

**MINUTES OF THE
WASATCH COUNTY PLANNING COMMISSION
NOVEMBER 9, 2023**

PRESENT: Chair Chuck Zuercher, Commissioner Mark Hendricks, Commissioner Wendell Rigby, Commissioner Doug Grandquis, Commissioner Scott Brubaker (*via Zoom*), Commissioner Doug Hronek, Commissioner Kimberly Cook.

STAFF Doug Smith, Wasatch County Planner; Austin Corry, Assistant Wasatch County Planner; Rick Tatton, Court Reporter (*via Zoom*).

PRAYER: Commissioner Mark Hendricks

PLEDGE OF ALLEGIANCE: Led by Commissioner Kimberly Cook and repeated by everyone.

Chair Chuck Zuercher called the meeting to order at 6:00 p.m. on Thursday, November 9, 2023. Chair Chuck Zuercher also indicated that all the Planning Commission members are present with Scott Brubaker attending via Zoom. The record should further reflect that the Wasatch County Planning Commission is meeting in the Wasatch County Council Chambers located in the Wasatch County Administrative Building at 25 North Main, Heber City, Utah 84032.

APPROVAL OF THE MINUTES FOR OCTOBER 12, 2023

Motion

Commissioner Wendell Rigby made a motion to approve the meeting minutes from our Planning Commission meeting of October 12, 2023.

Commissioner Doug Hronek seconded the motion.

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, Mark Hendricks, Wendell Rigby, Kimberly Cook, Doug Grandquis, Scott Brubaker.

NAY: None.

Chair Chuck Zuercher then read the following:

“As indicated on the screen, a required public hearing will be held for certain agenda items prior to Planning Commission action. After each such item has been presented, time to comment will be provided for all those who wish to speak. Public hearings and citizen comments are a legitimate source of information for the County to consider in making legislative decisions.

For items that do not require a public hearing, public comment may still be taken following presentation of the item, however, please keep in mind the following if public comment is accepted during these items: When making land use decisions, the Planning Commission can only rely on substantial evidence on the record, which is that amount and quality of evidence relevant to proving or disproving a specific requirement of the applicable law.

During any public comment period, each speaker will generally be limited to three minutes. Additional time may be given to individuals specifically invited to speak by the Planning Commission.”

CONSENT AGENDA

Chair Chuck Zuercher indicated that we have two matters on the consent agenda this evening. All the matters on the consent agenda are considered routine unless somebody from the audience or Planning Commission would like to hear the matter. All of these matters will be handled with one motion.

ITEM 1 APPROVAL OF THE 2024 PLANNING COMMISSION MEETING SCHEDULE

ITEM 2 JOSH CALL, REPRESENTING BRENT CLEMENTS, REQUESTS A MINOR PLAT AMENDMENT TO DANCING SUN PHASE 7 IN ORDER TO AMEND THE BUILDING ENVELOPE FOR LOT 1 BASED ON AN UPDATED TOPOGRAPHIC STUDY, LOCATED AT 9191 N SAGEBRUSH CT. IN THE JORDANELLE BASIN OVERLAY ZONE (JBOZ). (DEV-8337; ANDERS BAKE)

Public Comment

Chair Chuck Zuercher then opened the matters up for public comment and there was none so the public comment period was closed.

Motion

Commissioner Mark Hendricks made a motion that we approve Items 1 and 2 on the consent agenda.

Commissioner Kimberly Cook seconded the motion.

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, Mark Hendricks, Doug Hronek, Doug Grandquis, Kimberly Cook, Wendell Rigby.

NAY: None.

Chair Chuck Zuercher then read the three items that will be discussed this evening on the regular agenda.

ITEM 3 BRIAN BALLS, REPRESENTING CHRISTENSEN FARMS LOTS LLC, REQUESTS FINAL SUBDIVISION APPROVAL FOR CHRISTENSEN FARMS SUBDIVISION PHASE 2, A PROPOSED RESIDENTIAL SUBDIVISION OF 34 LOTS ON 44.24 ACRES LOCATED AT APPROXIMATELY 1900 E 1200 S IN THE RESIDENTIAL AGRICULTURE 1 (RA-1) ZONE. (DEV-7559; AUSTIN CORRY)

Staff

Austin Corry, the Assistant Wasatch County Planner, presented a Power Point presentation and then addressed the Wasatch County Planning Commission and indicated that the subject property is on the valley floor halfway between Mill Road and 2400 East just south of the Cobblestone development.

