



PLANNING COMMISSION AGENDA

Thursday, September 25, 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: Revision of Residential Use Table Ordinance (Sections 8-5A-2 and 8-5B-2 "Codes and Symbols", 8-5A-3 and 8-5B-3 "Use Regulations", and 8-8-1 "Scope and Authority", repealing the existing Sections and replacing them with revisions to Sections 8-5A-2 and 8-5B-2 "Codes and Symbols", 8-5A-3 and 8-5B-3 "Use Regulations", and 8-8-1 "Scope and Authority" revising the conditional use symbols, making changes to the "Use Regulations" tables in residential districts, and providing for the authority for review)
6. Planning Commission Business/Questions for Staff
7. Approval of minutes from September 11, 2014
8. Adjourn



PLANNING COMMISSION AGENDA

Thursday, September 11, 2014

Morgan County Council Room

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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
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Administrative

5. Discussion/Decision: Croydon Substation Conditional Use Permit: A conditional use request for the construction of an electrical substation. The substation is proposed to be located at approximately 1600 North 6800 East in Croydon.

Legislative

6. Planning Commission Business/Questions for Staff
7. Approval of minutes from August 28, 2014
8. Adjourn

Members Present

Shane Stephens
David Sawyer
Debbie Sessions
Michael Newton
Steve Wilson

Public Present

Tina Kelley
Dave Fletcher
Andrew Peterson
Ernie Durrant
Chad Ambrose
Heidi Gordon
Debbie Munteer
Tony London
Kevin Freestone

Staff Present

Bill Cobabe, Senior Planner
Mickaela Moser, Transcriptionist

1. Call to order – prayer.
Acting-Chair Sessions welcomed everyone to the meeting tonight. Member Wilson offered prayer. Member Sessions excused Member Erickson and Chair Haslam. Member Stephens was on his way but would be late.
2. Approval of agenda

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

3. Declaration of conflicts of interest

There were none. Member Sessions stated that she has an acquaintance and friend, Mr. Freestone from Rocky Mountain Power in the audience, but she doesn't foresee it as a conflict of interest.

4. Public Comment

Steve Peterson: He said he met with those involved after the previous meeting and felt a compromise could be in order. They mentioned a pre-cast fence system. He stated that if the sight can't be moved, he'd like to see a 10-ft high fence of pre-cast materials to go around, along with the pine trees previously discussed. He wants a screen so as to detract from the visual impact.

Administrative

5. Discussion/Decision: Croydon Substation Conditional Use Permit: A conditional use request for the construction of an electrical substation. The substation is proposed to be located at approximately 1600 North 6800 East in Croydon.

Bill began by reviewing the NESC height requirements, as they are federal standards that are referenced by the state. These requirements must be followed by the power company and are exhaustive and comprehensive. He addressed the requested landscaping plan. Bill does not know about the pre-cast fencing and will let the applicant address concerns and questions associated with that. He stated that any wall above 6 feet requires the approval of an engineer.

Member Stephens arrived and joined the meeting at this time, 6:40 pm.

Bill also stated that there have been public complaints concerning the road.

Steve Rush: Customer Committee Planner on this project. He clarified that the power company has to maintain safety clearances concerning possible obstructions above and underground. He addressed the issue of a wall vs. a fence. He expressed the opinion that the wall isn't appropriate in this setting. He also stated that the type of trees for landscaping have not been decided. Fat Albert's have been discussed, however Mr. Wilde needs to continue to farm the land surrounding the substation and they need to be able to fit around his farmland. He mentioned that construction is the only time traffic will be a problem and leave its footprint. Mr. Wilde offered his water during irrigation to establish the trees surrounding the power substation. They plan to present a traffic plan to the County.

Member Wilson asked about the traffic damage they anticipate from the truck traffic. Mr. Rush responded that they will fix any damage done to the road, without question. They anticipate 6-8 months of construction, working 5 days a week. The project will be bid, but they don't anticipate much overtime. Member Wilson asked about the cost of the concrete wall.

Kevin Freestone, Rocky Mountain Power: He responded that, typically, the rock wall surrounding the substation would be \$250 per foot. It is 1300-1400 feet around the substation. Mr. Wilson asked about putting the rock wall along two sides, instead of all the way around. Mr. Freestone said it is 500 feet on one side, 300 feet on the other. Member Sawyer asked where it would be appropriate to put a fence. Mr. Freestone responded in residential and possibly commercial, but not agriculture or industrial. For the latter two areas, they use a chain-link fence.

Member Newton asked about how many loads of fill they anticipate. Mr. Freestone responded they'll raise the ground 2-3 feet with fill dirt.

Member Newton asked about watering trees. Mr. Freestone said the landscaper will plant trees and as part of his contract, he'll guarantee maintenance and care for 2 years. Mr. Freestone also said they will replace them if they don't survive. He said the trees will be placed along the irrigation ditch so as to allow Mr. Wilde to farm the flat area. Member Sessions asked who would be responsible for reseeding the grass and hay. Mr. Freestone said they don't anticipate disturbance to the farm, as trucks will use the main road once dirt is brought in.

Member Sawyer asked about the height of the trees being 6-7 ft. initially. Mr. Freestone said that height is pretty standard from the nursery. Member Sessions asked about the chain-link fence having slats. Mr. Rush responded that the metal slats can't be used. There has been talk about vinyl slats, but they don't usually put slats in their chain-link fences.

