

EXHIBIT "C"

**Agenda Summary**  
**GRAND COUNTY COMMISSION**  
**December 15, 2020**

Item No.

<b>TITLE:</b>	Public Hearing for the Creekside Estates Planned Unit Development and associated Master Plan for Phase II (Tract A), Creekside Estates
<b>FISCAL IMPACT:</b>	N/A
<b>PRESENTER(S):</b>	Community Development Staff

**Prepared By:**  
**GRAND COUNTY**  
**PLANNING &**  
**ZONING**  
**ADMINISTRATOR**

**FOR OFFICE USE ONLY:**

**Attorney Review:**  
**COMPLETE**

**POSSIBLE MOTIONS:**

*\*\*County Commission policy is to vote on public hearing agenda items at a meeting following the public hearing.*

I move to approve the proposed Ordinance amending the Creekside Estates Planned Unit Development to create a master plan for Phase II allowing minimum lot sizes on Tract A of 0.37 acres.

**PLANNING COMMISSION RECOMMENDATION: APPROVE**

Despite neighborhood opposition, the Planning Commission voted 5-1 to send a favorable recommendation to approve the amended PUD to create a master plan for Phase II affecting development of Tract A. The amended PUD reduces the minimum lot size from 1.0 acres to 0.37 acres but maintains the same 6-lot maximum established in the original PUD. The PC noted support for clustered development and the fact that the current minimum lot size does not change the allowed minimum lot size in the underlying zone (RR), therefore not using any aspect of the PUD tool.

**STAFF RECOMMENDATION: APPROVE**

For the same reasons above, Staff recommends approval of the amended PUD and proposed Master Plan.

**COUNTY ATTORNEY RECOMMENDATION: APPROVE**

It is preferable that modern developments place common elements, like private roadways, into a separate parcel for ownership and maintenance by the HOA (or the County via dedication, which is not proposed here at this time). Otherwise, Tract A cannot be developed into six 1-acre Lots unless the private roadways are contained within private lots and easements are provided to the HOA. This creates potential liability issues, which the County has an interest in avoiding in the event the roadways are later dedicated to and accepted by the County. The clustered lots provide sufficient acreage to place the roadways in separate parcels.

**BACKGROUND:**

Creekside Estates was approved as a two-phase PUD in 1997 via plat only, prior to the requirement for a master plan. Phase I included 6 lots with a minimum size of 1.0 acres, and Phase II was planned for the future for 6 lots also with a minimum size of 1.0 acres, on a tract of land that is 6.48 acres. This 6.48 acres included the land dedicated to two private roads, which leaves the applicant without room for their entitled six lots at 1.0 acre minimums, whereas if the applicant were able to take advantage of the purpose of the PUD, which is clustered development, they will be able to develop all six lots.

**ATTACHMENT(S):**

- Staff Report
  - Proposed Ordinance
  - Applicant Statement
  - Master Plan
  - Original Plat
  - Original CCRs for Phase I (Available Upon Request)
  - Title Report (Available Upon Request)
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# STAFF REPORT

**DATE:** Tuesday, December 1, 2020

**TO:** Grand County Commission

**SUBJECT:** Creekside Estates Phase II PUD Amendment Reducing Minimum Lot Size to 0.3 Acres

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**PROPERTY OWNER:** Larry White

**PROP. OWNER REP:** N/A

**PROPERTY ADDRESS:** 3373 Creekside Lane

**SIZE OF PROPERTY:** 6.48 acres

**EXISTING ZONE:** Rural Residential (RR) with a base density of 1 unit / 1 acre

**EXISTING LAND USE:** 2 existing residences

**ADJACENT ZONING AND LAND USE(S):** Creekside PUD Phase I, Rural Residential (RR); agricultural

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## APPLICATION TYPE

PUD Amendment

## PLANNING COMMISSION RECOMMENDATION: Approve

Planning Commission voted 5-1 to send a favorable recommendation to County Commission with the following conditions:

- that the preliminary plat be recorded as a master plan (a master plan version of this is included in the packet)
- that the exterior setbacks remain at 25' (this has been noted on the master plan)
- that the southern setbacks remain as stated in the CCRs (this has been noted on the master plan)

## STAFF RECOMMENDATION: Approve

Applicant would like to change the minimum lot size of Phase II of the Creekside PUD from 1.0 acres to 0.3 acres, according to the associated new Master Plan for Phase II.

