



STAFF REPORT

March 5, 2014

To: Morgan County Planning Commission
Business Date: March 27, 2014

Prepared By: Ronda Kippen, Planning Technician

Re: Fitzgerald General Plan Future Land Use Map Amendment

Application #: 14.019
Applicant: Greg Fitzgerald
Project Location: Approximately 420 North Morgan Valley Drive (Serial# 01-004-428-001)
Zoning: RR-1/A-20
Acreage: 31.71 acres
Request: Request to change the future land use map designation for the property located at approximately 420 North Morgan Valley Drive from Agricultural to Rural Residential.

SUMMARY & BACKGROUND

This application is a request to change a portion of the Future Land Use Map in the Milton area of unincorporated Morgan County. On February 16, 2010, the Morgan County Council adopted the Milton area plan which outlined the desired future land use criteria for the area to be utilized as a supplement to the Morgan County General Plan. On December 21, 2010, the Morgan County Council adopted the 2010 Morgan County General Plan, which incorporated all of the area plans as appendices.

The applicant desires to change the future land use designation for his 31.71 acres of property located at approximately 420 North Morgan Valley Drive from Agricultural to Rural Residential. The property is roughly 800 feet to the south of the designated "Medium Density Village" in the Milton area. The applicant would like the chance to develop his property at some point in the future. The Zoning and Future Land Use Maps do not support the desired density, the applicant has chosen to request this Future Land Use Map Amendment in order to better facilitate a future zone change request.

ANALYSIS

Planning Commission Powers and Duties. Morgan County Code (MCC) §8-3-9(H) has designated the Planning Commission as the land use authority of the county to:

1. Prepare and recommend a general plan and amendments to the general plan, to the county council as provided in this title;

General Plan. The Future Land Use Map has designated the subject property as Rural Residential/Agricultural (see Exhibit A) and is further defined on pages 7 & 12 of the 2010 Morgan County General Plan. The applicant is proposing a Future Land Use Map designation of Rural Residential for his entire 31.71 acres of property.

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.

The purpose of the Rural Residential designation is:

The Rural Residential category designation accommodates semi-rural large lot development, with generous distances to streets and between residential dwelling units in a viable semi-rural character setting. Residential density in rural residential areas is a maximum of 1 unit per acre.

The 2010 Morgan County General Plan identifies the following as three of the six visions for the County that may be applicable to the proposal (*see pages 4 & 5 of the 2010 Morgan County General Plan*):

- ...
2. Morgan County respects property rights and recognizes personal responsibility to the land and communities.

...

 5. Morgan County public policies support the viability of working and hobby farms, protection of agricultural lands, and the conservation of natural resources and rural character.

 6. Morgan County accommodates growth responsibly by integrating new development in a way that is respectful of the environment, supports County values, considers long-term sustainability, and uses available infrastructure. To help achieve this goal, the County strongly recommends that growth occur within or adjacent to corporate limits and villages, or be located within master-planned communities.

As part of Appendix A in the 2010 Morgan County General Plan, the “Milton Area Plan 2010” has identified the following goals and objectives that may assist the Planning Commission and County Council in understanding the community’s needs and desires when considering future land uses, zoning and infrastructure (*see pages A-24 & A-25 of the 2010 Morgan County General Plan*):

Land Use

1. Maintain a rural atmosphere and rural way of life.
2. Safeguard the local farmer’s right to farm.

...

Water Quality

4. Maintain adequate water quality and supply.

Transportation

5. Address traffic, transportation, and roadway concerns in and through the Milton area.

Infrastructure and Facilities

...

7. Encourage area outside the Village Center to grow with the current infrastructure.

Based on the close proximity of the Milton area “Medium Density Village” designation and the subject property, the Planning Commission may feel that this proposal meets the intended outcome of this provision. However, adjacent agricultural land may make the Planning Commission feel otherwise.

Zoning. Current zoning on the property is RR-1/A-20 (see Exhibit B), which is consistent with the current future land use map. The current zoning has specific purposes per MCC §8-5A-1.

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.

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.

Potential for growth. It is important to note that a future land use map change is usually the first step to future prospective development. It does not entitle a land owner to development rights in the same manner that a rezone does, but is one step in that direction. It would be wise to evaluate the potential impact of a development on the property. Such evaluation should be subject to less scrutiny than at rezone or subdivision stages because no definite development proposal has been made. A closer evaluation will be forthcoming at those times. When reviewing the potential for development on a property the following factors should be addressed:

- Ingress/egress-- The only public access to the site is from Morgan Valley Drive (see Exhibit C). Additional access may be obtained through the cooperation with adjacent land owners to make future development a possibility. If additional access cannot be provided, the development of the property would be limited as a result of MCC §8-12-44(I) which states “*Dead end streets and single access developments with a terminal street system shall not exceed one thousand feet (1,000’) in length*” and the current lot frontage/width requirements. Any future development on the property should be evaluated for the traffic demand and load on the current county road, and for safety ingress/egress for the development.
- Flood Hazards-- As shown in Exhibit D, the subject property is not in any known flood plains
- Fire Hazards-- As shown in Exhibit E, the subject property is exempt from the requirements of the Wildland-Urban Interface code.
- Geologic Hazards-- According to the “*Geologic Map of the Ogden 30’x60’ Quadrangle, Utah and Wyoming*” by James C. Coogan and Jon K. King, the subject property appears to be located in the “*Qatp*” geologic unit. The “*Qatp*” geologic unit is composed of terrace alluvial deposits and is not a known geologic study area (see Exhibit F). However, future development of the property will require clarification regarding the actual geologic unit and adhere to MCC §8-5I if a geologic hazard study area is present.

Noticing. The MCC §8-3-3 requires a public hearing for a map amendment 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.
7. Posted with a yellow sign on the subject property

RECOMMENDATION

If the Planning Commission can find that the proposed amendment is in accordance with the vision of the County that they recommend to the County Council approval of the Fitzgerald General Plan Future Land Use Map Amendment. Suggested findings could be:

1. That the proposed amendment is in accordance with the 2010 Morgan County General Plan’s visions.
2. That the change does not entitle the current owner to development; no rezone is granted at this time.
3. That development may occur in a safe and orderly manner in the area when the appropriate time comes.

