

City Council Staff Report

June 3, 2015

Applicant: L. Douglas

Smoot and M. Duane

Horton

Location: 750 N 1600 E

Prepared by: Sean Conroy,

Community Development

Director

Public Hearing: Yes

Zone: CE-1, A-2

Attachments:

1. Application materials.
2. PC Minutes dated 5/14/15.
3. Density Map.

REQUEST

Consideration of a Resolution establishing a Transferable Development Right Sending Site (TDR-S) on approximately 18 acres of land in the CE-1 Zone and establishing a Transferable Development Right Receiving Site (TDR-R) for approximately 60 acres of land in the A-2 Zone located at approximately 750 North and 1600 East.

BACKGROUND AND PROJECT DESCRIPTION

The applicants own approximately 78 acres of land (60 acres in A-2 & 18 acres in CE-1) in the northeast portion of the City. A portion of the property in the A-2 zone is located in the 100 year flood plain. On November 9, 2010 the applicants applied for a TDR-S for the 18 acres in the CE-1 zone. Between November, 2010 and April, 2012 the applicant and staff had various discussions regarding the application and the potential development of the 60 acres in the A-2 zone.

On April 3, 2012 the City Council held a discussion item with the applicants regarding the property. The Council reviewed various development options including 1) approval of the TDR-S for the CE-1 portion and approval of a TDR-R for the A-2 portion, 2) rezoning the A-2 portion to RA-1 to allow a cluster development, and 3) the approval of a PRC zone. The Council was generally supportive of allowing either an RA-1 zoning or a PRC zoning to allow more flexibility for the property in the flood zone provided a development agreement was established.

On January 10, 2013 the Planning Commission held a discussion item with the applicants discussing similar items that were discussed with the Council in 2012. However, the applicants had prepared a concept plan showing a potential development proposal using the RA-1 zoning cluster standards. The Commission was generally supportive of the proposal.

On November 13, 2014 the applicant made a formal proposal to the Planning Commission to place the 18 acres in the CE-1 zone into a conservation easement in exchange for the rezoning of the 60 acres in the A-2 zone to RA-1. The concept plan associated with the application would have permitted 53 units ranging from ½ an acre to 2 ½ acres in size.

Several members of the public and the Commission expressed concerns with the proposal, particularly regarding the density and the number of ½ acre lots. The Planning Commission recommended that the City Council deny the application. The applicants did not pursue the application any further with the City Council.

The applicants are now asking for approval of the original application to grant a TDR-S for the 18 acres in the CE-1 zone and to apply a TDR-R to the 60 acres in the A-2 zone. No development agreement is proposed. The applicant has provided a concept plan that demonstrates how the property *could* be developed. However, the plan is for reference only and the Council is not being asked to approve a concept plan at this time.

EVALUATION

TDR Application Deadline: Mapleton City Code 18.76.120 indicates that no applications for a TDR-S shall be accepted after December 31, 2010. The ordinance does not state that a TDR-S application must be approved prior to December 31, 2010, only that an application be submitted. City code does not establish a timeline for when an application expires. However, as a general rule if an application has been inactive for more than a year, staff will typically deem the application to have expired. In this case, however, substantial effort has been expended by staff, the applicants, the Planning Commission and the City Council regarding this application. Staff recommends that the Commission allow the TDR-S application to proceed.

Vision Statement & General Plan: The Vision Statement indicates that the City encourages “*preserving the beauty of Maple Mountain*” and discourages “*development on the mountainsides.*” The General Plan contains the following goal and policies regarding the TDR program:

Goal #5: Encourage the transfer of TDR’s off the mountainside.

Policy A: Mapleton City has adopted a transfer of development rights ordinance.

Policy B: Mapleton City shall vigorously support its’ TDR ordinance

Policy C: Mapleton City shall vigorously support its CE-1 ordinance.

The applicants’ proposal to create a TDR-S is consistent with the City’s Vision Statement and the goals and policies of the General Plan.

TDR Ordinance: The TDR ordinance is found in MCC Chapter 18.76. When a TDR-S is created, the number of TDR certificates generated is based on two factors, 1) the base density allowed on the property, and 2) a multiplier based on whether the applicant is placing the property into a conservation easement (multiplier of 3) or whether the property is being deeded to the City (multiplier of 5).

The base density for the 18.025 acres in the CE-1 zone is 2.19 units. Because the applicant is offering to deed the property to the City, the 2.19 units is multiplied by 5 to come up with 10.93 TDRs, which would round up to 11 TDR certificates.

The applicant is then requesting a TDR-R for the 60 acres in the A-2 zone so that the 11 TDRs generated from the CE-1 zone can eventually be used on the 60 acres. If all 11 TDRs were utilized in the A-2 zone, approximately 22 one acre lots and a total of 36 lots ranging in size from 1 to 2+ acres could be developed, depending on how much property was needed for dedicated rights-of-way. Again, the attached plan demonstrates how the property *could* develop under this scenario.

Planning Commission Review: On May 14, 2015 the Planning Commission determined that the application was consistent with the General Plan, the Vision Statement and the TDR ordinance, and recommended approval of the application.

Alternative Option: The Council could determine that the TDR-S application has expired and deny the application. Under this alternative, a TDR-R still could be approved for the 60 acres in the A-2 zone. The downside to this option is that the CE-1 property would not be protected as encouraged in the Vision Statement and General Plan, and could be developed in the future.

In summary, staff recommends approval based on the following points:

- The applicant submitted an application for a TDR-S prior to December 31, 2010 and moved forward in good faith in trying to determine with the City the best development approach for the property;
- The Vision Statement and General Plan both strongly support the TDR program and preserving the Mapleton Bench from development;
- The applicants' 18 acres is one of the few remaining parcels along the bench that has not been protected through the TDR program;
- The TDR ordinance identifies the A-2 zone as appropriate for TDR receiving sites;
- The application will ensure that lots within the A-2 zone be no smaller than 1 acre with the use of TDRs, and will be consistent with the lot sizes found in the area. Staff notes that there are approximately 64 lots within a ½ mile radius that are approximately one acre in size (see attachment "3"); and
- The Planning Commission supported the application.

