

Minutes of the FRANCIS TOWN Planning Commission Meeting and Public Hearing

September 24, 2008

Recreation Building 2319 Springhollow Road Francis, Utah

The Francis Town Planning Commission convened in regular session Wednesday, September 24, 2008 in Francis Town Recreation Building.

PRESENT:

Vice-Chair Peter Swisher
Commissioner: Bill Crystal
Commissioner: Gio Melendez
Commissioner: Dorothy Sullivan
Commissioner: Scott Buchanan

City Planner: Alison Weyher
Secretary: Susan Moses

ABSENT:

Chair Susan Cann
Commissioner: Sheldon Thompson

IN ATTENDANCE:

Nella Longacre, Kit Burton, Bruce Riches, Alton Frazier, Cortni Swisher.

Opening:

Vice Chair Peter Swisher called meeting to order at 7:02 pm.

Introduction of New Planning Commissioner Scott Buchanan.

Approval of Minutes:

Gio Melendez motioned to approve the minutes for August 27, 2008. Dorothy Sullivan seconded the motion. Motion passed unanimously.

Agenda Item Number Four – Update on Town Council actions on Development Code

Alison Weyher stated the Town Council approved all changes the Planning Commission made to the Development Code. Adding one small change to the animals. The Town Council decided that for domesticated livestock you have to have a half-acre contiguously property devoted exclusively to their care. Alison added she had hoped for more discussion about the affordable housing component. The way the development Code reads now is that developments with over 30 lots have to have 20% of affordable housing, is concerned it may not work in the long run. All the development we have been working with will be grandfathered in under the old code.

Scott Buchanan asked Alison if the 20% was not high enough or too high. Alison Weyher answered it may be too high , gave an example of a property owner who is interested in annexing into Francis Town, they have about 80 acres and they want to do 2 to 5 acre lots with a couple of 10 acre lots. If they have to have 20% of affordable housing, (affordable housing at 80% of market rate would be affordable to a family of four that earns \$66,000 per year) could see a couple of Town homes on the edge of the development but not on 16 acres that would be tough. The amount of property you would have to give up, and not sure, you could make it affordable. Alison Weyher stated we will have to see how it comes together; it may be a good way to get town homes or duplexes. We will have to see how the proposals come together, it is in the code and everyone will know that is our requirement.

Alison Weyher stated the Town Engineer Scott Kettle has a meeting with the State next week for an up date on where we are with the sewer. We are waiting on what kind of discharge permit the State will let us have. We are on hold until we hear from the State.

Gio Melendez asked for an update on River Bluffs. Alison Weyher answered the Town Council talked about that in great detail and they reiterated the Planning Commission's motion. They are still waiting for UDOT approval. Alison's understanding is that UDOT is OK with the alignment but are still reviewing the traffic study. In the mean time, the developer is taking a chance and going ahead with the road.

Agenda Item Number Five: Continued Discussion of Zoning Districts –

Alison Weyher handed out an official zoning map. Explained the existing zoning map deals only with property currently within the Town boundaries. State Law requires every Town and every City to have an annexation declaration area, that area is the extreme boundaries of the area that you will consider annexing. All annexations have to be contiguous; you cannot create islands or peninsulas. We have never done any future zoning in Francis we have always looked at land as it has come in. In the past it has automatically been rezoned R-1. For several different reason we have been thinking about doing some long range planning with some future zoning. One of the reasons is Summit County is setting up an Eastern Summit County Sewer District and everything that is not within the Town boundaries would be part of that sewer district, as property annexed into Town they would have to de-annex from the County sewer district. We also have had many calls from people who are interested in annexing property into Town and they want to know what it is zoned and what can they do with their property.