Austin Corry indicated that although the name of the proposed subdivision is called Christensen Farms Phases 2 and 3 the proposal is an entirely separate application, unrelated to the Christensen Farm Phase 1 subdivision which received a separate preliminary approval and was platted under its own entitlements without consideration of Christensen Farms Phases 2 and 3.

Austin Corry showed the phasing plan to the Planning Commission. The preliminary included the entire property and this phase is 44.24 acres and thirty-four lots. There are some off site temporary turn around easements that they did supply with the project, executed easements for temporary turn arounds to provide cul-de-sacs outside of the plat. The ones to the south are for future phase 3 so that those temporary cul-de-sacs would be removed and replaced with the through streets. There is still an open area A and that is about twelve thousand square feet that just runs along the side of the road.

Austin Corry indicated that one of the other things I should mention if you recall during the preliminary they also had a request for a plat amendment that came in concurrently with that preliminary, a plat amendment to the Christensen Farm phase one

subdivision there is a retention pond for that subdivision here and the way they have designed their roadway was leaving a nuisance strip that wouldn't meet any of the qualifications to be included in this so that was going to be amended into that subdivision. That approval was allowed to expire so they did get approval and the applicant didn't bring in the plat to record or do anything there so it expired and they will need to come back and make that request again. It is anticipated that they will come in with the same request but they will have to get re-approval.

Austin Corry indicated that there has been a significant amount of grading activity that went on in anticipation of some bonus densities in exchange for some park area but then decided to pursue housing development on that property instead and that is the preliminary that is active now but as a result all of that excavation activity has occurred there.

Austin Corry indicated that in the plans that were sent to the geotech engineer they are estimating there will be areas of fill around three and a half to nine feet in depth to restore the area back from that for areas where the proposed building pads will go. Why that is important is that the placement of that material when you are placing footings on top of that material how that is compacted and how the soil stability works will be very critical to the future stability of those homes that get built on that area that now have to be filled back in because they were excavated. There is a note from the geotech engineer that says any areas where they have to fill more than three feet they need to come back and talk with their geotech for evaluation to make sure that they understand and the actual fill material they use should receive approval from the geotech engineer before they start placing that material.

Austin Corry indicated that something that changed between preliminary and final is their cut fill analysis of that. Originally during preliminary they were saying that they needed to import around thirty thousand cubic yards of material to restore that area back and currently with their final plans they are claiming they are an even cut fill and won't import any material in order to restore that.

Austin Corry indicated that the landscape plan is adapted after removal of the open space areas. Now their landscape requirement is just the open space that they have got and along the trails through the project as well. This plan does show this portion up here that is the phase one portion so that plat amendment is where those landscape requirements would take place but that is anticipated to be just pasture grass.

Austin Corry indicated that something else that has changed a little bit since you saw this at preliminary that during the preliminary there was a discussion about the right to farm regulations. Large scale developments that come in adjacent to existing agricultural uses have an obligation to fence the property. This is out of respect for the county's agricultural heritage. During the preliminary what was represented in the application documents was that the applicant's intention was to obtain waivers from all the property owners basically saying that the existing fencing that was there the property owners were agreeing that it was suitable to contain the farm animals which is what the code requirement is. They were not able to obtain those waivers so now at this stage they are in with a fencing plan. The code section as it reads with their fencing plan they have to identify the existing and potential agricultural uses. The materials that they plan to use in the fencing, safety, traffic and roads and aesthetics. You as the land use authority, this lower part is what you are being asked to determine. "The fencing must re-enforced so as to be of suitable quality to keep farm animals out of residential properties. The sufficiency of the proposed fencing plan will be determined and approved or rejected by the land use authority." In this case that is what you are being asked to determine is whether what they are proposing is of suitable quality to keep farm animals out of the residential properties. The applicant is proposing to fence the properties along the west boundary around this phase one portion into these lots of record where their temporary turn around is and actually fence into those and around basically the rest of the north east corner. The proposal is four foot tall woven wire with a strand of barbed wire on the top and the bottom.

