STAFF REPORT

To: Snyderville Basin Planning Commission
From: Ray Milliner, County Planner
Date of Meeting: January 14, 2020
Type of Item: Development Code Amendment – Work Session
Process: Legislative

Attached is a revised copy of the proposed MPD language. Additions to the language are in red. Staff requests that the Commission review the language and provide direction.
MASTER PLANNED DEVELOPMENTS

INTENT

A Master Planned Development (MPD) is a comprehensive project design strategy aimed at creating neighborhoods not just Subdivisions. MPDs are intended to provide better opportunities to create projects that address site conditions, the characteristics of the surrounding properties, as well as community and market demands. The MPD process creates administrative tools to promote the efficient use of land resources as well as efficient public infrastructure and utility services. The goal of this strategy is to produce superior project design through flexibility and innovation to advance the goals of the Snyderville Basin General Plan and this Code.

APPLICABILITY

Required: Unless the property is subject to an approved Development Agreement, Settlement Agreement or Consent Agreement, the MPD process shall be required in all zones for the following:

1. Any Application for a rezone.
2. Any residential Development requesting Incentive Density.
3. A Residential project with ten (10) or more Units of Density.
4. Any Hotel or lodging project with 10,000 square feet or more of Gross Floor Area or more Residential units.
5. Any new Commercial, Retail, Office, Public, Quasi-public, Mixed Use, or Industrial project with 10,000 square feet or more of Gross Floor Area.

USES

An MPD can only contain Uses, which are Allowed, Low Impact or Conditional in the Zone District(s) in which it is located. When the project area includes more than one (1) Zone District, Uses may be relocated across Zone District lines if the Planning Commission determines that relocation results in a project design that advances the goals set forth in the Snyderville Basin General Plan.

PROCESS

1. Pre-Application Conference: A pre-application conference shall be held with staff for the Applicant to become acquainted with the MPD procedures and related County requirements and schedules. Staff may give preliminary feedback to the Applicant based on information available at the conference and may inform the Applicant of potential issues or special requirements which may result from the proposal.

2. Pre-Application Work Session Public Meeting: In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for an MPD, the Applicant may request a work session discussion with the Planning Commission after the pre-application conference with staff. If a work session is held, public input shall be permitted.

At the pre-Application work session public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed MPD. The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood
concerns in preparation of an Application for an MPD.

It is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.

3. The MPD Application: A plan for the MPD shall be submitted with a completed Application form supplied by the County. A list of minimum requirements will accompany the Application form. The Application must include written consent by all owners of the property to be included in the MPD. Once an Application is received, it shall be assigned to a staff planner who will review the Application for completeness. The Applicant will be informed if additional information is necessary to constitute a complete Application.

4. Planning Commission Review and Public Hearing; County Council Action: The County Council is the Land Use Authority for MPDs. Prior to final action by the County Council, The Planning Commission is required to hold a minimum of one (1) public hearing prior to forwarding a recommendation to the County Council. County Council action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval.

   Planning Commission Action: Except in the case of MPDs that include a rezone, the Planning Commission shall approve, approve with modifications, or deny a requested MPD. The Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after public hearing is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in Section ______ herein.

   County Council Action: In the case of MPDs that include a rezone, the County Council shall approve, approve with modifications, or deny a requested MPD. The County Council action shall be in the form of written findings of fact, conclusions of law and in the case of approval, conditions of approval. Action shall occur only after a public hearing is held. To approve an MPD, the County Council will be required to make the findings outlined in Section __________ Herein.

5. Vesting of Approval:

   a. MPDs Not Associated with A Final Subdivision Plat: Construction within the MPD area will be required to commence within five (5) years of the date of the MPD approval. After construction commences, the MPD shall remain valid if it is consistent with the approved specific project-phasing plan as set forth in the approved Final Site Plan and associated documents. It is anticipated that the specific project-phasing plan may require review and re-evaluation of the project at specified points in the Development of the project.

   b. MPDs Not Associated with A Rezone but Requiring A Final Subdivision Plat: A final Subdivision plat must be recorded within five (5) years of the date of the MPD approval. Additionally, construction within the MPD area will be required to commence within five (5) years of the date of the MPD approval. If the required final Subdivision plat recordation and construction commencement has not taken place in the prescribed timeframe, the MPD shall expire and the final Subdivision plat shall be void.
c. **MPDs Associated with A Rezone, But Not Requiring A Final Subdivision Plat:**
   Construction within the MPD area will be required to commence within five (5) years of the date of the MPD approval. After construction commences, the MPD shall remain valid if it is consistent with the approved specific project-phasing plan as set forth in the approved final Site Plan and associated documents. It is anticipated that the specific project-phasing plan may require review and re-evaluation of the project at specified points in the Development of the project. If the required construction commencement has not taken place in the prescribed timeframe, the MPD shall expire and the zone shall revert to the previous zone designation.

d. **MPDs Associated with A Rezone and Final Subdivision Plat:** Unless otherwise extended per the provisions set forth in this chapter, a final Subdivision plat associated with a rezone must be recorded within five (5) years of the date of the MPD approval. Additionally, construction within the MPD area will be required to commence within five (5) years of the date of the MPD approval. In the event that the required final Subdivision plat recordation and construction commencement has not taken place in the prescribed timeframe, the MPD shall expire and the zone shall revert to the previous zone designation.

