



PLANNING COMMISSION AGENDA

Thursday, May 23, 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: Wright Meadows PRUD Subdivision
6. Discussion/Decision: Mountain Green Secondary Water Conditional Use Permit

Legislative Items

7. Discussion/Decision: Text Amendments regarding administrative requirements for Development Agreements
8. Staff Report.
9. Approval of minutes from May 9, 2013
10. Adjourn.

PLANNING COMMISSION AGENDA
Thursday, May 23, 2013
Morgan County Council Room
6:30 PM

MEMBERS PRESENT

Roland Haslam, Chairman
Debbie Sessions
Steve Wilson
Darrell Erickson
Shane Stephens

STAFF PRESENT

Charles Ewert, Planner
Teresa Rhodes, Transcription

MEMBERS ABSENT

Alvin Lundgren
Michael Newton

COUNTY COUNCIL PRESENT

Tina Kelly

***** MINUTES *****

1. Call to order – prayer.

Chairman Haslam called the meeting to order.
Member Erickson offered the prayer.

2. Approval of agenda.

**Member Sessions moved to suspend rules and leave agenda as is and accept the agenda as printed.
Second by Member Wilson.
The vote was unanimous. The motion carried.**

3. Declaration of conflicts of interest.

There were no conflicts of interest declared.
Chairman declared a conflict of interest on agenda item #6. He would remain the Chairman but would not comment.

4. Public Comment

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

There was no public comment.

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

Administrative Items

5. Discussion/Decision: Wright Meadows PRUD Subdivision

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

Member Sessions asked about the terminology of “Private Lane”.

Charlie noted it could be listed as a safety aspect in the conditions of approval.

Member Wilson asked about the difference of the old PRUD road standards were versus the current subdivision ordinance.

- Not 60’ right of way
- Not 30’ of asphalt
- Limit of 12% slope

There was discussion on the open space in regard to whether open space would be contained in the lots and whether the open space met the percentages under the PRUD ordinances. It was determined that it did.

Member Sessions moved to forward a positive recommendation of the Preliminary Subdivision Approval of the Wright’s Meadows PRUD Subdivision, application #8.096, subject to the following conditions as listed in the May 17, 2013 staff report and as modified by adding an additional finding #5 as listed below:

This recommendation is based on the following conditions:

1. That an updated title report be submitted with the final plat application.
2. That a will serve letter from Rocky Mountain Power is submitted with the final plat application and that the signature blocks for utility companies not required to sign the plat are removed from the final plat.
3. That well log information from at least one constructed well in the subdivision is submitted for the County Engineer’s review and approval in accordance with adopted laws.
4. That all water right information is submitted with final plat application for the County Engineer’s review and approval in accordance with adopted laws.
5. That a storm water drainage plan is submitted for the review and approval of the County Engineer with the final plat application, with all necessary easements for storage and drainage lines shown on

the plat.

6. That the addressing plan for the final plat is amended to require a lane name for the shared private drive and all addressing is referenced from that lane. The addressing plan shall also include a street sign proposal that can be approved by the Public Facilities Director.
7. That the final plat includes a signature block for the County Surveyor.
8. That all construction drawings and details are reviewed and approved in compliance with County ordinances upon final plat submittal.
9. That an access easement from the neighboring property shall be secured for the purposes of use, operation, and maintenance of the access to the four lot subdivision, together with indication of responsibility for maintenance of the access. The final plat shall indicate the recorded easement's entry in the County Recorder's Office.
10. That the final plat is amended to adequately provide for the 50% required open space in a manner that complies with adopted ordinances.
11. That "Parcel A" is either more appropriately described as either open space area or in lot area.
12. That the final plat application include the conservation plan for open space preservation in compliance with MCC §16-20-030 (2007).
13. That clarification of the purpose for the apparent 20 foot easement depth that runs along the northwest boundary of lot two and intersects with the easement dedicated for Dalton Creek Ditch Company is provided on the final plat.
14. That clarification of the Dalton Creek Ditch Company's right of way through "Parcel A" is provided with the final plat submittal and that such right of way is shown on the plat as an access easement with a delineated width, as may be applicable or necessary.
15. That the proposed shared private drive is constructed to support a 75,000lbs fire apparatus.
16. That all new homes in the subdivision are reviewed and approved by the local Fire Official for the potential need for fire suppression systems.
17. That all other 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 subdivision proposal conforms to current zoning ordinances generally.
3. The listed conditions will bring the subdivision into strict compliance with vested subdivision requirements.
4. With the listed conditions harmful impact of the subdivision can be mitigated.
5. The private shared driveway addressing requirement promoted the Health safety and welfare of the residents.

