

PARK CITY MUNICIPAL CORPORATION  
**DRAFT PLANNING COMMISSION MINUTES**  
SPECIAL GENERAL PLAN MEETING  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
JANUARY 15, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Preston Campbell, Stewart Gross, Steve Joyce, John Phillips, Adam Strachan

EX OFFICIO:

Thomas Eddington, Planning Director; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Anya Grahn, Planner; John Boehm, Planner; Mark Harrington, City Attorney

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REGULAR MEETING

**ROLL CALL**

Chair Worel called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioner Gross who arrived later in the meeting.

**PUBLIC INPUT**

Jim Tedford stated that over a year ago he brought a proposal to the Planning Commission regarding changes to the Land Management Code. He read into the record the proposal he submitted at that time and his ideas for potential changes. Mr. Tedford read from the LMC Amendment Section of the Planning Applications page, "Citizens can always request that the City Planning Department, Planning Commission, City Council or Historic Preservation Board initiate proposed changes to the LMC." Mr. Tedford stated that on January 3, 2013 he requested that the Planning Commission initiate proposed changes to the LMC that were attached to his letter. At that time he was told that the Planning Commission had other more important issues to deal with and his request would have to wait. He returned to the Planning Commission on two separate occasions in 2013 and each time he heard the same response. Mr. Tedford understood that the Planning Commission and the Planning Department had been working very hard on the General Plan; however, he would like a reply to his proposal for changes to Chapter 15-6-2 (A), (B) and (C) dealing with the Master Planned Development process. He also proposed changes to Chapter 15-11-12 regarding the Pre-application Conference and Chapter 15-11-6 -, Additional Duties of the HPB, to give the HPB more flexibility.

Mr. Tedford noted that he initially presented his proposal to the Planning Commission who gave it to the Planning Department. He wanted to know whether or not his proposal would

be addressed. He would like an answer, even if the answer is that it would not be considered.

Chair Worel understood that the decision was to complete the General Plan and then amend the LMC in accordance with the General Plan. The General Plan was scheduled to be completed in March. Mr. Tedford assumed that he needed to wait two months before making his request again. Commissioner Strachan pointed out that if the LMC was amended before the General Plan was completed the two might conflict. Mr. Tedford agreed.

Mr. Tedford asked if he could expect an answer once the General Plan was completed. Director Eddington stated that the intent is to finalize the General Plan in early March, after which time they would begin to look at some of the Code recommendations made in the General Plan. He noted that the Staff typically proposes code amendments twice a year in an effort to consolidate the changes every six months. Director Eddington stated that Mr. Tedford's proposal should be considered in the next round of LMC amendments.

Commissioner Strachan stated that there would be a significant number of amendments for discussion and consideration. He believed Mr. Tedford had attended most of the Planning Commission meetings and heard that the plan is to substantially update the Land Management Code.

Mr. Tedford asked for an update on the Kimball Arts Center and where they are in the process. He understood that the Kimball had a pre-application conference but that they had not formally submitted an application. Mr. Tedford referred to a statement in the LMC regarding the pre-application, pre-design conference with the design review team. "The DRT will discuss the potential impacts of the project and identify issues that will require special attention or mitigation on the part of the applicant." He interprets that to mean that if something does not obviously apply, the applicant should be informed upfront that the application does not meet the current guidelines. Mr. Tedford understood that Kimball was not informed upfront when they went through the year-long process. He believed that if the Kimball Arts Center had done a pre-application meeting last year instead of a special work session, they would have been told that the application would not comply. Instead, the City Council suggested a change to the LMC to allow them to have the discussion. Mr. Tedford believed the pre-application conference was extremely critical.

Director Eddington clarified that the Kimball Arts Center initially came in for a DRT meeting and they were told that it did not meet the Land Management Code; which prompted the Work Session and some of the discussions regarding the potential for an MPD in the zone. The City Council and the Planning Commission eventually determined that it was not the case and the Kimball Arts Center took the opportunity to redesign the project. Director

Eddington stated that when applicants come in for a Design Review Team meeting they are informed that they have to comply with the guidelines. The applicant is also informed if there are Land Management Code issues.

### **Commissioner Gross arrived.**

Commissioner Strachan was surprised to hear Chad Root on the radio saying that the Kimball Arts Center building permit was coming up. He asked if that was for an interior change or something minor. Director Eddington replied that the Planning Department had not received an application and he was unsure what Mr. Root was referring to. The Kimball had inquired about a DRT, but they had not submitted an application.

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

Chair Worel asked the new Commissioners to introduce themselves since there were no name plates. She requested that the name plates be available for the next meeting. The new Commissioners were Steve Joyce, John Phillips and Preston Campbell.

Director Eddington remarked that a joint meeting with the City Council was tentatively scheduled for February 4<sup>th</sup>. He asked if the Planning Commission would be available if the date was changed to February 5<sup>th</sup>. He noted that the February 4<sup>th</sup> date conflicted with the Wasatch Summit Transportation Group open house at the High School. Commissioners Worel and Gross were unavailable on February 5<sup>th</sup>. Director Eddington asked about Monday, February 3<sup>rd</sup>. Commissioner Joyce felt it was important to make sure that at least two of the three Commissioners who were involved with the General Plan process from the beginning attend the joint meeting. All the Commissioners with the exception of Commissioner Worel were available on February 3<sup>rd</sup>. City Attorney Harrington clarified that the first option would be to keep the scheduled date of February 4<sup>th</sup>, with a second option to move it to February 3<sup>rd</sup>.

### **REGULAR AGENDA (public hearing and possible action)**

#### **General Plan**

Director Eddington stated that the intent this evening was to provide background and an overview of the General Plan for the benefit of the new Commissioners. He recognized the time and amount of material the new Commissioners had to read in order to catch up with the process. Director Eddington noted that the goal was to meet a City Council deadline of March 6<sup>th</sup>. They would review a number of issues this evening that were raised in December. Another General Plan meeting was scheduled for January 22<sup>nd</sup>. Following the meeting on the 22<sup>nd</sup>, they would begin public outreach.

Director Eddington noted that the issues this evening included density, TDRs, and Salt Lake-Park City connectivity, and to make sure the Commissioners understand the recommendations and whether they agree or not agree.

