

Memo

TO: Planning Commission
FROM: Ronda Kippen
DATE: April 17, 2014
SUBJECT: Work Session for Small Subdivisions w/o Infrastructure Improvement Requirements

BACKGROUND

During the County Council meeting held on December 3, 2013, the Planning Department Staff received direction from the County Council to revisit and correct areas of the Morgan County Subdivision Code that requires certain street improvements to be installed by the applicant during the Small Subdivisions process. In order to ensure that the corrections and modifications were what the Planning Commission and County Council desired, an Ordinance Update Committee was created, that consists of three Planning Commissioners, three County Council members and the Planning Department Staff. The Ordinance Update Committee has met approximately every two to three weeks discussing potential options and ways to correctly implement the proposed changes to the Small Subdivision requirements of the Morgan County Code.

The information that will be discussed during the April 24, 2014 Planning Commission is the final draft as reviewed and recommended by the Ordinance Updated Committee (See Exhibit A). The proposal will bring the Small Subdivision portion of the Morgan County code into conformance with Utah State Code by modifying the definition of a Small Subdivision from 8 lots or less to 10 lots or less and to remove the requirements for the applicant to make improvements to the County street system so that the current roadways meet County Standards.

The meeting on April 24, 2014 is a Work Session only. Prior to any decisions being made, adequate noticing will need to be met and a Public Hearing on the item will need to take place before forwarding a recommendation to the County Council for a final decision.

SUPPORTING INFORMATION

Exhibit A: Small/No Off-site Improvement Subdivisions

Exhibit A: Small/No Off-site Improvement Subdivisions

SMALL/NO OFF-SITE IMPROVEMENT SUBDIVISIONS

10 Lots, or Less, and where No Off-Site Improvements are Required, or Authorized

Section 1—Purpose:

This Chapter provides standards and procedures for the review of Subdivision Applications, proposing the creation of ten (10) lots, or less, and where no improvements to an existing, or widened, dedicated right-of-way is required, or authorized.¹

Section 2—Planning Commission the Land Use Authority:

The Planning Commission is authorized as the Land Use Authority responsible to approve, approve with revisions, or deny all Small/No Off-Site Improvement Subdivision Applications.

Section 3—Procedures of Review and Approval Standards for Small/No Off-Site Improvement Subdivision Applications:

- 1) The procedures for the review of a Small/No Off-Site Improvement Subdivision Application are identified by Figure 1.
- 2) The Application requirements for a Small/No Off-Site Improvement Subdivision Application are identified by _____.
- 3) In considering a Small/No Off-Site Improvement Subdivision Application the Planning Commission, in deciding the Application, shall determine:
 - a) The proposed subdivision is located within the unincorporated area of the County.

¹ “Small/ No Off-Site Improvement Subdivision” means the division of lands located in the unincorporated area of the County into ten (10) lots, or less, by certifying in writing that: (a) the County has provided notice as required; and (b) the proposed subdivision: (i) may be required to provide property for the widening to an already existing dedicated road or street right-of-way to meet County standards but is not required to provide any improvements to any such existing dedicated right-of-way; (ii) may be required to provide necessary, or required on-site dedications and improvements; (iii) has been reviewed and received written feasibility approval from the culinary water authority (iv) has been reviewed and received written feasibility approval from the sanitary sewer authority; (v) has received a written recommendation from the fire authority; (vi) is located in a zoned area; and (vii) conforms to all applicable Land Use Ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable Land Use Ordinance (see §17-27a-605, UCA).

Exhibit A: Small/No Off-site Improvement Subdivisions

- b) The subdivision is proposing 10 lots, or less, including any area(s) of the original parcel which shall be included within a lot.²
- c) If the proposed subdivision is required to provide any lands for the widening to an existing dedicated road or street right-of-way, and necessary to meet County standards.³
- d) The proposed Small/No Off-Site Improvement Subdivision has been reviewed and received written feasibility approval by the Culinary Water Authority, as applicable, for the proposed culinary water system and all culinary water sources for each lot proposed to be created. The proposed Small/No Off-Site Improvement Subdivision complies with all revisions, required for the written approval of the feasibility of the proposed culinary water system and culinary water sources, provided by the Culinary Water Authority, as applicable, to the Planning Commission.⁴
- e) The Small/No Off-Site Improvement Subdivision has been reviewed and received written feasibility approval by the Sanitary Sewer Authority, as applicable, for the proposed sanitary sewer services, or onsite wastewater systems. The proposed Small/No Off-Site Improvement Subdivision complies with all revisions, required for the written approval of the feasibility of the proposed sanitary sewer services, or onsite wastewater systems, provided by the Sanitary Sewer Authority, as applicable, to the Planning Commission.⁵
- f) The Small/No Off-Site Improvement Subdivision has been reviewed and received a written recommendation by the Fire Authority, as applicable, for the proposed fire protection and suppression system. The proposed Small/No Off-Site Improvement Subdivision complies with all revisions, required for the written recommendation of the feasibility of the

² A Small/No Off-Site Improvement Subdivision Application shall provide a plat that identifies the accurate location, dimensions, and size of all lots, including the remaining portion of the original parcel which shall be included within a lot.

