



PLANNING COMMISSION AGENDA

Thursday, January 14, 2016
Morgan County Council Room
6:30 PM

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

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

Administrative:

6. Discussion on ordinance changes.
7. Planning Commission Business/Questions for Staff
8. Approval of minutes from December 10, 2015
9. Adjourn

MEMORANDUM

TO: Planning Commission
FROM: Bill Cobabe
DATE: January 14, 2016
SUBJECT: Various Ordinance Changes

Background

The following Sections of Code have been identified as needing discussion, clarification, and/or revision (Please note that this list is not intended to be exhaustive or exclusive – other Sections of the Code may need to be addressed while reviewing and discussing possible changes; also, the following memo items intended to point and focus the discussion and not necessarily to inform opinion. Recommendations by staff are as outlined using the **bold**/strikethrough notation):

Definitions of Words and Terms (Section 8-2-1):

~~LOT:~~ A parcel or tract of land within a subdivision ~~and abutting a public street or a private street~~ pursuant to the requirements of this title.

~~LOT FRONTAGE REQUIRED:~~ The length, in feet, of the front lot line which is coterminous with the front street line.

~~LOT RIGHT OF WAY:~~ A strip of land not less than sixteen feet (16') in width connecting a lot to a street for use as a private access to that lot. This definition does not apply to the creation of new lots or parcels, pursuant to the County's subdivision ordinances.

Approval of Conditional Uses (Section 8-3-9 (H)(8)):

8. Recommend approval or denial **by the County Council** of conditional use permits **noted in this title as "C3"; approve or deny conditional use permits noted in this title as "C2"**.

Lot Standards (Section 8-6-2)

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

Improvements Required (Section 8-12-44 (D)):

Improvements Required: All lots or parcels created by the subdivision shall have ~~frontage on a street, improved and dedicated to the standards~~ **access to the lot as** required herein **in this title**. Pavement widths, curbs, gutters, sidewalks, and park strips shall be installed on existing and proposed streets by the subdivider in all subdivisions where the adopted road cross sections require these improvements:

Deferral Agreement (Section 8-12-44 (D)(1)(C)):

c. In lieu of a deferral agreement, the ~~County Council~~ **Planning Commission** may grant an improvements exemption as provided for in this subsection.

Private Lanes/Small Subdivision (Section 8-12-44 (P)(2)):

2. Private Lanes May Be Required To Be Public Street: The establishment of a new private lane or right of way shall be evaluated by the zoning administrator and county engineer, and may, at the discretion of the county council, be required to be dedicated as a public street meeting county street standards to accomplish needed and logical street connections, to provide access to properties that may otherwise have no access or limited access to the detriment of the property, or other purposes determined to be appropriate. ~~Subdivisions with proposed private lanes shall not qualify for the small subdivision review.~~



PLANNING COMMISSION AGENDA
Thursday, December 10, 2015
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 at Morgan County Courthouse
2. Pledge of Allegiance
3. Approval of agenda
4. Declaration of conflicts of interest
5. Public Comment

Administrative:

6. Presentation by University of Utah students on feedback from the Listening to Morgan website associated with the required General Plan update.
7. Discussion on various ***potential*** ordinance changes, including the A-20 zoning, private lanes/small subdivisions, noticing requirements, requirement on number of paper copies for planning and zoning applications and the language to approve resolutions.
8. Discussion/Decision on Planning Commission resolution 15-01. A resolution setting the annual meeting schedule of the Morgan County Planning Commission for 2016.

Legislative:

9. Discussion/Public Hearing/Decision for Various Land Use Management Code Amendments – Proposed amendments to the Land Use Management Code for Morgan County:
 - Revision of Commercial and Industrial Districts Purpose Statement (Section 8-5C-1), revising the names and purposes of the districts.
 - Revision of the Codes and Symbols used in the Commercial and Industrial Use Tables (Section 8-5C-2), allowing for different levels of approval, including C1 (Staff), C2 (Planning Commission), and C3 (County Council).
 - Revision of the Commercial and Industrial Use Tables (Section 8-5C-3), specifying which uses are allowed in the various zoning districts.
 - Revision of Improvements Completed or In Progress before Building Permit Issued (8-5C-6), with changes to reflect the new zoning district types.
10. Planning Commission Business/Questions for Staff
11. Approval of minutes from October 22, 2015 and November 12, 2015

12. Adjourn

Members Present

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

Staff Present

Bill Cobabe
Gina Grandpre
Mickaela Moser

Public Present

1. Call to order – prayer. Acting-Chair Sessions opened the meeting.
2. Pledge of Allegiance
3. Approval of agenda
Bill commented that item #6, concerning the University students, will be presented at a different time.
Member Newton moved to approve the amended agenda. Second by Member Nance. The vote was unanimous. The motion carried.
4. Declaration of conflicts of interest
There were none.
5. Public Comment
There was no public comment.

Administrative:

- ~~6. Presentation by University of Utah students on feedback from the Listening to Morgan website associated with the required General Plan update.~~
7. Discussion on various ***potential*** ordinance changes, including the A-20 zoning, private lanes/small subdivisions, noticing requirements, requirement on number of paper copies for planning and zoning applications and the language to approve resolutions.

A-20 zoning: Member Nance stated that his opinion is that there are too many permitted issues within the A-20 zone. His suggestion was to allocate many of the current permitted uses in the MU-160. Member Sessions suggested removing the A-20 zone within the town center of Mountain Green. The biggest area for discussion was concerning the gravel pits that are currently allowed in the A-20 zones. Member Newton suggested adding some buffer zones. Bill suggested that instead of buffer zones, using clarifications (like 500 feet) to mitigate some of the impact for future building lots.

Member Ross suggested changing the question to, “What can we do to reduce a negative impact on the residents of Mountain Green.” Member Wilson referred to State law. There was discussion on potential places within the County to allocate gravel pits and other potential development. Member Sessions discussed the reality of many agricultural uses as opposed to the

the “country” living perception that includes green fields without any negative agricultural impacts that is associated with Ag zoning, such as smell, noise, etc. There was further discussion on areas where a zone change would make sense and possible zoning changes, especially from currently located A-20 zones to RR-5. Member Sessions suggested getting input from landowners in the General Plan updates.

Private lanes/small subdivisions: Bill stated that a private lane was intended to be a mix between a private driveway and a private street or access to a lot. The private street would not be dedicated to the County and maintained by the HOA or subdivision residents. The County engineer proposed a cross-section solution. Bill said him and the County engineer will discuss standards concerning private lanes and driveways.

Chair Haslam joined the meeting at 7:25 pm.

Noticing requirements: Bill presented the code 8-3-13. Member Sessions suggested eliminating public clamor or public comment during a public meeting for an administrative decision, as was suggested at a previous training by Brent Bateman. She stated that the public can become frustrated when they perceive their comments are not considered and Member Sessions suggested not noticing those situations as a meeting that accepts public comment. It was noted that many decisions are made before the controversies appear in the meeting and many decisions are made before specific situations are presented. It was also discussed to let the public know that any written comment would be accepted at certain times. It was noted that paperwork should be made available by the Planning Office for those interested parties.

Paper copies for planning and zoning applications: Bill explained that many applications and such are digital copies. There was some discussion about paper copies on file. Gina explained that the building permit process is now fully digital.

Language to approve resolutions: Recommend approval or denial of conditional use permits.

8. Discussion/Decision on Planning Commission resolution 15-01. A resolution setting the annual meeting schedule of the Morgan County Planning Commission for 2016.

There was a review of the upcoming 2016 scheduled Planning Commission meeting dates.

Member Newton moved to approve the annual meeting schedule of the Morgan County Planning Commission for 2016. Second by Member Nance. The vote was unanimous. The motion carried.

Chair Haslam opened the time for public comment.
There was no public comment.

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

Legislative:

9. Discussion/Public Hearing/Decision for Various Land Use Management Code Amendments – Proposed amendments to the Land Use Management Code for Morgan County:
 - Revision of Commercial and Industrial Districts Purpose Statement (Section 8-5C-1), revising the names and purposes of the districts.
 - Revision of the Codes and Symbols used in the Commercial and Industrial Use Tables (Section 8-5C-2), allowing for different levels of approval, including C1 (Staff), C2 (Planning Commission), and C3 (County Council).
 - Revision of the Commercial and Industrial Use Tables (Section 8-5C-3), specifying which uses are allowed in the various zoning districts.
 - Revision of Improvements Completed or In Progress before Building Permit Issued (8-5C-6), with changes to reflect the new zoning district types.

Bill presented the commercial and industrial use table that included all of the combined notes from his revisions for Planning Commission review. The Planning Commission members and Bill discussed the different levels of approval for many commercial uses.

Member Newton moved to recommend approval by the County Council of the revised Commercial Use Table and associated Sections (Section 8-5C-1, revising the names and purposes of the districts; Section 8-5C-2, allowing for different levels of approval, including C1 (Staff), C2 (Planning Commission), and C3 (County Council); Section 8-5C-3, specifying which uses are allowed in the various zoning districts; and, 8-5C-6, with changes to reflect the new zoning district types), with the revisions noted in the staff report dated November 12, 2015 and revisions made tonight.

Second by Member Nance.

Member Sessions commented that she thinks there are still too many permitted uses. She still has concerns with several of the items just approved.

The vote was not unanimous with Members Ross, Nance, Newton and Wilson in favor and Member Sessions and Chair Haslam opposed. The motion carried.

10. Planning Commission Business/Questions for Staff

Bill wished everyone a Merry Christmas.

11. Approval of minutes from October 22, 2015 and November 12, 2015

Member Sessions moved to approve the amended minutes from October 22, 2015. Second by Member Ross. The vote was unanimous. The motion carried.

Member Ross moved to approve the amended minutes from November 12, 2015. Second by Member Nance. The vote was unanimous. The motion carried.

12. Adjourn

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

Approved: _____ Date: _____
Chairman, Roland Haslam

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

DRAFT



PLANNING COMMISSION AGENDA

Thursday, February 11, 2016
Morgan County Council Room
6:30 PM

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

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

Administrative:

6. Discussion/Decision on Pettit Ranchettes PRUD Plat Amendment 2 - A proposed amendment to the previously adopted Pettit Ranchettes, adjusting a lot line for two of the lots to account for required building setbacks and open space.

Legislative:

7. Discussion/Public Hearing/Decision: Stegelmeier Future Land Use Map Amendment: A request to amend the Morgan County Future Land Use Map for approximately 76 acres of property located at approximately 2035 W Deep Creek Road from the Agricultural designation to a Ranch Residential 10 designation.

Administrative:

8. Discussion on ordinance changes.
9. Discussion on General Plan updates.
10. Planning Commission Business/Questions for Staff
11. Approval of minutes from January 28, 2016
12. Adjourn

MEMORANDUM

TO: Planning Commission
FROM: Bill Cobabe
DATE: 11 Feb 2016
SUBJECT: Pettit Ranchettes Plat Amendment 2 – Common Areas

The question was posed in the 25 Jan 2016 Planning Commission regarding the proposed elimination of that portion of the open space in the Pettit Ranchettes PRUD called out as "Common Area". The concern was that there may be a requirement for "common area", and that the elimination of the "common area" open space would represent a deviation from the applicable codes. In researching this question, Staff has the following comments:

1. This application was brought in 1999, so the subdivision/PRUD ordinance that was in place at the time dates to 1997. It was subsequently revised, but the original application dates to that year, and thus those laws that were in place at that time are what would govern this application.
2. The PRUD ordinance that was in place at that time indicates the following:

SECTION VI: PLANNED RESIDENTIAL UNIT DEVELOPMENT - P.R.U.D.

VI - 1 DESIGN STANDARDS

The design of the Preliminary and Final Plats of the Subdivision in relation to streets, blocks, lots, common open spaces and other design factors shall be in harmony with the intent of zoning elements of the master plan that has been adopted by the PLANNING COMMISSION and approved by the GOVERNING BODY. Streets shall be so designed as to take advantage of open space vistas and, create drives with a rural or open space character. The subdivider must maintain the overall density of the zone in which the P.R.U.D. is approved.

VI - 2 PROVISION FOR COMMON OPEN SPACE

The SUBDIVIDER P.R.U.D. shall submit plans of landscaping and improvements for the common open space. He shall also explain the intended use of the open space and provide detailed provisions of how the Subdivision must meet the requirements of the zoning ordinance, must assure proper use, construction, and maintenance of open space facilities and must result in a development superior to conventional development in terms of its benefit to future residents of the Subdivision, surrounding residents and the general public.

The PLANNING COMMISSION may place whatever additional conditions restrictions it may deem necessary to insure development and maintenance of the desired residential character, including plans for disposition or reuse of property if the open space is not maintained in the manner agreed upon or is abandoned by the owners. Where the intent of the master plan and County ordinances are being met to the fullest extent, additional lots may be approved by the Planning Commission and County Commission.

It would seem that the Code at the time anticipated the flexibility on the part of the County regarding the "disposition or reuse" if the open space is "abandoned" by the owners. There would be a couple of mitigating factors in such flexibility – the decision should be made with regard to the intent of the master plan (the County General Plan) and the County ordinances, and in order to ensure. The sizes of the lots in question, and the continuation of the bulk of the lots remaining in non-buildable "open space" seem to allow for this kind of mitigation. It should further be noted that the authority to make decisions regarding the disposition lies specifically with the Planning Commission.

Overall, if this subdivision were proposed today and with our current standards, there would not be a requirement for any open space at all – the minimum lot dimensions are met/exceeded, and the division of the land (52.17 acres, each lot containing approximately 26 acres) would be in keeping with the General Plan and the current ordinances.

4. The Code further explains that:

VI - 4 CONTINUATION OF COMMON OPEN SPACE

An assurance of continuation of common open space used in accordance with the plans approved by the PLANNING COMMISSION, the SUBDIVIDER shall grant to the COUNTY an "open space easement" on and over the common open space prior to the recording to the Final Plat, which easement will not give the general public the right of access but will provide that the common open space remains open.

The provision of the proposed plat amendment allowing for the "common area" open space to be absorbed into adjacent open space seems to be in keeping with the portion of the ordinance above, in that the "common area" on the plat was never intended to be for the "general public". The intent seems to be simply that the open space remain open (not developed as residential lots). Again, the proposal seems to be in keeping with the spirit of this intent.

5. Finally, the Code indicates that:

VI- 5 PRESERVATION, MAINTENANCE, AND OWNERSHIP OF OPEN SPACES, COMMON AREA AND PRIVATE STREETS

The preservation, maintenance, and ownership of Open Spaces within a subdivision development shall be accomplished by:

- C. Granting to the Local Jurisdiction a permanent, open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in recreational or park use, to be maintained from the proceeds of a perpetual maintenance trust fund established by the developer in an amount satisfactory to the Governing Body; or by**

It should be noted that the required "trust fund" is either not currently in place or has become defunct. While not strictly in keeping with the requirements of this provision, the proposed amendment (eliminating "common area" open space) shifts the responsibility of maintenance from the "trust fund"/developer to each land owner. The "open space" in this proposed amendment remains in private ownership, but is regulated by the easement indicated in the above section. The note on the plat regarding this ownership and the disposition of the land follows:

COMMON AREA: THE COMMON AREA PARCELS BETWEEN LOTS 1 AND 2, AS SHOWN ON PREVIOUS PLATS, ARE BEING VACATED AND DIVIDED ALONG THE LOT LINES AS SHOWN, TO BE HELD BY EACH RESPECTIVE LOT OWNER INDIVIDUALLY AND SHALL FUNCTION AS EITHER OPEN SPACE OR BUILDING ENVELOPE AS DESIGNATED HEREON.

Staff feels that this is sufficient, along with the current zoning ordinances and General Plan, to ensure that the area retains its agricultural, open-space feel.

Stegelmeier Future Land Use Map Amendment
Public Hearing
February 11, 2016

Application No.: 16.002
Applicant: Daren and Marcelle Stegelmeier
Owner: Same
Project Location: approximately 2035 W Deep Creek Rd
Current Zoning: A-20
General Plan Designation: Ranch Residential 10 and Agricultural
Acreage: ~75.99 acres
Request: Amend the Future Land Use Map, changing the existing designation of portions of the property which are currently designated as Agricultural to Ranch Residential 10
Date of Application: January 7, 2016
Date of Previous Hearing: N/A

Staff Recommendation

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

Findings:

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

Background

Daren Stegelmeier applied for the Future Land Use Map amendment in order to pursue anticipated development of this property. The property is located in the Deep Creek area of unincorporated Morgan County, approximately 1.25 miles from Morgan Valley Drive. The property currently extends over two different Future Land Use Map designations – the northern portion is in the Ranch Residential 10 designation, while the southern portion is in the Agricultural designation. The associated zoning for the property (which is currently all zoned the same at A-20) would not allow for the desired development the applicant wishes to pursue. The proposed amendment would change that portion of the property currently designated as Agricultural to Ranch Residential 10, matching the northern portion of the property. The land is currently largely vacant; however, there is a home located on one of the lots (see Exhibit A).

Analysis

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

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

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

The requested designation, Ranch Residential 10, notes that:

The Ranch Residential designation accommodates rural large lot development with generous distances to streets and between residential dwelling units and a viable semi-rural character setting. Livestock privileges are a part of this character. Areas in this category are generally larger lots with accessory structures that may be used for livestock. The residential density is a maximum of 1 unit per 10 acres. (page 7)

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

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

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

...

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

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

Ordinance Evaluation:

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

C. Plan Adoption:

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

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

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

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

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

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

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

Model Motion

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Stegelmeier Future Land Use Amendment, application number 16.002, changing the designation from Agricultural to Ranch Residential 10, based on the findings listed in the staff report dated February 11, 2016.”

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the Stegelmeier Future Land Use Amendment, application number 16.002, changing the designation from Agricultural to Ranch Residential 10, based on the findings listed in the staff report dated February 11, 2016, *due to the following findings:*”

1. List any additional findings...

Supporting Information

Exhibit A: Vicinity Map
Exhibit B: Future Land Use Map
Exhibit C: Existing Zoning Map
Exhibit D: Current Section Plat Map
Exhibit E: Property Boundary Description

