

MINUTES

EASTERN SUMMIT COUNTY PLANNING COMMISSION

REGULAR MEETING
THURSDAY, JUNE 7, 2018
SUMMIT COUNTY COURTHOUSE
60 NORTH MAIN
COALVILLE, UTAH

COMMISSIONERS PRESENT:

Tom Clyde, *Chair*
Tonja Hanson
Amy Rydalch
Don Sargent

Rich Sonntag
Marion Wheaton
Bill Wilde

STAFF PRESENT:

Patrick Putt– *Community Development Director*
Peter Barnes– *Planning and Zoning Administrator*

Ray Milliner- *Principal Planner*
Kathy Lewis– *Recording Secretary*

REGULAR SESSION

1. Pledge of Allegiance

2. General public input

The general public input session for items not on the agenda was opened. There were no comments made and the public input session was closed.

3. Public hearing and possible action on an amendment to Appendix B Master Planned Development Deed Restricted Open Space Land Calculation of the Eastern Summit County Development Code – Ray Milliner, Principal Planner

Planner Milliner said an error was made when drafting the open space calculations of the Master Planned Development. This amendment will correct that error. No other changes are being proposed. Staff recommends the Planning Commission forward a positive recommendation to the County Council. Planner Milliner pointed out where the error had been made and the needed correction.

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

Chair Clyde asked what the Subscript B means in the formula. Planner Milliner said that “L” is the number of lots. “B” is base density. **Chair Clyde** asked if that has been defined. A brief discussion ensued.

Commissioner Sonntag made a motion to forward a positive recommendation, which was seconded by Commissioner Sargent to the County Council as outlined in the Staff Report and as follows:

FINDINGS OF FACT

- 1. The goal of Chapter 3 of the Eastern Summit County General Plan is to develop land use codes which balance the diversity of desires of Eastern Summit County residents, including private property rights.***
- 2. In furtherance of this goal, §11-1-1 of the Eastern Summit County Code provides that “The Eastern Summit County General Plan was developed to ensure that the rural, agricultural and small town character of the eastern portion of County shall remain, even in the presence of growth and change. The intention of the County is to assure the managed, proper and sensitive development of land to protect and enhance these desire qualities and the life style that exists.”***
- 3. On June 14, 2017 the County Council adopted Ordinance 868 creating Appendix B Master Plan Development Deed Restricted open Space Land Calculation of the Eastern Summit County Development Code.***
- 4. After the adoption of Ordinance 868, Staff discovered a scrivener’s error in two portions of the formula.***
- 5. The proposed amendment to the Code corrects these errors.***

CONCLUSIONS OF LAW:

- 1. *The amendment is consistent with the goals, objectives, and policies of the General Plan.***
 - 2. *The amendment is consistent with the requirements established in Chapter 5 of the Eastern Summit County Development Code.***
 - 3. *The proposed amendment is not detrimental to public health, safety, and welfare.***
- MOTION CARRIED (7-0)**

WORK SESSION

1. Discussion on possible amendments to the Development Code regarding the adaptive reuse of historic structures – *Ray Milliner, Principal Planner*

Planner Milliner reminded the Commission that at a previous meeting, Staff proposed that historic structures be removed from the Use Table; however, that action was challenged. Staff responded that because there are no regulations in the Code about historic uses, it should be removed from the Use Table. The Commission said they would like to look into creating language on the preservation of historic structures.

Planner Milliner said before the Commission is the language currently existing in the Snyderville Basin Development Code. That language is designed to motivate people to preserve historic buildings. The first step in the process is to determine if a structure is historically significant. If it meets the standards as outlined by the Secretary of the Interior, an applicant can move on to the next step. The next step allows the applicant to apply for conditional uses that are not otherwise allowed.

Planner Milliner gave the example of the Red Barn located on Highway 224. For a long time, it was an architect's office. Now it is a bike shop. He said a bike shop is not

permitted in that zone. After going through the process, the applicant received a conditional use that permitted the bike shop to be located there. In return, Summit County received a façade easement. This is an agreement that the property owner will not modify or change the façade of the building. It will be preserved in perpetuity.

