



PLANNING COMMISSION AGENDA
Thursday, April 23, 2009
6:30 PM

PUBLIC NOTICE is hereby given that the Morgan County Planning Commission will meet at the above time and date at the Morgan County Courthouse, Council Chambers, and 48 W Young St, Morgan, Utah. The agenda is as follows

1. Approval of Agenda.
2. Declaration of conflicts of interest.
3. Approval of Minutes.
4. Public comment.
5. Report on the Mtn. Green Area Plan meeting held April 15, 2009.
6. Report on LUMC subcommittee meeting.
7. Planning Commission training.
8. Public Hearings – approximately 6:45 p.m.
 - a. Bill Holyoak: approval of Hawk Mountain Minor Subdivision, a two lot subdivision located at approximately 2300 West Old Highway Road. (continued from the March 26, 2009 Planning Commission meeting)
9. Blake Gailey: approval of a one lot minor subdivision located at approximately 4042 South Highway 66. (continued from the March 26, 2009 Planning Commission meeting)
10. Patrick Clark: Conditional Use Permit for accessory apartment Located at 4410 W 5700 N Mtn. Green.
11. Shane Gale: Conditional Use Permit for lot grading to remove excess fill dirt to restore lot to usable condition. Lot #2 Arnold Smith Subdivision located at 1028 W Old Highway Rd. Morgan, UT 84050
12. Review and update of Planning Commission bylaws.
13. County Council update.
14. Other Planning Commission business.
 - a. Discussion of regular area plan updates.
15. Approval of decisions.

**MORGAN COUNTY PLANNING COMMISSION MEETING
MORGAN COUNTY COURTHOUSE - RM. 29
THURSDAY April 23, 2009 – 6:30 P.M.**

MEMBERS PRESENT

Robert Wright
Ladd Albrechtsen
Adam Toone
Bill Weaver
Trevor Kobe

STAFF PRESENT

Grant Crowell, Contract County Planner
Charlie Ewert, Planner Tech
Teresa Rhodes, Planning Commission Assistant

MEMBERS ABSENT

Jodee Bosen
Steve Wilson

COUNTY COUNCIL PRESENT

Tina Kelley

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

1. Approval of Agenda.

MEMBER ALBRECHTSEN MOVED TO APPROVE THE AGENDA AS PRINTED. SECOND BY MEMBER WEAVER. THE VOTE WAS UNANIMOUS. THE MOTION CARRIED.

Chairman Wright noted there were two documents that have been received by the Planning Commission.

- Report from Pat Comarell, AICP.
- Letter from Rocky Mountain Power, Steve Rush, indicating a new recommendation to run the line down from Evanston to the Echo substation to the Silver Creek Substation in Summit County.

2. Declaration of conflicts of interest.

There were no conflicts of interest declared.

3. Approval of Minutes.

MEMBER ALBRECHTSEN MOVED TO ACCEPT THE MINUTES OF MARCH 26, 2009 WITH THE NOTED MINOR CORRECTIONS. SECOND BY MEMBER KOBE. THE VOTE WAS UNANIMOUS. THE MOTION CARRIED.

4. Public comment.

Pat Clark noted that he would like to see the County allow apartments or accessory buildings in the County to be rented to individuals other than immediate family.

Chairman Wright noted they are in the process of updating the LUMC. He will make a note and address that issue in the process.

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

5. Report on the Mtn. Green Area Plan meeting held April 15, 2009.

Chairman Wright noted at the Planning Commission's last meeting, an application for a re-zone on Sean Dorius's property was reviewed. Because of concerns that were brought up with regard to the proximity of the neighborhood boundary, the Planning Commission asked the Mtn. Green area committee to reconvene to consider expanding that growth area. He asked that Member Weaver address the commission regarding that meeting.

