

**MORGAN COUNTY PLANNING COMMISSION MEETING
MORGAN COUNTY COURTHOUSE - RM. 29
THURSDAY MARCH 26, 2009 – 6:30 P.M.**

MEMBERS PRESENT

Robert Wright
Ladd Albrechtsen
Steve Wilson
Bill Weaver
Jodee Bosen
Trevor Kobe
Adam Toone

STAFF PRESENT

Sherrie Christensen, County Planner
Charlie Ewert, Planner Tech
Teresa Rhodes, Planning Commission Assistant

MEMBERS ABSENT

COUNTY COUNCIL PRESENT

Tina Kelley
Howard Hansen

*** * * M I N U T E S * * ***

The prayer was offered by Member Albrechtsen.

Vice- Chairman Wright asked if agenda item #2 could be addressed prior to agenda #1.

1. Appointment of Chairman and Vice- Chairman.

**MEMBER BOSEN MOVED TO NOMINATE ROBERT WRIGHT AS CHAIRMAN.
SECOND BY MEMBER ALBRECHTSEN.**

There were no other nominations.

THE VOTE WAS UNANIMOUS. THE MOTION CARRIED.

**MEMBER BOSEN MOVED TO NOMINATE MEMBER ALBRECHTSEN AS VICE-
CHAIRMAN.
SECOND BY MEMBER KOBE.**

There were no other nominations.

THE VOTE WAS UNANIMOUS. THE MOTION CARRIED.

2. Approval of Agenda.

Sherrie noted the County engineer has requested that Mr. Holyoak correct several items on his minor subdivision. She would request that the public hearing not be removed from the agenda, but that the public hearing be opened and take any public comment if tonight and then have a motion to continue that public hearing for two weeks until the next meeting so that we just need to post an amended public hearing.

MEMBER ALBRECHTSEN MOVED TO APPROVE THE AGENDA OF MARCH 26, 2009 WITH THE NOTATION THAT THE PUBLIC HEARING FOR BILL HOLYOAK MINOR SUBDIVISION BE CONTINUED TO THE NEXT MEETING TO BE HELD ON APRIL 9, 2009. SECOND BY MEMBER KOBE. THE VOTE WAS UNANIMOUS. THE MOTION CARRIED.

3. Declaration of conflicts of interest.

There were no conflicts of interest declared.

4. Approval of Minutes.

MEMBER WILSON MOVED TO APPROVE THE MINUTES OF FEBRUARY 26, 2009 WITH THE NOTED MINOR CORRECTION. SECOND BY MEMBER BOSEN. THE VOTE WAS UNANIMOUS. THE MOTION CARRIED.

MEMBER KOBE MOVED TO APPROVE THE MINUTES OF MARCH 10, 2009 AS WRITTEN. SECOND BY MEMBER ALBRETCHSEN. THE VOTE WAS UNANIMOUS. THE MOTION CARRIED.

MEMBER WILSON MOVED TO APPROVE THE MINUTES OF MARCH 19, 2009 WITH THE NOTED MINOR CORRECTION. SECOND BY MEMBER BOSEN. THE VOTE WAS UNANIMOUS. THE MOTION CARRIED.

5. Public comment.

There was no public comment at this time.

MEMBER ALBRECHTSEN MOVED TO CLOSE THE PUBLIC COMMENT PERIOD. SECOND BY MEMBER WILSON. THE VOTE WAS UNANIMOUS. THE MOTION CARRIED.

6. Public Hearings –

1. Sean K. Dorius: Petition to amend the zoning map of property located in the vicinity of 3920 W Old Hwy Road from A-20 to RR-1

Sherrie presented her staff report (Please see attached exhibit A)

Sherrie noted Mr. Dorius property is just adjacent to the Coventry Cove PUD storage units. She noted if the Planning Commission members review the plat map they will see that Coventry Cove and Lamb Subdivision are zoned R-1 and R1-20 so there is some precedent in the area with regard to zoning. She further noted the neighborhood boundaries have not been very specific in the past with regard to what line they have tied to, so there is some interpretation by the Planning Commission that needs to happen as to whether this and probably the Lamb Subdivision was intended to be part of that neighborhood. She further noted the location of the existing home is bi-sected by the zoning line and so it does make a difficult proposition for any future development of this property where a portion of it is actually bi-sected by two zones.

Sean Dorius noted Sherrie has presented his application very well.

MEMBER ALBRECHTSEN MOVED TO OPEN A PUBLIC HEARING FOR SEAN K. DORIUS. SECOND BY MEMBER TOONE. THE VOTE WAS UNANIMOUS. THE MOTION CARRIED.

There was no public comment at this time.

MEMBER ALBRECHTSEN MOVED TO CLOSE THE PUBLIC HEARING FOR SEAN K. DORIUS. SECOND BY MEMBER BOSEN. THE VOTE WAS UNANIMOUS. THE MOTION CARRIED.

