



## PLANNING COMMISSION AGENDA

Thursday, June 12, 2014

Morgan County Council Room

6:30 PM

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

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

### **Administrative**

5. Discussion/Decision: Terrell Conditional Use Permit: A conditional use permit request for a 6.12 kW pole mounted photovoltaic system with battery backup located at 325 W 3350 S Morgan, Utah (Application number 14.055).

### **Legislative**

6. Discussion/Public Hearing/Decision: An ordinance changing Section 8-12-53 “Small Subdivision”, repealing the existing Section and replacing it with “Small Subdivision,” which allows for up to 10 lots, or fewer, to be subdivided where no public improvements or infrastructure are required and where access is derived from an existing public road. As proposed, all required standards, review and approval procedures, and all other items are to be included as revisions to Section 8-12-53, with necessary definition changes to be included with Section 8-2-1.
7. Planning Commission Business/Questions for Staff
8. Approval of minutes from April 24, 2014 and May 22, 2014
9. Adjourn



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. Work session for review and discussion on the following items:
  - \*Small Subdivision without Infrastructure Improvement
  - \*Streamline Land Use Processes and Ordinance updates
6. Staff Report
7. Approval of minutes from March 27, 2014 and April 10, 2014
8. Adjourn

Members Present:

David Sawyer, via electronic participation  
Debbie Sessions  
Roland Haslam  
Darrell Erickson  
Steve Wilson

Staff Present:

Ronda Kippen, Planning Technician  
Mickaela Moser, Transcriptionist  
Bruce Parker, Planning Consultant

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

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

Chair Haslam excused Members Stephens and Newton from tonight's meeting.

3. Declaration of conflicts of interest  
There were none

4. Public Comment

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

There was no public comment.

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

5. Work session for review and discussion on the following items:
  - \*Small Subdivision without Infrastructure Improvement
  - \*Streamline Land Use Processes and Ordinance updates

Bruce Parker: Gave an update of the Land Use Committee to streamline the process for small subdivision applicants. Stated the purpose and definition for improvement subdivisions:

“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).

Chair Haslam wondered if certain individuals would be penalized with acreage reduction upon approval for a small subdivision. He used the example of Dean House, whose property lies up Deep Creek, where the current road is on his property.

Bruce Parker stated that they could include the calculations before the dedication takes place, with a note on the plat indicating that the acreage falls a little bit short of the required 5 acres. Bruce stated that property owners whose land is shallow with significant frontage will be more greatly affected than those whose property has little frontage and is very deep.

Chair Haslam said that in his opinion, a landowner with a 20 acre lot who wants to subdivide into 4 5-acre lots, would be penalized and not able to develop his entire land because of the frontage he’s required to give for access. Members of the Planning Commission agreed that similar decisions have been made concerning this issue and there is a need for consistency.

Member Sessions stated that the County does not get involved until or unless the land owner decides to subdivide or make improvements. The purpose of this meeting is to discuss dedication. Member Sessions read from the County Code book.

Chair Haslam suggested that before a subdivision, you could calculate acreage.

Member Sessions said that you can't have a lot until you subdivide and there is concern surrounding the definition and involvement of a "lot" in the code.

Ronda expressed concern that a landowner may be able to use road acreage to increase density, which could possibly evolve into other concerns for larger subdivisions.

Chair Haslam reminded everyone that these standards are for 10 or fewer lots, which constitutes a small subdivision. Bruce felt that subdividing could be encouraged by not penalizing land owners.

Ronda stated that it is important to clean things up in order to have distinct lot lines and titles. She gave an example of a situation where property lines are tied to the center point of a river and the water line can grow or drop and, in turn, take or give acreage respectively.

There was discussion about the benefits and costs on behalf of Morgan County residents and also Morgan County.

As development happens, the County desires an equal amount of frontage along main roads for consistency.

Bruce brought the focus back to the relevant items on the agenda with seven pages of drafted revisions to consider and he said there could be two options upon entering the upcoming public hearing. He suggested changing the language on item g in order to continue with the recommendation of forwarding this to the County Council, to which Chair Haslam expressed concern for residents who live on Deep Creek Road.

Bruce Parker reviewed the current steps for a Small/No Off-Site Improvement Subdivision Application. He explained the wording he chose for the title, where "Small" means 10 lots or less. Chair Haslam recommended adding infrastructure. Bruce explained that it still is "off-site", meaning that the property doesn't belong to the County. Bruce was open to suggestions for changing the wording to increase public understanding. He suggested, "Small subdivisions on existing County roads."

Ronda pointed out that the Planning Commission has been given direction to remove the infrastructure improvement requirement on existing County roads.

#### 6. Staff Report

Ronda informed that the new Senior Planner begins next week and Keryl leaves the Planning Department as secretary the following day.

#### 7. Approval of minutes from March 27, 2014 and April 10, 2014

**Member moved to approve the minutes from March 27, 2014. Second by Member. The vote was unanimous. The motion carried.**

**Member moved to approve the minutes from April 10, 2014. Second by Member. The vote was unanimous. The motion carried.**

Member Erickson abstained from voting on the minutes from April 10, 2014, as he was absent.

