

**PARK CITY PLANNING COMMISSION  
WORK SESSION NOTES  
JULY 27, 2011**

PRESENT: Charlie Wintzer, Brooke Hontz, Julia Pettit, Mick Savage, Adam Strachan, Jack Thomas, Nann Worel, Thomas Eddington, Katie Cattan, Kirsten Whetstone, Mark Harrington, Polly Samuels McLean

**WORK SESSION ITEMS**

Treasure Hill – Information Update

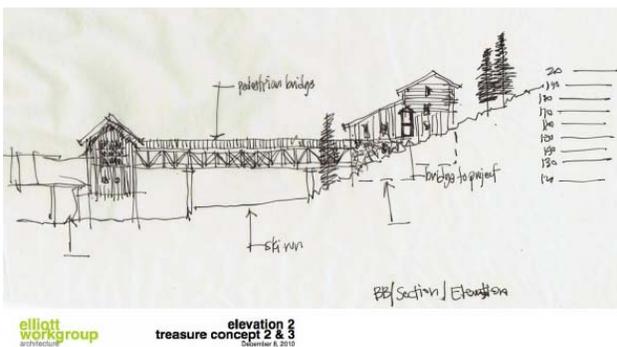
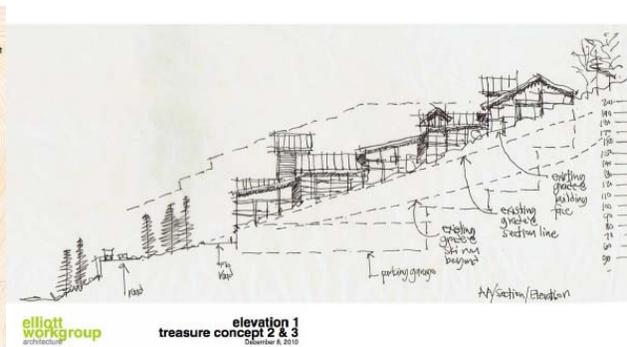
Director Eddington reported that the Planning Commission would have the opportunity this evening to review the same displays that were presented to the public during an open house for Treasure Hill at the Eccles lobby. The boards displayed around the room represented the negotiation process and pertinent points of discussion.

City Attorney Mark Harrington remarked that this presentation to the Planning Commission was a fine line, since the Condition Use Application for Treasure Hill was still pending. The Planning Commission was subject to the rules of any conditional use permit, which limits their involvement to official review at public meetings. Therefore, the prohibition of ex parte contact was in effect. Mr. Harrington noted that City officials and others have negotiated into a very active role under the letter of intent, which has been a year long process to look at all options from a zero buyout to design alternatives. When these situations occur, a way to keep the Planning Commission updated is to provide them with the same information that is presented to the public.

City Attorney Harrington clarified that the update this evening was not an opportunity for the Planning Commission to review the project in the context of a pending application. He understood that it was difficult for the Planning Commission because they were in a time-out mode in terms of official review; but at the same time, it is important to keep them updated on the progress. Since there were more specifics regarding the alternatives, the Sweeney Group was willing to entertain high-level concept feedback. Mr. Harrington advised the Planning Commission that it would be appropriate to provide limited feedback on legislative aspects such as density transfers, etc. They should avoid making comparisons with the current application or expressing what they would like to see in the current application.

Director Eddington noted that a number of options were being proposed, including a 50% buy down and a 100% buy down, which were outlined on the display boards. Additional displays included the Treasure Entitlement, PCMR History & Economic Alternatives, Commitments, Current PCMR Involvement, Potential Cost of Public Bonds, Mitigating Impacts through Redesign and New Receiving Zone, Community Visioning, Finding Balance Between Economic, Community and Environment and the Next Steps.

