

Planning Commission Staff Report

August 13, 2020

Item 3

Applicant: Adam

Smith/Janice Lang

Location: 1320 W 2400 S

Prepared by: Brian Tucker,
Planner

Public Hearing: Y

Zone: A-2

Attachments:

1. Concept Plan.
2. General Plan and Zoning Maps.
3. Neighbor Letters.
4. Summary of neighborhood concerns with staff response.

REQUEST

Consideration of a request to rezone a five-acre parcel located at 1320 West and 2400 South from Agricultural-Residential (A-2) to Residential Agricultural (RA-1) with the TDR-R Overlay.

BACKGROUND AND PROJECT DESCRIPTION

The subject property is approximately 5 acres in size and includes an existing single-family dwelling. This area of the City is characterized by low density residential development and ongoing agriculture use. The area is currently zoned Agricultural-Residential (A-2), a two-acre zone that requires 200' of frontage/width. The surrounding residential lots are primarily two acres in size or larger.

In 2018 an applicant proposed to rezone the property from A-2 to RA-2 in order to create 12 lot subdivision, with each lot containing 1/3 acre. The General Plan designation in place at that time was Medium Density Residential (MDR), which would have allowed lots as small as 1/3 of an acre. The proposed rezone was strongly opposed by neighboring property owners, who sent many letters expressing opposition, including a letter co-signed by approximately 46 property owners.

The Planning Commission held a public hearing on June 28, 2018 to review the rezone request. After hearing from the public, the Commission recommended denial of the application to the City Council. The applicant subsequently withdrew the application from consideration. Because the application was withdrawn, the item was never heard by the Council.

The new property owners submitted a rezone application on June 9, 2020 to rezone the property from A-2 to RA-1 with the TDR-Receiving Site Overlay. The applicants have also submitted a concept plan that includes a 7-lot subdivision consisting of six ½-acre lots and one 1-acre lot with the existing home. The concept plan includes a street down the center of the 5-acre parcel from 2400 South to the north property line.

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 amendment 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 for the area in question.
8. In cases where a conflict arises between the general plan map and general plan policies, precedence shall be given to the plan policies.

General Plan: Since the 2018 proposal, the City conducted a public process to amend the General Plan. This amendment process was conducted on behalf of the City by Landmark Design and included a steering committee, a scientifically valid survey of citizen wants, a steering committee with members made up from a cross section of Mapleton Citizens and a number of opportunities for the public to participate and give feedback. The new General Plan was adopted on June 3, 2020 and changed the designation of the subject property from "Medium Density Residential" to "Low Density Residential". The General Plan states the following regarding the LDR designation:

"The Low-Density land use category is maintained in established locations, permitting single-family residential development on lots between one to two acres in extent. Half acre lots are allowed with the use of TDRs. Smaller lots may also be proposed as part of a conservation subdivision provided the overall densities are not increased."

Goal 1 of the Land Use Element indicates that the City should encourage the preservation and enhancement of Mapleton's rural atmosphere and agricultural history through careful planning and the preservation of open space. Goal 3 of the Land Use Element indicates that land uses should be compatible and/or utilize adequate buffers to enhance compatibility with adjacent land uses. Goal 8 of the Land Use Element encourages the protection of agricultural land. Goal 9 of the Land Use Element encourages the continued implementation of the City's TDR program.

As the Commission reviews the rezone request and the proposed concept plan, it should determine whether the application is consistent with the goals and policies cited above. The City Council, with guidance from the Planning Commission, must choose the means by which they apply General Plan guidelines that in many cases suggest multiple courses of action may be appropriate for individual parcels.

Zoning: The applicant is requesting approval of an RA-1 zone with the TDR-Receiving Overlay. The "Low Density Residential" General Plan designation is typical of those areas that are appropriate for the RA-1 zone designation. Mapleton City Code (MCC) section 18.32.010 states the following regarding the purpose of the RA-1 zone:

"The RA-1 Zone is established to provide areas in which minor agricultural pursuits can be

encouraged and supported within the Municipality. The RA-1 Zone is designed and intended to protect agricultural uses from encroachment of typical smaller lot development. Uses permitted in the RA-1 Zone, in addition to residential and agricultural uses, must be incidental thereto and should not change the basic residential and agricultural character of the zone. Development within the RA-1 Zone should be accomplished in an orderly and progressive manner, with no "leapfrog" encroachments of such uses or developments into the residential agricultural area."

Mapleton City Code (MCC) section 18.76.040 states the following regarding the designation of TDR-Receiving overlay zones:

"Receiving areas shall be located exclusively within the A-2, RA-1, planned residential community (PRC), planned development (PD), planned residential development (PRD) and specific development plan (SDP) zones unless otherwise authorized by the city council as part of an annexation agreement. The city council may authorize the use of transferable development rights (TDRs) in conjunction with a rezone request to A-2, RA-1, PRC, PRD, PD and SDP zones if the request is consistent with the general plan land use map."

Staff is supportive of the request to rezone the property to RA-1 as it is consistent with the recently adopted General Plan designation for this property. However, while the TDR ordinance indicates that property in the RA-1 zone may be eligible to become a TDR receiving site, the Commission and City Council still have the discretion to determine whether the subject property is an appropriate location for the use of TDRs.

Given that the neighboring properties are primarily two acres in size or larger, having ½ acre lots on this parcel may not be consistent with the General Plan goals regarding appropriate buffers and compatibility. The Commission may want to consider the following options regarding the TDR-Overlay request:

1. *Deny the request for TDR-Overlay.* This would require one acre lots or larger.
2. *Recommend approval of the TDR-Overlay on the northwestern 2 lots only.* These lots are located adjacent to property that is not developed but has significant development potential. This creates a buffer for the lots to the east and south, which are all larger than 2 acres without any additional development potential (meaning they aren't going to be subdivided).
3. *Approve the TDR-Overlay as requested.*

Improvements on 2400 South: 2400 South is a rural road with no curb, gutter or sidewalk improvements. Staff have long considered the effect that curb, and gutter has on the perception of an area as "rural". In 2019 the City Council, having received a recommendation from the Planning Commission, adopted an ordinance allowing exemptions to the requirement for curb gutter and sidewalks in situations like this where an existing local street (2400 South) is in an area with low density. Exempting 2400 South from the curb, gutter and sidewalk requirements should help with the continued perception of the rural character of this area of town.

