

Oakley City Planning Commission Staff Report



PRELIMINARY PLAT: PUBLIC HEARING **River Haven Subdivision/Master Planned Development** **Applicant: Trevor Williams**

To: Oakley City Planning Commission
From: Stephanie Woolstenhulme, City Planner
Date of Meeting: May 3, 2023
Type of Item: Preliminary Plat – Possible Action
Process: Administrative Review

RECOMMENDATION: Staff recommends that the Planning Commission hold a preliminary review of River Haven Subdivision plat according to the findings of fact, conclusions of law and any condition set forth by the Commission.

PROJECT DESCRIPTION

Project Name: River Haven Subdivision
Applicant(s): Trevor Williams
Property Owner(s): Trevor Williams
Location: ~ 4500 N. Millrace Road
Parcel Number(s): OT-92
Size: 19.18 acres
Zone District: CR-2 – Community Residential 2. 2 building rights per 1 acre.
Adjacent Land Uses: Residential/Agricultural
Existing Uses: Residential/Pasture
Public Hearing: Conceptual review is not a public hearing. Public Hearing will be held at preliminary plat review.

PROPOSAL:

The applicant wishes to create the River Haven Subdivision on 19.18 acre parcel. Subdivision consists of 15 lots + 1 Commons/Affordable housing lot.

FINDINGS OF FACT

1. Located at approximately 4500 N. Millrace Road.
2. Property is in CR-2 zoning. 2 development rights per 1 acre. 38 possible development rights.
3. Water – Oakley City water
4. Sewer – Oakley City sewer

CONCLUSIONS OF LAW

1. This type of development is allowed in CR-2.
2. Planning Commission must find that neither the public nor person are materially injured by the proposed subdivision.

CITY ENGINEER COMMENTS:

City Engineer would like road to be an asphalt width of 20', 2' shoulder either side, 3.5' swale on either side = total right-of-way width 31' – plat currently drawn at 32' ROW. Concern with street parking and still allowing ingress/egress and area for snow removal.

ITEMS OF NOTE:

- Engineered for maximum water reabsorption in both roads and driveways.
- Irrigation limited to the Designated Building Envelopes.
- Protection of 99% of all wetlands.
- No property line fences allowed.
- Allowed Fences limited to the Designated Building Envelopes only and must be natural materials. No “solid panel” or artificial materials.
- Each home incorporates holding tank for capture of rainwater and use in the irrigated area to eliminate use of City water.
- Substantial increase and upgrade to the Public Trails system including a River Front Boardwalk and wildlife observatory.
- Architectural guidelines incorporate smaller house plans, and use of attached and detached “sections” of the home minimizing the mass of homes.
- Architectural design incorporating “farm-like” clustering of buildings that blend into the landscape.
- Revegetation and enhancement of the existing “meadow” incorporating native grasses, flowers, milk weed for Monarch Butterfly sanctuary and beehives.

CITY PUBLIC WORKS COMMENTS – forthcoming.

1. Access to City water on West side of Millrace Road (6" line). Water line will enter from Millrace road, following subdivision road, and dead end. Width of line to-be-determined, most likely an 8" line. Hydrants installed at appropriate distances.
2. City Sewer on East side of Millrace Road. Sewer will need to be evaluated for appropriate slope.

SOUTH SUMMIT FIRE – Approved in conjunction with an approval from City Engineer

ITEMS OF CONSIDERATION/DISCUSSION FOR DEVELOPMENT AGREEMENT

1. Detached ADU's. Requesting detached ADU's up to 1,000 square feet. Detached ADU's will comply with all other ordinances in the code and will have their own designated parking spaces.
2. Affordable housing.
 - a. Affordable housing obligation of 1.05 AEU (15 lots-8 lot exemption = 7 lots x 15%.)
 - b. Requesting 2 two-bedroom ~1000 sq ft units which will be located within a “Community Clubhouse/Amenities Building” located on plat lot 107.
 - c. 1 unit will be fulfilling the requirement of 1 affordable housing unit. Remaining .05 will be paid in fee.

