



PLANNING COMMISSION AGENDA

Thursday, October 23, 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. Pledge of Allegiance
3. Approval of agenda
4. Declaration of conflicts of interest
5. Public Comment

Administrative:

Legislative:

6. Discussion/Decision: Revision of Residential Use Table Ordinance (Section 8-2-1 "Definitions", Sections 8-5A-2 and 8-5B-2 "Codes and Symbols", 8-5A-3 and 8-5B-3 "Use Regulations", and 8-8-1 "Scope and Authority", repealing the existing Sections and replacing them with revisions to Section 8-2-1 "Definitions", Sections 8-5A-2 and 8-5B-2 "Codes and Symbols", 8-5A-3 and 8-5B-3 "Use Regulations", and 8-8-1 "Scope and Authority" revising the conditional use symbols, making changes to the "Use Regulations" tables in residential districts, and providing for the authority for review)
7. Planning Commission Business/Questions for Staff
8. Approval of minutes from October 9, 2014
9. Adjourn

Residential Use Table Text Amendment
Public Hearing
October 23, 2014

Applicant: Morgan County
Request: Revision of Residential Use Table Ordinance (Section 8-2-1 "Definitions", Sections 8-5A-2 and 8-5B-2 "Codes and Symbols", 8-5A-3 and 8-5B-3 "Use Regulations", and 8-8-1 "Scope and Authority", repealing the existing Sections and replacing them with revisions to Sections 8-5A-2 and 8-5B-2 "Codes and Symbols", 8-5A-3 and 8-5B-3 "Use Regulations", and 8-8-1 "Scope and Authority" revising the conditional use symbols, making changes to the "Use Regulations" tables in residential districts, and providing for the authority for review)
Date of Previous Hearing: September 25, 2014 and October 9, 2014 (Discussion only)

Background and Analysis

In December 2013, the County Council directed Staff to look at revisions to the Residential Use Tables found in Sections 8-5A-3 and 8-5B-3. The purpose of the revisions was to provide for a streamlined process for review of conditional uses, enabling applicants to receive approval more quickly. Staff met with the Ordinance Update Committee over the course of several months to go over each use and decide which uses were appropriate and how to best administer the applications.

The following definitions are required for clarification of terms used in the ordinance and are proposed to be added to Section 8-2-1:

Agribusiness – An industry engaged in the producing operations of a farm, the manufacture and distribution of farm equipment and supplies, and the processing, storage and distribution of farm commodities.

Dude Ranch – A ranch-type resort destination that offers overnight accommodations for people to experience ranch work and lifestyle. These ranches may have agricultural production as a portion of their revenue, but their main function is a tourist destination. Dude ranches may operate from March 1 through October 31 and may have accommodations for a maximum of 20 guests.

Power Generation (Commercial) – The generation of electrical power by any means for sale to public or private utilities, or any power generation designed to be used by more than one end user.

The review for applications was divided into three separate categories as follows (more detail is provided in the proposed ordinance sections):

C-1 – Staff level review

C-2 – Planning Commission review

C-3 – County Council review

With these different categories in mind, the use tables were reviewed and different levels were given to each use type. In addition, several changes were made to the uses in the table, and clarifications were made to help guide applicants and staff regarding which uses were acceptable and which were prohibited. Some uses were eliminated as redundant or undesirable, and others were combined with other, existing uses to help provide clarity.

The memos ahead of each Ordinance Update Committee are attached for reference.

Additional Information – 23 Oct 2014

Definition of "Agribusiness" –

Staff has looked for different ways to differentiate "Agribusiness" from "Agriculture". One suggestion modifies the definition of "Agribusiness" in the following way:

A business that earns most or all of its revenues from agriculture. An agribusiness tends to be a large scale business operation that is engaged in the manufacture and distribution of farm equipment and supplies, and the processing, storage, and distribution of farm commodities. Agribusiness emphasizes agriculture as a big business rather than as the work of family farms.

This definition has merit in that the distinction between "big business" and "family farms." However, the first portion is ambiguous, in that most agricultural ventures have, by their very nature, the goal of earning most of their revenues from agriculture.

Another possible approach could be:

AGRIBUSINESS: Any individual, partnership, corporation or organization primarily supplying services or goods (such as equipment, feeds, or supplies) to producers, or marketable agricultural products, including greenhouses, nurseries, farm cooperatives and the like, which are not otherwise specifically defined as agriculture.

AGRICULTURE: Land or structures primarily used for cultivating soils, producing crops, or raising livestock; the storage, processing or sale of products raised on the premises; or as otherwise defined by Utah State statutes. Structures which are customarily accessory to agricultural uses and are located on the same parcel as an agricultural use shall be included in this definition.

This definition seems to differentiate more between the support functions of "agribusiness," as opposed to the actual production of agricultural products. Note that the connotation of "agriculture" is that things are done "on the premises", separating out activities that are done on the land rather than farmed/ranched and taken off site to be processed.

