

**MINUTES**  
**EASTERN SUMMIT COUNTY PLANNING COMMISSION**

REGULAR MEETING  
THURSDAY, JUNE 16, 2016  
SUMMIT COUNTY COURTHOUSE  
60 NORTH MAIN  
COALVILLE, UTAH

**COMMISSIONERS PRESENT:**

Tonja Hanson, *Chair*  
Rich Sonntag

Chris Ure  
Louise Willoughby

**Regrets:** Douglas Clyde, Ken Henrie, Sean Wharton

**STAFF PRESENT:**

Peter Barnes – *Planning and Zoning Administrator*  
Sean Lewis – *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. **Public hearing and possible action** regarding a subdivision final plat to divide parcel CD-471 into one developable lot: 413 West 2500 North, Marion, UT; Parcel CD-471; Michelle Howells, applicant – *Sean Lewis, County Planner*

Planner Sean Lewis displayed a map and pointed out the location of the parcel. He said the applicant desires to break off six acres, which includes the existing single family home. The parcel has two units of density based on lots of record, one of which has been exercised.

Because there is a house on the property there is already a septic tank and a well. The Howells' do not want to build anything new. They simply want to divide 40 acres from the six acres to assist with estate planning. If approved, the result would be one six-acre parcel and another 34-acre parcel, both with a unit of density. This would be a one lot subdivision.

A plat map was shown. On the 34 acres, there are four acres located in the highway corridor zone. Planner Lewis said there will be plenty of density for future development.

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

***Commissioner Ure made a motion, which was seconded by Commissioner Willoughby, to approve the Howells Family Subdivision Final Subdivision Plat with the following:***

**FINDINGS OF FACT**

- 1. Andrus Family Property LLC is listed as the fee title owner of record for Parcel CD-471.***
- 2. Parcel CD-471 is 40.03 acres in size.***
- 3. Parcel CD-471 is located at 413 West 2500 North.***
- 4. A determination from Summit County dated February 10, 2016 states that the 40.03 acre parcel is considered to be 2 lots of record.***

- 5. Parcel CD-471 is currently zoned agricultural protection and highway corridor.**
- 6. Section 11-3-5.B of the Eastern Summit County Development Code grants one unit of density per acre in the Highway Corridor zoning district.**
- 7. The portion of Parcel CD-471 proposed for a subdivision contains more than four acres within the Highway Corridor zoning district.**
- 8. Parcel CD-471 is not located within a previously approved subdivision plat.**
- 9. The name of the proposed subdivision is: Howells Family Subdivision.**
- 10. Howells Family is not a duplicate name of any previously recorded plat.**
- 11. Legal descriptions of the property including easements and rights-of-way are shown on the proposed plat submitted on May 19, 2016.**
- 12. The proposed plat does not indicate that any slopes greater than 30% or wetland areas exist on the property.**
- 13. The existing house is currently served by a private well.**
- 14. Rocky Mountain Power has informed Staff that there are no conflicts with service to the proposed subdivision.**
- 15. The South Summit Fire District did not have any concerns regarding the proposed subdivision.**
- 16. Access to the subdivision will be via a private driveway.**
- 17. The Summit County Sheriff has no issues with the proposed subdivision.**
- 18. A detailed plat has been submitted for review and contains all information as required by Section 11-4-8.D.2.g.**

#### **Conclusions of Law**

- 1. The lot within the proposed Howells Family Subdivision has been clustered to the maximum extent possible.**
- 2. Access to the lots is via an existing driveway on 2500 N.**
- 3. The project is in compliance with the development evaluation standards found in Chapter 2 of the code.**
- 4. The project is in compliance with applicable sections of Chapter 6 of the Code.**

**5. *The lots within the proposed subdivision measure greater than or equal to 1.0 acres in size.***

**6. *The owner of the Parcel CD-471 does not own any other adjacent properties.***

- **MOTION CARRIED (4-0)**

## **19. Approval of Minutes**

May 5, 2016:

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

- **MOTION CARRIED (4 - 0)**

## **WORK SESSION**

### **1. Discussion regarding Master Plan Developments – *Planning Department Staff***

Community Development Director Putt explained that changes to the previous Master Plan Development draft are highlighted in red. These changes are often the result of suggestions made by the Planning Commission. At the end of the document are comments made by Attorney Helen Strachan. The document was reviewed by the Commission. Some highlights were:

- The final authority is the County Council. The Planning Commission will review and send a recommendation.

