



PLANNING COMMISSION AGENDA

Thursday, February 24, 2011
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.
5. Recognition of outgoing Planning Commission Members for service to the Morgan County Planning Commission.
6. Approval of minutes for January 13, 2011 & January 27, 2011.
7. Public hearing/Discussion/Decision - Preliminary plat application for the D&L Carver Subdivision, a 3 lot subdivision, and an amendment to the K&K Adams Minor subdivision, located at approximately 4194 – 4236 South Highway 66; a request made by the Adams, Carvers, and Vigorens.
8. Discussion: Morgan County Infrastructure.
9. Discussion: Zoning Map Follow-Up from December 16, 2010, meeting.
10. Discussion: Croydon Area Land Use.
11. County Council / Staff update.
12. Adjourn.

Morgan County Planning Commission
Thursday, February 23, 2011 6:30 p.m.
Morgan County Courthouse, Morgan, Utah

Members Present

Robert Wright, Chairman
Trevor Kobe
William Weaver
Adam Toone
Steve Wilson (left early)
Brandon Anderson
Roland Haslam

Staff Present

Grant Crowell, Planner
Charles Ewert, Assistant Planner
Teresa Rhodes, Planning Assistant

County Council Present

Ronda Kippen (first portion of meeting)
Tina Kelley (arrived late)

MINUTES

1. Call to order – prayer.

Chairman Wright called the meeting to order.
The prayer was offered by Member Weaver.

2. Approval of agenda.

Chairman Wright noted, due to time, he would recommend that item #5 be moved prior to the public comment. He further noted that agenda item #7 notes preliminary plat but it has been legally noticed for a public hearing as well. The agenda is not accurate. He would also like to note that change on the agenda.

Member Kobe moved to approve the agenda for February 27, 2011 with the above noted changes. Second by Member Weaver. The vote was unanimous. The motion carried.

3. Declaration of conflicts of interest.

There were no conflicts of interest.

4. **Public Comment.**

Ken Adams - Thanked the staff and planning members for their service; especially the ones leaving.

Debbie Sessions – Thanked the outgoing members for their service.

5. **Recognition of outgoing Planning Commission Members for service to the Morgan County Planning Commission.**

Grant Crowell thanked Chairman Wright, Member William Weaver, and Member Steve Wilson on behalf of staff and the County Council for supporting them and for what they have done for the community. He noted he would like to express appreciation for what these members have taught the staff. He presented each member with a small token of appreciation for their time and assistance to the community. The gift was a desk clock. He noted Member Kelly would be arriving late, but thanked the three members, in behalf of the County Council for their service.

Council member Kippen thanked each Member personally on behalf of the County Council.

Member Weaver expressed appreciation to all of the staff. They have been tremendous to work with and they have taught them a great deal over the years. He noted a calling such as this is not always fun when decision have to be made that you don't want to make, but decisions have to be made according to ordinance. He thanked everyone for their support and help.

Member Wilson thanked everyone who he has served with over that past three years. He noted he has learned a lot in this position and a lot about the community and the leadership of the community. He appreciates everyone's efforts. It has been an honor to serve on this commission. He is extremely grateful to the staff for their tolerance and support.

6. **Approval of minutes for January 13, 2011 & January 27, 2011.**

Member Haslam moved to approve the minutes of January 13 with the noted clarification and adjustment of Member Weaver's comments in regard to the agenda item discussing the Board of Appeal. Second by Member Toone. The vote was unanimous. The motion carried.

Member Haslam moved to approve the minutes of January 27, 2011 with the two noted minor spelling corrections. Second by Member Weaver. The vote was unanimous. The motion carried.

7. Public Hearing/Discussion/Decision - Preliminary plat application for the D&L Carver Subdivision, a 3 lot subdivision, and an amendment to the K&K Adams Minor subdivision, located at approximately 4194 – 4236 South Highway 66; a request made by the Adams, Carvers, and Vigorens.

Charlie Ewert presented his staff report (Please see attached exhibit A)

He noted several errors in the staff report.

- Page 4 – storm water runoff has been planned and addressed for lot 2. The County has yet to receive a storm water runoff plans for lots 1 and 3. Staff report reads 1 and 2.
- Page 6 – the word UDOT disappeared from condition #3. Condition #3 in staff recommendation should read “*UDOT approval for lot #3 is received prior to final plat approval.*” Condition #5 should read “*geologist and geotechnical engineer*” because both need to certify on subdivisions.