After recordation of the final Subdivision plat and the commencement of construction, the MPD shall remain valid as long as it is consistent with the approved specific project plan and associated documents.

6. **MPD Modifications:**
   a. **Minor Amendment:** A minor amendment is defined as an amendment that does not increase square footage, density, or intensity of the previously approved MPD. A minor amendment shall be processed as a Low Impact Permit.
   b. **Major Amendment:** A major amendment is defined as an amendment that increases square footage, density, or intensity of the previously approved MPD. A major amendment shall be processed as an MPD.

**MPD REQUIREMENTS**

All MPD Applications shall meet the following minimum requirements. Additional project information necessary for the project analysis may be required at the discretion of the Community Development Director, Planning Commission, or County Council.

1. **AFFECTED PROPERTIES:** All MPD Applications shall include all contiguous holdings by the Owner, unless specifically waived by the Planning Commission. The rezoning Application shall be accompanied by an affidavit of ownership which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the Summit County Recorder’s Office. The affidavit shall advise as to the legal owner of the Property. If the Property is under contract for sale, the affidavit shall specify the contract Owner of the Property and the date a contract of sale was executed. In the event corporations are involved, a copy of the resolution legally empowering the Applicant to make Application shall be provided with the Application.
2. **DENSITY.** The type of Development, number of units and Density permitted on a given Site will be determined as a result of a site suitability analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations.

In cases where a project site contains more than one (1) Zone District, the Planning Commission may permit a shift of Density between Zone Districts if the shift results in the project advancing the goals set forth in the General Plan.

Square footage associated with underground/structured parking areas within an MPD is exempt from MPD Density calculations.

Square footage associated with deed-restricted affordable housing units within an MPD is exempt from MPD Density calculations.

3. **SETBACKS.** The minimum Setback around the exterior boundary of an MPD shall match the Setbacks of the more restrictive/larger abutting zone Setback. In some cases, that Setback may be increased to create an adequate buffer to adjacent Uses at the discretion of the County. The Planning Commission/County Council may reduce Setbacks within the project from those otherwise required provided the project meets minimum International Building Code and Fire Code requirements and advances the goals set forth in the General Plan.

4. **BUILDING HEIGHT.** The maximum Building Height for all structures within an MPD shall not exceed the requirements found in each individual Zone District. The County may grant additional Building Height beyond the maximum zone district standard in exchange for underground/structured parking (See Criterion #6), or deed-restricted affordable housing.

5. **SITE PLANNING.** An MPD shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the site, not the site modified to fit the project. The following shall be addressed in the site planning for an MPD:

   a. **Designing with the Topography:** MPDs shall be designed to fit into the topography of the site. The Planning Commission/County Council may consider flexibility in the siting of the Development to best fit into the natural terrain, minimize excessive site grading and the need for excessive retaining.

      Efforts shall be made to mitigate impacts of the Development on the natural environment and resources of the surrounding area. The project design shall make suitable provisions for the preservation of all affected Critical Lands.

   b. **Designing with Adjacent Uses:** The MPD site plan shall take adjacent land uses into consideration. Development along the project perimeter shall adequately mitigate any potentially adverse influences, including but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers and nuisances.

   c. **Building Location:** All Buildings shall be located to avoid, to the extent practicable, Critical Lands. Building locations and associated lot configurations should be oriented to encourage active and passive solar design principles wherever practicable. Building
design should create recognizable streets and other spaces with their edges defined by Buildings, making it easy for anyone to find their way around, and promote safety and accessibility.

d. **Access:** All MPDs shall have vehicular access from a state highway or County road. All Developments shall have a secondary point of access/emergency access unless otherwise mitigated to the satisfaction of the Summit County Engineer and Fire Marshall. Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.

e. ** Trails:** Existing trails should be incorporated into the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new transportation and/or recreational trails will be required to be consistent with Summit County’s Active Transportation Plan and/or Snyderville Basin Special Recreation District’s Trails Master Plan, respectively. All new construction will meet or exceed the design standards set forth in the plans.

f. **Connectivity:** All MPDs shall provide a means of direct, continuous, convenient, and safe pedestrian and bicycle linkages within the project area as well as connections to adjacent/off site sidewalk, pathway, and trail systems. Pedestrian/equestrian/bicycle circulation shall be separated from vehicular circulation wherever reasonable.

