

MINUTES
EASTERN SUMMIT COUNTY PLANNING COMMISSION

REGULAR MEETING
THURSDAY, JUNE 2, 2016
SUMMIT COUNTY COURTHOUSE
60 NORTH MAIN
COALVILLE, UTAH

COMMISSIONERS PRESENT:

Tonja Hanson, *Chair*
Douglas Clyde
Ken Henrie

Rich Sonntag
Sean Wharton
Louise Willoughby

Regrets: Chris Ure

STAFF PRESENT:

Peter Barnes – *Planning and Zoning Administrator*
Amir Caus – *County Planner*
Ray Milliner- *Principal Planner*

Patrick Putt – *Community Development Director*
Helen Strachan – *County Attorney*
Kathy Lewis – *Secretary*

Commission Chair Tonja Hanson called the regular meeting of the Eastern Summit County Planning Commission to order at 6:00 PM.

REGULAR SESSION

- 1. Pledge of Allegiance**
- 2. General public input**

The general public input session for items not on the agenda was opened. There were no comments made and the public input session was closed.

- 3. Approval of Minutes**

March 3, 2016:

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

MOTION CARRIED (5 - 0) *(Commissioner Willoughby did not vote as she had not yet arrived at the meeting.)*

April 21, 2016:

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

MOTION CARRIED (5 - 0) *(Commissioner Willoughby did not vote as she had not yet arrived at the meeting.)*

WORK SESSION

1. Discussion regarding Master Plan Developments – Planning Department Staff

Community Development Director Patrick Putt said the Master Plan Development (MPD) is two things. It is the process that can get someone to project approval. It is also a product. The product is a comprehensively designed project involving flexibility.

The draft language has two parts. It has a mix of measureable standards with a request that the applicant explain their project. This gives the Commission the opportunity to understand the reasons behind the design and how problems have been solved.

Director Putt said Staff has three questions: 1) Should this process apply to base zoning applications? If yes, what should that threshold be? 2) The second question has to do with density bonuses. Is the Commission interested in creating a mechanism where people can receive additional development rights in exchange for some other characteristics? Frequently these are trails, employee housing, or open space.

Director Putt explained the difference between the MPD and the SPA process. The SPA was a negotiation-based bargaining process. The extra density was negotiated by the

Planning Commission and the County Council. With the MPD, if there is going to be a density bonus it would be measureable and predictable.

3) Director Putt said the third question that Staff has is if the MPD comes with an obligatory open space requirement. If the answer to that question is yes, under what condition would that be required. Why or when would it not be required? Staff feels it should be a predictable standard; something that is measureable.

Commissioner Sonntag asked if there would be a base density associated with retail and industrial. Director Putt said there is no base density or unit equivalent associated with these zones. What Staff is proposing is that if someone comes in with a project, in the Light Industrial or Commercial zone (that is ~20,000 square feet or more), it would trigger the MPD process. Commissioner Sonntag said he is trying to figure out why they would apply the MPD on some projects.

Director Putt said on a Staff level, they had the question that if there was a base-density residential subdivision that resulted in a large number of residential lots (maybe 25-30 homes), would they want this to go through the MPD process. Commissioner Henrie said he believes they need two different processes. There should be a subdivision process for a base density.

He believes the MPD should be totally different. It should apply to the Recreation Commercial zone. This would work well with a mixed use project that has residential, retail, recreation, and commercial. It may have a housing element. It may create jobs for people. The developer may want to change the shape of the land, but will make sure the natural resources would be protected, such as the waterways would be protected and clean.

The developer would need to bring the plan to the Commission to consider how it may affect the natural resources. How does it affect view sheds, and ridgelines? This type of

development is completely different than someone who wants to put in 25 homes. Commissioner Henrie said a base density subdivision is not a mixed use area. The requirements for residential development should increase with the number of homes that are built. There would be very little requirements for only 2 to 3 homes.

