

**PLANNING COMMISSION AGENDA**  
**Thursday, August 26, 2010**  
**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. Approval of Minutes for August 12, 2010.
5. Public comment.
6. Discussion/Decision: Dean W. and Linda J. Carver, rezone approximately 2.37 acres located at approximately 4267 S. Hwy 66, in the Porterville/Richville Area from A-20 to RR-1.
7. Public Hearing/Discussion/Decision - Plat Amendment of the Aspen Meadows Subdivision, approximately 5400 N Aspen Meadows Lane, Mtn. Green.
8. Discussion – Ragnar Relay conditional use permit review.
9. Discussion/Decision: To amend Chapters 8-2, 8-3, 8-4, 8-5, 8-8, 8-6, and 8-12 of the Morgan County Code pertaining to subdivision and development regulations.
10. Consultant Report/Discussion regarding the 2010 Morgan County General Plan.
11. County Council update.
12. Planning Commission business.
13. Adjourn.

**MORGAN COUNTY PLANNING COMMISSION MEETING  
MORGAN COUNTY COURTHOUSE - RM. 29  
THURSDAY August 26, 2010 – 6:30 P.M.**

**MEMBERS PRESENT**

Robert Wright  
Steve Wilson  
Adam Toone  
Bill Weaver  
Roland Haslam

**STAFF PRESENT**

Grant Crowell, Director  
Charlie Ewert, Planner Tech/Code  
Teresa Rhodes, Planning Commission Assistant

**MEMBERS ABSENT**

Trevor Kobe

**COUNTY COUNCIL PRESENT**

Tina Kelley  
Howard Hansen

**\* \* \* M I N U T E S \* \* \***

**1. Call to order – prayer.**

Chairman Wright called the meeting to order and excused Member Kobe. The prayer was offered by Member Toone.

**2. Approval of agenda.**

Chairman requested that agenda item #10 Ragnar Relay be moved prior to #8 on the agenda.

**Member Weaver moved to approve the agenda with the requested change. Second by Member Wilson. The vote was unanimous. The motion carried.**

**3. Declaration of conflicts of interest.**

There were no conflicts of interest declared.

**4. Approval of Minutes for August 12, 2010.**

Member Wilson moved to approve the minutes of August 12, 2010 as typed. Second by Member Toone. The vote was unanimous. The motion carried.

## 5. Public comment.

### Carolyn Morrison –

- Voiced concern that the County ordinance regarding weeds and junk cars is being violated. Weeds are out of control in developments and someone would just need to drop a match and it would create a large hazard. Chairman Wright noted that he would raise the question at the County Council meeting September 21, 2010 and find out whose responsibility it is for weed control in the County.
- Voiced her concern with regard to the citizens who attend these meetings and often feel these residents are not treated with respect in regard to their concerns.

### Jerry Pierce –

- Approached by Mr. and Mrs. Carver one year ago with their interest to buy property in the Morgan area. Believes maybe the message has been misconstrued that they want to subdivide; that is not the case. They want to build their dream home and live in this great community.

## 6. Discussion/Decision: Dean W. and Linda J. Carver, rezone approximately 2.37 acres located at approximately 4267 S. Hwy 66, in the Porterville/Richville Area from A-20 to RR-1.

Charlie presented a plat outline of the Carver lot showing three alternatives.

Chairman Wright asked about development agreements for a one lot subdivision. Mr. Ewert noted eventually it will be a three lot subdivision. Chairman Wright asked, as part of a re-zone, if it was or was not appropriate for the governing body to request a development agreement. Mr. Ewert noted it needs to be volunteered by the applicant or the developer. He noted in this case, the applicant has volunteered to do a development agreement.

Mr. Carver – Expressed his concern with regard to time and cost. He noted they would be willing to comply with whatever is necessary to make this possible and allow them to build.

Member Wilson was concerned about moving the A-20 line.

Member Haslam noted his personal opinion was that he did feel they wanted to put another home on the property. His issue is that this is an illegal lot created by Kipp Adams. He believed that needed to be fixed first before a re-zone could be addressed. This is happening all over the County and homeowners come in and are surprised they can't build on a lot because it is illegal.

Mr. Ewert noted the focus should be just on the re-zone. However, he understands it is really tempting to dive into design. He noted staff received one application for a one-lot subdivision, but it has to be a subdivision amendment because it is within a subdivision. Chairman Wright noted that Member Haslam's question is a fair one, "Do we continue to create illegal lots?"

