

# MINUTES

## SNYDERVILLE BASIN PLANNING COMMISSION

REGULAR MEETING  
TUESDAY, APRIL 23, 2019  
Sheldon Richins Building  
1885 West Ute Boulevard,  
Park City, UT

### COMMISSIONERS PRESENT:

Malena Stevens- *Chair*  
Thomas Cooke  
Ryan Dickey

John Kucera  
Crystal Simons

**Regrets:** *Joel Fine, Canice Harte*

### STAFF PRESENT:

Peter Barnes- *Planning & Zoning Administrator*  
Jami Brackin- *Deputy County Attorney*

Ray Milliner- *Principal Planner*  
Tiffanie Northrup-Robinson- *Senior Planner*  
Kathy Lewis- *Secretary*

The meeting was called to order at 4:30 PM.

### REGULAR SESSION

#### 1. General Public Input

*The public hearing was opened. No comments were made and the public hearing was closed.*

#### 2. Public hearing and possible action regarding a proposed Plat Amendment for the Woods at Parley's Lane Lot 25; 8971 Parley's Lane; WPL-25-AM; Russ Campbell, applicant- Tiffanie Northrup-Robinson, Senior Planner

Planner Northrup-Robinson said this proposal is for a plat amendment for the Woods of Parley's Lane Lot 25. The proposal is to abandon a water line easement, which leads to a water tank owned by Summit Water. The tank is located on parcel SS-4-A-W. The easement is being relocated to the south and east boundaries of the subject property. Planner Northrup-Robinson said the applicant is Russ Campbell. He is representing the owners, who are Kathryn Russell and David Weber. They are preparing to construct a

home on the property and have been working with Summit Water. If approved, this will result in a more buildable parcel without a water line easement bisecting the land.

A slide was shown that showed a rough road. This is the current easement to the water tank. The new access road will go between lots 23 and 24. This plat amendment and the subsequent recording documents will abandon the current location on lot 25 and will relocate the easement to the location that was shown on a slide.

Planner Northrup-Robinson said this item was scheduled for a public hearing in December but was removed from that agenda in order to work out some details. Public noticing for this meeting has taken place. No comments have been received. Staff recommends the Commission hold a public hearing and vote to approve the proposed plat amendment as outlined in the Staff Report.

*The public hearing was opened. No comments were made and the public hearing was closed.*

#### **COMMISSION COMMENTS AND QUESTIONS**

**Commissioner Cooke** verified the location of the existing and the proposed easements. He asked if there have been any comments from Utah Open Lands. Planner Northrup-Robinson said they have indicated they are fine with the amendment. There were no other questions from the Planning Commissioners.

#### **MOTION**

***Commissioner Dickey made a motion to approve the plat amendment to relocate the existing water line easement on lot 25 of the Woods of Parley's Lane Subdivision as outlined in the Staff Report and below. Commissioner Cook seconded the motion. All voted in approval.***

#### **FINDINGS OF FACT**

- 1. The Board of County Commissioners via Summit County Ordinance 596 approved The Woods of Parleys Lane (aka Aspen Highlands) Rezone and Development Agreement on December 21, 2005.**
- 2. The Woods of Parleys Lane development consists of 43 residential lots.**
- 3. The Woods of Parleys Lane Subdivision was platted January 15, 2007.**
- 4. The first amended Woods of Parleys Lane Subdivision plat was recorded on August 17, 2007.**
- 5. The second amended Woods at Parley Lane Subdivision was recorded on May 23, 2013.**
- 6. An application for the proposed plat amendment to Lot 25 was submitted to Summit County on September 14, 2018.**
- 7. The proposed amendment would relocate the existing water line easement to follow along the south and easterly boundaries of Lot 25.**
- 8. Kathryn White Russell and David Christopher Weber, as joint tenants, are the listed fee title owners of Parcel WPL-25-AM.**
- 9. Parcel WPL-25-AM is 1.21 acres in size.**
- 10. Parcel WPL-25-AM is located at 8971 Parleys Lane.**
- 11. Parcel WPL-25-AM is located in the Mountain Remote (MR) Zone District.**
- 12. Summit Water Company has authorized the modification of the proposed water line easement relocation.**
- 13. Section 10-3-18.B of the Code establishes that the Snyderville Basin Planning Commission “shall be the land use authority for [plat amendments that alter plat notes in anyway.]”**
- 14. Section 10-3-18.B of the code requires that the Snyderville Basin Planning Commission shall hold a public hearing prior to rendering a decision on the proposed plat amendment.**
- 15. Public notice of the public hearing was published in the April 13, 2019 issue of the Park Record.**
- 16. Postcard notices announcing the public hearing were also mailed to property owner within 1,000 feet of the subject property.**