Member Wright noted this seems to be a housecleaning issue where the property is a little skewed on the A-20 one. Sherrie noted it could be looked at that way but it is a somewhat complicated matter because in our general plan we have several conflicting provisions. The general plan designates Mtn. Green as the growth center and then this property is definitely inside the boundaries of the Mtn. Green town, but it is out and directly adjacent to the boundaries that were established by the area plan. She noted The Lamb subdivision has the same problems. It is fully developed as far as a neighborhood but it is not included within the neighborhood boundary. She noted those neighborhood boundary lines have never been tied to a specific topographic line, elevation line, or property line as they went through and so interpretation is left up to the Planning Commission as to whether this would be part of the neighborhood. If the Planning Commission believes it is not part of the neighborhood then the proper procedure would be to amend the area plan map to include it as part of that neighborhood. If the Planning Commission believed it was within that boundary or a cleanup then a zone change could be recommended.

Chairman Wright noted it might be more appropriate, if we move ahead, to recommend a change to the area plan as part of this process. Sherrie noted it is not on the agenda that way and staff

would need direction if that is the way the Planning Commission would like this to go and it would have to be re-advertised. Chairman Wright noted the impact on this would be if the Planning Commission said no then the property could be developed with two lots, but not three.

Member Toone asked about the frontage required in the RR-1 zone noting LUMC 16-10 table 50 states the RR-1 needs 200 feet of road frontage. Sherrie noted one of the options Mr. Dorius could develop under would be the PRUD where 50 percent of the property would be put in open space and the lot sizes and frontages would be adjusted per the PRUD tool; or a short cul-de-sac could be constructed that would grant frontage to some of the lots. She further noted that the lots would be connected to a public water system but she did not believe the public sewer system went that far. The property would be on septic and so that would require minimum lots sizes of ½ acre in a PRUD or a standard subdivision would be 1 acre with 200 feet of frontage.

Member Albrechtsen asked how much frontage there was. Sherrie noted she would estimate it at about 425 – 500 feet. He further noted that assuming the Planning Commission wanted to go about changing the area plan what would that do to the property behind; is it excluded because it is A-20. Sherrie noted the property behind is A-20 and is part of the Cottonwoods PUD Overlay. The property adjacent to Mr. Dorius, listed as the Wilkinson Family farm, would be the designated open space for Phase 9 of the Cottonwoods PUD.

The members discussed the location of the lots. Mr. Dorius noted the existing home would sit on ½ acre and each of the lots would be ½ acre; leaving 1.5 acres in open space. It was noted Mr. Dorius's house sits in the A-20 portion of the property.

Member Wright asked Sherrie to briefly discuss for the benefit of the new members a description of the Wilkinson Family Farm and the Cottonwood PUD. Sherrie noted the Cottonwood development was approved as a PUD overlay and was an ordinance in the zone that basically looked at the underlying zoning but then an overlay zone was placed on top of it and the density is negotiated. As part of the negotiation of some 1100 acres the developer was given the right to develop 830 lots and then those lots are allowed, under the PUD overlay, to be smaller lots in exchange for open space.

Member Kobe asked why it is important to consider that the PUD abuts that property. Sherrie noted it would just be something for the Planning Commission to know what the surrounding zonings are. She noted the chance of that being re-zoned to a higher density would be unlikely because it has already been re-zoned to a higher density and then that density has been transferred into the various phases of the development onto smaller lots rather than the A-20 and RR-5 base zoning.

Member Bosen noted in her opinion it would be correcting a problem. Member Albrechtsen noted to make that argument is probably something that could be done but would be afraid it would open up any adjacent property in the area that might be a little odd and setting a precedent. In purchasing, or however Mr. Dorius obtained the property, he basically purchased the ability to have two building lots. By the Planning Commission granting an additional one, he believed it would be adding density in a place that did not need to be done regardless of what it is adjacent to.

Member Wilson noted that he would like to know the history behind the property. How did a home on A-20 ever come into play? Sherrie noted it could have happened as long as they had one acre within the RR-1 zone because it could have been a non-conforming lot that was legal and was created before the zoning was enacted. She believed that it was probably a conforming because at least 2/3rd of the lot was in the RR-1 zone and greater than 1 acre was in the RR-1 zone and so they looked at that as being the zoning they applied. There is a stipulation in the code that says when a piece of property is divided by two zones then you choose the more restrictive zone. It is one of those grey areas that leave subjective decisions making up to the Planning Commission. Member Wilson noted that interpretation could depend on what side someone is sitting on. Member Wright noted normally the Planning Commission would see some preliminary plans that come with this and we have not. Sherrie noted that was correct, the County is trying to get away from that as per the direction of our new County administrator who is trying to separate the administrative items from the legislative items.

Chairman Wright noted when this area was talked about for development; Mr. McMillan talked quite a bit about the desire to be able to have some flexibility in their property, which is immediately west Sherrie noted it is also within the town boundary but outside the neighborhood boundary. The recommendation from the Mtn. Green area plan was for some transfer development area, sending area, and receiving area. .

MEMBER ALBRECHTSEN MOVED TO DENY THE RE-ZONE REQUEST OF SEAN DORIUS WITH THE FOLLOWING FINDINGS:

- It currently falls outside any PUD overlays.
- Goes contrary to the general plan and Mtn. Green area plan which are very specific about adding density within town centers and neighborhood boundaries and trying to focus in those areas and this piece of property falls outside the neighborhood boundary.

Further discussion ensued.

