

# MINUTES

## SNYDERVILLE BASIN PLANNING COMMISSION

REGULAR MEETING  
TUESDAY, JUNE 28, 2016  
Sheldon Richins Building (Library)  
1885 West Ute Boulevard,  
Park City, UT

### COMMISSIONERS PRESENT:

Bea Peck, *Chair*  
Julia Collins  
Colin DeFord

Mike Franklin  
Canice Harte  
Chuck Klingenstein

**Regrets:** Greg Lawson

### STAFF PRESENT:

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

Jami Brackin– *Deputy County Attorney*  
Jennifer Strader- *Senior Planner*  
Kathy Lewis– *Secretary*

The regular meeting of the Snyderville Basin Planning Commission was called to order at 6:00 PM.

### REGULAR ITEMS

#### 1. General Public Input Items

The general public input session was opened.

Steve Scoggan said he and his wife, Debbie, would like to make the Commission aware of a situation while they are addressing a revision of the Code. They are 25 year residents of the Old Ranch Road area. They understand the need of mixed uses on building sites. A situation recently came up that they would like to bring to the Commission's attention. A home was built this winter on a 3-acre lot across from the entrance of the Old Ranch Road pump house. The house is tucked in back by the cottonwood trees. The property owners also built a 2,000 square foot barn.

Mr. Scoggan said that to their dismay, the property owners have started building a large structure in front of the house. This is intended to be a guest house of about 3,000 square feet. It is almost as big as the house itself. They are concerned about the number of structures. The large guest house takes away from the beauty of the lot.

They are hoping the Commission will consider the number of structures on this 3-acre property. There is more square footage on this land than there is on Steve Osguthorpe's 160-acre property across the way. There is not enough land on the property to farm. They want to make the Commission aware of this situation as they address a revision of the Code.

The public input session was closed.

**2. Public hearing and possible action regarding a Conditional Use Permit for multiple accessory buildings over 2,000 square feet; 857 Westwood Road; SL-B-117 – Sean Lewis, County Planner**

Planner Sean Lewis reminded the Commission they heard this application at their last meeting. It is an application for a ~6,400 square foot basketball gym and a ~18,500 square foot riding arena with stalls. In addition to the two proposed accessory buildings, there is a third accessory building existing on the property.

Since the last meeting, there have been a couple of changes. An amended site plan was emailed to the Commission the past Friday afternoon. The applicant has chosen to shift the entire riding arena to the west by approximately 130 feet. It is now located in the northwest corner of the property.

Planner Lewis said there were three comments made at the last meeting that should be addressed. The first was the well location. On the site plan, the well is identified as being in front of the house. It is more than 100 feet from the accessory buildings. This takes it out of the well protection zone.

The second item was concerning the proposed manure plan. On Exhibit C of the Staff Report, the applicant proposes to load the manure onto a trailer and haul it away. Staff has included a condition of approval that the mitigation plan be submitted and approved by the Health Department. The plan has been submitted to the Health Department, but has not yet been approved. The condition is that the manure shall be collected and properly disposed of per the approved plans.

The third item of concern was the amount of water as it relates to the number of horses. Staff has the technical data from the State of Utah that the average horse uses .028 acre feet of water. Planner Lewis said that based on the information provided by Service Area #3 each residence that is not connected to the culinary water supply has access to one acre feet of water per year.

It is Staff's calculation that the maximum number of horses they have, per the number of stalls, would be eight. With eight horses, plus the average family use of water of .45 acre feet of water per year, the total is .674 acre feet of water. One acre foot should be plenty for the water needs.

At the public hearing, there was some question about the boundaries between this lot and the lot to the east. Research has been completed and Staff has found the proposed basketball gym would meet and conform to setbacks even in the worst-case scenario of the boundary disagreement.

Another concern was the community character. Planner Lewis said there is no limitation in the Code on the number or the size of buildings the property can have. Accessory buildings over a certain square footage are listed in the Use Chart as presumed to be conforming to the area as long as it goes through the process.

Planner Lewis said that Staff is recommending approval with the findings and conditions as listed, with one minor exception. There is some confusion between

findings #11 and #12, which have to do with the low impact and the conditional use. Because this is being planned as a comprehensive site, the square footage of both buildings combined triggers the need for the CUP. Staff is recommending that #11 and #12 are combined into one statement, then add a new #12 that the combined square footage is 24,900 square feet; therefore, this is being processed as a Conditional Use.

#### **COMMISSIONER COMMENTS**

**Commissioner Klingenstein** asked if irrigation was considered in the water use calculations. Planner Lewis said this was not taken into account. The information provided was taken from the State of Utah division of water rights. The applicant would have 1/3 acre of water remaining. This would be enough to supply the water for outside uses.

**Commissioner Franklin** asked if there is anything in this application that violated the Development Code. Planner Lewis answered anything that is not 100% conforming has had a condition of approval added that mitigates that impact. With the conditions of approval, Staff believes it complies with the Development Code.

*The public hearing was opened.*

Bob Olson is Chairman of the Board of Trustees of the Silver Creek Service Area #3.

**Commissioner DeFord** asked if he is representing Service Area #3, or himself, or both. Mr. Olson said he is representing the Board and himself as a resident of Silver Creek.

Mr. Olson said he understands this has to go through the County for approval and must meet County standards. He stated that Service Area #3 is responsible for the maintenance of the roads, even though the County owns the roads. They are also responsible for water. In the past, when they have places like this developed, they eventually become commercial, which greatly impacts the area.

The service area has no recourse for additional funds for road maintenance or for more resources of water. The State of Utah has said if a resident blatantly exceeds the allowed water usage, they can shut off their water. That creates a great amount of paper work, difficulties, and animosity. Mr. Olson said he would like the Commission to ensure that if conditions are violated the conditions will return to what was approved.

Eileen Galoushan is on the Board of Silver Creek Service Area #3. She is speaking on behalf of the Board. As she read the Staff Report, she noted it addressed the equestrian part of the application but she didn't see anything addressing the use of the other building.

She believes a riding arena does fit into the character of the neighborhood; however, with the arena and the basketball court there will be four or five structures plus a lot of parking space. To her, that does not fit into the character of the neighborhood.

She said arenas have to be watered. She noticed the water use of the sports building hasn't been taken into consideration. She believes this plan will have an impact to roads and to the water. These concerns have not been taken into consideration. The lighting plan is an important aspect.

Ms. Galoushan noted that this past Saturday evening, a party was held at this location. The neighbor reported she couldn't go to sleep because of the noise. It's okay to have an occasional party, but it makes her wonder if this will be often. She asked the Commission to consider the impact to their neighborhood.

Kathleen Light said she would like to bring up a few more water issues. One thing that has not gone into the calculation is that the existing barn already has six stalls. With the additional eight stalls, they could have up to 14 horses.