MODEL MOTION

Sample Motion for a *Positive* Recommendation – “I move we forward a positive 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 findings listed in the staff report dated March 5, 2014, and as modified by the findings below:”

1. List any additional findings...

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the 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:”

1. List any findings...

SUPPORTING DOCUMENTS

Exhibit A: General Plan Future Land Use Map Excerpt of Area
Exhibit B: Zoning Map Excerpt of Area
Exhibit C: Access to the Property
Exhibit D: Flood Plain location
Exhibit E: Wildland Urban Interface Map Excerpt of Area
Exhibit F: Geologic Hazards Map Excerpt

Exhibit A-Future Land Use Map



Exhibit B-Current Zoning Map

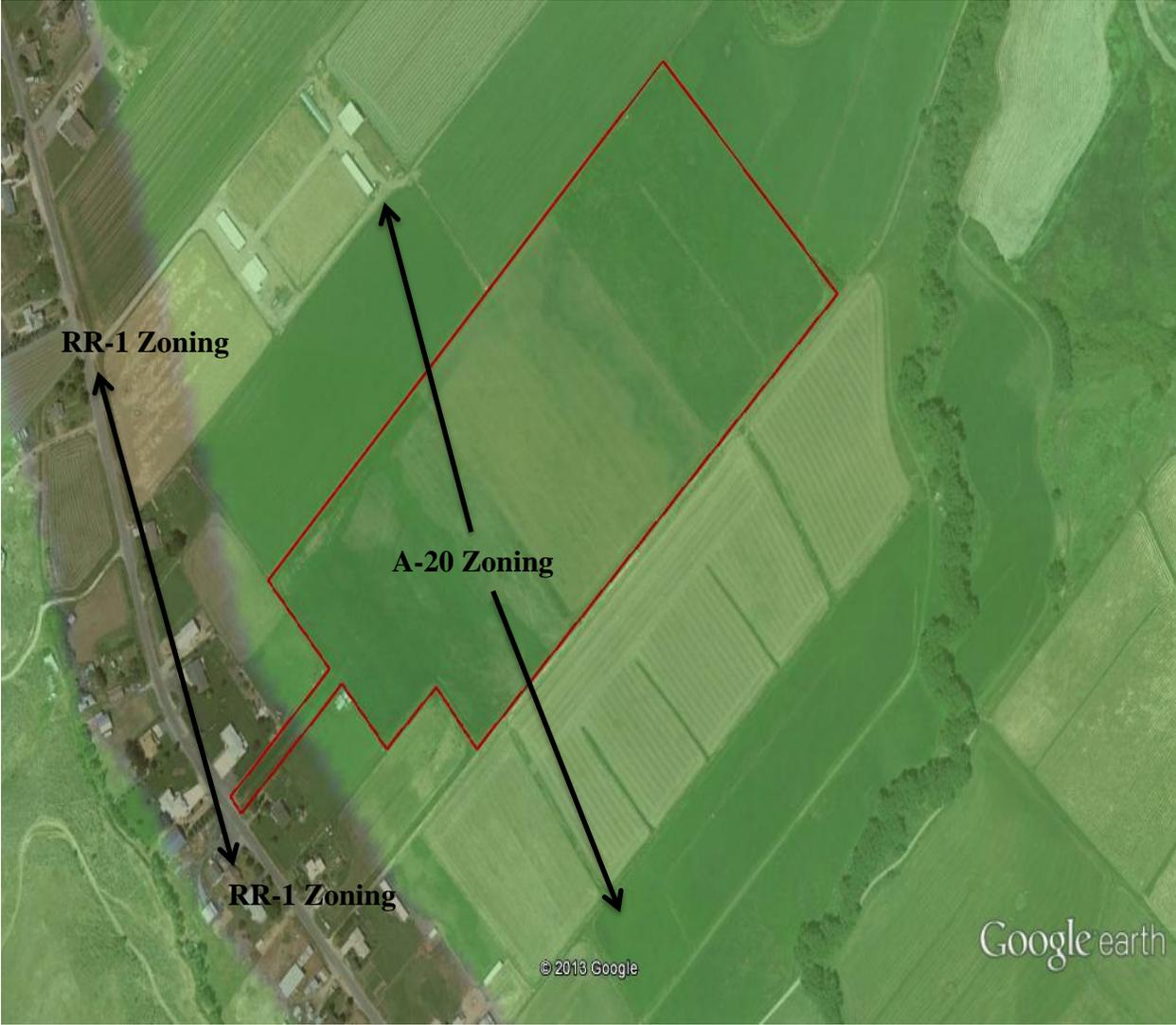


Exhibit C-Property Access



Exhibit D-Flood Plain Map

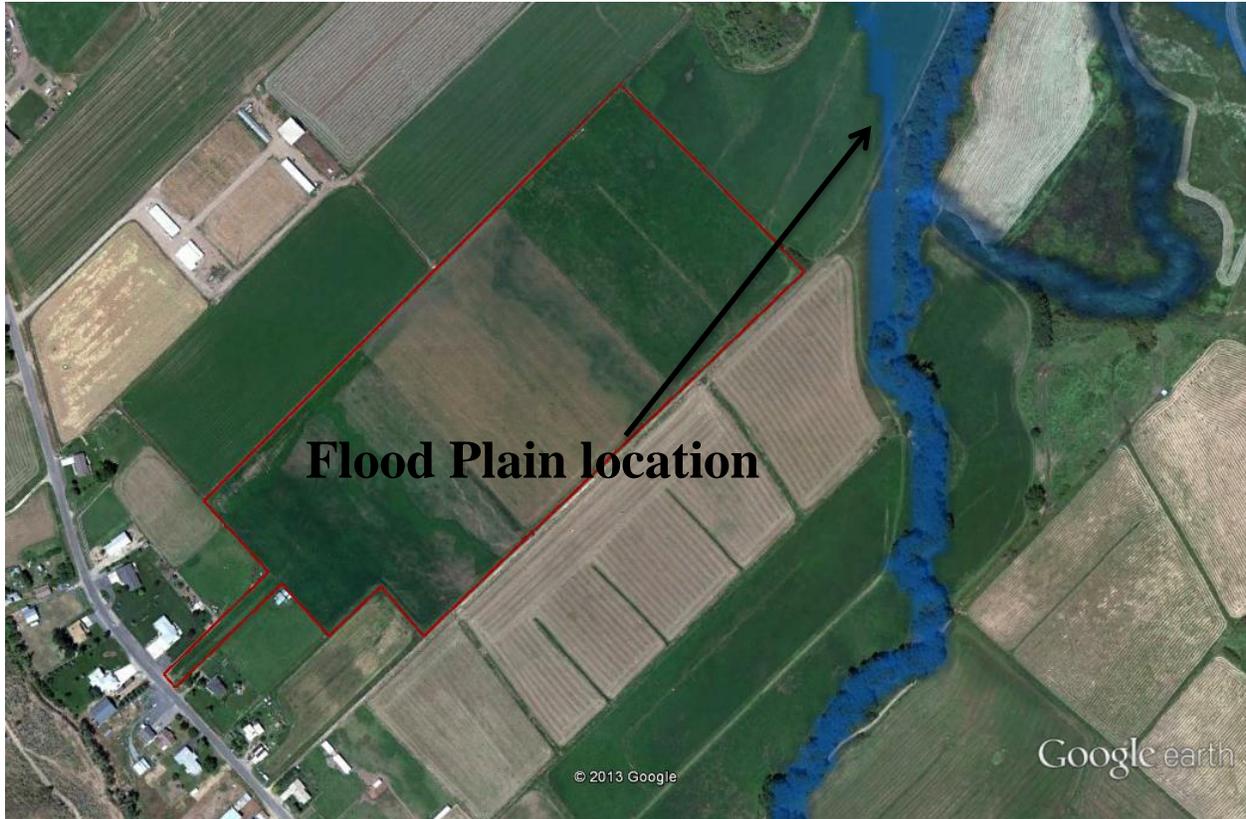
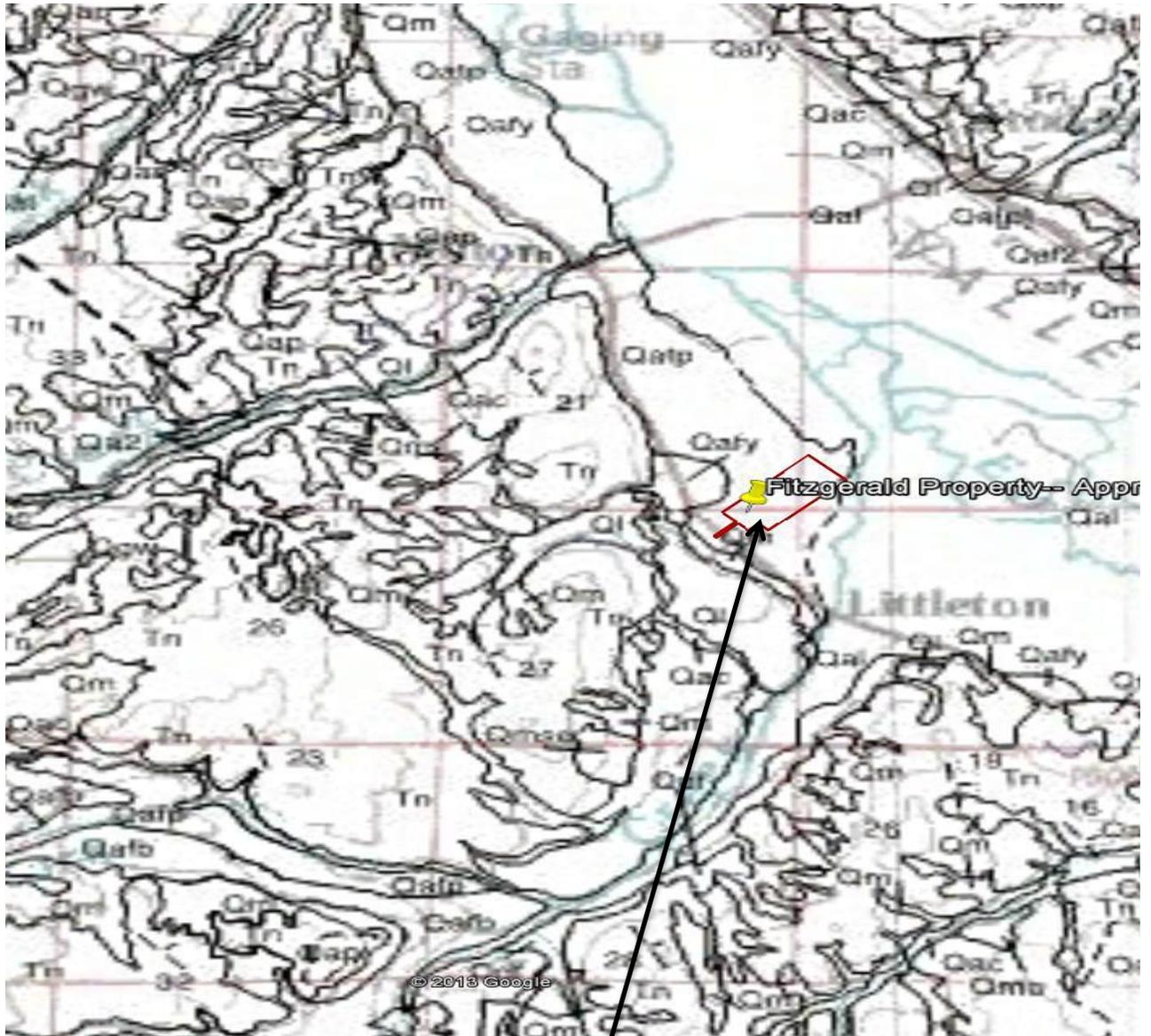


Exhibit E-Wildland Urban Interface Map



Exhibit F- Geologic Map



**Approximate site location with
“Qatp” Geologic designation**



STAFF REPORT

March 10, 2014

To: Morgan County Planning Commission
Business Date: March 17, 2014

Prepared By: Ronda Kippen, Planning Technician

Re: Whittier Rezone Request

Application No.: 14.027
Applicant: R E Whittier Family Partnership/Whittier Family Trust
Representative: Blair Gardner
Project Location: Approximately 4000 North Morgan Valley Drive
Zoning: R1-20/A-20 zone
Acreage: Approximately 103.98 Acres
Request: Request for approval to rezone approximately 74.92 acres of the 103.98 acre property from A-20 to RR-1 and R1-20 zones.

SUMMARY & BACKGROUND

This application is a request to rezone a portion of the applicant's property from the A-20 zone to the RR-1 and R1-20 zone in conformance with the Morgan County Future Land Use Map and as purposed in the 2010 Morgan County General Plan. The subject property is primarily agricultural in nature with primarily residential uses neighboring the subject property to the west. The property currently has frontage along North Morgan Valley Drive (3900 West) as well as additional frontage and access along 3900 North. The applicant would like to subdivide and develop the property with single family housing located along the western portion of the property. The eastern portion of the property will remain in the A-20 zone and will be preserved in its natural state.

An establishment of review criteria for this request may help the County in making this decision. Relevant criteria includes determining whether the change fits with neighboring land uses and/or configurations, the zoning density changes, traffic and circulation, flood plain issues, and whether the land can be supported by essential facilities such as culinary water, septic/sewer, road infrastructure, etc. The intent of this staff report is to provide an objective evaluation of this criterion.