## SUMMARY OF REQUEST

Creekside Estates PUD was approved in July of 1997 for a total of 12 lots. The first phase was platted as six, 1 acre lots, and this phase has been left as "Tract A" until this year, with six more lots intended as per the original plat. The original plat stipulates that the applicant has a minimum lot size of 1 acre for Phase II, which the applicant contends he chose for no reason other than to have something to put in the table. Due to the road dedication which was contained in Tract A, there is not enough acreage for all six lots to be developed, supporting the contention that the 1.0 acre minimum lot size was not well thought-out or intentional. Current PUD rules allow for a developer to alter the minimum lot size in a PUD as long as the underlying allowed density does not change. This is used as a mechanism to cluster development and preserve agricultural land.

The Master Plan included in the packet for approval has been approved by the Development Review Team which preserves agricultural land and includes all six lots, with five smaller lots and one larger. The allowed density of 6 lots will not change with this amendment.

## SITE IMPROVEMENTS / ADDITIONS / CHANGES

To serve the proposed development, the Applicant will need to extend power, gas, water/sewer, and telecommunications infrastructure into the subject lots, all of which are readily available at the street. No road improvements are required by the County.

## CONSIDERATIONS FOR APPROVAL, DENIAL, AND/OR POSTPONEMENT

A PUD Amendment is considered a Zoning Map Amendment, and therefore, subject to Section 9.2, Text and Zoning Map Amendments

**COMPATIBILITY WITH GENERAL PLAN**

The proposed subdivision is supported by the inclusion of the Planned Unit Development tool in the Land Use Code.

**COMPATIBILITY WITH LAND USE CODE (ZONING)**

The proposed subdivision is in compliance with Section 4.4, PUDs.

**LAND USE CODE REFERENCE SECTIONS**

Section 4.4 PUDs, Article 7, Subdivision Standards, Article 9.4 Preliminary Plats

**PROPERTY HISTORY**

The properties currently have two (2) existing residences. The original Tract A was subdivided once to create two lots, which are both part of the current application.

**APPLICATION PROCEDURE**

Decision Type: Legislative

Public Hearing at Planning Commission (9-28-20) and Public Hearing at County Council (Oct 6, 2020)

**ATTACHMENTS**

- Agenda Summary
- Applicant Statement
- Master Plan/Preliminary Plat\*\*\*
- Proposed CCRs
- Original Plat

**GRAND COUNTY, UTAH**  
**ORDINANCE NO. \_\_\_\_\_ (2020)**

**APPROVING AN AMENDMENT TO THE CREEKSIDE ESTATES PLANNED UNIT  
DEVELOPMENT AND ASSOCIATED MASTER PLAN FOR PHASE II**

**WHEREAS**, the previously named Grand County Council ("County Council") adopted the Grand County General Plan ("General Plan") on April 6, 2004, with Resolution No. 2654, as amended by Resolution No. 2976;

**WHEREAS**, the County Council adopted the Grand County Land Use Code ("LUC") on January 4, 1999 with Ordinance No. 299, as amended by Ordinance No. 468, for the purpose of regulating land use, subdivision and development in Grand County in accordance with the General Plan;

**WHEREAS**, the Owner and Applicant, Larry White, ("Applicant" or "Developer") is the owner of record of real property known as Parcels 02-0CRK-0007 and 02-0CRK-0008, specifically described by metes and bounds as follows:

Beginning at the South 1/16 corner of Section 22 and 23, Township 26 South, Range 22 East, Salt Lake Base and Meridian, and proceeding thence with the section line South 00°04'00" West 560.4 feet to the Northeast corner of Lot 4, Creekside Estates; thence with said Lot North 83°22'00" West 138.4 feet; thence North 44°35'00" West 177.4 feet; thence South 75°16'00" West 249.1 feet; thence North 13°31'00" West 503.2 feet; thence North 88°28'00" East 621.4 feet; thence South 00°25'00" West 24.5 feet to the point of beginning, having an area of 6.48 acres, more or less.