8. Adjourn

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

**Approved:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Chairman**

**ATTEST:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Mickaela Moser, Transcriptionist  
Planning and Development Services**

DRAFT

Terrell Conditional Use Permit  
Public Meeting  
June 12, 2014

Application No.: 14.055  
Applicant: Forrest Terrell  
Owner: Same  
Project Location: 325 W 3350 S  
Porterville  
Current Zoning: A-20 – Agricultural – minimum 20 acre lots  
General Plan Designation: Agriculture  
Acreage: ~20 acres  
Request: Conditional Use for a 6.12 kW pole-mounted photovoltaic system  
Date of Application: May 8, 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 condition listed below:

#### ***Findings:***

1. That the installation of the proposed photovoltaic (PV) system is in keeping with the goals set forth in the Future Land Use Map of the General Plan.
2. That the proposed PV system meets the requirements of the Morgan County Code for conditional uses (see analysis below).
3. That the proposed PV system will have a negligible impact on surrounding properties.

#### ***Condition:***

1. That all the requirements of the building official and fire chief are met.

#### Background

The applicant owns a 20 acre parcel of land located at 325 W 3350 S in Porterville, which is in the A-20 zone. The property is currently being used as a small farming operation, as are all of the adjacent property owners. The proposed conditional use permit would allow for the installation of a pole-mounted photovoltaic system which will generate 6.12 kW of power for the residence located on the property. The system will be located in what is now being used as a goat pen south of a shed on the site. It will be located approximately 150' from the electrical panel and will be connected via an underground power line. The arrays themselves (there will be two arrays) will each be supported by a 12'6" pole. They will be about 19 ½' high at the

highest point, and the lower part of the collector array will be 8' above the ground. The panels will be canted to an angle of 35° to allow for the best solar collection.

Photovoltaic electrical generation is relatively passive and non-invasive, with minimal impact on neighboring uses. Noise generation, noxious vapors or odors, and other potential nuisances are negligible. The only potential for concern lies with glare reflecting from the solar collecting array, but the proposed location for the array is far enough away from neighboring uses and roadways that there is no cause for any mitigation.

## Analysis

General Plan and Zoning. Pursuant to the Future Land Use Map (see Exhibit B), the property is designated as Agriculture. According to the General Plan, "the purpose of this land use designation is to support viable agricultural operations in Morgan County, while allowing for incidental large-lot residential and other uses." Since the generation of electrical power for residential use is ancillary to the main use, the proposed conditional use would meet the anticipated general planning designation requirements.

The zoning of the parcel is A-20 (Agriculture – 20 acre minimum lot size). The purpose of the zone is 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 proposed conditional use permit is an auxiliary and ancillary use to the residential/small farm use already existing on the property. The ordinance allows for this kind of use with the granting of a conditional use permit.

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:** As noted above, PV systems are designed to be passive collectors of solar energy, which is then converted to electricity for domestic use. They generate no noise or smoke, and as such the proposed conditional use permit will not adversely impact adjacent properties or businesses.

Property Layout. The existing lot is approximately 20 acres and is not uniformly shaped, but is roughly 1800' x 500'.

Roads and Access. The lot has approximately 845' of frontage on 3350 S. 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 arrays are mounted on poles which are set in concrete poured in place about 7 ½'

underground. The parcel appears to lie outside of the flood plain.

Fire Protection. The Fire Chief has provided a comment, requesting that the battery box location be labeled (see Exhibit E).

Utilities. The proposed conditional use will not involve the use or expansion of utilities servicing the site. However, it is unclear whether or not the proposed system will tie into existing electric service transmission lines. This will be addressed at the time the building permit is issued.

### Model Motion

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Terrell Conditional Use Permit, application #14.055, located at approximately 325 W. 3350 S., allowing for the construction of an arrayed photovoltaic system producing 6.12 kW, based on the findings and with the condition listed in the staff report dated June 12, 2014.”

Sample Motion for a *Positive* Recommendation *with conditions* – “I move we forward a positive recommendation to the County Council for the Terrell Conditional Use Permit, application #14.055, located at approximately 325 W. 3350 S., allowing for the construction of an arrayed photovoltaic system producing 6.12 kW, based on the findings and with the condition listed in the staff report dated June 12, 2014, *with the following additional 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 the Terrell Conditional Use Permit, application #14.055, located at approximately 325 W. 3350 S., allowing for the construction of an arrayed photovoltaic system producing 6.12 kW, based on the findings and with the condition listed in the staff report dated June 12, 2014, *due to the following findings:*

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: Fire Protection Plan Approval  
Exhibit F: Proposed Site Layout/Installation

### 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: Fire Protection Plan Approval



**FIRE PROTECTION PLAN APPROVAL**

Applicant name: Forrest Torrell

Site address: 325 W 3350 So Morgan, Utah 84050

Project type: 6.12 PV Solar Array pol mount

Before being granted any occupancy of a home or business in Morgan County, this form must be filled out, signed by the appropriate fire code official, and returned to the Morgan County Planning and Development Services Department.

THIS BUILDING COMPLIES WITH THE INTERNATIONAL FIRE CODE SECTION 507 "FIRE PROTECTION WATER SUPPLIES" AND WITH MORGAN COUNTY ORDINANCES SPECIFIC TO FIRE PROTECTION WATER SUPPLIES, INCLUDING THE WILDLAND URBAN INTERFACE CODE.

Conditions (If any):

Labeling of location of batteries.

