



PLANNING COMMISSION AGENDA

Thursday, June 11, 2015

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. Pledge of Allegiance
3. Approval of agenda
4. Declaration of conflicts of interest
5. Public Comment

Legislative:

6. Discussion, Public Hearing and Decision of the Bohman Rezone: A request to rezone approximately 17 acres of property located approximately at 4475 N 3800 W from A-20 to RR-5 zoning district.
7. Discussion, Public Hearing and Decision of the Johnson Rezone: A request to rezone approximately 29 acres of property located approximately at 730 N Morgan Valley Dr from A-20 to RR-1 zoning district.

Administrative:

8. Discussion: Revision of Exemption from Plat Requirements Ordinance (Section 8-12-9), Religious Uses in Residential Zones (Sections 8-5A-3 and 8-5B-3), and Frontage Requirements Ordinance (Section 8-5A-5)
9. Planning Commission Business/Questions for Staff
10. Approval of minutes from May 28, 2015
11. Adjourn

Members Present

Shane Stephens
Gary Ross
Debbie Sessions
Roland Haslam
Larry Nance
Steve Wilson

Staff Present

Bill Cobabe
Gina Grandpre
Mickaela Moser

Public Present

Brent Anderson
Hollie Anderson
Tina Kelley
Tina Cannon
Gail & Marcile Gorder
Malan & Deanne Johnson
Doug & Julie Brown

1. Call to order – prayer. Chair Haslam called the meeting to order. Prayer was offered by Member Stephens.
2. Pledge of Allegiance
3. Approval of agenda
Member Sessions moved to approve the agenda. Second by Member Nance. The vote was unanimous. The motion carried.
4. Declaration of conflicts of interest
Member Sessions will abstain from item #6, as she is the acting agent for the Bohman Family Trust. She will represent them later in the meeting.
5. Public Comment

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

There was none.

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

Member Sessions was excused to go into the audience.

Legislative:

6. Discussion, Public Hearing and Decision of the Bohman Rezone: A request to rezone approximately 17 acres of property located approximately at 4475 N 3800 W from A-20 to RR-5 zoning district.

Bill introduced the application, adding that Staff is in favor of approval of this amendment. He showed the location of the proposed rezone on the map for all in attendance. He stated that currently, the Future Land Use Map allows for ½ acre lots with a village low density and the proposed zoning is compliant with the surrounding area. He pointed out that it is anticipated to achieve 3-4 lots out of the division, each being around 5-acre lots. Member Nance asked how the proposed change will affect frontage and property, and Bill responded that it is difficult to anticipate what the change could bring. Bill elaborated to say that there

may be a private driveway installed, but a private lane or private road would not be allowed. He stated that there would be ample space for development. Chair asked for clarification of the surrounding area zoning and Bill clarified that the front of the property is in the RR-1 zone. Bill explained the current zones involved. Member Wilson asked where the village boundary lies, and Member Sessions answered that it extends to the Sessions Family Farm.

Debbie Sessions, agent for the Bohman Family Trust: She explained that the Bohman Family is going through the subdivision process and the Trust specifies the need to separate the house and one acre, which would leave the remaining 17 acre parcel incompatible as it lies within the A-20 zone. They are asking for a rezone to allow for the divisions and satisfy the trust. She pointed out the location of the house on the map. She clarified that the rezone is for the back lot only, which is the proposed 17 acres.

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

There were no comments.

Member Ross moved to go out of public hearing. Second by Member Wilson. The vote was unanimous. The motion carried.

Member Nance moved to forward a positive recommendation to the County Council for the Bohman Zoning Map Amendment, application number 15.047, changing the zoning district from A-20 to RR-5, based on the findings listed in the staff report dated June 11, 2015. Second by Member Stephens. The vote was unanimous. The motion carried.

7. Discussion, Public Hearing and Decision of the Johnson Rezone: A request to rezone approximately 29 acres of property located approximately at 730 N Morgan Valley Dr from A-20 to RR-1 zoning district.

Bill mentioned that this agenda item is similar to the item just previously discussed. The location is in harmony with the RR-1 zoning and will not adversely affect any surrounding property values. Member Wilson asked about septic or sewer situations and Bill suggested that if the development goes to 1-acre lots, which the zoning does allow, there would need to be a collective sewer system. Bill said that the General Plan indicates that this area is a location in which resident's desire 1-acre lots. Member Sessions asked if the letters that went out to inform surrounding land owners stated 17 or 29 acres to rezone and Gina responded that the letters correctly stated a rezone of the 29 acres. Member Nance asked about the current public service and Bill responded that the area is being serviced with wells and septic, as that is what is currently available. Gina clarified that the Health Department has jurisdiction over those requirements. Member Wilson expressed concern that the County is recommending approval for developments that are not supported by current services or water availability. Member Sessions further clarified that lots would not be able to subdivide until provisions are considered for development and associated services. Member Stephens suggested changing the request to RR-5, rather than the requested RR-1 to satisfy the applicant's intentions. Chair Haslam asked if the applicant could change the zoning request if a different option were desirable. Bill responded that the applicant may request a change, however the Planning Department Staff may not change the request without applicant approval. Member Nance asked about testing for water and sewer for subdivisions and Chair clarified that the Health Department will test soil and other issues involved before ground is broken.

Malan Johnson: He stated that this is a first for him and originally they wanted to continue farming the back part of his property. After consideration, they decided to rezone for future lots for their children. They would like to break ground by next Spring and wants to see this proposal move forward.