ANALYSIS

Planning Commission Responsibility. Pursuant to Morgan County Code (MCC) §8-3-4(D), the Planning Commission review and recommendation shall be as follows:

Upon receiving a recommendation from staff regarding an amendment to this title or the zoning map, and after holding the required public hearing, the planning commission shall review the amendment and prepare its recommendation. The planning commission may

recommend approval, approval with modifications, or denial of the proposed amendment and shall submit its recommendation to the county council for review and decision. The planning commission shall recommend adoption of a proposed amendment only when the following findings are made:

1. The proposed amendment is in accordance with the county's general plan, goals, and policies of the county.
2. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the purposes stated in this title.

The purpose statement pursuant to Morgan County Land Use Regulations (MCC §8-1-3) states:

This title is adopted to provide for the health, safety and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the county and its present and future inhabitants and businesses, to protect the tax base, secure economy in governmental expenditures, foster the state's agricultural and other industries, protect both urban and nonurban development, and to protect property values. This title accomplishes these purposes by governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, transportation, infrastructure, public facilities, vegetation, and trees and landscaping. (2010 Code)

General Plan. The first finding that the Planning Commission must make in order to make a positive recommendation for this rezone is that it is in accordance with the County's General Plan, goals and policies of the County. The following are excerpts from the plan that may be relevant in evaluating this request:

One municipality (Morgan) and six village centers are located in Morgan County; Mountain Green, Peterson, Enterprise, Stoddard, Croydon, and Porterville. Most of these areas have identified future growth areas. The majority of future development in Morgan County is anticipated to occur in or near these areas. (Pg. 5-7)

Both the text of the General Plan and the Future Land Use Map must be considered when making decisions about future development or redevelopment. Zoning changes should be in conformance with the Future Land Use Map. In many cases the Future Land Use Map will need to be amended or updated prior to consideration of zoning map changes. (Pg. 7)

The Future Land Use Map has identified the subject property as part of the Peterson Village with areas of Village Low Density Residential, Rural Residential and Agricultural (see Exhibit A).

