



PLANNING COMMISSION AGENDA
Thursday, November 8, 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. Discussion/Decision: Concept plan application and improvement exception request for the Mack's Place Subdivision, a three lot subdivision, located at approximately 1078 N Morgan Valley Drive; a request made by Brad Peterson.
5. Discussion/Decision: Concept plan application and improvement exception request for the Crittenden Small Subdivision, a two lot subdivision, located at approximately 2668 N Morgan Valley Drive; a request made by Shawn Crittenden.
6. Discussion/Decision: Century Link CUP: to consider a conditional use permit for a utility use; new power distribution and engine for existing communications equipment building located at 4180 W Old Highway.
7. Staff Report.
8. Adjourn.

**MORGAN COUNTY PLANNING COMMISSION MEETING
MORGAN COUNTY COURTHOUSE - RM. 29
THURSDAY November 8, 2012 – 6:30 P.M.**

MEMBERS PRESENT

Roland Haslam, Chairman
Steve Wilson
Alvin Lundgren
Debbie Sessions
Darrell Erickson

STAFF PRESENT

Charles Ewert, Planner
Teresa Rhodes, Planning Commission Assistant

MEMBERS ABSENT

Adam Toone
Shane Stephens

COUNTY COUNCIL PRESENT

***** MINUTES *****

1. Call to order – prayer.

Member Haslam called the meeting to order.
Prayer was offered by Member Erickson.

2. Approval of agenda.

Member Erickson moved to approve the agenda as posted. Second by Member Wilson

Member Session moved to amend the agenda to add public comment after agenda item #3, agenda items would be re-numbered accordingly. Second by Member Wilson.

Member Lundgren moved to amend the amendment that comments be held to no more than 10 minutes total on public comment and all items in public comment must be pertinent to items on the agenda. Second by Member Erickson.

The Chairman called for a vote on the amended amendment.
The vote was unanimous. The motion carried.

The Chairman called for a vote on the amendment.
The vote was unanimous the motion carried

The Chairman called for a vote on the motion to amend the agenda.
The vote was unanimous the motion carried.

3. Declaration of conflicts of interest.

There were no conflicts of interest declared.

4. Public Comment

- Clay Rich, Neighbor – This is a simple subdivisions and process seems to be more difficult than it should be. Encouraged board to be friendly toward the applicant. It does not appear to be a complicated application. Voiced his support for what the applicant was requesting.
- Barbara Thurston, neighbor – Agrees with what Mr. Peterson is doing. Sad to see so many restrictions placed on this.
- Roger Prescott, neighbor – Simple subdivision process, why is this taking so long. They have the frontage and the acreage. Application like this should not be this difficult.

5. Discussion/Decision: Concept plan application and improvement exception request for the Mack's Place Subdivision, a three lot subdivision, located at approximately 1078 N Morgan Valley Drive; a request made by Brad Peterson.

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

- Correction page five conditions #2. Condition needs to be omitted. It is not relevant to this case.
- Concept approval is coming before the planning commission because there was a proposal with the subdivision for an improvements exception. That exception is that Morgan Valley Drive is not currently built to subdivision standards. The typical way that these roads are built to county standards is usually by the developers since the need for improved capacity along these roads are incidental to development occurring throughout the county. Earlier this year, the County did adopt an improvements exception ordinance to allow for subdivisions fewer than eight lots to be allowed those kinds of exceptions.
- County Engineer and County Planner have visited the site and found that the asphalt along the property is 26' wide minimum and that there are existing shoulders that are adequate according to the ordinance.
- Boundary agreement with County because of the park boundary which is adjacent to this property.

Title report and overlaps were discussed. Noted they would all be addressed before final plat is recorded.

Member Lundgren asked about the right of way to finish the expansion of the road to a 36' foot road. Charlie noted the reason the County was not asking for dedication of ground to the public because of insufficient right-of-way standards is because the County actually owns the 66 foot wide road. He noted this is one of the only sections of road that the County actually owns fee title to.

Mr. Peterson noted he has been working on this for over 10 months. He has quick claim deeds to all of the property owners except for the County which involves Milton Park. The grandfather that used to own this ground, used to own Milton Park too and dedicated the Milton Park to the town of Milton. The fence line between the Milton Park and the property has been there for 65 plus years. He noted there should not be any confusion. He is trying to keep the subdivision rural.

Member Sessions asked why the houses were being required to stay up by the road. Mr. Peterson noted they can be wherever they want; it is not his requirement. Charlie noted there is a restriction on the plat that they can only build in the RR-1. Mr. Ewert noted that the applicant has to provide a building envelope on the lot. Right now Mr. Peterson's designer has provided those envelopes only in the front. They can change that at any point in time to provide a building envelope around the rest of the lot. The only difference in the A-20 side from the RR-1 side is that they have to adhere to the setback requirement of the A-20 zone. That is not the function of the board tonight. It is being reviewed as proposed.

Member Sessions moved to forward a positive recommendation for the Mack's Place Subdivision Concept Approval Request, application 12.141, subject to findings and conditions listed in the November 1, 2012 staff report, with the modification to remove condition #2 listed in that staff report. Conditions shall be as follows:

1. That all requirements of the Morgan County Code shall be adhered to for this subdivision.
2. That any additional grading or drainage needs shall be addressed during preliminary/final review.
3. That any property overlaps with surrounding properties shall be settled between the applicant and neighboring property owners prior to final recording of the subdivision.
4. That upon an approval of the concept plat and improvements exception the subdivision is a routine subdivision that shall be subject to review and approval under the terms of the small subdivision procedures.
5. That all consultant fees are paid prior to plat recordation.

This recommendation is based on the following findings:

1. The nature of the subdivision is in general conformance with the current and future land uses of the area.
2. The subdivision conforms to current zoning ordinances.
3. That an improvement exception is merited based on the following findings:
 - a. The property is in a rural residential zone.
 - b. The existing street infrastructure meets the minimum 22 feet required width.
 - c. The existing street infrastructure is on an established public right of way.
 - d. Requiring the full street infrastructure improvements is not beneficial to the county at this time.
 - e. The waived improvements are not necessary at this time to protect the public's health, safety, and welfare.
4. That the request for an improvements exception makes it necessary for Planning Commission and County Council to review the project. Upon approval of concept and the improvements

exception the subdivision will qualify for the small subdivision review process.

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

6. Discussion/Decision: Concept plan application and improvement exception request for the Crittenden Small Subdivision, a two lot subdivision, located at approximately 2668 N Morgan Valley Drive; a request made by Shawn Crittenden.

Charlie presented his staff report (Please see attached Exhibit B)

Member Erickson asked if the road condition was the same as the previous subdivision. Mr. Ewert stated yes.

Chairman Haslam asked if the shoulder on the road is a safety hazard currently, why isn't the County fixing it and why are we making Mr. Crittenden fix it?

Mr. Ewert stated as development occurs over time you have more demand and more people on the infrastructure. If you look at the bigger picture, the demand and need for infrastructure comes on a need by need basis; thus the development of subdivisions.