- d. Second unit to be rented as affordable housing to someone who will manage the HOA and assure quiet enjoyment for residents by being an on-site for nightly rental management.
- e. Architectural design of the Affordable Housing will match all other architecture in the subdivision.
- 3. Nightly Rentals. Requesting nightly rentals in detached garage ADUs. To deal with concerns of noise, quality control, guest management, etc. we are incorporating into the CC&R's that each owner must use the "designated rental management company" for the subdivision if doing nightly rentals and providing onsite management services (second affordable housing unit.)
- 4. Elimination of secondary access to prevent wetland mitigation/disturb.
 - a. Construction protection of wetlands
- 5. Wastewater plan
 - a. Engineered for maximum water reabsorption in both roads and driveways.
 - b. 3.5' swales on either side of road. Liner+rocks. Focus on getting water back into the ground.
- 6. Irrigation water plan
 - a. Transfer of water shares to City. All water shares?
 - b. Landscape plan
 - i. Irrigation limited to the Designated Building Envelopes.
 - ii. Each home incorporates holding tank for capture of rainwater and use in the irrigated area to eliminate use of City water.
- 7. Trail system contribution
- 8. Fences
 - a. No property line fences allowed.
 - b. Allowed Fences limited to the Designated Building Envelopes only and must be natural materials. No "solid panel" or artificial materials.

CITIZEN CONCERN/SUBMITTED COMMENT – see attached

RELATED OAKLEY CITY CODE

13-4-2 Community Residential-2 (CR-2)

- 1. District Intent: In some central designated areas, higher density and multi-family residential buildings may be established to provide a residential environment within the City, characterized by a residential community setting and associated uses. This land use is intended to have a residential density higher than the lower-density residential areas specified above while maintaining a healthy residential character. Community Residential areas accommodate a density of two (2) or more residential units per acre.
- 2. Lot and Site Requirements: Except as otherwise provided in this Code, no building permit shall be issued unless the property meets the requirements below.
 - 1. Parcel or Lot Size and Base Density:
 - 1. The base density is two (2) units per acre or 0.5 acres per unit.
 - 2. The minimum lot size is one half acre.
 - 3. Lots that are approved through a subdivision and clustered master planned development process and provided with public culinary water and sewer service may be permitted minimum lot sizes down to one-quarter (1/4) acre.

4. A grandfathered parcel is exempt from the minimum size requirement.
5. For Master Planned Development (MPD) projects following the provisions of 13-5-10, and Appendix B of this Title, additional bonus density may be awarded through a site analysis and development agreement.
2. Parcel or Lot Width:
 1. The minimum parcel or lot width is one hundred feet (100') measured at the front setback line. In the case of unusual parcel or lot configurations such as cul-de-sacs, etc., width standards shall be determined by the City Planner, or his/her designee. **Lots approved through a subdivision and master planned development process and provided with culinary water and sewer service may be permitted a reduction in the minimum lot widths standard.** A grandfathered parcel is exempt from the minimum lot width requirement. See 13.9.21 for panhandle or flag lot standards.
 3. Setbacks: Unless otherwise indicated on a recorded plat or an approved site plan, the minimum setbacks on all new construction, shall be as follows (Exception: River or perennial stream setbacks do not apply to existing small lots recorded prior to the year 2021 which would preclude or limit a previously approved type of use) Additional setbacks may be required if in a Sensitive Lands Overlay Zone (see Chapter 15):

Location	Minimum Setback
Front Setback	25 feet from property line
Front setback if property lines extend to the center of a public road	55 feet from the centerline of the road
Front setback if property lines extend to the center of a private access road	55 feet from the centerline of the road
Side setback	8 feet from property line
Rear setback	12 feet from property line
Wetland	40 feet from delineation line as defined by the Army Corps of Engineers
River or perennial stream	100 feet from ordinary high-water mark
Lake or natural pond	50 feet from ordinary high-water mark
Forest Service	100 feet from property line

3. Height: The maximum height for all structures shall be thirty-two feet (32') above natural grade.
4. Uses: Uses in the CR-2 Zoning District are those set forth in section 13-4-16, "Chart of Allowed and Permitted Uses", of this chapter.

