STAFF REPORT

To: Eastern Summit County Planning Commission
From: Amir Caus, County Planner
Date of Meeting: March 5, 2020
Type of Item: Chalk Creek Run Subdivision Rezone and Master Planned Development (MPD) – Public Hearing, Possible Action
Process: Legislative

RECOMMENDATION: Staff is seeking Planning Commission discussion, feedback, and direction on the proposed Chalk Creek Run Subdivision Rezone and Master Planned Development (MPD).

Staff recommends that the Eastern Summit County Planning Commission review the proposed Chalk Creek Run Subdivision Rezone and Master Planned Development (MPD) and conduct a public hearing. The Planning Commission has the option to direct Staff to return to the March 19, 2020 meeting with a set of Findings of Fact and Conclusions of Law to support the Planning Commission’s recommendation to the Summit County Council. The Planning Commission also has the option to direct the applicant to return with additional information to help them in their recommendation to the Summit County Council.

Project Description

Project Name: Chalk Creek Run Subdivision Rezone and MPD
Applicant(s): Courtney Richins
Property Owner(s): Courtney Richins (Parcel CCRKR-1)
Jay Adams, Linda Adams, and Travis Eaglin (Parcel CCRKR-2)
Location: 660 E Chalk Creek Road, Coalville, Summit County, UT
Zone District: AG-5
Parcel Number and Size: CCRKR-1 (9.46 acres) and CCRKR-2 (3.90 acres)
Type of Process: Legislative
Final Land Use Authority: Summit County Council

Proposal

The applicants own the Chalk Creek Run Subdivision, approved as a two-lot subdivision in November of 2017 and are requesting to rezone and further subdivide Parcels CCRKR-1 (9.46 acres) and CCRKR-2 (3.90 acres) for a Master Planned Development.
acres) and CCRKR-2 (3.90 acres) into 5 lots total in a newly configured subdivision (2 lots to 5 lots). Parcels CCRKR-1 (9.46 acres) and CCRKR-2 (3.90 acres) are located in the AG-5 Zone. Per Section 11-4-12(B.2) of the Development Code, the Master Planned Development process is required for any application for a rezone and any application to subdivide at base density resulting in four (4) or more lots or parcels. Thus, in order to further subdivide the Chalk Creek Run Subdivision, the applicant will need to rezone the properties from AG-5 to R-2.5 and will need to complete the MPD process.

**Vicinity Map**

![Vicinity Map](image)

**Background**

The existing 2-lot Chalk Creek Run Subdivision was approved in November of 2017 through the Minor Subdivision process under the previous edition of the Eastern Summit County Development Code. The parent parcel at that time included a ~1.9-acre portion in the Highway Corridor (HC) Zone and a larger ~11-acre portion in the Agriculture Protection Zone (AP). The Development Code at the time allowed for additional density through a provision in which a lawfully created lot of record that is ten (10) acres or larger, not within a previously approved subdivision, may be considered for one additional lot under the minor subdivision review.
process. The applicant wishes to rezone the existing 2-lot subdivision in order to create a total of five lots from the existing two.

The Eastern Summit County Planning Commission held a work session on this proposal on November 9, 2019 (Exhibit E). During the meeting, the Planning Commission expressed reservations regarding the rezone. The Planning Commission suggested the proposal did not fit the character of the Chalk Creek Road neighborhood. An additional Planning Commission concern was that this isolated rezone request has the potential to set a precedent to encourage future rezone requests resulting in changes to the character of the neighborhood.

The applicant has requested that the item be brought back before the Planning Commission.

Analysis and Findings

Per Section 11-5-3(B.1.a) of the Eastern Summit County Development Code; The county council may permit the rezoning of the property only after it has determined that said rezoning is generally consistent with the goals and objectives of the general plan, all other criteria and considerations described in this title, and said action is necessary to promote the public health, safety and welfare of the residents of eastern Summit County.

Additionally, per Section 11-5-3(B.1.c) of the Eastern Summit County Development Code; Approval of an amendment to the zone district map shall not be granted until both the planning commission and county council have reviewed the specific development proposal and determined:

1. The amendment is generally consistent with the goals of the general plan;

Analysis: Discussion Requested. The vision of the Eastern Summit County General Plan states; The goal of this General Plan is to provide an advisory guide to help direct decisions that will affect development, land use patterns, and lifestyles while maintaining the unique identity and rural atmosphere of Eastern Summit County. The goals and desired actions set forth in this document aim to achieve development that matches the available and/planned infrastructure, that permits historic and new land uses to coexist, and that maintains the open country and opportunities that have become the hallmark of Eastern Summit County living. The plan further seeks to set forth land use and administrative changes that create greater predictability and accountability in the development process.

The vision of the Eastern Summit County General Plan further states; The Development Code and Zoning Maps will be used to implement this General Plan in a manner that minimizes inappropriate land uses, that prevents over extension of County services, that increases predictability in development, and that helps preserve or protect natural resources as well as scenic and environmentally sensitive areas.

In order to protect and advance the vision of the Eastern Summit County General Plan, the zoning maps are periodically reviewed and updated. The Eastern Summit County
Planning Commission recommended approval of a comprehensive update to the zone map to the Summit County Council on February 18, 2016. During a series of work sessions and public hearings had by the Summit County Council, the map was further refined and adjusted by the Summit County Council until they voted to approve the final form and format on April 18, 2018 (eff. June 1, 2018). During the same time period, various Development Code text amendments were approved, including adoption of the MPD process (June 14, 2017). The process that allowed the existing two-lot Chalk Creek Run Subdivision was removed, temporarily reinstated and ultimately removed again.

During a work session on March 1, 2018, the County Council asked the Eastern Summit County Planning Commission “to investigate the creation of a 2.5-acre rezone option for properties which may be unintentionally down-zoned as a result of the elimination of the Highway Corridor (HC) Zone.” The Eastern Summit County Planning Commission forwarded a positive recommendation on a proposed Residential 2.5 (R-2.5) Zoning District on March 29, 2018. As part of its recommendation, the Eastern Summit County Planning Commission recommended that only properties in the Agriculture-5 (AG-5) Zone be eligible for a rezone to the Residential-2.5 (R-2.5) Zone.

Staff performed a parcel analysis in the lower Chalk Creek Road area. Three sample groups were taken as part of the analysis. The first group was taken which included the entire rectangular area of the Coalville Annexation Boundary in the Chalk Creek Road area, the second sample included a 2,000 foot buffer from Chalk Creek Road (1,000 feet on each side of the road) within the Coalville Annexation Boundary, and the third sample included a 1,000 foot buffer from the subject property. The property is within one of the densest clusters in the Chalk Creek neighborhood area with an average density of approximately 1 unit per 5 acres. Once the area is expanded, the average density increases to approximately 1 unit per 7 acres. The current Zone Map largely reflects the existing land use pattern and density. The proposed density and land use pattern would not fit within the overall Chalk Creek neighborhood area.

The subject property also falls within the Coalville Annexation Boundary. Coalville’s Future Land Use Map identifies the Chalk Creek area as AG Zone which is 1 unit per 20 acres. NOTE: Staff has forwarded a copy of the proposal to Coalville and have not received any comments.

