

MINUTES

Eastern Summit County Planning Commission

REGULAR MEETING
THURSDAY, MARCH 21, 2019
SUMMIT COUNTY COURTHOUSE
COUNCIL CHAMBERS
60 NORTH MAIN STREET
COALVILLE, UT 84017

COMMISSIONERS PRESENT:

Tom Clyde
Bill Wilde
Amy Rydalch
Marion Wheaton

Rich Sonntag
Clint Benson
Don Sargent

STAFF PRESENT:

Helen Strachan – *County Attorney*
Amir Caus - *County Planner*
Dave Thomas – *Chief Civil Deputy*
County Attorney

Ray Milliner – *Principal Planner*
Katy Staley-*Secretary*
Pat Putt – *Community Development*
Director

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. Election of Chair and Vice Chair.**

Commissioner Sargent made a motion to nominate Tom Clyde as the Chair of the Eastern Summit County Planning Commission. Commissioner Sonntag seconded the motion.

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

Commissioner Rydalch made a motion to nominate Don Sargent as the Vice Chair of the Eastern Summit County Planning Commission. Commissioner Wilde seconded the motion.

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

4. Discussion and possible action regarding the Promontory employee housing. – Amir Caus, County Planner

****This item was moved to the eighth spot on the agenda****

****Commissioner Sonntag recused himself from this agenda item****

Chair Clyde verified that the County Manager, Tom Fisher is the ultimate approval for the employee housing. The Planning Commission is being asked for a positive recommendation for the employee housing agreement and to include any suggestions if they believe there is anything missing from the agreement. A brief overview was given, including timing and location and type of housing.

Attorney Dave Thomas stated that this employee housing agreement was asked for as a Condition of Approval when the Nicklaus Clubhouse expansion was requested. The County Manager approved the Nicklaus Clubhouse with that Condition of Approval. That decision was appealed to the County Council with the end result that Promontory put forth the employee housing plan and withdrew their appeal. The employee housing plan has been looked at by the County Manager, County Council and Staff. Some concerns include the option of the employee housing being off-site with the County Council's approval, and meeting conditions of reasonable access to transit. There is a waterfall provision that employee housing being given preference to Promontory employees then being available to other county residents. The time schedule was a big concern. Based on the number of

employment generators and number of units, the developer should have seven additional employee units within the next year. The remaining 28 employee housing units must be within the first five years of the South Point development beginning, with all units being built within seven years. If there are additional employment generators built within those seven years, employee housing must be built along with those employment generators.

Chair Clyde stated that fully integrated employee housing could be difficult to achieve but questioned how far off-site the employee housing could be.

Commissioner Wilde is concerned that more traffic would be generated in Kamas or Coalville if the employee housing were built in those areas and stated that on-site employee housing would be a better solution. **Shawn Potter** stated Promontory will lean toward on-site housing but would still like the option to have employee housing in another location.

Chair Clyde stated that having construction begin and actually seeing drywall within 18 months would be preferred. **Shawn Potter** answered that it takes time to prepare the plat and Promontory is working in good faith to get employee housing built quickly. There will be a mix of unit types and number of bedrooms. Promontory is working with an architect to get all their ducks in a row. **Commissioner Wilde** suggested that Promontory have 18 months to build if off-site and 24 months if on-site. The County Manager is asking for a recommendation and will take any comments made by the Planning Commission into consideration.

Commissioner Rydalch made a motion to forward a positive recommendation to the County Manager to approve the Promontory Employee Housing Agreement with modifications suggested, including a recommendation that employee housing units be

located within the Promontory SPA or within close proximity of the Promontory SPA; no dormitory-style housing units; seven (7) units under vertical construction of an 18 month schedule if built outside Promontory with a time limit of up to 24 months if the housing units are built within the Promontory SPA; all units must be rental units. The Planning Commission would also request a more aggressive time schedule for the building out of all employee housing units. Commissioner Wheaton seconded the motion.

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

5. Discussion and possible action a Conditional Use Permit for an Event Center within an approximately 4,000 square foot accessory building; 3158 West 5000 North, Peoa, Utah; CD-74; Gary Urban, applicant. – Ray Milliner, Principal Planner

****This item was moved to the seventh spot on the agenda****

Planner Milliner shared the background of this application. At the last meeting, the Planning Commission directed Staff to talk to the Health, Engineering and Building Departments. It was affirmed that building occupancy is up to 190 persons, the current septic system can handle the volume from the event center, and the road access is wide enough. The Conditions of Approval were bolstered, including maintenance of the river and wetland setbacks, no events on Sundays or Mondays, only four events per month, etcetera. Some wording changes were made to the Conditions of Approval.

Commissioner Wheaton stated that traffic impacts and parking parameters need to be addressed in the Conditions of Approval.

