



PLANNING COMMISSION AGENDA
Thursday, January 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. Approval of minutes from January 10, 2013.
5. Discussion/Decision: Brown Rezone; a request to rezone property from the R1-20/A-20 zones to the RR-1 zone at approximately 4396 Cottonwood Canyon Road.
6. Discussion/Decision: East Canyon Resort CUP: Requesting a Conditional Use Permit for Culinary Water System Improvements on property located at approximately 8896 South Highway 65 East Canyon.
7. Public Hearing/Discussion/Decision: Mountain Green Village Master Plan; a Master Plan proposal for approximately 105.6 acres of property at the intersection of Old Highway Road and Trapper's Loop Road. Proposal to include future single family residential, multifamily residential, and commercial.
8. Staff Report.
9. Adjourn.

PLANNING COMMISSION AGENDA
Thursday, January 24, 2013
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MEMBERS PRESENT

Roland Haslam, Chairman
Debbie Sessions
Adam Toone
Shane Stephens
Alvin Lundgren

STAFF PRESENT

Charles Ewert, Planner
Ronda Kippen, Planning Technician
Teresa Rhodes, Transcription

MEMBERS ABSENT

Steve Wilson
Darrell Erickson

COUNTY COUNCIL PRESENT

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

1. Call to order – prayer.

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

2. Approval of agenda.

Member Sessions moved to remove the Bonnie Brown application, per applicant's request, Agenda item #5 and adding public comment to agenda item #6. Second by Member Stephens. The vote was unanimous. The motion carried.

3. Declaration of conflicts of interest.

There were no conflicts of interest declared.

4. Approval of minutes from January 10, 2013.

Motion by Member Sessions to approve the minutes of January 10, 2013 with the noted minor corrections. Second by Member Toone. The vote was unanimous. Member Lundgren abstained because he was not present at the meeting. The motion carried.

5. **Discussion/Decision: Brown Rezone; a request to rezone property from the R1-20/A-20 zones to the RR-1 zone at approximately 4396 Cottonwood Canyon Road.**

The applicant withdrew this agenda item on January 24, 2013.

6. **Discussion/Decision/Public comment: East Canyon Resort CUP: Requesting a Conditional Use Permit for Culinary Water System Improvements on property located at approximately 8896 South Highway 65 East Canyon.**

Ronda Kippen presented her staff report (Please see attached exhibit A)
The engineering staff report was noted (Please see attached exhibit B)

Member Toone asked where the bottom of the hollow was on this property. This location was shown on an overhead map.

There was brief discussion on drainage from the project location.

Member Toone asked about the easement access noted in the engineer's report. If they own the property why do they need to draw access to it? Mr. Ewert noted the easement is not clear. We know right now that East Canyon owns the property, but if East Canyon were to ever sell the property then it would need to be cleared up at the division of that property.

Chairman Haslam asked about the submitted approved seed mix. Questioned why we are specifying the seed instead of just saying the applicant is responsible for re-vegetation. He does not want to see this come back on the county when the applicant states they did exactly what the County asked and then it does not take. Ronda noted staff has numerous resources with regard to what will grow in the area. However it is the planning commission's discretion to change that if they would like.

Dan White, Gardner Engineering, Consulting engineer on the property took questions from the members.

Chairman Haslam asked about the limited hours of construction that the County Engineer submitted. Mr. White noted he was not certain what the engineer's thoughts were on this but typically on these projects it is business hours unless it is really hot and they need to pour concrete, then it is usually 4-5 a.m. in the morning. It would depend on the weather. If they need to pour concrete due to good weather, they need to pour.

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

There was no public comment at this time.

Member Lundgren moved to close public comment. Second by Member Sessions. The vote was unanimous. The motion carried.

Member Lundgren moved to forward a positive recommendation to the County Council for the East Canyon Resort Culinary Water Tank Improvements Conditional Use Permit Request, application #12.167, based on the findings and conditions listed in the Staff Report dated 1/15/13 with no modifications to those findings and conditions:

- 1. That a proposed *native* seed mix be ~~submitted and approved by the Zoning Administrator~~. Specified and be absent of noxious weeds as listed by Utah Weed Control Association.**
- 2. That the additional comments and corrections outlined by the County Engineer in his memo dated January 8, 2013, *striking items #1 and #2*, be re-submitted prior to commencement of construction.**
- 3. That the applicant submits an engineer's cost estimate for the revegetation of the project.**
- 4. That a bond in the amount of 115% of the total estimated costs of revegetation, as approved by the County Engineer, is submitted prior to issuance of a building permit.**
- 5. That all Utah State Division of Drinking Water and Weber-Morgan Health Department requirements are adhered to.**
- 6. That all work will be conducted in compliance with the submitted plans received by the Morgan County Planning Department dated November 28, 2012 in addition to the requested revisions as outlined in the County Engineers comments dated January 8, 2013 (see Exhibit D).**
- 7. That a preconstruction meeting be held with the applicant's contractor and engineer prior to commencement of work.**
- 8. That a building permit is required to be issued for the project at which time, proof of adequate water rights is provided to the County with the building permit application.**
- 9. That all outstanding dues owed to the County for engineering review be paid current prior to the acceptance of the building permit application.**
- 10. That all other County, State, and Federal laws are upheld.**

This recommendation is based on the following findings:

- 1. The request conforms to requirements of the Morgan County Code 8-5A-3, 8-6-18 and 8-8-4.**
- 2. Revegetation of the disturbed area with native seed mix will help protect the land from erosion, and provide an aesthetic completion of the project compatible with surrounding areas.**

Second by Member Sessions.

Chairman called for discussion.

Engineering and staff have done a thorough job on this.
Additional water will be an asset to the resort.

Member Toone questioned the access; it seems like busywork because they already own the property. He noted it would be wise to remove the County from specifying the seed. Instead if we just went with something listed on the Utah weed control association.

Member Toone moved to amend the motion that staff recommendation #1 read that a proposed seed mix be specified and be absent of noxious weed as listed by Utah Weed Control Association.

Strike points #1 and #2 from the engineer's recommendations referred to in Engineering Review Comments.

Member Sessions requested that it state "Native" seed mix, Member Toone agreed.

Second by Member Sessions.

Member Toone believed this amendment would make it easier on the applicant in getting the job done.

Chairman called for a vote on the amendment as follows:

Member Toone moved to amend the motion that staff recommendation #1 read that a proposed *native* seed mix be specified and be absent of noxious weed as listed by Utah Weed Control Association.

Strike points #1 and #2 from the engineer's recommendations referred to in Engineering Review Comments.

