



Date:

6/19/24

Applicant:

Patterson Construction

Location:

800 N 2000 E

Prepared By:

Sean Conroy, Community
Development Director

Public Hearing:

Yes

Attachments:

1. Ordinance and PRC-9 zoning text.
2. Application information.
3. City Council minutes dated 11/15/23.
4. Correspondence.

REQUEST

Consideration of an ordinance to rezone 26 acres from A-2, TDR-R to Planned Residential Community (PRC-9) and to vacate a portion of Maple Hills Lane.

BACKGROUND & DESCRIPTION

In 2018, the City Council approved the Maple Hills subdivision consisting of 26 lots on 38 acres of property zoned A-2, Transferable Development Right Receiving Site (TDR-R). A portion of the project site was in the 100-year flood zone. At the time, the property was owned by an entity called the IDL Company. The project included 25 lots of roughly one acre in size and one approximately 10 acre parcel. Later, the IDL Company sold the property containing the 25 lots to Patterson Construction, and sold what was shown as the 10 acre lot to a separate entity and increased its size to 11 acres. The 11 acre parcel is not part of this rezone request.

Since the original approval, the applicant has recorded two phases of the project and built an extension of 2000 East street, as well as Maple Hills Circle and a portion of Maple Hills Lane. The applicant has also worked with FEMA and determined that the project site is no longer within the 100 year flood zone. Finally, the applicant has also acquired an additional two acre parcel at the southwest corner of the site that had already been approved as a TDR-R.

The initial geotechnical report that was prepared for the project indicated that some additional investigations were required. As the applicant has done these additional investigations, it has been determined that much of the eastern section of the site has geologic hazards that are not conducive to development. Based on this new information, staff and the applicant have been working on an alternative development plan for the site to give flexibility to the developer to reorganize the lots to avoid the geologically sensitive areas as well as to provide a new public trail amenity that was not part of the original approvals.

The applicant is now proposing the following:

- Approval for a rezone to Planned Residential Development (PRC-9). This would allow the clustering of lots in areas more conducive for development. The applicant is proposing 23 total lots from between a ½ an acre to over 6 acres in size.
- Construction of a trail leading to the upper bench well as a small trail head parking area with 8 parking stalls.

The City Council met with the applicant on November 15, 2023 to discuss the proposed revisions to the project (see attachment "3"). The Council was generally supportive of the applicant pursuing a rezone to PRC but did express some concern with the lot configurations that were presented at that time and wanted to ensure that the applicant worked with existing lot owners within the development. The applicant has since eliminated one additional lot and refined the concept to address some of the Council's concerns. The two existing lot owners have also submitted letters of support (see attachment "4").

EVALUATION

Rezone requests are considered legislative actions. 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.

Mapleton City Code Section 18.12.010.B provides the following list of guidelines to be used in reviewing rezone requests:

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.
8. In cases where a conflict arises between the general plan map and general plan policies, precedence shall be give to the plan policies.

Trail: When the City went through the General Plan update in 2020, one of the key findings was the community's desire for more trails and access to natural open space. Based on this input, the Parks, Open Space and Recreation and Trails Element of the General Plan included the following goal and policies:

- *Goal 5: Implement the Recommended Trail Facilities.*
- *Policy 5.1: Assure that Mapleton's Trail System Meets Public Needs and Expectations.*
- *Policy 5.2: Require trail master planning to be incorporated into community planning, land use planning and the development review process of Mapleton City, including the development of trailheads and access to trails.*

One of the implementation measures identified in the General Plan was to establish a trails committee and develop a comprehensive trails master plan. As recommended, the City appointed a trails committee and began working on a master plan in 2022. The Trails Master Plan was adopted in 2023 and outlines the long range vision for trails and related facilities along the Mapleton Bench. The plan identifies the subject site as a potential location for a trail head and trail access to the northern bench. Consistent with the goal and policies identified above, staff has been working with the applicant to provide a trail head and trail access that was not part of the original approval. The trail would lead to and through 23 acres owned by the City, as well as to an

existing trail that runs north/south along the bench that connects to Maple Canyon. This is a wonderful opportunity to create a community amenity that would not have been available under the previously approved plan. Staff also notes, that if the trail is not constructed on this property, there likely will not be another opportunity for a trail access north of Maple Canyon.

Land Use Element of the General Plan: The Future Land Use Map designates the site as “*Rural Residential*”. This designation corresponds to the A-2 or PRC zones and allows densities that average one lot per two acres, or one lot per acre with TDRs. All of the abutting properties have the same Rural Residential designation. The original approved plans had an average lot size of approximately 1.4 acres per lot. The average lot size of the current proposal has increased to approximately 1.6 acres per lot. The total number of lots has decreased, while the average lot size has increased.

The proposed variety in lot sizes is generally consistent with the variety that exists in the vicinity, although in a more concentrated area. Surrounding lots located between 1200 North and 400 North, and east of 1600 East, range in size from under $\frac{1}{2}$ of an acre to 6.5 acres, with an average lot size of 1.6 acres. The proposed density is consistent with the General Plan and with the surrounding area.

Staff has included some of the goals and policies of the Land Use Element of the General Plan below followed by a brief response:

- *Goal 1: Preserve and enhance Mapleton’s rural atmosphere and agricultural history through careful planning and the preservation of open space.*

Response: The original approval included 26 lots. Since the two acre property that was added later was already zoned TDR-R, it should be anticipated that two additional lots could be built, for a total of 28 lots. The proposed concept plan reduces the density to 24 lots, 23 in the area being rezoned to PRC-9 and the one additional 11 acre parcel owned by another party. Due to the recently identified geologically sensitive areas, there will be fewer total lots and less buildable area, resulting in more open space overall than was previously proposed. The project has used, and will continue to use, the country lane street cross section with no curb or gutter, which is intended to contribute to a more rural appearance. The applicant is also proposing to dedicate a parcel just under $\frac{1}{2}$ an acre in size to the City to accommodate the trail head parking and trail access to the bench. All of these changes are consistent with the goal of preserving and enhancing the rural atmosphere.

