**PARK CITY MUNICIPAL CORPORATION**
**PLANNING COMMISSION MEETING MINUTES**
**COUNCIL CHAMBERS**
**MARSAC MUNICIPAL BUILDING**
**August 24, 2022**

**COMMISSIONERS IN ATTENDANCE:** Chair Laura Suesser (attended virtually), John Kenworthy, Sarah Hall (attended virtually), Bill Johnson, Christin Van Dine (attended virtually), John Frontero

**EX OFFICIO:** Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; Spencer Cawley, City Planner; Jason Glidden, Housing Development Manager; Rhoda Stauffer, Affordable Housing Project Manager; Browne Sebright, Housing Program; Mark Harrington, City Attorney

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## 1. ROLL CALL

Chair Suesser called the meeting to order at approximately 5:30 p.m. Planning Director Gretchen Milliken advised that Commissioner Christin Van Dine would join the meeting virtually at approximately 6:30 p.m.

Chair Suesser confirmed the presence of all Commissioners in attendance and attending virtually. She stated that Commissioner Van Dine was excused until later in the meeting.

The following was read:

> The Planning Commission of Park City, Utah will hold its regular meeting with an anchor location for public participation at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 on Wednesday, August 24, 2022. Planning Commission members may participate in person or connect electronically by Zoom or phone. Members of the public may attend in person or participate electronically.
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> Public comments will also be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom through www.parkcity.org/public-meetings. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org.

Chair Suesser announced that the Planning Commission conducted a site visit at the Homestake Road Project regarding the Affordable Master Planned Development ("AMPD"). She invited comments from the Commissioners.

Commissioner Kenworthy requested that they be provided information on how many existing parking spaces are at this location and asked to see further information regarding the street engineering as discussed during the site visit. Chair Suesser concurred with the request regarding the road engineering and was unclear as to how much the road would be extended and the location of the proposed entrance to the project.

Chair Suesser commented that some of the Commissioners and other attendees noticed the humming from the transmission lines, which was a surprise. She understood that the applicant would look into anything that could be done to mitigate that noise.

## 2. MINUTES APPROVAL

### A. Consideration to Approve the Planning Commission Meeting Minutes from July 27, 2022.

Commissioner Kenworthy requested the word "building" be added to the second line on page 13, as follows: "…stressed that the actual *building* occupancy is over 400 with 125 parking stalls."

**MOTION:** Commissioner Kenworthy moved to APPROVE the Minutes from the Planning Commission Meeting from July 27, 2022, as amended. Commissioner Johnson seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

## 3. PUBLIC COMMUNICATIONS

There were no public communications.

## 4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Commissioner Hall noted that the Mayor has the authority to fill a vacancy on the Planning Commission and wondered about the lack of City Council's vote on a seventh Commissioner. She stated that the terms are to be staggered, so it appeared that there might not be someone up for appointment until 2024. She asked Staff if the Mayor could appoint someone to fill Commissioner Thimm's vacant seat with the term ending in 2024. She also requested that the City Council and/or the Mayor fill the vacancy and open the applications as soon as possible.

Commissioner Hall stated that she had a meeting with the Mayor, several Council Members, several Commissioners, and Staff regarding Land Management Code ("LMC") amendments and felt that many were on the same page in terms of prioritizing these amendments. She suggested they schedule specific LMC Amendments for discussion in each upcoming Work Session by reserving the last 60 to 90 minutes of every meeting for these discussions until they were caught up. She also suggested that they use Planning Commission budget funds to hire Consultants to help them expedite some research on the LMC Amendments. Commissioner Hall also made a request to the City Council for an increase in the Planning Commission budget in the next budget cycle so that the Planning Commission could hire additional consultants if they deemed it appropriate to assist with some of the LMC requests. She also suggested Commission Liaisons help work through some of the LMC Amendments outside of the Planning Commission meetings.

Commissioner Hall emphasized that the focus should be on prioritizing which LMC Amendments they want to address first, putting them on the calendar one year in advance, and conducting the Work Session on the amendments at the end of the meeting so that applicants would not be delayed.

Chair Suesser recalled Commissioner Hall's prior statements that the LMC should be continuously updated and liked Commissioner Hall's suggestions to reserve a certain amount of time in each meeting to work on these amendments. Chair Suesser also wanted to know more about the Planning Commission budget, and what outside consultants they could retain to help the Commission with the LMC Amendments. She agreed with the idea of Commission Liaisons to assist Staff with these amendments. She thanked Commissioner Hall for these suggestions and her commitment to pushing these amendments forward. She added that she has a list of LMC Amendments she would like Staff to work on, given some of the issues raised in applications over the past seven years that she has been on the Planning Commission.

Commissioner Kenworthy agreed with Commissioner Hall's suggestions. He stated that the Commission had been overwhelmed with some of the application packages, and now was the time to prioritize these amendments. He mentioned Commissioner Hall's work on the Dark Sky Amendments and commented that they needed a full staff with insight in leadership. He looked forward to the seating of the seventh member of the Commission. He recalled prior discussions regarding joint meetings with City Council and with the Snyderville Basin Planning Department. Commissioner Kenworthy felt that the City could advance things by working together.

