



# Planning Commission Meeting

September 14, 2023  
6:00pm

125 West 400 North  
Mapleton, UT 84664



## **PLANNING COMMISSION AGENDA**

Thursday, September 14, 2023, at 6:00pm  
125 West Community Center Way (400 North), Mapleton, Utah 84664

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**The order of agenda items is subject to change at the discretion of the Planning Commission Chair.**

6:00 p.m. Call to order: Pledge, Invocation, and Introductions/Announcements.

### **Consent Item**

*Items on the consent agenda are routine in nature and do not require discussion or independent action. Members of the Commission may ask that any items be considered individually for purposes of Commission discussion and/ or for public comment. Unless that is done, one motion may be used to adopt all recommended actions.*

1. Planning Commission Meeting Minutes – July 27, 2023.

### **Public Hearing**

2. Consideration of a request to amend Mapleton City Code Section 18.76.070.B regarding TDR requirements for previously platted subdivisions.

### **Action Item**

3. Consideration of a request to construct two accessory structures on an agricultural parcel located at approximately 1400 South and 1300 East in the Agricultural Residential (A-2) zone.

### **PUBLIC COMMENT MAY BE ACCEPTED AT THE DISCRETION OF THE CHAIR**

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting/hearing should notify April Houser at the Community Development Office, at Mapleton City, 125 West 400 North, Mapleton UT 84664, or by phone, (801) 489-6138, giving at least 24 hours notice. Signature on this document certifies that it was posted in the City Office on 9/7/23.

THIS AGENDA SUBJECT TO CHANGE WITH A MINIMUM OF 24 HOURS NOTICE  
(Last Modified September 8, 2023)

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**April Houser**, Executive Secretary

**Item:**

2

**Date:**

9/14/2023

**Applicant:**

Cameron Rich

**Location:**

A-2 & RA-1 zones

**Prepared By:**

Sean Conroy, Community  
Development Director

**Public Hearing:**

Yes

**Attachments**

1. Draft Ordinance.
2. Application information.
3. Correspondence.

**REQUEST**

Consideration of a request to amend Mapleton City Code Section 18.76.070.B regarding TDR requirements for previously platted subdivisions.

**BACKGROUND & DESCRIPTION**

The applicant owns a 3.5 acre lot in the Maple Cove subdivision at 216 North 1800 East. The lot is zoned A-2, which requires a two-acre minimum per lot. When the lot was originally platted in the 1980s it was 2.15 acres in size. In 2021, a previous landowner adjusted the boundaries between this lot and the lot to the north resulting in the subject lot increasing in size to its current 3.5 acres.

The Transferable Development Rights (TDR) ordinance was adopted in 1998. Regarding the use of TDRs, Mapleton City Code (MCC) section 18.76.070 states that *"In no case shall a receiving site rezone be approved in any previously platted subdivision."* The applicant would like to subdivide his lot, however, without the ability to use a TDR, he cannot.

The applicant is proposing to amend the TDR ordinance to allow a TDR receiving site (TDR-R) to be approved within existing subdivisions if the following conditions could be met (see attachment "1" for full draft ordinance):

1. The lot requesting the receiving site is located in the A-2 zone or RA-1 zone;
2. The lot requesting the receiving site is at least 150% of the minimum lot size of the zone in which it is located (i.e. 3 acres in the A-2 zone or 1.5 acres in the RA-1 zone); and
3. The receiving site shall not allow more than two total lots.

**EVALUATION**

Adopting amendments to the TDR ordinance is considered a legislative action. The Planning Commission and City Council

generally have broad discretion when acting on legislative matters, provided it can be reasonably debated that the action taken (to approve or deny) will promote or protect the general welfare of the community and is supported by city ordinances and policies.

The TDR ordinance does not specify why TDR receiving sites are not allowed in previously platted subdivisions. It has been the staff's position that the primary reason for this requirement is to provide predictability and stability for lot owners within a subdivision and to avoid adding new lots where they were not previously anticipated.

The applicant's proposal is to allow for a TDR-R to be applied in limited situations where lots are at least 150% of the minimum lot size in the A-2 or RA-1 zones. As an example, if the proposed amendments were approved, a three acre lot in the A-2 zone could potentially be subdivided into a two acre lot and a one acre lot, or two 1.5 acre lots. Staff estimates that there are approximately 50 lots in 15 subdivisions that would meet the proposed lot size exception. However, many of these lots may not be able to meet the minimum frontage requirement to subdivide even if the proposed amendments were approved. Some potential pros and cons of the proposal might include:

#### *Pros*

- Provides additional opportunities to utilize TDRs.
- Allows property owners of larger lots that sometimes may be difficult to maintain an option to subdivide.

#### *Cons*

- The proposed amendments would benefit a relatively small number of property owners.
- There may be other property owners in platted subdivisions that would like to split their lot with a TDR that don't meet the proposed exceptions and could argue for further exceptions in the future.
- The proposal has the potential to disrupt neighborhoods. It is likely that at least some future requests under the proposed amendments would be met with neighborhood opposition.

Mapleton City Code Section 18.12.010.B identifies the following guidelines to be used by the Planning Commission in reviewing amendments to the zoning ordinance:

- 1. Public purpose for the amendment in question.*
- 2. Confirmation that the public purpose is best served by the amendment in question.*
- 3. Compatibility of the proposed amendment with general plan policies, goals, and objectives.*
- 4. Potential adverse effects to the city by creating "leapfrog" development or areas away from the existing "core" or center of the city.*
- 5. Potential of the proposed amendment to hinder or obstruct attainment of the general plan's articulated policies.*

6. *Adverse impacts on adjacent landowners.*
7. *Verification of correctness in the original zoning or general plan for the area in question.*
8. *In cases where a conflict arises between the general plan map and general plan policies, precedence shall be give to the plan policies.*

In addition to the guidelines above, the Commission should consider the guidance provided the Land Use Element of the General Plan, that includes:

- *“The remaining TDRs are strongly encouraged to be located in areas where Conservation Subdivisions are encouraged, since the additional density might be better coordinated as per of a larger, fully-coordinated development project” (Land Use Element pg. 32).*
- *Goal 1: Preserve and enhance Mapleton’s rural atmosphere and agricultural history through careful planning and the preservation of open space.*
- *Goal 2: Continue the established focus on large-lot, single-family residential uses as the primary means for preserving Mapleton’s rural character.*
- *Policy 2.1: Maintain and protect established residential districts and neighborhoods.*
- *Goal 3: Ensure land uses are compatible and/or utilize adequate buffers to enhance compatibility.*
- *Goal 9: Continue to implement the Transferable Development Rights (TDR) program by ensuring that there are sufficient areas that can qualify as TDR-Receiving sites.*

## **RECOMMENDATION**

Make a recommendation to the City Council regarding the proposed amendment to the TDR ordinance. Planning Commission motions could include:

- Recommend approval as proposed.
- Recommend approval with modifications.
- Recommend denial of the proposal.
- Continue the application with a request for additional information.

## Attachment "1"

### Proposed Amendments Shown in Strikeout and Underline

18.76.070.B.

B. In order to transfer one or more development rights to a parcel of property, such parcel shall be located within a receiving area. The owner of such parcel shall apply for and receive approval to have the property placed in the TDR Overlay Zone pursuant to rezoning procedures set forth in this title. ~~In no case shall a receiving site rezone be approved in any previously platted subdivision.~~ A receiving site shall not be approved in any previously platted subdivisions except under the following conditions:

1. The lot requesting the receiving site is located in the A-2 zone or RA-1 zone;
2. The lot requesting the receiving site is at least 150% of the minimum lot size of the zone in which it is located (i.e. 3 acres in the A-2 zone or 1.5 acres in the RA-1 zone); and
3. The receiving site shall not allow more than two total lots.



