

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 25, 2019

COMMISSIONERS IN ATTENDANCE:

Vice-Chair Laura Suesser, Sarah Hall, John Kenworthy, Mark Sletten, Doug Thimm, Christin Van Dine

EX OFFICIO: Planning Director, Bruce Erickson; Hannah Tyler, Planner; Caitlyn Barhorst, Planner; Mark Harrington, Legal Counsel

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ROLL CALL

Chair Pro Tem Suesser called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioner Phillips, who was excused.

ADOPTION OF MINUTES

Due to legal noticing issues, the Minutes of September 11, 2019 will be approved at the next meeting.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson reported that the legal publication submitted to the Park Record by the Staff was not published. Therefore, the Planning Commission could not take action on any items, with the exception of 901 Woodside Avenue, which was continued to this date, and the Work Session item. Director Erickson clarified that 901 Woodside Avenue did not require to be re-noticed because it was specifically continued to September 25, 2019 at a previous meeting. The work session item is annual legal training, which does not require legal noticing.

Director Erickson announced that the Planning Commission would meet three times in October on October 9th, 16th, and 23rd. He anticipated the special meeting on October 16th to be a shorter meeting. The meeting on October 9th was a lengthy agenda. The agenda for the October 23rd meeting was still being prepared.

Chair Pro Tem Suesser understood that because 901 Woodside was continued to this date, it was not required to be re-noticed to inform the public that it was on the agenda this evening for public input. City Attorney Harrington replied that she was correct. He

explained that 901 Woodside would not have been noticed regardless of the publishing issue.

Commissioner Hall disclosed that she would be absent on October 9th.

Commissioner Kenworthy disclosed that Jon DeGray, the architect for 901 Woodside, has done work for him the past; however, that would have no affect on his ability to fairly discuss and vote on the matter.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

IV.A. 901 Woodside Avenue –Conditional Use Permit – The Applicant is Proposing the Construction of a Private Driveway Within a Platted, Un-Built City Street. Item Continued from September 11, 2019 Planning Commission meeting. (Application PL-19-04152)

Planner Caitlyn Barhorst reported that the Planning Commission previously reviewed this item on August 14th, at which time it was continued to a date uncertain. On September 11th the item was continued to September 25th.

Planner Barhorst stated that since the initial comments on August 14th, the applicant has been working with the City to revise the proposal to address concerns with walkability, the right-of-way access, and preserving the Landmark historic structure. The updated proposal was shown on page 4 of the Staff report and in Exhibit A.

Planner Barhorst reviewed the application for a conditional use permit for construction of a private driveway within a platted unbuilt City street. The proposal is subject to the standards for private driveways within platted unbuilt City streets. The Staff analyzed the request and found compliance with these standards. The Staff also found compliance with the conditional use permit criteria.

Planner Barhorst presented a location map showing the Ninth Street right-of-way. A red box indicated the property at 901 Woodside Avenue. She reported that the Planning Department Staff, Matt Twombly, the City project manager who does the stairways in Old Town, and the City Engineer met with the applicant and came up with this proposal to allow the side facade access to the historic house for the garage. The applicant was proposing to construct a 4-foot wide concrete paved pathway with a 6" curb, which will also have a ramp and landings pathway per the Code, to meet the accessibility. The applicant would also construct the stairway from where the paving

ends to their property line. The City would construct the remaining stairway from where the applicant stops up to Norfolk.

Planner Barhorst noted that the driveway and the concrete pedestrian path would be heated; and the City would not need to maintain that portion.

Planner Barhorst presented renderings provided by the applicant. Jonathan DeGray, the project Architect, was present to answer questions. Planner Barhorst provided a photo showing the subject right-of-way. The house to the left of the right-of-way is also a Landmark structure. There is a 30' separation between the two historic structures.

Planner Barhorst reported that the Historic Preservation Board unanimously approved the material deconstruction of the existing historic foundation to accommodate this driveway/garage configuration because it is consistent with the Design Guidelines for secondary façade access. Planner Barhorst presented the project plans and noted that the applicant was proposing to lift the existing floor elevation just under two-feet, which is within the allowed height per the design guidelines, and to construct the basement level to include the garage. The maximum dimension for garage doors within the Historic District is 9' x 9'. The garage door for this project is 9' x 7'.

Chair Pro Tem Suesser noted that this was the first time the Planning Commission had seen the schematic plan. Planner Barhorst stated that it was part of the HDDR proposal but it was not included in the Staff report for this meeting. The site plan for the driveway was included in the Staff report but not the building elevations. Chair Pro Tem Suesser stated that the garage door dimensions were not provided in previous Staff reports; however, it was provided that the garage itself would be 302 square feet. Mr. DeGray replied that 302 square feet was approved in the HDDR. Chair Pro Tem Suesser clarified that she was trying to confirm whether the size was consistent with the revised plans that were submitted. She thought 302 square feet was a large garage and she was surprised that the garage door was smaller than normal. She assumed the garage door opened into a larger space.

Chair Pro Tem Suesser recalled that at the August 14th meeting Commissioner Hall requested additional information about encroachments into rights-of-way in Old Town and examples of where a driveway was permitted over a right-of-way to preserve a historic facade. She asked for that information because at the time Commissioner Suesser recalled prior examples from being on the Planning Commission where the City Engineer and prior Planning Staff protected these right-of-way spaces. Planner Barhorst stated that this specific set of circumstances with the historic façade and the right-of-way access has not occurred in the past because the conditional use permit criteria for the right-of-way access was only recently added to the Code. She noted that

the Acting City Engineer, Ryan Taylor, was present to discuss the encroachment portion of this proposal. Chair Suesser understood that there were no examples where the City previously allowed a driveway to encroach on a right-of-way to preserve the historic façade of a historic house in Old Town. The applicant, Jerry Fiat, stated that there were six or more examples of locations where driveways or improvements where access was granted over a public right-of-way.

Jonathan DeGray had taken photos of some of those projects to show the Planning Commission. The first was the alley off Main Street that accesses the public stairs back to Park Avenue for access to the garage at 550 Park Avenue. The alley also acts as access for the public staircase that goes up to Park Avenue. Mr. DeGray explained that the alley is City property and further back behind the trees is a four-car garage for 550 Park Avenue, which is a single-family residence. He noted that the garages act as garage space for what was previously called the April Inn condominium development, which is part of 550 Park Avenue. Mr. DeGray thought this was a good example of City property being used to access single-family residence property; as well as a parking structure behind the yellow building.

