PLANNING COMMISSION AGENDA
Thursday, April 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

Legislative:

6. Discussion/Public Hearing/Decision: Land Use Map Amendment – Various Land Use Management Code Amendments
7. Discussion/Public Hearing/Decision: Land Use Management Code Amendment – Revision of the Commercial and Industrial Use Tables (Section 8-5C-3), to remove allowance for crematoriums
8. Review Conditional Use Standards: MCC Section 8-8-4 and 8-8-5

Administrative:

9. Discussion on changing the zoning in Mountain Green.
10. Planning Commission Business/Questions for Staff
11. Approval of minutes from March 24, 2016
12. Election of Chair and Vice Chair
13. Adjourn

Morgan County, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations should call Gina Grandpre at 801-845-4015, giving at least 24 hours' notice prior to the meeting. A packet containing supporting materials is available for public review prior to the meeting at the Planning and Development Services Dept. and will also be provided at the meeting. Note: Effort will be made to follow the agenda as outlined, but agenda items may be discussed out of order as circumstances may require. If you are interested in a particular agenda item, attendance is suggested from the beginning of meeting.

MEMORANDUM

TO: **Morgan County Planning Commission**

FROM: **Bill Cobabe**

DATE: **April 14, 2016**

SUBJECT: **Commercial Conditional Use Table (REPEAL) – Public Hearing**

As requested, this item is for discussion regarding the repeal of the Commercial Conditional Use Table (Section 8-5C-3). The Code does not specifically allow for "repealing" a particular Section of the Code; rather, the procedure involves an amendment to the Code, which would either then revert back to earlier adopted Code or be replaced/amended by a revised Code.

The procedure for amending the Code is as follows:

8-3-3: AMENDMENTS TO TITLE AND ZONING MAP:

The county council may amend this title, including the zoning map, but only in accordance with the following procedure:

A. The county council may instruct staff to study and make recommendations for amendments to this title or the zoning map in response to changes in policy or conditions generally within the county. Staff shall forward a recommended amendment to the planning commission for their consideration. The planning commission shall review and make recommendation to the county council regarding the proposed amendment pursuant to subsection 8-3-4D of this chapter.

B. The planning commission may instruct staff to study and make recommendations for amendments to this title in response to changes in policy or conditions generally within the county. Staff shall forward a recommended amendment to the planning commission for their consideration. The planning commission shall review and make recommendation to the county council regarding the proposed amendment pursuant to subsection 8-3-4D of this chapter.

C. Any property owner may initiate an amendment to this title or the zoning map, as long as they are affected by the proposed amendment, by submitting a complete application to the planning and development services department in accordance with subsection 8-3-4A of this chapter.

8-3-4: PROCEDURES FOR AMENDMENTS AND REZONINGS:

…

A. B. County Initiated Amendments: For county council or planning commission initiated amendments, staff shall prepare an application pursuant to relevant requirements of this title, which shall not have a fee requirement.

B. Public Notice: The county shall prepare and give notice of public hearings to consider such amendment as provided by Utah Code Annotated section 17-27a-205 and subsection 8-3-13E of this chapter.

C. Planning Commission Review and Recommendation: Upon receiving a recommendation from staff regarding an amendment to this title or the zoning map, and after holding the required public hearing, the planning commission shall review the amendment and prepare its recommendation. The planning commission may recommend approval, approval with modifications, or denial of the proposed amendment and shall submit its recommendation to the county council for review and decision. The planning commission shall recommend adoption of a proposed amendment only when the following findings are made:

    1. The proposed amendment is in accordance with the county's general plan, goals, and policies of the county.
    2. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the purposes stated in this title.

D. County Council Review: The county council shall schedule and hold a public hearing on the application as provided in section 8-3-12 of this chapter. Following the public hearing the county council may approve, approve with modifications, or deny the proposed amendment. Prior to making a decision that goes contrary to the planning commission's recommendation, the county council may, but is not obligated to, remand the amendment to the planning commission with a request for another recommendation with additional or specific considerations. The planning commission shall review such request as specified in subsection D of this section.

E. Approval Standards: A decision to amend the text of this title or the zoning map is a matter committed to the legislative discretion of the county council and is not controlled by any one standard. However, in making an amendment, the county council should consider the following factors:

    1. Whether the proposed amendment is consistent with goals, objectives and policies of the county's general plan;
    2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
    3. The extent to which the proposed amendment may adversely affect adjacent property; and
    4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

The public hearing held on 14 April 2016 satisfies the requirement of Section 8-3-12.

Staff is not recommending amending the Code at this time. However, if the Planning Commission desires to send a recommendation to the County Council, the following Sections of Code will need to be amended as follows:

8-5C-1: PURPOSE:

The purpose of the following districts is:

A. Commercial Buffer District CB: To provide areas for appropriate transitions of commercial uses.

B. Neighborhood Commercial District C-N: 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: 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. Manufacturing - Distribution District M-D: 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: 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. (2010 Code)

8-5C-2: CODES AND SYMBOLS:

In following sections of this article, uses of land or buildings which are allowed in various districts are shown as "permitted uses", indicated by a "P" in the appropriate column, or as "conditional uses", indicated by a "C" in the appropriate column. If a use is not allowed in a

given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, "-". If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet required, or by the letter "A". If the regulation does not apply, it is indicated in the appropriate column by a dash, "-". (2010 Code)

8-5C-3: USE REGULATIONS:

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the commercial and industrial districts, except as provided in this article. Accessory uses and buildings customarily incidental to uses authorized by conditional use permit in any district are also authorized by issuance of a conditional use permit in any such district. "Temporary uses", as defined in section 8-2-1 of this title, are authorized in any district upon issuance of a conditional use permit for the same.

	Districts						
	CB	**C-N**	**C-S**	**C-H**	**C-G**	**M-D**	**M-G**
AGRICULTURAL:							
Agricultural industries	-	-	-	-	-	C	C
Agriculture tourism	C	C	C	C	C	C	C
Dairy or food processing	C	-	-	-	-	C	C
The tilling of the soil, the raising of crops, horticulture and gardening	P	P	P	P	P	P	P
COMMERCIAL:							
Residential:							
Bed and breakfast inn	C	C	C	C	C	-	-
Hotels, tourist courts and motels	C	-	C	C	C	-	-
Recreation vehicle parks	C	-	C	C	C	C	-
Residential care facilities	C	-	C	C	C	-	-
Retirement home/assisted living	-	C	-	C	-	-	-
Industrial:							
Commercial contract printing	P	-	-	-	P	P	P
Transportation:							
Bus terminals, stations, etc.	C	C	P	P	P	P	P
Hard surface parking, commercial	P	-	C	C	C	C	C
Private garage	-	C	C	C	C	C	C

		Structure parking	P	-	C	C	C	C	C
	Communication:								
		Radio and television communication facilities	P	C	C	C	P	C	C
	Retail Trade:								
		Antiques and used merchandise	C	-	P	C	P	-	-
		Bakeries	C	C	P	C	P	C	-
		Books and stationery retail	P	C	P	C	P	-	-
		Candy, nuts and confectionery	C	C	P	C	P	C	-
		Children and infants' wear	C	-	P	C	P	-	-
		Custom tailoring	P	-	P	C	P	-	-
		Dairy products	C	P	P	P	P	-	-
		Department stores	-	-	P	C	P	-	-
		Direct selling organizations	P	-	P	C	P	-	-
		Drinking places (alcoholic beverages)	-	-	C	C	C	-	-
		Drive-in restaurants	-	C	C	C	C	P	P
		Drug and proprietary	-	C	C	C	P	-	-
		Eating places (food consumed on premises)	-	C	P	P	P	P	P
		Electrical goods retail	P	-	P	C	P	-	-
		Family clothing	-	C	P	C	P	-	-
		Farm and garden supplies and equipment	P	C	P	C	P	-	-
		Fruits and vegetables	P	C	P	P	P	C	C
		Furniture, home furnishings and equipment	-	-	P	C	P	-	-
		Furriers and fur apparel	C	-	P	C	P	-	-
		Gasoline service stations	-	C	C	P	C	P	P
		Groceries (with or without meat)	-	P	C	C	P	P	-
		Hardware and farm equipment	C	-	P	C	P	P	-
		Heating and plumbing equipment	C	-	-	C	P	P	-
		Household appliances	C	-	P	C	P	-	-
		Ice cream establishments	-	C	P	P	C	-	-

		Jewelry	-	-	P	C	P	-	-
		Limited price variety stores	-	-	P	C	P	-	-
		Liquor - package	-	-	C	C	C	-	-
		Lumber and other building materials	C	-	P	C	P	C	-
		Mail order house/ telemarketing	P	P	P	C	P	-	-
		Meats and fish	-	-	P	C	P	-	-
		Mens and boys clothing and furnishings	-	-	P	C	P	-	-
		Merchandise vending machines operators	-	P	P	P	P	P	P
		Motor vehicles	C	-	C	C	C	C	P
		Paint, glass and wallpaper	C	-	P	C	P	P	-
		Pets and pet supplies	-	-	P	C	P	-	-
		Radios, televisions and music supplies	-	-	P	C	P	-	-
		Shoes	-	-	P	C	P	-	-
		Shopping complexes for retail trade	-	C	C	C	C	-	-
		Sporting goods and bicycles	-	-	P	C	P	-	-
		Tires, batteries and accessories	C	-	C	C	P	C	P
		Womens clothing, accessories and specialties	-	-	C	C	C	-	-
		Other comparable retail activities	-	C	C	C	C	-	-
		Other retail trade, apparel and accessories	-	-	C	C	C	-	-
		Other retail trade, i.e., automotive, marine craft, aircraft and accessories	C	-	C	C	C	C	-
	Services:								
		Administration general office space (new construction or exterior modification)	C	C	C	C	C	C	-
		Advertising services	-	C	-	-	-	-	-
		Animal clinics and hospitals	-	-	C	C	C	-	-
		Apparel repair, alteration and cleaning, pick up services, shoe repair services	-	P	P	C	P	P	P
		Automatic car wash, truck wash	C	C	C	P	P	P	P
		Automobile repair and services	C	C	C	C	C	C	P

		Banking and bank related functions	P	-	P	P	P	P	-
		Beauty and barber shops, general	-	P	P	C	P	-	-
		Carpeting and other floor coverings	-	-	C	C	C	P	-
		Child daycare centers, subject to regulations as set forth in section 8-6-39 of this title	P	P	C	C	-	-	-
		Comprehensive healthcare facilities (centers)	-	-	C	C	P	-	-
		Dental laboratory services	P	-	C	C	P	P	P
		Duplicating mailing and stenographic services	P	-	C	C	P	-	-
		Dwelling and other building maintenance services	C	C	C	C	P	P	-
		Electrical services	C	-	C	C	P	P	P
		Employment services	-	-	P	C	P	-	-
		Funeral and crematory services	-	-	C	-	P	P	-
		General contract construction services	C	-	-	-	P	P	P
		General office space (interior remodel, no construction or exterior modification)	P	P	P	P	P	P	P
		Healthcare facilities	C	-	C	C	C	-	-
		Laundering, dry cleaning, and dyeing services	C	C	P	C	P	P	P
		Medical clinics - outpatient services	P	-	P	C	P	C	-
		Medical laboratory services	P	-	C	C	P	P	P
		News syndicate services	P	-	-	-	P	-	-
		Painting, wall coverings and decorating services	-	-	C	C	P	P	P
		Photographic equipment and services	P	C	P	C	P	C	C
		Plumbing, heating, and air conditioning services	C	-	C	-	P	P	P
		Private clubs	-	-	C	-	P	-	-
		Professional healthcare offices and clinics	P	-	C	C	P	-	-
		Dentists offices	P	C	P	C	P	-	-
		Medical offices	P	C	P	C	P	-	-
		Real estate agents, brokers, and management services	-	C	P	C	P	-	-

		Real estate operative construction builders	C	-	C	C	P	P	P
		Real estate subdividing and land developing		-	P	C	P	P	P
		Roofing and sheet metal services	C	-	C	-	P	P	P
		Security services and commodity brokers, dealers, exchanges and services	-	-	C	C	P	-	-
		Schools (commercial)	C	C	C	C	P	C	-
	Entertainment:								
		Drive-in theaters	C	-	C	-	C	C	-
		Live theaters	-	-	C	C	P	-	-
		Motion picture theaters	-	-	P	-	P	-	-
		Race tracks (commercial)	-	-	-	-	C	C	C
		"Sexually oriented businesses", as defined in section 8-18-2 of this title	-	-	-	-	-	-	C
		Sports activities facilities	-	C	C	C	P	P	-
INDUSTRIAL:									
	Chemical And Plastics Manufacturing:								
		Agricultural chemicals	-	-	-	-	-	C	C
		Drug	C	-	-	-	-	C	C
		Industrial inorganic chemicals	-	-	-	-	-	-	C
		Miscellaneous plastic products	C	-	-	-	-	C	C
		Paints, varnishes, lacquers, enamels and allied products	-	-	-	-	-	-	C
		Plastics materials and synthetic resins, synthetic and other manmade fibers (except glass)	-	-	-	-	-	C	C
		Soap, detergents and cleaning preparations, perfumes, cosmetic and other toilet preparations	-	-	-	-	-	C	C
	Fabricated Textile Products Manufacturing:								
		Broad and narrow woven fabrics and other small wares (cotton, manmade fibers, silk and wool)	-	-	-	-	-	C	C
		Dyeing and finishing of textiles (except wool fabrics and knit goods)	-	-	-	-	-	C	C

		Knit goods	C	-	-	-	-	C	C
		Wearing apparel and accessories	C	-	-	-	C	C	C
		Yarns and threads	-	-	-	-	-	C	C
	Food Products Manufacturing:								
		Baker products	-	-	C	-	C	C	C
		Beverage	C	-	-	-	-	C	C
		Canning and preserving of fruits, vegetables, meat and seafood	-	-	-	-	-	C	C
		Confectionery and related products	-	-	C	-	C	C	C
		Dairy products	-	-	C	-	C	C	C
		Food processing and manufacturing	C	-	-	-	-	C	C
		Grain mill products	-	-	-	-	-	C	C
		Meat products	-	-	-	-	-	C	C
		Sugar	-	-	-	-	-	-	C
	Furniture Products - Manufacturing:								
		Furniture - manufacturing	C	-	-	-	-	C	C
		Partitions, shelving, lockers, office and store fixtures	C	-	-	-	-	C	C
		Wooden containers	C	-	-	-	-	C	C
	Industrial Services:								
		Concrete services and batching plants	-	-	-	C	C	C	C
		General contract and subcontractor construction services	C	-	-	-	-	-	-
		Masonry, stonework, tile setting and plastering services	C	-	-	-	-	C	C
		Roofing and sheet metal services	c	-	-	-	-	C	C
		Water and well drilling services	C	-	-	-	-	C	C
	Machine Products Manufacturing:								
		Electrical machinery, equipment and supplies	-	-	-	-	-	C	C
		Engineering, laboratory and scientific and research instruments and associated equipment	P	-	-	-	-	C	C

		Instruments for measuring, controlling and indicating physical characteristics	P	-	-	-	-	C	C
		Machinery (except electrical)	-	-	-	-	-	C	C
		Ordnance and accessories	-	-	-	-	-	-	C
		Transportation equipment	-	-	-	-	-	C	C
	Metallic Products Manufacturing:								
		Blast furnaces, steelworks and the rolling finishing of ferrous metals, etc.	-	-	-	-	-	C	C
		Iron and steel foundries and manufacturing	-	-	-	-	-	-	C
		Nonferrous foundries	-	-	-	-	-	C	C
		Primary smelting and refining of nonferrous metals	-	-	-	-	-	-	C
		Rolling, drawing and extruding of nonferrous metals	-	-	-	-	-	C	C
		Secondary smelting and refining of nonferrous metals and alloys	-	-	-	-	-	-	C
	Mining:								
		Chemical and fertilizers (mineral) mining	-	-	-	-	-	-	C
		Coal mining	-	-	-	-	-	-	C
		Crude petroleum and natural gas	-	-	-	-	-	-	C
		Dimension stone	-	-	-	-	-	-	C
		Land excavations	-	C	C	C	C	C	C
		Other mining and quarrying of nonmetallic minerals (except fuels)	-	-	-	-	-	-	C
		Metal ore mining	-	-	-	-	-	-	C
		Sand and gravel - quarrying	-	-	-	-	-	C	C
	Nonmetallic Products Manufacturing:								
		Abrasive, asbestos and miscellaneous nonmetallic mineral products	-	-	-	-	-	-	C
		Cement (hydraulic)	-	-	-	-	-	-	C
		Concrete, gypsum and plaster products	-	-	-	-	-	-	C
		Glass and glassware (pressed or blown)	-	-	-	-	-	C	C
		Plate glass	-	-	-	-	-	C	C

	Structural clay products	-	-	-	-	-	C	C
Other Products Manufacturing:								
	Light manufacturing	C	-	-	-	-	C	C
	Motion picture production	-	-	-	-	C	C	C
	Pottery and related products	C	-	C	-	C	C	C
Outdoor Storage:								
	Auto wrecking yards	-	-	-	-	-	-	C
	Other outdoor storage (clean)	C	-	-	-	-	C	C
	Petroleum products bulk plants	-	-	-	-	-	C	C
Paper Products Manufacturing:								
	Bookbinding and related industrial	P	-	-	-	-	C	C
	Books - publishing and printing	P	-	-	-	C	C	C
	Building paper and building board	-	-	-	-	-	-	P
	Converted paper and paperboard products (except containers and boxes)	-	-	-	-	-	-	C
	Newspapers							
	Paperboard containers and boxes	-	-	-	-	-	C	C
	Periodicals - publishing and printing	P	-	-	-	C	C	C
	Printing trade services	P	-	C	-	C	C	C
	Publishing and printing	P	-	-	-	C	C	C
Petroleum Products Manufacturing:								
	Paving and roofing materials	-	-	-	-	-	-	C
	Petroleum refining	-	-	-	-	-	-	C
	Rubber footwear	-	-	-	-	-	C	C
	Tires and inner tubes	-	-	-	-	-	-	C
Precision Instrument And Jewelry Manufacturing:								
	Amusements, toys, sporting goods and athletic goods	C	-	-	-	-	C	C
	Costume jewelry, costume novelties, buttons and miscellaneous notions (except precious metals)	P	-	-	-	-	C	C

		Jewelry, silverware and plated ware	-	-	-	-	-	C	C
		Musical instruments and parts	P	-	-	-	-	C	C
		Notions - manufacturing	P	-	-	-	-	C	C
		Ophthalmic goods	P	-	-	-	-	C	C
		Optical instruments and lenses	P	-	-	-	-	C	C
		Pens, pencils and other office and artist material	P	-	-	-	-	C	C
		Photographic processing	P	-	-	-	-	C	C
		Print trade services	P	-	-	-	-	C	C
		Surgical, medical and dental instruments and supplies	P	-	-	-	-	C	C
		Watches, clocks, clockwork operated devices and parts	P	-	-	-	-	C	C
	Transportation:								
		Staging for trucking, local and long distance	-	-	-	-	-	C	C
	Wholesale Trade And Warehousing:								
		Drugs, chemicals and allied products	-	-	-	-	-	C	C
		Dry goods and apparel	C	-	-	C	-	C	C
		Electrical goods	C	-	-	-	-	C	C
		Farm products and equipment	C	-	-	-	-	C	C
		Groceries and related products	C	-	-	-	-	C	C
		Hardware, plumbing, heating equipment and supplies	C	-	-	-	-	C	C
		Machinery, equipment and supplies	C	-	-	-	-	C	C
		Motor vehicles and automotive equipment	C	-	-	-	-	C	C
		Petroleum products distribution warehouses and bulk plants	-	-	-	-	-	C	C
		Warehousing and storage services	C	-	-	-	-	C	C
	Wood And Paper Manufacturing:								
		Millwork, veneer, plywood and prefabricated structural wood products	-	-	-	-	-	-	C
		Paper (except building paper)	-	-	-	-	-	-	C

		Paperboard	-	-	-	-	-	-	C
		Pulp	-	-	-	-	-	-	C
		Sawmills and planing mills	-	-	-	-	-	C	C
INSTITUTIONAL (NONPROFIT):									
	Educational Services:								
		Special training and schooling	-	C	C	C	C	C	C
	Entertainment, Recreation And Open Space Group Or Organized Camps:								
		Gymnasiums and athletic clubs	-	C	C	C	C	C	-
		Parks - general recreation	-	P	P	P	C	C	-
		Parks - leisure and ornamental	-	P	P	P	P	P	C
		Play lots or tot lots	-	C	C	C	C	-	-
		Playgrounds	-	C	C	C	C	C	-
		Racetracks	-	-	-	-	-	C	C
		Recreation centers (general)	-	C	C	C	C	C	-
		Swimming pools	-	C	C	C	C	C	C
	Government services:								
		Correctional and rehabilitation institutions	-	-	-	-	P	P	C
		Executive, legislative and judicial functions	-	C	C	C	C	C	C
		Postal services	-	C	C	C	C	C	C
		Protective functions and their related activities	P	C	C	C	C	C	C
	Health services:								
		Hospital services	-	-	C	-	C	-	-
		Sanatoriums, convalescent and rest home services	-	-	-	-	C	-	-
	Public and quasi-public:								
		Art galleries	-	-	P	C	C	-	-
		Fairgrounds	-	-	-	-	-	C	-
		Hospitals and acute care facilities	-	-	C	C	C	-	-
		Libraries	-	P	P	C	C	C	C
		Museums	-	-	C	C	C	C	C

		Nature exhibitions	-	-	C	C	C	C	-
		Public assembly, miscellaneous purposes	-	-	-	-	-	C	-
	Religious and welfare services:								
		Churches, synagogues and temples	-	C	C	C	C	C	C
		Welfare and charitable services	-	C	C	C	C	C	C
	Residential:								
		Religious quarters	-	C	-	-	C	-	-
		Retirement homes and orphanages	-	-	-	-	C	-	-
	Streets and other circulation elements:								
		Airports	-	-	-	-	-	C	C
		Alleys	C	C	C	C	C	C	C
		Freeways	C	C	C	C	C	C	C
		Railroads and appurtenances	-	-	-	-	-	C	C
		Streets, private	C	C	C	C	C	C	C
		Streets, public	C	C	C	C	C	C	C
LAND DEVELOPMENTS:									
	Industrial parks		C	-	-	-	-	C	C
	Land development for various commercial, industrial and manufacturing		-	-	-	-	-	C	C
	Shopping centers		C	C	C	-	C	-	-
	Temporary uses		Subject to regulations in section 8-6-16 of this title						
UTILITIES:									
	Communication:								
		Cable television	C	C	C	C	C	C	C
		Radio and television facilities	C	C	C	C	C	C	C
		Telephone and telegraph	C	C	C	C	C	C	C
	Other facilities:								
		Sewage disposal	-	-	-	-	-	-	C
		Sewage transmission and pump facilities	P	P	P	P	P	P	P

		Solid waste disposal	-	-	-	-	-	-	C
	Utilities - lines and rights of way:								
		Culinary water	P	C	C	C	C	P	P
		Electricity (substations or facilities for)	P	C	C	C	C	C	C
		Irrigation water	P	C	C	C	C	C	C
		Natural gas	C	C	C	C	C	C	C
		Pipelines (oil and gas transmission)	C	C	-	-	-	-	C

And

8-5C-6: IMPROVEMENTS COMPLETED OR IN PROGRESS BEFORE BUILDING PERMIT ISSUED:

Improvements are to be in compliance with standards adopted by the county.

	Districts						
	CB	**C-N**	**C-S**	**C-H**	**C-G**	**M-D**	**M-G**
Street grading[1]	A	A	A	A	A	A	A
Street base[1]	A	A	A	A	A	A	A
Street paving	A	A	A	A	A	A	A
Curb and gutter[1]	A	A	A	A	A	A	A
Sidewalk	A	A	A	A	A	A	A
Surface drainage facilities[1]	A	A	A	A	A	A	A
Wastewater disposal facilities	A	A	A	A	A	A	A
Culinary water facilities	A	A	A	A	A	A	A
Firefighting facilities[1,2]	A	A	A	A	A	A	A
Street name and traffic signs	A	A	A	A	A	A	A
Street monuments	A	A	A	A	A	A	A
Survey monuments boxes	A	A	A	A	A	A	A
Streetlights	A	A	A	A	A	A	A

Address numbers	A	A	A	A	A	A	A
Public utilities - power, gas, telephone, cable TV, etc.	A	A	A	A	A	A	A

This reflects the ordinances that were in force prior to the changes to the Code enacted earlier this year.

The following is the Commercial Use Table that was adopted on February 2, 2016 by the County Council, which has been requested to be "repealed":

		District				
Use		NC	GC	BP	LM	I
11 - Agriculture, Forestry, Fishing, and Hunting		C1	C1	C1	P	P
21 - Mining, Quarrying, and Oil and Gas Extraction						
	211 - Oil and Gas Extraction				C2	P
	2121 - Coal Mining				C2	P
	2122 - Metal Ore Mining				C2	P
	2123 - Nonmetallic Mineral Mining and Quarrying				C3	P
	213 - Support Activities for Mining				C3	P
22 - Utilities						
	22111 - Electric Power Generation				C2	C3
	22112 - Electric Power Transmission and Control	C1	C1	C1	C1	C2
	2212 - Natural Gas Distribution					C2
	2213 - Water, Sewage, and Other Systems	C1	C1	C1	C1	C1
23 - Construction						
	236 - Construction of Buildings				P	P
	237 - Heavy and Civil Engineering Construction					P
	238 - Specialty Trade Contractors				C1	P
31-33 Manufacturing						
	3111 - Animal Food Manufacturing				C2	P
	3112 - Grain and Oilseed Milling				C2	P
	3113 - Sugar and Confectionery Product Manufacturing			C2	C2	P
	3114 - Fruit and Vegetable Preserving and Specialty Food Manufacturing			C2	C2	P
	3115 - Dairy Product Manufacturing			C2	P	P
	3116 - Animal Slaughtering and Processing				C1	P
	3117 - Seafood Product Preparation and Manufacturing			C2	P	P
	3118 - Bakeries and Tortilla Manufacturing	C2	C2	C1	P	P
	3119 - Other Food Manufacturing	C2	C2	C2	C2	C2
	312 - Beverage Manufacturing		C2	C2	P	P
	313 - Textile Mills			C2	P	P
	314 - Textile Product Mills			C2	P	P
	315 - Apparel Manufacturing			C2	P	P
	316 - Leather and Allied Products Manufacturing			C2	P	P
	321 - Wood Product Manufacturing					P
	322 - Paper Manufacturing					P
	323 - Printing and Related Support Activities		C1	C1	P	P
	324 - Petroleum and Coal Products Manufacturing					P
	325 - Chemical Manufacturing					P
	326 - Plastics and Rubber Products Manufacturing					P
	327 - Nonmetallic Mineral Product Manufacturing					P
	331 - Primary Metal Manufacturing					P
	332 - Fabricated Metal Product Manufacturing				C2	P
	333 - Machinery Manufacturing				C2	P
	334 - Computer and Electronic Product Manufacturing				C2	P
	335 - Electrical Equipment, Appliance, and Component Manufacturing				C2	P
	336 - Transportation Equipment Manufacturing				C2	P
	337 - Furniture and Related Product Manufacturing			C2	C2	P
	339 - Miscellaneous Manufacturing				C2	P
42 - Wholesale Trade						
	423 - Merchant Wholesalers, Durable Goods			C2	C1	P
	424 - Merchant Wholesalers, Nondurable Goods			C2	C1	P
	425 - Wholesale Electronic Markets and Agents and Brokers			C2	P	P
44-45 - Retail Trade						
	4411 - Automobile Dealers		C2	C2	P	P
	4412 - Other Motor Vehicle Dealers		C2	C2	P	P
	4413 - Automotive Parts, Accessories, and Tire Stores	C2	C2	C2	P	P
	442 - Furniture and Home Furnishings Stores	C2	C1	C1		
	443 - Electronics and Appliance Stores	C2	P	C1		
	444 - Building Material and Garden Equipment and Supplies Dealers		C1	C2	P	
	4451 - Grocery Stores	C2	C1	C2		
	4452 - Specialty Food Stores	C2	C1	C2		
	4453 - Beer, Wine, and Liquor Stores		C2	C2	C2	C2
	446 - Health and Personal Care Stores	C2	C1	C2		
	447 - Gas Stations	C2	C2	C2	P	P
	448 - Clothing and Clothing Accessory Stores	C2	C1	C2		
	45111 - Sporting Goods Stores	C2	C2	C2		
	45112 - Hobby, Toy, and Game Stores	C2	P	C1		
	45113 - Sewing, Needlework, and Piece Goods Stores	P	P	C1		
	45114 - Musical Instrument and Supplies Stores	P	P	C1		
	4512 - Book Stores and News Dealers	P	P	C1		
	452 - General Merchandise Stores	C2	C2	C2		
	4531 - Florists	P	P	P		

Use	NC	GC	BP	LM	I
		District			
45321 - Office Supplies and Stationery Stores	C2	P	C1		
45322 - Gift, Novelty, and Souvenir Stores	C2	P	C1		
4533 - Used Merchandise Stores	C2	P	C1		
45391 - Pet and Pet Supplies Stores	C2	P	C1		
45392 - Art Dealers	P	P	P		
45393 - Manufactured Home Dealers		C2	C2		
453991 - Tobacco Stores		C2	C2	C2	C2
453998 - All Other Miscellaneous Store Retailers (Except Tobacco)	C2	C2	C2		
4541 - Electronic Shopping and Mail Order Houses	P	P	P		
4542 - Vending Machine Operators		P			
4543 - Direct Selling Establishments		C2	C2		
48-49 Transportation and Warehousing					
481 - Air Transportation (see Article 8-5H and Title 10)	A	A	A	A	A
482 - Rail Transportation			P	P	P
4832 - Inland Water Transportation	P	P	P	P	P
484 - Truck Transportation			P	P	P
485 - Transit and Ground Passenger Transportation			P	P	P
486 - Pipeline Transportation	C3	C3	C3	C3	C3
487 - Scenic and Sightseeing Transportation			P	P	P
4881 - Support Activities for Air Transportation (see Article 8-5H and Title 10)	A	A	A	A	A
4882 - Support Activities for Rail Transportation				P	P
4883 - Support Activities for Water Transportation				P	P
4884 - Support Activities for Road Transportation				P	P
4885 - Freight Transportation Arrangement			P	P	P
4889 - Other Support Activities for Transportation			C2	P	P
491 - Postal Service	P	P	P	P	P
492 - Couriers and Messengers		P	P	P	P
49311 - General Warehousing and Storage				P	P
49312 - Refrigerated Warehousing and Storage				P	P
49319 - Other Warehousing and Storage					P
51 - Information					
511 - Publishing Industries (Except Internet)		P	P	P	P
512 - Motion Picture and Sound Recording Industries		P	P	P	P
515 - Broadcasting (Except Internet)		P	P	P	P
517 - Telecommuncations			C2	P	P
518 - Data Processing, Hosting, and Related Services	C2	P	P	P	P
519 - Other Information Services		P	P	P	P
52 - Finance and Insurance					
521 - Monetary Authorities - Central Bank		P	P	P	P
5221 - Depository Credit Intermediation		P	P	P	P
52221 - Credit Card Issuing		P			
52222 - Sales Financing		P	P		
522291 - Consumer Lending			C3		
522292 - Real Estate Credit		P	P		
522293 - International Trade Financing		P	P		
522294 - Secondary Market Financing		P	P		
522298 - All Other Nondepository Credit Intermediation		P	P		
523 - Securitues, Commodities Contracts, and Other Financial Investments and Related Activities		P	P		
524 - Insurance Carriers		C1	P	P	P
525 - Funds, Trusts, and Other Financial Vehicles		C1	C1	P	P
53 - Real Estate and Rental and Leasing					
53111 - Lessors of Residential Buildings and Dwellings	P	P	P		
53112 - Lessors of Nonresidential Buildings		P	P		
53113 - Lessors of Miniwarehouses and Self-Storage Units		P	P		
53119 - Lessors of Other Real Estate Property		P	P		
5312 - Offices of Real Estate Agents and Brokers	P	P	P	P	P
5313 - Activities Related to Real Estate		P	P		
5321 - Automotive Equipment Rental and Leasing		P	P		
5322 - Consumer Goods Rental		P	P		
5323 - General Rental Centers		P	P		
5324 - Commercial and Industrial Machinery and Equipment Rental and Leasing			P	P	P
533 - Lessors of Nonfinancial Intangible Assets (Except Copyrighted Works)		P	P		
54 - Professional, Scientific, and Technical Services					
5411 - Legal Services	P	P	P		
5412 - Accounting, Tax Preparation, Bookkeeping, and Payroll Services	P	P	P	P	P
5413 - Architectural, Engineering, and Related Services	P	P	P	P	
5414 - Specialized Design Services	P	P	P		
5415 - Computer Systems Design and Related Services	P	P	P	P	
5416 - Management, Scientific, and Technical Consulting Services	P	P	P	P	

	Use	District				
		NC	GC	BP	LM	I
	5417 - Scientific Research and Development Services		P	P	P	
	5418 - Advertising, Public Relations, and Related Services		P	P	P	
	5419 - Other Professional, Scientific, and Technical Services		P	P	P	
55 - Management of Companies and Enterprises						
	551 - Management of Companies and Enterprises		P	P	P	
56 - Administrative Support and Waste Management and Remediation Services						
	561 - Administrative and Support Services		P	P	P	P
	562 - Waste Management and Remediation Services			C2	P	P
61 - Educational Services						
	6111 - Elementary and Secondary Schools	P	P	P		
	6112 - Junior Colleges		P	P		
	6113 - Colleges, Universities, and Professional Schools		P	P		
	6114 - Business Schools and Computer and Management Training		P	P		
	6115 - Technical and Trade Schools		P	P	P	P
	6116 - Other Schools and Instruction		P	P		
	6117 - Educational Support Services		P	P		
62 - Health Care and Social Assistance						
	6211 - Offices of Physicians	P	P	P	P	
	6212 - Offices of Dentists	P	P	P	P	
	6213 - Offices of Other Health Practitioners	P	P	P	P	
	6214 - Outpatient Care Centers		P	P	P	
	6215 - Medical and Diagnostic Laboratories		P	P	P	
	6216 - Home Health Care Services	P	P	P	P	
	6219 - Other Ambulatory Health Care Services		P	P	P	
	6221 - General Medical and Surgical Hospitals		P	P	P	P
	6222 - Psychiatric and Substance Abuse Hospitals			C3	C3	
	6223 - Specialty (Except Psychiatric and Substance Abuse) Hospitals			P	P	
	623 - Nursing and Residential Care Facilities	C2	P	P		
	6241 - Individual and Family Services		P	P		
	6242 - Community Food and Housing, and Emergency and Other Relief Services			P	P	
	6243 - Vocational Rehabilitation Services			P	P	
	6244 - Child Day Care Services	P	P	C1	C1	
71 - Arts, Entertainment, and Recreation						
	7111 - Performing Arts Companies		P	P		
	7112 - Spectator Sports		P	P		
	7113 - Promoters of Performing Arts, Sports, and Similar Events		P	P		
	7114 - Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures		P	P		
	7115 - Independent Artists, Writers, and Perfomers		P	P		
	71211 - Museums	P	P	P	P	P
	71212 - Historical Sites	P	P	P	P	P
	71213 - Zoos and Botanical Gardens		P	P		
	71219 - Nature Parks and Other Similar Institutions	P	P	P	P	P
	7131 - Amusement Parks and Archades		P	P	P	
	7139 - Other Amusement and Recreation Industries		P	P	P	
72 - Accommodation and Food Services						
	72111 - Hotels (Except Casino Hotels) and Motels	C3	C2	P	P	
	72119 - Other Traveler Accommodation	C2	C2	P	P	
	7212 - RV (Recreational Vehicle) Parks and Recreational Camps		P	P	P	
	7213 - Rooming and Boarding Houses	C2	C2	P	P	
	7222 - Special Food Services	C2	P	P	P	P
	7224 - Drinking Places (Alcoholic Beverages)		C2	P	P	
	7225 - Restaurants and Other Eating Places	C2	P	P	P	
81 - Other Services (Except Public Administration)						
	8111 - Automotive Repair and Maintenance		C2	C2	P	P
	8112 - Electronic and Precision Equipment Repair and Maintenance		C2	C2	P	P
	8113 - Commercial and Industrial Machenery and Equipment (Except Automotive and Electronic) Repair and Maintenance			C2	P	P
	8114 - Personal Household Goods Repair and Maintenance	C2	P	P	P	P
	8121 - Personal Care Services	P	P	P	P	
	81221 - Funeral Homes and Funeral Services	C2	P	P	P	
	81222 - Cemeteries and Crematories		C3	C3	P	
	8123 - Drycleaning and Laundry Services	C2	P	P	P	P
	81291 - Pet Care (Except Veterinary) Services	C2	P	P	P	
	81292 - Photofinishing	P	P	P	P	
	81293 - Parking Lots and Garages		P	P	P	P
	81299 - Other Personal Services (Except Escort Services)	C2	C2	C2	C2	C2
	8131 - Religious Organizations	P	P	P	P	P
	8132 - Grantmaking and Giving Services		P	P	P	
	8133 - Social Advocacy Organizations		P	P	P	

	Use	District				
		NC	GC	BP	LM	I
	8134 - Civic and Social Organizations		P	P	P	
	8139 - Business, Professional, Labor, Political, and Similar Organizations		P	P	P	
	814 - Private Households	P	P	P	P	P
92 - Public Administration						
	921 - Executive, Legislative, and Other General Government Support	P	P	P	P	P
	92211 - Courts	P	P	P	P	P
	92212 - Police Protection	P	P	P	P	P
	92213 - Legal Counsel and Protection	P	P	P	P	P
	92214 - Correctional Institutions					C3
	92215 - Parole Offices and Probation Offices					C3
	92216 - Fire Protection	P	P	P	P	P
	92219 - Other Justice, Public Order, and Safety Activities	C2	C2	P	P	P
	923 - Administration of Human Resource Programs		P	P	P	P
	924 - Administration of Environmental Quality Programs		P	P	P	P
	925 - Administration of Housing Progams, Urban Planning, and Community Development		P	P	P	P
	926 - Administration of Economic Programs		P	P	P	P
	927 - Space Research and Technology		P	P	P	P
	928 - National Security and International Affairs		P	P	P	P

MORGAN COUNTY
Planning and Development Services

Planning Commission
Staff Report

Commercial Use Table Text Amendment
Public Hearing
April 14, 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: N/A

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):

		District				
	Use	**NC**	**GC**	**BP**	**LM**	**I**
	~~81221 – Funeral Homes and Funeral Services~~	~~C2~~	~~P~~	~~P~~	~~P~~	
	812210 – Director Services, Funeral		**P**	**P**	**P**	
	812210 – Embalming Services			**P**	**P**	
	812210 – Funeral Director Services		**P**	**P**	**P**	
	812210 – Funeral Homes		**P**	**P**	**P**	
	812210 – Funeral Parlors		**P**	**P**	**P**	
	812210 – Mortician Services		**P**	**P**	**P**	
	812210 – Mortuaries		**P**	**P**	**P**	
	812210 – Undertaker Services		**P**	**P**	**P**	

	~~81222 - Cemeteries and Crematories~~	~~-~~	~~C3~~	~~C3~~	~~P~~	
	812220 – Cemetery Associations (i.e., operators)		**P**	**P**		
	812220 – Cemetery Management Services		**P**	**P**		

Model Motion

Sample Motion for *approval* – "I move we recommend approval by the County Council of the revised Commercial Use Table (Section 8-5C-3), with the removal of the allowance for crematoriums in commercial districts, dated April 14, 2016."

Sample Motion for *approval with conditions* – "I move we recommend approval by the County Council of the revised Commercial Use Table (Section 8-5C-3), with the removal of the allowance for crematoriums in commercial districts, dated April 14, 2016, *with the following revisions:*"

1. List any additional revisions…

Sample Motion for *denial* – "I move we recommend denial by the County Council of the revised Commercial Use Table (Section 8-5C-3), with the removal of the allowance for crematoriums in commercial districts, dated April 14, 2016, *subject to the following findings*:"

1. List any additional findings…

M E M O R A N D U M

TO: **Planning Commission**
FROM: **Bill Cobabe**
DATE: **April 14, 2015**
SUBJECT: **Land Use Ordinance Text Amendment – Conditional Use Standards**

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. Number~~s~~ and type~~s~~ of vehicles per time period associated with the conditional use activities.
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.**

(Additional portions of the Code to be reviewed follow in their original form):

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.

2. A wastewater disposal system and a solid waste disposal system meeting standards adopted by the governing body.
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 quality.
   b. Developments which produce any discharge to any watercourse shall demonstrate compliance with all federal, state and county 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.
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 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%) to control erosion.
7. If the proposed conditional use involves hillside construction and/or development, 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%) 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. Such other engineering or technical reports as may be required by the planning commission or governing body.
d. Detailed construction plans, drawings and specifications which outline all construction methods proposed to be utilized.

