



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 8, 2023**

COMMISSIONERS IN ATTENDANCE: Vice Chair Sarah Hall, John Kenworthy, Bill Johnson, Christin Van Dine, John Frontero, Henry Sigg

EX OFFICIO: Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; Virgil Lund, City Planner; Spencer Cawley, City Planner; Lillian Zollinger, City Planner; Mark Harrington, City Attorney

1. ROLL CALL

Vice Chair Sarah Hall called the meeting to order at approximately 5:30 p.m. She noted that all Commissioners were present, with the exception of Chair Laura Suesser.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from January 11, 2023.

Commissioner Kenworthy noted that on page 25, "class of 2023" should be "class of 23." On page 51 at the bottom of the page, the word "tree" should be replaced with "street." At the bottom of page 64, he noted that he "supported the comments by Ms. Murtaugh."

Commissioner Johnson noted the last word in the fifth paragraph should be "char," not "chalk."

MOTION: Commissioner Johnson moved to APPROVE the Planning Commission Meeting Minutes from January 11, 2023, as amended. Commissioner Van Dine seconded the motion.

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

B. Consideration to Approve the Planning Commission Meeting Minutes from January 18, 2023.

Commissioner Johnson noted that he was not present at the January 18, 2023 meeting, so he would abstain from the vote.

MOTION: Commissioner Kenworthy moved to APPROVE the Planning Commission Meeting Minutes from January 18, 2023. Commissioner John Frontero seconded the motion.

VOTE: The motion passed unanimously with one abstention by Commissioner Johnson.

3. PUBLIC COMMUNICATIONS

There were no public communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Gretchen Milliken reported that on March 15, 2023, they will hold a public hearing for the right-of-way vacation in the Santy Auditorium at the Park City Library. The applicant will give a short presentation and then the matter will be opened up for a public hearing. She stated that the City Council will not be discussing the item and it would be purely a public hearing.

Senior City Attorney, Mark Harrington did not want to oversimplify the matter and say that the City Council will not discuss the item at the public hearing. He felt that the meeting would be primarily a public hearing and it would be up to the City Council and the Mayor to decide whether to allow follow-up questions or discussion. The Mayor indicated a preference that it would be primarily a listening public hearing and not much in terms of Staff or applicant presentation.

In response to an inquiry from Commissioner Kenworthy, Director Milliken stated that the comments expressed by the Planning Commissioners were shared with the City Council in preparation for the meeting. She added that the Planning Commissioners are welcome to attend the meeting and make additional comments. Director Milliken reiterated that the comments made thus far had been pulled together and shared with the Council.

Commissioner Frontero asked who scheduled the March 15, 2023 meeting. Director Milliken stated that it was scheduled at the Mayor's request. She echoed Mr. Harrington's comments that the Mayor wanted the public to have the opportunity to weigh in and for the City Council to hear the public comments. She acknowledged that the Planning Commissioners have had plenty of opportunity to hear comments; however, the Mayor felt it was important for the Council to hear the public comment. Director Milliken confirmed that the meeting is scheduled for 5:30 p.m.

Commissioner Kenworthy acknowledged that Homestake was continued but noted that he read somewhere that Rocky Mountain Power had a plan to increase the voltage. He asked Mr. Harrington if he was aware of anything on this. Mr. Harrington stated that he was not involved in direct discussions with Rocky Mountain Power. He acknowledged the request for notice of the next project update to the City Council and stated that notice would be provided as soon as that was scheduled. He would forward Commissioner Kenworthy's question to the team so they would be prepared to answer that question when they provide the update.

Commissioner Kenworthy understood that continuation of the item before the Planning Commission would not affect the meeting before the City Council on this issue. Mr. Harrington stated that it would not affect it directly and stated that the project team committed to the Planning Commission that they would go to City Council to make sure the Council heard the Commission's concerns prior to finalizing either the lease or the final Development Agreement. He noted that the project team was making sure that both the Planning Commission and City Council had the opportunity to be briefed on what has occurred in project planning and the

follow-up testing requested by the Commission. Mr. Harrington commented that it made sense to ensure the efficient exchange of the draft Development Agreement.

Commissioner Kenworthy supported it with the vote but was concerned about the EMFs and the follow-up studies. He wanted to make sure that the letter he wrote 4 to 5 days afterward would be a part of that. He truly believed that the EMF should be a City policy and not one for which the Commission would be responsible, as it is not a Land Management Code issue. Mr. Harrington noted that several Commissioners had written correspondence regarding the policy matters, which were forwarded to the City Council for their consideration.

Commissioner Kenworthy mentioned the parking at Thaynes and stated that he took the time to read all of the information. He still did not understand why it would not come before the Planning Commission. Mr. Harrington referenced his previous comments that they do not know what the solution to the parking problem is, or the "it" that should come before the Planning Commission. He stated that City Council could remove it and then nothing would be required to come before the Planning Commission. Another option was the Council could decide to amend the Master Planned Development in conjunction with the owner which would then come back to the Commission. Yet a third option would be that they could file a stand-alone Conditional Use Permit for a parking facility that would likely come to the Planning Commission depending on the size, parameters, and location.

Mr. Harrington explained that City Council had not yet made a decision and it had been postponed. Once it is scheduled and a decision made, they would know the next steps. Commissioner Kenworthy asked if the junk would be allowed to remain in the garage until the Council makes its decision. Mr. Harrington noted that the garage is a separate issue and there had been incremental enforcement on the parking spaces in the garage. He added that there had been construction activity and some of that was expressly contemplated and some was not, and he understood that was in the process of follow-up.

5. CONTINUATIONS

- A. 1875 Homestake Road, Homestake Affordable Master Planned Development - Development Agreement - The Planning Commission Will Review the Development Agreement for the Homestake Affordable Master Planned Development, a Project Providing 99 Affordable and 24 Market-Rate Units in the General Commercial Zoning District. PL-22-05288.**

MOTION: Commissioner Van Dine moved to CONTINUE 1875 Homestake Road, Affordable Master Planned Development – Development Agreement, to a date uncertain. Commissioner Frontero seconded the motion.

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

6. REGULAR AGENDA

A. 1150 Park Avenue - Plat Amendment - The Applicant Proposes to Remove the Internal Lot Line Common to Lots 12 and 13 and the Block Line Common to the Additional Parcel to Create a Single Lot of Record. PL-22-05472.

City Planner, Virgil Lund reported that 1150 Park Avenue is a Landmark Historic Structure on the Historic Sites Inventory. It was built around 1895 and in 1947 the Historic Structure was moved from 663 Woodside to its current location. The Landmark Historic Structure sits on the Lot line common to Lots 12 and 13, and the Accessory Structure in the rear sits on the block line. The structure is located in the Historic Residential – Medium (“HRM”) Zoning District. Planner Lund stated that the proposed Plat Amendment complies with the HRM Zoning District requirements. Condition of Approval 7 states that the applicant must enter into an Encroachment Agreement with the City to correct the portion of the Accessory Building that encroaches .2 feet into City-owned property. The Encroachment Agreement must be recorded with Summit County prior to recordation of the Plat. He noted that Conditions of Approval 5 and 6 provide that any development on the Lot, including additions to existing structures, shall comply with the Land Management Code (“LMC”) in effect at the time an application is submitted. Additionally, any development could not increase the non-conformity of the Accessory Building.

Staff recommended Conditions of Approval to comply with Accessory Apartments, Nightly Rentals, and parking requirements. He referenced Condition of Approval 9 which prohibits Nightly Rentals in the Accessory Apartment and would only be allowed in the Landmark Historic Structure. In addition, a deed restriction shall be recorded for the Accessory Apartment that requires the long-term rental of at least 90 days.

Planner Lund explained that Condition of Approval 10 states that the property owner shall retain one Code-compliant parking space per Accessory Apartment bedroom on the site for as long as the Accessory Apartment is retained on the property. He reported that Staff found good cause for removing the Lot line common to Lots 12 and 13, and the block line because the HRM zoning character would be retained. He noted that this proposal was consistent with the Zoning District because it would create one Lot, and would allow the property owner to preserve the Landmark Historic Structure while allowing for opportunities for an addition or Accessory Building compliant with Code. In addition, no public street or Right-of-Way would be vacated or amended, and no easement would be vacated or amended.

Planner Lund advised that the Development Review Committee met on January 3, 2023, reviewed the proposal, and did not identify any issues. The Planning Department, Engineering Department, and City Attorney’s office also reviewed this application. On January 3, 2023, public notice was posted on the City’s website, the Utah Public Notice website, and the property. Additionally, courtesy notice was given to neighboring properties, and notice was published in *The Park Record* on that date. No public input had been received at the time.

Staff recommended the Planning Commission review the proposed 1150 Park Avenue Plat Amendment, hold a public hearing, and consider forwarding a positive recommendation for City Council’s consideration on March 9, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Draft Ordinance.

Commissioner Frontero reported that he recently toured the property with Planner Lund and Director Milliken. During the site visit, he asked what the applicant would gain by removing the Lot lines and requested that Planner Lund advise of the response in this public forum. Planner Lund explained that the Plat Amendment would allow the applicant to apply for future Building Permits to either remodel the Accessory Apartment or construct an addition in the future. He added that it would allow for future development that would be compliant with Code.

Commissioner Frontero also noted that during the site visit, he asked if there was any scenario where the Accessory Apartment could be turned into a Single-Family Dwelling. Planner Lund believed that could not occur. Planner Lund stated that the current Setbacks would likely not allow for a separate Single-Family Dwelling; rather, the owner would have to construct an addition on the existing Landmark Historic Structure. Commissioner Frontero noted that there was no driveway or other accessibility from the street in the back. Planner Lund noted that was not an official right-of-way, it is City-owned property known as Sullivan Road. He confirmed that the applicant cannot build a driveway from Sullivan Road and noted there was a current agreement with the City regarding use.

Commissioner Johnson observed that if the applicant decided to renovate the Accessory Building, the Conditions of Approval provided that they could as long as they did not expand on the current encroachment. Planner Lund added that they could remodel the interior, but if they did any exterior renovations or enlarged the structure, they would have to come into compliance with the Code. Planner Lund identified the location of the encroachment on the graphic in the Staff Report and reiterated that it encroaches .2 feet into the City-owned property; therefore, the applicant would be required to enter into an encroachment agreement with the City.

Vice-Chair Hall referenced Condition of Approval 9 and asked that they reiterate that it would be a deed restriction to prohibit Nightly Rentals. She acknowledged that it was already in the Code, but wanted it spelled out in the Conditions of Approval.