\_\_\_\_\_

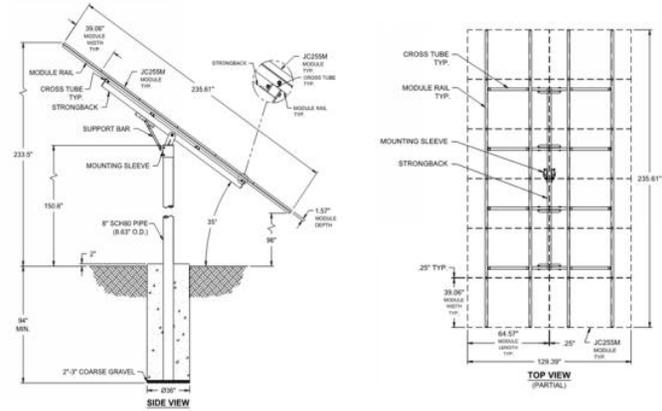
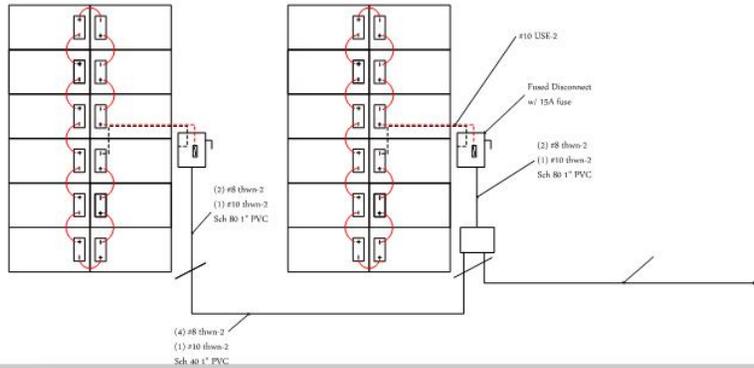
\_\_\_\_\_

\_\_\_\_\_

David A. Rich  
Fire Chief

05-08-2014  
Date

Exhibit F: Proposed Site Layout/Installation




**Intermountain Wind and Solar**  
 1953 W 2425 S  
 Woods Cross, UT 84087  
 P: 801.298.5255  
 F: 801.298.5355


**NABCEP  
 CERTIFIED**  
 PV Installation  
 Professional

**ELECTRICAL DIAGRAM**  
 Forrest Terrell  
 325 W. 3350 S.  
 Morgan, Utah 84050

**Drawing Information**  
 4/24/2014  
 By: MDT  
 CERT # 092411-142

Small Subdivision Ordinance Revision  
Public Hearing  
June 12, 2014

Applicant: Morgan County  
Request: Revision of Small Subdivision Ordinance  
Date of Previous Hearing: N/A

### Background and Analysis

Small subdivisions requiring no additional County infrastructure improvements – including roadways, utilities, etc. – represent a continuing concern for property owners and developers. These subdivisions, involving 10 lots or fewer, are often initiated by small property owners who wish to subdivide the parcels for more of a personal interest than a large-scale land developer.

State law requires counties to allow for these kinds of subdivisions involving 10 lots or fewer. Our current county code allows for only eight lots. The proposed ordinance revision would make the necessary adjustment. Further, the proposed ordinance would require that any small subdivision not create any landlocked parcels (i.e., parcels without street or right-of-way frontage).

The proposed ordinance change also includes two sections regarding approvals. The first deals with staff-level approvals where no additional county infrastructure improvements are required. Additional right-of-ways may be required and dedicated as appropriate, but no public improvements are allowed in connection with these subdivisions. The second type deals with small subdivisions where public infrastructure *is required*, where the Planning Commission will be given authority to review and approve/conditionally approve/deny these applications. In this shortened procedure, a concept plan is approved, to be followed by a combined preliminary plat/final plat. This saves the property owner/applicant time and reduces additional expense.

### Model Motion

Sample Motion for a *approval* – “I move we recommend approval of the revised Small Subdivision Ordinance (Section 8-12-53 and -54) with the revisions noted in the staff report dated June 12, 2014.”

Sample Motion for *approval with conditions* – “I move we recommend approval of the revised Small Subdivision Ordinance (Section 8-12-53 and -54) with the revisions noted in the staff report dated June 12, 2014, *with the following conditions:*”

1. List any additional findings and conditions...

Sample Motion for *denial*– “I move we recommend denial of the revised Small Subdivision Ordinance (Section 8-12-53 and -54) with the revisions noted in the staff report dated June 12, 2014, *subject to the following findings.*”

1. List any additional findings...

Supporting Information

Exhibit A: Draft Revised Ordinance Section 8-12-53/-54 “Small Subdivision”

Staff Contact

Bill Cobabe, AICP

801-845-4059

bcobabe@morgan-county.net

8-12-53: SMALL SUBDIVISIONS:

A "small subdivision" shall be defined as a subdivision of ~~eight (8) or fewer~~ **ten (10) lots or fewer** from a parcel which meets the following criteria:

- A. The parcel proposed to be subdivided currently has the zoning designation required for the minimum lot sizes proposed.
- B. All lots have acceptable access to a public street, either by direct frontage or through access by an approved private street. Public and private street standards must meet standard county cross sections and adopted specifications, and the requirements of this title.
- C. Each lot within the proposed subdivision must meet the frontage, width and area requirements of the zone district in which it is to be located.
- D. The proposed lots are not part of a platted subdivision.
- E. In no case shall a small subdivision create a landlocked parcel or a lot that does not conform with lot standards for dimensions (width, size, frontage, etc.).**
- F. For small subdivisions adjacent to existing county roads, where no additional public improvements are required, the following shall apply:**
  - 1. Small subdivision review shall be conducted as an administrative action. The Zoning Administrator shall review the submitted materials as required in this chapter (Chapter 8-12-1). Review shall include a concept plan, followed by a preliminary/final plan.**
  - 2. No public improvements shall be installed in connection with the subdivision.**
  - 3. Additional required right-of-ways/easements to be dedicated shall be indicated on the proposed plat.**
  - 4. All submittal requirements for applications for concept plans and preliminary/final plans shall be provided.**
- G. For small subdivisions where public improvements are required the following shall apply:**
  - 1. The Planning Commission shall review the proposed subdivision in a public meeting and may approve, approve with conditions, or deny the proposed application. The procedure shall include a concept plan review, followed by a preliminary/final plat.**

