



PLANNING COMMISSION AGENDA
Thursday, September 22, 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 on the Carver/Jensen Future Land Use Map Amendment
7. Discussion/Public Hearing/Decision on the Dickson Future Land Use Map Amendment
8. Discussion/Public Hearing/Decision on the Peterson Future Land Use Map Amendment
9. Discussion/Public Hearing/Decision on Various Land Use Management Code Amendments

Administrative:

10. Discussion and Decision of Meadow Brook Plat Amendment #1
11. Discussion on Commercial Use Table
12. Planning Commission Business/Questions for Staff
13. Approval of minutes from August 25, 2016
14. Adjourn

Jensen Future Land Use Map Amendment
Public Hearing
September 22, 2016

Application No.: 16.027
Applicant: Tucker Jensen and Bruce Carver
Owners: Same
Project Location: Approximately 2120 N Morgan Valley Dr
Current Zoning: RR-1 and A-20
General Plan Designation: Rural Residential and Agricultural
Acreage: Approximately 23.08 acres
Request: Amend the Future Land Use Map, changing the existing designation of Agricultural to Ranch Residential 5
Date of Application: August 3, 2016
Date of Previous Hearing: N/A

Staff Recommendation

County Staff recommends approval of the requested future land use 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

Tucker Jensen and Bruce Carver have applied for the Future Land Use Map amendment in order to pursue anticipated development of this property. The property is located in the Milton area of unincorporated Morgan County, just east of Morgan Valley Drive. The property currently is in the Agricultural and Rural Residential designation for the Future Land Use Map. The associated zoning for the property (which is currently zoned A-20 and RR-1) would not allow for the desired development the applicant wishes to pursue. The proposed amendment would change the current designation from Agricultural to Ranch Residential 5, while the land adjacent to Morgan Valley Drive would remain in Rural Residential. The land is currently largely vacant (see Exhibit A).

Analysis

General Plan and Zoning. Changing the Future Land Use Map/General Plan is a serious

undertaking. The General Plan represents the desires of the people of Morgan County, and as such should only be modified to reflect these continuing desires. Care should be taken to ensure viability of any proposed projects, as well as maintaining the desires of the people as expressed in the General Plan.

The General Plan and Future Land Use Map anticipate the development of property in this area. In designating the property as a part of the Agricultural designation, the General Plan demonstrated the desire of the County to keep this area in relatively open space, protecting property from rapid and dense development, and ensuring that the relatively undeveloped areas of the County remain pristine. The purpose of the Agricultural designation is to:

...support viable agricultural operations in Morgan County, while allowing for incidental large-lot residential and other uses. The residential density in this category is up to one unit per 20 acres. (page 7)

The requested designation, Ranch Residential 5, notes that the maximum density should be 1 unit per 5 acres, and that:

Ranch Residential designation accommodates rural large lot development with generous distances to streets and between residential dwelling units and a viable semi-rural character setting. Livestock privileges are a part of this character. Areas in this category are generally larger lots with accessory structures that may be used for livestock. (page 7)

As can be seen in Exhibit B, and as noted above, there is already some compatible development in the area. It is also anticipated that the developer will request a rezone to RR-5 pending the approval of the proposed Future Land Use Map amendment.

The Milton Area Plan provides the following guidance:

When considering land use policy changes that will affect the Milton area, the following goals and objectives should assist the Planning Commission and County Council in understanding the community's needs and desires for future land uses, zoning, and infrastructure..

The goals of the Milton community are organized accordingly:

Land Use

- 1. Maintain a rural atmosphere and rural way of life.*
- 2. Safeguard the local farmers' right to farm. (...)*

Transportation

- 5. Address traffic, transportation, and roadway concerns in and through the Milton area. (Milton Area Plan, page 4)*

(Goal 1; Objective) 3. Discourage increased densities outside of the village center and the Deep Creek area by maintaining current zoning in all other areas of Milton.

The Milton community values the open atmosphere that the current land uses provide. The community recognizes that some growth is inevitable and desires to see such growth organized by providing a village center in which greater density may be allowed.

Future zoning decisions should provide for this density as indicated on the Milton Area Plan Map (Exhibit A). (page 5) (Note - The Milton Area Plan Future Land Use Map is included in the Staff Report as Exhibit F)

(...)

The future increased densities as designated by the Milton Area Plan Map are recommended as a means of providing an area in Milton where growth can be planned and organized. As such, the provision of encouraging growth therein is also intended to discourage growth in all other areas of Milton. The current zoning is recommended to guide future land uses in these other areas. (page 5)

(...)

(Goal 2; Objective 1) Encourage farming by maintaining the current A-20 and MU-160 zoning as the future land use of those areas currently zoned as such, unless depicted otherwise on the Milton Area Plan Map.

The quality of life and rural atmosphere that the Milton area provides is enjoyed because of the agriculture and open space it provides. Agriculture is of economic importance to the area. Maintaining farming and agriculture is critical for the quality of life the Milton area provides and for its overall contribution to Morgan County. There are a few residents of Milton whose sole income comes from farming and its way of life. There are some residents that supplement their income with farming, and others who hobby farm. Whichever it may be, the right to farm in the Milton area should be preserved, and future policies related to Milton should reflect such rights and practices.

The desires and goals noted in the Milton Area Plan are compatible with the proposed amendment to the Future Land Use Map.

The 2010 Morgan County General Plan identifies the following as three 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)*:

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.

Ordinance Evaluation:

Morgan County ordinance anticipates amendments to the General Plan. Section 8-3-10: General Plan indicates that:

C. Plan Adoption:

1. *After completing a proposed general plan for all or part of the area within the county, the planning commission shall schedule and hold a public hearing on the proposed plan.*

After the public hearing, the planning commission may make changes to the proposed general plan.

2. *The planning commission shall then forward the proposed general plan to the governing body.*
3. *The governing body shall hold a public hearing on the proposed general plan recommended to it by the planning commission.*

The governing body shall publish notice of the time, place, and purpose of the public hearing in a newspaper of general circulation in the county at least ten (10) days before the hearing at which the proposed general plan is to be considered and public comment heard.

4. *After the public hearing, the governing body may make any modifications to the proposed general plan that it considers appropriate.*
5. *The governing body may:*
 - a. *Adopt the proposed general plan without amendment;*
 - b. *Amend the proposed general plan and adopt or reject it as amended; or*
 - c. *Reject the proposed general plan.*
6. *The general plan is an advisory guide for land use decisions.*

D. Amendment of Plan: The governing body may amend the general plan by following the procedures required by subsection C of this section.

This meeting is in fulfillment of subsection (D) above, in following the procedures outlined in subsection (C), which is included for reference.

Model Motion

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Jensen Future Land Use Amendment, application number 16.027, changing the designation from Agricultural to Ranch Residential 5, based on the findings listed in the staff report dated September 22, 2016.”

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the Jensen Future Land Use Amendment, application number 16.027, changing the designation from Agricultural to Ranch Residential 5, based on the findings listed in the staff report dated September 22, 2016, *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: Current Section Plat Map
Exhibit E: Property Boundary Description
Exhibit F: Applicant’s Narrative (Application)