Staff Contact

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

Exhibit A: Vicinity Map

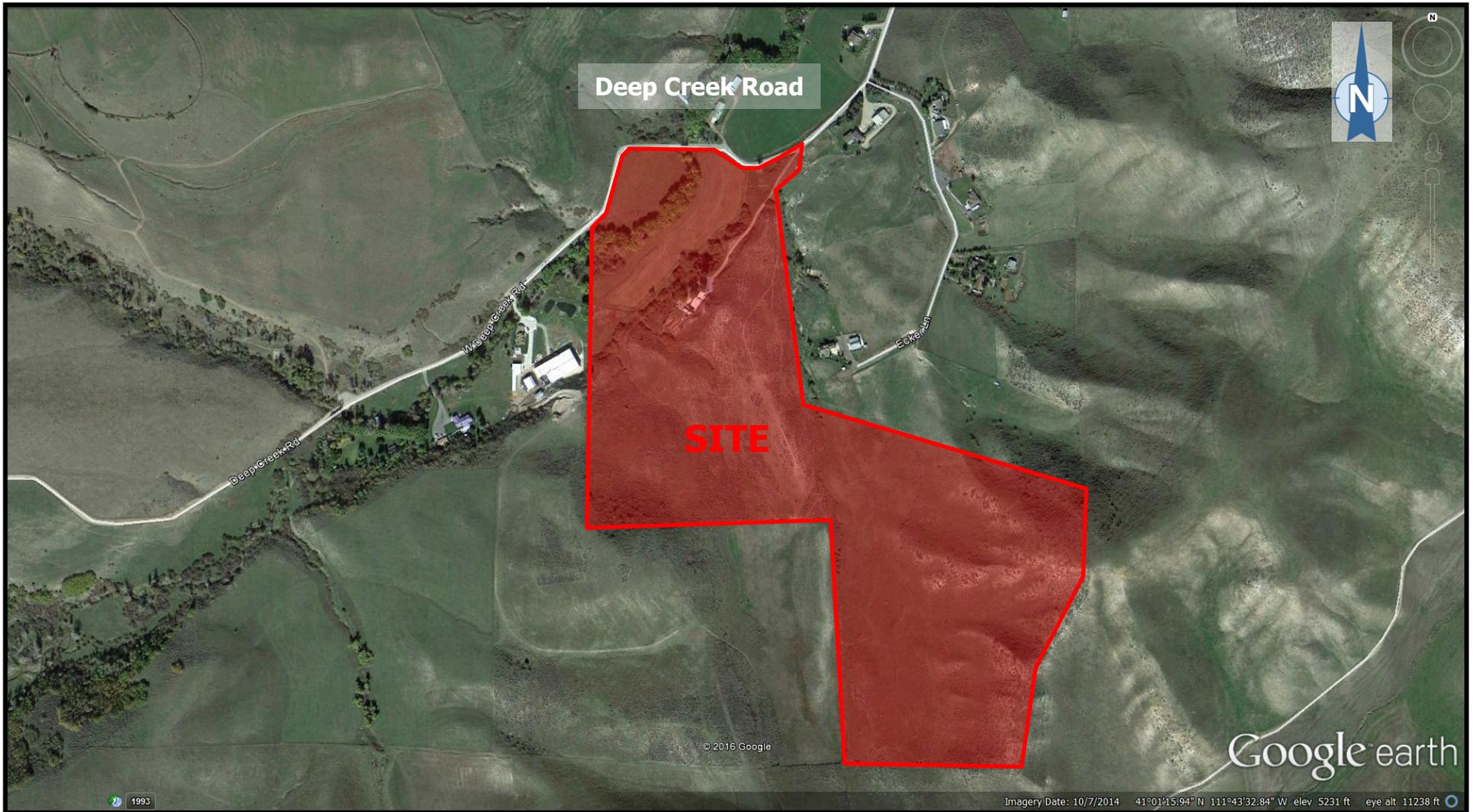


Exhibit B: Future Land Use Map

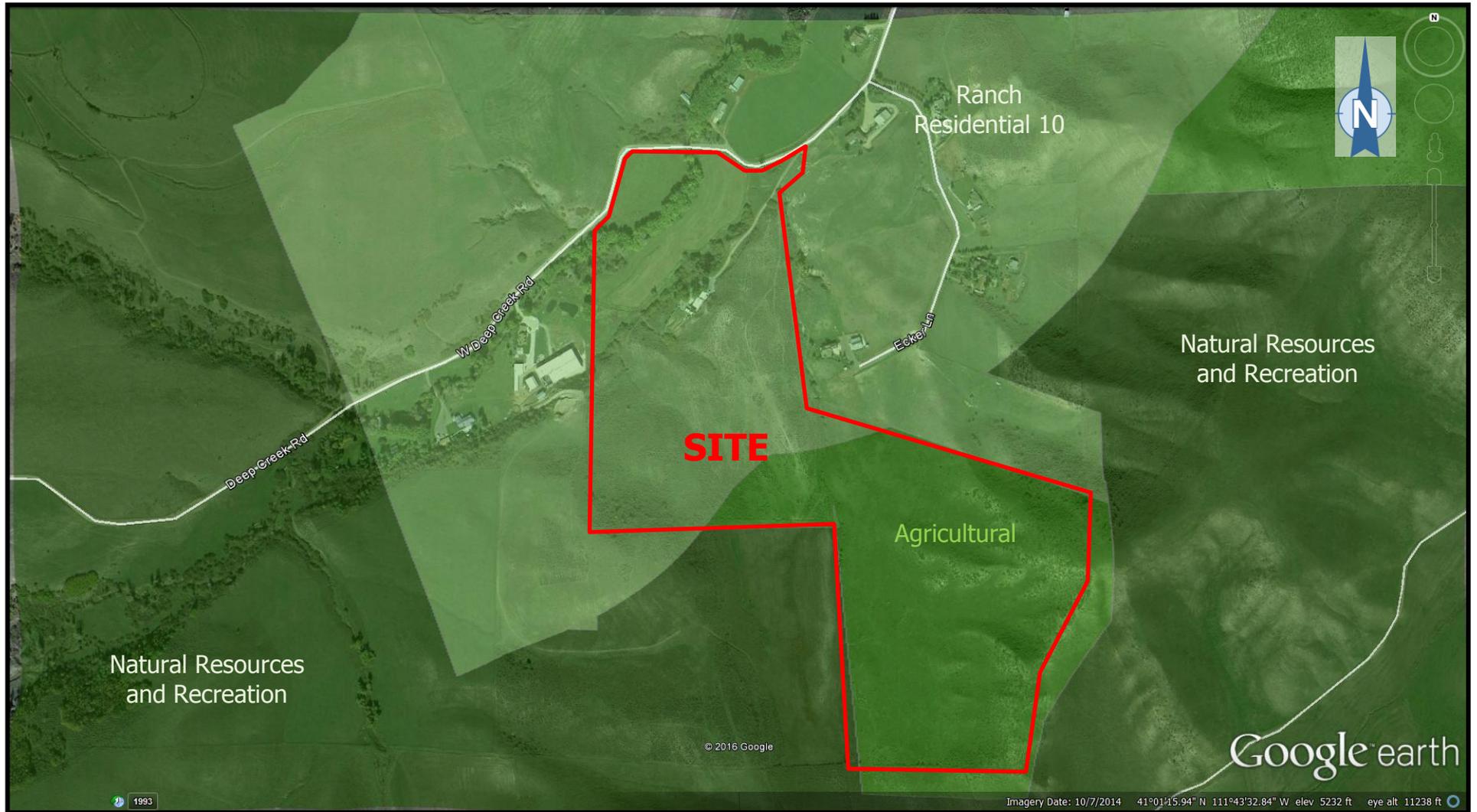


Exhibit C: Existing Zoning Map

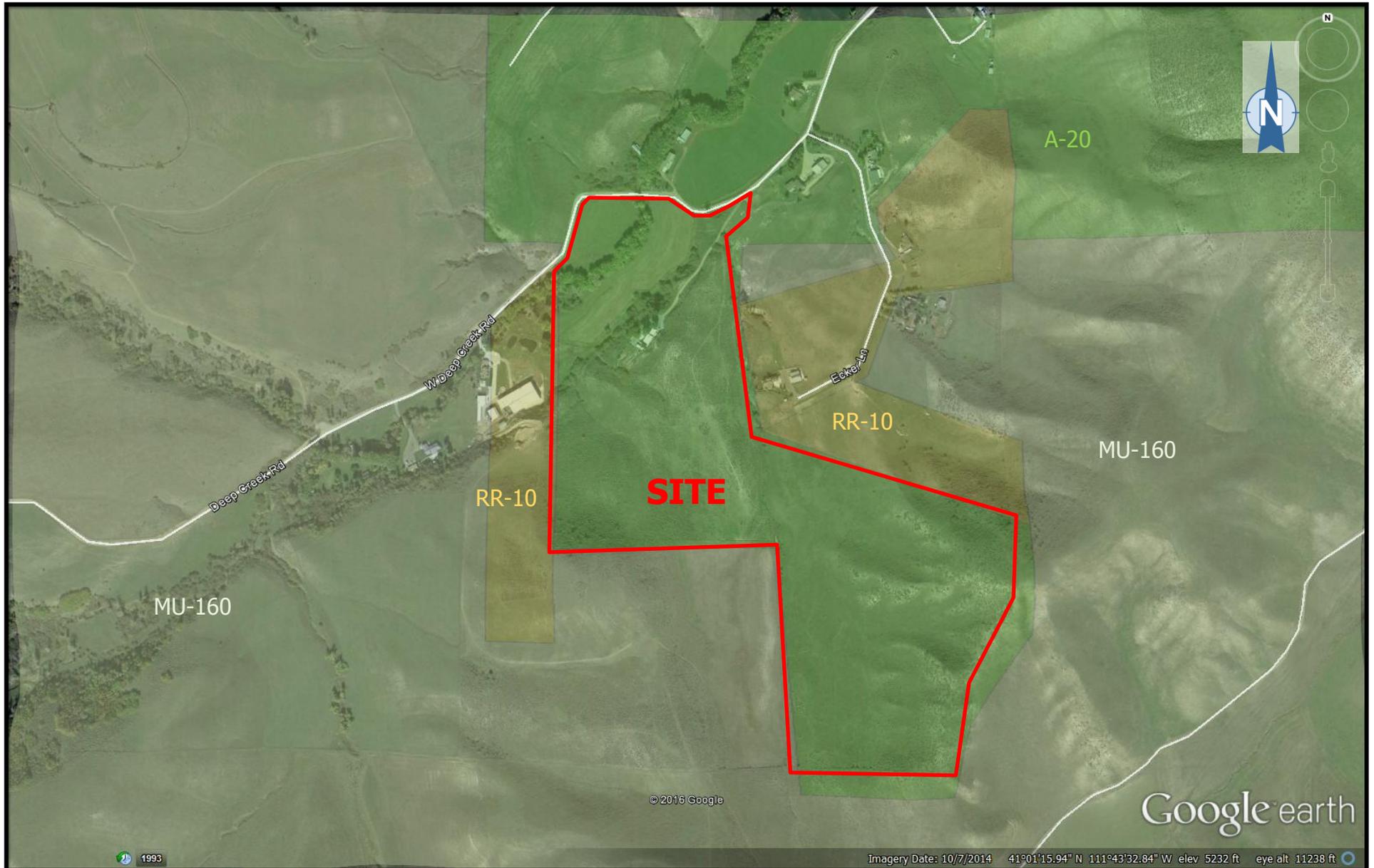


Exhibit D: Current Section Plat Map

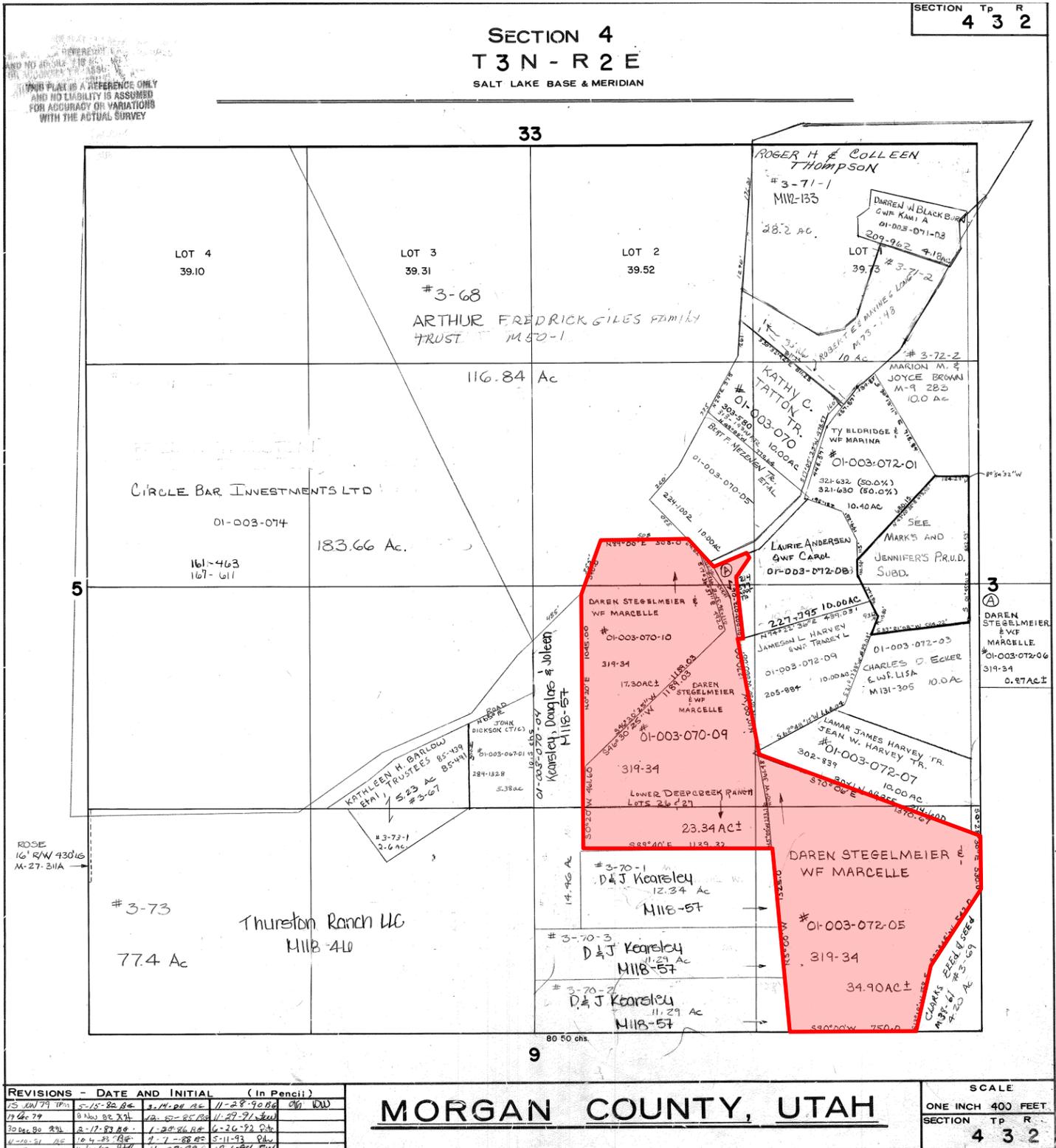


Exhibit E: Property Boundary Description

BOUNDARY DESCRIPTION – REZONE

A PART OF THE SOUTHEAST QUARTER AND THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 3 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U. S. SURVEY, MORGAN COUNTY, UTAH, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 4 WHICH BEARS NORTH 00°05'27" EAST (BASIS OF BEARING) 5287.06 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 4;

THENCE SOUTH 00°05'27" WEST 4069.54 FEET;

THENCE NORTH 90°00'00" WEST 17.63 FEET TO A REBAR AND CAP PLACED IN AN EXISTING FENCE LINE, THE TRUE POINT OF BEGINNING;

THENCE SOUTH 00°19'56" WEST 195.04 FEET ALONG SAID EXISTING FENCE LINE TO A REBAR AND CAP;

THENCE SOUTH 01°20'10" EAST 223.89 FEET ALONG SAID FENCE LINE TO A REBAR AND CAP;

THENCE SOUTH 31°46'11" WEST 535.51 FEET ALONG SAID FENCE LINE TO A REBAR AND CAP;

THENCE SOUTH 12°24'09" WEST 352.72 FEET ALONG SAID FENCE LINE TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4;

THENCE SOUTH 89°49'34" WEST 721.35 FEET ALONG SAID SOUTH LINE;

THENCE NORTH 05°46'19" WEST 1102.90 FEET TO AN EXISTING FENCE LINE;

THENCE NORTH 89°49'38" WEST 1153.01 FEET ALONG SAID FENCE LINE TO A REBAR AND CAP PLACED AT THE INTERSECTION OF FENCE LINES EXTENDING NORTH AND EAST.

THENCE NORTH 00°15'45" EAST 1505.38 FEET ALONG AN EXISTING FENCE LINE;

THENCE NORTH 20°45'51" EAST 339.47 FEET;

THENCE NORTH 88°55'52" EAST 504.89 FEET TO A REBAR AND CAP IN AN EXISTING FENCE LINE;

THENCE SOUTH 43°26'23" EAST 69.06 FEET ALONG SAID FENCE LINE AND EXTENSION THEREOF TO AN ANGLE POINT ON THE CENTERLINE OF DEEP CREEK ROAD;

THENCE SOUTH 44°32'28" EAST 156.50 FEET ALONG SAID CENTERLINE;

THENCE NORTH 69°16'02" EAST 229.38 FEET ALONG SAID CENTERLINE;

THENCE SOUTH 30°43'58" EAST 26.68 FEET TO A REBAR AND CAP;

THENCE SOUTH 33°36'36" WEST 151.43 FEET ALONG AN EXISTING FENCE LINE TO A REBAR AND CAP;

THENCE SOUTH 06°18'47" EAST 362.57 FEET TO A REBAR AND CAP;

THENCE SOUTH 74°22'36" WEST 28.36 FEET TO A REBAR AND CAP;

THENCE SOUTH 10°00'00" EAST 660.00 FEET TO A REBAR AND CAP;

THENCE NORTH 62°48'15" EAST 8.15 FEET TO A FENCE LINE AS CALLED FOR IN BOUNDARY LINE AGREEMENT (BK 214 PG. 06) RECORDS OF MORGAN COUNTY;

THENCE SOUTH 69°46'06" EAST 1354.37 FEET ALONG SAID FENCE LINE TO THE POINT OF BEGINNING;

CONTAINING 75.99 ACRES.

SUBJECT TO A RIGHT OF WAY FOR A ROAD ACROSS THE EASTERLY 33 FEET THEREOF BEING ALONG THE COMMON BOUNDARY TO PARCELS 03-072-08, 03-072-09, 03-072-07, 03-072-05 SUBJECT ALSO TO A RIGHT OF WAY 33 FEET ON EITHER SIDE OF THE CENTERLINE OF DEEP CREEK ROAD AS DESCRIBED IN BK. M35 PG. 259 OF MORGAN COUNTY RECORDS.

MEMORANDUM

TO: Planning Commission
FROM: Bill Cobabe
DATE: February 11, 2016
SUBJECT: Various Ordinance Changes – Road Cross Sections

Background

The following Sections of Code have been identified as needing discussion, clarification, and/or revision (Please note that the changes proposed reflect a significant change from the way "Private Streets" are constructed in Morgan County. A typical cross section of "private streets" and "private lanes" is attached for reference. This is not intended to be a part of the ordinance. Recommendations by staff are as outlined using the **bold**/strikethrough notation):

Section 8-12-44:

Subsection 8-12-44 (M) – Private Streets –

1. Private streets shall meet and adhere to all county standards for ~~public~~ **private** streets, including construction standards, **and** width and right of way standards, ~~and the construction of curb, gutter, and sidewalk, regardless of the number of proposed lots.~~ **The minimum right of way for private streets is thirty-six feet (36'), including twenty-two feet (22') of paved surface, a 4' shoulder on each side of the pavement, and drainage sufficient to provide for anticipated storm water runoff (a minimum of three feet (3') per side of the private street). Additional right of way may be required if an approved drainage design cannot be accomplished within the thirty-six feet (36') right of way. The road subgrade and pavement shall be sufficient to hold a 75,000 pound load.**

...