Alison Weyher handed out a proposed zoning map. Explained this map is just a first draft, it has zoning designations on it. Alison Weyher thought the plan worked nicely for Francis because the

blue would be the R-2 zone, which is what we would look at in terms of multi-family. It recognizes the principles espoused in the General Plan, that the greatest density should be at the Town core, that is where the services are, and the further away from the Town center, the less density, the more rural the feel should remain. We have commercial all along SR32, then we have R-1 (two units per acre) that goes out from that area, from there we are proposing a new zone, which is RA, (one unit per two acres) which is the outer part of the bulls-eye. The last part (blue area) is proposed agriculture protection area; we need to come up with something that is not necessarily one unit per 40 acres that is what the abutting land is in the County, some place between one unit per 2 acres and one unit per 40 acres. Alison added we need to talk about this and once we feel comfortable in a direction, we need to put it on the Town's web page and hold some public hearings and let people talk about it. If we are zoning people's property, we need to give them the opportunity to speak.

Gio Melendez asked if there was a State or County standard or national standard, or percentages of total acreage of a town that should be designated for each area. Alison Weyher answered no. It depends on the town and the town sets the designated boundaries.

Scott Buchanan asked if the circles were for the sake of convenience, because some seem to bisect lots. Alison Weyher answered yes and it is very general.

Peter Swisher commented that the R2 is a problem because it is already build on. So we will not really have any R2. Alison Weyher answered that is true, but there are some vacant places in there. Peter Swisher asked if the plan was to take anything that is vacant and push it into the R2 zoning. Alison Weyher answered if you followed the General Plan closely the General Plan would suggest that is what would happen, Alison added she is not sure that is a good idea.

Alison Weyher commented that maybe since multi-family-housing is a conditional use, then maybe it should be allowed, instead of having a R2 zone we should stick with all developments have to include some affordable housing, and any area is fair gain as long as you go through the conditional use process.

Bill Crystal commented he does not like the map, feels it is not fair to the people already in the Town.

Dorothy Sullivan commented she likes the map, would like to keep the Town as rural as possible, at some point we need to say no more building in Francis.

Gio Melendez commented that we obviously have definite corridors, SR32 & SR35. The center of Town is not necessarily the center of Town for the way things have gone over the years; we do have the Town Hall and the four corners, but no real services. Maybe we could use the same basic principle of areas coming out, but you draw the lines around the main corridors, and go out from there, not necessarily circles, they are going to be weird shapes, but they will follow the same principles, the further you go out the more density you will have along those corridors.

Peter Swisher recommended that we get rid of the blue circle (proposed R1) altogether, would rather see it spread out instead of all being in one spot.

Scott Buchanan asked if there is a State Law that mandates affordable housing components and is the Town tiring to find a place to put that. Alison Weyher answered State law does not require the community to construct affordable housing but that you have provisions that it will be constructed, by changing our code so that developments are required to construct affordable housing, we meet the States standards, we are not required to do the blue bulls eye. Alison Weyher added that it is a good idea to spread affordable housing around the community; we do not want to create neighborhoods of affordable housing. One of the consequences of having an area zoned R2 for multi-family-housing is you will get periodically multi-family housing in one area.

Gio Melendez commented he would not like to see one area devoted to multi-family housing, added there is not a need to central affordable or multi-family housing.

Bill Crystal is concerned that by zoning areas you make some peoples property more valuable than other people's property. Added that the people who live in Francis should have priority over those who want to annex into Francis.

Scott Buchanan commented that from a traffic standpoint the worst thing to do would be to allow 14 units per acre deals, one would not be bad, but if you had 6 acres with 14 units per acre at the end of a neighborhood you be creating a lot of traffic going through neighborhoods, so it would be better to have those units on SR32 or SR35.

Bill Crystal commented it would not be any less traffic. What is the difference if it is at the end of a neighborhood?

Scott Buchanan responded that if it is deeper in the neighborhood, you have more traffic going through that neighborhood to get to the main road as opposed to being next to the main road. Added he is not saying you should not have it in the neighborhood, but you should spread it out in such a way that it is not to dense, not multiple lots that have the same number of multi-unit housing in the same area.

