PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 25, 2002

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, April 25, 2002.

AGENDA

Work Session

3:30 p.m. Council questions/comments
4:00 p.m. Arts Council grant request
4:15 p.m. Master Festival License - Oktoberfest
4:30 p.m. Review of regular meeting
- Master Festival Licenses - Skate Series/Art in the Park
- Land Management Code amendments

5:00 p.m. Historic District Commission interviews
5:50 p.m. Break

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

Animal Control update

IV WORK SESSION NOTES AND MINUTES OF MEETING OF APRIL 4, 2002

VI CONSENT AGENDA PUBLIC HEARINGS

1. Master Festival License for Skate Series to be held on May 25, June 29, July 27, August 31, and September 28, 2002

2. Master Festival License for Art in the Park to be held June 22, 2002

VII CONSENT AGENDA

1. Master Festival License for Skate Series to be held on May 25, June 29, July 27, August 31, and September 28, 2002

2. Master Festival License for Art in the Park to be held June 22, 2002

VIII PUBLIC HEARING

Continuation of hearing - Amendments to Land Management Code - Phase 2: Comprehensive and substantive rewrite of Chapter 4, Historic Preservation; Chapter 6, Zoning Administration and Enforcement; Chapter 8, Supplementary Regulations; Chapter 10, Master Planned Developments; Chapter 11, Master Planned Moderate Income Housing Developments; and Chapter 14, Child Care Regulations; additional provisions; to Chapter 1, General Provisions; and Chapter 15, Definitions

IX ADJOURNMENT

Posted: 04/22/02
See parkcity2002.org

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
APRIL 25, 2002

Present: Mayor Dana Williams; Council members Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones

Toby Ross, City Manager; Mark Harrington, City Attorney; Tom Bakaly, Assistant City Manager; Alison Butz, Special Events Manager; and Ken Fisher, Recreation Coordinator; and Patrick Putt, Planning and Zoning Administrator

Toni Brider, Park City Arts Council; Michael Kaplan, Oktoberfest MFL applicant; and Pat Drewry Singer, Director of Arts-Kids

1. **Council questions/comments.** Jim Hier reported on the Interagency Meeting where a study for expanded transportation services to Heber City and the 800 MHZ conversion were discussed. With regard to the latter, the group agreed that Wasatch County be included so there is one communications area and a more complete regional data base. There was also an update from the Animal Control Director which will be discussed later this evening. He reported that School District Superintendent Nancy DeFord is retiring. Peg Bodell reported on the committee's progress in organizing activities for the 4th of July, honoring Olympic athletes.

Fred Jones stated that he attended a Chamber/Bureau meeting which focused on creating a group of interested constituencies to formulate common long-term goals for the post-Olympic era. Planning for the Olympics over the last 12 years has been the main drive of the community and this is an effort to capitalize on the Games, i.e., cooperation between agencies to meet common goals. He pointed out regional transportation and a joint ice facility and often these issues are approached without a context. He asked if this is something the City Council is interested in pursuing, recognizing that it will require time to participate. Ms. Bodell suggested that this is taking the form of a *"Summit Summit"* in that businesses are also involved. Mr. Jones agreed and suggested to initially start with a small group to set forth a mission. For instance, if our goal is a world class resort, the City, County, or resorts can not be proceed in a vacuum but need to work together; it's time for a new focus. This may fit well within the community vision program slated in the Fall. Mayor Dana Williams suggested that he, Council member Jones, and Tom Bakaly participate in the initial group meetings. Council concurred. Mr. Jones continued that he attended a meeting with the HMBA who intend to poll merchant support on the concept of increasing City business license fees for Main Street businesses as a way of funding HMBA activities. Jim Hier stated that he has serious concerns about forcing membership which is inconsistent with the operations of the Restaurant and Lodging Associations. Mark Harrington encouraged the HMBA to meet with staff before this progresses any farther. State law regulates imposition of business license fees and there are limitations.