Director Eddington referred to the issues outlined on page 2 of the Staff report. He noted that one of the issues raised in December was the size and scope of the General Plan and that it could be challenging to read.

Planner John Boehm stated that in order to address the issue of size and scope, one of the recommendations from the Planning Commission was to provide a summary of the General Plan to make it more user friendly and to follow a format similar to the 1997 General Plan. Planner Boehm noted that the 1997 plan was 149 pages in length and contains 10 elements with short narrative and recommended actions for each element. The 1997 plan does not contain strategies, best practices in planning and design, or significant detailed analysis. It is primarily a list of recommended actions. The Staff proposed to remove the methodology for implementing the strategies for each of the core values, and leaving just the goals, objectives and strategies. It would create a version of the General Plan that was similar to the 1997 Plan. This summarized version, including the General Plan introduction, would be 107 pages and could serve as the General Plan – Executive Summary of Goals and Strategies. It would be more user friendly and easier for the public to follow. A separate, larger volume would include the Executive Summary, the methodology recommended for accomplishing strategies, the neighborhood section, and the appendix which contains the trends, analysis, and data.

Planner Boehm asked if the proposed format meets the request for summarizing the General Plan.

Commissioner Gross thought it was a good idea to split the document into sections. Commissioner Joyce stated that he went through each chapter quickly to see what could stay and what could be removed. He thought the Staff proposal was a nice way to address the concerns with minimal effort without recreating the document. In his opinion, it would keep what was necessary and remove much of the detail that was only applicable to the Planning Commission and the Staff.

Commissioner Strachan asked if it would be accomplished through an actual cut and paste. He wanted to see it be exactly the same. He was concerned that things might not flow as well if things were cut from one section and pasted into the Executive Summary. Therefore, to make it flow well, transitions would have to be added and the transitions can get dangerous. Commissioner Strachan wanted to know how the Staff would make it exactly the same.

Director Eddington used the small town goal section as an example. All the information on Pages 19-26 of that section would be included in the Volume 1, Executive Summary Goals and Strategies. The Strategies that follow would outline how to resolve those strategies, but that part would remain in the larger document. The transition would be that the next section, sense of community goals and strategies, and it would include just those goals and strategies without any narrative. They would do that for each of the four core elements and it would be exact.

Commissioner Strachan agreed with the process as explained. However, he thought they would have to add a preface or change the existing preface to give the reader a guide. Otherwise, it would look duplicative and the reader would not understand why there were two mirroring volumes.

Commissioner Campbell suggested leaving the General Plan as one document and pushing the strategy sections to the back. Director Eddington replied that they were separated in the first version of the draft, but there was a desire to keep the strategies for the small town section next to the goals for the small town section. That was the reason for putting them together. Commissioner Campbell was concerned that there were already two documents, the General Plan and the LMC, and now they would have three documents. He thought it was confusing to split the document and preferred to keep one document with the strategies in the back. Instead of a transition they could say, "see page..." and identify the appropriate page.

Commissioner Joyce understood that they were proposing the split because they expected someone to want to consume the Executive Summary version. If there is a need for that, they should make it easier for someone to read the shorter version. He believed the suggestion was that if people would only read a third of the General Plan, the Executive Summary was the third they needed to read. He supported splitting the document to have an abbreviated version.

Chair Worel was not opposed to splitting the General Plan as long as people realize that there is a fuller version. She recalled that the reason for so much detail was to make it clear and to decrease the room for interpretation.

Commissioner Joyce understood that it was some of the former Planning Commissioners who had concerns about the size of the document. What he was hearing this evening was the fact that they did not want people to miss the important items in the General Plan. Commissioner Joyce asked if a shortened version was actually needed.

Commissioner Gross recalled that the idea of an Executive Summary came from the City Council. He could not see an easy way to do it and he preferred doing what Commissioner Campbell suggested.

Director Eddington stated that the larger version benefits both the Planning Department and the Planning Commission because it has all the detail, data and analysis. The first recommendation was to have a version similar to the old General Plan and just list the goals and strategies, and then incorporate that into the larger document. If the Commissioners were concerned about having two separate documents, they could call it General Plan Volume 1 – Goals and Strategies; and Volume 2 could include all the anecdotal data, analysis and information. Volume 1 of 2 would let people know that they were not reading the entire General Plan.

Commissioner Strachan was not opposed to two volumes, but he thought there needed to be a “How to Read the General Plan” description, because it would still be confusing to a new reader. The Commissioners concurred.

Planner Francisco Astorga addressed the issue the Planning Commission had regarding density. The Staff has heard comments that density was being added everywhere, and he wanted to expand on that issue as it relates to updating the General Plan. He commented on the identified need for more affordable housing and middle income housing throughout town.

Planner Astorga noted that the City has received awards related to affordable housing and the City has been pro-active in that regard. However, the City recognizes that they need to offer more opportunities for affordable and middle income housing. The Staff started talking about adding additional density in some of the neighborhoods that would attract affordable housing and middle income housing opportunities. The targeted neighborhoods include the Park Meadows neighborhood that could accommodate accessory apartments in a detached building. Other density areas include Bonanza Park and Lower Park Avenue, also known as LoPa.

Planner Astorga wanted to know if the Planning Commission was in agreement about adding this type of housing stock to areas such as Park Meadows, Bonanza Park and Lower Park Avenue. He stated that the overall goal of the City is to avoid sprawl and not to build in City-owned open space. Planner Astorga noted that one of the policies is to attain more opportunities for open space.

Director Eddington stated that when the Staff first started working with the neighborhoods and the Planning Commission in late 2012 and early 2013, there were recommendations to look at smaller lot opportunities in some of the neighborhoods. He noted that it was not a

popular concept and the Planning Commission did not believe it was a good way to achieve the goal of middle income and more affordable housing. Therefore, that part was removed from the General Plan. What remained was the opportunity for utilization of accessory units in different neighborhoods throughout town as currently allowed by the zoning. The Staff continued to make that recommendation as a way to encourage affordable housing, studio housing and seasonal housing. It was not an actual change, but it would be stated in the General Plan as a good idea in accordance with the zone.

Director Eddington stated that the bigger issue was Bonanza Park and areas of Lower Park Avenue near the PCMR resort. He asked how the Planning Commission felt about additional density opportunities in those areas, as well as looking at Form Based Code.