The current zoning map reflects the density, agriculture, uses, and limited infrastructure in the Chalk Creek Road area. The proposal, however, follows more closely a suburban development pattern in a rural area with limited infrastructure. The proposal would result in a land use pattern that does not maintain the unique identity and rural atmosphere of Eastern Summit County. The proposal would not maintain the “open country and opportunities that have become the hallmark of Eastern Summit County living.” The proposal fails to achieve the vision and goals of the Eastern Summit County General Plan.
2. The amendment is compatible with adjacent land uses and will not be overly burdensome on the local community;

**Analysis: Discussion Requested.** Goal 2.1(e) of the Eastern Summit County General Plan states; *Identify existing land uses, land use patterns, agricultural lands, environmental constraints, and other factors as appropriate to aid in land use decisions.* Another of the goals of the Eastern Summit County General Plan is to; *Create, modify, and maintain appropriate zone districts to accommodate a variety of uses while recognizing and respecting existing land use patterns.*

The proposed development density and layout do not conform to the recently adopted Zone Map and deviates from the typical area land use pattern in the Chalk Creek Road area. There is not a similar development pattern adjacent to this property.

During discussion with the applicant at the November 7, 2019 meeting, the Planning Commission appeared to reach consensus that there were no similarly dense subdivisions or development pattern in the Chalk Creek area and therefore the development is not compatible with the adjacent land uses.

3. The specific development plan is in compliance with all applicable standards and criteria for approval as described in chapter 4 of this title; and

**Analysis: Discussion Requested.** The following are the applicable standards and criteria of the Eastern Summit County Development Code Chapter 4;

<table>
<thead>
<tr>
<th>Code Requirement</th>
<th>Analysis</th>
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<tbody>
<tr>
<td>Lot/Parcel Requirement for Development, Subdivisions and/or Uses</td>
<td>Both lots within the existing 2-lot Chalk Creek Run Subdivision are considered Conforming Parcels.</td>
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<tr>
<td>Permits Required</td>
<td>Per Section 11-4-12(B.2) of the Development Code, the Master Planned Development process is required for any application for a rezone and any application to subdivide at base density resulting in four (4) or more lots or parcels. The applicant is going through the appropriate permits for the proposal.</td>
</tr>
<tr>
<td>General Provisions</td>
<td>The initiation for the proposal has been initiated by submitting the appropriate applications to the Community Development Department.</td>
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<td></td>
<td>Per Section 11-4-4 of the Eastern Summit County Development Code;</td>
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<td></td>
<td>A determination of sufficiency shall not constitute a determination of compliance with the substantive requirements of this title, nor shall it indicate that the information submitted by the applicant is accurate or has</td>
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</table>

Chalk Creek Run Subdivision Rezone and MPD
March 5, 2020
been verified. Additional information may be required at a later date throughout the approval process.

All development permits shall be conditioned so that no final action shall be issued on the subject property until all outstanding and current Property Taxes have been paid.

The Community Development Director is the delegated authority to make administrative interpretations of this chapter and to provide such guidance as is necessary to applicants for development, subdivision, and/or land use activity approvals consistent with and in furtherance of this chapter.

Any person adversely affected by an administrative interpretation of this chapter may appeal such interpretation to the County Council, in accordance with the appeals procedures set forth in section 11-7-16 of this title.

Master Planned Developments

Per Section 11-4-12(B.2), the Master Planned Development process is required for any application for a rezone and any application to subdivide at base density resulting in four (4) or more lots or parcels.

See MPD analysis in section below.

Per Section 10-4-5(C) Subdivisions Consisting of Four Or More Lots, Criteria For Approval: Before a subdivision can be approved; it must conform to all of the following criteria:

a. All of the land required for the density needed to create the lots within the subdivision, including a remnant parcel, which on its own would not be large enough to qualify for any density, shall be contained within the boundaries of the final subdivision plat, and any remnant parcel shall bear a plat note stating that no density exists on such remnant parcel until such time (if ever) as the zone is changed to permit additional density rights and the remnant parcel is, if necessary, re-subdivided in accordance with this chapter; or the remnant parcel is otherwise vacated from the final subdivision plat for the purposes of a parcel boundary adjustment, which shall constitute good cause thereof under State law.

   Analysis: If the Rezone and the MPD are approved, the applicant is proposing to contain the entire land area used for the rezone within the subdivision.

b. In the event that the parcel(s) being subdivided contain more land than that which is needed to establish the density for the subdivision, such remainder parcel(s) do not need to be included within the boundaries of the final subdivision plat if each of such remainder parcel(s) (or such number of them if contiguous) conform to the minimum size requirement of the applicable zone at the time. In such cases, a certificate executed by the County shall be recorded with the
County Recorder, at the same time as the final subdivision plat is recorded, against the remainder parcel(s) located outside of the final subdivision plat stating that such remainder parcel(s) are conforming parcels pursuant to this chapter.

**Analysis:** No remainder parcels are proposed.

c. Each proposed lot shall have legal access through a recorded right-of-way or easement. The applicant shall demonstrate that adequate access to the property from a public road may be granted by the State or County, whichever is applicable.

**Analysis:** While the Summit County Engineering Department and North Summit Fire District have stated that the minimum requirements are being met, Staff has found that there are minor discrepancies for the internal and external radiuses and driveway turnarounds which will need to be addressed. Staff will require that the revised access be clearly be identified on the plat.

d. Compliance with the development evaluation standards provided in chapter 2 of this title.

**Analysis:** See Chapter 2 analysis is the MPD section below.

e. Compliance with the infrastructure standards in chapter 6 of this title.

**Analysis:** See Chapter 6 analysis is the MPD section below.

f. If the subdivision includes any land located within one hundred feet (100’) of the center line of a canal, the Community Development Director shall:

(1) Within thirty (30) days after the day on which the application is filed, notify the canal company or canal operator responsible for the canal, if the canal company or canal owner has provided information under Utah Code Annotated 17-27a-211.

(2) Wait at least ten (10) days after the day on which the Community Development Director notifies a canal company or canal operator to approve, approve with conditions or reject the final subdivision plat.

**Analysis:** **Complies.** Staff has not identified any canals within 100 feet of the center line of a canal.

g. The minimum lot size for new lots created through this process will meet the minimum lot size requirements for the applicable zone.

**Analysis:** **Complies.** The minimum lot size in both AG-5 A and R-2.5 zones is 1 acre. The proposed lot sizes range from 1.6 to 3.9 acres.

h. A positive recommendation from the Eastern Summit County Water Conservation Special Service District on the proposed wastewater system.
Analysis: **Complies.** The Eastern Summit County Water Conservation Special Service District has forwarded a positive recommendation to the County Manager who subsequently approved the use of individual septic systems for the proposed subdivision.

i. In the case of a subdivision with between four (4) and ten (10) lots, approval from the County Manager for the proposed wastewater system. In the case of a subdivision with more than ten (10) lots, approval from the County Council for the proposed wastewater system.

Analysis: **Complies.** After a positive recommendation from the Eastern Summit County Water Conservation Special Service District, the County Manager subsequently approved the use of individual septic systems for the proposed subdivision.

j. Proof that the taxes for the applicable property have been paid.

