



Citizens' Open Space Advisory Committee (COSAC V)
445 Marsac Avenue, Council Chambers
Park City, Utah
January 31, 2017

- I. **Meeting called to order 8:36 am**
- II. **Roll-Call**
 - a. **Committee:**
 - Cheryl Fox
 - Andy Beerman
 - Rick Fornier
 - Steve Joyce
 - Charlie Sturgis
 - Kathy Kahn
 - Meisha Ross
 - Marian Crosby
 - Bill Cunningham
 - Rhonda Sideris
 - Brooke Hontz
 - Wendy Fisher
 - Tyler Dustman
 - Bronson Calder
 - Cara Goodman
 - Rick Shand
 - Carolyn Murray
 - b. **Staff:**
 - Ken Fisher
 - Heinrich Deters
 - Elizabeth Quinn Fregulia
 - Mark Harrington
 - c. **Members of the Public:**
 - Ed Parigian

III. **Public Input**

There was no public input.

IV. **Approval of Minutes of December 13 Meeting**

- a. Motion to approve made by Rhonda Sideris
 - b. Second by Bill Cunningham
- Minutes for the meeting were approved.

V. **Staff & Board Communications**

Charlie Sturgis introduced Rick Fornier, who is the new alternate for Mountain Trails Foundation. Mr. Fornier has been Mountain Trails' field manager for 11 years. Mr. Sturgis said Mr. Fornier brings a wealth of knowledge to the committee. Mr. Fornier is interested in being involved in a variety of realms—in the field and beyond.

VI. **Old Business**

a. **Library Field:**

Mr. Deters provided a summary of the process to-date: COSAC made a recommendation to RAB, which they discussed at their meeting a few weeks later. The RAB recommendation is as follows:

- OK with Third-party conservation easement, as the Library Field is unique. Prohibit permanent structures.
- All temporary structures and uses (Special Events) OK so long as they go through existing process.
- RAB would like a buffer around the field (TBD) so park amenities like benches could be placed outside of easement. These would still go through public process.
- Not recommending use of public funds for easement.
- RAB does not support using third party easements for other City Parks.

Mr. Fisher said the third-party easement would be around the field: there would be a 10-to-20-foot buffer where benches and other items could go. No public funds would be spent on the cost of the easement. Ms. Fox asked why, and Mr. Fisher said the easement should be easy to administer: it's just a field, limiting no permanent structures. The library group can raise the funds.

Mr. Deters brought up a map on the screen and explained that it is conceptual. This group talked about not including the patio area. The most important aspect is that RAB felt this was a unique area. RAB did not support using this model at other fields/parks because it is so different.

Ms. Ross explained that not using public funds also refers to the other parks. Some of the other members asked why the park in their neighborhood wouldn't have an easement, but the group felt this would open a can of worms.

Ms. Kahn asked about perimeter: What is the buffer? Would it be a fence? Mr. Fisher said he is not looking to put up a fence; the buffer would be relevant if there was a desire to put in benches or perhaps a pavilion. Ms. Sideris said Ms. Goodman had brought up the idea of buying a tree. She said she would be open to such possibilities. Ms. Sideris asked Mr. Fisher about the gazebo, and he responded that it is just one example. Mr. Cunningham stated said he would rather have no buffer—just restrictions.

Mr. Beerman made one suggestion for the buffer, giving background on his idea: since the library is a historic building solar panels were not allowed on the roof as part of the renovation. Andy mentioned creating a promenade of solar trees around the perimeter to make up for that loss. He asked the group their thoughts on the idea, and several members said it sounded cool and artsy. Mr. Beerman said he thought the idea would embody our community values but recognized that it would change the nature of the space.

RAB members said an idea such as this would go through the planning process. Does the third-party conservation holder want to deal with every solar tree, bench, etc.? Or do we want to figure out another way? Ms. Fox said these requests go through the public process already. Mr. Fisher clarified that RAB doesn't permit anything themselves. Mr. Dustman asked if the easement itself would permit the public process and Mr. Deters responded yes.