Commissioner Clyde said he agrees with Commissioner Henrie's comments, but he believes that both processes can be under the MPD. They have to have different requirements. He believes there is a point, where subdivisions become large enough that the government needs to get involved and say this is not just a matter of right. His question is what the threshold is that should happen.

Commissioner Clyde said if they are looking at applicability they need to consider what triggers the MPD. Is it a certain amount of base density? There is not a lot of discretion they can apply to subdivisions. If an applicant comes in for a 20-home subdivision, someone has to make a determination if a septic tank is permitted. That involves more to do than just lot size. It has to do with soils and hydrology. Commissioner Henrie said he thinks it should be a straight forward requirement. If they can meet it, they can have the subdivision.

Commissioner Henrie said the way they have proposed Chapters 3 and 4, someone can take the density from any land they own and put it where they want. They can move density from the Highway Corridor. They can move density from the tops of the mountains down to the Highway Corridor. That is why they have to have some rules.

Director Putt said this brings forth a good question that Staff has discussed. If density is moved across zone lines, would that trigger the MPD? The idea of a MPD is to have a superior product. The MPD process would allow them to have those discussions. Commissioner Clyde said what they have done is unique in land use ordinances throughout the United States. They have allowed people to change zones without

having to go through a zone change. Under most other jurisdictions, this would be done under the MPD process. Commissioner Sonntag added this could result in exceeding base density. Commissioner Henrie said if they are moving base density, creating more density than the zone was intended, that would be a good reason for the MPD.

Commissioner Willoughby said there needs to be a density number that would trigger the MPD. Commissioner Henrie responded the Commission has said that five lots or less would be administrative. The MPD wouldn't apply to those.

Director Putt said that Staff recommends there only be one MPD process. If they need to have greater ability to review base zoning, they need to go back to Chapter 2 to see where they need to beef that up. Chair Hanson said she thinks there should only be one. The MPD wouldn't be needed if someone is developing three or less and doesn't involve a zone change. Director Putt suggested they go through the highlighted areas of the preliminary discussion language.

B. Applicability

(4) *Should MPDs apply to Base-Zoning projects? If so, how many lots/units should trigger the MPD?*

Should MPDs be required for industrial uses over a specific size?

Should MPDs be triggered for specific locations or types of activities?

Director Putt said what he hears Commissioner Henrie saying is that base-zoning projects should be done under another process. Commissioner Wharton said he would suggest setting the number at 10 units or more for base zoning to trigger the MPD. Commissioner Clyde said he doesn't believe there is a magic number, but ten is a good place to start. Staff should have the discretion to say this land is flat and square. It could handle more density. Or Staff should be able to say this land has steep hills and wetlands; the density needs to be less. Chair Hanson asked if there is room for public

comment even with the scenario that the land can handle increased density.

Commissioner Clyde said there is always room for public comment.

Commissioner Henrie said the more dense the structures are placed, the more requirements would be needed. Commissioner Wharton said the State Code would catch the requirements. Adding more requirements would make the Code complicated. Chair Hanson agreed with Commissioner Wharton.

Commissioner Clyde said they are operating under a fallacy that one acre of land will support a septic system. There is an existing report commissioned by the County that says the more true calculation is about one house per 3 to 5 acres. Before they review the density of subdivisions, they need to know what the land will actually support.

Commissioner Henrie said he is concerned that developers are not being required to prove wet water or septic. Commissioner Clyde said that water concurrency is coming to the east side of the County because of the water supply issue. Commissioner Henrie said he thinks when someone buys a lot it should be ready for development. Water and septic should be available.

Commissioner Wharton recommended they use ten as the MPD trigger, unless Staff can see there is a need for a different number. He thinks the MPD can be a straightforward process. If someone has 100 acres and they want ten homes, if they can meet the requirements of Chapter 2, the application is signed off. Commissioner Sonntag agreed that sometimes it would be straightforward, but not all the time. Sometimes the topography will limit development. Commissioner Clyde said the applicant would still have requirements like ridgelines and wetlands.

