



PLANNING COMMISSION AGENDA

Thursday, August 11, 2016
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**/Decision - Stegelmeier Zoning Map Amendment – Amending the Morgan County Zoning Map, changing approximately 42 acres of property located at approximately 2035 W Deep Creek Road from the A-20 zone to the RR-10 zone.
7. Discussion/**Public Hearing**/Decision - Enterprise Zoning Map Amendment - Amending the Zoning Map of the County to reflect desired changes in the Enterprise Area:
 - Areas west and south of Old Highway currently zoned A-20 will be rezoned to RR-1
 - Portions south and east of Old Highway and running from approximately 2360 W Old Highway Road south to approximately 2250 W Old Highway Road currently zoned A-20 will be rezoned to RR-1
 - The portion of land in the Spring Hollow area currently south of the Summer Ridge PRUD and otherwise surrounded by RR-1 zoning currently zoned as A-20 will be rezoned to RR-1
 - Several portions of Section 3 Township 4 North Range 2 East currently zoned MU-160 will be rezoned to RR-10
 - Several properties north of Old Highway located at approximately 3130 W Old Highway Road currently zoned A-20 and RR-5 will be rezoned RR-1

Administrative:

8. Discussion – Updating Zoning Maps/Districts/Table
9. Discussion – Various Ordinance Updates
10. Planning Commission Business/Questions for Staff
11. Approval of minutes from July 28, 2016
12. 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

Russell & Vivian Nance
Pamela Turner
Tina Cannon
Gaylene Kimbal
Bill O'Malley
Leon Paskett
Dave & Julie Croft
Todd Whimpey
Todd Wardell
Bob Bohman
Kim Green

1. Call to order – prayer. Chair Haslam called the meeting to order and Member Newton offered prayer.
2. Pledge of Allegiance
3. Approval of agenda

Chair stated the Stegelmeier Zoning Map Amendment has been removed from the agenda tonight, due to advertising issues. It may be discussed in 2 weeks, but it is off the agenda tonight. Bill stated it will be rescheduled for 2 weeks.

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 Newton stated his parent's home is in Enterprise and would be affected by possible changes. Their lot configuration is such that any changes would not grant them any additional acreage or opportunities but it could affect the back portion of their property.

5. Public Comment

Vivian Nance: She is of no relation to Larry Nance, who sits on the Planning Commission. She wondered why the zoning changes are being discussed when the County Council has already approved the zoning and map changes. It seems redundant to her to be discussing changes.

Todd Wardell: Geneva Rock would like to have their property left in the A-20 and not rezoned to RR-1.

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

Legislative:

~~6. Discussion/Public Hearing/Decision—Stegelmeier Zoning Map Amendment—Amending the Morgan County Zoning Map, changing approximately 42 acres of property located at approximately 2035 W Deep Creek Road from the A-20 zone to the RR-10 zone.~~

7. Discussion/**Public Hearing**/Decision – Enterprise Zoning Map Amendment – Amending the Zoning Map of the County to reflect desired changes in the Enterprise Area:

- Areas west and south of Old Highway currently zoned A-20 will be rezoned to RR-1
- Portions south and east of Old Highway and running from approximately 2360 W Old Highway Road south to approximately 2250 W Old Highway Road currently zoned A-20 will be rezoned to RR-1
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- Several portions of Section 3 Township 4 North Range 2 East currently zoned MU-160 will be rezoned to RR-10
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Bill pointed out the most significant areas of change. He compared the current or existing zoning with the proposed changes.

Member Nance pointed out that the proposed changes to RR-1 reflect the Future Land Use Map, which reflects the public desires. Chair Haslam stated that the archery range and Geneva both requested no changes to their properties. He discussed the areas of change, including Kim Green's property. Bill said this will require specific wording. Member Nance is prepared to make a recommendation to the County Council today. Chair Haslam said he doesn't have an issue with the proposed changes, as all of the affected property owners are in favor of changing to RR-1. Member Wilson asked how many future homes may be affected by the fact that there is a gravel pit in the area. Member Nance calculated there are a maximum of 21 additional homes that could be built, as well as what the Future Land Use Map suggests, including the area of MU-160 being changed to RR-10.