Attachment "3"  
Correspondence

Dear Sean and Planning Commissioners,

Thank you for the notification regarding the request to amend Mapleton Zoning. Mr Rich submitted a similar request in February of this year but pulled it the night before the commission meeting. My objection to his proposal remains the same. And I shall send my previous letter dated February 6, 2023 to Sean in case you no longer have it.

Mr Rich feels that he has written the proposal in such a way that the change to Mapleton City Code can only affect his property. I beg to differ!! (1) It may perhaps seem not to change things beyond his property at the present, but this change well might affect the future (2) Any change to City Code sets a precedent that allows others to feel they can change their previously platted and established neighborhoods for their personal current wants/needs. (3) A change such as this will most certainly affect the feeling, look and land use of his immediate neighborhood, the one in which I live.

In June **2020**, Cameron Rich and Julie Crockett purchased a Mapleton home on 3/4 acre at 665 North 1600 East. Mr Rich quickly realized that property was not large enough for all the animals he wanted to have, i.e. horses, goats, alpaca, exotic animals, etc. By August/September **2021**, he was moving into the property he currently owns on 1800 East. He had approached Bob and Saundra Buckley about the availability of their property (not on the market at that time) and made a significant financial offer. The Buckleys decided to take advantage of his offer, speed up their retirement, sold, and took off for St George. Mr Rich sought out that property because was larger than what he had and it would suit his plans for the future. Now two years later in **2023** we await a decision that affects not only him and his property but all of us in this area (as well the entire city) because he now feels the property is too large.

My hope would be that when you carefully consider his request, you will decide against it.

Thank you for your consideration and your service to the Mapleton community.

Barbara Pratt 145 North 1800 East, Mapleton  
September 8, 2023

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(2/6/2023)

Dear Sean and Planning Commissioners,

The following is the letter I wrote in response to Cameron Rich's Zone Change request in February of this year.

As a neighbor of the applicant Cameron Rich, I would like to declare my objection to his proposal that would change the language of the established TDR Receiving Site ordinance.

As a former 8 year member of Mapleton's Planning Commission I am reasonably acquainted with the community development concept. I recently read the following information: "The main purpose of development control is to ensure the orderly & rational development of land to create sustainable human settlements that accommodate a variety of land uses to meet the needs of the people who live in these settlements. In the absence of policy framework, the development control system is seen as arbitrary and people question whether or not there is any sound basis or foundation for the decisions made."

Fortunately, Mapleton does have in existence its polity framework, called the Mapleton City Code so that all who currently live in or buy into a previously platted subdivision know with assurity that their neighborhood will remain as it was planned and intended to be.

I myself have found that my life and dreams have changed in the 31 years I have lived in Mapleton. Now as a 78 year old widow, I do not expect the nature of my neighborhood to change to accommodate my current needs and wants. But I do know that whoever acquires my place will love this peaceful, quiet neighborhood as much as I have. And I may even end up at the senior living facility on Highway 89, a project that I had the pleasure of approving "way back when" (then known as the Abbingtion).

Thank you for your service to our wonderful community.  
Barbara Pratt

**Item:**

3

**Date:**

9/14/2023

**Applicant:**

Dave Hill

**Location:**

1400 S 1300 E

**Prepared By:**

Sean Conroy, Community  
Development Director

**Public Hearing:**

No

**Zone:**

A-2

**Attachments**

1. Application information.

**REQUEST**

Consideration of a request to construct two accessory structures on an agricultural parcel located at approximately 1400 South and 1300 East in the Agricultural Residential (A-2) zone.

**BACKGROUND & DESCRIPTION**

The subject property is approximately 11.7 acres in size and is used primarily for agricultural purposes. The parcel has frontage on Nemelka Lane (1300 E) and Peterson Lane (1000 E). There is no single-family dwelling on the property. The applicant would like to construct two buildings that would be used to store agricultural equipment as well as a personal car collection.

**EVALUATION**

Staff has brought this item to the Commission for a zoning code interpretation. Mapleton City Code (MCC) section 18.28.030 identifies "*agricultural buildings*" as a permitted use in the A-2 zone and states the following:

*"Agricultural buildings for the storage of farm equipment, animals, grains, hay and other agricultural products. Buildings for the storage of other equipment, such as construction related materials, not related to the production of agriculture, shall be prohibited except as allowed as an accessory use in section 18.28.035 chapter."*

Clearly a building used for agricultural purposes is allowed. Regarding non-agricultural uses, the section above refers to section 18.28.035, which identifies permitted accessory structures and states:

"Accessory uses and structures are permitted in the A-2 Zone, provided they are incidental to the main residential dwelling unit, and do not alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

Accessory buildings such as barns, garages, carports, greenhouses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with and are incidental to a principal use or structure."

The first paragraph of the code cited above refers to an accessory building being incidental to the main residential dwelling, but in the second paragraph it refers to being incidental to a principle use or structure. The main question for the Commission is **can a non-agricultural building be built on an agricultural lot if there is no single-family dwelling that it is accessory to?**

If this parcel was in a residential subdivision with no agricultural use, staff would argue that it would not be allowed since it would not be accessory to a primary use or structure. In this case, a primary use of agriculture will continue to occupy at least eight acres of the site, and the buildings will be accessory to a primary use.

If the Commission determines that the proposed buildings are allowed under the zoning ordinance, the building permit would be conditioned on the buildings being used for personal use and could not be used for commercial purposes.

### **RECOMMENDATION**

Determine that the proposed accessory structures are permitted under Mapleton City Code sections 18.28.030 and 18.28.035.