Member Wilson asked how Mr. Dorius would remedy this. Sherrie noted we could ask for a recommendation from the previous area plan committee and ask them about their interpretation of where that neighborhood boundary was or is suppose to be.

Member Kobe noted right now it is in the town boundary, but just outside the neighborhood and the town specifies 1 acre which is in direct conflict with the general plan. Chairman Wright noted typically what has happened in the past is if property is not within the town boundary then the Planning Commission has been reluctant to grant the changes simply because the approach becomes fragmented. The County has said there are specific areas where growth is to take place. This property falls within a town boundary and a neighborhood boundary.

Member Albrechtsen withdrew his motion.

MEMBER ALBRECHTSEN MOVED TO TABLE MR. DORIUS RE-ZONE REQUEST APPLICATION AND REQUEST THAT WE RE-CONVENE THE MTN. GREEN AREA COMMITTEE FOR ONE SESSION WITH A SPECIFIC REQUEST TO GIVE US THEIR INPUT AS TO WHETHER THE AREA BETWEEN THE COTTONWOOD NEIGHBORHOOD AND TOWN BOUNDARY, WHERE THERE IS EXISTING

DEVELOPMENT, SHOULD BE INCLUDED IN THE COTTONWOOD/ROSEHILLE/FOXHOLLOW NEIGHBORHOOD. SECOND BY MEMBER BOSEN. THE VOTE WAS UNANIMOUS. THE MOTION CARRIED.

Member Kobe asked about the effect on surrounding properties. Sherrie believed that the Planning Commission would face this question over and over because of the way the neighborhood boundaries have been drawn. Specifically if you look at this particular map because the entire Fox Hollow subdivision is outside the neighborhood. There are blank spaces between Powder horn road and Old Highway that have no future land use on them and they are not included in any neighborhood boundaries. The boundaries of some of the neighborhoods should be amended; i.e. the Trappers Loop neighborhood because it has a lot of soils issues that we were made aware of last year through some soil reports. The Monte Verde and Poll neighborhood does not include Whisper Ridge Subdivision. She noted prior to the development of the current map there were maps that had 3000 foot circles and this property would have been within that Cottonwood/Rosehill neighborhood at that time. Sherrie believed the Planning Commission needs to address those neighborhood boundaries and look at them a little closer; it is an issue that will eventually need to be looked at. It was decided that the area plan would be re-convened to look at this area.

Member Wright summed up to Mr. Dorius what would take place from this point. He noted the problem is the area Mr. Dorius lives in is outside the neighborhood plan that was given to the County by the Mtn. Green area plan committee. He noted, traditionally, the Planning Commission has tried to say if property is inside that boundary we can work with a re-zone. If it falls outside, the County does not want to have small pockets of developments that take place. This particular piece of property is on the boundary and falls within a town boundary and neighborhood boundary. The Planning Commission will ask the area plan committee to reconvene and consider expanding that area and maybe some other properties further south along the road or provide input as to how the original boundaries were set. He noted there may need to be several meetings depending on what happens.

Sherrie noted a public hearing for the Dorius property would not need to take place again because the motion is to table Mr. Dorius application which leaves that public hearing open. Member Wright noted the Planning Commission uses the area plan's recommendations in making re-zone decisions so that spot zoning does not occur.

2. Blake Gailey: approval of a one lot minor subdivision located at approximately 4042 South Highway 66.

Sherrie presented her staff report (Please see attached exhibit B) Sherrie noted there are still some items missing from the plat:

- lot address
- Existing zoning.
- Couple of corrections that need to be made on the plat; i.e. signature block for the County Health Department.
- Mark Miller, County Engineer has some concerns and has submitted a memorandum regarding those concerns.

Member Wright asked Mr. Gailey if he was aware of these outstanding items. Mr. Gailey noted he was.

Member Wright asked about the division of the property. Sherrie noted that was one of the concerns of the engineer is that the plat needed to show the remainder parcel. Member Wright further noted the Planning Commission has discussed not approving a subdivision until water can be proved through the health department. Sherrie noted she has received a letter from the health department that approves the use of the well, septic tank, and lot size. The health department's subdivision rules are if the subdivision is greater than five lots in size the applicant has to prove 20% of the water and one test well would need to be drilled to prove water. When it is a one lot subdivision the health department has not required the applicant to drill the well prior to the subdivision being approved if there are other wells in the area and logs that can be shown. She noted that Mr. Gailey's brother lives within 1000'. He further noted his well is drilled and they did come and get samples just today.

MEMBER ALBRETCHSEN MOVED TO OPEN A PUBLIC HEARING FOR BLAKE GAILEY, SECOND BY MEMBER KOBE. THE VOTE WAS UNANIMOUS. THE MOTION CARRIED.

There were no comments.

MEMBER TOONE MOVED TO CLOSE THE PUBLIC HEARING. SECOND BY MEMBER BOSEN. THE VOTE WAS UNANIMOUS. THE MOTION CARRIED.

It was noted Mr. Gailey would have a shared driveway with his brother.

MEMBER BOSEN MOVED TO TABLE THE APPLICATION FOR BLAKE AND CHERIE GAILEY UNTIL ALL CONDITIONS CAN BE MET. SECOND BY MEMBER ALBRECHTSEN. THE VOTE WAS UNANIMOUS. THE MOTION CARRIED.

