



PLANNING COMMISSION AGENDA  
Thursday, March 8, 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 February 23, 2012.
5. Election of Chair and Vice Chair.
6. Discussion/Decision: Lazy H Ranch PRUD extension request.
7. Discussion/Decision: To amend portions of sections 8-3, 8-4, and 8-8 of the Morgan County Code pertaining to conditional uses and related noticing.
8. Staff Reports.
9. Adjourn.

**MORGAN COUNTY PLANNING COMMISSION MEETING  
MORGAN COUNTY COURTHOUSE - RM. 29  
THURSDAY March 8, 2012 – 6:30 P.M.**

**MEMBERS PRESENT**

Trevor Kobe, Chairman  
Roland Haslam  
Adam Toone  
Darrell Erickson  
Steve Wilson

**MEMBERS ABSENT**

Charlie Ewert, Planner  
Teresa Rhodes, Planning Commission Assistant

**MEMBERS ABSENT**

Alvin Lundgren

**COUNTY COUNCIL PRESENT**

Tina Kelly  
Howard Hansen

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

**1. Call to order – prayer.**

Chairman Kobe called the meeting to order.

**2. Approval of agenda.**

**Member Haslam moved to adjust the agenda to move agenda item 5 after Item 6 to accommodate those in the audience here for agenda #8. 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 February 23, 2012.**

**Member Erickson moved to approve the minutes of February 23, 2012. Second by Member Haslam. The vote was unanimous. The motion carried.**

**5. Election of Chair and Vice Chair.**

**Member Wilson moved to nominate Member Haslam for Chairman. Second by Member Erickson. The vote was unanimous. The motion carried.**

**Member Erickson moved to nominate Member Lundgren for Vice-Chairman. Second by Member Wilson.**

**Member Toone moved to nominate Member Wilson for Vice-Chairman. Second by Member Haslam.**

Member Haslam noted his only concern would be that Member Lundgren is not here to accept that nomination or declare any concern he may have.

Member Haslam and Toone noted that Member Wilson has been a previous member and is not new to the position of the planning commission.

**Chairman Called for a vote on Member Lundgren.  
One for, two opposed, and one abstention. The nomination failed.**

**Chairman called for a vote on Member Wilson  
Three for and one abstention. The nomination carried with a vote of three to zero.**

**6. Discussion/Decision: Lazy H Ranch PRUD extension request.**

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

- This application was approved before the PRUD was repealed.

Member Haslam asked for clarification of the seven lots. Mr. Ewert noted that was based on the original application. There are now only five lots.

It was noted that all documentation had been submitted.

**Member Haslam moved to forward a positive recommendation for an extension of lazy H 1.019 with the three findings listed in staff report dated March 1, 2012. Second by Member Wilson.**

There was brief discussion as follows:

Mr. Haslam noted that Mr. Hatch has followed all the rules. Member Erickson asked about the extension. It was noted it would not affect the motion. There was brief discussion and clarification on Mr. Hatch's original application.

Chairman called for a vote.

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

**6. Discussion/Decision: To amend portions of sections 8-3, 8-4, and 8-8 of the Morgan County Code pertaining to conditional uses and related noticing.**

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

County code treats most land use applications as public hearings. To provide for streamline processes staff has heard the county councils plea to try to streamline things to speed things up. It was noted this was one of the ways to streamline.

**Member Toone moved to forward a positive recommendation to the County Council to amend portions of sections 8-3, 8-4, and 8-8 of the Morgan County Code pertaining to conditional uses and related noticing. Application 11.075 with the five findings listed in the staff report dated December 7, 2011. As follows:**

1. That the amendments are necessary to clarify the standards for conditional uses.
2. That the amendments are necessary to clarify the relationship of conditional use noticing and requirements with other provisions of the Morgan County Code.
3. That the amendments are compliant with Utah State Code.
4. That the amendments do not conflict with the County General Plan.
5. That the amendments are not detrimental to the County's health, safety, and welfare.

**Second by Member Erickson**

**Discussion**

Member Erickson asked if we are still going to move forward with the second half of this. Mr. Ewert noted that it would move forward.

The chairman called for a vote.

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

#### 7. **Staff Reports.**

- County has hired a new County Planner who will head the department. It was noted he would begin work on March 12, 2012.
- Mr. Ewert noted that Member Kobe had submitted a letter of resignation and would be leaving the planning commission. Vice- Chairman Haslam presented Member Kobe with a gift from the County and thanked him for his service.
- Mr. Ewert noted that the County is now seeking two individuals to serve on the planning commission. One from the Milton area and one from the Peterson area.
- Snow Basin is looking for feedback from both the Planning commission and County Council prior to submittal of their preliminary application.

