



MORGAN
C O U N T Y
PLANNING COMMISSION AGENDA
Thursday, April 14, 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 Elysium Pet Services Conditional Use Permit (Postponed from February 25, 2016 Meeting) – A proposed conditional use permit to allow for a pet crematorium in the Business Park Zoning district, located at approximately 4090 W 5800 N, suite C in Morgan, Utah.

Legislative:

7. Discussion/Public Hearing/Decision: Land Use Map Amendment – Various Land Use Management Code Amendments
8. Discussion/Public Hearing/Decision: Land Use Management Code Amendment – Revision of the Commercial and Industrial Use Tables (Section 8-5C-3), to remove allowance for crematoriums
9. Review Conditional Use Standards: MCC Section 8-8-4 and 8-8-5

Administrative:

10. Discussion on changing the zoning in Mountain Green.
11. Planning Commission Business/Questions for Staff
12. Approval of minutes from March 24, 2016
13. Election of Chair and Vice Chair

14. Adjourn

Members Present

Staff Present

Public Present

Morgan County Planning Commission Meeting minutes

April 14, 2016, Approved May 12, 2016, FINAL

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Gary Ross
Debbie Sessions
Roland Haslam
Larry Nance
Steve Wilson

Bill Cobabe
Gina Grandpre
Mickaela Moser

David Browning
Darlene Musselman
Ron Musselman
JoAnn McClune
Dennis McClune
Vivian Nance
Mike Lowder
Jessica Halls
Dion & MaryAnn Dostaler
David Ferrin
William O'Malley
Simmeron Wardell
Beau Wilkins
Emily Cox
Melinda Patterson
Kirk McGary
Byron Holman

Buffy Johanson
Russell L. Nance
Tina Kelley
Carolyn Morrison
Rainy Miller
Lisa Wood
David Halls
Tara Ferrin
Glenna Smith
Shawn Miller
Deb Roman
Matthew Patterson
Chris Anderson
Ray Allen
LaNell Butterfield
Steven Ford

1. Call to order – prayer. Chair Haslam opened the meeting. Member Ross offered prayer.
2. Pledge of Allegiance
3. Approval of agenda –
Member Nance moved to approve the agenda. Second by Member Ross. The vote was unanimous. The motion carried.
4. Declaration of conflicts of interest
There was none.
5. Public Comment –
Chair clarified that during this public comment, this is the time to make known any concerns about the pet crematorium.

Matthew Patterson: He wondered what the County is going to do about the zoning to protect Mountain Green from potential problems. He also wondered about the neighboring facilities with the pet crematorium. He believes the smells will permeate those surrounding services, including the dance studio and syrup factory.

Tina Kelley: She said she went on the tour for the pet crematorium. She is concerned for residents and other businesses nearby. Other crematoriums she has visited are housed in separate buildings and she believes a wall between the crematorium and other businesses will not protect them from the adverse smell.

Emily Cox: She is the “other business” which is next door to the proposed pet crematorium location. She owns the dental lab and supports local businesses, but would like to see the current kinks concerning zoning worked out for business applicants.

Erica Lowder: She attends the adjacent gym next to the proposed pet crematorium and she has noticed gaps in the ceiling that join the businesses. She is concerned the air will be shared with

surrounding businesses and be detrimental to those involved.

Beau Wilkins: He wanted to add his voice as a concerned resident to what has already been said. He supports development and local businesses, but is not in support of the particular pet crematorium.

Chris Anderson, owner of the building. He is looking to rent to Mr. Ford, the applicant for the pet crematorium. He found no smell or sound that could conflict with anyone, but he is concerned for surrounding businesses. He found no ventilation between the two buildings.

Carolyn Morrison: She has been affected by pollution and would like the planning commission to consider denying any businesses that pollute the air. She is very concerned with declining health situations stemming from pollution.

Vivian Nance: (no relation to Larry Nance, current planning commissioner). She is strongly opposed to the proposed pet crematorium. Her main concern is how emissions will be regulated, as the applicant has submitted a letter of exemption from regulation of air quality.