Commissioner Sigg sought clarification that the Accessory Building was not historically protected. Planner Lund confirmed and confirmed that it could be torn down. If the Accessory Building was torn down, Commissioner Frontero inquired whether the same footprint would be allowed. Planner Lund stated a smaller footprint would be allowed to bring it into compliance with the Setbacks. Currently, the Accessory Building was not compliant with Setbacks.

Vice-Chair Hall opened the public hearing. There being no public comment, Vice-Chair Hall closed the public hearing.

MOTION: Commissioner Johnson moved to forward a POSITIVE recommendation for City Council's consideration on March 9, 2023, for 1150 Park Avenue – Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Ordinance as follows:

Findings of Fact

Background:

1. The property is located at 1150 Park Avenue.

2. The property is listed with Summit County as Parcel Number SA-363 and consists of all of Lots 12 and 13, Block 65, Snyder's Additions to Park City Amended.
3. The Applicant owns all of Lot 12 and 13, plus an additional 1,000 square feet of land to the east.
4. The property is in the Historic Residential – Medium Density (HRM) Zoning District.
5. The Site contains a Historic Structure constructed circa 1895 and designated a Landmark Historic Structure on Park City's Historic Sites Inventory.
6. The Historic Structure straddles the Lot Line common to Lot 12 and Lot 13.
7. A portion of the existing Accessory Building at the rear of the property encroaches into City-owned property.
8. No easement is vacated or amended as a result of the plat amendment.
9. The LMC regulates Lot and Site Requirements for the HRM Zoning District per LMC § 15-2.4-3.
10. Single-Family Dwellings are an Allowed Use in the HRM Zoning District and requires a minimum Lot size of 1,875 square feet. The combined Lot size is 4,750 square feet.
11. The width of the Lot is 50 feet and meets the HRM Zoning District requirement.
12. The required Front Setback is ten feet. The Landmark Historic Structure is set back 11 feet from the front property line. LMC Section 15-2.4-3(E)(3) outlines Front Setback exceptions, which include porches no more than 10 feet in length that project into the Front Setback no more than three feet in width. The Landmark Historic Structure has a porch that is 26 feet long and 5 feet in width. However, LMC Section 15-2.4-4 establishes Historic Buildings as valid Non-Complying Structures and creates exceptions for Setbacks.
13. The required Rear Setback is 10 feet. The Rear Setback of the Landmark Historic Structure is 40 feet.
14. The required Side Setback is 5 feet. The north Side Setback is 6 feet; the south Side Setback is 11 feet.
15. An Accessory Building is an Allowed Use in the HRM Zoning District. The existing site conditions survey shows that an Accessory Building is on the property.

16. According to the Summit County Assessor's website, the Accessory Building was constructed in 1977. The 1976 LMC required a one-foot Side and Rear Setback for Accessory Buildings. The Accessory Building complies with the 1976 LMC Side Setback requirements because it meets a one-foot Setback, but the Structure does not comply with the Rear Setback requirements because it is built along the rear property line and encroaches 0.2 feet into City-owned property.
17. The building Height in the HRM Zoning District is 27 feet.
18. Staff finds good cause for removing two Lot lines common to Lots 12 and 13 and the block line common to the additional parcel to create one Lot because (A) present land Uses and the Character of the HRM Zoning District are retained, (B) no Public Street or Right-of-Way is vacated or amended, and (C) no easement is vacated or amended.

Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.4, Historic Residential – Medium Density (HRM) Zoning District, and LMC § 15-7.1-6, Final Subdivision Plat.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. Approval of the Plat Amendment, 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, and City Engineer will review and approve the final form and content of the Plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
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 Plat 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 construction.
4. Any additions or modifications to the Historic Structure must comply with the Land Management Code and requires Historic District Design Review.
5. Any development on the Lot including additions to existing Structures shall comply with the LMC in effect at the time an application is submitted.
6. The non-conforming Accessory Building shall not be increased.

7. To address the existing Accessory Building that encroaches into City-owned property, the Applicant shall remove the encroachment or enter into an Encroachment Agreement with the City and record the agreement with Summit County prior to recordation of the Plat.
8. City Engineer review and approve all Lot grading, utility installation, public improvement, and drainage plans for compliance with City standards prior to issuance of any building permits.
9. Nightly rentals are restricted to the primary Landmark Historic Structure and require an active Business License. Nightly rentals are prohibited in the Detached Accessory Apartment in Accessory Building and shall be deed restricted pursuant to Code.
10. The property owner shall retain one Code-compliant parking space per Accessory Apartment Bedroom on the site for as long as the Accessory Apartment is retained on the property.

Commissioner Kenworthy seconded the motion.

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

B. Land Management Code Amendment - Amendment to the Land Management Code Section 15-2.13.2 to Prohibit Fractional Use and Private Residence Clubs in Bellevue Phase 1 1st Amendment and Bellevue Phase 2 (Bellevue Court HOA). PL-23-05509

City Planner, Spencer Cawley reported that Bellevue Court Homeowners' Association ("HOA") representatives, Bob Sertner and Ben Shapiro, were present online to answer questions. Planner Cawley stated that the LMC amendments were to Section 15-2.13-2, which governs uses in the Residential Development ("RD") Zoning District. He explained that this application was specific to the Bellevue at Deer Valley HOA, which requested a prohibition on Fractional Use and Private Residence Clubs in the Bellevue Subdivision. The Bellevue Subdivision consists of two subdivisions, Phase 1 First Amendment, and Phase 2, as identified on the Summit County Assessor's Map. The subdivision is located in the Upper Deer Valley neighborhood and consists of 14 properties. He reported that all owners support the proposed amendment, which is a change from what was reported in the Staff Report.

Planner Cawley stated that the Upper Deer Valley neighborhood encompasses both the Estate and Recreation Open Space ("ROS") Zones, including the RD Zone. This neighborhood does not abut any other zone. Both of the proposed prohibitions are currently conditional uses. Because the pending Ordinance issued by the City Council asked Staff to review transient uses, both Fractional Use and Private Residence Clubs were prohibited in the RD Zone. The proposed LMC amendments for Fractional Use and Private Residence Clubs comply with the General Plan and the Park City Land Management Code. The sense of community, which is a core value in the General Plan, helps preserve areas for primary residents. Additionally, he mentioned the mitigation of adverse impacts related to these transient uses and other uses not specific to primary residential uses.

Planner Cawley reported that Goals 7 and 8 were specific to creating diversity of primary housing and also to increase affordable housing opportunities to maintain primary residential ownership within these Residential zones. He stated that prohibiting Fractional Use and Private Residence Clubs was consistent with the General Plan. Since 2014, the LMC had been amended several times to prohibit these transient uses within the RD Zoning District, including Nightly Rentals, which is where the prohibitions began. They have seen the transient uses change as they identified Fractional Use as an up-and-coming use within Park City. Footnote 10 currently states that Private Residence Club Project and Conversion requires an Administrative Conditional Use Permit. The amendment would state: "Private Residence Club Project and Conversion are not permitted in the Bellevue Subdivision Phase 1 First Amendment and Bellevue Subdivision Phase 2." He referenced existing Footnote 19 which is specific to Fractional Use. He stated that would be amended to include Bellevue Subdivision Phase 1 First Amendment and Bellevue Subdivision Phase 2.

Planner Cawley reported that Staff published notice on the City's website, the Utah Public Notice website, and to the property on January 25, 2023. *The Park Record* also published legal notice on that same date. Staff had not received any public input regarding this application prior to the Report being published. Staff recommended the Planning Commission review the proposed amendments, hold a public hearing, and consider forwarding a positive recommendation for City Council's consideration on March 9, 2023.

Commissioner Johnson referenced the HOA approval, attached as Exhibit A, and noted it was not signed and wondered whether that was standard practice. Mr. Harrington stated that it depends on the application and noted that Condominium Plats or Subdivision Plats require a 2/3 vote and a more formal process for both the application and the plat, and a notarized signature. He stated that items such as this in which they are showing next steps and a concurrent process within the HOA, letters were sufficient. He added that it was not legally necessary for the City to do what the HOA proposed, but the HOA explained what they were doing.

Vice-Chair Hall opened the public hearing.

Bob Sertner identified himself as the Vice President of the Bellevue Court HOA. He introduced Ben Shapiro as the President of the HOA. He reported that they signed the application. They thanked the Planning Commission and indicated that they consider themselves a primarily residential neighborhood in Upper Deer Valley. They appreciated the opportunity to change their own Code to reflect how they feel about the neighborhood.

Ben Shapiro added that he has been a homeowner here for over 30 years but this was the first time he has attended a Planning Commission Meeting. He stated that the HOA will go one step further and have 100% votes to change their Codes, Covenants, and Restrictions ("CC&Rs"). He expressed their fortune in having homeowners who like each other and feel it is important to keep it as a residential neighborhood. Vice-Chair Hall noted with interest that this neighborhood is in Upper Deer Valley. She commented that it was interesting to hear from an applicant from a primarily residential neighborhood. Mr. Shapiro was glad to have the opportunity to say many in Upper Deer Valley consider themselves primarily residential.

There were no further public comments. Vice-Chair Hall closed the public hearing.

MOTION: Commissioner Van Dine moved to forward a positive recommendation for Fractional Use and Private Residence Clubs in Bellevue Subdivision Phase 1 First Amendment and Phase 2, for City Council's consideration on March 9, 2023, as set forth in the Draft Ordinance.

Commissioner Johnson seconded the motion.

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

- C. Land Management Code Amendments - The Planning Commission Will Review Proposed Land Management Code Amendments to Clarify Landscaping and Water Wise Regulations, Define Key Terms, Update Gravel Regulations, Establish Landscaping Regulations Based on Land Use Type, Provide Flexibility to Replace Significant Vegetation with Water Wise and Firewise Landscaping, Update the Recommended Plant List to Identify Water Wise Plants, and Clarify Landscaping and Limits of Disturbance. PL-21-05064.**

Planner Cawley presented the Water Wise Landscaping updates made to the Land Management Code. He reported that in 2019, the City Council identified opportunities for the City to address Water Wise Landscaping as a means to mitigate changes within the climate, as well as ways to conserve water. As part of that, the Water Department worked with the City Council to develop incentive programs that would allow residents of Park City to remove turf in exchange for cash. He reported that Staff worked with the Water and Sustainability Departments to look at how they could holistically include the requirements so the requirements could be met for the incentives.

Planner Cawley reported that House Bill ("H.B.") 282, enacted in the last Legislative Session, addressed specific changes to definitions for Water Wise Landscaping, which Staff included in previous versions of this Ordinance. They also met with industry experts, landscape architects, architects, and applicants who would use this Ordinance, and they expressed excitement over changes to the LMC that they could actually use. They used information obtained from a public survey to help direct how they could move forward with the amendments. He stressed that this is not the endpoint of amendments to the LMC for landscaping but is a step in the right direction.