STAFF RECOMMENDATION

Adopt the attached Resolution with the attached Special Conditions.

SPECIAL CONDITIONS

1. A deed shall be recorded with the Utah County Recorder transferring title of the 18.025 acre property in the CE-1 Zone to Mapleton City prior to the issuance of 11 TDR Certificates to the applicant.
2. The applicant shall pay any applicable greenbelt rollback taxes prior to deeding the CE-1 property to the City.
3. The applicant shall demonstrate that they have clear title to the CE-1 property through a preliminary title report or a policy of title insurance.

**RESOLUTION NO. 2015-
A RESOLUTION APPROVING A TRANSFERABLE DEVELOPMENT RIGHT
SENDING SITE (TDR-S) ON APPROXIMATELY 18 ACRES OF LAND IN THE
CE-1 ZONE AND ESTABLISHING A TRANSFERABLE DEVELOPMENT
RIGHT RECEIVING SITE (TDR-R) FOR APPROXIMATELY 60 ACRES OF
LAND IN THE A-2 ZONE LOCATED AT APPROXIMATELY 750 NORTH AND
1600 EAST.**

WHEREAS, the applicants own approximately 78 acres of land (60 acres in A-2 & 18 acres in CE-1) in the northeast portion of the City; and

WHEREAS, on November 9, 2010 the applicants applied for a TDR-S for the 18 acres in the CE-1 Zone and are proposing to deed the 18 acres to the City in exchange for 11 Transferable Development Right certificates; and

WHEREAS, the applicants are also requesting approval to apply a TDR-Receiving Site Overlay Zone to the 60 acres in the A-2 Zone; and

WHEREAS, the General Plan and Zoning ordinance encourages and supports the TDR program as a method of protecting the Mapleton bench as an open space amenity; and

WHEREAS, on May 14, 2015 the Planning Commission recommended approval of the application to the City Council.

NOW THEREFORE, BE IT RESOLVED by the City Council of Mapleton, Utah, to apply a TDR-S overlay zone on 18 acres in the CE-1 Zone and a TDR-R Overlay Zone to approximately 60 acres in the A-2 zone as described in exhibit "A" and with the conditions outlined in the staff report dated June 3, 2015.

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

This 3rd Day of June, 2015.

Brian Wall

Mayor

ATTEST:

Camille Brown
City Recorder
Publication Date:
Effective Date:

EXHIBIT "A" Property Descriptions

TDR-Receiving Site Overlay

Beginning at a point in a fence line which point is South 00°32'14" East along the Section line 41.46 feet and East 26.84 feet from the West Quarter corner of Section 12, Township 8 South, Range 3 East, Salt Lake Base and Meridian; thence North along said fence line 302.52 feet; thence South 82°09'27" East along a fence line and along the southerly line of the Ben and Katherine Gardner property according to the Warranty Deed Entry Number 102608 on file with the Utah County Recorder's Office 330.51 feet; thence North 01°27'18" East along the easterly line of said Gardner Property 73.81 feet; thence West 7.80 feet; thence North 01°39'00" East along the easterly line of said Gardner property and the Claude and Shirlene Rominger property (Warranty Deed Entry Number 95451) 352.48 feet; thence West 6.41 feet; thence North 02°47'40" West 57.32 feet to a fence line; thence South 88°42'47" East along the south line of the Maple Glen Subdivision Plat "A" and its line extended, along a fence line and along the south line of the ER Farm LLC property (Warranty Deed Entry 77216-2007) 846.36 feet to the Steele Investments LLC (Warranty Deed Entry 38197-2000 Number) southwesterly property line; thence along said Steele Investments deed line the following six (6) courses: (1) South 29°19'30" East 164.08 feet; (2) North 66°52'30" East 131.33 feet; (3) North 66°06'30" East 309.99 feet; (4) North 25°43'50" East 11.66 feet; (5) North 62°17'50" East 144.34 feet; (6) North 01°04'26" West 49.40 feet; thence North 88°26'23" East along the southerly line of said ER Farm LLC property 97.55 feet to the CE-1 Zone boundary line; thence along said CE-1 Zone line the following fourteen (14) courses: (1) South 50°51'25" East 188.00 feet; (2) South 23°23'07" East 80.64 feet; (3) South 07°23'28" East 186.59 feet; (4) South 14°55'53" East 93.17 feet; (5) South 03°58'20" East 72.19 feet; (6) South 02°27'36" West 163.19 feet; (7) South 08°54'06" East 84.03 feet; (8) South 26°49'00" East 203.98 feet; (9) South 14°32'04" East 111.60 feet; (10) South 21°23'34" East 104.20 feet; (11) South 25°49'34" East 222.71 feet; (12) South 34°33'51" East 142.81 feet; (13) South 01°11'46" West 623.28 feet; (14) South 38°59'48" West 32.73 feet to the north line of the Mapleton City property (Quit Claim Deed Entry Number 119781-2005); thence South 89°27'32" West along said north line 125.34 feet; thence North along the Charles Neaman east property line (Special Warranty Deed Entry 32116-2002) 367.24 feet; thence South 89°59'59" West along the Neaman north line and the Ann Yuill (Warranty Deed Entry 48788-2005) north line 638.89 feet; thence North 29°36'18" West 178.59 feet; thence North 22°40'25" West 145.07 feet; thence West 180.37 feet; thence South 00°11'40" West 7.20 feet; thence North 89°48'20" West 30.23 feet to the east line of the IDL Company property east line (Warranty Deed Entry 40315-2000); thence along the IDL Company deed lines the following three (3) courses: (1) South 00°10'19" West 5.75 feet; (2) West 10.09 feet; (3) North 187.66 feet; thence North 82°52'15" West 191.10 feet; thence North 83°11'55" West along the northerly line to the Lisbeth Edmunds property (Deed of Trust Entry 61208-2012) 950.15 feet; thence North 82°58'12" West 159.98 feet; thence North 01°15'49" West 29.48 feet; thence South 83°12'00" East 569.07 feet; thence North 09°05'00" East 236.22 feet; thence North 83°06'15" West 607.01 feet to the point of beginning. Area = 59.894 Acres