Neighbor Comments: As with the previous application to rezone the property, the City has received a number of letters and e-mails objecting to the proposal. Thus far, 12 separate people, couples or households have sent written objections and a petition with approximately 78 signatures. The objections are largely centered on the desire not to lose what they see as a beautiful rural area with a rural atmosphere, a low-density oasis. Many of the letters enumerate specific concerns and objections are more specific in nature. Staff has included this correspondence as attachment “3”. Staff has also included a brief summary of the concerns expressed in the correspondence with a brief staff response in attachment “4”.

RECOMMENDATION

1. Staff Recommends approval of the Rezone to RA-1.
2. Staff Recommend that no curb, gutter and sidewalk improvements be required along 2400 South.
3. The Planning Commission should determine if the TDR-Receiving Overlay is appropriate, and if so, what portion of the subject parcel will include that designation. The Commission should then make a recommendation to the City Council accordingly.

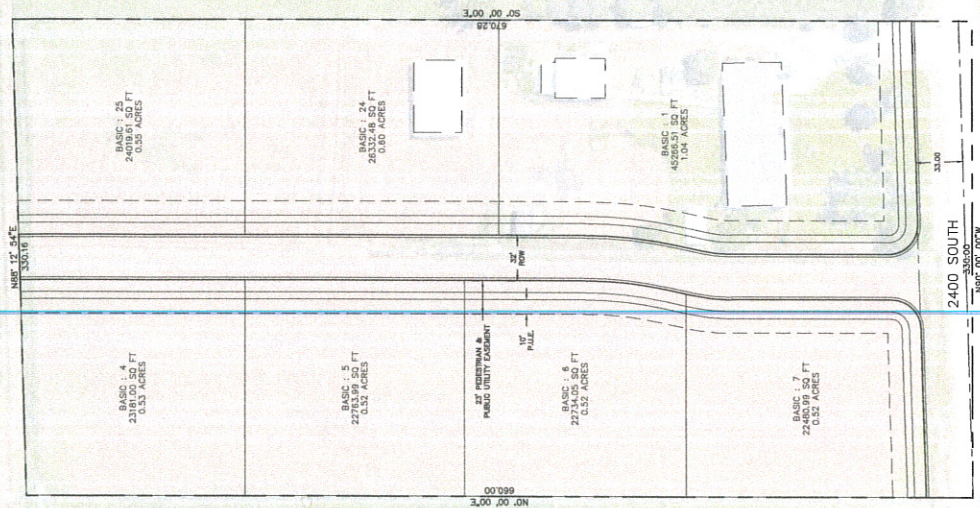
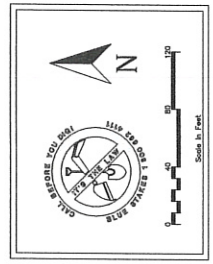
S	1320		SHEET	C-1	DATE: Jan 29, 2020

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ELEVATE ENGINEERING
402 WEST 1200 NORTH
SPRINGVILLE, UT 84603
PHONE (801) 718-5993
lev@elevate-engineering.com

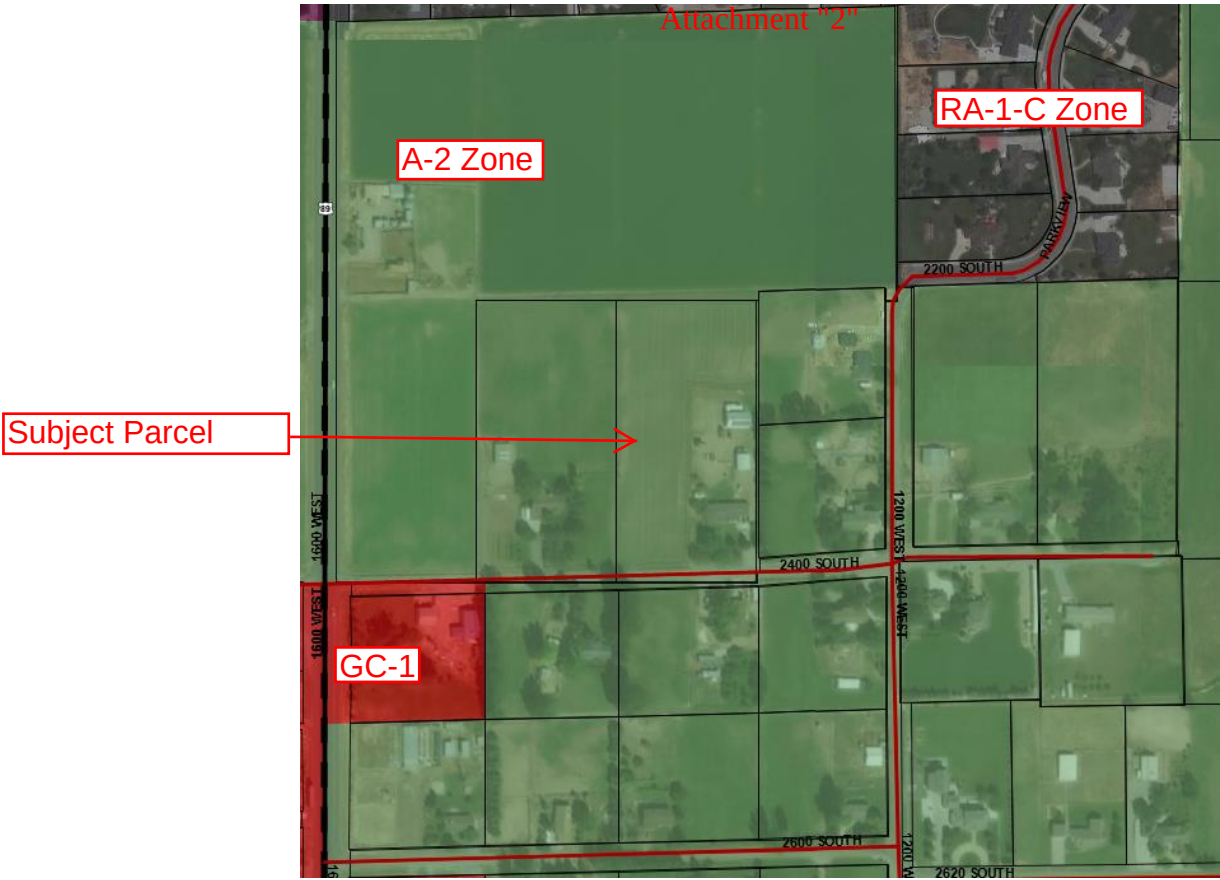
LOT LINES (PROPERTY)
PROPOSED CURB AND GUTTER
PUBLIC UTILITY EASEMENT (P.U.E.)
EXISTING BUILDING

