



PLANNING COMMISSION AGENDA
Thursday, August 25, 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

Administrative:

6. Discussion and Decision on Reynolds/Peterson Subdivision Prelim & Final – A proposed small subdivision preliminary & final plan of approximately two (2) lot subdivision of approximately 8 acres, where lot 1 will contain approximately 1.76 acres, and lot 2 will contain approximately 6.36 acres, on property located at approximately 2981 S Morgan Valley Dr.

Legislative:

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 and Decision of Poverty Flats Estates Small Subdivision Prelim & Final Plat – A proposed small subdivision of approximately 3 lots consisting of one 20 acre lot, and two 36.11 acre lots. Located at approximately 811 Hardscrabble Road in Morgan, Utah.
9. Discussion and Decision of Whittier Estates phasing plan.

Legislative:

10. 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.

Administrative:

11. Discussion – Pending Ordinances and Updates
12. Discussion – Commercial Use Table
13. Planning Commission Business/Questions for Staff
14. Approval of minutes from August 14, 2016
15. Adjourn

Members Present

Gary Ross
Debbie Sessions
Roland Haslam
Larry Nance
Michael Newton

Staff Present

Bill Cobabe
Gina Grandpre
Mickaela Moser

Public Present

Tina Kelley
Tina Cannon
Brandon Anderson
Daren & Marcelle Stegelmeier
Nicole Peterson
Pamela Turner
Gaylene Kimbal
Chris Mayuk
Brandon Andersen
Jamie Harvey
Charles Ecker
Todd Wardell
Leon Paskett

Blair Gardner
Ty Eldridge
Mark Thurston
Braxton Stegelmeier
Lanelle Butterfield
Troy Butterfield
Brett Peterson
Dave Kallas
Marv Reynolds
David Potter
Beau Peterson

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

Chair stated that agenda item #7 is pending additional information. He would like to table the item until the person arrives at which point they will resume item #7.

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

4. Declaration of conflicts of interest

Chair Haslam stated he has a conflict with agenda item #9. He will lead the discussion but will not participate in the vote.

5. Public Comment

There was none.

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

Administrative:

6. Discussion and Decision on Reynolds/Peterson Subdivision Prelim & Final – A proposed small subdivision preliminary & final plan of approximately two (2) lot subdivision of approximately 8 acres, where lot 1 will contain approximately 1.76 acres, and lot 2 will contain approximately 6.36 acres, on property located at approximately 2981 S Morgan Valley Dr.

Bill gave a summary of the application. He added that the reason this was postponed was regarding access to the property. As Zoning Administrator, he revised the wording concerning street lines, and the applicant is seeking approval with those changes. Staff recommends approval.

Member Sessions asked Bill about his definition of street lines. He said the topography of the street itself is what is contingent on this application. The County Attorney agreed with his interpretation of the definition. Member Sessions read from the definition of Lot Frontage in the County Code. She argued that the street line and the front lot line are the same. Member Sessions and Chair Haslam disagree with Staff's interpretation. Member Newton believes that the purpose of having 200 feet of frontage is for distance between homes (and lots), not for access.

Bill rebutted that the street line can still provide access to the property. Bill provided a written letter to the applicant of his interpretation. Member Nance confirmed that the applicant will be able to build on the 2 lots and each property owner will have access to the road.

Member Sessions asked Bill's interpretation of where the front lot line is for Lot 1. Bill pointed out where the lot lines lie and also the width of the lot.

Brett Peterson: Chair Haslam asked him if there was any possibility of adding a private road or driveway between the two lots to create the needed frontage. They discussed possible locations for a private road, as well as additional possibilities. Bill clarified conditions for a small subdivision. Mr. Peterson showed on the map where there is an existing road to access lot2. Lot1 has a couple of possibilities for access, whichever works best. Both lots need to be accessed independently. Chair said they don't have any other additional questions or concerns.

Member Nance moved to approve the Reynolds/Peterson Small Subdivision, application number 16.015, allowing for a two lot subdivision of land located at approximately 2995 S Morgan Valley Dr, based on the findings and with the conditions listed in the staff report dated July 14, 2016.

Conditions:

1. That all outstanding fees for outside reviews are paid in full prior to recording the final mylar.
2. That all requirements of the County Engineer are met.
3. That any minor corrections are made with County Staff prior to submitting a final mylar.
4. That a current updated Title Report is submitted with the final mylar.

5. That all other local, state, and federal laws are adhered to.

Findings:

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

Second by Member Newton.

The vote was not unanimous. Members Ross, Nance and Newton were in favor. Member Sessions was opposed. The motion carried.

Legislative:

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

Bill brought up the updated maps from Jeff (GS map person) on the overhead for everyone to review.

There was some correction needed on the Wardell property that needs to remain in the RR-1 zone.

