

# MINUTES

## EASTERN SUMMIT COUNTY PLANNING COMMISSION

REGULAR MEETING  
THURSDAY, MARCH 17, 2016  
KAMAS CITY OFFICE  
170 NORTH MAIN  
KAMAS, UTAH

### COMMISSIONERS PRESENT:

Tonja Hanson, *Chair*  
Douglas Clyde  
Ken Henrie  
Rich Sonntag

Chris Ure  
Sean Wharton  
Louise Willoughby

### STAFF PRESENT:

Peter Barnes– *Planning and Zoning Administrator*  
Amir Caus – *County Planner*  
Patrick Putt– *Community Development Director*

Helen Strachan– *County Attorney*  
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. Barbara Richardson lives in Kamas. She understands the Commission is considering a new master plan with new zoning. Many residents are hoping that the Commission will ensure the developers include open space, trails, and parks.

Ms. Richardson said there is a new organization called the South Summit Trails Foundation. It has 160 people. It is for people who want to be able to ride horses and

bicycles on trail systems. Already, there are a lot of great trails, but they are trying to figure out where the trails are and keep them improved. They are eager to get the trails linked up. She brought a small flyer for distribution to the public and Commission.

Ms. Richardson said as Kamas Valley grows, she hopes they can maintain that wonderful sense of openness with green space and parks. She walks her dog three times a day. She appreciates a nice trail system.

Chair Hanson said that Mr. Brown has asked if they can move the agenda items around. She asked if that is acceptable to the applicant of the first item, Mr. Sargent. Mr. Sargent said that would be fine.

**3. Public meeting and possible action regarding a proposed Plant Amendment for the Cherry Meadows Subdivision; 31016 Old Lincoln Highway; Parcel CHMD-1; Michael Brown, applicant – Amir Caus, County Planner**

Planner Amir Caus said the subdivision was recorded in 1994. It has two lots. The proposal is to vacate a 58.95 acre portion of Lot 1, which in turn would become a legally created parcel under the current Code. The previous and current zoning and minimum development standards will be met. He displayed an illustration that shows the existing subdivision and the area that would be vacated. Staff recommends the Planning Commission approve the plat amendment as outlined in the Staff Report.

Chair Hanson noted this is not a public hearing because they have all the signatures of the property owners within the subdivision. She asked Planner Caus to explain this. Planner Caus said that all owners within the subdivision have signed and agreed to the plat amendment; therefore, the public hearing was waived by the Community Development Director as allowed in the development code. Public meeting notices were sent out as a courtesy per the Development Code. No comment has been received. The applicant, Michael Brown said he had nothing to add.

***Commissioner Ure made the motion, which was seconded by Commissioner Clyde, to approve the Cherry Meadows Lot 1 amendment with the following:***

**FINDINGS OF FACT**

- 1. Ashley Woolstenhulme is the owner of record of Parcel CHMD-1 (62.48 acres), located at 31016 Old Lincoln Highway, Coalville, Summit County, UT.***
- 2. Wayne and Michelle Devey are the owners of record of Parcel CHMD-2 (1.12 acres), located at 31054 Old Lincoln Highway, Coalville, Summit County, UT.***
- 3. The proposed Plat Amendment is legally described as "Cherry Meadows Lot 1 Amended Subdivision."***
- 4. The applicant is requesting to vacate a 58.95 acre portion of Lot 1 out of the Cherry Meadows Subdivision.***
- 5. The vacation would result in a reduction of Lot 1 from 62.46 acres to 3.51 acres.***
- 6. The newly described Lot 1 meets the existing Highway Corridor Zone acreage requirement.***
- 7. The proposed vacated parcel meets the existing Agriculture Protection Zone acreage requirement.***
- 8. The land that is vacated out of the Cherry Meadows Subdivision will not be considered a Lot of Record.***
- 9. The vacated land will be considered a Legally Created Lot as found in Section 11-4-3 of the Eastern Summit County Development Code.***
- 10. Per Section 11-4-18(D.5) of the Eastern Summit County Development Code, the applicant has provided the name and address and consenting signatures of all owners of record of the land contained in the entire subdivision plat.***
- 11. This item is not scheduled for a public hearing.***
- 12. Service providers have reviewed the plat for compliance with applicable standards.***
- 13. Staff has reviewed the plat for compliance with applicable Development Code standards.***