8. 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 acceptable in form and content to the county engineer.
9. 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. Standards to maintain the integrity/existence of natural drainage patterns as determined by the planning commission.
11. Construction methods, specifications, drawings, plans and practices as requested by the county engineer.
12. 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 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; 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.

13. Such other or additional 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. The planning commission and/or governing body may require the applicant to pay a performance and completion bond for one hundred fifteen percent (115%) of the cost of construction. The planning commission and governing body may also require a performance bond for one hundred fifteen percent (115%) of the cost of rehabilitation

to ensure that proper rehabilitation is made over a three (3) year period. The rehabilitation requirements will be determined by the county engineer.

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 be required to demonstrate that the general and specific requirements of this title are met. In addressing these requirements, the applicant and the planning commission 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 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.

G. 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:

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.

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 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 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 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%) 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 governing body.

1. 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.
2. 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.

3. 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 systems shall 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.

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 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 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.

PLANNING COMMISSION AGENDA
Thursday, March 24, 2016
Morgan County Council Room
6:30 PM

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

1. Call to order – prayer

2. Pledge of Allegiance

3. Approval of agenda

4. Declaration of conflicts of interest

5. Public Comment

Administrative:
6. Discussion/Decision for Whittier Estates traffic proposal.

Legislative:
7. Discussion/Public Hearing/Decision: Land Use Map Amendment – Amending the Zoning Map of the County to reflect recent changes in the Zoning Ordinance.

8. Discussion/Public Hearing/Decision: Land Use Management Code Amendment – A proposed text amendment to the following Sections of Title 8 Chapter 8 of the Land Use Management Code of the County amending: Section 8-8-4 "Performance Standards"

9. Discussion/Public Hearing/Decision: Land Use Management Code Amendment – A proposed text amendment to the following Sections of Title 8 Chapter 8 of the Land Use Management Code of the County amending: Section 8-8-5 "General Standards"

Administrative:
10. Planning Commission Business/Questions for Staff

11. Approval of minutes from March 10, 2016

12. Election of Chair and Vice Chair

13. Adjourn

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Members Present	Staff Present	Public Present
Shane Stephens	Bill Cobabe	Tina Cannon
Gary Ross	Gina Grandpre	Darlene Mussleman
Debbie Sessions		William O'Malley
Roland Haslam		Robert
Larry Nance		Ben Runu
Michael Newton		Carolyn Morrison
		Blair Gardner
		W. Pasch
		Tina Kelley

1. Call to order – prayer. Chair Haslam opened the meeting. Member Stephens offered prayer.

2. Pledge of Allegiance

3. Approval of agenda –
   Member Nance moved to approve the agenda. Second by Member Newton. The vote was unanimous. The motion carried.

4. Declaration of conflicts of interest
   Chair Haslam has a conflict with agenda item #6.

5. Public Comment –
   There was none.

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

Administrative:

6. Discussion/Decision for Whittier Estates traffic proposal.

Staff – Bill declared that he didn't have additional information and turned it over to Mr. Gardner. Chair stated that he will continue to conduct the meeting but will refrain from commenting on this item.

Blair Gardner, principle property owner– He stated there was a site distance problem from Morgan Valley Drive. They had a traffic engineer conduct a study and they developed a proposal to allow for a no left-hand turn off of 3900 N. He said he has also contacted neighbors involved. He also addressed the slowing speed limit around the corner where traffic will be entering/exiting onto Morgan Valley Dr. Besides that issue, they are ready to begin construction of the 26 approved new homes.

Member Sessions – Wanted clarification as she thought that the origin agreement was to do a traffic study concerning the speed. Since there is a natural speed reduction with the curve of the road, there may be a traffic warning sign to slow speed around the curve but not an official sign to change speed in that area.

Mr. Gardner responded that the main concern from the County Engineer was the sight distance and how the speed reduction is affected by that.

Member Sessions clarified that the Planning Commission members received emails from Mark Miller, County Engineer.

Wendell Pasch, Principle Owner – He clarified the sign would be a suggested speed of 30 mph around the curve in question. He read the email from Mark Miller, County Engineer.

Chair Haslam clarified that tonight they are discussing the no left hand turn off of 3900 N.

Member Sessions – She stated that she doesn't understand why traffic would be able to drive straight through, but not make a left-hand turn.

Member Nance stated he is ready to make a motion. **Member Nance moved to not require a no left turn sign at 3900 N. Second by Member Ross.**

Chair Haslam opened for discussion.

Member Sessions said they can't ignore the engineer's recommendation. She feels they can't overrule the professional counsel from the traffic study.

Member Nance can't see where the engineer recommended the no left turn sign. Bill directed him to page 11 of the traffic study.

Chair Haslam asked Bill to help provide clarification. Chair understands that the only way to take traffic safely off 3900 N and deal with the increased traffic is to put a no left turn off of 3900 N. Bill responded that is not the case and Staff is not making a recommendation about this. It has been brought forward by the applicant and their traffic engineer (Hales), not necessarily the County Engineer. He said there were several proposals made to address this potential problem. There was discussion about a possibility of lowering the speed limit on Morgan Valley Dr. and eliminating left turns to solve the problem.

Member Nance asked where he could find their traffic engineer's recommendation. He was directed to the correct page in the Staff Report.

Member Sessions said her concern is with the existing residents, by imposing the no left turn sign, it makes it difficult for those residents who live near the new subdivision and wouldn't be able to turn left where they used to.

Member Stephens suggested widening 3900 N. There was also discussion about moving their access road. Member Newton reminded that there is another access point in which subdivision residents could turn left.

Member Nance withdrew his motion.

Chair Haslam stated there is no motion to discuss.

Mr. Gardner said this is their only option and all other suggestions have been exhausted.

Member Newton moved to recommend to the County Council that a no left turn sign be placed on 3900 N. based on the findings listed in the Hales Engineering memorandum dated November 5, 2015.

Second by Member Ross.

Discussion:
Member Newton – supports the engineer's recommendation and property rights to develop.

Member Stephens – clarified possible traffic turns exiting the subdivision.

The vote was not unanimous with Members Stephens, Ross, Newton, Nance for and Member Sessions against. The motion carried.

Legislative:

7. Discussion/Public Hearing/Decision: Land Use Map Amendment – Amending the Zoning Map of the County to reflect recent changes in the Zoning Ordinance.

Staff - Bill stated that 44 notices went out to property owners – the outstanding issue is the Business Park area near the Airport and south of Browning, as he didn't receive additional direction for boundaries concerning that area. He made a few changes in Neighborhood Commercial and gave the updated corrections concerning the changes

Member Sessions – She mentioned she spoke with Bill regarding Peterson and the storage units need to stay in General Commercial. That is the way it is reflected on the map.

Chair Haslam stated that only part of the storage units are pictured on the map and he wondered if General Commercial going to follow the property line? Bill stated if they want it to apply, it will apply.

Member Nance asked how they can approve a map without the revision of the table?

Chair Haslam responded that if they're okay with the map, they can approve the map, but not present it to the Council until standards are approved and updated. There was discussion about reviewing changes to the Use Table and a possible time frame.

