



PLANNING COMMISSION AGENDA
Thursday, April 26, 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 March 8, 2012.
5. Public Hearing/Discussion/Decision: Rick and Chandra Poll CUP application: To consider granting a conditional use permit for an addition to a nonconforming residential use at 5885 W Old Highway Road.
6. Staff Reports.
7. Adjourn.

**MORGAN COUNTY PLANNING COMMISSION MEETING
MORGAN COUNTY COURTHOUSE - RM. 29
THURSDAY April 26, 2012 – 6:30 P.M.**

MEMBERS PRESENT

Roland Haslam, Chairman
Darrell Erickson
Steve Wilson
Alvin Lundgren
Debbie Sessions
Shane Stephens

STAFF PRESENT

Blaine Gehring, Director
Teresa Rhodes, Planning Commission Assistant

MEMBERS ABSENT

Adam Toone

COUNTY COUNCIL PRESENT

Tina Kelly
Howard Hansen

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

1. Call to order – prayer.

Chairman Haslam called the meeting to order.
The prayer was offered by Member Erickson.

2. Approval of agenda.

Member Sessions moved to approve the agenda as posted. 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 March 8, 2012.

Member Erickson moved to approve the minutes of March 8, 2012 with a minor noted correction. Second by Member Lundgren. The vote was unanimous. The motion carried.

5. Public Hearing/Discussion/Decision: Rick and Chandra Poll CUP application: To consider granting a conditional use permit for an addition to a nonconforming residential use at 5885 W Old Highway Road.

Member Wilson moved to open public comment for Rick and Chandra Poll CUP application. Second by Member Sessions. The vote was unanimous. The motion carried.

Mr. Gehring Presented his staff report (please see attached exhibit A)

He noted there were two corrections to the staff report:

- There would no longer be a bonus room above the garage.
- Final calculations of square footage will be 2620 Sq feet; 14% lot coverage which is still way within the ordinance.

He noted staff recommends approval based on the information received.

Rick Poll, Applicant –

Mr. Poll noted they just want to do a small addition to the home. They were not aware their property was zoned commercial and that they would need a conditional use permit to do the addition until meeting with staff on the addition.

There were no questions directed to Mr. Poll at this time.

Chairman Haslam noted there had been two letters received one from Keith and Carol Ralphs, and one from Warner LLC. Both received on April 15, 2012. He noted both referred to what the Poll's were planning to do and both noted they had no objections.

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

Member Sessions moved to grant a conditional use permit for addition to the nonconforming use known as the Rick and Chandra Poll home located at 5885 W. Old Highway Road with the following findings:

- 1. The house was built in 1955 when no zoning had been adopted in the county. It was zoned RA-1 with the first Morgan County Zoning Ordinance in 1963 which zone allowed for single family residences as a permitted use.**
- 2. The house and property were rezoned to Commercial Highway (CH) in 1977. The CH Zone did not allow single family residences as permitted uses and the house became a legal nonconforming use.**
- 3. As an existing nonconforming use, the house is in compliance with the general plan.**
- 4. The house with the addition meets or exceeds minimum lot coverage and setback requirements for the CH Zone.**
- 5. Section 8-7-5 (C.2) of the Morgan County Code allows for the addition or enlargement of a nonconforming use with the granting of a conditional use permit by the planning commission after a public hearing.**
- 6. A public hearing was properly noticed on April 11, 2012 and held April 26, 2012 by the Morgan County Planning Commission.**

Second by Member Lundgren.

The Chairman called for discussion. There was no discussion.

The Chairman called for a vote.

The vote was unanimous. The motion carried.

6. **Staff Reports.**

Mr. Gehring noted he did not have anything to add at this time. He asked if the members had any questions for him.

Member Erickson requested that Mr. Gehring brief the planning commission on the progress of the Snow Basin Resort work meetings.

Mr. Gehring noted the following:

- Snow Basin is getting ready to file a formal application for a zone change.
- Once that is in place they will begin working on a development agreement which will require all the things required for the special zone district.

Member Wilson asked what would be coming up on the next agenda.

Mr. Gehrig noted staff has been asked to put something together on fencing and that would be the one item on the next Planning Commission agenda.

He noted the two discussions he has researched on fencing have come from the County Council discussions on the Day Care in the CD zone in Mtn. Green and the fence around the Croydon Well house in Croydon.

Chairman Haslam noted he has requested that Charlie and Blaine not go into a lot of depth on their staff reports in the meetings because that is the responsibility of the planning commission to have read their staff report beforehand.

7. **Adjourn.**

Member Lundgren moved to adjourn. Second by Member Stephens.

Exhibit A – Agenda item #5 - Rick and Chandra Poll CUP application: To consider granting a conditional use permit for an addition to a nonconforming residential use at 5885 W Old Highway Road

STAFF REPORT
April 16, 2012

To: Morgan County Planning Commission
Business Date: 4/26/2012

Prepared By: Blaine Gehring, AICP
Planning and Development Services Director

Re: **Poll Conditional Use Permit Request for Addition to a Nonconforming Use**

Application No.: 12.031
Applicant: Rick and Chandra Poll
Project Location: 5885 W. Old Highway Road
Zoning: CH Zone
Acreage: 0.43 acres
Request: Conditional use permit to construct an addition to a nonconforming use.

