

# MINUTES

## EASTERN SUMMIT COUNTY PLANNING COMMISSION

REGULAR MEETING  
THURSDAY, JANUARY 7, 2016  
KAMAS CITY OFFICE  
170 NORTH MAIN  
KAMAS, UTAH

### COMMISSIONERS PRESENT:

Chris Ure, *Chair*  
Douglas Clyde  
Ken Henrie

Sean Wharton  
Louise Willoughby

**Regrets:** Tonja Hanson, Jeff Vernon

### STAFF PRESENT:

Peter Barnes– *Planning and Zoning Administrator*      Ray Milliner– *Principal Planner*  
Patrick Putt– *Community Development Director*      Kathy Lewis– *Secretary*

The regular meeting of the Eastern Summit County Planning Commission was called to order at 6:00 PM.

### REGULAR ITEMS

#### 1. Pledge of Allegiance

#### 2. General Public Input

The general public input session was opened. There were no comments made and the public input session was closed.

#### 3. Continuation of a public hearing for possible amendments to the Official Zoning Map of Eastern Summit County and possible amendments to Chapter 3: Zoning Districts and Requirements and Chapter 4: Development Review Processes and Procedures of the Eastern Summit County Development Code – *Planning Staff*

Chair Ure turned the time over to Planner Ray Milliner to begin the discussion of the Use Chart. Planner Milliner explained to the audience that the Use Chart is the list of the items

that are allowed or not allowed within the County. He explained the meaning of the designated letters within the Use Chart:

- C= conditional use
- L= low impact use
- A= allowed use
- Nothing in the box indicates the use is not permitted in that zone

The new zones have been added to the Use Chart. They have also have been assigned a designated letter for each use in the new zone. A few changes have been proposed. The majority of these changes came from the subcommittee.

Chair Ure suggested the review proceeds by going in alphabetical order. Each Commissioner can bring up any questions or concerns they may have. The following discussion and changes occurred:

**Contractor's Yard/Office-** Commissioner Clyde said he believes this use should not be allowed in the AG-1 and the AG-6 zones. Commissioner Wharton said he thinks the contractor's yard/office should be two separate items. In the AG-1, the office might be appropriate, but not a yard. A contractor's yard would have a lot of impacts on the neighbors. He thinks the office would fall under the home based business and the yard would be in its own category. Chair Ure said he thinks this should be a low impact use because there are already established yards in the County. To not allow a contractors yard would make these businesses become a non-conforming use. It was decided the term "*contractor's yard*" should be defined. One piece of equipment would not constitute a contractor's yard.

It was decided if the Commission agrees on the recommended changes, a motion will not be needed. Director Putt said if they establish the details, Staff can go back and polish up the definition. He asked about outdoor storage. Commissioner Clyde suggested it would be for a business with three or more pieces of heavy equipment and related outdoor storage. Heavy equipment was defined as 20,000 pounds or more.

Permitted Uses	AG-40	AG-80	AG-160	AG-1	AG-6	AG-20	RR	RS	HC	CA	RC	C	LI	I
Contractor's Yard	L	L			C	C						C	A	A

**Accessory building-** The definition of was reviewed. An accessory building needs to be tied to the principal use. This is not the same as an agricultural building. Planner Milliner said currently, most of these are toy sheds. Placing an “A” under AG-80 was discussed. Because this zone can have a one-acre lot, it was decided to leave it as an “L”. The recreation commercial zone was also considered. It was decided to put an “L” in this category.

Permitted Uses	AG-40	AG-80	AG-160	AG-1	AG-6	AG-20	RR	RS	HC	CA	RC	C	LI	I
Accessory buildings and uses to the principal residential dwelling unit or subdivision, exceeding 2,000 square feet	L	L		C	C	L					L		L	L

**Agricultural buildings-** A brief discussion was held. Commissioner Henrie said he doesn't think a one-acre zone is appropriate for agricultural uses. Commissioner Clyde recommended they put a limit on the livestock allowed. Chair Ure said the problem with that is all of the existing barns are located in AG-1.

**Accessory dwelling unit-** Commissioner Clyde said if it can fit on the lot within the setbacks it should be an “L”.

Permitted Uses	AG-40	AG-80	AG-160	AG-1	AG-6	AG-20	RR	RS	HC	CA	RC	C	LI	I
Accessory dwelling unit	L	L		L	L	L	L	L			L	L	L	L

**Car wash-** Director Putt said that “C”s might be appropriate because dryers can be loud.

**Cemetery-** In addition to the proposed zones, a cemetery should be allowed in the cabin zone. Commissioner Clyde recommended they make a distinction between a commercial

and private cemetery. Planner Milliner said he write this down as something that should have more research.

