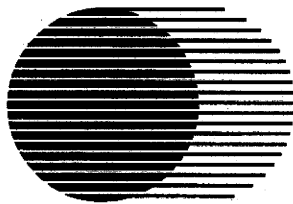


County Council

November 19, 2014

Public Hearing

6:00 p.m. Meeting



Consideration of a rezone of property referred to as the North Fields. The North Fields is bordered on the south by Highway 113 (Midway Lane), west by the Provo River Mitigation property, east by Highway 40 and north almost to the intersection of Highway 40 and River Road. The North Fields is currently zoned A-20 (Agricultural 20-acre lots minimum). The proposal is to rezone the north fields to A-10 (agricultural 10-acre lots minimum). This is a county initiated proposal that includes approximately 2,800 acres in all or parts of sections 18, 19, 24, 25, 29, 30, 31, 32, and 36 of Township 3 South Range 4 East and Township 3 South Range 5 East.

Attached you will find:

- Copy of the 11/13/2014 Planning Commission Packet
- When available a copy of the Planning Commission Report of Action
- Public Comments

WASATCH COUNTY
Planning Commission Staff Report
November 13, 2014

ITEM: 1

The Wasatch County Planning Commission will consider a rezone of property referred to as the North Fields. The North Fields is bordered on the south by Highway 113 (Midway Lane), west by the Provo River Mitigation property, east by Highway 40 and north almost to the intersection of Highway 40 and River Road. The North Fields is currently zoned A-20 (Agricultural 20-acre lots minimum). The proposal is to rezone the north fields to A-10 (agricultural 10-acre lots minimum). This is a county initiated proposal that includes approximately 2,800 acres in all or parts of sections 18, 19, 24, 25, 29, 30, 31, 32, and 36 of Township 3 South Range 4 East and Township 3 South Range 5 East.

BACKGROUND:

The proposed rezone is located in what is referred to as the North Fields area which is generally on the west side of Highway 40 from Midway Lane up to the intersection of Highway 40 and River Road. The proposed rezone would include approximately 2,800 acres.

This request is to amend the zoning map from A-20 (20-acre lots) to RA-10 (10-acre lots). If the rezone were approved RA-10 zoning regulations would have to be written that most likely would be substantially similar to the A-20 zone as determined by the County Council after a recommendation from the Planning Commission.

The property proposed to be rezoned is in the Central Planning Area of the General Plan which contains most of the ground in the Provo River corridor between the Jordanelle dam and Charleston.

In reviewing rezones the General Plan is the main document for determining the appropriateness of a rezone. The General Plan is broken into sections that individually represent geographic areas throughout the County. Each planning area has two sections; the settings and constraints and the land use plan sections. The General Plan is a mandatory document that is required to be followed by the legislative body or be amended by the legislative body.

As per state code 17-27a-205(4) enacted in the 2014 legislative session "courtesy letters" are required to be sent to all property owners within the area proposed to be rezoned. Also property owners can, no later than 10-days after the day of the first public hearing file a written objection to the inclusion of the owner's property in the proposed zoning map or map amendment.

The applicable sections regarding regulations for the Central Planning area of the General Plan are quoted verbatim in the sections below. These sections were adopted in 2001

and, as far as I am aware, have not been updated since that time. Also included with this staff report is the entire Central planning area section of the General Plan so the Planning Commission can review the section in its entirety.

ANALYSIS:

General Plan recommendations – The Central Planning settings and constraints section of the General Plan states the following:

The Central Planning Area containing 6,103 acres (which runs from the Jordanelle dam to Charleston) is characterized by meadows, river and stream riparian environment, high ground water table, hydric soils, and unsuitable soils for building and infrastructure development. The Central Planning Area is located within the inundation area of sudden failure of the Jordanelle Dam and major flood area that extends beyond the Provo River Corridor.

Map 24 compiled from the Soil Survey of the Heber Valley Area, Utah shows soils that have water tables that rise to within 60 inches of the surface during some periods of the year except for Rasband, Crook Creek Little Pole and Henefer soils. This information is confirmed in Map 25 from the Department of Natural Resources Technical Publication No. 27 entitled Water Resources of The Heber-Kamas-Park City Area North-Central Utah which shows that most of the Central Planning Area has a water table within five feet of the surface during some periods of the year. This high ground water condition can have a profound effect on the infrastructure that would be required to support development in this planning area.

