

**Oakley City  
City Council  
Staff Report DRAFT**



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

**To:** Oakley City Council  
**From:** Stephanie Woolstenhulme, City Planner  
**Date of Meeting:** July 12, 2023  
**Type of Item:** Preliminary Plat – Possible Action  
**Process:** Administrative Review

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**RECOMMENDATION:** Staff recommends that City Council hold a final 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:** Public Hearing for preliminary plat was held by Planning Commission May 3, 2023.

**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:** Addressed in development agreement

**CITY PUBLIC WORKS COMMENTS:** Water and sewer accounted for in the development agreement.

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

### **ITEMS OF DEVELOPMENT AGREEMENT**

1. Architectural design
  - a. As specified in application.
  - b. Obvious variety.
  - c. Gabion style fence at entrance – 100' in length.
  - d. Fencing within subdivision will be non-opaque and limited to building envelope. Examples in development agreement.
2. Affordable Housing
  - a. Affordable housing obligation of 1.05 AEU (15 lots-8 lot exemption = 7 lots x 15%.)
  - b. Requesting 1 two-bedroom unit. 900 sq ft minimum unit which will be located within a "Community Clubhouse/Amenities Building" located on plat lot 107. Deed restricted for 50 years for residents earning less than 80% AMI. Cannot be rented for less than 30 days.
  - c. Remaining .05 will be paid in fee.  $\$350/\text{sq ft} \times 900 \text{ sq ft (single AUE)} = \$315,000 \times 05 = \$15,750$  fee in lieu,
  - d. Second unit to be built for someone who will manage the HOA.
  - e. Architectural design of the Affordable Housing will match all other architecture in the subdivision.
  - f. Construction of affordable housing unit will happen simultaneously with market rate housing.
3. Millrace Road trail
  - a. Construct and dedicate a 4-6' wide trail within a 33 ft dedicated right-of-way
  - b. Built to specific trail standards.
  - c. Fence on west side of property for site boundary between development and trail.
  - d. City take possession of trail
4. Open space
  - a. Wetlands/sensitive lands clearly defined during construction
  - b. Landscaping and grading plan to be evaluated by city engineer prior to excavation
  - c. Revegetation of any disturbed land within 1 year
5. Roads
  - a. Private road – City has no obligations regarding road
  - b. 20 ft asphalt width + 2 ft asphalt shoulder either side
  - c. 3.5 stormwater swale both sides of road. Liner+rocks. Focus on getting water back into the ground.
  - d. No secondary access to protect wetlands
  - e. As required by fire department
6. Water and Irrigation Water
  - a. 16 shares Mill Canal water dedicated to City but to be used for Project
  - b. Developer will pay any annual or special assessment for shares used.

- c. Individual parcel rainwater harvesting as allowed by Utah State law
    - i. Irrigation limited to building envelope
  - d. 8" water main
7. Sewer
- a. 10' sewer line.

#### **ATTACHMENTS TO THIS REPORT**

1. Related code
2. Final Plat
3. Development Agreement
4. Citizen Comment/Question

The City Council 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.

**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
<b>Wetland</b>	<b>40 feet from delineation line as defined by the Army Corps of Engineers</b>
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:**

	<b>DESIGN VOLUME</b>						
<b>DESIGN SPEED</b>	<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:

	<b>DESIGN VOLUME</b>						
<b>DESIGN SPEED</b>	<25	25-250	251-699	700-999	1,000-2,499	2,500-5,000	5,001+
<b>All Speeds</b>	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."*