Member Weaver noted the committee met on April 14, 2009. The committee recognized that a number of homes had been left out of the neighborhood area. After discussion, the committee decided to re-align the neighborhood boundary of the Rosehill/Fox Hollow/Cottonwood neighborhood, but restrict the boundary to what was already developed. This new alignment would take in the Lamb Subdivision, and surrounding, current, *existing* residential area. It would then narrow to the Old Highway Road where it meets and stop. Grant Crowell noted the department would create a new map showing the new area.

Chairman Wright noted on May 14th the Planning Commission will hold a public hearing to consider the change recommended by the area planning committee. If approved, it will be forwarded to the County Council for approval. He asked that the agenda include Sean Dorius's application at that meeting so that his request can move forward pending approval of the new neighborhood boundary from the County Council.

Charlie Ewert noted the meeting discussion brought out several areas that need adjusting. He would also like to see this tied to the existing zoning. He noted with a lot of map legal descriptions are used and often reflect error.

Member Albrechtsen noted for clarification to the record, that the motion made at the area plan meeting was not unanimous. Member Larsen was opposed.

6. Report on LUMC subcommittee meeting.

Member Albrechtsen noted the committee met on April 15, 2009 and reviewed the committee charter and made some minor changes. The work to be done was confirmed and 45 items were classified as A, B, or C in their importance. The time frame for the subcommittee was adjusted. The goal is to have completed the code so that it is ready to present to the Planning Commission and County Council by the end of August. The committee will meet-, on the first, third, and fifth Wednesday's of each month at 5 p.m. These meetings will be public and the public is welcome to attend. He noted one option that had been discussed was that sections of the code would be put

through at different intervals. This may happen, but there will be no formal adoption until the end when the entire code is cohesive. Member Kobe asked if a list of the 45 items was available to review. Member Albrechtsen noted the list was available and named several of the A items as follows:

- Long range sewer and water plans
- TDR's
- Ridgeline ordinances
- Road ordinances.

Tina Kelly noted that Rodney Haslam and Howard Hansen had been appointed by the County Council to serve on this committee.

Chairman Wright noted that the LUMC sub-committee needs to be ratified. Those names are as follows:

- Robert Wright, Planning Commission
- Ladd Albrechtsen, Planning Commission
- William Weaver, Planning Commission
- Tina Kelley, County Council
- Howard Hansen, County Council
- Rodney Haslam, County Council
- Bryce Dalton, Morgan City
- Darlene Musselman, Enterprise
- Albert Wilde, Croydon
- Brent Bohman, Enterprise (alternate)

MEMBER WEAVER MOVED TO RATIFY THE LUMC COMMITTEE AS FOLLOWS:

- **Robert Wright**
- **Ladd Albrechtsen**
- **William Weaver**
- **Tina Kelley**
- **Howard Hansen**
- **Rodney Haslam**
- **Bryce Dalton**
- **Darlene Musselman**
- **Albert Wilde**
- **Brent Bohman (alternate)**

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

7. Planning Commission training.

There was no formal training at this time.

8. **Public Hearings – approximately 6:45 p.m.**

- **Bill Holyoak: Approval of Hawk Mountain Minor Subdivision, a two lot subdivision located at approximately 2300 West Old Highway Road. (continued from the March 26, 2009 Planning Commission meeting)**

Grant Crowell presented his staff report (Please see attached exhibit A). He noted the zoning application was approved on Tuesday by the County Council. He noted he spoke over the phone with Mark Miller, County Engineer, but does not have a final engineering memo. He noted there were a few subdivisions that were in the process when he was asked to help out in the office during Sherrie's absence. He has not worked back from the beginning of those projects, but has gone forth with the things that were already on the agenda and try to piece together the information as he sees it.

Chairman Wright noted that the public hearing was left open from the previous meeting held on March 26, 2009. He invited anyone wishing to speak to do so.

There was no comment.

MEMBER ALBRECHTSEN MOVED TO CLOSE THE PUBLIC HEARING FOR BILL HOLYOAK, HAWK MOUNTIAN MINOR SUBDIVISION. SECOND BY MEMBER WEAVER. THE VOTE WAS UNANIMOUS. THE MOTION CARRIED.

