

PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
March 9, 2011

PRESENT: Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Julia Pettit, Mick Savage, Adam Strachan, Thomas Eddington, Kirsten Whetstone, Polly Samuels McLean

WORK SESSION ITEMS

Park City Heights - Information Update

Planner Kirsten Whetstone reported that the objective this evening was to discuss a number of concerns the Planning Commission raised at the last meeting, including the cul-de-sac cross section study and the wildlife study.

Planner Whetstone handed out copies of the cul-de-sac study. For the benefit of the Commissioners, Chair Wintzer explained the grids and how they worked. He pointed out that the horizontal is 20 feet and the vertical is 10 feet. Planner Whetstone noted that the Planning Staff and the City Engineer had received the street cross sections. City Engineer, Matt Cassel wanted to make sure the Planning Commission understood the treatment of the cuts and fills, and that any proposed retaining walls are placed in areas that can be vegetated. Planner Whetstone reported that the site grading plan was done to be in compliance with a 2:1 slope and to balance the cut and fill. Therefore, the location of the roads should balance the cut and fill and minimize the need for a retaining wall, per the MPD and subdivision requirements of the Land Management Code.

Planner Whetstone requested discussion from the Planning Commission on the cross-section study to make sure they understood the visual impacts of the disturbed slopes, and the Staff recommendation for a lower retaining wall and additional vegetation to mitigate the visual impacts of the cut and fill slopes.

Planner Whetstone reviewed a slide of the subdivision plat to show that the two lots on the upper cul-de-sac were still within the subdivision plat.

Commissioner Peek noted that the maximum cut is 10.4 feet in cross section 2. He believed the back of sidewalk or the curb elevation to top of cut is the dimension they should be talking about. The total exposed cut as viewed in elevation is the appropriate measurement, as opposed to calculating the cubic yards. Chair Wintzer agreed. He pointed out that the cut is closer to 12 feet rather than five feet. Spencer White stated that the biggest cut is 20 feet. Commissioner Peek stated that if the intent is to mitigate the visual impacts, they need to look at the height in elevation.

Spencer White, representing the applicant, introduced Jarrod Ford with Ensign Engineering, who did the study. Mr. White noted that the applicant hired Ensign Engineering to do the engineering work on the project. Ensign Engineering tried to mitigate cuts and fills and tried to balance cuts and fills. Roads were placed in locations to meet grade and nothing is over a 10% grade. The roads flatten out at intersections to allow cars to slow down during bad weather, and it allows for queuing. In addition, the placement of homes will screen most of the cuts and fills.

Mr. White wanted to know if the primary concern is what is viewed from within the project or what is

viewed from outside the project. He pointed out that the project falls within the engineering standards of Park City Municipal.

Chair Wintzer stated that his concern is the visual impact from Highway 40 and 248, and whether the view would be looking at cuts and fills. He understood that houses would screen some of the cuts, but it could be several years before those houses are built. He wanted to know how it would look without houses. Chair Wintzer was concerned about the entry statement coming into Park City. Commissioner Strachan concurred.

Mr. White stated that they have looked at a number of images on Google Earth Imaging that was done with the massing. It is difficult to put the view into a visual to know what it would look like from Highway 248. Mr. White stated that once they begin the grading, if there are areas they think will be visible from Highway 248, they would not be opposed to retaining walls if it made sense. Mr. White reviewed the cul-se-sacs as viewed from Highway 248. He referred to cross-section 4, which was the lowest cul-de-sac closest to the cottage homes. He noted that the section would be filled and lifted up. Therefore, if anything is visible from Highway 248, it would be filled slope. Mr. White pointed out that it is 1200 lineal feet from Highway 248. He noted that cross section 3 would be the next closest that could possibly be visible. Mr. White remarked that cross sections 1, 2 and 3 are over the ridge that has the power line.

