

Mapleton City Council Staff Report

Meeting Date: May 20, 2014

Applicant: David Broadbent

Prepared by: Sean Conroy, Community Development Director

Public Hearing Item: Yes

Location: 1345 S 1500 E

Zone: CE-1, A-2

REQUEST

Consideration of a Resolution to rezone approximately 2.99 acres of property located at 1345 South and 1500 East from Critical Environmental (CE-1) to Agricultural Residential (A-2). The request would also require a General Plan Amendment from Critical Environment to Rural Residential.

BACKGROUND AND PROJECT DESCRIPTION

The subject property is approximately 10 acres in size, the majority of which is located within the Critical Environment (CE-1) zone with the remaining portion of the property located within the Agricultural-Residential (A-2) zone. The property is developed with a single family dwelling, an accessory unit and a pond. The accessory unit and the pond sit on top of a small hill above the main dwelling. Just east of the accessory unit and pond, the property slopes steeply upwards along the Mapleton bench. The property does not have frontage on a City street but is accessed by way of an access easement.

The applicant is requesting that 2.99 acres of the property be rezoned from CE-1 to A-2. The proposed zoning boundary would follow the bottom of the hillside just east of the accessory unit and the bond and follow the base of the hillside south. The reasons for this request include (see attachment "1"):

- The request would allow for landscape improvements around the pond without the restrictive requirements of the CE-1 zone.
- The area proposed for the A-2 zone has been used for agricultural and residential purposes for many years.
- The existing CE-1 zone appears to have been drawn based on old property boundaries, not topographic features.
- A key reason for the CE-1 zone is to protect undisturbed areas of environmental sensitivity. The area in question has already been substantially disturbed.
- The A-2 zone also promotes protecting and preserving the natural environment.

The Planning Commission recommended approval of the proposal to the City Council on May 8, 2014.

EVALUATION

Zone Change Review Criteria: Mapleton City Code Chapter 18.12.010 states that for the purpose of establishing and maintaining sound, stable, and desirable development within the city, it is declared to be the public policy that zoning amendments shall not be made except to promote more fully the intent of this title and the Mapleton City general plan, *or* to correct manifest errors.

Mapleton City Code Chapter 18.12.010.B states that the City shall determine whether a proposed zoning amendment is in the interest of the public, and is consistent with the goals and policies of the Mapleton City General Plan. The code outlines several items the Council should review. These items are outlined below.

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.*

CE-1 Zone: The intent of the CE-1 zone includes identifying environmentally sensitive and fragile areas, to preserve the aesthetic value of the landscape and to ensure that development is done in a sensitive way that protects the character of the area as well as is safe for the users. Much of the CE-1 boundary was drawn using the base of the bench as the boundary. However, there are several instances where property boundaries were used as the boundary. In these instances it appears the boundaries were drawn using property boundaries out of convenience rather than based on any geologic evaluation of the property. Staff is supportive of the proposed CE-1 boundary as it more closely follows the topography of the property.

A-2 Zone: MCC Chapter 18.28.020 indicates that the A-2 zone has been established as a zone in which the primary use of the land is for agricultural and livestock raising purposes. Land within this zone is characterized by residential estates, open fields, ranches, and farms devoted to the production of food, fiber, animals, and general agricultural uses. The area proposed for the A-2 zone is consistent with this description.

One additional benefit to the property owner of rezoning a portion of the property to A-2, is it allows the potential for the construction of one additional residence on the property through the use of the ranch ordinance. Typically, all new homes require frontage on a public street. However, for lots of 5 acres in size or larger located in the A-2 zone, the Planning Commission can issue a conditional use permit for a home that does not meet the normal frontage requirements. If the applicant decides to apply for a new home on this parcel, the application will come before the Planning Commission for review.

Geotechnical Review: Two geotechnical reports were prepared for this property several years ago. Both reports determined that the potential for debris flow from a seismic event was relatively minor. The reports did include recommendations that should be followed if a new residence were to be built on the site, however, at this time no new residence is being proposed.

RECOMMENDATION

Adopt a resolution to rezone approximately 2.99 acres from CE-1 to A-2 and to amend the General Plan from Critical Environment to Rural Residential.

ATTACHMENTS

1. Application information.
2. Draft Planning Commission Minutes dated 5/8/14.

RESOLUTION NO. 2014-
CONSIDERATION OF A RESOLUTION TO REZONE APPROXIMATELY 2.99
ACRES OF PROPERTY LOCATED AT 1345 SOUTH AND 1500 EAST FROM
CRITICAL ENVIRONMENTAL (CE-1) TO AGRICULTURAL RESIDENTIAL
(A-2). THE REQUEST WOULD ALSO REQUIRE A GENERAL PLAN
AMENDMENT FROM CRITICAL ENVIRONMENT TO RURAL
RESIDENTIAL.

WHEREAS, The subject property is approximately 10 acres in size, the majority of which is located within the Critical Environment (CE-1) zone with the remaining portion of the property located within the Agricultural-Residential (A-2) zone; and

WHEREAS, the applicant is requesting that 2.99 acres of the property be rezoned from CE-1 to A-2; and

WHEREAS, Mapleton City Code Chapter 18.12.010 outlines the review criteria for rezone requests; and

WHEREAS, on May 8, 2014 the Planning Commission recommended approval of the requested rezone to the City Council.

NOW THEREFORE, BE IT RESOLVED by the City Council of Mapleton, Utah, to rezone approximately 2.99 acres from CE-1 to A-2 and to change the General Plan designation from Critical Environmental to Rural Residential in accordance with the map provided in Exhibit "A".

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF MAPLETON, UTAH,

This 20th Day of May, 2014.

Brian Wall
Mayor

ATTEST:

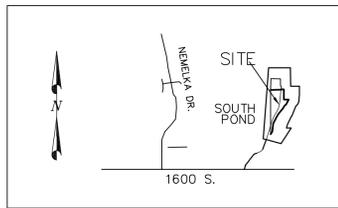
Camille Brown
City Recorder
Publication Date:
Effective Date:

MAPLETON CITY REZONING MAP

SE 1/4 SEC 14, T8S, R3E, SLB&M



SCALE: 1 IN. = 80 FT.



