



PLANNING COMMISSION AGENDA

Thursday, July 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

Administrative

Legislative

5. Discussion/Decision: Yaryca Future Land Use Map Amendment: An application for an amendment to the Morgan County Future Land Use Map, redesignating approximately 2980.4 acres currently designated “Natural Resources and Recreation” to “Master Planned Community
6. Discussion/Decision: Revision of Improvements Exemption Ordinance (Section 8-12-44 (D)(2))
7. Planning Commission Business/Questions for Staff
8. Approval of minutes from June 26, 2014
9. Adjourn

Yaryca Future Land Use Map Amendment
Public Hearing
July 10, 2014

Application No.: 14.064
Applicant: Robyn Scott
Owner: Yaryca LLC Profit Sharing Plan and Golden Hill Estate LLC
Project Location: Generally west of the intersection of SR 66 and SR 65 and north of East Canyon Reservoir
Current Zoning: MU-160 and F-1
General Plan Designation: Natural Resources and Recreation
Acreage: ~3000
Request: Amend the Future Land Use Map, changing the existing designation to Master Planned Community
Date of Application: June 5, 2014
Date of Previous Hearing: N/A

Staff Recommendation

County Staff recommends approval of the requested future land use map amendment based on the following findings and with the conditions listed below:

Findings:

1. That the proposed amendment is in harmony with future land use planning efforts that and general direction from past County Councils, indicating a desire to see this area develop as resort-type areas.
2. That the proposed amendment will encourage resort-type development in the East Canyon Reservoir area.
3. That the anticipated development will help reduce leakage of tax dollars to neighboring counties/communities.

Background

Robyn Scott, representing Yaryca, LLC Profit Sharing Plan and Golden Hill Estate, LLC, applied for the Future Land Use Map amendment in order to pursue anticipated development of this property. The property is bounded on the east by SR 66 and SR 65, on the south by SR 66, on the north and west by East Canyon Wildlife Management Area, and on the north by Summit County. There are five contiguous parcels in this proposed amendment area, which include nearly 3,000 acres. The land is currently vacant (see Exhibit A).

Analysis

General Plan and Zoning. Changing the Future Land Use Map/General Plan is a serious undertaking. The General Plan represents the desires of the people of Morgan County, and as such should only be modified to reflect these continuing desires. Care should be taken to ensure viability of any proposed projects, as well as maintaining the desires of the people as expressed in the General Plan.

The General Plan and Future Land Use Map anticipate the development of a resort-type community in this area. The requested designation, Master Planned Community, notes that:

The intent of this use designation is to provide or planned developments and resorts that offer a mix of residential and non-residential land uses. Potential development locations would capitalize on good transportation, the physical amenities of the area, and recreational opportunities. The Master Planned Community allows for flexibility in land uses in order to encourage property assemblage and coordinated infrastructure and access. Resorts require adequate infrastructure and necessary services for each development. The assignment of this land use category should precede zoning designations to Master Planned Development Reserve (MPDR) or other similar resort or planned development zoning designations.

As can be seen in Exhibit D, there is already some resort development in the area (East Canyon Resort). The anticipated development of the Yaryca property (see Exhibit E) is expected to develop along similar lines, including a mix of residential types, commercial, and other recreation amenities. It is also anticipated that the developer will request a rezone to MPDR pending the approval of the proposed Future Land Use Map amendment.

Ordinance Evaluation:

Morgan County ordinance anticipates amendments to the General Plan. Section 8-3-10: General Plan indicates that:

C. Plan Adoption:

1. *After completing a proposed general plan for all or part of the area within the county, the planning commission shall schedule and hold a public hearing on the proposed plan.*

After the public hearing, the planning commission may make changes to the proposed general plan.

2. *The planning commission shall then forward the proposed general plan to the governing body.*
3. *The governing body shall hold a public hearing on the proposed general plan recommended to it by the planning commission.*

The governing body shall publish notice of the time, place, and purpose of the public hearing in a newspaper of general circulation in the county at least ten (10) days before

the hearing at which the proposed general plan is to be considered and public comment heard.

4. *After the public hearing, the governing body may make any modifications to the proposed general plan that it considers appropriate.*
5. *The governing body may:*
 - a. *Adopt the proposed general plan without amendment;*
 - b. *Amend the proposed general plan and adopt or reject it as amended; or*
 - c. *Reject the proposed general plan.*
6. *The general plan is an advisory guide for land use decisions.*

D. Amendment Of Plan: The governing body may amend the general plan by following the procedures required by subsection C of this section.

This meeting is in fulfillment of subsection (D) above, in following the procedures outlined in subsection (C), which is included for reference.

Model Motion

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Yaryca Future Land Use Amendment, changing the designation from Natural Resources and Recreation to Master Planned Community, based on the findings listed in the staff report dated July 10, 2014.”