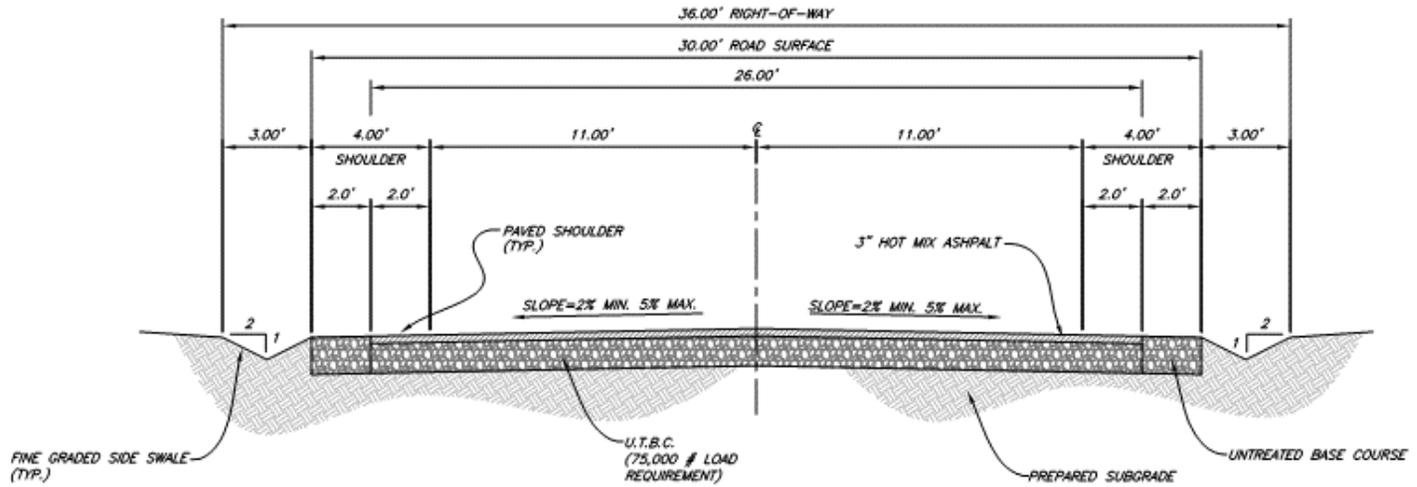
4. The county may determine in the public interest that a proposed private street shall be dedicated with the subdivision as a public street for public use. **In such cases, the private streets shall meet all standards regarding public streets, as specified in this Chapter.**

Subsection 8-12-44 (P) – Private Lanes –

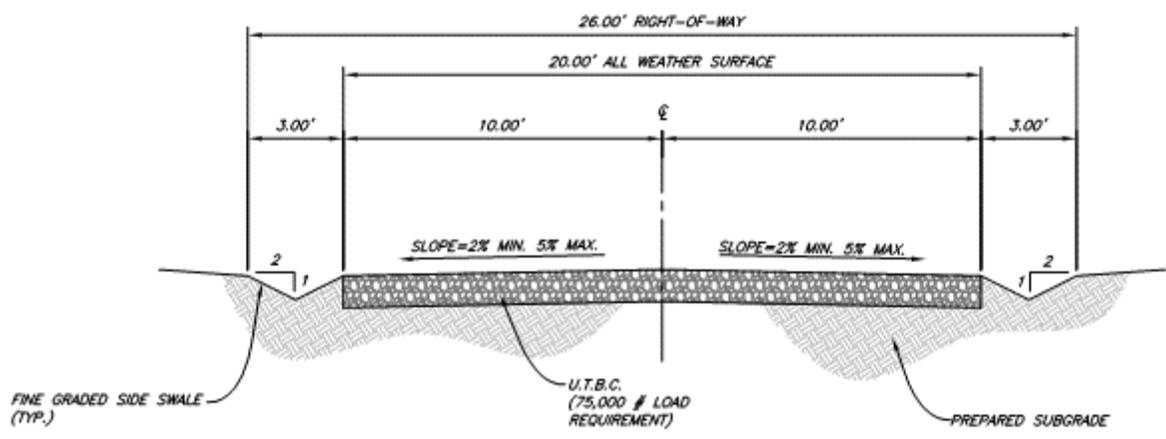
(1)(c) - Private lanes shall have a recorded minimum right of way of ~~twenty-four feet (24')~~ **twenty-six feet (26')** and an improved, **all-weather** surface of at least twenty feet (20'), designed and constructed with rolled and compacted road base capable of supporting a seventy five thousand (75,000) pound fire apparatus vehicle, road base and subbase that meet the recommended geotechnical analysis of the load bearing capacity of the soils under the proposed roadway, and which is also designed pursuant to adopted construction standards, fire codes, and wildland urban interface requirements. Private lanes greater than one hundred fifty feet (150') in length must be terminated with a turnaround of not less than one hundred ten feet (110') of right of way in diameter, or an alternative turnaround design which meets the adopted fire and wildland urban interface code and is approved by the fire code official and county engineer. Additional right of way may be required if an approved drainage design cannot be accomplished within the ~~twenty-four feet (24')~~ **twenty-six feet (26')** right of way.

Subsection 8-12-44 (Q) – Driveways –

1. Driveways shall be provided for all residential building lots. The drive approach for the driveway shall be a minimum width of twelve feet (12') and shall not exceed the maximum width of ~~thirty feet (30')~~ **forty feet (40')**. A secondary drive approach may be permitted upon review and approval by the county engineer.
2. Downsloping driveways toward the building envelope shall not be permitted, unless topographic constraints warrant their construction. Driveways must comply with the provisions of the adopted building code regarding drainage adjacent to any structures.
3. For driveways less than fifty feet (50') in length, the maximum slope shall be fifteen percent (15%). For driveways fifty feet (50') or greater, the maximum grade at which a driveway shall be allowed to be built is twelve percent (12%). All driveways shall meet the provisions of the adopted fire code and wildland urban interface code for grade and turnaround requirements. **Driveways longer than one hundred feet (100'), in areas of geologic instability or steep or loose slope areas, or as determined by the Fire Chief, Building Official, Zoning Administrator, or County Engineer, shall be reviewed and accepted by the County Engineer prior to issuance of a building permit.**
4. A driveway serving no more than one dwelling or lot may be designed and constructed as an all-weather gravel road, with rolled and compacted road base capable of supporting a seventy five thousand (75,000) pound fire apparatus vehicle, and road base and subbase that meet geotechnical recommendations. If at any time during building construction, the gravel driveway becomes impassable, as determined by the building official, fire code official, zoning administrator, or county engineer, a stop work order shall be placed on the building permit until the road is rehabilitated and inspected to meet this standard. The developer is responsible to pay all inspection fees prior to the stop work order being lifted.
5. Driveways serving two (2) or more lots or building envelopes shall be paved to county construction standards **for private lanes.**
6. A paved apron is required to be installed for all driveways accessing from paved streets and rights of way, prior to the issuance of a certificate of occupancy.
7. Driveways may not be utilized to establish or calculate required lot frontage.



PRIVATE STREET (36' ROW)
SCALE: 1" = 6'



PRIVATE LANE (26' ROW)
SCALE: 1" = 6'

MEMORANDUM

TO: Planning Commission
FROM: Bill Cobabe
DATE: February 11, 2016
SUBJECT: General Plan Update

The current General Plan for Morgan County was completed and adopted in December 2010. The General Plan was originally anticipated to be updated on a “bi-annual” basis (see page 4). Due to turnover in the Planning Department, these updates were not undertaken; however, a more general guideline or expectation is that the General Plan undergoes period review, not necessarily every two years, but at least every five years with a minor overhaul and every 10 years with a major rewrite. We are currently in the vicinity of the five-year timeframe, so it is a good time to take a look at what we have and make sure it is still working for us in the way we want and need.

Background

General plans for communities around the United States began to take shape in the early part of the 1900s. This was a reaction to deplorable and unhealthy conditions existing in large cities resulting from the industrial revolution. In 1928, the US Department of Commerce (headed by Herbert Hoover) published the “Standard City Planning Enabling Act”, which served as a template for states across the nation to provide for local government enacting general plans. A previous document called the “Standard Zoning Enabling Act” was published in 1924, but it became apparent that the zoning ordinances enacted by local municipalities need a more overarching document to provide long-term guidance.

This interaction between a community’s general plan (whether called a comprehensive plan, general plan, master plan, etc) and the zoning ordinance thus became clear: the general plan provides guidance as a reflection of the desire of the community with regard to development and land use, transportation and housing, and parks and recreation/open spaces, while the zoning is the legal basis for enforcing those desires. No legal vesting is inherent in a general plan; however, the guidance provided by the general plan informs decisions regarding zoning and other land use regulations, where transportation or capital improvement dollars should be spent, and how to handle questions like housing, economic development, and historic preservation.

General plans were never intended to be static documents. They are subject to period review and updating, adapting to changing conditions and concerns as the community grows. As a local example, the rapid growth of Mountain Green in the past 20 years has dramatically altered the community forever. Guidance provided in prior General Plans in Morgan County may have anticipated this growth, helping to shape the face of the County to what we see today. As we look to the next 20 years, it is our opportunity to discuss the challenges we have faced and

overcome in the past, the issues and concerns we are currently dealing with, and to use that discussion to inform our decisions regarding where we want the community to go.

Morgan County is an interesting amalgamation of many disparate elements and communities. The several area plans reflect this – what is of concern in Mountain Green may not be of concern in Porterville, or what is important in Peterson may not be as significant in Croydon. There are a few overarching concerns that should be accounted for, and which are generally shared amongst all:

1. Pressure to develop Morgan County will continue. This growth and development will change the way we live, work, and play in Morgan County. While people in Morgan County are aware that this pressure exists, there is a strong desire to ensure that the essential character of the community is retained.
2. Protection of the natural environment remains high on the list of priorities for folks living in Morgan County. The water, air, and land are precious and contribute to the quality of life we enjoy in the County. As such, anything that is detrimental to this quality is to be avoided.
3. In acknowledging the agricultural character of much of the County, providing quality access to good, clean water is also a significant concern. As the makeup of the County shifts from agricultural to a more rural residential environment, the burden on water usage in the County will become even stronger.
4. As the most privately-owned County in Utah, it is important to balance the desires of the few large property owners against the desires of those who live on smaller lots. Concerns regarding property rights, development, hillside preservation, and the aesthetics/viewsheds we enjoy in the community should be carefully considered and addressed.
5. Economic development is a concern as well. As the community grows, the demand for services and amenities will continue to grow as well, including commercial/retail opportunities, employment and development opportunities, and the attendant infrastructure requirements of these opportunities.

As can be seen, there is a lot of work to be done. Careful consideration of each of these concerns will reflect the goals, needs, and desires of the County. This consideration will then provide valuable guidance for future development which will help ensure Morgan County remains the community of distinction we all call home.

Morgan County General Plan: Legal Basis

Utah State Code (17-27a-401) states the following:

- (1) To accomplish the purposes of this chapter, each county shall prepare and adopt a comprehensive, long-range general plan:
 - (a) for present and future needs of the county;
 - (b)
 - (i) for growth and development of all or any part of the land within the unincorporated portions of the county; or
 - (ii) if a county has designated a mountainous planning district, for growth and development of all or any part of the land within the mountainous planning district; and
 - (c) as a basis for communicating and coordinating with the federal government on land and resource management issues.

- (2) The general plan may provide for:
- (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities;
 - (b) the reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;
 - (c) the efficient and economical use, conservation, and production of the supply of:
 - (i) food and water; and
 - (ii) drainage, sanitary, and other facilities and resources;
 - (d) the use of energy conservation and solar and renewable energy resources;
 - (e) the protection of urban development;
 - (f) the protection or promotion of moderate income housing;
 - (g) the protection and promotion of air quality;
 - (h) historic preservation;
 - (i) identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by each affected entity; and
 - (j) an official map.

...

(5) The general plan may define the county's local customs, local culture, and the components necessary for the county's economic stability.

(6) Subject to Subsection 17-27a-403(2), the county may determine the comprehensiveness, extent, and format of the general plan.

(Section 17-27a-403(3), which is omitted and will be addressed at a separate time, is regarding the previously mentioned County Resource Management Plan. Section 17-27a-403(4) which is also omitted relates to the storage of nuclear waste.)

Morgan County General Plan: Structure

The current General Plan is divided up into seven elements:

- Land Use
- Economic Development
- Housing
- Transportation
- Public Facilities
- Parks and Recreation
- Environmental, Natural Resources, and Historic Preservation

The Utah State Legislature has recently required that counties in the State must adopt a "Resource Management Plan", largely dealing with the disposition of resources on Federal/public lands throughout the State. These "County Resource Management Plans" are to be submitted to the State to help provide a master document which the State will put together, ideally providing guidance for land use throughout the State. It is anticipated that this will become an element of our General Plan, which would potentially leave Historic Preservation as a stand-alone element.

The General Plan incorporates some portions of the local area plans into the main document, with the specific, several area plans being further included as appendices at the end of the

General Plan, together with Transportation Information and Socio-economic information. It may be more desirable to include more information and guidance from the area plans in the main body of the document itself, which could make for a more comprehensive and inclusive document. Rather than highlighting the differences in the areas' desires and goals, perhaps by including and acknowledging these desires and goals in all areas we can achieve better solutions. Local issues may have regional implications, and Morgan County often already feels like different little communities, rather than a cohesive whole. Combining these ideas into one place may help create or perpetuate the identity we are looking for.

The following includes direct excerpts from the current General Plan. Much of the introductory portion of the General Plan may not need to be modified; however, specific items may need to be changed to reflect current conditions.

Morgan County General Plan: Introduction

Overview

Named in honor of Jedediah Morgan Grant, Morgan County consists of 610 square miles of land nestled in the Wasatch Mountains. The first settlers arrived in 1855. Early settlers located in the northern part of the County due to its access to water and natural resources. The main entrance to Morgan County is through Weber Canyon which opens on both the east and northwest sides of the County. The Weber River flows from the east to the northwest through the valley. The valley is surrounded by the Wasatch Mountains on the north, west and south, and the Uinta Mountains on the east. Morgan County has a larger percentage of privately owned land than any other County in Utah (93%). Much of the land is used for raising beef, dairy cattle and sheep, and for hay and other field crops. The County attracts visitors year round for outdoor recreation including: boating, fishing, camping, hunting, cycling, and skiing. Morgan County's historically rural atmosphere and home town character make the County a desirable place to live.

This Morgan County General Plan serves as a road map for the future by establishing goals and policies to direct growth responsibly, solve problems, and improve the quality of life for County residents. Not only will the General Plan guide land use decisions, but it will also serve as a reference and blueprint for community decisions, as well as for public and private sector initiatives. This plan is driven by issues that residents have identified as critical, which generated long-term goals and the vision of the future. The planning horizon for the Morgan County General Plan is twenty years, through 2030. However, Morgan County residents should periodically revisit the General Plan and supplement or amend the Plan as necessary to reflect changing circumstances and new opportunities. A bi-annual (every two years) review is suggested to keep the General Plan relevant. Depending on current circumstances, the bi-annual review could be as simple as a staff memorandum describing how the Plan is being implemented, or could include a review and update of all or elements of the General Plan.

General Plan Elements

Elements in the Morgan County General Plan (referred to as the General Plan in the remainder of this document) address goals, objectives, and policies as well as planning guidelines to manage future growth and development. The General Plan consists of the following eight elements:

- Land Use. This element provides the framework for the physical development in the County.

It establishes policies related to the location and intensity of new development and County-wide land use policies. The Land Use Element contains a Future Land Use Map illustrated in two sheets. Sheet one shows future land uses for the County, and Sheet two shows the future land use detail for the Mountain Green area.

- **Economic Development.** This element addresses fiscal trends, job creation, education, tourism, and economic development efforts.
- **Housing.** The housing element consists of standards and programs for the improvement of housing quality, variety, and affordability, and for provision of adequate sites for housing. It also addresses the County's short-and long-term housing needs, and satisfies Utah state code requirements for moderate income housing planning.
- **Transportation.** This element includes policies, programs, and standards to maintain efficient circulation throughout the County. It establishes functional classifications and design standards for County roads, and addresses alternative transportation modes.
- **Public Facilities.** This element addresses public facilities and services, including water, wastewater, schools, general government services, fire protection, law enforcement, and utilities in Morgan County.
- **Parks and Open Space.** This element addresses policies related to open space, trails, and recreation within Morgan County.
- **Environmental, Natural and Cultural Resources, and Historic Preservation.** This element addresses policies relating to land resources, habitat and biological resources, water quality, air quality, and prehistoric and historic cultural resources.
- **Implementation.** This element details the manner in which the General Plan is (or may be) implemented.

Community-Driven Plan

This General Plan is based on an extensive public and stakeholder engagement process. From the outset of the planning process, discussion has focused on what is most important to Morgan County residents, exploring potential opportunities, weighing priorities, and making choices about Morgan County's future.

Development of this General Plan began with a review of the planning work accomplished in Morgan County over the past few years, including:

- Envision Morgan in 2007
- The Mountain Green American Institute of Architects (AIA) Design Assistance Team (DAT) project
- The Mountain Green; Croyden and Lost Creek; Enterprise; Peterson; Porterville/Richville; Milton; Stoddard/North Morgan; and Round Valley, Como, and Taggart's Area Plans

Public involvement began with a series of interviews with County officials and stakeholders to identify key issues and priorities for the Plan update project. Project kick-off open houses were held in Mountain Green and Morgan on April 21 and 22, 2010, to introduce the General Plan

update project, discuss the results of Envision Morgan and the area plan planning efforts, and to solicit suggestions and ideas for moving forward with the General Plan project. Project planners met periodically with the Morgan County Planning Commission at regularly scheduled meetings to discuss project status and solicit direction and suggestions from the Commission and meeting attendees. Finally, an open house held on November 4, 2010, provided an additional informal opportunity to discuss and comment on the plan, prior to the formal hearing process which began later the same day with the Morgan County Planning Commission.

Using the General Plan

The General Plan articulates the County's vision, growth projections, and objectives the County seeks to achieve. The purpose of the General Plan is to identify guiding policies to provide direction related to growth, development, redevelopment, preservation, and investment. Regional agencies, Morgan City, nonprofit entities, and potential new businesses looking to locate in the area are just some of the groups that may use the General Plan.

The General Plan is a decision-making guide for Morgan County officials and staff. It delineates existing and proposed future land uses for the public and for landowners and developers. The General Plan is used by Morgan County staff to review and determine the compatibility of projects and applications, particularly zoning map and text amendments. Additionally, the General Plan provides guidance in developing annual work programs and budgets.

Developers and landowners considering land development may refer to the General Plan to gain an understanding of the County's vision and policies, the anticipated uses of property in an area, or how a desired project might be compatible with the General Plan.

Relationship to Area Plans

Over the past decade, Morgan County and its citizens have created area plans for Croydon & Lost Creek, Enterprise, Milton, Mountain Green, Petersen, Richville/Porterville, Round Valley/Como/Taggart, and Stoddard/North Morgan. The area plans represent each community's preferences for future land uses and growth management in their respective areas. In order to support implementation of the area planning preferences, the future land use maps for each plan area (where they existed) have been incorporated into the Morgan County Future Land Use Map. The common goals, objectives, and policies of the area plans have also been incorporated into the General Plan.

There remain some policy and direction distinctions among the area plans, however, that are not readily incorporated into General Plan. The work done by the area plan committees is valuable to provide background and the perspective of area residents that can inform land use decisions in the future. The Mountain Green Area Plan (2005 and 2010 update), for example, is much more detailed than the other area plans, and reflects more specific goals and objectives than can be successfully incorporated or implemented in the County-wide General Plan. In order to acknowledge the vision of the residents of the Mountain Green area, the Future Land Use Map from the Mountain Green Area Plan is incorporated in the County's Future Land Use Map to acknowledge the unique circumstances of the area. Future land use classifications from the Mountain Green Area Plan that aren't yet identified as future land uses in other parts of the County are also included in the Land Use element of the General Plan.

In order to capture and preserve the planning work of the area plan committees, the area plans, as adopted by the County Council, are incorporated as appendices to this General Plan for informational purposes and references as County officials make future decisions. If circumstances in one of the plan areas change in the future, or if a new development application raises area-specific concerns, area residents may ask the Planning Commission to decide on an approach to address the issue. Alternatives for the Planning Commission could include requesting assistance from the County staff or a committee of citizens, convening an area plan committee, or addressing the issue itself with a recommendation to the County Council. The area plans, as appendices to the General Plan, are integrated parts of the General Plan. When an application for re-zoning or development is submitted to the County, the relevant provisions of the applicable area plan should be included in the staff report to the Planning Commission and County Council. Figure 1 shows how the area plans could be referred to and considered in addressing future issues and land use questions.

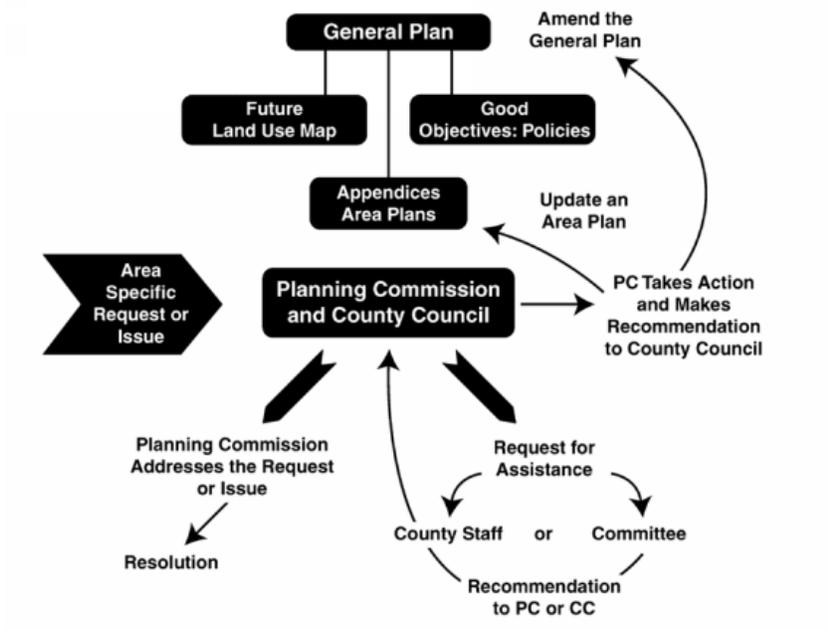


Figure 1 - How Area Plans Relate to the General Plan

Existing Zoning and the General Plan

This General Plan does not change zone classifications or development entitlements that currently exist on private property. Both private property rights and local land use control have been the cornerstones of American society for many years. The Fifth Amendment to the United States Constitution generally states that private property must not be taken for public use without just compensation. In the case of a government regulatory action (such as zoning), a “regulatory taking” is considered to be an action that so interferes with the use of private property that it has the same effect as a physical appropriation. In most cases, the test of whether an action is a taking is whether the regulation denies an owner of all economically viable use of the property.

Any laws or regulations governing the use of private property should depend upon the government’s authority and responsibility to protect public health, safety, and welfare. Based upon this premise, courts have supported limitations on the use of private property through land use plans and regulations such as general plans, zoning ordinances, and subdivision regulations to achieve those governmental purposes.

It is strongly recommended, however, that zoning map changes conform with the land use recommendations of the General Plan prior to their adoption. Where possible, the General Plan should be amended or updated prior to application for zoning map changes.

Implementing and Amending the General Plan

Political, social, economic, and educational institutions must work together to address their varied interests, values, and desires and to identify the goals, objectives, and policies needed for quality growth and development in the County. These broadly stated goals are the foundation on which the General Plan's land use policies have been constructed to address a variety of individual interests, and to reconcile them Countywide through implementation of the General Plan.

The General Plan is intended to be a dynamic document that is periodically updated in response to changing needs and circumstances. A bi-annual review is suggested to keep the General Plan relevant. Requests for General Plan amendments may be submitted by individuals or initiated by the County according to adopted procedures. While many plan amendments will propose a change in land use designation for a particular property, the change should remain compatible and consistent with the policies and text of the General Plan.

Therefore, all proposed plan amendments will be reviewed to determine consistency with General Plan policies for each element.

Vision Statement

A vision statement is the description of an overall image of what the County aspires to be, and how it wants to look in terms of desired future conditions. The statements below reflect the desired future conditions for Morgan County, and serve as the foundation for more specific goals, objectives, and policies.

Morgan County Vision

1. Morgan County attracts families with its quality of life, rural atmosphere, secure environment, and natural beauty. Residents have a wide range of employment, housing, and lifestyle choices. The County benefits from a balanced economy, livable wages, economic prosperity, and first-rate community services.
2. Morgan County respects property rights and recognizes personal responsibility to the land and communities.
3. Morgan County values its distinctive natural landscapes for their beauty, solitude, recreational opportunities, and natural resources and will work to ensure their long-range conservation and preservation.
4. Morgan County safeguards water resources for future generations, and conserves and reuses water whenever possible.
5. Morgan County public policies support the viability of working and hobby farms, protection of agricultural lands, and the conservation of natural resources and rural character.
6. Morgan County accommodates growth responsibly by integrating new development in a way that is respectful of the environment, supports County values, considers long-term sustainability, and uses available infrastructure. To help achieve this goal, the County

strongly recommends that growth occur within or adjacent to corporate limits and villages, or be located within master-planned communities.

Staff Comment:

Area Plans: In spite of what the introduction states above, a more integrated approach to the area plans is possible and perhaps desirable. As directed, Staff will attempt to make such logical and appropriate modifications to the General Plan to incorporate the substance of the area plans into the main body of the General Plan.

Elements: There will need to be an additional element of the Plan responsive to the State-mandated "County Resource Management Plan".

Vision Statement: We will need to discuss each aspect of the vision statement, exploring the applicability of the various aspects and their continued relevance to Morgan County.



PLANNING COMMISSION AGENDA
Thursday, January 28, 2016
Morgan County Council Room
6:30 PM

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

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

Administrative:

6. Discussion/Decision on West Wind Small Subdivision Concept Plan - A proposed small subdivision of approximately two, ½ acre lots and one, 1 ½ acre lot, located at approximately 4625 W 5800 N in Morgan, Utah.
7. Discussion/Decision on Pettit Ranchettes PRUD Plat Amendment 2 - A proposed amendment to the previously adopted Pettit Ranchettes, adjusting a lot line for two of the lots to account for required building setbacks and open space.
8. Discussion on ordinance changes.
9. Planning Commission Business/Questions for Staff
10. Approval of minutes from December 10, 2015
11. Adjourn

Members Present

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

Staff Present

Bill Cobabe
Gina Grandpre
Mickaela Moser

Public Present

Tina Cannon
Grant Salter
Robert Volk
Emily Cox
Elise Cobabe

1. Call to order – prayer. Chair Haslam called the meeting to order and welcomed those in attendance. He offered the prayer.
2. Pledge of Allegiance
3. Approval of agenda
Chair Haslam amended the agenda to clarify that concerning the Pettit Ranchettes PRUD, it should read a division to 2 lots instead of 4 lots, as listed on the current agenda tonight.

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

4. Declaration of conflicts of interest
There were none.
5. Public Comment
Chair asked the Planning Commission members if they preferred public comment to be up front or to insert a public comment period after each agenda item. It was determined to add a public comment section after each item. This public comment is for items not currently on the agenda.

Emily Cox: She stated that she moved to Mountain Green 8 years ago and wondered what the future zoning of the current gravel pit looks like. She is a local realtor and is interested in halting any future gravel pits from coming into the area. She wanted to proactively state her stance on the issue.

Chair Haslam responded to her concerns, clarifying that the work being done at the Warner Gravel Pit entails moving material, not mining. He stated that there are very few locations (only within current zoning A-20 or MU-160) where a gravel pit could be located. He clarified that the Warner Pit site will become a future town center and development. He also clarified the difference between a gravel pit and a development site.

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

Administrative:

6. Discussion/Decision on West Wind Small Subdivision Concept Plan - A proposed small subdivision of approximately two, ½ acre lots and one, 1 ½ acre lot, located at approximately 4625 W 5800 N in Morgan, Utah.

Bill introduced the location of the proposed subdivision and stated it would be developed into 3 different lots. The proposal is being reviewed for conceptual design standards as required by Morgan County Code. The application appears to meet the minimum requirements for the conceptual subdivision plan of the zoning and subdivision ordinances. Bill referred to the realignment of the road for the subdivision (Little Horn Subdivision) that was approved in 2010.

He clarified on the curb, gutter and sidewalk and referred to Mark Miller's (County Engineer) email. Bill stated that this application is at the preliminary stage and may not have answers to all of the possible questions. This subdivision will have utility and Bill stated there is a well on the property.

Member Sessions asked about the improvement to exception and clarified that this exception does not need to be granted because it is stated in the Code.

Chair Haslam asked about the existing fire hydrant right at Mr. Salter's access and Bill said it could be moved. Chair Haslam asked about Mr. Salter moving his utility line through someone else's lot, rather than up his own lot.

Member Newton asked about the 300 foot requirement from the road on Old Highway and if Powder Horn has the 300 feet of frontage. He would like to grant the exception for improvement if within that distance on Old Highway Road for clarification. He checked the requirements on Google Earth. Member Newton measured 350 feet on Google Earth. Bill reminded Planning Commission members that the applicant is looking for approval to advance tonight.

Grant Salter, applicant: He said that the suggestion was to put in curb and gutter from Powder Horn Road. He is seeking an exception to improvement on Powder Horn Road. There are currently 5 lots above him and 2 lots below. Rollins Ranch lies to the North side of his property.

Member Nance sought clarification on water. Mr. Salter said the water comes from Cottonwood Water and he has a well for secondary water that he is not planning to transfer to the other lots. Member Nance read from the staff report what the intention is for water rights. Mr. Salter said he has sufficient water for lawns and isn't sure if there is enough secondary water available to share. He is only required to have culinary on the lot.

Member Nance also asked about the utility easement. Mr. Salter showed the location on the map where he needs to get his swather in and where the 10 foot utility easements and gas lines are.

Chair asked about the sewer and water connections to go between lots 2 and 3 to access lot 1. Chair suggested moving lot 2 over and keeping his utilities and other connections on his

own property. There was more discussion on how to keep connections on his property and whether it matters or not to have connections running through surrounding lots. Chair expressed concern over the existing fire hydrant and asked about the possibility of moving his driveway.

Public Comment

Robert Volk: Manager for Mountain Green Water and Sewer District. He asked the distance from property lines. Chair said 170 feet. Mr. Volk stated he has to deal with utility easements from up to 30 years ago that have been forgotten about. When properties are sold, the connections are forgotten about and create problems when they have to be fixed. He stated they have to have a clean-out every 100 feet from the line. He suggested putting connections right on the road so they are not in the middle of a different lot. He explained a few options for the connections. He said the Sewer District has the capacity to pick up the 3 additional connections.

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

Member Nance moved to approve the West Wind Subdivision Concept Plan, application number 15.067, allowing for a three lot subdivision of land located at approximately 4625 W 5800 N (Powder Horn Rd), based on the findings and with the conditions listed in the staff report dated January 18, 2016. And to be sure the Staff Report includes the Engineer Report.

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

Mr. Salter clarified that the Planning Commission did not accept his request for exception and the Chair concurred.

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.

7. Discussion/Decision on Pettit Ranchettes PRUD Plat Amendment 2 - A proposed amendment to the previously adopted Pettit Ranchettes, adjusting a lot line for two of the lots to account for required building setbacks and open space.

Member Nance noticed that the applicants were not present. Bill summarized that they are not increasing the buildable area, but just moving the lot line. He clarified they are eliminating the common area so the garage area conforms. Bill stated there is an affidavit that was previously presented at a Planning Commission meeting.

Chair remembered there were homemade ponds on the property, which have since been filled.

The property owners (Randy Krantz and Randy Pettit, File #14.130) have signed that they are both in agreement with these changes. Gina and Bill confirmed they have signed paperwork stating the agreement with the involved parties for this application.

Bill stated there are no setbacks for building envelope lines, as Member Newton asked about the building envelope.

Chair asked about the applicant's proposal for adding 25 additional acres to this application and the current application does not include adding acreage. Bill stated that once approved from the County Council, they will need additional signatures with notary.

Member Newton asked about the common open space requirements and wondered if this approval will stir up problems in the future. He stated that ultimately they are bound by the ordinance.

Member Nance suggested postponing to research boundaries of the open space. Bill concurred that he will research the 1998 ordinance and the conditions wherein it was created.

Member Nance moved to postpone the Pettit Ranchettes PRUD Plat Amendment 2, application #14.130, until the next meeting, February 11, 2016 to allow Staff time to clarify the common area issue.

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

There was a 3 minute recess.

8. Discussion on ordinance changes.

Bill stated he attended a meeting with Mark Miller (County Engineer) and Mike Wade (Public Works) about street cross sections, involving both private and public roads. They are divided into categories and he reviewed each, with rights of way and dimensions, including private street and private lane.

Chair asked if the ordinance will state that private streets will never become public, as they don't meet County specs. He referred to residents' complaints. Currently there is no maximum number of lots or residents for each category of street cross sections.

Bill addressed the various ordinance changes, making adjustments and cleaning up according to Planning Commission direction. Ordinance changes included:

- lot and lot frontage definitions
- approval of conditional uses
- lot standards (access)
- improvements required
- deferral agreement, and
- private lanes/small subdivision

Member Nance asked about lot access and Bill responded that all lots are required to have access. Bill mentioned the public hearing concerning this item will be next week.

9. Planning Commission Business/Questions for Staff

Bill mentioned upcoming training opportunities at the Davis Conference Center in April and a conference in May.

Member Sessions addressed Emily Cox's comments and suggested discussing the General Plan at the next Planning Commission meeting.

10. Approval of minutes from December 10, 2015

Member Nance moved to approve the amended minutes from December 10, 2015. Second by Member Newton. The vote was unanimous. The motion carried. Member Stephens abstained as he was absent.

Member Nance suggested not hearing an agenda item if an applicant is not present. Other Planning Commission members felt that it is a natural consequence if the Commission does not approve it the way the applicant is requesting. Bill referred to extenuating circumstances that may prevent an applicant from coming.

11. Adjourn

Member Stephens moved to adjourn. Second by Member Ross. The vote was unanimous. The motion passed.

Approved: _____ Date: _____
Chairman, Roland Haslam

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

DRAFT

Stegelmeier Future Land Use Map Amendment
Public Hearing
February 11, 2016

Application No.: 16.002
Applicant: Daren and Marcelle Stegelmeier
Owner: Same
Project Location: approximately 2035 W Deep Creek Rd
Current Zoning: A-20
General Plan Designation: Ranch Residential 10 and Agricultural
Acreage: ~75.99 acres
Request: Amend the Future Land Use Map, changing the existing designation of portions of the property which are currently designated as Agricultural to Ranch Residential 10
Date of Application: January 7, 2016
Date of Previous Hearing: N/A

Staff Recommendation

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

Findings:

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

Background

Daren Stegelmeier applied for the Future Land Use Map amendment in order to pursue anticipated development of this property. The property is located in the Deep Creek area of unincorporated Morgan County, approximately 1.25 miles from Morgan Valley Drive. The property currently extends over two different Future Land Use Map designations – the northern portion is in the Ranch Residential 10 designation, while the southern portion is in the Agricultural designation. The associated zoning for the property (which is currently all zoned the same at A-20) would not allow for the desired development the applicant wishes to pursue. The proposed amendment would change that portion of the property currently designated as Agricultural to Ranch Residential 10, matching the northern portion of the property. The land is currently largely vacant; however, there is a home located on one of the lots (see Exhibit A).

Analysis

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

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

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

The requested designation, Ranch Residential 10, notes that:

The Ranch Residential designation accommodates rural large lot development with generous distances to streets and between residential dwelling units and a viable semi-rural character setting. Livestock privileges are a part of this character. Areas in this category are generally larger lots with accessory structures that may be used for livestock. The residential density is a maximum of 1 unit per 10 acres. (page 7)

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

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

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

...

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

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

Ordinance Evaluation:

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

C. Plan Adoption:

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

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

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

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

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

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

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

Model Motion

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Stegelmeier Future Land Use Amendment, application number 16.002, changing the designation from Agricultural to Ranch Residential 10, based on the findings listed in the staff report dated February 11, 2016.”

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the Stegelmeier Future Land Use Amendment, application number 16.002, changing the designation from Agricultural to Ranch Residential 10, based on the findings listed in the staff report dated February 11, 2016, *due to the following findings:*”

1. List any additional findings...

Supporting Information

Exhibit A: Vicinity Map
Exhibit B: Future Land Use Map
Exhibit C: Existing Zoning Map
Exhibit D: Current Section Plat Map
Exhibit E: Property Boundary Description