He noted this is basically a three lot subdivision, subdivision amendment in the Porterville area of the County.

The proposal meets the essence of the general plan and current zoning. The general plan for this area recommends no additional density for the Porterville area. Density is based off of the base calculations that zoning can produce. The subdivision is not proposing to change current zoning, thus current zoning can sustain three lots on this property. The property has approximately 4.12 acres in the RR-1 zone; the remaining is in the A-20 zone.

Chairman Wright asked if there were items of significant importance that staff would recommend holding on this until they are taken care of. Mr. Ewert noted the two items that he would be most concerned about is access to lot three, which has yet to be approved by UDOT. Applicant needs to invest a few good faith investigations to see if there is any other way to access the property. The other item would be the drainage proposal for lot three since we have not seen that staff is not sure what form or shape that will take. He did not think these would need to preclude this from being approved tonight. The County engineer has the ability to work with the applicants engineer to iron those issues out.

Chairman Wright noted one of his concerns is that all of this property is part of the RR-1 corridor that is part of the decision made when RR-1 was put across the two main highways. Mr. Ewert noted that is correct. All three lots have RR-1 extending 300 feet into the property from the center line of the road giving each of them enough acreage in that zone to have a home be built and conform to the zoning law. There is no need for a re-zone request.

Chairman Wright noted the first map showed two lots and now there is three. He asked about the history of this. Mr. Ewert noted that the history has been difficult to research. The legal description of the original parcel did not make a lot of sense. Originally the recorder thought it was maybe somewhere around 18 acres and it turned out to be 8. That is how difficult the legal description was. He noted there were originally two larger parcels and through the serious of land divisions and break offs you wound up with five. Three of the break offs were encompassed in the

original diagram. He noted it does get quite complicated. Chairman Wright noted part of this is to bring this up to code. Mr. Ewert noted that was correct. Chairman Wright asked if there was room for a fourth lot to be broke off. Mr. Ewert noted within the current boundaries it is built to what is allowed; current zoning. He noted that does not mean that land owners can't purchase more property, move lot lines around and revise a plat. He noted base density is what you would work off of.

There was discussion on storm drainage and water

Member Kobe moved to open the public hearing. Second by Member Haslam. The vote was unanimous. The motion carried.

Linda Rasmussen – neighbor to the south –

- No objection as long as this meets County ordinances.
- Clarified that there would only be three lots in the RR-1 zoning.

Mark Evans - lives across the street

- Is the home on lot 3 proposed within 300 feet of the road or back farther?
 - It was noted it is within the 300 feet, but the Carvers have submitted an application to move the home back. Mr. Ewert noted if the re-zone request is granted there is a potential to move the home back upwards of 470 feet.
 - Mr. Evans noted that in some of the land swaps that took place early between the landowners before that there would not be a home built back there.
 - Mr. Ewert noted that it did have a public hearing at the County council level but it is still on the table for future decision if there is no other alternative. The council did not put a date specific on when it would be addressed again. Chairman Wright recommended Mr. Evans watch the paper for the council agenda.
- Mr. Evans noted he and other landowners do not want to see the zoning changed because it took two years to get the zoning in place in the area.

Member Kobe moved to close the public hearing. Second by Member Anderson. The vote was unanimous. The motion carried.

Chairman Wright called for comments from the applicants.

Kipp Adams –

- Initially a lot of confusion when this was set up. Appreciates staff helping them to get this fixed correctly and maintain the current code.
- Noted that UDOT approval for lot three is pending. The existing road (Woods Creek Road), owned by Dwight Gailey, currently serves four residents and it currently has exceeded its occupancy.

Linda Carver – Lot owner

- August 2009 the lot was purchased and sold as a buildable lot.

- Previous owner and realtor stated it was a legal lot.
- They have submitted an application for the well.
- Later told it was an illegal subdivision.
- Have done two geological surveys.
- Exchanging property to ensure code is met. They have re-drawn boundary lines.

Jeremy Carver III– Son of Lot owner

- Have done all they can to adhere to all the codes.
- Owners of the lot and the home they build will be an asset to the community.