There was discussion about the necessity of the portable restrooms for each event. The applicant would like to keep that requirement in place.

Commissioner Benson asked if there is enough insulation in the barn to block noise. The applicant responded that the barn is pretty isolated and insulated. The closest neighbor is over 3000 feet away, so there should not be an issue with noise.

Findings of Fact:

1. The proposed project is located at 3158 North 5000 West, Peoa.
2. The property is located in the Agricultural 10 Acre (AG-10) zone.
3. Event Centers are a conditional use in the AP zone.
4. The lot is 17.2 acres in size.
5. Access to the property is from 5000 West Road.
6. The building meets the required setbacks and height in the AP zone.
7. The applicant is not proposing any new construction on the site (unless required by the Building Department to upgrade the structure).
8. There are wetlands and natural streams on the property.
9. The applicant has demonstrated compliance with all required setbacks from the Weber River and the delineated wetlands.
10. The application was routed to affected county departments, state agencies and service providers. 6 4U Ranch Event Center
11. The proposed building location is approximately 1000 feet from the nearest single-family home.
12. The size and design of the building is compatible with development in the immediate area.

Conclusions of Law:

1. The proposed Conditional Use as conditioned complies with all requirements of the Eastern Summit County Development Code.
2. The use is appropriately located with respect to public facilities, it is adjacent to an existing county road, and has adequate water and septic.
3. The modification as conditioned is consistent with the standards established in chapter 2 of the Eastern Summit County Development Code.
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 effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. No disturbance within the 100-foot setback from the river or 40-foot setback from the wetlands by any event center activity, including parking, grading and other temporary uses is allowed.
2. The number of commercial events allowed per month shall be 4, with owner's family events being exempt from this limitation.
3. Commercial events shall be allowed Tuesday through Saturday. No commercial events are allowed on site on Sunday or Monday.
4. The number of attendees allowed for each commercial event shall not exceed 170 persons.

5. No music or other types of amplification shall occur outside after 9:00 p.m.
6. All lighting on the site, permanent and temporary shall be full cutoff and directed toward the intended area to be lit. Light trespass onto other properties is not allowed.
7. All activity on the site shall end at 11:00 p.m.
8. No overnight camping or camp related activity such as campfires is allowed as part of an on-site commercial event.
9. The applicant shall provide portable restrooms for each commercial event with over 50 attendees.
10. All necessary permits must be obtained, and fees shall be paid prior to the commencement of any activity, including but not limited to the Summit County Engineering, Summit County Health and the Summit County Building Departments.
11. Parking for all events must be on site of owner's property.

Commissioner Sargent made a motion to approve the Event Center Conditional Use

Permit according to the Findings of Fact, Conclusions of Law and Conditions of

Approval found in the Staff Report, with the modifications to include that parking for

events is limited to the applicant's property; portable restrooms will be required for

events with more than 50 attendees; and Condition of Approval 2 shall not limit family

celebrations. Commissioner Sonntag seconded the motion.

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

6. Public hearing and possible action on a proposed business for Food processing, commercial use to process bread dough; 29730 Old Lincoln Hwy; TROV-1; Carlos Cavalcanti, applicant. – Amir Caus, County Planner

Planner Caus shared the background of the application. The applicant is requesting a CUP (Conditional Use Permit) to process bread dough in a facility that was formerly a jamming and canning facility. A nitrogen tank will be required to freeze the dough. DEQ (Department of Environmental Quality) has reviewed the application and sees no issues with the CUP. The fire marshal also has no problems with the CUP application. The nitrogen tank is not

flammable. There was not a CUP associated with the jamming and canning facility, but the prior use was legitimate, established through business licenses.

The applicant stated that they have a small company that has evolved and outgrown itself and hopes to have the same success with bread. Only the bread is being frozen. The applicant only expects to use the facility for a couple of years before they outgrow it. There should not be a noise nuisance. The horses in the area make more noise. There are currently four employees and there will be a couple more for cleaning, but the facility is too small for too many more. The facility has had delivery trucks coming for 15 years without any complaints. Deliveries are all made after 9:00 am with a delivery time of 8 to 10 minutes. One reason for the request for cold storage is to reduce truck traffic.

The Public hearing was opened. No Public Comment was made. The Public Hearing was closed.

