



PLANNING COMMISSION AGENDA

Thursday, June 25, 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

Administrative:

5. Public Comment
6. Training by Brent Bateman, State of Utah Property Rights Ombudsman
7. Discussion on commercial use table text amendment.
8. Planning Commission Business/Questions for Staff
9. Approval of minutes from June 11, 2015
10. Adjourn

MEMORANDUM

TO: Morgan County Planning Commission
FROM: Gina Grandpre
DATE: May 28, 2015
SUBJECT: Commercial Conditional Use Table

As requested, I made the changes under 11 – Agriculture sections dealing with animals, and 22 – Mining & Quarrying sections and the other modifications noted in the Planning Commission meeting on May 14, 2015 back into the table.

The modified ordinance follows:

MORGAN COUNTY, UTAH COMMERCIAL, DISTRICTS ALLOWED USES (MODIFIED)

8-5C-1: PURPOSE:

The purpose of the following districts is:

- A. Neighborhood Commercial District ~~C-N~~ **(NC)**: To provide areas in appropriate locations where convenience buying outlets may be established to serve surrounding residential neighborhoods. The regulations of this district are designed to promote a combination of retail and service facilities which in character and scale are necessary to meet day to day needs of area residents.
- ~~B. Commercial Shopping District C-S: To provide areas in appropriate locations where a combination of businesses, commercial, entertainment and related activities may be established, maintained and protected. The regulations of this district are designed to promote and encourage the development of comparison shopping centers.~~
- ~~C. Highway Commercial District C-H: To provide areas in appropriate locations adjacent to highways or major streets where activities dependent upon or catering to thoroughfare traffic and the traveling public may be established, maintained and protected. The regulations of this district are designed to encourage harmony between traffic needs and centers for retail commercial, entertainment, automotive facilities, and other appropriate highway related activities.~~
- D. General Commercial District ~~C-G~~ **(GC)**: To provide areas in appropriate locations where a combination of businesses, commercial, entertainment, and related

activities may be established, maintained and protected. Regulations of this district are designed to provide a suitable environment for those commercial and service uses which are vital to economic life, but some of which would be intrusive and disruptive in a shopping center type of commercial development.

- E. ~~Commercial-Buffer~~ **Business Park** District ~~CB~~ **(BP)**: To provide areas for appropriate transitions of **between** commercial uses **and residential uses. Developments are intended to reduce impact adjacent properties by using landscaping, setbacks, and building design.**
- F. **Light** Manufacturing ~~Distribution~~ District ~~MD~~ **(LM)**: To provide areas in appropriate locations where light manufacturing, industrial processes and warehousing not producing objectionable effects may be established, maintained and protected. The regulations of this district are designed to protect environmental quality of the district and adjacent areas.
- G. General Industrial District ~~MG~~ **(I)**: To provide for areas in appropriate locations where heavy industrial processes necessary to the economy may be conducted. The regulations of this district are designed to protect environmental quality of the district and adjacent areas.

8-5C-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" "**C1,**" "**C2,**" or "**C3,**" 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, "-". **If a particular use classification category is specified as permitted or conditionally permitted, it shall mean all specific items that fall under that category. Otherwise, only the specific items noted shall be permitted.**

8-5C-3: USE REGULATIONS:

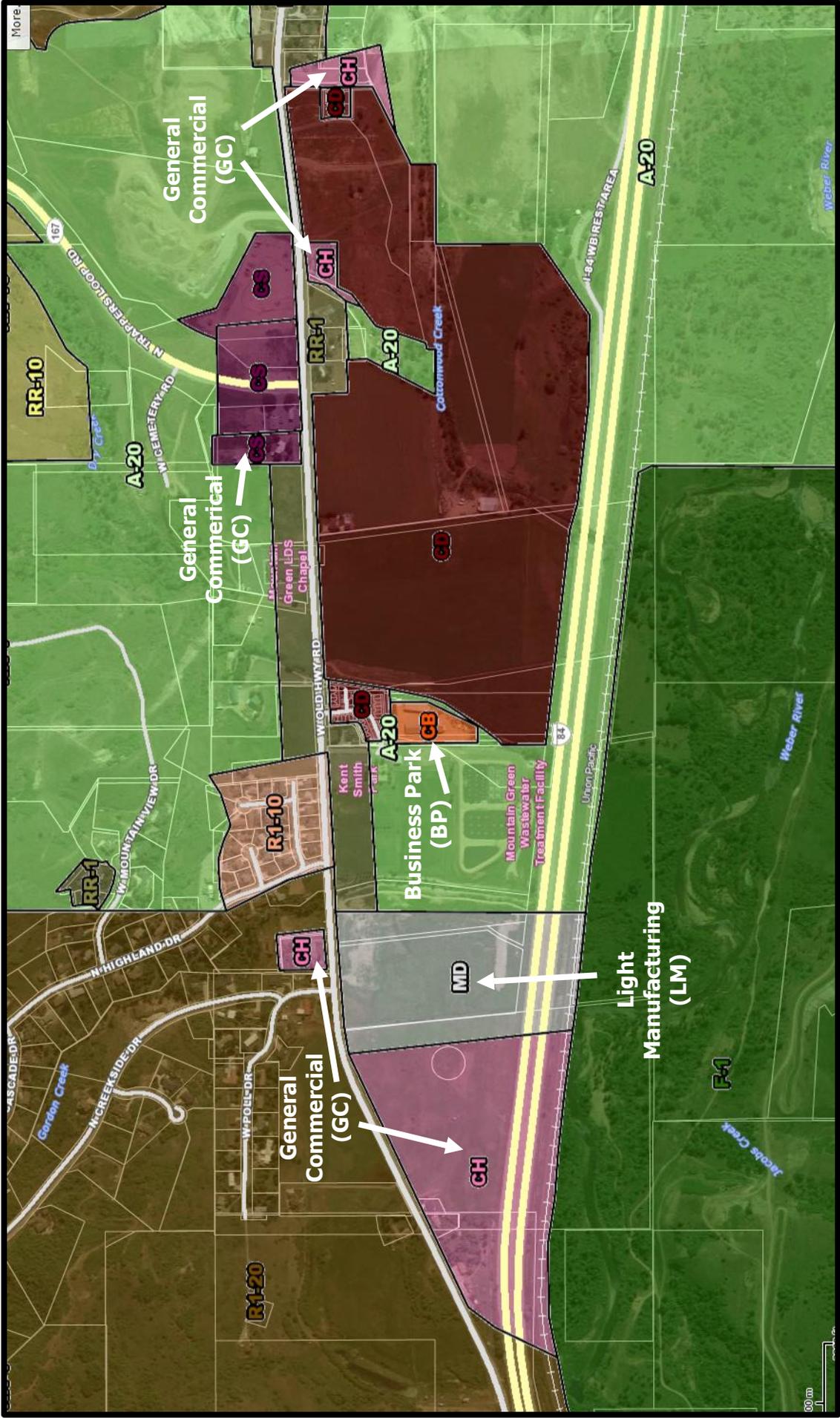
No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the commercial and industrial districts, except as provided in this article. Accessory uses and buildings customarily incidental to uses authorized by conditional use permit in any district are also authorized by issuance of a conditional use permit in any such district. "Temporary uses", as defined in section [8-2-1](#) of this title, are authorized in any district upon issuance of a conditional use permit for the same.