Chair Wintzer clarified that his concern was mitigating the visual impacts if they exist. Mr. White suggested natural rock retaining as a possible mitigation. Instead of having a horizontal cut of 40 feet, it could be brought back to a horizontal cut of 15 feet. Planner Whetstone stated that the Staff would like to discuss acceptable retaining with the Planning Commission to make sure the design, slope, style and character of the retaining walls would be included in the design guidelines and consistent with the design of the homes.

In response to questions regarding the cul-de-sac, Mr. White presented a large map to explain how the cul-de-sac is situated on the site.

Chair Wintzer pointed out that the design of the cul-de-sacs have not been finalized. If the Planning Commission moves to approve the MPD, he wanted to know how they could be assured of what the final design would look like as it moves through the development process.

Director Eddington understood that the Planning Commission wanted the Staff to work with Mr. White and come back with a prototype concept of what the retaining walls might look like. Mr. White recommended doing a prototype at final plat approval on each subdivision phase. Chair Wintzer preferred to approve the design guidelines so there would be parameters to guide the development. Mr. White remarked that some of the cuts would come from pulling driveways into lots, and that will change. He was hesitant to set specifics at this point, but he was not opposed to using examples.

Chair Wintzer stated that it would be like having two sets of design guidelines. One would be for the structures and the other would be for construction. He wanted to know how they could manage the disturbance outside of the right-of-way without some type of design guideline. Mr. White noted that bonds are placed to address those issues. Chair Wintzer understood the bonds, but he wanted

to make sure the Planning Commission understands the final project before they approve it.

Planner Whetstone believed the concerns could be addressed with the design guidelines, conditions of approval, and a separate review for each plat. She noted that the Staff report for the March 23rd meeting would include the conditions. Chair Wintzer also noted that the re-vegetation plans should also be in the design guidelines. Mr. White shared their concerns and wanted to make sure they mitigate all the issues.

Director Eddington reiterated that a prototype would be available for the next meeting. Commissioner Peek stated that in addition to showing the cuts and fills and the topo with the street layout, and would like it to integrate all other aspects of the design such as trails, and how they would interact with the cuts and fills. Chair Wintzer wanted something that talks about materials for retaining walls to help them understand which materials are appropriate and which are not. He favored natural materials. Mr. White clarified that the developer wanted to set that standard as well.

Commissioner Savage asked Mr. White if the update this evening was a higher resolution of what was previously seen, or if anything had changed based on comments at the last meeting regarding cut and fill. Mr. White replied that nothing was changed. He noted that everything in the plan complies with Code, which is why he asked for their specific concerns this evening. If the only concern is the view from Highway 249 and 40, he believed that concern could be mitigated.

Mr. White summarized from the discussion this evening that the developer should only allow cuts and fills within a certain distance outside of the right-of-way. If retaining walls are used, they need to show materials and how the trails would tie in. From that direction, they would update the sections to show how that can be accomplished. Chair Wintzer pointed out that if they have the parameters of what they want to do, it may not be necessary to re-draw every section.

Commissioner Strachan noted that the LMC requirement for an MPD is to minimize the grading. He wanted to know what was done to meet that requirement. Mr. Ford stated that the main goal was to follow the contours of the site as close as possible and to keep the roads parallel to the contours so they were not climbing up the slope and having to cut. This was done to minimize the slopes of the road as they went up in order to meet the Code and to keep safe intersection landings.

Mr. White stated that a problem area was the road that connected the whole area near the 60 foot trail easement. They were having problems with the cut and fill because of the landing area at intersections. It must be less than 5% slope according to ASTO Regulations. Because they knew that cut would probably be visible, they opted to remove the street through that area, but leave the open space corridor for the trail to meander back and forth. Mr. White noted that in other circumstances, for example the cul-de-sac on Section 5, they ended up moving that cul-de-sac to a less steep area and to balance the cut and fill. Mr. White commented on other changes that were made when they went back and looked at specific areas. The cul-de-sac closest to Highway 40 was also moved back. Mr. White recalled making an adjustment on the road at the bubble.

