



PLANNING COMMISSION AGENDA
Thursday, June 23, 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: York Re-Zone Request: A request to re-zone approximately 4.373 acres of property located at approximately 2329 W Spring Hollow Rd from the MU-160 to RR-1 zoning.
7. Discussion/Public Hearing/Decision: Whitear Re-Zone Request: A request to re-zone approximately 6.37 acres of property located at approximately 4195 N Morgan Valley Dr. from the A-20 to RR-5 zoning.

Administrative:

8. Discussion/Decision: Giles Plat Amendment #1 – A proposed amendment to the previously adopted Giles subdivision, removing approximately .051 acres from lot 1 at approximately 296 N Morgan Valley Drive.
9. Planning Commission Business/Questions for Staff
10. Approval of minutes from June 9, 2016
11. Adjourn

Exhibit A: Vicinity Map



Exhibit B: Future Land Use Map



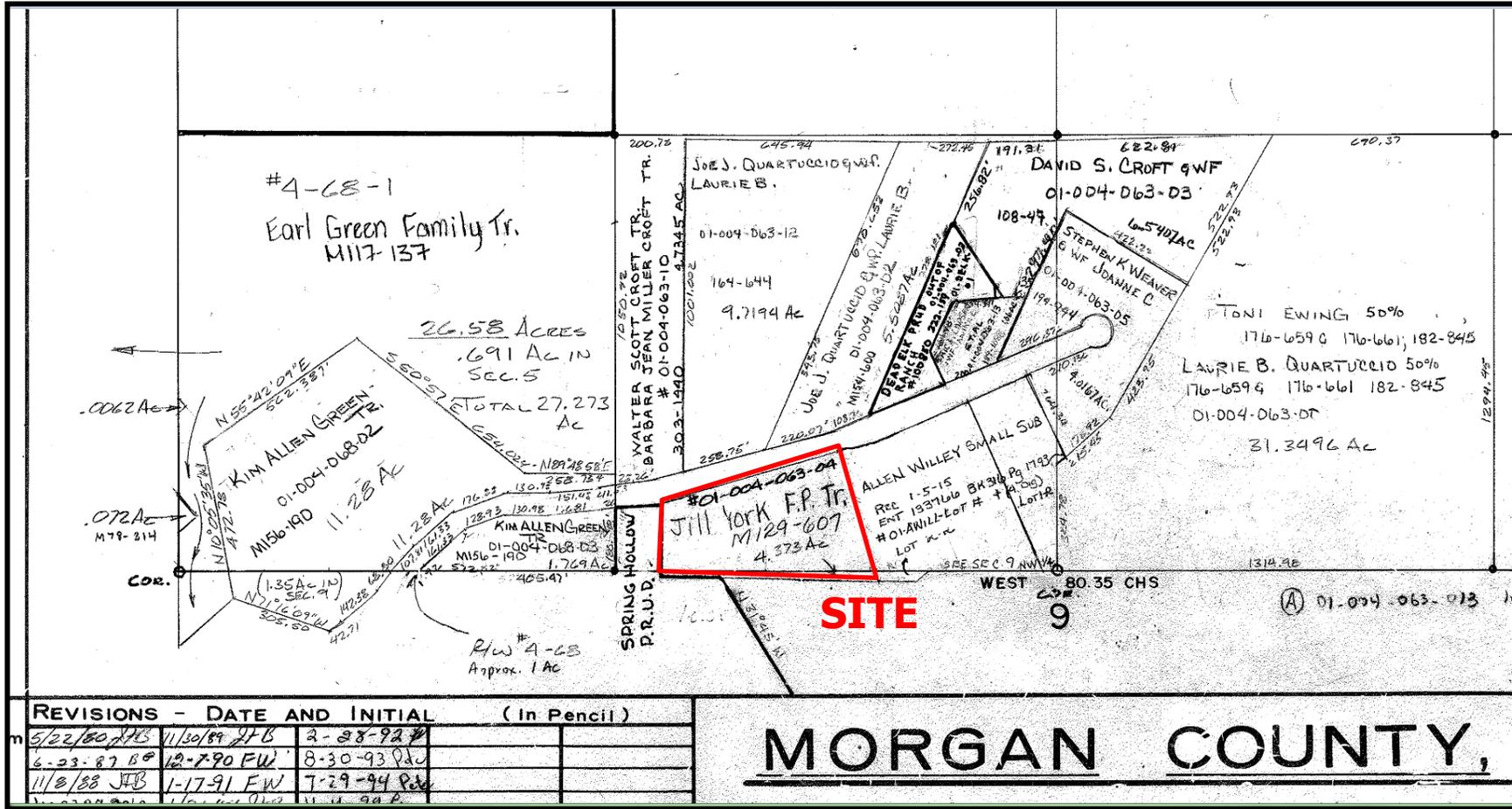
Exhibit C: Existing Zoning Map



Exhibit D: Flood Plain Map



Exhibit E: Section Plat Map (T4N R2E Section 4 – Partial)



REVISIONS - DATE AND INITIAL (In Pencil)		
5/22/80 JFB	11/30/89 JFB	2-28-92 JFB
6-23-87 JFB	12-7-90 FW	8-30-93 JFB
11/8/88 JFB	1-17-91 FW	7-29-94 JFB

MORGAN COUNTY,

Exhibit F: Conditional Use Permit – Home Addition (2012)

(Attached Separately)



48 West Young Street
Morgan, UT 84050
(801) 845-4015

STAFF REPORT
May 10, 2012

To: Morgan County Planning Commission
Business Date: 6/14/2012

Prepared By: Blaine Gehring, AICP
Planning and Development Services Director

Re: York Conditional Use Permit Request for Addition to a Nonconforming Use

Application No.: 12.052
Applicant: Bill & Jill York
Project Location: 2329 W. Spring Hollow Road
Zoning: MU-160 Zone
Acreage: 4.37 acres

SUMMARY

This application is a request to build an addition on to a nonconforming use, a single family dwelling, in a Multiple Use (MU-160) Zone. The applicant is requesting a conditional use permit as required by Section 8-7-5(C.2) of the Morgan County Code (MCC). This section allows for the addition or enlargement of a nonconforming use, building or structure *upon issuance of a conditional use permit by the planning commission after a public hearing.*

Utah State law Section 17-27a-510 (2) (a) allows counties to “provide for ... the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of nonconforming uses upon the terms and conditions set forth in the land use ordinance.” Section 8-7-5(C.2) of the MCC outlines that process and designates the planning commission as the land use authority.

BACKGROUND

The MU-160 Zone was placed on this property in 1977. That zone requires a lot to be a minimum of 160 acres in size. The tax record shows that a small home (576 sq. ft.) was built on the property in 1960 before any zoning existed. This would have created the legal non-conforming lot of 4.37 acres that currently exists. The existing home was built in 1995. Because the lot is nonconforming as to size in the MU-160 Zone, the use and structures become nonconforming as well. Thus, the York home is considered a legal, nonconforming use because it was legal when it was built on a legal nonconforming lot.

The applicants want to construct a 696 sq. ft. addition to their home. The addition would consist of a family room and office. (See floor plan attached) A single family home in a residential zone would be allowed a maximum of 25% coverage. However, there is no specified lot coverage in the MU-160 Zone and with 4.37 acres of lot area, this home would not even come close to exceeding a reasonable lot

coverage. The home with the addition will meet or exceed the minimum required setbacks in the MU-160 Zone.

ANALYSIS

General Plan and Zoning. The General Plan calls for the property to be developed as rural residential. The use as a single family residence complies with the general plan.

Ordinance Evaluation. Section 8-7-5 (C.2) allows for the planning commission to grant a conditional use permit for an addition to a nonconforming use following a public hearing. The following conditional use review criteria should be considered:

Property Layout. (See attached site plan) There is an existing home on the lot which will be added to. No other structures are being proposed for the lot which does not currently exist.

Roads and Access. The lot is located on and fronts Spring Hollow Road (currently a private road) and has legal access from that road. No additional improvements to the road will be required.