| Use | District | | | | |
|--|----------|----|----|----|----|
| | NC | GC | BP | LM | I |
| 11 - Agriculture, Forestry, Fishing, and Hunting | C1 | C1 | C1 | P | P |
| 21 - Mining, Quarrying, and Oil and Gas Extraction | | | | | |
| 211 - Oil and Gas Extraction | | | | | P |
| 2121 - Coal Mining | | | | | P |
| 2122 - Metal Ore Mining | | | | | P |
| 2123 - Nonmetallic Mineral Mining and Quarrying | | | | C3 | P |
| 213 - Support Activities for Mining | | | | C3 | P |
| 22 - Utilities | | | | | |
| 22111 - Electric Power Generation | | | | | C3 |
| 22112 - Electric Power Transmission and Control | | | | | C2 |
| 2212 - Natural Gas Distribution | | | | | C2 |
| 2213 - Water, Sewage, and Other Systems | | | | C2 | C2 |
| 23 - Construction | | | | | |
| 236 - Construction of Buildings | | | | P | P |
| 237 - Heavy and Civil Engineering Construction | | | | | P |
| 238 - Specialty Trade Contractors | | | | C1 | P |
| 31-33 Manufacturing | | | | | |
| 3111 - Animal Food Manufacturing | | | | C2 | P |
| 3112 - Grain and Oilseed Milling | | | | C2 | P |
| 3113 - Sugar and Confectionery Product Manufacturing | | | C2 | C2 | P |
| 3114 - Fruit and Vegetable Preserving and Specialty Food Manufacturing | | | C2 | C2 | P |
| 3115 - Dairy Product Manufacturing | | | C2 | P | P |
| 3116 - Animal Slaughtering and Processing | | | | C1 | P |
| 3117 - Seafood Product Preparation and Manufacturing | | | C2 | P | P |
| 3118 - Bakeries and Tortilla Manufacturing | C2 | C2 | C1 | P | P |
| 3119 - Other Food Manufacturing | C2 | C2 | C2 | C2 | C2 |
| 312 - Beverage Manufacturing | | | C2 | P | P |
| 313 - Textile Mills | | | C1 | P | P |
| 314 - Textile Product Mills | | | C2 | P | P |
| 315 - Apparel Manufacturing | | | C2 | P | P |
| 316 - Leather and Allied Products Manufacturing | | | C2 | P | P |
| 321 - Wood Product Manufacturing | | | | P | P |
| 322 - Paper Manufacturing | | | C2 | P | P |
| 323 - Printing and Related Support Activities | | C1 | C1 | P | P |
| 324 - Petroleum and Coal Products Manufacturing | | | | | P |
| 325 - Chemical Manufacturing | | | | C2 | P |
| 326 - Plastics and Rubber Products Manufacturing | | | | C2 | P |
| 327 - Nonmetallic Mineral Product Manufacturing | | | | C2 | P |
| 331 - Primary Metal Manufacturing | | | | | P |
| 332 - Fabricated Metal Product Manufacturing | | | | C2 | P |
| 333 - Machinery Manufacturing | | | | C2 | P |
| 334 - Computer and Electronic Product Manufacturing | | | | C2 | P |
| 335 - Electrical Equipment, Appliance, and Component Manufacturing | | | | C2 | P |
| 336 - Transportation Equipment Manufacturing | | | | C2 | P |
| 337 - Furniture and Related Product Manufacturing | | | | C2 | P |
| 339 - Miscellaneous Manufacturing | | | | C2 | P |
| 42 - Wholesale Trade | | | | | |
| 423 - Merchant Wholesalers, Durable Goods | | | C2 | C1 | P |
| 424 - Merchant Wholesalers, Nondurable Goods | | | C2 | C1 | P |
| 425 - Wholesale Electronic Markets and Agents and Brokers | | | C2 | P | P |
| 44-45 - Retail Trade | | | | | |
| 4411 - Automobile Dealers | | C2 | C2 | P | P |
| 4412 - Other Motor Vehicle Dealers | | C2 | C2 | P | P |
| 4413 - Automotive Parts, Accessories, and Tire Stores | C2 | C2 | C2 | P | P |
| 442 - Furniture and Home Furnishings Stores | C2 | C1 | C1 | | |
| 443 - Electronics and Appliance Stores | C2 | P | C1 | | |
| 444 - Building Material and Garden Equipment and Supplies Dealers | | C1 | C2 | P | |
| 4451 - Grocery Stores | C2 | C1 | C2 | | |
| 4452 - Specialty Food Stores | C2 | C1 | C2 | | |
| 4453 - Beer, Wine, and Liquor Stores | | C2 | | | |
| 446 - Health and Personal Care Stores | C2 | C1 | C2 | | |
| 447 - Gas Stations | C2 | C2 | C2 | P | P |
| 448 - Clothing and Clothing Accessory Stores | C2 | C1 | C2 | | |
| 45111 - Sporting Goods Stores | C2 | C2 | C2 | | |
| 45112 - Hobby, Toy, and Game Stores | C2 | P | C1 | | |
| 45113 - Sewing, Needlework, and Piece Goods Stores | P | P | C1 | | |
| 45114 - Musical Instrument and Supplies Stores | P | P | C1 | | |
| 4512 - Book Stores and News Dealers | P | P | C1 | | |
| 452 - General Merchandise Stores | C2 | P | C2 | | |
| 4531 - Florists | P | P | P | | |

