PARK CITY COUNCIL MEETING MINUTES
SUMMIT COUNTY, UTAH,
July 11, 2013

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, July 11, 2013. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Mark Harrington, City Attorney; Wade Carpenter, Chief of Police; Officer Boxall; Claire Marlin, Park City Police Department; Sharon Bauman, Senior Recorder and Elections Official; Thomas Eddington, Planning Director; Kirsten Whetstone, Senior Planner; Phyllis Robinson, Communications and Public Affairs Manager; Tommy Youngblood, Special Events and Project Manager

Absent: Diane Foster, City Manager (excused)

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Swearing–in of Police Officer Arthur Boxall – Police Chief Wade Carpenter introduced Arthur Boxall; Officer Boxall has been with the Park City Police Department as a Reserve Officer for a year. The department is very happy to have Officer Boxall on board. Officer Boxall's wife, children and other family members were in attendance for the swearing in ceremony; his wife Merlann commented on how proud his family members were of him. Mayor Williams administered the oath of office; Claire Marlin executed the Oath of Office.

III PUBLIC INPUT *(Any matter of City business not scheduled on the agenda)*
The Mayor invited Public Input

1. North Silver Lake Project - Lisa Wilson resident of Silver Lake asked for corrections be made in the June 13, 2013 Council meeting minutes during which she had come to the podium to testify. Jody Morrison, Assistant City Recorder stated she would make the corrections. Ms. Wilson thanked Mr. Harrington, City Attorney for his taking time to speak with her earlier, she learned a lot.

Ms. Wilson then addressed the Council regarding open space in Silver Lake and the Deer Valley MPD. She expressed her disappointment in not winning a legal case; if anyone would like clarification on this they have her permission. Additionally she wanted the city to know that earlier in the day she had taken a hike and saw that an LOD fence had been placed around an area that appeared to soon be graded. She researched the public records and found nothing regarding a permit for that plat. Ms. Wilson then referred to a Deer Valley MPD map that she had submitted to the City previously and felt she wanted to clarify an area on the map. She referenced a condition of approval that was issued in 1990 in North Silver Lake; Ms. Wilson then read the condition to Council. Mayor William added clarification in regard to the document that Ms. Wilson had handed out to Council; Mayor Williams stated that Council had not received the complete document from Ms. Wilson; Ms. Wilson agreed with Mayor Williams, she did not give them the complete document. Ms. Wilson then continued on to discuss the original 2009/2010 Conditional Use Permit for North Silver Lake Lodge. She went on to state that when she and her neighbors purchased in North Silver Lake they were told that the hotel that was to be built in North Silver Lake was to be of similar size to The Goldener Hirsch.

Mayor Williams then asked if there was anyone else that would like to address Council and stated that there was no one.

IV MINUTES OF MEETING JUNE 6, 2013 AND JUNE13, 2013

Councilman Alex Butwinski, "I move to approve the meeting minutes of June 6, 2013 and June 13, 2013 as amended". Councilman Andy Beerman seconded the motion. Motion unanimously carried as to (corrected)

V CONSENT AGENDA (*Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon)*

VI RESIGNATIONS AND APPOINTMENTS

1. Consideration of the appointment of two members to the Recreation Advisory Board (RAB) for terms expiring July 2016. Mayor Williams acknowledge the appointments of Meisha Lawson and Spencer Lace to the Recreation Advisory Board and congratulated them.

2. Appointments of Election Judges for the 2013 Primary and General Elections.
Councilwoman Liza Simpson, "Your honor, I move that we approve the Resignations and Appointment agenda items 1, and 2 as stated in the staff reports". Councilman Alex Butwinski seconded the motion. Motion unanimously carried.

VII OLD BUSINESS

1. Consideration of Rocky Mountain Power expansion of the Bonanza Substation of low v. high profile design alternatives, located on Woodbine Way, Park City, Utah
Mayor Williams opened the Public Hearing.
Mark Fischer stepped to the podium. Mr. Fischer has been working with his neighbors Powdr Corp and the Wintzer's; they are hoping to come up with a consensus. Presently they are evaluating two layouts 1. North / South layout that would extend into the Recycle Center 2. East / West layout that would extend into the back of the yard. Then he mentioned the hybrid approach which does a bit of both. The simplicity of this approach is that the West 40-50 feet (inaudible) center and the current substation would be traded for the back of the yard; the more developable pad would be in the back of the yard. If Council is familiar with the property, the triangular part that comes up from Homestake is very narrow; the newest idea would be to try and widen it so that they could effectively build a building pad to square it up. They have scheduled another important meeting for next Tuesday and then plan to come back to Council. Mr. Fischer stated that his hope in the end would be to have all four parties, the City being the 4th party, approach Rocky Mountain Power with one plan.
Mayor Williams closed the public hearing.