With the discontinuance of flood irrigation, it has been argued that the water table for much of the Central Planning Area would drop. This may be the case in some small areas, but since the majority of the soils within the Central Planning Area are hydric soils which have taken hundreds if not thousands of years to develop into a high ground water table environment, the abandonment of flood irrigation which has occurred for less than 140 years is unlikely to have much of an impact on the overall ground water table.

The Soil Survey of the Heber Valley Area further identifies that many of the soils shown on Map 24 have severe limitations for roads, foundations for dwellings and septic tank absorption fields. These severe conditions are a result of the high ground water table and high potential for frost action. While these limitations may be overcome with proper engineering, the cost is considerably higher and

should be considered when it comes to the maintenance and operation of a public infrastructure.

The above findings are further confirmed by the historical lack of development in the Central Planning Area due to the above identified physical constraints and the experiences of the Wasatch County Road Department in their efforts to maintain minimum standard gravel roads in the area and the Wasatch City County Health Department's experience in disapproving many requests for on-site waste water disposal systems in the planning area due to high ground water.

The Land Use section of the General plan for the Central Planning Area states the following:

An evaluation of physical constraints in the Central Planning Area suggests that providing necessary infrastructure to accommodate significant development in this area would be very costly to units of local governments to provide. Therefore governmental support of the extension of the infrastructure such as water and sewer facilities and the acceptance of new streets for maintenance by the County should not be granted while other areas which are more suited for development are available.

The physical constraints of the Central Planning Area by themselves will likely insure that the historical land use pattern for this planning area will largely be maintained. Therefore as a matter of public policy, the Central Planning Area is to be maintained in its historical land use pattern of open meadows, and river and small stream riparian habitat. The use of this area for housing and other types of development is discouraged due to the physical constraints and the higher costs of providing governmental services.

The Central Planning Area is highly prized by many local residents of Heber Valley as open space. This area's scenic value contributes significantly to the real value of all land within the Heber Valley area. Therefore, the following strategies should assist the county in preserving some of this area as open space at the same time providing property owners with a reasonable value for the removal of development rights from their property.

The Development Code should provide for an increase in density credits when the development rights are removed from land in the Central Planning Area. Land within the Central Planning Area has been identified as having a public benefit as open space. In this area while development may occur at the underlying zone of one unit per 20 acres if a suitable area can be identified, an increase in transferable density credit for the is area should be allowed.

The County should adopt a general sales tax and/or bonding as an additional ways to fund the purchase of development rights and/or fee title to land identified as having a public benefit as open space.

The preservation of open space in the Central Planning Area will also provide for a desired green belt separation between Heber City and Midway. The Development code should ensure that any development along SR 113 is set well back from the road and the rural character along this road is maintained.

POSSIBLE FINDINGS: (Following are sections of the General Plan)

- As a matter of public policy, the Central Planning Area is to be maintained in its historical land use pattern of open meadows, and river and small stream riparian habitat.
- The use of this area for housing and other types of development is discouraged due to the physical constraints and the higher costs of providing governmental services.
- The preservation of open space in the Central Planning Area will also provide for a desired green belt separation between Heber City and Midway.
- The Soil survey of the Heber Valley Area further identifies that many of the soils shown on Map 24 have severe limitations for roads, foundations for dwellings and septic tank absorption fields. These severe conditions are a result of the high ground water table and high potential for frost action. While these limitations may be overcome with proper engineering, the cost is considerably higher and should be considered when it comes to the maintenance and operation of a public infrastructure.
- The GP also recommends TDR's, bonds or general sales tax to purchase or move development rights.

Following are the purpose statements for the A-20 zone:

- Avoid excessive costs for public services in areas with high physical constraints.
- Protect the underground water supply from pollution“.
- Maintain an open rural buffer between Heber and Midway City. (2002 Code § 16.06.01)

As a condition, if the 10-acre zoning is approved, an (RA-10) zone would need to be created presumably similar in nature to the A-20 zone.

ALTERNATIVE ACTIONS:

1. Recommendation for Denial. This action may be taken if the Planning Commission concludes that the proposed zoning map amendment is not appropriate at this time.

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2. Recommendation for Continuance. This action may be taken if the Planning Commission needs additional information before a recommendation is made.
3. Recommendation for Approval. This action may be taken based upon a finding that the surrounding uses have changed, and the proposed zoning map amendment is appropriate at this time.