**WHEREAS**, the Property is zoned Rural Residential;

**WHEREAS**, upon application and hearing, the County Council applied the planned unit development ("PUD") overlay to the Property via plat in 1997 and approved the Creekside Estates Final Plat recorded on July 25, 1997 which proposes a total of twelve (12) lots for single family dwellings, as follows:

	PUD Development stipulations table Rural Residential - PUD	
	PHASE I	PHASE II
Primary Uses	Single Family Res.	Single Family Res.
Accessory Uses	Uses normally associated with and accessory to the permitted use	Uses normally associated with and accessory to the permitted use

Acreage	6.40	6.48
Number of Units	6	6
Min. Lot Size	1.0 acres	1.0 acres
Building Height	35 ft.	35 ft.
Parking Off Street	2 per unit; 14 total	2 per unit; 14 total
Setbacks	Front = 25 ft. Side = 15 ft. Rear = 25 ft.	Front = 25 ft. Side = 15 ft. Rear = 25 ft.

**WHEREAS**, the Grand County Planning Commission reviewed and forwarded a favorable recommendation to amend the Creekside Estates Planned Unit Development (“PUD”) to create a master plan for Phase II allowing minimum lot sizes on Tract A of 0.37 acres;

**WHEREAS**, the Applicant submitted a Master Plan for Phase II of the Creeksides Estates PUD;

**WHEREAS**, due notice was given that the Grand County Commission would meet to hear and consider the proposed amendment to the Creekside Estates PUD and associated master plan for Phase II allowing minimum lot sizes on Tract A of 0.37 acres in a public hearing on December 1, 2020;

**WHEREAS**, the Grand County Commission has heard and considered all evidence and testimony presented with respect to the subject application and has determined that the adoption of this ordinance is in the best interests of the citizens of Grand County, Utah;

**NOW, THEREFORE, BE IT ORDAINED** by the Grand County Commission that it does hereby approve the amendment to the Creekside Estates PUD and associated Master Plan for Phase II attached hereto as *Exhibit A*. This Ordinance shall be recorded in the real property records of Grand County, Utah prior to an Amended Plat for Creekside Estates.

**PASSED** by the Grand County Council in open session this 15th day of December 2020 by the following vote:

*Those voting aye:* \_\_\_\_\_

*Those voting nay:* \_\_\_\_\_

*Those absent:* \_\_\_\_\_

**Grand County Commission**

**ATTEST:**

**Applicant: Larry White**

**3373 South Creekside Lane**

**Moab, Utah 84532**

**435-260-9563**

**9.17.20**

**To: Grand County Planning and Zoning**

**Applicant Statement:**

**Creekside Manor Phase II of Creekside Estates is zoned RRI. Per plat notes, the one acre minimum was part of Phase I, established in 1996. The new Creekside Manor PUD (Phase II) allows for multiple size lots under the land use code. The revised lot layouts reflect a more efficient use of the land and placement of homes, while creating more open space.**

- 1. To my knowledge, the intent of P&Z in 1996 was not to hold me to the one-acre lot minimum, but was meant to be used as a guide to the RRI zoning.**
- 2. No, the area has remained rural residential.**
- 3. Lots under one-acre are more desirable to today's home owner.**
- 4. Yes, the proposal provides building lots that also support open space.**
- 5. Yes, the proposal conforms with land use code (PUD).**
- 6. N/A**
- 7. Yes, the proposal meets underlying zoning per land use code (PUD).**
- 8. Yes, the proposal is for single-family homes and provides lots that support open space.**
- 9. Yes, the proposed use is for single-family homes.**
- 10. Yes, all utilities and services are available.**



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**Mary McGann, Chairperson**

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**Quinn Hall, Clerk/Auditor**

