

MINUTES

Eastern Summit County Planning Commission

REGULAR MEETING
THURSDAY, FEBRUARY 1, 2018
KAMAS CITY OFFICE
170 NORTH MAIN
KAMAS, UT

COMMISSIONERS PRESENT:

Marion Wheaton
Bill Wilde
Tonja Hanson, Chair

Louise Willoughby
Tom Clyde
Don Sargent

Regrets: Rich Sonntag

STAFF PRESENT:

Helen Strachan–*Deputy County Attorney*
Pat Putt - *Community Development*
Director
Sean Lewis – *County Planner*

Katy Staley-*Secretary*
Peter Barnes – *Planning & Zoning*
Administrator

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.

- 3. Discussion 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

This item was moved to the end of the agenda.

4. Public Hearing and possible action regarding a Final Site Plan for the Promontory Nicklaus Clubhouse Final Site Plan Phase 3; 6189 Nicklaus Club Drive; Mike Coopman, applicant. – *Amir Caus, County Planner*

Planner Lewis shared the background. The Promontory Development Agreement was approved in 2001. The Nicklaus Clubhouse was approved in 2014. Staff is recommending the Planning Commission forward a positive recommendation for the Final Site Plan Phase 3 of the Nicklaus Clubhouse to the County Manager.

Commissioner Wheaton asked why this item is before the Planning the Commission if the Clubhouse was already approved. **Planner Lewis** answered that this project has been approved in Phases. While the amenities were anticipated, the exact scope was not called out, so the applicant is required to come back for additional approvals for each phase of the project. The Final Site Plan has gone through the design review process. Promontory representatives state they do need the extra space.

Commissioner Sargent asked for clarification of what the 16,455 square feet encompasses. **Planner Lewis** stated this application is for the expansion to the original building that was approved in 2014. This is the last phase of the Clubhouse and will roughly double the size of the original building.

Chair Hanson asked if the Conference Center will be only for the use of Promontory landowners or if it will be available to the public to use the space. **Shawn Potter**, representing Promontory, stated the conference center will be for the use of the members of Promontory, and these members can host events that are open to the public. People who rent the Double Deer units can use the conference center.

Commissioner Clyde asked what progress has been made with the employee housing unit requirement. The Promontory Development Agreement states that employee housing shall be produced by the developer within a reasonable schedule to be approved by the County, which correlates to the construction of employment generators. Promontory is about sixty percent built out and the Clubhouse looks like an employment generator. **Mr. Potter** stated there are two employee housing units built in the equestrian area. Mr. Potter's understanding is the employee housing units were moved into the South Point Phase. With the approval of the South Point agreement, the employee housing units will be built. There is no calendar timeline for the employee housing units, but some sort of negotiation should occur. **Attorney Strachan** stated that South Point is a sub development agreement under the bigger umbrella of Promontory and still has obligations required under the Promontory SPA (Specially Planned Area). An amendment to the Development Agreement would be required to refine any employee housing requirements. If South Point is built out without the employee housing obligation being fulfilled, then Promontory would be considered in default of that requirement. If the South Point Final Site Plan did not include employee housing, then Staff would recommend denial of that Final Site Plan. The employee housing concerns can be shared with the County Council to come up with a potential solution. The Planning Commission's previous denial of the additional units for the South Point Development does not affect the employee housing requirement. **Commissioner Clyde** stated it feels like Promontory is in default of the employee housing obligation.

Commissioner Sargent stated his first impression is the Clubhouse is a huge 34,000 square foot facility and questioned the demand for this large of a facility. **Mr. Potter**

answered that the Promontory owners believe this is the wave of the future and that people will come to Summit County and benefit from that type of facility.

Commissioner Wilde clarified that there are an existing 58 parking stalls and this application requests an additional 141 parking stalls.

The public hearing was opened.

Shawn Potter stated Promontory is excited about this project in conjunction with the Double Deer Cottages. This is a new thing for Promontory and they look forward to having it built to bring events for club members and property owners. A progress report was sent to Planner Caus today. Promontory believes they are in compliance with the spirit of the Development Agreement and they are prepared to discuss it at any time.

Dave Bobrowski stated that South Point encourages the idea of having live, work and everything together. Putting all the employee housing at South Point, while working at the Promontory Clubhouse will cause employees to have to drive home along Highway 40, where there are already traffic problems. This is not following the spirit of the Development Agreement. At least some of the employee housing needs to be at Promontory.