Analysis: **Complies.** According to the Summit County Assessor’s Office, taxes have been paid for this property. The Summit County Assessor does not sign off on final plats for which land taxes have not been paid fully.

k. Compliance with all applicable County regulations.

Analysis: Staff has included the applicable analysis for this proposal throughout this report. All compliance will need to be verified prior to approval.

4. The amendment does not adversely affect the public health, safety and general welfare.

Analysis: **Discussion Requested.** Staff has no reason to find immediate physical harm to the community. However, in order to maintain the health, safety, and welfare of the community, the Eastern Summit County Development Code and Eastern Summit County General Plan provide the policy framework and development standards which include regulations that would prohibit unsuitable development.

Staff is seeking discussion from the Planning Commission on whether they find that the applicant has demonstrated that the proposal “is necessary to promote the public health, safety and welfare of the residents of eastern Summit County” as per Section 11-5-3(B.1.a) of the Eastern Summit County Development Code.

**NOTE:** The applicant has provided a Narrative of the Rezone Criteria which can be found in Exhibit B of this Staff Report.

**Master Planned Development (MPD)**

Per Section 11-4-12(B.2), the Master Planned Development process is required for any application for a rezone and any application to subdivide at base density resulting in four (4) or more lots or parcels.
MPD Requirements: All applications for a master planned development shall meet the following minimum requirements. Additional project information necessary for the project analysis may be required at the discretion of the Community Development Director, Planning Commission, or County Council.

NOTE: As part of the Staff Analysis below, Staff has included the applicant’s MPD narrative in its entirety.

1. Density: The maximum density permitted on the project site will be determined as a result of a site analysis. The maximum density shall not exceed that set forth in the proposed or existing zone, except as otherwise provided in this section. In cases where a project site contains more than one (1) zone, the County Council may permit the clustering of density irrespective of zone boundaries so long as the relocation results in the project advancing the goals set forth in the General Plan.

   Analysis: Complies if Rezone is Approved. The applicant has stated; “Look to the site map for proper density description.”

   Parcels CCRKR-1 (9.46 acres) and CCRKR-2 (3.90 acres) are in the AG-5 Zone. The applicant is proposing to rezone the properties to AG-2.5 Zone in order to further subdivide the Chalk Creek Run Subdivision. Should the rezone be approved, the applicant would qualify for three additional lots (5 lots total) in the subdivision. Based on Staff’s rezone analysis, the applicant does not meet all the prerequisites for a rezone, therefore the applicant’s request is beyond that of maximum density permitted.

2. Density Bonus: A density bonus may be permitted in accordance with appendix B of this title.

   Analysis: The applicant has stated; “N/A”

   The applicant is not seeking a Density Bonus.

3. Setbacks: Discussion Requested. The minimum setback around the exterior boundary of an MPD shall match the setbacks of the more restrictive/larger abutting zone setback. In some cases, that setback may be increased to create an adequate buffer to adjacent uses. The County Council may reduce or increase setbacks within the project from those otherwise required provided the project meets minimum Building Code and Fire Code requirements and can demonstrate that such change:

   a. Maximizes agricultural land or open space; and/or
   b. Avoids important natural features of the site.

   Analysis: The applicant has stated; “Look to site map for the suggested setback. There are no natural features that will need to be avoided.”
The applicant has not identified any setbacks or building pads. Staff will enforce the setbacks as set forth in the Eastern Summit County Development Code.

The applicant is not providing the minimum 10% open space requirement. The open space will need an additional 0.02 acres.

The proposed project layout would not leave any meaningful preservation of agricultural land. The applicant is not requesting to deviate from the development code setback requirements.

The applicant has identified a floodplain on the proposed plat. The County Engineer approved the previously recorded and the current iteration of the subdivision. The newly constructed home and accessory structures on Parcel CCRKR-2 have all been located outside of the identified floodplain. All structures on Lot 5 will need to be located outside of the identified floodplain. The Planning Commission may wish to discuss whether or not to require that a building pad be outlined outside of the floodplain on the proposed Lots 1 and 5.

4. Building Height: The maximum building height for all structures within a master planned development shall not exceed the zone standard. The County Council may grant additional building height beyond the maximum zone standard up to forty-five feet (45’) based on demonstrated good cause related, but not limited to, structured parking, affordable housing, deed restricted open space, community outdoor common area improvements or superior architectural design.

**Analysis:** The applicant has stated;

“we will include the height restriction in each contract. At this time there aren’t any housing plans to review, thus future progress will include this action.”

Staff will enforce the 32-foot height limit in the development code.

5. Reduction of Minimum Lot Size Requirements: **Discussion Requested.** The County Council may reduce the minimum lot size specified in a zone if it finds the proposed decrease in minimum lot size improves the site design, clustering of buildings, and/or preservation of agricultural land or open space.

**Analysis:** The applicant has stated;

“Look to Site map for description of lot size”

The property has historically been used as a hay field. The applicant is proposing lot sizes which range from 1.6 acres to 3.9 acres. Staff requests discussion on this matter as the proposed project design appears to leave little meaningful preservation of agricultural land, open space or open lands.

While the applicant is not seeking a reduction in lot size requirements, the minimum lot size in both the AG-5 and R-2.5 is one (1) acre. By reducing the lot sizes and clustering the
lots, there would be a significant reduction in loss of agricultural land and an overall increase in open space.

Staff recommends that the Planning Commission consider if a decrease in lot size would improve the site design, clustering of buildings, and/or preservation of agricultural land or open space.

6. Open Space: **Does Not Comply; Discussion Requested.** Master planned developments shall provide for open space of at least ten percent (10%) of the site area.

**Analysis:** The applicant has stated;

“Look to site map for open space location, as found in Appendix B- Master Plan Development Deed Restricted Open Space Land Calculations, the area qualifies as Deed restricted open space land consists of land in a subdivision or MPD that is left undeveloped and is deed restricted for public or private agricultural, scenic, or recreational purposes.”

The applicant is not providing the minimum 10% open space requirement. The open space will need an additional 0.02 acres.

Additionally, Per Appendix B of the MPD; **No more than 50% of the required deed restricted open space can consist of undevelopable lands.** The applicant is proposing to locate a ~0.89-acre area (66%) of the open space within the 100-foot stream setback. As per the analysis in the Reduction of Minimum Lot Size Requirements section above, the applicant is able to cluster the lots which would result in minimal loss of agricultural land and a significant increase in the open space.

After the open space has been resolved, Staff recommends that a note be placed on the plat which states that no development is permitted on the open space.

7. Off-Street Parking: **Complies.** Master planned developments shall have a minimum 2 spaces per single family dwelling unit:

**Analysis:** The applicant has stated;

“The parking standards shall be met. Due to the unknown location of each single family dwelling the parking locations have not been included in the site map, but will be included in the purchaser contract.”

The applicant has confirmed that the proposed lots are for single family dwelling uses only. Parking requirements are going to be enforced during the building permit review. Due to the large lot sizes, Staff does not anticipate any minimum parking issues.

