



PLANNING COMMISSION AGENDA
Thursday, March 14, 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. Election of Chair and Vice Chair.
5. Approval of minutes from February 28, 2013.
6. Introduce Bruce Parker – Morgan County Snowbasin Consultant
7. Public Comment
8. Public Hearing/Discussion/Decision: Island Road Rezone: A county initiated rezone of approximately 11.66 acres of property located between approximately 1275 West Island Road and 1295 W Island Road from the A-20 and RR-5 zones to the RR-1 zone.
9. Public Hearing/Discussion/Decision: To consider amending portions of Title 8 of the Morgan County Code regarding the expiration timeframes of Land Use and other similar applications, and other related administrative provisions.
10. Public Hearing/Discussion/Decision: To consider amending portions of Title 8 of the Morgan County Code regarding the review timeframes of rezone applications.
11. Staff Report.
12. Adjourn.

PLANNING COMMISSION AGENDA
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MEMBERS PRESENT

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

STAFF PRESENT

Charles Ewert, Planner
Ronda Kippen, Assistant Planner Tech
Teresa Rhodes, Transcription

MEMBERS ABSENT

Alvin Lundgren

COUNTY COUNCIL PRESENT

Tina Kelly

***** MINUTES *****

1. Call to order – prayer.

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

2. Approval of agenda.

Member Sessions moved to approve the agenda with the noted amendment that agenda item #4 be tabled to the end of the meeting. Second by Member Wilson. The vote was unanimous. The motion carried.

3. Declaration of conflicts of interest.

There were no conflicts of interest declared.

4. Election of Chair and Vice Chair. (This was addressed at the end of the meeting)

Member Wilson nominated Roland Haslam to continue as Chairman of the Planning Commission for another term. Second by Member Stephens. The vote was unanimous. The motion carried.

Member Wilson nominated Member Sessions to be the vice-chairman. Second by Member Stephens. The vote was unanimous. The motion carried.

2013 Chairman - Roland Haslam
2013 Vice-Chairman - Debbie Sessions

5. Approval of minutes from February 28, 2013.

Member Sessions moved to approve the minutes of February 28, 2013 with the noted corrections discussed. Second by Member Erickson. The vote was unanimous. The motion carried.

6. Introduce Bruce Parker – Morgan County Snowbasin Consultant

Charlie Ewert introduced Bruce Parker, Morgan County's Snowbasin Consultant.

Bruce Parker

- Planner in Utah for a number of years.
- Teach classes at the University of Utah
 - Internship and Planning class, where he teaches students to go out into the community and attend Planning Commission meetings. He complimented Morgan County on their thoroughness devoted to Planning Commission minutes. He noted they are the footprints of what has been done and how the County conducts business.
- Spoke about the basic statistics of the proposed Snowbasin Resort and what has been proposed.
- Commended Morgan County's planning staff.
- Noted the team Snowbasin brings to the table is very credible across the board.

7. Public Comment

Member Stephens moved to open public comment. Second by Member Wilson. The vote was unanimous. The motion carried.

Kelly Shuldberg - resident on Island Road affected by proposed re-zone.

- Shows a portion of their land being changed. Is there a reason there is only a portion of that being considered.
 - Ronda noted what the County Council asked staff to do was to continue on with the RR-1 zone buffer, which is 300 feet from the centerline of the road, in order to clear up the area at the end of Island Road due to some spot zoning. What staff believes may have happened is when the Shuldberg, Thurston, and Jensen

properties were subdivided there is a lack of minutes at that time to re-create the record and show that these were adequately re-zoned. She noted staff can assume they were re-zoned, but without the minutes to say that they were, staff has to go by what they have been able to pull together. This re-zone would be to make the Jensen, Thurston's, and Shuldberg property all conforming in the RR-1 zone.

