

**Minutes of the FRANCIS TOWN Planning Commission Meeting and Public
Hearing**

August 27, 2008

Recreation Building 2761 Springhollow Dr. Francis Utah

The Francis Town Planning Commission convened in regular session Wednesday, August 27, 2008 in Francis Town Recreation Building.

PRESENT:

Chair Susan Cann
Vice-Chair Peter Swisher
Commissioner: Bill Crystal
Commissioner: Gio Melendez
Commissioner: Dorothy Sullivan
Commissioner: Sheldon Thompson (arrived 7:50)

City Planner: Alison Weyher
Secretary: Susan Moses

ABSENT:

Commissioner Joe Eiting brought a letter of resignation to the Town office on August 4, 2008.

IN ATTENDANCE:

Robyn Fitzgerald, Steve Fitzgerald, Nella Longacre, Chad Mitchell, Greg Averett, Jon Williams, Andrew Williams, Jonathan Whitmore, Tom Flinders, Jane Wilford, Alton Frazier, Bruce Riches, Blake McNeil, Craig Goodwin, Cortni Swisher.

Opening:

Susan Cann called meeting to order at 7:00pm.

Approval of Minutes:

Peter Swisher motioned to approve the minutes for June 25, 2008. Gio Melendez seconded the motion. Motion passed unanimously. Voting in favor- Susan Cann, Peter Swisher, Bill Crystal, Gio Melendez, and Dorothy Sullivan.

Susan Cann recognized the Boy Scout Troop 152. Leader Jon Williams, troop members Andrew Williams and Jonathan Whitmore.

Agenda Item Number Three: Nella Longacre – Minor Subdivision with Public hearing and Possible Approval

Alison Weyher displayed a map of the proposed minor subdivision. Alison Weyher stated the applicant is proposing to subdivide 3.8 acres into a three lot minor subdivision. One lot will contain the existing residence: the other two will be raw ground. Minor subdivisions may be approved with only one hearing at the Planning Commission, and a final approval by the Town Council.

As the attached plat map indicates this property is located on the east side of Spring Hollow Road, in an area, which is not served by the Town sewer. The Naylor subdivision, which abuts this property to the south, was approved in 2000 and 2005 to be served by septic tanks because of the distance to the sewer line. In June, 2008, the Town Council approved allowing the Long Acres subdivision to also be served by septic tanks, with the provision that when a sewer line is installed, the lots in the subdivision will be required to connect to the sewer

A Public Hearing will be held at the Planning Commission meeting this evening and has been properly noticed in the Summit County News. The applicant has not yet provided envelopes to notify abutting property owners of the proposed subdivision; therefore, an additional Public Hearing will be required.

Alison Weyher stated the Findings and Analysis of Issues are:

1. The property is located in the R-1 Zone and the proposed lots conform to the zoning requirements.
 - a. Each lot is at least ½ acre.
 - b. Each lot has approximately 100 feet of frontage onto Country Lane
2. Because of sight line issues along Spring Hollow Road, staff recommends that the lots are only allowed ingress/egress from Country Lane, which is a private road serving the Naylor Subdivision, and that a plat note be recorded indicating no access is permitted off Spring Hollow Road.
3. In order to obtain access onto Country Lane the applicants will need to work out an agreement with the road owner, Keith Naylor.
4. If the ‘hammerhead’ on Country Lane were hard surfaced, the road would meet Town standards, and staff would recommend that a petition be filed with the Town Council to accept Country Lane as a public road. However, until that time, the road will remain private. Alison Weyher added that the people that live in the subdivision would like this because then they would have the trash picked up at their houses; the kids could get on

the school bus in the neighborhood instead of having to walk out to Springhollow Road. We have had a rough estimate on the cost of hard surfacing that hammerhead and cleaning it up and it would be about \$25,000. It is the responsibility of the developer to make those up grades and then dedicate the road to the Town. Alison Weyher stated that is our preferred out come, if that does not happen it can remain a private road and Mrs. Longacre will have to work out access with Mr. Naylor.

