



PLANNING COMMISSION AGENDA
Thursday, September 12, 2013
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

Legislative Items

5. Hearing: Creation of the Snowbasin Resort Special District (RSD-Snowbasin); rezone of Snowbasin property to RSD-Snowbasin; and review of the proposed Snowbasin Conceptual Land Use Plan.
6. Discussion/Decision: A text amendment to create the RSD-Snowbasin District in Morgan County Code.
7. Discussion/Decision: Proposed RSD-Snowbasin rezone.

Administrative Items

8. Discussion/Decision: Porter's Place Subdivision Amendment
9. Staff Report
10. Approval of minutes from August 22, 2013
11. Adjourn

Members Present

Shane Stephens
David Sawyer
Debbie Sessions
Roland Haslam
Darrell Erickson
Steve Wilson

1. Call to Order- Prayer

Vice-Chair Sessions welcomed everyone to the meeting tonight. Chairman Haslam was excused for the beginning of the meeting. Member Wilson offered prayer.

2. Approval of agenda.

3. Declaration of conflicts of interest.

There were no conflicts of interest.

4. Public Comment.

There was no public comment.

Legislative Items

5. Hearing: Creation of the Snowbasin Resort Special District (RSD-Snowbasin); rezone of Snowbasin property to RSD-Snowbasin; and review of the proposed Snowbasin Conceptual Land Use Plan.

Wally Huffman: presented the master plan of the Snowbasin rezone with Morgan and Weber Counties in developing a resort to use year-round. Originally they were not concerned of the county line but this master plan is designed to create a single entity with the resort so there is a seamless county line. The master plan originated in Weber County and most of the operations are in that county. Weber County has expressed angst of the impact of development in the county. This one resort will incorporate both counties, with each respective county offering different lands and resources. Snowbasin has been growing steadily for the last 15 years and are a few years away from needing to open a second entry to the mountain at Strawberry by way of Trappers Loop Rd.

Becky Zimmerman, representing the Snowbasin team on this project, presented the Snowbasin vision: including environment, economics, art and community. Explained why it meets and exceeds criteria for rezone: representing what the county expected in the

general plan. This property has never been rezoned before. There is a total of 12,000 acres, with over 3800 acres in Weber and 8100 acres in Morgan County. The Snowbasin team has let the attributes of the land determine the development of the land and which developments should go where, including topography, wildlife, elevation, and many other factors to determine development.

Map explanations:

Area C Land Use Plan: being the portal to the resort, on the side of Trappers Loop, with some of the area being allocated to single-family homes, townhomes, and commercial use.

Area D Land Use Plan: golf, boutiques, and other facilities associated with golf.

Area E Land Use Plan: should not have any commercial use; only a residential area.

Area F Land Use Plan: both in Weber and Morgan Counties. Golf course, retail, restaurants with some residential use.

Open Space Trails Plan: white areas are development areas, while green areas are open terrain to connect neighborhoods together by trails.

Fiscal Impact Analysis: Report prepared by RRC consultants and reviewed by LYRB on behalf of Morgan County. Net benefits are significant due to revenue generating capacity from visitor and resident spending and high property values.

Explained that the Snowbasin Rezone fully complies with the Morgan County General Plan and meets the five requirements for Zoning District Implementation.

Chairman Haslam joined the members of the Planning Commission to preside and continue with the meeting.

Chairman Haslam asked if there were any questions for Snowbasin. There were none.

Bruce Parker, Principal of Planning Development Services, stated that the matter of concern is the possible rezone from an MU-160 to an RSD zone. The management code of Morgan County gives clear guidance and direction as the Planning Commission forms a recommendation. 1. Is this application in accordance to the county's general plan?

Explained the mix of residential, open space and commercial areas are in harmony with the master plan. 2. Have there been changing conditions that would promote a change of zoning that would allow a change from an MU-160 to a RSD? A traffic study and economic impact study have been performed and are in support of the master plan. How do we implement the RSD? Take a comprehensive approach; tailor some Land Use Regulations that specifically speak to the needs of Snowbasin. The RSD must also be consistent with the management code. RSD must promote the long-term goals of the county and make a long-term, positive contribution to the county.

Member Sessions moved to go into Public Hearing. Second by Member Sawyer. The vote was unanimous. The motion carried.

There were no comments made in the public hearing.

Member Erickson moved to go out of public hearing. Second by Member Sessions. The vote was unanimous. The motion carried.