- Mrs. Shuldberg asked what her property and Ethrington's were currently zoned.
 - Ronda noted they have approximately 2 acres and currently A-20. She further noted that if a property conforms to the most restrictive zone, a home can be legally placed, anywhere on the lot. Right now the lot is considered non-conforming because they do not have 20 acres.

Member Erickson moved to close public comment. Second by Member Newton. The vote was unanimous. The motion carried.

8. Public Hearing/Discussion/Decision: Island Road Rezone: A county initiated rezone of approximately 11.66 acres of property located between approximately 1275 West Island Road and 1295 W Island Road from the A-20 and RR-5 zones to the RR-1 zone.

Ronda presented her staff report (Please see attached exhibit A)

The following was noted:

- This County initiated re-zone stemmed from the recent Freed and Mecham re-zone. When that application was brought before the County Council they wanted to update the zoning map to allow for the continuation of the RR-1 buffer down to the end of Island Road.
- This would make four residents legally conforming, if they have established a use in the A-20 they would be able to retain that use, if it is not legal in the RR-1, until it becomes abandon; at such time, then it would no longer be a valid use.
- The increased calculated density throughout this proposed re-zone, if the area was not populated and you could manipulate the ground to get the full use out of it, could be approximately 7.842 additional single family homes. However, due to the fact that it is already divided, there is really only 3.6 acres of unimproved property giving a density difference of 2.92 additional single family homes.
- Access - This is the dead end of a County Road. The re-zone area goes from approximately the Mecham's down to the Thurston's.
- If they were to add the additional 2.9 homes along the end of Island Road that would increase the vehicular trips by about 29 trips daily.

Frontage was discussed.

Member Sessions requested clarification on page 2 of the staff report regarding future land use map and text update. There was discussion on updating the future land use map and Morgan City annexation map.

A possible overlay was also discussed.

Ronda asked if the Planning Commission would like staff to update the future land use map so that they are not conflicting at this point. Member Erickson stated he believed they need compatible documents.

Staff acknowledged they would update so that the future land use maps are compatible with current zoning. Charlie asked if they would like them to consider the annexation plan for the city as well. The Members stated they would.

Chairman Haslam stated there was nothing in the County Council minutes that directed this. Why is the County taking it upon themselves to fix this; why isn't the landowner? Is the Council ready to take on the rest of the county, once they do this, which may have similar situations?

Ronda noted the County Council minutes November 13, 2012, page 4, right after *Member Kilmer moved to close public hearing second by Member Mathews*. There was discussion that noted the Council would like to see the zoning updated on the maps to include all the property in the area that should be in the RR-1 zones. She noted as she spoke with Kevin Thurston and Pam Jensen they had no clue they were not re-zoned RR-1. She noted they gave her dates and people that they believed already took care of this. She personally believes it has been an error on the County's part that these changes have not been documented. The burden should not have been placed back upon the applicant twice. Steve Young was the planner at the time they had the re-zone done in 1989 and there are no minutes during that era. She believed the County wanted to correct some known deficient areas.

Member Kelly noted she believed they were talking about future land use. There was discussion on the discussion that took place at the Council level. Charlie stated he would have to listen to the audio. He believed it was Mr. Kilmer that requested that staff change the zone on the property because he noted he was seeing some gaps.

Member Sessions noted she was at the Council meeting and as she understood from the comments made, the Council wanted the zoning to be consistent along Island Road, until the dead end, to be RR1 on both sides.

Chairman Haslam asked about the adequacy of the road. Ronda noted buildable area and road capacity are all things that would be brought up at a subdivision process.

Member Stephens asked about the chunk to the North of the Edington's that is in the RR-5; are they aware of how this will be affected.

Member Erickson asked if all the owners of this area have been contacted and have there been any negative comments. Ronda stated yes they had been contacted. She noted pretty much everyone was surprised they were not already zoned RR-1.

Charlie noted two signs were placed on the property, notices were sent to the property owners, and it was posted on the state and county website and noticed in the county newspaper.

