

MINUTES

EASTERN SUMMIT COUNTY PLANNING COMMISSION

REGULAR MEETING
THURSDAY, FEBRUARY 4, 2016
KAMAS CITY OFFICE
170 NORTH MAIN
KAMAS, UTAH

COMMISSIONERS PRESENT:

Chris Ure, *Chair*
Douglas Clyde
Ken Henrie

Jeff Vernon
Sean Wharton
Louise Willoughby

Regrets: Tonja Hanson

STAFF PRESENT:

Peter Barnes– *Planning and Zoning Administrator*
Robert Hilder– *County Attorney*
Patrick Putt– *Community Development Director*

Helen Strachan– *County Attorney*
Kathy Lewis– *Secretary*

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. Public hearing and possible recommendation of 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 referred to Director Putt's suggestion made at the previous meeting, that they table the residential subdivision (RS), rural residential (RR), and the recreation commercial (RC)

zones to a date uncertain. Chair Ure said he would like to add to this list the master development plan (MPD). The Commission would bring these back after they have sent the following to the County Council: the definitions, Chapter 3, Chapter 4, and the zoning maps.

Chair Ure gave a brief explanation of the zones for the public's benefit. Director Putt also explained the MPD. The MPD is a tool used by the Planning Commission and the developer to design the best project, given the characteristics of the site. It gives the Commission the opportunity to allow for design flexibility. This could be flexibility in lot sizes or to allow the setbacks to be reduced. The building heights might be adjusted. The objective would be to put the development in the best location possible. All of these might be considered in trade for something else that might be beneficial. Director Putt said the MPD is a tool that could also be used in the Resort Commercial (RC) zone, or in larger residential developments.

Tom Smart, a member of the public, asked if the application would have to comply with the underlying zoning. Director Putt answered in the affirmative. He said the MPD would not grant any uses that were not allowed in the underlying zone, such as an increase in density.

Director Putt said the rezone option is a different story. He gave an example that if someone had a parcel in the AG-40 zone and wanted to rezone to the RS zone, up to three units per acre would be allowed instead of one unit per 40 acres. For the rezone, the applicant might choose to utilize the MPD.

Director Putt gave another example. Should a recreational commercial zone be created from the AG-40, substantially more density could be allowed. The MPD process might be utilized, which would help to evaluate if the plan was appropriate for the location. Public hearings would be held.

DeLoy Bisel asked what the zone would be, if he wanted to build a “Black Rock” in Brown’s Canyon. Director Putt said Black Rock went through a master plan type process in Wasatch County. The Summit County MPD would allow for these types of uses. The process would be based on an applicant presenting their plan, showing the characteristics of the plan, and how they would handle the infrastructure including the water, waste water, and roads.

Director Putt said what he thinks Chair Ure is suggesting is the idea that if the Commission is going to propose new zoning districts, they will need more tools than what they currently have. Chair Ure is suggesting they forward the base zoning map amendments to the County Council. While the Council is reviewing that, Staff and the Commission will work on fleshing out some of these other ideas. Chair Ure agreed that is what he saying.

DeLoy Bisel commended the Commission for their effort and hard work. He suggested they follow Chair Ure’s recommendation and forward to the County Council the map, Chapter 3, and Chapter 4. Then they can work on these other items.

Commissioner Wharton asked if the cabin zone would be considered a rezone. Director Putt said all of the existing zones would be forwarded, including the cabin zone. They have not created a moratorium on rezones. They are only setting aside the new zones until they have the tools to implement them.

Karri Hays Walzer said she feels like they have the cart before the horse on rezoning because they haven’t sorted out water and sewer. She can’t imagine having 40 acres being rezoned to 3-per-acre and having that many septic tanks. Chair Ure said that is why he wants to table the RS zone until they can work out these kinds of details. Commissioner Clyde countered they are proposing 1 acre lots. There would be wells and septic tanks on acre parcels. Commissioner Vernon said there are rules from the State about separation of wells and septic systems. Ms. Walzer said they are talking about the potential of thousands of homes in an area that is basically a washing machine for the water that comes out of

Weber Canyon. It is scary to have so many septic tanks and what that would do to the water system.