Member Sessions noted she is not happy with the ordinance and the use of the words sufficient and adequate; who determines what is adequate?

There was a discussion on this. Mr. Ewert noted the three findings that are listed in the code would be the basis for determining what is adequate.

Chairman Haslam clarified that the applicant qualifies for the exception as per his application. The recommendation for the shoulder is just from the planner and the County Engineer. Mr. Ewert stated that is correct. The recommendation is that adequate shoulders do not exist.

Member Sessions asked if the ditch was addressed at all. It was noted this was a ditch that runs parallel with the road. She asked if the ditch had been abandon because it should be shown on the concept plat. Mr. Ewert stated that is a condition they did not observe on site, but it would need to be shown within the utility easements whether it is public or private.

Member Erickson noted that there are two responsibilities of the County and the developer. Is there such a thing as a shared responsibility? Charlie noted certainly if the County Council will agree that there is a safety hazard, they could use tax payer money to fix it.

Member Lundgren noted that if the irrigation ditch is too close to the road and if two feet needed to be added to the shoulder of the road, what will it do to the easement to the ditch? Mr. Ewert noted that those are all good questions, but questions that need to be addressed and preliminary and final.

There was discussion on construction of the shoulder.

Shawn Crittenden – addressed the drop off. He noted it is a distance of about 400 feet and a height

of about 10 feet. He noted from 10 feet it drops to four feet and get progressively shallower until there really is no drop off at all. He noted all of the recommendations he has either complied with or is in the process of complying with, with the exception of item #3 which he has asked are removed.

Mr. Crittenden stated if you are required to put a road in to facilitate the subdivision then that road should be subject to the entire county standard as it is written but he does not understand that it should apply to an existing county road that is already owned by the County for a 66' wide distance. However, if he is required to adhere to the standard it is a significant amount of fill; it would have to be 10' deep by 400' long.

Member Lundgren asked about the ditch. Mr. Crittenden stated there is a ditch at the base of the road but it has not been used for several years. There is a culvert that comes under the road that feed into that ditch; very rarely does it pass water. If he is held to County standard and has to build up the shoulder then he would need to move the culvert, move a fence, cut down some trees, and move a power pole. That would not be required with what Charlie has specified. A two foot shoulder could be added without detriment to any of that. Member Lundgren asked if a 2' shoulder is added how is the ditch affected. Mr. Crittenden stated there is enough room for that.

Chairman Haslam clarified that the ditch is on the inside of the fence and is a personal ditch and not a company ditch. The culvert could be extended.

Member Sessions noted since the ordinance is so vague on adequate if we add to condition #3 that the gravel shoulder shall be improved by adding the minimal amount of granular material and grading and leave it at that, then minimal would be as vague as adequate.

There was discussion on the improvement of the road and current safety issues.

Member Lundgren noted we currently have an ordinance that requires the burden be upon any developer to improve the street in front of the property and access roads to the property up to County standards within the exceptions that have been discussed.

Member Lundgren asked Mr. Crittenden if he understood him to say that he would be willing to put an additional 2' wide shoulder to grade height. Mr. Crittenden stated, "yes, if that is the recommendation of the council". He would prefer it be stricken, but if the council does not see fit to do that then he would ask that the two words "county standard" be replaced with a 2' wide shoulder at the same height as the pavement which is basically what the instruction was from the engineer.

Member Lundgren asked for further clarification regarding adding just two feet of additional shoulder or making the shoulder two feet wider. Mr. Crittenden stated there is little or no shoulder now, so two foot of shoulder will be just a two foot of shoulder and it will make a slightly steeper grade at the end of the two feet.

Member Lundgren ask what the engineer's recommendations were. Mr. Ewert stated it was the two feet from the compacted shoulder to the top of the existing asphalt; 2' from the edge of asphalt,

compacted granular shoulder.

Mr. Lundgren directed a clarification statement to Mr. Crittenden. If Mr. Crittenden has to put 1000' 6 foot wide shoulder, it is going to cost a lot of money. If instead, he can put a 2' wide compacted shoulder, it will cost a whole lot less money. His question would be to Mr. Crittenden would be, "Is it a feasible thing to ask?" Mr. Crittenden stated, yes.

Member Lundgren moved to forward a positive recommendation to the County Council for the Crittenden Small Subdivision Concept Approval Request, application 12.142, subject to the findings and conditions listed in the October 31, 2012 staff report and modification of condition #3 as noted below:

1. That all requirements of the Morgan County Code shall be adhered to for this subdivision.
2. That the subdivision name shall be changed to not include the term "minor."
3. That the gravel shoulder shall be improved by adding an appropriate amount of granular material so that the shoulder is 2' wide from the edge of the current asphalt and compacted and graded to county standards.
4. That the utility line traversing the 9.97 acre eastern portion of property is adequately accounted for on the plat and an easement is provided as may be necessary.
5. That any additional grading or drainage needs shall be addressed during preliminary/final review.
6. That any property overlaps with surrounding properties shall be settled between the applicant and neighboring property owners prior to final recording of the subdivision.
7. That upon an approval of the concept plat and improvements exception the subdivision is a routine subdivision that shall be subject to review and approval under the terms of the small subdivision procedures.
8. That all consultant fees are paid prior to plat recordation.

This recommendation is based on the following findings:

1. The nature of the subdivision is in conformance with the current and future land uses of the area.
2. The subdivision conforms to current zoning ordinances.
3. That an improvement exception is merited based on the following findings:
 - a. The property is in a rural residential zone.
 - b. The existing street infrastructure meets the minimum 22 feet required width.
 - c. The existing street infrastructure is on an established public right of way.
 - d. The existing street has inadequate shoulder widths that should be improved as a condition of the improvements exception.
 - e. Requiring the full street infrastructure improvements is not beneficial to the county at this time.
 - f. The waived improvements are not necessary at this time to protect the public's health, safety, and welfare.
4. That the request for an improvements exception makes it necessary for Planning Commission and County Council to review the project. Upon approval of concept and the improvements exception the subdivision will qualify for the small subdivision review process.

Second by Member Erickson

The Chairman called for discussion.

Member Lundgren believed it was not an unreasonable burden to place on the developer in light of the restrictions opposed on the developer already by current county ordinance. If we make those findings, he believes that should be sufficient to resolve the safety issue and for the applicant to go forward with his development.

Member Wilson asked about the purpose of this was for requiring Mr. Crittenden to add 2'. Member Lundgren noted we are defining for the county what the standard is under the terms of the exception. He noted because we have some vagueness we are establishing what is minimally adequate and we have a foundation for doing so, which is the County Engineer.

Standards were discussed.

Mr. Lundgren noted that the County has less liability with a 2' compacted shoulder than we do now.

The Chairman called for a vote.

The vote was unanimous. The motion carried.

7. Discussion/Decision: Century Link CUP: to consider a conditional use permit for a utility use; new power distribution and engine for existing communications equipment building located at 4180 W Old Highway.

