



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

STAFF REPORT
October 2, 2013

To: Morgan County Planning Commission
Business Date: October 10, 2013

Prepared By: Ronda Kippen, Planning Technician

Re: **Nold Family Guest House Conditional Use Permit Request**

Application No.: 13.099
 Applicant: Roger and Joan Nold
 Project Location: 2125 South Highway 66
 Zoning: A-20 Zone
 Acreage: Approximately 26.76 acre
 Request: Conditional Use Permit for the conversion of the existing detached garage to a Family Vacation Ranch.

SUMMARY

This application is for an accessory use customarily incidental to a conditional use allowed for in the RR-1 and A-20 zone. The applicants, Roger and Joan Nold, would like to convert the original home that was built on the property in approximately 1988 and later converted to a garage/shop/studio space in order to build a new primary residence in 2006, into a vacation rental property. The main home on the property will be occupied by the Nold Family as their primary residence. The proposed vacation rental will be rented out to vacationers and hunters. The Nold Family is also proposing to offer the vacation property free of charge for vacation/retreat purposes for veterans/their families/and veterans organizations. The upper level of the proposed vacation house is comprised of 3 bedrooms, 2 baths, an eat-in kitchen, living room, and mudroom/entry (see Exhibit "A"). The application is to consider the subject property to be used as a "Dude Ranch, Family Vacation Ranch".

8-5A-3: USE REGULATIONS:

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the multiple use, agricultural or rural residential districts, except as provided in this article.

	Districts					
	MU-160	F-1	A-20	RR-10	RR-5	RR-1
Accessory buildings and uses customarily incidental to conditional uses	C	C	C	C	C	C
Dude ranch, family vacation ranch	C	-	C	C	-	-

The proposed use in the A-20 zone is allowed by conditional use permit. Conditional use permits should be approved as long as any harmful impact is mitigated. The County Code already specifies certain standards necessary for mitigation of harmful impact to which the proposal must adhere. Staff recommends approval with the conditions listed herein. The following is staff's evaluation of the request.

BACKGROUND

The applicant recently purchased the property from Joel LaBorde. On April 21, 2005, the Planning Commission forwarded a positive recommendation for approval of Mr. LaBorde request to construct a new home on the subject property and to convert the existing home into a garage/shop with sleeping quarters. The County Council concurred with the Planning Commission's recommendation on May 3, 2005 (See Exhibit "B"). It appears that the conditions of the original approval have been adhered to.

ANALYSIS

General Plan

Pursuant to the future land use map (see Exhibit "C"), the property is designated as agricultural. The purpose for the Agricultural designation is:

This designation identifies areas of existing agricultural land uses. The purpose of this land use designation is to support viable agricultural operations in Morgan County, while allowing for incidental large-lot residential and other uses. The residential density in this category is up to 1 unit per 20 acres.

Zoning

The property is zoned A-20 (see Exhibit "D"). Current zoning supports one dwelling unit per 20 acres in the A-20 zone. The purpose of the A-20 zone is:

Agriculture district is to 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 proposal does not appear to have a negative effect on the General Plan and Zoning Ordinance purpose statements.

Ordinance Evaluation.

The ordinance does not define what a "dude ranch, family vacation ranch" is. Because of this, staff advise the Planning Commission to refrain from speculating on what it "should be." There does not appear to be specific requirements or conditions applicable to this type of use, but there are minimal standards listed in Morgan County Code (MMC) section 8-8 applicable for general consideration that should be evaluated in order to determine whether harmful impact can be mitigated.

Conditional Use Requirements.

- *Health and Sanitation:* MCC 8-8-4(B) outlines the requirements for sufficient water, wastewater disposal systems and solid waste disposal systems. MCC 8-8-5(G) further states:

Water and Sewer System: All buildings used for human occupancy when completed shall be served by a central water system and appropriate sewage disposal system which have been approved by the building official and which are in compliance with applicable local and state law.

- Staff recommends that the applicant provide proof of adequate culinary water in addition to any required upgrades and approvals from the Weber Morgan Health Department for the septic system at the time of building permit submittal. *Traffic:* MCC 8-8-4(A)(11) identifies the need to identify the numbers and types of vehicles per time period associated with the conditional use activities. The subject property is accessed off of a State road. The applicant has proposed additional signage along the private drive and at the exit onto the highway to ensure safe driving practices. The applicant has also contacted UDOT for approval of the proposed change of land use. UDOT has no concerns as long as a second drive will not be constructed. Due to the rural nature of the subject property staff feels that the traffic proposal that the applicant has provided will suffice.
- *Hours of operation:* MCC 8-8-4(A)(12) allows for certain restrictions in regards to time of day and days of the week conditional use may operate. Staff recommends certain timeframe restrictions to ensure that the occupancy of the accessory building remains that of short term use and not a long term use. Restricting the long term occupancy of the use can help keep the use from becoming what is otherwise defined by County Code as an “accessory apartment.” Staff is proposing a 30 day time limit on all rental activity on the subject property. This time limitations of this nature are provided in the County Code for other similar temporary living quarters such as recreational vehicle courts (8-6-11(D)).
- *Off Street Parking:* MCC 8-11-4 identifies the calculations for all off street parking as follows: two parking spaces for each dwelling. The applicant indicates that the site has an existing asphalt parking lot which can provide adequate parking for up to 13.6 (9’ x 22’) uncovered parking spaces as well as an additional two covered parking spaces. Staff feels adequate hard surface parking is being proposed and that further conditions at this time are unnecessary.

Property Layout. The approximate 26.76 acre lot is somewhat rectangular in shape. It is surrounded by residential and agricultural uses (see Exhibits “E”). It fronts Highway 66 with approximately 820 feet of frontage. The property is accessed from Highway 66 via a private easement across a small portion of the neighboring property to the North.

Setbacks. The front setback for accessory buildings in the A-20 zone is 30 feet. The side yard is 10 feet and rear setback of 10 feet. The proposal meets all of these requirements.

Fire Protection. Due to the proposed commercial use of the property, staff recommends a site inspection and approval from the local fire official prior to the issuance of a business license.

STAFF RECOMMENDATION

Staff recommends approval of the Nold Family Guest House Conditional Use Permit for a family vacation ranch, file #13.099 subject to the following conditions:

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.

MODEL MOTION

Sample Motion for a *Positive* Recommendation – “I move we 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. 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 Nold Family Guest House Conditional Use Permit for a family vacation rental, file #13.099 subject to the following findings:

1. List any additional findings...

SUPPORTING INFORMATION

Exhibit A: Applicant Narrative
Exhibit B: 2005 PC and CC minutes
Exhibit C: FLUM
Exhibit D: Zoning Map
Exhibit E: Property Layout

Exhibit A1-Applicant Narrative

Conditional Use Permit Location and Physical Information

Name of Project: Nold Family Vacation Rental

Applicant/designer name:

Roger and Joan Nold
2125 S. Highway 66 PO Box 633
Morgan, UT 84050

Proposed area is outside the Urban/Wildland Interface.

The proposal is not in a Sensitive Area or Geologic Hazards area.

No proportion of the proposal is in the flood plain.

Current Zoning of Property –

RR-1 approximately 2 acres along Highway 66
A-20 remaining approximately 24 acres

Permit application under:

Recreational dwelling or family vacation ranch

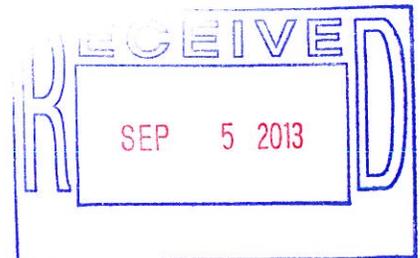


Exhibit A2-Applicant Narrative

Conditional Use Permit for
2125 S. Highway 66 Morgan, UT



Narrative:

Project Name: Nold Family Vacation Rental

Applicant/designer name:

Roger and Joan Nold
2125 S. Highway 66 PO Box 633
Morgan, UT 84050

Narration of proposal:

The property we purchased at 2125 S. Hwy 66, Morgan, UT, consists of two dwellings. We reside in the dwelling built in 2006. The original home, built in the late 1970's or early 1980's remains intact on the property. The dwelling is structurally sound, serviced by electric, gas, culinary water, and septic. This dwelling was used as the primary dwelling until construction of the second home in 2006. At that time, the owner - Joel LaBorde- was informed the original dwelling had to be converted so that it could not be considered a second family dwelling due to zoning. Mr. LaBorde subsequently converted the lower level into a garage/shop with two overhead garage doors and garage stalls. He converted the upper level to shop/studio space - installing one overhead garage door and removing floor coverings, and enclosing the front porch.

It is our desire to obtain a conditional use permit to convert the original house into a vacation rental property. The property would be rented to vacationers and hunters. Additionally, the property will be offered free of charge for vacation/retreat purposes for veterans/their families/and veterans organizations. The upper level of the house is comprised of 3 bedrooms, 2 baths, an eat-in kitchen, living room, and mudroom/entry.

To complete the conversion back to an inhabitable dwelling we propose to do the following:

- 1) The lower level will remain garage/shop space.
- 2) The interior stairs from the upper to lower levels will be permanently removed/sealed so no access exists from upper to lower levels from the inside.
- 3) The concrete porch on the south side of the home which was inclosed with tin siding will be reopened.
- 4) Bathrooms and kitchen will be updated.
- 5) New floor coverings will be installed.
- 6) The overhead garage door installed on the upper level will be framed in and a set of French doors installed.
- 7) Septic will be pumped and inspected.