Grading and Land Disturbance. There will be limited grading or land disturbance associated with this addition. It will be confined to the area directly adjacent to the house.

Water Source. The house is connected to an approved water source.

Fire Protection. The home is already covered by adequate fire protection and is not located in the Urban Wildfire Interface Zone.

Sewer Systems. The house is connected to an approved sewer system.

Storm Water. The small amount of impervious roof area being added will not affect the current run off on this property.

Geologic and Geotechnical Evaluations. This home is in a Qafy geologic hazard study area as defined by Section 8-5I-4 of the MCC. Section 8-5I-3 of the MCC states that "... the remodeling of existing structures designed for human occupancy may occur without compliance with this article *if no expansion of the existing building footprint is proposed.*" (Italics added) This addition will increase the footprint of the building and the geologic hazard requirements will apply. The Yorks will need to comply with Section 8-5I-9 of the MCC in filing for their building permit.

Utilities. The home is connected to all utilities at present and will continue to be served by those utilities.

STAFF RECOMMENDATION

Staff recommends approval of the Bill and Jill York request for an addition to their nonconforming use with the condition that they comply with Section 8-5I-9 of the Morgan County Code when filing for their building permit.

MODEL MOTION

Sample Motion for a granting of the conditional use permit: – "I move we grant a conditional use permit for addition to the nonconforming use known as the Bill and Jill York home located at 2329 W. Spring Hollow Road with the following findings:

1. A small home was built on the property in 1960 establishing a legal lot of 4.37 acres. The existing home was built in 1995.
2. The house and property were rezoned to Multiple Use (MU-160) in 1977. The 4.37 acre lot is below the minimum lot size required in the MU-160 Zone and the lot house became are legal nonconforming uses.
3. As an existing nonconforming use, the house is in compliance with the general plan.
4. The house with the addition meets or exceeds minimum lot coverage and setback requirements for the MU-160 Zone.
5. Section 8-7-5 (C.2) of the Morgan County Code allows for the addition or enlargement of a nonconforming use with the granting of a conditional use permit by the planning commission after a public hearing.
6. A public hearing was properly noticed on June 4, 2012 and held June 14, 2012 by the Morgan County Planning Commission.

SUPPORTING INFORMATION

Exhibit A: Bill and Jill York Conditional Use Permit Application

Exhibit B: 1977 Zoning Map

Exhibit C: County Property Map

Exhibit D: Geologic Hazard Map

Exhibit E: York Addition Site Plan

Exhibit F: Proposed Addition Floor Plan

Exhibit G: Proposed Building Elevations

Exhibit A

Conditional Use Permit Application
 Planning and Development Services
 48 West Young Street, Morgan, UT 84050
 (801) 845-4015 Fax (801) 845-6087
 www.morgan-county.net



Notice: The applicant must submit copies of the conditional use permit proposal to be reviewed by the County in accordance with the terms of the Morgan County Code. Once a conditional use permit proposal is submitted, it is subject to compliance reviews by the various county departments and contracted staff, and may be returned to the applicant for revision if the plans are found to be inconsistent with the requirements of the County Code and all other applicable laws. All submitted conditional use permit proposals shall be reviewed in accordance with Title 8 of the Morgan County Code. Submission of a conditional use permit proposal in no way guarantees placement of the application on any particular agenda of the county land use authority. It is **strongly** advised that all conditional use permit proposals be submitted well in advance of any anticipated deadlines.

Project Information					
Date of Submission:		Zone: 156	Serial#(s): 01-004-063-04	Parcel #(s): 00-0001-2706	
Project Name: Home Addition				Acres: 4.37	
Project Address: 2329 W. Spring Hollow Rd					
Project Description: Addition family room + office 696 sq feet					
Property Owner(s): Bill & Jill York			Applicant(s): Bill & Jill York		
Address: 2329 W. Spring Hollow			Address: 2329 W. Spring Hollow		
City: Morgan	State: Ut	Zip: 84050	City: Morgan	State: Ut	Zip: 84050
Phone: 801-876-2818			Phone: 801-876-2818		
Contact Person: Bill & Jill			Address: Same		
Phone: 876-2818			City: Morgan	State: Ut	Zip: 84050
Cellular: 801-879-8335	Fax: 801-876-3575	Email: Bill@yorkengr.com			

*The application you are submitting may become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in Utah Code Ann. § 63-2-302.5, please inform the County employee accepting this information. Morgan County does not currently share your private, controlled or protected information with any other person or government entity.

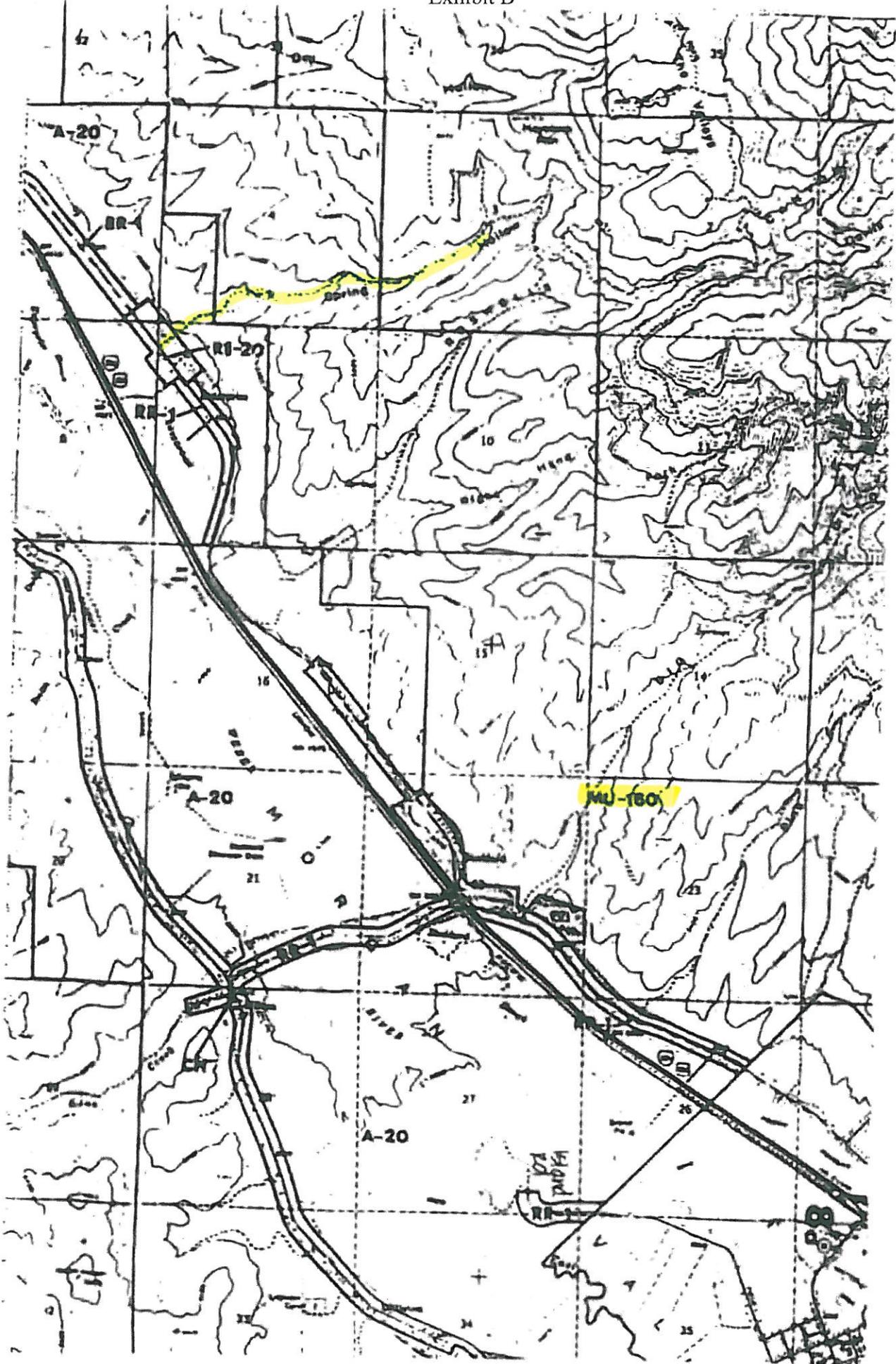
RECEIVED
 MAY 09 2012

Conditional Use Permit Fees

- Conditional Use Permit..... \$250.00
- Engineering Review Fees..... \$Actual Cost will be billed to applicant
- Outside Consultants or Outsourced Staff Fee..... \$Actual Cost will be billed to applicant
- Noticing Fee..... \$87.00