Also, there is a parcel on the South end of their property that was missed in the rezone: with no changes to it from the original map.

With the exception of those two corrections, it appears the necessary and requested corrections were made.

PUBLIC HEARING:

Lanelle Butterfield: Her only concern is with some of the lots that were changed to RR-1 from A-20. She believes that perhaps RR-5 is more appropriate for the County's future, water resources, and overcrowding issues. She compared the change to RR-1 to a pendulum that may be swinging too far with such drastic changes in possible density.

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

County Staff has made the following updates to the proposed zoning map amendment:

1. Property on the west side of I-84 beginning with the Archery Range on the north and extending to the Enterprise Town Center area line to the south was changed to remain in A-20.
2. The Croft Property at the east end of Spring Hollow Road was changed from RR-1 to RR-5.
3. The triangular-shaped portion of Mr. Green's property that was in A-20 was changed to RR-1.
4. The portion of Summerridge PRUD that is currently in MU-160 was changed to remain MU-160.
5. The property owned by the Wardells west of Old Highway was changed to remain in A-20 as is currently configured.
6. The portion of the Wardell property heading up to the gravel pits was changed from RR-1 to RR-5 to match the Holyoak property to the west.

This should be the changes as desired that were expressed in the meeting on August 11, 2016.

The Planning Commissioners were comfortable making the motion to proceed with the few remaining changes.

Member Nance moved to forward a positive recommend to the County Council to approve the updated Enterprise zoning map amendment with a correction to the Wardell property, that the frontage remain in RR-1 and not A-20, and the Southern tip remain A-20 and not

RR-1.

Second by Member Sessions.

Member Sessions clarified that the Wardell Mink Farm property will be left in A-20 with RR-1 along the road.

The vote was unanimous. The motion carried.

Member Nance thanked those in attendance for coming and supporting the changes and updates to the map. He appreciates their support and opinions.

Administrative:

8. Discussion and Decision of Poverty Flats Estates Small Subdivision Prelim & Final Plat – A proposed small subdivision of approximately 3 lots consisting of one 20 acre lot, and two 36.11 acre lots. Located at approximately 811 Hardscrabble Road in Morgan, Utah.

Bill pointed out drainage, slope and buildable areas on the map. He also showed the final plat. Staff recommends approval of this application.

Member Sessions asked about Mark Miller's position (County Engineer). Bill replied that his only concern is with the fire chief and the final plat reflects any notes he has.

Katie Peterson, applicant: She is aware of the letter from the Health Department from the perc test on Lot 1. She is also aware of the fire chief's concerns and they are good with them.

Member Sessions moved to approve the Poverty Flats Estates Small Subdivision, application number 16.021, allowing for a three lot subdivision of land located at approximately 811 Hardscrabble Road, based on the findings and with the conditions listed in the staff report dated August 25, 2016.

Conditions:

1. That all outstanding fees for outside reviews are paid in full prior to recording the final mylar.
2. That all requirements of the County Engineer are met.
3. That all requirements of the Fire Chief are met.
4. That any minor corrections are made with County Staff prior to submitting a final mylar.
5. That a current updated Title Report is submitted with the final mylar.
6. That all other local, state, and federal laws are adhered to.

Findings:

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

Second by Member Newton. The vote was unanimous. The motion carried.

9. Discussion and Decision of Whittier Estates phasing plan.

The applicant hadn't provided a phasing plan at a previous plat approval and it is now desirable to break up the subdivision into saleable lots. The applicant has divided the lots into Phases. Phase 1 is close to being done and includes 9 lots. Phase 2 includes 10 lots to the north and the remaining 7 lots to the east are included in Phase 3.

Bill believes his anticipated timeline for phase completion is a bit ambitious. Chair asked if there may be issues with utilities, specifically water. Bill does not anticipate any issues with culinary water. He said the drainage plan is being constructed and overseen by the applicant and is a more pressing issue. The County Engineer will review before final plat. Chair reminded everyone he has a conflict of interest and will refrain from asking questions.

Member Newton asked about the timeline for phasing. Bill responded that the preliminary plat approval is good for one year with a possible extension for an additional year. The applicant is ready to record a final plat and sell the lots within the first phase. Member Nance asked about the liability. Bill said he would have approval for the anticipation of additional phases but the preliminary plat would expire for phase 3 if not completed on time. If it gets to that point, the applicant would need to reapply.

Chair Haslam clarified that the timing for approved phases is for the County Council meeting, not the City council meeting, as previously noted in the Commissioners' packets. The developers have a financial incentive to progress and finish as quickly as possible.

Member Nance wants to understand that before the lots for Phase 1 sell, the infrastructure is in place. Bill responded that a "For Sale" sign at this point is illegal. It's not legal to sell a lot before it's platted and recorded. Member Sessions clarified that this is the last time the Planning Commission will review this application, as it will be forwarded to the County Council from this point forward.