VICINITY MAP
NO SCALE

TABULATIONS

AREA OF EXISTING A-2	= 4.23 AC
AREA TO BE RE-ZONED A-2	= 2.99 AC
AREA REMAINING ZONE CE-1	= 3.75 AC
AREA OF AFFECTED PROPERTY	= 10.97 AC

LINE	BEARING	DISTANCE
L1	N 09°58'35" E	108.40'
L2	N 00°28'46" W	49.00'
L3	N 07°24'35" E	25.47'
L4	N 19°43'44" E	29.86'
L5	N 27°13'33" E	52.51'
L6	N 27°02'40" E	67.39'
L7	N 39°29'45" E	27.08'
L8	N 43°21'48" E	40.06'
L9	N 16°40'16" E	45.05'
L10	N 18°46'28" W	38.95'
L11	N 04°09'08" W	61.89'
L12	N 24°58'59" E	14.89'
L13	N 06°31'43" W	23.88'
L14	S 89°20'23" W	16.97'

SURVEYOR'S CERTIFICATE

I, KEVIN S BISHOP, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 6508852AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER DECLARE BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS AND EASEMENTS AND THE SAME HAS BEEN SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

BOUNDARY DESCRIPTION FOR RE-ZONE TO A-2

BEGINNING AT A POINT ON THE SOUTH LINE OF THE BROADBENT PROPERTY, WHICH IS LOCATED S89°18'20"W 331.38 FEET ALONG THE SECTION LINE AND NORTH 464.60 FEET FROM THE SOUTHEAST CORNER OF SECTION 14, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SLB&M AND WHICH POINT IS N82°25'30"W 163.93 FEET FROM THE SOUTHEAST CORNER OF THE BROADBENT PROPERTY; THENCE ALONG THE TOE OF A SLOPE THE FOLLOWING CALLS: N09°58'35"E 108.40 FEET, THENCE N16°24'06"E 79.87 FEET, THENCE N00°28'46"W 49.00 FEET, THENCE N07°24'35"E 25.47 FEET, THENCE N19°43'44"E 29.86 FEET, THENCE N29°51'05"E 148.31 FEET, THENCE N45°38'42"E 82.72 FEET, THENCE N27°13'33"E 52.51 FEET, THENCE N47°38'51"E 63.50 FEET, THENCE N27°02'40"E 67.39 FEET, THENCE N39°29'45"E 27.08 FEET, THENCE N43°21'48"E 40.06 FEET TO A POINT ON THE EASTERLY SIDE OF AN EXISTING POND, THENCE ALONG EASTERLY SIDE OF AN EXISTING POND N16°40'16"E 45.05 FEET, THENCE N18°46'28"W 38.95 FEET, THENCE N04°09'08"W 61.89 FEET, THENCE N24°58'59"E 14.89 FEET, THENCE N06°31'43"W 23.88 FEET MORE OR LESS TO THE BROADBENT PROPERTY LINE AND THE 1/4 SECTION LINE, THENCE S89°20'23"W 16.97 FEET ALONG THE PROPERTY LINE AND 1/6 LINE TO THE SOUTH 1/6 CORNER BETWEEN SECTION 14 AND SECTION 13.

THE BASIS FOR BEARING IS S89°18'20"W ALONG THE SECTION LINE BETWEEN THE SOUTHEAST SECTION CORNER AND SOUTH 1/4 SECTION CORNER OF SECTION 14, T8S, R3E, SLB&M.

APRIL 17, 2014
DATE

SURVEYOR

LEGEND

- UTAH COUNTY SURVEY MONUMENT
- 5/8" REBAR, 2' LONG, WITH 2" DIAM. ALUM. ALLOY CAP MKD. OAK HILLS SURVEYING LS 317443
- FOUND MONUMENT AS NOTED ON PLAT
- FENCE
- ZONE BOUNDARY

T8S R3E
S 14
S 23

1600 SOUTH STREET

S89°18'20"W 2666.96' SECTION LINE - BASIS OF BEARINGS S 89°18'20" W

T8S R3E
S 14 S 13
S 23 S 24



OWNER CONTACT: DAVID BROADBENT
PHONE 801-373-1212

REZONE APPLICATION MAP

MAPLETON CITY, UT

SCALE:
1" = 80'