Mr. White explained that Ensign Engineering had used his concept plan, identified the areas of concern and made the necessary adjustments.

Commissioner Strachan asked if they ever considered a design without cul-de-sacs. Mr. White replied that some of the earlier concepts had less cul-de-sacs, but the development was higher up on the road. Chair Wintzer clarified that in the beginning, the Planning Commission pushed the developer in the current direction and into cul-de-sacs. The original concept had more looped roads. Chair Wintzer personally believed this concept was a much better design.

Commissioner Hontz referred to the road that continues on from the cul-de-sac and asked if that was a required easement. Mr. White replied that it is a required easement. They would stub the utilities to there and whatever the buyer's intention is for their property. Mr. White explained that there is an easement across the property and the developer is letting them know that they will have access. They were looking at the best location for that access, which is why that particular road ended up where it is.

Chair Wintzer asked if there was room in the design to absorb density if someone wanted to do that. Mr. White answered yes. If it becomes necessary, that could be an easy amendment to the MPD.

Commissioner Strachan felt the southwestern most cul-de-sac was the most troubling in terms of the number of cuts. Mr. White asked if the concern was the cul-de-sac itself or the road getting to the cul-de-sac? Commissioner Strachan replied that it was everything. He was concerned about the amount of cut and fill to make the length of the road and the cul-de-sac. Mr. Ford clarified that he was referring to the area of disturbance outside of the road. Commissioner Strachan replied that this was correct.

Chair Wintzer asked if it was possible to turn the road downhill a little more. Commissioner Hontz noted that if the developer is required to provide easement access, they need to get to that point. Mr. Ford stated that they need to keep the connecting road as close to grade as possible. He explained that if they have the road stub into property, they cannot have a six foot cut where the road would enter without requiring retaining walls. They tried to get the road up and close to grade to provide the point of connection needed to access the property and still meet the Code requirements for slope on the road.

Mr. White believed they would see a marked improvement on what it would look like once they make the decision on how far out to go.

Commissioner Strachan did not believe that using the homes as a mitigator would work. It is inappropriate to mitigate the impacts by building homes. Mr. White clarified that his example was mainly to show what it would look like with a home. He did not intend to make homes the mitigator. He understood from the direction this evening that the Planning Commission wanted to see how it would look as it stands alone.

The Planning Commission discussed the Wildlife study.

Planner Whetstone noted that the revised wildlife study, dated March 2, 2011, was included in the Staff report. She handed out an email from Patrick Moffatt, which included a supplement to Table 1 that addressed, elk, moose and mule deer. These are species that have community interest. The

previous table only addressed species of Federal, Regional and State Wildlife interest. Planner Whetstone also handed out the mapping from the Division of Wildlife site that was provided at the time of the annexation agreement.

Chair Wintzer assumed the blue on the map was the habitat area and the non-checked area was non-habitat. Mr. White stated that he had put that information together from the Division of Wildlife when it was required at the application stage.

Mr. White introduced Gary Reese from Logan Simpson Design, who had prepared the biological resources overview. Mr. Reese stated that the source for the map was referenced on page 121 of the Staff report. It was done by the Utah Geological Survey and Utah State University as part of the Utah GAFF analysis. It was intended for broad, possible habitat at a scale of 1:1 million. It was reproduced here at a scale of 1 to 10,000, which is significantly beyond the intended resolution. He noted that elk habitats are shown in Park City but not in Richardson Flats. He found it to be illogical that elk would be in Park City but not in open land. Mr. Reese pointed out that sage grouse are shown as impossible winter habitat because sage grouse do not occur on northeast facing slopes. Mr. White clarified that the map was used for the application process. Planner Whetstone believed the map was provided in May 2006. Mr. White stated that it was actually provided in the original application in January 2005. Planner Whetstone explained that during the MPD process a specific wildlife study is required for the areas to be developed. The study report must be prepared by a professional qualified in the areas of ecology wildlife biology and include a map depicting all wildlife habitat areas defined in the report.