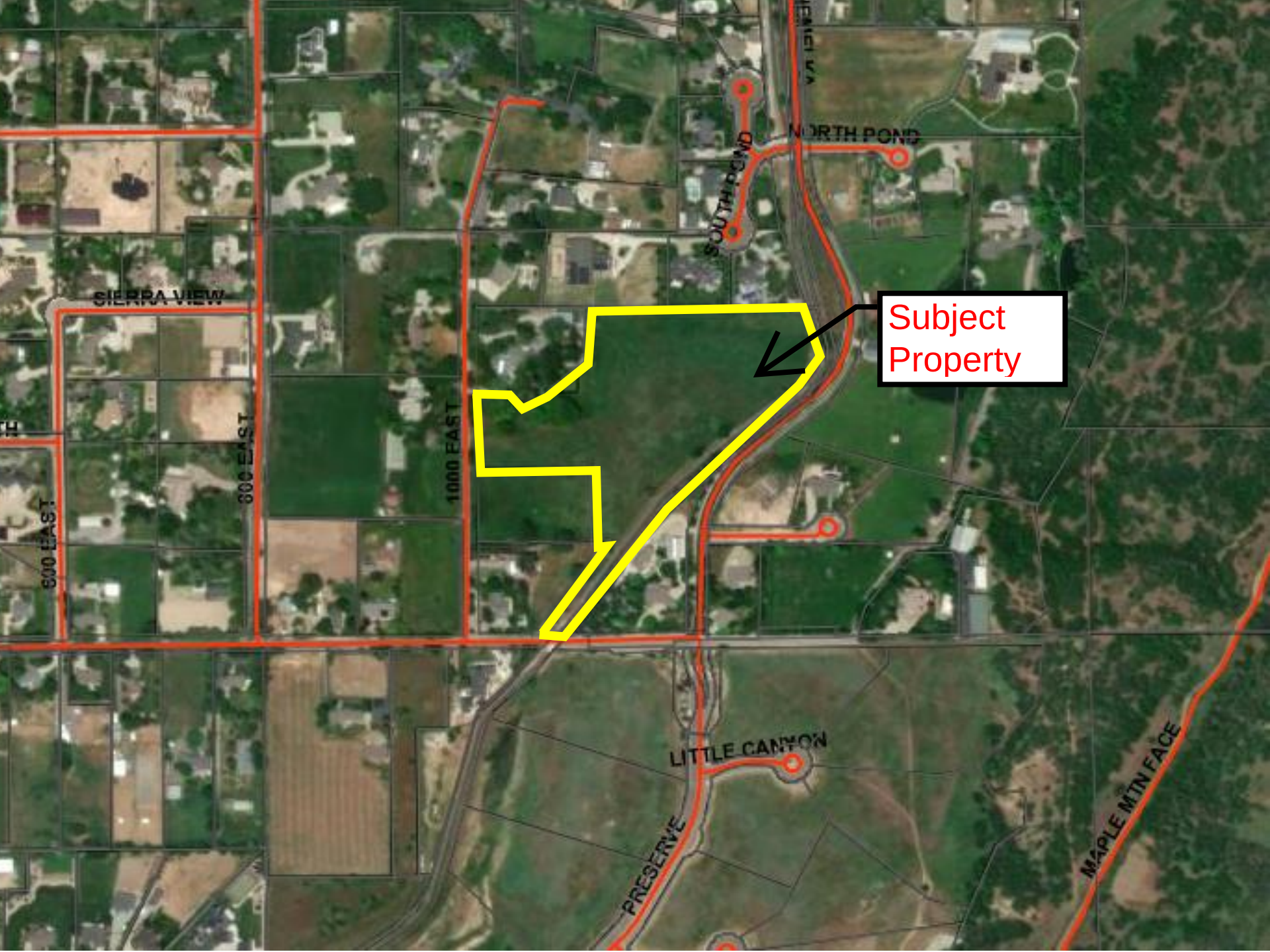
Mapleton City,

I have been a resident of Mapleton City for the past twelve years. I am currently planning to construct two buildings on parcel 26:073:0105: an **RV Building** and a **Silo Complex**. I am not planning on a primary residence as I live a half mile away (1112 Falcon Circle). Both buildings are for private use. One would store RVs and a boat while the other would display some classic cars and be used as a barn for my hobby farm. Green space is very important to me (as it is to Mapleton). I would preserve eight acres of the property in pasture. The position of the buildings would preserve the land from future development through the property.

There are sufficient funds to complete and maintain the project in perpetuity. No financing is necessary.

Thank you for taking the time to review this proposal.