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the Yaryca Future Land Use Amendment, changing the designation from Natural Resources and Recreation to Master Planned Community, based on the findings listed in the staff report dated July 10, 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: Resort Developments in Morgan County
Exhibit E: Anticipated Development Configuration

Staff Contact

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

Exhibit A: Vicinity Map

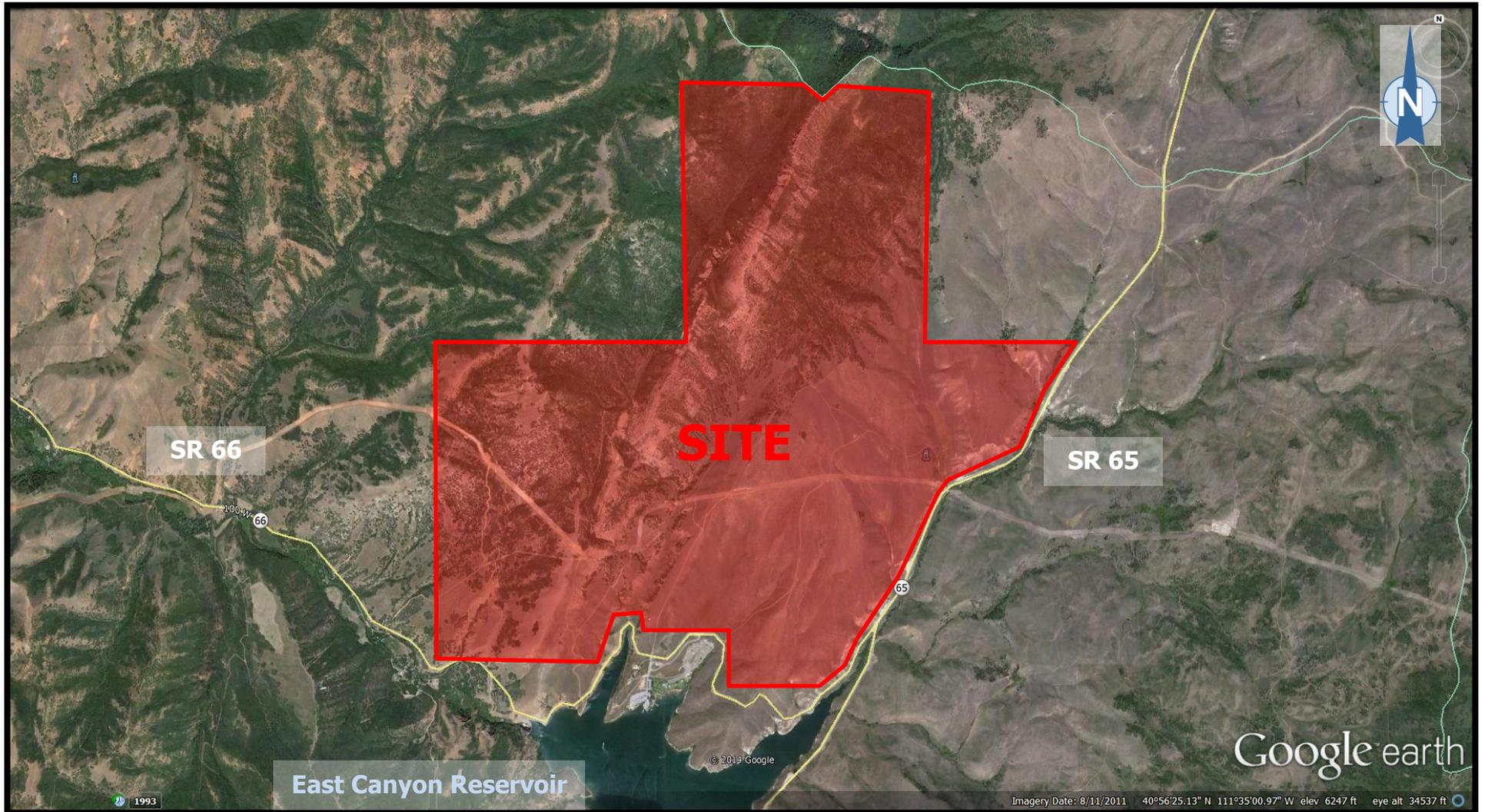


Exhibit B: Future Land Use Map

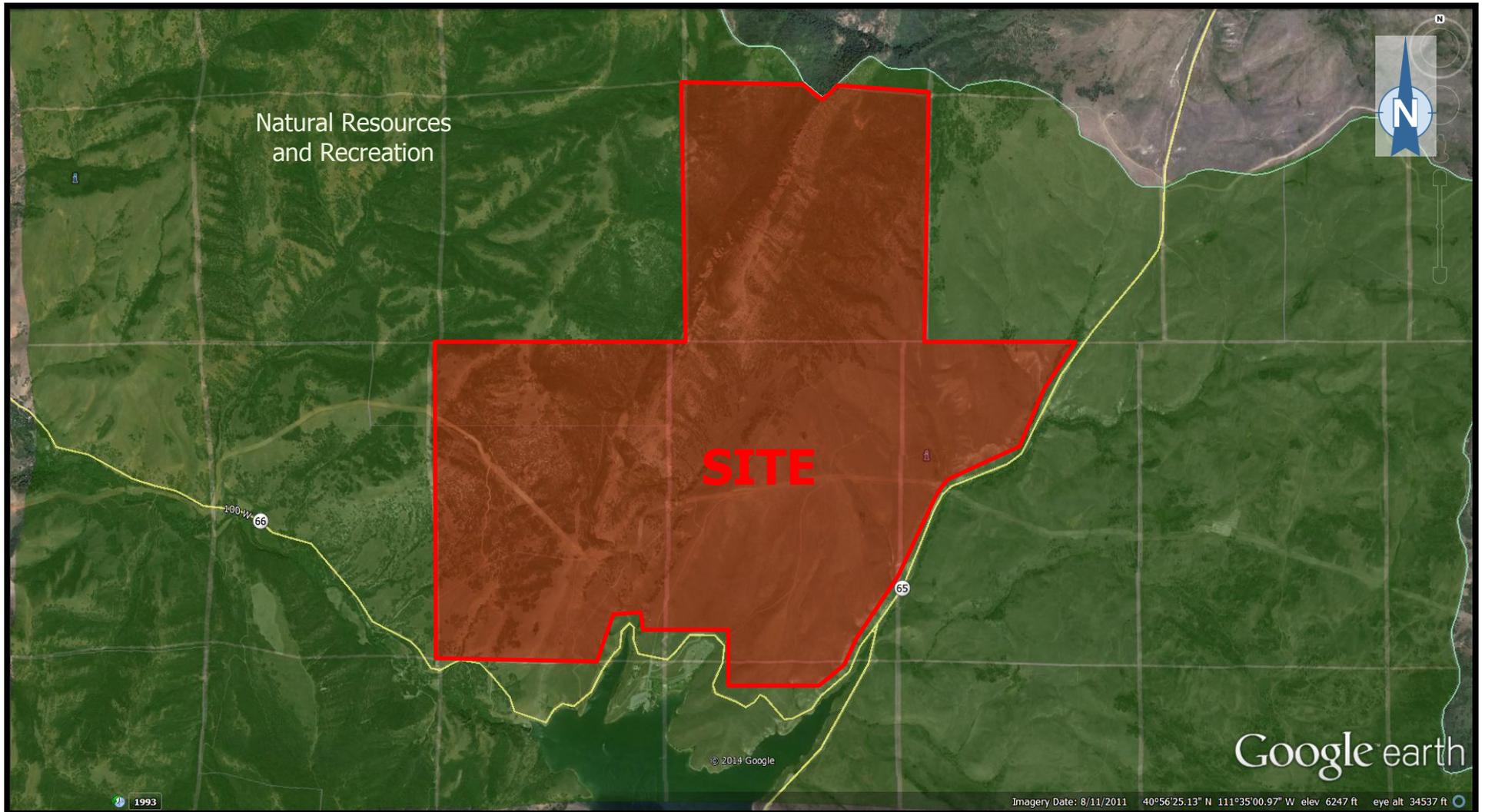


Exhibit C: Existing Zoning Map

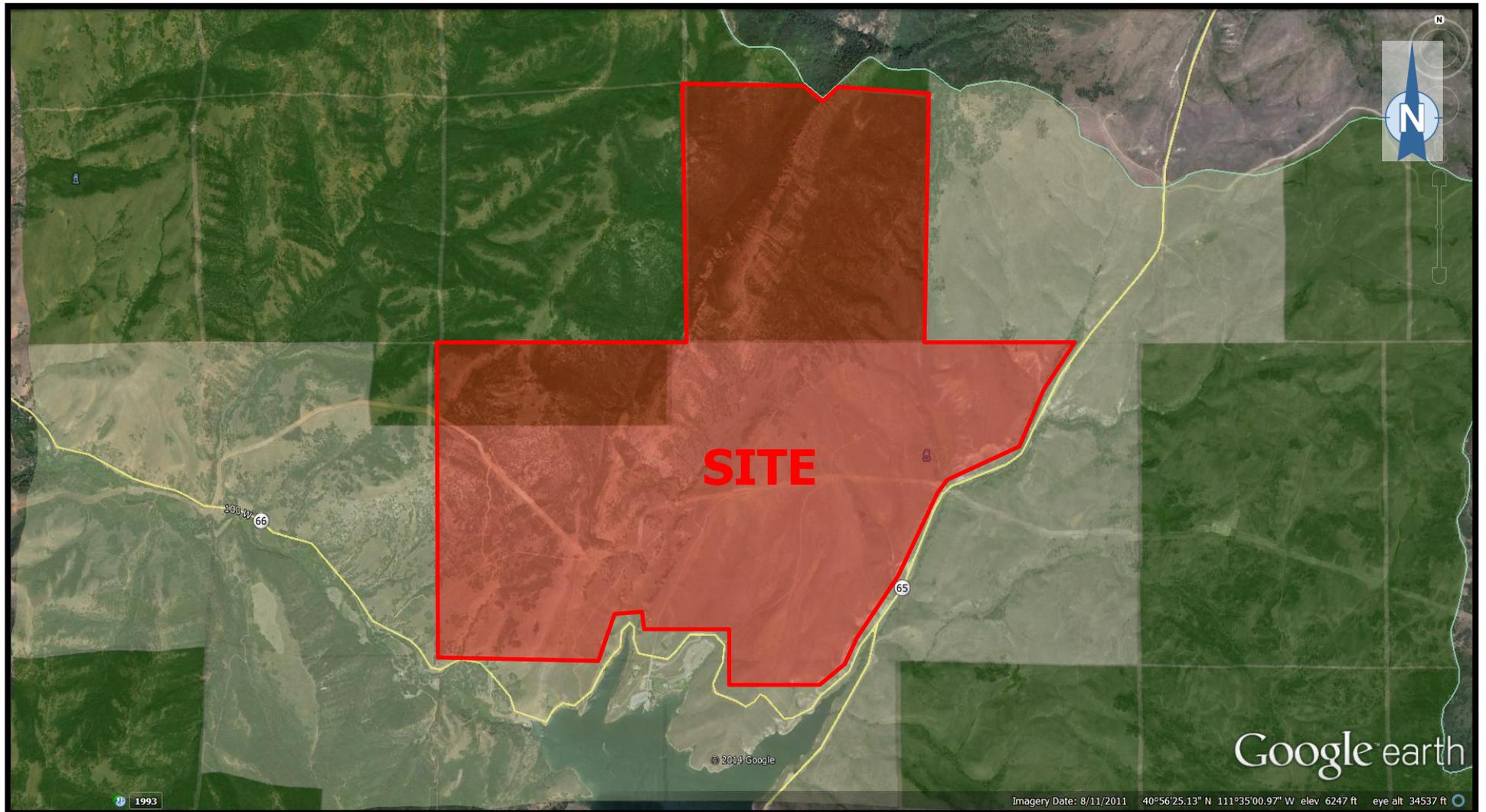


Exhibit D: Resort Developments in Morgan County

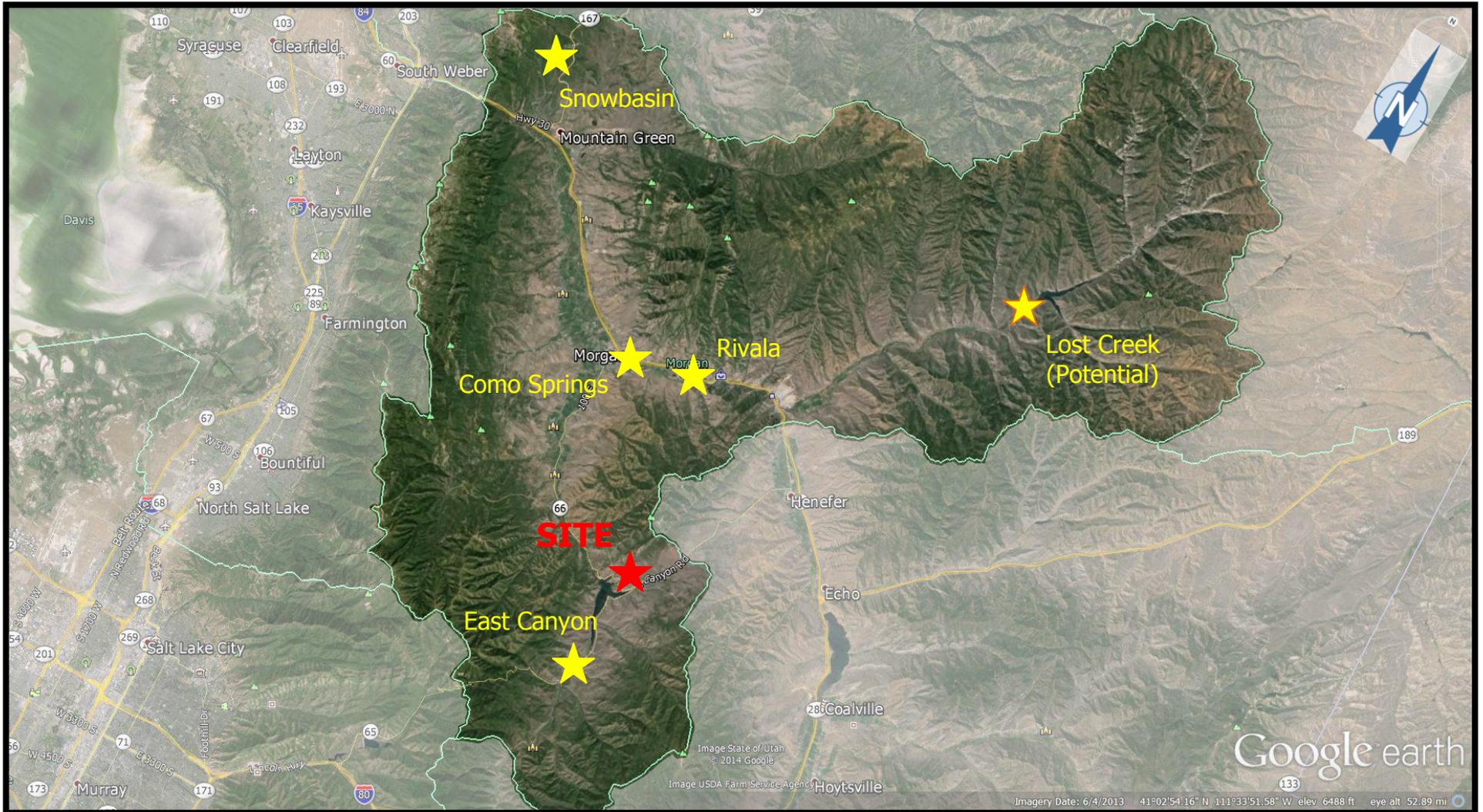


Table of Dwelling Units (from above anticipated project configuration)

Land Use Data Table

Ranchettes	Area (Acres)	Units/Acre	Number of Units
R1	44	0.5	22
R2	109	0.5	56
R3	71	0.5	36
R4	98	0.5	49
R5	81	0.5	42
<i>Totals</i>	403	0.5	205

Estate Lots			
E1	124	1	124
E2	95	1	95
E3	93	1	93
E4	87	1	87
E5	57	1	57
E6	118	1	118
E7	57	1	57
<i>Totals</i>	631	1	631

Condominiums			
C1	20	8	160
C2	11	8	88
C3	40	8	320
C4	37	8	296
<i>Totals</i>	108	8	864

Residential Totals 1142 1.49 1700

Mixed Use	
M1	10
M2	12

Heritage Park	49
Pioneer Trail	136
Open Space	1238

Improvements Exemption Ordinance Revision