For Office Use Only		
Received By:	Date Received: 5/9/12	App. #: 12.052

Exhibit B





Google earth

feet
meters

1000

500





Google earth



York Home Addition 4.37 Acres mu160
2329 W. Spring Hollow Rd
Morgan, UT

RECEIVED
MAY 09 2012
Morgan County Planning



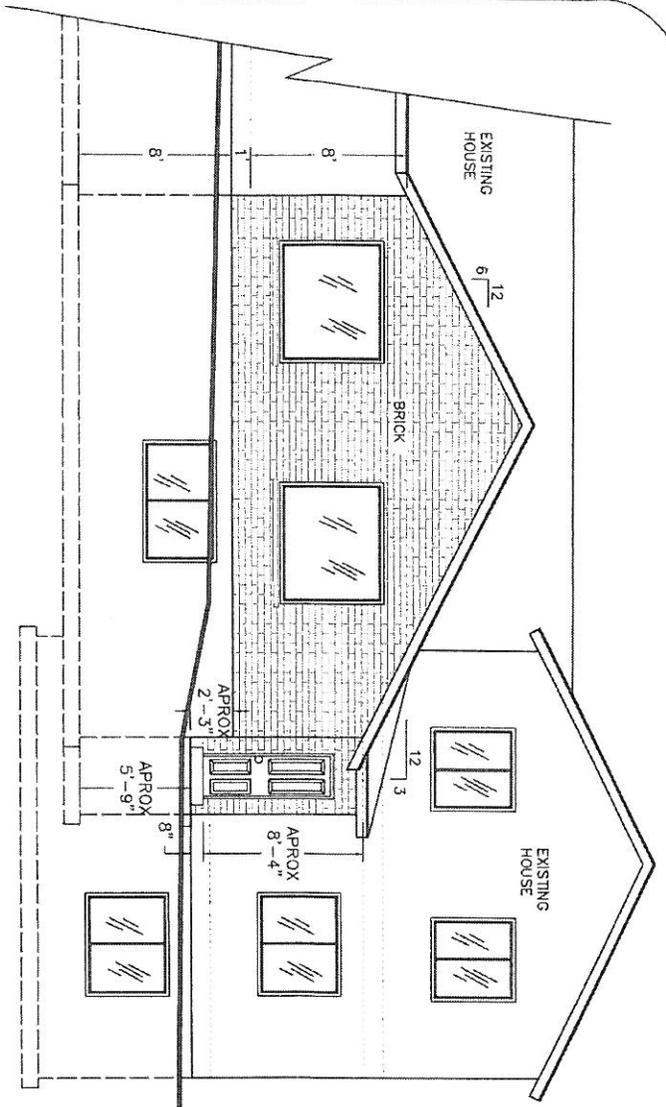
Google

RECEIVED

MAY 09 2012

Morgan County Planning

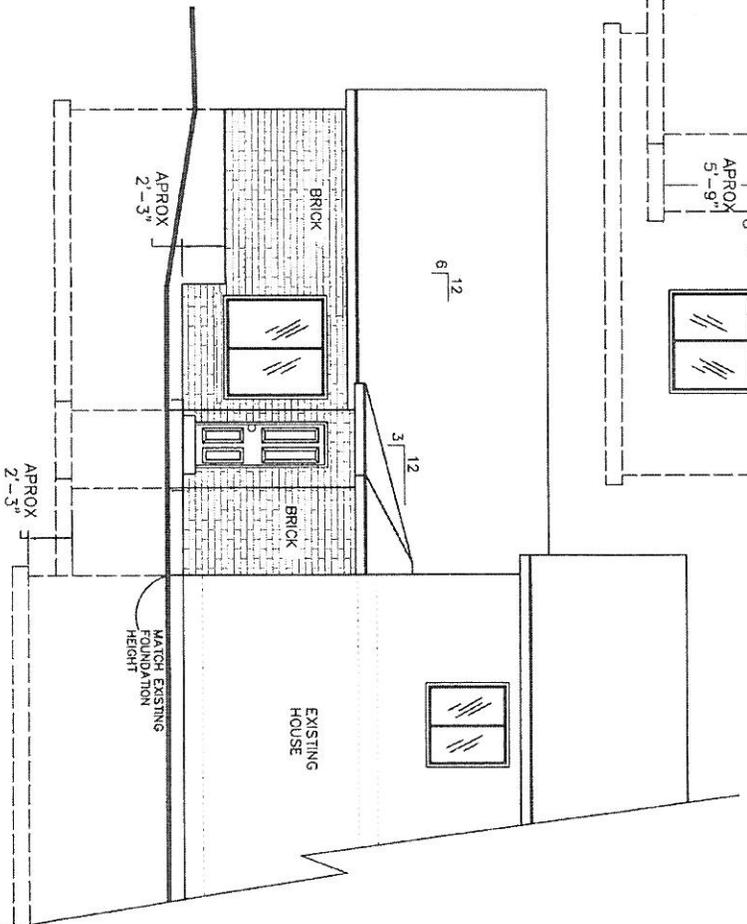
To see all the details that are visible on screen, use the "Print" link next to it



BACK ELEVATION
SCALE 1/4" = 1' 0"

25 YR ARCHITECT
ASPHALT SHINGLE ROOF

LEFT ELEVATION
SCALE 1/4" = 1' 0"



RECEIVED
MAY 6 2002
Morgan County Courthouse



GENERAL CONTRACTOR IS LIABLE FOR VERIFY ALL DIMENSIONS, NOTES, CONSTRUCTION DETAILS, ALL VENTING PROCEEDINGS FOR CHIMNEY, BATHROOMS AND VENTING FOR ALL DEVICES ON OR OFF THE PROPERTY. THIS DESIGN, PLANS AND ARCHITECTURE SHALL BE VOID IF NOT USED BY ANYONE OTHER THAN THE DESIGNER.

1/17

MAFI DESIGNS
Designer: Shana Mafi
2143 H. Morgan Vly Dr.
Morgan UT 84050
(801) 829-3345

BILL & JILL YORK
2329 W. SPRING HOLLOW RD.
MORGAN, UTAH

York Engineering INC
Structural Design And Analysis
2329 W. Spring Hollow Rd.
Morgan, Utah 84050
(801)876-3501

PLAN #
A-696-12



RIGHT ELEVATION
SCALE 1/4" = 1' 0"



GENERAL CONTRACTOR IS LIABLE TO VERIFY ALL DIMENSIONS, NOTES, CONSTRUCTION DETAILS, MATERIALS, FINISHES, AND PERMITS. DIMENSIONS AND FINISHES SHALL BE AS SHOWN ON THE DRAWINGS UNLESS OTHERWISE NOTED. MATERIALS, METHODS AND WORKMANSHIP SHALL BE AS SHOWN ON THE DRAWINGS UNLESS OTHERWISE NOTED. ANY CHANGES SHALL BE MADE BY AMENDING OTHER THAN THIS DRAWING.

