



## PLANNING COMMISSION AGENDA

Thursday, April 10, 2014

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: Whittier Rezone; A request to rezone approximately 75 acres from the A-20 zone to the R1-20 and RR-1 zones located at approximately 4000 North Morgan Valley Drive in conformance with the Peterson area Future Land Use Map.
6. Public Hearing/Discussion/Decision: Vern Young Revocable Trust Rezone; A request to rezone approximately 7 acres from the A-20 zone to the R1-20 zone located at approximately 4567 North 3800 West in conformance with the Peterson area Future Land Use Map.
7. Staff Report
8. Adjourn

### Members Present

Shane Stephens  
David Sawyer  
Debbie Sessions  
Roland Haslam  
Michael Newton  
Steve Wilson

### Public Present

Mike Whittier  
Randy Sessions  
Carol Johnson  
JoAnn Whittier  
Robert Herrman  
Vaughn Goodfellow  
Jeff Young  
Brent Bohman

Trevor Kobe  
Tim Spens  
Blair Gardner  
Dave Craig

### Staff Present

Ronda Kippen  
Mickaela Moser

1. Call to order – prayer. Chairman Haslam welcomed everyone to the meeting. Member Sawyer offered prayer.
2. Approval of agenda.

Item #8, approval of minutes from March 27, 2014 was removed at the decision of the Chair.

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

Chair Haslam excused Member Erickson from the meeting.

3. Declaration of conflicts of interest.

Member Sessions stated that she is a member of the Peterson Pipeline Association. She also has a business relationship with the Young Family as part owner of the Sessions Limousin Ranch.

4. Public Comment

Chair Haslam reminded those present that the hearing for the Whittier Rezone was done at the last Planning Commission Meeting and for tonight, any comments must be made in the public comment period.

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

Randy Sessions: Noted that from the previous meeting many comments pertained to sewer. He passed out an informational sheet from the Natural Resources Conservation Service about comparisons between the amounts of nitrogen produced from cow manure and sewage from a growing community. He wanted to recommend that the members of the Planning Commission consider “with reason” the information about septic systems.

Brent Bohman: He commented about the sewer system and his thoughts that a ½ acre zoning would be appropriate from the outside edge as you go toward the village center. He stated that there were 17 members of the committee in 2005 that planned for the growth of the Peterson area. This was an advisory document to the General Plan that has now become part of the General Plan. He felt the road to connect the development should come from his property to which everyone on that committee agreed. Stated that the current Whittier Rezone does, in his opinion, conform with the General Plan. He had spoken with some minority groups about the sewer issue since the previous Planning Commission Meeting. He expressed concerns about density and ultimately wants to do what the community has already agreed to do.

Trevor Kobe: Suggested posting more public information for community members who may not

be familiar with what the rezone numbers RR-1 and A-20 mean, for clarity. He requested calculating the number of potential future homes before proceeding with the decision. He commented that if a rezone is done for 110 homes in an area, there will be a way to put that many homes in that area, however, if there is a limit assigned to the number of homes in that community, people will know what to expect can give feedback accordingly.

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

**Legislative Items:**

5. Discussion/Decision: Whittier Rezone; A request to rezone approximately 75 acres from the A-20 zone to the R1-20 and RR-1 zones located at approximately 4000 North Morgan Valley Drive in conformance with the Peterson area Future Land Use Map.

**Member Sessions moved to suspend the rules. Second by Member Sawyer. Suspending the rules allows for questions to the applicant and staff before proceeding with a decision. The vote was unanimous. The motion carried.**

Blair Gardner: He is representing the applicant from the Whittier Rezone. Chair Haslam inquired about the line going down the middle of the map. Mr. Gardner verified that it is east of the corridor and was derived from the General Master Plan.

Chair Haslam proposed moving the line toward the western boundary. He understands the corridor to be roughly 125 feet and the length of the property to be roughly 1800 feet (just under 7 acres).

There ensued discussion about moving the center line and consequences for density in doing so. There were also concerns of property line clean-up on 3600 N. Mr. Gardner confirmed there is a secondary well site.

The full acreage of the property was discussed, eliminating portions that are unbuildable (hillside, roads, etc.) and arriving at realistic amounts of home proposals. Initially, there was an understanding of 41 homes, which then jumped to a possibility of 110 homes. Chair Haslam expressed desire for further clarification on the map lines, noting that nothing can be built along the pipeline corridor.

Blair Gardner stated that just because there may be allowance for maximum density, doesn't mean it should be or will be maximized. He also noted that property constraints will not allow for that maximization to occur. He reiterated that maximum density is not what they are looking for with this rezone. This meeting tonight is not for planning positions of homes, roads, etc. He said that there are many specifics that haven't yet been identified, but will be addressed at the next meeting with the next step after initial rezone approval.

Chair Haslam stated that the public is desirous to leave the proposal of 110 potential homes and move toward the more conservative and realistic 30-40 potential homes. The possibility of having 110 homes is too drastic and causes concern with residents. Mr. Gardner responded that he thought the line was moved to where the County wanted it and reiterated that there will not be 110 homes built on that area.