Exhibit A3-Applicant Narrative

Impact of use on the property and surrounding properties should be minimal. The drive to the property/homes is asphalt and maintained by the land owner. There is ample parking, with a minimum of one space per bedroom (3). The property already has established culinary water source and functioning septic system. The dwelling will be occupied on an intermittent, not full-time basis. The owner's home is within eyesight of the dwelling to be rented, thus allowing for close oversight of renters and their activities. Our primary home has 4 bedrooms and subsequently could realistically have at least 5 individuals of driving age occupying our home, however, there are 3 adults occupying our home. Subsequently, the additional traffic of up to 3 adult drivers to the vacation rental should have minimal, if any, impact on the local traffic pattern. Our drive does exist onto Highway 66 at a curve with decreased view to the south. We will subsequently post signage along the drive and at the exit to the highway in an attempt to insure safe driving practices and extra caution when entering the highway. I contacted Tommy Vigil, UDOT Right-Of-Way Control Supervisor, and was advised it was acceptable to use the existing drive/entrance for both the permanent house and guest house. He advised he had no concerns as long as a second drive was not being constructed.

Exhibit B1-2005 PC Minutes

8. **Joel LaBorde: Temporary Conditional Use Permit to replace an existing home with a new structure and maintain guest quarters above garage.**

MOTION BY MEMBER GUFFEY TO OPEN A PUBLIC HEARING FOR JOEL LABORDE.

SECOND BY MEMBER RICH.

THE VOTE WAS UNANIMOUS.

THE MOTION CARRIED.

Sherrie Christensen noted that the applicant is requesting a permit to build a new home on his property at 22125 S. Hwy 66. He would like to live in the existing home while constructing the new home. After completion of the new home Mr. LaBorde would like to convert the existing home into a private garage and maintain a quest quarter area within the structure. The proposal is to remove the kitchen area and keep only a sleeping room and bathroom facility. The property consists of 26.75 acres and has a dual zoning of A-20 and RR-1 and is a legal conforming lot. The existing home was constructed in 1989.

Sherrie noted that the LUMC only permits one dwelling per lot and currently there is not a provision for an accessory dwelling (in-law apartment). She noted the Planning Commission needs to determine if maintaining a quest bedroom within the structure would be in compliance with the code. It was noted that often times property owners may maintain game rooms within detached accessory structures, providing that the structure can not be used as a permanent living quarter and does not contain a kitchen.

Chairman Whittier asked Mr. LaBorde if he was aware of staff's recommendations. Mr. LaBorde noted that he was. Chairman Whittier asked if subdividing was an option to this problem.

Sherrie noted Mr. LaBorde could subdivide if he wanted to, but she believed his intentions were to keep the proposed new home and garage as one sole property. She noted there needs to be a determination as to whether this is truly an accessory apartment or a part-time accessory for a guest.

Member Triplett noted that it was mentioned that the kitchen would be removed but there would be a bathroom. Sherrie noted she had discussed this proposal with the building inspector who stated that a bathroom in a shop or a garage would be allowed.

Mr. LaBorde noted that they have had the property since the middle of November. Their intention has been toward building a new home. The property is fairly visible throughout the County and the one location they have chose to build a new home is behind a small rise so that it will not be that visible to everyone else. The intention to have an in-law quarter is that so when his in-laws do visit for 10 days they can have their own space and still have their meals at a normal home. He noted the present structure is 1400 square foot per floor. He would like to make the lower level a garage area and the upper area he would have as a woodworking shop. Because he does not need 1400 square feet of shop he would like to maintain an area that could be used 1 or 2 weeks out of the year as quests quarters.

Member Triplett asked about the distance between the existing and new home.

Mr. LaBorde noted that it is about 100' - 200'.

Member Guffey asked if Mr. LaBorde's intent was to have the two structures detached. He noted there has been a lot of interpretation of the code with regard to a two-family dwelling. He noted that without them being attached the two family dwelling does not work anyway. Nor does the 100' breezeway.

It was noted the existing home is in the A-20 the new home would straddle the line of RR-1 and A-20.

Member Triplett believed this was an accessory building without a kitchen. It was noted that the Planning Commission recently defined a dwelling unit and it needed a kitchen and a bathroom.

Mr. Laborde noted it was not his intention to separate the two and sell one off.

Members Rich asked whom the neighbors were. Mr. LaBorde noted Bloomquist Industries to the east, Mr.

Exhibit B2-2005 PC Minutes

and Mrs. Kapp to the North and to the South Bernie Anderson and he did not know the people across the road. Member Rich asked if he had his choice would he want two homes there. Mr. LaBorde noted he would not. They actually have the choice to divide the property into 5 and they do not want to do that. Member Rich noted Mr. LaBorde could have used a tool to come up with two homes or more than two if he wanted to and that in and of itself demonstrates that he is genuine in what he wants to do.

MOTION BY MEMBER GUFFEY TO MOVE OUT OF A PUBLIC HEARING.

SECOND BY MEMBER RICH.

THE VOTE WAS UNANIMOUS.

THE MOTION CARRIED.

9. Joel LaBorde – Discussion / Decision: Conditional Use Permit as described.

There was discussion on a time limit for the remodel and also a bond. Mr. LaBorde stated he would like the option of a one-time extension on the time limit. It was noted the bond would ensure that the kitchen be removed from the existing structure.

MOTION BY MEMBER TRIPLET TO RECOMMEND TO THE COUNTY COUNCIL APPROVAL OF A CONDITIONAL USE PERMIT TO REPLACE AN EXISTING HOME WITH A NEW STRUCTURE AND TO MAINTAIN THE EXISTING STRUCTURE AS AN ACCESSORY BUILDING FOR USE AS A GARAGE WORKSHOP AND SLEEPING AREA WITH THE FOLLOWING CONDITIONS:

- 1. The existing home will be converted to an accessory structure, by obtaining a building permit to remodel and convert the occupancy for a garage and guest quarters without provision for a kitchen.**
- 2. Permit shall be obtained prior to occupancy of the new dwelling is completed**
- 3. Remodel of the structure will occur within 180 days of occupancy of the new dwelling**
- 4. The property owner shall post a cash (escrow) bond (to be determined by a construction estimate) in favor of Morgan County for the removal of the existing dwelling unit, to be used in the event applicant fails to apply for a remodel permit or fails to complete the renovations.**
- 5. Mr. LaBorde may request from staff a one-term extension of 180 days.**

SECOND BY MEMBER GUFFEY

THE VOTE WAS UNANIMOUS.

THE MOTION CARRIED.

It was noted that Mr. LaBorde should turn his construction estimate, for the remodel, into the planning and zoning office.

10. Allen Christensen: ‘Land Use’ permit to construct a small cabin for family recreation on a tract of property described as the Westerly ½ of Section 36, T6N; R3E. (F1 zone district).

Sherrie Christensen noted that Mr. Christensen purchased this about 1-½ months ago. The existing property is 320 acres and is located at the top of Cottonwood Creek area and Pine Canyon. The property owner proposes to build one additional cabin with an approximate 800-sq. ft. foot print. The property is accessed by a dirt road and has no frontage on a County or state road. She referenced Ordinance CO-01-03 that regulates the approval of recreation cabins in the F-1 zone. Within this ordinance it states that for legal conforming lots existing on or before March 1, 2001, the minimum acreage for a recreational dwelling shall be 160 acres or a one-quarter

Exhibit B3-2005 CC Minutes

FOR REFERENCE ONLY
OFFICIAL MINUTES ARE FILED WITH THE COUNTY CLERK

Member Hawkes moved to approve the minutes for the April 19, 2005 Morgan County Council Meeting with the corrections noted. Seconded by Member Sanders. Chairman Wilde and Member Gardiner will abstain from this vote, as they were not in attendance for that meeting. The motion passed.

APPROVAL OF CHECKS

The Council reviewed the check edit list of May 3, 2005 Morgan County Council Meeting.

Member Smith moved to approve the check edit list of May 3, 2005 Morgan County Council Meeting. Seconded by Member Stephens. The vote was unanimous. The motion passed.

PUBLIC COMMENT:

Debbie Sessions – She wanted to make sure that the Peterson Creek flooding problem would be address on an agenda. Mecum Brothers put this work in and they were to maintain this area. There was a contract in place for this.

Michelle Butler – PUD Overlay - She feels like the concerns of the citizens are being overlooked. She stated that there was a poll in August 2001 of the citizens. The Planning Commission has chosen to ignore this. The results from the poll were that 81% did not want clustered homes with open space.

Ron Musclemann – PUD Overlay zone. He would like this removed from the books.

CONCUR WITH PLANNING COMMISSION ADMINISTRATIVE DECISIONS

The Council has questions on these decisions. Mr. Rich called Chairman Wilde and has asked for item #10 to be returned to the Planning Commission for proper resolution. Mr. Rich also contacted Member Sanders. Member Sanders is wondering if the concern had been taken care of later on in the Planning Commission Meeting. (Member Rich left the meeting early). The Planning Commission did request that other landowners submit written permission for this. Proof of right of way has not been received into the office as of yet. This would end up being two cabins on 120 acres. The existing cabin is supposed to be torn down. This parcel was created before 1962 and they do have the right to have two units. The condition is that the old one will be torn down. The problem is they are not sure if they have the permission of the owner of the old cabin to tear it down and relinquish his rights. The Planning Commission has put on conditions that have to be met in order to be in compliance. Member Smith stated that he thought that with all the conditions to be met Member Rich's concerns should be covered. Kelly Wright, County Attorney has concerns with approving things with so many conditions. He would rather see it cleared up before coming for approval in this meeting. Chairman Wilde agrees that these items should be cleared up before gaining for approval of the council.