Member Ross asked Bill about any other possible options (including less dense zones) for those affected by the changes in Enterprise. Bill responded that 5 acre zoning would be an option.

Member Sessions asked about the 1 acre lot east of the RR-5 at the bottom of the map of the proposed changes. Member Nance suggested that if the FLUM says RR-5 they should leave it

RR-5.

PUBLIC HEARING

Leon Paskett: He lives in the Enterprise area and is pretty unfamiliar with these proposed changes. He didn't know about 1 of the 2 public meetings held about the changes. He is concerned with property tax. He is not in favor of RR-1 as he believes it is too dense for the area. He wondered why this change has come about, whether it is for developers or just a traditional rezone for County purposes.

Member Nance clarified that the changes are being made to avoid gravel pits, as proposed by community members. He explained to Mr. Paskett that communication about the sub-committee meetings were spread by word of mouth.

Leon would like better communication and clarity with what's going on in the community, as this is a big change. He emphasized that sometimes with a community, neighbors don't always communicate with each other.

Alan Woody: He has 2 lots up the Spring Hollow Road. He has spent a lot of time and money changing his property from MU-160 to RR-1. He is glad to see the changes.

Bill O-Malley: Enterprise resident. He clarified that the map is still open for discussion. He understood from the previously held meetings that Enterprise residents spoke in favor of a change to RR-1 zoning. He feels the landowners who are here at the meeting tonight to request that they remain in the A-20 zoning are being unfair to those who went to the meeting. The community is under the impression that much of the zoning in Enterprise would change to RR-1 and he feels if someone remains in A-20, they have been having discussions behind the scenes.

Bryan Porter: He is comfortable with RR-1 zoning in Enterprise, but not necessarily with RR-5 zoning.

Jordache Wardell: He complimented Member Nance on bringing the community together to discuss the changes and desires of the community. He stated the mink farm, which is currently in A-20, is not interested in changing zoning. There is another piece of land in his family, in the MU-160 zone, that he also desires to leave alone. Bill clarified that that specific part of the MU-160 zoning isn't part of the proposed changes.

David Potter: He and his brother Richard own a large part of the RR-1 zone. His neighbor Kim Green also has some of the same concerns. They agree with the action to set up this zoning arrangement now, as an RR-1, to protect the land from unwanted uses. He has concerns with infrastructure: roads, wells, storage tanks, water. He feels the RR-1 zone provides a protection to the landowners, land uses and future residents. He mentioned some scenarios related to property running near the railroad.

Julie Croft: She owns land up Spring Hollow. The area plan suggests that her area be RR-1

zoning. Her land is 6.5 acres and she would like it to change to RR-5 instead of RR-1. Her land is steep and she'd like it to remain in agriculture.

Rainey Miller: Enterprise resident. She is in favor of the changes to RR-1.

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

Chair addressed Mr. Paskett's concern about property tax. He addressed Leon and said that they specifically used his property as an example. Much of his property is already in the RR-1 zone and very little is in the A-20 zone. Gwen (Assessor's Office) said it would not affect his taxes, as long as it's left in the A-20 greenbelt. The way the taxes would change would be if he were to do a rezone on his property.

He also answered Mr. O'Malley's question about the map. He said that is part of the process they're doing right now. There are a few landowners in Enterprise who don't want to change their zoning designation. It is not the Planning Commission's intention to tie anyone's hands with what they're currently doing on their property. Changing Wardell's land to RR-1 would limit their uses for their current mink farm business. If they don't want to change, they have the right to remain in their current zoning designation.

There was discussion about the archery range and their agreement with the State. They would like their zoning to remain as it is. Geneva also did not want to change zoning designation. There was some discussion as to the location of the well. It is not on the Green's property, it is on the Wilkinson property.

