



PLANNING COMMISSION AGENDA
Thursday August 12, 2010
Morgan County Council Room
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, 48 West Young St, Morgan, Utah. The agenda is as follows:

1. Call to order – prayer.
 2. Approval of agenda.
 3. Declaration of conflicts of interest.
 4. Approval of Minutes for July 8, 2010 and July 29, 2010.
 5. Planning Commission training.
 6. Public comment.
 7. Public Hearing/Discussion/Decision: Dean W. and Linda J. Carver, rezone approximately 2.37 acres located in the Porterville/Richville Area from A-20 to RR-1.
 8. Public Hearing/Discussion/Decision: Camp Woodland: Requesting a Conditional Use Permit for Culinary Water System Improvements on the property located at approximately 4671 South Highway 66 Porterville.
 9. Public Hearing/Discussion/Decision: To repeal section 8-16 of the Morgan County Code regarding Building and Related Codes. This section is an obsolete reference, replaced by Morgan County Ordinance CO-10-10.
 10. Discussion/Decision: To amend Chapters 8-2, 8-3, 8-4, 8-5, 8-8, 8-6, and 8-12 of the Morgan County Code pertaining to subdivision and development regulations.
 11. Discussion regarding the Zoning Ordinance update.
 12. County Council update.
 13. Planning Commission business.
- Adjourn.

**MORGAN COUNTY PLANNING COMMISSION MEETING
MORGAN COUNTY COURTHOUSE - RM. 29
THURSDAY August 12, 2010 – 6:30 P.M.**

MEMBERS PRESENT

Robert Wright
Trevor Kobe
Adam Toone
Bill Weaver
Roland Haslam
Steve Wilson

STAFF PRESENT

Grant Crowell, Director
Charlie Ewert, Planner Tech/Code
Teresa Rhodes, Planning Commission Assistant

MEMBERS ABSENT

COUNTY COUNCIL PRESENT

Tina Kelley
Howard Hansen
Sid Creagar (arrived later in the meeting)
Donald Mathews (arrived later in the meeting)

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

1. Call to order – prayer.

The prayer was offered by Member Kobe.

2. Approval of agenda. Weaver and Wilson

Chairman Wright suggested removing agenda item #5 Planning Commission Training.

Member Weaver moved to approve the agenda as amended. Second by Member Wilson. The vote was unanimous. The motion carried.

3. Declaration of conflicts of interest.

There were no conflicts of interest declared.

4. Approval of Minutes for July 8, 2010 and July 29, 2010.

Member Kobe moved to approve the minutes of July 8, 2010 with the noted minor corrections. Second by Member Weaver. The vote was unanimous. The motion carried.

Member Weaver moved to approve the minutes of July 29, 2010 with the noted minor corrections. Second by Member Haslam. The vote was unanimous. The motion carried.

5. **Planning Commission training.**

This agenda item was removed as per the request of the chairman.

6. **Public comment.**

There was no public comment at this time.

7. **Public Hearing/Discussion/Decision: Dean W. and Linda J. Carver, rezone approximately 2.37 acres located in the Porterville/Richville Area from A-20 to RR-1.**

Member Wilson asked why is the boundary was much further to the east of Hwy 66 than it is on the West? Mr. Ewert noted this is not for subdivision approval tonight. As the project evolves the one lot will be 1 ½ acres and the larger one a little larger than 3 ½.

Member Wilson asked why is K & K selling off a piece of property if there is not enough to make three lots? Mr. Ewert noted that there is enough frontage for three lots.

Chairman Wright gave a brief background of the Porterville/Richville area plan. He stated that Mr. Ewert had noted this is not a situation of increased density. Because of the 1 ½ acre requirement from the health department this could only have one lot of each

Member Weaver moved to open a public hearing. Second by Member Wilson. The vote was unanimous. The motion carried.

Jim Rasmussen – adjoining neighbor to the south. He would like to clarify that only one home will be within the purple boundaries. It was noted that was correct.

Linda Rasumussen – Would prefer to not see this property subdivided any further. Does not have a problem with it if there is only one home, but if the intention is to subdivide it further, she would object to that.

Debbie Sessions – It is misleading to let the people think there can only be one home on this property. With that zone and that acreage there is always the possibility of it being subdivided further because there could be a shared well or water system that goes in the area.

Mr. Carver – They have three kids and one of the main reasons for buying the property was to allow the grandkids an area to play; that is their main purpose to build away from the street.

