

**COSAC IV Meeting Minutes
City Council Chambers
May 7, 2013, 8:30 a.m.**

COSAC members in attendance: Tim Henney, Jan Wilking, Andy Beerman, Cheryl Fox, Kathy Kahn, Stewart Gross, Judy Hanley, Cara Goodman, Suzanne Sheridan, Charlie Sturgis, Bill Cunningham, Carolyn Frankenburg, Bronson Calder, Wendy Fisher

Excused: Rhonda Sideris, Meg Ryan, Jim Doilney

Staff: Heinrich Deters, Mark Harrington

PUBLIC COMMUNICATIONS

Vice Chair Henney called for public input for any items not on the agenda. There was none.

ADOPTIONS OF MARCH 26 & APRIL 9, 2013 MINUTES

Motion: Vice Chair Henney moved approval of the March 26 and April 9 minutes as written; Committee member Hanley seconded the motion.

Vote: The motion carried.

STAFF AND COMMITTEE DISCLOSURES/COMMENTS

Heinrich asked committee members and alternates to fill out and return their disclosure affidavits if they have not already done so.

REGULAR AGENDA

Conservation Easement Discussion

At the conclusion of the April 9th meeting, Council member Beerman asked the committee members to write down their thoughts relating to the following questions and bring them to this meeting:

1. Does Council wish to fund stewardship endowments that already have conservation easements on them? In answering this question, the Council should ask itself are the City's management goals and reasons the City wants easements aligned or the same as the "stewardship" concepts articulated in the attached material from Summit Lands.
2. If Council wished to place conservation easements on some or all, of the city's open space parcels that currently do not currently have easements, does Council wish to fund stewardship endowments for those properties?
3. Does Council wish to establish a policy for funding future stewardship endowments, in the case where a new open space bond fund was established?
4. Does Council wish to place conservation easements on some or all City-owned open space that does not currently have a conservation easement? If so, should this be policy direction for the future?
5. Does Council wish to place conservation easements on some or all City-owned open space on a case-by-case basis? If so, should this be policy direction for the future?

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6. Should staff incorporate this Council direction (received in response to questions 1-5) in the new RFP?

Heinrich asked the committee to focus their discussion on questions 4 and 5. It is his hope that as the committee moves forward with land purchases, they consider the purpose or intent associated with the decision to buy a specific parcel.

Committee members agreed to change the agenda and discuss criteria, prior to the easement discussion as it relates to questions 4 and 5. Heinrich mentioned he had met with Myles Rademan to gain perspective. Myles said in the past purchases were made with the public's money and when you go on the radio and tell the public what you bought and why, does it pass the smell test? Vice chair Henney added it is important to be able to cite the criteria supporting parcel purchases.

Mr. Henney said funding comes into play when considering criteria for land purchases. The current funding source being from resort sales tax allows more flexibility. First to be considered is: Does the open space direct or check the location, pace and timing of development? Ms. Fox stated that philosophy was important in the early days of COSAC. It may still be true, but current priorities are more about leveraging money and connectivity for wildlife and/or trails.

Mr. Wilking asked if a parcel that is not suitable for development should not be purchased since it would be preserved on its own due to its lack of development potential. Ms. Fisher offered that having solid criteria (other than development values) is beneficial in helping to identify why a parcel was purchased. She continued stating that level 1 is the first checklist, level 2 is the second checklist. Maybe checking development should be moved to level 2. Level 2 lends itself to a multiplicity of uses. What land trusts often look at is the multiple conservation values. If a property has numerous conservation values . . . wildlife, scenic, trail connections, contiguous to open space, it is a really valuable parcel. She suggested adding a criteria to level 1 that would be "does it have multiple conservation values?". It is important to the multiple conservation values for the public.

Committee member Fox added sometimes they'd be the same. Public access is a public use or public value and also a conservation value. Wildlife habitat values fall on both sides. Explaining it as a conservation value is a stronger term.

Committee member Sturgis stated sometimes the reason a parcel was purchased initially changes over time. How we talk about funding property acquisition and using the property could change. Using conservation values, esthetics, and checking development as criteria for land purchase is effective.

Committee member Wilking suggested adding that the open space can be utilized for recreation. Committee member Sturgis sees that as a level 2 criteria. Committee

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member Wilking said in his opinion, it's higher. Mr. Sturgis said recreational values would be another reason to purchase and maintain a certain level of open space. Vice Chair Henney felt that recreation values should dovetail with conservation values. Mr. Wilking stated if you have to prioritize, the parcel with recreation value has to be considered at the same level as conservation values. If both have equal conservation values, but one has greater recreational values, he favors the parcel with greater recreational value.