Commissioner Johnson agreed that they should prioritize the LMC Amendments. He suggested at least one hour at the end of each meeting moving forward. He felt that the budget was important because they could use consultants to help alleviate Staff and help move things forward faster.

Commissioner Frontero asked Commissioner Hall if she envisioned that each Commissioner would put forth amendments they would like to address and develop a master spreadsheet to begin prioritizing. Commissioner Hall stated that Assistant Planning Director, Rebecca Ward, has a substantial list from the prior years that could be presented to the Commission for a dialogue regarding prioritizing the amendments and any additional amendments the Commissioners might want to address.

With regard to the issue of seating the seventh Planning Commissioner, Chair Suesser asked Senior City Attorney, Mark Harrington to address this issue. She understood that the Mayor ultimately appoints the Commissioner after the advice of the City Council. City Attorney Harrington noted that this issue would be part of this meeting's agenda and that the remaining questions could be addressed at that time. Staff forwarded the Commission's comments from the prior meeting to the Mayor and this meeting's formal discussions on the topic would be forwarded to all of the members of the City Council.

Director Milliken mentioned that the Planning Commission and City Council Joint Session regarding Fractional Ownership scheduled for August 30 was canceled. With the Open House and the outreach to the community, the City Council felt that they had plenty of information to deliberate on the issue on October 6, 2022. She noted the great conversation regarding LMC Amendments and stated that at the next Planning Commission meeting on September 14, 2022, LMC Amendments prioritization would be an agenda item. Director Milliken also mentioned that they have been discussing the Snyderville Basin Planning Commission with the County.

Chair Suesser reported that she attended the last LMC Amendments roundtable and described it as an overwhelming experience. Rather than just having some time on September 14 to prioritize LMC Amendments, she suggested selecting a couple ahead of time and addressing those on September 14.

Commissioner Hall stated that she would defer to Assistant Director Ward in terms of where she felt she was in terms of preparation. Director Milliken felt that just addressing a few and trying to finalize them at the next meeting might be too ambitious and felt the meeting would be a good start, followed by having this on the agenda on a regular basis so that it would not feel so overwhelming.

**5. CONTINUATIONS**

**A. 1800 Park Avenue - Master Planned Development and Affordable Master Planned Development – The Applicant Proposes to Replace the DoubleTree Hotel With a Mixed-Use Residential Project Including 126 Market Rate Condominiums and 147 Deed Restricted Affordable Rental Units in Two Buildings with Parking Below in the General Commercial Zone. PL-22-05254 & PL-22-05255.**

City Planner, Spencer Cawley, reported that Senior City Planner, Alexandra Ananth, requested that the Commission be advised that the applicant requested a continuance of this item. He was unaware of the reason for the request. Director Milliken commented that it is a large development and the applicant wanted more time to prepare materials for the Commission. City Attorney Harrington advised that this item and the following item were both Work Sessions and there was no requirement to hold a public hearing at this time.

**MOTION:** Commissioner Johnson moved to CONTINUE 1800 Park Avenue Master Planned Development and Affordable Master Planned Development to September 14, 2022. Commissioner Hall seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

**B. 1875 Homestake Road - Affordable Master Planned Development and Conditional Use Permit - The Applicant Proposes Constructing Approximately 200,436 Square Feet on Lot B of the Yard Subdivision for 123 Units Totaling 103,060 Square Feet (46 One-Bedroom Units, 74 Two-Bedroom Units, and 3 Three-Bedroom Units), 6,461 Square Feet of Amenity Space, and 42,237 Square Feet for 125 Parking Space in the General Commercial Zoning District. 80% of the Units are Proposed to be Affordable; 20% are Proposed to be Market Rate. PL-22-05288; PL-22-05300**

Planner Cawley confirmed that the above request was to continue the matter to September 28, 2022.

**MOTION:** Commissioner Johnson moved to CONTINUE 1875 Homestake Road Affordable Master Planned Development and Conditional Use Permit to September 28, 2022. Commissioner Hall seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

## 6. REGULAR AGENDA

### A. Moderate-Income Housing Plan and Report – The Planning Commission Will Review the City's Moderate Income Housing Plan Element of the General Plan that Establishes Goals and Strategies to Incentivize the Development of Affordable Housing and the Annual Report to the State on the City's Affordable Housing.

Housing Manager, Jason Glidden, reported that their plan was for the Commission to review the Moderate-Income Housing Plan ("MIHP"), and ultimately provide a recommendation to City Council for consideration and action. He stated that it was scheduled to go before the City Council on September 1, 2022. The Housing Team made an effort to incorporate the Planning Commission's feedback received during the July meeting. He explained that this Plan was the result of changes made at the State level through House Bill 462, which was an update to Senate Bill 34 passed in 2019. This legislation requires municipalities to put together Housing Plans to address affordable housing. He noted that these plans could be tied to transportation funding at the State level.