Bill Holyoak – has a plat showing the design of the road from Hwy 66 up the slope to where the Carvers would like to build their home. However, it does put them beyond the RR-1 limit. Technically there is a 50 foot difference in elevation from Hwy 66 up to the RR-1 and A-20 zone boundary. They are limited to a 12% slope. It will be quite a project to construct. He noted it will require a 15 foot cut to meet UDOT's requirement and to meet the fire code with Morgan County. There is not room for a brand new home to be put in the existing RR-1 zone

He noted the health department goes by the old rules of the state which is the area is based on the percolation rate. It was the County that set the 1 ½ acre for lot size in the RR-1 zone. The percolation test has been done on this property at the edge of the hill. The Carvers want to put their waste treatment system in the corner of the property. To do things right they should really ask for a variance to put the home in the A-20 zone, or move the RR-1 boundary back to where they can put the home in a more desirable location.

Member Wilson moved to close the public hearing. Second by Member Kobe. The vote was unanimous. The motion carried.

Mr. Carver – Mr. Carver noted they were coming to the area to retire. They have no plans to build any other homes on the property. They would be willing to locate their home in such a way that it will not allow for another home to be built. They will live on the property.

Chairman Wright noted the Planning Commission cannot do a conditional re-zone. Meaning that the Planning Commission cannot re-zone based on the fact given by Mrs. Carver that they would not build another home.

Member Wilson noted he would remind the members that there is no guarantee of what will occur in the future. When this property was originally developed the Adams apparently stated that there would not be another subdivision of the land and now there has been.

Member Kobe asked if there were an option to re-zone the entire parcel at a lower density zone if the applicant wanted that. Mr. Ewert noted the next zone would be the RR-5 and they would not have enough acreage.

Member Kobe asked if there were variances or another process available to allow the Carvers to be able to build where they would like.

Member Weaver noted he is a big supporter of area plans and this area plan leaned heavily on lower density. It would be difficult to put additional home on the property without frontage and because of the slope.

Member Haslam noted a cul-de-sac could be built to obtain more frontage. How did we go from two lots to three? Mr. Ewert noted unlawful subdivisions of property happen and this is an unlawful division. To fix that you either subdivide or amend the subdivision that already exists. Mr. Haslam clarified that the Adams sold the Carvers an illegal parcel of land, a class three misdemeanor, and then stated that it needs to be subdivided.

Member Toone this sale was the result of perhaps misleading information or lack of homework. He believed to fix this one problem the County may be creating many more.

Member Wilson noted this would probably come back as a subdivision if this re-zone were to be denied. Mr. Ewert noted that was correct. It would not be a re-zone request when the subdivision application comes through. When and if an amended subdivision is approved, a re-zone will allow them to put their home where they want to. If it is not zoned RR-1 they cannot put their home further back.

Member Kobe believed it would be nicer to put homes further back off the road. Mr. Ewert noted the applicant could have their engineer re-design the plot plan so that there could be only one home on the property. Member Haslam noted likes the idea of moving the home back, but also part of this is to protect the county and if we allow it here then we have to allow it on the next one.

Member Wilson moved to table the Carver rezone request, application #10.035, rezoning approximately 2.37 acres of property at approximately 4267 S Hwy 66 from RR-1/A-20 to RR-1, with the direction to staff to look at this and see if there is a way to facilitate what the Carver's are trying to do.

There was discussion about adding findings and conditions.

Member Wilson withdrew his motion.

Member Haslam asked about splitting the zone and working out a suitable situation. Mr. Ewert noted that really is not feasible.

Member Wilson moved to table the Carver rezone request, application #10.035, rezoning approximately 2.37 acres of property at approximately 4267 S Hwy 66 from RR-1/A-20 to RR-1, with the following direction:

- **Direct staff to look at this further and see if there is a way to facilitate what the Carver's are trying to do but preclude any further potential development on the lot.**
- **To bring this back for a decision on August 26th**

Second by Member Haslam.

Member Kobe asked if there really was a way to get creative or would it create further problems? Mr. Crowell stated yes it is a type of gerrymandering. It may need to be re-noticed because we would be creating some new A-20.

Member Haslam noted the way this is currently drawn it show 1.27 acres in the RR-1. He would like to request as part of the motion that a visual drawing be submitted of what it will look like on 1.9 acres.

Member Wilson amended his motion to read as follows:

Member Wilson moved to table the Carver rezone request, application #10.035, rezoning approximately 2.37 acres of property at approximately 4267 S Hwy 66 from RR-1/A-20 to RR-1, with the following direction:

- **Direct staff to look at this further and see if there is a way to facilitate what the Carver's are trying to do but preclude any further potential development on the lot.**
- **Present at the next meeting a visual drawing of what the plat will look like on 1.9 acres.**
- **To bring this back for a decision on August 26th**

Second by Member Haslam.