Commissioner Willoughby said she would like to see the proposed rezones and the MPD tabled because they still require a lot of work. A possible motion was discussed that would table the proposed rezones and amend the Use Chart. Commissioner Clyde said any motion to rezone to a new zone would have to be accompanied with logical reasons as to why. He sees no harm in forwarding the rezones and the Use Table as written. The creation of these zones is their intent. They can move the zoning map forward regardless if they strip those things out or not.

Chair Ure said he worries that someone would come to the Commission wanting one of the rezones before they have the MPD in place. If that happens, they will be back to “let’s make a deal.” He would rather put these zones off until they have the MPD.

Commissioner Henrie said as he understood it, the Commission wanted to get the questions ironed out on the base zoning and then move to the three rezones. After this was accomplished, these would be put all together and then sent on to the Council. He said the work they do on the RR, RS, and the RC zones will have an effect on the base zones. He said the RR is one acre minimum, as is AG-1. The RR limits the use of agricultural activities; the AG-1 zone has fewer limits.

Commissioner Henrie said as proposed, the RR could be placed wherever someone wants. The AG-1 zone is simply an expansion and extension of the highway corridor (HC) zone. There is no justification of why the Commission would allow property in the AG-1 zone to be rezoned to something else. They need to look at the consequences of these rezones. There are a lot of things they need to consider before they pass these zones to the County Council.

Commissioner Clyde remembered when Chair Brown said that there is great recreation possibility by Echo. It would be a good place for the RC zone; however, the Commission decided to put the Echo area in the AG-1 zone. If that happens, and some homes are built, the RC possibility will be gone.

Director Putt said if they are going to create the potential for more density, it needs to be designed appropriately. He is not saying that more density is good or bad, but currently they have very limited tools. Commissioner Vernon said he would like to proceed with whichever method has a better chance of getting through the County Council.

Chair Ure said what concerns him is that if they include the rezones, they would be leaving the door open for “let’s make a deal.” Commissioner Clyde said he doesn’t think this would present a problem. An applicant would have to justify the reasons for a rezone. They are creating thousands of possible new units in the proposed base map. The only restrictions on these are the State Code. He asked what would be the harm in revealing to the County Council that they are looking at a MPD and multiple rezones. Chair Ure said when they submit the first proposal they can inform the Council of the other things they are working on.

Commissioner Willoughby said the MPD only comes into play when there are ten or more units. Commissioner Clyde said they don’t have any tools to deal with an application that creates more density in any of the existing zones. For any rezone that is proposed to them they have to consider if it meets the criteria for providing for health, safety, and welfare. Does it benefit the general public? Does it benefit the County?

Commissioner Wharton said he thinks they have done a lot of work. He believes they are way ahead of where they were two years ago. Commissioner Clyde said the definitions are certainly important; however, they don’t necessarily change the meaning of their Code. They make it easier to use. Commissioner Wharton said the Code is better than it was.

Commissioner Henrie said that he doesn't think the proposed base zones are better than what they have now. He believes the ability to create a one-acre minimum lot size on every parcel creates a huge amount of new non-complying properties. It creates incompatible uses between agricultural and residential uses. It produces density and pockets of sprawl. Commissioner Wharton said this is a philosophical idea that they will never agree on. Chair Ure called for a motion.

Commissioner Wharton made a motion to table to a date uncertain the MPD, the RR zone, the RS zone, the RC zone, and the amendments to the Use Chart. Commissioner Vernon seconded the motion.

- **MOTION CARRIED (4-2) *Commissioner Clyde and Commissioner Henrie objected.***

Commissioner Willoughby said the Commission has discussed the ability to transfer density between baseline parcels as long as the parcels are contiguous and under the same ownership. This issue has not been resolved. She would like to make a motion to have this codified. Commissioner Clyde said even though he strongly objects to this motion, he urged the Commission to remove the same ownership as one of the conditions. Zoning can't be based on ownership. Attorney Strachan said the ordinance could just say the same parcel; it does not have to say same ownership. She said there is already language consistent with what they are trying to say in the highway corridor zone. The justification of being able to move a unit of density was discussed.

