

Staff Report
July 14, 2020
Kamas City Council

Subject: Public Hearing to rezone KT-606-A Agricultural Five Acre to Residential Agriculture
Applicant: Jason Gyllenskog on behalf of Bonnie and Jerry Torres
Owner: Bonnie and Jerry Torres
Location: Approximately 705 West 200 South

DESCRIPTION:

This item on the agenda has been advertised as a public hearing. A notice of this hearing was published in the Summit County News. It has also been posted on the State and City websites. Letters were mailed to all landowners within 1,000 feet of this location.

The applicant, with a signed affidavit from the owner, has initiated a rezone for this parcel, in accordance with Section 15.03.010 of the Kamas Municipal Code.

Kamas City General Plan and Future Land Use Map

Kamas City General Plan and Future Land Use Map show this parcel as dually zoned. The first six hundred feet from Highway 248 is zoned Entry Corridor Commercial (ECC). The remaining part of the parcel is zoned Agricultural Five Acre (A-5).

Discussion of Proposed Rezone and Compatibility with the Kamas City General Plan, Focusing on Approval Criteria from KMC 15.03.010(5)

In accordance with Section 15.03.010 of the Kamas Municipal Code, *the Planning Commission may recommend, and the City Council may grant a rezoning application only if it determines that the rezoning is consistent with the policies and goals of the Kamas City General Plan and that the applicant has demonstrated that:*

a) The proposed rezoning is necessary either to comply with the Kamas City General Plan, proposed Land Use Map, or to provide land for a community need that was not anticipated at the time of adoption of the Kamas City General Plan.

b) The existing zoning was either the result of a clerical error or a mistake of fact, or that it failed to take into account the constraints on development created by the natural characteristics of the land, including but not limited to steep slopes, floodplain, unstable soils, and inadequate drainage, or

c) the land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changed character of the area.

The remaining part of this parcel that is currently zoned A-5 is about 3.16 acres. After City approved roads are taken out of the acreage, there are about 2.5 acres of land, zoned into five acre lots. To allow this land to be developed, a rezone request to a smaller lot size is logical. According to the Code, the reason for this rezone could fall under (b), that constraints and natural characteristics of the land

(wetlands) prevent it from being used in five acre parcels. Additionally, there are only 3 acres of A-5, limiting the use in a strictly agricultural sense.

Discussion of any proposed concept plan and compatibility with Kamas City Zoning Regulations and Restrictions

Wetlands are prevalent in this parcel as well, but the goal of the developer is to have three or four residential parcels in the back portion of this lot, around ½ to ¾ acre in size. A rezone into R-A would allow for connectivity with infrastructure and allow a few homes to be built in the back portion of this lot. UDOT access points do not fall in this parcel, so any development of that nature would result in a temporary access with UDOT. Utilities would need to be brought on the South side of 248, from the Kamas Commons area by the developer.

In the Entry Corridor Commercial part of this property, there would be the trail easement and other connectivity required by the ECC zone. Use would be determined on the Allowed Use Table.

Recommendation For or Against Rezone and Description of Recommended Conditions on Any Approval

The back three acres of this parcel as currently zoned do not allow for building. The A-5 zone is a five acre minimum. The ECC portion does not allow a residence as a permitted use. A section of that front part would need to be re-zoned to A-5 to allow for building in the A-5 section. Rezoning to the Residential Agricultural zone would keep the agricultural, low-density feel of the field intact while allowing some smaller lot growth potential.

Prior discussion from previous Commissioners is that the area beyond the ECC zone was zoned with very low density to allow the City to have discussions with incoming projects as the request for rezones occurred. There is some discussion that the A-5 was not meant to be the end result of that area of Kamas City, but that it was meant as a place holder to allow for future discussions.

The Planning Commission will make the best decision on this rezone by understanding the nature of this request and by studying the General Plan.

Goals and Policies that would be supported by a rezone from A-5 to R-A (page 12-13)

- To be a beautiful, organized rural community based on its distinct history of agriculture, open space and recreation.
- Identify and encourage the preservation of prime agricultural land and open space within Kamas City
- Encourage a family-oriented, clean, fun and friendly community that is a great place to live.

Residential – Extremely Low A-5: The purpose of this category to provide land where agricultural pursuits are supported within the municipality. This area will be used to maintain the “green buffer.” (page 17)

Residential – Low R-A: The purpose of this category is to create a rural residential zone which is intended as a permanent residential district for those areas of the community where it is desirable to maintain low residential densities. (page 17).

Planning Commission Public Hearing and Recommendation

On July 7, 2020, the Planning Commission held a Public Hearing to accept public comment about this area.

Future roads were discussed, with the understanding that the Kamas Future Transportation Plan and UDOT access agreement would be upheld with any incoming development. Real Estate agents provided approximate costs for various sized lots with and without utilities. Other public comments included questions from nearby property owners about changing their septic to sewer and questions about the wetlands.

Density was discussed, with some Commissioners opposed to expensive five acre lots, and other Commissioners opposed to still expensive one acre lots, and other Commissioners opposed to half-acre lots. A Commissioner stated that perhaps the City needs a zone that could be a placeholder for those lots that cannot be built on in the A-5 zone due to having less than five acres in that portion of the parcel.

The Planning Commission Chair, Larry Gines, reminded the Commission that the A-5 designation was originally designed as a place holder for future growth, and that it was not meant to remain there necessarily. Vice-Chair, Nate Miles, said that though the Utah Code is clear that each parcel's request for a rezone is individual, he still felt it was a precedent set for the whole A-5 area. Other Commissioners felt that each parcel would have individual development goals and not all want to be rezoned the same.

After much discussion, a negative recommendation is being sent to the City Council with a 3-2 vote.

Options:

1. **Approve the Zone Amendment.** Does the amendment meet the requirements for a rezone?
2. **Deny the Zone Amendment.** There has not been a sufficient reason to re-zone.