Member Nance moved to forward a positive recommendation to the County Council for the Whittier subdivision phasing plan, as presented in the Staff Report, dated August 25, 2016.

Second by Member Ross. The vote was unanimous. The motion carried.

5 minute recess

Legislative:

- 10. 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.

Bill said there are currently a couple of non-conforming lots on the property and it is the desire to bring them into conformance with underlying zoning. Lot line adjustments will bring the lots into compliance. Bill clarified that this is a request to change to RR-10. Staff recommends approval based on the fact that the applicant wants to coincide with the Future Land Use Map. The neighboring lots have the RR-10 zoning. There are concerns from surrounding residents, as well as the County, with water. There are a few letters on file from neighboring land owners who are opposed to this zone change, including Ray Giles, Dave Giles, Arthur Giles, Justin Barker, and Charles Ecker.

Member Sessions confirmed there is a lot of discussion and participation with the Milton Area Plan.

Daren Stegelmeier: He recognized the concern over density up the Deep Creek Rd. He clarified there are no new lots and no subdivisions. The parcel they're discussing is in the FLUM, consisting of 42 acres. It will become a 30 acre parcel and an 11 acre parcel. They're going from a non-conforming lot to a conforming lot. He stated the parcels were created 20-30 years ago and there were access easements written into the property deeds. He stated that Deep Creek is composed of many legal, non-conforming lots. He clarified they're not going to divide into 1 acre lots or build condos. He will maintain the 1+ acre lot, build a new home for him, and rearrange the existing lot lines. He shares the same concerns as his neighbors with increased traffic, congestion, access, and water. He'd like to utilize his property how it was originally divided up.

PUBLIC HEARING:

Ty Eldridge: He is a neighboring landowner. He recently discovered that Deep Creek is not a County Road, but a private road where he contributes to the taxes on it. He stated that Eckert Rd

is not on the right of way and Deep Creek Dr. meanders along the right of way. He feels Mr. Stegelmeier will be granting a right to access the lots, where he doesn't have that authority. He'd like to see the road issues resolved (turning Deep Creek Road into a County road instead of a private road) before proceeding with development. He also heard there was a moratorium on this property and he'd like more information about that rumor.

Brandon Anderson: He showed where the easement is on the map and who it serves. In the rezone request, it will gain higher density and he is concerned, with the acreage involved, that it is too high of a density. He also gave a history of the improvement of the Deep Creek Rd. There was never a survey done, so there's no center of the road and no one really knows where their property begins or ends. Also, surrounding residents pay taxes on that road. He read from the 2010 Milton Area General Plan, where its objective was transportation. He quoted the "Health and safety of Milton residents" in regards to the road and an increased density. In that plan, it also states that the Deep Creek Rd poses a safety hazard: there is no shoulder or sidewalk for both pedestrians and vehicular travel. He recommends the County survey Deep Creek Road for clarification first.

Pam Turner: She owns a dry farm consisting of 1100 acres of land, including section 9. They have water reserved for cattle and she is concerned that additional homes will have an adverse effect on the drinking water and agricultural water. She is also concerned for surrounding farms.

Jamie Harvey: He showed his property's location on the map. He has the same concerns as Brandon Anderson. He asked the Planning Commission members to consider the Milton Area Plan concerning density and safety. He wondered if there is enough frontage along Deep Creek to support the proposed development.

Gaylene Kimbal: She has been farming many years and the current zoning is in place for a very good reason. She is concerned that surrounding farms are suffering from water shortages. Her farm may be impacted which affects her family's income.

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

Chair asked Bill about the legal non-conforming lots being rezoned to RR-10. Bill stated there are 42 acres total. There could potentially be 3 new homes, if there was a subdivision put in, which would max out his property. Frontage is not required for zones RR-5 and larger. They only require access.

Darren Stegelmeier: His goal is to put an existing house on the 10 acre parcel. Chair suggested he do lot line adjustments on the parcels and keep 3 lots. He feels since the surrounding lots are RR-10, it would make sense for him to rezone to RR-10. They're not planning to develop a subdivision. He further mentioned water, referring to a well that previously dried up. He stated that the well hasn't dried up this summer, although water usage was heavy. He commented that the three recent homes built up Deep Creek Rd. were smaller than 10 acre parcels.

Member Nance moved to forward a positive recommendation to the County Council for the Stegelmeier Zoning Map Amendment, application number 16.024, changing the zoning district from A-20 to RR-10, based on the findings listed in the staff report dated August 11, 2016.

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.**

Second by Member Ross.

Member Sessions commented that she has great respect for the Area Plans and the opinions put into them. She said the Milton Area Plan recommends this area be zoned RR-10, so she is not opposed to the change.