Member Sessions stated that at the County Council meetings, they created an Enterprise Zone at the gravel pit, to encourage business in that area. She proposed creating a special zone for Geneva to protect their business and surrounding property owners. Chair asked Todd what Geneva's opinion would be in changing a piece of their property, next to Kim Green's, to A-20. He replied that there is a piece of land that he doesn't care, and he could leave it in A-20 if it makes it easier for his neighbors. The rest, he'd like to change to RR-1. He also wants to make sure the right-of-way is taken care of and accurate. Member Nance proposed following the lines of the FLUM (Future Land Use Map). He further clarified that it is for the advantage of property owners to have their property changed to the RR-1 zone, as proposed.

Bill clarified that if a lot exists in 2 different zones, the lesser of the property's restrictions will prevail. Chair said if they meet RR-1 requirements, they can build in A-20.

Member Sessions asked if Geneva was interested in rezoning the Green Pit. Member Nance said he asked them specifically about that, and they replied that all they use that for is storage. It has already been mined out.

Spring Hollow:

Member Nance asked Julie Croft if she understands that she is the one to choose what happens to

her property. She has more opportunity to use her property in RR-1 than RR-5. Julie replied that an agri-nursery or agri-business would not be a possibility in RR-1 and they would prefer to change to the RR-5 zone. Julie Croft clarified that she wants RR-5 for her parcel that is about 6.5 acres. She owns a few parcels and she clarified that parcel is the only one they want zoned RR-5.

Rainey Miller clarified that current uses will still be allowed. Chair said that they would not be allowed to increase, but would be grandfathered in for current uses.

Jay Wardell: He'd like to leave his in A-20.

Member Nance read from the commercial use table that mink farms are permitted in RR-1 zones.

Member Sessions suggested RR-5 for the Jeff Wardell property.

There were no further questions from the Planning Commission members at this time. Chair suggested they update the map to reflect the changes before making a motion. Chair would like to see the map with the discussed changes before proceeding to the County Council, to review the hard copy for accuracy. Member Nance suggested making a motion tonight and having a new map made before the County Council meeting. Member Ross asked if there would need to be another public meeting involved. His concern is the miscommunication that happened before, between the Planning Commission and the County Council.

Member Nance moved to forward a positive recommendation to the County Council for the Enterprise Zoning Map Amendment discussed today, changing the various zoning districts that are in the Future Land Use Map.

Second by Member Wilson.

Discussion:

Member Nance doesn't want the Enterprise residents to have to return to another meeting for any further clarification. They've voiced that they don't want commercial zoning or gravel pits and a change to RR-10. He doesn't want to delay any further.

Member Ross pointed out that the motion was for the FLUM.

Chair clarified that the agenda item is Enterprise Zoning Map and it not only includes the FLUM, but the Enterprise Area map also. Member Sessions asked about the RR-10 portion at the top of the map. It hasn't been discussed but it's on the map.

Bill said they would try to bring an updated map back in 2 weeks, but it depends on the schedule of Jeff who would make the map.

Member Wilson understands Member Nance's concern but he would like to be cautious and make sure the map is a true reflection of what was discussed tonight before proceeding.

Member Ross added that he really wants to see the map to ensure the map they present to the County Council is exactly what they are proposing. Taking the time to do it right is of utmost importance.

--Question on the motion: There is a motion on the floor. Do we suspend the rules to discuss or vote on the motion that was made? The Planning Commissioners are ready to vote.

The vote was not unanimous. Member Nance was in favor. Those opposed were Members Stephens, Ross, Sessions, Newton, Wilson. The motion failed.

RR-10: Bohman property and Croft property.

Member Nance clarified that of the areas discussed tonight, the only concern is being able to look at it on the map. Member Stephens asked if the FLUM is a reflection of our time frame to grow. He wondered if the growth problem is being fixed or will it continue to be a problem? He referred to Austin Turner's comments about the need for commercial growth to help with revenue. Member Nance asked if there are any concerns about the maps while the community members are in attendance. Member Wilson responded to Member Stephens' comments that the respective area plans tip in favor of the general plan and what the community wants.

There were no further comments about the changes.

Member Sessions moved to postpone the decision for the Enterprise Zoning Map Amendment until the August 25th meeting, to review the final maps.

Second by Member Newton.

Member Wilson suggested adding to the motion that the changes on the maps are correct.

