

**COSAC IV Meeting Minutes
City Council Chambers
June 4, 2013, 8:30 a.m.**

COSAC members in attendance: Charlie Sturgis, Cheryl Fox, Wendy Fisher, Jan Wilking, Suzanne Sheridan, Andy Beerman, Stew Gross, Rhonda Sideris, Kathy Kahn, Tim Henney, Cara Goodman, Meg Ryan, Jim Doilney, Judy Hanley

Public (alternates) Jeff Ward, Carolyn Frankenburg

Excused: Bill Cunningham

Staff: Heinrich Deters, Polly Samuels-McLean, ReNae Rezac

CALL TO ORDER

Chair Ryan called the meeting to order.

PUBLIC COMMUNICATIONS

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

ADOPTIONS OF MAY 7, 2013 MINUTES

Motion: Judy Hanley moved approval of the minutes as written; Kathy Kahn seconded the motion.

Vote: The motion carried.

STAFF AND COMMITTEE DISCLOSURES/COMMENTS

Chair Ryan stated that Vice chair Henney is running for City Council.

REGULAR AGENDA

Adoption of COSAC IV Electronic Meeting Policy

Motion: Jan Wilking moved approval of the COSAC IV Electronic Meeting Policy; Stew Gross seconded the motion.

Vote: The motion carried.

Adoption of COSAC IV Attendance Policy

Motion: Rhonda Sideris moved approval of the Attendance Policy as written; Vice chair Henney seconded the motion.

Vote: The motion carried.

Criteria Discussion Review and Adoption

Heinrich stated he incorporated everyone's comments from the last meeting into the criteria. Chair Ryan asked for thoughts from the group. After discussion, the consensus was there is no way to know how popular a recreation parcel will become, so each parcel should be considered on a case by case basis. Parking provided at trailheads is a necessary component of the deed restriction or conservation easement. Restrooms are also recommended at trailheads.

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Chair Ryan asked the committee to focus on the "Other Considerations" section of the matrix. The first item is location of potential parcels for purchase and whether COSAC has authority to buy land outside city limits.

Councilman Beerman said City Council would support land purchase that is contiguous to Park City's boundaries before they would support acquisition of land further away in Summit County.

Heinrich said it may be appropriate to consider purchase of land that has some environmental concerns relating to soils since they would be more financially attainable. If purchased, the City would be taking on additional liability.

The discussion moved to "Partition of more intensive use parcels". Heinrich explained the concept for these criteria is that there is no limiting bond language, so the committee has more flexibility in recommending open space parcels for purchase. Vice chair Henney expressed his support of the "Other Considerations" being a catchall/filter for criteria that doesn't fit elsewhere. Chair Ryan asked if trailhead infrastructure would fit under these criteria. Mr. Wilking supported adding trailhead infrastructure under passive recreational use.

The last criteria under Other Considerations is "Adaptability/Sustainability [unknown future uses]". Heinrich further defined these criteria as applying to land that may become more valuable as open space in the future. Ms. Fisher said this could also be a filter in looking toward the future and considering a suitable parcel for solar panel placement.

The committee agreed two more criteria for Other Considerations should include parcel size and infrastructure. Councilman Beerman recommended considering water rights when contemplating land acquisition. Heinrich wondered whether open space funds could be used to purchase water rights.

Chair Ryan summarized the three additional issues to be added under Other Considerations as: 1) Infrastructure; 2) Parcel size; and, 3) Water rights.

Ms. Goodman asked if fishing and hunting should be included under recreational value. Heinrich noted that regulation would come through the Division of Wildlife Resources. If it is decided that there are wildlife components that need to be protected further through a preservation tool, that is where hunting and fishing would be addressed. The acquisition and purpose is the responsibility of COSAC. If a parcel falls under critical conservation, a different tool would be used. Ms. Fisher clarified if land is publically owned; there is debate from the State's perspective, if you can restrict hunting. An owner of a land parcel considered for purchase can include in the purchase agreement that hunting is not allowed even if the land is going to be publically owned in the future.

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Ms. Kahn asked how mineral rights would be addressed. Ms. Fisher responded that issue comes under preservation tools since buying mineral rights is similar to buying water rights. Ms. Fox added this issue provides an opportunity to diversity funding sources. Heinrich will incorporate changes/additions to the matrix and bring to the next meeting for ratification.

Heinrich said he modeled the Preservation Tool section of the matrix after Nancy McLaughlin's presentation. Ms. Fox asked to whom the deed restriction would revert. Assistant City Attorney McLean said if the owner is requiring a specific legal method to conserve the land, there are different ways to structure the agreement. If land is donated as part of a development agreement in lieu of retaining it with a deed restriction, it can be very complicated. It is more a factor of the strength of the preservation agreement. Heinrich said it depends who you are working with.

Heinrich said the matrix tool is the mechanism to be used in evaluating properties for purchase and asked the committee if they feel the matrix meets the purpose for which it was created. Ms. Fox said she would be paying particular attention in purchase considerations as to whether a parcel meets the criteria included in the matrix. Ms. Fisher added when looking at a deed restriction there are some common law implications that don't fit within the realm of public trust like a conservation easement does. A more flexible, terminable conservation contract can be crafted under the conservation easement statute of Utah law. She stated it is important for the committee to clarify why they are recommending purchase of specific parcels and to contemplate what could happen on the parcel in the future. Ms. Fisher offered to do a bit more research into different qualifying language that would be beneficial to incorporate into deed restrictions.

Committee member Sturgis suggested not getting too caught up in the legal aspects of land purchase . . . that COSAC's job is to weigh acquisition of specific parcels against the criteria to see if the parcel measures up. Heinrich stated the committee has an obligation to protect the grantor's wish that the land not be developed. Ms. Fox added that if a deed restriction is violated and the land reverts back to the developer, there is no binding contract.

Chair Ryan summarized the discussion. Additional language is to be added in the preservation purpose/intent boxes to add further clarification. Another important consideration from Nancy McLaughlin's presentation is to make sure that the land is held in trust for the people of Park City and the state of Utah regardless of the manner of acquisition. Both Ms. Fisher and Ms. Fox affirmed that language is inherent in conservation easements. Under the Preservation Purpose/Intent, it was decided to replace the word 'compliment' with 'meet'.

The Committee decided to continue the Conservation Easement discussion to the June 18th meeting. Ms. Sheridan asked what parcels would be discussed at the next

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meeting. Heinrich offered to write up some specific questions based on Council's discussion at their June 27th meeting.

Chair Ryan outlined work to be done by COSAC prior to the next meeting.

- Read the Council staff report relating to Summit Land Conservancy's request for endowment funds;
- General discussion on conservation easements;
- Independent site visits to Risner Ridge;
- Think about what recommendation COSAC will make to City Council regarding Risner Ridge; and,
- Formulate summer meeting schedule.

The meeting adjourned at 10:03 a.m.