Jess Holyoak noted that he had met with Mark Miller. The reason he requested that it be tabled at the last meeting was that they did not have time to correct the plat. The three major engineering concerns were:

- Fire suppression. The code states that any subdivision less than 5 lots needs to have water availability for fire suppression. He noted they have stated on the plat that they will install a tank sufficient for outside fire protection with a dry connection. A dry connection just means that there is no pressure to the line; it just has to be pumped out by the fire department. The fire department will hook a pump to it. He noted there is quite a bit of information online about it.
- Power line and telephone easements through the property were a concern and they were asked to identify those better. That request has been taken care of.
- A signature block for the engineer to sign. That has been taken care of.

He noted they believe they have addressed all of Mr. Miller's comments and concerns.

Member Toone asked if the water quantity was specified. Mr. Holyoak noted 5,000 gallons per 2,000 square feet of floor area. He noted that was also specified on the plat.

Member Albrechtsen noted his only concern is that they do not have the engineering report in front of them to know what the items of concern there were and whether or not those items have been meet for sure. Member Toone agreed noting without a final word from the engineer he would hesitate approving this also.

For the benefit of the new planning commission members, Chairman Wright noted typically the Planning Commission would have an engineering report in hand. County Council has asked that the Planning Commission have complete staff work prior to approval.

Grant Crowell noted it is staff's intent to provide a more unified technical analysis on projects as staff moves forward and try to re-shape the development review process. While the current code does not actually say there is a development review committee, it says the County planner or the Community Development Director shall certify it meets all the requirements in the code. He noted as a resource, staff has to rely on other professionals, the County Engineer probably being the main and one of the most important one; at times maybe the building official or fire chief and others. The code does not say you have to have the County Engineer, but it does say the Planning Commission should have a complete review and assertion that things are meeting the code and he noted staff would hope to provide a little more detail on that in the future.

He noted the water issue is an interesting one that he and Mr. Miller discussed. The code is clear about this requirement. However, it appears that it has not always been called out in the past. That section of the code says that these sections are not to be waived. He would like to find the other waiver provisions in the code. He further noted these are the type of things that the County hopes to resolve with the re-write of the code. He noted Mark Miller and he may find things in the code that historically or more recently may have been waived or modified and they may need to learn a little bit more about that. Procedurally it does seem interesting to have to certify everything now when the size of the home is undetermined. However, it is also a lot to hold on to the building official if we had not, at least, clearly stated that it will be a requirement when the applicant comes through.

Chairman Wright clarified that what he understood Mr. Crowell to say is that the County is in a little bit of an awkward spot asking for detailed information that may not be appropriate at this point. By clearly identify the need and requirement on the plan; we have probably covered the major issue which is acknowledging that it has to be done. Mr. Crowell stated that is what staff is trying to do now. The fact that it is required in the code is something that we need to modify it because it does not need to be in the code, which is a different discussion.

Member Albrechtsen asked if it has Mr. Crowell's stamp of approval. Mr. Crowell noted because this was noticed a month ago, he left it on the agenda, but had this been something he had begun with this would not have come forth without everything being complete. He did not want to delay someone that had already been delayed two months.

Chairman Wright noted the question tonight is not a question of whether everything is in place it is a question of procedure.

Jess Holyoak noted that they left their update to the last minute; he does feel comfortable that they have taken care of Mark's comments.

MEMBER TOONE MOVED TO RECOMMEND TO THE County Council APPROVAL THE APPLICATION FOR BILL HOLYOAK FOR A TWO LOT SUBDIVISION LOCATED AT 2300 West Old Highway Road WITH THE FOLLOWING FINDING THAT THE CONDITION OF FIRE PROTECTION, UTILITY EASEMENTS, AND SIGNATURE BLOCK HAVE BEEN MET AS STATED BY THE APPLICANT AND WITH THE NOTED ONE CONDITION:

1. The County engineer provides a completed engineering report along with a complete staff report prior to this application being submitted to the County Council.