Alison Weyher proposed items for discussion:

1. The Planning Commission may wish to ascertain whether or not the applicant has received approval to access off Country Lane.
2. Prior to final approvals, the applicant will need to submit all necessary documentation required in chapter 6, section 22 of the Development Code, and as indicated on the Preliminary Subdivision Plan Application (attached) including:
 - A preliminary plat, with the applicable features marked (i.e., wetlands, irrigation ditches, drainage, etc.)
 - Names and addresses of property owners within 1000 feet, together with a stamped addressed envelope for each owner.
 - Approval from the South Summit Fire District, School District and County Health Department for the septic tanks.

Alison Weyher stated Staff recommends continuing this item until:

- a. The requirements listed on the Preliminary Subdivision Plan Application are met.
- b. Approval for access onto Country Lane is obtained from Keith Naylor
- c. That the Public Hearing be rescheduled after the abutting property owners have been properly notified.

Alison Weyher state there is a staff report from Scott Kettle the Town Engineer recommending that the new lots access Country Lane. Would also like to have a construction site plan that shows the proposed water connection and approval from Summit County Health Department to install septic tanks.

Nella Longacre stated she has a signed statement from Mr. Naylor. Alison Weyher read the letter: "Dear Sirs I have met with Nella Longacre and she has explained her desire to build a three lot minor subdivision on her property. I understand Francis Town prefers that Nella's two new lots have access on to County Lane a private road. I support Nella having access on to Country Lane and the private road became a public road owned and maintained by Francis Town.

Alison Weyher asked if Mr. Naylor was willing to pay for the upgrades. Mrs. Longacre answered she did not know.

Alison Weyher stated she would talk to Scott Kettle and see how the Town would like to proceed.

Opened to Public

Greg Averett who lives on Country Lane stated he had no problem with the subdivision; Nella has a right do what she wants with her property. Glad to here that Keith Naylor wants to turn road over to the Town. Greg Averett stated Country Lane needs to be a city street. Mr. Averett added that he does the winter maintenance on Country Lane. Mr. Averett stated his biggest concern is that the road is deteriorating and it needs to be maintained. Added it is a huge amount of money for a handful of people, who are all Francis citizens, who pay their taxes to Frances, who all paid a \$1,500 road bond to hook their driveways to a road that does not belong to Francis. We all have to go through the hassle as if Country Lane is controlled by Francis Town, we pay but we get no benefits. Greg Averett stressed the need for Country Lane to be a Town street and be maintained by the Town.

Rusty Webster stated when that subdivision was approved, the road was suppose to be a Town road, but after the homes were build they found out the road would not be maintained by the Town. (Rusty Webster built all but one home in that subdivision)

Alison Weyher explained the reason that road was never dedicated to the Town was because Mr. Naylor never meet the Towns standards, he never completed the road, he never put in hard surface in the hammerhead, he never did several other things that where requirement of approval for the subdivision. Alison Weyher added that she has talked to the Mayor about this at staff meeting, and the Town agrees that this should be a Town road; however, the Town does not have \$25,000 or however much it is going to cost to bring that road up to Town standards to except it. If the road meets Town standard the Town would take it over. Alison Weyher suggested that perhaps Mr. Naylor still has something pending that the Town can tie it to, but she do not know.

Greg Averett stated the Town let Mr. Naylor build five homes, without meeting the standards, approving and giving out five building lots, never once making sure all of the standards had been meet so that the road could be turned over to the Town at some point. At some point, the Town did not make sure that was done. The burden still falls back on Mr. Naylor, he was the one who developed it, he should have put the hammerhead in, and it should have been paved and turned over to the Town. Add the Town is somewhat at fault.

Alison Weyher agreed it fall back on Mr. Naylor, suggested the property owners get after Mr. Naylor to pay for maintenance on the road. Greg Averett commented Mr. Naylor has health problem and he is old and Greg did not want to bother him.

Rusty Webster commented that when he was building the houses, he was after Mr. Naylor to fix the road, but Mr. Naylor believed the Town took the road and it was not his problem any more.

Dorothy Sullivan asked how we find out if Mr. Naylor still has a bond associated with that subdivision. Alison Weyher answered the Town Clerk and Town Engineer can find

out more information. Added over the course of the next month we will do some more research and see if there is a way the Town can do some enforcement to get Mr. Naylor to step up.

Dorothy Sullivan asked if the road it self has been constructed. Susan Cann answered yes it just has not been hard surfaced. Greg Averett added the street has been paved just the hammerhead needs to be paved.

