Corp defines the size of the wetlands. Ms. Butz replied that the Corp of Engineers require certain mitigation efforts for above 1/10<sup>th</sup> of an acres versus below 1/10<sup>th</sup> of an acre. Commissioner Joyce clarified that it was not the definition of a wetland. It is the definition of the mitigation required for more than 1/10<sup>th</sup>. Commissioner Joyce pointed out that it does not affect whether or not it is a wetland.

Planning Tech Hawley reviewed the research which led her to the understanding that it was out of the restrictions and regulations of wetlands. She noted that the definition was from the LMC and what directed her to the LMC definition was reading the Significant Wetlands words within the SLO.

Commissioner Thimm was accustomed to seeing pump houses with four walls and a roof and made out of cinder block. The proposed building is articulated with multiple materials and from a massing standpoint is broken down into multiple pieces. Commissioner Thimm thought the building was architecturally designed to fit in with other structure in the children's park. He thought the location was superior in terms of access because it takes the driveway off of Holiday Ranch Road and puts it on a much less used street. Commissioner Thimm believed the building works well and adds some level of character. He asked if he was correct in understanding that a new delineation would be done on the wetlands as part of this application. Mr. McClain stated that delineation of wetlands was

done as part of the submittal to the Army Corp. of Engineer. They defined the wetlands boundaries. Commissioner Thimm asked if the new delineation gets the same square footage of .09. Mr. McClain answered yes and explained that the number were taken from that delineation.

Commissioner Phillips agreed with Commissioner Thimm.

Commissioner Joyce thought it was a little sketchy but technically borderline. He had concerns with the City working a technicality for why it is acceptable to build in the Sensitive Land Overlay, which is the strongest level of protection, on top of an area that is currently marked as a wetland. However, from a technicality aspect it appeared to be allowed by the LMC. He personally was interested in hearing the response from the Army Corp. of Engineers. Commissioner Joyce reiterated his previous concern that the Army Corp of Engineers does not enforce the Park City SLO because the City is responsible for that enforcement. He questioned whether they would be as lenient if the applicant was someone other than the City.

Assistant City Attorney McLean advise the Planning Commission that the City should not be treated differently than any other applicant; not harsher or lesser.

Commissioner Band noted that the rules in the LMC are different for a public facility such as this one versus building a private home in the SLO.

Commissioner Thimm referred to an earlier suggestion for adding windows. He would supports adding windows to break up the facade if the building could be kept secure. Noise was another consideration and questioned whether glass windows would generate more noise. Commissioner Thimm thought acoustics and type of glass windows should be part of the final design.

Commissioner Campbell concurred with Commissioner Joyce that this was stretching the SLO. He stated that if the City is to be treated the same as every applicant, the next time a private applicant comes in with a similar request they should remember how they treated this application for consistency moving forward.

Chair Strachan recalled that they faced this same issue when they approved the Water Treatment Facility on the Rail Trail because that was also in the wetlands. He remembered having the same uneasiness about this technicality; however, the Planning Commission at that time resolved the issue by determining that there was nowhere else to put these types of facilities because they have to be located next to the waterways due to the inherent nature of what they are.

Commissioner Campbell clarified that he was trying to protect the Legal Department from the position of having to defend this against an individual in the future who might read the minutes of this meeting and submit an application with the same request for a private residence. He suggested that they consider amending the LMC to add language stating that the SLO is trumped by civic duties. Director Erickson recommended that a better approach would be to clarify the definition of wetlands to add some precision.

Commissioner Joyce stated that the only reason he would consider voting in favor of this was based on explicit language in the Jurisdiction. They are looking at a Significant Wetland, which is defined as that which is a tenth of an acre or more. This is less than a tenth of an acre. Commission Joyce clarified that if it was one square foot over a tenth of an acre he would vote against it.

Commissioner Campbell asked who had done the square foot calculation. Mr. McClain replied that it was defined by a certified wetlands specialist who does wetlands delineation as a profession. It is then submitted to the Army Corp of Engineers.

