

## **MINUTES**

### **Eastern Summit County Planning Commission**

REGULAR MEETING  
THURSDAY, JANUARY 4, 2018  
KAMAS CITY OFFICE  
170 NORTH MAIN  
KAMAS, UT

#### **COMMISSIONERS PRESENT:**

Marion Wheaton  
Bill Wilde  
Tonja Hanson, Chair

Louise Willoughby  
Tom Clyde  
Don Sargent

#### **STAFF PRESENT:**

Helen Strachan–*Deputy County Attorney*  
Pat Putt - *Community Development*  
*Director*  
Amir Caus – *County Planner*

Katy Staley-*Secretary*  
Peter Barnes – *Planning & Zoning*  
*Administrator*  
Jennifer Strader – *Senior Planner*

#### **REGULAR SESSION**

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

#### **1. Pledge of Allegiance**

#### **2. Public input for items not on the agenda or pending applications.**

*There was no public comment.*

**Chair Hanson** suggested the Work Session for the Livestock Fencing be moved to another day. **Commissioner Clyde** stated he has received a few phone calls regarding the livestock fencing ordinance and it is complicated and should be given more time to discuss.

***Commissioner Clyde made a motion to move the work session discussion regarding the possible amendments to Chapter 11-2-2-C Livestock Fencing of the Eastern Summit County Development Code to the next meeting. Commissioner Willoughby seconded the motion.***

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

**3. Public hearing and possible action** regarding a Plat Amendment on Lot 2 of the Foothill Estates Subdivision; 370 East 650 South; FTHLE-II-2; Tyler and Stephanie Waters, applicants. – *Jennifer Strader, Senior Planner*

Planner Strader shared the background. The application is a request for a Plat Amendment to increase the size of the building pad. The Subdivision is adjacent to the south boundary of Kamas City limits. At the time the subdivision was originally approved, there were no setback requirements from wetlands, but there were wetlands on the property. At the time the subdivision was approved, the Planning Commission requested building pads be put on the lots to ensure there would be a setback maintained for the wetlands. The request is to increase the width of Lot 2 from 100 feet to 164 feet to allow more room for a residence and a barn/garage on the property. The applicant will maintain a forty-foot setback from the wetlands, which was put in the Development Code in 2007. This was noticed for a public hearing and Staff did not receive any public comment. Staff recommends the Planning Commission conduct a public hearing and vote to approve the plat amendment. **Commissioner Wilde** asked if the water is provided by a well on the side of the property. The applicant answered that water is provided by that well.

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

**Commissioner Wheaton** stated that according to the Staff Report, it appears the wetland setback requirement will be maintained, so there should be no problem.

**Commissioner Clyde** asked if there is a septic system, is there enough room for a leach field, if required. **Planner Strader** answered there is plenty of room within the building pad and within the Lot.

### **Findings of Fact**

1. On November 13, 2017, Tyler and Stephanie Water submitted a plat amendment application to the Community Development Department to amend lot 2, Foothill Estates II Subdivision (Lot FTHLE-II-2).
2. Lot FTHLE-II-2 is located at 370 East 650 South, in Kamas, Utah.
3. Lot FTHLE-II-2 contains 3.44 acres.
4. Lot FTHLE-II-2 is zoned Agricultural Protection (AP).
5. Foothill Estates Phase II subdivision was recorded in 2000.
6. In 2000, the Eastern Summit County Development Code did not contain a required setback from wetlands.
7. During the approval process for the subdivision, the ESCPC required building pads to be placed on each lot to ensure that structures did not infringe into the wetlands.
8. Each building pad contains 20,000 square feet.
9. In 2007, the Code was amended to include a required forty (40) foot setback from the edge of wetlands.
10. The applicant is requesting to increase the width of the building pad on Lot 2 from 100' to 164' to accommodate a single-family dwelling and a barn/detached garage.
11. The revised building plan will maintain a forty (40) foot setback from the edge of the wetlands.
12. The required side yard setback in the AP zone district is twelve (12) feet.
13. Increasing the width of the building pad would result in a side yard setback of thirty (30) feet from the side property lines.

### **Conclusions of Law**

1. Neither the public nor any person will be materially injured by the proposed amendment and there is good cause for the amendment.
2. The plat amendment will not result in an increase in density.