Another thing of interest that I came across while doing my research deals with different types of agricultural businesses, defining "agribusiness" as any business done on land designated as "agricultural". Type one uses would be permitted small-scale agricultural production, type two would be temporary uses (90 days or less) where products are sold off during harvest times, and type three would be large-scale operations (maybe more than a quarter-section in scale) that are only approved with conditional use approval.

One final point to consider: I spoke with Gwen Rich in the County Assessor's office. She mentioned that for her purposes, activities that include "production" of farm goods/services are generally considered exempt from taxation, while activities that include "processing" and "packaging" are considered to not be exempt. We could potentially modify the definitions along those lines as well.

Model Motion

Sample Motion for *approval* – "I move we recommend approval of the revised Residential Use Table and associated Sections (Section 8-2-1, Sections 8-5A-2 and 8-5B-2 "Codes and Symbols", 8-5A-3 and 8-5B-3 "Use Regulations", and 8-8-1 "Scope and Authority") with the revisions noted in the staff report dated October 23, 2014."

Sample Motion for *approval with conditions* – "I move we recommend approval of the revised Residential Use Table and associated Sections (Section 8-2-1, Sections 8-5A-2 and 8-5B-2 "Codes and Symbols", 8-5A-3 and 8-5B-3 "Use Regulations", and 8-8-1 "Scope and Authority") with the revisions noted in the staff report dated October 23, 2014, *with the following revisions:*"

1. List any additional revisions...

Sample Motion for *denial* – "I move we recommend denial of the revised Residential Use Table and associated Sections (Section 8-2-1, Sections 8-5A-2 and 8-5B-2 "Codes and Symbols", 8-5A-3 and 8-5B-3 "Use Regulations", and 8-8-1 "Scope and Authority") with the revisions noted in the staff report dated October 23, 2014, *subject to the following findings:*"

1. List any additional findings...

Supporting Information

Exhibit A: Staff Memos – June 26, 2014; July 10, 2014; August 14, 2014; and August 28, 2014

Exhibit B: Draft Revised Ordinance Section Residential Use Table Ordinance (Section 8-2-1 "Definitions", Sections 8-5A-2 and 8-5B-2 "Codes and Symbols", 8-5A-3 and 8-5B-3 "Use Regulations", and 8-8-1 "Scope and Authority", repealing the existing Sections and replacing them with revisions to Sections 8-5A-2 and 8-5B-2 "Codes and Symbols", 8-5A-3 and 8-5B-3 "Use Regulations", and 8-8-1 "Scope and Authority" revising the conditional use symbols, making changes to the "Use Regulations" tables in residential districts, and providing for the authority for review)

Staff Contact

Bill Cobabe, AICP

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Exhibit A: Staff Memo – June 26, 2014

TO: Ordinance Update Committee
FROM: Bill Cobabe
DATE: June 26, 2014
SUBJECT: Conditional Uses/Use Table

County Staff has been directed to provide a review of our processes surrounding the issuance of conditional use permits. Specifically, we have been directed to look at ways to streamline the process, making it easier for folks to get approvals. Typically, easier means faster, and faster means eliminating levels of review. This would mean that more conditional uses could be reviewed and approved at a staff level.

Conditional uses are those uses in certain zoning districts that are permitted provided certain conditions are met. Our ordinance currently defines conditional use as: A land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. (A use of land for which a conditional use permit is required, pursuant to this title.) (Section 8-2-1). An example of a conditional use under our current ordinance would be a bed and breakfast within all commercial zones, except M-D (Manufacturing-Distribution) and M-G (General Industrial).

Conditional uses are specified in Article 8-5 in the various use tables under each zoning type. These are indicated by a "C" under the tables. More on that below.

The requirements for permitting a conditional use permit are outlined in 8-8-3 of the ordinance. Section A notes that the "County Council is the land use authority for all conditional use permits." Section F notes 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." Section E further notes that, "A conditional use permit may be denied if the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards." As a result of these Sections, all conditional uses must be heard by the County Council and heard on their own merits, regardless of location, mitigating circumstances, or other conditions that exist on the site that may allow for a lesser degree of review. An example of this would be a fruit/vegetable stand in an A-20 zone, which under our current ordinance would require County Council approval.

The conditions related to conditional uses are already specified in the Code and are found in Section 8-8-4, where performance standards are outlined. These are broken down into categories, including safety of persons and property, health and sanitation, environmental concerns, compliance with General Plan and neighborhood characteristics, performance (meaning how long the conditional use permit is valid), and energy conservation. This list is very inclusive and explicit, and could therefore be easier to handle at a lesser level of review

(Planning Commission, or even Staff level). There are necessarily cases where additional discretionary review is not only advisable but absolutely essential. In those cases, where normally a lesser level of review is required, the reviewing body could forward that on to the next level of review for approval. But those would seem to be the exception rather than the rule.

Section 8-8-5 governs conditional land developments. These differ from other conditional uses in that they deal with the way land is developed to accommodate a conditional use. In the case of a vegetable stand, it may require that the applicant install parking and landscaping, while this would not be the case for a temporary meteorological monitor tower (which, by its very nature, is temporary).

