



PLANNING COMMISSION AGENDA

Thursday, September 24, 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 at Morgan County Courthouse
2. Pledge of Allegiance
3. Approval of agenda
4. Declaration of conflicts of interest
5. Public Comment

**Legislative:**

**Administrative:**

6. Discussion/Decision – Rockin’ M Small Subdivision.
7. Discussion/Decision – The Ridges PRUD Plat Amendment #1
8. Discussion/Decision – Waterpocket Conditional Use Permit.
9. Planning Commission Business/Questions for Staff
10. Approval of minutes from September 10, 2015
11. Adjourn

Members Present

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

Staff Present

Bill Cobabe  
Gina Grandpre  
Mickaela Moser

Public Present

Randy Sessions  
Brent Anderson  
Hollie Anderson  
Robert Volk  
John Barber  
Dave Larsen  
Bill Chipp

Milan Mecham  
Susan Mecham  
Bonnie Brown  
Tina Kelley  
Sam Wright

1. Call to order – prayer. Chair Haslam welcomed those in attendance to the meeting and Member Newton offered prayer.
2. Pledge of Allegiance
3. Approval of agenda  
**Member Newton moved to approve the agenda. Second by Member Sessions. The vote was unanimous. The motion carried.**
4. Declaration of conflicts of interest  
There were none.
5. Public Comment

Robert Volk: He represents the Mountain Green Sewer District. He stated that the future potential distillery in Mountain Green is classified as an industrial user and therefore, they are likely to introduce chemicals into the sewer system. He would like the opportunity to take tests and evaluate before permits are issued. He stated that no one has contacted him from the distillery to discuss requirements but we was invited by the County to the meeting tonight.

Sam Wright: He is a neighbor of the potential distillery. He is concerned about chemical, physical or mental pollutants that come from this development. He said the business will use water that isn't there and his opinion is that they won't create very many jobs. He feels the distillery's cons outweigh the pros. He feels this business will push the limits and to pass additional hours of operation and permits to sell alcohol, among other things, and it will be nothing but a detriment to the community.

Dave Larson: He has lived in Morgan County for a long time and warned about passing the distillery. He stated that he hasn't had time to get the awareness to his neighbors and would like additional time to gather concerns and get the word out so many more may come and express their opinions at a public meeting. He also would like a cost analysis done on the distillery to forecast its impact on the community.

Tori Hopkin: Her opinion is also against the distillery. She is concerned about its location being right next to a day care, chemicals, water and insurance. She would like to see more wholesome expansion, like water parks, grocery stores, and a library instead.

Sam Wright: He added to his previous remarks by giving a history of the current building and he believes the current building is an eyesore and wasn't supposed to be built the way it was. He again expressed concern about water usage and he stated that the distillery is not meant for this community.

Bill Chipp: He is a Rollins Ranch resident who supports this development. He understands it's a CUP and stated that he has spoken with his neighbors and many are in favor as well.

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

**Legislative:**

**Administrative:**

6. Discussion/Decision – Rockin' M Small Subdivision.

Bill presented this agenda item, stating that this involves two lots where Milan and Susan Mecham are looking to subdivide a piece of their land for their son. Bill stated that this has been looked at by the County Recorder, Surveyor and Engineer and is allowed by current zoning.

Member Nance asked the acreage and Bill responded there are 3.75 acres and it is roughly split in half, with one being about 2 acres and the other being about 1.75 acre. Member Sessions asked to see a map of the flood plain. Bill explained that the flood plain is in the area of the slough.

Milan Mecham: He didn't have anything to add from Bill's presentation. There were no questions for him.

**Member Nance moved to approve the Rocking M Small Subdivision, application #15.062, subject to the following conditions and with the following findings from the September 24, 2015 staff report.**

Conditions:

1. That all outstanding fees for outside reviews are paid in full prior to recording the final Mylar.
2. That a current updated Title Report is submitted with the final Mylar.
3. That all other local, state, and federal laws are adhered to.