The Mayor requested a motion to continue to a date uncertain. Liza Simpson "I so move" Councilman Peek seconded the motion. Motion unanimously carried.

VIII NEW BUSINESS

1. Consideration of a Master Festival License for the Bike DealerCamp to be held July 25, 26, 27, 2013. Tommy Youngblood Special Events and Project Manager for the Sustainability Department addressed Council. Mr. Youngblood reviewed with Council the request from the Bike DealerCamp committee which was to add a consumer day on Saturday and a small bike race. Staff recommends that Council approve. Mr. Youngblood stated that Deer Valley likes the event, it takes very little public property and that it is a good community event. Mr. Youngblood also told Council that he had spoken with the local bike shops; they expressed interest in seeing how the newly added consumer day would go. Mayor Williams asked if Council had any questions. Councilwoman Simpson asked if there would be any conflict with the construction on Deer Valley Drive and the event. Mr. Youngblood stated that the Deer Valley construction crews were aware of the event and planning to make adjustments. The ride is an early morning ride with about 150 riders in three different groups they don't expect large participation. Ms. Simpson also wanted to know if Bob Kohler was aware of this event; this question stems from an approaching presentation to the Chamber concerning all of the bike event activities in town. Mr. Youngblood mentioned that Park City is known as a biking community and that it is time to get everyone on the same page; they will be addressing that very soon.

Councilman Beerman inquired why the event came to Council so late. Mr. Youngblood stated that his staff load has been a bit heavy and apologized to Council; the organizers were on time and within their ninety days, additionally the City has been in discussions with them for the last two years when the event was first mentioned. Lastly Mr. Beerman was concerned about the rough road being ridden and suggested an officer escort the riders on an alternate route, (SR 224). Mr. Youngblood believes that the draw may not be that large, most people will be at consumer days. The rides were scheduled at different times and thought it may not be a problem to do this.

Councilman Butwinski had questions directed at Council regarding bonding being required for some of these events. Does Council want to put this on a future agenda? Mark Harrington, City Attorney stated that Council has the ability to require bonding; a study session does not need to take place.

Mayor Williams opened the Public Hearing; there was no input; Mayor Williams closed the Public Hearing.

The Mayor requested a motion. Andy Beerman "Your Honor I move we approve the Master Festival License for the Bike DealerCamp to be held July 25, 26, 27, 2013" Councilwoman Matsumoto seconded the motion. Motion unanimously carried.

2. Consideration of an Ordinance amending the Land Management Code, Chapter 6 Master Planned Developments, Chapter 2.16 General Commercial. Kirsten Whetstone, Senior Planner greeted the council and introduced herself. She went on to identify the three main topics being discussed this evening as parts of the amendments to the Land Management Code. First topic will be the *amendments to the general commercial zone* – those are for corrections for lots within the Prospector Overlay Site Development Zone that will allow zero lot lines; there were some lots that had been left out when some additional parcels had been replatted, those lots are listed in number in terms of which ones get zero lot line and those that are required in the Prospector Overlay. Second topic is the *Applicability of Master Planned Developments* – where are master planned developments allowed to be applied for. In all of the zones in Park City, where allowed, required and not allowed. Third topic *Additional Review*

Criteria and clarifying the language used when reviewing an application for a Master Planned Development.

In terms of the GC it's pretty straight forward with redlines specifying the Prospector Overlay allows reduced site setback for designated effected lots and describes which lots they are and corrects those according to the plats.