All of this leads to the way the process is administered. Staff is proposing the creation of the following levels of review/approval.

C-1: This is a *staff level* decision. The conditions outlined in the ordinance have been met completely and explicitly met and there are no unique, controversial, or potentially conflicting aspects of the application. It is anticipated that this would encompass most of the applications for conditional use permits.

C-2: This is a decision requiring *Planning Commission* review and approval. These are cases where the applicant is proposing specific deviations to the conditional use requirements outlined in Section 8-8-4. The reasons for these deviations may be tied to specific, unique land conditions, controversial issues, and/or items that may potentially be conflicting with the requirements of the Code. It is anticipated that only those things which cannot be handled as a Staff-level approval would be reviewed and approved by the Planning Commission.

C-3: This is a decision requiring *County Council* approval after Planning Commission review. These cases would be relatively rare and involve complex, controversial, and/or contentious items that involve an anticipated impact on a very large scale (either large amounts of land or many people would be impacted by the granting of the conditional use permit).

The current use table would be modified to reflect the various levels of administration. The Ordinance Update Committee would go through each item specified in each of the different zoning districts to determine where the appropriate level of approval would be. In our examples above, the temporary meteorological monitoring tower and the vegetable/fruit stand may be a Staff level approval, while the bed and breakfast may be a Planning Commission review/approval.

In looking forward to revising the table with the above noted designations, we can start to differentiate between the various uses and how they may be reviewed and approved.

Exhibit A: Staff Memo – July 10, 2014

TO: Ordinance Update Committee
FROM: Bill Cobabe, AICP
DATE: July 10, 2014
SUBJECT: Conditional Uses/Use Table

After our conversation on June 26, several items needed clarification and definition. The first is the difference between “agribusiness” and “agroindustry,” both of which are not defined in our current ordinance. The dictionary defines “agribusiness” as:

an industry engaged in the producing operations of a farm, the manufacture and distribution of farm equipment and supplies, and the processing, storage, and distribution of farm commodities <http://www.merriam-webster.com/dictionary/agribusiness?show=0&t=1404231731>

Further, it notes that:

*Agriculture operated by business; specifically, that part of a modern national economy devoted to the production, processing, and distribution of food and fibre products and byproducts. Commercial farming has largely supplanted the family farm in production of cash crops. Some food-processing firms that operate farms have begun to market fresh produce under their brand names. In recent years, conglomerates involved in nonagricultural businesses have entered agribusiness by buying and operating large farms. (*ibid*)*

“Agroindustry,” on the other hand, is defined as:

“Industry connected with agriculture,” and/or, “Agriculture developed along industrial lines.” http://www.oxforddictionaries.com/us/definition/american_english/agro-industry

State Code Title 3 Chapter 1 Section 2 defines “Agricultural products” as:

(1) “Agricultural products” includes floricultural, horticultural, viticultural, forestry, nut, seed, ground stock, dairy, livestock, poultry, bee and any and all farm products.

“Family Food Production” is defined in Section 8-2-1 of our Code as:

FAMILY FOOD PRODUCTION: The keeping of animals and fowl on the premises intended for family use. The numbers of such animals shall not exceed the following:

- A. *One unit per fifteen thousand (15,000) square feet of pasture or comparable area for animals and fowl on a lot that is at least one-half (1/2) acre in size after subtracting the primary residence and its required setbacks from the residence.*

B. An animal/fowl unit equals one group of each of the following: one cow, five (5) sheep, five (5) goats, ten (10) rabbits, fifteen (15) chickens, fifteen (15) pheasants, five (5) turkeys, five (5) ducks, five (5) geese, or ten (10) pigeons. A horse may be substituted for a cow.

And, further, there is a "lite" category, defined as:

FAMILY FOOD PRODUCTION "LITE": The keeping of animals and fowl on the premises intended for family use on a lot at least twenty thousand (20,000) square feet shall not exceed the following:

The numbers of any two (2) of the following animal and fowl groups: ten (10) rabbits, fifteen (15) chickens, fifteen (15) pheasants, five (5) turkeys, five (5) ducks, five (5) geese, or ten (10) pigeons.

Our County Code does not define "Forestry" per se. "Forestry" is defined by the dictionary as:

a : the science of developing, caring for, or cultivating forests
b : the management of growing timber (<http://www.merriam-webster.com/dictionary/forestry>)

State Code includes the following definitions related to "Forestry" (Title 65A Chapter 8a Section 102):

- (2)(a) "Forest practice" means, except as provided in Subsection (2)(b):
- (i) the harvesting of commercial tree species;
 - (ii) new road construction associated with harvesting or accessing trees;
 - (iii) site preparation for regeneration of a timber stand;
 - (iv) reforestation; or
 - (v) the management of logging slash.
- (b) "Forest practice" does not include:
- (i) the operation of a nursery or Christmas tree farm;
 - (ii) the harvest of Christmas trees;
 - (iii) the harvest of trees for the noncommercial, personal use by the owner of forested land from which the trees are harvested;
 - (iv) a harvesting operation encompassing fewer than five contiguous acres of forested land;
 - (v) clearing land for defensible space in a wildland-urban interface; or
 - (vi) fuel reduction for a wildland-urban interface or hazardous fuel reduction project.
- (2) "Forested land" means land, except land owned by the federal government or located within an incorporated city, growing commercial tree species that are, or could be at maturity, capable of furnishing raw material used in the manufacture of lumber or other forest products.