Member Haslam moved to recommend approval of the D&L Carver Subdivision request, an amendment to the K&K Adams Minor Subdivision, requested by the Vigoren's, Adam's, and Carver's, application #10.042 subject to the following conditions:

1. **That the subdivision be revised with the following corrections prior to Final Plat submittal:**
 - a. **That all redline comments on the drawings shall be adequately addressed and approved by the respective reviewers.**
 - b. **That the address for lot three shall be 4226, and the address for lot two shall be 4302.**
 - c. **That the Vigoren's names and address be listed on the plat as one of the developers, as they are land owners in the development.**
 - d. **That there shall be a clear delineation of slopes greater than 25% as being a non-buildable area on the plat, with a note of explanation. Building envelopes shall be placed on the final plat.**
 - e. **That a note shall be included on the plat indicating whether buildings on lot one will remain or be demolished.**
 - f. **That the locations of utility lines shall be drawn on the plat—using separate sheet if detail makes plat difficult to read.**
 - g. **That a 10' utility easement on the rear of lot three shall be drawn on the plat.**
 - h. **That storm water detention on lot one and three shall be adequately addressed on revised drawings and approved by the County Engineer.**
 - i. **That all comments from the surveyor and recorder shall be adequately addressed and approved by each, and included with final plat application**
2. **That the title report be updated to reflect correct information.**
3. **That UDOT approval for lot three is received prior to final plat approval.**
4. **That subdivision approval is conditioned on written verification from the local fire official stating that the subdivision plat and plans comply with the International Fire Code.**
5. **That approval is conditional on the project geologist and geotechnical engineer giving written and stamped certification for all geologic and geotechnical work conducted for the development, and also providing verification of liability insurance.**
6. **That the boundary lines between lot three and the land northward is adjusted prior to final plat approval.**
7. **That a copy of a well permits and well yield is submitted to the County for each lot prior to final plat submittal.**

8. That approval is based on plans submitted January 25, 2011, and the conditions herein.
9. That final plat application acceptance and final plat approval be administered by staff only after all requirements of the ordinance for preliminary plat and all conditions herein have been met, and that recordation of the final Mylar not be recorded until all land conveyances are executed.

This recommendation is based on the following findings:

1. The subdivision conforms to current zoning ordinances.
2. The listed conditions will bring the subdivision into compliance with current subdivision requirements.
3. This subdivision amendment will bring ordinance violations from the prior K&K Adams Subdivision into conformance with current law, and create three legal building lots.
4. The preliminary subdivision plat is not currently routine and uncontested, and therefore merits consideration by the County Council after recommendation from the Planning Commission.

Second by Member Anderson.

Member Weaver asked if there would be a problem with number 6 stating prior to final approval. Mr. Ewert noted after preliminary is approved, they are entitled to the subdivision. If we get those land swaps taking place sometime now before final approval that would be fine as well. Chairman Wright should we put any type of recommendation or condition to pass on to the County Council with regard to the location/setback. Member Haslam noted that is not what the applicant is requesting or what is before us right now. Because of that they can not address that issue; if it comes up later and needs to be addressed before us again or the County Council; then it can be addressed at that time. Chairman Wright noted that was correct.

The vote was unanimous. The motion carried.

8. Discussion: Morgan County Infrastructure.

Mark Miller, Wasatch Civil Engineering, County Engineer –

- Transportation and roadways are their main focus right now.
 - Accomplished some major projects over the past several years.
 - Croydon Road
 - Fairground road
 - Highway project by Trappers Loop
 - Going forward is a 2 million dollar road bond which will allow them to repair some areas on Morgan Valley Drive and Old Highway Road.
 - Adequate work to be done going North.
 - More challenging going south because it has been re-classified as a minor collector.

- Currently the County does not get enough money from the State to maintain the roads; however, all his other clients are in the same situation, so it is not something unique to Morgan County.
 - Snow basin roads – He noted he would like to see private roads up there because it will create a disproportionate impact on county services.
 - If Snow basin wants to propose public roads he would expect Snow basin to perform an analysis on how this will not create an impact on existing residents. Essentially that they pay their own way.
- Storm drainage in the County – something that will need to be dealt with eventually.
 - No curb and gutter in most areas of the County.
 - Road swales will need to be built.
 - If water comes off of a public road it becomes the County’s responsibility. Currently, in many cases in the County, it runs onto someone’s private property and there is an easement usually in place for that.