Mr. Ewert noted illegal lots will continue to happen because anyone can walk into a county recorder office and record a division of property. However, regulations exist in order to maintain what is done in this county.

Mr. Haslam noted what has happened is that the Carver's have purchased a piece of property that is illegal. Mr. Ewert noted whether land owners are aware this happens or not it is difficult to stop that from happening.

Stopping it at this stage may be worthless because in the end whether it be the subdivision or re-zone it does not matter.

Member Toone noted some of the conflict is that this is costing money and/or delay. It is a sad issue that someone has bought something that has been marked at a subdivision price and it has not even had that approval. Member Wilson asked about original zoning and why it goes so deep on one side of the road and not the other. Mr. Ewert noted there is really no answer as to why it was done that way but it is the way it was done years ago in the County.

Member Wilson noted he cannot in good conscience suggest they move A-20 lines for whatever reason. If the council chooses to do that, it is their prerogative.

**Member Weaver moved to approve the petition of the Charles Carver re-zone request to rezone approximately 2.37 acres located at approximately 4267 S. Hwy 66, in the Porterville/Richville Area from A-20 to RR-1 with the following condition:**

- **A development agreement is enacted to preclude any future homes being built on the property.**

**The motion died due to lack of second.**

**Member Wilson moved to forward a negative recommendation to the County Council for the Dean Carver re-zone request to rezone approximately 2.37 acres located at approximately 4267 S. Hwy 66, in the Porterville/Richville Area from A-20 to RR-1 with the following four findings:**

- **The current condition of the area does not merit changed or changing conditions. The area is not yet ready for the re-zone request.**
- **The proposal does not conform to the Morgan County General Plan, as recommended by the Porterville/Richville area plan.**
- **This could set precedence.**
- **As of this date this property is not a legal subdivision or legally platted.**

**Second by Member Haslam. The vote was not unanimous with Members Wilson, Toone and Haslam for and Member Weaver against. The Motion carried with a vote of three to one.**

Member Weaver noted he voted nay because it is his opinion that this is penalizing the wrong people. Someone sold the Carvers an illegal piece of property and that is not their fault.

#### **7. Public Hearing/Discussion/Decision - Plat Amendment of the Aspen Meadows Subdivision, approximately 5400 N Aspen Meadows Lane, Mtn. Green.**

Mr. Ewert presented his staff report (Please see attached exhibit A). Chairman Wright asked why this was coming before the Planning Commission. He noted this plat amendment is a little different than the typical subdivision that we normally see. When someone owns a townhome they own fee title to the boundaries of the foundation of their unit. On this plat, each unit that is shown is actually a separate parcel. Everyone that owns a townhome also owns some interest in the overall project and open space; these factors create a subdivision and require the planning commission address an amendment.

**Member Weaver moved to open a public hearing. Second by Member Toone. The vote was unanimously. The motion carried.**

There was no public comment.

**Member Toone moved to close the public hearing. Second by Member Wilson. The vote was unanimous. The motion carried.**

It was noted that an e-mail had been received from Carolyn Dyal, owner of Unit #13 with concerns and questions (Please see attached exhibit B).

Mr. Nielsen noted the market has required they look at designing two car garages on these town homes instead of a one car garage.

Member Haslam was concerned about the sidewalk and pedestrian safety near unit #23. His solution would be to omit #23 or to put landscaping in and around there to make it safer.

Member Wilson believed the two car garage was a good idea and preferred the cars be parked inside instead of out on the street.

**Member Haslam moved we forward a positive recommendation to the County Council for the Aspen Meadow Plat Amendment Request, application #10.018, based on the findings and conditions listed in the Staff Report dated August 23, 2010 and one additional condition as follows:**

**Conditions:**

- 1. That all development and improvements shall be conducted in accordance with the approved plat and submitted plans that are an exhibit to this report.**
- 2. That the landscaping plan is executed in phases as buildings are completed. The landscaping surrounding each building shall be installed within 60 days of completion, or in the case of winter, by May 15 of the next available planting season.**
- 3. That the tot-lot is built prior to certificate of occupancy of the first building in the amended plat.**
- 4. That a bond and improvements guarantee agreement be submitted for 115% of the total cost of landscaping and tot-lot improvements, in a sum approved by the County Engineer.**
- 5. *Install some type of safety device along the sidewalk between unit #22 and #23.***