The vote was unanimous. The vote carried.

Chairman Called for a vote on the main motion which will have items #1 and #2 removed and a re-write of #1 on staff's recommendations as follows:

Member Lundgren moved to forward a positive recommendation to the County Council for the East Canyon Resort Culinary Water Tank Improvements Conditional Use Permit Request, application #12.167, based on the findings and conditions listed in the Staff Report dated 1/15/13 with the following modifications to those findings and conditions:

- 1. That a proposed *native* seed mix be ~~submitted and approved by the Zoning Administrator~~. Specified and be absent of noxious weeds as listed by Utah Weed Control Association.**
- 2. That the additional comments and corrections outlined by the County Engineer in his memo dated January 8, 2013, *striking items #1 and #2* from the engineer's recommendations referred to in Engineering Review Comments, be re-submitted prior to commencement of construction.**
- 3. That the applicant submits an engineer's cost estimate for the revegetation of the project.**

4. That a bond in the amount of 115% of the total estimated costs of revegetation, as approved by the County Engineer, is submitted prior to issuance of a building permit.
5. That all Utah State Division of Drinking Water and Weber-Morgan Health Department requirements are adhered to.
6. That all work will be conducted in compliance with the submitted plans received by the Morgan County Planning Department dated November 28, 2012 in addition to the requested revisions as outlined in the County Engineers comments dated January 8, 2013 (see Exhibit D).
7. That a preconstruction meeting be held with the applicant's contractor and engineer prior to commencement of work.
8. That a building permit is required to be issued for the project at which time, proof of adequate water rights is provided to the County with the building permit application.
9. That all outstanding dues owed to the County for engineering review be paid current prior to the acceptance of the building permit application.
10. That all other County, State, and Federal laws are upheld.

This recommendation is based on the following findings:

1. The request conforms to requirements of the Morgan County Code 8-5A-3, 8-6-18 and 8-8-4.
2. Revegetation of the disturbed area with native seed mix will help protect the land from erosion, and provide an aesthetic completion of the project compatible with surrounding areas.

The vote was unanimous. The motion carried.

7. **Public Hearing/Discussion/Decision: Mountain Green Village Master Plan; a Master Plan proposal for approximately 105.6 acres of property at the intersection of Old Highway Road and Trapper's Loop Road. Proposal to include future single family residential, multifamily residential, and commercial.**

Steve McHutchins, Land Planner with Blue Line Design

- Yellow single family attached and detached – townhomes
- Red – commercial areas
- Beige – proposed multi family
- Pink – hotel
- Green- open space

105.6 acres - total

65.4 acres - single family detached/attached residential

6.9 acres - Multifamily residential – 110 multifamily units

13.9 acres - Commercial

8.9 acres - Open space

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- Creek areas 7.7 acres
- Detention basin 1.9
- Power line areas 6.7
- Pocket parks 6.7
- Multifamily residential landscaping 2.5
- Commercial areas landscaping 2.6

7.4 acres - Collector streets

3.1 acres - Hotel

Added to the equation

- Anticipated Density
- Maximum Density
- Anticipated units
- Maximum units

He noted there will be 533 units built within this area which cannot be exceeded.

Open space under the power lines were discussed.

Member Lundgren asked about water and sewer.

Mr. Johnson noted they have an agreement in place with the sewer plant. The sewer has been stubbed under Dry Creek into the property and they have granted them easement through the property which will come out by First Bank of Morgan.

The well has already been drilled and the water has been secured by Highland Water Company. The test on the well was 2200 gallons of water per minute; half of that belongs to this development.

Member Lundgren asked if there would be secondary water. Mr. Johnson stated, no.

Member Sessions asked if Mr. Johnson has read the staff recommendations. Mr. Johnson stated he has not seen them.

Member Haslam asked if Mr. Johnson has written documentation from the Sewer District. Mr. Johnson stated he has a written contract from both the sewer and water companies.

Member Toone asked for an explanation that this is a concept plan and is somewhat variable on market indicators as far as the final design that occurs within that area.

Mr. McHutchins noted they requested the ability that they be given a certain amount of flexibility at this stage according to the market economics. At some given point in the future someone will come forward to the County and file an application to develop one of these parcels A, B, C, or D and have the ability to propose what the market dictates. That application will go through its own review process.

Mr. Ewert presented his staff report (Please see attached exhibit C)

He noted what the applicant is requesting is much more general at this time. It will be similar to a master plan. It will be a tool that the County can refer to when a developer comes in that will allow the County to look at the level of specificity and the market at that time.

Step two will be the developer coming forth at another time for more of a preliminary level. This would be more level of specificity.

Step three would be final plat approval. It will meet preliminary plat approval, master plan and any other ordinance Morgan County has adopted.

Mr. Ewert stated the backbone improvements are the road going through the property.

Interchange –

- UDOT wants a large sum of money to put that interchange on the priority list.
- We are on a list; we are on an unfunded, sometime in the future list.
- We are not on the 20 year plan.
- County is proposing that the development agreement have an agreement of a right-of-way if in the future if that interchange becomes a reality.

Open space, if you do the math the proposed project exceeds the 10% and even exceeds the 20% requirement for landscape space in the project.

Charlie noted the following concerns:

- Sewer and Water system - contracts be provided to the County.
- Setbacks - currently based off PUD approval is real subjective. Should set up some type of objective criteria to determine those setbacks.
- Trails – would like to see connection of trails in the area; lateral and vertical trails.
- Geologic and flood plain –
 - Will require a geotec study.
 - Buffer areas in the flood plain area.

Member Stephens asked when fences and walls would be discussed and how those would function within this development.

Mr. Ewert note screening is required. May want to specify in the development agreement what kind of buffering to have.

Member Stephens asked how the Old Highway Road is going to handle this growth if the interchange does not go in.

Mr. Ewert noted in addressing traffic concerns a traffic study would need to be done. The County cannot require them to make improvements to that road any more than their impact.

Member Lundgren noted he sees that approach as unfeasible once 533 units are in place.

Mr. Ewert noted it often resolves itself over time and possibly through phasing.

Mr. Ewert referred to condition #5 in the staff recommendations. It was noted the County Council **has prevue** over the Development Agreement. The planning commission gives recommendations.

Member Sessions asked when UDOT's input would come into this development. Mr. Ewert noted that staff sends UDOT information, for their review, on any application that is located next to a state road.

Member Lundgren noted he would request a buffer along the front of the property for future expansion. Mr. Ewert noted that can be recommended to the County Council.

Chairman Haslam clarified that zoning is already in place for the 533 units they are requesting. Mr. Ewert noted that was correct. Zoning occurred in 2006.