The vote was unanimous. The motion carried. Chair Haslam noted that he is in favor of the motion.

Administrative:

11. Discussion – Pending Ordinances and Updates

Chair discussed his concern with steep slopes (specifically going straight up and down) being counted toward needed frontage. His concern is that you can't reach the property from a cliff so it shouldn't be counted in the frontage. Bill asked if they should be regulating feasibility.

Chair referred to the Highlands Area. Bill addressed the 25% slope that makes a lot or section unbuildable.

Member Newton talked about Brent Bateman's comments about property rights. He feels the purpose of frontage is for spacing between houses, rather than restricting property owner's rights. He wants to ask more of the "why" questions when changing ordinances. He wants to ensure they're changed or initially made for good reason. As long as someone can access their property reasonably, he feels the frontage requirement should not limit or restrict them from development.

Chair asked former Planning Commission members Dave and Julie Croft (in the audience) for their thoughts on this issue. They thought the frontage requirements were just passed down since the 1970's. Some of the restrictions don't make sense and maybe never have. Bill will modify the definition of frontage.

There was discussion on the intents and restrictions of "frontage". Member Sessions suggested recording a development agreement if there was development outside the zone. They discussed tunnel zoning and how many lots it affects with the depth. There was also discussion about 300

feet required, or what number (200 feet, 300 feet, etc.) refers to which zones. Chair asked if it was clear that you must have 200 feet of frontage within 1 acre lots (RR-1 zone). Member Newton suggested clarifying it in the frontage definition, as it is very unclear on requirements.

Bill asked if there were any other problems or concerns with the frontage requirements in the Code. There are many problems involved with the wording and interpretation. Member Newton suggested being more specific by taking out the first bold sentence and adding “if you meet the frontage requirements of 200 feet in RR-1, 350 feet for RR-5, 330 feet for A-20...”

Bill will revise and bring the changes back for review and a public hearing.

Lots (Section 8-12-43 (E)): There was discussion about the side lines being perpendicular to the street and other percentages, such as 15%, with graphs as shown by Member Sessions. Bill will add “interior side lot lines” to that part. There was additional discussion about the reasonable percentages required. Chair stated that the more specific they can be, the less room for interpretation. They suggested nothing greater than 30% on interior lines.

The exception will be left in. Chair said the exception should come as a recommendation from the County Council.

Expiration of Final Plat: Change to receive a final plat from the County Council and allow for a longer period of time to allow for proper infrastructure, etc. The change will be from 3 months to 12 months. 12 months is a reasonable amount of time for infrastructure to be put into place. Mark Wade (County Public Works) concurred that 12 months was appropriate. Chair wondered what would happen if the lots were not completed and Bill responded that they can't sell lots and make money until platted. Chair suggested changing the wording to “6 months with two additional extensions of 6 months each” to add pressure.

Bill will have corrections and revisions ready to come back to the Planning Commission.

12. Discussion – Commercial Use Table

The Planning Commission members discussed the changes they made individually and then pooled their results together on a combined table for commercial uses they want to eliminate.

Tina Cannon suggested they put in a Gravel Pit Zone and take that specific use out of Agriculture. Chair changed his mind about eliminating a category because it was crossed off by one member. He thinks that suggestion may have been a bit extreme and he'd like to discuss the decisions and reasoning behind them for the first few pages. Chair Haslam and Member Ross will email their results to Gina to be combined with the others'. The next cutoff will be from code 238990 to row 4500 for the next meeting.

13. Planning Commission Business/Questions for Staff

Bill informed about an upcoming Land Use training on October 25-26th in Sandy. There is

another training in Farmington Station the first weekend of October.

Chair addressed complaints where business uses are not allowed where the CC&R's for home based businesses. He feels the County is compounding the problem by issuing a license in the first place. Bill feels the County cannot deny the request, as the involvement of CC&Rs is a State Law, so the County does not enforce. Tina Cannon clarified that the HOA has a hard time enforcing the code, and they want the County to handle the regulation of in-home businesses. Member Newton commented about where the State law comes in and that it's regulated by multiple agencies.

Member Sessions asked where they are in the Resource Management Plan. Bill said the deadline is next April. There is no penalty if late.

Chair asked Member Nance if he was comfortable with forwarding the maps to the County Council before another meeting. Bill will forward the changes to the Planning Commission meetings.

14. Approval of minutes from August 14, 2016

Member Newton moved to approve the amended minutes from August 14, 2016. Second by Member Nance. The vote was unanimous. The motion carried.

Thank you Planning Commission members and Staff. It's been a pleasure.

15. Adjourn

Member Nance moved to adjourn. Second by Member Newton. The vote was unanimous. The motion carried.

Approved: _____ Date: _____
Chairman, Roland Haslam

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