Findings:

1. The nature of the subdivision is in conformance with the current and future land uses of the area.
2. The proposal complies with the Morgan County 2010 General Plan.
3. The proposal complies with current zoning and subdivision requirements.
4. The Planning Commission of the County shall have the ability to approve, approve with conditions, or deny a small subdivision in accordance with the regulations outlined in the Morgan County Code.
5. Those certain conditions herein are necessary to ensure compliance with adopted laws prior to subdivision plat recording.
6. That the proposal is not detrimental to the health, safety, and welfare of the public.

**Second by Member Stephens. The vote was unanimous. The motion carried.**

7. Discussion/Decision – The Ridges PRUD Plat Amendment #1

Bill reviewed that the Anderson's are looking to reduce the size of their lot to attract a buyer. Bill reminded that this property is governed by a PRUD. Bill reviewed the surrounding lots and their sizes and owners.

Member Sessions asked about the bonus density to which Bill responded that he was not familiar with that. Bill stated that the parcel will be 30 acres, which greatly exceeds the requirements under the A-20 zone. There was some discussion about the easement, driveway and road access. Member Sessions wanted to have a discussion about removing land from a PRUD, as the Planning Commission members are familiar with adding land but not removing. She was concerned about how it affects the HOA and mentioned that there is not a development agreement. Member Newton stated that the changes are adequate under the current zoning.

Bill stated that with a PUD and a PRUD, the underlying zoning doesn't apply, as there is a more loose interpretation of the zoning ordinance. He commented on the flexibility of a PRUD and reviewed previous similar situations.

Member Wilson asked about open space and requiring open space the inability to change. Bill responded that Brent Anderson still owns all of the land and there are no conservation easements. Member Sessions commented that the PRUD ordinance was amended to protect open space.

Brent Anderson: He stated that he's been trying to sell his home for 2 years and would like to reduce the lot size. He showed on the map where he would like to make driveways and where the new lot lines would be. He said they are not changing the use or open space but they are changing the boundary. He said he would like to go about the process correctly before selling so it's not a mess later on.

Member Nance asked about any adverse consequences associated with the proposal to remove 30 acres and Mr. Anderson replied that he doesn't foresee any problems. There was a letter included

with this proposal from a neighbor, Mark DeYoung, stating his support of this request. Chair Haslam mentioned that there is no direction about taking lots out of a PRUD from the County ordinances. He asked about Mr. Anderson leaving the lot lines where they currently are. Member Sessions asked if anyone had a copy of the ordinance to see what allowances were made in creating this PRUD. Member Newton asked about the possibility of adjusting the lot lines so the parcels could remain a part of the PRUD. Member Wilson stated that he is concerned with passing this.

**Member Nance moved to approve the Ridges Plat Amendment – Lot 17, application #15.063, located at approximately 3633 W Ridges Road, amending the plat and reducing the size of Lot 17 and creating remnant Parcels A and B, based on the findings and with the conditions listed in the staff report dated September 24, 2015.**

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 any fees associated with outsourced consultants.
3. That any minor changes to the plat be handled by County Staff prior to recordation

**Second by Member Sessions.**

Member Nance commented that this proposed change does not affect any other property owner and he sees no problem with the proposed change. Member Newton discussed the wording of the motion made and it states that the wording does not state that they are not removing land from the PRUD. Member Newton suggested removing wording in Exhibit E in the fine print of the attached map. Member Sessions was in agreement.

**Member Newton moved to amend the motion to add one condition:**

**To remove the fine print on remnant parcels from ‘Exhibit E’ the proposed plat that states: “Note: This area previously a part of Lot 17 to become a part of Lot 3 Ridge View Estates.”**  
**Second by Member Sessions.**

It was discussed that this change does impact Brent Anderson’s application: he retains complete control and ownership, but the requested wording was not approved. Brent said he would prefer to have the wording he requested but it could possibly work.

**The vote on the amendment was not unanimous with Members Stephens, Ross, Sessions, Newton, Wilson in favor and Member Nance opposed. The amendment to the motion**

carried.

