



## PLANNING COMMISSION AGENDA

Thursday, March 27, 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. Public Hearing/Discussion/Decision: Fitzgerald Future Land Use Map Amendment; a request to change the Morgan County Future Land Use Map for 31.71 acres of property located at approximately 420 North Morgan Valley Drive from the Agricultural designation to the Rural Residential designation.
6. Public Hearing/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.
7. Election of Chair and Vice Chair
8. Staff Report
9. Approval of minutes from February 13, 2014
10. Adjourn

### Members Present

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

### Public Present

Tina Kelley  
Shawn Lowry  
Machelle Lowry  
Ray Giles  
Elizabeth Lucido  
Jerry Pierce  
Connie Wade  
Jane Williamson  
Doug Brown

Evelyn Giles  
Julie Brown  
Trevor Kobe  
Wes Shaw  
Kathleen Shaw  
John Ure  
Barbara Whittier  
Jo Phelps  
Matt & Jen Johnson

Randy Sessions  
JoAnn Whittier  
Carol W. Johnson  
Linda G.W. East  
Blair Gardner  
Brent Bohman  
Doug Kearsley  
Judy Crowther  
Theran Crowther

### Staff Present

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Jeremy Archibald  
Ronda Kippen  
Mickaela Moser

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

**Chair Haslam amended the agenda by placing item 4 (election of Chair and Vice Chair) after item 7. Member Sessions moved to approve the amended agenda. Second by Member Newton. The vote was unanimous. The motion carried.**

3. Declaration of conflicts of interest

There were none.

4. Public Comment

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

Jane Williamson: Representing those present who have signed a petition in opposition to the proposed Fitzgerald Future Land use Map Amendment. She read the attached petition in the 5 minutes allotted to her. See PETITION attached to the recorded minutes in the County Clerk's Office for the written petition and signatures.

Chair Haslam called for anyone present to come forward if they are in favor of the Fitzgerald or the Whittier proposal. There were none.

He stated that if your name doesn't appear on the petition you have 2 minutes to express concerns.

Bill Shaw: Lives at 70 N Morgan Valley Drive. Stated that the infrastructure up and down MVD is a mess and there is not adequate structure, roads, sewer, as it is now. He is concerned that the county cannot afford to support and increase now and there are many things to consider before there is any further development on Morgan Valley Drive.

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

#### **Legislative Items:**

11. Public Hearing/Discussion/Decision: Fitzgerald Future Land Use Map Amendment; a request to change the Morgan County Future Land Use Map for 31.71 acres of property located at approximately 420 North Morgan Valley Drive from the Agricultural designation to the Rural Residential designation.

Mr. Greg Fitzgerald: In response to public comment concerning the proposed rezone, he feels that because he is not a blood relative of adjacent property owners, he does not have the right to develop his property as he would

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like. He feels, as a property owner, he has been shut out. He would like to live in Morgan County and be a good neighbor and provide a future home site for his children, as many current residents enjoy. He agrees with the Morgan County vision of accommodating growth responsibly and supporting long term sustainability. He is a proponent of progress. He stated that his proposal is only a future use petition and not a rezone. Directing attention to page 5 of the staff report, he pointed out the requested extension of approximately 274 yards to include the property his family owns. He is proposing 1+ acre, medium-density, lots--which he feels is responsible growth. The maximum number of lots would be 24; not hundreds. After all the tests are performed, he figured there would more likely be half that number (12 lots). The proposed amendment would comply with ingress, egress; flood, fire and geotechnical hazards. The property falls outside the flood zone. He has a written statement that will allow another access road but he is not releasing personal details. His proposal is to allow for large residential lots, allowing for enjoyment of rural life, while also complying with all parts of Morgan County code.

Chair Haslam asked if there were any questions for Mr. Fitzgerald.

Member Erickson asked whether Mr. Fitzgerald had other concerns or issues with the current General Plan. Mr. Fitzgerald clarified that he only feels the space is not adequate and would like the extension of 274 yards to include his land.

Member Wilson asked if he'd read the individual area plans to which Mr. Fitzgerald responded that he did read them.

Ronda added that this is a simple request to modify the general plan that has adopted the area plans. She explained that this is not granting any subdivisions, but rather looking at a future proposed use. She pointed out on the large maps of the Milton area that the RR-1 zone begins to the north of Stoddard Lane and heading south. From the north of Stoddard Lane heading north is Ranch-5. Some may feel it is an abrupt change going from 1 acre to 20 acres but there are possibilities to accommodate the transition. She stated there is adequate access from Morgan Valley Drive, which is a 60 foot right of way. There are other questions and concerns that would be brought forward at the subdivision stage, including water and septic.

Member Newton asked Ronda to briefly clarify the building process. Ronda complied by explaining the steps.

