



PLANNING COMMISSION AGENDA

Thursday, May 28, 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 Sanders Future Land Use Map Amendment; a request to amend the Morgan County Future Land Use Map for approximately 17.77 acres of property located at approximately 4718 South Hwy 66 from the A-20 zoning district to the RR-1 zoning district.

**Administrative:**

7. Discussion on commercial use table text amendment.
8. Planning Commission Business/Questions for Staff
9. Approval of minutes from May 14, 2015
10. Adjourn

Members Present

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

Staff Present

Bill Cobabe  
Gina Grandpre  
Mickaela Moser

Public Present

Melinda Somerville  
Kim & Diane Butters  
Gwen Rich  
Royce Bartholomew

1. Call to order – prayer. Chair Haslam called the meeting to order. Prayer was offered by Chair Haslam.

2. Pledge of Allegiance

3. Approval of agenda

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

4. Declaration of conflicts of interest

There was none.

5. Public Comment

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

There was none.

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

**Legislative:**

6. Discussion, Public Hearing and Decision of the Sanders Future Land Use Map Amendment; a request to amend the Morgan County Future Land Use Map for approximately 17.77 acres of property located at approximately 4718 South Hwy 66 from the A-20 zoning district to the RR-1 zoning district.

Bill reviewed that this is a request for a FLUM (Future Land Use Map) change to the Porterville area, roughly where Morgan Valley Drive south and HWY 66 tie together. He

showed a map of the area and pointed out where the RR-1 and A-20 zone boundaries are. The current zoning is Agriculture. Included in the area is a sliver of County property. Bill explained that there are many things to consider with the proposed changes and there will be consequences to any decision made. Bill recommended approval of this proposition and then asked for any questions by the Planning Commission.

Member Nance asked when the FLUM was made. Bill answered that it was adopted in 2010 and has been amended but it is due for an update. Bill responded that all surrounding property owners were notified of this meeting and it was posted in the paper. Bill also stated that the applicant would like to make the proposed changes and staff doesn't see any reason to deny. Member Sessions asked about the visions of the County listed in the staff report and she wondered if the proposed parcel is in keeping with the surrounding area uses. Chair Haslam asked about the possibility of an Area Plan update. Bill responded that the Area Plan was made in 2007, which predates the General Plan. Chair asked if there had been a discussion with the applicant about possibly updating the Area Plan. Bill clarified that the proposed changes would be in keeping with the current zoning to extend down to his property so the applicant may subdivide. The changes he desires to make could be done with a change in designation on the map.

Bruce Sanders, applicant. He explained that he wants the 10 acres on the east side of the property to be divided into two 5-acre lots. Both are in the flood zone. On the west side, he wants to divide into 3 lots, 2 acres each, conforming with nearby lot sizes. This proposal lies on the north side of White's Crossing. He explained that since he was informed that there was no RR-5 zone it would need to be in the RR-1 zone. Chair Haslam corrected and said there is a 5 acre zone. Member Sessions pointed out that there is a possibility of building 17 homes in his proposed plan and suggested rezoning along the road (RR-1) to accomplish the same density. Bill mentioned that there is plenty of frontage for each parcel. Chair Haslam asked about the flood plain and Bill showed the flood plain map for the area and explained that it is possible but very expensive to build in a flood plain. Member Sessions explained that changing the FLUM paves the way for a zone change. Bill explained that in the FLUM designation, there is no difference between an RR-5 and RR-1, however there is an RR-5 zoning designation. Member Ross asked Mr. Sanders to point out the frontage on the proposed 5 acre lots. Mr. Sanders pointed out the areas within each 5-acre lot that lie outside of the flood plain in which he believes would be buildable.

Chair asked Bill what the difference is between this proposed change and the Yaryca proposal that was presented a few months ago. Bill responded that the General Plan and the Future Land Use Map are both a reflection of what the community wants. Bill also responded that this is a change on the map, as is the Yaryca situation.

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

Melinda Somerville: She is aware of a subdivision (Carter Meadows) of the property to the north of the proposed lots. She would like to see the river that runs through the lots left in the

A-20 zone like the rest of the river. She also had concerns about septic systems and wells with the possibility of 17 new homes on that land. She was glad to hear that they would be 5-acre lots, rather than several 1-acre lots.

Member Nance asked how she became aware of the meeting tonight and she responded from the ad in the Morgan County Newspaper. She mentioned that a surrounding property owner lives in California and that could be the reason for his absence.

Gwen Rich: Her family owns property near Richville Lane and they are looking to divide a parcel in the A-20 zone and are currently not allowed because that 1-acre is next to the creek. She would like to divide for estate purposes, not to build a house on. She was interested in the similarities in her situation and the proposed changes with Mr. Sanders's property. She has an interest in the outcome of the proposed changes, as she feels it sets precedence for a possible division of her family estate.

Royce Bartholomew: Resident of Mountain Green. He was informed of the meeting by a posted sign on the street. He is interested in future building and was not aware of any other option than the RR-1 zone. He is in favor of the proposal.

