

## **MINUTES**

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

SPECIAL SESSION MEETING  
THURSDAY, MARCH 29, 2018  
SUMMIT COUNTY COURTHOUSE  
COUNCIL CHAMBERS  
50 NORTH MAIN STREET  
COALVILLE, UT 84017

#### **COMMISSIONERS PRESENT:**

Marion Wheaton  
Bill Wilde  
Don Sargent

Rich Sonntag  
Tom Clyde, Chair  
Amy Rydalch

Regrets: Tonja Hanson

#### **STAFF PRESENT:**

Helen Strachan – *Deputy County Attorney*  
Pat Putt – *Community Development*  
*Director*

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

#### **REGULAR SESSION**

**Chair Clyde** 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. Public Hearing and possible** to amend the Eastern Summit County Development Code, Section 11-4-12: Master Planned Developments to change the applicability criteria and Chapter 3: Zoning Districts and Requirements to create a Residential 2.5 (R-2.5) Zoning District. – *Patrick Putt, Community Development Director*

**Director Putt** shared the background. There will be a public hearing for the County Council on April 11, 2018 with public input and possible action for the new zoning districts and

amendment of the new zoning map for Eastern Summit County. County Council has been working through several work sessions, with a recent deliberation to make additional amendments to the Code. A specific proposal is for landowners with critical or sensitive lands on their property, such as wetlands, steep slopes, flood plain, that acreage only gets half the density allowed by the zone in those areas. County Council decided that in lieu of reducing base density, the MPD (Master Plan Development) process would be used to determine site suitability and deal with the sensitive lands issues. The MPD process has triggers. At base density, ten or more lots being developed would trigger an MPD. County Council is requesting a recommendation from Eastern Summit County Planning Commission to amend the MPD process to be triggered at four lots or more in lieu of applying sensitive lands. The proposed language change was shown.

The other proposed change the Council is asking for is a recommendation for creating one additional zoning district of a residential 2.5-acre zone. This zone would be a potential remedy to the potential density loss for the landowners who currently have Highway Corridor zoning. The property owner could request this zone as an alternative to a five-acre zone to recoup previous density. One-acre zoning could potentially undermine the Village Overlay Zoning process. The 2.5-acre zone would not immediately be placed on the zoning map but could be applied for as a rezone. The base density would be one unit per 2.5 acres. There would be similar setbacks and height restrictions as the other zones. The allowed uses for the 2.5-acre zone were listed.

**Chair Clyde** stated the Planning Commission should go through the use table for the 2.5-acre zone. There were some clarifying questions asked about the proposed 2.5-acre zone.

**Chair Clyde** is opposed to having a half-acre lot because of infrastructure problems and would discourage landowners from annexing into nearby municipalities. As currently drafted, the 2.5-acre zone would be an option for rezoning to any landowner in Eastern Summit County. The Planning Commission can make a recommendation for only certain parcel sizes to be eligible for the 2.5-acre rezone. **Commissioner Sargent** stated it makes sense for only 5-acre parcels to be eligible for the 2.5-acre rezone option. **Commissioner Sonntag** stated that as a rezone, this option would be completely discretionary to the Eastern Summit County Planning Commission. The landowner would have to prove the rezone is appropriate through the MPD process.

**Chair Clyde** stated his concern that the availability of the 2.5-acre rezone would become a formula for “spot zoning” that would give special treatment to some landowners.

**Commissioner Sargent** stated he is uncomfortable having the 2.5-acre rezone available anywhere outside of the AG-5 zone. There should be eligibility requirements with a clear purpose for the rezone. There should not be any action taken that would de-incentivize the Village Overlay process, which should ensure that development occurs in the correct areas and in the correct manner.

**Commissioner Wilde** stated that there still needs to be an option of a one-acre lot with a well and a septic tank until something better comes along. The Village Overlay Zone is an option that will push for good water and good sewer systems.

The Planning Commission went through the Use Table and discussed any concerns.

**Commissioner Sargent** stated that all accessory dwelling units should be made available in all zones with a low-impact permit. **Commissioner Wheaton** believes it should be a Conditional Use because of parking problems.

**Commissioner Sonntag** stated that allowing accessory dwelling units with a low-impact permit is the only thing in the new zoning and use table that does not go against having affordable housing in Eastern Summit County.

The commission was concerned that agricultural uses are not allowed on the smaller lots. Farm animals are part of the rural character of Eastern Summit County and a desire for landowners.

The Planning Commission discussed the MPD (Master Plan Development) process being triggered at four units rather than ten. The Commission is happy with that change.

*The public hearing was opened.*

**Jan Perkins** stated if the 2.5-acre lots cannot be connected to sewer, then she is opposed to it because there needs to be protection of water quality. The 2005 Health Department septic report says no septic tanks should be on lots less than three acres, and Ms. Perkins asks the Planning Commission to honor that. That falls under health, safety and welfare. Let us learn from the mistakes that were made on the West side and the thousands of dollars it takes for one unit to be mitigated for sewer. The East side has no mechanism in place to protect water quality. Right now, anything smaller than five acres would not incentivize the Village Overlay Zone. The County would be competing in taxes and services with the cities. Francis City's planner requested that zoning be no less than one unit for ten acres in the County. Ms. Perkins has not seen a hydrology overlay or a zoning map that shows water