**CONCLUSIONS OF LAW**

- 1. *There is good cause for this Plat Amendment.***
- 2. *The proposed Plat Amendment will not result in additional density.***
- 3. *The spirit of the General Plan will be kept.***

**CONDITIONS OF APPROVAL**

- 1. *All service provider requirements shall be met.***

**• MOTION CARRIED (7 - 0)**

- 4. Public meeting and possible action regarding a proposed Plat Amendment for the Richins Ranch Subdivision; 477 East Richins Ranch Road; Parcel RRS-I-A, RRS-I-C, RRS-II-4, RRS-II-G, RRS-GR-G-AM; Michael Brown, applicant – *Amir Caus, County Planner***

Planner Caus said this is very similar to the previous plat amendment; however, this is a little bit more complicated. There are more lots and more phases. The first phase took place in 2003, the second phase in 2005. A slide was displayed of the existing subdivision and the different phases. On the slide, phase one was highlighted in purple and phase two in green.

Planner Caus explained the parcels in letters designate open space parcels. These parcels conformed to the Code at the time. The numbered parcels are buildable lots. He explained that in essence, Parcels A, C, & G are being vacated and Lot 4 is being moved to a portion of the previous parcel. Between Lots 1 and 3 is Parcel G. That will become Lot 4.

Planner Caus said that all owners within the subdivision have signed, accepting the proposed plat. As a result, the public hearing requirement was waived. Public notices were sent. No negative comments have been received. Staff recommends a positive recommendation per the Staff Report. The applicant, Michael Brown had no comments.

**COMMISSION COMMENTS AND QUESTIONS**

Commissioner Henrie said this seems very similar to the previous application. He asked how the 12 separate lots were achieved. Planner Caus explained five lots were remnant pieces of land. Previously, these were labeled as open space, but they were not required to be open space by the Code.

Commissioner Henrie replied that usually remnant parcels become one instead of five different lots. Planner Caus said the subdivision was developed in phases. A couple of the lots were created with each phase. These lots were contiguous pieces.

Commissioner Henrie asked what will be the status if the lots are vacated. Planner Caus said the applicant wishes to combine this vacated land with the vacated land of the previous application. The vacated land will be a legally created parcel, but not a Lot of Record. Further applications would need to conform to the existing code at the time.

Commissioner Henrie asked if Parcel A and Parcel C would cease to exist. Planner Caus said they will be part of a bigger parcel description as a result of this and the previous subdivision amendment. Mr. Brown said they want to take the five remnant parcels and consolidate them into one description. The property owner is the same for both pieces of land. Currently, they are legal conforming parcels in a non-conforming zone.

Planner Caus said with this application, there are four pieces of land being vacated. These are Parcels A, C, G, and the former Lot 4. Lot 4 is being moved to another location. Currently Parcels E and F have no development rights. They will remain within the subdivision.

Commissioner Henrie asked if Lot 4 will remain the same size. Mr. Brown said it won't be an equal swap. The new lot will be smaller. He added there is no reason to have this agricultural parcel isolated by homes because there is no way it could be utilized. This is the reason they are moving Lot 4 to a new location.

Commissioner Henrie said they are vacating a 3.25 acre parcel and moving it onto a 2.65 acre lot. Planner Caus said under the original proposal this would still meet the zoning. Mr. Brown said the original density came from the highway corridor zone. Even though it shrinks in size, it meets the zoning requirement.

Planner Caus explained that Lot 5 remains at its current location because it was already developed. Lots 1, 3, and 4 will be clustered as much as possible within the subdivision boundaries. Commissioner Clyde said his concerns have been appeased because Staff found it to be compliant. Mr. Brown said there has not been an increase of lots. They have consolidated the agriculture parcels to make them contiguous.

