



PLANNING COMMISSION AGENDA
Thursday, October 11, 2012
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 from September 27, 2012.
5. Public Hearing/Discussion/Decision: Mecham Rezone: A request to rezone approximately 1.927 acres of property located at 1275 West Island Road from the A-20 zone to the RR-1 zone.
6. Public Hearing/Discussion/Decision: Freed Rezone: A request to rezone approximately 6.38 acres of property at approximately 1151 West Island Circle from the RR-5 zone to the RR-1 zone.
7. Staff Reports.
8. Adjourn.

- **NOTICE: There was a mechanical error with the recorder at this meeting and therefore the only minutes available for the following meeting are typed only. There is no digital data record.**

**MORGAN COUNTY PLANNING COMMISSION MEETING
MORGAN COUNTY COURTHOUSE - RM. 29
THURSDAY October 11, 2012 – 6:30 P.M.**

MEMBERS PRESENT

Steve Wilson
Shane Stephens
Alvin Lundgren
Adam Toone
Debbie Sessions

STAFF PRESENT

Charles Ewert, Planner
Teresa Rhodes, Planning Commission Assistant

MEMBERS ABSENT

Darrell Erickson
Roland Haslam, Chairman

COUNTY COUNCIL PRESENT

Howard Hansen
Tina Kelley

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

1. Call to order – prayer.

Vice Chairman Wilson called the meeting to order.
Member Toone offered the prayer.

2. Approval of agenda.

Member Sessions moved to approve the agenda as posted. Second by Member Toone. 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 September 27, 2012.**

Member Lundgren moved to approve the minutes of September 27, 2012 with the noted minor corrections. Second by Member Sessions. The vote was unanimous. The motion carried.

5. **Public Hearing/Discussion/Decision: Mecham Rezone: A request to rezone approximately 1.927 acres of property located at 1275 West Island Road from the A-20 zone to the RR-1 zone**

Charlie presented his staff report (Please see attached exhibit A)

Vice- Chairman Wilson asked for some details about the proposed 1000 foot private lane. Charlie addressed width and length according to County code.

Member Stephens moved to open the public hearing for the Mecham re-zone. Second by Member Sessions. The vote was unanimous. The Motion carried.

Paul Freed - Neighbor to the Mechams.

- Mr. Freed did not believe this re-zone would cause any adverse problems in the area. The road is wide enough to handle what small amount of traffic that is in the area.
- This size of lot is exactly what this property should be used for.
- He is in favor of the re-zone.

Kevin Thurston – Neighbor

- Mr. Thurston noted the road is not an issue. The big problem with Island Road is getting on to State Street further up into the city.
- Believes it is a good idea to put houses here, but the individuals who buy lots in this area need to understand this is an agricultural area and there will be smells and farm equipment sounds sometimes twenty four hours a day. He noted as long as that is noted he is in favor of the re-zone.

Mark Walker – Neighbor

- Mr. Walker noted the road has not been a problem; because of the curve to the road it actually requires individuals to drive slower. The road is a dead end road.
- He is in favor of smaller 1 acre lots facing the asphalt and as you get further away from the asphalt lots should get larger.
- He is in favor of the re-zone.

John Cannon – partner of Graceland Equestrian (Creek side Equestrian)

- Mr. Cannon noted their property borders this area and they are not opposed to this re-zone. It does not impact them in a negative way.

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

Vice- Chairman Wilson invited Mr. Mecham to speak to the Planning Commission at this time.

Milan Mecham – Applicant

Mr. Mecham noted they are currently working on their estate planning and the reason they are looking at this subdivision of their land.

Vice-Chairman Wilson called for discussion from the Planning Commission Members.

Member Toone asked the location of the diversion dam of Weber Basin. It was noted it was further south.

Member Sessions –

Asked about the lone square of RR-1 that was designated at the end of the road. Charlie noted that the County maps showed that it could have been re-zoned but are not sure it was. He noted Country records indicate that previous county councils did re-zone in the past without ordinance.

The vice-chairman called for a motion

Member Stephens moved to forward a positive recommendation to the County Council for the Mecham Rezone Request, application #12.112, rezoning approximately 1.927 acres of property at approximately 1275 West Island Road from A-20 to RR-1, based on the findings as listed in the staff report dated September 26, 2012.

