



PLANNING COMMISSION AGENDA  
Thursday, September 29, 2011  
Morgan County Council Room  
6:30 PM

AGENDA

**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 from August 25, 2011.
5. Discussion/Decision: Conditional use permit request to construct an agricultural building outside the building envelope on a lot in the Ridges PRUD.
6. Discussion: Potential Repeal of the Master Planned Development Reserve Zoning District
7. Discussion: Private Lane Standards
8. Staff Reports.
9. Adjourn.

**MORGAN COUNTY PLANNING COMMISSION MEETING  
MORGAN COUNTY COURTHOUSE - RM. 29**

**Thursday, September 29, 2011 – 6:30 P.M.**

**MEMBERS PRESENT**

Trevor Kobe, Chairman  
Roland Haslam (arrived later)  
Adam Toone  
Brandon Anderson  
Darrell Erickson  
Alvin Lundgren  
Chris Hales

**STAFF PRESENT**

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

**MEMBERS ABSENT**

**COUNTY COUNCIL PRESENT**

**\*\*\* MINUTES \*\*\***

**1. Call to order – prayer.**

Chairman Kobe called the meeting to order. The prayer was offered by Member Hales.

**2. Approval of agenda.**

Member Anderson moved to approve the agenda as presented. Second by Member Erickson. The vote was unanimous. The motion carried.

**3. Declaration of conflicts of interest.**

There were no conflicts of interest declared.

**4. Approval of minutes from August 25, 2011.**

Member Anderson moved to approve the minutes of August 25, 2011. Second by Member Lundgren. The vote was unanimous. The motion carried.

**5. Discussion/Decision: Conditional use permit request to construct an agricultural building outside the building envelope on a lot in the Ridges PRUD.**

Mr. Ewert presented his staff report (please see attached exhibit A).

Chairman Kobe asked about calling this a conditional use. He asked Mr. Ewert to provide an explanation on why this would be a conditional use.

Mr. Ewert noted the use will always be established and be there as long as the building is up but in the review process we need to determine if there is any harmful impact and mitigate those impacts if necessary; for that reason it is reviewed under a conditional use permit process.

Member Erickson asked about the letter from The Ridges HOA's . Mr. Ewert noted that the HOA stated in their letter this structure was ok with them in the proposed location.

**Member Lundgren moved to recommend to the Morgan County Council approval of the Barber conditional use permit request to construct an agricultural building outside the building envelope of lot 5 of the Ridges PRUD Subdivision, application #11.054 based on the staff report dated September 21, 2011. And based on the following four conditions:**

1. That the building placement adheres to the 15 foot side and 30 foot front and rear setbacks.
2. That the building not exceeds 30 feet in height as measured from average lowest grade.
3. That the building is designed in compliance with the architectural and design control committee requirements of The Ridges PRUD Subdivision.
4. That the building complies with all County, State, and Federal regulations.

**This recommendation is based on the following five findings:**

1. That the use of the building in the proposed location is listed as a conditional use on the Ridges PRUD Subdivision plat.
2. That the application has been reviewed in compliance with all regulatory requirements.
3. That the proposed use complies with the purpose of the A-20 zone.
4. That the proposed use conforms to the purposes of the 2010 General Plan.
5. That there are no detrimental effects of the use in need of mitigation.

**Second by Member Toone.**

**There was no discussion.**

**The vote was unanimous. The motion carried.**

#### **6. Discussion: Potential Repeal of the Master Planned Development Reserve Zoning District**

Mr. Crowell reviewed his memo sent to the Planning Commission Members (Please see attached exhibit B)

Member Lundgren believed this was an outdated tool that the County would probably never use again because any new large developer, such as Snow Basin, would prefer to go through a process similar to what they are going through with the County; a more tailored ordinance.

Member Anderson noted his only concern would be if a developer were to come in tomorrow what tool would be available to use if the MPDR were no longer available. The County has done away with the PRUD and now the MPDR.