***Commissioner Wilde made a motion to approve the Foothill Estates Plat Amendment according to the Findings of Fact and Conclusions of Law found in the Staff Report.***

***Commissioner Willoughby seconded the motion.***

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

**4. Public Hearing and possible action** regarding a Development Agreement Amendment for a proposal to amend the Development Agreement Amendment for the South Point of the Promontory Specially Planned Area to add 735 residential units. The applicant is also requesting 190,000 sq. ft. of commercial density; Browns Canyon Road; Tom Ellison, representing South Point Utah LLC, Applicant. – *Amir Caus, County Planner*

Planner Caus shared the background. The requirements for approving a SPA (Specially Planned Area) are: there are substantial tangible benefits, there are unique circumstances that justify the use, the SPA use is compatible with the rural, agricultural and small-town character of Eastern Summit County, and the SPA will not adversely affect the rural values and institutions of Summit County.

There are lots with slopes over thirty percent that are shown to be buildable but are not buildable because of the steep slopes. The majority of the Open Space that is listed as a community benefit is already part of a Conservation Easement. There would need to be a small land swap where development would take place. There are thirty-five workforce units associated with the Promontory SPA, which have not yet been provided and the developers plan to provide those as a part of South Point.

New community benefits are listed as 25 additional employee households, 134 acres of neighborhood trails and Open Space area, dedication of 110 acres for a reservoir adjacent to the Promontory area for Weber Basin water storage, a forty-acre school site, a 1.1 acre

transit center site, additional tax base, additional employment generation, an ag fee and an affordable housing fee, market-rate housing, and a dedication of a four-acre site for the Children's Justice Center.

The service providers have some negative comments. The Engineering Department stated they could not forward a positive recommendation for this project because there is not enough information or not enough mitigation concerning the traffic studies.

There are two criteria for approval of a SPA: Circumstances have changed or were unknown at the time the original SPA was approved, and the modification is generally consistent with efficient development and preservation of the SPA and does not affect in a substantially adverse manner the enjoyment of land abutting or in the general vicinity of the property in question or public health, safety and welfare are not adversely affected by the modification.

Staff believes the applicant is claiming their golf community business model has changed, warranting more density. Staff does not find the nexus between the golf community not working and adding 735 units and 195,000 square feet of commercial density. The physical nature of the SPA has not changed, so the change in circumstance is not relevant to this request.

There are substantial impacts associated with this proposal. The applicant claims a number of benefits that they believe are mitigating measures to justify the request. Staff does see deed-restricted affordable housing as a benefit, but this may not be the best location for affordable housing. There is not a study for whether the water for the donated reservoir site is needed. Commissioner Wilde mentioned at previous meetings that the two existing

reservoirs on the east side are not being filled to capacity, so the reservoir donation is not a good benefit, as the water would be taken from the east side and pumped to Snyderville Basin. There is no additional Open Space being provided. South Summit School District has already chosen a school site, so there may not be a need for a school in the South Point area. The applicant claims that the new fire station and transit center are benefits. The project itself creates the need for a transit center and fire station as a mitigation and not a community benefit. Based on the location and price point of the housing, the need for housing for community workers may not be a tangible benefit, either. Staff sees the health, safety and welfare and enjoyment of adjacent properties being adversely impacted without proper mitigation to justify the project.

Staff is seeking a recommendation from the Planning Commission to make a decision at the next meeting for recommendation to the Council.

Mr. Ellison shared the changes that had been made to the project since the last Public Hearing. The changed circumstances relate to conditions in Summit County and Mr. Ellison shared those changed circumstances that were discussed in a Work Session in December 2017. The uses of the land in the proposed South Point SPA were shown in a pie chart.

Mr. Ellison stated when considering community benefits, consider what the Code and the Development Agreement could require a developer to do. Benefits that are not required, but would be provided as part of the South Point development are: the location for needed Eastern Summit County housing that preserves the small-town and agricultural balance of the county through a village setting, a \$225,000 increase in agricultural protection fees

with no additional loss of ag land, 821 units below median price, the park donation, the school site donation, and the water storage donation.

**Chair Hanson** asked if the Conservation Easement would be contiguous after the needed land swaps were made. Planner Caus answered it would still be contiguous.