The public hearing was closed.

Commissioner Wheaton stated that work is being generated with this facility without the employee housing to go along with it. Does the Planning Commission talk to the County Council about those concerns and encourage the public to express those concerns, too?

Attorney Strachan stated there should be a combination of both. **Planner Lewis** stated this application is for a recommendation to the County Manager and could include the

concern about employee housing in the motion. The County Council would be eager to have the conversation.

Chair Hanson asked if the application could be denied until the conversation about employee housing occurs. **Attorney Strachan** stated there are no grounds for denial because the applicants are not in default. It may be worth tabling this application to determine the parameters of the employee housing section of the Development Agreement. The Planning Commission should read the Development Agreement. **Mr. Potter** requested that this application not be tabled. Promontory is not in default of the Development Agreement and employee housing is not related to this project. Several members of the Planning Commission disagreed with the statement that employee housing is not related to this project. Conference centers have many employees.

Commissioner Wilde stated that the Planning Commission is not denying the application at this time but wants answers. Commissioner Wilde's opinion is that the stuff that will not make Promontory money is being pushed to the end and it is not right. Promontory needs to step up and do what they agreed to do. Not at the very end or what makes the most money. The Planning Commission should table this application until they get answers. The conversation with the County Council should take place before a recommendation is made.

Director Putt stated there will be a County housing needs assessment on February 28th. Another meeting could be held prior to that and Staff will work to schedule the meeting.

Commissioner Clyde made a motion to table this application for the Nicklaus Clubhouse Final Site Plan Phase 3 until there is a definitive plan of where, when and on what schedule the employee housing component of the Promontory Development Agreement will be satisfied. Commissioner Wilde seconded the motion.

- **MOTION CARRIED 6-0**

5. Public hearing and possible action regarding a Conditional Use Permit for an accessory building over 2,000 square feet; 522 Chalk Creek Road; NS-396-B; Raymond Saunders, applicant. – Amir Caus, County Planner

Planner Lewis shared the background. The applicant lives just outside Coalville City on Chalk Creek Road. There are accessory buildings on the property now. The proposal is to tear one of the existing accessory buildings down and build the new structure that would be over 2000 square feet. The applicant considered building this structure under an agricultural exemption, but the applicant will be storing personal items such as an RV or boat, so felt it would be best to apply for a Conditional Use Permit. The majority of the building will be used for agricultural storage. The building will be 200 feet by 40 feet. There will be no commercial use other than for the farm. Staff is recommending approval based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff Report.

Commissioner Wheaton asked if there was any feedback from the adjacent property owner. The adjacent property belongs to the applicant or a family member, so there is no concern with the view shed. **Mr. Ray Saunders**, the applicant, stated that the reason for the new building is to get everything out of the weather. The building that is being torn down is

about 40 feet by 20 feet and was shown. The reason for the linear design is because it is easier to back trucks into it. It is not a condition of approval that any existing structure be torn down.

The public hearing was opened. No public comment was made and the public hearing was closed.

Commissioner Sargent was concerned that the Analysis Finding # 7 is not compatible with structures in the area.

Commissioner Clyde stated he would like a Condition of Approval that there can be no third-party use of the structure as a storage unit. Chair Hanson stated that if this barn were to turn commercial, there would be a problem with traffic egress. Commercial storage is not an allowed use in that zone.

Commissioner Clyde stated as a Condition that no part of the building will be rented independently of the total property for storage of personal property owned by third-parties as commercial storage use.

The applicant had no issue with this Condition.

Commissioner Sargent would like Finding of Fact #9 have language added that states the building is 1-configured in a design that fits in the location that is outside the prime agricultural area and 2- will not be visually prominent from Chalk Creek Road and fits at the base of the slope in an area that accommodates the design of the building.

These should be listed as a subset of Finding of Fact #9 as reasons for fitting in.

Commissioner Clyde said it should be stated that this building could be built under an Agricultural Exemption without going through the Conditional Use Permit process.