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

Member Nance clarified that tonight the approval is for the Future Land Use Map change, not a zone change. He wanted the public to understand that there may be changes to the zone and lot areas by the time this proposal moves forward to the rezone. Member Sessions said that the General Plan and zoning terminology were not consistent and that creates confusion of the definition of rural residential vs. RR-1 zone. She confirmed that there is a designation for Rural Residential. The wording in the advertisement and agenda were not consistent with the changes being discussed and it was decided to re-advertise so the wording was consistent and understood by those involved.

**Member Nance moved to go back into public comment. Second by Member Sessions. There were no comments on the motion. The vote was unanimous. The motion carried.**

Les Adams: He stated that Bruce Sanders is his neighbor and he is supportive of the proposed development, however he is concerned about the comment of this being no different than the Yaryca project. He is opposed to opening significant development up around the East Canyon area.

Royce Bartholomew: He refuted the comment of his desire to buy land and subdivide into several homes. He responded that if the governing body refused his request, he would honor that.

Melinda Somerville: She stated she would like the area around the river to be kept agricultural.

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

Chair Haslam clarified the agenda and advertisements state that the change is from A-20 to the RR-1 zone, however that is not what is actually happening. Bill acquiesced. He clarified that this is a change from A-20 to Rural Residential. Chair stated it needs to be republished and reposted to Rural Residential. Member Sessions requested that Mr. Sanders consider continuing the RR-1 zone along the road instead of rezoning the entire parcel. She further clarified that the parcel can be in both zones. Bill said the next meeting it could be available for consideration is June 25<sup>th</sup>. Mr. Sanders is out of town that day and would be able to attend on the July 9<sup>th</sup> meeting. Mr. Sanders mentioned that with the mistake in the advertisement, he

**Member Nance moved to postpone this item for re-advertisement with changes on the Future Land Use Map from Agriculture to Rural Residential for the July 9, 2015 Planning Commission meeting, per applicant request for this date. Second by Member Sessions.**

Comments on the motion: Member Stephens asked if there was a notice of 10 days in the paper. Bill said they will also put up a new sign with correct wording. Member Stephens expressed concern that the current advertising isn't enough to draw public interest or make the public aware. He would like to see more public attend the meetings for changes like the ones discussed tonight.

**Member Stephens moved to amend the motion to advertise this proposal twice before July 9, 2015. Second by Member Nance. The vote on the amendment was unanimous.**

**The new motion reads: Member Nance moved to postpone this item for re-advertisement with changes on the Future Land Use Map from Agriculture to Rural Residential for the July 9, 2015 Planning Commission meeting, per applicant request for this date. Item will be advertised twice before the July 9, 2015 meeting. The vote was unanimous. The motion carried.**

Member Ross asked who would pay for the second advertisement. Bill responded that the County would pay. He also stated that the notices in the newspaper direct those interested parties to the County website for further information. Bill apologized for the errors in the advertisement and staff report. Chair requested to include the deeds in the next Planning Commission packet.

## **Administrative:**

7. Discussion on commercial use table text amendment.

**Member Stephens moved to adjourn the meeting by 8:30 pm. Second by Member Ross. The vote was unanimous. The motion carried.**

Gina passed out area maps and she informed that the maps will define the commercial areas more clearly. Gina also prepared the commercial use breakdown up to the point where the Planning Commission had previously discussed. There was discussion concerning the definitions of Construction uses within Commercial zones.

Member Sessions requested the animal food be eliminated under Light Manufacturing and instead put under Industrial. Grain and milling would also be taken out of Light Manufacturing and allocated in Industrial. There was discussion on the Sugar and Confectionery Product Manufacturing, Fruit and Vegetable, Dairy Product, Animal Slaughtering and Processing, Seafood Product Preparation and Packaging, Bakeries and Tortilla Manufacturing, Other Food Manufacturing, Beverage and Tobacco Product Manufacturing, Beverage Manufacturing, Textile Mills, Fiber Yarn and Thread Mills, Apparel Manufacturing, Wood Product Manufacturing, Paper Manufacturing, Printing, Petroleum and Coal, Misc. Manufacturing.

8. Planning Commission Business/Questions for Staff

Bill stated that there are unclear regulations on building lots. Those Agriculture subdivisions are exempt from many processes required for other subdivisions and the question is how will Staff know that the building lot is not “buildable”? Bill requested that the Planning Commission ask him to look into the problem and avoid potential future concerns. The current ordinance states, “The County *may* require the lot or parcel to comply with the requirements of the subdivision ordinance.” The difference is farmable land vs. buildable land and the taxes posed upon each one are different. Member Nance requested an email to all Planning Commission members so they can all be informed and respond accordingly.

Member Nance asked about the process of going in and out of public comment within the meeting. Member Sessions explained some differences between a public hearing and public comment section.

9. Approval of minutes from May 14, 2015

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

10. Adjourn

**Member Stephens moved to adjourn. Second by Member Nance. The vote was**

**unanimous. The motion carried.**

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
Chairman, Roland Haslam

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