Kay Calvert indicated that she was inundated with comments from neighbors on the dog issue raised last week. She attended the School Board and 4th of July meetings. Candace Erickson reported that she is working on the joint ice facility project with the Recreation District and the committee is working through the features of the memorandum of understanding. At the Library Board meeting, there as discussion about reducing the $75 non-resident fee since some members felt it was too high and the County now has a library. She suggested printing conservation messages directly on the water utility bills, as it may be more cost effective and efficient than enclosing additional printed material. Mayor Williams reported on the farewell to Justine Fellows. The Jump-In walk-a-thon was very successful last Saturday, raising some $4,000 for the People's Health Center. Students from the Colby School and a group of girl scouts visited his office last week. He also met with the Friends of the Farm who are planning new events for the summer, and complimented Recycle Utah and the many other associated agencies on producing an educational water conservation program in City Park this week. It was attended by hundreds of students. The Mayor commented on the many conversations he has had over the week expressing both sides of the dog control issue. He apologized for letting that discussion get out of hand at last week's meeting.

2. **Arts Council grant request.** Tom Bakaly explained that the Arts Council is preparing to submit a grant to the National Endowment for the Arts and has asked the City to send a letter of support. The draft letter in the staff report indicates the City's support of the application, our willingness to match up to $2,000 and allow City Hall to be a designated location for art in public places. The Council subcommittee met on this request who endorses the letter of support. Depending on NEA granting the award, Council will need to consider whether the City's $2,000 match would be additional funding in the arts grant category, be apportioned from the $43,000 annually budget for culture and arts, or come from the grant contingency in FY 2002-03. However, this action is not required tonight to send the letter to meet the deadline for the Arts Council.

Toni Brider, Director, pointed out that the match can be in-kind as a challenge grant so if Council decides that $2,000 in cash is not appropriate, services like photo-copying, providing a Spanish translator, or transporting art are acceptable. The Arts Council has a permanent art in public places program, studies have been performed identifying needs, economic stability and it has facilitated the placement of public art. On April 13, the Board of Directors very clearly outlined its goals and focused on its five year plan. She emphasized that the organization is in serious financial trouble and will be actively pursuing grant funds. If the NEA grant is approved, the Arts Council will receive its money in September. In response to a question from Kay Calvert, Tom Bakaly explained that the contingency now has a balance of $3,500 which would roll into the next fiscal year and another $4,000 appropriation is budgeted for a total of $7,500. Council concurred that a letter of support is appropriate. Mayor Williams clarified that although he indicated his verbal support in a previous meeting with Ms. Brider, appropriations from the budget must be approved by the majority of the Council members.

3. Master Festival License - Oktoberfest. Alison Butz explained that Oktoberfest is a newly proposed event beginning on Friday afternoon, October 4 until midnight and all day Saturday to midnight on October 5. It is envisioned to have ten tents with food, music, beer, and crafts; the large tent can accommodate 650 people. The street closure is requested between Heber Avenue, Park Avenue and Main Street as well as a portion of Main Street between Heber Avenue and 7th Street. She expressed that the Police Department believes this section will work as proposed. Ms. Butz added that she is looking for Council guidance on this proposal. Events are required to end at 10 p.m., under the noise ordinance, and this is an extension until midnight. The logistics of the events are estimated to result in about $3,000 in fees, i.e., police, building inspection, banner installation and the applicant has asked for those fees to be waived. Additionally, Mr. Kaplan is asking that the City produce banners for the Main Street light poles; in the past, this has never been done, and the cost is estimated at $4,000. In response to questions from Council member Calvert, Mr. Kaplan explained that he hopes to get five sponsors but has not yet received commitments. It is proposed that beer companies will buy a space in the tent to promote their products. He stated that he is applying for a $43,000 grant from the Restaurant Tax Committee and there may be smaller organizations willing to donate. There was discussion about the time table for producing this event and the entertainment estimate of $20,000.