Chairman Wright asked Mr. Miller what type of questions the Planning Commission should asked Snow basin when they come before them. Mr. Miller noted the following:

- Water – how is the area going to be served with water? Snow basin has noted they own 30% of the water rights. They still need more.
- Recommended documenting issues such as this so that entitlements go with.
- Sewer will be rather simple because there are so many advanced mechanical systems now.
 - Possibly their own special services district.
- There are existing wells on their property but focus, at a conceptual level, what their plans are for below those wells. If they tap into those wells, how will that impact downstream.
 - Mr. Crowell noted in looking at their sketch plan they have proposed direct diversion from the Weber River pumped up.
 - Mr. Miller noted his primary interest and specialization in Engineering is Hydrology and believed he knows the questions to ask. He knows the firm that Snow basin is working with and they will require adequate answers and for them to prove to the County the influence areas.

Chairman Wright asked about access concerns. Mr. Miller noted the numbers that they have proposed at this point in time say the interchange is not needed. He further noted they are trying to develop a capital improvement project which would serve as a base to a capital facilities plan that would ultimately be used in an impact fee study. He noted in their case, what the County would be dealing with is improvements to the intersection of Trappers Loop and Old Highway road; right turn lanes, left turn lanes, widening intersections, and possibly widening Old Highway Road in the future. Widening Old Highway Road is a significant challenge. He believed the predominate impact that they will have with the increased traffic will be related to the State’s portion of Old Highway Road and intersection of Trapper’s Loop and our portion of Old Highway Road at least up to the Peterson interchange. There will be some roadway impacts and some improvements that will be required. Their impact fees will reflect that. He noted the goal of the impact fees is to

protect the existing tax payers so that future growth does not impose undue burdens on the taxpayers; that they pay their own way essentially.

- Future interchange at Mtn. Green was discussed.
 - Mr. Miller noted typically the problem has to exist before it gets to the point of lobbying for one.

Chairman Wright asked Mr. Wright what other things he would recommend the Planning Commission consider and ask.

- Roadways can be cut into hillside a number of different ways.
 - (1) Will there be wide cuts and fills on the hillside. (2) Is there a better way to mitigate impact? (3) Look at hillside protection issues.
 - Have ordinances in place before it happens.
- How is the water going to flow?
 - Storm water flow.

Member Anderson asked about the bridges over Deep Creek and Peterson Creek; will there have to be something catastrophic before the County looks at replacement. Mr. Miller noted the Peterson Creek Bridge needs to be replaced, but it is too short for federal funding. He noted there is other avenues other than federal funding that can be looked at.

Member Kobe asked about Snow basin requesting public roads. Mr. Miller noted that Mr. Crowell was very specific when he asked, in the meeting with Snow basin, and they did say they would be public roads. Member Kobe asked if that is their decision or our decision as a County. Mr. Miller noted with all the right protections in place, he would prefer private roads in an area like that because of the disproportionate impact that it could have. Because they will propose public roads to the County he would recommend that the County have them (Snow basin) prove to the County that this is beneficial and is not going to tax the taxpayers unduly or disproportionately. Mr. Crowell noted they will present a package that includes ticket sales, hotels, mixed use commercial, condos and new assessed values for their future projects; that will be significant especially if the County gets the point of sale. It is the County's duty to research, analysis and try to see what the best approach to the issue is; possibly special service districts which will allow them to absorb the increment and the additional costs for plowing and road maintenance.

Impact fees were discussed.

Mr. Crowell noted Snow basin will bring forward a sketch plan to begin with and they would like to see a new ordinance developed similar to what Weber County has done. These are all legislative decisions and up to the Planning Commission and County Council to decide. Once the County decides on the zone, their in. He noted there will need to be a General plan amendment and the adoption of a zone.

Member Toone in the light of infrastructure, which is going to be priority; doing infrastructure which would promote business to come into the County to provide jobs within the County or to

look at infrastructure in making it so that we can get people out of the County more efficiently, cleaner, whatever else.

Mr. Miller noted he appreciated the broad nature of that question because frankly he has not been requested to do that. It seems like he has been laboring on the day to day things. That is a very good question in regard to what is it that the County wants to do and what do they want to focus on in that respect. He believed that was something that needs to be talked about and decided with regard to what is most important here. It would be interesting to hear from both the Planning Commission and County Council on what that priority is.

Mr. Miller asked if Member Toone had a specific example he was looking at. Member Toone noted that their consultant for the general plan pointed out that in order to get businesses here, one of the biggest things that would be needed would be high speed internet application so that businesses could have broadband. Right now, basically Morgan City is the only area that has that. The other infrastructure would be an industrial park but you need the high voltage for something like that.

9. Discussion: Zoning Map Follow-Up from December 16, 2010, meeting.

The Member reviewed a zoning map of the Croydon area. It was noted areas had been updated based on research of minutes.

