



## PLANNING COMMISSION AGENDA

Thursday, May 8, 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**

5. Discussion/Public Hearing/Decision: Michael D. Jones Rezone: A request to rezone a 1 acre parcel located at 5065 West Old Highway Road from the RR-1 zone (Rural Residential 1 acre minimum per residential unit) to the R1-8 zone (Residential 8,000 sq. ft. per residential unit).

### **Administrative**

6. Discussion/Decision: Allgood Tow Yard Conditional Use Permit: A conditional use permit request for clean outdoor storage located at 4132 West 5800 North in the Cottonwood Industrial Park.
7. Discussion/Decision: AW Towing Conditional Use Permit: A conditional use permit request for clean outdoor storage located at 4032 West 5800 North in the Cottonwood Industrial Park.
8. Staff Report
9. Approval of minutes from April 24, 2014
10. Adjourn

Allgood Conditional Use Permit  
Public Meeting  
May 8, 2014

Application No.: 14.046  
Applicant: Glenn Allgood  
Owner: Same  
Project Location: 4132 W 5800 N  
Morgan  
Current Zoning: CB (Commercial Buffer); Airport Overlay Zone  
General Plan Designation: Business Park  
Acreage: Approximately 1 acre  
Request: Conditional Use for a Clean Outdoor Storage Yard  
Date of Application: April 10, 2014  
Date of Previous Hearing: N/A

#### Staff Recommendation

County Staff recommends approval of the requested conditional use permit based on the following findings and with conditions listed below:

#### **Condition:**

1. That the applicant enter into an aviation and hazard agreement pursuant to requirements of Morgan County Code, Section 8-5H-7 (B) for nonaeronautical uses in the airport overlay zone.

#### Background

The applicant owns a parcel of land located at 4132 W. 5800 N., which is in the CB zone. The property is currently being used as an office space, while the rear portion of the property is used for vehicle storage. The proposed conditional use permit would allow for the collocation of another business (Stauffer's Towing) utilizing the same lot. The lot will be utilized to temporarily store immobile or otherwise impounded vehicles pending final disposition. There will be no long-term or permanent storage on the lot, and it will not be used as a junkyard/scrap yard.

Tow trucks will bring vehicles to the lot for temporary storage and will have access to the lot 24 hours per day, seven days a week. Customers will only be allowed to access the lot by appointment between the hours of 8 am to 5 pm, Monday through Friday, and by appointment only. This will limit the amount of traffic in the area to regular business hours. There will be no office for this business located on the site; it will be located elsewhere.

## Analysis

General Plan and Zoning. Pursuant to the Future Land Use Map (see Exhibit B), the property is designated as Business Park, within the Mountain Green Industrial Park. According to the General Plan, "typical uses may also include construction contractors, small, screened storage yards, and small warehousing spaces." The proposed conditional use would meet the anticipated general planning designation.

The zoning of the parcel is CB (Commercial Buffer). The purpose of the zone is to provide areas for appropriate transitions of commercial uses. The proposed conditional use permit is an expansion of an existing clean outdoor storage area. The ordinance allows for this kind of use with the granting of a conditional use permit. The property lies within the Airport Overlay Zone, which provides for off airport permitted and conditional uses within the AOZ shall conform to the nature of current zoning or such future rezoning as may be petitioned for and approved, with the additional requirement that any development within one-half (1/2) mile laterally from the runway centerline and extended centerline out to the periphery of the horizontal surface, will require the execution of aviation and hazard agreements by all affected persons (within the legal meaning of "person"), with all such agreements to "run with the land". (See Section 8-5H-7 (B)).

Ordinance Evaluation. Morgan County Code, Chapter 3, Section 8-2-1 defines conditional use as the following:

*CONDITIONAL USE: A land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. (A use of land for which a conditional use permit is required, pursuant to this title.)*

**Staff Response:** Due to the preexisting use already on the parcel, any impact due to the expansion of the use will be minimal. The site is already adequately screened from visual impact to surrounding properties and lies within a predominately light industrial use area. The proposed conditional use permit will not adversely impact adjacent properties or businesses.

Property Layout. The existing lot is approximately 130' wide and 334.51' deep, or nearly one acre.

Roads and Access. The lot has 130' of frontage on 5800 N. It is not anticipated that the proposed conditional use will have a significant impact on the roadway and existing traffic patterns.

Grading and Land Disturbance. No grading/land disturbance is being proposed at this time. The parcel appears to lie outside of the flood plain.

Water Source. Water is available from the Cottonwood Mutual Water Company.

Fire Protection. MCC 8-12-450(c) requires fire protection to comply with adopted fire code as verified by the local Fire Official. The parcel lies inside the Wildland/Urban interface.

Sanitary Sewer Systems. The property is served by the Mountain Green Sewer District.

Storm Water. Storm water drainage is accommodated in the existing system. As the proposed conditional use will not expand the impervious surface area of the parcel, additional storm water drainage is not required.

Geologic and Geotechnical Evaluations. No additional construction will be associated with this proposed conditional use; therefore, geologic and geotechnical evaluations are not required.

Utilities. The proposed conditional use will not involve the use or expansion of utilities.

### Model Motion

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Allgood Conditional Use Permit, application #14.045, located at approximately 4132 W. 5800 N., allowing for the expansion of a towing yard as a clean outdoor storage, based on the findings and with the condition listed in the staff report dated May 8, 2014.”

Sample Motion for a *Positive* Recommendation *with conditions* – “I move we forward a positive recommendation to the County Council for the Allgood Conditional Use Permit, application #14.045, located at approximately 4132 W. 5800 N., allowing for the expansion of a towing yard as a clean outdoor storage, based on the findings and with the condition listed in the staff report dated May 8, 2014, *with the following conditions:*”

1. List any additional findings and conditions...

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for I move we forward a positive recommendation to the County Council for the Allgood Conditional Use Permit, application #14.045, located at approximately 4132 W. 5800 N., allowing for the expansion of a towing yard as a clean outdoor storage, based on the findings and with the condition listed in the staff report dated May 8, 2014, *subject to the following conditions:*

1. List any additional findings...

### Supporting Information

Exhibit A: Vicinity Map  
Exhibit B: Future Land Use Map  
Exhibit C: Existing Zoning Map  
Exhibit D: Wildland Urban Interface Map  
Exhibit E: Geologic Map