Austin Corry indicated that the DRC went back and forth on this as is common practice with resolving conflicts of code requirement issues and now to the stage where the DRC feels like it is ready for you as a Planning Commission to make decisions. There are some conditions of approval that the staff recommends as part of that.

The DRC comments are:

JORDANELLE SSD comments:

- Construction drawing review and approval to be coordinated with District Engineer.

ENGINEERING comments:

- Condition of Approval: Final construction set must be stamped upon application for a subdivision construction permit.

- Condition of Approval: The engineer’s estimate will be reviewed in greater detail upon application for a subdivision construction permit.
- Condition of Approval (Resolve before issuance of construction permit): Your response mentions a drainage swale added. This doesn’t appear to be reflected in grading contours or the cross sections. Ensure that the correct cross section to any modifications along 1200 South is included in construction set. 1200 South is a major collector, not minor.

Original comment: I don’t see a designated overflow on the basins. What is the course of this water in the scenario where it exceeds the design storm? Needs to be confined to roads/have a safe path.

PLANNING comments:

- The legend needs a correction to the 15 foot trail easement. It needs to state ‘public’ and the hatch pattern needs to match the same hatch pattern shown on the subdivision itself.

Austin Corry then went through the proposed findings:

1. The subject property is 44.24 acres per the applicant’s surveyor.
2. The subject property is in the Residential Agriculture 1 (RA-1) zone.
3. Preliminary approval granted a density of 1.3 acres per unit as long as all requirements of Wasatch County Code are met.
4. The proposed subdivision is at the maximum permissible density of 1.3 acres per unit.
5. The public trails in the project are required to be maintained by the HOA as indicated on the proposed plat.
6. The proposed subdivision continues the existing road stubs at the property lines and includes a connection to a platted right-of-way at the southeast corner of the subject property.
7. The proposal includes a small open space parcel that is to be landscaped by the developer and maintained by the proposed subdivision HOA as required by Wasatch County Code 16.21.06.
8. The phasing plan on the application includes a developer commitment to landscape the open space and install the asphalt trail prior to either 18 months after plat recordation or the issuance of 50 percent of the building permits, whichever comes first.
9. The applicant has offered a ten percent affordable housing obligation proposed to be paid by a fee-in-lieu included as part of the application consideration. The obligation would total \$173,600 due to the Wasatch County Housing Authority prior to plat recording.
10. WCC 16.21.14 requires large scale developments to provide fencing of suitable quality to keep farm animals out of residential properties.
11. The applicant has provided a plan to install four foot tall field fencing, mounted on tee posts, with a strand of barb wire on top and bottom. The application also includes slides obtained from a USU extension presentation regarding fencing types used for agriculture.
12. The Development Review Committee has reviewed the technical requirements of the project and determined the project is ready for decision from the Planning Commission.
13. Wasatch County Code 16.01.16 outlines the expirations of applications or approvals as applicable.

Austin Corry then went through the proposed conditions:

1. The deep excavation area where homes will be placed shall meet all requirements of the geotechnical report, including adequate compacted lifts of structural fill where required.
2. The applicant is required to fulfill all commitments made by the applicant through the application materials including, but not limited to, affordable housing, infrastructure and landscaping improvements and timing, and on-going maintenance obligations.
3. Applicant shall resolve any comments required by the DRC report with the applicable review department.
4. A plat amendment to Christensen Farms Phase 1 combining the remnant piece into the retention pond will need to be recorded before this plat can be recorded.
5. The Development Agreement shall be recorded prior to recording of the final plat.

Commission Comments

Commissioner Hronek indicated that there have been trucks going in and out of there and concerned about the fill that is being brought in. Do we know what type of materials are in there and has it been brought in from other sources and has it been mixed and mingled. If it is fill it has got to be structural fill and needs to be a certain type of fill. I know the geotechnical engineers are going to be involved here and great to put all of this stuff on paper and write a specification of what is going to happen and the real

proof who observes the work while it is being done. It is almost a full time job for a geotechnical engineer on a project this size to be on site making sure it is being done in accordance with his specifications and his recommendation and my question is, is that going to happen. Austin Corry replied that the geotech report says they should be validating the structural fill before it is placed in every condition. Also has concerns for them testing the compaction requirements and things like that and that is what the County would expect in terms of the applicant's willingness to commit to that and that is something they can provide to you.