³ A Small/No Off-Site Improvement Subdivision may be required to provide right-of-way dedication to an existing dedicated road or street right-of-way but shall not be required to provide any improvements to any such right-of-way;

⁴ The Culinary Water Authority may be the Weber-Morgan Health Department, Utah Department of Environmental Quality, or other public water system regulated by the Weber-Morgan Health Department or the Utah Department of Environmental Quality.

⁵ The Sanitary Sewer Authority may be the Weber-Morgan Health Department, Utah Department of Environmental Quality, or other public sanitary sewer service provider regulated by the Weber-Morgan Health Department or the Utah Department of Environmental Quality.

Exhibit A: Small/No Off-site Improvement Subdivisions

proposed fire protection and suppression system, provided by the Fire Authority, as applicable, to the Planning Commission.⁶

- g) The proposed Small/No Off-Site Improvement Subdivision complies with all requirements of the Zoning District in which it is located.
- h) The proposed Small/No Off-Site Improvement Subdivision complies with all requirements of the County's Land Use Ordinances, or has properly received a variance from the requirements of an otherwise conflicting and applicable Land Use Ordinance.
- i) The proposed Small/No Off-Site Improvement Subdivision complies with all Federal, State, or Local requirements and regulations, as applicable.
- j) The proposed Small/No Off-Site Improvement Subdivision complies with all requirements of any Official Maps, as applicable.
- k) The proposed Small/No Off-Site Improvement Subdivision does not land lock any property(ies).

Section 4—Planning Commission Approval – Reasonable Requirements Authorized:

- 1) The Planning Commission, acting as the Land Use Authority, may approve a Small/No Off-Site Improvement Subdivision Application, as presented, approve the Application with revisions, or deny the Application with findings of compliance or non-compliance with this Ordinance and other County Land Use Ordinances and requirements, as applicable.
- 2) The Planning Commission may require improvements, provided by the Applicant(s) for Small/No Off-Site Improvement Subdivision Application approval, with findings that such improvements are necessary and reasonable to meet the needs of the proposed subdivision, including but not limited to:
 - a) Culinary Water facilities.
 - b) Sanitary Sewer facilities.
 - c) Fire Protection and Suppression facilities, including fire hydrants, fire access, and water storage facilities.
 - d) On-Site road and street facilities and improvements.
 - e) Access improvements, including providing property for the widening of an already existing dedicated road or street right-of-way to meet County standards, culverts and driveways.
 - f) Flood Control and Storm Drainage facilities.
 - g) Secondary Water facilities.

⁶ The Fire Authority is the public fire protection agency providing fire protection and fire suppression services to the location of the proposed subdivision.

Exhibit A: Small/No Off-site Improvement Subdivisions

- h) Such other measures determined reasonable and necessary to allow the proposed subdivision in compliance with the requirements of this Ordinance, all other Land Use Ordinances, and all Federal, State, or Local regulations, as applicable.

Section 5—Planning Commission Approval – Dedication of Land Provided:

The Planning Commission, in approving a Small/No Off-Site Improvement Subdivision Application, with or without revisions, may require the dedication of lands for a public purpose, and required to meet approval standards, as provided by Section 3.

Section 6—Planning Commission Approval – Certificate of Written Approval Required:

- 1) The approval of a Small/No Off-Site Improvement Subdivision Application, with or without revisions, by the Planning Commission shall constitute a final approval of the proposed subdivision, provided such Small/No Off-Site Improvement Subdivision Plat is accompanied by a Certificate of Approval, signed by the Chair of the Planning Commission, or Chair's designee.
- 2) Certificate of Written Approval. Following the Planning Commission's approval of a Small/No Off-Site Improvement Subdivision Application, with or without revisions, the Planning Commission Chair, or Chair's designee, shall sign a Certificate of Written Approval and shall attach such Certificate to the approved Small/No Off-Site Improvement Subdivision Plat.

Section 7—Recordation of Small/No Off-Site Improvement Subdivision Plat and Certificate of Written Approval, Continuing Validity:

- 1) After a Small/No Off-Site Improvement Subdivision Application has been approved by the Planning Commission, with or without revisions, and a Certificate of Written Approval has been signed by the Planning Commission Chair, or designee, the Small/No Off-Site Improvement Subdivision Plat shall be presented to the County Planning and Development Services Department for recordation in the Office of the Morgan County Recorder, accompanied by the Planning Commission's Certificate of Written approval.
- 2) After the Small/No Off-Site Improvement Subdivision Plat, and accompanying Planning Commission Certificate of Written Approval has been recorded, the Applicant(s) may apply for building permits consistent with the approved and recorded Small/No Off-Site Improvement Subdivision Plat and the County requirements for such permits.
- 3) The Applicant is required to pay all fees, including copies, for the recording of the approved Small/No Off-Site Improvement Subdivision Plat and accompanying Certificate of Written Approval.