Commissioner Thimm wanted to know the encroachment if it was a public right-of-way. Mr. Fiat clarified that it is a driveway in a public right-of-way that services two properties. It was non-existent until the improvements were built. Chair Pro Tem asked where the right-of-way stopped before that occurred. Mr. DeGray replied that it stopped at the end of the stairs on Park Avenue. Mr. Fiat stated that a number of rights-of-way do not go all the way through if the land was sold or given or allowed to be built. He believed that was consistent throughout Old Town. Vice- Chair Suesser thought this example was different from the current application because it accesses various properties. Mr. DeGray pointed out the similarities. The current application provides a public trail and walkway that goes from Main Street to Park Avenue. It also acts as a driveway to residences. Chair Pro Tem Suesser asked if people could drive up the driveway, turn around, and come out. Mr. DeGray answered yes.

Mr. DeGray presented another example on Ontario Avenue. He indicated the concrete driveway and noted that the parked car was sitting on the City right-of-way. It is a single-use driveway that utilizes City property to access a single-family home; and there is no associated public pathway. Commissioner Thimm asked if action was taken to approve the encroachment. Mr. DeGray answered yes. It was done when Eric DeHann was the City Engineer and he believed an encroachment agreement was approved to allow that access to occur.

Mr. DeGray presented another slide showing off-street parking at Fourth Street. It is signed for permit parking. It is off-street parking that was created in the right-of-way by

the stairs. Director Erickson believed the blue house was a Landmark structure as well. Chair Pro Tem Suesser asked if the applicant ever proposed putting a garage behind this historic home and continuing the parking space around the house and into a garage. Mr. DeGray was not aware if that occurred on this example. However, it did occur on the next example. The public right-of-way goes back next to the staircase and it was allowed to be used to access a two-car garage down the side of the property. The dirt section by the fire hydrant is a dedicated parking space for a home that is only accessed off the public staircase. Mr. DeGray stated that the house up the staircase had been using that off-street place for parking for many years. The proposal was approved with the caveat that the parking place be maintained for that residence.

Mr. DeGray presented another example of use of the public right-of-way. He noted that the access off Woodside was for two, two-car garages. The public walkway continues down to Park Avenue and to Main Street. Mr. DeGray pointed out that the driveway that services both garages was a public right-of-way.

Commissioner Kenworthy asked to see the photo of the yellow house again. He thought that was the only example that could potentially have a future street going through. Mr. Fiat replied that the grade was too steep for a road. Mr. Kenworthy asked if the City had deeded the right-of-way to the homeowner, or whether this example had a revocable easement. Mr. DeGray replied that there was an easement agreement. It was never deeded to the homeowner. He did not know how the easement was legally set up and whether it was revocable. Commissioner Kenworthy clarified that even if soil was hauled in and it was brought closer to the street, Mr. DeGray believed it would still be too steep for a street. Mr. DeGray replied that once past the garage doors, the grade increases significantly for the slope going up to Woodside.

Chair Pro Tem Suesser asked for the width of the driveway. Mr. DeGray estimated 10' at the street; however, it gets wider as it goes further back past the single parking space. Chair Pro Tem Suesser noticed that the driveway was right against the house. It was not separated from the house 4 to 6 feet like in the current application. She understood that the 12 to 16 foot driveway being proposed was necessary to provide turning radius to access the side garage. Mr. DeGray stated that Alliance Engineer had done a vehicle turning radius analysis for the current 901 Woodside proposal. He believed a full-size car was used in the analysis. Chair Pro Tem Suesser wondered whether Alliance Engineering would say that the turning radius on the example was inadequate. Mr. DeGray assumed that it was inadequate because the garages are rarely used. Chair Pro Tem Suesser stated that the request for 901 Woodside was a significant encroachment into the Ninth Street right-of-way, and she wanted to know if it was possible to reduce the size of that encroachment. She thought the example they were looking at was a less intrusive encroachment into the right-of-way. Mr. DeGray

stated that dimensionally, they would be looking from the street back to the back of the far side of the driveway being proposed. Compared to the yellow house example, he thought it was very similar. He acknowledged that it was further way from the house, but that was necessary to facilitate the vehicle turning radius. He thought the proposed width was wide enough for the driveway to occur and to distinguish the public access. Mr. DeGray presented the renderings, which showed the sidewalk and the public stairs. He emphasized that the public benefit from this development is a heated, concrete pathway and a staircase built to the back property line that is currently nothing more than a dirt path.

Mr. Fiat reiterated that this was a Landmark house. It is also one of the few Landmark houses that has the same shape today that it did when it was built. It is a very significant house, and one of the discussions with the Staff was to provide landscaping along the side to protect the house and to keep the driveway from looking like it was on top of the house. Mr. Fiat stated that the decision to create the driveway as proposed was partially to preserve the house. Mr. Fiat remarked that for the 19 years he has been in Park City there has been a two-car parking pad solely for the use of the house. The parking pad is in the right-of-way, which means historically that house has always parked in the right-of-way. Chair Pro Tem Suesser believed the parking pad was closer to the house and not in the right-of-way. Mr. Fiat disagreed. He thought it was evident that the two cars do park in the right-of-way.

Chair Pro Tem Suesser referred to the schematics and asked if it would be possible to bring the driveway closer to the house and then widen out a little in front of the garage. She thought that would reduce the encroachment into the right-of-way and create a buffer between the proposed sidewalk and the private use of the driveway. It would help separate the private use from the public use. Mr. DeGray replied that the issue was the logistics of the turning radius. He reiterated that Alliance Engineering was hired to determine what would work. He did not believe what Chair Pro Tem Suesser was suggesting would work.

Chair Pro Tem Suesser noted that CUP Criteria #7 talks about separation of uses. In order to meet the criteria, she believed the proposal for 901 Woodside needed to include some type of separation of use. She understood a stepped sidewall was being proposed, but there was no landscaping, screening or fencing to separate the two uses.

Planner Barhorst stated that the issue was discussed with Matt Twombly. His interpretation was that since most sidewalks are separated by a curb, the vertical distinguish of 6" for the landings and ramp was enough of a barrier. Chair Pro Tem Suesser questioned whether that addresses separation of uses. Mr. Fiat referred to Item #7 on page 8 of the Staff report - Fencing, Screening and landscaping to separate

the Use from adjoining Uses. He noted that the Staff had indicated No Unmitigated Uses. "There is no commercial use; therefore, no separation from residence and commercial uses is required". Chair Pro Tem Suesser pointed out that CUP Criteria #7 does not mention commercial use. It just says separation of uses.