Dr. David Hill



SIERRA VIEW

600 EAST

800 EAST

1000 EAST

SOUTH POND

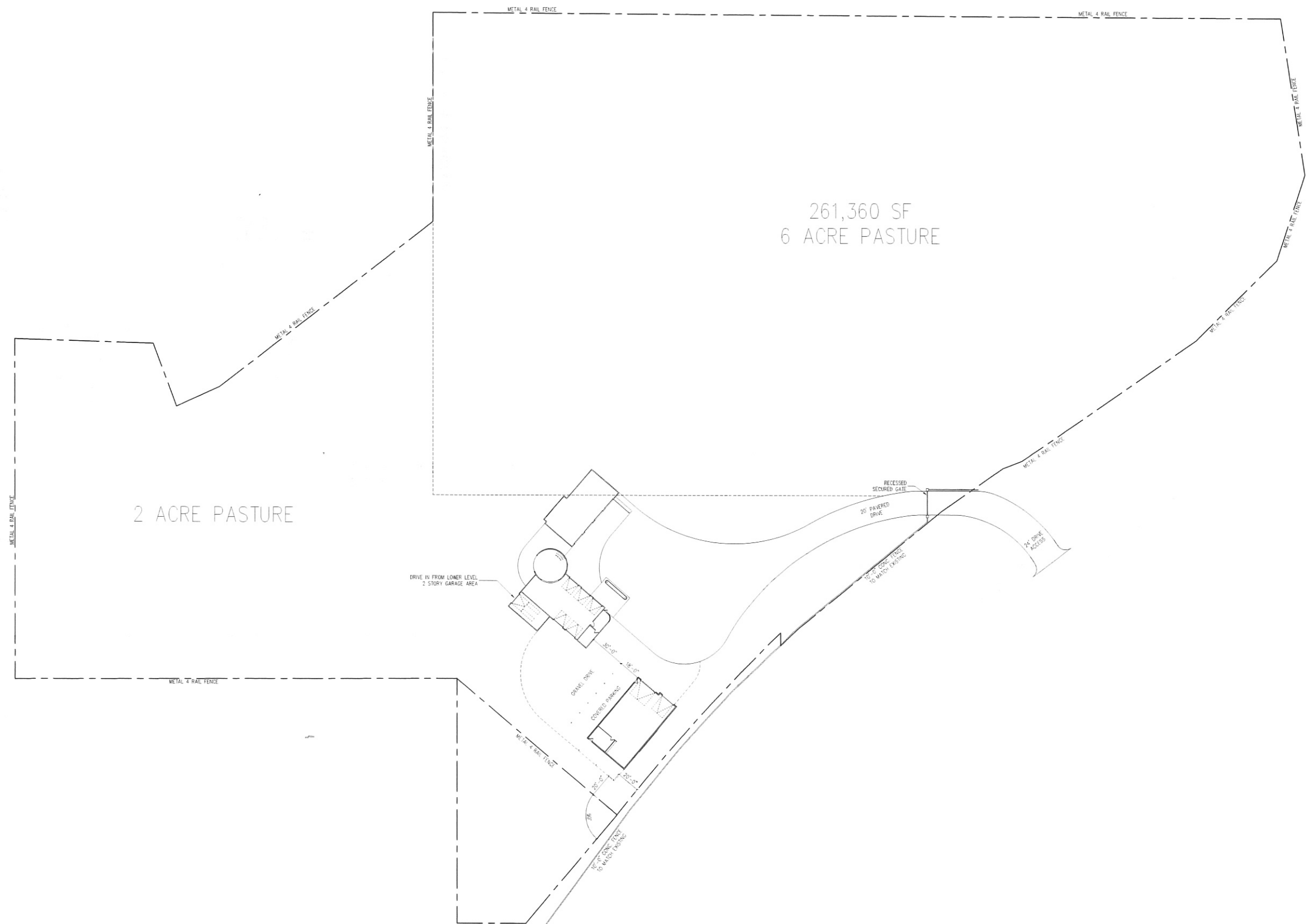
NORTH POND

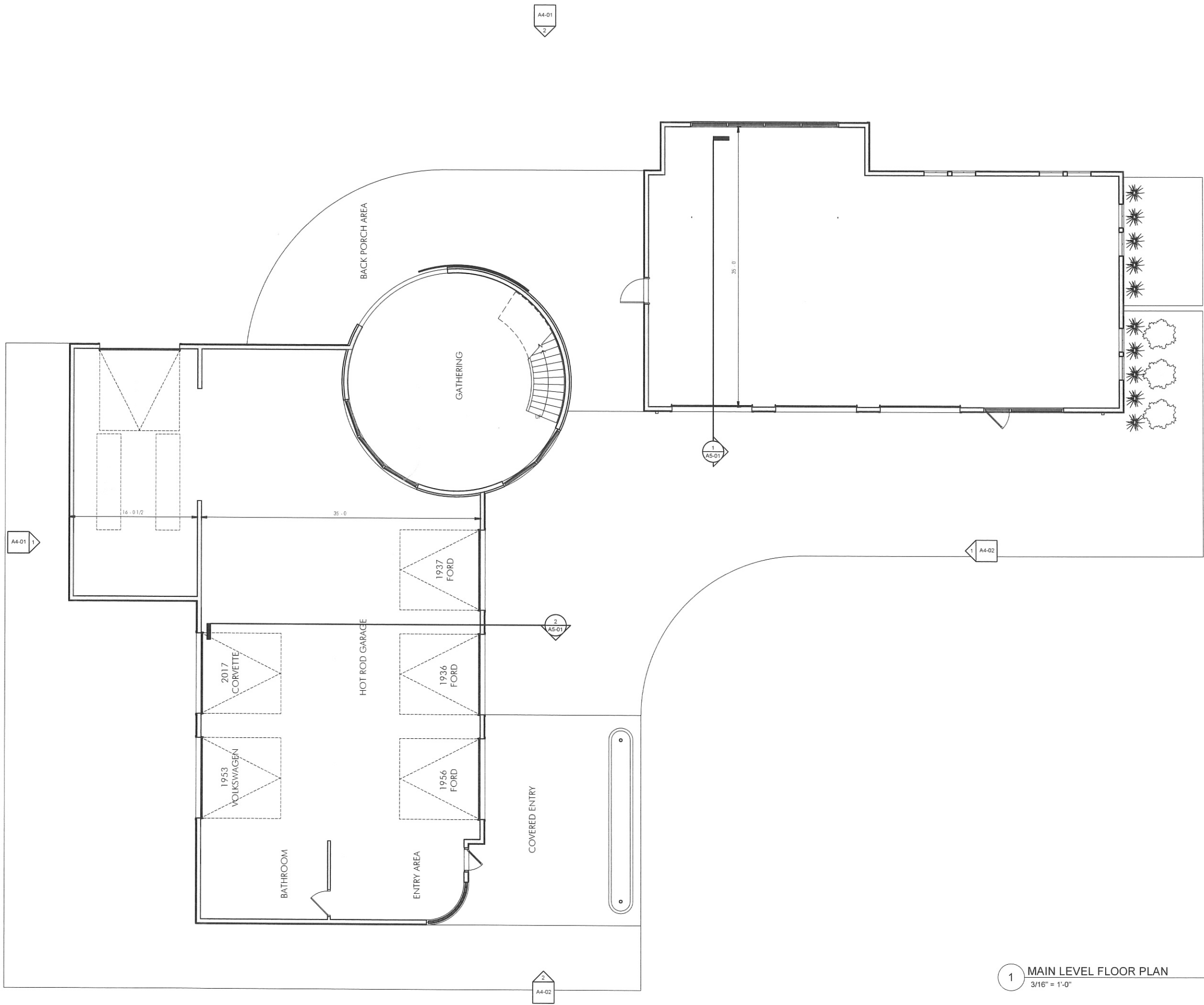
LITTLE CANYON

PRESERVE

MAPLE MTN FACE

Subject  
Property





1 MAIN LEVEL FLOOR PLAN  
3/16" = 1'-0"

HILL FAMILY

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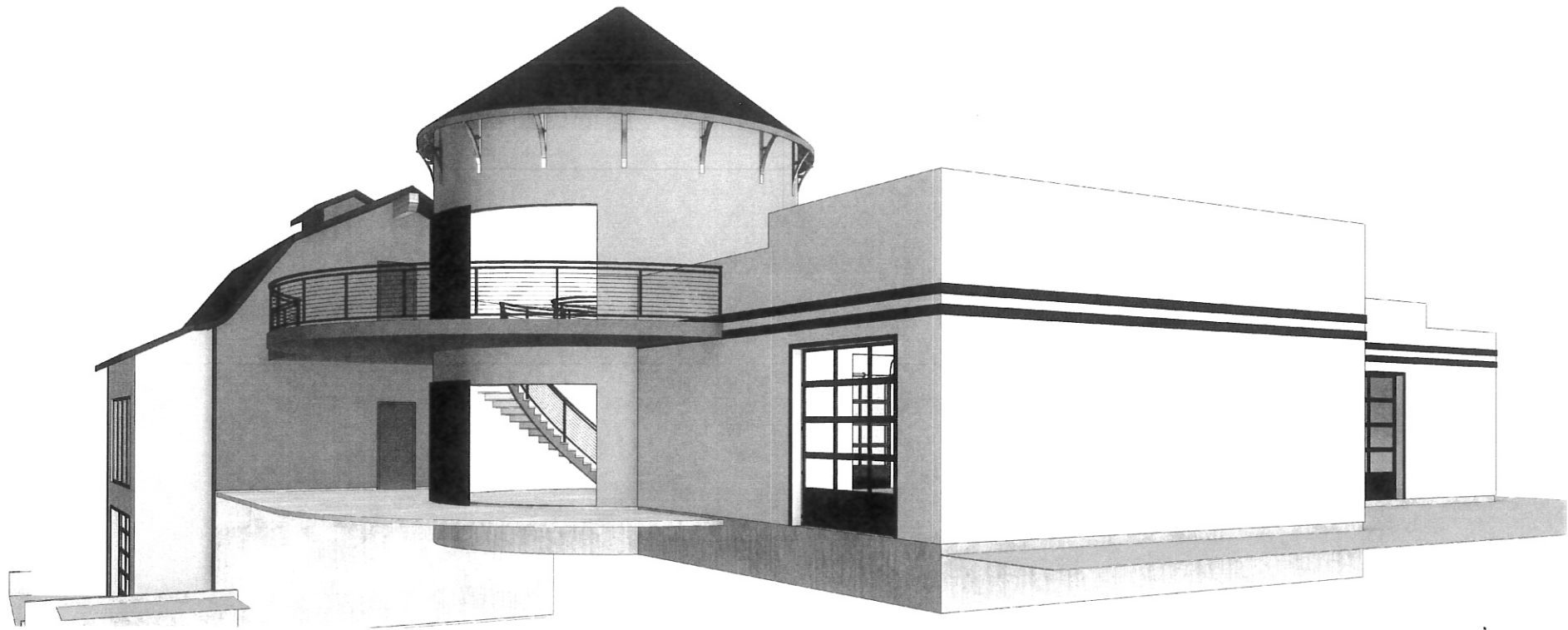
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MAIN LEVEL FLOOR PLAN