Second by Member Stephens.

The Chairman called for Debate. There was none.

The Chairman called for a vote.

The vote was unanimous. The motion carried.

6. Discussion/Decision: Mountain Green Secondary Water Conditional Use Permit

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

There was discussion on the following concerns:

- Where is the water coming from?
- Safety shut off valve if there was a break in the line down in the subdivision.
- Expansion – would require approval from the State. There are currently no plans to expand this site.
 - Cobble Creek and Northside Creek are designated future sites.
 - Funding from the State has been received

Brock Lacy, Mtn.Green Secondary Water answered all questions from the members to their satisfaction.

Member Wilson moved to forward a positive recommendation of the conditional use permit for a utility use and excavation for a holding pond to store water for the Mountain Green Secondary Water Company, application 13.018, with the following conditions and findings as listed in the May 16, 2013 staff report as follows:

- 1. That all work and use shall be conducted in compliance with the approved Engineering plans.**
- 2. That all final administrative comments/corrections from the County Engineer are complied with prior to the beginning of construction.**
- 3. That the final engineered plans are submitted for the Engineers approval signature.**
- 4. That easements are attained, signed and executed from all affected landowners to the applicant for access to the site, the reservoir use of the site, the drainage from the site, and the utility line from the site prior to the beginning of construction.**
- 5. That the easements as specified in #4 above are submitted in a graphic depiction to become a part of the approved plans.**
- 6. That a cash bond is submitted to the County with a Cash Escrow agreement and Engineer's Cost Estimate in an amount and on forms as are acceptable by the County Engineer, County Attorney, and County Zoning Administrator.**
- 7. That all graded or disturbed surfaces of excavations, and all equipment materials and roadways on the site shall be dampened or suitably treated, managed or contained to prevent the deposit of debris, dust or dirt on neighboring streets and properties; all materials transported to or from the site shall be so contained during transportation as to prevent spillage on streets or other property outside of the site, and all vehicles going to or from the site shall be clean and free from dirt or debris that may track into the public right of way.**
- 8. That all County outsourced review costs are paid current prior to commencement of construction.**
- 9. 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.**
- 10. 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 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 the dust and debris control.**
- 4. That a landscaping and planting plan is essential to mitigating the harmful effects of erosion,**

slope instability, and will mitigate the negative aesthetic effects of the hillside excavation.

Second by Member Erickson.

The Chairman called for debate. There was none.

The Chairman called for a vote.

The vote was unanimous. The motion carried.

Legislative Items

7. Discussion/Decision: Text Amendments regarding administrative requirements for Development Agreements

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

Member Sessions asked about the conceptual subdivision layout would be binding.

Member Sessions recommends that the Planning Commission forward a positive recommendation to the County Council for the proposed land use regulations text amendments regarding administrative requirements for development agreements, application 13.040, based on the following conditions and findings as listed in the May 2, 2013 staff report and the May 17, 2013 Memo as follows:

Conditions:

1. That staff determine the most effective place in Title 8 to insert the text amendment, and provide logical numerical sequencing accordingly.

Findings:

1. That the amendments are necessary to provide administrative requirements for the creation of development agreements.
2. That the amendments are necessary to maintain the integrity of the use of development agreements.
3. That the amendments are necessary to provide consistency in the creation of development agreements.
4. That the amendments are not detrimental to the County's health, safety, and welfare, and will enhance the effect of current ordinances.

Second by Member Erickson.

The Chairman called for debate. There was none

The Chairman called for a vote.

The vote was unanimous. The motion carried.

