

Mapleton City Planning Commission Staff Report

Meeting Date: January 10, 2013

Item: 3

Applicant: L. Douglas Smoot and M. Duane Horton

Location: 750 N 1600 E (parcel #'s 26:068:0022, 0023, 0029, 0034, 0035, 0036 & 0044)

Prepared by: Sean Conroy, Community Development Director

Public Hearing Item: Yes

Zone: CE-1, A-2

REQUEST

Consideration of a request for input on a preliminary proposal for a General Plan Amendment from Rural Residential to Low Density Residential and to Rezone approximately 60 acres of land from A-2 to RA-1.

BACKGROUND AND PROJECT DESCRIPTION.

The project site includes approximately 18 acres in the Critical Environment (CE-1) Zone and approximately 60 acres in the Agricultural-Residential (A-2) Zone for a total project area of approximately 78 undeveloped acres. Most of the site is located in the 500 year floodplain with a portion of the site also in the 100 year floodplain. On November 9, 2010 the applicant submitted an application to rezone the parcels in the CE-1 Zone to a Transferable Development Rights (TDR) Sending Site. However, the applicant is no longer pursuing the use of TDR's for this project.

On April 3, 2012 the City Council held a work session with the applicant to discuss a variety of rezone options for the property including TDR Sending Site, Residential Agricultural (RA-1), and Planned Residential Community (PRC). The Council expressed some potential support for the RA-1 option if a development agreement was included.

The applicant is requesting input from the Commission on their proposal to place approximately 18 acres of property located in the CE-1 Zone into a conservation easement that will protect the property from development in perpetuity in exchange for the following:

- A General Plan Amendment from Rural Residential to Low Density Residential for approximately 60 acres.
- A Zoning Map Amendment from A-2 to RA-1 for approximately 60 acres.
- Approval of a development concept plan that would allow for the clustering of approximately 54 residential units with lot sizes ranging from .5 acres to 2 acres.
- The concept plan also includes approximately 10 acres of open space in addition to the 18 acres being placed in a conservation easement.

The applicant is pursuing a rezone from A-2 to RA-1 for three primary reasons, 1) to increase density, 2) for more flexibility in minimum lot size requirements, and 3) to cluster the development to limit development in the 100 year floodplain. The purpose of this agenda item is to provide direction to the applicant prior to the submittal of a formal application. While no formal motion is required, a motion providing direction to the applicant would be beneficial. However, it should be noted that any motion adopted at this hearing would not be binding.

EVALUATION

Zoning: The A-2 Zone permits one dwelling unit per two (2) acres, and the CE-1 Zone allows for one (1) unit per three (3) acres. With approximately 60 acres in the A-2 Zone and 18 acres in the CE-1 Zone, the applicant could achieve approximately 36 units without rezoning the property. If the applicant had pursued

the use of TDR's, approximately 16 TDR credits could have been transferred from the CE-1 portion of the property to the A-2 portion of the property creating a total development potential of 46 units.

The RA-1 District allows one dwelling unit per acre. If a project site is at least 50 acres in size, the RA-1 Zone also allows for the clustering of lots with lot sizes as small as 21,000 square feet as long as the overall density does not exceed one unit per acre. If the portion of the subject property in the A-2 Zone was changed to the RA-1 Zone, the applicant could develop approximately 60 units.

Summary of Development options from different zones:

- 1) No Zoning Amendment, 60 acres A-2 & 18 acres CE-1 = 36 units
- 2) No Zoning Amendment but use of TDR's from CE-1 = 46 units
- 3) Rezone A-2 to RA-1 and CE-1 placed in Conservation Easement = 60 units

Decision Standard: Mapleton City Code (MCC) Chapter 18.12.010 states the following regarding zoning amendments:

“For the purpose of establishing and maintaining sound, stable, and desirable development within the city, it is declared to be the public policy that amendments shall not be made to the planning and zoning title and map except to promote more fully the intent of this title and the Mapleton City general plan or to correct manifest errors.”

This sets a high standard when considering rezone requests. The Land Use Element of the General Plan outlines several key land use issues that should be considered when making decisions regarding the City's ability to guide future development (see attached). Of particular interest for this application is maintaining a distinctive rural community character, and preserving the natural environment and open space.

While the applicant is no longer proposing a TDR sending site, preservation of the mountain side is still proposed through the use of a conservation easement. Staff recognizes this as a potentially significant benefit to the City that would further promote the intent of the General Plan. The primary question for the Commission is whether the placement of the 18 acres into a conservation easement is a significant enough incentive to allow for the rezone of the property and a density increase of approximately 33% (54 units) without the use of TDR's.