Commissioner Hronek indicated that his concern on unsuspecting homeowners purchasing a house that is on fill that ends up settling and then there are just all kinds of problems and not a good situation at all. We need to make sure that things are being done right there.

Commissioner Mark Hendricks indicated that he agrees with Commissioner Doug Hronek's comments. Also have no idea if this is the right kind of fencing.

Commissioner Wendell Rigby indicated that with my property I am okay with this type of fencing. Part of my concern is that there has been an indication by the developer that the existing fencing is sufficient and it is not as if they were trying to get away from providing the minimum that would be required. I am fine with the new proposal that they have for fencing.

Commissioner Kimberly Cook asked, are they replacing all of that fencing? Austin Corry replied that they are replacing the fencing.

Applicant

Peter Gamvroulas, from Ivory Development, addressed the Wasatch County Planning Commission and indicated that this proposal has come before this body at least six times between different applications. It has been well vetted and has gone through several DRC process. We have spent a significant amount of time on the fencing. Also with regard to the fill and most of the fill doesn't actually come from Ivory projects of some sort. We did engage a geotech to come in and do an additional geotech report.

Brian Balls, geotech engineer for Ivory Development, addressed the Wasatch County Planning Commission and indicated that we have prepared a new topographic survey of the area. The majority of the fill was between three and four feet and a couple of places nine feet. The footings will be sitting on native undisturbed material. The areas that we feel are the ones that need to be watched is going to be where driveways then get filled back in and that will need to be addressed properly by the excavators to make sure that those driveways are not sinking. Most of the places that will take the fill will be landscaping.

Commissioner Mark Hendricks indicated that you get to the end of this project and is the applicant taking this vertical and going to sell homes and not selling finished lots. That is a good thing because then there is some level of liability as the builder and contractor if there is a problem. How does the perspective buyer know there has been a fill problem?

Chair Chuck Zuercher indicated that the buyer needs to be notified that fill has been used. Peter Gamvroulas replied that our standard disclosure statements always include the geotechnical reports that were done on the properties.

Commissioner Mark Hendricks asked, is there anything on the County level to say yes this is the right kind of stuff and is it being installed correctly, compacted properly? Is there any policing that goes on or do we rely on the good faith of the developer for long term liabilities for construction defects? Austin Corry replied that there is a permitting process during the subdivision construction that the engineering department is doing inspections during that process. Commissioner Wendell Rigby indicated that one thing I would suggest and have seen it on different projects where there is fill in excess of where the basement would be that a note would be required on the plat for those lots that indicates that there is fill down to a certain area and could require that special geotechnical studies be done when they are doing the basement to make sure that the foundation is secure and don't end up with cracks with basement walls and footings and things like that. Peter Gamvroulas indicated that is always standard practice. There is a geotechnical report that happens with each excavation.

Commissioner Wendell Rigby replied that he would like to see a note on the plat for those lots. J.J. Lund, part of the development team, wanted to add one additional comment to this and as Brian states the basements will go down to native level and is standard practice for us to do those lifts properly and all the precautions are being taken. Peter Gamvroulas indicated that this is already going to be on all of our disclosures and any lot that we sell whether it is a lot or new building we include these disclosures which include our geotechnical reports also. Brian Balls replied that the most important thing is identifying at the excavation site where the cut or fill was to that native material. Peter Gamvroulas replied that he understands the attention to this and nothing to this

strikes us as a problem because it is standards practice already and what do we do to avoid this is already standard practice in a site that doesn't have the big piles of concerns.

Commissioner Wendell Rigby replied that he would be fine with that. Also with regard to all that fill that has been brought in there is not silt fence put up and no dust control and is there a construction entrance on the north end or not but those are all violations of the Utah Pollution Discharge Elimination System Permit also there has got to be some dust control. Brian Balls replied that there were two permits obtained and one for the off site sewer and two for the pond draining. The silt fence is adjacent to the sewer line.

Public Comment

Chair Chuck Zuercher then opened the matter up for public comment and there was none so he closed public comment.