Commissioner Henrie said they need to make sure the plat is proper when the lines are redrawn. Planner Caus said all acreages are accounted for. There are no remnant pieces or additional density. This is allowed under State Code as proposed. Lot 4 is being moved within the original boundary of the subdivision.

Commissioner Wharton said they have never done this before. He verified that the perimeter of the original subdivision boundary is staying the same. Planner Caus said it is, with the exception of the vacated land. Commissioner Wharton said that means the new subdivision boundaries will be different than the old subdivision boundary. Planner Caus said that is not true where the lots remain. The vacated land will be combined to become a legally created parcel. A discussion ensued about the perimeter of the subdivision. Commissioner Clyde said he doesn't think there is any issue if the parcel is within or without the subdivision.

Commissioner Sonntag verified that everyone within the subdivision has agreed and signed off on this amendment. Planner Caus said that is true, including the Recorder's Office. Commissioner Henrie said he isn't objecting, but he wants to make sure it is recorded properly. Lot 5 will be isolated from the other lots. Mr. Brown agreed and added that the road has not changed. It will remain as part of the subdivision.

Chair Hanson asked two questions.

1. Where does the road comes from?
2. How do they get to Parcel E and F?

Planner Caus said the road comes from Cherry Canyon and turns into Richins Ranch Road. Parcels E and F will become part of the open space parcel. There is a roadway at the top of Parcel E. This is a very unique proposal, but Staff has done a thorough analysis.

***Commissioner Clyde made a motion, which was seconded by Commissioner Sonntag, to approve the Richins Ranch combined amended plat with the following:***

#### **FINDINGS OF FACT**

- 1. Ashley and Jeneil Woolstenhulme are the owners of record of Parcels Parcel RRS-I-A, RRS-I-C, RRS-II-G, and RRS-GR-G-AM.***
- 2. David and Vicki Richards are the owners of record of Parcel RRS-II-4.***
- 3. The proposed Plat Amendment is legally described as "Richins Ranch combined Amendment Plat."***
- 4. The applicant is requesting to:***
  - Relocate Lot 4 (Phase II) onto a 2.65 acre portion of Agriculture Parcel G (Phase II).***
    - The previously indentified Lot 4 is proposed to be vacated.***
    - This also results in removal of the Lot 4 building pad.***
  - Vacate a portion of Phase II Agriculture Parcel G (5.94 acres).***
  - Vacate Phase I Open Space Parcels A and C (22.20 acres).***
  - Note 6 of the Phase I plat will no longer apply to vacated Phase I Open Space Parcel A and Open Space Parcel C.***
- 5. The land that is vacated out of the Richins Ranch Subdivision will not be considered a Lot of Record.***

6. *The vacated land will be considered a Legally Created Lot as found in Section 11-4-3 of the Eastern Summit county Development Code.*
7. *Per Section 11-4-18 (D.5) of the Eastern Summit County Development Code, the applicant has provided the name and address and consenting signatures of all owners of record of the land contained in the entire subdivision plat.*
8. *This item is not scheduled for a public hearing.*
9. *Service providers have reviewed the plat for compliance with applicable standards.*
10. *Staff has reviewed the plat for compliance with applicable Development Code standards.*

#### CONCLUSIONS OF LAW

1. *There is good cause for this Plat Amendment.*
2. *The proposed Plat Amendment will not result in additional density.*
3. *The spirit of the General Plan will be kept.*

#### CONDITIONS OF APPROVAL

1. *All service provider requirements shall be met.*
2. *Any future development of the vacated land will require compliance under the code in effect at that time.*

#### • MOTION CARRIED (7 - 0)

5. **Public hearing and possible action regarding a proposed Plat Amendment to amend public utility easements and an irrigation ditch right-of-way identified on Lots A2-A9; 2665 Lakeside Drive, Wanship Cottage Sites (North of Rockport Reservoir Dam); Cade Sargent, applicant – Amir Caus, County Planner**

Planner Caus said the subdivision was originally approved in 1961 with 77 lots. There are currently 26 homes built. The plat was amended in 2007. Several smaller parcels were combined. When the amendment took place, there were remnant easements that were left over from the original lot layout. The applicant is coming to fix that. He hopes

to put the utility easements on the outside edges of the property. This also includes the ditch easement as well.

