



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

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### 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, May 26, 2016  
Morgan County Council Room  
6:30 PM

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

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

**Legislative:**

6. Discussion/Public Hearing/Decision: Nye re-zone request to re-zone approximately 2.5 acres of property located at approximately 2545 W Old Hwy Rd from the RR-1 to R1-20 zoning.
7. Discussion on the Commercial Use Tables.
8. Discussion on the Conditional Use Standards Amendment.
9. Discussion on the Commercial Zoning Maps.

**Administrative:**

10. Planning Commission Business/Questions for Staff
11. Approval of minutes from May 12, 2016
12. Adjourn



Planning Commission  
Staff Report

Commercial Use Table Text Amendment  
(Discussion Only)  
May 26, 2016

Applicant: Morgan County

Request: Proposed amendments to the Land Use Management Code for Morgan County:  
 - Revision of the Commercial and Industrial Use Tables (Section 8-5C-3), removing allowance for crematoriums in any commercial district.

Date of Previous Hearing: April 14, 2016 (Planning Commission Public Hearing)

Background and Analysis

In March 2016, the Planning Commission directed Staff to look at revisions to the Commercial Use Tables found in Sections 8-5C-3. The purpose of the revisions was to remove the allowance for crematoriums in commercial districts. Please note that the revised Code states that, *"If a particular use classification category is specified as permitted or conditionally permitted, it shall mean all specific items that fall under that category. Otherwise, only the specific items noted shall be permitted."* The following tables reflect these changes (in **BOLD – strikethrough** format):

Use	District				
	NC	GC	BP	LM	I
<del>81221 – Funeral Homes and Funeral Services</del>	<del>C2</del>	P	P	P	
<b>812210 – Director Services, Funeral</b>		<b>P</b>	<b>P</b>	<b>P</b>	
<b>812210 – Embalming Services</b>			<b>P</b>	<b>P</b>	
<b>812210 – Funeral Director Services</b>		<b>P</b>	<b>P</b>	<b>P</b>	
<b>812210 – Funeral Homes</b>		<b>P</b>	<b>P</b>	<b>P</b>	
<b>812210 – Funeral Parlors</b>		<b>P</b>	<b>P</b>	<b>P</b>	
<b>812210 – Mortician Services</b>		<b>P</b>	<b>P</b>	<b>P</b>	
<b>812210 – Mortuaries</b>		<b>P</b>	<b>P</b>	<b>P</b>	
<b>812210 – Undertaker Services</b>		<b>P</b>	<b>P</b>	<b>P</b>	

	81222 – Cemeteries and Crematories	-	€3	€3	P	
	<b>812220 – Cemetery Associations (i.e., operators)</b>		<b>P</b>	<b>P</b>		
	<b>812220 – Cemetery Management Services</b>		<b>P</b>	<b>P</b>		

In the County Council meeting on 17 May 2016, the Council directed Staff to have the Planning Commission hold a public hearing on any changes to the Use Table (Section 8-5C-3) and to get a recommendation to the County Council by the 21 Jun 2016 County Council meeting. This is also the case for the Conditional Use Standards (Sections 8-8-4 and 8-8-5) and any revisions to the zoning map. Please refer to the other staff reports dealing with those changes.

Conditional Use Standards Text Amendment  
(Discussion Only)  
May 26, 2016

### Background and Analysis

The Planning Commission has discussed changes to the Conditional Use Performance Standards and General Standards over the past couple of months. The following represent what has been discussed by the Planning Commission with the corrections noted in the previous meeting as well as an addition by the County Engineer. His comment was:

*The only change/addition I would recommend is a sentence at the end of 8-8-4C.3c.  
"No work shall be done prior to conformance with all Federal, State and Local mandates,  
requirements and permits."*

This sentence has been added. Additionally, the section regarding architectural standards was removed. It is anticipated that these requirements will involve a more lengthy discussion and will require additional time to review/approve, so in the interest of moving the rest of the standards forward this was eliminated and may be brought forward as a separate item later. The language regarding the conservation bond for big-box type development was left in, but this is available for modification, adaptation, or removal as desired.

In the County Council meeting on 17 May 2016, the Council directed Staff to have the Planning Commission hold a public hearing on any changes to the Conditional Use Standards (Sections 8-8-4 and 8-8-5) and to get a recommendation to the County Council by the 21 Jun 2016 County Council meeting. This is also the case for the Use Table (Section 8-5C-3) and any revisions to the zoning map. Please refer to the other staff reports dealing with those changes.

### **Revisions:**

The revisions are in the **bold strikethrough** format.

### **Section 8-8-4:**

#### A. Conditions Relating To Safety For Persons And Property:

1. Building elevations and grading plans which will prevent or minimize floodwater damage, where property may be subject to flooding.
2. The relocation, covering or fencing of irrigation ditches, drainage channels, and other potential attractive nuisances existing on ~~or adjacent~~ to the property. **These requirements shall apply only to the applicant's property.**
3. Increased setback distances from lot lines where ~~the planning commission determines it to be necessary~~ to ensure the public safety and to ensure compatibility with the intended characteristics of the district as outlined in this title.

4. Appropriate design, construction and location of structures, buildings and facilities in relation to any earthquake fault which may exist on the property, and limitations and/or restrictions on the use and/or location of uses due to special site conditions, including, but not limited to, geologically hazardous areas; floodplains; fault zones; landslide areas.
5. Limitations and control of the number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and appearance and harmony with adjacent development.
6. Plans for the location, arrangement and dimensions of truck loading and unloading facilities.
7. Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants and street lighting.
- ~~8. Reduction of permitted street grades for winter and storm conditions, or exposure.~~
9. Fences shall not create visual nor other safety hazards.
10. Backing movements, passing vehicles, sidewalk traffic, small children, etc., shall be considered in the location of fences and effects on circulation system.
11. Numbers and types of vehicles per time period associated with the conditional use activities **(see Section F below)**.
12. Time of day and days of the week conditional use may operate.
13. **Buildings and site perimeter shall be secured with locks, gates, and other barriers to access as appropriate to ensure safety and security.**

B. Conditions Relating To Health And Sanitation:

1. A guarantee of sufficient water to serve the intended land use and a water delivery system ~~meeting standards adopted by the governing body.~~ **All uses shall comply with applicable Federal, State, and local standards.**
2. A wastewater disposal system and a solid waste disposal system ~~meeting standards adopted by the governing body.~~ **All uses shall comply with applicable Federal, State, and local standards.**
3. Construction of water mains, sewer mains and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the district and to provide for an orderly development of land in the county.

