

# City Council Staff Report

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**Date:**

7/17/24

**Applicant:**

Patterson Construction

**Location:**

800 N 2000 E

**Prepared By:**

Sean Conroy, Community  
Development Director

**Public Hearing:**

Held on 6/19/24

**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**

On June 19, 2024 the City Council held a public hearing to review a request to rezone approximately 26 acres from A-2, TDR-R to PRC-9 and to review a concept plan for 23 lots. Several concerns were raised by members of the public as well as the City Council. The Council closed the public hearing and then continued the application with a request that the applicant consider revisions to the concept plan to address the concerns that had been raised. Concerns included the small lot sizes, particularly clustered around the central cul-de-sac, the location of the trail head, whether a trail was necessary at all and the location of the stub road.

The applicant has revised the concept plan with the following changes:

**Attachments:**

1. Ordinance and PRC-9 zoning text.
  2. Application information.
  3. City Council minutes (see item #1 of the agenda). dated 11/15/23.
  4. Correspondence.
- Reduction of one additional lot;
  - Elimination of the central cul-de-sac;
  - The previous concept had 7 lots of .58 of an acre or smaller. The updated plan has only one lot of .58 of an acre. All other lots range in size from .61 of an acre to 5.71 acres.
  - The trail head parking is now perpendicular to the road and not directly adjacent to the neighboring property to the north.
  - The stub road to the property to the north has been shifted as far east as possible without extending into the fault zone.

**EVALUATION**

Rezone requests are considered legislative actions. The City Council generally has 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.

**Trail:** During the previous hearing, there were some questions raised regarding whether a trail was necessary as part of this project. 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 the desired location for a trail head and trail access to the northern bench.

Given the public’s expressed desire for more trail access, and the guidance of the General Plan and the Trails Master Plan, staff strongly recommends keeping the trail as an integral part of the proposed project. The revised parking plan pulls the parking off of the northern property line and makes the parking area more visible and less secluded, hopefully increasing public safety.

**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. The General Plan also designates this site as a candidate for a “Conservation Subdivision.” Conservation subdivisions are intended to be used to protect agricultural land, sensitive areas or habitat, or other open space amenities.

The proposed conservation subdivision is designed to protect geologically sensitive areas and provide more open space adjacent to the bench. 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 ½ of an acre to 6.5 acres, with an average lot size of 1.6 acres. The proposed density and lot sizes are 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 have been built, for a total of 28 lots. The proposal at the previous hearing was to reduce the total number of lots to 24. The current proposal further reduces the total number of lots to 23. 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 originally 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 1/3 of an acre in size to the City to accommodate the proposed trail. 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 General Plan specifically encourages this site to be a conservation subdivision. The PRC zone is the primary tool to facilitate a conservation subdivision as it allows for more flexibility in lot sizes and a more conservation minded development plan. 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 previously discussed. The proposed zoning text is included in attachment "1".

- *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 approximately .6 of an acre to nearly 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.

**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 “*Rural Residential*” and as a candidate for a Conservation Subdivision; 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 recommended approval of 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 17<sup>th</sup> Day of July, 2024.

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Dallas Hakes  
Mayor

ATTEST:

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Camille Brown  
City Recorder  
**Publication Date:**  
**Effective Date:**