Planner Whetstone reviewed the requirements for the Wildlife Study and Map specified in Land Management Code, Section 15-2.21-3, and included on page 101 of the Staff report. She noted that definition language in the Code talks about specially valued species for this community, as defined by the General Plan. Planner Whetstone clarified that she read through the General Plan but never found that reference. She suggested that the Planning Commission should have that discussion when revising the General Plan. Planner Whetstone believed that moose are clearly a special species of the community. Deer and elk could also be considered a community species.

Commissioner Hontz commented on the importance of defining specially valued species in the Code, because it is a defined term that does not have a definition. In her experience with wildlife reports, they are typically called species of high public interest. In Utah it has always been mule deer, elk and moose.

Planner Whetstone reviewed additional requirements of the Code related to the protection of the habitat and the ecological character of the site.

Planner Whetstone presented an aerial that was part of the wildlife study report and included on page 108 of the Staff report. She also presented a vegetation map.

Commissioner Hontz was unable to find the quaking aspen shrubland. Mr. Reese stated that it was a line of single saplings that were too small to map.

Planner Whetstone reviewed a list of suggested wildlife enhancements. She noted that the Wildlife

Study also mentioned some of the areas in open space that would remain undisturbed.

Commissioner Hontz asked if the vegetation/habitat map on page 110 of the Staff report could be sent as a PDF file or enhanced in some way to make it easier to read and to identify the colors and the topo. She also suggested that the map be included in the design guidelines. Commissioner Hontz requested that the vegetation map be replicated with the development layer on top to show where development is located in relation to the vegetation and habitat types. Commissioner Hontz understood that the Army Corp delineation had been done and she would like to see the actual wetlands delineation lines included on the same map that has development, habitat, and vegetation types.

Mr. White asked if Commissioner Hontz had seen the Sensitive Land Overlay map. Commissioner Hontz replied that she had looked at the wetland delineation map, which was a reproduction of someone else's wetland delineation. She wanted to see the delineation layer added to this map. Planner Whetstone noted that wetlands are not present within the development, but it is within the MPD.

Commissioner Hontz noted that the report indicates that the habitat is not a Class A standard because it is fragmented. She did not disagree, however, in looking at Figure 2, it was easy to see how Highway 40 and 248 have impacted wildlife on this site. Commissioner Hontz referred to page 124 of the Staff report, the Wildlife Study, and how it talks about existing connections for wildlife to go on and off this site from adjacent properties, which have conservation easements. She pointed out that from Highway 248 south down to the first road is an expansive area, contextually and regionally, of where they live. She believed it rivaled Round Valley in terms of what is currently on the ground, which is nothing from Highway 248 down. The undeveloped land continues all the way to Heber, which provides a big swath of land. She was certain that there are corridors wildlife are currently enjoying.

Commissioner Hontz reiterated that there was fragmentation, but the study also acknowledged connections. She would like to see another study done in the summer and fall, when the wildlife move differently than they do in the winter and without snow on the ground. That study would help to further verify the threatened and endangered consensus, and to clearly understand what exists on this particular site. Commissioner Hontz felt it was more appropriate to have a summer/fall study and to possibly enhance the connections section of the report to know what they can and cannot do. Commissioner Hontz clarified that she was not proposing to move the development at all. She only wanted to better understand what could be done with plantings and other mitigation within the design guidelines to possibly make this better than currently proposed. That may not be the case, but another study would show that.