8. Staff Report.

Charlie had no staff reports at this time.

9. Approval of minutes from May 9, 2013

Member Erickson moved to approve the minutes of May 9, 2013 with the noted minor corrections. Second by Member Sessions. The vote was unanimous. The motion carried.

10. Adjourn.

Member Stephens moved to adjourn. Second by Member Sessions. The vote was unanimous. The motion carried.

Approved: _____ **Date:** _____
Chairman

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

Planning and Development Services

STAFF REPORT

May 17, 2013

To: Morgan County Planning Commission
Business Date: May 23, 2013

Prepared By: Charles Ewert, Planner

Re: **Wright’s Meadow PRUD Preliminary Subdivision Approval Request**

Application No.: 8.096
Applicant: David Wright
Project Location: Approximately 2872 N. Morgan Valley Drive
Zoning: RR-1/A-20 Zone
Acreage: Approximately 63.46 acres
Request: Preliminary Subdivision Approval of the Wright’s Meadows PRUD Subdivision

SUMMARY

This application is a request for preliminary approval of the Wright’s Meadows PRUD Subdivision, which is located along Morgan Valley Drive between the Milton and Peterson Areas of unincorporated Morgan County (see Exhibit A). The total acreage of the property is 63.46 acres, 28.04 of which will be used in lot area and the remainder will be held as open space. The property is currently zoned RR-1 and A-20. Even though the County has previously repealed the PRUD ordinance, this application was submitted prior to that repeal and is being evaluated against the ordinances in place at the time.

Criteria for subdivision review are generally: zoning compliance, subdivision design and layout, roads and access, grading and land disturbance, water source, fire protection, septic systems, storm water, geologic and geotechnical evaluation, and utility plans. There are a few administrative corrections that need to be provided to bring this application into compliance with adopted codes, but the form and intent complies with the code substantially. With the additional listed conditions of approval this application can be found in compliance with relevant requirements. Staff recommend approval.

BACKGROUND

This subdivision has been in the queue for review for quite some time. It has been a slow moving application. It was granted concept approval on April 17, 2008 and the preliminary subdivision application was then submitted thereafter.

ANALYSIS

Zoning. 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 portions are zoned A-20 (see Exhibit C). Current zoning supports approximately one dwelling unit per acre in the RR-1 zone, and one dwelling unit per 20 acres in the A-20 zone.

The entire property has approximately 3.95 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 59.52 acres in the A-20 zone. The purposes of the A-20 zone are to promote and preserve in appropriate areas conditions favorable to agriculture and to maintain greenbelt spaces.

The owner intends to subdivide the property into four lots and proposes that three new homes be built on lots two, three and four. Being a PRUD, the lots are allowed to be less than that required by the respective zone as long as the total density of the entire subdivision is not exceeded, as further explained herein.

Subdivision Layout. (See Exhibit B) The property boundaries abut Morgan Valley Drive and extend west into the foothills. It is bordered on the north by the Ridges Subdivision. Lot one, which has an existing home on it, is positioned in a ravine area along the Dalton Creek. Lots two-four are located on the top of a knoll above and to the north of lot one. Parcel A extends westward past lots one-four along Dalton Creek. The frontage for all four lots is provided by the shared private drive, as explained further herein.

The property has many steep slopes, and the buildable areas on each lot were created using both the setback requirements as set forth in MCC §16-20-060 (2007) and a delineation of slopes under 25%, which are deemed buildable.

Density. MCC §19-20-040 explains the density requirements that this subdivision must adhere to. To calculate density the number of equivalent residential units (ERU's) must be derived from the density allowance of each zone subtracting out all areas over 25% slope. MCC §19-20-040 then indicates that 100% of the density rights in the A-20 zone that were removed because of steep slopes may be rewarded back to the applicant if it can be found that 1.) the project exhibits superior clustering; 2.) Reduces infrastructure; and 3.) Has a superior design over standard subdivisions. Given that the first and last of these three standards are subjective, it is recommended that the project be reviewed against standard #2 only. It may be found that the project does indeed reduce the need for infrastructure given that no portion of the subdivision will cause for dramatically increasing service demands by Morgan County.

