



## PLANNING COMMISSION AGENDA

Thursday, March 31, 2011

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. Public Comment.
5. Discussion/Decision: To amend sections 5-5, 8-2, 8-5A, 8-6, of the Morgan County Code to allow for kennels in the RR-1 zone, and to address related administrative provisions.
6. Discussion regarding General Plan implementation pertaining to flexible subdivision types, options, and concerns.
7. Discussion/Decision: Amendment of Planning Commission By-Laws.
8. County Council / Staff update.
9. Adjourn.

**MORGAN COUNTY PLANNING COMMISSION MEETING**  
**MORGAN COUNTY COURTHOUSE - RM. 29**  
**THURSDAY March 31, 2011 – 6:30 P.M.**

**MEMBERS PRESENT**

Trevor Kobe  
Roland Haslam  
Adam Toone  
Brandon Anderson  
Darrell Erickson  
Alvin Lundgren  
Chris Hales

**STAFF PRESENT**

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

**MEMBERS ABSENT**

**COUNTY COUNCIL PRESENT**

Tina Kelly  
Howard Hansen

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

**1. Call to order – prayer.**

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

**2. Approval of agenda.**

Member Haslam moved to approve the agenda as printed. Second by Member Toone.  
The vote was unanimous. The motion carried.

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

Member Toone noted he had a conflict of interest on agenda Item #5 he is in business negotiations with the applicant. He noted he would withdraw from the discussion and vote.

**4. Public Comment.**

Member Anderson moved to open public comment. Second by Member Erickson. The vote was unanimous. The motion carried.

**Jason Bosen** – regarding kennel license

- Understand that it is proposed to be increased to four dogs. He is in favor of that; especially outside of the city limits. More than four maybe a kennel license would be needed.

**John Harimees**

- Would also support the increase of number of dogs inside the County.
- They have two large dogs and two small dogs and they are not a proble.

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

5. **Discussion/Decision: To amend sections 5-5, 8-2, 8-5A, 8-6, of the Morgan County Code to allow for kennels in the RR-1 zone, and to address related administrative provisions.**

Mr. Ewert referred to previous staff reports dated March 1, 2011 and March 17, 2011. He then referred to his most current memo dated March 23, 2011 (Please see attached exhibit A).

**Member Haslam moved to forward a positive recommendation to the County Council for the code text amendment regarding household pets and kennel provisions as provided in Exhibit "A" of the March 23, 2011 staff memo:" as written with the following changes:**

- The word ‘and’ is replaced with the word “or” in table 8-5a-3 to read “*The maximum number of dogs ‘or’ cats kept without .....*” and 8-5b-3 to read “*The maximum number of dogs ‘or’ cats kept in zones regulated .....*”

And with the following three findings:

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.
3. This will help bring our cattlemen and hunters into compliance with the county code.

**Second by Member Anderson**

Member Lundgren – clarify the definition of kennel where it reads dogs or cats it could be clarified to read dog’s puppies or cats with kittens. The grammar was discussed in the kennel definition clause.

Member Lundgren moved to amend the definition of Kennel, deleting the comma after five or more dogs.

There was discussion on the intent of the amendment.

Member Haslam and Member Anderson agreed to the amended motion as follows:

**Member Haslam moved to forward a positive recommendation to the County Council for the code text amendment regarding household pets and kennel provisions as provided in Exhibit "A" of the March 23, 2011 staff memo:" as written with the following changes:**

- **The word 'and' is replaced with the word "or" in table 8-5a-3 to read "*The maximum number of dogs 'or' cats kept without .....*" and 8-5b-3 to read "*The maximum number of dogs 'or' cats kept in zones regulated .....*"**
- **Exhibit "A" 8-2-1: Definitions – The comma after five or more dog is stricken from the kennel definition so it reads as follows: "*Kennel: Any premises where five or more dogs or five or more cats, older than four months, are kept for the purpose.....*"**

**And with the following three findings:**

- 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.**
- 3. This will help bring our cattleman and hunters into compliance with the county code.**

**Second by Member Anderson.**

Member Erickson was concerned about the four month even being in the motion. He believed the intent was to allow four adult type dogs.

There was discussion on litters.

Enforcement was discussed. Kennel permit would be obtained from the Sherriff's office.

The Chairman called for a vote on the amended motion.

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

Teresa Rhodes requested clarification on the motion.

Member Haslam asked for a moment to re-consider the motion.

Chairman Kobe noted if the motion needed to be address again the planning commission could address it at a later time in the meeting. He requested to move on to the next agenda item.

**6. Discussion regarding General Plan implementation pertaining to flexible subdivision types, options, and concerns.**

Jim Carter provided information and ideas on flexible subdivision types, options and concerns that the planning commission should consider.

Morgan County Planning Commission Meeting Minutes

March 31, 2011 – unapproved

Page 4 of 11

- Open space
- Sensitive lands
- Natural resources.
- Mixed use developments, Resorts
  - Town centers
  - Stand alone planned community project.
- Lot splits
  - Flag lots
  - Private lanes
  - Emergency vehicle access
  - Frontage
- Steps to consider in the implementation of flexible subdivisions.
  - Identify issues to address
  - Planning commission direction on goals and objectives for implementation and issue resolution
  - Develop alternative ordinance approaches to achieve goals and objectives
  - Evaluate benefits and challenges
  - Further consideration and direction.