Work Session Notes  
 July 27, 2011  
 Page 2



Work Session Notes  
July 27, 2011  
Page 3



elliott  
workgroup  
architecture  
aerial view  
treasure concept 2  
December 8, 2010



elliott  
workgroup  
architecture  
lowell street view  
treasure concept 2  
December 8, 2010



elliott  
workgroup  
architecture  
view over lower main  
treasure concept 2  
December 8, 2010



elliott  
workgroup  
architecture  
view over main and heber  
treasure concept 2  
December 8, 2010



elliott  
workgroup  
architecture  
site plan  
treasure concept 3  
December 8, 2010



elliott  
workgroup  
architecture  
aerial view  
treasure concept 3  
December 8, 2010



elliott  
workgroup  
architecture  
lowell street view  
treasure concept 3  
December 8, 2010



elliott  
workgroup  
architecture  
view over lower main  
treasure concept 3  
December 8, 2010



The Planning Commission left the dais to view the displays.

Craig Elliott, an architect and participant of the negotiating team, stated that he was asked to work with the City and the Sweeney Group to come up with a solution that would remove 50% of the net residential density and reduce the impacts on Old Town. Mr. Elliott stated that conceptually they looked at what was there within the volumes described in the MPD. He had prepared a small model that worked through the solution based on the massing and volumes that were described in the 1986 study. Using the model, Mr. Elliott was able to show the 100% solution of the project based on the MPD document, and what the Sweeney's presented for the project based on the same MPD.

He then showed what it would look like if 50% of the density was removed. Based on discussions during the negotiation meetings, cuts were clearly an issue. Using the model, Mr. Elliott indicated the areas where density was removed or re-arranged in an effort to reduce the impacts. They pulled density, reduced massing and minimized the cuts.

Mr. Elliott remarked that the reduction was an improvement, but there were still related issues that could be improved. Mr. Elliott had taken photographs from different viewpoints to see the impacts. He indicated a development piece on the model which had relatively large structures. While they were smaller than other structures on the property, it was still large in mass and scale. Its proximity to Old Town and the view sheds seen from different locations was very prominent, even with the reduced version.

Mr. Elliott stated that they went through three different versions to see how that might be changed. They decided to remove all the density located in a specific area and pulled everything back and up the mountain. For that version they went outside the boundary of the building location. By pushing development up and into the mountain, they realized they could begin to change some of the aspects. Pulling up the mountain completely changed the perspective from all the view sheds and the angles.

Commissioner Thomas asked Mr. Elliott to show what grade was modified and what was existing natural grade. Mr. Elliott indicated areas where cuts would occur based on the geometry required. He stated that there would be no grade change unless improvements would occur for ski runs. Mr. Elliott expected to maintain the knoll as it currently exists. He remarked that the goal was to preserve as much of the prow on the Mountain as possible because it encroaches into Old Town as the most visually prominent.

Mr. Elliott explained what was done to improve the entry element to the project from a design perspective, as well as an access point. Mr. Elliott stated that they tried to follow the grade as much as possible for the perimeters, going from a 1-1/2 to 3/12 stories on the perimeters, and allow the center to be excavated and create some openings, since that is the natural shape of the Gulch. He noted that it would create a plaza area, as well as fire access. He indicated the access to underground parking.

From a relationship issue, Mr. Elliott stated that they started developing veins with bridges as a way to move people. He envisioned that to be a timber frame structure with glass elements and a walkway, either moving or stationary.

Mr. Elliott had taken photographs from different parts to show the progression, and he offered to provide a link so the Planning Commission could view those photographs.

Commissioner Strachan asked about the number of stories on the northwest and northeast portion. Mr. Elliott replied that for the perimeters, they were looking at going from 1-1/2 to 3-1/2 stories, depending on the grade. On the inside core it could be ten stories.

Commissioner Thomas asked if the cuts were similar to the previous application on the inside core. Mr. Elliott replied that the previous application had a larger cut down low. The new cut was a little higher, but they tried to maintain some of the existing grade.

Michael Barille with Plan Works Design, stated that his firm does long range planning for Park City Mountain Resort. Due to that involvement he was asked to look at potential implications to the Resort if bed base density is transferred away from PCMR. He was also asked to look for potential receiving areas on land that the resort controls that could possibly handle some of that density and help mitigate traffic and visual impacts that may have been generated by a full-scale Treasure project at the original site.