Commission Comments

Wendell Rigby indicated that he has two other concerns. One is the concerns about the storm water retention basin does not show an out fall or a place where the water can actually go once it fills that detention basin up and don't want it to go to the residents. They need to indicate an out fall and where the water is to go with an over flow that directs that water north to 1200 South and does not go to the west. The second item of concern is the issue of ground water subbing up in people's basements because it has happened before in this area and that needs to be taken care of so that doesn't happen. Brian Balls indicated that those concerns have been taken care of with regard to tests and holes that have been dug so that won't happen again.

Wendell Rigby replied that he would like some further geotechnical work done so we can look at the underground strata and make sure that the water that is in that basin is not going to end up in the basements of the residents living in that area. Brian Balls replied that I can tell you that based on the reports and studies I am confident to say that we have mitigated all those issues.

Motion

Commissioner Wendell Rigby made a motion that we approve with conditions consistent with the findings and conditions presented in the staff report.

Commissioner Kimberly Cook seconded the motion

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, Mark Hendricks, Wendell Rigby, Kimberly Cook, Doug Grandquis, Doug Hronek.

NAY: None.

The record should show that Scott Brubaker has now joined the Commission and will listen to the following two items.

ITEM 4 DISCUSSION REGARDING THE MOST RECENT AND ONGOING PROJECTS RELATED TO IMPLEMENTATION OF THE WASATCH COUNTY MASTER TRAILS PLAN. THE DISCUSSION WILL INCLUDE CURRENT PROJECTS FOR TRAILS AND TRAILHEADS RECENTLY COMPLETED OR UNDER CONSTRUCTION, PROJECTS IN PLANNING AND FUNDING PHASES, AND SEEKING INPUT FROM THE PLANNING COMMISSION FOR FUTURE PROJECTS OR POTENTIAL AMENDMENTS TO THE MASTER TRAILS PLAN. (DON TAYLOR - MAG; DOUG SMITH)

Staff

Doug Smith indicated that we are in the process of updating the County trails master plan. The trail plan addressed both back country and urban hard surface trails as well as trail head locations and intended improvements. The County has great opportunities and potential for trail expansion. Wasatch County is unique in that we have seventy percent state or federal lands surrounding the valley and trails systems that should connect to these areas. We enjoy great partnerships with federal and state

agencies who we work with to further the construction of trails in and around the valley. We also require developments to participate in countywide trail plan and provide public trials as required in Section 16.21.18.

Doug Smith also indicated that because of the great potential for a world class trail system, the County, several years ago, worked to create a trail planner position that would be housed within Mountainland Association of Governments MAG. MAG does transportation planning and provides other planning opportunities for Summit, Wasatch and Utah Counties, the intent with having a trail planner housed with MAG is that he/she could be a countywide trail planner and work with Heber, Midway, and County for what we would hope would be a seamless trail system. Heber, Midway and the County participate in funding the trail planner.

Doug Smith indicated that Don Taylor was hired as that person and has done an incredible job. Don is well connected in the trail community and has arguably laid out and built more trails in the County than any other single person. Don has been and is now a true advocate for non-motorized trails. Around the same time Don was hired we started discussing the need for grants to help pay for the design and construction of trails and again worked with MAG to hire a countywide grant writer. MAG hired Nancy O'Toole who works with Heber, Midway and the County on all types of grants and has been very successful. With the recent passage of the RAP Tax we should be able to maintain the trails into the future.

This is for discussion purposes only. There will be a power point presentation by Don Taylor showing where the trails are and where new trails will be built. Nancy O' Toole also discussed the grants that are being put in for to help this trail network to keep improving.

The managers of Wasatch Mountain State Park and Jordanelle State Park were also in attendance and stated their support for Don and Nancy and that it's great to work with them.