Member Toone asked why the on-ramp is being pushed because the more commercial and the more traffic on Old Highway the more revenue that is generated for the County. Mr. Ewert noted that is correct, but you will hear from those that live in the area that the traffic on the road is already an issue. Member Toone asked if we have anything in the general plan that specifies future roads. Mr. Ewert noted the general plan does specify major roads in the area and this off-ramp is on that plan.

Member Sessions moved to open a public hearing. Second by Member Stephens. The vote was unanimous. The motion carried.

Chairman Haslam noted a letter submitted by Tim Lundin and Scott Baxter (Please see attached exhibit D and E)

Bill Weaver, resident of Mtn. Green–

- 2008 there was a DAT that designed a town center for Mtn. Green.
- County Council assigned 15 Mtn. Green residents to review that DAT. That DAT was approved and accepted with the exception of three things:
 - Added green space to the town center.
 - Added additional commercial across the road.
 - Density outside the town center.
- Most of that proposed town center, in the DAT, is not within this proposed property.
- Would recommend using the DAT. Requested the Planning Commission review that. It would be a benefit to Mtn. Green.
- The DAT includes a road from Trappers Loop right down to that proposed interchange.
- There should be a town center.
- Believes there should be a real effort to encourage UDOT to consider that interchange. When they do those surveys they take them in April when there is no skiing going on and the numbers are low. Believes we should push this; the squeaky wheel gets the grease.
- Concern of water – there was a Utah State water study, but no one looked at the water below the valley floor; we don't know what is down there. You don't transfer water, you transfer paper. That needs to be looked at again.

Chase Romney, represents Scott Baxter, Baxter Enterprises – owner of property to the east. His client would like to propose the following be written into the master plan of this property:

- Would like it to be written into the master plan that a stub road be granted.
- Willing to pay incremental cost to cross the creek.
- Willing to provide right of way on their portion of the property if an interchange is ever proposed.
- Flexible on locations of the roads.
- Cited Title 8 chapter 12 section 44 O & P of the Morgan County Code.

John Triplett – Resident of Mtn. Green

- Mr. Triplett presented a power point presentation regarding his vision of the town center. Because of the length of his presentation, the Chairman asked him to complete the remainder at the end of the meeting if there was time left.

Karl Abbott – Resident adjacent to the townhomes and the park.

- Traffic is a very big concern. Invited anyone out to sit on his front porch and see what happens with the traffic when there is an event at the park and people traveling to Snow Basin or Pine View. Vehicles are grossly violating traffic laws.
- Would recommend leaving space for the interchange because it will come.
- Please note that Mtn. green water district did restrict water last year in Mtn. Green.
- Would like to see a trail that goes through the condo area and get access to the Kent Smith Park.
- Would like to see details on the geological hazard.

Paul Warner, resident of Mtn. Green

- Traffic concerns.
- Sewer concern
- No secondary water proposed. This would indicate to him that residential water would need to be used as part of the outside watering for these units that are being developed.
- How does the water over by the well connect to the Highlands? Mr. Johnson stated the line will connect and his capacity will be pumping into the existing capacity.

Dennis Baldwin, Mtn. Green Sewer District Improvement.

- Currently they have 1800 unit capacity. There is 800 connected and about 1130 committed over all.
- Process is when a developer comes in with a phase he will ask for a will serve. If the district has capacity then they will offer a will serve for that phase. If all the developers were to come all at once then there would not be capacity so it is a matter of spacing/phasing.
- There is an agreement in place with Mr. Johnson with the sewer district. That agreement is that Mr. Johnson has provided an easement for the sewer district to put in a trunk line that goes from the bank south toward the freeway and then west to the process facility.
- They did have will serve letters issued to Mr. Johnson several years ago that have since expired.
- When he gets a developer ready with a phase then he will come to the district and ask for will serve. That is the normal process and what they have been doing all these years.
- When they get to 70% then they will commission a study of the options to expand the facility. At 80% they will commission a design for capacity; at 90% they build. They anticipate that the developers will be reasonable in their requests and they will have adequate time to expand capacity beyond the 1800 units.

Paul Warner, resident of Mtn. Green –

- Does the County have any indication of what will happen to the sewer for Snow Basin?
 - Chairman Haslam stated at this time that has not come forward.

William Warner, resident of Mtn. Green –

- Traffic is a major concern. There is going to be more development at Snow basin. Exchange is mandatory. This is not the Johnson's problem this is Morgan County and the State's problem.
- Water – been on the water board and attended water conferences all over the state. Water is a big concern. Be very careful as you approve. There have been a lot of wells drilled in Mtn. Green. There is paper water and real water and the paper water far exceeds the real water.
- Residents place their trust in the staff and the County to do it right.

John Triplett – finished his presentation at this time.

- He presented to the planning commission with a new proposal regarding his vision of the town center that he believed was simpler and more in line with the DAT that was presented several years ago to the County.

Member Lundgren moved to close public comment. Second by Member Sessions. The vote was unanimous. The motion carried.

Member Lundgren moved to forward positive recommendation to the County Council for the Mountain Green Village Master Plan Application 12.069 subject to the findings and conditions listed in the January 17, 2013 staff report and as modified as follows:

To the first 9 conditions add the following:

- 10. That the development agreement provides access to the Baxter's and any other property that will essentially remain landlocked by this development.**
- 11. That the master plan development agreement contains provision for the residential units to have a secondary water plan.**
- 12. That the master plan development agreement provide for a preservation of a right of way across the entire frontage of the property along Old Highway 30.**
- 13. In accordance with county code 8-5d-11 that the architectural design and theme for the development be mountain timber and stone.**

And one additional finding:

8 finding - That the mountain timber and stone design is consistent with the architecture style in the Mountain Green area.

Second by Member Sessions.

The Chairman Called for discussion.

Member Lundgren noted Mr. Johnson and his family have been working with the County for many years and it has often been difficult and contentious.

The audience should understand that he already has the zoning and density granted to him by original action. We cannot change that at this time. What we are doing tonight is preparing a concept plan that will be a very rough outline that will be used to draft a development agreement. A development agreement is a rather detailed and legal agreement outlining the specificities of what will actually happen on the property. The develop agreement is really where our efforts should be targeted. What the planning commission is doing is just granting access for Mr. Johnson to take this on to the County Council. He noted the residents input is sorely requested and needed to help guide the County Council.