Mr. Barille reviewed to an exhibit to show a potential area of land above the Marriott Mountainside and into the Main Bowl ski area. It would be over the ridge from Old Town and buildings could be visually tucked on the backside of the ridge. It would feel more like part of the resort and less like it was looming over the edge of Old Town. It would be more integral to parking, circulation, and street design that is meant to handle the kind of traffic the Resort generates. In addition, the density could be accessed at that point rather than using Lowell Avenue.

Mr. Barille remarked that another important concept with a receiving area at the Resort versus other areas of town was that the land values match up more closely to the land values where the original Treasure density is located. It is easier for a developer to consider moving density into that location without there being a huge density bump or payment per unit on the transfer.

From a land planning concept, Mr. Barille stated that they tried to keep the impacts minimal by bringing the road up as close to the Resort as possible. Therefore, he proposed that the road could come off the corner of Lowell Avenue that is closest to the Resort, then wind up the hill and over the Ridge into the site. It would require crossing Kings Crown ski run. Mr. Barille felt strongly that there should be people movers or other non-rubber tire ways to move people from the resort to the

project site, from Lowell to the project site, and within parking areas down to the Treasure Hill site and into Old Town. Moving people would provide an economic and fiscal connection with Old Town.

Chair Wintzer asked if it was possible to make the entire entrance to the Resort all the way down to Three Kings Drive through the parking lot structure, rather than use the upper part on Lowell. Mr. Barille replied that he had not been that aggressive for this purpose, but it was an interesting thought.

Commissioner Strachan wanted to know why they were not looking at the PCMR parking lots underneath the people mover that goes to the City Park as a potential receiving zone. Mr. Barille stated that currently there is an existing MPD on those parking lots. The Resort current evaluation believes it was planned right for the amount of density and adding to that density might create issues.

Commissioner Strachan referred to the same people mover and asked Mr. Barille what he sees there. Mr. Barille believed it was less associated with the proposed concept. He explained long range plans being considered for the future. In looking at the future of the upper parking at the Resort, it makes sense to consider a connection from the Resort through that corridor and down to Park Avenue. It would provide the ability to connect with existing transit routes and move people from the Resort into Town without the use of personal vehicles.

City Attorney Harrington noted that the parking lots were actually being considered as a potential sending zone, in addition to the status quo. There may be an opportunity to remove that density as part of this plan.

Mr. Barille remarked that Bamberger is a third property owner who owns a parcel that has partial zoning on a portion of the property. The access point they propose to use comes through that parcel, which would necessitate reaching out to them to conceptually participate in the idea. The thought is that some portion of development from that parcel might remain on the property, however some might be sent for the purpose of trying to mitigate visual and traffic impacts.

Commissioner Hontz asked if three or four of the parking lots proposed as sending zones were all covered with the MPD. Mr. Barille answered yes. Chair Wintzer clarified that each parking lot under the MPD have their own development entitlements. Commissioner Savage felt that when appropriate, it would be helpful for the Planning Commission to see an overview of the MPD.

Commissioner Pettit asked if the property where the Resort was proposing to receive density was owned by PCMR. Mr. Barille answered yes.

Commissioner Pettit noted that the uses that were removed with the alternative proposal did not include the hotel use. She pointed out that if the proposed use is a hotel, they still did not have a good idea of what that would mean in terms of uses associated with the hotel. In looking at the impacts in the reduced density proposal, her issues would be type of use and intensity of use, the back of house, the parking, and the type of traffic attracted to the site. Commissioner Pettit asked whether it was appropriate to consider another traffic study once the use is more clearly defined to

determine if there would be a change in the traffic flow. Commissioner Pettit commented on the reduced parking concept and the need to find ways to force people to minimize car use either at the current location or the proposed location. She thought it was important to encourage people to leave their cars and enjoy the pedestrian or public transportation experience.

#### General Plan – Information Update

Planner Katie Cattan noted that the Staff had been diligently working on housing and they were ready to move into land use.

Planner Cattan provided an updated on the trends occurring in Park City, and noted that the Staff has been working with Phyllis Robinson and Rhoda Stauffer in the Sustainability Department. Planner Cattan stated that the information presented this evening was a high-level overview of trends. She intended to come back later with implementations and strategies for the General Plan.