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

9. Blake Gailey: approval of a one lot minor subdivision located at approximately 4042 South Highway 66. (continued from the March 26, 2009 Planning Commission meeting)

Chairman Wright noted that this application is similar to Mr. Holyoak's application in that it was also tabled on March 23, 2009.

Grant Crowell noted this is a similar application in that he has noted received an updated memo from the engineer. He further noted that he believes all subdivisions should show the parcel they come off of as well as the subdivision. By definition there is really no one-lot subdivision because there is always a piece it came from. Staff is down to just some simple technical issues and given the previous application staff should be able to take care of this in a similar manner.

Chairman Wright noted that there is an A through U list of things the engineer call out and they are all checked off except for item Q existing zone and lot address. He asked Mr. Gailey if he was the owner of the adjoining parcel.

Dwight Gailey noted he was and there is approximately 23 acres on Hwy 66 with 1000 foot frontage on the road. The 200 feet of frontage is not a problem and the 1.5 acres for the health department is not an issue either.

Mr. Gailey asked about the fire protection. Grant noted that this ordinance came into effect with the Ken Durrant subdivision. Grant noted the County has asked him to do the reviews, the requirement is in the code and so that is why it is being pointed out. He noted he was not sure how the County has dealt with this in the past; he was not aware of the history. This particular chapter in the code does not have a waiver provision.

Member Toone noted that with what little experience he has had with this code personally, it is in place because it relieves the County of a liability if there ever is a forest fire if they don't have this code in effect then the County is liable for a multi-million dollar fire-fighting policy; that is what has been explained to him.

Chairman Wright was particularly concerned with item #5. Grant noted that staff has received a well drillers report. He further noted that, given the well drillers report, Mr. Miller, Wasatch Civil, thought that item, in his review, would go away.

Mr. Gailey asked if there would be a review of the fire suppression requirement that may change the requirements or should they plan on abiding by that. Chairman Wright believed there would be some review in the next six months, but the ordinance is what it is today.

Member Albrechtsen asked staff if the fire suppression ordinance had been forced in other subdivisions. Grant Crowell noted he could do some research; he was not familiar with the fire suppression ordinance and how it has been enforced.

MEMBER TOONE MOVED TO RECOMMEND TO THE County Council APPROVAL OF THE BLAKE AND CHERIE GAILEY MINOR SUBDIVISION LOCATED AT WITH THE FOLLOWING 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

AND ONE CONDITION:

1. The conditions redlined in the memo dated March 18, 2009 from Wasatch Civil are addressed and adhered to.
2. That the plat map

More discussion ensued.

MEMBER TOONE WITHDREW HIS MOTION.

MEMBER ALBRECHTSEN MOVED TO RECOMMEND TO THE County Council APPROVAL OF THE BLAKE AND CHERIE GAILEY MINOR SUBDIVISION LOCATED AT approximately 4042 South Highway 66. WITH THE TWO 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

AND ONE CONDITION:

1. The items stated in the engineering report from Wasatch Civil will be addressed, completed, and signed off by the County engineer prior to being submitted to the County Council.

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

10. Patrick Clark: Conditional Use Permit for accessory apartment Located at 4410 W 5700 N Mtn. Green.

Grant Crowell gave a brief summary of accessory apartments/detached structure. Grant presented his staff report (Please see attached exhibit.)

He noted the finished area of this structure would be closer to 1200 square feet. This would require that the Planning Commission determine this warrants a conditional use permit. It may be deemed as such because it already exists and that is what Mr. Clark has to work with. This would leave it up to the Planning Commission to determine whether that is sufficient.

Chairman Wright asked how large the property is. Grant noted it was noted it is .77 acres.