Member Wilson asked Bill about the requirements imposed by the code, specifically those that concern Mr. Peterson. Bill replied that the field surrounding the substation should receive minimal impact, but conditions may be placed upon approval for additional concerns. The visual impact of the towers is difficult to mitigate.

Member Wilson also asked, as the area expands, about future options for the County. Bill stated that in the future, a developer would be responsible for fencing options, not Rocky Mountain Power. Member Newton asked about setbacks from the substation. Bill confirmed that only the property touching Mr. Wilde's property would have to fence. Member Newton asked how much of this parcel is within the RR-1 zone. Bill responded the 200 feet closest to the road.

Mr. Peterson asked about the noise the transformers will make. Mr. Freestone responded typically 65 db. There will be 2 transformers in the substation. Typically you can talk and hear comfortably at that level which is right at the transformer.

Acting-Chair Sessions called for a motion.

Member Sawyer moved to forward a positive recommendation to the County Council for the Croydon Substation Conditional Use Permit, application #14.074, located at approximately 1600 N. 6800 E., allowing for the installation of an electrical power substation, based on the findings and with the conditions listed in the staff report dated August 28, 2014.

Findings:

1. That the proposed use has been identified as a public utility. These kinds of uses are conditionally allowed in A-20 and RR-1 zoning districts.
2. That the proposed public facility utility is a use that may be permitted based on meeting certain criteria in the Code.
3. That the proposed facility will implement measures in an effort to not adversely impact the adjacent properties.
4. That any potential impact on the existing neighborhood will be minimal.
5. That there will be no employees – this will be a largely remotely-run, automated facility requiring only periodic visits for maintenance and upgrades.
6. That the requirements of the County Engineer have been addressed (see note attached in Exhibit G).

Conditions:

1. That there are no permanent employees at the site.
2. That the exterior of the facility be maintained in an attractive manner that is aesthetically pleasing. This shall include landscaping that will be installed in a manner to help mitigate the visual impact of the substation on surrounding properties/residential areas.
3. That staff approval on the trees and landscaping plan happen prior to construction beginning.
4. That a traffic plan and post-construction road plan be submitted prior to construction beginning.
5. That the maintenance of landscaping be guaranteed by Rocky Mountain Power.

Second by Member Wilson.

Discussion on the motion: Member Wilson expressed his empathy for the surrounding landowners, as he feels this decision was already made before involving them and their opinions.

The vote was unanimous. The motion carried.

Legislative

6. Planning Commission Business/Questions for Staff

Bill informed about an upcoming training in October in Salt Lake City. He addressed personnel issues affecting the Planning and Development Office. There was also discussion about the upcoming Yaryca Future Land Use Map Amendment meeting. Member Sawyer said he did research on Beehive Broadband and they have been

exclusively fiber-optic and wondered if that was the case in Morgan County. Bill didn't know.

7. Approval of minutes from August 28, 2014

Member Newton moved to approve the amended minutes. Second by Member Wilson. The vote was unanimous. The motion carried. Member Stephens abstained as he was absent.

8. Adjourn

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

Approved: _____ **Date:** _____
Chairman, Roland Haslam

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

DRAFT



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1. Call to order – prayer
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6. Planning Commission Business/Questions for Staff
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Residential Use Table Text Amendment
Public Hearing
September 25, 2014

Applicant: Morgan County
Request: Revision of Residential Use Table Ordinance (Sections 8-5A-2 and 8-5B-2 "Codes and Symbols", 8-5A-3 and 8-5B-3 "Use Regulations", and 8-8-1 "Scope and Authority", repealing the existing Sections and replacing them with revisions to Sections 8-5A-2 and 8-5B-2 "Codes and Symbols", 8-5A-3 and 8-5B-3 "Use Regulations", and 8-8-1 "Scope and Authority" revising the conditional use symbols, making changes to the "Use Regulations" tables in residential districts, and providing for the authority for review)
Date of Previous Hearing: N/A

Background and Analysis

In December 2013, the County Council directed Staff to look at revisions to the Residential Use Tables found in Sections 8-5A-3 and 8-5B-3. The purpose of the revisions was to provide for a streamlined process for review of conditional uses, enabling applicants to receive approval more quickly. Staff met with the Ordinance Update Committee over the course of several months to go over each use and decide which uses were appropriate and how to best administer the applications.

The review for applications was divided into three separate categories as follows (more detail is provided in the proposed ordinance sections):

- C-1** – Staff level review
- C-2** – Planning Commission review
- C-3** – County Council review

With these different categories in mind, the use tables were reviewed and different levels were given to each use type. In addition, several changes were made to the uses in the table, and clarifications were made to help guide applicants and staff regarding which uses were acceptable and which were prohibited. Some uses were eliminated as redundant or undesirable, and others were combined with other, existing uses to help provide clarity.

The memos ahead of each Ordinance Update Committee are attached for reference.

Model Motion

Sample Motion for *approval* – “I move we recommend approval of the revised Residential Use Table and associated Sections (Sections 8-5A-2 and 8-5B-2 “Codes and Symbols”, 8-5A-3 and 8-5B-3 “Use Regulations”, and 8-8-1 “Scope and Authority”) with the revisions noted in the staff report dated September 25, 2014.”