Public Hearing (Continued)
July 10, 2014

Applicant: Morgan County
Request: Revision of Improvements Exemption Ordinance (Section 8-12-44 (D)(2))
Date of Previous Hearing: June 26, 2014

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, this revision would change the language of the ordinance from an “exception”, requiring County Council approval after Planning Commission recommendation, and would make the determination a staff-level determination. This “exemption” would only be applicable in multiple use, forestry, agricultural, and rural residential zoning districts. The subdivision would then follow the regular small subdivision process, which involves a staff-level approval.

Language is added to the Code which allows Staff to forward the application to the Planning Commission for review and recommendation, and the County Council for decision in cases where the application represents a large amount of complexity, potential conflict, or a particularly contentious application is considered.

Based on our conversation in the Planning Commission meeting held June 26, 2014, Staff has made changes (in red) as noted below. For clarity, the ordinance as it would appear in its final form appears after the edited version.

Model Motion

Sample Motion for *approval* – “I move we recommend approval of the revised Small Subdivision Ordinance (Section 8-12-44 (D)(2)) with the revisions noted in the staff report dated June 26, 2014.”

Sample Motion for *approval with conditions* – “I move we recommend approval of the revised Small Subdivision Ordinance (Section 8-12-44 (D)(2)) with the revisions noted in the staff report dated June 26, 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 8-12-44 (D)(2)) 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

Exhibit A: Proposed Revised Ordinance

Note – deletions are in ~~strikethrough~~; additions are in **bold**; secondary revisions are in red

Section 8-12-44 (D)(2)

2. Improvements ~~Exception~~ **Exemption in Certain Zones**: The county council **County Staff** may, after receiving recommendation from the county engineer and planning commission, provide an improvements ~~exception~~ **exemption** for certain street improvement requirements. Residential subdivisions of eight (8) lots or less **ten (10) lots or fewer** ~~in the multiple use, forestry, agricultural, and rural residential zoning districts~~ may receive a special ~~exception~~ **exemption** from the requirement to improve infrastructure deficiencies along the frontage of existing infrastructure. This ~~exception~~ **exemption** shall only be available for those properties abutting existing ~~adequately sized~~ public streets ~~sufficient for safe two-way vehicle traffic with adequate shoulders~~, as indicated in this subsection (D)(2) and as determined by the county engineer **County Staff**, but shall not be available when the subdivision boundary is within three hundred feet (300') of infrastructure previously installed.

Such an ~~exception~~ **exemption** may be granted upon finding that requiring the full street infrastructure improvements are not roughly proportional, in nature or extent, to the impact of the development on the community; is not beneficial to the county; or may be detrimental to the neighboring property abutting the development; and that the waived improvements are not necessary at this time to protect the public's health, safety, and welfare.

Usage of this subsection for an ~~exception~~ **exemption** to the required infrastructure standards shall not be utilized to circumvent the need for infrastructure improvements by adding additional building lots to the subdivision at a later time. Any amendment to such a subdivision shall adequately address the requirements for improved infrastructure as provided elsewhere in this chapter.

County staff may, based on potential conflict, complexity, or contention of the proposed subdivision, forward the application to the Planning Commission for review and the County Council for decision.