Alison Weyher explained the reason for the hammerhead is so the fire trucks school busses and garbage trucks can turn around.

Chad Mitchell asked was the road dedicated to the Town when the plat was signed. Alison Weyher answered no. Chad Mitchell asked if the hammerhead was required of Mr. Naylor. Alison Weyher answered yes.

Robyn Fitzgerald asked if Nella Longacre was told she could not access Springhollow road. Susan Cann answered yes. Robyn Fitzgerald asked why. Susan Cann answered because the sight line was a safety issue.

Gio Melendez asked what was required for the road to be taken over by the Town, and has everything been done. Alison Weyher answered everything except at the eastern end there is an area that has been grated and graveled, all though it has a lot of weed on it. All of that has to be hard surfaced then the Town will take it over. Gio Melendez asked if that was required for the beginning. Alison Weyher answered her understanding is that it was. Gio Melendez asked how long ago that was. Alison Weyher answered 2005.

Susan Cann asked if Nella Longacre had received approval from the Health Department on the septic tanks. Nella Longacre answered no.

Peter Swisher suggested asking Keith Naylor to attend the next Planning Commission meeting since it is his responsibility to pave the road.

Greg Averett reiterated the need to have the Town take over the road, no matter the cost.

Peter Swisher expressed his concern that if the Town takes over this road and pays to bring it up to code we would be setting a precedence.

Bill Crystal stated we are talking about two separate issues. Nella Longacre's subdivision and Keith Naylor's road. We need to discuss them as two separate issues.

Gio Melendez added that Nella Longacre's subdivision does not depend on Mr. Naylor's road being paved, because she has a letter from Mr. Naylor giving her permission to access her subdivision from Country Lane road.

Nella Longacre stated she did not think Mr. Naylor is aware of the situation and that he was responsible for paving the road.

Chad Mitchell asked if Mr. Naylor put up a bond, and had it been returned. Could the money from the bond be used for improvement on the road?

Alison answered she did not know and would have to do some research.

Susan Cann stated next month we would have to have another Public Hearing after the neighbor were notified, so they can have an input.

Gio Melendez motioned to table until next months meeting. Peter Swisher second the motion. Motioned passed unanimously. Voting in favor: Susan Cann, Peter Swisher, Bill Crystal, Gio Melendez, Dorothy Sullivan.

Agenda Item Number Four: River Bluffs Subdivision Amended Plat with Public Hearing and Possible Approval.

Alison Weyher stated since the staff report was written, staff has learned that UDOT has not approved the intersection of Scenic Heights Road and SR32, and that the applicant did not submit the revised plans until last week. Because all approvals of this subdivision are contingent upon the link with SR32 being completed prior to October 15, 2008. The Planning Commission may wish to consider if it is appropriate to approve a phasing plan at this time. Scenic Heights Drive has been considered vital to this development, because without its' completion all traffic into the subdivision will either travel on Hilltop, or through the Wild Willow subdivision. If for any reason, the road Scenic Heights Drive is not completed by October 15, 2008 it violates the development agreement. That road goes across property that does not belong to the applicant, but goes across property owned by Wild Willow Commercial. Staff and the applicants work long and hard with Kit Burton who owns that property. In July 2007, we entered into our first land use agreement whereby Kit Burton agreed to give an easement to River Bluffs to allow a 60 foot right-of-away across his property, in exchange for the ability to construct a mixed-use development there, however that road has to be completed by October 15, 2008, or all of the approvals are void. This Spring that issue came up and there were some differences of opinion and in April everything threaten to fall apart. We had a series of meeting which resulted in an amended land use agreement, which we approved in July 2008, as part of that in the final page is a legal description of the road, so that legal description has been set for a long time. It has been recorded at the County.

Alison reminded the Planning Commission that it has had a policy of not reviewing applications or making determinations until we have approval from UDOT and until we have approval from the Army Corps of Engineers and the Planning Commission has held hard and fast to that. Alison Weyher added that tonight we also need to look at the proposal that the applicants have submitted. They are now coming back and suggesting that they phase this development. Because this involves fairly complex legal issues, and because of the letter received today from Kit Burton, this may be a case where the Planning Commission would want to vote yes or no on the phasing, and all of the requirements of the phasing, and make what ever condition you want to make, then it would go to the Town Council in September. Without that road, all of the traffic for this development would go to Hilltop or through the Wild Willow subdivision and that is unacceptable to the Town.

