



PLANNING COMMISSION AGENDA

Thursday, October 10, 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

Legislative Items

5. Discussion/Decision/Hearing: a Planning Commission initiated rezone of approximately 1.28 acres of land from A-20 to R1-20 along Powderhorn Road to correct gaps in the zoning map

Administrative Items

6. Discussion/Decision: Nold Conditional Use Permit: A request for a family vacation/dude ranch as an accessory use to an existing residential lot in the RR-1/A-20 zones.
7. Discussion/Decision: DeYoung Conditional Use Permit: A request for an accessory structure located outside of a building envelope in the Ridges PRUD Subdivision -- as allowed by the Subdivision plat.
8. Staff Report
9. Approval of minutes from September 26, 2013
10. Adjourn

Members present

Shane Stephens
David Sawyer
Debbie Sessions
Michael Newton
Steve Wilson

Others present

Joan and Roger Nold
Dave and Pam Blomquist

Meeting Minutes

1. Call to order—prayer.

Acting Chair Sessions welcomed everyone to the meeting tonight and excused Chairman Haslam and Member Erickson. Member Wilson offered prayer.

2. Approval of agenda.

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

3. Declaration of conflicts of interest.

There were none.

4. Public comment.

Mr. Dave Blomquist, owner of the 300 acres behind the property being discussed, is concerned with the lack of consistency. They were required to tear down a structure to build their home and told they could not build another structure on their 300 acres without tearing down their existing home. They would like for their children to build homes on their land. They are also concerned with hunters trespassing on their land and fencing being moved to accommodate hunters. Another concern is the limited culinary water. He does not have a problem with the current proposal, however he'd like to see consistency so his family can know what to expect.

Member Sawyer reminded the Blomquists that one condition put on this project is that the issue of water must be addressed and approved by the health department before the application's approval.

Member Sessions pointed out that the land is private and hunters should only access the land by either a guide on a CWMU or have land owner permission.

The Nold's clarified in their dude ranch house there are 3 bedrooms, with up to 2 people per bedroom.

Pam Blomquist expressed concern with the UDOT road.

Legislative Items

5. Discussion/Decision/Hearing: A Planning Commission initiated rezone of approximately 1.28 acres of land from A-20 to R1-20 along Powderhorn Road to correct gaps in the zoning map.

Charlie clarified that all three highlighted areas (representing gaps) on the map equal to 1.28 acres.

Member Sawyer moved to open public hearing. Second by Member Newton.

There were no comments in the public hearing.

Member Stephens moved to close public hearing. Second by Member Sawyer.

Acting Chair Sessions called for a motion.

Member Sawyer moved to forward a positive recommendation to the County Council for the Powderhorn Road rezone request, application #13.088, rezoning approximately 1.28 acres of property along and adjacent to Powderhorn Road from A-20 to R1-20, based on the findings listed in the staff report dated October 4, 2013, and as modified by the findings below:

1. That the proposed amendment is in accord with the County's General Plan.
2. That changed or changing conditions make the proposed amendment reasonably necessary to carry out the purposes of this title.
3. That the changes are necessary to provide consistency in the zoning map.

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

Administrative Items

6. Discussion/Decision: Nold Conditional Use Permit: A request for a family vacation/dude ranch as an accessory use to an existing residential lot in the RR-1/A-20 zones.

Roger and Joan Nold: Presented their plan to open a guest house to veterans and members of veteran families to stay for a reduced rate. Noticed there was a lack of lodging in the Morgan area for hunters and vacationers. They want to leave the downstairs as it is and renovate the upstairs to update the existing layout. Their desire is to attract veterans and their families.

Ronda stated the request is unique in that the county does allow for the changes, but does not define what the standard is. She reviewed the conditions listed for the planning commission in her presentation. She pointed out that the position of the building is not viewable from the road, as it is on a hill, so there is no need for fencing. She suggested that the rental period be limited to less than 30 days to ensure a temporary stay. Ronda has met with the current neighbors to the north of the property and they do not have concerns with this plan other than possible traffic increase. Ronda said they have adequate parking and access.

Member Wilson remembered when the county required the first existing structure to be demolished before a second structure could be built. He wondered if there was a change in code or how that change

has evolved to current code. He is concerned that anyone could construct a second edifice on a 5 acre CUP. A Bed & Breakfast is currently allowed in R-120, and R-112, RR-1, RR-5, RR-10. Does a CUP trump zoning?

Ronda stated that there is nothing that indicates a definition for a dude ranch, hotel, etc. in the current code. Her hope is to gain direction on how to proceed with similar requests in the future.

Member Wilson's concern is that there are ramifications for this decision and fears that that is an opening for commercialization under a CUP.

Ronda read the definition of a dwelling unit under the code: "Any non-commercial building or portion thereof designed or used as the principal residence or sleeping place of 1 or more persons or families, but not including a tent, a recreational coach, hotel, motel, hospital or nursing home." Ronda further explained that the Nold's will follow through with a commercial-use business license. It makes the residence use void.

Member Wilson indicated his desire for the county to be consistent.

Acting Chair Sessions stated that we need to consider this request as it stands under the current code.

Ronda suggested setting a condition of posting No Trespassing signs and/or a maximum capacity for the vacation ranch.

Member Stephens pointed out that the No Trespassing signs can be ignored and possibly impact other people, by putting hunters in the dude ranch.

It was discussed that the fire chief would approve the occupancy and the neighbors can work amongst themselves how they want to deal with possible trespassing.

Acting Chair Sessions called for a motion.

Member Newton moved forward a positive recommendation to the County Council for the Nold Family Guest House Conditional Use permit for a family vacation rental, file #13.099 subject to the findings and conditions listed in the October 2, 2013 staff report, and as modified by the conditions and findings below:

1. That a business license be issued for the proposed commercial use.
2. That the applicant provides adequate proof of culinary water and approval for the increased use from the Weber Morgan Health Department in regards to the septic system.
3. That a building permit is required to be issued for any electrical, plumbing, heating, framing etc. during any renovation period.
4. That a site inspection is completed and approval received from the local fire official. An approval letter shall be submitted to the Zoning Administrator prior to the issuance of a business license.
5. That the vacation rental timeframe be limited to 30 days per rental period.
6. That the business adheres to all other County, State, and Federal requirements.

This recommendation is based on the following findings:

1. That the request conforms to the 2010 General Plan.
2. That the request conforms to the requirements of the Morgan County Code.
3. That with the proposed conditions and processes implemented by the applicant, any foreseeable harmful impact to the public will be mitigated, particularly with respect to the adjacent residential area.
4. That the time of day and days of the week may be a conditional use to operate.

Second by Member Sawyer. Acting Chair Sessions called for discussion.

Member Wilson expressed interest in a list of hierarchy for state vs. county code. Charlie clarified that county code can be more restrictive than state law and they cannot be in conflict with each other.

Member Wilson wanted to know if the Planning Commission denied this CUP tonight, if that would be in conflict with state law, to which Charlie replied he believes it would.

Member Wilson wondered if the property was sold, how that would work with the CUP.

Charlie stated that the permit runs with the land. The new owner will inherit it. If the use is abandoned for 1 year or greater, it will no longer be permitted. Any new owner must be subject to the same conditions.

The vote was unanimous. The motion carried.

7. Discussion/Decision: DeYoung Conditional Use Permit: A request for an accessory structure located outside of a building envelope in the Ridges PRUD Subdivision -- as allowed by the Subdivision plat.

The roof of the RV garage will likely be below the foundation of the home, so will not be seen from adjacent properties or the interstate. Member Newton asked about Exhibit B in the packet, where the plat states that secondary buildings may be used only with approval of architectural and design control committee. Ronda confirmed that it has been approved with them.

Acting Chair Sessions called for a motion.

Member Stephens moved to forward a positive recommendation to the County Council for the DeYoung Conditional Use Permit request to construct a RV garage outside the building envelope of lot 15 of the Ridges PRUD Subdivision, application #13.111 subject to the findings and conditions listed in the October 2, 2013 staff report, and as modified by the conditions and findings below:

1. That an approved building permit is issued prior to the commencement of construction of the proposed RV garage.
2. That the building placement adheres to the 30' front, 30' side street, 30' rear and 15' side setbacks.
3. That the building will not exceed 35 feet in height as measured from average lowest grade.
4. That the building is designed in compliance with the architectural and design control committee requirements of the Ridges PRUD Subdivision.
5. That the building complies with all County, State, and Federal regulations.

This recommendation is based on the following findings:

1. That the use of the building in the proposed location is listed as a conditional use on the Ridges PRUD Subdivision plat.
2. That the application has been reviewed in compliance with all regulatory requirements.
3. That the proposed use complies with the purpose of the A-20 zone.
4. That the proposed use conforms to the purposes of the 2010 General Plan.
5. That there are no detrimental effects of the use in need of mitigation.

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

8. Staff Report

Charlie presented a Creation of Ordinance Update Committee to talk about policy objectives and perspectives. A committee was formed.

Charlie also presented additional training opportunities for the Planning Commission members.

9. Approval of minutes from September 26, 2013.

Member Newton moved to approve the minutes from September 26, 2013. Second by Member Sawyer. The vote was unanimous. The motion carried.

10. Adjourn

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

Approved: _____ **Date:** _____
Chairman

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



48 West Young Street
Morgan, UT 84050
(801) 845-4015

STAFF REPORT
October 17, 2013

To: Morgan County Planning Commission
Business Date: November 14, 2013

Prepared By: Ronda Kippen, Planning Technician

Re: **K2 Building Solutions Conditional Use Permit Request**

Application No.: 13.120
Applicant: Mike Babcock/Cottonwood Commercial Inc. and
Sean Dorius/K2 Building Solutions, Inc.
Project Location: 4070 West 5800 North (Cottonwoods Commercial Park Parcel #D)
Zoning: CB Zone
Acreage: A portion of 2.90 acres (approximately 0.25 acre)
Request: Conditional Use Permit for the general contract construction services

SUMMARY

This application is for a commercial use in the CB zone. The proposed business will be in the west end of an existing commercial building located on Parcel C&D in the Cottonwoods Commercial Park. The applicant, Cottonwood Commercial Inc., owned by Mike Babcock, would like to rent/lease a portion of the commercial building to K2 Building Solutions, Inc. owned and operated by Sean Dorius. The scope of work will include metal framing, Styrofoam cutting, and assembly of walls for construction located offsite. The application is to consider the portion of property to be used as “Services: General contract construction services” and “Retail Trade: Lumber and other building material”.

The proposed uses in the CB zone are allowed by conditional use permit. Conditional use permits should be approved as long as any harmful impact is mitigated. The County Code already specifies certain standards necessary for mitigation of harmful impact to which the proposal must adhere. The proposed application appears to meet these standards. The following is staff’s evaluation of the request.

ANALYSIS

General Plan. The Future Land Use Map identifies this property as “Business Park” which is intended to

“provide for areas for the development of uses that provide employment involving light manufacturing, assembling, warehousing, and wholesale activities and associated office space and support uses. Typical uses may also include construction contractors, small, screened storage yards and small warehousing spaces”. The 2010 General Plan has identified the need to *“support growth of retail and other commercial activity in Morgan County-particularly Mountain Green-in order to provide goods and services to County residents”.*
(See 2010 General Plan page 12-13, Future Land Use Map and Land Use Strategic Objectives)

Zoning. The property is zoned CB (see Exhibit A). The proposed uses are allowed in the CB zone through a conditional use permit. Morgan County Code (MCC) 8-5C-3 identifies this as at least two uses the proposal may be considered under: “Services: General contract construction services” and “Retail trade-lumber and other building material. Both of these uses require a conditional use permit in the CB zone.

8-5C-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 commercial and industrial districts, except as provided in this article. Accessory uses and buildings customarily incidental to uses authorized by conditional use permit in any district are also authorized by issuance of a conditional use permit in any such district. "Temporary uses", as defined in section [8-2-1](#) of this title, are authorized in any district upon issuance of a conditional use permit for the same.

		Districts						
		CB	C-N	C-S	C-H	C-G	M-D	M-G
COMMERCIAL:								
Services:								
	General contract construction services	C	-	-	-	P	P	P
Retail Trade:								
	Lumber and other building materials	C	-	P	C	P	C	-

Building Code Requirements. The proposed business will be located in an existing commercial building located on the subject property. Prior to the business license approval the portion of the building with the proposed use will need to be inspected by the Morgan County Building Inspector.

Conditional Use Requirements.

- *Vehicles:* MCC 8-8-4 identifies potential conditions related to safety for persons and property concerning the numbers and types of vehicles per time period associated with the conditional use activities. The applicant indicates that the site has an existing asphalt driveway which should adequately accommodate the increase in traffic. All construction material will be hauled to and from the proposed location with a typical pickup truck and trailer.
- *Off Street Parking:* MCC 8-11-4 identifies the calculations for all off street parking as follows: one space for each employee projected for the highest employment shift is required. K2 Building Solutions, Inc. currently has three employees. The applicant has identified both hard surface parking location and unimproved parking across the access driveway. Staff feels adequate hard surface parking is being proposed and that further conditions at this time are unnecessary.