**Exhibit "A"**  
**Area of Rezone to PRC-9**

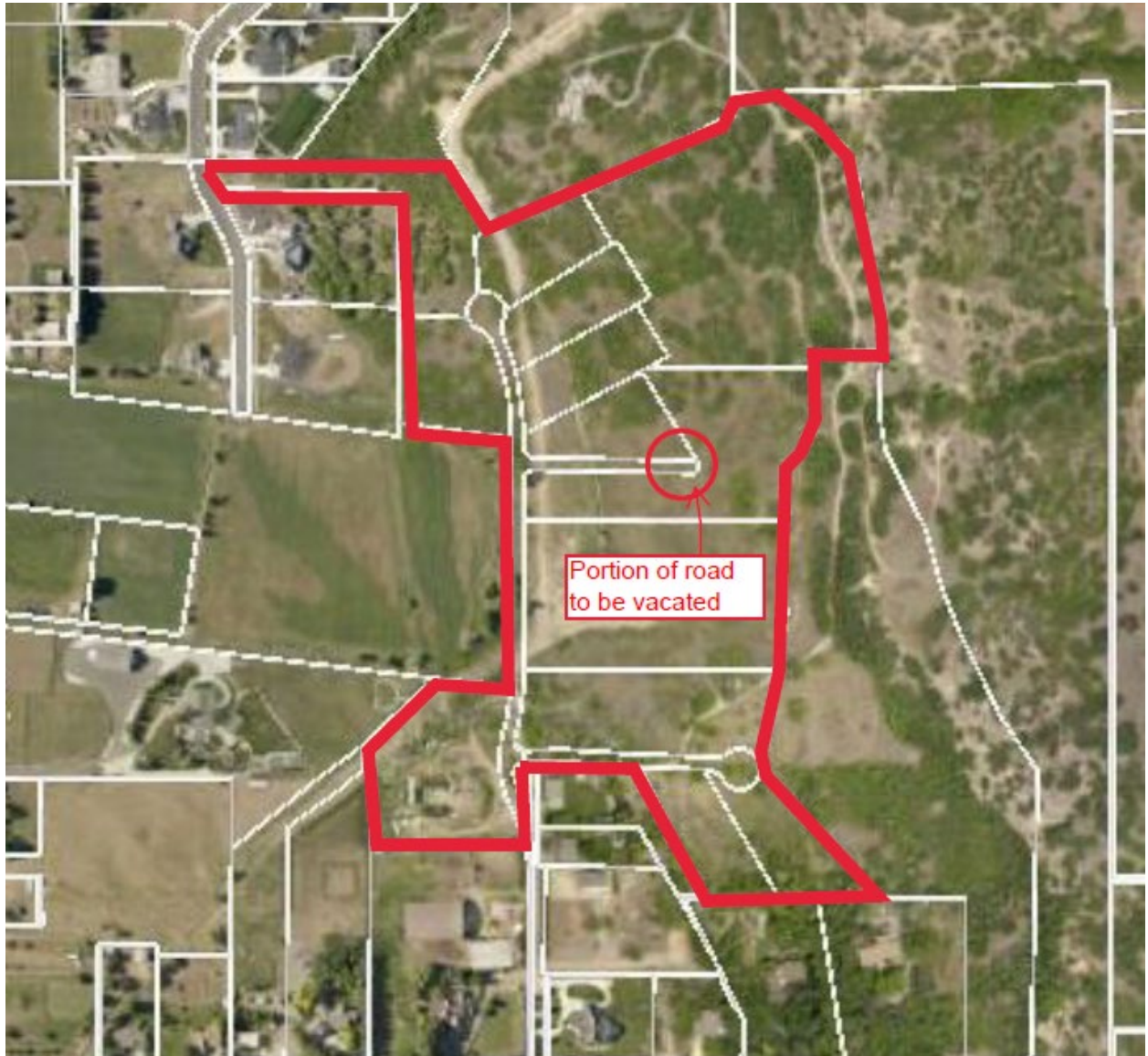


**Exhibit “B”  
Proposed PRC-9 Zoning Text**

**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 (22) 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 four thousand (24,000) square.

**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 yard facing the street: 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 described in subsection 18.82J.120 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 or gutter to maintain a rural appearance.

**18.82J.120: TRAIL HEAD AND TRAIL ACCESS**

The developer shall construct trail head parking consisting of at least ten (10) paved parking stalls. The developer shall also construct a natural surface trail leading from the trail head up to the top of the bench generally consistent with the approved concept plan. The final subdivision plat shall include the final layout and cross section of the trail. Once completed, the trail and trail head parking will be maintained by Mapleton City in perpetuity.

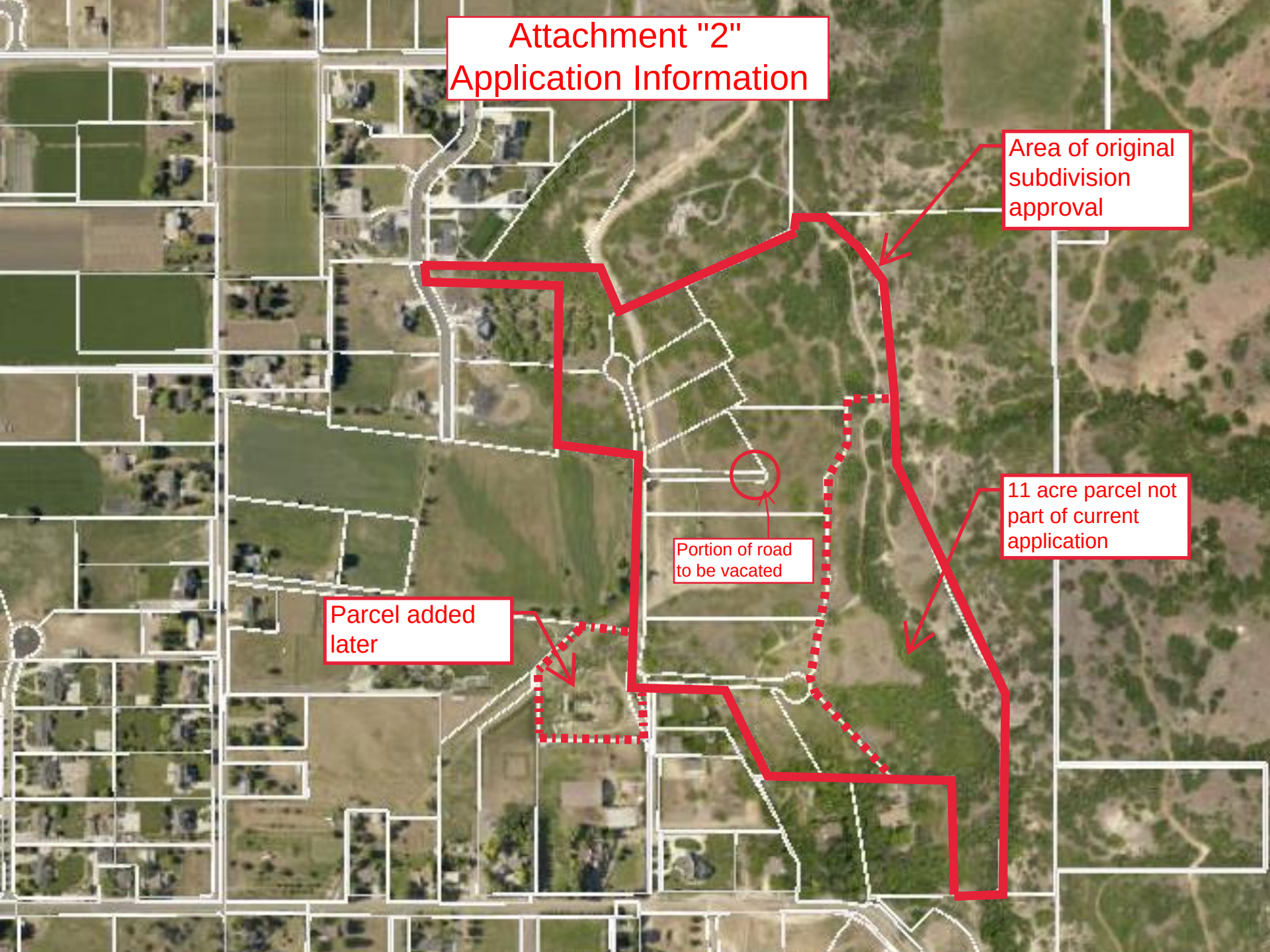
# Attachment "2" Application Information