Planner Milliner asked if the Commission would like to have similar language for Eastern Summit County. He listed the four criteria that a structure must meet in order to qualify as historically significant:

1. Must be older than 50 years
2. Something of historic significance happened there
3. Someone of historical significance lived there
4. The structure has architecture that is unique

Planner Milliner said he can think of a lot of buildings in Eastern Summit County that would meet this criterion. He listed a few of these structures. He would like to know if the Commission has any interest in this language. If so, he will start doing research and come back with a draft manuscript.

Commission Hanson said 50 years doesn't seem very old. She asked if the four criteria were developed by the Secretary of the Interior. Planner Milliner said that is correct. A discussion ensued about this requirement.

Planner Milliner said the first step in the process would be a hearing with the Commission to determine if the building is historically significant. At that meeting, the four criteria are considered. If significant alterations have been to the structure, it may be disqualified.

Planner Milliner said if a structure is found to be historically significant, than qualifying provisions are discussed. These would be things such as preserving the façade. He gave

the example of something that would not be allowed. Removing a front porch on a building in order to put in a sign would be prohibited.

In Salt Lake City, because a significant number of houses would qualify, they have a square-footage minimum. This gears the ordinance more towards ranches and old churches. Salt Lake County has a list of around 15-20 properties that qualify.

Chair Clyde said he likes the idea. He thinks it is important to preserve the cultural context of Eastern Summit County; although, he said this ordinance may allow having commercial activities relatively close to people's houses. Determining if someone's building is historically significant seems to be wrought with problems. The willingness of the Commission to find that someone's structure is historical might be tainted with how desirable the use is.

Commissioner Sonntag said there could be a problem if a property is deemed historic without considering the future use. If a CUP is granted, all the Commission could do is talk about mitigation. Planner Milliner said one thing that may give a property owner pause, is the façade easement. It is basically saying that in exchange for certain uses, the property owner is giving the County the right to direct how the façade can be modified. **Commissioner Wilde** said that is a big commitment for a property owner.

Commissioner Rydalch said that person would be giving up a lot of agency of their property. Director Putt said his concern is the potential impacts to the surrounding properties. He asked the Commission if Staff should take a look at finding tools that will help preserve some of the historic culture in the community.

Director Putt said Staff has considered if there is a way to dangle an appropriate carrot to incentivize the saving of a building. It would not necessarily be mandatory. He said it may not be appropriate on the east side to a highly regulatory ordinance. He said

about 10 years ago, Park City defined what is historically significant. This definition is still being argued today. To have the historic designation can be a liability for a property owner.

Chair Clyde said he doesn't want to follow Park City's example. One reason is because it hasn't been successful. Old Town does not look like it did 25 years ago. He thinks that level of review would be counterproductive and not get them where they want to go. He added there are a few buildings he can think of that he would love to see this opportunity be given to.

Director Putt asked if the Commission would like Staff to put something together that may address the east side of Summit County? If the Commission feels that the time isn't right for this ordinance, they won't advance anything.

Commissioner Hanson said if they don't do it now, as the growth comes, it will get out of control. Commissioner Sargent said if they don't act, they may lose the opportunity to save some of these structures. Director Putt said that currently there are no prohibitions of demolition of historic structures on the east side. He doesn't think a prohibition ordinance would be appropriate. If there is an incentive for a property owner, they may be able to preserve some of historic structures.

Commissioner Hanson said some of the historic buildings are in the middle of residential areas. Part of the General Plan is to drive economic growth in Eastern Summit County. This should be taken into consideration.

Commissioner Sargent said he would like to see this ordinance developed on a narrow basis, but tailored to the character of Eastern Summit County. He would not want to see a barn turn into an apartment complex. Director Putt said they can always start on a limited basis. They can add to or take away. **Chair Clyde** said he would like to keep it

simple and voluntarily. Director Putt said his biggest worry is that the public will misunderstand and think they are bringing in a Park City historic program. Commissioner Sargent said they should emphasize the word voluntary.