Attachments: The Central Planning Area portion of the General Plan including maps
Health Department Letter

Central Planning Area

Setting and Constraints

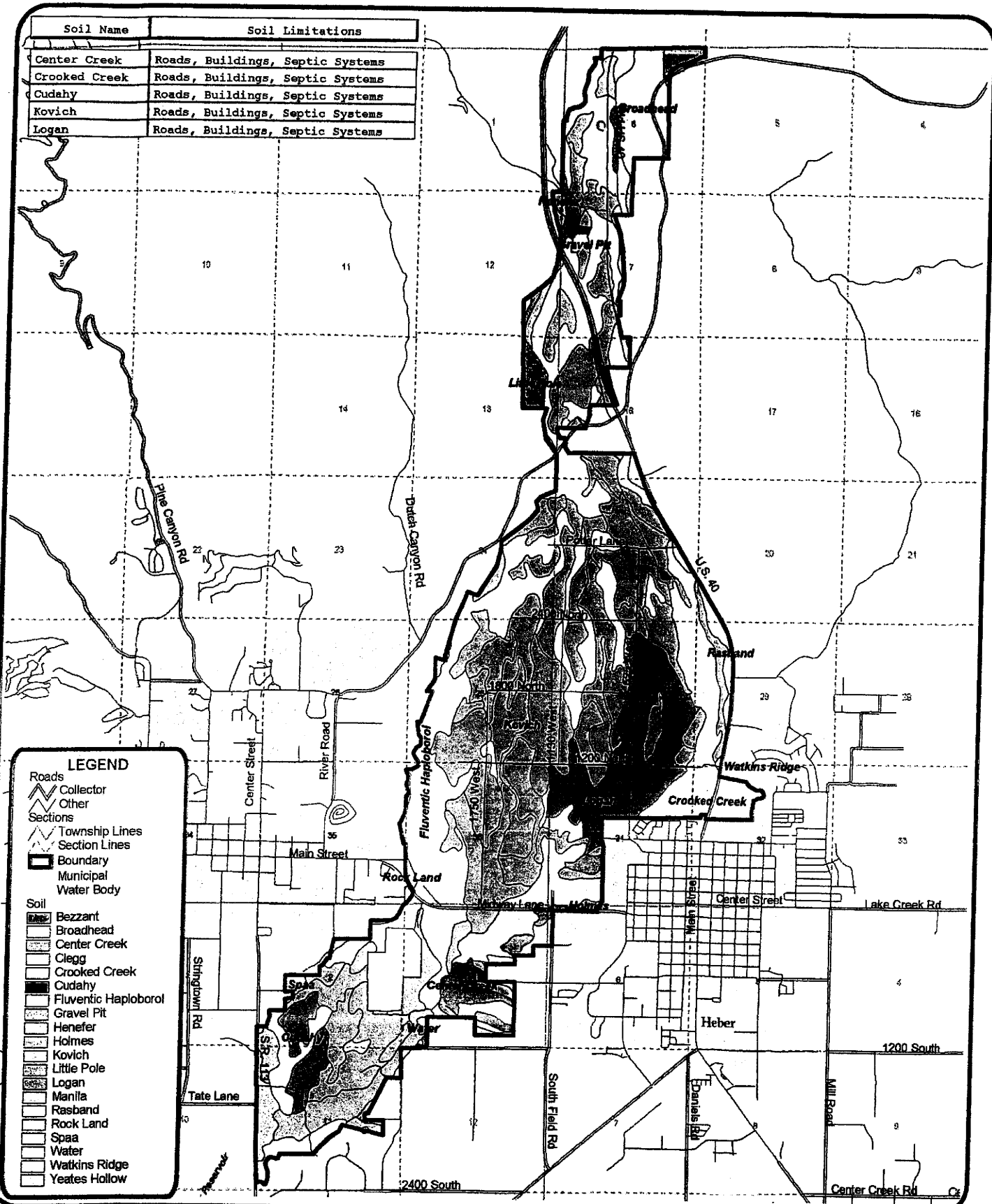
The Central Planning Area containing 6,103 acres is characterized by meadows, river and stream riparian environment, high ground water table, hydric soils, and unsuitable soils for building and infrastructure development. The Central Planning Area is located within the inundation area of sudden failure of the Jordanelle Dam and major flood area that extends beyond the Provo River Corridor. This planning area contains a total of 28 dwellings.