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.

The purpose of the Rural Residential designation is:

The Rural Residential category designation accommodates semi-rural large lot development, with generous distances to streets and between residential dwelling units in a viable semi-rural character setting. Residential density in rural residential areas is a maximum of 1 unit per acre.

The purpose of the Village Low Density Residential designation is:

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

The 2010 General Plan encourages that all rezones conform to the Future Land Use Map. The applicant desires to strictly follow the Peterson Area plan and has designed the rezone request based on the Future Land Use Map that was adopted as part of the 2010 Morgan County General Plan. It appears according to this that the Planning Commission may find that the proposal may conform to the intent of the County's master planning efforts.

Zoning. Current zoning on the property is A-20 / R1-20 (see Exhibit B). The current zoning has specific purposes per MCC §8-5A-1 and §8-5B-1.

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.

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

The portion of the property the applicant has requested for a rezone will be split between the R1-20 zone and the RR-1 zone. The purpose for the RR-1 zone is:

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.

The minimum lot size requirement in the R1-20 zone is 20,000 square feet. The RR-1 zone requires a minimum lot size of one acre. For lots without access to shared water systems the minimum requirement is increased to acreage of sufficient size to satisfy the Health Department regulations for the location of well head protection zones and their proximity to source contaminants (typically ranging from 1.25 to 1.75 acre minimum). The majority of existing land uses in the area are in accordance with smaller lot residential uses and/or agricultural uses.

When evaluating a rezone, it is critical to evaluate the potential for land use changes that the proposed zone permits and/or conditionally permits. However unlikely, it is appropriate to evaluate the rezone as if the property is being used to the fullest extent allowable by County land use ordinance. A comparison of the differences in the allowed uses between the proposed R1-20 zone, RR-1 zone and the A-20 zone is a useful method to determine the potential change the rezone may have on the area (see Exhibit C).

The following eight criteria should be evaluated when determining the impact of the potential rezone:

1. Potential density: The rezone request is for a total of 74.92 contiguous acres. Based on the current acreage per zone, the applicant has a maximum zoning density of 7.89 single family units. The applicant has provided a legal description and acreage for each requested zone. The overall density increase, if the rezone is approved, will be a maximum of 92.08 additional single family units.

The density increase per zone is as follows:

The total acreage requested to be rezoned from the A-20 zone to the R1-20 zone is 21.27 acres. However, it appears that the legal description overlaps into a small portion of the existing R1-20 zone. If approved, the actual acreage that will be rezoned from the A-20 zone to the R1-20 zone is closer to 19.32 acres. Based on the current zoning of this portion of property, the applicant has a zoning density of 5.21 single family units. If the requested R1-20 zone is approved, the applicant will have an increase in the maximum zoning density of approximately 41.11 additional single family units.

The total acreage requested to be rezoned from the A-20 zone to the RR-1 zone is 53.65 acres. The A-20 zone allows for one residential unit per 20 acres of property. Based on the current zoning of this portion of property, the applicant has a zoning density of 2.68 single family units. If the requested RR-1 zone is approved, the applicant will have an increase in the maximum zoning density of approximately 50.97 additional single family units.

2. Access: The property has roughly 320 feet of frontage/access in the R1-20 zone along North Morgan Valley Drive (3900 West) and approximately 400 feet of frontage/access in the A-20 zone along 3900 North (see Exhibit D). The frontage requirement for the R1-20 zone is 50 feet with a minimum lot width of 100 feet. The frontage/width requirement for the A-20 zone is 330 feet. Given the current property configuration, and supposing there is enough acreage of this property already in the R1-20/A-20 zone, the applicant could develop nearly 7.4 lots along the frontage of North Morgan Valley Drive and 3900 North. As a result of this proposal and based on access alone, the applicant's current development right could be increased by 7 additional single family units.
3. Circulation: The County road known as 3900 North is currently a dead end road. Its nearest connection to a through street would be either North Morgan Valley Drive or 3725 North (see Exhibit E). The current street infrastructure does not meet County standards; however, given the current use of the road, it is likely that a traffic study would yield an adequate level of service for the existing uses only. Two questions the Planning Commission must ask is whether a zoning density increase of 92.08 single family units will result in a harmful impact to street infrastructure capacity, and whether it is good policy to allow additional density along long stretches of dead end roads.

First, regarding capacity, in the State of Utah there is an average of ten vehicle trips per day per household. A direct calculation on traffic demand when compared to density yields a potential increase of 920.8 vehicle trips per day as a result of the rezone. The additional daily vehicle trips may be a negligible increase considering existing street capacity.

Second, regarding dead end street policy, current subdivision regulations do not allow new dead end roads in excess of 1000 feet. The purpose for this is to maintain two emergency egresses from an area. Current code is silent regarding how to approach additional density along existing dead end roads. There are no County established thresholds from which to determine the harmful impact of allowing density increases along dead end roads. Perhaps the additional dwelling units proposed by this application do merit further discussion on the matter.

4. Culinary Water Resources: The Peterson Pipeline Association serves the culinary water needs of the area. The applicants will need to provide proof to the County that water is available during the development process, should they develop.
5. Sewer: Currently the only form of waste water disposal in the Peterson area is by means of septic system. If/when the property is further developed, approval of waste water disposal system(s) will be required by the Weber-Morgan Health Department.
6. Flood Plain: It does appear that a portion of the property is within FEMA flood plain boundaries and close proximity to bodies of water (see Exhibit F). If/when the property is developed the harmful impact of flooding issues or high ground water will need to be addressed.

7. Fire Protection: The property is not in the Wildland Urban Interface Area, so a specific fire protection plan is not required (see Exhibit G). If/when it is developed it may still be required to have certain fire suppression as required by the local Fire Official.
8. Topographic Features: The property is fairly flat. Topography does not seem to be a concern for potential future development. According to the “*Geologic Map of the Ogdeh 30’x60’ Quadrangle, Utah and Wyoming*” by James C. Coogan and Jon K. King, the subject property appears to be located in the “*Qal*” and “*Qa[p]*” geologic units (see Exhibit H). The “*Qal*” geologic unit is composed of stream alluvial deposits and the “*Qa[p]*” geologic unit is composed of general alluvial deposits. Neither unit is a known geologic study area (see Exhibit F). If/when the property is further developed, clarification will be required regarding the actual geologic unit and adhere to MCC §8-5I if a geologic hazard study area is present.

Noticing. The MCC §8-3-3 requires a public hearing for a rezone when the County Council’s hears the rezone request. State law §17-27a-205 requires the first public hearing (whatever body is hearing it) to be noticed on the County’s website and published in a newspaper of general circulation in the area at least 10 calendar days before the public hearing, and mailed to the property owner affected by the change, as well as adjacent property owners within parameters specified by the county (which is 1000 feet in Morgan County). As part of the application process the applicant was responsible for identifying these property owners and for providing the County with a mailing list. The County sent notices to all individuals on the mailing list.