Member Wilson amended the motion to include the following clarifications:

- That the RR-10 designations discussed should be incorporated and clarified**
- Croft's requested that their property be changed to RR-5**
- Wardell mink farm property to remain in the A-20 zone**
- Jeff Wardell property to be changed to RR-5**
- The respective Geneva and Archery properties to remain in A-20**
- Sky View Pit: RR-5**
- Kim Green property by Geneva to remain A-20.**
- And the small triangle to remain RR-1.**

Second by Member Ross. The vote was unanimous. The amendment passed. Member Nance abstained.

The new motion reads:

Member Sessions moved to postpone the decision for the Enterprise Zoning Map Amendment, until the August 25th meeting, to review the final maps, making sure that the changes on the maps are correct:

Including the following clarifications:

- The RR-10 designations discussed (including Bohman's property) should be clarified**
- Croft's requested that their property be changed to RR-5**
- Wardell mink farm property to remain in the A-20 zone**
- Jeff Wardell property to be changed to RR-5**
- The respective Geneva and Archery properties to remain in A-20**
- Sky View Pit: RR-5**
- Kim Green property by Geneva to remain A-20.**
- And the small triangle to remain RR-1.**

The vote was unanimous. The motion carried. Member Nance abstained.

Administrative:

8. Discussion – Updating Zoning Maps/Districts/Table

Chair addressed Mrs. Vivian Nance about the zoning maps. He clarified that the County Council requested that they go through and review the commercial land use maps, not the whole zoning area maps. He explained for her benefit why they are reviewing the commercial areas, including storage units, Browning, and airport. He also explained they are reviewing which uses can and should go in each commercial area. She understood that area to contain a commercial or business buffer zone. Chair Haslam explained that some of the uses didn't coincide with a buffer area. They are trying to create an appropriate place for a buffer between residents and an industrial area. She has concerns for one business in particular. Chair clarified "conditional use permit" and Mrs. Nance is very concerned who will monitor the emissions and the conditions placed on his business. Chair explained that a business owner has a right to do his business under the code he applied for, and now they've changed the code but he's still able to do business (referring to the crematorium).

Bill added the 4 additional zones that were previously discussed, but stated that this is very preliminary:

He discussed the definitions of NC, GC, Town Center District, BP, Technical & Professional Campus (TPC). Member Sessions said her thoughts were to include Class A Office Space and more specific uses. Bill said he was trying to be a bit more broad in his definitions so as to have

an opportunity to discuss. Member Sessions wanted to delete, rather than add to, part of that definition. She doesn't think "hospital" is appropriate.

The definition currently reads: Technical and Professional Campus (TPC): To provide areas for the construction of research and development parks, educational facilities and campuses, trade and technical schools and colleges, health care facilities (including hospitals, clinics, and labs), and other associated and allied industries.

Member Ross thought nutraceuticals would be a better fit for TPC. They currently own in light manufacturing and would like to do business in the Town Center. Chair suggested that MG-CP would be an appropriate place to allocate a nutraceutical facility. It could also go in a Business Park. Within the Browning area, the trade school would be appropriate, but not hospitals. Bill will remove from "health care facilities..." to the end of the definition.

CH on the left side of the map will be zoned Town Center and the next zone of MD to the right will be Business Park. BP will only be located in one area of the County and can be easily tailored.

There was some discussion on the location and set up of Rollins Ranch. Member Ross said that rooftops bring businesses, meaning businesses will come when growth continues. Member Sessions suggested TC in place of the A-20 that is currently surrounded by other TC zones. The RR-1 just above it on the Mountain Green Area map will also be changed to TC zoning.

Member Ross brought up changing the FLUM in Mountain Green and Bill said the FLUM is a guideline. Member Sessions commented that they proceed carefully with light manufacturing. Member Ross said UDOT has plans to go through Dwayne Johnson's land for freeway access. There was some discussion on the future interchange and the connection with Trapper's Loop. Chair suggested taking the A-20 and RR-1 zones just previously discussed, and making them ready for an interchange when it happens. There was further discussion on future businesses that will come in and zoning changes when interstate changes happen.

Tina Cannon clarified that if manufacturing is pushed to certain areas, traffic will have to go through residential areas to access them.

