

**\*ITEM 2**      Development Services requests approval for Zone Map Amendments to place the TDR-S (Transfer of Development Rights - Sending Sites) Overlay Zone on 66 properties with known hazards in east Provo. Oak Hills, Indian Hills, and Sherwood Hills Neighborhoods. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLRZ20240127

**Applicant:** Development Service

**Staff Coordinator:** Aaron Ardmore

**Property Owners:** BASSETT, DAMEN & JANN; CLARKE, KEITH; MC GARRY, PAUL T; JAKINS, GINA; OLSON, GREGORY B & TIFFANY W; OLSEN, STEVEN; ALVORD, CHERIE; NELSON, JAY S; BOLINDER, DAVID V; FRANKLIN RESEARCH LLC; QUICK, TYLER; OLSEN, BURTON K (ET AL); THOMSON PROPERTIES LLC; SADERUP, BRUCE R; MILE HIGH DRIVE LC; BRAMHALL, CHRISTOPHER E & CHRISTINE; FIGUEROA, JUAN CARLOS; SYMPHONY HOLDINGS LLC; STEWART, MICHAEL G & KRISTA L; SUNRIDGE DEVELOPMENT CORPORATION; TAYLOR, RUSSELL N & JIL R; BUCKWALTER, BRIANT A; KENNARD, LEE G; PRICE IS RIGHT PROPERTIES LLC; SCHNECK, HEIDI L; CROCKETT, MICHAEL & GRETA; MOONSTONE ENTERPRISES LP; SMITH, DANIEL A (ET AL); STONE, GARY E (ET AL); OVERTON, JARED D; RED MAPLE REAL ESTATE LLC; UPTON, BILL E & GRACE; PRIME DIRECTIVE LLC; SMITH, DANIEL A; ROSS, M TIMOTHY; CHAPMAN, KENNETH MAX & CONNIE SUE (ET AL); CHENEY, JU CHUN LIN; MC HENRY, KENNETH W; SHRADER, VINCENT E & MICHELLE S (ET AL); CLARK, ROBERT W

**Parcel IDs#:** 35:079:0001; 35:079:0002; 35:079:0003; 35:079:0004; 35:079:0005; 35:079:0006; 35:079:0007; 35:079:0008; 35:079:0009; 35:079:0010; 35:079:0011; 35:079:0012; 35:081:0001; 35:081:0002; 35:081:0003; 35:081:0004; 35:081:0005; 48:048:0044; 48:048:0045; 48:048:0046; 48:048:0047; 48:048:0048; 48:048:0049; 48:048:0050; 48:048:0051; 48:060:0016; 48:060:0017; 52:117:0087; 52:117:0114; 52:117:0120; 52:131:0006; 52:131:0007; 52:131:0033; 52:131:0040; 52:131:0065; 52:131:0092; 52:131:0102; 52:131:0103; 52:135:0004; 52:166:0004; 52:166:0007; 52:166:0008; 52:166:0011; 52:166:0012; 52:166:0013; 52:166:0014; 52:166:0015; 52:166:0016; 52:166:0017; 52:166:0021; 52:166:0046; 52:166:0055; 52:166:0056; 52:166:0057; 52:166:0058; 52:166:0059; 52:166:0060; 52:166:0072; 52:166:0073; 52:166:0074; 52:166:0075; 52:166:0076; 52:166:0077; 52:166:0094; 53:014:0009; 53:014:0011

**Number of Lots:** 66

**ALTERNATIVE ACTIONS**

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is June 12<sup>th</sup>, 2024, 6:00 P.M.*
2. **Recommend Denial** of the requested Zone Map Amendment. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

**Current Legal Use:** Of the 66 properties to have the overlay zone applied, three (3) have single- family homes and the rest are vacant parcels.

**Relevant History:** In June 2023 staff began to study problematic lots on the east bench of the city. As Public Works identified lots with a variety of hazards, Planning staff began to create an ordinance to allow the transfer of development rights from these lots to others in the city. A draft of this ordinance and overview of its goals was presented to a combined Planning Commission and City Council on October 11<sup>th</sup>, 2023; and had a positive response. A refined proposal was taken through staff review and was adopted on February 20<sup>th</sup>, 2024.