This public hearing notice was posted at a minimum within the State and County requirements in the following manner:

1. Posted to the County website within 10 days prior to this meeting.
2. Published in the Morgan County News within 10 days prior to this meeting.
3. Mailed to property owners within 1000 feet of the affected property, as identified by applicant.
4. Mailed to the property owner.
5. Mailed to affected entities
6. Posted in the foyer of the Morgan County Courthouse.

STAFF RECOMMENDATION

Staff recommends that if the Planning Commission can make the following findings for approval of the Whittier rezone request that it do so:

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.

MODEL MOTION

Sample Motion for a *Positive* Recommendation – “I move we 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 approximately 21.27 acres from the A-20 zone to R1-20 zone and rezoning approximately 53.65 acres from the A-20 zone to RR-1 zone, based on the findings listed in the staff report dated March 10, 2014, and as modified by the findings below:”

1. List any additional findings...

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the Whittier Rezone Request, application #14.027, located at approximately 4000 North Morgan Valley Drive, rezoning approximately 21.27 acres from the A-20 zone to R1-20 zone and rezoning approximately 53.65 acres from the A-20 zone to RR-1 zone, based on the findings listed in the staff report dated March 10, 2014, and as modified by the findings below::

1. The current condition of the area does not merit change or changing conditions. The area is not yet ready for the rezone request.
2. That without a secondary egress, the harmful impact of allowing additional density along an existing dead end road over 1000 feet cannot be adequately mitigated.
3. That the existing location and close proximity of the FEMA flood plain will not allow for additional development
4. List any additional findings...

ADDITIONAL INFORMATION

Exhibit A: Morgan County Future Land Use Map

Exhibit B: Current Zoning and Aerial Picture Showing Uses

Exhibit C: Comparison of Land Use Permission Differences between A-20, RR-1 and R1-20

Exhibit D: Access/Frontage areas

Exhibit E: Street/Access location

Exhibit F: Flood Plain location

Exhibit G: Wildland Urban Interface Map Excerpt of Area

Exhibit H: Geologic Map Excerpt

Exhibit A-Future Land Use Map



Exhibit B-Current Zoning Map

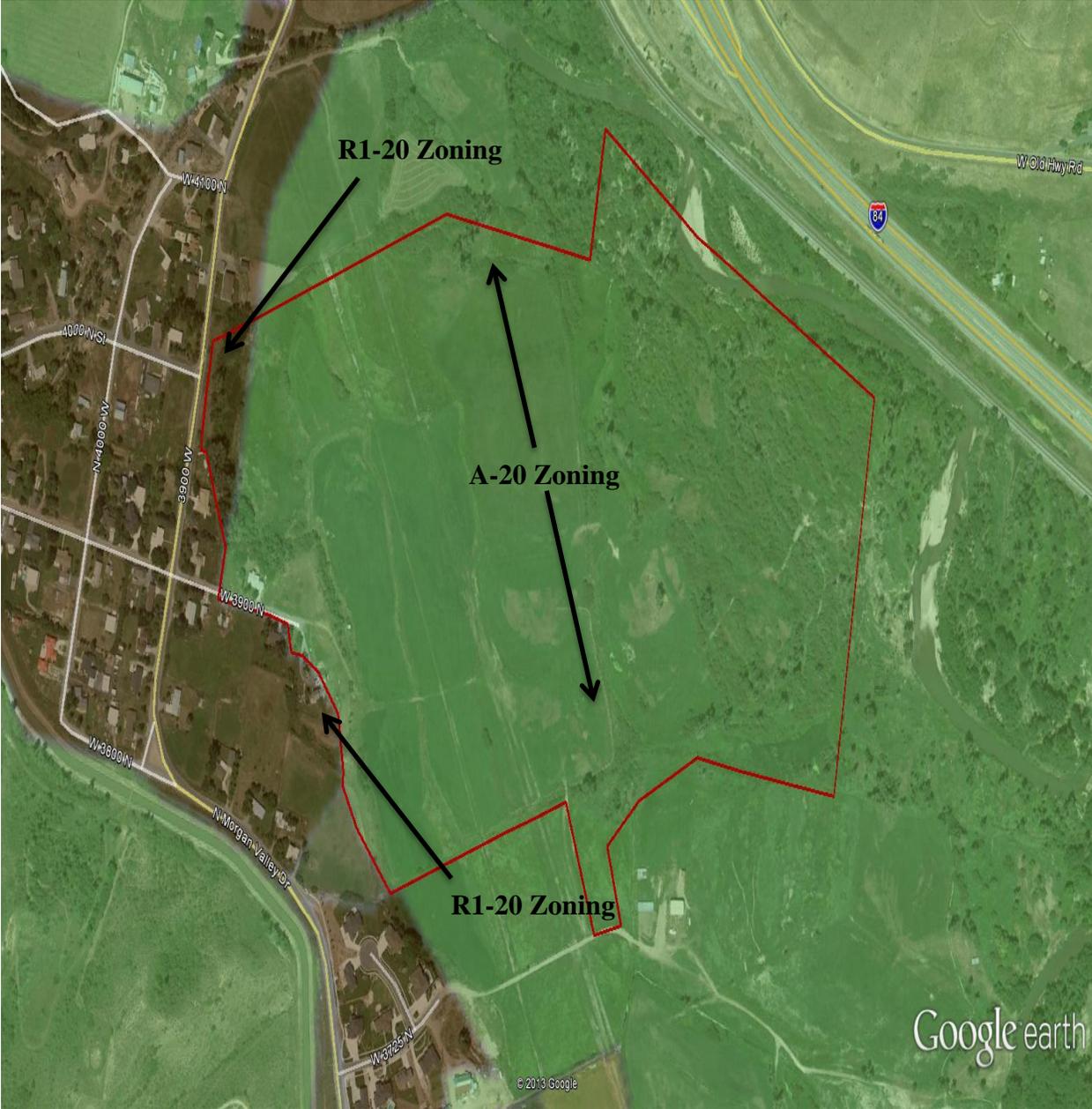


Exhibit C-Land Use Comparisons

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	
	A-20	RR-1
Accessory buildings and uses customarily incidental to conditional uses	C	C
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
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
Accessory buildings and/or uses customarily incidental to permitted uses, other than those listed above	P	P
Accessory buildings for the housing of animals customarily 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	C	C
Agricultural and forestry:		
Agribusiness	C	-
Agriculture, including grazing and pasturing of animals; the tilling of the soil, the raising of crops, horticulture and gardening	P	P

Apiary and aviary	P	C
Family food production	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
Forest industry, such as a sawmill, wood products plant, etc.	-	-
Forestry, except forest industry	P	P
Fruit/vegetable stand	C	C
Bed and breakfast inn	-	C
Child daycare centers, subject to regulations as set forth in section 8-6-39 of this title	C	C
County fairgrounds uses	P	-
Dams and reservoirs	C	C
Dude ranch, family vacation ranch	C	-
Dwellings:		
Accessory apartment	C	C
Homes or mobile homes on bona fide farms or for worker housing	C	-
Recreation dwelling (shall not utilize the same minimum lot area as a main dwelling)	C	-
Residential facilities for handicapped or elderly	C	C
Single-family dwelling	P	P
Home occupation	P	P
Household pets	P	P
Kennel	C	-
Land excavations	C	C
Mine, quarry, gravel pit, rock crusher, concrete batching plant or asphalt plant, oil and gas wells, steam wells, test borings for exploration, etc.	C	-