**This recommendation is based on the following findings:**

- 1. The nature of the plat amendment is in conformance with the current and future land uses of the area.**
- 2. There are not specific building setback requirements for dwelling units, but building setbacks shall be proportionate with lot size, frontage and landscaping requirements.**
- 3. The buildings are limited by the existing development agreement to a 35' height.**
- 4. Where pedestrian traffic is planned, the CD zone requires a physical separation between pedestrians and vehicular traffic.**
- 5. A landscape plan is required listing specific plant materials and their locations.**
- 6. A landscape bond is required to be submitted in a manner similar to street improvements.**

7. **Residential uses are conditional uses. Pursuant to MCC 8-8-3(B), final plan approval constitutes conditional use permit approval.**

**Second by Member Wilson.**

The Chairman Called for discussion:

Mr. Ewert noted the County surveyor had submitted comments to staff this morning and would recommend that one of the conditions be that his eight comments be addressed prior to recording. Those eight comments are as follows:

1. The boundary description closes and matches the graphics on the drawing.
2. There is an error in one of the dimensions on the east boundary of the property. The interior dimensions sum to 374.99 the exterior dimension is 369.26. When this is resolved I will complete my check of the interior parcels.
3. The boundary description refers to the east boundary being along the centerline of dry creek. This should be depicted in the graphics for the east line.
4. Add an approval block for the County Surveyor.
5. Have any of the proposed monuments been constructed? If so please indicate such on the drawing. The bond should not be released until all of the monuments have been built.
6. The title report only covers units 18 thru 28. Since the amended plat covers the entire plat the report should cover the description on the plat. This will then show all of the owners that need to sign the plat.
7. Please indicate the file number given by the county recorder for the record of survey for this property.
8. It would be helpful if it were shown how the location of the center of section 26 and the west 1/4 of section 26 were determined since this is what the survey is tied to. Corner record forms should be filed for the found section corners.

Member Haslam amended his motion as follows:

**Member Haslam moved we forward a positive recommendation to the County Council for the Aspen Meadow Plat Amendment Request, application #10.018, based on the findings and conditions listed in the Staff Report dated August 23, 2010 and two additional conditions for a total of six conditions as follows:**

**Conditions:**

1. **That all development and improvements shall be conducted in accordance with the approved plat and submitted plans that are an exhibit to this report.**
2. **That the landscaping plan is executed in phases as buildings are completed. The landscaping surrounding each building shall be installed within 60 days of completion, or in the case of winter, by May 15 of the next available planting season.**
3. **That the tot-lot is built prior to certificate of occupancy of the first building in the amended plat.**
4. **That a bond and improvements guarantee agreement be submitted for 115% of the total cost of landscaping and tot-lot improvements, in a sum approved by the County Engineer.**
5. ***Install some type of safety device along the sidewalk between unit #22 and #23.***
6. ***Address the county surveyor's eight comments prior to recording which are as follows:***

1. The boundary description closes and matches the graphics on the drawing.
2. There is an error in one of the dimensions on the east boundary of the property. The interior dimensions sum to 374.99 the exterior dimension is 369.26. When this is resolved I will complete my check of the interior parcels.
3. The boundary description refers to the east boundary being along the centerline of dry creek. This should be depicted in the graphics for the east line.
4. Add an approval block for the County Surveyor.
5. Have any of the proposed monuments been constructed? If so please indicate such on the drawing. The bond should not be released until all of the monuments have been built.
6. The title report only covers units 18 thru 28. Since the amended plat covers the entire plat the report should cover the description on the plat. This will then show all of the owners that need to sign the plat.
7. Please indicate the file number given by the county recorder for the record of survey for this property.
8. It would be helpful if it were shown how the location of the center of section 26 and the west 1/4 of section 26 were determined since this is what the survey is tied to. Corner record forms should be filed for the found section corners.

