



PLANNING COMMISSION AGENDA
Thursday, February 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

Administrative:

6. Discussion/Decision on Pettit Ranchettes PRUD Plat Amendment 2 - A proposed amendment to the previously adopted Pettit Ranchettes, adjusting a lot line for two of the lots to account for required building setbacks and open space.

Legislative:

7. Discussion/Public Hearing/Decision: Stegelmeier Future Land Use Map Amendment: A request to amend the Morgan County Future Land Use Map for approximately 76 acres of property located at approximately 2035 W Deep Creek Road from the Agricultural designation to a Ranch Residential 10 designation.

Administrative:

8. Discussion on ordinance changes.
9. Discussion on General Plan updates.
10. Planning Commission Business/Questions for Staff
11. Approval of minutes from January 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

Tina Kelley
Ty Eldridge
David Giles
Jason Rose
Brandon Andersen
Pamela Turner
Jameson Harvey
Aaron Stegelmeier
Nicole Peterson

Tracey Harvey
Barbara Thurston
Mark Thurston
Laura Barker
Brett Kimball
Shawn Rose
Gaylene Kimball
Auggie Rose
Bruce Giles

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

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
There were none.
5. Public Comment

Brandon Anderson: He commented about the Stegelmeier Future Land Use Map Amendment and stated he was involved with the Area Plan of the Milton Area about 6 years ago. He understands they are looking to rezone the whole piece of land, including the dry farm. He feels the approval of this item will open up many more questions and problems, including Deep Creek Road maintenance. He would like to see it done in a smart way in the beginning.

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

Administrative:

6. Discussion/Decision on Pettit Ranchettes PRUD Plat Amendment 2 - A proposed amendment to the previously adopted Pettit Ranchettes, adjusting a lot line for two of the lots to account for required building setbacks and open space.

Bill read from the 1997 County Code definition of “common area” which the common area in discussion was created under.

The PRUD ordinance that was in place at that time indicates the following:

The PLANNING COMMISSION may place whatever additional conditions restrictions it may deem necessary to insure development and maintenance of the desired residential character, including plans for disposition or reuse of property if the open space is not maintained in the manner agreed upon or is abandoned by the owners. Where the intent of the master plan and County ordinances are being met to the fullest extent, additional lots may be approved by the Planning Commission and County Commission.

The problem lies where the original land owner had built the existing garage without a building permit, and it lies too closely to the current property line. Now the current owners are trying to make the situation correct with the County code. There was some discussion about the dedication of the easement. Member Sessions commented that the intent of the original ordinance was to include common open space, and this development wouldn't have happened without a section of open space. She commented it doesn't matter to her if they change the shape of the common open space to configure correctly and allow for the garage.

Member Newton and Member Ross questioned the contract in which the garage and open space were created, and the concern to vacate the common open space may create future problems for PRUD's who may want to vacate open space.

Randy Krantz: He clarified the property was a bank foreclosure and the garage was already in place when he bought the property. He commented that if there was no PRUD in place, the situation would meet current County standards.

Chair Haslam suggested moving the red boundary line to accommodate the existing building and all the appropriate acreage. He said the problem is the PRUD and the property's current configuration.

Randy Krantz said they don't have any problem with moving the line and maintaining the same amount of common area there is now. Chair confirmed that the Planning Commission would not have a problem with that. As long as the setbacks are met for the new building, there should not be a concern. Bill stated he can have a new plat drawn up with the corrected lines to maintain the proper acreage. Randy clarified there is not an access point involved to move lines. Basically what will happen is to take open space from the bottom of the property and relocate it at the top of the same lot.

Member Nance moved to postpone this agenda item to allow the applicant time to provide a new corrected plat showing the corrected lot lines. Second by Member Sessions.

Member Ross stated he would support adding the changes to reflect in the conditions of approval before forwarding it to the County Council. Members Wilson, Stephens and Newton supported passing it with a conditional of approval. It was clarified that the green line will stay, as it is the correct distance for the garage. Member Newton suggested passing it as long as the 3.5 acres is configured before being approved by the County Council. He stated it's not necessary how the lot lines are drawn, as long as the acreage stays the same. Member Newton clarified the current application is for a plat amendment.

The vote was not unanimous with Member Nance for and Members Stephens, Ross, Newton,

Sessions and Wilson opposed. The motion failed.

Member Sessions moved to approve the Pettit Ranchettes PRUD Plat Amendment 2, application #14.130, located at approximately 246 W Woods Creek Rd., based on the findings and with the conditions listed in the staff report dated January 28, 2016, with the following additional condition (#5):

Findings:

1. That the proposed amendment is in keeping with the goals set forth in the Future Land Use Map of the General Plan.
2. That the proposed amendment meets the requirements of the Morgan County Code for subdivision plat amendments.
3. That the proposed amendment will have a negligible impact on surrounding properties.