Manager Glidden explained that Park City has always had these plans, which have been used as an example for other communities. These are Five-Year Plans that are amended each year; the One-Year Plan contains more specific goals and objectives. He added that the new legislation changed the due date for these plans from December 1st to October 1st.

Affordable Housing Project Manager, Rhoda Stauffer, indicated that the Plan includes demographic details, current inventory of affordable homes, projections of need over the next five years, some five-year goals and objectives, and the one-year implementation strategies required by the State. Since the last meeting, they incorporated Planning Commission feedback as well as guidance from the State requesting further detail on demographics and current and future housing needs. She stated that they also added some objectives based on Commission feedback. These changes included looking at the LMC not only to further the development of Affordable Accessory Dwelling Units ("ADU") but also to look at the trigger mechanism in a Master Planned Development ("MPD") as far as the number of units.

Project Manager Stauffer also noted that the Commission had a desire to see the resorts take more initiative and responsibility with their housing, as well as a more aggressive goal regarding the production of units. The Commission also requested a focus on housing affordability for households earning less than 80% of Area Median Income ("AMI"). She advised that the Housing Team did not change the strategies as a whole. She stressed that Park City has been aggressively addressing affordable housing development long before the State requirements, and the City does far more work than what is represented in the strategies required by the State. Manager Glidden added that even though some of the Commission's feedback might not be included in this Plan, the Housing Team was always working on issues and they keep adding innovative ideas to their list. He assured the Commission that any feedback received was not simply dismissed and was still on their list.

Project Manager Stauffer explained that the One-Year Plan required by the State was that Park City would produce as many units as possible, and they included a number of strategies that would address that goal. She mentioned production and Code changes, fee waivers, and utilizing set-asides from the Redevelopment Authority ("RDA"), which is now referred to as Community Redevelopment Authority ("CRA"). In addition, the strategies included developing projects to meet the needs of 55+ residents, which is one of the key State strategies. Project Manager Stauffer commented that they were already in the planning process for the Woodside Project. She explained that they would focus on re-zoning so that they could explore development on Mine Bench, as well as on enhancing assistance to City employees to help these employees live in town.

Chair Suesser asked why the Housing Team chose to pursue some strategies but did not include those such as the resorts doing more or different triggers in an MPD. Manager Glidden explained that while those strategies may have been bypassed in this report that does not mean that the Housing Team would bypass them. He assured the Commission that they were issues that they would continue to work on and would be incorporated into their work plans. He explained that there was only so much they could put into this plan to meet the State's requirements. Based on Park City's size, they were required to identify three strategies, and although they identified six strategies, they pared it down to highlight some of the larger projects being worked on without dismissing the ones that had been raised by the Commission. He assured Chair Suesser that they would be looking at the items mentioned; however, they were just not included in the MIHP to keep the Plan more succinct and focused on the bigger projects.

Project Manager Stauffer added that they added objectives as part of the overall Five-Year Goals that address the items raised by Chair Suesser but did not include them in the specific strategy for the coming year. She stated that they would likely have a strategy that would address these issues in a future year because it was one of the objectives.

Chair Suesser requested clarification of including senior housing on the Woodside project. Manager Glidden stated that they were at the beginning stages of this project and were looking at different re-design options and how they might incorporate different stakeholders. He hoped to have more information in the fall and added that they want to see a project at that site; however, they were trying to define what that project could be and how they would incorporate it with the Senior Center. Manager Glidden added that they have had great feedback from the seniors as to how they might be able to incorporate some of the housing needs of the community and the seniors.

In response to a request for clarification from Commissioner Frontero, Manager Glidden stated that the Five-Year Plan was created to comply with State requirements and the Housing Team also had a larger work plan that includes more projects and programs. He clarified that the objectives and goals contained in the Five-Year Plan would not necessarily change, but there were more projects on that work plan. He added that the MIHP was driven by what the State requires, but their work plan includes the more specific projects and programs that are not included in the MIHP.

Commissioner Frontero asked if there was a report that included that detail. Manager Glidden stated that he could spend some time and go through the entire list, but it would take a couple of hours. He agreed that they could schedule a meeting to go through this list.

Commissioner Hall stated that she planned to move to forward a positive recommendation to the City Council. She expressed excitement at the City becoming eligible for State funding and appreciated the data points in Exhibit A. She felt that this was a prime example of the need to spend the time in Work Sessions discussing affordable housing, Code changes, and the Affordable MPD.

Commissioner Kenworthy asked about the funding that the State threatened to take away and noted that the City receives these funds currently. Manager Glidden stated that the funding targeted by the State was related to transportation funding. He stated that they work with Transportation Planning to ensure that the City remained eligible for funding for projects such as the Park-and-Ride, and by having three strategies the City would be eligible. He added that having more than three strategies would increase the City's chances of State funding.