- 1. That allowing the rezone will provide the property owners their desired use of the land.**
- 2. That the uses listed in the proposed zone are harmonious with existing uses in the area.**
- 3. That the potential for a traffic increase along Island Road will not be detrimental to current traffic flows.**
- 4. That the proposed amendment is in accord with the County's General Plan.**
- 5. That changed or changing conditions makes the proposed amendment reasonably necessary to carry out the purposes of this title.**

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

6. **Public Hearing/Discussion/Decision: Freed Rezone: A request to rezone approximately 6.38 acres of property at approximately 1151 West Island Circle from the RR-5 zone to the RR-1 zone.**

Member Toone asked about the RR-5 zone behind this property. Charlie gave a brief history of the zoning he could find.

Member Session discussed the PRUD that was adopted in 1997. Charlie noted the first ordinance re-zones he could find, that were adopted, was 2002; there could have been earlier ones that have been misplaced or lost.

Vice-Chairman Wilson called for a motion to open public hearing.

Member Lundgren moved to open a public hearing on the Paul Freed Re-zone. Second by Member Sessions. The vote was unanimous. The motion carried.

Kevin Thurston – Neighbor

- In favor of the subdivision.
- Needs to be stipulations. There is a ditch that runs through this property. Owners need to be made aware that the ditch needs to be kept cleaned out, if it is piped for any reason, to assure water flow further down to their property.
- Flood plain - If this property was built up for any reason it could cause water to come into some of the surrounding homes because it would divert the water in a different direction.
- Once again he noted that potential buyers of this property need to be advised that agriculture and farming is done in the area, sometimes 24 hours a day.

Milan Mecham – Neighbor

- In favor of this re-zone

Mark Walker – Neighbor

- He would be the most impacted because his property is right across the street.
- The zone around them is RR-5.
- Still in favor of the re-zone.

John Cannon – partner of Graceland Equestrian (Creek side Equestrian)

- Not opposed to the proposed re-zone.
- This would not adversely impact their property or operation.

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

Paul Freed – Applicant

- Believes it is a good use for the property.
- Different people have asked to buy property from him in the past; this seems like a good time to subdivide it.

Member Toone asked about the runoff in the spring of 2011 and what kind of conditions were on this property.

Mr. Freed stated the slough did not run over and there was very little or no impact. Further up on Island Road there was a lot of flooding that took place where there were big deep basements. He noted there was no one in this area that had flooding problems in the spring of 2011.

Mark Walker noted his house and barn are the lowest point in the area. The water table is incredibly high. It would not be wise to build any kind of basement in this area. Flooding is a concern, but not an issue that would impact many of the homes built in the area as long as there are no basements.

Member Sessions stated she does not know what the PRUD ordinance was when this was formed. She would like to know if there were any conditions placed on this property. This re-zone has the potential to undo a PRUD that was put into place in 2002.

Mr. Freed noted he has the documents and they are recorded with the County. He noted most of the conditions listed in those documents were regarding agriculture.

Mr. Walker noted when he purchased his home he looked carefully at the PRUD documents. There was a restriction on the agricultural but nothing in regard to housing. There was something that said both property owners would have to agree to it because they are both part of the PRUD. Mr. Walker stated that new owners would need to assume responsibilities of the road along with him and Mr. Freed.

Member Sessions stated she would still like to see the enabling ordinance before approving this. Mr. Freed noted Dave Bott created the PRUD. He has the actual document of this particular PRUD but again, it only addresses agricultural.

Member Sessions would also like to see the general PRUD ordinance that was in effect for the County at the time.

Member Lundgren stated that he believes Member Sessions concerns would be more important at the time Mr. Freed brings forth a subdivision. He noted this is just a re-zone level. Charlie noted that is correct.

Member Toone stated his only concern is how ironic it is that the zoning follows the flood plain and perhaps that may have been to prevent building in the flood plain.

Lundgren Moved to forward a positive recommendation to the County Council for the Freed Rezone Request, application #12.116, rezoning approximately 6.38 acres of property at approximately 1151 West Island Circle from A-20/RR-5 to RR-1, based on the findings listed in the staff report dated October 2, 2012,

1. That allowing the rezone will provide the property owners their desired use of the land.
2. That the uses listed in the proposed zone are harmonious with existing uses in the area.
3. That the potential for a traffic increase along Island Road will not be detrimental to current traffic flows.
4. That the proposed amendment is in accord with the County's General Plan.
5. That changed or changing conditions makes the proposed amendment reasonably necessary to carry out the purposes of County ordinances.