Findings of Fact:

1. The subject property is located at 29730 Old Lincoln Hwy. (Parcel TROV-1), Wanship, Summit County, Utah, in the AG-10 Zone.
2. There are three structures located on Parcel TROV-1 which accesses off of Old Lincoln Highway. One is a single-family residence, second is a detached garage, and a third is a ~1,500 sq. ft. accessory building that was used for a jamming and canning business between 2011 and 2014.
3. The business was operated with four employees/partners.
4. The accessory building received an appropriate Building Permit (#11-400) and was constructed in 2011.
5. County records confirm that Michael Trover is the owner of the subject property.
6. The applicant, Carlos Cavalcanti, is requesting to receive approval for a Food processing, commercial use to process bread dough.
7. The applicant has submitted an application that was signed by the owner.
8. The proposed business would be located in an existing ~1,500 sq. ft. facility where a jamming and canning business operated between 2011 and 2014.
9. As part of the request, the applicant is proposing to install a nitrogen tank outside of the southern façade of the facility for the interior use of a cryogenic freezer.

10. The proposal is limited to dough processing only.
11. The ingredients are delivered twice a week and the dough is picked up twice a week by refrigerated trucks.
12. Retail sales are not proposed.
13. The hours of operation would be Monday through Saturday from 7:30 a.m. to 6:30 p.m. with four employees in the facility.
14. Section 11-3-16 of the Eastern Summit County Development Code requires that Food processing, commercial uses in the AG-10 Zone be reviewed as a Conditional Use Permit.
15. Food processing, commercial is defined as; An establishment that transforms raw ingredients into food or transforms food into other forms for consumption. Does not include butcher with slaughtering.
16. The proposed dough processing operation qualifies under the Food processing, commercial definition.
17. The nature of the proposed use is consistent with the previous use.
18. Existing facilities will remain to be used.
19. The Health Department has reviewed the proposed application and has not expressed any negative comments which would warrant for postponement or denial of this application.
20. The existing facility is not located on any steep slopes, flood plains or any sensitive wildlife habitat areas.
21. The Engineering Department has reviewed the proposed application and has not expressed any negative comments which would warrant for postponement or denial of this application.
22. Staff finds no evidence that the use will violate any county, state, or federal laws.
23. The applicant has submitted an approval from the Utah Department of Agriculture as a food processor.
24. Staff finds no evidence that the proposed use will adversely affect public health, safety and welfare.
25. 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. The Conditional Use Permit approval shall be as per Exhibit A of this Staff Report.
2. No modifications to the approved Conditional Use Permit or expansions of the 1,500 sq. ft. accessory building are permitted without the prior approval of the Summit County Community Development Department.

3. A Summit County Building Permit shall be received for the proposed nitrogen tank in order for the subject Conditional Use Permit to take effect.
4. All necessary permits must be obtained and fees be paid prior to the commencement of any construction activity, including but not limited any State of Utah requirements, Summit County Health Department, Summit County Engineering Department, and the Summit County Building Department.
5. No outdoor storage is permitted.
6. All service provider requirements shall be met.

Commissioner Sargent made a motion to approve the Gusto Brazil Conditional Use Permit according to the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff Report. Commissioner Sonntag seconded the motion.

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

7. Public hearing and possible action on a proposed amendment to the Marion Meadows Subdivision to amend the Building Pad area of Lot 9; 2736 N State Highway 32, Marion; MMS-9; Mary Flinn Ware, applicant. – Sean Lewis, County Planner

Planner Milliner shared the background of this application. The applicant, Mary Flinn Ware is proposing to move from the east side of the property to the west side. When the plat was created, the access was at the front of the property and access has changed. UDOT has stated that access is on the southeast corner along the Provo River waterway. Engineering believes it would be good to move the building pad away from the busy Highway 32. There would be no increase in density or change to the lot configuration. There is legal access with a minimum driveway width of 12 feet. There is no right of way associated with the access. There is a full 36 feet of confirmed available driveway space that should be sufficient for snow removal.

Chair Clyde stated that there is a push to build public access trails on the canal banks, so there may be more people along the canal banks near the building pad. **Ms. Ware** (the

applicant) responded that she currently rides along the canal banks and would not have an issue with the public doing the same.

The applicant stated that when the property was purchased, the State denied access because of the proximity to the intersection, so there is no other access point other than that proposed by this application.

The Public hearing was opened.

Tifani Price is a neighbor and the seller of this property. If the building pad is not moved, the view from the home would be obstructed. Ms. Price has given the applicant her blessing to move the building pad and would have wanted to build a home in the proposed area if she had not sold the property. Highway 32 is a mess with a lot of traffic and accidents.

Adding more cars by an access on that road would not be a smart idea.

Joseph Tatton stated that his grandmother used to own the property and there are risers being used to sprinkle on the original culvert. The sprinkling system would have to be changed and digging along the canal would weaken the banks and a culvert will be required. **Mr. Tatton** is concerned there is not enough room for a road. Horses will ruin the fences. The applicant responded that 36 feet from the corner of the building pad to the canal is available for a road and access has been granted by Mr. Weller. To relocate the pipe will take the cost of the work to move the sprinkler and there is no desire to use the sprinklers for other property. The local water company has signed off on this application. The applicant will have appropriate fences to secure the horses.

