



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

Bohman Zoning Map Amendment
Public Hearing
June 11, 2015

Application No.: 15.047
Applicant: Debbie Sessions
Owner: Bohman Family Revocable Trust
Project Location: Approximately 4475 N 3800 W (Peterson Area)
Current Zoning: R1-20 and A-20
General Plan Designation: Village Low Density and Ranch Residential 5
Acreage: ~18.56 acres (per tax roll) - ~17 acres to be rezoned
Request: Amend the Zoning Map, changing the existing designation from A-20 to RR-5
Date of Application: May 14, 2015
Date of Previous Hearing: N/A

Staff Recommendation

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

Findings:

1. That the proposed amendment is in harmony with future land use planning efforts.
2. That the proposed amendment will be in harmony with existing land uses in the area.
3. That the anticipated development will not adversely impact the adjacent properties.

Background

This application is for an amendment to the Morgan County zoning map. The property is located in the Peterson area, generally located west of 3800 W and just south of the Township 4 North Range 2 East Section 6 north section line. (See Exhibit A). The entire property contains approximately 18.56 acres, while the property to be rezoned contains approximately 17 acres. The remaining acre and a half will remain in the R1-20 zone. (See Exhibit C).

Analysis

General Plan and Zoning:

The General Plan and Future Land Use Map anticipate the development of property in this area. In designating the property as a part of the Village Low Density Future Land Use Map

Designation, the General Plan demonstrated the desire of the County to allow for some moderate development, while also protecting property from rapid and dense development, and ensuring that the relatively undeveloped areas of the County remain pristine. The current designation specifically notes that:

[The purpose of] the Village Low Density designation [is to provide] for a lifestyle with planned single family residential communities, which include open space, recreation, and cultural opportunities, including schools, churches, and neighborhood facilities in established village areas (formerly area plan boundaries)... The residential density is a maximum of 2 units per acre.

As can be seen in Exhibits A-C, and as noted above, there is already some compatible development/zoning in the area.

The 2010 Morgan County General Plan identifies the following as three of the six visions for the County that may be applicable to the proposal (*see pages 4 & 5 of the 2010 Morgan County General Plan*):

1. Morgan County attracts families with its quality of life, rural atmosphere, secure environment, and natural beauty. Residents have a wide range of employment, housing, and lifestyle choices. The County benefits from a balanced economy, livable wages, economic prosperity, and first-rate community services.

2. Morgan County respects property rights and recognizes personal responsibility to the land and communities.

...

5. Morgan County public policies support the viability of working and hobby farms, protection of agricultural lands, and the conservation of natural resources and rural character.

6. Morgan County accommodates growth responsibly by integrating new development in a way that is respectful of the environment, supports County values, considers long-term sustainability, and uses available infrastructure. To help achieve this goal, the County strongly recommends that growth occur within or adjacent to corporate limits and villages, or be located within master-planned communities.

The proposed zone change appears to coincide with the stated vision for Morgan County.

In changing the zoning district for the applicant's property, the County is reflecting the policies and desires of the General Plan and in accordance with the County Ordinance. The purpose of the RR-5 zoning district is as follows:

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.*

It is anticipated that the proposed zoning map amendment will meet these purposes and generally be in harmony with the desires of the residents as well as the property owners. The impact on adjacent properties will be negligible.

Ordinance Evaluation:

Morgan County ordinance anticipates amendments to the zoning map. Section 8-3-3: *Amendments to Title and Zoning Map* indicates that:

The county council may amend this title, including the zoning map, but only in accordance with the following procedure:

- A. *The county council may instruct staff to study and make recommendations for amendments to this title or the zoning map in response to changes in policy or conditions generally within the county. Staff shall forward a recommended amendment to the planning commission for their consideration. The planning commission shall review and make recommendation to the county council regarding the proposed amendment pursuant to subsection 8-3-4D of this chapter.*
- B. *The planning commission may instruct staff to study and make recommendations for amendments to this title in response to changes in policy or conditions generally within the county. Staff shall forward a recommended amendment to the planning commission for their consideration. The planning commission shall review and make recommendation to the county council regarding the proposed amendment pursuant to subsection 8-3-4D of this chapter.*
- C. *Any property owner may initiate an amendment to this title or the zoning map, as long as they are affected by the proposed amendment, by submitting a complete application to the planning and development services department in accordance with subsection 8-3-4A of this chapter.*

Section 8-3-4: *Procedures for Amendments and Rezonings* states:

- D. *Planning Commission Review and Recommendation: Upon receiving a recommendation from staff regarding an amendment to this title or the zoning map, and after holding the required public hearing, the planning commission shall review the amendment and prepare its recommendation. The planning commission may recommend approval, approval with modifications, or denial of the proposed amendment and shall submit its recommendation to the county council for review and decision. The planning commission shall recommend adoption of a proposed amendment only when the following findings are made:*
 - 1. *The proposed amendment is in accordance with the county's general*