Chairman Wright noted the public hearing has been held and when Mr. Gailey returns the Planning Commission can deal directly with the issues noted tonight and another public hearing will not be needed.

3. Bill Holyoak: Petition to amend the zoning map of property located in the vicinity of 2300 West Old Highway Road from A-20 to RR-5.

Sherrie presented her staff report (Please see attached exhibit C) Sherrie noted that Mr. Holyoak has met with the County engineer and due to some additional items that need to be corrected has requested that his second request for a two lot subdivision be tabled and address at the next meeting. The request tonight would be to consider the re-zone only and not the subdivision.

Bill Holyoak – noted he owns a total of 21.3 acres. His son Jess would like to acquire a building lot on the property which would result in two building lots on the 21.3 acres. They did meet with

the County engineer and have discussed the changes necessary. This is in accord with the area plan.

MOTION BY MEMBER BOSEN TO OPEN A PUBLIC HEARING FOR BILL HOLYOAK Petition to amend the zoning map of property located in the vicinity of 2300 West Old Highway Road from A-20 to RR-5. SECOND BY MEMBER TOONE. THE VOTE WAS UNANIMOUS. THE MOTION CARRIED.

There was no comment.

MEMBER KOBE MOVED TO CLOSE THE PUBLIC HEARING. SECOND BY MEMBER WILSON. THE VOTE WAS UNANIMOUS. THE MOTION CARRIED.

Member Wright noted that this would be creating (2) 10 acre lots. In the future, Mr. Holyoak could request that this property be re-zoned RR-5. Sherrie noted that would be correct. It should be noted that a portion of the property is in the RR-1 zone and with the frontage he could have up to five homes on the property.

Member Albrechtsen asked if these two lots would share a driveway. Mr. Holyoak noted that there will be a shared drive with a short break off to each home.

MEMBER ALBRECHTSEN MOVED TO RECOMMEND A REZONE REQUEST FOR BILL HOLYOAK WITH THE NOTED FOUR FINDINGS:

1. The proposed amendment is in accord with the comprehensive General Plan goals and policies of the county;
2. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the purposes of the LUMC;
3. The requirement for a specific development proposal may be waived by the County Council as the rezone is for an agricultural district, the proposed zone change is in compliance with the future land use map for the area plan & the permitted base density for is less than 5 units in the ag zone.
4. The proposed zone amendment is recommended by the General Plan and Enterprise area plan for rural land use consistent with the RR-5 zone.

SECOND BY MEMBER WILSON. THE VOTE WAS UNANIMOUS. THE MOTION CARRIED.

4. **Bill Holyoak: approval of Hawk Mountain Minor Subdivision, a two lot subdivision located at approximately 2300 West Old Highway Road.**

MEMBER ALBRECHTSEN MOVED TO CONTINUE THE PUBLIC HEARING FOR THE MINOR SUBDIVISION FOR BILL HOLYOAK UNTIL THE NEXT Planning Commission MEETING. SECOND BY MEMBER WILSON. THE VOTE WAS UNANIMOUS. THE MOTION CARRIED.

7. Shawn Carter, 742 South Hwy 66– Conditional Use Permit, class 3 – Home occupation for assembly and installation of pre-manufactured cabinets.

Charles Ewert, Morgan County planner presented the staff report (Please see attached exhibit D) Member Wright asked how big the property is. Charlie noted it is in the RR-1 zone. He has reviewed items 1 -16 and is comfortable with those conditions.

Mr. Carter, Sean’s father. He noted Shawn does have a shop in Layton, but with the way the economy has gone and building slowing down he would like to move the shop up here.

Sherrie noted the class 3 is the type of occupation performed. This would be a class three because it has an outbuilding. If it was a business within the home it would be a class 1 or 2.

Member Toone asked if the fire chief had any concerns. Sherrie noted the building inspector would administer fire code requirements. Sherrie noted the business would be monitored by the zoning administrator. With regard to the noise staff believed that because most of the product is pre-manufactured there would not be a lot of noise.

Member Wilson noted eventually he would like to see an industrial park adjacent to the city, where businesses such as this could locate. Sherrie noted Mr. Day has been actively looking at property in the County to locate an industrial park.

Member Albrechtsen asked about placing business hours in the conditions. Sherrie noted that we could put the applicant on notice of what the hours set in the code are. Chairman Wright noted the annual review process.

MEMBER KOBE MOVED TO RECOMMEND APPROVAL OF A CONDITIONAL USE PERMIT TO Shawn Carter, 742 South Hwy 66– Conditional Use Permit, class 3 – Home occupation for assembly and installation of pre-manufactured cabinets. WITH THE FOLLOWING EIGHT FINDINGS:

1. The proposed use is compatible to the surrounding properties;
2. Adequate parking facilities have been provided;
3. The use is accessory and incidental to the primary use with no changes to the residential appearance of the home and no use of outside storage.
4. The use does not create an increased service demand.
5. The use does not create a nuisance for surrounding properties.
6. The use is not hazardous to public health, safety, morals or welfare.
7. The use will not create excessive noise, excessive traffic, nuisance, fire hazard, safety hazard or other adverse effects of commercial use
8. Morgan County desires to foster the development of business within the County.