Staff Contact

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

Exhibit A: Vicinity Map

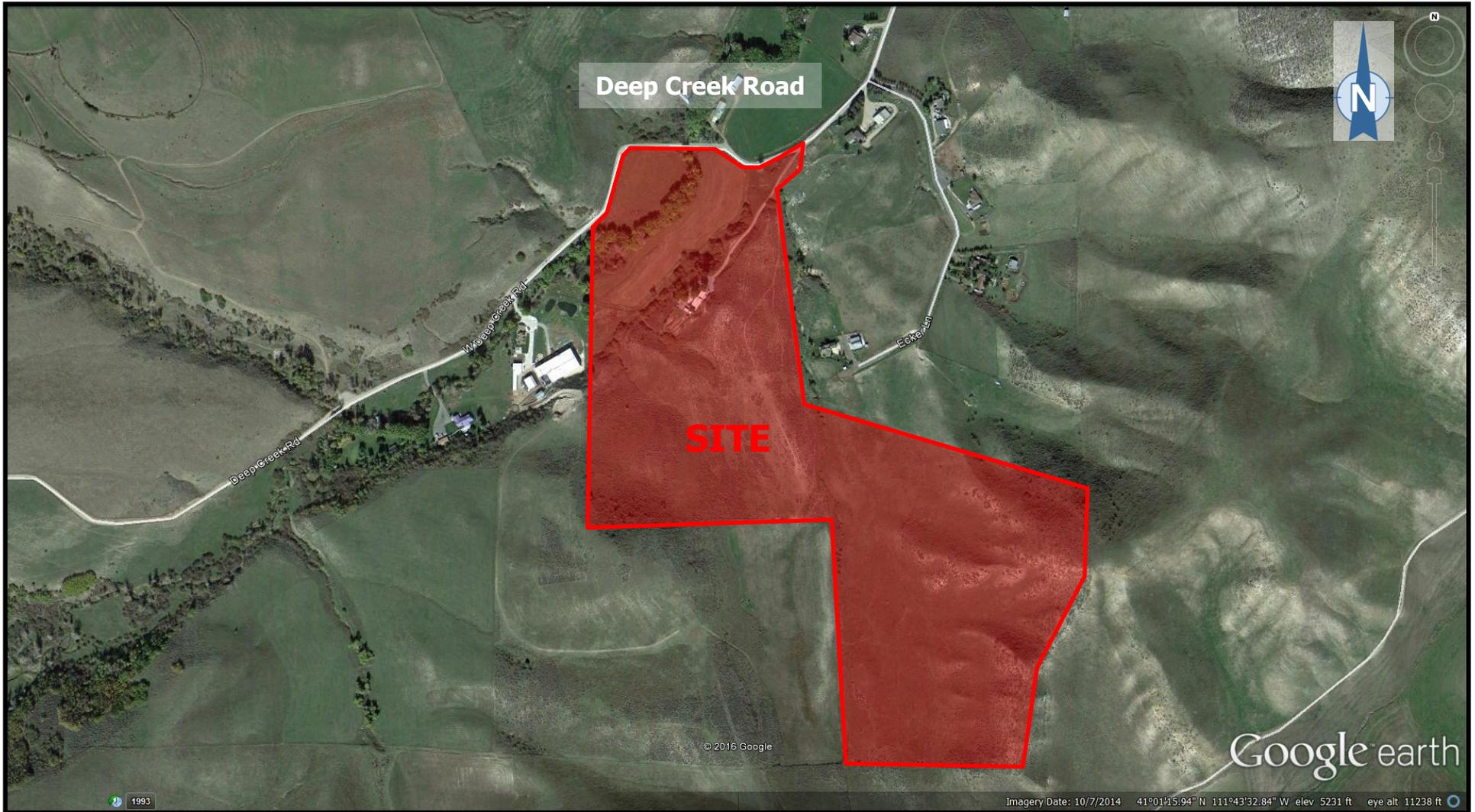


Exhibit B: Future Land Use Map

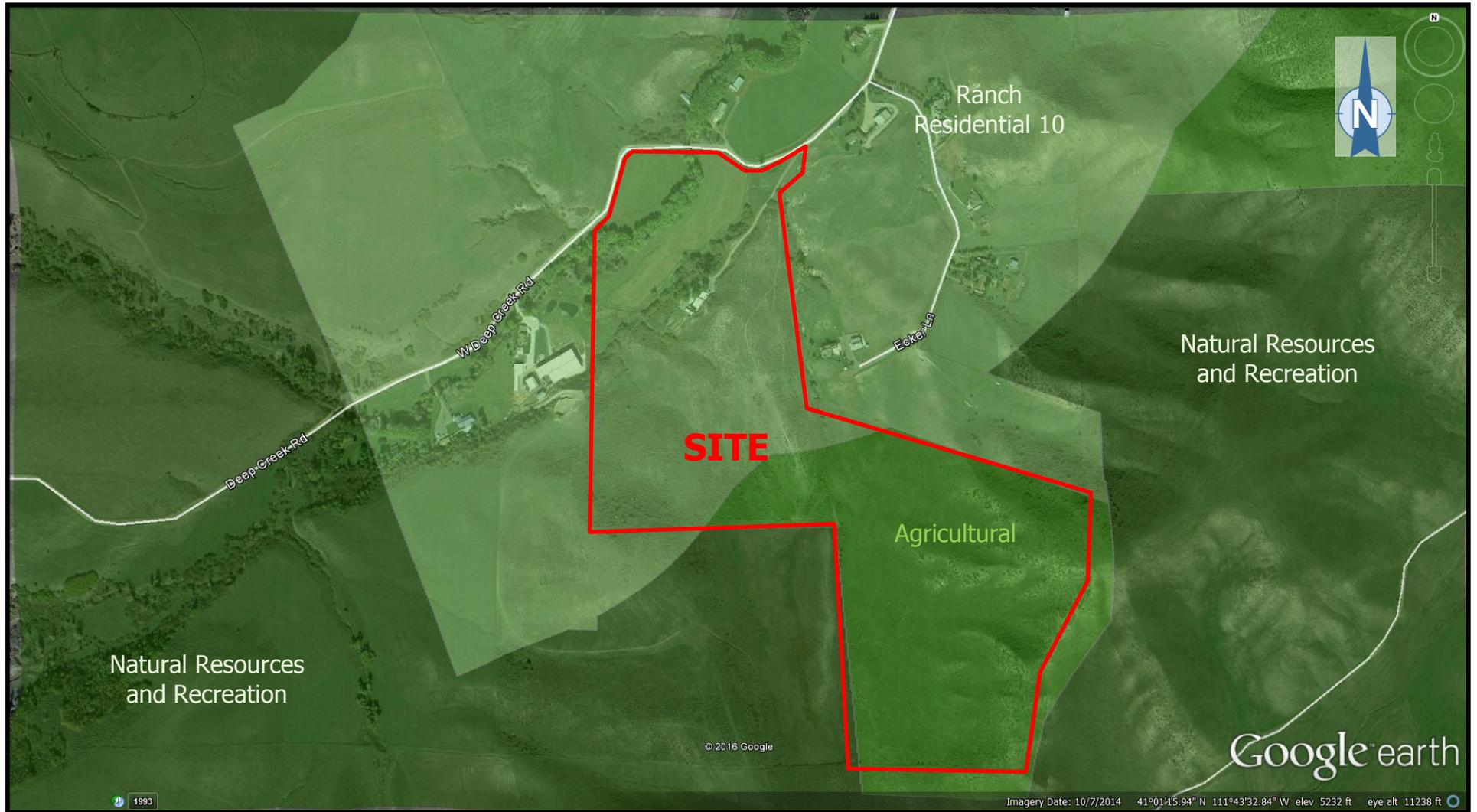


Exhibit C: Existing Zoning Map

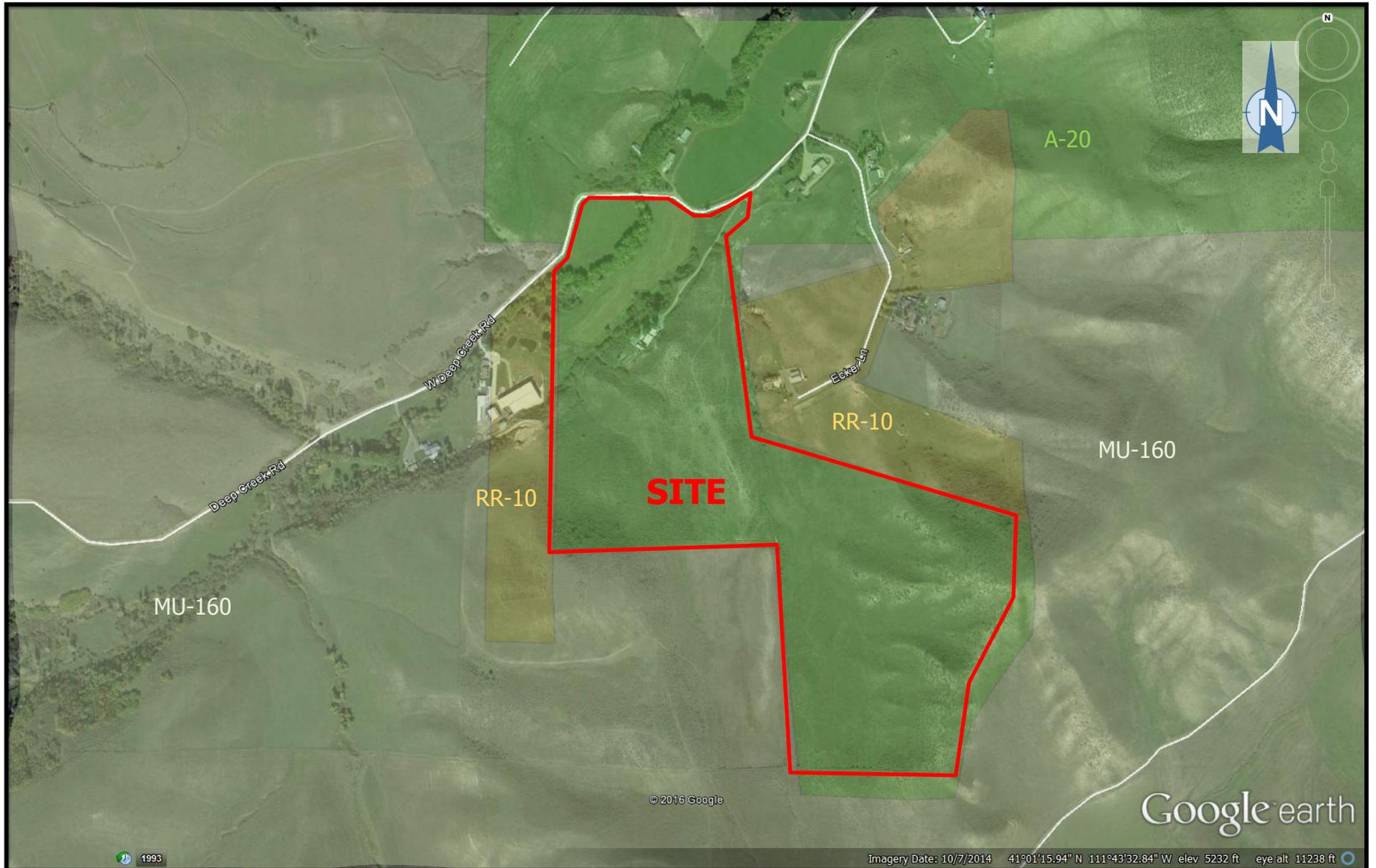


Exhibit D: Current Section Plat Map

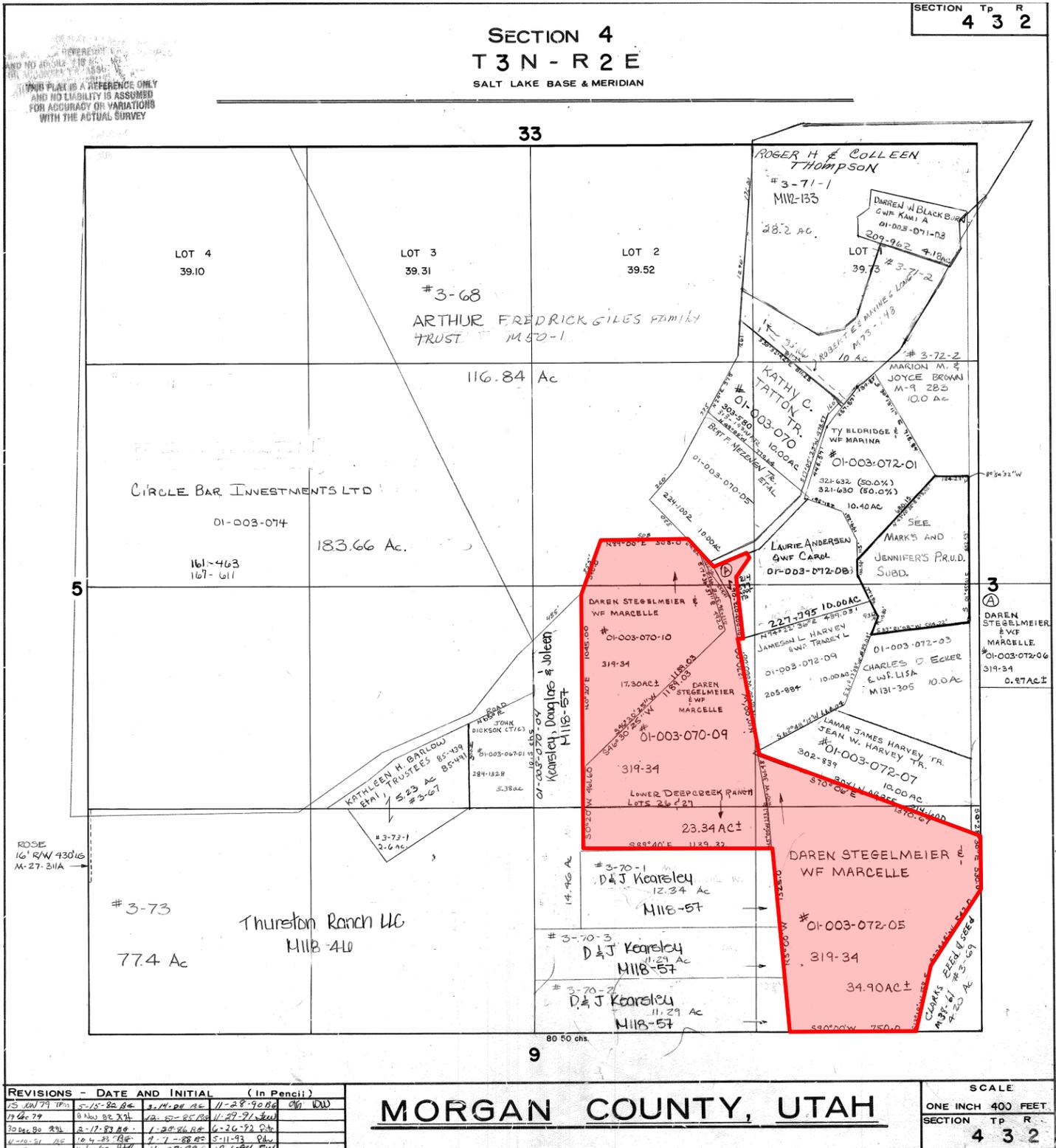


Exhibit E: Property Boundary Description

BOUNDARY DESCRIPTION – REZONE

A PART OF THE SOUTHEAST QUARTER AND THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 3 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U. S. SURVEY, MORGAN COUNTY, UTAH, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 4 WHICH BEARS NORTH 00°05'27" EAST (BASIS OF BEARING) 5287.06 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 4;

THENCE SOUTH 00°05'27" WEST 4069.54 FEET;

THENCE NORTH 90°00'00" WEST 17.63 FEET TO A REBAR AND CAP PLACED IN AN EXISTING FENCE LINE, THE TRUE POINT OF BEGINNING;

THENCE SOUTH 00°19'56" WEST 195.04 FEET ALONG SAID EXISTING FENCE LINE TO A REBAR AND CAP;

THENCE SOUTH 01°20'10" EAST 223.89 FEET ALONG SAID FENCE LINE TO A REBAR AND CAP;

THENCE SOUTH 31°46'11" WEST 535.51 FEET ALONG SAID FENCE LINE TO A REBAR AND CAP;

THENCE SOUTH 12°24'09" WEST 352.72 FEET ALONG SAID FENCE LINE TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4;

THENCE SOUTH 89°49'34" WEST 721.35 FEET ALONG SAID SOUTH LINE;

THENCE NORTH 05°46'19" WEST 1102.90 FEET TO AN EXISTING FENCE LINE;

THENCE NORTH 89°49'38" WEST 1153.01 FEET ALONG SAID FENCE LINE TO A REBAR AND CAP PLACED AT THE INTERSECTION OF FENCE LINES EXTENDING NORTH AND EAST.

THENCE NORTH 00°15'45" EAST 1505.38 FEET ALONG AN EXISTING FENCE LINE;

THENCE NORTH 20°45'51" EAST 339.47 FEET;

THENCE NORTH 88°55'52" EAST 504.89 FEET TO A REBAR AND CAP IN AN EXISTING FENCE LINE;

THENCE SOUTH 43°26'23" EAST 69.06 FEET ALONG SAID FENCE LINE AND EXTENSION THEREOF TO AN ANGLE POINT ON THE CENTERLINE OF DEEP CREEK ROAD;

THENCE SOUTH 44°32'28" EAST 156.50 FEET ALONG SAID CENTERLINE;

THENCE NORTH 69°16'02" EAST 229.38 FEET ALONG SAID CENTERLINE;

THENCE SOUTH 30°43'58" EAST 26.68 FEET TO A REBAR AND CAP;

THENCE SOUTH 33°36'36" WEST 151.43 FEET ALONG AN EXISTING FENCE LINE TO A REBAR AND CAP;

THENCE SOUTH 06°18'47" EAST 362.57 FEET TO A REBAR AND CAP;

THENCE SOUTH 74°22'36" WEST 28.36 FEET TO A REBAR AND CAP;

THENCE SOUTH 10°00'00" EAST 660.00 FEET TO A REBAR AND CAP;

THENCE NORTH 62°48'15" EAST 8.15 FEET TO A FENCE LINE AS CALLED FOR IN BOUNDARY LINE AGREEMENT (BK 214 PG. 06) RECORDS OF MORGAN COUNTY;

THENCE SOUTH 69°46'06" EAST 1354.37 FEET ALONG SAID FENCE LINE TO THE POINT OF BEGINNING;

CONTAINING 75.99 ACRES.

SUBJECT TO A RIGHT OF WAY FOR A ROAD ACROSS THE EASTERLY 33 FEET THEREOF BEING ALONG THE COMMON BOUNDARY TO PARCELS 03-072-08, 03-072-09, 03-072-07, 03-072-05 SUBJECT ALSO TO A RIGHT OF WAY 33 FEET ON EITHER SIDE OF THE CENTERLINE OF DEEP CREEK ROAD AS DESCRIBED IN BK. M35 PG. 259 OF MORGAN COUNTY RECORDS.