Director Putt stated the façade easement requirement would stay as a part of the ordinance. It would be crafted for the specific building. A discussion ensued on the changes to a building that would be required. One change would be compliance with ADA requirements. Planner Milliner said Staff will look at language that is simple and voluntary.

2. Discussion of the possible creation of a lighting ordinance in the Eastern Summit County Development Code – *Ray Milliner, Principal Planner*

Planner Milliner said a lighting ordinance regulates the type of and location where lighting can be placed. Generally, lighting ordinances apply more to commercial buildings than residential buildings; however, they do apply to both.

Planner Milliner said the more detailed ordinances specify where these can be placed, along with the types and colors of lights. It talks about the number of lumens each feature is allowed to have. Lighting ordinances can be very restrictive.

Planner Milliner offered the example of the lighting ordinance for Springdale. It is a major ordinance that covers many details. This might be a good place to start, but he emphasized he is not suggesting this should be applied to Eastern Summit County. Planner Milliner said he would like to get feedback from the Commission if a lighting ordinance is something Staff should work on. What types of things would they like to see? It could be something such as lighting must be down-directed and shielded.

Commissioner Wheaton said she would like to see a lighting ordinance be restrictive and clearly stated. Would the Commission like to consider lighting zones? This could have different criteria for different areas. Lands that are historically agricultural may have more restrictive lighting than residential areas.

Commissioner Wheaton said the Springdale ordinance gives seven years to comply. She would like to see that shortened to three or five years. She recommended that a shut-off time be established.

Chair Clyde asked how the Engineering Department deals with the lighting of streets. Administrator Barnes said they have restrictions on the height of the light fixtures above the grade level. They try to limit light trespass off site. He said Summit County doesn't have requirements for residential areas. **Chair Clyde** said architectural lighting can be problematic.

Commissioner Sonntag said he thought the commercial lighting in the example made sense, but the residential seemed heavy handed. Commissioner Sargent added that indirect or down-facing lights can make a lot of difference.

Commissioner Hanson said they need to be careful that they are not trying to micromanage and control everything. The citizens of Eastern Summit County don't want to be told what to do. Planner Milliner said Staff has recently received complaints about security lights on storage units in Weber Canyon. Several neighbors have called.

Chair Clyde said this shows that a balance must be found. There is a legitimate need for security at storage facilities. **Commissioner Wilde** said he thinks it would be best to come up with something to give to applicants that would illustrate and explain the goals of the lighting plan. He thinks the answer is to suggest, not to restrict.

Commissioner Wheaton said when a billboard went up in Kamas, the outcry was unbelievable. The community leaders wondered how that could happen. She said it happened because there wasn't language to prohibit it. They don't want to have a repeat of this with lighting. **Commissioner Sonntag** said he wouldn't want to force people to retrofit their homes or businesses. **Chair Clyde** said the Commission should be proactive in preserving dark skies for new construction. A discussion ensued on retrofitting commercial, like the storage units.

COMMISSION ITEMS *(None)*

DIRECTOR ITEMS

Director Putt reported on the agenda items for the upcoming meetings. It was discussed to skip the July 5th meeting if possible.

Director Putt said the necessary enforcement will move forward on the Echo Tree Ranch. He said a request has been received from the South Point applicant to table the public hearing scheduled for June 20th. The public notice has already been sent out. He will let the Commission know if that agenda item will move forward as scheduled.

Director Putt said the County Council will be looking at the Engineering Standards on June 27th. He said there have been changes made, but the Engineering Department does not view them as significant. He will get the changes to the Commission.

Director Putt said he will explain to the County Council the options in connection with the Engineering Ordinance. One is to adopt the changes and another is to keep the Code as it exists today, adding references to the Engineering Standards. He wants to be sure any inconsistencies with the Code are corrected.

ADJOURN

At 7:11 p.m. Commissioner Hanson made the motion, which was seconded by Commissioner Sonntag, to adjourn. All voted in favor.

- **MOTION CARRIED (7-0)**



Approval Signature