Ms. Light reminded the Commission there is already a three bedroom and a two-bath apartment over the existing barn. She guessed that the house has four or five bathrooms. The gym will add even more bathrooms. She doesn't believe the applicant will be able to stay within their water constraints if the number of bathrooms and the number of horses are added up. The water use calculations need to include the house, the apartment, and both of the proposed facilities.

Ms. Light said she and her husband own two properties on Westwood road. One them is a vacant lot. If she applied to build four two-bedroom houses on the vacant lot, each house would be on two acres. If this was her proposal, the Commission would deny it. She believes the water usage of four two-bedroom houses would be less than what they are talking about for these facilities. Even though there would be the same number of buildings, there would be less square footage. She ended by saying she would like to have this image in the Commission's mind as they make their decision.

Chris Nelson offered thanks to Ivan Broman and Greg Dell for their cooperation. They have had some dialogue and personal visits. He appreciates their time and effort. He said he is not here to hammer away at this particular CUP, but he would like to look at the future of Silver Creek.

Without CC&Rs, Silver Creek is very exposed. It is important that they create some definition as to what is the character of the neighborhood. What is low impact? What is low density? As they move forward in the future, it should be better defined what can be built there.

Mr. Nelson said he thinks the height of an accessory building should be limited to 25 feet. That would reduce impact. He believes low impact and low density will be critical elements that will contribute to the character of the neighborhood.

Mr. Nelson said that enforcement is a critical element they have heard about a lot. He thinks there should be enforcement in place if the CUP goes forward. There is only one enforcement officer. Enforcement in Silver Creek doesn't exist, but it needs to. They need amended ordinances, CC&Rs, and protection for the future.

*The public hearing was closed.*

**Chair Peck** said she would like to summarize the concerns and have Director Putt address them. She listed the concerns:

**Chair Peck:** "These places become commercial."

Director Putt said they are aware of possible infractions and they are currently investigating them. If there is a commercial activity that is operating outside of a home-based business I or II or that does not have a business license, they will enforce on that as best as they can given the restraints.

**Chair Peck** informed the public this is something that can be addressed with the County Council. The Planning Commission has nothing to do with enforcement. Director Putt said adding another enforcement office will be discussed as they go into budget negotiations for the upcoming year. The Planning Department takes these charges seriously. The blanket statement that enforcement is not taken seriously is not accurate. It is not reflective of the work that the Code Enforcement office is doing.

**Chair Peck:** A member of Service Area #3 was concerned with the amount of parking.

**Chair Peck** said it has been established the parking is for two trailers only. She noted there are no parking standards for residences.

**Chair Peck:** The existing barn has six stalls. What are happening to those?

Planner Lewis said the existing barn will be remodeled. Those stalls will no longer exist. The barn will take on a different use; it will be more of a storage area or a

garage. There will not be 14 stalls. Mr. Broman said one of the eight stalls in the new building will be used to store hay, so they are really talking about seven.

**Chair Peck** said although the Commission doesn't regulate water, they have to ensure the applicant will have water service. It has been confirmed the applicant is entitled to one acre foot of water per year. The statistics demonstrate they will be at  $\frac{2}{3}$  of the allowed amount. They have a lot of extra water.

Attorney Brackin said she would like to give the background of the concurrency ordinance and how it works. She explained the concurrency ordinance is to ensure that everyone that develops within the Snyderville Basin has wet water. There is a two-step process. When an application first comes in, it is sent out to the service provider to get their feedback and to have them verify this won't negatively impact their wells. It allows the service providers the opportunity to put in any conditions or express any concerns they have. Attorney Brackin said this was done with Service Area #3. The report came back that this is okay.

When the building permit is applied for (after the CUP is approved) a "willing to serve" letter is required from the water provider; otherwise, they don't get a permit. This is not in the Commission's purview. Having sufficient water is not a question for the Planning Commission.

Planner Lewis said Staff has added two conditions of approval. One is that no structures shall be used as nightly rentals. The second is that no structures can be used for commercial purposes. Enforcement has been built into the conditional use permit.

**Chair Peck** asked if anyone in Silver Creek can have a bed and breakfast. Planner Lewis said this regulation is only for this application. It will help with the concerns about this property becoming commercial.

Director Putt said the condition of approval as drafted by Staff was meant to address the concerns of the public. It is his understanding that the Dells have agreed with the condition; however, it is within the Commission's purview to eliminate that condition if they desire to do so.

**Chair Peck** asked if this constraint applies to anyone in the Snyderville Basin. Director Putt said the County doesn't regulate nightly rentals by owner. A business license and an inspection by the fire district are required. Certain businesses are allowed even within the Rural Residential zone. A nightly rental would be one.

**Chair Peck** said she is hesitant to impose this requirement on one private owner. What would be the basis? It bothers her to be overseeing their lives like that. **Commissioner Franklin** agreed it would be an unfair burden on the applicant unless it is for everyone. If the Dells choose to go down that route, they would have to get a business license.

Director Putt said this is not necessarily what Staff is advocating. He is simply explaining why the regulation is there. It was noted in the public hearing that the applicant has a primary residence and a second vacation home elsewhere. Concerns were expressed in the public hearing that the Dells, or a long-term tenant, could bring in nightly rentals. This condition of approval was drafted to address that. He doesn't believe the Dells have objected. If the Commission decides not to include that they are well within their rights to make that change.

**Chair Peck** responded that she isn't comfortable with imposing a regulation on somebody that is not uniformly applied. **Commissioner Collins** agreed. She asked if there are any other tools that could help to mitigate that concern. Director Putt said that is the only tool that is available.

**Commissioner Harte** said that condition #2 prohibits commercial activities. That condition will run with the property even if it is sold. Renting the property, such as an

airbnb, hasn't been addressed. It would be the same as everyone else. They would have to get a business license, which would be made public at that point.

**Chair Peck** referred to Condition of Approval #7, which is about providing examples of the materials being used. She asked if the County is telling the applicant what the structures are supposed to look like. Director Putt replied they are not. The condition to review the materials prior to issuance of the building permit is to be certain that the materials are not highly reflective. **Chair Peck** asked that language is added stating the approval will come from the Planning Department.

**Chair Peck** asked if Findings of Facts #16 is relevant. Does it matter what size the other riding arenas are if no maximum number has been established? Director Putt said this condition relates to compatibility. If it meets the Code criteria, it is presumed to be compatible. This statement helps to further nail down the compatibility issue and demonstrates factually that there are other buildings in the immediate area of the approximate size.

**Chair Peck** asked Planner Lewis if the special CUP standards are in addition to the regular standards. She asked that the section of the Development Code this comes from be identified. Planner Lewis said it will be added.

**Chair Peck** referred to #8 of Standard #2, which has to do with parking requirements. She asked if this Standard is applicable since this is a residence. Planner Lewis said all of Chapter 4 is included in a CUP. **Chair Peck** asked if parking requirements apply even in a residential application. Director Putt said there isn't a separation between CUPs for residential and commercial. Planner Lewis said that parking is not exempt. He added there is no parking requirement listed for a single family home.