Member Haslam – have we addressed infrastructure for the entire County as far as sewer and water systems. Need an idea of where that infrastructure is going before we can consider development.

Mr. Carter noted the policy remained in the general plan that if you are going to develop you have to make sure you have sufficient water and sewer.

- Subdivision ordinance does not say anything about a sewer threshold.
- 8 lots is the maximum before a central water system is required.

Mr. Carter noted the County has some control in this area because there are some filters in the general plan.

- Is it close to development? If it is not, you can put it back on the developer to propose how they are going to handle water, sewer etc.

Chairman Kobe recommended putting some substance behind the words to help implement the tools the County has in place.

Member Anderson recommended before the Planning Commission gets to the bulk of the work and a final draft, that the Planning Commission invite the public to give some input.

.

Mr. Crowell asked the planning commission if they wanted staff to work on a PRUD ordinance or just leave the current subdivision in place.

Member Lundgren noted he likes the list of the four documents and believes they are issues the County needs to address. He would add to that list maybe a large lot ordinance (Ridges) and make some proposals for that.

Member Erickson would like to see some sort of cost source data; how much money is coming in and how much is coming out. Mr. Crowell noted the re-zoning level is the best time to ask those questions because the County won't be able to affect the outcome as well if they wait until concept.

Member Toone noted he would like to better define open space.

- Purpose, use, and maintenance.
  - Farms
  - Up zoning
  - Impact to other property owners.
- Asked Mr. Carter how does a County benefit from an MPDR or a PRUD. Mr. Carter noted the MPDR is typically designed to get a better product and some internal recreational facilities. It is usually big enough that it can have trails. Using the PRUD offers options to the developer but not necessarily the County.

Hillside ordinances and Ridgelines were discussed.

## 7. **Discussion/Decision: Amendment of Planning Commission By-Laws.**

Member Haslam noted some typos and minor corrections.

Major changes to the bylaws:

- Allowing the chairman more power.
  - Voting power.
- All motions require a second.
  - A second can be made by the Chairman.
- Amendments.
  - Amendments need to be seconded.
  - The person making the motion does not have to approve the amendment. If an amendment is proposed, seconded, and voted on, it stands. If it fails, then the original motion still stands.

**Member Haslam moved to accept the new Planning Commission by laws dated March 31, 2011 with the revisions noted with the findings that this will help the process of the Planning Commission. Second by Member Lundgren. The vote was unanimous. The motion carried.**

## 8. **County Council / Staff update.**

Mr. Crowell noted the following:

- Joint meeting with the County Council on a future Planning Commission date.
  - Items that were suggested by the Planning Commission members to address with the County Council.
    - Streamline – things this group can do that do not need to burden the County Council.

- Economic development
- Planning Commission given authority to approve conditional use permits.
- Fence in/fence out
- Snow Basin – particular things the Council wants the Planning Commission to ask or look for.
- Transporting farm equipment on State highway.
- Pedestrians on State Highways.
- Tentative date – April 28th

Member Haslam asked if most of the residents along Old Highway, Morgan Valley Drive, Stoddard Lane, Richville Lane, were all in the RR-1. He asked where the RR-5 zone was. Mr. Ewert noted various areas throughout the County. Member Haslam noted with that clarification he believed we had done an injustice to the County.

Member Haslam noted the ordinance just passed was to not allow dog kennels in RR-1 which is where most of the residents of the County reside. He noted there are not that many residents in the RR-5 zones. He would like to reconsider the motion, keep basically the same motion on the floor but under kennel in the table 5a-3 put in parenthesis that they would be allowed in RR-1 with a five acre minimum. That would take it and bring it into compliance with the RR-5 zone. The way that it has been passed is that no one can have a kennel unless they are in the RR-5 zone. Under his reconsideration someone living in and RR-1 zone but with 5 contiguous acres could have a kennel license. Member Haslam gave the following example: Someone with their house in an RR-1 but with 5 contiguous acres.

Member Toone excused himself from the discussion.

**Member Haslam moved to reconsider his motion on agenda #5. Second by Member Erickson. The vote was not unanimous with Members Anderson and Toone opposed and Members Haslam, Lundgren, Erickson, and Hales for. The motion carried with a vote of four to two. The motion is reconsidered.**

There was discussion on the following:

- Removal of the words “five or more” under Exhibit A 8-2-1: definition.
- Adding a Third condition of ‘five contiguous acres’.

**Member Haslam moved to forward a positive recommendation to the County Council for the code text amendment regarding household pets and kennel provisions as provided in Exhibit “A” of the March 23, 2011 staff memo:” as written with the following changes:**

- **The word ‘and’ is replaced with the word “or” in table 8-5a-3 to read “*The maximum number of dogs ‘or’ cats kept without .....*” and 8-5b-3 to read “*The maximum number of dogs ‘or’ cats kept in zones regulated .....*”**

- Exhibit “A” 8-2-1: Definitions – The comma after five or more dog is stricken from the kennel definition so it reads as follows: “*Kennel: Any premises where dogs or cats, older than four months, are kept for the purpose.....*”
- Exhibit “A” 8-5A-3 under kennel type “allowed in RR-1 with a minimum of five contiguous acres.”