- plan, goals, and policies of the county.*
2. *Changed or changing conditions make the proposed amendment reasonably necessary to carry out the purposes stated in this title.*
- E. *County Council Review: The county council shall schedule and hold a public hearing on the application as provided in section 8-3-12 of this chapter. Following the public hearing the county council may approve, approve with modifications, or deny the proposed amendment. Prior to making a decision that goes contrary to the planning commission's recommendation, the county council may, but is not obligated to, remand the amendment to the planning commission with a request for another recommendation with additional or specific considerations. The planning commission shall review such request as specified in subsection D of this section.*
- F. *Approval Standards: A decision to amend the text of this title or the zoning map is a matter committed to the legislative discretion of the county council and is not controlled by any one standard. However, in making an amendment, the county council should consider the following factors:*
1. *Whether the proposed amendment is consistent with goals, objectives and policies of the county's general plan;*
 2. *Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;*
 3. *The extent to which the proposed amendment may adversely affect adjacent property; and*
 4. *The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.*

This meeting is in fulfillment of subsection (D) above. In response to Section 8-3-4(F) above, due to the size of the proposed zone change (i.e., 17 acres divided into 5-acre minimum parcel sizes, allowing for 3 parcels), the impact on the facilities and services should be minimal.

Model Motion

Sample Motion for a *Positive* Recommendation – “I move we 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.”

Sample Motion for a *Negative* Recommendation – “I move we forward a negative 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, *due to the following findings:*”

1. List any additional findings...

Supporting Information

Exhibit A: Vicinity Map
Exhibit B: Future Land Use Map
Exhibit C: Existing Zoning Map
Exhibit D: Flood Plain Map
Exhibit E: Section Plat Map