It is important to note that a rezone application is considered a legislative decision. Cities are given great deference by the courts in their legislative decisions as long as it can be reasonably debated that the action will promote the general welfare of the city. In other words, the City has great discretion in determining whether or not to approve a rezone request.

STAFF RECCOMENDATION:

Provide direction to the applicant.

ATTACHMENTS:

1. General Plan Excerpt.
2. Application Information.
3. Concept Plan.

Attachment “1” General Plan Excerpts

III. KEY LAND USE ELEMENT ISSUES

As the community develops and current land use patterns change, several issues must be addressed prior to approval of rezone requests, annexation petitions, or amendments to Subdivision or Zoning Ordinances. A list of these issues are found in the next section. The list, while intended to be comprehensive, is in no way meant to be the only issues the city should consider when making decisions about the future of the community. Each application for rezone, annexation, or ordinance amendment must be addressed individually using this element as a guide.

Prior to making land use decisions which may impact the ability of Mapleton to guide future development patterns, the following issues must be addressed by the Planning Commission and City Council (emphasis added):

1. Accommodation of Growth in Accordance with Community Goals and Objectives.

The Land Use Element establishes a planned pattern for the development of the community in the future. It reflects historical development patterns and the current amount and type of development occurring. The Land Use Element also provides a guide for future development patterns which reflect the desires of Mapleton residents, land owners, elected officials, and staff.

2. Distinctive Rural Community Character.

The residents of Mapleton, as per the Vision Statement want "...a unique community retaining a peaceful, country atmosphere through rural master planning...(that will) Promote family values and community effort in order to maintain safe and friendly neighborhoods...(that) offer a quality lifestyle for a family environment." Design guidelines, regulation of signage, landscaping requirements, street standards and design, and other policies of the community are meant to provide opportunities for unique and highly desirable qualities of livability.

3. Farming and Agricultural Protection.

Mapleton desires to protect and encourage residential and commercial agriculture through appropriate zoning and density development. As stated in the Vision Statement: "We encourage...Preserving animal rights,...agriculture,...green spaces, trails,...horseback riding...", etc. Agricultural uses include commercial agriculture, the raising of livestock, "gentleman farming", as well as residential agricultural uses such as pastures, the growing of gardens, and other agricultural endeavors. Whenever development occurs in areas that border commercial agricultural land, the Planning Commission should assure that the development is done in such a way that no pressure is brought to bear on the commercial agriculture to cease from it's established and necessary practices.

4. Preservation of the Natural Environment and Open Space.

Residents of Mapleton City and the Land Use Element recognize the importance of the natural environment and desirable open space in the community. The goals and objectives found in this element reflect the community's desire to protect the unique environment and provide open areas for the use and enjoyment of the residents. As stated in the vision statement: (to) "Preserve the beauty of our community and surroundings...Have well-planned and accessible, open areas...We

discourage growth at the cost of open space, (and) neighborhood privacy..." Although aesthetics play an important role in preservation of the environment and open space, there are also areas within Mapleton where development is not recommended. These areas may contain steep slopes, flood plains, ridge lines, aquifer recharge areas, fault zones, other geologic hazards, and other areas important to the health and safety of Mapleton residents. Some, but not all of these areas are included on the most recent Utah County Hazards Map and official maps designating water recharge areas.

5. Infill Development.

In order to minimize unnecessary sprawl in the development pattern and maintain reductions in overall capital expenditures, the Land Use Element supports the efficient use of public and private resources by discouraging scattered "spot" development and encouraging the "infill" development of vacant land or underdeveloped parcels in existing developed areas. Infill development should also be balanced with the desire to preserve the rural nature of the city, open spaces, and parks and trails.

6. Land Use Compatibility.

The intent of the Zoning Ordinance is to create a pattern of compatible land uses. As the community continues to grow and expand, it may be important to maintain an organized land use pattern. By developing and mapping land use categories for areas which will be annexed in the future, the community can reduce the potential for incompatible land uses located adjacent to one another and/or neighboring communities.

7. Joint Planning Efforts.

The residents and elected officials of Mapleton recognize that the community affects and is affected by surrounding areas. When land use decisions made by Mapleton may affect surrounding jurisdictions, including Utah County, every effort will be made to inform all interested parties. Conversely, Mapleton will make every effort to be informed about land use decisions that may affect the community.

8. Development Guidance

Development of land will create a long term effect on the city. Mapleton residents desire to make well-informed decisions that will benefit the community. The Land Use Element provides direction and predictability for both developers and decision makers. It establishes the community's vision for the future and guides the development of land accordingly. If individual developments correspond with the Land Use Element, the residents of Mapleton can expect to create the envisioned community.

Attachment 2