Commissioner Strachan generally agreed with the principle that density should be centered in LoPa and BoPa. The current General Plan lacks an express statement that density should not be encouraged in the existing neighborhoods. Commissioner Strachan remarked that it was one thing to leave it unaddressed in the General Plan, but it was another thing to outright say that there should not be increased density in neighborhoods such as Thaynes or Park Meadows. If they decided to take that route, it would not be enough to say that density should be clustered in LoPa and BoPa. It should say that density should be clustered in LoPa and BoPa and density should be discouraged in existing neighborhoods.

Director Eddington asked if Commissioner Strachan would discourage it from all existing neighborhoods. Commissioner Strachan thought the neighborhoods appropriate for density needed to be identified. For example, there is the availability for affordable housing in the Prospector neighborhood; but there was strong consensus that Park Meadows was not an area that needed more density. He had the same thought about the Thaynes neighborhood and Masonic Hill. Commissioner Strachan stated that they needed to go through each neighborhood individually in joint meetings with the City Council. He suggested that Prospector needed to be a careful decision because density would only be appropriate in certain areas of that neighborhood.

Commissioner Campbell asked if that level of specificity should go in the General Plan or the LMC. Commissioner Strachan replied that the new General Plan had reached a level of specificity that was not present in any other General Plan. Since they had started down that road, he thought it was worthwhile to continue being specific.

Director Eddington stated that if they wanted that level of detail it should go in the neighborhood section of the General Plan. Commissioner Strachan agreed.

Planner Astorga understood from the comments that if the main use within a particular neighborhood was single family, the Commissioners would not want to encourage the increase in density. However, they would consider a density increase in mixed-use neighborhoods. Commissioner Strachan believed that was an accurate understanding. He suggested that they follow the zoning map to identify where density would be appropriate, rather than looking at the allowed uses in the zone. If a neighborhood is single family and the primary use is single family, he would exclude additional density. Commissioner Strachan emphasized that the zoning map should be the guide.

Planner Astorga asked if that was the general consensus of the Planning Commission. The majority of Commissioners concurred.

Commissioner Strachan stated that the statement to cluster density in LoPa and BoPa to the exclusion of the existing neighborhoods could also be said in Small Town or Sense of Community. They could be more specific in the neighborhood sections and identify which areas they would discourage density. Commissioner Strachan stated that the point of clustering affordable housing in LoPa and BoPa is to keep the community close together where people can get to know each other. As long as it was stated somewhere in the General Plan they would have a leg to stand on. Where to put it in the General Plan was the Staff's decision.

Director Eddington stated that if they were generally comfortable with keeping the lower density neighborhoods lower density and allowing for more build out in LoPa and BoPa, he asked if they would consider TDRs to funnel the higher density and more affordable housing to the LoPa and BoPa areas. He noted that it was a difficult question because if they keep low density in one area it would be impossible achieve the goal of affordable and middle income housing without allowing higher density in Bonanza Park.

Commissioner Joyce stated that when Director Eddington asked the question he verbally said Bonanza Park, but the Staff report said Bonanza Park, PCMR, and Deer Valley. In his opinion they were different because they have talked about Bonanza Park being a possible solution for lower medium housing and more of a locals area. The base of Deer Valley and PCMR would be resort density. Commissioner Joyce liked the idea of having TDRs as part of their tool kit, but he thought it was important to decide what they would be willing to use TDRs for and for what purpose.

Director Eddington thought Commissioner Joyce made a good point. There were two areas to discuss and they should be addressed separately. When they talk about TDRs going to PCMR or Deer Valley, he believed they were talking about resort TDRs going from a hillside to Deer Valley or from an open, potentially developable area going into PCMR. If



they agree that TDRs are appropriate in Bonanza Park, he assumed they were willing to allow more density to create a mixed income/mixed use local center.

Chair Worel asked if there were different kinds of TDRs, such as a resort TDR. Director Eddington answered no. City Attorney Harrington stated that they were not different in the current enabling ordinance, but the City has utilized a more affordable component in annexations. For example, four units were transferred from the hospital parcel on the northeast side of Quinn's Junction to the southwest side of Quinn's Junction because it was more desirable and compatible with the Park City Heights project. The City Council put a higher value on open space on a parcel that would have otherwise had single-family/affordable use on that side. Mr. Harrington thought the two could be somewhat compartmentalized based on the goal. If the goal is affordable, it becomes a narrower range from place to place to achieve a more desirable residential development, versus either getting rid of development or trying to get a better result. Mr. Harrington stated that to only put TDRs in the stream of affordable does not work from an economic perspective. They need to be able to apply sales in order to motivate the transfer, otherwise there's no incentive to make it work. He clarified that while there may not be different kinds of TDRs, the program would have to be flexible given the goals.

Commissioner Gross stated that the TDRs going into the areas discussed were appropriate. However, he was nervous about TDRs in general because he was unsure how it works in the open market. It is always difficult for him when government steps in talking about the economics, when the marketplace actually controls the economics. Commissioner Gross used the Sweeney parcel as an example. He was unsure whether anyone would ever be able to make a deal with the Sweeney's on an appropriate price to transfer density from that parcel and put it somewhere else.

Director Eddington stated that those issues would be addressed when they get into the details of the TDR ordinance in the future. The question tonight was whether or not the Planning Commission wanted to look at TDRs moving forward in the next five to ten years. He believed they would have to start looking at equalization and potential multipliers to sharpen that tool.

Commissioner Phillips asked if the Planning Commission would have input on TDRs. Director Eddington replied that if the Planning Commission recommended leaving TDRs as a tool in the tool box, if the City was to move forward with any type of TDR ordinance and LMC amendment, it would come before the Planning Commission for a recommendation to the City Council.

Commissioner Strachan noted that the question on page 5 of the Staff report asked if the Planning Commission concurred with the recommended receiving zones for TDRs. He

believed that was a different level of specificity and a different question. Commissioner Strachan agreed that TDRs should be an available tool, but he could not find in the General Plan the map that showed the potential receiving zones. The Planning Commission had seen it before but it was not listed in the Table of Contents and he was unable to find it today. Director Eddington directed the Planning Commission to the map in the General Plan.