DRAWN BY: -
FDE - - KSB

DATE: 12-22-08
REV: 01-09-2009

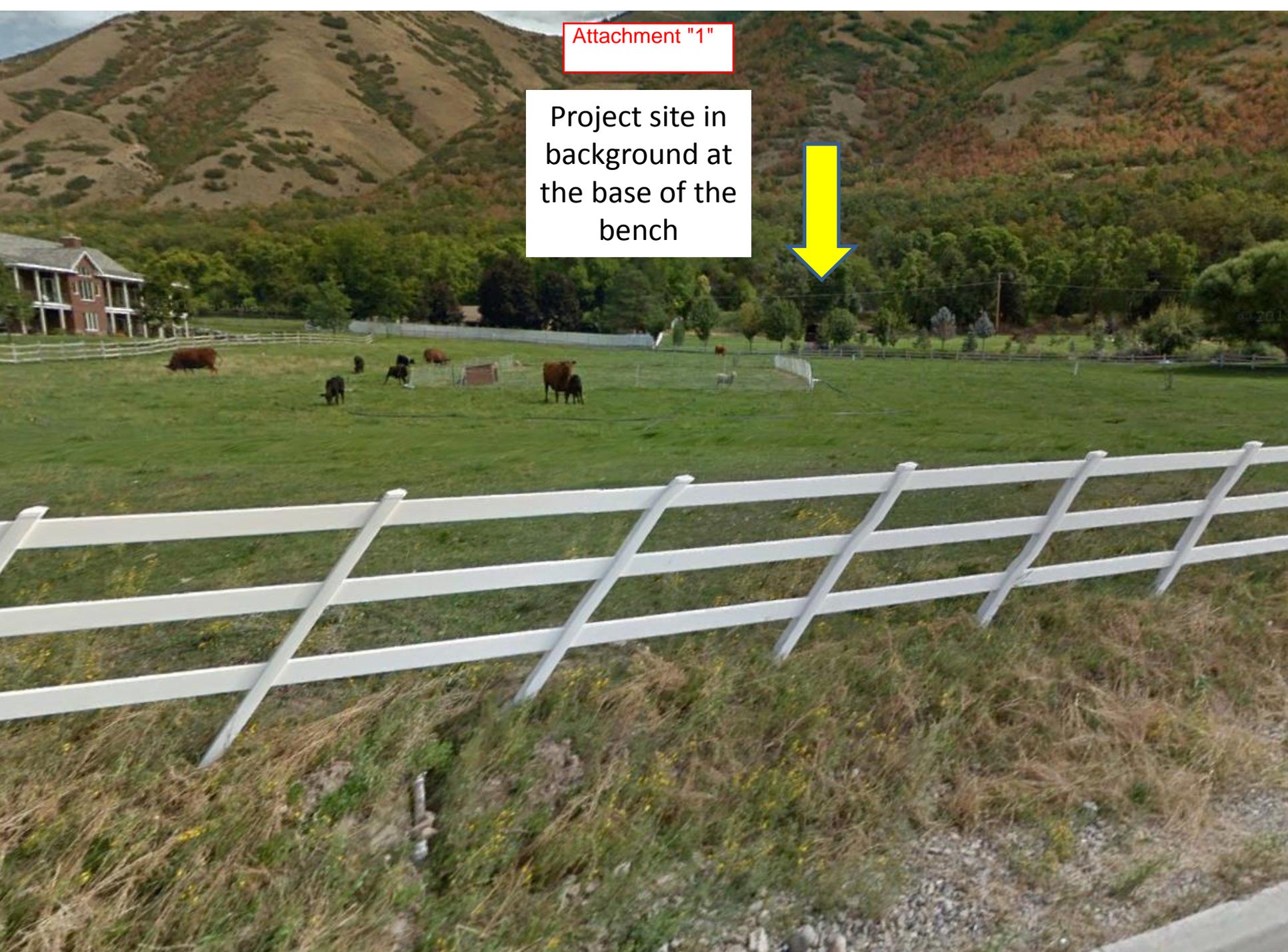
REV: 04/15/2014

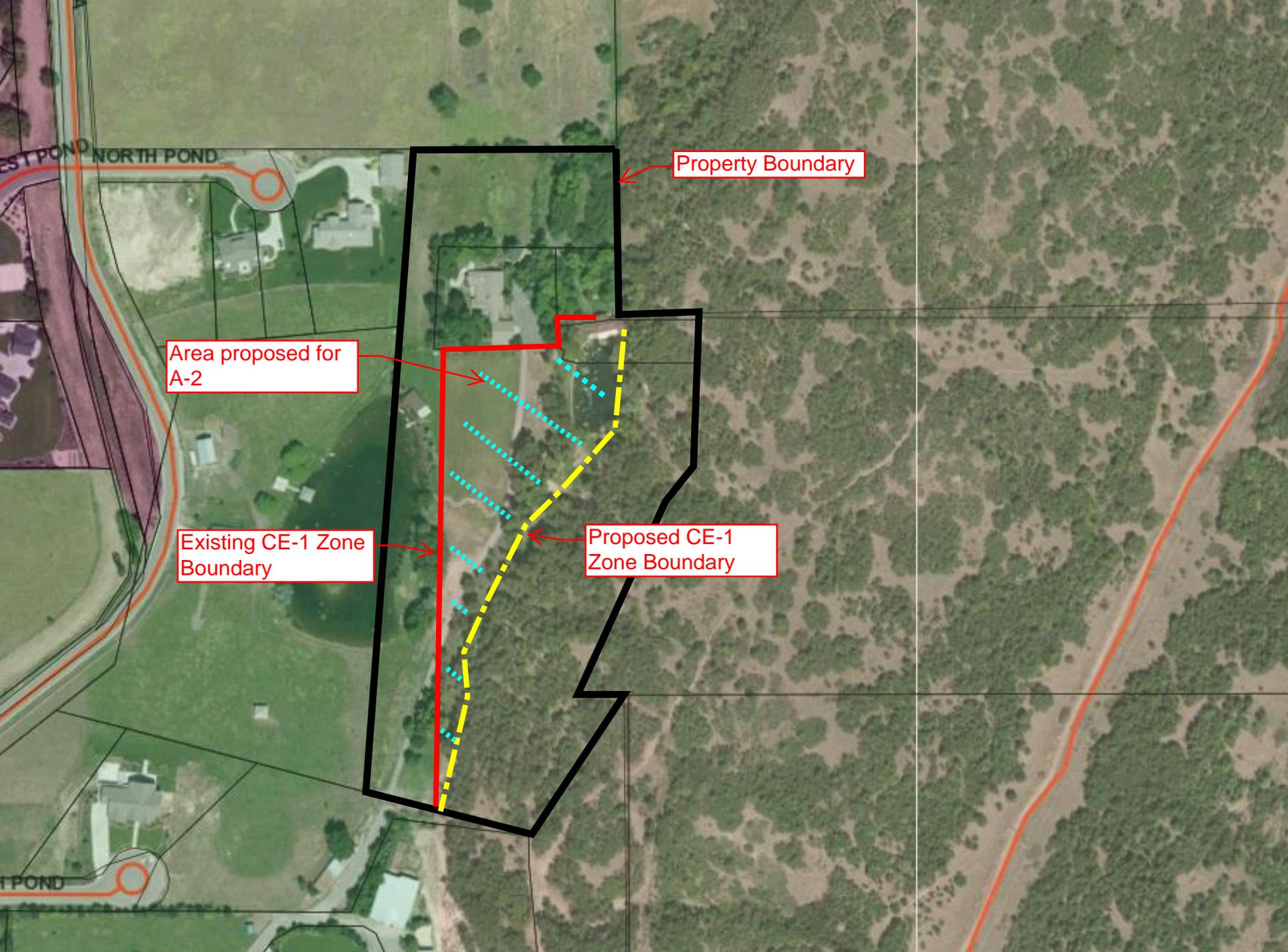
DRAWING NAME:
RZ-1

SHEET NO.
NO.1

Attachment "1"