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A1-1



1 3D View 4



2 3D View 5

HILL FAMILY

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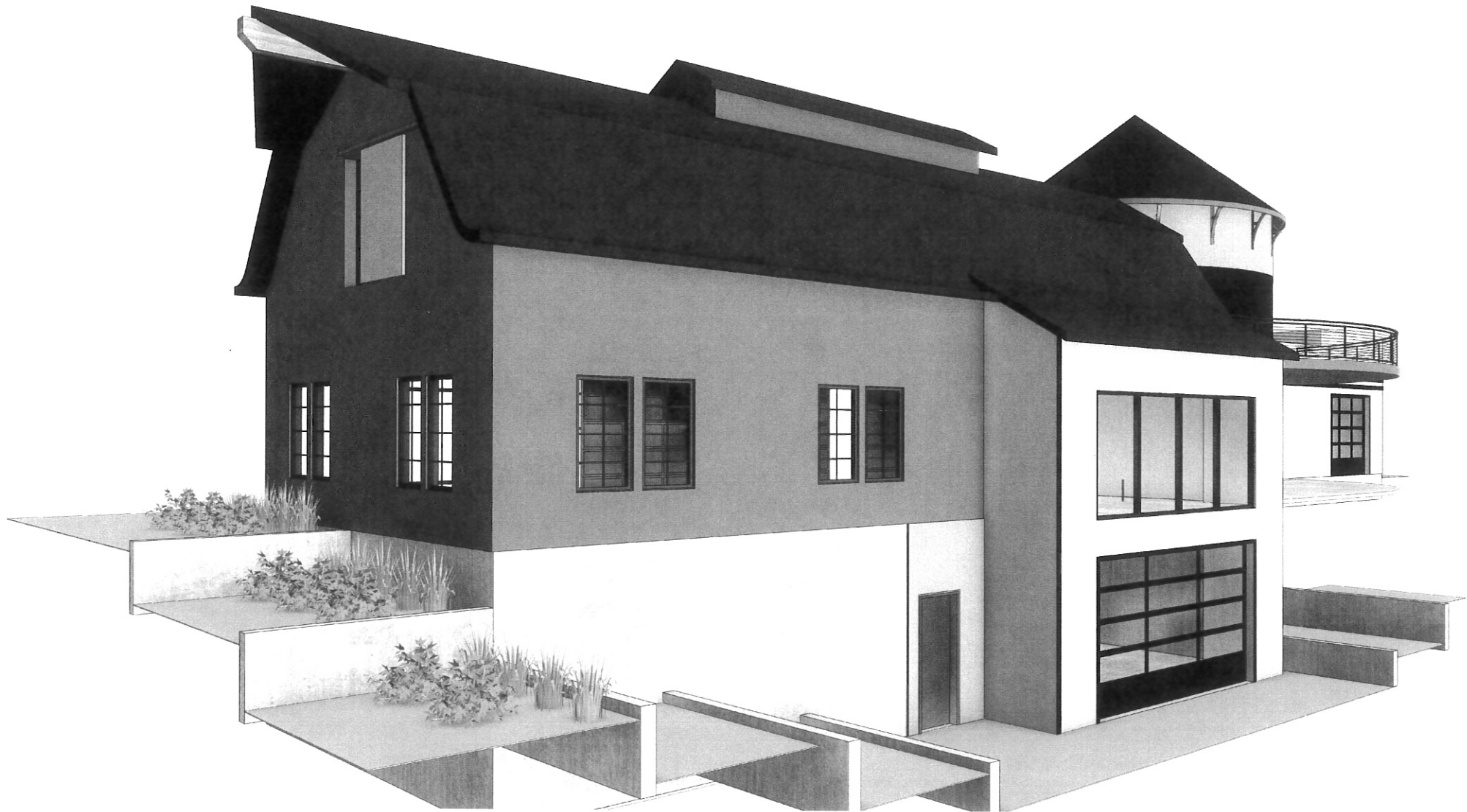
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A4-00



HILL FAMILY

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2 3D View 3

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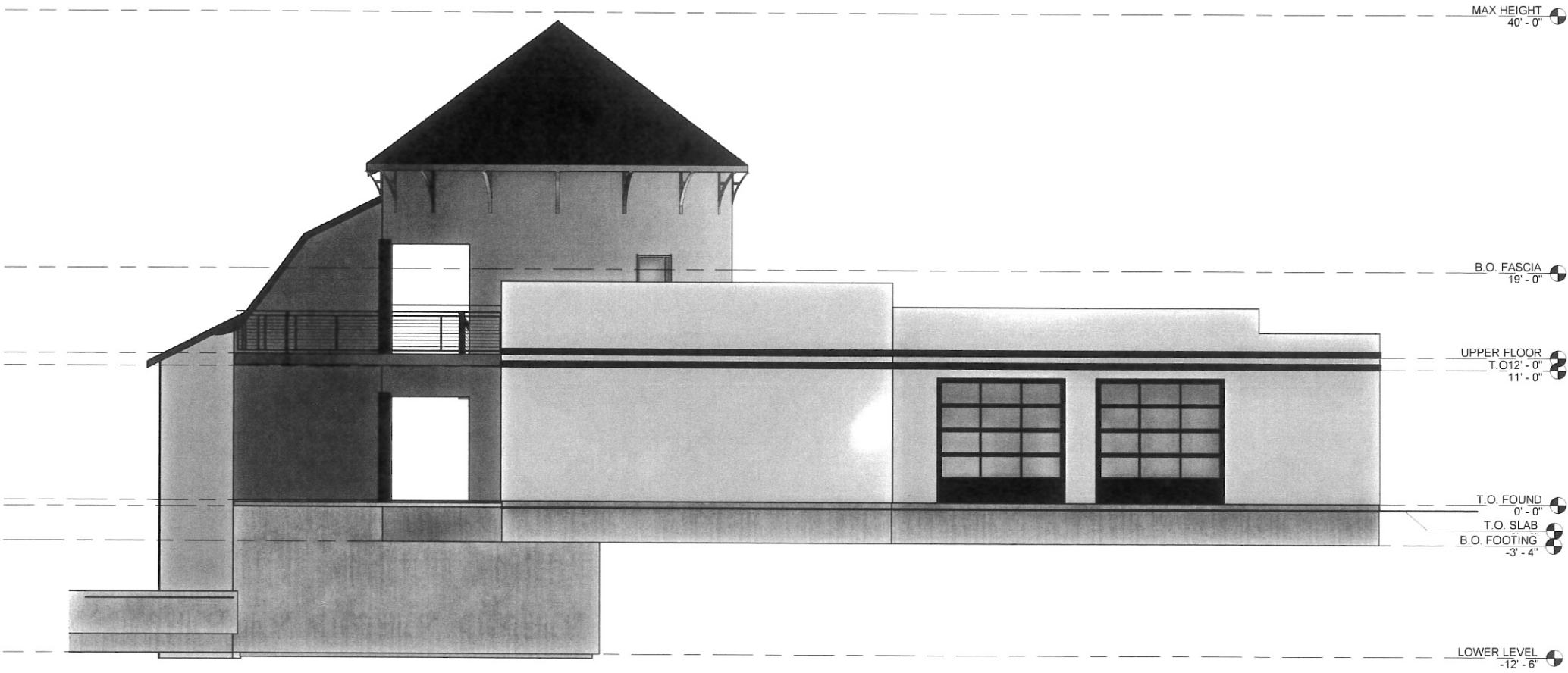
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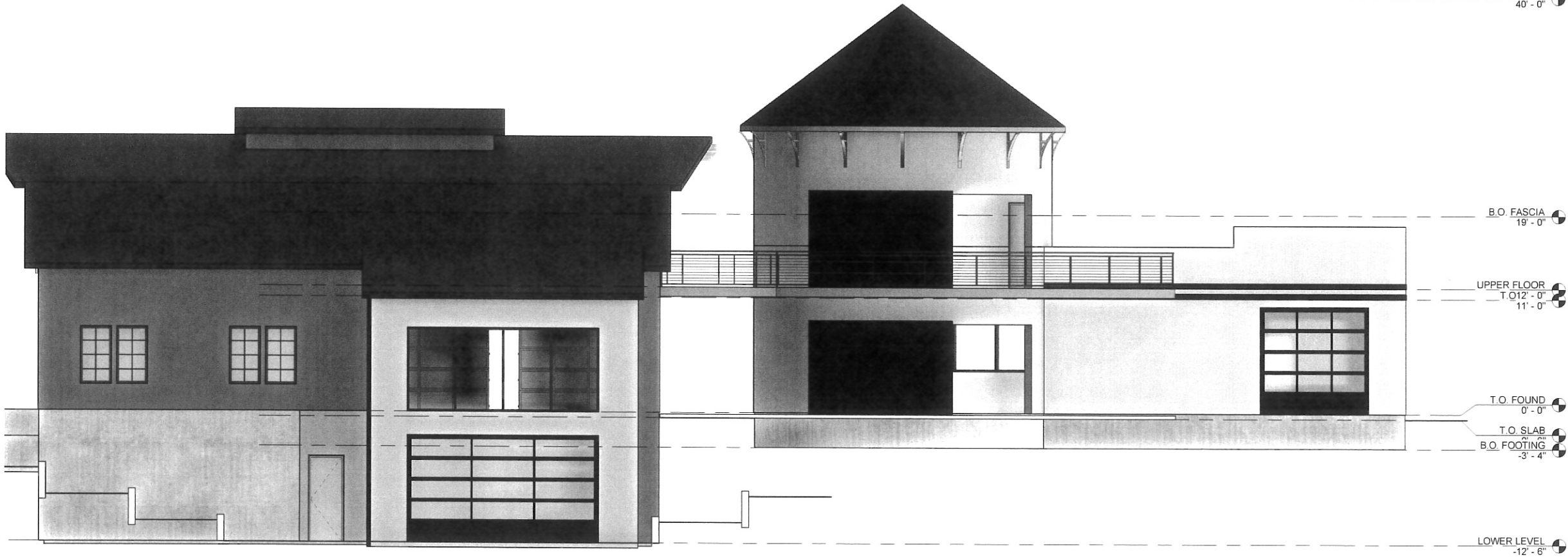
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HILL FAMILY