Power generation	C	-
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	C	-
Public and quasi-public uses. Exception: Public school	C	C
Airports	C	-
Specialized correction facilities	C	-
Public facilities or public service facilities. Exception: Governmentally operated essential service facilities such as police, fire, ambulance substations, and animal control facilities	C	C
Public schools and governmentally operated essential service facilities	P	P
Public stable, riding academy or riding ring, horse show barns or other equestrian facilities under single management	C	-
Railroad facilities and rights of way	C	C
Temporary buildings for uses incidental to an approved construction project, including temporary living quarters, which buildings must be removed upon completion or abandonment of the construction work	C	C
Temporary gravel pit, crusher, subject to the provisions of section 8-5A-11 of this article	-	-
Temporary meteorological monitor tower, subject to regulations in section 8-5A-12 of this article	C	-
Temporary uses	Subject to regulations in section 8-6-16 of this title	

8-5B-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 rural residential district, single-family residential district or multiple residential district, except as provided in this article.

	Districts
	R1-20
Accessory buildings and uses customarily incidental to conditional uses	C
Accessory buildings and uses customarily incidental to permitted uses	P
Bed and breakfast inn	C
Dwellings:	
Single-family dwelling	P
Two-family dwelling	-
Three-family dwelling	-
Four-family dwelling	-
Multiple-family dwelling	-
Groups of dwellings (including twin homes, etc.) when approved as a planned unit development	-
A two-family dwelling on a corner lot requires 2 front and 2 rear yards	-
Accessory apartment	C
Fences shall not exceed 6 feet in height except by conditional use permit	A
Home occupation	P
Household pets	P
Land excavations	C
Mobile home developments, including mobile homes in mobile home parks or subdivisions, are permitted in a planned district only	
Professional offices when harmonious with the general character of the district where located	C

Public and quasi-public uses. Exception: Public school	C
Public facilities or public service facilities. Exception: Governmentally operated essential service facilities	C
Public school and governmentally operated essential service facilities	P
Recreational vehicle storage	C
Residential facilities (group homes) for the handicapped and elderly, provided they are separated at least ³ / ₄ mile from another similar facility	C
Special uses:	
Child daycare centers, subject to regulations as set forth in section 8-6-39 of this title	C
Tilling of the soil, the raising of crops, horticulture and gardening	P
Swimming pool	C
Temporary buildings for uses incidental to an approved construction project, including temporary living quarters, which buildings must be removed upon completion or abandonment of the construction work	C
Temporary uses	Subject to regulations in section 8-6-16 of this title

Exhibit D-Access/Frontage areas



Exhibit E-Street/Access location

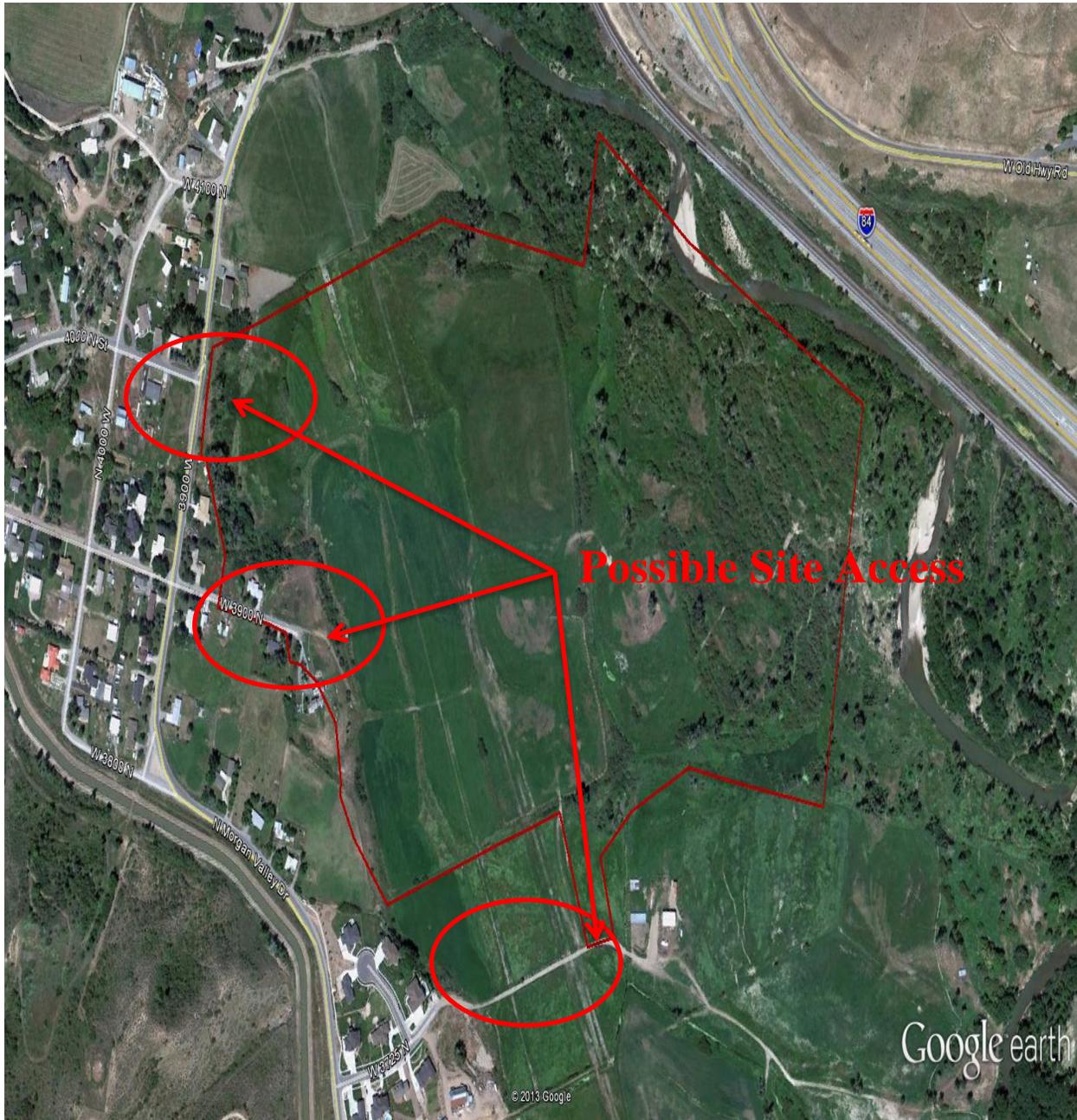
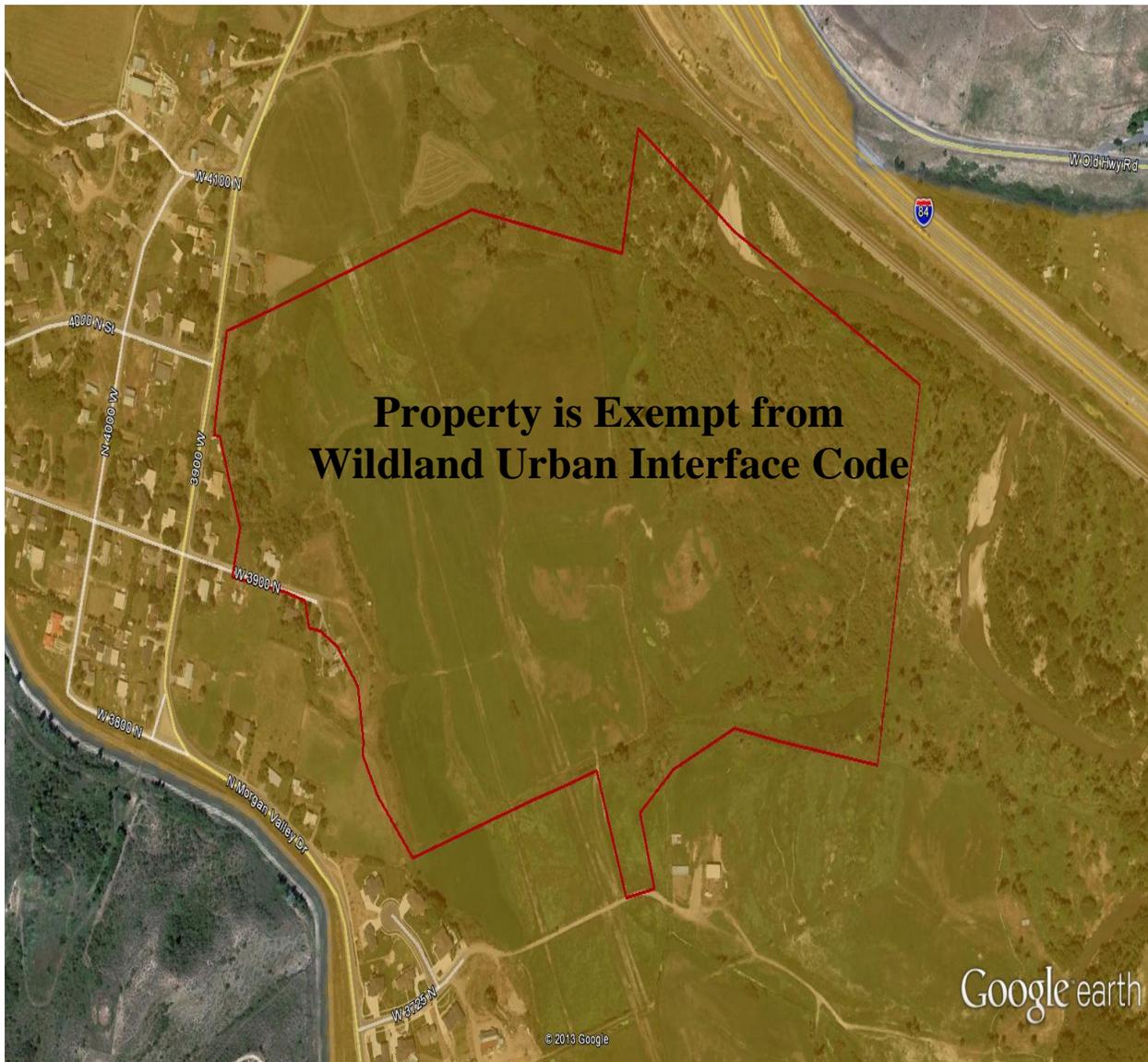