- *Hours of operation:* MCC 8-8-4 states “time of day and days of week a conditional use may operate”. Staff recommends that the proposed business limits hours of operation within the timeframe of 6:00 AM to 10:00 PM.
- *Landscaping:* MCC 8-8-4 and 8-6-27 have specific landscaping standards. Landscaping is encouraged to ensure compatibility with the intended characteristics of the district and to enhance, conserve and stabilize property values by preventing litter and providing an attractive neighborhood. Considering that this is an existing site, requiring new or more landscaping may not be necessary. If the Planning Commission feels more landscaping is needed in order to comply with the provisions of both of these codes, then a Landscape Plan should be submitted and approved by the Zoning Administrator (see Exhibit B).

Property Layout. The existing property is a combination of three commercial lots within the Cottonwood Commercial Park (see Exhibit C). It appears that the portion of the existing building that will be utilized by K2 Building Solutions is located on Parcel D within the Cottonwood Commercial Park. It is surrounded by similar commercial uses (see Exhibit D). It fronts 5800 North with approximately 130 feet of frontage.

Setbacks. The front setback for uses in the CB zone is 25 feet. The side yard is 10 feet and rear setback of 20 feet. The existing building was presumably previously approved by Morgan County with a setback that is now nonconforming. The proposed use does not adversely affect that nonconformity.

Fire Protection. Due to the commercial use of the property, staff recommends a site inspection and approval from the local fire official prior to the issuance of a business license.

STAFF RECOMMENDATION

Staff recommends approval of the K2 Building Solutions, Inc. Conditional Use permit for general contract construction services, file #13.120 subject to the following conditions:

1. That approval is based on the information in the application and Planning Commission staff report dated 10/17/13. Any impactful changes to the business from the information presented therein may require additional future review and approval.
2. That a business license for K2 Building Solutions, Inc. be obtained prior to commencement of onsite operations.
3. That all past due taxes along with all penalties and interest owed to Morgan County for Serial# 03-005-123-BCD are paid current prior to the review of the business license for K2 Building Solutions, Inc. located at 4070 West 5800 North Morgan, UT.
4. That the proposed business limits the hours of operation within the timeframe of 6:00 AM to 10:00 PM.
5. That the building official performs a site inspection to ensure code conformance prior to the issuance of a business license, including address and unit numbering and identification consistent with area addressing methods.
6. That a building permit is required to be issued for any electrical, plumbing, heating, and framing etc. during any renovation period.
7. That the applicant schedules a site inspection with the local fire official and receives approval prior to the issuance of a business license.
8. That the business adheres to all other County, State, and Federal requirements.

This recommendation is based on the following findings:

1. That the request conforms to the 2010 General Plan.
2. That the request conforms to the requirements of the Morgan County Code.
3. That the hours of operation may be a conditional use to operate.
4. That Morgan County Code has specific landscaping standards. If the Planning Commission feels additional landscaping is required in order to comply with code, staff would recommend a landscaping design to be submitted for approval by the Zoning Administrator.

MODEL MOTION

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the K2 Building Solutions, Inc. Conditional Use permit for general contract construction services, file #13.120 subject to the findings and conditions listed in the October 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 K2 Building Solutions, Inc. Conditional Use permit for general contract construction services, file #13.120 subject to the following findings:

1. List any additional findings...

SUPPORTING INFORMATION

Exhibit A: Zoning Map
Exhibit B: Site Photo
Exhibit C: Plat Map
Exhibit D: Property Layout

Exhibit A-Zoning Map



Google earth



Exhibit B-Site/Street View

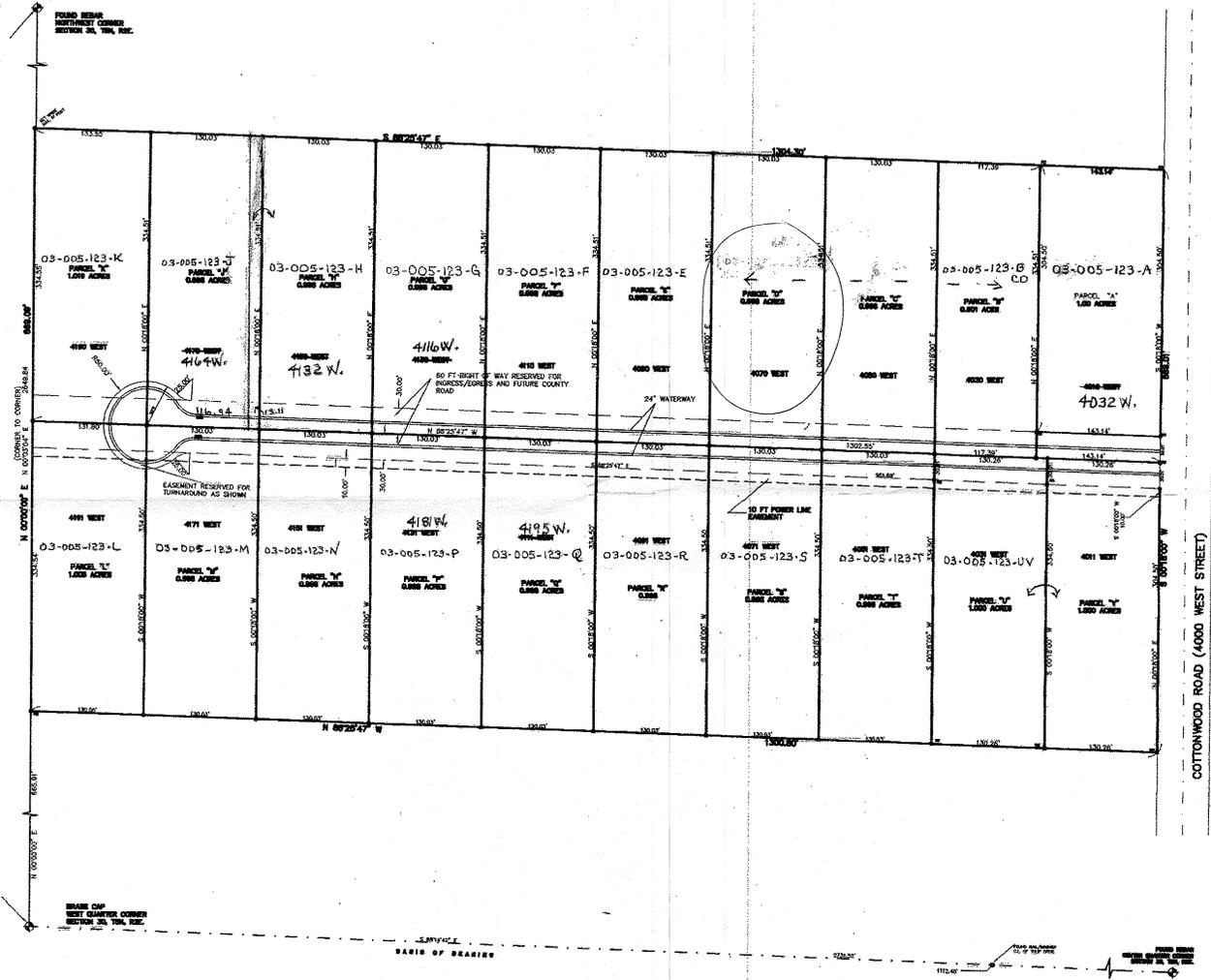


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Google earth

Exhibit C-Plat Map

(UNRECORDED)
COTTONWOOD COMMERCIAL PARK
A PART OF THE NW1/4 OF SECTION 30, T5N, R2E.
SALT LAKE BASE AND MERIDIAN
MORGAN COUNTY, UTAH



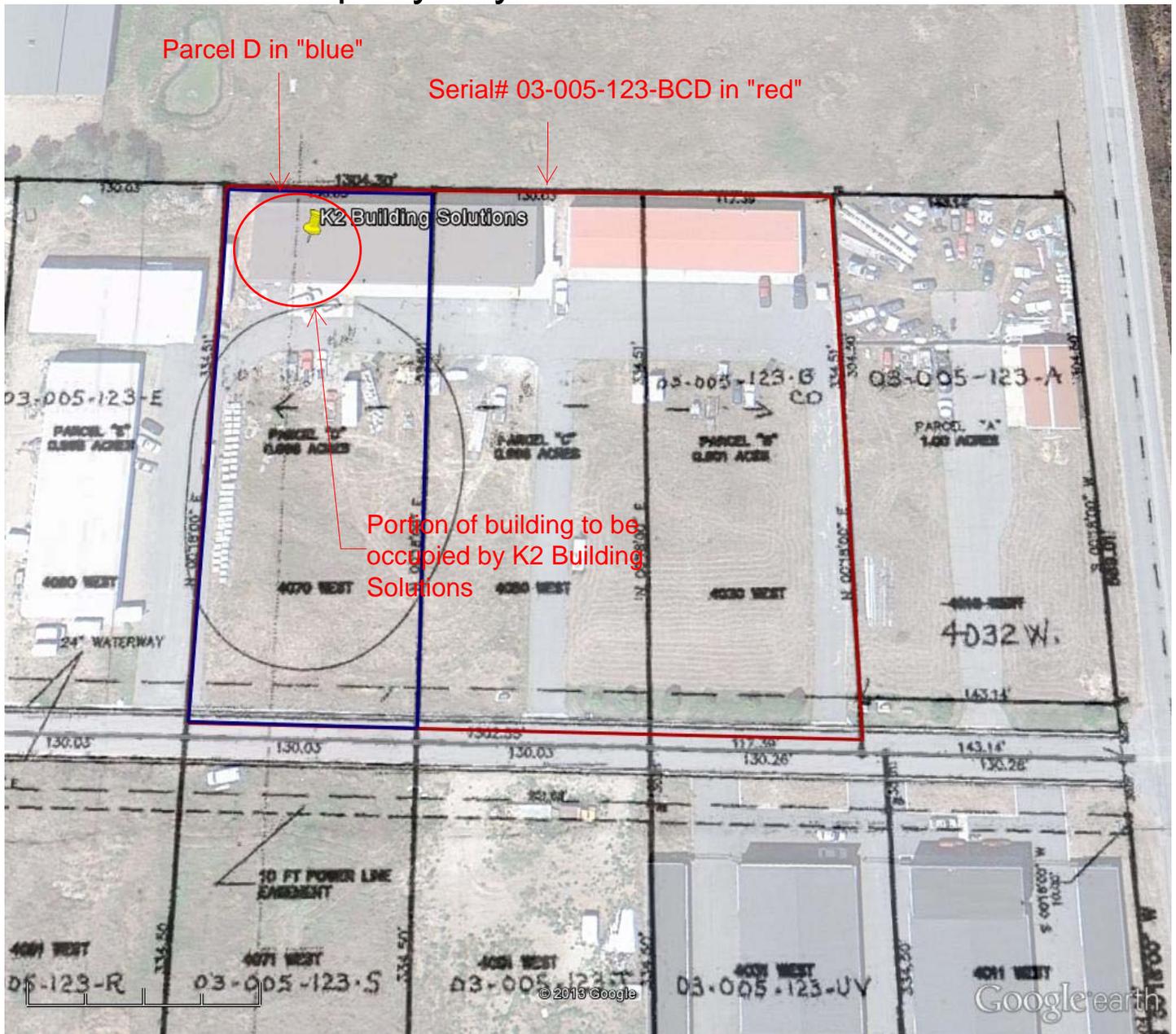
APPROVED UTAH STATE TAX COMMISSION	REVISIONS:	DATE AND INITIAL	IN PENCIL
DATE	BY		

MORGAN COUNTY, UTAH

SCALE 100
COTTONWOOD FT
COMMERCIAL RG
03-005-123 2E

MOUNTAIN ENGINEERING

Exhibit D-Property Layout





Planning and Development Services

48 West Young Street
Morgan, UT 84050
(801) 845-4015

STAFF REPORT

October 17, 2013

To: Morgan County Planning Commission
Business Date – October 24, 2013

From: Ronda Kippen

Re: **Final Plat Approval of the Whisper Ridge at Stone Canyon Phase 1
Subdivision PRUD Amendment# 1**

Application No.: 13.090

Applicant: Henry Walker Land of Northern Utah, LLC fka Henry Walker Land, LLC

Location: 6240 West Oak Ridge Lane

Current Zoning: R1-20 PRUD Zone

Acreage: 1.28 acres (55,859 Sq. Ft.)

Request: Final plat approval for an Amendment to the Whisper Ridge at Stone Canyon Phase 1 Subdivision PRUD, combining two existing building lots into one building lot.