Planner Cawley stated that the objective is to identify opportunities to improve water conservation in Park City. He reiterated that the Water Department is working on incentives for turf removal, so they need to include State regulations that will allow them to qualify for State funds that ultimately would be passed down to the residents. He presented the text of the current Landscaping Code and the Water Wise Landscaping regulations but stated that the requirements set forth in the current language were difficult to understand.

Since the January 2023 meeting, Staff reviewed recommendations from the Planning Commission and included in the Staff Report the originally proposed amendments in red, and updates as suggested by the Planning Commission in blue. He called out Municipal Code Section 14-1-5 which includes a plant species list developed as a means for direction on what would be appropriate to plant in City Rights-of-Way. Planner Cawley stated they had directed residents to that list as a means to help establish some sort of direction on Water Wise Species. They realized that this list was for Fire Wise Plants; and, although there is some crossover, they heard at the last meeting that although some of these plant species are water-wise, they were not great options for the climate or location.

Planner Cawley explained that as part of the amendments, they removed this plant species list, and instead, Planning Staff would maintain a “living list” of Water Wise and Fire Wise Plants. He noted that maintaining a “living list” would mean that they would not have to return to the Planning Commission and City Council every time they wanted to add or remove a plant from the list. They would utilize industry standards and information from Utah State University to help keep the list up to date. In addition, Planner Cawley stated they could direct residents to the website for the information.

He also mentioned H.B. 272 in the current Utah Legislative Session that addresses Water Efficient Landscaping Amendments. He noted they highlighted those proposed amendments in yellow in the Staff Report. While these amendments were not yet effective, they wanted to anticipate the proposed changes by including them in the proposed amendments. He commented that these State amendments were good recommendations to further solidify the Water Wise Landscaping Amendments.

Planner Cawley highlighted the changes since the last meeting. He noted that they changed the reference from “native drought tolerant plants” to “non-invasive drought tolerant plants.” He noted this change arose from public comment and input from the Sustainability Department that some of the native plants were not necessarily the best option. He expressed that they could also consider non-native, non-invasive drought-tolerant plants.

Under the Section entitled “Landscape Plan,” they clarified when a Landscape Plan would be required. They proposed the following language:

“(I) New Development and/or Construction Activity proposed for an unimproved Lot or property and/or undisturbed natural Lots or property; and (II) renovations or Construction Activity that modifies the Building Footprint.”

Staff also clarified that they would want to see “intended” plant material identified in the Landscape Plan. This was in response to the comments that holding the final version to identified plant species was often difficult due to issues with plant availability.

Planner Cawley noted the section on Significant Vegetation and stated that Staff removed the language regarding “replacement,” so it would read as follows: “Significant Vegetation preservation shall be prioritized...” They also removed the following language: “allow for the replacement of Significant Vegetation with Water Wise Plants,” and included that it would be “as approved by the Planning Director or Forestry Board.” Director Milliken confirmed that as the Forestry Board moves forward with regular meetings, Staff would have the opportunity to meet with them, which would provide some flexibility for when replacing Significant Vegetation would be required.

Planner Cawley referenced the language regarding noxious weeds, and explained that it was amended to include “all noxious weeds as identified by the State of Utah or Summit County...” They learned that the State of Utah and the County do not always identify noxious weeds the same. As a result, sometimes there is a gap, and sometimes there is an overlap; therefore, they wanted to cover all bases. He added that they also included language that regardless of the development stage, noxious weeds would continually be removed from the property in a manner that was acceptable to the City and the County, and all noxious weeds shall be removed prior to issuance of the Certificate of Occupancy.

With regard to the Lawn/Turf Section, Planner Cawley explained that they clarified what was required for residents to qualify for the incentives as directed by the State. They removed the original language regarding incentives because incentives are required regardless. He stated that this would include the prohibition of Lawn/Turf in parking strips or areas less than eight feet wide in a new Residential Development. He pointed out the language highlighted in yellow that came from H.B. 272. He reiterated that this was pending legislation, but something they wanted to include. Planner Cawley explained that this language would drop the percentage of Lawn/Turf from 50% by stating: "No more than 35% of the Front and Side Yard Landscaped Area in a new Residential Development shall be lawn/turf." He noted that part of H.B. 272 included a definition for Active Recreation Area, which they had previously found difficult to define. They included the State's definition as part of the amendments for Section 15-15-1.

Under the definition of Historic Significant Vegetation, Planner Cawley asked the Commission to consider forwarding a recommendation to City Council that they also amend Line 282 to read: "includes vegetation identified as part of the Historic Site Form." He explained there were specific call outs for vegetation on the Historic Sites Inventory, and they wanted to ensure that they captured those as part of the definition of Historic Significant Vegetation. Staff recommended the Planning Commission review the proposed LMC Amendments, hold a public hearing, and consider forwarding a positive recommendation, as amended, for City Council's consideration on March 9, 2023.

Commissioner Johnson observed that Staff captured most of the Planning Commission comments. He noted that with regard to Significant Vegetation, section ix. (A), referenced a "review conducted by the Forestry Manager and Planning Director"; however, in section ix. (D), the language states, "by the Planning Director or Forestry Board." He felt these two sections should be consistent, and suggested that it would be good to have the purview of the Planning Director and someone with Forestry certification. Whether the latter is the Board or the Manager should be clarified. He reiterated that the current language captured most of the Commission's comments and he felt it would be better than it used to be.

Commissioner Sigg asked who serves on the Forestry Board and who is the Forestry Manager. Director Milliken responded that the Forestry Board is comprised of a number of different City employees. She sits on the Forestry Board as a representative from the Planning Department. City Engineer, John Robertson, also serves on the Board along with Trails and Open Space Manager, Heinrich Dieters, Sustainability Manager, Luke Cartin, and others. The Forestry Board is a formal Board that meets quarterly but will soon go back to meeting monthly. She mentioned that Mike McComb is also on the Board. The Board met quarterly while he was getting his Police Certification. Director Milliken stated that the Board reviews different applications that come through the Planning Department that might have questions regarding Significant Vegetation, as well as any Trails applications. Director Milliken added that they will be creating a Forestry Master Plan as they look at issues such as fire protection and mitigation.

Commissioner Johnson asked if they could recommend that a Licensed or Certified Forester join the Forestry Board. Director Milliken stated that the Board has discussed having a Certified Forester or Arborist serve as a Consultant to the Board.

Commissioner Kenworthy commented that Staff has done a fantastic job on the amendments. He referred back to a question he asked approximately one year ago and asked if someone who owns five acres and has three acres of water rights that they need to use or lose would be

exempted from these regulations. Mr. Harrington recalled that the question one year ago was slightly different. He stated that the Ordinance would not implicate someone's requirement to use water with the State system. Rather, it regulates landscaping and water-wise treatments on particular properties. If someone has a different irrigation right on his or her property outside of the City system, they would be subject to the State management of that water right. The City's ordinances only apply to infrastructure permits for the City.

Mr. Harrington explained that the City does not restrict how someone uses water if it is a right owned independent of the City. The City only restricts its water system. He noted that the City has its own irrigation restrictions independent of this Ordinance. He recalled suggesting last time that if they wanted a broader look at how all those external water rights and how those water systems were managed separate from this Ordinance, they could have a Work Session discussion potentially in contemplation of the General Plan updates. He stressed that was different than management of permit activity within a developable Lot.

Commissioner Kenworthy was looking for an exemption where they could not force these regulations on someone who would lose his or her personal property rights in the water and the well below them. Mr. Harrington reiterated that there were two independent requirements and typically they are not applicable to single-family development or these types of Lots. These permits typically did not regulate someone with a broader irrigation right, such as one of the farm properties in the entry corridor. This Ordinance would only apply to the new development as defined, and these regulations generally did not apply to ongoing agricultural activities. He offered that horse, farming, or husbandry were non-development agricultural uses that were separately permitted use activities, not development activities of Single-Family or Commercial development.

In response to an inquiry from Commissioner Kenworthy, Mr. Harrington stated they would not need an amendment to exempt the above-described property owners from this Ordinance because that might result in unintended consequences by creating loopholes for inefficient water use contrary to the Code's intent. The intent of the amendments was aimed at facilitating conservation consistent with State and local initiatives. He noted the State was looking at inherent conflicts during this Legislative Session.

Vice-Chair Hall asked if agriculture would include gardens, which would not be subject to this Ordinance. Mr. Harrington did not want to oversimplify it either way. He stated there might be a circumstance where there were structural improvements involved with the garden that could subject it to this Ordinance; however, generally, this Ordinance was driven by the types of permits in the definition of New Development that includes new disturbances on platted lots and new development that expands existing structures and disturbed areas. He reiterated that it would depend on the original platting of the subdivision, and the types of facilities that exist in conjunction with that. He opined that a garden in an existing disturbed area would not be implicated by this Ordinance. He cautioned that they could not predict what people might apply for, and there was always the potential for an extreme circumstance that might trigger the Ordinance, such as a greenhouse or expanding into an area that was previously undisturbed.

Commissioner Sigg asked if the existing irrigation policies had provisions for water capture. Mr. Harrington answered in the affirmative and stated they could obtain that information from Manager Cartin's team. Director Milliken referenced the language in the Staff Report that it would apply to "new Development and/or Construction Activity" as well as "renovations or Construction Activity that modifies the Building Footprint."

Vice-Chair Hall understood that an addition to a home that did not change the Building Footprint would be exempt from filing a Landscaping Plan. She asked for clarification of the difference between new Development and Construction Activity and asked if a Landscaping Plan would be required if an owner was going to disturb a portion of the property that was currently undisturbed.

City Planner, Lillian Zollinger explained that for a homeowner who had not initially improved their backyard, the current Code would require a Landscaping Plan. For any application processed under the previous Code, the previous Code would apply. She noted that once the amendments are adopted, any new changes would have to be brought into compliance with the current Code.

Vice-Chair Hall observed that it might get complicated in terms of percentages in the backyard. Planner Zollinger acknowledged it would be tricky at first, but going forward any new development that would be a disturbance would have to be compliant.

Vice-Chair Hall referenced "Residential Development" in section 6.d. and observed that the State was limiting lawn/turf to no more than 35% in the Front and Side Yards.

Commissioner Frontero asked about the incentive program and wondered if the Rebate Pilot Program was part of these amendments. Planner Zollinger stated that the Water Department has been separately developing the Rebate Incentive Program, and they intended for these amendments to be in line with that program. The program is not implemented in this Code, but it is related to these amendments and did not need to be further defined in this Code.