Clarifying the Purpose and Applicability of Master Planned Developments – generally the Master Planned Development processes for planners is very useful in getting an overall idea of what a development should be for and area, for instance Deer Valley, Park City Mountain Resort and the Flagstaff area are all Master Planned Developments. It is an overall look. Park City used to have small scale and large scale developments. The small scale could be a 200 room or 300 lot subdivisions larger than staff would want to review as a Conditional Use Permit (CUP) but not as big as an overall look coordinating the utilities, land use and various aspects of a bigger development. In the 90's the large scale master plan was not as utilized as often because the City had already master planned the large pieces. The City decided that master planned developments should really be for the larger properties; the City didn't want to use the Conditional Use Permit because those are really use by rights. If staff mitigated the impacts for someone with a CUP it has to be approved unless the impacts couldn't be mitigated. In revising the Land Management Code (pg. 63 of report) residential projects with ten or more lots or commercial developments with 10,000sq ft. and any project utilizing transferred development rights overlay, hotels and lodging projects became the scale that staff began to look at as requiring master planned developments. It was primarily the design related problems, a bit more flexibility, more height for architectural interest, reduced setbacks or opens space in exchange for other things where a master development could work better in that zone or area, and could be more site specific but still wanting more than a CUP look. The language that is in the code currently is stated in a confusing manner (*allowed, required and not allowed, not required*) it is very confusing so staff rewrote the language to make it clearer.

The Planning Department has had quite a bit of public input on this with the Planning Commission looking at this since August of last year. City Council and the Kimball Art Center Board had met to look at the ability to look at a master planned development and the design flexibility in the HRC Zone (a stand-alone zone). This is not similar to a property that had another zone tied to it such as the Sky Lodge or properties on Main Street that flow into the HR2 Zone (transition zone). The master planned development process allows some flexibility in terms of setbacks and various design aspects. Staff has continued to work with the Planning Commission, gathered more public input along with working with the Historic Preservation Board. Ms. Whetstone then gave a brief update on the situation in regard to the Kimball Art Center. She stated that the last meeting with the Planning Commission was held on May 8th where the Commission reiterated that they did not want to require or allow master planned developments in the HRC zone (lower Main Street area) or the HCB (Main Street Business) staff also recommended the same. Planning Commission had mentioned that their recommendation was not to allow an MPD which meant there was not any flexibility for height exception. Ms. Whetstone then asked Council if they had any questions. There were no questions.

Ms. Whetstone then continued on to discuss the third topic - Review Criteria for Master Planned Developments. This is really just clarification for the review criteria, regarding verbiage and reiterating that building height exceptions will not be granted for Master Planned Developments within the HR1, HR2, HRC and HCB because there are areas where a master planned development is allowed within two zones. Reiterating that there would not be height exceptions for those master plans. There were some additional language changes for site specific analysis for those height exceptions and landscape and streetscape. Staff also amended the code to make landscape plans required and listed the requirements. Additionally added: a section on noxious weeds in MPD; added a section on Historic Mine Waste mitigation; specificity in terms of resort accessory uses; areas that don't require density - employee locker rooms, employee break rooms and dining areas. Ms. Whetstone then asked if there were any questions from Council.

Councilman Beerman questioned the verbiage of 15-6-5 Landscape and Street Scape regarding noxious weeds. Ms. Whetstone stated that her recommendation for the change would be the verbiage to read "*in a matter consistent with Summit County Weed Ordinance".* Mr. Beerman also wanted to know if there was a definition of Best Planning Practices referenced in the report at the top of page 71. Ms. Whetstone stated that there are best planning practices, green practices although it is a moving target. Mr. Beerman asked if the City is going to require this then it should be defined. Ms. Simpson interjected that the LMC does reference the residential and commercial energy and green building program. Mr. Eddington, Planning Director stated that the APA has the best practices manual and a website and LEED has their Questar best practices. Ms. Whetstone thought that staff could define 'best practices for sustainable developments" and then in that definition could describe where one would find those in the code. She continued stating that she did not have the definition presently although would come back to Council with one based on Council's direction.