The applicant has 59.52 acres in the A-20 zone, and 37.82 acres under 25% slope. At one unit per 20 acres that yields a density of 1.89 units. Giving 100% density back, the applicant has approximately 2.98 ERU's in the A-

20 zone.

The applicant has 3.95 acres in the RR-1 zone, and 1.54 under the 25% slope; and one unit per one acre yields 1.54 ERU's.

Thus, the total potential density of the project (2.98+1.54) is 4.52 ERU's. The proposal of 4 residential lots complies with this standard.

Roads and Access. The subdivision is being proposed access from Morgan Valley drive by means of a shared private drive through an adjacent lot. It is Staff's understanding that an easement exists through this property for the purposes of access to the subdivision. Verification of this and an indication of responsibility of maintenance for it and the entire private shared drive should be received with final plat application.

The private shared drive is not being proposed as part of a public or private street system. It is intended to be a shared driveway. Pursuant to the 2007 version of the PRUD ordinance, MCC §16-20-050 (2007), a shared private drive may be used to serve as access and frontage for lots within a PRUD. Frontage along this drive is required to be at a minimum 100 feet, compliance of which can be observed in Exhibit B.

Grading and Land Disturbance. The proposal will require grading along the hillside to provide for the proposed shared private drive. Preliminary construction drawings indicate that this drive will be proposed to be constructed at a 12% slope across slopes that exceed 25%. Upon submission and review of construction drawings, which are a requirement of final plat review, slope stability, erosion control, and revegetation measures will be required to be submitted.

There is no other land grading being proposed or approved as part of this application.

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

A well currently exists on lot one.

Fire Protection. MCC 8-12-450(c) requires fire protection to comply with adopted fire code as verified by the local Fire Official. The entire property is in the non-exempt portion of the Wildland Urban Interface area. The Morgan County Fire Chief has reviewed the subdivision proposal and issued approval on February 28, 2011, as long as the drive/road approach can support a 75,000 lbs fire apparatus and that all homes in the subdivision over a certain size are sprinkled.

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

Storm Water. Early preliminary submittals began to contemplate storm drainage plans, which are required

pursuant to MCC §16-19-9 (2007), however the most recent version of the preliminary plat does not contemplate it. Storm water plans should be submitted for the approval of the County Engineer, and can be done either prior or concurrent with the final plat submittal.

Open Space. Pursuant to the requirements of MCC §16-20-030 (2007), the applicant is proposing open space areas to be held in a conservation easement. There is some confusion regarding the type of open space proposed. As designed, the plat indicates open space conservation easements within individual lot areas, but does not indicate the same on “Parcel A” which appears may be a proposed remainder parcel.

The definition of open space pursuant to MCC 8-2-1 is:

Land used for recreation, agriculture, resource protection, amenity or buffers; is freely accessible to all residents of the development, except in the case of agricultural lands where access may be restricted; and is protected by the provisions of this title to ensure that it remains in such use. "Open space" does not include land occupied by nonrecreational buildings, roads or road rights of way; nor does it include the yards or lots of single- or multiple-family dwelling units or parking areas as required by the provisions of this title. Open space should be left in a natural state, except in the case of recreation uses which may contain impervious surfaces. Such impervious surfaces shall be included in the calculation of the impervious surface ratio.

The current proposed open space conservation easement area on lots two, three and four accounts for only approximately 21% of the total subdivision area. This does not comply with the 50% open space requirement of MCC §16-20-030 (2007) and should be revised. Alternatively, if the 25.42 acre “Parcel A” is intended to function as open space as well then the open space area is approximately 77% an in compliance with the 50% minimum. This needs to be clarified.

Further, the 35.42 acre “Parcel A” is not further described as a building lot or open space area. This does not comply with MCC §16-18-5 (2007) which indicates that all areas within the subdivision are to be accounted for in a manner that can be developed pursuant to County laws.

Geologic and Geotechnical Evaluations. The project engineer has provided site geologic unit boundaries and gives indication that no portion of building envelopes are being proposed in any known geologic hazard study areas. As such, no study is required by MCC 8-5I-4.