Step 1: Identify a future use

Step 2: Rezone

Step 3: Conceptual plan

Step 4: Preliminary plan: evaluating soils, water, sewer, access, fire, traffic.

Step 5: Final plat amendment and building permits

She reiterated that this is the extreme beginning of any type of development. General plans are typically updated every 5 years. The Milton area plan was revisited in 2009. Ronda suggested that the timing may be right to have a discussion about this.

**Member Sessions moved to suspend the rules and have discussion between Planning Commission Members and Staff. Second by Member Newton. The vote was unanimous. The motion carried.**

Member Sessions expressed concern about the relative location of the 1 acre lot and it being considered a large lot that promotes agriculture. She proposed a buffer zone between the use of the A-20 zone and the higher density of a 1 acre lot, so it's not butting up against an A-20 zone. She explained that the buffer, going south, would provide a gradual transition. Member Newton asserted his positive support for that idea. Member Stephens suggested those on the Milton Area Plan address that. Member Sessions said area plans were

incorporated into the General Plan and the former area plan committee members are no longer part of those respective plans.

Member Sawyer wondered about safeguarding the right to farm. Member Sessions answered that the right to farm provides a farmer with protection from possible neighboring complaints. The Agriculture Protection Zone provides another layer of protection, where they cannot be subject to being considered a nuisance, noisy, etc. Ronda further explained that there is a note put on all plats in Morgan County stating that there may be smells, noise, traffic associated with farms that protect their agriculture.

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

**Member Sessions moved to go into public hearing for the Fitzgerald Future Land Use Map Amendment. Second by Member Newton. The vote was unanimous. The motion carried.**

Doug Kearsley: He voiced that Milton residents are not in favor of 1 acre lots, which was manifest in the area plan made in 2009. He is upset that one person should come in and be able to change the area or general plan when hundreds of hours were spent back in 2009 to poll Milton residents about their opinions.

JoAnne Phelps: Expressed that Morgan County residents are trying to protect what they have and promote reasonable, controlled growth.

Bruce Giles: His main concern is water. Looking at the water rights, how are future residents going to divide that? He is concerned that even with a 5–10 acre lot, there may not be sufficient left for other residents.

Jane Williamson: Explained that she has 50 years of experience with the property in question. She is the daughter of the former owner of the property and there is a big problem with the water. She used to drive tractor and haul hay on the property and watched as water from neighboring sprinklers ran onto that property. She is concerned that current residents may not be able to water, because their water will run into this property and flood future resident's basements. The Weber Basin tests may not show that.

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

**Member Stephens moved to forward a negative recommendation to the County Council for the Fitzgerald General Plan Future Land Use Map Amendment request, application #14.019, redesignating property at approximately 420 North Morgan Valley Drive also known as Serial# 01-004-428-001 from Agricultural to Rural Residential, based on the following findings:  
That it doesn't follow suit with the Morgan County future land use that has been adopted.**

**Second by Member Wilson. Chair Haslam called for any comments.**

Member Stephens commented that members of the community have spoken and they need to be heard. With no hard feelings toward the applicant, he feels that now is not the time for this kind of growth in that area. Member Sessions commented that she'd like to postpone this decision to allow more time for public comment regarding a buffer and the positioning of a possible transition in acreage. Member Erickson commented that he feels it is about time to review the General Plan since we're at a point 5 years from the time it was last

reviewed. He would like to receive input from the community to recertify what's in place or call for some changes.

Chair Haslam reminded everyone that this is not for a rezone, but a map amendment. Member Stephens didn't see a need to postpone. Member Sessions wondered how postponing the item indefinitely would affect the two year time frame?

Ronda suggested meeting with the GIS specialist and reconvening in 4 weeks.

**Chair Haslam called for a vote of those in favor of the negative recommendation being forwarded to the County Council of the Fitzgerald Future Land Use Map Amendment. Those in favor were Members Stephens, Wilson, and Erickson. Those opposed were Members Sawyer, Sessions, and Newton. With a tie vote, the Chair elects to vote in favor with Members Stephens, Wilson, and Erickson. With a split vote of 4 to 3 the motion passed to the County Council.**

6. Public Hearing/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.

Blair Gardner: Representative for both the Whittier Family and the future owner. Indicated the ½ acre zoning should be pushed farther to the east. They will supply a legal description for further support of the line modification. The future land owner has the intention to develop. As he understands, the county residents want a village center. They have the support of the water company to supply 22 shares of water. He stated that access is adequate off of 3900 N and also frontage off of Morgan Valley Drive with the neighbor to the north as a potential access. Currently on the site, there is an active well that the Peterson pipeline is using and there will be a secondary water site for use.