Commissioner Willoughby made a motion that density can be transferred between differing base-line zones as long as the parcel is commonly owned property and contiguous.

The motion was discussed. Chair Ure asked if in lieu of contiguous parcels, if it could be the same parcel number. Commissioner Wharton asked if someone had two different parcels that abut against each other, he believes that person could put the density wherever he wants

on that parcel. He was told that is a TDR, which is not allowed in the Code. Commissioner Clyde said that parcel numbers are simply a taxing number. Director Putt made the following suggestion, “*When a single parcel includes multiple zoning districts, density may be relocated across zone lines.*” A discussion ensued.

Commissioner Willoughby made another motion that when a parcel includes multiple zoning districts, density may be relocated across zones. Commissioner Vernon seconded the motion.

- **MOTION CARRIED (4-2) (Commissioner Clyde and Commissioner Henrie voted against.**

Commissioner Vernon asked where this will be located in the Code. Planner Milliner said it will be in Chapter 4. Commissioner Henrie requested the record note that the reason he opposed is that this does not take into consideration the one-acre lot minimum that has been established for every zone; that the combination of the one-acre lot minimum sizes can be clustered anywhere on anybody’s property without respect to infrastructure, without respect to sprawl, and without respect to pockets of uncontrolled and unplanned development.

CHAPTER 3 AND CHAPTER 4

Planner Milliner said during the last meeting, they were working on Chapter 4. Staff was given directions to review some of the Code as it relates to the State law. Since that time, Attorney Strachan has done some editing of Chapter 4. He said as this was just distributed to them, they will need to have time to review this document; therefore, he suggested they review Chapter 3 tonight. This chapter has the zoning districts. The Commission’s recommended changes have been made, along with Attorney Strachan’s suggestions. He suggested the public be allowed to speak at the beginning of the meeting instead of having to wait until the end.

Chair Ure opened the meeting for public comment on Chapter 3.

Tom Smart said he is from Oakley. He is a City Councilman. He questioned the lot width of 75 feet. A one-acre square would be 208 feet. He suggested the minimum width should be around 175 feet. Chair Ure said the reason is that not all lots are square; some are pie shaped. Commissioner Vernon said they are proposing that the highway corridor be expanded to 500 feet deep. It would take 75 feet of frontage to equal one acre. Commissioner Wharton said currently 100 feet of frontage is required.

Jon Eric Greene is from Peoa. He has a hard time understanding how one acre could have meaningful agriculture. He likes the AG-6, but thinks with the AG-1, Kamas Valley and Wanship to Coalville Valley will become Snyderville Basin from a density standpoint. The AG-1 density should be addressed at a city level.

Commissioner Wharton clarified that the AG-1 was historically the highway corridor zone. For the past 40 years, it was zoned one unit per half acre. There are a bunch of little farms already in this area. The zoning was changed in 2004. What the Commission is now proposing is for this area to revert back to the pre-2004 zoning, but at one acre instead of ½ acre. He said if you look at this at the ground, 80% to 90% has already been built out. He thinks there is a perception on the part of the public that up-zoning will allow it to have substantially more density, but they are putting it in at half of what is was.

Chair Ure said Mr. Greene was the recipient of the pre-2004 zone when he came before the Commission for a subdivision. When developed, the subdivision had ½ acre lots. Mr. Greene said his concern is that people won't know when they have arrived or left the different communities like Oakley or Kamas. It is possible to get off the highways and create a clustered neighborhood. Mr. Greene said he doesn't believe they can have meaningful agricultural uses on a one-acre lot.

Chair Ure said they are using agricultural as the base line to indicated that this is something that is still done in this County. He agreed that on one acre someone would not be able to have more than a couple of chickens and a goat; however, these things are already there.

Commissioner Clyde said that Commissioner Wharton's notion that this is 90% built out doesn't square with the maps that Staff has presented them. He has read that between the AG-1, AG-6, and AG-20 zones the increase in the Hoytsville area alone would be 1,574 units. Commissioner Wharton explained he is counting property that was in the 1/2 acre zone before the highway corridor zone was stripped away in 2004. They are putting this back to what it was, but a full acre instead of 1/2 acres. In 2004, the people who lost that right never had due process. He thinks this is history that people need to understand.