Mr. Crowell noted there is still the subdivision ordinance available. From a practical standpoint we have the Snow Basin assignment and he believed that was going to take all of their time for the next

six months; he believed that should fall before the PUD ordinance. He noted staff could put together a simple PUD ordinance if necessary. Snow Basin has told the County that the current MPDR ordinance is ineffective for them.

Member Toone had no comments at this time.

Member Erickson asked if the majority of elements within the MPDR would come out in the ordinance for Snow Basin. Mr. Crowell noted most of the issues covered in the MPDR are being discussed in the Snow Basin meetings. He believed one of the key things, regardless, is that the County does not have any hillside grading ordinance. It is something on the list that should be discussed with Snow Basin. He has seen, during his career, mass grading and this county does not want that here. A more modern approach is to take a bulk of what is in this descriptive code, fine tune it and be more specific in the development agreements.

Member Hales had no comments at this time.

Chairman Kobe noted the MPDR does have a lot of key items, but cumbersome items. He would like to see some of the good key topics retained and addressed in a county wide ordinance; topics such as dark sky and hillside grading.

The Members requested staff work on a formal application to present to the County Council to repeal this ordinance.

## **7. Discussion: Private Lane Standards**

Mr. Crowell noted he was directed by staff several weeks ago, to work on a draft for private lane standards. He reviewed his memo written to the Planning Commission dated, 22 September 2011, along with a set of standards that could be used to start the next discussion on private lanes (Please see attached Memo, Exhibit C).

- The Members discussed the “*not exceed 1,000 feet in length*” noted in the staff memo (1).
  - Grading and frontage was discussed.
- Conditional use was discussed.
  - Perpetual maintenance agreement was discussed.
- Private Street/Private Lane
  - Private Lane – service 4 homes
  - Private Street

**Member Haslam joined the meeting at 8:45 p.m.**



**Exhibit A – Staff Report - Conditional use permit request to construct an agricultural building outside the building envelope on a lot in the Ridges PRUD.**

**STAFF REPORT**  
September 21, 2011

**To:** Morgan County Planning Commission  
Business Date: 9/29/11

**Prepared By:** Charles Ewert, Planner

**Re:** **Barber Conditional Use Permit Request**

Application No.: 11.054  
Applicant: John Barber  
Project Location: 3358 W. Ridges Circle  
Zoning: A-20 Zone (PRUD)  
Acreage: Approximately 4.01 acres  
Request: Conditional use permit request to construct an agricultural building outside the building envelope of the lot.

**SUMMARY**

The application is a request to construct an agricultural building outside of the designated building envelope of the lot. The project location is at 3358 W. Ridges Circle, which is in the Ridges PRUD Subdivision. The allowance to build outside the building area is not a typical allowance, and is not listed in Morgan County Code (MCC), but it is listed as a conditional use permit option on the subdivision plat which was approved by the County Council October 5, 2004. The only specific review criteria listed on the plat is a letter of approval from the Architectural and Design Control Committee. There are not findings of harmful impact for the proposed use.

**BACKGROUND**

The applicant desires to construct an agricultural building on his lot. The lot is in the Ridges PRUD subdivision (see Exhibit A). The Ridges PRUD is a subdivision that was granted alternative lot sizes for certain amenities such as open space and designated building envelopes. The applicant's property, lot 5, has a specific building envelope which the applicant desires to build outside of. Even though not specifically provided for in land use ordinances, the plat has a note that specifically grants a lot owner the right to build outside the building envelope upon approval of a conditional use permit from the County. As such, the applicant presents this application for the County's review.

**ANALYSIS**

*General Plan and Zoning.* Pursuant to the future land use map (see Exhibit B), the property is designated as agricultural. This designation identifies areas of existing agricultural land uses. The purpose of this land use designation is to support viable agricultural operations in Morgan County, while allowing for incidental large-lot residential and other uses. The residential density in this category is up to 1 unit per 20 acres.

The property is zoned A-20 (see Exhibit C). Current zoning supports one dwelling unit per 20 acres in the A-20

zone, and the use of the PRUD tool at the time the subdivision was recorded gave the property increased density allowance to allow for the 4.01 acre lot. The purposes of the A-20 zone are to promote and preserve in appropriate areas conditions favorable to agriculture and to maintain greenbelt spaces.