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

Administrative:

6. Discussion and Decision of Elysium Pet Services Conditional Use Permit (Postponed from February 25, 2016 Meeting) – A proposed conditional use permit to allow for a pet crematorium in the Business Park Zoning district, located at approximately 4090 W 5800 N, suite C in Morgan, Utah.

This was a previously postponed item but the map still has not been adopted and Bill suggested possibly postponing again until the map can be officially adopted. Member Wilson asked if Bill was familiar with any definitive data concerning crematoriums in general. Bill responded that studies concerning pet crematoriums have shown that particles being emitted from burning are not a concern. The air quality becomes affected with mercury burning, from fillings in teeth (present in humans but not in pets). He said that if local residents present evidence that cannot be mitigated, the County may make a decision based on those concerns.

Member Nance stated that Mr. Ford's letter of exemption is 4 years old and Bill replied that he has requested an updated letter.

Member Sessions commented that her concerns involve zoning. The current zone for the application is Commercial Buffer, which does not support crematoriums.

Steven Ford, applicant: He asked the intent of the map. Member Sessions replied that there is no current Business Park zone anywhere in the County. He doesn't understand how, when he applied for the business, his application was approved but now there is discussion that his crematorium doesn't fit the area. He feels they are planning the map around him, trying to exclude his business from being implemented. He feels he is being discriminated against. He is paying rent on two different locations while waiting for the planning commission to come up with enough reasons to prevent him from coming. Three months have come and gone and he feels this is discriminatory and malicious. His understanding is that he applied when this was an allowed business, but now he feels the planning commission is backpedaling and maliciously trying to prevent him from proceeding with establishing his business by changing zoning names or using the

unfinished zoning map as an excuse to switch things around so he is left out. He stated the permit for air quality is voluntary, which he has done, although it's not something he must comply with at his level of operation. He requested an answer and decision from the Planning Commission tonight, and not to postpone their decision.

Member Sessions moved to forward a negative recommendation to the County Council for Elysium Pet Services Conditional Use Permit, application #16.003, located at approximately 4090 W 5800 N, allowing for the installation of a pet crematorium, and also recommend that the County Council return the paid fees to the applicant, based on the following findings:

- 1. That the current zone for the application is Commercial Buffer and not Business Park as stated on the Planner's Report.**
- 2. That crematoriums are not an allowed use in the Commercial Buffer zone.**
- 3. That the fees paid to the County be refunded because the County incorrectly received and processed the application for a use not allowed in the current zone.**

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

Legislative:

7. Discussion/Public Hearing/Decision: Land Use Map Amendment – Various Land Use Management Code Amendments

Bill stated that they are amending this back to what was previously in place. Chair Haslam wondered where they removed the old Commercial Use Table. Member Sessions stated there are two tables. Chair suggested taking the new one out, leaving the old one in place. When the new map is in place, they can match the two. Bill said he will ensure the updated map makes it to the County Council in that format. Chair clarified there will be a public notice for additional discussion on changes to the new zoning map. Bill clarified that this process is "tweakable". There was discussion about code 8-3-C and currently approved applications, as initiated by Member Nance. Member Nance stated that there are some unintended (and some intended) consequences from some of the permitted uses with the many different codes. Member Nance asked for additional guidance on certain codes. Chair Haslam explained for the public that they are requesting a public hearing for concerns relating to the map, standards, and zones. They all need to be approved at one time. Someone from the audience asked if there will be another public hearing. Chair responded that once they provide a new map with current standards and zoning, there will be another public hearing for anyone to participate. Chair explained the current situation with the map and those in attendance expressed their concerns with the map in Enterprise and Mountain Green. Chair asked for public input for making any changes as to what they want to see in their respective areas. He further clarified that many of the approved uses were put in place long before many of them moved in.

Public Hearing:

Member Ross stated he is still somewhat confused with the process. He explained to the public that the planning commissioners have been working on the Commercial Use Tables and allocating specific zones (Business Park, Commercial Buffer, etc). Chair stated they wanted to get the table approved and proceed with the map, but there was a miscommunication with the County Council who approved the entire thing

and now they must go back and fix it.

