



## STAFF REPORT

**To:** Eastern Summit County Planning Commission  
**From:** Amir Caus, County Planner  
**Date of Meeting:** September 21, 2017  
**Type of Item:** Crooked Creek Minor Subdivision, Final Plat – Public Hearing, Possible Action  
**Process:** Administrative

**RECOMMENDATION:** Staff has reviewed the application for compliance with all standards in the Eastern Summit County Development Code and found that it meets the minimum required for approval. Staff recommends that the Eastern Summit County Planning Commission review the proposed Crooked Creek Minor Subdivision, conduct a public hearing, and vote to forward a positive recommendation to the Community Development Director.

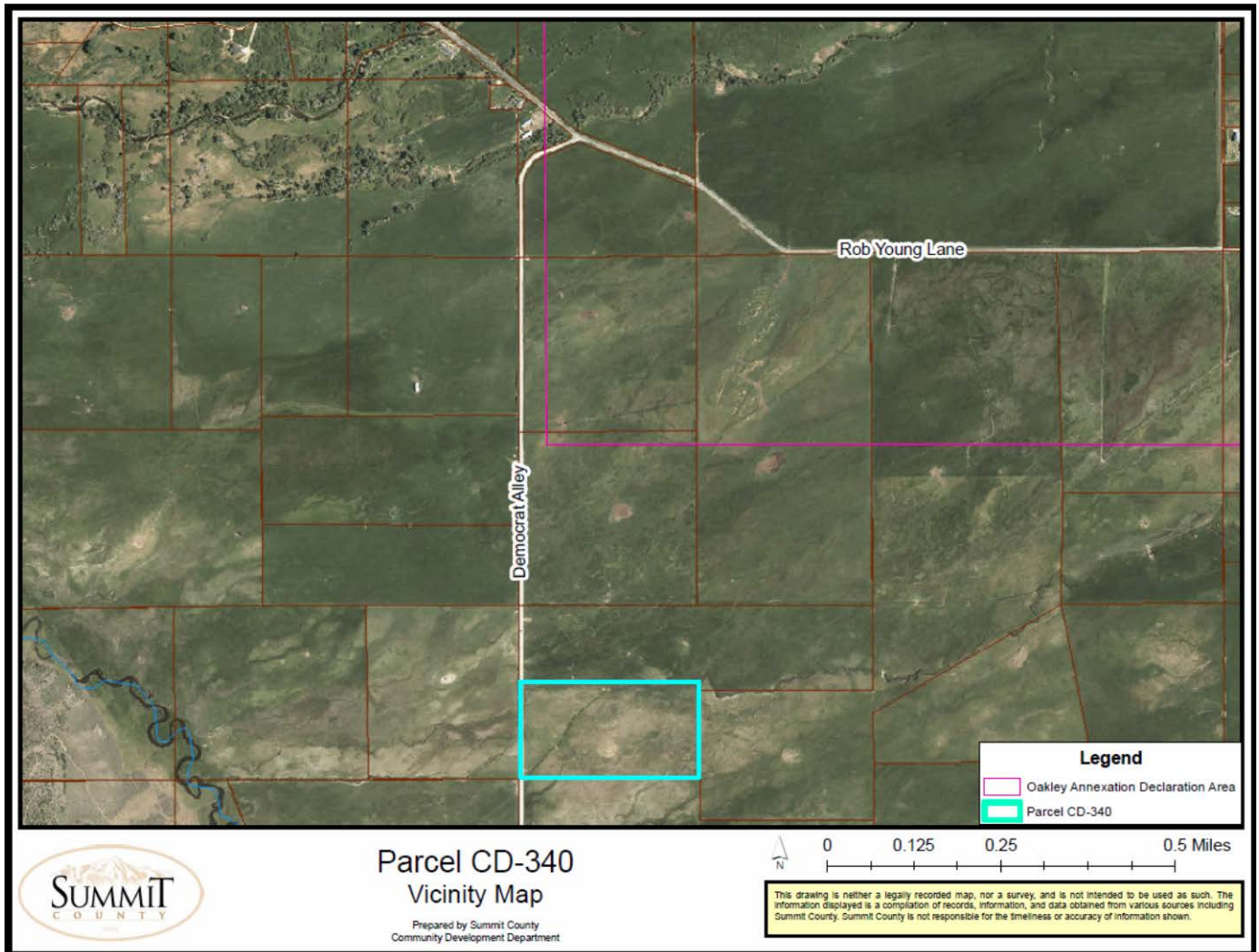
### Project Description

Project Name: Crooked Creek Minor Subdivision  
Applicant(s): Wes Siddoway  
Property Owner(s): ROCKPORTROCKS LLC  
Location: 3044 N Democrat Alley, Summit County, UT  
Zone District: Agriculture Protection (AP) Zone  
Parcel Number and Size: CD-340 (21.96 acres)  
Type of Process: Administrative  
Final Land Use Authority: Community Development Director

### Proposal

The applicant is requesting to subdivide Parcel CD-340 (21.96 acres) into two lots through the two-lot split provision in the Agriculture Protection Zone (2009 Eastern Summit County Development Code).