Sample Motion for *approval with conditions* – “I move we recommend approval of the revised Residential Use Table and associated Sections (Sections 8-5A-2 and 8-5B-2 “Codes and Symbols”, 8-5A-3 and 8-5B-3 “Use Regulations”, and 8-8-1 “Scope and Authority”) with the revisions noted in the staff report dated September 25, 2014, *with the following revisions:*”

1. List any additional revisions...

Sample Motion for *denial* – “I move we recommend denial of the revised Residential Use Table and associated Sections (Sections 8-5A-2 and 8-5B-2 “Codes and Symbols”, 8-5A-3 and 8-5B-3 “Use Regulations”, and 8-8-1 “Scope and Authority”) with the revisions noted in the staff report dated September 25, 2014, *subject to the following findings:*”

1. List any additional findings...

Supporting Information

Exhibit A: Staff Memos – June 26, 2014; July 10, 2014; August 14, 2014; and August 28, 2014
Exhibit B: Draft Revised Ordinance Section 8-12-53/-54 “Small Subdivision”

Staff Contact

Bill Cobabe, AICP

801-845-4059

bcobabe@morgan-county.net

Exhibit A: Staff Memo – June 26, 2014

TO: Ordinance Update Committee
FROM: Bill Cobabe
DATE: June 26, 2014
SUBJECT: Conditional Uses/Use Table

County Staff has been directed to provide a review of our processes surrounding the issuance of conditional use permits. Specifically, we have been directed to look at ways to streamline the process, making it easier for folks to get approvals. Typically, easier means faster, and faster means eliminating levels of review. This would mean that more conditional uses could be reviewed and approved at a staff level.

Conditional uses are those uses in certain zoning districts that are permitted provided certain conditions are met. Our ordinance currently defines conditional use as: 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.) (Section 8-2-1). An example of a conditional use under our current ordinance would be a bed and breakfast within all commercial zones, except M-D (Manufacturing-Distribution) and M-G (General Industrial).

Conditional uses are specified in in Article 8-5 in the various use tables under each zoning type. These are indicated by a "C" under the tables. More on that below.

The requirements for permitting a conditional use permit are outlined in 8-8-3 of the ordinance. Section A notes that the "County Council is the land use authority for all conditional use permits." Section F notes that, "A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards." Section E further notes that, "A conditional use permit may be denied if the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards." As a result of these Sections, all conditional uses must be heard by the County Council and heard on their own merits, regardless of location, mitigating circumstances, or other conditions that exist on the site that may allow for a lesser degree of review. An example of this would be a fruit/vegetable stand in an A-20 zone, which under our current ordinance would require County Council approval.

The conditions related to conditional uses are already specified in the Code and are found in Section 8-8-4, where performance standards are outlined. These are broken down into categories, including safety of persons and property, health and sanitation, environmental concerns, compliance with General Plan and neighborhood characteristics, performance (meaning how long the conditional use permit is valid), and energy conservation. This list is very inclusive and explicit, and could therefore be easier to handle at a lesser level of review

(Planning Commission, or even Staff level). There are necessarily cases where additional discretionary review is not only advisable but absolutely essential. In those cases, where normally a lesser level of review is required, the reviewing body could forward that on to the next level of review for approval. But those would seem to be the exception rather than the rule.

Section 8-8-5 governs conditional land developments. These differ from other conditional uses in that they deal with the way land is developed to accommodate a conditional use. In the case of a vegetable stand, it may require that the applicant install parking and landscaping, while this would not be the case for a temporary meteorological monitor tower (which, by its very nature, is temporary).

All of this leads to the way the process is administered. Staff is proposing the creation of the following levels of review/approval.

C-1: This is a *staff level* decision. The conditions outlined in the ordinance have been met completely and explicitly met and there are no unique, controversial, or potentially conflicting aspects of the application. It is anticipated that this would encompass most of the applications for conditional use permits.

C-2: This is a decision requiring *Planning Commission* review and approval. These are cases where the applicant is proposing specific deviations to the conditional use requirements outlined in Section 8-8-4. The reasons for these deviations may be tied to specific, unique land conditions, controversial issues, and/or items that may potentially be conflicting with the requirements of the Code. It is anticipated that only those things which cannot be handled as a Staff-level approval would be reviewed and approved by the Planning Commission.

C-3: This is a decision requiring *County Council* approval after Planning Commission review. These cases would be relatively rare and involve complex, controversial, and/or contentious items that involve an anticipated impact on a very large scale (either large amounts of land or many people would be impacted by the granting of the conditional use permit).

The current use table would be modified to reflect the various levels of administration. The Ordinance Update Committee would go through each item specified in each of the different zoning districts to determine where the appropriate level of approval would be. In our examples above, the temporary meteorological monitoring tower and the vegetable/fruit stand may be a Staff level approval, while the bed and breakfast may be a Planning Commission review/approval.

In looking forward to revising the table with the above noted designations, we can start to differentiate between the various uses and how they may be reviewed and approved.

