



PLANNING COMMISSION AGENDA (SPECIAL MEETING)

Thursday, July 9, 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
2. Pledge of Allegiance
3. Approval of agenda
4. Declaration of conflicts of interest
5. Public Comment

Legislative:

6. Discussion/Public Hearing/Decision – Sanders Future Land Use Map Amendment
7. Discussion/Public Hearing/Decision – Amendments to the Morgan County Land Use Management Code
8. Planning Commission Business/Questions for Staff
9. Approval of minutes from June 25, 2015 and June 30, 2015
10. Adjourn

Sanders Future Land Use Map Amendment
Public Hearing
July 9, 2015

Application No.: 15.044
Applicant: Bruce Sanders
Owner: Sanders Holdings, LLC
Project Location: approximately 4720 South Highway 66 (South of Porterville)
Current Zoning: A-20
General Plan Designation: Agriculture
Acreage: Four Parcels – approximately 9 acres, 4 acres, 2.5 acres, and 2.27 acres; total – approximately 17.77
Request: Amend the Future Land Use Map, changing the existing designation from Agricultural to Rural Residential
Date of Application: March 12, 2015
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 to the north and west (along Hwy 66).
3. That the anticipated development will not adversely impact the adjacent properties.

Background

Bruce Sanders has applied for a future land use map amendment in order to ultimately facilitate a zone change, which would allow him to build on the lots he currently has in addition to potentially creating a few more lots. There are currently four parcels that are included in this application. The property is located at approximately 4720 S. Hwy 66 and contains approximately 4 lots totaling approximately 17.77 acres. The proposed amendment would change the Future Land Use Map from "Agricultural" to "Rural Residential". The land is currently vacant (see Exhibit A).

Analysis

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

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

The General Plan and Future Land Use Map anticipate the development of property in this area. The current designation, Agricultural, notes that:

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.

The proposed designation, Rural Residential, states:

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

As can be seen in Exhibit D, there is already some compatible development in the area. It is also anticipated that the developer will request a rezone to the RR-1 zoning district 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 Sanders Future Land Use Amendment, application number 15.044, changing the designation from Agricultural to Rural Residential, based on the findings listed in the staff report dated July 9, 2015.”

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the Sanders Future Land Use Amendment, application number 15.044, changing the designation from Agricultural to Rural Residential, based on the findings listed in the staff report dated July 9, 2015, *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: Section Plat Map

Staff Contact

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

Exhibit A: Vicinity Map

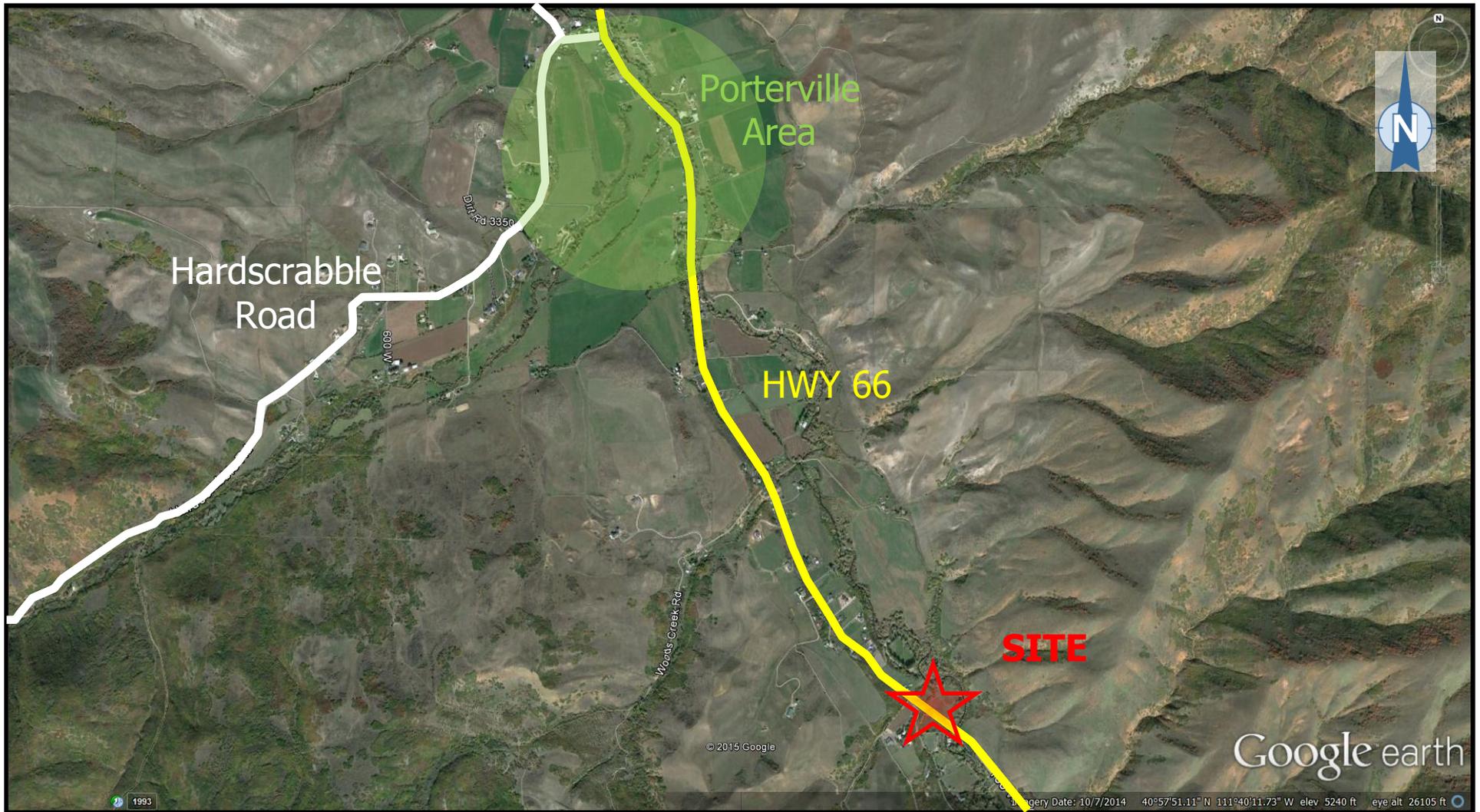


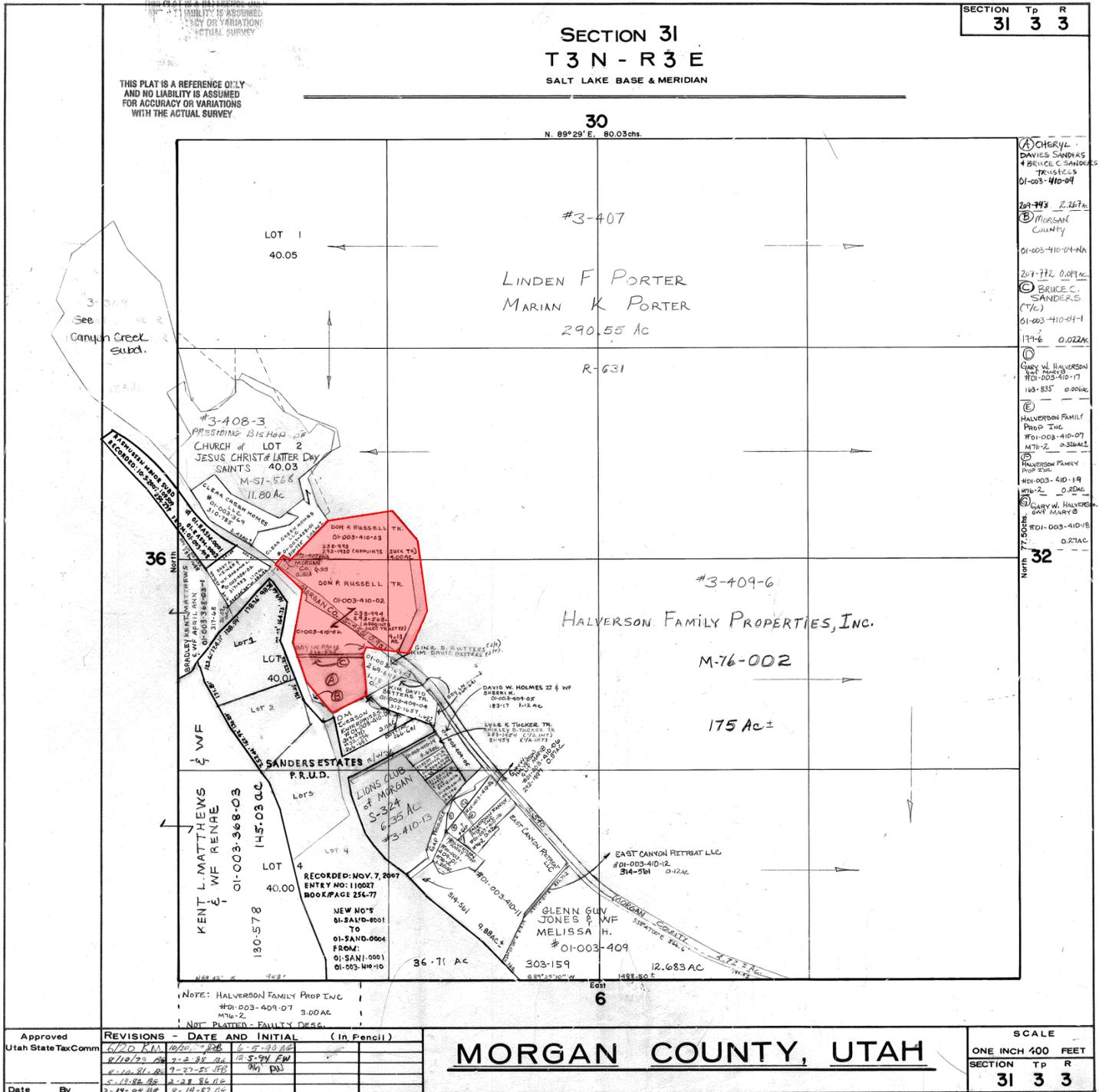
Exhibit B: Future Land Use Map



Exhibit C: Existing Zoning Map



Exhibit D: Section Plat Map



Agricultural Land Division, Religious Uses in Residential Zones, Frontage Requirements in Certain Zones, and Small Subdivision Ordinance Revision
July 9, 2015

Applicant: Morgan County
Discussion: Revision of Exemption from Plat Requirements Ordinance (Section 8-12-9), Religious Uses in Residential Zones (Sections 8-5A-3 and 8-5B-3), Frontage Requirements Ordinance (Section 8-5A-5), and Small Subdivision Ordinance (Sections 8-12-54 and 8-12-57 – 8-12-58) and Streets, Private Lanes, and Driveways (Section 8-12-44 (D)(2))

Date of Previous Discussion: June 11, 2015 (Discussion only)

Background and Analysis

Exemption from Plat Requirements:

County Staff has been made aware of a significant discrepancy with regard to the subdivision of land in Morgan County. Section 8-12-9 from our Code allows for exemptions from platting requirements for three scenarios:

1. Section A describes and regulates conditions where land may be divided for "bona fide agricultural" lands.
2. Section B creates remnant parcels that are divided from a larger parent parcel in the case of multi-phase subdivisions. This means that as a subdivision moves through the various phases of development, the parcels created by the initial phases create land that is left over, but which is also subject to the previous approval of a concept plan.
3. Section C allows for dividing land for public facilities/utilities.

These divisions of land are specifically not called "subdivisions." Because of this, and because they are generally exempt from platting requirements – including infrastructure, access, lot frontage, other regulation – there is difficulty on the part of Staff in administering the future development on these parcels. This difficulty begins with Section 8-12-9 (A)(5), which indicates that the County "may require" any resulting lot or parcel divided by a bona fide agricultural division. This verbiage is problematic because it is open-ended and subjective (good ordinances provide clear direction to both Staff and applicants) and because it is not in harmony with what the State Code requires. Utah State Code Title 17 Chapter 27a Part 6 Section 605 (2)(a) allows for the division of agricultural land exempt from plat requirements. However, Section 605 (2)(b) states that if a lot or parcel exempted under the previous Subsection is "used for a nonagricultural purpose, the county ***shall require*** the lot or parcel to comply with ... all

applicable land use ordinance requirements.” Thus, simply changing the “may require” in our current ordinance to “shall require” would seem to address this ambiguity.

There is some lingering concern regarding how this exemption is administered. If a bona fide agricultural division of land creates a parcel or lot, when that title gets transferred at some point in the future, how will the new buyer be alerted that adherence to the requirements of the subdivision ordinance is required prior to the issuance of a building permit? Further, how will County Staff become alerted that the property was divided under the bona fide agricultural division of land, and thus know to require the adherence to the Code? It would be something of a shock to a potential land owner to know that their lot was not buildable unless a plat was recorded. State Code does not offer guidance on this issue.

Religious Uses in Residential Zones:

Religious uses were omitted from the recent revisions to the land use tables in Sections 8-5A-3 and 8-5B-3. It has been proposed that the tables be revised to allow for religious uses as a permitted as of right use in each of these zones.

Lot Frontage Requirements:

Section 8-5A-5 is titled “Width and Frontage Requirements”. It lists the several zones in the “Multiple Use” zoning districts (F-1, MU-160, A-20, RR-10, RR-5, and RR-1) with their corresponding width requirements. However, it does not specify that the width requirement is also the frontage requirement. Staff is recommending the addition of the following sentences to add clarity:

Where lots have lot lines that are adjacent to and share a boundary line with a public or private road, the minimum lot width shall also be the minimum frontage along that road. Lots that are not adjacent to or share boundary line with a public or private road shall provide evidence of easements for access to the property. Access easements shall be a minimum of thirty feet (30') wide and shall be recorded against adjacent properties in favor of the lot, and shall allow access for emergency personnel and apparatus. The minimum width in feet for any lot in the districts regulated by this article, except as allowed for utility uses and governmentally operated essential service facilities in section 8-6-18 of this title, shall be:

As an alternate to this, we could consider an additional provision regarding allowing these access easements only in the F-1 and MU-160 zoning districts.

Small Subdivision Ordinance/Streets, Private Lanes, and Driveways:

When the Planning Commission met to discuss the above items on June 11, 2015, an additional item was brought forward for consideration. This item related to the authority of the Zoning Administrator to approve small subdivisions, which are subdivisions of land that meet all of the underlying zoning requirements, that do not involve the installation or dedication of new infrastructure, and that are otherwise fairly straightforward and not controversial. The desire of the Planning Commission is to have the review and approval authority changed to the Planning

Commission rather than just the Zoning Administrator. Staff is in favor of this change, noting that more review that a subdivision is subjected to the better.

The proposed change would have a minimal impact on the process for applicants. The time frame and noticing requirements are similar for a zoning administrator decision or a Planning Commission decision, and only one meeting is required for preliminary/final plat approval.

See the proposed revised ordinance in Exhibit D below for changes.

Supporting Information

Exhibit A: Draft Revised Ordinance Section 8-12-9 "Exemption from Plat Requirements"

Exhibit B: Draft Revised Ordinance Sections 8-5A-3 and 8-5B-3 "Use Regulations"

Exhibit C: Draft Revised Ordinance Section 8-5A-5 "Width and Frontage Requirements"

Exhibit D: Draft Revised Ordinance Sections 8-12-54 and 8-12-57 – 8-12-58 "Small Subdivision" and Section 8-12-44 (D)(2) "Streets, Private Lanes, and Driveways"

Staff Contact

Bill Cobabe, AICP

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Exhibit A: Proposed Revised Ordinance Section 8-12-9 “Exemption from Plat Requirements”

Note – deletions are in ~~striketrough~~; additions are in **bold**

Section 8-12-9

8-12-9: EXEMPTION FROM PLAT REQUIREMENTS:

- A. Divisions of bona fide agricultural land are not included within the definition of subdivision, pursuant to Utah Code Annotated section 17-27a-103(57)(c) et seq., as amended. A lot or parcel resulting from the division of agricultural land is exempt from the plat requirements if each resulting lot or parcel:
1. Qualifies as land in agricultural use under Utah Code Annotated section 59-2-502 et seq., as amended; and
 2. Meets the following minimum size requirements within the zone in which the lot or parcel is located:
 - a. MU-160: One hundred sixty (160) acres;
 - b. F-1: One hundred sixty (160) acres;
 - c. A-20: Twenty (20) acres;
 - d. RR-10: Ten (10) acres;
 - e. RR-5: Five (5) acres;
 - f. RR-1: Five (5) acres;
 - g. R1-20: Five (5) acres;
 - h. R1-12: Five (5) acres;
 - i. R1-8: Five (5) acres;
 - j. CB: Five (5) acres;
 - k. C-N: Five (5) acres;
 - l. C-S: Five (5) acres;
 - m. C-H: Five (5) acres;
 - n. C-G: Five (5) acres;
 - o. M-D: Five (5) acres;
 - p. M-G: Five (5) acres; and
 3. Is not used and will not be used for any nonagricultural purpose.
 4. The boundaries of each lot or parcel exempted under this division of agricultural land exemption shall be graphically illustrated on a record of survey map that, after receiving written approval from the zoning administrator that the proposed division complies with this section, shall be recorded with the county recorder.
 5. If a lot or parcel exempted under this subsection is used for a nonagricultural purpose, the county ~~may~~ **shall** require the lot or parcel to comply with the requirements of the subdivision ordinance.
- B. A bona fide division or partition of land by deed or other instrument where the county council expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels.
- C. A bona fide division or partition of land for the purpose of siting, on one or more of the resulting separate parcels:

1. An electrical transmission line or a substation;
2. A natural gas pipeline or a regulation station;
3. An unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility; or
4. An unmanned community water system facility, storage tank, or well house;
5. Public facilities and public service facilities.