~~For the purposes of this subsection:~~

~~AN EXISTING ADEQUATELY SIZED PUBLIC STREET SUFFICIENT FOR SAFE TWO-WAY VEHICLE TRAFFIC:~~

- ~~a. A street that has been established as a public right of way for a minimum period of ten (10) years; and~~
- ~~b. A street that has a minimum asphalted width of twenty two feet (22').~~

INFRASTRUCTURE PREVIOUSLY INSTALLED: Any street infrastructure component installed or required to be installed by the county. Pavement width, curb, gutter, sidewalks, and park strips may be treated as separate components. The requirement to provide for each shall depend on the existence of each component previously improved within three hundred feet (300') of the subdivision boundaries. In all cases where each component of new infrastructure is required, it shall be installed pursuant to adopted standards.

2. Improvements Exemption: County Staff may provide an improvements exemption for certain street improvement requirements. Residential subdivisions of ten (10) lots or fewer may receive a special exemption from the requirement to improve infrastructure deficiencies along the frontage of existing infrastructure. This exemption shall only be available for those properties abutting existing public streets, as indicated in this subsection and as determined by County Staff, but shall not be available when the subdivision boundary is within three hundred feet (300') of infrastructure previously installed.

Such an exemption may be granted upon finding that requiring the full street infrastructure improvements are not roughly proportional, in nature or extent, to the impact of the development on the community, is not beneficial to the County, or may be detrimental to the neighboring property abutting the development, and that the waived improvements are not necessary at this time to protect the public's health, safety, and welfare.

Usage of this subsection for an exemption to the required infrastructure standards shall not be utilized to circumvent the need for infrastructure improvements by adding additional building lots to the subdivision at a later time. Any amendment to such a subdivision shall adequately address the requirements for improved infrastructure as provided elsewhere in this chapter.

County staff may, based on potential conflict, complexity, or contention of the proposed subdivision, forward the application to the Planning Commission for review and the County Council for decision.

INFRASTRUCTURE PREVIOUSLY INSTALLED: Any street infrastructure component installed or required to be installed by the county. Pavement width, curb, gutter, sidewalks, and park strips may be treated as separate components. The requirement to provide for each shall depend on the existence of each component previously improved within three hundred feet (300') of the subdivision boundaries. In all cases where each component of new infrastructure is required, it shall be installed pursuant to adopted standards.



PLANNING COMMISSION AGENDA

Thursday, June 26, 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. Update on previously tabled item: 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: 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.

Administrative

7. Discussion/Decision: Hidden Hollow Ranch Amendment 1: Amending a subdivision plat removing building envelope restrictions.
8. Discussion/Decision: Cottonwood Hills Subdivision Amendment 2: Amending a subdivision of record to combine lots and rearrange property lines.
9. Discussion/Decision: Wright Meadows PRUD Preliminary Plat 1 Year Extension Request

Legislative

10. Discussion/Public Hearing/Decision: Revision of Improvements Exemption Ordinance (Section 8-12-44 (D)(2))
11. Planning Commission Business/Questions for Staff
12. Approval of minutes from June 12, 2014
13. Adjourn

Members Present

Debbie Sessions
Roland Haslam
Darrell Erickson
Michael Newton

Staff Present

Bill Cobabe
Ronda Kippen
Mickaela Moser

Others Present

Austin Turner
Boy Scout troop
Mike and Lisa Royall
Ken and Cary Allred

1. Call to order – prayer

Chair Haslam welcomed everyone to the meeting, especially the scout troop from Enterprise. Member Erickson offered prayer. Chair Haslam excused Members Sawyer, Stephens and Wilson.

2. Approval of agenda

It was decided to move item 6 to after item 9.

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

Mike Royall: He was present to address the item formerly on the agenda as item 8. He lives near where the adjustment is being considered and is in favor of the change. His family is hoping their neighbors are granted the request they are seeking and he does not see any negative effects.

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

5. Update on previously tabled item: 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: The applicants and staff asked for another month for the presentation. They are looking to postpone until the August 14, 2014 Planning Commission meeting.

Member Newton moved to postpone this agenda item. Second by Member Erickson.

The vote was unanimous. The motion carried.

Administrative

6. Discussion/Decision: Hidden Hollow Ranch Amendment 1: Amending a subdivision plat removing building envelope restrictions.

Bill Cobabe: This is approximately a 4 acre parcel that is currently zoned RR1 and RR5 as it straddles the zone line. It is being requested to remove a building envelope restriction for lot 13 only. Any other lots seeking a similar restriction removal must apply individually and separately. He clarified that there will continue to be no access from Orchard. Staff is recommending approval of this application.

Member Erickson asked if there were any concerns from the Geotechnical team to which Bill responded that they are comfortable with the request. Bill stated that the engineer has provided a letter concerning the current flood plain and the lot in this application is not affected by it.

Member Sessions moved to forward a positive recommendation to the County Council for the Hidden Hollow Ranch Plat Amendment 1, application #13.122, located at approximately 1959 N Patterson Drive, Lot 13 to remove the building envelope based on the findings and with the conditions listed in the staff report dated June 26, 2014. Second by Member Erickson. The vote was unanimous. The motion carried.

Findings:

1. That the proposed amendment is in keeping with the goals set forth in the Future Land Use Map of the General Plan.
2. That the proposed amendment meets the requirements of the Morgan County Code for subdivision plat amendments.
3. That the proposed amendment will have a negligible impact on surrounding properties.