The Chairman called for a vote.

The motion was not unanimous with Members Haslam, Kobe, Weaver, and Wilson for and Member Toone opposed for reason that he does not believe this is a direction that should be taken which is a result of a real estate situation. The motion carried with a vote of three to one.

8. Public Hearing/Discussion/Decision: Camp Woodland: Requesting a Conditional Use Permit for Culinary Water System Improvements on the property located at approximately 4671 South Highway 66 Porterville.

Mr. Ewert presented his staff report (Please see attached exhibit B)

Member Wilson moved to open a public hearing. Second by Member Kobe. The vote was unanimous. The motion carried.

There was no public comment.

Member Kobe moved to close the public hearing. Second by Member Weaver. The vote was unanimous. The motion carried.

Member Toone asked what the proposed vegetation was around the tank. Mr. Ewert noted native grass.

Member Haslam asked if this water system would be used in the winter time. It was noted the camp is used in the wintertime. Member Haslam expressed concern about the water line freezing and noted in order to bury the line deep enough there may need to be some

extensive excavating. Mr. Ewert noted there are certain design standards that will be required for the engineer to sign off on.

Member Kobe moved to forward a positive recommendation to the County Council for the Camp Woodland Conditional Use Permit Request, application #10.034, based on the findings and conditions listed in the Staff Report dated 8/5/10:

Findings:

1. The request conforms to requirements of the Morgan County Code.
2. MCC 8-6-18 provides standards for utility fencing.
3. Revegetation of the disturbed area with native seed mix will help protect the land from erosion, and provide an aesthetic completion of the project compatible with surrounding areas.

Conditions:

1. That fencing is either black vinyl coated chain link or black wrought iron.
2. That a bond in the amount of 115% of the total estimated costs of revegetation and fencing, as approved by the County Engineer, is submitted prior to issuance of a building permit. The amounts are as follows:
 - a. \$500 for revegetation; and
 - b. \$2,576 for black vinyl coated chain link fence.
3. That all Weber-Morgan Health Department requirements are adhered to.
4. That all work will be conducted in compliance with plans received by the County dated July 8, 2010.
5. That a preconstruction meeting be held with the applicant's contractor and engineer prior to commencement of work.
6. That all other County, State, and Federal laws are upheld.
7. That a building permit is required to be issued for the project.
8. The proof of adequate water rights is provided to the County with the building permit application.

Second by Member Haslam. The vote was unanimous. The motion carried.

9. **Public Hearing/Discussion/Decision: To repeal section 8-16 of the Morgan County Code regarding Building and Related Codes. This section is an obsolete reference, replaced by Morgan County Ordinance CO-10-10.**

Member Toone moved to open a public hearing. Second by Member Kobe. The vote was unanimous. The motion carried.

There was no public comment.

Member Kobe moved to close a public hearing. Second by Member Weaver. The vote was unanimous. The motion carried.

Member Weaver Moved to forward a positive recommendation to the County Council

to repeal section 8-16 of the Morgan County Code, application 10.036, as presented in the staff report and based on the findings listed in the staff report dated August 5, 2010 as follows:

1. That changed or changing conditions makes the proposed amendment reasonably necessary to carry out the purposes of this title.
2. That the County wide policy objectives to be achieved by the adoption of building codes have been previously met by the adoption of County Ordinance CO-10-10.
3. That the proposed amendment is in accordance with the comprehensive general plan, goals and policies of the county.
4. That the adoptions of building and construction codes are not required to be codified within the County zoning ordinance.
5. That the proposed amendment does not adversely affect the public's health, safety and welfare.

Second by Member Wilson. The vote was unanimous. The motion carried.

10. Discussion/Decision: To amend Chapters 8-2, 8-3, 8-4, 8-5, 8-8, 8-6, and 8-12 of the Morgan County Code pertaining to subdivision and development regulations.

The following was discussed:

- Definitions - it was the preference of the members that all definitions be placed in one chapter; it was suggested chapter two.
- Flag Lots – definition - change to read, “Flag lots are not allowed in Morgan County.” Double check on PRUD references.
- Infrastructure definition on HOA’s – does it include their roads. If they are private streets it would, if they were public there would not be a lot of infrastructure.
- Divisions of land – require going through a subdivision process.
- Streets - reconcile with the definitions chapter.
- Streetscape – trees
- Recording procedures - timing

Member Kobe moved to continue the discussion of the subdivision ordinance until August 26, 2010. Second by Member Toone. The vote was unanimous. The motion carried.