Exhibit F-Flood Plain location



Exhibit G-Wildland Urban Interface Map





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. Election of Chair and Vice Chair
5. Public Comment

Legislative Items:

6. 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.
7. 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.
8. Staff Report
9. Approval of minutes from February 13, 2014
10. Adjourn



PLANNING COMMISSION AGENDA

Thursday, February 13, 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

Administrative Items.

5. Discussion/Decision: Pinewood Subdivision Concept Plan: Conceptual review of a 3 lot subdivision located in the RR-1/A-20 zones on property located at approximately 2425 N 7000 E Croydon. The applicant is also seeking an exception from improvement requirements
6. Discussion/Decision: Carter Meadows Subdivision Concept Plan: Conceptual review of a 3 lot subdivision located in the RR-1/A-20 zones on property located at approximately 4700 S Highway 66
7. Staff Report
8. Approval of minutes from December 12, 2013
9. Adjourn

Members Present

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

Others Present

Chris Cave
Mike Riddle
Tina Kelley
Bruce Sanders
Dallen Robinson

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

Member Sessions moved to approve the 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 Erickson. The vote was unanimous. The motion carried.

Dallen Robinson: Mr. Robinson expressed concern about the water source. The existing well is a surface well and is in a flood zone, in addition to there being no water shares for the property. He also mentioned that there was an agreement between the LDS church and the grandmother for Carter Meadows Subdivision Concept Plan that there would be no houses built on that property.

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

Administrative Items

5. Discussion/Decision: Pinewood Subdivision Concept Plan: Conceptual review of a 3 lot subdivision located in the RR-1/A-20 zones on property located at approximately 2425 N 7000 E Croydon. The applicant is also seeking an exception from improvement requirements

Mike Riddle: Proposing to subdivide into 3 lots and is seeking an exception to the current requirements.

Member Newton wondered, in relation to condition #2, how wide the road is and if it is close to 22 feet. Ronda stated that they do not know at the moment, but it is required for preliminary. She said there may have to be a deferral agreement offered by Morgan County. Ronda estimated the width to be 24 feet. Mr. Riddle was confident that there was adequate space.

Member Sessions moved to forward a positive recommendation for the Pinewood Subdivision Concept Plan, application 14.005, as listed in the February 5, 2014 staff report, and as modified by the additional recommendations below:

1. That all outsourced consultant fees are paid current prior to final plat recordation.
2. That an improvements exception for the project is conditioned on the current width of 7000 East being 22 feet wide with adequate shoulders, as verified by the project surveyor or engineer; or that improvement of the existing street is provided to a minimum width of 22 feet with adequate shoulders. Construction drawings, if necessary, illustrating the improvements shall be provided with the preliminary plat submittal, and final plat approval shall be conditioned on the execution of a cash bond and agreement or completion agreement for said improvements.
3. That the required front, side and rear public utility easements are identified on all lots within the subdivision.
4. That proof of culinary shares/rights (800 gallons per day) and irrigation shares/rights (3 gallons per minute) are provided for each lot at preliminary plat application.
5. That all proposed utilities provide a will serve letter indicating their willingness to serve the property in a manner that complies with County ordinances.
6. That approval of the sewage disposal mechanism is provided by the Weber-Morgan Health Department with preliminary plat submittal.
7. That all other local, state, and federal laws are adhered to.