Commissioner Phillips believed this application fits within the Code. Chair Strachan noted that sometimes the law draws lines. If this has been reliably calculated to be under a tenth of an acre, it meets the law. He agreed that it was close, but there are a lot of close calls under the Land Management Code. He thought a close reading of the LMC is what should be followed. Chair Strachan was not overly concerned about the Code reading issues. He was more concerned about the aesthetic issues, but wondered if it was too late into the process to add a condition related to beautification.

Mr. McClain stated that the architect assured him that there are secure windows that could not be broken or forcibly entered. They would entertain the idea of incorporating windows into the design and were not opposed to adding that as a condition of approval.

Director Erickson stated that the Staff would take responsibility for reviewing the windows including the glazing and security. The Staff shares the concerns regarding noise, as well as other issues such as trespassing and lights shining in the neighbors' windows. Chair Strachan suggested that they only install windows facing the BMX Park so it would not interfere with the homeowners on the other side.

Chair Strachan preferred to trust the Staff and ultimately the City Council to make sure the windows are added rather than adding it as a condition of approval. However, he was not opposed to adding it as a condition of approval if that was the preference of the other Commissioners.

Commissioner Suesser asked for the total square footage of the two existing buildings. Planning Tech Hawley believed it was 573 square feet. The Divide Well house is 340 square feet and the Park Meadows well house is 233 square feet. Commissioner Suesser noted that the new building would be 2700 square feet. Ms. McClain explained the need for the larger space, including to house the generator inside the building. Commissioner Suesser asked if there was a possibility that the building size could be reduced. Mr. McClain replied that they already made that effort at the request of a property owner and all of the non-essential space was eliminated. The building as currently proposed is as small as it can be and still be operational.

Commissioner Joyce referred to Finding of Fact #5 and corrected the word acres in the second line to correctly read **across**.

MOTION: Commissioner Thimm moved to APPROVE the CUP Application for 2392 Holiday Ranch Loop Road for the Essential Municipal Public Utility Use Building based on the Findings of Fact, as amended, the Conclusions of Law, and Conditions of Approval found in the Staff report. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 2392 Holiday Ranch Loop Road

1. Applicant requests the use of an Essential Municipal Public Utility Use greater than 600 square feet to be used for the operations and storage of the Park Meadows and the Divide wells.
2. The property is located at 2392 Holiday Ranch Loop Drive but relocated would become 2392 Creek Drive.
3. The property is located within the Recreation and Open Space (ROS) District and the proposed use requires a Conditional Use Permit.
4. The lot is described as Parcel #CRKSD-2-X, of the Creekside Subdivision approved in March 2007 in the Park Meadows neighborhood.
5. The 6.71 acre parcel holds the Park Meadows well and the Divide well, along with recreational areas and is across the private street from the Park City Fire Department.
6. The size of the proposed structure is 2,700 square feet.

7. The existing landscape is comprised of low shrub vegetation growth and a flat topography. The building site will impact 0.1 acres of wetlands. This will require permitting through the Army Corps of Engineers; however, the site area is less than the threshold limit requiring extensive mitigation efforts.

8. Access to the new well house will be from the private drive, Creek Drive accessed off Holiday Ranch Loop Road, which is the current access road for the well houses.

9. The neighborhood is characterized by a mix of public parks, the Park City Fire Department, and single-family dwellings.

10. The project will be reviewed by the Park City Fire District and require approval during the building permit process.

11. The proposed structure complies with all setbacks. The minimum setbacks from all boundary lines of the lot are twenty five feet (25'). The proposed well house is 25 feet away from the closest lot line. According to the Building Department there are no requirements for setbacks between structures.

12. The proposed structure complies with the twenty-eight feet (28') maximum building height requirement measured from existing grade. The proposed structure will be a maximum of nineteen point five feet (19.5') in height.

13. Staff finds that the proposed well filtration building is compatible with the surrounding structures. The well house uses the same materials as the surrounding structures and is generally similar in size to most of the adjacent buildings.

14. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. There is no existing significant vegetation on the lot.

15. Lighting is proposed in one exterior area. The lighting on the entry door with a motion sensor which will be down lit and shielded.

