



PLANNING COMMISSION AGENDA
Thursday, October 24, 2013
Morgan County Council Room
6:30 PM

PUBLIC NOTICE is hereby given that the Morgan County Planning Commission will meet at the above time and date at the Morgan County Courthouse, Council Chambers, 48 West Young St, Morgan, Utah. The agenda is as follows:

1. Call to order – prayer
2. Approval of agenda
3. Declaration of conflicts of interest
4. Public Comment

Administrative Items

5. Discussion/Decision: Cobble Creek Conditional Use Permit; A permit request for the utility use of a reservoir located east of Park Meadow Drive in the Cottonwoods Development.
 6. Discussion/Decision: Rocking M Concept Subdivision; a two lot subdivision on Island Road in the RR-1/A-20. Applicant seeking exception from improvement requirements.
 7. Discussion/Decision: Paul Heiner Concept Subdivision; A conceptual review of a 3 lot subdivision located in the RR-1/A-20 zones on property located at 459 South Morgan Valley Drive. Application seeking exception from improvement requirements.
 8. Discussion/Decision: Whisper Ridge at Stone Canyon Plat Amendment #1; Combining lots 130 & 131 to create one lot at approximately 6240 W Oakridge Lane.
9. Staff Report
 10. Approval of minutes from October 10, 2013
 11. Adjourn

Members present

David Sawyer
Debbie Sessions
Roland Haslam
Darrell Erickson
Michael Newton
Steve Wilson

Others present

Tina Kelley
Kathy Collins
Mark Wilkinson
Lisa Montoya
Dale Harding
David Potter
Bryce Heiner
Benson Whitney

Meeting Minutes

1. Call to order—prayer. Chairman Haslam welcomed everyone to the meeting tonight. Member Sawyer offered prayer.

2. Approval of agenda.

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

3. Declaration of conflicts of interest.

Chairman Haslam had a conflict of interest for item #5 and will abstain from discussion.

4. Public comment.

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

There was no public comment.

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

Administrative Items

5. Discussion/Decision: Cobble Creek Conditional Use Permit; A permit request for the utility use of a reservoir located east of Park Meadow Drive in the Cottonwoods Development.

Mr. David Potter, representing the Gardner/CottonWood Creek LLC, deferred to Charlie to present. Charlie explained that the proposed reservoir use is allowed under the F-1 and RR-1 zone.

Charlie referred to the conditions for approval and stated that this is a high-hazard dam. There is also a requirement for a traffic mitigation plan and private easements to ensure they are protecting

the existing roads and residences.

Member Sawyer wanted clarification on why it's a high-hazard dam. Charlie responded that an engineer would be able to clarify better, but his understanding is the state has several categories of dams and a classified high-hazard dam is one that has less support or a higher probability of a breach. There was a hydrologic study required which revealed that the most likely place to breach was toward lots 21 and 22.

Member Sawyer wondered about having a bond and Charlie replied that they can certainly put a bond in place. Charlie confirmed that the county engineer is okay with the listed conditions for approval.

Member Sessions asked for clarification on the seven proposed conditions from the state engineer. Member Newton pointed out that the lots referenced in the seven conditions are different from what is addressed in the current packet.

Charlie consulted a more recent letter dated April 15, 2013 from the state engineer from when the reservoir was re-evaluated. There are seven conditions listed there that were added to the current packet. Charlie indicated the drainage line on the added exhibit image.

Mr. Potter: Clarified the proposed location of the reservoir. He mentioned one thing the report didn't clarify is the easement hasn't been signed, as it is a condition upon closing between the Gardner's development and the Wilkinson family. He stated that the proposed site is preferred because of the location from the Wilkinson Farm Pipeline and spring runoff. More wells and drilling will be needed to access the secondary water source, but it will be basically unobservable from the surrounding residences. They do need the right of way cleared up from Rulon Gardner. Member Sessions asked Mr. Potter to clarify what he means by the term "we".

Mr. Potter responded Morgan Secondary Water Company. All the surrounding homeowners, in the Cottonwood subdivision development, are water share holders. Secondary and culinary waters are separate. There is a manager with a board of directors, with the biggest shareholder being Rulon Gardner. The liability insurance should cover when the dam is finished.

Member Sawyer asked about the anticipated finish date for the dam. Mr. Potter responded that they'd like to get it through as soon as possible so to catch the spring runoff.

Member Sawyer wondered about any other people living downstream who may be affected and if there are any objections to easements.

Mr. Potter stated that Browning expressed concerns for their wells.

