

MINUTES

Eastern Summit County Planning Commission

REGULAR MEETING
THURSDAY, MAY 2, 2019
SOUTH SUMMIT COUNTY SERVICES BUILDING
110 NORTH MAIN STREET
KAMAS, UT 84036

COMMISSIONERS PRESENT:

Amy Rydalch
Bill Wilde

Marion Wheaton
Clint Benson

Regrets: Don Sargent, Rich Sonntag, Tom Clyde

STAFF PRESENT:

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

Katy Staley-*Secretary*
Amir Caus-*County Planner*

PROMONTORY SITE VISIT – PROMONTORY RANCH ROAD, WEST PARKING LOT

REGULAR SESSION

Commissioner Wheaton nominated Commissioner Wilde as Chair pro tem for this meeting. Commissioner Rydalch seconded the motion.

- **MOTION CARRIED 4-0**

Chair pro tem Wilde 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 action regarding the proposed Promontory Development Agreement Amendment to increase the home size from 8,000 sq. ft. to 22,000 sq. ft. in Pods 88, 89, 90, and 91 and to allow for accessory dwelling units; Promontory portions of Parcels NS-1, NS-2, NS-3 and SS-23, Summit County, Utah; Shawn Potter, applicant.** – *Amir Caus, County Planner*

Planner Caus shared the background of the application. A work session was held last month regarding this proposal to allow for a home size of 22,000 square feet gross for the

Pinnacle Subdivision for 36 of the lots in the subdivision. The amendment to the Development Agreement would also allow for an accessory dwelling unit for those 36 lots. The Planning Commission did not share any general concerns during the Work Session but did direct the applicant and Staff to bring finalized language and ridgeline analysis as part of the application. There were some concerns with ridgeline on a few of the lots. The applicant is also asking for an amenity with the subdivision and will address that and other concerns. Staff is seeking direction from the Planning Commission before drafting Conclusions of Law for this application.

Francis Najafi, the developer expressed his appreciation to the Planning Commission for the site visit. The 10,000 square foot limitation for homes in Promontory was a self-imposed restriction and no other project in Summit County has a limitation on square footage. The request for 22,000 square foot home size is an arbitrary number and a marketing issue. The ridgeline issue has been negotiated and the project should be fully compliant. The applicant is working to comply with the requirement of slopes no greater than 30 percent, but there are some lots that cannot comply because of access points. The applicant is requesting permission to build on slopes greater than 30 percent in those limited cases.

The design guidelines already allow accessory dwelling units as long as they are attached to the main dwelling. The request is to allow accessory dwelling units without being attached to the main dwelling. The applicant is willing to concede to having the accessory dwelling units be attached. The accessory dwelling unit would be included in the total square

footage. Homeowners have rights to do what they want with their property, but Promontory limits access to club members to help regulate use.

The Public hearing was opened.

Cheryl Butler representing Habitat for Humanity asked if the accessory dwelling units could be made available for affordable housing as rental units or separate home ownership.

Mr. Najafi answered that Promontory is in the process of accelerating the employee housing requirement. Twenty building units should be online this year. Promontory cannot require homeowners to provide employee housing or to use their accessory dwelling units as employee housing.

Lisa McEntire lives across the golf course from the Pinnacle Subdivision as a full-time resident. Her home view is oriented toward the subdivision and knew that the area would be developed at some point. Ms. McEntire was given the understanding that this area would be developed similarly to other neighborhoods in Promontory and is not in favor of increasing the size of homes in the subdivision or allowing detached accessory dwelling units. A structure of 22,000 square feet would be roughly the size of half a football field, almost five times the size of Ms. McEntire's home. Most commercial spaces in the county are not that large. Many homes in the neighborhood have views toward the Pinnacle Subdivision and homes that large are not visually appealing. There could be a negative impact on property values of the neighboring homes.

The Public hearing was closed.

Mr. Najafi stated that the request for the increased square footage is a marketing strategy and it is not expected that anyone will come close to building a 22,000 square foot structure.

There was discussion about the driveways that would be built on slopes greater than 30 percent. The steep driveways could be a safety hazard in the winter. Mike Kendall stated there are very few driveways that have slopes over 30 percent and the driveways with steep slopes would be built with retaining walls and have a cross-section cut and fill.

Commissioner Benson asked when the lots were expected to be purchased. **Mr. Najafi** expects about three to five years for sales and probably another five years before absorption. Construction will not happen all at once.

Commissioner Rydalch stated that the Planning Commission has to look at the 22,000 square foot home size must be considered as a possibility for homes being built to that size, if approved. Examples of large facilities were shared, including the clubhouses that are encroaching on the 22,000 square foot size. An email was received from a resident concerning a gas line that crosses some of the lots in the Pinnacle Subdivision. **Kristian Mulholland, Promontory's Engineer** stated that a gas line runs throughout Promontory, with an easement provided outside the lot line. The same process will be used for the Pinnacle.

Commissioner Rydalch stated there is not an upper restriction for square footage at a County level, so that is not much of a concern. The slopes over 30 percent are a concern. After the site visit today, there is less of a concern over ridge lines. There is a concern over fire safety and having enough water. **Mr. Mulholland** stated that all fire safety

requirements will be met. **Planner Caus** stated that the Fire Department has been contacted and they have no concerns with the larger size of the homes as long as road improvements are made along with the building of the homes.

Planner Caus stated that several email comments were received from Tom Steinmetz, Tom Hildebrand, William and Kathryn Walker, Larry Brownstein, and Kim and Jim Graham that will be included in the record.