SITE DATA
LOT AREA: 217,800 SF± (5 ACRES)
ZONING: A-2 (AGRICULTURAL RESIDENTIAL)
RIGHT OF WAY (ROW) WIDTH: 32 FEET
TOTAL LOTS: 7

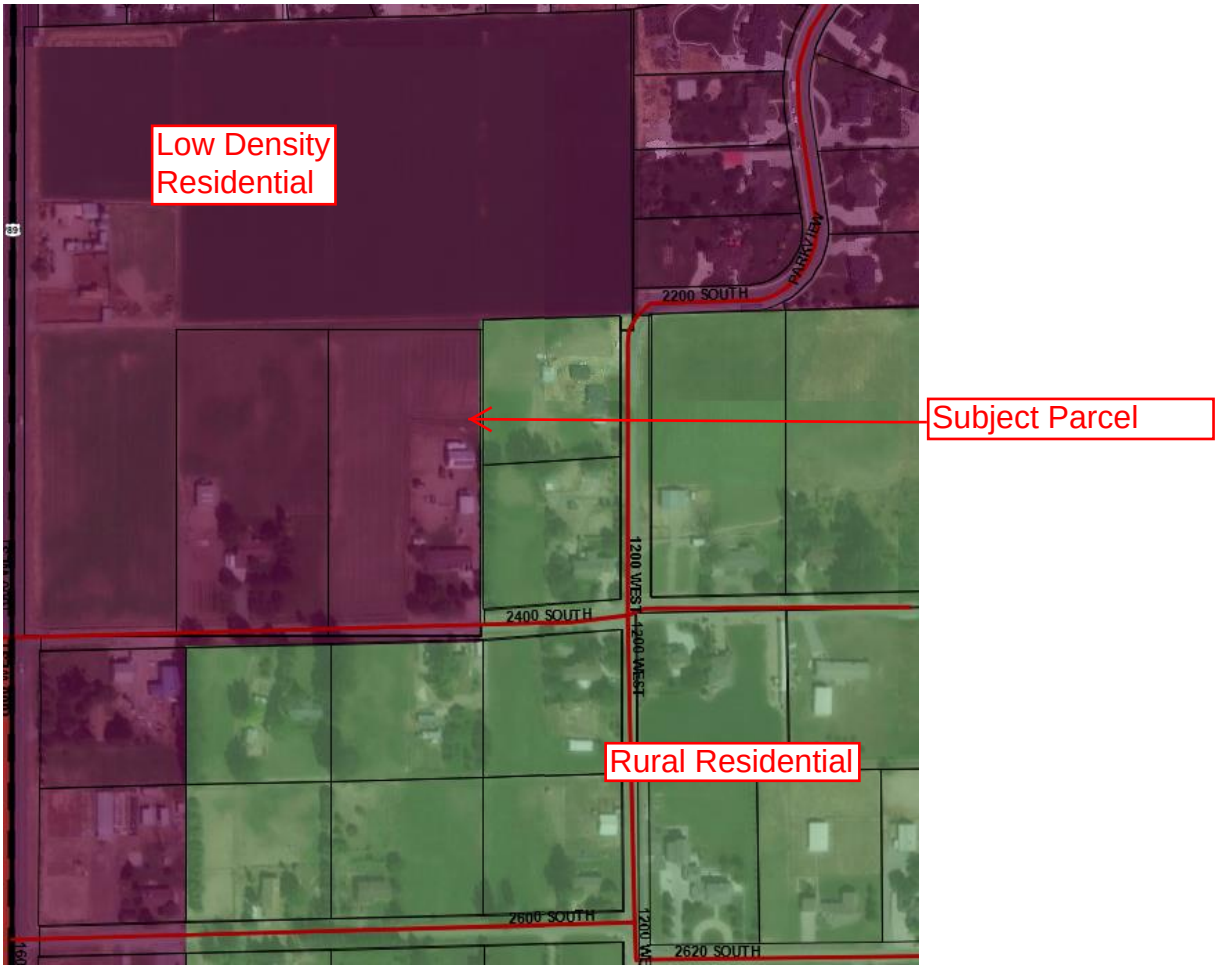


PROJECT ENGINEER:
LARVIN POLLOCK
ELEVATE ENGINEERING
492 WEST 1200 NORTH
SPRINGVILLE, UT 84663
(801) 718-5993
LARVIN@ELEVATEENG.COM

CURRENT ZONING



ADOPTED GENERAL PLAN LAND USE MAP



Attachment "3"

Chris Vincent
2373 S 1200 W
Mapleton

July 4th, 2020

Mapleton City Council & Planning Commission,

I am writing this letter in regards to a request that has been submitted to rezone a neighboring lot to the west of my own. Just short of two years ago a similar request was submitted to rezone the same property from A2 to into 13 separate lots. My neighborhood and I attended meetings regarding this and ultimately has the city council denied the request with a recommendation to the planning commission to keep the neighborhood A2 zoning. We thought that was the end of it but it turns out the developer pulled the request and therefore kept the recommendation from making it to the planning commission. We barely learned of this when we were told someone else was planning to develop it.

I took part in the ourmapleton survey regarding the general plan and even selected my neighborhood and left notes regarding keeping it A2 land. I apologize for my ignorance regarding the council meetings that were held but with the covid-19 pandemic my mind has been a little scattered to say the least. I was also under the impression that our neighborhood had been decided by the council back in 2018 to remain A2.

I would like to see that the city council and planning commission revise the new general plan regarding this neighborhood back to A2 and to limit or deny the use of TDR's in the neighborhood as well.

We love it here in Mapleton and we live here because of the atmosphere we currently have. Open spaces, space between neighbor's with our A2 zoning, animal rights and owning animals such as horses and livestock. We want our children to grow up learning about animals and this lifestyle.

Sincerely,

Chris Vincent

A handwritten signature in black ink, appearing to read 'Chris Vincent', written over a printed name label.

Mapleton City Counsel & Planning Commission,

I am writing to you about the land directly west of my property located on 2400 south. In the last few years, we faced our neighbors attempting to rezone the land and it into 1/3 lots. This was met with strong opposition by all of the neighbors voicing our concerns. Ultimately the rezoning was denied and with that we thought this issue was put behind us. When the planning commission put out land surveys my husband and I participated and tried to be an active part of that online. As the plans were released, we were in the midst of the COVID 19 pandemic and as a Nurse working on the frontlines everything else in life seemed to be put completely out of mind as crisis mode kicked in. With new owners came another rezoning effort to develop the land to something that is out of place in our beautiful neighborhood.