### Staff Contact

Bill Cobabe, AICP  
801-845-4059  
bcobabe@morgan-county.net

Exhibit A: Vicinity Map

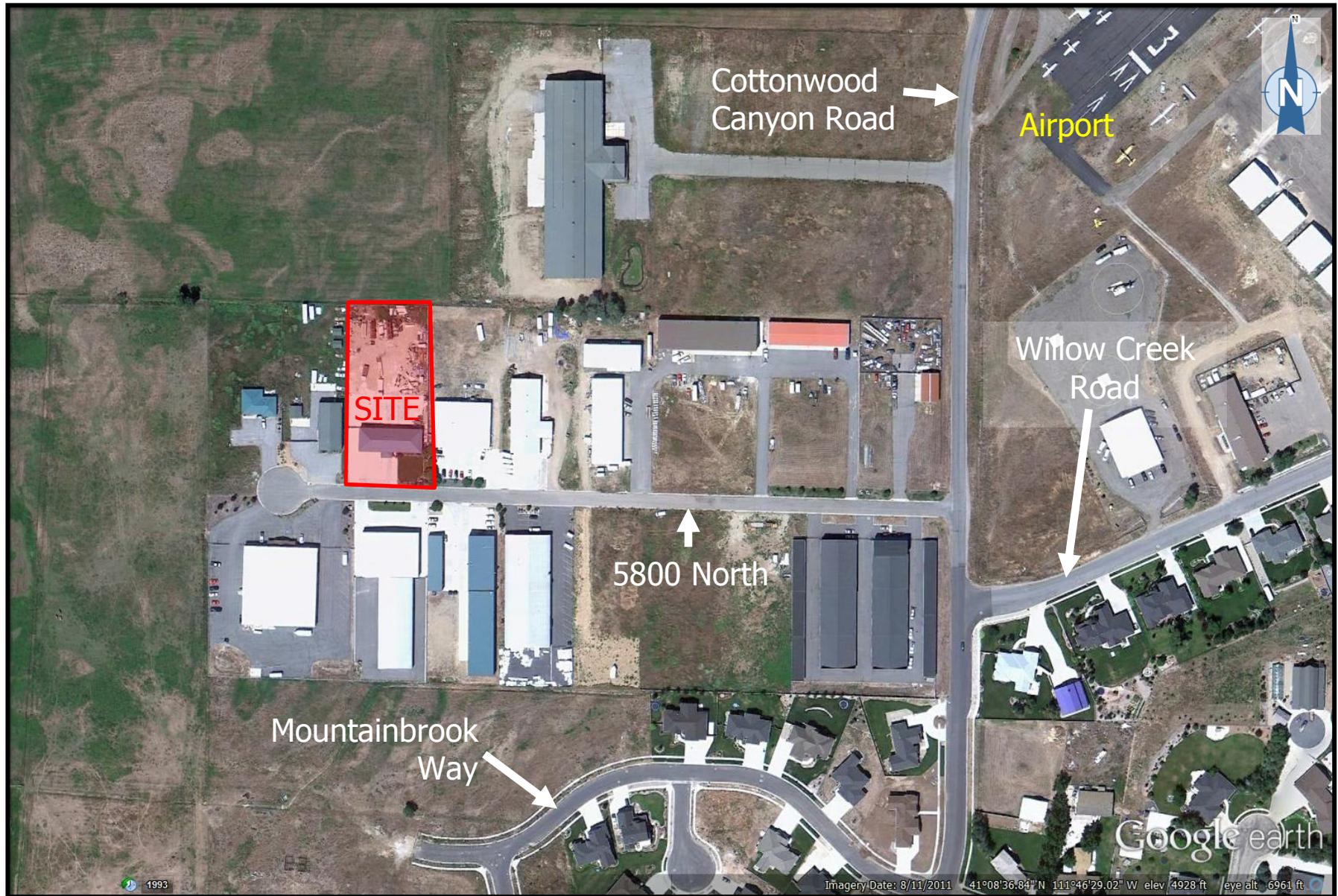


Exhibit B: Future Land Use Map



Exhibit C: Existing Zoning Map

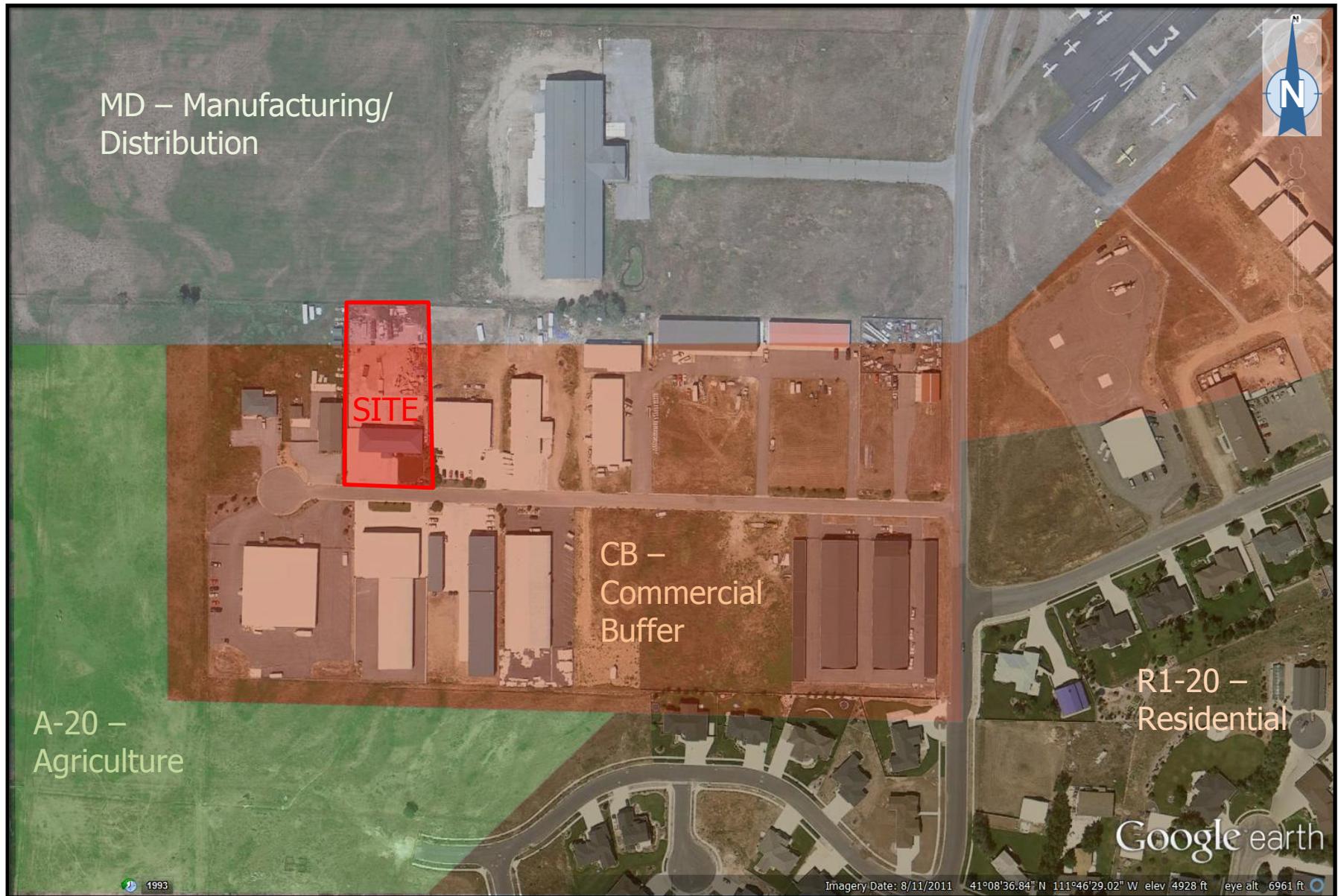


Exhibit D: Wildland Urban Interface Map

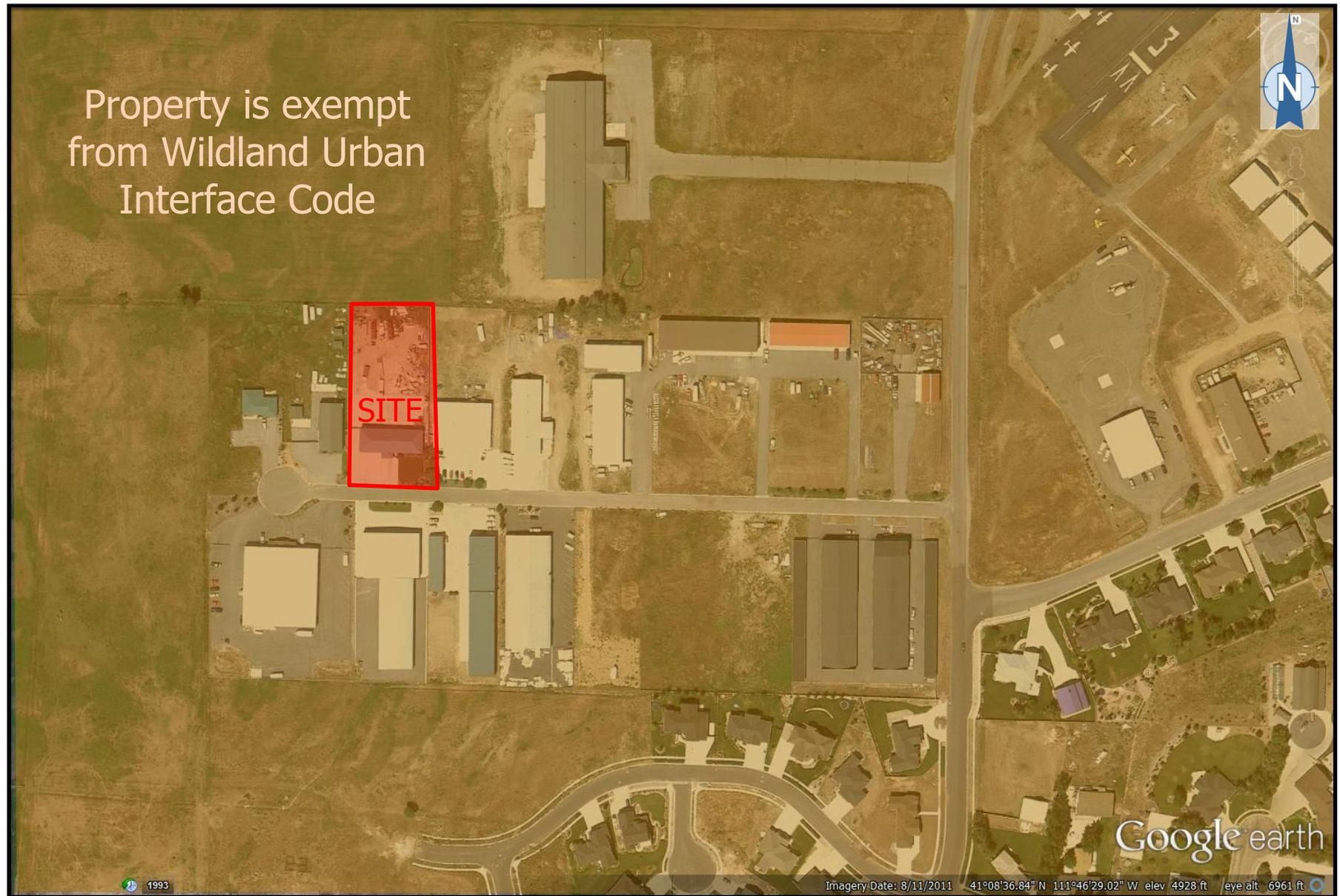
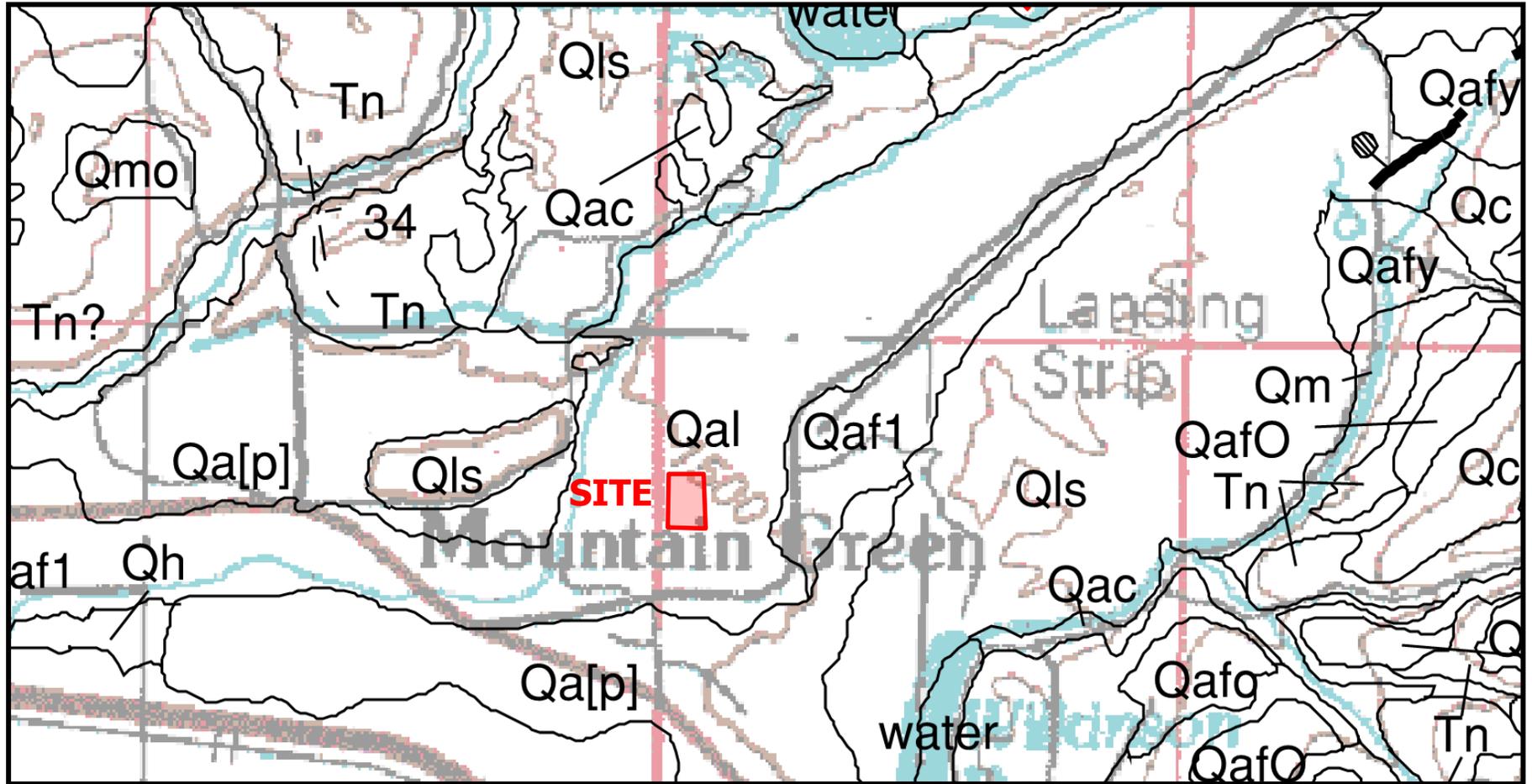


Exhibit E: Geologic Map



Approximate Site Location – Qal Geologic Designation

Winterton Conditional Use Permit  
Public Meeting  
May 8, 2014

Application No.: 14.048  
Applicant: Dale Winterton  
Owner: Mike Babcock  
Project Location: 4032 W 5800 N  
Morgan  
Current Zoning: CB (Commercial Buffer); Airport Overlay Zone  
General Plan Designation: Business Park  
Acreage: Approximately 1 acre  
Request: Conditional Use for a Clean Outdoor Storage Yard  
Date of Application: April 10, 2014  
Date of Previous Hearing: N/A

#### Staff Recommendation

County Staff recommends approval of the requested conditional use permit based on the following findings and with conditions listed below:

#### **Condition:**

1. That the applicant enter into an aviation and hazard agreement pursuant to requirements of Morgan County Code, Section 8-5H-7 (B) for nonaeronautical uses in the airport overlay zone.