Manager Glidden noted that both housing and transportation were very important issues and go hand-in-hand. They want to ensure that they were utilizing every tool with the Transportation Team and every funding source available to them. He confirmed that the City could be in jeopardy of losing current funding sources if the MIHP did not meet the State requirements.

Commissioner Kenworthy confirmed his understanding that Park City was only required to include three strategies, but this Plan included six. Project Manager Stauffer explained that the strategies were listed in accordance with what goal they address in the over-arching Five-Year Plan. She referenced Strategies C, L, P, U, A, and N from the State's list as being included in the MIHP.

Project Manager Stauffer stated that the State only recently added this as a carrot to get municipalities to prepare Affordable Housing Plans and make them real documents that have implementable, measurable goals. The State decided that transportation was an issue for every community, so they used transportation funding to force communities to develop their plans.

Commissioner Kenworthy noted the inclusion of landlord incentive programs and City-employee assistance. With respect to preserving existing moderate-income housing, he felt it important to go back and look at some of the applications where neighborhoods had existing limits on square footage and the Commission kept it in line because that would be part of preserving the moderate-income housing.

With regard to zoning, Commissioner Kenworthy would like to see zoning for the 1.200 acres, affordable housing, and transit. He mentioned that they were stuck on SR-248 because the Utah Department of Transportation ("UDOT") had billions of dollars of projects in front of the City. He stressed that they need to plan for that area given all of the open land. He suggested not restricting projects to the Mine Bench, and that the Housing Team should look at re-zoning within the City and specifically mentioned Iron Horse. Commissioner Kenworthy felt that they needed to be much more forward outside of just identifying a specific area and reiterated the need to look at rezoning throughout the City. He stated they should look at where the transit components could come in and help the City put the density there.

Commissioner Kenworthy stated that they want Park Once, but the question was how to make it work. He did not want to wait on those things, but rather look at a wider section for these opportunities while prioritizing transportation. Once the transportation skeleton was in place, it would be easy to get more housing, density, and mixed-use.

Chair Suesser sought clarification that the State was threatening to take away transportation funding but not affordable housing funding. Manager Glidden confirmed this to be correct.

Chair Suesser also questioned whether the MIHP would be another supplement to the General Plan and wondered how it would be enacted. Project Manager Stauffer explained that this Plan would replace the Housing element in the 2014 General Plan. Manager Glidden explained that the State wanted these plans to be incorporated as part of the General Plan.

Chair Suesser asked if "moderate-income" encompasses both affordable and attainable housing. Manager Glidden explained that the State considers moderate-income housing to be 80% AMI or below, which is the equivalent of the City's definition of affordable housing. Chair Suesser wanted to see a strategy to de-couple affordable housing development from market-rate development. She emphasized that at this point, the City needed affordable housing more than other types of development. She stated that they could not just keep approving large projects that have affordable housing components; rather, they need just affordable housing projects.

Manager Glidden stated that coming back to review the Affordable MPD part of the Code would be very helpful. He noted that the creation of that Code took three years and involved looking at all of the options to incentivize private developers. The market-rate units allow these developers to make these projects pencil. He explained that in order to reduce the number of market-rate units or commercial they would have to give somewhere else, which could be more height, reduced setbacks, or reduced parking. He stated they would be happy to return to have a conversation about this issue and review it as part of the Affordable MPD Code.

Commissioner Kenworthy asked if there was a transfer development rights program to give the Housing Team some of the tools to do some of this. Senior City Attorney Harrington stated that the City has a program and felt this would be a good conversation for the Commission to spend some time on because in practical application it only works if the City was willing to approve the receiving zone. The issue is telegraphing that in such a manner that it would be approved.

City Attorney Harrington offered that if the Commission was willing to put it on the books, it should be willing to live with a plan that implements it. Commissioner Kenworthy acknowledged that it would be very difficult in high-density areas but felt that incentives could be offered to make it worth a developer's while out there given the current situation. City Attorney Harrington commented that affordable housing could be handled through zoning to incentivize that without a transfer, because the transfer would add another value component that would get very difficult to realize, particularly in affordable housing. Commissioner Kenworthy observed that there might be a person who wanted a different use now that the City could offer without much higher density, which might be lucrative.

Commissioner Johnson agreed with the comments of the other Commissioners and was comfortable moving forward with this Plan, as written. He appreciated the edits since the last meeting.

Chair Suesser opened the public hearing.

*Bill Ciraco* asked if there was any sense of the distortion created by seasonal housing in the marketplace. From his personal experience, last winter he spent two days a week working at

Mid-Mountain Lodge and was the only Mountain J1 employee out of 15 J1 employees at that location. He knew that 10 of the J1 employees were living in a two-bedroom condominium in the Kimball Junction area and were only there for 90 days. He understood that these employees were paying rent that was much higher than what that unit would get on a year-round basis.