MEMORANDUM

TO: Planning Commission
FROM: Bill Cobabe
DATE: February 11, 2016
SUBJECT: Various Ordinance Changes – Road Cross Sections

Background

The following Sections of Code have been identified as needing discussion, clarification, and/or revision (Please note that the changes proposed reflect a significant change from the way "Private Streets" are constructed in Morgan County. A typical cross section of "private streets" and "private lanes" is attached for reference. This is not intended to be a part of the ordinance. Recommendations by staff are as outlined using the **bold**/strikethrough notation):

Section 8-12-44:

Subsection 8-12-44 (M) – Private Streets –

1. Private streets shall meet and adhere to all county standards for ~~public~~ **private** streets, including construction standards, **and** width and right of way standards, ~~and the construction of curb, gutter, and sidewalk, regardless of the number of proposed lots.~~ **The minimum right of way for private streets is thirty-six feet (36'), including twenty-two feet (22') of paved surface, a 4' shoulder on each side of the pavement, and drainage sufficient to provide for anticipated storm water runoff (a minimum of three feet (3') per side of the private street). Additional right of way may be required if an approved drainage design cannot be accomplished within the thirty-six feet (36') right of way. The road subgrade and pavement shall be sufficient to hold a 75,000 pound load.**

...

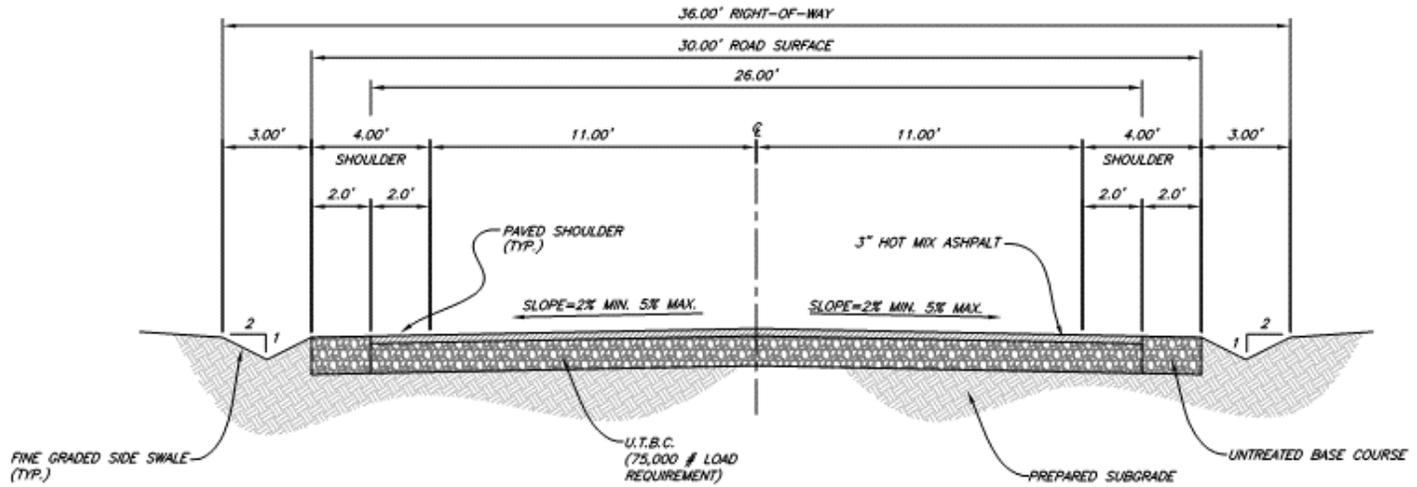
4. The county may determine in the public interest that a proposed private street shall be dedicated with the subdivision as a public street for public use. **In such cases, the private streets shall meet all standards regarding public streets, as specified in this Chapter.**

Subsection 8-12-44 (P) – Private Lanes –

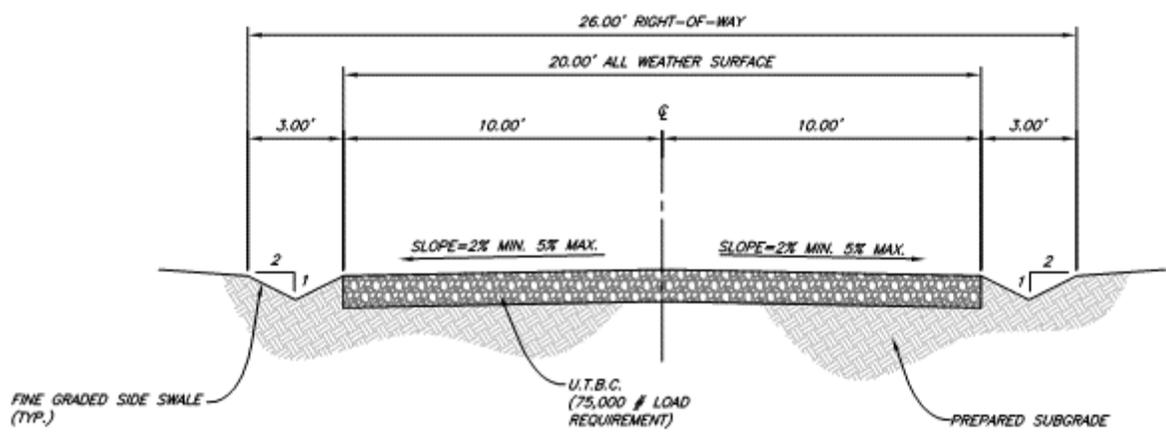
(1)(c) - Private lanes shall have a recorded minimum right of way of ~~twenty-four feet (24')~~ **twenty-six feet (26')** and an improved, **all-weather** surface of at least twenty feet (20'), designed and constructed with rolled and compacted road base capable of supporting a seventy five thousand (75,000) pound fire apparatus vehicle, road base and subbase that meet the recommended geotechnical analysis of the load bearing capacity of the soils under the proposed roadway, and which is also designed pursuant to adopted construction standards, fire codes, and wildland urban interface requirements. Private lanes greater than one hundred fifty feet (150') in length must be terminated with a turnaround of not less than one hundred ten feet (110') of right of way in diameter, or an alternative turnaround design which meets the adopted fire and wildland urban interface code and is approved by the fire code official and county engineer. Additional right of way may be required if an approved drainage design cannot be accomplished within the ~~twenty-four feet (24')~~ **twenty-six feet (26')** right of way.

Subsection 8-12-44 (Q) – Driveways –

1. Driveways shall be provided for all residential building lots. The drive approach for the driveway shall be a minimum width of twelve feet (12') and shall not exceed the maximum width of ~~thirty feet (30')~~ **forty feet (40')**. A secondary drive approach may be permitted upon review and approval by the county engineer.
2. Downsloping driveways toward the building envelope shall not be permitted, unless topographic constraints warrant their construction. Driveways must comply with the provisions of the adopted building code regarding drainage adjacent to any structures.
3. For driveways less than fifty feet (50') in length, the maximum slope shall be fifteen percent (15%). For driveways fifty feet (50') or greater, the maximum grade at which a driveway shall be allowed to be built is twelve percent (12%). All driveways shall meet the provisions of the adopted fire code and wildland urban interface code for grade and turnaround requirements. **Driveways longer than one hundred feet (100'), in areas of geologic instability or steep or loose slope areas, or as determined by the Fire Chief, Building Official, Zoning Administrator, or County Engineer, shall be reviewed and accepted by the County Engineer prior to issuance of a building permit.**
4. A driveway serving no more than one dwelling or lot may be designed and constructed as an all-weather gravel road, with rolled and compacted road base capable of supporting a seventy five thousand (75,000) pound fire apparatus vehicle, and road base and subbase that meet geotechnical recommendations. If at any time during building construction, the gravel driveway becomes impassable, as determined by the building official, fire code official, zoning administrator, or county engineer, a stop work order shall be placed on the building permit until the road is rehabilitated and inspected to meet this standard. The developer is responsible to pay all inspection fees prior to the stop work order being lifted.
5. Driveways serving two (2) or more lots or building envelopes shall be paved to county construction standards **for private lanes.**
6. A paved apron is required to be installed for all driveways accessing from paved streets and rights of way, prior to the issuance of a certificate of occupancy.
7. Driveways may not be utilized to establish or calculate required lot frontage.



PRIVATE STREET (36' ROW)
 SCALE: 1" = 6'



PRIVATE LANE (26' ROW)
 SCALE: 1" = 6'

MEMORANDUM

TO: Planning Commission
FROM: Bill Cobabe
DATE: 11 Feb 2016
SUBJECT: Pettit Ranchettes Plat Amendment 2 – Common Areas

The question was posed in the 25 Jan 2016 Planning Commission regarding the proposed elimination of that portion of the open space in the Pettit Ranchettes PRUD called out as "Common Area". The concern was that there may be a requirement for "common area", and that the elimination of the "common area" open space would represent a deviation from the applicable codes. In researching this question, Staff has the following comments:

1. This application was brought in 1999, so the subdivision/PRUD ordinance that was in place at the time dates to 1997. It was subsequently revised, but the original application dates to that year, and thus those laws that were in place at that time are what would govern this application.
2. The PRUD ordinance that was in place at that time indicates the following:

SECTION VI: PLANNED RESIDENTIAL UNIT DEVELOPMENT - P.R.U.D.

VI - 1 DESIGN STANDARDS

The design of the Preliminary and Final Plats of the Subdivision in relation to streets, blocks, lots, common open spaces and other design factors shall be in harmony with the intent of zoning elements of the master plan that has been adopted by the PLANNING COMMISSION and approved by the GOVERNING BODY. Streets shall be so designed as to take advantage of open space vistas and, create drives with a rural or open space character. The subdivider must maintain the overall density of the zone in which the P.R.U.D. is approved.

VI - 2 PROVISION FOR COMMON OPEN SPACE

The SUBDIVIDER P.R.U.D. shall submit plans of landscaping and improvements for the common open space. He shall also explain the intended use of the open space and provide detailed provisions of how the Subdivision must meet the requirements of the zoning ordinance, must assure proper use, construction, and maintenance of open space facilities and must result in a development superior to conventional development in terms of its benefit to future residents of the Subdivision, surrounding residents and the general public.

The PLANNING COMMISSION may place whatever additional conditions restrictions it may deem necessary to insure development and maintenance of the desired residential character, including plans for disposition or reuse of property if the open space is not maintained in the manner agreed upon or is abandoned by the owners. Where the intent of the master plan and County ordinances are being met to the fullest extent, additional lots may be approved by the Planning Commission and County Commission.

It would seem that the Code at the time anticipated the flexibility on the part of the County regarding the "disposition or reuse" if the open space is "abandoned" by the owners. There would be a couple of mitigating factors in such flexibility – the decision should be made with regard to the intent of the master plan (the County General Plan) and the County ordinances, and in order to ensure. The sizes of the lots in question, and the continuation of the bulk of the lots remaining in non-buildable "open space" seem to allow for this kind of mitigation. It should further be noted that the authority to make decisions regarding the disposition lies specifically with the Planning Commission.

Overall, if this subdivision were proposed today and with our current standards, there would not be a requirement for any open space at all – the minimum lot dimensions are met/exceeded, and the division of the land (52.17 acres, each lot containing approximately 26 acres) would be in keeping with the General Plan and the current ordinances.

4. The Code further explains that:

VI - 4 CONTINUATION OF COMMON OPEN SPACE

An assurance of continuation of common open space used in accordance with the plans approved by the PLANNING COMMISSION, the SUBDIVIDER shall grant to the COUNTY an "open space easement" on and over the common open space prior to the recording to the Final Plat, which easement will not give the general public the right of access but will provide that the common open space remains open.

The provision of the proposed plat amendment allowing for the "common area" open space to be absorbed into adjacent open space seems to be in keeping with the portion of the ordinance above, in that the "common area" on the plat was never intended to be for the "general public". The intent seems to be simply that the open space remain open (not developed as residential lots). Again, the proposal seems to be in keeping with the spirit of this intent.

5. Finally, the Code indicates that:

VI- 5 PRESERVATION, MAINTENANCE, AND OWNERSHIP OF OPEN SPACES, COMMON AREA AND PRIVATE STREETS

The preservation, maintenance, and ownership of Open Spaces within a subdivision development shall be accomplished by:

- C. Granting to the Local Jurisdiction a permanent, open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in recreational or park use, to be maintained from the proceeds of a perpetual maintenance trust fund established by the developer in an amount satisfactory to the Governing Body; or by**

It should be noted that the required "trust fund" is either not currently in place or has become defunct. While not strictly in keeping with the requirements of this provision, the proposed amendment (eliminating "common area" open space) shifts the responsibility of maintenance from the "trust fund"/developer to each land owner. The "open space" in this proposed amendment remains in private ownership, but is regulated by the easement indicated in the above section. The note on the plat regarding this ownership and the disposition of the land follows:

COMMON AREA: THE COMMON AREA PARCELS BETWEEN LOTS 1 AND 2, AS SHOWN ON PREVIOUS PLATS, ARE BEING VACATED AND DIVIDED ALONG THE LOT LINES AS SHOWN, TO BE HELD BY EACH RESPECTIVE LOT OWNER INDIVIDUALLY AND SHALL FUNCTION AS EITHER OPEN SPACE OR BUILDING ENVELOPE AS DESIGNATED HEREON.

Staff feels that this is sufficient, along with the current zoning ordinances and General Plan, to ensure that the area retains its agricultural, open-space feel.