11. Discussion regarding the Zoning Ordinance update.

- Accessory apartment - Council has asked staff to look at this ordinance.
- Conditional Use Permits and appeals – There has been discussion of a land use authority.
- Hillside and ridgeline protection. Could dovetail this with a revised PRUD.
- CD ordinance – design standards
- signs

12. County Council update.

Midyear budget adjustment will be on the next council agenda.

13. Planning Commission business.

Member Haslam – would like to reconsider the Camp Woodland motion. Would prefer to require they put the water line along the driveway and cross the fence, for future planning.

**Member Haslam moved to reconsider the camp woodland motion.
Motion died due to lack of second.**

Mr. Crowell – Noted that staff had not received any applications for the Milton vacancy.

Motion by Member Toone to adjourn.

Approved: _____
Chairman

Date: _____

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

Date: _____

Exhibit A – Agenda item #7 – Staff report - Public Hearing/Discussion/Decision: Dean W. and Linda J. Carver, rezone approximately 2.37 acres located in the Porterville/Richville Area from A-20 to RR-1.

STAFF REPORT

August 5, 2010

To: Morgan County Planning Commission
Business Date: 8/12/10

Prepared By: Charles Ewert, Planning Technician

Re: Rezone Request for Dean and Linda Carver

Application No.: 10.035
Applicant: Dean and Linda Carver
Project Location: Approximately 4267 S. Hwy 66 (A portion of the K&K Adams Subdivision)
Zoning: RR-1 and A-20
Acreage: Approximately 3.34 Acres
Request: Request for approval to rezone approximately 2.37 acres of the property from RR-1/A20 to RR-1.

SUMMARY

The topography of the Carver's property makes building in the current RR-1 zone difficult. The Carver's are requesting the RR-1 zone line be extended to encompass more of their property so they may build a residence in the area of their choice within their lot. They are restricted by ordinance from building a residence on the A-20 side of their lot because they do not have the 20 acre minimum lot area in that zone.

The health department has certain acreage requirements for well head protection zones and sewer systems on the same lot. The lack of a culinary water system and/or a sanitary sewer system will restrict the ability to further subdivide the property until such future times that these systems become present in the area.

The Porterville/Richville Area Plan has policy objectives that encourage restricting rezones that could result in greater density. For the time being, the health department restrictions discourage additional density on this lot. The Planning Commission may find that these restrictions are sufficient to satisfy the area plan's intent.

BACKGROUND

On March 5, 2008, the K&K Adams subdivision was approved by the County Council as a two lot subdivision located at approximately 4233 S. Hwy 66 (See Exhibit 1). Lot one of the subdivision is 1.501 acres, and lot two, described on the plat as the "remaining parcel," is 8.312 acres. The portion of the subdivision that fronts Hwy 66 is zoned RR-1, and the rear is zoned A-20. Even though the plat calls lot

two a remaining parcel, it is a lot platted in a legal subdivision with adequate acreage and frontage for a residence in the RR-1 zone and may be considered a legal building lot.

As per the 2010 County Tax Rolls and plat maps, lot two of the subdivision was at some point further divided into two separate lots. Neither lot conforms to the dimensions of the previously approved subdivision plat, nor have they received the attention necessary to ensure proper conformance with land use regulations. Morgan County has land use controls that prohibit the amendment, alteration or modification of property boundaries within a platted subdivision without the proper County plat approvals. Both resulting lots are considered illegal lots pursuant to MCC 8-12A-5(B) and (C).

Dean and Linda Carver purchased one side of the recently split lot 2 under the assumption that it was a buildable lot. After receiving information from the County that the plat will need to be legally amended prior to the issuance of a building permit, the Carver's submitted a request to amend the subdivision with a one lot subdivision. During the County's subdivision review, it was discovered that the desired building location for the Carver residence does not comply with zoning regulations in the A-20 zone.

The Carver property is divided by zoning classifications. The front portion is RR-1 (approximately 300 feet from the centerline of the highway), and the rear portion is zoned A-20. Any proposed development in the RR-1 side of the lot requires compliance with the regulations of the RR-1 zone, and any development on the A-20 side of the lot requires compliance with the regulations of the A-20 zone. Due to topographic issues on the lot, the Carvers' desire to build their home in a location that is currently in the A-20 zone, as indicated by their original subdivision proposal (See Exhibit 2), and in their letter dated July 19, 2010 (See Exhibit 3). Given current regulations, and the delineation of the zoning boundaries on the Carver lot, they will be required to locate their home close to the steep hillside overlooking Hwy 66. The Carver's desire to move the RR-1/A-20 zone line deeper into their property so that once the property has been legally subdivided the home can be positioned according to their desires. The Carver's also indicate that this proposal is in no way intended to be used as a way to gain further density.