#### Background

The applicant owns a parcel of land located at 4032 W. 5800 N., which is in the CB zone. The property is currently mostly vacant, while the rear portion of the property is used for vehicle storage. The proposed conditional use permit would allow for the collocation of another business (AW Towing) utilizing the same lot. The lot will be utilized to temporarily store immobile or otherwise impounded vehicles pending final disposition. There will be no long-term or permanent storage on the lot, and it will not be used as a junkyard/scrap yard.

Tow trucks will bring vehicles to the lot for temporary storage and will have access to the lot 24 hours per day, seven days a week. Customers will only be allowed to access the lot by appointment between the hours of 8 am to 5 pm, Monday through Friday, and by appointment only. This will limit the amount of traffic in the area to regular business hours. There will be no office for this business located on the site; it will be located elsewhere.

## Analysis

General Plan and Zoning. Pursuant to the Future Land Use Map (see Exhibit B), the property is designated as Business Park, within the Mountain Green Industrial Park. According to the General Plan, "typical uses may also include construction contractors, small, screened storage yards, and small warehousing spaces." The proposed conditional use would meet the anticipated general planning designation.

The zoning of the parcel is CB (Commercial Buffer). The purpose of the zone is to provide areas for appropriate transitions of commercial uses. The proposed conditional use permit is an expansion of an existing clean outdoor storage area. The ordinance allows for this kind of use with the granting of a conditional use permit. The property lies within the Airport Overlay Zone, which provides for off airport permitted and conditional uses within the AOZ shall conform to the nature of current zoning or such future rezoning as may be petitioned for and approved, with the additional requirement that any development within one-half (1/2) mile laterally from the runway centerline and extended centerline out to the periphery of the horizontal surface, will require the execution of aviation and hazard agreements by all affected persons (within the legal meaning of "person"), with all such agreements to "run with the land". (See Section 8-5H-7 (B)).

Ordinance Evaluation. Morgan County Code, Chapter 3, Section 8-2-1 defines conditional use as the following:

*CONDITIONAL USE: A land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. (A use of land for which a conditional use permit is required, pursuant to this title.)*

**Staff Response:** Due to the preexisting use already on the parcel, any impact due to the expansion of the use will be minimal. The site is already adequately screened from visual impact to surrounding properties and lies within a predominately light industrial use area. The proposed conditional use permit will not adversely impact adjacent properties or businesses.

Property Layout. The existing lot is approximately 143' wide and 334.51' deep, or nearly one acre.

Roads and Access. The lot has 143' of frontage on 5800 N. It is not anticipated that the proposed conditional use will have a significant impact on the roadway and existing traffic patterns.

Grading and Land Disturbance. No grading/land disturbance is being proposed at this time. The parcel appears to lie outside of the flood plain.

Water Source. Water is available from the Cottonwood Mutual Water Company.

Fire Protection. MCC §8-12-450(c) requires fire protection to comply with adopted fire code as verified by the local Fire Official. The parcel lies inside the Wildland/Urban interface.

Sanitary Sewer Systems. The property is served by the Mountain Green Sewer District.

Storm Water. Storm water drainage is accommodated in the existing system. As the proposed conditional use will not expand the impervious surface area of the parcel, additional storm water drainage is not required.

Geologic and Geotechnical Evaluations. No additional construction will be associated with this proposed conditional use; therefore, geologic and geotechnical evaluations are not required.

Utilities. The proposed conditional use will not involve the use or expansion of utilities.  
Model Motion

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Winterton Conditional Use Permit, application #14.045, located at approximately 4032 W. 5800 N., allowing for the expansion of a towing yard as a clean outdoor storage, based on the findings and with the condition listed in the staff report dated May 8, 2014.”

Sample Motion for a *Positive* Recommendation *with conditions* – “I move we forward a positive recommendation to the County Council for the Winterton Conditional Use Permit, application #14.045, located at approximately 4032 W. 5800 N., allowing for the expansion of a towing yard as a clean outdoor storage, based on the findings and with the condition listed in the staff report dated May 8, 2014, *with the following conditions:*”

1. List any additional findings and conditions...

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for I move we forward a positive recommendation to the County Council for the Winterton Conditional Use Permit, application #14.045, located at approximately 4032 W. 5800 N., allowing for the expansion of a towing yard as a clean outdoor storage, based on the findings and with the condition listed in the staff report dated May 8, 2014, *subject to the following conditions:*

1. List any additional findings...

### Supporting Information

Exhibit A: Vicinity Map  
Exhibit B: Future Land Use Map  
Exhibit C: Existing Zoning Map  
Exhibit D: Wildland Urban Interface Map  
Exhibit E: Geologic Map