This recommendation is based on the following seven findings:

1. The nature of the plat amendment is in conformance with the current and future land uses of the area.
2. There are not specific building setback requirements for dwelling units, but building setbacks shall be proportionate with lot size, frontage and landscaping requirements.
3. The buildings are limited by the existing development agreement to a 35' height.
4. Where pedestrian traffic is planned, the CD zone requires a physical separation between pedestrians and vehicular traffic.
5. A landscape plan is required listing specific plant materials and their locations.
6. A landscape bond is required to be submitted in a manner similar to street improvements.
7. Residential uses are conditional uses. Pursuant to MCC 8-8-3(B), final plan approval constitutes conditional use permit approval.

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

#### 8. Consultant Report/Discussion regarding the 2010 Morgan County General Plan.

Nathan Crane presented the latest draft and key policy issues of the 2010 Morgan County General Plan. (Please see attached exhibit C)

- He noted the vision statement does not reflect today, it reflects where the County eventually wants to be.
- Area plans – pulled many goals and objectives from the area plan and incorporated them into the general plan; By doing this it then becomes a countywide goal and not a specific area plan goal.
- Land use – Have developed growth projections.
- Economic development
- Housing element – State law.
- Open house – week of September 13<sup>th</sup>
- Planning Commission hearing – September 30<sup>th</sup>.

Chairman Wright suggested meeting once a week in order to complete this before the end of the year. The members agreed to meet each Thursday at 5 p.m. through the month of September.

Mr. Crane noted there were three key issues that need to be addressed:

- Need input.
- Significant policy issue that needs address – heading toward an urban county.
- How to balance level of services with existing and future revenues.

## **9. Discussion – Ragnar Relay conditional use permit review.**

Charlie Ewert presented his staff report (please see attached exhibit D)

Mr. Ewert noted he is not certain under what ordinance this was originally applied for. This is normally something the sheriff's office would regulate. Perhaps back in 2008 staff thought a conditional use permit was necessary in order to manage this event. He noted the County should clarify. It is difficult to administer something when there is nothing within the code.

There were/are check points in this race and two of those are on private property. The Dirt spot and East Canyon Resort are State properties and the County has no jurisdiction.

Chairman Wright – who owns and manages this event? Mr. Ewert noted with the conditional use permit that was issued in 2008 the Planning Commission and county council. We may need to look further at what the land issues are so that we can excuse ourselves from the event and let emergency services take over.

The county has had a difficult time getting event coordinators in to meet with staff prior to the race. Key issues to consider:

- Coordinating the event at the last minute.
- Annual review – Current staff is unsure of what previous staff and planning commission expected at these.
- Mass gathering permit – health department and sheriff's department require this.
  - Sewage
  - Water
  - Emergency Services
  - Private land uses that are involved – Old Farm Market, two LDS church locations. Not a lot or ordinance that supports this.

Chairman Wright asked staff to work on getting this out of the Planning Commission's jurisdiction.

## **10. Discussion/Decision: To amend Chapters 8-2, 8-3, 8-4, 8-5, 8-8, 8-6, and 8-12 of the Morgan County Code pertaining to subdivision and development regulations.**

Chairman Wright noted this would not be discussed tonight.

**11. County Council update.**

- New applicant for Planning Commission member that will be presented on Tuesday.
- Board of Appeal meeting – reversed the county council’s decision to deny Mr. Gary Snyder’s conditional use permit and applied all the conditions that came from the Planning Commission.
- County council administrator has submitted his resignation and will be with the County through October as per his contract.

**12. Planning Commission business.**

Grant Crowell commented on the following:

- Confirmed that staff has met each week through September to take care of the subdivision and general plan ordinances
- Accessory apartment draft is being worked on.
- Illegal lots
  - Need a strong political will to fix this and after six – twelve months people will get the message. To get the message across a few innocent buyers will need to be part of the corrections process. Until then one lot subdivision will occur.
  - Staff could be more diligent with title work and plat. But a lot of the same issue will still be there. There are not a lot of people that do subdivisions in Morgan County; this commission has seen most of them.
  - One lot subdivisions are not allowed in some counties.
  - Some counties send buyers and sellers violations notices.
  - This is not the only one lot subdivision staff has in the office. There are many in the county.
  - Split zoning throughout the county is an interesting variable to this.

Member Haslam – brought up his concern again about the division of illegal lots and would like to see some initiation of ordinance or code that could eliminate this problem.

**13. Adjourn.**

Member Toone moved to adjourn.