Bill pulled up the zoning map in Mountain Green and elaborated on the locations of the current zoning areas.

Bill O'Malley: He commented that many people are here tonight to talk about CUP (conditional use permits) in Enterprise. He brought a book from 1980, stating that it contains the only formal application on file for asphalt mining from Geneva Rock. He passed out documentation stating there were never any conditions placed on them and their property. Geneva Rock has put up a 40 foot tower and surrounding neighbors are not happy that they can do whatever they want because they have NO conditions on their land.

Melinda Patterson: She asked why the Commercial Use Table was changed April 1, 2016, to allow for crematoriums. Chair Haslam clarified they have been asked by the County Council to streamline applications for potential future businesses. Chair said pet crematoriums were allowed in the previous table but in a different zone.

Tina Kelley: She is a Mountain Green resident. She stated that at no time did she hear at any meeting (Planning Commission or County Council) of an adoption of a map. She thought it was a universal understanding that all three (map, standards, zoning) would be adopted at the same time. She feels the process was not followed and the intent is always to adopt all three at the same time. She feels horrible for the applicant who applied and has been denied.

Ron Musselman: He suggested that all conditional use permits be mitigated or looked at periodically. He also suggested that no permits be allowed to be grandfathered.

Darlene Musselman: She referred to Envision Utah concerning what they did or did not want in the community. She was not aware there was an asphalt plant mentioned. She wants to be on the committee to review commercial use codes. She wants to review the codes for asphalt plants and crematoriums.

Dave Ferrin: He asked if they will make changes to the table. Chair responded in the affirmative. He said he'd like to be involved.

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

Member Nance moved to remove the prior Commercial Use Table that the County Council approved on February 2, 2016 and revert back to the original table that coincides with the zoning maps. And remove the allowance for crematoriums and changing the sections 8-5C-1 and 8-5C-2 back to what they were before.

Member Nance withdrew his motion.

Member Nance moved to remove Sections 8-5C-1, 8-5C-2 and 8-5C-3 that were adopted Feb 2, 2016 by the County Council and revert back to the original Commercial Use Table that coincides with the zoning maps. And remove the line item allowance for crematoriums.

Second by Member Sessions.

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Chair suggested making the removal of the line item a separate motion, as the County Council may not want to remove the crematorium.

Member Nance amended his motion to remove the part to remove the crematoriums. Second by Member Sessions. The vote was unanimous. The motion carried.

The new motion reads:

Member Nance moved to remove Sections 8-5C-1, 8-5C-2 and 8-5C-3 that were adopted February 2, 2016 by the County Council and revert back to the original Commercial Use Table that coincides with the zoning maps.

The vote was unanimous. The motion carried.

8. Discussion/Public Hearing/Decision: Land Use Management Code Amendment – Revision of the Commercial and Industrial Use Tables (Section 8-5C-3), to remove allowance for crematoriums.

Public Hearing:

There was none.

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

To be clear, this item is being removed from any and all commercial use tables.

Member Nance moved to make a recommendation to the County Council to remove crematoriums from 8-5C-3. Second by Member Ross. The vote was unanimous. The motion carried.

9. Review Conditional Use Standards: MCC Section 8-8-4 and 8-8-5

Member Nance moved to add public comment to this agenda item. Second by Member Wilson. The vote was unanimous. The motion carried.

Chair Haslam stated this is for all conditional uses in all zoning areas. He welcomed all thoughts and suggestions from those in attendance.

Public Comment:

Ray Allen: He suggested enforcing rules and conditions on incoming businesses.