Commissioner Hontz felt the recommendations as written were a first step, however, recommendations she has seen in other reports typically help the Staff write conditions of approval. She was unsure if the applicant wanted the Staff or the Planning Commission to write their conditions of approval. Commissioner Hontz thought the applicant needed to provide better information on what a good condition of approval might be to make the recommendations valuable and really work. She wanted the conditions to be substantial. As an example, Commissioner Hontz referred to the third bullet point of the recommendations on page 124, which states that, "Vegetation

clearing and grubbing would still be minimized from April through July.” That is the Park City building season, but it could be important, depending upon the number of bird nesting species that can be found. In her opinion, “minimizing” was very vague and made the recommendation unclear. Commissioner Hontz preferred to have the recommendations enhanced to achieve a more meaningful and better condition of approval or a CC&R finding.

Mr. Reese stated that all of Commissioner Hontz’s requests could be addressed at this meeting. He had a PDF file of the overlay of the development on to the vegetation map available on his computer. Commissioner Hontz clarified that the information requested needs to be provided in a format that allows the Planning Commission time to review it and to have it for the record.

Mr. White explained that Mr. Reese was asked to attend the meeting this evening to answer their questions. Mr. Reese was available to answer specific questions or to provide an overview of what he personally found when he was on the site and what it means. Mr. White thought the Planning Commission could benefit from Mr. Reese’s expertise.

Commissioner Savage asked if it was possible for the Planning Commission to get clarity on what a summer/fall study would show that would add additional information. Mr. Reese stated that the report cites two Silver Creek studies that establish the fact that wildlife large mammals migrate from north south across SR248, specifically in this area. Those studies were done in 1989 by Rory Weston. A 2002 study referenced Dynamax Corporation.

Chair Wintzer asked where the wildlife specifically cross on SR248. Mr. Reese stated that the locations are shown in the mortality data from car strikes. Chair Wintzer clarified that he was asking for the crossing locations Mr. Reese had referenced. Mr. Reese clarified that two reports said SR248, but neither specified specific locations. Mr. Reese stated that mortality data is kept on mammal/vehicle impacts by mile posts for State and US Highways. He noted that there is a dip in the number of mortalities occurring at SR248 immediately north of the project area. Those dips indicate that this area is not an important migratory corridor.

Commissioner Luskin asked if studies are done on the impact that subdivisions and developments have on the animal mortality rate. He wanted to know if development increases the mortality rate because it potentially changes migratory patterns and forces wildlife across the roads. Mr. Reese stated that they do have mortality rates for the mileposts within the city limits of Park City, and those are higher than the project area. Commissioner Luskin pointed out that currently the project area does not have development. His question was whether development changes migratory patterns, which in turn causes higher mortality. Mr. Reese stated that the mortality doubles at Richardson Flat, east of US40, as opposed to the project area. He reiterated that the study suggests a low habitat level in the project area because it is not suitable habitat for the species, particularly moose and elk. He noted that according to State regulations, a moose in that area would be air lifted out and put in a moose management area. The Planning Commission did not agree with that assessment, because moose are seen all the time. Mr. White clarified that Mr. Reese was talking about the Park City Heights site and not Park City in general. He requested that the discussion focus on the project.

Commissioner Hontz asked if the other Commissioners were interested in seeing a spring/summer

study. She personally believed it would be of great value and would prove whether there is or is not wildlife habitat in the development area.

Mr. White expressed a willingness to do another study. He clarified that the objective this evening was to see if the development is placed on the site in a way that is least impactful to existing vegetation and to wildlife, if any exist. He noted that there is more than 70% open space on the site, which calculates to 171.5 acres of open space. That number does not include any land within lots and roads or any disturbed land. In addition to the Sensitive Lands Overlays with the steep slopes, ridgelines, wetlands and flood plains, they tried to put the development in what they believe is the least impactful location. Mr. White wanted Mr. Reese to verify; 1) what is being impacted, if anything; and 2) conditions of what could be mitigated if there are impacts.