TDR-Sending Site Overlay

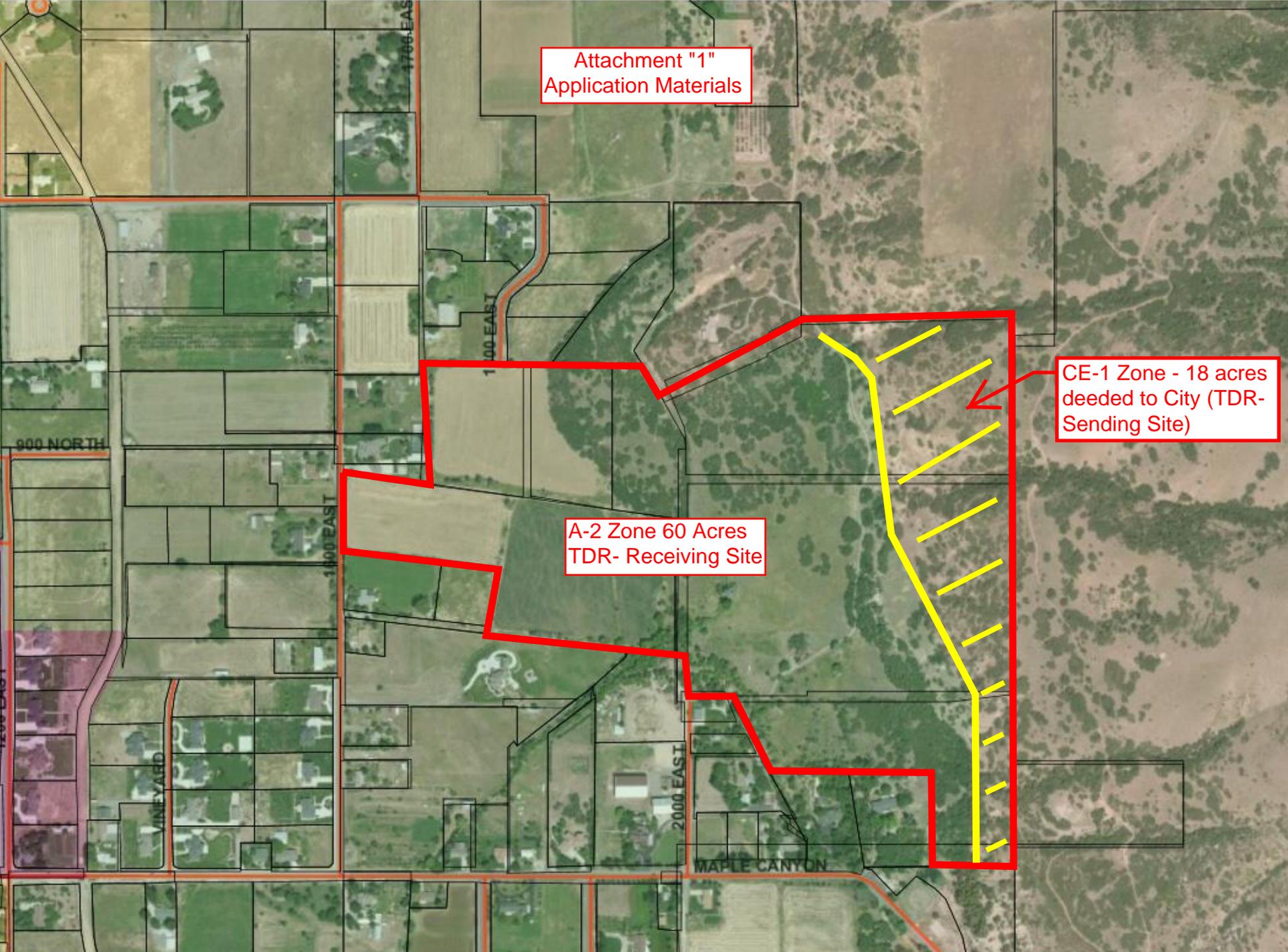
Beginning at a point on the south line of the ER Farm LLC property (Warranty Deed Entry 77216-2007) which point is North 00°11'19" West along the Section line 844.05 feet and East 1912.59 feet from the West Quarter corner of Section 12, Township 8 South, Range 3 East, Salt Lake Base and Meridian; thence North 88°26'23" East along the southerly line of said ER Farm LLC property 730.82 feet to the Quarter Section line; thence South 00°08'56" East along said Quarter Section line 2157.61 feet to the north line of the Mapleton City property (Quit Claim Deed Entry Number 119781-2005); thence South 89°27'31" West along said north line 196.87 feet; thence along the westerly line of the CE-1 ZONE parcel the next fourteen (14) courses: (1) North 38°59'48" East 32.73 feet; (2) North 01°11'46" East 623.28 feet; (3) North 34°33'51" West 142.81 feet; (4) North 25°49'34" West 222.71 feet; (5) North 21°23'34" West 104.20 feet; (6) North 14°32'04" West 111.60 feet; (7) North 26°49'00" West 203.98 feet; (8) North 08°54'06" West 84.03 feet; (9) North 02°27'36" East 163.19 feet; (10) North 03°58'20" West 72.19 feet; (11) North 14°55'53" West 93.17 feet; (12) North 07°23'28" West 186.59 feet; (13) North 23°23'07" West 80.64 feet; (14) North 50°51'25" West 188.00 feet to the point of beginning.

Area = 18.025 Acres

Attachment "1"
Application Materials

CE-1 Zone - 18 acres
deeded to City (TDR-
Sending Site)

A-2 Zone 60 Acres
TDR- Receiving Site



Looking east from 1600 E



REVISED PROPOSAL TO MAPLETON CITY

A. Proposal

The property owners (Duane Horton, Doug Smoot) jointly own about 78 acres of property in east Mapleton (1600 East to Forest Service boundary line on the foothill, between about 400 North and 900 North). We propose to transfer ownership on 18.025 acres of hillside property (CE-1 zone), stretching more than 2300 feet from north to south along the foothills, to Mapleton City. In exchange, we request that the city grant us 11 TDRs and approve the remaining property (approximately 60 acres zoned as A-2) as a receiving site for TDRs. We include a Concept Plan for the development of these 60 acres that is consistent with Mapleton City regulations. The owners had previously applied to Mapleton City for making the above hillside property – TDR exchange prior to the expiration of the TDR application deadline.