Staff Contact

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

Exhibit A: Vicinity Map

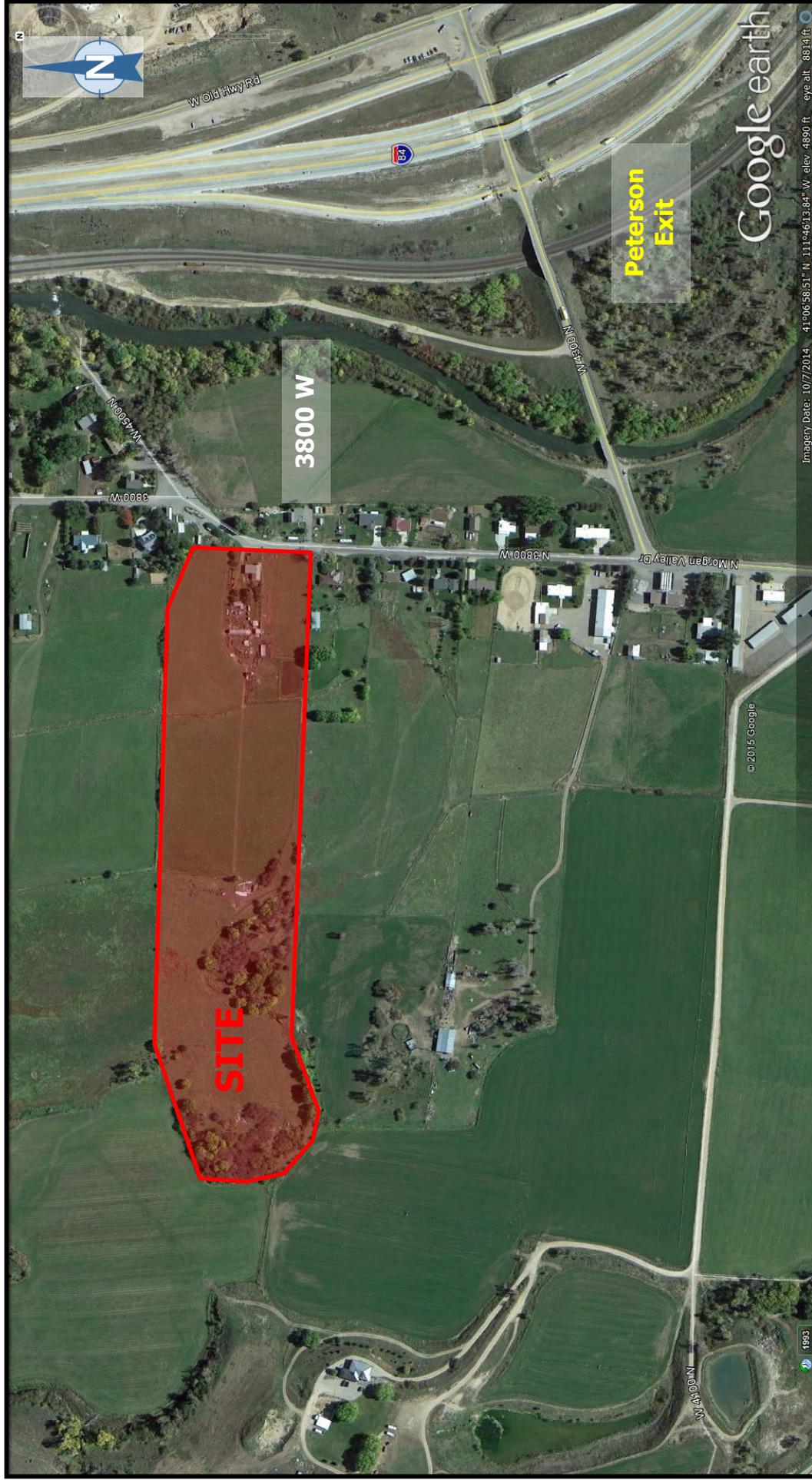


Exhibit B: Future Land Use Map