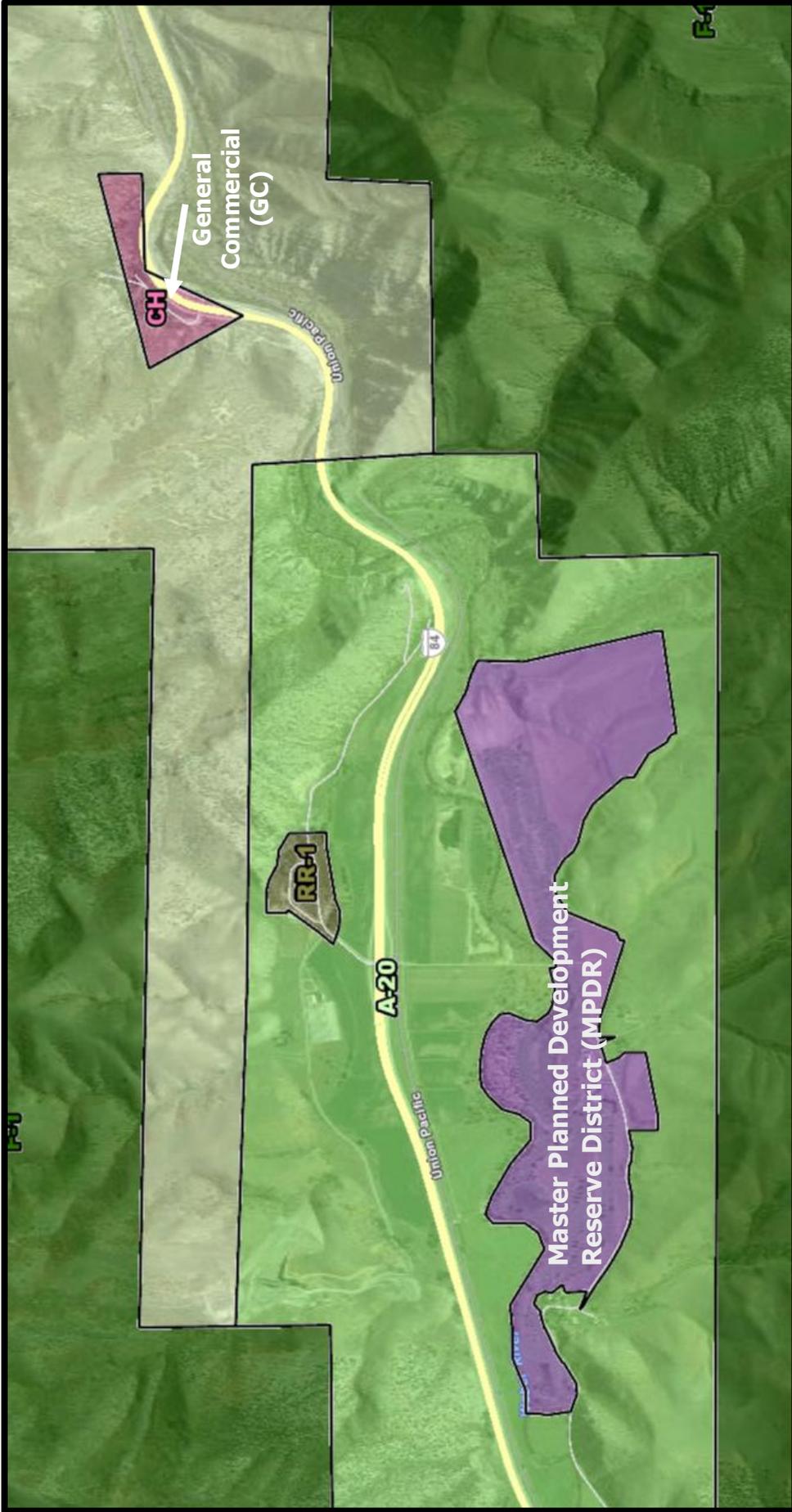
| Use | District | | | | |
|---|----------|----|----|----|----|
| | NC | GC | BP | LM | I |
| 45321 - Office Supplies and Stationery Stores | C2 | P | C1 | | |
| 45322 - Gift, Novelty, and Souvenir Stores | C2 | C2 | C2 | | |
| 4533 - Used Merchandise Stores | C2 | P | C1 | | |
| 45391 - Pet and Pet Supplies Stores | C2 | P | C1 | | |
| 45392 - Art Dealers | P | P | P | | |
| 45393 - Manufactured Home Dealers | | C2 | C2 | | |
| 453991 - Tobacco Stores | | C2 | | | |
| 453998 - All Other Miscellaneous Store Retailers (Except Tobacco) | C2 | C2 | C2 | | |
| 4541 - Electronic Shopping and Mail Order Houses | P | P | P | | |
| 4542 - Vending Machine Operators | | P | | | |
| 4543 - Direct Selling Establishments | | C2 | C2 | | |
| 48-49 Transportation and Warehousing | | | | | |
| 481 - Air Transportation (see Article 8-5H and Title 10) | A | A | A | A | A |
| 482 - Rail Transportation | | | P | P | P |
| 4832 - Inland Water Transportation | P | P | P | P | P |
| 484 - Truck Transportation | | | P | P | P |
| 485 - Transit and Ground Passenger Transportation | P | P | P | P | P |
| 486 - Pipeline Transportation | C3 | C3 | C2 | C2 | C2 |
| 487 - Scenic and Sightseeing Transportation | C2 | C1 | P | | |
| 4881 - Support Activities for Air Transportation (see Article 8-5H and Title 10) | A | A | A | A | A |
| 4882 - Support Activities for Rail Transportation | | | C2 | P | P |
| 4883 - Support Activities for Water Transportation | | | C2 | C2 | C1 |
| 4884 - Support Activities for Road Transportation | | | C2 | C1 | P |
| 4885 - Freight Transportation Arrangement | | | C2 | P | P |
| 4889 - Other Support Activities for Transportation | | | C2 | P | P |
| 491 - Postal Service | P | P | P | P | P |
| 492 - Couriers and Messengers | | C2 | P | P | P |
| 49311 - General Warehousing and Storage | | | | P | P |
| 49312 - Refrigerated Warehousing and Storage | | | | P | P |
| 49319 - Other Warehousing and Storage | | | | C2 | C2 |
| 51 - Information | | | | | |
| 511 - Publishing Industries (Except Internet) | | P | P | P | P |
| 51211 - Motion Picture and Video Production | | P | P | P | P |
| 51212 - Motion Picture and Video Distribution | | C2 | P | P | P |
| 51213 - Motion Picture and Video Exhibition | C2 | P | P | P | P |
| 51219 - Postproduction Services and Other Motion Picture and Video Industries | | P | P | P | P |
| 5122 - Sound Recording Industries | | P | P | P | P |
| 515 - Broadcasting (Except Internet) | | P | P | P | P |
| 517 - Telecommunications | | C2 | C2 | P | P |
| 518 - Data Processing, Hosting, and Related Services | C2 | P | P | P | P |
| 519 - Other Information Services | | P | P | P | P |
| 52 - Finance and Insurance | | | | | |
| 521 - Monetary Authorities - Central Bank | | P | P | P | P |
| 5221 - Depository Credit Intermediation | | P | P | P | P |
| 52221 - Credit Card Issuing | | P | | | |
| 52222 - Sales Financing | | C2 | C2 | | |
| 522291 - Consumer Lending | | | C3 | | |
| 522292 - Real Estate Credit | | C2 | C2 | | |
| 522293 - International Trade Financing | | P | P | | |
| 522294 - Secondary Market Financing | | P | P | | |
| 522298 - All Other Nondepository Credit Intermediation | | | C3 | | |
| 523 - Securities, Commodities Contracts, and Other Financial Investments and Related Activities | | C2 | C2 | | |
| 524 - Insurance Carriers | C2 | C1 | C1 | P | P |
| 525 - Funds, Trusts, and Other Financial Vehicles | | C1 | C1 | P | P |
| 53 - Real Estate and Rental and Leasing | | | | | |
| 53111 - Lessors of Residential Buildings and Dwellings | C2 | P | P | | |
| 53112 - Lessors of Nonresidential Buildings | | P | P | | |
| 53113 - Lessors of Miniwarehouses and Self-Storage Units | | P | P | | |
| 53119 - Lessors of Other Real Estate Property | | P | P | | |
| 5312 - Offices of Real Estate Agents and Brokers | C1 | P | P | P | P |
| 5313 - Activities Related to Real Estate | | P | P | | |
| 5321 - Automotive Equipment Rental and Leasing | | P | P | | |
| 5322 - Consumer Goods Rental | | P | | | |
| 5323 - General Rental Centers | | P | | | |
| 5324 - Commercial and Industrial Machinery and Equipment Rental and Leasing | | P | | P | P |
| 533 - Lessors of Nonfinancial Intangible Assets (Except Copyrighted Works) | | P | P | | |
| 54 - Professional, Scientific, and Technical Services | | | | | |
| 5411 - Legal Services | C1 | P | P | | |
| 5412 - Accounting, Tax Preparation, Bookkeeping, and Payroll Services | C1 | P | P | P | |