Member Ross suggested having Jeff (mapping) come and sit at a meeting to make sure everything is as it should be.

Petersen Area: Member Sessions talked with Rex Jensen. He understood the front part of his property would be in a commercial zone. She suggested the first 300 feet of his property to be in the commercial zone, with the remaining back part of his property to be in the A-20 zone.

Bill requested they postpone the rest of the discussion on the commercial table until the next meeting.

Chair Haslam reminded the Planning Commission members that they will not all agree on

everything on the table. He suggested they mark off every listed use they don't want in the County. Member Newton suggested adding an additional mark for uses that could be allowed in certain areas of the County.

Chair said they can discuss their markings at the next meeting. He reminded them to have respect for each other and suggested they wipe out everything that each person has marked off, regardless if they agree on it or not. That will become the new table. He stated that there are too many items to discuss and try to agree on each person's opinion.

Member Ross suggested talking about the uses and crossing them out as they go. The Planning Commission members have been given a Commercial Use Table to go through (involving several hundred pages).

-----5 minute recess-----

Member Sessions commented that Wild Oats needs to be addressed and make sure it's allowed.

Member Newton suggested maybe going through the table by zone or sections. Bill said he started at the top with Agricultural uses, looking across, and then allocating it in an appropriate zone. Chair said that was what created problems in the first place. One problem comes from not looking closely at the expanded uses under each category.

It was decided that each member will cross out the uses they don't want anywhere in the County from 11 through the 20's on the table. Bill reminded them to be as friendly to businesses as possible. What is crossed out by one person, will be crossed out by all at the next meeting. Member Sessions reminded that these are uses for COMMERCIAL ZONES. Member Newton put in his plug for doing it electronically and then they could line them up and it would be much faster and easier. Not everyone agreed with that option. He suggested a google document system to merge their ideas. Bill said he would have Gina merge it from Excel to Google Docs and send it to everyone next week (Tuesday). Member Sessions suggested making a column for each individual so they can each have their own area for making a notation.

Bill commented that he feels comfortable doing the changes online because there will be discussion at a future open meeting.

9. Discussion – Various Ordinance Updates

Bill asked if there are concerns about the ordinance updates.

Frontage: Chair commented about the frontage issue. He suggested 200 contiguous feet along the County roadway. The 200 feet is a County, not a State, law.

Member Sessions said they need to clarify the last sentence of the 'frontage' definition. Member Newton argued the access being available to the whole frontage is subjective and he wondered if the 200 feet of frontage is to space out the homes adequately. He likes the contiguous frontage but the idea that frontage isn't counted because the lot is steep or has a dropoff doesn't make sense. He thinks there are enough restraints currently in place to avoid problems concerning frontage. Bill will eliminate the last sentence of the 'frontage' definition.

Chair Haslam has concerns with the frontage and rounding a corner. He wants to add to the definition, including wording with non-intersecting streets. Chair wants to clarify that it is a single street, not allowed to round corners to gain your 200 feet of frontage. Bill will add: "On one side of a single public street." He feels Morgan County may be the first in the universe to reach this point of clarification.

Lots:

"The side lines of all lots, so far as possible, shall be at right angles within five degrees (5°) of perpendicular to the street which the lot faces, or approximately radial within five degrees (5°) of perpendicular to the center of curves, if such street is curved. Side lines of lots shall be approximately radial within five degrees (5°) of perpendicular to the center of a cul-de-sac on which the lot faces."

Chair feels 5 degrees is too little. He suggested changing 'within 20 degrees of perpendicular.' Member Sessions commented that the outside property lines usually follow section lines but roads do not.

Member Newton moved to postpone this item until August 25. Second by Member Stephens. The vote was unanimous. The motion passed.

10. Planning Commission Business/Questions for Staff

11. Approval of minutes from July 28, 2016

Member Ross moved to approve the amended minutes from July 28, 2016. Second by Member Nance. The vote was unanimous. The motion carried. Member Stephens abstained.

Member Ross commented that the approved minutes are not up to date on the website. Bill said he will make sure they are available.

12. Adjourn

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

Approved: _____ Date: _____
Chairman, Roland Haslam

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