Second by Member Stephens the vote was not unanimous with Member Stephens, Lundgren for and Members Sessions and Toone against. Vice-Chairman Wilson voted in favor. The motion carried with a vote of three to two.

7. Staff Reports.

- Charlie noted that there would be a work Sessions with the Johnson's and their legal consultants at the October 25, 2012 meeting. The Johnson's master plan and development agreement will be discussed.
- Utilities uses will also be discussed at the next meeting.
- Snow Basin is submitting their application.

8. Adjourn.

Member Toone moved to adjourn.

Exhibit A – Agenda item #5 - Public Hearing/Discussion/Decision: Mecham Rezone: A request to rezone approximately 1.927 acres of property located at 1275 West Island Road from the A-20 zone to the RR-1 zone

STAFF REPORT

To: Morgan County Planning Commission
Business Date: 10/11/12

Prepared By: Charles Ewert, Planner

Re: **Rezone Request for Milan and Susan Mecham**

Application No.: 12.112
Applicant: Milan and Susan Mecham
Project Location: Approximately 1275 West Island Road
Zoning: A-20
Acreage: Approximately 20.51 Acres
Request: Request for approval to rezone approximately 1.927 acres of the 20.51 acre property from A-20 to RR-1.

SUMMARY

The applicant's own a 20.51 acre unsubdivided parcel of property at the above referenced address. The site currently has a residence on it, and the property has frontage along Island Road. A portion of that frontage has the 300 foot RR-1 zoning buffer that is common along many public roads throughout the County; however, this zoning buffer does not extend the entire width of the applicant's lot such that the location of the home is located in the A-20 zone.

The applicants have the desire to do some estate planning and would like the opportunity to divide the existing residence off from the rest of the property into a smaller lot. They desire a zone change that can support a subdivision of land with a 1.927 acre residential lot with their current home on it.

The Morgan County Future Land Use Map does not designate any land in the Island Road area for zoning changes or additional density. The Future Land Use Map is intended to act as a guide from which to specifically evaluate the merits of this request. Zoning changes in accordance with the map is not mandatory, but it is a recommendation intended to promote an organized plan for future land uses. Despite the designations of the Future Land Use Map, the County has legislative discretion to find that that changed or changing conditions merit a zone change if they choose to do so.

An establishment of review criteria for this request may help the County in making this decision. Relevant criteria includes determining whether the change fits with neighboring land uses and/or configurations, the zoning density changes, traffic and circulation, flood plain issues, and whether the land can be supported by essential facilities such as culinary water, septic/sewer, road infrastructure, etc. The intent of this staff report is to provide an objective evaluation of this criterion.

BACKGROUND

The property is primarily agricultural in nature, with the exception of the residence. The current home and related incidental uses cover a small portion of the larger 20.51 acre lot. The applicant's anticipate that any future subdivision of land will also result in an agricultural division, which, pursuant to State and County code would not be subject to platting requirements. However, when considering applications such as this, the County should be aware of all possible outcomes. More will be explained on this point herein.

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.

General Plan. The first finding that the Planning Commission must make in order to make a positive recommendation for this rezone is that it is in accord with the master plan of the County. The 2010 General Plan and accompanied Future Land Use Map (as amended) is the County's master plan. The following are excerpts from the plan that may be relevant in evaluating this request (italics added for emphasis):

One municipality (Morgan) and six village centers are located in Morgan County; Mountain Green, Peterson, Enterprise, Stoddard, Croyden, and Porterville. Most of these areas have identified future growth areas. The majority of future development in Morgan County is anticipated to occur in or near these areas. (Pg. 5-7)

Both the text of the General Plan and the Future Land Use Map must be considered when making decisions about future development or redevelopment. Zoning changes should be in conformance with the Future Land Use Map. In many cases the Future Land Use Map will need to be amended or updated prior to consideration of zoning map changes. (Pg. 7)

The General Plan policy is to collaborate with Morgan City to coordinate growth in the vicinity of the City, *particularly within the one-half mile City growth area*, and to provide additional commercial and industrial opportunities. (Pg. 14)

The Future Land Use Map does not indicate recommended changes for the Island Road area (see Exhibit

A), and the 2010 General Plan encourages that all rezones conform to the Future Land Use Map. However, the 2010 General Plan also specifically encourages growth within a half mile of Morgan City, and the applicants property is well within this distance (see Exhibit B). It appears according to this that the Planning Commission may find that the proposal may conform to the intent of the County's master planning efforts.