Exhibit B: Draft Revised Ordinance Sections 8-5A-3 and 8-5B-3 "Use Regulations"

	Districts										
	MU-160	F-1	A-20	RR-10	RR-5	RR-1	R1-20	R1-12	R1-8	RM-7	RM-15
Religious Uses (including Churches, Rectories, and other faith-based uses)	P	P	P	P	P	P	P	P	P	P	P

Exhibit C: Draft Revised Ordinance Section 8-5A-5 “Width and Frontage Requirements”

Section 8-5A-5: WIDTH AND FRONTAGE REGULATIONS:

	Districts					
	MU-160	F-1	A-20	RR-10	RR-5	RR-1
<p>Where lots have lot lines that are adjacent to and share a boundary line with a public or private road, the minimum lot width shall also be the minimum frontage along that road. Lots that are not adjacent to or share boundary line with a public or private road shall provide evidence of easements for access to the property. Access easements shall be a minimum of twenty-four feet (24') wide and shall be recorded against adjacent properties in favor of the lot, and shall allow access for emergency personnel and apparatus. The minimum width in feet for any lot in the districts regulated by this article, except as allowed for utility uses and governmentally operated essential service facilities in section 8-6-18 of this title, shall be</p>	1,320	1,320	330	330	250	200

Exhibit D: Draft Revised Ordinance Sections 8-12-54 and 8-12-57 – 8-12-58 “Small Subdivision” and Section 8-12-44 (D)(2) “Streets, Private Lanes, and Driveways”

8-12-54: ~~STAFF~~ **APPROVAL** AUTHORITY; SMALL SUBDIVISIONS:

In the case of small subdivisions, the ~~zoning administrator of the county~~ **Planning Commission** shall have the ability to approve, approve with conditions, or deny a small subdivision in accordance with the regulations outlined in this chapter. Alternatively, the ~~zoning administrator~~ **Planning Commission** may direct that the application follow the standard procedures for subdivision approval, as provided elsewhere in this chapter. The applicant may appeal the decision of the ~~zoning administrator~~ **Planning Commission** to the county council as outlined elsewhere in this chapter.

...

8-12-57: REVIEW BY THE ~~COUNTY STAFF~~ **PLANNING COMMISSION** OF SMALL SUBDIVISIONS:

A. Once comment has been received from all notified government departments, agencies, and property owners, the planning and development services department shall review the submitted small subdivision application and check compliance with relevant requirements of the county's general plan, land use management code, and other appropriate regulations, **and shall present a Staff Report to the Planning Commission.** Based on this review **Staff Report**, the ~~zoning administrator~~ **Planning Commission** shall make findings regarding the submitted small subdivision plan, specifying the approval, approval with conditions, or denial of the subdivision, or specifying any inadequacy in the information submitted, noncompliance with county regulations, questionable or undesirable design and/or engineering. The ~~zoning administrator~~ **Planning Commission** may also make a determination that the small subdivision is required to proceed through the normal subdivision process. The zoning administrator shall ~~forward the review comments in writing~~ **prepare a notice of decision and deliver** to the applicant within a reasonable period following the review, **outlining the decision of the Planning Commission, including any findings and/or conditions of approval.**

The ~~zoning administrator~~ **Planning Commission** shall take the following into account when determining whether the application will require standard ~~planning commission and county council~~ subdivision review:

1. The size of the proposed development;
2. Whether the subdivision lies within the sensitive area district or geologic hazards special study area;
3. Compliance with county ordinances and relevant sections of the county general plan;
4. Requests for exceptions or modifications;
5. Compatibility with surrounding properties; and

6. Whether the proposal is routine and uncontested.

B. The ~~zoning administrator~~ **Planning Commission** may require additional information, data or studies to be provided by the applicant for the subdivision before any determination is made as to the acceptability of the proposed subdivision.

C. The ~~zoning administrator~~ **Planning Commission** may, after review of the plan and comment from other departments and agencies, direct the applicant to follow the standard procedures required for subdivision, as described in this chapter.

D. The applicant may appeal any decision of the ~~zoning administrator~~ **Planning Commission** to the county council within fourteen (14) days of the notice of decision. The appeal must be submitted in writing to the planning and development services department. The county council shall then, during a public meeting, review the record of the decision and determine if the ~~zoning administrator's~~ **Planning Commission's** decision was in accordance with this title. If the ~~zoning administrator's~~ **Planning Commission's** decision is found to not be in accordance with this title, the application shall be remanded, with comment regarding the county council's action, to the ~~zoning administrator~~ **Planning Commission** for additional review.