Ordinance Evaluation. There is no information in the ordinance regarding a conditional use permit for this type of request. Without such there are little objective criteria from which to review it. Morgan County Code Chapter 8 indicates that there are general items that may be applied to conditional use permits, such as grading, flood plain control, traffic, access, design control, landscaping, infrastructure improvements, health department issues, and other environmental concerns. The application is fairly simple, does not involve large cuts and fills, is not in a flood plain, will not generate additional traffic and has undergone specific design control by the HOA. There does not seem to be an impetus for any of these standards to apply.

Without specific review criteria County and State Code enables the County to review the application for potential harmful impact and apply conditions for mitigation. Morgan County Code 8-8-3(F) states that “a conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.”

There seems to be great discussion surrounding the approval of the subdivision plat back in 2004 regarding hillside development and the protection of view sheds. The applicant asserts that the purpose for the buildable area was to protect the harmful impact of construction in a view shed area. This element is not explicitly supported in the record, nor can Staff find any existing or previously existing ordinances that specifically regulate hillside development or view protection. Without such regulation Staff does not recommend reviewing the application with any such assumptions.

Despite no review criteria in the ordinance there is procedural review information listed on the plat. The plat states that:

...locations for secondary buildings may be used only with the approval of the architectural and design control committee documented by letter, and recommended for approval by the Morgan County Planning Commission and approved by the County Council and documented by a conditional use permit.

An approval letter from the architectural review committee was submitted with the application (see Exhibit D).

Property Layout. The property is located on the western slope of the valley above North Morgan Valley Drive. There is currently a home on it (see Exhibit E). The requested agricultural building is an accessory use on the lot (see Exhibit F). Agricultural buildings are exempt from the requirements of building permit review per State Code, but are still required to adhere to land use controls. The plat indicates that the setback requirements for this lot is 15 feet for the sides, and 30 feet for the front and rear setbacks. MCC 8-5A-7 indicates that the maximum average height of any building in the A-20 zone is 35 feet. The proposal adheres to these requirements.

### **STAFF RECOMMENDATION**

Staff recommends approval of Barber conditional use permit request to construct an agricultural building outside the building envelope of lot 5 of the Ridges PRUD Subdivision, application #11.054 subject to the following conditions:

1. That the building placement adheres to the 15 foot side and 30 foot front and rear setbacks.
2. That the building not exceed 30 feet in height as measured from average lowest grade.
3. That the building is designed in compliance with the architectural and design control committee requirements of the Ridges PRUD Subdivision.
4. That the building complies with all County, State, and Federal regulations.

This recommendation is based on the following findings:

1. That the use of the building in the proposed location is listed as a conditional use on the Ridges PRUD Subdivision plat.
2. That the application has been reviewed in compliance with all regulatory requirements.
3. That the proposed use complies with the purpose of the A-20 zone.
4. That the proposed use conforms to the purposes of the 2010 General Plan.
5. That there are no detrimental effects of the use in need of mitigation.

### **MODEL MOTION**

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Barber conditional use permit request to construct an agricultural building outside the building envelope of lot 5 of the Ridges PRUD Subdivision, application #11.054 subject to the findings and conditions listed in the September 21, 2011 staff report, and as modified by the conditions and findings 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 Barber conditional use permit request to construct an agricultural building outside the building envelope of lot 5 of the Ridges PRUD Subdivision, application #11.054, subject to the following findings:

1. List any additional findings...

**SUPPORTING INFORMATION** (these supporting documents can be viewed with the official recorded minutes in the Morgan County Clerk's office)

Exhibit A: The Ridges PRUD Plat (Page 5 of 5)

Exhibit B: Future Land Use Map

Exhibit C: Zoning

Exhibit D: Letter from Architectural Review Committee

Exhibit E: The lot

Exhibit F: The Ag. Building Location

**Exhibit B – Staff Report - Potential Repeal of the Master Planned Development Reserve Zoning District**

## **MEMO**

**TO: PLANNING COMMISSION**

**FROM: GRANT CROWELL**

**DATE: 22 SEPTEMBER 2011**

**SUBJECT: REPEAL OF MPDR ORDINANCE DISCUSSION**

As a result of ongoing discussions regarding the Snow basin and flexible subdivisions projects, Member Lundgren requested that Staff place an item on the agenda to discuss the possible repeal of the Master Planned Development Reserve (MPDR) ordinance (Chapter 8-5F, Morgan County Code). The ordinance, which is used to create a new development district, has only been used once in the County to create the Rivala project, which pre-dates the current Staff. The current Staff has no history as to how that project was reviewed or how useful or restricting the MPDR ordinance was at the time.