**Commissioner Harte** spoke to the members of the audience about the enforcement issues. He said this is not something the Planning Commission can address. He

encouraged the public to speak to the County Council. That is the place to express their concerns and needs.

**Commissioner Harte** said the water use has been brought up a lot. This is another issue the Commission is not able to control. He agrees with **Chair Peck** that the option of nightly rentals should not be eliminated. He believes this should be consistent in the neighborhood. He recommended Condition #1 be stricken.

**Commissioner DeFord** said the crux of the issue is that there are many large buildings. He asked Attorney Brackin if the character of the neighborhood is definable. The fact that this is an allowed use (with conditions) in the Use Chart makes the argument that it fits the character of the neighborhood. Once adopted in the Use Chart, it is deemed legally compatible.

**Commissioner DeFord** said that a point was made by a member of the public that once this is approved there is not a lot that the Commission can do to prevent the likelihood of this becoming commercial. He sees this as analogous that when someone is given a driver's license, there may be a propensity to speed. A license will not be withheld because of that potential. They can't deny an application on something that may or may not happen.

**Commissioner DeFord** said he doesn't have a problem with having the condition of no nightly rentals. What he sees as different is the need for a conditional use permit, which has not been necessary for most of the residents in Silver Creek. It puts some teeth in the CUP.

**Commissioner DeFord** reiterated that CC&Rs are a neighborhood, not a County, function. If they get together and create CC&Rs, they can create the regulations they want. He doesn't think there would be much of an issue if the basketball gym was instead going to be an agricultural building. It is not in the Commission's purview to

regulate the number of allowed stalls or horses. It's more about if there is enough water. Attorney Brackin agreed that the County doesn't regulate the number of animals allowed.

**Commissioner Collins** thanked the public for their comments. As has been stated there are no limits on the number of accessory buildings. The question is the neighborhood character and fitting in with the community. Her question is if this intensifies the use.

**Commissioner Collins** said the equestrian arena seems to fit into the use. Her concern is with the gym. In this building, they can recreate, play basketball, work, drink, lounge, and play. Everything can be done in this building except sleep. To her, there seems to be a gray line if this is an accessory structure or an accessory dwelling. The owner has stated he rents the property to a family and there is a caretaker on the property. With his family, there are essentially three families that are using this one parcel. She doesn't see how that fits into the neighborhood character.

**Commissioner Collins** said that many horses produce a lot of flies. She said her neighbor lives across from a 10,000 square foot arena. Sometimes the neighbor can't see out her window because it is so covered with flies. If the manure is not removed, there would be negative impacts to the neighbors.

**Chair Peck** asked that this issue be addressed. Mr. Broman responded that there is a way to handle flies. Kelly Dell, one of the landowners, said they have taken care of his issue. She explained there are bugs called fly predators that will eat the fly larva. She and her neighbor have placed an order for these to come.

**Commissioner Collins** asked if the property owners would like to address the noise issue. Mr. Dell said they had a party for his father's 65<sup>th</sup> birthday. The party was over by midnight. He will have other parties, but it won't be a regular occurrence.

Mr. Broman corrected **Commissioner Collin's** assumption that there are three families using the property. There are the Dells, their immediate family, and the caretaker. There is the main house and a caretaker unit. The existing family home is rented to a family member. The intent is to convert the existing barn for storage of tractors and other vehicles.

Mr. Broman added they have shifted the arena to lessen the impact to the neighbor's view. They have lowered the entire building six feet. This will be done at considerable expense. This was a compromise. They have met with the Nelsons several times.

Mr. Broman described the materials and colors they will use. He held up an example of some of the materials they will use. They want the building to be attractive and to blend in as much as possible.

Mr. Broman addressed the water use. He researched two different State sites that specified horses use 10 gallons of water a day. He thinks there is a lot of cushion for irrigation and other things. They feel that they are well under the water usage.

Mr. Broman said they have talked to the Health Department. They are going to add a septic system for the additional bathrooms. There are three additional bathrooms in the gym. It is not like they are adding another house. **Commissioner Collins** said there is nothing that would stop another owner from turning that building into a house. Mr. Broman said the County wouldn't allow it.

Director Put said if the County finds evidence of a violation of the conditions of approval, the County has the ability to schedule a public review and take the appropriate action. The County is proceeding forward with the information that they have. There is no reason to believe that the Dells will have any other use than what they have expressed.

**Commissioner Franklin** said he believes that not allowing nightly rentals is an undue hardship for the applicant. He would like to know what the combined language on Findings of Fact #11 and 12 would be. Planner Lewis said that essentially #11 and #12 would be put together as one finding. There would be a new #12 that would read as: *“The combined square footage of 24,900 square feet of the accessory buildings requires a conditional use permit.”*

**Commissioner Franklin** said this doesn't violate anything in the Development Code. As a Commission, they are obligated to grant the condition of approval. They cannot apply unreasonable conditions. He thinks Staff has done a good job.

**Commissioner Klingenstein** said he concurs with **Chair Peck** about the nightly rentals. He added these are large parcels without CC&Rs. This area is one of the last remnants of the wild west. It is time for the people of the Silver Creek neighborhood to have a chat with the members of Service Area #3. When people move into the area their ideas of what should happen here are different than the long term residents. When they start placing regulations in the area, there will be some push back.

**Commissioner Klingenstein** thanked Mr. Broman for his information. He thanked Mr. and Mrs. Dell for their patience and candor. He explained that when this property is sold, the rights convey to the next owner. Because of this, the Commission wants to make sure all the “T”s are crossed and the “I”s are dotted.

**Commissioner Collins** asked the Commission if they believe the applicants have properly mitigated the impact of the manure. They have required other applicants to place the manure in containers. **Chair Peck** said the applicants have proposed a plan to remove it. They have fly predators. Mr. Broman said they have two options. One has to do with concrete bunkers such as is seen in many landscaping companies. The other is to have a closed sided trailer and haul it off. It is in the owner's best interest to make

sure it doesn't become a problem. This has been made a condition of approval. They will take the plan to the Health Department.

**Commissioner Collins** asked if there should be additional language about the manure mitigation. **Chair Peck** asked what kind of wording could be added. If there are complaints, how would the County differentiate where the odors were coming from? The applicants have a plan and are trying to mitigate potential problems. She doesn't think they should create a condition that specifies how many times they should remove the manure. If a problem arises, the Health Department will take care of it.

**Commissioner Collins** asked if storm run-off and the manure plan will be integrated. Mr. Broman said they are in the process of getting a civil engineer involved. He will be in charge of drainage and construction mitigation. All of the drainage around the buildings will be controlled. They will make sure it is not a problem for the neighbors.