8. Designing with The Topography: **Discussion Requested.** Master planned developments shall be designed to fit into the topography of the site. The County Council may consider flexibility in the siting of development so as to best fit into the natural terrain, minimize excessive site grading and mitigate impacts on the natural environment and resources of the surrounding...
area. The project design shall demonstrate the preservation of watercourses, drainage areas, wooded areas, rough terrain and similar natural features and areas.

**Analysis:** The applicant has stated;

“The location that is proposed for development is currently a hay field with no natural features being disturbed. There is a slight fall elevation towards the river (look to site map for reference) but minimal impact will be required.”

The site is gently sloping with a small drop off toward Chalk Creek. The Engineering Department has reviewed the floodplain and has stated that the minimum requirements are being met. All development will be subject to compliance with floodplain standards.

Staff recommends that the Planning Commission consider Staff’s analysis above on reducing lot sizes. In addition to helping preserve viable agricultural land and increase open space, the reduction in lot size would also protect the watercourses, drainage areas, and would result in better stormwater management which would help further public health, safety, and welfare.

9. Designing with Adjacent Uses: **Discussion Requested.** The master planned development plan shall take adjacent land uses into consideration. Development along the project perimeter shall adequately mitigate any potentially adverse effects, including but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers and nuisances.

**Analysis:** The applicant has stated;

“The location proposed neither sits higher or lower than adjacent land, therefore with the idea of minimal impact as previously mentioned the area will not likely effect adjacent locations. During construction phase there will be erosion barriers in place, in the event of an unforeseen event.”

The adjacent uses are highway corridor development which primarily consist of agricultural parcels with single family residences located within 250 feet from Chalk Creek Road. While there are lots/parcels that are similar in size to the proposed lots, these are the result of the typical highway corridor design that placed smaller development parcels on the highway and large agricultural parcels in the back of the property.

The proposed development deviates from the typical area land use pattern in the Chalk Creek Road area. There is not a similar development pattern adjacent to this property.

During discussion with the applicant at the November 7, 2019 meeting, the Planning Commission expressed concern that there were no similarly dense subdivisions or development pattern in the Chalk Creek area and therefore the development is not compatible with the adjacent land uses.

10. Access: All master planned developments shall have vehicular access from a public road. All projects shall have a secondary point of access/emergency access unless otherwise mitigated to
the satisfaction of the County Engineer and/or Fire Marshal. All roads/streets shall follow the natural contours of the site wherever possible to minimize the amount of grading.

**Analysis:** The applicant has stated;

"Look to Site Map for vehicular access from a public road."

The applicant proposes a single driveway that can service all five lots. Proposed Lot 2 has an existing single-family residence built in 1914 which has an existing access to Chalk Creek Road. Both the County Engineer and Fire Marshal have stated that the proposed design is acceptable. The previously mentioned internal and external radius and turnaround items will need to be resolved prior to approval.

11. **Utilities:** More Information Needed. Existing or proposed utilities, including private and public services for master planned developments will be adequate to support the proposed project at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources. Unless otherwise permitted by this chapter, all master planned developments shall comply with all requisite infrastructure standards found in chapter 6 of this title.

**Note:** The applicant did not elaborate on how they believe they meet this requirement.

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<tr>
<th>Code Requirement</th>
<th>Analysis</th>
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<tbody>
<tr>
<td><strong>Fire Protection Standards</strong></td>
<td>The proposed development is located in the Wildland Urban Interface zone.</td>
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<tr>
<td></td>
<td>The North Summit Fire District has forwarded a letter of support.</td>
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<tr>
<td><strong>Wildfire Hazard Guidelines</strong></td>
<td>The proposed property is mostly vegetated by agricultural grasses.</td>
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<td>The property will be serviced by the North Summit Fire Station in Coalville which is approximately 2.1 miles from the property.</td>
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<tr>
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<td>If required, the fuel break limits shall be determined by the North Summit Fire District.</td>
</tr>
<tr>
<td><strong>Road Standards</strong></td>
<td>The applicant is proposing to access all five lots from a private driveway which is allowed. All County Engineering standards will need to be met prior to issuance of future building permits.</td>
</tr>
<tr>
<td><strong>Road Grades</strong></td>
<td>The applicant is not proposing any new roads, only a private driveway to service the five lots.</td>
</tr>
<tr>
<td><strong>Intersections</strong></td>
<td>The applicant is proposing to use a previously approved, existing access off Chalk Creek Road.</td>
</tr>
<tr>
<td><strong>Turnaround/Cul-De-Sacs</strong></td>
<td>The North Summit Fire District has stated that the proposed change would have little impact on North</td>
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</table>
Summit Fire District.

Although the North Summit Fire District has forwarded a letter of support, the driveway as proposed would not meet the Wildland Urban Interface (WUI) 2006 Section 403 Access standard which requires driveway turnarounds to have a minimum of 30 feet.

The applicant is currently identifying less than the minimum required. Corrections of this will likely result in boundary adjustments on the proposed lots.

<table>
<thead>
<tr>
<th>Bridges and Culverts</th>
<th>Bridges and culverts are not being proposed.</th>
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<tbody>
<tr>
<td>Driveway Access</td>
<td>Due to relatively flat nature of the site, the applicant can improve the private driveway access to meet Engineering standards.</td>
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<tr>
<td>Irrigation Ditch Easements</td>
<td>There are no operating irrigation ditches on the property.</td>
</tr>
<tr>
<td>Water Storage for Firefighting Purposes</td>
<td>The North Summit Fire Department has forwarded a letter of support.</td>
</tr>
<tr>
<td>Revised Standards Applicable</td>
<td>The proposed development is subject to general engineering standards and ordinances which are in effect at the time the application is submitted for review and approval by the County.</td>
</tr>
<tr>
<td>Appeals</td>
<td>Appeals of requirements imposed by the North Summit Fire District and the Wildland Fire District (Summit County Fire Warden) are made to the Summit County Council pursuant to the appeals procedure identified in section 11-7-16 of this title.</td>
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12. Building Locations: **Discussion Requested.** All buildings shall be located to avoid, to the extent practicable, wetlands, riparian areas, steep slopes and ridgelines. Building locations and associated lot configurations should be oriented to encourage active and passive solar design principles wherever practicable.

**Analysis:** The applicant has stated;

“Look to Site Map for reference to existing building locations, and reference step 8 and 9 for area description”

The property includes Chalk Creek, a sensitive land (Critical Area) on the southern portion of the property. A significant portion of the land is within the floodplain, a sensitive land (Critical Area). There are adequate development areas outside of sensitive lands. The Planning Commission may wish to discuss whether or not to require that a building pad be outlined outside of the floodplain on the proposed Lots 1 and 5.
All lots are facing south and/or west and will have the opportunity for active and passive solar design. Staff recommends a plat note which requires that homes be oriented and designed to allow for passive solar opportunities.

13. Connectivity: Discussion Requested. Internal and external vehicular/pedestrian/bicycle circulation should be demonstrated at the time of application as deemed necessary by the County Council. Pedestrian/equestrian/bicycle circulation should be separated from vehicular circulation wherever reasonable.

Analysis: The applicant has stated;
“due to the location consisting of private roadways and the existing county pedestrian/bicycle infrastructure, the connectivity seems consistent with existing surrounding areas.”