SUMMARY & BACKGROUND

The applicant is seeking approval of an amendment to an existing subdivision. The amendment will combine two existing building lots within the Whisper Ridge at Stone Canyon Subdivision into one building lot. The current subdivision has approximately 64 lots that have been approved for single family dwelling units. The subdivision was designed under the PRUD ordinance that allowed for some flexibility within the adopted ordinances. The typical setbacks that have been approved for the Whisper Ridge at Stone Canyon Subdivision PRUD and implemented through the Development Agreement differ from the underlying R1-20 zone requirements. By combining the two lots, it allows for a more desirable building envelope due to the 25% or greater slope that encumbers the majority of the rear of both lots. The proposal is an amendment to an existing subdivision and was reviewed for process steps and standards under the current subdivision code.

With the recommended conditions herein, the request appears to meet the requirements of the zoning ordinance and the subdivision ordinance, and staff is recommending approval. Staff's evaluation of the request is as follows.

ANALYSIS

General Plan and Zoning. Pursuant to the Future Land Use Map of the area the future land use designation is Village Low-Density Residential. The Village Low Density Residential designation provides for a lifestyle with planned single family residential communities, which include open space, recreation and cultural opportunities, including schools, churches and neighborhood facilities located in established village areas or master planned communities. The residential density is a maximum of 2 units per acre.

The current zoning designation on the property is R1-20 PRUD (Exhibit A). The entire 1.28 acre property is within the R1-20 zone.

The purpose of the R1-20 zone is:

1. To provide areas for very low density, single-family residential neighborhoods of spacious and uncrowded character.

The proposal is in compliance with both the general plan and zoning purpose statements.

The purpose statements in the General Plan and Zoning Ordinance do not provide actual development regulations, but present the zoning context in which the proposed subdivision is located. The specific regulations found in the adopted County Code govern development of the subject property.

Layout. The amendment to the existing subdivision combines two existing building lots into one building lot located at the end of private road identified as Oak Ridge Lane (Exhibit B). The proposed combined lot is approximately 1.28 acres of land. The proposed lot lines appear to conform to the existing R1-20 zone standards for lots and coverage. The setbacks differ from the existing R1-20 requirements due to the overlying Development Agreement that allows for a front setback of 20', side setback of 10' and rear setback of 30'. The unbuildable area due to 25% slope has been identified on the proposed lot. There is an 25'x81' easement for a Garbage Truck turn-around dedicated at the front of the lot as well as a 10' utility easement running along the exterior boundary line of the proposed lot.

Roads and Access. Oak Ridge Lane will serve as access for the proposed combined lot. The PRUD allowed for frontage variations. The previously approved frontage was 15.5' per lot. The proposed frontage is 31'. Further frontage, access and improvements have not been proposed. Staff feels that the need for further frontage, access and improvement requirements are unnecessary due to the previous approvals and the current reduction in density that is being proposed.

If the Planning Commission cannot make this finding, as provided in the staff recommended findings, then the applicant should be required to install the improvements required by current street standards.

Previous Platting. The property was originally subdivided as the Whisper Ridge at Stone Canyon Phase 1 Subdivision PRUD (Exhibit C).

Grading and land disturbance. Minor grading of the lot can be expected, but none so much that it will trigger the excavation review thresholds. Any land owner choosing to re-grade the resulting lot may need additional review and engineering of the proposal at that time.

County Engineer. The County Engineer has recommended approval based on no additional site grading alterations being proposed at this time

Surveyor. The County Surveyor has reviewed the proposal and is recommending approval with no additional comments and/or recommendations.

Fire Chief. A letter from the Fire Chief was submitted on October 7, 2013 indicating that it meets all terms of the IFC and meets Wildland Urban Interface requirements.

Sensitive Areas, Geology, and Geotechnical Considerations. Based on the slope stability and expansive soils identified in the Geotechnical Report dated June 24, 2013, the engineering company, Stantec Consulting, Inc. has placed a note on the plat requiring conformance with the Geotechnical Report's findings and conditions. This will be a condition of Building Permit.

Utilities. The County has received letters from the Highlands Water Company and the Mountain Green Sewer District stating that the additional service lines have been capped and that Lot 130 will be the only service lot due to the combination of lots. All other utility will-serve letters from the original subdivision application have been found adequate for the proposed use. No further modifications for street lighting or other applicable utilities have been proposed at this time.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a positive recommendation to the County Council for the Whisper Ridge at Stone Canyon Phase 1 Subdivision PRUD Amendment #1, file# 13.090, subject to the following conditions:

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

This recommendation is based on the following findings:

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

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the County Council for the Whisper Ridge at Stone Canyon Phase 1 Subdivision PRUD Amendment# 1, file# 13.090, subject to the conditions and based on the findings presented in the staff report dated October 17, 2013, and as modified by the conditions below:”

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

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the County Council for the Whisper Ridge at Stone Canyon Phase 1 Subdivision PRUD Amendment# 1, file# 13.090, based on the following findings:”

1. List all findings...

SUPPORTING INFORMATION

Exhibit A: Zoning Map

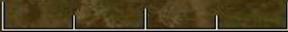
Exhibit B: Whisper Ridge at Stone Canyon Phase 1 Subdivision PRUD Amendment# 1 Final Plat

Exhibit C: Whisper Ridge at Stone Canyon Phase 1 Subdivision PRUD Original Plat

Exhibit A-Zoning Map



Lot 130A



© 2013 Google

Google earth

WHISPER RIDGE AT STONE CANYON PHASE 1 SUBDIVISION PRUD AMENDMENT 1

COMBINING LOTS 130 AND 131 TO CREATE ONE LOT KNOWN AS 130A
 LOCATED IN SECTION 27, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN
 MORGAN, MORGAN COUNTY, UTAH



SURVEYOR'S CERTIFICATE
 I, Gregory A. Cates, do hereby certify that I am a Registered Land Surveyor, and that I hold certificate No. 161226 as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as **WHISPER RIDGE AT STONE CANYON PHASE 1 SUBDIVISION PRUD AMENDMENT 1**

and that same has been surveyed and staked on the ground as shown on this plat.

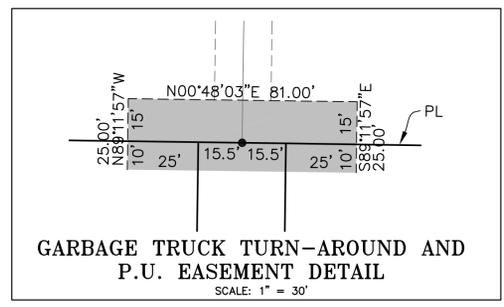
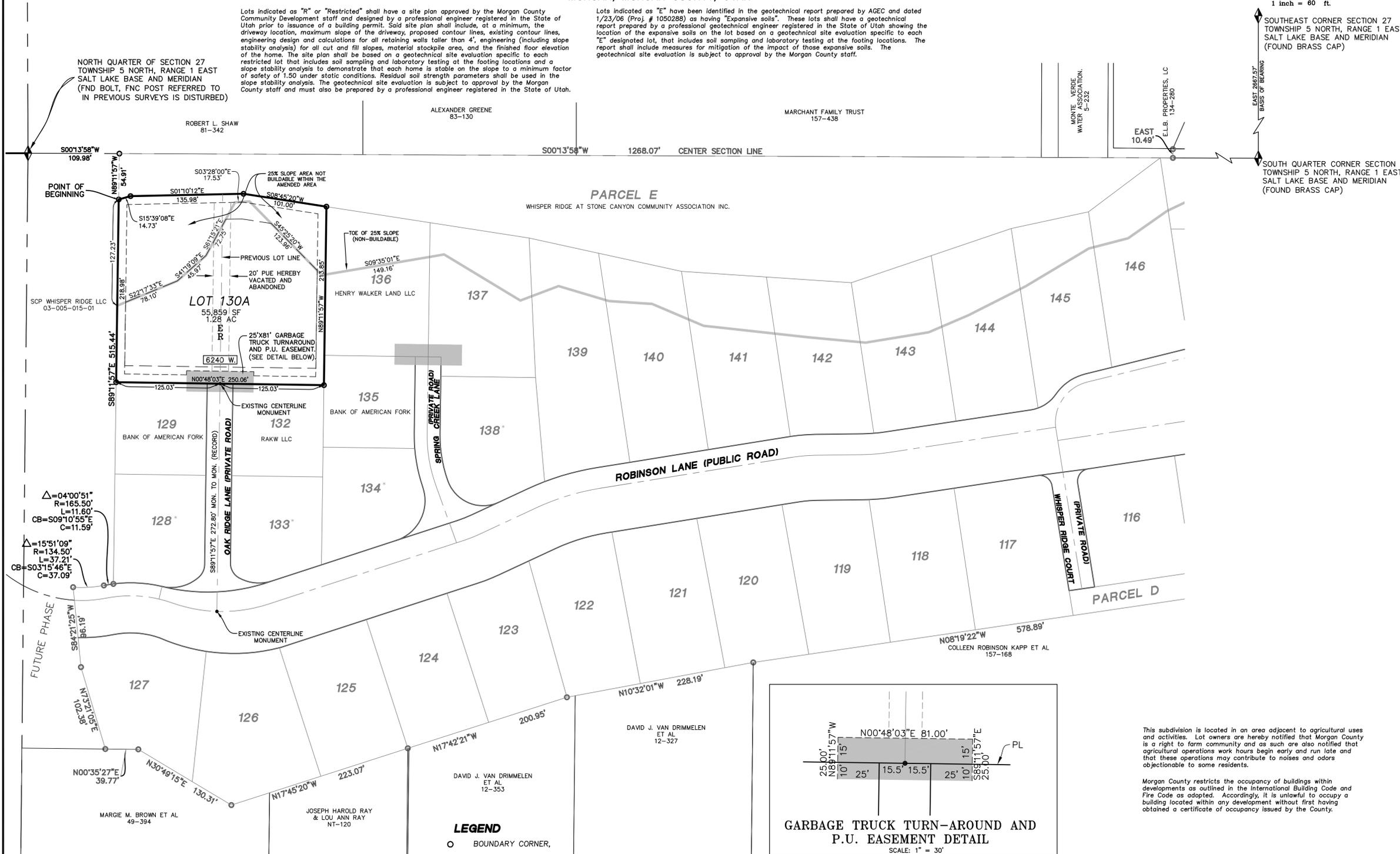
BOUNDARY DESCRIPTION
 A parcel located in Section 27, Township 5 North, Range 1 East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point S00°13'58"W along the Center Section Line 109.98 feet and N89°11'57"W 54.91 feet from the North Quarter Corner of said Section 27, said point being the Northeast corner of Lot 130 of the Whisper Ridge at Stone Canyon Phase 1 Subdivision PRUD as recorded in the office of the Morgan County Recorder, Entry No. 108750, Book 251, Page 698-699; and running thence N89°11'57"W 218.98 feet; thence S00°48'03"W 250.06 feet; thence S89°11'57"E 213.85 feet; thence N08°45'20"E 101.00 feet; thence N01°10'12"W 135.98 feet; thence N15°39'08"W 14.73 feet to the Point of Beginning.
 Contains 55,859 Sq. Ft., or 1.28 Acres.

Basis of Bearing: Southeast Corner of Section 27, Township 5 North, Range 1 East, Salt Lake Base & Meridian, to South Quarter Corner of said Section 27, East 2667.57 feet.

Lots indicated as "R" or "Restricted" shall have a site plan approved by the Morgan County Community Development staff and designed by a professional engineer registered in the State of Utah prior to issuance of a building permit. Said site plan shall include, at a minimum, the driveway location, maximum slope of the driveway, proposed contour lines, existing contour lines, engineering design and calculations for all retaining walls taller than 4', engineering (including slope stability analysis) for all cut and fill slopes, material stockpile area, and the finished floor elevation of the home. The site plan shall be based on a geotechnical site evaluation specific to each restricted lot that includes soil sampling and laboratory testing at the footing locations and a slope stability analysis to demonstrate that each home is stable on the slope to a minimum factor of safety of 1.50 under static conditions. Residual soil strength parameters shall be used in the slope stability analysis. The geotechnical site evaluation is subject to approval by the Morgan County staff and must also be prepared by a professional engineer registered in the State of Utah.

Lots indicated as "E" have been identified in the geotechnical report prepared by AGEK and dated 1/23/06 (Proj # 1050288) as having "Expansive soils". These lots shall have a geotechnical report prepared by a professional geotechnical engineer registered in the State of Utah showing the location of the expansive soils on the lot based on a geotechnical site evaluation specific to each "E" designated lot, that includes soil sampling and laboratory testing at the footing locations. The report shall include measures for mitigation of the impact of those expansive soils. The geotechnical site evaluation is subject to approval by the Morgan County staff.



NOTE: ALL LOTS ARE ZONED R1-20 PRUD.

This subdivision is located in an area adjacent to agricultural uses and activities. Lot owners are hereby notified that Morgan County is a right to farm community and as such are also notified that agricultural operations work hours begin early and run late and that these operations may contribute to noises and odors objectionable to some residents.