2 / 7

MAFI DESIGNS
 Designer: Shana Mafi
 2143 N. Morgan Vly Dr.
 Morgan Ut 84050
 (801) 829-3345

BILL & JILL YORK
 2329 W. SPRING HOLLOW RD.
 MORGAN, UTAH

York Engineering INC
 Structural Design And Analysis
 2329 W. Spring Hollow Rd.
 Morgan, Utah 84050
 (801)876-3501

PLAN #
A-696-12



June 17, 2012

William and Jill York
2329 W. Spring Hollow Road
Morgan, UT 84050

RE: Conditional Use Permit to Construct an Addition to a Nonconforming Use (Application 12.052)

Dear Mr. and Mrs. York,

On June 14, 2012, the Morgan County Planning Commission approved your request for a conditional use permit to construct an addition to your home which is a nonconforming use in the MU160 Zone with the condition that the old home be vacated as a residence before a certificate of occupancy is issued. The approval was made with the following findings:

Findings:

1. A small home was built on the property in 1960 establishing a legal lot of 4.37 acres. The existing home was built in 1995.
2. The house and property were rezoned to Multiple Use (MU-160) in 1977. The 4.37 acre lot is below the minimum lot size required in the MU-160 Zone and the lot house became are legal nonconforming uses.
3. As an existing nonconforming use, the house is in compliance with the general plan.
4. The house with the addition meets or exceeds minimum lot coverage and setback requirements for the MU-160 Zone.
5. Section 8-7-5 (C.2) of the Morgan County Code allows for the addition or enlargement of a nonconforming use with the granting of a conditional use permit by the planning commission after a public hearing.
6. A public hearing was properly noticed on June 4, 2012 and held June 14, 2012 by the Morgan County Planning Commission.

The next step in the process is to make application for your building permit and have that issued and work may then commence. This letter is intended as a courtesy to document the status of your project. The official minutes from the County Planning Commission meeting will be available in the Morgan County Planning and Development Services Office in a couple of weeks. If you have further questions, please contact me at bgehring@morgan-county.net or 801-845-6091.

Respectfully,

Blaine Gehring, AICP
Planning and Development Services Director

Whitear Zoning Map Amendment
Public Hearing
June 23, 2016

Application No.: 16.018
Applicant: Ronnie B and Christine Whitear
Owners: Same
Project Location: Approximately 3900 W 4050 N (Peterson Area)
Current Zoning: A-20
General Plan Designation: Village Low Density
Acreage: Approximately 6.637 acres
Request: Amend the Zoning Map, changing the designation from A-20 to RR-5
Date of Application: May 23, 2016
Date of Previous Hearing: N/A

Staff Recommendation

County Staff recommends approval of the requested zoning map amendment based on the following findings and with the conditions listed below:

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.

Background

This application is for an amendment to the Morgan County zoning map. The property is located in the Peterson area, generally located west of 3800 W and where Morgan Valley Drive turns east towards I-84 (See Exhibit A). The entire property contains approximately 6.637 acres and is currently zoned A-20. (See Exhibit C). The proposed zone change would not allow for further subdivision of the land; rather, it is the desire of the property owner to bring the parcel into compliance with applicable zoning requirements in order to have a legal, buildable lot.

Analysis

General Plan and Zoning:

The General Plan and Future Land Use Map anticipate the development of property in this area. The current General Plan designation, Village Low Density, demonstrates the desire of the

County to allow for some moderate development, while also protecting property from rapid and dense development, and ensuring that the relatively undeveloped areas of the County remain pristine. The current designation specifically notes that:

The Village Low Density Residential designation provides for a lifestyle with planned single family residential communities, which include open space, recreation and cultural opportunities, including schools, churches and neighborhood facilities located in established village areas (formerly area plan boundaries) or master planned communities. The residential density is a maximum of 2 units per acre.

As can be seen in Exhibits A-C, and as noted above, there is already some compatible development/zoning that has been approved for the area. Further, the proposed zoning is significantly less than the 2 units per acre anticipated by the General Plan. At one dwelling unit per five acres, RR-5 zoning is a good fit between the existing rural character and a more dense designation that is anticipated by the General Plan.

The 2010 Morgan County General Plan identifies the following as four of the six visions for the County that may be applicable to the proposal (*see pages 4 & 5 of the 2010 Morgan County General Plan*):

1. Morgan County attracts families with its quality of life, rural atmosphere, secure environment, and natural beauty. Residents have a wide range of employment, housing, and lifestyle choices. The County benefits from a balanced economy, livable wages, economic prosperity, and first-rate community services.

2. Morgan County respects property rights and recognizes personal responsibility to the land and communities.

...

5. Morgan County public policies support the viability of working and hobby farms, protection of agricultural lands, and the conservation of natural resources and rural character.

6. Morgan County accommodates growth responsibly by integrating new development in a way that is respectful of the environment, supports County values, considers long-term sustainability, and uses available infrastructure. To help achieve this goal, the County strongly recommends that growth occur within or adjacent to corporate limits and villages, or be located within master-planned communities.

The proposed zone change appears to coincide with the stated vision for Morgan County.

In changing the zoning district for the applicant's property, the County is reflecting the policies and desires of the General Plan and in accordance with the County Ordinance (See Chapter 8-5 Article B). The purpose of the RR-5 zoning district is as follows:

- 1. The purposes of providing a rural residential district are:
 - a. To promote and preserve in appropriate areas conditions favorable to large lot**

- family life;*
 - b. Maintaining a rural atmosphere;*
 - c. The keeping of limited numbers of animals and fowl; and*
 - d. Reduced requirements for public utilities, services and infrastructure.*
2. *These districts are intended to be primarily residential in character and protected from encroachment by commercial and industrial uses.*

It is anticipated that the proposed zoning map amendment will meet these purposes and generally be in harmony with the desires of the residents as well as the property owners. The impact on adjacent properties will be negligible as this lot will remain undivided and will allow for only one additional structure on an existing parcel.

Ordinance Evaluation:

Morgan County ordinance anticipates amendments to the zoning map. Section 8-3-3: *Amendments to Title and Zoning Map* indicates that:

The county council may amend this title, including the zoning map, but only in accordance with the following procedure:

- A. The county council may instruct staff to study and make recommendations for amendments to this title or the zoning map in response to changes in policy or conditions generally within the county. Staff shall forward a recommended amendment to the planning commission for their consideration. The planning commission shall review and make recommendation to the county council regarding the proposed amendment pursuant to subsection 8-3-4D of this chapter.*
- B. The planning commission may instruct staff to study and make recommendations for amendments to this title in response to changes in policy or conditions generally within the county. Staff shall forward a recommended amendment to the planning commission for their consideration. The planning commission shall review and make recommendation to the county council regarding the proposed amendment pursuant to subsection 8-3-4D of this chapter.*
- C. Any property owner may initiate an amendment to this title or the zoning map, as long as they are affected by the proposed amendment, by submitting a complete application to the planning and development services department in accordance with subsection 8-3-4A of this chapter.*

Section 8-3-4: *Procedures for Amendments and Rezoning*s states:

- D. Planning Commission Review and Recommendation: Upon receiving a recommendation from staff regarding an amendment to this title or the zoning map, and after holding the required public hearing, the planning commission shall review the amendment and prepare its recommendation. The planning commission may recommend approval, approval with modifications, or denial of the proposed amendment and shall submit its recommendation to the county council for review and decision. The planning commission shall recommend adoption of a proposed amendment only when*

the following findings are made:

- 1. The proposed amendment is in accordance with the county's general plan, goals, and policies of the county.*
- 2. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the purposes stated in this title.*

E. County Council Review: The county council shall schedule and hold a public hearing on the application as provided in section 8-3-12 of this chapter. Following the public hearing the county council may approve, approve with modifications, or deny the proposed amendment. Prior to making a decision that goes contrary to the planning commission's recommendation, the county council may, but is not obligated to, remand the amendment to the planning commission with a request for another recommendation with additional or specific considerations. The planning commission shall review such request as specified in subsection D of this section.