Bill O'Malley: He agreed with that comment. He would like to consider much stronger conditions, more robust and strict guidelines for potential businesses. He referenced Sandy City as having a good set of

robust standards. He suggested adding property values to the list of conditions, and eliminating spot zoning. His list includes an operating schedule, noise control plan, water source control plan, air pollution plan. He is confused as to why Morgan County has put a major development in a gravel pit. Member Sessions asked if he had looked at the conditions listed in the County Code. She suggested he write additions or suggestions and leave them with Bill for the planning commissioners to review. Mr. O'Malley has called many times to his Council representative and the County Attorney, and has been shut down several times. He stated that the County Attorney's seat is always empty and Mr. O'Malley feels the people are not well represented by him (the County Attorney), in addition to their rights being violated by Jann Farris's (the County Attorney) neglect of their concerns. He wants these new changes to be retroactive, not allowing the existing businesses be grandfathered in the system to be exempt from current or future standards or conditions, particularly Geneva Rock.

Kirk McGary: Concerning the standards, they must consider volume. He said the Geneva plant wants to produce 500,000 tons, 10 times more than their current production. Within the last 90 days, traffic has increased drastically and their roads are broken up.

LaNell Butterfield: She added safety to where the bus picks up kids on Old Highway Road, in addition to volume.

David Browning: He asked if A-20 allows for mining, commercial production of asphalt, and gravel pits. Bill read from the code of what is allowed in A-20. He recommends changing that definition in A-20 so as to not disrupt the mountain views from air pollution.

Buffy Johanson: It seems gravel pits and their accessory uses are never-ending. She feels Bill should enforce and visit the conditional use permits himself.

Ray Allen: He is concerned about the side effects (namely cancer) that those in proximity to gravel pits are exposed to pollutants. He accused the planning commission of not caring for residents in the County. Chair Haslam rebuked him that that statement was not true.

Rainy Miller: She would like to have the standards re-evaluated. She has lived right across the street from the Geneva gravel pit for 20 years. She has severe asthma. Her understanding is that their original conditional use permit was temporary. The County has no enforcement or monitoring on that production. She and her neighbors are upset their air quality has deteriorated as well as their property values. She petitioned the Planning Commission to care about them as people and home owners. She cannot open her windows at night to cool off her home and breathe fresh air, because of the production coming from the plant.

Glenna Smith: She has lived all over the country and found the perfect place to live 13 years ago in Morgan. She said she had solar panels put on her home and it took 3 months to approve, as compared to 2-3 days in other locations. She feels her house value is declining because of the gravel pit that won't go away.

Byron Holman: He does not want to attract future businesses that can evade regulation or have lax rules, because he feels that is what is allowed in Morgan County.

Carolyn Morrison: She encouraged everyone to fight for the clean air quality; don't leave and move somewhere else. She explained the declaration of her subdivision (similar to a Home Owners Association) has suggestions that the County residents can benefit from if implemented Countywide. Her suggestions for updated Standards are tougher regulations and police officer enforcement.

Member Ross commented that the planning commissioners live here too and are very concerned with their issues and problems. He stated that the public should continue their passionate pleas to the County Council, which is the governing body. The Planning Commission is the advisory council. Member Nance added that they should attend the County Council meetings in force, as they are tonight.

JoAnn McClune: She is part of a retired military family and stated the road conditions that lead to the I-84 entrance are horrible. She also has complaints about Geneva Rock and whether their production is all about money.

Deb Roman: She commented that Enterprise is zoned Agricultural and she feels many of the conditional uses allowed in A-20 do not comply with the green fields, farms, etc. that she envisions as being a part of an agricultural zone.

Ron Musselman: In Enterprise, he suggested when those who reapply for conditional use permits also be required to repair the roads or pay for road damage.

Darlene Musselman: She commented on the County Code 8-8-4: Conditions relating to safety, persons and property. She suggested calling for a review of a CUP at this point. She presented a review of conditions: part of which she suggested NO flood lights. Member Sessions clarified that lighting can be restricted. Mrs. Musselman also suggested an impact fee for the roads. Chair Haslam suggested Mrs. Musselman submit her list of changes to County standards and conditions to Bill for their review and consideration.

Simmeron Wardell: He wondered if any and every business has to comply with these County standards. The reply was yes, it applies to all businesses. He commented that many businesses have helped out the community in several different ways and are very beneficial. He doesn't want the standards so restrictive that businesses won't want to come.