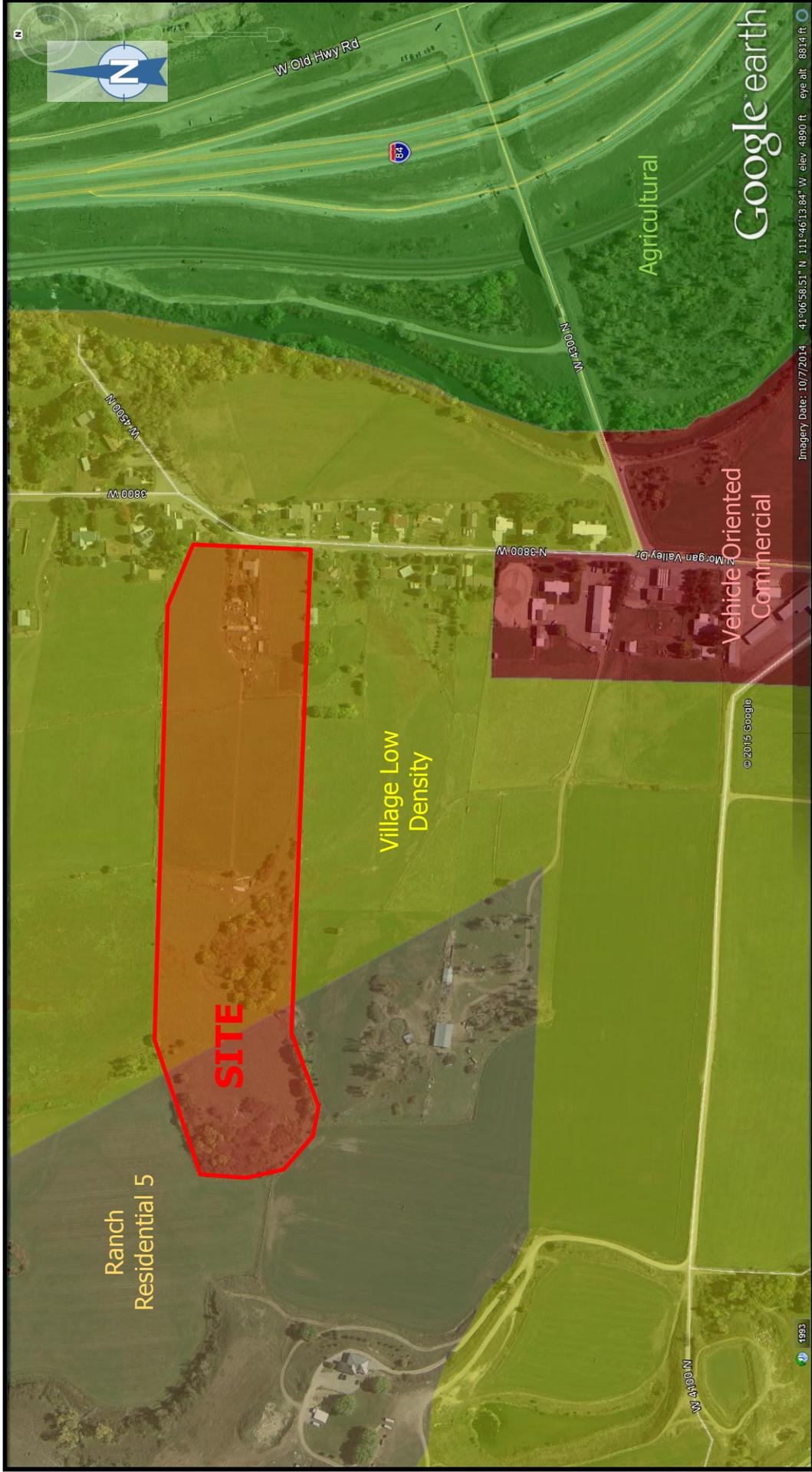


Exhibit C: Existing Zoning Map

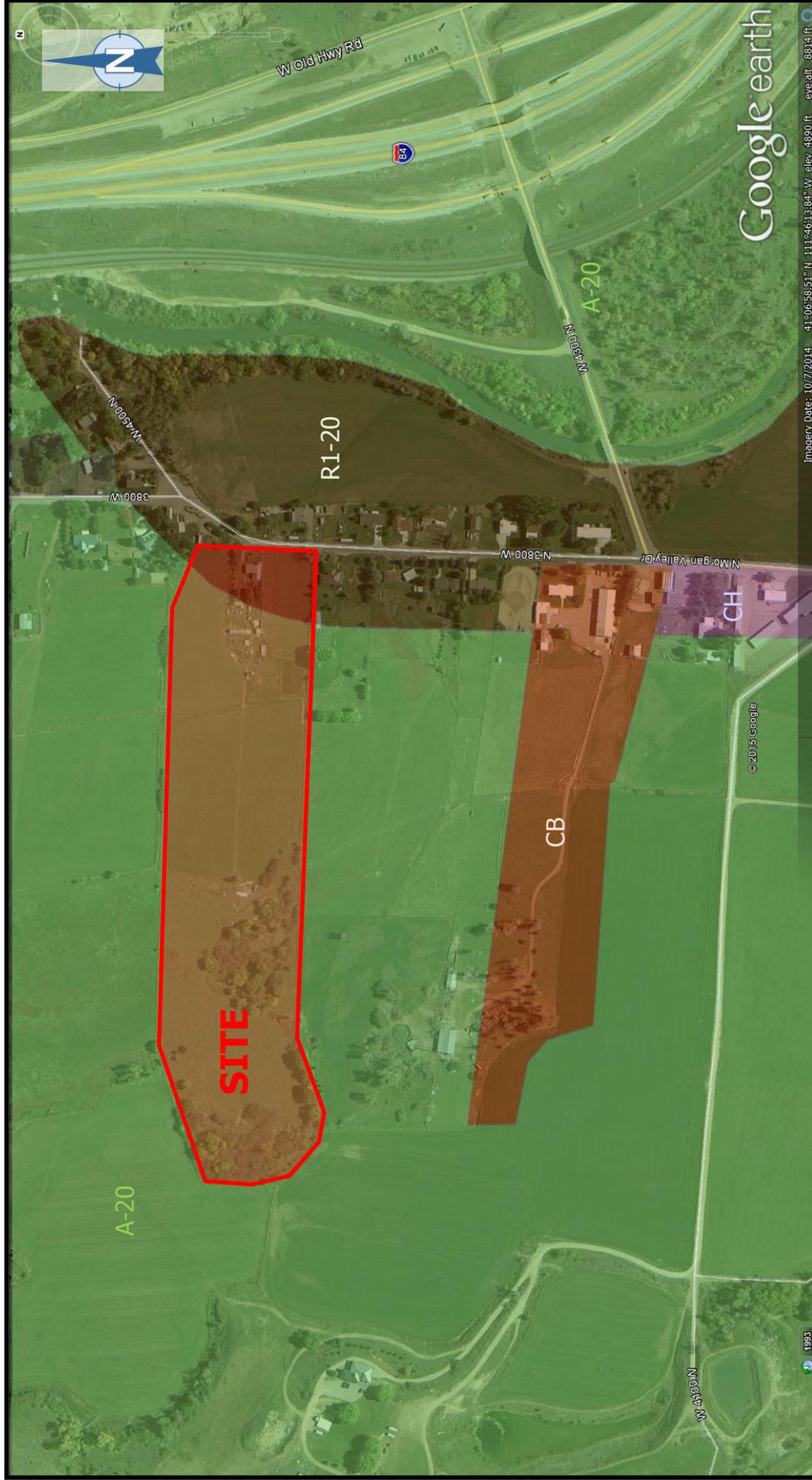
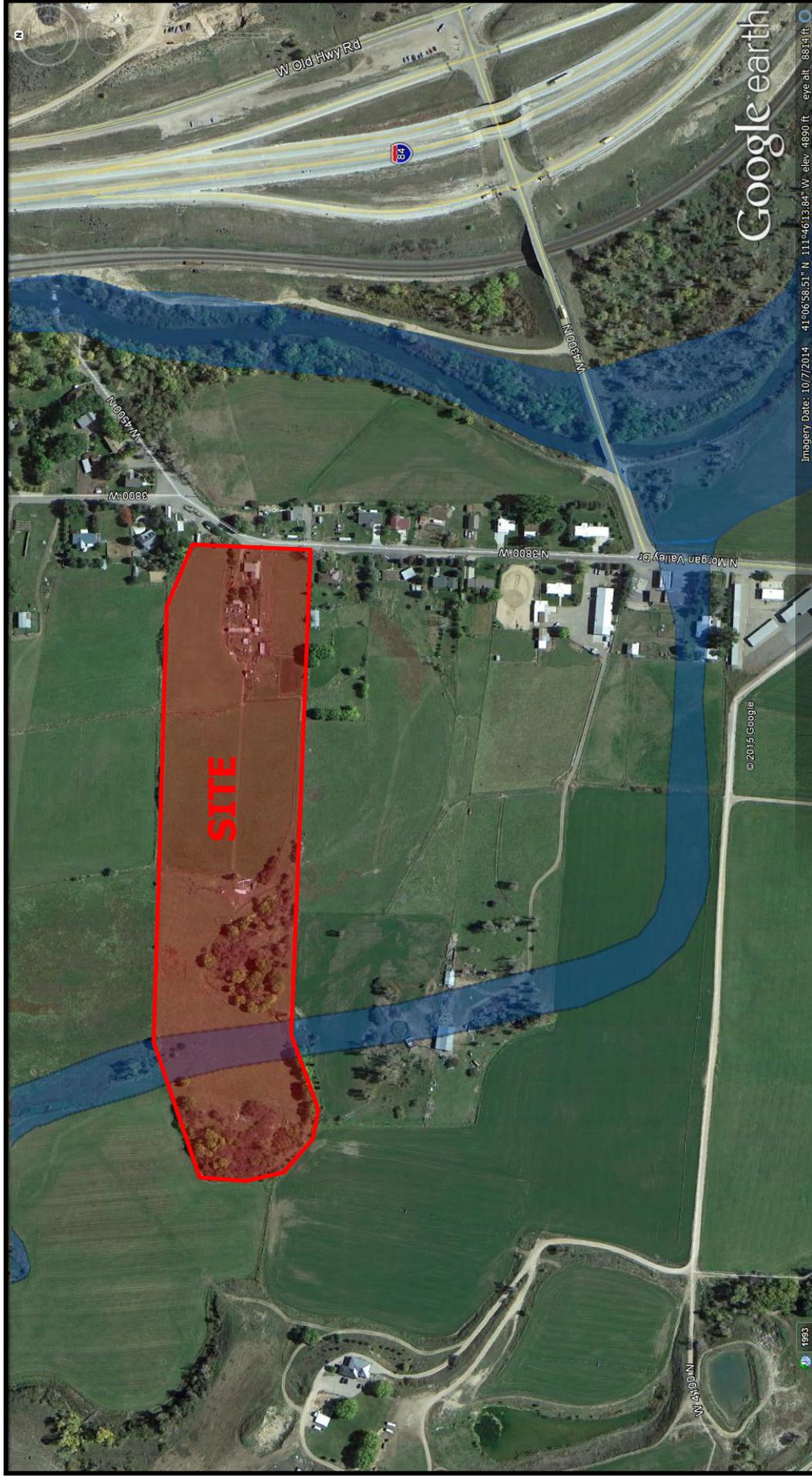