**Chair Hanson** asked if the people building the Children's Justice Center have agreed to the location of the donated land site. Planner Caus answered they feel the four-acre site is better than the original one-acre site but would prefer a five-acre site. No additional talks have taken place. It is not certain that the Children's Justice Center would accept the land donation.

**Commissioner Wilde** asked what price the 250 units of occupancy prioritized, deed-restricted housing will be. Mr. Ellison answered the sixty employee housing units would be income-tested, deed-restricted for lower income employees. They will probably end up being rental units for lists of people who meet the qualification requirements, based on the income level. These will be two and three-bedroom units, 148 total bedrooms for the sixty units and about 1050 square feet for the three-bedroom units. Another 190 units consisting of multi-family, zero lot line and the small lots, will be deed-restricted and required to be initially sold to someone working in Summit County and that person can only sell the unit to someone working in Summit County. These units are size limited and will sell in the price range of \$285,000 to \$315,000 but can be sold for market price. The other 75% of the units have no restrictions.

**Commissioner Willoughby** asked if the median income is based on Summit County as a whole or Eastern Summit County. Mr. Ellison answered it is based on an Eastern Summit

County definition not consistent with the boundaries of the Planning Commission, but there is not good data on the Eastern Summit County median income because Promontory is included in the Snyderville Basin in studies that have been done. Mr. Ellison is using a general overall number from the Wood study. Attorney Strachan stated that the Wood study is still in draft form. Planner Caus stated the study is inconsistent with the housing needs study that was included.

*The public hearing was opened.*

*Rich Wyman* stated he supports the Staff statements that Planner Caus made. Staff has shown the negative impacts of this development. This is a bad development, and this is the wrong place to put it. Aspen Village in Park City is an affordable housing development and something like that is not wanted in Brown's Canyon. It would bring a lot of impacts with it. 285 was the number of units approved and 285 is all they should get.

*Tom Horton* is an affordable housing advocate but opposes this affordable housing proposal. One of the main things that has changed in Summit County in the last decade is local governments and local citizens have gotten smarter about what affordable housing really is. Affordable housing has to be deed-restricted and have income and occupancy qualifications. Studies show the main segment of affordable housing missing in the county is in the 40% to 70% range of income. This proposal does not address the real need for affordable housing in the county. The ratio of deed-restricted units seems to be going down. Additional criteria for affordable housing are proximity to employment centers, community centers and shopping and mass transit. In the comments from service providers, we see that nobody is excited about providing services to this development. It is

all mitigation of a mistake and is not seen as an opportunity to provide a benefit. This is fake affordable housing and is particularly dangerous because it provides an illusion that we are doing something for workforce housing. It gives us a rosy glow for a few years, but in ten years we will realize we did not do anything. There are a number of homes in the Snyderville Basin that were intended to be workforce housing but are now second homes and rentals. let us not make that mistake again. Golf communities are making money. Promontory is making money. this new phase of development in Promontory will make money. Why do developers have to try to mine even more money out of this land and claim benefits to Eastern Summit County residents which actually turn out to be problems? Mr. Horton is hoping the Planning Commission will deny this application soon and allow the community to move on to real affordable housing.

David Bobrowsky has been at every meeting since the inception of this proposal. This development is in Mr. Bobrowsky's backyard, is within 1000 feet of it and he will look down on it. For months, we have listened to Mr. Ellison say why the Planning Commission must approve the South Point development and where the Development Code states they must approve this far-reaching development. Mr. Ellison has not heard a word the Planning Commission has said. We have asked about traffic impacts and the applicant has not addressed these concerns. Mr. Ellison keeps on harping on how the development must be approved per Code. no problems have been solved. This development does not have to happen. The original SPA agreement of 285 is what was agreed to and should be held to. Because the applicant does not want to build a golf course anymore does not mean we ram this down everyone's throats. Mr. Bobrowsky distributed letters from five other neighbors