The applicant is proposing a 5-foot wide asphalt trail along the Chalk Creek. The applicant has not specified who will make the trail improvement. The applicant has also not specified when the trail improvement will take place. A portion of the asphalt trail runs through Lot 1, a privately owned property. The applicant has not provided information on how access will be guaranteed. The applicant has also not indicated how future maintenance will be handled.

Staff has concerns that there is not an improved access to the asphalt trail. The applicant is proposing to provide a trail easement within the 10-foot wide Public Utility Easement; however, the applicant is not proposing to improve the connection to the trail. Staff is also requesting that the trail easement areas be further clarified to identify it from start to finish. Staff also recommends discussion on alternatives to asphalt. For example, crusher-fine/gravel may be easier to maintain and is horse friendly.

There are no designated external vehicular/pedestrian/bicycle modes of circulation. Staff is seeking direction on how this requirement could be met.

14. Snow Storage: Complies. Master planned developments shall include adequate areas for snow removal and snow storage. An appropriate form of landscaping plan shall allow for snow storage areas. Structures shall be set back from any hard surfaces so as to provide adequate areas to remove and store snow. The assumption is that snow should be able to be stored on site and not removed to an off-site location.

Analysis: The applicant has stated;
“look to site map for adequate set back. Due to the size and location of the lots the snow can be stored in the grass locations on the sides the private road ways. Therefore, the location does provide sufficient areas for snow removal and storage.”

Due to the size of the lots, there is adequate snow storage area.
15. **Outdoor Lighting**: **Complies.** All outdoor lighting shall be down directed and fully shielded. All outdoor lighting shall be designed and installed to prevent light trespass on adjacent properties. Lighting of the United States flag is exempt from this provision.

**Analysis**: The applicant has stated;

“Existing lighting is in accordance to this proposal, and necessary steps will be taken in the future contracts with private home owners”

County lighting requirements are going to be enforced during the building permit review.

16. **Compliance with Development Evaluation Standards**: **Discussion Requested.** Unless otherwise permitted by this chapter, all master planned developments shall comply with all requisite development evaluation standards found in Chapter 2 of the Eastern Summit County Development Code.

**NOTE**: The applicant did not elaborate on how they believe they meet this requirement.

<table>
<thead>
<tr>
<th>Code Requirement</th>
<th>Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agriculture</strong></td>
<td></td>
</tr>
<tr>
<td>Non-agricultural development shall not be approved without appropriate plat notes.</td>
<td>The applicant has placed the following note (as required) on the plat; <em>The owners of property within Eastern Summit County recognize the importance of agricultural lands and operations and small rural business enterprises. It is recognized that agricultural lands and operations and rural business enterprises have unique operating characteristics that must be respected. (Owners of each lot platted in this subdivision/the owner of the residence constructed upon this lot) have/has been given notice and recognizes that there are active agriculture lands and operations and rural business enterprises within Eastern Summit County and acknowledges and accepts that, so long as such lands and operations exist, there may be dust, noise, odor, prolonged work hours, use of roadways for the purposes of herding/moving animals, and other attributes associated with normal agricultural operations and rural businesses.</em></td>
</tr>
<tr>
<td>Fencing</td>
<td>All State of Utah fencing laws will need to be complied with should new fencing be proposed.</td>
</tr>
<tr>
<td>Preservation of Agricultural Land</td>
<td>The proposal results in loss of existing productive agricultural land.</td>
</tr>
<tr>
<td></td>
<td>Staff is requesting discussion on the development layout and whether the development can preserve productive agricultural land to the extent possible and practical.</td>
</tr>
<tr>
<td><strong>Irrigation Patterns and Systems</strong></td>
<td>The proposed development does not appear to impede existing irrigation patterns and systems other than the existing agricultural operation on the property.</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Water and Sewage</strong></td>
<td>The applicant has provided a Will-Serve letter from the Cluff Ward Pipeline Company.</td>
</tr>
</tbody>
</table>
| The applicant shall submit documentation indicating what type of water system shall be utilized within the subdivision. | NOTE DISCREPANCY: The applicant has included the following note on the plat; *Water has not been approved for this site. It shall be the responsibility of each lot owner to demonstrate that water of adequate quantity [sic] is available for each lot prior to the issuance of a building permit. This shall be accomplished with a memorandum of decision from the state engineer [sic] for a private well or a written commitment from a municipality of private service company.*  
Staff requests that this note be deleted and that a note be added to reflect the actual water provider. |
| No development shall be approved in the vicinity of existing well and spring protection zones which are used for domestic purposes without a contained sewage system. | Piped culinary water is available via the Cluff Ward Pipeline Company. The Summit County Health Department will monitor further requirements as part of the Building Permit review.  
See Staff’s water company note request above. |
| No development shall be approved without suitable sewage treatment capacity point of discharge and dependability for the specific use. | The applicant is proposing individual septic systems. The Eastern Summit County Sewer Advisory Committee forwarded the approval of the proposed septic systems to the County Manager who subsequently approved the proposal.  
The applicant has not indicated whether these lots will be pre-stubbed for future sewer system connections. |
| **Natural Resources** | Permitting for grading and construction will be required prior to development. |
| Development shall not contribute to the acceleration of the erosion of soil and rock and stream sedimentation. | Building pads to identify development areas are not being proposed. The proposed subdivision is not located on a prominent hillside. |
| Development shall minimize the highly visible placement of homes on hillsides. It should be sensitively sited. | Development is discouraged in a 100-year floodplain. Portions of the property are located within the FEMA 100-year floodplain. The County Engineer approved the previously recorded and the current iteration of the |
| Development is discouraged in a 100-year floodplain. | |
subdivision. The newly constructed home and accessory structures on Parcel CCRKR-2 have all been located outside of the identified floodplain. All structures on Lot 5 will need to be located outside of the identified floodplain. Staff has suggested earlier that it would not be unreasonable for the Planning Commission to require that a building pad be outlined outside of the floodplain on the proposed Lots 1 and 5.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>No development is permitted in wetlands.</td>
<td>There are no designated wetlands present on this property.</td>
</tr>
<tr>
<td>No development is permitted on slopes in excess of 30%.</td>
<td>There are adequate development areas outside of 30% slopes.</td>
</tr>
<tr>
<td>Development shall not be placed on any hillside or ridgetop that causes a structure to extend into the skyline as viewed from public roadways.</td>
<td>Due to the low elevation compared to the adjacent ridgetops, Staff is not anticipating structures to extend into the skyline.</td>
</tr>
<tr>
<td>Development shall not contribute significantly to the degradation of air quality.</td>
<td>Staff does not anticipate significant unregulated contribution to the degradation of air quality. Compliance will be verified during the Building Permit process.</td>
</tr>
</tbody>
</table>

**Infrastructure/Facilities/Services**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>No development shall cause the traffic volume on any public road to fall below the design capacity of the roadway.</td>
<td>Based on the Summit County Engineering Department review, the addition of three lots will not cause the traffic volume on Chalk Creek Road to fall below the design capacity.</td>
</tr>
<tr>
<td>Development that presents an unusual fire hazard which is beyond the capability of the fire district will not be approved.</td>
<td>The North Summit Fire District has reviewed the proposal and has forwarded a letter of support.</td>
</tr>
<tr>
<td>Development in remote locations that could affect emergency services will not be approved.</td>
<td>The proposed subdivision has year-round access and is not located in a remote area.</td>
</tr>
<tr>
<td>Residential development with private roads will not be approved if there is a locked gate at the entrance, unless emergency services have access to the property.</td>
<td>The applicant has stated that they are not proposing gates.</td>
</tr>
</tbody>
</table>

17. Site Design Narrative: **Discussion Requested.** An application for a master planned development shall include a written explanation of how the project plan addresses the following design questions:

Chalk Creek Run Subdivision Rezone and MPD
March 5, 2020
Note: The applicant did not elaborate on how they believe they meet this requirement.

a. Neighborhood Connectivity: How does the proposed development interconnect and the surrounding properties, neighborhood, and area? Including but not limited to:

(1) Where will vehicles enter and exit the site?