Exhibit A: Staff Memo – July 10, 2014

TO: Ordinance Update Committee
FROM: Bill Cobabe, AICP
DATE: July 10, 2014
SUBJECT: Conditional Uses/Use Table

After our conversation on June 26, several items needed clarification and definition. The first is the difference between “agribusiness” and “agroindustry,” both of which are not defined in our current ordinance. The dictionary defines “agribusiness” as:

an industry engaged in the producing operations of a farm, the manufacture and distribution of farm equipment and supplies, and the processing, storage, and distribution of farm commodities <http://www.merriam-webster.com/dictionary/agribusiness?show=0&t=1404231731>

Further, it notes that:

Agriculture operated by business; specifically, that part of a modern national economy devoted to the production, processing, and distribution of food and fibre products and byproducts. Commercial farming has largely supplanted the family farm in production of cash crops. Some food-processing firms that operate farms have begun to market fresh produce under their brand names. In recent years, conglomerates involved in nonagricultural businesses have entered agribusiness by buying and operating large farms. ([ibid](#))

“Agroindustry,” on the other hand, is defined as:

“Industry connected with agriculture,” and/or, “Agriculture developed along industrial lines.” http://www.oxforddictionaries.com/us/definition/american_english/agro-industry

State Code Title 3 Chapter 1 Section 2 defines “Agricultural products” as:

(1) “Agricultural products” includes floricultural, horticultural, viticultural, forestry, nut, seed, ground stock, dairy, livestock, poultry, bee and any and all farm products.

“Family Food Production” is defined in Section 8-2-1 of our Code as:

FAMILY FOOD PRODUCTION: The keeping of animals and fowl on the premises intended for family use. The numbers of such animals shall not exceed the following:

- A. *One unit per fifteen thousand (15,000) square feet of pasture or comparable area for animals and fowl on a lot that is at least one-half (1/2) acre in size after subtracting the primary residence and its required setbacks from the residence.*

B. An animal/fowl unit equals one group of each of the following: one cow, five (5) sheep, five (5) goats, ten (10) rabbits, fifteen (15) chickens, fifteen (15) pheasants, five (5) turkeys, five (5) ducks, five (5) geese, or ten (10) pigeons. A horse may be substituted for a cow.

And, further, there is a "lite" category, defined as:

FAMILY FOOD PRODUCTION "LITE": The keeping of animals and fowl on the premises intended for family use on a lot at least twenty thousand (20,000) square feet shall not exceed the following:

The numbers of any two (2) of the following animal and fowl groups: ten (10) rabbits, fifteen (15) chickens, fifteen (15) pheasants, five (5) turkeys, five (5) ducks, five (5) geese, or ten (10) pigeons.

Our County Code does not define "Forestry" per se. "Forestry" is defined by the dictionary as:

a : the science of developing, caring for, or cultivating forests
b : the management of growing timber (<http://www.merriam-webster.com/dictionary/forestry>)

State Code includes the following definitions related to "Forestry" (Title 65A Chapter 8a Section 102):

- (2)(a) "Forest practice" means, except as provided in Subsection (2)(b):
- (i) the harvesting of commercial tree species;
 - (ii) new road construction associated with harvesting or accessing trees;
 - (iii) site preparation for regeneration of a timber stand;
 - (iv) reforestation; or
 - (v) the management of logging slash.
- (b) "Forest practice" does not include:
- (i) the operation of a nursery or Christmas tree farm;
 - (ii) the harvest of Christmas trees;
 - (iii) the harvest of trees for the noncommercial, personal use by the owner of forested land from which the trees are harvested;
 - (iv) a harvesting operation encompassing fewer than five contiguous acres of forested land;
 - (v) clearing land for defensible space in a wildland-urban interface; or
 - (vi) fuel reduction for a wildland-urban interface or hazardous fuel reduction project.
- (2) "Forested land" means land, except land owned by the federal government or located within an incorporated city, growing commercial tree species that are, or could be at maturity, capable of furnishing raw material used in the manufacture of lumber or other forest products.

The Society of American Foresters defines "Forestry" as:

the science, art, and practice of creating, managing, using, and conserving forests and associated resources for human benefit and in a sustainable manner to meet desired goals, needs, and values —note the broad field of forestry consists of those biological, quantitative, managerial, and social sciences that are applied to forest management and conservation; it includes specialized fields such as agroforestry, urban forestry, industrial forestry, nonindustrial forestry, and wilderness and recreation forestry.
(<http://dictionaryofforestry.org/dict/term/forestry>)

“Forest Industry” is defined by the North American Industrial Classification System (NAICS) as:

Industries in the Forestry and Logging subsector grow and harvest timber on a long production cycle (i.e., of 10 years or more). Long production cycles use different production processes than short production cycles, which require more horticultural interventions prior to harvest, resulting in processes more similar to those found in the Crop Production subsector. Consequently, Christmas tree production and other production involving production cycles of less than 10 years, are classified in the Crop Production subsector.

Industries in this subsector specialize in different stages of the production cycle. Reforestation requires production of seedlings in specialized nurseries. Timber production requires natural forest or suitable areas of land that are available for a long duration. The maturation time for timber depends upon the species of tree, the climatic conditions of the region, and the intended purpose of the timber. The harvesting of timber (except when done on an extremely small scale) requires specialized machinery unique to the industry. Establishments gathering forest products, such as gums, barks, balsam needles, rhizomes, fibers, Spanish moss, and ginseng and truffles, are also included in this subsector.

With regard to “Family Vacation Ranches” and/or “Dude Ranches,” my thought is that we define them as “ranch-type resort destinations that offer overnight accommodations for people to experience ranch work and lifestyle. These ranches may have agricultural production as a portion of their revenue, but their main function is a tourist destination.”