It is clear that this property will be developed. There was a lot of talk tonight about access from Trappers Loop down to the interchange on Highway I 84. He believed the general consensus was that everyone would like to see that happen. Unfortunately, in his discussion with UDOT, they indicated that will only happen after Morgan County posts about 150 million dollars in advance. The county works on an annual budget of about 4.5 million dollars; we just don't have that kind of money.

This plan provides for a contingency in the event that the freeway interchange becomes viable. It is not included in the concept plan because it is so far down the road, and that it is clear speculation.

He noted he did amend his motion to widen the right of way to plan for the expansion of Old Highway.

Believes this makes good sense for the County. Believes the findings and conditions recommended by staff are good and give the County Council something to move forward with.

Member Sessions agreed with Member Lundgren. She noted infrastructure concerns are real, but they will be addressed at a later date. At this stage the Planning Commissions hands are tied. This is really in the County Council's hands. She noted she has attended the County Council meetings for the past 13 years and she will continue to hold their feet to the fire to make sure these concerns are addressed.

Member Toone asked about proposed condition number 10. Are Baxter's truly landlocked
Member Lundgren noted that the subdivision ordinances for new subdivision require two separate points of ingress/egress. He believes the Baxter's do have an alternate ingress/egress but it is only a single route. If they intend to develop that in the future they would need an additional ingress/egress route. His recommendation would be to only make that available. It would not be the burden of the Johnsons or the developer to build that but only in the design process to make that available on some basis; and that would be at the Baxter's expense.

Member Toone requested to review Morgan County Code 8.12.44.O
Widening of the easement on Old Highway was discussed.

Member Stephens asked if something could be provided to the County Council about the water. It was noted it already was in the proposal.

Chairman Haslam requested the motion be read back.

Chairman Haslam called for a vote on the motion.

The vote was unanimous. The motion carried.

8. Staff Report.

- Next meeting is the February 28 due to the holiday on February 14th.

9. Adjourn.

Member Toone moved to adjourn. Second by Member Sessions.

Approved: _____ **Date:** _____
Chairman

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

Exhibit A – Agenda item # 6 - Staff report - Discussion/Decision: East Canyon Resort CUP: Requesting a Conditional Use Permit for Culinary Water System Improvements on property located at approximately 8896 South Highway 65 East Canyon.

**Planning and Development Services
STAFF REPORT
January 15, 2013**

To: Morgan County Planning Commission
Business Date: January 24, 2013

Prepared By: Ronda Kippen, Planning Technician

Re: **East Canyon Resort Culinary Water Tank Improvements Conditional Use Permit Request**

Application No.: 12.167
Applicant: East Canyon Resort
Project Location: 8896 South Highway 65
Zoning: CH/MU-160 Zone
Acreage: Approximately 65.92 Acres; Limits of disturbance is approximately 0.325 acres.
Request: Conditional use permit approval for culinary water facilities improvements.

SUMMARY

This application is a request for replacement of and improvements to the culinary water system facilities at East Canyon Resort (See Exhibit A1-8). The site is located in the East Canyon area, at 8896 South Highway 65. East Canyon Resort is a privately owned facility that hosts numerous outdoor activities. There is currently three storage tanks located at the proposed construction site. The applicant would like to remove three existing storage tanks, construct a new 150,000 gallon water tank in their place and extend a new water line from another existing 50,000 gallon water tank to the new tank, then tie the line into an existing line located behind the resort. The new tank will be buried without altering the existing grade and reseeded with native grasses to remain consistent with the current vegetation.

The proposed use is considered an expanded use of the facility, and is being evaluated against the current requirements of the zoning ordinance. The subject property is in the CH and MU-160 zones (See Exhibit B). The proposed use is wholly within the MU-160 zone which requires a conditional use permit in the MU-160 zone. If approved, a performance bond is required for the revegetation of the construction site.

ANALYSIS

Zoning. The property is zoned CH on the front portion of the parcel fronting Highway 65, and MU-160 on the rear or west side of the resort. The proposed tank will be within the MU-160 zone. The entirety of the improvements will be within the MU-160 zone. (See Exhibit C)

The proposed tank is determined to be an accessory structure, incidental to the main use of the property as a Tourist Court/RV Park, which are both conditionally permitted in the CH zone. Morgan County Code (MCC) 8-

5A-3 identifies this use as at least three uses the proposal may be considered as: “Public and Quasi-Public Use” or “Public Facilities and Public Service Facilities” or “an accessory building and uses customarily incidental to conditional uses”. All of these uses require a conditional use permit in the MU-160 zone.

The 150,000 gallon tank will be located approximately in the center of the 65.92 acre lot. The required setbacks for accessory structures in the MU-160 zone are 30 feet for the front, 15 feet rear and 15 feet on the sides based on the utility nature of the accessory use. The proposed use falls within these setbacks.

Conditional Use Requirements.

- *Landscaping.* MCC 8-8-4 has specific landscaping and revegetation standards. For this use the applicant is proposing to return the areas of disturbance back to “native weeds and grass vegetation”. Staff is recommending a native seed mix be submitted for approval by the Zoning Administrator.
- *Bond.* MCC 8-8-4 also authorizes the County to require a bond to ensure performance with approved plans. Given the private nature of this request, bonding for 115% of the total cost of improvements may not be necessary, but bonding for the requirements that have impact on the public are. The public impact of this project is primarily aesthetic, with some implications on issues of erosion control. A bond requiring the revegetation of the disturbed areas will help provide assurance that revegetation of the area will occur after work is completed.

Supplemental Requirements. MCC 8-6-18 provides specific standards for fences surrounding utilities. The proposed use will be placed underground which may eliminate the requirement for fencing. The applicant has not proposed any type of fencing as part of the project.

Water Source. The proposed improvements are subject to providing the County Engineer with approvals and permits obtained through the Utah State Division of Drinking Water. The applicant should adhere to any requirements of the Utah Division of Drinking Water and Weber-Morgan Health Department.

Fire Protection. The property is outside the Wildland Urban Interface Area. A fire protection plan, or other considerations as approved by the local fire official, will be required during the building permit process.

REVIEWS

Planning and Development Services Review. The Morgan County Planning and Development Service Department has completed their review of the East Canyon Resort Culinary Water Tank Improvements Conditional Use Permit Request and have the following comments

1. MCC 8-8-4 has specific landscaping and revegetation standards. For this use the applicant is proposing to return the areas of disturbance back to “native weeds and grass vegetation”. Staff is recommending a native seed mix be submitted for approval by the Zoning Administrator.
2. A bond in the amount of 115% of the total estimated costs of revegetation shall be submitted prior to issuance of building permits.
3. The property is outside the Wildland Urban Interface Area. A fire protection plan, or other considerations as approved by the local fire official, will be required during the building permit process.