*Commissioner Franklin made a motion to approve the conditional use permit per the findings of facts, conclusions of law, and conditions of approval as outlined in the Staff Report with the exception of Findings of Facts #11 and #12. They will be combined into one. There will be a new #12 as stated by Planner Lewis. ("The combined square footage of 24,900 square feet of the accessory buildings requires a conditional use permit.") Additionally, Condition of Approval #1 will be removed.*

**FINDINGS OF FACT:**

- 1. The applicant proposes to build a ~6,400 square foot basketball gym including lounge, office, and fitness space; and a ~18,500 square foot riding arena including stalls on Parcel SL-B-117.*
- 2. Gregory M. Dell is the listed fee title owner of Parcel SL-B-117.*
- 3. Parcel SL-B-117 is 8.74 acres in size.*
- 4. Parcel SL-B-117 is located at 857 East Westwood Road.*
- 5. Parcel SL-B-117 is located in the Rural Residential zoning District.*

- 6. The setback requirements of the Rural Residential Zoning District are: front setback (20 feet), side setback (12 feet), and rear setback (12 feet).**
- 7. The proposed structures are shown on the submitted site plan to be set back 350 feet or more from the south (front) property line; 95 feet from the east (side) property line; and 32 feet from the north (rear) property line.**
- 8. Parcel SL-B-117 is located in the Silver Creek neighborhood planning area as identified in the Snyderville Basin General Plan.**
- 9. The Snyderville Basin General Plan states, "Because of the equestrian and open nature of the area, future development should occur in a manner that takes into consideration the need for equestrian uses, such as trails and other facilities and maintaining a low density residential use."**
- 10. The proposal is equestrian and private recreation in nature and does not increase residential density in the area.**
- 11. Section 10-2-10 of the Snyderville Basin Development Code lists "accessory buildings between 2,000 square feet and 10,000 square feet" in size as a Low Impact use in the Rural Residential zoning district. Section 10-2-10 of the Snyderville Basin Development code lists "accessory buildings greater than 10,000 square feet" in size as a Conditional Use in the Rural Residential zoning district.**
- 12. The combined square footage of 24,900 square feet of the accessory buildings requires a conditional use permit.**
- 13. The Snyderville Basin Planning Commission discussed this item at a work session on May 10, 2016.**
- 14. A public hearing was held regarding this item on June 14, 2016. Public comments focused on the size and scope of the proposed buildings, the potential of "commercial creep" within the Silver Creek neighborhood and potential impacts to water and sewer resources.**
- 15. During the June 14, 2016 public hearing, the landowner testified that the proposed structures would be for private, non-commercial use for his family.**

- 16. According to Summit County Assessment records, there are at least three riding arenas larger than 10,000 square feet in size in the Silver Creek neighborhood.**
- 17. The proposed accessory buildings are located more than 100 feet away from the well, and therefore are located outside of the well protection zones as identified in Special Service District #3 Ordinance 2009-01.**
- 18. The proposed riding arena has stalls for eight horses. According to a document published by the State of Utah Division of Water Quality in 2003, an average horse uses the equivalent of 0.028 acre feet of water. According to the same document, domestic use for a family is calculated at 0.45 acre feet of water per year. The applicant has water rights for up to 1.0 acre feet of water per year. The combined use of a single family home and maximum number of horses would equate to 0.674 acre feet of water per year.**

#### **CONCLUSIONS OF LAW**

- 1. The use of the structures is consistent with the equestrian goals of the Silver Creek neighborhood goals as identified in the Snyderville Basin General Plan.**
- 2. The proposed structures are compatible with the existing neighborhood character to other accessory buildings within the zone and neighborhood.**
- 3. As conditioned, the accessory structures are compliant with the standards as found in the Snyderville Basin Development Code.**

#### **CONDITIONS OF APPROVAL**

**No structure on Parcel SL-B-117 shall be used for commercial purposes.**

- 1. A manure mitigation plan shall be submitted to and approved by the Summit County Health Department. Manure shall be collected, removed, and properly disposed from the site per the approved plan.**
- 2. The applicant shall add septic capacity for the structures as required by the Summit County Health Department.**
- 3. The applicant shall comply with any requirements of the Park City Fire District prior to issuance of a building permit.**

- 4. *Approval of a conforming runoff plan (site drainage plan) by the Summit County engineer is a condition precedent to issuance of a building permit.***
- 5. *The applicant shall submit examples and receive approval of proposed exterior building materials as a condition precedent to issuance of a building permit.***

Mr. Dell said he had a question. He has received an agricultural permit for the barn/riding arena. If #11 and #12 are combined, will they no longer be able to have an agricultural permit? He wants to avoid delays. Planner Lewis said that the agricultural building only requires a building permit. It is separate from this process. It should not be an issue.

***Commissioner Klingenstein seconded the motion. A vote was called for.***

- **MOTION CARRIED (5 - 1) *Commissioner Collins opposed.***

**3. Approval of Minutes**

**April 12, 2016:**

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

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

**April 26, 2016:**

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

- **MOTION CARRIED (6 - 0)**

***A five minute break was declared.***

## **WORK SESSION**

### **1. Transportation planning update- *Caroline Ferris, Regional Transportation Planning Director***

Caroline Ferris, Summit County Transportation Planning Director, said she is before the Commission to give an update of what has been going on in the past year and what is planned. The major thing she has been working on is exploring different funding options.

She said they are getting ready to kick off the Mountain Accord alternative analysis. The official kick-off date is Thursday, June 30<sup>th</sup>. They continue to work on the long-range transportation plan. It has been slow going because they have not had an effective model for Summit County. They have worked with UDOT to refine it, so they are getting ready to put some scenarios in the model.

Another thing they have been working on is an informational campaign for the residents to try some alternative mode of transportation one day a week during peak hours. They have been asking people to drive at a different time or perhaps walk.

Through the Health Department, they have been giving away a lot of bike helmets. They are working with Park City. They are trying a regional approach. All of their projects and plans are a partnership between city and county.

**Commissioner DeFord** asked about funding. Ms. Ferris said basically they have been operating almost in deficit spending. They have been pulling money from other areas to fund transportation improvements. She said there is always a shortage of money when it comes to transportation.

Ms. Ferris said they are trying to look ahead to the growth of Summit County. The growth will be dramatic, but they don't want to put down more pavement because

when you do, more cars fill the roads. In order to address some of these improvements, they need to find better funding sources.

**Commissioner DeFord** asked if they have a matrix that shows how efficiently the dollars have been spent. Ms. Ferris said that as part of the long-range transportation plan, they will be adopting a series of performance measures that will look at the productivity of the transportation network as a whole. They will report back to the County Council and to whoever else is interested in where and how effectively the money is being spent.