Analysis: The applicant is proposing to access all five lots from a private driveway via Chalk Creek Road.

(2) Where will new streets be developed?

Analysis: No new streets proposed.

(3) Is there a need for pedestrian and bicycle routes (including trails and sidewalks) through the project area? If so, how are such needs addressed?

Analysis: The property is 13.36 acres in size. All lots will be accessed via a private shared driveway. The applicant is proposing a 5-foot wide asphalt trail along the Chalk Creek. The applicant is additionally proposing to provide a trail easement within the 10-foot wide Public Utility Easement; however, the applicant is not proposing to improve the connection to the trail.

b. Availability of Neighborhood Facilities and Services: Is the location of the proposed development within reasonable proximity (including walking and biking) to community facilities such as schools, retail centers, parks, etc.?

Analysis: The proposed subdivision is not located near any neighborhood facilities or services within reasonable walking or biking distance. Amenities are available via car in Coalville.

c. Meeting Housing Needs: How does the proposed development advance the community need for a mix of housing types and affordability?

Analysis: Goal 7.1 of the Eastern Summit County General Plan promotes Moderate Income Housing and mix of housing types and availability. The applicant is seeking single-family detached market rate units only and is not placing any deed restrictions. The applicant has stated in their proposal that this subdivision will increase affordability, but other than having more development lots, the applicant has not explained how increased affordability will be achieved. Staff is seeking discussion whether the proposed development advances the community need for a mix of housing types and affordability or whether the request results in a density increase only.
d. Character: What are the architectural design character objectives of the proposed development? How do these design objectives address the local context, climate, and/or community needs?

**Analysis:** The applicant has stated that; *The architectural design character objectives will stay consistent with the surrounding structures. The designs will fill the demand for affordable housing while also staying consistent with agricultural theme found in the area.*

NOTE: There are no specific plat notes which set restrictions or specific design requirements. The requirements would divert to the Eastern Summit County Development Code standards which have no restrictions beyond setbacks and height.

The applicant is not proposing to deed restrict any of the units and they will be market rate units.

e. Site Design: How is the proposed development designed to take advantage of the existing topography, landscape features, trees, wildlife corridors, existing structures, minimize site grading, etc.?

**Analysis:** The applicant has stated that; *The proposed development design is designed in a way to minimize the site impact, while providing a platform that is similar to the surrounding area.* The applicant did not further elaborate how this is being achieved.

Staff also recommends that a note be placed that all fencing be wildlife friendly fencing.

f. Complete Street Design: How is the proposed development street/circulation system designed to accommodate a variety of transportation modes (where appropriate), easy route finding, and safe speeds?

**Analysis:** Chalk Creek neighborhood does not have pedestrian type facilities/amenities. All lots will be accessed via a private shared driveway that is accessed off Chalk Creek Road. The property is in an area with little opportunity for multi-transportation mode.

g. Parking Areas: How does the proposed development balance the need for parking with the need to design parking areas in a manner that minimize visibility, site grading, and exterior lighting?

**Analysis:** The applicant has stated that all single-family homes will have a minimum of two-car garages which will help minimize visibility and provide adequate lighting while not negatively affecting the night skies.

h. Public and Private Outdoor Spaces: What are the proposed development’s need(s) for outdoor space, open space, habitat/wildlife areas, parks, or outdoor amenity areas? How does the proposed development address these needs?
**Analysis:** The applicant proposing to designate 10% open space as required by the MPD process. (NOTE: The open space will need an additional 0.02 acres). The open space is located on the Chalk Creek portion of the property. The applicant has stated that they have no preference on who owns the open space. Staff has requested that the applicant finalize the form of ownership. Should the open space be identified as common open space, this should be reflected on the recorded plat. The applicant is also providing a 5-foot wide asphalt trail along Chalk Creek. Further opportunities such as trail easements connecting to the asphalt trail exist to increase the amenities. The applicant is not proposing to connect the 5-foot wide asphalt trail with any of the identified easements.

i. External Storage: How does the proposed project address needs for garbage collection, equipment storage, etc.?

**Analysis:** The applicant has stated that due to the lot size, there is sufficient area for garbage collection and equipment storage. The applicant has stated that all storage will be required to be indoors and that this would be enforced via CC&Rs. Staff recommends that a note be placed on the plat which prohibits unscreened outdoor storage.

NOTE: The applicant has provided a Narrative of the MPD Requirements which can be found in Exhibit B of this Staff Report.

**Recommendation**

Staff is seeking Planning Commission discussion, feedback, and direction on the proposed Chalk Creek Run Subdivision Rezone and Master Planned Development (MPD).

Staff recommends that the Eastern Summit County Planning Commission review the proposed Chalk Creek Run Subdivision Rezone and Master Planned Development (MPD) and conduct a public hearing. The Planning Commission has the option to direct Staff to return to the March 19, 2020 meeting with a set of Findings of Fact and Conclusions of Law to support the Planning Commission’s recommendation to the Summit County Council. The Planning Commission also has the option to direct the applicant to return with additional information to help them in their recommendation to the Summit County Council.

**Public Notice, Meetings and Comments**

This item was publicly noticed as a public hearing with possible action by the Eastern Summit County Planning Commission. Notice of the public hearing was published in Summit County News. Courtesy postcards were mailed to all property owners within 1,000 feet of the subject Parcel.

As of the date of this report, one public comment has been received. Randy Timm opposes the project due to the proposal not being consistent with the rural setting. Mr. Timm’s letter can be found in Exhibit D.
Attachments

Exhibit A – Existing Chalk Creek Run Subdivision
Exhibit B – Applicant Proposal Letter and Rezone Narrative
Exhibit C – Proposed Plat
Exhibit D – Public Comment
Exhibit E – November 9, 2019 Minutes (DRAFT)
PROPOSAL

I, Courtney Richins, am requesting a re-zone for the Chalk Creek Run Subdivision (Tax ID(s): CCRKR-1, CCRKR-2) comprising of 13.36 acres on Chalk Creek Road. This subdivision is currently in the zone AG-5; accommodating only 2 lots. I am seeking a re-zone to zone R-2.5 which will provide 5 building lots. This re-zone will be done with the intention of providing building lots for individuals that have a desire to reside in an agricultural community but are unable to afford a large piece of land. This re-zone will increase the affordability and allow for the younger generations of families in the Chalk Creek area to remain close to the people they love and contribute to the community in a meaningful way.