Shawn Potter addressed the ridgeline concerns and stated that the area was not designated as ridgeline in the original Promontory Development Agreement, but Promontory is willing to treat it as such and will follow the ridgeline guidelines as set forth in the Development Agreement. County Staff has recommended that the larger homes over 10,000 square feet should have an energy efficiency requirement. **Mr. Potter** stated that Promontory would require the larger homes to be required to follow the Energy Conservation Code adopted by the State and beat that energy efficiency standard by ten percent.

Commissioner Wilde asked for clarification on renting the accessory dwelling units. **Mr. Potter** answered that according to current Promontory CC&Rs, any rental must be for more than 90 days and must include the entire property, so the accessory dwelling could not be rented separate from the home.

Commissioner Wilde stated his ongoing concern that employee housing has not made any headway. Promontory needs to step up to their commitment to build employee housing. Jobs have been created and there are several places on Promontory property for employee housing. Building employee housing will help Eastern Summit County. **Mr. Najafi** answered

that Promontory employs and provides charitable contributions to all of Summit County.

Promontory is actively planning the building of employee housing units. **Planner Caus**

stated that the County Manager has signed an agreement with Promontory concerning

employee housing to have the original commitment completed within five years.

Commissioner Wheaton stated that it would be preferable to not have accessory

dwellings detached. A common wall would be fine. There would be less of a visual impact to

the neighbors if accessory dwellings are connected to the main dwelling. **Commissioner**

Wilde stated the quality of Promontory will not damage anyone's property values. **Mr.**

Najafi stated that there are strict design guidelines enforced throughout Promontory. The

higher pricing of the larger homes proposed will have a positive impact on all property in

Promontory, with significantly higher taxes for the County.

Commissioner Benson suggested that the cabin area of the Nicklaus Clubhouse be

available for employees. **Mr. Najafi** answered that the cabin area is already sold.

Commissioner Benson asked about landscaping requirements. The landscaping

requirements for Pinnacle have been increased from others in Promontory and were

shared. There are very specific plant species allowed.

Commissioner Wheaton stated that the applicant has stated the increased home size is a

marketing tool to increase property values, which will make more money for Promontory.

Can additional workforce housing units, Open Space or trails be required if the increased

home size is approved? **Attorney Strachan** answered that any amendment to the

Development Agreement opens the Development Agreement to having other provisions

attached to it. There needs to be a better understanding of the historical background of the

square footage limitation before more provisions are attached. There are no current overall home size limitations within Summit County and Promontory is not asking for additional density, just higher intensity of use. **Director Putt** stated that a 22,000 square foot home generates the need for significantly more employees than a 10,000 square foot home could be used as an argument to require more employee housing units to offset the larger home size.

Commissioner Rydalch stated there needs to be more information about the amenity building, including square footage and ridgeline status. **Mr. Najafi** shared the design concept with the Planning Commission. The amenity building would include a fitness center, spa and concierge office to serve the Pinnacle community.

Planner Caus asked for direction from the Planning Commission on six points: 22,000 square foot home size the Planning Commission supports, 4-0; accessory dwelling units overall supported by the Planning Commission 3-1 (Commissioner Wheaton not in favor); attached accessory dwelling unit with a common wall is supported by the Planning Commission with the acceptance by the applicant 4-0; ridgeline at 28 feet is supported by the Planning Commission 4-0; the proposed amenity pending more information including uses and site disturbance area to be presented at the next meeting is supported by the Planning Commission 4-0; energy efficiency needs direction and more information for the guidelines proposed and would be difficult to enforce and further discussion will be required; development on greater than 30 percent slopes is prohibited by Code and there are design solutions that could remove the need to build on those slopes.

Staff is also seeking direction for Criteria 1 and 2. **Commissioner Rydalch** stated that the application meets criterion 2. Criteria 1 could have the argument that it was unknown at the time that there would be a market for homes of this size, but Promontory is a higher-end development that already markets to an exclusive audience. **Attorney Strachan** stated when Promontory first came online there were no other products like it. With the development of The Colony, market conditions in Summit County require competition with similar products in Summit County.

Planner Caus will provide Findings of Fact for the next meeting. **Commissioner Wilde** stated it would be important to have the input from Chair Clyde and Commissioner Sargent.

Commissioner Wheaton made a motion to reopen the Public hearing and continue this item to the May 16, 2019 meeting. Commissioner Rydalch seconded the motion.

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

Work Session

1. Discussion regarding General Plan work program – *Patrick Putt, Community Development Director*

Director Putt recommended this Work Session be moved to the first June meeting and would like to start with Chapter 1 and have Work Sessions for each chapter of the Code. A substantive rewrite is not proposed, but an annual review of the General Plan should be done to keep it fresh and up to date. Staff suggested that there be a future land use map to identify appropriate areas for future rezones and future development.

Director Items

May 16th will have the Final Subdivision Plat for Chokecherry Subdivision and the plat amendment to the Orgill Subdivision.

An application for a Village Overlay Zone in Hoytsville has been submitted. The County Council will review this application on May 22nd, where they will review and ratify the study area boundary and create a land use plan committee. Up to three Planning Commission members and up to five landowners can be on the committee. The Planning Commissioners for the committee need to be selected at the May 16th ESCPC meeting.

Director Putt will find out if there is a conflict with Commissioner Benson being an assessor and on the Planning Commission.

Director Putt will check if Promontory is being assessed a special fee from Park City Fire.

Director Putt asked for any input from the Planning Commission regarding the new IPADs and stated the Planning Commission should contact the office with any problems.

ADJOURN

At 8:12 p.m. the meeting adjourned.



Approval Signature