Committee member Fisher said the discerning balance between values is an important consideration in drafting conservation easements. Section 170H, Conservation Values in the IRS Code addresses whether a parcel is historically or culturally significant. And that includes battlefields on the east coast. It includes a scenic value which is areas that may be subject to visual vulnerability. It includes recreation and/or education. One of the things that I look at in terms of criteria is that how many of the conservation values does this property have. The greater number of conservation values a property has, the greater preservation value it has. The protection of relatively natural habitat for fish, wildlife, plants or other similar ecosystem is a clearly delineated government policy here in Park City. A number 1 criteria is how many of those fit in this top criteria.

Committee member Fox reiterated the more conservation value a property has, the more fundable it is, and the better it is to protect. She expressed concern with separating out public access vs. recreation. She asked the group if they want to be able to buy a soccer field or a place that could be a soccer field?

Heinrich asked the committee to keep in mind that if they buy up all available open space, there will not be room for public benefit projects like schools and hospitals. The current funding source is broader than in the past.

Committee member Sheridan asked if property with a historic structure on it had ever been purchased. Mr. Wilking mentioned the purchase of High Ute Ranch and its historic structures. Committee member Fisher stated if you have all the categories listed in the IRS Code 170H as part of the level 1 criteria and a particular parcel has only one conservation value . . . that of use for public recreation and maybe a very intense public recreation, that includes a lot of infrastructure, you possibly move it to criteria 2, similar to a historic structure if that's the only thing that's valuable there.

City Attorney Mark Harrington advised the group to keep their criteria flexible and broad. If the criteria is specific enough to enumerate prioritization, more detail is warranted. Our City Council is constantly re-enforcing the need for balance. City Council is looking for a higher degree of expertise from this group in terms of the "balance" filter. He thinks City Council may want some additional help in defining whether criteria should be categorized or broad. There is the also external boundary and internal boundary question. Should there be a different categorization based on

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Wasatch or Summit County plans vs. internal Park City lands. Because there is a broader funding source, you may want to prioritize, but have categories of prioritization could be something to spend some time working through. Doing so would allow you to communicate the prioritization based on different uses. There may be challenges right out of the gate where other governmental entities may bring some opportunities stress just a straight application. He cautioned the group to remember Park City's mining history and the cleanup issues that accompany that history. That presents both an opportunity and a challenge because entities are looking for long-term solutions.

The group decided the entry corridor fits into the aesthetic issue. Open space purchase in the entry corridor was originally for aesthetic purposes only. Aesthetic value is not the only value since some open spaces that have been preserved are not visible from the highway.

Council member Beerman said Council has grappled with what makes up open space. Is it the white barn, is it part of the Parley's summit? Defining open space is a moving target. Vice Chair Henney suggested focusing on the values the committee is attempting to preserve as helping get Level 1 criteria defined. Committee member Wilking supports development of active recreation (soccer fields, etc.), but there are other methods of funding development soccer fields, but added he would not necessarily buy something to use as active recreation. When he applies the recreation value piece, it is the *passive* rec value (trail development vs. a soccer ~~field~~field) he is considering. Vice Chair Henney said he prefers the recreational value to be included since passive recreation fits where active recreation doesn't.

BOSAC used separate funds to purchase active recreation vs. passive recreation. Mr. Henney feels that by including that criteria some flexibility is removed. Committee member Fisher asked what if both were included in the criteria so that we could start tagging what is appropriate and what works for any specific parcel. Including passive recreation indicates clear intent, but does not completely eliminate the active recreational value. Committee member Sheridan said the group could possibly recommend buying smaller parcels that may be appropriate for a small park and open fields. Heinrich reminded the group of the issues to be considered in creating a recreational strategic plan: what and how much land is available. Council member Beerman added that the regional recreation survey indicated that 9 out of 10 people use the trails on a regular basis. This needs to be considered when as prioritizations are created

Committee member Fox asked the group if it would it be helpful to talk about values? Does the committee want to be involved in specifying land for soccer fields, pools and tennis courts, in addition to wildlife habitat open space. Summit Lands Conservancy is currently negotiating with a landowner in Coalville about putting a park next to the Rail

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Trail. Would this type of use be something the committee would consider funding or is it out of your service area, out of your idea of where funding should go?

Vice chair Henney said level 1 criteria should focus on the highest priority values. He asked if the group wants limit criteria to just passive or prioritize in a level 2 criteria . . . make recreation a level 1 and in level 2 indicate priority as being passive recreation, but active recreation would not ruled out. Committee member Sturgis commented that active recreation is defined by building facilities. Heinrich added the committee could create their own definition. Mr. Henney said defining it further is limiting. He feels it can be defined without creating a smaller box and supports narrowing it down from different levels . . . from the mission statement to a level 1 criteria focused on values and then a tools and tactics level 2 that helps build that level 1.