Exhibit E: Flood Plain Map



Johnson Zoning Map Amendment
Public Hearing
June 11, 2015

Application No.: 15.035
Applicant: Malan Johnson
Owner: Deanne and Malan Johnson
Project Location: 730 N Morgan Valley Dr.
Current Zoning: A-20
General Plan Designation: Rural Residential
Acreage: 29.370 acres to be rezoned
Request: Amend the Zoning Map, changing the existing designation from A-20 to RR-1
Date of Application: April 6, 2015
Date of Previous Hearing: N/A

Staff Recommendation

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

Findings:

1. That the proposed amendment is in harmony with future land use planning efforts.
2. That the proposed amendment will be in harmony with existing land uses in the area.
3. That the anticipated development will not adversely impact the adjacent properties.

Background

This application is for an amendment to the Morgan County zoning map. The property is located generally located east of Morgan Valley Drive, south of Milton. (See Exhibit A). The entire property contains approximately 32.53 acres, while the property to be rezoned contains approximately 29.37 acres. The remaining three acres will remain in the RR-1 zone. (See Exhibit C).

Analysis

General Plan and Zoning:

The General Plan and Future Land Use Map anticipate the development of property in this area. In designating the property as a part of the Rural Residential Future Land Use Map Designation, the General Plan demonstrated the desire of the County to allow for orderly development, while

also protecting property from rapid and dense development, and ensuring that the relatively undeveloped areas of the County remain pristine. The current designation specifically notes that:

[The purpose of] the Rural Residential category designation [is to accommodate] semi-rural large lot development, with generous distances to streets and between residential dwelling units in a viable semi-rural character setting. Residential density in rural residential areas is a maximum of 1 unit per acre.

As can be seen in Exhibits A-C, and as noted above, there is already some compatible development/zoning in the area.

The 2010 Morgan County General Plan identifies the following as three of the six visions for the County that may be applicable to the proposal (*see pages 4 & 5 of the 2010 Morgan County General Plan*):

1. Morgan County attracts families with its quality of life, rural atmosphere, secure environment, and natural beauty. Residents have a wide range of employment, housing, and lifestyle choices. The County benefits from a balanced economy, livable wages, economic prosperity, and first-rate community services.

2. Morgan County respects property rights and recognizes personal responsibility to the land and communities.

...