Karri Walzer said she lives in an area that hasn't been built out. She thinks this zoning will drastically change Woodenshoe, Democrat Alley, and Rob Young Lane. A discussion about if this is a true statement ensued. Planner Milliner showed on the screen the current zoning and the proposed zoning of these areas. If everything were to be built out according to the proposed Code, there will be an increase of 700 units in the Peoa area over what currently exists. Mr. Greene said he has heard several different numbers. Director Putt said they can do the simple math, but the numbers can vary depending where they measure the AG-20 or AG-40 zones.

Commissioner Clyde said the contention that Commissioner Wharton just made is that 90% of the density in the highway corridor is already there. Commissioner Wharton countered that in a lot of places it is. That was 1,000 feet deep; it went down to 500 feet deep; now it is coming back to 1,000 feet. That is not an increase of what was before 2004?

Commissioner Clyde said if they are going to describe to the public what the change is, they should talk about what is on the ground now and what will be buildable based on the new zones. The numbers they have from Staff is thousands of new units. Commissioner Wharton said they also need to take into consideration how many of those units have been built out.

Director Putt referred to the displayed map and said the blue outline is the perimeter of the AG-1 zone running along Highway 32 to the mouth of Brown's Canyon, to Woodenshoe,

and to the town limits of Oakley. There is just a little less than 710 acres inside that area.

Under the proposed rezone of one unit per acre, that would equate to 710 units. Mr. Greene asked how many of those units have already been built today. What is the difference?

Director Putt said they haven't figured what the total increase would be with the new proposal compared to the current zone. Commissioner Vernon said the numbers being given are inflated. To start with, somebody is going to have to want those lots, which he doesn't think will increase significantly. Secondly, property owners can restrict growth on their own property all they want. Taking both of these into account, he doesn't think there will be that much increase. Coalville has not allowed any growth and as a result, the city has died.

Commissioner Wharton said another reason why these numbers are inflated is because there are pieces of land that are obviously not going to be developable. Mr. Greene said the Commission is saying they can move the density from the undevelopable land to somewhere else; therefore the density would stay the same. Commissioner Clyde said the notion that something won't be built because there are flood plains and wetlands is also false. He could take a 10 acre parcel, and would be able to build 10 lots despite the geographical limitations. They are allowed by law to build in floodplains. In some places, he doesn't even have to notify the Army Corp of Engineers to be able to build in wetlands.

Kerri Walzer said she grew up in Park City; but lives here now. She understands that a lot of the east side doesn't like Park City. What they are proposing is a perfect way to become like Park City. It is becoming too expensive for most people to live in Park City. They are coming out here. If they let the developers do whatever they want, they will. If you give them this kind of density, they will take it.

Chair Ure said this angers him. He doesn't like having move-ins tell the natives what they can and cannot do with their property. He didn't tell them what they can do on their property. He voted in favor of their subdivision. But now they have it, they want to have the door to development closed. Ms. Walzer said she didn't build a house; she bought one that was already there.

Attorney Strachan said the public hearing is still opened. She asked if there are others who would like to speak. Mr. Greene said the agricultural value of the Kamas Valley is tremendous. They are trying to protect value. The perception that density brings income is a false perspective. He thinks that too much density starts to erode the value and the quality of life. The value of this community is in neighbors helping neighbors.

Mr. Greene said that growth is coming, but it should be in the municipalities, like Coalville. These should be the urban centers. Commissioner Willoughby said the cities have to be willing to grow. She added that times are changing. You can no longer make a living being a farmer. They cannot force people to remain as farmers just to preserve open space. Commissioner Henrie said neither do they have the obligation, as a government entity, to make things profitable for any individual. They have the obligation to create responsible planning for a community.