Findings of Fact:

1. The Saunders Barn is located at 522 Chalk Creek Road, Summit County, Utah, in the Highway Corridor (HC) and Agriculture Protection (AP) Zones.
2. Accessory buildings over 2,000 sq. ft. are a Conditional Use in the AP zone.
3. The applicant, Raymond Saunders, is requesting to receive approval for an accessory building (barn) over 2,000 sq. ft.
4. The 8,000 sq. ft. building would be used for hay storage, storage of private trailers, boat, ATVs, tractors, baler, and other farming equipment.
5. The building is meant for private, non-commercial purpose.
6. No accessory dwelling units are being proposed at this time.
7. All necessary facilities are available on site.
8. The applicant is not proposing plumbing at this time.
9. The building is compatible with the existing neighborhood character.
10. The findings analyses in this Staff Report are incorporated herein.

Conclusions of Law:

1. There is good cause for this conditional use.
2. The proposed Conditional Use Permit as conditioned complies with all requirements of the Eastern Summit County Development Code.
3. The proposed building is consistent with the Eastern Summit County General Plan, as amended.
4. The use is not detrimental to public health, safety, and welfare, as the roads and public services in the area are sufficient to accommodate the increase in intensity of the use.
5. The use is compatible with the existing neighborhood character and will not adversely affect surrounding land uses.

Conditions of Approval:

1. A Summit County Building Permit shall be received in order for the subject Conditional Use Permit to take effect.
2. All necessary permits must be obtained and fees shall be paid prior to the commencement of any construction activity.

Commissioner Sargent made a motion to approve the Conditional Use Permit according to the Findings and Conditions in the Staff Report, including the additional elaboration of Finding #9 and including Condition #3 of no commercial storage use allowed. Commissioner Willoughby seconded the motion.

- **MOTION CARRIED 6-0**

6. Public hearing and possible action regarding a Subdivision Final Plat to divide parcel CD-303-5 into two (2) developable lots; near 800 Rob Young Lane; CD-303-5; Scott Coleman, applicant. – Sean Lewis, County Planner

Planner Lewis shared the background. This is the first in a long series of subdivisions that have been applied for in the Planning Department. Recent Code changes removed the ten-acre split in the Agricultural Protection Zone and the County Council enacted a temporary Zoning Ordinance to put that provision back in. There are six or eight applications for two-lot subdivisions under the temporary Zoning Ordinance. In Chapter 3 of the Code, two-lot Subdivisions do not need to come before the Planning Commission for a Public Hearing, but Planner Lewis did notice this item for a Public Hearing, by mistake, so Staff is asking for a recommendation. Staff has no issues that would normally trigger a review from the Planning Commission. There are several of these applications that are being approved administratively through the Planning Department.

This Subdivision Plat is located next to Oakley City. There was an email sent to Oakley City asking if they had any desire to annex this property into the City. The County cannot require anyone to annex, and Oakley City does not want to annex this property. This application has been before the Health Department and the Sewer Advisory Committee, who approved traditional septic as wastewater treatment for these two lots.

This application is splitting a 24-acre parcel into two lots of 6 acres and 17.7 acres. This application meets the terms of the Code.

Commissioner Wheaton asked for clarification of the ten-acre split. **Planner Lewis** stated if a person owns more than ten acres in an Agricultural Protection Zone, then they qualify for two units of density and can create a two-lot Subdivision. This temporary Zoning

Ordinance is in effect until February 28, 2018 unless the County council takes action on the new Zoning Map and Code before that date. All vested applications prior to the expiration of the Zoning Ordinance will be processed. Some applications are waiting for perc tests and those applications will continue to be processed.

Commissioner Sargent asked why the applicant did not follow the fence line for the split.

Mr. Scott Coleman, the applicant, answered that the fence is falling down, and they would like to have more property on one side.

The public hearing was opened. No public comment was made and the public hearing was closed.