Exhibit A: Staff Memo – August 14, 2014

TO: Ordinance Update Committee
FROM: Bill Cobabe, AICP
DATE: August 14, 2014
SUBJECT: Conditional Uses/Use Table

After our conversation on July 10, several items needed clarification and definition:

...

2. According to HUD

(http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/ramh/mhs/faq)

What is a manufactured home?

A manufactured home (formerly known as a mobile home) is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section. Manufactured homes are built in the controlled environment of a manufacturing plant and are transported in one or more sections on a permanent chassis.

What is the difference between manufactured and modular homes?

Manufactured homes are constructed according to a code administered by the U.S. Department of Housing and Urban Development (HUD Code). The HUD Code, unlike conventional building codes, requires manufactured homes to be constructed on a permanent chassis. Modular homes are constructed to the same state, local or regional building codes as site-built homes. Other types of systems-built homes include panelized wall systems, log homes, structural insulated panels, and insulating concrete forms.

Homes built prior to June 15, 1976, even with modifications, do not meet the HUD standards and cannot be accepted as compliant with the HUD Code. As the homeowner, you may find a licensed engineer willing to inspect your home for compliance with your state's housing code. FHA does not insure mortgages on manufactured homes built prior to June 15, 1976. Most other mortgage insurance firms follow FHA's policy.

Incidentally, I came across the definition of a "Park Model" home, which is kind of a hybrid between a manufactured home and a recreational vehicle. These homes apparently are considered (legally) as recreational vehicles, but are used for much longer duration than normal RVs – months or years. HUD does not issue HUD labels on Park Model homes unless it was a part of the original construction of the home. I don't know if we need to specify/clarify our ordinance with regard to Park Model homes, but I thought it was interesting/informative and thought I'd pass that along.

Exhibit A: Staff Memo – August 28, 2014

TO: Ordinance Update Committee
FROM: Bill Cobabe, AICP
DATE: August 28, 2014
SUBJECT: Conditional Uses/Use Table

Staff is proposing the creation of the following levels of review/approval.

C-1: This is a *staff level* decision. The conditions outlined in the ordinance have been met completely and explicitly met and there are no unique, controversial, or potentially conflicting aspects of the application. It is anticipated that this would encompass most of the applications for conditional use permits.

C-2: This is a decision requiring *Planning Commission* review and approval. These are cases where the applicant is proposing specific deviations to the conditional use requirements outlined in Section 8-8-4. The reasons for these deviations may be tied to specific, unique land conditions, controversial issues, and/or items that may potentially be conflicting with the requirements of the Code. It is anticipated that only those things which cannot be handled as a Staff-level approval would be reviewed and approved by the Planning Commission.

C-3: This is a decision requiring *County Council* approval after Planning Commission review. These cases would be relatively rare and involve complex, controversial, and/or contentious items that involve an anticipated impact on a very large scale (either large amounts of land or many people would be impacted by the granting of the conditional use permit).

The current use table has been modified to reflect the various levels of administration. The Ordinance Update Committee went through each item specified in each of the different zoning district to determine where the appropriate level of approval would be. A copy of the revised table is attached.

Exhibit B: Proposed Revised Ordinance

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

8-5A-2 and 8-5B-2: CODES AND SYMBOLS:

In following sections of this article, uses of land or buildings which are allowed in various districts are shown as "permitted uses", indicated by a "P" in the appropriate column, or as "conditional uses", indicated by a "~~C~~" "**C-1,**" "**C-2,**" or "**C-3,**" in the appropriate column. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash "-". If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet required, or by the letter "A". If the regulation does not apply, it is indicated in the appropriate column by a dash "-".
(2010 Code)

8-5A-3 and 8-5B-3: Use Table

**MORGAN COUNTY, UTAH
 MULTIPLE USE, AGRICULTURE, RURAL RESIDENTIAL, RESIDENTIAL AND MULTIPLE-FAMILY RESIDENTIAL
 DISTRICTS
 ALLOWED USES (EXISTING)**

P = Permitted Use; C1 = Conditional Use (Staff level decision with public comment period); C2 = Conditional Use (Planning Commission level decision); C3 = Conditional Use (County Council level decision); Use Not Allowed = Blank or Dash “-“.
 If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet required, or by the letter "A". If the regulation does not apply, it is indicated in the appropriate column by a dash, "-". (2010 Code)

	Districts										
	MU-160	F-1	A-20	RR-10	RR-5	RR-1	R1-20	R1-12	R1-8	RM-7	RM-15
Accessory buildings and uses customarily incidental to conditional uses	€ C1	€ C1	€ C1	€ C1	€ C1	€ C1	€ C1	€ C1	€ C1	€ C1	€ C1
Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P	P	P	P	P	P
Accessory buildings and uses customarily incidental to permitted agricultural uses; provided, however, that such accessory buildings are a minimum of 100 feet from the street on which the primary building fronts and 100 feet from any dwelling	P	P	P	P	P	P					
Except that any pen or corral for the keeping of animals or fowl shall be located the minimum distance of 150 feet from any public road or approved private road—	P—	P—	P—	P—	P—	P—					
Accessory buildings and/or uses customarily incidental to permitted uses, other than those listed above—	P—	P—	P—	P—	P—	P—					
Accessory buildings for the housing of animals	€—	€—	€—	€—	€—	€—					