Ms. Matsumoto had questions regarding the exceptions to the requirements for an MPD in HRL, HR1, HRC, HCB. Mayor Williams had questions on 15-6-8. (G) Resort Accessory Uses specifically *back of house*. Ms. Whetstone mentioned that elsewhere in the code under support uses that references the amount of meeting space in a hotel, 5% of the total residential square footage. Mayor Williams felt that it could be better defined, less nebulous and clearer. Mr. Eddington stated that the Mayor was speaking of the Residential Accessory Use and this is a Resort Accessory Use. The Mayor went on to state that to a certain extent when the plans are being reviewed the public and Council wants to see the total square footage, and this helps in that regard. Mr. Harrington interjected that just the opposite is true; these sections enable some ambiguity, rather than limit or define square footage. If the Council would like to re-look at this they should give staff direction. Mr. Eddington stated that these sections allow for additional space over the net square foot to get to the higher gross square footage. He mentioned the residential accessory use back in 1985 when the City had one set of criteria, this has changed a bit although staff still allows for additional square footage. Ms. Matsumoto wanted clarification on the large building at the base of Deer Valley that includes the ticket office and ski patrol – does that space and square footage not count for anything? Mr. Eddington stated that the regular resort use square footage includes locker rooms, public restrooms, etc. and do not count against the square footage. Mr. Eddington stated that day use, office, meeting space, restaurants – their day-to-day use spaces – all count in terms of square footage; although when you reference employee areas, these don't appear to count against total allowed square footage. Ms. Whetstone brought Snowpark Lodge up as an example – the Deer Valley Master plan does not allocate density for The Snowpark Lodge. It is allowed because it "supports" the whole resort. The "G" Section in the "Code" primarily applies to Park City Mountain Resort and Deer Valley for the ski resort uses. "F" Section is Accessory Uses for a hotel and they are very specific.

Mayor Williams asked as an example if the resort came to the City with a 500,000 sq ft maintenance facility would that be acceptable? The answer is that it would have to be counted as “support” to not count against the total allowable square footage for a project. Ms. Matsumoto was concerned that as an example another Snowpark Lodge could build its way up the hillside without any public input. Councilman Butwinski stated that it would be an MPD therefore it would have to be open to public input.

Mr. Harrington mentioned that Council may want a study session to discuss the policy and understand the history as to how the code came about, what the pros and cons were. Mr. Harrington went on to add that many extended presentations had taken place back then discussing what should be included in the base area facilities.
Ms. Simpson stated that she would like to have a study session and a more robust discussion that included resort accessory uses and resort back of house. Ms. Matsumoto agreed with Ms. Simpson and stated that she certainly supports the resorts although there needs to be some clarification available to the public. The public will be impacted by what future development may take place around the resorts.

Mayor Williams had questions regarding how restaurant space would be defined, what uses would be included; restrooms? Ms. Whetstone stated that a restaurant itself would be reviewed separately unless it was part of a mixed use. Mr. Harrington stated as an example Silver Star Café – the common areas are supporting the commercial units and those restrooms are likely excluded, you have very small commercial units.

Mr. Butwinski commented on parking whether it is included in gross square footage regarding resort accessory use.

Ms. Matsumoto brought the Prospector Area back with questions on floor area ratio. Mr. Harrington mentioned that is the methodology the staff is moving away from. Ms. Matsumoto wanted to know why resort developments were treated so differently. Mr. Eddington stated compatible mass and scale was desired; the idea of keeping all uses in the same area was desirable. Mr. Eddington stated that staff would change the section regarding the employee restrooms and areas and then go forward with a study session.

Mayor Williams then opened the public hearing.

Lisa Wilson stepped to the podium to address Council. Ms. Wilson wanted to know what zone Silver Lake Lodge was in; Ms. Whetstone informed her it was in HR Residential Development; that is a master planned development that is not changing. Ms. Wilson then asked for clarification in regard to North Silver Lake; if North Silver Lake is defined as an MPD within an MPD does this mean the accessory uses are available? Ms. Whetstone stated that it does, residential accessory uses are similar to the St. Regis. Ms. Whetstone defined what that means: 100 unit equivalents for residential, 5% of the area for support commercial 5% meeting space or a total of 10% combination and all of the back of house ie circulation, hallways.

Ms. Wilson also wanted to know if the modifications to the code mentioned would modify the 60% open space requirement? Ms. Whetstone stated that staff had been in discussions with the Planning Commission in terms of reducing them in MPD’s in redevelopment areas and different criteria for less open space for more affordable housing. The Planning Commission is still discussing this and has not forwarded a recommendation.