Morgan County restricts the occupancy of buildings within developments as outlined in the International Building Code and Fire Code as adopted. Accordingly, it is unlawful to occupy a building located within any development without first having obtained a certificate of occupancy issued by the County.

OWNER'S DEDICATION
 Know all men by these presents that _____, the undersigned owner() of the above described tract of land, having caused the same to be subdivided into lots and streets to be hereafter known as **WHISPER RIDGE AT STONE CANYON PHASE 1 SUBDIVISION PRUD AMENDMENT 1**
 do hereby dedicate for perpetual use of the public all parcels of land, rights-of-way and easements shown on this plat as intended for Public use.

OWNER'S ACKNOWLEDGEMENT OF RESPONSIBILITY
 Know all men by these presents that we, the undersigned owners of the tract(s) of land contained in the Subdivision Boundary described hereon, acknowledge that failure of the local Jurisdiction or Planning Commission to observe or recognize hazardous, unknown or unsightly conditions, or to recommend denial of the subdivision because of said unrecognized hazardous, unknown or unsightly conditions, shall not relieve the developer or owner from responsibility for the conditions or damages resulting therefrom, and shall not result in the local Jurisdiction or Planning Commission, it's officers or agents, being responsible for the conditions and damages resulting therefrom.

In witness whereof _____ have hereunto set _____ hand(s) this _____ day of _____ A.D., 20____.
 Henry Walker Land of Northern Utah, LLC formerly known as Henry Walker Land, LLC
 PRINTED OWNERSHIP NAME

ACKNOWLEDGMENT
 STATE OF UTAH _____
 COUNTY OF _____

On the _____ day of _____ A.D., 20____ personally appeared before me, the undersigned Notary Public, in and for said County of _____ in the State of _____, the signer() of the above Owner's Dedication in number, who after being duly sworn, acknowledged to me that _____ signed it freely and voluntarily for the purposes therein mentioned.
 MY COMMISSION EXPIRES _____

NOTARY PUBLIC
 RESIDING IN _____ COUNTY

MORGAN COUNTY SURVEYOR
 I HEREBY CERTIFY THAT THE MORGAN COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS PLAT FOR MATHEMATICAL CORRECTNESS, SECTION CORNER DATA AND FOR HARMONY WITH LINES AND MONUMENTS ON RECORD IN THE MORGAN COUNTY OFFICES. THE APPROVAL OF THIS PLAT BY THE MORGAN COUNTY SURVEYOR DOES NOT RELIEVE THE LICENSED LAND SURVEYOR WHO EXECUTES THIS PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED THEREWITH.

SIGNED THIS _____ DAY OF _____, 2013.
 MORGAN COUNTY SURVEYOR

MORGAN COUNTY ATTORNEY
 I HAVE EXAMINED THIS SUBDIVISION PLAT AND IN MY OPINION IT CONFORMS TO THE COUNTY ORDINANCE APPLICABLE THERETO AND NOW IN FORCE AND EFFECT.
 SIGNED THIS _____ DAY OF _____, 20____.
 MORGAN COUNTY ATTORNEY

MOUNTAIN GREEN SEWER IMP. DIST.
 THE SANITARY SEWER SYSTEM IS HEREBY APPROVED.
 SIGNED THIS _____ DAY OF _____, 20____.
 CHAIRMAN

MORGAN COUNTY ZONING ADMINISTRATOR
 THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED BY THE MORGAN COUNTY ZONING ADMINISTRATOR ON THE: _____ DAY OF _____, 20____.
 MORGAN COUNTY ZONING ADMINISTRATOR

MORGAN COUNTY ENGINEER
 THIS IS TO CERTIFY THAT I HAVE INVESTIGATED THE LINES OF SURVEY OF THE FOREGOING PLAT LEGAL DESCRIPTION OF THE LAND EMBRACED THEREIN AND FIND THEM TO BE CORRECT AND TO AGREE WITH THE LINES AND MONUMENTS ON RECORD IN THIS OFFICE AND THE MORGAN COUNTY RECORDER'S OFFICE.
 SIGNED THIS _____ DAY OF _____, 20____.
 MORGAN COUNTY ENGINEER

HIGHLAND WATER COMPANY
 THE CULINARY WATER SYSTEM IS HEREBY APPROVED.
 SIGNED THIS _____ DAY OF _____, 20____.
 PRESIDENT

MORGAN COUNTY ZONING ADMINISTRATOR
 THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED BY THE MORGAN COUNTY ZONING ADMINISTRATOR ON THE: _____ DAY OF _____, 20____.
 MORGAN COUNTY ZONING ADMINISTRATOR

MORGAN COUNTY ENGINEER
 THIS IS TO CERTIFY THAT I HAVE INVESTIGATED THE LINES OF SURVEY OF THE FOREGOING PLAT LEGAL DESCRIPTION OF THE LAND EMBRACED THEREIN AND FIND THEM TO BE CORRECT AND TO AGREE WITH THE LINES AND MONUMENTS ON RECORD IN THIS OFFICE AND THE MORGAN COUNTY RECORDER'S OFFICE.
 SIGNED THIS _____ DAY OF _____, 20____.
 MORGAN COUNTY ENGINEER

SHEET
 1 OF 1

WHISPER RIDGE AT STONE CANYON PHASE 1 SUBDIVISION PRUD AMENDMENT 1

LOCATED IN SECTION 27, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN MORGAN, MORGAN COUNTY, UTAH

MORGAN COUNTY RECORDER
 ENTRY NO. _____ FEE PAID _____
 FILED FOR RECORD AND RECORDED _____ AT _____
 IN BOOK _____ OF THE OFFICIAL RECORDS, PAGE _____
 RECORDED FOR: _____

MORGAN COUNTY RECORDER
 BY: _____ DEPUTY.



Project Number PM
 186201136 JRJ
 Filename
 01564v-101fb
 Designed By Drawn By
 CB CB
 Checked By Date
 GAC 10/03/13

V:\22863\active\186201136\186201136\101fb.dwg 2007-08-03 02:00PM By: thlhofer

WHISPER RIDGE AT STONE CANYON PHASE 1 SUBDIVISION PRUD

LOCATED IN SECTION 27, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN
MORGAN, MORGAN COUNTY, UTAH

Exhibit C-Original Plat



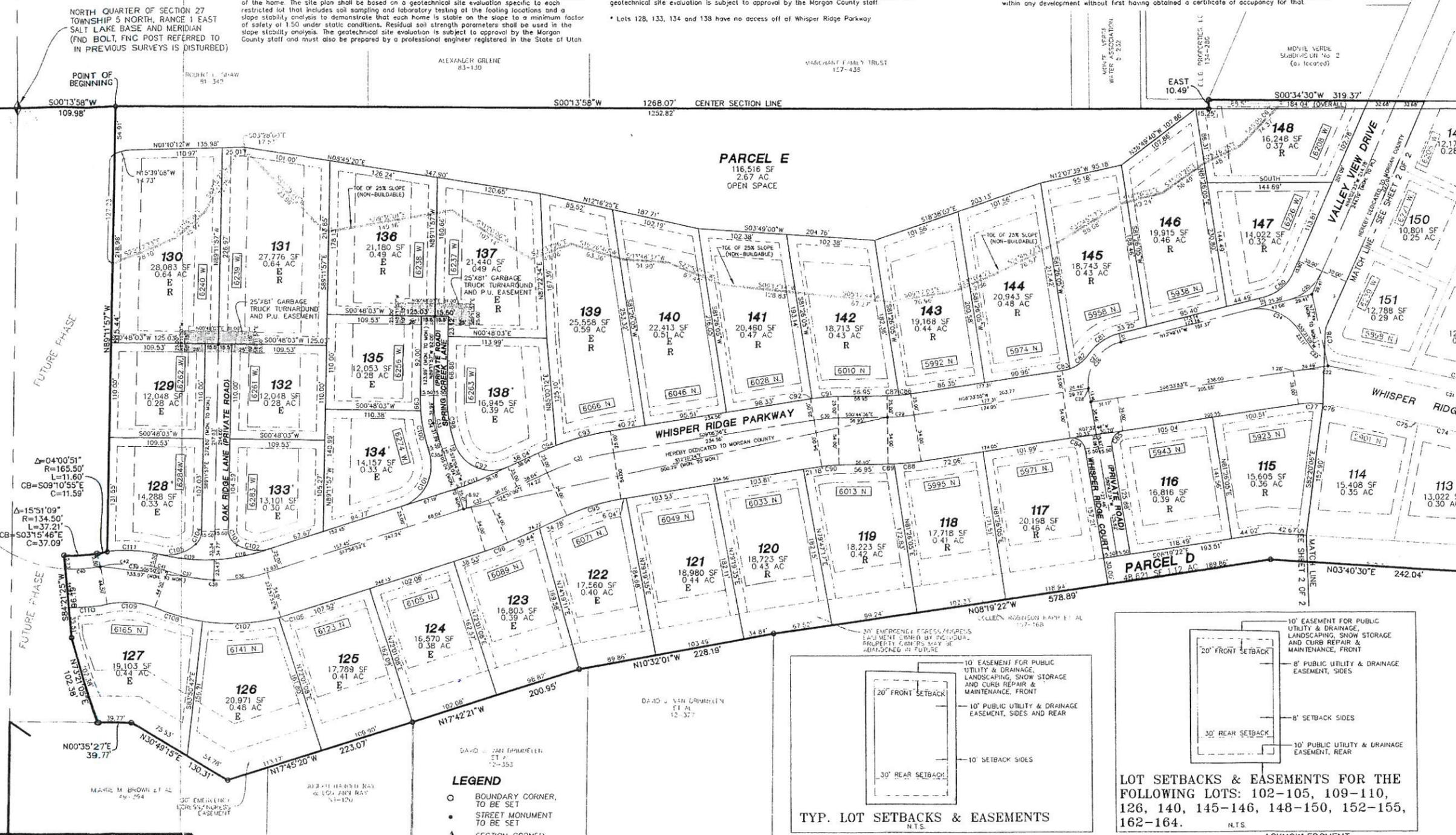
Lots indicated as "R" or "Restricted" shall have a site plan approved by the Morgan County Community Development staff and designed by a professional engineer registered in the State of Utah prior to issuance of a building permit. Said site plan shall include, at a minimum, the driveway location, maximum slope of the driveway, proposed contour lines, existing contour lines, engineering design and calculations for all retaining walls taller than 4', engineering (including slope stability analysis) for all cut and fill slopes, material stockpile area, and the finished floor elevation of the home. The site plan shall be based on a geotechnical site evaluation specific to each restricted lot that includes soil sampling and laboratory testing at the footing locations and a slope stability analysis to demonstrate that each home is stable on the slope to a minimum factor of safety of 1.50 under static conditions. Residual soil strength parameters shall be used in the slope stability analysis. The geotechnical site evaluation is subject to approval by the Morgan County staff and must also be prepared by a professional engineer registered in the State of Utah.

Lots indicated as "E" have been identified in the geotechnical report prepared by AGEK and dated 1/23/06 (Proj # 1050288) as having "Expansive soils". These lots shall have a geotechnical report prepared by a professional geotechnical engineer registered in the State of Utah showing the location of the expansive soils on the lot based on a geotechnical site evaluation specific to each "E" designated lot, that includes soil sampling and laboratory testing at the footing locations. The report shall include measures for mitigation of the impact of those expansive soils. The geotechnical site evaluation is subject to approval by the Morgan County staff.

This subdivision is located in an area adjacent to agricultural uses and activities. Lot owners are hereby notified that Morgan County is a right to farm community and as such are also notified that agricultural operations work hours begin early and run late and that these operations may contribute to noises and odors objectionable to some residents.

Morgan County restricts the occupancy of buildings within developments as outlined in the International Building Code, as adopted. Accordingly, it is unlawful to occupy a building located within any development without first having obtained a certificate of occupancy for that building.

* Lots 128, 133, 134 and 138 have no access off of Whisper Ridge Parkway



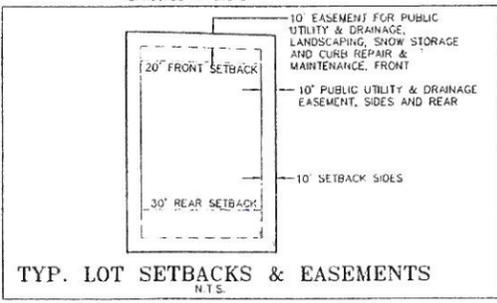
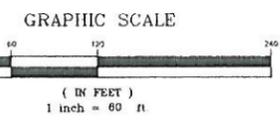
NORTH QUARTER OF SECTION 27
TOWNSHIP 5 NORTH, RANGE 1 EAST
SALT LAKE BASE AND MERIDIAN
(FND BOLT, FNC POST REFERRED TO
IN PREVIOUS SURVEYS IS DISTURBED)

Δ=04°00'51"
R=165.50'
L=11.60'
CB=509°10'55"E
C=11.58'

Δ=15°51'09"
R=134.50'
L=37.21'
CB=503°15'46"E
C=37.09'

LEGEND

- BOUNDARY CORNER, TO BE SET
- STREET MONUMENT TO BE SET
- ⬇ SECTION CORNER
- BUILDING SETBACK LINE
- PUBLIC UTILITY EASEMENT LINE
- PROPERTY LINE
- SUBDIVISION BOUNDARY
- CENTERLINE OF ROAD
- SECTION LINE



LOT SETBACKS & EASEMENTS FOR THE FOLLOWING LOTS: 102-105, 109-110, 126-140, 145-146, 148-150, 152-155, 162-164.

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF SALT LAKE

On the 23rd day of July, A.D. 2007, personally appeared before me, the undersigned Notary Public, in and for said County of Salt Lake, the State of Utah, the signers (1) all the above Owner's Dedication in number, who after being duly sworn, acknowledged to me that Richard O. Hays signed it freely and voluntarily for the purposes herein mentioned.

MY COMMISSION EXPIRES 02-28-10

Notary Public
Residing in SLC County

SURVEYOR'S CERTIFICATE

I, Kenneth W. Watson, do hereby certify that I am a Registered Professional Civil Engineer and Land Surveyor and that I hold Certificate No. 152300/158397 as prescribed by the Laws of the State of Utah. I further certify that by authority of the Owners, I have made a Survey of the tract of land shown on this plat and described below, hereafter to be known as:

WHISPER RIDGE AT STONE CANYON PHASE 1 SUBDIVISION PRUD

and that same has been surveyed and staked on the ground as shown on this plat.

BOUNDARY DESCRIPTION

A parcel located in Section 27, Township 5 North, Range 1 East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point S001°3'58"W along the center section line 109.98 feet from the North Quarter Corner of Section 27, Township 5 North, Range 1 East, Salt Lake Base and Meridian; and running thence S001°3'58"W along the center section line 266.07 feet; thence East 10.49 feet, more or less, to the West line of Monte Verde Subdivision No. 2; thence along said West line the following two courses: S00°34'30"W 319.37 feet; thence S15°07'24"E 136.51 feet to the Northwest corner of Giles; thence along the westerly boundary of Giles and along the westerly boundary of Patterson, and along the westerly boundary of Monte Verde Subdivision No. 1, S15°10'00"E 588.68 feet to an angle point on said westerly boundary of Monte Verde Subdivision No. 1; thence S15°29'21"E 83.12 feet to a point on the northern boundary of Robinson as found on that certain Quit Claim Deed found in the office of the Morgan County Recorder, Entry No. 105982, Book 241, Page 415; thence along the northerly and Northwesterly boundary of said Robinson the following two calls: N75°07'24"W 161.89 feet; thence S43°30'00"W 37.82 feet to the easterly line of a 60.00 foot wide Right-of-Way; thence S13°01'24"E along said Right-of-Way 713.63 feet to a UDOT Right-of-Way line; thence along said UDOT Right-of-Way line the following three courses: S7°03'08"W 27.55 feet; thence S77°57'06"W 147.20 feet; thence Southwesterly 231.52 feet along a 1372.40 foot radius curve to the right through a central angle of 9°39'54" (chord bears S82°37'04"W for 231.23 feet); thence Northerly along the centerline of Strawberry Creek the following two courses: N21°44'52"E 55.70 feet; thence N41°08'45"E 49.10 feet; thence N02°16'28"W 54.97 feet to a point on the westerly line of said Strawberry Creek; thence along said westerly line the following three courses: N32°46'31"E 29.48 feet; thence N45°01'22"E 81.05 feet; thence N04°25'28"E 38.25 feet; thence N00°22'15"E 97.89 feet to a point on the centerline of said Strawberry Creek; thence along said centerline the following four courses: N16°49'50"W 38.94 feet; thence N01°38'14"W 48.79 feet; thence N17°41'20"W 61.16 feet; thence N17°37'52"E 16.45 feet; thence leaving said centerline and running S89°22'05"E 132.01 feet to the westerly line of a 60.00 foot right-of-way; thence N13°01'24"W along said right-of-way 160.40 feet to the center section line; thence N001°3'58"E along said line 170.02 feet; thence N82°45'25"W 309.81 feet; thence N61°20'04"W 276.93 feet; thence N13°43'58"W 249.88 feet; thence N15°33'20"E 289.68 feet; thence N03°40'30"E 242.04 feet; thence N08°19'22"W 578.89 feet; thence N10°32'01"W 228.19 feet; thence N17°42'21"W 200.95 feet; thence N17°45'20"W 223.07 feet; thence N30°49'15"E 132.31 feet; thence N00°35'27"E 39.77 feet; thence N73°21'05"E 102.38 feet; thence N84°21'25"E 98.19 feet; thence Southwesterly 37.21 feet along the arc of a 134.50 foot radius curve to the left through a central angle of 15°51'09" (chord bears S03°15'46"E 37.09 feet), to a point of reverse curvature; thence Southwesterly 11.60 feet along the arc of a 165.50 foot radius curve to the right through a central angle of 04°00'51" (chord bears S09°10'55"E 11.59 feet) to a point of non-tangency; thence S89°11'57"E 515.44 feet to the point of beginning.

Contains 36.347 Acres in 64 Lots and 5 Parcels

Date: 5/17/07

OWNER'S DEDICATION

Know all men by these presents that the undersigned owner(s) of the above described tract of land, having caused the same to be subdivided into lots and streets to be hereafter known as:

WHISPER RIDGE AT STONE CANYON PHASE 1 SUBDIVISION PRUD

do hereby dedicate for perpetual use of the public all parcels of land, right-of-ways and easements shown on this plat as intended for Public use, and do warrant, defend and save the County harmless against any easements or other encumbrances on the dedicated streets which will interfere with the County's use, operation and maintenance of the streets, and do further dedicate the easements as shown.

OWNER'S ACKNOWLEDGEMENT OF RESPONSIBILITY

Know all men by these presents that we, the undersigned owners of the tract(s) of land contained in the Subdivision Boundary described herein, acknowledge that failure of the local Jurisdiction or Planning Commission to observe or recognize hazardous, unknown or unsightly conditions, or to recommend denial of the subdivision because of said unrecognized hazardous, unknown or unsightly conditions, shall not relieve the developer or owner from responsibility for the conditions or damages resulting therefrom, and shall not result in the local Jurisdiction or Planning Commission, its officers or agents, being responsible for the conditions and damages resulting therefrom.

In witness whereof _____ have hereunto set _____ hand(s)

Richard O. Hays, Owner
Rick D. Hays, Manager of Centerville Partners, LLC
Chris D. Hays, Manager of Whisper Ridge Developments, LLC

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF SALT LAKE

On the 23rd day of July, A.D. 2007, personally appeared before me, the undersigned Notary Public, in and for said County of Salt Lake, in the State of Utah, the signers (1) all the above Owner's Dedication in number, who after being duly sworn, acknowledged to me that Richard O. Hays signed it freely and voluntarily for the purposes herein mentioned, and in behalf of said Limited Liability Company for the purposes therein mentioned.

MY COMMISSION EXPIRES 02-28-10

Notary Public
Residing in SLC County

WHISPER RIDGE AT STONE CANYON PHASE 1 SUBDIVISION PRUD

LOCATED IN SECTION 27, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN
MORGAN, MORGAN COUNTY, UTAH

ENTRY NO. 108150 FEE PAID \$124.00
FILED FOR RECORD AND RECORDED AT 8:01
IN BOOK 251 OF THE OFFICIAL RECORDS, PAGE 699
RECORDED FOR
Whisper Ridge Development LLC
Brenda D. Neilson
MORGAN COUNTY RECORDER
By Nadine T. Smith DEPUTY

Stantec

Stantec Consulting Inc.
3985 S 700 E Ste. 300
Salt Lake City, UT
84107-2540
Tel. 801.261.0090
Fax. 801.266.1671
www.stantec.com

HIGHLAND WATER COMPANY

THE CULINARY WATER SYSTEM IS HEREBY APPROVED.

Project Number PM 1186301-004
File Name 015615-1011
Designed By Drawn By
Checked By Date
SIGNED THIS 17th DAY OF July, 2007
PRESIDENT

MORGAN COUNTY PLANNING COMMISSION

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED BY THE MORGAN COUNTY PLANNING COMMISSION ON THE 7 DAY OF JUNE, 2007
CHAIRMAN, MORGAN COUNTY PLANNING COMMISSION

MORGAN COUNTY ENGINEER

THIS IS TO CERTIFY THAT I HAVE INVESTIGATED THE LINES OF SURVEY OF THE FOREGOING PLAT LEGAL DESCRIPTION OF THE LAND EMBRACED THEREIN AND FIND THEM TO BE CORRECT AND TO AGREE WITH THE LINES AND MONUMENTS ON RECORD IN THIS OFFICE AND THE MORGAN COUNTY RECORDER'S OFFICE.
SIGNED THIS 21 DAY OF JUNE, 2007
MORGAN COUNTY ENGINEER

MORGAN COUNTY ATTORNEY

I HAVE EXAMINED THIS SUBDIVISION PLAT AND IN MY OPINION IT CONFORMS TO THE COUNTY ORDINANCE APPLICABLE THERETO AND NOW IN FORCE AND EFFECT.
SIGNED THIS 27th DAY OF July, 2007
MORGAN COUNTY ATTORNEY

MOUNTAIN GREEN SEWER IMP. DIST.

THE SANITARY SEWER SYSTEM IS HEREBY APPROVED
SIGNED THIS 23 DAY OF July, 2007
CHAIRMAN

MORGAN COUNTY COUNCIL

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT AND THE DEDICATION ARE HEREBY ACCEPTED BY THE MORGAN COUNTY COUNCIL ON THE 6 DAY OF June, 2007
MORGAN COUNTY COUNCIL

MORGAN COUNTY RECORDER

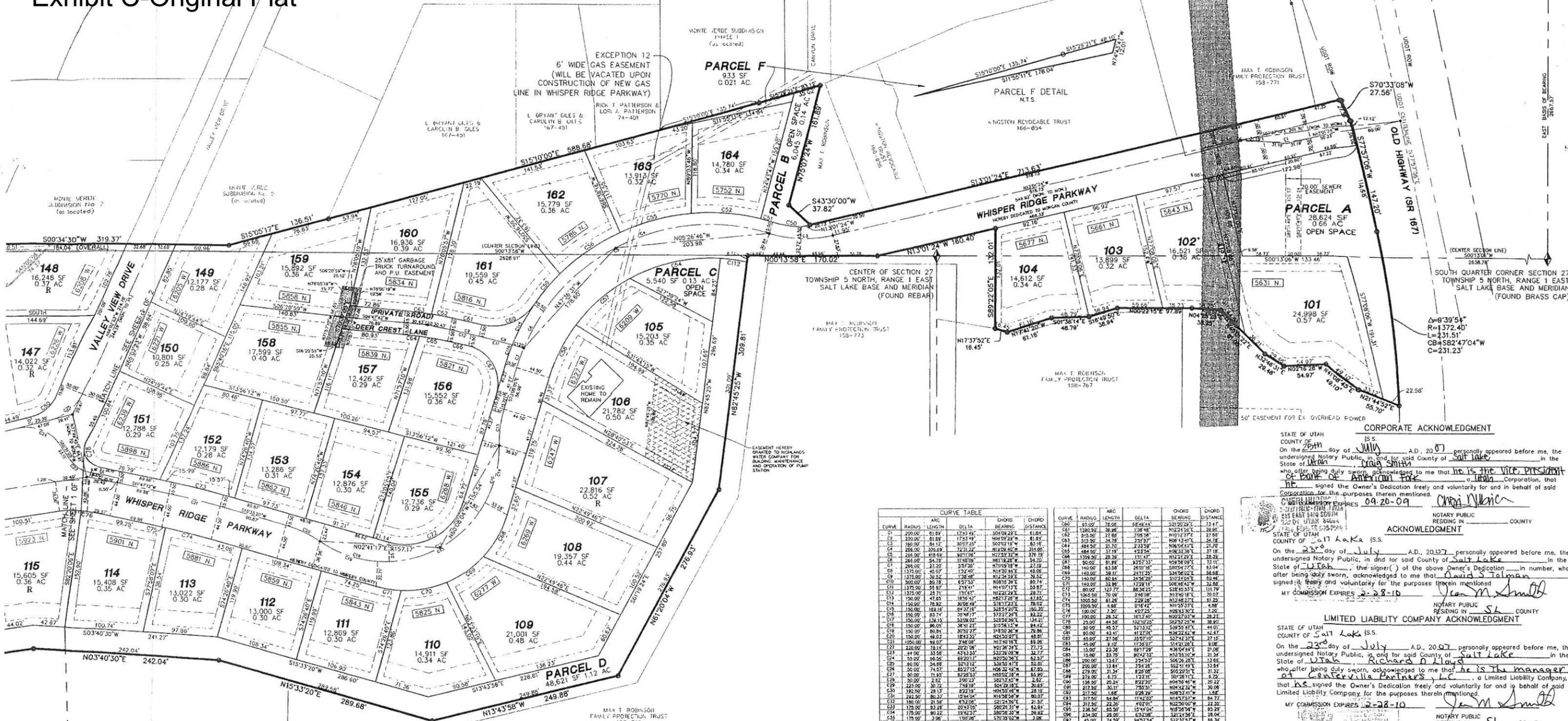
ENTRY NO. 108150 FEE PAID \$124.00
FILED FOR RECORD AND RECORDED AT 8:01
IN BOOK 251 OF THE OFFICIAL RECORDS, PAGE 699
RECORDED FOR
Whisper Ridge Development LLC
Brenda D. Neilson
MORGAN COUNTY RECORDER
By Nadine T. Smith DEPUTY