Mr. Joyce said we're trying to protect the "field" its openness. This is what makes it unique. He worries about carving out an area around it to let people do whatever they want. He would prefer to move the easement out and see that buffer be part of it. A bench—if we looked at the conservation easement and asked what values we are trying to protect—would it be easy to accept. Moving to a farm of solar trees would start to affect the values we are trying to protect. He likened it to putting an oil rig right outside a national park. Benches would be easy to approve in the easement.

Ms. Murray asked why the hill was considered being outside of the open space, and Mr. Cunningham explained that this was from public input. Ms. Sideris said it was a compromise. Mr. Joyce explained it was to allow for flexibility. Ms. Murray asked what would go there and Mr. Joyce responded that a possible library expansion would. Mr. Deters explained that the library uses it for programming (free child play, etc.) He referred back to Mr. Joyce's comment: What we want to do is protect the field—the flat area. He offered the caveat that all park amenities will go through RAB. Mr. Beerman weighed in and asked the group not to speculate on what Council does or does not want. If Council wants to alter our recommendation, they will. COSAC should make its decision based upon what we think would be best.

Mr. Parigian (member of the public) explained that he was the person who had initially suggested the 75-foot offset (ending at the “first bump”) as a response to feedback from city staff saying they did not want to be “handcuffed.” This line would allow for future developments—such as a weather station, a fake rock that houses an irrigation system. It would not impact field use.

Ms. Fisher said right now we are evaluating which tool would be best. In terms of values that the tool would protect, perhaps we should not include scenic value. She used the example of a 10-acre piece of property: if everything around it gets developed, you probably can’t protect it for deer habitat. Ms. Fox cautioned against improvements that would “not make it feel like a field anymore.” She would like to hear what the community would decide.

Mr. Fornier suggested adding a buffer adjacent to the building and eliminating the rest of the restriction. Ms. Ross said RAB had discussed more options and details, including departmental uses or requirements. For example, the city engineer might say they need to expand the right-of-way for parking. But again, a request like a road or parking would all go through the existing process. Mr. Beerman asked Mr. Harrington if this would be a possibility—could parking be put in something that is zoned recreational open space. Mr. Harrington responded yes, through a CUP. Ms. Kahn asked about Comstock: if they needed to expand the right of way for utilities, for example, would the easement go up to the front yards? Mr. Deters responded that the city already has this right.

Ms. Fox said if we installed an easement then council wanted large buffers, the easement would be super-restrictive—“nothing but nothing goes on that land.” What she’s heard all along is a desire for flexibility from the city, for benches, etc. She said she’s OK with it as long as it goes through the public process. It will not be cheap to enforce because the easement holder will need to pay attention to what goes on around the space itself. She gave one example: trees impede the view. If we wanted to plant trees, they would need to determine what kind of trees they would plant and where they would go.

Mr. Deters asked the group to keep things in perspective. The group is talking about a perimeter of 10-to-20 feet. “RAB is not going for a land grab; they just want to preserve some space for park amenities,” he said.

Mr. Joyce said most people want to protect the parcel from a fundamental reuse of the field (affordable housing, etc.) A 10-to-20-foot buffer allows “about a shack and nothing else.” There is still a concern because we want to protect the open field—an extreme solution would be a fence all around. “This is the reason we are here: there is no concern about RAB or the current city council; we are trying to protect for generations down the way.”

Ms. Hontz offered a summary of the question with which the group is trying to grapple: “Do you want a conservation easement with a buffer, or do you do the whole thing? If you do a buffer, you really need to drill down to exactly where it is.” She said she would be surprised if the houses on the border would want to put anything there: their yards might blend with the field. It would be inappropriate to put a bench, etc. there. Also, someone might want to clean up their lot line. We need to legally define the edge. It would be more than 10 feet: you could fully put homes along the lot line. “This is what we’re trying to say: we don’t want these uses.” She offered support of Ms. Fisher’s point: “Does it dilute the conservation value of the grass? We the flexibility but need to be very careful about where you’re talking about the buffer.”

Ms. Fox reiterated: do we choose a buffer or easement curb-to-curb and utilize the public RAB process that’s already in place. But this then extends the greater ideal as having as a field?

Ms. Sideris said she liked Ms. Hontz’s idea of pushing the buffer back so that homeowners could not landscape their yards.