Member Smith has a question on the Bradshaw item. One of the conditions was for the utilities to be done prior to the review of the County Council. Sherrie stated that this has been done but it was received just before this meeting. She has not had time for an extensive review. Mr. Bradshaw is present and does have his plat with him. David Bradshaw comments on this item. He is aware that there is a concern of the flight plan. He asked where the legal description came from. On the rezone petition dated 9-23-98, there is a legal description on the application and it is different than the one provided. Mr. Bradshaw states that the engineer is from Bountiful. He met with Kent Wilkerson, in

Exhibit B4-2005 CC Minutes

FOR REFERENCE ONLY

OFFICIAL MINUTES ARE FILED WITH THE COUNTY CLERK

person and drew the map as it is. They met for months on this. Sherrie Christensen would like to research this a little further to see where this legal description came from. As it is, it puts 4 or 5 lots with the flight line running right through them. State Code states that this is a no development area.

Member Smith has a question on the Rindlesbach item. One of the conditions was that this project was to be reviewed by the county engineer. Is this when the county gets an engineer on board or are we contracting this out? Sherrie suggested that we table this item as well.

Member Gardiner moved to approve the Planning Commission Administrative Decisions and refer item #10 back to the Planning Commission for further work and table item #12 until the next meeting for more documentation and also table #14 to be reviewed by the County Engineer and brought back before the Council on the next meeting. Seconded by Member Hancock. The vote was unanimous. The motion passed.

Stacy Lafitte – Discussion/Decision on

- ◆ **Presentation of Risk Management Program Premium Credit for 2004**
- ◆ **Approval of Resolution appointing County Risk Manager**

Member Hawkes moved to approve the Resolution appointing Stacy Lafitte to be the County Risk Manager. Seconded by Member Gardiner. The vote was unanimous. CR-05-06

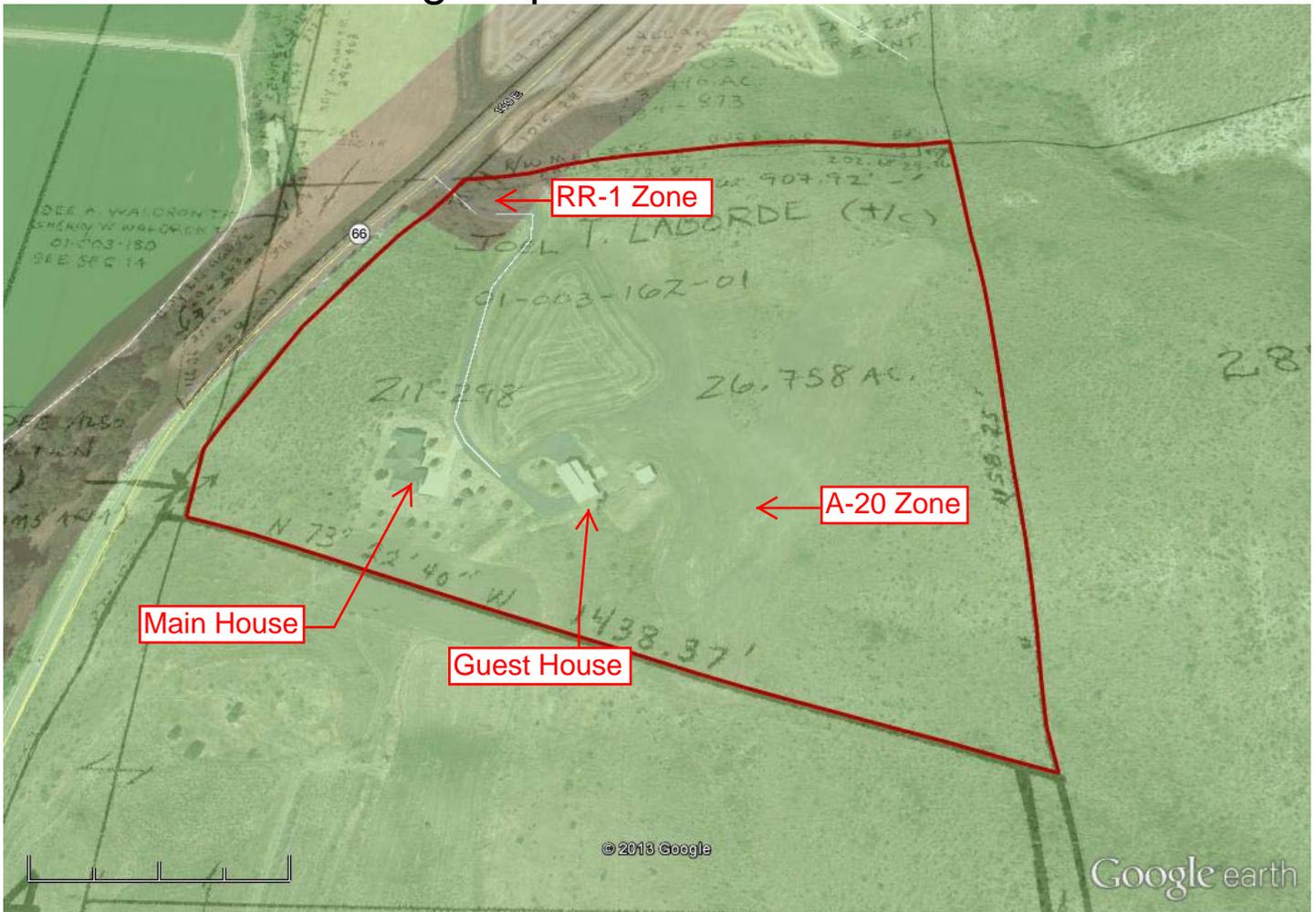
Evelyn Giles – Discussion/Decision on approval of the Council and signature of the Council Chairman to amend contract 05-181 Case Management/Day Care through the Pamela Atkinson Homeless Trust Fund

Evelyn Giles states that we have had several clients that exceeded the poverty guidelines. She has contacted Bishops and other people in and around Morgan County. She reported that Morgan County had no one that would fit into these guidelines. Since this issue would involve a reduction of funds it should be signed and approved by the Council. Member Smith stated that this was originally done to assist single parents that would fit these criteria. We have lost some of those clients. The grant was originally awarded with the information that we were helping single family households, not necessarily the homeless people. \$2,520.00 is the amount of the reduction.

Member Smith moved to approve the amendment to contract 05-0181 Case Management/Day Care through the Pamela Atkinson Homeless Trust Fund. Seconded by Member Stephens. The vote was unanimous. The motion passed.

Final decision on request for property tax exemption for non-profit charitable entity

Exhibit C-Zoning Map



Google earth

feet
meters



Applicants / Designers: Roger + Joan Nold
 2125 S. Hwy 66 PO Box 633
 Morgan, UT 84050

Exhibit D-Property Layout



To see all the details that are visible screen, use the "Print" link next to th



- Width of existing roads, driveways, parking areas -
- ① 16 feet
 - ② 19 feet
 - ③ 28.5 feet
 - ④ Covered parking - 22' x 34'
 - ⑤ Parking - 42' x 64'

E

Zoning -
 RR 1 - adjacent to highway ~ 2 acres
 A - 20 remaining ~ 24 acres

- Existing Structures
- Ⓐ Primary Residence
 - Ⓑ Guest House
 - Ⓒ Hay shed / storage

Existing Vegetation
 ● Trees



STAFF REPORT

October 4, 2013

To: Morgan County Planning Commission
Business Date: October 10, 2013

Prepared By: Charles Ewert, Planning Director

Re: Planning Commission Initiated Rezone of Certain Areas Along and Near Powderhorn Road

Application No.: 13.088
Applicant: Morgan Valley Drive
Project Location: Along and Adjacent to Powderhorn Road
Zoning: R1-20 and A-20
Acreage: Approximately 1.28 Acres
Request: To clean up gaps in the zoning map by rezoning approximately 1.28 acres of property along Powderhorn Road from A-20 to R1-20.

SUMMARY

The Planning Commission recently heard a requested subdivision along Powderhorn road and discovered that there are some unintended gaps between two previous R1-20 rezones that have left a couple of strips of A-20 along and near the road. The Planning Commission directed staff to propose a simple rezone of these gaps in order to provide consistency in the map. This report is a brief analysis and staff recommendation of the request.

BACKGROUND

The area south of Powderhorn road was rezoned prior to the County's current electronic mapping capabilities. The area to the north was rezoned in 2006. The two rezones appear to be intended to follow a common boundary, yet the official map shows a gap between the two¹. The gap may also be a result of conflicting legal descriptions between the two rezones. Regardless, the existing gaps do not appear to be intended.

ANALYSIS

Planning Commission Responsibility. Pursuant to Morgan County Code (MCC) §8-4, 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.

¹ See Exhibit A: Zoning Map

Zoning. The two zoning designations of interest with this request are the A-20 zone and the R1-20 zone. The A-20 gap between the R1-20 zones is approximately 1.28 acres.

The purposes of the A-20 zone are “to 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 activity².”

The purpose of the R1-20 zone is to “provide areas for very low density, single-family residential neighborhoods of spacious and uncrowded character³.”

When evaluating a rezone, critical criteria to consider is 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. See MCC 8-5A-3 and 8-5B-3 for a full list of uses for the A-20 and R1-20 zones, respectively.

The potential for development due to the rezone request is low. The area is primarily within the Powderhorn road right of way area and Rollins Ranch open space area, with minimal amounts of square footage along the frontage of adjacent private properties. Because of these constraints it is unlikely that the additional density will stimulate additional development potential in the area, but considering the area’s zoning density is increasing it is possible for additional uses to occur on the property if lot lines and street infrastructure are reconfigured. To that end, the following seven criteria should be evaluated when determining the impact of the potential rezone:

1. Potential density: Existing dwelling unit density in the A-20 zone is approximately 0.064 units. The potential density is 2.788 units, an increase of 2.724 additional unit rights.
2. Culinary Water Resources: The area is served by the Cottonwood Mutual Water company, a private water system.
3. Sewer: The area is within the Mountain Green Sewer Improvement District
4. Flood Plain: The property is above the negative FEMA flood plain zones. Flooding does not appear to be an issue on the property.
5. Geologic Hazards: A full geologic hazards study may be required if the property is further developed or redeveloped.
6. Access: The property is a primary access that serves residential and agricultural development in the area.
7. Fire Protection: The property is on the border of the Wildland/Urban Interface.