Ronda ask Mrs. Shuldberg if she was concerned she would be losing any of her uses. Mrs. Shuldberg noted she was not concerned about hers but she agrees with Mr. Stephens's concern about the equestrian center. If that is changed then it becomes the most restrictive and they could change all of that property behind them. She asked if they could subdivide that. Ronda noted they would have only approximately 1 1/2 acres in the RR-1 zone. Everything else would stay in the RR-5. If they wanted to do anything else they would have to come forward, re-zone, and subdivide.

Member Wilson asked about the question of precedence; how many more areas in the County have similar circumstances. Charlie noted this is a legislative action so it really does not set precedence. Ronda reviewed the majority of county areas and said this is basically the last one that needs to be cleaned up.

Member Sessions moved to go into a public hearing. Second by Member Stephens. The vote was unanimous. The motion carried.

There was no public comment.

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

Member Erickson moved to forward a positive recommendation to the County Council for the Morgan County rezone request, application 12.155 rezoning approximately 11.66 acres of property between approximately 1275 W Island Road and 1295 W Island Road from RR-5 and A-20 to RR-1 based on the findings listed in the staff report dated March 4, 2013:

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.

With direction to staff that the future land use map is updated to reflect the zoning change.

Second by Member Sessions.

The Chairman called for debate.

Member Erickson noted that it appears that all the affected properties have been informed and there appears to be no objection to the County pursuing this. Based on the current map, it appears this is the only area that has not been properly taken care of on the County plan and this would bring that to closure.

Member Stephens still questioned creating an additional lot or should the RR-5 remain. This would increase two more lots and increase traffic on the road plus they would have to maintain an easement. Ronda noted this is a change in zoning and it does not create a lot at this point.

Chairman Haslam stated he would be more comfortable if there were letters from all the landowners stating that they were aware of this. Ronda noted this can be contested by the property owners if they choose.

The following were listed as affected landowners:

- Kevin Thurston
- Pam and mark Jensen
- Ethrington (Ronda noted they are the only ones that she had not spoken to)
- Kelly Shuldberg
- John Cannon, partner with Equestrian center
- Paul Freed

Member Ewert stated under current State statute and Morgan County statute the County does not need to seek permission. It is nice, but under the legislative authority or governing body they do not.

Member Sessions stated it is her understanding that there is a bill that is currently going through the senate that would require written permission from landowners; she does not know the current status of that bill. Mr. Parker noted the Senate is four hours from finding out on that bill.

Charlie noted they have notified above and beyond the requirements at this time. The state statute requires certified/registered mail, which they did not do, but they did do all the other requirements.

It was noted that the landowners will have an opportunity at the council to contest this if they would like.

The Chairman called for a vote.

The vote was unanimous. The motion carried

9. Public Hearing/Discussion/Decision: To consider amending portions of Title 8 of the Morgan County Code regarding the expiration timeframes of Land Use and other similar applications, and other related administrative provisions.

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

- Chairman Sessions asked for clarification on the comments left by Member Lundgren.

- There was a letter submitted by Dave Sadzewicz submitted to the planning office (Please see attached exhibit C).

The following was discussed:

- Public needs addressed.
- Appeal mechanism by State Code.
- Geological hazard.
- Good faith effort.
- Minimizing the demand on administration to track projects.

Member Session moved to open public comment. Second by Member Erickson. The vote was unanimous. The motion carried.

Mr. Parker requested to disclose the importance of what Mr. Ewert is bringing to the table. He noted he has had the pleasure of working with six or seven counties and this is very typical.