This recommendation is based on the following findings:

1. The nature of the subdivision is in conformance with the current and future land uses of the area.
2. The proposal complies with the Morgan County 2010 General Plan.
3. With the recommended conditions the proposal complies with current zoning requirements and subdivision requirements.
4. That with the listed conditions, the proposal is found to comply with the findings required for an improvements exception; namely, that requiring the full street infrastructure improvements:
 - a. Is not roughly proportional, in nature or extent, to the impact of the development on the community;
 - b. Is not beneficial to the county; or may be detrimental to the neighboring property abutting the development;
 - c. Is not necessary at this time to protect the public's health, safety, and welfare.
5. That approval of the concept plan and the improvements exception renders the project "routine and uncontested" and as such qualifies for approval by the Zoning Administrator in compliance with adopted laws.
6. That the proposal is not detrimental to the health, safety, and welfare of the public.

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

6. Discussion/Decision: Carter Meadows Subdivision Concept Plan: Conceptual review of a 3 lot subdivision located in the RR-1/A-20 zones on property located at approximately 4700 S Highway 66.

Chris Cave: Mr. Cave represented David Pitcher on this project. He proposed to subdivide into 3 lots and with a variance on improvements to the highway. He stated that for preliminary, they are planning to drill wells.

Member Wilson wondered about the agreement between the LDS church and the applicant. Mr. Cave stated that there was nothing recorded on the title report, and Ronda also confirmed that she couldn't find an agreement on title or record against the property.

Member Erickson asked about the current house across the street and Chris responded that it was not concerned with this subdivision. Member Erickson said the water is currently being fed from the house across the street and suggested that there are significant issues to be addressed concerning this.

Member Sessions asked Ronda about the well for the existing house across the street and if it requires an easement. Ronda responded that there would be an easement and the Health Department would need to perform tests and approve. The Health Department would require an easement to the well. It's considered a shallow well, with water being drawn up and across. Chair Haslam wondered if there was a water right associated with that well. Chris stated that he did not know at this point. Member Erickson highly recommended researching that before continuing. Ronda explained that water rights for all 3 lots and a well log providing adequate flow would need to be provided for Mark Miller, County Engineer, before advancement to preliminary approval.

Chair Haslam stated that the Health Department controls the water rights for the wells and also the lot size, to which Mr. Cave understood.

Ronda clarified that the road appears to have the adequate 22 feet required, but the exception is being requested for clarification if issues arise in the future, as the ground has been dedicated to Morgan County. Portions of the property will be donated to the County at final approval.

Member Sessions moved to forward a positive recommendation for the Carter Meadows Subdivision Concept Plan, application 14.006, as listed in the February 6, 2014 staff report, and as modified by the additional recommendations below:

1. That all outsourced consultant fees are paid current prior to final plat recordation.
2. That the plat is revised prior to preliminary plat submittal to modify the required building envelopes to state "Residential Building Envelope".
3. That the plat is revised prior to preliminary plat submittal to modify the required "Building Envelope" to correctly identify the setbacks for the applicable zone.
4. That the plat is revised prior to preliminary plat submittal to provide the minimum frontage requirements for all lots.
5. Adequate proof that the establishment of the existing outbuildings on Lot 3, that do not conform to front setback requirements, indicating that their legal establishment did not violate any land use laws at the time shall be provided as part of the preliminary plat process or propose an alternative plan acceptable to the County.
6. That UDOT approval for access purposes along Highway 66 to the proposed subdivision is provided as part of the preliminary plat application.
7. That an improvements exception for the project is conditioned on the current width of Highway 66 being 22 feet wide with adequate shoulders, as verified by the project surveyor or engineer; or that improvement of the existing street is provided to a minimum width of 22 feet with adequate shoulders. Construction drawings, if necessary, illustrating the improvements shall be provided with the preliminary plat submittal, and final plat approval shall be conditioned on the execution

of a cash bond and agreement or completion agreement for said improvements.

8. That a slope analysis may be required to clearly identify slope areas over 15% slope with the preliminary plat submittal.

9. That a geologic hazards scoping meeting is held prior to preliminary plat submittal in compliance with MCC §8-5I, and that all reports, studies, and certifications related to geologic hazards studies are provided with the preliminary plat submittal. The preliminary plat shall be designed in a manner that addresses the recommendations of the geologist and geotechnical engineer.

10. That proof of culinary shares/rights (800 gallons per day) and irrigation shares/rights (3 gallons per minute) are provided for each lot at preliminary plat application.

11. That approval of the sewage disposal mechanism is provided by the Weber-Morgan Health Department with preliminary plat submittal.

12. That all proposed utilities provide a will serve letter indicating their willingness to serve the property in a manner that complies with County ordinances.

13. That a note be placed on the plat requiring future development to adhere to Morgan County Code Title 9, Flood Damage Prevention Ordinance for all areas located in the flood plain area.

14. That all other local, state, and federal laws are adhered to.

This recommendation is based on the following findings:

1. The nature of the subdivision is in conformance with the current and future land uses of the area.

2. The proposal complies with the Morgan County 2010 General Plan.

3. With the recommended conditions the proposal complies with current zoning requirements and subdivision requirements.

4. That with the listed conditions, the proposal is found to comply with the findings required for an improvements exception; namely, that requiring the full street infrastructure improvements:

a. Is not roughly proportional, in nature or extent, to the impact of the development on the community;

b. Is not beneficial to the county; or may be detrimental to the neighboring property abutting the development;

c. Is not necessary at this time to protect the public's health, safety, and welfare.

5. That approval of the concept plan and the improvements exception renders the project "routine and uncontested" and as such qualifies for approval by the Zoning Administrator in compliance with adopted laws.

6. That the proposal is not detrimental to the health, safety, and welfare of the public.

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

7. Staff Report

Ronda informed the Planning Commission of two Zoning Administration decisions regarding internal lot line adjustments. One was Porter's Place Subdivision and the other was Whisper Ridge lots 150 and 151 where the internal lines were adjusted. Both have been recorded by the County Recorder.

USIP training opportunities on March 6 were discussed for Planning Commission members.

Ronda informed the Planning Commission of many applications coming in and moving forward.

She also informed the Planning Commission of a Mr. Ron Foster from Rollins Ranch, who is experiencing similar problems as many others with issues dealing with the 25% coverage in the RR-120 zone. Several years ago, the county council wanted assurance of adequate storm drain detention and the Rollins Ranch developer was not able to provide that so the 25% remains in place. There was discussion about some of the open space from that phase being sold to him, as owner of lot 129. Mr. Foster was advised to contact Gardner's about the possible open space possibilities.

Member Wilson inquired about the status of the Durbano development, to which Ronda responded that they will proceed with the law suit.

The Ordinance Update Committee is scheduled to meet on March 20, 2014.

For the upcoming Planning Commission Meeting scheduled for March 13, Ronda will be absent. She sought the opinion of the members on how to proceed.

Planning Commission discussed issues surrounding older residences being demolished upon completion of a new residence on the same site. Member Wilson wondered what the state law is concerning requirement of demolishing an existing residence upon building a new one. He is very curious, as are all Planning Commission members, for consistency throughout the county. Member Sessions inquired about whom is responsible for proceeding with violations to a conditional use permit, to which Tina Kelley answered that the responsibility lies with the County Attorney.

8. Approval of minutes from December 12, 2013

Member Sessions moved to approve the minutes with changes. Second by Member Erickson. The vote was unanimous. The motion carried.

9. Adjourn

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

Approved: _____ Date: _____
Chairman

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