16. The findings in the Analysis section of this report are incorporated herein.

17. The entire wetland being affected in the area is not associated with a stream corridor in any way. Additionally the wetland is approximately 4000 square feet (.09 acres) which is less than the amount specified in the definition of Significant Wetland. Due to the size of the wetland, it is not considered to be Significant; therefore, the regulations under the 15-2.21-6 portion of the LMC do not apply.

18. The applicant will be required to submit a Permit Application and Mitigation Plan for Wetland Impacts prior to a building permit issuance, to comply with US Army Corps of Engineers Nationwide Permit requirements. The applicant has proposed a new area for preserved and enhanced wetland that will cover 2,866 square feet (please see Exhibit G) to be reviewed by the Corps.

19. The applicant stipulates to the conditions of approval.

#### Conclusions of Law – 2392 Holiday Ranch Loop Road

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.7-2(C)(14).
2. The CUP, 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.

#### Conditions of Approvals – 2392 Holiday Ranch Loop Road

1. All Standard Project Conditions shall apply.
2. Construction waste should be diverted from the landfill and recycled when possible.
3. Prior to building permit issuance, wetland delineation is required by a certified delineator and approved by the Army Corps of Engineers. If approval determines the wetlands to be non-jurisdictional, the building permit can be issued. If approval determines the wetlands to be jurisdictional, setbacks protection and remediation of impacts, as approved by the Corps shall be required.
4. Less than a tenth of an acre of wetlands may be impacted with this Conditional Use Permit. The wetland area to be impacted shall be identified on the building plans and verified by the Planning and Engineering Departments prior to issuance of a building permit.

The Planning Commissioner reconvened the Work Session to discuss the potential Annual Work Plan, Commission Roles and Responsibilities and Priorities.

## **WORK SESSION**

### Discussion on the potential Annual Work Plan, Commission Roles and Responsibilities and Priorities.

Director Erickson stated that one goal he would like to accomplish this evening if to have consensus on how long the Planning Commission meetings should be. He noted that the Planning Department was realigning the Staff to better manage the Planning Commission agenda looking ahead three or four months in advance. They would also like to schedule time for more work sessions items. Director Erickson remarked that some of the changes were based on his 16 years on the Planning Commission in Park City, plus nearly 35 years of experience doing Planning Commission presentations in almost all of the western states.

Director Erickson noted that the Planning Department team consists of eight people, and most have advanced professional degrees. The office manager will have his MBA in October. They are reorganizing the team and focusing more on applying the LMC, the General Plan, how to do good preservation, and protection of the Historic District and the neighborhoods. There are different pieces regarding planning and there is a difference between the design role and the planning role. The Planning Department believes their obligation is to deliver on the trust that the public has placed in them for making good planning decisions. They also need to be better at determining what it is that the Planning Commission and the City Council are telling them.

Director Erickson stated that the Planning Commission is the first point of contact for the public as directed by the City Council. It is where the public actually sees what is being proposed for the first time. Director Erickson remarked that the Planning Commission has a role to perform. They change from being a regular citizen to becoming a Commissioner, which means they listen to the Staff and the public. Each Commissioner contributes the individual experience for which they were selected to be on the Planning Commission. The Planning Commission has two roles. One is the advisory role on global issues and the second is interpretation to help the Staff interpret the regulations. Director Erickson explained the difference between the two roles and provided examples. He stated that a third role is the traditional role of the Planning Commission, which includes making determinations on land use decisions. Sometimes that role is shared with the Board of Adjustment and the Historic Preservation Board.

Director Erickson outlined specific roles for the Staff in the Planning Department. Hannah Turpen is responsible for managing the Planning Commission agendas. She will meet with Director Erickson once a week to make sure the agendas are balanced. Anya Grahn will manage the HPB agendas. Senior Planners Francisco Astorga and Kirsten Whetstone have the responsibility of reviewing all Staff reports. Francisco will also be responsible for

issues related to affordable housing. Kirsten will focus on transportation and interface with Alfred Knotts, the Transportation Manager. Director Erickson noted that Kirsten Whetstone also has a civil engineering degree in addition to a master's degree in Planning.

Director Erickson emphasized that the Planning Department was changing direction in terms of their role and how they approach things.