who feel similarly. On his street there are seven landowners, three of which are part-time residents. The most recent one paid \$2.1 million for his vacation house. The deed restrictions of having to live and work in Summit County will not hold up in court. If you buy a house here and get transferred to Salt Lake City, then you have to sell your house? There will be lawsuits. The Eastern Summit County Master Plan states that Brown's Canyon is a designated bike route and with the expansion of the roadway there needs to be added designated bike lanes. If the SPA Amendment is approved the traffic report calls for either a three or five lane road, which will make Brown's Canyon wider than Highway 224 coming from Kimball Junction into Park City. Mr. Ellison has been asked about the traffic studies and those traffic studies continually stop at Old Highway 40. There would need to be cooperation between Wasatch County, Summit County and UDOT to solve all the transportation problems. Wasatch County has no incentive to widen the road from the county line to 248. It takes 25 minutes to get to work six miles away. It would be quicker to drive to a job in Salt Lake City than to drive into Park City if this development is approved. Mr. Ellison has tried to convince us that the circumstances have changed. The fact is that only Mr. Ellison's circumstances have changed, but the County's circumstances have not changed. Why do we need to prove this? The Development Agreement that was signed clearly states that the South Point Development will not adversely affect the land abutting upon or the general vicinity. We can all agree this will be a major change to everyone coming through that area. this will be a major change just so Mr. Ellison and his people can make millions of dollars.

Planner Caus stated there was an additional letter received from Paula McGee opposing the project.

Erin Bragg lives in Oakley and stated the current Promontory SPA has the ESAP (Eastern Summit County Agricultural Protection) funds at about \$3900 per lot and this proposal would reduce it to \$2000. Those funds are already drying up because they are only for the first sale of every lot. Every time a lot is sold after that, no more funds are being paid. Those funds are really important for preserving other pieces of the heritage in Eastern Summit County. That price was set during the original agreement in 2001. We all know land prices have gone up since then. That is a critical source for matching federal funds when we are helping farmers and ranchers in our area to protect their land in perpetuity. 348 acres was part of the original SPA and the first Conservation Easement in 2001 was for 696 acres and was amended in 2006 to be 651 and amended again in 2007 to be 656. Those Conservation Easements should not be amended like that. Conservation Easements are permanent and should be done correctly the first time, without moving acreage around multiple times. It discredits easements in our community that people are working toward.

Michael Cooper stated we may need affordable housing, but it is certainly not a tax benefit to the community. They usually require more services than taxes produced. The voters decided not to build another high school, so who will pay for the school? To date, Promontory has not built any of the employee housing they have agreed to build, so what would keep them from building the more lucrative lots first and coming back for another amendment to the SPA? Most of the problems we have like traffic and overcrowded schools

will be exacerbated and not made better by this development. We should stick to the original agreement. If we are ever going to draw the line, this is where we need to draw it. *Gale Pace* stated that as far as health and safety, Planner Caus did a good job of saying everyone is on board. In a meeting with the sewer district, Mr. Pace asked if they were familiar with this project. Mr. Pace was shown where the sewer lines were going to go from Quinn's to Silver Creek. The fire district has built a maintenance shed in Silver Creek and have Station 37 towards Promontory. Mr. Pace asked these service providers what they thought about the project and the response was they think they could do it, but that is up to administration, who seem to be on-board. Mr. Pace asked two County Council members and the County Manager about police protection. They answered that the police could handle it. The health and safety issue is covered. What Mr. Pace does not like is the reservoir. People down through Hoytsville on the west side are having their wells drying up. Why could we not get that water from the proposed reservoir to help those folks? The reservoir would be a mistake. The water can be used other places. Silver Creek Village has already built trails through there and people use them. There are about 1300 units there. Those Silver Creek Village units should be filled up first before we build South Point. Adam Olive asked the Planning Commission to refuse this application. It does not meet the second requirement of not adversely affecting the enjoyment of those lands abutting the development. There is no net gain. The increased traffic, the pollution, the noise and the analysis show a very marginal gain. The arguments about affordable housing are valid, but this is not the place to build it. Affordable housing should be close to public transit and the jobs those people will be working at. The SPA should be maintained as it is.

Stewart Grow lives on Brown's Canyon and is a real estate developer and broker. Mr. Grow asked if there has been a legitimate study done to see if this development could dump directly into 248, by Highway 40, rather than coming through Brown's Canyon. Planner Caus answered no and that he is not sure it would be possible with the physical constraints of the site. Mr. Bobrowsky stated that UDOT will not allow another access point for this development. Mr. Grow stated there are three ways out of the Kamas Valley. There has been a significant increase on Brown's Canyon Road on the weekends from the cabin people. Adding more traffic to that road is a nightmare. Brown's Canyon is the lifepath to where we work, and Mr. Grow does not want the hassle of increased traffic through that area.