General Plan. The property is designated as two different future land use designations⁴. North of Powderhorn Road is designated as “Village Low Density Residential” and south is designated as “Village Residential 3DUA (dwelling units per acre).” The purposes of the village low density residential designations are:

The Village Low Density Residential designation provides for a lifestyle with planned single family residential communities, which include open space, recreation and cultural opportunities, including schools, churches and neighborhood facilities located in

² MCC §8-5A-1

³ MCC §8-5B-1

⁴ See Exhibit B

established village areas (formerly area plan boundaries) or master planned communities. The residential density is a maximum of 2 units per acre.⁵

The purpose of the “Village Residential 3 DUA” designation is:

The Village Residential category designation provides for a combination of single family attached and detached dwellings, townhomes, and duplexes. Substantial common open space for visual relief and recreation amenities would serve residents. This designation is currently found in the Mountain Green area with designated densities of up to 4 units per acre, and is appropriate for established village areas with infrastructure to support the uses.

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 approval of the Powderhorn Road Rezone. This recommendation is based on the following findings:

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.

MODEL MOTION

Sample Motion for a *Positive* Recommendation – “I move we 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. List any additional findings...

⁵ See page 12 of the 2010 General Plan

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the Powderhorn Road rezone request, application #13.088, rezoning approximately 1.28 acres of property along Powderhorn from A-20 to R1-20, based on the following findings:

1. List findings...

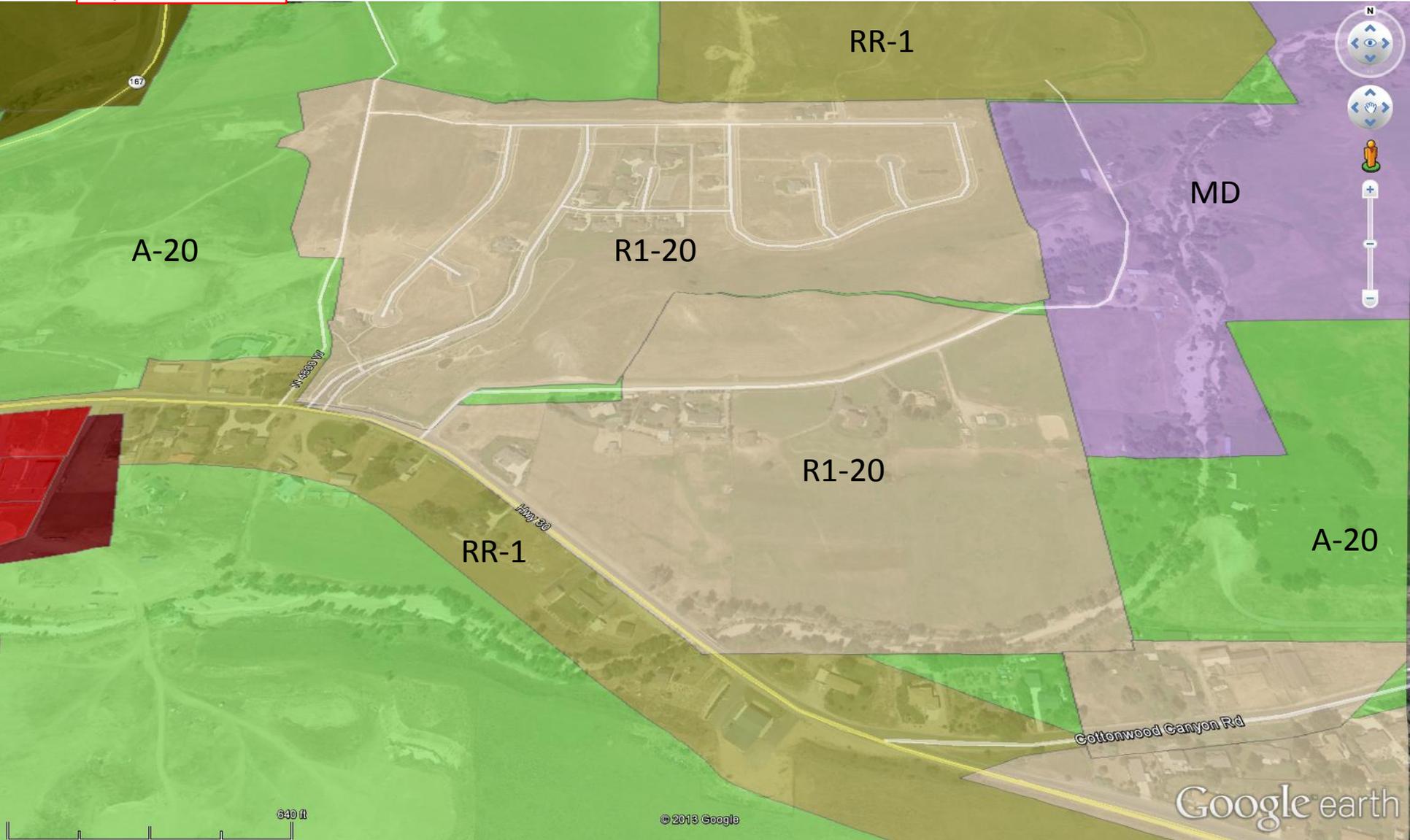
Supporting Information:

Exhibit A: Zoning Map

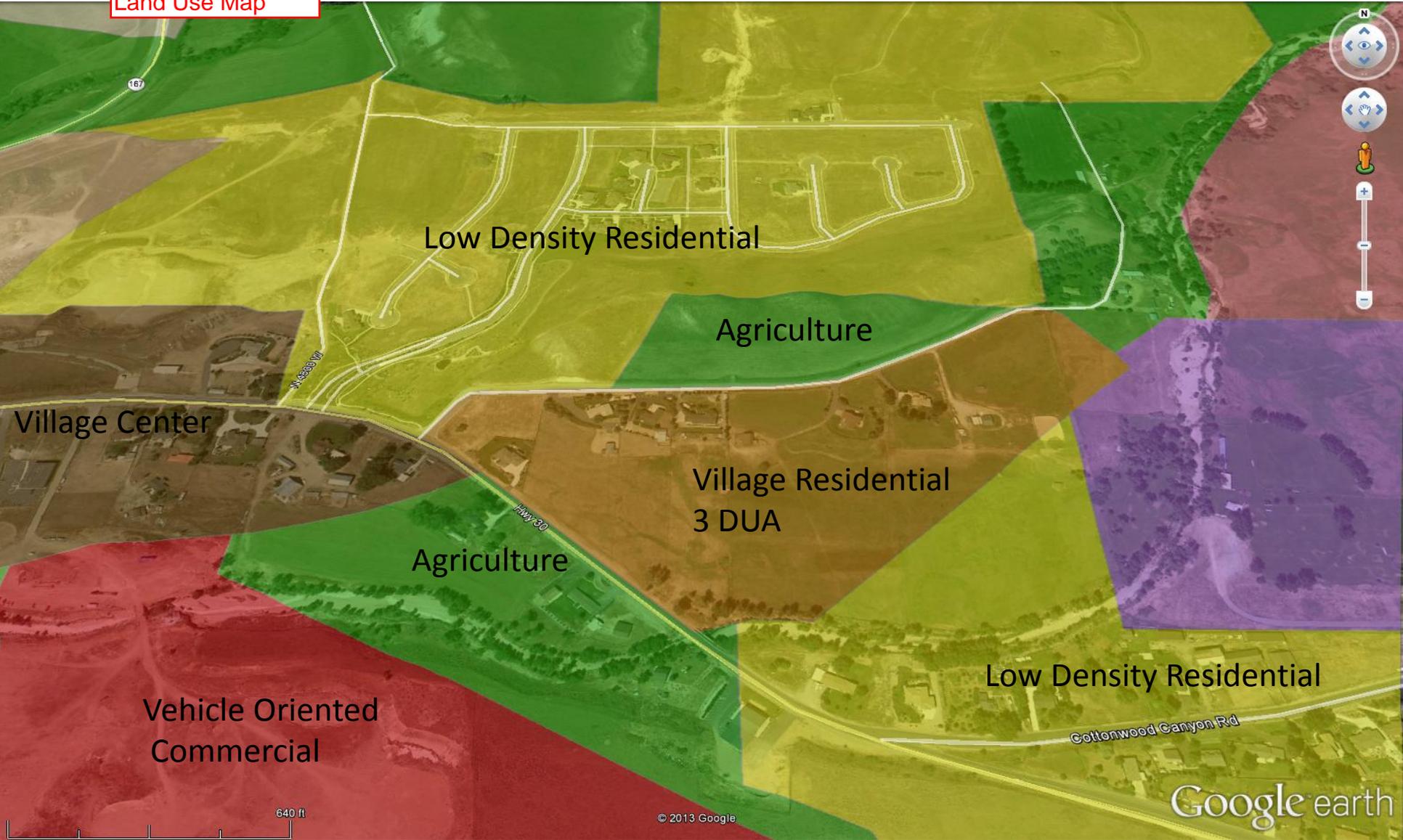
Exhibit B: Future Land Use Map

Exhibit C: Proposed Rezone Area

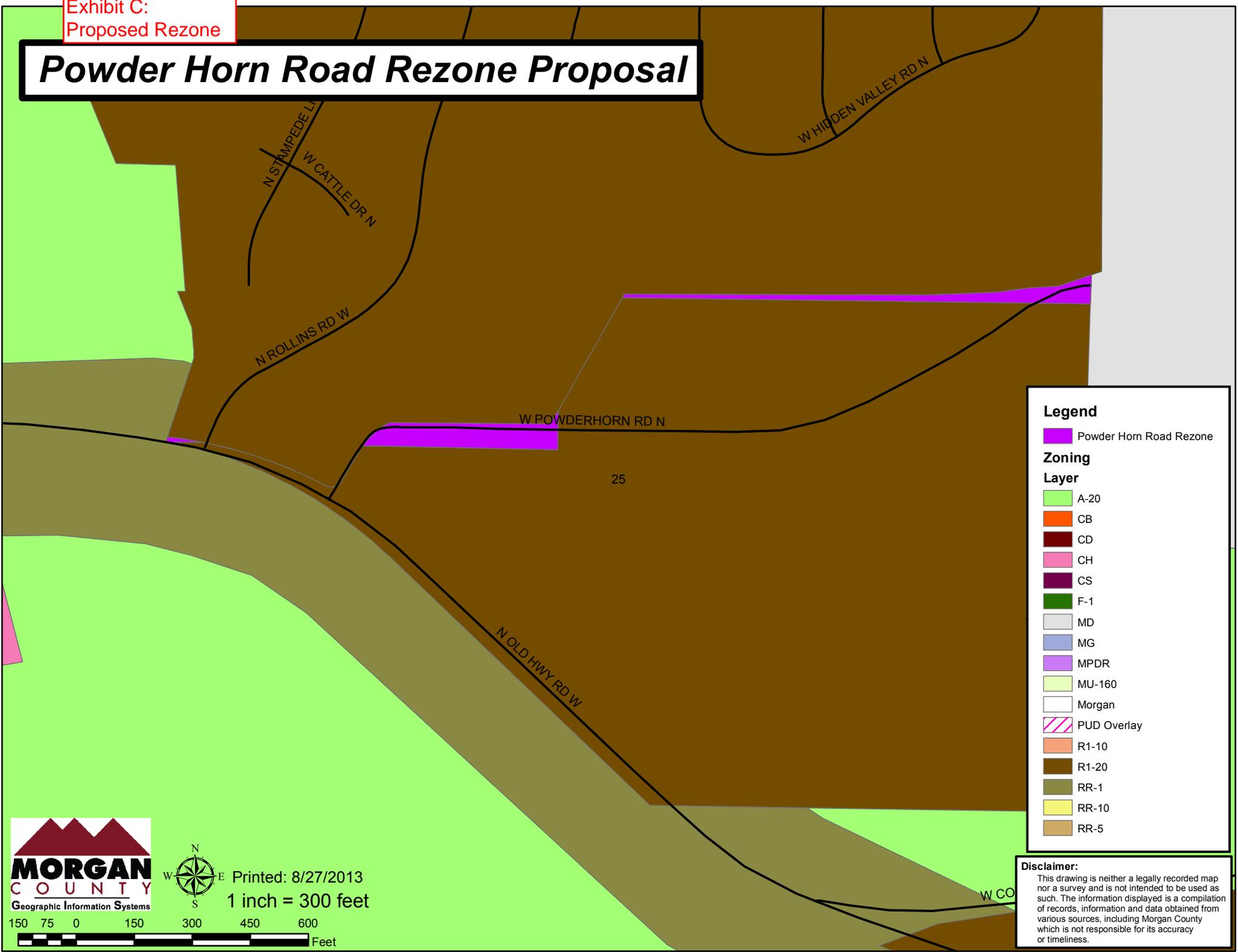
Exhibit A: Zoning Map



Ehibit B: Future Land Use Map



Powder Horn Road Rezone Proposal



Legend

- Powder Horn Road Rezone

Zoning Layer

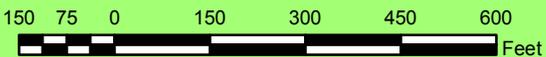
- A-20
- CB
- CD
- CH
- CS
- F-1
- MD
- MG
- MPDR
- MU-160
- Morgan
- PUD Overlay
- R1-10
- R1-20
- RR-1
- RR-10
- RR-5

Disclaimer:
This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information and data obtained from various sources, including Morgan County which is not responsible for its accuracy or timeliness.



Printed: 8/27/2013

1 inch = 300 feet





Memo

TO: Planning Commission
FROM: Charles Ewert, Planning Director
DATE: October 4, 2013
SUBJECT: Creation of Ordinance Update Committee

In the last County Council meeting Staff and the Council discussed the creation of an informal ordinance update committee consisting of three Council members, three Planning Commission members, and staff. The Committee is intended to assist staff in understanding policy issues as we prepare several major ordinance re-write at the request of the County Council.

I anticipate addressing the Planning Commission about this during the general staff reporting agenda item in the October 10th meeting, and will request three Planning Commission volunteers to take part on this committee.

Depending on volunteer's schedules, the meetings are anticipated to be held on either Wednesday or Thursday evenings every other week from 5:00-6:00 PM. Council members who have volunteered their time is:

Austin Turner

Ned Mecham

Robert Kilmer



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: 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



PLANNING COMMISSION AGENDA

Thursday, September 26, 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

Administrative Items

5. Rollins Ranch 4a Final Subdivision – a 12 lot subdivision proposed in the Rollins Ranch Development in the Mountain Green area.
6. Rollins Ranch 4b Final Subdivision – an 18 lot subdivision proposed in the Rollins Ranch Development in the Mountain Green area.
7. Rollins Ranch 5 Final Subdivision – a 10 lot subdivision proposed in the Rollins Ranch Development in the Mountain Green area.
8. Rollins Ranch 6 Final Subdivision – a 10 lot subdivision proposed in the Rollins Ranch Development in the Mountain Green area.
9. Staff Report
10. Approval of minutes from September 12, 2013
11. Adjourn

Members Present

Shane Stephens
David Sawyer
Debbie Sessions
Roland Haslam
Darrell Erickson
Michael Newton

Others present

Tina Kelley
Skylar Gardner
Craig Widmier

1. Call to order—prayer.

Chairman Haslam welcomed everyone to the meeting tonight. Member Erickson offered prayer.

2. Approval of agenda.

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

3. Declaration of conflicts of interest.

Chairman Haslam declared a conflict of interest and abstained from comment.

4. Public comment.

Member Sawyer moved to go into public comment. Second by Member Erickson. The vote was unanimous. The motion carried.

There was no public comment.

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

Administrative Items

5. Rollins Ranch 4a Final Subdivision – a 12 lot subdivision proposed in the Rollins Ranch Development in the Mountain Green area.

Skylar Gardner, representative for the applications on Phases 4, 5 and 6 for Rollins Ranch, addressed concerns with ingress and egress and traffic studies. He contacted the fire chief who didn't have any issues with single-family dwellings and the ingress and egress concerns. He expressed desire about fully

constructing the subdivision in lieu of a cash deposit with the county. After recording the plat they would post a 10% warranty bond for 1 year afterward.

He referred to line 940 on the State Code Section 17-27a-604.5: "A land use authority shall require an applicant to complete a required landscaping or infrastructure improvement prior to any plat recordation or development activity" as well as lines 944-946: "Upon the applicant's request, the land use authority has authorized the applicant to post an improvement completion assurance in a manner that is consistent with local ordinance." He understands the subdivision needs to be recorded before they can sell any lots or build.

Member Sessions asked what still remains to be completed.

Mr. Gardner replied that they need to make minor corrections with surveyor comments on the plat and update their title report.

Member Sawyer asked that if the County Council requires a cash bond, what the impact would be on the project?

Mr. Gardner prefers to install improvements, as the 10% cash bond would stall the project.

Charlie reviewed the 14 conditions for approval.

Member Sessions had a question with wording on conditional item #6, along with items #8, #9 with state code. Charlie explained it is ok to ask for 110% and other counties routinely withhold recording the plat until all improvements have been done or a cash bond is submitted.

Member Stephens asked for clarification about the 110% required up front and Charlie referred to the state code that the approved plat is held until all the concerns are addressed and completed.

Member Sessions wondered if the cash escrow was in place in 2006 or if it was a bond and discussion took place about concerns with a bond versus cash.

Charlie interpreted the code to mean that the county has the option to ask for their method of choice as a condition of approval. The recommendation of 110% is written into the current code. Charlie addressed a question from Member Sawyer about the fire chief requiring a secondary access.

Member Sawyer wanted some specific information on the water conditions. The county ordinance requires 800 gallons per day for residential use and 3 gallons per minute for irrigation purposes.

Member Sessions wanted clarification on state code as it relates to county code. State code reads: "A land use authority shall require an applicant to complete a required landscaping or infrastructure improvement prior to any plat recordation or development activity" (17-27a-604.5, 2a).

Member Erickson discussed the level of risk posed to residents.

Member Sessions expressed the desire to protect the county while allowing developers to continue with progress.

Charlie recommended considering a completion agreement on Exhibit F.

Member Sessions moved to have a 5 minute recess. Second by Member Sawyer. The vote was unanimous. The motion carried.

Chairman Haslam called the meeting back to order.

Member Sawyer commented that there is no desire to stifle development. This will help the cause to generate money for the schools and it's a wise decision to move forward from here and pass decision to the County Council.

The Chairman called for a motion.