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 minimum lot size requirement in the RR-1 zone is one acre. For lots without access to shared water systems the minimum requirement is increased to acreage of sufficient size to satisfy the Health Department regulations for the location of well head protection zones and their proximity to source contaminants (typically ranging from 1.25 to 1.75 acre minimum). The majority of existing land uses in the area are in accordance with large lot rural residential uses and/or agricultural uses (see Exhibit C).

The RR-1 zone in the area buffers Island road for approximately three quarters of the entire width of the frontage of the property. It originates from zoning designations from as early as 1963. There is not survey level data available for the accurate dimensions of the existing zone, but the common determination of these RR-1 buffers is that they extend outward 300 feet from the centerline of the road. In order to be sure the applicants do not experience issues in the future with regard to the legal description of the proposed rezone, they had Mountain Engineering provide a survey level accurate description of the entire proposed rezone.

When evaluating a rezone, it is critical to evaluate 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. A comparison of the differences in the allowed uses between the proposed RR-1 zone and the A-20 zone is a useful method to determine the potential change the rezone may have on the area (see Exhibit D).

The following eight criteria should be evaluated when determining the impact of the potential rezone:

1. Potential density: The rezone request is for 1.927 acres, however, the legal description overlaps onto existing RR-1 zoning. In reality, the actual acreage to be changed is closer to 1.71 acres. This yields a zoning density increase of 1.71 single family units.
2. Access: The property has roughly 550 feet of frontage along Island Road. Currently, roughly 400 feet are in the RR-1 zone and the remaining 150 feet are in the A-20 zone. The rezone will give the property the full approximately 550 feet of frontage. 200 feet of frontage is required for a lot in the RR-1 zone. Given the current lot configuration, and supposing there is enough acreage of this property already in the RR-1 zone, the applicant could develop nearly *three lots along

the frontage of Island Road as a result of the proposal, an increase of one lot more than the applicant's current development right.

3. Circulation: Island Road is a dead end road. Its nearest connection to a through street is 7,200 feet, or 1.37 miles, away. The street infrastructure does not currently meet County standards, however, given the current use of the road, it is likely that a traffic study would yield an adequate level of service for existing uses. Two questions the Planning Commission must ask is whether a zoning density increase of 1.71 single family units will result in a harmful impact to street infrastructure capacity, and whether it is good policy to allow additional density along long stretches of dead end roads.

First, regarding capacity, in the State of Utah there is an average of ten vehicle trips per day per household. A direct calculation on traffic demand when compared to density increases yields a potential increase of 17.1 vehicle trips per day as a result of the rezone. 17.1 daily vehicle trips may be a negligible increase considering existing street capacity.

Second, regarding dead end street policy, current subdivision regulations do not allow new dead end roads in excess of 1000 feet. The purpose for this is to maintain two emergency egresses from an area. Current code is silent regarding how to approach additional density along existing dead end roads. There are no County established thresholds from which to determine the harmful impact of allowing density increases along dead end roads. Perhaps the 1.71 additional dwelling units proposed by this application do not merit further discussion on the matter; however it could prove beneficial for the County to discuss a density thresholds policy in the future.

4. Culinary Water Resources: Wells serve the culinary water needs of the area. The applicants will need to provide proof to the County that water is available during the development process, should they develop.
5. Sewer: Currently the only form of waste water disposal in the Island Road area is by means of septic system. If/when the property is further developed, approval of waste water disposal system(s) will be required by the Weber-Morgan Health Department. The close proximity of the property with Morgan City sewer facilities may also prove beneficial as the City limits expand in accordance with annexation provisions.
6. Flood Plain: The property is above the FEMA flood plain zones; however it does appear that the property is within close proximity to flood plain boundaries and bodies of water. If/when the property is developed the harmful impact of flooding issues or high ground water will need to be addressed.
7. Fire Protection: The property is not in the Wildland Urban Interface Area, so a specific fire protection plan is not required. If/when it is developed it may still be required to have certain fire suppression as required by the local Fire Official.
8. Topographic Features: The property is fairly flat. Topography does not seem to be a concern for potential future development.