Member Erickson asked about requiring fencing. Charlie responded that if they would like to make a condition to add fencing, a condition needs to be made tonight. Mr. Potter commented that they would like to add a chain-link fence and post signs.

Charlie recommended increasing the cost of the bond to cover the cost of the fencing.

Mark Wilkinson stated that he has no idea who came up with the idea for the reservoir. Says the better place for it is downstream from where it's proposed. He voiced concern that water is going to seep down through the rocks and gravel into basements.

Member Sessions moved to forward a positive recommendation to the County Council for the conditional use permit for a utility use and excavation for the Cobble Creek Reservoir to store water for the Mountain Green Secondary Water Company, application 10.050, subject to the findings and conditions listed in the October 15, 2013 staff report, and as modified by the conditions and findings below:

1. The permissions from all landowners on which the reservoir structures, access to the reservoir, drainage from the reservoir and utility lines from the reservoir are proposed to be located must be provided prior to the required preconstruction meeting.
2. Legal descriptions for all easements for the proposed reservoir structures, access road and utility lines and drainage must be prepared, documented and recorded provided prior to the required preconstruction meeting.
3. Documentation of the State Engineer's "No Build Easements", identified in Exhibit G for relevant lots in the Northside Creek P.R.U.D. Subdivision be recorded before construction begins.
4. All work and use shall be conducted in compliance with the approved Engineering Plans, the recommendations at Section 5.6 of the February 28, 2013 Geotechnical Study, and the conditions of approval of the State Engineer's April 15, 2013 Order.
5. Information regarding number, sizes, loaded weight and frequency of construction traffic will be submitted to the County's Engineer for review and determination of appropriate construction traffic management and road maintenance program, which would address dust management, hours of operation, current roadway conditions and the potential need for repairs to County roads due to construction traffic.
6. The final engineered plans are submitted for the County's Engineer's approval signature. Final plans should include maps showing all easement locations and boundaries.
7. All final administrative comments/corrections from the County's Engineer are complied with prior to the beginning of construction.
8. Submittal of a re-vegetation and re-seeding plan with specific seed mixes, planting dates and irrigation methods.
9. Submittal of a cash completion bond and Cash Escrow agreement and Engineer's Cost Estimate for the approved re-vegetation and reseedling plan, and fencing in an amount and on forms as are acceptable by the County's Engineer, County Attorney, and County Zoning Administrator.
10. That no work or construction shall commence prior to a preconstruction meeting with the County Engineer, and that the submittal of mylars shall be provided prior to this meeting.
11. That all County outsourced review costs are paid current prior to commencement of construction.
12. That enforcement of these conditions may be attained by the issuance of a stop work order until infractions are corrected, among any other legal means.
13. That the project adheres to all other local, state, and federal requirements.
14. That the reservoir will be fenced with a chain-link fence with No Trespass notification.

This recommendation is based on the following findings:

1. That the request conforms to the requirements of the Morgan County Code.
2. That the requested uses are allowed in the RR-1 zone.
3. That with the proposed conditions, the proposal will mitigate potential detrimental effects it may cause to the public, particularly with respect to public safety and dust and debris control.
4. That a re-vegetation and seeding plan is essential to mitigating the harmful effects of erosion and slope instability, and will mitigate the negative aesthetic effects of the hillside excavation.
5. That the fencing requirement is reasonable to protect public safety and mitigates a harmful impact.

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

6. Discussion/Decision: Rocking M Concept Subdivision; a two lot subdivision on Island Road in the RR-1/A-20. Applicant seeking exception from improvement requirements.

Member Sawyer asked for clarification about the width being 22 feet. Is the requirement for the part being built, or elsewhere also. Charlie clarified that it is for the width of the entire subdivision. The engineer has proposed modifying the right of way to find out where the property line should actually be.

Member Sessions wondered why there wasn't 200 feet of frontage with the lot. Member Sessions also brought attention to the shed that sits 7' from the property line, but there is a 10' utility easement required. Charlie replied that he will talk with the applicant about addressing this problem.

Member Sawyer moved to forward a positive recommendation for the Rocking M Subdivision Concept Plan, application 13.113, as listed in the October 18, 2013 staff report, and as modified by the additional recommendations below:

1. That all outsourced consultant fees are paid current prior to final plat recordation.
2. That the plat is revised prior to preliminary plat submittal to provide 200 feet of frontage for both resulting residential lots.
3. That a record of survey of the remaining agricultural land is filed in the office of the County Recorder and recorded, together with a letter of approval of the division from the Zoning Administrator, pursuant to MCC §8-12-9.
4. That an improvements exception for the project is conditioned on the improvement of the existing street to a minimum width of 22 feet with adequate shoulders. Construction drawings illustrating the improvements shall be provided with the preliminary plat submittal, and final plat approval shall be conditioned on the execution of a cash bond and agreement for said improvements.
5. The all utility easements intended to be dedicated as public utilities are either called "public utility easements" or "PUE's."
6. That easements shall be placed on the plat in favor of any ditch owner/company, as may be applicable.
7. That proof of culinary shares (800 gallons per day) and irrigation shares (3 gallons per minute)

are provided for each lot at preliminary plat application.