Conditions:

1. That the owners provide an updated title report prior to recordation.
2. That all fees and taxes are paid, including fees associated with outsourced consultants.

7. Discussion/Decision: Cottonwood Hills Subdivision Amendment 2: Amending a subdivision of record to combine lots and rearrange property lines.

Bill Cobabe: The current zoning is a PUD with the overlying zone being RR-1. The acreage involved is about 1.3 acres. Showed the future land use map and explained the different lot lines, summarizing that the proposal is for the current 4 lots to be combined into 3.

Ken Allred: He is the applicant. He and his wife recently sold Lot 106. They spoke with the new owner for possibly purchasing half of Lot 103, which falls in a flood zone. They hired a surveyor and discovered that Lot 105 encroaches a little bit into Lot 106. He currently owns Lots 104 and

103. He clarified that access to Lot 103 will be abandoned. The Hall's own Lot 106 and the Lane's own Lot 105 and until they began the application, they never knew there was an encroachment. Chair Haslam asked if the owners of Lots 105 and 106 are in agreement with these changes and if there is anything on paper or record. Ronda responded that they will need to sign the mylar and stated that she has verbal confirmation. Ken Allred stated that with the encroachment, his neighbor's house would have to be moved if he's not in compliance with the changes. The Planning Commission members expressed that they would feel more comfortable with a written agreement from the other lot owners involved before proceeding.

Member Sessions moved to forward a positive recommendation to the County Council for the Cottonwood Hills Subdivision Amendment 2, application #14.028, located at approximately 6310 N Willow Creek Road, allowing for lot 103 to be absorbed into lots 104A and 106A, and for the adjustment of the easterly lot line of lot 105A, based on the findings and conditions listed in the staff report dated June 26, 2014 with the following additional condition #4.

Findings:

1. That the proposed amendment is in keeping with the goals set forth in the Future Land Use Map of the General Plan.
2. That the proposed amendment meets the requirements of the Morgan County Code for subdivision plat amendments.
3. That the proposed amendment will have a negligible impact on surrounding properties.

Conditions:

1. That the owners provide an updated title report prior to recordation.
2. That all fees and taxes are paid, including fees associated with outsourced consultants.
3. That the developer provides an updated, site-specific geotechnical report for lot 104A at the time of building permit submittal.
4. That a signed letter of agreement by the owners of lots 105 and 106 is submitted to the County staff prior to being placed on the County Council Agenda.

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

8. Discussion/Decision: Wright Meadows PRUD Preliminary Plat 1 Year Extension Request

Bill Cobabe: He stated that they were approved for a preliminary plat for a PRUD. He explained some of the difficulties involved with this application.

Member Newton moved to approve the extension of the Wright's Meadow PRUD preliminary plat approval based on the findings in the staff report dated June 26, 2014.

Findings:

1. That the applicant has requested an extension of an approved preliminary plat.
2. That the application – when it was approved – met the ordinances, standards, and

guidelines as applied for preliminary plat approval, with conditions listed in Exhibit B.
3. That the approved preliminary plat is in keeping with the goals and objectives of the Future Land Use Map and General Plan of Morgan County.

Second by Member Sessions.

Bill Cobabe asked to include all of the conditions from the original approval included in the July 23, 2013 letter to Mr. Wright, listed in Exhibit B.

Member Newton withdrew his original motion.

Member Newton moved to approve the extension of the Wright's Meadow PRUD preliminary plat approval based on the findings in the staff report dated June 26, 2014 and including the conditions outlined in the July 23, 2013 letter to Mr. Wright.

Findings:

1. That the applicant has requested an extension of an approved preliminary plat.
2. That the application – when it was approved – met the ordinances, standards, and guidelines as applied for preliminary plat approval, with conditions listed in Exhibit B.
3. That the approved preliminary plat is in keeping with the goals and objectives of the Future Land Use Map and General Plan of Morgan County.

Do I need to list those conditions here (using the evil cut and paste) or is the reference to the staff report sufficient?

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

9. Discussion/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.

Bill Cobabe: Discussed the proposed changes to the small subdivision ordinance.

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~~ an existing subdivision.

Mr. Cobabe said E, F and G have been removed because they weren't necessary and the proposed changes will bring the County Code more into compliance with State Code. Ronda summarized for those present that the proposed changes will allow for small subdivision applications to be approved by staff, thus streamlining the process for applicants.

Chair Haslam desired to clarify "existing" and make sure that is the word to use. Ronda clarified some of the confusion and misunderstanding that Bruce Parker had with the ordinance in the previous meetings. Members Newton and Sessions wanted to make sure they're not ruling out any non-platted subdivisions. Chair expressed desire to add "existing platted subdivision" for additional clarification. Ronda suggested "an existing, platted, recorded subdivision" and there was discussion on several possibilities for wording.

Member Sessions moved to recommend approval of the revised Small Subdivision Ordinance (Section 8-12-53) with the revisions noted in the staff report dated June 26, 2014 along with the adding of the words "platted, recorded" inserted after "an existing".