Snow basin began the pre-application phase of the MPDR process, but has since urged the Commission and Council to consider a different zone, more tailored to the needs of a large, master planned resort. Staff is currently working with a committee to create this new approach. Given the length (57 pages) and complexity of the MPDR process, Staff can see why this tool was not used to create other projects in the County and why the PUD and PRUD were used to create Rollins Ranch, the Cottonwoods, and Whisper Ridge, to name a few. Its requirements for detail leave much of the flexibility out that is necessary for long term projects. It would be difficult for Staff to recommend this process to any customers and to the County decision makers. While prescriptive and inflexible, the MPDR does contain requirements for items that are not found anywhere else in the County Code. Being that there is only one MPDR, these requirements have not been widely used. Some may have merit for future ordinance inclusion. Some key topics addressed in the MPDR are: view sheds, neighborhood recreation, open space, affordable housing, parks and trails, public facilities, sensitive areas, fiscal impact, traffic impact, architecture, lighting, signage, common area maintenance, landscaping, street trees, grading, utilities, level of service, wildfire hazards, habitat, parking, road design, school impact, garbage, public safety, and so on.

Many of these requirements are addressed in other sections of the County Code, but all are not. In the new resort ordinance for Snow basin, we intend to address those items that are deemed to be of concern. The items in the MPDR ordinance could serve as a reference for that. In summary, the MPDR ordinance is of limited worth because it doesn't and will not get used.

**Exhibit C – Staff report – Private Lane Standards**

# **MEMO**

**TO: PLANNING COMMISSION**

**FROM: GRANT CROWELL**

**DATE: 22 SEPTEMBER 2011**

**SUBJECT: PRIVATE LANE STANDARD DISCUSSION**

Recently, the Planning Commission discussed subdivision road standards and requested that Staff present a draft ordinance standard for a reduced width private lane. Please find below a set of standards that can be used to start the next discussion:

(a) Private lanes in standard single family dwelling subdivisions (non-PRUD, MPDR, or other planned development type) subdivisions shall only be approved in conformance with the following requirements:

(1) Private lanes providing frontage for and access to lots shall provide access to no more than four single family lots or dwellings, and shall not exceed 1,000 feet in length.

(2) Private lanes shall have a recorded right of way of 30 feet, and a paved, all weather surface of at least 24 feet, designed pursuant to adopted construction standards, fire codes, and geotechnical recommendations. Private lanes greater than 150 feet in length must be terminated with a turn-around of not less than 110 feet of right-of-way in diameter, or an alternative turn around design which meets the adopted fire and wild land urban interface code and is approved by the Fire Code Official and County Engineer.

(3) Private lanes shall only be allowed in developments in which a homeowners' association is legally established. A perpetual maintenance plan, including estimates of annual assessments and 30 year road maintenance costs, along with provisions for professional management of the association, shall be included within the CC&R's for the subdivision. All CC&R's and HOA corporate documents and bylaws shall be recorded prior to or concurrent with the final plat.

(b) Private lanes in PRUD's, MPDR's, other flexible subdivision development, and commercial and multi-family development types may only be allowed pursuant to the specific requirements found within those chapters.

(c) The establishment of a new private lane or right-of-way shall be evaluated by the Zoning Administrator and County Engineer, and may, at the discretion of the County Council, be required to be dedicated as a public street meeting County street standards to accomplish needed and logical street connections, to provide access to properties that may otherwise have no access or limited access to the detriment of the property, or other purposes determined to be appropriate.