



## MEMORANDUM

**To:** Eastern Summit County Planning Commission  
**From:** Jennifer Strader, Senior Planner  
**Date of Meeting:** May 3, 2018  
**Type of Item:** Plat Amendment  
**Process:** Administrative Review

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On April 5, 2018, the Eastern Summit County Planning Commission (ESCPC) approved a plat amendment to remove the building pads from Lots 4 and 5, River Run Subdivision. Because Staff recommended denial of the amendment, the ESCPC requested that Staff prepare Findings of Fact and Conclusions of Law for approval of the plat amendment.

Staff recommends the ESCPC review the Findings of Fact and Conclusions of Law and vote to accept them.

### Findings of Fact

1. On February 8, 2018, a plat amendment application was submitted to remove the building pads located on Lots 4 & 5 of the River Run Amended Subdivision.
2. Lots RIVRN-4-AM and RIVRN-5-AM are owned by Sheldon Smith.
3. The zoning for Lots RIVRN-4-AM and RIVRN-5-AM is Agriculture Protection (AP).
4. River Run Subdivision was recorded in 2008 and contains five (5) lots.
5. In 2015 an amendment was approved to adjust the property line located between Lots 4 & 5.
6. Lot 4 currently contains 18.71 acres and Lot 5 contains 10.68 acres.
7. There is an existing residence on Lot 1 and a residence under construction on Lot 3. Lots 2, 4, and 5 are vacant.
8. When the subdivision was originally approved in 2008, the applicant chose to place building pads on each lot, though this was not a Code requirement.
9. The majority of Lots 4 and 5 are located within the mapped FEMA floodplain. A portion of the building pads for Lots 4 and 5 were also located within the mapped FEMA floodplain.
10. The original plat was approved with the following condition:  
*“Any development in building pads that are found to be in the Flood Plain must obtain all the necessary permits from the Engineering Department and FEMA prior to the issuance of a building permit.”*
11. Section 11-2-4 (B) of the Code states:

*“Development shall be strongly discouraged in a 100-year floodplain or in areas where there is a high water table. Such development must meet the requirement of the federal emergency management agency, and it shall not significantly alter the natural drainage patterns of the land.”*

12. The applicant is proposing to remove the building pads from Lots 4 & 5 to *“...allow more flexibility in locating a building area on the properties at the time of building permit site plan review and approval.”*
13. The proposed plat identifies the mapped FEMA floodplain as well as a “computed” floodplain that was prepared by the applicant’s consultant.
14. The Summit County Engineering Department has stated that the floodplains are determined based on the mapped FEMA data.
15. Development is allowed to occur within the existing building pads that are located partly within the FEMA floodplain as they are identified on the approved recorded subdivision plat.
16. The Engineering Department reviews building permits for compliance with the floodplain ordinance. Conditions of approval may be imposed at that time.
17. On April 5, 2018, the Eastern Summit County Planning Commission conducted a public hearing to consider removal of the building pads from Lots 4 and 5.
18. At the April 5, 2018 Planning Commission meeting, the applicant presented a revised plan from what they originally proposed. The plan did not completely remove the building pads from Lots 4 and 5, but identified enlarged building pads that extended approximately to the existing irrigation ditch.
19. The Planning Commission found that the Code does not prohibit development within the floodplain.
20. The Planning Commission determined property owners should bear the burden of complying with any conditions imposed to comply with the floodplain ordinance.
21. A motion was proposed and seconded by the Planning Commission to remove the building pads from Lots 4 and 5.
22. The Planning Commission motion was approved in a 5-1 vote.

#### **Conclusions of Law**

1. The public interest will not be materially injured by the proposed plat amendment.
2. There is good cause for the plat amendment.