Member Wilson stated that he does not have any objections with the map that Mr. Johnson handed out to the Planning Commission members. Chair Haslam clarified that with his house, Mr. Johnson will keep 2.9 acres. Mr. Johnson briefly explained his desire for 1 ¾ acre lots. As the lots would be in RR-1, he should be able to do curb and gutter. There was some discussion of the advantages and options involving RR-1 vs. RR-5 zone changing for Mr. Johnson's application and desires. Chair Haslam asked Mr. Johnson if he would have any issues with rezoning to an RR-5 zoning and Mr. Johnson responded no. Member Wilson asked Chair Haslam about the process to change his request from an RR-1 zone change to an RR-5 zone change. Bill suggested Malan Johnson make a verbal request on record.

Mr. Johnson requested an RR-5 zone change, instead of the initial RR-1 change.

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

Gail Gorder: He stated he went through this process a few years ago and was told the property he wanted to sell had to be 300 feet apart in addition to an entrance/exit. He doesn't see the requirement of frontage for an entry and exit on Mr. Johnson's property. He wondered what the difference is between what he wanted to do a few years ago and what is being requested tonight. Bill invited him to visit with him at a later time.

Brent Anderson: He commented that he brought his wife on a date to the Planning Commission Meeting, as he is a hopeless romantic. He also counseled that the applicant may want the flexibility of the RR-1 zone as opposed to the RR-5 zone. He suggested that along the road, Mr. Johnson may want to divide into a 3-acre parcel.

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

Member Nance moved to forward a positive recommendation to the County Council for the Johnson Zoning Map Amendment, application number 15.035, changing the zoning district from A-20 to RR-5, based on the findings listed in the staff report dated June 11, 2015 and based on Mr. Johnson's request to change to RR-5.

Second by Member Sessions. There were no further comments on the motion. The vote was unanimous. The motion carried.

Administrative:

8. Discussion: Revision of Exemption from Plat Requirements Ordinance (Section 8-12-9), Religious Uses in Residential Zones (Sections 8-5A-3 and 8-5B-3), and Frontage Requirements Ordinance (Section 8-5A-5)

Bill stated that the current wording in state code and County ordinance says, "the County *may* require..." and he is requesting the wording to be changed to "the County *shall* require..." It applies to a division, not necessarily

a subdivision, which creates a parcel. As noted in the June 11, 2015 staff report, “This difficulty begins with Section 8-12-9 (A)(5), which indicates that the County “may require” any resulting lot or parcel divided by a bona fide agricultural division. This verbiage is problematic because it is open-ended and subjective (good ordinances provide clear direction to both Staff and applicants) and because it is not in harmony with what the State Code requires. Utah State Code Title 17 Chapter 27a Part 6 Section 605 (2)(a) allows for the division of agricultural land exempt from plat requirements. However, Section 605 (2)(b) states that if a lot or parcel exempted under the previous Subsection is “used for a nonagricultural purpose, the county shall require the lot or parcel to comply with ... all applicable land use ordinance requirements.” Thus, simply changing the “may require” in our current ordinance to “shall require” would seem to address this ambiguity.”

Member Sessions argued that there is a difference between tax law vs. land use law and does not agree with this proposal. Bill countered her argument for “Ag-use” referencing State Code and Member Sessions stated that a building permit qualifies it as a “non-Ag use” as it becomes residential. Bill gave examples to the Planning Commission to provide several perspectives, including the tax assessing breakdown. Member Sessions requested that Mr. Bateman come and inform the Planning Commission about this issue, along with other pertinent information. Member Sessions agreed with changing the wording in the ordinance. Member Nance questioned the Recorder’s Office involvement with Ag-exempt divisions. Bill’s concern is how potential future buyers and the Planning Office will know if a property is an Ag-exempt division. Member Sessions believes that the Recorder’s Office requires a marking or something to indicate that information on the document. Bill was seeking clarification. Changing the wording doesn’t solve this problem, however. Member Sessions explained the origins of why this “Ag-exempt” was created and its original intents and purposes. Bill clarified that this item is for discussion only.

Bill explained frontage width requirements for outlying residences, as with square, MU-160 lots. Access easements would have to be granted through the neighboring lot.

9. Planning Commission Business/Questions for Staff

Bill informed that there will be upcoming public participation for discussion on the General Area Plan and would like to involve Planning Commission Members. He also stated that he collaborated with Weber County to pool resources for grants on public lands.

Member Sessions requested a training with Brent Bateman on CUP concerns at an upcoming meeting and Gina will arrange for him to present.

Currently, Bill Cobabe is the Zoning Administrator on subdivisions. Chair Haslam mentioned that he would like to petition the County Council that all subdivisions, regardless of size, come before the Planning Commission for a second set of eyes. Bill gave some background on subdivision requirements and is supportive of the action to have the Planning Commission review subdivision applications. This change would be done by changing the language for the governing body from the Zoning Administrator to Planning Commission on subdivisions. Member Wilson requested information on being brought up-to-date on subdivisions.

There was also some discussion on public comment vs. public hearing in a public meeting. Member Nance would like to see public comment added to each agenda item. Member Sessions mentioned that previous trainings have instructed that public comment not be allowed on administrative items. Chair suggested moving public comment from the top part of the agenda to the first item under the Legislative items.

There was also discussion about how to reach a maximum amount of people about the changes within Morgan County and different types of effective advertising.

10. Approval of minutes from May 28, 2015

Member Stephens moved to approve amended the minutes. Second by Member Sessions. The vote was unanimous. The motion carried.

11. Adjourn

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

Approved: _____ Date: _____
Chairman, Roland Haslam

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