

Staff Report – Amanda Huffmyer, City Planner
Kamas City Planning Commission
September 7, 2021

Subject: Amendment to Section 15.30.020 zoning of ECC/A5 Properties

History: This item was on the agenda as a public hearing on August 3, 2021. Planning Commission took public comment and discussed the matter and then voted to continue for future discussion.

Discussion Items:

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.

According to the Code, the reason for this discussion is there is a number of parcels zoned partially A-5 and partially ECC. Development of these parcels is reportedly difficult for a number of reasons including:

- 1.) A-5 zoned sections do not have a minimum of 5 acres, meaning that they cannot be developed for a single family residence because the minimum lot size is 5 acres and residences are not permitted in the ECC zone.
- 2.) UDOT/Transportation plan is difficult to work with especially when there are lots that cannot access SR 248 or future planned roads without their neighbors participation.
- 3.) No City water/sewer services immediately available.
- 4.) Area has environmental and topographical issues that makes development difficult (wetlands, not suitable farmland).

While the City isn't responsible for ensuring that a development is financially viable, the City has an obligation to ensure it is not over regulating property through zoning such that the property is prohibited from any kind of reasonable development.

Addressing zoning as discussed could fall under (b), that constraints and natural characteristics of the land (wetlands) prevent it from being used in five acre parcels.

Discussion of Proposed Amendment and Compatibility with the Kamas City General Plan

The Kamas City General Plan shows the Agricultural property along the Entry Corridor as A5 in it's Future Land Use Map. The General Plan also states as one of it's guidelines for land use within the City:

Guideline 2 The relationship of planned land uses should reflect consideration of existing development, agricultural preservation, environmental conditions, service and transportation needs, and fiscal impacts.

The primary issue for the City to deal with is the restriction on development for lots that are under 5 acres in the A5 zone. The other issues are primarily private development concerns that the City could address but could also leave to address as part of future development proposals.

Some options for addressing the lot size restriction issue:

- 1.) Rezone A5 to A1. This resolves the development restrictions but may increase density in the larger lots beyond what is desired in the area.
- 2.) Amend the A5 zone to allow for development of a single structure on existing lots smaller than 5 acres. This amendment could be as follows:

15.07.030 Development Standards

4.) Existing Parcels of Record: Existing parcels of record that are zoned A5 and smaller than five acres, may be developed as one (1) lot through the normal subdivision and development process. All restrictions other than minimum lot size shall still apply. In no event shall the base density exceed one (1) unit per five acres.

- 3.) Other options may be raised during the public hearing or during Planning Commission discussion.

Staff Recommendations:

Staff recommends that the Planning Commission hold a public hearing, consider the public comments and options described above. Staff recommends the second option regarding an exception for existing parcels. The Planning Commission can forward a positive recommendation of their preferred option to the City Council.

Planning Commission Options:

Recommended motion:

Positive Recommendation. Planning Commission recommends APPROVAL of the proposed Code Amendment to section 15.07.030 Development Standards. The Planning Commission can also recommend additional or different changes from those presented for the City Council to consider. If so, the motion will need to identify those additional or different changes.

Alternative motion:

No action: Planning Commission can choose to not take any action at this time.

Alternative option: Planning Commission recommends rezoning the properties to a different zone (Planning Commission would need to identify the zone) or recommends other action. If so, the motion would need to identify those actions.