Commissioner Gross noted that the Planning Commission specifically removed the Huntsman parcel when they previously discussed the receiving nodes. Commissioner Strachan asked if Kimball Junction and the Canyons were marked in red because they were outside of the City jurisdiction or if they were potential sending zones. Director Eddington replied that the areas marked in red were outside of the City boundary. He noted that the four purple areas were considered by the Planning Commission. The Planning Commission had removed Huntsman; however, the Staff recommended Huntsman for an area in the Resort as an opportunity to help alleviate and focus on resort development.

Commissioner Strachan referred to page 19 of Small Town and stated that PCMR, Bonanza Park and Deer Valley were worth considering as receiving zones. He did not think the Huntsman parcel was appropriate. Director Eddington clarified that it was only for consideration. The Planning Commission was not approving the recommended receiving zones. Commissioner Strachan reiterated that TDRs are a useful tool that should be in the General Plan. Chair Worel concurred with Commissioner Strachan.

Commissioner Gross remarked that the maps on pages 12 and 13 of Small Town were difficult to read. Director Eddington stated that it was the map from the existing General Plan. The Staff has a responsibility to utilize the current land use and make recommendations for future land use. He noted that few people use land use maps because they use the zoning map. Director Eddington clarified that the Staff was not recommending that many changes in and around Park City. He pointed out that the land use map was inaccurate for Prospector and Bonanza Park and he proposed to straighten it out and make it more accurate. On the right side of page 13 they needed to talk more about mixed use to be consistent with the Staff recommendation. That was the primary change they were recommending. Director Eddington noted that the Snow Park parking lot in Deer Valley would also be mixed-use and not just commercial.

Commissioner Campbell asked if they were to remove the Huntsman parcel, if PCMR, Bonanza Park and Deer Valley would be the only three places in all of Park City that would be allowed to receive TDRs. Director Eddington replied that those were the three places the Staff recommended for consideration. Commissioner Campbell was uncomfortable with the degree of detail and questioned whether they should leave more flexibility.

Director Eddington thought there should be some degree of guidance for where to put density since the Commissioners were only comfortable with density in a few areas.

Chair Worel asked if Quinn's Junction was a potential receiving site. Director Eddington replied that it was currently not a site. A fair amount of density was proposed for the Park City Heights site and the Staff did not recommend adding additional density to that area or to the area north of SR248.

Commissioner Campbell asked about the procedure if the Staff recommended adding another receiving zone in two or three years. He asked if the General Plan would have to be re-written. He suggested leaving it vague in the General Plan to avoid the process of having to update the General Plan. Commissioner Campbell understood that changing the LMC was an easier process and he recommended putting more specificity in that document. Director Eddington explained that both LMC amendments and General Plan updates require Planning Commission and City Council review and approval. Both documents take a significant amount of time to change.

Commissioner Gross was comfortable identifying Bonanza Park/LoPa, PCMR and Deer Valley Snow Park.

Planner Kirsten Whetstone referred to the maps on pages 12 and 13 that were previously mentioned, and noted that the Rail Trail was incorrectly labeled as Kearns Boulevard. It was identified in green because it is open space. She believed that was the reason for the confusion. Planner Whetstone clarified that Kearns Boulevard was actually a little further north. Commissioner Gross thought the map should be better labeled.

The Planning Commission concurred with the identified receiving zones excluding the Huntsman parcel.

Director Eddington commented on Inter-Jurisdictional TDRs. He stated that regional planning is one of the concepts that Park City has been working on with Summit and Wasatch Counties. Over the past few years there has been more of an effort to involve the Planning Commission with the Summit County Planning Commission, and they were trying to include the Wasatch County Planning Commission. The newest effort has been to get the Park City and County Councils together more often to look at planning more holistically. Director Eddington noted that the jurisdictions operate more as a region now than they had over the past decade. They were starting to see resort development outside of the Park City boundaries and he believed they would continue to see that. When the Jordanelle Basin is developed based on its entitlements, it would actually be larger than Park City in terms of size, units and square footage. Recognizing that there is an evolution and growth

to the region and its economy, Director Eddington felt it was important to work with their regional partners.

Director Eddington noted that currently the jurisdictional TDRs as recommended are not permitted by State Code; however, within the next 10-15 years they would be looking for an opportunity to work with the State Legislature on some type of inter-jurisdictional TDR planning mechanism. Director Eddington outlined regional areas that could receive TDRs such as Kimball Junction, Redstone, Newpark, the Canyons, and Silver Creek. Director Eddington remarked that a more negative side is that density could go both ways. For example, there may be some density at Kimball Junction that could be transferred to Bonanza Park as additional commercial. Director Eddington clarified that they have not set any numbers or multipliers. The idea was to consider the concept of transferring density between jurisdictions.

Chair Worel thought the key was the sentence in the last paragraph, which says that the recommendation is to begin the analysis for such opportunities. In response to the question of whether the Planning Commission supports the City exploring the concept, Chair Worel was open to conducting an analysis and exploring the concept.

Commissioner Joyce had issues with the concept. He noted that traffic is a major issue and they keep talking about wanting people to live in the town where they work. He felt that the mentality of pushing density somewhere else was counter to the goal of living and working in the same town. Commissioner Joyce pointed out that Park City had the idea that surrounding the City with open space would separate them from everything else. He noted that Jordanelle would develop regardless. In terms of working with the counties and trying to coordinate plans, he was concerned with Park City deciding receiving zones in an area they have no control over. He referred to the red circles on page 19. He thought Summit County should decide where they wanted to see additional density and they should be placing the red circles. He did not believe Park City should identify density in their General Plan that was outside of the City.

Director Eddington clarified that Park City has talked with Summit County about potential receiving zones and they were in general agreement with the areas identified. Commissioner Joyce liked the idea of having TDRs as a tool; however, the fact that it was currently illegal, and in the grand scheme of everything else the City was trying to accomplish, he thought TDRs were a low priority. Commissioner Joyce thought the concept was worth exploring, but he was unsure how he felt about pushing density to someone else.

Commissioner Gross supported exploring the idea as long as it was not mandated. He liked the idea of inter-governmental relations in the future, but they first needed to make sure that the needs of Park City were addressed in the General Plan.