Chair Haslam believed that the line is on the wrong side of Peterson Creek and there was more discussion about the position of the center line between Planning Commission Members, staff and residents who were present.

Member Stephens wanted to know the acreage involved and Chair Haslam responded that it is a rough estimate. Member Stephens also expressed concern about other impacts from this rezone, including traffic and water. Blair Gardner requested approval to move forward with the rezone and then address other issues in the future.

Mr. Whittier stated that the calculated acreage includes houses and wetlands. He said the most realistic expectation for development in the A-20 zone is half of the acreage.

Chair Haslam expressed concern for lot acreage being large enough to accommodate a septic system. Member Sessions pointed out that it is part of a standard subdivision, so total density cannot be moved around, unlike a PRUD.

Member Sawyer stated that this proposal is in accordance with the General Plan and expressed desire to be consistent with their decisions.

Member Sessions asked about the location of the lower Weber River Ditch.

Brent Bohman responded that it runs east of the pipeline and he would recommend a 25 foot easement on each side. Blair Gardner stated that a large area of the 1 acre zone is in the current flood zone.

Member Sessions wondered how to describe the eastern boundary between the RR-1 and A-20 zones.

Blair Gardner said that the boundary line from RR-1 to A-20 didn't change from the original application. Further discussion took place of the derision of the boundaries and lines, noting Questar gas lines, fiber optic lines and the current slough.

Member Wilson asked about the road concept, to which Blair Gardner responded that there are some vague ideas about the placement, but that will be determined after initial rezone approval.

Member Sessions asked Ronda about requesting a traffic study for a small subdivision, to which Ronda stated that it could be done, however it should be approached with caution.

Blair Gardner noted that there are many restrictions associated with this property that will not allow for the maximum possibility of 110 potential homes that was explored at the last Planning Commission meeting.

Ronda explained that Morgan County has a strict subdivision code. She clarified that currently there is not a clustering option. Ronda also clarified that rezones can't be conditional and feels the rezone is in conformance with Morgan County's General Plan.

**Member Sessions moved to forward a positive recommendation to the County Council for the Whittier Rezone Request, application #14.027, located at approximately 4000 North Morgan Valley Drive, rezoning the acreage to the western border of the pipeline easement from the A-20 zone to the R1-20 zone and rezoning the acreage upon an east of the pipeline easement from the A-20 zone to the RR-1 zone, leaving the A-20 zone the same as defined on the engineer's report, based on the findings listed in the staff report dated March 10, 2014 and the staff memo dated April 2, 2014, and as modified by the findings below:**

1. That the proposed amendment is in accord with the County's General Plan.
2. That allowing the rezone will provide the property owners their desired use of the land.
3. That the uses listed in the proposed zone are harmonious with existing uses in the area.
4. That the potential for traffic increase along North Morgan Valley Drive and 3900 North will not be detrimental to current traffic flows.
5. That changed or changing conditions makes the proposed amendment reasonably necessary to carry out the purposes of this title.

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

Member Sawyer left at this point in the meeting, approximately 7:50 pm.

6. Public Hearing/Discussion/Decision: Vern Young Revocable Trust Rezone; A request to rezone approximately 7 acres from the A-20 zone to the R1-20 zone located at approximately 4567 North 3800 West in conformance with the Peterson area Future Land Use Map.

Jeff Young: son of Vern Young, representing the family. His parents are remodeling and while waiting for a building permit, they found that they had an illegal, non-conforming lot, and a rezone was needed to bring it into conformity. It is currently situated in the A-20 zone. He stated they do not have any immediate plans, but would like the option to develop. It the property is 300 feet deep.

Member Newton wondered about the future land use map and Ronda confirmed that it complies with that. Member Sessions calculated that Mr. Young could net 5 new homes with the proposed rezone.

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

Brent Bohman: Recommended that the Planning Commission follow the General Plan. He mentioned that in the history of this property, tunnel zoning was put on all the plats in the County, however the current road was classified as a "lane".

Blair Gardner: Commented that if this rezone follows the General Plan, he will offer his support.

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

**Member Newton moved to forward a positive recommendation to the County Council for the Young Revocable Trust Rezone Request, application #14.036, located at approximately 4567 North 3800 West, rezoning approximately 6.54 acres from the A-20 zone to R1-20 zone, based on the findings listed in the staff report dated April 4, 2014, and as modified by the findings below:**

1. That the proposed amendment is in accord with the County's General Plan.
2. That allowing the rezone will provide the property owners their desired use of the land.
3. That the uses listed in the proposed zone are harmonious with existing uses in the area.
4. That the potential for traffic increase along North Morgan Valley Drive and 3900 North will not be detrimental to current traffic flows.
5. That changed or changing conditions makes the proposed amendment reasonably necessary to carry out the purposes of this title.

**Second by Member Sessions. The vote was unanimous. The motion carried.**

7. Staff Report

Ronda reported on her training in Southern Utah. The Ordinance Update Committee met just prior to the Planning Commission meeting and discussed small subdivisions conformance. There will now be discussion on use-table. She provided insight that the next Planning Commission meeting will entail small subdivisions.

8. Adjourn

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

**Approved:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Chairman**

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