Commissioner Wharton said he doesn't want to enable people to build just under the limit, then come back and repeat the process, thereby circumventing the system. He

suggested they put on the plat a memorandum that states any further subdividing of the parcel must go through the MPD process. That would provide a safe guard.

Commissioner Wharton said he is not comfortable with granting additional bonuses. The Residential Subdivision zone is already three units per acre. That density is the bonus; why would they grant more? In lieu of additional density, they might tweak the setbacks or something similar.

A discussion ensued. Director Putt summarized the discussion by reiterating what he heard coming from the Commission.

1. A MPD would be triggered any time there is a rezone to the Rural Residential, Rural Subdivision, or the Recreational Commercial zones.
2. With base zoning, the MPD would trigger at 10 units or more irrespective of the property size. He explained that would mean 10 lots on 20 acres or 100 acres would trigger the MPD. Commissioner Willoughby said she doesn't agree with that. She would like to see the size of the lot attached to the trigger. Commissioner Sonntag said he thinks the MPD should kick in if they are creating lots less than five acres.

Commissioner Clyde said if someone wants lots smaller than the base density allows, then the MPD process would be the way to go. Director Putt asked, if someone with 100 acres wanted to have 16 lots in the AG-6 zone, would the Commission be comfortable with this going through the MPD process or would they prefer to have Chapter 2 as the development tool. Commissioner Clyde said he would be comfortable with large-lot subdivisions being processed with Chapter 2.

Director Putt said if the 16 units were clustered on the 100 acres, perhaps the MPD process would apply. The developer might get something like two or three more units. Commissioner Willoughby said she likes the idea of offering an incentive if someone does more than required, like clustering. Commissioner Henrie said that would become

selling density. Commissioner Clyde said he believes the Commission got side-tracked with the idea that cluster-bonus density is bad. In most cases, it is actually good.

Director Putt said another MPD trigger might be for any commercial, industrial, or retail office in excess of 20,000 square feet. Commissioner Sonntag and Director Putt said they will get together to discuss what this number should be.

Director Putt said moving density from one zone to another could be another trigger. Commissioner Willoughby said she doesn't think that moving density from the AG-6 to the AG-1 should trigger the MPD. It is complicated enough for the landowner without having the MPD added on. Commissioner Clyde said if a landowner has the luxury of moving density from one zone to another, they need to accept some responsibility. If not, zoning is meaningless. There would be no safeguards for the property owner in a larger parcel zone. A property owner could have a bunch of 1-acre lots next to their property. Commissioner Wharton suggested that if density is moved from one zone to another and more than five lots are created, then the MPD would be required. Commissioner Sonntag said he would prefer to see the MPD triggered if lots less than 5 acres in size are created.

Commissioner Henrie said he thinks there should be a unit-per-land ratio that would trigger the MPD. Commissioner Willoughby said she likes this idea. She thinks it is more about the size of the lot. Commissioner Wharton asked Director Putt to explain what the MPD process would look like in a simple scenario.

Director Putt referred the Commission to the bottom of the first page of the Master Planned Development "preliminary discussion" document. He said the first step would be a pre-application conference. This would be a meeting between Staff and the applicant. The applicant would be able to explain what they want to do. It would give Staff a chance to explain what the process is going to be. As a result of this meeting, a

development application and the associated plans would be submitted. These would come before the Planning Commission for a public hearing. The plan would be reviewed against the criteria in the Code. It would be evaluated with the questions that come from a new chapter. At the end, an action would be taken.

Director Putt said no development agreement would be attached to an approval. The approval would come with specific findings of what they are approving, what it is for, the location, and the amounts. Conditions of approval would be attached. One of the conditions of approval would be the time frame. If construction begins within two years, the project would be vested. It would run with the land. This is different than a development agreement that goes away after five years. A one year extension would be allowed. This gives someone up to three years to begin their project.