Project site in
background at
the base of the
bench





Property Boundary

Area proposed for A-2

Existing CE-1 Zone Boundary

Proposed CE-1 Zone Boundary

WEST POND NORTH POND

SOUTH POND



2650 North 180 East
Lehi, Utah 84043
P. 801-400-9784
F. 801-769-3336

April 21, 2014

Mr. Sean Conroy
Mapleton City Corporation
125 West Community Center Way (400 North)
Mapleton, Utah 84664

SUBJECT: Application for Rezone
1245 and 1345 South 1500 East
Parcel No. 26:073:0075 and 26:073:0080
Mapleton City, Utah

Dear Mr. Conroy:

Taylor Geotechnical acting as the applicant's authorized agent is requesting a rezone for those portions of the subject parcels currently zoned CE-1 (Critical Environment) to A-2 (Agricultural Residential). The proposed area to be rezoned is 2.99 acres with the boundary shown on the "Rezone Application Map. Also included with the submittal are geologic hazard studies completed by Earthtec Testing and Engineering, Inc. (2008), and GeoStrata (2009).

BACKGROUND

Mapleton City General Plan, Land Use Element Amended 5-6-2009 defines A-2 and CE-1 as follows:

1. Rural Residential (RR) (Equivalent to the A-2 and PRC Zones)

The RR Category is established to protect sensitive areas of the community and preserve lands for agricultural and livestock raising purposes. This land is characterized by environmentally conscious development design and open fields and farms devoted to the production of food, fiber, and animal products. Uses may include barns, corrals, row crops, livestock raising, houses of worship, and residential dwellings.

The objectives in the RR Category are to protect and preserve the natural environment, encourage the continued use of agricultural land for agricultural purposes, discourage commercial and industrial uses, and other uses which impede: 1. Environmental protection; 2. Agricultural use; 3. Protection against soil and groundwater pollution; and 4. Efficient cost of providing governmental services. Non-residential uses which would have a lesser impact than residential development may be considered. In order to allow animals and residential agricultural uses on all lots, lots smaller than 1 acre should not be allowed, even with TDR's or development agreements.

Single family residential development is allowed in the RR Category at a minimum of 2 acres per dwelling (exclusive of roads).

Densities higher than 2 acres/unit, but not higher than 1 unit/acre may be allowed pursuant to a development agreement or with the use of "Transferable Development Rights"

(TDRs) and zone overlay of TDR-R. PRC zones are also permitted, with or without the use of TDRs.

2. Critical Environment (Equivalent to the CE-1 Zone)

The purpose of this designation is to protect Mapleton's most sensitive lands from development. Uses characteristic of this designation are naturally preserved areas in federal, state, or municipal ownership, private agriculture and single family homes. Because the Land Use Element primarily addresses land development, it is important to reiterate the community members' desires to protect the natural environment and open space found within the community as indicated by the Vision Statement. Development of sensitive areas, such as steep slopes, flood plains, ridge lines, aquifer recharge zone, fault zones, and other areas containing geologic hazards will be avoided to the extent possible. It is the city's desire to transfer bench development rights to locations off the bench. If property owners desire to develop their land rather than sell their development rights, lots for single family homes should be at least 3 acres in size, in order to reduce impact on the land. Building sites should be located on geologically safe parts of each lot, and shall not include natural slopes over thirty percent.

In regards to the Mapleton City Code 18.30.010: Legislative Intent,

1. Mapleton City Code 18.30.010: LEGISLATIVE INTENT, subsections A, B & D states (Bold Added for this application):

“The CE-1 zone includes those areas of the city which, as the result of the presence of steep slopes, soil characteristics, flood hazards, erosion, mudflow or earthquake potential, wildfire hazards or similar natural conditions or environmental hazards are considered environmentally sensitive and fragile.

The following is the intent and purpose of the city council in establishing the CE-1 zone:

*A. To reflect the Utah County natural hazards overlay zone, to delineate environmentally sensitive and fragile areas within the city and to establish standards and guidelines for the uses and development activities occurring thereon which recognize and appropriately balance: 1) the need for the **preservation of the natural environmental conditions**, 2) the need for mitigation of potentially adverse or unsafe conditions arising from development activities, 3) the protection of the interests of subsequent purchasers and occupants, and 4) the rights of current owners to the reasonable use of their property.*

*B. To avoid or mitigate the effects of natural hazards from earthquakes, rockfall, debris flow, landslides, floods, fires and similar calamities and to reduce the potential for subsequent public involvement or expenditure in mitigation of such adverse or unsafe conditions **occurring as a result of disruption of natural conditions** from development activity.*

*E. To **preserve the aesthetic appearance of the landscape**. Because of the fragile nature of the land in this zone, special conditions and requirements are attached to developments occurring therein to promote the implementation of the purposes stated above and to mitigate the potential*

adverse aspects of developments in the area. The requirements set forth in this chapter are considered the minimum required in order to accomplish the purpose and intent for which this zone was established.

PROPOSED ZONE CHANGE

It is proposed that 2.99 acres be rezoned from CE-1 to A-2 for the following reasons:

1. The applicant is requesting for a zone change in order to do landscaping without going through the application and approval process with the planning commission.
2. The area proposed for rezone has been used for residential and agricultural purposes prior to the enactment of the Mapleton City General Plan.
3. The zoning boundaries as presented on the "Rezone Application Map" shows that the zoning boundary appears to originate from property corners not topography, past land use or a geologic hazard overlay zone.
4. The proposed boundary is in conformance with those areas in Mapleton where the zone boundary appears to have been established based on geologic and topographic features. See Figure 1.
5. As stated in Subsections A., B. and E. of the Legislative Intent, A) "the need for the preservation of the natural environmental conditions," B) "...mitigation of such adverse or unsafe conditions occurring as a result of disruption of natural conditions from development activity." E) "To preserve the aesthetic appearance of the landscape."