Staff Contact

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

Exhibit A: Vicinity Map

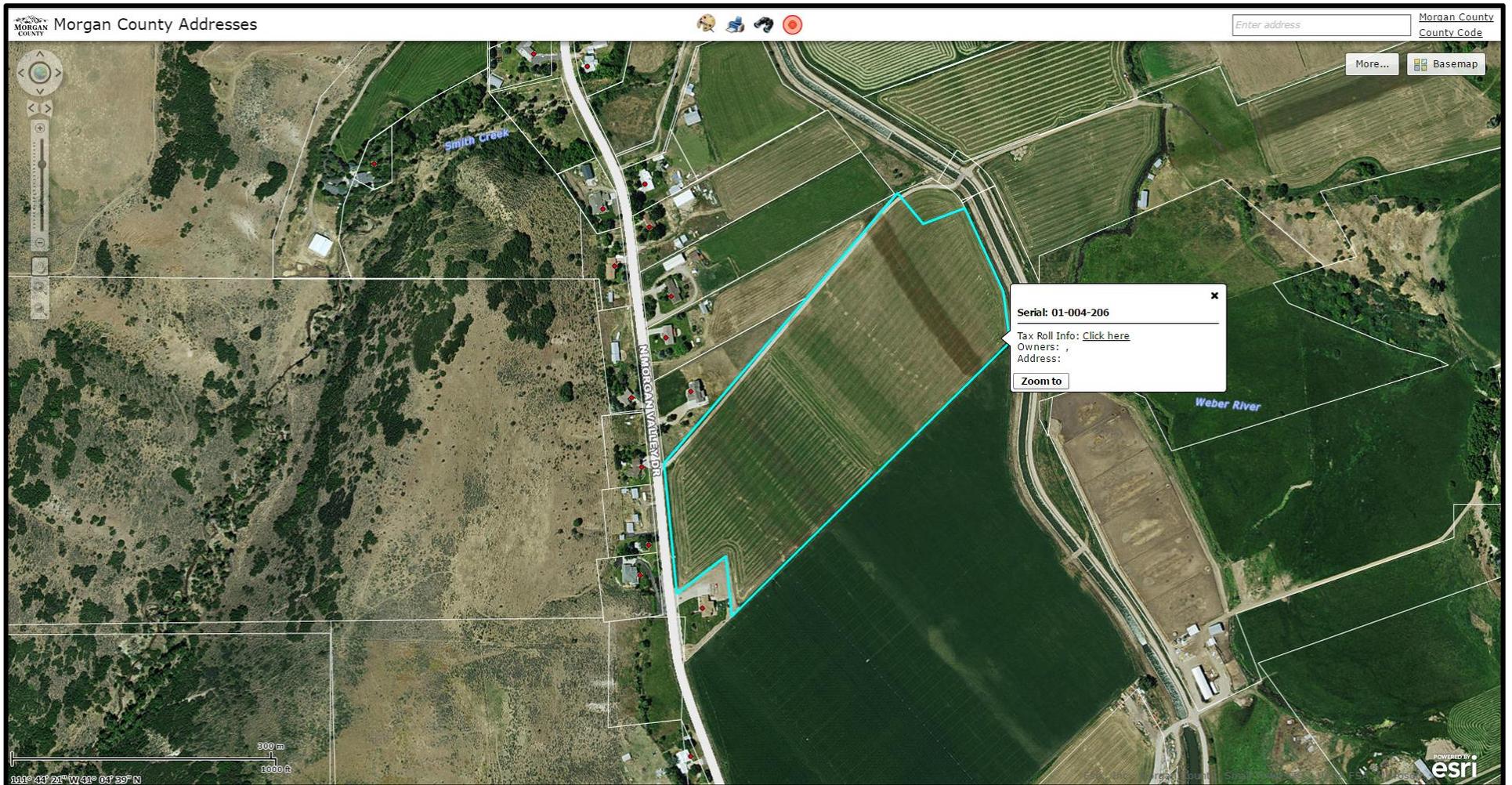


Exhibit B: Future Land Use Map

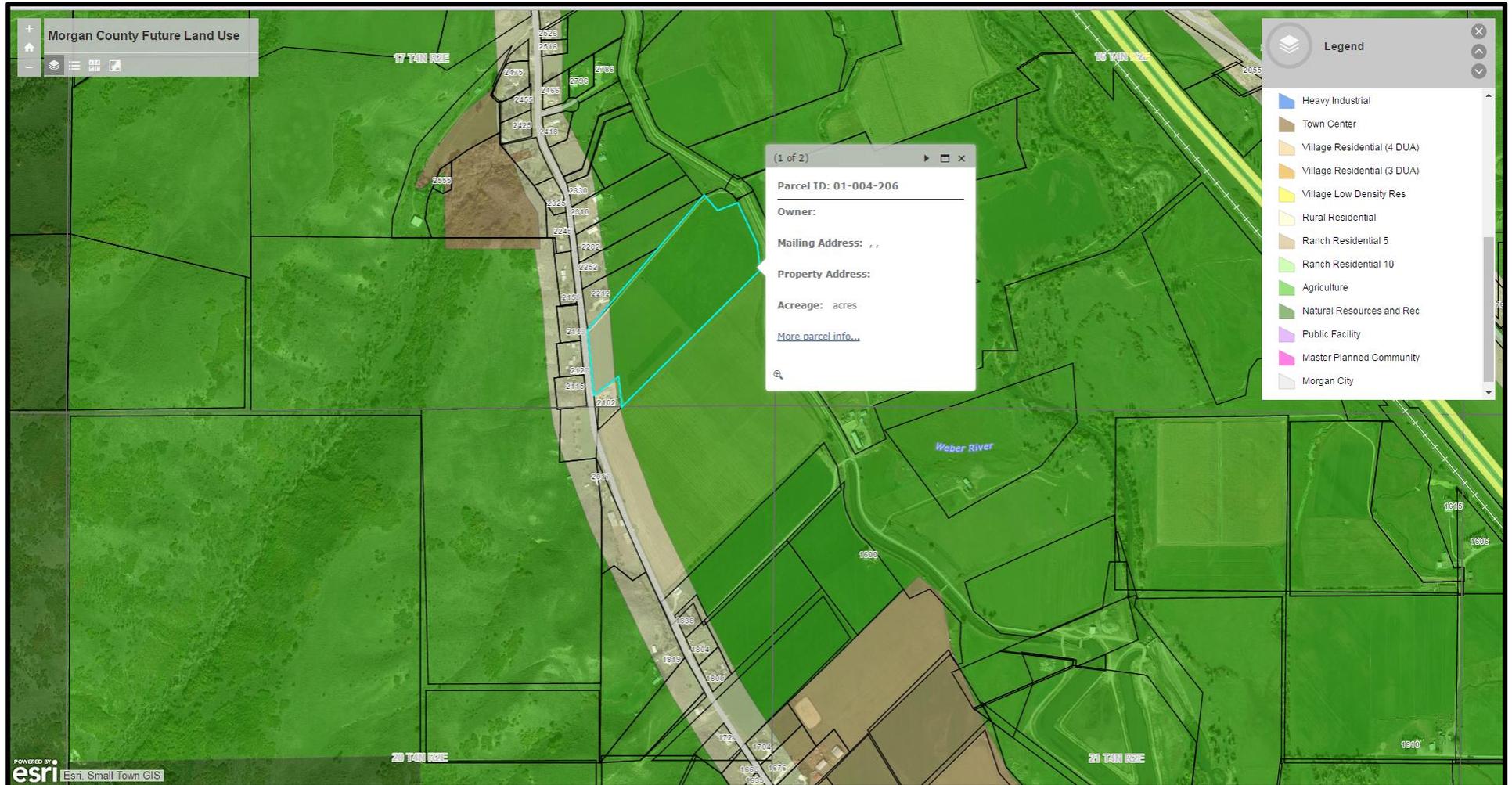


Exhibit C: Existing Zoning Map

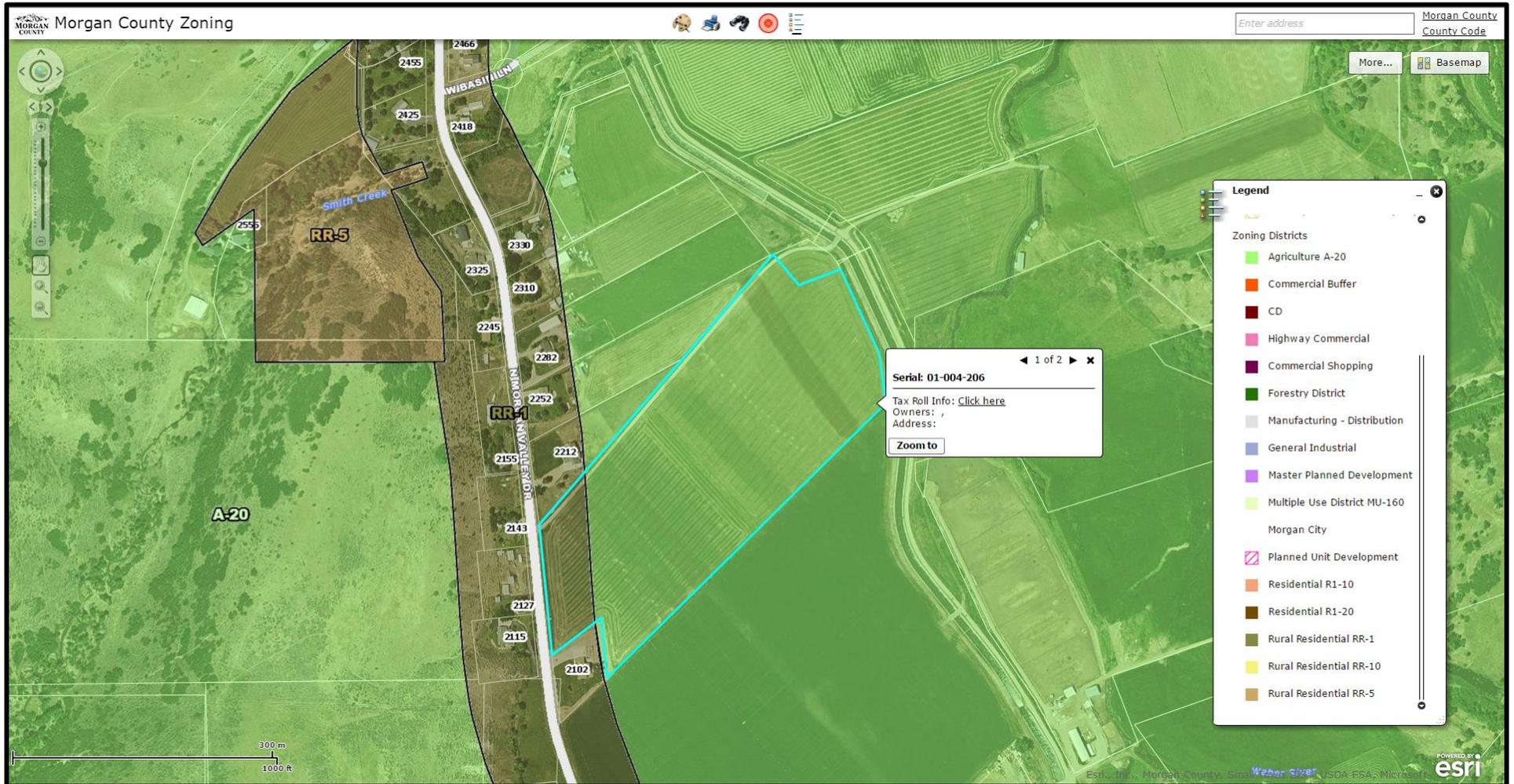


Exhibit D: Current Section Plat Map

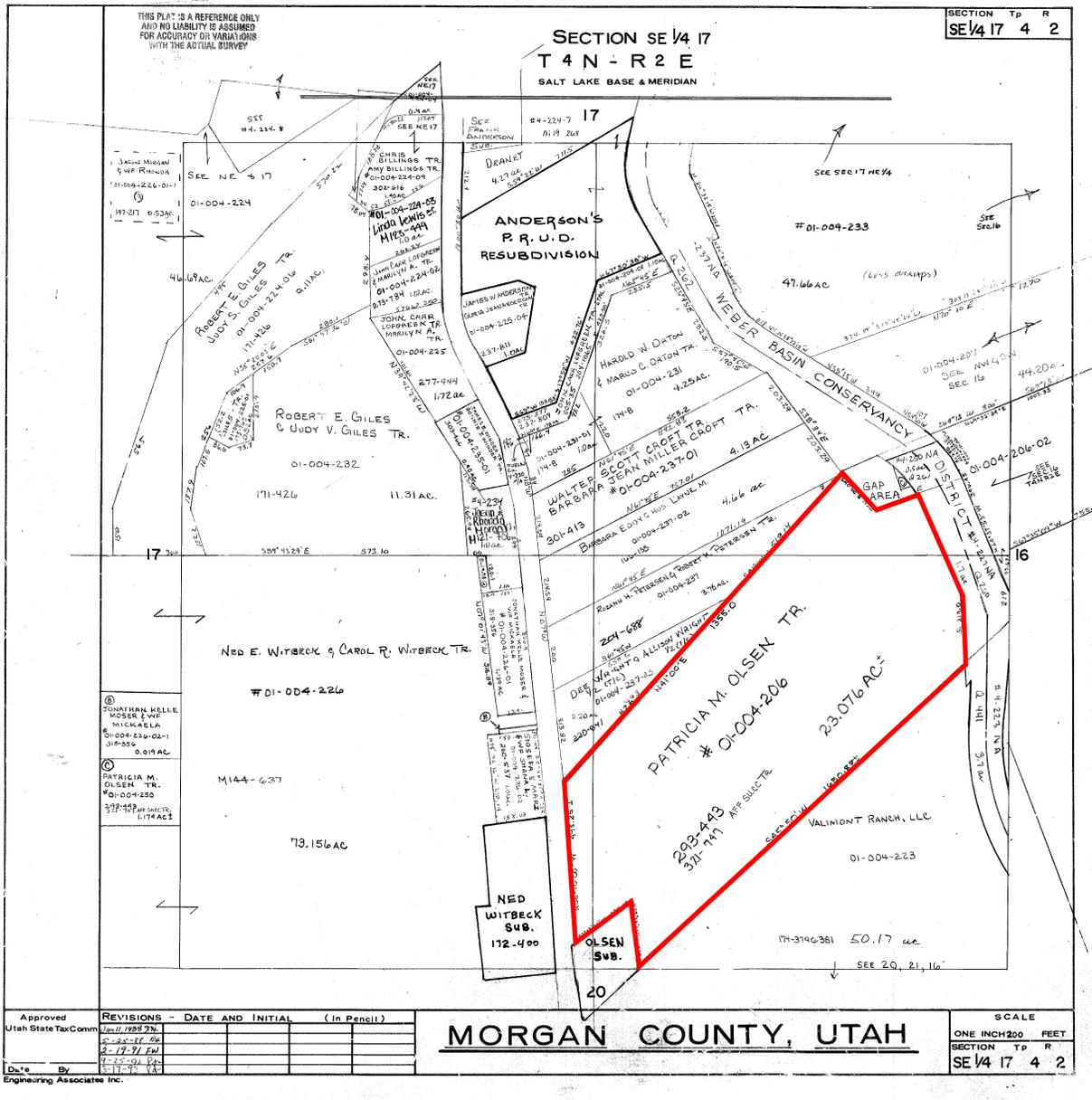
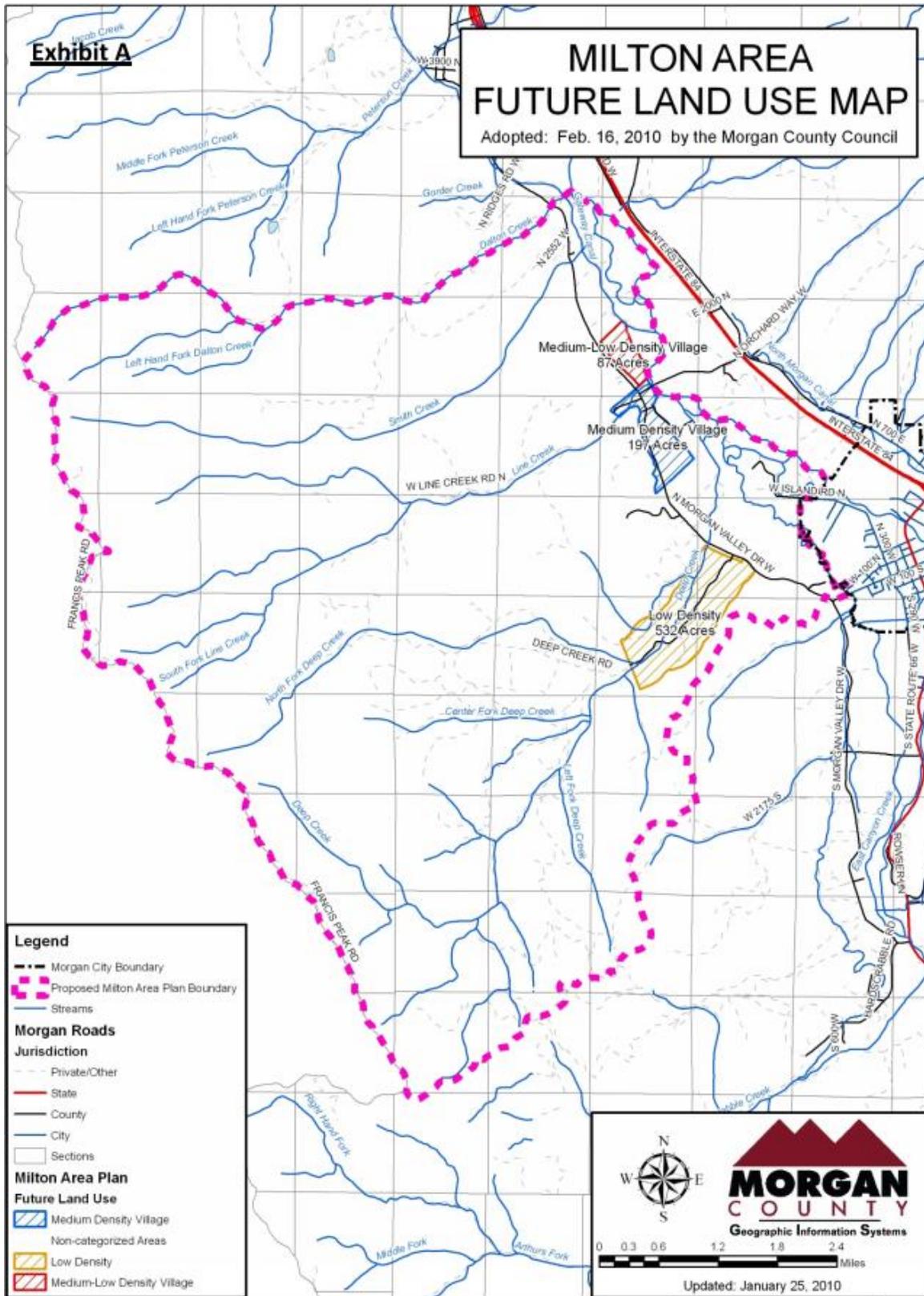


Exhibit E: Property Boundary Description

IN SEC 16, 17, & 20, T4N, R2E, OF THE SLB&M. T.B. BEG AT A PT 1126.0 FT N FRM THE SE COR OF SEC 17 AFORESAID, (SD COR IS RELOCATED WITH DUE CONSIDERATION TO THE BDYS OF ADJOINING SEC), & RUN TH S 45°50' W 1650.88 FT M. OR L TO THE SE COR OF THE OLSEN SUB AS RECORDED IN BK M161 PG 419; TH ALG THE E'LY & S'LY LN AS FOLS: N 05°38'26" W 228.77 FT; TH S 52°48'21" W 234.69 FT TO THE E'LY LN OF MORGAN VALLEY DRIVE; TH CONT ALG THE E'LY LN OF SD DR N 05°10'00" W 498.25 FT M. OR L TO THE N'LY LN OF SD TRACT; TH N 41° E 1355.00 FT; TH S 40° E 152.0 FT; TH N 69°30' E 2437.0 FT INTO THE OLD WEBER RIVER CHANNEL; TH ALG SD OLD CHANNEL S 310.0 FT; TH S 18° E 230.0 FT; TH S 76°31' W 864.6 FT; TH S 29°20' E 282.0 FT; TH S 73°20' W 128.0 FT; TH N 49°50' W 509.5 FT; TH S 67°30' W 755.0 FT; TH S 219.0 FT TO THE POB. RE: LESS THE FOL AMT SOLD: Q/260 (1.70 AC. -GOING TO WEBER BASIN CHANNEL); 161/109 (1.124 AC. - GOING TO 01-004206-01); LEAV 41.576 / 41.58 AC. M. OR L. RE: LESS 18.50 AC, M. OR L GOING TO 01-004-206-02 LEAV 23.076 / 23.08 AC, M. OR L

Exhibit F: Milton Area Plan Map



ZONE MAP/FUTURE/LAND USE MAP AMENDMENT APPLICATION

Describe proposed MAP amendment:

The requested map amendment would allow for the re-zoning of the rear portion of the subject property, being approximately 19.73 acres, from A-20 to RR-5 while preserving the existing RR-1 zone along Morgan Valley Drive.

Describe how this change will affect the general character of the zone:

The change will consist of 6 homes on 23.4 acres. A private road owned by us is already in use as a right-away to other landowners and farmers in the area. The change from A-20 to RR-5 will result in a slightly higher home density for the property, however the rural atmosphere with large amounts of open space will remain largely unchanged.

Any additional information that may be useful:

The requested zone change is consistent with the general layout of the area and also within the village center. Properties containing a residence in this general area vary in size from 1 acre on up to 20 acres or larger. The proposed zone change will also allow for future development similar to other previously approved projects in the area.

Dickson Future Land Use Map Amendment
Public Hearing
September 22, 2016

Application No.: 16.027
Applicant: Norris and Pamela Dickson
Owner: Same
Project Location: approximately 661 W 1550 S (Richville Lane)
Current Zoning: A-20
General Plan Designation: Agricultural
Acreage: ~14.75 acres
Request: Amend the Future Land Use Map, changing the existing designation of Agricultural to Rural Residential
Date of Application: August 10, 2016
Date of Previous Hearing: N/A

Staff Recommendation

County Staff recommends approval of the requested future land use 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

Norris Dickson applied for the Future Land Use Map amendment in order to pursue anticipated development of this property. The property is located in the Richville area of unincorporated Morgan County, just west of Morgan Valley Drive. The property currently is in the Agricultural designation for the Future Land Use Map. The associated zoning for the property (which is currently all zoned the same at A-20) would not allow for the desired development the applicant wishes to pursue. The proposed amendment would change the current designation from Agricultural to Rural Residential. The land is currently largely vacant; however, there is a barn located on the north east corner of the property (see Exhibit A).

Analysis

General Plan and Zoning. Changing the Future Land Use Map/General Plan is a serious undertaking. The General Plan represents the desires of the people of Morgan County, and as

such should only be modified to reflect these continuing desires. Care should be taken to ensure viability of any proposed projects, as well as maintaining the desires of the people as expressed in the General Plan.

The General Plan and Future Land Use Map anticipate the development of property in this area. In designating the property as a part of the Agricultural designation, the General Plan demonstrated the desire of the County to keep this area in relatively open space, protecting property from rapid and dense development, and ensuring that the relatively undeveloped areas of the County remain pristine. The purpose of the Agricultural designation is to:

...support viable agricultural operations in Morgan County, while allowing for incidental large-lot residential and other uses. The residential density in this category is up to one unit per 20 acres. (page 7)

The requested designation, Rural Residential, notes that:

The Rural Residential category designation accommodates semi-rural large lot development, with generous distances to streets and between residential dwelling units in a viable semi-rural character setting. Residential density in rural residential areas is a maximum of 1 unit per acre. (pages 7 and 12)

As can be seen in Exhibit B, and as noted above, there is already some compatible development in the area. It is also anticipated that the developer will request a rezone to RR-10 pending the approval of the proposed Future Land Use Map amendment.

Further, the Porterville/Richville Area Plan notes that the Richville Small Village is to be located generally at the intersection of Morgan Valley Drive and Richville Lane. Policy 3.3.1.3 states the following:

Porterville/Richville small villages are defined as a focal point of residential development typically single-family in nature with very limited, if any, public services, commercial use, etc. The County shall assess the impact of each development on the rural, open space, agricultural, and small-scale character of each.

and Policy 3.3.1.5 states:

Porterville/Richville small villages shall respond to the character of the surrounding landscape setting and surrounding developed areas.

As there are a number of lots in the area ranging from 1 to 6 acres, the proposed amendment appears to be in keeping with the existing character of the area.

The 2010 Morgan County General Plan identifies the following as three 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*):

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.

Ordinance Evaluation:

Morgan County ordinance anticipates amendments to the General Plan. Section 8-3-10: General Plan indicates that:

C. Plan Adoption:

- 1. After completing a proposed general plan for all or part of the area within the county, the planning commission shall schedule and hold a public hearing on the proposed plan.*

After the public hearing, the planning commission may make changes to the proposed general plan.

- 2. The planning commission shall then forward the proposed general plan to the governing body.*
- 3. The governing body shall hold a public hearing on the proposed general plan recommended to it by the planning commission.*

The governing body shall publish notice of the time, place, and purpose of the public hearing in a newspaper of general circulation in the county at least ten (10) days before the hearing at which the proposed general plan is to be considered and public comment heard.

- 4. After the public hearing, the governing body may make any modifications to the proposed general plan that it considers appropriate.*
- 5. The governing body may:*
 - a. Adopt the proposed general plan without amendment;*
 - b. Amend the proposed general plan and adopt or reject it as amended; or*
 - c. Reject the proposed general plan.*
- 6. The general plan is an advisory guide for land use decisions.*

D. Amendment of Plan: The governing body may amend the general plan by following the procedures required by subsection C of this section.

This meeting is in fulfillment of subsection (D) above, in following the procedures outlined in subsection (C), which is included for reference.

Model Motion

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Dickson Future Land Use Amendment, application number 16.027, changing the designation from Agricultural to Rural Residential, based on the findings listed in the staff report dated September 22, 2016.”