AND SIX CONDITIONS:

1. Any signs will be approved only in conformance to the LUMC.
2. The conditional use permit may not be transferred to another operator without first receiving approval to amend the permit.

3. The conditional use permit will conform to the regulations for Home Businesses.
4. A Morgan County business license will be acquired by the business operator.
5. Upon complaint with relation to the business the Planning Commission may hold a public hearing to determine the validity of the complaint, and after which they may either impose additional conditions or revoke said permit.
6. Hours of operation would be 6 a.m. to 10 p.m.

SECOND BY MEMBER BOSEN. THE VOTE WAS UNANIMOUS. THE MOTION CARRIED.

8. Misti Lopez – 3493 North Blue sage Road, Enterprise – Request to amend conditional use permit for a pre-school to allow up to 16 children per class.

Chairman Wright noted that Mrs. Lopez came before the Planning Commission last September while Sherrie was on sick leave. At that time the discussion had to do with traffic concerns and a motion was made to limit the number of children to eight children per session.

Sherrie presented her staff report (Please see attached exhibit E) she noted under the State Health and Student Code they have special rules for pre-schools where they allow up to 16 students per session. This is a business that will be monitored not only by the County but also by the State's Health and Human Services.

Member Wright noted for the record Mrs. Lopez was aware of the limited number of students at the time the original conditional use permit was granted and was ok with that limitation. He believed the business had grown faster than she planned.

Member Bosen noted her opinion still stands with a limit of eight students. The location is difficult because of the private road that in the winter may not get plowed and it may be difficult to get vehicles in and out creating a possible un-safe condition for children coming and going.

Member Wilson noted his concern would be if the neighbors had a concern. Sherrie noted that her office has never received a complaint. He asked if letters could be sent out to the neighbors for their input.

Member Kobe asked if this was similar to a business license where there has to be an annual renewal. He if it was necessary to bring Mrs. Lopez in for a review, when there has not been a complaint? If a complaint is filed could it be addressed at the upcoming annual review?

Sherrie stated that it may be helpful to get some input from the neighbors and also Mrs. Lopez with regard to how the business is going. The letter would not be turning the decision over to the neighbors, but asking for input.

Charlie noted that category 3 basically has the condition that upon receipt of a complaint the conditional use permit can be revoked.

MEMBER ALBRECHTSEN MOVED TO AMMEND THE CUP OF MISTI LOPEZ ISSUED SEPTEMBER 2008 WITH THE TWO FINDINGS:

1. The proposed use is compatible to the surrounding properties;
2. The proposed use will not give the appearance other than that of a single family residence.

AND CONDITIONS:

1. No more than sixteen (16) children during any one session.
2. Sessions to be held from Monday –Friday 8 a.m. to 5 p.m.
3. No permanent on street parking
4. An annual review of the conditional use permit is completed by the Planning Dept.
5. Upon complaint with relation to the business the Planning Commission may hold a public hearing to determine the validity of the complaint, and after which they may either impose additional conditions or revoke said permit.

SECOND BY MEMBER BOSEN. THE VOTE WAS UNANIMOUS. THE MOTION CARRIED.

9. LUMC and general plan update workgroup organization and direction.

Sherrie presented the members with a proposed draft schedule for the LUMC general plan workgroup (Please see attached exhibit F). First meeting would be April 1, 2009 at the Morgan County Courthouse council room.

She noted she had sent out e-mails to everyone who had ever served on a committee and ask if there were any interested citizens.

MOTION BY MEMBER TOONE TO ADJOURN.

Exhibit A – Agenda item #6 Sean K. Dorius: Petition to amend the zoning map of property located in the vicinity of 3920 W Old Hwy Road from A-20 to RR-1

This staff report can not be viewed online, but may be viewed with the official recorded minutes in the Planning and Development Services office.

Exhibit B – Agenda item #6 -Blake Gailey: approval of a one lot minor subdivision located at approximately 4042 South Highway 66.



**Planning Commission
Staff Report**

March 26, 2009

Applicant: Blake & Cheri Gailey
Request: 1 Lot Minor Subdivision
Location: 4042 S. Hwy 66, Porterville
Acreage: 1.66 Acres
Zoning: RR-1

DESCRIPTION

The application is a 1 lot subdivision, Blake & Cheri Gailey Minor Subdivision. The property is 1.66 acres of a larger parcel to be retained as agricultural parcels. The minor subdivision meets the minimum standards of the RR-1 zone. The lot is larger than 1 acre and has 200 feet of frontage. The lot will have an individual well and septic system and is greater than the required 1.5 acres.