Conditions:

1. That the owners provide an updated title report prior to recordation.
2. That the owners provide a copy of the updated deed restrictions prior to recordation.
3. That all fees and taxes are paid, including any fees associated with outsourced consultants.
4. That any minor changes to the plat be handled by County Staff prior to recordation.
- 5. That the common area be redrawn and remain at 3.5 acres.**

Second by Member Ross.

Member Nance asked if it is exactly 3.5 acres. Bill responded 3.55 acres. Member Newton suggested noting that the acreage stay the same, rather than tie an exact number to it.

Member Nance moved to amend the motion of condition #5 to state that the common area acreage is to remain the same. Second by Member Newton. The vote was unanimous. The amendment to the motion passed.

The motion with amended conditions now read:

Member Sessions moved to approve the Pettit Ranchettes PRUD Plat Amendment 2, application #14.130, located at approximately 246 W Woods Creek Rd., based on the findings and with the conditions listed in the staff report dated January 28, 2016, with the following additional condition (#5):

Findings:

1. That the proposed amendment is in keeping with the goals set forth in the Future Land Use Map of the General Plan.
2. That the proposed amendment meets the requirements of the Morgan County Code for subdivision plat amendments.
3. That the proposed amendment will have a negligible impact on surrounding properties.

Conditions:

1. That the owners provide an updated title report prior to recordation.
2. That the owners provide a copy of the updated deed restrictions prior to recordation.
3. That all fees and taxes are paid, including any fees associated with outsourced consultants.
4. That any minor changes to the plat be handled by County Staff prior to recordation.
- 5. That the common area be redrawn and the common area acreage to remain the same.**

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

The applicants understand what they need to do to have lot lines redrawn to accommodate setbacks and will make the necessary changes as soon as possible.

Legislative:

7. Discussion/Public Hearing/Decision: Stegelmeier Future Land Use Map Amendment: A request to amend the Morgan County Future Land Use Map for approximately 76 acres of property located at approximately 2035 W Deep Creek Road from the Agricultural designation to a Ranch Residential 10 designation.

Bill introduced the application, showing the current zoning of RR-10. He showed the property is divided in half, with one half in the RR-10 zone and the other half in A-20. He is pursuing RR-10 for his whole property. There are roughly 76 acres to divide into 10 acre lots, meaning a potential of 7 new homes/lots. Bill stated the current Future Land Use Map reflects what the local people desire and noted there are letters from concerned neighbors attached to the Staff Report.

Aaron Stegelmeier: He stated his purpose is to build a home on the property and provide the possibility to his children for a future home site and also sell a few additional lots. He pointed out on the plat map the neighboring zoning and showed where possible lot lines may lie. He would like to pursue geological studies and access for future development. He wants to have the 10 acre capabilities that his adjacent neighbors do. He stated a possibility of 5 different lots. There is an existing home that would stay with one of the proposed 10 acre lots. He stated he is trying to sell his current home, and will then move to the vacant home to allow him to build in the near future.

Member Sessions asked if Mr. Stegelmeier had considered submitting a rezone application for the front portion of his property. He said he decided to propose an amendment to the FLUM.

Public Hearing:

Pamela Turner: She owns an 1120-acre dry farm adjacent to the Stegelmeier property. She gave some history about her family's farm and the water associated with it. There is no thoroughfare of water for their farm but they were granted permission to use several springs to provide water for cattle and crops. Her concern is that with 7 more homes in that area, they will need water rights and wells. The aquifer associated with those potential lots are different than that associated with her farm, and those future homes would significantly impact the springs that spontaneously provide her dry farm with water.

David Giles: He has a concern about the property line along Deep Creek Road. He is not sure exactly where the property lines lie, as he understands there is roughly 1000 feet in question.

Jamie Harvey: He owns property adjacent to the Stegelmeier's. He is concerned with the Deep Creek fences along the road, road shoulders, and increased density with the development of 7 additional homes. He doesn't feel the area is quite ready for the proposed changes.

Ty Eldridge: He provided a letter in opposition to the 7 additional residences.

Bruce Giles: He informed Planning Commission members that the existing home was built around 1996.

Laura Barker: She lives northeast of the proposed changes. She is concerned with additional traffic and water usage.

Brett Kimball: He is also associated with Clark's Feed and Seed. He's concerned with the road infrastructure and feels it's too small an area for increased development, as well as water.

Shawn Rose: He expressed concern for safety on Deep Creek Road, flooding, fire and the outlet in case of an emergency.

Gaylene Kimball: She stated the present well has dried up in the past and is concerned for the impact on water that 7 additional residences will make. She owns property next to the Stegelmeier's.