Charlie presented his staff report (Please see attached exhibit C)

Dennis Bird, Century Link introduced their Architect from MHT and Electrical Engineer, John Michie.

Mr. Michie discussed the following items:

- **Fuel source** - Diesel engine generator. The enclosure has a 200 gallon sub base tank just below the engine generator, but still above grade. Diesel tank has a double wall. Fuel source has a leak detention monitors/fuel level monitors to notify should there be an abnormal leak when the engine is not running.
- **How long will it run** - This particular engine generator is for backup purposes only. When power fails it will automatically come on and back up the power system to the phone utility. On a monthly basis the engine generator will exercise itself.
- **Enclosure** - sound extenuated enclosure. Currently on site there is a portable engine generator on the opposite side of the building and it is an un-sound extenuated portable. We are proposing an engine generator that will direct the sound and the fumes upward so that

they don't spread further than the property lines. The sound level is approximately 73 decibels at 23' away from the engine generator. It was noted that 73 db is just above normal conversation.

Dennis Bird, Century Link, requested that the landscaping requirement (#3) be removed.

Member Erickson believed that dampening the industrial look would be beneficial to the neighborhood.

Feasibility of landscaping was discussed with the limited visitation of workers to the site.

Member Erickson moved to forward a positive recommendation to the County Council to Century Link for a conditional use permit for a utility use; new power distribution and engine for existing communications equipment building located at 4180 W Old Highway. File 12.104 subject to the conditions and findings listed in the October 29, 2012 staff report as follows.

1. That all work shall be conducted in compliance with submitted site and engineering plans.
2. That a building permit is required for the proposed utility work, and shall adhere to the IBC and IFC, in addition to the approved site plan.
3. That a landscaping plan is required and shall conform to the requirements of MCC 8-6-27. The plan shall be reviewed for compliance and approval by staff prior to the issuance of a building permit for the installation.
4. That the proposed new black vinyl coated chain link fence shall have slats that match the existing onsite fence. Other earth toned colors may be installed if first reviewed and approved by the zoning administrator.
5. That a cash completion bond is submitted with a bond agreement in an amount satisfactory to the County for the installation of the new fence as proposed, and for the required landscaping.
6. That an Engineer's cost estimate is submitted for the required site improvements.
7. That further permits and/or building permit approval may be withheld in the event of non-compliance.
8. That the project adheres to all other local, state, and federal requirements.

This recommendation is based on the following findings:

1. That the request conforms to the requirements of the Morgan County Code.
2. That with the proposed conditions, the proposal will mitigate potential detrimental effects it may cause to the public, particularly with respect to the need for screening and landscaping.
3. That a landscaping and planting plan is essential to the integration of the proposal into its surrounding.

Second by Member Sessions.

The Chairman called for discussion

Member Erickson stated his only concern is the industrial look of the facilities and would hope that staff would require something to dampen that look.

Member Lundgren noted that this sits next to the church parking lot he did not believe that Century Link even has water on site. Mr. Bird noted they do have a restroom on site and water.

Member Sessions asked if the landscaping would interfere with them utilizing the facility.

Mr. Ewert noted that the ordinance has pretty minimal standards for landscaping. 15% of the lot needs to be addressed in landscaping 87% of that has to be vegetated with ground cover. It does not specify what it needs to be. He would suspect at this site something drought resistant would be appropriate.

Mr. Bird noted that these buildings are located away from maintenance areas. Their fear is that the process of putting landscaping in, that within 3-5 years it begins to look bad. He noted there are not many people that go to these sites, and because the techs are union they will not work on anything other than the equipment.

Member Lundgren moved to amend the motion and remove the landscaping requirement for this piece of property. Second by Member Wilson

Member Lundgren noted there is asphalt or cement on three sides of this building already. He believes that it is going to be difficult to maintain landscaping in this location.

Chairman called for a vote on the amendment to remove condition #3 of the motion.

The vote was not unanimous with Members Sessions, Wilson, and Lundgren for and Member Erickson against. The vote carried with a vote of three to one.

Chairman called for a vote on the motion as amended as follows:

Forward a positive recommendation to the County Council to Century Link for a conditional use permit for a utility use; new power distribution and engine for existing communications equipment building located at 4180 W Old Highway. File 12.104 subject to the conditions and findings listed in the October 29, 2012 staff report as follows.

1. That all work shall be conducted in compliance with submitted site and engineering plans.
2. That a building permit is required for the proposed utility work, and shall adhere to the IBC and IFC, in addition to the approved site plan.
3. That the proposed new black vinyl coated chain link fence shall have slats that match the existing onsite fence. Other earth toned colors may be installed if first reviewed and approved by the zoning administrator.
4. That a cash completion bond is submitted with a bond agreement in an amount satisfactory to the County for the installation of the new fence as proposed, and for the required landscaping.
5. That an Engineer's cost estimate is submitted for the required site improvements.
6. That further permits and/or building permit approval may be withheld in the event of non-compliance.
7. That the project adheres to all other local, state, and federal requirements.

This recommendation is based on the following findings:

1. That the request conforms to the requirements of the Morgan County Code.
2. That with the proposed conditions, the proposal will mitigate potential detrimental effects it may cause to the public, particularly with respect to the need for screening and landscaping.
3. That a landscaping and planting plan is essential to the integration of the proposal into its surrounding.

Second by Member Wilson.

The vote was not unanimous with Members Sessions, Wilson, and Lundgren for and Member Erickson against. The vote carried with a vote of three to one.

8. Staff Report.

Snow Basin

- Has submitted a full application.
- Contract for land use attorney services on this particular application. All contract service payments will be made by the applicant.
- Chapter in the code 8-5-GA Charlie said he would send an e-mail to reference code

Johnson property –

- Possible we are looking at this differently than we should be.
- Staff has not formally responded in writing to the applicant.

9. Adjourn.

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

Approved: _____ Date: _____
Chairman

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

Exhibit A – Agenda item #5 - Discussion/Decision: Concept plan application and improvement exception request for the Mack’s Place Subdivision, a three lot subdivision, located at approximately 1078 N Morgan Valley Drive; a request made by Brad Peterson. Application 12.141.

Planning and Development Services

STAFF REPORT

November 1, 2012 [CORRECTED]

To: Morgan County Planning Commission
Business Date: November 8, 2012

Prepared By: Charles Ewert, Planner

Re: **Mack’s Place Subdivision Concept Approval Request**

Application No.: 12.141
Applicant: Brad Peterson
Project Location: Approximately 1078 N. Morgan Valley Drive
Zoning: RR-1/A-20 Zone
Acreage: Approximately 9.47 acres (Approximately 412,513.20 ft²)
Request: Concept Subdivision Application for Mack’s Place Subdivision

SUMMARY

This application is a request for a conceptual review of the Mack’s Place Subdivision application. Conceptual review is a means for the applicant to get a determination as to whether the proposal meets the general intent of the subdivision and zoning ordinances prior to further reviews. It is the County’s opportunity to give the applicant meaningful input regarding the design of the project and the need for more information and/or alternative designs.