B. Property Description

The property owners purchased eight parcels of contiguous property (Tax No.'s 26:068:0022, 23, 29, 33, 34, 36, 44,109), totaling about 78 acres between 1972 and 1979. This property has been farmed on green belt since that time. Chad Warren is the farmer. Growing alfalfa and grain and grazing are the most common uses. Figure 1 shows an aerial view of this property.

Challenging characteristics of the property include:

1. Infrequent flooding potential from spring run-off (a small portion of the lower acreage is inside the 100 year flood plain).
2. An overflow stream bed in the SW area for spring run off.
3. An open, concrete-lined irrigation canal that traverses the property from north to south.
4. High-voltage power lines that traverse the property from north to south, just below the foothills.
5. A dirt road that traverses the property and provides an alternative access to the abandoned home on the hillside knoll to the north.
6. A CE-1 zone of 18 acres on the foothills.
7. A city water-line that traverses the property south to north.
8. A short, city right-of-way for a road extending north from the south end of 2000 East.

This conceptual plan proposal considers all of these issues.

C. Previous Conceptual Plan proposal

The property owners (Horton and Smoot) have worked with Brown Engineering Co., Orem, Utah for over the past three years on the development of a conceptual plan for this property. In an earlier proposed plan, the owners requested that the 60-acre parcel be re-zoned from A-2 to RA-1 with clustering, with the CE-1 zone (18 acres) placed in a permanent conservation easement. The remaining property (ca. 60 acres) was to be a residential development with (a) 53 lots, (b) 6.6 acres of roads and paths and 7.4 acres of other open space including a 4.5 acre park. Lot sizes varied from at least a half-acre to over 2 acres.

This proposed conceptual plan was presented to the Mapleton Planning Commission on November 11, 2014. Several Mapleton residents who reside near the property

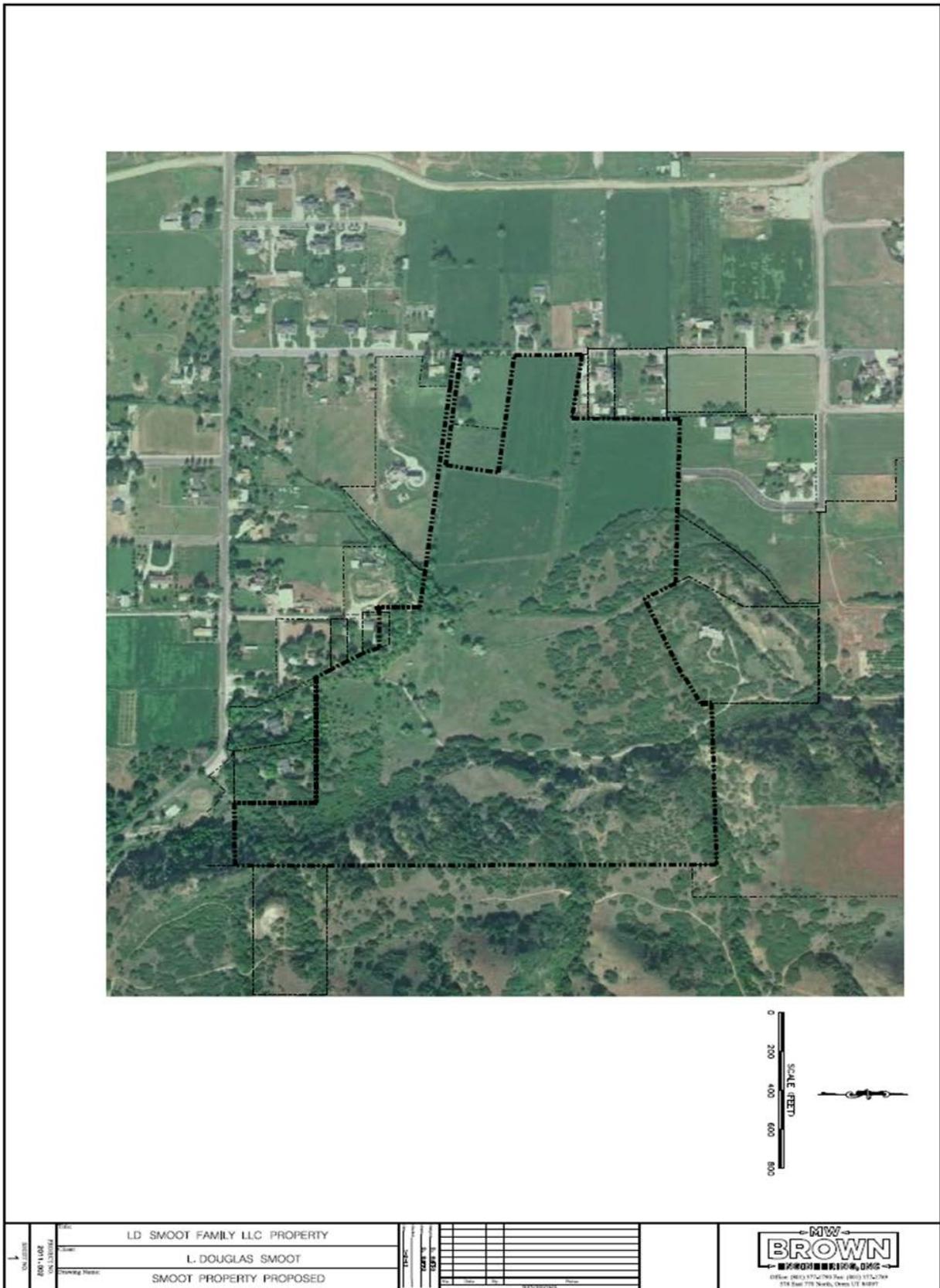


Figure 1. Aerial View of Property with Boundaries Shown

objected to the proposal to rezone the property from A-2 to RA-1 with clustering. The principal objection was the use of half-acre lots. There was also an indicated desire to maintain a more rural appearance in this area. The planning commission voted 4-0 to recommend that the City Council deny this request for rezoning from A-2 to RA-1 with clustering.

