



PLANNING COMMISSION AGENDA

Thursday, October 10, 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. Discussion/Decision/Hearing: a Planning Commission initiated rezone of approximately 1.28 acres of land from A-20 to R1-20 along Powderhorn Road to correct gaps in the zoning map

Administrative Items

6. Discussion/Decision: Nold Conditional Use Permit: A request for a family vacation/dude ranch as an accessory use to an existing residential lot in the RR-1/A-20 zones.
7. Discussion/Decision: DeYoung Conditional Use Permit: A request for an accessory structure located outside of a building envelope in the Ridges PRUD Subdivision -- as allowed by the Subdivision plat.
8. Staff Report
9. Approval of minutes from September 26, 2013
10. Adjourn

Members present

Shane Stephens
David Sawyer
Debbie Sessions
Michael Newton
Steve Wilson

Others present

Joan and Roger Nold
Dave and Pam Blomquist

Meeting Minutes

1. Call to order—prayer.

Acting Chair Sessions welcomed everyone to the meeting tonight and excused Chairman Haslam and Member Erickson. Member Wilson offered prayer.

2. Approval of agenda.

Member Sawyer moved to approve the agenda. Second by Member Newton. The vote was unanimous. The motion carried.

3. Declaration of conflicts of interest.

There were none.

4. Public comment.

Mr. Dave Blomquist, owner of the 300 acres behind the property being discussed, is concerned with the lack of consistency. They were required to tear down a structure to build their home and told they could not build another structure on their 300 acres without tearing down their existing home. They would like for their children to build homes on their land. They are also concerned with hunters trespassing on their land and fencing being moved to accommodate hunters. Another concern is the limited culinary water. He does not have a problem with the current proposal, however he'd like to see consistency so his family can know what to expect.

Member Sawyer reminded the Blomquists that one condition put on this project is that the issue of water must be addressed and approved by the health department before the application's approval.

Member Sessions pointed out that the land surrounding the applicant is private and hunters should only access the land by either a guide on a CWMU or have land owner permission.

The Nold's clarified in their dude ranch house there are 3 bedrooms, with up to 2 people per bedroom.

Pam Blomquist expressed concern with the UDOT road.

Legislative Items

5. Discussion/Decision/Hearing: A Planning Commission initiated rezone of approximately 1.28 acres of land from A-20 to R1-20 along Powderhorn Road to correct gaps in the zoning map.

Charlie clarified that all three highlighted areas (representing gaps) on the map equal to 1.28 acres.

Member Sawyer moved to open public hearing. Second by Member Newton.

There were no comments in the public hearing.

Member Stephens moved to close public hearing. Second by Member Sawyer.

Acting Chair Sessions called for a motion.

Member Sawyer moved to forward a positive recommendation to the County Council for the Powderhorn Road rezone request, application #13.088, rezoning approximately 1.28 acres of property along and adjacent to Powderhorn Road from A-20 to R1-20, based on the findings listed in the staff report dated October 4, 2013, and as modified by the findings below:

1. That the proposed amendment is in accord with the County's General Plan.
2. That changed or changing conditions make the proposed amendment reasonably necessary to carry out the purposes of this title.
3. That the changes are necessary to provide consistency in the zoning map.

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

Administrative Items

6. Discussion/Decision: Nold Conditional Use Permit: A request for a family vacation/dude ranch as an accessory use to an existing residential lot in the RR-1/A-20 zones.

Roger and Joan Nold: Presented their plan to open a guest house to veterans and members of veteran families to stay for a reduced rate. Noticed there was a lack of lodging in the Morgan area for hunters and vacationers. They want to leave the downstairs as it is and renovate the upstairs to update the existing layout. Their desire is to attract veterans and their families.

Ronda stated the request is unique in that the county does allow for the uses, but does not define what the standard is. She reviewed the conditions listed for the planning commission in her presentation. She pointed out that the position of the building is not viewable from the road, as it is on a hill, so there is no need for fencing. She suggested that the rental period be limited to less than 30 days to ensure a temporary stay. Ronda has met with the current neighbors to the north of the property and they do not have concerns with this plan other than possible traffic increase. Ronda said they have adequate parking and access.

Member Wilson remembered when the county required the first existing structure to be demolished before a second structure could be built. He wondered if there was a change in code or how that change

has evolved to current code. He is concerned that anyone could construct a second edifice on a 5 acre CUP. A Bed & Breakfast is currently allowed in R-120, and R-112, RR-1, RR-5, RR-10. Does a CUP trump zoning?

Ronda stated that there is nothing that indicates a definition for a dude ranch, hotel, etc. in the current code. Her hope is to gain direction on how to proceed with similar requests in the future.

Member Wilson's concern is that there are ramifications for this decision and fears that that is an opening for commercialization under a CUP.

