

Application:	<u>Thomas Parcel Map for 2 lots</u>	Use Listing:	<u>Residential/Agriculture</u>
Applicant:	<u>Chris Thomas</u>		
Owner:	<u>Wayne & Kathleen Thomas, and Chris and Jessica Thomas</u>		
Representative:	<u>Bell Land Surveying – Steve Bell</u>		
Site:	1320 Moody Lane (APN: 008-292-31 – 5.66 acres)		
Designations:	Master Plan – Urbanizing // Zoning – E-1		

Proposal: There are several complications with this map.

1. The property currently has 4 owners, being two couples that are related. Chris is the son of Wayne and Kathleen. This parcel map is intended to separate the ownership between the couples into two lots roughly along an existing fence and elevation break.
2. The property has 2 homes, which the map will separate; with Chris and Jessica’s home (closest to Moody Lane) being on the north lot, and Wayne and Kathleen’s home on the south lot. Doing so is complicated by the fact that both homes use one well that will go with the south lot. This will have to be resolved by installing independent water service for Chris and Jessica’s home. The applicant plans to build a well for the lot.
3. An additional complication is that the applicant will soon be building a new, larger home on the north lot, which in turn will result in two homes on one property. At the time of building the new home, the owner will first have to obtain approval for an Accessory Dwelling Unit through an Administrative SUP, which they are planning to do, which will convert the small existing home into the accessory dwelling.
4. The new home will be further complicated by the fact that the land fronts the County sewer line and must connect to it. The same will apply to the County water supply that is planned for Moody Lane, unless the applicant builds the home before installation of the water line (which they plan to do).

Both lots have a non-rectangular configuration, The south lot will have a “flag-pole” reaching to Moody Lane that will include the driveway, the TCID canal, and a private ditch. The flag-pole configuration of the south lot will make future development more difficult. The parent parcel is zoned E-1 and has sewer frontage, which allows ½ acre lots. The 5.66 acre parcel has the potential for 11 new parcels (though existing development would probably reduce the realistic number). When the new County water line is installed, the parcel could potentially be rezoned and developed with roughly double that number. The proposed configuration will make the development of the proposed south lot much more difficult because the flag-pole will not be usable as a future access road. This means further development will have to come from Rice Road using a canal crossing, which will be up to the discretion of TCID and the Bureau of Reclamation. These limits will reduce the potential value of the south lot.

The existing parcel has an existing access onto Moody Lane, which is a County-maintained paved road within a 60’ easement – half being on the property. The property also has frontage on Rice Road, though accessing it will require the construction of a bridge and approval by TCID and BOR. No road construction will be required with this map. The Moody Lane road easement is offered for dedication. Rice Road is outside the parcel map, and no offer of easement or dedication of road is proposed.

Criteria Review:

CCC 16.04.040(C) Design Standards: Churchill County has adopted development standards, which shall be complied with in all application submittals.

The proposed development must conform to the County Development Code. Conditions of approval will address specific issues.

- **Setbacks and Easements:** The flag-pole on the south lot results in a zigzag line between the homes, and it appears the new line will provide the required 10' side setback from the existing buildings. There will be a private road access easement for the existing driveway placed along this line.
- **Lot size and width:** The two new lots meet the minimum area and width requirement though the flag-pole configuration of the south lot complicates this.
- **Access, sewer, and water facilities:** The existing parcel and the two homes on it are served by a single water well, but by separate septic systems. The septic systems are located near the homes they serve, and will be entirely on the same lot as those homes. But the home of Chris and Jessica (to be on the north lot) is currently served by the existing well (to be on the south lot), and the parcel map will separate the home from its water supply. A recommended condition will require that a new well be installed, and that the home will be disconnected from the existing well before recording the map. Access for the two new lots is planned to remain from the existing driveway, with a shared access easement.
- **Water dedication and community development fees:** Community development fees will be due with any new home or new business construction on the new lots. The exception is that water right dedication of 2 acre-feet per lot is required for each new lot, unless no water rights exist on the property, in which case a payment-in-lieu is allowed in the amount of \$3276 per lot. This also applies to sites with existing homes, unless the home has already satisfied the requirement. Different rules will apply if the home is constructed after the County water line is installed in Moody Lane.