Member Sessions moved to forward a positive recommendation to the County Council of the Rollins Ranch Final Plat for Phase 4a, applications #13.092 subject to the findings and conditions listed in the September 19, 2013 staff report, and as modified by changing the wording in conditions #6, 8, and 9:

1. That all outsourced consultant services fees are paid in full prior to final plat recordation and/or the commencement of any construction.
2. That any minor administrative edits are provided to the satisfaction of respective reviewers.
3. That GIS shapefile information is submitted to the GIS division of the Planning and Development Services Department of the new parcel data at or prior to plat recordation.
4. That, pursuant to MCC §8-12-32(N), the developer shall submit the name, proposed/existing articles of incorporation, and bylaws of the owner or organization empowered to own, maintain, and pay taxes on common area for recording with the final plat.
5. That, if the date of recording exceeds 30 days from the date on the current title report, then an updated title report shall be required to be submitted with the final mylar.
6. That all items in the title report are more fully explained, provided for, or eliminated to the satisfaction of the County Surveyor prior to County Council approval and/or the commencement of any construction.
7. That prior to final plat recordation and/or the commencement of any construction a signed and notarize acknowledgement from Browning Arms is submitted that acknowledges that §2.10 of the Rollins Ranch Development Agreement has been satisfied in a manner that meets their needs.
8. That a signed and notarized “subdivision completion agreement” is executed in a form as approved by the County Attorney; and that the final plat shall not be recorded prior to all required subdivision improvements and a 10% cash bond for the first year warranty period, as proposed by the applicant.
9. That no construction shall commence prior to final approval of construction drawings by the County Engineer and a pre-construction meeting has been held with the County.
10. That inasmuch as the Mountain Green Sewer Improvement District, Questar Gas, and Rocky Mountain Power have all given conditional will serve letters for the proposal, approval of the Final Plat is conditioned on the fulfillment of the various requirements of those entities. Failure to comply may result in voidance of Final Plat approval.
11. That streetlight standards shall comply with Exhibit L-1 of the Rollins Ranch Development Agreement. Operation and maintenance of the streetlights shall be the responsibility of the HOA.
12. That removal of concrete refuse and debris on the property shall occur.
13. That noncompliance with the conditions herein may result in voidance of final plat approval, and may also result in the inability to record the final mylar and/or receive building permits.
14. That all other local, state, and federal laws are upheld.

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

6. Rollins Ranch 4b Final Subdivision – an 18 lot subdivision proposed in the Rollins Ranch Development in the Mountain Green area.

Chairman called for a motion.

Member Newton moved to forward a positive recommendation to the County Council of the Rollins Ranch Final Plat for Phase 4b, applications #13.093 subject to the findings and conditions listed in the September 16, 2013 staff report, and as modified by the conditions and findings below:

1. That all outsourced consultant services fees are paid in full prior to final plat recordation and/or the commencement of any construction.
2. That any minor administrative edits are provided to the satisfaction of respective reviewers.
3. That GIS shapefile information is submitted to the GIS division of the Planning and Development Services Department of the new parcel data at or prior to plat recordation.
4. That, pursuant to MCC §8-12-32(N), the developer shall submit the name, proposed/existing articles of incorporation, and bylaws of the owner or organization empowered to own, maintain, and pay taxes on common area for recording with the final plat.
5. That, if the date of recording exceeds 30 days from the date on the current title report, then an updated title report shall be required to be submitted with the final mylar.
6. That all items in the title report are more fully explained, provided for, or eliminated to the satisfaction of the County Surveyor prior to County Council approval and/or the commencement of any construction.
7. That prior to final plat recordation and/or the commencement of any construction a signed and notarize acknowledgement from Browning Arms is submitted that acknowledges that §2.10 of the Rollins Ranch Development Agreement has be satisfied in a manner that meets their needs.
8. That a signed and notarized “subdivision completion agreement” is executed in a form as approved by the County Attorney; and that the final plat shall not be recorded prior to all required subdivision improvements and a 10% cash bond for the 1 year warranty period, as proposed by the applicant.
9. That no construction shall commence prior to final approval of construction drawings by the County Engineer and a pre-construction meeting has been held with the county.
10. That inasmuch as the Mountain Green Sewer Improvement District, Questar Gas, and Rocky Mountain Power have all given conditional will serve letters for the proposal, approval of the Final Plat is conditioned on the fulfillment of the various requirements of those entities. Failure to comply may result in voidance of Final Plat approval.
11. That streetlight standards shall comply with Exhibit L-1 of the Rollins Ranch Development Agreement. Operation and maintenance of the streetlights shall be the responsibility of the HOA.
12. That removal of concrete refuse and debris on the property shall occur.
13. That noncompliance with the conditions herein may result in voidance of final plat approval, and may also result in the inability to record the final mylar and/or receive building permits.
14. That all other local, state, and federal laws are upheld.

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

7. Rollins Ranch 5 Final Subdivision – a 10 lot subdivision proposed in the Rollins Ranch Development in the Mountain Green area.

Skylar Gardner noted that Phases 5 and 6 are mirror images of each other, along with Phase 4.

Member Sawyer expressed concern about more grading being done before final approval. Charlie elaborated that the county engineer and himself have updated geologic hazard reports, which took time to complete.

Chairman called for a motion.

Member Sessions moved to forward a positive recommendation to the County Council of the Rollins Ranch Phase 5 Final Plat, application #13.109 subject to the findings and conditions listed in the September 19, 2013 staff report, with the same modifications for conditions #6, 9 and 12 as listed in Phase 4a.

1. That all outsourced consultant services fees are paid in full prior to final plat recordation and/or the commencement of any construction.
2. That any minor administrative edits are provided to the satisfaction of respective reviewers.
3. That GIS shapefile information is submitted to the GIS division of the Planning and Development Services Department of the new parcel data at or prior to plat recordation.
4. That, pursuant to MCC §8-12-32(N), the developer shall submit the name, proposed/existing articles of incorporation, and bylaws of the owner or organization empowered to own, maintain, and pay taxes on common area for recording with the final plat.
5. That, if the date of recording exceeds 30 days from the date on the current title report, then an updated title report shall be required to be submitted with the final mylar.
6. That all items in the title report are more fully explained, provided for, or eliminated to the satisfaction of the County Surveyor prior to County Council approval and/or the commencement of any construction.
7. That Phase 6 plat is recorded prior to Phase 5 in order to provide for adequate open space requirements and that storm water easement across phase 6 is provided prior to final plat recordation and/or the commencement of any construction.
8. That prior to final plat recordation and/or the commencement of any construction a signed and notarize acknowledgement from Browning Arms is submitted that acknowledges that §2.10 of the Rollins Ranch Development Agreement has be satisfied in a manner that meets their needs.
9. That a signed and notarized "subdivision completion agreement" is executed in a form as approved by the County Attorney; and that the final plat shall not be recorded prior to all required subdivision improvements and a 10% cash bond for the 1 year warranty period, as proposed by the applicant.
10. That all work shall comply with the recommendations of the AGEC geologic and geotechnical reports dated November 15, 2005 and August 27, 2013. Prior to the issuance of the first building permit within the subdivision the developer shall be required to submit verification from the project geologist and geotechnical engineer that the recommendations in the reports and requirements of MCC 8-5I have been adhered to.
11. That a geologic hazards disclosure notice is recorded against the property with plat recording in a form acceptable to the County Attorney, pursuant to MCC §8-5I-13.
12. That no construction shall commence prior to final approval of construction drawings by the County Engineer and a pre-construction meeting has been held with the County.
13. That inasmuch as the Mountain Green Sewer Improvement District, Questar Gas, and Rocky Mountain Power have all given conditional will serve letters for the proposal, approval of the Final Plat is conditioned on the fulfillment of the various requirements of those entities. Failure to

comply may result in avoidance of Final Plat approval.

14. That all site grading shall be done in conformance with the approved plans, as stamped by the County Engineer, and shall be wholly contained onsite. No truck traffic mitigation plan has been presented therefore no truck traffic shall be permitted on public roads. Earthwork shall be conducted by the developer with a competent contractor skilled in earthwork operations to insure conformance with the design elevations and grades. All work shall be influenced by a licensed geologist and geotechnical engineer in conformance with any geologic hazards and geotechnical reporting, as may be applicable in MCC 8-5I.

15. That bonding separate from public improvement guarantees shall be required for the reclamation and revegetation of all major earthwork permissions prior to the commencement or beginning of construction.

16. That a note on the final plat shall contain the number of irrigation shares being provided for each lot and the irrigable acreage those shares may serve. The note shall also indicate by whom those shares are provided.

17. That noncompliance with the conditions herein may result in avoidance of final plat approval, and may also result in the inability to record the final mylar and/or receive building permits.

18. That all other local, state, and federal laws are upheld.

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

8. Rollins Ranch 6 Final Subdivision – a 10 lot subdivision proposed in the Rollins Ranch Development in the Mountain Green area.

Member Sawyer wondered what the plan is for the HOA for phases 4-6; if they are going to be separate. Mr. Gardner replied that it has not yet been decided.

Chairman Haslam called for a motion.

Member Sessions moved to forward a positive recommendation to the County Council of the Rollins Ranch Phase 6 Final Plat, application #13.100 subject to the findings and conditions listed in the September 20, 2013 staff report, with the same modifications for conditions #6, 9 12 as listed for Phase 4a:

1. That all outsourced consultant services fees are paid in full prior to final plat recordation and/or the commencement of any construction.
2. That any minor administrative edits are provided to the satisfaction of respective reviewers, including minor surveying edits, and the accommodation for a public access easement for the trail through the open space area.
3. That GIS shapefile information is submitted to the GIS division of the Planning and Development Services Department of the new parcel data at or prior to plat recordation.
4. That, pursuant to MCC §8-12-32(N), the developer shall submit the name, proposed/existing articles of incorporation, and bylaws of the owner or organization empowered to own, maintain, and pay taxes on common area for recording with the final plat.