#### **APPLICABILITY**

- The Village Overlay zone was added. This can be stricken from the MPD process if the Commission desires.

- It was decided that a subdivision of ten or more lots will go through the MPD process if the lots created are five acres or less. Concern was expressed by **Commissioner Ure** that people won't use the MPD if they don't have to. They will use the AG-1. This will result in increased curb-cuts along the highway.
- Moving density could result in the MPD process being triggered.

**Commissioner Willoughby** said she is uncomfortable with this. It feels like this reverses what was granted when the Commission said density could be moved between zones. **Commissioner Ure** said he agrees. This seems like they would be punishing people.

Director Putt responded that the smaller the lots get the greater the potential where waste water can create a negative impact. The MPD doesn't alter the ability to create a one-acre lot.

**Commissioner Ure** said if someone were to create a 5-lot subdivision, they would have to go through two processes. They would have to go through the Planning Commission and then the County Council. He suggested the language be changed to ½ acre lots. That lot size would throw up a red flag about the sewer.

**Commissioner Sonntag** said to him, ½ to 1 acre lots don't work well on septic. He has concerns about sewer with lots under five acres. He added that he understands the concerns about cramming development into the highway corridor.

Director Putt said the MPD is being viewed by some as a hurdle, but in reality it is a tool to get more flexibility and a better project. It is an opportunity to look at site-specific conditions. **Commissioner Sonntag** said that perhaps the Commission should consider making it less than one acre per unit.

**Commissioner Willoughby** said the County Council has indicated they do not like the highway corridor. She thinks this ordinance would push density towards the highway corridor. She doesn't think that people will be excited to go through the MPD process. **Commissioner Ure** added that people are afraid of the MPD.

Director Putt offered another perspective. Each zone has its own set of uses and regulations. The MPD offers an opportunity to have these rules and regulations become flexible. The MPD offers the potential for a property owner to get more density.

**Commissioner Willoughby** said it would help her to understand this better if Staff came back with different scenarios. She would like to have some visuals to make it clearer. Administrator Barnes said this will be much easier to understand with the benefit of visual aids. For the next meeting, he will create a scenario for each of the situations they are talking about.

Administrator Barnes said one thing to consider is the potential result of allowing both smaller lots and the movement of density. The result could be that a property owner in the 40-acre zone could have ten one-acre lots next to him, even though this parcel is also in the 40-acre zone. That situation could not be anticipated. Adding the two factors together could have a negative impact.

Administrator Barnes added the MPD process is a good way of moving the density off the highway. This is a process that could give the County Council some reassurance that development would not continue along the highway.

Director Putt described meeting with the County Council and discussing the AG-1 and possible alternatives. He explained the reason why linear development is often seen in agricultural areas. It is because farmers don't put structures in the middle of their productive fields.

Director Putt explained that often the ability to maintain agriculture and get the development off the main highways are at odds with each other. The solution might be found in the site itself. The MPD is the safety valve that allows the right decision to be made for the individual property. Another option is to change the zoning, to eliminate the AG-1 and come up with something different.

Director Putt said he understands the concerns of the public to go through another process; however, if the process can yield increased value, that would be a good pay off. He is encouraging the MPD because he thinks it will solve problems and result in a better product.

**Commissioner Willoughby** said this kind of education will be critical for both the Commission and the public. Director Putt recommended they come back for a work session followed by a public hearing. At the work session they could run through some of the different scenarios. The Commission continued with the review.

#### **BUILDING HEIGHT**

- On height setbacks, the County Council would have the ability to increase the height of the structures in the recreation commercial (RC) and commercial (C) zones in exchange for underground parking or affordable housing.