Mr. Kaplan continued that the speakers will be directed to minimize impacts to the neighborhood and is requesting midnight to add to the festivities. Jim Hier recalled that the Main Street Olympic Celebration was cut off at 10 p.m. and is concerned about increased public safety measures from 10 p.m. to midnight. Additionally, many patrons may be traveling from the Wasatch Front which may present problems. Ms. Butz interjected that the Police Department supports the 10 p.m. time. Mr. Kaplan countered that bars close at 1 a.m. Ms. Erickson stated that she supports 10 p.m. because noise carries in the canyon and if Restaurant Tax monies are received, she felt it appropriate that event patrons also support Main Street businesses. There was discussion about the design of the street closure and Mr. Kaplan explained that it is the result of technicalities relating to the grade of the street and erecting the beer garden tent. In response to a question from Peg Bodell, Mr. Kaplan clarified that the small tents will house arts and crafts and perhaps used ski equipment from a shop and it is really opened up to everyone. Peg Bodell brought up lining the tents up Main Street. Candace Erickson added that going up Main Street would create an inconvenience for Post Office patrons, and it probably is a good idea to start small with fewer tents for the first year. Alison Butz added that the City has experience will closing portions of lower Main Street. Peg Bodell stated that she supports the 10 p.m. cut off time as the neighborhood would be impacted. The Mayor asked about benefits to other local businesses. Mr. Kaplan emphasized that he is not organizing this for his own personal financial gain and has opened participation to everyone, local and regional.

Candace Erickson recalled that the City has autumn banners. Mr. Kaplan noted that he is not asking the City for much money which prompted the request for the City to produce and install special Oktoberfest banners. Peg Bodell indicated that she asking for seed money is appropriate, but has concerns about subsequent requests. Alison Butz clarified that fee waivers are estimated $3,300 and banners are an additional $4,000. With regard to the time of closure, she understood the Council consensus to be 10 p.m. but asked for direction on the street closure and waiver of fees. Once comments are rendered, the application will be reviewed by associated departments and returned to Council for final approval. Jim Hier stated that in general the event is a great idea and supports the street closure, the 10 p.m. closing, and the one-time seed money concept. If there are profits this year, he preferred that these be reimbursed to the City to cover fee waivers or applied to next year's fees. Peg Bodell added that the City doesn't want to be in the event funding business, but should be involved in economic development for the Main Street area. This has the potential of bringing a good draw for other businesses and she is interested in considering fee waivers. Fred Jones agreed with Council members Hier and Bodell and added the emphasis should be first for local vendors and he could not support a Salt Lake business selling its sports equipment on Main Street. The focus should be local. He is also willing to entertain fee waivers, but is sensitive to incremental costs like police and security and needs more input in this area. The HMBA's involvement is important as it may be the key to making the event successful. Kay Calvert concurred and emphasized that the City should not be paying for the banners and Council members agreed. Ms. Erickson agreed with all of the previous comments, and felt that actual costs to the City need to be carefully examined, like police and manpower costs. In response to a question from Ms. Calvert regarding clean-up, Ms. Butz responded that typically the applicant is responsible. There was discussion about Mr. Kaplan's application for non-profit status. Mr. Jones asked if the event would proceed if the Restaurant Tax grant is denied, and Mr. Kaplan indicated that those funds are key and he is reluctant to proceed this year if the event can not be done well.

4. Review of regular meeting:

Master Festival License - Skate Series. Ms. Butz explained that the Skate Series is an event sponsored by the Leisure Services Department slated for the last Saturday of the month from May to September from 11 a.m. to 2 p.m. There will be age group categories, amplified music and vendor booths for local skate shops. Amplified music was part of the Miners Day celebration at the skate park and was directed away from the neighborhood. Staff performed sound checks to monitor the sound levels. Jim Hier felt important to only advertise locally. In response to a question from Ms. Bodell, Ms. Butz stated that there are no other competing events scheduled in the park so there should be sufficient parking and an area for spectators. There was discussion about bringing in bleachers. Fred Jones pointed out that the conditions of approval indicate 4 p.m. as the closing time which needs to be corrected to 2 p.m. Ken Fisher added that the local shops are very supportive and will be providing the disk jockey and prizes. Dana Williams expressed his support; this is what the park is for. Ms. Erickson agreed that these events should not be advertised in the Salt Lake skate shops because the crowds could be overwhelming. Mr. Fisher clarified that the number of participants in each category will be limited which will be helpful. She requested that the neighbors be contacted after the first event to receive their comments on noise and crowds and that Council receive a report. Chief Evans added that the event will also be monitored by his Department.

