



PLANNING COMMISSION AGENDA

Thursday, December 12, 2013

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. Approval of agenda
3. Declaration of conflicts of interest
4. Public Comment

Administrative Items

5. Discussion/Decision: Sauer CUP: Requesting a Conditional Use Permit for excavation for a residential building pad located at 6502 N Highland Drive.
 6. Discussion/Decision: Babcock/K2 Building Solutions CUP: Requesting a Conditional Use Permit for assembling construction material to be utilized off site located at 4070 West 5800 North in the Cottonwood Industrial Park.
 7. Discussion/Decision: Coventry Cove P.U.D. Subdivision Amendment# 2: A request by Coventry Cove Properties, LLC/Rex Wilkinson to amend Lot 10 by adding additional acreage to the lot and subdivision footprint located at 5521 N Coventry Circle Morgan, UT.
 8. Discussion/Decision: Johnson/Surrey Lane Estates P.R.U.D. Subdivision Amendment #2: A request by Matt & Jennifer Johnson to amend the location of the building envelope on Lot 7 of the Surrey Lane Estates PRUD located at 780 West Surrey Lane Morgan, UT
 9. Discussion/Decision: Wilkinson Acres Subdivision Concept Plan: Conceptual review of a 3 lot subdivision located in the RR-1/A-20 zones on property located at approximately 2000 S. Morgan Valley Drive. The applicant is also seeking an exception from improvement requirements.
 10. Discussion/Decision: General Plan & Ordinance Annual Update
 11. Discussion/Decision: 2014 Planning Commission Calendar Approval
 12. Staff Report
 13. Approval of minutes from November 14, 2013
 14. Adjourn
- *The Planning Commission will be meeting for their annual Planning Commission Dinner prior to the formal start of the meeting. The dinner will start at 6:00 PM.

Members Present

Shane Stephens
David Sawyer-electronic participation
Debbie Sessions
Roland Haslam
Darrell Erickson
Michael Newton
Steve Wilson

Others Present

John B. Wilkinson
Stu Wilkinson
Mike Babcock
Matt and Jennifer Johnson
Joanne Nelson

1. Call to order – prayer. Chairman Haslam welcomed everyone to the meeting. Member Stephens offered prayer.
2. Approval of agenda

Member Stephens moved to approve the agenda. Second by Member Sessions. The vote was unanimous. The motion carried.

3. Declaration of conflicts of interest

Member Wilson will withdraw on agenda item #9.

4. Public Comment

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

There was none.

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

Administrative Items

5. Discussion/Decision: Sauer CUP: Requesting a Conditional Use Permit for excavation for a residential building pad located at 6502 N Highland Drive.

Randy Sauer: Owner of lots 50 and 51 on Highland Dr. Acknowledges the steep slopes and has proposed a new house plan for the lot.

Chair Haslam wondered about how much dirt would be moved and Mr. Sauer responded that it is a cut and fill from the top of the hill to the bottom and it may need some structural fill. They are taking 48 yards of export from the site and bringing in 100 yards for the slabs and footings. He mentioned they are cutting the corner for lot 51, which he also owns. He is doing an easement across the lots. Mr. Sauer addressed water runoff and drainage; he has done a storm water

prevention plan. He stated that the county engineer has reviewed and approved that. Mr. Sauer clarified that this is just for excavation.

Chair Haslam expressed concern that the geological studies were conducted 6-7 years ago and wondered if they have current information. Charlie explained that the county engineer has reviewed the information provided. Ronda elaborated that his review was acceptable except for some of the drainage issues. Member Erickson stated that his understanding of the report is that once excavation is complete, there is a revalidation. Mr. Sauer stated that there will be a review during the course of construction, where the engineer will be present during the excavation process.

Member Sawyer wondered if Charlie or the county engineer had any concerns with the slope stability analysis.

Charlie stated that some of the conditions for approval specifically address the concern for a potential landslide and that the project geologist, project engineer, and structural engineer all need to certify that there is not a reasonable risk for that area.

Member Sessions clarified to Mr. Sauer in that each- geologist engineer, geotechnical engineer and structural engineer-.need to have \$1 million liability. Mr. Sauer was confident that they did.

Member Erickson moved to forward a positive recommendation to the County Council for the Sauer Conditional Use Permit for excavation for a residential building pad located at 6502 N Highland Drive, application 13.012, subject to the findings and conditions listed in the November 6, 2013 staff report, and as modified by the conditions and findings below:

1. That all work shall be conducted in compliance with the approved Engineering plans.
2. That the applicant will hold a preconstruction meeting with the County Engineer, Geologist, Engineer for the Rock Walls, Zoning Administrator and contractor prior to commencement of any on site work.
3. That all final administrative comments/corrections from the County Engineer are complied with prior to any on site improvements.
4. That an access easement is executed and recorded on Lot 51 of the Highlands Addition No. 1Subdivision for the proposed driveway access to Lot 50 of the Highlands Addition No. 1Subdivision prior to beginning on site improvements.
5. That an erosion control and revegetation/reseeding plan be submitted to the Morgan County Planning Department for review and approval by the County Engineer and Zoning Administrator.
6. That a cash bond for the erosion control and revegetation/reseeding plan is submitted to the County with a Cash Escrow agreement and Engineer's Cost Estimate in an amount and on forms as are acceptable by the County Engineer, County Attorney, and County Zoning Administrator.
7. That all graded or disturbed surfaces of excavations, and all equipment materials and driveways on the site shall be dampened or suitably treated, managed or contained to prevent the deposit of debris, dust or dirt on neighboring streets and properties; all materials transported to or from the site shall be so contained during transportation as to prevent spillage on streets or other property outside of the site, and all vehicles going to or from the site shall be clean and free from dirt or debris that may track into the public right of way.
8. That all County outsourced review costs are paid current prior to commencement of construction.
9. That enforcement of these conditions may be attained by the issuance of a stop work order until infractions are corrected, among any other legal means.

10. That the applicant will adhere to MCC§ 8-5I-12 “submittal and certification of geologic hazards reports” prior to any work commencing on site.
11. That the applicant will provide a letter from a structural engineering certifying that the proposed residence on Lot 50 of the Highlands Addition No.1Subdivision has been designed based on the recommendations and conditions of the Geotechnical Engineer and Geologist.
12. That the project adheres to all other local, state, and federal requirements.
13. That if additional information becomes available regarding the unsatisfactory site conditions related to geologic or geotechnical issues as determined by the County Engineer, then the Conditional Use Permit may be re-reviewed for additional conditions or revocation.

This recommendation is based on the following findings:

1. That the request conforms to the requirements of the Morgan County Code.
2. That the requested uses are conditionally allowed in the R1-20 zone.
3. That with the proposed conditions, the proposal will mitigate potential detrimental effects it may cause to the public, particularly with respect to the dust and debris control.
4. That an erosion control and revegetation/reseeding plan is essential to mitigating the harmful effects of erosion, slope instability, and will mitigate the negative aesthetic effects of the hillside excavation.

Second by Member Sessions.

Motion by Member Sessions to amend the main motion from the November 6, 2013 staff report to December 4, 2013 memo. Second by Member Newton. The vote to the amendment was unanimous. The amendment to the motion carried.

The vote on the main motion, as amended, was unanimous. The motion carried.

Member Stephens was excused at this point.

6. Discussion/Decision: Babcock/K2 Building Solutions CUP: Requesting a Conditional Use Permit for assembling construction material to be utilized off site located at 4070 West 5800 North in the Cottonwood Industrial Park.

Mike Babcock: Co-applicant and owner of the property. He was surprised that there was a CUP required for the business use. He purchased it 18 years ago in an A-20 zone and then worked with the county to create a commercial buffer zone. The business is an assembly; not noisy or dusty and wondered if the uses have changed from the zone that was created before. He is not sure if it fits under a light manufacturing code. The business does pre-fabrication for walls to ship out to job sites. They are friendly to the neighborhood compared to most. He verified that all activity takes place indoors. Chair Haslam stated that a commercial buffer zone always requires a CUP. Mr. Babcock said that it depends on the type of business going in.

Member Sessions asked about the type of tools used. Mr. Babcock stated the tools are not noisy; cutting foam, metal cutting saw, and hand work.

Member Sessions suggested that there may be a decibel limitation, to which Member Erickson responded that there is damage above 85. Mr. Babcock suggested putting a noise level restriction on the area.

Member Sessions moved to forward a positive recommendation to the County Council for the K2 Building Solutions, Inc. Conditional Use Permit for general contract construction services, file #13.120 subject to the findings and conditions listed in the October 17, 2013 staff report, and as modified by adding condition #9 that the sound level at 650 feet from the business be less than 50 decibels.

1. That approval is based on the information in the application and Planning Commission staff report dated 10/17/13. Any impactful changes to the business from the information presented therein may require additional future review and approval.
2. That a business license for K2 Building Solutions, Inc. be obtained prior to commencement of onsite operations.
3. That all past due taxes along with all penalties and interest owed to Morgan County for Serial# 03-005-123-BCD are paid current prior to the review of the business license for K2 Building Solutions, Inc. located at 4070 West 5800 North Morgan, UT.
4. That the proposed business limits the hours of operation within the timeframe of 6:00 AM to 10:00 PM.
5. That the building official performs a site inspection to ensure code conformance prior to the issuance of a business license, including address and unit numbering and identification consistent with area addressing methods.
6. That a building permit is required to be issued for any electrical, plumbing, heating, and framing etc. during any renovation period.
7. That the applicant schedules a site inspection with the local fire official and receives approval prior to the issuance of a business license.
8. That the business adheres to all other County, State, and Federal requirements.
9. That the sound level at 650 feet from the business be 48 decibels.