- Most of the Counties he works with have a 30 day rule.
- underscore the policy behind what Charlie is suggesting:
 1. Administrative issue so staff does not have continual backlog of inactive or delinquent applications; people are serious and ready to move forward.
 2. Legal clarity. If an application is brought in and the rules change (development standards, uses allowed in a zone) because there is an application filed that inoculates the applicant from any of those changes after the application is filed. If there is an application that is two years old and no one has told them that it is deficient or inadequate there is a pretty good legal argument to be made that the applicant was working under the assumption that they have been moving forward in good faith and complied with all the requirements when the application was filed.
 3. Responsiveness to applicants. He believed that someone should be able to respond that the applicant has items A,B,C & D but our application also requires E. So we are going to give them a reasonable period of time and if it is not brought in we are going to assume that it is not ready to move forward, and we will return the application to the applicant , and when they are ready to move forward to come back before us.
- One of the issues before the Planning Commission is people filing applications and then working with the staff to find out what they need to do. That opportunity is available to everyone before they file the application.
- The application needs to be crystal clear what the requirements are to bring in a complete application.

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

Member Sessions asked about a time frame to bring back the items discussed. Charlie noted he could bring it back at the next meeting.

Member Erickson moved to postpone the decision on this until after a re-write is created and brought back to the Planning Commission that includes those things that have been brought forward in tonight's discussion, and bring this back by the following Planning Commission meeting, March 28, 2013.

Mr. Ewert asked if he could review what he believed was discussed.

- Add in after the word "correct" on A-1 "or provide documentation of a good faith attempt to correct"
- Change all the word that say "table" to a and/or that includes "table and/or postpone". Or any other relevant terms in the Planning Commission bylaws or County Council.
- Add subsection D which discusses appeals.
- Is the Planning Commission ok with 90 days? He did not hear any other discussion or offer of other times. There was no comment.
- Member Lundgren's comments on subsection B2. Believes that is in response to the insertion of current adopted requirements that staff have proposed. He just needs direction on whether we want to allow them to re-apply without fee, as allowed under subsection B2, under previous ordinances? If we do allow them to apply under previous ordinances he believes they should at least give a time frame of no more than 6 months; maybe a year. He agrees with Mr. Parker that they re-apply under current ordinances, but he is sensitive to an applicant that gets postponed pending further ordinance review and then the County Council does not follow through. They get procedurally denied and then they lose the right to do what they wanted to do in the first place.
 - Member Erickson asked if there could be language that says unless postponement is due to the County or staff. Member Sessions noted that is what Member Lundgren is saying is that they should not be penalized because we did not do our job.
- Charlie noted he may suggest elimination of subsection A-3. Believes subsection B-2 is related to subsection A-3.

The Chairman was concerned the discussion was getting off the proposed motion.

Charlie noted he has policy questions and concerns that he is not sure the Planning Commission understands and wants to make sure he hammers these out before he brings back something. Member Erickson ask him what it was. Charlie noted if subsection A-3 is eliminated believes Al's concern would be eliminated as well; it would not be there.

- The direction was to eliminate A-3

The Chairman called for a second.

Second by Member Sessions.

Member Wilson asked if we were giving Charlie latitude to strike A-3 and modify B 2. Charlie stated B2 also has some relationship to A2 as well; he would finesse it to make more sense.

The Chairman called for a vote.

The vote was unanimous. The motion carried.

10. Public Hearing/Discussion/Decision: To consider amending portions of Title 8 of the Morgan County Code regarding the review timeframes of rezone applications.

Charlie presented his staff report.

Member Sessions requested to review the notes. The following were reviewed:

- Subsection C
- Comment C-E-2
- Subsection E
- Subsection G & H
- Subsection I
- Subsection 8-3-4
- Comment C7 new subsection 6
- New subsection D (old subsection G)

Chairman called for questions.

Member Sessions asked 8-3-4e (new) ask why we start listing things. She voiced concern regarding the lack of Parks and Recreation infrastructure as a basis for denying a rezone. Mr. Ewert noted the record is important; identifying criteria to evaluate is important and easier to withstand the challenge appeal. It gives the County Council the ability to find things to tie this to that is already written down.

Member Erickson moved to open a public hearing. Second by Member Newton. The vote was unanimous. The motion carried.

There was no comment at this time.