Commissioner Willoughby said with all of these requirements, it would be difficult to get this done in three years. Director Putt said the goal of the MPD is to get a better product. Once in a while, it would take a more in-depth discussion. He believes that requiring someone to think through their project would be for their own benefit and the benefit of those around them. This does not mean it will be more expensive. He said a MPD process for two lots may not be needed. They could deal with that by looking at the standards in Chapter 2.

Director Putt said he likes the suggestion made by Commissioner Sonntag, that the MPD would be triggered when density is transferred between zones and the resulting lots are less than five acres. Two lots of twenty acres would not be a big deal.

Commissioner Willoughby said she believes that if someone goes through the MPD process they should be rewarded with extra density. Commissioner Sonntag said additional units might pay for the extra work, money spent, and time.

Director Putt said what he is hearing from the Commission is that if density moves from one zone to another, resulting in lot sizes of five acres or less, the MPD would be

triggered. Chair Hanson said if someone's child wanted to live next to their parents they may only want a half-acre lot because the rest of the land is agricultural. Director Putt said a small lot would require a look at the septic system, such as if it would have an impact on adjacent wells. The MPD would give them a chance to take a look at these.

Commissioner Henrie said they could propose a minimum lot size of one acre in any zone. If it goes below the lot size, it would trigger the MPD. Commissioner Sonntag replied that would help so ½ acre lots would not be built next to a 20+ acre zone.

Commissioner Clyde said that would give the landowner some protection.

Commissioner Willoughby said the landowner wouldn't have any protection if the adjacent landowner applies for their property to be rezoned. Commissioner Clyde agreed that is true, but a rezone is discretionary. It lets the Commission be the judges.

A discussion about allowing small lots to be developed next to zones in the AG-20 zone and above took place. Commissioner Clyde said he doesn't like the fact that the Commission allowed 5-acre lots next to the AG-40 on Democrat Alley. Commissioner Willoughby responded that the County Council directed they move the density off the road. That was accomplished. Commissioner Clyde said they should not disadvantage one landowner at the benefit of another. Commissioner Wharton said when one-acre lots are put next to a 40-acre zone, 39 acres of open space remain. Commissioner Clyde responded that in that instance the zone would remain largely unaffected. Chair Hanson recommended they go with the five acres for now.

Director Putt said that for now, they will come back with language that five acres or less would trigger the MPD process. He said Staff would like to add the village overlay (VO) zone to the MPD process. Commissioner Sonntag said he doesn't think the VO zone should be limited to the historic areas that have been listed. Director Putt said they can review that when they come back. The historic areas would be their starting point.

Commissioner Clyde said he thinks most people believe that when density is granted as a result of the MPD process, the benefit received would be open space and trails. The Commission seems to be having a hard time getting to that discussion. Commissioner Henrie said he doesn't think bonus density should apply to a residential subdivision. It should only apply to the RC zone.

Commissioner Clyde said open space and trails are essentially the public good that comes out of bonus densities. Director Putt said if there is no open space requirement with a subdivision, there would be no trails, neighborhood parks, or soccer fields. It would be filled up with single family lots. Commissioner Willoughby said if there were a 100-home subdivision, then some kind of open space would be desirable. Director Putt asked what would that number would be. Commissioner Sonntag said people developing a large piece of ground will want to go through the MPD process to get the bonuses.

Director Putt offered the hypothetical example of someone who wants to develop 100 acres. This person would like to rezone it to the Rural Residential zone with 75 units using the MPD process. Without an open space requirement, there would be no mechanism to provide a park, a soccer field, or a trail. Several Commissioners said they would not want that to happen.