13.5.5.C Subdivisions Consisting of Four or More Lots:

1. **Master Planned Development Required:** In the following cases, a Master Planned Development approval is required pursuant to section 13-5-10 of this chapter:
 1. Any application to subdivide at base density resulting in four (4) or more lots or parcels.
 2. Any proposal which includes the movement of density between zones on a single parcel which results in the creation of four (4) or more lots.
2. **Criteria for Approval:** Before a subdivision can be approved; it must conform to all of the following criteria:
 1. 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.
 2. 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 City shall be recorded with the Summit 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.
 3. 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 City, whichever is applicable.
 4. Compliance with the development evaluation standards provided in chapter 3 of this Title.
 5. Compliance with the infrastructure standards in chapter 9 of this Title.
 6. If the subdivision includes any land located within one hundred feet (100') of the center line of a canal, the City Planner 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 10-9a-213.
 2. Wait at least ten (10) days after the day on which the City Planner notifies a canal company or canal operator to approve, approve with conditions or reject the final subdivision plat.
 7. The minimum lot size for new lots created through this process will meet the minimum lot size requirements for the applicable zone.
 8. An approval from the Summit County Health Department.
 9. Proof that the taxes for the applicable property have been paid.
 10. All on-site and required off-site improvements are completed or properly guaranteed as per Chapter 13-7 of this Title.
 11. Compliance with this Title and all applicable City regulations.

13.6 Affordable Housing – summarized

1. 14 lots proposed – 8 lot exemption = 6 lot assessable base.
 1. $6 * 15\% = .9$ affordable housing obligation

2. Total units/lots = 15 lots
2. 1 unit of deed restricted housing
3. Possibility of ADU's on other lots. Detached garages with living space above.

13.9.8.C Road Standards: Public and private roads in subdivisions shall meet the following minimum right of way, surface, shoulder width, and other standards. Road surfaces shall be capable of providing all weather, year around access as approved by the Fire District and the City:

1. **Width of Surface:**

	DESIGN VOLUME						
DESIGN SPEED	<25	25-250	251-699	700-999	1,000-2,499	2,500-5,000	5,001+
20 mph	14	16	20	22	22	24	24
30 mph	16	18	20	22	22	24	24
40 mph	18	20	22	22	22	24	24
50 mph	-	20	22	22	22	24	

2. Roads designed to carry a large traffic volume per day at higher speeds may be required to be wider than described. This will be based on a determination of the specific design volume, speed, terrain and other characteristics to be calculated at the time of development application. Public roads, to be owned and maintained by the City, shall be a minimum of twenty-four feet (24') of paved surface width. In special circumstances, providing safety standards are met, the City Engineer and Planning Commission may reduce this width standard on a case-by-case basis to protect sensitive lands, hill sides, reduce visibility, or minimize maintenance.
3. Width _____ of _____ Shoulder:

	DESIGN VOLUME						
DESIGN SPEED	<25	25-250	251-699	700-999	1,000-2,499	2,500-5,000	5,001+
All Speeds	1'- 2'	1'- 4'	2' - 4'	2' - 6'	2' - 6'	2' - 6'	

5.Ingress and Egress: At least one (1) ingress and one (1) egress routes shall be provided for each subdivision of eight (8) lots or greater, unless there is a crash gate or the extension of a future stub street that will provide additional access.

POSSIBLE REQUIREMENTS**Plat notes:**

"Further subdivision of such lands, whether by deed, bequest, divorce, decree, or other recorded instrument, shall not result in a buildable lot until the same has been approved in accordance with the Oakley City Land Management and Development Code."

"The owners of property within Oakley City 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 Oakley City and acknowledge(s) and accept(s) 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."