Mr. Sturgis said guidelines, not rules, are what they developing. Heinrich asked Ms. Fox to talk about how Summit Land Conservancy handled the land where the Summit Community Garden is located. Ms. Fox responded the conservation easement on the property indicated that agricultural is not a conservation value, but a permitted use. Ms. Fisher added the other element is that agricultural is a conservation value from a clearly delineated government policy perspective. Once priorities and values are established and the group moves on to defining the tools and techniques, having agricultural value as a *permitted use* would not interfere with some of the other values.

Vice chair Henney asked the group to focus their discussion on the next value. Committee member Kahn asked for a definition of watershed values. Mr. Henney said watersheds, view sheds, wildlife habitat and entry corridors have a place. He asked if there a term that could package all of those together? Environmental values . . . would that work? Committee member Sturgis said maybe funding should be a catchall at a Level 1 criteria so it is already predefined what can and cannot be done with funding.

Committee member Fox recommended starting with conservation values and the IRS guidelines. Council member Beerman agreed with using natural conservation values which would be view shed, watershed, wildlife. Ms. Fisher added the way the state has defined watershed, view shed habitat lands is they're calling it critical conservation lands. One of the values could be recreational values, critical conservation lands, maybe a separate historic value. Heinrich asked if another value would be a catchall to stop development. Committee member Goodman asked if the development concern centered around aesthetics or pressure on natural resources.

Committee member Fisher suggested changing level 1 to talk more about where development would significantly impact, deteriorate, and degrade existing open space. It can be broad, but could address where development would significantly alter the character of the community, the open space qualities and view sheds.

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Council member Beerman recommended caution so as not to have Park City being viewed as anti-development. He wondered if changing the nomenclature to critical buffer zones would work. Ms. Fox suggested including, "supports the resort recreation economy of Park City by creating natural buffers, supporting/enhancing trail connections," as opposed to making it a negative.

Vice chair Henney said he would like to see this COSAC be proactive/progressive rather than reactionary. Tim: That gets back to a big point about planning for open space vs. planning to check development. Heinrich stated one of Council's goals is "Keep Park City, Park City." You've got natural settings . . . ties to local economy (Council goals). It is a bit of a catchall but it does define things more. Mr. Wilking said having open space adds to the diverse economy because it attracts more people here . . . it gets to that quality of life question . . . that's what attracts people to come and start businesses and generate economic development.

Committee member Kahn thinks it does limit affordable housing. Mr. Wilking said we're doing a better job of satisfying the affordable housing question now. Council member Beerman said that technically speaking, this COSAC has the latitude to buy a parcel of land, say a hundred acres and put 10 of it aside for affordable housing if that is something requiring balance. That's the broader latitude of this COSAC. Ms. Kahn asked how can that ever be called conservation if pieces of what is purchased with open space money is set aside for affordable housing. Ms. Fisher said considering a parcel for purchase and knowing that part of Park City's community character is economic opportunity and diversity, setting aside land to be used for affordable housing in order to preserve this open space, fits with City Council's goals. In other words, we are, within that criteria, potentially creating the balance. Ms. Fisher noted this is a stretch, but supports a broader philosophy. Ms. Kahn asked if this passes the "smell test". Heinrich said it might not pass it today, but could in 15 years.

Vice chair Henney invited the at-large members to comment. Bronson said he is trying to absorb the whole discussion. It is so dependent on the parcel of property that is being discussed. Trying to define criteria for property that we're not looking at or specific to is a really challenging thing. The big concern is how is the public going to react. The usability of individual properties is the most important piece. How does the public really benefit. Keeping that at the top level of criteria does a really good job of broadly defining the purpose of COSAC. He agreed with Ms. Sheridan in that good core values are in place . . . don't re-invent the wheel.

Mr. Sturgis asked if COSAC should be looking at open space in Summit County. Changing the first thing under criteria 1, taking a more positive spin, preserving critical conservation values, maybe those are things that can be worked with and improved moving forward. Ms. Fox added this COSAC is looking at this as different kind of a tool than it was before. Are the additional criteria in Level 2 additional values desired on the property? Do we have to have the level 1 criteria in order to get to level 2? How

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does this help clarify what is purchased. Heinrich asked how much does COSAC want to be defined? Or said another way, how broad should criteria be? If a parcel doesn't meet all of level 1, is it disqualified for purchase? What's the purpose of level 2?