Where applicable, MPDs will have a system of streets, alleys, and pedestrian pathways with multiple routes and connections serving the same origins and destinations. All streets, alleys, and pedestrian pathways shall connect to other streets and to existing and projected streets outside the proposed MPD or other Development. Dead ends or cul-de-sacs are discouraged.

g. **Snow Removal:** Snow storage shall be compliant with the requirements of Chapter 10-4-14 of this Title. The Site plan shall include adequate areas for snow removal and snow storage. The landscape plan shall allow for snow storage areas. Structures shall be set back from any hard surfaces to provide adequate areas to remove and store snow. Snow should be stored on Site and not removed to an Off-Site location.

h. **Waste Disposal/Recycling Facilities:** All waste disposal and recycling facilities shall be compliant with the requirements of Chapter 10-4-13 of this Title. The Site plan shall include adequate areas for trash dumpsters and recycling containers, including an adequate circulation area for pick-up vehicles. These facilities shall be enclosed and shall be included on the site and landscape plans for the Project. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

i. **Service and Delivery Access:** Service and delivery Access and loading/unloading areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.

j. **Utilities:** Existing or proposed utility and public services for MPDs will be adequate to support the proposed project at normal service levels and will be designed in a manner
to avoid adverse impacts on adjacent land uses, public services, and utility resources. Unless otherwise permitted by this Chapter.

6. **TRANSPORTATION:** MPDs shall include transportation approaches that add more options for public transportation, pedestrians and bicycle users, and reduce the need for driving. An MPD should include:
   - Transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.
   - Car-pooling programs
   - Upgraded bike lanes or bike paths
   - Agreements between businesses to stagger delivery services and commute times.
   - Incentives to use public transportation
   - Promotion of car sharing

7. **EMPLOYEE/AFFORDABLE HOUSING.** All MPD Applications shall include a housing mitigation plan which must address employee Affordable Housing as required by Chapter 10-5 of this Title.

8. **OPEN SPACE/PUBLIC SPACES.** All MPDs shall provide at least the minimum zone-required Open Space unless further increased through this MPD Process.

   In more urbanized areas such as the Town Center (TC), Neighborhood Mixed Use (NMU) and Community Commercial (CC) zones, Open Space areas shall include Public Space as defined in this title. Public Spaces shall:
   - Be well located to support a wide variety of activities and encourage social interaction, that promote health, well-being, social and civic inclusion;
   - have a hierarchy of spaces that range from large and strategic to small and local spaces, including parks, squares, greens and pocket parks;
   - have public spaces that feel safe, secure and attractive for all to use; and
   - have trees and other planting within Public Spaces for people to enjoy, while also providing shading, and air quality and climate change mitigation.

Ownership and maintenance all Open Space lands shall be specified in the MPD Application.

9. **OFF-STREET PARKING.** Unless modified pursuant to this chapter or an individual Zone District, all MPDs shall meet the parking requirements set forth in Section 10-4-9 of this title.

   The County may reduce or increase the overall parking requirement for an MPD based upon the Applicant demonstrating reasonable justifications for the increase/decrease in parking spaces.

   The County may grant additional Building Height beyond the maximum permitted in the zone in exchange for structured parking. The County may grant additional exterior/surface parking provided such parking is designed in a visually and environmentally sensitive manner including, but not limited to, dispersed parking areas, permeable surfaces, and additional landscaping and buffering.
10. **COMPLIANCE WITH DEVELOPMENT EVALUATION STANDARDS.** Unless otherwise permitted by this Chapter, all MPD shall comply with all requisite Development evaluation standards found in Chapter 4 of this Title.

11. **ENVIRONMENTAL IMPACT REPORT:** An MPD Application shall include a written explanation of how the project plan addresses the following environmental issues:

   a. **Water Quality:** What measures are being taken to manage water use by the Development, and what is being done to ensure the Development does not contaminate ground water or surrounding water ways.

   b. **Air Quality:** Explain what measures are being taken to ensure the Development does not have a negative effect on Summit County’s air quality.

   c. **Protection of Critical Lands:** If the Development is adjacent to Critical Lands, or within a flood plain or wildfire interface area, explain what is being done to mitigate any negative impacts of the Development on those lands. How is the Development meeting the requirements in Chapter 10-4-3 of this Title?

   d. **Energy Efficiency:** Explain what is being done to ensure the Development is energy efficient. Are actions being taken to ensure the Development exceeds the minimum requirements found in the International Building Code?

   e. **Building Materials:** Explain what sustainable materials are being incorporated into the Development.