D. Revised Proposal

Based on input from the Mapleton residents and the Planning Commission, the property owners, working with Brown Engineering, revised the proposal for this property as outlined herein. Specifically, the request for rezoning from A-2 to RA-1 was eliminated. At the owners' request, Brown Engineering designers developed a revised plan (See Figure 2) with 18 acres in CE-1 zone transferred to the city, in exchange for 11 TDRs and the remaining 60 acres being approved as a receiving site for TDRs. A concept plan has been developed that includes, (a) Road profiles changed to 36 ft. rural cross section (Figure 3), (b) The eight foot wide walking path through the development was retained, (c) Brown Engineering updated the 100 year flood control designation based on the latest information (including recent work by Matt Staynor of Bowen, Collins and Associates, in West Jordan, UT for the nearby Krebs property shown in Figure 4), (d) The total number of lots declined from 53 to 36. Three road inlets and outlets were retained. Figure 2 shows this conceptual redesign for the A-2 zone with use of the TDRs. All lots meet minimum required acreage and minimum front width requirement for A-2 zone development with TDR use.

E. Geotechnical Analysis

Earthtec Engineering Co. was retained by the property owners to conduct a feasibility study for development of the property shown in Figure 1. This report, dated 17 February 2014, accompanies this proposal. Earthtec examined soil characteristics, ground water conditions, faulting, liquefaction potential, and flooding. The report concludes that the development of the property concept plan appears to be feasible, while recommending specific geotech testing work prior to development.

F. Request

The owners request that the Planning Commission and the City Council approve the exchange of 18 acres of CE-1 property for 11 TDRs and to approve the remaining 60 acres of A-2 property as a receiving site for TDRs. The owners will transfer ownership of the 18 foothill acres in CE-1 zone property to Mapleton City.

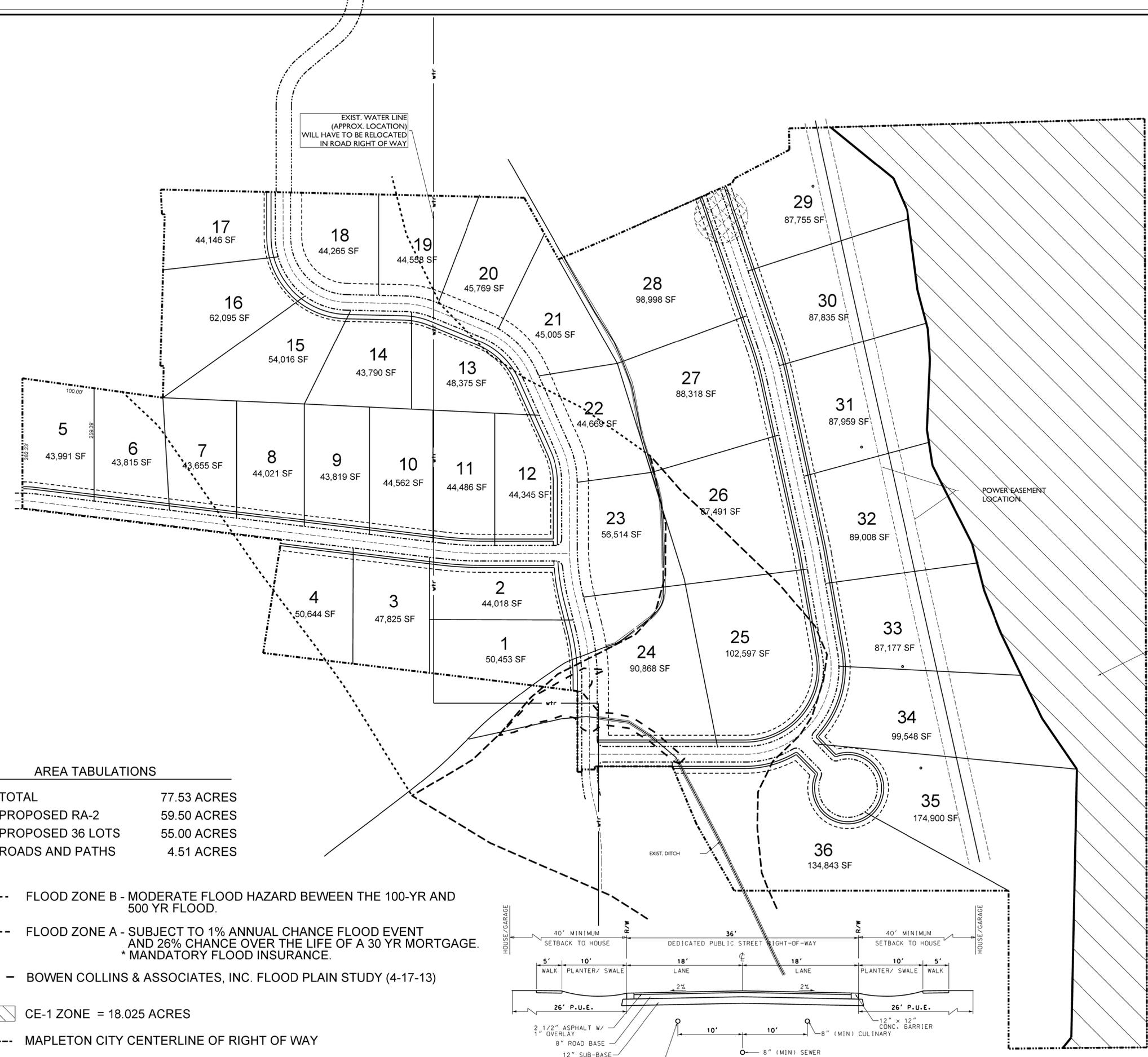
G. Summary

1. Eighteen acres of CE-1 property are to be exchanged for 11 TDRs.
2. The 60 acres of A-2 property are to be approved as a receiving site for TDRs.
3. The number of lots in the concept plan designed by WW Brown Engineering Co. and meeting all Mapleton requirements is 36 lots.
4. Based on Mapleton City requests, the following are included in the concept plan:
 - (a) A path on the west side of the (N-S) road has been included. It ties into the Taylor path on the north and to the 2000 East road on the south.
 - (b) A road on the east side extends north and stubs to the 26:068:0030 parcel per the City's transportation plan.
 - (c) A property description for the 18 acre CE-1 zone 1 is provided in Table 1.
 - (d) Rural road sections are proposed per city specification as shown in Figure 4.