C. Environmental Concerns:

1. Limitations and/or restrictions on the use and/or location of uses in sensitive areas due to soils capabilities, wildlife and plant life.
2. Standards intended to conserve, enhance, restore, and maintain significant natural and manmade features which are of public value, including among other things, river corridors, streams, lakes and islands, domestic water supply watersheds, flood storage areas, natural shorelines and unique vegetation, wetlands, wildlife and fish habitats, significant geological features, tourist attractions, archaeological features and sites, historic features and sites and scenic views and vistas, and to establish criteria and standards for the development, change of use, or alteration of such features.
3. Processes for the control, elimination, or prevention of land, water, or air pollution; the prevention of soil erosion; and the control of objectionable odors. ~~Processes for the control, elimination or prevention of land, water, or air pollution; the prevention of soil erosion; and the control of objectionable odors.~~
  - a. These processes may include restrictions on degradation of water **and air** quality.
  - b. Developments which produce any **air pollution and/or** discharge to any watercourse shall demonstrate compliance with all federal, state and county **air and**

- water quality standards as evidenced by the issuance of any permits required for their discharge by the federal government, state and/or county.
- c. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces and drainage systems prior to final approvals for the project. It is the responsibility of any person, corporation or other entity doing any act on or across a stream, watercourse or swale, or upon the floodplain or right of way thereof, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain or right of way during such activity. **No work shall be done prior to conformance with all Federal, State and Local mandates, requirements and permits.**
  4. The planting of ground cover or other surfacing to prevent dust and erosion.
    - a. The proposed land disturbing activity will ensure and provide an undisturbed vegetation buffer from the top of the bank of a stream, wetland or other water body, unless a mitigation plan is approved for alterations within the buffer area.
    - b. Whenever feasible, natural vegetation will be retained and protected.
    - c. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
    - d. Plans will be made to accommodate increased runoff and sedimentation caused by altered soil and surface conditions during and after the proposed activity.
  5. Restructuring of the land and planting of the same as directed by the ~~planning commission~~ **County Engineer** when the conditional use involves cutting and/or filling the land and where such land would be adversely affected if not restructured.
  6. Limitations and/or restrictions on construction and/or development on slopes in excess of ~~thirty percent (30%)~~ **twenty-five percent (25%)** to control erosion.
  7. If the proposed conditional use involves hillside construction and/or development, **or is required to submit a geologic hazards report according to Section 8-5I of the Code**, the application will be approved only after the applicant provides:
    - a. Topographic information showing that the proposed activity is on land with a slope less than ~~thirty percent (30%)~~ **twenty-five percent (25%)** and that it is located more than two hundred feet (200') from a known landslide.
    - b. ~~A geologic/geotechnical report which shall be in form and content approved by the county engineer, consisting of, among other things, a slope stability study, earthquake analysis and sedimentation analysis, prepared by a certified engineering geologist or geotechnical engineer approved by the county engineer, certifying that the site or route in its entirety is suitable for the proposed development.~~
    - c. **b.** Such other engineering or technical reports as may be required by the ~~planning commission or governing body~~ **County Engineer**.
    - d. **c.** Detailed construction plans, drawings and specifications which outline all construction methods proposed to be utilized.
  8. **d.** In all cases, the applicant may be required to supply ~~a geologic report, a geotechnical study,~~ a hydrological study, a civil engineering study and other applicable engineering studies required by the ~~planning commission or governing body~~ **and** acceptable in form and content to the county engineer.
  9. **e.** The applicant's conditional use may be limited or denied if blasting, drilling or any other construction activity involved will weaken, or cause, adjoining slopes, geologic formations and manmade improvements to become unstable or if the proposed construction or operation will result in the creation of a geologic hazard to surrounding properties, such as through slumping, sliding or drainage modifications.

10. **8.** Standards to maintain the integrity/existence of natural drainage patterns as determined by the ~~planning commission~~ **County Engineer**.
11. **9.** Construction methods, specifications, drawings, plans and practices as requested by the county engineer.
12. **10.** An environmental assessment and/or an environmental impact statement which includes an alternatives analysis performed by a company approved in advance by the ~~planning commission~~ **County Engineer** may be required.
  - a. The environmental assessment/environmental impact statement shall identify all environmental concerns, including, but not limited to, visual and auditory aesthetics, erosion control, land, water and air pollution, and an alternatives analysis.
  - b. The alternatives analysis in the environmental assessment/environmental impact statement will address all reasonably possible alternatives to the proposed project. In the event the proposed use is a utility line or pipeline for the transportation, transmission, delivery or receipt of water, natural gas, electricity, telephone, cable television or any other similar use, public property or roadway rights of way shall be utilized to the extent possible and the least damaging practical alternative is presumed to be such public property or roadway rights of way, **including placement of the utilities underground as an alternative**; condemnation of private property for such uses is not favored and will only be allowed if there is no other reasonably practical alternative. This analysis must demonstrate that the applicant's chosen alternative is the least environmentally damaging of those alternatives available.
  - c. A finding of no other practicable alternative for the proposed use may be made after demonstration by the applicant that:
    - (1) The basic purpose of the project cannot reasonably be accomplished using another alternative.
    - (2) The basic purpose of the project cannot be accomplished by a reduction in the size, scope, configuration or density of the project as proposed, or by changing the design of the project in a way that would result in fewer adverse effects.
    - (3) If the applicant has rejected other alternatives, the applicant shall show that a reasonable attempt has been made to remove or accommodate the constraints associated with the rejected alternative.
- 11. Noise of such character, intensity or duration as to be detrimental to the life or health of any individual or in disturbance of the public peace and welfare is hereby prohibited. Safe noise levels may vary by use and location, but generally shall not exceed 85 decibels as measured fifty feet (50') from the property line where the noise is being generated.**
13. **12.** Such other or additional, **reasonable** standards as may be established by the planning commission or governing body as they may deem necessary for the protection of the health, safety, convenience and general welfare of the present and future inhabitants of the county and the environment.