Planner Caus showed the existing plat that showed the easements in the middle of the lots. The proposed plat was shown with easements on the edge. Staff has found this meets the minimum applicable standards. Approval is recommended.

#### **COMMISSIONER COMMENTS AND QUESTIONS**

Commissioner Wharton asked if all of the utility easements are in use. Are there any houses that are hooked onto a utility that would create problems for the owner?

Planner Caus said none of the easements are in use, including the ditch. This action will not affect any of the properties. He said the utility and ditch companies have signed off.

*The public hearing was opened. There were no comments made and the public hearing was closed.*

***Commissioner Henrie made a motion, which was seconded by Commissioner Wharton, to approve the Wanship Cottage Site Second Amendment (Lots 2-9) according to the following:***

#### **FINDINGS OF FACT**

- 1. Wanship Cottages LLC is the owner of record of Parcels. WS-A2-AM (0.54 acres), WS-A3-AM (0.55 acres), WS-A4-AM (0.77 acres), WS-A5-AM (0.76 acres), WS-A6-AM (0.76 acres), WS-A7-AM (0.76 acres), WS-A8-AM (0.77 acres), and WS-A9-AM (0.77 acres) located at 30719 Old Lincoln Highway, Summit County, UT.***
- 2. The proposed Plat Amendment is legally described as "Wanship cottage sites Second Amended."***

- 3. The applicant is requesting to amend public utility easements and irrigation ditch right-of-way identified on Lots A2-A9 of the Wanship cottage Sites Subdivision.**
- 4. The amendment would result in moving the public utility easements to the exterior lot boundaries.**
- 5. The amendment would also result in relocation of a ditch easement to the exterior lot boundaries to reflect a court requirement (Summit County recorder's Office Book 1533 Pages 966-971).**
- 6. The utility providers and the ditch company have forwarded their approvals of the proposed amendments.**
- 7. Service providers have reviewed the plat for compliance with applicable standards.**
- 8. Staff has reviewed the plat for compliance with applicable Development Code standards.**

**CONCLUSIONS OF LAW**

- 1. There is good cause for this Plat Amendment.**
- 2. The proposed Plat Amendment will not result in additional density.**
- 3. The spirit of the General Plan will be kept.**

**CONDITIONS OF APPROVAL**

- 1. All service provider requirements shall be met.**
- 2. All plat notes from the Wanship Cottage Sites Subdivision Plat Amendment (entry Number 832145) shall be placed on the prospered plat.**

- MOTION CARRIED (7 - 0)**

**WORK SESSION**

**1. Discussion regarding the RR, RS, RC and VO zones and the MPD process – *Planning Staff***

Principal Planner Ray Milliner said during the previous review of the Development Code, there were some items the Commission elected to remove from the recommendation made to the County Council. Staff was directed to bring these back for further review. Staff was requested to take out the newly proposed zones from Chapter 3. These zones are the rural residential (RR), the residential subdivision (RS), recreation commercial (RC) and the village overlay (VO) zones.

Planner Milliner said these zones are in tonight's packet for further discussion, along with some questions in red to consider. Staff would also appreciate a discussion about the master plan development (MPD) process. Along with the new zones, the MPD process was removed from the recommendation because the Commission felt that it needed a lot more work.

Planner Milliner said Staff would like to know if they believe that a MPD process is important and necessary to the Code. If so, how would the MPD look? He turned the time back over to the Chair to lead the discussion. Chair Hanson said the first question they need to answer is if a MPD process is needed. After that, they can dig deeper.

Commissioner Ure said he isn't against a MPD process, but he is not in favor of tying it in with base zoning. He is not in favor of creating open space language. He explained he doesn't want it tied into base zoning. If the MPD comes into play at ten acres, people will develop nine to avoid the requirement. If someone has enough zoning to have 30 units of density, the landowner will develop these in groups of 9.

As far as open space, he doesn't think it needs to be forced upon a landowner. If there was a 40% requirement on 10 acres, 4 acres would be required as open space. This would become land that nobody would maintain; it will turn into a weed patch.