The Society of American Foresters defines "Forestry" as:

the science, art, and practice of creating, managing, using, and conserving forests and associated resources for human benefit and in a sustainable manner to meet desired goals, needs, and values —note the broad field of forestry consists of those biological, quantitative, managerial, and social sciences that are applied to forest management and conservation; it includes specialized fields such as agroforestry, urban forestry, industrial forestry, nonindustrial forestry, and wilderness and recreation forestry.
(<http://dictionaryofforestry.org/dict/term/forestry>)

“Forest Industry” is defined by the North American Industrial Classification System (NAICS) as:

Industries in the Forestry and Logging subsector grow and harvest timber on a long production cycle (i.e., of 10 years or more). Long production cycles use different production processes than short production cycles, which require more horticultural interventions prior to harvest, resulting in processes more similar to those found in the Crop Production subsector. Consequently, Christmas tree production and other production involving production cycles of less than 10 years, are classified in the Crop Production subsector.

Industries in this subsector specialize in different stages of the production cycle. Reforestation requires production of seedlings in specialized nurseries. Timber production requires natural forest or suitable areas of land that are available for a long duration. The maturation time for timber depends upon the species of tree, the climatic conditions of the region, and the intended purpose of the timber. The harvesting of timber (except when done on an extremely small scale) requires specialized machinery unique to the industry. Establishments gathering forest products, such as gums, barks, balsam needles, rhizomes, fibers, Spanish moss, and ginseng and truffles, are also included in this subsector.

With regard to “Family Vacation Ranches” and/or “Dude Ranches,” my thought is that we define them as “ranch-type resort destinations that offer overnight accommodations for people to experience ranch work and lifestyle. These ranches may have agricultural production as a portion of their revenue, but their main function is a tourist destination.”

Exhibit A: Staff Memo – August 14, 2014

TO: Ordinance Update Committee
FROM: Bill Cobabe, AICP
DATE: August 14, 2014
SUBJECT: Conditional Uses/Use Table

After our conversation on July 10, several items needed clarification and definition:

...

2. According to HUD

(http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/ramh/mhs/faq)

What is a manufactured home?

A manufactured home (formerly known as a mobile home) is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section. Manufactured homes are built in the controlled environment of a manufacturing plant and are transported in one or more sections on a permanent chassis.

What is the difference between manufactured and modular homes?

Manufactured homes are constructed according to a code administered by the U.S. Department of Housing and Urban Development (HUD Code). The HUD Code, unlike conventional building codes, requires manufactured homes to be constructed on a permanent chassis. Modular homes are constructed to the same state, local or regional building codes as site-built homes. Other types of systems-built homes include panelized wall systems, log homes, structural insulated panels, and insulating concrete forms.

Homes built prior to June 15, 1976, even with modifications, do not meet the HUD standards and cannot be accepted as compliant with the HUD Code. As the homeowner, you may find a licensed engineer willing to inspect your home for compliance with your state's housing code. FHA does not insure mortgages on manufactured homes built prior to June 15, 1976. Most other mortgage insurance firms follow FHA's policy.

Incidentally, I came across the definition of a "Park Model" home, which is kind of a hybrid between a manufactured home and a recreational vehicle. These homes apparently are considered (legally) as recreational vehicles, but are used for much longer duration than normal RVs – months or years. HUD does not issue HUD labels on Park Model homes unless it was a part of the original construction of the home. I don't know if we need to specify/clarify our ordinance with regard to Park Model homes, but I thought it was interesting/informative and thought I'd pass that along.

Exhibit A: Staff Memo – August 28, 2014

TO: Ordinance Update Committee
FROM: Bill Cobabe, AICP
DATE: August 28, 2014
SUBJECT: Conditional Uses/Use Table

Staff is proposing the creation of the following levels of review/approval.

C-1: This is a *staff level* decision. The conditions outlined in the ordinance have been met completely and explicitly met and there are no unique, controversial, or potentially conflicting aspects of the application. It is anticipated that this would encompass most of the applications for conditional use permits.

C-2: This is a decision requiring *Planning Commission* review and approval. These are cases where the applicant is proposing specific deviations to the conditional use requirements outlined in Section 8-8-4. The reasons for these deviations may be tied to specific, unique land conditions, controversial issues, and/or items that may potentially be conflicting with the requirements of the Code. It is anticipated that only those things which cannot be handled as a Staff-level approval would be reviewed and approved by the Planning Commission.