Planner Cattan noted that the first trend was an increased gap in affordability evidenced by the median prices of homes sold. She stated that on a national level, household income is measured through HUD, and they look at the median household income for the entire County. Planner Cattan tried to get numbers specific to Park City, however, the State had mixed in County numbers with the City numbers. Rhoda has been working with people at the State to try to obtain only the City numbers. Planner Cattan hoped to have accurate City numbers when the General Plan was ready to be published.

Planner Cattan stated that Park City does their affordability assessments off of the Summit County median household income. Therefore, it is an accurate number to utilize when talking about the affordability gap. Planner Cattan presented a graph to show that the median home price had escalated tremendously from 2003 up to 2007 and 2008. The market has been readjusting and she was waiting for the number for 2010. Planner Cattan pointed out that as the market readjusted, it had not readjusted at the rate that household incomes had risen, which causes the gap to continue.

Planner Cattan stated that households with lower incomes are typically at 50% of AMI. Park City is different because it is a resort community. The moderate earners are 80% of AMI, which creates an issue in terms of attainable housing within the Park City community. From 2005 to 2010, only 16.8% of condo units were affordable to moderate income families. For that same period, only 9.3% of the units were affordable to low income households. Planner Cattan noted that there were zero opportunities for single-family homes in both categories. This was an apparent issue in Park City and the divide was growing.

Planner Cattan presented an inventory of Park City's affordable housing, which showed the distribution of deed restricted affordable housing. She would like future discussions from the Planning Commission on the location and distribution of affordable housing, particularly in terms of how essential it is to have affordable housing close to commercial areas and public transportation. In outlining policies for future direction and MPDs that are required to provide affordable housing, the Staff will be looking to the Planning Commission for direction on the future of affordable housing

and where it is appropriate. Planner Cattan pointed out that the inventory showed some affordable housing in Deer Valley and Park City Heights, but the majority is currently located around Bonanza Drive and Prospector.

Planner Cattan reviewed a map from 2008 showing where Park City employees lived. She was still waiting for current numbers from the Census. In 2008 there were 13,800 jobs in Park City. Of those jobs, 2000 or 15% lived in the City boundaries; 50% lived between the City boundaries, Summit County and Wasatch; and 50% of the work force comes from Provo, Salt Lake City and Ogden. Planner Cattan stated that during the housing study, people were asked to give the most often reason as to why employees leave. She noted that 41% said it was the length of their commute; 39% said wage; 28% cited more favorable work schedules and conditions. Planner Cattan remarked that the numbers on the Census were fascinating in terms of how the commute has increased over time for employees in Park City.

Commissioner Pettit asked if they would also look at the number of people who live in Park City and commute to work outside of the City. Planner Cattan replied that the information was readily available. Commissioner Pettit it would be helpful information in terms of finding opportunities for people to live and work in Park City.

Planner Cattan reported on the primary resident and secondary resident population. She noted that the trend shows a stable number of primary residents. In the 2000 Census primary residents were 7,300. In the 2010 Census, the number was 7, 558. Even though the numbers were similar, she believed a number of people sold their homes and new residents moved in. Planner Cattan stated that the trend also showed a large increase in secondary residents. Looking at the total housing units in town, in 1990 there were 5,500, in 2000 the number increased to 6,600, and in 2010, 9,471 units were secondary residents.

Commissioner Savage asked if secondary homeowners were identified on the graph. Director Eddington replied that they were identified on the bottom of the graph as vacant housing units. He noted that the Census defines residents that are not permanent as vacant units. Commissioner Savage stated that he was trying to understand the relationship between total housing units, which would include units that have been built but not yet sold or occupied. Planner Cattan noted that a variable was included. The Budget Department was in the process of determining the actual numbers based on taxes.

Commissioner Savage believed the issue was important based on the socio-economic impact of second homeowners within the City limits in the future. He felt that demographic represented a significant part of the Cityscape. He encouraged the Planning Commission to think of how they could do a better job of embracing the second home community as it relates to their work on the General Plan and other attributes related to the community. Currently, he did not believe there was a strong pro-active outreach.