6. Discussion/Decision: A text amendment to create the RSD-Snowbasin District in Morgan County Code.

Member Sessions moved to forward a recommendation of approval to the County Council for the creation of the RSD-Snowbasin zone district, as attached as Exhibit A to the Planning Commission Memo dated September 5, 2013, a part of application #12.153, creating a resort special district for the proposed Snowbasin Resort project, based on the following findings:

1. As required by MCC Section 8-3-4(D) the amendment is in accordance with the county's general plan, goals, and policies of the county; and changed or changing conditions make the proposed amendment reasonably necessary to carry out the purposes of County Code.
2. The zoning district application materials, and the schematic development plan (concept plan), provided by Snowbasin;
 - a. Conforms to applicable provisions of the county's general plan.
 - b. Conforms to applicable provisions of the Management Code.
 - c. Will better preserve the property and neighborhood by integrated planning and design than would be possible under other zoning regulations.
 - d. Development of the property will contribute positively to the county's long term economic stability, and
 - e. The infrastructure plan will not be detrimental to the County's health, safety, and welfare.

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

Member Stephens joined the Planning Commission and abstained from the vote as he entered during the reading of the recommendation.

7. Discussion/Decision: Proposed RSD-Snowbasin rezone

Charlie clarified that the rezone will not actually be done tonight, but the ordinance will be created first and then a development agreement will be voted upon. He explained that tonight we are only recommending. Chairman Haslam expressed concern that the County Council may want to make changes to item #7; the Planning Commission is making an appropriate recommendation to send to the County Council for changes.

Member Sawyer moved to forward a recommendation of approval to the County Council for the Snowbasin zoning amendment application, Application #12.153, rezoning the 8,140 acre Snowbasin property from MU-160 to RSD-Snowbasin, based on the findings and requirements listed in the Consultant Planner Report, dated September 5, 2013.

Findings.

1. As required by Section 8-3-4(D) (Management Code) the amendment is in accordance with the county's general plan, goals, and policies of the county; and changed or changing conditions make the proposed amendment reasonably necessary to carry out the purposes of the Management Code.
2. The zoning district amendment application materials, and the schematic development plan (concept plan), provided by Snowbasin;
 - a. Conforms to applicable provisions of the county's general plan.
 - b. Conforms to applicable provisions of the Management Code.
 - c. Will better preserve the property and neighborhood by integrated planning and design than would be possible under other zoning regulations.
 - d. Development of the property will contribute positively to the county's long term economic stability, and
 - e. The infrastructure plan will not be detrimental to the county's health, safety, and welfare.

Requirements.

1. That the zoning amendment for the Snowbasin property, from MU-160 to RSD-Snowbasin, be implemented by the formulation and adoption, by the County Council, of a concurrent development agreement, such agreement specifically rezoning the Snowbasin property to "RSD-Snowbasin," and meeting all requirements of the Management Code, including Chapter 21.

Second by Member Erickson. The vote was unanimous. The motion carried. Member Stephens abstained, as he was not present during the discussion.

Administrative Items

8. Discussion/Decision: Porter's Place Subdivision Amendment

Ronda: This is currently a 2-lot subdivision with the desire to subdivide into a 3-lot subdivision. This area is famous for its no-growth area. There is sufficient acreage and

frontage to allow all 3 lots to legally exist. The proposal will make all 3 lots conforming. We have approval from the fire marshal, UDOT and the health department. The home will have to be designed in accordance with the regulations for a flood zone, as it falls within the flood zone. They've applied for an additional water right and are waiting for approval from Weber Basin. He is asking County Council for an improvement exception to the road, as it belongs to UDOT. The copy of the shared-well agreement will be recorded.

Member Sessions wanted clarification of whether the width referred to the pavement or the right of way.

Ron Hales, builder from Center Point Construction, explained the right of way meets state requirements. The exception is the asphalt road that leads to the property after the bridge. The right of way is acceptable, or there never would have been a letter of approval from the state.

Member Erickson commented that Highway 66 used to be a county road and the state is maintaining it now. The state has no record as to the right of way. Usually you have a complete right of way with borders on both sides, but the state has turned that back to the county.

Mr. Hales stated that as he understands there is a 15 foot easement along the edge of the road on Highway 66. It may be different depending on who you talk to at the State.

Ronda suggested that the final plat be conditioned to have the clearly-identified right of way or it can be postponed.

Charlie stated the county standard is a 60 foot right of way. The Planning Commission made the assumption that UDOT would call their attention to it, as it is a UDOT road.