Mr. Ciraco also asked about reaching out to the resorts to help with housing and noted that the housing issue was largely caused by the presence of the resorts. He felt that the need for the resorts was more seasonal and he wanted to ensure that they were considering that fact. He noted that the issue of transfer development rights was a difficult conversation, as were the City's problems. He could not imagine that they would find an easy solution, so he felt they should start looking at some of the more difficult solutions. He felt the City was willing to do the difficult things and he mentioned the last Visioneering Project where the public called for dramatic effort and impact.

There were no further public comments. Chair Suesser closed the public hearing.

**MOTION:** Commissioner Johnson moved to forward a positive recommendation to City Council for the Moderate-Income Housing Plan and Report for its consideration on September 1, 2022. Commissioner Hall seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

**B. 7805 Royal Street – Subdivision Plat – Park City Fire District Proposes a Subdivision Plat to Create A Single Lot-of-Record From A Metes-And-Bounds Parcel in the Public Use Transition Zoning District. PL-22-05264**

Planner Cawley presented an aerial view depicting the fire station on Royal Street in Upper Deer Valley. He identified some of the surrounding sites as Black Bear Lodge, the Chateaux Deer Valley, and the Goldener Hirsch. He also presented a photograph of the former fire station that was in the process of being reconstructed. He explained that in October 2022, a rezone came before the Planning Commission. The Ordinance contained a Condition of Approval that required the Park City Fire District to go through the process of creating a subdivision for this parcel, which is currently a metes-and-bounds parcel. He added that the rezoning was done as part of a full rebuild of the fire station, which required additional space to accommodate eight personnel and larger fire apparatus to fully serve the Upper Deer Valley area.

Planner Cawley reported that in May 2002, the Park City Fire District received Board of Adjustment approval for a variance that allowed the building to expand and encroach into the Setbacks. In 2002, this parcel was zoned Estate, which required the Park City Fire District to obtain approval for a Conditional Use Permit from the Planning Commission that allowed the expansion of the fire station. He noted that the re-zone helped avoid the need to go through that process again. He stated that the proposed Subdivision complied with the Public Use Transition ("PUT") Zoning District requirements, and he referenced LMC Section 15-2.22. He added that there was no Minimum Lot Size and the Setbacks matched the abutting Residential Zone minimum Setbacks. He explained that the minimum Setbacks were 10 feet in the front, 15 feet in the rear, and 12 feet on the sides.

Planner Cawley explained that the Maximum Building Height was 45 feet from the existing grade, which was measured by going up 30 feet up from the front property line, and then proceeding at a 45-degree angle toward the rear of the property until it intersects with a point 45 feet above the natural grade and connects with the rear portion of the bulk plane. Portions of the project would be in the Setbacks, as allowed by the variance. He highlighted for the Commission those areas that would sit in the Setback. He also presented a graphic that illustrated the requirements for Building Height in the PUT Zoning District.

Planner Cawley explained that the MPD for Deer Valley limited Building Height to 64 feet and Goldener Hirsch reaches that height. The Chateaux was at 45 feet, Black Bear Lodge was at 50 feet and the proposed height of the fire station was 38 feet. He stated that this proposal complied with the non-residential parking ratio requirements that require two parking spaces per three employees or one space per 1,000 square feet of floor area, whichever is greater. Because the square footage is greater, they are required to have eight parking spaces.

Planner Cawley reported that there were five onsite parking spaces, with three outside and two inside one of the bays. He explained that there was an agreement with the Chateaux Deer Valley parking structure wherein they allowed four parking spaces at the ground level for personnel use. He noted a Condition of Approval that required an updated agreement, and Staff received a letter from the Chateaux Deer Valley that was forwarded to the Commissioners.

Planner Cawley stated that this proposal complies with the Sensitive Lands Overlay Zone regulations and Staff found good cause for the Park City Fire Station Subdivision because it would create one lot of record. It would also allow the Park City Fire District to house the personnel and equipment necessary to continue to serve the residents and businesses of Upper Deer Valley, no public street or right-of-way would be vacated or amended, and no easement would be vacated or amended. The Development Review Committee met on July 5, 2022, and did not identify any issues.

Planner Cawley reported that Staff published the notice on the City's website, the Utah Public Notice website, and posted it to the property on August 8, 2022. Courtesy mailings were sent to property owners within 300 feet on August 8th, and the *Park Record* published a notice on August 10, 2022. He stated that other than the letter from Chateaux Deer Valley, Staff did not receive any public input. Staff recommended the Planning Commission review the Park City Fire Station Subdivision Plat, hold a public hearing, and consider forwarding a positive recommendation for the City Council's consideration on October 6, 2022, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as outlined in the Draft Ordinance.

Chair Suesser opened the public hearing. There were no public comments. Chair Suesser closed the public hearing.

Commissioner Kenworthy commented that the architectural articulation on the areas that impede on the Setbacks was nicely done and he supported the project.