Mr. Fiat thought another key example of a private driveway in a public right-of-way was 503 Woodside. It is the tunnel house off of Woodside. That driveway takes up the entire public right-of-way and the house is non-historic. Mr. Fiat believed one of the purposes of a public right-of-way is to provide access. He reiterated that 901 Woodside is a Landmark house and the Historic Design Guidelines clearly states that the preferred entrance is off the side and not from the front when possible. Mr. Fiat remarked that he was only doing what he was asked to do by the Staff and the Guidelines. The provided screening on the side of the house, they were paving and heating the public space for the request to utilize the public right-of-way. Mr. Fiat understood that it was also the impetus for the City to connect the remaining part of the stairs up to Norfolk, which would be a public benefit. He understood the desire to protect City land, but this was a good plan with many benefits. Chair Pro Tem Suesser asked about the screening. Mr. Fiat replied that the screening would be between the driveway and the house. They were asked to provide vegetation between the driveway and the house so the garage driveway would be less noticeable in relation to the Landmark house.

Chair Pro Tem Suesser remarked that the Planning Commission cannot control what the Old Town residents do in front of their lot. For example, structures without garages have concrete parking pads in front of their lot. However, in this case, they would be allowing a 16' concrete pad in the right-of-way rather than in front of the house. They can control what happens in the right-of-way, which is why she was struggling with taking away the open space, the corridor, and the natural buffer and paving it over. Chair Pro Tem Suesser wanted it to be as unobtrusive as possible, and she was not convinced this plan was the best they could do in terms of providing access to the historic home.

Commissioner Kenworthy asked Mr. Fiat to confirm that the existing parking spots on the front of the house would no longer be allowed. Mr. Fiat stated that the retaining wall would be in that location and there would be no room to park. Due to the retaining wall, Commissioner Kenworthy assumed there were elevation issues and he asked how it would affect the house to the south. The house to the south already has a garage and he wanted to know if anyone had considered the possibility that they might also want the ability to back out into the easement. Planner Barhorst replied that there was a current HDDR approval for the house to the south to put a new foundation in the same place it is now. The garage faces the street, but that is the historic location and it can

never change. The Historic Design Guidelines prohibit altering the historic location of the garage. Commissioner Kenworthy clarified that the owner would not be allowed at any time to remove the garage or move the garage to the side of the house. Planner Barhorst answered yes, because it would alter the historic character of the Landmark house. Acting City Engineer, Ryan Taylor, explained that if the garage could be moved, the right-of-way would be available to both houses. However, it was not an issue in this case because the house to the south could not make that request for historic reasons.

Chair Pro Tem Suesser stated that she recently walked up and down the right-of-way and noticed a number of historic homes that had been renovated, and none of those homes have driveways coming into the right-of-way or any encroachments. She asked if the Planning Department has seen these proposal in the past and how those were resolved. Chair Pro Tem Suesser thought this was an unusual application based on her history on the Planning Commission; specifically, the significant encroachment into the right-of-way. In the past the City Engineer and prior planners adamantly opposed right-of-way encroachments.

Planner Hannah Tyler explained that this was a unique situation because it abuts the right-of-way. Most sites are mid-block; not on the end of a block. This is an opportunity to put the driveway on the side, which is why the language in the Design Guidelines states "if possible". Most of the time it is not possible because there is no right-of-way on the side. Planner Tyler stated that many sites are 25' wide and the house typically takes up most of that area. Knowing that the City discourages having a garage underneath; especially for a Landmark site, most situations do not warrant having a driveway or a garage because it cannot physically fit on the site. Planner Tyler stated that the National Park Service encourages driveways to accommodate vehicles on the sides of houses rather than the front to protect the historic integrity of the site. Planner Tyler reiterated that this was a rare situation; and she believed it was a perfect scenario to use as an example in future design guidelines as a successful historic preservation project to accommodate a garage on the side of the house. She pointed out that the Staff worked with the applicant, the City Engineer, and Matt Twombly to make the encroachment into the right-of-way successful for the public and for this particular project. She noted that the Historic Preservation Board approved removal of material to accommodate the garage in this exact location because it is the right direction for historic preservation in the City.

Chair Pro Tem Suesser thought the historic significance of the house could be maintained without adding a garage. Planner Tyler replied that she was correct. Planner Barhorst commented on the questions regarding the encroachment. She pointed to an encroachment agreement attached to the Staff report. She stated that #3 and #4 discuss the process if the City were to revoke the easement for improvements.

The owner is given 60 days to adjust before the City begins whatever it intends to do with the right-of-way. Commissioner Kenworthy asked Planner Barhorst to identify where the 60 days is mentioned in the agreement. Planner Barhorst replied that it was Encroachment Permit #4. She read, "Prior to installing City Improvements along or adjacent to the street". Commissioner Kenworthy read from #3, "improvements and utility work requires the removal." He thought "requires" was vague language. Commissioner Kenworthy asked if the City could just desire that the encroachment agreement be revoked, or whether they need to prove that it is required before the easement can be pulled. Assistant City Attorney Harrington stated that it is at the City's discretion. Commissioner Kenworthy suggested replacing "requires" to "desires". Chair Pro Tem Suesser thought the language was talking about any improvements the City needed to make.

Chair Pro Tem Suesser was concerned that if the driveway is allowed over the right-of-way and the City needed to access the utility lines underneath the garage or to put in new lines, the City would bear the cost to access those lines under the driveway in the right-of-way. She pointed out that the City has thought about sinking transmission lines in Old Town, and it was still a possibility. Mr. Fiat stated that he would be willing to write a check to help with those efforts at any time. Chair Pro Tem Suesser asked if Mr. Fiat would agree to put that in the encroachment agreement. Mr. Fiat answered yes. Chair Pro Tem Suesser pointed out that Mr. Fiat might not be the homeowner at the time that would occur. Mr. Fiat replied that he was willing to pay for it today and the City could hold his check until they needed it. Chair Pro Tem Suesser stated that if the Planning Commission decided to approve this driveway in the right-of-way, she would like to see that commitment in the encroachment agreement.