Commissioner Clyde said the contention that they are forcing people to farm is not true. Property owners have the right to do with their land whatever they want. There is no requirement to upzone the land just because they can't make a living at milking cows. Commissioner Willoughby said these are differing opinions. That is why they disagree. That is why they make motions and why the County Council will make the final determination. Commissioner Henrie added that is why their recommendations have to be supported with findings of fact.

Planner Milliner suggested they go through and look at the amendments to the zones in Chapter 3. The Commission can make any comment they have with any of the specific zones and the use table. He suggests following completion of this review, they terminate the discussion on Chapter 3 for at least one meeting. Based on the fact they didn't get Attorney Strachan's comments until this meeting, they should talk about Chapter 4 at the next meeting. Attorney Strachan said she highlighted in yellow the sections that are more relevant. These are mostly the things that she sees as requirements. Most come from State law. The

Commission wanted to mirror State law as closely as possible. A few other things have been highlighted also in yellow.

The Commission's review began with the following language amendments:

AG-1

Planner Milliner said there have been questions about agricultural activities in this zone. From his perspective, most of the agricultural supporting uses such as barns, corals, and farmhouses are located within the AG-1 corridor. The fields are generally behind these. That is the reasoning behind the wording of the district intent.

Commissioner Henrie said he doesn't think that one acre is enough land to have an agricultural zone. It encourages linear development. He doesn't like expanding it to 500 feet or extending it to where it isn't currently located. He doesn't think the purpose of a rezone is to allow people to divide their land and receive profit. He asked these beliefs be placed in the record. The minimum lot size was discussed.

- The proposed language of the district intent stood as written.
- The minimum lot size (with documented service from a culinary water and sewer provider) would be ½ of an acre. It was noted this provider could be a private or governmental entity.
- It was noted that natural grade is a defined term. This definition has been working well.

AG-6

No comments were made.

AG-20

No amendments were made to the previously proposed language.

AG-40

Planner Milliner said this zone will become a real AG-40 zone. He said no amendments were made to the previously proposed language. Commissioner Wharton noted that the current AP-40 can have a 10-acre split, but the new AG-40 cannot. Is this taken into consideration when they are calculating the increased density? He would like to see the density portrayed as accurately as possible.

AG-80

Planner Milliner said this zone is designed to take the place of the AG-100 and AG-160. The minimum lot size is one acre. The rest of the land can be used for agriculture. The setbacks and lot widths have remained constant throughout all of the zones.

Planner Milliner said one difference between this and other zones is that the property owner will sign a memorandum with the County saying that by virtue of living in the AG-80 zone, they understand there are limited services including fire, ambulance, and possibly electricity, gas, or sewer. Essentially, when someone moves into an AG-80 they are potentially on their own.

Planner Milliner emphasized this is different than what is found in Chapter 4. That is a requirement that a plat note be required for all subdivisions. This is a statement that they understand they live in an agricultural environment where farmers may bale their hay late at night. There may be livestock that make noises and smell.

Commissioner Clyde said this paragraph should be cut in half. The County has no obligation to improve or even maintain some services, such as a bus stop. This paragraph should just say that this is a rural area and the same services as found in the city will not exist.

Commissioner Wharton asked if it is important to put in a note saying they are in the Urban Wildfire District. Planner Milliner said this is found in Chapter 2. It is found in all of the zones, with the exception of the AG-1. Commissioner Clyde said it is analogous to saying someone has to follow the Code.

Chair Ure asked Planner Milliner to explain the last sentence of the district intent. Planner Milliner said in theory the AG-80 should be an agricultural, not a high density environment. Chair Ure asked how they would promote agriculture in the AG-80 zone. He suggested that perhaps that sentence should be taken out. Commissioner Wharton said if someone comes in and wants to make a motocross track, the applicant can be told that isn't the intent of this zone. The decision was made to leave the sentence in.

Planner Milliner said the deleted zones include the AP, the AG-100, and the AG-160. The zones to be discussed at a later time will be the RR, RS, and RC zones. He said they inserted the last sentence of the district intent: *"Subdivisions created after the adoption of this Zone are not eligible to be rezoned to the cabin area zone."* Commissioner Wharton said he approves of the inserted language. This was originally intended for developments found in the different canyons.