He further noted he could not find in the code real reference to density and lot size other than the size of the accessory unit itself. Chairman Wright asked if Mr. Crowell knew if there was anything that would prohibit an accessory structure according to lot size. Mr. Crowell noted he could not locate anything. He noted the code is set up so that it is subordinate to the main dwelling because it states there is a certain size the unit should be, and certify that the main property owner lives in the main dwelling and keep that certification current.

Chairman Wright noted that previous applications have required that these detached structures not be a rentable unit but that occupancy needed to be family. Tina Kelley noted it is the first paragraph in 16.16.3.30.

Mr. Crowell noted the chapter is addressing two things and they are separate and there is a separate set of standards for each. One is an extending living area and one is an accessory apartment. Member Albrechtsen read 16.16.3.30, requirement #1 & #2 (Please see attached exhibit) extending living area states the occupant needs to be a blood relative. Under the accessory apartment there is nothing in the requirement that states it has to be a blood relative. Mr. Crowell noted the way he reads the code is that it can be rented out as long as the main dwelling is occupied by the owner of the property. He noted he would be willing to re-analysis or get a legal opinion. Member Albrechtsen asked if the fact that his is a legal-non conforming lot should it weight into this decision.

Patrick Clark noted the building was addressed 10 years ago and the lot has been in existence since 1932. Member Albrechtsen noted it is a requirement now that all the lots along the main road need to be an acre and this is less than that. Grant Crowell noted that the use is really not non-conforming, it is the parcel size that is non-conforming and they are not really expanding any structure, but they are adding more potential people on the lot.

Mr. Clark noted the building has been there for 10 years and his intent was to finish the garage part of it but he didn't want to do that if he would need piping and electrical in the upper floor. He drew the floor plan for what could be apartments or offices. He noted with the building already there he wanted to make the building livable space for the time being and would probably not do anything with it anyway until he retired.

Chairman Wright noted that fact is that the Planning Commission needs to deal with it as though it would be lived in. One of the options we have is to table this and obtain a legal opinion. He noted the 1200 foot is an issue because that is larger than what is usually approved. There may be precedence there because the building already exists.

Member Albrechtsen asked what the size of Mr. Clark's home was. Mr. Clark noted it was about 1250 square feet. It was originally 600 and he has since added on.

Chairman Wright noted the County does not have an ordinance that requires a certain amount of acreage.

Member Kobe noted under the accessory apartment definition in the code 16-16-330 it seems clear to him that they are defining two very distinct things: Accessory apartments and extending living areas. An accessory apartment is meant that if approval is granted, it could be rented to a married couple. It is clear under section 4 which is the design standards for the extended living areas and the other is under accessory apartments. From that standpoint, in his opinion, the code appears clear enough that it is a possibility in the code. The question he would have is that it appears that it is saying that the accessory apartment has to be within a certain ratio compared to the square footage of the primary living area. He noted it appear that ratio is not being met. There are three limiting factors to the Planning Commission approving it: (1) not more than 1000 square feet (2) the accessory apartment can not comprise more than 30% of the main buildings total floor area. (3) Nor have more than two bedrooms. With the 1000 square feet it would suggest that Mr. Clark would have to have at least 3000 square feet of home space in order to have that be an accessory apartment. It appears to him that it can not be approved as an accessory apartment unless there is a reason to grant a variance.

Member Albrechtsen noted that because it is existing and Mr. Clark is limited to what his home is now the Planning Commission does have the ability to waive it if they choose to because he is limited to what his home is now. He further noted item C is missing a floor plan of a 1/4" inch scale. Grant noted he could get that from the building department. It is his opinion that if this can be left up to the Planning Commission discretion he would like some time to review this more.

Member Toone believed the Planning Commission also needed a legal opinion as well as a scaled drawing.

Chairman Wright noted there are several questions (1) Do we allow for 1200 square feet. It is clearly greater than the 1000 square feet maximum allowed by the ordinance; (2) Do we allow for family members only; and (3) A definition of the 30% issue where it appears the ordinance allows a secondary dwelling to be no more than 30% of the size of the main dwelling. Member Kobe noted he believed what that 30% is trying to accomplish is to prevent duplexes or similar size homes and come up with a ratio that really makes it look like the little mother-in-law apartment or guest apartment that is out back. He would agree with Member Albrechtsen that if the Planning Commission does find that this is an exception he believes we have opened ourselves up and he would like to maybe have some more time to review this.