*Jennifer Price* stated there is a beauty in Brown's Canyon with the quiet, the space and the peacefulness. Many of us go through this canyon daily and weekly and appreciate the space it has. If each of the 285 homes already slated for development owns two cars, there will be an additional 570 cars that drive daily through the canyon. This is monumental. There will be an impact from construction vehicles and others as the development is constructed. There will be an increase in lights and noise with a disruption of the quiet. This development is right in the middle of elk migration. Ms. Price cannot fathom the impact of over 1000 homes and the retail development. Just because the space is there does not mean it needs to be used up. There is something to be said for limiting our decisions. Change is inevitable, but we do have a say in how much change is good and if it should be allowed in this area. We can place limits, especially when growth is unprecedented in other areas in our county. We can say no and choose to preserve this area. The impact is not worth it. This

is a rural agriculture area and most homes are on forty-acre lots, allowing most people to coexist, staying congruent with nature that is already there. Most of us oppose an increase in this development disproportionate in size development for Brown's Canyon. Ms. Price proposed to save, preserve and limit growth in Brown's Canyon.

Patrick Cohen was one of the Commissioners who signed the original SPA agreement. The legislative intent was not for any growth to come into Brown's Canyon. That changed in 2005 when the 285 units were produced. A lot of the benefits Mr. Ellison has proposed are smoke. The reservoir is misguided, the 52-acre school site is unreasonable. This development goes against the Code, saying it will change the character of Eastern Summit County. Weighing the benefits and the impacts, there is no question this amendment should be denied.

*The public hearing was closed.*

Mr. Ellison responded to the traffic issue. The traffic reports and analysis were included in the Staff Report and were discussed.

Mr. Ellison stated the idea of a Specially Planned Area is to have development and no longer be rural and agricultural, but to preserve the rural and agricultural land elsewhere. Growth is occurring and failing to approve a South Point will just cause the growth to occur elsewhere. This project gives an alternative for middle-income residents to live and work in the same community. Background growth will continue to increase traffic and have other impacts without the mitigation from South Point. It is a mistake to ignore the mitigation. By providing move up housing, it frees up the market. The Planning Commission can impose requirements for installation of the housing.

Mr. Ellison stated that the South Point traffic study's conclusions are that there is a mitigation of turning movements in and out of the project to address traffic. All Wasatch County developments were considered in the traffic numbers that were used. No additional lanes are required in Brown's Canyon or 248 by reason of this project. Identified failures of turning movements include a U-turn option, signalization and a north entrance out of the project. **Commissioner Clyde** stated the daily reality is the turning movements are not the issue, but there is no plausible answer to the backup to US-40 and how the proposed development would not make that worse. Planner Caus stated there is not enough information to show that the internal roads of the project would even work. The external problems are even greater than that. Mr. Ellison stated UDOT has already initiated a project to widen 248. South Point is not causing the problem.

With respect to the reservoir, this project does not increase the use of Eastern Summit County water and the water has already been paid for in the lines that come through Promontory and there may not ever be a reservoir. This is a contingency for the future. The deed-restricted housing will be built as the employment is generated. Timing criteria can be required. There are no issues that cannot be addressed through reasonable discussion and requirements. The total obligation of the ag protection fee is being increased by \$225,000 and are inflation indexed, payable when lots are sold. The Conservation Easement allows for recreational use and development and is controlled by Summit County.

Brandon Brady, the transportation engineer for Summit County stated his main concern is local County roads. The concern is for Brown's Canyon and Mr. Brady does not agree with

the mitigation suggested for the south access point out of the project. There is more information needed about the Wasatch County portion to determine if more lanes are needed on Brown's Canyon Road. **Commissioner Clyde** stated that people do not care who the road belongs to, but just want to be sure they can get where they need to go.

Signalization on a Wasatch County road will have to happen quickly. There needs to be a plausible solution to the traffic problem and no one is showing one. Mr. Brady stated there will need to be a lot of coordination between Wasatch County, Summit County and UDOT for traffic solutions.

**Commissioner Willoughby** stated that this plan does not meet the needs of or solve the Eastern Summit County problems. There is a concern when being told this project will take care of the housing needs all in one place, assuming no one will want to live anywhere else. People will want to live in other places and there will be traffic coming from these other places. Open Space is a benefit, but the huge housing increase is not a benefit to Eastern Summit County. It feels like this development is being proposed for people living somewhere else. The median house price is a huge concern. Transportation is a big problem. We do not need another Disneyland in Brown's Canyon. 285 units is oodles and we do not need to increase that by one more unit. **Commissioner Willoughby** is very much against this.