**The new motion reads:**

**Member Nance moved to approve the Ridges Plat Amendment – Lot 17, application #15.063, located at approximately 3633 W Ridges Road, amending the plat and reducing the size of Lot 17 and creating remnant Parcels A and B, based on the findings and with the conditions listed in the staff report dated September 24, 2015. Second by Member Sessions.**

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 any fees associated with outsourced consultants.
3. That any minor changes to the plat be handled by County Staff prior to recordation
4. **To remove the fine print on remnant parcels from ‘Exhibit E’ the proposed plat that states: “Note: This area previously a part of Lot 17 to become a part of Lot 3 Ridge View Estates.”**

It was clarified for the applicant that his application currently states, as it was approved, that he can arrange lot lines, as Lot 3 does not exist yet. And the verbiage for the application did not remove land from the PRUD.

**The vote on the motion was not unanimous with Members Stephens, Ross, Sessions, Newton, Wilson in favor and Member Nance opposed. The motion carried.**

#### 8. Discussion/Decision – Waterpocket Conditional Use Permit.

Bill stated that the anticipation for this area, 5 years ago, was that it would be conducive for commercial growth and should be zoned CD (Commercial Development). Currently Morgan County does not have a CD zoning. The wording is vague, stating “commercial and business purposes” are appropriate. Bill clarified this is a PUD, which has its own development agreement and allows beverages.

Member Sessions read from the PUD ordinance from the 1998 code: “No Conditional Use Permit from a planned unit development shall be granted unless such development will meet the use limitations of the zoning district in which it is to be located.” She paraphrased that if something is not allowed in an underlying zone, it can’t happen. Bill stated that he didn’t understand that wording was in place and was trying to be creative in making this application proceed.

Member Sessions stated that a distillery cannot be within certain feet of a school, but a day care facility does not meet that criteria and Bill stated their intent is to buy out the entire building. Member Ross referenced the water usage and Bill clarified that their potential usage is a lot of water and the applicants would need to address water concerns before proceeding. Member Ross also sought clarification on sewage and wondered if the sewer and water departments would need approval before coming before the meeting and Bill replied that those issues are addressed at the Certificate of Occupancy stage.

Chair Haslam informed the applicants that with the wording in County ordinance, this application is unable to proceed.

Alan and Anna Scott: Alan stated he spoke with the power, water and fire departments before tonight's meeting. He stated this business has very limited usage of chemicals. He also stated that he has spoken with the daycare and they would like to move elsewhere for expansion and the distillery would not be allowed in proximity of children.

Bill suggested making a zone change request, instead of an application denial. Member Sessions responded that the only applicable zone is Commercial Buffer. Alan Scott expressed his considerations for location and possible tourism attraction among other things in their business pursuit. Roland discussed possible ways to avoid paying fees again.

**Member Sessions moved to forward a negative recommendation to the County Council for the Waterpocket Distillery Conditional Use Permit, application #15.064, located at approximately 4883 W. Old Highway, Unit C, allowing for the construction and use of a distillery, based on the finding that this use is not allowed in the CD zone.**

**Second by Member Nance. The vote was unanimous. The motion carried.**

Robert Volk: He discussed their sewage system, noting that it removes bacteria before releasing water into the river. He gave information about their treatments and the system involved. He requested that businesses meet with him about conditions and suggestions concerning sewer systems before permits are issued.

#### 9. Planning Commission Business/Questions for Staff

Bill discussed upcoming planning training opportunities from the Urban Land Institute. Member Nance asked about proceeding with another zone, RR-3 or similar zone and Bill suggested meeting for a few hours as a special meeting to address the Commercial Use Table. The Planning Commission members were in agreeance and discussed October 8 as a possible meeting date to complete the Table. Bill also gave his report about the university student tour of the surrounding communities within the County.

#### 10. Approval of minutes from September 10, 2015

**Member Newton moved to approve the amended minutes from September 10, 2015. Second by Member Nance. The vote was unanimous. The motion carried. Member Stephens abstained.**

11. 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