**Approved:** \_\_\_\_\_  
**Chairman**

**Date:** \_\_\_\_\_

**ATTEST:** \_\_\_\_\_  
**Teresa A. Rhodes, Clerk**  
**Planning and Development Services**

**Date:** \_\_\_\_\_

**Exhibit A – Agenda Item #7 – Plat amendment of the Aspen Meadows Subdivision approximately 5400 N Aspen Meadows Land, Mtn. Green.**

**STAFF REPORT**

August 23, 2010

**To:** Morgan County Planning Commission  
Business Date: 8/26/2010

**Prepared By:** Charles Ewert, Planning Technician

**Re:** Aspen Meadows Subdivision Amendment Approval Request

Application No.: 10.018  
Applicant: Bruce Nilson  
Project Location: 5400 N. Aspen Meadows Lane  
Zoning: Central Development (CD)  
Acreage: Approximately 2.49 Acres  
Request: Request for approval of Aspen Meadows Amended Plat

**SUMMARY**

Nilson Homes desires to make the Aspen Meadows Townhome project more marketable in today's economy by modifying the unit design from a one to a two car garage. Minor modifications to the existing Aspen Meadows plat are necessary to do so. A plat amendment must adhere to all subdivision and zoning requirements of the Morgan County Code.

The Aspen Meadows project is in the Central Development (CD) zone. The CD zone has certain design standards for development, such as standards for architecture, and landscaping. It also requires development to be in compliance with an approved development agreement.

This amendment primarily alters the physical appearance of the buildings (see Exhibit 3-5). It also modifies the plat (see Exhibit 1 and 2). The amendment moves the tot-lot (see exhibit 6) to another location in the development, and alters driveway widths and configurations. The original plan did not have a landscaping plan sufficient to meet the ordinance requirements, so the amendment proposes a new landscaping plan as well (see Exhibit 7).

**BACKGROUND**

Nilson Homes subdivided the property into townhome lots in early 2008. Presently, two buildings have been built on the development site. In order to increase the marketability of the Aspen Meadows Townhomes, Nilson Homes is requesting to amend the subdivision plat by altering the footprint of the townhomes of the remaining three un-built buildings.

**ANALYSIS**

Zoning. The subdivision is in the central development zone. The purpose of the CD zone is to stimulate economic development by providing a unique planning environment for commercial and office development. This district encourages creative development and site design for mixed use commercial, office and residential uses within "planned commercial centers" and is appropriately reserved for use within town and resort centers only.

Planning Commission Meeting Minutes  
August 26, 2010 – approved 091610FINAL

Morgan County Code (MCC) 8-5D has specific regulations for development in the CD zone. The following list is specific regulations pertinent to this development.

1. There are not specific building setback requirements for dwelling units, but building setbacks shall be proportionate with lot size, frontage and landscaping requirements.
2. The buildings are limited by the existing development agreement to a 35' height.
3. Where pedestrian traffic is planned, the CD zone requires a physical separation between pedestrians and vehicular traffic.
4. A landscape plan is required listing specific plant materials and their locations. The landscape plan should address site buffering from different neighboring uses. A landscape bond is required to be submitted in a similar manner as street improvements.
5. Architectural design and materials are to conform to the surrounding developed neighborhood. All buildings in the development should have similar architectural themes. All sides of buildings shall be given equal design consideration.
6. Residential uses are conditional uses. Pursuant to MCC 8-8-3(B), final plan approval constitutes conditional use permit approval.

Changes to Plat. The building with units 18-22 is approximately 6' further from the easterly lot line, creating a 40' setback. It is in the same general location it is on the recorded plat and approximately the same distance to the private street. The additional width of the building pushes it closer to the building to the south, which tightens the common area between the two buildings.

The building with units 1-6 is also in the same general location. It is pushed approximately 4' closer to the NW lot line, yielding a 20' setback; and it is pushed approximately 5' toward the west lot line yielding an 11.33' setback. It is approximately 5' further from the private street system than the former plan.

The building with units 23-28 is also in the same general location as in the former plan. It is also approximately 5' further from the private street. It is approximately 7' closer to the easterly lot line, yielding a setback of 31.36'.

All driveways are about 5' wider than in the former plan. Combined with the increased distance to the private street, the wider driveways yield more off street parking capacity.