**Commissioner Sargent** stated the applicant does have a right to apply for this SPA consideration and has followed due process in the Code. **Commissioner Sargent's** basis for being on the Planning Commission is to make sure we are protecting the rural small-town character and lifestyle of Eastern Summit County, as stated in the Development Code

and the General Plan. This project does not serve Eastern Summit County. The SPA and the Development Agreement came as a result of a lawsuit and a resolution to that lawsuit. This is not the same situation. This application is more like a rezone, not an application that has a right to more density. This development would be the same size as Kamas City. The population of Kamas is about 1900 people and this development would generate 1837. This put into perspective the intensity of the development scale of this project. The development does provide minor benefits that could be helpful to Eastern Summit County, such as the agricultural protection fee, the affordable housing, the Conservation Easement and others. There is no nexus in the applicant's claim of the change in the popularity of the golf course warranting more density. It is not the County's responsibility, but the developer's responsibility to figure that out. The impacts are much greater than the benefits being proposed at this time. The housing available to residents of Eastern Summit County would be minimal. **Commissioner Sargent** is working with developers to build units with existing infrastructure at a price as close as possible to \$200,000, which is a price point that is affordable to residents of Eastern Summit County. South Point is much higher-end and probably will not serve the majority needs and demands of Eastern Summit County residents. The majority of employment would not come from Eastern Summit County. The public park would also not serve Eastern Summit County, but only this development and be tailored to Snyderville Basin. This would be a negative project that would destroy the rural small-town character and is country-wide sprawl and is wrong for this location.

**Commissioner Wheaton** stated she is not in favor of this project. It feels like the creation of a new town, which has the great potential to lead to overextension of county services. There is concern about traffic, air quality, light pollution, and wildlife. This project will not meet the low-income housing needs of Summit County. This project does not meet the vision of the General Plan.

**Commissioner Wilde** stated he is a huge advocate for property rights. It is ridiculous that the term affordable housing is even used with this project. This is not affordable housing for Eastern Summit County. Promontory does not own the water, but Summit County does. That water was earmarked for Promontory to have some use, but not exclusively.

**Commissioner Wilde** would fight with Weber Basin until he died to not have the reservoir. There is no need for it and there would be greater evaporation loss. There is no benefit whatsoever to Eastern Summit County to store water on top of that mountain. It can never run back to Eastern Summit County once it is up there. It is perturbing that we are not gentlemen enough to be square with everyone in this room what truly benefits Eastern Summit County. **Commissioner Wilde** is against this project and would vote it down right now.

**Commissioner Clyde** stated he was probably the most sympathetic ear to this project from the beginning. There was the potential for a significant change in the affordable housing market and it warped into something else. Having a few rent-controlled units does not help. There would need to be a covenant that prohibits nightly rentals, vacation rentals, Air BNB, and basically said these are permanent residences for people who are going to raise their kids here. Most of the units are free-market. The traffic issue seems insurmountable.

Building this project does not solve the traffic. The amenity package for a community the size of Kamas is what makes this project viable but are not community benefits. One of the biggest problems is the reservoir, which is being offered as a benefit, but is not on property the applicant controls. There has been no feasibility study for the reservoir and the increased density is a benefit to the developer because of this reservoir. If it is found that a reservoir cannot be built, the benefit will not go away. The reservoir needs to be feasible, useful and affordable. This project does not address the housing issue in a meaningful way. 750 market-rate units is not a reasonable trade-off. **Commissioner Clyde** would vote no. **Chair Hanson** stated she cannot support this application either. The applicant made the comment that they are not causing the traffic problem, but the problem is there and putting 2000 more cars out there is sure as heck not helping the problem. **Chair Hanson** kept waiting for the applicant to come forward with meaningful benefits for Eastern Summit County to possibly consider this project, but there were no benefits. The additional \$225,000 to the ag protection, that is about a 19% increase, but the density proposed is about a 60% increase. Conservation Easements are not to be messed with and is meant to be in perpetuity. You do not move the property around to appease development opportunities. This does not support the General Plan in regard to rural Summit County. **Chair Hanson** cannot support this project.