### Staff Contact

Bill Cobabe, AICP  
801-845-4059  
bcobabe@morgan-county.net

Exhibit A: Vicinity Map

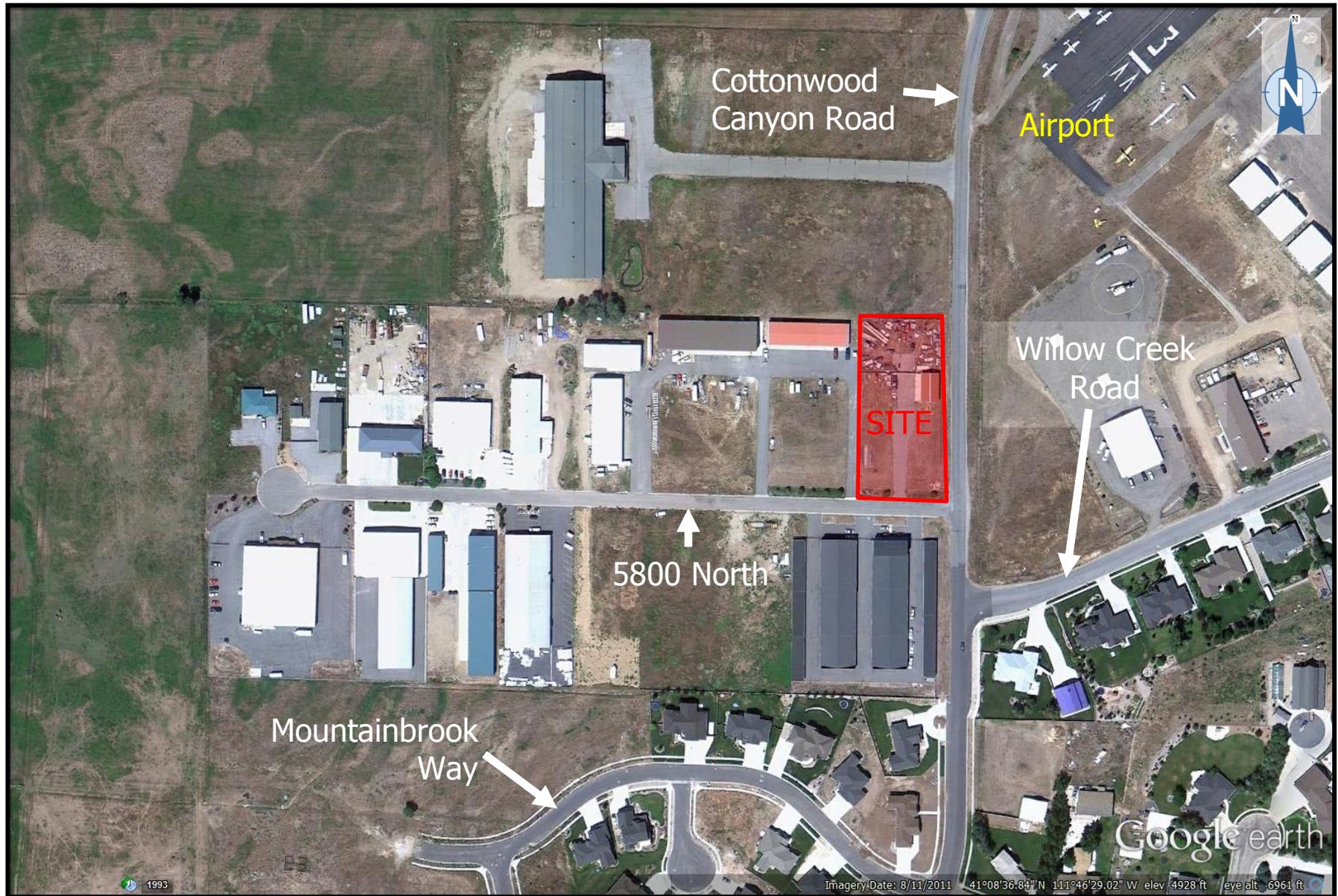


Exhibit B: Future Land Use Map



Exhibit C: Existing Zoning Map

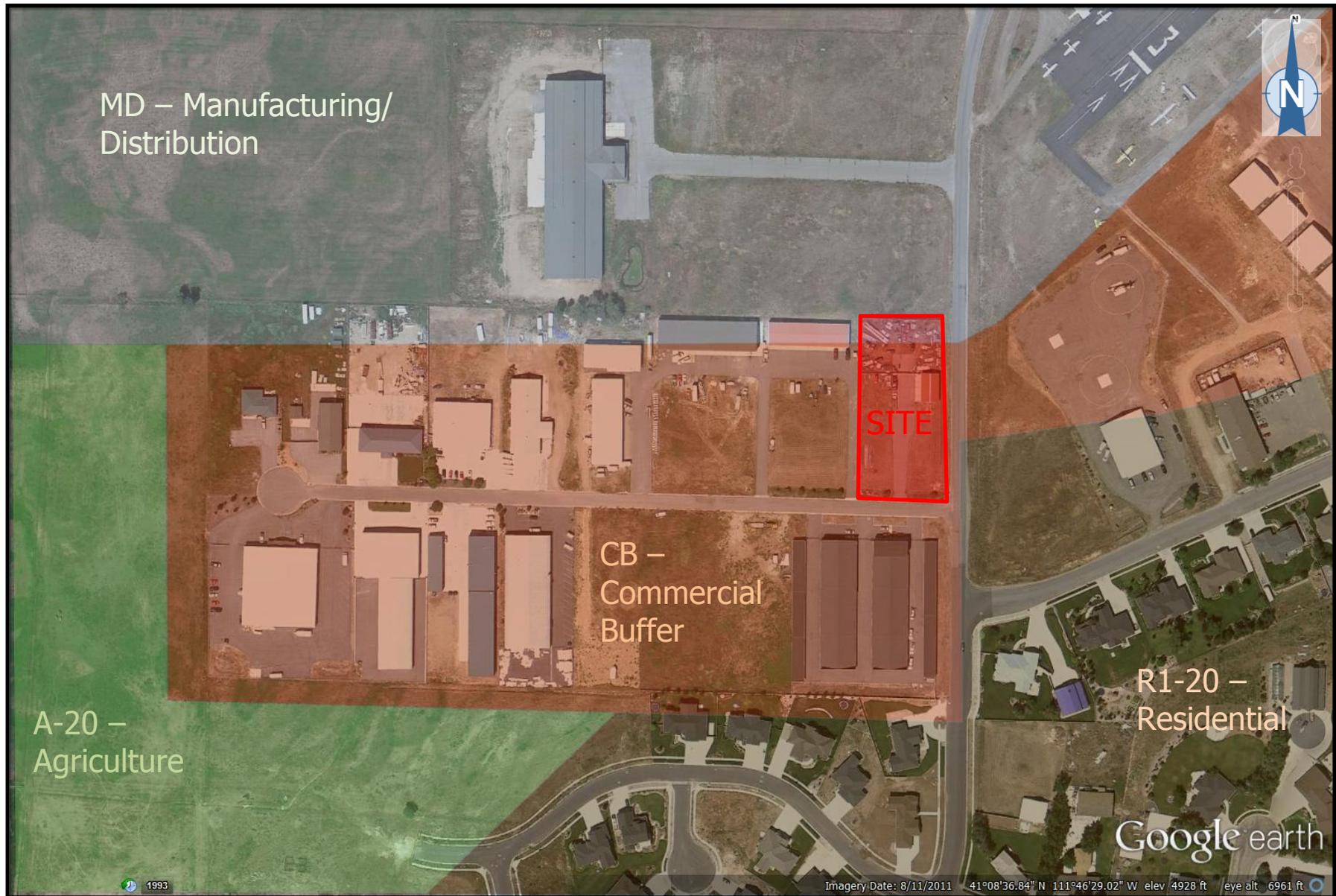
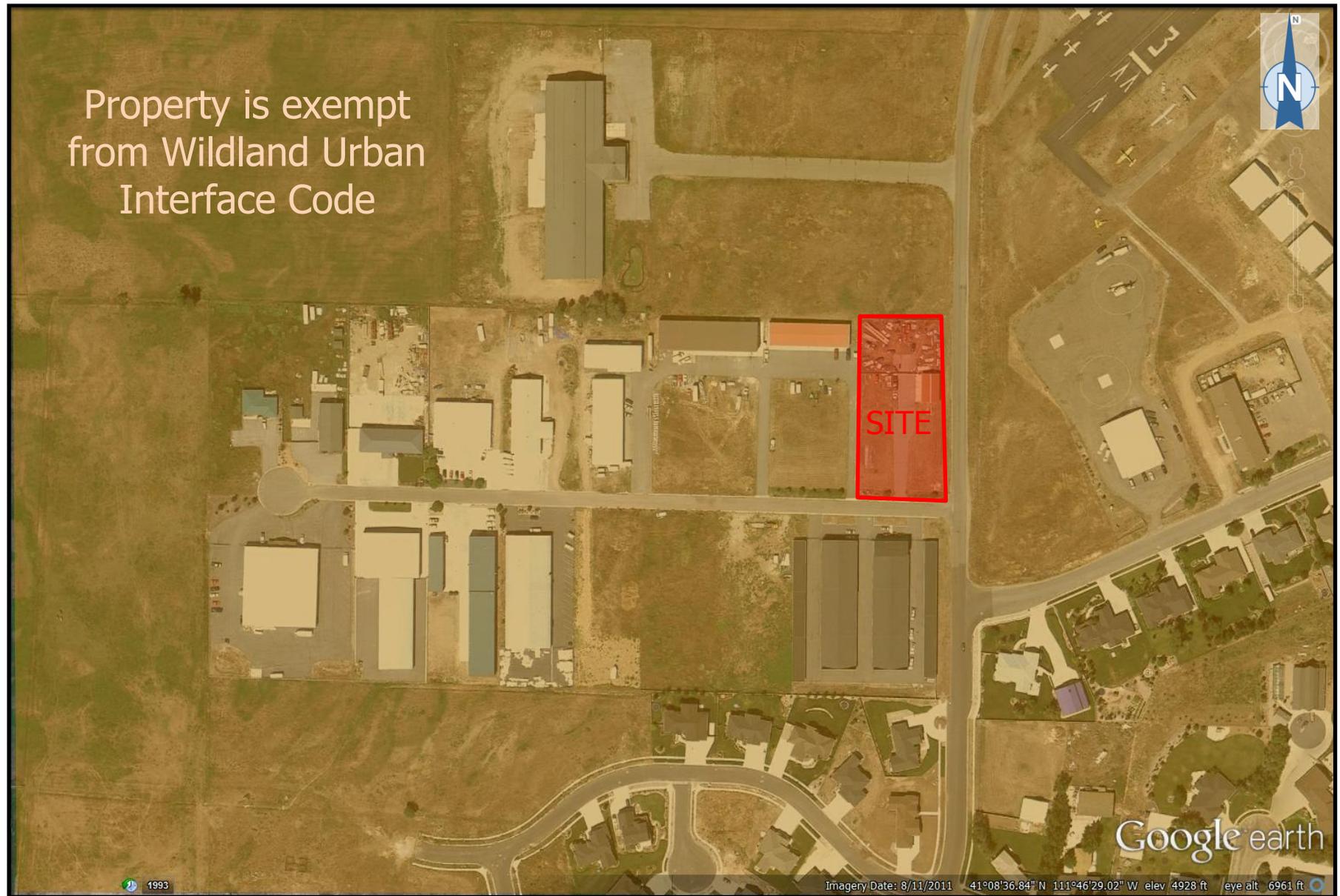