Permitted Uses	AG-40	AG-80	AG-160	AG-1	AG-6	AG-20	RR	RS	HC	CA	RC	C	LI	I
Dwelling unit							C	C			C			

**Dwelling unit, single family attached-** The definition will be revisited.

Permitted Uses	AG-40	AG-80	AG-160	AG-1	AG-6	AG-20	RR	RS	HC	CA	RC	C	LI	I
Equipment rental, indoor and outdoor	L	L									A	A	A	A

Planner Milliner said Staff will draft a definition for this use.

Permitted Uses	AG-40	AG-80	AG-160	AG-1	AG-6	AG-20	RR	RS	HC	CA	RC	C	LI	I
Distillery											C	C	C	C

**Food Processing, commercial-** Director Putt said the definition needs some work, it is very broad. Commissioner Wharton said in the AG-1, this would be a home based business. It was decided that no changes were to be made until the definition was reviewed.

**Guest ranches or lodge-** This is an appropriate use for a rezone. It was decided it should be encouraged to place this use in the RC zone. A family ranch would not be a commercial use. Commissioner Clyde recommended this be listed as a “C” in the RC zone.

**The Recreation Commercial (RC) zone-** Commissioner Henrie if he looks the column for the RC zone, he sees a mixture of allowed uses, but doesn’t see a reason for the different uses. For example, equipment rental is not allowed in the RC zone. They are trying to assign uses based on something that has not been totally defined. At another meeting, they need to revisit the uses for the RC zone. Planner Milliner said in general, this was based on the intensity of the use.

**Hospital-** Chair Ure asked if a clinic is the same as a hospital. Director Putt read the definition they have for a hospital. He said a clinic would be more of a professional office. Perhaps it should be put in that category. He added that although they have a category for professional office, they don't have a category for any of the other office uses. He asked if the Commission would like to have a definition created. This idea was met with a positive response.

**Manufacturing, custom-** Commissioner Wharton said if it is an "L" in the AG-40, it should also be an "L" in the AG-80.

**Manufacturing, light-** Director Putt said they can flesh this definition out better by adding some examples.

**Mobile home park-** The definition was reviewed. It was noted that this use was removed from all zones per the subcommittee's recommendation. Planner Milliner said there is a difference between a mobile home park and a single mobile home. This is about a mobile home park. Commissioner Clyde said they probably don't want to encourage the development of mobile home parks. It provides no benefits for the County. Commissioner Wharton said if it isn't allowed anywhere, it should be taken out of the Use Chart.

A member of the audience, Lori Leavitt, said people have to start somewhere. She doesn't think it is a problem. Commissioner Willoughby expressed anxiety that this had been removed from the Use Chart. She said provides affordable housing. Another member of the audience, DeLoy Bissell, said he could fill a mobile home park with summer residents.

It was discussed that instead of removing a mobile home park, it could be listed as a conditional use in the RS zone.

Director Putt read the definition, which states a mobile home park is defined as two or more mobile homes. After hearing the definition, Chair Ure said it should be allowed in more zones. Director Putt said they may want to consider creating a zone for a mobile home park. Commissioner Willoughby asked if it might fit into the village overlay zone. Planner Milliner said they will do research before anything is added to the Use Chart.

Commissioner Henrie said the time of occupancy needs to be altered. The definition says a mobile home without a foundation that is occupied for *less* than 180 days requires a CUP. He thinks this should be *more* than a certain number; otherwise, if someone wants to sleep in their RV during the summer (which is parked in the backyard) this use would require a conditional use permit. He said the definition of an RV has been removed.

Commissioner Clyde said anything having to do with a RV, not a mobile home, would be more of a recreational-commercial use. This would be similar to a “*Camper World*” type of use. The number of allowed occupied days before a permit is required was discussed. Commissioner Henrie said the definition includes that the structure is intended to be connected to onsite utilities. He said if it has to be connected to a septic tank that may exclude RVs from the definition. Commissioner Clyde said what it boils down to is if they want to allow mobile homes without a foundation as permanent dwellings. The consensus was that more work needs to be done in this area.