Area of original  
subdivision  
approval

11 acre parcel not  
part of current  
application

Portion of road  
to be vacated

Parcel added  
later



LEGEND

PROPERTY LINE

LOT LINE

EASEMENT LINE

EXISTING CURB

PROPOSED CURB

5 FOOT CONTOUR

1 FOOT CONTOUR

CULINARY WATER

PRESSURIZED IRRIG.

SANITARY SEWER

STORM DRAIN

FIRE HYDRANT

MAPLETON IRRIGATION NOTES

1. APPLICANT MUST NOTIFY FRANSON CIVIL ENGINEERS (FRANSON CIVIL) AT LEAST 24 HOURS BEFORE CONSTRUCTION ON MIDC FACILITIES. CALL KYLE DEVANEY WITH FRANSON CIVIL AT 801-756-0309. FAILURE TO DO SO MAY RESULT IN A \$5,000 FINE.

2. ALL CONSTRUCTION MUST BE DONE TO MIDC STANDARDS.

3. MIDC CONTACT DURING CONSTRUCTION: MIKE MINER, PRESIDENT 801-376-1454

4. BOXES SHALL HAVE METAL SIGN ATTACHED TO GRATE THAT READS:  
  
PROPERTY OF MAPLETON IRRIGATION DISTRICT & COMPANY  
IRRIGATION BOX MAY NOT BE FENCED WITHIN PROPERTY  
COMPANY MUST HAVE ACCESS FROM CITY STREET

5. ALL BACKFILL MATERIALS WITHIN THE MIDC EASEMENT SHALL BE COMPACTED TO A MINIMUM OF 95% STANDARD PROCTOR DENSITY. IF COMPACTION OF THE BACKFILL MATERIALS AROUND THE MIDC PIPELINE CANNOT MEET THIS REQUIREMENTS THEN FLOWABLE FILL IS AN ACCEPTABLE ALTERNATIVE.

6. PIPES OR OTHER UTILITIES RUNNING PARALLEL TO THE IRRIGATION PIPE IN A SHARED EASEMENT SHALL BE PLACED A MINIMUM OF 5 FEET HORIZONTALLY FROM THE IRRIGATION PIPE.