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the Dickson Future Land Use Amendment, application number 16.027, changing the designation from Agricultural to Rural Residential, based on the findings listed in the staff report dated September 22, 2016, *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: Current Section Plat Map
Exhibit E: Property Boundary Description
Exhibit F: Applicant’s Narrative (Application)

Staff Contact

Bill Cobabe, AICP
801-845-4059
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Exhibit A: Vicinity Map

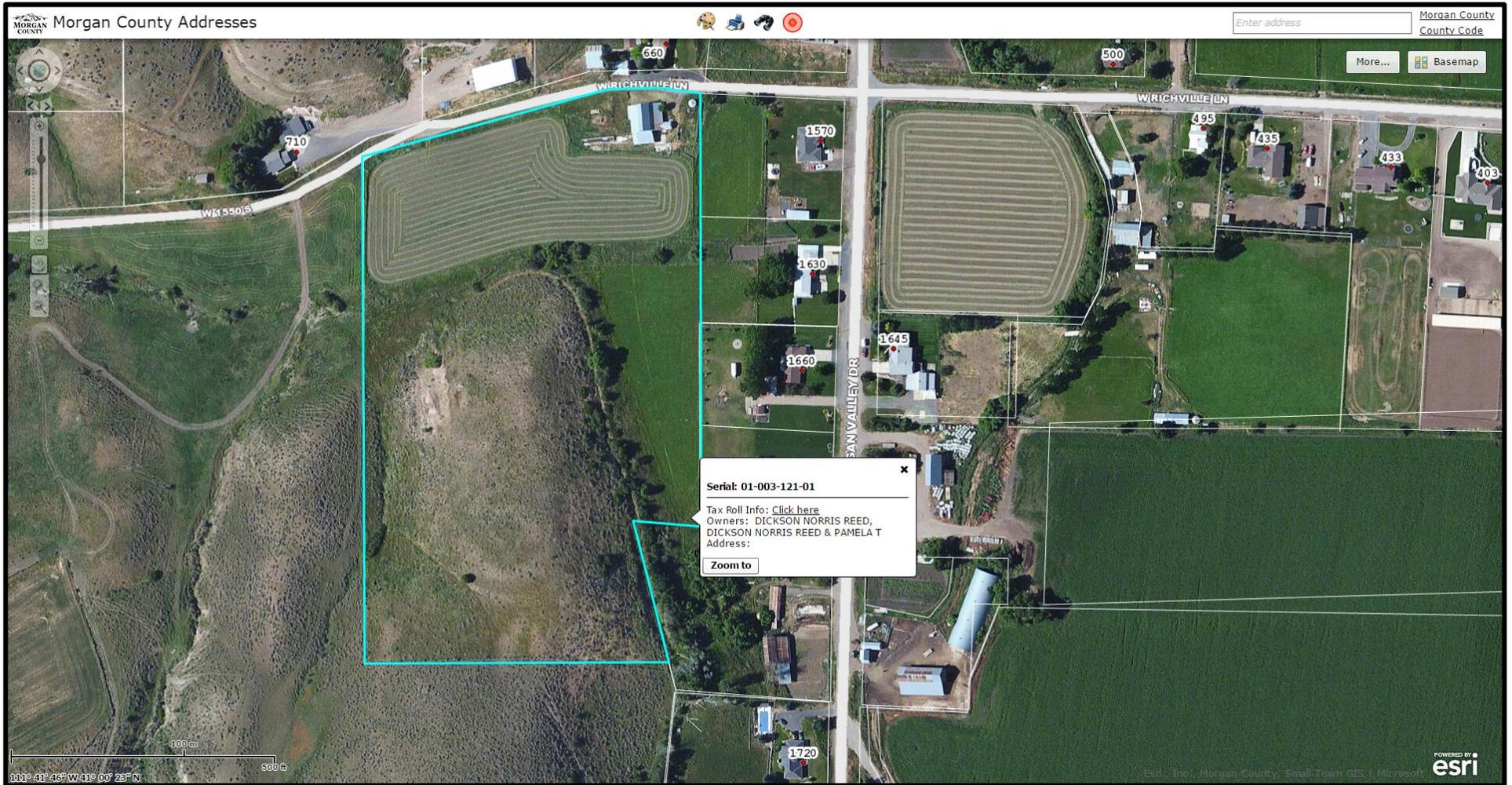


Exhibit B: Future Land Use Map

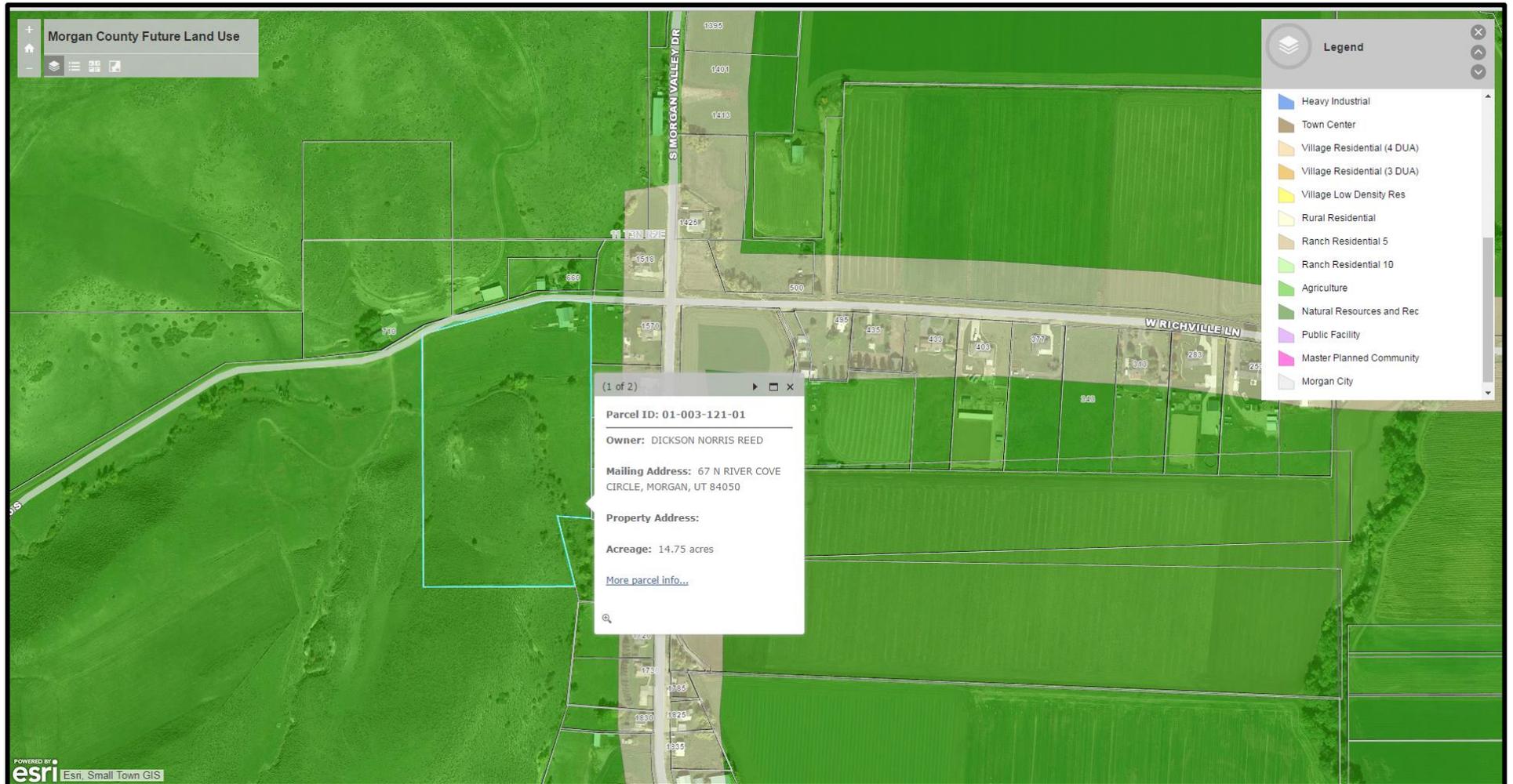


Exhibit C: Existing Zoning Map

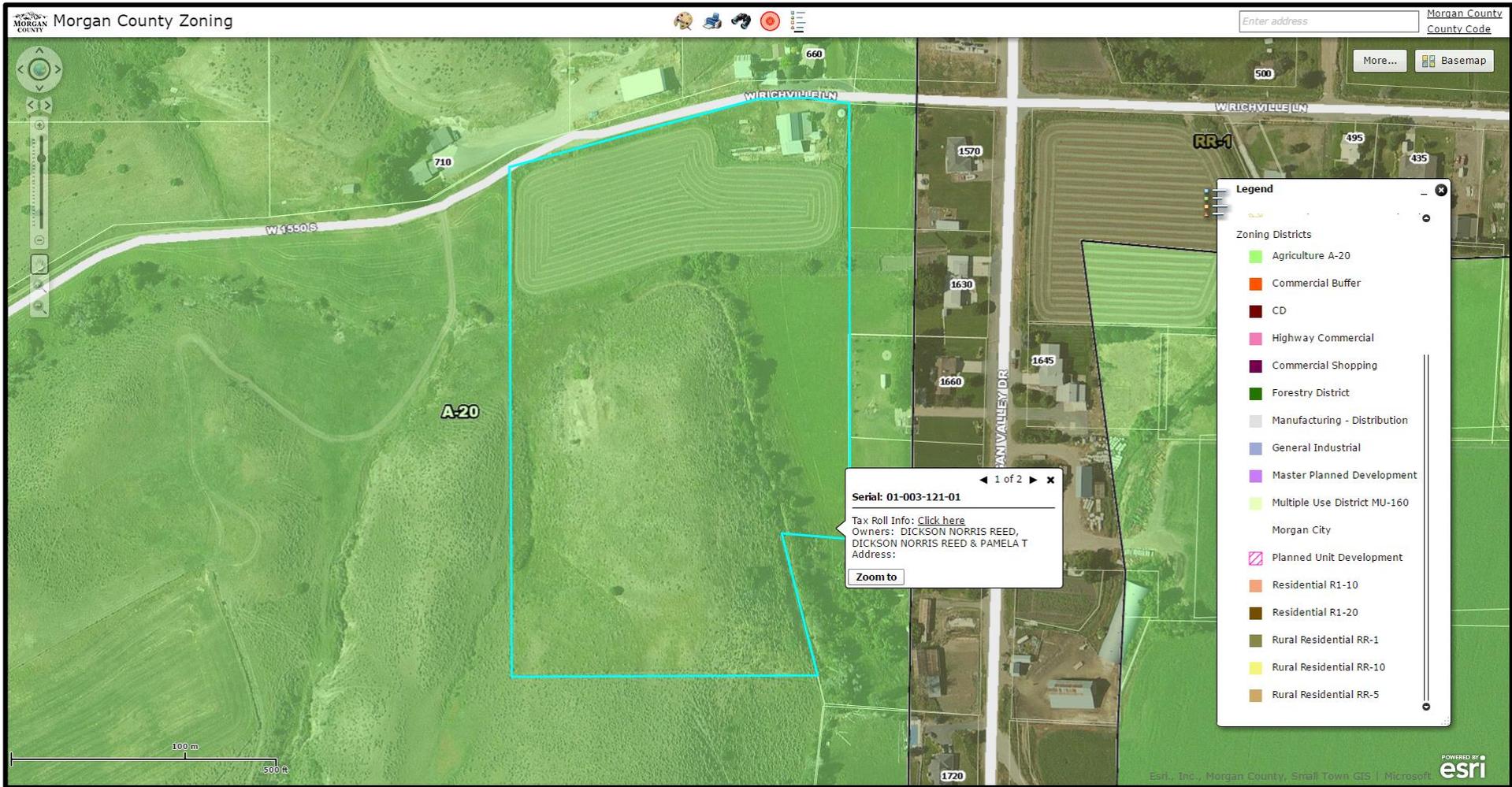


Exhibit E: Property Boundary Description

A PT OF THE NE1/4SW1/4 OF SEC 11, T3N, R2E, SLB&M. U.S. SUR. BEG AT A PT WH BEARS N 89°53' E 1777.8 FT & N 1320.0 FT FRM THE SW COR (STONE IN PLACE) OF THE SD SEC 11, & RUN TH N 0°10' W 959.4 FT TO A CO RD UP TAGGART HOLLOW; TH ALG THE S BDY LN OF SD RD 3 COUR AS FOLS: N 74°50' E 485.4 FT; N 88°45' E 96.73 FT; S 82°22' E 79.0 FT; TH LEAV SD CO RD S 820.0 FT; TH N 85°10' W 130.0 FT ALG A FNC LN; TH S 14°10' E 276.0 FT ALG A FNC LN; TH S 89°53' W 578.7 FT ALG A FORTY AC LN TO THE POB. CONT 14.75 AC, M. OR L.

Exhibit F: Applicant's Narrative (Application)



**ZONE MAP/FUTURE LAND USE MAP
AMENDMENT APPLICATION**

AUG 10 2016

Morgan County

NOTE: Please Read Chapter 4 of the Land Use Management Code as well as any other pertinent sections of the Code/General Plan/Area Plan in detail before submitting any type of Code Amendment Application. The applicant should realize that a typical time frame for a Zoning Ordinance Amendment may be lengthy, depending upon the complexity and issues.

PARCEL to be amended (attach legal description):					
Name of Owner(s): Norris Reed Dickson Pamela Tucker Dickson				Date of Submission:	
Owner(s) Address: 67 River Cove Circle			Owner(s) Mailing Address (if different): 675 W 1550 S		
City: Morgan			City: Morgan		
State: UT			State: UT		
Zip: 84050			Zip: 84050		
Phone: 801-829-5589 801-829-6640			Email: nandpdickson@gmail.com		
Name of Applicant or Authorized Agent: Norris Reed Dickson					
Agent Address:			Agent Mailing Address (if different):		
City:			City:		
State:			State:		
Zip:			Zip:		
Phone:			Email:		
Owner(s): Signature of Authorization to file:				Date of Submission:	
Describe proposed MAP amendment: Amend the future land use map from an agricultural designation to a rural residential designation. Copy of deed attached.					
Describe how this change will affect the general character of the zone: This will change the general character of the area to allow for low density (1-3) homes to be constructed on the property pending future zone change.					
Any additional information that may be useful: Two homes already exist on the north side of 1550 S., across the road from this property.					
Pre-Application Conference Date (if applicable or necessary):					

Peterson Future Land Use Map Amendment
Public Hearing
September 22, 2016

Application No.: 16.029
Applicant: Derek Walker, Better City
Owner: Peterson Properties LLC
Project Location: approximately 161 S Morgan Valley Dr
Current Zoning: A-20/RR-1
General Plan Designation: Rural Residential and Agricultural
Acreage: ~34.72 acres
Request: Amend the Future Land Use Map, changing the existing designation of portions of the property which are currently designated as Agricultural and Rural Residential to Business Park
Date of Application: August 23, 2016
Date of Previous Hearing: N/A

Staff Recommendation

County Staff recommends denial of the requested future land use map amendment based on the following findings and with the conditions listed below:

Findings:

1. That the proposed amendment is not in harmony with future land use planning efforts.
2. That the proposed amendment will not be in harmony with existing land uses in the area.
3. That the anticipated development may adversely impact the adjacent properties.

Background

Derek Walker with Better City applied for the Future Land Use Map amendment in order to pursue anticipated development of this property. The property is located in the Milton area of unincorporated Morgan County, just north and west of the Surrey Lane, and generally east and north of Morgan Valley Drive. The property currently extends over two different Future Land Use Map designations – the bulk of the property lies within the Agricultural designation, while the property nearest Morgan Valley Drive (including a couple of access routes) are in the Rural Residential designation. The associated zoning for the property would not allow for the desired development the applicant wishes to pursue. The proposed amendment would change the property currently designated as Agricultural and Rural Residential to the Business Park designation. The land is currently largely vacant and is in agricultural use (see Exhibit A).

Analysis

General Plan and Zoning. Changing the Future Land Use Map/General Plan is a serious undertaking. The General Plan represents the desires of the people of Morgan County, and as such should only be modified to reflect these continuing desires. Care should be taken to ensure viability of any proposed projects, as well as maintaining the desires of the people as expressed in the General Plan.