Architecture. The development agreement lacks specificity for architectural guidelines. It refers to the CC&R's and the Preliminary Plan Submittal for architectural control. The CC&R's indicate that "the exterior of the front elevations shall be a combination of brick, rock, stucco siding, cement siding, or other durable material approved by the architectural control committee. All roofing shingles shall be asphalt shingles... all eaves, soffits and fascia shall be constructed of aluminum or cement fiberboard." Section 10.01 of the Preliminary Plan Submittal shows a color rendering of the front elevations.

The proposed structural and architectural design gives the six unit building an additional 6.77' in width, and reduces the depth by 5'. It gives the five unit building an additional 5.5' in width, and reduces depth by 5'. The existing buildings already on site stagger floor plans, creating an attractive heterogeneous roofline. The proposed buildings don't stagger floor plans, but the developer has provided a broken roofline to give the structure a more diverse design (see Exhibits 3 and 4). The existing buildings are red and brown. The proposed colors of the remaining buildings are red, brown, and green. Both the existing and proposed buildings have rock in various areas on all sides, and cement board paneling and shingles everywhere else (see Exhibit 5).

Phasing. The development agreement lacks a phasing plan, and there is no evident phasing plan found in the Preliminary Plan Submittal. A phasing plan should be required indicating timing and duration of construction for

each phase, and when the landscaping and tot lot will be installed.

Landscaping. The current development agreement lacks a specific landscaping plan. Section 33.01 of the Preliminary Plan Submittal displays a simple colored landscaping plan, but also lacks specificity. The applicant has submitted a new landscaping plan for the entire development. The new plan assesses the existing vegetation, and includes additional landscaping, with specific species and calipers/sizes of vegetation. (See Exhibit 7.)

Open Space. Overall open space is increased by 2.31% of the total property area. The general location and configuration of the open space, or common areas is similar to the former plan.

The 5' sidewalk that runs in the common area between the buildings with units 18-22 and 23-28 is now abutted with driveways on both sides. To discourage parking in the common area, the developer has provided a landscape buffer to divide the pedestrian sidewalk from the driveways.

The Tot Lot was moved from the SE corner of the property to the SW area of the property. The new location may provide better peripheral visibility of and accessibility to the play area.

### **STAFF RECOMMENDATION**

Staff recommends approval of the Aspen Meadows Plat Amendment requested by Bruce Nilson, application #10.018, subject to the following conditions:

1. That all development and improvements shall be conducted in accordance with the approved plat and submitted plans that are an exhibit to this report.
2. That the landscaping plan is executed in phases as buildings are completed. The landscaping surrounding each building shall be installed within 60 days of completion, or in the case of winter, by May 15 of the next available planting season.
3. That the tot-lot is built prior to certificate of occupancy of the first building in the amended plat.
4. That a bond and improvements guarantee agreement be submitted for 115% of the total cost of landscaping and tot-lot improvements, in a sum approved by the County Engineer.

This recommendation is based on the following findings:

1. The nature of the plat amendment is in conformance with the current and future land uses of the area.
2. There are not specific building setback requirements for dwelling units, but building setbacks shall be proportionate with lot size, frontage and landscaping requirements.
3. The buildings are limited by the existing development agreement to a 35' height.
4. Where pedestrian traffic is planned, the CD zone requires a physical separation between pedestrians and vehicular traffic.
5. A landscape plan is required listing specific plant materials and their locations.
6. A landscape bond is required to be submitted in a manner similar to street improvements.
7. Residential uses are conditional uses. Pursuant to MCC 8-8-3(B), final plan approval constitutes conditional use permit approval.

### **MODEL MOTION**

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Aspen Meadow Plat Amendment Request, application #10.018, based on the findings and

conditions listed in the Staff Report dated August 23, 2010, and as modified by the conditions below:”

1. List any additional findings and conditions...

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the Aspen Meadows plat Amendment Request application #10.018, based on the following findings:”

1. List any additional findings...

**List of Exhibits** (these exhibits can be viewed with the official recorded minutes in the Morgan County Clerk’s office.

1. Existing Plat
2. Amended Plat
3. Existing elevations
4. Amended Elevations
5. Elevation materials photos
6. Tot lot design photos
7. Landscaping plan
8. Letter from Nilson Homes

**Exhibit B – Agenda item #7 Plat Amendment of the Aspen Meadows subdivision approximately 5400 N Aspen Meadows Lane, Mtn. Green. E-mail submitted by Carolyn Dyal.**

--Original Message----- From: Carolyn Dyal [mailto:[thedyals@charter.net](mailto:thedyals@charter.net)]  
Sent: Thursday, August 26, 2010 2:25 PM  
To: [rkippen@morgan-county.net](mailto:rkippen@morgan-county.net) Subject: Aspen Meadows

Ms Kippen:

It would be very much appreciated if you would please forward the following message to the Morgan County Planning Commission for the meeting this evening at 6:30 pm. Thank you so much.