D. Conditions Relating To Compliance With Intent Of General Plan And Characteristics Of Vicinity (Or Neighborhood):

1. The removal of structures, debris or plant materials, incompatible with the intended characteristics of the district outlined in this title.
2. The screening of yards or other areas as protection from obnoxious land uses and activities.
3. Landscaping to ensure compatibility with the intended characteristics of the district as outlined in this title.

4. Limitations or controls on the location, height and materials of walls, fences, hedges and screen plantings to ensure harmony with adjacent development, or to conceal storage areas, utility installations or other unsightly development.
5. The relocation of proposed or existing structures as necessary to provide for future streets on the major street plan of the county, adequate sight distances for general safety, groundwater control, or similar problems.
6. ~~Provision for or construction of recreational facilities necessary to satisfy needs of the conditional use.~~
7. Population density and intensity of land use limitations where land capability and/or vicinity relationships make it appropriate to do so to protect health, safety and welfare, or conservation of values.
8. Other improvements which serve the property in question and which may compensate in part or in whole for possible adverse impacts to the district from the proposed conditional use.
9. Conservation of values; community, neighborhood and property values.
10. The character of the neighborhood and aesthetics of the streetscape shall be considered in the location of fences and in determining the reduction of any front yard for fencing purposes.

E. Conditions Relating To Performance:

1. Time limits on the validity of the conditional use permit. Such time limits shall be determined by the following guidelines:
  - a. A conditional use permit for uses which are of a temporary nature only may be issued for the intended duration of the temporary use or for two (2) years, whichever period of time is shorter.
  - b. Unless there is substantial and positive development action under a conditional use permit within a period of one year of its issuance, said permit shall expire. The planning commission and governing body may grant a maximum extension for one year, when deemed in the public interest.
2. **a.** The **County Engineer**, planning commission and/or governing body may require the applicant to pay a performance and completion bond for ~~one hundred fifteen percent (115%)~~ **one hundred ten percent (110%)** of the cost of construction.
 

**b. As determined by County Engineer**, ~~The~~ **the** planning commission and/or governing body ~~may~~ **shall** also require a performance bond for ~~one hundred fifteen percent (115%)~~ **one hundred ten percent (110%)** of the cost of rehabilitation **and landscaping** to ensure that proper rehabilitation **and landscaping** is made over a ~~three (3)~~ **one (1)** year period. The rehabilitation **and/or landscaping** requirements will be determined by the county engineer, **and shall comply with all applicable federal, state, and local standards.**
3. Specific short and long range plans of development may be required to demonstrate timeliness, feasibility and impact on the public.
4. The applicant ~~may~~ **shall** be required to demonstrate that the general and specific requirements of this title are met. In addressing these requirements, the applicant and **County Staff**, the planning commission, **and/or the governing body** shall give due regard to the nature and condition of adjacent uses and structures. The environmental and other concerns, including, but not limited to, visual and auditory aesthetics, erosion control, energy conservation concerns and water and air pollution listed in this section under performance standards for conditional uses apply.
5. In connection with and as a condition of approval of any application for a conditional use, the applicant shall sign such agreements in form and content approved by the

county attorney, planning commission and/or governing body embodying any of the standards or requirements set forth herein or otherwise established by the planning commission and/or governing body.

~~F. Energy Conservation Concerns:~~

- ~~1. Solar orientation of buildings and uses.~~
- ~~2. Use of renewable energy sources.~~
- ~~3. Efficiency of exterior lighting.~~
- ~~4. Shading and protection of important buildings and pavings (parking lots, etc.); landscaping and trees, location of buildings and screens.~~
- ~~5. Effective use of vestibules.~~
- ~~6. Wind screening.~~
- ~~7. Circulation (travel) efficiency.~~
- ~~8. Efficiency of stormwater removal and erosion control.~~
- ~~9. Maintenance efficiency for offsite improvements to be maintained by the public.~~
- ~~10. Maintenance efficiency for on-site improvements to be maintained by users, occupants and owners, etc.~~

**F. Traffic Impact Analysis (TIA). The TIA is intended to develop public/private partnerships to coordinate land use and transportation facility development. Both the County and the land developer share in the responsibility to consider all reasonable solutions to identified transportation problems.**

- 1. Purpose. This process is done simultaneously with the submittal of a site plan. The goal of this study is to look at a specific development of known size and use and to determine the effect of that use on the existing roadway system. It uses existing traffic volumes and assumes the existing roadway configuration to be used for analysis. This process should ensure that the roadway system is adequate to accommodate the proposed use and may recommend mitigation measures necessary to ensure efficient traffic flow around the proposed site (as based on intersection and roadway levels of service).**
- 2. Objective. A TIA is intended to define the immediate impacts of the proposed development and any necessary transportation improvements (public or private) required to ensure a satisfactory level of service on all affected thoroughfares. A TIA is designed to mitigate traffic impacts by optimizing roadway capacity, access design, and traffic control. A TIA may not be used to deny development permitted by zoning, nor shall it be used to modify road design contrary to the comprehensive plan. Specific improvements to the existing roadways consistent with the thoroughfare plan may be needed to gain approval of site plan proposals.**
- 3. Definitions. The following words, terms and phrases, when used in this subsection, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:**

**Base volumes shall be based on current traffic counts adjusted to the expected date of project occupancy. When available, all base data shall be supplied to the County Engineer. In all cases when ground counts are needed and are not available, the developer or the developer's agent shall be required to collect such data.**

**Design year means the point in time upon which assumptions pertaining to land use, population, employment, and transportation facilities are based. All TIAs shall use a design year based on the expected date of project occupancy.**

**Level of service (LOS) means a measure of the level of congestion experienced on roadways. The desirable minimum level of service of the County is a level of service C in the peak hour. Level of service shall be measured on of both link and intersection operations.**

**Trip generation rates means the County's criteria for trip generation for various categories of land use and density and shall be those set forth in the latest edition of the trip generation informational report published by the Institute of Transportation Engineers (ITE), unless the proposed use does not have a corresponding rate in the trip generation manual. Alternate trip generation rates shall not be accepted but shall instead be adopted for countywide use on the basis of a general study of local conditions.**

- 4. Applicability.**
  - a. All TIAs shall be performed by a consultant qualified to perform such studies. Requirements for mitigating negative traffic impacts shall apply to all cases. In certain cases, due to project phasing, a TIA might be required with a concept plan submittal. It is the responsibility of the applicant to demonstrate that a TIA is not required for a nonresidential site plan application. In cases where a TIA is required, the site plan application will be considered incomplete until the TIA is submitted.**
  - b. A TIA will be required for nonresidential site plans submitted for approval that generate an increase of five percent (5%) or more over the base volume. A TIA may be required for nonresidential site plans submitted for approval that generate less than five percent (5%) or more over the base volume, and where the peaking characteristics could have a detrimental impact on the transportation system as determined by the County Zoning Administrator, County Engineer, or designee.**
- 5. Methodology. A presubmission consultation with the County Zoning Administrator, County Engineer, or designee is required. Details of the required analysis and the study area will be determined at this meeting. In certain instances, traffic from other approved but not built developments may have to be accounted for in traffic assignments. Staff may also require specific assumptions such as the percent trucks are altered to match local conditions. Peak hour analysis might be directed to reflect the peak 15 minutes for certain types of land uses. All of these types of issues will be addressed at the presubmission consultation.**
- 6. Content. The following procedures shall be followed in preparing traffic impact studies submitted to the County:**
  - a. Study area. A map shall be included delineating the TIA study area and all existing and planned streets therein. The study area will be defined in the presubmission consultation meeting with the County Zoning Administrator, County Engineer, or designee;**

- b. **Existing zoning and development.** Describe existing zoning including land area (gross and net) by zoning classification, square footage, numbers of hotel rooms, dwelling units, etc. Also, describe any existing development on site and how it will be affected by development proposals;
  - c. **Thoroughfare network.** Describe existing thoroughfares, signals and signal phasing, and traffic volumes within the study area;
  - d. **Proposed development.** Describe the proposed development including land area (gross and net), square footage, number of hotel rooms, dwelling units, etc. Also describe roadway conditions as expected by date of occupancy. Indicate roadway and intersection capacities at the study date;
  - e. **Impact determination.** Determine the level of service for all thoroughfares and intersections in the study area. The analysis shall contain the following minimum information:
    - (i) **Proposed trip generation.** Calculate total trip generation by use (assuming full development and occupancy) and report any reductions for passerby, mixed use, etc. Show trip generation by use in tabular form with land use trip generation rates and trips generated.
    - (ii) **Trip distribution and assignment.** Trips generated by the proposed development are to be added to the base volumes projected for the design year. Peak hour volumes must be calculated. Distribution assumptions and assignment calculations must be provided.
    - (iii) **Level of service analysis.** Show in tabular form 24-hour and peak hour volume-to-capacity (V/C) ratios for links and intersections within the study area. This analysis should be done for the following traffic conditions: existing traffic, background traffic, and background plus project traffic. Analyze all points of ingress and egress, median breaks, and turn lanes associated with the proposed site.
    - (iv) **Conclusions.** Provide a summary of points of conflict and congestion. Identify all thoroughfare links or intersections exceeding a level of service D and the percent increase in total traffic produced by the proposed site plan. Identify any operational problems (e.g., drives, median openings, and signalization) within the study area.
7. **Mitigation.** Traffic levels exceeding a level of service D, where the development is contributing five percent (5%) or more of the total trips, shall be mitigated to predevelopment levels. Problems demonstrated by the TIA can be corrected by:
- a. **Access management** relating to driveway and median opening spacing;
  - b. **Modifying density or intensity of use** (e.g., reduction in square footage or percentage of commercial use);
  - c. **Phasing construction** until additional roadway capacity becomes available;
  - d. **On-site improvements** including access controls and site circulation adjustments; and/or
  - e. **Off-site improvements** including the construction of additional lanes where the surrounding thoroughfares are not fully developed or

**intersection improvements, including signalization, where the surrounding area is approaching full development.**

**8. Costs of mitigation. Mitigation improvements which are attributable to the proposed development shall be funded at the developer's expense. Any other improvements shown which are consistent with the thoroughfare plan may be repaid in a pro rata fashion by the County in accordance with its cost sharing policies.**

**G. Conservation bond required. For large retail developments greater than 50,000 square feet of open plan, big-box-type warehouses, stores or shops, and including, but not limited to, car sales, used car lots, strip malls and parking structures, the developer shall be required to post a conservation bond equal to 20 cents per square foot, or 110 percent of the cost of demolition and removal of the structure and associated parking, whichever is greater. If the building is determined to be unoccupied, the County may order the demolition of the building and parking areas. This demolition will take place if 70 percent of the structure/lot is unoccupied for more than two years.**

~~G. H. Conditional Use Permits Are Public Comment Items: All conditional use permits are considered public comment items. The first public meeting regarding a conditional use permit shall be noticed as a public comment item pursuant to this title.~~

**Section 8-8-5 (General Standards) follows:**

When applicable, the following general standards shall apply to all conditional use developments within the county, unless waived for good and sufficient reasons by the ~~planning commission~~ **governing body**:

A. Ownership: The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.

B. Landscaping, Fencing And Screening: Landscaping, fencing, and screening within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the planning commission for approval, together with other required plans for the development. **Where required, the developer shall be responsible for installation of all landscaping, fencing, and screening within the development.**

C. Signs And Lighting: The size, location, design and nature of signs, if any, and the intensity and direction of area lighting or floodlighting shall be detailed in the application.

D. Grading And Drainage Plan: A grading and drainage plan shall be submitted to the ~~planning commission~~ **County Engineer** with the application.