Master Festival License - Art in the Park. Alison Butz stated that this is a fund-raiser for Arts-Kids, Inc. which provides programs for Summit County kids. It will be held on June 22 on the south end of City Park and will include music, crafts, food, and pony rides. The fees are estimated at $150 and a full waiver is recommended. Fred Jones supported the request and was pleased to learn that it is being scheduled in City Park this year. He felt this may be a better location for the future as well.

Land Management Code amendments. See staff report. Patrick Putt briefly discussed the proposed amendments, which were also detailed last week and repeated in the public hearing portion of the regular meeting.

Historic District Commission interviews: The City Council then interviewed the following candidates for two of the five seats on the HDC:

Barbara Harding
Steve Hooker
Tom Hurd
Kevin King
Peter Marth

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 25, 2002

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, April 25, 2002. Members in attendance were Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Alison Butz, Special Events Coordinator; Patrick Putt, Planning and Zoning Administrator; and Kirsten Whetstone, Planner.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business not scheduled on the agenda.

1, Taxi companies - Rob O'Brien, owner and operator of 649-TAXI, thanked Council for listening to his issues in the past. Over the past three years, he has addressed his concerns with staff members with no results. He began his business about ten years ago and has been operating 365 days a years, taking the *high road*, i.e., qualified drivers, vehicles, etc. and about five years ago more companies surfaced taking the *low road*, i.e., unqualified drivers, and uninsured vehicles. About three years ago, the City enacted laws regulating taxis and this was a good first step, however, there are deficiencies in the ordinance which should be addressed. One of the biggest problems is that there is no enforcement or consequences for violations which has worsened to the point where he feels about half of the providers are not in compliance. Mr. O'Brien is confused about the chain of command at the City and is not sure who is responsible for enforcement. He agrees with the Chief of Police that it would be inappropriate to stop a van filled with passengers, but there are subtle ways to approach enforcement. Is it the Business License Division, Finance Department, or Police Department? He urged Council to determine what department is responsible; he has talked with everyone.

Currently, the Finance Department sends out a certified letter to a provider when a complaint is filed but that is not working. There should be hefty fines and if there are further violations, tow the vehicle an impose a higher fine. Mr. O'Brien emphasized that his company has been 100% legitimate and compliant. There are cab companies that run ten vehicles and have only three licensed. Licensing, insurance and advertising has cost him a lot of money and he is competing with people who invest in $45 in a taxi light. Council would not tolerate outdoor vendors in front of legitimate businesses for very long and he has been waiting for three years. He should be protected by the City. To carry $1.5 million liability on one vehicle can be as much as $100 per month per vehicle and could total $50,000 a year. There are unregistered cars and out of state vehicles, price gouging, and unqualified drivers and vehicles. At some point, Mr. O'Brien believes that a limit on the number of cabs will need to be determined in Park City, and suggested identifying operators that were legitimate on April 1 and award those licenses next year. Those who have only three out of ten vehicles legally licensed, would only be allowed three next year. Drivers who are cited can then argue with the judge, not the person writing the ticket. He suggested that enforcement officers observe Harry O's on a Saturday night where illegal taxi companies appear every week. The word would spread. The level playing field has not been established with the three year old legislation and he urged Council to put its *weight* behind this issue and establish a work group. He offered his 20 years of experience to serve on a committee and hoped that something can be initiated before next ski season. Additionally, the vans and shuttles from Salt Lake operating in Park City may escalate the non-compliance factor. Mr. O'Brien distributed information to the Council and displayed 50 complaint forms he will submit to the Finance Department. He could write a complaint every day on violations but doesn't want to do that and has probably lost $100,000 in profits because of *stolen* fares over the past three years.

Kay Calvert complimented him on his presentation and there was discussion about the stickers identifying licensed vehicles. The Mayor believed that his input before the Games resulted in more enforcement at the pick-up location, and agreed that something needs to be done.