**Neighborhood Issues:** No issues reported to staff at the time of this report. Staff is presenting this phase of the TDR project to Neighborhood District Meetings over the next month.

**Summary of Key Issues:**

- Initial 66 properties have been identified as hazardous to build on by Provo City Engineering.
- Applying the TDR-S Overlay Zone to these properties will give the property owners a renewed value that they can market and sell.
- Removing these properties from possible building will protect the city and it's residents.

**Staff Recommendation:** Staff recommends that the Planning Commission recommend approval of the proposed zone map amendment to the City Council.

## **OVERVIEW**

Development Services and Engineering departments are proposing that the new Transfer of Development Rights Sending (TDR-S) Overlay Zone be applied to sixty-six (66) properties in east Provo with known geological risks or other natural hazards. The purpose of the overlay is to discourage development in hazardous areas and allow property owners to retain value in lots that have been found to have inherent risks on or near their properties.

The zone language was written by planning staff in conjunction with engineering staff to incorporate specific lots on the east bench of Provo. These lots have been found to be in danger associated with debris flow, landslide, rockfall, and/or fault rupture through zone area studies. It is in the interest of Provo to discourage building homes on the identified lots and allow the property owners to sell or transfer their right to develop to a safer property. This should allow these lots to remain as open space and allow the same or greater number of housing units to be built in other areas of the city.

It would be up to private property owners to request a TDR-R (receiving site) overlay when in talks with an owner of a TDR-S lot to purchase their development rights.

## **STAFF ANALYSIS**

As with any zone map amendment request, Planning Staff evaluates the proposal against the General Plan by using the criteria in Section 14.02.020, as follows: (staff response in **bold**)

Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan:

(a) Public purpose for the amendment in question.

**Staff response: The public purpose for the amendment is to protect the general health, safety, and welfare of the public by discouraging development of lots in hazardous areas.**

(b) Confirmation that the public purpose is best served by the amendment in question.

**Staff response: Staff believe that this amendment is the most fair and reasonable way to discourage development of residences in areas with known hazards, while still allowing the property owners to have value in their land.**

(c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.

**Staff response: This proposal is compatible with, and directly addresses, the following goals:**

- **General Plan Chapter 3, goal 2a “encourage development in areas that are less prone to natural hazards”.**
- **General Plan Chapter 7, goal 5 “continue to plan and work to mitigate the impacts of emergencies and hazards”.**
- **General Plan Chapter 8, goal 2a “create a strategic plan that includes tools and funding opportunities in order to conserve, connect, and protect vulnerable lands and open space”.**
- **Hillsides and Canyons Plan goal 3b “limit development in environmentally sensitive areas”.**

(d) Consistency of the proposed amendment with the General Plan’s “timing and sequencing” provisions on changes of use, insofar as they are articulated.

**Staff response: There are no timing and sequencing issues related to this request.**

(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan’s articulated policies.

**Staff response: Staff believes that this proposal would not hinder or obstruct General Plan policies.**

(f) Adverse impacts on adjacent land owners.

**Staff response: The only adverse impact that staff could imagine with this rezone request is that neighbors of the TDR-S lots may have to help code enforcement know when the natural vegetation / weeds grow too tall.**

(g) Verification of correctness in the original zoning or General Plan for the area in question.

**Staff response: Staff have verified the zoning and General Plan designation.**

(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.