Following is a list of required items on the site plan per LUMC:

The plan shall include the following items:

- ✓ a. The name of the proposed subdivision.
- ✓ b. The name, home, and business address of the developer.
- ✓ c. The name and business address of the project designer and Engineer.
- ✓ d. The dimensions, area, and general location of the site.
- ✓ e. North point, or arrow, pointing to the left or top of sheet.
- ✓ f. Locations of existing buildings

- ✓ g. Locations and names of existing streets and general location of proposed streets, with proposed street names.
- ✓ h. Public and private easements related to site.
- ✓ i. Water courses and impoundments.
- ✓ j. Location and description of existing vegetation.
- ✓ k. *Proposed* Storm water disposal facilities; location and size of utility service (water/well locations, sewer, power, gas, telephone cable) lines; location and type of proposed sewage disposal facilities; type of water system proposed; location of all other proposed on-site and off-site improvements.
- ✓ l. Topographic contours from existing data such as U.S.G.S. quads.
- ✓ m. *Preliminary* Soils and geologic map indicating soils types, their boundaries, and any known geologic hazards such as fault zones, unstable soils, etc.
- ✓ n. Vicinity map.
- ✓ o. Name and address of property owners within 300 feet of proposed subdivision.
- ✓ p. Adjacent properties and names of owners.
- q. Existing Zoning.
- ✓ r. Preliminary Environmental Impact Assessment. (may be waived for minor subdivisions)
- ✓ s. Right to farm note
- ✓ t. Occupancy note
- u. Lot address

The plat lacks the lot address, zoning line and incorrectly identifies the Council as a Commission. It also lacks a approval block for the County Health Dept. The County Engineer also had several areas of concern that need to be addressed (see attached report).

RECOMMENDATION

That the Planning Commission **table approval** of the **Blake and Cheri Gailey Minor** Subdivision Plat, **until** the following findings and conditions can be made:

Findings:

1. The proposed Subdivision is in conformance with the LUMC, General Plan & Porterville Area Plan;
2. The proposed use will not negatively affect the integrity of the General Plan;

Conditions:

1. Corrected Redlined concerns from the Planner and Engineer.

Exhibit C – Agenda item #6 Bill Holyoak - Petition to amend the zoning map of property located in the vicinity of 2300 West Old Highway Road from A-20 to RR-5.



**Planning Commission
Staff Report**
March 26, 2009

Applicant: Bill Holyoak
Request: Rezone from A-20 to RR-5
Location: 2300 W Old Hwy Road
Zoning: Current RR-1 & A-20

DESCRIPTION

Mr. Holyoak owns 21.33 acres with his existing home on the South end of Enterprise. The property is designated in the Enterprise Area Plan as future land use of RR-5. Mr. Holyoak wishes to rezone his property to facilitate a plan for a minor subdivision of two lots.

The General Plan states in Chapter 4, Policy 2.4.3:

Require all applications for re-zoning to be considered simultaneously with a specific development proposal (i.e., concept plan, CUP, etc.) for the entire parcel so that the development review and the re-zoning will be acted on concurrently, unless the County Council, upon affirmative recommendation of the Planning Commission, makes the following findings of fact:

1. The re-zone application is for a residential, rural residential or agriculture district;
2. The proposed zone change is in compliance with the future land use map for the designated area plan; and
3. The proposed change will not grant property rights for a major subdivision, defined as greater than 15 lots base density for residential and rural residential districts or greater than 5 lots base density for agricultural districts.

In recommending adoption of a proposed zone change the Planning Commission must find the following:

1. The proposed amendment is in accord with the comprehensive General Plan goals and policies of the county;
2. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the purposes of the LUMC;

Recommended Findings and Conditions

Staff recommends that the Planning Commission recommend approval of the zone change to the County Council based on the following findings:

Findings:

1. The proposed amendment is in accord with the comprehensive General Plan goals and policies of the county;
2. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the purposes of the LUMC;
3. The requirement for a specific development proposal may be waived by the County Council as the rezone is for an agricultural district, the proposed zone change is in compliance with the future land use map for the area plan & the permitted base density for is less than 5 units in the ag zone.
4. The proposed zone amendment is recommended by the General Plan and Enterprise area plan for rural land use consistent with the RR-5 zone.

Exhibit D – Agenda item #7 Shawn Carter, 742 South Hwy 66– Conditional Use Permit, class 3 – Home occupation for assembly and installation of pre-manufactured cabinets.



Planning Commission

Staff Report

March 26, 2009

Applicant: Carter’s Woodworks, Shawn Carter
Request: Conditional Use Permit-Home Occupation Category III
Location: 742 S HWY 66
Zoning: RR-1

DESCRIPTION

Mr. Carter is requesting a conditional use permit to operate a Class III home occupation for assembly and installation of pre-manufactured cabinets. He will be using an out building; the use of such is listed as a conditional use.

Use/Location. The proposed business will be conducted in an accessory shop on the property. The business use is an accessory use which is clearly secondary and incidental to the primary use of the residential property. The building housing the proposed business use will have been updated to conform to code prior to the initiation of the business activities.

Signage. No signs are proposed at this time. Any sign for home business must comply with Chapter 5 of the LUMC.

Public Facilities. No changes are required.

Environmental Impact. The business will not have a paint or laminating booth, and storage of paint chemicals for minor touch ups will be minimized.

Traffic, Parking and Improvements. Customers will not be accessing the home. The owner will use his vehicle and trailer to pick up and deliver the majority of the merchandise and cabinetry material, rendering freight deliveries to the site infrequent, with an estimated one delivery per month.

Lighting. It is assumed that no changes to current lighting are expected.

Security. N/A

Hours of Operation. Normal business hours as per the Morgan County LUMC are expected.

Safety. The home and accessory building are required to meet all applicable building codes. Because the business will be assembling pre-laminated cabinets, the cutting and shaping of cabinet material will be minimized. In the event that cutting and shaping of building material is necessary for touch ups or repairs, a dust collecting system will be used to contain the saw dust.