F. Approval Standards: A decision to amend the text of this title or the zoning map is a matter committed to the legislative discretion of the county council and is not controlled by any one standard. However, in making an amendment, the county council should consider the following factors:

- 1. Whether the proposed amendment is consistent with goals, objectives and policies of the county's general plan;*
- 2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;*
- 3. The extent to which the proposed amendment may adversely affect adjacent property; and*
- 4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.*

This meeting is in fulfillment of subsection (D) above. In response to Section 8-3-4(F) above, due to the size of the proposed zone change (i.e., 4.373 acres divided into 1-acre minimum parcel sizes, allowing for 4 parcels), the impact on the facilities and services should be minimal.

Model Motion

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Whitear Zoning Map Amendment, application number 16.018, changing the zoning district from A-20 to RR-5, based on the findings listed in the staff report dated June 23, 2016.”

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the Whitear Zoning Map Amendment, application number 16.018, changing the zoning district from A-20 to RR-5, *due to the following findings:*”

1. List any additional findings...

Supporting Information

Exhibit A: Vicinity Map
Exhibit B: Future Land Use Map
Exhibit C: Existing Zoning Map
Exhibit D: Flood Plain Map
Exhibit E: Section Plat Map

Staff Contact

Bill Cobabe, AICP
801-845-4059
bcobabe@morgan-county.net

Exhibit A: Vicinity Map



Exhibit B: Future Land Use Map



Exhibit C: Existing Zoning Map



Exhibit D: Flood Plain Map



Giles Plat Amendment
Public Meeting
June 23, 2016

Application No.: 16.020
Applicant: David Giles
Owner: Same
Project Location: 296 N Morgan Valley Drive (Milton Area)
Current Zoning: A-20 (PRUD)
General Plan Designation: Rural Residential
Acreage: approximately 1.17 acres
Request: Amend a subdivision of record to reduce the lot size, adding additional property to land outside of the subdivision
Date of Application: June 7, 2016
Date of Previous Meeting: N/A

Staff Recommendation

County Staff recommends approval of the requested amended plat based on the following findings and with the conditions listed below:

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 record an easement in favor of the existing David Giles subdivision lot regarding the septic discharge and drainage field that exists on the property.
2. That the owners provide an updated title report 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.

Background

This application is to amend the approved David Giles Subdivision Plat, originally approved in 1998. The proposed subdivision amendment would reduce the size of the lot by 0.052 acres (approximately 2265 square feet) to 1.118 acres, which is still more than the required amount

for the RR-1 zoning district. The land thus removed will be added to the "Jeanice T. Randall" (now under Pike ownership) property to the north and west of the subdivision.

Analysis

General Plan and Zoning. Pursuant to the Future Land Use Map (see Exhibit B), the property has a Rural Residential designation. According to the General Plan, the Rural Residential designation "accommodates semi-rural large lot development, with generous distances to streets and between residential dwelling units in a viable semi-rural character setting." This lot, at just over 1 acre, matches the desired character of the General Plan.

The zoning of the parcel is RR-1 (see Exhibit C). As noted above, the size of the lot (approximately 1.118 acres) seems appropriate for the zoning that exists in the area and on this lot.

Ordinance Evaluation:

Property Layout. The lot is located in the Milton Area of unincorporated Morgan County, generally north and east of Morgan Valley Drive at 296 N Morgan Valley Dr. The setbacks are noted on the plat and are typical to the zone.

Roads and Access. The lot fronts onto Morgan Valley Drive, where access is gained to the property.

Grading and Land Disturbance. The parcel appears to lie outside of the flood plain. Since the parcel has already been built on, there is little if any future grading expected on the site.

Utilities. Water service in the area is provided by private wells. Waste water will be handled in the existing septic systems.

Geologic Hazards. The subdivision was completed prior to the County Geologic Hazards Ordinance. The property appears to lie outside of any geologic hazards area.

Model Motion

Sample Motion for *Approval* – "I move we recommend approval by the County Council the David Giles Plat Amendment, application #16.020, located at approximately 296 N. Morgan Valley Drive, amending the plat and reducing the size of the lot and creating a remnant parcel to be added to the Pike property to the north and west, based on the findings and with the conditions listed in the staff report dated June 23, 2016."

Sample Motion for *Approval with additional conditions* – "I move we recommend approval by the County Council the David Giles Plat Amendment, application #16.020, located at approximately 296 N. Morgan Valley Drive, amending the plat and reducing the size of the lot and creating a remnant parcel to be added to the Pike property to the north and west, based on the findings and with the conditions listed in the staff report dated June 23, 2016, *with the following additional conditions:*"

1. List any additional findings and conditions...

Sample Motion for *denial* – “I move we recommend denial by the County Council the David Giles Plat Amendment, application #16.020, located at approximately 296 N. Morgan Valley Drive, amending the plat and reducing the size of the lot and creating a remnant parcel to be added to the Pike property to the north and west, *due to the following findings*:

1. List any additional findings...

Supporting Information

Exhibit A: Vicinity Map
Exhibit B: Future Land Use Map
Exhibit C: Current Zoning Map
Exhibit D: Existing David Giles Subdivision Plat
Exhibit E: Proposed Amended Plat/Property Description