E. Planting Plan: A planting plan showing the proposed tree, shrubbery and lawn plantings shall be prepared for the entire site to be developed, including especially the yards which abut upon public streets.

F. Use Not Detrimental: It shall be shown **by the applicant** that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety or general welfare of persons residing in the vicinity of the conditional use development.

G. Water And Sewer System: All buildings used for human occupancy when completed shall be served by a central water system and appropriate sewage disposal system which have been approved by the building official and which are in compliance with applicable local and state law.

H. Bond: In order to ensure that the development will be constructed to completion in accordance with approved plans, the ~~planning commission~~ **governing body** shall require the developer to render a payment, or post a performance and/or completion bond, mortgage, or other valuable assurance acceptable to the governing body, in an amount equal to the estimated cost as determined by the county engineer, plus ~~fifteen percent (15%)~~ **ten percent (10%)** of constructing the proposed project, including, without limitation, all required landscaping, road improvements, pedestrianways, bike paths, curbs and gutters, utility lines, conduits, street lighting, hard surfacing, culinary water and sewer lines (and domestic sewage disposal facilities if sewer is not available), as shown on the final site plan. The ~~planning commission and/or~~ governing body shall also require the developer to post an adequate bond to ensure proper rehabilitation as the circumstances warrant. The ~~planning commission and/or~~ governing body may also require of the developer an additional bond to ensure against any damage to any property, buildings, improvements, structures, water wells, springs and water aquifers which may be adversely affected by the proposed project in such amounts as the planning commission and/or governing body determine is appropriate under the proposed project. Any such bond shall be in favor of the county and each affected third party private property owner. Estimates of cost shall be furnished by the developer which will be checked for accuracy by the planning commission staff. Final determination of the amount of each required bond or other assurance shall be made by the **County Engineer and approved by the** governing body.

5. The duration of the bond or other assurance shall be for one or more years from the date of approval of the development by the governing body and an extension of time for completion may be granted by the governing body upon application by the developers, provided such application is submitted at least sixty (60) days prior to the expiration of the bond or other assurance, and provided the issuer of the bond is willing to extend the time of the assurance.
6. In the event the developer defaults or fails or neglects to satisfactorily install the required improvements within one year from the date of approval of the development by the governing body, or to pay all liens in connection therewith, the governing body may declare the bond or other assurance forfeited and the county may install or cause the required improvements to be installed using the proceeds from the collection of the bond or other assurance to defray the expense thereof.
7. The developer shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than ten (10) days prior to the release date of the bond or other assurance, the county engineer shall make a preliminary inspection of the improvements to be made and submit a report to the governing body setting forth the conditions of such facilities. If all liens are paid and other conditions thereof are found to be satisfactory, the governing body shall release the bond or other assurance. If the condition of material or workmanship shows unusual depreciation or does not

comply with the acceptable standards of durability, or if any outstanding liens are not paid, the governing body may declare the developer in default.

I. Fees And Costs Paid By Applicant: In connection with any application for a conditional use, the applicant shall pay to the county, within ten (10) days of receipt of each invoice, all of the county's out of pocket engineering and professional fees and costs incurred in connection with the independent professional review, inspection, testing and/or analysis of the proposed development or project, and the project during construction and upon completion of the same, including, without limitation, all plan and report review and inspections, and supervising and reviewing any required environmental assessment or environmental impact statement.

J. Environment: Grouping and spacing of buildings and dwellings in residential areas shall provide for a restful and uncrowded environment. Landscaped areas shall be encouraged as the dominant features of the development. Areas not covered by buildings or by off street parking space or driveways shall generally be planted into natural vegetation, lawn, trees and shrubs, and otherwise landscaped and maintained in accordance with good landscape practice as approved on the final plan. ~~Permanent automatic irrigation~~ **Irrigation** systems shall **may** be installed ~~when required by the planning commission~~ to provide for maintenance of planted areas.

K. Plans, Plats And Documents: Details of plans, plats and documents to be submitted showing the size of water lines, sewer lines and other domestic sewage disposal facilities, garbage and trash disposal, the quality of material and improvements, protection from adverse influences, lighting, landscaping, off street parking, grading and other details of design and construction shall conform to standards as set forth in such resolutions pertaining to such standards as may be adopted by the ~~planning commission~~ **governing body**.

L. Standards And Requirements: The development shall meet all standards and requirements of this title and all requirements of applicable ordinances.

M. Character Of District: The development shall be in keeping with the general character of the district within which it is to be located.

N. Plan Preparation: Depending upon the complexity of the project, the ~~planning commission~~ **County Engineer** may require that plans for the development be prepared by a qualified professional team. In all cases, it is recommended that professional design and other assistance be obtained early in the program. It is the intent of the county that the developer solve his/her problems before approval is given and construction begins.

O. Storm Drainage Facilities: Storm drainage facilities **shall be approved by the County Engineer and Public Works Director and** shall be so constructed as to protect residents of the development as well as adjacent property owners. Such facilities shall be of sufficient capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the development.

~~P. Permits Required: All structures required by this title to have building permits and all uses required to have use permits shall be inspected by the building official in accordance with procedures established by the building code, as adopted by the county and this title; provided, however, that no building permit for such structures or use permits shall be issued until the planning commission, or the zoning administrator if authorized by the planning commission and~~

~~governing body, has issued a conditional use permit for the building site or use or have determined that a conditional use permit is not required by this title.~~

Morgan County Zoning Map Amendment  
(Discussion only)  
May 26, 2016

## **Background**

The Planning Commission is aware of the conflict between the language of the text of the Zoning Ordinance, which was amended, and each of the zoning designations was changed, but the official Zoning Map for the County was not amended to reflect these changes. The following notes the designations as changed:

### **8-5C-1: PURPOSE:**

The purpose of the following districts is:

- A. ~~Commercial-Buffer~~ **Business Park** District ~~CB (BP)~~: To provide areas for appropriate transitions of **between** commercial uses **and residential uses. Developments are intended to reduce impact adjacent properties by using landscaping, setbacks, and building design.**
- B. Neighborhood Commercial District ~~C-N (NC)~~: To provide areas in appropriate locations where convenience buying outlets may be established to serve surrounding residential neighborhoods. The regulations of this district are designed to promote a combination of retail and service facilities which in character and scale are necessary to meet day to day needs of area residents.
- ~~C. Commercial Shopping District C-S: To provide areas in appropriate locations where a combination of businesses, commercial, entertainment and related activities may be established, maintained and protected. The regulations of this district are designed to promote and encourage the development of comparison shopping centers.~~
- ~~D. Highway Commercial District C-H: To provide areas in appropriate locations adjacent to highways or major streets where activities dependent upon or catering to thoroughfare traffic and the traveling public may be established, maintained and protected. The regulations of this district are designed to encourage harmony between traffic needs and centers for retail commercial, entertainment, automotive facilities, and other appropriate highway related activities.~~
- E. General Commercial District ~~C-G (GC)~~: To provide areas in appropriate locations where a combination of businesses, commercial, entertainment, and related activities may be established, maintained and protected. Regulations of this district are designed to provide a suitable environment for those commercial and service uses which are vital to economic life, but some of which would be intrusive and disruptive in a shopping center type of commercial development.
- F. **Light** Manufacturing ~~Distribution~~ District ~~M-D (LM)~~: To provide areas in appropriate locations where light manufacturing, industrial processes and warehousing not

producing objectionable effects may be established, maintained and protected. The regulations of this district are designed to protect environmental quality of the district and adjacent areas.

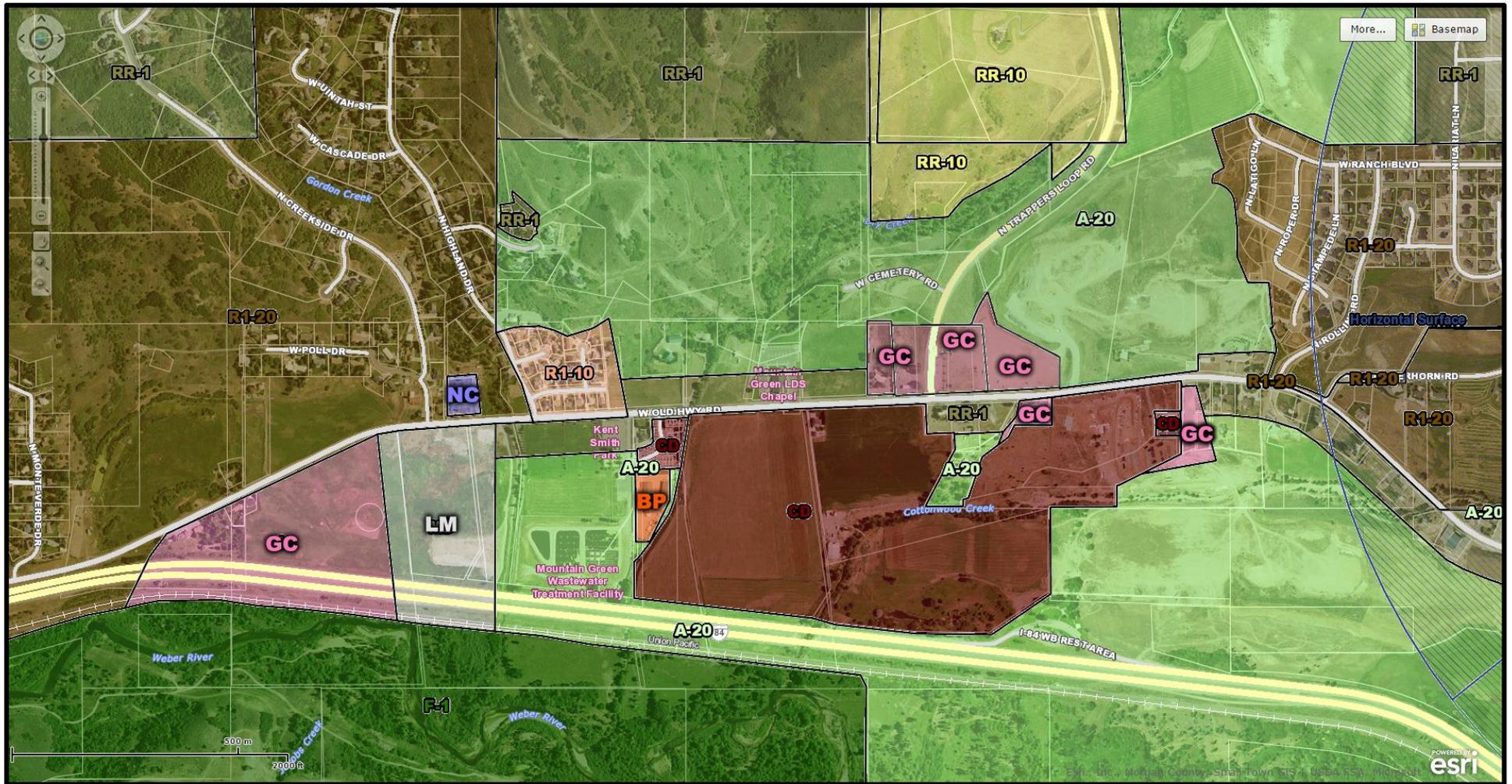
- G. General Industrial District ~~M-G~~ **(I)**: To provide for areas in appropriate locations where heavy industrial processes necessary to the economy may be conducted. The regulations of this district are designed to protect environmental quality of the district and adjacent areas.

The intent of these changes seems apparent in the **Bold/Strikethrough** formatting above, where the amended text indicates which new zoning district would be applied to which former designation. Further, the "C-S" and "C-H" districts were anticipated to be combined in the newly named "GC" or General Commercial zoning district.

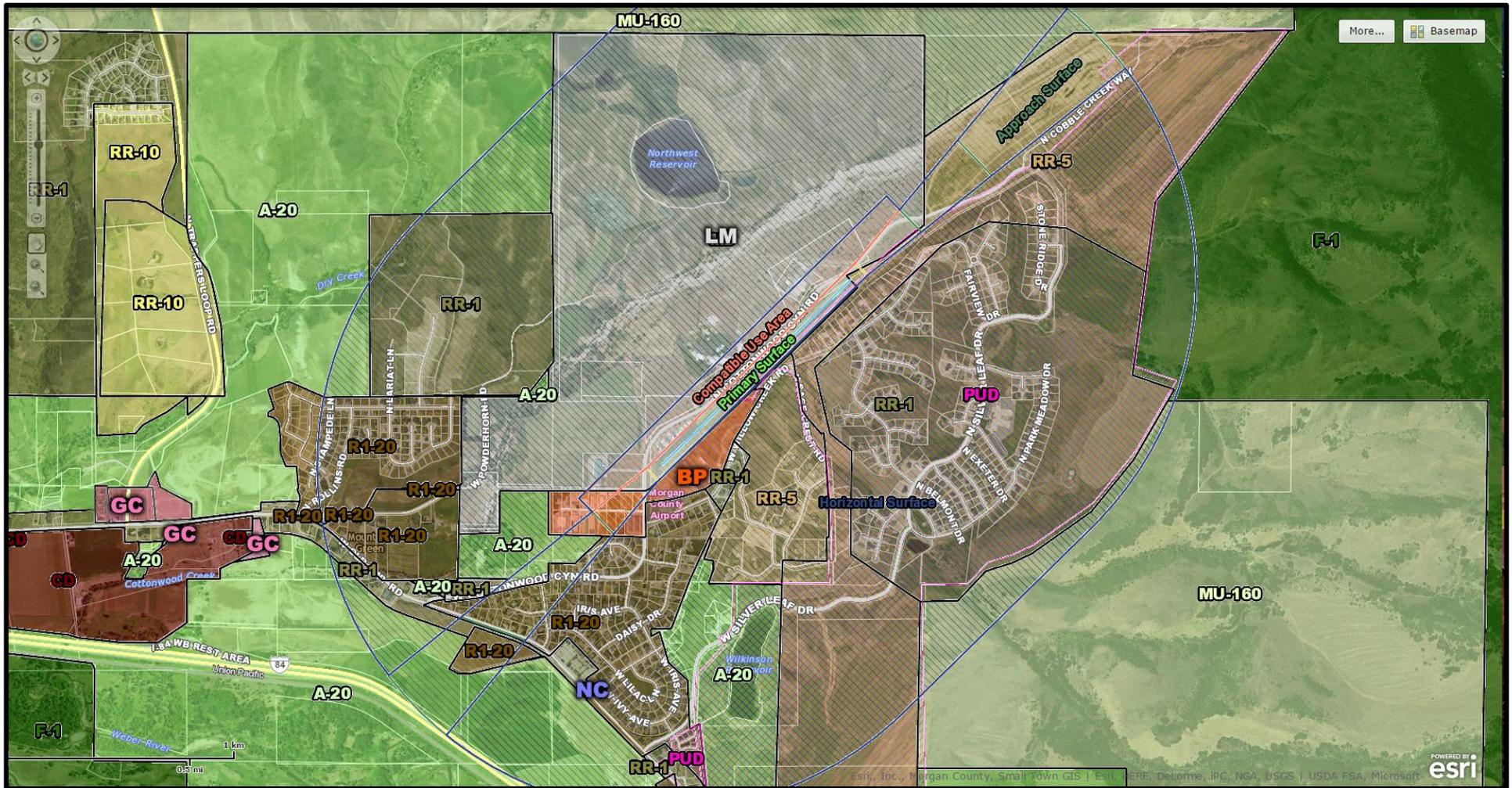
It should be noted that the geographically defined boundaries of those areas currently designated in the several commercial districts have not changed nor are proposed to be changed by this amendment. Rather, it is a formal declaration of the names of each district and specifying on the official zoning map how the amended names should be reflected.

In the County Council meeting on 17 May 2016, the Council directed Staff to have the Planning Commission hold a public hearing on the maps and to get a recommendation to the County Council by the 21 Jun 2016 County Council meeting. This is also the case for the Conditional Use Standards (Sections 8-8-4 and 8-8-5) and any revisions to the Use Table (8-5C-3). Please refer to the other staff reports dealing with those changes.