## Vicinity Map



## Background

This application was submitted prior to the most recent changes to the Eastern Summit County Development Code and is vested under the 2009 Code.

Parcel CD-340 is a Lot of Record under the 2009 Eastern Summit County Development Code. The parcel is currently vacant. No development is being proposed at this time.

## Analysis and Findings

Section 11-1-5 (Community Preservation Incentive) of the Eastern Summit County Development Code (2009 Code) states; *The minor subdivision of property and cluster bonus minor subdivision provisions are hereby created with the intent of increasing opportunities for residents and local workers to afford a place to live in Eastern Summit County.*

(2009 Code) Section 11-4-8(B.3) states; *In the agricultural preservation (AP) zone, a lawfully created lot of record that is not within a previously approved subdivision plat and is ten (10) acres or larger will be considered for one additional lot under the minor subdivision of property review process.*

Per Section 11-4-8(C) (2009 Code); Before an application for minor subdivision of property can be approved, it must conform to all of the following criteria:

**Criterion 1:** All new lots created shall be clustered to the maximum extent possible;

**Analysis:** Parcel CD-340 is being split through the middle and are clustered. **COMPLIES**

**Criterion 2:** Access to all lots shall be consolidated to the greatest extent practicable and reasonable;

**Analysis:** Both proposed lots have direct access off of Democrat Alley. All Engineering Department driveway requirements will need to be met. Staff has included a condition of approval. **COMPLIES AS CONDITIONED**

**Criterion 3:** Each lot shall have legal access through a recorded right of way or easement. Access to the property from a public road must be granted by the state or county, whichever is appropriate;

**Analysis:** Each lot has legal access off of Democrat Alley. The applicant has stated that they plan on using and sharing the existing access on the southwest corner of the property. Development permits will be reviewed by the Summit County Engineering Department for compliance. **COMPLIES AS CONDITIONED**

**Criterion 4:** The project must comply with the development evaluation standards provided in Chapter 2 of the Code;

Code Requirement	Analysis	Finding
<b>Agriculture</b>		
Non-agricultural development shall not be approved without appropriate plat notes.	The appropriate plat note has been provided.	<b>COMPLIES</b>
Any development that borders agricultural lands is subject to fencing.	All State of Utah fencing laws will need to be complied with should fencing be proposed.	<b>COMPLIES</b>
<b>Water and Sewage</b>		
The applicant shall submit documentation indicating what type of water system shall be utilized within the minor subdivision.	Lots 1 and 2 will be serviced by individual wells, to be reviewed and approved prior to building permit issuance.	<b>COMPLIES</b>

	The appropriate plat note has been provided.	
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.	The Health Department has requested that a water table study be performed for a year prior to determining the most suitable sewage system. Staff has included this as a condition of approval.	<b>COMPLIES AS CONDITIONED</b>
No development shall be approved without suitable sewage treatment capacity point of discharge and dependability for the specific use.	The Health Department has requested that a water table study be performed for a year prior to determining the most suitable sewage system. Staff has included this as a condition of approval.	<b>COMPLIES AS CONDITIONED</b>
<b>Natural Resources</b>		<b>COMPLIES</b>
Development shall not contribute to the acceleration of the erosion of soil and rock and stream sedimentation.	The proposed subdivision will not cause the erosion of soil and rock as appropriate permitting for grading and construction will be required prior to development.	<b>COMPLIES</b>
Development shall minimize the highly visible placement of homes on hillsides. It should be sensitively sited.	The proposed subdivision is not located on a hillside.	<b>COMPLIES</b>
Development is discouraged in a 100-year floodplain.	The subject property is not located within the FEMA 100-year floodplain.	<b>COMPLIES</b>
No development is permitted in wetlands.	Wetlands are present on the property and have been delineated as such. There is enough developable area located outside of the designated wetlands.	<b>COMPLIES</b>
No development is permitted on slopes in excess of 30%.	There are no slopes that exceed 30% slope within the proposed subdivision.	<b>COMPLIES</b>
Development shall not be placed on any hillside or ridgetop that causes a structure to extend into the skyline as viewed from public roadways.	There are no hillsides or ridgetops located within the proposed subdivision.	<b>COMPLIES</b>
Development shall not contribute significantly to the degradation of air quality.	Staff cannot find any evidence indicating subdivision will contribute significantly to the degradation of air quality.	<b>COMPLIES</b>