Commissioner Wharton said any rezone would be subject to the MPD. When an applicant comes to the Commission, they will be asked where the trails and the open space will be located. Director Putt countered that the applicant could respond that these aren't required in the Code. Chair Hanson added the applicant wouldn't have to provide trails or open space unless they want a bonus density. Commissioner Wharton said the Commission does not have to approve their application because it is discretionary.

Commissioner Henrie said open space is not well defined. It could be a weed patch or someone's hay field. Commissioner Clyde said if someone has their cows grazing in the field, it helps to add to the feeling of being in the country. That would be considered passive open space. A discussion on what constitutes open space ensued.

Commissioner Sonntag said if they are processing a MPD, the Commission would ask what the internal demands are for open space and trails. External demands don't really come into play. He said the internal demand should be considered during the MPD or the rezone process. It would bother him to say that everybody has to give up 20% of their land. Commissioner Clyde said that open space has benefit whether it is passive or active for the public. A passive benefit may only be to look at someone's cows as you are driving by.

Commissioner Henrie questioned if what they are discussing fits with the General Plan. Commissioner Clyde said that it does. They are charged with preserving the rural character of Summit County. They can't do that without preserving some amount of open space.

Commissioner Wharton asked if they can say that all MPDs will be subject to providing some kind of open space. If so, the Commission could proceed with that requirement on a case-by-case basis. Director Putt said there are two parts of open space. There is the internal demand and the public access. Theoretically they could write into the language that the MPD shall provide for a reasonable amount of open space. He asked Attorney Strachan to comment about inserting open ended language into the Code. He gave the example that if the ordinance required 5% open space but in a particular situation the Commission requested the open space to be increased to 20%. What would happen? Attorney Strachan said although that would be worrisome, they would be in a good position if it were challenged. She added they would need to tighten up the language so

it doesn't allow a developer to say they have given what was required and the Commission can't ask for more.

Director Putt said Staff can come back with language to the effect that every MPD shall have a provision for open space. For an increase in open space, there would be an increase in density. Commissioner Sonntag said he would say that an applicant would be required to provide enough open space to serve their project. To the extent this is done, they would qualify for a bonus. Commissioner Henrie said they need to be careful to not end up with a "let's make a deal" project. Commissioner Clyde agreed. He said they will need to have specificity in the details. Director Putt said Staff will work with Attorney Strachan, Commissioner Clyde, and Commissioner Sonntag to come back to the next meeting with some language and illustrations of what that would look like.

Director Putt asked the Commission if there is anything else the Commission would consider giving additional density for. Commissioner Clyde said creating jobs would be a public benefit. Chair Hanson added that if someone is creating jobs, they need to have a housing component. Commissioner Sonntag said that to him, it makes sense that employee housing wouldn't count against the density; it would be in addition to it.

Commissioner Sonntag said he believes the Commission should look at adding additional density if an applicant brings in a plan that is an employment generator, increases the tax base, or has some kind of benefit for the community. Commissioner Henrie responded that in the RC zone, the applicant should be able to obtain whatever density makes sense for the project.

Chair Hanson said the question asked by Director Putt was if there are other things, besides open space, that should be tied into granting a density bonus. Commissioner Willoughby said there were things discussed with the Village Overlay zone, such as trails and cemeteries. Director Putt said typically the first benefit listed to grant

additional density is usually open space and then trails. Usually if some kind of incentive bonus is granted for trails or riparian access, it is in association with a MPD.

Commissioner Sonntag said if a developer builds some trails that the public can use, that is a large benefit. Other benefits are cemeteries, landfills, schools, and needs of the County. Commissioner Clyde said he thinks the public benefit of the RC zone is the project itself. Director Putt thanked the Commission for their input.

Director Putt said he would like to go through the proposed MPD requirements. These are measurable standards. The first requirement is density. The Commission will review a site suitability appraisal. The density will begin at the base density of the zone. What is ultimately approved as the maximum density is a result of evaluating if the site can reasonably accommodate the proposed amount of development.