2. Dog control issue - John Helton, 15 year resident, referred to Mr. Pilzer's input last week. He stated that he feels completely opposite as do other people. City Park may not be the best place for loose dogs but he feels that a leash law is sometimes inappropriate especially on trails. He suggested exempting dogs that are under voice command control and pointed out that the dog catcher has picked up his dog right in front of his house. Animal control should not be looking for trouble and it is a waste of taxpayer dollars. Mr. Helton described his neighborhood where people enjoy dogs visiting their houses and suggested a *dog catcher-free zone* where there is a consensus among residents that dogs add to their quality of life. He believed that visitors love the dogs and that they are an attribute to the community. Rather than funding animal control, there should be educational efforts for dog owners, and have a portion of City Park dedicated to dogs.

3. Public art project - Paul Jakobowski, local artist, referred to his tunnel painting project on the bike path, depicting mining operations, and explained that he would like to paint another nearby tunnel. He is seeking sponsorship and funding, but doesn't want to proceed further until he receives permission from the Council. The project is envisioned as the *music tunnel* celebrating local musicians and music festivals. Public art projects are needed and involve the community. Council indicated its support to paint the tunnel and the City Manager urged Mr. Jakobowski to work with staff. Applying for an administrative permit through the Community Development Department will be required as the project is proposed on City property.

With no further comments, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Mayor Williams reported that he attended the farewell to Mitt Romney and several people in the community were also honored at that reception. He displayed the mounted Olympic torch presented to guests.

Animal Control update - Mike Godman, Director of Summit County Animal Control, stated that he is presenting information in response to comments made last week about animal control services in Park City. Last year, there were 1,826 licenses issued in the County and 45% from Park City. In 2001, there were 1,000 impounds; 926 were dogs and cats; 394 in Park City. The number of calls responded to in Park City were 660 details and 323 follow-ups. The number of hours for routine patrol, not responding to a detail, totaled 326 hours and an additional 42 hours along the Rail-Trail. He explained the recent Rail-Trail program which is a joint educational/enforcement patrol with the Park City Police Department. There are four full-time animal control officers for Summit County who each have a truck and their own equipment.

Although he found some of the comments made last week inaccurate, he stated that he believes there is a need for more routine patrol here. He has submitted a budget request for FY 2003 for another officer dedicated to Park City for 40 hours a week to hit the trouble areas like City Park, trail heads, Old Town, and Main Street. A short-time solution would be revamping the schedule by placing more officers here for more hours and another would be to hire a part-time officer for the spring, summer and fall. Winter is typically a lot slower. Mr. Godman felt that a good long-term solution would be a full-time officer, leaving four officers for the rest of the County. This may appear like a large staff for the population but his officers spend about 35% of their time traveling to details and if there is another office here, there would be positive results. He emphasized that when he is in Park City he rarely receives complaints from citizens for more or less service, but rather requests for dog parks or a place where owners can let their dogs loose. These have been extremely successful in Salt Lake County and would cut down on a majority of the problems. The approximate cost for one officer for half a year is $13,750 and he has enough funding for equipment and a truck. He believes the County Commission will match that amount for funding the position next year. There was discussion about dog parks, and Ms. Bodell asked if he and Chief Evans would research the concept. She thanked Mr. Godman for coming to the meeting and his quick response and expressed that educating the public is important. Perhaps a task force could be formed to create an outreach program and he indicated that the Mayor also brought up the idea.

Mike Godman added that Park City is different than the rest of the County because it is more populated than outlying areas. The more crowded, the more problems arise because of conflicts. Based on the number of officers and hours worked, Ms. Erickson pointed out that Park City is receiving about 9% of the services and probably produces about 50% of the revenues. Instead of paying for another officer, she asked if efforts could be increased here. Mr. Godman explained that there are many days when there are not four officers working. Jim Hier added that most of the animal control revenue comes from property tax, not licensing and Park City represents about half of the property tax revenues. Mr. Godman clarified for Ms. Calvert, that they don't pick up dogs on the owner's property. With regard to the comment on tax revenues, he stated that his budget is approximately $367,000 and about $139,000 comes directly from Park City. Jim Hier understood that Park City represents 45% of the work, but suggested that it would be helpful to know the total hours. Additionally, travel time would be significantly decreased if the Park City officer didn't have to travel to Coalville. Mr. Godman explained that they have to unload animals at the shelter and there is paperwork that has to be done in the Coalville office. Fred Jones thanked Mr. Godman for this information as these numbers certainly refute the statement that there is no enforcement in Park City. Mr. Godman added that effective enforcement often means being at the right place at the right time. The Mayor also thanked him for his presentation and participating at the Interagency meeting yesterday.