Permitted Uses	AG-40	AG-80	AG-160	AG-1	AG-6	AG-20	RR	RS	HC	CA	RC	C	LI	I
Nursery/greenhouse	A	A		C	A	A					A	A		

Permitted Uses	AG-40	AG-80	AG-160	AG-1	AG-6	AG-20	RR	RS	HC	CA	RC	C	LI	I
Open recreational use	L	L		L	L	C				L	A	L		



Chair Ure said there are sawmills located just outside of Kamas and Oakley. These are in the AG-1 and AG-6 zones. Commissioner Clyde said the question is if they want these in the AG-1. He doesn't think they do.

Chair Ure said he thinks that a sawmill and its related use should be separate. This would be things like the by-products or the products. For example, Blazzard's have shavings bag. They also sell chain-saws. They would only be able to sell those in the light industrial or industrial zone if the proposed use is approved. Planner Milliner asked if that would be listed under retail sales. Commissioner Henrie said that would depend on the definition of "*related uses.*"

Chair Ure said that sawmills should remain as listed on the Use Chart, but the Commission should consider if the related uses might be allowed in other zones. Commissioner Wharton said a sawmill is one thing and a lumber yard is another. Planner Milliner said the existing sawmills are non-conforming uses. They are allowed to continue to operate in perpetuity as long as they don't abandon the use, or significantly enlarge the use. Chair Ure said if Blazzards want to put in a chipper, it would be expanding their use and wouldn't be allowed. He doesn't think that would be right.

Planner Milliner said under the existing and proposed Codes, a sawmill is non-conforming. What he hears Chair Ure saying is that they need to look at some way to allow them to expand. Chair Ure said it wouldn't make sense to require them to rezone just to add a chipper or a different kind of saw to their business. Planner Milliner said he thinks it would be best to do this in the non-conforming use section. Allow a general way for a non-conforming use to change or expand. Commissioner Henrie said there are two issues. One is for the current, non-conforming sawmill and the other would be for the new business.

Permitted Uses	AG-40	AG-80	AG-160	AG-1	AG-6	AG-20	RR	RS	HC	CA	RC	C	LI	I
Utility towers and associated transmission and distribution lines greater than 45 feet in height	C	C	--	C	C	C	C	C	--	C	C	C	C	L

Commissioner Wharton asked if this would allow a utility company to circumvent the Planning Commission. Director Putt answered if the utility company could meet the required six findings of a low impact permit, they would not have to come before the Planning Commission. Commissioner Wharton said for that reason, he would rather have those be “C”s. Planner Milliner said this would give the public more of a chance to offer comment.

**Veterinarian clinic-** Commissioner Wharton said he doesn’t believe this belongs in the cabin zone. It is listed as a conditional use. Planner Milliner said there has been an individual in the Bear River area that wants to operate a veterinarian office. It was decided keep this in the cabin zone.

**Water and wastewater treatment plant-** This should be allowed in the AG-20.

**Hazardous waste disposal-** Commissioner Henrie said this hasn’t been addressed. Director Putt said he was recently asked by the County Council if the landfills are designed to accept hazardous materials. The current definition of a landfill does not accept hazardous waste materials. He added if a use is not listed, it isn’t allowed. Commissioner Clyde said if the landfill doesn’t allow it, there is no need to address it. The Commission agreed they do not want hazardous waste materials in Summit County.

Planner Milliner said he will research this and come back with a formal response. Director Putt said that will allow Staff to review State law. Commissioner Wharton said the General Plan can simply declare that it is not allowed.

#### **CHAPTER 4**

Planner Milliner explained to the public that the rules of development are found in Chapter 4 as well as what permits are required, the rules for subdivision, the rules for a conditional and low impact use, variances, and special exceptions. The Planning Commission previously reviewed this chapter, but wanted to keep the discussion open to allow future edits. The black text is the agreed upon language of approximately six months ago, the red text are changes that have been made since that time, and the green text indicates discussion items.

#### **PAGE 6** (*Lot/Parcel requirement for Development and/or Land Use Activity*)

- 1. LOT-** Director Putt said Staff noted a problem with the definition. The definition was edited. Commissioner Henrie said the second paragraph is a repeat of what was said above. He questioned if it is needed. Commissioner Wharton and Commissioner Willoughby said while they agree it is redundant it helps the definition to be clearly understood. It was decided to leave the sentence in.

#### **PAGE 8** (*General Provisions*)

A grammatical error was noted.