Chair Wintzer referred to the topography and noted that the only water in the area was right on the corner of the project. He pointed out that it is the only water between there and the Deer Valley Gondola. Chair Wintzer wanted to know how this subdivision would affect the animals trying to get to water. Mr. Reese replied that the animals would be coming out of the oak shrubland, which is continuous open space across SR248 with more oak shrubland. He pointed out that the animals would be crossing water in the course of that route. Mr. White referred to the vegetation map and noted that everything in yellow is oak shrubland, which is where the wildlife gets cover and food. Mr. Reese remarked that this was their migration path. Everything in blue was sage brush with an invasive understory of cheat grass.

Chair Wintzer reiterated that his question was whether or not the animals would have a way to get to the water source. Mr. Reese answered yes.

Planner Whetstone stated that if there is consensus among the Planning Commission for another study, it could be required as a condition of approval. Mr. Reese pointed out that the wildlife go to higher elevations during the summer. Food is limited in the winter, which is why they come lower down out of harsh conditions. Mr. White was not opposed to a condition of approval requiring a summer study. Chair Wintzer was more comfortable requiring it as a condition of approval. Commissioner Savage was not opposed to a study, but he wanted to clearly define the questions they were trying to answer through an additional study. Chair Wintzer felt the questions were unknown until the study is done. Commissioner Savage asked how they would know what to study if they do not know the questions. Chair Wintzer clarified that it would be the same study, but done at a different time of year. In his experience, at least two studies are done at different times of the year for most projects.

Commissioner Hontz asked if there was consensus on enhancing the recommendations and having additional recommendations on how they could do better in terms of wildlife protection enhancement. Chair Wintzer supported Commissioner Hontz's request based on her experience. Commissioner Pettit concurred.

Commissioner Luskin asked about the 2002 study. He noted that it was a nine year old study and the area has changed significantly since that time. Mr. Reese replied that the study was funded by the EPA and the BLM, and it was on the wildlife resources as impacted by the toxicity of Silver Creek. He believed the 2002 study also provided the wetland delineation. Commissioner Luskin

was concerned about the number of things that have changed in nine years that could cause the conclusion of the study to be re-evaluated. Mr. Reese stated that the primary change in Silver Creek would be the soils that are now on top of the ridgeline. He noted that the increase in beaver activity has reduced the cover along the creek, which makes it even less suitable for large mammals.

Mr. Reese stated that the sage brush, in its current condition with cheat grass, provides very little quality wildlife habitat.

Commissioner Strachan asked if the study identifies any impact to wildlife at all with this development. Mr. Reese did not believe that any species under the Sensitive Lands Ordinance would be impacted. He noted that the study shows three pages of species that are known from Summit County, and the project area is not suitable habitat for any of those identified.

Commissioner Peek commented on large mammals migrating in the north/south corridor and the Richardson Flat underpass crossing Highway 40. He wanted to know how that rates as a migratory gateway. Mr. Reese stated that all they have is the mortality rate to determine important migratory crossings on the highways. Since there is no data on the underpasses, they would be unable to make that determination at this point. Commissioner Peek recalled that in the past, UDOT did a wildlife study which included the crossings. He asked if the mammals tend to migrate along the large fences and then find the under crossings. His concern was whether the area of the project adjacent to Highway 40 should to be enhanced if it remains a natural migratory path once development occurs. Mr. White stated that the area Commissioner Peek was indicating is where they plan to do the storm detention and leave that area open. Mr. Reese stated that he drove around the area looking for hoof prints. Since the last snow, there is no evidence to indicate that deer or other mammals are coming north along the embankment of US40 and trying to cross under the Richardson Flats Road underpass.

Mr. Savage asked if Mr. Reese found hoof prints further west of Highway 40. He believed the concern was with animals moving from the south to the north. With the development in place, the wildlife would have to make a decision to go left or right. If they go to the right, they would come down Highway 40, which could cause congestion at some level and animal death. Mr. White understood from Mr. Reese that the natural habitat is the Gamble Oak shrubland, which is higher and away from the development.