Mark Thurston: He explained his family's involvement with farming surrounding Deep Creek Road. He shared the same concerns about traffic safety and road shoulders. He is opposed to building more homes on the road with the condition it is in.

Pamela Turner: She stated the land above Deep Creek was purchased by a developer who desired to rezone to RR-10 but was denied.

Auggie Rose: He expressed concern with putting more people on the road and safety.

Jason Rose: He uses the Deep Creek Road for agricultural purposes. He expressed his irritation with people who are annoyed with wildlife sightings out their windows.

Nicole Peterson: She is worried about road safety, teenage drivers and kids waiting for the bus on the narrow road.

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

Chair clarified that both sides of the road (Deep Creek) are RR-10. Member Newton asked about the acreage on the FLUM and Bill responded roughly half of the property lies in the A-20 zone but he doesn't have the exact numbers. Bill further stated that if the property is not going to support 3 more homes, for acreage or water or anything else, he (Mr. Stegelmeier) won't be able to build 3 more homes. The concerns addressed tonight should be considered in the recommendation for approval.

Member Sessions moved to forward a negative recommendation to the County Council for the Stegelmeier Future Land Use Map Amendment, application number 16.002, changing the designation from Agricultural to Ranch Residential 10, due to the following findings:

Findings:

- 1. That the proposed amendment is not in harmony with future land use planning efforts.**
- 2. That the anticipated development will adversely impact the adjacent properties.**

Second by Member Newton.

Member Nance asked about changing the FLUM to reflect changes similar to those changes made at the Round Valley Golf Course. Member Newton replied that the surrounding land owners were in agreement with the Round Valley development and had their support and involvement.

Member Sessions noted that the area plan took into consideration the current road conditions when the RR-10 limitations were recommended.

Member Stephens pointed out that Deep Creek used to be a dirt road and commented on its narrow condition. He doesn't feel they're denying the landowner the right to develop, but rather the proposed changes do not fit into the current Area Plan. Member Wilson stated that neighboring complaints ought to be respected. The negative recommendation tonight is supported by the adverse effects for surrounding property owners.

The vote was unanimous. The motion passed.

There was a 5 minute recess.

Administrative:

8. Discussion on ordinance changes.

Bill gave an update on the driveway discussion previously addressed, and included that the County Engineer and Public Works employees are all in agreement. The fire requirements match the regulations, as reviewed by the County Engineer. There was discussion on possibly removing the restrictions on driveway width. Bill said he will eliminate the language about maximum width concerning driveways in the ordinance. They also discussed drainage and driveway length per recommendations made by the County Engineer. Bill stated these items have been noticed for a public hearing for the next meeting.

9. Discussion on General Plan updates.

Bill showed the map for the General Plan Update – FLUM and emphasized the importance of this major undertaking. He stated that the plan itself calls for a serious overhaul periodically. Round Valley was discussed, with its two accesses. Also, how often the General Plan, or at least a review of it, ought to be updated. Member Stephens asked if the different areas will have their own plan or if it will be an entire Morgan County area. Gina clarified that in past meetings, those who make the effort to attend meetings and have opinions on certain items, they can weigh-in on things to be changed from the vision. Member Newton suggested asking residents of the individual communities for comments contributing to the current respective area plans.

There was discussion about letting the local residents decide for their own areas, rather than the Planning Commission making universal decisions. Gina questioned whether residents will come for an educational class, if one were offered. Member Newton noted that each Planning Commission member represents their own area of the County and wondered what the best way is to discuss with people in their respective areas. Member Nance suggested advertising changes in certain areas and ask for the community's response.

The Planning Commission members began by reading the Morgan County Vision Statement from the General Plan and discussed whether the current "vision" is appropriate and applicable. The definition of "rural" was discussed and rural lots vs. rural atmosphere. Member Sessions decided to discuss the Morgan County Vision under the Vision Statement and end discussion for the night. Member Ross stressed the importance of using words carefully to create and express County values.

10. Planning Commission Business/Questions for Staff

Member Nance suggested the Planning Office mail his copy of the Planning Commission packet the week before meetings. Chair also requested a copy be mailed to him.

Bill mentioned upcoming training opportunities in Layton.

Chair asked Members Stephens and Wilson if they plan to continue their positions on the Planning Commission. Both said they would stay.

11. Approval of minutes from January 28, 2016

Morgan County Planning Commission Meeting minutes

February 11, 2016, Approved Feb 25, 2016, FINAL

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Member Newton moved to approve the amended minutes from January 28, 2016. Second by Member Nance. The vote was unanimous. The motion carried.

12. Adjourn

Member Stephens moved to adjourn. Second by Member Nance. The vote was unanimous. The motion passed.

Approved: _____ Date: _____
Chairman, Roland Haslam

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