#### CONCLUSIONS OF LAW

- 1. There is good cause for the amendment for the Woods of Parley Land lot 25 plat amendment as the proposed relocation of the water line easement would create a more viable parcel to build on and maintain the necessary water line easement to continue service for Summit Water.*
- 2. No increased in density would occur because of this amendment.*

#### CONDITIONS OF APPROVAL

- 1. All service provider conditions and/or corrections must be met prior to the recordation of the plat amendment.*
- 2. All necessary easement documents shall be recorded prior to or in conjunction with the amended plat.*

- **MOTION CARRIED (5-0)**

- 3. Public hearing and possible action regarding a Plat Amendment to modify the development activity envelope on Lot 37 of the Preserve Phase 2 Subdivision 663 W. Deer Hill Road; PRESRV-2-37; Rich Pittam, applicant- *Sean Lewis, County Planner***

*(This item was moved to a later date.)*

#### **WORK SESSION**

- 1. Discussion regarding possible amendments to the Snyderville Basin Development Code creating a Neighborhood Mixed Use Zoning District (NMU-1)- *Ray Milliner, Principal Planner***

Planner Milliner said the Commission has been provided with the copy of the latest version of the proposed NMU zone. It was submitted by the applicant, Market Place Development, lead by Henry Sigg. This was reviewed briefly at a previous meeting. At

that meeting, the Commission directed Staff to create a redlined version of the proposed amendments compared to the document Staff created.

Planner Milliner explained the redlined version was sent to the Commissioners in their packet. The black strike-out is the wording that was removed. The redlined wording is what was added. Also included in the packet is a map of the areas that are earmarked as potential mixed use.

Planner Milliner said he would like to get feedback from the Commission at this meeting. Is this language something that the Commission would like to consider? The applicant is in attendance and can supply the reasoning behind the proposed changes.

**Commissioner Kucera** asked to be reminded of the process. Will this document be subject to another layer of review after the Commission is finished? Planner Milliner said that is correct. Staff works on it first, then the Planning Commission, finally the County Council. **Commissioner Kucera** said he would appreciate input from Staff on what Mr. Sigg is proposing. What are the pros and cons?

A decision was made by the Commission to begin the review by going through the redlined wording.

#### **SUSTAINABILITY EFFORTS**

It was noted that a section on sustainability was removed. Planner Milliner said Staff sees sustainability as more than just “green practices.” It has to be something that has lasting usefulness. Staff is on the fence if what has been proposed is something that should or should not be included.

Mr. Sigg said the intent is not to remove the requirement for sustainability. To him and his partners, sustainability includes how the site is managed. This includes things like hauling the dirt from the site, the truck traffic, and the impact to the roads. He said to

design the project according to the site topography, makes a difference in the impact to the area. He understands this is only a small part of sustainability. They do not want to remove sustainability policies from the ordinance.

Mr. Sigg said the proposed ordinance was looked at from an architectural and developers point of view. They intentionally left some flexibility. For example, there may be flexibility in the height of a structure. All developments will also go through the MPD process.