5. Morgan County public policies support the viability of working and hobby farms, protection of agricultural lands, and the conservation of natural resources and rural character.

6. Morgan County accommodates growth responsibly by integrating new development in a way that is respectful of the environment, supports County values, considers long-term sustainability, and uses available infrastructure. To help achieve this goal, the County strongly recommends that growth occur within or adjacent to corporate limits and villages, or be located within master-planned communities.

The proposed zone change appears to coincide with the stated vision for Morgan County.

In changing the zoning district for the applicant's property, the County is reflecting the policies and desires of the General Plan and in accordance with the County Ordinance. The purpose of the RR-1 zoning district is as follows:

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.*

It is anticipated that the proposed zoning map amendment will meet these purposes and generally be in harmony with the desires of the residents as well as the property owners. The impact on adjacent properties will be negligible.

Ordinance Evaluation:

Morgan County ordinance anticipates amendments to the zoning map. Section 8-3-3: *Amendments to Title and Zoning Map* indicates that:

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- B. The planning commission may instruct staff to study and make recommendations for amendments to this title in response to changes in policy or conditions generally within the county. Staff shall forward a recommended amendment to the planning commission for their consideration. The planning commission shall review and make recommendation to the county council regarding the proposed amendment pursuant to subsection 8-3-4D of this chapter.*
- C. Any property owner may initiate an amendment to this title or the zoning map, as long as they are affected by the proposed amendment, by submitting a complete application to the planning and development services department in accordance with subsection 8-3-4A of this chapter.*

Section 8-3-4: *Procedures for Amendments and Rezonings* states:

- D. Planning Commission Review and Recommendation: Upon receiving a recommendation from staff regarding an amendment to this title or the zoning map, and after holding the required public hearing, the planning commission shall review the amendment and prepare its recommendation. The planning commission may recommend approval, approval with modifications, or denial of the proposed amendment and shall submit its recommendation to the county council for review and decision. The planning commission shall recommend adoption of a proposed amendment only when the following findings are made:*
 - 1. The proposed amendment is in accordance with the county's general plan, goals, and policies of the county.*
 - 2. Changed or changing conditions make the proposed amendment*

reasonably necessary to carry out the purposes stated in this title.

- E. County Council Review: The county council shall schedule and hold a public hearing on the application as provided in section 8-3-12 of this chapter. Following the public hearing the county council may approve, approve with modifications, or deny the proposed amendment. Prior to making a decision that goes contrary to the planning commission's recommendation, the county council may, but is not obligated to, remand the amendment to the planning commission with a request for another recommendation with additional or specific considerations. The planning commission shall review such request as specified in subsection D of this section.*
- F. Approval Standards: A decision to amend the text of this title or the zoning map is a matter committed to the legislative discretion of the county council and is not controlled by any one standard. However, in making an amendment, the county council should consider the following factors:*
- 1. Whether the proposed amendment is consistent with goals, objectives and policies of the county's general plan;*
 - 2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;*
 - 3. The extent to which the proposed amendment may adversely affect adjacent property; and*
 - 4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.*

This meeting is in fulfillment of subsection (D) above. In response to Section 8-3-4(F) above, the potential impact on County facilities, infrastructure, and services will have to be addressed at the preliminary plat phase of any proposed subdivision.

Model Motion

Sample Motion for a *Positive* Recommendation – “I move we 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-1, based on the findings listed in the staff report dated June 11, 2015.”

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the Johnson Zoning Map Amendment, application number 15.035, changing the zoning district from A-20 to RR-1, based on the findings listed in the staff report dated June 11, 2015, *due to the following findings:*”

1. List any additional findings...

Supporting Information

Exhibit A: Vicinity Map
Exhibit B: Future Land Use Map
Exhibit C: Existing Zoning Map
Exhibit D: Section Plat Map