Utilities. The County has received a will serve letter from Questar Gas but not from Rocky Mountain Power. The utility lines run in the Morgan Valley Drive right of way. Public utility easements have been provided along the boundaries of each lot.

Addressing. The County’s approach to addressing is evolving into certain standards. Because this subdivision is proposing four lots along a private shared drive that extends away from the visual boundaries of Morgan Valley Drive or any other public street, it is imperative that clear address demarcation is visible from the public right of way. To keep addresses organized and easily accessible for emergency personnel, staff recommend that the private shared drive be given a name with a street sign (blue – indicating private) and the homes of

the subdivision be numbered off of the lane.

STAFF RECOMMENDATION

Staff recommends approval of the Preliminary Subdivision Approval of the Wright's Meadows PRUD Subdivision, application #8.096, subject to the following conditions:

1. That an updated title report be submitted with the final plat application.
2. That a will serve letter from Rocky Mountain Power is submitted with the final plat application and that the signature blocks for utility companies not required to sign the plat are removed from the final plat.
3. That well log information from at least one constructed well in the subdivision is submitted for the County Engineer's review and approval in accordance with adopted laws.
4. That all water right information is submitted with final plat application for the County Engineer's review and approval in accordance with adopted laws.
5. That a storm water drainage plan is submitted for the review and approval of the County Engineer with the final plat application, with all necessary easements for storage and drainage lines shown on the plat.
6. That the addressing plan for the final plat is amended to require a lane name for the shared private drive and all addressing is referenced from that lane. The addressing plan shall also include a street sign proposal that can be approved by the Public Facilities Director.
7. That the final plat includes a signature block for the County Surveyor.
8. That all construction drawings and details are reviewed and approved in compliance with County ordinances upon final plat submittal.
9. That an access easement from the neighboring property shall be secured for the purposes of use, operation, and maintenance of the access to the four lot subdivision, together with indication of responsibility for maintenance of the access. The final plat shall indicate the recorded easement's entry in the County Recorder's Office.
10. That the final plat is amended to adequately provide for the 50% required open space in a manner that complies with adopted ordinances.
11. That "Parcel A" is either more appropriately described as either open space area or in lot area.
12. That the final plat application include the conservation plan for open space preservation in compliance with MCC §16-20-030 (2007).
13. That clarification of the purpose for the apparent 20 foot easement depth that runs along the northwest boundary of lot two and intersects with the easement dedicated for Dalton Creek Ditch Company is provided on the final plat.
14. That clarification of the Dalton Creek Ditch Company's right of way through "Parcel A" is provided with the final plat submittal, and that such right of way is shown on the plat as an access easement with a delineated width, as may be applicable or necessary.
15. That the proposed shared private drive is constructed to support a 75,000lbs fire apparatus.
16. That all new homes in the subdivision are reviewed and approved by the local Fire Official for the potential need for fire suppression systems.
17. That all other 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 subdivision proposal conforms to current zoning ordinances generally.
3. The listed conditions will bring the subdivision into strict compliance with vested subdivision requirements.
4. With the listed conditions harmful impact of the subdivision can be mitigated.

MODEL MOTION

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Preliminary Subdivision Approval of the Wright’s Meadows PRUD Subdivision, application #8.096, subject to the findings and conditions listed in the May 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 Preliminary Subdivision Approval of the Wright’s Meadows PRUD Subdivision, application #8.096, subject to the following conditions:

1. List any additional findings...

SUPPORTING INFORMATION

Exhibit A: General Site Depiction

Exhibit B: Subdivision Proposal

Exhibit C: Zoning Map(s)

Exhibit B – Staff report Agenda #6Discussion/Decision: Mountain Green Secondary Water Conditional Use Permit

**Planning and Development Services
STAFF REPORT**

May 16, 2013

To: Morgan County Planning Commission
Business Date: May 23, 2013

Prepared By: Charles Ewert, Planner

Re: **Mountain Green Secondary Water Conditional Use Permit Request**

Application No.: 13.018

Applicant: Mountain Green Secondary Water

Project Location: Approximately 600 feet East of Park Meadow Drive in the Cottonwoods Subdivision

Zoning: RR-1 and Cottonwoods PUD Overlay Zone

Acreage: Property: 214.69 Acres; Limits of Disturbance: 0.98 Acres

Request: Conditional Use Permit for a Utility Use and Excavation; a Holding Pond to Store Water for the Mountain Green Secondary Water Company.