#### **GENERAL COMMENTS**

**Commissioner Dickey** said he would like to have a document that comes from Staff along with Staff's recommendation. He prefers the general language on sustainability that was in the original document. He thinks that LEED is a very expensive way to build affordable housing. Mr. Sigg said they want to work collaboratively with Staff.

Mr. Sigg reminded the Commission this isn't a document they made up. It was a document that the County Council directed should be created. This version began from a document that was prepared by Staff. They took the base document and filled in the blanks in order to move it forward.

**Chair Stevens** said this is different than the document that Staff brought to the Commission. The applicant has made changes. She asked how that will impact the Commission's review of the document.

Director Putt reminded the Commission why this is being done. A little over three years ago, an update was added to the Snyderville Basin General Plan. At that time, there were more than 4,000 residential parcels with residential entitlements. That is also when Policy 2.3 was put into the Summit County General Plan.

It was decided that no new entitlements were to be created unless there was a compelling countervailing argument to do so. The County Council gave the example of

workforce housing and mixed use developments with transit connections. These were the types of opportunity the County Council left the door opened for.

Director Putt said it was decided that appropriate locations for these types of developments should be designated. The following criterion was developed and should be applied when choosing a location:

- There should be existing infrastructure
- The location should avoid traffic congestion
- Transit facilities should be located nearby

After this list was created, five or six possible locations were chosen where it might be considered to increase the density. These locations were:

1. The entrance to Jeremy Ranch and Pinebrook
2. Kimball Junction
3. Lower Silver Creek near the I-80 interchange
4. The east side of U.S. 40, by Silver Summit
5. A small area by Quinn's Junction

Director Putt noted that the Community Commercial (CC) zone doesn't have much flexibility in terms of building height, setbacks, and open space. There are also problems in terms of land use. This CC zone comes with uses that may not be desirable. He said neither the Neighborhood Commercial nor the Service Commercial zone exactly fit. The strong feeling was an additional zone was needed.

Director Putt remarked that the Town Center has no list of uses. What ends up being approved is essentially a SPA where a negotiation process takes place. This created a strong lack of predictability. This was problematic for the Commission, the property owner, the developer, and the community. The NMU zone will help fix this. This would have worked well with the Lincoln Station project. There are legitimate reasons why flexibility of the standards may be desirable.

Director Putt said the Master Plan Process (MPD) is not a SPA. It won't create density. It won't grant uses that are not already permitted in the zone. Details of the NMU zone were outlined.

Director Putt described the charrette exercise that Summit County instigated a few years ago. Design professionals were hypothetically given two pieces of land to design developments with possible NMU principals that may have allowed for higher densities.

Director Putt said one of the variables is building height. Sixty feet is being proposed. Another is the sustainability aspect of the zone. He encouraged the Commission to not worry excessively about creating sustainability language. If they do, the Code will always be chasing technology.

Director Putt said the Building Code is given to Summit County, by the State legislature. The State is not as aggressive on sustainability issues as the residents of Summit County may like them to be. He thinks that getting people out of their single occupancy cars for the most basic trips would be the best sustainability goal.

Administrator Barnes said that Mr. Sigg has made some changes to the NMU zone proposal. The question that needs to be asked on each of the redlined sentences is if this is the same, better, or worse. In the end, the answer to that question will determine what they want to do next.

Director Putt said sometimes the County is hesitant to define what they want to see happen, so they result to a negotiation process. He doesn't think this works well; one reason is that it results in a lack of predictability. There aren't any standards that can be used to evaluate the good from the bad.

## **SUSTAINABILITY**

**Commissioner Cooke** referred to the Lincoln Station project. It would have been nice to work with the NMU zone, but because it wasn't available, it was processed as Community Commercial. In the end, the project went above and beyond the standards on building the project.

**Commissioner Cooke** said they are not just talking about this zone for just Mr. Sigg's project, but for all of the areas that were identified on the map. They have a mandate from the County Council to view projects from a lens of sustainability. He thinks the standards should be tied to sustainability.