Exhibit D: Wildland Urban Interface Map



Property is exempt  
from Wildland Urban  
Interface Code

SITE

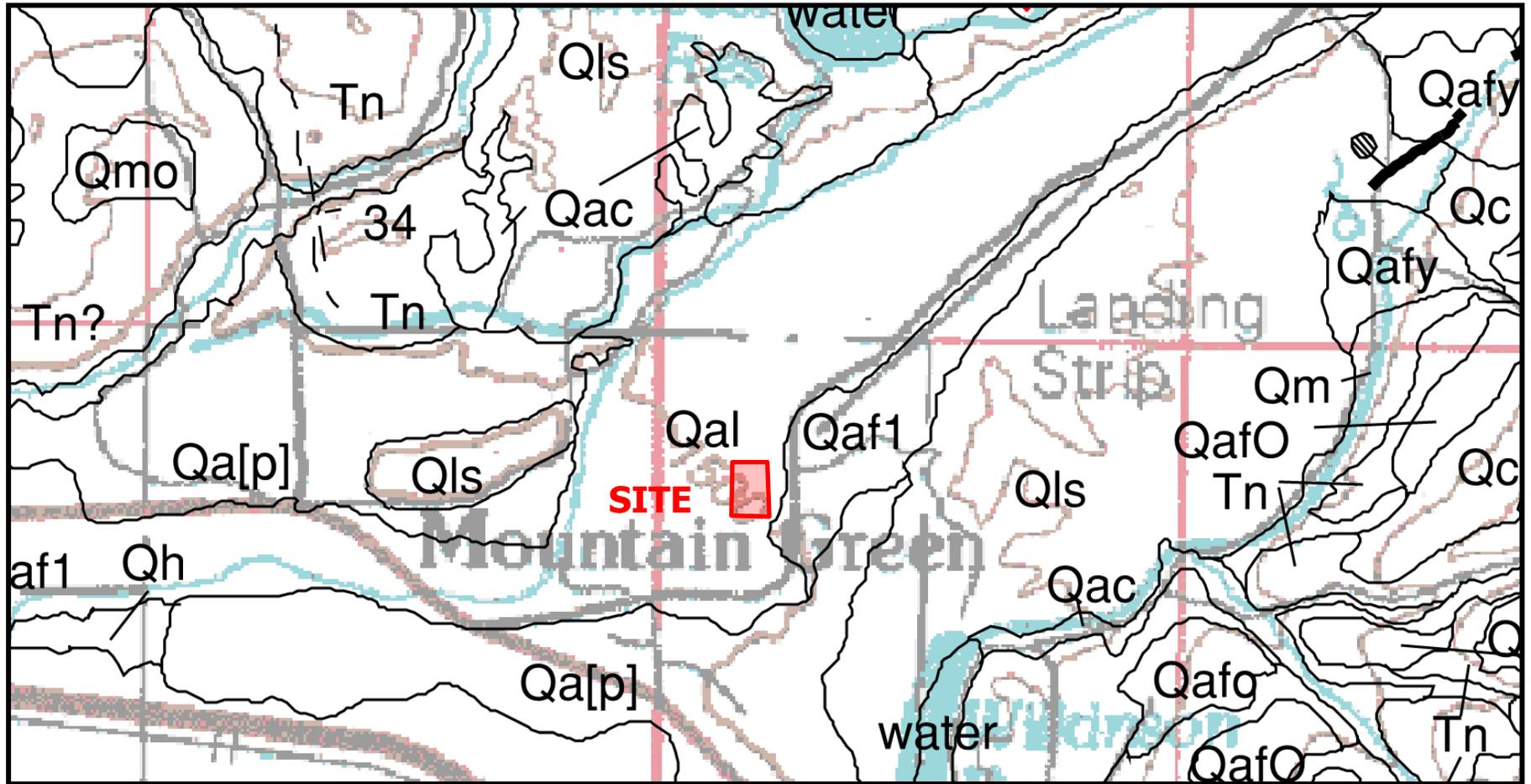


Google earth

1993

Imagery Date: 8/11/2011 41°08'36.84" N 111°46'29.02" W elev 4928 ft eye alt 6961 ft

Exhibit E: Geologic Map



Approximate Site Location – Qal Geologic Designation

Jones Rezone  
Public Hearing/Meeting  
May 8, 2014

Application No.: 14.045  
Applicant: Michael and Amy Jones  
Owner: Same  
Project Location: 5065 W. Old Highway Road  
Mountain Green  
Current Zoning: RR-1  
General Plan Designation: Village Medium Density Residential - 4 DUA  
Acreage: Approximately 1 acre  
Request: Rezone from RR-1 to R1-8  
Date of Application: April 14, 2014  
Date of Previous Hearing: N/A

#### Staff Recommendation

County Staff recommends approval of the requested rezone based on the following findings.

