



PLANNING COMMISSION AGENDA
Thursday, October 25, 2012
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. Work Session with Morgan County Council regarding Mountain Green Village.
5. Approval of minutes from October 11, 2012.
6. Discussion/Decision: To consider amending portions of sections 8-6-18 and 8-12-46 of the Morgan County Code relating to underground utilities and section 8-11-6 of the Morgan County Code to discuss the potential for changes to hard surface parking
7. Staff Reports.
8. Adjourn.

**MORGAN COUNTY PLANNING COMMISSION MEETING
MORGAN COUNTY COURTHOUSE - RM. 29
THURSDAY October 25, 2012 – 6:30 P.M.**

MEMBERS PRESENT

Roland Haslam, Chairman
Steve Wilson
Shane Stephens
Alvin Lundgren
Adam Toone
Debbie Sessions
Darrell Erickson

STAFF PRESENT

Charles Ewert, Planner
Teresa Rhodes, Planning Commission Assistant
Jody Burnett, retained attorney for Morgan County

MEMBERS ABSENT

COUNTY COUNCIL PRESENT

Tina Kelly
Robert Kilmer

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

1. Call to order – prayer.

Chairman Haslam called the meeting to order.
The prayer was offered by Member Stephens.

2. Approval of agenda.

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

3. Declaration of conflicts of interest.

There was no conflict of interest declared.

4. Work Session with Morgan County Council regarding Mountain Green Village.

Member Toone moved to open the work session. Second by Member Erickson. The vote was unanimous. The motion carried.

Charlie Ewert turned the time over to Jody Burnett, Attorney for Morgan County on this project.
Mr. Burnett gave a brief background on this project.

- Steve McHutchins, Attorney for the Johnsons.
- Property consists of 106 acres.
- December 2006 rezoned from RR-1 and A-20 to the Central Development District.
- Purpose is to promote mixed used residential/commercial
- Decision was implemented by ordinance that went through in December 2010.
- The CD zone development is to be developed under a development agreement.
- The ordinance has a lot of requirements.

Steve McHutchins – Land Planner. Mr. McHutchin's helped plan The Cottonwoods, Whisper Ridge, and part of Rollins Ranch

- Mr. McHutchins presented a power point showing the perimeter of the property.
- Conceptual master plan
 - Yellow – single family detached/attached residential- Developer sees this as being developed as twin homes/town homes, and single residential interspersed in a village environment. Pocket parks with a variety of housing types. There may be some homes located on alleys but they are not sure that is what will happen. The nature of housing and development as it proceeds over the next couple of years is a mystery right now due to the previous year's housing market.
 - Red – commercial
 - Salmon color – proposed hotel site
 - Orange color – multifamily residential site. 110 units/16 per acre
- 20% open space required within the area. They have estimated they will have around 25%.

Member Wilson - if the off-ramp does not come in what will happen to the road that they have designated for that? Mr. McHutchins stated they would likely re-configure it. They are designing the plan right now as if the off-ramp does go in. They have set aside the land to supersede that. Member Wilson, will that alter the heavy commercial areas. Mr. McHutchins stated probably not.

Member Lundgren noted that the County has been told that they would have to fund everything themselves if they wanted this off-ramp to go in. Snow Basin has stated they would not need that off-ramp and therefore would not pay for any of the infrastructure. He noted that UDOT does not have it on their 20 year plan. Zero interest on both parties makes it discouraging.

McHutchins believed snow basin was posturing themselves so that they did not have to pay for it. He noted you will hear different people say different things
Member Lundgren encouraged a plan B because the cost is astronomical.

Member Toone – asked about Cottonwood Creek maintenance and the open space. Who would that fall to? Mr. McHutchins stated the creeks, as they are, can handle the 100 year flood as they exist. It is proposed that they remain natural. They have not talked about a maintenance plan at this time. Member Toone asked if there were plans for a walkway around the creek. Mr. McHutchins stated there most likely would be.

