

Memo

TO: Planning Commission
FROM: Ronda Kippen
DATE: April 2, 2014
SUBJECT: Revisions to the Whittier Rezone Request Staff Report dated March 10, 2014

Based on direction from the Planning Commission during the March 27, 2014, the requested R1-20 zone has been modified to directly reflect the description as identified in the Peterson area plan that was made part of the 2010 Morgan County General Plan. The modifications in the zoning descriptions have affected the overall potential density as follows:

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 revised legal descriptions and acreage for each requested zone. The overall density increase, if the rezone is approved, will be a maximum of 110.63 additional single family units. This calculation is an increase from the initial request of 18.55 single family units.

The density increase per zone is as follows:

The revised total acreage requested to be rezoned from the A-20 zone to the R1-20 zone is 36.38 acres. This is an additional 15.11 acres of property to be considered as part of the R1-20 zone. This new acreage calculation will add an additional 32.90 single family units to the initial request for the R1-20 zone. 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 74.02 additional single family units. Based on rough calculations of the pipeline corridor easement running through the proposed R1-20 zone, it may be argued that approximately 5 acres of this property could be considered unbuildable property but may be used as roadways or restricted rear yards.

The revised total acreage requested to be rezoned from the A-20 zone to the RR-1 zone is 38.54 acres. This is a reduction from the original request by 12.43 acres. The new acreage calculation will result in a reduction from the initial proposed RR-1 zone by 14.36 single family units. Based on the current zoning of this portion of property, the applicant has a zoning density of 1.927 single family units. If the requested RR-1 zone is approved, the applicant will have an increase in the maximum zoning density of approximately 36.61 additional single family units.

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 36.38 acres from the A-20 zone to R1-20 zone and rezoning approximately 38.54 acres from the A-20 zone to RR-1 zone, based on the findings listed in the staff report dated March 10, 2014 and the staff memo dated April 2, 2014, and as modified by the findings below:”

1. 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 36.38 acres from the A-20 zone to R1-20 zone and rezoning approximately 38.54 acres from the A-20 zone to RR-1 zone, based on the findings listed in the staff report dated March 10, 2014 and the staff memo dated April 2, 2014, and as modified by the findings below:”

1. 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...

SUPPORTING INFORMATION

Exhibit A: Revised Zoning Map

Exhibit B: March 27, 2014 Planning Commission Motion (Unapproved Minutes)

PETERSON 100 ACRES ZONE MAP



**WILDING
ENGINEERING, INC**
14721 SOUTH HERITAGE CREST WAY
BLUFFDALE, UTAH 84065
(801)553-8112

PROJECT NAME			DATE
PETERSON 100 ACRES ZONE MAP			03/04/2014
DRAWN	CHECKED	PROJECT #	SCALE
DCC	SWD	14029	1" = 500'
FILE NAME:			SHEET
G:\DATA\14029...\dwg\Zoning.dwg			1 OF 1

DATE
03/04/2014
SCALE
1" = 500'
SHEET
1 OF 1

Exhibit B: March 27, 2014 PC Motion (Unapproved Minutes)

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

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

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

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

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

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

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

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

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

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

Bill Shaw: Lives on Morgan Valley Drive. Wondered how many pipelines there are. Discussion indicated that there are 3: Conoco, FiberOptic, Questar. He stated that pipelines are dangerous. People who live around them don't know how dangerous they are.

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

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

Member Sessions moved to postpone the Whittier Rezone Request, application #14.027, until the April 10, 2014 meeting. Second by Member Sawyer.

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

Exhibit B: March 27, 2014 PC Motion (Unapproved Minutes)

The vote was unanimous. The motion carried.

7. Election of Chair and Vice Chair.

Member Newton moved to nominate Roland Haslam as Chair. Second by Member Stephens. The vote was unanimous. The motion carried.

Member Sessions moved to close the nominations for Chair. Second by Member Stephens. The vote was unanimous. The motion carried.

Member Wilson moved to nominate Debbie Sessions as Vice Chair. Second by Member Newton. The vote was unanimous. The motion carried.

Member Stephens moved to close the election for Vice Chair. Second by Member Sawyer. The vote was unanimous. The motion carried.