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 1000 feet in Morgan County). As part of the application process the applicant was responsible for identifying these property owners and for providing the County with a mailing list. The County sent notices to all individuals on the mailing list.

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 1000 feet of the affected property, as identified by applicant.
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 that if the Planning Commission can make the following findings for approval of the Mecham rezone request that it do so:

6. That allowing the rezone will provide the property owners their desired use of the land.
7. That the uses listed in the proposed zone are harmonious with existing uses in the area.
8. That the potential for a traffic increase along Island Road will not be detrimental to current traffic flows.
9. That the proposed amendment is in accord with the County's General Plan.
10. That changed or changing conditions makes 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 Mecham Rezone Request, application #12.112, rezoning approximately 1.927 acres of property at approximately 1275 West Island Road from A-20 to RR-1, based on the findings listed in the staff report dated September 26, 2012, 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 Mecham Rezone Request, application #12.112, rezoning approximately 1.927

acres of property at approximately 1275 West Island Road from 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 2010 General Plan Future Land Use Map (as amended).
3. That without a secondary egress, the harmful impact of allowing additional density along an existing dead end road over 1000 feet cannot be adequately mitigated.
4. List any additional findings...

ADDITIONAL INFORMATION

Exhibit A: Morgan County Future Land Use Map

Exhibit B: Property Distance from Morgan City

Exhibit C: Current Zoning and Aerial Picture Showing Uses

Exhibit D: Comparison of Land Use Permission Differences between RR-1 and A-20

Exhibit E: Current Site Conditions

Exhibit B – Agenda item #6 - Public Hearing/Discussion/Decision: Freed Rezone: A request to rezone approximately 6.38 acres of property at approximately 1151 West Island Circle from the RR-5 zone to the RR-1 zone.

To: Morgan County Planning Commission
Business Date: 10/11/12

Prepared By: Charles Ewert, Planner

Re: **Rezone Request for Paul Freed**

Application No.: 12.116
Applicant: Paul Freed
Project Location: Approximately 1151 West Island Circle
Zoning: RR-5 and A-20
Acreage: Approximately 11.46 Acres
Request: Request for approval to rezone approximately 6.38 acres of the 11.46 acre property from RR-5 and A-20 to RR-1.

SUMMARY

The applicant's own an 11.46 acre lot in the Island Circle PRUD Subdivision at the above referenced address. The site currently has a residence on it, and the property has frontage along Island Circle and Island Road. The portion of the property with the residence is not included in the area to be rezoned.

The applicant has a desire to maximize the property's real estate potential by obtaining the zoning required to allow a division of the existing residence from the rest of the property as well as the right to potentially create additional lots thereon.

The Morgan County Future Land Use Map does not designate any land in the Island Road area for zoning changes or additional density. The Future Land Use Map is intended to act as a guide from which to specifically evaluate the merits of this request. Zoning changes in accordance with the map is not mandatory, but it is a recommendation intended to promote an organized plan for future land uses. Despite the designations of the Future Land Use Map, the County has legislative discretion to find that that changed or changing conditions merit a zone change if they choose to do so.

An establishment of review criteria for this request may help the County in making this decision. Relevant criteria includes determining whether the change fits with neighboring land uses and/or configurations, the zoning density changes, traffic and circulation, flood plain issues, and whether the land can be supported by essential facilities such as culinary water, septic/sewer, road infrastructure, etc. The intent of this staff report is to provide an objective evaluation of this criterion.

BACKGROUND

The property has a mixed use of agriculture and residential. The current home and related incidental

uses cover a small portion of the larger 11.28 acre lot. The lot is within a platted subdivision called "Island Circle PRUD," which was recorded August 25, 2000. A rezone from A-20 to RR-5 was granted for the site in preparation for the subdivision, but staff was unsuccessful in locating the original ordinance. It appears according to the County's official zoning map that only a portion of the area now subdivided was rezoned from the A-20 zone to the RR-5 zone (see Exhibit A), leaving a portion of the subject property still in the A-20 zone. The applicant owns several other non-platted properties adjacent to the subject lot, and has entertained the idea of amending the current subdivision boundaries to include this area.