WHISPER RIDGE AT STONE CANYON PHASE 1 SUBDIVISION PRUD

LOCATED IN SECTION 27, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN
MORGAN, MORGAN COUNTY, UTAH

Exhibit C-Original Plat

SOUTHEAST CORNER SECTION 27
TOWNSHIP 5 NORTH, RANGE 1 EAST
SALT LAKE BASE AND MERIDIAN
(FOUND BRASS CAP)



PREPARED BY: STANTEC CONSULTING INC. 108750
 CHECKED BY: JAMES W. SMITH
 DATE: 8/17/06
 PROJECT: WHISPER RIDGE DEVELOPMENT LLC

CORPORATE ACKNOWLEDGMENT
 STATE OF UTAH
 COUNTY OF Salt Lake
 On the 23rd day of July, A.D., 2007, personally appeared before me, the undersigned Notary Public, in and for said County of Salt Lake, in the State of Utah, David Smith, who after being duly sworn, acknowledged to me that he is the Vice President of Whisper Ridge Development, LLC, a Utah Corporation, that he signed the Owner's Dedication freely and voluntarily for and in behalf of said Corporation for the purposes therein mentioned.
 My Commission Expires 09-20-09
David Smith
 NOTARY PUBLIC
 RESIDING IN SL COUNTY

ACKNOWLEDGMENT
 STATE OF UTAH
 COUNTY OF Salt Lake IS.S.
 On the 23rd day of July, A.D., 2007, personally appeared before me, the undersigned Notary Public, in and for said County of Salt Lake, in the State of Utah, the signer(s) of the above Owner's Dedication, in number, who after being duly sworn, acknowledged to me that David S. Talman signed it freely and voluntarily for the purposes therein mentioned.
 My Commission Expires 2-28-10
David S. Talman
 NOTARY PUBLIC
 RESIDING IN SL COUNTY

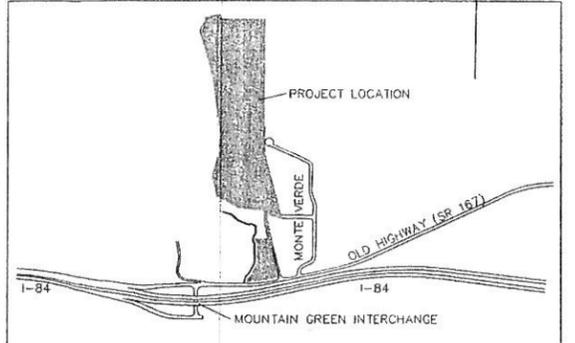
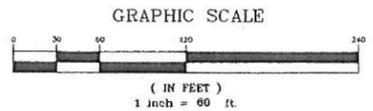
LIMITED LIABILITY COMPANY ACKNOWLEDGMENT
 STATE OF UTAH
 COUNTY OF Salt Lake IS.S.
 On the 23rd day of July, A.D., 2007, personally appeared before me, the undersigned Notary Public, in and for said County of Salt Lake, in the State of Utah, Richard D. Lloyd, who after being duly sworn, acknowledged to me that he is the manager of Centerville Partners, LLC, a Limited Liability Company, that he signed the Owner's Dedication freely and voluntarily for and in behalf of said Limited Liability Company for the purposes therein mentioned.
 My Commission Expires 2-28-10
Richard D. Lloyd
 NOTARY PUBLIC
 RESIDING IN SL COUNTY

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT
 STATE OF UTAH
 COUNTY OF SL IS.S.
 On the 23rd day of July, A.D., 2007, personally appeared before me, the undersigned Notary Public, in and for said County of Salt Lake, in the State of Utah, Richard D. Lloyd, who after being duly sworn, acknowledged to me that he is the manager of Whisper Ridge Development, LLC, a Limited Liability Company, that he signed the Owner's Dedication freely and voluntarily for and in behalf of said Limited Liability Company for the purposes therein mentioned.
 My Commission Expires 2-28-10
Richard D. Lloyd
 NOTARY PUBLIC
 RESIDING IN SL COUNTY

CURVE TABLE				CHORD				CHORD			
CURVE	RADIUS	ARC LENGTH	DELTA	CHORD	CHORD	CURVE	RADIUS	ARC LENGTH	DELTA	CHORD	CHORD
C1	200.00	81.89	17.53	164.22	61.84	C81	1300.00	36.96	136.44	1124.04	20.96
C2	200.00	81.89	17.53	164.22	61.84	C82	1300.00	36.96	136.44	1124.04	20.96
C3	200.00	81.89	17.53	164.22	61.84	C83	1300.00	36.96	136.44	1124.04	20.96
C4	200.00	81.89	17.53	164.22	61.84	C84	1300.00	36.96	136.44	1124.04	20.96
C5	200.00	81.89	17.53	164.22	61.84	C85	1300.00	36.96	136.44	1124.04	20.96
C6	200.00	81.89	17.53	164.22	61.84	C86	1300.00	36.96	136.44	1124.04	20.96
C7	200.00	81.89	17.53	164.22	61.84	C87	1300.00	36.96	136.44	1124.04	20.96
C8	200.00	81.89	17.53	164.22	61.84	C88	1300.00	36.96	136.44	1124.04	20.96
C9	200.00	81.89	17.53	164.22	61.84	C89	1300.00	36.96	136.44	1124.04	20.96
C10	200.00	81.89	17.53	164.22	61.84	C90	1300.00	36.96	136.44	1124.04	20.96
C11	200.00	81.89	17.53	164.22	61.84	C91	1300.00	36.96	136.44	1124.04	20.96
C12	200.00	81.89	17.53	164.22	61.84	C92	1300.00	36.96	136.44	1124.04	20.96
C13	200.00	81.89	17.53	164.22	61.84	C93	1300.00	36.96	136.44	1124.04	20.96
C14	200.00	81.89	17.53	164.22	61.84	C94	1300.00	36.96	136.44	1124.04	20.96
C15	200.00	81.89	17.53	164.22	61.84	C95	1300.00	36.96	136.44	1124.04	20.96
C16	200.00	81.89	17.53	164.22	61.84	C96	1300.00	36.96	136.44	1124.04	20.96
C17	200.00	81.89	17.53	164.22	61.84	C97	1300.00	36.96	136.44	1124.04	20.96
C18	200.00	81.89	17.53	164.22	61.84	C98	1300.00	36.96	136.44	1124.04	20.96
C19	200.00	81.89	17.53	164.22	61.84	C99	1300.00	36.96	136.44	1124.04	20.96
C20	200.00	81.89	17.53	164.22	61.84	C100	1300.00	36.96	136.44	1124.04	20.96

- LEGEND**
- BOUNDARY CORNER, TO BE SET
 - STREET MONUMENT, TO BE SET
 - ◆ SECTION CORNER
 - BUILDING SETBACK LINE
 - - - PUBLIC UTILITY EASEMENT LINE
 - - - PROPERTY LINE
 - - - SUBDIVISION BOUNDARY
 - - - CENTERLINE OF ROAD
 - - - SECTION LINE

OPEN SPACE AREA: 206,227 S.F.
 1,094,687 S.F.
 AREA IN LOTS 101-164:
 165,241 S.F.
 LANDSCAPED AREA:
 118,058 S.F.
 AREA OF SLOPES >25%:
 203,087 S.F.
 TOTAL AREA:
 1,584,213 S.F.
 NUMBER OF LOTS:
 64
 DENSITY:
 2.02 UNITS/ACRE
 ZONING:
 R1-20



SHEET
2 OF 2

Stantec
 Project Number: 186301554
 File Name: 01564v-1021e
 Designed By: CR
 Drawn By: CR
 Checked By: KWW
 Date: 3/29/07
 PM: KWW

NO.	REVISIONS	DATE
4	ADD ACKNOWLEDGEMENTS	CB 7/23/07
3	BOUNDARY ADJUSTMENTS	CB 5/29/07
2	ELIM. 1 LOT, RENUMBER, REDLINES	CB 9/8/06
1	ADD GARBAGE TRUCK TURNAROUND	CB 8/17/06

WHISPER RIDGE AT STONE CANYON PHASE 1 SUBDIVISION PRUD
 LOCATED IN SECTION 27, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, MORGAN, MORGAN COUNTY, UTAH

MORGAN COUNTY RECORDER
 ENTRY NO. 108750 FEE PAID \$124.00
 FILED FOR RECORD AND RECORDED 8-6-07 AT 12:09 PM
 IN BOOK 351 OF THE OFFICIAL RECORDS, PAGE 698-699
 RECORDED FOR Whisper Ridge Development LLC
 By: Madeline P. Smith DEPUTY

*NOTE: EASEMENT FOR OVERHEAD POWER MUST BE SHOWN ON SITE PLAN FOR LOT 102



Planning and Development Services

48 West Young Street
Morgan, UT 84050
(801) 845-4015

STAFF REPORT

October 18, 2013

To: Morgan County Planning Commission
Business Date – October 24, 2013

From: Charles Ewert, Planner

Re: **Paul Heiner Subdivision Concept Plan**

Application No.: 13.110
Applicant: Paul Heiner
Location: 459 S Morgan Valley Drive
Current Zoning: RR-1 and A-20 Zones
Acreage: Approximately 10.08 acres (439,084.80 sq.ft.)
Request: Concept Subdivision Plan and Improvements Exception Approval

SUMMARY & BACKGROUND

The applicant is seeking approval of a three lot subdivision conceptual plan. The subject property currently has one single family dwelling unit on it, and the subdivision has been planned to preserve the required setbacks and coverage of the RR-1/A-20 zones for this structure. The proposal is being reviewed for conceptual design standards as required by County Ordinances

With the recommended conditions herein, the request appears to meet the minimum requirements for conceptual subdivision planning of the zoning ordinance and the subdivision ordinance. It is important to note that because this is a concept plan there may be some compliance issues with certain sections of code. Positive recommendations for Concept approval should not be construed as subdivision approval or vesting in any way¹. Any noncompliance herein shall be resolved at preliminary plat. Staff's evaluation of the request is as follows.

ANALYSIS

General Plan and Zoning. The subject property is located along Morgan Valley Drive in an area of unincorporated Morgan County near the Morgan City limits. The 2010 Morgan County General Plan and future land use map designates the area as Rural Residential and Agriculture. The purpose of the Rural Residential designation² is:

The Rural Residential category designation accommodates semi-rural large lot development, with generous distances to streets and between residential dwelling units in a viable semi-rural character setting. Residential density in rural residential areas is a maximum of 1 unit per acre.

¹ MCC 8-12-19(C)

² See 2010 Morgan County General Plan

The purpose of the Agricultural designation is:

This designation identifies areas of existing agricultural land uses. The purpose of this land use designation is to support viable agricultural operations in Morgan County, while allowing for incidental large-lot residential and other uses. The residential density in this category is up to 1 unit per 20 acres.

The proposal is in compliance with the general plan by providing density under this limit.

The current zoning designations on the property are RR-1 and A-20. There are approximately 2.96 acres of the 3.87 acre property in the RR-1 zone. There are approximately 0.91 acres in the A-20 zone.

The purposes of the RR-1 zone are³:

1. The purposes of providing a rural residential district are:
 - a. To promote and preserve in appropriate areas conditions favorable to large lot family life;
 - b. Maintaining a rural atmosphere;
 - c. The keeping of limited numbers of animals and fowl; and
 - d. Reduced requirements for public utilities, services and infrastructure.
2. These districts are intended to be primarily residential in character and protected from encroachment by commercial and industrial uses.

The purpose of the A-20 zone are⁴:

The purposes of providing an agriculture district are to promote and preserve in appropriate areas conditions favorable to agriculture and to maintain greenbelt spaces. These districts are intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses inimical to the continuance of agricultural activity.

The proposal is in compliance with these purpose statements.

The purpose statements in the General Plan and Zoning Ordinance do not provide actual development regulations, but present the zoning context in which the proposed subdivision is located. The specific regulations found in the adopted County Code govern development of the subject property.