7. Staff Report

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

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

8. Approval of minutes from February 13, 2014

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

9. Adjourn

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

Approved: _____ Date: _____
Chairman

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



STAFF REPORT

April 4, 2014

To: Morgan County Planning Commission
Business Date: April 10, 2014

Prepared By: Ronda Kippen, Planning Technician

Re: **Vern Young Revocable Trust Rezone Request**
Application No.: 14.036
Applicant: Vern Young Revocable Trust
Representative: Jeff Young
Project Location: Approximately 4567 North 3800 West
Zoning: A-20 zone
Acreage: Approximately 6.54 Acres
Request: Request for a positive recommendation to the County Council to rezone approximately 6.54 acres of the 49.71 contiguous acres owned by the Vern Young Revocable Trust from the A-20 zone to the R1-20 zone.

SUMMARY & BACKGROUND

This application is a request to rezone a portion of applicant's combined properties from the A-20 zone to the R1-20 zone in conformance with the Morgan County Future Land Use Map and as purposed in the 2010 Morgan County General Plan. The applicant was part of a much larger rezone request in 2008 with adjacent neighbors and was instructed by the County Council to come back with their individual request. The subject property is primarily residential with accessory agricultural uses. The subject properties currently have a combined frontage of approximately 940' along 3800West. The applicant would like to rezone the property that fronts 3800 West to bring the existing single family homes into conformance with the frontage, width and setbacks requirements of the Morgan County Code (MCC). The rezone request will affect three contiguous parcels of property owned by the applicant. The rezone request will only affect the property located along the County road leaving the western portion of the properties in the A-20 zone to preserve the agricultural nature of the parcels.

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 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 Low Density Residential (see Exhibit A).

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 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 (see Exhibit B). 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.

The portion of the property the applicant has requested for a rezone will be the R1-20 zone. The purpose for the R1-20 zone is per MCC §8-5B-1:

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

The minimum lot size requirement in the R1-20 zone is 20,000 square feet. 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 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 approximately 6.54 acres of contiguous property. Based on the combination of the overall properties owned by the applicant, the current maximum zoning density is 2.4855 single family units. The applicant has not provided an accurate legal description and acreage for the requested rezone. The overall density increase, if the rezone is approved, will be a maximum of 11.758 additional single family units based on the approximate acreage. If the Planning Commission forwards a positive recommendation to the County Council, the applicant will need to provide an accurate legal description prior to approval of the rezone.
2. Access: The property has roughly 940 feet of contiguous frontage in the A-20 zone along 3800 West (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 in the R1-20 zone, the applicant could develop nearly 9.4 lots along the frontage of 3800 West. As a result of this proposal and based on access alone, an increase of 6.1 additional lots could be added to the applicant's current development right.

3. Circulation: The County road known as 3800 West is currently a dead end road (see Exhibit D). 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 11.758 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 increases yields a potential increase of 117.6 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 not appear that the property is within FEMA flood plain boundaries, however the subject property is in close proximity to bodies of water (see Exhibit E).
7. Fire Protection: The property is not in the Wildland Urban Interface Area, so a specific fire protection plan is not required (see Exhibit F). 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 Morgan 7 ½ Minute Quadrangle, Morgan County, Utah*" by Thomas E. Mullens and William H. Laraway, the subject property appears to be located in the "*Qal*" geologic unit (see Exhibit G). The "*Qal*" geologic unit is composed of younger alluvium surficial deposits and is not a known geologic study area. 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 Young Revocable Trust 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 Young Revocable Trust Rezone Request, application #14.036, located at approximately 4567 North 3800 West, rezoning approximately 6.54 acres from the A-20 zone to R1-20 zone, based on the findings listed in the staff report dated April 4, 2014, and as modified by the findings below:”

1. List any additional findings...

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the Young Revocable Trust Rezone Request, application #14.036, located at approximately 4567 North 3800 West, rezoning approximately 6.54 acres from the A-20 zone to R1-20, based on the findings listed in the staff report dated April 4, 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. 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 and R1-20