10. Discussion: Croydon Area Land Use.

The Members reviewed the Croydon future land use map.

11. County Council / Staff update.

Mr. Crowell noted the following:

- Carver's did re-activate their zoning application and asked for an opportunity to present to the County Council which they did. It was tabled.
 - They have now asked for a text amendment to address dual zoning scenarios in the County.
- Lazy H Ranch was approved by the County Council.
 - Modified turnaround to a hammerhead.
 - They have one year to come for approval of final plat.

Member Weaver noted area plans are advisory. The County needs an ordinance that puts some teeth into those plans or they are not effective. He would advise the future Planning Commission look at that.

12. Adjourn.

Member Toone moved to adjourn.

DRAFT

Exhibit A – agenda item # 7 - Preliminary plat application for the D&L Carver Subdivision, a 3 lot subdivision, and an amendment to the K&K Adams Minor subdivision, located at approximately 4194 – 4236 South Highway 66; a request made by the Adams, Carvers, and Vigorens

STAFF REPORT
February 17, 2011

To: Morgan County Planning Commission
Business Date: 2/24/11

Prepared By: Charles Ewert, Planner

Re: **D&L Carver Preliminary Subdivision Approval Request**

Application No.: 10.042
Applicant: Adams, Vigoren, and Carvers
Project Location: Approximately 4260 S. Highway 66
Zoning: RR-1/A-20 Zone
Acreage: Approximately 9.889 acres
Request: Subdivision Amendment Request for approval of D&L Carver Small Subdivision

SUMMARY

This application is a request for a subdivision amendment of a previously approved subdivision. The total acreage is approximately 9.889 acres, and it is located at approximately 4260 S. Highway 66. The property is currently zoned RR-1/A-20. The applicants are requesting a recommended approval of a preliminary plat.

The property was previously subdivided as the K&K Adams subdivision, a two lot subdivision which created one buildable lot and a “remainder”. This subdivision request proposes to divide the remainder property into two buildable properties, thereby creating a three lot subdivision.

Criteria for subdivision review are generally: zoning compliance, subdivision design and layout, roads and access, grading and land disturbance, water source, fire protection, septic systems, storm water, geologic and geotechnical evaluation, and finally, utility plans. This project still has some missing or incorrect information regarding satisfaction of these criteria, both on the plat and in other documents. However, staff believes the project’s design and layout substantially comply with the subdivision ordinance, and zoning requirements for the area. The outstanding needs are ministerial and can be compensated for with adequate conditions of approval and addressed during the final plat approval process.

The project qualifies as both a subdivision amendment and a small subdivision, as it is both amending a current subdivision and re-subdividing land within it to gain additional building lots. Pursuant to Morgan County Code (MCC) 8-12-560, staff does not feel that this project is routine or uncontested, and are recommending it be reviewed by the County Council on recommendation from the Planning Commission. Upon County Council approval of the preliminary plat, it may be possible for the remaining needs of the final plat and Mylar to be

approved by staff pursuant to MCC 8-12-530, if that is the desire of the Council.

BACKGROUND

The properties that comprise the K&K Adams Subdivision were substantially created during the 2005 and 2008 tax years. During these years, and through a series of unapproved lot line adjustments and land divisions, two larger properties in the area were reconfigured to yield five resultant properties. Subsequently, the County reviewed and approved the K&K Adams Subdivision on March 5, 2008 (see Exhibit A). This subdivision comprised three of the five properties – now being proposed as lots one through three – but at that time the subdivision was only presented to the County as being two lots: lot one, and a remainder parcel (a combination of what is now being presented as lots two and three – which were never legally combined via deed, only via plat recordation). The record does not reflect that the County Council was aware of this issue when the plat was approved. Further, through a series of miscommunications and errors, the plat was recorded without official approval from the Weber-Morgan Health Department.

Unaware of the greater issues regarding the property, the Carver's purchased what is now the proposed lot two in 2009 with the intention of building a home. When they discovered that the property had some issues with compliance with the County's subdivision code, they submitted an application for a one lot subdivision in April, 2010. Being part of a previously approved subdivision, the proposal of the one lot subdivision also did not comply with the code, thus, in August 2010, the Carver's joined with the owners of the other two properties in the subdivision to present this application for subdivision amendment to the County.

If approved, this proposal should rectify any previous violations on this property and will result in three building lots.

ANALYSIS

General Plan and Zoning. The property is in the Porterville area of the County. Pursuant to the future land use map and recommendations of the General Plan (see Exhibit B), all future land uses should be consistent with current zoning allowances. The project is zoned RR-1 for the front 300 feet of the property as measured from the centerline of Highway 66, and the rear portions are zoned A-20 (see Exhibit C). Current zoning supports approximately one dwelling unit per acre in the RR-1 zone, and one dwelling unit per 20 acres in the A-20 zone.

The entire property has approximately 4.12 acres in the RR-1 zone; 1.551, 1.235, and 1.340 acres lies within the RR-1 zone for Lots 1, 2, and 3, respectively. The purposes of the RR-1 zone are as follows:

- i. To promote and preserve in appropriate areas conditions favorable to large lot family life,
- ii. To maintain a rural atmosphere
- iii. For the keeping of limited numbers of animals and fowl; and
- iv. To reduce requirements for public utilities, services and infrastructure.

The property has approximately 5.59 acres in the A-20 zone. The purposes of the A-20 zone are to promote and preserve in appropriate areas conditions favorable to agriculture and to maintain greenbelt spaces.

The owner intends to subdivide the property into three lots and proposes that two new homes be built on lots

two and three within the RR-1 zone. Each lot has sufficient acreage for a dwelling unit to be erected in the RR-1 zone, as required by MCC 8-5A-4.

Subdivision Layout. (See Exhibit E) There is an existing home on lot one, which is the smallest of the three lots. It has steep slopes in the rear (to the west). It is surrounded on both sides and in the rear by lots two and three. Lot three is north of lots one and two. It has Woods Creek running through it on the north, and a steep slope on the south the rises to a flat that is the proposed lot two. Lot two's frontage also has steep slopes that rise to the aforementioned flat. The subdivision fronts Highway 66 (which bounds the subdivision to the east), and each lot has adequate frontage as required by MCC 8-5A-5.

Roads and Access. All three lots are proposed to gain access from Highway 66. The original plat submissions included frontage for lot 3 along a roadway known in the area as "Woods Creek Road." Woods Creek Road has never been dedicated to the County, or accepted as a public road, and thus is not a part of the current official Morgan County Street infrastructure. This road is not constructed to adopted design and construction standards, and appears more like a private driveway. When the applicants discovered that there are requirements to dedicate and update this road to adopted design and construction standards in order to gain frontage and propose access from it, they revised their plat to access to lot 3 from Highway 66.

Highway 66 is a UDOT right of way, and design, construction and access standards are determined by them. Access to highway 66 has been granted for lot two, and lot one has a legally established driveway that does not need re-approval from UDOT. Lot three, however, has yet to be officially approved by UDOT. The current design of the subdivision is dependent on this approval, and the overall subdivision design approval is conditioned on written UDOT approval.

Grading and Land Disturbance. Lot one and three have proposed no grading or land disturbance with the exception of the required driveway approach on lot three into the UDOT right of way. Lot two has proposed significant grading in order to cut a driveway up the side of the steep slope to gain access to a building pad on the top of the flat portion of the lot. MCC 8-12-430(p) provides regulations for the driveway, one of which is that it may not exceed 12% slope, and cannot be narrower than 12 feet. In order to attain this slope the applicants have proposed to cut into the hillside as shown in their construction plan (Exhibit D). The construction plans propose a construction vehicle clean-off area so that mud and debris is not tracked onto highway 66; it provides an erosion control and revegetation plan with a specific natural seed mix and appropriate timeline in which to plant; and it provides a storm drainage plan to catch the water runoff from the newly constructed driveway.

Water Source. The applicant proposes to serve all lots with individual wells, and has illustrated well protection zones on the drawing. Further verification of water sources and volume are required pursuant to MCC 8-12-450(b) which requires a well to produce 800 gallons per day for indoor uses, and three gallons per minute for every irrigated acre for outdoor use.

Lots one and three currently have wells located onsite, and the County has been provided well yield, well permits, and water right information for them. No well currently exists on lot two, but water rights for it have been provided to the County.

Fire Protection. MCC 8-12-450(c) requires fire protection to comply with adopted fire code as verified by the local Fire Official. A small portion of the rear of lot two is in the Wildland Urban Interface area. Approval is

conditioned on written approval from the local fire official.

Septic Systems. It is proposed that all lots be served by individual septic systems. Approval for these systems is under the authority of the Weber-Morgan Health Department. Verification of this approval is required during building permitting.