Commissioner Strachan asked why the State has not legalized TDRs. Director Eddington assumed that the issue had never been raised and there has never been a strong desire to allow it. He noted that other states allow for it but Utah has never done much with TDRs.

Commissioner Phillips wanted to know how common TDRs were across the United States. Director Eddington replied that TDRs are very common, and they are more common in the East than in the West.

Commissioner Strachan agreed with the comments made by Commissioner Joyce. He was reluctant to define the areas outside of their jurisdiction as potential receiving zones. He was comfortable exploring and analyzing the concept, but he thought the red circles on page 19 should be removed. Commissioner Strachan felt that including those as target zones in the Park City General Plan was overstepping their bounds, even if Summit County has generally agreed. He thought it was enough for the General Plan to say that the City was willing to explore it and to set the receiving zones in the future if it becomes legal to do so.

City Attorney Harrington noted that the subcommittee had the same concern and they asked the Staff to make sure that Pat Putt, the Summit County Development Director, was invited to at least one of the meetings. He expected that Mr. Putt would attend a meeting to speak directly to the Planning Commission.

Annexation was the next item for discussion. Planner Boehm noted that page 15 included a recommendation to expand the annexation to areas north of the City, as well as the south to the Bonanza Flats area. He explained that the Staff recommends expanding the boundary because they are gateways to the City and what happens in those areas could have a significant impact on the gateways to City. In addition, the lands are instrumental in protecting wildlife corridors. Planner Boehm stated that they were looking at moving the boundaries further out to have more control. If the land was never annexed, it would still be within the annexation expansion area and the City would be noticed for any ongoing development.

Planner Boehm clarified that the annexation recommendation was not to actually annex the areas in yellow. The recommendation was only to expand the boundaries of the annexation area.

Commissioner Gross asked if the expansion would be forever, even if it was never annexed. Director Eddington replied that it would remain on the annexation map as the adopted annexation expansion area boundary until the City pro-actively decided to make a change. Commissioner Gross was concerned about the Highway 40 corridor. He questioned how the community would benefit if they continue to take on environmentally sensitive land that they know is contaminated. Commissioner Gross did not believe the City would ever want to own that land, and other than receiving a notice if development occurs, he could see no merit for having it in the annexation boundary.

Director Eddington explained that the City would not be required to annex, but it would give Park City the opportunity to provide input on proposed development in the area and possibly help to create and direct growth. Commissioner Gross was not opposed as long as the City would never have to purchase it.

Chair Worel thought that expanding the annexation boundary as recommended would give the City more protection over the entry corridors.

Commissioner Joyce wanted to know how the County would perceive the expansion. Director Eddington stated that the Staff spoke with the County and he assumed they thought it might be overstepping a little bit. However, the County understood the reasoning and Park City committed to collaborating with the County, specifically regarding the Route 40 corridor. Director Eddington believed the County would be willing to work with the City.

Commissioner Strachan stated that for him personally, the annexation map was one of the most troubling things in the General Plan and he has felt that way from the beginning. In the six or seven years that he has been on the Planning Commission, the argument of "it gives us control over that area" has never borne out to be true. They did not have control over the movie studio or control over Park City Heights. In his opinion they were not good annexations. Commissioner Strachan believed the annexation map was a doormat for sprawl. He noted that their discussions were about keeping the town small, not enlarging it. The annexation map was contrary to the point of a small town and sense of community. If he was a new developer coming into town, he would read it as an invitation to build out. Commissioner Strachan stated that even though it may give the City some control, he would rather have the message be "no more sprawl and no more growth." The focus should be on keeping the town its current size and concentrate on putting density within the current boundaries. He opposed expanding the boundaries to address greater density concerns. Commissioner Strachan stated that he has always had an issue with annexation. He believed that annexation should be the last resort and only done if there is absolutely no other alternative.

Director Eddington clarified that the annexation map was not intended to encourage growth. Commissioner Strachan replied that the intent gets lost because of how the map is interpreted and used. Director Eddington stated that in comparing the annexation map with the wildlife corridor and open space maps in the Natural Setting section, there was a definite correlation to protect some of these areas. He reiterated that the recommended areas are the gateway to the community and it is incumbent on Park City to pay attention to the entry corridors and how the area develops.

Commissioner Joyce clarified that expanding the annexation boundary ensures that the City gets notified if something is proposed to occur, but they would not have the ability to exert any control. The City could have their say but the County and the developer could choose to ignore it. Director Eddington stated that if a development was proposed and the City's wishes were disregarded, given that it was within the annexation boundary, Park City might exercise opportunities relative to planning and/or annexation.

City Attorney Harrington offered to prepare a memo for the next Staff report that clarifies the statutory requirements and effects of the ADA.

Commissioner Joyce was confused over the wording. Sometimes they use the wording, "this will give the City control" and other times they say, "the City will be notified". He pointed out that "notified" and "control" were extremely different. City Attorney Harrington stated that he would spell it out in the Staff report so the Commissioners would have a clear understanding.

Commissioner Campbell thought it was clear that if they wanted reduced sprawl they could not control it if they did not own it, and the County could do whatever they wanted.

Commissioner Strachan explained how these situations have played out in the past and how the developers play the County against the City and vice-versa. If the County decides to build a disastrous project on the City doorstep, he would much rather say that the City had nothing to do with it. As an example, he would have preferred that the movie studio be solely a County project rather than have the City involved.

Commissioner Joyce asked Mr. Harrington or the Staff to include a better annexation map that could be interpreted easier.

Planner Astorga noted that the issue for discussion this evening was transportation and the connectivity between Salt Lake City and Park City. He stated that the General Plan was drafted to support multi-modal transportation. The biggest problem is the single-occupancy vehicle that goes to and from Park City every day. Planner Astorga reported that three years ago the City, the County and UTA created a partnership that started with the PC/SLC connect bus service. The first year was not very successful, but as time goes on the

ridership has increased. Planner Astorga stated that the PC/SLC bus service addresses the environmental impacts and road capacity issues caused by single occupancy vehicles. The recommendation in the General Plan was that the City should continue to work with its regional neighbors to explore opportunities to mitigate traffic issues that would only worsen over time.