#### Background

The applicant owns approximately one acre of land along Old Highway Road (see Exhibit B). The parcel has an existing manufactured home and an outbuilding in the northeast corner; the remainder is vacant. The parcel is currently zoned RR-1, which requires a minimum lot size of one acre. The application is for a rezone to R1-8, which will allow for a maximum density of four dwelling units on minimum lot sizes of 8,000 square feet. The existing older home and outbuilding would potentially be razed to allow for all new construction.

#### Analysis

*General Plan and Zoning.* Pursuant to the Future Land Use Map (see Exhibit C), the property is designated as Village Mixed Use – 4 DUA, which means that four dwelling units would be allowed in a low-density residential neighborhood. A portion of the property is also designated as Town Center Use, which allows for residential uses. The requested zone change would meet the anticipated comprehensive planning designation.

The zoning being sought by this application is R1-8, which allows for an increase in density from the existing RR-1 zoning. The parcel would then be available to be subdivided and developed as individual parcels.

*Ordinance Evaluation.* Morgan County Code, Chapter 3, Section 8-3-4 (F) states the following:

*A decision to amend the text of this title or the zoning map is a matter committed to the legislative discretion of the county council and is not controlled by any one standard. However, in making an amendment, the county council should consider the following factors:*

- 1. Whether the proposed amendment is consistent with goals, objectives and policies of the county's general plan;*
- 2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;*
- 3. The extent to which the proposed amendment may adversely affect adjacent property; and*
- 4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.*

**Staff Response:**

1. As noted above, the proposed zone amendment is consistent with the County's General Plan.
2. Mountain Green is a developing community. Areas of historically agricultural uses are transitioning to higher density uses. The proposed zone change is in harmony with the anticipated growth in the area.
3. The proposed amendment will not adversely affect adjacent property.
4. There is sufficient capacity in existing facilities and services to provide for the proposed zone change. See discussion below.

Property Layout. The existing lot is approximately 198' wide and 220' deep. The acre could potentially be subdivided to allow for a maximum of four smaller lots. The configuration of lots will be reviewed when the subdivision is applied for.

Roads and Access. The lot has 198' of frontage on Old Highway Road, which is also State Route 167 for part of the frontage. Any impact on the road should be reviewed by UDOT for compliance with applicable standards. It is not anticipated that any development of this parcel under the proposed zone change would have a significant impact on the roadway and existing traffic patterns.

Grading and Land Disturbance. No grading/land disturbance is being proposed at this time. The parcel appears to lie outside of the flood plain.

Water Source. The Highlands Water Company serves the culinary water needs of this area. The applicant will need to provide proof to the County that water is available during the development process, should they develop.

Fire Protection. MCC 8-12-450(c) requires fire protection to comply with adopted fire code as verified by the local Fire Official. The parcel lies inside the Wildland/Urban interface.

Sanitary Sewer Systems. The property is served by the Mountain Green Sewer District.

Storm Water. Any development of the parcel will require appropriate grading and storm water drainage accommodation.

Geologic and Geotechnical Evaluations. Any development/construction on the site will require appropriate geologic and geotechnical evaluations at the time of development.

Utilities. The County will seek will-serve letters from Rocky Mountain Power, Questar Gas, and Qwest as necessary for future development.

### 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.

### Model Motion

Sample Motion for a *Positive* Recommendation – "I move we forward a positive recommendation to the County Council for the Jones Rezone Request, application #14.045, located at approximately 5065 W Old Highway Road, rezoning approximately 1 acre from the RR-1 zone to R1-8 zone, based on the findings listed in the staff report dated May 8, 2014."

Sample Motion for a *Positive* Recommendation *with conditions* – "I move we forward a positive recommendation to the County Council for the Jones Rezone Request, application #14.045, located at approximately 5065 W Old Highway Road, rezoning approximately 1 acre from the RR-1 zone to R1-8 zone, based on the findings listed in the staff report dated May 8, 2014, *with the following conditions:*"

1. List any additional findings and conditions...

Sample Motion for a *Negative* Recommendation – "I move we forward a negative recommendation to the County Council for I move we forward a positive recommendation to the County Council for the Jones Rezone Request, application #14.045, located at approximately 5065 W Old Highway Road, rezoning approximately 1 acre from the RR-1 zone to R1-8 zone, based on the findings listed in the staff report dated May 8, 2014, *subject to the following conditions:*

1. List any additional findings...

### Supporting Information

Exhibit A: RR-1/R1-8 District Use Tables

Exhibit B: Vicinity Map

Exhibit C: Future Land Use Map

Exhibit D: Existing Zoning Map

Exhibit E: Wildland Urban Interface Map

Exhibit F: Geologic Map

### Staff Contact

Bill Cobabe, AICP

801-845-4059

bcobabe@morgan-county.net

Exhibit A: RR-1/R1-8 District Use Tables

	RR-1
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
Agribusiness	-
Agriculture, including grazing and pasturing of animals; the tilling of the soil, the raising of crops, horticulture and gardening	P
Apiary and aviary	C
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	C
Child daycare centers, subject to regulations as set forth in section <a href="#">8-6-39</a> of this title	C
County fairgrounds uses	-
Dams and reservoirs	C
Dude ranch, family vacation ranch	-
Accessory apartment	C

Homes or mobile homes on bona fide farms or for worker housing	-
Recreation dwelling (shall not utilize the same minimum lot area as a main dwelling)	-
Residential facilities for handicapped or elderly	C
Single-family dwelling	P
Home occupation	P
Household pets	P
Kennel	-
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.	-
Power generation	-
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	-
Public and quasi-public uses. Exception: Public school	C
Airports	-
Specialized correction facilities	-
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	-
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 <a href="#">8-5A-11</a> of this article	-

		<b>R1-8</b>
	Accessory buildings and uses customarily incidental to conditional uses	C
	Accessory buildings and uses customarily incidental to permitted uses	P
	Bed and breakfast inn	-
	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	C
	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
	Child daycare centers, subject to regulations as set forth in section <a href="#">8-6-</a>	C

	<a href="#">39</a> of this title	
	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 <a href="#">8-6-16</a> of this title	