Gio Melendez asked why the date of October 15. Alison Weyher answered because that is the last day UDOT will allow approval.

Alison Weyher again reviewed the updated Staff report.

Peter Swisher commented October 15 comes around and the road is not in all we are going to have is a quarter of a subdivision partially built. Alison Weyher answered you can keep going if you have approval from to go through Wild Willow or on Hilltop, but that was never the intent.

Alison Weyher stated we have the road problem, but in addition to that, we have the phasing. We cannot do anything about the road; it is a Town Council decision what is going to happen on that road. We need to keep the road in mind but at the same time, we need to seriously visit the phasing plan, and evaluate it on its merits.

Bill Crystal asked if UDOT approves the road what is our next step.

Alison Weyher answered it is to review the phasing application. The applicant is proposing to amend the final amend plat and to conduct construction in phasing. The plat has sixty-one lots and a community park. The current proposal is to divide the sixty-one lots into two phases. Twenty-eight lots, including four affordable housing lots and the link to SR 32 will be included in phase one. Phase two will include the remaining thirty-three lots, and common area.

Susan Cann asked which lots where the affordable housing. Alison Weyher answered lots 14, 15, 21 and 22. They will be built as part of phase one. Alison Weyher recommended that Planning Commission might wish to discuss and clarify the time limit of the construction of these homes with the applicant.

Alison Weyher stated that the applicant is proposing that only the trails that abut the roads that are in phase one be built at this time.

Alison Weyher and Scott Kettle both recommend that the park be constructed during phase one, (not necessarily all of the improvements) because the storm drain pond that holds storm drain runoff from phase one is located in the park. Alison Weyher added that in a meeting with the applicants they agreed to put the grass in now, and put in the sprinkling system now, and then put in whatever additional amenities that are necessary when they complete phase two.

Alison Weyher stated that the Town Engineer is requiring 60-foot wide gravel turnarounds on both River Bluffs Drive road studs. Those are for safety and snow removal. (Shown on the map).

Alison Weyher stated she thought phasing was a good idea because it means you will have houses closer to other houses; it is going to be a sense of community, rather than having houses spread out with nothing but weed in between, it starts to build some cohesion. Supportive of the notion but we also need to recognize that in this economy we are not sure when phase two

will happen, so we need to be sure that what ever we approve is something we are comfortable with.

Gio Melendez commented he looks at it that phase two might not happen so the park should be put in now. Therefore, if it never happens or it takes years to happen, then the retention basin will never come to fruition and we will have no place for the water to go. The park needs to be part of phase one.

Arson Weyher stated she and Scott Kettle feel strongly about the trail going along Hill Top road. The approved plans for the trail show the trail abutting Hill Top Road then a landscape berm, which is the back of the property lots, which gives it separation from the road, the reason for doing it that way is so the property owners has some separation between the people who use the trail and their own yards. Alison Weyher added she understands that the applicant may wish to revise those plans and put the trail on top of the berm, which is one of the reasons they want to delay that until the future.

Susan Cann asked if Bluff Crest Road, which connects to Wild Willow, would be completed in phase one. Alison Weyher answered yes that is requirement.

Warren Clark stated it is not his intent to get out of anything; his intent is just to do the project in phases. Warren Clark added there have been some misunderstandings. The intent is to finish this project and to get the road out to SR32. He believes they will get UDOT approval.

Rusty Webster stated it would not take a lot of time or work to get the road out to SR32 before the October 15th dead line. He would also do one tie-into phase two.

Warren Clark stated they will put the pond, grass and sprinklers in the park in phase one.

Gio Melendez asked so the park would be basically accessible and functional as part of the retention basin. Rusty Webster answered it would be grass, added that in phase one that the only piece of retention was right off of the circle everything else is sumps and contained by themselves. Will still create the pond, and grass area to maintain it, as part of phase one.

Rusty Webster stated they did not get the final agreement from Kit Burton until August 8, 2008 and they are still waiting for UDOT approval. Wants the Planning Commission to know they have not been wasting time.