To: The Morgan County Planning Commission  
Fr: Allen and Carolyn Dyal (Unit 13)  
Da: August 26, 2010  
Su: Nilson Homes Plat Amendment to Aspen Meadows Subdivision

It is our hope that the Morgan County Planning Board will balance the interests of the Mountain Green Community, the current home owners of Aspen Meadows, and Nilson Homes concerning the proposed plat amendment. We have not received any communication from Nilson Homes about this request. We are curious about several things related to Nilson's amendment request to build townhomes with double-car garages, including:

1. Does Nilson plan to stop building the current one-car garage townhomes?
2. What impact will the new townhomes have on current townhome values?
3. Is a copy of the revised plan available for our review?
4. We would support both one-car and double-car garage townhomes throughout the Aspen Meadows development

We look forward to hearing the decisions reached by the Planning Commission.

9017 Grayson Grove Court  
Montgomery, AL 36117  
334-277-0997 (home phone)  
[thedyals@charter.net](mailto:thedyals@charter.net)

**Exhibit C – Agenda item #8 – Consultant Report/Discussion regarding the 2010 Morgan County General Plan.**

## Memo

**TO: Planning Commission**  
**FROM: Charles Ewert, Planning Technician**  
**DATE: 8/10/10**  
**SUBJECT: Ragnar Events; File #8.038**

On May 20, 2008, the County granted a conditional use permit to Ragnar Events for an annual relay race to traverse the County. The relay consists of teams of 12 people, each running separate legs of the race route. The route traverses several Wasatch Back Counties. The event is typically conducted on a Friday and Saturday in June. It uses six staging areas on private property in the County for exchange locations. These exchanges provide restroom facilities, meeting areas, and other essential services for the racers and their teams. The race is conducted on both State and County roads, and the event runs day and night.

In 2008, the County applied 16 conditions to the conditional use permit, including requirements for proof of private land owner permission, proof of affected resident's notification, collaboration with the Sheriff's department and Emergency Services, Health Department approval, and a cleanup bond.

The 2008 conditional use permit approval indicated that the event should be re-evaluated in 2009 to determine if a cap of 650 teams should be implemented. The Planning and Development Services Department administration change in early 2009 resulted in new Staff who was unaware of the previous year's requirements until shortly prior to the scheduled event, leaving the Planning Commission no time to review the conditional use permit. The 2009 event reportedly hosted approximately 650 teams, still within the requirements of the conditional use permit.

This year, Ragnar Events contacted the County just a few weeks before the event was scheduled to occur, once again leaving the Planning Commission no time to review whether a limit should be placed on the number of teams involved. Staff learned just prior to the event that there were approximately 1000 teams registered to race, equaling approximately 12,000 people traversing the County. In order to mitigate the impact of the larger crowd, Staff requested additional safety and information measures be implemented this year that go beyond the requirements of the conditional use permit. Ragnar complied with these requests, and also informed the County of the improved crowd management plans it intends to implement this year. On July 29 the County Staff (Planning, EMS, Sheriff, Health Department and Public Services) conducted a follow-up meeting with Ragnar to provide feedback. The general consensus of the involved County Departments is that this year's event was successful with no unmanageable issues.

After three annual events, Ragnar appears to have developed large scale crowd management techniques to help mitigate the event's harmful impact on the County, but some conditions of approval may be difficult for the applicant to uphold. The Planning Commission may want to amend some conditions of approval to better fit the County's and applicant's needs. Staff can work with the applicant to revise conditions of approval at the Planning Commission's request. Alternatively, Staff would like to discuss possible amendments to the temporary use ordinance to create a more streamlined administrative process. Supporting Documents (attached):

- 2009 approval letter

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Planning Commission Meeting Minutes  
August 26, 2010 – approved 091610FINAL

- 2008 approval letter
- 2008 Staff Report
- May 15, 2008 Planning Commission Minutes
- May 20, 2008 County Council Minutes