

## **Francis Planning Commission Meeting**

### **Thursday, February 17<sup>th</sup>, 2022 7:00 p.m.**

This meeting will be held as an electronic meeting without allowing the public to enter the Community Center or another anchor location to participate, pursuant to Governor Herbert's Executive Order 2020-5.

Francis City is inviting you to attend by following the link below or by calling 1-301-715-8592

<https://us02web.zoom.us/j/86901417999?pwd=Q20rOXZOVWhqNExlYVY3UFJ2T1NjUT09>

Meeting ID: 869 0141 7999 Meeting Password: 090266

You can also comment by email to [comments@francisutah.org](mailto:comments@francisutah.org)

#### **Attending:**

#### **Others Attending:**

##### **1. Call Meeting to Order**

Chair Brian called the meeting to order at 6:59

##### **2. Public Hearing – Code Text Amendment**

Planner Katie read her staff report. She proposed the code on the board as follows below:

- 2.20.080 #2: Delete Planning Commission tie vote protocol to remove an inconsistency with another section of code (2.20.020 3j), "The Chair may vote on all issues before the Commission." As currently written, democratic principles of one person, one vote are called into question.
- 2.20.080 #4: Correct spelling and grammar.
- 12.10: Add new section to regulate non-motorized trail use. The purpose is to protect existing trails as well as trails planned in several newly approved subdivisions.
- 17.60.025: Clarify conditions for townhomes in conservation subdivisions.
- 18.15.140: For the purpose of animal regulations, update the definition of a platted subdivision to include R-C and M-F zones and conservation subdivisions.
- 18.15.200: Update front yard setback requirements for decks to consider front setbacks for the R-C zone (25 feet) and conservation subdivisions (20 feet).
- 18.40.020: Remove requirement that single-family dwellings in the R-C zone must be owner occupied. The city attorney has said that the current code is unreasonable and unenforceable.
- 18.40.060 and 18.58.060: Change accessory building setbacks in R-C and M-F zones from 3 ft to 5 ft to be consistent with public utility easements.
- 18.40.060: Correct incomplete sentence.
- 18.59.020: Add requirement that planned development overlay may only be applied to projects that are at least 5 acres. Recent applications show that the overlay is best suited to larger developments.
- 18.65.030: Remove requirement that 5 sets of a CUP application be submitted. This is outdated now that the Planning Commission uses iPads and Dropbox.
- 18.100.100: Delete conflicting code for the area of parking spaces.
- 18.100.100: Delete reference to SLU as it does not appear anywhere else in code.

Planner Katie started with the first item. She said her and the city attorney had discussed it would be best to do away with tie voting. In the instance there is a tie vote, they would forward it to the City Council as such if they can't resolve the tie with further discussion, instead of having the chair making a second vote. She then said the next item was just to correct some spelling and grammar issues within the same code.

Moving on she said they have had some complaints about trails in the city and them being used with motorized vehicles, she said people are wanting code enforcement done on it, but it is not specified in our code so we haven't been able to. With so many new developments and the trail requirements being part of them, this would be beneficial to our code

now, to prevent other issues in the future. Katie said she liked the looks of Park City's trails code and thought it would be a good starting point for Francis, it reads as follows:

1. **DEFINITIONS.**

1. "Multi-Use Pathway" means a way or path no less than eight (8') feet in width that has a surface of concrete or asphalt and is separated from the roadway by an open space, a curb or other barrier.
2. "Natural Surface Trail" means a way or route with a surface other than concrete or asphalt, which serves the primary purpose of passive recreational use, such as hiking, mountain biking, snowshoeing, cross-country skiing and equestrian activities.
3. "Power Driven Mobility Device" means any mobility device powered by batteries, fuel, or other engines, that is used by individuals with mobility disabilities for the purpose of locomotion, including electric personal assistive mobility devices, electric-assisted bicycles, electric-powered foot scooters, tracked mobility chairs or tricycles that are designed to transport a single individual with a disability.