C-3: This is a decision requiring *County Council* approval after Planning Commission review. These cases would be relatively rare and involve complex, controversial, and/or contentious items that involve an anticipated impact on a very large scale (either large amounts of land or many people would be impacted by the granting of the conditional use permit).

The current use table has been modified to reflect the various levels of administration. The Ordinance Update Committee went through each item specified in each of the different zoning district to determine where the appropriate level of approval would be. A copy of the revised table is attached.

Exhibit B: Proposed Revised Ordinance

Note – deletions are in ~~strikethrough~~; additions are in **bold**

8-2-1 DEFINITIONS OF WORDS AND TERMS:

Agribusiness – An industry engaged in the producing operations of a farm, the manufacture and distribution of farm equipment and supplies, and the processing, storage and distribution of farm commodities.

Dude Ranch – A ranch-type resort destination that offers overnight accommodations for people to experience ranch work and lifestyle. These ranches may have agricultural production as a portion of their revenue, but their main function is a tourist destination. Dude ranches may operate from March 1 through October 31 and may have accommodations for a maximum of 20 guests.

Power Generation (Commercial) – The generation of electrical power by any means for sale to public or private utilities, or any power generation designed to be used by more than one end user.

8-5A-2 and 8-5B-2: CODES AND SYMBOLS:

In following sections of this article, uses of land or buildings which are allowed in various districts are shown as "permitted uses", indicated by a "P" in the appropriate column, or as "conditional uses", indicated by a "C" "C-1," "C-2," or "C-3," in the appropriate column. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash "-". If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet required, or by the letter "A". If the regulation does not apply, it is indicated in the appropriate column by a dash "-". (2010 Code)

8-5A-3 and 8-5B-3: Use Table

**MORGAN COUNTY, UTAH
 MULTIPLE USE, AGRICULTURE, RURAL RESIDENTIAL, RESIDENTIAL AND MULTIPLE-FAMILY RESIDENTIAL
 DISTRICTS
 ALLOWED USES (EXISTING)**

P = Permitted Use; C1 = Conditional Use (Staff level decision with public comment period); C2 = Conditional Use (Planning Commission level decision); C3 = Conditional Use (County Council level decision); Use Not Allowed = Blank or Dash “-“.
 If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet required, or by the letter "A". If the regulation does not apply, it is indicated in the appropriate column by a dash, "-". (2010 Code)

	Districts										
	MU-160	F-1	A-20	RR-10	RR-5	RR-1	R1-20	R1-12	R1-8	RM-7	RM-15
Accessory buildings and uses customarily incidental to conditional uses	€ C1	€ C1	€ C1	€ C1	€ C1	€ C1	€ C1	€ C1	€ C1	€ C1	€ C1
Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P	P	P	P	P	P
Accessory buildings and uses customarily incidental to permitted agricultural uses; provided, however, that such accessory buildings are a minimum of 100 feet from the street on which the primary building fronts and 100 feet from any dwelling	P	P	P	P	P	P					
Except that any pen or corral for the keeping of animals or fowl shall be located the minimum distance of 150 feet from any public road or approved private road—	P—	P—	P—	P—	P—	P—					
Accessory buildings and/or uses customarily incidental to permitted uses, other than those listed above—	P—	P—	P—	P—	P—	P—					
Accessory buildings for the housing of animals	€—	€—	€—	€—	€—	€—					

	Districts										
	MU -160	F-1	A- 20	RR- 10	RR- 5	RR- 1	R1- 20	R1- 12	R1- 8	RM -7	RM -15
eustomarily incidental to permitted agricultural uses, which buildings, including pens and corrals, are located not less than 150 feet from any county or approved private road, and 100 feet from any residence—											
Agricultural and forestry:											
Agribusiness	€ C2	-	€ C2	€ C2	€ C2	-					
Agriculture, including grazing and pasturing of animals; the tilling of the soil, the raising of crops, horticulture and gardening	P	P	P	P	P	P					
Apiary and aviary	P	P	P	P	€ C1	€ C2					
Family food production	P	P	P	P	P	P					
Farms devoted to raising and marketing chickens, turkeys or other fowl or poultry, fish or frogs, mink, rabbits, including wholesale and retail sale	P	-	P	P	P	P					
Forest industry, such as a sawmill, wood products plant, etc.	€ C2	€ C2	- C2	-	-	-					
Forestry, except forest industry	P	P	P	P	P	P					
Fruit/vegetable stand	€ C1	-	€ C1	€ C1	€ C1	€ C1					
Tilling of the soil, the raising of crops, horticulture and gardening (No Animals)							P	P	P	P	P
Bed and breakfast inn	- C1	-	- C1	€ C1	€ C1	€ C1	€	€	-	-	-
Child daycare centers, subject to regulations as set forth in section 8-6-39 of this title	-	-	€ C1	€ C1	€ C1	€ C1					
County fairgrounds uses	-	-	P C3	-	-	-					
Dams and reservoirs	€	€	€	€	€	€					