Planner Cattan presented a color coded map showing all the primary and secondary homes, as well as the areas where secondary homes were more prominent and the changes that have occurred in Old Town . She asked the Planning Commission to begin thinking about new implementation strategies that could be utilized. The Staff would prepare a list for the Planning Commission to

evaluate. Director Eddington stated that the Staff was working with the IT Department to expand the GIS visual images. He felt it was important to have the ability to apply some of the numbers to the City and to the neighborhoods.

Based on the explanation that second homes were identified in the Census as vacant, Commissioner Savage felt that "vacant" was an inaccurate word. Planner Cattan stated that it would also be inaccurate to label the "vacant" homes as secondary homes because there are also vacant homes on the market that are not secondary. Commissioner Worel asked if it was possible to separate the secondary homes from vacant homes for sale. Director Eddington reiterated that the Budget Department was researching the tax rolls to find more accurate information. However, he did not anticipate a significant change in the numbers.

Commissioner Pettit pointed out that if a secondary homeowner rents their home and the renter signs a year lease, it would be considered a primary residence because someone lives in the home full-time. Planner Cattan stressed the importance of the secondary homeowner and what they contribute to the day to day experience in Park City.

Planner Cattan reviewed a graph showing the shift in inventory type, based on a recent study that was done by the University of Utah for the Sustainability Department. She noted that there has not been an increase in apartment complexes in the past ten years, which produces much of the affordable housing. The study identified that as a need based on the wait list for affordable housing. However, the Sustainability Department was re-looking at that study because there have been apartment vacancies and the wait list is not that long. For that reason, they did not believe there was a dire need to move forward.

Planner Cattan stated that the next trend showed a steady increase in home size. In 1990 the average gross square footage for a single unit was 5,070. She pointed out that the increases were slightly skewed because 113 permits were issued in 1990. In 2000 the average house size was 5,697 square feet, but only 82 permits were issued. In 2010 the average home size increased to 6800 square feet, but only 19 permits were issued. Commissioner Thomas thought it would be interesting to see those numbers mapped, as well.

Commissioner Pettit thought another interesting metric would be the average house size for primary occupied housing versus the average square footage of vacant housing.

Planner Cattan reviewed the trend showing the aging population. She noted that since 1990 the percentage of people 65 and over living in Park City has increased. It is becoming more difficult for younger families to live in Park City because of the affordability factor. Older retirees who have already raised families are choosing to live in Park City.

Planner Cattan reviewed a list of housing goals that were compiled from City Council goals, goals from public outreach, and goals from previous housing plans. The Staff filtered those down to main themes and defined goals and had prepared a list of five goals. The first was to provide a variety of housing options to meet the socio-economic needs of people who live and work in Park City. The second was to preserve Park City Character through providing a diversity of housing types. The third was to balance primary and secondary home ownership. The fourth was to promote housing that is energy efficient, environmentally sensitive and that blends with the City's natural

environment. The fifth was to collaborate efforts with private, non-profit, and public to develop regional housing solutions.

Commissioner Savage was interested in hearing the Staffs analysis on how to balance primary and secondary home ownership. Planner Cattan stated that the Staff would be bringing that analysis to the Planning Commission for discussion and input on implementation strategies.

Planner Cattan noted that Rhoda and Phyllis were currently working on a plan that should go the City Council within the next 90 days for updating the affordable housing ordinance. The Planning Department was working closely with Rhoda and Phyllis on discussions for housing in the General Plan.

Commissioner Worel asked if the existing infrastructure was a factor in determining the percentage of primary versus secondary homeowners. Planner Cattan replied that infrastructure would be a big factor, particularly related to the fourth goal. She believed the infrastructure discussion would be one of smart growth. The infrastructure would be inventoried for any new development. Commissioner Worel wanted to know if half of the vacant homes became primary, whether the current infrastructure could support it. Director Eddington stated that it would depend on where the homes were located. He recognized that it would be a challenge when thinking where future affordable, attainable, and life-cycle housing might be located.