It was noted, the County hasn't applied the Cabin zone and no one has come in and asked for it; however the County Council could apply it if they wanted. The appropriateness to impose the CA zone was discussed. Overlaying the CA zone in Tollgate Canyon may be a good idea. The existing zones were then reviewed:

Commercial zone

The majority of this has stayed unchanged; however, they have removed the line about the traditional town center, because it has not been defined. They also eliminated "All commercial uses exceeding 2,000 square feet must be reviewed through the conditional use process." This is because the amendments to the Use Table have rendered this statement untrue.

The requirement to have frontage along a public roadway was also eliminated. This is to allow the possibility of a store or a commercial use down a private road or driveway. Staff would like to get their input from the Commission. Commissioner Henrie said he thinks

there are some businesses that don't belong right along a highway, such as an auto wrecking yard.

Planner Milliner said the wetland requirements have been altered to go along with the defined terms. Planner Milliner asked if the Commission has any desire to alter the established setbacks. He said the setbacks for the parking lot are for the landscaped areas such as grass or gravel. The Commission discussed the setbacks. Should they be left as written? Should they go to "0"? It was noted that a variance is allowed through the Board of Adjustment.

Mr. Greene said he works in commercial developments around the County. It is common when two commercial projects adjoin, for a "0" setback to be established. If the commercial development adjoins with another use, then there would be a more meaningful side yard setback. Until the MPD is in place, the Commission will leave this as written. Planner Milliner said they have not looked at the village overlay zone. That could also be featured in this zone. The MPD would work well in the commercial zone.

Light Industrial

The only change was the defined term on the wetlands and streams setbacks.

Industrial Zone

Planner Milliner said Commissioner Henrie had a comment about encouraging industrial development next to municipalities. If they are going to have industrial use, it should be where the infrastructure should be supported. The different industrial businesses on the east side of Summit County were discussed. Do they want those to be near to cities?

Commissioner Clyde said this zone has things like mining and gravel pits. The different municipalities wouldn't want these next to them. Commissioner Henrie said he simply made this suggestion because it was in the old language.

The building height was discussed. Should a height limitation be left out? It could be handled in the MPD. There are times when increased building height would be justified. Director Putt added that an applicant can apply for a variance or for a special exception. Commissioner Clyde said this seems like a lot of extra work.

Commissioner Henrie said that Utelite has structures that are necessary to do their business that are taller than 32 feet. Attorney Strachan said if they take out the language in green under the building height, the language takes care of itself. The fire district would have to sign off. It would have to be demonstrated the increased height was required by the use. Commissioner Clyde asked that they bring to the Commission what the language is on the Snyderville side. It is good language. Commissioner Vernon said that 32 feet is very restrictive for an industrial zone. Commissioner Clyde agreed. He said the light industrial and commercial is different. The Commission decided the height limit should be 50 feet.

Commissioner Vernon said he would like to allow some variance to the height. Commissioner Clyde said an applicant can always apply for a special exception. The last sentence will be eliminated.

The Specially Planned Area (SPA)

After a discussion, the Commission decided to eliminate the SPA from the Code. However, the original reason to eliminate it was to replace it with the MPD. The Commission will continue this work in the foreseeable future. Having this eliminated will be more incentive to get the other zones completed quickly.

Annexation Declaration Area (ADA)

Planner Milliner said the language has not been altered from what they previously discussed. Chair Ure emphasized the ADA doesn't give the municipalities 100% control of the development within this area. This should be brought up in a COG meeting. Director Putt said he will have language that comes directly from the State Code. The ADA is primarily a

tool to allow for a commitment so that the municipalities are given notification and a chance to respond when there is development.

The Zone District Map

D-1 Planner Milliner said that some of the language has been deleted because the language no longer applies due to some of the Commission changes. One change is because the zones no longer follow township or section lines whenever possible. Commissioner Wharton added that some of the zones no longer exist.

D-2 Planner Milliner said originally he had the HC zone as 500 feet on both sides of the highway, but there were a couple of places this wasn't true, so he eliminated that as well.