Member Erickson expressed concern that the issue of the right of way along Highway 66 could be a potentially large problem for the future.

Ronda feels confident there is 60 feet, otherwise the title report would've identified it and the survey shows it goes to the UDOT line.

Charlie presented the current plat map and there was discussion about the easement and driveway.

Ronda said a new subdivision code requires that a geotechnical survey be done for types of soil and fault lines through the property. Just because the land is flat, doesn't mean it can't move. It's a requirement and has been done.

Member Stephens expressed frustration and concern for this new survey.

Mr. Hales commented that the engineering piece alone on this property has been very expensive. As a building constructor, it is burdensome, but necessary.

Chairman Haslam asked if the bridge meets the width code.

Ronda affirmed that it does and can handle the additional loads. The bridge cannot exceed 30 feet and must have a minimum of 12 feet.

Member Sessions moved to forward a positive recommendation to the County Council for the Porter's Place Subdivision Amendment# 1, application# 13.044, subject to the conditions and based on the findings presented in the staff report dated September 4, 2013, and as modified by adding condition #7 below:

1. That an additional approved water right/share provided by Weber Basin Water Conservancy District for the proposed shared well will be submitted prior to plat recording.
2. That the Shared Well Agreement and easement be recorded prior to plat recording.
3. That inasmuch as Questar Gas, and Rocky Mountain Power have all given conditional will serve letters for the proposal, approval of the plat amendment is conditioned on the fulfillment of the various requirements of those entities. Failure to comply may result in voidance of this approval.
4. That an updated title report is submitted with the final Mylar.
5. That staff can make a positive finding that all administrative corrections and information have been provided to the satisfaction of respective reviewers, and that all conditions have been satisfied upon completion of the above conditions.
6. That all outstanding fees for outside reviews are paid in full prior to recording the final Mylar.
7. That if necessary the appropriate dedication of land to UDOT is made.

This recommendation is based on the following findings:

1. The nature of the subdivision is in conformance with the current and future land uses of the area.
2. The proposal complies with the Morgan County 2010 General Plan.
3. The proposal complies with current zoning requirements.
4. That sufficient proof of culinary & irrigation water flow has been provided to the Planning and Development Department.
5. Those certain conditions herein are necessary to ensure compliance with adopted laws prior to subdivision plat recording.
6. The infrastructure improvements are not necessary at this time to protect the public's health, safety, and welfare and the required improvements would create a negative impact on abutting unimproved properties, and therefore an Improvement Exception is warranted and approved with this final decision.
7. That the proposal is not detrimental to the health, safety, and welfare of the public.

Second by member Erickson.

The Chairman called for discussion.

Mr. Hales commented on the 60 ft right of way, stating that the State of Utah and Morgan County have identified it on the map.

Member Erickson explained that the issue is with the county and the state, not on the individual.

Mr. Hales wondered why this should be a condition for him.

There was debate and discussion about the issue of the right of way along Highway 66.

Member Sessions said there is not a dedication; it may not have been properly dedicated.

Charlie offered that he and Ronda will verify what the standard is and make any necessary changes.

Member Erickson addressed Mr. Hales, saying he is the guinea pig in addressing this big problem.

Ronda stated that no gaps or overlaps were found during the title report and expressed her confidence that it meets the 60 foot requirement.

Member Erickson stated there is not an agreement in place now to say what the right of way is. The county's standard is 60 feet, but it's not been certified by the state to reflect that number. Member Erickson continued by saying he doesn't want to hold them up. Member Stephens stated that he is not in favor of the condition.

An amendment to the previous motion was made:

Member Stephens moved to remove item #7 from the conditions. Second by Member Sawyer. The vote was not unanimous with Members Stephens, Sawyer, Wilson for and Members Erickson and Sessions against. The motion carried with a vote of 3 to 2.

The vote on the main motion was not unanimous with Members Stephens, Sawyer, Sessions and Wilson for and Member Erickson against. The motion carried with a vote of 4 to 1.

9. Staff Report

Training opportunities for Planning Commission members were discussed.

10. Approval of minutes from August 22, 2013

Member Erickson moved to approve the minutes. Second by Member Sessions. The vote was unanimous. The motion carried.

11. Adjourn

Member Stephens moved to adjourn. Second by Member Sawyer. The vote was unanimous. The motion carried.

Approved: _____ Date: _____
Chairman

ATTEST: _____ Date: _____
Mickaela Moser, Transcriptionist
Planning and Development Services