- *Policy 1.1: Encourage conservation subdivisions on vacant land and undeveloped parcels.*

Response: The rezone to PRC will allow more flexibility in lot sizes and a more conservation minded development plan. Taken as a whole, staff believes the changes are an improvement from the original design.

- *Goal 2: Continue the established focus on large-lot, single-family residential uses as the primary means for preserving Mapleton’s rural character.*

Response: The proposed concept combines the conservation (clustering) approach with a mix of larger lot sizes. The original approval included 25 one-acre lots and one 10-acre lot. The revised plan includes a mix of

lot sizes ranging from $\frac{1}{2}$ an acre to over 6 acres, in addition to the now 11-acre parcel owned by another entity.

- *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.*

Response: The project site, including the two acre parcel that was added since the original approval, has already been approved as a TDR-R. The applicant has already surrendered the TDR certificates required for the project.

Zoning: The purpose of the PRC zone is to encourage imaginative and efficient use of land, encourage the preservation and/or creation of open spaces and trails, and to allow for flexibility in the layout of lots. The PRC zone is not meant to allow for more density, just more flexibility. The proposed PRC zone would allow for more lots to be clustered to the west in order to protect the eastern portion of the site that is less conducive for development, as well as the development of a public trail as discussed below. The proposed concept plan is consistent with the intent of the PRC zone. The proposed zoning text is included as attachment "1".

The proposed PRC zone is similar to the Clegg Canyon PRC zone located on 400 North just to the south of the project. It also has a mix of lot sizes ranging from $\frac{1}{2}$ an acre to over eight acres and clustered some smaller lots to avoid similar geologic constraints.

Streets: Mapleton City Code section 17.12.020 indicates that the City may require temporary dead end streets to stub to adjacent parcels for future development and connectivity. The concept shows a stub road to the parcel to the north that contains the old dilapidated house on the hill side. The alignment of the stub road is proposed to change to address the geologic constraints and will require a vacation of a small portion of the existing Maple Hills Lane. State law requires that the City find that there is good cause for the vacation of the road and that it will not be contrary to the public interest or materially injure any person.

RECOMMENDATION

Approve the proposed ordinance.

ORDINANCE NO. 2024-

AN ORDINANCE TO REZONE 26 ACRES FROM A-2, TDR-R TO PLANNED RESIDENTIAL COMMUNITY (PRC-9) AND TO VACATE A PORTION OF MAPLE HILLS LANE

WHEREAS, the subject property is currently zoned A-2, TDR-R; and

WHEREAS, the General Plan designates the property as "*Low Density Residential*"; and

WHEREAS, the request to rezone the property to PRC-9 will allow more flexibility in lot configurations and for the creation of a public trail amenity; and

WHEREAS, the proposed project will require the vacation of a small portion of an existing City road; and

WHEREAS, the City Council finds that there is good cause for the vacation of the road and that it will not be contrary to the public interest or materially injure any person; and

WHEREAS, the Planning Commission reviewed this application on June 13, 2024.

NOW THEREFORE, BE IT RESOLVED by the City Council of Mapleton, Utah, to rezone approximately 26 acres of property from A-2, TDR-R to PRC-9 as described in exhibit "A", adopt the PRC-9 zoning text as described in exhibit "B" and vacate a portion of Maple Hills Lane.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF MAPLETON, UTAH,
this 19th Day of June, 2024.

Dallas Hakes
Mayor

ATTEST:

Camille Brown
City Recorder

Publication Date:

Effective Date:

Exhibit "A"
Area of Rezone to PRC-9



Exhibit "B"
Proposed PRC-9 Zoning Text

Chapter 18.82J
MAPLE HILLS SUBDIVISION, PLANNED RESIDENTIAL COMMUNITY (PRC-9)
ZONE

18.82J.010: NAME AND PURPOSE:

18.82J.020: PERMITTED USES:

18.82J.030: PERMITTED ACCESSORY USES:

18.82J.040: CONDITIONAL USES:

18.82J.050: DENSITY:

18.82J.060: LOT STANDARDS:

18.82J.070: BUILDING SETBACKS:

18.82J.080: BUILDING HEIGHT:

18.82J.090: PARKING AND DRIVEWAY REQUIREMENTS:

18.82J.100: OPEN SPACE PROTECTION:

18.82J.110: STREET DESIGN:

18.82J.120: TRAIL HEAD AND TRAIL ACCESS

18.82J.010: NAME AND PURPOSE:

The name of this zone shall be the Maple Hills subdivision PRC-9 zone. The purpose of this zone is to create an attractive residential subdivision that respects Mapleton's rural heritage and desire for access to the Maple Mountain Bench by providing a mix of lot sizes, protected open space and a public trail.

18.82J.020: PERMITTED USES:

One single-family dwelling per lot.

Parks and/or open space.

Temporary structures necessary for sales and/or construction activities, subject to subsection [18.84.200B](#) of this title.

18.82J.030: PERMITTED ACCESSORY USES:

Permitted accessory uses include:

The raising, care and keeping of limited numbers of livestock and fowl, excluding swine and roosters, for family food production or recreation. Also barns, corrals, pens and coops and other structures for the care and keeping of domestic livestock and fowl, subject to the following:

A. The number of animals kept shall not exceed one animal unit for each twenty thousand (20,000) square feet of lot area.

B. No structure for the housing of livestock or fowl or corrals for the close confinement of livestock shall be located closer than one hundred feet (100') to an existing dwelling on an adjacent lot or fifty feet (50') to such a dwelling on the same lot.