This application also comes with a request for an improvements exception. An improvements exception may be granted by the County Council given specific circumstances.

The Planning Commission is being requested to forward a recommendation for the concept subdivision with the improvements exception to the County Council. Staff have provided an in-depth evaluation of the proposal’s compliance with ordinances herein. Subdivisions are administrative decisions, and if harmful impact occurring as a result of the subdivision can be mitigated, then approval should be made.

BACKGROUND

The property is currently held in a meets and bounds description, and has never previously been formally subdivided via the process adopted by Morgan County. The property has been historically used for agricultural purposes.

The property abuts the Milton Park. There is an apparent property overlap of the legal descriptions. According to the applicant’s surveyor, the fence between the two properties is a historic fence line that should probably be the property line. The applicant will need to sort out a boundary agreement with the County in order for this to

occur. Staff are tracking down whether there are special procedures required for doing so.

ANALYSIS

General Plan and Zoning. The site is located approximately one quarter mile south of the Milton intersection of Stoddard Lane and Morgan Valley Drive, and just south of the Milton Park (see Exhibit A). The Future Land Use Map includes the entire property in the rural residential designation, which could allow the property not currently zoned RR-1 to be rezoned to RR-1 (at the County's discretion). The applicant's have sufficient density rights with current zoning to support the proposal, and no rezoning is being requested at this time.

The project is zoned RR-1 for a depth of 300 feet as measured from the centerline of Morgan Valley Drive, and the rear portion is zoned A-20 (see Exhibit D). Current zoning density rights support 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 4.41 acres in the RR-1 zone. 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 5.07 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.

Subdivision Layout. The total property acreage is approximately 9.47 acres and the proposal will result in three formally subdivided residential lots. The lots will be favorable to large lot family life that will preserve the area's rural atmosphere (see Exhibits B and C). An analysis of each provides the following information:

Lot one is a proposed 2.56 acre lot. There is approximately 1.48 acres in the RR-1 zone, with the rest in the A-20 zone. The lot has approximately 256.66 feet of frontage along Morgan Valley Drive. There is a proposed new drive approach for access to the residential lot. A building envelope has been proposed for the lot as is shown on the proposed plat. It restricts development to the RR-1 zone.

Lot two is a proposed 3.22 acre lot. There is approximately 1.53 acres in the RR-1 zone, with the rest in the A-20 zone. The lot has approximately 257.03 feet of frontage along Morgan Valley Drive. There is a proposed new drive approach for access to the residential lot. A building envelope has been proposed for the lot as is shown on the proposed plat. It restricts development to the RR-1 zone.

Lot three is a proposed 3.68 acre lot. There is approximately 1.40 acres in the RR-1 zone, with the rest in the A-20 zone. The lot has approximately 226.99 feet of frontage along Morgan Valley Drive. There is a proposed new drive approach for access to the residential lot. A building envelope has been proposed for the lot as is shown on the proposed plat. It restricts development to the RR-1 zone.

The total property boundaries may have certain overlaps with neighboring properties as observed from the County plat maps (see Exhibit F). This is not an uncommon occurrence with undivided, undeveloped property

and is an issue that will be required to be addressed during preliminary and final subdivision review.

Infrastructure Improvements. Pursuant to MCC 8-12-19 and 8-12-20 a routine and uncontested concept subdivision proposal of less than eight lots may be reviewed and approved by the Zoning Administrator; however, MCC 8-12-20(A)(4) indicates that if the subdivision comes with a request for special exception or modifications of standards that the approval should come from the Council after recommendation from the Planning Commission. This subdivision application is coming to the County with a request for an improvements exception from required street frontage improvements. During the typical subdivision process the need for improved road infrastructure is something that should be taken into consideration. The subdivision ordinance requires street frontage to be improved to adopted County standards, however, the new MCC 8-12-44(D)(2) allows an applicant to request an exception from the required infrastructure improvements given the following circumstances:

1. The property must be in a rural residential, agricultural, multiple use or forestry zone.
2. The existing street infrastructure must, at a minimum, be 22 feet wide and be an established public right of way.
3. The street must have adequate shoulders.

In approving such an exception, the County Council will need to make the following findings:

Such an exception may be granted upon finding that requiring the full street infrastructure improvements are not roughly proportional, in nature or extent, to the impact of the development on the community; is not beneficial to the county; or may be detrimental to the neighboring property abutting the development; and that the waived improvements are not necessary at this time to protect the public's health, safety, and welfare.

Making a determination as to whether existing conditions meet the required findings of the ordinance without the need for certain improvements is a Council decision, but the County Engineer and the Planning Commission are required to make recommendation of the same. The County Engineer has measured Morgan Valley Drive to be 26 feet wide in this location, which exceeds the minimum requirement of 22 feet (see Exhibit E).

Grading and Land Disturbance. The grading for the subdivision is expected to be fairly minimal. There will be some earth work required to extend a drive approach on all three lots from Morgan Valley Drive to the home locations. There will also likely be some minimal grading required to provide adequate storm water drainage improvements.

Storm Water. There is some minimal concern that natural drainage courses could be impacted by future improvements on the lot(s) (i.e., driveways, buildings, hard surfaces, etc). The applicant is proposing that drainage changes for all proposed lots are detained by a 700 cubic foot storm water detention area. These facilities are a required subdivision improvement, and will be required to be installed as such.

Water Source. All lots will house new proposed wells with a source protection area completely within the lot boundaries. Well yield and water right information will be required to be submitted for preliminary subdivision review.

Septic Systems. It is proposed that the lots be served by individual septic systems. The new proposed systems are under the authority of the Weber-Morgan Health Department. A preliminary approval of site conditions

favorable for a septic system will be required during preliminary subdivision review, and verification of the Health Department's final approval of the system is required during building permitting.

Fire Protection. MCC 8-12-450(c) requires fire protection to comply with adopted fire code as verified in writing by the local Fire Official. A letter will be required to be submitted from the local Fire Official verifying code compliance of the proposal at preliminary subdivision review. The property is exempt from Urban-Wildland Interface requirements.

Geologic Hazards. The applicant has provided sufficient documentation that the property does not lie in any known geologic hazards study areas as defined by MCC 8-5I.

Utilities. The property will be served by Rocky Mountain Power and Questar gas. Formal will-serve letters will be required to be submitted during preliminary subdivision review, however, it is noted on the proposed plat that both of these utilities area installed along this section of Morgan Valley Drive.