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:

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

General Plan. The first finding that the Planning Commission must make in order to make a positive recommendation for this rezone is that it is in accord with the master plan of the County. The 2010 General Plan and accompanied Future Land Use Map (as amended) is the County's master plan. The following are excerpts from the plan that may be relevant in evaluating this request (italics added for emphasis):

One municipality (Morgan) and six village centers are located in Morgan County; Mountain Green, Peterson, Enterprise, Stoddard, Croyden, and Porterville. Most of these areas have identified future growth areas. The majority of future development in Morgan County is anticipated to occur in or near these areas. (Pg. 5-7)

Both the text of the General Plan and the Future Land Use Map must be considered when making decisions about future development or redevelopment. Zoning changes should be in conformance with the Future Land Use Map. In many cases the Future Land Use Map will need to be amended or updated prior to consideration of zoning map changes. (Pg. 7)

The General Plan policy is to collaborate with Morgan City to coordinate growth in the vicinity of the City, *particularly within the one-half mile City growth area*, and to provide additional commercial and industrial opportunities. (Pg. 14)

The Future Land Use Map does not indicate recommended changes for the Island Road area (see Exhibit B), and the 2010 General Plan encourages that all rezones conform to the Future Land Use Map.

However, the 2010 General Plan also specifically encourages growth within a half mile of Morgan City, and the applicants property is well within this distance (see Exhibit C). It appears according to this that the Planning Commission may find that the proposal may conform to the intent of the County's master planning efforts.

Zoning. The Planning Commission should evaluate the request based on the potential changes in use and compatibility with existing conditions. To begin the evaluation, it is important to know the purpose of each zone and how they relate to each other.

The purposes of the A-20 zone are:

[T]o 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 purposes of the RR- and RR-1 zones are:

- To promote and preserve in appropriate areas conditions favorable to large lot family life;
- Maintaining a rural atmosphere;
- The keeping of limited numbers of animals and fowl; and
- Reduced requirements for public utilities, services and infrastructure.
- These districts are intended to be primarily residential in character and protected from encroachment by commercial and industrial uses.

The minimum lot size requirement in the RR-1 zone is one acre. For lots without access to shared water systems the minimum requirement is increased to acreage of sufficient size to satisfy the Health Department regulations for the location of well head protection zones and their proximity to source contaminants (typically ranging from 1.25 to 1.75 acre minimum). The minimum lot size requirement in the RR-5 zone is five acres, and the minimum lot size requirement in the A-20 zone is 20 acres. The majority of existing land uses in the area are in accordance with large lot rural residential uses and/or agricultural uses (see Exhibit D).

When evaluating a rezone, it is critical to evaluate 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. A comparison of the differences in the allowed uses between the proposed RR-1 zone, RR-5 zone, and the A-20 zone is a useful method to determine the potential changes the rezone may have on the area (see Exhibit E).

The following eight criteria should be evaluated when determining the impact of the potential rezone:

9. Potential density: The applicant has not given us survey level accurate calculations of the difference in area per zone, so it may be difficult to completely understand the exact difference in potential density changes. Staff estimates that the approximate amount of land currently in the A-20 zone is .90 acres, which has a zoning density calculation of approximately 0.045 units; and the approximate amount of land currently in the RR-5 zone is 5.48 acres, which has a zoning density of approximately 1.096 units. The combination of the two yields a current zoning density of 1.14 units. A 6.38 acre zone change from this A-20/RR-5 zone to RR-1 could result in a density of 6.38 additional residential units, a development right difference of approximately 5.24 additional single family residences.
10. Access: The subject property has roughly 195 feet of frontage along Island Road and 400 feet of frontage along Island Circle (a private street). Currently, all 595 feet of frontage is in the RR-5 zone. If rezoned, all 595 feet of frontage will be in the RR-1 zone. 200 feet of frontage is required for a lot in the RR-1 zone. Isolating only frontage as a review criteria, the applicant could develop almost three lots along the frontage of Island Road and Island Circle as a result of the proposal (given the current lot configuration). The Planning Commission should keep in mind that there is a potential for lot line re-configuration and/or the ability to obtain additional frontage through the building of streets/private lanes that could result in the maximization of the new proposed zoning density of 5.24 additional single family residences.
11. Circulation: Island Road is a dead end road. Its nearest connection from the subject property to a through street is approximately 8,100 feet, or 1.54 miles, away. The street infrastructure does not currently meet County standards. Two questions the Planning Commission must ask is whether a zoning density increase of 5.24 single family units will result in a harmful impact to street capacity, and whether it is good policy to allow additional density along long stretches of dead end roads.