8-12-54: STAFF AUTHORITY; SMALL SUBDIVISIONS:

In the case of small subdivisions **where the subdivision is adjacent to an existing county road, and where no additional public infrastructure improvement is required**, the zoning administrator of the county shall have the ability to approve, approve with conditions, or

deny a small subdivision in accordance with the regulations outlined in this chapter. Alternatively, the zoning administrator may direct that the application follow the standard procedures for subdivision approval, as provided elsewhere in this chapter. The applicant may appeal the decision of the zoning administrator to the county council as outlined elsewhere in this chapter.



SMALL (ADJACENT TO COUNTY ROAD) SUBDIVISIONS  
PLANNING COMMISSION PUBLIC HEARING  
June 12, 2014

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To: Morgan County Planning Commission  
Meeting Date – June 12, 2014

From: Bruce Parker, AICP, Planning and Development Services, LLC  
Consultant Planner

Re: Small (Adjacent to County Road) Subdivisions Public Hearing

Applicant: Morgan County

Requests: 1. Open and Close the required Planning Commission Public Hearing to receive comment on a proposed amendment to the Morgan County Code to provide provisions related to Small (Adjacent to County Road) Subdivisions.  
2. Schedule, at a subsequent Planning Commission meeting, discussion, action, and a recommendation to the Morgan County Council on possible amendments to the Morgan County Code to provide for Small (Adjacent to County Road) Subdivisions.

### **SUMMARY**

The Morgan County Land Use Ordinance Committee have been working diligently to provide, for Planning Commission and County Council consideration, a possible amendment to the Morgan County Code and necessary to provide for Small (Adjacent to County Road) Subdivisions. The materials, as formulated by the Land Use Ordinance Committee, are attached.

It is respectfully recommended that the Planning Commission conduct the required Public Hearing to receive comments on the materials attached at the June 12, 2014 meeting (only). At a subsequent meeting the Planning Commission can discuss and work to possibly formulate a recommendation to the County Council for a code amendment to provide Small (Adjacent to County Road) Subdivision materials.

## ANALYSIS

Members of the both the Planning Commission and County Council have expressed a desire that the County consider providing a process and requirements for small subdivisions, located adjacent to County Roads/Streets, and that do not require any improvements to the county road or street. For this item, and subsequent discussion, a Small (Adjacent to a County Road) Subdivision is defined as;

“the division of lands located in the unincorporated area of the County into ten (10) lots, or fewer, 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 of an already existing dedicated road or street right-of-way to meet County standards but no improvements to any such existing road or street are required, or allowed; (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).”

As identified, a Small (Adjacent to a County Road) Subdivision may be required to dedicate property to meet county road or street right-of-way standards but no road or street improvements are required, or allowed. Additionally, a Small (Adjacent to a County Road) Subdivision is limited to 10 lots, or fewer. The Land Use Ordinance Committee has suggested that the Land Use Authority for Small (Adjacent to a County Road) Subdivisions be the Planning Commission, as identified in Figure 1 (draft Small (Adjacent to a County Road) Subdivision materials (attached).

Note. Prior to the Planning Commission Public Hearing draft materials will be provided that identify what constitutes a complete Small (Adjacent to a County Road) Subdivision Application.

## RECOMMENDATION

At this time it is respectfully recommended as follows:

1. The Planning Commission conduct the required Public Hearing to receive comments of the Small (Adjacent to a County Road) Subdivision materials (attached). It is recommended that the Planning Commission conduct the Public Hearing only and take no formal action on the Small (Adjacent to a County Road) Subdivision materials at the June 12, 2014 meeting.
2. Following the close of the Public Hearing it is recommended that the Planning Commission consider scheduling as a meeting agenda item, and at a subsequent meeting to the Planning Commission, a discussion on all matters related to Small (Adjacent to a County Road) Subdivisions including, standards and requirements, Land Use Authority determination,

Application Standards, codification matters, and other items directly related to Small (Adjacent to a County Road) Subdivisions.

3. At the subsequent meeting the Planning Commission may work to formulate a recommendation to the Morgan County Council for an amendment to the Morgan County Code to provide Small (Adjacent to a County Road) Subdivision materials.

### **MODEL MOTIONS**

A Motion to Conduct the Required Public Hearing – “I move we open the Public Hearing to receive comment and input on the Draft Small (Adjacent to a County Road) Subdivision materials.” Following the receipt of all Comment – “I move we close the Public Hearing.”

Subsequent Motion directing Scheduling – “I move we schedule the Draft Small (Adjacent to a County Road) Subdivision materials for Planning Commission discussion, and the possible formulation of a recommendation to the County Council at our meeting on \_\_\_\_\_, 2014.”

BP.

### **ADDITIONAL INFORMATION**

Attachment 1: Planning Commission Public Hearing Draft Only, Small (Adjacent County Road) Subdivisions (10 Lots, or fewer, located immediately adjacent to an Existing County Road Right-of-Way and where No Improvements are authorized to the Existing County Road).