Storm Water. Storm water runoff has been planned and addressed for lot two. The County has yet to receive storm water runoff plans for lots one and two.

Geologic and Geotechnical Evaluations. We have reviewed the geologic hazards report submitted from Simon-Bymaster Inc. Their findings are that geologic hazards on the site are low. They indicate that exploratory pits were not compacted, and recommend any development located near them not be installed until after existing fill is replaced with appropriate compacted fill. Please indicate such on the plat and/or construction drawings. The Geologist recommended that the applicant's civil engineer address the potential for flooding on lot three. As a result, the applicants have proposed that the finished floor elevation for any residence on lot three be constructed above the base flood elevation of 4948 feet.

Additionally, pursuant to MCC 8-5I-12, the project geologist and engineer are required to provide a specific written stamped certification for the geologic work conducted, and verification of liability insurance information.

Utilities. The County has received will serve letters from Rocky Mountain Power, Questar Gas, and Qwest. These utilities currently run in the UDOT right of way along Highway 66.

REVIEWS

Planning and Development Services Review. The Morgan County Planning and Development Service Department has completed their review of the subdivision application and has issued a recommendation for approval for preliminary subdivision application of the D&L Carver Subdivision Amendment, with the following comments:

1. With conditions of approval, the proposal complies with zoning regulation requirements.
2. There are changes to the plat that have been previously requested that have not yet been addressed. The following reflect the need for that information, as well as new information pursuant to new plan submittals. The preliminary plat should be revised prior to a final plat submission to show the following changes:
 - a. The addresses for the three lots do not follow a logical designation. Generally, addresses in the area do not appear to follow logical designations. For health and safety reasons, it is appropriate to begin dialing in a more accurate addressing method that properly correlates with the County's addressing system. The address on record for lot one is 4260. We recommend the address for lot three be 4226, and the address for lot two be 4302. This will provide a more orderly flow of addressing for the West side of Highway 66.
 - b. The Vigoren's names and address should be listed on the plat as one of the developers, as they are land owners in the development.
 - c. There are slopes greater than 25% on each lot. There should be a clear delineation of slopes greater

- than 25% as being non-buildable area on the plat, with a note of explanation. Building envelopes shall be placed on the final plat.
- d. Lot one currently has buildings onsite. A note should be included indicated whether they will remain or be demolished.
 - e. The plat indicates power, telephone, and gas utility lines in the State right of way. The locations of these utility lines should be shown on the plat—using separate sheet if detail makes plat difficult to read.
 - f. A 10' utility easement that is required by ordinance is missing from the rear of lot three.
3. Access to lot three does not yet have official UDOT approval for access to Highway 66. This approval shall be received prior to final plat submittal.
 4. The geologic ordinance requires the applicant's geologist to give written and stamped certification for all geologic work conducted for the development, and also provide verification of liability insurance. This information shall be submitted prior to final plat submission.
 5. A portion of the neighboring property to the north overlaps lot three by a small portion. This overlap should be rectified prior to final plat approval, and prior to plat recordation.

Engineering Review Comments.

1. The fire protection note should be labeled as Water Supply and Fire Protection and should include reference to compliance with all of the requirements of MCC 8-12-450.
2. Storm water detention has been adequately addressed for lot 2. No detention has been indicated on lot 1 and should be included on revised drawings.

County Surveyor Comments

1. The current title report includes the area in Woods Creek road. I don't know that this is a problem but the title report doesn't match the description on the plat.
2. The boundary description on the plat still has references to the centerline of a road. These should be removed.
3. The call in the description that says long chord bearing N41 24'32"E 194.44 feet should say 194.94 feet. This dimension is shown correctly in the curve table.
4. The call in the description that says long chord bearing S19 42'02"E 100.22 feet should say 67.75 feet. This dimension is shown correctly in the curve table.
5. Exhibit C of the Boundary Line Agreement has an error in the description. This error is also on the plat. The first 2 calls to the point of beginning of 830.45 feet and 357.32 feet appear to be wrong. The 4th call says S33 61'16"W it should say S33 31'16"W.

County Recorder Comments

1. The name for Vigoren is incorrect – it should be Melroy, not Milroy. There are several areas on the plat where this name is listed incorrectly.
2. The owner's dedication dedicates a public road. There is not a public road on the plat that needs dedicating. Revise language.
3. The mortgages for lots one and three were taken under First National Bank of Morgan, which is now 1st Bank. Contact to the bank should be made to find how the signatory lines should read on the final mylar.