We moved to Mapleton 7 years ago and plan on this being our forever home, but our story is much more than that. My grandparents moved to this beautiful area from California to settle in and enjoy a more quiet life. This became a haven for the entire family to come and not only enjoy each other but also learn to be responsible. My grandfather got us animals and taught us how to properly care for and raise them. He also taught hard work planting fields of vegetables having us weed, water, harvest, and then share with all of those around him. I still hear stories about my grandfather and his amazing corn from those neighbors around us that still live in and love this neighborhood.

When both of my grandparents passed on within a few years of each other my husband and I decided that this would be an amazing opportunity to continue my grandparents legacy giving our kids the opportunity to enjoy the way of life I was able to as a child. Living in this beautiful part of Mapleton with the land that we have been afforded the opportunity to raise our children around horses and teach them the same responsibility I was able to learn as a child. These are invaluable lessons in life that not everyone is able to experience. It is great if the rural living is not your thing, but it is so disheartening having individuals come into this area and try to change everything for the rest of us. I have had many people from family to friends spend time at my house to get away from it all in our little paradise.

I do understand that development is something that happens, but I believe that the current zoning of the property (A2) should be followed. I like many of my neighbors live in this particular area because of the beautiful open spaces and the zoning that allows us to preserve that. Rezoning this area would be a great disservice to Mapleton and its beauty. To summarize what I am asking I would like to ask the counsel and planning commission to amend the newly adopted General plan back to A2 for our neighborhood and to restrict/limit the use of TDR's in the neighborhood as well.

Thank you,
Jessica Vincent



July 7, 2020

Mapleton City Planning Commission Members

Attention: Mayor Dallas Hakes

City Council Members: Reid Carlson, Jessica Egbert, Therin Garret, Leslie Jones,
Jim Lundberg

Mapleton City Planning Commission:

My husband and I built our home at 1551 W 2400 S in 1983 when there was only a dirt road and very few homes. The master plan for Mapleton indicated to us this area would remain A-2 agriculture residential zone. We enjoyed having animals which included horses, goats, steers, rabbits, dogs, and cats. Also, deer were free to range. Not so enjoyable were skunks and raccoons. It was rural and we loved it.

So almost 40 years later, developers are ruining Mapleton; and you, the planning commission and the council members, are allowing it to happen with way too much development. Yes, the farmers that owned the land are responsible too. They sold the land to the developers. But why should a family come into the neighborhood and be able to change the way of life for the last 40 years with a little maneuvering of TDRs? Please do not allow the exchange of TDRs to be used for developing in this area. Our few blocks of property with 2 to 5 acre plots are practically the only ones left in Mapleton.

When my husband and I sit out on our front porch, we see acres of land with deer and horses and cattle with Mt. Timpanogos in the background. Our dog and cats join us for this beautiful scene. Homes are distant. Now all we'll see are homes right across the street from us. What has happened to our peace and tranquility? What has happened to Mapleton? It's gone to . . .

Sincerely,



Shelley Scott
Mapleton

Jerry C. Scott

1551 West 2400 South

Mapleton, Utah 84664

(801) 361-6003

email: sas@digis.net

July 4, 2020

Mapleton City Planning Commission Members

Attention: Mayor Dallas Hakes

City Council Members: Reid Carlson, Jessica Egbert, Therin Garret, Leslie Jones,
Jim Lundberg

Mapleton City Planning Commission:

My wife and I built our home at 1551 W 2400 S in 1983 when it was only a dirt road and no homes across the street. The city master plan and the city mayor assured us this area would remain A-2 agriculture residential zone. He said that **the Mapleton Vision Statement encourages the city to maintain its rural character.**

Presently, we have two new families planning to move into the house at 1320 W 2400 S. The home was built by Ken Larson, and now Adam Smith, who hasn't moved in as yet, wants to change the zoning to RA-3 high density from A-2 agriculture living. The two zoning applications cannot co-exist next to each other without arguing and disruptive feelings.

These people have been working for two months on serious upgrades including structural changes within the house including new plumbing and electric changes. The city was called and the family does not have a permit. If you have a permit, it will require inspections from Mapleton City, thus ensuring the proper code was maintained for the plumbing, especially for leaks, and electrical inspections for proper installation. When walls are moved it requires inspections to seek out weakness of the structure itself.

So who are the developers? New owners bringing in workers, failing to have the proper permits and inspections. Is this the liability the city wants? Think of the lawsuits for the city failing to do their job as well as the new owners. We have notified the city and now the responsibility rests with Mapleton City and anyone affiliated with job assignments to ensure home safety.

Adam Smith, the son-in-law of Janice Lange, who is the developer, does not want to spend too much money on curb and gutter and his plan fails to show sidewalks, curb and gutter, and a turnabout for emergency equipment including snowplows. By law, fire trucks should not have to back up over 150 feet. Without the turnabout or cul de sac this would not meet city code.

Please read the attached proposed zone change concerning the Dixie Foran property now owned by Janice Lange. There are serious water problems and the homes will require pumping stations. Back-up electricity will be required for each home if the power lines fail. This is an absolute necessity as the property is three feet below the city sewer line. Water does not flow up hill.

Please do not allow the exchange of TDRs to be used for developing in this area. We have invested millions of dollars, and I am wondering why no one in the neighborhood was contacted by the Langes and Smiths concerning their desire to have high density homes in the middle of low density farming community and taking our little bit of heaven away from us. **Please, I beg you. Do not take our happiness away from us.**

Sincerely,



July 14, 2020

To Members of Mapleton Planning Commission and City Council:

We are residents of Mapleton and live around and near property located at 1320 West 2400 South being proposed for zone change and development.

On June 28 of 2018 neighbors around 1320 West 2400 South presented their objection of developing 5 acre property at said address using TDRs and rezoning of the property. The neighborhood made their objection loud and clear. The objection by the community was emotional and full of passion for our way of life. We are a big family and we love our neighborhood and country life. These two blocks of homes are more than just a piece of property. It is precious to us and sad to see rural living is disappearing in Mapleton. The meeting with the planning commission was successful and rezoning was not approved. Unfortunately the developers pulled their application, as a result the planning commission decision never made it to the council. Unfortunately our community understood that the planning commission's decision was binding and that we didn't need to worry about other attempts.