Planner Whetstone noted that they originally talked about enhancing the western and eastern perimeters. However, there was a concern that enhancing the eastern perimeter between the development and Highway 40 could create a situation that attracts the wildlife closer to the highway.

The Planning Commission and Mr. Reese discussed movement patterns and migration areas. Mr. Reese pointed out that the open space patterns around Park City define the movement patterns for these animals, because animals move through open space. He noted that wildlife becomes a nuisance species if they get hungry and go into developments to eat gardens and plants.

Mr. White asked if another study is required as a condition of approval, whether any development would be allowed prior to that study. Commissioner Hontz believed those details could be worked

out when the condition is written. Mr. White asked if the Commissioners preferred a specific month for the study. Commissioner Hontz thought the wildlife biologist would have a better understanding of when he could get a different seasonal perspective of what occurs on the property. Mr. Reese suggested that May or June would be the best month.

Commissioner Strachan asked if the wildlife study took into account the cumulative effect of any reasonably anticipated development around the project. Mr. Reese stated that the cumulative effect was not stated in the report, and it was not asked for in the Sensitive Lands Overlay language. Commissioner Strachan was interested in knowing the cumulative effect on wildlife paths when the Boyer property is developed, the triangle parcel is developed, and the parcels to the south approaching the Jordanelle Gondola are developed. He questioned whether that information should be included in the study. Commissioner Strachan did not think it would be difficult to identify reasonably anticipated developments in that area.

Planner Whetstone thought they could look at areas that are dedicated open space or potential dedicated open space with any project in the area, based on the Sensitive Lands Ordinance. That would help determine where development would occur in a reasonable analysis. Commissioner Strachan remarked that the Wildlife Biologist is the one who should determine the cumulative effects on wildlife and wildlife pathways.

Mr. Reese stated that he would need a data set that has been repeated over the last few years to establish the trends under progressive development. The only data he could think of were the big game study plots and the Christmas bird count done in Wasatch Mountain Park. Those studies only provide five years worth of data and nothing has been collected in Park City specifically. Commissioner Strachan clarified that he was not suggesting how it should be done, but rather what it should be based on.

Planner Whetstone offered to research what the SLO requires specifically in terms of a wildlife study. Mr. White believed the applicants have proven their willingness to work with the Planning Commission as best as possible to address their requests and concerns. The applicant hired an expert, as required, and they thought his findings were very clear. Mr. White wanted to make sure that they had answered all the questions this evening, aside from doing another study in May or June.

Commissioner Hontz replied that she had already made her comments specific to the findings. She thought the findings needed to be enhanced to make sure they are useful. Commissioner Hontz asked if there was agreement among the Planning Commission to request additional findings. Since she is not a wildlife biologist, she thought those enhancements should come from the expert and they should go above and beyond the five or six recommendations presented in the study. The Commissioners concurred.

Ruth Meintsma, a resident at 305 Woodside Avenue, stated that she had looked at the list of birds prior to the meeting, and she believed the birds and the animals identified are special management creatures. She does not frequent the area a lot, but on two separate occasions within a three year span, she saw a group of cranes out there in the Fall. One year there were seven and another year there were ten. Ms. Meintsma wanted to know where those birds fit within the list, or if it was an

odd occurrence and they were not considered. She referred to the bullets points reflecting a movement corridor, and she thought the cranes may come into this area in the Fall. She asked if there was a reason why the cranes did not have to be included. Ms. Meintsma noted that beavers are wildlife in this area, as well as other animals that were not mentioned in the study.

Commissioner Hontz stated that after the last meeting she re-visited the Sensitive Lands Overlay and noticed a reference to a Fire Protection Report. She assumed one was done as part of the annexation, but in conversations with Planner Whetstone, she discovered that it was not done. Based on the Code it is an optional report. Commissioner Hontz wanted to see a fire protection report and she believed the applicant had all the data necessary to compile the report. She was interested in knowing the fire hazard on this particular site, and suggested that steps may be required in the conditions or the CC&Rs if there are extremely high risks.