City Engineer Taylor agreed that if the water line were to break today it was only a matter of digging up the dirt. If a water line breaks after the driveway is in, they would have to dig through the concrete. There would be an associated cost; however, depending on how careful they are, the expense could be minimal. Mr. Taylor confirmed that the City would bear the expense to dig the hole. Regarding underground lines, Mr. Taylor stated that they could bury a conduit now to mitigate tearing up the driveway in the future if Rocky Mountain decides to allow the City to bury the transmission lines. Mr. Taylor noted that the water and sewer lines were already there and there was no reason to add additional lines. However, they would need to make sure those lines are in good condition before building the driveway to minimize the chances of digging it up in the near future.

Commissioner Thimm asked if the applicant was willing to install a conduit prior to installing the driveway. Mr. Fiat stated that they typically install sleeves, and he was

willing to install sleeves under the driveway. Commissioner Thimm stated that if that occurs, he would recommend doubling the suggested number of sleeves.

Chair Pro Tem Suesser asked Mr. Taylor for his opinion on positioning the driveway closer to the house to minimize the encroachment into the public right-of-way; and providing a buffer between the public use of the stairway and the driveway, and whether a kick-out could be designed similar to the yellow house. Mr. Taylor stated that in looking at the turning radius, he believed there was an opportunity to do that in portions. He noted that one of the big differences between the yellow house and this proposal is the opportunity to get drive-in/drive-out so people do not back out onto the street. It is a luxury in Old Town, but it is a safer option if possible. Chair Pro Tem Suesser could not think of another example in Old Town where someone could turn around in their driveway and drive forward onto the street. Mr. Taylor thought it looked like the turnaround was attempted for the yellow house but it did not work. This proposal was designed to make sure the turnaround would work to enable driving front facing onto the street. Mr. Taylor remarked that the applicant was proposing to heat the sidewalk, and if there is too much separation between the driveway and the road, it would be challenging and require two different systems. Not having to do the snow removal on the right-of-way would be a cost savings to the City. Chair Pro Tem Suesser pointed out that it would be up to the eventual owner of the home to turn on the heat for the sidewalk; and the City would have no control to make sure that was done.

Chair Pro Tem Suesser noted that the plan was for a stairway through the lot and it was now contemplated to be a pedestrian pathway. It would be nice to have the pathway heated and not require City maintenance, but she was concerned that the heater would not be turned on and the snow would not be cleared. Mr. Taylor thought it could be required in the conditions of approval and other agreements that the heat system be active and in a working condition. Mr. Fiat thought another requirement would be for the owner to shovel the pathway if the heating system broke down or was not being used.

Mr. Fiat stated that he was not opposed to adding planters between the sidewalk and the driveway towards the front. However, as it gets closer to the turning radius they need the full radius.

Commissioner Thimm wanted to know the differences between the current proposal and the proposal the Planning Commission discussed in August. Mr. Fiat replied that the driveway became 2' wider, the walkway was elevated 6", the stairs were added to the edge of the property line, and the retaining walls were moved to accommodate these changes. Planner Barhorst remarked that configuration of the pathway was still in progress. Mr. Fiat stated that they were still waiting for the engineering on the schematic layout.

Chair Pro Tem Suesser opened the public hearing.

Ruth Meintsma, a resident at 305 Woodside, stated that she lives next to one of these street easements, and she uses the easements all over town for pedestrian access or cutting through and dropping down on her bike. Ms. Meintsma noted that these easements are used for wildlife circulation, walking paths in the summer, ski access in the winter. The easements are used almost as neighborhood yards because many Old Town properties do not have spacious outdoor areas. In these yard easements families make snowmen and sled runs. Some property owners adjacent to these street easements actually adopt these area and contribute effort and expense to landscape and irrigate, adding to the ambience of the neighborhood. Ms. Meintsma remarked that in most cases the property owners know that everything could be removed without compensation. She stated that sometimes riders and skiers use shovels to make snow jumps in the easements and film them.

Ms. Meintsma agreed with the public input that these easements should be accommodated and prioritized. Ms. Meintsma referred to Figure 2 in the Staff report showing how Ninth Street goes all the way from Park Avenue to Lowell. On the Woodside to Norfolk easement, which is the easement they were talking about, people drop down from Norfolk on their bikes. It takes foot traffic and bike traffic off of Eighth Street, which is not a good street for pedestrians and bikes. Ms. Meintsma stated that the Ninth Street Norfolk to Empire access is another foot traffic area where people drop down and avoid Crescent. Ms. Meintsma remarked that Empire to Lowell does not have thoroughfare access for bikes or foot traffic. A driveway was put in to access many residences. It dead-ends and prohibits a stairway that would facilitate pedestrian access to keep pedestrians off the dangerous curve between Empire and Lowell. Ms. Meintsma stated that these easements are important and should be maintained for all the historic uses she mentioned.

Ms. Meintsma believed some of the less steep street easements could work for all the historic uses, and accommodate a new driveway, if certain conditions are applied. She provided an example of where that did not work. She presented a photo of the house before the driveway was put in. A second picture was a home that was passed unanimously by the HPB because it does exactly what historic preservation wants to do. It does not compromise the front yard of the historic house. Ms. Meintsma noted that this house also passed through the Planning Commission with very little discussion. A study was done on the turning radius, and engineering showed that it could be done; however, there has never been a car in those garages. The home has had several owners and the garages are used for storage. Ms. Meintsma showed another picture with a boat in the driveway and one vehicle. No one uses the parking that was

supposed to be for the historic house up the street because it requires backing out. Ms. Meintsma commented on problems with the yellow house on the Third Street stairs. She noted that the project came back to the HPB and the Planning Commission two years later for a small change, and everyone was chagrined at how bad the project turned out. It ended up being a large cement area and impacted the Significant historic house. She believed there were ways to mitigate the impacts. Comparing the negatives of that project to the current proposal, Ms. Meintsma suggested stepping the grade at 901 Woodside to hold the water for landscaping and to keep the area from being less slippery for pedestrians and animals at certain times of the year. Ms. Meintsma believed that with some improvements, and if the garages are actually used, this would be a much better project than the previous project she mentioned, and it would not impose as much on the front of the house. Ms. Meintsma presented another picture showing the historic grade of 901 Woodside. She noted that the house steps over the easement a couple of inches and there is no south side yard. Since the house already steps into the easement, she thought the two walls on the other side makes the structure move into the easement unnecessarily. If those were softened to closer imitate the historic grade the easement would look more inviting and more original. Ms. Meintsma thought there should be a certain level of ongoing responsibility if an applicant or property is allowed to use the public easement. Ms. Meintsma thought the stairway was good, but it was also a nice cutoff to drop down on your bike and the stairs could cause problems. She suggested finding a way for bikes to still drop down. She also suggested moving or stepping the walls in the back to keep it more open for families playing in that area.