ATTACHMENT 1

**SMALL (ADJACENT COUNTY ROAD) SUBDIVISIONS**

(10 Lots, or fewer, located immediately adjacent to an Existing County Road Right-of-Way and where No Improvements are authorized to the Existing County Road)

**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 the property proposed to be divided (“Subject Property”) is located immediately adjacent to an existing County road right-of-way. No improvements to the existing and dedicated County road right-of-way are required, or authorized.<sup>1</sup>

**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 (Adjacent County Road) Subdivision Applications.

**Section 3–Procedures of Review and Approval Standards for Small (Adjacent County Road) Subdivision Applications:**

- 1) The procedures for the review of a Small (Adjacent County Road) Subdivision Application are identified by Figure 1.
- 2) The Application requirements for a Small (Adjacent County Road) Subdivision Application are identified by \_\_\_\_\_.
- 3) In considering a Small (Adjacent County Road) Subdivision Application the Planning Commission, in deciding the Application, shall determine:
  - a) The proposed subdivision is located within the unincorporated area of the County.

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<sup>1</sup> “Small (Adjacent County Road) Subdivision” means the division of lands located in the unincorporated area of the County into ten (10) lots, or fewer, 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 of an already existing dedicated road or street right-of-way to meet County standards but no improvements to any such existing road or street are required, or allowed; (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).

- b) The subdivision is proposing 10 lots, or fewer, including all area(s) of the original parcel which shall be included within a lot.<sup>2</sup>
- c) If the proposed subdivision is required to provide any lands for the widening to an existing dedicated County road or street right-of-way, and necessary to meet County standards.<sup>3</sup>
- d) The proposed 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 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.<sup>4</sup>
- e) The proposed 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 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.<sup>5</sup>
- f) The proposed 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 subdivision complies with all revisions, required for the written recommendation of the feasibility of the proposed fire protection and suppression system, provided by the Fire Authority, as applicable, to the Planning Commission.<sup>6</sup>
- g) The proposed subdivision complies with all requirements of the Zoning District in which it is located.

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<sup>2</sup> A Small (Adjacent County Road) 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.

<sup>3</sup> A Small (Adjacent County Road) Subdivision may be required to provide right-of-way dedication to an existing dedicated County road or street right-of-way but shall not be required to provide any improvements to any such right-of-way;

<sup>4</sup> 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.

<sup>5</sup> 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.

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

- h) The proposed 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 subdivision complies with all Federal, State, or Local requirements and regulations, as applicable.
- j) The proposed subdivision complies with all requirements of any Official Maps, as applicable.
- k) The proposed subdivision does not land lock any property(ies).

**Section 4—Determination of Maximum Permitted Subdivision Lots:**

For the purposes of determining the number of lots allowed all lots shall comply with the requirements, including minimum lot size requirements, of the zoning district in which the Subject Property is located.

**Section 5—Planning Commission Approval – Reasonable Requirements Authorized:**

- 1) The Planning Commission, acting as the Land Use Authority, may approve a Small (Adjacent County Road) 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 (Adjacent County Road) 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.
  - 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 6–Planning Commission Approval – Dedication of Land Provided:**

The Planning Commission, in approving a Small (Adjacent County Road) 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 7–Planning Commission Approval – Certificate of Written Approval Required:**

- 1) The approval of a Small (Adjacent County Road) Subdivision Application, with or without revisions, by the Planning Commission shall constitute a final approval of the proposed subdivision, provided such Small (Adjacent County Road) Subdivision 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 (Adjacent County Road) 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 (Adjacent County Road) Subdivision Plat.

**Section 8–Recordation of Small (Adjacent County Road) Subdivision Plat and Certificate of Written Approval, Continuing Validity:**

- 1) After a Small (Adjacent County Road) 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 (Adjacent County Road) 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 (Adjacent County Road) 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 (Adjacent County Road) 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 (Adjacent County Road) Subdivision Plat and accompanying Certificate of Written Approval.
- 4) As provided by the Act, the continuing validity of a Small (Adjacent County Road) 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 (Adjacent County Road) 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 (Adjacent County Road) Subdivision Plat to the County Planning and Development Services

Department for recordation. If an approved Small (Adjacent County Road) Subdivision Plat is not received by the County Planning and Development Services Department, within ninety (90) calendar days of approval, the Small (Adjacent County Road) Subdivision Application approval shall be rendered void and invalid.

**Section 9—Recordation of Small (Adjacent County Road) 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 (Adjacent County Road) Subdivision Plat.