NO.	DATE	BY	REVISIONS

Designed: D. BUFFG
Drawn: D. BUFFG
Checked:
Date: 1-23-15

Title: LD SMOOT FAMILY LLC PROPERTY
Client: L. DOUGLAS SMOOT
Drawing Name: SMOOT PROPERTY CONCEPT
PROJECT NO. 2011.002
SHEET NO. 1

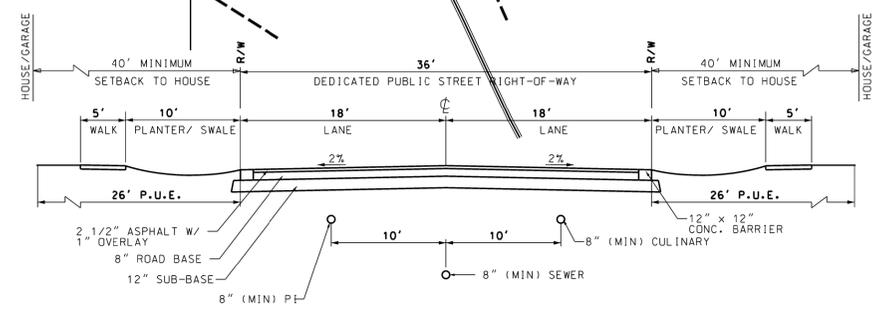


OPEN SPACE HILLSIDE
(CE-1 ZONE)
DEDICATED TO MAPLETON CITY
18.025 ACRES

AREA TABULATIONS

TOTAL	77.53 ACRES
PROPOSED RA-2	59.50 ACRES
PROPOSED 36 LOTS	55.00 ACRES
ROADS AND PATHS	4.51 ACRES

- FLOOD ZONE B - MODERATE FLOOD HAZARD BETWEEN THE 100-YR AND 500 YR FLOOD.
- FLOOD ZONE A - SUBJECT TO 1% ANNUAL CHANCE FLOOD EVENT AND 26% CHANCE OVER THE LIFE OF A 30 YR MORTGAGE. * MANDATORY FLOOD INSURANCE.
- - - BOWEN COLLINS & ASSOCIATES, INC. FLOOD PLAIN STUDY (4-17-13)
- ▨ CE-1 ZONE = 18.025 ACRES
- MAPLETON CITY CENTERLINE OF RIGHT OF WAY
- CE-1 ZONE LINE PROPOSED (MAPLETON OVERLAY)



SLOPE ANALYSIS AND TDR CALCULATION TABLE

Total Acreage within the CE-1 Zone = 18.025 Acres

Slope 0 to 30%	4.52 Acres + 3	=	1.51 Lots
Slope > 30%	13.51 Acres + 20	=	0.68 Lots