| Use | District | | | | |
|--|----------|----|----|----|---|
| | NC | GC | BP | LM | I |
| 5413 - Architectural, Engineering, and Related Services | C2 | P | P | P | |
| 5414 - Specialized Design Services | C1 | P | P | | |
| 5415 - Computer Systems Design and Related Services | C2 | P | P | P | |
| 5416 - Management, Scientific, and Technical Consulting Services | C2 | P | P | P | |
| 5417 - Scientific Research and Development Services | | P | P | P | |
| 5418 - Advertising, Public Relations, and Related Services | | P | P | P | |
| 5419 - Other Professional, Scientific, and Technical Services | | P | P | P | |
| 55 - Management of Companies and Enterprises | | | | | |
| 551 - Management of Companies and Enterprises | | P | P | P | |
| 56 - Administrative Support and Waste Management and Remediation Services | | | | | |
| 561 - Administrative and Support Services | | P | P | P | |
| 562 - Waste Management and Remediation Services | | | C2 | P | P |
| 61 - Educational Services | | | | | |
| 6111 - Elementary and Secondary Schools | P | P | P | | |
| 6112 - Junior Colleges | | P | P | | |
| 6113 - Colleges, Universities, and Professional Schools | | P | P | | |
| 6114 - Business Schools and Computer and Management Training | | P | P | | |
| 6115 - Technical and Trade Schools | | P | P | P | P |
| 6116 - Other Schools and Instruction | | P | P | | |
| 6117 - Educational Support Services | | P | P | | |
| 62 - Health Care and Social Assistance | | | | | |
| 6211 - Offices of Physicians | P | P | P | P | |
| 6212 - Offices of Dentists | P | P | P | P | |
| 6213 - Offices of Other Health Practitioners | C2 | P | P | P | |
| 6214 - Outpatient Care Centers | | P | P | P | |
| 6215 - Medical and Diagnostic Laboratories | | P | P | P | |
| 6216 - Home Health Care Services | C2 | P | P | P | |
| 6219 - Other Ambulatory Health Care Services | | P | P | P | |
| 6221 - General Medical and Surgical Hospitals | C2 | P | P | P | P |
| 6222 - Psychiatric and Substance Abuse Hospitals | | | C3 | C3 | |
| 6223 - Specialty (Except Psychiatric and Substance Abuse) Hospitals | | | P | P | |
| 623 - Nursing and Residential Care Facilities | C2 | | P | | |
| 6241 - Individual and Family Services | | P | P | | |
| 6242 - Community Food and Housing, and Emergency and Other Relief Services | | | P | P | |
| 6243 - Vocational Rehabilitation Services | | | P | P | |
| 6244 - Child Day Care Services | C2 | C1 | C1 | | |
| 71 - Arts, Entertainment, and Recreation | | | | | |
| 7111 - Performing Arts Companies | | P | P | | |
| 7112 - Spectator Sports | | P | P | | |
| 7113 - Promoters of Performing Arts, Sports, and Similar Events | | P | P | | |
| 7114 - Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures | | P | P | | |
| 7115 - Independent Artists, Writers, and Performers | C2 | P | P | | |
| 71211 - Museums | P | P | P | P | P |
| 71212 - Historical Sites | P | P | P | P | P |
| 71213 - Zoos and Botanical Gardens | | P | P | | |
| 71219 - Nature Parks and Other Similar Institutions | P | P | P | P | P |
| 7131 - Amusement Parks and Archades | | P | P | P | |
| 7139 - Other Amusement and Recreation Industries | | P | P | P | |
| 72 - Accommodation and Food Services | | | | | |
| 72111 - Hotels (Except Casino Hotels) and Motels | C3 | C2 | P | P | |
| 72119 - Other Traveler Accommodation | C2 | C2 | P | P | |
| 7212 - RV (Recreational Vehicle) Parks and Recreational Camps | | P | P | P | |
| 7213 - Rooming and Boarding Houses | C2 | C2 | P | P | |
| 7222 - Special Food Services | C2 | P | P | P | P |
| 7224 - Drinking Places (Alcoholic Beverages) | | C2 | P | P | |
| 7225 - Restaurants and Other Eating Places | C2 | P | P | P | |
| 81 - Other Services (Except Public Administration) | | | | | |
| 8111 - Automotive Repair and Maintenance | | C2 | C2 | P | P |
| 8112 - Electronic and Precision Equipment Repair and Maintenance | | C2 | C2 | P | P |
| 8113 - Commercial and Industrial Machinery and Equipment (Except Automotive and Electronic) Repair and Maintenance | | | C2 | P | P |
| 8114 - Personal Household Goods Repair and Maintenance | C2 | P | P | P | P |
| 8121 - Personal Care Services | C1 | P | P | P | |
| 81221 - Funeral Homes and Funeral Services | C2 | P | P | P | |
| 81222 - Cemeteries and Crematories | | C3 | C3 | P | |
| 8123 - Drycleaning and Laundry Services | C2 | P | P | P | P |
| 81291 - Pet Care (Except Veterinary) Services | C2 | P | P | P | |
| 81292 - Photofinishing | P | P | P | P | |
| 81293 - Parking Lots and Garages | | P | P | P | P |