In working on the General Plan, Commissioner Savage thought the Staff and the Planning Commission should clearly enunciate the rationale for why they want to achieve a certain percentage of primary residents and the demographics of those primary residents. Understanding the reason for it makes having the conversation for how to do it more attractive. Planner Cattan noted that some of the reasons came from the 2009 Visioning process. One of the factors was to maintain small town and community character through day to day interaction with neighbors. If the number of primary residents continues to dwindle, it would affect the small town experience.

Chair Wintzer believed another important factor was how the City bases the taxes. Second homeowners generate more property taxes, but they pay much less sales tax. He pointed out that the City keeps a larger percentage of sales tax than property tax, and that needs to be weighed in terms of balancing the community.

Commissioner Savage pointed out that if the City wants to attract young families as permanent residents in Park City, they would need to create good jobs and very affordable housing. He suggested the possibility of encouraging second homeowners to become primary homeowners and retire in Park City. That would increase the percentage of primary residents and maintain the neighborhood community.

#### Annual Open and Public Meetings Act Training

This training was given after the regular meeting.

Assistant City Attorney McLean stated that the State Legislature requires annual training of the

Open Public Meetings Act. She believed it was important for the Planning Commission to have a refresher course each year to be reminded of the spirit of the act and the importance of transparency by having meetings and decision making occur in public.

Assistant City Attorney McLean remarked that the Open and Public Meeting Act requires open deliberations in the eye of the public. The Planning Commission is subject to the Act and the law is quite extensive in terms of the net of committees that are included. It also includes advisory committees.

Assistant City Attorney McLean handed out a sheet with eleven requirements under the Open Public Meetings Act. She provided a brief summary of each one and explained what procedures the Commissioners needed to follow in order to comply.

She noted that because there are seven Commissioners, they always need a quorum of four to conduct any business, including work sessions. If they do not have a quorum they cannot hold a meeting

Commissioner Strachan asked what qualifies as business. Assistant City Attorney McLean replied that business is defined as matters over which they have jurisdiction. Commissioner Strachan asked if the Planning Commission could discuss an application outside of a public meeting if they had denied that application. Ms. McLean advised against it until after the appeal period because it could come back to the Planning Commission on appeal or as a remand.

Chair Wintzer asked about public noticing for subcommittees if a quorum of Planning Commissioners were on the subcommittee. City Attorney McLean replied that the subcommittee would never have a quorum; therefore, it would not be considered a meeting. She noted that recording the meeting and having written minutes are also requirements for having a meeting.

Assistant City Attorney McLean noted that the Commissioners now have their own City email account and they should keep their City email separate from their private email. She pointed out that under the GRAMMA Act any City business is discoverable. The reason for having a City email is to protect their privacy.

Commissioner Thomas wanted to know what he should do in the event that someone sends him an email regarding an application. He asked if he needed to read the email to acknowledge that he received it. Assistant City Attorney McLean stated that if the Commissioners receive an email regarding an appeal or an application, it is appropriate to delete the email without reading it, since they are not supposed to be getting ex parte communication. However, if they do respond, even if only to let the person know they do not accept ex parte communication, and there is a GRAMMA request, the City has the obligation to search for that information.

Assistant City Attorney McLean read the only change this year on Open and Public Meetings, "Nothing in this chapter shall be construed to restrict a member of a public body from transmitting an electronic message to other members of the public body at a time when the public body is not convened in an open meeting." She explained that based on that language, the State Code would allow the Commissioners to text or email each other. However, as counsel to the Planning

Commission she advised them that once they text or email, they are subject to GRAMMA. She recommended that they call each other if they have something to discuss.

Assistant City Attorney McLean requested that the Commissioners avoid discussing any business when they meet for drinks or dinner after the meeting. Chair Wintzer stated the Planning Commission had the responsibility to monitor their conversations and to remind each other when someone forgets. He thought it was important that the Planning Commission use that time for social conversation to avoid any negative perception.