It should be noted that this not a subdivision approval request. The Carver Subdivision is an application currently under staff review, and will be considered according to its own merits at such time it is shown to comply with County ordinances. This is a rezone request, and likewise should be considered separately from the proposed subdivision, as the subdivision design will likely change as the project evolves.

ANALYSIS

Planning Commission Responsibility. Pursuant to Morgan County Code (MCC) 8-3-3, the Planning Commission shall review the [zoning map] amendment application and certify its recommendations concerning the proposed amendment to the governing body within forty five (45) days from receipt of the amendment application in a regularly scheduled meeting. The Planning Commission shall recommend adoption of a proposed amendment only where the following findings are made:

1. The proposed amendment is in accord with the master plan of the county.
2. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the purposes of this title.

Zoning. The purposes of the RR-1 zone are to promote and preserve in appropriate areas conditions favorable to large lot family life; to maintain a rural atmosphere; to promote the keeping of limited numbers of animals and fowl; and to promote requirements for public utilities, services and infrastructure.

The RR-1 zone is intended to be primarily residential in character and protected from encroachment by commercial and industrial uses.

The purposes of the A-20 zone are to promote and preserve in appropriate areas conditions favorable to agriculture and to maintain greenbelt spaces. These districts are intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses inimical to the continuance of agricultural activity.

The RR-1 zone in the area buffers Hwy 66. It originates from zoning designations from as early as 1963. There is not survey level data available for the accurate dimensions of the zone, but the common determination of these RR-1 buffers is that they extend outward 300 feet from the centerline of the road. Because the accuracy of the zone line may be a question, the rezone of the area already considered RR-1 may also be appropriate.

When evaluating a rezone, critical criteria to consider is the potential for land use changes that the proposed zone permits and/or conditionally permits. However unlikely, it is appropriate to evaluate the rezone as if the property is being used to the fullest extent allowable by County land use ordinance. See MCC 8-5A-3 for a full list of uses for the RR-1 and A-20 zones.

The potential for development due to the rezone request is low. The request extends the RR-1 zone from the 300 feet from the road centerline, to 470 from the road centerline. The rezone will result in approximately 2.37 acres of the Carver property in the RR-1 zone, and leave approximately 0.97 acres in the A-20 zone. The following eight criteria should be evaluated when determining the impact of the potential rezone:

1. Potential density: The current health department requirements for certain acreage per lot for a well head protection zone and a septic system will prohibit potential development. The rezone could lead to one additional dwelling unit at such time that a community culinary water system or sanitary sewer system is constructed to serve the site. If this ever happens, it may be expected that land uses in the area will have already drastically changed.
2. Culinary Water Resources: Wells serve the culinary water needs of the area. The Carver's will need to provide proof to the County that water is available in the development process.
3. Sewer: Currently the only form of waste water disposal in the Porterville area is by means of septic system. When the property is further developed, approval of a waste water disposal system will be required by the Weber-Morgan Health Department.
4. Flood Plain: The property is above the FEMA flood plain zones. Flooding does not appear to be an issue on the property.
5. Geologic Hazards: A full geologic hazards study may be required when the property is further developed.
6. Access: The property has 200 feet of frontage along Hwy 66. It will be served by a driveway the will need to be designed to county specifications not exceeding 12% grade. The front of the lot is fairly steep, so a cut in the hillside can be expected.

7. Fire Protection: The property is not in the Wildland Urban Interface Area, so a specific fire protection plan is not required. When it is developed it will still be required to have certain fire suppression as defined by the subdivision ordinance.
8. Topographic Features: The front of the property is fairly steep, but the middle and the rear portion provide topography practical for development.

General Plan. The property is located within the Porterville/Richville Area Plan boundaries of the Morgan County General Plan. In December 2008, the County Council approved the Porterville/Richville Area Plan Map. The Porterville/Richville Area Plan committee created the map based on the desire to keep the density of the area consistent with the density allowed by the current zoning map. The text of the area plan states that “requests that would increase the existing density of the property under consideration should be discouraged.” To meet these ends, the area plan committee discourages the expansion of the RR-1 zone. In this particular case where the request would make additional density unlikely given the area’s current culinary water and sewer situation, the Planning Commission may find that the policy objective of the area plan is still accomplished.

The request is in general conformance with many goals of the general plan. Chapter 3 of the 1999 Morgan County General Plan, “Community Character,” identifies the following goals:

1. The small town character identified in the eight area plans is critical to the overall rural, small town character of the County.
2. Growth must be compatible with the rural, residential, agricultural and small-town character of Morgan County.
3. Quality of life factors such as clean air and water, public safety, wildlife protection, parks/recreation, schools, and natural beauty are major contributors to Morgan County’s community character.