5. That, if the date of recording exceeds 30 days from the date on the current title report, then an updated title report shall be required to be submitted with the final mylar.
6. That all items in the title report are more fully explained, provided for, or eliminated to the satisfaction of the County Surveyor prior to County Council approval and/or the commencement of any construction.
7. That Phase 6 plat is recorded prior to Phase 5 in order to provide for adequate open space requirements and that storm water easement across phase 6 is provided prior to final plat recordation and/or the commencement of improvements construction.
8. That prior to final plat recordation and/or the commencement of any construction a signed and notarized acknowledgement from Browning Arms is submitted that acknowledges that §2.10 of the Rollins Ranch Development Agreement has been satisfied in a manner that meets their needs.
9. That a signed notarized "subdivision completion agreement" is executed in a form as approved by the County Attorney; and that the final plat shall not be recorded prior to all required subdivision improvements and a 10% cash bond for the 1 year warranty period, as proposed by the applicant.
10. That all work shall comply with the recommendations of the AGEC geologic and geotechnical reports dated November 15, 2005 and August 27, 2013. Prior to the issuance of the first building permit within the subdivision the developer shall be required to submit verification from the project geologist and geotechnical engineer that the recommendations in the reports and requirements of MCC 8-5I have been adhered to.
11. That a geologic hazards disclosure notice is recorded against the property with plat recording in a form acceptable to the County Attorney, pursuant to MCC §8-5I-13.
12. That no construction shall commence prior to final approval of construction drawings by the County Engineer and a pre-construction meeting has been held with the County.
13. That inasmuch as the Mountain Green Sewer Improvement District, Questar Gas, and Rocky Mountain Power have all given conditional will serve letters for the proposal, approval of the Final Plat is conditioned on the fulfillment of the various requirements of those entities. Failure to comply may result in voidance of Final Plat approval.
14. That all site grading shall be done in conformance with the approved plans, as stamped by the County Engineer, and shall be wholly contained onsite. No truck traffic mitigation plan has been presented therefore no truck traffic shall be permitted on public roads. Earthwork shall be conducted by the developer with a competent contractor skilled in earthwork operations to insure conformance with the design elevations and grades. All work shall be influenced by a licensed geologist and geotechnical engineer in conformance with any geologic hazards and geotechnical reporting, as may be applicable in MCC 8-5I.
15. That a note on the final plat shall contain the number of irrigation shares being provided for each lot and the irrigable acreage those shares may serve. The note shall also indicate by whom those shares are provided.
16. That noncompliance with the conditions herein may result in voidance of final plat approval, and may also result in the inability to record the final mylar and/or receive building permits.
17. That all other local, state, and federal laws are upheld.

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

9. Staff Report

Discussion followed of updating the bylaws and rules of procedure. Participation via an electronic device and alternate members were discussed. A quorum (4 people) needs to be present to continue; however a member may participate if desired via electronic device.

Chairman Haslam called for a motion.

Member Sessions moved to amend the Planning Commission Bylaws and Rules of Procedure by adding electronic attendance to E2 as mentioned in the September 26, 2013 amendments, striking paragraph 4 and adding the number 4 in parentheses after the mention of a quorum in paragraph 1 and 2 and striking any references to a change for alternate members.

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

10. Approval of minutes from September 12, 2013.

Member Sessions moved to approve the minutes from September 12, 2013. Second by Member Erickson. The vote was unanimous. The motion carried. Member Newton abstained.

11. Adjourn

Member Newton 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



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

STAFF REPORT
October 2, 2013

To: Morgan County Planning Commission
Business Date: 10/10/13

Prepared By: Ronda Kippen, Planning Technician

Re: DeYoung Conditional Use Permit Request

Application No.: 13.111
Applicant: Mark & Marcene DeYoung
Project Location: 3751 W Ridges Road
Zoning: A-20 Zone (PRUD)
Acreage: 6.60 acres
Request: Conditional Use Permit request to construct RV Garage outside the building envelope of Lot 15.

SUMMARY & BACKGROUND

The application is a request to construct a RV Garage outside of the designated building envelope on Lot 15 in The Ridges PRUD Subdivision. The Ridges PRUD is a subdivision that was granted alternative lot sizes in exchange for certain amenities such as open space and designated building envelopes. The applicant's property, Lot 15, has a specific building envelope which the applicant desires to build outside of. The allowance to build outside the building area is not a typical allowance, and is not listed in Morgan County Code (MCC), but it is listed as a Conditional Use Permit option on the subdivision plat which was approved by the County Council October 5, 2004 (see Exhibit "A"). The only specific review criteria listed on the plat is a letter of approval from the Architectural and Design Control Committee of the HOA. There are not findings of harmful impact for the proposed use.

ANALYSIS

General Plan

Pursuant to the future land use map), the property is designated as agricultural. The purpose for the Agricultural designation is:

This designation identifies areas of existing agricultural land uses. The purpose of this land use designation is to support viable agricultural operations in Morgan County, while allowing for incidental large-lot residential and other uses. The residential density in this category is up to 1 unit per 20 acres.

Zoning

The property is zoned A-20 . Current zoning supports one dwelling unit per 20 acres in the A-20 zone, and the use of the PRUD tool at the time the subdivision was recorded gave the property increased density allowance to allow for the 6.60 acre lot. The purpose of the A-20 zone is:

Agriculture district is to 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 proposal does not seem harmful to the General Plan and Zoning Ordinance purpose statements.

Staff Review

The Morgan County Code does not have regulations regarding a conditional use permit for this type of request. However, Chapter 8 outlines general items that may be applied to uses requiring a conditional use permit, such as grading, flood plain control, traffic, access, design control, landscaping, infrastructure improvements, health department issues, and other environmental concerns. This application is very straight forward and does not involve any excavation outside of what is typically allowed with an associated building permit. The proposal is not in a flood plain and will not generate additional traffic.

Without more specific review criteria, County and State Code enable the County to review the application for general potential harmful impact and apply conditions for mitigation.

MCC 8-8-3(F) states that:

“... a conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.”

There has been some discussion surrounding the approval of the subdivision plat back in 2004 with respect to hillside development and the protection of view sheds. This element is not supported in the record, nor can Staff find any existing or previously existing ordinances that specifically regulate hillside development or view protection. Without such regulation Staff does not recommend reviewing the application with any such assumptions.

Despite a lack of review criteria in the ordinance there is procedural review information listed on the plat. The plat states that:

Such locations for secondary buildings may be used only with the approval of the architectural and design control committee documented by letter, and recommended for approval by the Morgan County Planning Commission and approved by the County Council and documented by a conditional use permit.

An approval letter from the architectural review committee was submitted with the application (see Exhibit “B”).

Property Layout

The property is located on the western slope of The Ridges PRUD Subdivision. The home that is currently on Lot 15 falls within the buildable envelope that has been designated on the lot (see Exhibit “C”). The requested RV garage is an accessory use on the lot. The remaining area in the buildable envelope gradually slopes up into a hillside that is visible from surrounding areas.

Setbacks

The plat identifies the approved building setbacks, including secondary buildings as follows: 30’ front yard, 30’ rear yard and 15’ side yard. Lot 15 is a corner lot, cornering on two dedicated private rights of way according to the recorded plat map. One of the streets has yet to be installed and is assumed to be intended to be installed with future adjacent development. Therefore, this lot will be reviewed as having two front yards and two side yards according to MCC 8-2 Definitions:

LOT, CORNER: A lot or parcel abutting two (2) intersecting or intercepting streets where the interior angle of intersection or interception does not exceed one hundred thirty five degrees (135°). Corner lots shall have two (2) front yards and two (2) side yards.

MCC 8-5A-7 indicates that the maximum average height of any building in the A-20 zone is 35 feet. The proposal adheres to these requirements.

Fire Chief. The applicant has provided the Fire Chief with a Wildland Protection Narrative and has approved the Wildland Urban Interface application for the RV garage.

Additional Considerations. The Planning Commission should make note that this approval is not an approval of a particular site plan. It is approval of a specific use outside the building envelope. Site plan will be required when the building permit application is submitted, and will be reviewed for existing standards in the code.

STAFF RECOMMENDATION

Staff recommends approval of the DeYoung Conditional Use Permit request to construct RV garage outside the building envelope of Lot 15 of the Ridges PRUD Subdivision, application #13.111 subject to the following conditions:

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.

MODEL MOTION

Sample Motion for a *Positive* Recommendation – “I move we 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. 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 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 following findings:

1. List any additional findings...

SUPPORTING INFORMATION

Exhibit A: The Ridges PRUD Plat (Page 1 & 3 of 5)
Exhibit B: Letter from Architectural Review Committee
Exhibit C: Property Layout

Exhibit A1

FINAL PLAT THE RIDGES P.R.U.D.

A PART OF THE NE 1/4 SEC. 18 AND THE SE 1/4 SEC. 7 AND A PART OF THE SW 1/4 SEC 8 AND THE NW 1/4 SEC. 17, TOWNSHIP 4 NORTH, RANGE 2 EAST, MORGAN COUNTY, UTAH. OCTOBER 2004



Table with columns: CURVE, LENGTH, RADIUS, DELTA, CHORD BEARING, CHORD. Lists curve data for various lots.

CONDITIONS FOR HOME CONSTRUCTION, LOTS 5, 6, 12 & 17. THE ARCHITECTURAL AND DESIGN CONTROL COMMITTEE WILL ABIDE BY THE REQUIREMENTS OF THE ARCHITECTURAL AND DESIGN CONTROL COMMITTEE. AUTHORITY OF THE ARCHITECTURAL AND DESIGN CONTROL COMMITTEE. CONDITIONS CONTROLLING THE "OPEN SPACE" & "COMMON AREA". BUILDING ENVELOPES & OTHER OPTIONS. CONDITIONS OF WATER USAGE, CULINARY AND IRRIGATION. GEOTECHNICAL/ GEOLOGICAL STUDY & HOME OWNER'S ASSOCIATION.