Eventually, the County will take it over and try to do something with it. This will cost the tax payers more money. Planner Milliner asked what would be the trigger to initiate the process of the MPD. Commissioner Ure said he thinks it should be tied into the overlay zones. He is on the fence with the commercial zone.

Commissioner Clyde said he thinks Commissioner Ure makes a valid point that the MPD should be tied into the more “generous” zones. If someone wants more density, they should be required to go through the MPD process. He is committed to making the base zone development as easy as possible.

Commissioner Sonntag said he would like to see the MPD as a tool that is optional and comes with bonuses. He would like to see the MPD be used for someone that wants to build infrastructure or create something with a small commercial center or develop other options.

Commissioner Sonntag said someone who goes through the MPD process would go through the process of providing access roads, getting the houses off the highways, creating water and sewer systems. If they do all these things, they should be given some bonuses. There should be incentives for clustering. When he looks at the MPD, he doesn't think this would work well for someone who wants give land to his children.

Commissioner Henrie said he thinks that rezoning to the RC zone would require the MPD. It would be essential for a major subdivision of something like 25+ homes.

Commissioner Henrie said he doesn't know where the break off should be; that number would require discussion. He thinks open space may apply to a planned development, but not small acreage.

Commissioner Ure replied he isn't against open space, but it needs to be meaningful.

Commissioner Clyde said many people on the south side shared the expression that

open space would be meaningful to them. He suggested perhaps they should look at Indian Hollow, which had some good master planning.

Commissioner Henrie said there should be a list of things that should be included in the MPD, such as streets, lighting, and gutter. As appropriate for the plan, open space could be included. This would give the County some leverage.

Commissioner Sonntag said a developer makes money by putting the houses closer together and running less linear feet of road and pipe. Compact and clustered is an economic incentive. Clustered houses are more valuable if they are next to open space than if they are on 3-acre lots.

Commissioner Willoughby asked where schools come into play with a MPD. Is planning a school voluntary? At what level is a developer required to put in a school? Director Putt said it would depend on how the process is set up. That is why they pulled back on the preliminary draft they brought to the Commission at the last meeting. Staff thought they would go one step lower. Firstly, they want to know if the Planning Commission believes that a MPD tool is appropriate. If it is, what are the things they should be looking at? What really matters?

They may want to make a list to review when they evaluate if a plan is appropriately designed. This would include not only how it fits the zone that it is in but also what are the characteristics or attributes that they feel are important. The next step is if these should be quantified in some way. A good way to address this is by asking the developer to explain the development. The Commission can relay their concerns and ask if these concerns have been factored into the plan.

Director Putt said this is an approach they are taking on the west side of the County. They have the developer explain the project to the Commission; to explain their thought process. The Commission decides if the developer has taken into consideration certain

important factors. He hopes they can begin to have a conversation with the applicant. This conversation can lead to an exchange of ideas resulting in a better design.

Director Putt said in some instances they may decide to have hard and fast numbers as a measuring tool. In other respects, they need to have flexibility so the project fits the site. At some point, they will have to decide that although this is a nice plan, the Commission needs to have more. If that is not provided, it will fail the subjectivity test.

Commissioner Clyde shared an experience he had with a client who wanted to develop a subdivision. It met every criterion that a neighboring subdivision had met. They were asking for the same density bonus. The Planning Commission said there was no amount of mitigation they could ever bring to the project that would cause them to grant that kind of density. He said because people's values change over time, he thinks there needs to be some tangible rules made.

Commissioner Wharton suggested the trigger should be a request for a rezone. He doesn't like bonuses. Would they ever want to get more density than 3 to 1? Do they need to create another zone with higher density? Commissioner Ure said as long as it makes sense, he doesn't care what the density is. He thinks the village overlay zone would solve the problem that Commission Wharton is bringing up.

Commissioner Wharton said he personally hates the idea of bonuses. This becomes subject to interpretation and becomes "let's make a deal." Planner Milliner referred to the language of the village overlay zone. The last line states the development could be subject to the findings of the MPD. If they don't want to be tied to a density requirement, similar language could be added to the rezones.