ITEM 5 DISCUSSION AND POSSIBLE RECOMMENDATION TO AMENDING WASATCH COUNTY CODE CHAPTER 16.33, GENERAL PARKING STANDARDS, AS IT RELATES TO SHARED PARKING STUDIES AND ON-GOING MONITORING OF PROJECTS WHEN PARKING REDUCTIONS ARE GRANTED. **IF FORWARDED, THE RECOMMENDATION BY THE PLANNING COMMISSION ON THIS ITEM WILL BE CONSIDERED BY THE COUNTY COUNCIL AS THE LEGISLATIVE BODY, AT A PUBLIC HEARING ON DECEMBER 6, 2023. (AUSTIN CORRY)*

Staff

Austin Corry, the Assistant Wasatch County Planner, presented a Power Point presentation and then addressed the Wasatch County Planning Commission and indicated that the County Council has seen recent discussions related to shared parking studies which are allowed to be presented for consideration in-lieu of standard compliance with the parking counts matrix listed in WCC 16.33. During the review some Council Members expressed frustration when the initial studies provided did not come with adequate citations or data to support claims being made by the applicant. It was requested that staff look into adding requirements to have transportation consultants involved in the process to provide better guidance.

Austin Corry also indicated that attached is a potential code amendment for consideration and discussion among the Planning Commission. As staff worked to address the immediate request, other aspects of the code are recommended to be updated to reflect more modern approaches to parking to provide better guidance for applicant's when seeking reductions. It is staff's intention to discuss with the Commission not only the overall direction, but potential other items that the Commission sees appropriate to attempt to address in an effort to provide a more comprehensive update for the County Council to consider.

Austin Corry stated that some of the items to be discussed are:

1. Immediate needs.
2. Methodology and options that could reduce parking demand.
3. Land use patterns in the County.
4. Current parking count matrix.
5. The ITE parking generation manual.
6. The potential addition of bicycle parking requirements.
7. Landscaping requirements.
8. Enforcement mechanisms.

Austin Corry indicated that we have a provision in our parking ordinance that allows for developments to come in with a shared parking study or a request to reduce their parking counts. They present this study and they go to the Planning Commission and say here is how I think that your parking counts are too high. The most common way and actually the only way that I am aware of that this has been approached so far has been through the shared use study and saying something like we have a grocery store and a restaurant. The restaurant is really only open in the evening and grocery store is kind of the middle of the day type of thing and so it is dissimilar uses type scenario. Yes we know that we are going to supply the full parking for the grocery and going supply the full parking for the restaurant but there are overlaps and we are using the same space for those different items. The question is can we make it better or more clear or more predictable as well. Your packet contains the first stab at what kind of things and if we were to be talking about shared parking or even just flat out parking reduction requests. Technically the code right now says if you to come in and say that look when you are doing a grocery store this is what you County code typically says but here is why my grocery store is unique with a setting or something. In the JSPA there is the potential of transit services there that are not necessarily contemplated in our code for another place and that is an example where somebody could come in and say that look I have got access to transit which should reduce my parking count. I was going to focus just on this Section 66.33.06 that is where the meat of everything is happening.

I am suggesting that we might be able to take as an approach that instead of right now in the code it is two sentences of code and one says that if you want to talk about how unique your project is we will think about it. If you want to talk about shared parking we will think about it and provide us a study. I thought there might be a benefit if we went through and said here is what we are actually looking for in trying to achieve if we did that. Here is one line of code that we could simply resolve the main catalyst question of just saying that when you are presenting a formal parking County justification study it is prepared by a transportation planner, traffic consultant, licensed engineer or architect for consideration so we just write in some qualifications there.

Number one if we are asking for shared parking or mentioning it is two or more dissimilar uses and that the justification needs to be specifically talk about what those hours of operation are and how much of a reduction are we willing to give. The general question is what does dissimilar means. This says that we are going to take the counts independently and the count that requires the least amount we are going to require you to provide the full amount for that use. The count that has the highest amount we will let you reduce it by up to fifty percent. So it is not a full split between the two and there is still parking allocated for each use but we are reducing the highest count number that is where there will be some overlap but not a complete replacement if you will. I am suggesting that type of an approach is because oftentimes when we talk about shared use and especially in the case of a development where they are trying to work through their tenant mixes and they don't know who their end user is going to be. It is hard to really predict if somebody is going to say that I have a restaurant and only going to be open for dinner time and that is what they are pitching and saying this is why I don't need any parking during the middle of the day for my restaurant but the reality is that ten years from now and they are going to get somebody that wants lunch too. There are times when the two dissimilar uses are operating at the same time although they are likely not going to be their peak operating hours.