Gio Melendez asked it is your intention to get the road out to SR32 regardless of having final approval from UDOT. Warren Clark answered up to a point, but not to get onto SR32.

Alison Weyher asked if they expected to have UDOT approval and the road constructed linking to SR32, with the acceleration and deceleration lane completed with the seven day time period Kit Burton has to record the easement and turn over the right-of- way to the Town by the October 15, 2008. Rusty Webster answered he thinks it can be done. Alison Weyher commented when the Town Council meets on September 16, it will be a go or no go. She asked Mr. Clark what he is going to do if he does not get approvals.

Warren Clark stated we have all work together so far, we are doing all we can to get done, what if we can not pave that last part of UDOT, it is that what if. I do not know what will happen, I cannot answer that. I do not have approvals. We want to get it done and we are trying to get it done.

Rusty Webster stated we are going to move forward because we cannot wait for UDOT approval, confident that UDOT will approve. Added that they are going to get the fence done for Steve Fitzgerald in phase one.

Gio Melendez asked what is the fence situation. Rusty Webster answered it was an agreement between River Bluffs and Steve Fitzgerald to put up a fence.

Opened to Public

Tom Finders stated he was here on behalf of Kit Burton. Asked for some kind of guarantee on phase one and the road out to SR32. Also the gate on the ditch what kind of guarantees could be put into place in order to accommodate the developer. Is there a time limit to complete phase two? Why was the phasing plain not approved in the beginning?

Warren Clark answered it was a mistake. Alison Weyher added that in August 2007 it was an agenda item to discuss phasing the project, right before the meeting they decided they did not want to do phasing. At the time, there was a lot of concern about Hill Top Road and the linking to Wild Willow was a big concern, and we were unsure of the out come. So at that point, we felt it was better to sit on the approval they had instead of risking an amendment.

Tom Flinders stated Kit Burton was concerned about the road being done this year. Mr. Burton will be delighted to hear Mr. Warren and Mr. Webster are trying to get the road done by October 15. Tom Flinders added he questions if UDOT can work that fast, and that would bring up a completely new set of problems.

Tom Flinders asked what kind of bond is in place for this project. In addition, what is the amount of the bond? What kind of guarantees can the developer make for both the gate and the road? Alison Weyher asked what the gate was. Rusty Webster answered the head gate for the irrigation.

Steve Fitzgerald stated he had no problems with phases. Suggest if they do it in phases, they need to spray for weed or it will turn into a thistle patch. Added it should be imposed on all developments.

Robyn Fitzgerald expressed her concern that Nella Longacre with her 3 home subdivision could not come to the Planning Commission until she has an easement agreement with Mr. Naylor to use his private road, but the Planning Commission is involved with River Bluffs a 61 home development on 30 acres, priory to them getting an easement agreement with Mr. Burton, and with him threatening a law suits. Added she did not understand why the Planning Commission was involved with River Bluffs.

Alison Weyher explained when we talked about the two land use agreements, the first one was done in July 2007. That is the approval, that is what the land use agreement does, and it is a legal binding document between the Town and Warren Clark and Kit Burton. It states the Kit Burton legal agrees to give Warren Clark access across his land for a road for his subdivision; it was done before any approvals were finalized, and it was recorded with the County. Then this year we went back and rerecorded it with more changes to make it clearer that the subdivision has to access off of SR32, that Kit Burton will allow that road to go there, a legal description where the road goes. Alison Weyher then explained what we need from Nella Longacre is clarification that it is ok with Mr. Naylor for Nella's two lots to access from his private road.

Robyn Fitzgerald also suggests that speed signs be posted on Hill Top Road, because people do not know what the speed limit is on that road, and they drive too fast.

Alison Weyher suggests Robyn talk to Tal Adair about what they have done in Wild Willow to slow cars down. In addition, Alison will talk to the Town Engineer and Councilman John Keyes to see if something can be done.

Sheldon Thompson asked Rusty Webster if he had met with UDOT. Rusty Webster answered he had a call into Wes and was expecting him to call him back tomorrow. (Aug. 28) Now that they have the final draft turned in, Mr. Webster will start calling and pushing to get approval.