Vice-Chair Hall returned to the Lawn/Turf restriction of 35% of the Front Yard and asked if that was 35% of the developed area or the landscaped area. Planner Zollinger responded that this percentage applied to the landscaped area. Vice-Chair Hall referenced the chart in the Staff Report that identified the Maximum Lawn/Turf as a percentage of the allowed Limits of Disturbance and asked Staff to explain how it would be calculated. She noted that on a 1/3 acre Lot, there would be the house, a driveway, a walkway to the front door, and possibly a deck. Planner Zollinger explained that the applicant should provide some of that breakdown, but this percentage would be applied to any area not covered by Buildings, Structures, or Impervious Surfaces.

Vice-Chair Hall observed that it seemed as though 95% of Lots were already landscaped, and most were in violation of these proposed amendments. Planner Zollinger commented that the idea of the incentive program was to encourage residents to replace the turf. Vice-Chair Hall asked for clarification of the clumping and the 18-foot distance between trees, which she understood was taken from the Wildland-Urban Interface Code ("WUI"). Planner Zollinger indicated that she would defer to the Building Department for specifics on those provisions. They included it in these amendments for easy referencing.

Vice-Chair Hall questioned the rationale for the clumping requirements and noted that most people around town were in violation of these requirements, and the few Lots that had not yet been developed would have a very different set of rules with respect to the spacing of trees. She referenced the limitation of Artificial Turf and understood that although it was not encouraged in terms of creating a heat island, she observed that if it were placed under a tree then there would be no heat island effect. She felt there was contradictory information

regarding materials but wondered what people with a new Lot were left with if in addition to limiting Artificial Turf, they were not allowing Turf, not allowing Gravel, limiting Rock, and limiting Evergreen Trees. Planner Zollinger commented that they were ultimately looking at non-invasive drought-tolerant high grasses, as well as a mix of organic and inorganic mulch and proper irrigation, with native plantings throughout.

Vice-Chair Hall questioned how they will distinguish the Artificial Turf in terms of allowing it for a Recreational Area and acknowledged that it was removed from an area where vegetation was unsuccessful. She previously used Artificial Turf and stated that it worked great.

Commissioner Van Dine interpreted the amendments to state that an owner may use Artificial Turf if they choose but they do not want someone to have an entire backyard of Artificial Turf. She noted that while the amendments discourage the use of Artificial Turf, they do not prohibit its use.

Vice-Chair Hall requested that they include language in the Water Wise Section that the approved vegetation list would be on file. Planner Zollinger noted that Section 4 a.i. states: "Refer to the Planning Department for a City-approved Plant List." She confirmed this would be the approved plant list for Water Wise Landscaping. Planner Zollinger also noted that the City-approved Plant List referred to the "living list" described earlier. The plant list in the Code is specifically for plantings within the City's right-of-way and the list in the Code is irrelevant for the purpose of Water Wise Landscaping.

Vice-Chair Hall wanted to clarify the official list being referenced. Mr. Harrington suggested attaching the new list to the Ordinance. Planner Zollinger explained that they originally edited the list in the Code but ultimately decided to create a list that would be outside the Code so they could update it as needed. That way, they would not be required to come back before the Commission every time they wanted to make changes. She noted that they use resources from Utah State University, as well as resources from other states. Director Milliken suggested including a link to the City-approved Plant List. Vice-Chair Hall felt that would be helpful for easy reference.

In Section 4.a.vii., Vice-Chair Hall suggested deleting the reference to "native" as they did in Section 2, and noted that it should just state "drought-tolerant plants." She asked if xeriscaping refers specifically to a drip system. Planner Zollinger stated it could be but it varies as there are several definitions.

Vice-Chair Hall asked how they could replace the type and size of Significant Vegetation. She used the example of the removal of a 50-foot Evergreen tree. Commissioner Johnson stated he did not know how it would work but questioned how one would replace an old-growth pine tree with another pine tree. He noted that pine trees were not taking to the current climate, and he questioned how you would replace something with a diameter of 16 inches. Vice-Chair Hall felt it was difficult because the Code seems to provide that a 16-inch diameter tree must be replaced with a 16-inch diameter tree. She wondered how this would work.

Planner Cawley stated that he dealt with a prior application involving a Historic Structure with a new addition that would impact existing Significant Vegetation. They conducted a site-specific review with Director Milliken, the applicant, and an Arborist who stated that the applicant could not replace the existing Significant Vegetation with the exact size and kind. Additionally, they recognized that the applicant could not just plant ten trees and expect them to grow and be

healthy. He explained that this section talks about a site-specific review conducted by a Forestry Manager and the Planning Director so that they could have that specific designation. For example, if an applicant was removing Significant Vegetation, they could determine the best long-term, viable replacement.

Commissioner Johnson felt this was the best foot forward at this point because he could not think of a better way to accomplish the removal and replacement. He offered that changing the wording to "Forestry Board and Planning Director" would allow the local experts within the City to weigh in, which would also include the Planning Director's overall view of the specific proposal. Vice-Chair Hall agreed and reiterated that it did not seem practical to replace it with a like size. She understood that would be subject to Planning Director and Forestry approval. Planner Cawley added that it would also provide flexibility by requiring equivalent landscaping in type and size. He noted they could change the language to make it more specific.

Commissioner Kenworthy asked Vice-Chair Hall if she was suggesting a minimum diameter trunk. Commissioner Van Dine stated that by setting a minimum diameter they would be taking it away from the people who are the experts who could look at viable options. She felt they were giving this to people who were hopefully well-versed and have the best interests of the City and the environment in mind. She felt the more restrictions they impose, the more they would limit options down the road. Commissioner Johnson noted that it would be species-specific as well and would be challenging to list out diameters.

Vice-Chair Hall wanted to discuss the Active Recreation Area and felt it mostly applies to City-owned property. She noted this was a new definition and a new component of this Code. Planner Zollinger commented that this definition comes from the proposed H.B. 272 in the current Legislative Session. She read the definition as follows:

"An area of a lot or parcel that is not in low-density residential development, comprised of lawn or turf dedicated to active use; installed or maintained on areas with a slope of not more than 25%. Active use means regular use for playing, exercise, recreation, or regular outdoor activities that are ordinarily associated with lawn or turf, such as a sports field, a social gathering area, an amphitheater, a public or private park, the playing area, including rough, driving ranges, and chipping and putting greens, of a golf course."

She reiterated that the definition came directly from H.B. 272. If there was an exception that they did not want to include, they could remove it. She referred to Section 6. f. (line 209) that provides that the Lawn/Turf area limitations apply to all City-owned property with the exception of an Active Recreation Area or as determined by the Planning Commission under a Conditional Use Permit review. Vice-Chair Hall asked the Commission if they were okay with this definition and also asked if the Deer Valley Amphitheater was 25% slope. Commissioner Kenworthy offered that it was likely 15%.

Vice-Chair Hall referenced Section 6. c. that: "Lawn/Turf is prohibited on parking strips or areas less than eight feet (8') in width in new Residential Development." She observed that residents could not have much grass, but if an owner installed it, it had to be a big chunk of grass. Planner Zollinger stated that this limitation is in two locations. One came from the State and the other involved the Turf Rebate Program. One of the conditions of Turf replacement was that Lawn/Turf would be prohibited on parking strips or areas less than 8 feet in width in the new Residential Development.

Vice-Chair Hall asked if they were trying to reduce Turf in general, and why they would allow it on a larger section. Commissioner Van Dine stated that it might be due to the fact that one cannot effectively water something that is less than eight feet in width. She felt it went along with not allowing odd-shaped Turf areas that could not be watered effectively. Vice-Chair Hall commented that her biggest issues were with the WUI Code and the 18-foot distance between trees and acknowledged that if that was already part of their Code they really could not do anything about that. She would like to carve out an exception for gardens and noted that the prior drought-tolerant list did not include any garden items. She asked if a garden with a drip-line would qualify as xeriscaping.

Planner Zollinger agreed that if that was how one was working with the soil, it could be interpreted as Water Wise and if mulch was used in a way that is Water Wise, it would also qualify as xeriscaping. She requested input from the other Commissioners on whether they should include an exemption for gardens.

Vice-Chair Hall commented that most people with gardens likely used drip irrigation so they would be exempted anyway; however, she would like to encourage more at-home gardens. Commissioner Frontero felt that gardens would be covered in the 35%, and if an owner chose to install a garden instead of grass, then that would be his or her option.

Commissioner Van Dine felt that most gardens would fit within the Code if they use drip irrigation, and most residents would reach their percentages with a garden and some turf.

Vice-Chair Hall sought clarity on the applicability of the Section 4 requirement of a Landscape Plan. She liked the fact that a Landscaping Plan would not be required if an owner is not touching landscaping and not changing the Building Footprint. She noted that a Landscape Plan would not be required for simply changing landscaping. She posited that a Landscape Plan would not be required for someone with a one-acre lot who wanted to remove the front turf and replace it with drought-tolerant plants. Planner Zollinger disagreed, and stated that a Landscape Plan would be required, especially if the owner was looking for the replacement incentive. She confirmed that technically, everyone that does landscaping work on their property must obtain a Building Permit and submit a Landscape Plan; however, she acknowledged that typically, those doing smaller landscaping projects do not submit a Landscape Plan. Those who completely re-do their landscape submit a Landscape Plan.

Vice-Chair Hall used the example of removing dead turf next to a driveway and replacing it with mulch and some plants. Planner Zollinger stated a Building Permit and Landscape Plan would only be required if the owner wanted the rebate. Vice-Chair Hall questioned whether the language included that distinction and felt that Section 4 triggered a Building Permit and Landscape Plan if an owner disturbs a portion of their landscaping. Planner Zollinger explained that Section 4 provides that a Building Permit and Landscape Plan would be required for an unimproved Lot or undisturbed natural Lots or property.

Director Milliken asked Vice-Chair Hall if she still wanted additional language in Section 4. Vice-Chair Hall felt that there should be clarification in subsection (II) that would make clear that a Landscape Plan would not be needed if the Construction Activity does not touch the landscaping. She also noted that if someone is not changing the Building Footprint but changing the landscaping, she felt that scenario should be addressed.

Vice-Chair Hall asked what the goal was in terms of requiring a Landscape Plan, and posited that one would not be needed for a landscaping project and an addition to the home that does not change the Building Footprint. Planner Zollinger agreed that was correct, as long as the homeowner had no intent to apply for the Rebate Program. Vice-Chair Hall requested that language be included in the Draft Ordinance because she felt that the section could be interpreted as requiring a Landscape Plan if someone moved a tree as part of a window replacement.

