



Library Field COSAC Sub-Committee Meeting
Tuesday, November 1
City Hall
445 Marsac Avenue

Meeting Called to Order 3:41 pm

1. Roll Call:

Staff:

Heinrich Deters
Elizabeth Quinn Fregulia

Committee:

Ken Fisher, RAB
Kathy Kahn, COSAC
Ed Parigian, Public
Rick Shand, COSAC
Meisha Ross, RAB/COSAC
Eric Hoffman, RAB
Bill Cunningham, COSAC, joined at 3:49 pm

2. Staff Communications

There were no staff communications.

3. Public Input

Heinrich invited Ed to participate in the discussion as a member of the public.

4. Library Field Preservation

Mr. Shand asked Mr. Parigian his interest. Mr. Parigian has lived in Lower Park Avenue (right across the field) for 10 years. He said he led the group "Save Library Field," which emerged out of the Lower Park Avenue design studio. He also brought it to COSAC with other members of the public; he is the reason we are sitting here discussing this.

Mr. Deters then moved on to the two main goals of the meeting: back ground/introduction and values/uses associated with the field. He said he would bring someone in to explain easements, and he would verse the group in other tools, such as voter referenda. Mr. Deters wrote a summary of "how we got here," and referenced the recent similar discussion on dogs.

a. Introduction/Background

Mr. Deters gave a summary of the process on Library Field to-date. Ms. Kahn and Mr. Parigian attended the Council meeting at which COSAC's initial recommendations were presented. Council responded most effusively to the "McPolin item," i.e., voter decision as it maintained flexibility and

public input. Council's direction was straightforward in Mr. Deters opinion. There was clear common ground: "We agree it should be protected from development of habitable structures and we never wanted to put affordable housing there anyway. We just need agree on a tool." Council also directed Mr. Deters to include RAB in the discussion, since they oversee Parks. Mr. Beerman recommended looking at it in relation to other parks and trying to find some commonality in terms of policy. The last thing Council did was give a 6-month timeline, although later Mr. Beerman said to COSAC that "if it takes longer, it takes longer." Mr. Deters specified that the intent of this joint RAB/COSAC sub group should be to focus on Library Field, then open up to other parks later. (Mr. Beerman clarified this at the last COSAC meeting.) Mr. Deters said he thought the group should be able to come to a conclusion within a few months.

a. Value/Use Discussion

Mr. Deters asked the group to identify critical values and uses specific to RAB and specific to COSAC. He did say they can be in conflict with each other (recreation versus aesthetics). He reviewed the COSAC matrix as an example then asked the group to identify what they consider the values of the field. The group went around and identified their values:

- Mr. Deters: community gathering space
- Ms. Kahn: passive recreation—no lines for fields, etc.
- Ms. Ross said "passive" is important to recreation. Passive means unorganized and no formal amenities such as lights, striping.
- Mr. Hoffman asked about temporary recreation such as volleyball. Mr. Deters said this is the nut of the issue.
- Mr. Shand said we should use the word "unprogrammed"—not recurring. Ms. Kahn said we could have a traveling circus, for example.
- Mr. Parigian used the example of Frisbee, throwing football, dogs running around—all at once. "You can find a corner that's not occupied. In the winter, kids sled in winter, dogs run around." Mr. Deters suggested that the field is actually programmed now—as an off-leash dog park. What happens if you want to throw the Frisbee but an off leash dog disrupts the activity? Mr. Fisher said he thinks it is now a dog park and others agreed (Ms. Ross, Mr. Hoffman). Mr. Cunningham asked, "Is it a dog park?" Mr. Deters said the same people who used to use it still use it—whether as a dog park, to throw the Frisbee, etc. Mr. Deters suggested the hypothetical situation that people may get upset if a special event was programmed there that impacted the off-leash area.
- Mr. Parigian said it's big enough for both.
- Ms. Ross said it is about temporary uses. What if Sundance needs more space?
- Ms. Kahn asked Mr. Deters if a third-party conservation easement would prohibit this or allow for some flexibility for the above? Mr. Deters said it depends on the final tool recommended and recommended that the group should use conservation easements for values/uses that they are absolutely clear so as to be able to enforce and community intent. Easements without clarity leave grey areas that are hard to enforce and subject to conflict.

The discussion went back to values/uses:

- Ms. Kahn: green spaces and corridor
- Mr. Parigian: growth limiter
- Mr. Hoffman: temporary special event uses—library movies outside, Sundance special events. Mr. Hoffman said there is a lot of opportunity for this. Mr. Deters said that the library

was very concerned about limits to its uses because they use it a lot. Mr. Hoffman said the new design is very integrated.