Chair Haslam went into public hearing.

Randall Heath – He is the owner of the dry ice sand blasting in the Mountain Green Business Park. He is unsure of the purpose of changing the table and just wants to be able to continue doing what they've been doing for 15 years. He stated they make noise and would like to see more commercial development in that area.

Tina Kelley – She is a little bit confused about the discussion at the last meeting, but you said you want to have more discussion on the Business Park definition, you wanted to know what that really means and not rush with decisions. She was at the County Council meeting in which their direction to the Planning Commission was to bring both the standards and the map together to avoid further confusion.

Tina Cannon – When I was at the last Planning Commission meeting, I was understanding that you were still discussing it, not voting on it. The solution is not to rush it. We've created conflicting uses in this area. I'd rather we do it right the second time rather than correcting it a third or fourth time.

Member Stephens moved to go out of Public Hearing. Second by Member Nance. The vote was unanimous. The motion carried.

Chair Haslam – Reviewed the current options: Approve the map but not let it go to county council, amend the map, etc.

Member Stephens moved to postpone this until the standards are in place and completed with the maps and any changes on the commercial use table are reviewed and updated. Second by Member Nance.

Chair Haslam – Clarified they are suspending the rules to postpone until the next meeting.

Member Newton – Suggested setting a time limit. He will make an amendment to the motion.

Member Newton moved to amend the motion to postpone will last no longer then June 9, 2016. Second by Member Sessions.

Member Nance stated that is only 2 months away, only 4 meetings. He suggested moving it to the 1st meeting in July.

The vote on the amendment was not unanimous with 4 yes (Members Stephens, Ross, Sessions, Newton) and one nay (member Nance). The motion carried.

The amended motion: That we postpone this until June 9, 2016 and that the standards are in place and completed with the maps and any changes on the commercial use table are reviewed and updated. The vote was unanimous. The motion carried.

8. Discussion/Public Hearing/Decision: Land Use Management Code Amendment – A proposed text amendment to the following Sections of Title 8 Chapter 8 of the Land Use Management Code of the County amending: Section 8-8-4 "Performance Standards"

Staff – Bill commended the Planning Commission for making hard decisions.

Chair Haslam – We can table it or postpone it until the next meeting. Chair requested the material being discussed be attached to their current packet.

Member Nance moved to postpone this item until the next meeting on April 14, 2016. Second by Member Ross.

Member Sessions suggested having the public hearing to hear those that came to the meeting.

Member Nance withdrew the motion.

Public Hearing:

Darlene Mussleman – She has several concerns. In Enterprise there are gravel pits, gravel trucks and this is not a healthy or safe environment. She requests any form of monitoring the number and frequency of truck movement. She is also concerned with the healthy air staying healthy with no help from the gravel pits. She also has issues with the Enterprise road conditions. She watches the gravel pits and understands their workers are supposed to leave the gravel pit every 10 minutes and the current Sheriff can't enforce the law since he doesn't understand the wording. She complained the Planning Commission isn't doing enough to check up on conditions stemming from development.

Carolyn Morrison – She made some comments that were not picked up by the audio.

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

Member Stephens was excused from the meeting around 8:00 pm.

9. Discussion/Public Hearing/Decision: Land Use Management Code Amendment – A proposed text amendment to the following Sections of Title 8 Chapter 8 of the Land Use Management Code of the County amending: Section 8-8-5 "General Standards"

Bill said they didn't have a chance to go over these either.

Chair Haslam – So we are postponing both items 8 and 9? We are still in the same boat as the other. Chair clarified there will be another public hearing concerning these postponed items when they are re-discussed, on April 14, 2016.

Public Hearing for General Standards –

Darlene Mussleman – She presented the same concerns and issues as before: Health and safety. What do we want to see in Morgan? We don't want to see smoke in the stacks (from the asphalt plant), we want to see the mountain views. She wants to continue to enjoy her yard. The flood lights are lighting up the night sky. A conditional use permit needs to be put in to eliminate the lights from being brighter than the stars and moon. How much improvement do we have for asphalt plant pollution? I want to know what the county will require to update an old asphalt plant with the latest and greatest pollution control. She compared them to the beautiful Holcim plant with their updated pollution controls. She is also concerned with water safety, addressing the water wells. She showed where the current water wells lie, including by her home. There are stacks of asphalt that they got from somewhere that she is nervous it will seep into the water supply. We don't want to be like Wisconsin and have to drink bottled water. She addressed digging behind the homes where Wilkinson's went in and dug out a 30 feet drop to bury something. It was 90 degrees. They have a nice home but there is a huge ravine being dug out that hasn't ever been addressed. She feels the Planning Commission is not aware of all the digging going on that may affect the water, health and safety of local residents.

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

Member Nance moved to postpone items 8 & 9 until April 14, 2016. Second by Member Newton. The vote was unanimous. The motion carried.

Administrative:

10. Planning Commission Business/Questions for Staff

Member Nance elaborated on the comments made that many conditions are not being enforced. Bill stated that Mrs. Musselman's comments were correct and there were no conditions put in place, therefore cannot be enforced.

Member Ross mentioned that she contact the EPA. Bill said that lies outside the scope of what the County can do.

Member Nance suggested not allowing businesses that the county can't enforce their air pollution in the commercial use table. Member Newton replied that you cannot mitigate all pollution, even without businesses. If it was strictly residential, there still isn't effective pollution control. He further stated that we can learn from mistakes made from issues brought up by Mrs. Musselman.

Chair Haslam suggested setting reasonable, legitimate conditions on incoming businesses. Bill said that will protect citizens from unsafe pollution but there is very little way to eliminate impact on the environment. Member Nance suggested reviewing permitted uses and finding some that are not conducive to Morgan County.

Chair Haslam commented that Morgan County is in no way set up to regulate pollution. Member Nance wants to maintain the standard where Morgan has the cleanest air in the state. Bill advised members to bring changes in order for that to happen but he will not advise on code changes.

Member Nance had a specific request: To bring any permitted use to the table that will bring pollutants into the County.

Member Ross – He suggested reviewing compliance issues with performance standards. Member Sessions suggested compliant reviews for incoming businesses.

Tina Cannon – Council has discussed this issue about code enforcement but if the code is written correctly, they may be able to do something. She brought up the benefits businesses bring that are not addressed in code. Bill said many code violations are complaint driven and addressed accordingly.

Member Nance stated he is not against businesses.

Bill gave the example of Dell Web in Arizona.

Member Newton commented that everyone go through the standards and come prepared with changes or solutions. He advocated for any interested parties to participate and voice their concerns. He noted to learn from past mistakes and look to the future with prepared changes and suggestions.

Bill presented training on April 13th for UCIP, for Gary, Debbie and Larry.

Member Ross requested to add something to the next agenda, that they discuss the A-20 in Mountain Green.

11. Approval of minutes from March 10, 2016

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

12. Election of Chair and Vice Chair

Member Nance moved to move item 12 to April 14, 2016. Second by Member Ross. The vote was unanimous. The motion passed.

13. Adjourn

Member Newton 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

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