OPTIONS

If CE-1 Zone Property is dedeed to the City 5 X 2.19 = 10.93 TDR

If a No-build easement is granted to the City 3 X 2.19 = 6.56 TDR

36' RURAL STREET SECTION

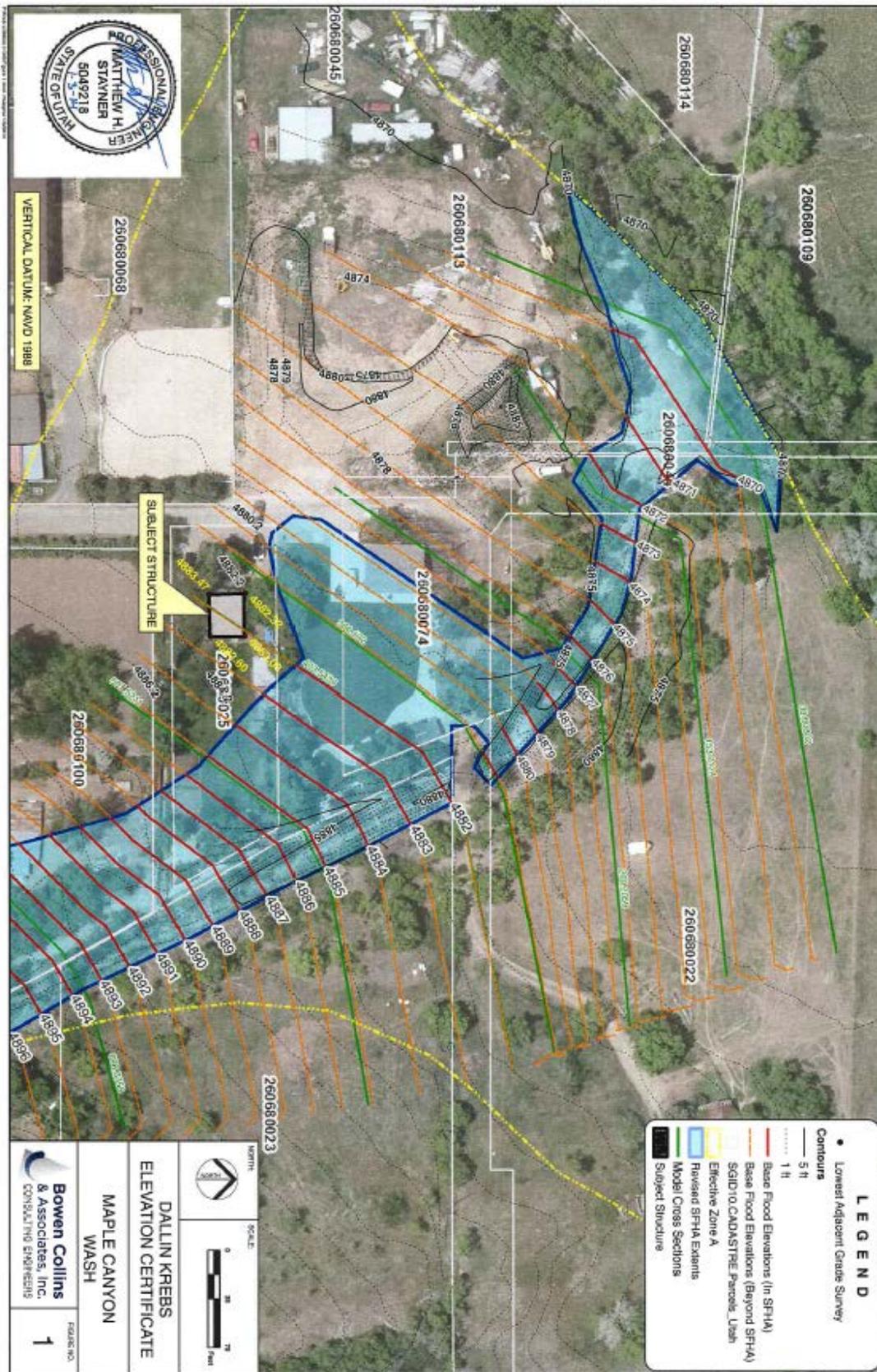


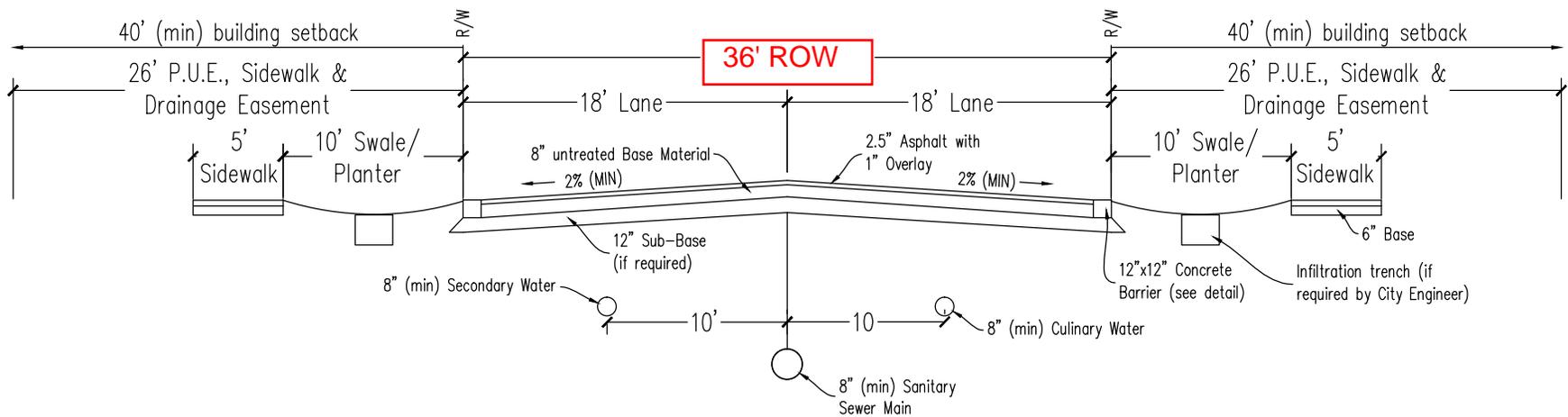
Figure 4. Recent (Jan 3, 2014) Flood Plain Work by Bowen and Collins Associates for Krebs Property. Flood Plain crosses SW corner (less than an acre) of Smoot-Horton property

Table 1.

**REVISED CE-1 ZONE (CONSERVATION
EASEMENT) DESCRIPTION**

Beginning at a point on the south line of the ER Farm LLC property (Warranty Deed Entry 77216-2007) which point is North 00°11'19" West along the Section line 844.05 feet and East 1912.59 feet from the West Quarter corner of Section 12, Township 8 South, Range 3 East, Salt Lake Base and Meridian; thence North 88°26'23" East along the southerly line of said ER Farm LLC property 730.82 feet to the Quarter Section line; thence South 00°08'56" East along said Quarter Section line 2157.61 feet to the north line of the Mapleton City property (Quit Claim Deed Entry Number 119781-2005); thence South 89°27'31" West along said north line 196.87 feet; thence along the westerly line of the CE-1 ZONE parcel the next fourteen (14) courses: (1) North 38°59'48" East 32.73 feet; (2) North 01°11'46" East 623.28 feet; (3) North 34°33'51" West 142.81 feet; (4) North 25°49'34" West 222.71 feet; (5) North 21°23'34" West 104.20 feet; (6) North 14°32'04" West 111.60 feet; (7) North 26°49'00" West 203.98 feet; (8) North 08°54'06" West 84.03 feet; (9) North 02°27'36" East 163.19 feet; (10) North 03°58'20" West 72.19 feet; (11) North 14°55'53" West 93.17 feet; (12) North 07°23'28" West 186.59 feet; (13) North 23°23'07" West 80.64 feet; (14) North 50°51'25" West 188.00 feet to the point of beginning.

Area = 18.025 Acres



**36' Rural Cross Section
For Densities of 1 unit per acre or less**

APPLICATION

MAPLETON CITY COMMUNITY DEVELOPMENT DEPARTMENT
125 West Community Center Way, Mapleton, Utah 84664

APPLICANT READ CAREFULLY: Each approval process has a checklist which specifies what information is required in order for your Application to be completed and ready for processing. Before completing the application, please review the checklist; submit all the information it requests with your Application. Your application will be taken at the front desk, but will not be considered "accepted" by Mapleton City until it has been reviewed for compliance by the Community Development Department Application Review Committee. **INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED BY THE APPLICATION REVIEW COMMITTEE.** If you need help or have questions please ask to speak to a member of the Community Development Department Staff. We will not guarantee that your application is considered complete at the counter. The Application Review Committee meets once a week to determine submittal compliance. Please leave no line below unmarked. Please mark N/A in lines not applicable to your request. The asterisk (*) indicates that the information is required.

