

# Planning Commission Staff Report

May 14, 2015

## Item 2

**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.

### REQUEST

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.

### 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 approval of the TDR-S for the CE-1 portion and approval of a TDR-R for the A-2 portion, rezoning the A-2 portion to RA-1 to allow a cluster development, and 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 in size 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 Commission is not being asked to approve a concept plan at this time.

**EVALUATION**

**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 mountainsides.*
- 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 be used on the 60 acres. If all 11 TDRs were utilized in the A-2 zone, approximately 36 units could be achieved ranging in size from 1 to 2+ acres depending on how much land was required for rights-of-way dedications. Again, the attached plan demonstrates how the property could develop under this scenario.

**Previous Review:** During the Planning Commission's previous review, concerns were raised regarding the rezoning from A-2 to RA-1, excessive density, and loss of rural character. The applicants' current proposal addresses these concerns by ensuring that the 18 acres in the CE-1 is protected as open space in perpetuity and that the lot sizes are consistent with the rural character of the area if/when the applicant or a future owner decides to develop.

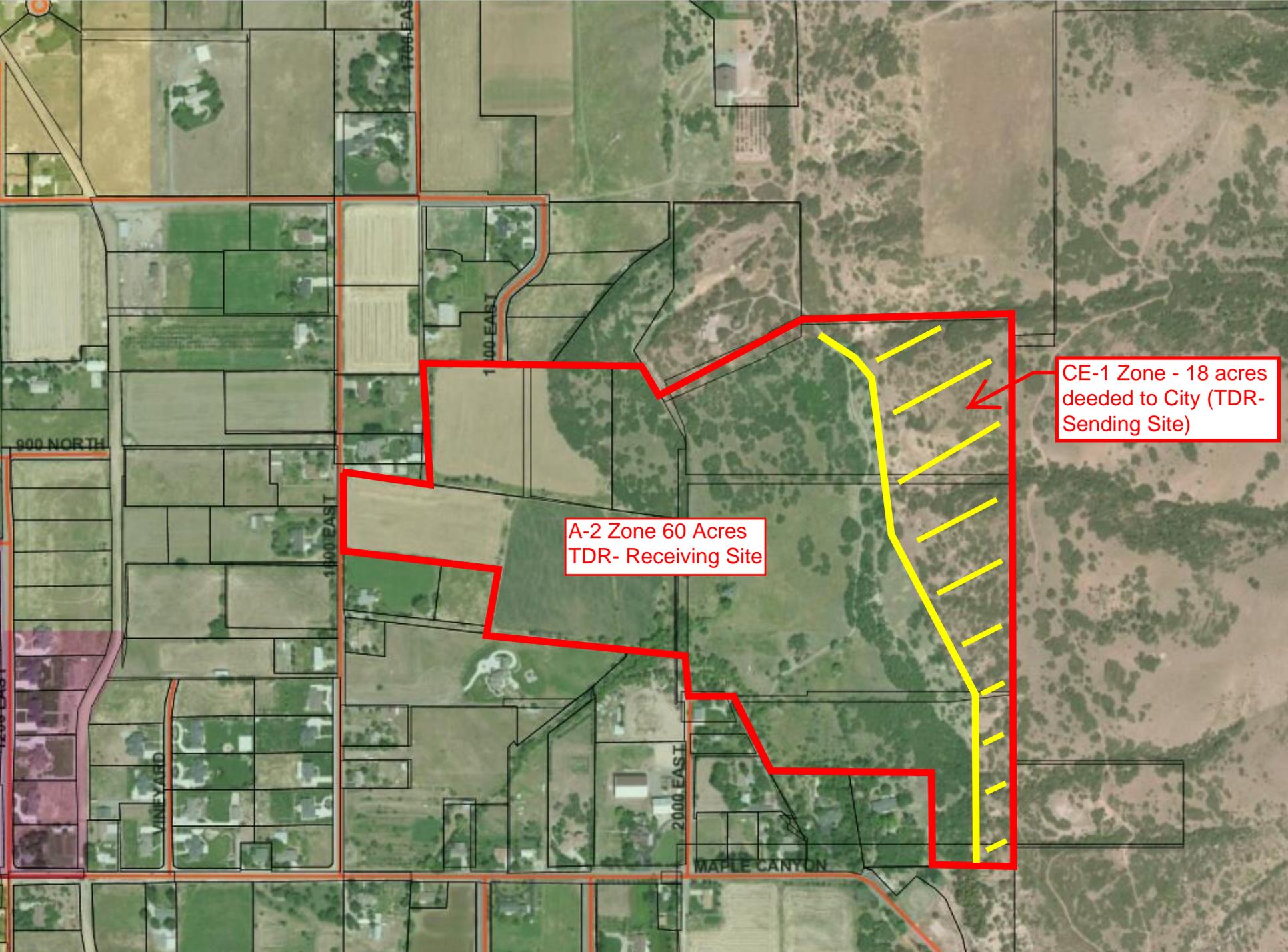
**Alternative Option:** The Commission could determine that the TDR-S application has expired and recommend that the Council not approve it. Under this alternative, a TDR-R still could be approved for the 60 acres in the A-2 zone. The downside to this option is that the CE-1 property would not be protected 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; and
- 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 RECOMMENDATION**