Mr. Harrington weighed in by stating that there was already a determination of the previously disturbed 35%; therefore, if an area were already landscaped, modifying that landscape would not trigger this Section. He added that most cities exempt Single-Family and Duplex Lots altogether. He noted that Park City was already over-inclusive compared to other cities, and he suggested not adding a third category.

Vice-Chair Hall stressed that she was not trying to be over-inclusive and supported the addition of the second component of this Section. She felt that if someone constructed an addition that did not change the Building Footprint, they should not have to do a full Permit with a Landscape Plan.

Mr. Harrington stated that this Section had to be read together with the other definitions that trigger the requirement. He acknowledged it was complicated and was not criticizing Vice-Chair Hall's questioning; however, he pointed out that she might be reading it too narrowly. He opined that the examples suggested would not require a Landscape Plan.

Planner Cawley stated that when it comes to the Rebate Incentive Program, those funds might not exist next year. He noted that the requirement to submit a Landscape Plan is included in the application for the rebate. He explained that Staff intentionally did not include that in this Section because the Rebate Program may not exist next year and they did not want to make that a requirement in the Land Management Code. He reiterated it was a requirement through the Water Department as part of its application process.

Commissioner Sigg asked how they addressed grade and grade walls as part of Landscaping and Irrigation. He offered that one could be more Water Wise in irrigating flat land than in irrigating sloped land; however, the cost of putting in a two to four-foot wall to create flat land would also alter the property. Someone might just want a sloped lawn where the water just runs into the gutter. He felt that an integral part of any landscape and irrigation solution would address grade and grade walls to hold water versus allowing water to run off.

Planner Zollinger stated that under the Section entitled Lawn/Turf, subsection a. provides that "Lawn/Turf is prohibited on slopes with a ratio greater than 3:1." Additionally, she referenced a recommendation that deep-rooted turf grass should be planted on slopes. With respect to the Active Recreation Area, Planner Zollinger noted there was no exception for areas with a slope greater than 25%.

Commissioner Sigg asked if a Landscape Plan would be required for someone who wanted to install an 8-foot grade wall to hold some grade because they notice water spilling off their property. Planner Zollinger acknowledged that could get more complicated, and explained that depending on the location of the property it might require an Administrative Conditional Use Permit because such a wall would typically be in a Setback for that height. This would require

review by the Engineering and Building Departments as to why the water was spilling out and why the wall was needed.

Vice-Chair Hall was interested in seeing an example of what these provisions mean because as she drives by the couple of random Lots around town that are completely vacant she could not visualize what landscaping they would be allowed to install. She felt there were so many limitations, and although they were trying to achieve Water Wise, rock was limited and turf was discouraged.

Commissioner Van Dine stated that her neighbors across the street just landscaped their yard in a manner that was very consistent with these proposed amendments, and the yard looks great. They kept the old-growth trees and were able to install some new trees along with natural grasses in the front. She admitted that the tree limitation was difficult because they are used to seeing trees everywhere; however, they also cannot change the WUI Code. She added that there are probably homes in Park City Heights that have come close to implementing these proposed changes by installing natural grasses and limiting lawns to play areas. Commissioner Van Dine agreed that it was difficult to visualize driving past a vacant Lot; however, some of the new Lots encompass some of these changes and they still look very nice.

Director Milliken stated that the Planning Department will be updating the Historic District Design Guidelines with illustrations to help explain the Guidelines, and included in that they would have a landscaping example for the Historic District. She agreed with Vice-Chair Hall that it might make sense to provide some illustrations so that it would be clearer and more comprehensive.

Vice-Chair Hall felt that the requirements are so different from what much of Park City already had in terms of landscaping, and felt that the last to build would be the only ones subject to these requirements. She would also like to reduce who would be subject to these requirements. Planner Zollinger commented that they reviewed the proposed amendments with local architects and local landscape architects, and they expressed support going forward and it was something they could accomplish.

Vice-Chair Hall opened the public hearing.

Deb Rentfrow asked about the timeline for the submittal of the Landscape Plan required by Section 4 for New Development and/or Construction Activity, and whether the Landscape Plan would be required to be submitted concurrently with the application for the construction of a new building. Planner Zollinger explained that for New Development, a Landscape Plan would be required at the beginning, and it would typically get updated or submitted towards the end of the process as well. She stated that landscaping was one of the last elements inspected. She added that the Historic District Design Review, was one of the requirements, and approvals were usually conditioned with an updated plan.

Commissioner Johnson asked if the updated Plan would go back through the review process. Planner Zollinger stated that it would not go through the entire review process; rather, the Planners who reviewed it during the Building Permit phase would double-check it to make sure that any changes were still compliant with Code.

There were no further public comments. Vice-Chair Hall closed the public hearing.

Commissioner Johnson reiterated his prior comments that lines 137, 142, 162-163 of the Draft Ordinance should read "Planning Director and Forestry Board." He noted that the amendments originally stated Forestry Manager, and then they learned there was no Forestry Manager. Planner Zollinger made these requested changes.

Planner Zollinger summarized the changes requested by the Commission as follows, which she highlighted in green:

- Changed the reference to "native" that was not caught, and shortened the sentence to "plants," as they had done in the previous paragraphs;
- Changed "Forestry Manager" to "Forestry Board" and changed "or" to "and";
- Updated the definition of Historic Significant Vegetation as pointed out by Planner Cawley

Commissioner Kenworthy asked Staff to address noxious weeds. Planner Zollinger explained that they incorporated the language after learning of the State versus County lists. Commissioner Kenworthy asked if they wanted the list outside of this so they could update it on the fly. She noted that the inclusion of the link to the "living list" of approved plants would be included on line 110. Commissioner Kenworthy asked if they addressed the issue at Certificate of Occupancy and at the beginning of the project. Planner Zollinger read the language as follows:

"All noxious weeds, as identified by the State of Utah or Summit County, shall be removed from the Property in a manner acceptable to the City and Summit County regardless of development state. All noxious weeds shall be removed prior to issuance of Certificates of Occupancy."

Vice-Chair Hall asked if the Conditional Use Permit required under Section 6.f. for Turf on City-owned property would go before the Planning Commission or be subject to Administrative review. Planner Zollinger stated it would go before the Planning Commission, and would usually depend on the use in the specific zone. She noted that typically uses such as City parks or a recreation area are conditional uses.

Commissioner Johnson noted a typo on line 209, which Planner Zollinger corrected.

Vice-Chair Hall asked if the City planned to remove any turf and avail itself of the Rebate Program. Director Milliken was not aware of any such plans at this moment and noted the program was new. She added that was something they could take up with the Forestry Board.

Commissioners Johnson and Kenworthy felt comfortable with the Ordinance, as amended.

MOTION: Commissioner Johnson moved to forward a POSITIVE recommendation for City Council's consideration on March 9, 2023, for the Water Wise Landscaping Land Management Code Amendments, as outlined in the amended Draft Ordinance. Commissioner Van Dine seconded the motion.

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

The Commission took a brief recess.

7. WORK SESSION

- A. Accessory Uses in Master Planned Developments - The Planning Commission Will Conduct a Work Session on Potential Land Management Code Amendments Regarding Support Commercial, Residential Accessory Uses, and Resort Accessory Uses Outlined in Land Management Code Chapter 15-6 Master Planned Developments Section 15-6-8 Unit Equivalents, and Consideration to Consolidate Resort Support Commercial Uses in Recreation and Open Space Section 15-2.7-2 Uses, Residential Development Section 15- 2.13-2 Uses, Residential Development Medium Section 15-2.14-2 Uses, Regional Commercial Overlay Section 15-2.17-2 Uses, General Commercial Section 15-2.18-2 Uses, and Light Industrial Section 15-2.19-2 Uses in Section 15-6-8 Master Planned Development Unit Equivalents.**

Assistant Planning Director, Rebecca Ward reported that Accessory Uses are intended to serve the needs of residents on-site and are part of a Master Planned Development ("MPD") review. She stated that the current LMC exempts some Accessory Uses from Unit Equivalents ("UEs") if reviewed as part of an MPD. She stated that this could present challenges wherein over time, Accessory Uses intended for people who are already on-site transition into different uses that might open up invitations for people from off-site; in these situations, parking and traffic impacts might not have been fully evaluated. She reported that the Planning Commission conducted a Work Session in December, and the information in the Staff Report incorporated the initial input from the Commission.

Assistant Director Ward stated that the first Accessory Use for review is Support Commercial. This Accessory Use is oriented toward the internal circulation of development to serve the residents or users of the development. She stated that currently, Support Commercial could be up to 5% of the total project square footage, with another 5% for meeting space.

She reported that the initial input from the December Work Session was as follows:

- Limit signage and marketing to interior spaces;
- Remove the allowance for meeting spaces;
- Limit Support Commercial to a hotel under one ownership and remove from Nightly Rental condominium projects;
- Capture affordable housing obligations;
- Tie the maximum Support Commercial to net square footage with a cap rather than a percentage of the total Floor Area; and
- Consider the impacts of Conventional Chain Businesses within the Support Commercial use.

Assistant Director Ward presented the redline amendments to the Support Commercial provision. She pointed out that the amendments would limit these to hotels, and would limit Support Commercial to 5% of the total Floor Area of the UEs approved or set a total square footage maximum to address some of the challenges that have arisen in much larger projects. She also noted that the amendments would clarify that the affordable housing obligations should be calculated as part of the review. Finally, the Meeting Space provision was deleted. She

stated that the next Accessory Use reviewed by the Planning Commission was Residential Accessory Uses. She presented the current uses listed in the Code that range from Ski/equipment lockers to saunas, hot tubs, and exercise rooms.

Assistant Director Ward recalled that the Commission's initial input was as follows:

- Limit Residential Accessory Uses to functional spaces, and clearly define them;
- Evaluate whether a public restroom should be included as a density bonus;
- Add childcare facilities; and
- Consider vehicle miles traveled when evaluating laundry, storage, and employee facilities.

The Building Department reviewed some of the questions that arose during the last discussion as to when public restrooms would be required for a hotel or Nightly Rental condominium project. She explained that whenever there is a common area that is part of a residential project, public restrooms are required based on the amount of common area, and the proposed occupancy and uses of that common area. She added that the only time that public restrooms would not be required would be in a residential development with no common areas. As a result, she advised that Staff recommended removing that allowance from the Residential Accessory Use.

In addition, she reported that the Building Department reviewed the functional spaces and assisted with a definition that would align with the Building Code and how they evaluate spaces such as mechanical rooms required for the operation of the building. The proposed amendments would remove a significant number of allowances in the list, and define mechanical rooms and shafts as being "limited to electrical, heating, ventilation, plumbing, and air conditioning equipment and ductwork necessary for the operation of the Building." This is similar to how these projects are evaluated through the Building Code.