Commissioner Wharton asked if someone has 100 acres and they wanted to rezone to the RS zone, would that allow 300 homes. He doesn't think that every piece of property will be the same. The topography may be different; therefore, the density should be

different. There will be different desires for different subdivisions. They should follow the outlined procedures, which would include the MPD.

Commissioner Sonntag said he thinks a MPD ensures a certain level of infrastructure. He would be greatly concerned if they had one house per acre, all on septic. If someone develops the infrastructure that could handle the additional density, they may want to add a small commercial zone or other items. Large densities shouldn't be allowed unless the needed infrastructure is provided.

Commissioner Henrie said a 300-house subdivision in Eastern Summit County would be an entire new town. It would be competition to the neighboring towns. Schooling would be an issue. Director Putt's question was if they should have a MPD process. He thinks the requirements for 10 homes should be different than the requirements for 50 homes. Commissioner Sonntag said coming from the point of view of a developer that would be something he would appreciate seeing up front. He would want to know the rules. Rules are good, if they are clear. Commissioner Henrie said he believes whenever a subdivision is proposed that is more than five or ten homes, the public seem to object. Neither the people nor the cities seem to like it.

Commissioner Sonntag said he has looked at the requirements of the VO zone. It states this has to be in historic towns. He said these may not have the needed sewer and water systems. Commissioner Willoughby suggested that as they discuss the different zones, they could include in the discussion if the MPD would work with that particular zone. Chair Hanson said it seems they are in agreement that a MPD is needed, but what it looks like is unknown.

Commissioner Clyde said he thinks one of the reasons they ended up with their map creating thousands of units was because they didn't know how else to give people the ability to come up with lots for their children. He thinks that could be done on a small-scale MPD. Things can be done that benefit infrastructure and lowers the burden on the

community without greatly increasing costs. This would be achieved by having a common septic system, a common water system, and having one driveway off the road. All of those things are possible with real people's dollars. It would be much easier to tie this type of system into a larger municipal system in the future.

Chair Hanson requested that Staff begin the review on the new zones. Planner Milliner said a primary reason for the RC zone was to give developers and property owners the opportunity to create recreational facilities in a mixed use zone that would allow commercial, recreational, multifamily, and single family.

Planner Milliner said a consideration was to process the RC zone with the MPD. Staff has come up with some basic requirements and rules. This zone was the least fleshed out by the Commission. Early, it was considered that density would be figured on a floor-area ratio. This seemed to generate some concern from the Commission, so that was been removed. He asked if this is something they would still like to consider.

Commissioner Henrie suggested they start with what they are trying to accomplish rather than the rules. He said he really likes the RC zone. He thinks it deserves a lot of attention. When he relates what they are trying to accomplish to the things that they see around them, he thinks of Lava Hot Springs. This is a recreational town with camping, picnic areas, and swimming. There are restaurants, stores, and boating. He thinks this the type of area that could be created by the RC zone.

Commissioner Henrie related this to the Daniel Richins hunting lodge. Mr. Richins has over 200 acres. He could easily make that into picnic areas with RV parking. Family reunions, trails, and fishing could take place. He thinks that is the goal of the recreation commercial zone. How do they let somebody do that with their property? Chair Hanson said a perfect example of that kind of development is the gentleman (Max Chang) who has come before them about the possibility of creating a resort by Echo Reservoir. She believes the RC zone is what he is looking for.

Commissioner Clyde said most people are used to seeing the recreational commercial zone in more densely evolved areas like ski resorts. Eastern Summit County is not going to have ski areas or multi-million dollar condominiums. It will be something substantially less. It will be similar to a Lava Hot Springs situation.

Chair Hanson commented they have Thousand Peaks Ranch. Commissioner Wharton said every time this comes up, he fears what is going to happen to Weber Canyon.

Commissioner Clyde said a one-million square-foot structure won't be built in Weber Canyon because of the geographical differences.