Ronda read the definition of a dwelling unit under the code: "Any non-commercial building or portion thereof designed or used as the principal residence or sleeping place of 1 or more persons or families, but not including a tent, a recreational coach, hotel, motel, hospital or nursing home." Ronda further explained that the Nold's will follow through with a commercial-use business license. It makes the residence use void.

Member Wilson indicated his desire for the county to be consistent.

Acting Chair Sessions stated that we need to consider this request as it stands under the current code.

Ronda suggested setting a condition of posting No Trespassing signs and/or a maximum capacity for the vacation ranch.

Member Stephens pointed out that the No Trespassing signs can be ignored and possibly impact other people, by putting hunters in the dude ranch.

It was discussed that the fire chief would approve the occupancy and the neighbors can work amongst themselves how they want to deal with possible trespassing.

Acting Chair Sessions called for a motion.

Member Newton moved forward a positive recommendation to the County Council for the Nold Family Guest House Conditional Use permit for a family vacation rental, file #13.099 subject to the findings and conditions listed in the October 2, 2013 staff report, and as modified by the conditions and findings below:

1. That a business license be issued for the proposed commercial use.
2. That the applicant provides adequate proof of culinary water and approval for the increased use from the Weber Morgan Health Department in regards to the septic system.
3. That a building permit is required to be issued for any electrical, plumbing, heating, framing etc. during any renovation period.
4. That a site inspection is completed and approval received from the local fire official. An approval letter shall be submitted to the Zoning Administrator prior to the issuance of a business license.
5. That the vacation rental timeframe be limited to 30 days per rental period.
6. That the business adheres to all other County, State, and Federal requirements.

This recommendation is based on the following findings:

1. That the request conforms to the 2010 General Plan.
2. That the request conforms to the requirements of the Morgan County Code.
3. That with the proposed conditions and processes implemented by the applicant, any foreseeable harmful impact to the public will be mitigated, particularly with respect to the adjacent residential area.
4. That the time of day and days of the week may be a conditional use to operate.

Second by Member Sawyer. Acting Chair Sessions called for discussion.

Member Wilson expressed interest in a list of hierarchy for state vs. county code. Charlie clarified that county code can be more restrictive than state law and they cannot be in conflict with each other.

Member Wilson wanted to know if the Planning Commission denied this CUP tonight, if that would be in conflict with state law, to which Charlie replied he believes it would.

Member Wilson wondered if the property was sold, how that would work with the CUP.

Charlie stated that the permit runs with the land. The new owner will inherit it. If the use is abandoned for 1 year or greater, it will no longer be permitted. Any new owner must be subject to the same conditions.

The vote was unanimous. The motion carried.

7. Discussion/Decision: DeYoung Conditional Use Permit: A request for an accessory structure located outside of a building envelope in the Ridges PRUD Subdivision -- as allowed by the Subdivision plat.

The roof of the RV garage will likely be below the foundation of the home, so will not be seen from adjacent properties or the interstate. Member Newton asked about Exhibit B in the packet, where the plat states that secondary buildings may be used only with approval of architectural and design control committee. Ronda confirmed that it has been approved with them.

Acting Chair Sessions called for a motion.

Member Stephens moved to forward a positive recommendation to the County Council for the DeYoung Conditional Use Permit request to construct a RV garage outside the building envelope of lot 15 of the Ridges PRUD Subdivision, application #13.111 subject to the findings and conditions listed in the October 2, 2013 staff report, and as modified by the conditions and findings below:

1. That an approved building permit is issued prior to the commencement of construction of the proposed RV garage.
2. That the building placement adheres to the 30' front, 30' side street, 30' rear and 15' side setbacks.
3. That the building will not exceed 35 feet in height as measured from average lowest grade.
4. That the building is designed in compliance with the architectural and design control committee requirements of the Ridges PRUD Subdivision.
5. That the building complies with all County, State, and Federal regulations.

This recommendation is based on the following findings:

1. That the use of the building in the proposed location is listed as a conditional use on the Ridges PRUD Subdivision plat.
2. That the application has been reviewed in compliance with all regulatory requirements.
3. That the proposed use complies with the purpose of the A-20 zone.
4. That the proposed use conforms to the purposes of the 2010 General Plan.
5. That there are no detrimental effects of the use in need of mitigation.

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

8. Staff Report

Charlie presented a Creation of Ordinance Update Committee to talk about policy objectives and perspectives. A committee was formed of Members Sessions, Newton and Wilson. Charlie also presented additional training opportunities for the Planning Commission members.

9. Approval of minutes from September 26, 2013.

Member Newton moved to approve the minutes from September 26, 2013. Second by Member Sawyer. The vote was unanimous. The motion carried.

10. Adjourn

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

Approved: _____ **Date:** _____
Chairman

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