Sheldon asked if UDOT has been out to look at where River Bluffs want to connect to SR32. Rusty Webster answered yes, basically this is our 3rd revise, we revised just exactly how they asked, we did everything UDOT has asked so we do not see there being a problem, it usually takes two or three times to get everything right.

Susan Cann asked if anyone had any questions on the phasing.

Sheldon Thompson commented we do not need to talk about the phasing until UDOT gives approval, because if they do not get approval the project stops.

Bill Crystal agrees with Sheldon.

Susan Cann suggests that the Planning Commission send it to the Town Council with their recommendations, so if they do get approval from UDOT they will not have to come back to the Planning Commission.

Alison Weyher recommended the Planning Commission send their recommendation to the Town Council

Gio Melendez stated his biggest concern is the park, the phasing is not a problem, but the park needs to be included in phase one; it will be a good marketing tool. It will be a benefit to the whole Town.

Peter Swisher agreed about the park being completed with phase one but also would like to see the trails completed with phase one that would also benefit the Community. In addition, it would show good faith.

Tom Flinders stated Wild Willows concern is if the road starts to go in and is half built and thing fall apart that is a problem. Therefore, the phasing is not the issue the road is.

Bill Crystal stated his concern is the cul-de-sacs being paved so a fire truck can turn around.

Dorothy Sullivan agrees that the cul-de-sacs need to be paved.

Gio Melendez asked where the turn around is located. Rusty Webster answered lots 16 and 20.

Alison Weyher stated the developers have been required to post a bond, which is for 3.2 million dollars, we could require sufficient reserves be held to hard surface cul-de-sacs in the advent that phase two is not completed within a two year period.

Tom Flinders commented that it would be hard for the Town to collect on a bond if it encumbered two phases, suggested bonding each phase.

Alison Weyher responded if one of the conditions for approval is sufficient cash reserves be held to hard surface the cul-de-sacs and it be held separate then it should not be a problem.

Peter Swisher motioned to approve the Rivers Bluffs subdivision-phasing plan with the following conditions: (1) No phasing will be approved until after UDOT has approved the intersection of Scenic Heights Road and SR32. (2) All trails (including the trail on Hilltop Road) are to be completed as part of Phase One, except for the berm. . (3) The park and its amenities are constructed as part of Phase One. (4) The two cul-de-sacs are 60feet in diameter and are to be installed and hard surfaced in Phase One. (5) Affordable housing is included in Phase One. (6) The developer/HMA will be responsible for weed control on both phases of the subdivision until all lots are sold. (7) Ditch gate be part of Phase One. Dorothy Sullivan seconded the motion. Motion passed unanimously. Voting in favor Susan Cann, Peter Swisher, Dorothy Sullivan, Bill Crystal, Gio Melendez, and Sheldon Thompson.

Agenda Item Number Five: Z-Rock Conditional Use Permit Amendment with Public Hearing and Possible Approval

Alison Weyher stated that in August 2007 the Town approved a Conditional Use Permit for a gravel pit located between Springhollow Road and Lower River Road south, south of the existing West Valley pit on property owned by M Bar 7. One condition of the CUP was that: “the applicants must construct, at their own expense, a landscaped berm along Spring Hollow Road. The berm will be constructed in two portions. Portion 1, on the east of the existing pit will be constructed immediately upon execution of this Permit and prior to the Gravel Pit beginning operations. In the fall of 2007, to be completed by November 15, 2007, a second section of Portion 1 of the berm will be constructed along the property where the existing catch basin and Terry Thompson’s operations are located.

Portion 2 of the berm will include the property currently under cultivation, and will be installed when said property is taken out of cultivation. All berms will be 12 feet wide and three feet high and located on the Applicant's property adjacent to the Town right-of-way. Prior to construction of Portion 1 of the landscaped berm, the Francis Town Engineer and Planner will meet with the applicant to determine appropriate landscaping." In May 2008, the applicants received approval to install a concrete fence along Portion 1 of the gravel pit in place of the berm. Alison Weyher added that a Public Hearing would be held tonight. In addition, it was notices in the Summit County News.