D-3 The Commercial and Industrial zones that follow specific property lines were also eliminated.

D-4 This language will remain in case there is an issue that the community development director (CDD) needs to make an interpretation on. The Commission would be the final decision maker. Commissioner Henrie suggested this be removed as #4, to be combined simply as letter D.

Allowed, Conditional, Low Impact, and Temporary Uses

Planner Milliner said each paragraph defines an allowed, conditional, low impact, or temporary use. He recognizes several of the Commissioners have concerns with this language. No changes have been made because Commissioner Clyde wanted to review some of the language.

Commissioner Henrie said a comment was made that conditional use permits are only for uses; however, he believes they apply to uses and structures. It should say uses and structures where it is appropriate.

Chart of Allowed and Permitted Uses

One point of clarification is that if there is no letter assigned to a use, it is not a permitted use. That will eliminate confusion on some things like if someone can fly a helicopter over a residential area. Attorney Strachan said the definition of the use is the activity that occurs on the land or within the structure.

The Use Chart

The Commission decided to wait until Commissioner Hanson could be present to review the Use Chart. Planner Milliner said he needs direction from the Commission on what they want to do with mobile home parks. Right now it is listed on the Use Chart, but it has no assigned zone. He said some of the Commission seemed to feel that it could be eliminated; others felt that it should remain as affordable housing.

Director Putt said the Code currently allows for a single-wide mobile home to be allowed on a lot. The question is if they want to aggregate and see mobile home parks as an allowed use in the County. Commissioner Clyde said they haven't provided any place that would permit that kind of density. This could be further discussed when they review the residential zones.

Planner Milliner said for the next meeting, he will have the changes they have made tonight, which are minimal. The next meeting will be held on February 18th. It will be a public hearing. Postcards were sent out this week for that meeting.

Commissioner Clyde said due to pressing business affairs, he was not going to attend this meeting until he saw page one of the Staff Report. This noticed they were having a personnel meeting and that they were going to talk about the reasons for making the changes to the zoning map. He was glad he was in attendance for the personnel section of the meeting; however, the reason for making these changes keeps getting put off. He wanted to know when this discussion is going to take place.

Director Putt responded when they look at the four criteria that are listed on page one, he believes the first two are the most important. He gave another copy of the zoning matrix to each Commissioner. He believes that going through this will help them in being consistent with the goals of the General Plan. Commissioner Willoughby said as she looks at the handout some of the listed goals compete with each other. Director Putt said the matrix is putting the policies of the general plan into the form of a question.

He encouraged the Commission to read the policies. If there is a policy that they feel strongly about, either in a positive or a negative way, circle it in red with a note explaining why they feel the way they do. If each Commissioner can each come back with five circled and noted items that would be a good starting point for the discussion. He said both Commissioner Henrie and Commissioner Clyde have submitted their findings. He asked if the Commission would like to have copies of these.

Commissioner Wharton said the Commission has different philosophies about the zoning map. How will they compile these ideas? Director Putt said this will be complicated and will probably be argumentative. It will most likely go through a series of motions where they develop a list of reasons to send to the Council.

Director Putt said they need to be prepared to recognize that this will not be a unanimous direction. That is okay. What they need to focus on is the clearly explainable reasons why they voted the way they did. That is why he handed out the matrix again. Commissioner Wharton asked if these would accompany the recommendation. It would help the County Council know each Commissioner's personal opinion.

Commissioner Wharton said he thinks this will proceed like a court case, with opposing sides giving their arguments. Commissioner Clyde said ultimately the zoning map will be passed with a series of findings made by the majority of the Commission. Somebody has to figure out what those findings are. Commissioner Willoughby surmised that they each need to be

looking for the reasoning behind their findings. Chair Ure said that was their homework assignment.

Director Putt read the first question of the zoning matrix. “Do the proposed zoning strategies (i.e. map) work to ensure that new development is suitably located to minimize impact to surrounding areas.” He said they should answer this question with a yes or a no and then explain generally why you feel that way. He had hoped they would have gotten further into this tonight than they did.