Rezone criteria;

1. This proposed rezone development proposal is compliant with the general goals and objectives of the general plan. The general plan was amended to allow for flexibility and change of historical uses over time. Agriculture was moved from the highest priority to one of the many uses available to the property owners. Our proposal supports and enhances the many goals and objectives listed in the Eastern summit county general plan.

2. Proposed rezone development is and will continue to support the adjacent uses

3. The proposed reason development proposal is in compliance with chapter 4 of the eastern summit county code that said parcels one deemed to be legal in status as per the code which makes them eligible to be considered for a rezone development determination. Subdivision action. As per 11/4/12 mpd, both the rezone and the Subdivision development request will adhere to and be processed in accordance.

4. The proposed rezone development does not create a public health safety or general welfare issue. The proposed development meets the criteria associated with the MPD process outlined in the eastern Summit County development code. The said property has frontage, located in an area where culinary water will be provided by a local private/public company Cluff Ward. Waste water will be processed via traditional septic systems which have been approved by the summit county health department.
NOTES

1. Further subdivision of such lots, subject to deed, ingress and egress, and other recorded transfers, shall not be transferred or re-subdivided without the prior written consent of the surveyor and the land user authority, in consultation with the local utility companies.

2. No private well may be drilled within the PUE. Any such well shall be subject to the prior written approval of the utilities with facilities in the PUE.

3. Additional on-site septic tank systems with a capacity of 4,000 gallons or greater are prohibited.

4. All lots within this subdivision must meet all building permit requirements at the time of building permit issuance.

5. The use of conventional septic tanks has been approved at the time of plat recordation, but property owners are still required to remove all structures within the PUE at their own expense. At no time may any permanent structures be placed within the PUE or any other obstruction which interferes with the use or accessibility of the PUE.

6. All owners within the subdivision must meet all building and utility requirements at the time of building permit issuance.

7. This plat and the information contained herein shall be used for the location of proposed construction only and shall not be used for any other purpose. Any construction or development that is not consistent with the approved plat or supplemental information is prohibited.

8. Whenever the plat is not in force, the plat shall remain a provisional plat and shall be returned to the Land Use Authority for approval.

OWNERS DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNER(S) OF THE

PROPERTY HEREIN DESCRIBED, DO HEREBY SELL, TRANSFER AND CONVEY TO THE

COUNTY OF SUMMIT, STATE OF UTAH

AND THEIR HEIRS, EXECUTORS, ADMINISTRATORS, AND PERSONS DERIVING ANY

RIGHT, TITLE, OR INTEREST FROM THEM, THE EASEMENTS HEREIN DESCRIBED AND SHOWN

ON THIS PLAT.

IN WITNESS WHEREOF __________ HAVE HEREUNTO SET ________________ THIS __________ DAY OF

DECEMBER, 2019.

________________________________________

THE FOREGOING CONSENT TO RECORD WAS ACKNOWLEDGED BEFORE ME

THE UNDERSIGNED LIEN HOLDER HEREBY CONSENTS TO THE RECORDATION OF THIS PLAT.

COUNTY OF SUMMIT

STATE OF UTAH

PLAT AS INTENDED FOR PUBLIC USE.

COUNTY RECORDER

AUTHORIZED OFFICIAL

NOTARY PUBLIC

NOTARY PUBLIC

HIGH MOUNTAIN

SURVIVING LLC

PO Box 186

3000 South Heber Road

Gardner, Utah 84028

435-336-4210

EXHIBIT C
Chalk Creek Run Subdivision Rezone
Applicant Courtney Richins
Parcel# CCRKR-1

January 2, 2020

Randy Timm
649 East Border Station Road
Coalville, Ut 84017
Chalk Creek Meadows Lot 2
Purchased April 2017

I chose this property based on zoning AG5 or larger to support my livestock year round.

This rezone is not consistent with the rural setting/general plan. Rezone would set the wrong precedent to future applicants. There are other properties for sale in the same area that are consistent with the correct zoning, why is this applicant any different? One example Cottonwood Acres at 614 E Chalk Creek Lot 1 6.31 Acres and Lot 2 5.50 Acres.

Mr. Richins states rezone is to support younger families yet they have the opportunity to purchase lots in 2 brand new subdivisions located by the Summit County fairgrounds. My opinion is that this request is financially motivated only, with negative effects on existing neighbors and against the Summit County general plan.

Rezone criteria #2 says it supports adjacent uses which is not true, this area is Agricultural 5 not residential 2.5. Three of the 5 Lots of the proposed rezone are below the R 2.5 that was applied for. (Exhibit B Lot 2 1.60 acres, Lot 3 1.60 acres and Lot 4 2.30 acres.)

This proposal is strongly rejected by myself and adjacent neighbors.

Thank you
Randy Timm
EXHIBIT E
MINUTES

EASTERN SUMMIT COUNTY PLANNING COMMISSION

REGULAR MEETING
THURSDAY, NOVEMBER 7, 2019
KAMAS CITY OFFICE
170 NORTH MAIN
KAMAS, UTAH

COMMISSIONERS PRESENT:
Douglas Clyde, Chair
Clinton Benson
Amy Rydalch
Don Sargent
Rich Sonntag
Marion Wheaton
Bill Wilde

STAFF PRESENT:
Peter Barnes– Planning and Zoning Administrator
Amir Caus– County Planner
Jeff Jones– Economic Development
Patrick Putt– Community Development Director
Helen Strachan– County Attorney
Kirsten Whetstone– County Planner
Kathy Lewis– Commission Secretary

The regular meeting of the Eastern Summit County Planning Commission was called to order at 6:00 PM.

REGULAR ITEMS

1. Pledge of Allegiance

2. General Public Input

The general public input session was opened. There were no comments made and the public input session was closed.

4. **Approval of Minutes**

May 16, 2019:

*The minutes were postponed.*

**WORK SESSION**

1. **Discussion** on a proposed Master Planned Development application for the Kelvin Judd Subdivision a 10-lot subdivision located at 1479 S Hoytsville Road (Parcel NS-101-A), Kelvin Judd, applicant– Amir Caus, AICP, County Planner

2. **Discussion** on a proposed Rezone and Master Planned Development applications for the Chalk Creek Run Subdivision, a 5-lot subdivision located at 660 E. Chalk Creek Road, Coalville, Courtney Richins, applicant– Amir Caus, AICP, County Planner

Planner Caus said this application is being processed as a Master Planned Development (MPD) because the application is for a rezone and the creation of a subdivision of four or more lots. A vicinity map was shown of the property and the current subdivision was pointed out. The property is approximately 1 mile outside of Coalville.

Planner Caus said in 2017, the property was subdivided into two lots. This proposal requests to rezone the properties from AG 5 to Ag 2.5. If granted, that will result in an increase to five lots. All the lots will be residential. The applicant will have a minimum of 10% open space. A current zone map was shown. Commissioner Sargent asked where is the closest AG 2 ½ zone in relation to these parcels. Planner Caus said there aren’t any at this point. This would be the first of its kind.