Member Toone asked about requirements for design standards. The definition is vague and should be addressed in the LUMC sub-committee meetings in order to create better clarification in the future. Member Albrechtsen noted this probably is not applicable here because he is not going to change the design but it may be applicable in the future.

MEMBER ALBRECHTSEN MOVED TO TABLE THE CONDITIONAL USE APPLICATION FROM PATRICK AND PAULA CLARK SO THAT THE Planning Commission CAN FURTHER INVESTIGATE ITEM 16.16.330.3f SPECIFICALLY THE

30% REQUIREMENT AND THE 1000 SQUARE FEET REQUIREMENT AS STATED IN THAT SECTION. FURTHER THAT THE Planning Commission HAVE THE OPPORTUNITY TO REVIEW A SCALE FLOOR PLAN. SECOND BY MEMBER WEAVER. THE VOTE WAS UNANIMOUS. THE MOTION CARRIED.

Member Kobe noted because the questions are a little suggestive it really is a questions of is this about what the County wants and needs. Chairman Wright noted that this will be on the agenda for the next meeting but as a Planning Commission we are bound by the ordinances as they currently are or we open the County up for problems.

Grant Crowell noted one of the questions is what does “is warranted” mean. He noted you want to start with what is technical in the conditional use permit ordinance. Technically it is larger than what is allowed so when you get to “is warranted” you need to come up with some findings. The decision can be one way or the other but findings need to be stated. He further noted that for neighborhoods there is a reason to try to be subordinate, otherwise things get out of control and people build little things. This is unique and the way the code is written today, it appears that when the ordinance was drafted it was drafted with the intent to offer some options to the residents of the County. The way the ordinance is drafted leaves it wide open. A lot of places do not have a code that is not that wide open.

Chairman Wright asked if staff could add to the items to be discussed by the LUMC sub-committee, lot size for these accessory apartments.

11. Shane Gale: Conditional Use Permit for lot grading to remove excess fill dirt to restore lot to usable condition. Lot #2 Arnold Smith Subdivision located at 1028 W Old Highway Rd. Morgan, UT 84050

Charlie Ewert presented his staff report (Please see attached exhibit.) he noted Mr. Gale is in somewhat of a time crunch at this time in order to get some fill dirt off of his property. There is a company willing to get that dirt off of the property by the end of the month.

He noted the property had a conditional use permit for excavating when the original property owner had it. Mr. Gale, after purchasing the property, has decided to cut the existing shelf that was established by the first owner to build the home on back down to road level. He noted that the original conditional use permit did not run with the land but runs with the use because it would require a specific plan as to what the excavation would be.

Chairman Wright clarified that what is left and in front of the ditch is what Mr. Gale would like to get back down to road level. Charlie noted that was correct.

Chairman Wright asked Mr. Gale if he had any comments. Mr. Gale noted everything had been presented correctly. He does not want to build on top because of a steep driveway in the winter plus the cost to pour a driveway. There is not much adequate space to have a yard. He would like to remove a little fill sitting on top of the ditch. The ditch is buried about six feet. The homes to the right and left are above the ditch.

Member Kobe asked if either of the home owners on either side have concerns about the grading effecting their driveway. Mr. Gale said that neither neighbor has said anything to him.

Member Toone asked if Mr. Gale would be disturbing the culvert at all. Mr. Gale stated he would leave the ditch piped and would not be disturbing the culvert.

Chairman Wright asked about the possibility of the ditch failing and what would happen. Charlie noted it would have to be dug out; it is the price you pay for piping the ditch.