This recommendation is based on the following findings:

1. That the request conforms to the 2010 General Plan.
2. That the request conforms to the requirements of the Morgan County Code.
3. That the hours of operation may be a conditional use to operate.
4. That Morgan County Code has specific landscaping standards. If the Planning Commission feels additional landscaping is required in order to comply with code, staff would recommend a landscaping design to be submitted for approval by the Zoning Administrator.

Second by Member Wilson.

Discussion followed about the decibel level. Member Erickson wondered how the number 50 for the decibel level was deduced for this item. Ronda stated that the decibel levels were discussed at the last Planning Commission meeting. Member Erickson is concerned that the number 50 is an arbitrary number and would like to leave it as it is and seek further counsel. Member Sessions voiced that the decibel level is not only about noise for health, but also for annoyance for surrounding residences. The running vacuum is at an 81 decibel level. Member Newton wondered what the decibel level was for the last commercial buffer installed and, to be consistent, wanted to change it to a 48 level.

Member Newton moved to amend the motion from the 50 decibel level to 48 decibels at 650 feet. Second by Member Sessions. The vote was not unanimous with Members Sessions, Newton, Wilson and Sawyer in favor and Member Erickson against. The amendment to the motion carried with a vote of 4 to 1.

The vote on the main motion, as amended, was not unanimous with Members Sessions, Newton, Wilson and Sawyer in favor and Member Erickson against. The motion carried with a vote of 4 to 1.

Mr. Babcock wondered if the planning commission had plans to revisit the permitted uses for that area and would like to be invited to the discussion.

7. Discussion/Decision: Coventry Cove P.U.D. Subdivision Amendment# 2: A request by Coventry Cove Properties, LLC/Rex Wilkinson to amend Lot 10 by adding additional acreage to the lot and subdivision footprint located at 5521 N Coventry Circle Morgan, UT.

Rex Wilkinson: Adding 5000 sq feet on the back of lot 10.

Chair Haslam asked for confirmation that he is not reducing open space required for the PRUD.

Mr. Wilkinson stated he is not; he is just adding.

Chair Haslam inquired about the updated letter for the well in which Mr. Wilkinson replied that it should be included in his report.

Member Sessions moved to forward a positive recommendation to the County Council for the Coventry Cove Subdivision, a Planned Unit Development Amendment# 2, file# 13.002, subject to the conditions and based on the findings presented in the staff report dated December 4, 2013, and as modified by the conditions below:

1. That an updated title report is submitted with the final Mylar.
2. That staff can make a positive finding that all administrative plat corrections and other information have been provided to the satisfaction of respective reviewers, and that all conditions have been satisfied prior to the final Mylar.
3. That written verification of the proposed water source for both culinary and irrigation supplies that conform to the County adopted subdivision ordinance requirements be provided to the County prior to the final Mylar.
4. That written approval from the Mountain Green Fire District is provided prior to the final Mylar.
5. That all outstanding fees for outside reviews are paid in full prior to recording the final Mylar.
6. That all local, State and federal laws are upheld.

This recommendation is based on the following findings:

1. The nature of the subdivision is in conformance with the current and future land uses of the area.
2. The proposal complies with the Morgan County 2010 General Plan.
3. The proposal complies with the current Development Agreement for the Coventry Cove Subdivision, a Planned Unit Development.
4. Those certain conditions herein are necessary to ensure compliance with adopted laws prior to subdivision plat recording.
5. The additional infrastructure improvements are not necessary at this time to protect the public's health, safety, and welfare.
6. That the proposal is not detrimental to the health, safety, and welfare of the public.

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

8. Discussion/Decision: Johnson/Surrey Lane Estates P.R.U.D. Subdivision Amendment #2: A request by Matt & Jennifer Johnson to amend the location of the building envelope on Lot 7 of the Surrey Lane Estates PRUD located at 780 West Surrey Lane Morgan, UT

Matt Johnson approached the planning commission. There were no questions for him.

Member Newton moved to forward a positive recommendation to the County Council for the final plat for Surrey Lane Estates PRUD Amendment# 2, file# 13.098, subject to the conditions and based on the findings presented in the staff report dated December 5, 2013, and as modified by the conditions below:

1. That an updated title report is submitted with the final Mylar.
2. That staff can make a positive finding that all administrative plat corrections and other information have been provided to the satisfaction of respective reviewers, and that all conditions have been satisfied prior to plat recordation.
3. That all outstanding fees for outside reviews are paid in full prior to recording the final Mylar.
4. That all local, State and federal laws are upheld.