Assistant City Attorney noted that the Planning Commission has three major roles; legislative, administrative, and quasi-judicial. They have the most latitude under the legislative role in terms of talking to the public and each other. In the administrative role, all evidence should be presented and discussed in the public meeting. If they encounter someone outside of the meeting, they should disclose that conversation during the public meeting so everyone has the benefit of that information. Ms. McLean recommended that they limit those conversations by encouraging the person to attend the meeting and make their comments or submit their comments in writing. Ms. McLean remarked that the most restrictive role is quasi-judicial where they act as judges. She noted that the Code specifically addresses ex parte conversations.

Assistant City Attorney McLean stated that the Code also talks about disclosure and the importance of disclosing any potential personal or business conflicts. If they question whether something should be disclosed, they should ask the legal department. Even if it is wrong advice, advice from the Legal Department gives the Planning Commission governmental immunity.

In terms of meeting location, the Code and State regulation states that the meeting can only be held at the regular location, with the exception of site visits or good reason why the regularly scheduled meeting should be held elsewhere. Ms. McLean had provided the reasons for closed meetings for information purposes only. It was not applicable to the Planning Commission but she felt it was important for them to understand the limited times that a meeting could be closed.

Assistant City Attorney McLean outlined noticing procedures. All meetings need to be noticed with an agenda 24 hours prior to the meeting. She stated that in spite of the many complaints they hear about noticing, the City noticing requirements goes beyond what is required by law. If any Commissioner has an item to discuss, they should contact the Planning Department so it can be put on the agenda 24 hours prior to the meeting. She noted that the Commissioners could register for e-notify on the website and they would be notified when the Staff report and pertinent information is available on the website.

Assistant City Attorney McLean commented on public comment. She noted that the Open Meeting Law only requires that deliberations occur in the public eye and that the decision making process is transparent. Not all actions require public hearing, however, the City is usually receptive if someone attends and would like to make a comment. If someone is rude or goes off topic, the Planning Commission has the right to stop the speaker.

Ms. McLean noted that the agenda always allows for public input on items not listed on the agenda. If someone makes a point that the Planning Commission believes is germane, they can discuss the matter as long as no decision is made. If they wish to take action, they should direct the Staff to

add it to the agenda for the next meeting.

Assistant City Attorney McLean reiterated that meetings need to be recorded and minutes written. Under the Code, minutes are the official record of the meeting. It was evident that the Planning Commission carefully reads the minutes and she encouraged them to continue that diligence.

Assistant City Attorney McLean stated that if anyone intentionally or knowingly violates the Open and Public Meetings Act, they could be subject to a Class B. Misdemeanor and the action taken could be void. It goes to the spirit of transparency and public trust.

Chair Wintzer stated that he has asked Patricia Abdullah to provide training on how to utilize the website. It could not be done in a public meeting but it would be helpful if she could do one training for all the interested Commissioners. He asked if that training would be a problem if four or more Commissioners attended, since it would be a quorum.

City Attorney Mark Harrington stated that it would be appropriate for the Planning Commission to do that type of training as long as they were not conducting business. It would not require noticing, but they would probably notice it as a courtesy.

City Attorney Harrington commented on the difficulty of avoiding ex parte communication, particularly because Park City is a small town. In terms of transparency, he believed it was only a matter of time before someone challenged the fact that they go for drinks after the meeting or comments that are heard at a small social function regarding a pending application. The Legal Department acknowledges that small town risks are high and the purpose of the training is to make sure the Planning Commission knows the limitations and to be constantly aware of their environment. They all have the obligation to be diligent when having discussions outside of public meetings. Mr. Harrington stated that the City looks for opportunities outside of the formal format to allow meaningful opportunities for discussion. He believed the third joint meeting with the City Council would provide the opportunity for break out groups and smaller group discussion.

City Attorney Harrington stated that much of the role of the Planning Commission is administrative and applying the Code. It is difficult when they have the desire to approve applicants that are presenting the best project instead of just a Code compliant project. The question is how to collaborate to achieve the best result as opposed to crunching the numbers and administering the Code in a yes or no manner.

City Attorney Harrington stated that the State requires annual training, but he encouraged the Planning Commission to revisit the Open Public Meetings Act more frequently. He also encouraged them to utilize the Legal Department when they have questions or concerns.

The Work Session adjourned.