REVIEWS

Planning and Development Services Review. The Morgan County Planning and Development Service Department has completed their review of the Mack's Place Subdivision Concept Approval Request, application 12.141, and make the following comments:

1. The proposal complies with zoning regulation requirements and with minor modifications listed herein meets the requirements for concept subdivision approval. Staff recommend that the County approve the request and improvements exception with the direction for staff to address further review of the subdivision in accordance with the small subdivision review procedures of MCC 8-12, thereby streamlining the review and administrative approval process by consolidating preliminary and final reviews and giving final subdivision approval authority to staff.
2. Any property overlaps with surrounding properties will need to be settled between the applicant and neighboring property owners prior to final recording of the subdivision.
3. The request for a special exception appears to be merited.
4. Preliminary/final review of the subdivision will result in a closer look at subdivision criteria, and may result in additional comments and or need for conditions.
5. Pursuant to MCC 8-12-16, acceptance of a concept plan does not constitute final subdivision approval or vesting for a proposed subdivision.

NOTICING

The concept subdivision plat was noticed in accordance with the following requirements of MCC 8-3-13(F):

- F. Subdivision Plat Approval: The county shall provide advance notice of the date, time and place for public meetings regarding a proposed subdivision as follows:
1. The county shall mail notice of the first public meeting to consider a proposed subdivision not less than ten (10) calendar days before the public meeting addressed to the record owner of each parcel within one thousand feet (1,000') of the subject property; and
 2. Not less than ten (10) calendar days before the first public meeting, the applicant shall post on the property one county provided sign along each street on which the subject property has frontage. If the subject property does not abut a street, then the sign should be posted on a nearby street as

determined by the zoning administrator. The sign shall be of sufficient size, durability, print quality and location that it is reasonably calculated to give notice to those passing by.

STAFF RECOMMENDATION

Staff recommends approval of the Mack's Place Subdivision Concept Approval Request, application 12.141, subject to the following conditions:

1. That all requirements of the Morgan County Code shall be adhered to for this subdivision.
2. That any additional grading or drainage needs shall be addressed during preliminary/final review.
3. That any property overlaps with surrounding properties shall be settled between the applicant and neighboring property owners prior to final recording of the subdivision.
4. That upon an approval of the concept plat and improvements exception the subdivision is a routine subdivision that shall be subject to review and approval under the terms of the small subdivision procedures.
5. That all consultant fees are paid prior to plat recordation.

This recommendation is based on the following findings:

1. The nature of the subdivision is in general conformance with the current and future land uses of the area.
2. The subdivision conforms to current zoning ordinances.
3. That an improvement exception is merited based on the following findings:
 - a. The property is in a rural residential zone.
 - b. The existing street infrastructure meets the minimum 22 feet required width.
 - c. The existing street infrastructure is on an established public right of way.
 - d. Requiring the full street infrastructure improvements is not beneficial to the county at this time.
 - e. The waived improvements are not necessary at this time to protect the public's health, safety, and welfare.
4. That the request for an improvements exception makes it necessary for Planning Commission and County Council to review the project. Upon approval of concept and the improvements exception the subdivision will qualify for the small subdivision review process.

MODEL MOTION

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Mack's Place Subdivision Concept Approval Request, application 12.141, subject to the findings and conditions listed in the November 1, 2012 [CORRECTED] staff report, and as modified by the conditions and findings below:”

1. List any additional or modified findings and conditions...

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the Mack's Place Subdivision Concept Approval Request, application 12.141, subject to the following findings:

1. List any additional findings...

SUPPORTING INFORMATION

Exhibit A: Vicinity graphic

Exhibit B: Aerial of the property

Exhibit C: Proposed subdivision

Exhibit D: Zoning, with aerial

Exhibit E: County Engineer's memo

Exhibit F: County plat map with aerial

Exhibit B – Agenda item #6 - Discussion/Decision: Concept plan application and improvement exception request for the Crittenden Small Subdivision, a two lot subdivision, located at approximately 2668 N Morgan Valley Drive; a request made by Shawn Crittenden. Application 12.142.

Planning and Development Services

STAFF REPORT

October 31, 2012

To: Morgan County Planning Commission
Business Date: November 8, 2012

Prepared By: Charles Ewert, Planner

Re: **Crittenden Small Subdivision Concept Approval Request**

Application No.: 12.142
Applicant: Shawn and Don Crittenden
Project Location: Approximately 2668 N. Morgan Valley Drive
Zoning: RR-1/A-20 Zone
Acreage: Approximately 17.785 acres (Approximately 774,714.60 ft²)
Request: Concept Subdivision Application for Crittenden Small Subdivision

SUMMARY

This application is a request for a conceptual review of the Crittenden Small Subdivision application. Conceptual review is a means for the applicant to get a determination as to whether the proposal meets the general intent of the subdivision and zoning ordinances prior to further reviews. It is the County's opportunity to give the applicant meaningful input regarding the need for more information and/or alternative designs.

This application also comes with a request for an improvements exception. An improvements exception may be granted by the County Council given specific circumstances.

The Planning Commission is being requested to forward a recommendation of the concept subdivision with the improvements exception to the County Council. Staff have provided an in-depth evaluation of the proposal's compliance with ordinances herein. Subdivisions are administrative decisions, and if all harmful impact occurring as a result of the subdivision can be mitigated, then approval should be made.

BACKGROUND

The property is currently held in a meets and bounds description, and has never previously been formally subdivided via the process adopted by Morgan County. The property has one previously established residential unit and several previously established outbuildings. There is no anticipation that the proposal will change any of the existing buildings within the subdivision. Beyond the use of the property for the existing dwelling unit, the majority of the property has been historically used for agricultural purposes.

There is approximately 9.97 acres on the east side of the subdivision that is no longer contiguous with the portion on the west side now being proposed for residential development. The property was originally one

complete parcel, but when the Gateway Canal was installed the legal description was changed to exclude the acreage used for the canal. Even though the canal property in effect divides the two western and eastern portions of the property, a formal split never occurred by means of assigning a new tax ID or creating a separate legal description to one of the resulting properties. This means that the 9.97 acres was never formally subdivided out from the eastern acreage, and should be considered when evaluating the subdivision's compliance with regulations.

ANALYSIS

General Plan and Zoning. The site is located approximately one and three quarter's mile north of the Milton intersection of Stoddard Lane and Morgan Valley Drive, and two miles south of the junction where Morgan Valley Drive converges with 3900 West in the Peterson area (see Exhibit A). The Future Land Use Map includes the property in the rural residential and agricultural designations, and does not recommend any additional zoning density increases from existing zoning. The applicant's have sufficient zoning density rights with existing zoning to support the proposal, and no rezoning is being requested at this time.

The project is zoned RR-1 for the front 300 feet of the property as measured from the centerline of Morgan Valley Drive, and the rear portion is zoned A-20 (see Exhibit D). 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 6.06 acres in the RR-1 zone. The purposes of the RR-1 zone are as follows:

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

The property has approximately 11.72 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 proposal will result in two formally subdivided residential lots. The lots will be large lots favorable to large lot family life and will preserve the area's rural atmosphere.