7. PIPES CROSSING PERPENDICULARLY OVER OR UNDER THE IRRIGATION PIPE SHALL HAVE A MINIMUM 1-FOOT VERTICAL CLEARANCE.

8. PIPES ENTERING BOXES SHALL BE CONCRETED ON THE OUTSIDE AND GROUTED ON THE INSIDE.

SHEET INDEX

C0 COVER

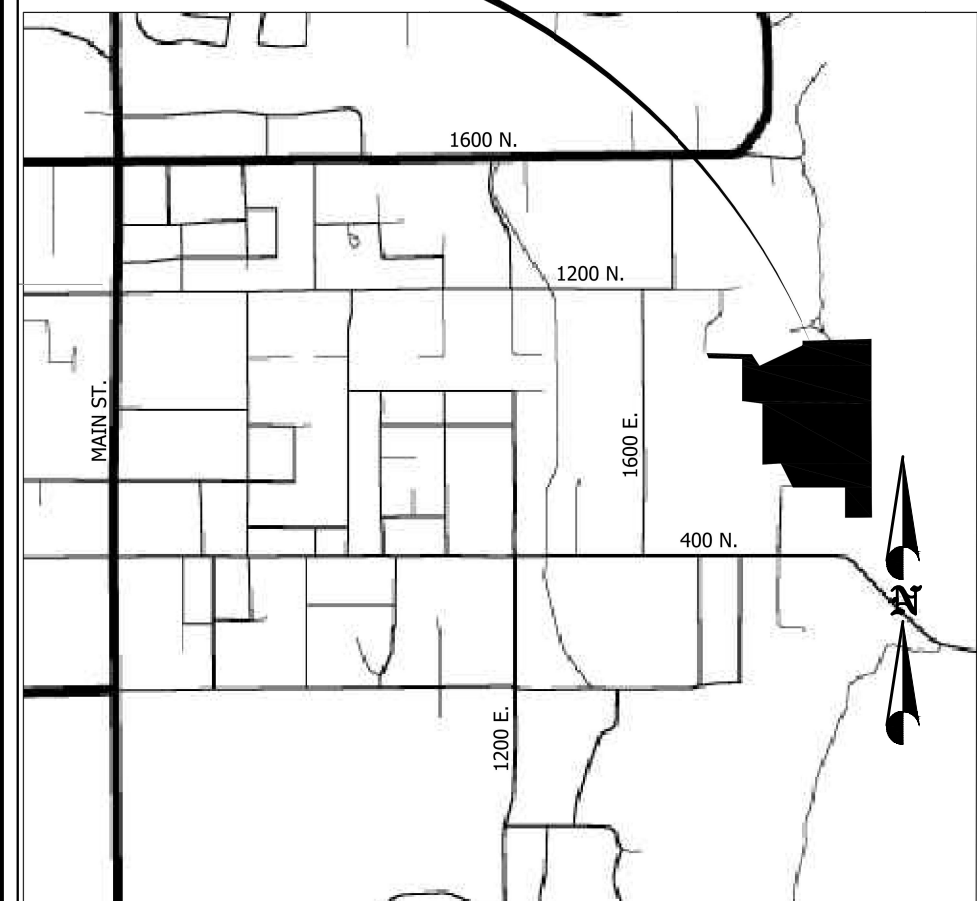
C1 PRELIMINARY SUBDIVISION LAYOUT

C2 OVERALL UTILITY PLAN

C3 OVERALL GRADING PLAN

D1-D3 CONSTRUCTION DETAILS

LOCATION OF PROJECT



VICINITY SKETCH

SCALE 1"=1000



| TABULATIONS |        |
|-------------|--------|
| PLAT        | # LOTS |
| A-1         | 2      |
| A-2         | 2      |
| B-1         | 3      |
| B-2         | 7      |
| C           | 6      |
| D           | 2      |
| TOTAL       | 22     |

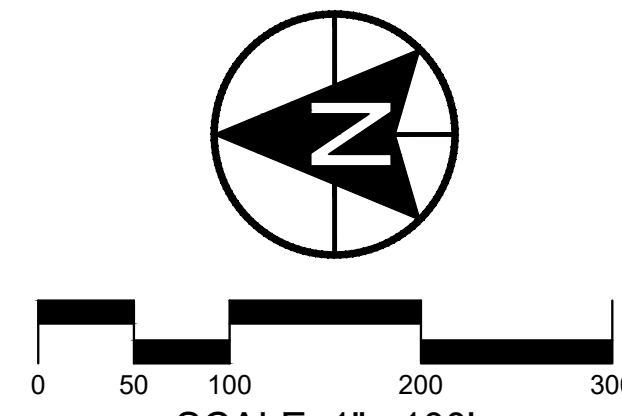
DEVELOPMENT

MAPLE HILLS ESTATES

DEVELOPER



11038 N. Highland Blvd Suite 100  
Highland, UT 84003  
(801) 642-0119



SCALE: 1"= 100'

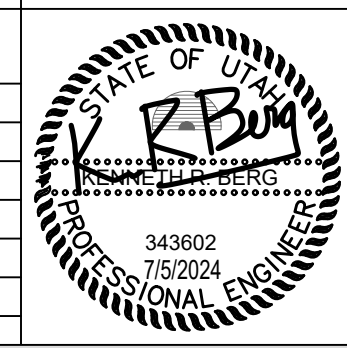


11038 N Highland Blvd Suite 400  
Highland Ut. 84003  
office (801) 492-1277  
cell (801) 616-1677

REVISIONS

SEAL

| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
| 1   |      |             |
| 2   |      |             |
| 3   |      |             |
| 4   |      |             |
| 5   |      |             |
| 6   |      |             |
| 7   |      |             |