<b>Infrastructure/Facilities/Services</b>		<b>COMPLIES</b>
No development shall cause the traffic volume on any public road to fall below the design capacity of the roadway.	Based on the Summit County Engineering Department review, the addition of two lots will not cause the traffic volume on Democrat Alley to fall below the design capacity.	<b>COMPLIES</b>
Development that presents an unusual fire hazard which is beyond the capability of the fire district will not be approved.	The South Summit Fire District reviewed the subdivision and there are no unusual fire hazards associated with the development.	<b>COMPLIES</b>
Development in remote locations that could affect emergency services will not be approved.	The proposed subdivision has year round access and is not located in a remote area.	<b>COMPLIES</b>
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.	The applicant is not proposing gates that would be locked.	<b>COMPLIES</b>

**Criterion 5:** The project must comply with the infrastructure standards provided in Chapter 6 of the Code;

**Analysis:** The project was reviewed by the Summit County Engineering Department and they found that it complies with the Infrastructure Standards provided in Chapter 6 of the Code. **COMPLIES**

**Criterion 6:** The minimum lot size for parcels created through this process will be one acre;

**Analysis:** Both lots are larger than one acre. **COMPLIES**

**Criterion 7:** In general, lots and building sites should be placed within five hundred feet (500') of the road unless the density can be clustered off the roadway in such a way as to preserve and not negatively impact the agricultural use of the property.

**Analysis:** Lots 1 and 2 are located within five hundred feet (500') of Democrat Alley. **COMPLIES**

**Criterion 8:** All contiguous property under one ownership shall be planned in a unified and comprehensive fashion and shall be included in the application for subdivision consideration and approval.

**Analysis:** The subject subdivision will be derived from one parcel. **COMPLIES**

## Recommendation

It is Staff's finding that the amendment request meets the applicable standards in the Eastern Summit County Development Code (2009 Code). Staff recommends that the Eastern Summit County Planning Commission review and forward a positive recommendation to the Community Development Director to approve the proposed Crooked Creek Minor Subdivision, according to the following findings of fact, conclusions of law and conditions of approval:

### Findings of Fact:

1. ROCKPORTROCKS LLC is the owner of record of Parcel CD-340 (21.96 acres), located at 3044 N Democrat Alley, Summit County, UT.
2. Parcel CD-340 is located within the Agriculture Protection (AP) Zone (2009 Code) and is currently undeveloped.
3. The property is subject to the provision in Section 11-4-8(B.3) of the 2009 Eastern Summit County Development Code that allows a parcel in the Agriculture Protection (AP) Zone that contains ten (10) or more acres and has not been previously subdivided to be split into two (2) lots.
4. The applicant proposes to split Parcel CD-340 into two (2) lots.
5. The subject application was submitted prior to the most recent changes to the Eastern Summit County Development Code and is vested under the 2009 Code.
6. Parcel CD-340 is a Lot of Record under the 2009 Eastern Summit County Development Code.
7. The proposed Final Subdivision Plat is legally described as Crooked Creek Subdivision.
8. The proposed Crooked Creek Subdivision consists of two (2) lots and totals 21.96 acres.
9. Both proposed lots have direct access off of Democrat Alley.
10. Lots 1 and 2 will be serviced by individual wells, to be reviewed and approved prior to building permit issuance.
11. The Health Department has requested that a water table study be performed for a year prior to determining the most suitable sewage system. Staff has included this as a condition of approval.
12. There are no hillsides or ridgetops located within the proposed subdivision.
13. The subject property is not located within the FEMA 100-year floodplain.
14. Wetlands are present on the property and have been delineated as such.
15. There is enough developable area located outside of the designated wetlands.
16. Staff cannot find any evidence indicating subdivision will contribute significantly to the degradation of air quality.
17. Based on the Summit County Engineering Department review, the addition of two lots will not cause the traffic volume on Democrat Alley to fall below the design capacity.
18. The South Summit Fire District reviewed the subdivision and there are no unusual fire hazards associated with the development.
19. The proposed subdivision has year round access and is not located in a remote area.
20. The Eastern Summit County Development Code establishes that the Community Development Director is the Land Use Authority for Minor Subdivisions.

21. Public notice of the public hearing was published in the September 8, 2017 issue of *Summit County News*.
22. Postcard notices announcing the public hearing were mailed to property owners within 1,000 feet of the subject parcels.
23. Service providers have reviewed the plat for compliance with applicable standards.
24. Staff has reviewed the plats for compliance with applicable Development Code standards.

#### **Conclusions of Law:**

1. All new lots created have been clustered to the maximum extent possible.
2. Access to the lots have been consolidated to the greatest extent possible.
3. Each lot has legal access.
4. As conditioned, the project complies with the development evaluation standards provided in Chapter 2 of the Eastern Summit County Development Code.
5. As conditioned, the project complies with the infrastructure standards provided in Chapter 6 of the Code.
6. The minimum lot size for the parcels is greater than one acre.
7. The lots have been placed within five hundred feet (500') of the road.

#### **Conditions of Approval:**

1. All necessary permits must be obtained and fees shall be paid prior to the commencement of any construction activity, including but not limited to the Summit County Engineering and the Summit County Building Departments.

#### **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, no public comment has been received.

#### **Attachments**

Exhibit A – Proposed Plat