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

Member Newton moved to forward a positive recommendation to the County Council for the proposed land use regulation text amendments regarding rezone applications and procedure applications. 12.151 based on findings presented in the staff report dated March 7, 2013 with no additional finding.

1. That the amendments are necessary to maintain the integrity of Morgan County Code Title 8, and amendment processes.
2. That the amendments are necessary to alleviate the resources required for the administration to meet certain timeframes.

3. That the amendments are necessary to provide consistency and clarity to existing ordinances.
4. That the amendments are necessary to eliminate redundancy in the ordinance.
5. That the amendments are not detrimental to the County's health, safety, and welfare

Second by Member Wilson.

The Chairman called for debate. There was none.
The Chairman called for a vote.

The vote was unanimous. The motion carried.

Agenda item #4 was addressed at this time.

11. Staff Report.

- Welcomed our new Planning Commissioner, Michael Newton
- Packet distribution was discussed.
 - Electronic is the most efficient and cost efficient.
 - Last minute changes will not change because changes are always occurring.
 - Need to have a week prior to review. Majority of the members requested a hard copy.
 - Member Sessions prefers if the packet is large that it be bound.
 - Move minutes to the end of meeting in future agendas.

- **Snowbasin sewer and water capacity was discussed.**

12. Adjourn.

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

Approved: _____ Date: _____
Chairman

ATTEST: _____ Date: _____
Teresa A. Rhodes, Clerk
Planning and Development Services

Exhibit A, Agenda #8 – Staff report - Public Hearing/Discussion/Decision: Island Road Rezone: A county initiated rezone of approximately 11.66 acres of property located between approximately 1275 West Island Road and 1295 W Island Road from the A-20 and RR-5 zones to the RR-1 zone.

To: Morgan County Planning Commission
Business Date: 3/14/13

Prepared By: Ronda Kippen, Planning Technician

Re: **Morgan County Rezone**

Application No.: 12.155
Applicant: Morgan County
Project Location: Approximately 1275 West Island Road to 1295 W Island Road
Zoning: RR-1/RR-5/A-20
Acreage: Approximately 11.66 Acres
Request: Request for approval to rezone approximately 11.66 acres of property in between 1275 W Island Road to 1295 W Island Road from RR-5 and A-20 to RR-1.

SUMMARY

During the November 13, 2012 County Council meeting for the Freed and Mecham rezone, Morgan County Council gave direction to staff to update the zoning maps to include a 300 foot buffer to correct some zoning inconsistencies in between approximately 1275 West Island Road and 1295 W Island Road. The Council noted that the property in this area should be in the RR-1 zone.

The properties that have been identified to be rezoned to RR-1 are primarily residential with some agricultural use. It appears that five of the seven property owners that are affected by this rezone have already legally subdivided their property. By rezoning these properties from their current zone to the RR-1 zone, the County will be creating legally conforming uses of the affected property owners along Island Road.

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):

Morgan County Planning Commission Meeting Minutes

March 14, 2013 - approved032813 FINAL

One municipality (Morgan) and six village centers are located in Morgan County; Mountain Green, Peterson, Enterprise, Stoddard, Croydon, 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 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-5 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 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.