Staff Contact

Bill Cobabe, AICP
801-845-4059
bcobabe@morgan-county.net

Exhibit A: Vicinity Map

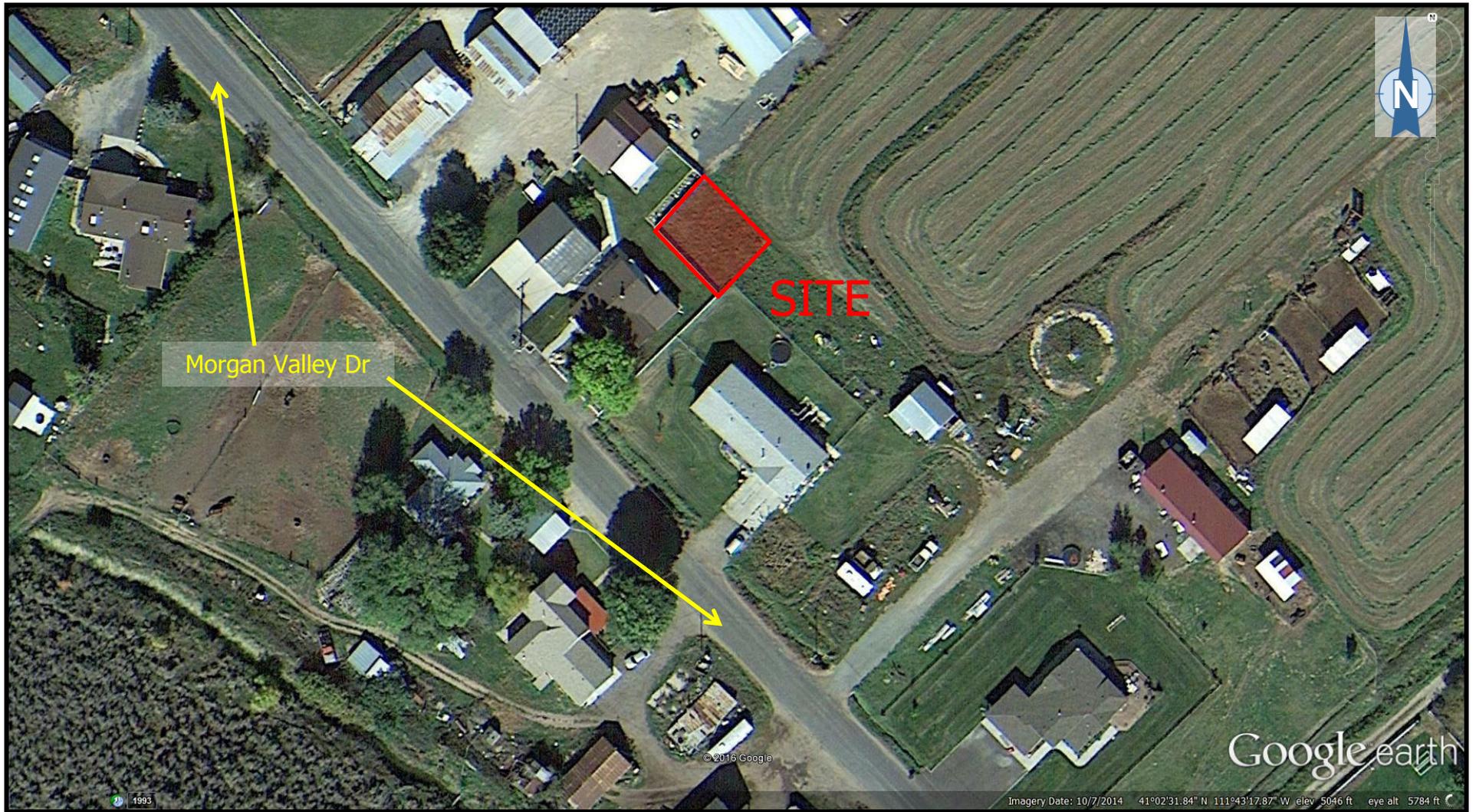


Exhibit B: Future Land Use Map



Exhibit C: Current Zoning Map



Exhibit D: Existing David Giles Subdivision Plat

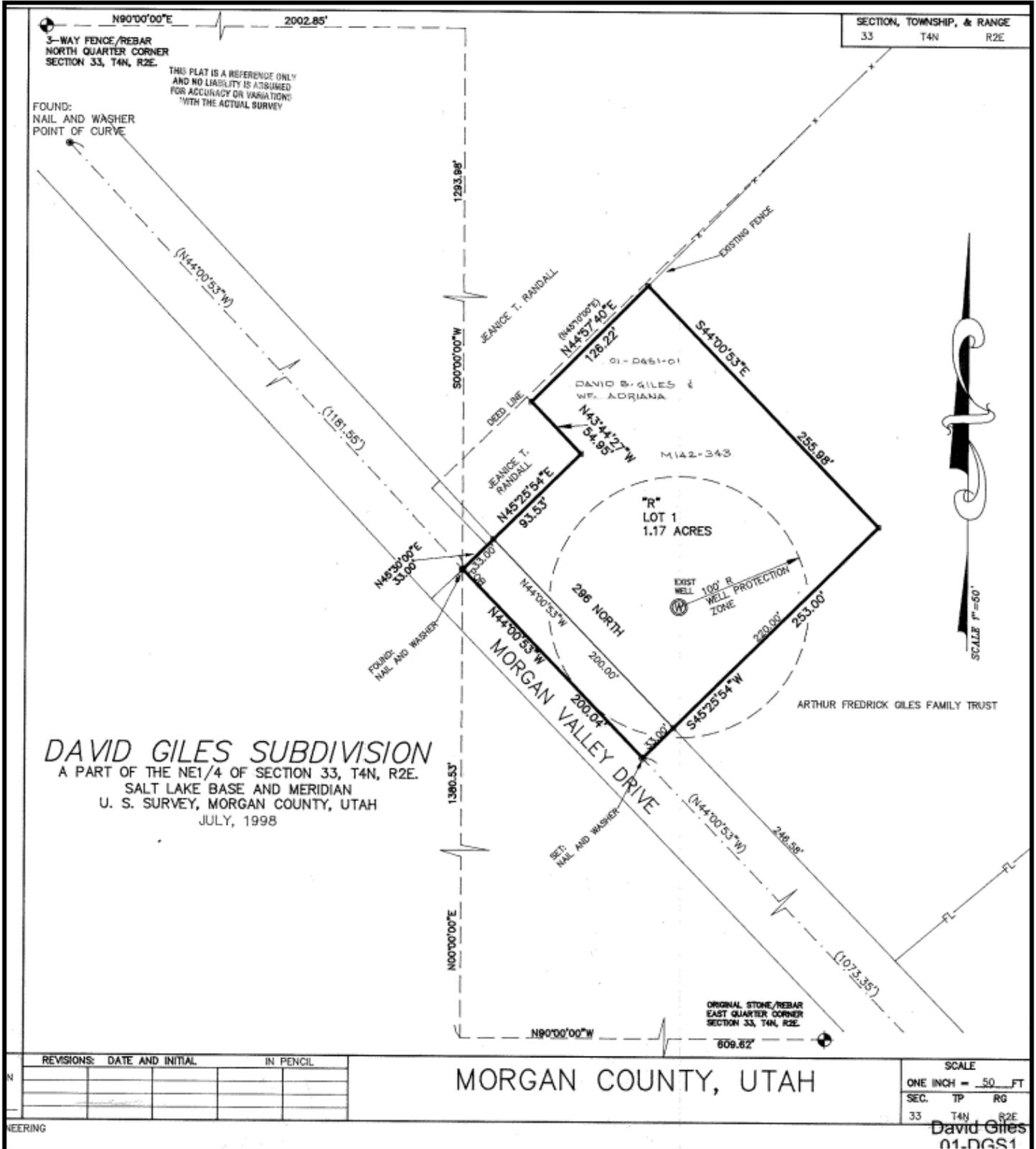
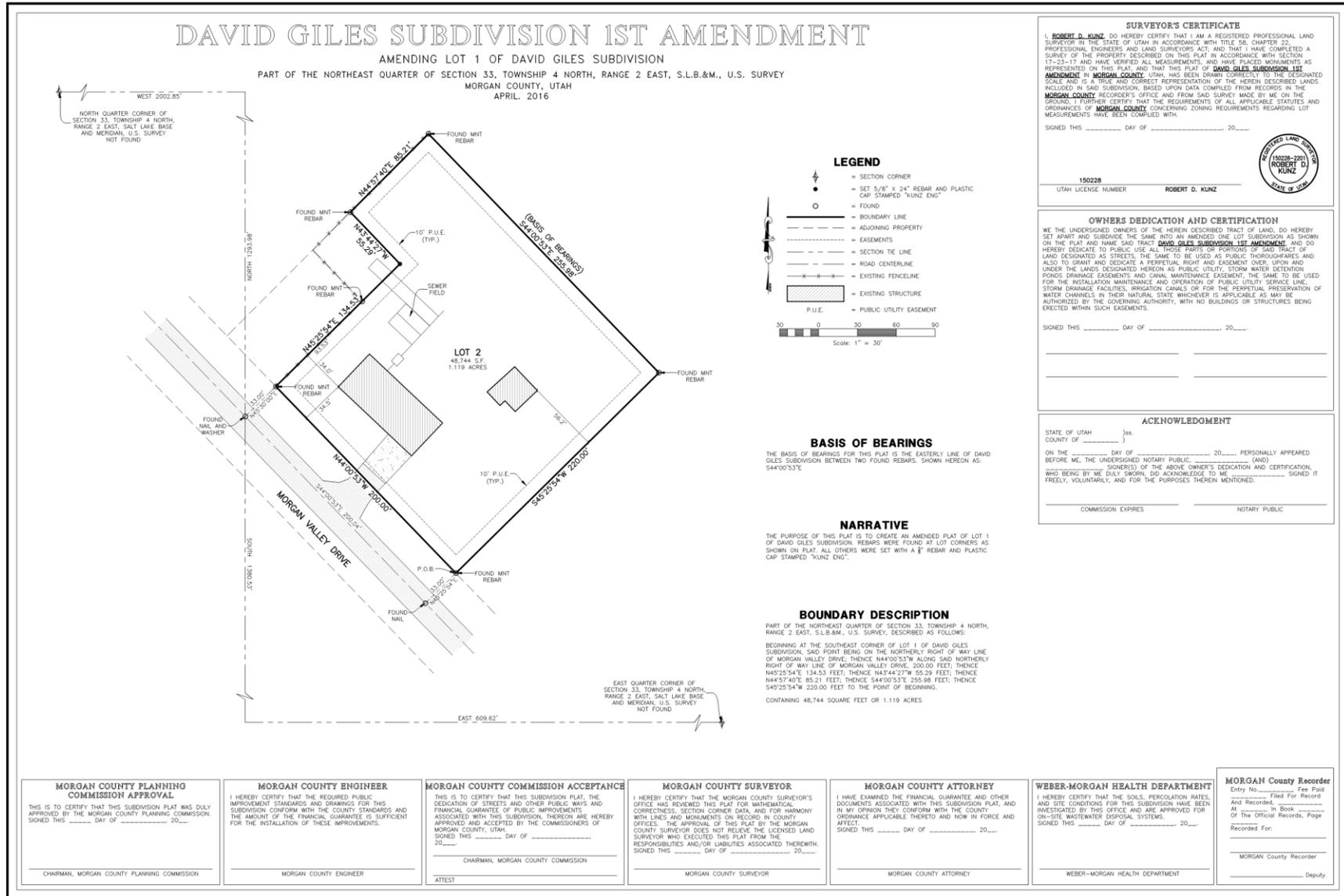