Chair Pro Tem Suesser closed the public hearing.

Chair Pro Tem Suesser referred to Ms. Meintsma's comments with respect to how these rights-of-way in Old Town are currently utilized by the citizens. She noted that CUP Criteria #16 requires the Planning Commission to review the application for consistency with the goals and objectives of the Park City General Plan. She pointed out that the Staff report states that the application was reviewed for consistency with the Historic Preservation Goals and Objectives of the General Plan; but she believed they needed to review the application for consistency with all the goals of the General Plan. Chair Pro Tem Suesser pointed out that the Number One goal of the General Plan is to keep Park City a small town. According to the General Plan, residents identified small town as "One of the four core values of Park City that must be preserved to protect the Park City experience. Residents described small town using words such as quaint, charming, old mining town, historic, beautiful, lovely, does not sprawl, not over-built, not much traffic, lifestyle, less driving, does not change much, historic identity, traditional, has a sense of place, character, and rich history." The General Plan goes on to say, "to Parkites, small town reflects an experience of place

through the natural and built environment". Chair Pro Tem Suesser stated that when people were asked what would make you leave Park City, the most common answer by residents was "too much change or growth, followed by loss of natural beauty/environmental decline. Parkites said they hoped Park City would "stay the same, small town feel, sense of community, uniqueness; followed by less development, smaller growth, green and open".

Chair Pro Tem Suesser stated that the Number Two goal of the General Plan was keeping the natural setting of our community. The General Plan describes this goal as "open space, the space between is cherished by Parkites. Parkites utilize the open space in town to recreate, co-mingle, and explore. These are different types of open spaces from small pocket parks to vast trails systems. The experience of open space in Park City are drastically different due to the variety of landscapes, context within the built environment, and natural aspect of the area. As Park City and the region continue toward build-out, the space between is tightening, narrowed by development pressures. These spaces between play an important role for Parkites. By preserving open space, the community prioritizes protection of nature while preventing undesired development. Open space is directly related to the visitor experience and is extremely important to the long-term economic viability of Park City as a world class resort town. Preserving the natural context reinforces the community's connection to the natural setting and brings delight to residents and visitors alike".

Chair Pro Tem Suesser clarified that she was referring to the General Plan because she sees the right-of-way corridors as natural buffers every few blocks in Old Town. They are tree lined and provide public access. They break up the concrete fronts of the homes and the driveways. They create a feeling of natural setting and a sense of open space. Even though the City utilizes the right-of-way for utilities, it is usable space for the public. She thought it was important to recall the vision in the General Plan as they evaluate whether or not this Conditional Use Permit meets the goal of Criteria #16. Chair Pro Tem Suesser reiterated that only the Historic aspects of the General Plan, and not the entire General Plan, were evaluated with respect to this application.

Commissioner Hall asked why the pathway was not paved or why the stairway was not put in previously. Director Erickson replied that it did not fit in the Old Town Streets Improvement Plan Phasing. The Phasing Plan and Old Town Improvement Plan laid out which sidewalks would get construction with which funding. The rest were left until additional money was funded. Commissioner Hall wanted to know why this pathway was a lower priority. Director Erickson remarked that the priority in the Old Town Improvement Plan was to have the maximum amount of activity between Lowell and Park Avenue. The City did not think a sidewalk was necessary in every right-of-way, which would be approximately every 20 houses. Commissioner Hall asked if the City

felt differently now about giving the pathway a higher priority. Director Erickson believed this was an opportunity to create a pathway that might not occur until five years from now without this development. Commissioner Hall understood that the City would still be paying for the pathway and the staircase. Director Erickson clarified that the City would pay for the staircase and the pathway if this applicant was not paying for the section along the driveway. In this case, the applicant was paying for the sidewalk portion and the City was paying for the staircase. Director Erickson pointed out that the applicant would pay for the staircase up to the property line, and the City would pay to extend it from that point. Mr. Fiat explained that there is 150' between Woodside and Norfolk. The lower half of the 150' would be put in at the applicant's expense. Part would be the pathway and part would be the staircase. The remaining 75' would be put in by the City, which according to Matt Twombly, there are funds to put it in now and it would be done when the applicant finishes their portion. Commissioner Hall thought it was unusual for an applicant to require the City to expend funds, but from the standpoint of a public benefit should wanted to make sure the full staircase would come to fruition. Planner Barhorst stated that Matt Twombly was brought in to make sure the staircase would continue. It would be a unified design and a continuous process until the staircase is complete.

Commissioner Hall wanted to make sure there was significant landscaping to minimize the amount of concrete and dirt. Mr. Fiat stated that he always provides plenty of landscaping in his projects. In addition, a landscape bond guarantees that the applicant follows through on what they committed to do.

Commissioner Hall asked if there would be signage indicating a public right-of-way. Planner Barhorst answered yes. Signage has been proposed. Chair Pro Tem Suesser noted that signage was not included in the conditions of approval. Mr. Fiat noted that it was on the plan, which would be part of the approval. Mr. Fiat thought they could provide a 3' x 10' planter close to the street that would delineate and separate. He thought the current activities that take place in the street are important and this plan would not prevent those activities from occurring. Part of the design was to accommodate a requirement by the Sewer District to drive up the driveway to do utility work. A biker could ride up or down, but a skier would have to stop due to the snowmelt driveway. Commissioner Hall asked for the distance of the dirt path. Mr. Fiat replied that there was 4-feet for the walkway and the staircase, and 12-feet for the space to drive up or for biker or skier use. Commissioner Hall understood that a 12-foot wide pathway would enable natural habitat to walk up natural grade and/or a biker biking from their house. Mr. Fiat answered yes. Planner Barhorst clarified that Commissioner Hall was talking about the dirt portion next to the stairs. Commissioner Hall answered yes.

Commissioner Thimm asked for the difference between the existing gradient versus the proposed gradient in terms of percentage of slope. Mr. Fiat did not have that information available. Director Erickson stated that in looking at the existing and proposed grade under the slope the contour intervals were approximately equal.