SUMMARY

This application is for a utility use in the RR-1 and Cottonwoods PUD Overlay zones. Mountain Green Secondary Water Company desires to expand their utility infrastructure by constructing a regulating holding pond on the site (see Exhibit A). Utility uses and excavations in the RR-1 zone are both allowed by conditional use permit. Conditional Use Permits are administrative actions and as such should be approved as long as harmful impact as provided for in adopted ordinances can be mitigated.. The County Code already specifies certain standards necessary for mitigation of harmful impact to which the proposal must adhere. With the recommended conditions, the proposal appears to meet these standards. The following is staff's evaluation of the request.

BACKGROUND

During dry months of summer, especially after a mild winter, the Mountain Green Secondary Water Company has struggled to provide irrigation water services to its customers. This regulating holding pond will help them to provide better services in the future.

ANALYSIS

Zoning. The property is zoned RR-1 (see Exhibit B) and is in the Cottonwoods PUD Overlay Zone. In the RR-1 zone utility uses are defined 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
Land excavations	C	C	C	C	C	C
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

Upon review of the Cottonwoods PUD Overlay Zone it is not clear how the overlay is intended to affect or influence utility uses. Staff interpret the lack of information in the overlay zone as an intention to defer to the underlying RR-1 zone.

Property Layout. The regulating pond is being proposed to be located along the south east boundary of a 214.69 acre parcel that is owned by the Wilkinson Family Farm L.L.C. It will consume approximately 0.98 acres of the land (see Exhibit C). According to the vicinity map provided in the application it appears that the proposal may also affect the property to the south east by ejecting overflow drainage into the Bowman Hollow (see Exhibit A). Landowner acknowledgement of the application has been submitted as can be seen in Exhibit D for the Wilkinson Family Farm, and the applicant has provided meets and bounds descriptions for easements for the drainage overflow, as well as the discharge line, the reservoir, and access to the site. These descriptions will need to be incorporated into executed easements in favor of all affected landowners as may be applicable.

The proposed pond is sited atop a null to the south east of the Cottonwoods Meadows Subdivision and is immediately adjacent to and surrounded by farmland/wildland. The 214.69 acre parcel meets the minimum one acre zoning requirement.

Setbacks. Side and rear setbacks for utility uses in the RR-1 zone are 15 feet. If measured from the maximum water height as show on Page 4 of Exhibit A it can be observed that the proposal meets this standard.

Roads and Access. Access is being proposed from a private section of Silver Leaf Drive to the north of the Mountain Green Elementary. The access from Silver Leaf to the site is a rough graded dirt road. A meets and bounds description of this access has been provided. Easement(s) using this description should be executed by the landowners and the applicants. Dust along this access road and/or dirt and debris tracking onto the public right of way is a concern that should be mitigated. Staff recommend conditioning approval accordingly, and provide such a condition in the staff recommendation.

Grading and Land Disturbance. The land proposed to be disturbed has been shown to be no more than 0.98 acres. The

pond will be constructed by excavating material from the site and depositing it back onsite. No portion of the fill is proposed to be used as a dam for retention, but will function as a means of providing a lip around the downhill side of the excavation and a maintenance road.

Exhibit A also shows the applicants storm water pollution prevention plan on pages SW/1 and SW/2 to help mitigate erosion.

Landscaping. The applicant has proposed a revegetation and reseeding plan in accordance with MCC §8-8-7(F)(7) and MCC §8-8-7(F)(10) which states that:

7. Finished Cuts And Slopes: The exposed or finished cuts or slopes of any fill or excavation shall be smoothly graded. All exposed slopes of any cut or fill shall be protected by approved planting, crib walls or walls and planting, terracing, or combination thereof.