2. **PROHIBITION.**

1. It is unlawful to operate any motor vehicle, motor driven cycle, motorcycle, mini motorcycle, motor scooter, motor bikes, snowmobiles, full sized all-terrain vehicle, all-terrain vehicle, off highway vehicle, low speed vehicle, moped, electric assisted bicycle or golf cart on a natural surface trail with the following exceptions:
  1. This prohibition shall not apply to persons with mobility disabilities who choose to use a Power-Driven Mobility Device, which is designed to transport a single individual with a disability as a substitute for walking and or biking unless prohibited by a designated traffic control device.
  2. This prohibition shall not apply to Class I electric assisted bicycles operated by persons age 65 or older.
  3. This prohibition shall not apply to motorized or self-propelled equipment, including electric assisted bicycles, used for maintenance or events as designated by the local highway authority. Emergency vehicles are also exempt from this provision.
  4. This prohibition shall not apply to Class I and Class II electric assisted bicycles on natural surface trails, greater than five (5) feet wide, which have been identified as an official transportation corridor by the local highway authority. Additionally, the allowance of electric assisted bicycles shall be designated as such by a traffic control device.
2. It is unlawful to operate any motor vehicle, motor driven cycle, motorcycle, mini motorcycle, motor scooter, motor bikes, snowmobiles, full sized all-terrain vehicle, all-terrain vehicle, off highway vehicle, low speed vehicle, moped, Class III electric assisted bicycle or golf cart on a multi-use pathway with the following exceptions:
  1. This prohibition shall not apply to persons with mobility disabilities who choose to use a Power-Driven Mobility Device, which is designed to transport a single individual with a disability as a substitute for walking and/or biking unless prohibited by a designated traffic control device.
  2. This prohibition shall not apply to motorized or self-propelled equipment, including electric assisted bicycles, used for maintenance or events as designated by the local highway authority. Emergency vehicles are also exempt from this provision.

3. **PENALTY.** Any person violating the provisions of the Ordinance shall be guilty of a Class B misdemeanor.

4. **ENFORCEMENT.** The Park City Police Department, upon notification shall have authority to investigate violations of this section and issue citations.

Planning Commission discussed the limitations on what e-bikes would be allowed. They determined that is an electric assist and is already predetermined by manufacturers and they would follow those.

Moving on Planner Katie said there was an issue with City Code that wasn't very clear on townhomes. She said Stewart Ranches is getting ready to record and they are wondering what percentage of their townhomes need to be moderate income. She said the way City Code reads; they need to do all of them moderate income. They interpreted the code differently and our City Attorney agreed it wasn't completely clear. She thinks to clear it up, it should state townhomes shall be allowed at up to 25% of the total number of units shown on the approved concept plan. The townhomes shall be deed restricted to provide moderate income housing per chapter 17.55 FCC. She asked if anyone knows of a clearer way of writing that.

Commissioner Bob asked if that is 25% of the townhomes in the development or 25% of the entire development?

Planner Katie replied what she is trying to say is that if you have 100 units approved, up to 25 of those can be townhomes. And then all those townhomes must be moderate income housing. She said right now our moderate-income housing doesn't match the traditional moderate-income requirements, usually it is below 80% AMI ours is between 80-120%. She said she has talked to Summit County about it and it's something for us to look into in the near future, but she wants to do some more research on it before she makes changes.

Commissioner Sam asked if the moderate income is governed by the State?

Planner Katie replied no, and that this is just for our Conservation Code, where they get townhomes without being zoned multi-family and they require 50% open conservation space for a density increase. She asked how many they want to require deed restricted.

Chair Brian said it is definitely aggressive, but we are trying to achieve the goal of providing for those that are part of the community to remain part of the community not those of second homes.

Engineer Scott said they are already giving bonus density as an incentive for the Conservation Subdivision, that there isn't a problem with requiring them to be moderate income.

Planner Katie said part of her thought was that with our moderate income being so high as is right now, that people of 80-120% AMI should be able to afford one.

Nick Mango made a comment that they could look at instead of all the townhomes being deed restricted, they make 25% of the subdivision moderate income as a whole.

The Planning Commission liked that idea.

Planner Katie asked for all Conservation Subdivisions, or just those that consist of townhomes?

Chair Brian responded all of them.

Planner Katie responded she just wouldn't want to discourage anyone from doing a Conservation Subdivision, because she believes that is one of the best tools the city uses with developments. She said it is something they could look into though.

Moving on, Planner Katie said the next item is addressing animals in platted subdivisions. She said there has been a lot of calls about this lately. Our code defines a platted subdivision as a parcel of land that is divided into 4 or more lots for the purpose of development and zoned RH. She wants to add to that by saying zoned RH, RC, multifamily or conservation subdivision.

Onto decks, Planner Katie said we have started accepting permits in our conservation subdivisions. She said this is a code we formed about a year and a half or so ago, and we overlooked, especially in a conservation subdivision, that the setbacks are only 20'. With that, you couldn't have a deck or patio in the front yard that states a 25' setback. It also applies to our RC Zone, so she wants to add in the exception.

Chair Brian questioned if we state that it is a 20' setback, do they want any structure including a deck to encroach on that?