	Districts										
	MU -160	F-1	A- 20	RR- 10	RR- 5	RR- 1	R1- 20	R1- 12	R1- 8	RM -7	RM -15
eustomarily incidental to permitted agricultural uses, which buildings, including pens and corrals, are located not less than 150 feet from any county or approved private road, and 100 feet from any residence—											
Agricultural and forestry:											
Agribusiness - an industry engaged in the producing operations of a farm, the manufacture and distribution of farm equipment and supplies, and the processing, storage, and distribution of farm commodities	€ C2	-	€ C2	€ C2	€ C2	-					
Agriculture, including grazing and pasturing of animals; the tilling of the soil, the raising of crops, horticulture and gardening	P	P	P	P	P	P					
Apiary and aviary	P	P	P	P	€ C1	€ C2					
Family food production	P	P	P	P	P	P					
Farms devoted to raising and marketing chickens, turkeys or other fowl or poultry, fish or frogs, mink, rabbits, including wholesale and retail sale	P	-	P	P	P	P					
Forest industry, such as a sawmill, wood products plant, etc.	€ C2	€ C2	- C2	-	-	-					
Forestry, except forest industry	P	P	P	P	P	P					
Fruit/vegetable stand	€ C1	-	€ C1	€ C1	€ C1	€ C1					
Tilling of the soil, the raising of crops, horticulture and gardening (No Animals)							P	P	P	P	P
Bed and breakfast inn	- C1	-	-	€ C1	€ C1	€ C1	€	€	-	-	-
Child daycare centers, subject to regulations as set forth in section 8-6-39 of this title	-	-	€ C1	€ C1	€ C1	€ C1					

	Districts										
	MU-160	F-1	A-20	RR-10	RR-5	RR-1	R1-20	R1-12	R1-8	RM-7	RM-15
County fairgrounds uses	-	-	P-C3	-	-	-					
Dams and reservoirs	€ C3	€ C3	€ C3	€ C3	€ C3	€ C3					
Dude ranch, family vacation ranch – (20 acre lot size minimum; no separate cooking facilities in accessory structures)	€ C2	- C2	€ C2	€ C3	- C3	-					
Dwellings:											
Accessory apartment	€ C1	-	€ C1	€ C1	€ C1	€ C1	€ C1	€ C1	€ C1	€ C1	€ C1
Homes or mobile homes on bona fide farms or for worker housing	€ C1	-	€ C1	-	-	-					
Recreation dwelling (shall not utilize the same minimum lot area as a main dwelling)	€ C1	€ C1	€ C1	-	-	-					
Residential facilities for handicapped or elderly	€ C3	-	€ C3	€ C3	€ C3	€ C3					
Residential facilities for handicapped or elderly, provided they are separated at least ¾ mile from another similar facility							€ C3	€ C3	€ C3	€ C3	€ C3
Single-family dwelling	€ C1	-	P	P	P	P	P	P	P	P	P
Two-family dwelling							-	-	-	P	P
Three-family dwelling							-	-	-	€ C2	€ C2
Four-family dwelling							-	-	-	€ C2	€ C2
Multiple-family dwelling							-	-	-	€ C2	€ C2
Group of dwellings (including twin homes, etc.)							-	-	€	€	€

	Districts										
	MU-160	F-1	A-20	RR-10	RR-5	RR-1	R1-20	R1-12	R1-8	RM-7	RM-15
Temporary gravel pit, crusher, subject to the provisions of section 8-5A-11 of this article	- C3	- C3	- C3	€ C3	€ C3	-					
Temporary meteorological monitor tower, subject to regulations in section 8-5A-12 of this article	€ P	€ P	€ P	-	-	-					
Temporary uses	Subject to regulations in section 8-6-16 of this title										

PURPOSE:

A. Multiple Use Districts: The purpose of providing a multiple use district is to establish areas in mountain, hillside, canyon, mountain valley, desert and other open and generally undeveloped lands where human habitation should be limited in order to protect land and other open space resources; to reduce unreasonable requirements for public utility and service expenditures through uneconomic and unwise dispersal and scattering of population; to encourage use of the land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat and recreation; to avoid excessive damage to watersheds, water pollution, soil erosion, danger from brushland fires, damage to grazing and livestock raising, and to wildlife values; to avoid the premature development of lands by discouraging intensive development until the ultimate best use of the land can be recommended by the planning commission to the governing body; and to promote the health, safety, convenience, order, prosperity and general welfare of the inhabitants of the community.

B. Forestry District:

1. The purposes of providing a forestry district are to encourage the appropriate use of certain mountainous, hillside and canyon area of the county for watershed, forestry, grazing, agriculture, wildlife habitat, and limited recreational uses, as well as the reduction of requirements for unreasonable public utility and service expenditures which would be caused by concentrated urban uses in the district; to protect watersheds and water supplies from pollution; and to promote the health, morals, convenience, order, prosperity and general welfare of the inhabitants of the county.

2. The intent of providing a forestry district is to separate those areas of the county which should best remain relatively undeveloped from those areas which can support greater development, as provided for and encouraged in other districts.

C. Agriculture Districts: The purposes of providing an agriculture district are to promote and preserve in appropriate areas conditions favorable to agriculture and to maintain greenbelt spaces. These districts are intended to include activities normally and necessarily

related to the conduct of agriculture and to protect the district from the intrusion of uses inimical to the continuance of agricultural activity.