Alison Weyher stated

1. The goal of the landscaped berm was to provide a buffer between the gravel pit operations and Spring Hollow Road.
2. The berm has been "roughed in" (rocks and dirt) along Spring Hollow, roughly 30 feet from the edge of the r-o-w. No landscaping has been installed to date.
3. The applicant is proposing to remove the berm, install wheel lines running north and south, and plant alfalfa from the road to the Thompson Mulching operation.
4. The applicant has stated that the reason he wishes to farm the land is that he believes that growing alfalfa is a better use of the land, will be more visually appealing, and more functional than the berm. He believes the berm will be hard to water and will become unsightly with weeds.
5. The Conditional Use Permit requires "the applicants will be required to possess and maintain sufficient water rights for all operations to be conducted at the Gravel Pit. The applicants assume all responsibility for safe delivery of water to the Gravel Pit". The Planning Commission may wish for verification that the applicant possesses sufficient water for this project.

Alison Weyher suggested items for discussion:

1. The Planning Commission may wish to ask the applicant for additional information on the proposed alfalfa field, including:

Does the applicant possess sufficient water for the proposed use?

How will run off be handled?

When will the field be planted?

2. The Planning Commission may also wish to ask the applicant for additional information on the realignment of the road into the Thompson Mulching operation.
3. While the mission statements of both Eastern Summit County and Francis Town promote the use of land for agricultural purposes, and while staff believes that a planted field will be more visually appealing than the 12 foot wide berm with limited plantings, little water and nothing between the berm and the mulching operation, staff is also mindful that the original intent of the berm was to be a landscaped buffer shielding the view of the gravel pit from the road and adjacent property owners.

Alison Weyher stated that Staff recommends Approval of the modification of the conditional use permit, subject to the following condition: Preparing and planting the field in 2008 to eliminate the current conditions and insure that the field will be under cultivation by 2009.

Alison Weyher stated there was a map and copy of the Conditional Use Permit in The Planners packets. Alison Weyher showed on the map the location of proposed field for planting alfalfa.

Peter Swisher asked how it could be easier to water alfalfa than a landscaped berm.

Sheldon Thompson responded what they are trying to do is get something out of it, the berm was put in to hide something and basically, it does not hide anything, because you see everything over top of the berm when you hit the top of the hill.

Blake McNeil stated the water for the berm is not irrigation water, added he has the water rights to irrigate the field.

Susan Cann asked if you have water rights for that area what are you going to do with the space we call the berm?

Alison Weyher stated what Blake McNeil is proposing is that he and Steve Zabriskie will take out the rest of the berm, so it will just be a hillside, from the top of where the hill ends and the road that goes into the gravel pit to the lower gravel pit, from Springhollow over to Thompson Logging, which is between 200-300 feet wide. On that hillside, they are going to put headlines running north and south, Blake McNeil is going to run the lines with his irrigation water shares.

Opened to Public

Greg Averett commented the only reason the berm went in was because the Development Code required a berm. That was not working so up went the wall, added he likes the wall but many people have complained about the wall. If we would have left it alfalfa, in the first place we would have been better off. Greg Averett opinioned the code that requires a berm should be thrown out. Added everyone loves alfalfa and nobody complains about alfalfa fields.

Susan Cann asked if it is required in the code to put in a berm could we change the condition of the berm into agriculture. Alison Weyher answered yes we can because it is a Conditional Use Permit. Added it is important to have a date by when the field will be planted, because some people are up set that we approved the berm and nothing has happened with it

Bill Crystal stated historically by May 10th you need to have your crops in.

Alison Weyher asked Mr. McNeil if he would plant a fall crop. Mr. McNeil answered no. added this year you could not have planted by May 10th added, June 15th would be a better date, it just depends on mother nature. Mr. McNeil explained that when you plant alfalfa, you have to go in and plant oats for a year or two to kill the weeds out, before you can plant alfalfa.

Alison Weyher suggested we work out a time line for planting. Asked Mr. McNeil what he planed to do this fall. Mr. McNeil answered move the berm and the dead trees and level the ground so it will be ready to plant this spring. Added that June 15th would be a reasonable deadline to have crops planted.

Peter Swisher asked if we wanted a deadline this fall to have the field ready for next spring. The Planning Commission agreed on October 15th to have the berm and trees leveled.