**MOTION:** Commissioner Hall moved to forward a positive recommendation for City Council's consideration on October 6, 2022, for the Park City Fire Station Subdivision Plat, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in the Draft Ordinance as follows:

**<u>Findings of Fact</u>**

**Background:**

1. The property is located at 7805 Royal Street.

2. The Parcel is listed with Summit County as PCA-1200-4-X.

3. The property is in the Public Use Transition (PUT) Zoning District and the Sensitive Land Overlay.

4. Park City Fire District will maintain ownership of the proposed Lot.

5. No easement is vacated or amended as a result of the subdivision.

6. The LMC regulates Public Use Transition (PUT) Lot and Site Requirements per LMC Chapter 15-2.22.

7. There is no minimum Lot size in the PUT Zoning District, however, the proposed Lot is 7,564 square feet (0.174 acres).

8. In the PUT Zoning District, Lots abutting a residential zone shall meet the required minimum Setback of that zone. In this instance, the abutting residential zone is the Residential Development (RD) Zoning District.

9. The required Front Setback is 10 feet.

10. The required Rear Setback is 15 feet.

11. The required Side Setback is 12 feet.

12. The Maximum Building Height in the PUT Zoning District is 45 feet measured from Existing Grade. 30 feet at the Front Lot line measured above the average Natural Grade, then proceeds at a 45-degree angle toward the rear of the Property until it intersects with a point 45 feet above the Natural Grade and connects with the rear portion of the bulk plane.

13. Due to the topography of the site, the highest point of the Fire Station is 38 feet at the front and 32 feet at the rear.

**<u>Conclusions of Law</u>**

1. The Subdivision is consistent with the Park City Land Management Code, including LMC Chapter 15-2.22, Public Use Transition (PUT), and LMC § 15-7.1-6, Final Subdivision Plat.

2. Neither the public nor any person will be materially injured by the proposed Subdivision.

3. Approval of the Subdivision, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

**Conditions of Approval**

1. The City Planner, City Attorney's Office, and City Engineer will review and approve the final form and content of the Subdivision for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the Subdivision.

2. The Applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this Subdivision approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. The plat shall note that fire sprinklers are required for all new or renovation construction, to be approved by the Chief Building Official.

4. A non-exclusive ten-foot (10') public snow storage easement on Royal Street shall be dedicated on the Plat.

5. City Engineer review and approval for Lot grading, utility installation, public improvement, and drainage plans are required for compliance with City standards prior to issuance of any Building Permits.

6. Park City Fire District shall update their parking agreement with The Chateau/Deer Valley prior to recordation of the Final Plat.

Commissioner Kenworthy seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

**C. Land Management Code Amendments - The Planning Commission Will Review Amendments to Section 15-12-2 Terms and Eligibility of Members to Establish Planning Commissioner Qualification Requirements, Including the Requirement that at Least One Planning Commissioner be a Land Use Professional. PL-22-05332.**

Commissioner Van Dine joined the meeting.

Assistant Director Ward explained that the amendments presented for Planning Commission review and recommendation were generated on July 28, 2022, during a City Council discussion regarding the value of having a member with professional experience in construction, planning, or architecture. The City Council directed Planning Staff to bring LMC Amendments to the Planning Commission for a recommendation for the Council's consideration on September 1, 2022. She explained that the Mayor, with the advice and consent of the City Council, appoints Planning Commissioners. The current requirements to sit on the Planning Commission include residency within Park City and residing within the City for at least 90 days prior to appointment.

Assistant Director Ward stated that there are additional recommendations in the LMC that appointments to the Planning Commission should be made on a basis that fairly represents the interests of all residents of the community. She explained that these proposed amendments were to LMC Section 15-12-2, which outlines the Terms and Eligibility of Members. The proposed redlines would include language that states: "At least one Planning Commissioner shall be a land use professional, including but not limited to experience in construction, planning or architecture."

Assistant Director Ward reported that they received additional recommendations from the Engineering Department that this could also include Utah licensed professionals, including a civil, geotechnical, or structural engineer. She stated that the Planning Commission could review these amendments and make recommendations and/or modifications, which would then be brought before City Council on September 1, 2022. She noted that they received additional public input from Deb Rentfrow, which was forwarded to the Planning Commissioners with additional recommendations.

Chair Suesser asked Assistant Director Ward to address some of the comments in Ms. Rentfrow's letter that questioned the qualifications of the Planning Staff. Assistant Director Ward stated that Ms. Rentfrow raised two points. The first was a question about City professionals in Engineering or Building Departments, and whether there was a review from these departments to provide appropriate scrutiny and analysis to Planning Staff for inclusion in Staff Reports.

Assistant Director Ward explained that all of the Planning applications submitted to the Planning Commission go through an internal Development Review Committee. The Committee includes a representative from the Park City Fire District, Snyderville Basin Water Reclamation District, Engineering, Building, Sustainability, Housing, Transportation, and Economic Development. She noted that there was an internal review by those experts, who sometimes make recommendations to be included in the Staff Report. Ms. Rentfrow also stated in her comment that the individuals should be available to the Planning Commission should there be additional questions or concerns. Assistant Director Ward stated that they try to do.