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 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:** In order to keep costs down, staff reviewed the proposed rezone without 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. The rezone request is for approximately 11.66 acres; however, there are overlaps into some existing RR-1 zoning. In reality, the actual acreage to be changed is closer to 8.58 acres. Staff estimates that the approximate amount of land currently in the A-20 zone is 6.52 acres, which has a zoning density calculation of approximately 0.326 units; and the approximate amount of land currently in the RR-5 zone is 2.06 acres, which has a zoning density of approximately 0.412 units. The combination of the two yields a current zoning density of 0.738 units. An 8.58 acre zone change from this A-20/RR-5 zone to RR-1 could result in a density of 8.58 additional residential units, an overall development right difference of approximately 7.842 additional single family residences. However, out of the 11.66 acre area, there is approximately 3.67 acres of unimproved property which results in an actual density of 3.67 additional residential units and a development right difference of 2.92 additional single family residences.
2. **Access:** The property has roughly 734 feet of frontage along Island Road. Currently, the frontage is primarily split between RR-5 and A-20 zones. The rezone will give the property the full approximately 734 feet of frontage. The RR-1 zone requires 200 feet of frontage for a buildable lot. Given the current developed area along Island Road, there is approximately only 427 feet of frontage adjacent to the undeveloped portions of Island Road. If there is enough acreage of this undeveloped property in the RR-1 zone, the property owners could develop two additional lots along the frontage of Island Road as a result of the proposal.
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 2.92 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 29.2 vehicle trips per day as a result of the rezone. 29.2 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 2.92 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: A portion of the property is in the FEMA flood plain zone "A"(see Exhibit E). 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 Morgan County Rezone Request, application #12.155, rezoning approximately 11.66 acres of property in between approximately 1275 West Island Road and 1295 West Island Road from RR-5 and A-20 to RR-1, based on the findings listed in the staff report dated March 4, 2013, 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 Morgan County Rezone Request, application #12.155, rezoning approximately 11.66 acres of property in between approximately 1275 West Island Road and 1295 West Island Road from RR-5 and 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: FEMA Flood Plain

Exhibit B – Agenda item #9 – staff report - Public Hearing/Discussion/Decision: To consider amending portions of Title 8 of the Morgan County Code regarding the expiration timeframes of Land Use and other similar applications and other related administrative provisions.

Planning and Development Services

48 West Young Street
Morgan, UT 84050
(801) 845-4015

STAFF REPORT

March 7, 2013

To: Morgan County Planning Commission
Business Date: March 14, 2013

From: Charles Ewert, MPA
Planning and Development Services Director

Re: County Initiated Text Amendment Regarding Rezone Applications and Procedures

Application No.: 12.151
Applicant: Morgan County
Request: To amend Morgan County Code §8-3, regarding th timeframes and procedures of rezone applications.

SUMMARY

Staff approached the County Council last fall about review timeframe requirements for rezone applications that, due to the existing procedural process, are unattainable and needs to be changed. The County Council directed staff to review the ordinance and propose an alternative that would better suit the administrative needs of the County.

In reviewing the ordinance staff found many inconsistencies and duplications of procedures that should be rectified. Parts of the ordinance are inconsistent with itself, other parts are inconsistent with language in State Code.

The proposed language in Exhibit A corrects these issues. Approval of these ordinance changes is a legislative (policy) decision.

BACKGROUND

The unattainable rezone application review timeframe required by existing code came to light after the County had received the Snowbasin rezone application. The existing ordinance has many inconsistencies, and depending on which inconsistency one uses, it could be argued that the Planning Commission had to review the Snowbasin application and send the Council their recommendation within 30 days of receipt of the application. Considering the size and scope of that application, and the fact that our noticing obligations begin 15-16 days

prior to the meeting date, this left very little time for an administrative review.

Snowbasin acknowledged this and, desiring adequate review time to generate a favorable recommendation, has decided not to hold the County obligated to the required timeframe.

ANALYSIS

Land Use Ordinance Provisions. This text amendment affects provisions throughout Morgan County Code (MCC) 8-3. This amendment will likely not be the only text change necessary in this chapter to eliminate inconsistencies, however, it is sufficient to eliminate the review timeframe requirements that are unattainable. The text change does the following things:

