

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
FEBRUARY 23, 2011**

PRESENT: Charlie Wintzer, Brooke Hontz, Richard Luskin, Julia Pettit, Dick Peek, Mick Savage, Adam Strachan, Thomas Eddington, Katie Cattan, Polly Samuels McLean

WORK SESSION ITEMS

Ordinance for Transfer of Development Rights (Application #PL-10-01104)

Planner Katie Cattan reported that on February 9th, 2011 the Planning Commission passed a Transfer of Development Rights Ordinance. The Staff had returned this evening to discuss a formula that they felt was a better method than basing unit equivalents on previous subdivision applications.

Planner Cattan presented a chart of unit equivalents based on previous subdivision applications. She then showed a comparison of what was recommended by the Planning Commission versus the Staff's newly recommended method. She noted that the numbers were significantly different for Alice Claim. The numbers for Upper Ridge and Lower Ridge were similar to the original recommendation.

Planner Cattan explained the revised formula. There is one unit per underlying lot size for the zone. That number is multiplied by a multiplier of 1 for areas with five lots and a multiplier of .5 for areas with metes and bounds parcels, and a multiplier of .25 for areas with an SLO. Planner Cattan remarked that this is a consistent method that can be utilized to decide if other areas should be sent.

Commissioner Hontz supported the new recommended formula. Planner Cattan took the Planning Commission's intent and the rationale to logically support why development credits would be given to these lots, and then applied a fair methodology. Commissioner Pettit concurred.

Commissioner Savage noted that the Planning Commission voted in favor of passing this ordinance on to the City Council. He wanted to know why this would not go to the City Council to be resolved, rather than back to the Planning Commission.

Assistant City Attorney, Polly Samuels McLean, explained that the Planning Commission made the recommendation to City Council and the proposed ordinance is scheduled before the City Council on March 10, 2011. Ms. McLean understood that in re-evaluating what had occurred at the last meeting, the Staff had a different recommendation, independent from the Planning Commission recommendation to the City Council. The Staff wanted the Planning Commission to be aware of the change and why it was made. They did not want the Planning Commission to be blind sided or confused as to why the recommendation was slightly different.

Commissioner Savage recalled that Planner Cattan had prepared a Staff report for the Planning Commission prior to the February 9th meeting, in which she went through a fairly extensive analysis of pros and cons relative to the implementation of the TDR ordinance. Other than this particular issue where the formula was changed for determining the exchange ratio, he asked if Planner Cattan had re-looked at other points to come up with additional suggestions or recommendations

for how this ordinance would be implemented. Planner Cattan replied that this was the only one that was inconsistent with the State ordinance.

Commissioner Savage reiterated his opinion from the last meeting that they were moving something forward that had not been thoroughly discussed, analyzed and reviewed. They started with one proposal regarding exchange ratios, the Planning Commission forwarded a recommendation on another mechanism of exchange ratios, and now there is a third one that appears to be better. Commissioner Savage sensed that the iterative process they went through is probably coming to a good conclusion, but that same iterative process should be applied to a number of the other outstanding concerns about the way the TDRs are implemented and the fact that they are now in a situation of having sending zones without a valid receiving zone. Commissioner Savage believed they still had the cart ahead of the horse on TDRs in general.

Planner Cattan assumed that the Planning Commission would be seeing amendments to the TDR ordinance as it moves along, to make sure the ratios are correct as the market changes. Her assumption was based on conversations communities who already have TDRs.

Commissioner Pettit clarified that this was the process that other communities have utilized in terms of starting with the framework. As market conditions change and the City sees what is and is not working, they have the ability to go back and amend the ordinance as appropriate.

Director Eddington noted that Treasure Hill was not included in the revised table because it was not analyzed based on square footage of land. It was based on UEs and remains the same as how the Planning Commission originally recommended.