ATTACHMENTS TO THIS REPORT

1. Preliminary Plat Plat
2. Architectural Design
3. Exterior Materials
4. Community Features
5. Citizen Comment/Question

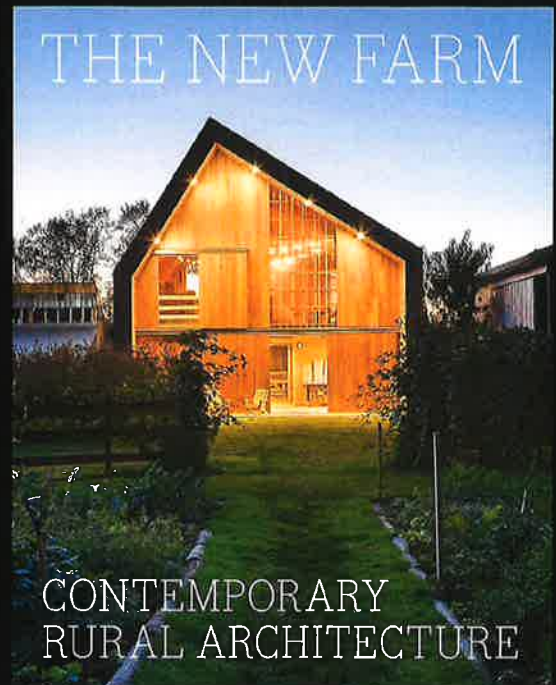
The Planning Commission is empowered to require additional and reasonable improvements to mitigate any detrimental effects to surrounding property and residents and to safeguard the general welfare of the future inhabitants of the subdivision.

ARCHITECTURAL DESIGN GUIDELINES

Recent shifts in living have caused a reinvention of the farm and its traditions, embracing organic practices and sustainability.

Along with these shifts, a bold new use of rural architecture has emerged called New Farm design.

New Farm homes, barns, and structures include traditional farmhouse elements with Scandinavian and Modern influences as a segment of Contemporary Rural Architecture.



INCORPORATED DESIGN ELEMENTS



Chalet



Scandinavian



Contemporary



Traditional



Natural



Minimal

EXTERIOR MATERIALS



All Metal



Stone & Wood



Reclaimed Wood



Natural Wood



All Stone



Charred Wood

EXTERIOR FEATURES



Harmonious Integration



Xeriscape



Solar Power

COMMUNITY FEATURES

Natural Landscaping. Less than 35% of buildable area for each homesite irrigated; including "no mow" yards with native grasses.



Limited Fencing. Only natural materials allowed - stone, wood, and metal.



Open Borders. Designated building envelopes preserve the existing meadow and regeneration of native fauna.

Water Conservation. Permaculture roads and driveways designed for maximum water reabsorption and rain collection systems incorporated into each home.



Open Space. Permanent protection of 99% of Wetlands and 100% of existing water sources.

Public Trails. Over half a mile of custom designed trail system including riverside boardwalk and community gathering spaces.

Stephanie Woolstenhulme

From: Stephanie Hurt <saamhurt@allwest.net>
Sent: Monday, April 24, 2023 11:17 AM
To: Stephanie Woolstenhulme
Subject: Comment/questions for May 3 meeting

Based on the conceptual design plat, Lot 103 will be next to our fence.

Before we purchased our house in 1990, we were made aware by the seller that when the property to the northeast of us (Sorenson property) is being irrigated, water comes into the basement.

The seller had several sump pumps in our home prior to us purchasing it. We continue to need several sump pumps when the Sorenson property is irrigated. This water has been routed to the River Haven Subdivision via two outlets along our fence line. These outlets have been in place prior to our purchasing the home.

Mr. Williams did have a trench dug behind the Oakley Polar King to help with this however, water still collects along the fence line of the proposed subdivision. How will Mr. Williams address this?

What type of structures will be allowed on each lot?

How close to our fence line will a structure be placed?

We will not be able to be at this meeting in person. We hope to attend via zoom but will be out of town.

Thank you!

Stephanie and Monte Hurt