Staff Contact

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

Exhibit A: Vicinity Map

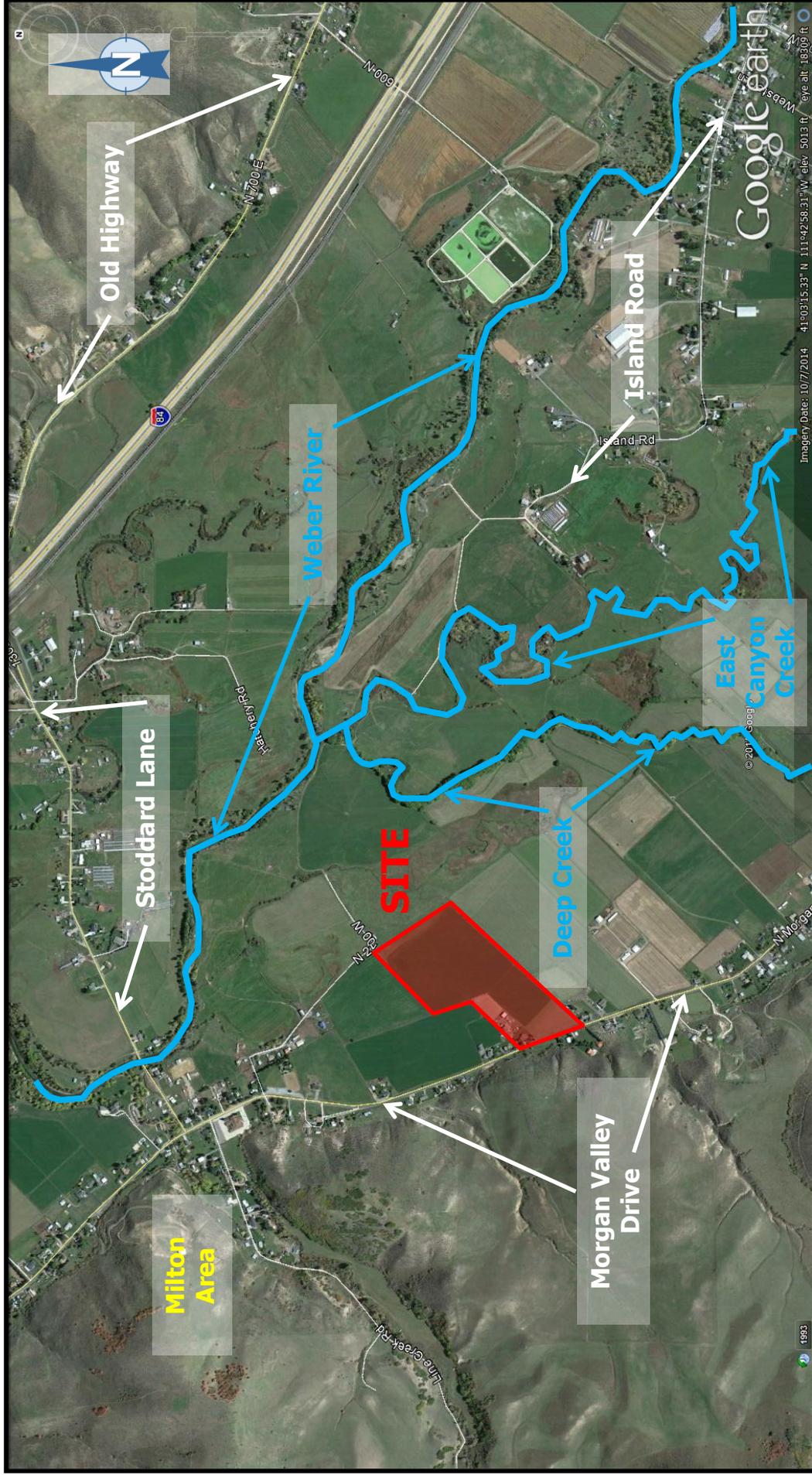


Exhibit B: Future Land Use Map



Exhibit C: Existing Zoning Map



Agricultural Land Division, Religious Uses in Residential Zones, and Frontage Requirements in Certain Zones Ordinance Revision
June 11, 2015

Applicant: Morgan County
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)
Date of Previous Discussion: N/A

Background and Analysis

Exemption from Plat Requirements:

County Staff has been made aware of a significant discrepancy with regard to the subdivision of land in Morgan County. Section 8-12-9 from our Code allows for exemptions from platting requirements for three scenarios:

1. Section A describes and regulates conditions where land may be divided for "bona fide agricultural" lands.
2. Section B creates remnant parcels that are divided from a larger parent parcel in the case of multi-phase subdivisions. This means that as a subdivision moves through the various phases of development, the parcels created by the initial phases create land that is left over, but which is also subject to the previous approval of a concept plan.
3. Section C allows for dividing land for public facilities/utilities.

These divisions of land are specifically not called "subdivisions." Because of this, and because they are generally exempt from platting requirements – including infrastructure, access, lot frontage, other regulation – there is difficulty on the part of Staff in administering the future development on these parcels. 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.

There is some lingering concern regarding how this exemption is administered. If a bona fide agricultural division of land creates a parcel or lot, when that title gets transferred at some point in the future, how will the new buyer be alerted that adherence to the requirements of the subdivision ordinance is required prior to the issuance of a building permit? Further, how will County Staff become alerted that the property was divided under the bona fide agricultural division of land, and thus know to require the adherence to the Code? It would be something of a shock to a potential land owner to know that their lot was not buildable unless a plat was recorded. State Code does not offer guidance on this issue.

Religious Uses in Residential Zones:

Religious uses were omitted from the recent revisions to the land use tables in Sections 8-5A-3 and 8-5B-3. It has been proposed that the tables be revised to allow for religious uses as a permitted as of right use in each of these zones.