In all three items, the language of natural environment conditions not being disturbed seems to be the basis or the critical environment area. The subject area proposed for rezone has already been disturbed, built upon, and used for residential purposes. The new boundary describes a boundary line between an area upon which a pond, installation of a buried irrigation line and a past razed structure has been located to an area that remains undisturbed from manmade structures or development.

6. The geologic hazard overlay zone, as mapped by the Utah Geologic Survey, does not change with the rezone nor does the rezone remove the applicant from providing substantiation for life safety in the event that a structure is proposed in the future. The A-2 zoning designation states: "The objectives in the RR Category are to **protect and preserve the natural environment**, encourage the continued use of agricultural land for agricultural purposes, discourage commercial and industrial uses, and other uses which impede: 1. **Environmental protection**; 2. Agricultural use; 3. Protection against soil and groundwater pollution; and 4. Efficient cost of providing governmental services."

BASIS OF BOUNDARY

Based on interpretation of the Legislative Intent and the Land Use Designations, the proposed boundary is based upon the limits of previous disturbance from an area that has not been disturbed and would preserve the natural environmental conditions.

The boundary description is provided on the "Rezone Application Map." Photo Exhibits 1 through 14 show the proposed boundary at the toe of the natural slope.

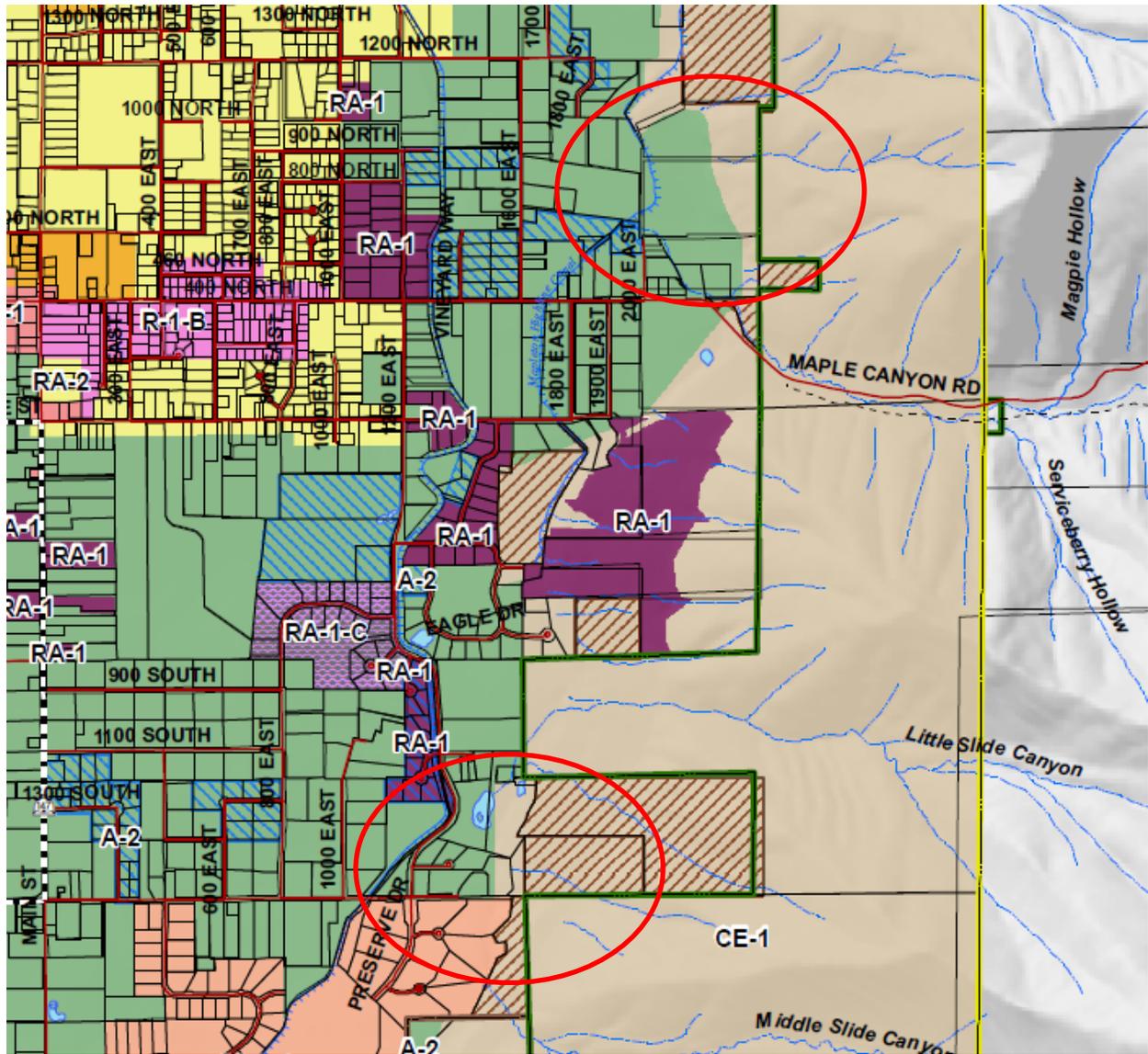
CLOSURE

If you have any questions, please feel free to contact the undersigned.

Respectfully submitted,
Taylor Geotechnical

Alanson O. Taylor, P.E.
Principal

Figure No. 1 - Portion of 2012 Zoning Map



Broadbent parcel zone boundary did not follow land contours as has been done in other areas of the city. Current boundary in applicants land follows property corners of various parcels.