SUMMARY

This application is a request to build an addition on to a single family dwelling in a Commercial Highway (CH) Zone. The applicant is requesting a conditional use permit as required by Section 8-7-5(C.2) of the Morgan County Code (MCC). This section allows for the addition or enlargement of a nonconforming use, building or structure *upon issuance of a conditional use permit by the planning commission after a public hearing.*

While this request is being considered as a “conditional use permit” under the Morgan County Code, it really falls under the category of a special exception as permitted by State law Section 17-27a-510. The body authorized by the MCC to grant that special exception (as a conditional use permit) is the planning commission after a public hearing. The required public hearing has been properly noticed.

BACKGROUND

This home was built in 1955 before any zoning was officially in place in the county. The first zoning ordinance was adopted in 1963 and this property was zoned Residential-Agricultural RA-1. The RA-1 Zone allowed single family residential as a permitted use. In 1977 the county expanded their zoning ordinance and map to include the CH Zone and the property was zoned to CH . The current CH zone does not allow single family residences as permitted or conditional uses. Thus, the Poll home is considered a legal, nonconforming use because it was legal when it was built and when it was originally zoned.

The applicants want to construct an addition to their home on a 0.43 acre lot. The addition would consist of enlarging the existing single car garage to a two-car garage, adding a new master suite and a family room along with a bonus room above the garage. The current home, including the covered porch and deck, totals 2,152 square feet (approx.). This represents lot coverage of 11.5%. The new addition (610 sq. ft.) would bring the total home and garage to 2,762 square feet (approx.) for lot coverage of 14.75%. A single family home in a residential zone would be allowed a maximum of 25% coverage. However, there is no specified lot coverage

except by conditional use in the CH Zone. The home with the addition will meet or exceed the minimum required setbacks in the CH Zone.

ANALYSIS

General Plan and Zoning. The General Plan calls for the property to be developed as commercial property. If the Polls were to choose to so develop this property as commercial at some future date, the home would need to be demolished to accommodate any reasonable commercial use, either on the existing parcel or as part of a larger combined parcel. The home may continue to exist without being considered as noncompliant with the general plan.

Ordinance Evaluation. Section 8-7-5 (C.2) allows for the planning commission to grant a conditional use permit for an addition to a nonconforming use following a public hearing. This request is being treated as a special exception. However, the following conditional use review criteria should be considered:

Property Layout. (See attached site plan) There is an existing home on the lot which will be added to. No other structures are being proposed for the lot which do not currently exist.

Roads and Access. The lot fronts Old Highway Road and has legal access from that road. No additional improvements to the road will be required.

Grading and Land Disturbance. There will be limited grading or land disturbance associated with this addition. It will be confined to the area directly adjacent to the house.

Water Source. The house is connected to an approved water source.

Fire Protection. The home is already covered by adequate fire protection and is not located in the Urban Wildfire Interface Zone.

Sewer Systems. The house is connected to an approved sewer system.

Storm Water. A new driveway will be part of the overall construction and addition. Drainage and run off from that driveway will be minimal and can be absorbed by the adjacent ground.

Geologic and Geotechnical Evaluations. There are no geologic hazards associated with this lot and existing home.

Utilities. The home is connected to all utilities at present and will continue to be served by those utilities.

STAFF RECOMMENDATION

Staff recommends approval of the Rick and Chandra Poll request for an addition to their nonconforming use with no conditions attached.

MODEL MOTION

Sample Motion for a granting of the conditional use permit: – “I move we grant a conditional use permit for addition to the nonconforming use known as the Rick and Chandra Poll home located at 5885 W. Old Highway Road with the following findings:

7. The house was built in 1955 when no zoning had been adopted in the county. It was zoned RA-1 with the first Morgan County Zoning Ordinance in 1963 which zone allowed for single family residences as a permitted use.
8. The house and property were rezoned to Commercial Highway (CH) in 1977. The CH Zone did not allow single family residences as permitted uses and the house became a legal nonconforming use.
9. As an existing nonconforming use, the house is in compliance with the general plan.
10. The house with the addition meets or exceeds minimum lot coverage and setback requirements for the CH Zone.
11. Section 8-7-5 (C.2) of the Morgan County Code allows for the addition or enlargement of a nonconforming use with the granting of a conditional use permit by the planning commission after a public hearing.
12. A public hearing was properly noticed on April 11, 2012 and held April 26, 2012 by the Morgan County Planning Commission.

SUPPORTING INFORMATION

- Exhibit A: Rick and Chandra Poll Conditional Use Permit Application
- Exhibit B: 1963 Zoning Map as amended in 1968
- Exhibit C: 1977 Zoning Map
- Exhibit D: County Property Map
- Exhibit E: Poll Addition Site Plan
- Exhibit F: Proposed Addition Floor Plan
- Exhibit G: Proposed Building Elevations