Exhibit F: Proposed Amended Plat



SURVEYOR'S CERTIFICATE

I, **ROBERT D. KUNZ**, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT, AND THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THIS PLAT, AND THAT THIS PLAT OF **DAVID GILES SUBDIVISION 1ST AMENDMENT** IN **MORGAN COUNTY**, UTAH, HAS BEEN DRAWN CORRECTLY TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE HEREIN DESCRIBED LANDS INCLUDED IN SAID SUBDIVISION, BASED UPON DATA COMPILED FROM RECORDS IN THE **MORGAN COUNTY** RECORDER'S OFFICE AND FROM SAID SURVEY MADE BY ME ON THE GROUND. I FURTHER CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES OF **MORGAN COUNTY** CONCERNING ZONING REQUIREMENTS REGARDING LOT MEASUREMENTS HAVE BEEN COMPLIED WITH.

SIGNED THIS _____ DAY OF _____, 20____

150228
UTAH LICENSE NUMBER **ROBERT D. KUNZ**



OWNERS DEDICATION AND CERTIFICATION

WE, THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO AN UNDIVIDED ONE LOT SUBDIVISION AS SHOWN ON THE PLAT AND NAME SAID TRACT **DAVID GILES SUBDIVISION 1ST AMENDMENT** AND DO HEREBY DEDICATE TO PUBLIC USE ALL THOSE PORTIONS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES AND ALSO TO GRANT AND DEDICATE A PERPETUAL RIGHT AND EASEMENT OVER UPON AND UNDER THE LANDS DESIGNATED HEREON AS PUBLIC UTILITY, STORM WATER DETENTION POND, DRAINAGE EASEMENTS AND CANAL MAINTENANCE EASEMENT, THE SAME TO BE USED FOR THE INSTALLATION MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINE, STORM DRAINAGE FACILITIES, IRRIGATION CANALS OR FOR THE PERPETUAL PRESERVATION OF WATER CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY THE GOVERNING AUTHORITY, WITH NO BUILDINGS OR STRUCTURES BEING ERECTED WITHIN SUCH EASEMENTS.

SIGNED THIS _____ DAY OF _____, 20____

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF _____) ss.

ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, _____ (AND) _____, SIGNER(S) OF THE ABOVE OWNER'S DEDICATION AND CERTIFICATION, WHO BEING BY ME DULY SWORN, DO ACKNOWLEDGE TO ME _____ SIGNED IT FREELY, VOLUNTARILY, AND FOR THE PURPOSES THEREIN MENTIONED.

COMMISSION EXPIRES _____ NOTARY PUBLIC _____

LEGEND

- = SECTION CORNER
- = SET 5/8" x 24" REBAR AND PLASTIC CAP STAMPED "KUNZ ENG"
- = FOUND
- = BOUNDARY LINE
- - - = ADJOINING PROPERTY
- - - = EASEMENTS
- - - = SECTION THE LINE
- - - = ROAD CENTERLINE
- - - = EXISTING FENCELINE
- ▨ = EXISTING STRUCTURE
- ▨ = PUBLIC UTILITY EASEMENT

P.U.E. = PUBLIC UTILITY EASEMENT

Scale: 1" = 30'

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PLAT IS THE EASTERLY LINE OF DAVID GILES SUBDIVISION BETWEEN TWO FOUND REBARS, SHOWN HEREON AS: S44°00'53"E

NARRATIVE

THE PURPOSE OF THIS PLAT IS TO CREATE AN AMENDED PLAT OF LOT 1 OF DAVID GILES SUBDIVISION. REBARS WERE FOUND AT LOT CORNERS AS SHOWN ON PLAT. ALL OTHERS WERE SET WITH A 5/8" REBAR AND PLASTIC CAP STAMPED "KUNZ ENG".

BOUNDARY DESCRIPTION

PART OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 4 NORTH, RANGE 2 EAST, S.L.B.&M., U.S. SURVEY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 OF DAVID GILES SUBDIVISION, SAID POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF MORGAN VALLEY DRIVE, THENCE N44°00'53"W ALONG SAID NORTHERLY RIGHT OF WAY LINE OF MORGAN VALLEY DRIVE, 200.00 FEET; THENCE N45°22'54"E, 134.53 FEET; THENCE N42°42'27"W, 50.29 FEET; THENCE N44°57'40"E, 85.21 FEET; THENCE S44°00'53"E, 255.98 FEET; THENCE S45°22'54"W, 220.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 48,744 SQUARE FEET OR 1.119 ACRES

MORGAN COUNTY PLANNING COMMISSION APPROVAL

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED BY THE MORGAN COUNTY PLANNING COMMISSION. SIGNED THIS _____ DAY OF _____, 20____

CHAIRMAN, MORGAN COUNTY PLANNING COMMISSION _____

MORGAN COUNTY ENGINEER

I HEREBY CERTIFY THAT THE REQUIRED PUBLIC IMPROVEMENT STANDARDS AND DRAWINGS FOR THIS SUBDIVISION CONFORM WITH THE COUNTY STANDARDS AND THE AMOUNT OF THE FINANCIAL GUARANTEE IS SUFFICIENT FOR THE INSTALLATION OF THESE IMPROVEMENTS.

MORGAN COUNTY ENGINEER _____

MORGAN COUNTY COMMISSION ACCEPTANCE

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT, THE DEDICATION OF STREETS AND OTHER PUBLIC WAYS AND FINANCIAL GUARANTEE OF PUBLIC IMPROVEMENTS ASSOCIATED WITH THIS SUBDIVISION, THEREON ARE HEREBY APPROVED AND ACCEPTED BY THE COMMISSIONERS OF MORGAN COUNTY, UTAH.

SIGNED THIS _____ DAY OF _____, 20____

CHAIRMAN, MORGAN COUNTY COMMISSION _____

ATTEST _____

MORGAN COUNTY SURVEYOR

I HEREBY CERTIFY THAT THE MORGAN COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS PLAT FOR MATHEMATICAL CORRECTNESS, SECTION CORNER DATA, AND FOR HARMONY WITH LINES AND MONUMENTS ON RECORD IN COUNTY OFFICES. THE APPROVAL OF THIS PLAT BY THE MORGAN COUNTY SURVEYOR DOES NOT RELIEVE THE LICENSED LAND SURVEYOR WHO EXECUTED THIS PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED THEREWITH.

SIGNED THIS _____ DAY OF _____, 20____

MORGAN COUNTY SURVEYOR _____

MORGAN COUNTY ATTORNEY

I HAVE EXAMINED THE FINANCIAL GUARANTEE AND OTHER DOCUMENTS ASSOCIATED WITH THIS SUBDIVISION PLAT, AND IN MY OPINION THEY CONFORM WITH THE COUNTY ORDINANCE APPLICABLE THERETO AND NOW IN FORCE AND EFFECT.

SIGNED THIS _____ DAY OF _____, 20____

MORGAN COUNTY ATTORNEY _____

WEBER-MORGAN HEALTH DEPARTMENT

I HEREBY CERTIFY THAT THE SOILS, PERCOLATION RATES, AND SITE CONDITIONS FOR THIS SUBDIVISION HAVE BEEN INVESTIGATED BY THIS OFFICE AND ARE APPROVED FOR ON-SITE WASTEWATER DISPOSAL SYSTEMS.