UPDATE ADDRESS



1 REAR ELEVATION  
3/16" = 1'-0"



2 RIGHT SIDE ELEVATION  
3/16" = 1'-0"

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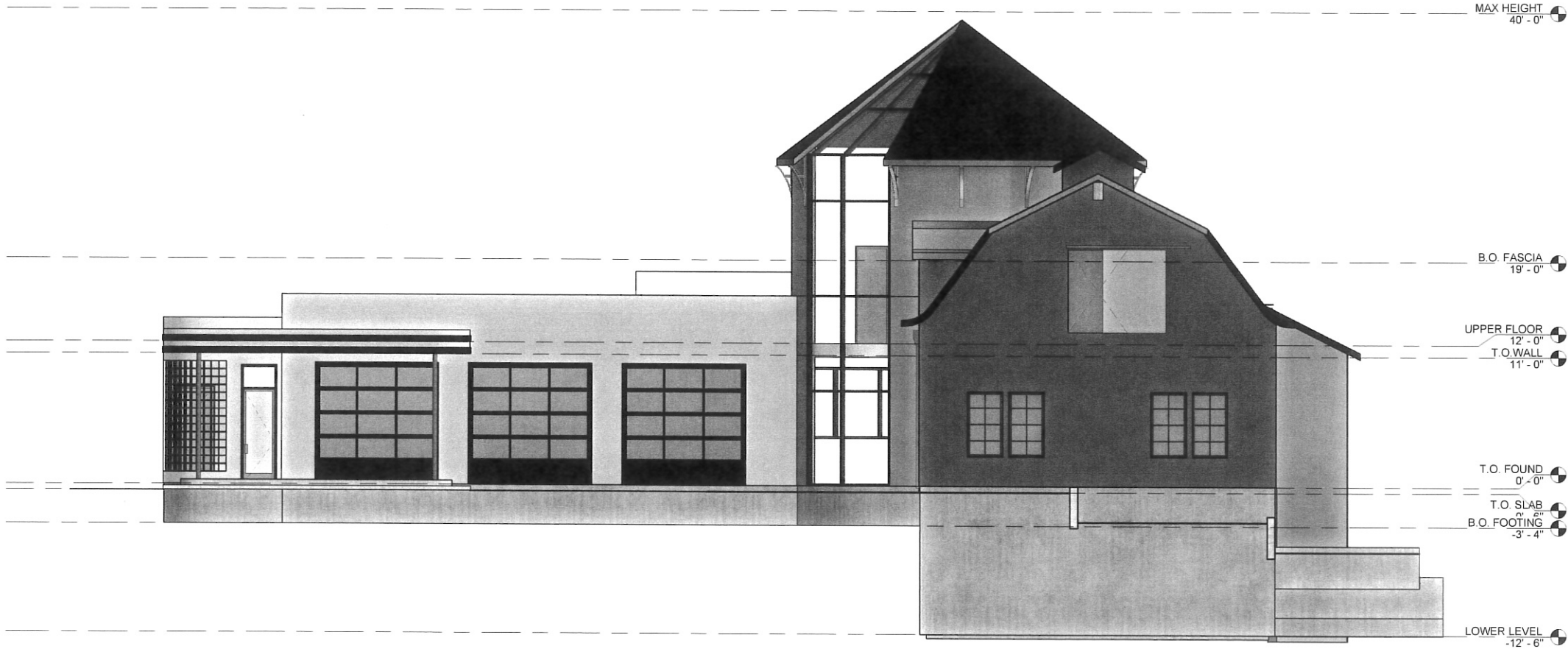
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TYPE & NAME  
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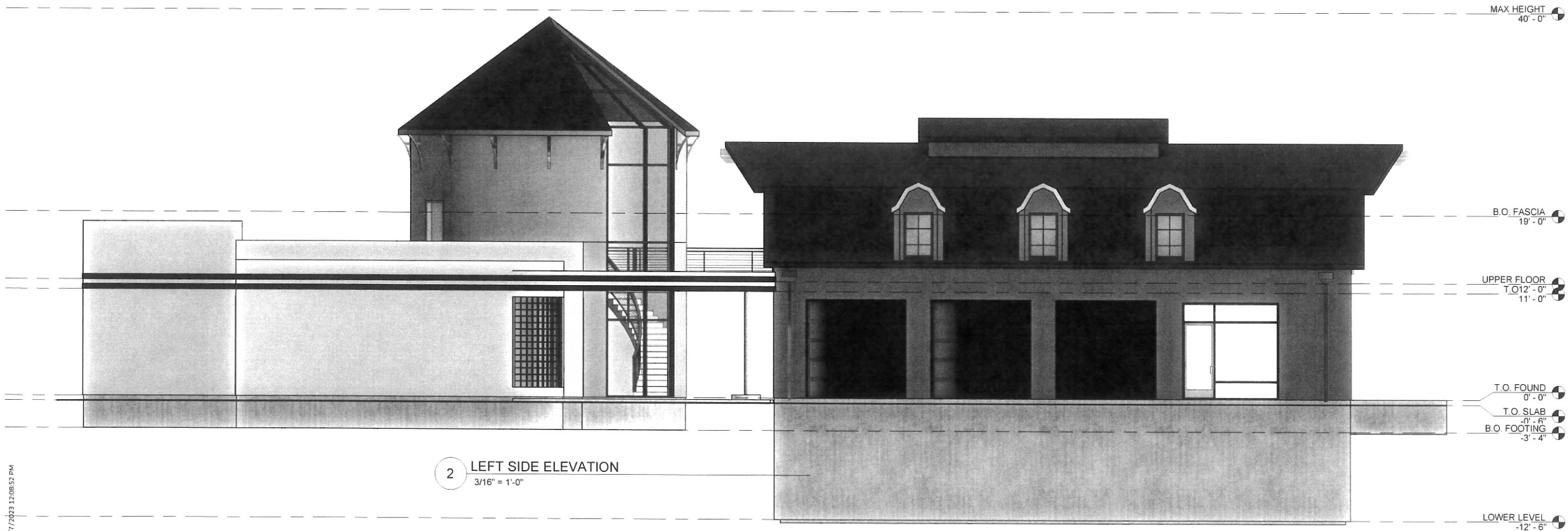
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A4-01