Type Project (Subdivision, Rezone, TDR, Variance, etc.)* TDR
Name of Project* TDR TRANSFER No. Lots/Units 27.55 TDR
Property Address* East of 1600 East, North of 400 North Approx. Acreage: 75 acres
Utah County Tax Identification Number* 26106810023, 23, 29, 34, 35, 36, 44
Present Use of Property* Farming, dryland grazing, mountain-side (green belt)
Name of Applicant/Agent* L DOUGLAS SMOOT - For Smoot-TOL Partnership
Applicant/Agent's Address (Street)* 1811 North 1500 East
(City, State)* PROVO, UT (Zip)* 84604 e-mail address LDSmoat@gmail.com
Phone #'s* 801 375 2043 (H), 801 308 8504 (C) Fax 801 343 0687 (W)
Name of Property Owner (if different)* N/A
Property Owner's Address (Street) N/A
(City, State) N/A (Zip) N/A e-mail address N/A
Phone #'s* N/A Fax N/A
Architect/Engineer/Surveyor _____ Phone (W) _____

I declare under penalty of perjury that I am the owner or authorized agent for the property which is the subject of this request, and that the statements, answers, and documents submitted in connection with this application are true and correct. Furthermore, I understand that my application is not considered a complete submittal until such time that it has been reviewed by the Community Development Department Application Review Committee.

Signature(s) of Owner or Agent* L Douglas Smoot, Part owner and agent
Date 9 Nov 2010
Comments See also check and attached letter

DO NOT COMPLETE BELOW THIS LINE

Received By Cory Branch
Type of Application Rezone
Date Received 11/9/10
Zone A-2/CE-1
Requested Zone (if applicable) CE-1 to TDR-S
Application Fee \$ Not Required
Subdivision:

Comments:
The TDR-S rezone request does not require a rezone application fee.

Preliminary Plat \$ _____
Final Plat \$ _____
Per Lot Fee \$ _____
Total \$ _____

Rev. Statement # _____
 Plans Received
 Reduced Copy (2 sets)
 AutoCAD file on disk
Number of copies, Full Sized _____
Special Circulation Requirements:

Application types:

- A - Annexation
- CUP - Conditional Use Permit
- PPA - Project Plan Approval
- R - Rezone
- SF - Subdivision-Final
- SM - Subdivision Minor
- SP - Subdivision-Preliminary

MAPLETON CITY
PLANNING COMMISSION MINUTES
May 14, 2015

PRESIDING AND CONDUCTING: Chairman Rich Lewis

Commissioners in Attendance: Golden Murray
Keith Stirling

Staff in Attendance: Sean Conroy, Community Development Director

Minutes Taken by: April Houser, Executive Secretary

Chairman Lewis called the meeting to order at 6:30pm. Rich Lewis gave the invocation and Golden Murray led the Pledge of Allegiance.

Items are not necessarily heard in the order listed below.

Item 1. Planning Commission Meeting Minutes – April 23, 2015.

Motion: Commissioner Murray moved to approve the April 23, 2015 Planning Commission Minutes as noted.

Second: Commissioner Stirling

Vote: Unanimous

Item 2. Consideration of recommendations to the City Council on a request to establish a Transferable Development Right Sending Site (TDR-S) on approximately 18 acres of land in the CE-1 Zone and to establish a Transferable Development Right receiving Site (TDR-R) for approximately 60 acres of land in the A-2 Zone located at approximately 750 North and 1600 East.

Sean Conroy, Community Development Director, went over the Staff Report for those in attendance. There have been a few discussions on this property over the years. The property contains about 78 acres of land. In the past the applicants have proposed 53 lots. They are now proposing to reactivate their request for a TDR-S site, giving them 11 TDR Certificates that they would utilize as part of the development on the lower portion of their land. Tonight this application is only for a rezone - no subdivision plats are being approved at this time. Sean went over a brief history of the TDR Program. The TDR-S Ordinance expired December 31, 2010. The applicants submitted a TDR-S application on November 9, 2010, meeting this deadline requirement. They have moved forward in good faith trying to work through a development that will work best for everyone. Other TDR-R sites have been approved in this area. The applicant has submitted a concept plan showing their development potential on the property. The new proposal shows 36 lots total. It was reiterated that the subdivision plat was not being approved at this time. The vast majority of the homes in this area are located on lots 1 acre or smaller in size. The request is consistent with the Vision Statement of the General Plan. This would be one of the last areas of the CE-1 Zone that the City has not been able to acquire. **Commissioner Stirling** is appreciative that we are still able to bring this ordinance forward to protect the hillside.

The applicants had no comment for the Public.

49 **Chairman Lewis** opened the Public Hearing. **Mark Sheranian** wanted clarification as to if the application for the
50 TDR-S Zone and timing of the application. He feels that TDR's should be required for all rezones. **Brian Lambert**
51 wanted clarification as to what the A-2 Zone allowed. Sean stated that it would allow for 2 acre lots, which has been
52 the requirement for many years now. Mr. Lambert feels this will bust the 2 acre rural feel in the area. Sean stated
53 that this is what the ordinance would allow. Brian would strongly suggest the Commission look at the Vision
54 Statement before allowing this to go forward. **Alan Griffith** lives on the east side of the City. He moved here 18
55 years ago because of the rural setting. Mr. Griffith would like to keep it the way it is now. **Lavar Cardon** inquired
56 as to how many TDR's are outstanding at this time. Sean stated that it is about 200 left to be used. **Lori Sheranian**
57 stated that they cannot sell the TDR's they have cause there seems to be no interest in them. She feels that these
58 TDR's should be required as part of all rezones at this time until they are used up. No additional comments were
59 given and the Public Hearing was closed.

60
61 Sean stated that the City does have a dated copy of the applicant's TDR-S rezone application on file.
62 **Commissioner Stirling** wanted everyone to remember that we will be one City where building will not take over
63 our hillside due to the creation of the TDR Ordinance. **Commissioner Murray** is much more favorable to this
64 rezone idea than the previously proposed one. As far as the rural nature, he wonders how feasible it is to maintain it
65 in perpetuity, and wonders why we would prevent someone from developing their property. This request would go
66 on to the City Council for final approval.

67
68 **Motion:** Commissioner Stirling moved to recommend approval to the City Council for a request to
69 establish a Transferable Development Right Sending Site (TDR-S) on approximately 18 acres of
70 land in the CE-1 Zone and to establish a Transferable Development Right receiving Site (TDR-R)
71 for approximately 60 acres of land in the A-2 Zone located at approximately 750 North and 1600
72 East.

73 **Second:** Commissioner Murray

74 **Vote:** Unanimous

75