Photo Exhibit 1, North Side of Cottage



Photo Exhibit 2, Northeast Corner of Cottage

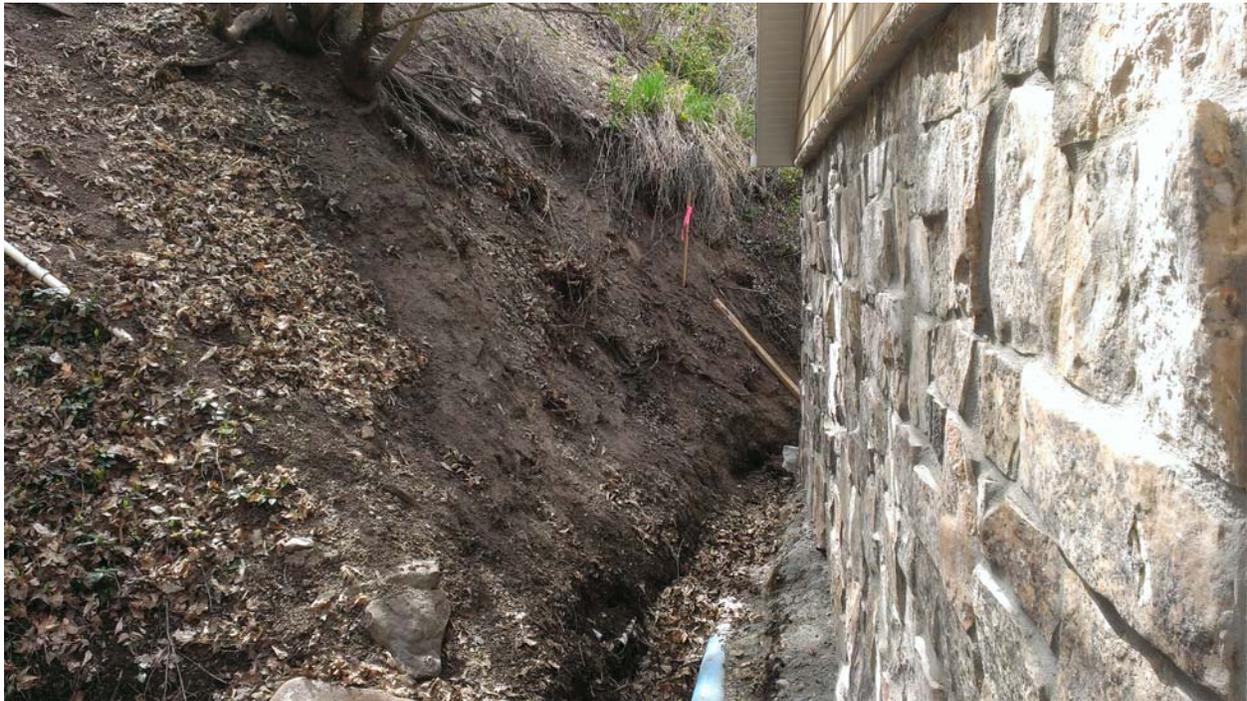


Photo Exhibit 3, Northwest Corner of Cottage



Photo Exhibit 4, Northwest Corner of Cottage

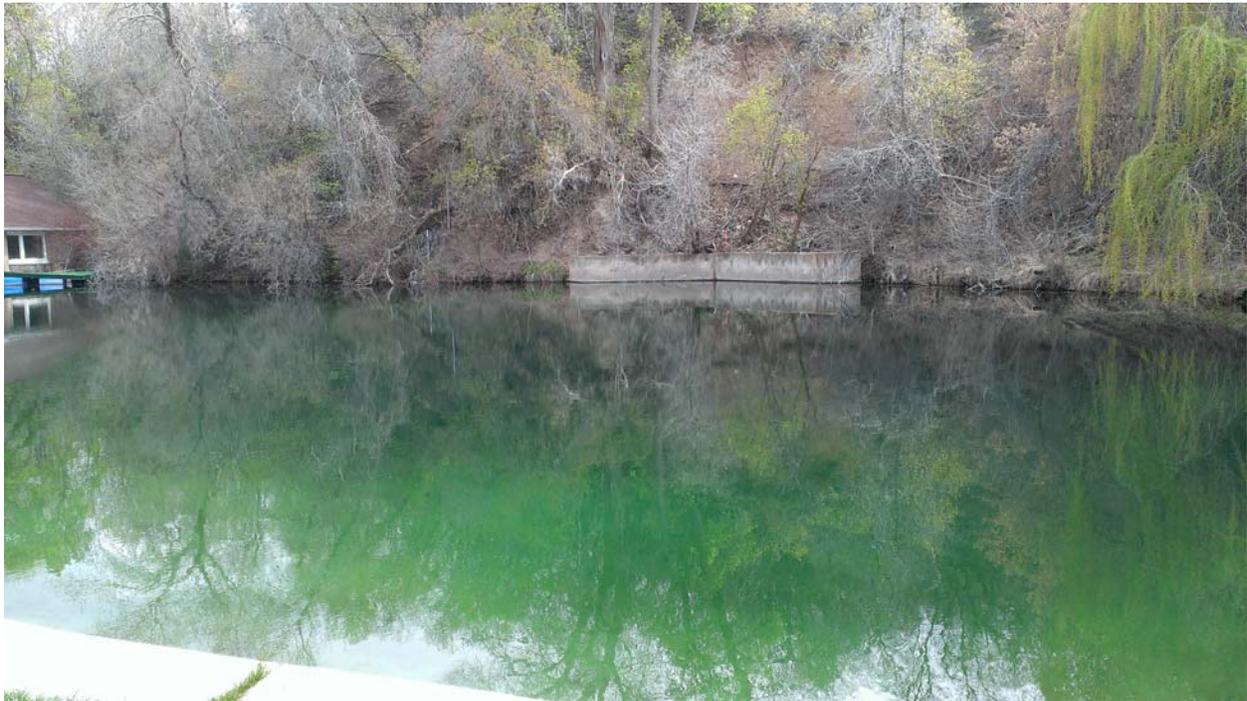


Photo Exhibit 5, Existing Pond

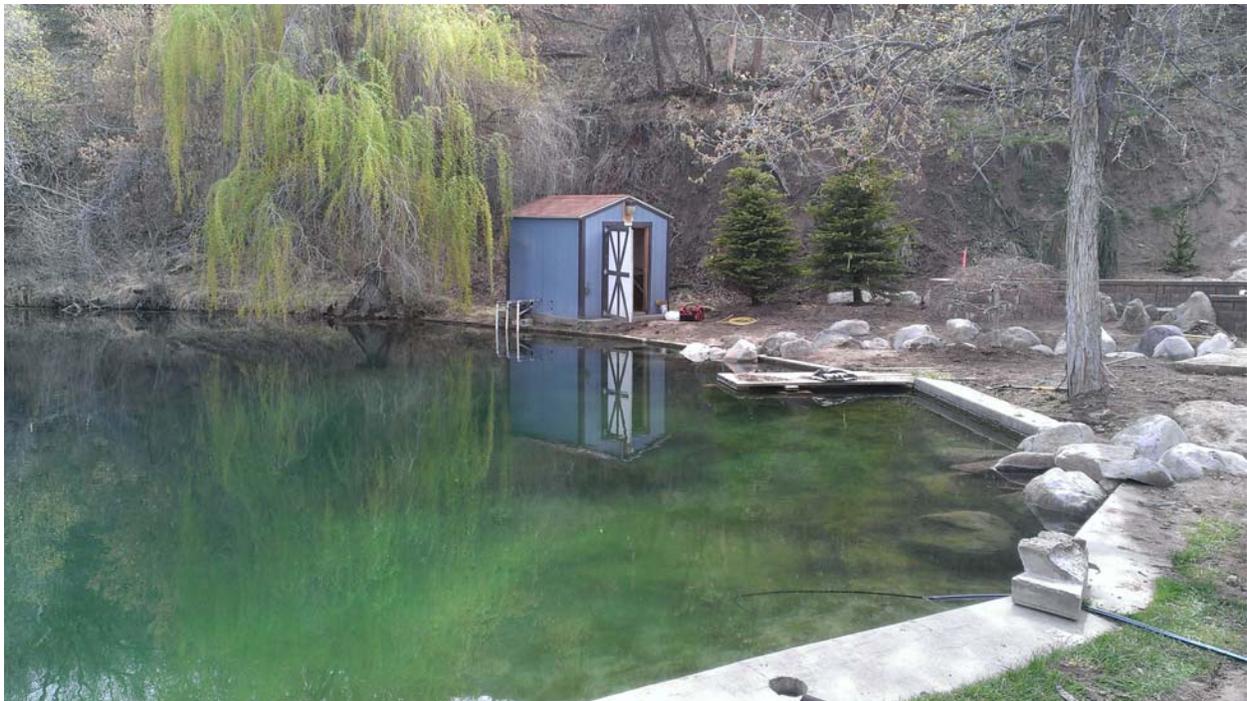


Photo Exhibit 6, South End of Existing Pond

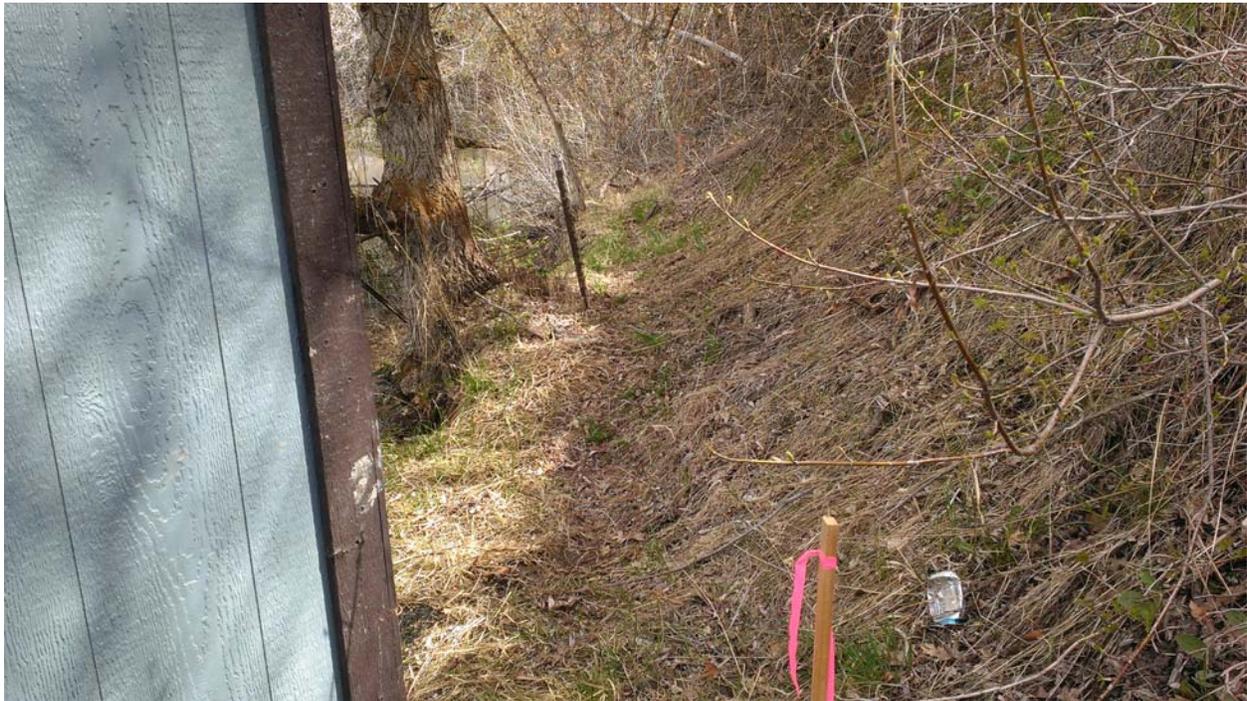


Photo Exhibit 7, Back of Shed Nest to Slope



Photo Exhibit 8, South of Shed



Photo Exhibit 9, New Landscaping South of Pond



Photo Exhibit 10, Toe of Slope South of Pond



Photo Exhibit 11, Old Road, Mid-Property

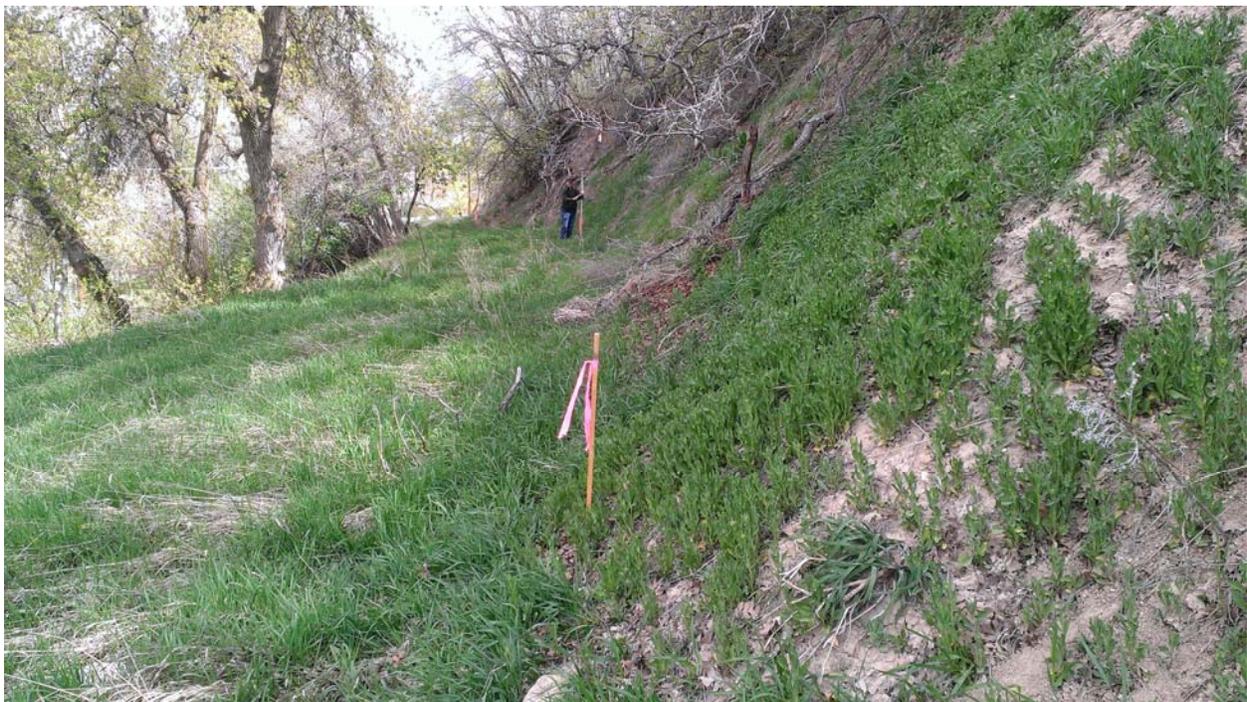


Photo Exhibit 12, Old Road, Mid Property



Photo Exhibit 13, Location of Previous Home



Photo Exhibit 14, South End of Boundary

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Attachment “2”
MAPLETON CITY
PLANNING COMMISSION MINUTES
May 8, 2014

6 **PRESIDING AND CONDUCTING:** Chairman Rich Lewis
7
8 **Commissioners in Attendance:** John Gappmayer
9 Golden Murray
10 Justin Schellenberg
11 Keith Stirling
12
13 **Staff in Attendance:** Sean Conroy, Community Development Director
14 Brian Tucker, Planner
15
16 **Minutes Taken by:** April Houser, Executive Secretary
17