Alison Weyher responded the reason the commercial zoning is along SR32, is because there is more traffic there and more services on the SR and you do not have the traffic going through the neighborhoods. We might want to look at overlay zoning.

Peter Swisher suggested we could have a list of some numbers saying we want this many half-acre lots and this many acre lots and this many 10 acre lots and this many 50 acre lots ect. Therefore, it is first come first served. In addition, we have some limits set in place.

Gio Melendez asked if the idea of this map is to create some kind of limit to the density of the Town.

Alison Weyher answered it goes beyond that. It is the Towns vision; Dorothy has said she wants to see Francis stay a rural area. If your vision of Francis Town is a rural community, then you do not want a lot of small lots.

Bill Crystal commented if your vision is to keep Francis rural then you need to get your cheek book out and buy it to keep it rural because you are infringing on someone else's property rights.

Alison Weyher stated that as the Planning Commission you have a certain amount of say in this. Because you have been entrusted by the Town with this position to plan the future of Francis, it is within your purview to say we do not want to have a lot of house in that area.

Bill Crystal commented we need to get rid of the bulls' eye.

Alison Weyher answered lets go back to the official map, stated one of the reasons we started on this is because people do want to annex into Town. Bill Crystal asked if the reason was that, they want more density. Alison Weyher answered yes, because if they are in the county and this was agriculture protection area it would be 1 unit per 20 acres and 1 unit 40 acres upon the hillside.

Alison Weyher suggest the Planning Commission take the maps home and study then and discuss it again next month. Suggested we might come up with a base zone, perhaps it is one unit per five acres or one unit per ten acres or something like that until you come and meet with the Planning Commission and argue for greater density, that is the way Summit County Planning works.

Bill Crystal commented before we annex anyone into the Town, we need to afford those opportunities to those already in the Town.

Scott Buchanan asked, the thought is if there was an annexation petition the expectation would be that if we did annex anyone in, all of this is Agriculture Protected, 1 unit per 40 acres is that currently what the County has it zoned. Alison Weyher answered 1 unit per 20 acres and 1 unit forty.

Alison Weyher stated on our agenda tonight we have a proposed annexation petition for Uinta Willows, which is located on the northwest corner of Wild Willow. (showed on the map). They are asking to be annexed as R-1 and right now on our proposed zonings map they are proposed RA-1, which is one unit per 2 acres. Alison Weyher added that she recommends where the development abuts Wild Willow, 1/2-acre lots are appropriate. On the northern edge, RA-1 may be more appropriate.

Peter Swisher thought that was a good idea to make it consistent with Wild Willow.

Alison Weyher stated the people north of Uinta Willows have also talked to her about annexing into the Town as soon as the Town accepts Uinta Willows annexation, because then they will be contiguous to the Town Boundaries.

Bill Crystal asked how we could annex someone into Town when we do not have enough sewer hooks.

Alison Weyher stated that in all likelihood by the end of the month we should have a clear direction from the State on the sewer system we can use.

Gio Melendez asked if we wanted to wait until the sewer system was in before we annex Uinta Willows into the Town. Alison Weyher answered what the Town Council said when they accepted the petition for further consideration was that they would except it for further consideration but they could not be finalized until the sewer system was resolved. It is a long process to go through; we are at the beginning of that process. The Town Council accepted it for further consideration, now it comes to the Planning Commission, you make a recommendation then it goes back to the Town Council, goes to the Staff and we determine what they will pay for a fee to annex into the Town or is there something the Town needs or wants, when you do annexation you can ask for contribution from the developer, sometimes it is a cash amount or like Randy Butters who has to build a new well for the town with a big water tank up on the hill as part of his annexation.

Bill Crystal asked how a new water tank would help the people already in Town. Alison Weyher answered it gives us a verity of different water sources.

Peter Swisher asked if we could make a baseline, like one unit per ten acres to annex into Town and then they would have to argue their way through that, then we could make a decision if we want to allow higher density.