Noticing. The MCC 8-03-3 requires a public hearing for a rezone when the County Council’s hears the rezone request. State law 17-27a-205 requires the first public hearing (whatever body is hearing it) to be noticed on the County’s website and published in a newspaper of general circulation in the area at least 10 calendar days before the public hearing, and mailed to the property owner affected by the change, as well as adjacent property owners within parameters specified by the county (which is 300 feet in Morgan County).

This public hearing notice was posted at a minimum within the State and County requirements in the following manner:

1. Posted to the County website within 10 days prior to this meeting.
2. Published in the Morgan County News within 10 days prior to this meeting.
3. Mailed to property owners within 300 feet of the affected property.
4. Mailed to the property owner.
5. Mailed to affected entities
6. Posted in the foyer of the Morgan County Courthouse.

STAFF RECOMMENDATION

Staff recommends approval of the Carver rezone request. This recommendation is based on the following findings:

1. That the proposed amendment is in accord with the County's General Plan.
2. That the proposed amendment is determined to satisfy the policy objectives of the Area Plan.
3. That allowing the rezone will provide the property owners their desired use of the land.
4. That the rezone will inhibit further subdivision of the property until such time that a culinary water and/or sewer system is available in the area.
5. That changed or changing conditions make the proposed amendment reasonably necessary to carry out the purposes of this title.

MODEL MOTION

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Carver rezone request, application #10.035, rezoning approximately 2.37 acres of property at approximately 4267 S Hwy 66 from RR-1/A-20 to RR-1, based on the findings listed in the staff report dated Aug. 5, 2010, and as modified by the findings below:”

1. List any additional findings...

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the Carver rezone request, application #10.035, rezoning approximately 2.37 acres of property at approximately 4267 S Hwy 66 from RR-1/A-20 to RR-1, based on the following findings:

1. The current condition of the area does not merit changed or changing conditions. The area is not yet ready for the rezone request.
2. That the proposal does not conform to the Morgan County General Plan, as recommended by the Porterville/Richville area plan.
3. List any additional findings...

Exhibit B – Agenda item #8 –staff report - Public Hearing/Discussion/Decision: Camp Woodland: Requesting a Conditional Use Permit for Culinary Water System Improvements on the property located at approximately 4671 South Highway 66 Porterville.

STAFF REPORT

August 5, 2010

To: Morgan County Planning Commission
Business Date: 8/12/10

Prepared By: Charles Ewert, Planning Technician

Re: Camp Woodland Conditional Use Permit Request

Application No.: 10.034
Applicant: Presiding Bishop of LDS Church
Project Location: Approximately 4671 South Hwy 66
Zoning: RR-1/A-20 Zone
Acreage: Approximately 11.08 Acres; Limits of disturbance is approximately 0.30 acres.
Request: Conditional use permit approval for culinary water facilities improvements.

SUMMARY

This application is a request for improvements to the culinary water system facilities at Camp Woodland (See Appendix 1). The site is located in the Porterville area, at around 4671 S Hwy 66. Camp Woodland is an LDS camp facility that hosts religious camp activities. There is currently a culinary water system onsite served by a well located near the camp's southerly lot line. The Church feels the current system is insufficient to meet the camp's needs.

The proposed use is to construct a new 10,000 gallon water tank near the front of the lot and extend a new water line from the tank to the existing wellhead, which will also be improved. The top of the tank will be approximately two to three feet above natural grade. The grade is proposed to be changed in order to bury the entire tank, which when completed will look like a revegetated mound.

The proposed use is considered an expanded use of the facility, and is being evaluated against the current requirements of the zoning ordinance. It is in the RR-1 and A-20 zones, and is listed as a conditional use in these zones. There are specific design standards for a proposed new fence surrounding the tank, and there are requirements for revegetation of the disturbed areas. A performance bond is also required for the revegetation and improvements.

ANALYSIS

Zoning. The property is zoned RR-1 on the front portion of the lot facing Highway 66, and A-20 to the rear. The proposed tank will be within the RR-1 zone. The waterline crosses both zones. The wellhead improvements are in the A-20 zone. (See Appendix 2)

The proposed tank is determined to be an accessory structure, incidental to the main use of the

property as a recreational camp. Morgan County Code (MCC) 8-5A-3 identifies at least two uses the proposal may be considered as: “special general service—utility uses” or “essential services facilities.” Both of these uses require a conditional use permit in the RR-1 and A-20 zones.