Planner Astorga stated that they were taking about reviewing the current private transportation system and surveying the preferred methods of transportation. One reason Park City is what it is today is due to its close proximity to Salt Lake. He asked if the Planning Commission wanted to continue exploring opportunities for better transportation. Planner Astorga noted that the Staff included light rail as an option not because they want to build it but because they want to explore it.

Director Eddington remarked that they continually talk about Park City being a fortunate mountain town because they are 37 minutes from the airport and the economic advantage. However, the concern is whether at some point there would be an environmental and traffic trade-off. The City has committed to not widening or expanding the roads, and whether or not to keep that commitment will have to be addressed in the future before the problems reach crisis mode.

Planner Astorga commented on the social component raised during visioning. Both residents and visitors indicated that increased traffic would be the primary reason they would leave or not visit Park City.

Commissioner Joyce was opposed to light rail. He moved here from Raleigh, North Carolina where they tried to do light rail, but there were not enough people moving one high density area to another high density area to justify it. Commissioner Joyce thought one of the challenges of the bus between Salt Lake and Park City is that unless you live close to where the bus starts or work close to where the bus ends, a 37 minute drive becomes a 2 hour bus commute. He did not believe the bus would absorb enough population to make a difference on the roads. Commissioner Joyce stated that he may be short-sighted, but in his opinion, talking about light rail would be a waste of time. They did not have the population density or the traffic flow patterns that could begin to justify light rail. As a new Planning Commissioner he looked at his own "hot spots" and traffic was a priority. He asked his friends why they drive everywhere rather than use the public transit system. The consistent answer was that driving was easier and there was no pain associated with driving. Commissioner Joyce stated that people will continue to drive their cars unless there is a dedicated bus lane that is more efficient and makes commuting faster. He understood that the intent was to look long term, but he cautioned against getting caught up in the idea that light rail would be cool. He pointed out that there is an existing park and ride lot that no one uses. Before they figure out Salt Lake, they need to



figure out how to handle the workers coming from Heber, Kamas, Oakley and other areas; and why no one uses the park and ride lot. Commissioner Joyce suggested that the City work on the internal issues before they study a concept that might never exist.

Commissioner Gross thought they should plan around it. He believed some tipping point in the future would make it happen. He could foresee money coming in for possibly another Olympics because the federal government would want to know how people would get from the airport to Park City on light rail. Commissioner Gross felt certain that if light rail came to Park City it would not be funded by their tax dollars. It would be the result of federal funding. He thought they should plan it in order to be ready if that should ever occur.

Commissioner Joyce reiterated that it takes a lot of density for light rail to work and he could not see enough people coming from Salt Lake to Park City to justify it. He stated that human behavior is not easy to change and that was part of the problem. He thought they could do a lot with the local bus system to keep the locals and the tourists out of their cars.

Director Eddington remarked that there were recommendations in the General Plan for improving the local transit system. He clarified that the recommendation to explore transportation opportunities was for more than just light rail. The recommendation was to explore alternative modes before light rail would ever be considered.

Commissioner Phillips agreed with some of Commissioner Joyce's comments. However, he understood that the Staff was only asking for the ability to look into alternative modes of transportation. Commissioner Phillips supported the idea of Salt Lake/Park City connectivity and thought they should explore the concepts.

Commissioner Campbell thought this conversation was timely due to Sundance starting this week. As much as they love Sundance, everyone is glad when it ends. Commissioner Campbell stated that the traffic they see for two weeks of Sundance could easily be the traffic they experience ten years from now. If that were the case, he would say they all failed in what was their number one job.

Commissioner Strachan concurred with Commissioner Campbell. He believed the answer to the question on page 6 of the Staff report was yes, the City should look into the concept of alternative modes of transportation to connect SLC and PC. The Commissioners concurred.

Chair Worel opened the public hearing.

Jo Scott was happy to hear Commissioner Strachan express the same concerns that so many in the audience have had sitting through many meetings regarding density in existing

neighborhoods. She stated that it has been a real concern in Thaynes Canyon. Ms. Scott commented read from the Staff report regarding densities in BoPa and LoPa. "The City has no additional land for substantial opportunities to fulfill the housing needs for this demographic cohort." "The only additional opportunity to address affordable housing is to look at utilizing the right to build accessory units above garage that are otherwise in the City's existing neighborhoods". Ms. Scott thought the two sentences was conflicting. The language goes on to say, "The City has committed to not sprawling and building in our open spaces; we have committed to not building housing on our golf course; we have committed to keeping our large lot sizes in our existing neighborhoods – the only economically viable outlet is an increase in density in our redevelopment areas." She believed that the only sentence that did not fit was the one about accessory units above garages. In the Thaynes area there was also language about detached units. Ms. Scott asked if the language would be removed from the Thaynes neighborhood and other existing neighborhoods. She was unsure what the Staff was directed to do.

Commissioner Strachan stated that it was his direction to the Staff but he was only one Commissioner. Commissioner Gross recalled that the Planning Commission talked about specifically looking at each individual neighborhood and providing a narrative. For example, a paragraph would be included similar to what was already in the Thaynes neighborhood section, only stronger, to clearly state that accessory units are not allowed.

Director Eddington noted that the zoning allows for accessory units throughout the Thaynes neighborhood. Commissioner Gross understood that the General Plan would restrict that.

Commissioner Strachan stated that the General Plan was not a mandatory document and it would not restrict accessory units. He explained that even if they took out the language, the existing LMC would still allow accessory units, even if the HOA or the neighbors did not want them. Commissioner Strachan did not want Ms. Scott or others to think that just because he gave his comments and direction to the Staff that they would never see accessory apartments in the Thaynes neighborhood. They would still be allowed until the LMC is changed.

Ms. Scott stated that the if the language was in the General Plan and the General Plan is a guide or reference for the LMC, then confusion will exist. If the language is taken out and new language specifically says it is excluded in this neighborhood, then those reading the General Plan would not get the wrong idea.

Commissioner Strachan believed there would still be confusion because the General Plan would exclude it but the LMC would allow it. People would question which document to follow.

Ms. Scott recalled that a sentence was added stating that it would go against the HOA and CC&Rs.

Commissioner Joyce stated that CC&Rs with a homeowners association apply. That was as far as the City could go because they could not enforce CC&Rs and they could not prohibit something that was allowed in the zone.