Home occupations subject to section [18.84.380](#) of this title.

Owner occupied accessory apartments subject to section [18.84.410](#) of this title.

18.82J.040: CONDITIONAL USES:

None

18.82J.050: DENSITY:

The base density for the zone is thirteen (13) residential lots. The density may be increased up to a maximum of twenty-three (23) lots with the use of Transferable Development Right (TDR) certificates. One certificate shall be required for each lot above thirteen (13).

18.82J.060: LOT STANDARDS:

To create variety within the subdivision, there shall be a mix of lot sizes. However, in no case shall a lot be smaller than twenty thousand (20,000) square feet with eighty (80) feet of frontage on a public road.

18.82J.070: BUILDING SETBACKS:

A. Main Building:

1. Front yard/garage setback: No less than twenty five feet (25') measured from the property line to the foundation of the home. For homes that have garage doors that face the street, the garage shall be set back a minimum of twenty feet (20') from the back of any trail or sidewalk.
2. Corner lot side yards: Measured the same as the front yard.
3. Rear yard setback: No less than twenty-five feet (25') measured from the rear property line to the foundation of the home.
4. Side yard setback: No less than ten feet (10') measured from the property line to the foundation of the home.

B. Accessory Building: Accessory building shall be subject to section [18.26.020](#) of this title.

C. Projections Into Yards: The following structures may be erected on or projected into any required yard:

1. Necessary appurtenances for utility service.
2. The structures listed below may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two feet (2'):
 - a. Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features.

- b. Fireplace structures and bays, provided that they are not wider than eight feet (8') measured generally parallel to the wall of which they are a part.
- c. Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters not exceeding twenty four inches (24") in height.

18.82J.080: BUILDING HEIGHT:

All buildings and structures shall not exceed two (2) stories with a maximum height of forty feet (40') as defined in section [18.08.170](#) of this title.

18.82J.090: PARKING AND DRIVEWAY REQUIREMENTS:

A single-family dwelling shall provide at least four (4) off street parking spaces. At least two (2) of the spaces shall be located in an attached or detached garage that is fully enclosed. All dwelling units shall have a driveway made of hard surface material no less than twelve feet (12') in width.

18.82J.100: OPEN SPACE PROTECTION:

The final subdivision plat shall identify the non-buildable areas for habitable structures as recommended in the final surface fault rupture hazard study. The trail head and trail discussed in subsection 120 below shall also be dedicated to the City for trail access and open space.