Administrator Barnes said he questions why the County would want to be tied to a third-party standard, such as LEED. These standards can change at any time. He recommended the Commission look at industry standards or state of the art best practices. Another option is to leave the language as is.

**Commissioner Cooke** said he isn't advocating for any particular set of standards. His concern is that the language on sustainability was struck out of the document being presented by Mr. Sigg. He isn't comfortable in relying only on an applicant's good will.

**Commissioner Simons** recommended they leave the sustainability language, but strike out the reference to LEED. She appreciates going through this process with a real application. It helps her see how the principles would be applied.

Mr. Sigg said there is a misunderstanding of why Section 10 was stricken. They wanted to replace it with site topography. Their thought process had to do with the sustainability of an active construction site and its impacts. He doesn't have any issues with A-F being included in the document. **Commissioner Simons** proposed they add a Letter G to the section and title it "topography."

Director Putt said Staff is talking about a formal pre-application hearing as part of the MPD process. Part of the process is that a narrative is presented to Staff. When the East Side Planning Commission was developing the MPD process, they decided to have each Commissioner come back with the five most critical items they look at when reviewing an application.

He said the Commission then reviewed the elements that were listed with an eye towards what will create the most successful project with the least negative impacts. They narrowed the list down to about a dozen items. This list would be given to a developer, along with the opportunity to explain the design of the project. This was done at the beginning of the process before a lot of money and time was invested.

**Commissioner Simons** said she sees that looking at this document with a possible development application as an efficient use of time. She likes putting the work onto the applicant. They can explain their plan in their words. Director Putt said this narrative doesn't cost an applicant anything but the time to explain the work that has already gone into the project. Every project is different and will have different opportunities.

**Commissioner Cooke** said this is about making a better place to live. This will be a zone for *neighborhood* commercial. It is unacceptable that to not have sustainability standards. Topography should be part of a checklist. In the end result, they need to have a healthy community. They are trying to create places where people can live.

**Commissioner Dickey** said there is a SPA process on the books. They have been working on the NMU zone for three years. He doesn't want to wait three more years to get the community benefits they want, such as affordable housing and better transportation because they are putting a big process in front of these things. Director Putt said he thinks they are close to having a NMU zone if they don't get too far out into the weeds. Mr. Sigg's project could have come to them as a SPA. He noted there are locations in the Snyderville Basin where a SPA is not permitted.

**Chair Stevens** said Mr. Sigg didn't develop this language from nothing; he had a document to work with. She feels they have worked through some of the concepts at this meeting. With the work that has been done by Staff and the applicant, they may be able to get through this relatively quickly. Planner Milliner continued with the review of the document. Suggestions were made by the Commission.

#### **REZONING ELIGIBILITY**

- Should the property not exceed 30 acres? Mr. Sigg said this size was chosen because it seemed consistent with other land uses.
- Open space was discussed. Director Putt said open space was a driver on the size of the area. This number can be revisited. They don't want to have something so small that a good project might be eliminated. Is an acreage limit needed? If so, what would that number be?
- Sometimes the critical element isn't about open space or the acreage, but it is about smart design. Mobility may be what is needed.

#### **AFFECTED PROPERTY-**

- Planner Milliner said that Mr. Sigg struck this out, but Staff believes it should be left in. An example of what this means was given, which is that all properties under the same ownership are to be included. Contiguous properties should be master planned at the same time.
- Contiguous landowners could apply for a rezone.
- **Chair Stevens** suggested this be further clarified touching on the possible exceptions.

#### **Density/Floor Area Ratio and Open Space-**

- It was noted that the FAR was slightly reduced. This results in less density.
- Floor Area Ratio and open space needs to be defined. What counts?

- What are they looking to achieve? People need to have open space to make an area livable. The public realm needs to be quality.
- Staff will come back with examples of 15% open space.
- Should some standards be left to negotiation? The standards could be considered as a general guideline, or should all standards be measurable?