Chair Pro Tem Suesser was concerned about taking the right-of-way open space to create a front yard for the home that is wider than the house; and putting concrete over the "public yard". Mr. Fiat agreed; however, it is very common in Old Town. He noted that people put in landscaping in the rights-of-way as yards. Mr. Fiat stated that most of the rights-of-way have been improved by adjoining houses.

Chair Pro Tem Suesser was still bothered by the fact that they were not minimizing the encroachment into the right-of-way. Commissioner Kenworthy agreed. He has seen many of Mr. Fiat's projects and believes they are terrific. Commissioner Kenworthy had a picture on his phone that was taken when he walked the property earlier that day. The photo showed the easement and the natural setting. Commissioner Kenworthy thought Ms. Meintsma raised a red flag with her comments when she talked about the disastrous yellow house. He thought the concern was that the 30' width would resemble the yellow house. Commissioner Kenworthy suggested working on a compromise.

Commissioner Kenworthy stated that his main concern was to safeguard the right-of-way for the future. It is City property and no one knows what the future holds. He was comfortable that the City Attorney included that understanding in the encroachment agreement, but it is an understanding with the homeowner. Mr. Fiat agreed that public access is crucial to Old Town and addressing these issues was important. However, what stands out immediately with the yellow house is that the driveway is 20-feet wide, and it is dedicated as a 20' wide driveway because there is a parking spot in front and then a driveway. The entire 20' is not landscaped and his personal issue is that areas in front of the houses are allowed to be left without landscaping. Mr. Fiat thought it was more important to have landscaping in front rather than on the side, and they should minimize the width at the street as much as possible.

Commissioner Kenworthy asked about the possibility of pushing the 10' over to the property line on the right side at an angle, to achieve the 4' walkway and 8' in between to offset the mass of concrete at the front. Mr. Fiat remarked that he was proposing the same idea when he said he would put a planter in between. He understood that Commissioner Kenworthy was trying to create landscaping between the walkway and the driveway.

Director Erickson stated that in looking at the grading plan for Ninth Street, several of the contours overlap the existing contours; however, a couple are squeezed in in the middle and those were 1-foot contours rather than 2-foot contours. He clarified that he misspoke when he responded to Commissioner Thimm's question. Commissioner Thimm stated that parts would be twice as steep as the existing grade. Mr. Taylor indicated the portions that would be twice as steep before it flattens out. Mr. Taylor stated that it was 14' vertical and 25' horizontal. Commissioner Thimm calculated a 56% slope. Chair Pro Tem Suesser asked for the steepness of the pathway as proposed. Mr. Fiat stated that it meets the ADA requirement of 3% for a sidewalk. Chair Pro Tem Suesser asked if it would be excavated to bring the driveway closer to the street grade. Mr. DeGray presented a model showing the walls and the driveway. Commissioner Thimm clarified that the existing slope was approximately 4:1 and they were proposing 2:1 at this point for the 25' until it catches the grade. Mr. Fiat noted that the driveway actually sloped up, and as a result of a requirement by Matt Twombly to make the sidewalk ADA compliant, the slope actually dropped. Commissioner Thimm pointed out that the ADA incline is 5%. Mr. Fiat stated that Mr. Twombly asked them to flatten the sidewalk to 3%. The Commissioners agreed that the slope was too steep for a bike.

Commissioner Hall stated that given the grading for wildlife and bikers, she asked if it was possible to move the entire driveway closer to the house for the purpose of extending natural grade on the south side of the property so wildlife and bikers could use that rather than the 56% grade onto a flat driveway. Mr. Fiat replied that the width at the driveway was necessary in order to make a turn. He understood that Commissioner Kenworthy had suggested moving the curb cut to the north, allowing a separation between the curb cut and pedestrian walkway for planting. Mr. Fiat stated that they could move the curb cut, but at some point, they need the width to get out of the garage. Mr. Taylor thought they could narrow the curb cut and angle it. He pointed to where they could create a buffer at the street.

Director Erickson stated that if there is a desire by the Planning Commission to vote against this proposal the Staff would need to draft findings to deny. If the Commissioners choose to move forward with the plan as currently proposed, findings of fact, conclusions of law, and conditions of approval were included in the Staff report. The Planning Commission could also continue this item to allow the applicant the opportunity to address and mitigate their concerns. He summarized the issues as 1) find a way to reduce the distance of the encroachment from the house to the driveway; 2) find a way to reduce the grading of the transition zone into the driveway; 3) look for opportunities for additional landscaping; 4) possibly change the geometry of the driveway.

Commissioner Sletten agreed with the applicant in terms of the desirability of the view corridor from the street with the larger front yard. He thought the concept of having a wider wildlife corridor and a corridor for bikers and hikers is more altruistic than practical in terms of actual use. Commissioner Sletten was prepared to vote in favor of the proposal this evening as submitted. However, he would not object to a continuance if the other Commissioners were determined to find a way to mitigate the entry by softening the edge of the retaining wall and pushing it back to the north. Chair Pro Tem Suesser stated that she had objections to the proposed plan beyond the one Commissioner Sletten mentioned.

Commissioner Thimm thought the Planning Commission had suggested additional conditions that he believed were reasonable. In terms of widening the front yard versus putting in a planter between the walkway and the driveway, he thought the streetscape would be better served with a wider area where the landscaping is more likely to survive than in a narrow planter. With respect to the gradient, Commissioner Thimm wanted to know from an engineering perspective, if there is a way to reduce the gradient down. He assumed it would require a more horizontal path or a change in the vertical.

City Engineer Taylor stated that one of the earlier designs before the stairs were required had a meandering path up the slope. He thought they could still meander a path and get close to the same slope. The applicant was not opposed to a meandering path in addition to the stairs. Mr. Taylor noted that they would need to work with the Sewer District to make sure it would not interfere with their requirement to drive up there. He believed the trail could be worked in without undermining the sewer access.

Commissioner Kenworthy asked if Mr. Taylor had looked at the engineering of the street going all the way through with the new elevation at the end of this driveway. Mr. Taylor stated that with the current accepted street standards, it would be unlikely to have a street that goes through. He thought a more likely scenario would be upgrades to the water or sewer in the future. Commissioner Kenworthy asked if the elevation reduced the chances of having a street going through. Mr. Taylor answered yes. He drew a straight line connecting Woodside to Norfolk and explained why it would be challenging; if not impossible. He emphasized that if the City ever needed the road for any reason, they would have the ability to revoke the encroachment agreement.