CCC 16.04.050(A) Conditional Development Approval: The planning director, planning commission or county commissioners are authorized to apply conditions to applications for development. Conditions are employed to development projects to ensure:

1. Conformity with the master plan.

The **Master Plan** designates the area as Urbanizing, which is implemented by the existing E-1 zoning district. Most Master Plan policies are not applicable to the issue of a land division. Both **GOAL LU 2** and Policy LU 2.1 discuss compatibility issues that are discussed under criterion 2, below. **GOAL PFS 1** and **GOAL PFS 2** and their associated policies address infrastructure requirements, including those for connecting to existing sewer or water systems.

2. Compatibility with existing adjacent properties and uses.

The proposed new lots will have existing residential uses, with additional residential uses planned, as allowed under County Code. The existing compatibility with adjacent properties will change little.

3. Protection of the public health, safety and general welfare.

Existing residential uses will not change when split into the new lots. The additional planned residence will not change this. Public health, safety, and general welfare are adequately protected.

4. That adequate public facilities and services are available to the development.

The existing property uses on-site septic and well systems, though the two existing homes share a single well. With the parcel map, a new well will be needed for the home on the north lot. The two existing residences will be split onto their own lots, so the demand for public facilities and services will not change.

The planned additional residence will be required to connect to the County sewer line in Moody Lane, and the sewer system has plenty of capacity available. If the home is not built before the installation of the County water line in Moody Lane, the new home will have to connect to it.

Power is available at the site to the existing homes. The current county standard is for road easements and property lines to include utility easements. The map complies with this. Fire and police services are adequate to serve the existing or future uses.

Moody Lane provides transportation services and is adequate to serve the property. Both new lots will use the existing driveway, which will have a shared access easement.

5. ***As a part of the review and analysis of the development request, findings of conformance with the goals and objectives of the code and the master plan must be made in order to recommend approval and impose conditions. The conditions imposed by the staff may be modified by the final decision-making body.***

Based on the above assessment, options for Findings are provided below.

STAFF RECOMMENDATION: APPROVAL

MOTION FOR FINDINGS: The motion should be modified by the Planning Commission as needed.

- Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for an application for a Parcel Map on APN: 008-292-31 to split the lot into two parcels thereby [**MEETING // NOT MEETING**] the criteria found in CCC 16.04.040(C) and CCC 16.04.050(A), as described in the Staff Report.

MOTION FOR DECISION: The motion should be modified by the Planning Commission as needed.

- Based on the previously adopted findings made for this project, I move to recommend that the Board of County Commissioners:
 - (A) [**APPROVE // DENY**] the Parcel Map permit application for Chris Thomas to divide APN: 008-292-31 into two parcels. [**For APPROVAL add**] This approval is subject to conditions, as listed in the Staff Report.
 - (B) ACCEPT the offer to grant easements identified on the map.
 - (C) ACCEPT the offer to dedicate land and improvements for Moody Lane, and REJECT all other offers to dedicate lands and improvements at this time.

Recommended Conditions (NOT PART OF MOTION): Based on code requirements and issues raised during review of the project, the following conditions of approval are recommended to be included with any approval:

- 1) Changes shall be made for compliance with Churchill County Code, including but not limited to:
 - a) Labeling of the centerline of the canal forming the south property line.
- 2) Any final changes required by the County Surveyor shall be made prior to recording, including but not limited to the following:
 - a) Modification of line symbols and point symbols
 - b) The map shall be modified to display the dedicated strip of land for Moody Lane as a separate parcel of land using a solid line, including appropriate metes and bounds.
- 3) Before recording the map, a solution for providing water to the home that will be on the north property shall be proposed that is acceptable to the Public Works Director, with a preference for the following:
 - a) A new water well for the north parcel shall be constructed or financially guaranteed.
 - b) The water line from the well on the south parcel to the home on the north parcel shall be disconnected or financially guaranteed.
- 4) Water dedication requirements must be met prior to recording the map.