Planner Milliner said Staff will go through the open space language and bring maps back with different scenarios demonstrating the different percentages. They will bolster the language to make it more defined and clear. They will look at the floor-area-ratio and how that will be applied to the site.

#### **AFFORDABLE HOUSING**

- The numbers for the density incentive for additional affordable housing was left empty by Staff. Mr. Sigg filled in some numbers for the Commission's consideration.
- A discussion ensued on why affordable housing does not count towards density. Attorney Brackin said the County mandates affordable housing. To make that work for the developer, they have to be able to build the density that will allow the development work economically. The housing has to fit on the site.
- The required affordable housing does not count towards the density. Any additional affordable housing granted as a bonus does count towards the density.
- The verbiage in the General Plan on affordable housing needs refining. The hope is to create language in this document that is clear and concise.
- A "fee-in-lieu-of" doesn't not receive a density bonus. It was recommended the Commission specify that a "fee-in-lieu-of" is not an option in the NMU zone.

#### **PARKING**

- It was noted the document grants 10% additional density for the voluntary reduction of parking spaces; however, there is also a proposal for an increase of parking spaces.

- More parking spaces should not be allowed because the County is trying to reduce parking,
- Should a tiered incentive for parking be established?
- To reduce the number of parking spaces, Staff is considering incentivizing structured parking. This might be either above or below ground. A developer may need more density to make the finances work.
- Should structured parking be made a requirement? If so, should incentives be offered? Administrator Barnes said a developer does not want to spend a lot of money on the required parking. He may need additional parking to sell commercial real estate.
- Underground parking gives more open space.
- The parking requirements are dictated by the end user. A grocery store requires five parking spaces per 1,000 square feet. Civic uses also require more parking. If there isn't enough parking, people will find other places to park, usually within the public realm.
- The parking at Whole Foods exceeded the maximum allowed parking. The parking there is usually full.
- Staff was instructed to look at language for parking again.

## **HEIGHT**

- The original number was 45 feet. Mr. Sigg has increased it to 60. Planner Milliner said that Staff has talked about a method of preserving open space is to build up, not out.
- Will the height be measured from the finished or existing grade? The Code requires the height to be measured from whichever method will create the shortest building.
- The only existing 60' tall buildings are inside the Canyons SPA. The field house is about 55'. Other examples were given.

- The surrounding structures (or the context) of a 60' tall building will matter. It wouldn't stand out that much if it were built in Newpark. From level ground, it would be huge. Where and how the site is measured will be important. The undulating grade should be considered.
- Extra height might be included as an incentive for structured parking.
- Should the 45 foot height be left as originally written? This would take away the developer's ability to go larger. It was decided to leave 60 feet in the language to allow flexibility.

#### **SINGLE-STORY COMMERCIAL STRUCTURES**

- Should the original verbiage remain or the suggested verbiage? There might be a good reason to have a single story building. The original gives more flexibility.
- A drive-up bank or coffee shop could be the bottom floor of a taller building.
- Single-story structures are land wasteful. Through the MPD process, a single story might be granted; otherwise, the default says it can't be built.

#### **OTHER**

- Pedestrian and bicycle linkages shall be physically separated from traffic

Director Putt suggested they return with a work session with the changes and with the MPD process. Following that, they can schedule a public hearing. When that is completed, do they bundle this with the other Code work they are doing, or advance this language to the County Council as soon as possible to be available as developments are processed. The Commission has some time to think about that question.

#### **DRC UPDATES (None)**

#### **COMMISSION ITEMS (None)**

**DIRECTOR ITEMS**

A meeting will be held with the County Council. The upcoming agenda items were reviewed. The retreat will be coming up.

**ADJOURN**

**At 7:00 p.m., the meeting was adjourned.**

A handwritten signature in black ink, appearing to read "Mike Sturges", is written above a horizontal line.

**Approval Signature**