And with the following three findings:

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.
3. This will help bring our cattleman and hunters into compliance with the county code.

Second by Member Hales.

Member Lundgren asked if Member Haslam would consider making it a conditional use permit in RR-1.

There was further discussion on the following based on the proposed third condition:

- Down zoning was discussed.
- Placement of the kennel.
- A conditional use for this type of situation.
- Applying under the RR-5 zone if the applicant already had five contiguous acres.
- Grandfathering was discussed.
- It was noted that if it is not a main use then you would not need to meet the minimum lot size and you could put it on five acres of A-20. If it was the only use on the property then it would be a main use and that would be an issue.

Member Haslam noted if staff was confident that it was covered under the original two bullets in the final motion then he was ok with the motion as it was originally voted on with the exception of the removal of the words “five or more” in condition number two.

**Member Haslam withdrew his motion.**

**Member Haslam moved to delete from the original and final motion made in Agenda item #5 the removal of ‘five or more’ in Exhibit “A” 8-2-1: Definitions.**

**Second by Member Lundgren. The vote was unanimous. The motion carried.**

The final motion for agenda Item #5 stood as follows:

**Member Haslam moved to forward a positive recommendation to the County Council for the code text amendment regarding household pets and kennel provisions as provided in Exhibit “A” of the March 23, 2011 staff memo:” as written with the following changes:**

- The word ‘and’ is replaced with the word “or” in table 8-5a-3 to read “*The maximum number of dogs ‘or’ cats kept without .....*” and 8-5b-3 to read “*The maximum number of dogs ‘or’ cats kept in zones regulated .....*”
- Exhibit “A” 8-2-1: Definitions – The comma and the words “five or more” is removed so the definition reads as follows: “*Kennel: Any premises where dogs or cats, older than four months, are kept for the purpose.....*”

And with the following three findings:

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.
3. This will help bring our cattleman and hunters into compliance with the county code.

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

9. Adjourn.

Motion by member Erickson to adjourn. Second by Member Haslam. The vote was unanimous. The motion carried.

Approved: \_\_\_\_\_  
Chairman

Date: \_\_\_\_\_

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

Date: \_\_\_\_\_

**Exhibit A – Agenda item #5 - Discussion/Decision: To amend sections 5-5, 8-2, 8-5A, 8-6, of the Morgan County Code to allow for kennels in the RR-1 zone, and to address related administrative provisions.**

## Memo

---

**TO: Planning Commission**  
**FROM: Charles Ewert, Planner**  
**DATE: March 23, 2011**  
**SUBJECT: Morgan County Appeal Authority; File #10.067**

---

On March 17, 2011, the Planning Commission considered a request to allow kennels in the RR-1 zone. The applicant is desirous to be allowed four dogs on his rural residential property, and feels, given current laws, that requesting the ordinance change will facilitate his desire.

When the Planning Commission reviewed this request, they considered alternatives to allowing kennels in the RR-1 zone. One suggestion was to increase the number of household pets allowed on residential properties. An unintended consequence of allowing this is the possibility that more dense areas of the County could be overburdened with the household pet population. The request was tabled, and the Planning Commission directed staff to suggest an ordinance change that will allow more dogs in the Rural Residential (RR-1, RR-5, and RR-10), Agricultural (A-20), Multiple Use (MU-160), and Forestry (F-1) zones, while still restricting the number in the residential (R1-20, R1-12, R1-8, RM-7, and RM-15) zones to what is currently allowed.

Staff recommends changes to Morgan County Code as provided in Exhibit "A." These changes include the following:

- Allow up to four dogs to be kept in the Rural Residential (RR-1, RR-5, and RR-10), Agricultural (A-20), Multiple Use (MU-160), and Forestry (F-1) zones without a Kennel conditional use permit.
- Change the definition of Kennel to reflect the same, by altering the parameters from three or more dogs to five or more dogs.
- Limit the number of dogs and cats allowed in the residential (R1-20, R1-12, R1-8, RM-7, and RM-15) zones to two. Existing restriction is two dogs and four cats.
- Explicitly prohibit Kennels from the residential zones.

The proposal only addresses changes to kennel parameters in Title 8. If the Planning Commission feels this recommendation meets the needs for the current request while still

protecting the public health, safety, and welfare, then they should forward a positive recommendation to the County Council for the change.

### **MODEL MOTION**

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the County Council for the code text amendment regarding household pets and kennel provisions as provided in Exhibit “A” of the March 23, 2011 staff memo based on the following findings:”

4. The proposed amendment is in accordance with the comprehensive general plan, goals and policies of the county.
5. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the purposes stated in this title.

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation for the proposed land use regulations text amendments regarding kennel provisions in the Morgan County Code, application 11.003, based on the following findings:”

1. List any additional findings...