Commissioner Strachan thought they should consider a better multiplier for the Sensitive Lands Overlay Zones. Those are the areas where they really want to incentivize people to transfer density off that land because it is sensitive. He could not understand why SLO land would only be given a quarter of a credit. Planner Cattan replied that the underlying zone for Alice Claim is the Estate zone, which is one unit per three acres. Only the Estate portion is in Sensitive Lands. SLO is not applied in the HR Districts. Planner Cattan understood Commissioner Strachan's point about creating a greater incentive with a higher multiplier. Commissioner Strachan replied that a larger multiplier would be his preference.

Commissioner Savage asked for the logic behind the .25 number. Planner Cattan replied that a certain amount of land is set aside for open space and the development rights decrease as the slope gets steeper. The land is not as developable as an HR1 or HRL, which lessens the value. Because it is Estate, the larger portion is typically a larger house. The SLO process is more restrictive depending on the site conditions. However, because it is more restrictive and an area that should be protected, they could justify incentivizing so it would be protected.

Commissioner Hontz wanted to know what would happen if a platted lot was in the Sensitive Lands Overlay. She asked if the multiplier would be 1.25, since it is in SLO and platted. She felt that needed to be clarified. Commissioner Hontz stated that she could argue it both ways. She has seen it done both ways in different communities, but she had not spent enough time thinking about the sensitive lands and what it does to a property value, to know whether it should be a double

bonus or single bonus.

Commissioner Savage remarked that if the objective is to get an ordinance on the books, he could not understand why they would not pick one sending zone and one receiving zone, and keep it as simple as possible. Planner Cattan replied that the Planning Commission passed an ordinance with specific sending areas, and it was too late to go back.

Assistant City Attorney McLean clarified that the Planning Commission did not pass the ordinance. They forwarded a positive recommendation for the ordinance in a certain form to the City Council. The City Council is the body who will adopt the actual ordinance. She explained that this is a work session item to discuss the tweak that the Staff is going to recommend to the City Council. The Staff would also take their positive recommendation to the City Council.

Commissioner Hontz recalled that at the last meeting she talked about how this was not a perfect formula and the Planning Commission was struggling with it. For that reason, this is exactly what was supposed to happen. The Planning Commission was told that it would come back to them before it went to the City Council and this work session is a logical step in the process.

Commissioner Savage asked if the City Council has the ability to modify the proposed ordinance in the context of what has been forwarded, before making a final decision. Planner Cattan explained that the City Council has the ability to make changes on a Land Management Code recommendation.

City Council Member, Liza Simpson, clarified that the current City Council would not disregard the Planning Commission's recommendations without sending it back to them for discussion. She believed the Staff was acting appropriately by bringing this forward as a work session item. If it had not come before them at all, the Council's first question would be what the Planning Commission thought.

Commissioner Savage encouraged the City Council to look at all the information in the February 9th Staff report as it relates to how this ordinance was being put forward. Planner Cattan replied that her Staff report would be included in the documents to the City Council.

Director Eddington asked if the Planning Commission wanted to further discuss the .25 multiplier for the SLO. The Staff could rework the number to see if there is a better multiplier. Commissioner Strachan suggested that Planner Cattan research other communities to see if anyone has incentivized to keep off sensitive lands. Chair Wintzer preferred to have Planner Cattan come back with other suggestions and examples. He agreed that incentivizing to move the density would solve many of the problems related to traffic and environmental issues.

Planner Cattan asked if the priority would be to send a development right from the HR-1 or the SLO. She stated that their response could help determine the appropriate multiplier. Commissioner Strachan replied that the hierarchy was the SLO, the HR-1 and the HR-L. Commissioners Peek and Wintzer concurred.

Commissioner Hontz pointed out that the platted lot is 1 and sensitive lands is .25. If they had a platted lot within the sensitive lands and they had to use both multipliers, combined with a metes

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and bounds parcel, that would give 1.25 plus another 1. She thought that made more sense because in addition to valuing the sensitive lands, they also recognize that there is more of a right with the lot than with a metes and bounds parcel.

The Work Session adjourned.