Also, because these mortgages encumber lots one and three as they currently exist, a partial reconveyance will need to take place after final approval but prior to recordation. Serial numbers will also need to be changed with the mortgage holders.

4. The serial numbers listed on the plat for lot 2 and 3 are incorrect
5. Curves 8 and 11 on the curve table should be removed; they are not part of the subdivision boundaries.
6. The metes and bounds descriptions describe the centerline of a road, which is not listed on the plat. The description should be revised.
7. The last 2 curves in the metes and bounds description are inconsistent with the data in the curve table.

Fire Chief Comments

1. No Comments have been received but are necessary.

Weber Morgan Health Department Review. The Weber-Morgan Health Department has determined that the well head and protection zone placement, and the percolation tests for the septic systems on each lot are satisfactory.

Geology and Geotechnical Review. Pursuant to MCC 8-5I-12, the project geologist and engineer are required to provide a specific written stamped certification for the geologic work conducted, and verification of liability insurance information.

STAFF RECOMMENDATION

Staff recommends approval of the D&L Carver Subdivision request, an amendment to the K&K Adams Minor Subdivision, requested by the Vigoren's, Adam's, and Carver's, application #10.042 subject to the following conditions:

10. That the subdivision be revised with the following corrections prior to Final Plat submittal:
 - a. That all redline comments on the drawings shall be adequately addressed and approved by the respective reviewers.
 - b. That the address for lot three shall be 4226, and the address for lot two shall be 4302.
 - c. That the Vigoren's names and address be listed on the plat as one of the developers, as they are land owners in the development.
 - d. That there shall be a clear delineation of slopes greater than 25% as being a non-buildable area on the plat, with a note of explanation. Building envelopes shall be placed on the final plat.
 - e. That a note shall be included on the plat indicating whether buildings on lot one will remain or be demolished.
 - f. That the locations of utility lines shall be drawn on the plat—using separate sheet if detail makes plat difficult to read.
 - g. That a 10' utility easement on the rear of lot three shall be drawn on the plat.
 - h. That storm water detention on lot three shall be adequately addressed on revised drawings and approved by the County Engineer.
 - i. That all comments from the surveyor and recorder shall be adequately addressed and approved by each, and included with final plat application
11. That the title report be updated to reflect correct information.

12. That approval for lot three is received prior to final plat approval.
13. That subdivision approval be conditioned on written verification from the local fire official stating that the subdivision plat and plans comply with the International Fire Code.
14. That approval is conditioned on the project geologist giving written and stamped certification for all geologic work conducted for the development, and also providing verification of liability insurance.
15. That the boundary line between lot three and the land northward is adjusted after final plat approval, but prior to plat recordation to clean up any overlaps.
16. That a copy of a well permit and well yield is submitted to the County for each lot prior to final plat submittal.
17. That approval is based on plans submitted January 25, 2011, and the conditions herein.
18. That final plat application acceptance and final plat approval be administered by staff only after all requirements of the ordinance for preliminary plat and all conditions herein have been met, and that recordation of the final mylar not be recorded until all land conveyances are executed.

This recommendation is based on the following findings:

5. The subdivision conforms to current zoning ordinances.
6. The listed conditions will bring the subdivision into compliance with current subdivision requirements.
7. This subdivision amendment will bring ordinance violations from the prior K&K Adams Subdivision into conformance with current law, and create three legal building lots.
8. The preliminary subdivision plat is not currently routine and uncontested, and therefore merits consideration by the County Council after recommendation from the Planning Commission.

MODEL MOTION

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the D&L Carver Subdivision request, an amendment to the K&K Adams Minor Subdivision, requested by the Vigoren’s, Adam’s, and Carver’s, application #10.042 subject to the findings and conditions listed in the February 17, 2011 staff report, and as modified by the conditions and findings 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 D&L Carver Small Subdivision request, an amendment to the K&K Adams Minor Subdivision, requested by the Vigoren’s, Adam’s, and Carver’s, application #10.042 subject to the following conditions:

1. List any additional findings...

SUPPORTING INFORMATION

Exhibit A: Recorded K&K Adams Subdivision Plat
Exhibit B: Future Land Use Map

- Exhibit C: Zoning Map (zoomed, with aerial)
- Exhibit D: Lot 2 Construction Drawings
- Exhibit E: Current Subdivision Plat Proposal
- Exhibit F: Current Subdivision Plat with needed redlined corrections.

DRAFT