Assistant Director Ward stated that Residential Accessory Uses would continue to include laundry facilities, employee facilities, hallways and circulation, and elevators and stairways. Staff added a Child Care Center as a Residential Accessory Use.

She next addressed Resort Accessory Uses and provided the current list as found in the Code. She recalled that the Planning Commission's input was to:

- Capture the affordable housing obligations, and traffic and parking impacts;
- Remove uses required for business operations like the administration allowance;
- Remove terms that could be broadly interpreted, such as "instruction facilities"; and
- Consider vehicle miles traveled when evaluating maintenance and storage facility allowances.

Assistant Director Ward presented the proposed amendments and explained that they would require the employees generated to be included in the affordable housing obligations and be counted as part of the parking and traffic requirements for the project. In addition, Staff removed "administration" and "instruction facilities" from the allowances.

Assistant Director Ward next addressed Resort Support Commercial Uses, which are outlined in some limited Zoning Districts. Staff recommended amendments to make it consistent

throughout, so when there is Resort Support Commercial allowed in a Zoning District, they would include a footnote stating it was part of an approved MPD, and not a stand-alone allowance. The current LMC did not have a carve-out for a density bonus for Resort Support Commercial; therefore, the amendment would ensure that in each Use table, there would be a footnote that would tie it to an MPD approval. She reported that Staff received public input, which they attached as Exhibit A to the Staff Report. She invited the Commissioners to provide input on the proposed changes.

Commissioner Johnson addressed the proposed Residential Accessory Uses and continued to believe that laundry facilities did not need to be included. He felt this was an amenity that could help with the sale of the development, and noted there are two laundromats in town. He proffered that laundry facilities would be needed more for affordable housing. He referenced The Prospector and the Silver Mountain Buildings that were recently upgraded by installing laundry facilities. Commissioner Johnson stated that because it was something that would be required in any development, he did not support giving additional density for that use. He mentioned the point raised during the last meeting about drive time, and although he agreed with that, at this point he felt that laundry facilities would be included in any market-rate unit. He reiterated his position that laundry facilities should be removed from Residential Accessory Uses.

Commissioner Johnson expressed confusion over the Resort Accessory Uses because many of the Development Agreements already have elements carved out. He queried when the Resort Accessory Uses would be applied, and felt that setting aside the two Development Agreements, those particular properties would not be looking at Resort Accessories. He was all for lost and found, first-aid mountain patrol, emergency medical facilities, and ticket sales, but felt they were part of a smart business model. Developers would want those uses so that people would want to visit and use the property. He wondered what the point was in having the Resort Accessory Uses section.

Assistant Director Ward explained that pursuant to Code, Resort Accessory Uses are Accessory Uses associated with an approved summer or winter resort. It would apply to the larger projects, and she recalled a section from the General Plan that addressed flexibility with the resorts as they change over time. She advised that this Code from the early 2000s was enacted, in part, to allow some of that flexibility for the additional services listed.

Commissioner Frontero asked what would happen and whom it would impact if they just eliminated all of the Resort Accessory Uses. Assistant Director Ward referenced Exhibit B to the Staff Report and sought clarification as to what he suggested eliminating. Commissioner Frontero stated that it went back to Commissioner Johnson's point that some of these were just good amenities to offer as a business, and asked why they would allow them as a density bonus. He inquired as to how the list was created and whether they should consider eliminating them.

Commissioner Kenworthy commented that there are functional uses for the space and he felt they wanted to balance it with the community good cause. He mentioned daycare and noted they were in a desperate situation for day care. He would want these employees as well as the surrounding community to have day care. He noted there is a certain amount of use that is functional for the building and the other uses that would fall within good cause. He mentioned the balance of the uses from the development side and did not want them to say that all of these

uses would count towards density and then not have the ability to bring something to the community.

Commissioner Frontero asked Commissioner Kenworthy if he would consider narrowing the Resort Accessory Use list because he felt that most of the uses on the list should be part of density.

Commissioner Johnson felt that both Commissioners Frontero and Kenworthy raised good points, and they could look at keeping public lockers, public restrooms, employee restrooms, employee locker rooms, employee break rooms, and employee dining areas. They could scratch ski school/daycare facilities, ticket sales, equipment/ski check. The result would be a benefit to the community so the developer would be given additional density.

Commissioner Sigg commented that the spirit was to eliminate free profit centers because they were talking about someone else's business model. A developer could build two fewer condominiums and replace them with whatever uses would be moneymakers. Commissioner Frontero agreed. Commissioner Sigg added that they know the daycare center would be leased to a daycare operator for market rate, and he questioned how that would translate to a community benefit unless it contributed as a community benefit in exchange for something. He added that for the Planning Commission to be involved in an allowance or incentive for someone's business model made no sense. If a developer wants a bowling alley, for example, they should include it in the volumetric and build two fewer condominiums.

Commissioner Frontero understood and agreed with Commissioner Sigg's suggestion to pare down the list.

Vice-Chair Hall commented that for the Resort Accessory Uses specifically, she did not know if it would even apply because Deer Valley and Park City Mountain Resort ("PCMR") were already in Development Agreements. Hypothetically, if a third resort was to come along and not have a Development Agreement, they could just go from that point. If a businessperson could sell two more condominiums, then why would they want a nice emergency facility, daycare facility, or day lockers for day skiers. She felt they would not add those because they would make more money selling a nice condominium for \$5 million.

Commissioner Frontero disagreed and offered that the businesses know what their clientele wants and that they would provide it if it made business sense. If it would not make business sense, then it should not be a freebie on their density.

Commissioner Sigg stated that it should be the developer's business model, not the Commission's model.

Vice-Chair Hall agreed that they do not need to include administration; however, she would like to encourage good public lockers and public restrooms, and the developer would not be making money off these facilities. Commissioner Frontero asked if they needed to give the developers density to provide public restrooms because they would not ordinarily provide them. Vice-Chair Hall commented that a developer would do the minimum required by Code and would not make them nice and sufficient for the development's users if they would have to compromise what they could sell for a very high luxury condominium. Commissioner Van Dine agreed with Vice-Chair Hall and added that the same rationale could be applied to daycare facilities. Developers

have no obligation to put a daycare facility in their development, and she questioned why they would put one in if they would make more money selling a condominium.

Commissioner Frontero agreed on daycare, and potentially one or two other uses he agreed should remain. However, the vast majority of the list was a freebie to the developer that he did not support.

Commissioner Sigg stated that if you walk into the public restroom at Flagstaff, the Paint Brush, or other similar places up in Empire, people would wonder why the public was using it because those are condominium projects that do not really have a public presence. There would be no reason that someone going to Silver Strike Lift would wander into the Paint Brush development unless they were going to visit someone. He felt that to misconstrue what might be perceived as a public restroom that might be found at a bus stop or the resort base was different than what would be in the volumetric of one of the mid-rise buildings in Deer Valley.

Vice-Chair Hall noted a couple of distinctions. She wondered if they were just talking about Resort Commercial, or were they talking about all Accessory Uses. She noted that a public restroom at the ski resort base was different from a Nightly Rental condominium complex that is essentially private, and she agreed with Commissioner Sigg in that regard.

Vice-Chair Hall suggested going through each category. Assistant Director Ward suggested starting the discussion with Support Commercial.

Assistant Director Ward recalled that the input received from the Planning Commission in December was to limit signage and marketing to interior spaces; remove the meeting space allowance; limit Support Commercial to hotels under one ownership and remove Nightly Rental condominium projects; capture the affordable housing obligations; and set a number up to 5% that would count toward the UEs, or establish a square footage cap. She noted that one of the challenges that arose in a previous project was that it was a large development, so 5% ended up being a significant amount of square footage. She stated they were still looking through some of the larger MPDs to determine their recommendation for a good square footage total cap.

The Commission also suggested consideration of prohibiting Conventional Chain Businesses. There was discussion during the last Work Session about signage and marketing for a Starbucks or other Conventional Chain Business that might open it up to the community at large.

Vice-Chair Hall supported the proposed amendments and observed that the limitation on signage was not included in the amendment presented to the Commission. Assistant Director Ward stated that would be added. Vice-Chair Hall liked the language regarding Chain limitation and eliminating the Meeting Space. She also liked that a calculation would still apply to the affordable housing component.

Commissioner Kenworthy agreed with Vice-Chair Hall's comments. Commissioner Van Dine also agreed, and liked the idea of a square footage cap for the larger projects and felt it would be beneficial. It was noted by Assistant Director Ward that Support Commercial would be just for hotels, so the Nightly Rental condominium allowance would be removed.

Vice-Chair Hall stated that she would approve the amendments to this section with the addition of the signage language. She felt the proposed changes reflected the comments of the Commission during the last Work Session. Commissioner Frontero agreed.

Assistant Director Ward next turned to Residential Accessory Uses and presented the current list to the Commission. She stated that the Commission's input was to limit these to defined Functional Spaces. She noted that it was for these uses that the discussion regarding public restrooms came in specific to the Residential Accessory Uses. She added that the Building Department had clarified that if there were any common area in a residential development, whether the development is for Nightly Rentals or full-time residents, it would be the occupancy and use of the common area that would trigger the public restroom requirement. She noted that the only time a public restroom would not be required is if there were no common areas.

Assistant Director Ward also noted that they added Child Care facilities to the list. She recalled that laundry facilities were a point of discussion during the last Work Session, and laundry facilities remained on the list of Residential Accessory Uses in the proposed amendments. Many of the other uses were removed, except for mechanical rooms and shafts, the definition of which was shown in red in the Staff Report.

Other Residential Accessory Uses that remained on the list included laundry facilities, employee facilities, hallways and circulation, and elevators and stairways. They added a Child Care Center.

Commissioner Kenworthy supported the proposed list of Residential Accessory Uses and stated he would include the laundry facilities.

In response to an inquiry, Assistant Director Ward stated that this section would apply to any residential multi-unit dwelling.

Commissioner Frontero asked why they would allow hallways and circulation as an exception. Assistant Director Ward referenced the December discussions and stated that density was dependent on the underlying Zoning District, and was established in different ways. She explained that one UE in a residential development is 2,000 square feet of residential use. Applicants were still confined by the site for elements such as Building Height, Setbacks, Floor Area Ratio, or whatever the underlying zoning mandated. She added that the MPD Code provided some flexibility wherein they could look at a larger development holistically to see how the UEs would be best suited for the site; however, the additional regulations as to elements such as Setbacks still applied.