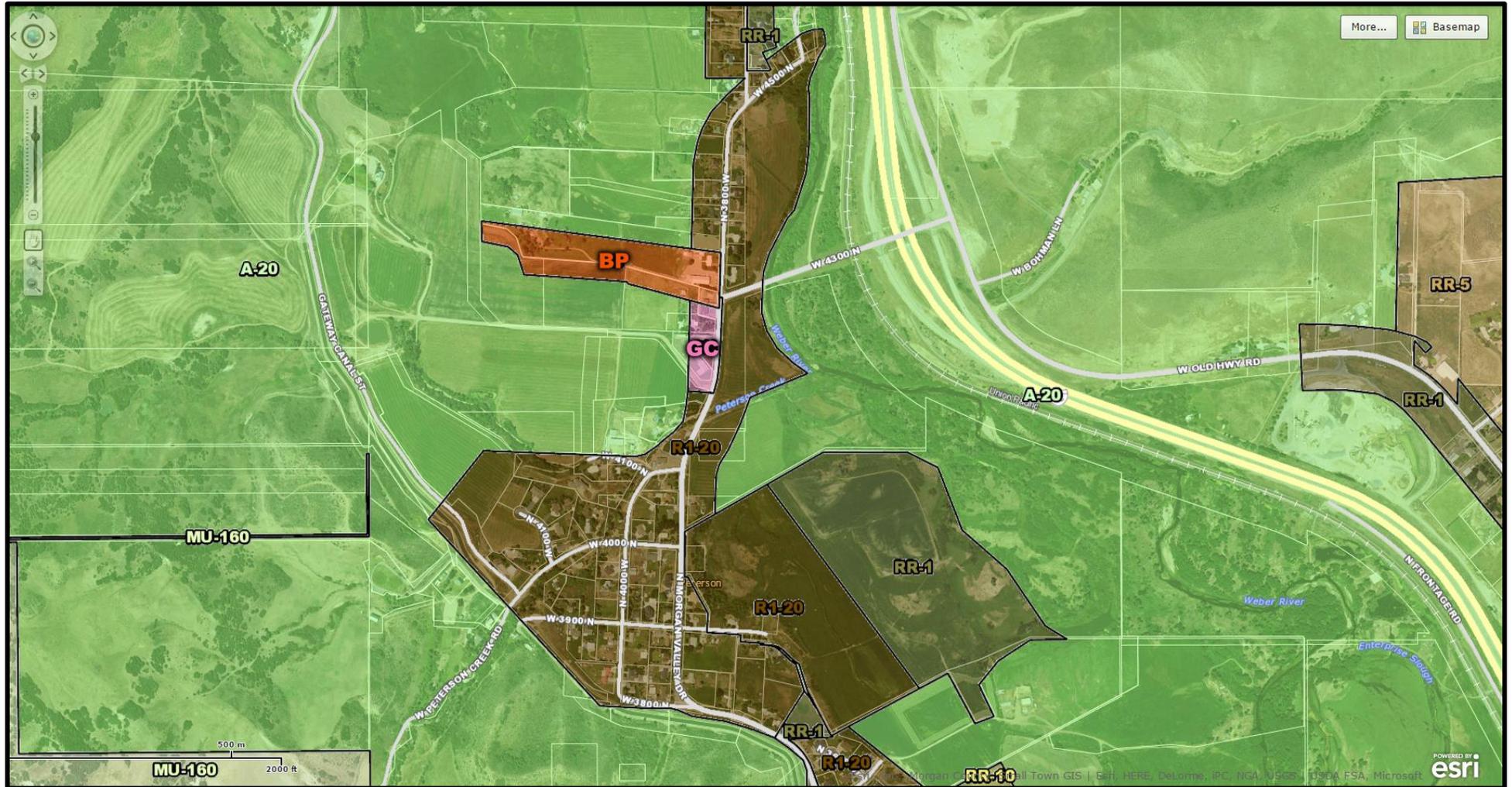
Map 1 – Mountain Green – Central Area



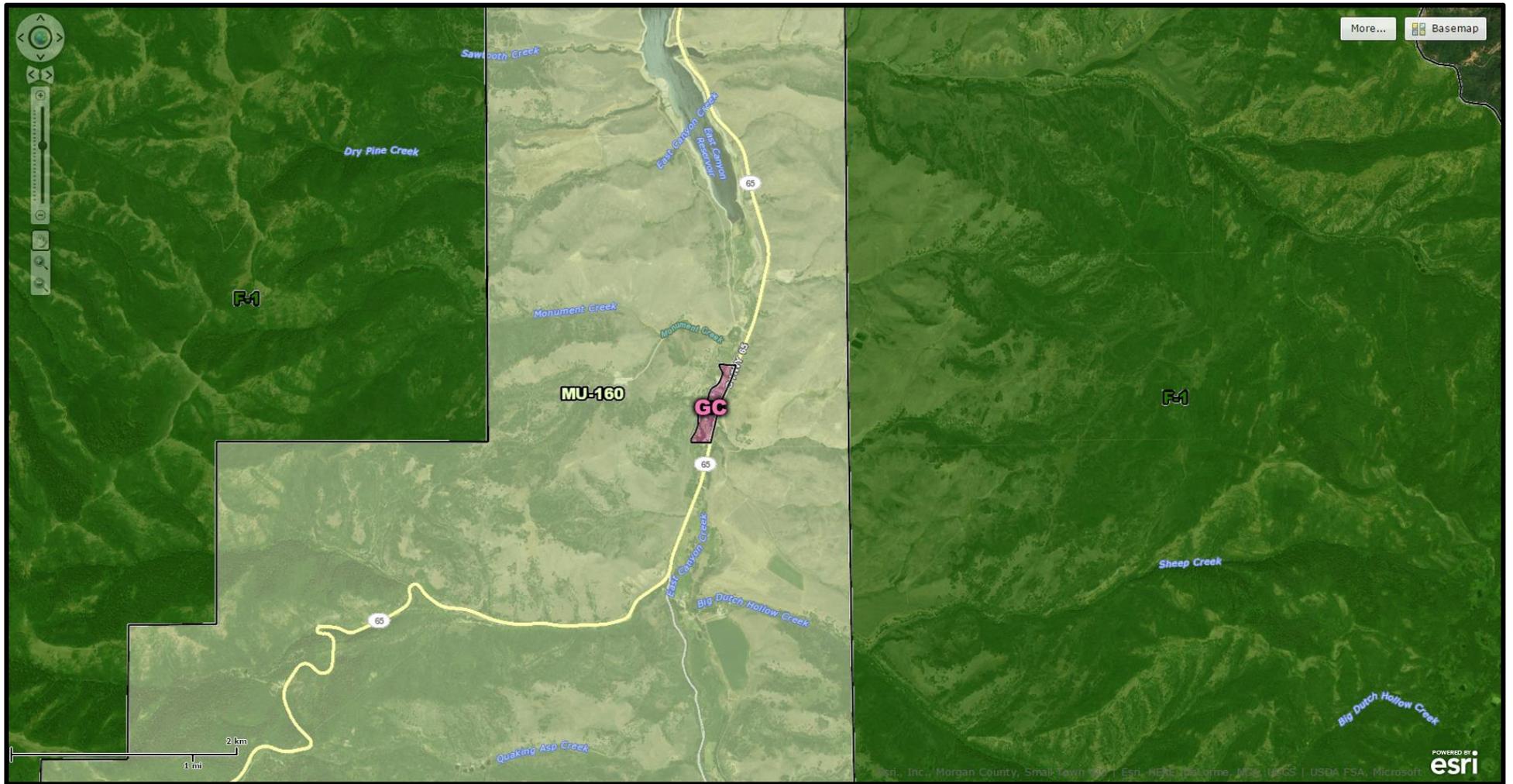
Map 2 – Mountain Green – Eastern Area



Map 3 – Peterson/Enterprise Area



Map 4 – East Canyon Area



Map 5 – Round Valley/Croydon Area