We also had an opportunity to remark on the landmark study in Mapleton. The neighborhood made comments and overwhelming households recommended keeping the neighborhood A2-R. We were under the impression that our voices have been heard and attending a meeting in the middle of Pandemic was not a good idea. Our action is not an excuse for lack of continued engagement with the city but these are unfortunate times. We hoped that our comments made in the study would have been looked at and not side stepped.

The property on 1320 West 2400 South has been sold and to our surprise in the spotlight again. Now with the updated city plans, developers are once again trying to destroy our way of life and aggressively pursuing to challenge the integrity of our 2 blocks of rural living. This time the new developers are armed with a new city plan and asking for TDRs and 1/2 acre lots. Half acre lots are not a good match for this area; all the surrounding developed lots are a minimum of 2 acre.

Residents have made significant financial investments in homes and properties that comply with the A-2 zoning. The A-2 zoning and lifestyle it affords is what draw the people to our neighborhood.

We would like to express our concern to the Planning Commission and City Council again. We would like to ask that council limit the use of TDRs on this property and limit any rezoning of this property. We all have been engaged with the city from the beginning. We are trying to preserve our country living. We are not against responsible development. We prefer to keep zoning to a minimum of A2 (2 acres) as is.

7/10/2020

SS	Jerry Scott	1581 W 2400 S Mapleton
	Shelley Scott	1581 W 2400 S "
	Chad	1581 W 2400 S Chad
		1581 W 2400 S
LB	Kasey Beck	1225 W 2400 S, Mapleton
EB	Emily Beck	1225 W 2400 S, Mapleton
RW	Rolf Warpe	1185 W 2400 S, MAPLETON
OW	TANGE WARPE	" " "
NR	Gren Daybell	1180 W 2400 S mapleton
AP	Alice Hieck	1088 W 2400 S mapleton
MP	Monty Pien	1088 W 2400 S. M.
W		2373 S. 1200 W.
BA	Britt Hanson	1325 W. 2400 S.
JH	JARINA HANSON	1325 W. 2400 S.
	~~Virginia Gore~~	~~2975 S 1600 W Mapleton~~
	~~Bennett Gore~~	~~2975 S 1600 W MAPLETON~~
LC	~~Sydney Coriaper~~	~~2445 S 1600 W Mapleton~~
	~~Chad Warpe~~	~~2445 S 1600 W Mapleton~~
		~~1185 W 2400 S Mapleton~~
LD	Tamy Daybell	1180 W 2500 S Mapleton
	Frank W. Nelson	2125 S 1600 W mapleton
RES	R E Luffin	1059 W. 2400 S. MAPLE.
NV	John K. Vonder	2373 S. 1200 W. Mapleton 11 2400 S
		ChadK
CDC	Chad Convaly	2445 S. 1600 W. MAPLETON 4T. ChadC

Petition Against Rezone and Development of Property at 1320 West 2400 South
Mapleton - July 15, 2020

Name	Address
Kim Spilker	1355 W. Elk View Circle Mapleton UT 84664
Lindsey Heath	1405 W. Elk View Cir Mapleton UT 84664
Cindy Tuller	1405 W. Elk View Circle Mapleton UT 84664
~~Cindy Walpole~~	1225 W. Park Meadows Mapleton, UT 84664
~~Shane K. Poole~~	1225 W. Park Meadows Dr. Mapleton, UT 84664
Hindy S. S. S.	2030 S. Parkview Dr Mapleton UT 84664
	2030 S. Parkview Dr Mapleton UT 84664 Blair Schmoedel
	1265 W. Park Meadows Mapleton
~~Shana Carr~~	1155 W. Park Meadows Dr Mapleton UT 84664
Kelly Cull	1455 W. Elk View Cir. Mapleton, UT 84664
Kyle Cull	1455 W. Elk View Circle Mapleton, UT 84664
Shana Deane	1475 W. Park Meadows Dr Mapleton, UT 84664
Joe Loane	1475 W. Park Meadows Dr. Mapleton, UT 84664
Bobbie J. Stratton	1918 W. 1900 S. Mapleton, UT 84664
~~Sam Stratton~~	1918 W. 1900 S. Mapleton, UT 84664
Melinda James	2015 S. Parkview Drive Mapleton, UT 84664
Danec James	2015 S. Parkview Drive Mapleton, UT 84664
Chas Dastump	1105 W. Parkview Dr Mapleton, UT 84664
Cheryl Felix	1055 W. Park Meadows Dr. Mapleton

Petition Against Rezone and Development of Property at 1320 West 2400 South
Mapleton - July 15, 2020

Name	Address
Garth Felix	1088 W. Park Meadows Dr. Mapleton
Wendy Harness	1654 S. 2100 W. Mapleton
Tom Maxwell	1056 W. Park Meadows Dr. Mapleton
Danette Maxwell	1056 W. Park Meadows Dr. Mapleton
John McBride	1849 S. 2100 W. Mapleton
Zoe McK	1849 S. 2100 W. Mapleton, UT
Bill Sherman	1806 W. 1900 S. Mapleton UT
Ben Ts	1806 W. 1900 S. Mapleton UT
Julia Cox	1550 W. Park Meadows Dr.
Ken Cox	1550 W. Park Meadows Dr.
John B	1476 W. Elk View Circle Mapleton
Melissa Burnhall	1476 W. Elk View Circle Mapleton
Roxanne Shumway	2203 S. 2000 W. Mapleton, UT 84604
Jorma Newbold	1420 W. Elk View Circle Mapleton
Mark Newbold	1420 W. Elk View Circle Mapleton UT
Cindy Christensen	1501 West Elk View Circle Mapleton
Helen T. Frothingham	1325 W. 2600 South Mapleton

Petition Against Rezone and Development of Property at 1320 West 2400 South
Mapleton - July 24, 2020

Name	Address
Virginia Gore	2975 S. 1600 W. Mapleton
Jessica Balser	2935 S. 1400 W. Mapleton
Jared Balser	2935 S. 1400 W. Mapleton
Kellie C. Duncan	1420 W. 2000 S. Mapleton
James Duncan	1420 W 2000 S Mapleton
Anna Inday	850 W. 2620 S. Mapleton
Dane S. Tuley	850 W. 2620 S. Mapleton
Cheryl H. H. H.	1548 W 2400 S MAPLETON
SOMEONE KOFER	1548 W 2400 S MAPLETON



Brian Tucker

From: Sean Conroy
Sent: Thursday, July 2, 2020 2:12 PM
To: Nicholas Glasgow
Subject: RE: 2400s request for rezone and application of TDRs

Thanks Nick for your thoughtful comments. I will forward them to the Planning Commission and then the City Council when the application gets scheduled for hearings.