Member Albrechtsen asked about drain fields. Mr. Gale noted he will have to remove the entire fill down below before they can be put in because there is two feet of fill on top of where the drain field would sit. He noted it would depend on how they position the home whether they will need to pump or not.

MEMBER KOBE MOVED TO RECOMMEND APPROVAL OF A CONDITIONAL USE PERMIT FOR SHANE GALE WITH THE FOLLOWING FINDING:

- **The conditional use permit is required by the LUMC 16-07-060**
- **The lot, as originally graded, is not suitable as a building lot.**

AND CONDITIONS:

- **Applicant must adhere to engineering recommendation and comments as provided by County engineer.**
- **Applicant must adhere to all requirements of LUMC 16-07-060.**
- **Applicant must adhere to all recommendations of the Morgan County Building Official as it pertains to new home construction and geotechnical recommendations for structures.**

Charlie noted the reason for the first condition noted in the staff report is that the County engineer has not signed off on this.

Discussion ensued.

Grant noted that there are seven pages in the LUMC on grading. There is a lot of information required. The engineer was given the review this week. He noted grading and moving dirt is one of the most complicated things he has dealt with in his career. This County is not to that level yet but it will be soon because issues with EPA, Flood control, storm water pollution prevention, and erosion control will eventually be thrust upon this County as it grows and staff expands. He noted that Mr. Gale is already underway and the lot will be more useable for Mr. Gale's intent. Grant noted that the building official is aware of the excavation and has noted that it is really common in this County to require geo-technical analysis on foundations and staff feels comfortable that the building code will be satisfied there. They wanted to give the engineer a chance to review and look for things. As the LUMC update goes forward the County should ask questions about dirt, but they need to be prepared for some of the answers because it is going to get a lot more stringent and will require a lot more resources to enforce and this County does not have those resources right now.

Mr. Kobe asked about the creation of subdivisions and if lots needed to be buildable upon approval of those subdivisions. Mr. Crowell noted they should. If grading is a big concern then that needs to be focused on.

Chairman Wright asked about the scenario of a building lot being approved and asked whether making the lot stable is part of the building permit process. Mr. Crowell noted the building official administers the building code requirements and it is up to his discretion when circumstances are unique enough or a lot is restricted, that he would like special reporting on geotechnical issues. Member Toone stated this lot was a problem in the beginning and it would be beneficial to move forward.

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

12. Review and update of Planning Commission bylaws.

The members reviewed the amended bylaw draft dated March 2009. It was noted that meeting dates and the use of e-mail as correspondence was added.

MEMBER ALBRECHTSEN MOVED TO APPROVE THE Planning Commission BYLAWS WITH THE RECOMMENDED CHANGES AND RECOMMEND TO THE County Council ADOPTION. SECOND BY MEMBER KOBE. THE VOTE WAS UNANIMOUS. THE MOTION CARRIED.

13. County Council County Council update.

- Mr. Holyoak's zoning was approved as presented.
- There was discussion with regard to RIVALA and financial assurance on the road.

14. Other Planning Commission business.

- **Discussion of regular area plan updates.**

Chairman Wright noted in 2008 there was some good work done by Member Weaver and Member Wilson on the Mtn. Green and Porterville area plans. He would like to propose every year that the Planning Commission chooses to re-convene one of those area plans and give that committee an opportunity to discuss and update their particular area plan.

Grant noted the Planning Commission will probably have to look at all those areas to a certain extent if the entire general plan is re-written. He suggested they may want to look at some of the older ones this year as the general plan is updated.

15. Approval of decisions.

MEMBER WEAVER MOVED TO APPROVE THE DECISION OF APRIL 23, 2009 WITH THE NOTED MINOR CORRECTIONS. SECOND BY MEMBER KOBE. THE VOTE WAS UNANIMOUS. THE MOTION CARRIED.

MOTION BY MEMBER TOONE TO ADJOURN.

Approved: _____
Chairman

Date: _____

ATTEST: _____
Teresa A. Rhodes, Secretary
Planning and Development Services

Date: _____