Commissioner Clyde said he thinks that Thousand Peaks Ranch is the perfect place for a recreational commercial development. Commissioner Willoughby said there is already a lot of this taking place. There is snowmobiling, dog sledding, and horse riding.

Commissioner Henrie said he doesn't think the RC zone should open this up to every lot owner with ten acres. Commissioner Clyde agreed there should be a minimum size.

Director Putt said this is an interesting discussion, to see what people think when they talk about the RC zone. Part of what motivated Staff was the experience they learned with Blue Sky Ranch. With the current zones, it was a messy process. With the zones they are proposing, minus the RC zone, it would still be a messy process. Something like Blue Sky and Thousand Peaks Ranch are what they are looking to accommodate. It was noted that although Lava Hot Springs is a city, it is the idea of being built around commercial recreation.

Commissioner Henrie gave an example of a town in Georgia that was dying. Someone had the idea to turn it into a recreational commercial town that would be patterned after a Swiss village. They put nice restaurants on the stream, golf courses, and motels. He said if they go ahead with the RC zone, they need to re-consider restraints like setbacks. If they allow someone to build on a stream perhaps there should be some

mitigations imposed, such as restoration. Chair Hanson said she agrees as long as the infrastructure is there. She doesn't see this as a possibility on septic.

Commissioner Clyde said that a MPD process requires that the effects of the development can be identified and reasonably mitigated. The impacts of a million square foot building at the end of Weber Canyon could not be reasonably mitigated. The road wouldn't be able to handle it. There is no back door or a second way out. There is no fire, water, or other needed services. He talked about some of the mitigation efforts required in Empire Canyon. Parking lots and real estate transfer taxes are just a few. This is a small example of the mitigation efforts that come into play when there is a big project like this.

Commissioner Ure said he thinks this needs to start with transportation. He referred to Blue Sky Ranch. The interior road is not wide enough to handle two vehicles at a time. If something is going to be built, it should be able to handle the traffic, including big trucks.

Commissioner Henrie agreed that access to the property along with minimum road standards within the property should be a requirement. Commissioner Clyde said he thinks there should be minimum standards on the County or State road leading to the project. Commissioner Clyde said mitigation often solves an off-site problem.

Commissioner Henrie asked if the requirement that the property has to front on a state or county road should be removed. Commissioner Ure said there are a lot of properties that won't be next to a County or State road.

Commissioner Clyde said the question of dead-end roads have been brought up. Most of the master planned buildings he has been involved with have not met the standard fire codes for access without receiving a variance, which was granted due to mitigation. The mitigation is what ultimately brings the fire marshal to the table.

Commissioner Henrie said it sounds like the public safety issues need to be discussed in great detail. Commissioner Clyde said that a MPD is useful when things are not straightforward. Commissioner Henrie said they are starting from nothing and building it up. Other areas may already have roads and restrictions. That would make it harder.

Commissioner Clyde said many MPD include a plan to shelter in place in case of an emergency. Perhaps that is something they should look at. That is especially true if they are going to make profitable uses of their natural environment.

Chair Hanson said the Bear River Service area is an area where the RC zone may also be a good place. This would enhance the commercial business they already have. Planner Milliner asked if they would rather have the MPD or a bunch of rules created under the different zones. Commissioner Clyde said he believes the MPD would cover them all. Planner Milliner asked if this would end with a development agreement. Commissioner Clyde answered that is what he envisions.

Chair Hanson said she isn't sure that she likes that idea. Commissioner Ure agreed. He isn't excited about a development agreement. Commissioner Clyde said a development agreement is a contract between the government and the developer. It is supposed to be mutually beneficial. This hasn't always been the case. When The Canyons was built, it was one-sided in favor of The Canyons. He added they can write the rules so that no unmitigated impacts would be allowed.

Director Putt said he doesn't believe that all cases would need to have a development agreement. He has seen great projects that were developed under conditional use permits. When the development agreement expires, if the project isn't completed, another set of problems arise.

Commissioner Wharton asked if there should be a minimum or maximum size for the RC zone. Commissioner Clyde said he thinks there should be a minimum size. Chair

Hanson said she thinks they should think about a maximum size. Commissioner Clyde said the theory is if they can mitigate the impacts, there is no maximum size.