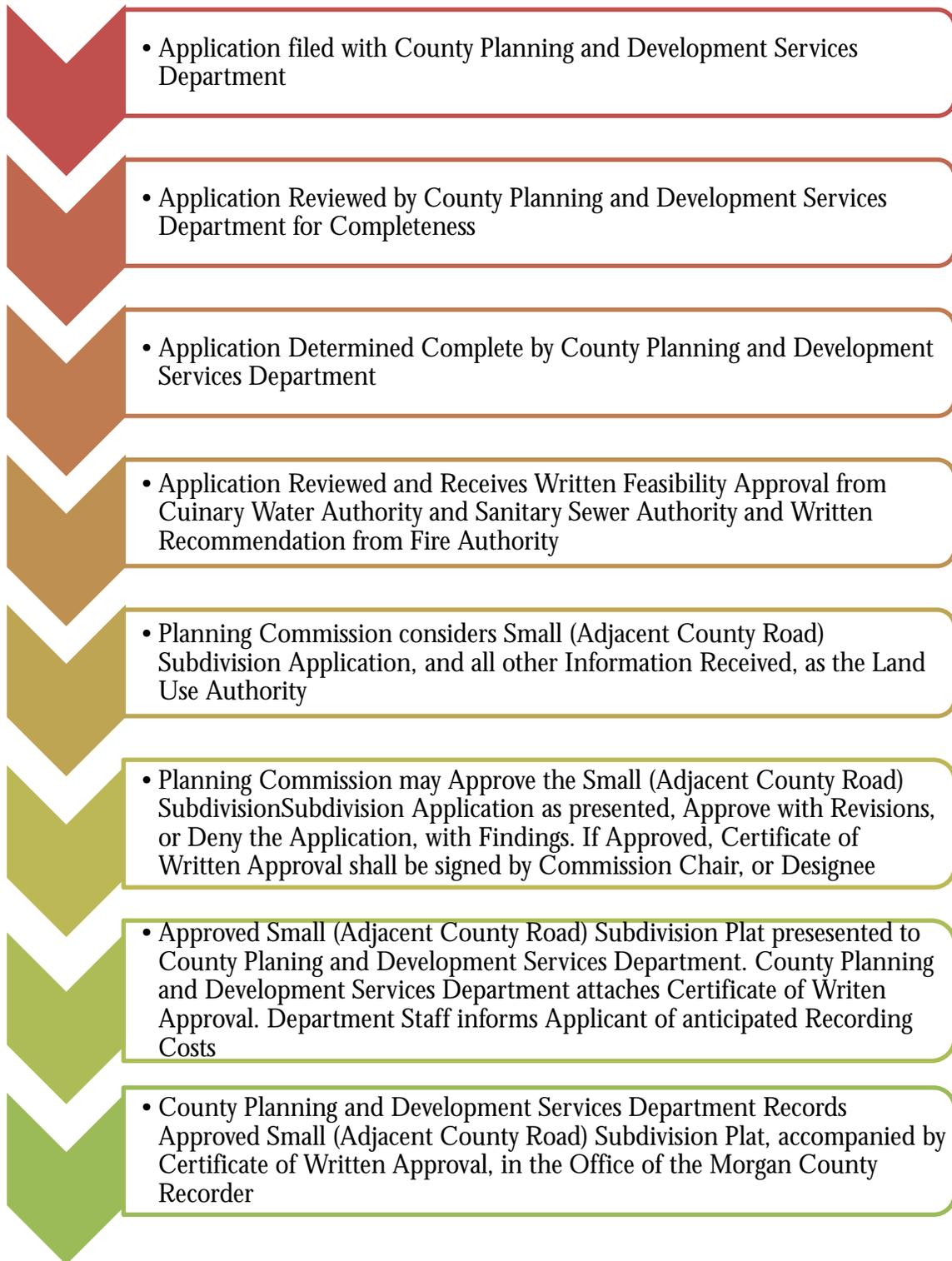
**Section 10—Subdivision Work:**

No excavation, grading, or regrading shall take place, and no building permits shall be issued by the County, until the approved Small (Adjacent County Road) 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 11—Appeal of Non-Plat Subdivision Application Decisions:**

Any person(s) aggrieved by a decision of the Planning Commission for a Small (Adjacent County Road) Subdivision Application may appeal the decision to the Appeals and Variance Hearing Officer.

## SMALL (ADJACENT COUNTY ROAD) SUBDIVISION APPLICATION





## PLANNING COMMISSION AGENDA

Thursday, May 22, 2014

Morgan County Council Room

6:30 PM

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

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

### **Administrative**

5. **Discussion/Decision:** Alchemy L.L.C. Conditional Use Permit: A conditional use request for land excavation/site grading improvements located at approximately 5218 West Cemetery Road in the Mountain Green area of Morgan County.
6. **Discussion/Decision:** Rollins Ranch Phase 2 Plat Amendment #1: An amendment to the Rollins Ranch Phase 2 Plat combining approximately 10 feet of the open space area from the Rollins Ranch Phase 3 into the adjacent lots #210, #211, #212 & #213 in Rollins Ranch Phase 2.
7. **Discussion/Decision:** Rollins Ranch Phase 3 Plat Amendment #2: : An amendment to the Rollins Ranch Phase 3 Plat combining approximately 10 feet of the open space area from the Rollins Ranch Phase 3 into the adjacent lots #210, #211, #212 & #213 in Rollins Ranch Phase 2.
8. Planning Commission Business/Questions for Staff
9. Approval of minutes from May 8, 2014 and re-approval of minutes from March 27, 2014 and April 10, 2014
10. Adjourn

### Members present

David Sawyer, via electronic participation  
Debbie Sessions  
Roland Haslam  
Michael Newton  
Steve Wilson

### Staff present

Bill Cobabe, Planner  
Ronda Kippen, Planning Technician  
Mickaela Moser, Transcriptionist

Public present

Beverly and Paul Warner  
Karen and Gordon Sant  
Bill Chipp  
Tina Kelley

1. Call to order – prayer  
Chairman Haslam welcomed everyone to the meeting. He offered prayer.
2. Approval of agenda  
**Member Sessions moved to approve the agenda. Second by Member Newton. The vote was unanimous. The motion carried.**

Chair Haslam excused Members Stephens and Erickson.