Exhibit B: Vicinity Map



Exhibit C: Future Land Use Map

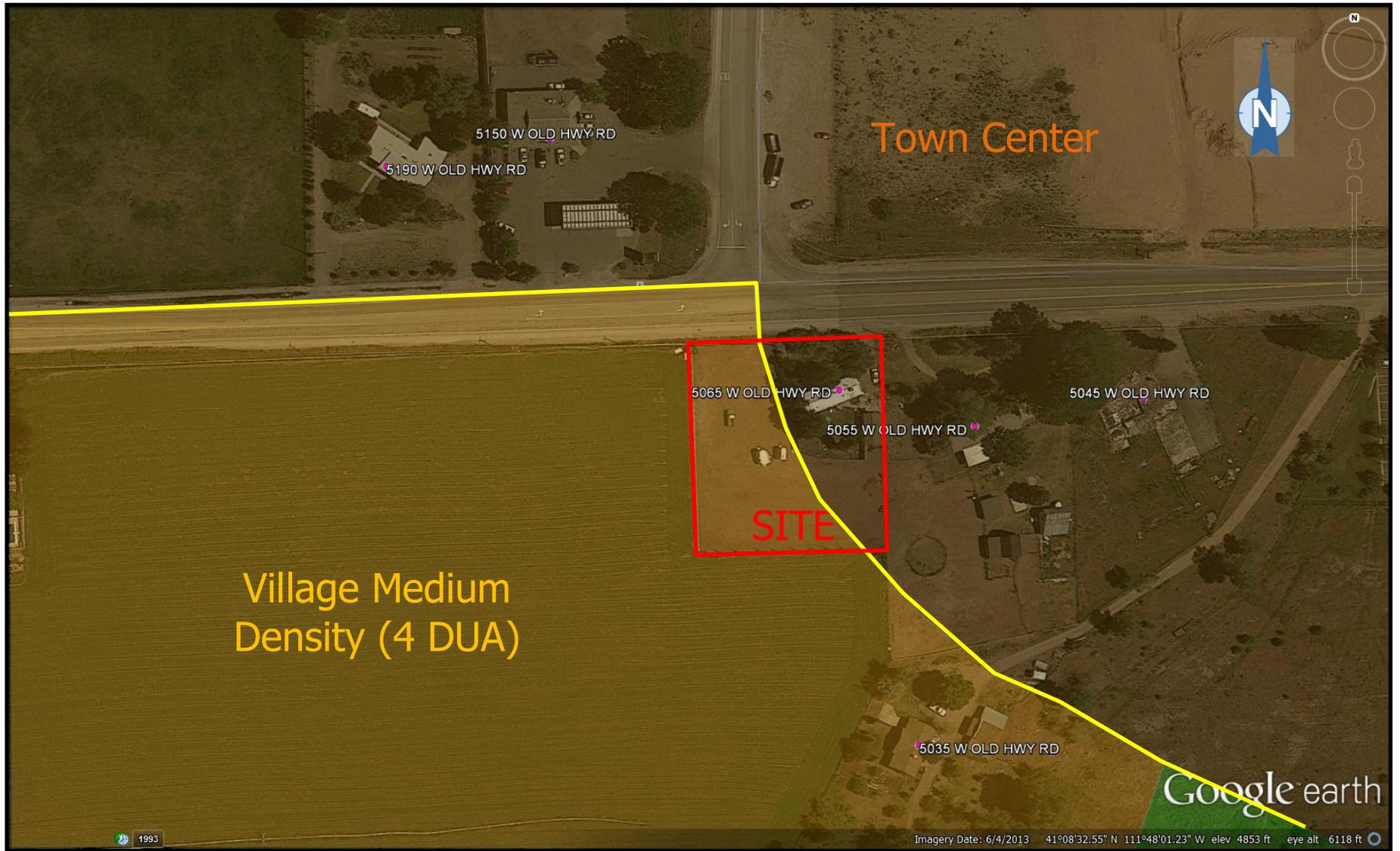


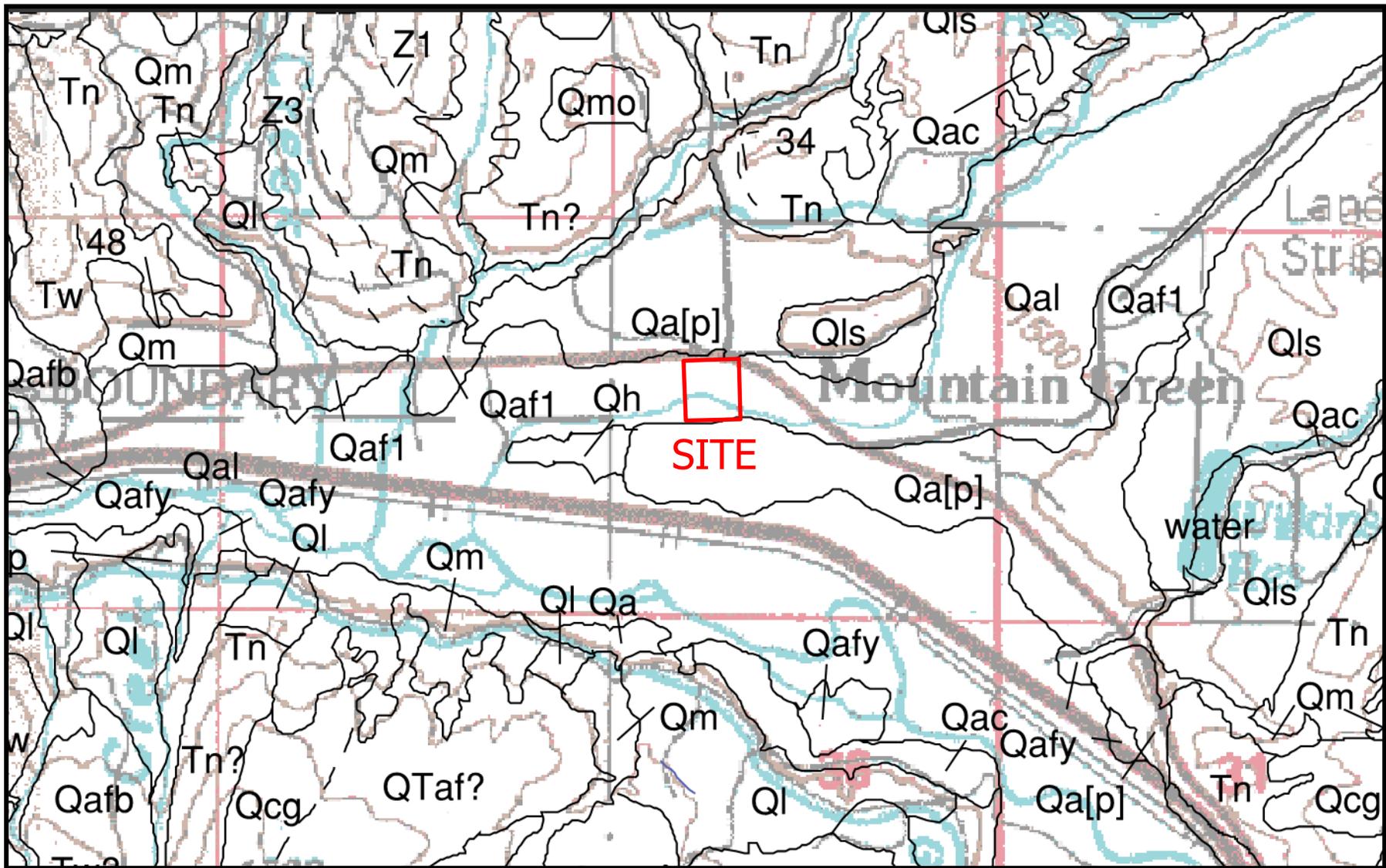
Exhibit D: Existing Zoning Map



Exhibit E: Wildland Urban Interface Map



Exhibit F: Geologic Map



Approximate Site Location – Qal Geologic Designation