



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: June 20, 2018

NAME OF PROJECT: Kelson Rural Preservation Subdivision

NAME OF APPLICANT: Clint Kelson

AGENDA ITEM: Plat Amendment of Lot 1

LOCATION: 943 West Swiss Alpine Road

ZONING DESIGNATION: R-1-22 zone

ITEM: 4

Berg Engineering, agent for Clint Kelson, is requesting a Plat Amendment. The proposal is to change the common area on the recorded plat to open space as recommended by the County Assessor's Office. Split Lot 1 into Lots 1A and 1B to allow the barn and corrals to be separated from the home and so they are on their own agricultural parcel that does not have any residential building rights. The proposal is located at 943 West Alpine Road and is in the R-1-22 zone.

BACKGROUND:

Clint Kelson is requesting a plat amendment of the Kelson Rural Preservation Subdivision. The applicant is attempting to accomplish two goals with this proposal. The first is to change the common area on the recorded plat to open space. The reason for this change is purely for tax purposes. Common area is taxed through a Homeowners' Association while open space is not taxed at all. According to the applicant, the County Assessor's Office has recommended this change. As for the issue of if this change is allowed by the Rural Preservation Code, it is staff's assessment that the letter of the code and the spirit of the code are met if the area is common area or open space.

The applicant is also requesting that Lot 1 to be split into lot 1A and 1B. This would allow for separate ownership of lot 1A and lot 1B. Corrals and a barn would be located on 1B while the dwelling would be located on lot 1A. The applicant is proposing that lot 1B would not have any residential building rights. Staff agrees that if the proposed split of Lot 1 is allowed then definitely no building rights would be allowed on Lot 1B. The purpose of the Rural Preservation subdivision code was to only allow one dwelling unit for every five acres. The original subdivision was four lots on 20.54 acres so therefore the maximum density within the original parcel could never increase above four dwellings.

Section 16.18.5 of the code states:

A maximum density of one dwelling unit per five (5) acres of the original development parcel is allowed. Each lot is permitted one (1) dwelling unit. Clustering of lots is permitted if each lot complies with the minimum lot acreage for the zone in which it is located.

Staff is also concerned with language in the code regarding further subdividing. Section 16.18.6 states the following:

Lots cannot be further subdivided and must be deed restricted to ensure that the density of the subdivision is never increased from the original approval. Deed restrictions must be recorded towards each lot when the plat is recorded. A note must also be placed on the plat that restricts further development of any lots in a Rural Preservation subdivision.

Regarding the aforementioned language, staff feels the spirit of the ordinance will remain if lot 1B does not have any residential building rights because the density will not increase to more than one lot for every five acres, but staff is concerned about the precedent of splitting recoded lots in a Rural Preservation subdivision.

ANALYSIS:

For the Land Use Authority to approve a plat amendment Utah State Code dictates that

(a) there is good cause for the vacation, alteration, or amendment; and

(b) no public street, right-of-way, or easement has been vacated or altered.

PROPOSED FINDINGS:

- Changing the wording on the plat from “common area” to “open space” has not impact on the subdivision complying with the code for Rural Preservation subdivisions.
- Lot 1B will be restricted to not have any residential building rights.

ALTERNATIVE ACTIONS:

1. Recommendation of Approval (conditional). This action can be taken if the Planning Commission feels there is good cause to approve the proposal.
 - a. Accept staff report
 - b. Reasons for approval (findings)
 - c. Place condition(s) if needed