The General Plan and Future Land Use Map anticipate the development of property in this area. In designating the property as a part of the Agricultural designation, the General Plan demonstrated the desire of the County to keep this area in relatively open space, protecting property from rapid and dense development, and ensuring that the relatively undeveloped areas of the County remain pristine. The purpose of the Agricultural designation is to:

...support viable agricultural operations in Morgan County, while allowing for incidental large-lot residential and other uses. The residential density in this category is up to one unit per 20 acres. (page 7)

and the Rural Residential designation states that:

The Rural Residential category designation accommodates semi-rural large lot development, with generous distances to streets and between residential dwelling units in a viable semi-rural character setting. Residential density in rural residential areas is a maximum of 1 unit per acre. (pages 7 and 12)

The requested designation, Business Park, notes that:

The Business Park use category is intended to provide for areas for the development of uses that provide employment involving light manufacturing, assembling, warehousing, and wholesale activities and associated office space and support uses. The Business Park designation is intended to encourage campus-style commercial development near the airport which incorporates amenities including attractive streetscapes and enhanced landscaping. This use category provides for employment in commercial and light industrial uses that are compatible with adjacent or surrounding land uses. The areas designated for Business Park uses have adequate transportation and infrastructure access, and emphasize minimal conflict with existing adjacent land uses. This designation provides for the development and accommodation of administrative and research industries, offices, and limited manufacturing and support services. Typical uses may also include construction contractors, small, screened storage yards, and small warehousing spaces. (page 12)

Further, the Milton Area Plan provides the following guidance:

When considering land use policy changes that will affect the Milton area, the following goals and objectives should assist the Planning Commission and County Council in understanding the community's needs and desires for future land uses, zoning, and infrastructure..

The goals of the Milton community are organized accordingly:

Land Use

- 1. Maintain a rural atmosphere and rural way of life.*
- 2. Safeguard the local farmers' right to farm. (...)*

Transportation

- 5. Address traffic, transportation, and roadway concerns in and through the Milton area. (Milton Area Plan, page 4)*

(Goal 1; Objective) 3. Discourage increased densities outside of the village center and the Deep Creek area by maintaining current zoning in all other areas of Milton.

The Milton community values the open atmosphere that the current land uses provide. The community recognizes that some growth is inevitable and desires to see such growth organized by providing a village center in which greater density may be allowed. Future zoning decisions should provide for this density as indicated on the Milton Area Plan Map (Exhibit A). (page 5) (Note - The Milton Area Plan Future Land Use Map is included in the Staff Report as Exhibit F)

(...)

The future increased densities as designated by the Milton Area Plan Map are recommended as a means of providing an area in Milton where growth can be planned and organized. As such, the provision of encouraging growth therein is also intended to discourage growth in all other areas of Milton. The current zoning is recommended to guide future land uses in these other areas. (page 5)

(...)

(Goal 2; Objective 1) Encourage farming by maintaining the current A-20 and MU-160 zoning as the future land use of those areas currently zoned as such, unless depicted otherwise on the Milton Area Plan Map.

The quality of life and rural atmosphere that the Milton area provides is enjoyed because of the agriculture and open space it provides. Agriculture is of economic importance to the area. Maintaining farming and agriculture is critical for the quality of life the Milton area provides and for its overall contribution to Morgan County. There are a few residents of Milton whose sole income comes from farming and its way of life. There are some residents that supplement their income with farming, and others who hobby farm. Whichever it may be, the right to farm in the Milton area should be preserved, and future policies related to Milton should reflect such rights and practices.

As can be seen in Exhibit B, and as noted above, there is no compatible or comparable development of this nature in the area. The proposed amendment would dramatically change the nature of the area, potentially affecting the property rights of adjacent owners. Many of these adjacent property owners have expressed concern about a commercial development in this area. These comments are included in this Staff Report as Exhibit G.

The 2010 Morgan County General Plan identifies the following as three 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):

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.

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- b. Amend the proposed general plan and adopt or reject it as amended; or
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6. The general plan is an advisory guide for land use decisions.

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This meeting is in fulfillment of subsection (D) above, in following the procedures outlined in subsection (C), which is included for reference.

Model Motion

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Peterson Future Land Use Amendment, application number 16.029, changing the designation from Agricultural and Rural Residential to Business Park, *due to the following findings:*”

1. List any additional findings...

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the Peterson Future Land Use Amendment, application number 16.029, changing the designation from Agricultural and Rural Residential to Business Park, based on the findings listed in the staff report dated September 22, 2016.”

Supporting Information

- Exhibit A: Vicinity Map
- Exhibit B: Future Land Use Map
- Exhibit C: Existing Zoning Map
- Exhibit D: Current Section Plat Map
- Exhibit E: Property Boundary Description
- Exhibit F: Milton Area Plan Future Land Use Map
- Exhibit G: Comments from Residents/Property Owners
- Exhibit H: Applicant’s Narrative (Application)

Staff Contact

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

Exhibit C: Existing Zoning Map

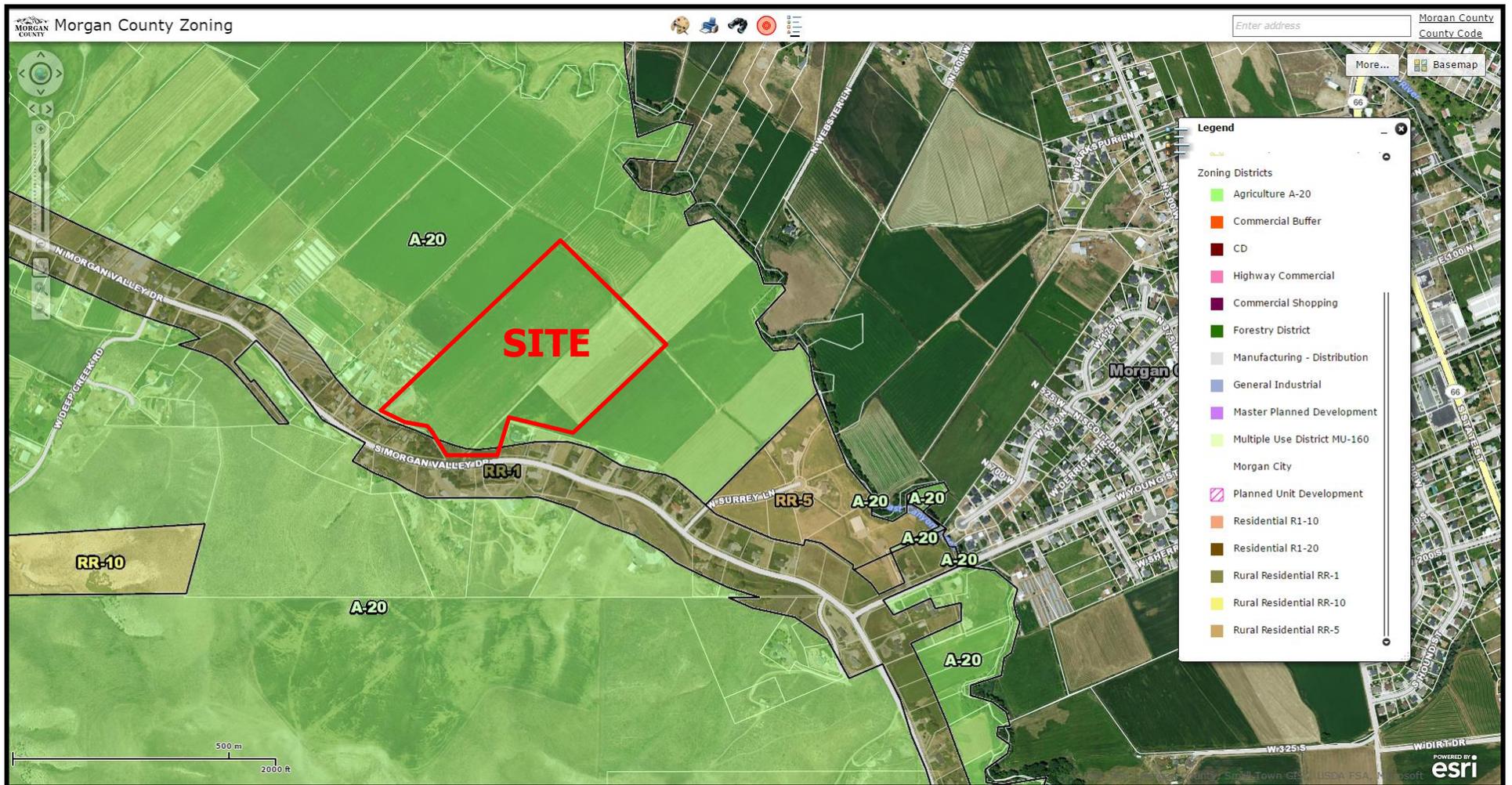


Exhibit E: Property Boundary Description



Utah Land Surveying, LLC
1359 FAIRWAY CIR., FARMINGTON, UT 84025
(801) 725-8395 • FAX (801) 820-7775

A Legal Description for
Area to be Re-zoned

A tract of land located in the Southeast Quarter of Section 34 and also in the Southwest Quarter of Section 35, Township 4 North, Range 2 East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point on the Northerly Right-of-Way line of Morgan Valley Drive, said point being South 89°49'47" West along the Section line 1097.69 feet and North 1034.29 feet from the Southeast Corner of Section 34, Township 4 North, Range 2 East, Salt Lake Base and Meridian; and running thence 83.75 feet along the arc of a 1541.46 foot radius curve to the right through a central angle of 03°06'47" (which long chord bears North 88°31'13" West 83.74 feet) to the Northerly and Easterly line of the Heiner Property as contained in that certain Warranty Deed with Entry No. 55176; thence along said Northerly and Easterly lines the following four (4) courses: North 32°33'00" West 201.38 feet; thence North 48°17'00" West 71.00 feet; thence North 70°45'00" West 95.80 feet; thence North 77°59'00" West 67.00 feet to the North line of the Peterson Property as contained in that certain Warranty Deed with Entry No. 133696; thence North 62°50'43" West 208.00 feet; thence North 46°54'13" East 1858.20 feet; thence South 55°07'52" East 428.33 feet; thence South 30°44'04" East 186.62 feet; thence South 44°11'18" East 465.00 feet; thence South 45°48'42" West 807.00 feet; thence North 44°11'18" West 451.23 feet; thence South 44°52'00" West 919.27 feet to the point of beginning.

Contains 1,512,220.35 sq/ft or 34.72 Acres

Prepared for: Better City
Attn: Derek Walker
1100 Country Hills Dr, Ste 100
Ogden, UT 84403
801-652-3134

Prepared by: Utah Land Surveying, LLC
Michael Wangemann, PLS
6431156-2201
July 12, 2016
Job No. 1130-16



Exhibit F: Milton Area Plan Future Land Use Map

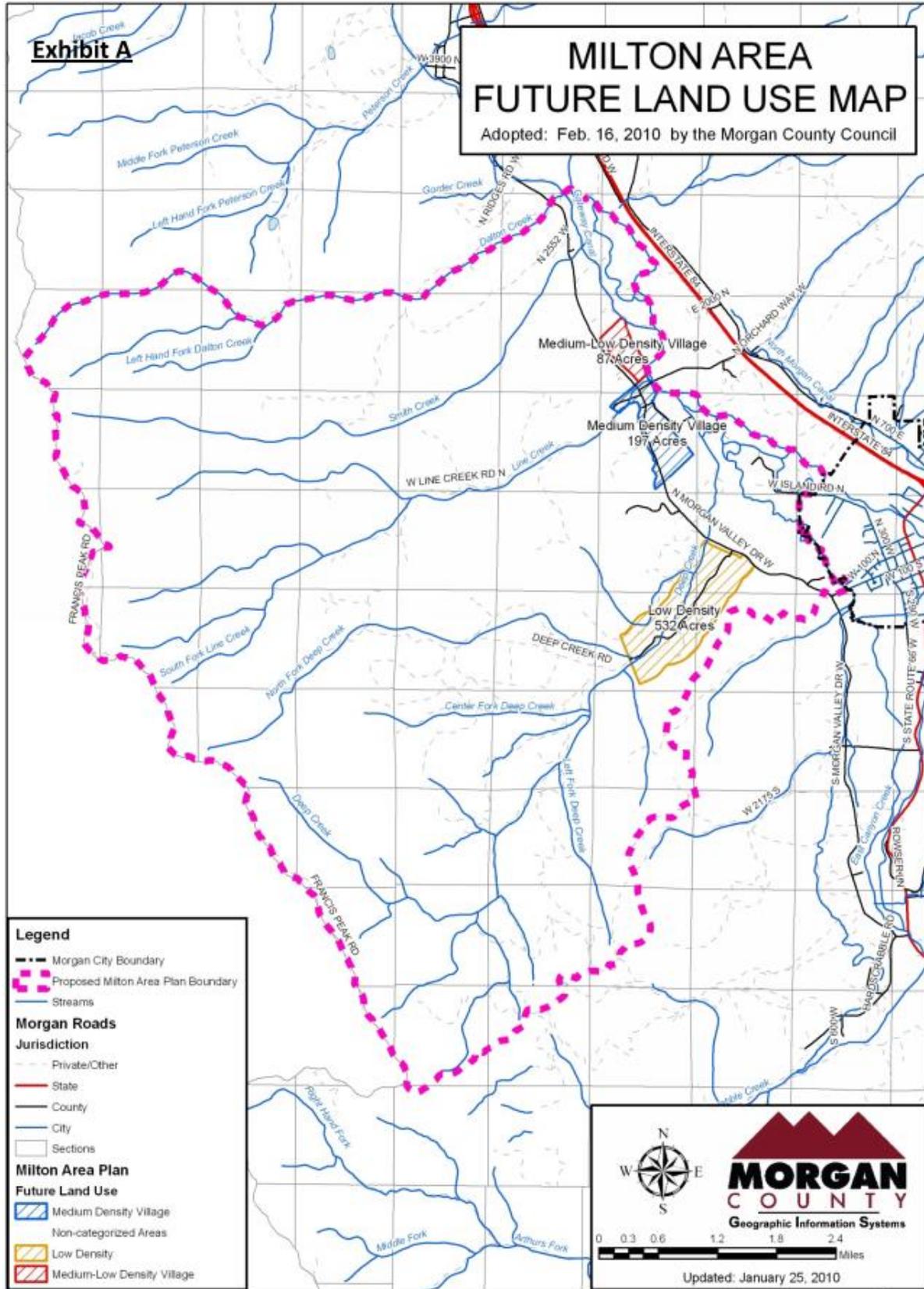


Exhibit G: Comments from Residents/Property Owners

From: matt johnson [mailto:mjohnson4545@yahoo.com]
Sent: Monday, September 12, 2016 8:25 PM
To: bcobabe@morgan-county.net
Subject: Peterson FLUMA 34.72 Acres from Agricultural to Business Park Designation

Bill,

My property borders the land in question. We moved to Milton in 2010, primarily to enjoy the rural lifestyle. The view from the back of our property is farm land as far as you can see. This was a huge selling point for us. We wanted to know what was likely to happen with that land over the long term and we're pleased to discover that the property was zoned A20 and that the future land use map had recently been updated and that for future planning purposes the land in question was designed to remain agricultural. This was comforting to us and one of the reasons that we moved forward with the purchase of our 3.2 acre dream lot. We have since built a beautiful home complete with attractive landscaping, a grazing pasture, and an area for honey bees.

We are greatly disturbed by the proposed change from agricultural to "Business Park." We did not move to Milton to have our animals graze next to a strip mall. The changes are being proposed for only one reason. The current owner loaned a very large amount of money to a past owner with the land in question as collateral. The current owner was eventually forced to foreclose on the land. He is now looking to recoup his large investment and the only way he can make the numbers work is with a commercial and dense residential development that has no place in Milton. He is trying to shove a square peg into a round hole in order to recover lost money. It is not the planning commission or County Council's responsibility to protect investors from investments that don't work out. The Planning Commission has done a great job of creating a plan for the Milton area that reflects the will of the community. We are hopeful that the commission will respect the wishes of the Milton area and reject the proposed change.

Best regards,

Matt Johnson
801-891-4702

From: Brady Peterson [mailto:bradypeterson@live.com]
Sent: Monday, September 12, 2016 9:27 PM
To: Bcobabe@morgan-county.net
Subject: Milton development

I would like to express my concern and opposition to the proposed development for the property owned by Steve Petersen. We do not have the infrastructure for a development of this magnitude. Thank you for your time.

Brady Peterson

Royal Plumbing & HVAC
801-821-6420 cell
801-888-2709 office

From: Jennifer Nielsen [mailto:jen@symetre.com]
Sent: Monday, September 12, 2016 9:58 PM
To: bcobabe@morgan-county.net
Subject: Proposed Zoning Change to Business Park/Dense Residential

Mr. Cobabe,

We moved to Milton five years ago to build a home on Surrey Lane, next to the proposed zoning change property. We were attracted by the quiet neighborhoods, open lands, and rural landscape.

For that reason, it is distressing to hear that the planning commission is considering not only a change of zoning for that property, but a radical change at that. Please allow me to list my concerns with the proposal:

1. Infrastructure. With bikers, tractors, and school busses already regulars on Morgan Valley Drive, Milton does not have proper infrastructure for a dramatic increase of either population or traffic. There is only one route into Peterson and only one route into Morgan. Adding a commercial and dense residential subdivision will put more pressure onto the roads than it can handle.
2. Demand. There are already a number of empty shops on both Commercial and State Street. Why not let those be filled with successful businesses before introducing other commercial areas? This zoning change is *not* being fueled by consumer demand, but rather by an investor seeking to recoup his money. If commercial zones are created without demand, the county will end up with even more unfilled shops. Or if they are filled, it will pull business away from the established commercial areas, harming existing efforts of Commercial Street shops to stay in business.
3. Who does the Planning Commission serve? The zoning request has come from *one individual* seeking to recoup his personal investment. It is overwhelmingly opposed by the Milton community. In the past, the Planning Commission has shown its support for the community, as well as its commitment to the traditional master plan, allowing Milton to retain its identity as an agricultural community with homes on large lots. Not one with a business park, or dense residential housing.
4. A wedge decision. While the initial proposal might seem relatively innocuous, if one portion of the land is rezoned, the planning commission will have little rationale for refusing future rezoning of the remaining acreage. How can they say, "This amount is acceptable" without creating a wedge that allows additional development in future years? If the commission allows this small change, it will inevitably open the door for all of those hundreds of acres to be changed from

agricultural land into more business parks and dense residential housing. This will change Milton, and all of Morgan County. Please do not open this door.

5. Community Identity. Milton is a farming community and wishes to remain so. Talk with any Milton resident, and this will be confirmed. Leave the commercial areas to the existing zoned areas in Morgan and allow us to maintain the agricultural zones that we value and cherish here.

Milton is a uniquely special place within Morgan County and especially within northern Utah. There are few places left where one can raise their family in a place as quiet and beautiful. We chose this community for a reason. Please let your decision reflect the wishes of Milton residents and deny this zoning change request.

Best wishes,

Jennifer Nielsen

761 West Surrey Lane
801-671-6576

From: Jeff Nielsen [mailto:jeff@obsidianfx.com]
Sent: Tuesday, September 13, 2016 6:40 AM
To: Bcobabe@morgan-county.net
Subject: Peterson FLUMA 34.72 Acres "Business Park" Re-zone Request

Mr. Cobabe,

First, thank you for what you and the Planning Commission as well as the County Council do to help our community. It has come to my attention that the matter of the rezoning of the 34.72 Acre Peterson lot in Milton from Agriculture to Business Park has come back to life. Not long ago, I remember going to the future land use meeting for the county and expressing clearly, as did many in our community, the desire of the Milton community to stay true to its agricultural identity. I have numerous concerns, but first would like to share what brought us to the Milton area. When my wife and I first got married 25 years ago, we took numerous drives around the state dreaming of and planning for our future - one that was naively based more on a Norman Rockwell painting ideal than reality. That was until we stumbled onto the Milton area while exploring Morgan Valley and found one of the few locations left that had managed to retain its spirit and rural identity in a world increasingly muddled by concrete, cars and chaos. To our surprise, we found the spirit of Milton to be far more than its rolling fields and stunning sunrises. It's the families that have been here for generations. It's the tractors driving down Morgan Valley Drive. It's the kids training horses next to parents working the fields. It's a friendly smile and wave from every person you pass because you know them and they know you. This is what makes Milton such a unique part of the Morgan Valley. It's also what will be lost if developments like the Peterson proposal are allowed to move forward. A few of my specific concerns and thoughts follow:

1 - The current zoning reflects the communities desire to preserve its identity.

2 - Distinct "zones" are what make our Morgan Valley great. First, Morgan City which is the perfect balance of small-town feel with a good mix of commercial, industrial, dense residential and a preserved and authentic "commercial" street. Drive 5 minutes from town and you are immersed in agriculture and recreation. For those seeking even more traditional neighborhoods, there are plenty of options in the Mountain Green and Morgan City areas that support that. The zoning is currently laid out to facilitate this distribution. There is no reason to have a variance of this magnitude in the heart of the agricultural part of the county.

3 - If this change is allowed to go forward, not only does it risk ruining the Milton area, but it would undoubtedly increase the number of empty businesses on Commercial and State Streets. The worst thing that could be done for a community trying to fill vacant buildings is to build more vacant buildings.

4 - Infrastructure. Morgan Valley Drive, with its tractors, children playing, narrow lanes, bicycles and no sidewalks would not be able to support an industrial area or especially the congestion from a business park or dense residential housing that would follow as soon that door is opened a crack. There are plenty of areas in the county already zoned for and set up to support this.

I'm asking the planning commission and county council to please honor the wishes of our Milton community and deny this request which would ruin what is one of the jewels of Morgan County.

Thank you,

Jeff Nielsen
801-920-3130

-----Original Message-----

From: . Holbrook [mailto:holbrook707@live.com]
Sent: Tuesday, September 13, 2016 6:51 PM
To: bcobabe@morgan-county.net
Subject: Opposition to Amendment to Land Use

Mr. Cobabe

My name is Jason Holbrook, I live at 163 South Morgan Valley Drive. My wife and I just purchased this property one week ago today. We moved up here from the busy and chaotic Salt Lake / Ogden valley to get away from the masses of homes built on top of one another and strip malls that create vacant un-leased space. Not to mention that we wanted to also get away from all the other junk that comes with an over developed area. We found that this area of Morgan is anti-development and that the current zoning would not allow a business park development. We are very disappointed to have discovered that the very property that we were told was not able to be developed is now having a public hearing on this very matter. We strongly oppose any amendment to the current land use or designation of the property to the north and east of 163 South Morgan Valley Drive. The developer who purchased this

property knew what they were buying when they purchased this property. If the developer wants to build a business park they need to sell their agriculture property and purchase a zoned business park property. Please do not change the current agriculture designation to a business park designation and morph the current owner's problem into a problem for multiple Morgan County resident's problem. Please do not allow a developer that doesn't even live in this area to destroy the serenity of this area. Morgan and Peterson are the only few beautiful rural areas left for families like mine to find refuge from the chaos of over development. The proposed change to the land use will destroy the beauty of this area.

Thank you,
Jason Holbrook
801-372-7608

From: Quinn Tucker [mailto:qtucker40@gmail.com]
Sent: Wednesday, September 14, 2016 3:58 PM
To: bcobabe@morgan-county.net
Subject: land use amendment in milton

Hey Bill

This is Quinn Tucker the proposed property is located directly behind my place I strongly oppose the proposed usage as well I know most people from the y to hinds and almost all feel the same way.

Thanks Quinn

From: Country Cop [mailto:countrycop911@gmail.com]
Sent: Wednesday, September 14, 2016 6:03 PM
To: bcobabe@morgan-county.net
Subject: Milton Development

Bill,

I am very against changing 34 acres near 200 South Morgan Valley Drive from agricultural designation to a Business Park and dense residential. The fast population growth in Morgan County is stretching resources to the breaking point. Population growth is outpacing the capacity of schools and costs of basic services like law enforcement and EMS. This growth does not generate enough funds to pay for additional infrastructure and services.

We are not required to help the land owner receive a return on his investment. He purchased this land knowing it was agricultural. He should not be allowed to change the zoning in order to turn a profit. The people who live here do so because it's a rural setting. Residents have built homes here in a rural area for the peace and quiet of the area.

Gary Dudley

From: Rod Stephens [mailto:roddstephens@gmail.com]
Sent: Wednesday, September 14, 2016 6:33 PM
To: bcobabe@morgan-county.net
Subject: Peterson future Land Use Map Amendment

I'm completely opposed to this development in the Milton/Littleton community. Please do not approve this. This plan is in opposition to our community. We live in this area because it is rural. The owners are welcome to build there if it R5. If people wish to live in Layton they are free to move there. Mountain Green obviously doesn't care about living in developed areas and if they want to build this type of plan they are welcome to do it there!

This is my home and has been for generations. I have no other place to go that is like it. Please don't ruin this life style for us. We do not want it here! I ask for your support to defend the Milton values.

Sincerely,

Rod Stephens

From: Carol Mecham [mailto:mechamalley@gmail.com]
Sent: Wednesday, September 14, 2016 9:22 PM
To: bcobabe@morgan-county.net
Subject: Fwd: Peterson Future Land Use Map Amendment

Begin forwarded message:

From: Carol Mecham <mechamalley@gmail.com>
Subject: Peterson Future Land Use Map Amendment
Date: September 14, 2016 at 9:20:49 PM MDT
To: bcobabe@morgan-county.net
Cc: Robert Kilmer <rkilmer@morgan-county.net>, Logan Wilde <lwilde@morgan-county.net>, Tina Cannon <tcannon@morgan-county.net>, Austin Turner <aturner@morgan-county.net>, jbarber@morgan-county.net, Daryl Ballantyne <dballantyne@morgan-county.net>, Ned Mecham <nmecham@morgan-county.net>

Mr. Cobabe,

We are residents of Milton and live on Morgan Valley Dr. We are not in favor of changing from agricultural designation to Business Park destination. We as a community years ago had a "Area Plan" and wanted this kept agricultural and still want it that way. There is no sewer and water! If we wanted industry in our community, we would have put it in our Master Plan. We

did not move to Morgan and build a home in Milton to have a business park in our neighborhood. We moved to here to live out in the country away from the city.

Glen & Carol Mecham

From: Diana Windley [mailto:dianawindley98@gmail.com]
Sent: Thursday, September 15, 2016 9:31 AM
To: bcobabe@morgan-county.net
Subject: support

Bill,

This email is in support of changing a land use designation in Milton from agricultural to business park. I studied the Notice of Public Hearing in the newspaper last week.

I am in support commercial development in the county as a way of increasing our commercial tax base. Increased revenues from commercial taxes could help alleviate the tax burden on residents for maintaining/improving our county infrastructure as well as our schools.

I support further commercial development throughout the county, and welcome new businesses to our community.

Diana Windley
Mountain Green Resident

From: CALVIN ROBERT STEPHENS [mailto:calstephens@msn.com]
Sent: Thursday, September 15, 2016 10:45 AM
To: bcobabe@morgan-county.net
Subject: Disapproval of the land use change in Milton

Thanks Bill for your efforts for the people in Milton in seeing that these letters address the issue before you.,
Lynette Stephens

(Attached Message Follows):

Sept 15, 2016

Planning and Zoning commission and the County Council

I have continually addressed the problem with the density that developers have for the larger portions of property in the Milton Area. Several years ago Morgan Master Plan was drawn up to make available higher density in some areas to protect the open land around them. Village

centers were defined to be built up before you infected the rest of the community. To top that off Area plans were formed to determine what the people wanted as far as growth in those areas. Once the build out is met then you can talk about increasing land use changes. Milton people want to live in a rural community and commercial mixed with the higher density only creates a city. Once higher density is given on one property then the others will cause a domino effect and we will lose our hometown feeling.

Morgan Commissioners are continually trying to increase the tax base so that the wants of the community can be met. We understand the dilemma, but you can prove increased building does not alleviate higher taxes. Once you have additional people there are more wants and higher demands from the population defeating the tax base issues causing a greater need for more tax base. It is a revolving door.

I do not know the environmental impact of adding the large numbers of homes proposed. The density of the housing will affect our water supply and the level of the water supply lowering the water table. All Milton residents have wells. You sink a deeper larger well and it will drop the water table eventually. Weber Morgan Board of Health requires 1/12 acres of ground to put a septic tank in and a well. They can put in and septic system for their development or try and get the rest of the residents to jump on the band wagon and join them but they cannot connect to the Morgan City Septic system that is now close to full.

Morgan Valley Road through Milton is in poor condition already. Morgan Valley Road is filled with curves and bends in the road that deter visibility making increased traffic a large concern. The bikers that infest the valley riding 3 abreast and go at a slower pace than cars build frustration in the flow of traffic causing road rage. The deteriorating roads and the deep pot holes have caused tire blow outs and cars hugging the middle of the road creating a safety hazard. The road has many walkers, four wheelers, farming equipment, wild life that cross the road to get to water, as well as most of the people backing out on to the road to go either direction generating a strain on the thoroughfare. More density requires more schools, better-quality law enforcement, and greater government and bigger wants. Increasing the use of the road will only increase the safety of the residents.

The current Morgan County growth development plans will help allow Morgan to grow in a realistic manner and will not put commercial buildings in the middle of agricultural ground.

I am opposed to the land use changes at approximately 161 S. Morgan Valley Drive from Agricultural designation to Business Park Designation . We hope that the planning commissioners and the County Councilors will listen to the wants of the people and protect our way of life. No one wants to limit people's property rights, but we do not have to increase their value so that you inflict those around you. We do not have to escalate their investment value to line their pockets at the expense of those that live nearby. They bought the ground as agricultural ground with certain rights but those rights do not have to be increased to please the buyers.

I hope as community leaders you will protect the rights of the little guy down the street from the large developers that are waiting to gobble up our peaceful valley. You were elected to represent all of us and determine what is needed. I hope and pray that you will seriously consider what the people of Milton want to live around.

I thank you for your time in considering this letter. I cannot attend the meeting as my grandson is playing football that night but would be there otherwise.

Lynette Stephens

From: Jen Johnson [mailto:jlsj1@yahoo.com]
Sent: Tuesday, September 13, 2016 11:55 AM
To: bcobabe@morgan-county.net
Subject: Clay Rich Letter opposing Peterson FLUMA

Hi Bill,

Clay Rich gave me a hard copy of this well researched letter that he wanted passed on to you and the planning commission. Thanks, Jen

(Attached Message Follows):

Clay Rich
179 South Morgan Valley Drive
Morgan, Utah 84050

Morgan County Council
Morgan County Planning Commission
48 West Young Street
Morgan, Utah 84050

September 12, 2016

Mr. Chairman(s)

Please find the following in response to the Peterson FLUMA, 34.72 acres of property located at 161 S. Morgan Valley Drive, from an A20 Agricultural Designation to a Business Park Designation.

The general plan is a strategic document, intended to provide development patterns and direction for a period of at least twenty five years. There are five unincorporated planning areas in Morgan County, following are their designations and the last adopted plan update for each area;

- Stoddard / North Morgan Adopted 2001
- Peterson Adopted 2005
- Richville / Porterville Adopted 2007
- Enterprise Adopted 2007
- Mt Green Adopted 2010
- Milton Adopted 2010

I have attached a copy of the related FLUMA public hearing notice and a copy of the adopted Milton Area Plan. Although the area plans are not a part of the general plan, they do reflect the direction and intent of the general plan, and should be used as a source of information whenever and wherever an amendment to the General Plan and related Land Use Maps are being considered. I would like to bring to your attention that the most recent area plan update was Milton, just over six years ago. At that time specific land use issues were addressed, and the remainder of the plan was expressly ratified once again.

The related FLUMA should be denied with the following findings and facts;

- The Milton Area Plan is the most recent Area Plan to have been reviewed and the least likely to have changed since plan adoption.
- Page three (3) paragraph (1) specifically requests that this plan specifically guide future land use decisions in the subject area.
- Page three (3) paragraph (2) states that this plan was reviewed comprehensively as regularly required, and that the recommendations are current, and the most relevant recommendations in the general plan.

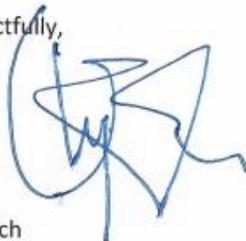
- Page four (4) land use goal one (1) states specifically that the Milton area should remain primarily rural. A Business Park Designation in the peripheral rural areas is entirely out of harmony with this plans intent.
- Page five (5) Land Use Goal one (1) objective three (3) states expressly that the plan was reviewed comprehensively and that current agricultural zoning should be maintained without change.
- Page five (5) paragraph four (4) states specifically that the designated growth areas are detrimentally impacted by growth in other areas that is not in harmony with plan recommendations.
- Page six (6) Land Use Goal two (2) objective one (1) states that agricultural zoning as defined by the current Future Land Use Map should be maintained, and implies that a deviation from this would have a detrimental impact on the entire plan area.
- Page nine (9) paragraph three (3) states that the current roads are not safe, having far too much recreational traffic to accommodate additional residential growth beyond the existing land use map designations. In the last six years the recreational traffic has increased tenfold, nearly every weekend traffic is blocked, roads painted, portable toilets dispersed, and local traffic is impaired and unsafe. A new business designation in this area would complicate traffic patterns and burden an already inadequate transportation system.
- Page twelve (12) paragraph four (4) states once again that the non-categorized areas in the plan area should remain as they are, with no zone changes or increased densities or use.

This particular property sits in an area that will experience substantial flooding every twenty years, accommodating flood waters from the Monday Town and East Canyon Creek drainages. The current natural planning edge of East Canyon creek provides an objective division from the higher urban densities of Morgan City and the preferred rural densities of the Milton Planning Area.

Granting the applicants request for a FLUMA would not be in harmony with the strategic interest of the Milton Plan Area, would not be the highest and best use of the property at this time, competes with other undeveloped and more suitable locations in Morgan County which are currently designated for this type of growth and use, and would be counted as one of Morgan County's poorest planning decisions.

I appreciate your interest and consideration of not only my thoughts, but for your interest and consideration for the citizens of the Milton Planning Area.

Respectfully,



Clay Rich

Input your document search...

HOME DEPARTMENTS AGENDAS/NOTICES PERSONNEL MINUTES/AUDIO RECORDINGS

While diligent effort will be made to provide updated information, the Agendas and Notices posted here are for reference only and are not considered to be the formal notification of meetings or public hearings. The formal notices are posted in The Morgan County News. Updates are posted in the County Building near the County Clerk's Office. Depending on your browser settings updates to documents posted here may not be visible. Click 'Reload' or 'Refresh' to ensure that you have the latest version of the web page or document loaded.

Agenda's

Latest news

- Planning Commission Agenda
Planning Commission Meeting Agenda October 23, 2014
County Council Meeting 8-26-14
The public is invited to a meeting of the Morgan County Historical...

Notices and Announcements

Public Hearing Notice - Peterson FLUMA

Author: Gina Grandpre / Thursday, September 08, 2016 / Categories:

Announcements, Notices

Rate this article: No rating

Event date: 9/22/2016 6:30 PM - 10:00 PM Export event

NOTICE OF PUBLIC HEARING*

INPUT IS REQUESTED BY THE MORGAN COUNTY PLANNING COMMISSION REGARDING THE FOLLOWING ITEM SCHEDULED FOR PUBLIC HEARING ON:

THURSDAY, September 22, 2016 @ 6:30 PM

Morgan County Courthouse - 48 West Young Street

Council Chambers

Peterson Future Land Use Map Amendment: A request to amend the Morgan County Future Land Use Map for approximately 34.72 acres of property located at approximately 161 S Morgan Valley Drive from the Agricultural designation to Business Park Designation.

All interested citizens are invited to attend and will have the opportunity to give written and oral comment. Prior to the hearing date written comments may be sent to:

Morgan County Planning Commission

P.O. Box 886, Morgan Utah, 84050

Additional information may be obtained by contacting

Bill Cobabe, Zoning Administrator

801-845-4059 or bcobabe@morgan-county.net

*This is a 10 day notice for the first public hearing for this item as required by UCA 517-27a-205. Subsequent hearings for this item may occur at the Planning Commission or County Council with or without the 10 day noticing period.

Like 0 Tweet G+ 0 Share 0 Print

Number of views (38) / Comments (0)

Documents to download

- 25 -PC Public Hearing -- Peterson FLUMA

http://www.morgan-county.net/AgendasNotices/TabId/287/ArtMID/1005/ArticleID/369/P... 9/12/2016

(What follows is the entire Milton Area Plan. I've omitted portions for brevity. The highlighted portions are included.)

Plan Introduction

The Morgan County Planning Commission desires to promote the health, safety, prosperity and general welfare of the residents of the Milton area and to maintain Milton as a community where values, character, and integrity come first. The Milton area offers scenic views, the quiet enjoyment of property, and a rural lifestyle. Therefore, this plan is intended to be used as a supplement to the Morgan County General Plan to specifically guide future land use decisions in the Milton area.

In 1999, Morgan County adopted the Morgan County General Plan Information/Data Document. This document refers to the creation of local area plans throughout the county. The local area plans were devised to focus the large scale of the General Plan to account for the future land uses and needs of residents and landowners in specific areas of the county. The Morgan County General Plan recommends the regular review of each area plan. As such, the Milton Area Plan Committee was reorganized in 2009 to address changing needs and values for future land uses in the Milton area. This 2010 Milton Area Plan is the guiding document for future land use development in Milton, and supersedes recommendations found in previous planning documents as they pertain to the Milton area.

When considering land use policy changes that will affect the Milton area, the following goals and objectives should assist the Planning Commission and County Council in understanding the community's needs and desires for future land uses, zoning, and infrastructure..

The goals of the Milton community are organized accordingly:

Land Use

1. Maintain a rural atmosphere and rural way of life.
2. Safeguard the local farmers' right to farm.
3. Address the future use of the Deep Creek Ranches.

Infrastructure and Facilities

6. Maintain and improve the facilities in the Milton park.
7. Encourage area outside the Village Center to grow with the current infrastructure.

Land Use

Goal #1: Maintain a rural atmosphere and rural way of life.

Objectives:

1. Encourage a small area village center via medium and medium-low density zoning as indicated on the Milton Area Future Land Use Map (Exhibit A), in which the majority of the future growth of Milton can be located.
2. Encourage a minor increase in density in the Deep Creek area by allowing properties with Deep Creek Road frontage a slightly higher density zoning (10 acre minimum lot size), as indicated on the Milton Area Future Land Use Map (Exhibit A).
3. Discourage increased densities outside of the village center and the Deep Creek area by maintaining current zoning in all other areas of Milton.



The future increased densities as designated by the Milton Area Plan Map are recommended as a means of providing an area in Milton where growth can be planned and organized. As such, the provision of encouraging growth therein is also intended to discourage growth in all other areas of Milton. The current zoning is recommended to guide future land uses in these other areas.

Goal #2: Safeguard the local farmers' right to farm.

Objective:

1. Encourage farming by maintaining the current A-20 and MU-160 zoning as the future land use of those areas currently zoned as such, unless depicted otherwise on the Milton Area Plan Map.



The current design of Morgan Valley Drive, Stoddard Lane, and Deep Creek Road currently pose safety hazards to non-automotive traffic. Beyond vehicular traffic, these roads are used by farmers with large farm equipment, ranchers with livestock, cyclists, pedestrians, and equestrians. There are also multiple school bus stops along these roads where children play as they wait to be picked up. As growth occurs, so will the use of the roads by multiple modes of traffic. Providing adequate safety measures on and along these roads should be addressed in the County's capital improvement program, as well as considered in future policy decisions.

Future Land Use Map Category Descriptions

The Future Land Use Map presents category descriptions in the legend which necessitate further clarification, and are described below. The boundaries on the map are approximate.

Medium Density Village. This area is intended to develop as the Milton Village Center at no less than approximately one dwelling unit per acre of land, pursuant to county ordinances and health department regulations.

Medium-Low Density Village. This area is intended to develop as the Milton Village Center at no less than approximately one dwelling unit per five acres of land, pursuant to County ordinances.

Low Density. This area is intended to develop at no less than approximately one unit per ten acres of land. Rezoning decisions should be based on whether the current infrastructure can handle the increased density, including the increased traffic load along Deep Creek Road. The

Non-categorized Areas. Areas without specific land use designations are master planned to remain in their existing zoning classifications with no zone changes. These areas are deemed least appropriate for growth and development and should only develop pursuant to their existing zoning densities.

Sept. 14, 2016

William Shaw

70 North Morgan Valley Dr.

Morgan, Utah 84050

Morgan county Planning commission.

Subject: Peterson Land use map Amendment.

Thank you for your service.

I am very opposed to the development as proposed!

We have lived in this beautiful valley for the past 38 years. When we moved here in 1978 the zoning was very tight and we purchased the only vacant land available in the county. Over the years it has been very difficult for my children to afford to live in the county because of tight zoning requiring 200' frontage. It is now almost too late to do a high density development without adversely affecting someone unless it is done within the city. This has caused many of our young families to not be able to afford to live here. Land values have remained high causing anyone who could afford to build to have to build high end homes. I like the idea of some small lots so our children could afford to live here. However putting them behind and next door to the existing high end homes will devalue the existing homes which is totally unfair to the owners.

Putting a strip mall in the proposed area is unreasonable because of accessibility. The ones existing in Morgan are not all occupied. If it succeeded look at the traffic it would generate and Morgan Valley Dr would have to be substantially up graded. If it doesn't succeed it will become a sore eye. This is so unreasonable I see it as nothing more than a distraction. With the proposed homes, a strip mall, and streets the lots would need to be about ¼ acre. I suggest that you let the city do this type of development and continue in the county with larger lots one to five acres or more such as the ones next door to this property. A pattern of development has been started so lets not sell out the existing land owners by changing it now. Remember the neighbors next door built next to an A20 zone.

Please let's keep the city on the east side of the creek.

This brings up the most important issue of all which is infrastructure. The proposed density of homes cannot be done without a county plan and county structure in place for water sewer and roads. **With the proposed density and no sewer system our downstream wells will become contaminated and our roads will become over whelmed.**

The county doesn't even have funds to maintain Morgan Valley Drive and it is in terrible disrepair as it has been for years. Before any more development takes place there must be a plan for infrastructure and all future development must fit within that plan.

We cannot and do not want to stop growth. The only thing we can do is to organize and plan that growth. Until there is a plan for infrastructure there can be no more growth.

I suggest we let the city take on this density and keep the county open and rural.

William and Kathleen Shaw family

PETITION

We the undersigned hereby express our opinions and views on the proposed land use change described as:

Peterson Future Land Use Map Amendment: A request to amend the Morgan County Future Land Use Map for approximately 34.72 acres of property located at approximately 161 S Morgan Valley Drive from the Agricultural designation to Business Park Designation.

We are strongly opposed to this land use change for the following reasons:

1. Morgan County has previously addressed this issue and has written plans for future development around community centers, such as Milton and Peterson, not in areas zoned for agriculture.
2. This sort of development would greatly reduce land values for current residents. Land value is in the eye of the beholder. We live in rural Morgan County because we greatly value the open space that we now enjoy and the current agricultural designation of this land and its surrounding property.
3. We do not know the environmental impact of adding commercial and more dense residential development. How will this affect our water supply and the water table. What about the effect of additional septic tanks? This proposal would create a dramatic increase in vehicular traffic. And what about infrastructure issues: schools, law enforcement, fire suppression?
4. Safety is a major issue. Traffic on Morgan Valley Drive already is saturated with cars and trucks, bicycles, four wheelers, farm vehicles, pedestrians, livestock, and pets. Adding many more vehicles to Morgan Valley drive exacerbates an already serious safety issue.

We support the current Morgan County growth development plans and see no reason to allow this land use change in the middle of agricultural ground. To the contrary, for the reasons supported above, we the undersigned strongly oppose the Peterson Future Land Use Amendment. Furthermore, approval of this action sets a dangerous precedent to allow land use change requests such as this anytime in the future.

Petition to oppose the Peterson Future Land Use Map Amendment

Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now and deny the request to amend the Morgan County Future Land use map for 34.72 acres of property located at approximately 161 S Morgan Valle Drive from Agricultural designation to Business Park Designation.

Printed Name	Signature	Address	Phone number	Date
1. Jan Johnson		780 W Surrey Lane	801-910-0246	9-13-16
2. Matt Johnson		780 W Surrey Lane	801-891-4702	9/13/16
3. Emily Peterson		247 S Morgan Valley Dr	801-389-5344	9/13/16
4. Jo Kleeps		257 S Morgan Vly Dr	801-668-1451	9/13/16
5. Jeff Nielsen		761 W. Surrey Ln	801-920-3130	9/13/16
6. Jen Nielsen		761 W Surrey Lane	801-671-6576	9/13/16
7. Jen Fingre		773 W Surrey Lane	801-698-6858	9/13/16
8. Scott Woolsey		205 S Morgan Vly Dr	801-710-9794	9-13-16
9. JEFF WOOLSEY		205 S Morgan Vly Dr	801-710-9699	9-13-16
10. Michael Nelson		1955 MVD	801-791-3148	9-13-16
11. Sarah Tucker		197 S MVD	801-829-8400	9-13-16
12. Yellie Holbrook		103 S Morgan Valley Dr	801-678-9604	9-13-16

Printed Name	Signature	Address	Phone number	Date
13. Alan Henric	<i>Alan Henric</i>	125 So Morgan Valley Dr.	801-845-8079	9-13-16
14. Lynette Stephens	<i>Lynette Stephens</i>	370 N Morgan Valley	801-829-6347	9-13-16
15. Steven Clark	<i>Steven Clark</i>	243 S. Morgan Valley Dr.	801-668-4404	9-13-16
16. Paul Peterson	<i>Paul Peterson</i>	1265 Esauvire Drive	801-791-4871	9-13-16
17. He Peterson	<i>He Peterson</i>	855 scott h. Morgan Valley DR	801-829-8036	9-13-16
18. Chris Peterson	<i>Chris Peterson</i>	101 S Morgan Valley Dr	801-821-6180	9-13-16
19. Marlene A. Peterson	<i>Marlene C. Peterson</i>	101 S. Morgan Valley Dr.	801-829-3514	9-13-16
20. Kathleen Shaw	<i>Kathleen Shaw</i>	70 N. Morgan Valley Dr.	801-821-0610	9-13-16
21. Tony Barkley	<i>Tony Barkley</i>	804 Survey Lane	801-289-6001	9-13-16
22. Joleen Kearsley	<i>Joleen Kearsley</i>	2175 W. Deep Creek Rd.	801-430-1230	9-13-16
23. Karen Minger	<i>Karen Minger</i>	1900 W Deep Creek Rd 1900 W Deep Creek Rd	801-712-9783	9-13-16
24. Gary Dudley	<i>Gary Dudley</i>	229 S, Morgan Valley	801-458-3768	9-13-16
25. R. Matt Mc	<i>R. Matt Mc</i>	1935. MUD cutting	801-7022901	9-13-16
26. Nichole Skate	<i>Nichole Skate</i>	193 S. MVD	801-829-0621	9-13-16
27. Shay Peterson	<i>Shay Peterson</i>	105 S. MVD	801-710-7389	9-13-16
28. Brittany Stephens	<i>Brittany Stephens</i>	129 N. MVD	801-829-3226	9-14-16

Petition to oppose the Peterson Future Land Use Map Amendment

Action petitioned for: We, the undersigned, are concerned citizens who urge our leaders to act now and deny the request to amend the Morgan County Future Land use map for 34.72 acres of property located at approximately 161 S Morgan Valle Drive from Agricultural designation to Business Park Designation.

Printed Name	Signature	Address	Phone number	Date
1. Anna Phelps	<i>Anna Phelps</i>	257 S. Morgan Valley Dr Morgan UT	385-333-8326	9-16-16
2. Michael Phelps	<i>Michael Phelps</i>	257 South Morgan Valley Dr	435-225-1010	9-14-16
3. Anne Clark	<i>Anne Clark</i>	212 S. Morgan Valley Dr	301-355-4803	9-14-16
4. Francis Bann	<i>Francis Bann</i>	1705 Macinnery Dr	801-321-0842	9-14-16
5. Nicole Medsker	<i>Nicole Medsker</i>	1665 WVD	801-529-5188	9/14/16
6. Kyle Medsker	<i>Kyle Medsker</i>	"	"	
7. Mites Medsker	<i>Mites Medsker</i>	"	"	
8. Reagan Walker	<i>Reagan Walker</i>	"	"	
9. Luke Anderson	<i>Luke Anderson</i>	70 S. Morgan Valley Dr	801-809-6318	9-14-16
10. Zach Herrick	<i>Zach Herrick</i>	25 N Morgan Valley Dr	435-211-9147	9-14-16
11. Mandy Steiner	<i>Mandy Steiner</i>	35 No. Cascade Valley	301-819-6665	9-14-16
12. Val H. Fritton	<i>Val H. Fritton</i>	35 N Morgan Valley Dr	301-809-6665	9-14-16

Printed Name	Signature	Address	Phone number	Date
29. Michelle Stephens		192 N. Morgan Valley Dr.	829-3236	9/14/16
30. John Lee		222 N. MVD	801-829-6677	9/14/16
31. DAVID STILES		296 N. M. V. D.	501-429-5360	9-14-16
32. Connie Wade		429N, MVD	801-844-2051	9-14-16
33. Dallon Wilson		166 S Morgan Valley Dr	435-773-5738	9-14-16
34. Jacob Peterson		1506 W DeepCreek Rd	(801) 845-8423	9-14-16
35. Elvst Dingle		1000 N. Morgan Valley Dr.	(801) 829-6094	9-14-16
36. Rob Madham		166 S. MVD	801-791-1334	9/14/16
37. ETHA SORANSKI		185 N MVD	801-791-1456	9-14-16
38. Kylie EARL		185 N MVD	801-675-6993	9-14-16
39. Taverner Co-1		185 N MVD	801-829-8341	
40. Doug Keesley		215 W Deep Cr.	801-430-1657	9/14/16
41. Sindy Peterson		267 S. MVD	801-821-6420	9-14-16
42. MALANI S JOHNSON		730 N. Morgan Valley Dr.	801-791-2871	9-14-16
43. Pam Stephens		1114 N. Morgan Valley Dr.	801-845-7051	9-14-16
44. Rod Stephen		1114 N. Morgan Valley Dr.	801-845-7051	9-14-16

Exhibit H: Applicant's Narrative (Application)



**ZONE MAP/FUTURE LAND USE MAP
AMENDMENT APPLICATION**

RECEIVED

AUG 23 2016

Morgan County

NOTE: Please Read Chapter 4 of the Land Use Management Code as well as any other pertinent sections of the Code/General Plan/Area Plan in detail before submitting any type of Code Amendment Application. The applicant should realize that a typical time frame for a Zoning Ordinance Amendment may be lengthy, depending upon the complexity and issues.

PARCEL to be amended (attach legal description):					
Name of Owner(s): Petersen Properties LLC				Date of Submission:	
Owner(s) Address: 1527 N 2000 W			Owner(s) Mailing Address (if different):		
City: Ogden	State: UT	Zip: 84404	City:	State:	Zip:
Phone: 801-710-2718			Email: jared.hadley@peterseninc.com		
Name of Applicant or Authorized Agent: Derek Walker, Better City					
Agent Address: 1100 Country Hills Dr			Agent Mailing Address (if different):		
City: Ogden	State: UT	Zip: 84403	City:	State:	Zip:
Phone: 801-652-3134			Email: derek@bettercity.us		
Owner(s): Signature of Authorization to file: 				Date of Submission: 8-16-2016	
Describe proposed MAP amendment:					
<p>This application is proposing to amend the Future Land Use Map to allow for BP (Business Park) zoning designation for a 34.72 AC parcel located on the north side of Morgan Valley Drive, just west of Surrey Lane. Based on conversations with business owners in the area, there is a need for office and flex warehouse space in Morgan. However, limited supply of available lots and utility constraints within and in close proximity to City boundaries has been an impediment to businesses. As such, this demand for office and flex space must be met through greenfield development.</p>					
Describe how this change will affect the general character of the zone:					
<p>The area surrounding the property is currently zoned agricultural and residential. The landowner of the subject parcel owns additional adjacent land and is concerned with protecting the land value of ALL adjacent properties. As such, the Business Park component of the property would be developed with strict design restrictions recorded as CC&R's.</p>					
Any additional information that may be useful:					
<p>Economic development consultants (Better City) were hired by Morgan County to determine ways to foster economic sustainability in the area. The development of a business park, with office space and office-warehouse flex space, was identified as an economic development priority. The owner of the subject property desires to contribute to the future economic prosperity of Morgan by designating his land as a business park.</p>					
Pre-Application Conference Date (if applicable or necessary):					

Various Ordinance Revisions
September 22, 2016

Applicant: Morgan County
Discussion: Revisions to the following Sections of Code:

Various Land Use Management Code Amendments – Proposed amendments to the Land Use Management Code for Morgan County:

1. Section 8-2-1 – Amending the definitions of “Frontage”, adding a requirement for frontage to be “contiguous” on a “single” street, and removing the restriction due to topography or other reasons.
2. Subsection 8-5-6 – Removing the allowance for width and frontage regulations related to the smaller zoning district, and adding a requirement that the minimum area and frontage regulation shall apply based on the zoning district in which the frontage is established.
3. Section 8-6-2 – Removing the language regarding “flexible requirements” and adding an allowance for “private lane” frontage.
4. Subsection 8-12-43 (B) – Adding language to note that the frontage requirements are to be implemented “where required by this title”.
5. Subsection 8-12-43 (E) – Changing the requirement for interior lots to be at right angles by adding the provision that interior side lot lines shall be within 30 degrees of perpendicular to the street; also, that exceptions may be made at the discretion of the County Council.
6. Subsection 8-12-53 (B) – Adding language to note that the frontage requirements are to be implemented “where required by this title”.
7. Subsection 8-12-37 – Adding a provision for the installation of required improvements prior to plat recordation, and changing the required bond amount to 110% for complete improvements and 10% for completion and maintenance bonds.
8. Subsection 8-12-41 – Changing the approval time for final plats to six months, with one possible six month extension.

Date of Previous Discussions: 11 Aug 2016; 25 Aug 2016; (Planning Commission - Discussion Only)

Background and Analysis

The Planning Commission has identified several sections of the Code that need revisions. The Planning Commission discussed the proposed changes several times in an attempt to ensure the best resolutions to the identified concerns. For further discussion, please refer to the specific sections listed in Exhibit A.

Supporting Information

Exhibit A: Draft Revised Ordinance Sections – Strikethrough/Bold format

Staff Contact

Bill Cobabe, AICP

801-845-4059

bcobabe@morgan-county.net

Exhibit A: Proposed Revised Ordinance Sections

Frontage Definition (Section 8-2-1):

The Code currently does not reference "contiguous" as being a requirement for frontage calculation. We would like to add the word "contiguous" to the definition of frontage and specify that it is to be on a "single" street or lane, not the entire frontage of both streets of a corner lot or double-frontage lot. Further, the last sentence of the definition is to be removed. The definition would read:

FRONTAGE: All **contiguous** property fronting on one side of a **single** public or private street or a private lane which meets the standards of chapter 12 of this title between intersecting or intercepting streets, or between a street and a right of way, waterway, end of dead end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts, or that common line between a lot and a public street. ~~Street lines across which access is denied or cannot be had because of topography or for other reasons shall not constitute "frontage" for purposes of this title.~~

Lots in Two or More Zoning Districts (Section 8-5-6):

The Code currently states that:

If a lot permitting residential uses is located within the boundaries of two (2) or more zoning districts, then a dwelling structure may be located anywhere on such lot and the area, height, coverage, width and frontage regulations applicable to such lot shall be the regulations applicable to the zoning district requiring the smallest minimum lot area. Yard and setback requirements shall be administered based on the zoning district in which the structure is located. In no event shall there be located on such lot more than one dwelling structure. From and after the construction of a dwelling structure on any such lot, the lot may not be further subdivided except in accordance with all then applicable land use and subdivision regulations.

The County Council has instructed Staff that this language is not compatible with the original intent of this Section. The Council would like to reflect that area and frontage requirements must be met for the portion of the property in the respective zoning district, meaning that a lot in the A-20 and RR-1 zoning district would have to meet the minimum area requirement of one acre in the RR-1 OR 20 acres in the A-20. Frontage would be the same, meaning that if the frontage for a lot is in the A-20 zoning district then it should meet the requirements of the A-20

zone, regardless of other requirements that may apply. It was suggested that this Section of the Code could be eliminated entirely. However, a possible revision could be:

If a lot permitting residential uses is located within the boundaries of two (2) or more zoning districts, then a dwelling structure may be located anywhere on such lot and the area, height, **and** coverage, ~~width and frontage~~ regulations applicable to such lot shall be the regulations applicable to the zoning district requiring the smallest minimum lot area. ~~In no case shall the area of the lot in the smallest minimum lot area be less than the lot area required for that zoning district.~~ **Minimum area and frontage requirements shall apply based on the zoning district in which the frontage is established.** Yard and setback requirements shall be administered based on the zoning district in which the structure is located. In no event shall there be located on such lot more than one dwelling structure. From and after the construction of a dwelling structure on any such lot, the lot may not be further subdivided except in accordance with all then applicable land use and subdivision regulations.

Lot Standards (8-6-2):

This Section of the Code currently reads:

Except for more flexible requirements that may be specifically authorized in this title or other legal, nonconforming situations, every lot within the county shall have such area as is required by this title and shall have the required frontage upon a dedicated private or publicly approved street before a building permit may be issued.

There is some question regarding the language "flexible requirements...specifically authorized" and what that may mean. Subdivision ordinances are not typically open for "flexible requirements", but we have also relaxed the frontage requirements as noted elsewhere in the Code. A proposed change could be:

~~Except for more flexible requirements that may be specifically authorized in~~ **as noted in** this title or other legal, nonconforming situations, every lot within the county shall have such area as is required by this title and shall have the required frontage upon a dedicated private or publicly approved street **or private lane** before a building permit may be issued.

Lots (Section 8-12-43 (B)):

The Code currently states that "All lots or parcels created by the subdivision shall have frontage on a street, improved and dedicated to standards hereinafter required, equal to at least the street's minimum required width from top back of curb on one side of the street to the back of sidewalk on the abutting side..."

This does not adequately address provisions for lots that are in the RR-5, RR-10, A-20, MU-160, and F-1 zoning districts, where frontage is not required. A suggested amendment could be:

Where required by this title, all lots or parcels created by the subdivision shall have frontage on a street, improved and dedicated to standards hereinafter required...

Lots (Section 8-12-43 (E)):

This Section of the Code currently states that the "side lines of all lots, so far as possible, shall be at right angles to the street which the lot faces, or approximately radial to the center of curves, if such street is curved. Side lines of lots shall be approximately radial to the center of a cul-de-sac on which the lot faces." This is somewhat ambiguous, particularly in cases where "so far as possible" could be open for interpretation. A suggested amendment could be:

"The **interior side lot** lines of all lots, ~~so far as possible,~~ shall be at right angles **within thirty degrees (30°) of perpendicular** to the street which the lot faces, or approximately radial **within thirty degrees (30°) of perpendicular** to the center of curves, if such street is curved. Side lines of lots shall be approximately radial **within thirty degrees (30°) of perpendicular** to the center of a cul-de-sac on which the lot faces."

Additionally, a provision could be added for unusual cases:

Exception may be made at the discretion of the County Council where unusual circumstances warrant, such as for topography or other practical reasons.

Small Subdivision (Section 8-12-53(B)):

This Section of the Code deals specifically with the requirements of Small Subdivisions. It includes the provision stating, "All lots have acceptable access to a public street, either by direct frontage or through access by an approved private street...." Again, this does not adequately address provisions for lots that are in the larger zoning districts. A suggested amendment for this Section could be:

Where required by this title, all lots shall have acceptable access to a public street, either by direct frontage or through access by an approved private street...."

Security for Required Improvements (Section 8-12-37):

This section of the Code requires an improvement guarantee equal to 115% of the estimated cost of improvements to be installed. There is currently no provision in our ordinance that allows for developers to follow State Code Section 17-27a-604.5 which states:

- (2) (a) A land use authority shall require an applicant to complete a required landscaping or infrastructure improvement prior to any plat recordation or development activity.
- (b) Subsection (2)(a) does not apply if:
 - (i) upon the applicant's request, the land use authority has authorized the applicant to post an improvement completion assurance in a manner that is consistent with local ordinance; and
 - (ii) the land use authority has established a system for the partial release of the improvement completion assurance as portions of required improvements are completed and accepted.
- (3) At any time up to the land use authority's acceptance of a landscaping or infrastructure improvement, and for the duration of each improvement warranty period, the land use authority may require the developer to:
 - (a) execute an improvement warranty for the improvement warranty period; and
 - (b) post a cash deposit, surety bond, letter of credit, or other similar security, as required by the county, in the amount of up to 10% of the lesser of the:
 - (i) county engineer's original estimated cost of completion; or
 - (ii) applicant's reasonable proven cost of completion.

A suggested amendment to the Code would be:

A. The subdivider shall complete all required landscaping or infrastructure improvement prior to any plat recordation or development activity.

1. Subsection (A) does not apply if upon the applicant's request, the County has authorized the applicant to post an improvement completion assurance in a manner that is consistent with this Section.

~~A. B.~~ Prior to signing of a final plat by the county engineer, county attorney, county clerk, and county council chairperson, the subdivider shall enter into an improvements guarantee acceptable to the county as security to ensure completion of all improvements required to be installed in the subdivision. The improvements guarantee shall be in a form approved by the county attorney, shall be signed on behalf of the county by the county council chairperson, and may contain specific provisions approved by the county attorney. The agreement shall include, but not be limited to:

1. The subdivider's agreement to complete all improvements within a period of time not to exceed twenty four (24) months from the date the agreement is executed;
2. The improvements shall be completed to the satisfaction of the county and in accordance with the county's design and construction standards as established by the county engineer and adopted by the county council;

3. A provision that the improvements guarantee amount of deposit shall be equal to ~~one hundred fifteen percent (115%)~~ **one hundred ten percent (110%)** of the county engineer's estimated cost of the improvements to be installed;
4. That the county shall have immediate access to the deposited funds when necessary to remedy a deficiency in required subdivision improvements or a violation of the improvements agreement;
5. That deposited funds may only be reduced upon the written request of the subdivider as system improvements are completed. The amount of the reduction shall be determined by the county engineer. Reductions shall be made only as they apply to the completion, satisfactory to the county engineer, of entire systems. The improvements for subdivisions are typically grouped into six (6) system categories: culinary water, storm drainage, roadways, parks/trails and landscaping, erosion control and miscellaneous/finish items. Additional categories may be added if approved by the county engineer. Such written reduction requests may be made only once every thirty (30) days and no reduction shall be authorized until such time as the county engineer has inspected the improvements and found them to be in compliance with the county's standards and specifications. All reductions shall be by written authorization of the county engineer. No deposited funds shall be reduced below ~~fifteen percent (15%)~~ **ten percent (10%)** of the county engineer's estimated cost of the improvement to be installed until final acceptance by the county engineer following an improvement assurance warranty period. No reduction in deposited funds shall be allowed for materials which are delivered to the subdivision site but not installed in accordance with approved construction drawings.
6. That if the deposited funds are inadequate to pay the cost of the completion of the improvements according to the county's standards or specifications for whatever reason, including previous reductions, the subdivider shall be responsible for the deficiency and no further building permits shall be issued in the subdivision until the improvements are completed or, with county council approval, a new, satisfactory deposit and improvements guarantee has been executed and delivered to the county;
7. That the county's cost of administration and engineering costs incurred in obtaining the deposited funds, including attorney fees and court costs, shall be deducted from any deposited funds; and
8. That the subdivider shall guarantee all improvements installed against any damage arising from any defect in construction, materials, or workmanship during the warranty period and shall promptly repair the same upon notice from the county; and
9. That the subdivider shall agree to hold the county harmless from any and all liability which may arise as a result of defects in materials and workmanship of the improvements which are installed until such time as the county certifies the improvements are complete and accepts the improvements at the end of the warranty period.

~~B.~~ **C.** The only allowed financial security for the improvements guarantee shall be funds deposited directly with the Morgan County treasurer.

~~C.~~ **D.** The improvements guarantee and deposited funds may be extended by the county engineer one time for six (6) months for good cause shown. Any subsequent extension shall require approval by the county council following timely written request by the developer.

Expiration of Final Plat (Section 8-12-41):

This Section of the Code states:

If the final plat is not recorded within three (3) months from the date of county council approval, such approval shall be null and void. This time period may be extended by the county council for up to one additional three (3) month period for good cause shown. The subdivider must petition in writing for an extension prior to the expiration of the original three (3) months. No extension will be granted if it is determined that it will be detrimental to the county. If any of the fees charged as a condition of subdivision approval, have increased, the county may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases as a condition of granting an extension.

In talking with Mark Miller, the County Engineer, and with Mike Waite, the Public Works Director, it appears that three months is insufficient time in which to complete the required infrastructure where required. It was suggested that the ordinance be modified as follows:

If the final plat is not recorded within ~~three (3)~~ **six (6)** months from the date of county council approval, such approval shall be null and void. This time period may be extended by the county council for up to one additional ~~three (3)~~ **six (6)** month period for good cause shown. The subdivider must petition in writing for an extension prior to the expiration of the original ~~three (3)~~ **six (6)** months. No extension will be granted if it is determined that it will be detrimental to the county. If any of the fees charged as a condition of subdivision approval, have increased, the county may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases as a condition of granting an extension.

Giles Plat Amendment
Public Meeting
September 22, 2016

Application No.: 16.022
Applicant: Glen and Lisa Gates
Owner: Same
Project Location: 3727 W 3725 N (Peterson Area)
Current Zoning: R1-20
General Plan Designation: Village Low Density
Acreage: approximately 1.53 acres (0.55 in Lot 1, 0.47 in Lot 2, and 0.51 in Lot 3)
Request: Amend a subdivision of record to absorb Lot 1 into Lots 2 and 3
Date of Application: June 15, 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 a note is added to the plat restricting access from the access easement on the south side of 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 Meadow Brook Subdivision, originally approved in 2006. The proposed subdivision amendment would eliminate Lot 1, which would be split up and divided between Lots 2 and 3.

Analysis

General Plan and Zoning. Pursuant to the Future Land Use Map (see Exhibit B), the property has a Village Low Density designation. According to the General Plan, the Rural 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." The resulting lots, with around 0.75 acres each, would more closely comply with the designation.

The zoning of the parcel is R1-20 (see Exhibit C). As noted above, the size of the resulting lots seems appropriate for the zoning that exists in the area and on this lot.

Ordinance Evaluation:

Property Layout. The lot is located in the Peterson Area of unincorporated Morgan County, generally north and east of Morgan Valley Drive in the existing Meadow Brook Subdivision. The setbacks are noted on the plat and are typical to the zone.

Roads and Access. The lot fronts onto Morgan Valley Drive and onto 3725 N., where access is gained to the property.

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

Utilities. Water service in the area is provided by the Peterson Pipeline Association. 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 Meadow Brook Plat Amendment, application #16.022, located at approximately 3727 W 3725 N, amending the plat and eliminating Lot 1 which will be absorbed into Lots 2 and 3, based on the findings and with the conditions listed in the staff report dated September 22, 2016."

Sample Motion for *Approval with additional conditions* – "I move we recommend approval by the County Council the Meadow Brook Plat Amendment, application #16.022, located at approximately 3727 W 3725 N, amending the plat and eliminating Lot 1 which will be absorbed into Lots 2 and 3, based on the findings and with the conditions listed in the staff report dated September 22, 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 Meadow Brook Plat Amendment, application #16.022, located at approximately 3727 W 3725 N,

amending the plat and eliminating Lot 1 which will be absorbed into Lots 2 and 3, *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 Meadow Brook 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

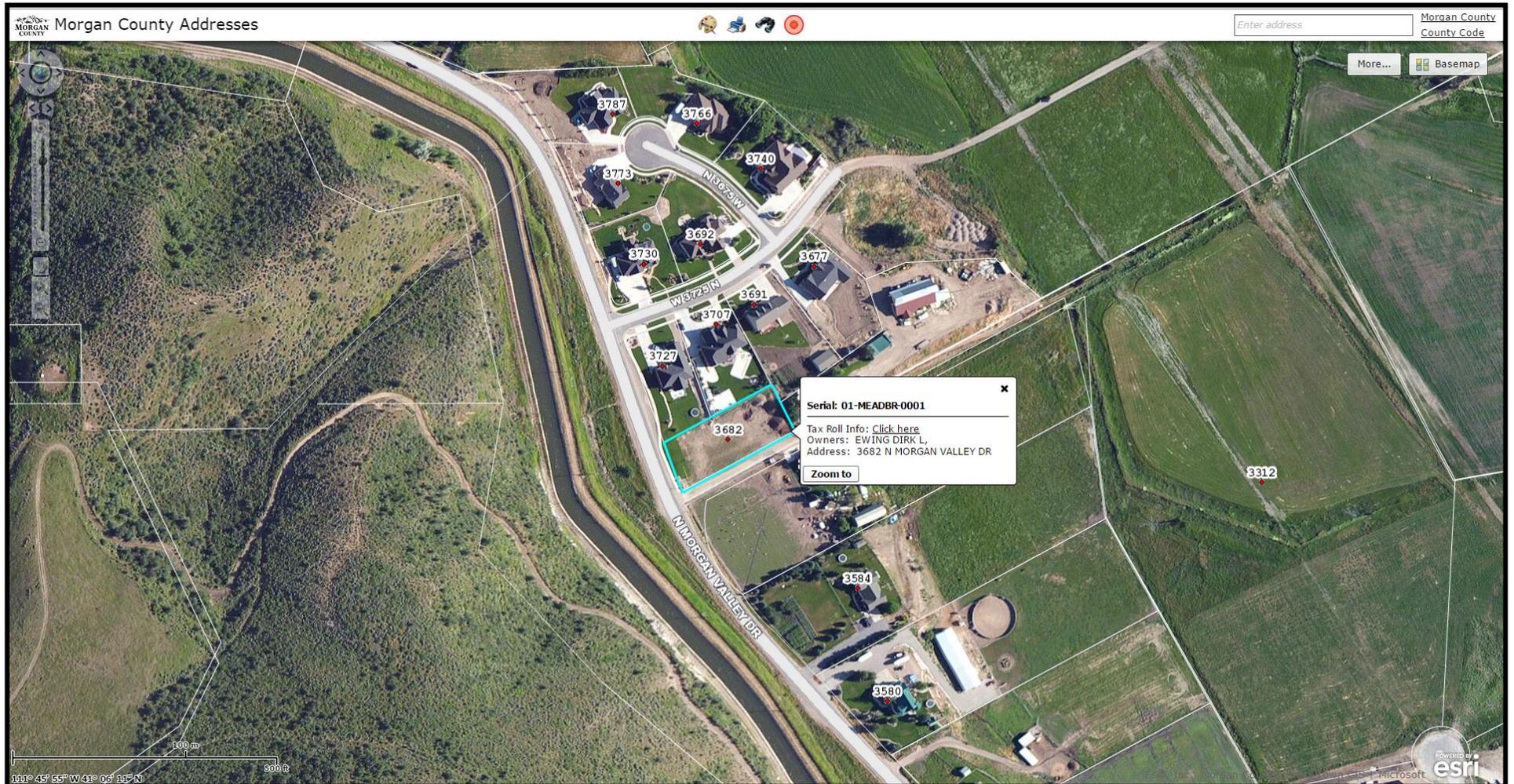


Exhibit B: Future Land Use Map



Exhibit C: Current Zoning Map

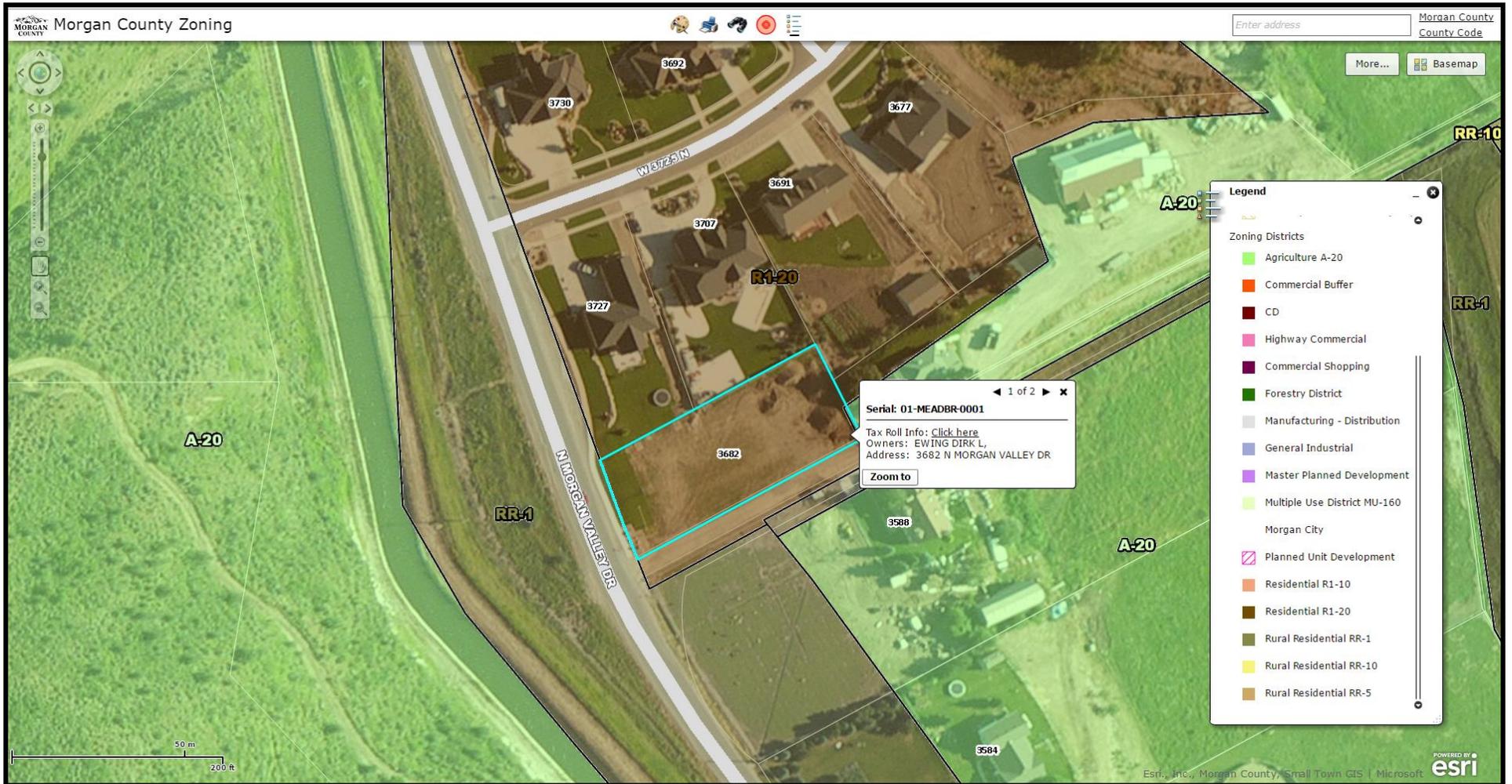
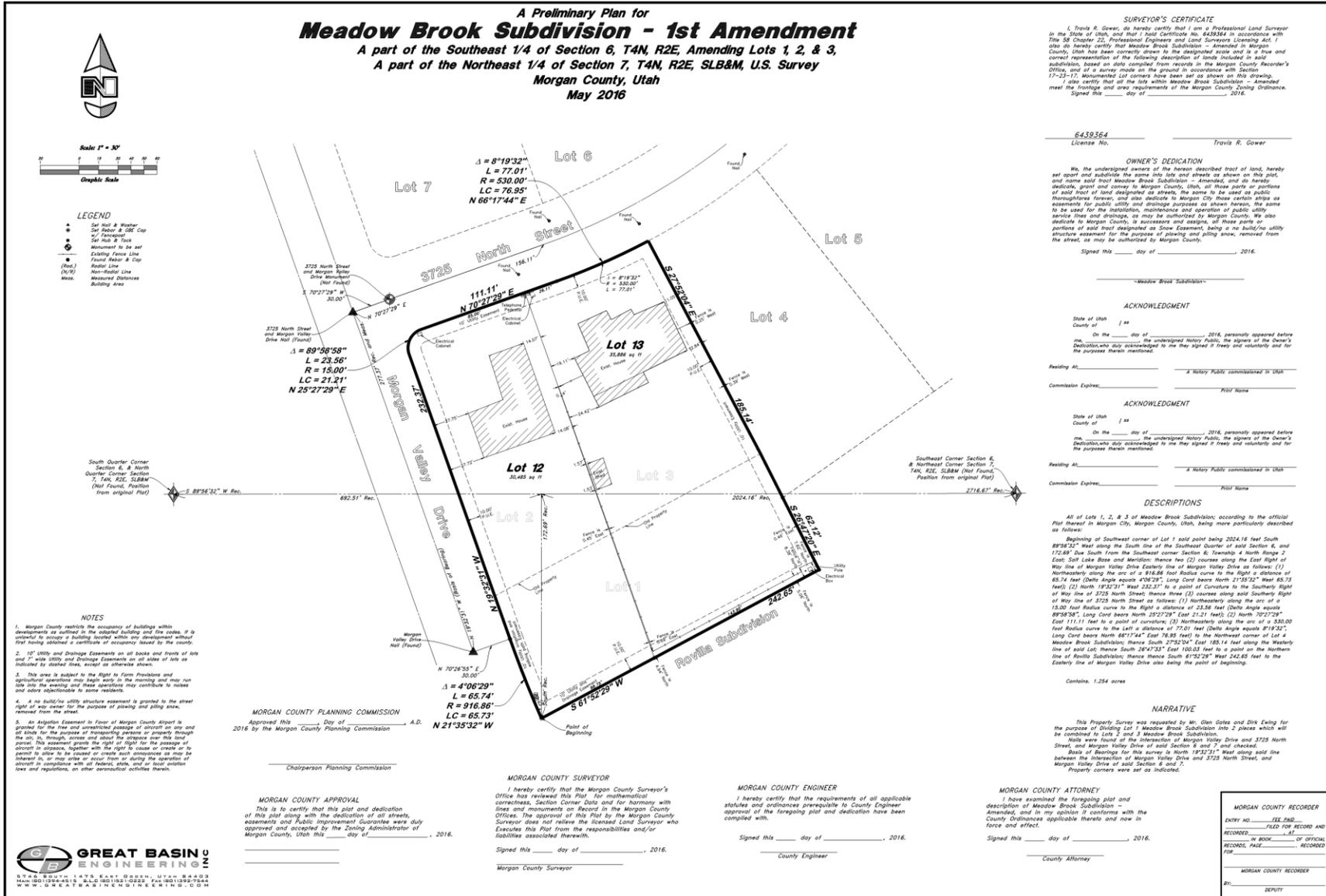


Exhibit F: Proposed Amended Plat





PLANNING COMMISSION AGENDA
Thursday, August 25, 2016
Morgan County Council Room
6:30 PM

PUBLIC NOTICE is hereby given that the Morgan County Planning Commission will meet at the above time and date at the Morgan County Courthouse, Council Chambers; 48 West Young St, Morgan, Utah. The agenda is as follows:

1. Call to order – prayer
2. Pledge of Allegiance
3. Approval of agenda
4. Declaration of conflicts of interest
5. Public Comment

Administrative:

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

Legislative:

7. Discussion/**Public Hearing**/Decision - Enterprise Zoning Map Amendment - Amending the Zoning Map of the County to reflect desired changes in the Enterprise Area:
 - Areas west and south of Old Highway currently zoned A-20 will be rezoned to RR-1
 - Portions south and east of Old Highway and running from approximately 2360 W Old Highway Road south to approximately 2250 W Old Highway Road currently zoned A-20 will be rezoned to RR-1
 - The portion of land in the Spring Hollow area currently south of the Summer Ridge PRUD and otherwise surrounded by RR-1 zoning currently zoned as A-20 will be rezoned to RR-1
 - Several portions of Section 3 Township 4 North Range 2 East currently zoned MU-160 will be rezoned to RR-10
 - Several properties north of Old Highway located at approximately 3130 W Old Highway Road currently zoned A-20 and RR-5 will be rezoned RR-1

Administrative:

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

Legislative:

10. Discussion/**Public Hearing**/Decision - Stegelmeier Zoning Map Amendment – Amending the Morgan County Zoning Map, changing approximately 42 acres of property located at approximately 2035 W Deep Creek Road from the A-20 zone to the RR-10 zone.

Administrative:

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

Members Present

Gary Ross
Debbie Sessions
Roland Haslam
Larry Nance
Michael Newton

Staff Present

Bill Cobabe
Gina Grandpre
Mickaela Moser

Public Present

Tina Kelley
Tina Cannon
Brandon Anderson
Daren & Marcelle Stegelmeier
Nicole Peterson
Pamela Turner
Gaylene Kimbal
Chris Mayuk
Brandon Andersen
Jamie Harvey
Charles Ecker
Todd Wardell
Leon Paskett
Blair Gardner
Ty Eldridge
Mark Thurston
Braxton Stegelmeier
Lanelle Butterfield
Troy Butterfield
Brett Peterson
Dave Kallas
Marv Reynolds
David Potter
Beau Peterson

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

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

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

4. Declaration of conflicts of interest

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

5. Public Comment

There was none.

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

Administrative:

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

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

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

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

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

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

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

Conditions:

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

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

Findings:

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

Second by Member Newton.

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

Legislative:

7. Discussion/**Public Hearing**/Decision - Enterprise Zoning Map Amendment - Amending the Zoning Map of the County to reflect desired changes in the Enterprise Area:
 - Areas west and south of Old Highway currently zoned A-20 will be rezoned to RR-1
 - Portions south and east of Old Highway and running from approximately 2360 W Old Highway Road south to approximately 2250 W Old Highway Road currently zoned A-20 will be rezoned to RR-1
 - The portion of land in the Spring Hollow area currently south of the Summer Ridge PRUD and otherwise surrounded by RR-1 zoning currently zoned as A-20 will be rezoned to RR-1
 - Several portions of Section 3 Township 4 North Range 2 East currently zoned MU-160 will be rezoned to RR-10
 - Several properties north of Old Highway located at approximately 3130 W Old Highway Road currently zoned A-20 and RR-5 will be rezoned RR-1

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

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

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

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

PUBLIC HEARING:

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

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

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

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

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

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

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

RR-1.

Second by Member Sessions.

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

The vote was unanimous. The motion carried.

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

Administrative:

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

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

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

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

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

Conditions:

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

Findings:

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

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

9. Discussion and Decision of Whittier Estates phasing plan.

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

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

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

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

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

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

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

5 minute recess

Legislative:

- 10. Discussion/Public Hearing/Decision - Stegelmeier Zoning Map Amendment –**
Amending the Morgan County Zoning Map, changing approximately 42 acres of property located at approximately 2035 W Deep Creek Road from the A-20 zone to the RR-10 zone.

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

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

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

PUBLIC HEARING:

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

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

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

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

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

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

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

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

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

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

Findings:

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

Second by Member Ross.

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

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

Administrative:

11. Discussion – Pending Ordinances and Updates

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

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

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

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

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

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

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

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

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

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

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

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

12. Discussion – Commercial Use Table

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

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

13. Planning Commission Business/Questions for Staff

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

another training in Farmington Station the first weekend of October.

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

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

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

14. Approval of minutes from August 14, 2016

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

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

15. Adjourn

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

Approved: _____ Date: _____
Chairman, Roland Haslam

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