Sean Conroy, AICP
Community Development Director
125 W 400 N
Mapleton, UT 84664
(801) 806-9101
sconroy@mapleton.org

-----Original Message-----

From: Nicholas Glasgow <----->
Sent: Thursday, July 02, 2020 1:17 PM
To: Sean Conroy <sconroy@mapleton.org>
Subject: 2400s request for rezone and application of TDRs

Sean,

About Two years ago the neighborhood made its voice loud and clear that we as neighbors do not support the rezone and use of TDRs to take lots from 5 acres down to 1/3 acre lots in our neighborhood. The property that attempted to rezone two years ago was the lot on 2400 S. The neighbors touching this property all attended the planning commission meeting and all said that they were in opposition. The community came out with such passion because we love this little 2 block island of rural living. Our way of life is slowly disappearing, piece by piece in Mapleton. So many neighbors came out and voices were heard that even with a 10 year old city plan allowing for higher density on those lots the planning commission recommended to not allow the developer to move forward. Because of opposition and an unfavorable recommendation from the planning commission, the development idea was pulled and it never made it before the council.

Fast forward to this year with the online landmark study, I personally marked these lots and areas and made comments that these lots should be re planned to match the neighbors at A2. My fear was any movement of higher density into this 2 block island of rural living would have a domino effect. Many of my comments online on the map were liked and commented on expressing the community also supported my desires to preserve our 2 blocks of country living.

When landmark was released it was in the midst of one of the worst pandemics in recent history. Many of us who were very engaged in giving input on city planning we're now focused on this pandemic. It's not an excuse for lack of continued engagement but it is a reality we all faced none the less. I hoped that my comments made in the study would not fall on deaf ears and that my voice would be considered. I appreciated the up dated city plan lowering the density of this area even if it didn't match the entire 2 blocks as my comments requested.

The lot in question from two years ago on 2400s has now been sold again and now with the updated city plans, developers are once again attacking the integrity of our 2 blocks of rural living. This time the new developers are armed with a new city plan and asking for TDRs and 1/2 acre lots.

These half acre lots would not match the surrounding neighborhood and would possibly open the door to leap frog development. Potentially we could loose one of the last few islands of rural living left in mapleton.

I would ask that you express my concern to the council, I would ask that you limit the use of TDRs here and limit any rezone of this property to a minimum of 1 acre lots. I am not simply another not in my backyard letter writer. I was engaged in the planning process from the beginning. I am for responsible growth in Mapleton while maintaining the rural feel. 2400 S 2600 S and 2620 S are two blocks which are worth preserving as a small island of rural living in Mapleton. Thanks for listening.

Nick Glasgow
1140 w 2620 s
Mapleton Utah
Sent from my iPhone

7, 2, 2020

Mapleton city council,

We were at the planning commission meeting about 2 yrs ago. We made it clear that when you let subdivisions into mapleton on every place of ground it is no longer the Mapleton most of us came here to live ~~in~~ in. Because it was voted on by the planning commission to leave our neighborhood on a $2\frac{1}{2}$ acre or more zone. I ask if we should go to the city council meeting also + was told I wouldn't have to. Usually what the planning commission votes the city council will vote that way. Come to find out that advice was wrong. I feel really sad about being given the wrong advice. I feel like I can't trust city officials.

In this neighborhood we paid alot more for our ground + homes because we were buying a farm like atmosphere.

Please keep the zoning at a minimum of 1 acre lots without the use of TDR's. I feel that would be fair under the circumstances.

Thanks, Larry + Ann Daybell

Dear Leon:

We have heard about cutting our neighborhood
which we are not approving of. We built
up here in 1979. we have been here ever since.
We have loved being here, and would like
to keep it the same! We bought here because it
was nice and quiet, we are at the time our
property taxes are higher than our house payments.
we like to be, but we still save money to pay them.
you could classify as rednecks! We don't do
computers or fancy phones or TVs. No 4 wheelers
motorcycles or boats. When we bought here
there was no road, only dirt & weeds!

My dad and I drew the floor plans & went
from there. We didn't have landscapers to
do the yard, which most of stuff came from
starts from other people, or off the mountain
some where. We still have deer in our yard
all year, and pheasants, racoons & skunks

It has always been zoned for 5 acres
or 2 1/2 acres. We would love to see it stay
the same. If someone buys to sell
their property for more houses so they can
make money. Please go buy elsewhere! If they
sell for our house, okay but no more than five!

Let all of us keep it the way it is. No days
anywhere we go in maples & woods where
we are. There are too many subdivision houses.
Our direction was to be go to the white church
& turn, or go to Oseas sheep barn's, which are gone!

It was to be a very fun place to live, when
everyone here was poor not rich. Please keep it
the way it is. Thank you - By the way our house payment
\$320.00 per month
Alben & Mont Greer 7-3-20

Comments on 1320 W 2400 S, Mapleton, UT 84664 possible subdivision

This property is in an area zoned A2 at the southwest corner of Mapleton and is one of the few remaining areas where reasonable space exists for “rural” activities – i.e. farming, livestock raising, horseback riding, etc. The recent changes to the Mapleton Master Plan preserved this zoning for the southwest area of Mapleton wherein minimum lot sizes of at least 2 acres are to be maintained. It is understood that with the use of TDRs 1 acre lots are permitted.

The referenced property development indicates the desire to have several half acre parcels within the current 5 acre parcel. If approved, this situation would lead to the building of residences and the establishment of lot sizes totally **incompatible** with the existing neighborhood and would eventually provide for **conflicting lifestyles** to have to co-exist within the current zoning of the greater southwest area of Mapleton.

Quoting from the currently approved Master Plan, the following thoughts pertain to this matter:

“...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...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. Agriculture uses include commercial agriculture, the raising of livestock, “gentleman farming”, as well as residential agriculture uses such as pastures, the growing of gardens, and other agriculture endeavors.

As a long time resident of an A2 Zoned area and for the reasons of compatibility and adjacency in paragraph 2 above, it is respectfully suggested that TDRs not be permitted to be used to reduce subdivision lot sizes to less than one acre in and adjacent to A2 zoned areas of Mapleton.