#### **PAGE 9** (*Subdivisions, Condominiums, Plat Amendments, Parcel Boundary Adjustments, and Divisions of Land for Non-Development Purposes*)

E. Chair Ure asked if the Planning Commission had made the decision to remove the deleted language. Commissioner Clyde said he thinks this is an extra-legal phrase. They are attempting to give themselves power that they don't have. He agrees with scratching the phrase. Planner Milliner said that minor corrections with the flow chart were submitted earlier by Commissioner Henrie.

**PAGE 12** (*Subdivisions Consisting of Five or Less Lots*)

G. Commissioner Clyde said he doesn't think a ditch director can be compelled to sign the subdivision plat. Chair Ure said he instructed Planner Milliner to put this in; however, he wanted it to say "*ditch company*", not the "*ditch director.*" This is because there are developments being placed over irrigation ditches. The developer needs to be notified that every ditch company has a right of way to clean the ditch.

Commissioner Clyde said he isn't objecting, but they need to find a way to make it legal and right. Planner Milliner said he will talk to the legal department to see if 1) a plat signature can be required. 2) Do the ditch companies only have to be notified? 3) How do they participate in the process? Commissioner Clyde suggested that when a subdivision is developed there could be a requirement that the ditches have to be identified by survey.

**PAGE 13** (*Subdivisions Consisting of Five or Less Lots*)

J. On the first full paragraph the wording was changed from "*private company*" to "*private water company.*"

**PAGE 14** (*Subdivisions Consisting of Five or Less Lots*)

3. "*Per the requirements of the Code*" was added to the end of the sentence.

**PAGE 15** (*Subdivisions Consisting of Five or Less Lots*)

4. It was decided the language should remain as written. *“Minimum Lot Size”* should be a defined term and should be capitalized.
5. Commissioner Wharton referred to the language and asked how they define *“sufficient.”* Director Putt said what they are trying to say is that in the application process, it has to be proven that the land area is great enough to support the density of the subdivision. The new language they have come up with is: *“The subdivision application shall contain the land area necessary to meet the zoning district.”*

Chair Ure asked if that would include the remainder parcel. Director Putt said they want to be sure that if someone comes in for a 4-lot subdivision, they have enough land area to justify those 4 lots. The inclusion of the remainder parcel needs discussion by the Commission.

6. Planner Milliner said this is essentially the remainder parcel discussion. Staff would like to know if Commission would allow a subdivision to be created that may meet the lot size requirement, but not necessarily the acreage for the zoning, or do they want the entire amount of acreage to be included in the subdivision. Commissioner Clyde said if the acreage is required to meet zoning, it has to be part of the subdivision. If they more land than is needed to meet the zoning it would be the remainder parcel and wouldn't need to be included in the subdivision. Commissioner Henrie said another option available to the landowner would be the remainder parcel could be another lot in the subdivision as long as it met the minimum requirements.

The difference between a remainder parcel and a lot in the subdivision was discussed. Commissioner Henrie said a lot uses up a building right. A remainder parcel does not. Commissioner Henrie and Commissioner Clyde said that a remainder parcel and a lot in the subdivision are very similar. Chair Ure disagreed. He said a remainder parcel will most

likely not have any density associated with it. This would be recorded by a memorandum of understanding.

Commissioner Willoughby asked Staff to describe what they were thinking of when they said *“The simplest strategy may be to require that sending areas be part of the subdivision.”*

Planner Milliner said their thought was if someone has 24 acres in a 6-acre zone, there would be four units of density. The landowner would have four 1-acre lots, with 20 acres left over. Staff’s question is if the 20 acres should be a part of the subdivision plat because that acreage is needed to comply with the zone.

Commissioner Clyde said if that acreage is needed for the density, then the answer is yes.

Commissioner Wharton said absolutely not. They went to great lengths to make sure that didn’t happen. Chair Ure said it should be outside of the subdivision plat, with a memorandum of understanding recorded against it. Planner Milliner said the memorandum of understanding would make it clearly understood that if the property is sold separately, the density with the property is connected to the four 1-acre lots located in the subdivision. Staff wants to be certain that there is a mechanism that people will understand and that the Commission is comfortable with that language.

Commissioner Clyde said a remainder parcel that is free of any encumbrances can only be created if its land area was not required for the parcels that were created. Commissioner Henrie said that should be the definition of a remainder parcel. He said he doesn’t think that a remainder parcel can come from land that has been encumbered and the density has been used. Commissioner Wharton said that is exactly what a remainder parcel is.