E. The zoning administrator shall provide notification of any final decision regarding a small subdivision to the planning commission and county council. (Ord. 10-16, 12-14-2010)

8-12-58: RECORDATION OF THE SMALL SUBDIVISION:

Once an approval of a small subdivision has been granted, the applicant shall submit to the planning and development services department the final mylar, construction drawings, AutoCAD (DWG) files, improvements guarantee, title report, and all other final submittal requirements which comply with the requirements of this chapter. **The final plat shall contain all appropriate signature blocks, as noted in this Chapter, except the County Council signature block, which is to be omitted.** All final submittals shall also be reviewed and approved by the county engineer and county surveyor, as outlined in sections 8-12-33 and 8-12-34 of this chapter, and county attorney, as outlined in section 8-12-38 of this chapter. All requirements found in this title for subdivision plat recording apply to small subdivisions.

...

8-12-44: STREETS, PRIVATE LANES, AND DRIVEWAYS:

...

D. Improvements Required: All lots or parcels created by the subdivision shall have frontage on a street, improved and dedicated to the standards required herein. 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: (Ord. 12-09, 9-18-2012)

...

2. Improvements Exemption: ~~County staff~~ **The Planning Commission** may provide an improvements exemption for certain street improvement requirements. Residential subdivisions of ten (10) lots or fewer may receive a special exemption from the requirement to improve infrastructure deficiencies along the frontage of existing infrastructure. This exemption shall only be available for those properties abutting existing public streets, as indicated in this subsection and as determined by county staff. Pavement width, curb, gutter, sidewalks, and park strips may be treated as separate components. The requirement to provide for each shall depend on the existence of each component previously improved within three hundred feet (300') of the subdivision boundaries. In all cases where each component of new infrastructure is required, it shall be installed pursuant to adopted standards.

Such an exemption may be granted upon finding that requiring the full street infrastructure improvements is not roughly proportional, in nature or extent, to the impact of the development on the community; is not beneficial to the county; or may be detrimental to the neighboring property abutting the development; and that the waived improvements are not necessary at this time to protect the public's health, safety, and welfare.

Usage of this subsection for an exemption to the required infrastructure standards shall not be utilized to circumvent the need for infrastructure improvements by adding additional building lots to the subdivision at a later time. Any amendment to such a subdivision shall adequately address the requirements for improved infrastructure as provided elsewhere in this chapter.

~~County staff~~ **The Planning Commission** may, based on potential conflict, complexity, or contention of the proposed subdivision, forward the application to the planning commission for review and the county council for decision.



PLANNING COMMISSION AGENDA
Thursday, June 25, 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
2. Pledge of Allegiance
3. Approval of agenda
4. Declaration of conflicts of interest

Administrative:

5. Public Comment
6. Training by Brent Bateman, State of Utah Property Rights Ombudsman
7. Discussion on commercial use table text amendment.
8. Planning Commission Business/Questions for Staff
9. Approval of minutes from June 11, 2015
10. Adjourn

Members Present

Gary Ross
Debbie Sessions
Roland Haslam
Larry Nance
Steve Wilson

Staff Present

Bill Cobabe
Gina Grandpre
Mickaela Moser

Public Present

Tina Kelley

1. Call to order – prayer. Chair Haslam called the meeting to order. Prayer was offered by Member Ross.
2. Pledge of Allegiance
3. Approval of agenda
Member Sessions moved to approve the agenda. Second by Member Nance. Member Nance and Chair Haslam suggested tabling item #6 until Mr. Bateman arrives. The vote was unanimous. The motion carried.
4. Declaration of conflicts of interest
There was none.

Administrative:

5. Public Comment
Member Sessions moved to go into public comment. Second by Member Ross. The vote was unanimous. The motion carried.

Member Nance asked about a potential public comment period after any particular agenda item and Chair Haslam responded that there can be a motion made to go into public comment if someone present wanted to speak. Other than that, there was no public comment.

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

It was decided to advance to item #7 and discuss the commercial use table while waiting for Brent Bateman to arrive.

6. Training by Brent Bateman, State of Utah Property Rights Ombudsman
Bill introduced Mr. Brent Bateman. He is training tonight on issues related to Land Use Law and Conditional Use Permits. He began by thanking the commission members for their public service. He asked for questions on current issues facing the Planning Commission. One question Member Sessions had from a previous training was concerning how the County could address standards for CUPs. Member Nance suggested beginning

with Property Rights. Mr. Bateman began speaking about:

-Private property rights and keeping the rules from going “too far”.

-Property owners being able to do what they want on their property while balancing public need

Member Nance asked how one of the most successful cities would survive without imposing on its infrastructure, referring to Houston, TX. Mr. Bateman stated that Houston has many Land Use Regulations, but no Zoning. Member Nance (or Ross?) mentioned that there is a fair amount of self-regulating in that situation. Bill commented that Houston is the only city in the US that enforces through deed restrictions.

Chair Haslam asked who decides how far is too far. Mr. Bateman responded that ultimately, it is up to the court, however we are supposed to do our best and act in everyone’s best interest. The guidelines to keep this balance are not to regulate land to the point where the property owner cannot do anything. He suggested that if the property owner can still perform something beneficial on their property, then that would fall within acceptable bounds. Mr. Bateman stated that the exception may lie in wiping out the property owner’s economic expectation. He further stated that people do not have a right to get rich or maintain property value.

Mr. Bateman reviewed the roles of legislative, executive and judicial governments. He also clarified legislative vs. administrative decisions, where the Planning Commission advises on legislative decisions relating to rezoning and the Planning Commission often makes administrative decisions.

Quote of the night: “A land owner has the right to do whatever they want with their property if it is reasonably debatable, and there is not an ordinance against it.”

He stressed the importance of creating County ordinances. Mr. Bateman also commented that just because other similar applications were denied, doesn’t mean the next similar application must be denied. Chair Haslam expressed his desire to be consistent across the board, but Mr. Bateman stated that the Planning Commission does not have to follow prior actions. Mr. Bateman stated that liability comes into play if laws are broken; otherwise residents are angry and can vote the governing authorities out of office.

Bill added that while many organizations (PETA, etc.) may try to persuade the governing body, the elected officials are beholden to the constituents.

Administrative decisions need evidence on the record to support them. They are based on the rules already in place.

Chair Haslam asked about conditions placed on subdivisions or any other regular application that has not had all of its items completed. Mr. Bateman responded that it should be turned away at the counter as an incomplete application. There was some discussion about the possible flexibility of advancing applications with unfinished requirements.

Mr. Bateman commented that an incomplete application should have their requests resolved at Staff level. Bill stated that once an application is complete, they have 45 days

to get on the Planning Commission agenda.

Concerning CUPs:

Mr. Bateman stated that every zone ought to have 3 uses: conditional uses, permitted uses and prohibited uses. He clarified that a CUP (Conditional Use Permit) is for a situation that would be an acceptable use, providing the example of dog kennels in a residential area. The CUP allows for mitigation, not elimination; imposing conditions to mitigate noise and smell. Member Sessions asked if this was the appropriate place for standards. Mr. Bateman stated that if you don't have standards, you can't have conditions. He used an example of traffic. He said that specific standards lead to clear conditions, which in turn lead to easier-to-understand applications and expectations.

Chair asked about home occupations. Mr. Bateman recommended having standards for each zone (ie noise and traffic level). He related standards to goals for each zone. He also stated that many counties are only now creating standards for their ordinances. Bill mentioned that Morgan County does have general standards in place but they are very broad and generally applied. Mr. Bateman reviewed the current County conditional use standard of natural vegetation and ground cover and stated that that particular standard was good.

Member Sessions asked if Morgan County has a traffic or light standard. Mr. Bateman also reviewed other current County standards and offered suggestions. He recommended removing public comment from CUPs, although it may be beneficial to offer a public hearing if an item is controversial or there may be evidence to consider.

Mr. Bateman gave examples of clamor vs. evidence.

Member Sessions asked about building a home on ag-use land and Mr. Bateman offered his opinion.

Concluding his training, Mr. Bateman explained his Powerpoint tab "Jerks" by saying that someone with an annoying or overbearing personality has the same property rights as everyone else. Even though someone might be a jerk, they still should be treated and given the same rights as the nice guy.

Member Nance suggested to progress to agenda item #8, instead of continuing on with the discussion on commercial use table.

7. Discussion on commercial use table text amendment.

Bill clarified the Wholesale Trade sector. Bill defined a Wholesale Trade and mentioned that its definition was previously discussed.

Mr. Bateman arrived at 6:40 pm, and the meeting time was given to him for his training.

*training by Brent Bateman

8. Planning Commission Business/Questions for Staff

There was discussion on the slope, noise and deterioration of property in Peterson.

It was decided to cancel the Planning Commission meeting on July 23rd and not reschedule to the next week, as that is the week of the County Fair. There will be one meeting in July, with the following meeting in August.

Member Sessions asked Staff to re-word notices printed in the newspaper so that the public affected is not misled on the public comment section.

9. Approval of minutes from June 11, 2015

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

10. Adjourn

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

Approved: _____ Date: _____
Chairman, Roland Haslam

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



PLANNING COMMISSION AGENDA

Thursday, June 30, 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
2. Pledge of Allegiance
3. Approval of agenda
4. Declaration of conflicts of interest

Legislative:

5. Public Comment
6. Discussion, Public Hearing and Decision—Reconsider recommendation of the Johnson Zoning Map Amendment: A request to rezone approximately 29 acres of property located approximately at 730 N Morgan Valley Dr from A-20 to RR-1 zoning district.