Julian M. F. Kau

Captain, Civil Engineer Corps, U. S. Navy (Retired)

1151W 2620 S, Mapleton, UT 84664

801 489 8273

“juliankau@gmail.com”

Brian Tucker

From: Sean Conroy
Sent: Wednesday, July 8, 2020 5:22 PM
To: Brian Tucker
Subject: Fwd: 1320 West 2400 South development

One more for the file.

Sent from my iPhone

Begin forwarded message:

From: Celia Riding <
Date: July 8, 2020 at 3:37:49 PM MDT
To: Sean Conroy <sconroy@mapleton.org>
Subject: 1320 West 2400 South development

Sean,

Thank you for taking the time to listen to the voice of the people in regard to the 2400 South development. We are united as neighbors numbering more than 30 families in that we all LOVE this unique rural area that we live in. We moved to the area because of what it offers us and our families. We are not interested in drastic increases in development within our neighborhood! We love the feel of the rural living complete with horseback riding, hauling hay, irrigating, gardening, beautiful quiet starlit nights without the noise and business of so many people. If exceptions are made for this area there is great concern that it will have a domino effect on the other open space that surrounds us and we just don't want it to grow like everything else around us! Please keep the density of lots adjacent to A2 lands at 1 acre or more. Please do not use the TDR's to change the 1 acre lots to 1/2 acre lots in this quiet rural piece of heaven.

As a resident of Mapleton I would like to "Preserve and enhance Mapleton's rural atmosphere and agricultural history through careful planning and preservation of open space, " as listed as the number one statement in the Land Use Guiding Principles. In order to preserve Mapleton's rural atmosphere and open space we need to have a higher percentage of rural and low density housing not medium and high density housing. We cannot have a rural atmosphere without open space. My vision also aligns with the number two statement in the Land Use Guiding Principles which states, "Continue a focus on large-lot, single-family residential uses to help preserve Mapleton's rural character." Lastly, "Ensure that land uses are compatible or have adequate buffers." The land that surround the 2400 South development is all A2 area with a large portion of it currently being used for agricultural. Most lots in the "Park View Meadows" development north of 2400 south are also 1 acre lots. Please listen to the voice of the people, preserve the rural atmosphere of Mapleton, preserve the open space in this charming town.

This is the voice of the people in Mapleton City as well as the voice of the neighbors affected by the development of the 2400 South area.

Please share this concern with the planning commission and city council.

Kind Regards,

Celia Riding
990 West 2620 South
Mapleton, Utah 84664

Darren Turley

850 West 2620 South
Mapleton, UT 84664

801-427-70742

July 8, 2020

Mapleton City Council and Mapleton Planning Commission
Mapleton, UT 84664

Comments on proposed subdivision – 1320 W 2400 S, Mapleton

It has come to our attention that the new owner of the property located at 1320 W 2400 S is anticipating requesting a zone change on their new property which is currently zoned as A2. They would like, through zone changes and using TDR's, to develop six ½ acre lots from their 5 acres.

I understand that they have every right to do as they please with their property. However, they were fully aware of the zoning of the property that they were purchasing and that they would have the right to develop down to an A2 level. Anything beyond this is a opportunity that may or may not be allowed. They do not have the "right" to rezone their property and to try to sell it for a profit at the expense of the neighbors. As has happened in the past, when the zone change is denied by the city, the property owner cries "Foul", "You are taking away my rights", "You are making it so I can't make any money". Is this the real reason why they purchased the property. To develop it? That is a pretty big gamble to make on a large purchase.

All of the properties in this neighborhood are well established and have been here for several decades. These properties has various animals including horses, cows, sheep, chickens, dogs and cats. Many also farm and irrigate their land which means sometimes running farm equipment late at night and irrigating at all hours of the day at night. I don't know how these activities and animals will be received by new neighbors that are on ½ acre lots.

I would recommend that this property remain as an A2 zone and that they can develop the land down to the A2 size level. I would recommend that this site not be allowed to use TDRs to gain greater density as this would be completely inconsistent with the current neighborhood and would lead to other conflicts (i.e. animals and farming) in the future.

Thank you for your consideration on this subject and thank you for your service to the community.

Sincerely,

Darren Turley

July 2, 2020

Mr. Conroy,

On June 28 of 2018 neighbors around 1320 West 2400 South presented their objection of developing 5 acre property at said address using TDRs and rezoning the property. The neighborhood made their objection loud and clear. The objection by the community was emotional and full of passion for our way of life. We are a big family and we love our neighborhood and country life. These two blocks of homes are more than just a piece of property. It is precious to us and sad to see rural living is disappearing in Mapleton due to greed of some individuals. The meeting with the planning commission was successful and rezoning was not approved. Unfortunately the developers pulled their application, as a result the planning commission decision never made it to the council. This is pretty sneaky and smart on the developers' side to keep the door open for a future development pursuit. Unfortunately our community understood that the planning commission's decision was binding and that we didn't need to worry about other attempts.

We also had an opportunity to remark on the landmark study in Mapleton. The neighborhood made comments and overwhelming households recommended to keeping the neighborhood A2-R. We were under impression that our voices have been heard and attending a meeting in a middle of Pandemic was not a good idea (We were WRONG). Our action is not an excuse for lack of continued engagement with the city but these are unfortunate times. We hoped that our comments made in the study would have been looked at and not side stepped.

The property on 1320 West 2400 South has been sold and to our surprise in the spotlight again. Now with the updated city plans, developers are once again trying to destroy our way of life and aggressively pursuing to challenge the integrity of our 2 blocks of rural living. This time the new developers are armed with a new city plan and asking for TDRs and 1/2 acre lots. Half acre lots are not a good match for this area; all the surrounding developed lots are minimum of 1 acre.

We would like to ask you to express our concern to the council again. We would like to ask that council limit the use of TDRs on this property and limit any rezoning of this property to a minimum of 1 acre lots. We all have been engaged with the city from the beginning we are trying to preserve our country living. We are not against responsible development. Our philosophy is not "not in my neighborhood". We are a family, we take care of each other, we enjoy what we have and we would like to preserve it. It is green space which is good for the city and environment. We are animal lovers, we have horses, cows, sheep and other creatures, there are flies, birds, chickens and Guinea

hens. This is a country living with animal noises, smells, and cutting hay at midnight. This style of living is not for everyone.

We prefer to keep zoning to a minimum of A2 (2 acres), however we are reasonable people and will consider a minimum of 1 Acre lots with appropriate city requirements. TDRs are not an appropriate vehicle in this case.