D. Rural Residential Districts:

1. The purposes of providing a rural residential district are:

- a. To promote and preserve in appropriate areas conditions favorable to large lot family life;
- b. Maintaining a rural atmosphere;
- c. The keeping of limited numbers of animals and fowl; and
- d. Reduced requirements for public utilities, services and infrastructure.

2. These districts are intended to be primarily residential in character and protected from encroachment by commercial and industrial uses. (2010 Code)

The purpose of the following districts is:

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

B. Residential District R1-12: To provide areas for low density, single-family residential neighborhoods of spacious and uncrowded character.

C. Residential District R1-8: To provide areas for medium low density, single-family residential neighborhoods where low and medium costs of development may occur.

D. Multiple Residential District RM-7: To provide areas for medium residential density with the opportunity for varied housing styles and character.

E. Multiple Residential District RM-15: To provide areas for medium high residential density with the opportunity for varied housing styles and character. (2010 Code)



PLANNING COMMISSION AGENDA

Thursday, September 11, 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: Croydon Substation Conditional Use Permit: A conditional use request for the construction of an electrical substation. The substation is proposed to be located at approximately 1600 North 6800 East in Croydon.

Legislative

6. Planning Commission Business/Questions for Staff
7. Approval of minutes from August 28, 2014
8. Adjourn

Members Present

Shane Stephens
David Sawyer
Debbie Sessions
Michael Newton
Steve Wilson

Public Present

Tina Kelley
Dave Fletcher
Andrew Peterson
Ernie Durrant
Chad Ambrose
Heidi Gordon
Debbie Munteer
Tony London
Kevin Freestone

Staff Present

Bill Cobabe, Senior Planner
Mickaela Moser, Transcriptionist

1. Call to order – prayer.
Acting-Chair Sessions welcomed everyone to the meeting tonight. Member Wilson offered prayer. Member Sessions excused Member Erickson and Chair Haslam. Member Stephens was on his way but would be late.
2. Approval of agenda

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

3. Declaration of conflicts of interest

There were none. Member Sessions stated that she has an acquaintance and friend, Mr. Freestone from Rocky Mountain Power in the audience, but she doesn't foresee it as a conflict of interest.

4. Public Comment

Steve Peterson: He said he met with those involved after the previous meeting and felt a compromise could be in order. They mentioned a pre-cast fence system. He stated that if the sight can't be moved, he'd like to see a 10-ft high fence of pre-cast materials to go around, along with the pine trees previously discussed. He wants a screen so as to detract from the visual impact.

Administrative

5. Discussion/Decision: Croydon Substation Conditional Use Permit: A conditional use request for the construction of an electrical substation. The substation is proposed to be located at approximately 1600 North 6800 East in Croydon.

Bill began by reviewing the NESC height requirements, as they are federal standards that are referenced by the state. These requirements must be followed by the power company and are exhaustive and comprehensive. He addressed the requested landscaping plan. Bill does not know about the pre-cast fencing and will let the applicant address concerns and questions associated with that. He stated that any wall above 6 feet requires the approval of an engineer.

Member Stephens arrived and joined the meeting at this time, 6:40 pm.

Bill also stated that there have been public complaints concerning the road.

Steve Rush: Customer Committee Planner on this project. He clarified that the power company has to maintain safety clearances concerning possible obstructions above and underground. He addressed the issue of a wall vs. a fence. He expressed the opinion that the wall isn't appropriate in this setting. He also stated that the type of trees for landscaping have not been decided. Fat Albert's have been discussed, however Mr. Wilde needs to continue to farm the land surrounding the substation and they need to be able to fit around his farmland. He mentioned that construction is the only time traffic will be a problem and leave its footprint. Mr. Wilde offered his water during irrigation to establish the trees surrounding the power substation. They plan to present a traffic plan to the County.

Member Wilson asked about the traffic damage they anticipate from the truck traffic. Mr. Rush responded that they will fix any damage done to the road, without question. They anticipate 6-8 months of construction, working 5 days a week. The project will be bid, but they don't anticipate much overtime. Member Wilson asked about the cost of the concrete wall.

Kevin Freestone, Rocky Mountain Power: He responded that, typically, the rock wall surrounding the substation would be \$250 per foot. It is 1300-1400 feet around the substation. Mr. Wilson asked about putting the rock wall along two sides, instead of all the way around. Mr. Freestone said it is 500 feet on one side, 300 feet on the other. Member Sawyer asked where it would be appropriate to put a fence. Mr. Freestone responded in residential and possibly commercial, but not agriculture or industrial. For the latter two areas, they use a chain-link fence.

Member Newton asked about how many loads of fill they anticipate. Mr. Freestone responded they'll raise the ground 2-3 feet with fill dirt.

Member Newton asked about watering trees. Mr. Freestone said the landscaper will plant trees and as part of his contract, he'll guarantee maintenance and care for 2 years. Mr. Freestone also said they will replace them if they don't survive. He said the trees will be placed along the irrigation ditch so as to allow Mr. Wilde to farm the flat area. Member Sessions asked who would be responsible for reseeding the grass and hay. Mr. Freestone said they don't anticipate disturbance to the farm, as trucks will use the main road once dirt is brought in.