Subdivision Layout. The total property acreage is approximately 17.79 acres. The original proposal was to divide it into three resulting properties; two for single family dwellings and one as a remainder lot (see Exhibits B and C). An analysis of each provides the following information:

Lot one is a proposed 6.01 acre lot with an existing single family dwelling unit and buildings incidental to residential and agricultural uses. There is approximately 4.41 acres of the lot in the RR-1 zone, with the rest in the A-20 zone. The rear of the lot abuts the Gateway Canal. The lot has approximately 693.94 feet of frontage along Morgan Valley Drive. There is an existing driveway approach to the residence. There is an irrigation ditch spanning the center of the lot from south to north, with a proposed 10' irrigation easement. A building envelope has been proposed for the lot as is shown on the proposed plat.

Lot two is a proposed 1.80 acre lot. There is approximately 1.69 acres in the RR-1 zone, with the rest in the A-20

zone. The rear of the lot abuts the Gateway Canal. The lot has approximately 218 feet of frontage along Morgan Valley Drive. There is a proposed new drive approach for access to the residential lot. There is an existing irrigation ditch that will be moved to run within the public utilities easement on the perimeters of the lot. A building envelope has been proposed for the lot as is shown on the proposed plat.

The original request was to formally divide the 9.97 acre remainder property on the eastern side of the canal from the rest of a property as an agricultural division of land, pursuant to the exemptions provided for in MCC 8-12-9. However, MCC 8-12-9 does not allow divisions that do not comply with minimum acreage requirements of the zone, as established in this case by MCC 8-5A-4 for the A-20 zone. The portion on the eastern side of the canal will need to be part of the legal description of one or both of the two front lots. The applicant has been informed of this.

The total property boundaries may have certain overlaps with neighboring properties as observed from the County plat maps (see Exhibit F). This is not an uncommon occurrence with undivided, undeveloped property and is an issue that will be required to be addressed during preliminary and final subdivision review.

Infrastructure Improvements. Pursuant to MCC 8-12-19 and 8-12-20 a routine and uncontested concept subdivision proposal of less than eight lots may be reviewed and approved by the Zoning Administrator; however, MCC 8-12-20(A)(4) indicates that if the subdivision comes with a request for special exception or modifications of standards that the concept approval should come from the Council after recommendation from the Planning Commission. This subdivision application is coming to the County with a request for an improvements exception from required street frontage improvements. During the typical subdivision process the need for improved road infrastructure is something that should be taken into consideration. The subdivision ordinance requires street frontage to be improved to adopted County standards, however, the new MCC 8-12-44(D)(2) allows an applicant to request an exception from the required infrastructure improvements given the following circumstances:

4. The property must be in a rural residential, agricultural, multiple use or forestry zone.
5. The existing street infrastructure must, at a minimum, be 22 feet wide and be an established public right of way.
6. The street must have adequate shoulders.

In approving such an exception, the County Council will need to make the following findings:

Such an exception may be granted upon finding that requiring the full street infrastructure improvements are not roughly proportional, in nature or extent, to the impact of the development on the community; is not beneficial to the county; or may be detrimental to the neighboring property abutting the development; and that the waived improvements are not necessary at this time to protect the public's health, safety, and welfare.

Making a determination as to whether existing conditions meet the required findings of the ordinance without the need for certain improvements is a Council decision, but the County Engineer and the Planning Commission are required to make recommendation of the same. The County Engineer has measured Morgan Valley Drive to be 24 feet wide in this location, which exceeds the minimum requirement of 22 feet. Because the ordinance requires "adequate shoulders," the County Engineer is suggesting that a condition of approval be that the gravel shoulder be improved by adding a minimal amount of granular material and grading per County Standards (see Exhibit E).

Grading and Land Disturbance. The grading for the subdivision is expected to be minimal. There will be some earth work required to extend a drive approach on lot two from Morgan Valley Drive to the home location. There will also likely be some minimal grading required to provide adequate storm water drainage improvements.

Storm Water. The applicant is proposing that the drainage for lots one and two on the site continue to be provided by the natural means of the physical conditions of the property. There is some minimal concern that natural drainage courses could be impacted by future improvements on the lot(s) (i.e., driveways, and additional buildings). The County Engineer is recommending that minimal grading occur to create a small berm between the two lots, and create a berm on the north side of lot two. This should satisfy the site's drainage needs.

A drainage analysis of the eastern 9.97 acre property was not conducted because no building envelope has been proposed for this area and as such development will be restricted to the front two lots within their proposed envelopes. Drainage on the rear portion will continue along historic paths.

Water Source. Lot one has an existing previously established well. The source protection area of the well overlaps into adjacent property, but given its previously established status may meet the necessary requirements of the Health Department. A letter from the Health Department indicating their satisfaction with the site conditions should be received during preliminary review. Lot two will house a new proposed well with a source protection area completely within the lot boundaries.

Well yield and water right information will be required to be submitted for preliminary subdivision review.

Septic Systems. It is proposed that the lots be served by individual septic systems. Lot one has an existing system, and the new proposed system on lot two is under the authority of the Weber-Morgan Health Department. A preliminary approval of site conditions favorable for a septic system will be required during preliminary subdivision review, and verification of the Health Department's final approval of the system is required during building permitting.

Fire Protection. MCC 8-12-450(c) requires fire protection to comply with adopted fire code as verified in writing by the local Fire Official. A letter will be required to be submitted from the local Fire Official verifying code compliance of the proposal. The property is exempt from Urban-Wildland Interface requirements.

Geologic Hazards. The applicant has provided sufficient documentation that the property does not lie in any known geologic hazards study areas as defined by MCC 8-51.

Utilities. The property will be served by Rocky Mountain Power and Questar gas. Formal will-serve letters will be required to be submitted during preliminary subdivision review, however, it is noted on the proposed plat that both of these utilities area installed along this section of Morgan Valley Drive.

According to aerial overlays it appears there is a large scale underground utility traversing the eastern 9.97 acre portion of the subdivision (likely the Questar line), yet no platted easement has been accounted for on the plat. Receipt of a full title report during preliminary review will shed greater light on what this utility is and the need for an established easement.

REVIEWS

Planning and Development Services Review. The Morgan County Planning and Development Service Department has completed their review of the Crittenden Small Subdivision Concept Approval Request, application 12.142, and make the following comments:

6. The proposal complies with zoning regulation requirements and with minor modifications listed herein meets the requirements for concept subdivision approval. Staff recommend that the County approve the request and improvements exception with the direction for staff to address further review of the subdivision in accordance with the small subdivision review procedures of MCC 8-12, thereby streamlining the review and administrative approval process by consolidating preliminary and final reviews and giving final subdivision approval authority to staff.
7. The subdivision is currently titled "Crittenden Minor Subdivision." This is not a "minor" subdivision as defined by the County's subdivision ordinance; it is a "small" subdivision. The title needs to be changed to remove/change the word "minor."
8. The "remainder parcel A" on the east side of the canal should be incorporated into the legal description of the area on the west side of the property. How this is done will be up to the applicant so long as the results follow minimum zoning requirements and standard surveying practices.
9. Any property overlaps with surrounding properties will need to be settled between the applicant and neighboring property owners prior to final recording of the subdivision.
10. The request for a special exception appears to be merited. The County Engineer has suggested that the existing shoulders of Morgan Valley Drive are inadequate and should be improved by adding a minimal amount of granular material and grading per County Standards as a condition of the request.
11. Preliminary/final review of the subdivision will result in a closer look at subdivision criteria, and may result in additional comments and or need for conditions.
12. Pursuant to MCC 8-12-16, acceptance of a concept plan does not constitute final subdivision approval or vesting for a proposed subdivision.

