



STAFF REPORT

To: Eastern Summit County Planning Commission
From: Amir Caus, County Planner
Date of Meeting: September 21, 2017
Type of Item: RPR 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 RPR Minor Subdivision, conduct a public hearing, and vote to forward a positive recommendation to the Community Development Director.

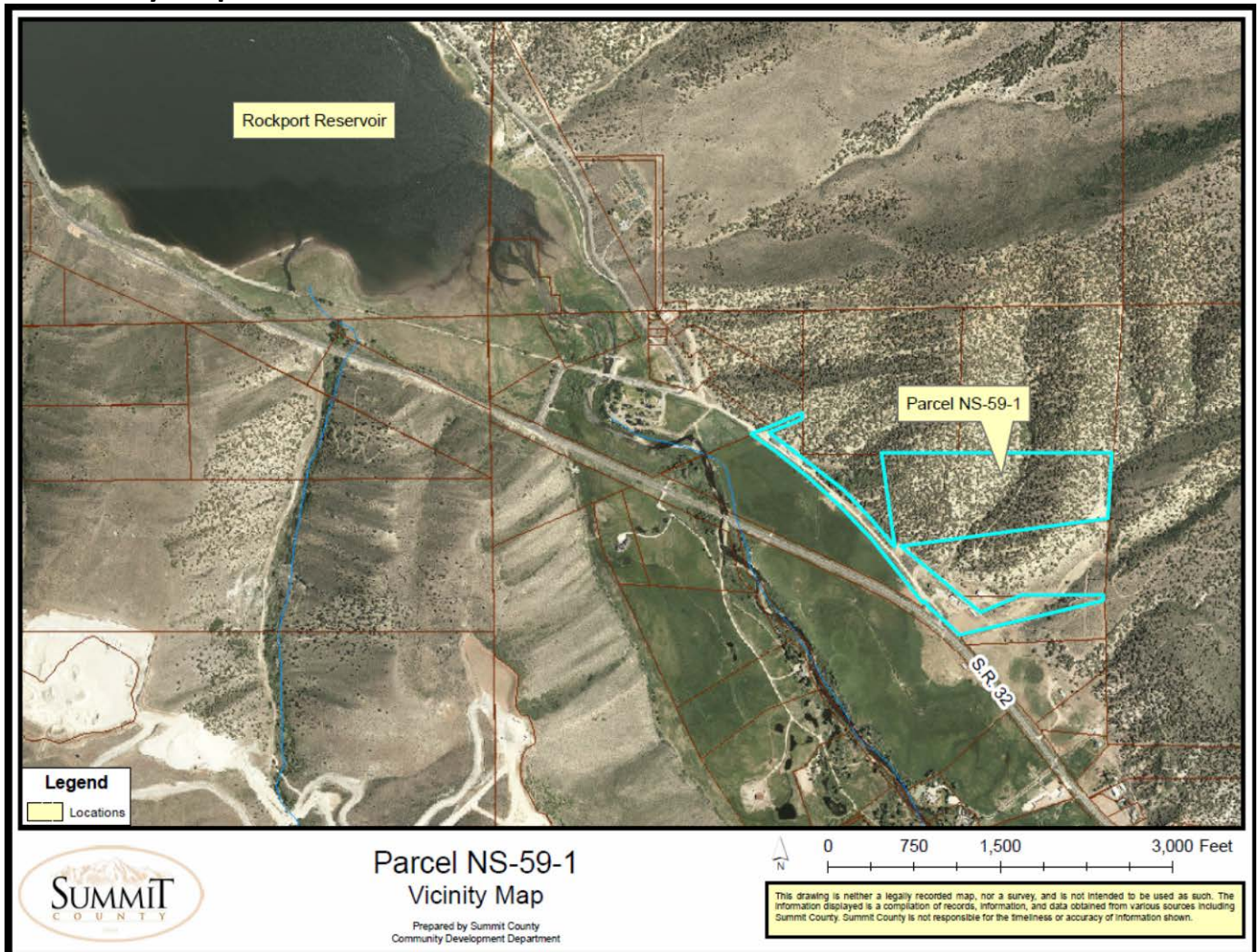
Project Description

Project Name: RPR Minor Subdivision
Applicant(s): Wes Siddoway
Property Owner(s): Robert K. Siddoway and Kayleen S. Siddoway
Location: 7230 S.R. 32, Summit County, UT
Zone District: Agriculture Protection (AP) Zone
Parcel Number and Size: NS-59-1 (45.65 acres)
Type of Process: Administrative
Final Land Use Authority: Community Development Director

Proposal

The applicant is requesting to subdivide NS-59-1 (45.65 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 NS-59-1 (45.65 acres) is a Lot of Record under the 2009 Eastern Summit County Development Code. The parcel is developed with a single family residence that was constructed in 1984. The RPR Minor Subdivision application is being processed by the applicant concurrently with the LSR Minor Subdivision which is located on Parcel NS-71 and is adjacent to the proposed RPR Minor Subdivision.