Engineering Review Comments.

We have reviewed the Site Access, Grading Plans, Site Plan and details for the proposed culinary water tank at East Canyon Resort. The plans have been adequately designed for our complete review. We recommend approval of a Conditional Use Permit subject to the following conditions:

1. Access ownership should be indicated on the drawings. It appears that East Canyon either owns the property or has an easement across the existing roadway. If an easement exists, evidence of the expanded right should be indicated.
2. Limited hours of operation for construction procedures (i.e. excavation, concrete work, backfill, etc.) should be indicated on the drawings.
3. The re-vegetation plan is adequately detailed, but we recommend planting prior to the specified date of October 2013 if the tank construction completion date is before mid-summer. A watering schedule would need to be specified if planting occurs before October.
4. Additional elevations and grades should be added to the grading plan for the excavation waste area and the fill over the tank. It is unclear whether a swale will carry storm water runoff, or if sheet flow to the lower property is expected.
5. The 10' X 10' under-drain discharge area needs a defined overflow ditch, swale or other drainage path.
6. Dust control should be more strongly emphasized on the drawings.
7. Copies of all Utah State Division of Drinking Water approvals and permits should be submitted to the County for review and filing.

An Engineer's Estimate of cost should be submitted for our review to establish the amount of the improvement guarantee. The estimate can be submitted with the revised drawings (mylars) which will be stamped and signed as the official construction drawings. Once the guarantee is established and the mylars signed, a pre-construction meeting can be scheduled with the County.

STAFF RECOMMENDATION

Staff recommends approval of the East Canyon Resort Culinary Water Tank Improvements Conditional Use Permit request, application #12.167 with the following conditions:

1. That a proposed seed mix be submitted and approved by the Zoning Administrator.
2. That the additional comments and corrections outlined by the County Engineer be re-submitted prior to commencement of construction.
3. That the applicant submits an engineer's cost estimate for the revegetation of the project.
4. That a bond in the amount of 115% of the total estimated costs of revegetation, as approved by the County Engineer, is submitted prior to issuance of a building permit.
5. That all Utah State Division of Drinking Water and Weber-Morgan Health Department requirements are adhered to.
6. That all work will be conducted in compliance with the submitted plans received by the Morgan County Planning Department dated November 28, 2012 in addition to the requested revisions as outlined in the County Engineers comments dated January 8, 2013 (see Exhibit D).
7. That a preconstruction meeting be held with the applicant's contractor and engineer prior to commencement of work.
8. That a building permit is required to be issued for the project at which time, proof of adequate water rights is provided to the County with the building permit application.

9. That all outstanding dues owed to the County for engineering review be paid current prior to the acceptance of the building permit application.
10. That all other County, State, and Federal laws are upheld.

This recommendation is based on the following findings:

3. The request conforms to requirements of the Morgan County Code 8-5A-3, 8-6-18 and 8-8-4.
4. Revegetation of the disturbed area with native seed mix will help protect the land from erosion, and provide an aesthetic completion of the project compatible with surrounding areas.

MODEL MOTION

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the East Canyon Resort Culinary Water Tank Improvements Conditional Use Permit Request, application #12.167, based on the findings and conditions listed in the Staff Report dated 1/15/13 and as modified by the conditions below:”

1. List any additional findings and conditions...

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the East Canyon Resort Culinary Water Tank Improvements Conditional Use Permit Request, application #12.167, based on the following findings:”

1. List any additional findings...

Exhibit B – Agenda item # 6 - Wasatch Civil Memo - Discussion/Decision: East Canyon Resort CUP: Requesting a Conditional Use Permit for Culinary Water System Improvements on property located at approximately 8896 South Highway 65 East Canyon.



Memorandum

To: Charles Ewert – Planning and Development Services Director
Morgan County

From: Mark T. Miller, P.E.
Wasatch Civil Consulting Engineering

Date: January 8, 2013

Subject: **East Canyon Resort – 150,000 Culinary Water Storage Tank**

We have reviewed the Site Access, Grading Plans, Site Plan and details for the proposed culinary water tank at East Canyon Resort. The plans have been adequately designed for our complete review. We recommend approval of a Conditional Use Permit subject to the following conditions:

1. Access ownership should be indicated on the drawings. It appears that East Canyon either owns the property or has an easement across the existing roadway. If an easement exists, evidence of the expanded right should be indicated.
2. Limited hours of operation for construction procedures (i.e. excavation, concrete work, backfill, etc.) should be indicated on the drawings.
3. The re-vegetation plan is adequately detailed, but we recommend planting prior to the specified date of October 2013 if the tank construction completion date is before mid-summer. A watering schedule would need to be specified if planting occurs before October.
4. Additional elevations and grades should be added to the grading plan for the excavation waste area and the fill over the tank. It is unclear whether a swale will carry storm water runoff, or if sheet flow to the lower property is expected.
5. The 10' X 10' under-drain discharge area needs a defined overflow ditch, swale or other drainage path.
6. Dust control should be more strongly emphasized on the drawings.
7. Copies of all Utah State Division of Drinking Water approvals and permits should be submitted to the County for review and filing.

An Engineer's Estimate of cost should be submitted for our review to establish the amount of the improvement guarantee. The estimate can be submitted with the revised drawings (mylars) which will be stamped and signed as the official construction drawings. Once the guarantee is established and the mylars signed, a pre-construction meeting can be scheduled with the County. Please call if you have any questions.

Exhibit C – Agenda item # 7 – Staff report - Public Hearing/Discussion/Decision: Mountain Green Village Master Plan; a Master Plan proposal for approximately 105.6 acres of property at the intersection of Old Highway Road and Trapper’s Loop Road. Proposal to include future single family residential, multifamily residential, and commercial.

Planning and Development Services

STAFF REPORT

January 17, 2013

To: Morgan County Planning Commission
Business Date: 1/24/13

Prepared By: Charles Ewert, Planner

Re: Mountain Green Village Master Plan

Application No.: 12.069
Applicant: Soderby, L.L.C.
Project Location: Approximately 4985 W. Old Highway Road
Zoning: CD Zone
Acreage: Approximately 105.6 acres (Approximately 4,599,936 ft²)
Request: Master Plan Planned Unit Development Approval for Mountain Green Village

SUMMARY

This is a proposal for a master plan for a project being called the Mountain Green Village. The project is located at approximately 4985 W. Old Highway Road, which is essentially at the intersection of Old Highway Road and Trappers Loop Road. Master planning is a provision required by the zone that the property is located in, which is the Central Development (CD) district (see Exhibit C). The CD zone also requires that a development agreement be adopted with the master plan. The Planning Commission is responsible for master plan review and recommendation to the County Council before the Council adopts a negotiated development agreement.