Ms. Ferris said that one of the exciting initiatives that she hopes will be funded is investing in new technology that can demonstrate the where, when, and how people are moving. Park City has already invested in this technology. UDOT and UTA are also looking at this. It uses blue-tooth technology to track where and when people are traveling. It will show if the trip is using transit, a personal vehicle, or even a bike. It does that by tracking the blue tooth on the various devices. Because a lot of regional partners are investing in it, they will be able to know how many people are traveling from Provo to Kimball Junction Monday mornings at 9:00 a.m.

Ms. Ferris said that with this knowledge, bus schedules, or whatever the solution may be, can be addressed. The first step is to understand when people are traveling and what modes they are traveling by. This is a more robust data system than they can have through simple vehicle counts.

The ability to work with this data is increasing because different municipalities are investing in the technology. The Park City Council just approved the purchase of 45 new boxes. She is requesting 30 boxes throughout Summit County. As more municipalities and counties come online, they will have a better sense of what they can do with the data. The best places to put these boxes were outlined.

**Commissioner DeFord** said he thinks technology is a better solution to transportation issues than more buses. They need to understand what, where, and the time the riders want to go.

**Commissioner Collins** said she works closely with West Valley City. They spend ½ million dollars annually on these boxes. They want to see where their people are moving throughout the day. One thing they are doing is evaluating the traffic impacts. They had a commercial operator describe the traffic study results. The city will check to see what actually occurs. Fines are assessed if traffic impacts are exceeded. That is how they pay for their system.

Ms. Ferris said they will probably see this system come online at the RVMA at the Canyons Village. A benefit of coordinating with other providers is that they have access to the data sets from other areas. Sundance used this technology last year.

Ms. Ferris said that UDOT is working on some first-last mile strategies. They have a lot of resources dedicated to these types of studies. She has been looking at how this research can apply to Summit County.

Ms. Ferris said Summit County has been a part of a huge grant application. If this is granted, it would give the County ½ million dollars going towards first-class mile strategy. Different ways this could be applied were described.

**Commissioner Klingenstein** asked Ms. Ferris when she sees this being adopted. He said that starting at this meeting they will be discussing Development Code amendments. These amendments won't go far until these can be linked to transportation. Instead of transportation centers or bus stops being used as a bargaining tool by developers, he would like to see where these would be appropriate. He asked what the projected schedule is.

Ms. Ferris said **Commissioner Klingenstein** makes an important good point. She is trying to make the link between land use and the transportation component. She estimates there will be a draft plan by September 2017.

**Chair Peck** said she works in the New Park area. She is concerned about intra-circulation. She would like it so that when people arrive in the area, they can do three or four errands without having to get back into their car. Ms. Ferris said she would like to see a circulator vehicle for Kimball Junction that runs every 15 minutes. It would stop at all of the important destinations. She would like to have it be possible to have someone come to the area, park their car, and then catch a shuttle to go to Whole Foods, the post office and other locations during the day. They want to give people a safe way to travel and navigate through Kimball Junction. This comes down to funding.

**Commissioner Collins** asked what the Commission can do to strengthen her work. Ms. Ferris said the support the Commission has already given has been great. It is helpful for her to understand where they need the County to go. She would love to meet with the Commission on a more regular basis. She added they have been considering an active transportation plan and a complete streets policy. All of these will be woven into the long-range transportation plan. All of these will require input from the Planning Commission and the service districts that will be affected.

Ms. Ferris said the land-use and the transportation components are linked. They can't have an effective transportation plan without the affected land-use part.

**Commissioner Collins** said currently the Commission looks at the connectivity of projects. This includes design standards for sidewalks and what is the proper path. Are those things being contemplated or will they have to wait until the transportation plan comes out in 2017? Ms. Ferris said they will see these beforehand. Design standards can potentially be adopted before September 2017. It will be one component of the long-range plan.

**Commissioner Collins** asked where the current projects fit in. Ms. Ferris said they have their short-range transit plan that looks at projects for the next seven years. They will be asking the different cities and the County Council to adopt this within the next couple of months. Additionally, they are talking about the regional transportation projects. This will also discuss alternative transportation. This plan will lay out on a yearly level what they would like to accomplish.

**Commissioner Collins** asked if parking strategies in conjunction with the transportation plan will be addressed. Ms. Ferris said parking is a component of both the long and short range transit plan.

Ms. Ferris said they have an advisory committee about parking in remote locations. This committee is made up of volunteers from the community. Their knowledge has added a lot of valuable information. They have been looking at different areas for parking. They will be presenting their recommendations in the next couple of months. Park City has a parking plan that was just adopted by their City Council. They have to provide a place for people to park if they want them to ride a bus into town. They want to make it as easy as possible for people to make that step.

**Chair Peck** asked if she has any information concerning age demographics. Ms. Ferris said they understand there are people who will not ride a bike or take the bus. That is why they want to offer other solutions, including a circulator vehicle in Kimball Junction. **Commissioner Collins** said that providing choices is a key component.

**Commissioner Klingenstein** said he was taken aback by the September 2017 date. He was hoping that it would be sooner. The reason is because often the land use gets so far in front of transportation that they are always playing catch-up. If they start charging forward on the Development Code they may get in each other's way. He wonders if there is an interim solution of having some tools so they won't be holding each other up.

Ms. Ferris said that his point is valid. There are tools they can use. One would be a policy that will address the planning standards. These are standards that could be adopted prior to full adoption of the plan. She said the Planning Department has been good to inform her of what they are working on and getting her input. Even though the regulations have not been codified yet, there is good communication taking place.

**Commissioner Klingenstein** said they need to remember the transportation plan has a fiscal impact side. It would be a shame to have development occur if the impact fees are not available to address the needs of future transportation. Ms. Ferris said the Engineering Office has been working on the impact fees. They are examining if the fee schedule is accurate and effective.

**Commissioner DeFord** said he thinks her position should fall under the Planning Department. Director Putt said this is a valid point. He thinks they will see Ms. Ferris attend their meetings more than she has in the past.

## **2. Discussion regarding Master Plan Developments/Neighborhood Mixed Use – *Planning Department Staff***

Director Putt said he would like to begin by explaining two ideas for the Commission's consideration and input. The first is the idea of a mixed-use zone. Secondly, what is the process that would be used to implement them? He said the Master Planned Development (MPD) process could be used for the Neighborhood Mixed Use (NMU) zones, but in other applications as well.

Director Putt said a couple of years ago the Commission adopted changes to the General Plan. A couple of changes are very significant. The first is the value and importance of open space areas in the community. These have more than just a recreational or environmental value. Open spaces increase the financial value of their properties. Open space can generate value in terms of creating community assets. The ability to add to open space is very important.

Director Putt said the MPD has language that encourages consideration of the built-in environment or what is currently on the ground. It encourages development in a better, smarter way. The fact that they have a lot of existing conditions is recognized. There are a lot of things that have been built and a lot of things left to be built. With the exception of the Canyons Spa area or the Town Center, most things out there are based on an old model of single use and very low dispersed density. This creates problems with traffic and connectivity.