Assistant Director Ward stated that Ms. Rentfrow's second point dealt with the quality of professional experience. Chair Suesser noted that it was Ms. Rentfrow's first point that she wanted to be addressed. Chair Suesser struggled with these amendments because she knows what happened with City Council regarding the seventh Commissioner appointment. She did not feel that the proposed language quite got there; however, the more she thought about it, she felt it might be best to leave it as broad as drafted. She expressed concern with the word "shall" because that might lead to a situation where the final seat could not be filled because there was no applicant with that experience. She suggested changing "shall" to "should" and keeping the remaining language.

Commissioner Kenworthy sought confirmation that both Chair Suesser and Commissioner Hall would be considered "land use professionals." Assistant Director Ward stated that the wording of the amendment was broad in that it stated "including, but not limited to," so it could be interpreted to include land use attorneys.

Commissioner Frontero agreed with Chair Suesser's comments regarding the use of the term "shall." He felt it could lead to a scenario where they could not find someone to fill the role or a

Commissioner who filled that role resigned, and then the Commission would be required to vote on items without that key person in place for a period of time. He also suggested using the term "should" and perhaps even coming up with something gentler than "should" such as "preference."

City Attorney Harrington advised that the Historic Preservation Board used the term "priority" and states that they shall prioritize having a member with that experience. Commissioner Frontero felt this was a good suggestion.

Commissioner Johnson felt the language was too broad and stated that they should look at the 90 days as well. He noted that City Council wanted to add this language, so the Commission should move forward, but he did not understand it because when applications are reviewed this was taken into account already. He offered that the term "land use professional" could be defined in multiple ways. He suggested that it might need to be someone with a certification in certain fields.

Commissioner Kenworthy agreed with the 90 days but felt it was a very short period of time. If he were to go any direction, he would favor going longer than 90 days for the residency requirement. He noted that the Commission already has two Commissioners who should be qualified as land use professionals. He added that he has been a developer all of his life and questioned whether that would qualify as well. He felt it was broad enough that he felt he could work with it. He added that he liked changing the language from "shall" to "prioritize."

Commissioner Van Dine agreed with Commissioner Kenworthy's comments because part of the application process involves evaluation by those professionals. She understood City Council's reasoning behind wanting these amendments but also felt that the Commission was able to cover these issues with multiple other people on the Commission. She would not want this amendment to take out other people who might otherwise be excellent candidates to serve on the Planning Commission. She liked the broad language and assumed that City Council would determine the qualifications. She agreed with the "prioritize" language but reiterated her general struggle with having the requirement.

Commissioner Hall agreed with changing the language to "priority" or "preference" rather than "shall." She struggled with this amendment because she felt that giving the City Council and Mayor broad discretion to select the best candidate was something that they should be empowered with, but it was also coming down from the Mayor. She questioned whether this should be incorporated into Section 15-12-4, which states: "appointments to the Planning Commission shall be made on the basis which fairly represents the interests of all residents in the community."

Commissioner Hall felt it would be great to have an architect, a builder, and a land use attorney as well as persons who have no professional land use experience but who have an interest in the issues. She would be happy to not amend the Code, but since it was directed by City Council she felt it should be addressed.

Chair Suesser agreed with Commissioner Hall's comments. She noted that the Commission appeared to agree with an edit that would read along the lines of "There shall be a priority for at least one Planning Commissioner to be a land use professional, including but not limited to experience in construction, planning, architecture or engineering." She stressed that she wanted the language to reflect that this priority would apply to one Planning Commissioner as opposed to the background of all those who would fill the seats. It would be good to have at least one Commissioner with this background, but they do not need seven Commissioners with this background.

Commissioner Frontero suggested using “should be” instead of “shall.” Chair Suesser agreed and restated the proposed edit as follows: “There should be a priority for at least one Planning Commissioner to be a land use professional, including but not limited to experience in construction, planning, architecture or engineering.”

City Attorney Harrington felt that this change would be clear to City Council. He also addressed Commissioner Hall’s question regarding the process and stated that part of the problem was that the Mayor was still establishing a schedule and process with the City Council and he was hesitant to interject into that process since it was ongoing. He added that Director Milliken had confirmation of a preliminary schedule that could be shared with the Commission; however, the bottom line was that this process was up to the Mayor. He assured that City Council has heard the Commission's comments and has tried to prioritize moving this forward as quickly as possible with very short turnaround times to allow for an appointment in time for the first meeting in October.

Director Milliken confirmed that this would go to City Council on September 1 and then it would be opened up for applications with a vote in mid-September and appointment on October 6. She noted this was a very aggressive timeline, but the Mayor had heard the concerns and wanted to move forward as quickly as possible.

Commissioner Hall appreciated the timeline and would be in favor of that short timeline given that they are down one Commissioner and the Chair does not vote.