This recommendation is based on the following findings:

1. The nature of the subdivision is in conformance with the current and future land uses of the area.
2. The proposal complies with the Morgan County 2010 General Plan.
3. That sufficient proof of culinary & irrigation water flow has been provided to the Planning and Development Services Department.
4. Those certain conditions herein are necessary to ensure compliance with adopted laws prior to subdivision plat recording.
5. The additional infrastructure improvements are not necessary at this time to protect the public's health, safety, and welfare.
6. That the term "open space" on the original plat(s) may have been intended for agricultural production purposes, for which the proposal complies.
7. That the proposal is not detrimental to the health, safety, and welfare of the public.

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

9. Discussion/Decision: Wilkinson Acres Subdivision Concept Plan: Conceptual review of a 3 lot subdivision located in the RR-1/A-20 zones on property located at approximately 2000 S. Morgan Valley Drive. The applicant is also seeking an exception from improvement requirements.

John Wilkinson approached the pulpit. There were no questions for him. Member Sessions stated her desire to change the rule so that the exception becomes the rule.

Member Sessions moved to forward a positive recommendations for the Wilkinson Acres Subdivision No. 2 Concept Plan, application 13.153, as listed in the December 5, 2013 staff report, and as modified by the additional recommendations below:

1. That all outsourced consultant fees are paid current prior to final plat recordation.
2. That a record of survey of the remaining agricultural land is filed in the office of the County Recorder and recorded, together with a letter of approval of the division from the Zoning Administrator, pursuant to MCC §8-12-9.
3. That an improvements exception for the project is conditioned on the current width of Morgan Valley Drive being 22 feet wide with adequate shoulders, as verified by the project surveyor or engineer; or that improvement of the existing street is provided to a minimum width of 22 feet with adequate shoulders. Construction drawings, if necessary, illustrating the improvements shall be provided with the preliminary plat submittal, and final plat approval shall be conditioned on the execution of a cash bond and agreement or completion agreement for said improvements.
4. That proof of culinary shares/rights (800 gallons per day) and irrigation shares/rights (3 gallons per minute) are provided for each lot at preliminary plat application.
5. That all proposed utilities provide a will serve letter indicating their willingness to serve the property in a manner that complies with County ordinances.
6. That approval of the sewage disposal mechanism is provided by the Weber-Morgan Health Department with preliminary plat submittal.
7. That the project is renamed to the satisfaction of the County Recorder.
8. That all red/bluelines on the plat herein are corrected with preliminary plat submittal.
9. That all other local, state, and federal laws are adhered to.

This recommendation is based on the following findings:

1. The nature of the subdivision is in conformance with the current and future land uses of the area.
2. The proposal complies with the Morgan County 2010 General Plan.
3. With the recommended conditions the proposal complies with current zoning requirements and subdivision requirements.
4. That with the listed conditions the proposal is found to comply with the findings required for an improvements exception; namely, that requiring the full street infrastructure improvements:
 - a. Is not roughly proportional, in nature or extent, to the impact of the development on the community;
 - b. Is not beneficial to the county; or may be detrimental to the neighboring property abutting the development;
 - c. Is not necessary at this time to protect the public's health, safety, and welfare.
5. That approval of the concept plan and the improvements exception renders the project "routine and uncontested" and as such qualifies for approval by the Zoning Administrator in compliance with adopted laws.
6. That the proposal is not detrimental to the health, safety, and welfare of the public.

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

10. Discussion/Decision: General Plan & Ordinance Annual Update

Charlie and staff are putting together a list of ordinances to be discussed and worked on during 2014 which include:

- Future street plan: dead-end roads, emergency services, etc.
- Potential realignment for Trappers Loop Rd. Two years to purchase the property from the Johnsons for right-of-way access to I-84. If that does not work out, considering possible

alternatives. It is on UDOT's unfunded plan.

-Mecham and Freed rezone

-City boundaries

-Plans for allowed recreational uses

-Potential recreational zone. Charlie elaborated that individual land owners may choose to volunteer for that.

-Ordinance Update Committee meeting: first item is the exception to the rule; making the exception the rule instead of the exception.

-Interchange. Member Erickson voiced that there is not the demand currently to have the interchange on the plan.

Member Erickson expressed desire to resolve with the state, the 60' width of the road in the standard right-of-way. The indication he gets from UDOT is there is a legal document needed. He wondered if it is on the agenda. Charlie nodded in the affirmative.

11. Discussion/Decision: 2014 Planning Commission Calendar Approval

Member Sessions moved to approve the 2014 Planning Commission Calendar. Second by Member Erickson. The vote was unanimous. The motion carried.

12. Staff Report

13. Approval of minutes from November 14, 2013

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

14. Adjourn

Member Erickson moved to adjourn. Second by Member Wilson. The vote was unanimous. The motion carried.

Approved: _____ Date: _____
Chairman

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