#### 8. **Adjourn.**

**Member Toone moved to adjourn. Second by Member Wilson. The vote was unanimous. The motion carried.**

**Exhibit A – Staff report** - Discussion/Decision: Lazy H Ranch PRUD extension request.

**STAFF REPORT**  
March 1, 2012

**To:** Morgan County Planning Commission  
Business Date: March 9, 2012

**Prepared By:** Charles Ewert, Planner

**Re:** **Preliminary Subdivision Plat Approval Extension**

Application No.: 10.018  
Applicant: Floyd Hatch  
Project Location: Approximately 5155 S. Highway 66  
Zoning: MU-160/F-1  
Acreage: Approximately 2014.87 Acres  
Request: Request for preliminary subdivision plat approval extension of the Lazy H Ranch PRUD subdivision

**SUMMARY**

This is a request for subdivision plat approval extension of the Lazy H Ranch PRUD Subdivision. The subdivision was granted preliminary approval on February 15, 2011, and is a plan vested under the formerly adopted PRUD ordinance. The former ordinances allowed for a one year preliminary approval period with the option to receive a one year extension upon formal request. No part of the previously approved subdivision is being proposed to change. This is a simple request to extend the previous approval.

**BACKGROUND**

The applicant originally received approval for a PRUD subdivision on the subject property (seven residential building lots and one open space parcel) on February 3, 2009. That approval expired, requiring a re-submittal of a new preliminary plat application. This PRUD application was submitted on May 6, 2010, which was prior to the County's repeal of the PRUD ordinance on July 20, 2010. This subdivision submittal also preceded the adoption of the new geologic hazards ordinance on June 1, 2010, and the new subdivision ordinance on December 14, 2010.

**ANALYSIS**

Ordinance. Currently, Morgan County Code 8-12-41 only allows a six month extension of a preliminary plat, however, because the subdivision was applied for and approved under a previous subdivision code, the right to an extension from that code should apply. Morgan County Land Use Management Code 16-18-15 indicates that a preliminary plat is valid for the period of one year. If final plat is not applied for within that year then preliminary approval expires and is void. However the ordinance also stipulates that the applicant may get a one year extension as long as there have not been changes that bring the plat out of conformity.

The preliminary approval of this subdivision was granted on February 15, 2011, and the applicant submitted a formal request for extension on February 7, 2012, one week prior to the expiration date of his preliminary approval. The current ordinance requires the developer to provide evidence of good cause for the extension; however, the former ordinance does not specifically require this. The applicant asserts that there has been a timing difficulty in the process because of the lengthy and uncertain timing of the installation of the Kern River Pipeline, photos of which have been attached, and how the construction activities have rendered the property unmarketable.

### **STAFF REVIEW AND RECOMMENDATION**

*Planning and Development Services Review.* The Morgan County Planning and Development Service Department has completed their review of the preliminary subdivision approval extension and has issued a recommendation for approval for the request of the request with the following four findings:

1. Regardless of whether it can be determined that good cause exists under the new ordinance, the former ordinance under which the application was submitted and approved has no evaluative criteria for determining whether an extension is warranted.
2. The extension provides the developer with additional time to get his final plat application in order for a complete submittal to the County.
3. The extension is not harmful to the health, safety, and general welfare of the public.

### **MODEL MOTION**

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Lazy H Ranch PRUD Preliminary Subdivision Plat Extension Request, part of application #10.019, based on the findings and conditions listed in the Staff Report dated March 1, 2012, 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 Kipp Adams Preliminary Subdivision Request application #9.021, based on the following findings:”

1. List any additional findings...

**Exhibit B – Staff report** - To amend portions of sections 8-3, 8-4, and 8-8 of the Morgan County Code pertaining to conditional uses and related noticing.

**Planning Commission**

**FROM: Charles Ewert, Planner**

**DATE: March 1, 2012**

**SUBJECT: CUP Noticing Requirements Text Amendment; File 11.075**

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On December 15, 2011, the Planning Commission reviewed recommendation on an ordinance text change to modify conditional use permit noticing requirements and related public meeting noticing requirements. These modifications were intended to bring the County Code into conformance with the noticing requirements found in the State Code. During this meeting the Planning Commission's attention turned to who the appropriate authority is for conditional use permits. A recommendation was forwarded that staff revise the ordinance to both accommodate changes to the CUP noticing requirements and changes to allow the planning Commission more land use authority.

On February 9, 2012, Staff forwarded a revised version of the text amendment. Upon review, the Planning Commission requested further refinement of the ordinance and also requested that a work session with the County Council be organized to specifically discuss the land use authority.

In the February 23, 2012 Planning Commission meeting, staff informed the Planning Commission that the County Council has work sessions scheduled out several months, and requested that the CUP noticing requirements text amendment be separated from the land use authority text amendment to expedite the review process. The Planning Commission consented.

Attached is staff's original proposal for the CUP noticing text amendment, with the original staff report. It is being re-forwarded to the Planning Commission for recommendation to the County Council.