Commissioner Terry said that some cities allow for a platform that is 2' above the ground, then they don't have to worry about an actual structure being built.

Planner Katie said we follow the International Building Code, and it states anything over 200 square feet or over 30" above grade then you need to have a building permit.

The Planning Commission said they were comfortable on how Planner Katie proposed the verbiage.

Next item was the conditional use table for the Residential Cottage Zone. She said that right now code states single family dwellings are allowed, but that they must be owner occupied. She said she doesn't think that is legal, reasonable, or enforceable. She understands why it was written that way, but it's not something we can enforce, and the City Attorney agrees that it is something that we should get rid of.

Setbacks for accessory buildings. She said we changed the setbacks to 5 feet in some zones, but that we missed a couple, so we are just adding this to the other zones so that they are all consistent within the city.

Next was the acreage requirement to be allowed to use the Village Overlay Zoning. She said that they are finding it is hard to meet road and setback requirements on smaller acreage parcels. Katie was thinking like 5 or more-acre parcels.

Chair Brian said he leans more towards 10 acres minimum for a planned development. He said they are hard enough as is, they should be working with people with more space to apply the planned development on.

Commissioner Bob said he agreed 10 was fine but asked if they could put a specific density requirement on it.

Planner Katie responded that the Planned Development Code lays out the allotted density and really that just relies on the underlying zone.

The Planning Commission agreed that ten was a good number to require on acres.

Planner Katie said next was just more of a housekeeping issue. Before we used iPad's, they required 5 copies of all documents, but now that they have the iPad's that is something they should remove.

Planner Katie continued nothing in the next code is changing, it is just a conflict of verbiage. She asked if the required space is 180 or 162 square feet for a parking stall, she said her thought was to cross out the minimum statement in the uses and requirements table. She said it also calls out to reference the SLU code, but that a SLU code no longer exists in our City Code now, so to remove that.

Planner Katie said that is all she had on the Code Text Amendment and asked if there were any questions or further comment on any of these things.

Chair Brian opened the public comment portion.

Mark Stevenson commented that they will talk about it in their proposal later, but that he thinks requiring 3 stalls per dwelling unit is too much.

Chair Brian closed public comment section.

Chair Brian went back to the moderate income and townhomes issue in a conservation subdivision. He said he doesn't believe that all conservation subdivisions should have to have townhomes, so he thinks the moderate income should only apply if there are townhomes.

Planner Katie corrected the code to state then that, if townhomes are incorporated into the conservation subdivision that 25% of the total number of approved units on the concept plan shall be deed restricted moderate income housing.

Chair Brian said he doesn't want it to mean that if someone wants to put 10 townhomes in, that now they must have 25% of the development moderate income, just that 10 units need to be. He thinks they should say something like for each approved townhome in the subdivision, an equivalent dwelling unit shall be deed restricted moderate income. So, it is a one-to-one ratio, if you put in 10 townhomes then you must have 10 deed restricted units within the subdivision.

Planner Katie worded it as: Townhomes will be allowed at up to 25% of the total number of units shown on the approved concept plan. Then a break, and then continued to say: For each townhome approved within the Conservation Subdivision, a unit in the development must be deed restricted per FCC 17.55.

The Planning Commission all agreed on that verbiage.

***Commissioner Bob made a motion to approve all the changes Planner Katie made with the additional changes per conversations they had tonight. Commissioner Terry seconded Bob's motion. All in favor, motion passed.***

### **3. Francis Commons Final Plat – Ivory Homes/Nick Mango**

Planner Katie read her staff report.

Planner Katie said her, and Scott believe they need to add a plat note that states ground water could be an issue. They have other issues of people trying to put blame on the city for their basements flooding and those homeowners need to know it is an issue and that the City is not responsible. She said they also need to finalize the addresses with the county.

Engineer Scott agreed with the plat note being added. He said as far as everything else, they are meeting all the requirements. He said as far as phase one there will be no issues, but with the finals on phase 2 and 3, that they make sure UDOT is still ok with everything.

Nick Mingo commented Katie did a great job on the staff report. He said they are good with a plat note being added on the ground water issue, he said in addition to that Ivory Homes will add it to their purchase agreement.

Chair Brian asked if the homes would have basements.

Nick replied yes some of them will.

Chair Brian asked if they have considered putting in sump pumps in the basements?

Nick replied based on the soil tests that they have done, no, but like Scott had mentioned its different at different times of the year. He said they are open to it; they will see what they run into when they start digging and if needed they will look into it.