| Use | District | | | | |
|---|----------|----|----|----|----|
| | NC | GC | BP | LM | I |
| 81299 - Other Personal Services (Except Escort Services) | C2 | C2 | C2 | C2 | C2 |
| 8131 - Religious Organizations | P | P | P | P | P |
| 8132 - Grantmaking and Giving Services | | P | P | P | |
| 8133 - Social Advocacy Organizations | C2 | P | P | P | |
| 8134 - Civic and Social Organizations | C2 | P | P | P | |
| 8139 - Business, Professional, Labor, Political, and Similar Organizations | C2 | P | P | P | |
| 814 - Private Households | P | P | P | P | P |
| 92 - Public Administration | | | | | |
| 921 - Executive, Legislative, and Other General Government Support | P | P | P | P | P |
| 92211 - Courts | P | P | P | P | P |
| 92212 - Police Protection | P | P | P | P | P |
| 92213 - Legal Counsel and Protection | P | P | P | P | P |
| 92214 - Correctional Institutions | | | | C3 | C3 |
| 92215 - Parole Offices and Probation Offices | | | | C3 | C3 |
| 92216 - Fire Protection | P | P | P | P | P |
| 92219 - Other Justice, Public Order, and Safety Activities | C2 | C2 | P | P | P |
| 923 - Administration of Human Resource Programs | | P | P | P | P |
| 924 - Administration of Environmental Quality Programs | | P | P | P | P |
| 925 - Administration of Housing Programs, Urban Planning, and Community Development | | P | P | P | P |
| 926 - Administration of Economic Programs | | P | P | P | P |
| 927 - Space Research and Technology | | P | P | P | P |
| 928 - National Security and International Affairs | | P | P | P | P |



| Old Zoning | KEY | New Zoning |
|---------------------------------|-----|------------------------------|
| CN (Neighborhood Commercial) | = | NC (Neighborhood Commercial) |
| CS (Commercial Shopping) | = | GC (General Commercial) |
| CH (Commercial Highway) | = | GC (General Commercial) |
| CB (Commercial Buffer) | = | BP (Business Park) |
| MD (Manufacturing Distribution) | = | LM (Light Manufacturing) |
| MG (General Industrial) | = | I (Industrial) |



