



**NOVEMBER 9, 2017**

**2202, 2314, 2330 & 2356 OLD HIGHWAY 144**

**ZONE CHANGE**

<b>From:</b>	R-1A Single Family Residential & A-R Rural Agriculture
<b>To:</b>	<b>A-R Rural Agriculture</b>
<b>Proposed Use:</b>	Farm
<b>Acreage:</b>	13.5 +/- acres
<b>Applicant:</b>	Adrian & Annie Yeiser (1711.2021)
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b>	<b>A-R, R-1A</b>
<b>South:</b>	<b>A-R, R-1A</b>
<b>East:</b>	<b>A-R, R-1A</b>
<b>West:</b>	<b>A-R, R-1A</b>

**Proposed Zone & Land Use Plan**

The applicant is seeking an A-R Rural Agriculture zone. The subject property is located in a Rural Preference Plan Area, where rural small-lot residential uses are appropriate in very limited locations.

**SPECIFIC LAND USE CRITERIA**

**(a) Separate lots fronting on public roads or streets –**

Each dwelling should be located on its own individual lot that fronts on a public road or street. New subdivision streets should be constructed to urban specifications, including curbs & gutters.

**(b) Lot sizes adequate for septic tank systems –** Lots should be large enough in size to assure satisfactory operation of conventional septic tank systems as regulated by state law.

**(c) Only logical expansions of limited scope –** In Rural Preference plan areas, completely new locations of Rural Small-lot Residential use should not be established. However, existing areas of this use may be expanded onto contiguous land, but should not significantly increase the extent of such uses in the vicinity, and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

**(d) Coal mining advisory –** In Rural Preference plan areas, prospective lot owners should be advised of the potential for coal mining activity in rural areas.

**Planning Staff Review**

**GENERAL LAND USE CRITERIA**

**Environment**

- It appears that the subject property is not located in a wetlands area per the US Department of Agriculture Soil Conservation Service dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Map 21059CO145D.
- It does not appear that the subject property is designated as prime agricultural farmland per the US Department of Agriculture Soil Conservation Service map dated March 1980.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA, the EPA, the OMPC building/electrical/HVAC division or other state and federal agencies as may be applicable.

**Urban Services**

All urban services are available to the subject property. Sanitary sewage disposal would be accomplished by an on-site septic system.

**Development Patterns**

The subject properties are 4 tracts of 1.23 acres, 5.937 acres, 2.741 acres and 3.592 acres respectfully, totaling 13.5 acres, located at the intersection of Jones Road and Old Highway 144. 2202 Old Highway 144 is zoned R-1A Single Family Residential while the other 3 tracts are all split zoned R-1A Single Family Residential and A-R Rural Agriculture. Approximately 9 acres of the total 13.5 acres is currently zoned R-1A Single Family Residential with the remaining 4.5 acres zoned A-R Rural Agriculture. There is an existing single family structure located on 2314 Old Highway 144; the other 3 tracts are currently vacant. Land uses in the vicinity are rural residential and agricultural.

Old Highway 144 and Jones Road in this vicinity are classified as local roadways and are outside of the urban service area. Because of the topography in the area, access to the tracts may be limited due to the sight distance. The County Engineer's office should be contacted prior to the construction of any access points along Old Highway 144 or Jones Road.

**SPECIFIC LAND USE CRITERIA**

The applicant's proposal is in compliance with the Comprehensive Plan. The subject properties are four separate tracts fronting on public roads, Old Highway 144 and Jones Road, with no new roads proposed. The approximate 9 acre expansion of the existing A-R Rural Agriculture zone is not a significant increase of the extent of the zone in the vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area. At 1.230, 5.937, 2.741 and 3.592 acres respectfully, the tracts are large enough to ensure satisfactory operation of a conventional septic system.

**Planning Staff Recommendations**

The planning staff recommends approval subject to the findings of fact that follow:

**Findings of Fact:**

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located in a Rural Preference Plan Area, where rural small-lot residential uses are appropriate in very limited locations;
3. The subject property has frontage on public roads, Old Highway 144 and Jones Road;
4. The 9 acre expansion of the existing A-R zone is not a significant increase of the zone in the vicinity and it should not overburden the capacity of roadways and other necessary urban services available in the affected area; and,
5. At 1.230, 5.937, 2.741 and 3.592 acres the tracts are large enough to ensure satisfactory operation of a conventional septic system.