



PLANNING COMMISSION AGENDA
Thursday, September 26, 2019

Field Trip
Trappers Pointe Subdivision at 5:00 P.M. to 6:00 P.M.
Location adjacent to 6815 N Frontier Drive

Regular Meeting
Morgan County Council Room at 6:30 P.M.
48 W Young Street

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 Discussion:

6. **Discussion/Public Hearing/Decision: Fencing Ordinance** – A proposed amendment to MCC 8-6-37 – amending the livestock fencing regulations in order to require fencing out of livestock around new development and in other situations.
7. **Discussion/Public Hearing/Decision: Commercial and Industrial Districts** - A proposed Amendment to MCC 8-5C – adding design standards to all commercial zones in Morgan County.

Other:

8. Business/Staff Questions.
9. Approval of September 12, 2019 Planning Commission minutes.
10. Adjourn.

*Please Note: The Planning Commission may postpone applications if, 1. Additional information is required in order to take action on the item, OR 2. If the Planning Commission feels, there are unresolved issues that may need additional attention before the Commission is ready to make a motion. No agenda item will begin after 10:00 p.m. without a unanimous vote of the Commissioners. The Commission may carry over agenda items scheduled late in the evening and not heard to the next regularly scheduled meeting.

PLANNING COMMISSION MINUTES
Thursday, September 26, 2019

Field Trip
Trappers Pointe Subdivision at 5:00 P.M. to 6:00 P.M.
Location adjacent to 6815 N Frontier Drive

Regular Meeting
Morgan County Council Room at 6:30 P.M.
48 W Young Street

Minutes of the Morgan County Planning Commission meeting at the above time and date at the Morgan County Courthouse, Council Chambers; 48 West Young St., Morgan, Utah.

Present PC Members:

Chairman Ross
Member Sessions
Member Little
Member Bass
Member Mayerle

Staff:

Lance Evans, Planning Director
Gina Grandpre, Planner I
Bailey Smith, Transcriptionist

Absent PC Members:

Member Wilson
Member Stephens

Public Attendance:

See Sign In Sheet

1. Call to order – prayer
2. Pledge of Allegiance
3. Approval of agenda

Member Mayerle moved to approve the agenda. Second by Member Little. The vote was unanimous. Motion carried.

4. Declaration of conflicts of interest
5. Public Comment

No public comment.

Legislative Discussion:

6. **Discussion/Public Hearing/Decision: Fencing Ordinance** – A proposed amendment to MCC 8-6-37 – amending the livestock fencing regulations in order to require fencing out of livestock around new development and in other situations.

Evans presented the final changes to the fencing ordinance. The Planning Commission and the County Council provided comments that staff tried to incorporate into the document. The council suggested drafting the ordinance similar to Eastern Summit County. The developer would pay for the entire cost of the fence installation, keep requirements for subdivisions that are 10 lots or more, apply to specific zones, create a plat note or memo of understanding for the right to farm, have clear definitions, and it should reflect the type of fence as well as the timing of fence installation. One of the more complex questions was an exaction analysis. Staff feels they have addressed that and that there is an essential need for this to keep Morgan County rural.

Evans stated they added four definitions, which are Agricultural Area, Agricultural Fence, Livestock, and Non-agricultural development. Morgan County is a fence in County. This would only

be affecting new development. Staff looked at standards for Agricultural Fence. In their research, they came across the USDA standards for woven wire and barbed wire fence types.

Evans stated staff had determined that this ordinance would best fit in the Subdivision Layout Ordinance. The subdivision layout requirements will have to meet the fencing standards for livestock fencing in all non-agricultural developments. Lot size requirements will be less than five acres in size. The developer shall pay for fencing costs including labor and materials. There would be a separate fence standard for wildlife mitigation. The date this ordinance will go into effect is January 1, 2020.

Grandpre stated the woven wire fence is what staff recommended in the ordinance. Member Bass asked if they could have both of the fence types in the ordinance. Evans asked where they would apply the different fence types. Chair Ross stated there would be a third fence type with the wildlife-friendly fencing. Member Sessions stated that it was mentioned in the code. Chair Ross stated that it could be as simple as not specifying the types. Evans stated the more specific and direct you can be that takes out the questions. Member Sessions stated she does not like the net fencing. It breaks down with the snow and horses stand on it. If you have sheep you want the net if you have cattle you don't. Member Bass asked if the developers would be picking because generally, developers aren't going to have the animals.

Member Mayerle stated the developers would be responsible to maintain the fence so it would behoove them to figure out which is the best type, correct? Evans stated no. They would have to install it and then it would fall to state law for maintenance. Member Sessions stated there really is no state law unless they are in greenbelt. Evans stated staff's point of view was that they were putting in the fence, which is a significant cost, is establishing that boundary. Who then benefits the most from it staying, maintains thereafter. Member Bass and Member Sessions stated the lot owner would benefit the most. Evans asked if the lot owner or the farmer. Grandpre stated the way the state of Utah defines it is that it is to be maintained by both property owners. Member Sessions stated the state code is referenced to fence in fence out. This ordinance is for subdivision infrastructure. Grandpre stated she had researched Idaho State's ordinance and it is worded exactly how Mr. Potter had stated it. The maintenance of the fence is done by qualified landowners and qualified adjoining landowners. Member Sessions stated those are usually greenbelt. Chair Ross asked if that often changes. Member Bass asked what qualified meant in this instance. Grandpre stated they could define that further in the definitions. Evans stated it is defined in state code. They could set the county standard and redefine all of those terms or they could just go with the state law. Member Bass asked if the person that bought the lot would be the qualified landowner.

Member Bass asked if she were growing corn would she have to share in the maintenance of the fence. Grandpre stated yes. Member Bass stated that unless there are animals the crops are not going to jump the fence and ruin someone's yard. Member Mayerle stated they are putting a financial burden on the farmer because someone else wants to do a different plot of land. He suggested adding a mutual agreement clause where they could forego the fence if neither party wanted it. Chair Ross read the definition of a qualified landowner.

Grandpre stated that as a government entity, the county could not require a property owner to do something without there being some kind of validity to it. She explained what an exaction is, who can require it, what is permissible and how it is determined. She asked what the interest is in exacting this ordinance on landowners to install the fence. Chair Ross stated it would be to promote the public well being. Grandpre stated we are protecting the agricultural heritage that Morgan is known for. Member Bass asked if the fence was already installed by the farmer would the adjacent property owner have to maintain the fence as well. Evans stated they need to follow Utah code as closely as possible. Member Bass stated that the development property owners should maintain the fence.

Member Mayerle stated if you force them to put up a fence that wasn't there before now the farmer not only has half of the maintenance but half of the liability if someone gets hurt. Evans stated the purpose is to put in a fence to help maintain the agricultural nature of one property should another property become developed. So who is the fence benefiting? It needs to be reasonable for what they are doing. The liability issue would follow state code as well. Member Mayerle stated the

issue he is having with the ordinance is that we are doing a big exaction on someone who didn't sign up in the development to start with. Evans stated they could do the mutual agreement in there that will take the liability. There is still the maintenance issue. Chair Ross suggested putting section five back in but changing the verbiage to kick it back to the partition code. Grandpre read the code for maintenance. Chair Ross stated they would make it number five and saying ownership and maintenance of the fence shall be determined by Utah state code for partition fences. The PC continued their discussion on maintenance.

Member Mayerle suggested forcing the HOA into the agreement that way the farmer has only one party to deal with. Grandpre stated that every subdivision would then be required to have an HOA which is not part of the code. Evans stated it comes back to property rights. Each property owner is using the land the way they want and if one wants to change their use right now they don't have to do anything. We are adding, to the person that wants to change the use of their land, an exaction for them to pay for a cost. They are going to pick up the tab and from that point forward, they will share the responsibility. Member Bass asked why they should pay for a fence that they did not want there. Evans stated if they don't want it there they have a provision to waive that.

Chair Ross asked what the problem would be with having the lot owner just maintain it. Evans stated that the developer puts in the fence and then it falls to Utah state law. Member Sessions asked about the five-acre lot maximum. Grandpre stated that Riverwood Farms subdivision has five-acre lots that would have been required to fence their subdivision in. RR-5 and RR-10 are agricultural-based residential lots. Member Sessions stated it is not greenbelt qualified so it is not agricultural. Evans asked where they draw the line. Member Sessions stated we are not putting the fence in to keep the lot owners animals in but to keep the agricultural use out. She suggested stating any residential subdivision. The definition of agricultural area should not be so specific. It should state if the land falls under the Farmland Assessment Act. Grandpre stated one of the suggestions by the council was to look at East Summit Counties ordinance and that is where it came from. Member Bass stated they need to include barbed wire. Evans suggested adding a barbed wire fence to the agricultural fence definition. Evans asked who would choose the type of fence. Member Bass stated it specifies which type of fence for different types of animals. Member Mayerle stated that the developer would go for whatever fence was cheaper. Member Sessions stated barbed wire should be the default. Chair Ross asked if it was worth mentioning the standard for wildlife migration corridors. Evans stated they could reference it or they could not. Member Mayerle stated that wildlife-friendly fences change over time anyway. So referencing the DWR code would cover for every time it changes. Member Bass asked if the wildlife migration corridor is present who chooses the type of fence. Member Sessions stated any subdivision does not qualify for greenbelt this should apply. Member Mayerle asked about the mink farm in the RR-1 zone.

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

Tina Kelley from Mountain Green asked about the height of the fencing. She stated it does not specify the height except for in the wildlife corridor. She appreciates the PC working on this.

Roland Haslam from Stoddard stated he worked in the Cottonwoods for years. The first thing the developer did was take down all of the fences and then complained about other livestock getting on their property. The concern is that you have numerous people that have livestock and ranches. If a developer rips down a fence, he should be responsible to replace the fence. He stated from the County Council side he likes the dialogue the PC is having in discussing different aspects and trying to figure out how to work this.

Member Bass moved to go out of public hearing. Second by Member Mayerle. The vote was unanimous. Motion carried.

Member Bass and Member Sessions stated they felt the maintenance needed to be discussed more. Chair Ross stated the recommendation he had made in 4C Ownership and maintenance of the fence shall be determined by Utah state code for partition fences. Then there was a suggestion of having the maintenance fall to the lot owner. Member Mayerle stated if they give all maintenance to the lot owner, all of the liability goes to the lot owner. Chair Ross stated that they are concerned with what would trigger the need to fence out livestock. Member Sessions suggested any land coming out of greenbelt but it does not address MU-160 subdivisions. Chair Ross suggested leaving it at residential subdivision and then changing the lot size. Member Mayerle stated they might be splitting this too fine. Once you get to a certain size lot, you are not talking about agriculture anymore. Evans asked the PC their concerns with the definition of non-agricultural development as it is proposed. Member Sessions stated that it says within RR-1 and lower residential zones. Chair Ross stated he liked it he feels they need to be consistent. Member Bass suggested adding 5 acres or less to the definition. Evans stated that is a definition, and does not contain the standards. Member Mayerle asked about fencing being required before permitting. It would be incumbent upon the developer to make his operations as efficient as possible. Evans stated staff felt requiring it at final recordation was too soon so they recommended before first building permit issuance. If they wait until final occupancy, they would have to tell homeowners they could not move in until the fence is put up. Member Mayerle stated they could require it before the first occupancy to allow for ease with doing grading and other things.

Member Bass moved to postpone until October 10. Second by Member Sessions. The vote was unanimous. Motion carried.

7. Discussion/Public Hearing/Decision: Commercial and Industrial Districts - A proposed Amendment to MCC 8-5C – adding design standards to all commercial zones in Morgan County.

Evans presented the changes to the Commercial and Industrial zones adding design standards from the Town Center Ordinance. Chair Ross asked what was different from Town Center. Evans stated the verbiage changed from Town Center to Commercial and Industrial. There was a streetscapes section with nothing in it so that was removed. References to the town center map were removed. Staff suggested the developer still be required to provide trails and landscaping. Member Sessions stated they do not need multifamily residential design standards because it is not allowed in the commercial. Evans stated there are some specific multifamily zones but there is also multifamily allowed in the commercial use table. Grandpre stated that a residential home/assisted living is allowed in two commercial zones as a conditional use permit. She stated that they are considered multifamily because they are two families in one building. The PC agreed to leave the Multifamily Residential Design Standards.

Member Mayerle stated they reference in section 8-5C-7IVB6 ten or more units and in section 8-5C-7VB4 it just states more than ten. He suggested to make it cohesive with everything change B4 to ten or more.

Member Bass moved to go into public hearing. Second by Member Mayerle. The vote was unanimous. Motion carried.

Tina Kelley from Mountain Green wanted to make sure that they did not change the height requirement from 35'.

Member Bass moved to go out of public hearing. Second by Member Sessions. The vote was unanimous. Motion carried.

Chair Ross asked about the height standards. Evans stated that the requirement for the height is in a different section. The vertical separation standard is talking about stories of buildings and not overall height.

Member Mayerle moved that the Planning Commission recommend approval to the County Council and adopt the changes in Morgan County Code Section 8-5C-7 Commercial and Industrial Design Standards, application number 19.046, based on the draft code listed in the staff report dated September 26, 2019, with the following corrections:

- 1. That the multifamily design is updated to say 10 or more units.*

Second by Member Little. The vote was unanimous. Motion carried.

Other:

8. Business/Staff Questions.


Evans asked the PC if they would like to have their contact information available to the public. Chair Ross stated yes because that is why they had county email addresses created. Member Sessions stated she has no problem with the county email. Evans stated there is a conference next week in West Jordan. In the next meeting, we have the lighting ordinance.

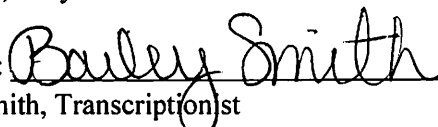
9. Approval of September 12, 2019, Planning Commission minutes.

Member Sessions moved to approve the September 12, 2019, Planning Commission minutes. Second by Member Mayerle. The vote was unanimous. Motion carried.

10. Adjourn.

Member Bass moved to adjourn. Second by Member Mayerle. The vote was unanimous. Motion carried.

Approved:  Date: 10-14-19
Chairman, Gary Ross

ATTEST:  Date: 10-14-19
Bailey Smith, Transcriptionist
Planning and Development Services

SIGN IN SHEET
MORGAN COUNTY PLANNING COMMISSION
Morgan County Council Room
Thursday, September 26, 2019

1. Tina Kelley

2. Roland Haslam

3. Carol Ralphs

4. Keith Ralphs

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MORGAN COUNTY
PLANNING COMMISSION

Public Hearing

Discussion/Public Hearing/Decision: A proposed Amendment to MCC 8-6-37:

Fence, Wall and Screening Regulations– amending the livestock fencing regulations in order to require fencing out of livestock around new development and in other situations.

Thursday, September 26, 2019

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MORGAN COUNTY
PLANNING COMMISSION
Public Hearing

Discussion/Public Hearing/Decision: A proposed Amendment to MCC 8-5C:
Commercial and Industrial Districts– adding design standards to all commercial
zones in Morgan County.

Thursday, September 26, 2019

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