Commissioner Van Dine thought this project had improved upon some of the problems that occur with the yellow house, such as the wall at the end of driveway that does not create an accessible pathway. She agreed with Commissioner Thimm about finding a way to mitigate the steepness to make it a walkable or rideable path. Commissioner Van Dine also agreed that planters at the front with signage would create the

appearance of a community walking path. She favored moving the driveway closer to the house to increase the amount of space for the walkway; however, she was interested in seeing how the angled driveway would look aesthetically from the front of the house. Commissioner Van Dine was unsure whether the design was amenable to being able to angle the driveway without adding more pavement. She was not opposed to the current design, but she would like to see what else could be done. Commissioner Van Dine thought it was more important to adjust the grade and to make sure the pathway looks like a public easement. It was also important to maintain natural planting and to keep it with the character of the neighborhood as a usable community space.

Commissioner Sletten agreed with the Historic Preservation Board in terms of the benefit of having side entry driveways. In looking at alternatives for this project, they need to make sure the turning radius is maintained to keep the garage from becoming storage. If it is impractical to get a car in and out of the garage, the owners end up parking on the street, which exacerbates the parking issues in Old Town.

Mr. DeGray stated that the applicant would ask the Civil Engineer to do another driveway study with a vehicle and include it as an Exhibit for the next meeting. If the Planning Commission intended to continue this item, the applicant requested a continuance to the first meeting in November.

Planner Tyler asked the Planning Commission to recap the direction to Staff and the applicant. She believed there were differing opinions and asked the Commissioners to reach agreement on some of the items they wanted addressed.

Commissioner Hall thought the two main items were grading for wildlife and biking access; and minimizing the driveway from the street access with landscaping. Commissioner Kenworthy thought it should all be under the umbrella of safeguarding the future desires of the City to take back the right-of-way.

Chair Pro Tem Suesser wanted policy direction from the City Council on whether they should contemplate an encroachment of this size into the right-of-way. She believed it was a policy decision and asked if the other Commissioners would support that request.

City Attorney Harrington stated that the policy has been articulated by the City Council in the form of a conditional use permit and the Code. Requesting City Council policy input while evaluating the criteria for this application runs afoul of the application of the Code that the Council already adopted. Mr. Harrington remarked that the Planning Commission could make a separate recommendation to the City Council to reconsider that specific criteria or to remove the criteria from the LMC and make it a case by case

determination in the future for encroachments subject to design standards. He noted that there are other ways these requests could be evaluated; but it is currently evaluated as a conditional use permit under the Planning Commission authority, and the policy aspects have already been determined. Mr. Harrington thought it would be inappropriate to raise that issue in the middle of a pending application.

Chair Pro Tem Suesser believed the application fails with respect to the open space criteria, the General Plan criteria, and that the size and location of this driveway significantly within the right-of-way is inappropriate. She did not believe there has been an evaluation of the utility use of the right-of-way, and it fails CUP Criteria 1, 3, 7, 8, 9, and 16.

In terms of additional conditions, Chair Pro Tem Suesser noted that the Commissioners talked about requiring the owner to maintain heating the pedestrian walkway; putting two conduits in the right-of-way prior to building the driveway; the need to have the current natural grade separation between the public pathway/stairway and the driveway; and possibly exploring a meandering path rather than having such a steep stairway.

Mr. Fiat noted that the original meandering path was taken out of the design when Matt Twombly requested a staircase. He clarified that the Planning Commission was asking for both a meandering path and a staircase. Commissioner Thimm preferred to maintain the stairway and have a rideable path. Commissioner Hall stated that she would not be opposed to a usable S-turn dirt path that is well-maintained.

Commissioner Thimm concurred with the added conditions as outlined by Chair Pro Tem Suesser.

MOTION: Commissioner Hall moved to CONTINUE the CUP for 901 Woodside to November 13, 2019. Commissioner Van Dine seconded the motion.

VOTE: The motion passed unanimously.

WORK SESSION

Annual Legal Training – Open and Public Meetings Act

City Attorney Harrington reported that State Code requires an annual training on processes related to the Open and Public Meetings act. He started with a scene from the movie "Bridge of Spies" to make a point on the legal admonishment to follow the law. Mr. Harrington explained that in the scene the agent was asking someone to

violate his attorney/client privilege because he does not understand its purpose and he believes there is a good reason to break the rule.

City Attorney Harrington understands that it is very frustrating when the Commissioners are trying to serve the public and do the right thing. It is especially difficult when a citizen corners a Commissioner in the supermarket on a certain matter and the Commissioner has to say he or she cannot talk to them and to make their comments at the next public hearing. Citizens do not understand why they cannot talk to the Commissioner because they are supposed to represent the people. Mr. Harrington remarked that many people do not like to attend public hearings where they have to speak in public or make their comments in front of the developer whose project they are opposing. They prefer to talk to the Commissioner and let him or her relay their concerns. He noted that the Commissioners might also be cornered by a well-intentioned applicant who is looking for some pre-application direction. Some even want to hold an open house with the Planning Commission to make sure they are on the right track before filing an application. Mr. Harrington stated that in every instance the answer is no.

City Attorney Harrington stated that the rule for the Planning Commission is to do the public's work in open and to be transparent and fair. The other Commissioners and members of the public do not have the benefit of hearing the dialogue if it takes place one on one in private rather than in the public meeting. Mr. Harrington stated that the City looks for alternatives accommodate the public with officially noticed open houses and on-the-record open houses. The Planning Commission could challenge the Staff to do more public engaging on the legislative side with Code Amendments or General Plan visioning. However, for something like a conditional use permit or an administrative quasi-judicial hearing, the public's business needs to be done in the Council Chamber.

City Attorney Harrington stated that if a Commissioner is approach by a citizen and it is difficult to stop the conversation, they should end it as soon as possible and disclose the encounter at the public meeting.

City Attorney Harrington noted that the exception are legislative matters such as Code Amendments. Since the Planning Commission makes a recommendation to the City Council on pending Code Amendments, they are able to test the pulse of the community. Legislative matters can be openly discussed outside of the public meeting. The no ex parte rule applies to Administrative and Quasi-judicial matters.

City Attorney Harrington pointed out that the Planning Commission has less appeal authority than they did years ago. Therefore, they see very few quasi-judicial matters.

He explained that Quasi-judicial is an even a higher standard because they act as a judge in those matters and there is less flexibility to cure some of the due process issues and ex parte contacts.