Commissioner Frontero opined that if an MPD granted a certain amount of density and an applicant wanted to build 100 units in a two-story building, the applicant should factor in the elevators, stairways, and hallways into that. He struggled to agree conceptually to allow developers to have those uses not count against density. He felt that for a 100-unit development, hallways, circulation, elevators, and stairways should be part of the design.

Assistant Director Ward clarified that they reached out to several communities and evaluated different communities' codes for comparison. Whereas Park City's Code was a bit of an outlier with Support Commercial and Resort Accessory Uses, it was common for mechanical rooms and other areas required for the function of the building to be carved out. She noted the original

list was much more expansive than what was comparable to other communities; however, this section was the one area where Park City was similar to what other communities have in place.

Commissioner Van Dine asked if there was any other community that did not include uses such as hallways and mechanical. Assistant Director Ward stated that for those communities they reviewed, these uses were common exceptions. She noted that it depended on how the other communities looked at the underlying density.

Vice-Chair Hall noted that in general, the question was what they wanted to incentivize, and she was agreeable to allowing the uses such as maintenance, hallways, and shafts, as those are parts of the building. She encouraged including Child Care, and employee facilities, and added that she could be flexible on a concierge or something like that. In addition, she felt that telephone areas, business centers, and administrative offices could be eliminated, but she reiterated she would like to incentivize employee and childcare facilities. She agreed it was probably more commonplace to exempt mechanical, maintenance, hallways, and the like.

Commissioner Van Dine agreed and approved the list as proposed. Commissioner Kenworthy also agreed, and further agreed with Commissioner Sigg that they should look at whether the add-ons were revenue generators. He proffered his belief that they stripped the list down a lot and were at the right balance. Commissioner Sigg added that it was hard to look at this in its infinite expansion because there would always be restrictions on Building Height, Setbacks, and other requirements. To the extent that these were exceptions, that still might preclude someone from building 100 units to fit it within the space. He did not feel that this list was giving applicants *carte blanche* add-ons.

Commissioner Sigg agreed with Commissioner Frontero that these exceptions could fall within the constraints of the Code and the zone; however, it did need to be looked at within the volumetric of what is available to build and then treat it as an exception. He felt there was a degree of reason because the proposed list was comprised of elements necessary to operate a building.

Commissioner Frontero stated that these comments were helpful and acknowledged that the list was pared down quite a bit. He agreed with the points raised by Commissioner Sigg that items necessary to run the building should be included and he could support the proposed list.

Vice-Chair Hall commented that she would add maintenance back to the list and make the definition of mechanical a little more vague. She suggested mechanical/maintenance areas in general. Commissioner Frontero liked the specificity in the proposed list.

Assistant Director Ward next addressed Resort Accessory Uses and recalled that the Planning Commission wanted to capture the affordable housing obligations, and parking and traffic impacts. The Planning Commission also suggested removing administration and instruction facilities. The point of discussion during the December Work Session centered on maintenance and storage. She commented that affordable housing, parking, and traffic were proposed to be included as a required evaluation. She presented the list and noted that Staff removed administration and instruction facilities.

Vice-Chair Hall asked about the inclusion of a 5% cap, and Assistant Director Ward stated that Staff could look into possibilities on how it would be calculated. Vice-Chair Hall otherwise liked the proposed changes and commented that she did not know how many other resorts would be

coming to town. Commissioner Van Dine agreed with Vice-Chair Hall and felt that if they could have a cap or generalization so they could still incentivize resorts to build without making them small.

Commissioner Frontero asked if they really had to give applicants an allowance for ticket sales, and felt it should be part of the business model. He urged that would be a business use because they use ticket booths to raise revenue, which is part of the business model.

Commissioner Johnson would like to strip down the list and would start with emergency medical facilities. He would keep public lockers, public restrooms, and employee restrooms, and would strike ski school, but keep daycare facilities. He would also keep circulation and hallways for these Resort Accessory Uses. He felt these were community benefits.

Vice-Chair Hall asked about equipment/ski check and noted that at Deer Valley, most locals check their skis for several days for free and then take transit. Commissioner Johnson expressed that if the majority wanted to keep that in, he would not object. Vice-Chair Hall would keep the First Aid mountain patrol, and agreed that Information, lost and found or ticket sales would be necessary; however, she felt that everything else on the list provided more of a community benefit.

Commissioner Johnson asked if First Aid Mountain Patrol would fall under the emergency medical facility. It was noted that these uses would be completely separate. Commissioner Van Dine stressed that she would like those to remain on the list.

Commissioner Sigg stated that there is confusion in scope and scale, and noted they were looking at resorts in terms of a place where they would all go, however, noted that East West Resorts was constructing a new building in Upper Deer Valley. He wondered if there was a way to bifurcate these two types of uses; in other words, what might be a single building or buildings within versus the common area in an MPD that would have more expanse. He felt they were having difficulty differentiating between those two uses.

Commissioner Frontero asked if this list could apply to Mayflower or something similar. Assistant Director Ward advised that this would only apply to a Resort Development Agreement within City limits. Vice-Chair Hall noted this would exclude Deer Valley and PCMR.

Assistant Director Ward explained that for Resort Support Commercial, they want to ensure that in all of the Use sections in the Zoning Districts, a footnote would be added indicating that it would be allowed in the zone if it were approved as part of an MPD. In response to an inquiry, she added that the allowed uses could be a Conditional Use; and if it is a Conditional Use as part of the MPD review, the Planning Commission could request that they come in for that additional review prior to construction. She added that the MPD could establish a Conditional Use Permit for later review by the Planning Commission at the time of construction. This would ensure that the modifications for any changes to the Accessory Uses that might have affordable housing, or traffic or parking implications, could be reviewed at that time.

Vice-Chair Hall noted that Residential Accessory Uses would not go toward an applicant's UEs, and asked if it could go toward affordable housing. She noted that affordable housing was not specifically listed in that section; however, it was listed for Support Commercial for Hotels and Resort Accessory Uses. Assistant Director Ward stated they would review that suggestion.

Assistant Director Ward commented that overall there was consensus on these proposed amendments, and asked if they were ready to be publicly noticed for a public hearing on March 22, 2023. Vice-Chair Hall and Commissioners Kenworthy and Frontero agreed.

B. Affordable Master Planned Development Consultant Report Updates -- The Planning Commission Will Conduct a Work Session on Recommended Items to Include in the Updated Consultant Reports Regarding Affordable Master Planned Developments to Provide Information for Future Planning Commission Work Sessions.

Assistant Director Ward reported that the above item was a follow-up to the January 25th Work Session where one of the requests for review of amendments was to re-evaluate the Affordable Master Planned Development ("AMPD") Code now that the Planning Commission had reviewed the first project under that Code. As outlined in the Staff Report, the AMPD was put into the Land Management Code in 1984, but there was never a project developed with the density bonus. In 2018, the City Council directed Staff to hire a consultant to figure out what it would take to incentivize development either through private development or public/private partnership.

Cascadia Partners completed two studies on behalf of the City that evaluated and established that Code. Staff was now recommending that those studies be updated before the Planning Commission reviewed future changes to the Code. The updated studies would provide updated market conditions and additional analysis for items such as the allowance of commercial use as part of an AMPD. She noted that currently, up to 10,000 square feet of commercial use was allowed in an AMPD, and there might be an opportunity for that to increase. Staff recommended the studies be updated to show the financial implications of increasing commercial uses, and how it would impact recommended parking reductions.

In addition, Assistant Director Ward advised there were some proposals to allow Nightly Rentals in a certain number of market-rate units if a certain number of the affordable units could be offered to a lower Area Median Income ("AMI") like 30 to 40 percent. Staff requested that the consultant perform that evaluation. She also reported that Staff recommended the consultant evaluate potential opportunities to incentivize more affordable units at the lower AMI. Overall, they wanted to make sure that the reduced Open Space, Setbacks, increased Heights, and parking reductions reflected current market conditions. Assistant Director Ward asked if there was anything else the Commission would like the consultant to review.

Commissioner Sigg stated that one of the things he would like to see in an AMPD was occupancy allowances, limits, and acceptable levels in dwelling units. He wanted to ensure that they do not become multi-occupant units. He was taken aback at the number of occupants in a single unit that was presented as part of the Homestake project. He asked why they would not have more than 30% single-occupancy room units to avoid six unrelated people living in the same apartment. It was noted by Vice-Chair Hall that the number was a State requirement.

Commissioner Kenworthy commented that that issue became very confusing and when the 573 numbers came in at the end it stunned him. He recalled that during the first presentation, it was something in the low-400's and then it went up. He also recalled discussions regarding some Federal Codes and it never connected for him, except by the applicant stating it was what was allowed. He noted that the developer's study specified 1.4 people per room, which translated to 300+ in the early stages. It turned out the developer did not have a single unit in Park City

where apartments get stuffed during the winter season. He agreed that they needed to flush that issue out completely and transparently with the consultant.

Vice-Chair Hall stated that a good preliminary question would be if that was something they could regulate, as she interpreted the developer's comments that it was off-limits for the Planning Commission to regulate in an AMPD.

Mr. Harrington cautioned the Commission on terms of cause and effect. He mentioned occupancy regulations in multi-family affordable units versus subdivisions where the Commission could not regulate who lives in his house as compared with the person next door; rather that is set by Building Code limitations. He understood that the concern was the impact of the project. If the Commission was concerned about parking, then parking should be addressed. If the concern was about traffic, then traffic should be addressed. He stated that they could get the appropriate measurement so they could have the right data to address the impact; however, he advised the Commission to be careful about treating different projects differently based on perceived occupancy.

Vice-Chair Hall commented that in theory, they could then be considering a regular MPD and state that there could only be two people in each MPD. Commissioner Kenworthy asked if the City code allowed for only two per bedroom, plus one in certain circumstances. Mr. Harrington stated that the State went through with this with the college towns and put restrictions on what cities can and cannot do in terms of occupancy. There are also Federal requirements regarding the affordable units in place. They could provide the Commission with that information. He again cautioned that when they do not bat an eye when evaluating occupancy for a condominium unit at Deer Valley, why would they regulate occupancy in affordable housing in Propector. He posited that it was because of the impacts. Mr. Harrington urged the Commission to address the impacts as he did not feel that occupancy was the issue unless they were worried about something specific like fire exits.

Commissioner Kenworthy suggested answering Vice-Chair Hall's preliminary question and agreed that he would go with the ratios. The ratio said 573 to 125 parking stalls, which would result in 4x parking per occupant. He would also like the consultant to look at transit and noted that the key to having these ratios was going to be the transit programs. Whether there would be available micro transit or bus stops, those are the things he would like to see.