Director Erickson reported that the City Council recently completed a Visioning Session. They generated a Park City 2030 Plan, which are the main strategic goals established by the City Council. They actually do their budgeting for outcomes underneath the 2030 Plan. The outcomes relate to the General Plan. The Planning Department's responsibility to the City Council is to manage the General Plan inside the guidance of the Park City 2030 Plan. Director Erickson explained the budgeting process.

Director Erickson noted that the City Council developed Critical Priorities of Transportation, Housing and Energy. These Priorities have an influence on the General Plan and Land Management Code. The Planning Department has been tasked with getting those into the LMC this year, and to revise the General Plan as needed. He noted that Kirsten Whetstone will be managing the LMC to move those items forward. Francisco Astorga is tasked with making sure the General Plan remains current.

Director Erickson stated that within the 2030 Plan and in the General Plan and the Critical Priorities, the City Council outlined the abstract concepts, such as historic preservation, open space, transportation management, affordable housing. He pointed out that they were actually abstract terms and the Planning Commission is tasked with defining their meaning. Director Erickson noted that other Boards were helping to clarify the meanings. For example, the HPB is trying to define historic preservation and how it applies inside the LMC. COSAC does the same with open space. The intent is allow these Boards to manage their abstraction with precision and care, without stepping outside of the Planning Commission's role of balancing the abstractions and addressing the land use equation. Director Erickson stated that one example is that the HPB looks at material deconstruction on historic homes, but they cannot look at what the future land use would be because that is the role of the Planning Commission.

Director Erickson stated that as they move forward the goal is to define those abstractions and look to the Planning Commission to help balance those in their advisory role on legislative matters.

Director Erickson stated that an Annual Work Plan would allow the Planning Commission to establish priorities and goals for carrying out Planning Commission



responsibilities beyond administrative and quasi-judicial acts such as subdivisions and Conditional Use Permits. He asked for their comments on their roles and how much additional work they were willing to take on. Director Erickson noted that the City Council has liaisons to different boards and commissions. He thought it would be appropriate for the Planning Commission to have liaisons to various board and commissioners as well.

Director Erickson turned the time back to the Planning Commission for input on how to conduct meetings, the format for presentations and work session.

Commissioner Joyce thought another piece was how the Planning Commission could work at a higher level. His frustration has been with doing nothing more than applying the LMC to CUP and plat amendments. When the General Plan was finished many things in the General Plan said that they should consider applying the Code specifically to individual neighborhoods, revising the LMC to address some of the issues, etc. He pointed out that a lot of effort went into the General Plan to identify what needed to be done, but nothing has been done. Commissioner Joyce thought the LMC amendments that have been done so far were not driven in that direction. He thought it was important to go back and review the General Plan.

Commissioner Joyce also felt there were things that were not part of the General Plan, but could be considered in shaping the way things go forward. For example, he liked what the County was doing with wood burning fireplaces and he had suggested that they at least look at whether or not something similar would be applicable in Park City. Commissioner Joyce clarified that he was looking for ways to change the way that the Planning Commission functions so it is less about administrative applications and more about taking an active role in driving what the community becomes. He suggested that it could be either ideas that the Commissioners bring to the table or the things that support what the City Council has already established as priorities. Commissioner Joyce pointed out that for the past year the City Council gave their top priorities; however, the Planning Commission has done nothing to codify anything that would support those.

Commissioner Joyce stated that before they get into too many details of the LMC, he thought it was important to first have a discussion about how the Planning Commission can be more effective to accomplish what they are supposed to be doing.

Chair Strachan did not believe it was controversial to say that the Planning Commission would like to have more discussions about broader planning issues. It has been the desire of every Planning Commission. Chair Strachan thought the question was which issues to tackle and the mechanics of how to go about doing it.

Commissioner Band understood that plat amendments and CUPs are part of their job and need to be done. However, she believed they were all interested in being on the Planning Commission based on the legislative side because they want to effect the way the City moves forward and how it is shaped. Commissioner Band pointed out that the Planning Commission frequently raises an issue in a meeting that the Staff offers to further research, but it never comes back.