***Commissioner Sargent made a motion to direct Staff to draft Findings of Fact and Conclusions of Law for recommendation of denial based on the comments received***

*from the Commission tonight (January 4, 2018), Development Code, public comment and the Staff Report. Commissioner Clyde seconded the motion.*

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

**5. Approval of Minutes: July 20, 2017, August 17, 2017, and September 7, 2017**

*Commissioner Clyde made a motion to approve the minutes of July 20, 2017, with corrections made. Commissioner Sargent seconded the motion.*

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

*Commissioner Willoughby made a motion to approve the minutes of August 17, 2017, as written. Commissioner Sargent seconded the motion.*

- **MOTION CARRIED (5-0)**

*Commissioner Willoughby made a motion to approve the minutes of September 7, 2017, with corrections made. Commissioner Wilde seconded the motion.*

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

### **Work Session**

**1.** Discussion regarding possible amendments to Chapter 11-2-2-C Livestock Fencing of the Eastern Summit County Development Code. – *Ray Milliner, Principal Planner*

- *Continued to next meeting. See motion at beginning of meeting.*

### **Director Items**

**Attorney Strachan** gave an update concerning the motocross track. The ALJ (Administrative Law Judge) issued an order in December requiring the motocross track owner to post a bond of \$650,000 and complete the work sometime this summer. There

were associated fines to be waived once the property is reclaimed, as required. There has since been an appeal of that decision filed.

**Director Putt** has a concern with telecommunication towers to be discussed with the Planning Commission. The Code allows two kinds of towers throughout all zoning districts. One type of tower is co-located, meaning with other telecommunication facilities. The other type of tower is stealth, being designed as the surrounding environment, such as trees or rocks. There is a proposal to install a stealth telecommunications tower in the Promontory area where the entire surrounding area is sagebrush and scrub oak, with the stealth tower to look like a 105-foot tree. Looking like a rock is not an option in this case. **Chair Hanson** stated that there are several “stealth tree towers” throughout Wyoming. **Director Putt** stated another option would be to amend the Code to deal with singular telecommunications towers that do not meet the co-location or stealth standards.

**Commissioner Sargent** asked the proponents if there are any structures in the surrounding area that a stealth tower could be modeled after, or made to look like a pleasing structure, such as a windmill. **Director Putt** stated he agrees but does not want to be inconsistent with the Code, nor be unduly unreasonable. The proposed area for the tower is not highly visible from the roadway, but there should be consistent application of the Code in all situations. **Chair Hanson** stated the Code should not be changed for one situation. The proponent proposed a co-located tower, with a monopole. There is currently only one carrier on board, with other carriers that would like to use it, but not pay for it.

**Planner Caus** stated that the Code states there should be other trees planted around a stealth tree tower if possible. The problem with planting other trees in the area is the

access to water. The stealth towers are more expensive. **Commissioner Willoughby** asked why this is an issue when there are tall electric poles in the area. **Director Putt** suggested a pole, made with the right non-reflective material would be less visibly intrusive. **Director Putt** will work with the proponent and report back to the Planning Commission.

The County Council meeting held on the 20th regarding Chapter 3 closed the public hearing. There will be a re-notice for a future public hearing. The County Council decided to assign two council members to look at the revised map with the Planning Commission.

Chris Robinson and Doug Clyde will be those council members. The concern is primarily with the five-acre zone boundary. **Commissioner Willoughby** stated the five-acre zone is a good compromise, but not anywhere near where it needed to be in the County.

**Director Putt** stated there is pretty much unanimous support for the Village Overlay. The Rural Residential Zone and the Land Use Table were not really addressed.

**Commissioner Sargent** stated there were public concerns that the county is taking land through rezoning. Zoning change is not a taking. There is still viable use of the property. The use will not change.

**Director Putt** committed to get any Zoning Map changes to the Planning Commission. The February 2016 Planning Commission Zoning Map recommendation is still the recommendation, but there may be changes made to include the five-acre solution.

## **ADJOURN**

*At 8:38 p.m. Commissioner Clyde made a motion to adjourn.*

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

A handwritten signature in black ink, appearing to read "Mark B. Hauer". The signature is written in a cursive style with a long horizontal line extending to the right.

---

**Approval Signature**