Discussion ensued about what would happen if increased height is needed for the use, such as a roller-coaster or a hotel. It was restated that the County Council will be the final decision maker. **Commissioner Sonntag** said he is concerned that all of the possible uses for the RC zone could not be listed in the use table. Director Putt said language could be added that would address that. Attorney Strachan said if there is a use they have never contemplated, they want to be sure there is a process that will determine if the use is appropriate.

### **OPEN SPACE**

- Director Putt said they will come back with illustrations they would consider as typical developments and the open space could be achieved. **Commissioner Sonntag** said open space should include the areas outside of the building pads, the dedicated lands, and the easements.

Director Putt said there should be clarification on the maintenance and ownership of the open space. **Commissioner Ure** said the Commission defined open space. They didn't want to consider someone's hayfield as open space. Director Putt said perhaps this category should have a different label such as "open area." He thinks agricultural fields could be configured into the calculation when going through the MPD process.

### **PARKING**

- **Commissioner Sonntag** said he isn't comfortable with having a maximum of two parking spaces per dwelling unit. Director Putt agreed. He said Staff will work on that language.

### **DENSITY BONUS**

- Director Putt said they will come back next time with some illustrated examples. The question before the Commission will be if it is appropriate to give more density for certain design features, such as clustering. Staff has other ideas they would like to submit to the Commission.

**Commissioner Willoughby** noted there would be no density bonus if someone moves density between zones. Director Putt said moving density could be two separate things. One is taking base density and moving it across zone lines. That person would not be adding density, just moving it. The other concept is adding density. He asked if the pay-off for the right design might be more units.

Administrator Barnes said he believes they will cover this subject when they come back with the specific examples. They want to encourage people to go through the MPD process; therefore, they will want to look at what bonuses they can give. A discussion ensued on this idea. **Commissioner Sonntag** said he is eager to see his examples.

Director Putt said he thinks they are ready for a public hearing. They will take the language and make tonight's suggested changes. Their goal would be that after the public hearing, they would forward this on to the County Council.

**Commissioner Ure** said he would like it to have it laid out that if someone has 50% open space, there would be a certain number of densities granted. Administrator Barnes said that is exactly what he would propose; that this would not become a negotiation. Director Putt reminded the Commission the MPD is an option, not mandatory.

**Commissioner Ure** said he didn't see anything listed under roads. When it comes to the County roads, the burden of development needs to be on the developer. He said the burden was put on the County tax payers to widen the road to the Indian Hollow subdivision.

Director Putt said the next meeting will be July 7<sup>th</sup>. They will work towards having the language ready for that meeting. Following discussion, the Commission decided to cancel the July 7<sup>th</sup> meeting. Chair Hanson said the next meeting will be July 21<sup>st</sup>. There will be a work session at 6:00 p.m. The public hearing will follow that.

## **FAMILY ESTATE ZONE**

Director Putt asked if the Commission had a chance to review the Family Estate zone concept. Would the Commission like Staff to formalize the language and bring it to the July 21<sup>st</sup> meeting? Favorable comments were received.

**Commissioner Willoughby** asked about the requirement concerning 50 years of ownership. Where did that number come from and for what reason? Planner Milliner said the number was to establish this zone for longtime residents. Fifty years is about two generations.

**Commissioner Willoughby** said another requirement is unbroken succession. She can think of a case where the family sold a piece in the middle of their property and then bought it back. She thinks that property should qualify. Planner Milliner said if someone's family had lived in Summit County for 50 years and they had bought and sold some ground, he doesn't think they would be penalized. He thinks this zone will help with those who want to leave a piece of ground to their children.

### **COMMISSION ITEMS**

**Commissioner Ure** said he went to his first ESAP meeting. A conservation easement was approved for Dixie and Ed Ercanbrack.

### **ADJOURN**

*At 7:15 p.m. Commissioner Ure made the motion, which was seconded by Commissioner Willoughby, to adjourn. All voted in favor.*

- **MOTION CARRIED (4-0)**

A handwritten signature in black ink, appearing to read "Mark B. Hansen". The signature is written in a cursive style with a long horizontal stroke at the beginning.

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**Approval Signature**