Chair Brian commented just something to consider from a financial perspective, he said he doesn't see more than a \$200 increase in adding that option that they could even pass off onto the buyer.

Nick replied they will keep an eye on it, but that there are different options even with the grading and draining that they can do to help with it. He said they will have addresses on the plat for final and said they will work with UDOT on future phases.

Chair Brian asked if there was any further conversation needed.

***Commissioner Sam made a motion to approve the final plat for phase 1 for Francis Commons. Commissioner Bob seconded the motion. All in favor, motion passed.***

#### **4. Town Center Mixed-Use Development Concept – Russ Witt**

Planner Katie read her staff report.

Chair Brian asked Scott his opinion on parking space requirements by the city.

Engineer Scott replied that it depends, he has seen less in other places that it works. He said the issue here is there is no walkability, with that everyone that lives here is going to have a vehicle. So, he feels the parking space requirement is necessary.

Planner Katie said something she has seen other cities do, is require parking spaces by the number of bedrooms. She said they definitely want to require enough parking, but they want to be careful not to be trading retail spaces for parking spaces.

Engineer Scott said some places require you to designate parking spaces to alleviate issues, but that still sometimes doesn't provide enough parking.

Planner Katie asked if that is something the Planning Commission wants her to start looking into changing that code?

Commissioner Bob asked Russ if he had a specific number of bedrooms in each of the residential units.

Russ responded he had 4 three bedroom and the rest were two bedrooms.

Chair Brian commented with that, they wouldn't be resolving any parking requirements anyways, they spaces required would stay the same as it is now even if they did it by bedroom.

Planner Katie said when she discussed it with the mayor, they agreed the city wants to be more business friendly. That is why they are having this discussion tonight.

Chair Brian questioned than in this case is this where they would want to issue a variance or would they look at changing the whole code.

Treasurer Mandy made a comment that this specific property being on the corner of two state roads, so if there is not enough parking, people will be parking on SR 32 and SR 35 and the city has no authority over either of those. We will receive all the complaints and have no backbone in enforcing no parking.

Planner Katie said another thing to keep an open mind on is that the City Council did approve a new building, we could possibly work with this development to share some parking space.

Commissioner Sam wanted clarification on what the city requires now on parking spaces. He said he agrees that we want to require enough.

Chair Brian said he thinks the issue they're having is that this is the City Center Zone, and they are getting the opportunity for some commercial. Do they want to jeopardize some commercial in the city in trade for parking spaces? He said he agrees with Mandy's concern, but that there are plenty of tow companies around that would be happy to help enforce the no parking.

Russ said that this is one of the primmest pieces of property in our community. He said they only have one chance to make something nice, so they just want to work with the city and come up with something that works to get some retail in there. He said he really thinks working on an agreement with the city would be beneficial for both of us.

Commissioner Bob asked if they were going to remain owners of this property or if they were going to sell it off to someone else.

Russ said yes.

Chair Brian commented that is a good point, this is going to help create a tax base for the city, and they want it to be something nice. He said so do we want a bigger parking area, or do we want something that defines the city.

Planner Katie said this is the third or fourth revision of the plans that Russ has turned in. He said they wanted to come with something tonight that meets code, but that they are open and wanting to work with the city to make it more appealing.

Commissioner Terry commented that there was no walkability connecting anything.

Russ commented that was his fault, originally, he had it in there, but when he submitted these drawings, they somehow came off there.

Planner Katie agreed that other versions she had looked at had it, but it's not shown on these.

Commissioner Bob asked what they would be doing with signage?

Russ said he is way open to whatever the city wants them to do.

Chair Brian said that he would think something like wood signs or something of a nice design like downtown Park City.

They talked about the look of the building and different colors and optional looks.

Russ said they are open to all suggestions.

Commissioner Terry asked if they have considered where they will put snow. They will need to talk to Engineer Scott about that. He said he likes the plan but those are his comments, walkability, and snow removal.

Commissioner Bob asked what they will recommend on parking.

Planner Katie said they will have more discussion in City Council, to see what their opinions are on it.

Engineer Scott said he thinks the city should look at what they want and have the code reflect that so it is consistent throughout the City Center Zone and will carry from project to project.



***Commissioner Bob recommended that they positively pass this on to the City Council for review of the Town Center Concept proposal. Commissioner Sam seconded the motion. All in favor, motion passed.***

## **5. Route 32 Commercial Subdivision – Wes Harwood**

Planner Katie read her staff report.

Engineer Scott said if they require the road through the subdivision to be to City Street standards, do we really want it to be public, or do we want it to remain private. If it is public the city takes on the responsibility of plowing it.