There was some discussion by the Planning Commission about the sprinkling and irrigation systems.

Craig Caldwell owns the property next to the applicant and is concerned that if a well is drilled it will affect Mr. Caldwell's water. There is a concrete barrier over the canal, so that is not a feasible access. There is a safety hazard because the hill obstructs the view. Steve Price is not a good neighbor because he does not mend his fence. There is a telephone pole and a cable box in the middle of the access and Mr. Caldwell is concerned that those will end up on his property. **Commissioner Wilde** stated that when Mr. Caldwell drilled his well, he took someone else's water. Mr. Caldwell has the right to file a protest, but the applicant has the right to drill.

The Public Hearing was closed.

Commissioner Sargent stated that the sanctity of the subdivision plat needs to be protected, but when the plat was approved no thought was put into the location of the building pad. It is the responsibility of the neighbors to look at the notice of the application and respond. Safety is a big issue for approving this application.

Findings of Fact:

1. Mary Flinn Ware is the listed fee title owner of Parcel MMS-9.
2. Parcel MMS-9 is 3.60 acres in size.
3. Parcel MMS-9 is located at 2736 N State Road 32.
4. Parcel MMS-9 is located in the AG-5 Zoning District.
5. The Marion Meadows Subdivision plat was originally platted in 1995.
6. Lot 9 of the Marion Meadows Subdivision has a building pad with general dimensions of 160 feet x 170 feet located on the west side of the property near Highway 32.
7. The applicant is requesting an amendment to modify the approved building envelope that would move the envelope eastward towards the Weber-Provo River Diversion Canal.
8. The proposed building envelope would have general dimensions of 230 feet x 120 feet, which is approximately 400 square feet larger than the previous envelope.
9. Placing the envelope away from the intersection of Highway 32 and 2700 N will allow for increased traffic safety by removing a potential intersection conflict.
10. The Utah Department of Transportation has informed the applicant that they will not grant access to the property from Highway 32.

Conclusions of Law:

1. There is good cause for the amendment based upon evidence submitted that shows that by accessing the property away from the intersection of Highway 32 and 2700 N will provide a safe alternative for access to MMS-9
2. No increase of density is proposed

Commissioner Wilde made a motion to approve the Marion Meadows Subdivision plat amendment according to the Findings of Fact and Conclusions of Law found in the Staff Report. Commissioner Sargent seconded the motion.

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

8. Approval of Minutes: August 16, 2018; January 17, 2019.

Commissioner Wheaton made a motion to approve the minutes of the August 16, 2018 meeting of the Eastern Summit County Planning Commission, as written. Commissioner Sonntag seconded the motion.

- **MOTION CARRIED (5-0) Commissioners Sargent and Benson abstained.**

Commissioner Sonntag made a motion to approve the minutes of the January 17, 2019 meeting of the Eastern Summit County Planning Commission, as written. Commissioner Rydalch seconded the motion.

- **MOTION CARRIED (5-0) Commissioners Wheaton and Benson abstained.**

Work Session

1. Discussion regarding an amendment to the Promontory Development Agreement.

- Amir Caus, County Planner

Planner Caus stated that Staff is asking the Planning Commission if the overall proposal is okay. Staff is working on regulating the square footage to be gross square footage.

Shawn Potter shared Promontory's request for modifications of the Development Agreement. The Pinnacle subdivision is an ongoing part of the Promontory Development. Market research shows that there is demand for large luxury homes within a gated community with like-minded people. The Pinnacle would include 36 custom home lots of two to five acres, 28 semi-customized homes and an amenity building/ gathering place. The homes will be located more than fifty feet below the ridgeline. Only 64 of the allowed 69 lots will be used. Not all of the lots will allow up to 20,000 square foot homes and those that do will be encouraged to be energy efficient and use solar energy. The cost per square foot is higher for the larger homes and will increase the tax base. Casitas are not typically allowed unless visibly connected and all casitas will be included in the total square footage allowed for the building lot. The Code does allow for an accessory building living space up to 1000 square feet.

Chair Clyde stated there is no current cap in the Code for square footage of homes. The restriction is only in the Promontory Development Agreement. The modification requests are only for 36 lots.

The Planning Commission agreed that the amendment to the Promontory Development Agreement seems like a reasonable request and would like to have a site visit to see the proposed Pinnacle subdivision area. There will be a pending application in the next few days.

Director Items

There are no items for the April 4th meeting, so the meeting will be canceled for Spring Break.

Chair Clyde will not be in attendance on April 18th, so that meeting might be canceled.

There should be a Work Session for a General Plan review soon.

At 8:43 p.m. Commissioner Rydalch made a motion to adjourn.

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

A handwritten signature in black ink, appearing to read "Tom Clyde". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Approval Signature