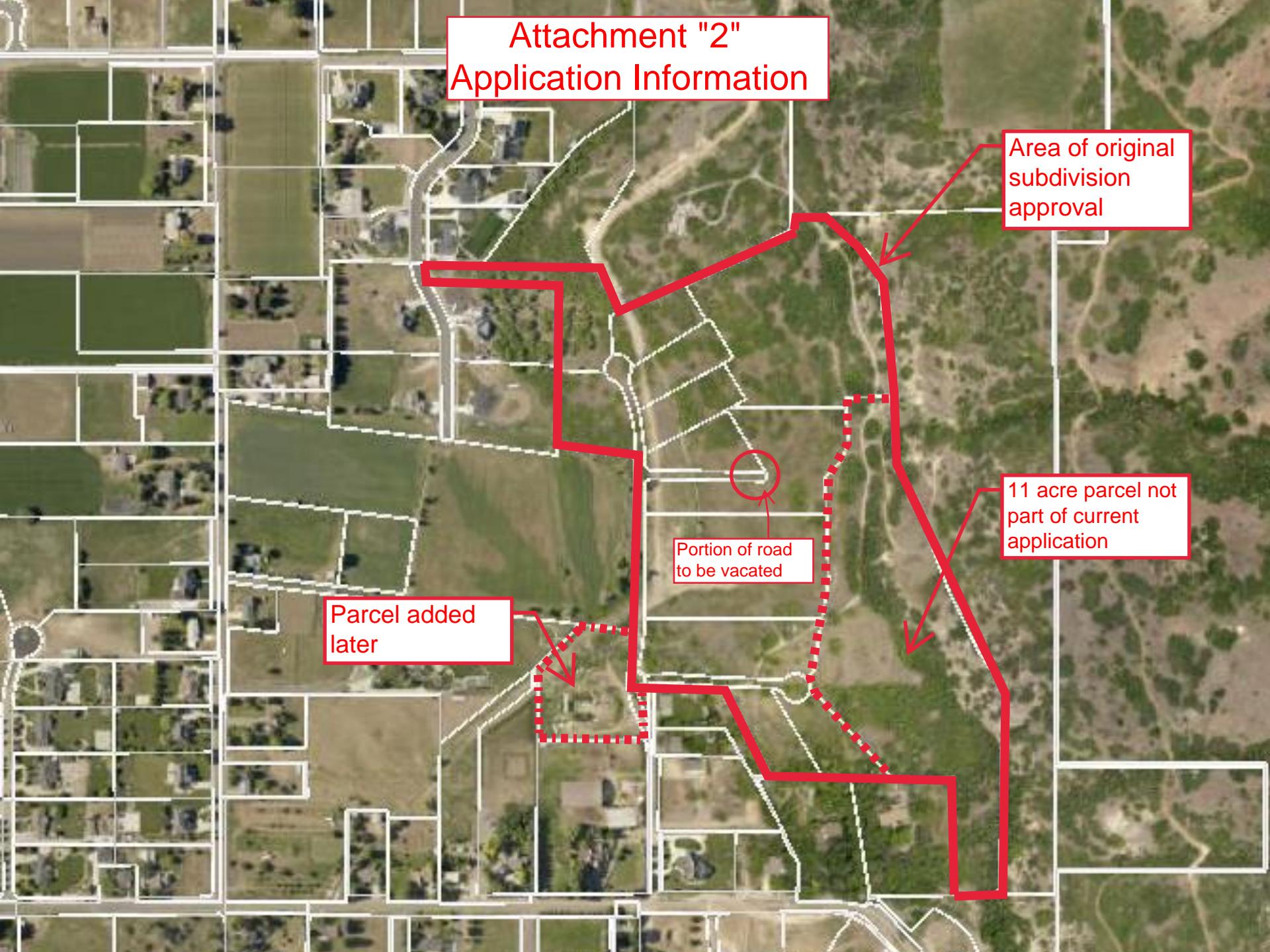
18.82J.110: STREET DESIGN

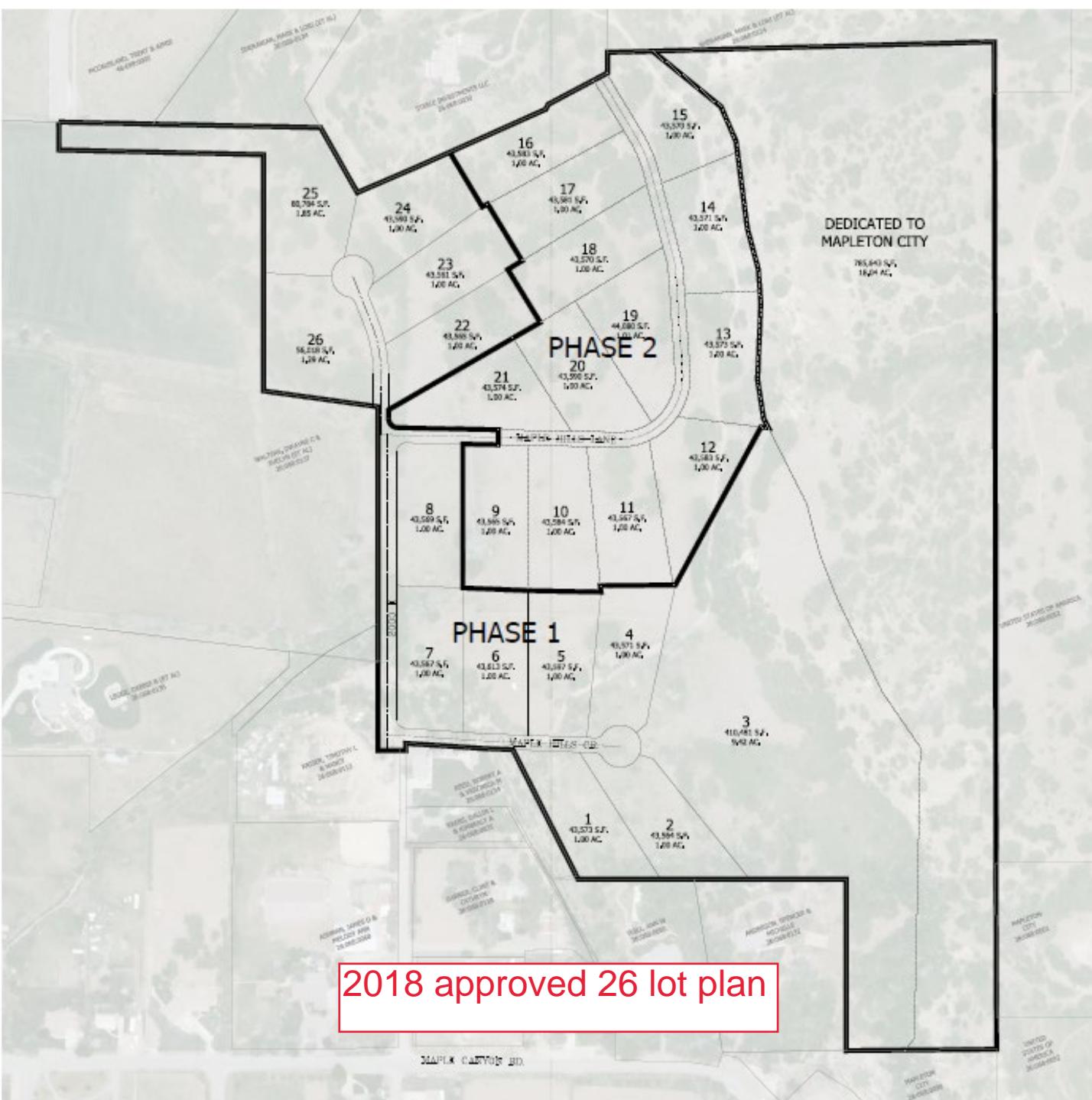
The project shall utilize the City's country lane street cross section with no curb, gutter or sidewalk to maintain a rural appearance.