Recommend approval of a TDR-S Overlay Zone for approximately 18 acres and a TDR-R Overlay Zone for approximately 60 acres to the City Council.



A-2 Zone 60 Acres  
TDR- Receiving Site

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

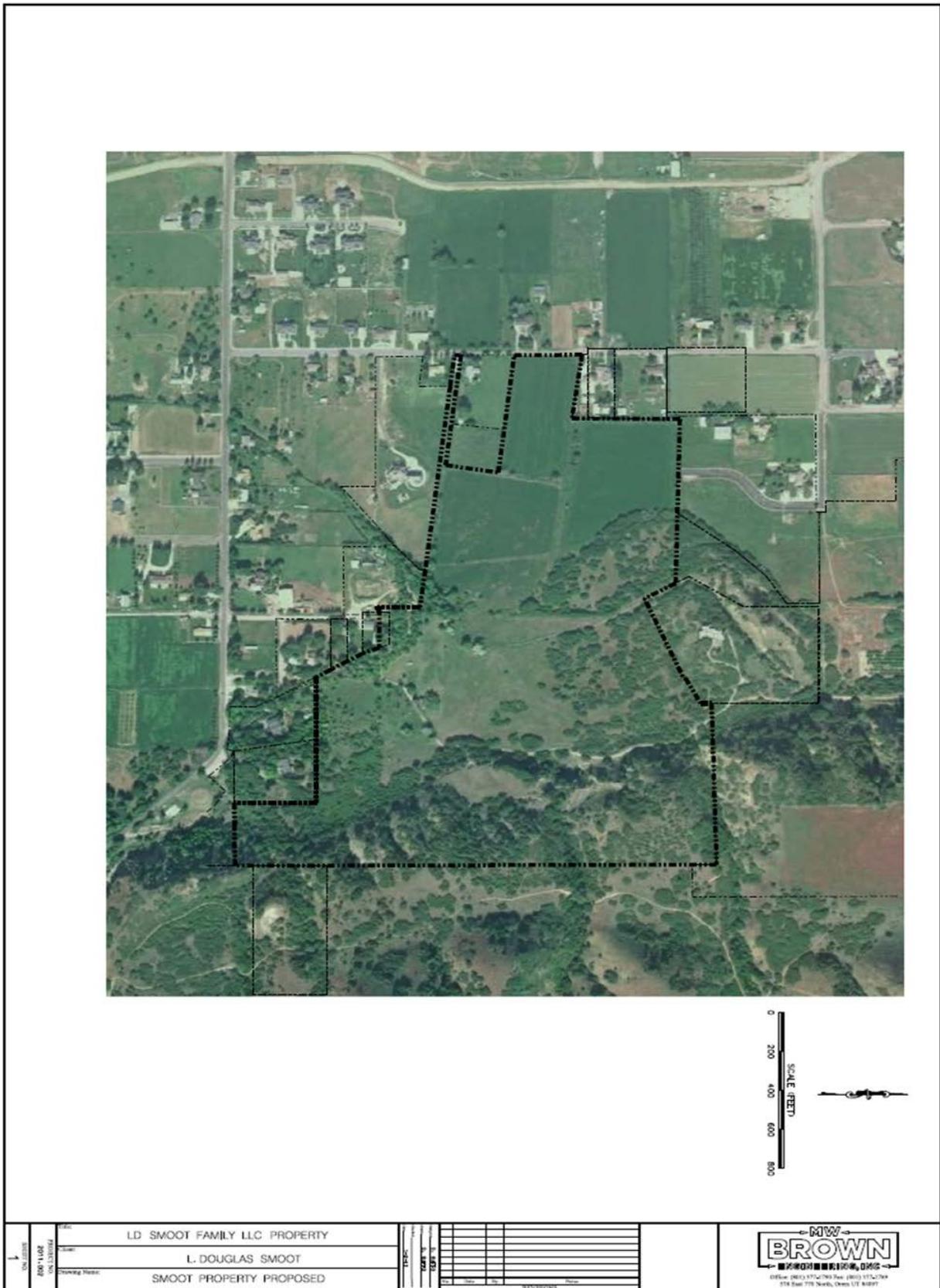


Figure 1. Aerial View of Property with Boundaries Shown

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.