Map 24 compiled from the Soil Survey of the Heber Valley Area, Utah shows soils that have water tables that rise to within 60 inches of the surface during some period of the year except for Rasband, Crook Creek, Little Pole and Henefer soils. This information is confirmed in Map 25 from the Department of Natural Resources Technical Publication No. 27 entitled Water Resources of The Heber-Kamas-Park City Area North-Central Utah which shows that most of the Central Planning Area has a water table within five feet of the surface during some period of the year. This high ground water condition can have a profound effect on the infrastructure that would be required to support development in this planning area.

A high ground water table results, in almost all cases, in the infiltration of ground water into the sewer system which adds an additional cost to sewage treatment. This condition should be avoided where possible. A high ground water table also causes difficulties in the maintenance of culinary systems. When a water line break occurs in a high ground water table, it is impossible to prevent ground water from entering the culinary water system on the non-pressurized side of a leak. In the Heber Valley environment, most water line pipings are located at depths of six feet with a required five feet of cover over the top of the pipe placing lines well within the water table of the Central Planning Area.

Some would suggest that the water table be lowered in the Central Planning Area by the installation of underground drains. If drains were installed, they would likely result in the destruction of wetlands that have been identified in the Central Planning Area (see Figure 25) which would result in the violation of Federal Law.

Soil Name	Soil Limitations
Center Creek	Roads, Buildings, Septic Systems
Crooked Creek	Roads, Buildings, Septic Systems
Cudahy	Roads, Buildings, Septic Systems
Kovich	Roads, Buildings, Septic Systems
Logan	Roads, Buildings, Septic Systems



LEGEND

Roads
 Collector
 Other

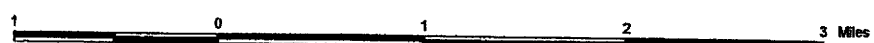
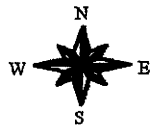
Sections
 Township Lines
 Section Lines

Boundary
 Municipal
 Water Body

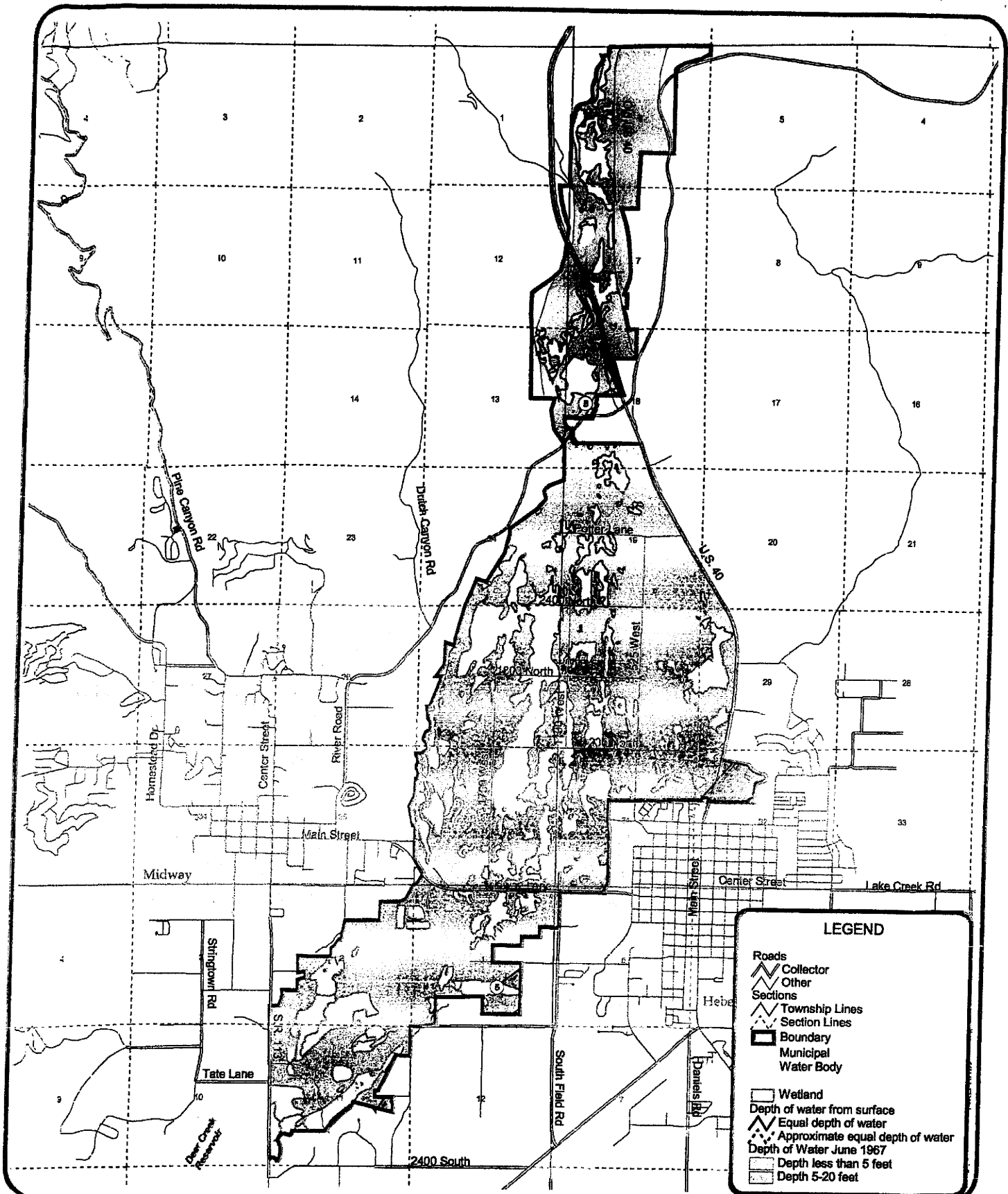
Soil
 Bezzant
 Broadhead
 Center Creek
 Clegg
 Crooked Creek
 Cudahy
 Fluventic Haploborol
 Gravel Pit
 Henefer
 Holmes
 Kovich
 Little Pole
 Logan
 Manila
 Rasband
 Rock Land
 Spaa
 Water
 Watkins Ridge
 Yeates Hollow