The layout of the subdivision was displayed. Planner Caus said there will be one driveway accessing all five lots. The fire district has signed off on the application. Most of the application complies with the Code, but there are a few discussion and clarification items. If the rezone is granted, the property will qualify for the density.
Planner Caus said there are many one-acre lots along the road; however, most of these have a lot of acreage behind the house. The applicant has not proposed any vehicular/pedestrian circulation. Staff is seeking direction for connectivity. The preservation of agricultural land is a requirement, but the question is how feasible is it to meet that goal.

Planner Caus said there are no neighborhood amenities within biking or walking distance. The closest amenities are available via car in Coalville. The subdivision will be single family market-rate units. The applicant, Courtney Richins, said this development will be similar to the surrounding area. Planner Caus said that is true of the lot sizes; however, the applicant hasn’t expanded on how other impacts will be mitigated. Staff recommends a note be placed on the plat for wildlife friendly fencing. He added there is a flood plain area, but there is still plenty of room to build.

Planner Caus said the applicant will have to comply with the four rezone criteria. This may be the largest hurdle the applicant faces. If the Commission finds these have been met, the applicant will then have to comply with the 17 MPD requirements in order to be approved. Planner Caus reminded the Commission this is just a Work Session.

**COMMISSION COMMENTS AND QUESTIONS**

Chair Clyde asked to review the vicinity map. He pointed out an “orphan” piece of land that will be a problem for all of the surrounding property owners. Planner Caus said that land is located in the flood plain. It can be privately owned.

Commissioner Sargent said that Coalville City has discussed creating a trail that would follow the river. Planner Caus said there are no trails being planned at this time on the parcel, but he thinks this is a great idea. One difficulty the applicant may have is that Lot 1 has already been sold. Commissioner Sargent advised the applicant that he may want to keep this area as open space. This would satisfy the open space and
connectivity. The applicant, Courtney Richins, said he has to put in a trail for another project that is approximately one mile away from this area.

Chair Clyde said the Chalk Creek Road right-of-way is narrow. Is there additional right-of-way for the driveway? Planner Caus said the Fire District has signed off on the application as proposed. The County ordinance allows five lots to be accessed off one driveway. Lot 2 has a possibility to have a driveway off Chalk Creek. He said they have a will-serve letter from the water company. The septic was approved by ESAC.

Planner Caus said as far as connectivity, Staff believes the future trails and the internal connectivity may be sufficient. He addressed the preservation of agricultural land. It was noted that lots five and one will have enough land for some agriculture to occur. Mr. Richins said there are no trees on the property. It is mostly a hay field at this time.

The Four Rezone Criteria

Planner Caus said he would like to know what the Commission thinks about the applicant’s ability to meet the four rezone criteria. These are:

1. The amendment is generally consistent with the goals of the General Plan.
2. The amendment is compatible with adjacent land uses and will not be overly burdensome to the local community.
3. The specific development plan is in compliance with all applicable standards and criteria for approval as described in chapter 4 of this title.
4. The amendment does not adversely affect the public health, safety, and general welfare.

Staff would like to have more direction on these items so they can come back prepared at the next meeting. Mr. Richins said he would like to address criteria #1. He believes it fits the General Plan. One reason is because it will be the safest driveway on Chalk
Creek. Currently, people have to back out onto Chalk Creek. Vehicles coming from this subdivision will not have to do that. It will be a straight out.

Mr. Richins said because this is what the County needs, it fits. Up and down Chalk Creek Road there are many lots with less than two acres. It fits because it is what is there. It has met the checks and balances requirements of water and sewer.

**Commissioner Sonntag** said this is a tough issue. The zoning was changed to stop the creation of small lots. **Chair Clyde** said his concern is the precedent that it set. Everyone along Chalk Creek Road that owns long narrow parcels will want to do development in unusual ways, rather than have internal streets and circulation.

**Commissioner Rydalch** asked what the thought process behind the 2 ½ acre parcels. Commission Wilde said the thought was to give the option. It would be a tool that could be used. He thinks this property and application fits the zone. Commission Sonntag said there would have been a revolution without that compromise.

Administrator Barnes said this was an idea that came from the County Council and the Planning Commission. It was a bridge between the Highway Corridor density and the 5-acre density. The County Council was willing to create a zone that someone could request to change to if they could demonstrate a good site design with the MPD process.

Mr. Richins said he doesn’t think there are a lot of lots that will qualify to subdivide to the 2 ½ acre zone. Administrator Barnes said the 2 ½ acre zone was to help property owners who may have lost density when the Highway Corridor was removed from their area. **Commissioner Sonntag** said in this instance, they have two people who are joining together in order to have enough property to make this work. Commission Sargent asked if any of this language is in the actual Development Code. Administrator Barnes said this was the intent behind the 2 ½ acre zone.
Chair Clyde said if the goal was to get the density off the highway, the logical consequence is that the density will be moved into the meadow. If that language didn’t make it into the Code, he doesn’t think they can enforce it.

Commission Sonntag said a question that needs to be answered is if two people can join together in order to qualify for the zone change. Commissioner Sargent said this could set a precedence where the AG5 zone could disappear and be replaced with the AG 2 ½ zone. Chair Clyde said if that is going to happen, he would much rather see it happen under a Master Planned Development.

Mr. Richins responded that the 2 ½ acre zone was put in there to be an option to be used. If not, why is it there? He said this rezone might not be available in other places because it may not work with water and sewer. This is something the County needs and it will work here. Commission Sonntag said what the county needs is another road. Chair Clyde said he would have a hard time supporting this application because of the precedence it sets. He noted that the zone is listed in the Code.

Attorney Strachan said that rezones are entirely discretionary. They are a legislative act. Simply because it exists in the Code, doesn’t bind the Commission to permit it. She said it might be worthwhile to look at the approval for the existing lots. This would help the Commission see what the conditions were on the property at that time. Why it was approved? Is upzoning justified?

Chair Clyde said he worries about if an adjoining property owner submits a similar request. It would be difficult to say their property doesn’t qualify for the rezone, even though this parcel did. He is concerned about the lack of internal connectivity and putting more density on Chalk Creek Road. Mr. Richins said this is a Work Session. If everyone is against it, than it may not be a possibility. He said the two current lots have 3.9 and 9 acres.
Commissioner Sonntag said he could be persuaded this might be a good thing under certain conditions. Those conditions might be an added road and trail. Chair Clyde said the difficulty with that idea is that it would involve many different property owners.

Commissioner Wilde said he thinks it is a plus that the applicant has water and septic. He thinks the lot sizes are great. People want to have parcels this size. Attorney Strachan recommended they review the history of the 2 ½ acre zone. Having that background might be helpful. The applicant thanked the Commission for their time. They have given him something to work with.
3. **Extra Space Storage request** for a Rezone from AG-5 to light Industrial (LI) and a Master Planned Development to Commercial Storage units on Parcel #CD-245, Property consists of 13.28 acres located on South side of SR 248, West of UDOT Storage Facility – *Kirsten Whetstone, AICP, County Planner*

**COMMISSION ITEMS**

**DIRECTOR ITEMS**

**ADJOURN**

*At 7:50 p.m. Commissioner Willoughby made the motion which was seconded by Commissioner Henrie to adjourn. All voted in favor.*

- **MOTION CARRIED**

________________________________________

Approval Signature