Director Putt gave an example of a 40-acre piece of property. This parcel is split with 20 acres of AG-6 and 20 acres of AG-20. The AG-20 portion has one unit of density. The other parcel has three units of density associated with it. If someone comes in with a subdivision

application and wants to create four lots, they would need to transfer the density from the AG-20 into the AG-6. Staff wants to make sure that everybody understands they would be able to do that. The subdivision application would include the entire 40 acres.

Director Putt said there are two potential ways a landowner could proceed. The first option would be that the final subdivision is approved with four 1-acre lots and a 36-acre remainder parcel. The remainder parcel would have a memorandum of understanding that explains that property was necessary to develop the four lots. It is not eligible for further subdivision, until such time that the underlying zoning should change.

The second option would be that the density is transferred and the four lots are created with the original 40-acre description within the boundary of the subdivision. What he believes he is hearing is that the Commission wants to have the first approach, not the second. Director Putt said he wants to make this very clear to everyone: Staff, the Commission, and the public. Commissioner Wharton said he would prefer not to have the remainder parcel as part of the subdivision, but if the landowner wants to put it in, they could. It was verified that the remainder parcel would still qualify as greenbelt if it has the required amount of land.

**PAGES 20** (*Criteria for approval for a subdivision of six lots or more*)

2. Chair Ure said he doesn't think 10 units should be required for a Master Development Plan (MDP) if the baseline zoning is being met. Commissioner Wharton said this is putting the MDP into the Code before the Commission has discussed it. Chair Ure said he lives in a subdivision with 12 lots. Under this language, the developer would have been required to put together a MDP. He doesn't think that would have been necessary if it met the base zoning.

Director Putt said the net effect of the new zones is that they will be creating density beyond what the base zoning allows. During the revision of the base zoning map they frequently ran into problems of applying the AG-1 zone in areas that appear to be very steep or wet and is

not developable. The Commission stated that how those issues were to be addressed was through the permitting process. This would mean compliance to Chapter 4 and the building code requirements. It was stated that the geographical problems would be solved through the permitting and design process.

Director Putt said one of the strategies Staff they told them they would work on is a Master Plan Development process. This process is two-fold. It is the time in which they design the site layout. This is when problems with wetlands, steep slopes, and access would be addressed.

The other aspect is that it potentially allowed an opportunity for the Planning Commission to use some flexible planning strategies. This would include the ability to not only determine where the lots would be created, but to allow the lots to be sized below the minimum lot size of the zone. This would allow the Commission to possibly reduce the lot size below  $\frac{3}{4}$  an acre in the RR zone and  $\frac{1}{3}$  acre in the RS zone if it resulted in a better plan. It would also allow the Commission to reduce setback requirements.

Commissioner Willoughby said she would like to look at the MDP, but she doesn't think this is the correct section for it to be located. She believes the Commission should be able to look carefully at it and have a lot of input. Director Putt said Staff added this verbiage in the section so that when somebody picked up the criteria for a subdivision development they would not have to go to another part of the Code to find it.

Commissioner Clyde said they need to discuss at sometime if a MDP process is needed. Chair Ure said he thinks it may be needed for high density areas such as the RS or the RC zones, but he doesn't believe it would be needed for base zoning. This would be a burden on the big landowners. In the case of Ensign Ranches that has 100,000+ acres, this would require a MPD if the owner wanted to put in 10 lots.

Director Putt said he would like the Commission to understand what they are contemplating with the MDP. He thinks some of the Commission may be a replacement for the specially planned area (SPA). It is not. The MDP is a site design process. The SPA was an entitlement process that could increase base zoning to an undefined amount of density. There was no measureable multiplier. The caveat was that the developer had to show to the County Council they provided enough community benefit to support the increased density.

The MDP is a site planning exercise that builds in some flexibility for the Planning Commission. It allows the Commission, on a site specific basis, to take the density and put it in the best locations. Waivers could be granted where appropriate in order to allow the best design. So in the case of an "*Ensign Ranch*" type of property, if the landowner wants to come in for a 20-lot subdivision, they would go through the Master Plan process. Staff sees this as an advantage to the landowner.

Director Putt said Staff has a draft of the MDP process for the Commission's review and discussion. He said it will be debated and revised; however, Staff believes this is an effective tool that will create better subdivisions. Commissioner Wharton said this would open the door for "*let's make a deal.*" Director Putt disagreed. He said all of the standards are quantifiable.