Dorothy Sullivan commented we should not do annexation by piece mill. At some point, we have to say we are done annexing people into Town. Concerned we are going to run out of water. We need to have boundaries that limit the amount of annexation.

Scott Buchanan concerned about annexing Uinta Willows into the Town at this time. Concerned if they are doing spec homes because right now there are so many home in Wild Willow that are starting to become unoccupied.

Alison Weyher suggested moving to the next agenda item and continue our discussion on zoning when we look at Uinta Willows proposed annexation.

Agenda Item Number Six – Continued Public Hearing, with possible recommendation on Long Acre Minor Subdivision

Alison Weyher stated the applicant is proposing to subdivide 3.8 acre 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. This item was continued from last month so that the applicant could complete the notification process. As the attached plat indicates, this property is located on the east side of Springhollow Road, in as 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 Acre 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. Alison Weyher added that because the applicant does not wish to install addition fire hydrants, the Town Engineer is recommending that the building pads be included on the plat to insure that all homes are within 250 feet of a fire hydrant as required by the Francis

Town Development code. At the prior Planning Commission meeting, staff indicated they would research the possibilities of having Keith Naylor finish the road so that it could become a public road. After reviewing the file, staff has determined that the Town does not have any recourse against Mr. Naylor, no bonds were issued for the hard surfacing of the hammerhead, which is the only item remaining to be completed. Mr. Naylor owns additions' property to the south and east of the current subdivision. It had been his intent to develop that land and continue the road rather than having it a permanent cul-de-sac, which was the reason the hammerhead was not hard surfaced at the time the development occurred.

Included in the Planners packet is a letter from Mr. Naylor giving Nella Longacre access onto Country Lane from her minor subdivision.

Nella Longacre stated she had talked to Bob Swenson from the health department and he gave her the information she need for the septic tanks.

Opened to the Public

No Public comment

Dorothy Sullivan motioned to approve the Long Acres Minor Subdivision subject to:

A. Completion of all requirements of the preliminary plat as listed in the Development Code, 6.21.2, including building pads for the homes on both new lots.

B. Approval from the Summit County Health Department for septic tanks to be used at this location.

C. A plat note be included stating that when the sewer line is installed, all three lots will be required to connect to it.

D. clear indication on the plat that Country Lane is a private road.

E. Tow shares of Washington Mutual or south Kamas Irrigation Company water be transferred to the Town to provide water for the two new lots.

Scott Buchanan seconded the motion. Motioned passed unanimously.

Agenda Item Number Seven - Concept Plan Review of Uinta Willows proposed annexation

Applicants were not present.

Alison Weyher stated the State Laws governing annexations are complex. The petition for further consideration is accepted by the Town Council, that does not mean the land is going to be annexed in, it just means the Town is considering it. The applicant has to give a plan to the Town Planner and the Planner reviews it and if the Planner thinks it is worthwhile then the Planner sends it to the Planning Commission, then the Planning Commission has to hold a public hearing, this is still a discussion, after the Planning Commission says they like it, it then goes to the Town Council with recommendations, then the Town Council can annex them into Town or not. This plan does not vest the applicant with any development rights, and he must still go through the entire approval process following annexation.

Alison Weyher stated staff believes that, in keeping with the Planning Commission's direction to encourage greater density at the Town core with larger lots further out, the proposed density is too high. On the southern edge of the project, where the development abuts Wild Willow, ½-acre lots are appropriate. On the northern edge, RA-1 may be more appropriate.

Peter Swisher asked why we are discussion Uintah Willows proposed Annexation if they did not show up. Alison Weyher answered we are discussing master planning and zoning overall for the Town and this weighs into that. Added we are not making any motions on Uintah Willows tonight.