Director Putt said the next requirement is setbacks. They will begin with the language requiring the setbacks in the MPD to match the adjacent zone setbacks. If there are multiple zones, the setback would be the more restrictive setback. The Commission has the flexibility to increase or decrease the requirement based on the particular plan; this where the flexibility to move things around comes into play.

Director Putt said the reduction of the minimum lot size requirement gives the Planning Commission the discretion to reduce lot sizes below the zone's minimum requirement. If someone wants to develop $\frac{1}{4}$ acre lots, the trade off may be that they are on a waste water system.

The next requirement (#5) was open space. Commissioner Henrie said he doesn't think open space should be a requirement for the RC zone. It may not make sense for a particular plan to have an open space requirement. Director Putt said in his 31 years of planning, he can't think of a Recreational Commercial zone that didn't have some type

of open space requirement. Commissioner Sonntag said the RC zone is a rezone and is discretionary. Perhaps the open space requirement wouldn't be a percentage. The open space of Disneyland was considered.

Off-street parking was the next MPD requirement. Director Putt said this is an area they believe would best be served by some predictable numbers. He thinks what they have listed is a reasonable starting point. The Commission would be able to reduce or increase those numbers with justification. The Commission discussed that these numbers are the maximum. Director Putt said the objective is to provide the right amount of parking that is needed for the project. They don't want to have either the scenario of not enough parking or the other extreme of excessive parking that becomes a sea of asphalt. Chair Hanson said she believes these numbers should be the minimum, not the maximum. Commissioner Sonntag agreed.

Commissioner Henrie said he thinks in a MPD development, there shouldn't be any on-street parking. Director Putt said on-street parking has its benefits. One is that it helps to control traffic speed. Commissioner Henrie said he thinks on-street parking is a safety issue. Commissioner Clyde said it actually has a traffic calming effect.

Director Putt asked if there should be incentives for projects that have covered parking. Commissioner Sonntag said it would take a lot of bonus to justify structured parking. Administrator Barnes suggested that someone who puts the parking structure underneath their project may be granted extra building height.

Director Putt said that requirement #7 says they will be smart where they build improvements. They will do it in a way that minimizes excessive site grading. Site grading can be done, but this language is designed to minimize the visual and environment impacts.

Director Putt said that #8 is about designing to be a good neighbor. They want to have a design that will not significantly impact the neighboring properties. Commissioner Sonntag said in concept he agrees with this, but he wants to be careful not to give the neighbors the right to prevent anything from happening. Director Putt responded they are open to refining this language.

Access is requirement #9. This language allows for some flexibility providing that the County Engineer and the Fire District are satisfied. Without being able to satisfy their requirements, there will be no flexibility.

Connectivity is #12. Director Putt said this has to do with internal and external connectivity. There may be situations where connectivity is not a need. It is important that this is reviewed and the questions are asked. It should be analyzed.

Snow storage is addressed in #13. If this is not taken into account, there could be an incredible expense for removing snow.

Outdoor lighting is #14. Eastern Summit County does not have a dark sky ordinance. What this language is saying is that the lights are designed and installed in a manner that doesn't create light trespass. Commissioner Henrie asked if pointing a light down is really any better than pointing it up. If it is pointed down, it reflects back up. Why require it, if it doesn't have any effect?

Director Putt said dark sky ordinances are an attempt to eliminate a particular amount of light from going upwards. That is only part of the equation. Equally important is the idea of light trespass. This is the horizontal light trespass onto other's properties. A discussion of light pollution took place. Director Putt said this is one step forward from what they have now; however, it is several steps shy of a dark sky ordinance. He believes this is a good starting point without over regulating.

Director Putt said #15 is the site design narrative. This is where people will be better served by having people come in and explain their project. He believes this is a unique approach. Usually, with MPDs, there is the fear that if a measurable number isn't required, a developer will take advantage. Because of that fear, there are many rules and regulations created.