Fred Schwab, resident, added that dogs need to run, which is difficult to do on a lease, and encouraged Council to form a task force to educate people and to consider a dog park. If dogs don't run, they present other problems and may result in a vicious animal.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF APRIL 4, 2002

Hearing no omissions or corrections, the Mayor requested a motion. Peg Bodell, "I move to approve the minutes". Jim Hier disclosed that he will be abstaining as he was not in attendance. Candace Erickson seconded. Motion carried.

Peg Bodell	Aye
Kay Calvert	Aye
Candace Erickson	Aye
Jim Hier	Abstention
Fred Jones	Aye

VI CONSENT AGENDA PUBLIC HEARINGS

1. Master Festival License for Skate Series to be held on May 25, June 29, July 27, August 31, and September 28, 2002 - The Mayor invited the Council and the public to comment. Hearing none, the public hearing was closed.

2. Master Festival License for Art in the Park to be held June 22, 2002 - The Mayor invited the Council and the public for input. Hearing none, the public hearing was closed.

VII CONSENT AGENDA

Peg Bodell, "I move approval of the Consent Agenda, Items 1 and 2, with the change on Condition of Approval #1, the ending time of the Skate Series to 2 p.m., and that a survey with the neighborhood be conducted after the first event to evaluate the impacts of the amplified music and the crowd". Candace Erickson seconded. Motion carried.

1. Master Festival License for Skate Series to be held on May 25, June 29, July 27, August 31, and September 28, 2002 - See staff report, work session notes, and public hearing.

2. Master Festival License for Art in the Park to be held June 22, 2002 - See staff report, work session notes, and public hearing.

VIII PUBLIC HEARING

Continuation of hearing - Amendments to Land Management Code - Phase 2: Comprehensive and substantive rewrite of Chapter 4, Historic Preservation; Chapter 6, Zoning Administration and Enforcement; Chapter 8, Supplementary Regulations; Chapter 10, Master Planned Developments; Chapter 11, Master Planned Moderate Income Housing Developments; and Chapter 14, Child Care Regulations; additional provisions; to Chapter 1, General Provisions; and Chapter 15, Definitions - Pat Putt, Planning and Zoning Administrator, explained that on November 29, 2001, the Planning Commission forwarded a positive recommendation on the LMC amendments to City Council, and additional comments were rendered last week. One of the discussion points was that the RC zone was omitted from the affordable housing MPD provisions which has been reinstated under this legislation. Another consideration was whether an affordable housing MPD should be allowed in the Estate zone. The 1989 LMC contained wording referring to qualified property in the Estate district and that language was struck from one section but remained in another. This should be reconciled and Mr. Putt recommended reinstating that opportunity, including the public hearing process on a site by site basis to determine if it is appropriate. Another issue discussed with Council related to minimum open space requirements for MPDs, particularly in the GC zone. He relayed that the Planning Commission found there were benefits to establishing a 60% open space requirement for MPDs in the GC zone, based on the fact that it would be consistent in its application throughout all of the zoning districts. It was felt that it resulted in better urban design, and the requirement of the 60% open space provision would be balanced by other provisions within the MPD, i.e, exceptions to height, density increases, variations in setbacks, parking reductions, etc.

Pat Putt continued that the City received input from the design community and property owners expressing concern that a 60% open space requirement would significantly hinder redevelopment efforts in the GC zone. There are other communities who use a flexible approach, balancing open space requirements with provisions for other amenities, including larger landscaped areas adjacent to public rights-of-way, for example. There also may be opportunities for transit improvements, better pedestrian linkages to adjoining pedestrian areas, public gathering spaces, and public art. If Council concurs to proceed in this direction, there could be language crafted for a reduction in the open space requirement, and that at a minimum the amount of open space that is existing on the property at the time, be maintained.