Chair Ure said he sees this as being applied to base zoning. Commissioner Wharton asked if this could be an optional process for the landowner. He asked if everything would have to go through the MPD. Director Putt said in the current draft it would be applied to properties that are rezoned, such as to the RR or RS. It would apply in commercial or in some industrial situations. This is being brought to them as the discussion point.

Commissioner Wharton said this is a massive twist on everything they have worked on. This is being added at the tail end, when they thought they were done. This will require a lot more

work and thought. Commissioner Clyde said in low density development Master Planning is very simple. It is coming up with a resource map.

Director Putt apologized for using examples from the west side of the County. He will use Highland Estates as an example of a subdivision that did not use a MDP and Silver Summit that did. Highland Estates has 96 units on 167 acres. There is no open space. There is a standardized lot size. The overall density is about  $\frac{1}{2}$  units per acre.

Director Putt said Silver Summit Phase 4 is across from Home Depot. It has 64 units on 29 acres. That is 5 units per acre. Of the 29 acres, a little less of 12 acres is park and open space. That equates to 40% open space.

Director Putt said it comes down to what the Commission wants to see. They can go the Highland Estate route and achieve less density, or look at tools that will allow 10 times the density. Both subdivisions were zoned rural residential.

Chair Ure asked if the Silver Summit Subdivision was required to put in 40% open space, or did they do it on their own. Director Putt said it was part of the process they went through. Commissioner Wharton said ten times the amount of density sound awful to him. Chair Ure said he is against requiring open space.

Director Putt said he believed that Staff was following the direction they received from the Commission to come back with the tools needed to address the densities they have been creating. The process they have come back with is a straightforward approach that is done in other rural environments. If this isn't wanted, the Commission should let Staff know.

Director Putt said they have been talking about how they are going to deal with the geographic realities of the land that they are zoning. They have kicked that can down the road, now they need to decide how they are going to handle it. Chair Ure said his personal opinion is that the MDP is something the County is going to need, but he doesn't think that it is needed right now. They need to focus on getting the maps, Chapter 3, and Chapter 4 to the County Council. After this is accomplished, they can come back to the MDP.

County Councilman Roger Armstrong, who was in the audience, said his concern is that it is easy to get focused on what the residents want to do with their land. He believes there is a freight train of growth coming to the south side of Eastern Summit County almost immediately. The Snyderville Basin is full and Wasatch County is starting to be overburdened. He believes they need to protect the rights of the existing landowners so if they decide to cash out, they can. He doesn't believe the local residents will be the ones developing the major developments. It will be someone from China, Switzerland, or other places. These people will be coming in and buying up large parcels of land. They need to ensure the existing landowners can get the density they need so they can get the economic benefit from their land.

The large developers will not be their neighbors. He doesn't think that it is accurate that somebody is going to provide open space because it will create a better market. They are going to build as much as they can for the greatest economic development. Whatever the Commission delivers to the County Council, he personally will be looking at it to see if they are taking care of the wave of development that is coming.

Commissioner Henrie said he agrees with the premise of the MDP. At some point, it will be a critical part of this process. Chair Ure said that he doesn't understand the Master Plan. He needs to do some homework. He fears this will delay getting the maps and the Code to the

County Council. Chair Ure said he doesn't like the open space requirement in the Master Plan. To him, the 40% open space requirement is a taking from the residents.

Director Putt countered that if they go back to the comparison between Highland Estates and Silver Summit, one development has ½-unit per acre and the other has 5-units per acre. That doesn't seem like a taking to him. He said Staff is delivering on a request from the Commission to bring back some tools to deal with the potential problems of the future. Commissioner Wharton said he doesn't remember the Commission making that request. They were going to use the building permit to deal with the steep slopes and wetlands. Director Putt apologized if he didn't understand the Commission's directive. Commissioner Clyde said it has always been his contention that you can't get good land planning by granting a bunch of density and expect the geographic limitations to take care of themselves.

Commissioner Clyde said along with the plan, they need to create the tools to manage the density. He doesn't believe the Council will agree that the topography along with sewer and water will control the density. He agrees with Councilman Armstrong that there is a freight train of development on its way. They need to have the tools to control the development.

Commissioner Willoughby said they are not ready to vote on this tool because they have not yet addressed it. Director Putt agreed, but said they are ready to review it. Chair Ure recommended they complete the revision of Chapter 3 and Chapter 4 and then they can move on to the MDP.