   f. **Recycling/Waste Disposal:** Explain the recycling program for the Development. How is it meeting the requirements found in Chapter 10-4-13 of this Title?

   g. **Climate Responsive Design:** Explain how the Development will work with the Snyderville Basin’s climate, how architecture will consider seasonality, the direction of the sun (sun path and solar position), natural shade provided by the surrounding topography and environmental factors (such as wind, rainfall, humidity). Explain how the shaping Massing and Architecture will be designed to:

      i. Reduce snow accumulations at entrances / exits
      ii. Incorporate passive solar heating
      iii. Wind driven natural ventilation
      iv. Locate windows, skylights etc. to benefit daylighting These also impact natural ventilation
      v. Provide adequate snow storage and snow melt run-off capacity

   h. **Landscaping:** Explain how the proposed landscaping will be appropriate for the climate and topography of the site. Explain how the irrigation system will be water wise and designed to preserve as much water as possible.

12. **SITE DESIGN NARRATIVE.** A MPD Application shall include a written explanation of how the project plan addresses the following design questions:

   a. **Project Neighborhood Connectivity.** How does the proposed Development interconnect with the surrounding properties, neighborhood, and area? Including but not limited to:

      i. Where will vehicles enter and exit the site?
      ii. Where will new streets be developed?
iii. How pedestrian and bicycle routes (including commuter pathways, trails and sidewalks) be provided through the project area?

b. **Availability of Neighborhood Facilities and Services.** Is the location of the proposed Development within reasonable proximity (including walking and biking) to community facilities such as schools, retail centers, parks, etc.?

c. **Housing Needs.** How does the proposed Development advance the community need for a mix of housing types and affordability?

d. **Character.** What are the design objectives for the built environment, including Buildings and the public spaces that connect them? How do these design objectives address the local context, climate, and/or community needs?

e. **Site Design.** How is the proposed Development designed to take advantage of the existing topography, landscape features, trees, wildlife corridors, existing structures, minimize site grading, etc.?

f. **Complete Street Design.** How is the proposed Development street/circulation system designed to accommodate a variety of transportation modes (where appropriate), easy route finding, and safe speeds?

g. **Parking Areas.** How does the proposed Development balance the need for parking with the need to design parking areas in a manner that minimize visibility, site grading, and exterior lighting?

h. **Public and Private Outdoor Spaces.** What is the proposed Development’s need(s) for outdoor space, open space, habitat/wildlife areas, parks, or outdoor amenity areas? How does the proposed Development address these needs?

i. **External Storage and Service Facilities.** How does the proposed project address needs for recycling, garbage collection, above ground utility equipment, mail facilities, service and delivery areas, equipment storage, etc.?

j. **Natural Environment.** How does the proposed project integrate existing, and incorporate new natural features into a multifunctional network that supports quality of place, biodiversity and water management? How does it address climate change mitigation and resilience?

k. **Building Design.** How does the Building/Buildings within the Development provide good quality internal and external environments for their users, promoting health and welfare? How does the Building/Buildings relate positively to the private, shared and public spaces in the area?
F. REQUIRED CONCLUSIONS OF LAW.

The County must find enough evidence to support the following conclusions in order to approve a MPD. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

a. The MPD is designed to fit well into the natural terrain, minimize excessive site grading and protect, preserve, and enhance the level of quality of the surrounding area.
b. The MPD makes suitable provisions for the protection, preservation, and enhancement of watercourses, drainage areas, wooded areas, rough terrain and similar natural features and areas.
c. The MPD takes adjacent land uses into consideration and mitigates potential impacts, including but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers and nuisances, through careful planning.
d. The MPD has direct vehicular access from a state highway or County road or suitable private road or driveway access meeting all requirements of the County Engineer and Fire Marshall.
e. The MPD has a secondary point of access/emergency access or other mitigation satisfactory to the Summit County Engineer and Fire Marshall.
f. All roads/streets within MPD follow the natural contours of the site wherever possible to minimize the amount of grading.
g. Existing or proposed utility and public services are adequate to support the proposed MPD at normal service levels and are designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources.
h. The proposed structures within the MPD are located on the most developable and least environmentally sensitive portions of the site. The open areas within the MPD are designed so that existing significant vegetation can be maintained to the greatest degree possible.
i. The MPD includes adequate internal vehicular and pedestrian/equestrian/bicycle circulation.
j. The Building/Buildings within the Development provide good quality internal and external environments for their users, promoting health and welfare.
k. The proposed project integrates existing, and incorporates new natural features into a multifunctional network that supports quality of place, biodiversity and water management.
l. The MPD, as conditioned, complies with all the requirements of Chapter 4 of the Snyderville Basin Development Code.
m. The MPD, as conditioned, is consistent with the General Plan.
n. The MPD has been noticed and public hearing held in accordance with this Code.