SIGNED THIS _____ DAY OF _____, 20____

WEBER-MORGAN HEALTH DEPARTMENT _____

MORGAN County Recorder

Entry No. _____ Fee Paid _____
And Recorded, _____
At _____ In Book _____
Of The Official Records, Page _____
SIGNED THIS _____ DAY OF _____, 20____

Recorded For: _____
MORGAN County Recorder _____
Deputy _____



PLANNING COMMISSION AGENDA
Thursday, June 9, 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

Work Session:

6. Discussion on the Commercial Use Tables, Conditional Use Standards Amendment, Commercial Zoning Maps.

Administrative:

7. Planning Commission Business/Questions for Staff
8. Approval of minutes from May 26, 2016
9. Adjourn

Members Present

Shane Stephens
Gary Ross
Debbie Sessions
Roland Haslam
Larry Nance
Steve Wilson

Staff Present

Gina Grandpre
Mickaela Moser

Public Present

Tina Cannon
Darlene Musselman

1. Call to order – prayer. Chair Haslam opened the meeting and Member Wilson offered prayer.
2. Pledge of Allegiance
3. Approval of agenda – Chair added Member Nance’s and Member Ross’s updates on their respective area meetings before agenda item #6. He set a time of 8 pm to adjourn.

Member Sessions moved to approve the amended agenda with these changes. Second by Member Nance. The vote was unanimous. The motion carried.

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

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

Member Nance: He reported positive feedback from the meeting held about the Enterprise area zoning sub-committee. He invited representatives from Geneva Steel to the area meeting. He said the Enterprise residents don’t understand why there are industrial uses in the agricultural zones and they’re not supportive of keeping that. Many Enterprise residents are very upset about the Geneva plant, their hours of operation, production, etc. He also reported that there were several people in attendance to that meeting who were supportive of several changes while others were opposed to change. Some suggestions of businesses that residents wanted to attract to Enterprise were a convenience store or a general store-type of business. The location of a prospective store was not discussed. Member Nance said they discussed putting this idea on the future land use map, possibly on Kim Greene’s Family Trust land. Many of the changes discussed have consequences from zone changes that surrounding residents won’t anticipate. Member Sessions cautioned that they can’t pick and choose what goes in the commercial areas, and if it is zoned Commercial Buffer, there are many different options other than those presented that could be a possibility. Member Nance discussed the commercial use table during that meeting. There were also discussions about property values and possible up-zoning. They plan to meet again on June 22nd at 7:45 pm.

Member Ross: The Mountain Green area zoning sub-committee's second meeting is scheduled for June 14th at 6:00 pm. Their agenda is set to discuss the commercial zone.

Work Session:

6. Discussion on the Commercial Use Tables, Conditional Use Standards Amendment, Commercial Zoning Maps.

Chair began discussion at the maps. He removed the Mountain Green and Enterprise maps for tonight's discussion, as their respective areas are meeting in sub-committees and will be talked about in detail at another meeting.

Round Valley Map (Taggart's and Holcim): Member Nance referred to the General Commercial area at Taggart's and wondered if the descriptions of the zones fit in that area. Member Nance has trouble with the difference between commercial uses and residential uses in the same zone, and the loss of a buffer between the two. Member Sessions suggested using Neighborhood Commercial as a buffer. Tina Cannon wondered what the plan was in Planning and Zoning to protect areas during times of growth. Member Ross believes that for Taggart's, with the topography, General Commercial is appropriate, but that may not be the case County-wide. Member Nance asked if General Commercial is the best for the Taggart area, suggesting possibly changing it to Neighborhood Commercial. Chair Haslam stated that Neighborhood Commercial is more limiting than General Commercial and could limit additional businesses in that area. Member Sessions stated her support of the current definition of the General Commercial. The other planning commissioners are supportive of the Round Valley/Croydon Commercial Use map remaining as it is. After the public hearing in July, they feel comfortable forwarding that map to the County Council.

Chair Haslam suggested putting up yellow signs in each area in discussion to notice for the public hearing. Gina will also notice with letters in the mail.

East Canyon Map: There were no suggestions.

Petersen/Enterprise Map: Member Sessions referenced Rex Jensen's Machine Shop in Petersen, saying his business is not allowed in the Business Park zoning, which was what they were considering. It is currently in the Commercial Buffer zone. She doesn't think Light Manufacturing is a good fit for Petersen. They don't want to limit the current business or cause problems for Rex's business. Member Sessions referred to the NAICS table for all allowed uses for 332, which include many, many uses.

Chair referred back to the meeting with Brent Bateman and two of the County Council members, saying the Planning Commission will send maps to the County Council when they have been reviewed and are ready. Member Ross said that there is no way to move forward with the table and current zones for many of the areas within the County. As four of the County Council members do not want to rescind the NAICS table, in what direction does the Planning

Commission proceed? It is the Planning Commissioners feeling that the County Council members don't understand the repercussions of the NAICS table.

Tina Cannon said that she understands Mountain Green wants to open up for businesses, however the NAICS table is way too open. She doesn't believe that the County Council members understand how wide open the allowed uses are and the potential problems that will occur for existing businesses and residents by having a door wide open for so many businesses. It is difficult to respond to residents about why some of the controversial businesses are allowed to come in. It was the general understanding that by adopting the federally recognized NAICS table in the first place, it would entice businesses to Morgan County and easily classify them.

June 21st is the next County Council meeting in which Planning Commission members will attend to voice concern over the NAICS table and the problems it poses. They wish to communicate the problems and vastness of the table to the County Council. Member Sessions will use Rex Jensen as a prime example (and one of many potential examples) of a serious problem they face concerning commercial zoning. Enticing businesses to the County is a high priority to the County Council, however Member Ross believes this huge system just doesn't fit in Morgan County. There was some discussion on the growth of Mountain Green and their initial push to incorporate, but now they are trying to revert back to a residential area. Many local residents want to be selective in attracting a certain style of business to come, but not allow the big businesses. Member Ross suggested putting together some commercial use table that would be acceptable for current and future businesses.

Member Ross moved to postpone indefinitely any further discussion on the new Commercial Use Maps until the Planning Commission can meet with the County Council to present to them our concerns and objections with the current use table and clarify the Council's goals and objectives. The Planning Commission's recommendation is to rescind the Commercial Use Table that was adopted on February 2, 2016, revert to the table that existed prior to February 2, 2016, stay with the current Commercial Use Maps and forward them our updated standards.

Second by Member Stephens.

The vote was unanimous, including Chair Haslam's vote in the affirmative. The motion passed.

The time to adjourn has been changed to 8:30 pm.

Standards:

Section 8-8-4

A.3. Member Sessions would like to add wording **“a buffer may be required to provide physical and visual separation between incompatible commercial or industrial uses and residential uses.”**

B. nothing

C. 6. Member Nance clarified that the 25% slope is only where they're building.

D. nothing

E. nothing

F. Member Sessions would like a written statement from the County Engineer giving his approval. It appears the County Engineer did review what was sent to him and he approved all but one additional request that he added to the end of 8-8-4 C. It was unclear what was reviewed, as Member Sessions wanted further clarification concerning the TIA on F from him. Gina sent Mark a text message about what he reviewed and he confirmed that he reviewed what was asked and the only changes needed have been made.

G. There was some concern and discussion about the bond required for demolition. They need clarification to proceed.

8-8-5

B. Chair wants to add wording at the end "...for installation of all landscaping, fencing, and screening within **'and around the entire development'**"

C. Needs clarification

M. Character of District: Member Sessions wants to add **"Commercial, Office and Industrial developments shall require review by the Planning Commission of the site plan and the architectural building elevations."**

Administrative:

7. Planning Commission Business/Questions for Staff

As there are some items that have come up for discussion, the Planning Commission will hold a meeting on June 23. It will not be cancelled as previously decided.

8. Approval of minutes from May 26, 2016

Member Nance moved to approve the amended minutes from May 26, 2016. Second by Member Ross. The vote was unanimous. The motion carried.

9. 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