Commissioner Peek thought it would be good to know if the design guidelines would be affected by this being a wildland urban interface zone. A fire protection report would help determine exterior siding materials and other details. Planner Whetstone reiterated that it is an optional report that may be required by the Planning Department. The fire protection report must identify potential wildland urban interface areas. It must also include fire hazards, mitigation measures, access for fire protection equipment, existing and proposed fire hook-up capability, and combined with the International Wildland Urban Face Code and the Summit County Wildfire Plan.

Commissioner Pettit was surprised that Ron Ivie had not previously requested a fire protection report. Planner Whetstone stated that the recommendation was for fire sprinkling and a buffer zone between the development and the vegetation. She noted that the applicant has met with the Fire Department. Mr. White stated that most developments are within low to moderate risk, which requires a sprinkling system. When a development is in a high risk area, sprinklers are required on the outside of structures, as well as on the inside. Mr. White noted that the buildings would be sprinkled, but they would still do the report.

Planner Whetstone asked if the Planning Commission had additional questions or concerns. Chair Wintzer thought the design guidelines should address street lighting, signage, etc., even though it is not proposed at this time. If that changes in a future phase, the design guidelines would have the requirements in place to address City Code and other issues.

Planner Whetstone stated that the next Staff report should have all the criteria for the MPD and the specific criteria for the zone and the SLO. Mr. White stated that his intent was to move forward for action at the next meeting. Based on that intent, he wanted to make sure that all questions or concerns could be addressed at the next meeting.

Commissioner Savage requested a simple presentation at the next meeting that includes a list of all the items discussed throughout the process, how they comply with respect to the zoning, and what conditions have been requested as it relates to finalizing an approval of the MPD. This would allow the Planning Commission to look at all the issues consolidated in a simple presentation. It was recommended that the Staff prepare that presentation.

Commissioner Pettit agreed with Commissioner Savage. Because they have been so disconnected

from the entire project and all the MPD criteria that needs to be evaluated, it is difficult to know what information is still needed or what has been satisfied without a full list. Commissioner Pettit asked if a soils study was ever done. Planner Whetstone answered yes.

Commissioner Peek felt it was unclear where they were on significant issues that were raised in the past. Commissioner Strachan requested that Planner Whetstone include minutes in the summary. Commissioner Peek suggested that the presentation include follow up information on snow storage and trail easements.

Commissioner Strachan referred to a previous discussion regarding the bike path that runs parallel to the dump road and connects with the existing trail that goes under the underpass into Round Valley. At the last discussion there was some disagreement over who would pay to put in that trail. He needs to know the status of that issue before he votes. Commissioner Peek wanted an update on the area where the wetlands bridge crosses to the underpass under SR248. Chair Wintzer clarified that the Planning Commission did not need to see the design, but they would need to know that the bike path would be done and that it would meet the wetlands code.

Director Eddington stated that the Staff would work with the applicant to make sure all the issues are covered at the next meeting.

Commissioner Savage clarified that if all the requested information results in a thick packet, he would like the Staff to prepare a two page summary of the contents. Commissioner Peek stated that a summary attached to the Staff report would be helpful for all large projects that recur in multiple meetings.

Chair Wintzer felt it would be helpful if the Staff could provide a summary of the minutes on large projects that go on for months, and identify the key points discussed in that particular meeting. The Staff could then attach that summary to the Staff report when that project is scheduled again.

Mr. White thanked the Planning Commission for their patience. It is a big project that impacts different people for different reasons, and through the process they were able to achieve a much better project as a whole and on specific items.

Training with Legal Department

Assistant City Attorney McLean reviewed recent changes to the LMC with the Planning Commission. She also discussed each of the three hats the Planning Commission wears; administrative, legislative, and quasi-judicial. Ms. McLean commented on the importance of disclosures whenever a conflict could be perceived.

The work session was adjourned.