Wasatch County

Central Planning Area - Soils Map



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Wasatch County

Central Planning Area - Depth of Ground Water Table and Wetlands



Map 25

LEGEND

- Roads
 - Collector
 - Other
- Sections
 - Township Lines
 - Section Lines
- Boundary
 - Municipal
 - Water Body
- Wetland
- Depth of water from surface
 - Equal depth of water
 - Approximate equal depth of water
- Depth of Water June 1967
 - Depth less than 5 feet
 - Depth 5-20 feet

It has been argued by others that if flood irrigation was discontinued, the water table for much of the Central Planning Area would drop. This may be the case in some small areas, but since the majority of the soils within the Central Planning Area are hydric soils which have taken hundreds if not thousands of years to develop into a high ground water table environment, the abandonment of flood irrigation which has occurred for less than 140 years is unlikely to have much of an impact on the overall ground water table.

The Soil Survey of the Heber Valley Area further identifies that many of the soils shown on Map 24 have severe limitations for roads, foundations for dwellings and septic tank absorption field. These severe conditions are a result of the high ground water table and high potential for frost action.

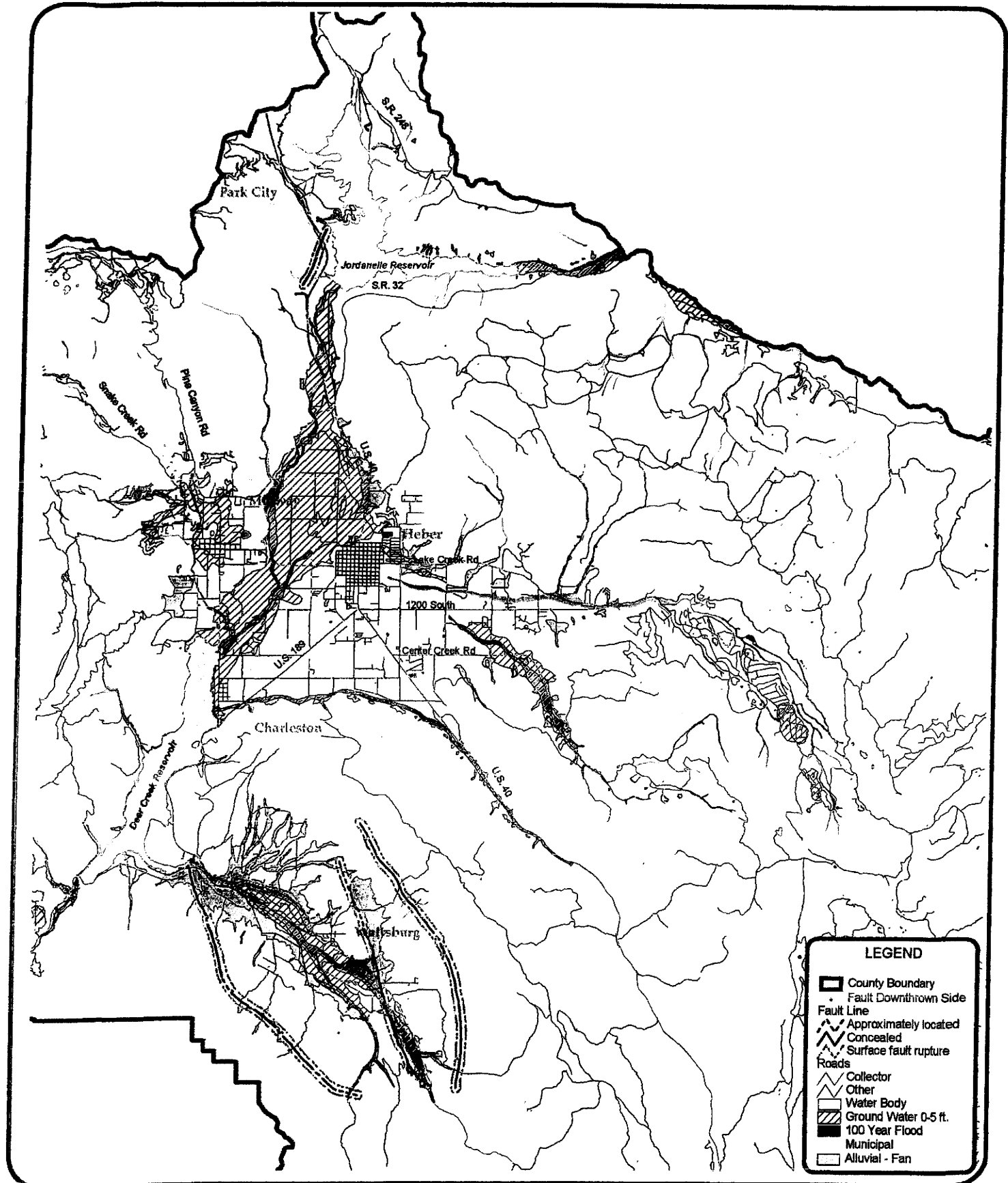
While these limitations may be overcome with proper engineering, the cost is considerably higher and should be considered when it comes to the maintenance and operation of a public infrastructure.