The Planning Commission is being requested to provide a recommendation to the County Council regarding the master plan’s compliance with the objective criteria of the ordinance, and provide recommendations that the Council should consider applying to the development plan, whether by way of modification to the master plan, or suggestions for items to include in the MDA.

ANALYSIS

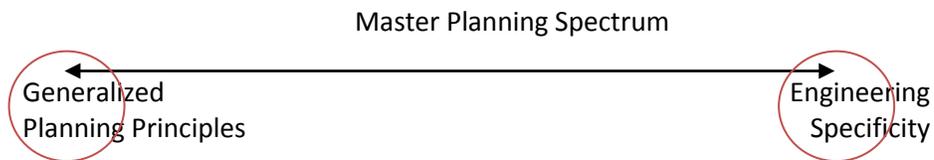
Ordinance Evaluation. The property is zoned Central Development (CD). Morgan County Code (MCC) 8-5D provides the text that governs the uses and development of property in this zone. The ordinance suggests both objective and subjective review criteria to use to evaluate the proposal; however, approval of the proposal and the associated development agreement is an administrative action, and the proposal should be approved if the applicant has met all objective terms of the ordinance.

The applicant is wary of the changing dynamics in the real estate market over time, and is uncertain to what duration this development will be implemented. They are looking for flexibility in planning so as to not be stuck

in the future with a development plan that is not successful. Thus, there is a desire reflected in this application to come to final agreements regarding numbers of units and a very general configuration regarding future development layout, but to defer certain specificities required by ordinance to be further negotiated at the time that future development is proposed—thereby providing the ability to meet market demands of the time.

The proposal does not address specific development questions to the level of specificity that Morgan County is accustomed to seeing for a development of this size and scope, but rather plans most of these items more in terms of generalized principles. In the past, for master planned projects like the Cottonwoods, Rollins Ranch, and Whisper Ridge, Morgan County has seen what is essentially engineering specificity in the master planning process, which removes the need for additional future negotiation because plans that match the concept precisely were/are being required.

This proposal takes an approach that is at the other end of the planning spectrum, and which is neither better nor worse. Whereas, at the engineering specificity end the County may have a clearer understanding of the details of the future development and thereby attempt to avoid foreseen harmful impact, being at the generalized planning principles end benefits the County in the same manner it benefits the developer because some of the unseen future needs regarding the mitigation of harmful impact (related to objective criteria in the ordinance/development agreement) can be better addressed as new plats and new developments are being proposed on the subject property.



A better way to conceptualize the developer’s approach is to compare the way the proposed master plan relates to future development on this property to the way the County’s General Plan relates to future land use policies throughout the County. When a subdivision plat/plan is proposed within this master planned area, it must comply with not only the objective standards as set forth in the ordinance, but also with the principles of the master plan.

The master plan will also set forth certain standards that will be memorialized through a development agreement. The applicants are proposing a “master development agreement (MDA)” that the County Council will review and adopt with the master plan. The MDA will provide more objective standards that will tie requirements of zoning ordinances together to the principles of the master plan, as well as set forth additional requirements specific to the development that may not be addressed in other areas of the ordinance or master plan. It will also provide clarity to administrative procedures that the ordinance does not effectively address.

The MDA will be an umbrella development agreement; meaning that it will require additional agreements (or most likely addendums to the agreement) to be provided at the time future subdivisions are proposed. These additional agreements will serve to provide the County with additional specificity on a plat-by-plat basis that the master plan and MDA do not do.

The Planning Commission is being requested to provide a recommendation to the County Council regarding the master plan’s compliance with the objective criteria of the ordinance, and provide recommendations that the

Council should consider applying to the development plan, whether by way of modification to the master plan, or suggestions for items to include in the MDA.

Regarding the process of approval for this project, MCC 8-5D-18(B) sets forth procedures from which the application is to be reviewed. This section calls development in this zone a "Planned Unit Development," or "PUD." The actual meaning of this term means different things in different jurisdictions. It appears that the ordinance is suggesting that a PUD in this zone is a process as much as it may be a product, and that "final PUD approval" does not actually take place until final plats are recorded. However, this should not be construed to mean that adoption of this proposed master plan and the soon-to-be accompanying development agreement cannot be made final prior to final subdivision platting. It should be taken to mean that the process for implementing a PUD in this zone should not be considered final until final plat(s) have been approved by the County Council.

Regarding the correct and complete process steps for the County to grant final approval of the plan, our legal advisor, Jody Burnett, provides this:

"After careful review of the provisions of §18-5D-18(B) of the Central Development District zoning regulations regarding the processing of this application for the Mountain Green Village Project, in order to reconcile and give meaning to all of the provisions, the current application should be considered as requesting conditional approval of a PUD and concept plan for the entire Project that will be implemented through a master development agreement to be negotiated between the Applicant and County Council. The Mountain Green Village Master Plan will be approved as the concept plan and attached to the MDA, which will vest the Project for the basic uses and density with the details to follow at the time of preliminary subdivision plat and/or site plan approval for each individual phase of the Project. Depending on the nature of the specific proposed development, those phases may also require additional development agreements for that sub area of the Project."

Further, the framework of the approval process that we should adhere to when evaluating this request, and future development requests on the subject property is essentially three steps:

Step one: Conditional approval of the concept plan and MDA. For the purposes of this proposal, "concept plan" is synonymous with "master plan," which is the step for which the applicant is currently requesting approval.

Step two: Preliminary subdivision design that meets the requirements of the CD zone, master plan, MDA, and other relevant county ordinances; with additional development agreement requirements proposed/addressed as may be applicable.

Step three: Final subdivision plat approval, which constitutes final PUD approval.

It should be noted that the applicant will be required to adhere to all other ordinances that exist at the time a subdivision or site plan is proposed within this development, unless otherwise regulated alternatively by criteria in the development agreement, master plan, or CD zone.

One area of process that is not adequately provided for in the ordinance is the responsible party for site plan review. MCC 8-5D-2 indicates that the Planning Commission will review every development proposal in the CD zone, which includes commercial, multifamily residential, and single family attached and detached residential.

The ordinance does not specify that the County Council should be involved in this level of development review. Staff questions whether sending every development proposal to the Planning Commission is the most efficient and effective use of the Planning Commission's time; and whether there are sufficient staffing resources to provide the Planning Commission with the level of review for each of these development types necessary to make informed decisions. Alternatively, the development agreement could set forth alternative review procedures that may allow staff to review and approve smaller development applications like single family attached/detached buildings. Perhaps there are other types of development that staff can approve as well, i.e., commercial units of a certain size, multifamily dwelling unit buildings, etc. A discussion is needed on this point.