Ms. Scott stated that nonetheless, when the language still exists in Thaynes Canyon, it increases the confusion. She would like the City to reduce the confusion and the conflicts in the General Plan to avoid the misunderstandings so they do not have continual problems. She understood that they needed to address the LMC separately, but the General Plan is referred to as a blueprint and a reference. Accessory units do not belong in some of the existing neighborhoods because it is inappropriate to increase density in those areas. Ms. Scott pointed out that building a detached unit takes away open space. She would not want her open space taken away by her neighbor. Ms. Scott was still uncertain on what the direction was to the Staff and she asked for clarification.

Commissioner Campbell understood that the City was not in a position to enforce CC&Rs. Director Eddington replied that this was correct. He explained that currently Thaynes, and most of Park Meadows was zoned single-family and that zone allows accessory units. He recognized that there were conflicts with the CC&Rs, but the CC&Rs are a contract with the land which is different from the zoning. The Staff recommended maintaining accessory units in the SF zones. However, if a CC&R disallows accessory units the owner would not be able to have it. Director Eddington understood that the recommendation was different from what Ms. Scott was requesting.

Commissioner Gross remarked that Ms. Scott was asking for something that the City could not do. Ms. Scott understood that the City could not enforce CC&Rs, but she thought Commissioner Strachan made a good point when he suggested that they remove the language because the goal was not to increase density in existing neighborhoods.

Commissioner Strachan clarified that the language he suggested was that the City did not encourage increasing density in the existing neighborhoods. He also suggested that they remove the language about accessory units and language that is contrary to the idea of putting density anywhere other than BoPa or LoPa. Commissioner Strachan stated that he was not recommending a zoning change. The language should be clear that the City does not encourage applications for accessory apartments or applications that would increase the density of the single family neighborhoods. The City would encourage applications where density is appropriate in other locations. They could be more specific about accessory units in the LMC. The General Plan should be general in terms of encouraging

and discouraging density in single family neighborhoods. He believed the General Plan should be silent on the issue of accessory units.

Ms. Scott agreed that the General Plan should not address accessory unit. She asked if the other Commissioners concurred with the direction Commissioner Strachan had expressed to the Staff. Chair Worel replied that the Commissioners had already made their comments during the discussion. Ms. Scott stated that she would take that as a yes and she thanked the Planning Commission for their time.

Ruth Meintsma, a resident at 305 Woodside, thought the transportation discussion was perfect. She agreed that it was all about habits. She takes the bus everywhere. She even takes the express to the Junction to get her groceries and it takes about an hour total. Ms. Meintsma believed habits would change over the years and she thought it was right to consider it on the back side instead of the front side. It is important to look well into the future and she thought their discussion was spot on.

Alex Butwinski stated that in reading through the minutes of the last meeting he thought the word "density" was too general and that it confuses people in terms of equating density with growth. Mr. Butwinski stated that density is more about clustering existing density rather than adding to the 4 million square feet entitled in BoPa. He suggested that the problem might be solved by defining clustering. Regarding annexation, Mr. Butwinski stated that Commissioner Strachan defines control in a very absolute way and he disagreed with that assessment. He encouraged the other Commissioners to look at it in terms of the pros and cons and what they would be giving up in order to get that control. They also needed to be aware of being played by the developer in order to get what they want. Mr. Butwinski believed that those serving on the Planning Commission and others in the community were smart enough from the lessons learned not to allow that to happen again. He asked the Planning Commission to consider that moving forward as they look at the annexation boundaries. Mr. Butwinski stated that one of the things discussed in the drive to get the General Plan completed was whether the document could evolve as it needs to as they learn some of the lessons and find some of the loopholes. The same would be true for the Land Management Code.

On the issue of transportation options, Mr. Butwinski thought all options should be on the table. He did not believe light rail would occur in their lifetime, but he thought they should plan for routes where light rail might make sense. They have a long way to go before people will quit using their cars, but he believed that trend would eventually evolve. Mr. Butwinski did not think light rail was necessarily for masses of residents and commuters. Park City is a unique place where they bring in visitors in larger quantities and light rail could make sense. Mr. Butwinski commented on the park and ride lot at Quinn's Junction. He believed it was a chicken and egg conundrum. The question is how people get into the

City if they use the park and ride lot. The Transit Department will not run buses out there multiple times a day if no one uses the lot. At some point the City Council would have to decide to make the investment and run empty buses for a while to encourage people to use the park and ride lot. Mr. Butwinski stated that people do not like riding buses for whatever reason and light rail creates another opportunity for people to get around.

Jim Tedford had concerns with the Historic Character section. Several months ago he offered suggestions to the Planning Commission about defining compatibility. A lot of language was included in the General Plan regarding compatibility and he congratulated them for that. Mr. Tedford clarified that his comments were not intended to be criticism because he knows everyone has worked very hard on the General Plan. He intended to come back to the next meeting with more details after he has a chance to study the document a little more. Mr. Tedford had ideas for some of the language and some of the content in the Historic Character section. For example, he thought the definition of subordinate could be stronger when talking about infill and additions. He would be prepared to offer specific suggestions at the next meeting. Mr. Tedford referred to the term "cultural tourism" on page 8 and "cultural heritage tourism" on pages 34 and 35. He believed they were talking about the same thing. He noted that Goal 16 on page 8 says that residents are not tourists. He thought that statement was confusing and suggested saying, "Maintain Main Street as the heart of the City for visitors and residents alike".

Chair Worel noted that public open houses regarding the General Plan were scheduled for January 28<sup>th</sup> and February 8<sup>th</sup>, which would also give Mr. Tedford the opportunity to provide input.

Brad Smith, with the Thaynes Canyon HOA, stated this was a great meeting and with all the meetings he has attended he felt like the City and the residents were finally coming together with the General Plan. He believed a lot of progress had been made. If they rid the document of ambiguities and make everything clear to the developers it would relieve future problems for both the City and the residents and the HOA. It also avoids potential litigation and a great expense for the HOA. Mr. Smith remarked that there was not a conflict between the City and the residents because both parties understand that the HOA rules apply and that is stated in the General Plan. There are HOAs in the Thaynes area and the HOAs enforce the regulations. Mr. Smith recalled from the December meeting that the Planning Commission made a motion to have a strong outreach in an effort to involve the public in the General Plan. He understood that a copy of the General Plan was available at the library, and he requested that the City make copies available in other places where the public would have the opportunity to read it.