	Districts										
	MU-160	F-1	A-20	RR-10	RR-5	RR-1	R1-20	R1-12	R1-8	RM-7	RM-15
	C3	C3	C3	C3	C3	C3					
Dude ranch, family vacation ranch – (160 acre lot size minimum; no separate cooking facilities in accessory structures)	€ C2	- C2	€ C2	€ C3	- C3	-					
Dwellings:											
Accessory apartment	€ C1	-	€ C1								
Homes or mobile homes on bona fide farms or for worker housing	€ C1	-	€ C1	-	-	-					
Recreation dwelling (shall not utilize the same minimum lot area as a main dwelling)	€ C1	€ C1	€ C1	-	-	-					
Residential facilities for handicapped or elderly	€ C3	-	€ C3	€ C3	€ C3	€ C3					
Residential facilities for handicapped or elderly, provided they are separated at least ¼ mile from another similar facility							€ C3	€ C3	€ C3	€ C3	€ C3
Single-family dwelling	€ C1	-	P	P	P	P	P	P	P	P	P
Two-family dwelling							-	-	-	P	P
Three-family dwelling							-	-	-	€ C2	€ C2
Four-family dwelling							-	-	-	€ C2	€ C2
Multiple-family dwelling							-	-	-	€ C2	€ C2
Group of dwellings (including twin homes, etc.)- when approved as a planned development (Only allowed in the RSD zoning district – See Section 8-5J)							-	-	€	€	€

		Districts										
		MU -160	F-1	A- 20	RR- 10	RR- 5	RR- 1	R1- 20	R1- 12	R1- 8	RM -7	RM -15
	Two-family dwelling on corner lots requires 2 front and 2 side yards							-	-	-	A	A
	Fences shall not exceed 6 feet in height except by conditional use permit							A	A	A	A	A
	Home occupation	P	-	P	P	P	P	P	P	P	P	P
	Household pets	P	P	P	P	P	P	P	P	P	P	P
	Kennel	☹ C2-	—	☹ C2-	☹ C2	☹ C2-	-					
	Land excavations	☹ C2	☹ C2-	☹ C2	☹ C2-	☹ C2	☹ C2	€ C2	€ C2	€ C2	€ C2	€ C2
	Mine, quarry, gravel pit, rock crusher, concrete batching plant or asphalt plant, oil and gas wells, steam wells, test borings for exploration, etc.	☹ C3	☹ C3	☹ C3	-	-	-					
	Mobile home developments, including mobile homes in mobile home parks or subdivisions, are permitted in a planned district only											
	Power generation (Commercial)	☹ C2	- C2	☹ C2-	☹	—	—					
	Power generation (Personal Use)	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1
	Private park or recreational grounds, or private recreational camps or resorts, including accessory or supporting dwellings or dwelling complexes, and commercial service uses which are owned or managed by the recreational facility to which it is accessory	☹ C2	- C2	☹ C2	☹	☹	-					
	Professional offices when harmonious with the general character of the district where located							€	€	€	€	€
	Public and quasi-public uses. Exception: Public school	☹ C3	☹ C3-	☹ C3-	☹ C3	☹ C3	☹ C3	€ C3	€ C3	€ C3	€ C3	€ C3
	Airports	☹ C3	☹ C3	☹ C3	-	-	-					

		Districts										
		MU-160	F-1	A-20	RR-10	RR-5	RR-1	R1-20	R1-12	R1-8	RM-7	RM-15
Specialized correction facilities	€ C3	-	€ C3	€ C3	€ C3	€ C3	-					
Public facilities or public service facilities. Exception: Governmentally operated essential service facilities								€	€	€	€	€
Public facilities or public service facilities. Exception: Governmentally operated essential service facilities such as police, fire, ambulance substations, and animal control facilities	€ C3	€ C3-	€ C3	€ C3	€ C3	€ C3-						
Public schools and governmentally operated essential service facilities	P	P	P	P	P	P	P	P	P	P	P	P
Public stable, riding academy or riding ring, horse show barns or other equestrian facilities under single management	€ C2	-	€ C2	€ C2	€ C2-	-						
Railroad facilities and rights of way	€ C3	€ C3	€ C3	€ C3	€ C3	€ C3						
Recreational vehicle storage (personal storage only)	P	P	P	P	P	P	€ P	€ P	€ C1	€ C1	€ C1	€ C1
Special uses:												
Child daycare centers, subject to regulations as set forth in section 8-6-39 of this title			C1	C1	C1	C1	€ C1	€ C1	€ C1	€ C1	€ C1	€ C1
Tilling of the soil, the raising of crops, horticulture and gardening (Moved to Ag. Uses)							P	P	P	P	P	P
Swimming pool (private)	C1	C1	C1	C1	C1	C1	€ C1	€ C1	€ C1	€ C1	€ C1	€ C1
Temporary buildings for uses incidental to an approved construction project, including temporary living quarters, which buildings must be removed within 90 days of upon completion or abandonment of the construction work	€ C1	€ C1	€ C1	€ C1	€ C1	€ C1	€ C1	€ C1	€ C1	€ C1	€ C1	€ C1
Temporary gravel pit, crusher, subject to the provisions	-	-	-	€	€	-						