Commissioner Wharton said he doesn't want to allow ten times the density. Director Putt responded the purpose of the example was to show what could be achieved with the same underlying zoning. They want to put the density in the best locations being conscious of private property rights, but doing it in a manner and in a location that in the long term the County isn't bled dry from ongoing service and maintenance of the infrastructure. They also

have to consider the traffic problems that will come even to the east side. The more density they can put in compact locations makes the remaining land resources available when the time comes to build on that as well.

Director Putt said this is the reason the village overlay zone was included in their packet. This is a way to re-establish communities that have dried up over the past 70-80 years. The village overlay is a simple zoning concept. The County Council would designate a boundary and within the boundary and over the top of the existing zoning would be a planning process where a number of things could be achieved. They could create a mix of residential unit types. These could be created close to existing services and areas that could create new services. At the right time in the future, these locations could be connected to transit.

Director Putt said it would target areas like Echo, Wanship, Hoytsville, Marion, and Woodland conditioned on the residents desires. This would avail these historic communities a chance to become communities again. This might allow employment within these communities. Commissioner Willoughby said she would like to look at this further.

Commissioner Henrie said there seems to be a feeling among some of the citizens and even some of the Commission that planning takes away property rights. He thinks if it is done properly, it protects property rights. He thinks they need to be very careful about opening it up to whatever people want to do. In his opinion, that is a plan to fail. Commissioner Clyde said that what Commissioner Henrie has stated has not only been said at the dais, but also out in the community.

Commissioner Willoughby said they have a lot of tools in place. They don't need to put in so many tools that it makes it difficult to develop. It needs to stay simple. Commissioner Clyde said the Commission is proposing a large increase in density. Development will not be simple with that much density.

Chair Ure said they need to pull out the MDP and work on Chapter 3 and Chapter 4. Commissioner Clyde asked if he is suggesting that they send Chapter 4 to the County Council without any reference to a MDP. Chair Ure said that is correct. Chapter 4 may need some revisions after they complete the MDP. Commissioner Clyde asked if it is his expectation that the County Council will approve the density plans based on the promise that they will develop a MDP. If so, he thinks that is a setup for failure. Chair Ure said he thinks creating the MDP at this time will set them up for failure on everything they have worked on for the past 1½ years. Commissioner Henrie said he thinks they are in such a hurry to pass this on; they are willing to do it haphazardly.

Chair Ure said they have been meeting on this for over two years. Each time they get close to submission, they have another piece of literature come to them. He said, “Let’s get the foundation built and then put the roof on.” Commissioner Clyde said the reason they are having problems is that have no criteria of why the density should be increased other than it will make it easier for individual landowners to develop their property. That is not a legal criterion for up-zoning. Chair Ure call for a motion to either keep the MDP or to table it.

***Commissioner Wharton made a motion to table the preliminary discussion on the Master Plan Development and the Village Overlay zone until the Commission completes Chapter 3 and Chapter 4. The Master Plan Development discussion will be called up by the Planning Commission when they are ready to a date uncertain. Commissioner Willoughby seconded the motion.***

Commissioner Clyde asked if he intends to send the maps and Chapter 3 and Chapter 4 prior to the discussion on the Master Development Plan and the Village Overlay zone.

Commissioner Wharton said that has yet to be determined. At this point, he just wants to table the discussion on the Master Plan and the Village Overlay.

- **MOTION CARRIED (3-2) Commissioner *Clyde and Commissioner Henrie* voted against. *Commissioner Henrie said he voted against because he believes it needs to be reviewed before they send it to the County Council.***

Commissioner Wharton said they have had a lot of public input with the public hearings. They need to get to this to the County Council before six or seven months have passed by.

#### **4. Approval of Minutes**

**October 22, 2015:**

*The minutes were discussed. No action was taken.*

**November 19, 2015:**

*Commissioner Willoughby made a motion, which was seconded by Commissioner Henrie, to approve the minutes as written. All voted in favor.*

**MOTION CARRIED (5 - 0)**

#### **ADJOURN**

*At 9:30 p.m. Commissioner Hanson made the motion which was seconded by Commissioner Henrie to adjourn. All voted in favor.*

- **MOTION CARRIED**

Handwritten signature in black ink, appearing to be 'Cb' followed by a flourish.

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**Approval Signature**