Mr. Harrington advised the Commissioners to immediately say they are not able to talk to the person who stopped them, but to encourage that person to either attend the meeting and comment during the public hearing; or they can submit their comments in writing to the Planning Department to be included in the record.

City Attorney Harrington cautioned the Planning Commission about having a meeting after the meeting by continuing to discuss a project after the meeting is adjourned. He recognizes that everyone is human and it is easy to have those discussions during a break, after the meeting, or getting together socially after the meeting. If an item is continued, it is still a pending application and they cannot talk about it among each other or with members of the public who might approach them afterwards. Mr. Harrington pointed out that if the Planning Commission goes for drinks after the meeting, a Staff person accompanies them to make sure the conversation remains social and not about a project or application.

City Attorney Harrington stated that in a small town like Park City it is not unusual to have several Commissioners at a social event. In this case, the City openly and transparently pushes the envelope because it is a small community that encourages people to get together.

Chair Pro Tem Suesser asked if she is allowed to speak to another Commissioner one on one about a pending CUP. Mr. Harrington replied that it depends on the type of matter. They have some deliberation capability and have an ability to ask one another a question on the material that is pending. However, they are not allowed to advocate Administrative matter behind the scenes. They can lobby one another on legislative matters, but they cannot do that with conditional use permits. Chair Pro Tem Suesser understood that the Commissioners could discuss a CUP outside of a meeting, but they cannot advocate. Mr. Harrington stated that one example would be for one Commissioner to ask another if they had the same question on something in the Staff report because they intend to ask for more information. That would be appropriate; but debating the merits of the application would be inappropriate. Mr. Harrington stated that the best guideline to follow is that the debate should occur in the Chamber. The applicant should have a fair opportunity to witness how the Planning Commission decided to act on their application. If the Commissioners have a side discussion on things that neither the Staff nor the applicant are aware of and do not have the opportunity to respond, it deprives the applicant of fairness.

City Attorney Harrington emphasized that if ex parte communication does occur, the Commissioner should disclose the substance of the conversation in the public meeting. It is not enough to just disclose that it occurred.

Commissioner Kenworthy asked if it was appropriate to take the pictures he did when he visited 901 Woodside earlier that day. Mr. Harrington thought those pictures were appropriate because Commissioner Kenworthy took pictures of what he observed at the site and shared it with everyone at the meeting so they all had the benefit of seeing what he saw. Mr. Harrington commented on the process followed for scheduled site visits. The on-site conversations should be kept minimal; and a summary of the site visit should be disclosed at the start of the meeting so it goes on the record.

Commissioner Kenworthy stated that he gets invited to a lot of things and twice he has been invited to an open house to get to know the stakeholders in Old Town. He declined both invitations because he is a Planning Commissioner. He assumed he had done the right thing. Mr. Harrington advised the Planning Commission against going to pre-application open houses because it would be almost impossible for either the public who attend or the applicant to refrain from trying to engage the Commissioners.

City Attorney Harrington advised the Planning Commission to pay attention to the evolution of social media and electronic communications. Communication through those methods are treated the same as a handwritten memo and it could end up in the Park Record. He urged them to be aware of their written communications and emails because they are likely subject to GRAMA. If the communication is a group debate, it can trigger a meeting violation.

City Attorney Harrington encouraged the Commissioners to contact him if they have further questions. If they wish to pursue additional information, the State Auditor has a presentation online at the utah.gov website. The League of Cities and Towns also has additional information available. Mr. Harrington stated that this Planning Commission has been good about not violating the law and he appreciated their diligence.

Commissioner Hall thought it was helpful when the Ombudsman talked at a previous work session. She would like to have him back for another work session. Director Erickson replied and he and Mr. Harrington were working on scheduling another meeting with the Ombudsman. Commissioner Hall recalled that the Ombudsman had said that in the best run towns the Planning Commission spends half their time doing legislative amendments so the Code reflects the current feeling of the community. She understood that the Staff has been overworked, but she had anticipated doing more legislative work. She thought the Planning Commission should make legislative matters

a priority. Commissioner Hall wanted the Planning Commission to take a more active legislative approach. Chair Pro Tem Suesser concurred.

City Attorney Harrington thought Director Erickson could provide a summary of how much work is pending on the legislative front. He commented on legislation that the Staff was working on that would be coming to the Planning Commission. Regarding prioritization, he believed the Commissioners have the ability to influence the Planning Department, but it is a give and take with other priorities and customer service in terms of pending application.

Commissioner Hall reiterated her request to update the Code before larger applications come before the Planning Commission. Commissioner Kenworthy agreed. Chair Pro Tem Suesser thought there needed to be a lot of clarifications in the Code. Mr. Harrington suggested that the Planning Commission ask the Staff to schedule a separate work session on what they anticipate bringing to the Planning Commission in the near future, and allow the Commissioners to provide feedback on whether it is sufficient to meet their expectations.

Commissioner Kenworthy noted that he and Commissioner Sletten are on the Transportation committee. He asked if the Open Meetings Act applied to that committee as well. Mr. Harrington stated that if it was a liaison position on a committee, it would be appropriate to discuss it with the public because their function is to provide input. However, they should be careful to distinguish whether they are speaking individually or at the direction and with full support of the Planning Commission.

Commissioner Thimm asked if there are restrictions or guidelines for a Commissioner to attend an open house that has no relation to anything on an upcoming agenda. He pointed out that Planning Commissioners are also individual citizens and asked if they were prohibited from providing input as a citizen. Mr. Harrington stated that they should use pragmatic discretion in those circumstances and be reasonable. If an application is not pending but they know it could eventually come before them, he would advise against giving any personal input because it could potentially become a problem. However, if they choose to ask a question or make a comment, they should make it clear that they are acting in an individual capacity as a private citizen.

Chair Pro Tem Suesser stated that if a Commissioner has questions with respect to a particular application, she asked if they could reach out to City departments to get a better understanding of why a particular aspect is being supported. Mr. Harrington did not recommend reaching out beyond the Planning Department. The proper process would be to ask the Planning Department to request that someone from those Departments attend a meeting so the questions can be asked in public. Another option

would be to submit their question to the Planning Department in advance so the Staff could obtain the response from the specific department and include it in the Staff report or provide an answer at the meeting.

The Planning Commission Meeting adjourned at 7:55 p.m.

Approved by Planning Commission: _____

APPROVED 10.9.19