sheds or Peoa's source protection map that was set up by the EPA (Environmental Protection Agency). There is a lot of density proposed in the source protection zone. There are other water protection zones that should be found and mapped. There are thousands, if not millions of people that live downstream. It is vital for our health, safety and welfare and quality of life here to protect our water. Ms. Perkins encouraged the Commission to seriously look at having sewer only. If the 2.5-acre zone is passed, it should be clustered intelligently and sensitively, with sewer in areas that are appropriate. Accessory buildings larger than 2000 square feet should not be allowed. Accessory buildings should be based on a percentage of the lot size rather than square-footage. Ms. Perkins encouraged the Planning Commission to require or at least incentivize historical roof lines. Gabled roofs rather than flat boxes should be required. we should bring back historical architecture because it is beautiful and different. If we continue with conventional building practices and designs, we will look like everyone else. Why would tourists want to come spend their dollars here if we look like everything they have at home? Ms. Perkins would like to see the Planning Commission explore their ideas on accessory dwellings. Based on experience, childcare of several children is very noisy and Ms. Perkins requests that there be a low-impact or Conditional Use permit required. Historical homes should be preserved. There are beautifully designed pre-fab homes. Seasonal plants should be allowed to be grown. Motorized vehicles on open space should not be allowed. People in Wanship do not like living next to a motocross track. Businesses unique to this area should be encouraged to be developed and help visitors enjoy the uniqueness of the area. The benefits of a developed scenic byway are numerous. The MPD process should be triggered at four or more units.

There should be language to protect sensitive lands, water byways, riparian areas and historical structures. There should be really strong land planning. Ideally, Planning Commissioners should walk the land with a Staff member to get an idea of what is important and unique about that particular parcel, rather than having a form on a screen or a piece of paper.

*The public hearing was closed.*

***Commissioner Sonntag made a motion to recommend the Residential 2.5-acre zone, subject to the amendments that will be proposed in this meeting. Commissioner Sargent seconded the motion.***

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

***Commissioner Rydalch made a motion to not reduce to the 0.5-acre lot size unless the home can be on a public or community culinary and sewer system. Commissioner Wilde seconded the motion.***

- **MOTION CARRIED (4-2) Commissioner Wheaton and Chair Clyde opposed as they are opposed to having the 0.5-acre at all.**

***Commissioner Sargent made a motion to have accessory dwellings be a low impact use in all zones. Commissioner Wheaton seconded the motion.***

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

*Commissioner Rydalch made a motion to allow agricultural purposes in the Residential 2.5-acre zone as an allowed use and explore the definition of agricultural purposes at a later date. Commissioner Wilde seconded the motion.*

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

*Commissioner Wheaton made a motion to have child care family of 5 to 9 children in the Residential 2.5-acre zone be a low impact use. Commissioner Sargent seconded the motion.*

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

*Commissioner Wheaton made a motion to have child care family of 9 to 16 children in all zones up to AG-20 zone be a conditional use, with larger zones being low-impact. There was no second to this motion.*

*Commissioner Sargent made a motion to have child care family of 9 to 16 children in a Residential 2.5-acre zone be a conditional use, with all other zones being a low-impact use. Commissioner Wilde seconded the motion.*

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

*Commissioner Rydalch made a motion to allow seasonal plant and agricultural product sales in the Residential 2.5-acre zone as an allowed use. Commissioner Sargent seconded the motion.*

- **MOTION CARRIED (5-1) Commissioner Wheaton opposed and believes there should be a low-impact permit required.**

***Commissioner Sargent made a motion to strike solar as an allowed use in the Residential 2.5-acre zone and change wind power generation facilities 45 feet in height to be a conditional use in the 2.5-acre zone. Commissioner Wilde seconded the motion.***

- **MOTION CARRIED (5-1) Commissioner Wheaton opposed wind power generation facilities being allowed in the 2.5-acre zone.**

Historic building preservation was discussed. There will be a future work session to discuss historic structure preservation and the definition of agriculture. Commissioner Sargent suggested the presentation on the scenic byway be shared with the Commission. That presentation will be shared at the retreat. The 2005 Health Department water study will also be shared with the Planning Commission.

***Commissioner Sargent made a motion to have a parcel only in the 5-acre zone to be eligible for rezoning to the Residential 2.5-acre zone. Commissioner Wheaton seconded the motion.***

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

#### **Commission Items**

**Chair Clyde and Commissioner Wheaton** attended the Kamas Valley Business

Association's first annual business meeting. There was such high attendance that the lobby at Kamas Town Hall was filled. The enthusiasm was encouraging. For purposes of the Kamas Valley Business Association, the area was identified as Wanship to Woodland, with 600 businesses being identified in that area. Individual business owners were encouraged to network. Emphasis was made that the cultural, historic, rural character of the Kamas

Valley is important to maintain. Emphasis was also made on protecting waterways. The County Council also attended this meeting.

**Director Items**

**Director Putt** shared that there has been vandalism to the rock art on the bluff above Echo Reservoir. The State Archaeologist and the State Division of History will come up on April 17<sup>th</sup>. They have reached out to North Summit High School and other local groups to make a strategy to rehabilitate the historic rock art. An email will be sent to the Planning Commission with an update.

On Monday at 6pm the State Parks and Bureau of Reclamation met with the County Council to discuss Echo Reservoir. There will be a public outreach to discuss redevelopment plans through the State Parks. There will be improvements to the reservoir and upgrades to facilities and amenities.

At the April 5<sup>th</sup> Planning Commission meeting there will be two plat amendments and a dog kennel CUP on the agenda.

April 12<sup>th</sup> will be the Planning Commission retreat from 5:30 to 7:30 at the State Road Tavern. Helen will share a legislative update and Planning Commission 101.

There are no pending items for the April 19<sup>th</sup> Planning Commission meeting, so it may be cancelled.

**ADJOURN**

*At 8:08 p.m. Commissioner Wheaton made a motion to adjourn.*

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

A handwritten signature in cursive script, appearing to read "Tom Hyde". The signature is written in black ink and is positioned above a horizontal line.

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Signature