Member Sawyer wanted clarity on water shares. Mr. Gardner responded they have 22 water connections and they do not want 92 homes. He commented that there may be additional opportunity for more development; maybe even be as high as 50 lots.

Member Erickson wondered how the flood zone would impact this property. Mr. Gardner stated that ideally, the future road would start at Clover Dale. All future flood zones would be in open space. They intend to preserve as much open space as possible.

Member Wilson expressed concern with septic systems and sewers. Mr. Gardner stated that if they do go to a 90 lot scenario, there would have to be a redesign.

Chair Haslam asked for clarification about creating a county road with frontage on 3900 N. He clarified that it is an access point at 3900 N, not frontage. Mr. Gardner responded that if another access road was required, they would have access. Mr. Gardner explained that there has to be a 100-foot buffer zone for well protection. The replacement should give the well the protection it needs. Concerning the line modifications, Chair Haslam would like an updated map with correct lines drawn so there are no assumptions.

Ronda: Addressing the error with map lines, the area plan clearly says to the East of the pipeline. When it was done, the pipeline was mistaken for a ditch or slough. The surveyor could possibly have new and correct density calculations and lines by the next meeting.

Chair Haslam: Referencing page 4 of the staff report, he wondered how moving the lines over will affect the acreage. Ronda responded that it will definitely increase the R-120 and decrease the RR-1.

Ronda stated that this is step 2 of the process to the entitlements.

Member Stephens asked about access on 3900 N, wondering if it is adequate to what the county requires.

Ronda responded that that will be evaluated at the concept plan.

Member Stephens asked about when requiring the 22 feet, whose property is that?

Ronda stated that they can only hold to the applicant's piece of property. It would be based on their half-width of the road, so at least 18 feet. We can't require them to upgrade property they don't own.

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

Brent Bohman: His family owns the property that abuts the Whittier's on the South. After a debate, it was determined that the subdivision was the southern edge of the village. He agrees the mapping was wrong. As far as the flood plain goes, the stated shed and corrals have never flooded. The Whittier property, all included in the line, does not flood. The water all goes toward the east. It would have to come up some distance to flood the proposed development area.

Clay Wilkinson: He owns the property south of Brent Bohman's. He stated that Clover Dale was intended to connect further up. He emphasized that this plan does actually match up with the village plan and stated that there are too many dead-ends in the community because we aren't considering the tomorrows. Tomorrow is here.

Trevor Kobe: He expressed desire to set up the zoning right and have it fit within what the Peterson area is all about. He wants flexibility to make things connect and still keep harmony with the overall vision.

Bill Shaw: Lives on Morgan Valley Drive. Wondered how many pipelines there are. Discussion indicated that there are 4: Conoco, FiberOptic, Questar and Plains. He stated that pipelines are dangerous. People who live around them don't know how dangerous they are.

Erin Buell Kobe: She worked with Peterson Pipeline and stated they are at a maximum capacity with 22 water shares at Peterson Pipeline. Unless there are other ways to get water, the 22 water rights are the end of the line. Stated that 22-30 homes sounds reasonable in her opinion. She believes growth is a positive thing, but infrastructure needs to be in place before 22-30 homes are placed on that property.

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

**Member Sessions moved to postpone the Whittier Rezone Request, application #14.027, for map and boundary line clarification, until the April 10, 2014 meeting. Second by Member Sawyer.**

Member Sessions thought it important to clarify what's being talked about. She wants to allow time to delineate the Morgan County Future Land Use Map the R-120 and RR-1 zone boundaries along the east side of the Plains Pipeline Corridor on the Whittier Property. Member Wilson asked what she expected to happen in two weeks. Member Sessions wants an updated map to reflect accurate lines. Chair Haslam wanted more clarification before moving to County Council.

**The vote was unanimous. The motion carried.**

## 7. Election of Chair and Vice Chair.

**Member Newton moved to nominate Roland Haslam as Chair. Member Sessions moved to close the nominations for Chair. Second by Member Stephens. The vote was unanimous. The motion carried.**

**Member Wilson moved to nominate Debbie Sessions as Vice Chair. Member Erickson moved to close the nominations for Vice Chair. Second by Member Stephens. The vote was unanimous. The motion carried.**

7. Staff Report

Ordinance Update Committee met prior to this meeting. The next OUC is scheduled for April 10, 2014 at 5 pm, concerning commercial codes. There are lots of applications coming in and they are being reviewed as quickly as possible.

Member Wilson wanted to know about the proposed 90 water units in Peterson. Roland explained the water tables will be reduced. The Health Department requires primary and secondary water. There was some discussion about water tables, connections and water issues.

8. Approval of minutes from February 13, 2014

**Member Newton moved to approve the amended minutes from February 13, 2014. Second by Member Erickson. The vote was unanimous. The motion carried.**

9. Adjourn

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

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

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