The 10,000 gallon tank will be located in the northeast corner of the eleven acre lot. The required setbacks for accessory structures in the RR-1 zone are 30 feet for the front and 10 feet on the sides. The request proposes a 30 foot front setback and 15 foot side setback from tank to lot line.

Conditional Use Requirements.

- *Landscaping.* MCC 8-8-5 has specific landscaping and revegetation standards. For this use the applicant is proposing to return the areas of disturbance back to native grassy vegetation.
- *Bond.* MCC 8-8-5 also authorizes the County to require a bond to ensure performance with approved plans. Given the private nature of this request, bonding for 115% of the total cost of improvements may not be necessary, but bonding for the requirements that have impact on the public are. The public impact of this project is primarily aesthetic, with some implications on issues of erosion control. A bond requiring the revegetation of the disturbed areas will help provide assurance that revegetation of the area will occur after work is completed.

Supplemental Requirements. MCC 8-6-18 provides specific standards for fences surrounding utilities. The proposed six foot tall chain link fence is required to be black vinyl coated. The applicant may also propose a black wrought iron fence as an alternative.

Water Source. Improvements are proposed for an already existing well, including pump improvements. The applicant should adhere to any requirements of the Weber-Morgan Health Department.

Fire Protection. The property is in the Wildland Urban Interface Area, which does not delineate that this use should be considered separately than other typical building uses. A fire protection plan, or other considerations as approved by the local fire official, is required. (See Appendix 3)

REVIEWS

Planning and Development Services Review. The Morgan County Planning and Development Service Department has completed their review of the Camp Woodland Conditional Use Permit Request and have the following comments

1. The proposed fencing should be either black vinyl coated chain link or wrought iron.
2. A bond in the amount of 115% of the total estimated costs of revegetation and fencing shall be submitted prior to issuance of building permits.

Engineering Review Comments.

1. The submitted plans address all issues concerning engineering. A pre-construction meeting should be held with the applicant’s contractor and engineer prior to the issuance of a building permit.

STAFF RECOMMENDATION

Staff recommends approval of the Camp Woodland conditional use permit request, application #10.034 with the following conditions:

9. That fencing is either black vinyl coated chain link or black wrought iron.
10. That a bond in the amount of 115% of the total estimated costs of revegetation and fencing, as approved by the County Engineer, is submitted prior to issuance of a building permit. The amounts are as follows:
 - a. \$500 for revegetation; and
 - b. \$2,576 for black vinyl coated chain link fence.
11. That all Weber-Morgan Health Department requirements are adhered to.
12. That all work will be conducted in compliance with plans received by the County dated July 8, 2010.
13. That a preconstruction meeting be held with the applicant's contractor and engineer prior to commencement of work.
14. That all other County, State, and Federal laws are upheld.
15. That a building permit is required to be issued for the project.
16. The proof of adequate water rights is provided to the County with the building permit application.

This recommendation is based on the following findings:

4. The request conforms to requirements of the Morgan County Code.
5. MCC 8-6-18 provides standards for utility fencing.
6. Revegetation of the disturbed area with native seed mix will help protect the land from erosion, and provide an aesthetic completion of the project compatible with surrounding areas.

MODEL MOTION

Sample Motion for a *Positive* Recommendation – "I move we forward a positive recommendation to the County Council for the Camp Woodland Conditional Use Permit Request, application #10.034, based on the findings and conditions listed in the Staff Report dated 8/5/10 and as modified by the conditions below:"

1. List any additional findings and conditions...

Sample Motion for a *Negative* Recommendation – "I move we forward a negative recommendation to the County Council for the Camp Woodland Conditional Use Permit Request, application #10.034, based on the following findings:"

1. List any additional findings...

Exhibit C – Agenda #9 – Staff report - Public Hearing/Discussion/Decision: To repeal section 8-16 of the Morgan County Code regarding Building and Related Codes. This section is an obsolete reference, replaced by Morgan County Ordinance CO-10-10.

STAFF REPORT

5 August 2010

To: Morgan County Planning Commission
Business Date: 12 August 2010

From: Grant Crowell, AICP, Planning and Development Services Director

Re: County Initiated Text Change to Amend Building Code References

Application No.: 10.036
Applicant: Morgan County
Request: To amend the Morgan County Code by repealing section 8-16 in its entirety. This section is now obsolete due to the adoption of the building codes for the County found within section 7-7 of the County Code, recently updated by Morgan County ordinance CO-10-10.