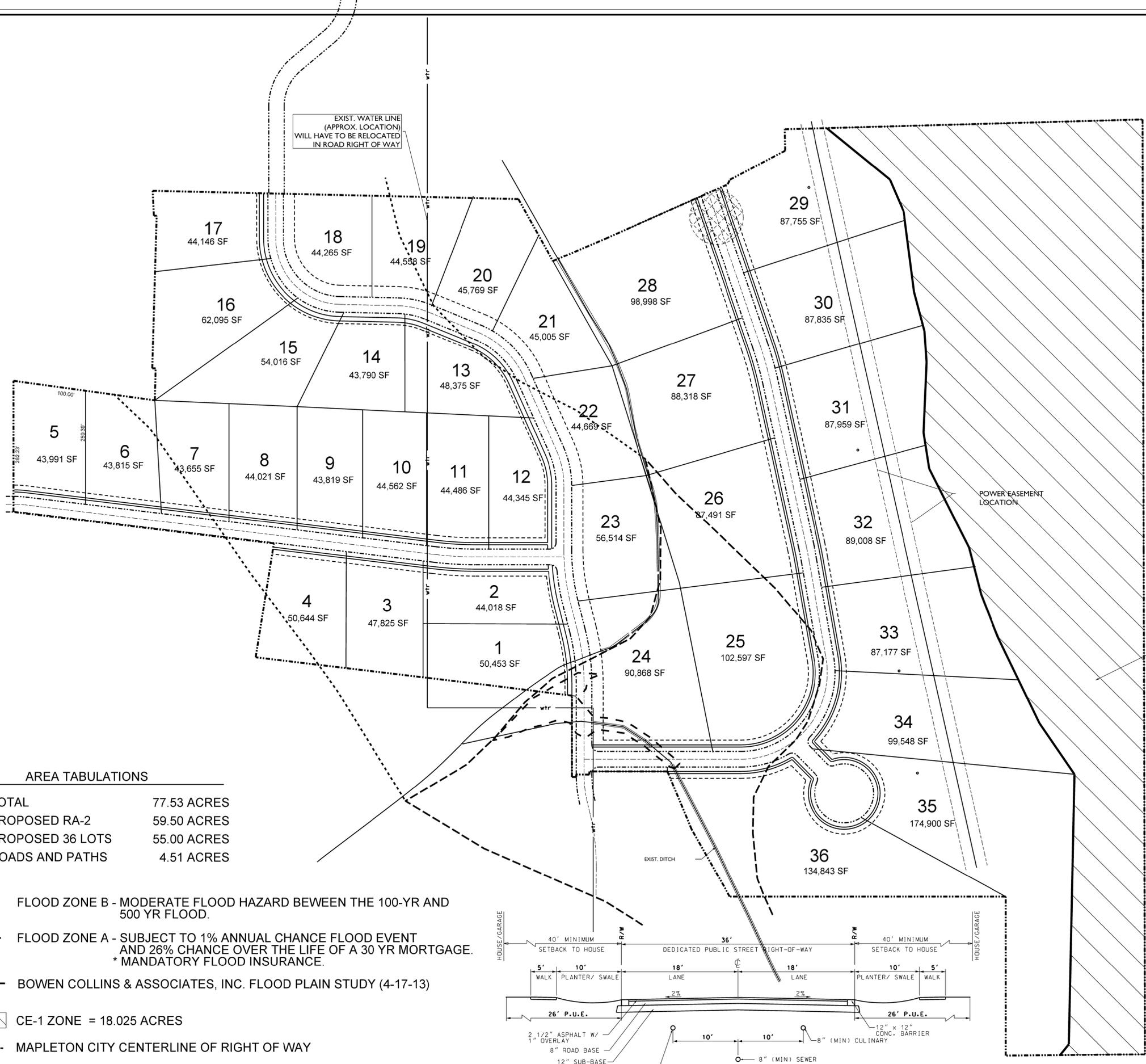
#### **G. Summary**

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

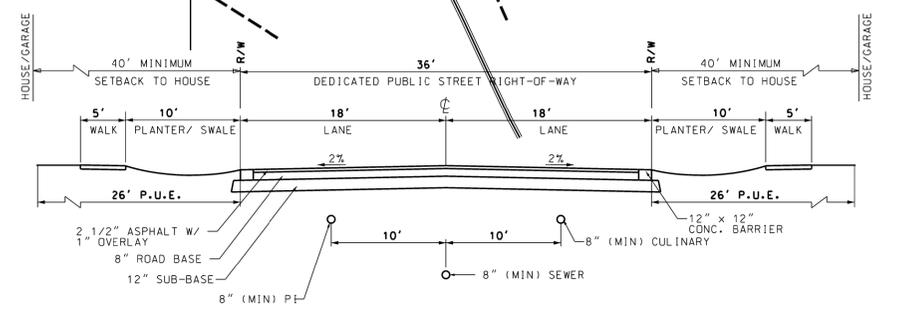


OPEN SPACE HILLSIDE  
(CE-1 ZONE)  