Ms. Fox said one is a priority list of what COSAC is going to buy. The other is once it is decided a parcel meets the criteria in level 1, how is it protected, funded for and used? There are two charges . . . one is a criteria list, the other is a flow chart that says COSAC is buying something for its conservation value. Ms. Fisher said level 1 is the top criteria and level 2 could become the intent. Committee member Sturgis asked if level 1 becomes the mission statement. Ms. Sheridan asked if the level 1 criteria could match the IRS code since it is very broad. Level 2 criteria could be intent and purpose. Council member Beerman clarified the IRS criteria is for conservation easements. Is everything purchased going into a conservation easement. If not, restricting it with those guidelines may not be favorable. Ms. Sheridan said it covers even properties away from a conservation easement because it covers public use, education. It could be used to become the overall umbrella. Committee member Fisher said the community character piece would be missing and that definitely has to be in there.

Ms. Fox said if it was decided a parcel needed to be preserved for the community character, some of the IRS values could be used. It's good to keep it very clear that it gives more power to the committee. Ms. Sheridan added that it meshes with the LMC. City Attorney Harrington reminded the group to think about that as community character is defined. The other elephant in the room is "whose community character?" If MIDA (Military Installation Development Authority) starts buying up land on the backside of Deer Valley, would COSAC be interested in checking some of that development or incorporating some brand protection for Deer Valley. He cautioned COSAC to be careful of over emphasizing the connection to the General Plan because there may be two competing general plans driving that development. It may be more of an inter-local relationship issue with the Counties.

Committee member Gross added that in Planning Commission and City Council visioning sessions, one of the discussion items is the reality of the greater Park City area. If areas in Summit County are referred to as the greater Park City area and everything is inclusive, then it isn't anyone's particular General Plan that's driving the issue.

Bronson Calder added in the future one of Park City's entry points will include I-84, Weber Canyon. The Weber River Basin, one of our major water sheds flows over there. That's an important region that's going to impact us dramatically. Ms. Fox said that fisheries need to be considered as well as trails. It is important to preserve, enhance, and restore those resources. Council member Beerman asked if it would make sense instead of having level 1 and 2 criteria, having level 1 be our values and have the list of criteria under that creating two filters of evaluation.

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Committee member Sturgis said level 1 becomes the reason why and level 2 becomes the how-to tool. Committee member Goodman asked if open space parcels were able to be categorized from the beginning as recreation, conservation critical, aesthetic, and Park City character. Then criteria could define within each of those categories. Under conservation, there could be wildlife, watershed, endangered species, and natural resources. Under recreation, there could be fisheries, passive and active. Under aesthetics, there could be view sheds, entry points, checking development. Under those broad categories, it could be defined that a parcel has to meet one of these criteria to even be considered for purchase.

Mr. Wilking commented that the document BOSAC has used as worked well for the past 15 years. What happens is that a piece of property is considered for purchase and consideration is given to how it fits in. Most properties have met several of the criteria, then if the timing is right, the parcel is purchased.

Committee member Kahn supported organizing the criteria in a way as to make it more understandable. Ms. Frankenburg asked if COSAC is a recommendation committee. She agreed with Ms. Kahn. Committee member Fox added COSAC is using the same criteria which has worked effectively over the last 10 years. Since the bonding source is open-ended, a good set of criteria provides a tool to make it all work together.

Committee member Sheridan asked if COSAC will have to bond for future sales tax monies received. City Attorney responded that is most likely. That could be defined with enabling language. This COSAC is not bound by voter-authorized bond language. The sales tax bonding has different mechanism.

Ms. Frankenburg asked if City Council could make decisions on improving facilities that use open space money without interaction from COSAC? Heinrich said accessing resort sales tax has broad parameters. Some was partitioned for open space, some for capital projects. Council member Beerman further explained the resort sales tax goes into a capital fund. The compromise was that the 5-year budget dedicated \$15 million to open space with the agreement that that the amount could increase or decrease depending on what purchases or capital projects become available.

Vice chair Henney asked the group what they want to take from this meeting to the next meeting? Focus on the criteria elements getting down to intent and values and how it gets done? Continue to think about these items? At the next meeting, he indicated his hope that enough progress could be made to put something on paper.

Heinrich asked the group if they were supportive of him taking a first blush attempt initial criteria to add structure to the next meeting's discussion. Committee member Wilking asked him to include how to constructively check the pace of development through open space purchase criteria. The second is that if adding "enhancing our recreation" is appropriate in criteria level 1. Ms. Sheridan added consideration of

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opening up boundaries. Mr. Wilking re-stated that as looking at a broader geographical area for open space purchases.

Heinrich asked the group to consider monthly meetings in lieu of twice a month meetings. The consensus is that until the criteria is finalized, twice a month meetings are warranted.

The meeting adjourned at 10:00 a.m.