Director Putt reminded the Commission that about a month ago the Commission discussed the questions they would ask an applicant when reviewing a MPD application. He said the approach they are proposing is to have the applicant come in and explain how they are going to address and answer that list of critical questions. What are the important elements and needs? How have they designed to address those needs? How does this design fit into existing community services and facilities?

Director Putt said there may be a few projects that won't apply. If they don't, there will be an explanation of why. He said the applicant would be asked to describe the following:

- How does the project connect internally and to the area around it? What are the important elements or needs?
- How does this project fit into the existing community services and facilities?
- For residential projects, does the project advance some kind of community need for housing? This need might be resort-related, second homes, attainable housing, or housing for locals.
- What is the character of the project? What are the developers thinking of in terms of structures?
- How will things be arranged on the site? Through discussion, they may be able to find a better design.

- The developer will explain the street design and the road system. Will it be private or public? Where does it connect? Might there be a more efficient way in designing the street layout?

Director Putt said they believe that if people are given the opportunity to explain the why's behind the project, a lot of the questions will be answered. The answer to those questions may eliminate the need for more exactions and conditions of approval.

Commissioner Sonntag said if someone has a vision, the County may be able to give a little more slack. Director Putt agreed. He can't think of any jurisdiction that does this, so they would be charting new ground. He thinks this will result in better understanding and a better project.

Commissioner Henrie said he wonders how they will protect the natural resources, such as the rural feel of the community or agricultural lands. Director Putt said there is the natural resource section in the General plan; maybe they can pull out some of that language and pose it as questions for the MPD.

Director Putt next referred to the required findings and conclusions of law (#F). At the end of the MDP discussion and review, these would be the conclusions the Commission would be required to make in order to approve the project. This offers the Commission some reasonable discretion to draw these conclusions.

Director Putt said he recommends that Staff proceed with the recommended edits, have Attorney Strachan look the language over, then bring it back to the Commission. Following that meeting, and some more fine tuning, they can bring it to a public hearing.

Commissioner Wharton said he is not sure that rezones should be considered in certain areas in Eastern Summit County. Do they want to limit residential subdivisions of a certain size next to municipalities? He is concerned that someone with a lot of money

could buy the cheapest piece of land and build a monstrosity anywhere they want. This may not be what they want to see happen, but they don't have any control to prevent it unless they can determine the appropriate locations for rezones.

Director Putt said that in a perfect world, they would have a General Plan with a future land-use map that would help to answer that question. Short of the opportunity to do that, he suggested they finish this up. One of the things they still need to do is to talk about the rural subdivision and the rural residential zones. At that time, perhaps they can discuss adding language to those zones that give greater description on where the rezones would be appropriate.

Commissioner Clyde said that rezones are discretionary. Everything is weighted in favor of the County. Commissioner Sonntag said, speaking as a developer, they want someplace that is flat and not overly crowded. This is how Disney World was created.

DIRECTOR ITEMS

Director Putt gave a review of a motocross track that has been built about 1 ½ miles north of Wanship. He said the County Council heard an appeal of the Community Development Director's decision that the motocross track was not agricultural or open space.

Director Putt said the appeal was based on the plat map note. The question became if a motocross track can be considered either agriculture or open space. Based on the Code definition, he made the determination the track was neither open space or agricultural. The County Council ruled in favor of the property owner. The motion was based on the argument over estoppels.

The upcoming meetings were discussed.

Director Putt said Staff has put together a Family Estate Overlay zone. This will provide an opportunity to provide land for family members and children. A very rough outline has been put together of what something like that could look like. They will get this language to the Commission. He emphasized this is a very rough draft. They would like to know if this is something the Commission is interested in and would like to talk about. This might create an opportunity.

ADJOURN

At 7:25 p.m. Commissioner Clyde made the motion which was seconded by Commissioner Wharton to adjourn. All voted in favor.

- **MOTION CARRIED**



Approval Signature