



## OAKLEY CITY PLANNING COMMISSION

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### STAFF REPORT

**To:** Oakley City Planning Commission  
**From:** Amy Rydalch, City Planner  
**Report Date:** August 17, 2020  
**Date of Meeting:** August 19, 2020  
**Type of Item:** **SBJ ACRES – PLAT AMENDMENT**  
**Process:** Administrative – Public Hearing/Possible Action

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### PROJECT DESCRIPTION

**Project Name:** SBJ ACRES PLAT AMENDMENT  
**Applicant(s):** Larry & Terrie Leifson  
**Property Owner(s):** Larry & Terrie Leifson  
**Location:** Corner of New Lane and Boulderville Road  
**Parcel Number(s):** SBJAC-1AG-AM  
**Zone District:** A-5  
**Adjacent Land Uses:** Residential  
**Existing Uses:** Residential/Pasture  
**Public Hearing:** August 19, 2020

### PROPOSAL

The applicant, Larry and Terrie Leifson are requesting a plat amendment to the S&B&J Acre Subdivision to plot an additional 4 lots.

### BACKGROUND

The original subdivision pre-dates November 1999. The original application and plat have not been located. The earliest documentation found begins in planning commission minutes from November of 1999 when there was a discussion and subsequent application for a plat amendment to add an additional 3 lots to the existing 2 lot subdivision. The plat amendment was approved on February 10, 2000 and added an additional 3 lots and 1 Ag parcel. On the new plat, a note was added that stated that re-subdivision would require a master planned development. Additional changes to the plat in February of 2000 added language to existing lots that designated three as lots of record. (See Plat from Feb. 2000).

In 2004, 2005 and again in 2007 Mr. Bart Warner, the property owner at the time applied for a zoning change asking for various densities for a Master Planned Development. Mr. Warner was told that in order to develop the remaining Ag. Parcel he would need to apply for a zoning change as the development rights had already been exercised. (See Plat from Feb. 2000). Each application was denied. (See Attached Exhibits for proposed Warner MPD's.)

### **CASE FOR DEVELOPMENT RIGHTS**

Mr. & Mrs. Leifson believe that there are remaining development rights in the S&B&J Acres subdivision under the following circumstances:

1. Parcel 2 – Across the Canal is a lot of record as determined by previous planner Tammy Stevens. 1.38 acres.
2. 3 Lots of record are designated on the Plat from February 2000 and should not be counted as exercised development rights against this acreage. Two of the lots of record are not included in the boundary of the subdivision.
  - a. If lots of record are not included as exercised rights then the acreage available for density calculation is:

Original acreage of subdivision	=	36.973
Less acreage of canal	-	1.808
Less Parcel #2	-	1.38 (lot of record unexercised)
Less Lot A	-	<u>1.80</u> (lot of record exercised)

Total Acreage Available for calculation = 31.985

31.985 acres / 5 acres	=	6.397 development rights
Executed Development Rights	-	3 (See plat from Feb. 2000)
		3.397 remaining

Density Remaining	=	3
<u>Lot of Record Parcel 2</u>	=	<u>1</u>
Unexercised Development Rights	=	4

### **PROPOSED PLOTTING OF REMAINING DENSITY**

The Leifsons are proposing to plot an additional three lots on the southern property line of Parcel 1 that fronts Boulderville Road. All three lots are proposed to have separate driveway access onto Boulderville Road. The Leifsons would like to transfer the development right from Parcel 2 to the remaining acreage on Parcel 1 for one large estate lot with an extended private driveway from Boulderville Road.

**CITY ENGINEER'S COMMENTS:**

Concern that the recent survey is not following the original outline, bearings and distances. This will need to be remedied and reviewed prior to any approval of the new plat. The City Engineer would like to review further pending Planning Commissions decision.

**RECOMMENDATION:**

Staff is recommending the planning commission hold a public hearing regarding the application for further subdivision of the S&B&J Acres subdivision. Upon completion of the hearing and review of the application staff is recommending that the commission make a determination of the following:

- The applicants' case for eligibility of unused development rights.
- How to proceed – City does not currently have a MPD process.

Further Conditions to consider for approval:

- All corrections to survey must meet with city engineer approval
- All changes/additions to plat must meet the conditions of approval of the South Summit Fire Marshal.
- All right of ways and easements will be acknowledged and included on the plat. Including but not limited to PUE's, waterways, and ditches.
- Applicants must meet the requirements of the city engineer
- Add plat notes documenting transfer of development right, and any other conditions of development.

**STANDARDS FOR APPROVAL:** The city must find that the application meets all codes and ordinances pertaining to the creation of a subdivision.

**ORDINANCES AND STATUTES THAT APPLY:** Oakley City Land Management and Development Code – Chapters: 12 & 13. (City regulations do allow for the transfer of development rights see 12.09.010 and 12.21.010)

**ATTACHMENTS**

**S&B&J Plat from February 2000**

**Renderings of Bruce Warner Proposals 2004-2007**

**Larry Leifson Proposed Plat August 3, 2020**