Exhibit A: Small/No Off-site Improvement Subdivisions

- 4) As provided by the Act, the continuing validity of a Small/No Off-Site Improvement Subdivision Application approval is conditioned upon the Applicant(s) proceeding after approval to implement the approval with reasonable diligence. For the purposes of this Ordinance, the approval of a Small/No Off-Site Improvement Subdivision Application shall be effective for a period of ninety (90) calendar days from the date of approval by the Planning Commission at the end of which time the Applicant(s) shall have submitted the approved Small/No Off-Site Improvement Subdivision Plat to the County Planning and Development Services Department for recordation. If an approved Small/No Off-Site Improvement Subdivision Plat is not received by the County Planning and Development Services Department, within ninety (90) calendar days of approval, the Small/No Off-Site Improvement Subdivision Application approval shall be rendered void and invalid.

Section 8—Recordation of Small/No Off-Site Improvement Subdivision Plat without a Certificate of Written Approval:

A document recorded in the Morgan County Recorder's Office that divides property located in the unincorporated areas of the County by a plat, or by any other description, does not create an approved subdivision allowed by this Chapter unless the Planning Commission's Certificate of Written Approval is attached and accompanies the Small/No Off-Site Improvement Subdivision Plat.

Section 9—Subdivision Work:

No excavation, grading, or regrading shall take place, and no building permits shall be issued by the County, until the approved Small/No Off-Site Improvement Subdivision Plat, and the Planning Commission's Certificate of Written Approval, has been recorded in the Office of the Morgan County Recorder, as provided by Section 7 herein.

Section 10—Appeal of Non-Plat Subdivision Application Decisions:

Any person(s) aggrieved by a decision of the Planning Commission for a Small/No Off-Site Improvement Subdivision Application may appeal the decision to the Appeals and Variance Hearing Officer.

Exhibit A: Small/No Off-site Improvement Subdivisions

SMALL/NO OFF-SITE IMPROVEMENT SUBDIVISION APPLICATION

DRAFT

Exhibit A: Small/No Off-site Improvement Subdivisions





PLANNING COMMISSION AGENDA

Thursday, April 24, 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
5. Small subdivision without infrastructure improvements work session
6. Staff Report
7. Approval of minutes from March 27, 2014 and April 10, 2014
8. Adjourn



PLANNING COMMISSION AGENDA

Thursday, April 10, 2014

Morgan County Council Room

6:30 PM

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

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

Legislative Items:

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

Members Present

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

Staff Present

Ronda Kippen
Mickaela Moser

Public Present

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

Trevor Kobe
Tim Spens
Blair Gardner
Dave Craig

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

Item #8, approval of minutes from March 27, 2014 was removed.

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

Chair Haslam excused Member Erickson from the meeting.

3. Declaration of conflicts of interest.

Member Sessions stated that she is a member of the Peterson Pipeline Association. She has an interest in the Young property decision as a part of the Sessions Limousine Ranch. Chair Haslam reminded those present that the hearing for the Whittier Rezone was done at the last Planning Commission Meeting and for tonight, any comments must be made in the public comment period.

4. Public Comment

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

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

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

Trevor Kobe: Suggested posting more public information for community members who may not be familiar with what the rezone numbers RR-1 and A-20 mean, for clarity. He requested calculating the number of potential future homes before proceeding with the decision. He

commented that if a rezone is done for 110 homes in an area, there will be a way to put that many homes in that area, however, if there is a limit assigned to the number of homes in that community, people will know what to expect can give feedback accordingly.

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

Legislative Items:

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

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

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

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

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

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

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

Chair Haslam stated that the public is desirous to leave the proposal of 110 potential homes and move toward the more conservative and realistic 30-40 potential homes. The possibility of

having 110 homes is too drastic and causes concern with residents. Mr. Gardner responded that he thought the line was moved to where the County wanted it and reiterated that there will not be 110 homes built on that area.

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

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

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

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

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

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

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

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

Further discussion on the

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

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

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

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

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

Member Sessions moved to forward a positive recommendation to the County Council for the Whittier Rezone Request, application #14.027, located at approximately 4000 North Morgan Valley

Drive, rezoning the acreage to the western border of the pipeline easement from the A-20 zone to the R1-20 zone and rezoning the acreage upon an east of the pipeline easement from the A-20 zone to the RR-1 zone, leaving the A-20 zone the same as defined on the engineer's report, based on the findings listed in the staff report dated March 10, 2014 and the staff memo dated April 2, 2014, and as modified by the findings below:

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

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

Member Sawyer left at this point in the meeting.

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

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

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

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

Brent Bohman: Recommended that the Planning Commission follow the General Plan. He mentioned that in the history of this property, tunnel zoning was put on all the plats in the county. There was a lawsuit about water quality filed, with the current road being classified a "lane".

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

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

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

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

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

7. Staff Report

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

8. Adjourn

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

Approved: _____ **Date:** _____
Chairman

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



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.

Morgan County Planning Commission Meeting Minutes

March 27, 2014, Unapproved

Page 6 of 7

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