10. Erosion Control And Landscaping: All cut and fill surfaces created by grading, except for firebreak purposes, shall be planted with a ground cover that is compatible with the natural ground covers in the county. Topsoil is to be stockpiled during rough grading and used on cut and fill slopes...

Their plan includes providing a revegetation matting and reseeding the disturbed areas, as can be seen in Exhibit A.

Lighting. There is no proposal for exterior lighting changes.

Bonding. To ensure that the proposed revegetation matting and reseeding is installed/applied as proposed, the Planning Commission should consider requiring a completion bond as a condition of approval of this required site improvement, pursuant to MCC 8-8-5(H). The bond amount should be for 100% of the total cost of these improvements as verified in an Engineer's Cost Estimate.

County Engineer's Review. The County Engineer has completed an initial review of the proposal and is recommending approval with a couple of minor modifications. Exhibit A is the currently submitted plans that were resubmitted after the initial review. The County Engineer has determined that all final comments/corrections can be accomplished administratively prior to a preconstruction meeting with the applicant.

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 and excavation for a holding pond to store water for the Mountain Green Secondary Water Company, application 13.018, with the following conditions:

11. That all work and use shall be conducted in compliance with the approved Engineering plans.
12. That all final administrative comments/corrections from the County Engineer are complied with prior to the beginning of construction.
13. That the final engineered plans are submitted for the Engineers approval signature.
14. That easements are attained, signed and executed from all affected landowners to the applicant for access to the site, the reservoir use of the site, the drainage from the site, and the utility line from the site prior to the beginning of construction.
15. That the easements as specified in #4 above are submitted in a graphic depiction to become a part of the approved plans.
16. That a cash bond is submitted to the County with a Cash Escrow agreement and Engineer's Cost Estimate in an amount and on forms as are acceptable by the County Engineer, County Attorney, and County Zoning Administrator.
17. That all graded or disturbed surfaces of excavations, and all equipment materials and roadways on the site shall be dampened or suitably treated, managed or contained to prevent the deposit of debris, dust or dirt on neighboring streets and properties; all materials transported to or from the site shall be so contained during transportation as to prevent spillage on streets or other property outside of the site, and all vehicles going to or from the site shall be clean and free from dirt or debris that may track into the public right of way.
18. That all County outsourced review costs are paid current prior to commencement of construction.
19. 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.
20. That the project adheres to all other local, state, and federal requirements.

This recommendation is based on the following findings:

5. That the request conforms to the requirements of the Morgan County Code.
6. That the requested uses are allowed in the RR-1 zone.
7. That with the proposed conditions, the proposal will mitigate potential detrimental effects it may cause to the public, particularly with respect to the dust and debris control.
8. That a landscaping and planting plan is essential to mitigating the harmful effects of erosion, slope instability, and will mitigate the negative aesthetic effects of the hillside excavation.

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 and excavation for a holding pond to store water for the Mountain Green Secondary Water Company, application 13.018, subject to the findings and conditions listed in the May 16, 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 conditional use permit for a utility use and excavation for a holding pond to store water for the Mountain Green Secondary Water Company, application 13.018, subject to the following findings:

1. List any additional findings...

SUPPORTING INFORMATION

Exhibit A: Proposed Engineering Plans.

Exhibit B: Zoning Map.

Exhibit C: Property Boundaries and Project Location.

Exhibit D: Land Owner Authorization.

Exhibit C – Staff report and Memo – Agenda item #7 - Discussion/Decision: Text Amendments regarding administrative requirements for Development Agreements

Planning and Development Services

STAFF REPORT

May 2, 2013

To: Morgan County Planning Commission
Business Date: May 9, 2013

From: Charles Ewert, MPA
Planning and Development Services Director

Re: **County Initiated Text Amendment Regarding Administrative Requirements for Development Agreements**

Application No.: 13.040

Applicant: Morgan County

Request: To amend Morgan County Code Title 8 regarding administrative provisions for development agreements

SUMMARY & BACKGROUND

Given the increasing use of development agreements to provide for and enhance the standard adopted development tools of the County, and considering the County Council's recent directive to provide addition flexible subdivision tools, it appears imperative to have a standard to which all development agreements may be crafted and reviewed. This proposed text change is intended to provide the County with such standards.