Director Putt said they created a map that showed where the open space is and where the development will be. This showed a series of white spots. These are the key areas. The question is what they are going to do here. The conclusion reached was they are going to try to add to the open space. This may be through outright purchase of the land, the purchase of easements, or some negotiated review process.

They may be able to achieve these opportunities by developing more compactly and doing it in a way that not only creates open space opportunities, but creates a viable way for people to move about in alternative ways.

Director Putt said the challenge will be allowing the right development amount in the right location. The MPD will supply the needed tools. The two NMU zones will be another tool that will help guide the right amount of development into the right locations. In certain areas they may be creating more in terms of square footage or height. This is the discussion they want to have with the Commission and ultimately with the public.

Director Putt said when they reviewed the General Plan they created future land use maps for about 16 neighborhood areas. On those maps, there were areas that were defined broadly as mixed use areas. Those were the areas where they intended to come back to develop zoning and process strategies. They wanted to take a look at how they might densify some of these areas in an appropriate manner. They wanted to achieve

more open space and better connectivity. They wanted to improve non-traditional ways of moving people around.

Director Putt said the maps reflect a combination of mixed use areas that currently exist as well as areas they may possibly consider in the future. The following areas were shown:

### **Jeremy Ranch/Pinebrook**

Director Putt pointed out the existing mixed use neighborhoods. He said Staff is projecting out about 25 years. This means the current use may be subject to change.

### **Kimball Junction (on both sides of Highway 224)**

This included the area in and around the Tanger Outlet stores.

### **Quinn's Junction**

Some of the areas that had been identified as a mixed use were pointed out.

### **Rasmussen Road**

This is an area that they spent quite a bit of time talking about. Its geographic features are unique because of East Canyon Creek along the northeast portion of the property. Essentially, this area is a series of bubbles that is separated by wetlands and drainages. It connects the Pinebrook area to the Kimball Junction area. This was looked at as possibly being more than just residential use. Could the use be mixed up appropriately?

### **Silver Creek**

This is predominately a very low density residential area, but at the entrance there is an area that is zoned community commercial. There is another area west of Silver Creek Drive that is designated as a mixed use commercial area as well.

### **Bitner Road**

Part of this area has been identified as a possible mixed-use area. In the past, the Commission has held some work session proposals for apartments. Those applications have not moved forward. This is partly because the Commission wanted to see what Staff could come up with in terms of zoning strategy. Another issue with Bitner Road is the unresolved issues relating to connectivity. This is another area that might be considered for mixed use development.

### **The Canyons**

The Canyons has been spoken for under the Specially Planned Area and the Development Agreement. It will continue to build out under those documents.

### **The east side of U.S. 40**

The existing mixed use areas are residential (Silver Creek), Triumph, and Home Depot. Moving south on U.S. 40 there is piece of property that would be an ideal place to recognize the existing commercial development, while trying to establish a pattern where the interior portion of U.S. 40 is kept open.

Director Putt said the mixed-use areas were identified in yellow or salmon. He said he will describe the two mixed-use zones, why they have two, and what the characteristics are of both. He will end with the MPD process. He said that one is the zone, the other is the process.

Director Putt said when they first got started Staff thought perhaps there would be one mixed use zone. The deeper they got into the discussion they realized that there are two different general characteristics. One characteristic is primarily made up of larger properties on the perimeter of the existing development. These have proximity to already existing pieces of open space or undeveloped land. The Community benefit in those areas is in the form of, *"Can we add to the existing open space?"* This may be in the form of creating better quality open space or better connectivity. Another consideration is if the existing transportation system can be added to.

Director Putt said the Commission should think of the NMU zones as the “open space acquisition zones.” The two zones would share a common denominator. They want them to be compact, mixed use, transit oriented, and they would like to have measureable standards. He believes more can be achieved through better design.

**Commissioner Franklin** asked if there would be incentives. Director Putt said there would. He will touch on that later in his presentation. He said the following stipulations would have to comply:

1. The land has to be identified as mixed-use.
2. The property would have to be located in the Rural Residential, Community Commercial, Service Commercial, Neighborhood Commercial, or Town Center zone.
3. It would have to be 200+ acres.
4. It would have to be adjacent to undeveloped land or large areas of open space.
5. The property would have to be adjacent to an existing transit system, or as a result of the project be able to be integrated into it.

Director Putt said that density would be very important. Staff recommends this would be as predictable as possible. They believe the floor/area ratio is the best tool to apply. For every square foot of open space in the project area, they would get a commensurate square footage of building area in a proportional amount.

**Commissioner Collins** asked why they would go that route instead of using the parking and height parameters to determine the amount of density. Director Putt said that parking, height, and setbacks are part of the configuration. They want to add as much precision as they can.

Director Putt explained that under the NMU II zone, 80% open space would be required. The open space would not be used to calculate the buildable area. The floor area ratio would only be applied to the remaining property, the buildable area.

Director Putt said the floor area they propose to start this is 0.075. **Commissioner Klingenstein** said the floor area needs to be clearly defined. They need to use the term “gross floor area ratio”; otherwise, it is open to debate. Gross floor area includes things like hallways.

Director Putt said they recommend a bonus of additional square footage if the applicant gives more open space. Staff recommends increasing the floor area ratio to 0.75 for 90% open space. **Commissioner Collins** said density would be limited by parking requirements. A discussion between **Commissioner Collins** and **Commissioner Harte** ensued about using parking as a tool.

**Commissioner Collins** clarified that if the parking standards don't require a lot of parking, that would mean less of the footprint would be required for parking. More of the building's footprint would go towards densifying the building. She said the height of the building could help to densify the structure.

**Commissioner DeFord** said that if he owned a business structure, he would want to make sure there is adequate parking for his tenants. Director Putt said this will be addressed under the MPD process.

Director Putt said that all developments in the zone will have to meet the minimum of affordable housing standards. Through the Master Planning process, the Commission will define what the setbacks are going to be. **Commissioner DeFord** said it would be allowed if smaller setbacks make more sense. Director Putt agreed. He said that also, if larger setbacks make sense, such as with sensitive areas, the setbacks could be increased. They don't have to be locked into a standard.

Director Putt said they are proposing a 45-foot height. This is the equivalent of four stories. This is the time to work through any concerns about taller buildings. Going vertical in the right locations will help to compact the density.

**Commissioner Franklin** asked what the height limit is in Park City. Planner Milliner said he believes it is 33 feet; however, through their MPD, they can have buildings up to 50 feet in height. **Commissioner Collins** asked if underground parking would be considered as part of the height. Director Putt said it would not.

Director Putt said Staff is recommending that all MPDs have a minimum of three land uses such as residential, office, commercial, or recreation. This is because the fewer the mixed uses, the less viability there is to make this work in terms of transportation and walkability.

Director Putt said the Commission may want to discuss having a cap on the size of any one particular building. Staff is recommending 45,000 square feet, which is the size of the average neighborhood grocery store. Input on the size is requested.