Member Sawyer asked about the height of the trees being 6-7 ft. initially. Mr. Freestone said that height is pretty standard from the nursery. Member Sessions asked about the chain-link fence having slats. Mr. Rush responded that the metal slats can't be used. There has been talk about vinyl slats, but they don't usually put slats in their chain-link fences.

Member Wilson asked Bill about the requirements imposed by the code, specifically those that concern Mr. Peterson. Bill replied that the field surrounding the substation should receive minimal impact, but conditions may be placed upon approval for additional concerns. The visual impact of the towers is difficult to mitigate.

Member Wilson also asked, as the area expands, about future options for the County. Bill stated that in the future, a developer would be responsible for fencing options, not Rocky Mountain Power. Member Newton asked about setbacks from the substation. Bill confirmed that only the property touching Mr. Wilde's property would have to fence. Member Newton asked how much of this parcel is within the RR-1 zone. Bill responded the 200 feet closest to the road.

Mr. Peterson asked about the noise the transformers will make. Mr. Freestone responded typically 65 db. There will be 2 transformers in the substation. Typically you can talk and hear comfortably at that level which is right at the transformer.

Acting-Chair Sessions called for a motion.

Member Sawyer moved to forward a positive recommendation to the County Council for the Croydon Substation Conditional Use Permit, application #14.074, located at approximately 1600 N. 6800 E., allowing for the installation of an electrical power substation, based on the findings and with the conditions listed in the staff report dated August 28, 2014.

Findings:

1. That the proposed use has been identified as a public utility. These kinds of uses are conditionally allowed in A-20 and RR-1 zoning districts.
2. That the proposed public facility utility is a use that may be permitted based on meeting certain criteria in the Code.
3. That the proposed facility will implement measures in an effort to not adversely impact the adjacent properties.
4. That any potential impact on the existing neighborhood will be minimal.
5. That there will be no employees – this will be a largely remotely-run, automated facility requiring only periodic visits for maintenance and upgrades.
6. That the requirements of the County Engineer have been addressed (see note attached in Exhibit G).

Conditions:

1. That there are no permanent employees at the site.
2. That the exterior of the facility be maintained in an attractive manner that is aesthetically pleasing. This shall include landscaping that will be installed in a manner to help mitigate the visual impact of the substation on surrounding properties/residential areas.
3. That staff approval on the trees and landscaping plan happen prior to construction beginning.
4. That a traffic plan and post-construction road plan be submitted prior to construction beginning.
5. That the maintenance of landscaping be guaranteed by Rocky Mountain Power.

Second by Member Wilson.

Discussion on the motion: Member Wilson expressed his empathy for the surrounding landowners, as he feels this decision was already made before involving them and their opinions.

The vote was unanimous. The motion carried.

Legislative

6. Planning Commission Business/Questions for Staff

Bill informed about an upcoming training in October in Salt Lake City. He addressed personnel issues affecting the Planning and Development Office. There was also discussion about the upcoming Yaryca Future Land Use Map Amendment meeting. Member Sawyer said he did research on Beehive Broadband and they have been

exclusively fiber-optic and wondered if that was the case in Morgan County. Bill didn't know.

7. Approval of minutes from August 28, 2014

Member Newton moved to approve the amended minutes. Second by Member Wilson. The vote was unanimous. The motion carried. Member Stephens abstained as he was absent.

8. Adjourn

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

Approved: _____ Date: _____
Chairman, Roland Haslam

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

DRAFT

8-8-1: SCOPE AND AUTHORITY:

A zoning ordinance may contain provisions for conditional uses that may be allowed, allowed with conditions, or denied in designated zoning districts, based on compliance with standards and criteria set forth in this title for those uses. (2010 Code)

The following designations apply to review of conditional uses as noted in the use tables in Sections 8-5A and 8-5B:

C-1: The C-1 designation is a staff level review. These uses are generally routine and uncontested in nature, and the impact on the surrounding properties is minimal and can be mitigated with simple, inexpensive measures. The Zoning Administrator shall be authorized to review and approve, approve with additional conditions, or deny any application for a C-1 designated use. The applicant may appeal the decision of the Zoning Administrator to the Planning Commission. Further, the Zoning Administrator may, based on the potential complexity or conflict in a conditional use, forward the application to the Planning Commission/County Council for review.

C-2: The C-2 designation indicates that a review is required by the Planning Commission. These uses are generally more complex in nature, and may involve public interest and concern. The Zoning Administrator makes a recommendation to the Planning Commission for review. The Planning Commission may approve, approve with additional conditions, or deny any application for a C-2 designated use. The applicant may appeal the decision of the Planning Commission to the County Council. Further, the Planning Commission may, based on the potential complexity or conflict in a conditional use, forward the application to the County Council for review.

C-3: The C-3 designation indicates that a review is required by the County Council. These uses are those which, by nature, are complex and potentially contentious. The mitigating conditions that would apply to such uses are extensive and require the approval of the Governing Body. The application is heard first by the Planning Commission, with a staff report and recommendation by the Zoning Administrator. The Planning Commission shall forward a recommendation to the County Council with a positive recommendation, a positive recommendation with additional conditions, or a negative recommendation. The County Council then reviews the application and shall approve, approve with additional conditions, or deny the application. Appeals to County Council decisions are made as outlined in Chapter 3 of this title.