Ms. Wilson then asked if height exceptions might occur in Deer Valley, Snow Park Lodge or North Silver Lake. Ms. Whetstone stated that nothing in addition because the Deer Valley Master Plan already identifies each parcel and their allowed height exceptions. Ms. Wilson stated she is alarmed by the residential resort accessory uses. She and friends were reviewing the Park City Land Management Code (LMC) and questioned what uses counted and those that didn't. She was very frustrated. Ms. Matsumoto stated that Council wanted resorts to be successful; she feels there is a compromise that can be reached. Ms. Wilson stated she feels people have not been educated in terms of the code.

Mayor Williams asked if there was any other public input.

Mr. Butwinski had a question pertaining to when Deer Valley had received their MPD. Mr. Eddington stated it was in 1984. Ms. Simpson interjected that based on information in the staff report that in January of 1984 a code process was created for master planned developments. She went on to say that she agreed with Ms. Matsumoto, having a clear understanding of and what those uses are in both those categories and have predictability and flexibility in design re hallways, double loaded hallways vs single loaded hallways would definitely benefit all. She stated she would like at the end of the study session have the code be easier to explain to the public and a bit easier for people to have some understanding.

Mayor Williams asked if there was additional input, there was none; Mayor Williams closed the Public Hearing

Mayor Williams requested a motion to amend the Land Management Code. Liza Simpson, <u>"Your honor I move we approve the Ordinance amending the Land Management Code Chapter 6, Master Planned Developments and Chapter 2.18 the General Commercial, as amended by Councilmember Peek and with direction to create a definition for sustainable best practices".</u> Councilman Andy Beerman seconded the motion. <u>Motion unanimously carried to approve as amended</u>

3. <u>Consideration of approval for a Plat Amendment for 124 Norfolk Avenue, Park City, Utah</u>.
Mayor Williams opened the Public Hearing, there was no input; Mayor Williams closed the Public Hearing and requested a motion to continue to July 18, 2013. Cindy Matsumoto <u>"I so move"</u>. Councilwoman Simpson seconded the motion. <u>Motion unanimously carried.</u>

4. <u>Consideration of an Ordinance approving lots 17, 18, 19 of Echo Spur Development Replat Amendment located at 489 McHenry Avenue, Park City Survey, Park City, Utah</u>
Mayor Williams opened the Public Hearing, there was no input; Mayor Williams closed the Public Hearing and requested a motion to continue to August 15, 2013. Councilwoman Matsumoto, <u>"I so move"</u>. Councilman Butwinski seconded the motion. <u>Motion unanimously carried</u>

5. <u>Consideration of an Ordinance approving the McHenry Subdivision Replat Amendment located at 496 McHenry Avenue, Park City Survey, Park City, Utah</u>

Mayor Williams opened the Public Hearing, there was no input; Mayor Williams closed the Public Hearing and requested a motion to continue to September 12, 2013. Councilwoman Matsumoto, "I so move". Councilman Peek seconded the motion. Motion unanimously carried

6. Consideration of approval for the 415 Deer Valley Drive Plat Amendment, Park City, Utah

Mayor Williams opened the Public Hearing, there was no input; Mayor Williams closed the Public Hearing and requested a motion to continue to July 18, 2013. Councilwoman Simpson, "I so move". Councilman Butwinski seconded. Motion unanimously carried

IX ADJOURNMENT

With no additional business, the regular meeting of the City Council was adjourned.

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Executive Office at 435-615-5186 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4 p.m. to 9 p.m.

Posted: 07/08/13
See: www.parkcity.org

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3:15 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present were Mark Harrington, City Attorney; Jonathan Weidenhamer, Economic Development Manager; Phyllis Robinson, Public Affairs Manager; Matt Cassel, Library Staff: Adriane Juarez Library Director, Jasmina Jusic, Christine Youngblood, Tegan Davis; City Engineer; Thomas Eddington, Planning Manager; Matt Twombly, Project Manage; Jason Glidden, Business Development Manager; Lori Collett, Finance Manager, Brooke Moss, Human Resources Manager. Alex Butwinski, "I move to close the meeting to discuss personnel, property and litigation". Liza Simpson seconded. Motion carried unanimously. The meeting opened at approximately 4:50 p.m. Liza Simpson, "I move to open the meeting". Alex Butwinski seconded the motion. Motion unanimously carried.

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Jody L. Morrison, Assistant City Recorder

Jody L. Morrison, Assistant City Recorder