NOTICING

The concept subdivision plat was noticed in accordance with the following requirements of MCC 8-3-13(F):

- F. Subdivision Plat Approval: The county shall provide advance notice of the date, time and place for public meetings regarding a proposed subdivision as follows:
1. The county shall mail notice of the first public meeting to consider a proposed subdivision not less than ten (10) calendar days before the public meeting addressed to the record owner of each parcel within one thousand feet (1,000') of the subject property; and
 2. Not less than ten (10) calendar days before the first public meeting, the applicant shall post on the property one county provided sign along each street on which the subject property has frontage. If the subject property does not abut a street, then the sign should be posted on a nearby street as determined by the zoning administrator. The sign shall be of sufficient size, durability, print quality and location that it is reasonably calculated to give notice to those passing by.

STAFF RECOMMENDATION

Staff recommends approval of the Crittenden Small Subdivision Concept Approval Request, application 12.142, subject to the following conditions:

6. That all requirements of the Morgan County Code shall be adhered to for this subdivision.
7. That the subdivision name shall be changed to not include the term “minor.”
8. That the gravel shoulder shall be improved by adding a minimal amount of granular material and grading per County Standards.
9. That the utility line traversing the 9.97 acre eastern portion of property is adequately accounted for on the plat and an easement is provided as may be necessary.
10. That any additional grading or drainage needs shall be addressed during preliminary/final review.
11. That any property overlaps with surrounding properties shall be settled between the applicant and neighboring property owners prior to final recording of the subdivision.
12. That upon an approval of the concept plat and improvements exception the subdivision is a routine subdivision that shall be subject to review and approval under the terms of the small subdivision procedures.
13. That all consultant fees are paid prior to plat recordation.

This recommendation is based on the following findings:

5. The nature of the subdivision is in conformance with the current and future land uses of the area.
6. The subdivision conforms to current zoning ordinances.
7. That an improvement exception is merited based on the following findings:
 - a. The property is in a rural residential zone.
 - b. The existing street infrastructure meets the minimum 22 feet required width.
 - c. The existing street infrastructure is on an established public right of way.
 - d. The existing street has inadequate shoulder widths that should be improved as a condition of the improvements exception.
 - e. Requiring the full street infrastructure improvements is not beneficial to the county at this time.
 - f. The waived improvements are not necessary at this time to protect the public's health, safety, and welfare.
8. That the request for an improvements exception makes it necessary for Planning Commission and County Council to review the project. Upon approval of concept and the improvements exception the subdivision will qualify for the small subdivision review process.

MODEL MOTION

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Crittenden Small Subdivision Concept Approval Request, application 12.142, subject to the findings and conditions listed in the October 31, 2012 staff report, and as modified by the conditions and findings below:”

1. List any additional or modified findings and conditions...

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the Crittenden Small Subdivision Concept Approval Request, application 12.142, subject to the following findings:

1. List any additional findings...

SUPPORTING INFORMATION

Exhibit A: Vicinity graphic

Exhibit B: Aerial of the property

Exhibit C: Proposed subdivision

Exhibit D: Zoning, with aerial

Exhibit E: County Engineer's memo

Exhibit F: County plat map with aerial

Exhibit C – Agenda Item #7 - Discussion/Decision: Century Link CUP: to consider a conditional use permit for a utility use; new power distribution and engine for existing communications equipment building located at 4180 W Old Highway. Application 12.104

**Planning and Development Services
STAFF REPORT
October 29, 2012**

To: Morgan County Planning Commission
Business Date: November 8, 2012

Prepared By: Charles Ewert, Planner

Re: **Century Link Conditional Use Permit Request**
Application No.: 12.104
Applicant: Century Link
Project Location: 4180 West Old Highway Road
Zoning: RR-1 Zone
Acreage: Approximately 0.26 acres
Request: Conditional Use Permit for utility use; new power distribution and engine for existing communications equipment building.

SUMMARY

This application is for a utility use in the RR-1 zone. Century Link desires to provide upgrades to their existing communications facility by expanding their use by adding new power distribution and related engine to the site. Utility uses in the RR-1 zone are allowed by conditional use permit. Conditional use permits should be approved as long as any harmful impact is mitigated. The County Code already specifies certain standards necessary for mitigation of harmful impact to which the proposal must adhere. The proposed application appears to meet these standards. The following is staff's evaluation of the request.

BACKGROUND

There is an existing and established communications facility utility use on the site with a previously erected chain link fence with brown slats (see Exhibit A).

ANALYSIS

Zoning. The property is zoned RR-1 (see Exhibit B). Utility uses are under the umbrella definition of "Public Facilities and Public Service Facilities" which is defined as:

For the public convenience, certain infrastructure, including streets, *utilities and utility facilities*, radio and television transmitting towers and stations, and facilities determined to be in the interest of the health, safety, and welfare of the public, such as police, fire, ambulance substations, and animal control facilities, may be allowed to serve various areas of the community as essential facilities. [Italics added]

Morgan County Code (MCC) identifies that "Public Facilities and Public Service Facilities" are conditional uses in the RR-1 zone:

8-5A-3: USE REGULATIONS:

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the multiple use, agricultural or rural residential districts, except as provided in this article.

	Districts					
	MU-160	F-1	A-20	RR-10	RR-5	RR-1
Public facilities or public service facilities. Exception: Governmentally operated essential service facilities such as police, fire, ambulance substations, and animal control facilities	C	C	C	C	C	C

Ordinance Evaluation. There are limited review criteria for this type of request in the ordinances. MCC 8-6-18 has the majority of regulations regarding utility uses. MCC 8-6-18(A) indicates that:

...related generator facilities shall be grouped with other utility meters where possible and screened or fenced in accordance with section 8-6-37 of this chapter.

MCC 8-6-37 has no specific screening regulations relative to utility uses, but MCC 8-6-18(A)(2) goes on to say:

Approved solid fencing types must be at least six feet (6') in height and include only black vinyl coated chainlink with slats, solid concrete panel or masonry wall, or tan colored vinyl fencing. Where open fencing is allowed, it shall consist of black vinyl coated chainlink or wrought iron.

The applicant's have identified that there is an existing fence surrounding two sides of the new proposed generator, and that a new black vinyl coated chain link fence with vinyl slats will be constructed on the other two sides to complete the fully enclosed generator facility.

Beyond the screening regulations above, MCC 8-8 indicates that there are general conditions that may be applied to conditional use permits, such as provisions related to safety, health and sanitation, environmental concerns, compliance with the intent of the General Plan, conditions related to performance, etc. The following is intended to help assist the Planning Commission in determining whether any of these conditions of approval are necessary.