Ms. Goodman asked if the easement could have the following restriction: no manmade structure higher than 10 feet in the buffer zone. Ms. Fox said this is not protected except for zoning and the RAB process.

Mr. Joyce said they run into this problem with planning documents—there’s no institutional memory. The easement holder would then be trying to enforce what’s outside their purview.

Ms. Goodman said then that RAB has this power: they have an official document for each park. She said RAB’s recommendation is very well conceived: it’s a park, and if someone wants to put a bench or tree, that’s fine. We should be realistic about what it is and its uses. Mr. Deters asked the group if they support a small buffer or want a curb-to-curb easement. The group took a straw poll:

- Curb to curb (no buffer) with flexibility: 9
- All-sided buffer (exact width TBD): 3

Mr. Dustman asked for clarification: is 75 feet an important aspect of this? He was referring specifically to the Library patio/hillside on the south end of the park.

Mr. Joyce said this vote reflects a clear push for a more flexible easement. Mr. Dustman suggested flexing the easement language a bit. Ms. Sideris said she was concerned that we would seem to be disregarding Council’s direction, as well as RAB’s considerations. But other said that COSAC and RAB did work together, and Mr. Sturgis said Council will do whatever they want anyway.

Mr. Parigian made a comment about the buffer. He said part of the beauty of open space is that is open from within and without. If we lined the space with trees, people wouldn't be able to see it from the street. We would lose something we are trying to protect. Affordable housing on the site would do the same. He said he thought only a tight buffer would work. Otherwise we would be creating an island of field with a moat of trees.

Mr. Joyce said he thought the group had a good understanding of working with RAB: RAB wants to preserve the value the field but would like to maintain the ability to program the perimeter. The group said this would be fine as long as does not affect the values we are trying to protect. He suggested having the easement holder and RAB work together to coordinate programming the periphery. The actual easement documentation would just need to address RAB's concerns. It would entail a more rigorous public process. Mr. Dustman said RAB should still work on programming all local events, etc.

Mr. Deters said he would schedule the discussion for council. He said he would share the plan with other city departments and will then present the idea to council for their input. Whatever comes out of this would probably be the drafting of an easement.

Ms. Fox asked if RAB needed to weigh in one more time, and Mr. Fisher said they would do so on February 7. Mr. Beerman said the group needed to reconcile the two different options.

Ms. Ross asked whether the buffer on the easement would be more flexible. Ms. Fox said yes. She said she likes the idea of looping in RAB and understanding their role: what is within their purview. The easement would not govern the day-to-day operation; this would be the best use of this all along. They want to do commonsense things, not create a convoluted process. The easement can do this in the zone around the edges: "This is where stuff will happen, and here's how it gets approved." They want to draw the distinction between the interior and exterior of the park.

Ms. Fisher made one more comment: she has been concerned about the line of thinking that "conservation easements are ok because we can condemn it if all else fails." She would hope this line of thought does not continue because it is very disruptive to the overall permanent conservation movement Statewide.

Mr. Dustman said that one of the values we are preserving is historic, and the buffer would detract from this.

Ms. Kahn pointed out that part of the directive from Council that we have not addressed is looking at the rest of the parks. Mr. Deters noted that RAB recommended we use a different process. Mr. Beerman said the question is whether we should we look at urban parks differently than other open tracts of land? RAB responded no.

Mr. Joyce summarized the COSAC recommendation:

Install a third-party permanent easement on the property. Exclude the patio/hill slope on the south end: a 75-foot buffer. The rest of the easement would go 'curb-to-curb'. We have defined the values we want to preserve: mostly around community, visual, historic. The easement will distinguish the outside from the core by definition. The easement will focus additions to the outside and leave the core as-is (open field). The easement language will allow RAB to continue to program/permitting the space as it is today (tents, etc.). A process would be established where park amenities would be collectively discussed with the easement holder and RAB and restricted from the 'core'.

Motion to accept recommendation as summarized:

- Motion made by Steve Joyce
- Seconded by Brooke Hontz

Mr. Parigian asked one last question: Would there be a limit on special events? Mr. Deters said this would go through the public process (between RAB and SEAC). It would be hard to put a quota on this—it already goes through an extreme vetting process.