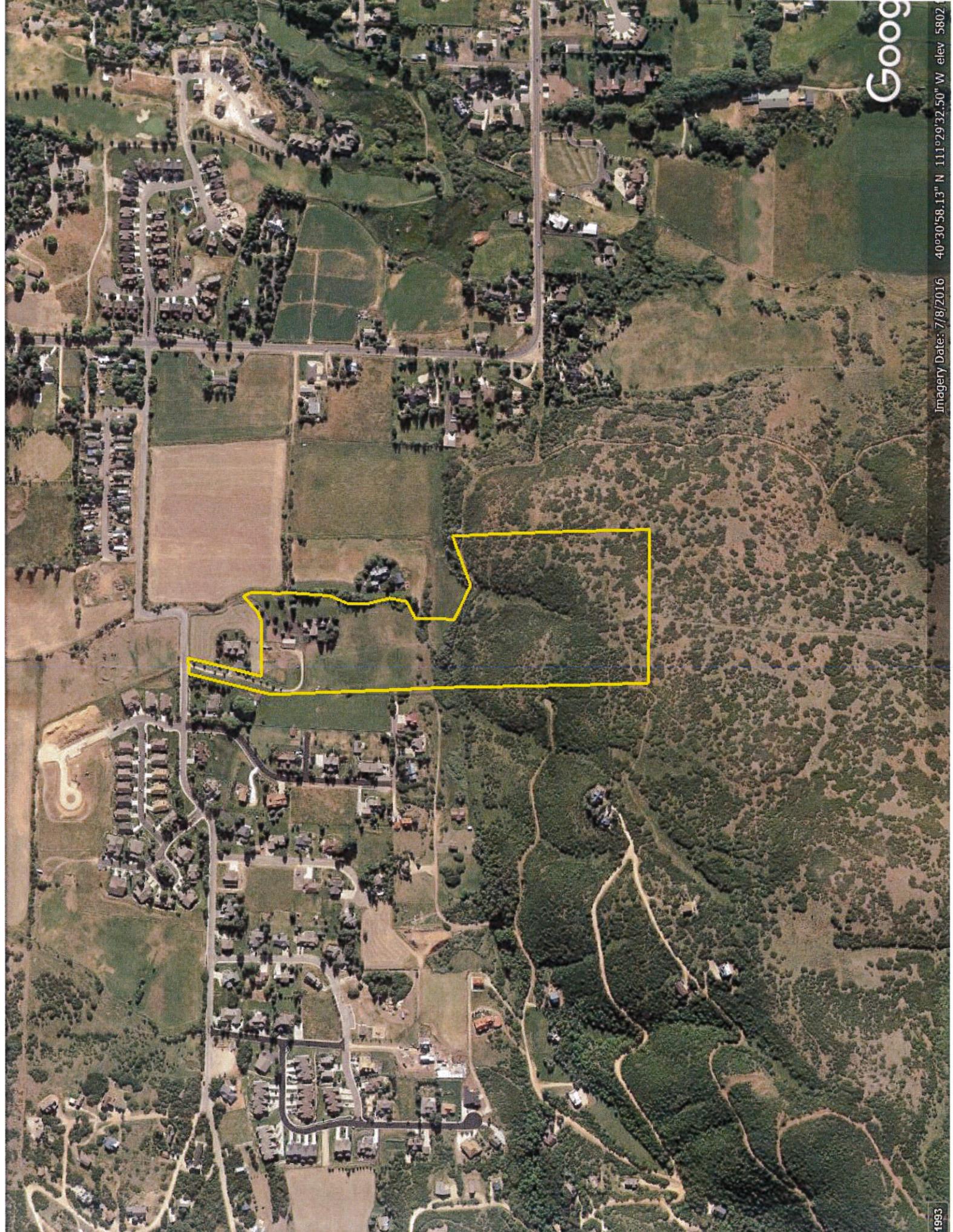
2. Continuance. This action can be taken if the Planning Commission feels that there are unresolved issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again

3. Recommendation of Denial. This action can be taken if the Planning Commission feels that the request does not meet the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

POSSIBLE CONDITIONS:

1. A deed restriction must be recorded on lot 1B to limit no residential building rights on the lot.

2. Deed restrictions must be recorded on all lots in the Kelson Rural Preservation Subdivision restricting any further subdividing before the plat amendment is recorded.



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Imagery Date: 7/8/2016 40°30'58.13" N 111°29'32.50" W elev 5802

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