Standards for Review. The Planning Commission must find that the use will be compatible with surrounding structures in use, scale, mass and circulation; is consistent with the General Plan; and that the effects of any differences in use or scale have been mitigated through careful planning and conditions of operation. The following items should be used in considering the conditional use permit:

1. Size and location of the site
2. Traffic consideration
3. Utility capacity
4. Emergency vehicle access
5. Location and amount of off-street parking
6. Internal traffic circulation system
7. Fencing, screening, and landscaping to separate the use from adjoining uses
8. Building mass, bulk, design and orientation
9. Usable and permanent open space considerations
10. Signage and lighting
11. Physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing.
12. Noise, vibration, pollution, odors, steam or other mechanical factors that might affect people and property off site.
13. Control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up or waste storage areas.
14. Expected ownership and management of the project
15. Right to Farm Considerations and Agreements.
16. Design or Architectural review as may be advised by the County or other technical review matters.

Proposed Findings and Conditions

Findings:

9. The proposed use is compatible to the surrounding properties;
10. Adequate parking facilities have been provided;
11. The use is accessory and incidental to the primary use with no changes to the residential appearance of the home and no use of outside storage.
12. The use does not create an increased service demand.
13. The use does not create a nuisance for surrounding properties.
14. The use is not hazardous to public health, safety, morals or welfare.
15. The use will not create excessive noise, excessive traffic, nuisance, fire hazard, safety hazard or other adverse effects of commercial use

Conditions:

1. Any signs will be approved only in conformance to the LUMC.
2. The conditional use permit may not be transferred to another operator without first receiving approval to amend the permit.
3. The conditional use permit will conform to the regulations for Home Businesses.
4. A Morgan County business license will be acquired by the business operator.
5. Upon complaint with relation to the business the Planning Commission may hold a public hearing to determine the validity of the complaint, and after which they may either impose additional conditions or revoke said permit.

Exhibit E – Agenda item #8 Misti Lopez – 3493 North Bluesage Road, Enterprise – Request to amend conditional use permit for a pre-school to allow up to 16 children per class.



**Planning Commission
Staff Report
March 26, 2009**

Applicant: Misti Lopez
Request: Amend Conditional Use Permit, Preschool (issued Sept 2008)
Location: 3493 N. Blue Sage Rd.
Zoning: RR-5

DESCRIPTION

Ms. Lopez requested a conditional use permit in the fall of 2008 for a home occupation preschool and was limited by the Planning Commission as to the number of children allowed during each class. Since that time demand for the classes have increased and she would like to operate under the limits set within the LUMC. The current county regulations allow up to 16 students at one time.

Chapter 16 of the Land Use Management Code governs the requested use as follows:

(g) Category III Classification/Conditional Use Permit Required,

Certain types of occupations which have substantial impacts upon the residential character of the area when carried on in residential districts must be reviewed to determine if the use is appropriate and to impose requirements and conditions necessary for the protection of adjacent properties and the public health, safety and welfare.

(1) The following uses are appropriate in a dwelling only if they are determined to be compatible with the neighborhood and with the public health, safety and general welfare and if conditions specific to that activity are developed after full Conditional Use review by the Planning Commission and compliance with ' 16-16-150(c) Standards, applicable Development Code provisions and the additional regulations set forth hereafter.

A. Any child day care home occupation that is expected to generate or exceed eight (8) children at any one time.

i. **A maximum of sixteen (16) children is permitted at any one time.**

ii. A maximum of eighteen (18) students/children is permitted per day.

iii. This number shall include the licensee's and any employees' children if they are under six (6) years of age and are under the care of the licensee at the time the home occupation is conducted.

iv. This restriction shall not apply to those non-income producing child care activities (such as baby sitting cooperatives, baby sitting exchanges and informal instructional activities for preschool-aged children) conducted within private residences.

B. Any home occupation that is expected to generate or exceed eight (8) children associated with group child activities (e.g. dance schools, preschool, music classes, other care or instruction of children) at any one time other than child day care.

i. A maximum of sixteen students/children generating separate vehicle trips is permitted at any one time.

ii. A maximum thirty-two (32) students/children generating separate vehicle trips is permitted per day.

iii. Additional students/children who do not generate separate vehicle trips may be permitted to a maximum of 16 students/children at any one time and four (4) sessions per day. Additional students/children will be permitted only if the total number of students/children generating separate vehicle trips does not exceed 32 per day.

iv. The total number shall include the licensee's and any employees' children if they are under six (6) years of age and are under the care of the licensee at the time the home occupation is conducted.

v. This restriction shall not apply to those non-income producing child care activities (such as baby sitting cooperatives, baby sitting exchanges and informal instructional activities for preschool aged children) conducted within private residences.

Use/Location. The proposed preschool will operate Monday-Friday between the hours of 8 a.m. and 5 p.m. and will have 2 separate sessions during the day.

Signage. None

Public Facilities. No changes are required.

Environmental Impact. There should be no environmental impacts.

Traffic, Parking and Improvements. The property has ample parking.

Lighting. It is assumed that no changes to current lighting are expected.