DEDICATED TO MAPLETON CITY  
18.025 ACRES

**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

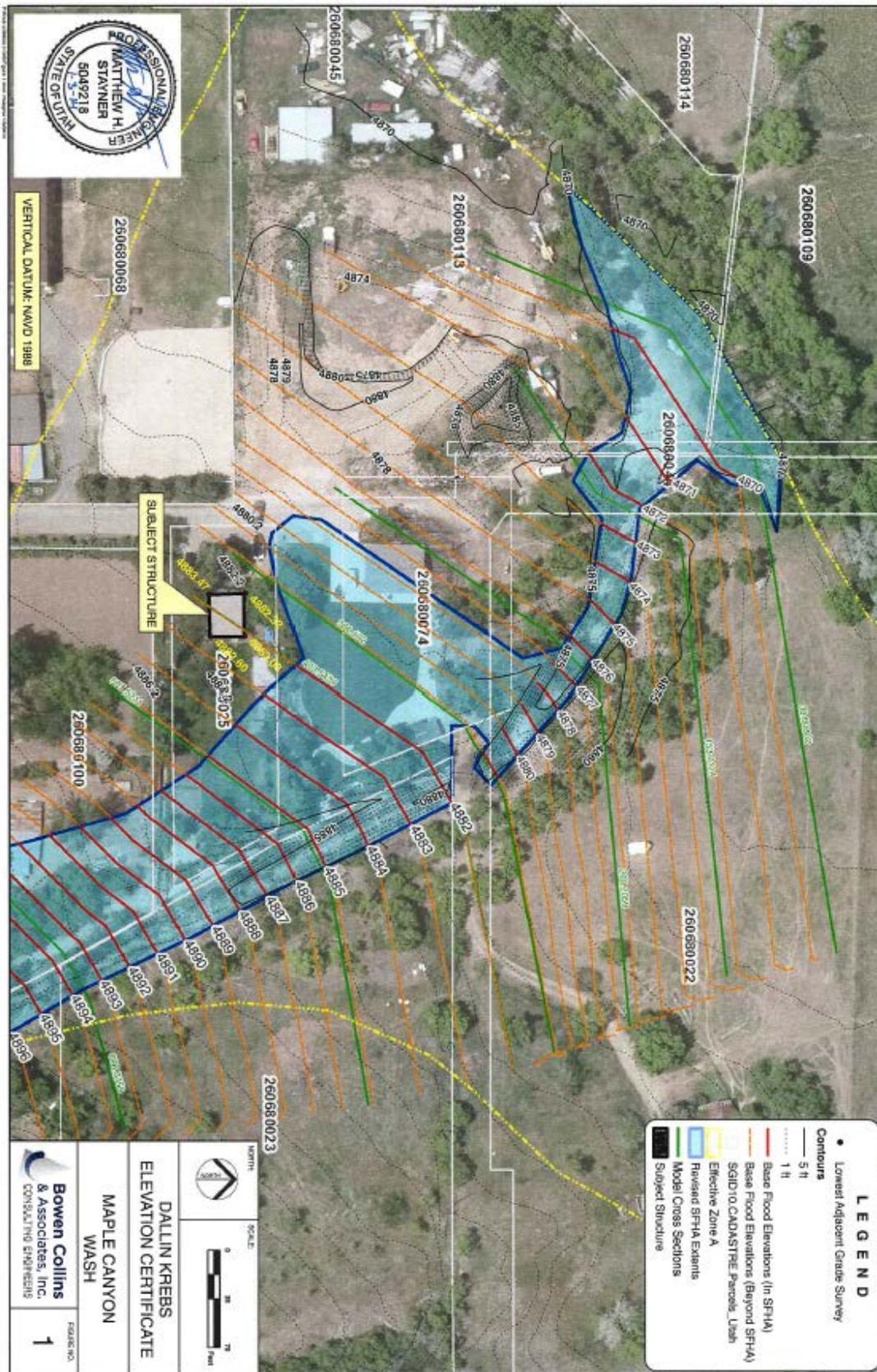


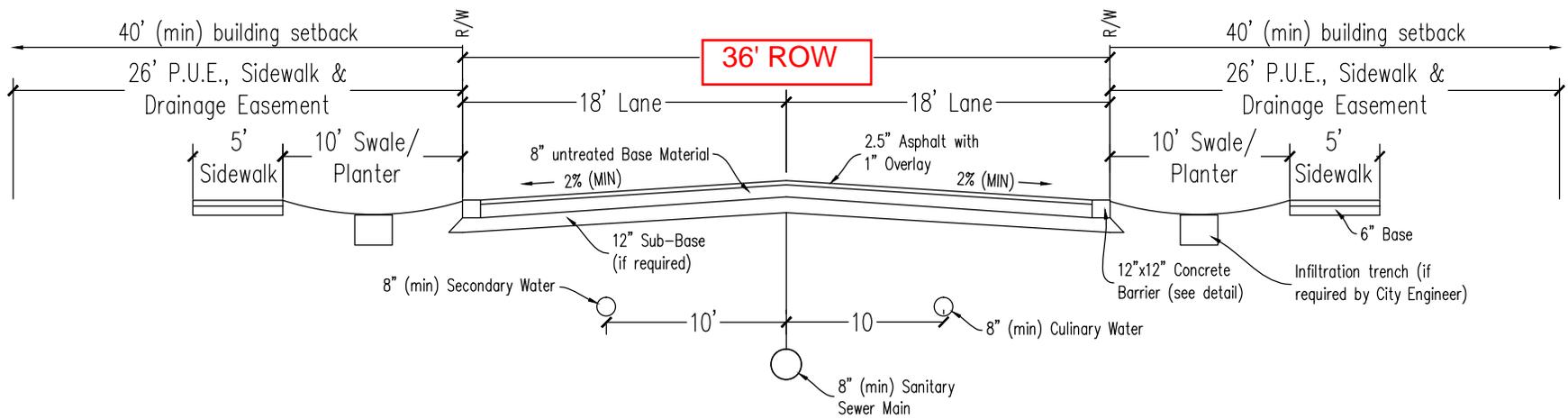
Figure 4. Recent (Jan 3, 2014) Flood Plain Work by Bowen and Collins Associates for Krebs Property. Flood Plain crosses SW corner (less than an acre) of Smoot-Horton property

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