He clarified that Chapter 4, Historic District Commission, is the existing chapter and is not the prior proposed draft and it is suggested to simply reformat it and incorporate it in Phase 2. It is also recommended to elicit a broader perspective of designer and public input this summer to evaluate existing legislation.

Kirsten Whetstone reported that since the November meeting, there have been no substantial changes to Chapter 6. Chapter 8, supplemental regulations and Chapter 14, child care regulations have been combined and also remain the same as the November draft. She clarified that affordable housing in the Estate zone is currently allowed as a conditional use by way of the land use table, and suggested that language referring to qualified property be simply deleted. However, most of the property in the Estate zone is subject to the sensitive lands ordinance and that overlay would significantly reduce acreage, but there may be some parcels that may be appropriate for an affordable housing MPD. She clarified for the benefit of Fred Jones, that a zone change would not be required as a part of the MPD.

Pat Putt explained that existing Chapter 4, Historic District Commission, does not require design review by the HDC, but rather applications are reviewed by the Community Development Department. Actions by the HDC typically involve clearer direction on a policy or direction when there is disagreement between the staff planner and the applicant on a project. He suggested the inclusion of an allowed uses review in this chapter. This would provide an interim appeal opportunity for a decision from the Community Development Director, which could significantly expedite the process for the property owner. That action would then be appealable to the Historic District Commission. This may also result in the HDC being placed in a more proactive role and less of a review role. Mr. Putt added that Section 15-11-2 of the Code states that *the purposes of the HDC are to make recommendations to City Council on policies and ordinances that may encourage preservation*. With Council's consensus, it is proposed that the LMC return to Council at its May 23 meeting for possible adoption.

Mr. Hier pointed out that the new column format is cumbersome because it results in a cumbersome document. Mr. Putt explained that the format was a decision made by the previous Council, making the LMC consistent with the Municipal Code, as it will be a newly incorporated section. Mr. Jones requested clarification on maintaining existing open space for the GC-MPD zone when considering the 60% open space requirement reduction and new amenities. Pat Putt explained that this recent recommendation could apply to all zones as it relates to providing incentives to renovate aging projects. As long as the property owner maintains the open space available on the site currently, the Planning Commission wouldn't necessarily have to apply the 60% open space requirement to exact something that can't be provided. Through redevelopment efforts, there may be valuable trade-offs. Councilman Jones felt that is workable but is concerned about the wording, *public amenity*, and there may be better terminology to describe enhancements to a project. For example what is critical to him, particularly in the GC zone, is the street-scape but the expectation may be a park. Ms. Whetstone suggested that perhaps there could be an in-lieu payment if enhancements cannot be provided on-site to satisfy the open space requirement. Mr. Jones stated that a vision for the GC zone should be achieved rather than designating an arbitrary number for open space and believed that staff is heading in the right direction. Jim Hier concurred and pointed out that there has to be some economic incentive to accommodate redevelopment, which will be lost if available square footage is taken away. He supports this change and would direct the Planning Commission to come back with verbiage to achieve flexibility. Peg Bodell believed that more open space makes a project more appealing. Jim Hier responded that many businesses in the GC zone, like property management companies, are not retail and these types of businesses need a functional and cost effective building. From a City standpoint, the design should be as attractive as possible, but making it more expensive to do business here by increasing open space requirements, will force those businesses out of town. In response to a comment made by Ms. Bodell about retail producing sales tax dollars, Mr. Hier emphasized the transient room tax generated by property management companies far exceeds sales tax revenue. The Mayor discussed the various types of open space and expressed the importance of providing affordable rental space for businesses. Jim Hier felt it important to focus on redevelopment with incentives to make the area more attractive. The Mayor invited the public to comment.

Peter Barnes, local designer, agreed with Mr. Putt's suggestion to involve interested parties in reviewing Chapter 4. Density should be increased in general. With regard to the accessory apartment provisions, he suggested removing the language *there may be no more than four accessory apartments within a 300 foot radius*, as it is arbitrary and irrelevant to planning. If criteria like parking can be satisfied, there should be as many accessory apartments encouraged for affordable housing. For example, an accessory apartment would be prohibited if located on the uphill side of Woodside Avenue and the downhill side of Norfolk Avenue. He also questioned why the Community Development Department would be involved in the approval of public art projects; this provision should be abandoned as it is not a planning issue. He agreed with Councilman Hier's comments about the bulk of the document.