BOUNDARY DESCRIPTION THE RIDGES P.R.U.D. A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 18, THE SOUTHWEST QUARTER OF SECTION 7, THE SOUTHWEST QUARTER OF SECTION 8 AND THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 4 NORTH, RANGE 2 EAST, SALT LAKE BASIN AND MERIDIAN, U.S. SURVEY, MORGAN COUNTY, UTAH, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS...

Option for building outside the building envelope. A red box highlights this text with an arrow pointing to the boundary description.

OWNER'S DEDICATION. KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE TRACT OF LAND HEREIN DESCRIBED...

ACKNOWLEDGEMENT. I, GARY V. BOWEN, BRENT V. ANDERSON, HOLIE K. ANDERSON, ROBERT E. ANDERSON, and RONALD L. ANDERSON.

CERTIFICATE OF SURVEYOR. I, WILLIAM L. HOLYOAK, A REGISTERED PROFESSIONAL LAND SURVEYOR, HOLDING CERTIFICATE NO. 167481, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, DO HEREBY CERTIFY...

MORGAN COUNTY RECORDER. STATE OF UTAH, COUNTY OF MORGAN, RECORDED AND FILED AT THE REQUEST OF: Brent V. Anderson, DATE: 10-26-2004, TIME: 12:23 PM, FEE: \$120.00, INSTRUMENT NO.: 11622.

PERCOLATION DATA. Multiple sections for lots 2 through 9, each containing a 'WASTEWATER SITE AND SOIL EVALUATION' report with details on lot size, soil type, and percolation test results.

CONSENT AND SIGNATURE SECTION. Includes 'I HAVE EXAMINED THIS SUBDIVISION PLAT AND APPROVE IT AS TO FORM.' and signatures of representatives from Morgan County Attorney, Morgan County Planning Commission, Morgan County Engineer, Weber-Morgan Health District, Morgan County Council, and Morgan County Recorder.

Exhibit A2



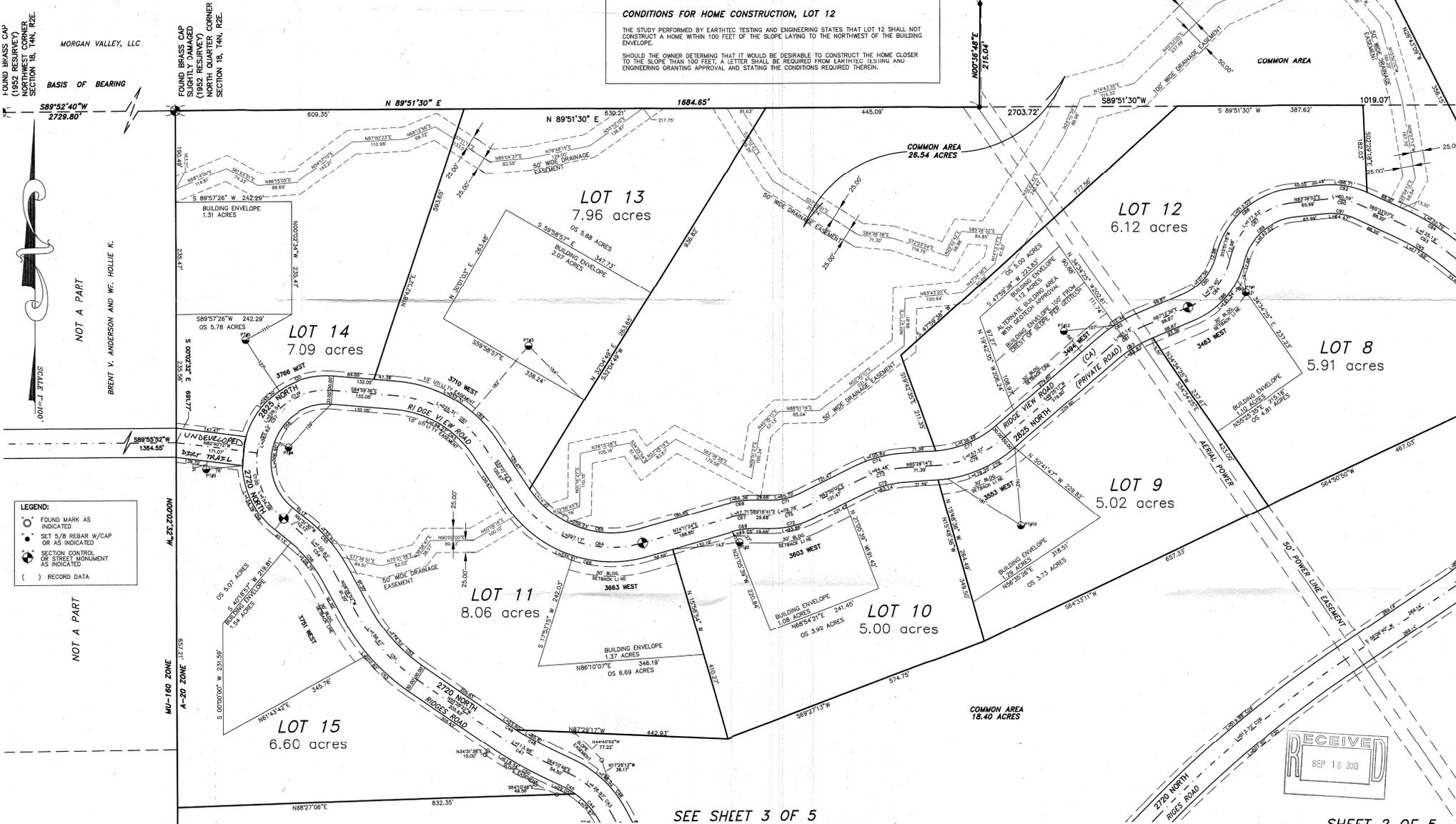
FINAL PLAT THE RIDGES P.R.U.D.

A PART OF THE NE 1/4 SEC. 18 AND THE SE 1/4 SEC. 7
AND A PART OF THE SW 1/4 SEC 8 AND THE NW 1/4 SEC. 17,
TOWNSHIP 4 NORTH, RANGE 2 EAST,
MORGAN COUNTY, UTAH.
OCTOBER 2004

GEORGE W. FEARN, 1/2 INT.
ROBERT H. FEARN, 1/2 INT.

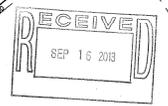
CONDITIONS FOR HOME CONSTRUCTION, LOT 12

THE STUDY PERFORMED BY EARTHTEC TESTING AND ENGINEERING STATES THAT LOT 12 SHALL NOT CONSTRUCT A HOME WITHIN 100 FEET OF THE SLOPE LAYING TO THE NORTHWEST OF THE BUILDING ENVELOPE.
SHOULD THE OWNER DETERMINE THAT IT WOULD BE DESIRABLE TO CONSTRUCT THE HOME CLOSER TO THE SLOPE THAN 100 FEET, A LETTER SHALL BE REQUIRED FROM EARTHTEC TESTING AND ENGINEERING GRANTING APPROVAL AND STATING THE CONDITIONS REQUIRED THEREIN.



LEGEND:
○ FOUND MARK AS INDICATED
● SET 5/8 REAR W/CAP OR AS INDICATED
⊙ SECTION CONTROL OR STREET MONUMENT AS INDICATED
() RECORD DATA

SEE SHEET 3 OF 5



SHEET 2 OF 5

Entry # 99305 2210 PL 35

SEE SHEET 4 OF 5

SEE SHEET 5 OF 5

Exhibit B-Architectural Approval



Morgan Country Planning and Development

September 10, 2013

Mark W. DeYoung, residing at 3751 West Ridges Road, has an RV parking area approved by the HOA Design Committee and the HOA Board of The Ridges. He is seeking the county's approval to enclose his RV parking area and has sought approval to do so from The Ridges HOA Design Committee and HOA Board. His request has been granted and this letter is provided as an official approval certification for the construction of an enclosed RV garage in the location of his current approved RV parking.

Bent Anderson 9-10-13

Bent Anderson The Ridges HOA President

John Barber

John Barber The Ridges HOA Treasurer

Hollie Anderson 9-10-13

Hollie Anderson The Ridges HOA Design Committee

Wendy R. Anderson

Wendy Anderson The Ridges HOA Design Committee

DeYoung - RV GARAGE, SITE
Exhibit C-Property Layout



RECEIVED
SEP 16 2013

DE YOUNG - RV GARAGE, SITE
Exhibit C-Property Layout



RECEIVED
SEP 16 2013

Exhibit C-Property Layout

RV SETA



Google earth



MARK W. DEYOUNG
LOT #15 THE RIDGES
RV PARKING PAD IN PLACE

* PROPOSED CONSTRUCTION OF A
DUAL RV GARAGE ON EXISTING
RV PARKING AREA (SHOWN ON
ATTACHED AERIAL MAPS OF
PROPERTY).

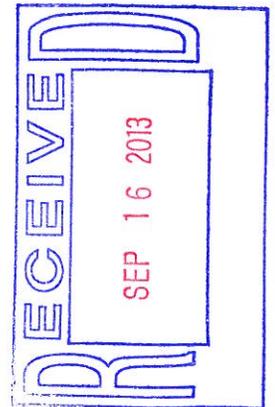


Exhibit C-Property Layout



Image © 2011 GeoEye
Image USDA Farm Service Agency

Google

Exhibit C-Property Layout



RV SITE

303

© 2011 Google