Commissioner Sigg stated that they should not single out workforce housing. They were on that topic now, but there could be excessive occupancy in regular housing. That might be something to address as a general rule and not necessarily related to this discussion.

Mr. Harrington felt there was a legitimate policy issue with the parking requirement and thought that could be addressed regardless of this issue. He commented that they either do or don't want to agree with prior recommendations to reduce the parking requirement. He stated he would take issue with Commissioner Sigg's comment in terms of the fact that the prior applicant did not use the parking reduction and parked it to the current Code.

Commissioner Kenworthy commented that this was why they wanted the consultant to review the issue. Mr. Harrington stressed that a broader parking philosophy issue was an absolutely legitimate policy consideration along with impacts on the neighborhood. However, the Commission would need to sort out where they currently stood with themselves, the community, and with City Council because that was driving much of the angst.

Assistant Director Ward understood that the Commission would like the consultant to provide information at the Federal, State, and local levels on occupancy allowances, and whether there were additional regulations for affordable units that received Federal or State funding. She stated that this information would be used as part of the parking analysis. Commissioner Kenworthy added that they would like the consultant to understand the transit components that mitigate the ratio of cars to occupancy within $\frac{1}{2}$ mile, a mile, and/or a transit center at the building. He felt that the mitigation with the transit center, or even a nice bus stop would give them additional mitigation for that parking ratio.

Assistant Director Ward noted that the prior evaluation included a recommendation that parking could be reduced if it was within $\frac{1}{4}$ mile of a transit stop. She understood that Commissioner Kenworthy was suggesting taking it further and showing how the number of vehicles would be reduced based on proximity to transit.

Commissioner Kenworthy also suggested adding micro transit to the analysis and believed it was coming Citywide soon, so he would like to get in front of it with additional mitigation components if the consultant felt that a robust micro transit in addition to buses would allow them a higher quality of life for the occupants.

Vice-Chair Hall asked if there was a way to incentivize redevelopment, and requested that be added to the consultant's scope. She felt there were areas around town with commercial on the first floor that could add an affordable housing complex on the second floor if allowed. Mr. Harrington suggested framing that in terms of other ways to expand the incentives because the AMPD was for new builds. Affordable housing was already excluded from density when it meets the Code requirement. The Commission could look at expanding that if it exceeds that standard from what it was originally. He added that they could establish parameters subject to existing biometric limitations, and felt there was always the balancing the concern of the neighborhood mitigation. He suggested framing it for the consultant to look at expanding incentives and let them come back with recommendations.

In response to an inquiry regarding the timing for the updated studies, Assistant Direct Ward advised that the original report was completed in approximately 9 months. Because the consultant had already completed a majority of the report, she anticipated the updates would not take as long as the initial reports.

Commissioner Johnson asked Vice-Chair Hall if she was suggesting that they did not need the consultant. Vice-Chair Hall felt the consultant would be wonderful for something new, especially whether there was flexibility within the existing Code to add redevelopment. She felt that looking at the current AMPD Code, they should maybe just discuss some of the issues they faced.

Mr. Harrington suggested that the Commission address the parking issue first because if a project were not parked, it would not be built. He noted that with redevelopment, it would not be feasible unless the City would pay for central garages. Until the Commission knows what it would or would not be willing to do in terms of parking, that would drive many of the other issues.

Commissioner Johnson would like the consultant to broaden some of the examples and felt it would be good to revisit the Truckee, Mammoth, and Ketchum development examples to see

how they evolved. He suggested eliminating Bend as an example. He also felt it would be beneficial to direct the consultant to look at some Colorado ski towns and something with existing transportation in place that they could look to for comparison. He noted the consultant referenced Bend quite a bit, which has a population of 97,000.

Commissioner Johnson mentioned looking at places like Silverthorne that just built an affordable housing mixture with transit integrated into it. He noted that the consultant stayed in the Pacific Northwest realm and he wanted them to look at other resort towns. Commissioner Frontero agreed.

Commissioner Kenworthy stated they would love not to park these, but they have to have the mitigation and know what they need to expect out of the mitigation from transit. He felt this would be a big component, and if the consultant found some of this in other winter resort communities, those are the ones they would like to try and emulate.

Vice-Chair Hall asked if they were committed to this consultant. She understood that Commissioner Kenworthy felt the AMPD was wildly under parked even though the applicant did not even use the parking exception allowed pursuant to the Code and which was supposed to be the big carrot for the whole development. She wanted to add an additional incentive but reiterated that the applicant did not use the incentive and Commissioner Kenworthy was unhappy with how it was parked. She felt that they were at opposite ends of the spectrum, and although they both want affordable housing, the parking issue was key. She wondered about the benefit of the updated report if they would remain at opposite ends of the spectrum.

Commissioner Kenworthy explained that the occupancy kept going during the course of that project, and they still do not know if there is a Federal bonus that came in at the end. He felt they needed the study and that transit was the key. If the transit comes in, and they know what mitigation was needed from transit, they would be in a good place to do these projects. If they do not have an understanding of the transit skeleton coming in and out of town and within the City, he questioned how a family would get to the market. He stressed that they have to know what mitigation is required for this transit from within the City, or they will have to park it. He thought that was the last thing the City wanted to do.

Vice-Chair Hall suggested having the conversation now to see where people stood. She noted that Commissioner Kenworthy stated that Homestake was wildly under-parked, and she took the position that was the big incentive and per the Code, they were not under-parked. Commissioner Kenworthy pointed out that no one knew what the occupancy would be. Vice-Chair Hall observed that they were going to pay a consultant to analyze how they could further incentivize affordable housing and felt that the consultant would come back with less parking.

Commissioner Kenworthy noted that they did not under-park it per the units, and they might not have under-parked it for the occupancy, but they just did not know. He stated that's where they were balancing out the new understandings they had with an AMPD.

Commissioner Johnson felt they would go through this process and not get much different information. He asked whether it would be worthwhile to have a Work Session before hiring the consultant to work through some of these issues.

Commissioner Frontero suggested initially getting answers to the three questions and finding out what was required from the Federal, State, and local with regard to affordable housing

occupancy. He stated it was difficult for the Commission collectively to move forward until they had a basic understanding of the guidelines of what is allowable.

Vice-Chair Hall noted that they heard from the applicant and the City's Affordable Housing team that they could not limit occupancy further than what was allowed by the State and Federal law, even if it would seem to result in under parking the building.

Commissioner Sigg asked if an alternative to not being able to limit occupancy would be to change the types of units delivered. He mentioned that there were a lot of single people who are trying to make housing needs meet, and the only alternative was to have occupancies that increased in a single dwelling. He suggested that maybe they were missing the point by not looking at what the community needs.

Commissioner Kenworthy noted that they were looking at that with the 30 – 40% AMI units, and asked whether that would drive smaller units as imagined by Commissioner Sigg. Assistant Director Ward responded that this would be a question for the consultant.

Commissioner Johnson asked if they needed a consultant.

Commissioner Frontero felt Vice-Chair Hall made a good point and suggested the Commission take a crack at it prior to retaining the consultant. He would be supportive of spending more time on these issues before hiring the consultant.

Commissioner Van Dine asked Staff if they had the time to do this, and wondered whether part of the reason for sending it out to a consultant was to be able to gather more of this information. Assistant Director Ward explained that one of the reasons this consultant was selected was because of the financial analysis. She noted that one of the questions listed was whether Nightly Rentals should be allowed in a certain number of market-rate units if the developer does another set of units that are more affordable. She also noted the benefit of having updated information on the cost of a parking space. She commented that if commercial square footage were increased, more parking would be required, which would then require more money. She noted these issues were all tied to the underlying financial analysis, and the updated information could help inform the discussions.

Commissioner Van Dine also observed that the consultant would be the one to analyze the comparisons with other towns. Assistant Director Ward felt Staff could do that analysis.

Commissioner Kenworthy was very impressed with Cascadia. Vice-Chair Hall agreed but noted they also did not accept most of their recommendations. She sensed that if the AMPD for Homestake asked for a 20% parking reduction, Commissioner Kenworthy would have said "no," yet that was the carrot recommended by Cascadia.

There was discussion regarding occupancy and it was noted that the Commission had never discussed occupancy for a regular MPD. Commissioner Kenworthy explained that a big issue for him was that this was an apartment building and instead of pride of ownership the resident's focus would be on how they could have a place for the ski season and have three people in the unit. Some of the elements led him to believe that the occupancy was a red flag. He noted he manages a few units and stressed that actual ski town realities with an apartment building were a completely different animal.

Vice-Chair Hall felt that Commissioner Kenworthy wanted fewer incentives. He stated he wanted to see how these projects would work and would love for them to work.

Assistant Director Ward noted the previous applicant agreed to a series of Conditions of Approval, including the camera monitoring of parking, the administration of parking passes, and enforcement. She asked if the Commission wanted the consultant to evaluate best practices for projects with reduced parking to monitor, enforce and track the parking demand for the project and how the applicant could maintain the reduced demand over time.

Commissioner Frontero stated they could request that information, but they were concerned about the time and money these updates would require. Commissioner Kenworthy advised that the Commission adopted some of the consultant's recommendations on parking, which the applicant did not use. He also recalled they adopted the recommended height exception and setback exceptions. Assistant Director Ward added that they adopted reduced open space as well.

Commissioner Kenworthy felt that overall the studies were a valuable experience. Vice-Chair Hall noted that they have had one AMPD that did not avail itself of the parking exception that Cascadia said would be the top incentive. The applicant also did not use the open space exception. She stated she would like to incentivize private developers to build affordable housing.

Commissioner Sigg observed that it was hard to look at the AMPD that was approved because it was a stacked deck. When the applicant is the City, he felt it was a done deal driven from the top. Vice-Chair Hall firmly disagreed and stated that the AMPD complied with Code and the applicant did not request the open space or parking exceptions. Commissioner Van Dine agreed.

Commissioner Johnson asked if everyone was on board with using the consultant and expressed that it seemed as though it would be beneficial. He noted the timeline and suggested asking them to complete it as soon as possible. There was consensus to retain the consultant, but the key was to have the consultant look at relevant examples. Commissioner Johnson wanted the consultant to look outside their box and look at examples relevant to Park City.

Commissioner Frontero confirmed that Staff would move forward with the consultant and ask for an expedited timeline. Commissioner Kenworthy would like to see them look at a town where pedestrian goals similar to Park City were working.

Assistant Director Ward confirmed that everyone was agreeable to the list included in the Staff Report, as well as the input from this meeting.

8. ADJOURN

MOTION: Commissioner Van Dine moved to adjourn.

The meeting adjourned at approximately 8:45 p.m.