Layout. The Subdivision is three lots that front Morgan Valley Drive⁵. Each lot has sufficient acreage in the RR-1 zone to comply with the minimum one acre requirement⁶. There is currently a home on the proposed lot one. The proposed lot lines appear to present that the new lot configuration conforms to existing RR-1 standards for lots, including setbacks, coverage, and frontage⁷.

Roads and Access. All three lots will be served by Morgan Valley Drive. Morgan Valley Drive is currently being reconstructed to a better standard than previous; however, there was not enough funding to bring the street to the fully adopted street width standards. Rather than provide the required additional

³ MCC §8-5A-1

⁴ MCC §8-5A-1

⁵ See Exhibit C for the proposed concept plan

⁶ MCC §8-5A-4

⁷ MCC §8-5A-6, §8-5A-8, and §8-5A-5, respectively

width, the applicant has requested an exception from right of way improvement requirements⁸, and it appears the request complies with code requirements considering the final street width after the current reconstruction will be 26 feet.

Grading and land disturbance. Besides minor berms intended to direct drainage away from structures, no specific grading plan has been presented, and none is expected. There may be minor site preparation prior to building. Any cut or fill that rises to the level of requiring an excavation permit will need a CUP.

Sensitive Areas, Geology, and Geotechnical Considerations. The Coogan and King Ogden 30x60 Geologic Quadrangle indicates that a part of the property is in the Qafy geologic unit, which is known hazard study area. The other part is in Qal, which is not a hazard study area.

The applicant will be required to submit all relevant geologic hazards studies, reports, and certifications indicating that all areas proposed for homesites and buildings are reasonably free from geologic hazards.

Utilities. There is existing aerial power running along the frontage of the property, as well as gas. Telecommunications lines are on the opposite side of Morgan Valley Drive. Access to the utilities do not appear to be a problem.

The proposal provides utility easements in compliance with adopted laws⁹. Staff suggests renaming all of them as either “public utility easements,” or “PUE’s.”

Lot one has an existing private culinary well. Lots two and three are proposed to have new wells, and are proposed to be served with water shares from Weber Basin Water. Approval of the plan should be conditioned on proof of adequate access to paper and wet water. Secondary water shares will be provided to each lot.

Flood Plain. The rear portion of the lots are each in the AE flood zone, however, the proposed building envelopes do not extend into the flood plain, and no development is being proposed in it.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a positive recommendation to the County Council for the Paul Heiner Subdivision Concept Plan and associated improvements exception, application 13.110, with the following conditions:

1. That all consultant fees are paid prior to final plat recordation.
2. That a geologic hazards scoping meeting is scheduled with the County prior to preliminary plat submittal, and that a geologic hazards report is submitted with the preliminary proposal in compliance with adopted laws.
3. The all utility easements intended to be dedicated to public utilities are either called “public utility easements” or “PUE’s.”
4. That easements shall be placed on the plat in favor of any ditch owner/company, as may be applicable.
5. That proof of culinary shares (800 gallons per day) and irrigation shares (3 gallons per minute) are provided for each lot at preliminary plat application.
6. That a residential building envelope is provided on all lots.
7. That all redlines on the plat herein are corrected with preliminary plat submittal.

⁸ MCC §8-12-44

⁹ MCC §8-12-46(G)

8. That all other local, state, and federal laws are adhered to.

This recommendation is based on the following findings:

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

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendations for the Paul Heiner Concept Plan, application 13.110, as listed in the October 18, 2013 staff report, and as modified by the additional recommendations below:”

1. List any additional recommendations...

Sample Motion for a denial – “I move forward a negative recommendation for the Paul Heiner Subdivision Concept Plan, application 13.110, with the following findings:”

1. List findings...

SUPPORTING INFORMATION

Exhibit A: Future Land Use Map

Exhibit B: Zoning Map

Exhibit C: Proposed Concept Plan with Staff Redlines

Exhibit A: Future Land Use Map



Ranch Residential 5

Rural Residential

Agriculture

Morgan City

Proposed Paul Heiner Subdivision

Agriculture

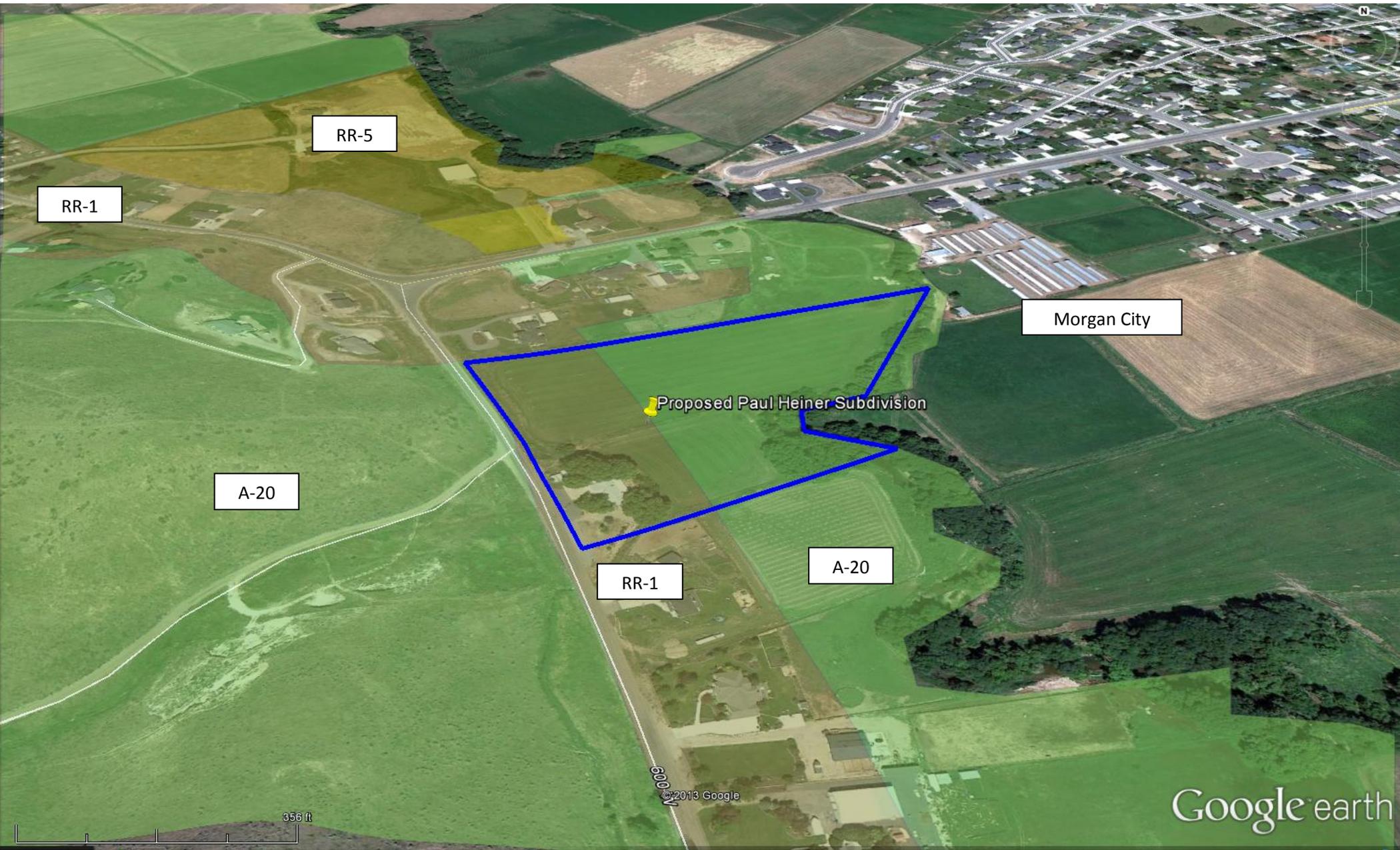
Rural Residential

356 ft

© 2013 Google

Google earth

Exhibit B: Current Zoning



RR-5

RR-1

Morgan City

Proposed Paul Heiner Subdivision

A-20

RR-1

A-20

600 N
© 2013 Google

356 ft

Google earth



Planning and Development Services

48 West Young Street
Morgan, UT 84050
(801) 845-4015

STAFF REPORT

October 18, 2013

To: Morgan County Planning Commission
Business Date – October 24, 2013

From: Charles Ewert, Planner

Re: **Rocking M Subdivision Concept Plan**

Application No.: 13.113
Applicant: Milan Mecham
Location: 1275 W Island Road
Current Zoning: RR-1 and A-20 Zones
Acreage: Approximately 3.87 acres (168,297 sq.ft.)
Request: Concept Subdivision Plan and Improvements Exception Approval

SUMMARY & BACKGROUND

The applicant is seeking approval of a two lot subdivision conceptual plan. The subject property currently has one single family dwelling unit on it, and the subdivision has been planned to preserve the required setbacks and coverage of the RR-1/A-20 zones for this structure. The proposal is being reviewed for conceptual design standards as required by County Ordinances

With the requested recommendations herein, the request appears to meet the minimum requirements for conceptual subdivision planning of the zoning ordinance and the subdivision ordinance. It is important to note that because this is a concept plan there may be some compliance issues with certain sections of code. Positive recommendations for Concept approval should not be construed as subdivision approval or vesting in any way¹. Any noncompliance herein shall be resolved at preliminary plat. Staff's evaluation of the request is as follows.

ANALYSIS

General Plan and Zoning. The subject property is located along island road in an area of unincorporated Morgan County near the Morgan City limits. The 2010 Morgan County General Plan has designated this area as a potential growth area when coordinated with the City, with non-specific recommendations for changes. The current designations are Rural Residential and Agriculture. The purpose of the Rural Residential designation² is:

The Rural Residential category designation accommodates semi-rural large lot development, with generous distances to streets and between residential dwelling units in

¹ MCC 8-12-19(C)

² See 2010 Morgan County General Plan

a viable semi-rural character setting. Residential density in rural residential areas is a maximum of 1 unit per acre.

The purpose of the Agricultural designation is:

This designation identifies areas of existing agricultural land uses. The purpose of this land use designation is to support viable agricultural operations in Morgan County, while allowing for incidental large-lot residential and other uses. The residential density in this category is up to 1 unit per 20 acres.

The proposal is in compliance with the general plan by providing density under this limit.

The current zoning designations on the property are RR-1 and A-20. There are approximately 2.96 acres of the 3.87 acre property in the RR-1 zone. There are approximately 0.91 acres in the A-20 zone.

The purposes of the RR-1 zone are³:

1. The purposes of providing a rural residential district are:
 - a. To promote and preserve in appropriate areas conditions favorable to large lot family life;
 - b. Maintaining a rural atmosphere;
 - c. The keeping of limited numbers of animals and fowl; and
 - d. Reduced requirements for public utilities, services and infrastructure.
2. These districts are intended to be primarily residential in character and protected from encroachment by commercial and industrial uses.

The purpose of the A-20 zone are⁴:

The purposes of providing an agriculture district are to promote and preserve in appropriate areas conditions favorable to agriculture and to maintain greenbelt spaces. These districts are intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses inimical to the continuance of agricultural activity.

The proposal is in compliance with these purpose statements.

The purpose statements in the General Plan and Zoning Ordinance do not provide actual development regulations, but present the zoning context in which the proposed subdivision is located. The specific regulations found in the adopted County Code govern development of the subject property.

Layout. The Subdivision is two lots that front Island Road⁵. Lot one is approximately 1.93 acres of land, and lot two is approximately 1.94 acres of land. There is currently a home on the proposed lot one. The proposed lot lines appear to present that the new lot configuration substantially conforms to existing RR-1 standards for lots, including setbacks and coverage; however, the proposed lot two does not appear to meet the frontage regulations⁶. It is proposed to have only 186.1 feet of frontage. Considering the applicant owns the adjacent parcel, identified as "Parcel A" on the proposal, staff are confident a minor revision of the plat can be executed prior to preliminary plat submittal to rectify this issue. A condition

³ MCC §8-5A-1

⁴ MCC §8-5A-1

⁵ See Exhibit C for the proposed concept plan

⁶ MCC §8-5A-5 requires lots with frontage in the RR-1 zone to have 200 feet of frontage.

regarding this is recommended.

The division leaves a remainder parcel of approximately 24.18 acres. The parcel qualified for an agricultural exemption from subdivision platting requirements, subject to the uses thereon being restricted for agricultural uses only until such time that it is developed in the future⁷. A condition of approval to this effect has been provided with the recommended conditions.

Roads and Access. Both lots will be served by Island Road, which is a public right of way. Island Road does not meet currently adopted right of way standards. The applicant has requested an exception from right of way improvement requirements⁸, and it appears the request may qualify provided that the existing street is either at least 22 feet wide, or improved to be 22' wide. Currently, it appears that the street is approximately 18 feet wide. A condition of approval for the improvements exception has been provided with the recommendations herein.