	Districts										
	MU-160	F-1	A-20	RR-10	RR-5	RR-1	R1-20	R1-12	R1-8	RM-7	RM-15
of section 8-5A-11 of this article	C3	C3	C3	C3	C3						
Temporary meteorological monitor tower, subject to regulations in section 8-5A-12 of this article	€ P	€ P	€ P	-	-	-					
Temporary uses	Subject to regulations in section 8-6-16 of this title										

PURPOSE:

A. Multiple Use Districts: The purpose of providing a multiple use district is to establish areas in mountain, hillside, canyon, mountain valley, desert and other open and generally undeveloped lands where human habitation should be limited in order to protect land and other open space resources; to reduce unreasonable requirements for public utility and service expenditures through uneconomic and unwise dispersal and scattering of population; to encourage use of the land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat and recreation; to avoid excessive damage to watersheds, water pollution, soil erosion, danger from brushland fires, damage to grazing and livestock raising, and to wildlife values; to avoid the premature development of lands by discouraging intensive development until the ultimate best use of the land can be recommended by the planning commission to the governing body; and to promote the health, safety, convenience, order, prosperity and general welfare of the inhabitants of the community.

B. Forestry District:

1. The purposes of providing a forestry district are to encourage the appropriate use of certain mountainous, hillside and canyon area of the county for watershed, forestry, grazing, agriculture, wildlife habitat, and limited recreational uses, as well as the reduction of requirements for unreasonable public utility and service expenditures which would be caused by concentrated urban uses in the district; to protect watersheds and water supplies from pollution; and to promote the health, morals, convenience, order, prosperity and general welfare of the inhabitants of the county.

2. The intent of providing a forestry district is to separate those areas of the county which should best remain relatively undeveloped from those areas which can support greater development, as provided for and encouraged in other districts.

C. Agriculture Districts: The purposes of providing an agriculture district 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 activity.

D. Rural Residential Districts:

1. The purposes of providing a rural residential district are:

- a. To promote and preserve in appropriate areas conditions favorable to large lot family life;
- b. Maintaining a rural atmosphere;
- c. The keeping of limited numbers of animals and fowl; and
- d. Reduced requirements for public utilities, services and infrastructure.

2. These districts are intended to be primarily residential in character and protected from encroachment by commercial and industrial uses. (2010 Code)

The purpose of the following districts is:

A. Residential District R1-20: To provide areas for very low density, single-family residential neighborhoods of spacious and uncrowded character.

B. Residential District R1-12: To provide areas for low density, single-family residential neighborhoods of spacious and uncrowded character.

C. Residential District R1-8: To provide areas for medium low density, single-family residential neighborhoods where low and medium costs of development may occur.

D. Multiple Residential District RM-7: To provide areas for medium residential density with the opportunity for varied housing styles and character.

E. Multiple Residential District RM-15: To provide areas for medium high residential density with the opportunity for varied housing styles and character. (2010 Code)

8-8-1: SCOPE AND AUTHORITY:

A zoning ordinance may contain provisions for conditional uses that may be allowed, allowed with conditions, or denied in designated zoning districts, based on compliance with standards and criteria set forth in this title for those uses. (2010 Code)

Notice for public meetings and comment period shall be in accordance with Section 8-3-13 (I), and shall apply for all designations of conditional uses. The following designations apply to review of conditional uses as noted in the use tables in Sections 8-5A and 8-5B:

C-1: The C-1 designation is a staff level review. These uses are generally routine and uncontested in nature, and the impact on the surrounding properties is minimal and can be mitigated with simple, inexpensive measures. The Zoning Administrator shall be authorized to review and approve, approve with additional conditions, or deny any application for a C-1 designated use. The applicant may appeal the decision of the Zoning Administrator to the Planning Commission. Further, the Zoning Administrator may, based on the potential complexity or conflict in a conditional use, forward the application to the Planning Commission/County Council for review.

C-2: The C-2 designation indicates that a review is required by the Planning Commission. These uses are generally more complex in nature, and may involve public interest and concern. The Zoning Administrator makes a recommendation to the Planning Commission for review. The Planning Commission may approve, approve with additional conditions, or deny any application for a C-2 designated use. The applicant may appeal the decision of the Planning Commission to the County Council. Further, the Planning Commission may, based on the potential complexity or conflict in a conditional use, forward the application to the County Council for review.

C-3: The C-3 designation indicates that a review is required by the County Council. These uses are those which, by nature, are complex and potentially contentious. The mitigating conditions that would apply to such uses are extensive and require the approval of the Governing Body. The application is heard first by the Planning Commission, with a staff report and recommendation by the Zoning Administrator. The Planning Commission shall forward a recommendation to the County Council with a positive recommendation, a positive recommendation with additional conditions, or a negative recommendation. The County Council then reviews the application and shall approve, approve with additional conditions, or deny the application. Appeals to County Council decisions are made as outlined in Chapter 3 of this title.