Master Plan Layout. The graphic depiction of the master plan can be observed on page seven of the Mountain Green Village Conceptual Master Plan (see Exhibit A). The developer's idea here is to essentially create sub-zones or sub-areas within the subject property. These sub-areas are separated into three types of uses: commercial (including hotel), multi-family residential, and single-family residential with both attached and detached housing. It does not appear that the uses are intended to overlap.

There are 13.9 acres of commercial property included in the plan. Commercial uses allowed in this area, as listed in MCC 8-5D-4, are as follows:

Permitted Uses:

- Banks or financial services.
- Childcare centers, less than sixteen (16) children.
- Dwelling unit, accessory to a commercial structure.
- Flower shop.
- Laundromat.
- Medical and healthcare offices.
- Personal improvement services.
- Professional offices.
- Public service.
- Public utility station.
- Recreation, public.
- Religious or cultural activity.
- Restaurant, no drive-up.
- Retail sales, general, less than forty thousand (40,000) square feet.

Conditional Uses:

- Alcoholic beverage class B (on premises with meal).
- Bed and breakfast facility.
- Car wash.
- Daycare, group.
- Dwelling, residential facility for elderly.
- Dwelling, residential facility for handicapped.
- Gasoline fuel service station with convenience store.
- Manufacturing.
- Mixed use, commercial/residential development.
- Mixed use, residential and office use.

- Motel, hotel.
- Park and ride facilities.
- Recreation center.
- Recreation, indoor (bowling, skating, movie theaters, athletic centers, etc.).
- Recreation, outdoor (skating, etc.).
- Recreational vehicle park.
- Repair services, consumer.
- Research park.
- Residential use, single-family, two-family, multi-family.
- Restaurant, drive-up.
- Retail sales, general, forty thousand (40,000) to sixty thousand (60,000) square feet.
- School, commercial.
- School, private or quasi-public.
- School, public.
- Social or reception center.
- Street vendors.
- Vehicle sales and service.
- Wireless telecommunications facility, roof mount.
- Wireless telecommunications facility, wall mount.

The process of obtaining the usage rights as listed above are similar to the existing use permitting process as listed in other zones. A permitted use permit is typically approvable administratively by staff, after ensuring compliance with other relevant code sections as may be necessary, and approval of a conditional use permit is currently a function of the County Council upon recommendation from the Planning Commission. Permitted uses in this zone are considered conditional uses if the proposal is being located within 250' of an adjacent residential zone, pursuant to MCC 8-5D-4(D).

There are 65.4 acres of residential uses. These uses include both single family attached and detached uses. To provide for the administration of density in this zone as specified in MCC 8-5D-A, the applicant has proposed a flexible system of unit allocation based on the total number of dwelling units allowed within the property boundaries – which, calculating one dwelling unit per every 8,000 square feet of the subject property, yields 533 dwelling units (DU). The applicant is referring these 533 DUs as the “bank” of allowed units. The numbers in the bank are further apportioned out to a specified “Area,” as depicted on the master plan graphic. When a certain number of dwelling units are platted, this number is drawn down from the “bank” until all potential units are all used.

It should be noted that the master plan graphic indicates a “maximum density” and a “maximum units” allowed per area. This is not to mean that they can build to these maximums in all areas, but rather a method of injecting some limited flexibility into establishing how much density any given area may have. For example, if the maximum is provided in one area, the density will be removed from another area, or areas. Staff requested this approach because without which there may be limited ability for the County to prevent more intense clustering in a smaller geographic location.

Roads, Access, Traffic, and Circulation. The proposal includes one street as what is being termed a “backbone improvement,” which is an improvement that is essential to the traffic circulation within the development. There are other streets that will be proposed on a plat-by-plat basis which will serve as internal circulation.

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These streets will be evaluated as plats are proposed.

It does not appear that the proposal addresses exactions that may be needed as a result of the development. At the very least it may be possible that the traffic impact on Old Highway Road will be negatively affected. Items like acceleration and deceleration lanes with turn lanes may be necessary in the future; with the potential for traffic signals and other street improvements as a result of the increased demand. Traffic studies will be essential in the future in order to justify these needs. The County should take all necessary steps to ensure that as development occurs the developer provides all necessary public improvements as may be deemed essential to mitigate harmful impact of the use on the public. These items can be better addressed as subdivision plats and specific developments are proposed.

Open Space. MCC 8-5D-18 also requires that 10% of the property is provided as permanent open space. The proposal establishes 8.9 acres of open space, which is 8.4% of the total, and at least the remaining required 1.6% will be provided for as demonstrated by Table 2 of the proposed plan as parks (the plan proposes additional open space areas in parks, creek areas, detention basin, powerline areas, and landscaping). More regarding the proposed open space, and its relevance regarding landscaping requirements of 8-5D-3 is provided in Exhibit B.

The specific detail of the plan layout may not be exactly what the County gets at the end of the project. This may be a somewhat new idea in Morgan County. The plan does not present engineering specificity in the same manner that the County has seen with other master planned PUD's and PRUD's, so it is important to understand that the plan is an illustrative measure to memorialize certain rights which are afforded by the CD zone. It also helps the County understand to some degree what may be expected in terms of backbone improvements, intended and maximum densities in each area, open space corridors, and a generalized idea of property configurations and acreages that may or may not adjust to some small degree depending on market demands and development proposals. For example, with this plan it may be possible for the 3.5 acre commercial area to move to the other side of the proposed street into "Area A," thereby decreasing the potential number of residential dwelling units in "Area A" and increasing them in "Area B." Another example, with this proposal it may be possible for the alignment of the proposed street to be realigned elsewhere. If this happens, the acreage of each "Area" may change, and the number of allowed units may change with it. However, the affect of the plan will remain the same.

Amenities. The applicant is proposing certain amenities, as more specifically provided for in the plan. Amenities, as required by MCC 8-5D-18 are required to get the maximum density as has been proposed in "Area E" of the plan. Please see Exhibit B for more information regarding proposed amenities.

Grading and Land Disturbance. No specific grading and drainage plan has been provided at this time. Grading and drainage will be required to meet all requirements of the County code at the time it is proposed.

Fences and Walls. MCC 8-5D-12 indicates that landscape and vegetation divisions are preferred over the building of walls to spate uses. However, MCC 8-5D-12 indicates that special considerations should be considered when separating diverse uses from residential uses. The County should ensure that the development agreement either specifies appropriate screening types, or provides enabling language to require more specific screening types or a screening plan with future development agreement addendums concurrent with future specific development proposals.