18.82J.120: TRAIL HEAD AND TRAIL ACCESS

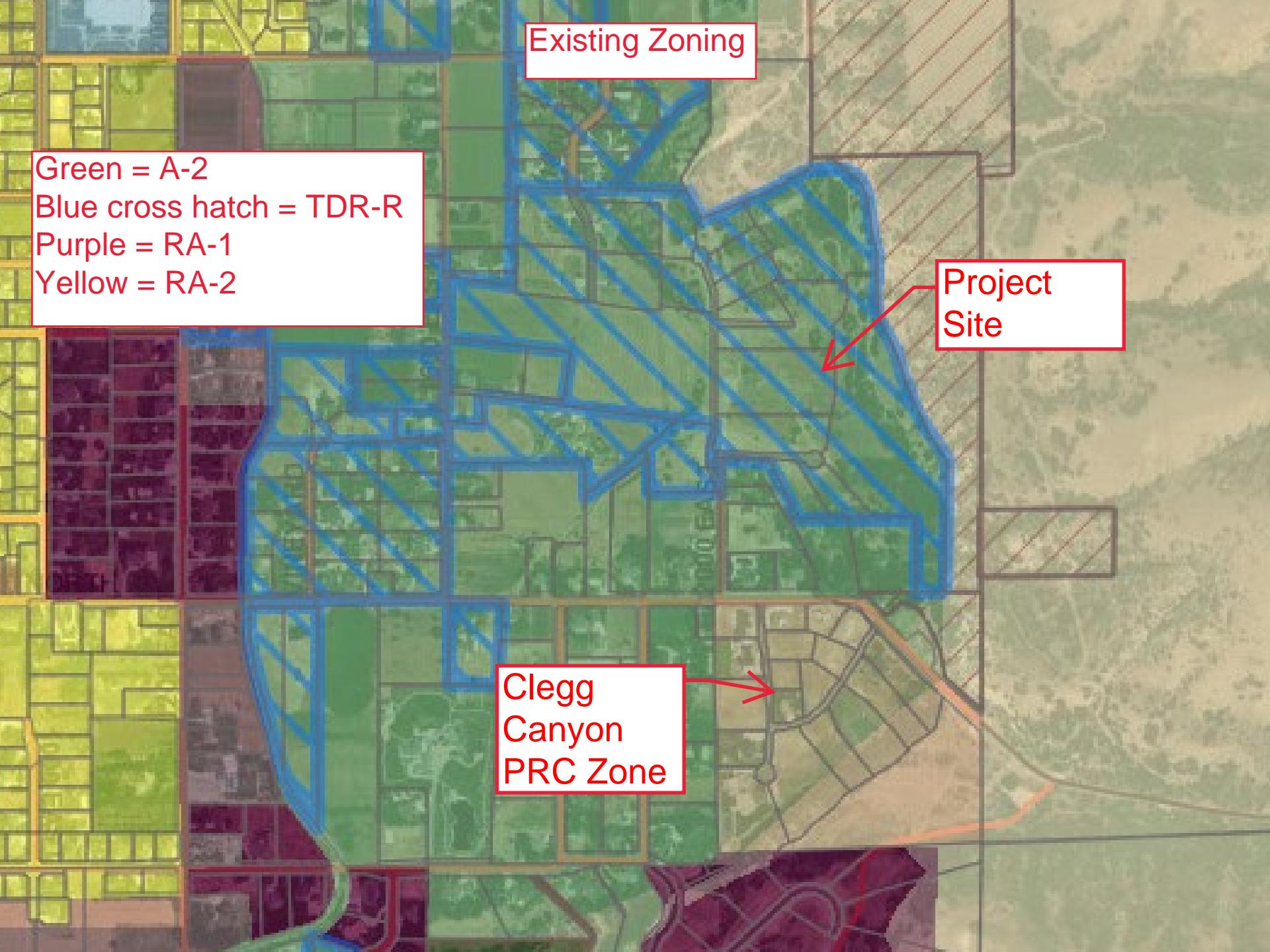
The developer shall construct a trail head consisting of a paved access road and at least eight (8) parking stalls. The developer shall also construct a natural surface trail leading from the trail head up to the top of the bench. The final subdivision plat shall include the final layout and cross section of the trail. Once completed, the trail and trail head will be maintained by Mapleton City in perpetuity.