Planner Katie suggested we say a private road that meets city standards.

Treasurer Mandy asked if this was just regarding Commercial?

Engineer Scott said our City Code used to say it in Residential too, but it doesn't anymore.

Planner Katie said her and Engineer Scott talked about it the other day and as long as it says private road that meets city standards, that they can't get away with a 20' road per fire code requirements. She said she recommends they look at the design and see if it looks good or make the changes they don't agree with.

Chair Brian asked about curb and gutter are they going to require it?

Planner Katie said if it is going to be okay for a private or public walking to, they want curb and gutter? Or do they just want it open with parking?

Chair Brian said you'll have internals, so you'll want to have access to the facilities. He said he understands Wes wanting to subdivide this, his concern is how do we keep it from looking like other commercial lots that never finished and look like crap.

Commissioner Terry commented that if they are going to sell off each Commercial lot individually, then they could require a phasing plan that the owner must present their own plan to the city.

Commissioner Bob asked Wes if he was just selling the dirt or if he was going to build it.

Wes said initially he was going to phase out the project and build it as he went, but the council wanted him to develop the whole entire thing and that wasn't feasible. He said doing it this way gives him some more flexibility and options. He said he has had a few business owners approach him and want to buy the parcel and build their own thing on it. He said he wants this project to look nice. He said maybe meet with an architectural committee and set standards for the project that all owners must abide by. Some CCR's for the subdivision that would put requirements on the development beyond City Code.

Chair Brian said he thinks as long as there is some CCR's and some requirements in place that are enforceable to protect the city, he is good with it.

Commissioner Bob asked if owns the property now?

Wes replied no, he is set to close this week.

Planner Katie asked Wes if he got the wetlands resolved?



Wes responded no, that is looking like they will be able to get them removed, but that he will still be able to move forward and not disturb them if they don't.

Commissioner Bob asked that they put some requirement on this to ensure landscaping gets done or that they at least grub the land, so it always looks nice, even when lots haven't yet sold.

Wes responded that doing this subdivision allows him to do that, he will be able to get things moving quicker and have it looking nicer sooner than later.

Chair Brian asked if anyone had any concerns about signage?

Wes said he sees maybe a nice sign on 32 stating the businesses there, but he doesn't know if it will be necessary, he thinks the buildings may be big enough each business will just put their own sign on the building.

Chair Brian thinks that would be nice, some monument that states what businesses are in the "business park" but then each building just has their own sign. He added now we have our Commercial Lighting Code, so that shouldn't be an issue either. He asked what the end goal was tonight.

Planner Katie responded this is to subdivide into the 8 lots, so just a recommendation to the City Council on that.

***Commissioner Terry made a motion to forward to the City Council with a positive recommendation to follow the Commercial Code, include a CCR plan and change the wording to state private or public road built to city standards. Commissioner Sam seconded the motion. All in favor, motion passed.***

## **6. Planner Update**

Planner Katie said that Mayor Brussel wants the Planning Commission to start reviewing the General Plan. She said she has uploaded the current General Plan with some comments from the mayor on things he wants them to look at and get some ideas on how they want it to look going forward. She said that it will be on next month's agenda.

Commissioner Bob asked if that will be the only item on the agenda.

Planner Katie responded no; they already have a proposal to change the setbacks in the Residential Cottage Zone. She said that she foresees the General Plan taking the most discussion.

Chair Brian said he has had a conversation with Mayor Brussel, and he said from 2017 there has been drastic changes in the way people see Francis looking or where we are going, especially with the pressure from developers. He said this is the time to review the General Plan and get a solid idea of what we want Francis to look like in the future and use it as a guide going forward and protect ourselves in some ways. Brian said that he had recently read an article about development in rural mountain communities and how they handled the vacation rentals and such and how cities like Durango thought they were far from it happening to them and then overnight it turns into that. We need to be prepared for that and have a good idea on how we want to handle it and what we want to see.

Planner Katie said she has recently done some education on General Plan writing and said that it is a good practice to be able when writing City Code to reflect to your General Plan, so if you think of a pyramid the General Plan is at the top and it should flow into our City Code. She said it is not required by Utah State Law, but that it is a good practice.

Chair Brian agreed and said that when doing an approval for a development or a code text amendment, it is a good practice to be able to reference with that approval how it follows or falls into our General Plan.

**7. Approval of January 20<sup>th</sup>, 2022 minutes.**

*Commissioner Sam made a motion to approve the January 20<sup>th</sup>, 2022 minutes, Commissioner Terry seconded the motion. All in favor, motion passed.*

Meeting adjourned.