1 FRONT ELEVATION  
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2 LEFT SIDE ELEVATION  
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HILL FAMILY

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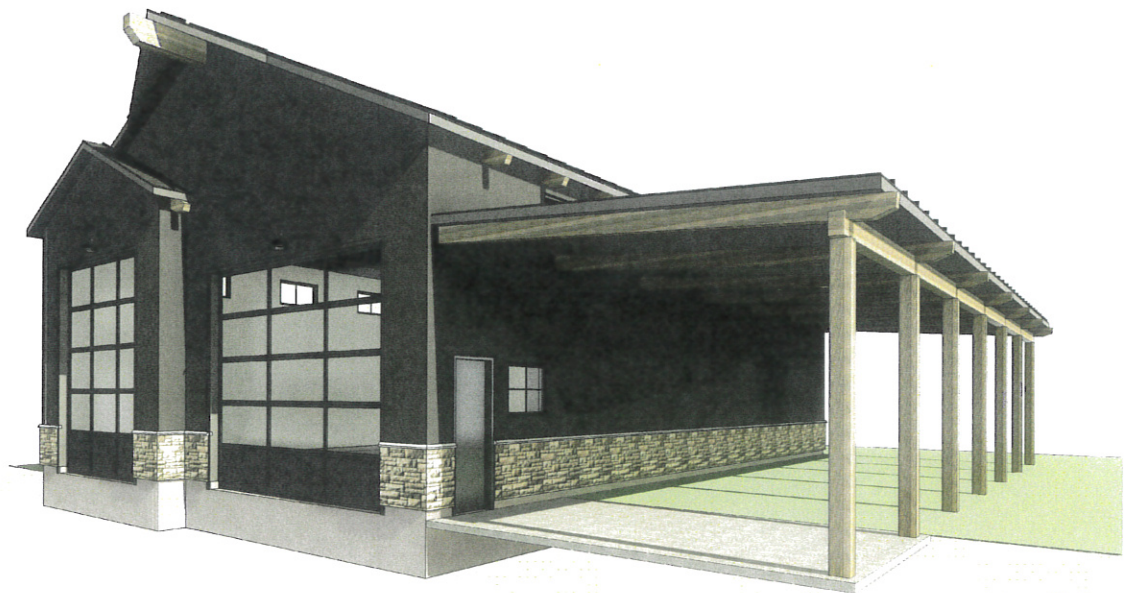
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EXTERIOR  
ELEVATIONS

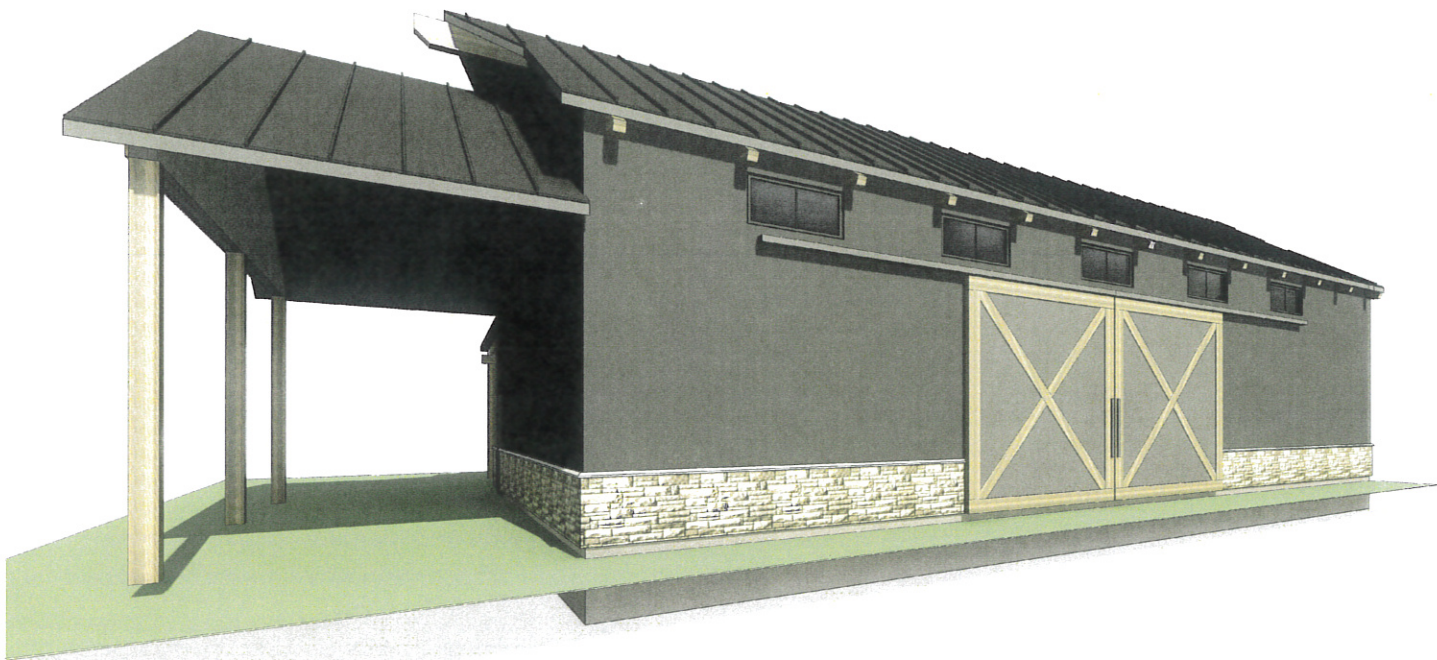
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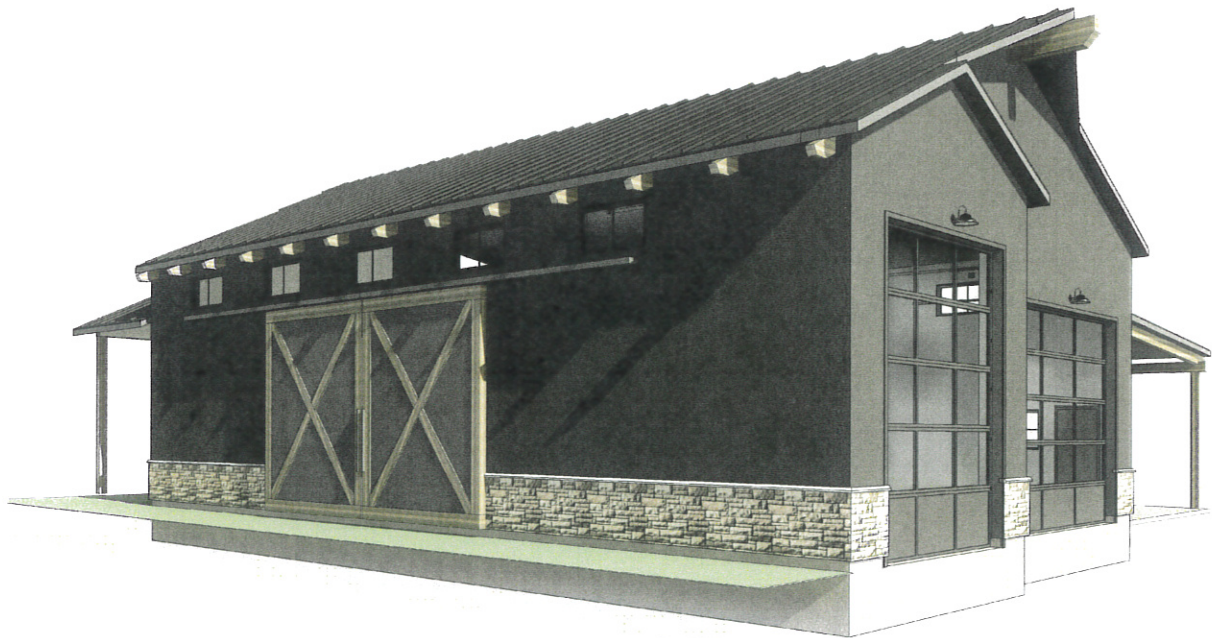
A4-02