The other is more of the robust one. I copied this from another jurisdictions code. Instead of the line item saying if you think your project is unique come and talk to us about and we will think about a parking reduction. I am referring to this one as utilizing transportation demand management strategies. What I am suggesting here is that come in and tell us what you are doing that is actually reducing your parking demands and listening to what those types could be. Number one would be designing the projects to have extra landscape area. If you are going to make me put in more parking I am going to take out open space. That is interesting because they were at their minimum open space already for the project and we have open space requirements and you can't take out open space if you are at your maximum or your minimum open space maximum parking counts. If we are going to give a parking count reduction that should be so that we can get more open space than we would typically would see, more plazas, more landscaped areas, bigger buffers, things like that. Good example of that would be Lee Burbidge's project and he came through and talked about a parking reduction and he showed the areas where he could fit in the parking that would meet our County code minimums. He had already built projects that already had been in operation. It kept showing data that I don't need what your minimum requirements really are but need less we just don't have that many cars here but I could met your minimums and here is where the parking would go but instead I want to landscape it and make it beautiful. The County approved that and gave him a reduction for that area and he has landscaped the areas. The idea here is if we have somewhere they maybe don't have the data yet but that still gives you an opportunity to where if a parking issue starts to arise they have area they can go in and grade it out and they can build more parking so that can be mitigated later on.

Another thing is providing robust bicycle amenities and that is just not providing a bike rack but you look at college campuses around Utah that they are starting to follow this model that Utah State found and if I simply provide a covered shelter and people do ride their bikes in the winter not during snow storms and when the roads are wet but when the roads are dry the cold doesn't

deter people but they want their bike protected when they park it up on campus. Another one is providing E-Bike charging stations.

Another one is proximity of the proposed project to employment centers, mass transit, commercial services if they are providing incentive programs for employee use of transportation modes other than single occupancy vehicles that is really a difficult one to really see that happening here in the count and didn't see any harm in including it.

There are other alternatives to transportation that could be used instead of just cars. There is car pool, ride share, we know that Uber and Lyft and things like that are more and more prominent or micro-transit if the facilities are actually provided for those loading and unloading areas that can be a strategy as well.

That is really the main meat of what the intent is and really instead of just suggesting that come to us with your ideas we are throwing out what we think are valid things for our consideration. The way it is written at least right now it doesn't suggest that those are the only things but still leaves it open that somebody could come and say that well I have got a creative idea and I want to talk about but it at least gives some level of guidance which is an important thing to do with the code aspect.

Lastly, I would suggest that this paragraph number 3 be heavily considered and that is that we codify that if a reduction is given that there is an enforcement mechanism tied to it. We have received push back from some of the other reductions that we have given when we have suggested you told us you are having this many square feet of grocery and this many square feet of restaurant, this many square feet of retail and we gave this reduction based on those square footages and they said that I don't want to have my hands tied though because if I want to do more restaurant that I want the ability to lease it out however. The enforcement mechanism is important if they are committing and saying here give me this reduction because of these assumptions I am giving you. We should be able to rely on those assumptions that they would monitor that. There is a project in Provo that went through that had allocated parking spaces and every business license and it is a strip mall and nothing exciting but every business license that goes through they come in with their lease agreement. Their lease agreement specifies how many stalls are assigned to that particular use and where those stalls are on the project. It is not that over bearing, As over bearing as it might sound that we want to know exactly what parking you are allocating as we analyze these business licenses and that project has been doing it for close to thirty years. The management know exactly what we are looking for. They know the stalls they have, they know what they can do and like it is a routine thing for them and it is just in their lease agreement already and those kinds of things just to help ensure that everybody really is aware that we are anticipating these things happening.

Another is that you monitor the parking lot once a year. I did write in that if after five years there are no problems going on you can extend that time period out to like a five year monitoring period. It is a report that the property owner has to submit to the County saying here is how our parking is working and we have not seen any issues. That could say things like here is what my tenant mix actually is and here are hours of operation that they are really doing.

Commissioner Mark Hendricks replied that is a great idea. Chair Chuck Zuercher replied that you take the smaller tenant and give the major tenant fifty percent of that and make it up to fifty percent as determined by the land use authority but not by the applicant but they have to come in and say that here is what I want. They could come in and say I only need a twenty percent reduction and you could say that is fine. I think the fifty percent cap is more of a way just saying that don't come in and ask us for a hundred percent reduction.