Other items to consider:

1. West end of the said property with homes with basement is lower than sewer line to our knowledge. Is Mapleton willing to maintain Sewage pump station?
2. Hammerhead turnaround is very poor way of handing emergency vehicle. Years ago the only way the city would approve development was way in and way out for emergency vehicles. This is a safety item. Are you willing to compromise it? You know as well as we do 2200 South is pie in the sky at this time.

Cordially,

Fred and Peggy Mostashari

1210 West 2400 South

Mapleton, Utah

509-528-0392

PProposed Zone Change

Not one of the existing landowners knew the master plan had been changed, but we are still protected by the present zoning A-2 agriculture residential. Who and why was it changed?

Ken Larsen building story and Kent Wheeler – aquafir – Art Juski surveyor

1. Sewer depth at road 10 feet Brent at Public Works
 - a. Creers and Forans set approximately 3 feet lower than road; basement is 8 feet.
 - b. Creers cannot hook up to sewer, still on septic; Foran home great difficulty, kept backing up; Mostashari was hooked up and approved for sewer, then it backed up, flooded basement; city paid for re-hooking to fix problem. Fred Mostashari used his insurance to cover cost and eventually lost insurance; Chris Vincent still on septic.
 - c. No new homes are allowed to have septic tanks/leach lines.
 - d. No lift stations – last one in Park Meadows; city must maintain it. Too costly. Three phase power generator, two pump computerized system, building.
2. Street width is 20 feet, then extends along 300 feet frontage from Mostashari to Creer; curb, gutter, sidewalk; street will widen width 300 feet and narrow again.
3. Emergency road service for fire dept, ambulance, and snow plows must be able to turn around at 90 foot culdesac; dead end access. Proposed concept is not to scale.
4. Read adverse impacts on adjacent landowners.
 - a. Mapleton City Policies
 - b. Kathy's letter
5. Established homeowners are farming and animal owners on each side of the Foran parcel; they lived here 5 year; now want to change present zoning to get out.
6. Who benefits from rezoning?
 - a. Foran/developers
 - b. All others lose home values and peace of mind.
7. Finally, there has been no survey of the Tenney Meadow development.
 - a. No percolation test to determine high water and underground aquafirs.
 - b. Monta Vista has high water problems, sump pumps. (Don Little)
 - c. Drive by and see how out of place this is to change zone, to leapfrog from A-2 to RA-2 high density.
8. **MAPLETON VISION STATEMENT ENCOURAGES THE CITY TO MAINTAIN ITS RURAL CHARACTER.**

Attachment “4”

The following is a list of specific neighbor concerns and objections with Staff commentary:

Concern: The General Plan does not conform with individually submitted comments. A number of the letters submitted in opposition to this rezone application have suggested that, during the public process for the General Plan amendment, they either would have or did indicate that they wanted this area to be a two-acre area.

Response: Some of the neighbors did participate in some of the general plan update public outreach opportunities and some comments were submitted suggesting that this area should remain two acres or larger. However, during the public workshop held as part of the public process for the General Plan amendment included an opportunity for all of the attendees to participate in a group activity where each group was asked to mark up maps of Mapleton to indicate what their preferred future looked like. All of the maps were then used to create a composite map indicating what the workshop participants had collectively given as feedback (see Mapleton General Plan page 7). This composite map identified this area as appropriate for “Low Density Residential”. This is the designation that the City Council subsequently approved.

Concern: The zoning issue was resolved two years ago and the neighbors were misled by staff about the need to attend the City Council meeting in 2018.

Response: The 2018 rezone application was unanimously recommended for denial by the Planning Commission. The applicant withdrew the application prior to the City Council meeting, consequently the City Council did not hear the item and did not act upon the item. As the applicant withdrew, the zoning did not change.

Concern: Some neighbors fear that they will lose their existing animal rights or fear that the new lots not having animal rights will lead to the eventual decline of their ability to have animals.

Response: No one will lose their existing animal rights and the new lots will have animal rights consistent with the current code. In areas such as this where animal rights exist, each property owner is entitled to one animal unit for each 20,000 square feet of land they own. The half-acre lots will be entitled to 1 animal unit and the 1-acre lot will be entitled to 2 animal units. The existing lots will have the same animal rights as at present.

Concern: 2200 South will never be built and so the road should end in a traditional cul-de-sac.

Response: The current plan shows the road dead ending at the north end of the property and a hammer head being installed for emergency service vehicles to turn around. It is true that a permanent dead end road must have a circle, but in cases like this where the intent is to provide access to developable property, the hammer head is used because the road is not intended to permanently end at this point. Even if 2200 South is never built, the 25-acre parcel has a great deal of development potential. The City typically requires developers to stub roads into large, developable parcels.

Concern: The subdivision doesn't have a 90' radius circle at the end and is not safe.

Response: In terms of safety, the fire code treats a traditional cul-de-sac with a 90' radius circle and a hammer head as two interchangeable and equal methods of providing a turnaround.

Concern: The ground water is high on this property, making it difficult or impossible to build.

Response: Ground water is not uncommon in Mapleton. Many homes are built in areas that have high ground water. There is an engineering process to determine what the soils and ground water will allow and what actions need to be taken to build sustainably. This is a process that is part of the subdivision application. Ground Water may be a factor that requires mitigation, but high ground water is not typically an insurmountable obstacle.

Concern: The sewer in this area is not very deep and this will require the pumping of sewage or a lift station that the City will have to maintain.

Response: The as built drawings for the City sewer system show the sewer depth in the manhole located in front of the home at 1320 West to be 15.69 feet below the sewer lid. Sewer depth is not anticipated to be an issue. Where sewer depth is an issue other options exist besides pumps and lift stations. In some cases, the road has been built up to accommodate the sewer depth. In other cases, owners have chosen not to install basements or to build basements that are quite shallow.

Concern: Other design and engineering concerns were raised in the various neighbor letters.

Response: Many of these questions address important details that require an answer prior to the recording of a subdivision. However, at the rezone phase of a project they are often not known. These questions must be answered by the applicant's engineer to the satisfaction of the City's engineer before any subdivision is approved and recorded. The City has a computerized water model that each subdivision applicant must be evaluated by. This water model will determine flow to the homes and fire hydrants and if these flows are sufficient. Other engineering issues and questions will be covered by staff during the City's substantial subdivision review process.

Concern: Several neighbor letters addressed issues such as incompatibility of lot sizes, loss of open space, etc.

Response: The staff report, specifically the section evaluating compliance with the General Plan, was written with these questions in mind and has endeavored to address these questions, comments and issues.