Shawn Miller, Enterprise resident. He stated, "If a CUP is issued with conditions, have someone enforce it." He has a CUP on his property and he's never been checked for compliance. He has horses and would like to see restrictive hours of operation.

Rainy Miller: She wonders if the Planning Commission has the standard for monitoring. Member Sessions responded that it will be clarified, as well as road repair and monitoring.

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

Member Nance asked about the permits issued to Geneva. Bill said they have a time limit permit and the area is mined out. There is grading going on which is currently being addressed. The second permit issued was in the mid-1980s and the County does not have a letter. Permits back then were a yearly renewal. Bill discussed the pros and cons of having a yearly renewal for businesses. There were also permanent CUPs issued for those who would not have to renew. The intent of the Planning Commission back then was to not restrict the expansion or alteration. He also stated that the Conditional Use Permits run with the land, and transfers in a sale of property. There is a fee associated with the price of the land to allow for continued use.

There was a 5 minute recess.

Administrative:

10. Discussion on changing the zoning in Mountain Green.

Member Sessions suggested reviewing standards for excavation. Member Sessions commented she would like to form an ad-hoc committee to address zoning in Mountain Green. She has suggestions of who should be a part of this committee, including property owners, long-term residents, as well as newer residents. She would like to refer this agenda item to a committee. This would address the concern of A-20 being changed in areas to Rural Residential zones. The committee would report back to the Planning Commission on proposed changes to the zoning map. Bill recommending discussing the potentially involved parties offline. Member Nance asked if this committee would discuss residential or commercial zoning. Member Sessions stated Agricultural and Commercial zones. Bill and Member Nance both stated that members of this particular committee should be stake holders of Mountain Green, not the Porterville, Peterson or any other area. Member Nance further clarified that they should be registered voters of Mountain Green. To be clear, this is not the Mountain Green Area Plan or Envision Morgan, or anything else.

It was discussed that the Planning Commission would not proceed with changes to the area maps until after the Mountain Green subcommittee has met and made their recommendations.

Member Ross moved for the Planning Commission to form a Mountain Green sub-committee to specifically address immediate zoning concerns in Mountain Green, with a target date of the last week in June to have recommendations for the Planning Commission. This sub-committee should consist of property owners and stake holders of Mountain Green. Member Ross will be the head of the committee.

Second by Member Sessions.

There was some discussion as to who will be on the sub-committee. This will be discussed at a later time, as well as discussion on a minimum number of participants.

The vote was unanimous. The motion carried.

11. Planning Commission Business/Questions for Staff

Bill will be leaving the Country May 24- June 12 and has a few calendaring issues to discuss. There was some feedback discussed from the conferences attended by several planning commissioners. Bill said May 12th at 5:00 pm would be a joint meeting with the County Council. Member Nance directed Bill to confer with the County Attorney about emissions and businesses, to address air quality concerns.

Bill said the Planning Commission may continue with the regularly scheduled June 9, 2016 meeting without his presence. That decision will be made at the next meeting.

Member Ross asked, "Why are gravel pits allowed in A-20?" Bill responded that they are site specific but times and values change to reflect changing needs. Member Ross proposed changing or adding additional zones. Member Ross suggested the Mtn. Green Sewer Improvement District and Mtn. Green Fire District

as being the boundaries for the area in question. Snow Basin will be included in the Fire District, but not Sewer. It was changed to consider the area included within the Fire District. Bill will get a map drawn up for the sub-committee to use as reference. They will not be crossing I-84. Chair Haslam requested that Mrs. Musselman's suggestions be included.

12. Approval of minutes from March 24, 2016

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

13. Election of Chair and Vice Chair

Member Nance moved to appoint Chair Haslam as the Planning Commission Chair. Second by Member Sessions. The vote was unanimous. The motion carried.

Member Ross moved to appoint Member Sessions as vice chair of the Planning Commission. Second by Member Wilson. The vote was unanimous. The motion carried.

14. Adjourn

Member Nance 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