Member Sessions stated she would like to see patio homes brought in for retired couples. She is more for mixed neighborhoods. She noted she has been in areas where there is multi-family mixed with single family. She does not like to see the segregation. Mr. McHutchins noted within the yellow area it is proposed to mix those; at 7 DPI's per acre you have to almost do mixed housing.

Member Sessions asked about housing above the commercial. Mr. McHutchins stated it has not been very successful in Utah and so they have not looked at that.

Member Sessions referred to the code regarding densities in the CD zone.

McHutchins noted as the plan proceeds forward there will be more planning toward the amenities and densities.

Member Sessions asked about a possible splash pad and amenities that draw the community together. McHutchins noted there is a desire to have those types of things and part of the CD zone was designed to create things like that.

Member Sessions asked about the theme of American farmhouse. She has seen this style and does not believe it fits in Morgan.

Member Erickson commented on the Farmhouse style as well. Did not believe all the renderings leaned toward that architectural style. He noted he did not like the three level styles at all and does not believe it fits in Morgan County.

Member Erickson noted the calculations and wondered if there needed to be more detail that would give him more understanding as to whether the calculation is correct. He noted in Daybreak they formed look alike neighborhoods. He asked if their concept is to do something similar. Mr. McHutchins stated he believes they went overboard with sameness at Daybreak. It is a very attractive use of the same thing. He believed they wanted to use a lot more flexibility. However, built into the CD zone is the requirement to have a theme? The ordinance requires that they do it that way.

Member Lundgren - Noted there is still some commercial along Old Highway. What is the depth of the red to the east of the proposed off road. It was noted 500'

He further noted the developer has an opportunity to create something really striking and unique, like the timbers as used in the First National Bank. He would be thrilled to see something that is unique.

Shane Stephens – Also does not believe the Farmhouse design fits what is being done.

Member Sessions asked about procedure, and questioned whether the next step was to hold a public hearing. Jody Burnett noted this is it with the exception of what they want to change. The property is already zoned.

Charlie asked Mr. Burnett to clarify the governing process. Mr. Burnett read the CD zone/PUD application process.

Representative from Nelson Homes arrived to the meeting at this time.

Charlie believed there was a significant lack of detail in the application. He, as a planner, does not know how to implement that because it lacks detail. He would recommend the applicant bring back at least the requirements that would be applicable in a concept subdivision.

Member Session asked if it would be possible to have an open house to receive some guidance, so that it does not come down to the public not approving or liking the development.

Mr. Burnett believed that is the challenge. Because doing that would lead the public to believe they can undo the zone, not understanding that it is an administrative decision. A display of construction drawings and a public hearing may be combined. Believes we can do a lot to facilitate informed comment.

Member Lundgren asked what the next step was. Charlie noted the next step is to take to public at the County Council level. Mr. Burnett referred to code. The planning commission role is to make recommendation to the County Council. Mr. Burnett, this is not the development agreement but this would be an important and key exhibit for the development agreement.

Chairman Haslam- His concerns would be the water and sewer district; will those districts accommodate what they are proposing. Mr. Johnson noted the well they placed on the property has 2000 gallons per minute. That well has already been drilled. The well will handle Whisper Ridge and update all of the Highland Subdivision. A good part of the system is already built. A 10" line over to the well has been laid and the second tank is built. Well location is located between Cottonwood Creek and the rest area. Sewer district would love to have the connections tomorrow. They have already taken sewer across Dry Creek and stubbed into the property. Eventually it will serve Rollins Ranch and the Cottonwoods as the growth peaks out. This will become a new feed line into the existing plant.

Chairman Haslam noted his concern is that the developer is planning around a off ramp that does not exist and may never exists. He would like to see an alternate plan. He would like to see the multi-family mixed in with the mixed use. Believes we are going to the extreme on the amount of units. He asked who would foot the cost to maintain the open space. Will the roads be county roads or private? McHutchins noted most of the roads will be public.

Chairman Haslam further noted the homes look like boxed track homes. Mr. Johnson noted they will probably be sold in chunks to different builders. Mr. McHutchins reminded the commission that the ordinance is what is requiring them to do these things that some of the commission has noted they do not care for.

Mr. Burnett stated the ordinance could be amended.
8-5-D 11, page 9 and 8-5D-18, page 2 was discussed

Mr. Mchutchins noted one of the reasons the theme was chosen is because it has a very broad spectrum.

Member Lundgren noted the county does not want high density development like is in Farmington. Chairman Haslam noted he does not like the alley access loaded homes? Mr. Mchutchins the reason to propose the alleys was to allow for flexibility to give homeowners different options.

Mr. McHutchins noted the reason the CD zone was created was to create areas where there could be more density. Predecessors stated they wanted to create the ability of the CD district.

Charlie stated one thing he hears is we want open space. The zone states they can have up to 16 DPI's.

Mr. Mchutchins noted the purpose was to create more economic development.

Member Lundgren noted the people that are going to be your targeting market will be first time home buyers and people who cannot afford larger homes. There is not going to be the commercial here for a long time. They will still need to go out of the County.

Mr. McHutchins stated that the recession put everything on hold and now the light of the tunnel is starting to move again. Mr. Johnson noted that they have actually had interest in commercial development during the past year.

Concerns:

- The Planning Commission needs more information before they move on for a public hearing.
- There are concerns with the farm house architectural style

Member Toone- Is the road intended as a collector or will there be other roads on to Old Highway? McHutchins - the residential development will take its access off Old Highway.

Mr. Burnett – the road is a fundamental issue that they need guidance on. Four or five years ago that was an important amenity.

Member Toone – how big is the power line. It was noted the right of way is way old and way narrow. Mr. Burnett asked if it was a deeded right of way. Mr. Johnson said they do have a recorded easement but it was handwritten and done about 80 years ago.

Member Toone – ask about the requirements for well. Mr. Johnson stated the state requirements have already been met. Because they are not dealing with septic systems there are not as many requirements.

Chairman Haslam asked how long before this comes back. Charlie noted about three or four months.

Charlie noted the way he organizes his work load is by what comes in first. He noted, the previous County Planner had started reviewing this in July.

Mr. McHutchins noted they can turn it around, with corrections, in about a week's time.

Member Sessions asked if they are interested in hiring a contract planner that is dedicated to just work with them; this would mean the developer would pay the fees of this planner, as per ordinance.

Mr. Johnson stated he believed they would be interested in doing that. It was noted the process would still involve Mr. Burnett and Charlie.

Member Lundgren moved to close agenda item number four. Second by Member Erickson. The vote was unanimous. The motion carried.

Member Lundgren moved to amend the agenda to listen to Mr. Burnett. Second by Member Erickson. The vote was unanimous. The motion was unanimous.

Mr. Burnett stated it would be fair to say there has been a long and contentious history with respect to the property. The lawsuits have all been dismissed because they either involved Aspen Meadows and the Moratorium. All of the issues with respect to the zoning have been resolved. If they comply with the ordinance they are entitled.

Mr. Ewert noted due process in the county's ordinance is that you get the time depending on staff availability.

5. Approval of minutes from October 11, 2012.

Member Sessions moved to approve the minutes of October 11, 2012 with the noted minor corrections. Second by Member Toone.

6. Discussion/Decision: To consider amending portions of sections 8-6-18 and 8-12-46 of the Morgan County Code relating to underground utilities and section 8-11-6 of the Morgan County Code to discuss the potential for changes to hard surface parking.

Member Erickson moved to open public comment. Second by Member Lundgren. The vote was unanimous. The motion carried.

Charlie noted he had re-drafted some language. He noted one addition – there was some language that was left out it was 8-11-6 C&D. He noted C & D looked like it was being replaced by what he thought was E & F . C & D are now back in the document.