ACTION

DATE

CONCEPT

7/5/2024

PROJECT

MAPLE HILLS ESTATES

DESCRIPTION

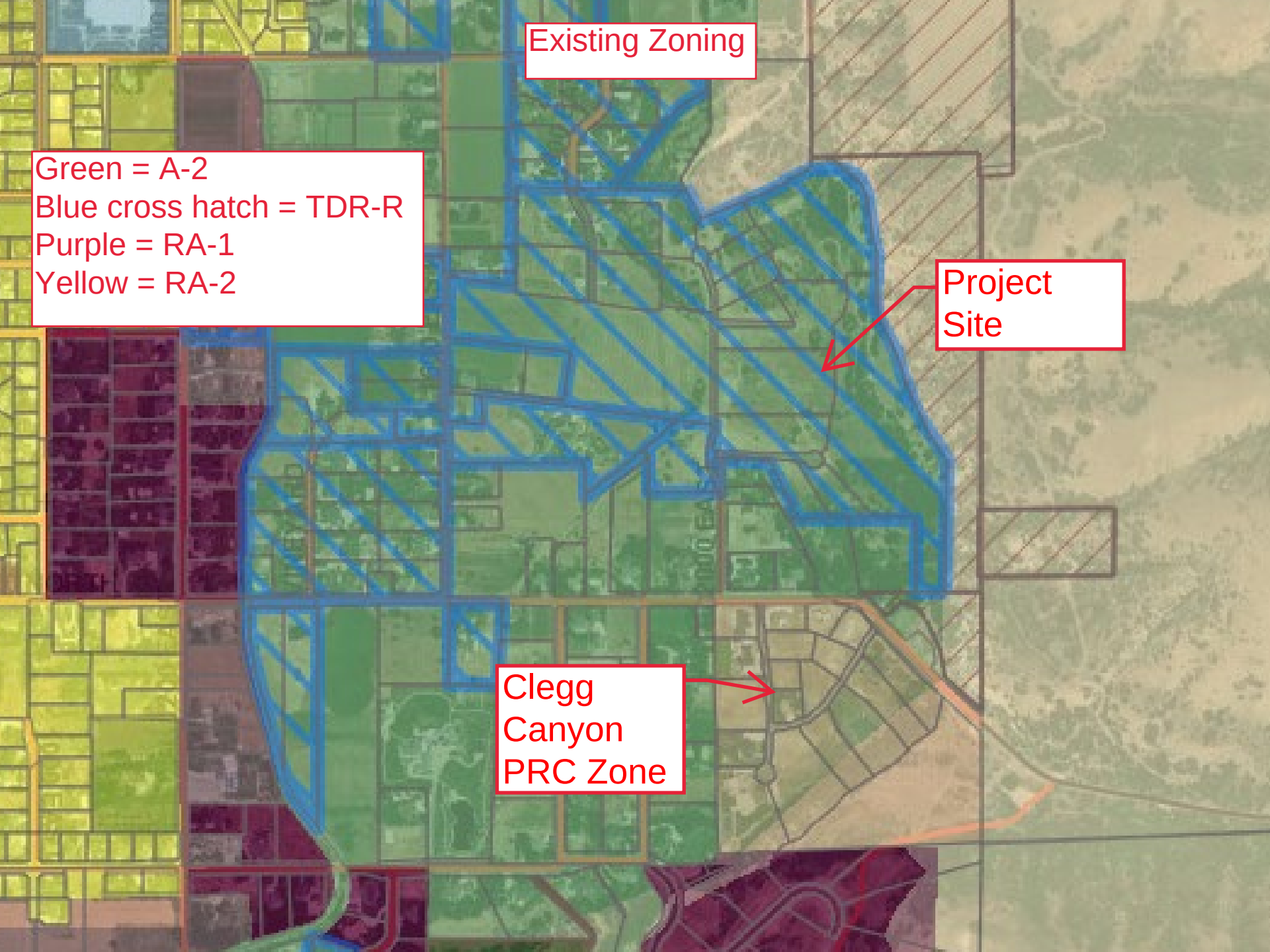
REVISED PRELIMINARY PLANS

SHEET NAME

SHEET NUMBER

COVER

C0

A map showing existing zoning. The map features various colored regions: green, blue with cross-hatching, purple, and yellow. A large area in the center is outlined in blue and contains blue cross-hatching. To the right of this area, a red arrow points to a specific location. At the bottom center, another red arrow points to a different location. The map is overlaid with a grid of lines, likely representing property boundaries or roads.