18 Chairman Lewis called the meeting to order at 6:30pm. John Gappmayer gave the invocation and Rich
19 Lewis led the Pledge of Allegiance.
20

21 *Items are not necessarily heard in the order listed below.*
22

23 Alternate Commissioner Justin Schellenberg was seated as a voting member.
24

25 **Item 1. Planning Commission Meeting Minutes – April 24, 2014.**
26

27 **Motion:** Commissioner Murray moved to approve the April 24, 2014 Planning Commission
28 Minutes.

29 **Second:** Commissioner Gappmayer

30 **Vote:** Unanimous
31

32 **I**Any outstanding issues raised in the Development Review Committee (DRC) minutes dated April 1,
33 2014 shall be addressed prior to plat recording.

34 **Second:** Commissioner Stirling

35 **Vote:** Unanimous
36

37 **Item 4. Consideration of a request to rezone approximately 2.99 acres of property located at**
38 **1345 South and 1500 East from Critical Environmental (CE-1) to Agricultural**
39 **Residential (A-2). The request would also require a General Plan Amendment from**
40 **Critical Environment to Rural Residential.**
41

42 **Sean Conroy**, Community Development Director, went over the Staff Report for those in attendance.
43 There is no street frontage onto a public street at this time. The total property is about 10 acres in size.
44 There is an existing residence and accessory unit on the property. The applicant is requesting a rezone so
45 they can maintain the property without going through such an extensive process as required in the CE-1
46 Zone. The property is currently in both the A-2 and CE-1 Zones. The proposed boundary follows the toe
47 of the hill. Staff is supportive of the reasoning behind why the applicant would like to receive this rezone.

48 This does require City Council review and approval, so the Planning Commission would just be making a
49 recommendation this evening.

50
51 **Alan Taylor**, with Taylor Geotechnical, put together the report for the applicant. The real basis is to
52 protect areas in the CE-1 Zone from being excavated. Everything along the yellow line has already been
53 disturbed with the access street, so this would be a logical request.

54
55 **Chairman Lewis** opened the Public Hearing. No comments were given and the Public Hearing was
56 closed.

57
58 **Motion:** Commissioner Stirling moved to recommend to the City Council approval of an
59 Ordinance rezoning approximately 2.99 acres of property from CE-1 to A-2 and to amend
60 the General Plan from Critical Environment to Rural Residential.

61 **Second:** Commissioner Murray

62 **Vote:** Unanimous.

Awaiting Formal Approval