Director Erickson stated that he spent the weekend reading all of the Planning Commission Minutes from 2013 going forward to make sure they had picked up all the issues. However, he did not look at it from the standpoint of the General Plan. Director Erickson asked the Commissioners to take off their individual hats and try to build consensus with the rest of the Planning Commission in terms of what they want to do moving forward. He noted that the City Council does this on a regular basis. When one Commissioner has an idea, the other Commissioners have the obligation to discuss whether or not it will work and provide direction to the Staff accordingly. Director Erickson believed the breakdown in the process is that one Commissioner gives a suggestion, but the Staff is unclear whether there was consensus from the other Commissioners to follow up on that suggestion. Sometimes the Staff would like to hear the discussion to determine whether or not what was suggested could be regulated, whether it is within their purview, or whether it involves or creates other issues.

Commissioner Band thought there was a problem with clarity between the Staff and the Planning Commission because they have discussed things they can all agree on. She noted that the Planning Department has a list that could very well be the same as what the Commissioners would like to discuss, but there is no coordination to know that. She suggested that they sit down and prioritize what they all think are the issues. Director Erickson noted that the Staff has received a list from some of the Commissioners, and Planner Whetstone is careful to pick out as much as she could to add to the list. They tried to avoid starting the discussion this evening with a presentation of the Planning Department's list.

Commissioner Joyce thought it would be good to have a healthy work session because there are dozens of items. Some are small issues, but others such as energy and traffic and review of the General Plan are major issues.

Commissioner Campbell thought the problem is that the mechanism was broken. They take care of the administrative items and once the meeting is over everyone leaves. He suggested that they set aside 15 minutes at the end of each meeting to talk about these issues.

Commissioner Thimm noted that the City Council has a retreat each year where they interactive with each other and work collaboratively. He asked if it was possible for the Planning Commission to have the same type of retreat to accomplish things that cannot be accomplished sitting on the dais working through an agenda. Commissioner Thimm thought it would be helpful to have a mechanism where they could address the bigger issues and share collaborative views.

Director Erickson stated that the intent is to formalize the collective theme of the Planning Commission in bringing ideas forward. Commissioner Campbell asked if the City Council wanted the Planning Commission to do that. Director Erickson replied that the Council does because they have given the Planning Department tasks to fix. The City Council also wants to re-establish the trust that is necessary to make sure the Planning Commission is trusted as the representatives of the public.

Director Erickson stated that they could schedule 30 minutes at every meeting to gather at the back of the room to discuss a work session topic. He noted that Commissioner Joyce has suggested establishing subcommittees for housing, transportation, and other major issues. He clarified that the Staff was not opposed to any of those suggestions, but they needed to know what the Planning Commission wanted to do as a group.

Chair Strachan thought it was beneficial to set aside time after each meeting to discuss which big issues they wanted to tackle. They have had shorter meetings recently, but they need to decide if they want to commit to having a work session after the meeting if the regular meeting goes longer. Commissioner Campbell thought they needed a Plan B such as only scheduling the work session on weeks that the agenda is shorter, or possibly every other meeting.

Commissioner Joyce outlined the topics he thought were important. He recognized that his ideas were broader issues and was interested in hearing whether the other Commissioners concurred.

Commissioner Phillips thought they needed to keep a running list and they should continually refer to that list. The Planning Commission and the Staff should work together on a list so everybody is looking at the same things. Commissioner Phillips stated that even the list of items that the Planning Commission has asked for have disappeared. Some of the items probably no longer matter, but others still need to be addressed.

Director Erickson stated that the application of good ideas needs to focus on the problems they are trying to solve. They should not be random good ideas. Commissioner Phillips explained that it was his reason for suggesting a list of priorities

starting with affordable housing, which they are supposed to be assisting the City Council. He noted that a separate committee was formed to address Affordable Housing and he was unsure whether the Planning Commission would see that report before it goes to the City Council. Commissioner Phillips suggested meeting with the City Council to hear from them directly on what they expect from the Planning Commission. He thought direction from the City Council would be helpful in making these decisions on how to proceed.

The Commissioners discussed the possibility of having members attend task force meetings where some of the bigger issues are addressed and report back to the Planning Commission.

Commissioner Joyce commented on coordinating the lists and all the factors that come into play. He thought it made more sense to create a priority list.