Existing Zoning

Green = A-2

Blue cross hatch = TDR-R

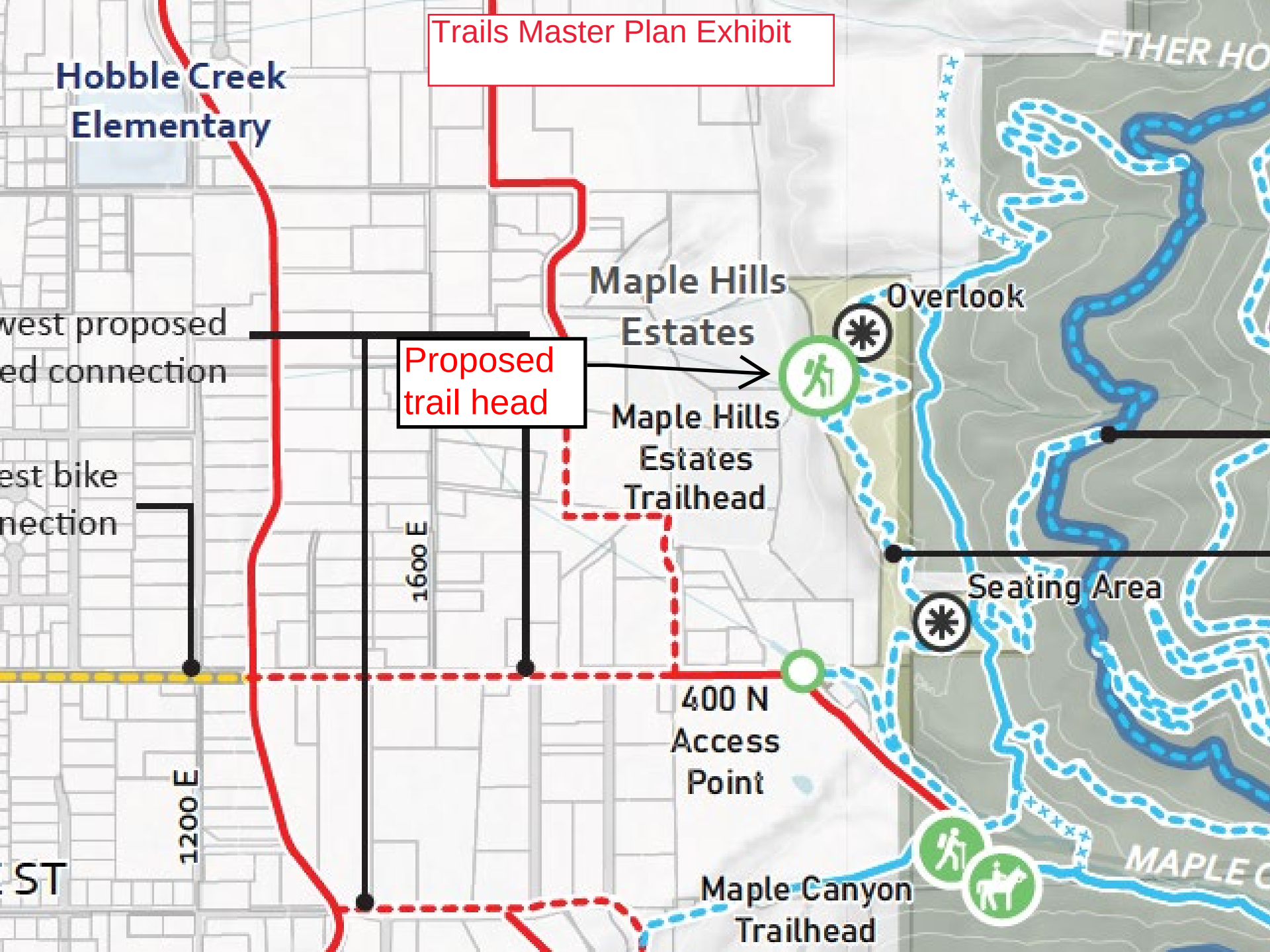
Purple = RA-1

Yellow = RA-2

Project  
Site

Clegg  
Canyon  
PRC Zone

Trails Master Plan Exhibit



# Mapleton/Patterson Trail

## Proposed Trail Alignment

Legend

-  Bench
-  Mapleton Patterson Trail

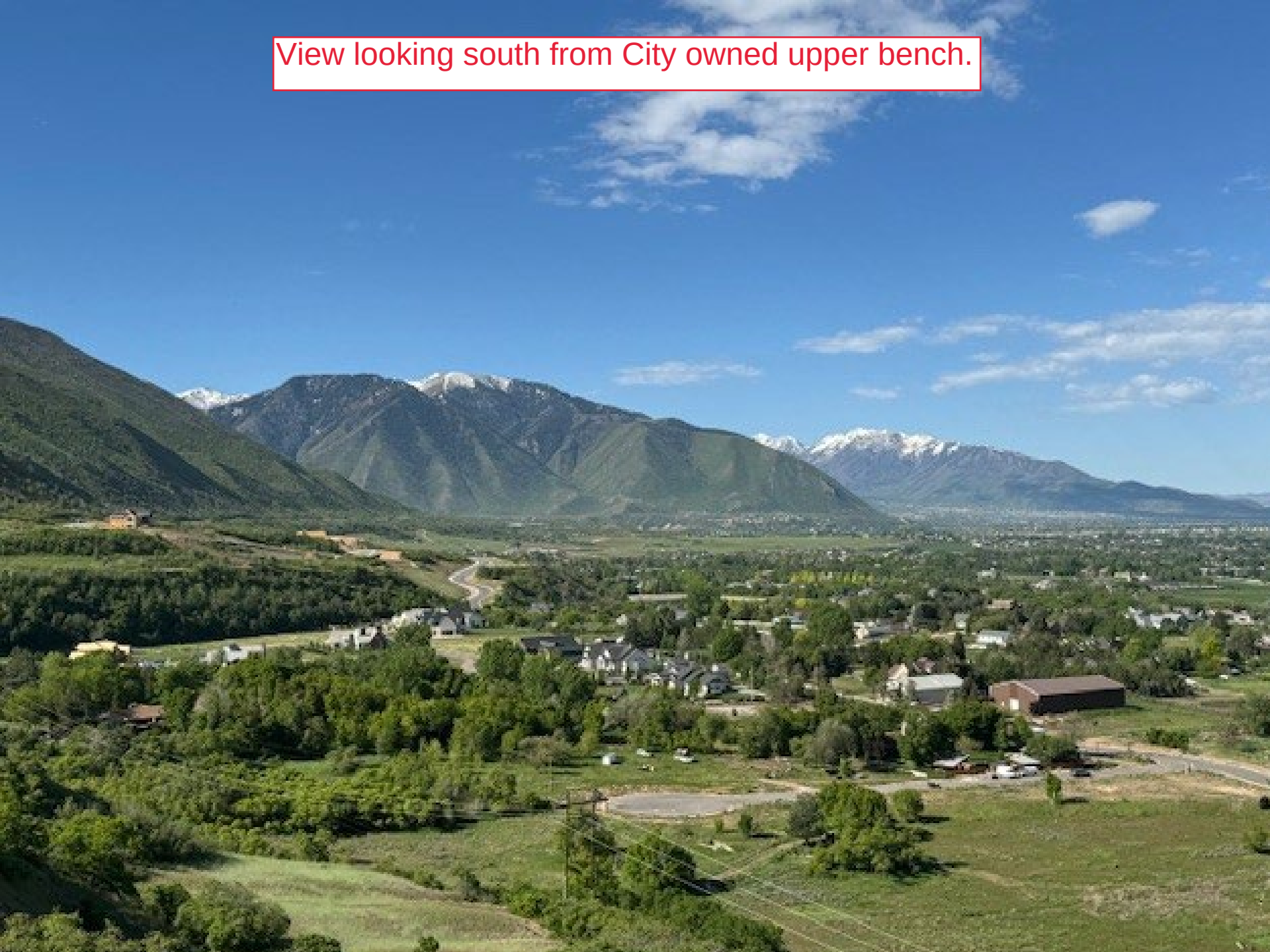
Existing forest service trail



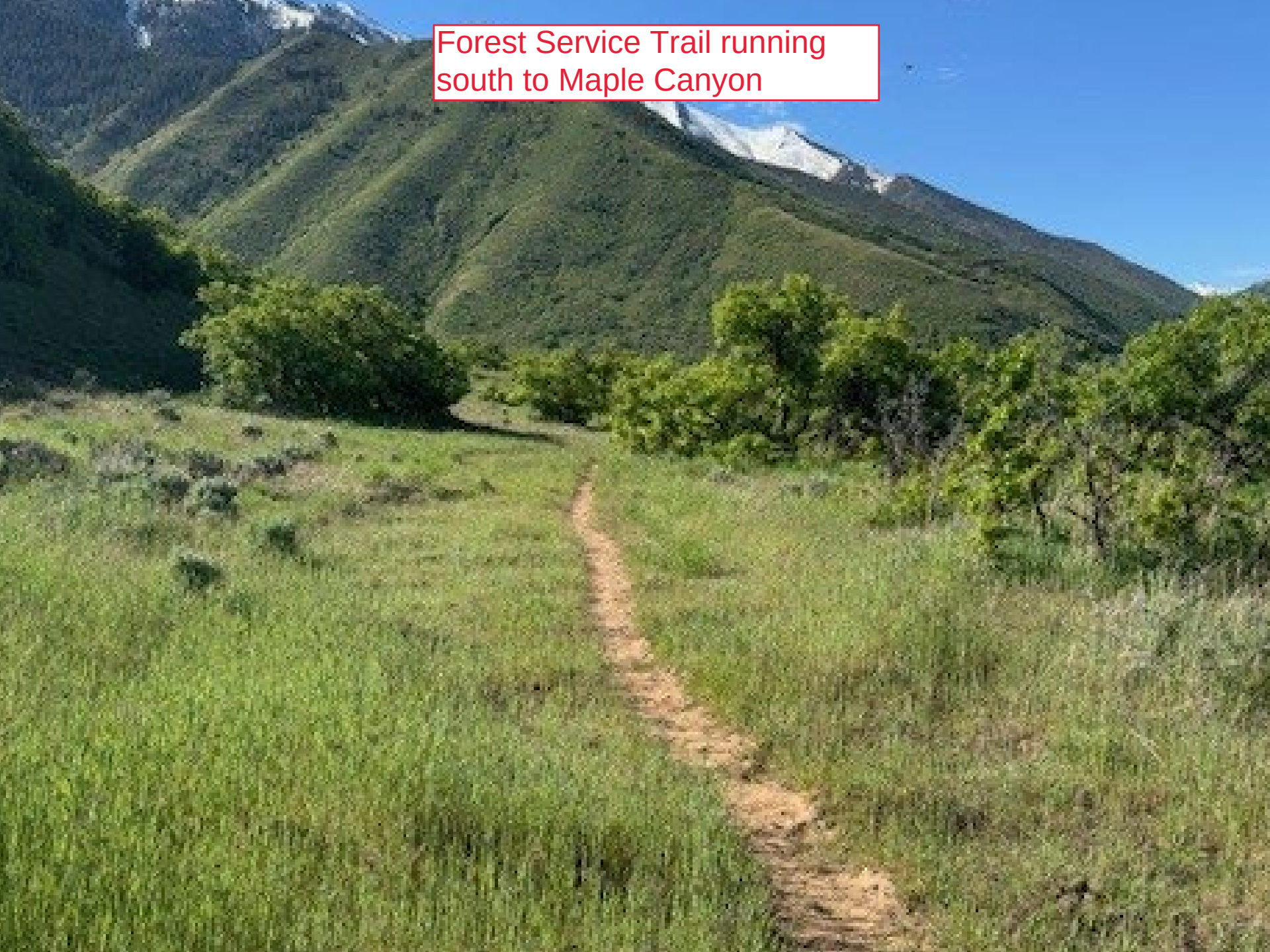
City owned  
23 acres



View looking south from City owned upper bench.



Forest Service Trail running  
south to Maple Canyon



## 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

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Sean,

I am letting you know that I have no objections to the new proposal for the Maple Estates development located just North of my house. As I see it, there will be fewer homes built so that means less traffic on the street that passes in front of our house.