The above findings are further confirmed by the historical lack of development in the Central Planning Area due to the above identified physical constraints and the experiences of the Wasatch County Road Department in their efforts to maintain minimum standard gravel roads in the area and the Wasatch City County Health Department's experience in disapproving many requests for on-site waste water disposal systems in the planning area due to high ground water. Additional physical constraints that may limit the development of lands in this planning area are shown in the following figures. Map 26 shows flood hazards, earthquake hazards, and problem soil. Map 27 identifies suitability for wastewater disposal in septic-tank soils absorption systems. Table 28 shows landslide hazards.

The Central Planning Area is completely located within the inundation area of a sudden Jordanelle Dam failure as shown in Map 29. Map 29 also shows the area that would be affected by a major flood even with Jordanelle Dam.

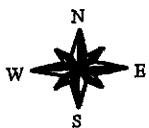
The Provo River is currently undergoing a restoration program to remove diking that was installed in the 1950s and to restore the river to its natural pattern with a meandering channel and restored river riparian and in-stream habitats. The corridor for this project is 800 to 2,200 feet wide along the river and is shown in Map 30 Central Planning Area, existing land use. Map 31 shows existing ownership with parcel sizes for private land.

Also located in the Central Planning Area are the Heber Valley Special Service District's waste water treatment lagoons. As the area continues to grow, a mechanical treatment facility will in all likelihood replace the present lagoon treatment system. These lagoons could still be utilized to store the winter flows for the mechanical treatment facility and made available for reuse through the valley pressurized irrigation system.



Wasatch County

Flood Hazards, Earthquake Hazards and Problem Soils



Map 26