Administrative:

7. Planning Commission Business/Questions for Staff
8. Approval of minutes from June 25, 2015
9. Adjourn

Members Present

Gary Ross
Debbie Sessions
Roland Haslam
Larry Nance
Michael Newton

Staff Present

Bill Cobabe
Mickaela Moser

Public Present

Malan & Deanne Johnson
Tina Kelley
Kyle Johnson
Lance Johnson

1. Call to order – prayer. Chair Haslam called the meeting to order and also offered prayer.
2. Pledge of Allegiance
3. Approval of agenda--Chair removed item #8 on the agenda to approve the minutes.

There was discussion and research on how the County by-laws direct to suspend the rules.

Member Sessions moved to approve the agenda by striking item #8 and by adding a decision to suspend the rules between agenda items #5 and #6. Second by Member Nance. The vote was unanimous. The motion carried.

4. Declaration of conflicts of interest
There was none.

Legislative:

5. Public Comment

Member Newton moved to go into public comment. Second by Member Nance. The vote was unanimous. The motion carried.

There was none.

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

Member Sessions moved to suspend the bylaw rules to allow reconsideration of the recommendation of the Johnson zoning map amendment. Second by Member Ross. The vote was unanimous. The motion carried.

6. Discussion, Public Hearing and Decision of the Johnson Rezone: Reconsider recommendation of the Johnson Zoning Map Amendment. Approximately 29 acres of property located approximately at 730 N Morgan Valley Dr from A-20 to RR-1 zoning district.

Bill did not have anything new to add and referred the Planning Commission members to the previous staff report. Chair Haslam clarified that the biggest concern with the previous consideration of the rezone was the private lane on Mr. Johnson's subdivision. Bill clarified that each lot size has to have a minimum of 5 acres with a total lot size of at least 20 acres to have a

private lane. In contrast, a County road has to be maintained and meet other County standards. There are some different setbacks and frontage requirements between RR-5 and RR-1 zones and the frontage in an RR-5 zoning distinction does not allow Mr. Johnson to divide appropriately. The other differing requirements between the RR-5 and RR-1 zones don't seem to affect Mr. Johnson's desires for subdividing. Chair Haslam clarified that there was some misunderstanding in the previous meeting. Member Nance read from the minutes from that meeting and wanted to clarify that Mr. and Mrs. Johnson both want to request the original RR-1 request.

Malan Johnson stated that at the time of the previous suggestion of changing from his original request of RR-1 to RR-5, he didn't understand the differences between the two zones. Mr. Johnson told the Planning Commission that he has contacted all of his neighbors and they are in support of his changes.

Member Nance stated that he wanted to protect Mr. Johnson in the case that someone complains about the timeframe of this meeting.

Member Sessions moved to go into public hearing. Second by Member Ross. The vote was unanimous. The motion carried.

Tina Kelley: She stated that the Milton Area Plan called for an RR-2 which is something that doesn't currently exist in the Code. She asked if the Planning Commission would consider adding that zone to the County ordinances. She understands Member Nance's concern to protect Mr. Johnson's request for this meeting tonight. She stated that the misunderstanding and new information for the applicant brought the need to reconvene and she mentioned that there have been similar meetings in the past. She also suggested considering an RR-20 zone.

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

Member Sessions asked about the procedure for suspension of rules and proceeded with a reconsideration.

Member Sessions moved to reconsider the recommendation of the Johnson Zoning Map Amendment from the June 11, 2015 meeting. Second by Member Nance. The vote was unanimous. The motion carried.

Back into discussion for the Johnson Rezone Application. There was no further discussion.

Member Nance moved to forward a positive recommendation to the County Council for the Johnson Zoning Map Amendment, application number 15.035, changing the zoning district from A-20 to RR-1, based on the findings listed in the staff report dated June 11, 2015 and based on Mr. Johnson's request to change to RR-1.

Second by Member Sessions. Member Ross wondered if there was a need to add anything from the June 11, 2015 staff report or from the discussion tonight. Chair clarified that the motion refers to the staff report and that should be sufficient. There were no further comments.

The vote was unanimous. The motion carried.

7. Planning Commission Business/Questions for Staff

Member Nance suggested revisiting the County bylaws so Planning Commission members are more familiar with procedures. Chair also suggested reviewing Robert's Rules.

8. Adjourn

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

Approved: _____ Date: _____
Chairman, Roland Haslam

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

DRAFT