Attachment "2"
Application Information





2018 approved 26 lot plan



Existing Zoning

Green = A-2

Blue cross hatch = TDR-R

Purple = RA-1

Yellow = RA-2

Project Site

Clegg
Canyon
PRC Zone

Trails Master Plan Exhibit

Hobble Creek
Elementary

west proposed
connection

west bike
connection

1200 E

1600 E

Proposed
trail head

Maple Hills
Estates

Maple Hills
Estates
Trailhead

400 N
Access
Point

Maple-Canyon
Trailhead



Mapleton/Patterson Trail

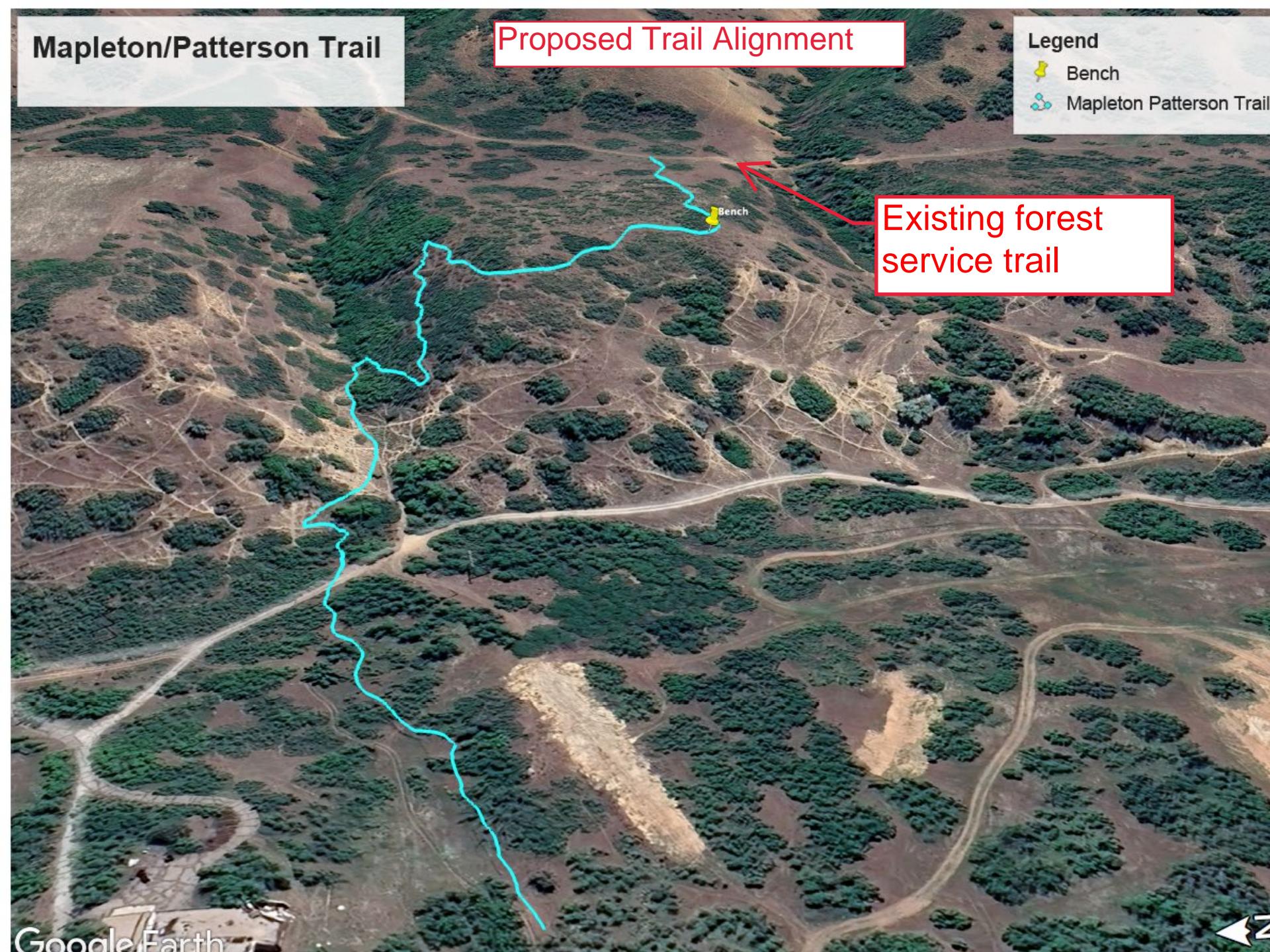
Proposed Trail Alignment

Legend

Bench

Mapleton Patterson Trail

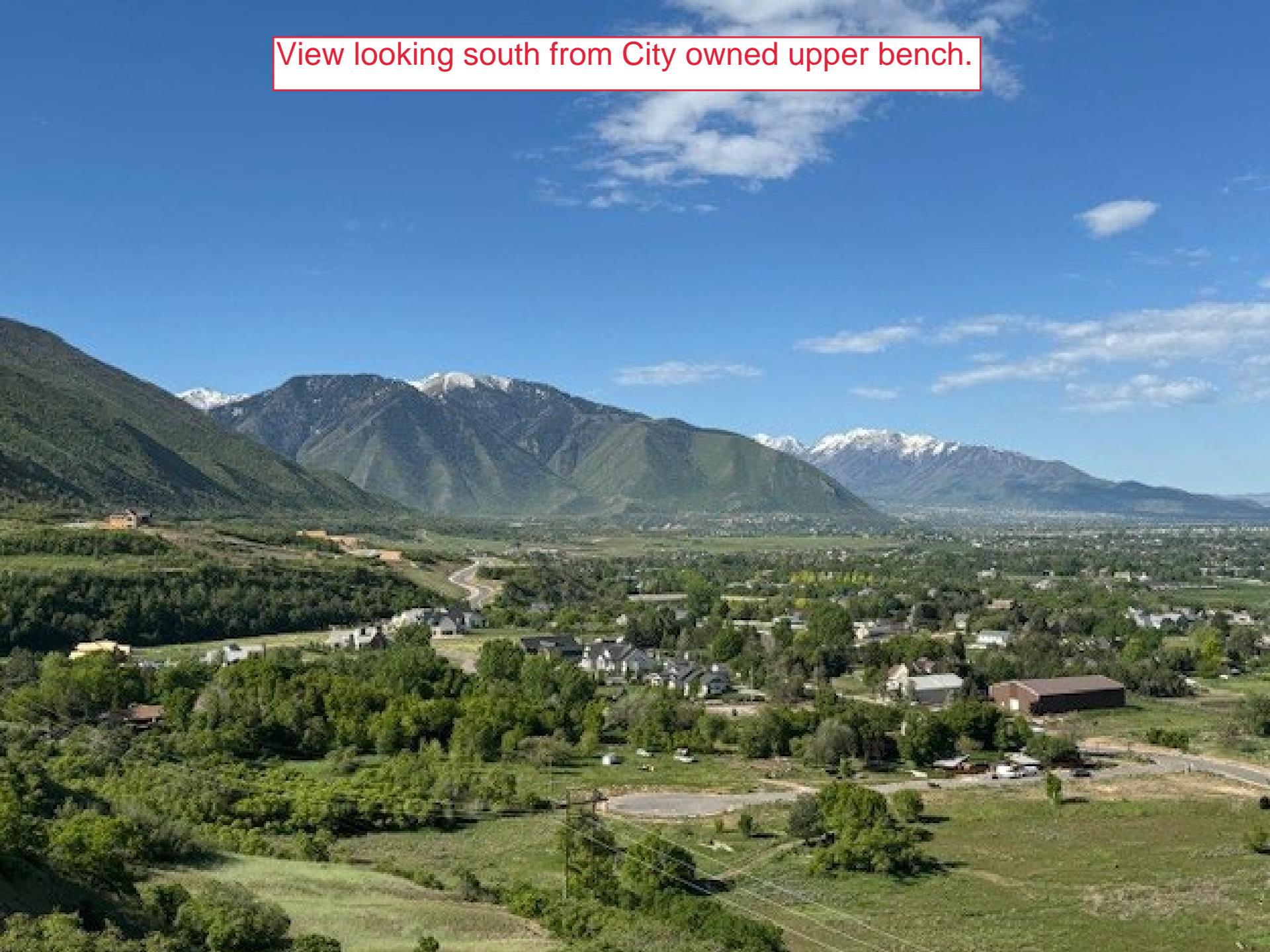
Existing forest
service trail

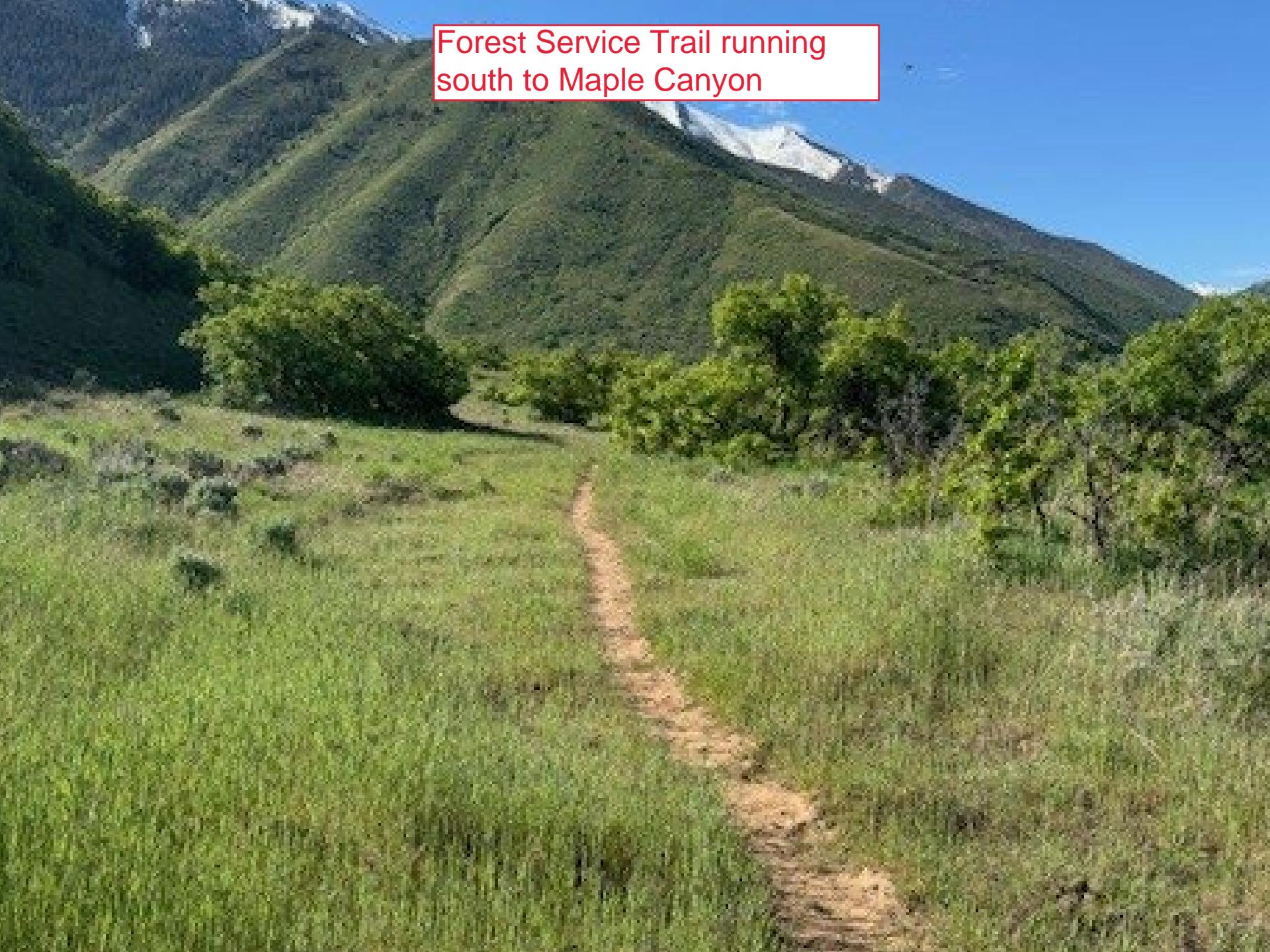




City owned
23 acres

View looking south from City owned upper bench.



A photograph of a dirt trail winding through a grassy valley. The trail starts in the foreground and curves to the left, then continues straight through a field of tall green grass. To the right of the trail is a dense forest of green trees. In the background, there are more green hills and mountains. At the top of the image, there is a white box with a red border containing the text.

Forest Service Trail running
south to Maple Canyon

Attachment "3"

MAPLETON CITY CITY COUNCIL MINUTES NOVEMBER 15, 2023

| | |
|----------------------------------|---|
| PRESIDING AND CONDUCTING: | Mayor Pro Tem Jones |
| Members in Attendance: | Kasey Beck Reid Carlson Jessica Egbert Therin Garrett Leslie Jones |
| Staff in Attendance: | Cory, Branch, City Administrator Sean Conroy, Assistant City Administrator/Community Development Director Rob Hunter, Public Works Director/City Engineer John Jackson, Public Safety Director/Police Chief Logan Miner, Parks and Recreation Director Bryce Oyler, Finance Director |
| Minutes Taken by | Camille Brown, City Recorder |

The items may not have been heard in the order below.

Mayor Pro Tem Jones called the meeting to order at 6:00 p.m. Cl. Beck gave the invocation and Cl. Garrett led the Pledge of Allegiance.

PUBLIC FORUM:

Bliden Loudenstock, resident of Orem shared his positive experience with Mayor Hakes, praising his selflessness. He highlighted the mayor's support for 2023 State Champion of Maple Mountain High School's volleyball team, even though the school technically falls outside the city's jurisdiction.

Don Garlitz raised his concerns about the proposed changes to the Maple Hills subdivision layout. The primary worry is that the reduction in lot sizes may lead to decreased property values in the area.

Mike Jorgensen had the same concerns about the proposed changes.