3. Declaration of conflicts of interest  
There were none.
4. Public Comment

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

Gordon Sant: Wanted to address items #6 & #7 on the agenda. He is the owner of Lot 210 in the Rollins Ranch Development. He was under the impression that there shouldn't have been any problems and is anxious to adjust the lot lines and finalize the plans so they can move forward.

Paul Warner: Owner of the land adjacent to the cemetery and expressed concern about the easement. He read an affidavit from his brother, now deceased, requesting that the easement be honored. A copy of this affidavit is attached to the written minutes in the Morgan County Clerk's Office.

Bill Chipp: He serves on the architectural committee and is in support of approval for items #6 and #7 on the agenda.

Ty Eldridge: He owns property on the cemetery road and expressed concern over the recording of the right-of-way. He has no objections to the excavation, but would like to comment on the width and placement of the road.

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

## Administrative

5. **Discussion/Decision:** Alchemy L.L.C. Conditional Use Permit: A conditional use request for land excavation/site grading improvements located at approximately 5218 West Cemetery Road in the Mountain Green area of Morgan County.

Bill Cobabe: Presented the Planning Commission with a map of the cemetery for the Peterson Point Conditional Use Permit. He showed a picture of the machine that is proposed to be used for screening materials on-site. The main concern from staff is that there has been insufficient time to review the submitted information and how the impact will affect other possible uses. He requested additional time to review before forwarding this item.

Member Sawyer asked Bill why they are hearing the presentation if there has been insufficient time to review it. Bill answered that in Utah State Code it says the County has 45 days to hear an item and the applicant wanted to exert their right, so it is being presented before the Planning Commission.

Member Sessions asked if staff would consider postponing the item. Ronda stated that the applicant is entitled to a decision within 45 days and that becomes a problem with postponing it.

Member Wilson asked about those opposing the right-of-way for the road.

Ty Eldridge does not want the road re-routed on his property. Currently, 175 feet of the road to the cemetery goes through his property.

Chair wondered what Mr. Larsen needs in order to complete his application. Bill responded that he needs to confirm plans with the County Engineer and Planning Staff. Bill stated that if there is adequate time, his application will be reviewed. Bill estimated more than 2 weeks from the County's perspective.

Brent Bohman: He stated that Mark Miller's original letter stated requests for the quantity of material removal to determine excavation. Dust control has been proposed and screens do not generate much dust. He addressed the origin of Peterson Point's name and would like to work with Bill to simplify the issues involved to progress.

Roland Haslam suggested finding a happy medium and postponing for four weeks.

**Member Sessions moved to postpone the Peterson Point CUP permit application #11.036 until June 26, 2104 to allow staff further time to review the application. Second by Member Newton. The vote was unanimous. The motion carried.**

Findings:

1. That the applicant has not submitted a complete application to the County Planning and Development Services staff. Specific deficiencies are outlined below.
2. That the proposed use is incompatible with adjacent and neighboring uses, and that no reasonable conditions can be applied to the particular use to mitigate detrimental impacts of the proposed use on existing adjacent uses.
3. That staff has not had adequate time to determine the adequacy of submitted documentation and therefore cannot recommend approval based on an incomplete review of the application.

6. **Discussion/Decision:** Rollins Ranch Phase 2 Plat Amendment #1: An amendment to the Rollins Ranch Phase 2 Plat combining approximately 10 feet of the open space area from the Rollins Ranch Phase 3 into the adjacent lots #210, #211, #212 & #213 in Rollins Ranch Phase 2.

Ronda relayed that there is no new, major or pertinent information in this item however she wanted to make sure all Planning Commission members were aware the additional 10 feet of open space has been fenced in and landscaped with Phase 2. Member Sawyer wondered how much open space there is. Ronda answered that she has divided out how much open space will be required in future developments. Additional acreage needed is clearly outlined and are currently short about 4.09 acres which can be amended or pulled from another phase.

**Member Sessions moved to forward a positive recommendation to the County Council for the Rollins Ranch Phase 2 Subdivision Amendment #1, application #13.052, subject to the findings and conditions listed in the May 14, 2014 staff report. Second by Member Wilson. The vote was unanimous. The motion carried.**

1. That all outstanding fees for outside reviews are paid in full prior to recording the final Mylar.
2. That a note is placed on the final plat acknowledging that the original and/or amended Development Agreement and CC&R's are still in effect and on record with the Morgan County Recorder's office, prior to recording.
3. That a document of conveyance of title reflecting the approved change shall be recorded in the office of the County Recorder per MCC §8-12-61(A)(3).
4. That Staff can make a positive finding that all administrative corrections and information have been provided to the satisfaction of respective reviewers, and that all conditions have been satisfied upon completion of the above conditions.
5. That all Local, State and Federal laws are upheld.

This recommendation is based on the following findings:

1. The nature of the subdivision is in conformance with the current and future land uses of the area.
2. The proposal complies with the Morgan County 2010 General Plan.
3. The proposal complies with the 2006 Morgan County LUMC PRUD Ordinance.
4. That the proposal will bring the existing improved lots into conformity with the R1-20 zone 25% coverage regulation as required by the Rollins Ranch Development Agreement Amendment# 2 Section D.

5. The proposal complies with the Rollins Ranch Development Agreement.
6. Those sufficient utilities “will-serve letters” have been provided to the Planning and Development Services Department as part of the original Rollins Ranch Phase 2 Subdivision.
7. Those certain conditions herein are necessary to ensure compliance with adopted laws prior to subdivision plat recording.
8. The additional infrastructure improvements are not necessary at this time to protect the public’s health, safety, and welfare.
9. That the proposal is not detrimental to the health, safety, and welfare of the public.