Lot Frontage Requirements:

Section 8-5A-5 is titled "Width and Frontage Requirements". It lists the several zones in the "Multiple Use" zoning districts (F-1, MU-160, A-20, RR-10, RR-5, and RR-1) with their corresponding width requirements. However, it does not specify that the width requirement is also the frontage requirement. Staff is recommending the addition of the following sentences to add clarity:

Where lots have lot lines that are adjacent to and share a boundary line with a public or private road, the minimum lot width shall also be the minimum frontage along that road. Lots that are not adjacent to or share boundary line with a public or private road shall provide evidence of easements for access to the property. Access easements shall be a minimum of thirty feet (30') wide and shall be recorded against adjacent properties in favor of the lot, and shall allow access for emergency personnel and apparatus. The minimum width in feet for any lot in the districts regulated by this article, except as allowed for utility uses and governmentally operated essential service facilities in section 8-6-18 of this title, shall be:

As an alternate to this, we could consider an additional provision regarding allowing these access easements only in the F-1 and MU-160 zoning districts.

Supporting Information

Exhibit A: Draft Revised Ordinance Section 8-12-9 "Exemption from Plat Requirements"

Exhibit B: Draft Revised Ordinance Sections 8-5A-3 and 8-5B-3 "Use Regulations"

Exhibit C: Draft Revised Ordinance Section 8-5A-5 "Width and Frontage Requirements"

Staff Contact

Bill Cobabe, AICP

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Exhibit A: Proposed Revised Ordinance Section 8-12-9 “Exemption from Plat Requirements”

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

Section 8-12-9

8-12-9: EXEMPTION FROM PLAT REQUIREMENTS:

- A. Divisions of bona fide agricultural land are not included within the definition of subdivision, pursuant to Utah Code Annotated section 17-27a-103(57)(c) et seq., as amended. A lot or parcel resulting from the division of agricultural land is exempt from the plat requirements if each resulting lot or parcel:
1. Qualifies as land in agricultural use under Utah Code Annotated section 59-2-502 et seq., as amended; and
 2. Meets the following minimum size requirements within the zone in which the lot or parcel is located:
 - a. MU-160: One hundred sixty (160) acres;
 - b. F-1: One hundred sixty (160) acres;
 - c. A-20: Twenty (20) acres;
 - d. RR-10: Ten (10) acres;
 - e. RR-5: Five (5) acres;
 - f. RR-1: Five (5) acres;
 - g. R1-20: Five (5) acres;
 - h. R1-12: Five (5) acres;
 - i. R1-8: Five (5) acres;
 - j. CB: Five (5) acres;
 - k. C-N: Five (5) acres;
 - l. C-S: Five (5) acres;
 - m. C-H: Five (5) acres;
 - n. C-G: Five (5) acres;
 - o. M-D: Five (5) acres;
 - p. M-G: Five (5) acres; and
 3. Is not used and will not be used for any nonagricultural purpose.
 4. The boundaries of each lot or parcel exempted under this division of agricultural land exemption shall be graphically illustrated on a record of survey map that, after receiving written approval from the zoning administrator that the proposed division complies with this section, shall be recorded with the county recorder.
 5. If a lot or parcel exempted under this subsection is used for a nonagricultural purpose, the county ~~may~~ **shall** require the lot or parcel to comply with the requirements of the subdivision ordinance.
- B. A bona fide division or partition of land by deed or other instrument where the county council expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels.

C. A bona fide division or partition of land for the purpose of siting, on one or more of the resulting separate parcels:

1. An electrical transmission line or a substation;
2. A natural gas pipeline or a regulation station;
3. An unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility; or
4. An unmanned community water system facility, storage tank, or well house;
5. Public facilities and public service facilities.

Exhibit B: Draft Revised Ordinance Sections 8-5A-3 and 8-5B-3 "Use Regulations"

		Districts										
		MU- 160	F-1	A- 20	RR- 10	RR- 5	RR- 1	R1- 20	R1- 12	R1- 8	RM- 7	RM- 15
Religious Uses (including Churches, Rectories, and other faith-based uses)		P	P	P	P	P	P	P	P	P	P	P

Exhibit C: Draft Revised Ordinance Section 8-5A-5 "Width and Frontage Requirements"

Section 8-5A-5: WIDTH AND FRONTAGE REGULATIONS:

	Districts					
	MU-160	F-1	A-20	RR-10	RR-5	RR-1
<p>Where lots have lot lines that are adjacent to and share a boundary line with a public or private road, the minimum lot width shall also be the minimum frontage along that road. Lots that are not adjacent to or share boundary line with a public or private road shall provide evidence of easements for access to the property. Access easements shall be a minimum of thirty feet (30') wide and shall be recorded against adjacent properties in favor of the lot, and shall allow access for emergency personnel and apparatus. The minimum width in feet for any lot in the districts regulated by this article, except as allowed for utility uses and governmentally operated essential service facilities in section 8-6-18 of this title, shall be</p>	1,320	1,320	330	330	250	200



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 25th. Mr. Sanders is out of town that day and would be able to attend on the July 9th 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

DRAFT