City Attorney Harrington added that there were always discussions about how best to prioritize the use of the applicant pool and the slates that were coming up. He mentioned the impact of COVID-19 and the fact that it was very unusual to have four slates at once, which presented its own unique challenges. To keep the process seamless, it would give the Mayor and the Council some ability to distribute the staggered terms for one applicant pool. He added that they give deference to the Mayor, but the Council did revisit that on occasion to make sure that it is being done as efficiently as possible. The Planning Commission could certainly weigh in on these issues, and he noted that the Council hears those concerns.

Chair Suesser stated that she read this amendment, as edited, that herself, Commissioner Hall, and potentially Commissioners Johnson and Kenworthy might qualify as a Planning Commissioner who satisfies the criteria. She understood that the Mayor was looking to craft an amendment to get an architect or someone in construction to fill the role of someone like former Commissioner Doug Thimm or former Chair John Phillips. She did not believe that this language would require someone with the experience to be seated. As drafted, and amended by the Commission, it would be met by sitting Commissioners. She considered narrowing it to get someone with a background as anticipated by the Mayor, but she liked the broader language for the reasons she has expressed. The Commission agreed with Chair Suesser's comments.

Chair Suesser opened the public hearing.

*Bill Ciraco* stated that he had been attending Planning Commission meetings since December or January to prepare to submit an application in September. He thanked the Commission for deliberating on this issue and thanked Staff for their work. He stated that his only goal was to serve his new hometown of Park City. He has lived in the City for 778 days, so he met the 90-day requirement, and stated that he just wanted to serve this town. Mr. Ciraco reported that he has two years of Planning Board experience from his prior hometown on the East Coast, which was not unlike Park City as it was a resort town with a year-round population of 5,000 and a summertime population of 25,000. He would hope that his experience would qualify him as someone with land use experience.

*Angela Moschetta* congratulated Chair Suesser on her new title. She stated that she has had related conversations with Ms. Rentfrow and addressed some of the overlapping concerns that she has heard and perceived. She felt that this could be a slippery slope, and there was the potential that someone could get bonus points merely because they tick a box. She concurred with Deb Rentfrow's written comments that they do not know how qualified someone is, even though they might be able to claim professional expertise based on their job title.

In terms of internal Staff support, her concerns overlapped with Ms. Rentfrow's concerns. Based on her discussions with Staff over the years, she understood that there was not someone with specific building expertise. She referenced Mayor Nann Worrel's comments about her expertise when she joined the Planning Commission and mentioned Charlie Wintzer's development experience and his role as a mentor for other Commissioners.

If there was someone on Staff who was able to say something like a retaining wall was not sufficient, or landscaping would not work, that might help with the efficiency of the meetings. She stressed that it did not seem like the City had anyone with broad building expertise on Staff, and felt it was a position that should be created, well compensated, and prioritized. She felt that the Planning Department and Planning Commission should have someone like this to lean on instead of having to look at a citizen volunteer as that voice of expertise. She mentioned that there might even be liability issues around that issue.

*Deb Rentfrow* echoed the comments of Ms. Moschetta. She felt that many of the applications morph in different directions and having a Staff member to address these issues as they change would be critical.

Chair Suesser stated that the Commission should look into the Planning Commission budget and consider some sort of assistance along the lines of what was suggested.

Director Milliken explained that the Planning Commission budget was generous but would not pay for a full-time Consultant. If they wanted to bring in a third-party Consultant for assistance, the budget could be used, although it was intended for Commissioner training and extra things. If they felt they needed a full-time Consultant, it might have to be combined with the Planning budget.

Commissioner Hall asked about the Building Permit process, as she understood the person reviewing the application would get into the minutiae of the construction. Director Milliken deferred to the Building Official but explained that those applications were thoroughly reviewed with Engineering and Building and would get into the details such as whether a retaining wall would be sufficient. She emphasized that the Planning Commission looked more at land use issues and design on larger projects.

Commissioner Hall questioned whether hiring a Consultant would be duplicative of the process that a building application goes through. Chair Suesser noted there have been instances where the Commission struggled with certain issues and an outside consultant might have been helpful. She agreed that the issues raised by the public comment were outside the scope of the Commission.

Director Milliken added that in the larger MPDs, they try to make sure they have representatives from the key departments present to answer questions. She stressed that they have good expertise on Staff and would try in the future to have them present on certain applications.

There were no further public comments. Chair Suesser closed the public hearing.

**MOTION:** Commissioner Kenworthy moved to forward a positive recommendation for City Council's consideration on September 1, 2022, for Land Management Code Amendment 15-12-2 Terms and Eligibility of Members to Establish Planning Commissioner Qualification Requirements, as amended. Commissioner Frontero seconded the motion.

**VOTE:** The motion passed with the unanimous consent of the Commission.

**7. ADJOURN**

**MOTION:** Commissioner Hall moved to adjourn.

The meeting adjourned at approximately 7:23 p.m.