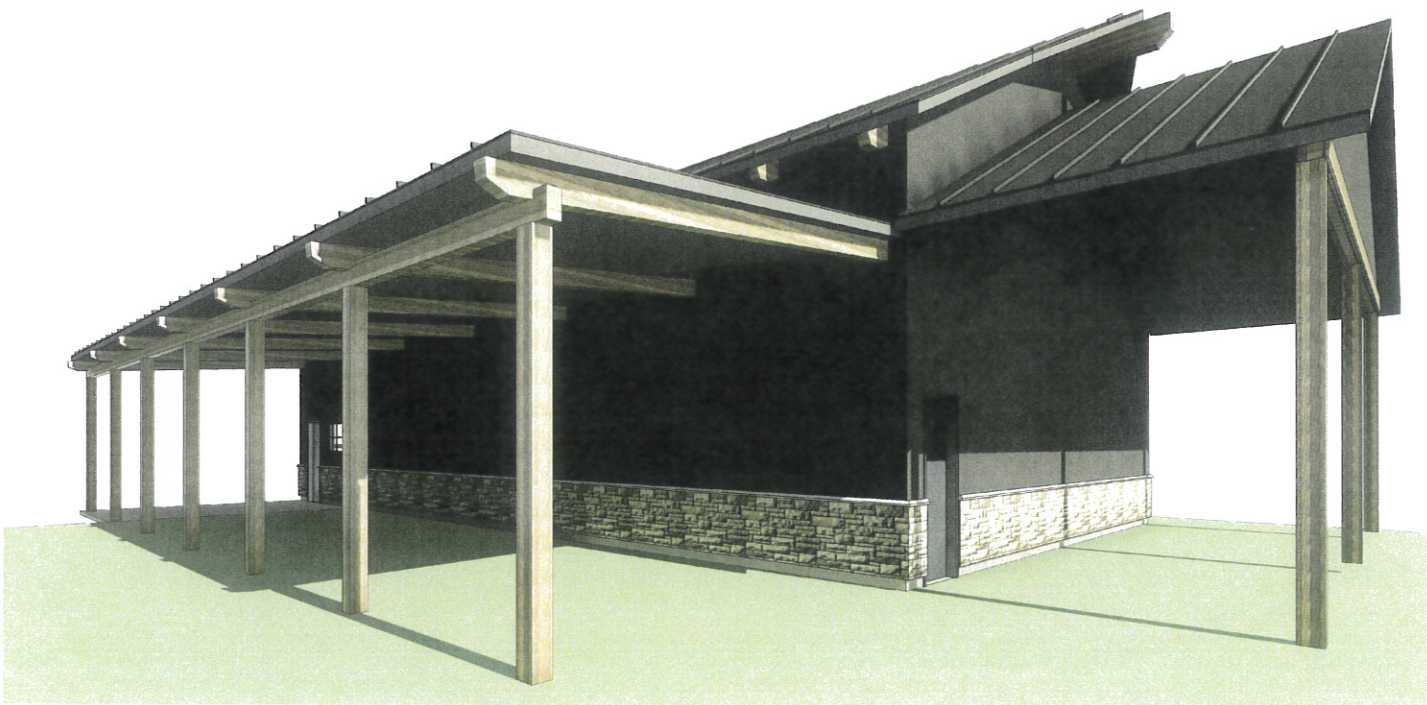
4 NORTH EAST PERSPECTIVE VIEW



2 SOUTH WEST PERSPECTIVE VIEW



3 SOUTH EAST PERSPECTIVE VIEW



1 NORTH WEST PERSPECTIVE VIEW

HILL FAMILY BARN

UPDATE ADDRESS

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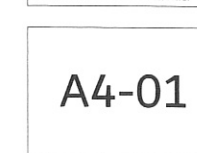
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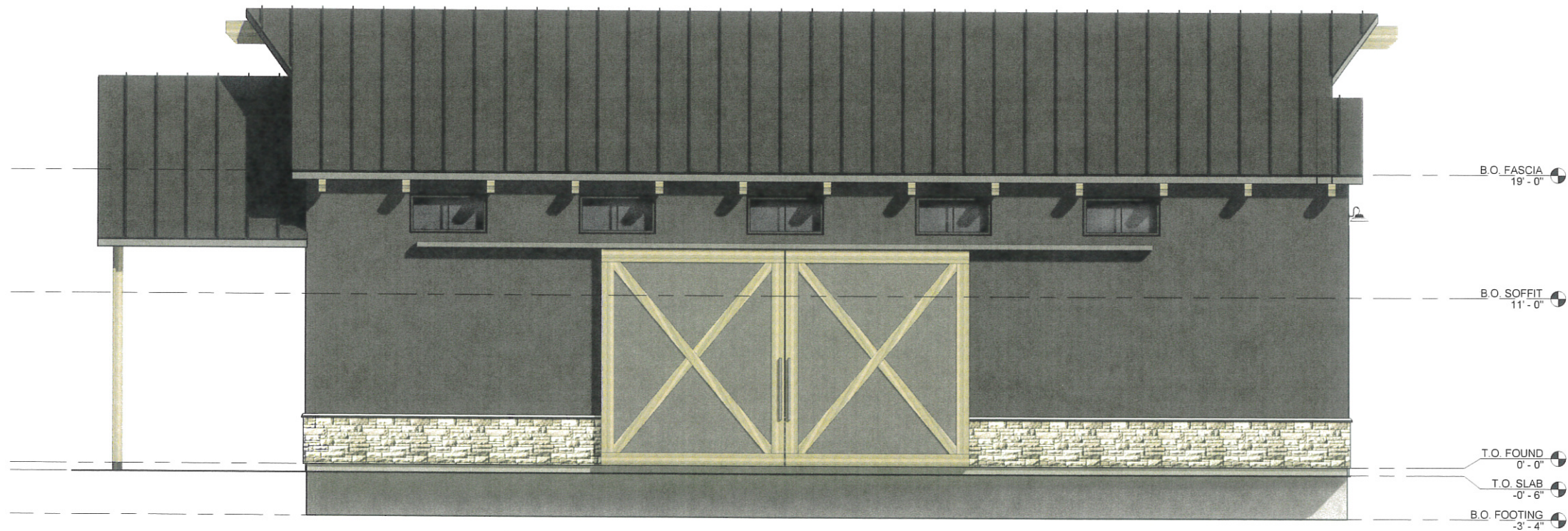
A4-00

## UPDATE ADDRESS





1 FRONT ELEVATION  
1/4" = 1'-0"



2 LEFT SIDE ELEVATION  
1/4" = 1'-0"

# HILL FAMILY BARN

UPDATE ADDRESS

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## EXTERIOR ELEVATIONS

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A4-02