Commissioner Erickson stated that the Staff would start a list and work with the Planning Commissioners to make sure everyone's priorities were included. He would like to structure future meetings such that from 5:30-7:30 they would deal with administrative applications, and from 7:30-8:30 or possibly 9:00 they could address the listed priorities in a systematic manner. The majority of Commissioners agreed with that approach.

Chair Strachan thought the Staff should come forward with a list for the next meeting so they can prioritize the topics together. He believed there would be a lot of overlap between the Staff's list and the Commissioners' list. Chair Strachan stated that from his experience with the General Plan, progress was made when they discussed specific LMC language and text that could be implemented or changed. When the comments related to ideas and philosophy the discussions were bogged down and inconclusive.

Commissioner Joyce thought there was a need for both. If two Commissioners come in with different LMC changes, it could result in a two hour discussion to make sure they address all the issues. Commissioner Joyce believed some component of ideas and philosophy are necessary to make sure the changes are inclusive and not micro. Chair Strachan stated that they would never agree on the big issues. More headway is made by coming to the meeting with a concrete suggestion that can be discussed. You might win or you might lose, but the discussion occurs within the context of the proposed LMC language. Chair Strachan agreed that the first step is to collaboratively create a priority list of topics to begin the discussions.

Commissioner Erickson suggested that they consider the possibility of having a two-hour discussion and from that establish a couple of working groups to bring forward some recommendations for Land Management Code changes for the next meeting. They would

have a global discussion for an hour and stop that discussion and put forward the LMC changes. After the master list is made they could map out a schedule for discussion.

Commissioner Joyce used TDRs as an example of a topic that would need significant discussion. It would take more thought than just writing a simple phrase because it involves TDR banks and many other components. It would be foolish to try to write Code without that extensive discussion. Chair Strachan agreed that the discussion needed to take place; however, his suggestion was for each of the Commissioners to come to the meeting with Codes changes that they think would be influential for that particular LMC section. The discussion is then aired out when those LMC changes are suggested and they have something specific to talk about.

Director Erickson reiterated that it was important to get a list compiled so they could see the global picture.

Chair Strachan believed there was consensus to meet after the regular administrative meeting. He also believed they had parallel tracks on their lists and how they accomplish those items could be debated another time.

Commissioner Joyce understood that they were restricted by the Utah Open Meetings Act but he felt that hindered the Planning Commission in terms of making progress on anything between meetings. He suggested that if someone finds an article or information on a particular subject, he thought it would be helpful if that person could send it to everyone so they could all come to the meeting with the benefit of having read the same information.

Assistant City Attorney McLean stated that sending out an article to everyone is not a problem. However, they need to make sure that the Planning Department receives a copy so it can be memorialized as material that was provided. Ms. McLean explained that the danger is in having conversations about the material that was sent via email or personally. She had no objection to the Commissioners sending out material prior to a meeting, trusting that they would not communicate beyond that. Ms. McLean clarified that the Commissioners would be able to talk one on one as long as they did not have a quorum. The same would apply to sharing their lists. The lists could be sent out to everyone to prioritize, but they should refrain from having a discussion outside of a meeting.

Assistant City Attorney McLean stated that having a work session after the regular meeting was also permitted. She noted that they have more latitude with noticing for a work session and that it only needs to be noticed 24 hours in advance. However, they need to be careful not to make laws or policy decisions at the work session and then rubber stamp it during a regular meeting because the public would not have had the opportunity to participate.

Commissioner Joyce stated that he is a proponent of allowing the public to speak and they may choose to ask for that during a work session; but he believed there could be times when the Planning Commission would want to have a working meeting without inviting the public to speak.

Chair Strachan stated that if everyone wanted to send him their lists he would bring them to the next meeting. The suggestion was made to have everyone send their list to Planner Whetstone so she could compile them into one list instead of having everyone read through seven different lists. Chair Strachan stated that the Commissioners should send their lists to him and to Planner Whetstone. In the event that Planner Whetstone does not have time to compile them into one list before the next meeting, then he would be able to do it. The Commissioner agreed.

The Park City Planning Commission Meeting adjourned at 8:45 p.m.

Approved by Planning Commission: \_\_\_\_\_