Exhibit D: Access/Frontage-Street/Access area location

Exhibit E: Flood Plain location

Exhibit F: Wildland Urban Interface Map Excerpt of Area

Exhibit G: Geologic Map Excerpt

Exhibit A-Future Land Use Map

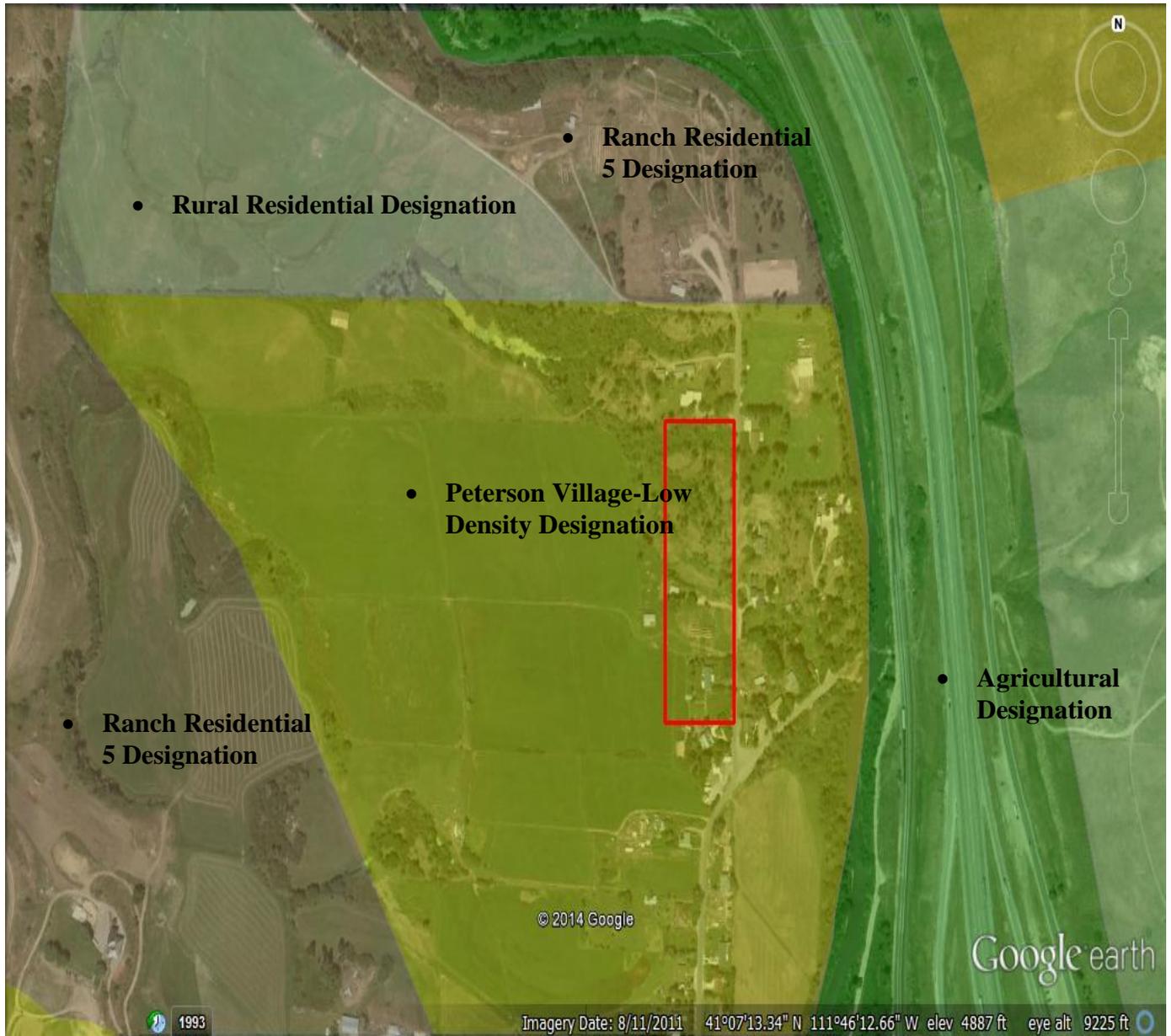


Exhibit B-Current Zoning Map

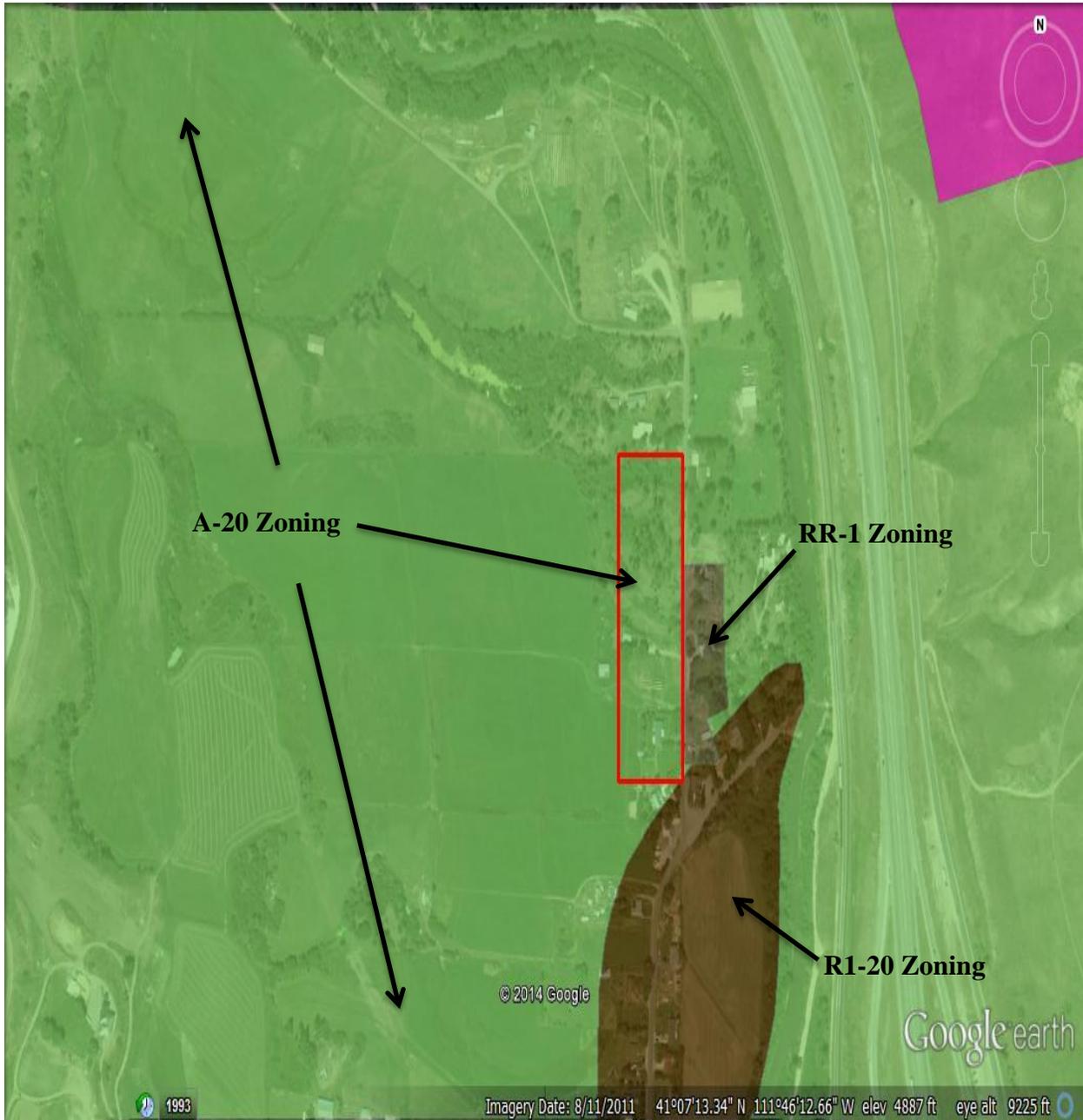


Exhibit C-Land Use Comparisons

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
Accessory buildings and uses customarily incidental to conditional uses	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
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
Accessory buildings and/or uses customarily incidental to permitted uses, other than those listed above	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
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
Apiary and aviary	P
Family food production	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
Forest industry, such as a sawmill, wood products plant, etc.	-

	Forestry, except forest industry	P
	Fruit/vegetable stand	C
	Bed and breakfast inn	-
	Child daycare centers, subject to regulations as set forth in section 8-6-39 of this title	C
	County fairgrounds uses	P
	Dams and reservoirs	C
	Dude ranch, family vacation ranch	C
	Dwellings:	
	Accessory apartment	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
	Single-family dwelling	P
	Home occupation	P
	Household pets	P
	Kennel	C
	Land excavations	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
	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
Public schools and governmentally operated essential service facilities	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
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 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 $\frac{3}{4}$ 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/Street areas