Director Putt said he thinks there will be a full house on February 18th. He suggested at that meeting, they quickly give an overview of the map and the zones. Let people know that they have tabled some portions of the Development Code and why. He hopes that early in the meeting, the people will be given the chance to speak. When that is completed, he recommended the public hearing be closed. A reminder can be given that other opportunities to comment will be given at the Council level. After the public hearing is closed, they will launch into the discussions of the reasoning why.

Commissioner Clyde said that item #3 of page 1 seems to be a given criteria; they are not going to adopt zones that don't comply with the applicable standards and criteria. He thinks that #4 seems to be significant. When the Public Works Director comes in and tells the Commission that their roads are not going to support development, that is a significant finding.

Commissioner Willoughby said when she listened to the County Engineer, she did take away the message that the County roads would not be adequate for the zoning they are creating. Commissioner Clyde said what he heard was that our existing County roads are below County standards, but that they are adequate given our current development; however, they will not handle a lot of new density. Chair Ure said he thought Director Radke said the only concern was SR 32; even without the rezoning, it will become an “F” grade road by 2040.

Director Putt said he will make sure they will include the minutes from that meeting in their next packet. Curb-cuts along a highway were discussed. Attorney Strachan said Director Radke said this could lead to road failures if they grant that increased number of curb-cuts because the County would have to allow them access to their property.

Commissioner Clyde said there is no question that curb-cuts deteriorates the capacity of the road. The question is how many can they have and how often can they have them. Attorney Strachan said the reason she brought that up is if they are expanding the AG-1, how do they square the evidence that Director Radke provided with what they are proposing.

4. Approval of Minutes

December 17, 2015:

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

MOTION CARRIED (5 - 0) *Commissioner Wharton abstained as he was absent.*

COMMISSION ITEMS

Chair Ure said he was invited to attend a meeting that was held two weeks ago along with the Mayors of Oakley and Kamas and some of their City Council Members. Different concerns were expressed, such as the Boulderville Road area. Mr. Smart, who is on the Oakley City Council, said they learned they have a lot of questions. Different numbers are still coming forward, but the numbers are alarming.

Commissioner Henrie recommended the subcommittee meets to work on the new rezones. Commissioner Vernon said if Chapter 3 and Chapter 4 are not approved by the County Council, they are wasting their time with having meetings on the rezones. Commissioner Clyde said the Commission should tell them they are still working on the rezones. He agrees that the subcommittee should still be working on the rezones. Chair Ure said he doesn't have

the time for subcommittee meetings for the next 90 days. Director Putt said Staff will make the time if subcommittee meetings want to continue. Chair Ure asked that before they start on any rezones, they work on the temporary use first.

Commissioner Vernon asked if they can have a goal of forwarding this to the County Council at the next meeting. Attorney Strachan said they will have some work to do after they read her comments on Chapter 4. She said the bulk of her issues are centered on the things they decided to table. There are a few places that they are in conflict with State law.

Commissioner Willoughby said they don't need to discuss the things that are required by State law. Attorney Strachan agreed. She said there are some things that are more discussion items. She didn't want to tweak it too much without the Commission getting involved.

Planner Milliner said they will do their best to bring back the cleanest document they can.

The role of the Eastern Summit Agriculture Preservation committee was discussed. Attorney Strachan said the Special Service District has been in existence since about 2007, but the Development Code does not reflect their existence. She felt there should be a link between the Development Code and the Special Service District that makes approval with regards to waste water. This language should be included in Chapter 4.

Commissioner Henrie said he thinks there is room for discussion on how this committee applies when they have placed a requirement to stub to a non-existent public sewer line.

Planner Milliner explained an application is taken to the ESAP committee before it is brought to the Planning Commission. They can approve or deny the application. Planner Milliner said the ESAP requirements have been listed as a condition of approval. Director Putt said a good idea would be to hold a joint work session between this committee and the Planning Commission.

ADJOURN

The meeting adjourned at 9:25 p.m.

- **MOTION CARRIED**

A handwritten signature in black ink, consisting of two distinct parts that appear to be initials or a name, possibly 'Cb' followed by a more complex scribble.