8. That the creation and readdressing of the adjacent homesite off of the “Rocking M Drive” is executed simultaneous with final plat recordation and that documentation of the homesite owner’s consent is provided with preliminary plat submittal. The applicant shall be responsible for erecting a blue street sign at the intersection of the drive and Island Road.
9. That a residential building envelope is provided both lots.
10. That all redlines on the plat herein are corrected with preliminary plat submittal.
11. That all other local, state, and federal laws are adhered to.

This recommendation is based on the following findings:

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

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

7. Discussion/Decision: Paul Heiner Concept Subdivision; A conceptual review of a 3 lot subdivision located in the RR-1/A-20 zones on property located at 459 South Morgan Valley Drive. Application seeking exception from improvement requirements.

Chairman Haslam called for a motion.

Member Newton moved to forward a positive recommendation for the Paul Heiner Concept Plan, application 13.110, as listed in the October 18, 2013 staff report, and as modified by the additional recommendations below:

1. That all consultant fees are paid prior to final plat recordation.
2. That a geologic hazards scoping meeting is scheduled with the County prior to preliminary plat submittal, and that a geologic hazards report is submitted with the preliminary proposal in compliance with adopted laws.

3. The all utility easements intended to be dedicated to public utilities are either called “public utility easements” or “PUE’s.”
4. That easements shall be placed on the plat in favor of any ditch owner/company, as may be applicable.
5. That proof of culinary shares (800 gallons per day) and irrigation shares (3 gallons per minute) are provided for each lot at preliminary plat application.
6. That a residential building envelope is provided on all lots.
7. That all redlines on the plat herein are corrected with preliminary plat submittal.
8. That all other local, state, and federal laws are adhered to.

This recommendation is based on the following findings:

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

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

8. Discussion/Decision: Whisper Ridge at Stone Canyon Plat Amendment #1; Combining lots 130 & 131 to create one lot at approximately 6240 W Oakridge Lane.

Benson Whitney, representing Henry Walker Homes, stated that they are just combining two lots. Member Sessions asked if the building envelope is outside of the setbacks. Ronda said they are managed by a development agreement and they all have their utility envelope. They were held at the 25% slope line. On the plat, E stands for Expansive Soil (clay). Chairman Haslam clarified that by combining the lots, there will still be an E and an R (Restriction) on the plat. Ronda pointed out that it is on a private street and a P.R.U.D. allowed for flexible frontage. This made it less non-conforming with 31 feet.

Chairman Haslam called for a motion.

Member Sessions moved to forward a positive recommendation to the County Council for the Whisper Ridge at Stone Canyon Phase 1 Subdivision PRUD Amendment# 1, file# 13.090, subject to the conditions and based on the findings presented in the staff report dated October 17, 2013, and as modified by the conditions below:

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

This recommendation is based on the following findings:

1. The nature of the subdivision is in conformance with the current and future land uses of the area.
2. The proposal complies with the Morgan County 2010 General Plan.
3. The proposal complies with current Development Agreement for the Whisper Ridge at Stone Canyon Subdivision PRUD.
4. That sufficient proof of culinary & irrigation water flow has been provided to the Planning and Development Services Department.
5. Those certain conditions herein are necessary to ensure compliance with adopted laws prior to subdivision plat recording.
6. The additional infrastructure improvements are not necessary at this time to protect the public's health, safety, and welfare.
7. That the proposal is not detrimental to the health, safety, and welfare of the public.

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

9. Staff Report

Charlie reported that three of the items on tonight's agenda have been in the process for about a month. He also explained how he prioritizes applications. Charlie also stated that items are not generally removed from the agenda unless specifically requested by the applicant. Member Sessions expressed interest in obtaining a copy of the engineer's report for further clarification if needed in upcoming meetings.

10. Approval of minutes from October 10, 2013

Member Newton moved to accept the minutes. Second by Member Sessions. The vote was unanimous. The motion carried. Member Erickson abstained as he was absent last week.

11. Adjourn

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

Approved: _____ **Date:** _____
Chairman

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