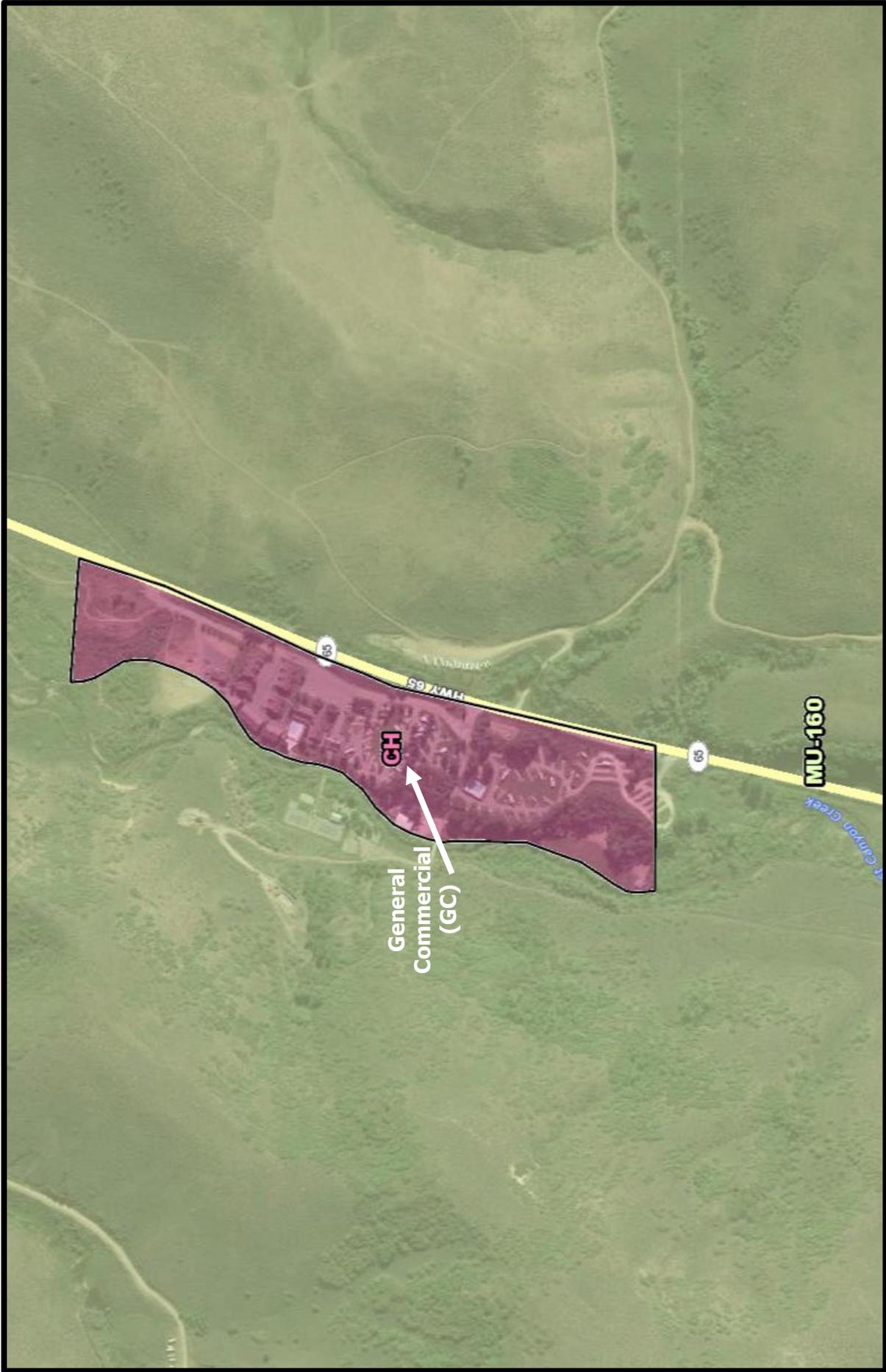
KEY

| Old Zoning | | New Zoning |
|---------------------------------|---|------------------------------|
| CN (Neighborhood Commercial) | = | NC (Neighborhood Commercial) |
| CS (Commercial Shopping) | = | GC (General Commercial) |
| CH (Commercial Highway) | = | GC (General Commercial) |
| CB (Commercial Buffer) | = | BP (Business Park) |
| MD (Manufacturing Distribution) | = | LM (Light Manufacturing) |
| MG (General Industrial) | = | I (Industrial) |