Findings of Fact

1. Scott Coleman is listed as the fee title owner of record for Parcel CD-303-5.
2. Parcel CD-303-5 is 23.76 acres in size.
3. Parcel CD-303-5 is located near 800 W Rob Young Lane.
4. Parcel CD-303-5 is considered a conforming parcel for development purposes.
5. Parcel CD-303-5 is currently zoned Agricultural Protection (AP)
6. On August 31, 2017, the Summit County Council adopted a temporary zoning ordinance to allow for properties in the AP zone to obtain 1 additional unit of density if certain conditions are met. Parcel CD-303-5 qualifies for 2 units of density under the temporary ordinance.
7. Parcel CD-303-5 is not located within a previously approved subdivision plat.
8. The name of the proposed subdivision is: Coleman Acres Subdivision.
9. Coleman Acres is not a duplicate name of any previously recorded plat.
10. The applicant took ownership of parcel CD-303-5 on November 14, 2017 via deed recorded as book: 2437 page: 1662.
11. The proposed Coleman Acres Subdivision would be comprised of two (2) lots, one 6.00 acres and the other 17.77 acres in size, utilizing the entire 23.76 acres of Parcel CD-303-5. No remnant parcels are proposed.
12. Access to both lots of the Coleman Acres subdivision is proposed via Rob Young Lane, a County road.
13. Staff review of the application indicates that it meets the minimum requirements for approval in the Eastern Summit County Development Code.
14. No portion of Parcel CD-303-5 is located within 100' of a canal that has provided notice per Utah Code Annotated 17-27a-211.
15. The Eastern Summit County Water Conservation Special Service District recommended approval of a traditional septic wastewater system to the Summit County Manager on January

25, 2018. The Manager is expected to provide final approval prior to the February 1 meeting of the Planning Commission.

16. Staff has verified that property taxes on Parcel CD-303-5 are current.

17. Staff is unaware of any current or potential violations of Summit County regulations as a result of this proposal.

Conclusions of Law

1. Based upon the findings of fact listed above, Parcel CD-303-5 is eligible for subdivision as the 2 lot Coleman Acres Subdivision.

Commissioner Willoughby made a motion to recommend approval of the Coleman

Acres Final Subdivision Plat to the Community Development Director according to the

Findings of Fact, Conclusions of Law and Conditions of Approval in the Staff Report.

Commissioner Wheaton seconded the motion.

- **MOTION CARRIED 6-0**

7. *Motion to Continue to Date Uncertain. Public hearing and possible action**

regarding a Subdivision Final Plat to divide parcel CD-431-A-2 into two (2) developable lots; 1099 East 2700 North; CD-431-A-2; Jared Higgins, applicant. – Sean Lewis, County Planner

Planner Lewis stated that at the time of noticing it was discovered that the applicant did not have complete legal access to the property, with 100 feet of road that is privately owned. The applicant is working to get the easements to show he has access. Staff believes if the applicant does obtain access, then the property will comply with Code and the application can be processed administratively. No motion is required.

3. Discussion 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

Director Putt stated that on January 4, 2018, the Eastern Summit County Planning Commission recommended to the County Council denial of this application. The County Council is the final Land Use Authority for this application. Staff has compiled Findings of Fact and Conclusions of Law to support the recommendation of denial. The County Council must be satisfied that certain conclusions have been met. The Eastern Summit County Planning Commission went through the Findings of Fact and Conclusions of Law and are satisfied with the following:

Findings of Fact:

1. Parcels SS-66 (621.10 acres), SS-80-6-A (1.95 acres), and SS-79-B (2.67 acres) are located along/adjacent Brown's Canyon Road, Summit County, UT within the Promontory Specially Planned Area.
2. The Original Promontory Development Agreement was approved on January 2, 2001.
3. The Original Promontory Development Agreement provided for 885 Estate Lots (lots 1 or more acres in size) as part of a base density, 716 Incentive Density lots (lots less than 1 acre in size), 300 Resort Cabin units (2,500 sq. ft. max. units), equestrian facility, up to five golf club houses, and other accessory uses on approximately 6,500 acres with no less than 3,900 acres remaining as passive open space.
4. Of the 1,901 total units in the Promontory density pool, 1,125 have been platted to date at the time of this action.
5. The southern portion of the Promontory Specially Planned Area (also known as South Point) is an 800 acre site.
6. Under the existing South Point entitlements was contemplated for 150 Estate Lots, 100 Resort Cabin units, a potential Clubhouse Complex, and 35 units for Workforce Housing for a total of 285 units.
7. Under existing South Point entitlements, of the 800 acres, approximately 600 acres would remain as open space.
8. On May 24, 2016, the Promontory Development Agreement was amended as part of an administrative minor amendment process that allowed the South Point project area to be separately capitalized.
9. On November 4, 2016 a Development Agreement Amendment application was submitted to add 735 residential units and 190,000 sq. ft. of commercial density beyond the 285 units of density currently approved on the on the south end of the Promontory development for a total of 1,020 units and 190,000 sq. ft. of commercial density.
10. On June 14, 2017 the Specially Planned Area process was repealed and replaced by a Master Planned Development process which is meant to be a more predictable process for developers and the public.