1. The current ordinance refers to the process for amending Title 8 (land use ordinances) and the zoning map in several subsections of Chapter 3. To avoid inconsistencies, these process steps should only be located in one place and should only reference one process. These changes do that.
2. It seems that the existing process for amending Title 8 and the Zoning Map is a relic from the past that did not get changed as the County's administrative procedures changed. The current ordinance refers to things like submitting applications directly to the Planning Commission instead of vetting them through administrative staff. These changes address that.
3. These changes also provide clarity and consistency regarding the procedure for which an application will be reviewed, which is:
 - a. Staff receives an application and prepares a recommendation for the Planning Commission's recommendation.
 - b. Staff sends the application to the Planning Commission, who reviews it after a public hearing, then sends a recommendation to the County Council.
 - c. The County Council reviews the application, after also hosting a hearing, and makes a final decision on the application.
4. The changes eliminate specific review timeframes in favor of existing ordinance MCC 8-3-12 which states that hearings and meeting will be scheduled for applications in a reasonable time in light of the following:
 - a. The complexity of the application submitted;
 - b. The number of other applications received which require a public hearing or public comment;
 - c. Available staff resources; and
 - d. Applicable public notice requirements.This will help the County in providing adequate reviews of each application.
5. The changes reinforce the information required for applying for an amendment to Title 8 or the Zoning Map so that the administration may provide a more effective review with adequate and accurate information.
6. The changes provide the County with approval standards for amendments to Title 8 and the Zoning Map by which the County Council may better evaluate each request, at their discretion.

The attached Exhibit A is the text change. All other language of Title 8 not specifically addressed therein will not be changed. The changes to the existing text are indicated by either a red strikeout (deletion) or a blue underline (insertion/addition). Staff have also provided brief comments and explanations in the right hand margin.

Procedures for adopting amendments to Title 8 of the Morgan County Code. Title 8 of the Morgan County Code sets out the required procedures for adopting and amending land use ordinances:

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8-3-2-C. Amendments and Rezoning:

1. The governing body may amend:
 - a. The number, shape, boundaries or area of any zoning district;
 - b. Any regulation of or within the zoning district; or
 - c. Any other provision of the zoning ordinance.
2. The governing body may not make any amendment authorized by this subsection unless the amendment was proposed by the planning commission or is first submitted to the planning commission for its approval, disapproval or recommendations.
3. The governing body shall comply with the procedure specified in subsection B of this section, in preparing and adopting an amendment to the zoning ordinance or zoning map.

8-3-2-B. Preparation and Adoption of Zoning Regulations:

1. The planning commission shall prepare and recommend to the governing body a proposed zoning ordinance, including both the full text of the zoning ordinance and maps that represents the planning commission's recommendations for zoning all or any part of the area within the county.
2. The governing body shall hold a public hearing on the proposed zoning ordinance recommended to it by the planning commission in compliance with Utah Code Annotated section 17-27a-205.
3. After public hearing the governing body may:
 - a. Adopt the zoning ordinance

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a positive recommendation to the County Council for the proposed land use regulations text amendments regarding rezone applications and procedures, application 12.151, based on the following findings:

1. That the amendments are necessary to maintain the integrity of Morgan County Code Title 8, and amendment processes.
2. That the amendments are necessary to alleviate the resources required for the administration to meet certain timeframes.
3. That the amendments are necessary to provide consistency and clarity to existing ordinances.
4. That the amendments are necessary to eliminate redundancy in the ordinance.
5. That the amendments are not detrimental to the County's health, safety, and welfare.

MODEL MOTION

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the County Council for the proposed land use regulations text amendments regarding rezone applications and procedures, application 12.151, based on the findings presented in the Staff report dated March 7, 2013, and with the following findings:”

1. List any additional findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation for the proposed land use regulations text amendments regarding rezone applications and procedures, application

12.151, based on the following findings:"

1. List any additional findings...

ATTACHED DOCUMENTS

Exhibit A: Proposed Text Amendment

Exhibit C – Agenda item #9 – submitted comments Dave Sadzewicz - Public

Hearing/Discussion/Decision: To consider amending portions of Title 8 of the Morgan County Code regarding the expiration timeframes of Land Use and other similar applications and other related administrative provisions.

This document is not available online but can be viewed with the official recorded documents in the County Clerk's office.