Property Layout. The 0.26 acre lot is generally rectangular in shape. It is surrounded by residential and church development properties (see Exhibits C, and D). It fronts Old Highway Road with approximately 100 feet of frontage. The lot may not comply with the minimum lot size, width, or frontage regulation for the RR-1 zone, however, pursuant to MCC 8-6-18(B), utility uses have alternative requirements:

All lots or parcels shall contain an area of sufficient size and dimension to safely accommodate the utility facility or use, any required landscaping, and the required setback and yard regulations as specified in the applicable zoning article regulating the property...

Setbacks. The front setback for uses in the RR-1 zone is 30 feet. The side and rear setbacks for utility uses in this zone is 15 feet. The proposal meets both of these requirements.

Roads and Access. The lot has all required frontage improvements along Old Highway Road already installed. Such improvements include curb, gutter, and sidewalk. The access to the lot is provided with an appropriate driveway apron spanning this infrastructure.

Grading and Land Disturbance. No changes proposed.

Landscaping. The applicant has not proposed any landscaping for the site. The site is currently covered in pea gravel in the areas that are not already covered by utility facilities or driveway. MCC 8-8-5 requires a landscaping and planting plan accordingly:

8-8-5: GENERAL STANDARDS FOR CONDITIONAL USE DEVELOPMENTS:

When applicable, the following general standards shall apply to all conditional use developments within the county, unless waived for good and sufficient reasons by the planning commission:

...

B. Landscaping, Fencing And Screening: Landscaping, fencing and screening within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the planning commission for approval, together with other required plans for the development.

...

E. Planting Plan: A planting plan showing the proposed tree, shrubbery and lawn plantings shall be prepared for the entire site to be developed, including especially the yards which abut upon public streets.

If the Planning Commission feels that a landscaping and planting plan is non essential to this use it may waive these requirements pursuant to this section. A good finding(s) should be provided with such a waiver. If the Planning Commission desires to apply a condition of approval regarding landscaping and planting plans, then such a plan will be required to adhere to MCC 8-6-27.

Lighting. There is no proposal for exterior lighting changes.

Bonding. To ensure that the proposed sight obscuring fence is installed as proposed, and that a landscaping plan is presented and followed (as applicable), the Planning Commission should consider requiring a completion bond as a condition of approval of the required site improvements, pursuant to MCC 8-8-5(H). The bond amount should be for 100% of the total cost of these improvements.

REVIEWS

Planning and Development Services Review. The Morgan County Planning and Development Service Department has completed their review of the conditional use permit for a utility use of new power distribution and engine for an existing communications equipment building, file 12.104, with the following comments:

1. The use is permitted by the zoning designation as a conditional use permit. If harmful impact can be mitigated, then it should be approved.
2. The proposal appears to meet the requirements of the ordinance for the establishment of new utility uses. Utility lines are proposed to be undergrounded, a black vinyl coated chain link fence with slats is proposed, and the plan appears to meet site requirements for utilities.
3. The existing site has no landscaping. The visual aesthetic of the site could have potential impact on neighborhood property values. Given that this request is to add utility facilities to the site, this may be an opportune time to request the site be brought into compliance with respect to certain landscaping requirements of the Morgan County Code. If the Planning Commission deems that additional landscaping should be required as a condition of approval as “a means of integrating the proposed development into its surroundings” (MCC8-8-5(B)), then it should recommend the Council condition their approval on the

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receipt of a specific landscaping plan. The Planning Commission may, however, deem that the proposed site screening (fencing) sufficiently integrates the proposal into the neighborhood.

NOTICING

Pursuant to MCC 8-3-13(I), a conditional use permit is a public comment item and requires certain noticing within 10 calendar days of the first public meeting. Further, pursuant to MCC 8-3-13(C) the following noticing requirements have been met for this application:

C. Notice To Third Parties: For site specific land use applications which require a public hearing or public comment, the county shall mail notice to the record owner of each parcel within a one thousand foot (1,000') radius of the subject property, and the applicant shall post a sign on the property according to the following regulations:

1. Post a county provided sign along each street on which the subject property has frontage. If the subject property does not abut a street, then the sign should be posted on a nearby street as determined by the zoning administrator. Sign shall be of sufficient size, durability, print quality and location that it is reasonably calculated to give notice to those passing by. It shall be the responsibility of the applicant to remove and dispose of the sign(s) within five (5) calendar days after the final hearing or meeting regarding the application. Third party property owners who live within the one thousand foot (1,000') radius but outside of Morgan County boundaries shall be sent notice equivalent to that sent to property owners within Morgan County.
2. The applicant shall submit a signed affidavit of public posting.
3. The affidavit shall include a photograph verifying that the sign has been installed, at least ten (10) days prior to the required public hearing or meeting.
4. Failure to post the public notice sign and provide the required verification at least ten (10) days prior to the required public hearing will cause a delay in the processing of the application, to allow for the required public hearing notice.
5. If the sign is destroyed or damaged the applicant shall replace the sign within twelve (12) hours upon being notified.

STAFF RECOMMENDATION

Staff recommends approval of the conditional use permit for a utility use of new power distribution and engine for an existing communications equipment building, file 12.104 subject to the following conditions:

9. That all work shall be conducted in compliance with submitted site and engineering plans.
10. That a building permit is required for the proposed utility work, and shall adhere to the IBC and IFC, in addition to the approved site plan.
11. That a landscaping plan is required and shall conform to the requirements of MCC 8-6-27. The plan shall be reviewed for compliance and approval by staff prior to the issuance of a building permit for the installation.
12. That the proposed new black vinyl coated chain link fence shall have slats that match the existing onsite fence. Other earth toned colors may be installed if first reviewed and approved by the zoning administrator.
13. That a cash completion bond is submitted with a bond agreement in an amount satisfactory to the County for the installation of the new fence as proposed, and for the required landscaping.
14. That an Engineer's cost estimate is submitted for the required site improvements.

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15. That further permits and/or building permit approval may be withheld in the event of non-compliance.
16. That the project adheres to all other local, state, and federal requirements.

This recommendation is based on the following findings:

4. That the request conforms to the requirements of the Morgan County Code.
5. That with the proposed conditions, the proposal will mitigate potential detrimental effects it may cause to the public, particularly with respect to the need for screening and landscaping.
6. That a landscaping and planting plan is essential to the integration of the proposal into it's surrounding.

MODEL MOTION

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the conditional use permit for a utility use of new power distribution and engine for an existing communications equipment building, file 12.104 subject to the findings and conditions listed in the October 29, 2012 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 conditional use permit for a utility use of new power distribution and engine for an existing communications equipment building, file 12.104 subject to the following findings:

1. List any additional findings...

SUPPORTING INFORMATION

Exhibit A: Photograph of the site.

Exhibit B: Zoning Map.

Exhibit C: Proposed site plan.

Exhibit D: Aerial photograph of the vicinity.