KEY

| Old Zoning | | New Zoning |
|---------------------------------|---|------------------------------|
| CN (Neighborhood Commercial) | = | NC (Neighborhood Commercial) |
| CS (Commercial Shopping) | = | GC (General Commercial) |
| CH (Commercial Highway) | = | GC (General Commercial) |
| CB (Commercial Buffer) | = | BP (Business Park) |
| MD (Manufacturing Distribution) | = | LM (Light Manufacturing) |
| MG (General Industrial) | = | I (Industrial) |



General
Commercial
(GC)

CH

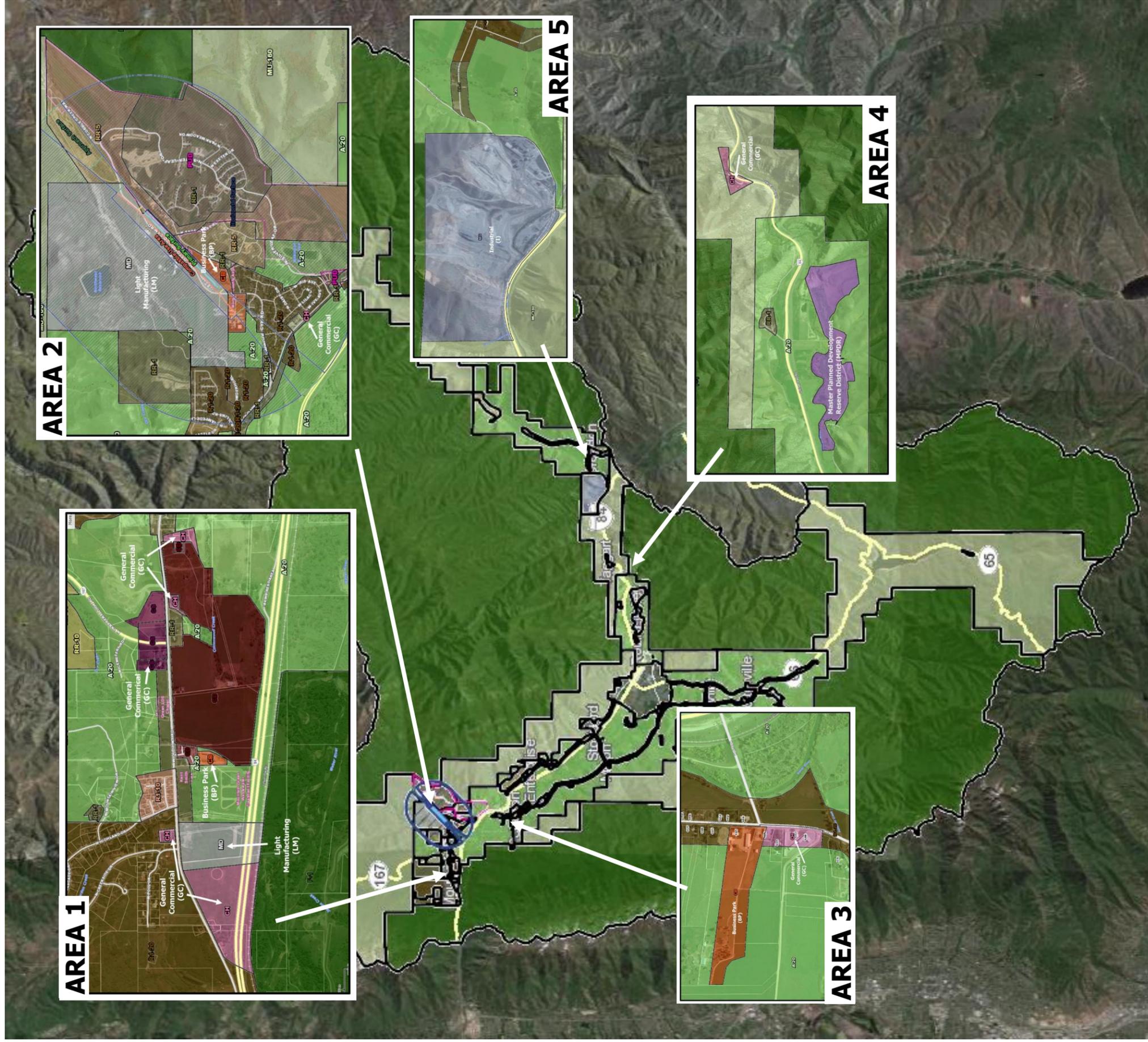
MU-160

65

65

HWY 65

Canyon Creek



KEY

Old Zoning

- CN (Neighborhood Commercial)
- CS (Commercial Shopping)
- CH (Commercial Highway)
- CB (Commercial Buffer)
- MD (Manufacturing Distribution)
- MG (General Industrial)

New Zoning

- = NC (Neighborhood Commercial)
- = GC (General Commercial)
- = GC (General Commercial)
- = BP (Business Park)
- = LM (Light Manufacturing)
- = I (Industrial)



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 is currently 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 plat. 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 Bill 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 legislative 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

DRAFT