Thank you,

Dallin Krebs

560 North 2000 East

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This is Tyler Ashman the owner at 1903 e 400 n I wasn't able to attend the meeting on maple hills subdivision but I wanted to let you know that I am ok with them moving forward thanks

[Sent from Yahoo Mail for iPhone](#)

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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

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Hello Council members,

I understand you'll be entertaining a vote this evening for the rezoning of the Maple Hills subdivision. My wife and I bought our home here about 10 years ago understanding that the neighboring properties were zoned A-2 and that with possible TDR usage, future neighboring lots would be at least 1 acre. We are concerned that 1/2 acre lots in this part of Mapleton will have an unfavorable effect on our home value. We ask you to vote against the proposal.

Thank you,

Don Garlitz

910 N 1600 E

Mapleton UT 84664

(801) 369-1000 mobile

Sent from my iPhone

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From: [lavorcardon](#)

Sent: Wednesday, June 19, 2024 12:33 PM

To: CityCouncil <[citycouncil@mapleton.org](mailto:citycouncil@mapleton.org)>

Subject: Development on 2000 E and N of 400 N

Please do not approve this development! It changes the 2 acre zoning to 1/2 acre zoning and that is what the neighborhood does not want and according to my understanding is not approved in the current city zoning code, therefore any such change needs to be voted upon by the citizens.  
Sent from my iPhone

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I see on the agenda tonight for the City Council the proposed changes to the Patterson development. I am a nearby neighbor. Unfortunately I am out of town at a family reunion so I won't be able to attend the meeting but I do want to express my opposition to the proposed changes.

Thanks for considering my opinion when you vote.

Jeremy Martin

801-928-3060

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I'm asking the city council to reject the proposal to re zone the maple hills subdivision again. Like residents, developers are responsible to complete all due diligence before buying land, and it's not the city's job to bail them out and help them make more money on their project once they find an issue years after the sale is completed, and some lots are already sold.

I like the plan for access to the trails, but not for the smaller lots.

Thanks- Jordan Hall

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This is Tyler Ashman the owner at 1903 e 400 n I wasn't able to attend the meeting on maple hills subdivision but I wanted to let you know that I am ok with them moving forward thanks

[Sent from Yahoo Mail for iPhone](#)

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Dear Council: I am writing in regards to last Thursday night's meeting that I attended and also spoke at. I appreciated the opportunity for public comment. There are some critical points that I could not stress then in respect for the three minute limit for comments. Although I understand why considerable Council focus was on the trail and trailhead, more consideration of the tight clustering of homes near the road is needed. In response to Council member Leslie Jones' comment that she was surprised that no one closer to the development had anything to say about it, I would like to point out that you can't get any closer than my house to the subdivision as it is essentially part of the development and it was my backyard and the stream and property my wife and I own that was used, altered and modified to bring the Patterson property in compliance for the floodplain with FEMA. Also note that the other people who spoke at the meeting whose properties adjoin the proposed development spoke against the small (less than 1 acre) clustered lot sizes. None of these property owners spoke in favor. I appreciated the comments of Council member Therin Garrett who seemed to understand the obvious problem with the tight clustering of homes near the road. I did feel good about some things that I felt were great suggestions such as the step down on the west side mentioned by Jessica. I sincerely hope that the other Council members will join Therin Garrett, the other property owners who spoke and me and oppose the smaller, clustered lots and have the developers come up with larger lots to replace those smaller ones.

Sincerely,  
Rob Reed

Mapleton City Council,

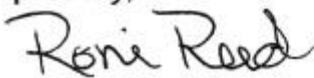
July 6, 2024

My name is Veronica "Roni" Reed. My husband and I have lived at 590 north 2000 east for almost 25 years, we raised our 6 kids here and have loved every minute of it.

We have had kids come and "Trespass" almost every weekend to go up to the "Old House" (Sheranian's). When they do they completely ignore the many No Trespassing signs and cut the fences, destroy property ect. We have had to call the police almost every weekend. Then came "Patterson Homes" and the roads got put in. This has brought a whole bunch more young kids. We are so appreciative of the Mapleton City Police! For their quick response when they are called and for making sure they know "No Trespassing" is a serious issue. Without them who knows what would go on up here.

When I attended the most recent City council meeting, I left with a very strong feeling that most of your minds were already made up before the meeting ever started. I am sure a lot of it has to do with "Patterson's" paying for the trailhead and parking area. But I thought the whole reason we have a City Council is so they could stand up for "The Residents" and not people who don't care about Mapleton, don't live in Mapleton and have a lot of money. Because it was very clear that not many of you have "The Citizens" in mind. I am not sure what happened with the original plan for the development, all i hear is "because of the fault line". But hasn't the fault line always been here? It has not changed, and they knew about it before buying the property! So why is it now a problem? We have all made it very clear we don't want to be in the middle of a crowded neighborhood where all you can see are houses. If that is what we wanted, that is where we would have bought our houses. In every newsletter sent out every month all you hear is "Small Town " feel. Doesn't this completely go against A Small Town Feeling? Yes it does! Now can you all please stand up for the citizens of Mapleton and our Small Town and not some developer that comes in with a lot of money!

Respectfully,

A handwritten signature in black ink that reads "Roni Reed". The signature is written in a cursive, flowing style.

Roni Reed