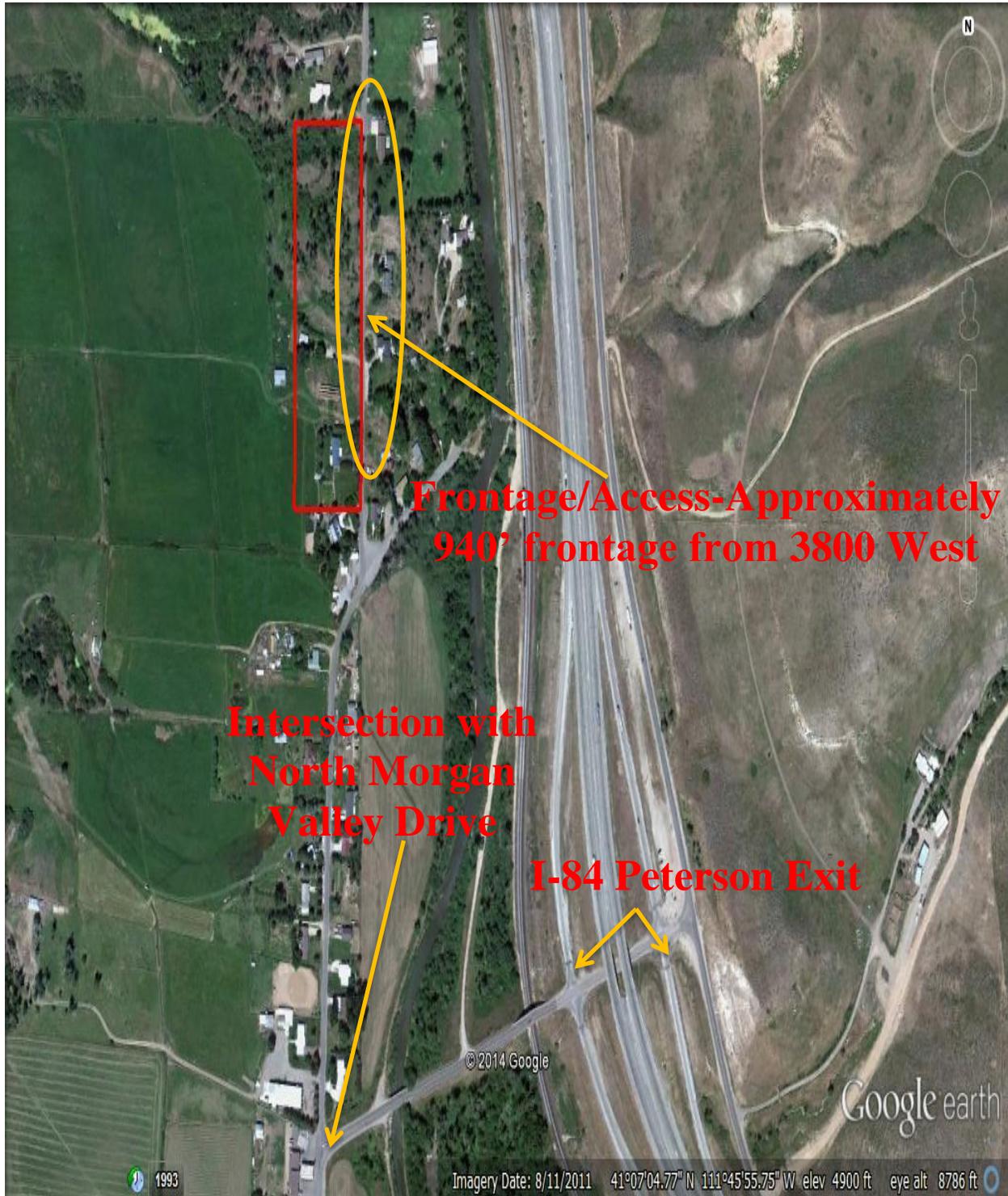


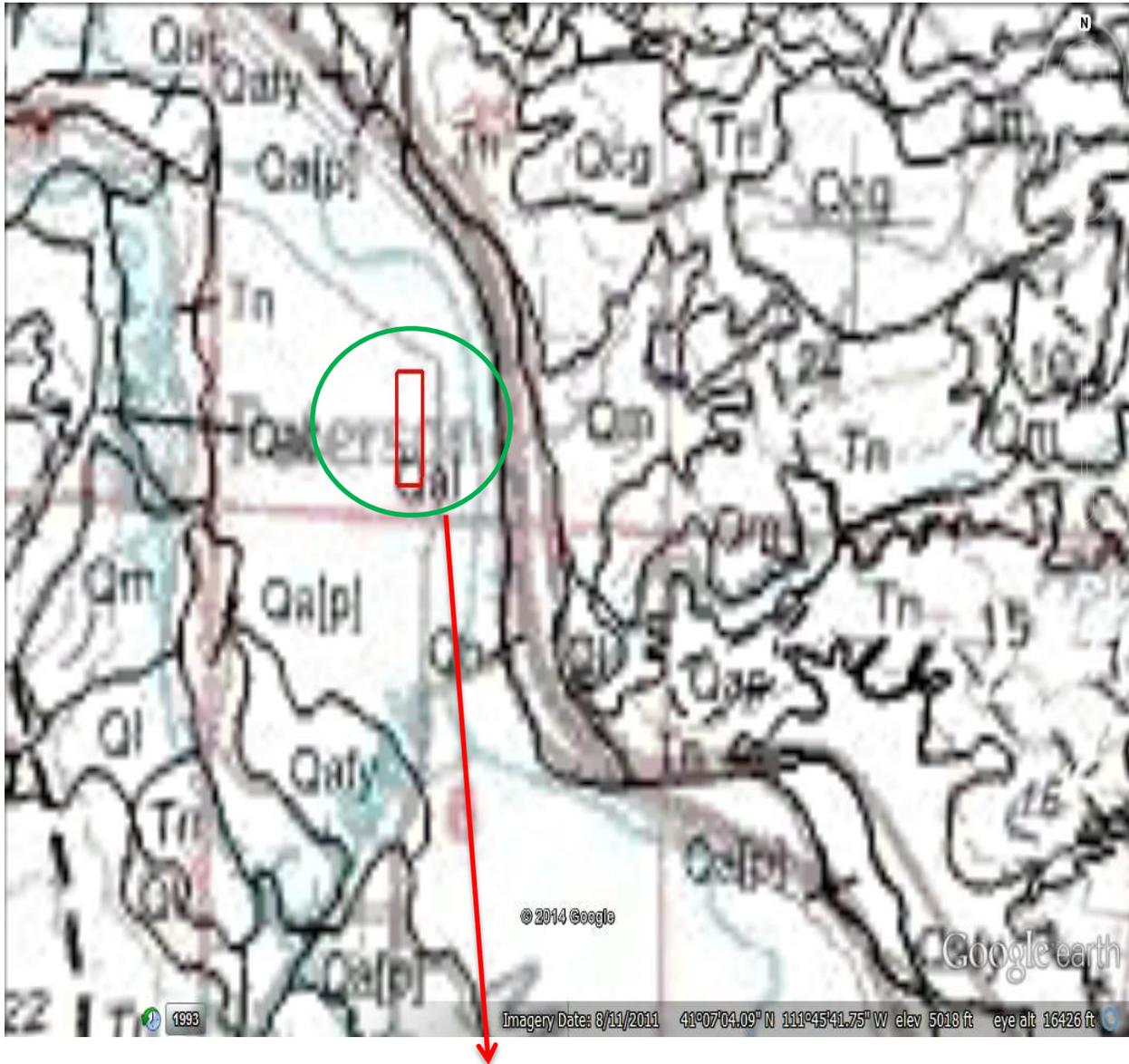
Exhibit E-Flood Plain location



Exhibit F-Wildland Urban Interface Map



Exhibit G- Geologic Map



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



PLANNING COMMISSION AGENDA

Thursday, April 10, 2014

Morgan County Council Room

6:30 PM

PUBLIC NOTICE is hereby given that the Morgan County Planning Commission will meet at the above time and date at the Morgan County Courthouse, Council Chambers, 48 West Young St, Morgan, Utah. The agenda is as follows:

1. Call to order – prayer
2. Approval of agenda
3. Declaration of conflicts of interest
4. Public Comment

Legislative Items:

5. Discussion/Decision: Whittier Rezone; A request to rezone approximately 75 acres from the A-20 zone to the R1-20 and RR-1 zones located at approximately 4000 North Morgan Valley Drive in conformance with the Peterson area Future Land Use Map.
6. Public Hearing/Discussion/Decision: Vern Young Revocable Trust Rezone; A request to rezone approximately 7 acres from the A-20 zone to the R1-20 zone located at approximately 4567 North 3800 West in conformance with the Peterson area Future Land Use Map.
7. Staff Report
8. Approval of minutes from March 27, 2014
9. Adjourn



