

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
January 11, 2012**

PRESENT: Charlie Wintzer, Brooke Hontz, Mick Savage, Jack Thomas, Adam Strachan
Thomas Eddington, Polly Samuels McLean

Commissioners Pettit and Worel were excused.

WORK SESSION ITEMS

Legal Training

Assistant City Attorney, Polly Samuels McLean, provided legal training on making motions, ethics, and the Land Management Code updates since 2010. She encouraged the Commissioners to ask questions or provide feedback on additional training in the future.

Assistant City McLean noted that the proper way to make motions was stated in the official handbook they all received when they were sworn in as a Planning Commissioner or were reappointed. She would send a PDF file if anyone needed another copy. The handbook outlines their duties and contains a section on motions. She believed the handbook also contained the Ethics Code.

Several of the Commissioners had not received the handbook. Ms. McLean offered to resend a copy to everyone.

Assistant City Attorney McLean noted that each of the Commissioners should have filled out disclosure forms when they were sworn in for their current terms. She stated that the disclosure forms now include an attachment, which helps them identify what needs to be disclosed per City and State Code. If the Commissioners have questions or concerns about what should be disclosed, they should contact the legal department. She reminded the Planning Commission that they have an ongoing obligation to update their disclosure forms as circumstances change. Ms. McLean also reminded the Planning Commission to make verbal disclosures at each meeting when appropriate. If it is an ongoing project and a disclosure was made at a previous meeting, it needs to be made again each time the project is on the agenda.

The Planning Commission discussed the length of Staff presentations and whether or not it is necessary to repeat what is written in the Staff report. They acknowledged that a lengthy presentation may benefit the public if they have not read the Staff report, but focusing on the important issues for discussion may be more beneficial. Ms. McLean offered to work with the Staff on how to improve their presentations during a meeting. Chair Wintzer suggested that the Planning Staff invite a different Commissioner to their Staff meetings to provide input from the Planning Commission perspective.

The suggestion was made to provide public seminars to help the community better understand the process and how they can participate. Ms. McLean stated that the City already has a prepared document and she would make sure it was more conspicuous to the public. She would also send a copy to the Planning Commission so they would know what was available to the public. She would also recommend that the City consider a public seminar.

Assistant City Attorney McLean highlighted the LMC updates for 2011, which included 1) TDRs; 2) updated extension of CUPs and added criteria of changes of physical conditions; 3) the addition of amenities clubs as a conditional use; 4) added criteria for subdivision plats including language that good cause includes preserving the character of the neighborhood; 5) allowed for extensions of MPDs; 6) defined good cause; 7) added the requirement to identify physical mine hazards in most planning applications; 8) specified that the Planning Director may formally deny planning applications which were enacted for 180 days or longer; 9) removed term limits for the HPB; 10) clarified that fences and driveways are subject to Historic Design Review; 11) defined subdivision to include a creation of one lot; 12) revised the definition of story to be consistent with the International Building Code.

The LMC updates for 2010 included 1) creating the ability to appoint an appeal panel for Planning Commission decisions; 2) added the 45 day limit to hear appeals; 3) added the ability for the Planning Director to waive the entire Historic District Review process for minor projects as defined in the Code; 4) removed a step in appealing a Staff determination; 5) MPDs were modified slightly; 6) Clarification of purposes and goals includes redevelopment and encourages mixed uses, etc.; 7) expanded the use of MPDs to the HR-2 zone; 8) clarified height exception, compatibility and limited support commercial uses and meeting space to 5% each of the unit equivalent floor area as opposed to gross floor area.

Assistant City Attorney McLean reminded the Planning Commission that major changes to the LMC occurred in 2009 for the Historic Districts and the Historic District Guidelines.

Commissioner Hontz preferred that the Staff report not contain a recommendation from Staff whether to approve or deny. She preferred to make her motion without having to agree or disagree with the Staff. Commissioner Strachan concurred. In addition, he preferred to read the evidence in the Staff analysis without the statement **No Unmitigated Impacts**. He thought that part of the analysis should be eliminated to allow the Commissioners to make the decision of whether the impacts are mitigated.

Commissioner Savage disagreed. He believed part of the Staff's responsibility is to offer some guidance. He thought the Planning Commission should trust that the Staff is rigorous in their analysis. Commissioner Thomas agreed that the Staff are trained planners and their opinions from the analysis are important. However, he supported eliminating the recommendation for approval because the motion should be the decision of the Planning Commission.

Chair Wintzer remarked that if the Staff makes a recommendation in favor of the applicant and the Planning Commission votes against that recommendation, it makes the next step more confusing for the applicant. He was not opposed to eliminating the recommendation from Staff. However, on the other side of the argument, the Staff spends three months with the applicant as opposed to the short time the Planning Commission spends during a meeting.

Director Eddington understood the argument, but he felt it would be difficult for the Staff not to make a recommendation after working through the process. If the Staff recommendation is eliminated, two sets of findings and conditions would be required. He was concerned that it would appear wishy-washy to an applicant.

The discussion was tabled to allow Commissioners Pettit and Worel the opportunity to express their opinions on Staff recommendations. Pending further discussion, the procedure for the Staff report would remain the same.

Commissioner Thomas stated that after working with the Staff on the Bonanza Park General Plan, he has a new-found respect for the value, integrity and intelligence of the Staff.

The work session was adjourned.