7. **Discussion/Decision:** Rollins Ranch Phase 3 Plat Amendment #2: : An amendment to the Rollins Ranch Phase 3 Plat combining approximately 10 feet of the open space area from the Rollins Ranch Phase 3 into the adjacent lots #210, #211, #212 & #213 in Rollins Ranch Phase 2.

Ronda presented concerns about open space with the lots mentioned above and said that this is the second proposed amendment on this phase. She believes the open space was granted with the overall enjoyment of the subdivision. The lots in discussion were granted a CUP for the Parade of Homes and this additional open space will bring them into conformance. There is allowance for current property owners to build a shed or other potential structure and have sufficient room to do so.

Member Sessions agreed with condition 3 in setting the standard and abiding by it. She stated that in going with the development agreement, the Planning Commission could postpone indefinitely, or make a condition for the County Council’s approval.

Chair Haslam clarified that the Development Agreement takes open space from Phase 3 and puts it into Phase 2. There is concern for the total amount of open space required for the Rollins Ranch Development Phases 1-4.

Member Newton suggested changing the percentage to 25%. Ronda calculated 41.1% open space for the entire development, Phases 1-8, which is 249.261 acres. Open space for the entire development is 102.35 acres. Phases 1-4, total area is 90.58 acres. Overall open space of Phases 1-4 is 27.2 acres (which is 30%). Concerning Phases 5-8, the overall acreage is 158.68 acres. Open space is 75.15 acres for a total of 47.4%. The proposal is a difference of 6 ½ acres. The Development Agreement must address the open space. Currently, the open space is at 38.06% and with the modification it would drop to 37.99%, which is minimal, but still must be addressed. Ronda suggested making a condition for the County Council upon approval. Member Sessions would like to see the Development Agreement complete and accurate before proceeding, however is open to adding a condition. Chair Haslam would like to see the Development Agreement completed before forwarding a positive recommendation.

**Member Sessions moved to forward a positive recommendation to the County Council of the Rollins Ranch Phase 3 Subdivision Amendment #2, application# 13.053 subject to the findings and conditions listed in the May 14, 2014 staff report, and as modified by the conditions and findings below:**

1. That all outstanding fees for outside reviews and past due taxes owed to Morgan County are paid

in full prior to recording the final Mylar.

2. That a note is placed on the final plat acknowledging that the original and/or amended Development Agreement and CC&R's are still in effect and on record with the Morgan County Recorder's office, prior to recording the final Mylar.
3. That the Rollins Ranch Phase 3 Subdivision Amendment# 1 Mylar is recorded prior to Amendment# 2 to ensure correct succession.
4. That a document of conveyance of title reflecting the approved change shall be recorded in the office of the County Recorder per MCC §8-12-61(A)(3).
5. That Staff can make a positive finding that all administrative corrections and information have been provided to the satisfaction of respective reviewers, and that all conditions have been satisfied upon completion of the above conditions.
6. That all Local, State and Federal laws are upheld.
7. That the development agreement be amended prior to the recording of the plat to reflect the open space for Phases 1-4 as 25% and the overall open space in Phases 1-8 as 38%.

This recommendation is based on the following findings:

1. The nature of the subdivision is in conformance with the current and future land uses of the area.
2. The proposal complies with the Morgan County 2010 General Plan.
3. The proposal complies with the 2006 Morgan County LUMC PRUD Ordinance.
4. That the proposal will bring the existing improved lots into conformity with the R1-20 zone 25% coverage regulation as required by the Rollins Ranch Development Agreement Amendment# 2 Section D.
5. The proposal general complies with current Rollins Ranch Development Agreement.
6. The proposed open space satisfies the requirements of the vested laws for the Rollins Ranch Development, and generally satisfies conceptual principles of open space provisions as required by the Rollins Ranch Development Agreement, and as drawn on the concept plan in that agreement.
7. Those sufficient utilities "will-serve letters" have been provided to the Planning and Development Services Department as part of the original Rollins Ranch Phase 3 Subdivision.
8. Those certain conditions herein are necessary to ensure compliance with adopted laws prior to subdivision plat recording.
9. The additional infrastructure improvements are not necessary at this time to protect the public's health, safety, and welfare.
10. That the proposal is not detrimental to the health, safety, and welfare of the public.

**Second by Member Newton.**

**The main motion was withdrawn by Member Sessions to add correct wording for condition #7. The new motion was re-read by Member Sessions. Second by Member Newton. The vote was unanimous. The motion carried.**

8. Planning Commission Business/Questions for Staff  
Small subdivision ordinance reducts with Bruce Parker is on the agenda. There is a CUP for ground-based solar panels for a possible item on the next Planning Commission meeting. The next Ordinance Update Committee will be on June 12, 2014.

9. Approval of minutes from May 8, 2014 and re-approval of minutes from March 27, 2014 and April 10, 2014

**Member Newton moved to approve amended minutes from May 8, 2014. Second by Member Sessions. The vote was unanimous. The motion carried.**

**Member Sessions moved to approve amended minutes from March 27, 2014. Second by Member Newton. The vote was unanimous. The motion carried.**

Minutes from April 10, 2014 did not need re-approval.

10. Adjourn

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

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
Chairman

ATTEST: \_\_\_\_\_ Date: \_\_\_\_\_  
Mickaela Moser, Transcriptionist  
Planning and Development Services