PLANNING COMMISSION AGENDA

Thursday, March 27, 2014

Morgan County Council Room

6:30 PM

PUBLIC NOTICE is hereby given that the Morgan County Planning Commission will meet at the above time and date at the Morgan County Courthouse, Council Chambers, 48 West Young St, Morgan, Utah. The agenda is as follows:

1. Call to order – prayer
2. Approval of agenda
3. Declaration of conflicts of interest
4. Public Comment

Legislative Items:

5. Public Hearing/Discussion/Decision: Fitzgerald Future Land Use Map Amendment; a request to change the Morgan County Future Land Use Map for 31.71 acres of property located at approximately 420 North Morgan Valley Drive from the Agricultural designation to the Rural Residential designation.
6. Public Hearing/Discussion/Decision: Whittier Rezone; A request to rezone approximately 75 acres from the A-20 zone to the R1-20 and RR-1 zones located at approximately 4000 North Morgan Valley Drive in conformance with the Peterson area Future Land Use Map.
7. Election of Chair and Vice Chair
8. Staff Report
9. Approval of minutes from February 13, 2014
10. Adjourn

Members Present

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

Others Present

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

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

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

Staff Present

Jeremy Archibald
Ronda Kippen
Mickaela Moser

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

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

3. Declaration of conflicts of interest

There were none.

4. Public Comment

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

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

Chair Haslam called for anyone present to come forward if they are in favor of the Fitzgerald or the Whittier proposal. There were none.
He stated that if your name doesn't appear on the petition you have 2 minutes to express concerns.

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

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

Legislative Items:

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

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

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

Member Erickson asked about Mr. Fitzgerald's intentions for the modification to the current general plan. Mr. Fitzgerald clarified that he feels the space is not adequate and would like the extension of 274 yards to include his land.

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

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

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

Step 1: Identify a future use

Step 2: Rezone

Step 3: Conceptual plan

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

Step 5: Final plat amendment and building permits

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

Member Sessions moved to suspend the rules and have discussion. Second by Member Newton. The vote was unanimous. The motion carried.

Member Sessions expressed concern about the relative location of the 1 acre lot and it being considered a large lot that promotes agriculture. She proposed a buffer zone between the use of the A-20 zone and the higher

density of a 1 acre lot, so it's not butting up against an A-20 zone. She explained that the buffer, going south, would provide a gradual transition. Member Newton asserted his positive support for that idea. Member Stephens suggested those on the Milton Area Plan address that. Member Sessions said area plans were incorporated into the General Plan and the former area plan committee members are no longer part of those respective plans.

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

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

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

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

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

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

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

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

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

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

Member Stephens commented that members of the community have spoken and they need to be heard. With no hard feelings toward the applicant, he feels that now is not the time for this kind of growth in that area.

Member Sessions commented that she'd like to postpone this decision to allow more time for public comment regarding a buffer and the positioning of a possible transition in acreage. Member Erickson commented that he feels it is about time to review the General Plan since we're at a point 5 years from the time it was last reviewed. He would like to receive input from the community to recertify what's in place or call for some changes.

Chair Haslam reminded everyone that this is not for a rezone, but a map amendment. Member Stephens didn't see a need to postpone. Ronda stated that the applicant is bound to 2 years. Member Sessions wondered how postponing the item indefinitely would affect the two year time frame?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Bill Shaw: Lives on Morgan Valley Drive. Wondered how many pipelines there are. Discussion indicated that there are 3: Conoco, FiberOptic, Questar. He stated that pipelines are dangerous. People who live around them don't know how dangerous they are.

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

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

Member Sessions moved to postpone the Whittier Rezone Request, application #14.027, until the April 10, 2014 meeting. Second by Member Sawyer.

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

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The vote was unanimous. The motion carried.

7. Election of Chair and Vice Chair.

Member Newton moved to nominate Roland Haslam as Chair. Second by Member Stephens. The vote was unanimous. The motion carried.

Member Sessions moved to close the nominations for Chair. Second by Member Stephens. The vote was unanimous. The motion carried.

Member Wilson moved to nominate Debbie Sessions as Vice Chair. Second by Member Newton. The vote was unanimous. The motion carried.

Member Stephens moved to close the election for Vice Chair. Second by Member Sawyer. The vote was unanimous. The motion carried.

7. Staff Report

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

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

8. Approval of minutes from February 13, 2014

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

9. Adjourn

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

Approved: _____ Date: _____
Chairman

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