Security. N/A

Hours of Operation. 8 a.m. to 5 p.m.

Safety. No safety issues have been identified

Standards for Review. The Planning Commission must find that the use will be compatible with surrounding structures in use, scale, mass and circulation; is consistent with the General Plan; and that the effects of any differences in use or scale have been mitigated through careful planning and conditions of operation. The following items should be used in considering the conditional use permit:

Size and location of the site

Traffic consideration

Utility capacity

Emergency vehicle access

Location and amount of off-street parking

Internal traffic circulation system

Fencing, screening, and landscaping to separate the use from adjoining uses

Building mass, bulk, design and orientation

Usable and permanent open space considerations

Signage and lighting

Physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing.

Noise, vibration, pollution, odors, steam or other mechanical factors that might affect people and property off site.

Control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up or waste storage areas.

Expected ownership and management of the project

Right to Farm Considerations and Agreements.

Design or Architectural review as may be advised by the County or other technical review matters.

Proposed Findings and Conditions for amended CUP

Findings:

1. The proposed use is compatible to the surrounding properties;
2. The proposed use will not give the appearance other than that of a single family residence.

Conditions:

6. No more than sixteen (16) children during any one session.
7. Sessions to be held from Monday –Friday 8 a.m. to 5 p.m.
8. No permanent on street parking
9. An annual review of the conditional use permit be completed by the Planning Dept.

Exhibit F - Agenda item #9 - LUMC and general plan update workgroup organization and direction.

Suggested LUMC Working Group Schedule

- Meeting 1: **(Wednesday, April 1, 2009)**
 - Detailed discussion of Table of Contents and required elements of ordinance like establishing certain processes, land use authorities, and how to deal with non-conformities
 - Follow-up discussion of relationship between LUMC and General Plan/ Area Plan(s)
 - Identification of ordinance issues that committee wants addressed
 - Discussion of process flow charts, DRC role, and subdivision ordinance, if time allows
- Planning Commission Meeting-Progress Update-Policy Direction **(Thursday, April 9, 2009)**
 - I envision these meetings being brief 30-45 minute work sessions, possibly at the beginning of the Planning Commission meeting with specific items to be addressed by the Planning Commission to the working group (we will email questions ahead of time).
- Meeting 2: **(Wednesday, April 15, 2009)**
 - Diving right in to the heart of zoning. Discussion of existing zones in Morgan County and their general purposes.
 - Establishing their adequacy for the needs of the County.
 - Discuss uses they are concerned about.
 - Go through use table, use by use, NP, C and P, definition by definition.
- Planning Commission Meeting-Progress Update-Policy Direction **(Thursday, April 23, 2009)**
- Meeting 3: **(Wednesday, April 29, 2009)**
 - Discuss special regulations: sensitive areas, environmental concerns and submittal requirements, and the Geologic Hazards Ordinance. (Geotech consultant to be present)
- Meeting 3.5: **(Wednesday, May 6, 2009)**
 - Continued discussion of Geologic Hazards Ordinance.
- Planning Commission Meeting-Progress Update-Policy Direction **(Thursday, May 14, 2009)**
- Meeting 4: **(Wednesday, May 20, 2009)**
 - Discuss site plan review and plan review standards: landscaping, design, lighting, and parking.
 - Subdivision ordinance and PRUD/MPDR (if you want to discuss MPDR) issues, in more detail.
- Planning Commission Meeting-Progress Update-Policy Direction **(Thursday, May 28, 2009)**
- Meeting 5: **(Wednesday, June 3, 2009)**
 - Nuisances and enforcement
 - Gravel pits

- Planning Commission Meeting-Progress Update-Policy Direction **(Thursday, June 11, 2009)**
- Meeting 6: **(Wednesday, June 17, 2009)**
 - All other supplementary standards, such as telecommunications, group homes, etc.
- Planning Commission Meeting-Progress Update-Policy Direction **(Thursday, June 25, 2009)**
- Meeting 7: final draft ordinance / Advertised Open House **(Wednesday, July 1, 2009)**
- Planning Commission Public Hearing(s) **(July 16 or 30, 2009)**
- County Council Public Hearing(s) **(August 2009)**

With an anticipated two hours per committee meeting, and meetings every other week, this process for the committee will be over three months. Adding the public hearing phase will add another six to eight weeks, especially if there are continuances. Certainly meetings and topics can be combined, or longer work sessions can be schedule to advance the progress of the LUMC.

Regarding the general plan process, it is my opinion that it should continue along in an expedited manner, but should not delay the LUMC update. If and when new concepts are adopted in the General Plan, the ordinance should be in a format that can more easily accept new amendments. As always, the PC and CC will drive the process and may want to advance some of the ideas from Envision Morgan earlier. We will act accordingly.

Suggested Working Group Members

Planning Commission	Bob Wright Bill Weaver
County Council	Tina Kelley David Miller
Staff	Sherrie Christensen, Planner Charlie Ewert, Planner Teresa Rhodes, Secretary Garth Day, Council Administrator (as needed) Jason Allen, Public Services Director (as needed)
Consultants (as needed)	Mark Miller, County Engineer Von Hill, County Surveyor Dave Simon, Geotech Grant Crowell, Planning Consultant
Citizen Representatives (3)	