CONSENT AGENDA

Item 1. Approval of City Council meeting minutes- November 1, 2023
Item 2. Consideration of a Resolution to approve the contract modifications for the additional design and construction engineering management for Horrocks on the Mapleton Canyon Springs Redevelopment and Chlorine Building. **Resolution No. 2023-37**

Motion: Cl. Garrett moved to approve the consent agenda as presented.

Second: Cl. Carlson seconded the motion.

Vote:

| | |
|-------------|-----|
| Cl. Carlson | Yes |
| Cl. Egbert | Yes |
| Cl. Beck | Yes |
| Cl. Jones | Yes |

Cl. Garrett Yes
Vote: Passed 5:0

ACTION ITEM:

Item 3. Presentation of the fiscal year 2022-2023 Audit Report

Bryce Oyler, Finance Director, turned the time over to Greg Ogden, Auditor, who reviewed the audit with the City Council and reviewed the findings.

Motion: Cl. Egbert moved to approve a Resolution accepting the 2022-23 audit report as presented.

Second: Cl. Carlson seconded the motion.

Vote:

Cl. Egbert Yes

Cl. Beck Yes

Cl. Jones Yes

Cl. Garrett Yes

Cl. Carlson Yes

Vote: Passed 5:0

Resolution No. 2023-38

DISCUSSION ITEM:

Item 4. Discussion item to review revised concepts for the Maple Hills Subdivision

~~Sean Conroy~~, Assistant City Administrator/Community Development Director reviewed the staff report for those in attendance. There were discussions related to potential modifications to the Maple Hill subdivision, prompted by the identification of fault lines impacting the original development plan. Patterson Homes, the applicant, presented two conceptual layouts aimed at addressing the situation. The primary focus was on proposing a rezoning to Planned Residential Cluster (PRC), offering flexibility in lot sizes.

The presentation highlighted the significance of a trailhead location in alignment with the city's trails master plan. The council members engaged in a discussion regarding the fault lines, the practicality of the proposed trailhead, and the implications of rezoning to PRC. Questions were raised about the recommended setbacks from fault lines and the potential need for earthquake-resistant construction. Concerns were expressed about the impact on existing lot owners who had purchased with different expectations. The Council emphasized the importance of honoring the investments made by these landowners. While they expressed openness to the idea of PRC zoning, they were cautious about the specific configurations proposed in the presented concepts.

The applicant clarified the recommendations from geotechnical studies regarding setbacks and the nature of construction requirements. Patterson Homes also acknowledged the concerns of existing lot owners and committed to working with them.

Council members, while indicating general support for the concept of PRC zoning to address the unique challenges posed by fault lines, emphasized the need for further refinement in the proposed layouts. They highlighted the importance of considering existing owners' perspectives and ensuring that the changes align with the overall vision for the area.

The discussion would continue during the formal application process. The applicant sought feedback and collaboration in working through the challenges presented by the fault lines and existing landowners' expectations. The council acknowledged the need for creative solutions and expressed a commitment to addressing concerns in subsequent stages of the application.

MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS:

Cl. Carlson stated that Solid Waste tour is set up for two different dates and times.

Cl. Egbert discussed the legislative audit on housing policy, highlighting findings and recommendations. Concerns are raised about potential impacts on local government authority.

Cl. Garrett added that he wanted to thank everyone that participated in the Fall Cleanup.

Bryce Oyler stated that there would be budget amendments in January.

Logan Miner reminded the council of the Lights On event on November 27th at 6:00 pm. His staff has come up with the idea of having a Christmas Tree bonfire in January. They have heard of other cities having the event. It would be called Burn Bright. It would be on our vacant lot at the corner of 400 North and 300 West. They will look at all aspects of safety and environmental.

Chief Jackson discussed last Tuesday's first community event and it went well. The Maple Mountain High School Volleyball team took state and they had a parade that went through Mapleton and then down to Spanish Fork.

Motion: Cl. Garrett moved to adjourn the meeting.

Second: Cl. Beck seconded the motion.

Vote: Passed unanimously at 6:51pm

APPROVED: December 6, 2023



Camille Brown, City Recorder

Attachment "4"
Correspondence

Hello Sean

This is Michael Jorgensen one of the owners in Maple Hills development. Back at the end of the year (2023) I shared some concerns with their plan being proposed at that time.

I wanted to let you know my 2 concerns (layout of the lots behind my property and lots directly to the south) have been addressed with their current plan being proposed.

Let me know if you have any questions.

Thanks

Mike

Sean,

My name is Mike Cooper, I'm the owner of one of the lots in the Maple Hills Estates subdivision done by Patterson. I just wanted to reach out and inform you of my support for the proposed changes, I've been in coordination with Ross Welch throughout the various revisions and am not opposed to the current proposed change and look forward to building our home there this Summer. Thank you

--



MIKE COOPER
President
⌚ (801) 369-7978
📍 514 E Lakeview Pkwy.
Provo, UT 84606
🌐 coopercon.build

Sean,

Thanks for all of your help in info over the last few months. As you know, we're no longer under contract on the Fonohema's land. We are now planning on buying multiple lots in the Maple Hills development by Patterson. We've been talking and working closely with Ross Welch at Patterson, and we're very impressed with them and their project. I have a masters degree in Real Estate development and have been working in the industry for many years. I've looked closely at their development plan, and especially considering the fault line issues on the property, we feel like they've created a beautiful project and the best possible design for the land. The fact that they have been willing to take the time and considerable investment over the last few years to re-configure their plat to conform to the new fault line information, all while reducing the number of sellable lots, shows me they are committed to creating a great, safe project for their buyers and the community. We are involved in Maple Hills only as buyers, as we have been wanting to move into the Mapleton community for some time, and we are excited to have found this project, as well as to be able to work with the professional, responsible and capable group that Patterson is. Thanks again for your help recently. We're excited to join the Mapleton neighborhood.

Conor Robbins