11. The subject application was submitted on November 4, 2016 and is being processed under the 2009 Eastern Summit County Development Code.

12. Section 6.9 of the Promontory Development Agreement states; 6.9.1 Substantial Amendments. Any amendment to this Agreement that alters or modifies the Term of this Agreement, permitted uses, increased density or intensity of use, deletion of any major public amenity described herein, or provisions for reservation and dedication of land, including Open Space preservation beyond existing conservation easements, shall be deemed a "Substantial Amendment" and shall require a noticed public hearing and recommendation by the Planning Commission and a noticed public hearing and decision by the Board of County Commissioners pursuant to the Equal Dignities Rule prior to the execution of such an amendment. Unless otherwise provided by law, all other amendments may be executed without a noticed public hearing or recommendation by the Planning Commission.

13. Eastern Summit County Development Code Section 11-1-6(C) Promoting New Enterprises states: New business enterprises, and jobs within the tax base that will result, are crucial to the future of eastern Summit County. It is difficult to identify locations for such activities without a specific proposal to consider. Therefore, a procedure has been incorporated in this title that allows the county the flexibility to consider these uses in the future. The specially planned area offers business operators, who desire to locate in eastern Summit County, the opportunity to work with the planning commission and county council to foster any business that is generally consistent with the goals and objectives of the general plan and is compatible with its surroundings.

14. Per Section 11-3-10 of the Eastern Summit County Development Code, the Specially Planned Area District Purpose is; The purpose of the SPA zone district is to allow, at the discretion of the county, flexibility in the use of land, densities, site layout, and project design. The county shall only use the SPA zone when it is clearly demonstrated that in doing so, substantial benefits will be derived by the residents of eastern Summit County. The SPA zone may be designated by the county only after an application has been submitted by the owner of the property to be considered in the application. The burden shall rest upon an applicant to demonstrate that the proposed SPA is in the best interest of the general health, safety, and welfare of eastern Summit County residents...

15. The proposed amendment is a 72% increase in residential density from the Original Promontory Development Agreement.

16. The current Promontory/South Point area does not include commercial uses or commercial density.

17. Under the current entitlements, the developer has an existing obligation of public benefits which include a 348 acre open space easement, 35 Workforce Housing Units, Agricultural Protection Fee of \$3,924.44 which is paid at the purchase of each lot, and an Affordable Housing Fee of \$654.07 which is paid at the purchase of each lot.

18. During the public hearing process, the Eastern Summit County Planning Commission compared the proposed 1,020 residential units and 190,000 sq. ft. of commercial density to the size and density of Kamas City and finds them to be roughly equivalent.

19. The Eastern Summit County General Plan encourages growth within incorporated and declared annexation overlay areas to maximize existing services and infrastructure.