First, regarding capacity, in the State of Utah there is an average of ten vehicle trips per day per household. A direct calculation on traffic demand when compared to density increases yields a potential increase of 52.4 vehicle trips per day as a result of the rezone. 52.4 daily vehicle trips may be a negligible increase considering existing street capacity, according to the County Engineer.

Second, regarding dead end street policy, current subdivision regulations do not allow new dead end roads in excess of 1000 feet. The purpose for this limitation is to maintain two emergency egresses from an area. Current code is silent regarding how to approach additional density along existing dead end roads. There are no County established thresholds from which to determine the harmful impact of allowing density increases along dead end roads. The County Engineer is concerned that lack of secondary egress could pose detrimental in times of emergencies. One local example to illustrate his concern is the 2011 spring flooding situation in the Peterson area. When the Peterson Bridge was under water the County did not have the ability to verify its structural integrity. Emergency services had no method of ingress and the residents had no method of egress except for the traversal of private property. The seriousness of this situation would certainly have been exasperated had there been a life/safety emergency on the dead end side of the bridge.

Morgan County Fire and Emergency Services were contacted for their input on the potential density increase in the island road area. Neither department had issues with the proposal. Perhaps the 5.24 additional dwelling units do not merit further discussion on the matter; however it could prove beneficial for the County to discuss a dead end road density thresholds policy in the future.

12. Culinary Water Resources: Wells serve the culinary water needs of the area. The applicants will need to provide proof to the County that water is available during the development process, should they develop.
13. Sewer: Currently the only form of waste water disposal in the Island Road area is by means of septic system. If/when the property is further developed, approval of waste water disposal system(s) will be required by the Weber-Morgan Health Department. The close proximity of the property with Morgan City sewer facilities may also prove beneficial as the City limits expand in accordance with annexation provisions.
14. Flood Plain: The majority of the property is located in the "A" zone of the FEMA flood plain maps. The definition of the "A" designation is:

Areas subject to inundation by the 1-percent-annual-chance flood event generally determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply.

If/when the property is developed the harmful impact of flooding issues or high ground water will need to be properly addressed. Development can occur in the flood plain, but only if the lowest floor elevation buildings designed for human occupancy is one foot above the base flood elevation. (<http://www.fema.gov/national-flood-insurance-program-2/zone>)

15. Fire Protection: The property is not in the Wildland Urban Interface Area, so a specific fire protection plan is not required. If/when it is developed it may still be required to have certain fire suppression as required by the local Fire Official.
16. Topographic Features: The property is fairly flat. Topography does not seem to be a concern for potential future development.

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 1000 feet in Morgan County). As part of the application process the applicant was responsible for identifying these property owners and for providing the County with a mailing list. The County sent notices to all individuals on the mailing list.

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

following manner:

7. Posted to the County website within 10 days prior to this meeting.
8. Published in the Morgan County News within 10 days prior to this meeting.
9. Mailed to property owners within 1000 feet of the affected property, as identified by applicant.
10. Mailed to the property owner.
11. Mailed to affected entities
12. Posted in the foyer of the Morgan County Courthouse.

STAFF RECOMMENDATION

Staff recommends that if the Planning Commission can make the following findings for approval of the Freed rezone request that it do so:

1. That allowing the rezone will provide the property owners their desired use of the land.
2. That the uses listed in the proposed zone are harmonious with existing uses in the area.
3. That the potential for a traffic increase along Island Road will not be detrimental to current traffic flows.
4. That the proposed amendment is in accord with the County's General Plan.
5. That changed or changing conditions makes the proposed amendment reasonably necessary to carry out the purposes of County ordinances.

MODEL MOTION

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Freed Rezone Request, application #12.116, rezoning approximately 6.38 acres of property at approximately 1151 West Island Circle from A-20/RR-5 to RR-1, based on the findings listed in the staff report dated October 2, 2012, and as modified by the findings below:”

2. List any additional findings...

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the Freed Rezone Request, application #12.116, rezoning approximately 6.38 acres of property at approximately 1151 West Island Circle from A-20/RR-5 to RR-1, based on the following findings: