



PLANNING COMMISSION AGENDA
Thursday, October 27, 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:

Postponed items from October 13th, 2016 meeting:

6. Discussion/Decision on the Dickson Future Land Use Map Amendment.
7. Discussion/Decision on Various Land Use Management Codes.

Administrative:

8. Discussion/Decision on R & D Small Subdivision Concept Plan
9. Discussion on Commercial Use Table
10. Planning Commission Business/Questions for Staff
11. Approval of minutes from September 22, 2016 and October 13, 2016
12. Adjourn

R and D Small Subdivision – Concept Plan
Public Meeting
October 27, 2016

Application No.: 16.034
Applicant: DeeDe Pace
Owner: Dee Waldron
Project Location: 1225 S Morgan Valley Dr
Richville
Current Zoning: RR-1/A-20
General Plan Designation: Rural Residential/Agricultural
Acreage: Approximately 3 acres
Request: Concept Plan Approval
Date of Application: September 29, 2016
Date of Previous Meeting: N/A

Staff Recommendation

County Staff has reviewed the application for Concept Plan for the R and D Small Subdivision. Staff is hereby recommending approval of the requested concept plan based on the following findings and with conditions listed below:

Findings:

1. The nature of the subdivision is in conformance with the current and future land uses of the area.
2. The proposal complies with the Morgan County 2010 General Plan.
3. The proposal complies with applicable zoning regulations.
4. That the developer will install any requisite infrastructure, including roadways, water lines, etc.
5. That the proposal is not detrimental to the health, safety, and welfare of the public.

Conditions:

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

7. That approval of the sewage disposal mechanism is provided by the Weber-Morgan Health Department with preliminary plat submittal.
8. That all other local, state, and federal laws are adhered to.

Background

The applicant is seeking approval of a subdivision concept plan for a 1 lot subdivision, with a remainder agricultural parcel. The proposal is being reviewed for conceptual design standards as required by Morgan County Code (MCC). The purpose of a concept plan is to provide the subdivider an opportunity to consult with and receive assistance from the County regarding the regulations and design requirements applicable to the subdivision of property as required by MCC Section 8-12-16.

With the recommendations contained in this Staff Report, the application appears to meet the minimum of requirements for the conceptual subdivision plan of the zoning and subdivision ordinances. It is important to note that because this is a concept plan, there may be some compliance issues with certain specific elements of the subdivision code. These issues will be resolved/addressed as the subdivision progresses through its Preliminary and Final Plat processes. Recommendations regarding the concept plan shall not constitute an approval or disapproval of the proposed subdivision, but rather shall operate in such a manner as to give the subdivider general guidance as to the requirements and constraints for the subdivider's proposed subdivision.

Analysis

General Plan and Zoning. Pursuant to the Future Land Use Map (see Exhibit B), the property is designated as lying in the Rural Residential 1 area, allowing for 1 dwelling units per acre, and Agricultural, allowing for . According to the General Plan, the Rural Residential designation "accommodates rural large lot development with generous distances to streets and between residential dwelling units and a viable semi-rural character setting." The Agricultural Designation "identifies areas of existing agricultural land uses. The purpose of this land use 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 1 unit per 20 acres." The proposed concept plan appears to follow these designations in the General Plan and according to the Future Land Use Map, reflecting low density neighborhoods.

The zoning of the parcel is RR-1 (Rural Residential – 1 acre minimum lot size) and A-20 (Agricultural – 20 acre minimum lot size). The purposes of the RR-1 zone are:

- a. *To promote and preserve in appropriate areas conditions favorable to large lot family life;*
- b. *Maintaining a rural atmosphere;*
- c. *The keeping of limited numbers of animals and fowl; and*
- d. *Reduced requirements for public utilities, services and infrastructure....*

These districts are intended to be primarily residential in character and protected from encroachment by commercial and industrial uses.

and the purposes of the A-20 zone are:

...to promote and preserve in appropriate areas conditions favorable to agriculture and to maintain greenbelt spaces. These districts are intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses inimical to the continuance of agricultural activity.

The proposed conceptual lot layout appears to conform to the requirements of the zoning districts.

Ordinance Evaluation. The purpose statements in the General Plan and Zoning Ordinance do not provide actual development standards, but present the zoning context for the zone in which the proposed subdivision is located. The specific standards found in the adopted County Code govern development of the subject property.

Property Layout. As noted, there would be one lot and one remainder agricultural parcel. Lot 1 will have approximately 3 acres, while the remainder parcel will have approximately 32.77 acres. The proposed conceptual lot layout appears to conform to the requirements of the zoning districts. It should be noted that the remainder parcel would not be buildable for residential purposes; rather, it is intended and acceptable for agricultural uses only.

Roads and Access. Access to the property will be derived from Morgan Valley Dr.

Grading and Land Disturbance. The property is relatively flat and therefore will not require extensive grading. As there is already a residence on the property, no new residences are anticipated out of this subdivision.

Water Source. Water will be provided through water connections to the Richville Pipeline system. Proof of water will be required at the preliminary/final plat stage.

Fire Protection. The property is inside the Wildland Urban Interface Area.

Sanitary Sewer Systems. Sanitary sewer services will be handled by separate septic systems on each lot.

Storm Water. Storm water drainage will be handled in existing storm drain channels.

Geologic and Geotechnical Evaluations. This parcel appears to be in the Qal geologic unit, which is not listed as an area of geologic hazard in the Morgan County ordinance.

Utilities. Other utilities (power, gas, etc.) will be addressed with the preliminary plat reviews.

Flood Plain: It appears that none of the property falls within the existing 100 year flood plain.

Model Motion

Sample Motion for *approval* – “I move we approve the R and D Small Subdivision Concept Plan, application number 16.034, allowing for a one lot subdivision of land located at approximately 1225 S Morgan Valley Dr, based on the findings and with the conditions listed in the staff report dated October 27, 2016.”

Sample Motion for *approval with additional conditions* – “I move we approve the R and D Small Subdivision Concept Plan, application number 16.034, allowing for a one lot subdivision of land located at approximately 1225 S Morgan Valley Dr, based on the findings and with the conditions listed in the staff report dated October 27, 2016, and with the following additional conditions:”

1. List any additional conditions

Sample Motion for *denial* – “I move we deny the R and D Small Subdivision Concept Plan, application number 16.034, allowing for a one lot subdivision of land located at approximately 1225 S Morgan Valley Dr, *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: Proposed Concept Plan/Site Layout

Staff Contact

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

Exhibit A: Vicinity Map

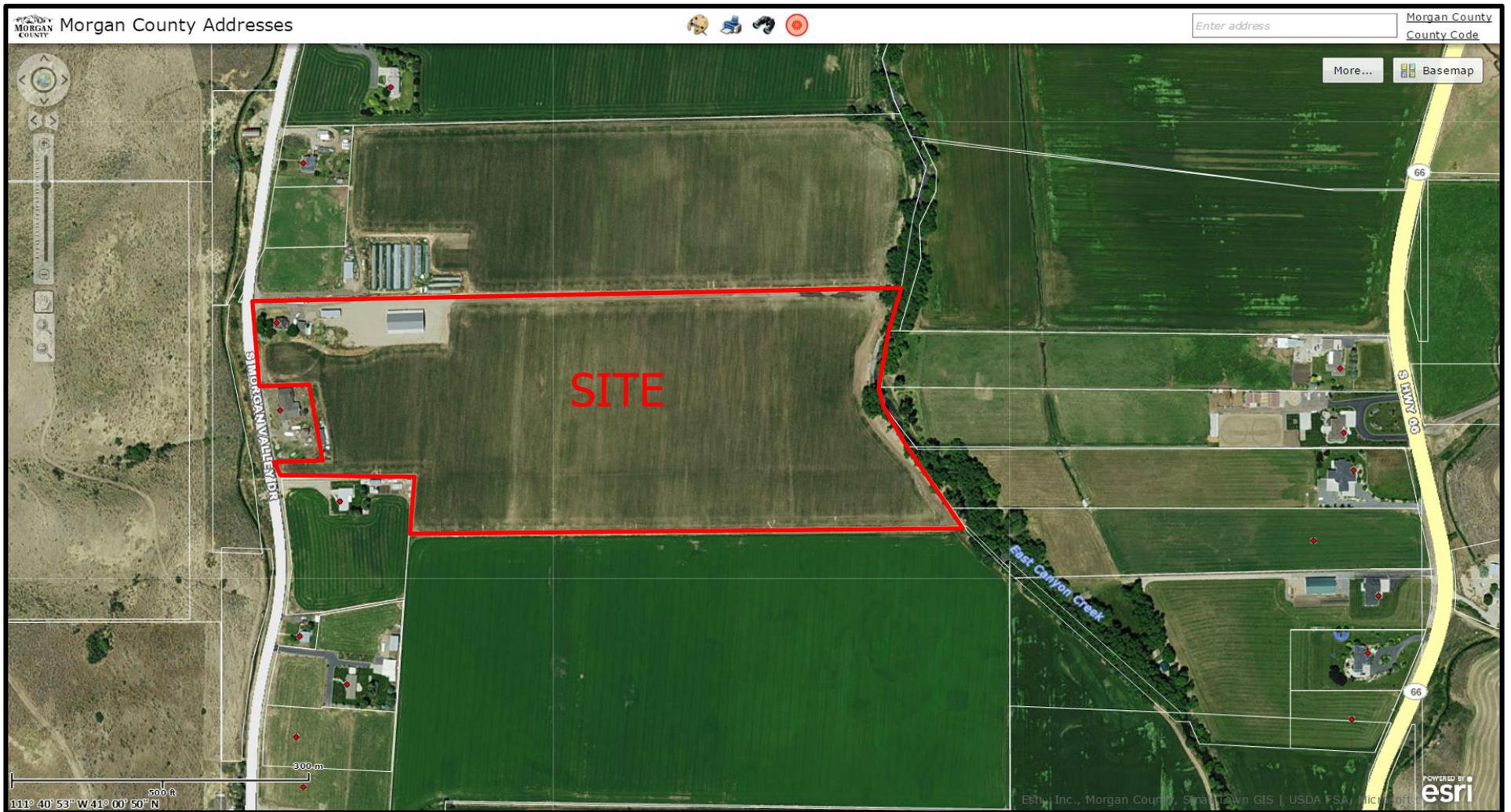


Exhibit B: Future Land Use Map

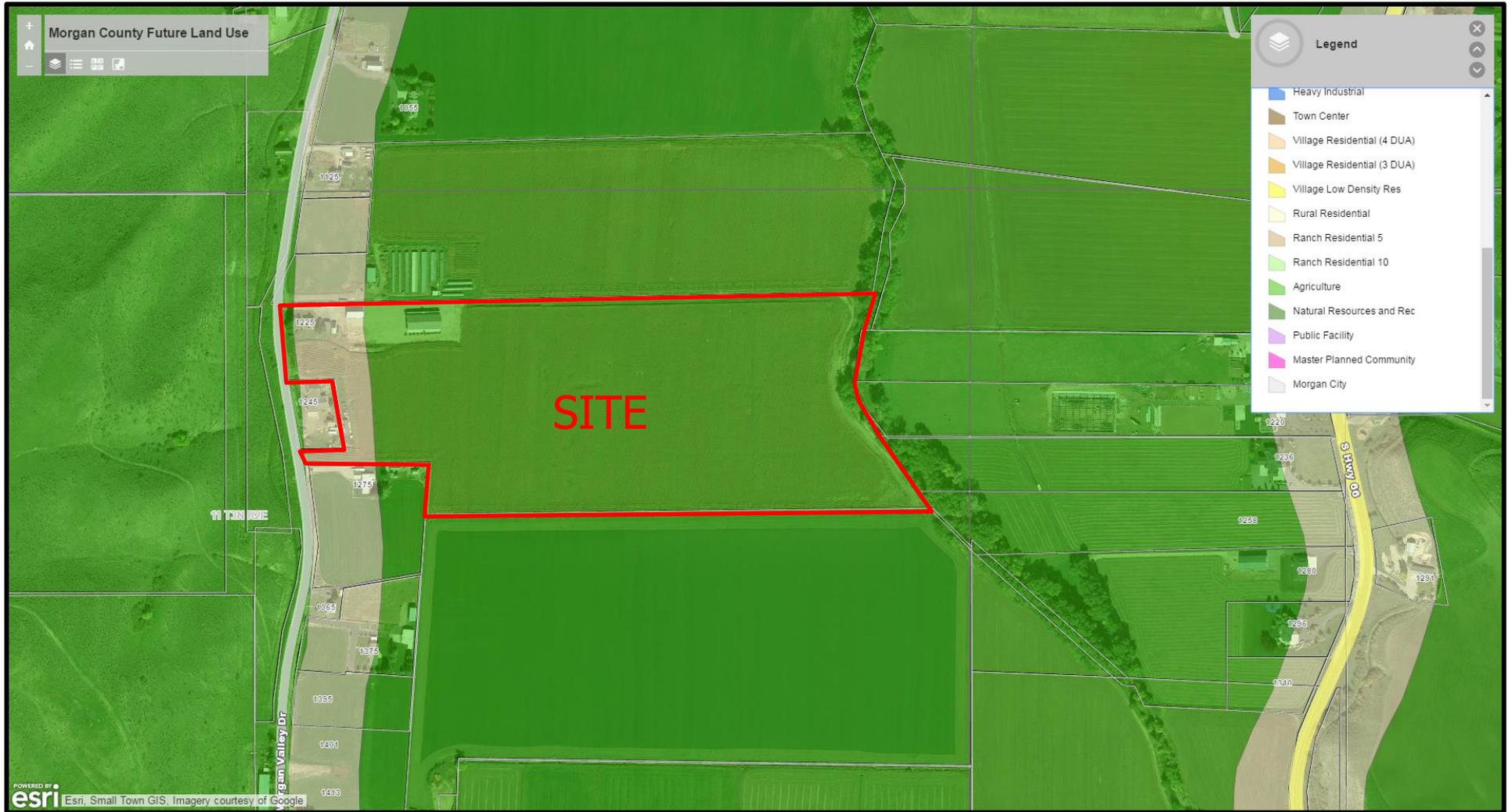


Exhibit C: Existing Zoning Map





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

Members Present

Gary Ross
Debbie Session

Roland Haslam

Larry Nance

Members Absent

Michael Newton
Shane Stephens
Steve Wilson

Staff Present

Bill Cobabe
Gina Grandpre

Public Present

Jennifer Johnson
Dee Waldron
Sherry Waldron
Jeanine Carter
Shelley W. Paige
Jon Paige
Dave
Cindy Carder
T.J. Jones
Dirk & Ronda
Ewing
Tucker Jensen
Lindsey Wilde

Public Present

Ryan Pace
DeeDe Pace
Mickaela Moser
Blaine Fackrel
Norris Dickson
Pam Dickson
Lori Dickson
Ryan & Krista
Johansen
Gary Carter
Marilyn Lofgreen
Frank
Lorraine Turner
Judy Giles

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

Chairman Haslam stated that there were a couple adjustments that need to be done on the agenda. Item #8 has been withdrawn, the Peterson Future land use map amendment. We are going to move item #10 up before item #9, it is the Meadow Brook Plat Amendment 1.

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

Member Nance wanted to clarify to the audience that those who were in attendance for the Peterson Future Land Use Map Amendment it would not be discussed tonight and that they could go home.

4. Declaration of conflicts of interest

No conflicts were declared.

5. Public Comment

Chairman Haslam stated that the agenda items will have their own public comment hearing time. Anything else that the audience has to address to the county this was the time that is allowed for such comments.

Member Nance moved to approve the go out of Public Comment. Second by Member Ross. The vote was unanimous. The motion carried.

6. Discussion/Public Hearing/Decision on the Carver/Jensen Future Land Use Map Amendment

Bill Cobabe gave a summary of the application. This is a request by Tucker Jensen and Bruce Carver who are property owners in the Milton area. This is a request to amend the Future Land Use Map, the property is located at approximately 2120 N. Morgan Valley Drive. It is currently zoned as RR-1 and A-20, and the current General Plan designation calls for the typical tunnel zoning Rural Residential and Agricultural. They have about 23 acres and what they are wanting to do is amend the Future Land Use Map from Agricultural to Ranch Residential five. He displayed the current Future Land Use Map and pointed out where the land is. This property is located approximately and just north of the area noted in red on the Future Land Use Map, which medium to low density village area. It is unclear in either the Area Plan or in the General Plan for the County whether or not that line is to be a static line or it is intended to move up or down as property owner. Some of the Planning Commission members that are familiar with it may know the answer to that, as they may have been present when the Area Plan was adopted, but Bill states that he is unaware if it is. Staff is recommending approval finding that there is comparable zoning in the area and is compatible with the adjacent uses.

Chairman Haslam asks if there are any questions for staff.

Member Nance asks what the applicant plans to build there.

Bill states that they are planning to build four, five acre lots with a couple smaller lots on the front, they can use a private lane to get the frontage, similarly to what they did with the Malan Johnson property.

Chairman Haslam asked how this differs from the other applications that have come in wanting to change the Future Land Use Maps that were not in the Area Plans. We've had multiple applicants come in that have wanted to change the Future Land Use Map.

Member Sessions states, in the Milton Area.

Bill refers to Stegelmeier wanted to change the Future Land Use Map.

Member Sessions said that the Fitzgerald's also wanted to change the Future Land Use Map that was just south of the village center in the Milton area. Bill states that he does not know of the Fitzgeralds. Member Sessions said that it might have been before him.

Chair Haslam stated that there were some in Porterville because both the Planning Commission and County Council had denied them, he is trying to see where we are coming up with a difference for approval.

Bill goes back to point out the red line on the displayed Future Land Use Map and questions where they want the medium to low density to stop. If it is intended to be a specific or prescriptive line to stop at or whether they were going to fudge that area to allow for something to the north of the redlined area to go. The reason he said this is because there is adjacent zoning as RR-5 and the Future Land Use Map has it as RR-5. Going back to his lack of understanding, he doesn't know where the redline ends.

Chairman Haslam said that if you look at the fine print it designates 87 acres.

Bill questions whether or not that line is prescriptive or flexible. He points out that certain parts are clear that they are to remain agricultural but that the area in question is not clear because of adjacent zoning.

Chairman Haslam asks for any further questions for staff, there are none.

Tucker Jensen, applicant, approaches the Planning Commission.

Member Nance asked the applicant what the intention of the use of his property is.

Mr. Jensen explained that there is an easement for the farmers to get back to the river, and they want to widen that to the requirements for the Ranch Rural specifications whatever they are, still giving the farmers access, but widening the road. He points this easement out on the map that is displayed on the screen, he states that they will obviously leave that as an easement with the intention to put in about four lots. His intention is to build and his father-in-law, who is the other land owner will build. They hope to keep the lots for their kids and then the remaining area will be farmed and open space. They are not trying to do anything that will offend or hurt other land owners. Mr. Jensen states that he grew up in Milton and he's trying to get back to it. He said his intention is to change the designation to from Agricultural designation to a Ranch Residential designation.

Chairman Haslam states that it is now open for the Public Hearing and that this time is just for the Jensen/Carver re-zone.

PUBLIC HEARING:

Marilyn Loftgreen: 2425 N. Morgan Valley Dr. What is the boundary flexibility how far is that going to go? Her concern is the flexibility might be an issue.

Member Nance moved to go out of public hearing. Second by Member Sessions.

The vote was unanimous. The motion carried.

Chairman Haslam asks for a motion on item #6.

Member Nance moved to forward a positive recommendation to the County Council for the Jensen/Carver Future Land Use Map Amendment, application #16.027 to changing the designation to Ranch Residential 5 based on the findings in the staff report dated September 22, 2016. Member Sessions seconds the motion for discussion.

Chairman Haslam gives the floor to Member Nance for debate, Member Nance said that he agrees with Member Sessions.

Member Sessions states that she doesn't necessarily agree with the motion she just seconded the motion for discussion. She argues that the village boundary is not flexible. There's no fudging in Milton, it was set in stone and they specified the number of acres.

Member Ross asks if the RR-5 that is currently there, was there before the area plan. Member Sessions states that it was done in about 2000, she spoke to the family and they were trying to get a son to come back on the property, but the ordinance at the time were not conducive, they got the zoning they needed to divide, but they would have had to build a road to create frontage.

Member Nance states that he is confused and asks Member Session if she disagrees with what the staff saying. Member Sessions states that she disagrees with the staff recommendation. Member Nance said that he is not familiar with Milton and that he is not disagreeing with her but that he wants clarification as to why it is not in keeping with the zoning in the area.

Member Sessions goes on to say that they delineated on their map the village center and Stoddard Lane is at the middle and going north is five acre zone and that's where they stopped the five acre zoning and they wanted the rest to remain the tunnel zoning along the road and then A-20 behind. It was RR-1 to the south on that part of the village, the blue area of the map. Member Nance asks that everything that is not colored on the map is supposed to stay in A-20. Member Sessions confirms that yes, according to their area plan. Bill states that it has to stay in the current zoning according to the area plan which some is A-20 and RR-1 along the road and some is RR-5.

Member Nance continues to ask for clarification as to what everything is currently zoned. He asks how this fall in place with the discussion in the last meeting about the property that does touch that makes it eligible for the lowest zoning. Bill clarifies that they are not subdividing and they are not requesting a zone change, this is a Future Land Use Map and he has not seen plans for a subdivision, they could potential subdivide off a couple

parcels along the road and then if they have enough frontage or if they establish frontage on a road going into the property they could get a second one in the back or an access easement. Member Sessions states that right now the existing zoning allows for potentially three lots.

Member Nance asks how we could be okay on the changes in Deep Creek but not here. He continues to reiterate Mr. Tucker's desire to have lots for his children as well as what people have come before us and said that they want to have changes. If that's the case and this map is etched in stone then nobody else will be able to build in the county unless they have 20 acres, he asks if that is correct. Member Sessions states unless they are in the village center. Member Nance said that if you are not in those designated areas all the rest of that area they have to have 20 acres to build a home.

Bill states that is the source of my confusion. Bill further remarks that typically the area plans are painted in very broad strokes and that was the question that he had was if this was a static, locked in area, defined as not being able to expand beyond the outlined area. If that is the case, and that is the way that we understand this to be then, the area plan would say no. But if this is intended to be more broad strokes and general terms, then yes it can be changed.

Member Nance states that the bottom line is that no one would be able to build for their family unless they had 20 acres. Member Haslam said that they would have to come in just like the Round Valley Future Land Map amendment, all the land owners in the area of Round Valley got together and redid their Future Land Use Map. Member Nance said that this is what these people are asking to do. Member Sessions states that it is one individual. Chairman Haslam said that it is one individual, they are not looking to change the whole area, just their own property. The residents in Round Valley came together as a group. Member Nance asks if there were any letters of rejection submitted. Bill said no.

Member Nance said that no one came before us tonight to object. Member Sessions said that Marilyn did. Member Nance said that she just had a question about the boundaries. Chairman Haslam said that no one came forward to object during the public hearing. Member Nance said that he realizes that the Peterson Future Land Use map amendment is no longer on the agenda, but after reading some of the several complaints for that agenda item, the complaint from the individual was that there is no place for them to build on for their children, that they want to have lots to build on for their children. If we don't grant these people with the opportunity to build a house for their family and their children then how are going to solve the problem?

Member Sessions said that she has a general concern, we've had a lot hits to amend the Future Land Use Map and I don't think that's a good idea, that's not good planning.

We're overdue for a General Plan update, we should have updated in 2015. Maybe we can take into consideration and receive input from the Milton residents about possibly updating the Future Land Use Map, but to she feels that it is just a shot gun approach, with a parcel here and a parcel there comes forward. On the Stegelmeier's we refused their Future Land Use Map Amendment request and we stuck with the area plan, the existing Future Land Use Map. We've been consistent in the Milton area.

Member Nance said that he understands that, and he's not stating that Member Sessions is wrong, but when he drove over by that area, he sees nothing but more houses going up in that area and there are more developments going up in that area as well. Member Sessions states that it might be time to revisit some of these areas, but do some good planning.

Member Nance said that if the people of Milton are against this and they are here because they are against it, perhaps we should re-open the Public comment to let them say that they are against it.

Chairman Haslam asked Member Nance if he wanted to withdrawal his motion and make that a motion to go into public comment, Chairman Haslam is open to that, but at the moment there is a motion. Chairman Haslam asks Member Nance if he wants to stay with his motion. Member Nance asks the public if anyone wants to speak forward.

Member Nance then withdraws his motion.

Chairman Haslam states that Member Nance has withdrawn his motion. **Member Nance motions to go back into public hearing, so that if anyone is here for or against this item, then come forward and this time and speak your peace so we know what the public really wants. Member Sessions seconds the motion. Vote, unanimous.**

Chairman Haslam tells the public that we are now in Public Hearing. State your name for the record and that there is a 2 minute time limit.

PUBLIC HEARING

Kirk Ralphs – 1625 Stoddard Lane, he purchased 22 acres down this area from his mother in law. He knows what it is zoned and he knows what the people who purchased this land is going to do with it, he is totally opposed if they want to change the way it's zoned. He owns a 40 foot right of way all the way down through the property and so do several other people and they're not here but they are opposed too.

Jennifer Johnson – She is primarily the one that was fighting against the Peterson Future Land Use Map amendment that was removed from the agenda. She just wants to bring to the Planning Commission's attention how much the Milton community supports the Future Land Use Map that we put into place in February of 2010. She states that in the

medium density village center it calls for one house per five acres, as it is outlined like it is on the map. Anything outside of that area needs to stay agriculture. She understands how families want to have their children live in their back yard, but she is really concerned about rezoning agriculture. The reason why they moved to Morgan was to live in a rural environment, she wants to see the farm land out her back door, and she does not want to see residential. She knows she is just one voice but if the Planning Commission looked over the petition that she had signed for the Peterson FLUMA agenda item, they will see that is what the community supports her desire to keep things agriculture.

Lorraine Turner – She lives just up the street from where this is at. What she is wondering, the young Jensen man has lived in several different houses, he stays there for a short time then sells it and then moves. She is just wondering if he is planning on staying here.

Bruce Carver – He is one of the applicants, we are trying to have a place for our kids too. He hopes that there are other people here that in the future want their kids to live by them. We are not asking for really small lots, the back lots will be no smaller than 5 acres.

Tucker Jensen hands a copy of the proposed plat. He points out the roads, Morgan Valley Drive and the access easement road that already exists that goes down to property that is in the flood plain, and land that will not be able to be developed anyway. He'd like to have his home on one lot and Bruce would like to have his house on another, and all the rest of the land will be farmed, he points out the 25 acres of open space. He mentions about the arenas and homes that were built in Deep Creek, also the Malan Johnson subdivision, looks like it was a spot zoning it fell just outside the city center. What he understood was that it went from Line Creek to Line Creek, there is secondary water so they won't have to use wells to water the lawns, it's all got pressurized systems, it all has the 100 foot radius that is required for the well protection. He continues by saying that the only way to get up to the pulpit is to have 20 acres. If he didn't have 20 acres, the County won't even look at you. If you have 20 acres then you can come and discuss subdividing. We are fortunate enough to have 20 acres to share what our desires and intentions are. Sister Turner is concerned about why he moves around, the only reason he did that was so that he could accumulate equity so he could purchase land for a great deal of money. His parents live in Milton, he wants to retire in Milton. He said he probably should buy a burial plot in the Milton Cemetery. He understands this boundary where the village center is. He doesn't want to change Milton, he wants it to stay green forever.

Chairman Haslam asks for a motion to go out of Public Hearing. **Member Ross moves to go out of Public Comment. Member Nance seconds the motion. Vote is unanimous.**

Member Nance moves to forward a positive recommendation to the County Council for the Jensen Future Land Use Map Amendment, application #16.027. Changing the designation from agriculture designation to ranch residential 5, based on the findings listed in the staff report dated September 22, 2016. No second. Motion fails for lack of second.

Member Sessions moves to forward a negative recommendation to the County Council for the Jensen Future Land Use Map Amendment, application #16.027. Changing the designation from agriculture designation to ranch residential 5, based on the finding that the proposed amendment is not in harmony with the General Plan. Second by Member Ross.

Comments on the motion by Member Sessions, she feels like she has been and that the Planning Commission has been consistent with following the General Plan. If the Council chooses to deviate from it then that is their prerogative. She thinks they have more authority but she feels more comfortable if we do follow the General Plan, not to say that we shouldn't look at it as a whole and do some good effective planning and get some input from the citizens in the area and maybe it is time to amend it.

Member Nance comments that it's basically going against what the County Council is trying to accomplish.

All in favor of the motion, Member Session and Member Ross. Opposed was Member Nance. Motion passes.

7. Discussion/Public Hearing/Decision on the Dickson Future Land Use Map Amendment

Bill Cobabe states that there are corrections to staff report, he was working off of a prior draft of the Porterville/Richville Plan. He pointed out that the plan has been updated as of Tuesday. The changes that he requests that are made to the staff report are on page 2 starting with the paragraph that defines small villages or refers to small villages, remove that whole section in the staff report because all references to small village center were removed by the County Council prior to the adoption of the area plan. The draft that he was working from did not have that removed. The staff report refers to a draft of the area plan that is no longer in effect, the draft that he was looking at included references to the Porterville/Richville Area Plan small villages. Those were all removed, in fact they went the other way, saying that no small village type things should not exist anywhere in the Porterville/Richville area.

Bill continues that this is an application submitted by Norris Dickson, he applied for a Future Land Use Amendment. The property is located approximately 661 W 1550 S, just west of where Morgan Valley Drive intersects with Richville Lane. It is both referred to as both Richville Lane and 1550 South as well as Taggart Hollow is what he has heard. There are three different names, it's all the same area. The current zoning for the property is A-20 for the entire parcel, in the Future Land Use Map it is designated as agricultural. That is what they are seeking to change. Bill shows on the screen where the property sits. The property is almost 15 acres, its 14.75 roughly in size. He shows the current Future Land Use Map and how it looks and he shows the current zoning map as well. He displays the plat map. With that staff is recommending approval.

Member Sessions asks Bill if he knows the status on that road, the 1550 south. She wants to know if it is a County road. Bill states that it's pretty clear that it's a county road up to about Dee Waldron's driveway, he does not know how far up the County maintains the road, he hasn't asked that question. Chairman Haslam, asks Bill to clarify pretty clearly. Bill said that it's right about where Mr. Dickson's barn enters in. Member Sessions questions if Bill knows for sure about the road. Gina stated that she had spoken with Mike Waite, Public Works Director, about how much of the road he maintains on that road. She said that he plows all the way up past the driveway.

Member Nance asked that if they plow up to that point does that make it correct. Bill states that it does not necessarily, ownership trumps over everything but if there is a question and it comes down who owns what, he only plows roads that we receive BNC funds for and it appears on the County inventory list of County roads. Chairman Haslam states that the question is, do we have documentation that it is a County road? Bill said that we do up to a certain point, but from there he is not sure. He said that those are questions that typically be addressed during the subdivision process. When and if they get to that point.

Member Sessions said that her question is that we have tunnel zoning along all our County roads, and so if that is a County road, she is wondering why we don't have the tunnel zoning. So if it is a County road then maybe that needs to be addressed.

Bills states that again the County maintains up to a certain point. Member Sessions states that it needs to be clarified.

Member Nance wanted to see where this property is in relation to the Jensen property. Chairman Haslam states that it is about 10 miles from that property. He requested to see the whole County map. Bill brings up the County map so Member Nance could see where these two properties are in relation to each other. He just wanted to be sure where they were.

Chairman Haslam invites Norris Dickson to address them.

Norris Dickson, he lives at 67 River Cove Circle. He states that the property described here, the county has maintained the road beyond Dee Waldron's house for years, ever since he was a young man. In fact he said that the County just chip sealed that road from Morgan Valley Drive up to the driveway going into Dee Waldron's. Mr. Dickson is purposing to put one home on the 14.75 acres. He wants to change the Future Land Use from agriculture to residential in order to do that.

Member Ross wanted to clarify that there is already a home on the property. Member Sessions and Mr. Dickson state that it is just a barn. He also asks if it is A-20 now.

Chairman Haslam states that they will go into the Public Hearing.

Gary Carter – Lives on 1550 S Richville Lane, he wanted to bring the Planning Commissions attention to the fact that there are no longer villages or cluster housing developments allowed. The area that is being discussed is a natural drainage from Taggart Hollow and that there is occasional flooding through there, he states that he can provide give pictures to show the flooding that has occurred there. He hands the Planning Commission the pictures. He doesn't know how many of the Planning Commission is familiar with the area at all. He asks the Planning Commission if they had been up there to look at the area. To put homes in that natural drainage area would be a mistake. There are no sewer systems there, so they would have to put septic tanks. The septic tanks would be a hazard to the underground water and to the wells that are already existing, the nitrates, e-coli and coliform that can leach through into their present drinking water system. He propose that the Planning Commission take a look at the new plan, the Richville/Porterville area plan and read the criteria in there. There is a paragraph in the plan that states the basic premises and the residents in every community have the right to determine the quality of life they wish to preserve, the community can take charge of its destiny and need not be subject to undirected growth. Mr. Carter states that Norris proposes that he will put in one to four homes on his property, Mr. Carter thinks that's leaving it a little to open. Mr. Dickson said one home tonight but his written proposal said one to four.

Chairman Haslam stops Mr. Carter and tells the audience that Bill will be timing and will notify the Planning Commission of the time.

Jim Wiscombe – 1720 S. Morgan Valley Dr. He owns property just west of there. Back in 1989 or 1990 he wanted to build a home up there on his property and we were told no, in fact that the two homes that were built up there should never have been built there. He thinks that the County needs to figure out where the road it so that people know where the right of way is and isn't. The Anderson's bought property and now they are being told

that they planted trees in the County right of way but they didn't know. He doesn't know who is responsible for finding out, but he believes that the County is to determine where the right of way is and how far it goes. He would like to build on his property one day too. The County or somebody has the responsibility to say where the County road is.

Sherry Waldron – Her property is just north of the Dickson property. Jim may be referring to her home that may not have been allowed to be built there. They have lived there for over 40 some odd years. They have seen the floods like Gary indicated up Taggart Hollow. Her main concern is keeping to the area plan. The area plan has been very specific and she knows that the people in Richville and Porterville have been very specific and passionate about the fact that it is agriculture and we'd like to keep it at that point. We are just asking the Planning Commission that they please adhere to their area plan because it is short, it is in an A-20 zone that they keep it that way and make a decision in that direction.

Shelly Paige – 313 W Richville Lane, she states that their community is a close knit community and she really loves that. She loves the Waldron's and it's just a really neat area. She refer to the area plan and how it is incorporated into what they are talking about. We have more private land than any County in the State of Utah. We can't count on the State or Federal government to create open space, so we really need to be responsible for our valley, because our water levels is dropping. She's been in Morgan since 1984. She's lived on Richville lane for 17 years. It's a really precious area and it is a hard thing with private property rights and the community. We try to work it all out but in this area plan there were two work sessions and three meetings and 96 percent of the people wanted no small villages plus they wanted agricultural land, because it is so important because it keeps regenerating their water table for their tables. If the Planning Commission reads the area plan they will understand that they really want to go by the area plan. That has set a precedence to create subdivisions.

Debbie Anderson – She is lives 1518 S Morgan Valley Drive, diagonal from the proposed land. She moved from California to Morgan two years ago, not knowing anyone. Job and location is what brought them to Morgan, they searched all over and they decided to make Morgan their home because of the open spaces. They had five acres in California and we thought that when they came to Utah they'd be rich because they could sell their California land and buy acreage here. They were disappointed that they could not find a lot of acreage so they chose Morgan so that they could see these open spaces. She read the plan from the beginning to the end and it clearly states that the community wants to have open space. Her concern is that if an exception is made in this case it will open the door for other exceptions to happen and slowly over time the open space will be lost in Morgan.

Norris Dickson states that he would like to see the pictures that Gary passed around. So he could understand flood plain issues, because that entire ground is in flood plain. The natural drainage is by the trees, he points out that the ground on one side is six feet higher on the other and that he wouldn't want to build by the natural drainage he'd want to build up away from that.

Pauline Preece – She lives at 1667 S Morgan Valley Dr. She's lived in there since 1991. They have seen the floods but the whole property has not flooded. Where she lives is more in the flood zone than the property that is in question. She states that she has no problem if they built one house there and it would be behind her and she does not have a problem with that.

John Paige – He is confused as to whether or not this is to change the zoning. To allow it would set a precedence for a lot of other properties in the area and would that allow them to change those areas.

Lindsay Wilde – She lives Richville. She served on the committee that created the Richville/Porterville area plan. She is passionate about keeping it agricultural rural area. It was amazing to her when they went over that plan of how many people that live in that area are as passionate about it as she is. Her concern is that if we allow change it opens the door to allowing more change. Unfortunately, once those changes are made they can't be changed back. She states that people are drawn to the area because of the agricultural feel. She would be sad if they were forced to see that change. She would like the Planning Commission to adhere to the General Plan. She also pointed out that the only way to turn around would be at the end of the road so if they plowed up to a certain point they would have to go further to turn around. She stated that her other concern is that Mr. Dickson wants to do this to build one home but that is not what his application stated one an three are very different.

Jeannie Carter – She states that her concerns are concerning the road, when they moved here it was a dirt road, she said that they built on hill and they helped maintain the road and paid for the brine to be put down. She feels that they need to stick to the plan.

DeeDe Pace – She lives at 1225 S Morgan Valley Dr., just north of the proposed change. It was six or seven years ago she purchased the Vaughn Rich property that was 36 acres and the reason she did that was knowing that it is RR-1 in the front and A-20 in the back, she has moved around quite a bit, she's lived in neighborhoods, she does not like neighbors or people behind her she likes it open and that is why she moved here so that she didn't have people behind her knowing that the master plan was that it requires 20 acres to build one house unless you have RR-1 zoning. So going back to the master plan, and in order to build a house you have to have a minimum acreage of 20 acres.

Dwayne Thackeryl – He lives in Porterville. He was on the original plan, area plan committee. He feels that maybe to bring the committee together again. He neither for nor against it. He's not at this point. What he thinks is that they need to consider looking at it again to see if we need to change anything or not. It was back in 2008 that it was completed and it was a long process and that we need to consider taking a look at it again to see if we need to change anything or not.

Chairman Haslam asked for additional comments. He then asks for a motion to go out of public comment, motion by Member Sessions, second by Member Nance. Vote unanimous, motion carries.

Member Nance asks Chairman Haslam if before they make a motion on the item if they can ask staff a couple more questions. He asked Bill if he could bring up the area plan. Bill states that there is not a specific area plan map, but he showed him on the map that was on the screen. Member Nance states that in the staff report it states that there are a number of lots in the area ranging from one to six acres and that proposed amendment appears to be in keeping with the existing character of the area. Bill clarifies that along Richville lane there are a few that have between one and a quarter acres up to six acre lots on the South side of Richville Land and the North side is the LDS Church property.

Member Nance asks if Bill has an estimate of how much area is Porterville/Richville area and what it encompasses. Bill states that its south of the Morgan City limits to Whites Crossing along Highway 66. Member Sessions states that it goes all the way to the County boarder. It's a fairly vast area. It includes all of East Canyon reservoir to Jeremy Ranch Road and it also include South Morgan Valley Drive and Hardscrabble and Richville Lane.

Member Sessions states that there are some denser in the old Porterville township area on Highway 66. Bill said that even still those lots are an acre or bigger. Member Ross said that it's still RR-1 tunnel zoning. Member Nance asks if they already have homes on them, and if they do and they are less than 20 acres how are they not keeping with the area to put a home on 14 acres. Bill states he currently has a lot that is non-conforming in the A-20 zone. So Mr. Dickson is very limited on what he can do on the property. He can do farming, which he does, things like that, but building permits cannot be issued on a parcel such as this because it does not comply with the underlying zoning. Member Nance said that the bottom line is that everyone that has their house there is going to be okay but if you don't have your house there now you will not be able to build there anytime. Bill said that is the question, if you like the character of the neighborhood the way it is now then you will prefer it not to change. Member Ross states that to be clear the application is to change the Future Land Use Map of the entire parcel, not the front. Like everywhere else, the front portion of their property is RR-1 and the back portion is

A-20. Bill said that for the most part yes. Member Sessions said that is and some are totally in the one acre zoning. Member Ross asks if the parcel has any frontage on County Roads. Chairman Haslam states that is to be decided. Bill said that there are some practical concerns for moving into this area here, he points out on the screen the back portion of the property, it has a fairly steep slope and getting up there will be a challenge, either with a drive way or a road. So if he were to put homes in it would have to be down along the road. Mr. Dickson has a little more than 600 feet, so there is a potential of getting three lots along the road. The slope is going to be the big issue and when he goes to subdivide he has to do the whole geologic analysis and all of that, it's a project. Chairman Haslam asked why they wouldn't want to determine if that is definitely a County road and how far it goes before we make a decision on this. Bill states that it is up to the Planning Commission. Member Sessions said that is what she would like. Bill said that if they would like to table it and come back to it then he can work on getting that determination. Chairman Haslam said that it is a variable that needs to be considered. Member Sessions said that it is a big variable. Chairman Haslam said that at this point in the conversation that we get that established as to what that is.

Member Nance asks Chairman Haslam if he suggests that the item gets tabled and for how long. Chairman Haslam states that he does, and that he does not know how long it will take the County to get that resolved. Bill said that it is a fairly easy question that it is either a yes or no answer so he can find that out and bring it back to the planning commission in the next meeting.

Member Nance motions to postpone the agenda item until October 13, 2016 so that we can determine the ownership of the road on 1550 S Richville Lane from Morgan Valley Drive to the end of the Dickson property that is on the application. Second by Member Sessions.

No Comments on the motion

Vote unanimous, motion carries.

Chairman Haslam states that this will be the first thing on the agenda on October 13, 2016. Member Nance asks Bill to come back with a little bit more of a definition of where this area plan covers. Member Sessions points out that most of the area plans did specify and describe their boundaries. She points it out on page 6 in 1.3 of the Porterville/Richville area plan.

Administrative:

8. Discussion and Decision of Meadow Brook Plat Amendment #1:

Bill – A request for a plat amendment for the Meadow Brook Plat Subdivision. It has been brought to us by the Gates and Ewing. It is located approximately 3727 W. 3725 N. in the Peterson area. It is currently zoned R1-20, which anticipates 20,000 square foot lots. The General Plan designates village low density. He points out the small parcel in the blue but it is the two lots next to the one lot owned by the Gates and Ewing's. What they are looking to do is basically split the one lone along the property line of the other two lots and absorb the other lot into theirs. He shows the Future Land Use Map and the Zoning Map. He points out the lots on the existing plat map, showing lot number one, two and lot three. Even though there is a note on the plat that restricts access from the rear of the two lots by the access easement that runs along the rear of lots two and three and along the side of lot one, as a condition of approval we will request that the note be put on the new amended plat. Even though all the notes on the previous plat apply to the amended plat, unless it explicitly and specifically said otherwise, but because this is kind of a controversial thing he wants to make sure that this is clear, again, that no access can be had from this access onto lot one. That is why that condition is on there. With that we are recommending approval of this plat amendment.

Chairman Haslam – any more questions for staff

Member Sessions states that she notices there is a gate already, so is that appropriate to maybe made that another condition that it be removed before recordation. If there is no access.

Bill states that you could, there is no access, and there is no reason for a gate. He will let the applicant speak to that in a minute.

Member Nance asks if there is a minimum size of the lot that can be split. In other words in this case there is 1.53 acres if it was .53 acres could they still split it, to take one lot and divide it between two owners, he would like to know if there are any restrictions preventing that. Bill states there are no restrictions.

Dirk Ewing – I own lot 3, to address the gate, the gate was never intended to be used, in fact he spoke to Mr. Wilkinson who owns the right of way along the gate and they decided to lock the gate with a bolt. He did exactly as Mr. Wilkinson asked. There is no intention of using the gate whatsoever. The gentleman that put the fence up talked Mr. Ewing into putting in the gate, just in case there was ever an emergency. Now he wishes he hadn't. I did listen to the man that owns the right of way of the lane and we have a lock on the gate now. It's never been open. As long as he lives there, it will remain locked, he has no intentions to stir up the neighbors.

Chairman Haslam asks if there are any questions for the applicant.

Member Sessions states that she feels the gate should be removed. If it's not going to be used. Mr. Ewing asked if Member Sessions will pay for it to be removed.

Chairman Haslam said that all it states on the plat is that there is no access from that lane. Mr. Ewing said that he made that clear with Bill, and that he spent \$1000 to put it in and that he wishes he hadn't done it. He spoke with the actual owner of the lot not the gentleman that claims to own it, the lock has never been taken off. Chairman Haslam states that will be a discussion between Mr. Ewing and the owner of the lot. He also said that you can have gates all the way across the fence, it's the access that is going to be denied.

Member Nance asks where the fence is that is being talked about, Chairman Haslam clarifies that Mr. Ewing has put in a vinyl fence that follows along the property line, and he points this out to Member Nance. On the plat it said that this lot, referring to lot number three, cannot have access from the lane.

Chairman Haslam asks for a motion on the agenda item. Member Nance states that he'll make a motion. Chairman Haslam clarifies who owns the property for Member Nance.

Member Nance moves that we recommend approval to the County Council of the application Meadow Brook Plat Amendment #1, application #16.022, located at approximately 3727 W. 3725 N. amending the plat and eliminating lot one which will be absorbed into lots two and three, based on the findings and with the conditions listed in the Staff Report dated September 22, 2016. Second by Member Ross.

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.

Chairman Haslam questions that it will include all notes that are on the existing plat.

Member Sessions points out that it is one of the listed conditions. Chairman Haslam just wanted to make sure that was clear.

Vote on motion was unanimous, motion passes.

9. Various Land Use management codes:

Bill states that he has not made any changes or revisions on these since the last time that the Planning Commission discussed so if they have any corrections that he needs to make please let him know. Bill goes on to say that the County Council did give some specific and explicit direction in particular on 8-5-6 which is located in its entirety starting with page three of the staff report, lots in two or more zoning districts, the Council has requested that we consider eliminating this section in its entirety and go back to just dealing with the straight zoning and how it applies. There is some language in here that changes the ordinance but they also wanted to say that if we just take out that section and revert back to the condition that was in place prior to 2011. The idea is to button this down and make it clear for staff to know what it means.

Member Session said that she doesn't have a problem with what this does, but she doesn't know if this is the right mechanism, she doesn't know if this is clear. She doesn't have a problem with the concept of being able to build back further. She also doesn't have a problem with abolishing this for now and taking the time to work through it and fix it and bring it back maybe in another way.

Chairman Haslam said that he has notes on his that is not in the staff report. Bill questions what sections he is referring to. Chairman Haslam said that it is where it said "frontage is established." He states that they had talked about being specific on what we are talking about. We had talked about adding the RR-1 is 200 feet. Bill apologizes he recalls the conversation but it didn't make it in his notes. Chairman Haslam suggests that they talk about this some more.

Member Nance wanted to know where he was talking about on the agenda. Chairman Haslam pointed out what portion of the Land Use Ordinances he was referring to. There were no changes on the first ordinance in the group. Member Nance understood that the County Council wants to eliminate it all. Chairman Haslam clarifies that it is just the section 8-5-6. Member Sessions said that they do not want it misinterpreted again by anyone. Chairman Haslam clarifies the changes that were made on the ordinance of 8-5-6.

Chairman Haslam states that he wants to give his take on this. He said that this has all come up because Mr. Jones has tried to buy a piece of property and we have a difference of opinion on how this was supposed to be interpreted. He doesn't want to penalize that individual because he's not the one that created the problem. Bill states that no one

wants to penalize anyone or any other property owner either. Chairman Haslam said that he would like to approach this, he understands that the County Council would like to throw it out. Bill clarifies that there are some members of the Council that would like to throw it out, some of whom are in attendance tonight. Chairman Haslam said that when the County Council adopted this he disagreed with it. Because it is like everything else we made an ordinance in order to satisfy one individual. Bill said that is always problematic. Chairman Haslam states that now there is a problem, he does not want to penalize an individual who wants to buy a piece of property because this was poorly worded. Part of his concern is that he is there to serve the community, he would personally like to take it out, but he is not convinced that is the answer. Bill said that he is of the same mind on this in that the language itself is problematic but the purpose and intent behind it is good. Member Sessions said that she agrees. Chairman Haslam said that his thoughts are, that we have the exact same issue with the road that this property lays on as we just got done discussing with the Dickson property. No one is for sure who that belongs to. His opinion is that before we really act on this hard, we need to clarify that because that might answer a lot of the questions as Member Sessions said, most of the property along County roads are tunnel zoned RR-1. Maybe that is the answer, to get that to a County road, get that to RR-1 so that the individual is not restrained and can build it. We can eliminate this and get back to our regular zoning. We have talked about it before, we try and not intentionally hurt or restrict the individuals. That is just Chairman Haslam's take on this issue.

Member Sessions asks Chairman Haslam if it is just this one ordinance and that he is okay moving forward with the other changes. Chairman Haslam states that is correct. He is just talking about this one that has to do with the property in two zones.

Chairman Haslam said that at the moment he would like to constraint on is what the other opinions are, he thinks that they ought to go back to the County Council with at least two options maybe three, at least two and let them decide how they want to address it. Bill said that even stemming out of this language change or whatever we decide on tonight, that's one option and repeal it in its entirety is a second option, he's not sure what a third option would be. Member Sessions said that a third option could be to leave it intact until we find a solution to the road, the determination of the road. And then they can address this. Just leave it there, it preserves TJ. If we start messing with it, it will affect him. But we may find another solution by having the County determine if it is a County road and then the zone would be different and it would be a moot point. Bill said that he is seeing what she is saying but that it would still require a zone map change or amendment on the part of the County in order to change this to one acre zoning. Member Sessions said that is correct, it would be County initiated.

Member Nance said that if we are not wanting to make a zoning rule for one individual why then are we worried about the one individual that is going to be impacted by this change we are trying to make.

Chairman Haslam states that the individual has a vested interest in the way the rule is currently.

Member Session said that she doesn't know where the vesting comes in when he submits his complete application. Bill states that he did this afternoon. Member Sessions said that with this being a pending ordinance that he can be held to, if the Council wants to. We want to make sure he's protected. Bill states that we want to make sure his property rights are protected.

Member Nance asks what the zoning is. Bill said that the property is in two zones, he's got a little bit in RR-1 and the majority of it in A-20. Member Nance asks what the Future Land Use Map said. Bill said that it is the same. Member Sessions said that the Future Land Use Map has not addressed the road situation. Member Nance asks how this case would be different than the one that we just got finished with. Member Sessions said that this is not a zone change. Bill said that there are a couple things in play here, this is a lot that is in two different zoning districts, Dickson's property is not, the Dickson's have sufficient frontage on this road. Member Ross said that we do not have an application in front of us to re-zone TJ's property. This is an ordinance change.

Chairman Haslam said that the problem we have right now is that we have a pending ordinance, the State Rule is we cannot move forward, even though he has submitted the application, we cannot move forward until this is resolved. Say by chance we send recommendation to the County Council and they reject it and they just pull whole ordinance then the property that he just bought is unbuildable. Member Nance said kind of like the one we just got done rejecting. Bill said that we don't have a building permit application for the Dickson property. Member Nance said that he understands that, he said to forget the building permit application. Bill said that this is a question of vesting. Member Nance asks when the application was submitted for a building permit. Bill said that it was submitted today. Member Nance said so this ordinance came up before the application was submitted. Member Sessions said that is correct. Member Nance wants some clarification. Bill said that a month ago staff received direction from the County Council to review this particular section and present options including repeal and elimination of this section or amending the language of the ordinance itself and maybe the third option would be to just leave it alone. Member Nance said that he wants to clarify for himself, the Future Land Use Map on this property in question said that this property in the front is RR-1 and the property in the back is agriculture. He wants to know if that what the Future Land Use Map said. Bill states that it is. Member Nance

said that the question becomes if the frontage is RR-1 then the back portion then gets the zoning of the lower one which would be RR-1. Bill states that is the way we are currently interpreting the current ordinance but that is not necessarily the intent of what the ordinance was designed to be. Member Nance said that in order to do that they have to change the Future Land Use Map. Bill said no that is not the case in this situation, not the way that the current ordinance reads, they don't have to change anything. Member Nance said that if they don't have to change anything, he questions why the other applicant had to change their map. Bill said that it is a different situation. Member Nance states that he wants additional information in order to understand. Bill said that the other applicant does not have two different zoning districts and that is what is at play with this situation. Member Nance said that he thought their frontage is RR-1.

Member Nance said that he is referring to the Milton plan. This plan here, the Carver/Jensen one. The frontage on that property is RR-1. Member Sessions said that it is and that they can build there. Member Nance said that the frontage on this one is RR-1. Bill said but they don't have an acre in RR-1, and that the frontage requirements of this code said *"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."* Member Nance said that the Carver's didn't have one acre in RR-1. Bill said that they are asking for two completely different things, TJ just wants a building permit. Carver/Jensen wants to subdivide their property. Member Nance said the application is to change the Future Land Use Map. Member Sessions said that the situation that we are discussing now is not requesting a change on the Future Land Use Map. Member Nance said that if we are saying the frontage is RR-1 then the back portion absorbs the buildability of the RR-1. The Carver's wanted to change the Future Land Use Map to RR-5, the 19 acres. That's all they wanted was to change the Future Land Use Map. No application to build a house. Member Nance continues that the problem that we have with this is because the people want to come in and change the Future Land Use Map with the frontage of their property is RR-1, they want to change the back to where they can put a house in the RR-1 zoning.

Chairman Haslam said no this is not the situation, we are talking about two totally different scenarios. Carver's want to change the Future Land Use Map so that they can add additional lots. Member Nance said that is not what they application said, they want to change the Future Land Use Map to Rural Ranch 5. Chairman Haslam said so they can increase the density.

Member Nance goes on to say, that is what this ordinance said they can do. Chairman Haslam clarified and said no, this ordinance refers to the issue of having a parcel that is in any two zones then you can build a house in the other zone.

Member Sessions said you don't have to build up in the RR-1 zone you may not have 20 acres in the A-20 but you can still build back in the A-20 if some of your property is in RR-1. She continues to say that if you have a 3 acre parcel and one acre is in RR-1 and two acres in A-20 you can build a home back in the A-20 without having to have 20 acres. She continues to say that this ordinance that is being discussed is what has to do with this. If we didn't have this ordinance they would have to put their house up in the one acre. Member Nance said that he agrees with that.

Bill interjected and said that he is not sure where in the ordinance that it said that is the case. And that is why he is entertaining the notion of eliminating it all together, because in his mind if you have a lot that is shaped like a normal lot is shaped that has setbacks and frontage in the RR-1 zoning district, this leaves some flexibility if you have an acre or not in the RR-1 and that is what we are trying to work out but from there even if you were to eliminate this and you had the full acreage as required in the RR-1 zoning district and you had the full frontage but you had some additional land in the back and that is where you wanted to build your house all you would have to do is meet the setbacks of the zoning district as it moves back so it would be a hat shaped building envelope where it was fairly wide in the RR-1 zoning district and narrower in the A-20. Member Sessions states that you have to have 20 acres to build in the A-20 zoning district.

Member Nance states that he wants to be fair to all the property owners. From his perspective he sees that these people have their property in RR-1 and they want to build in one house in the back portion. And they wanted to change the Future Land Use Map but we said no. So now we want to change this ordinance to accommodate the other property owner so that he can do what we just rejected. Member Nance is talking about the Carver's.

Chairman Haslam said that the intent of the ordinance change that they are talking about was is not how it is written. The intent was if you meet RR-1 requirements 200 feet of frontage and one acre in the RR-1 zone and you have two acres in A-20, you can build back in A-20. That was the intent of the ordinance. But the way that the ordinance is written, it does not specify that you have to take your frontage in the RR-1. Bill said that it also does not state that you have to have a minimum of one acre in the RR-1 zone either. Chairman Haslam said that what has happened is Bill has taken the A-20, we have another dirt road going south out of Morgan City that no one knows for sure who it belongs to. Bill told TJ that we will meet the minimum frontage off of the back road. This is where all the confusion has come because that was not the intent of this ordinance but that is not the way that it is written.

Member Nance said that if we do not want to make zones for the specific of one case why are we worried about changing it? Chairman Haslam said the County Council wants the

Planning Commission to look at this ordinance to see if we want to leave it in or if we want to adjust it or take it out.

Member Nance said that his personal opinion is that they need clarification because it is going to impact a lot of property owners throughout the whole county.

Bill said that it is and it is not. There are four lots that he is aware of that has frontage in one zoning district, which is not the smallest zoning district. In the four that he is aware of they have frontage in an A-20 zoning district, they have two different frontages, and the frontage is based on the property in A-20.

Member Nance said that the area plan that was in question, the Meadow Brook Estates, showed that there was RR-1 in the front and A-20 in the back. Bill said that was not what he was getting at there are lots throughout the County where there is RR-1 in the front and A-20 in the back. All up and down the main roads. Member Nance said that is why this will impact all these lots. Bill said that it would not in that they would still get their full frontage from whatever road is available to them. Their frontage is not being gained the other side of their property. They have frontage along the main road in the RR-1. He said that there are four lots that he is aware of where that is not the case.

Member Sessions said that this has a dirt road along the back of the property, in the A-20. In the RR-1 he has 23 feet of frontage, which is not enough to count as frontage, but because it is a split zone lot, they are saying that instead of needing 330 in the A-20, they will only need to get the 200 feet of frontage from the RR-1 zone in the A-20 zone.

Member Nance said that he doesn't have a problem with it he just wants it to be equal.

Bill said that because the intent is different that is why it is hard.

Chairman Haslam said that it will affect all of the land owners going down that dirt road. Member Nance said that is why this needs to be set up to impact the whole county no just an ordinance that is set up to accommodate one application. If it was set up to accommodate one application they need to get it set to accommodate the whole County. Member Sessions and Chairman Haslam said that is what they are trying to do. Member Nance apologized for all the confusion. Chairman Haslam said he be confused and get it all figured out then to leave confused.

Bill said that this impacts many different properties around the County but it actually has specific impact and implication for a very few properties in the County. Member Nance said that if we deprive it from one person in the County we deprive it from everyone in the whole County.

Bill said that we will be explicit about including the zoning district and the frontage and area requirements as a parenthetic note after this. Chairman Haslam said that is what their discussion was to clarify the frontage that needs to be required in the zone.

Member Nance said that he is still confused as to what the County does not want.

Bill said that they will have a public hearing in a minute and ask Austin and Ned to come up.

Chairman Haslam said that some of the County Council feel on this ordinance is that by doing this, which he agrees because he was against this ordinance to start with, by this it kind of eliminated some of the zoning, so A-20 doesn't mean anything by this ordinance as long as you have acreage in RR-1 you can build in you're A-20 even when you have two acres. Which originally before this was implemented in order to build in A-20 you had to have 20 acres. What we want to do is fix this ordinance because it has now been brought to our attention, we want to try and fix this so that it doesn't penalize the land owners that have brought it to our attention.

Member Sessions said that the code does require you to have 20 acres in A-20 to build a house.

PUBLIC HEARING ON LAND USE CODES:

Cindy Carter she lives at 810 Hardscrabble Road. She said that she wants to make clear what is going on here. This ordinance was made so that this gentleman up in Porterville did not have to put his home right on highway 66 that he could build off of Highway 66. She spoke with the County Council Member Ned Mecham regarding this, in fact Ned had called her and was concerned that they were putting this ordinance in and it was going to affect the entire County. She said that she disagreed with him because if she owned a piece of ground up there she wouldn't want to put her house up on Highway 66, she would want to put it back off where her grand kids would be safe. She did not come and talk against and it was voted in by the County Council at that time. She is concerned about the word of intent because it was Ned Mecham's intent that it was only helping this certain individual, but then it was written by staff for the County Council to approve. Those individuals who sat on the Council then are no longer there. She feels that no one knows what their intent was. She said what she feels the problem that has been created by this. Ivan Carter, 88 years old, he owned almost all the ground across the property in question, just off Highway 66 right outside Morgan City limits. When he sold it he kept the back pieces and he kept 60 feet in front so it stayed up on the County road so he could still access his property and that he could still do something with his property when he wanted to. This ordinance was put in and all it did was help them, that sooner or later he could sell that to one of his kids or to some other human and put a home on it. TJ's

property boarders Ivan's property, he has gone in and applied for a permit everything by this ordinance said that he can build it and somebody, she doesn't know who it is, got upset about it and got the entire staff looking up there about it and now the entire ordinance again because of one individual. If it stays the way that it is, it will affect four properties. She said, don't do anything, don't waste her tax dollar money going and knocking on people's doors to see if they disagree with it. There are 48 seats in here, there were 48 people sitting in the Council Chambers, against people changing the current land map, and the Planning Commission are the ones directing to change this. She said there was no one complaining, the Planning Commission made the complaint. She also said that the Planning Commission is going to get into the road situation, she has looked at the map and it looks like a public road there. Her husband Kent had been booted off it as a child when he was riding his motorcycle down it by the sheriff at the time for being on a public road. She said that she's not sure the Planning Commission wants to get the County into a lawsuit over a public road if they in turn say that it is somehow private. She does not think it is right that the way it stands now it affects a total of four land owners and if the Planning Commission starts removing stuff it will take away their rights to do with their property what they wish to do.

Chairman Haslam asked Mrs. Carter what part of his comment that they are not trying to penalize the existing land owners did she not hear. Mrs. Carter said that they are going to, because Ivan has a 10 acre piece in this situation where the back is all along Field Street and he has a small strip on Highway 66. She said that Ivan can sell that right now and someone can build a home on it the way that it is. Just like TJ can build a home on the piece that he is wanting to. So the Planning Commission is going to change the ordinance so TJ would not be able to build. Chairman Haslam asked her if they had changed it, Mrs. Carter said that they are trying to change it and they will penalize him. Chairman Haslam said they are not trying to penalize him. Mrs. Carter said that if the ordinance gets changed it will penalize him.

Member Nance asked how many acres the piece of property is that TJ is purchasing to build a house on. Member Sessions said that it is four acres.

Member Sessions said that there are a bunch of flag lots along Highway 66.

Mrs. Carter said that no one is asking to build on a flag lot. Member Sessions said that it is a double frontage lot. Member Sessions said just to annex it to Morgan City.

Mrs. Carter said that is what is going to happen, is that the road will be determined it is a public road and then the RR-1 zoning will be put along that public road and then there will be 50 houses along there instead of four.

Member Nance asked where the road was that was in question. Bill pointed out on the map that it is the dirt road extending out from Field Street.

Shelly Paige: She lives on Richville Lane. She thinks what needs to be considered the Morgan Valley can provide, what we want is one thing, but there is limited water, there is no sewage system. On Highway 66 there is a place that is pumping sand from their well and the land is no longer being irrigated, the water table isn't being replenished. It comes down to private property rights and what the valley can provide. She has lived in Richville for six years. She points out that there is a plan that needs to be followed.

Jennifer Johnson: She doesn't have any problem with ordinances. But she said that when she purchased her property she looked at the Future Land Use Map and that it was going to stay that way for 25 years and that is why she purchased that. She understands that people want to develop their property but she wants people to look around them before they purchase property.

TJ Jones: He grew up on a farm in Porterville, he said that he is the one causing the trouble with all this. Chairman Haslam said that he was not the one causing the trouble that this ordinance happened a while ago. TJ continued said that he wanted to get out of a subdivision and that he saw an opportunity to buy this lot, he went into the planning office and talked to Bill and was told it was a building lot. He has an agreement with the land owner that he will share a property line with to share his access and to share his well. He gets 22 gallons a minute, the State requires five gallons per minute. He said that it is a very high water table and that most of the houses there flood. He said that he feels targeted, he's been looking for this since 2011, he tries to go and prosper with his family and the door gets slammed closed. He said that is not what he is looking for, he thought this was a great opportunity for him and his family.

Member Nance asked if he can recommend the county council members would come to the podium and tell the Planning Commission what they wanted.

Chair Haslam said that if they wanted to come up as citizens of the County they are more than welcome to. As County Council members, no.

Member Nance said that it doesn't makes a lot of sense that they want the change but they don't want to come forward and tell the Planning Commission what they want.

Austin Turner said that this is the exact reason why we don't come to these meetings, he continued to say that this was not a joke.

Member Nance said that it is a joke to him because it makes no sense that the Council tells the Planning Commission that they want change but won't come forward in a Planning Commission meeting.

Mr. Turner told Member Nance that if that is the way that he wanted to act then Member Nance could resign.

Ned Mecham approached the Planning Commission and said that he would address the issue. Fix this so it is clear. I would like it to go back to zoning. He said that he is on the County Council and he was elected in 2010. Zoning in the County was if you had RR-1 a person could build, if a person had RR-5 they could build, if a person had RR-10 they could build a home, if they had A-20 they could build. Then some people sold some lots in Porterville and they did not want to build in the RR-1 which they had the property in RR-1 and in A-20 but they wanted to build back in A-20. So an ordinance was changed and made so they could build back up in their A-20, no one had a problem with them building back on their lot, contrary to what Mrs. Carter had said. The Council at the time didn't care where they built on their lot. The problem was with the ordinance when it was written, Ned felt like it was perfectly clear, but he knew that there were some things that were fuzzy in it. Because when the ordinance was written a person had to have RR-1 to build back in the A-20, they had to have the frontage up on the road to match the zoning in the front in order to build in the back in a different zone. RR-1 zoning requires a person to have 200 feet of frontage in order to build. Ned said that he agrees with Bill, that TJ can have his frontage off the dirt road. The frontage on Highway 66 is 20 feet, when the ordinance was written, there was supposed to be 200 feet, the one acre and then they can build back in the A-20 that is the way the ordinance should have been written. When the ordinance passed, four voted for it and three voted against it. Ned said that the three that voted against it, if they ever had enough votes to change it they would have changed it. That way it goes back to the zoning and people can build in the zoning with the requirements of that zoning. Ned said that it affects four lots. He also said that he could buy 20 feet from Roland and build back on his property. Ned feels that zoning is so simple and this ordinance has made it very confusing and no it will not penalize anyone, the ordinance is just a bad ordinance and it needs to be fixed. He said with that said, he is one member of the County Council but it will take four votes to change the ordinance. Anything that needs to be changed in the ordinance has to have four votes to pass or fail. He is one member of the Council and he vowed since 2011 to change the ordinance because he wants to stick to the zoning.

Member Nance said that he just wanted to clarify, he said that he is not trying to pick on Councilman Turner or Councilman Mecham.

Ned said that Austin is right, the reason that Council Members do not attend Planning Commission meeting is because they don't want to be part of the Planning Commission meeting because whatever is discussed in Planning Commission will be brought to the Council.

Member Nance said that he looks at it from a simplistic point of view, Bill approaches the Planning Commission and tells them that the County Council wants a change. He asked what the County Council want to change, because there is no sense in the Planning Commission spending two hours trying to change something to send it to the County Council and then have them come back and say that is not what they want. It makes more sense to Member Nance to hear from the County Council what they would like to see changed in the ordinance.

Mr. Mecham said that Bill knows what that is and Roland knows that the problem is that the County needs some clarity, to Ned the ordinance is clear, but apparently a person can look at it a couple different ways which Ned agrees with and that is where Bill looks at it and said that 200 feet of frontage is needed, and that can be achieved by taking it from the road in the back in the A-20. Ned said that he looked at the ordinance and said that he thinks that the frontage needed to come from the paved road and that it was 200 feet off the paved road that was needed, it shouldn't be off the dirt road. And it could be interpreted either way. The County Council suggested to Bill and he knows there is a majority on the Council that would like this ordinance fixed and what the fix is going to be he did not know. The Councils recommendation for Bill was that the Planning Commission look at it and then take it back to the County Council with a couple options or one option it does not matter. If the Council gives the Planning Commission direction on something and it is not clear, Bill should approach the Council and ask them what further recommendations are necessary. Ned said that the recommendation for the Planning Commission was to fix the ordinance so it is clear. It had nothing to do with TJ or anyone it is just an ordinance that he feels needs to be changed. He would like to go back to zoning, again he is only one member of the Council. And he thinks that one other option would be to pursue the Field Street clarification. If Field Street is a County road then there would not be an issue and everyone along there would be able to do the same thing. Ned said that he owns property and that he does not have absolute control of his property, his property has been inherited through four generations, it is agriculture. If someone buys agriculture property they have absolute control of that property. He said that the Planning Commission is advisory to the County Council and their job is to make sure that the Planning and Development department is doing their job and that the Planning Commission is another set of eyes land use ordinances. He commended the Planning Commission because they are doing a great job. He also commended Bill for making improvements in the building department because building permits are going through a lot faster than they used to. Along with business licenses, there are great things happening in the County.

Member Nance said that from his perspective he appreciates Mr. Mecham coming forward to clarifying what he did. It helps him understand better, he also wanted to let Mr. Turner to know he did not intend to pick on him.

Mr. Mecham said that when the ordinance was passed there were two members on the Council that are still on the Council today that was himself and Robert Kilmer. And both of them were against it when it passed in 2011. He said that it is the unintended consequences, had that ordinance not passed back in 2011 we would not be in the mess that we are in with TJ. To him it has created problems, there are little slivers of property all over the County that could do the exact same thing. He said that the ordinance needed to be fixed.

Motion to go out of public hearing, Member Sessions motioned, Member Ross second. Vote was unanimous, motion passed.

Member Sessions said that she had a question as to why they were taking width regulations out.

Bill said that he just left it off, so he will put it back in, minimum area, width and frontage. He also said that he has been in touch with all the members of the County Council and they are following this ordinance change closely.

Member Sessions asked Bill if the way that they have it changed in the staff report with the changes of adding the width in the wording, if it is clear to him. Bill agreed that it eliminated all the question marks.

Bill said that he doesn't love interpretations so if there is something that the Planning Commission wants to put in the code to eliminate any question then he wants to do that. Member Sessions said that she agreed. Bill said that if they could get to a point of eliminating all the question marks in this code that would be ideal, however, if it continues to be problematic maybe the best option is to eliminate the code altogether and go with the straight zoning.

Member Ross asked what would be problematic with the way that it has been changed in the staff report. Bill said that this eliminates the question. Member Ross asked what this change could do to TJ. Bill answered saying that it would not allow TJ to build because of the frontage requirement are not established in RR-1, they are established in A-20. He would have to have 330 feet.

Member Nance said that if they go back to that case of the road being a County Road or not.

Bill said that the question of frontage does not require them to have frontage off of a County Road. It could be off of a private road or lane.

Chairman Haslam explains the differences between the different properties, the Carter property and the Dickson property, discussed in the meeting to Member Nance along

with more clarification on the ordinance that is on the table and how changing it could affect the current property owners.

Member Nance brought up that they could come in and rezone the property, but it would not benefit them to do so. Chairman Haslam pointed out that it would then bring up the issue again about changing the area maps which is what another one of the issues is.

Member Sessions said that the Porterville/Richville area plan does talk about the area adjacent to Morgan City and how it has potential.

Bill said that he is pretty sure that this area in question, next to Morgan City is within their growth boundaries.

Member Sessions said that the options for this code would be to leave it as is, to make the changes listed in the staff report or to abolish it.

Member Ross said that his question in regards to abolishing it would be that there is no provision for what this ordinance provides anywhere else in the code.

Member Session said that she agrees but that maybe that is what the Council wants. Member Ross also said that he feels it is necessary to have this provision.

Chairman Haslam said that they have three options leave it, remove it or change it. He would like to have at least two more of our Planning Commission members that were absent weigh in on it instead of just the four of us.

Member Sessions asked him if he wanted that on just the two or more zoning ordinance or on all of the ordinances that are on the table.

Chairman Haslam said that we wanted them to weigh in on all of them. Because they are just barely over the majority for the meeting they are in and these ordinances will affect the entire County.

Member Nance said that he agreed with that because he had a hard time getting his head around it and he is sure that a lot of people do. He told Mr. Mecham that he appreciated him clarifying what he did.

Chair Haslam asked if there were any questions on any of the other ordinances that are in the staff report.

Member Sessions said in the motion to postpone this item that it is clear that the County Council needed to make a determination on the Field Street.

Member Ross asked if they were going to include the three options.

Chairman Haslam said that Member Ross brought up a good point and if they wanted to include in the motion, the three options of eliminating the ordinance, changing it or leave it alone. Member Nance suggested that the motion needed to include the changes that Member Sessions pointed out in the wording.

Chairman Haslam said that at that point when it comes back the Planning Commission can give the County Council recommendations of how they want the first order of preference out of those three choices.

Member Nance said that they didn't need to give them a preference.

Bill said that State code requires the County Council to make a decision based on the recommendation from the Planning Commission, if they are going to give options then they need to recommend that they choose one of the three.

Member Nance motioned to postpone item number 9, Various Land Use Code Management Amendments, until October 13, 2016 planning commission meeting and to bring back section 8-5-6 with three different options that we discussed today 1. No change 2. To incorporate the changes that are marked in bold in the staff report dated September 22, 2016 with adding the word "width" back in to the ordinance 3. Deleting the section entirely. And to bring back a determination that Field Street road is either a County Road or a private road.

Second by Member Ross. Vote was unanimous, motion carried.

10. Commercial Use Table:

Chairman Haslam said that the work that he had done on the commercial use table on the email that he had received, he worked on it but now he can't find it. Gina said that she could help him and show him how to save it and forward it. Chairman Haslam asked if everyone else had returned their work to Gina. Member Sessions, Member Newton and Member Nance were the only ones that had. Chairman Haslam said to work through each line until line 6000.

11. Planning Commission Business/Questions for Staff:

Bill said that there is the Utah Planning Association Conference on October 6th and 7th and wanted to know who on the Planning Commission wanted to attend, Member Sessions and Member Ross will be attending both days and Chairman Haslam will attend

one day. Also, there is another conference towards the end of the month, with the Utah Land Institute in Sandy, Utah.

Member Nance said that he had two items of business that he wanted to bring up. He said that he had a comment on the Peterson Application that was withdrawn. He wanted Austin to hear his comment. Member Nance said that the application was withdrawn but that he wanted to note that it was an application for a business park and that is what the County Council has said that they want to develop more business, but in that particular location he noticed that it is all business and the residents did not want it and the Planning Commission did not want to move it forward so it kind of goes against what the County Council wants the Planning Commission to do is to develop some business areas. He would have been in favor of rezoning that to put some business areas in Morgan County but had been withdrawn. He said that his second comment was that the Planning Commission needs to form some committees from the Peterson/Milton areas to review the area plans because the people obviously want to see some changes or not to see some changes.

Chairman Haslam said that all of the area plans need to be reviewed with the General Plan update. He asked Member Ross where he was with the Mountain Green zoning maps.

Member Ross said that he would like to discuss that with Chairman Haslam sometime the following week in regards to the maps, to see where they need to pick back up and where they need to move forward with it.

Chairman Haslam said that in regards to the Carver/Jensen application, Member Nance was against it therefore he could not motion to re-open the discussion, only Member Ross and Member Sessions could do that.

Member Ross said that the application was for Ranch Residential 5 and so that is what was reviewed and decided upon.

Member Nance said that he would like to have a motion to re-open it to reconsider it and postpone it so the applicant can come back to present it differently than it was on the application.

Member Ross said that the Planning Commission can only make a decision based upon the application. The Planning Commission cannot change what the application is asking for.

Member Sessions said that the Planning Commission definitely needs to look updating the General Plan, it is outdated in all areas. It needs new eyes on it.

Member Ross said that it is important for the public to know that when there is a decision before the Planning Commission that they listen to evidence but people say a lot of things, ultimately the decision is based on code.

12. Approval of minutes from August 25, 2016

Member Nance motions to approve August 25, 2016 minutes, second by Member Sessions. Vote was unanimous, motion carried

13. Adjourn

Member Nance moved to adjourn. Second by Member Sessions. Vote Unanimous, motion carried.

Approved: _____ Date: _____
Chairman, Roland Haslam

ATTEST: _____ Date: _____
Gina Grandpre, Transcriptionist
Planning and Development Services

UNAPPROVED