Commissioner Mark Hendricks replied that Austin Corry does a great job because this is a lot of work. Common sense says that we ought to have flexibility to not require all of this parking and this doesn't mandate it I think it is an important update of the parking code. It is a bigger deal in more dense situations. I applaud you Austin so thank you. I will read it and then I would say that any refinement that I would have to this are just as risky as being imperfect as any imperfection that might be there. We have to kind of get into it and over time refine what we didn't really think of that so we had better tweak the code a bit and this is really a great step.

Chuck Zuercher replied that Heber City should look into this because they have got a big problem with parking and also Midway too. This is a real great step forward.

Commissioner Wendell Rigby asked who actually does some of this monitoring and is monitoring of a parking lot adequacy and talks about doing it. Is that something that the planning department is going to do or you just require that the applicant the people who occupy these buildings submit.

Commissioner Hronek replied I think it would be the property owner or if it is a commercial property association or something like that would be the ones doing it. Austin Corry replied that I didn't get that specific in the details in this language but what I did do instead of say there needs to be an agreement and it needs to cover these types of thing. The idea would be that I would make Jon Woodard do all the work. After we crafted one of these agreements the first time we would have some of that stuff more flushed out but it would be that agreement that would spell out exactly how that would go and make modifications and tweaks to that agreement on a case by case rather than having such a prescriptive rigor written into the code.

Commissioner Mark Hendricks replied that gets all of the tenants to sign the report. Scott Brubaker via Zoom indicated that in San Francisco, which I have been familiar with shopping centers, etc., one of the monitoring tools that was used that each time a tenant came in, the occupancy permit has to be accompanied by that type of a form we are talking about showing that the other uses and what their parking requirements are and number of stalls and then it was determined if your use had enough parking. You need to look at what others have with regard to parking and parking stalls and how they handle it.

Austin Corry replied that there will be external indicators and likely we are going to be getting that. If it is a shopping center adjacent to residential and that parking is spilling out and always going down the street that we are going to know about it without needing a report each time. The important thing is that we have an enforcement mechanism if those problems are happening.

Austin Corry indicated that Jon Woodard hasn't seen this document yet because he has been overloaded with other things. The main intent tonight was to see if we could gather some feedback from you and possibly incorporate that.

Commissioner Doug Grandquis replied that this discussion was about commercial. What about multi-family residential apartments will you give consideration to that and I don't know if we are going to have any in the County because most of them are in the city but if it did come up would they be eligible as well to reduce parking. Austin Corry replied that under the transportation demand management strategy they could come in and ask. Both the shared use and the transportation demand management strategy both of those are written in a way that it is discretion, fully discretionary to the land use authority. Multi-family we will have some in the County but again we are talking the same area that we are talking about commercial. We are talking about up in the JSPA and a lot of times they are going to be associated in mixed use type environments. It would really be hard to argue in multi-family that you are going to need more parking. The best use to share with multi-family is office.

Jon Woodard replied that I have not seen this document or read it in full. I just glanced at it but I would like to have time to review this. So I would suggest that you continue this matter to give me a chance to review it.

Motion

Commissioner Kimberly Cook made a motion to continue this matter, Item No. 5, indefinitely.

Commissioner Mark Hendricks seconded the motion.

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, Doug Hronek, Doug Grandquis, Kimberly Cook, Wendell Rigby, Scott Brubaker, Mark Hendricks.

NAY: None.

ADJOURNMENT

Motion

Commissioner Mark Hendricks made a motion to adjourn.

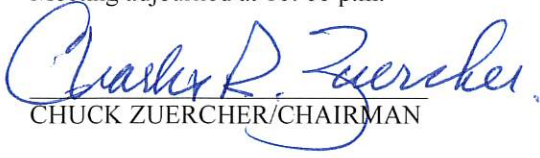
Commissioner Wendell Rigby seconded the motion.

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, Mark Hendricks, Scott Brubaker, Kimberly Cook, Wendell Rigby, Doug Hronek, Doug Grandquis.

NAY: None.

Meeting adjourned at 10: 00 p.m.


CHUCK ZUERCHER/CHAIRMAN