Gio Melendez motioned to approve the Amendment to the Conditional Use Permit with these conditions: (1) Will plant oats for two years and after that will plant alfalfa. (2)The removal of the berm and dead trees and the ground is leveled and ready to plant by October 15, 2008. (3) Planting if possible will be done in May, but no later than June 15th. Peter Swisher seconded the motion. Motioned passed. Voting in favor Susan Cann, Peter Swisher, Geo Melendez, Dorothy Sullivan, and Bill Crystal. Abstained from vote Sheldon Thompson.

Dorothy Sullivan asked to be excused. Excused at 9:05

Agenda Item Number Six: Development Code Update –

Alison Weyher stated we have approved all of the changes for the Development Code except we still need to clarify the animal point system. Alison Weyher stated the current language of the developmental code allows you to have 100 animal points per acre. You get 40 point per horse or cow, 20 points per llama or sheep, 5 points per chicken; we have included domesticated farm animals to include horses, cattle, sheep, llamas, pigs, chickens, and donkeys and goats. We have reviewed the development codes in Summits County, Coalville, and Park City none of them go into that kind of detail with the point system. In most cases, they say you can have as many animals as can be properly cared for. In Summit County, animal control is now under the jurisdiction of the Sherriff. It is a much more effective way to handle mistreatment of animals. The proposed language which we have yet to adopt or modified reads: 1. Areas of Francis town which have historically been agricultural and are not part of platted subdivisions are allowed to have such domesticated farm animals as can be properly cared for on each lot. 2. Areas of Francis Town within a platted subdivision are permitted to have two horses or cattle or four sheep, llamas or donkeys per half acre devoted to their care, subject to the CC&Rs of the development. Additional densities may be approved through the Conditional Use Process. 3. No more than three household animals are permitted per half-acre lot; however, additional densities may be approved through the Condition Use process. 4. No domesticated farm animals are permitted in the R-2 Zone.

Bill Crystal stated the problem he has is with number two, we should take it out. If you have four children and each child wants to raise two lambs (8 total) for the County Fair and you only have a half-acre you would not be allowed to do this. Added that we are pushing out the rural people and taking their rights away.

Greg Averett stated he understands Bill Crystal's concerns but we need some regulations to protect the people from the idiots that do not take care of their animal. However, we also need to protect the agriculture people's rights to have animal.

Tom Finders commented there is also another line of defense and that is the CC&Rs of the subdivisions.

Alison Weyher suggested that we say no domesticated farm animals are allowed on less than one-half-acre devoted to their care, or in subdivisions where prohibited by CC&Rs.

Gio Melendez motioned to vote on each of the four items individually. Bill Crystal seconded the motion. Motioned Passed unanimously.

Bill motioned to approve number one (Areas of Francis Town, which have historically been agriculture and are not part of platted subdivisions are allowed to have such domesticated farm animals as can properly cared for on each lot.) Peter Swisher seconded the motion. Motion Passed unanimously.

Peter Swisher motioned to approve number two (Areas of Francis Town within platted subdivisions are permitted to have two horses or cattle, or four sheep, llamas or donkeys per half-acre devoted to their care, subject to the CC&Rs of the development. Additional animal densities may be approved through the Conditional Use process.) Motioned Passed. Voting in favor: Peter Swisher, Gio Melendez, Susan Cann and Sheldon Thompson. Voting against: Bill Crystal.

Peter Swisher motioned to approve number three (No more than three household animals are permitted per half-acre lot, however additional densities may be approved through the Conditional Use process.) Gio Melendez seconded the motion. Motion Passed. Voting in favor: Peter Swisher, Gio Melendez, Susan Cann and Sheldon Thompson. Voting against: Bill Crystal.

Peter Swisher motioned to approve number four (no domesticated farm animals are permitted in the R-2 Zone.) Gio Melendez seconded the motion. Motion Passed unanimously.

Peter motioned to approve all changes noted. Gio Melendez seconded the motion. Motion Passed. Voting in favor: Peter Swisher, Gio Melendez, Susan Cann and Sheldon Thompson. Voting against: Bill Crystal.

Adjourn

Bill Crystal motioned to adjourn. Peter seconded the motion. Motion Passed unanimously. Meeting adjourned at

These minutes were _____ approved as presented. _____ approved as amended at the meeting held September 24, 2008.

Susan Cann, Chair
or
Peter Swisher, Co-Chair

Susan Moses, Secretary