20. The Eastern Summit County General Plan discourages over extension of County services.

21. The Eastern Summit County Planning Commission finds that the remote location of South Point would over extend County services.
22. The Eastern Summit County General Plan encourages preservation and protection of natural resources as well as scenic and environmentally sensitive areas.
23. There are proposed lots and development areas that are shown to be located on slopes over 30%.
24. The Eastern Summit County Development Code prohibits development on slopes over 30%.
25. Wetlands are located on the property.
26. A wetland delineation has not been submitted.
27. The applicant has claimed that the critical land issues can be addressed after entitlements.
28. Planning Staff, Engineering Staff, Service Providers, and the Eastern Summit County Planning Commission require a preliminary site analysis and design in order to determine appropriate developable areas.
29. As a new public benefit, the applicant is proposing to dedicate 110 acres for a possible future reservoir for Weber Basin Water storage on a portion of Promontory Ranches which is not part of the Promontory SPA.
30. The proposed reservoir is located in part on land not owned by the applicant. The applicant has not submitted supporting evidence that all property owners within the proposed reservoir area consent to the use of the land as a reservoir.
31. The applicant has not submitted supporting evidence that Summit County and its service providers are in need of a reservoir. The applicant has not submitted evidence that the proposed reservoir is economically or geologically feasible.
32. The Eastern Summit County Planning Commission expressed concern that the density increase would result in Eastern Summit County water being removed from Eastern Summit County and displaced to other jurisdictions and planning districts.
33. The applicant is proposing a \$1,200,000 Agricultural Protection Fee obligation payable prorata on sale of 598 lots. This is equals to a fee of ~\$2,008 per lot for the South Point development.
34. The Current Promontory SPA has an Agricultural Protection Fee of \$3,924.44 which is paid at the initial purchase of each lot.
35. The applicant is proposing a \$162,600 Affordable Housing Fee obligation payable pro rata on sale of 598 lots. This is equals to a fee of ~\$272 per lot for the South Point development.
36. Current Promontory SPA has an Affordable Housing Fee of \$654.07 which is paid at the initial purchase of each lot.
37. The applicant has been unwilling to consider an increase or maintain the existing fee amounts of either the existing Affordable Housing or Agricultural Protection fees.
38. The applicant stated on October 5, 2017 that the housing units will be between \$300,000 and \$520,000 at market value, based upon existing listings in Snyderville Basin.
39. The proposed Affordable Housing Fee of \$162,600 would not be enough to purchase one unit according to the prices stated by the applicant.
40. More than 60% of the overall Promontory density has been developed.
41. To date, the applicant has only provided 2 of the required 37 employee housing units required by the original Development Agreement.
42. The Eastern Summit County Planning Commission has expressed concern on whether the deed restricted units would come into the market in a timely manner.

43. During the public hearing process, the Eastern Summit County Planning Commission and public expressed concerns that the price ranges stated are not consistent with the Eastern Summit County housing prices and does not consider this as affordable housing as claimed by the applicant.

44. During the public hearing process, the Eastern Summit County Planning Commission expressed concern that the applicant has not demonstrated that there is an Eastern Summit County housing issue and that they are attempting to solve a Park City housing issue.

45. As a new public benefit, the applicant is proposing a dedication of a 40 net acre (52 gross) school site to the South Summit School District.

46. Mr. Kip Bigelow, representing the South Summit School District has stated that Promontory already donated a school site which has contaminated lands.

47. Mr. Bigelow has stated that there are concerns regarding history of previous donations and unforeseen issues.

48. Mr. Bigelow has stated that the school site is not a desirable location.

49. During the public hearing process, the Eastern Summit County Planning Commission expressed concern that the proposed school site may be in an undesired location.

50. As a new public benefit, the applicant is proposing to donate a 4-acre site (off-site) for an intake center for Children's Justice Center.

51. No evidence has been provided to date determining whether or not the proposed Children's Justice Center site has been tested for contaminated soils or other legal, physical, or environmental constraints.

52. As a new public benefit, the applicant asserts that 171 acres of neighborhood, trail, and community open space will be provided.

53. During the public hearing process, the Eastern Summit County Planning Commission discussed that the 285 units vested for the South Point property would help promote and preserve more land than the proposed SPA amendment.

54. During the public hearing process, the Eastern Summit County Planning Commission noted that the proposed parks, trails, and open space are in an undesirable location and that they would exclusively benefit the residents of South Point.

55. The Public Works Department has stated that they do not see a reason for the Private Roads requirement of the Development Agreement requirement to change.

56. As a new public benefit, the applicant is proposing to donate a 2.3 acre site for a fire station.

57. Park City Fire District has stated that the land donation for a fire station is not a public benefit and is rather mitigation for the development. They further stated that they will require a fire station to be built by the developer as part of the mitigation.

58. As a new public benefit, the applicant is proposing to donate a 33,000 sq. ft. site plus 50 parking spaces for a transit center/park and ride (approximately 1.1 acres total).

59. Caroline Rodriguez, the Summit County Regional Transportation Planning Director has stated that the land donation for a transit center and park and ride is not a public benefit and is rather mitigation for the development. Ms. Rodriguez further stated that the transit center buildings and infrastructure would need to be provided by the developer.

60. The applicant has also asserted the following public benefits; Additional tax base, Employment generation via the new commercial facilities and school proposed, Housing

Diversity, Location for growth and higher density, and Additional Financial Support of Schools and Public Service Providers.