**Staff response: Does not apply.**

## **CONCLUSIONS**

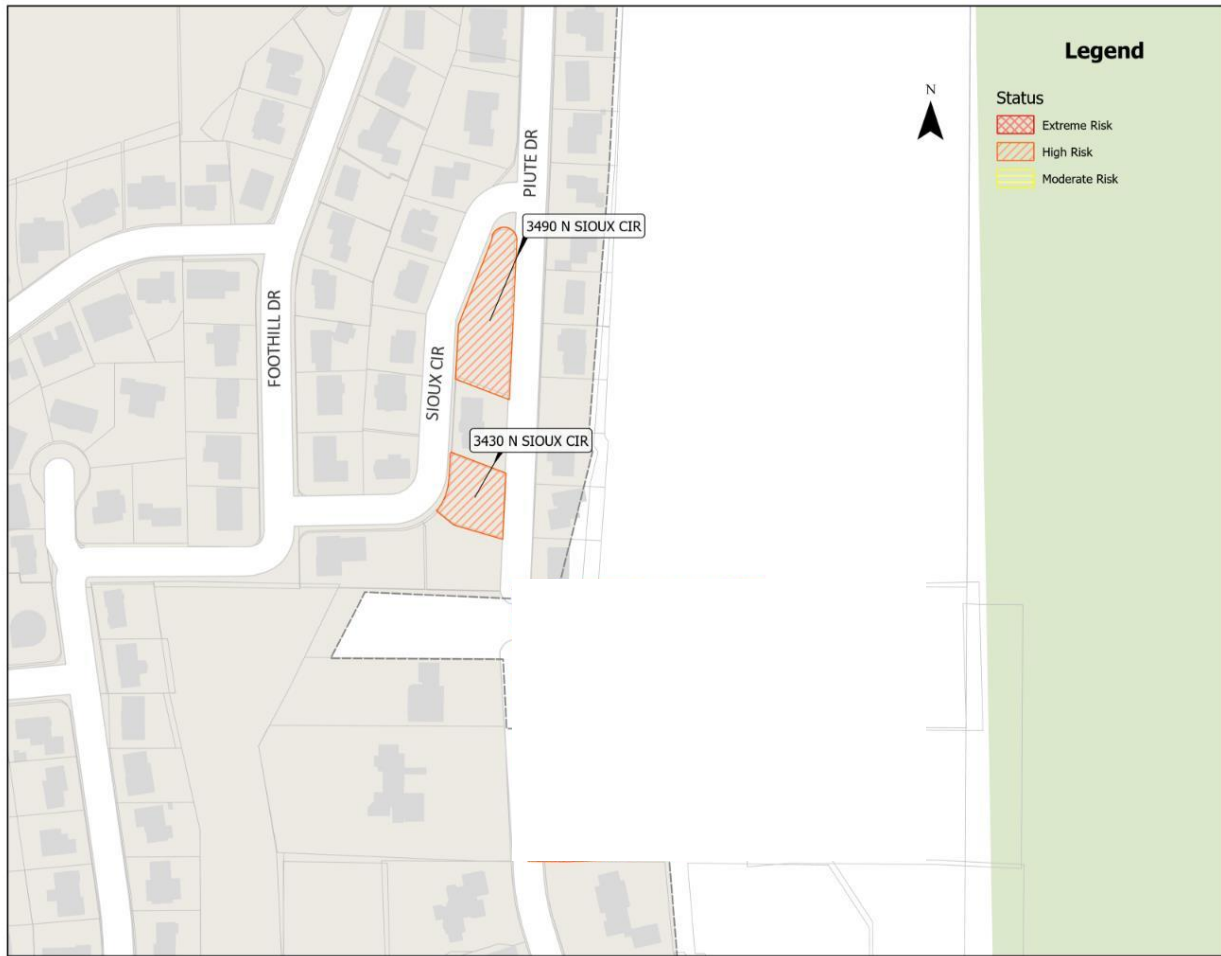
With the recent adoption of the TDR Overlay Zone (Chapter 14.33B), staff are prepared to apply the TDR-S Overlay to these initial 66 properties in order to protect them from development and give the property owners value, while still allowing the number of housing units to be built in other areas of the city. Staff recommends that the overlay is approved for these lots.

## **ATTACHMENTS**

1. Zone Maps
2. Hazard Maps

ATTACHMENT 1 – ZONE MAPS







### ATTACHMENT 2 – HAZARD MAPS