Alison Weyher showed on the map Wild Willow and the phase that is currently under construction, showed on the map Birch Way and stated the plan is this road will come out onto Hallam Road so it will provide another point of ingress/egress. Showed on the where Uinta Willows abuts Wild Willow, commented it makes sense to allow ½ -acre lots but up on the northern edge is the Heart Ranch and it is all raw ground, if we go back to our zoning map think about what you want to see happen there. Suggested we think about transitioning to larger lots as we move further north. In addition, because this folks are going to do some affordable housing, they could do a couple of single-family homes or town homes. We need to pay a lot of attention; this is going to be our first development that we require affordable housing. Keeping in mind the big piece of property that goes all the way up to Lambert Lane.

Peter Swisher agreed with Alison Weyher, added it gives use a reason why the next one up cannot be R-1.

Bill Crystal asked why, just because you are here and you have your house you do do not what the next guy to develop his land. Why is he any different from anyone else? If you are in the Town of Francis, shouldn't you have the same rights?

Scott Buchanan commented that is the purpose of the Planning Commission to decide what this Town is going to look like, to decide where there is more density and where there is less density.

Bill Crystal asked why the ground over there is any different then my ground, and Kit Burtons ground, or Ran Away Ranch. Is it the year they annexed into the Town? Alison Weyher answered yes it is the year. Wild Willow is in Francis and Kit Burton has been paying taxes, all the people in Francis have been paying taxes. Heart Ranch is in the County, they always have been in the County, why should they have the right to come in and do more single family housing.

Bill Crystal asked if Wild Willow has always been in Francis. Alison Weyher answered no. Bill Crystal commented we should give everyone the same rights. Alison Weyher responded that the Heart Ranch has a right to stay in the County and develop in the County. Bill Crystal commented that the Heart Ranch has a right to come into the Town and develop. Alison Weyher agreed he could come into the Town but he would have to abide by the Town regulations.

Gio Melendez commented we need to have a cut off point were we say no more high-density housing.

Bill Crystal afraid if we make a rule someone will contest it and sue the Town.

Alison Weyher responded that is the reason for doing the zoning so we do not get sued, so we are not playing lets make a deal with everyone who want to annex into Town. We say we have gone through this process the Planning Commission has talked about this, we had it on the web-site, we have had public comment , the Town Council has voted, this is our policy in this area you have this kind of zoning, in this area you have that kind of zoning. That is defensible in court. You have to have clear rules.

Dorothy Sullivan commented that someone has to be the last one to annex into Town.

Kit Burton commented it is important to have zoning and rules in place.

Gio Melendez commented regardless of what we decide to do here it has to go to a public hearing, so if there is a home owner out there who has property, they have the opportunity to come to the public hearing and voice their concern.

Alison Weyher showed on a map the property that was in the Francis Town annexation declaration. Alison stated we could annex proper that is within this area, it has to be contiguous to the current Town boundary, but nobody else can annex anything in this area. Showed how far Kamas and Woodland can go. It behooves us to set some guidelines as to what we want within those boundaries.

Peter Swisher suggested next time we bring a projector and dry erase makers and play with the map.

Gio Melendez suggested instead of having a blue circle in the middle we have a blue line along the corridor then go out from there, the further out you go the lower the density. Reminded that we are an advisory board; we will pass it off to the Town Council, we will have public hearings, and we have an obligation to go with what the Town wants.

Peter Swisher suggested we table until next month.

Agenda Item Number Eight – Other Business

Alison Weyher stated that it is a State law that all individuals that sit on a public board are required to receive training on how to run a public meeting. Mayor Bergen has discovered that it is possible to read the material rather than have someone come in and lecture. The Mayor is proposing to read the material out loud to the Town Council and Planning Commission. It will not be at our regular meeting but at some other time.

Adjourn

Dorothy Sullivan motioned to adjourn. Scott Buchanan seconded the motion. Motioned passed unanimously. Meeting adjourned at 9:35 pm.

These minutes were _____ approved as presented. _____ approved as amended at the meeting held October 22, 2008.

Susan Cann, Chair

Susan Moses, Secretary