61. The applicant has stated the roads for South Point are proposed to be public roads.

62. The Promontory Development Agreement states the following; 4.7.21 Private Roads. All roads, to include the backbone arterial road system denoted on the Promontory Master Plan, shall be privately owned, shall be built to appropriate county rural road standards, and shall be privately maintained by Developer or an appropriate owner's association. Arterial roads shall provide linkages to existing County roads and adjoining properties to assure an optimal flow of traffic from the Community...

63. The Public Works Department has stated that they do not see a reason for the private road requirement in Section 4.7.21 of the Development Agreement requirement to change.

64. The Engineering Department has stated that due to insufficient information, insufficient analysis, and unacceptable mitigation provided by the applicant, they are unable to provide support for the project at this time.

65. Promontory Specially Planned Area was approved for a total of 1,901 residential units of density and is distributed through Estate Base Density, Incentive Density, and Resort density.

66. Mr. Patrick Cone was one of the Summit County Board of County Commissioners who was part of the original Promontory SPA approval process stated that the legislative intent was not for any growth to take place on Brown's Canyon side of Promontory with the exception of the 285 vested units.

67. During the public hearing process, the Eastern Summit County Planning Commission expressed concern that the density increase would result in an increased negative impact to the traffic. The traffic analysis presented by the applicant did not consider S.R. 248 beyond the Old 40 frontage road intersection.

68. During the public hearing process, the Eastern Summit County Planning Commission expressed concern that the negative impacts to the public health, safety, and general welfare would be assumed by the public, County, and its service providers.

69. The applicant is requesting to add 735 residential units and 190,000 sq. ft. of commercial density and the Eastern Summit County Planning Commission finds that the negative impacts associated with the current proposal were not contemplated or planned for this area of Eastern Summit County.

70. The applicant asserts that their golf community business model has changed, warranting more density and different product types or uses.

71. During the public hearing process, the Eastern Summit County Planning Commission expressed concern that it could not find a nexus between the applicant's claim of a golf community model not working and adding 735 units and 190,000 sq. ft. of commercial intensity.

72. During the public hearing process, the Eastern Summit County Planning Commission and public expressed that the applicant's own business model may have changed, but the physical nature of the Promontory Specially Planned Area has not.

73. The decisions associated with Specially Planned Area are legislative and are discretionary.

74. There was substantial public input that was opposed to the proposed SPA amendments.

Conclusions of Law:

1. The applicant's proposed community benefits do not justify the increase in density.
2. The circumstances relevant to the request have not changed since, or were unknown at the time, the original specially planned area plan was approved.
3. The proposed modification is not consistent with the efficient development and preservation of the entire specially planned area plan.
4. The proposed SPA amendment would result in an unexpected increased and negative impact to the public health, safety, and general welfare which cannot be mitigated.
5. The proposed modification affects, in a substantially adverse manner, the enjoyment of abutting land owners upon or in the general vicinity of the property in question.
6. The public health, safety, and general welfare are adversely impaired by the proposed modification.

Commissioner Clyde and the Planning Commission thanked the public for participating in the public hearing process.

Commissioner Clyde made a motion to adopt the Findings of Fact and Conclusions of Law as edited and forward a negative recommendation to the County Council.

Commissioner Sargent seconded the motion.

- **MOTION CARRIED 6-0**

Director Items

Director Putt stated the next meeting will be February 15, 2018. On that agenda are a rezone in the Wanship area and the Echo Ditch pipeline.

February 28th there is a Council work session that the Planning Commissions are invited to discussing the broad housing needs assessment and ask questions.

There is a public hearing February 7th to discuss Chapter 3 and the Zoning Map.

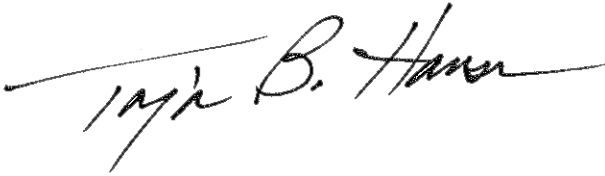
Staff thanked **Commissioner Willoughby** for her service on the Eastern Summit County Planning Commission. The noticing to fill that vacancy will close February 7th.

Commissioner Sargent suggested that applicants should come forward during the discussion to give the applicant accountability and show that Staff is not promoting the applicant's proposal. **Director Putt** stated he will direct Staff to communicate this to the applicants.

ADJOURN

At 7:55 p.m. Commissioner Clyde made a motion to adjourn.

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

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

Approval Signature