PLANNING COMMISSION AGENDA

Thursday, October 9, 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. Pledge of Allegiance
3. Approval of agenda
4. Declaration of conflicts of interest
5. Public Comment

Administrative:

Legislative:

6. Public Hearing/Discussion/Decision: Revision of Residential Use Table Ordinance (Section 8-2-1 "Definitions", Sections 8-5A-2 and 8-5B-2 "Codes and Symbols", 8-5A-3 and 8-5B-3 "Use Regulations", and 8-8-1 "Scope and Authority", repealing the existing Sections and replacing them with revisions to Section 8-2-1 "Definitions", Sections 8-5A-2 and 8-5B-2 "Codes and Symbols", 8-5A-3 and 8-5B-3 "Use Regulations", and 8-8-1 "Scope and Authority" revising the conditional use symbols, making changes to the "Use Regulations" tables in residential districts, and providing for the authority for review)
7. Planning Commission Business/Questions for Staff
8. Approval of minutes from September 25, 2014
9. Adjourn

Members Present

Shane Stephens
Debbie Sessions
Roland Haslam
Darrell Erickson
Steve Wilson

Staff Present

Bill Cobabe, Senior Planner
Mickaela Moser, Transcriptionist

Public Present

Tina Kelley

1. Call to order – prayer. Chair Haslam called the meeting to order. Member Stephens offered prayer.
Members Newton and Sawyer were excused from the meeting tonight.
2. Pledge of Allegiance
3. Approval of agenda
Member Sessions moved to approve the agenda. Second by Member Erickson. The vote was unanimous. The motion carried.
4. Declaration of conflicts of interest
There were none.
5. Public Comment

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

There was none.

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

Administrative:

Legislative:

6. Public Hearing/Discussion/Decision: Revision of Residential Use Table Ordinance (Section 8-2-1 "Definitions", Sections 8-5A-2 and 8-5B-2 "Codes and Symbols", 8-5A-3 and 8-5B-3 "Use Regulations", and 8-8-1 "Scope and Authority", repealing the existing Sections and

replacing them with revisions to Section 8-2-1 "Definitions", Sections 8-5A-2 and 8-5B-2 "Codes and Symbols", 8-5A-3 and 8-5B-3 "Use Regulations", and 8-8-1 "Scope and Authority" revising the conditional use symbols, making changes to the "Use Regulations" tables in residential districts, and providing for the authority for review)

Bill gave a summary of the conditional uses in residential areas. They are divided into 3 sections, with the purpose of streamlining as many things as possible to the Staff and Planning Commission levels for approval. Chair Haslam wanted to see clarification on the public comment period at the Staff level to avoid confusion with the public. There was some discussion on the levels of involvement with Staff, Planning Commission and County Council. Member Sessions has concerns with the current definition of agribusiness. She is concerned that the definition is too loose and would like to see some stricter wording to prevent potential legal issues. There was some discussion on the definitions of agribusiness versus agriculture and how the definitions would affect local farmers. Member Erickson suggested leaving the current wording and dealing with possible concerns if they arise. Member Wilson suggested that Bill look around to other counties and see if there are other definitions out there that may help guide with Morgan County's defining. The Planning Commission members debated over whether to define according to profit margin, acreage, employees, etc. They weren't comfortable setting the limit on anything discussed tonight. Bill acquiesced to look around for possible wording and definitions to present in two weeks time.

Chair Haslam wondered about the monthly limitations on the dude ranch definition. Bill explained that there may be other "cowboy-style" activities that could be explored during off-season months. Member Sessions preferred to take out completely the "Family Vacation Ranch" that's currently listed alongside Dude Ranch. It was decided to allow a dude ranch on 160 continuous acres. There was discussion on the size of a structure that could be allowed on a dude ranch and monthly/seasonal time-frame restrictions as well. They discussed limiting operational months for a dude ranch to March 1 – November 1.

Bill clarified that "clustering" (or group of dwellings) would only be allowed in the RSD zone. Bill said he would take the group of dwellings out of the table and the definitions also.

Concerning the Bed and Breakfast Inn, Chair Haslam requested to add it to the A-20, and remove from the F-1. Member Erickson recommended going on record to say that other than the items discussed, the rest of the items listed in the staff report are acceptable and satisfactory.

Member Sessions moved to go into public hearing concerning item #6 on the agenda. Second by Member Erickson. The vote was unanimous. The motion carried.

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

Member Stephens moved to postpone approval of the revised Residential Use Table until the October 23, 2014 meeting. Second by Member Sessions. The vote was unanimous. The motion carried.

7. Planning Commission Business/Questions for Staff
Bill presented options for upcoming training.

8. Approval of minutes from September 25, 2014

Member Sessions moved to approve the amended minutes. Second by Member Erickson. Member Sessions and Chair Haslam voted in favor. The motion carried. Members Stephens, Erickson, Wilson abstained.

9. Adjourn

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

Approved: _____ **Date:** _____
Chairman, Roland Haslam

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