Analysis and Findings

Section 11-1-5 (Community Preservation Incentive) of the 2009 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: Lot 1 (1.03 acres) and Lot 2 (44.62 acres) are being clustered to the extent possible. **COMPLIES**

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

Analysis: The applicant has stated that they plan on shared access. Legal access has been identified on the proposed plat. 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 a historic highway right-of-way off of S.R. 32. The applicant has stated that they plan on using and sharing the existing access. 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
Agriculture		
Non-agricultural development shall not be approved without appropriate plat notes.	The appropriate plat note has been provided.	COMPLIES
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.	COMPLIES

Water and Sewage		
The applicant shall submit documentation indicating what type of water system shall be utilized within the minor subdivision.	The existing residence is currently on a well. Lots 1 and 2 have an option to either be serviced by individual wells or to hook onto a nearby Mountain Regional Water facility. This will be reviewed and approved prior to issuance of a building permit. The appropriate plat note has been provided.	COMPLIES
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.	This will be reviewed and approved prior to issuance of a building permit.	COMPLIES AS CONDITIONED
No development shall be approved without suitable sewage treatment capacity point of discharge and dependability for the specific use.	This will be reviewed and approved prior to issuance of a building permit.	COMPLIES AS CONDITIONED
Natural Resources		COMPLIES
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.	COMPLIES
Development shall minimize the highly visible placement of homes on hillsides. It should be sensitively sited.	There are sufficient developable areas off of hillsides.	COMPLIES
Development is discouraged in a 100-year floodplain.	The subject property is not located within the FEMA 100-year floodplain.	COMPLIES
No development is permitted in wetlands.	There are no wetlands present on this property.	COMPLIES
No development is permitted on slopes in excess of 30%.	There are sufficient developable areas outside of slopes in excess of 30%.	COMPLIES
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 sufficient developable areas outside of hillsides or ridgetops located within the proposed subdivision.	COMPLIES
Development shall not contribute significantly to the	Staff cannot find any evidence indicating that the proposed	COMPLIES

degradation of air quality.	subdivision will contribute significantly to the degradation of air quality.	
Infrastructure/Facilities/Services		COMPLIES
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 S.R. 32 to fall below the design capacity.	COMPLIES
Development that presents an unusual fire hazard which is beyond the capability of the fire district will not be approved.	The North Summit Fire District reviewed the subdivision and there are no unusual fire hazards associated with the development.	COMPLIES
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.	COMPLIES
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.	COMPLIES

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. Wildland Fire District and North Summit Fire District have stated they have no concerns. **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 an existing road. **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. Staff recommends that the Eastern Summit County Planning Commission review and forward a positive recommendation to the Community Development Director to approve the proposed RPR Minor Subdivision, according to the following findings of fact, conclusions of law and conditions of approval:

Findings of Fact:

1. Robert K. Siddoway and Kayleen S. Siddoway are the owners of record of Parcel NS-59-1 (45.65 acres), located at 7230 S.R. 32, Summit County, UT.
2. Parcel NS-59-1 is located within the Agriculture Protection (AP) Zone and is developed with a single family residence that was constructed in 1984.
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 NS-59-1 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 NS-59-1 is a Lot of Record under the 2009 Eastern Summit County Development Code.
7. The proposed Final Subdivision Plat is legally described as RPR Subdivision.
8. The proposed RPR Subdivision consists of two (2) lots and totals 45.65 acres.
9. The existing single family home would be located on Lot 2 of the RPR Subdivision.
10. Each lot has legal access to the property.
11. The existing residence is currently on a well.
12. Lots 1 and 2 have an option to either be serviced by individual wells or to hook onto a nearby Mountain Regional Water facility. This will be reviewed and approved prior to issuance of a building permit.
13. All septic systems will be reviewed and approved prior to issuance of a building permit.
14. The subject property is not located within the FEMA 100-year floodplain.
15. There are no wetlands present on this property.
16. There are sufficient developable areas outside of slopes in excess of 30%.
17. There are sufficient developable areas outside of hillsides or ridgetops located within the proposed subdivision.
18. Staff cannot find any evidence indicating subdivision will contribute significantly to the degradation of air quality.
19. Based on the Summit County Engineering Department review, the addition of two lots will not cause the traffic volume on S.R. 32 to fall below the design capacity.

20. The North Summit Fire District reviewed the subdivision and there are no unusual fire hazards associated with the development.
21. The proposed subdivision has year round access and is not located in a remote area.
22. The Eastern Summit County Development Code establishes that the Community Development Director is the Land Use Authority for Minor Subdivisions.
23. Public notice of the public hearing was published in the September 8, 2017 issue of *Summit County News*.
24. Postcard notices announcing the public hearing were mailed to property owners within 1,000 feet of the subject parcels.
25. Service providers have reviewed the plat for compliance with applicable standards.
26. 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.
2. All Engineering Department driveway requirements shall be met.
3. Eastern Summit County Sewer Advisory Committee approval shall be received prior to recordation of the plat.

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