- Mr. Parigian said he thought the library field should start away from the patio—75' out to the lower tier. "This is almost the perfect boundary—the field starts there." Mr. Deters said this was an option in Council report. Mr. Parigian said this would also allow for expanding the library. The whole idea is to preserve it and make it a space for everyone—not just for dogs or just one constituency. Mr. Fisher said the same thing happens in any city park. It's a community spot that just happens. Mr. Deters said he agrees with both of them.

Mr. Deters said. "Let's change our focus to 'what we don't want the Field to be'

- Ms. Kahn: development
- Mr. Fisher: habitable structures
- Ms. Kahn said presently Council is all for the field staying as green space, but need to think about the future.
- Mr. Parigian mentioned all of the possibilities that have been brought up: gazebos, promenades, trails around the perimeters, restrooms, fountains, other permanent changes.

Mr. Deters asked if the group was ok with temporary improvements such as fences, tents. Mr. Parigian said anything should be allowed for a day, but look at it over the course of the year. Mr. Fisher said it will be hard to do much now such as a movie in the park or soccer field because of the dog park designation. What kind of impact will it have?

Ms. Kahn said a good analogy is the other dog park: Round Valley. Do we want to see carnivals, etc. there? Mr. Deters said he disagreed, the Field is completely different. Ms. Ross said there are other events at Round Valley (running races), but they are complementary. Mr. Deters said that Mr. Parigian made a distinction between dogs in Round Valley and Dogs at the Library Field he finds interesting:

- Round Valley: you go to exercise with your dog (more recreation for you and your dog)
- Library Field: you go to exercise your dog (more social and sedentary for you but not your dog)

Mr. Deters went back again to "temporary": he asked Ms. Kahn hypothetically what is wrong with a one-day Ferris wheel. There has been a lot of discussion about the Library Field for the 4th of July celebration. People have mentioned a distinction between City Park and Library Field for this day. People have suggested structured activities for younger children as an option to explore. Mr. Parigian said, "You don't want to program this on that day because it's a watch spot for the fireworks." Mr. Hoffman mentioned the Norwegian House took place during the olympics.

Seeking consensus, Mr. Deters noted: everyone agrees on no habitable structures and yes to preservation'. What if the community decides everything else goes through existing processes..... Special events goes through SEAC and the special event process. We could create, along with the library board, something like Friends of the Farm which reviews improvements/events. Everyone would know it needs to go through this group,/process and they bring it to the Council. Proposed park improvements go through RAB and City Council. Mr. Deters said, "When you get into the specifics of any request/event, there's no one right answer, so let the public make these decisions, through existing public processes." The community has spoken, as has Council: no houses or major capital projects, keep it as a field. There is value to bifurcate: (1) easement (2) process

Mr. Parigian asked how we went from “no structures at all” to “no habitable structures.” Mr. Deters said we’ve used this term for years, including in Round Valley easements. Additionally, this allows you to expand, for example, the Recreation Building in City Park (A park related structure). A third party can say yes or no to habitable structures. We don’t want homes there, but may want to build a park facility. Mr. Parigian asked about a maintenance shed. Mr. Deters said something like this would go through the public planning process. Mr. Cunningham said he agreed with Mr. Parigian. Mr. Deters said it doesn’t mean it wouldn’t go through the process, but the committee should agree on this.

Mr. Deters asked the group if they are ok with temporary structures. The group said yes. Mr. Deters said as example, something as simple as the poop mitt is a structure, as is a fence, fountain, sign. A fence could come sooner rather than later.

Mr. Parigian suggested a solution for the dogs and sledding: “What if the city put a gazebo in a place that would lead the dog people over into the opposite corner? Mr. Fisher said this happened at Quinn’s dog park: now there is a permanent pavilion for shade and wind protection. These ideas/examples might be great and if the community is on board, then we should have a process to review it. Mr. Deters said make it clear whatever it is.....do not to put the easement holder in a place where they have to defend the indefensible (by making the easement so vague). “If you draw a line in the sand, make it black and white at the top then open to interpretation below that.”

Mr. Fisher said that park improvements have gone through RAB: they present the idea, then it goes through the planning process. It is an administrative CUP, so there is no hearing. It’s discussed at Council, then comes to Council for approval again at construction. Mr. Deters said we could insert language that improvements or structures could go through CUP process. It’s always good to utilize the processes that are in place.

Mr. Parigian suggested the phrasing “functional structures,” but Mr. Deters said you could pave the field using this language. There are holes to every solution, but you have to at some point trust the public process. Things like camping or Frisbee golf at Round Valley would seem strange. People see open space similarly, but this is totally different. We’ve never tried to define what an urban park is because it is so many things to so many people. Ms. Ross asked if tool could indicate that it’s open space. Mr. Deters said absolutely, it comes to the crafting of the tool.