Setbacks. Building setbacks for all building except residential buildings are required to adhere to MCC 8-5D-5;

however the setbacks for dwelling units in this zone are unspecified, except to describe the following:

Dwellings: Setbacks shall be determined via PUD approval and shall be proportionate with lot size, frontage and landscaping requirements.

Establishing the setbacks for residential subdivisions may be premature at this time, and may be a more appropriate discussion item for specific subdivision plats. However, objective criteria should be provided in the development agreement to assist the County in making these future decisions. Criteria may include items like the placement of driveways, parking, landscaping, desired streetscape design, proximity to intersections, and proximity to the Old Highway Road and the newly proposed “backbone” street.

Lighting. No specific lighting plan is being proposed. MCC 8-5D-12 requires lighting to be designed so as to prevent direct sources of light from the view of residential development.

Water Source. The applicants indicate that they are working through the details to provide sufficient culinary water services to the property. Evidence of this effort prior to development agreement approval may provide the County with a sense of assurance that these development efforts are attainable. Regardless, no development will occur until the developer has secured adequate culinary and irrigation water provisions, as required by MCC 8-12.

Sewer System. The property is located within the Mountain Green Sewer District. It is mandatory that development tie into their system. Prior to development agreement approval, the developer should provide the County with written verification from the local sewer district of their intent to serve the development; and either that there is sufficient existing system capacity to accommodate the current proposal, or a detailed description of the improvements needed prior to being able to sufficiently serve the proposal, which may be incorporated into the development agreement. As with culinary water requirements, no development will occur until the developer has secured adequate sewer system provisions, as required by MCC 8-12.

Fire Protection. MCC 8-12-450(c) requires fire protection to comply with adopted fire code as verified by the local Fire Official. More detailed plans will be required with each specific development proposal.

Storm Water. The master plan provides area for storm water detention on the southwest corner of the property. A specific storm water plan will be required with each specific development proposal.

Geology. According to the Ogden 30x60 Quadrangle Geology Map by Coogan and King, the property has three geologic units underlying it: Qal, Qh, and Qaf1. The Qaf1 unit is identified by MCC 8-5I-4 as a Geologic Hazards Study Area (see Exhibit D). A geologic hazards study will need to be provided in accordance to MCC 8-5I prior to the development of the property. This is an item that can be satisfied at subdivision plat review and/or site plan review.

Flood Plain. Most of the property is designated as being in the flood zone “X,” which is an area outside the 500 year flood potential, giving it a 0.2 percent change of flood annually (see Exhibit E). A portion of it is designated on flood plain maps as being protected by a levee. There is a small “AE” flood plain corridor buffering Cottonwood Creek. According to FEMA, the definition for “AE” is:

Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed

methods. Base Flood Elevations (BFEs) are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply.

Flooding potential is required to be satisfied at subdivision plat review and/or site plan review.

STAFF RECOMMENDATION

Staff recommends approval of the Mountain Green Village Master Plan, application #12.069 subject to the following conditions:

1. That the development agreement will include a provision reserving a possible future road connection as depicted generally in the Master Plan to facilitate the potential for an I-84 Interchange at the current rest stop area adjacent to the Project.
2. That the development agreement specifies that proposed subdivisions and/or site plans shall include logical trail rights-of-ways and rights-of-way connections that extend to adjacent properties, with at least one connection that extends east/west across the property, and at least one connection north/south. The current logical connection to the Aspen Meadows PUD shall also be included as a connection.
3. That prior to development agreement approval, the developer shall provide the County with written verification from the local sewer district of their intent to serve the development; and either that there is sufficient existing system capacity to accommodate the current proposal, or a detailed description of the improvements needed prior to being able to sufficiently serve the proposal, which may be incorporated into the development agreement.
4. That prior to development agreement approval, the developer shall provide the County with a proposed culinary water plan with will-serve letters, as may be applicable.
5. That the development agreement either specifies appropriate screening types, or provides enabling language to require more specific screening types or a screening plan with future development agreement addendums concurrent with future specific development proposals.
6. That objective criteria should be provided in the development agreement to assist the County in determining setback requirements for the residential areas. Criteria may include items like the placement of driveways, parking, landscaping, desired streetscape design, proximity to intersections, and proximity to the Old Highway Road and the newly proposed "backbone" street.
7. That the development agreement will address the potential need for future additional street improvements as a result of increased traffic demand on Old Highway Road.
8. That the development agreement provides a more streamlined approach to site plan review for at least single family attached/detached residential permits; but perhaps also for certain commercial and multifamily residential permits.
9. That pursuant to CR-09-13, all of the County's outsourced contractors costs are paid current prior to master plan approval and development agreement approval.

This recommendation is based on the following findings:

1. The nature of the master plan is in conformance with the Central Development zoning ordinance.
2. The listed conditions will assist the County in addressing the mitigation of potential harmful impact through the master development agreement, and subsequent agreement addendums.
3. The County acknowledges that a new Mountain Green interchange may not be likely in the immediate

future, but desire to plan for it in the long term by securing critical right-of-way access.

4. The securing of public trail rights-of-way will enable the County to proceed with more effective and logical trails planning in the Mountain Green area.
5. That as this development expands there may be a need for public improvements to street infrastructure in order to effectively mitigate traffic demands to the site.
6. In order to avoid future potentially arbitrary decision making, there should be objective standards set for determining setback standards for dwellings.
7. That a streamlined development review process is preferred to alleviate administrative demands and timeliness for application approvals.

MODEL MOTION

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Mountain Green Village Master Plan, application #12.069 subject to the findings and conditions listed in the January 17, 2013 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 Mountain Green Village Master Plan, application #12.069, subject to the following conditions:

1. List any additional findings...

SUPPORTING INFORMATION

Exhibit A: Mountain Green Village Master Plan

Exhibit B: Memo regarding Open Spaces and Amenities

Exhibit C: Zoning Map

Exhibit D: Geologic Hazards Map

Exhibit E: Flood Plain Map

Exhibit D & E- Agenda item #7 - Letters from Tim Lundin and Scott Baxter (These letter are not available to view online but may be viewed with the official recorded minutes in the Morgan County Clerk's office)

Public Hearing/Discussion/Decision: Mountain Green Village Master Plan; a Master Plan proposal for approximately 105.6 acres of property at the intersection of Old Highway Road and Trapper's Loop Road. Proposal to include future single family residential, multifamily residential, and commercial.