



PLANNING COMMISSION AGENDA
Thursday, March 10, 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 of Poverty Estates Small Subdivision Concept Plan – 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.
7. Discussion on an amendment to the Land Use Ordinance – Section 8-5C-3 (Land Use Table – Crematoriums)
8. Discussion on an amendment to the Land Use Ordinance – Sections 8-8-4 through 8-8-8 (Conditional Use Performance and General Standards and specific use standards)
9. Discussion on amending the official Zoning Map to reflect the recently adopted zoning districts
10. Discussion on General Plan updates – Population Estimates.
11. Planning Commission Business/Questions for Staff
12. Approval of minutes from February 25, 2016
13. Adjourn

Members Present

Gary Ross
Debbie Sessions
Roland Haslam
Larry Nance
Michael Newton
Steve Wilson

Staff Present

Bill Cobabe
Gina Grandpre
Mickaela Moser

Public Present

Tina Kelley
Tina Cannon
Kent & Cindy Carter
Darin Hawkes
Emily Cox
Beau Peterson
Lisa Wood
Katie Petersen
Gretchen Flitton

1. Chair Haslam called the meeting to order and welcomed those in attendance. Member Newton offered the prayer. Chair Haslam excused Member Stephens.
2. Pledge of Allegiance
3. Approval of agenda
Member Nance suggested discussing items 7 and 10 together and moving item 8 up.

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

4. Declaration of conflicts of interest
There was none.
5. Public Comment
There was none.

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

Administrative:

6. Discussion and Decision of Poverty Estates Small Subdivision Concept Plan – 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 summarized the applicants have provided the required information. They combined frontage into Lot #2 and provided access easements for Lots #1 and #3. There was a list in the Staff report with those previous outstanding items, including contours. There were no further questions for the applicant or Staff.

Member Newton moved to approve the Poverty Flats Estates Subdivision Concept Plan, application number 15.068, 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 March 10, 2016.

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 applicable zoning regulations.
4. That the developer will install any requisite infrastructure, including roadways, water lines, etc.
5. That the proposal is not detrimental to the health, safety, and welfare of the public.

Conditions:

1. That all outsourced consultant fees are paid current prior to final plat recordation.
2. That the required front, side and rear public utility easements are identified on all lots within the subdivision.
3. That proof of culinary shares/rights (800 gallons per day) and irrigation shares/rights (3 gallons per minute) are provided for each lot at preliminary plat application.
4. That all requirements and concerns of the County Engineer are met during the preliminary/final plat approval stages.
5. That the requirements of the County Surveyor are addressed.
6. That all proposed utilities provide a will serve letter indicating their willingness to serve the property in a manner that complies with County ordinances.
7. That approval of the sewage disposal mechanism is provided by the Weber-Morgan Health Department with preliminary plat submittal.
8. That all other local, state, and federal laws are adhered to.

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

7. Discussion on an amendment to the Land Use Ordinance – Section 8-5C-3 (Land Use Table – Crematoriums)

This agenda item will be tabled until 7 pm. (It is currently 6:48 pm). Discussion went to agenda item #8.

There was an individual who said he would like to attend the discussion but was not currently present at 7:00 pm. It was decided to table this item again until 7:20. Those in attendance were in favor of waiting to see if he would join them. The discussion resumed to agenda item #8 until 7:20 pm.

7:20 pm: Bill read from the County code about different zoning areas, stating that crematoriums are listed under C3 in Light Manufacturing. He stated another option is to remove the category, but it would also remove cemeteries within commercial areas. Member Nance stated that a crematorium does not belong anywhere in Morgan County, as it emits pollution. Member Sessions stated there are several thousand possible uses that emit pollution. Bill rebutted that driving a car emits pollution. Chair clarified that the issue really isn't pollution, but the crematorium itself. Member Ross commented that he feels this is a band-aid for the land use ordinance and would like to take more time for review of the map and potential businesses.

Member Newton remarked that changes and issues will arise that will call for a fix or attention after the fact; but they do their best for the majority of foreseeable issues. Chair commented that the applicant is somewhat vested under the current Code, where he applied when his business was acceptable under permitted uses. Chair contacted the County Attorney Jann Farris for legal direction. Member Sessions said she thinks a crematorium belongs under Industrial, not Light Manufacturing. Chair Haslam looked ahead to a possible application for a potential funeral home and crematorium and wondered if there would be any ground gained. Or a pet food plant where there would be considerable odor and pollution. Direction from the County Council was not to repeal the Land Use Table, but to address concerns as they arise. Member Ross suggested that Planning Commission members learn a lesson from this and take a second look at the things that've been approved so far for a review. There is no current specification for human or pet crematorium and Bill said that could be a condition the County decides.

There were 6 people in attendance for discussion on the crematorium. Chair asked their opinion.

Gretchen Flitton: She's been teaching dance in Morgan for 50 years. She is concerned about Mercury poisoning or any toxic emissions for her or the dance kids. She has been asked whether she'll continue to teach dance with a crematorium on her doorstep.

Lisa Wood, lives on Cottonwood Canyon Rd: She is against the location with dancing children nearby. She suggested the Browning building, but is against.

Emily Cox: Her husband works in the dental lab, right next to the proposed crematorium. She doesn't know much about it but she doesn't think this is the right tenant for the location. She feels the crematorium doesn't fit the County.

Darin Hawkes: He went to see an operation at the crematorium. His concerns after seeing an operation is the smell and possibly the toxins. He doesn't believe the numbers/data shared at the previous Planning Commission meeting were entirely accurate. He is not opposed to the crematorium in the County, but would like to see a different location that doesn't share common walls with another business. He smelled a distinct, odd smell but the smell shouldn't travel beyond ½ block. He believes an Industrial zone is more appropriate.