Pat Putt stated that staff doesn't feel strongly about the Department regulating public art. The Mayor asked for clarification on the reasoning for determining a distance between accessory apartments. Mr. Putt responded that 300 feet is a traditional standard which attempts to reconcile density issues in single family neighborhoods. The Mayor pointed out inequities when a house between two residences with apartments is denied an accessory unit. The City Attorney interjected that the parking requirements include an exemption for accessory apartments to allow tandem parking, and the Planning and Zoning Administrator clarified that tandem parking is also allowed for other types of projects, if appropriate. There was discussion about the small number of accessory apartments on file with the City, estimated at 17 and the minimal number of applications which were denied. Jim Hier stated that during his tenure on the Planning Commission, he didn't recall accessory apartments being an issue. The 300 foot criteria wasn't an issue, but applications simply weren't being submitted. This section probably should not be amended unless deficiencies become apparent because of the increased number of accessory units. Kay Calvert pointed out that some home owner associations prohibit accessory apartments in their subdivisions. Fred Jones commented on the definition section regarding resort accessory uses which is oriented to ski and mountain activities and should be broadened to refer to year-round recreation. With regard to language regulating satellite receiving dishes, there is obsolete language with regard to equipment and the requirement for a permit and Mark Harrington added that the City is federally pre-empted from regulating small dishes. He pointed out that the section relating to Olympic telecommunication facilities should be deleted. Mr. Jones continued that he reads the section on public art to mean that the CDD only regulates the location of art, not content. Mark Harrington explained that the Legal Department is still reviewing this section to make this point clearer. Peg Bodell agreed with Mr. Barnes that staff should not evaluate art, and felt the City should take advantage of the Arts Council's services, including review of public art applications. It should be empowered to make recommendations to the City Council like other advisory boards. Pat Putt explained that the City's role is to make sure there is a building permit, for instance, if there is a structural element as a part of the art work, or to ensure it meets setbacks, etc. Jim Hier pointed out that the City Council doesn't select Arts Council board members and has concerns about this concept. Ms. Bodell responded that the Arts Council participated in the transit center project and it would only be making recommendations. Mr. Putt added that nothing in the Code precludes the involvement of the Arts Council, and the LMC deals only with the placement and public safety elements of the public art piece. Mark Harrington noted that staff will look at options. Ms. Bodell felt that public art should be included as criteria for enhancements to a project. Mr. Putt felt that it is often difficult to quantify specifics and would like to keep incentives general to encourage redevelopment. The LMC is recommended to be reviewed on an annual basis and will be monitored and amended as needed.

Ms. Erickson asked if staff is looking for a minimum open space number. Mr. Putt stated that he prefers language allowing the Planning Commission to reduce the 60% open space, but in no way should it diminish the amount of open space that is currently on the property. There was discussion about the current Anderson Lumber site where there could be as much as 90% open space and the Mayor pointed out the possibility of it being

sold and a new redevelopment project proposed for the location. There was discussion about impervious surfaces not qualifying as open space. Jim Hier and Fred Jones expressed concern about maintaining the current amount of open space if it is 60% or over in redevelopment situations, and Pat Putt indicated that he will come back with alternatives addressing their comments regarding flexibility in evaluating community benefits. Mr. Hier felt it is difficult to identify a specific number and recommended that the Planning Commission reconsider this and make a recommendation on the GC zone. Fred Jones felt it important that a vision for the area be clearly defined in order to formulate criteria. Councilman Hier suggested that the balance of the LMC proceed, and Mr. Putt stated that the only problem would be that the other zones in the pending Code have a 60% open space requirement. There are pending applications in the GC zone which would have to meet the 60% open space requirement. If there is general agreement on formulating flexible language, this issue can be further refined by the Planning Commission this year.

IX ADJOURNMENT

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

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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 Janet M. Scott

Janet M. Scott

Janet M. Scott, City Recorder

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