Mr. Deters asked the group what they thought about the proposal, starting with “habitable structures.” Mr. Fisher said there needs to be faith in the public process, and Mr. Hoffman said he agreed. He said we should step back and look at other city parks in this process—maybe the entire park inventory does need to be analyzed. Ms. Kahn said that, as Mr. Deters stated at the beginning—if we just focus on Library Field, we’ll have a template. Mr. Deters said he did say it would be cool to use tools on other parcels. Ms. Kahn asked about crafting this tool. “If you say there are present uses, how do you decide what is in perpetuity, such as it being a dog park?” Mr. Deters said this is exactly the issue. He used one example of having a preservation easement that has a sunset clause every 25 years....there are many tools that can be crafted in many, many ways.

Ms. Kahn asked again how McPolin is being preserved. Mr. Deters said many wise people noted the need to protect all of the entry corridor property. They went through a planning exercise that outlined parameters, improvements and uses. Then left it to the community. Voter decision is tied to this: the city can’t sell or change the major components of the plan unless the voters approve of

doing so. They used a different tool because they were not aware of conservation easements. Later a conservation easement was placed on the McPolin Farmland property but not the barn structure. Now, we default to conservation easements.

Mr Cunningham ask Mr Deters the difference in conservation and preservation. Mr. Deters explained difference between easements:

- **Conservation:** critical conservation of water, streams, wildlife corridors
- **Preservation:** preserving values that you state. Perpetual recreation, non-perpetual: you can call it whatever you want as long as it is clear what you want to preserve. With a conservation easement, development rights are stripped off, but can keep farming, for example. Steve Osguthorpe was able to use his as a tax deduction. The government buys open space—doesn't pay taxes (no IRS involvement).

Ms. Kahn asked who/what would pay if we used a third party. It can't come from COSAC, she doesn't think. Mr. Parigian said Ms. Fox said it would cost \$30,000 to set up the trust and preserve it. Mr. Cunningham suggested we have Sundance pay for their tents to fund it. Mr. Deters said we do need to determine funding if we go this route but later. Mr. Parigian did discuss with this with his neighbors, but they said it would be chintzy of the city to pass it along to the neighborhood. He said it is not a local field—is used by the entire city. By contrast, Mr Deters noted the Risner Ridge group did say they would pay for their easement.

Mr. Hoffman asked what other communities use as tools. Mr. Deters said some use easements, others put open space overlays whose charters are similar. Some are deed-restricted. There are myriad. Many mountain towns just use zoning and wonder why we are having the discussion. They would never get rid of city parks. But the city could get rid of it if they wanted. Central Park has its own nonprofit: the entire park is completely off-leash every other day.

Mr. Cunningham asked if Friends of Library Field is a done deal. Mr. Fisher said RAB is over parks. In the 1990s they had proposal to put tennis courts o then far north end of Library Field. They also talked about moving the Wednesday night concerts and adding a band shell. City Council said no to both proposals. Mr. Parigian said the field is ready to be dug—it's very tempting. All parks have gone through these iterations. Mr. Cunningham said he really wanted Sundance to pay to use the field.

Mr. Shand said you can't do anything at McPolin Farm—the Friends of the Farm have been champions of this. He said Library Field should not be as restricted. He loves the idea of having no habitable structures and letting the public decide the rest. He likes approving conditional uses on a case-by-case basis. He likes this process, but doesn't know all of its flaws. Mr. Parigian said the public process doesn't really involve the public because of the process. He's not worried about present Council, but what about 50 years from now? Mr. Deters said you could say the same thing about the public. Mr. Parigian said he is fine with the 60-percent public vote. If you put it in a third-party trust, the city can condemn the property and put it to a 60-percent vote and do whatever they want. The people will have spoken. Mr. Cunningham said he disagrees and thinks the non-habitable structure rule should be permanent. Mr. Deters said he thinks the community is on board with no habitable structures. It's now just a matter of the tool. Mr. Fisher asked how you get non-habitable structures into perpetuity. Mr. Deters said this is the classic debate: do you remove the discussion from the political sphere? Park City has removed it traditionally and given it to the third party. Mr. Cunningham went on record as being in favor of a doggie drinking fountain.

Mr. Deters asked people to do the following homework: shoot holes in, (find out what's wrong with) the following assumptions/plans:

- Community space
- Preservation easement
- No habitable structures

Mr. Deters asked the group to present their version of the "summary of intent" at the next meeting. He also wanted to identify the pros and cons for voter approval of habitable structures.

5. Adjournment: Meeting Adjourned at 4:57 pm

These minutes were recorded and prepared by Elizabeth Quinn Fregulia. The meeting for which these minutes were prepared was noticed at least 24 hours in advance by posting to www.parkcity.org, the Utah Public Notice website, and at the meeting location.