Commissioner Strachan asked about advertising for the public open houses. Director Eddington replied that it would be listed on the interactive website, and the City website.

Emails would be sent to people who attended public hearings, the task force meetings and to the HOAs. It would also be announced on the radio and published in the newspaper.

Mary Wintzer, a resident at 320 McHenry, concurred with Commissioner Strachan's comments regarding annexation. She has lived in Park City 42 years and one of the saddest moments was when the City Council approved the movie studio. She saw the Mayor beg the developer to "throw him a bone" and they would not; and the Council still did not have the political will to stand its ground. Ms. Wintzer did not believe they would understand the lesson learned until the movie studio was operational. She encouraged the Planning Commission to contemplate Commissioner Strachan's comments about annexation because it does not give the City control and it adds to sprawl. In terms of the General Plan being vague or specific, Ms. Wintzer remarked that the theme of the current General Plan was that the City would build a mote of open space around Park City.

Ms. Wintzer commented on the number of meetings that have been held to update the General Plan and she has attended every meeting. She believed that the log jam was created because the public felt that the Staff was not adhering to the four core values and they were promoting density. She recognized that Mr. Butwinski may be correct in saying that "density" was mis-defined; but people have the perception that density means sprawl. The public was concerned about TDRs and the idea of doing something regionally with the County, as well as the language that density transfers could go both ways. She asked the Planning Commission to consider the roundabout at Redstone going into BoPa and the associated congestion. Ms. Wintzer pointed out that during the election people wanted the City to hold on to the value of small town. Regardless of what they think about Thaynes and their concerns, these are established neighborhoods that have existed for 35 years. She believed it would be a taking of property and lifestyle if they did not include the language that was suggested this evening, saying that accessory units are not encouraged. Ms. Wintzer agreed that affordable housing is a key goal. However, there are other areas in the community where density would be appropriate without having to desecrate existing neighborhoods. She believed they were in agreement regarding Natural Setting and Mr. Tedford would help with the language for Historic Character.

Commissioner Strachan thanked Mary Wintzer for hosting the post-election party at the Grub Steak. He felt that was honorable to do after losing an election and everyone had a good time. Ms. Wintzer thanked Hans Fugie and Bill Martin for contributing as well. Commissioner Strachan remarked that it was a nice gesture and that is what keeps the community civilized after an election.

Mary Olszewski approached the density issue from a different angle. She asked if a study had been done on water and whether there was enough water to support a 50% increase in commercial and a 25-30% increase in residential. She felt that was germane to the

whole scheme of the City and its development. Ms. Olszewski questioned whether there was enough water in the drought years to allow 2,000 more people to flush their toilets.

Commissioner Strachan asked if the City had a concurrency ordinance. City Attorney Harrington explained that City did not have a concurrency ordinance like the County; however, the City did have a long term capital improvement plan and study that tracks those measurements in conjunction with the impact fee program. It is tied to projected growth. Mr. Harrington stated that most of the water shortfall was due to outdoor irrigation rather than culinary water.

Commissioner Strachan informed Ms. Olszewski that surprisingly the State of Utah has enough water rights to support additional density. Ms. Olszewski understood water rights but she wanted to know if Park City had enough water. She has water rights with the City but there seems to be a conflict between having the water rights and being able to use the water. Commissioner Strachan pointed out that the studies were done and they show that water is available. He would encourage the City to adopt the same concurrency ordinance as Summit County, which requires developers to prove that there is enough "wet" water for their development.

City Attorney Harrington remarked that the City and the County were two different situations. The County needs the concurrency ordinance because it has Districts that do not have an obligation to serve. The City has the obligation to serve everyone in the City. Therefore, development could not be denied based on water because the City has the obligation to serve. However, if an annexation is being considered, the City requires the developer to bring their own "wet" water to the table.

Ms. Olszewski clarified that if the expansion was to take place, Park City would have enough water to service the expansions.

Chair Worel closed the public hearing.

In the interest of time, Chair Worel recommended that the Commissioners work directly with the Staff regarding the Trends Section of the General Plan, rather than having the discussion this evening.

Commissioner Strachan asked if the new Commissioners had major issues with the Trends Section. Commissioner Joyce remarked that in reading through a number of sections he thought some of it was nothing more than a reaction to feedback. The General Plan is a large document and he was more interested in finding the important items. He believed some sections were relevant and others were not. Commissioner Joyce had submitted a list of 10 items to the Planning Department that he felt were not relevant and did not need

to be included in the General Plan. Director Eddington stated that the Staff would review the list. However, he believed some of his concerns might be resolved with the different volumes and making the document more usable.

Commissioner Campbell referred to page 6, Historic Character, and asked why the Staff was asking to amend the Code so recommend only licensed architects for the Historic District. Director Eddington replied that the issue was raised during a joint City Council/Planning Commission task force meeting. The original recommendation was to use licensed architects and landscape architects throughout the community for all building and construction because those projects tend to move more quickly through the Planning Commission process and the applications are more thorough and complete. However, some were concerned that it would be costly and unfair to those in the business who were not licensed. In the end, the recommendation was to use licensed architects and landscape architects for CUPs, MPDs and HDDRs within the Historic District.

Commissioner Campbell stated for the record that he was completely opposed to that requirement. He knows designers who are much more talented than some licensed architects and who present more thorough plans. Those designers still need to use a licensed engineer. In his opinion, this requirement would add significant cost in a place where it is already expensive to do business.

Director Eddington clarified that the task force and the Planning Commission shared his concern and had that discussion because everyone knew someone that it would affect. He pointed out that currently 70%-90% of CUP and MPD and HDDR projects are designed by licensed professionals. Commissioner Campbell was concerned about unfairly pricing people out of the market because a \$5,000 set of plans could be as high as \$50,000 using a licensed architect.

Chair Worel asked if the issue could be an item for discussion at the joint meeting with the City Council in February. Director Eddington replied that it would be a good discussion for the joint meeting.

The Park City Planning Commission meeting adjourned at 8:05 p.m.

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