The proposal is still in draft form. It is yet to be decided whether it will be a new chapter of Title 8, or a supplemental section in another chapter. It is being provided for review and recommendation to the Planning Commission at this time in order to obtain necessary comments and buy in as final touches are forthcoming. If the general nature of the ordinance is acceptable, then the Planning Commission should forward a positive recommendation of it to the County Council with the condition listed herein.

ANALYSIS

The attached proposal is straight forward in terms of logic and reasoning. Please see the attached for full text provisions.

PROCUDURES FOR ADOPTING AMENDMENTS TO TITLE 8

Title 8 - Land Use Regulations - sets out the required procedures for adopting and amending the land use requirements of the County Code:

8-3-2-C. Amendments And Rezoning:

1. The governing body may amend:
 - a. The number, shape, boundaries or area of any zoning district;
 - b. Any regulation of or within the zoning district; or
 - c. Any other provision of the zoning ordinance.

2. The governing body may not make any amendment authorized by this subsection unless the amendment was proposed by the planning commission or is first submitted to the planning commission for its approval, disapproval or recommendations.
3. The governing body shall comply with the procedure specified in subsection B of this section, in preparing and adopting an amendment to the zoning ordinance or zoning map.

8-3-2-B. Preparation And Adoption Of Zoning Regulations:

1. The planning commission shall prepare and recommend to the governing body a proposed zoning ordinance, including both the full text of the zoning ordinance and maps that represents the planning commission's recommendations for zoning all or any part of the area within the county.
2. The governing body shall hold a public hearing on the proposed zoning ordinance recommended to it by the planning commission in compliance with Utah Code Annotated section 17-27a-205.
3. After public hearing the governing body may:
 - a. Adopt the zoning ordinance

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a positive recommendation to the County Council for the proposed land use regulations text amendments regarding administrative requirements for development agreements, application 13.040, based on the following conditions and findings:

Conditions:

2. That staff determine the most effective place in Title 8 to insert the text amendment, and provide logical numerical sequencing accordingly.

Findings:

5. That the amendments are necessary to provide administrative requirements for the creation of development agreements.
6. That the amendments are necessary to maintain the integrity of the use of development agreements.
7. That the amendments are necessary to provide consistency in the creation of development agreements.
8. That the amendments are not detrimental to the County's health, safety, and welfare, and will enhance the effect of current ordinances.

MODEL MOTION

Sample Motion for a Positive Recommendation – "I move we forward a positive recommendation to the County Council for the proposed land use regulations text amendment regarding administrative requirements for development agreements, application 13.040, based on the conditions and findings presented in the Staff report dated May 2, 2013:"

1. List any additional findings and conditions...

Sample Motion for a Negative Recommendation – "I move we forward a negative recommendation for the proposed land use regulations text amendment regarding administrative requirements for development agreements, application 13.040, based on the following findings:"

1. List any additional findings...

SUPPORTING DOCUMENTS

- Exhibit A: Proposed Text Amendment Regarding Administrative Requirements for Development Agreements

Memo

TO: Planning Commission
FROM: Charles Ewert, Planning Director
DATE: May 17, 2013
SUBJECT: Text Amendment Regarding Administrative Requirements for Development Agreements

In the May 9, 2013 Planning Commission meeting the Planning Commission reviewed proposed language that will provide administrative requirements for the proposal and review of development agreements, as prepared by our consultant planner Bruce Parker. The Planning Commission requested a few specific changes to the agreement.

Upon further review of the requested changes with Mr. Parker it was determined that there may be even more provisions necessary for effective administration. The attached proposed language incorporates the Planning Commission's request for changes with additional administrative standards.

Mr. Parker is unable to attend the meeting to present the language, but I will be available to answer any questions. We are requesting that if the Planning Commission is comfortable with the proposed language they recommend approval of such to the County Council for possible ordinance adoption.