SUMMARY & BACKGROUND

The State of Utah periodically updates the adopted building codes which are utilized by all jurisdictions within the state. These basic standards are requirements to be adhered to for all building permits. Additionally, jurisdictions may optionally adopt certain appendices and other related regulations to tailor the building and construction regulations to their specific needs. On June 15, 2010, the Morgan County Council adopted Ordinance CO-10-10, updating all of the adopted building codes to be utilized in the unincorporated area (the fire code was not a part of this ordinance and will be addressed separately), and the ordinance went into effect on July 1, 2010. This ordinance codified the building codes into section 7-7 of the County Code, which is not a part of the zoning ordinance. Building and construction codes are not required to be considered a part of the County's zoning ordinance. Due to this action, the now obsolete relic section of the zoning ordinance, section 8-16, is no longer relevant and necessary and must now be repealed and removed. As it is currently found within the zoning ordinance, this ministerial clean up action must be heard and recommended upon by the Planning Commission.

ANALYSIS

Criteria for Approval. A decision to amend the zoning text is one vested with the County Council, after taking public comment and receiving a recommendation from the Planning Commission. The Council has broad legislative discretion in this decision, but should generally consider whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan; whether the proposed amendment is harmonious with the overall character of existing development in the vicinity; the extent to which the proposed amendment may adversely affect property; and the adequacy of facilities and services, including roadways, storm water drainage systems, water supplies, waste water and refuse collection; and costs of administration. The County Council must balance any competing

interests and decide in the overall best interest of the public.

The LUMC sets out procedures for adopting and amending the code:

8-3-3 AMENDMENTS TO TITLE AND MAP (excerpt):

The governing body may amend this title, including the map, but only in accordance with the following procedure:

- A. The governing body may instruct the planning commission to study and make recommendations or certify amendments to this title in response to changes in policy and conditions which may be of concern to the governing body.
- B. The planning commission may initiate title amendment recommendations to the governing body.
- D. The planning commission shall review the amendment application and certify its recommendations concerning the proposed amendment to the governing body within forty five (45) days from receipt of the amendment application in a regularly scheduled meeting. The planning commission shall recommend adoption of a proposed amendment only where the following findings are made:
 - 1. The proposed amendment is in accord with the master plan of the county.
 - 2. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the purposes of this title.
- E. After receipt of the certified favorable recommendations of the planning commission, the governing body shall give notice of a public hearing to consider such amendment as provided by Utah Code Annotated section 17-27a-205.
- F. After the required public hearing on the proposed amendment, the governing body may adopt or reject such amendment.
- G. A majority vote by members of the governing body that agrees with an unfavorable recommendation of the planning commission shall constitute a denial of the application, and no public hearing shall be held. However, if the governing body determines that the proposed amendment may be desirable in spite of the planning commission's recommendation, a public hearing shall be held, with notice as required by law, prior to formal action on the application by the governing body.
- H. If the governing body proposes to make any substantive change in the amendment as submitted to it by the planning commission, or as advertised, it shall refer such change back to the planning commission for its recommendation before adoption of such amendment.

8-3-4: PROCEDURES FOR AMENDMENTS AND REZONINGS (excerpt):

- A. Governing Body: The governing body may amend this title pursuant to subsection [8-3-2C](#) of this chapter.

E. Planning Commission Review: The planning commission shall review the application and make its recommendations concerning the proposed amendment to the governing body within thirty (30) days from receipt of the amendment application in a regularly scheduled meeting. The planning commission shall recommend adoption of a proposed amendment only when the following findings are made:

1. The proposed amendment is in accordance 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 stated in this title.

Code Amendments. In order to effectuate the changes to the code pertaining to the repeal of the building code references in the zoning ordinance, all of section 8-16 of the Morgan County Code must be repealed. I have attached the language of section 8-16 and a copy of the adopted County ordinance which replaced it for reference.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a positive recommendation to the County Council for the proposed zoning text amendment to repeal section 8-16 of the Morgan County Code, application 10.036, as submitted in the staff report and based on the following findings.

6. That changed or changing conditions make the proposed amendment reasonably necessary to carry out the purposes of this title.
7. That the County wide policy objectives to be achieved by the adoption of building codes have been previously met by the adoption of County Ordinance CO-10-10.
8. That the proposed amendment is in accordance with the comprehensive general plan, goals and policies of the county.
9. That the adoption of building and construction codes are not required to be codified within the County zoning ordinance.
10. That the proposed amendment does not adversely affect the public's health, safety and welfare.

MODEL MOTION

Sample Motion for a Positive Recommendation – "I move we forward a positive recommendation to the County Council to repeal section 8-16 of the Morgan County Code, application 10.036, as presented in the staff report and based on the findings listed in the staff report dated August 5, 2010, and as modified by the findings below:"

1. List any additional findings ...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the County Council to repeal section 8-16 of the Morgan County Code, application 10.036, based on the following findings:”

1. List all finding...