Tina Cannon: She is concerned about monitoring pollutants. The County does not have a way to mitigate.

Tina Kelley: In meetings she's attended in other Counties, they don't distinguish between pet and human crematoriums.

Chair Haslam proposed the question: Where do we put this? Jann Farris (County Attorney) is supposed to clarify the stage at which the applicant is vested. Member Sessions proposed calling a moratorium until standards are in place. Bill replied that they are only appropriate in a lack of infrastructure or during a General Plan update, so it may be legally defensible. But a moratorium would not allow anyone to bring an application forward. It was stated that the problem lies not with the standards, but the zoning map, as there is no appropriate location with the currently approved commercial uses. Member Ross suggested removing future potential businesses that

would harm local citizens with pollution. Where there is no possible way to mitigate pollution, the County doesn't want to deal with businesses that emit pollution they can't measure or mitigate. Bill stated that he passed along the data he received from the applicant concerning pollution.

Member Newton suggested they strike any and all crematoriums from the County (pet and human), from the expanded specified uses in the Land Use Ordinance Text Amendment. The other members were in agreement. It was decided to strike animal cemeteries, cemeteries, columbariums, crematories and mausoleums from that same Land Use Ordinance Text Amendment – Use Table. Permitted uses that remain are cemetery management services and cemetery associations.

There was a 3 minute recess.

8. Discussion on an amendment to the Land Use Ordinance – Sections 8-8-4 through 8-8-8 (Conditional Use Performance and General Standards and specific use standards)

Bill stated that 8-8-6 is currently in the County Code but is an illustration of what has happened in the past. He hoped to go through point by point and discuss each point individually. It was decided to get the conditional use standards done and then move forward. It was mentioned that both the standards and the map zoning changes need to be completed. Chair Haslam commented that he would like the chance to read through each point on his own and discuss in two weeks. Member Newton suggested putting a time limit or grouping limit on discussion. The issue is more on the applications of the standards, rather than the standards themselves, although they need to have attention also. Specifically air quality and noise need to be addressed tonight. Bill feels the reference to odor control is too vague and would like suggestions to clarify for future business applications.

8-8-4:

A.2. There was discussion on the words “adjacent” to property and what you can require your neighbors to improve upon. Bill reworded the current jargon to read “the conditions shall apply only to the applicant’s property”.

7:00 pm. Discussion returned to agenda item #7. The person who had wanted to participate in discussion was not present so the discussion continued on the current topic until 7:20 pm.

A.4. and 5. Bill cross-referenced to make sure there was no conflict with the sign ordinance.

A.8. Possibly adding driveway or other access. Member Sessions questioned that because it will be used in commercial zoning, not residential. Gina clarified that conditional uses could have residential driveways being used for commercial access. Chair Haslam felt these issues needed to be addressed with the County Engineer, not necessarily the County

as a whole. Bill reminded that these items are only used for conditional uses, not applications in general. Chair commented that if the conditions are met for safety within a residence, it should also meet safety for commercial. Bill suggested removing 8 and it was agreed upon.

7:20 pm. Chair decided to go back to agenda item #7.

8:44 pm. Chair resumed the meeting on this agenda item.

A.10. Member Newton wondered if having the etc. in the wording would create problems. It was decided the vagueness was necessary.

A.11. Bill thought it was a bit too vague. Chair Haslam changed 'numbers' and 'types' to 'number' and 'type'. Bill recommended including Public Works Director or County Engineer, or to somehow base it on a determination. It was decided to leave it vague for the moment and if a traffic study was needed, it can be required.

Member Newton brought up the fact that the proposed crematorium doesn't really mix with the other businesses currently operating in the business park in Mountain Green, ie. dance studio and dental office. It may not fall under a condition of safety, but the sanitation concern doesn't feel like a good fit. There was discussion on conditions to put in place for conditional uses for a secure environment.

A.13. Bill will provide wording for physical security--site, personal and building security.

8-8-5 through 8-8-8 will be discussed at a future meeting.

9. Discussion on amending the official Zoning Map to reflect the recently adopted zoning districts

Map 1. Commercial Highway and General Commercial zones make sense by the freeway. Neighborhood Commercial makes more sense by the Bed and Breakfast in Mountain Green.

Map 2. The zones Commercial Highway, Commercial Buffer, Business Park, Light Manufacturing and other commercial zones on Map 2 were discussed. Some of the areas discussed have the chicken or the egg adage; what should happen first, the table allocation or the placement on the map? Member Newton suggested designating that area in Mountain Green a Business Park and tighten up the uses attached to the Business Park.

Map 3. Petersen: BP and GC. Member Sessions will contact the local businesses.

Map 4. East Canyon: GC.

Map 5. Taggart/Croydon: GC.

Chair suggested looking at the proposed Business Park and coming up with some ideas for uses

for the next meeting.

10. Discussion on General Plan updates – Population Estimates.

Bill displayed the slope map, stating 2/3 of the County is unbuildable because of the steep terrain. However, the numbers listed on the population estimates do not reflect those circumstances.

11. Planning Commission Business/Questions for Staff

Member Nance stated 50% of the County's population lives in Mountain Green. Bill gave information on upcoming trainings.

12. Approval of minutes from February 25, 2016

Member Sessions moved to approve the amended minutes from February 25, 2016. Second by Member Ross. The vote was unanimous. The motion carried.

13. Adjourn

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

Approved: _____ Date: _____
Chairman, Roland Haslam

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