8-12-53: SMALL SUBDIVISIONS:

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 an existing, platted, recorded subdivision.

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

Legislative

10. Discussion/Public Hearing/Decision: Revision of Improvements Exemption Ordinance (Section 8-12-44 (D)(2))

Bill Cobabe: He stated that was important to note that this exemption is only allowed in certain zones, as outlined in the first sentence of the ordinance. He clarified that the exception is now becoming the rule, by making an exemption.

Planning Commission members discussed suggestions and ideas for clarifying the current ordinance and revising the wording to make the ordinance concise and more understandable. Ronda suggested the possibility of doing a deferral agreement but the Planning Commission members would like to go another route and avoid doing a deferral.

Member Newton wondered if the current 300 feet from an existing infrastructure is adequate and wanted to make sure it all ties together. He wondered if increasing it to 1000 feet would solve the problem. Member Sessions brought up the example of Brent Bohman's sidewalk to nowhere that was a waste of money.

Ronda said this ordinance has been on the books since the late 1970's. She posed the question, "What do we want for our community?" A special service district was discussed as were issues with including the ½ acre zoning. Member Sessions suggested imposing a time limit for recording of possibly 5 years. Ronda discussed the range of zones in Mountain Green, how there is a wide variety of zones within a small area and if someone rezones, they may become exempt from a requirement.

Below is a proposed revision of the current Small Subdivision Ordinance that was discussed.

Exhibit A: Proposed Revised Ordinance

Note – deletions are in ~~strikethrough~~; additions are in **bold**

Section 8-12-44 (D)(2)

2. Improvements ~~Exception~~ **Exemption in Certain Zones:** ~~The county council~~ **County Staff** may, ~~after receiving recommendation from the county engineer and planning commission,~~ provide an improvements ~~exception~~ **exemption** for certain street improvement requirements. Residential subdivisions of ~~eight (8) lots or less~~ **ten (10) lots or fewer** in the multiple use, forestry, agricultural, and rural residential zoning districts may receive a special ~~exception~~ **exemption** from the requirement to improve infrastructure deficiencies along the frontage of existing infrastructure. This ~~exception~~ **exemption** shall only be available for those properties abutting existing ~~adequately sized public streets sufficient for safe two-way vehicle traffic with adequate shoulders,~~ as indicated in this subsection ~~(D)(2)~~ and as determined by ~~the county engineer~~ **County Staff**, but shall not be available when the subdivision boundary is within three hundred feet (300') of infrastructure previously installed.

Such an ~~exception~~ **exemption** may be granted upon finding that requiring the full street infrastructure improvements are not roughly proportional, in nature or extent, to the impact of the development on the community; is not beneficial to the county; or may be detrimental to the neighboring property abutting the development; and that the waived improvements are not necessary at this time to protect the public's health, safety, and welfare.

Usage of this subsection for an ~~exception~~ **exemption** to the required infrastructure standards shall not be utilized to circumvent the need for infrastructure improvements by adding additional building lots to the subdivision at a later time. Any amendment to such a subdivision shall adequately address the requirements for improved infrastructure as provided elsewhere in this chapter.

County staff may, based on potential conflict, complexity, or contention of the proposed subdivision, forward the application to the Planning Commission for review and the

County Council for decision.

For the purposes of this subsection:

AN EXISTING ADEQUATELY SIZED PUBLIC STREET SUFFICIENT FOR SAFE TWO-WAY VEHICLE TRAFFIC:

- a. A street that has been established as a public right of way for a minimum period of ten (10) years; and
- b. A street that has a minimum asphalted width of twenty two feet (22').

INFRASTRUCTURE PREVIOUSLY INSTALLED: Any street infrastructure component installed or required to be installed by the county. Pavement width, curb, gutter, sidewalks, and park strips may be treated as separate components. The requirement to provide for each shall depend on the existence of each component previously improved within three hundred feet (300') of the subdivision boundaries. In all cases where each component of new infrastructure is required, it shall be installed pursuant to adopted standards.

Chair Haslam expressed desire to postpone the rules and put this to the end of the agenda for the next Planning Commission meeting. Bill will come back at the next meeting with a revised Small Subdivision Ordinance for the Planning Commission's review and approval, based on their discussion tonight.

Member Sessions moved to suspend the rules and postpone the Small Subdivision Ordinance (Section 8-12-44 (D)(2)) until the July 10, 2014 meeting with this agenda item being put at the end of the agenda, before staff comments.

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

11. Planning Commission Business/Questions for Staff

Bill explained there may be potential buyers for the property near the East Canyon area, roughly north of routes 66 and 65, right across the road from the marina.

Ronda provided information regarding reconsideration of Phase 4 of the Cottonwood Subdivision with the County Council and the Gardner's.

12. Approval of minutes from June 12, 2014

Member Sessions moved to approve the amended minutes for June 12, 2014. Second by Member Erickson. The vote was unanimous. The motion carried.

13. Adjourn

Member Newton 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

DRAFT