Commissioner Wharton said they may not want to have giant recreation areas. Perhaps 1,000 acres would be the top.

Commissioner Clyde asked why they would want to limit the size. Commissioner Willoughby answered because they would need to have the growth that goes with it. With large recreational businesses there would be a lot of businesses. It would change the way things are. It wouldn't just affect just the recreational commercial area. Chair Hanson said Park City and the Snyderville Basin are a perfect example of that.

Commissioner Henrie suggested they could begin with having a minimum and a maximum size and adjust from there. Commissioner Wharton said the Commission could never think of all the many variables. That is why a system would be needed. Commissioner Clyde said this boils down to the fact that they need to have planning processes that are driven by geography, geology, and environmental mitigations. A good project is one that brings its own environment mitigation and responds to the land and to the nearby communities.

Chair Hanson asked if the Commission wants to go in the direction of having a MPD process. Commissioner Henrie said he sees the MPD as the same as a development agreement. Someone who comes seeking a MPD should have the ideas worked out; otherwise, it fails as a MPD plan. They would also need to have an operation plan, a management plan, and a security system.

Commissioner Clyde said a normal development agreement is about 20 pages in length with some hard specific references. It outlines who is responsible for what and what happens when the developer goes away. He said a development agreement binds the MPD and development agreement together. Director Putt said it represents the final decision.

Director Putt made the suggestion that Staff begin with some initial ideas. Part of this will include the concept of a “scalable MPD.” A MPD for a resort like Blue Sky Ranch is going to be different than a MPD for a parcel in the RS zone with 68 lots. He believes a “one size fits all” process won’t be effective.

Director Putt recommended that the Commission look at what important questions should be asked of the applicant in connection with the master plan. How would they intend to mitigate the items of concern? He thinks a fundamental problem on both sides of the County is that they don’t ask the right questions early on. The applicant needs to be challenged to explain their project. Chair Hanson said she thinks this is great idea and has been well thought out.

Commissioner Henrie suggested they first consider the RC zone as they develop the MPD. The residential zones would be totally different. Director Putt liked this idea. It may be easier to figure this out on a bigger type of project. They could scale it back for the smaller projects.

Commissioner Henrie added that he doesn’t understand how the density is calculated in the RC zone. Director Putt recommended they think about this question for the next meeting. Would the RC zone have some kind of density cap or unit equivalent with it? Director Putt said they will want to test drive the MPD language on some sites as the language is developed. This would help determine if it could be abused.

## **COMMISSION ITEMS**

Chair Hanson gave a reminder of the retreat at High Star Ranch. She said although they will not have an agenda, they want to set the priorities for the following year. Director Putt added they want to discuss where they want to go in the next couple of years. They want to have a conversation rather than just Staff leading the discussion.

Director Putt asked they be thinking about what they can do to help Staff help the Commission be successful. Is there a way they can write better Staff Reports? Is there a way they can get the information to them better? Can they make better presentations?

Commissioner Clyde said he has been on the Planning Commission for over four years. Because of the bad reputation of some former Staff members, the Commission has received very negative input from some of the public and even some of the Commissioners about allowing Staff to help them with just about anything. He encouraged the Commission to look to Staff as the professionals they are. They should lean on them and get as much out of them as they possibly can. He feels that currently they have one of the best Planning Department Staff he has seen. Several Commissioners said they agree with this sentiment.

Commissioner Henrie referred to the meeting held the day before with the County Council. He said he was unaware of the meeting details. He had to make phone calls to get the information. Commissioner Wharton said he didn't receive the information either. Director Putt said this was sent by email during the previous week. Different ways to ensure messages are received was discussed. The best way to communicate could be talked about next week at the retreat. Chair Hanson thanked everyone for their attendance at the meeting with the County Council. She felt that it went well.

**ADJOURN**

***At 7:40 p.m. Commissioner Clyde made the motion, which was seconded by Commissioner Henrie, to adjourn. All voted in favor.***

- **MOTION CARRIED (7 - 0)**



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**Approval Signature**