Member Toone – reading from the August 1st draft he questioned if we were accomplishing the purpose that was sent before us by the County Council.

He read from the staff report of August 1st

Concerns:

- Maintenance of parking lots – Charlie stated he believed this has been accomplished by saying that previously established parking lots are allowed to continue.
- Utilities put underground – one of the comments was to preserve the roads. He sees we are still going under the road is there a reason for that.
 - Charlie noted that safety is the preference. The County engineer stated if there is going to be road cuts there needs to be a really good review of why the road cuts are being done.

Road longevity and esthetic factors were discussed.

Member Toone – noted he was not satisfied with just declaring that underground is safer. He looked up a study by Edison Electric Institute where they weighed in underground versus overhead.

Member Toone read portions of the study to the commission. He agrees that it may look better because you don't see it but you have those underground boxes in everyone's yards. Life expectancy of underground is a lot shorter than overhead. He noted the following:

- Has a problem with grandfathering the parking lots. It does not promote any industry which helps pay the tax bases. Limiting it to two products limits a lot of new products that allow drainage.
- Does not believe we have accomplished what the County Council has asked us to do and he cannot send forth a positive recommendation.

Member Lundgren noted 8-6-18 paragraph B - installation, alteration, or placement of utilities in a platted subdivision. He asked Charlie to clarify the language.

Member Sessions noted as with most new codes, aren't most existing uses grandfathered in? Charlie stated yes they are; this just clarifies. If expansion is done on an existing parking lot, then all of it has to be brought up to code.

Member Haslam asked if we wanted these split up instead of having them as one so that we can move one on.

Member Lundgren noted it could be separated by motion.

Concerns were as follows:

- Utilities – cutting the roads.
Member Erickson noted underground is safer and he can get the statistics to prove it. The same as Mr. Toone got information showing otherwise.
- Member Sessions noted she would change it to now state “within a platted subdivision all new utilities lines shall be placed underground” and leave out all the other words.
- Charlie believed there could be discretion for reasonable treatment when it comes to altering. Member Sessions noted if the intent is to eventually move all existing lines underground then this needs to be left as is, but if it's just new subdivisions then it needs to be changed.
- It was suggested to just do new subdivisions and just leave the older ones alone.

Member Lundgren moved to send a positive recommendation of section 8-6-18 and 8-12-46 with amendments to the following sub-paragraph B of 8-6-18 to read, “*Within a platted subdivision all new utilities lines shall be placed underground in designated easements*” and with the findings 1 and 3 listed in staff report dated October 15, 2012.

Second by Member Erickson.

The vote was not unanimous with Member Toone opposed. The Motion carried with a vote of six to one.

Member Sessions asked if Member Toone would like other options. Member Toone reiterated his concerns.

Member Toone moved to send a positive recommendation concerning 8-11-6 section A subsection 1 on surfacing with a change in text to strike, “with an asphaltic or cement or other binder pavement” as well as striking E & F which are grandfather clauses and with finding 2 and 3 as listed in the October 15, 2012 staff report with the additional finding that it will promote economic prosperity.

The motion died due to lack of second.

Member Lundgren moved to forward 8-11-6 as drafted by staff with a positive recommendation, with the findings of 2 and 3 of the staff report dated October 15, 2012. Second by Member Erickson.

Member Lundgren believes the motion covers the intent of the county to provide parking areas.

The Chairman called for a vote.

The vote was not unanimous with Member Toone opposed, and Member’s Wilson, Lundgren, Sessions, Erickson, Stephens for. The vote carried with a vote of five to one.

7. Staff Reports.

Snow basin has submitted their application.

Charlie noted that he plans to approach the council for continued outsourcing.

8. Adjourn.

Member Lundgren moved to adjourn. Second by Member Erickson.

Approved: _____ Date: _____
Chairman

ATTEST: _____ Date: _____
Teresa A. Rhodes, Clerk
Planning and Development Services