Unless the Commission feels otherwise, Staff is also recommending that single-story buildings be prohibited; however, they would like the Commission to have flexibility if it makes sense in certain situations. Usually, in the mixed use areas, large single-story buildings are a waste of land use.

**Chair Peck** said they also talked about not only discouraging single stories, but allowing walkways in between building blocks. Having separation between buildings would make it easier to navigate to other buildings.

**Commissioner Klingenstein** asked if they have the tools to make sure buildings are clustered as close as possible to the current infrastructure. Director Putt said to hold that thought until they are through talking about the Master Plan.

Director Putt reminded the Commission that these will be larger properties. Generally, they will be on the periphery. In the near future, they may be on a transportation network. In the NMU zone every project will have the requirement to provide

alternative transportation options. The NMU II zone, it will require a transit center. This would be a building with a waiting area and a restroom. It would have bike facilities. This area would not count towards the allowed square footage. If, in the transit building, there are retail businesses or shops, this would count towards the allowed square footage.

Director Putt said that every applicant will be required to have a plan addressing the public realm. This will explain what happens in the public spaces between the buildings. This would include sidewalks, plazas, and the areas of connection. How do they function? What will they look like? Who will maintain them?

Director Putt said that currently parking is allotted on the idea of maximum parking. He suggested they throw this idea out. In order to reduce the number of parking spaces, Staff suggests they allow a parking exemption for a building up to 3,000 square feet. If someone has a 3,000 square foot building, they don't have to provide parking. This would help to facilitate the park once and move many times idea.

Director Putt said parking design discussions need to include helping the public know how to make transit connections if they want to park once. Parking strategies would be part of the public realm plan.

**Commissioner Collins** asked if shared parking could be an option for a parcel that has three or four buildings with people arriving at different times. Director Putt answered it would. This discussion would happen during the MPD process.

Director Putt said he would like to give the Commission some examples: one with a 200-acre parcel, one with a 500-acre parcel.

If there were a 200-acre parcel in the NMU II zone, 80% would be set aside as open space. That would be 160 acres for open space with 40 acres left for development. If

the floor area ratio (FAR) is applied to the 40 acres, the result is 130,680 square feet. Staff is suggesting the transit facilities would not count towards that number. Under the MPD, affordable housing would also not count towards that number.

**Commissioner DeFord** verified that affordable housing would have to sit on the 40 acres.

Director Putt next gave the example of the 500-acre parcel. Applying the 80% rule, 400 acres would remain as open space. The square footage allowed on the remaining 100 acres would be 326,700 square feet of development. He said as they work through the process, he thinks the numbers will be refined.

Director Putt referred to the Boyer Tech center as a comparison. There is approximately 80 acres in the developable area which is about ~1,300,000 square feet. This works out to be about 0.37 FAR.

Director Putt said if they add the incentive density, they would start with 90% open space on a 200-acre parcel. That would result in 180 acres of open space, 20 acres of development, and 152,460 square feet. On a 500-acre parcel, 90% open space is 450 acres, which would leave 50 acres to develop. He proposed Staff comes back to show some basic site layouts and what could be achieved in these areas. He emphasized these numbers are subject to change.

**Commissioner Collins** asked if the open space would be just visual or would it be active open space. Director Putt said this is a discussion they need to have. The General Plan talks about different forms of open space. This should be nimble enough to apply the right uses on the open space.

**Commissioner Harte** asked what the quality is of the open space, what would be the view of the open space, and who will manage it? Open space should be defined.

Director Putt said in the NMU I zone it is not as critical to have large amounts of open space. The objective in this zone is the connectivity to the open areas. There would be less open space and more public space and public connectivity. They would encourage the property owner to have a quiver of multi-pronged arrows to help reduce the need for someone to come into this neighborhood with a car. The keys of this zone are smaller properties with more emphasis on public space and parking management and transportation.

Director Putt described the eligible properties. The properties have to be on the future land use map for mixed use and be located in the right zone. It would need to be on the existing transit system or to be able to tie into the transit system as a result of the development.

Director Putt said this would go through the MPD process to be evaluated. It may be a good idea to investigate granting additional density in exchange for additional affordable housing beyond the required amount.

Director Putt said Staff would like to explore if they could grant additional density if there is a voluntary reduction in parking based on strategies to help deal with that. It could be transportation services for employees such as van pooling, car sharing, or neighborhood shuttles. He would like to get the Commission's reaction on this idea.

Director Putt said it might be a good idea to grant additional density for additional affordable housing, beyond the mandatory required amount. Affordable housing standards would have to be met. Setbacks would remain the same. The height limitation of 45 feet may have to change.

Director Putt said the open space requirement for a NMU I zone would be 15%. In this case, they are not looking for large areas of open space, but well-planned, strategically located public areas. The idea is that if they are going to densify, it would be in existing

compact areas. For mixed uses, they would be looking for a broad range of uses, not just a single use project. Staff suggests carrying forward the same single direct retail space of 45,000 square feet. The Commission's thoughts and those of the community will be valuable.

Director Putt said with the NMU I, the developer may need to construct some sort of transit building, or the project may be located by existing facilities. The key point is that there would be more density, more people, and more activity.

Director Putt said they want to make sure their plans fit well with what Caroline Ferris is planning. He said the bus is just one of many options. The distinction with NMU I would be the redevelopment and not as much open space; however, they would need connectivity and public spaces.

For a 5-acre parcel, 15% open space would equal 33,000 square feet. Applying the FAR calculation, that would equal ~111,000 square feet developable area. With an 8-acre parcel, the open space would equal ~52,000 square feet. Applying the FAR calculation, that would equal ~178,000 square feet developable area.

## **THE MPD PROCESS**

Director Putt moved on to the MPD process. He said it is both a process and an end product. There will be a master planned site plan that will be recorded. This can be used in other areas such as rezones to Community Commercial, Service Commercial, Neighborhood Commercial, and in residential subdivisions. Staff is recommending residential subdivision be for four lots or more, but would like a discussion on that number.

Director Putt said in some situations, someone may come in with a new commercial or office project. If this crosses the threshold of 10,000 square feet, they may want to take

this through the MPD process. The MPD is a process of design and it adds flexibility, which results in a better project.

Director Putt said the SPA provides additional density for providing community benefits. In the MPD, there will be a finite amount of density established by the zone. Only the uses permitted in the zone will be allowed. There would be a pre-application conference with Staff followed by a meeting with the Planning Commission.

**Commissioner Harte** asked what would happen if there is a property owner that couldn't afford to build a 4-story building. It might be beyond their financial means to build a 4-story building. Also, how will this work with TDRs? Director Putt recommended they get some basic agreement and clarity on the two zones and then introduce the idea of TDRs. **Commissioner DeFord** said it would be the property owner that would request the rezone.

Director Putt said someone who utilizes the master plan development would have to bring in their entire property to the table. If they are going to master plan an area, they want to look at the entire piece. The density allowed by the master plan would be a function of the zone that it is located in. Increased density may be granted for additional affordable housing, additional open space, and other attributes. Setbacks will be established through the process. Building height will be the maximum that is permitted in the zone. Additional height might be considered for structure or underground parking or for additional affordable housing. Open space requirements would be the percentage that is specified in the zone. It is not the MPD that dictates the open space. It is the zone.

Director Putt addressed off-street parking. The MPD has the ability to require less parking. It also allows the County, in certain situations, to allow more. **Commissioner Collins** asked if they are trying to reduce parking, why they would want to have more. Director Putt said there might be a situation, primarily in conjunction with a transit

facility, where the facility may act as a park-and-ride. If they are going to grant flexibility it needs to swing both ways.

Director Putt said this is the area where they would consider design concepts. Would it be appropriate to build a monumental ziggurat? This is where they would design with the neighboring land uses in mind. They may want to have flexibility with access and would look towards the County Engineer, Public Works, and the Fire District. The utilities would be consistent with other projects. They don't want to build on sensitive lands. Normal development requirements would remain.

Director Putt said where this differs from the typical site plan is that they believe the designers of the project should have the opportunity to explain their project. Allow them the opportunity to explain why and how this meets the requirements of the zone and why it would be advancing better community design. Staff has identified the areas they need to come in and explain. This meeting would be on connectivity and how the project fits into other neighboring facilities. This meeting would give the applicant the opportunity to explain how this will fill the needs of the community in terms of types, price range, and other opportunities.

**Commissioner Harte** expressed concerns that the environment has not been considered. Director Putt said he has received another comment that this seems to be light on the environmental and wildlife side. He said they may not have wildlife in the NMU I, but the projects on the periphery may. Environmental impacts were discussed and when they should be addressed in the course of the project. **Commissioner Harte** he thinks it should be in the site narrative.

Director Putt said the MPD is not meant to be punitive, but to be helpful. A lot of times as planners, they create rules and regulations to prevent the wrong thing from happening. But with the MPD, they think they can get ahead of the worries, if they can

get the design team to come in and explain how the project was created and why it works.

Director Putt said this is a first draft. He appreciates their initial comments and reactions. Staff would like to go back and build in some of their initial feedback. He would like to get this to the public quickly. They want to get the reaction from the property owners and the public.

**Commissioner Franklin** said he agrees with **Commissioner Harte** concerning the environmental concerns. This is a good start, but a couple of sessions are needed to work out some of the finer details.

**Commissioner Collins** said this is an awesome, great job. She believes it may take more time initially, but on the back-end it will save time because people will be able to avoid or correct some of the red flags. Site design, connectivity, and the other core things have been considered. The goal as a Summit County resident is how they can live as a one-car household.

**Commissioner Collins** said she would like to see a way to limit the amount of 45,000 square foot buildings. Instead of having five built in an area could it be limited to two? She would like to see a variety of sized buildings.

**Commissioner Collins** agreed with prohibiting single-story buildings. She would be in favor of five-story buildings. That is when the framing moves to metal. She asked if it might be possible to have residential buildings with only one parking space per unit. She thinks that it is possible, if it is adjacent to other transportation options. She would be in favor of a 3,000 square foot structure having no parking. She would like to see some attention to underground parking.

**Commissioner Collins** said that by putting parking at the back of the building, it is assumed the front door is adjacent to the parking lot. She thinks the front door should be identified as adjacent to the street and the parking behind.

**Commissioner DeFord** said he would like to have some illustrations to help him better understand what has been described. This will also help the public to better understand. He said some of the better grocery stores have amenities inside that make them a little bit bigger. He would like to have a discussion of the 45,000 square foot limit.

**Commissioner DeFord** said there may be an applicant that will bring in an idea with two large box stores that really work. He thinks this has to do with site design. Or, sometimes they may want to redevelop an area that makes sense, but it is unable to meet the open space requirements. He wants to make sure they are not throwing things out because of an arbitrary number. He likes that the setbacks are flexible depending on the site design.

**Commission Collins** asked if this will set them up with a lot of gray areas as a result of asking for flexibility. Director Putt said in the first draft, they talked about having perimeter setbacks needing to match the setbacks of the adjoining property. If that route is chosen, they may want to build in some flexibility for the Commission. He shares her concern, but he has faith in their ability to work with the community. There will always be some hard standards.

**Chair Peck** asked what the timing is. Director Putt said he would like to keep bringing this forward to them and present a little bit at each work session. The next time, he would like to have some illustrated examples of what the density will look like.

**Chair Peck** asked what the agenda looks like for the next meeting. She would rather they not hear this at the last part of the meeting. Director Putt said they will look at

what is coming up. The goal is to get this to them on a regular basis without a big time lapse in updates. They will schedule around the more lengthy applications.

**Commissioner Klingenstein** said they already have definition issues. There are references made to other chapters of the Code. How do all of the pieces of the puzzle come together?

**Commissioner Klingenstein** acknowledged that the subcommittee dropped the ball on environmental design, but they will get that covered. They need to discuss both the natural and the man-built environment. The subcommittee didn't talk about TDRs. They need to get both of these things figured out.

**Commissioner Klingenstein** said as they move forward, they should also talk about the "do-nothing" alternative. They should consider if they do nothing what will happen. People need to know what happens if they do nothing. Are they going to be able to retain the rural character?

## **DRC UPDATES**

(None)

## **COMMISSION ITEMS**

**Commissioner Klingenstein** said they are starting to hear concerns from people who don't have HOAs and CC&Rs. Do they put FARs in areas with large lots? He thinks they have only seen the tip of the iceberg. Would it be proper to ask the County Council take a look at this? Attorney Brackin said that many areas (but not all) do have CC&Rs, like Silver Creek and Highland Estates; however, they are not active and never have been. This is not a fight the County can fight. She asked if he is asking if they want to have an FAR in lieu of those who don't have CC&Rs. **Commissioner Klingenstein** said he would like the public to know the question was asked of the County Council.

A discussion between Attorney Brackin and **Commissioner Klingenstein** ensued on the areas without CC&Rs. Not everyone wants to have an HOA. **Commissioner Klingenstein** said his point is to stop living in the now, but to look out 20 years. The large lots are inviting people who don't even live here. **Commissioner Harte** said a lot of what they see is neighbors telling other neighbors how to live. This is great with them, until the roles are reversed. **Commissioner Klingenstein** said this is a question that needs to be resolved.

**Commissioner DeFord** said at the retreat he asked about the dumping and the moving of dirt that is going on at the far end of the Tech Park. Administrator Barnes said the Engineering Department has visited with the contractor.

**ADJOURN**

*At 9:37 p.m., the meeting was adjourned.*



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**Approval Signature**