There is an existing homesite to the west of the property that utilizes a private drive through lot one and is addressed off of Island Road. To provide for more efficient emergency services to this site the applicant is proposing to provide a private right of way easement to that homesite with the name "Rocking M Drive." If they can get the adjacent land owners consent and cooperation, that homesite will be readdressed off of Rocking M Drive.

Grading and land disturbance. No specific grading plan has been presented, and none is expected. There may be minor site preparation prior to building. Any cut or fill that rises to the level of requiring an excavation permit will need a CUP.

Sensitive Areas, Geology, and Geotechnical Considerations. The Coogan and King Ogden 30x60 Geologic Quadrangle indicates that the entire property is in the Qal geologic unit, which is not a known hazard study area.

Utilities. There is an existing aerial power line running through the proposed lot two. An easement buffering the line has been proposed on the plat. Ten foot utility easements have been shown surrounding both lots. Staff recommend changing the terminology of each to "public utility easement" or PUE to better reflect the language in the dedication.

Lot one has an existing private culinary well. Lot two is proposed to have a new well. Well log information from an existing well has been submitted to demonstrate well yield abilities in the area, but no water right has been submitted. Approval should be conditioned on adequate access to paper and wet water. No specific secondary water plan has been presented. If none is offered, then secondary water requirements will need to be served by the culinary well.

Flood Plain. There is no negative flood plain boundary onsite.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a positive recommendation to the County Council for the Rocking M Subdivision Concept Plan and associated improvements exception, application 13.113, with the following conditions:

⁷ MCC §8-12-9 Allows for agricultural exemptions as long as the division has been approved by the Zoning Administrator and is accompanied by a record of survey.

⁸ MCC § 8-12-44

1. That all outsourced consultant fees are paid current prior to final plat recordation.
2. That the plat is revised prior to preliminary plat submittal to provide 200 feet of frontage for both resulting residential lots.
3. That a record of survey of the remaining agricultural land is filed in the office of the County Recorder and recorded, together with a letter of approval of the division from the Zoning Administrator, pursuant to MCC §8-12-9.
4. That an improvements exception for the project is conditioned on the improvement of the existing street to a minimum width of 22 feet with adequate shoulders. Construction drawings illustrating the improvements shall be provided with the preliminary plat submittal, and final plat approval shall be conditioned on the execution of a cash bond and agreement for said improvements.
5. The all utility easements intended to be dedicated as public utilities are either called “public utility easements” or “PUE’s.”
6. That easements shall be placed on the plat in favor of any ditch owner/company, as may be applicable.
7. That proof of culinary shares (800 gallons per day) and irrigation shares (3 gallons per minute) are provided for each lot at preliminary plat application.
8. That the creation and readdressing of the adjacent homesite off of the “Rocking M Drive” is executed simultaneous with final plat recordation and that documentation of the homesite owner’s consent is provided with preliminary plat submittal. The applicant shall be responsible for erecting a blue street sign at the intersection of the drive and Island Road.
9. That a residential building envelope is provided both lots.
10. That all redlines on the plat herein are corrected with preliminary plat submittal.
11. That all other local, state, and federal laws are adhered to.

This recommendation is based on the following findings:

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

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendations for the Rocking M Subdivision Concept Plan, application 13.113, as listed in the October 18, 2013 staff report, and as modified by the additional recommendations below.”

1. List any additional recommendations...

Sample Motion for a denial – “I move forward a negative recommendation for the Rocking M Subdivision Concept Plan, application 13.113, with the following findings:”

1. List findings...

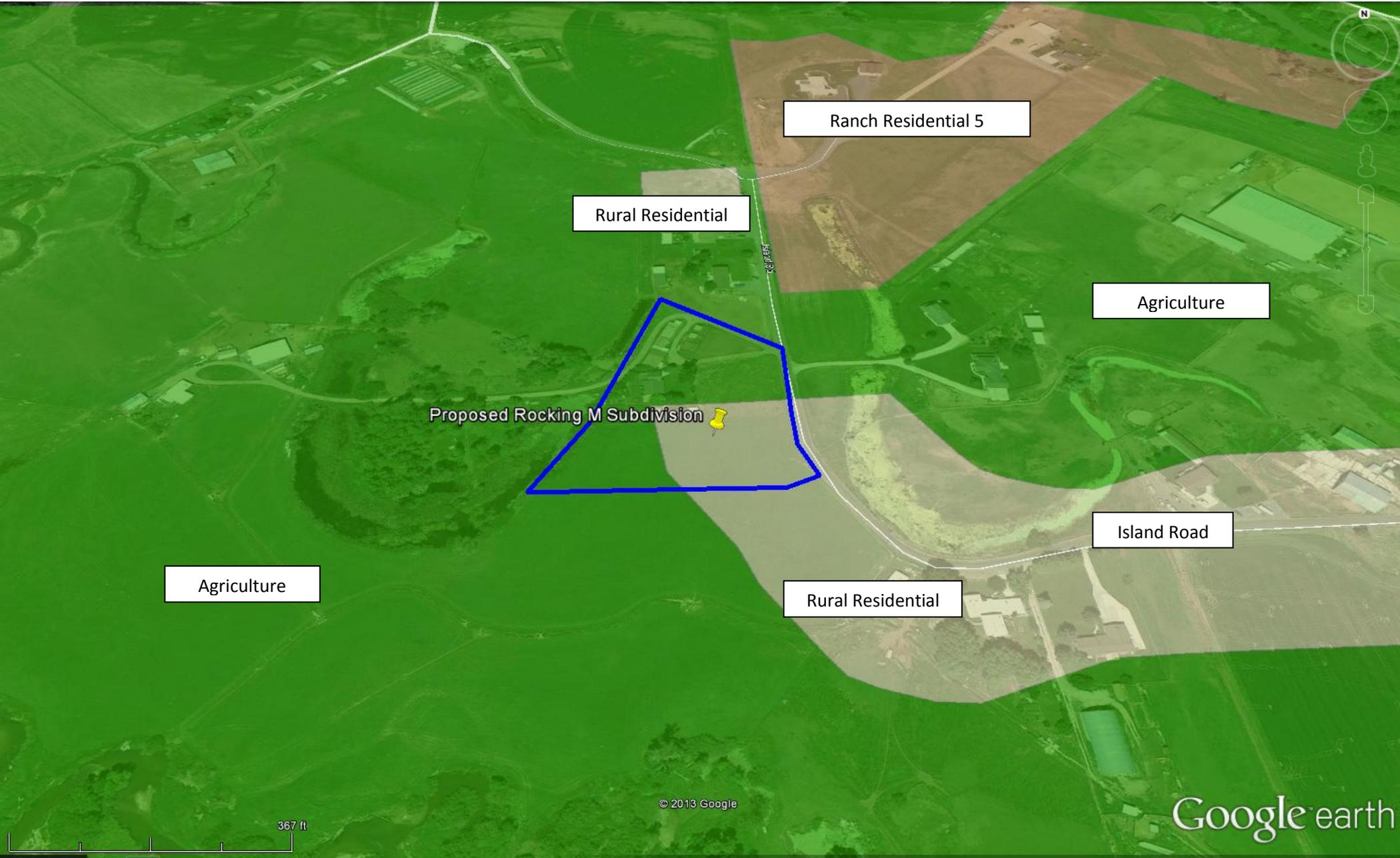
SUPPORTING INFORMATION

Exhibit A: Future Land Use Map

Exhibit B: Zoning Map

Exhibit C: Proposed Concept Plan with Staff Redlines

Exhibit A: Future Land Use Map



Ranch Residential 5

Rural Residential

Agriculture

Proposed Rocking M Subdivision

Agriculture

Island Road

Rural Residential

367 ft

© 2013 Google

Google earth

Exhibit B: Current Zoning



ROCKING M SUBDIVISION

A PART OF THE SOUTHEAST QUARTER OF SECTION 27
TOWNSHIP 4 NORTH, RANGE 2 EAST
SLB&M, U.S. SURVEY, MORGAN COUNTY, UTAH

WATER SUPPLY AND FIRE PROTECTION REQUIREMENTS
WATER SUPPLY AND FIRE PROTECTION FACILITIES SHALL COMPLY WITH ALL OF THE REQUIREMENTS OF MCC 8-12-46(c).

CULINARY & IRRIGATION WATER:
FLOOD IRRIGATION WATER IS AVAILABLE THROUGH EXISTING OPEN DITCHES EXTENDING TO THE PROPERTY. IRRIGATION WATER SHARES WILL NEED TO BE TRANSFERRED TO THE NEW LOT OWNER IF FLOOD IRRIGATION IS TO CONTINUE.

CULINARY WATER SHARES WILL BE LEASED FROM WEBER BASIN WATER CO. A NEW WELL WILL PROVIDE CULINARY WATER FOR DOMESTIC PURPOSES AND OTHER USES AS DETERMINED AND LIMITED BY THE QUANTITY OF WATER LEASED.

WELL PROTECTION ZONE
NO SOURCES OF CONTAMINATION SHALL BE LOCATED WITHIN THE WELL AND STREAM PROTECTION ZONES, SUCH AS THE WASTE TREATMENT SYSTEM, CONCENTRATIONS OF MANURE, PETROLEUM DEPOSITS, CHEMICALS, OR ANY OTHER ITEMS INCONSISTENT WITH THE PROTECTION OF WATER QUALITY.

CERTIFICATE OF OCCUPANCY
MORGAN COUNTY RESTRICTS THE OCCUPANCY OF BUILDINGS WITHIN DEVELOPMENTS AS OUTLINED IN THE ADOPTED BUILDING AND FIRE CODE. IT IS UNLAWFUL TO OCCUPY A BUILDING LOCATED WITHIN ANY DEVELOPMENT WITHOUT FIRST HAVING OBTAINED A CERTIFICATE OF OCCUPANCY, ISSUED BY THE COUNTY.

NOTICE OF RIGHTS TO FARM
MORGAN COUNTY IS A RIGHT TO FARM COMMUNITY. THIS SUBDIVISION IS LOCATED ADJACENT TO PROPERTY THAT IS FARMED/RANCHED. LOT OWNERS ARE HEREBY NOTIFIED THAT AGRICULTURAL OPERATIONS WORK HOURS BEGIN EARLY AND RUN LATE AND THAT THESE OPERATIONS MAY CONTRIBUTE TO NOISES AND ODORS OBJECTIONABLE TO SOME RESIDENTS.

GEOLOGIC HAZARDS:
THE GEOLOGIC CODE FOR THIS AREA IS Q01, WHICH IS NOT DEFINED AS A GEOLOGIC HAZARD AREA. THE AREA IS NOT SUBJECT TO FLOODING. LINE CREEK IS ABOUT 800 FEET TO THE SOUTHWEST, BUT IS DOWNHILL FROM THE 2 LOTS. THE WEBER RIVER IS ABOUT 2000 FEET TO THE NORTHEAST. THE FLOOD CODE FOR THIS AREA IS "X".

VEGETATION, FARMLAND & GROUND SLOPE:
THIS AREA IS USED FOR FARMING AND PASTURE. PRESENTLY IT IS PLANTED INTO ALFALFA AND GRASSES. OCCASIONALLY, IN WINTER DEER MAY GRAZE THIS PROPERTY. THE SLOPE OF THE PROPERTY IS 1.5 % FROM SOUTH TO NORTH.

DRIVEWAYS:
DRIVEWAYS SHALL BE PAVED FROM THE EXISTING ASPHALT TO THE PROPERTY LINE - TYPICAL MINIMUM WIDTH = 12'. AVOID LOCATION WHICH WILL INTERFERE WITH THE ON-SITE WASTE TREATMENT SYSTEMS.

INSTALLATION OF THE DRIVEWAY APPROACHES AND APRONS WILL BE THE RESPONSIBILITY OF THE PROPERTY OWNER. THE PROPERTY OWNER WILL BE REQUIRED TO OBTAIN A RIGHT-OF-WAY PERMIT ALONG WITH A BUILDING PERMIT.

RESIDENTIAL DWELLING UNIT SET-BACK REQUIREMENTS: RR-1 ZONE	RESIDENTIAL DWELLING UNIT SET-BACK REQUIREMENTS: A-20 ZONE
FRONT YARD 30 FT	FRONT YARD 40 FT
SIDE YARD 15 FT	SIDE YARD 60 FT
REAR YARD 30 FT	REAR YARD 60 FT

PROJECT INFORMATION:	RR-1 ZONE	A-20 ZONE
LOT 1	74,781 SQ. FT. 1.72 AC	9,156 SQ. FT. 0.21 AC
LOT 2	54,009 SQ. FT. 1.24 AC	30,351 SQ. FT. 0.70 AC
TOTALS	128,790 SQ. FT. 2.96 AC	39,507 SQ. FT. 0.91 AC

SURVEY NARRATIVE
A. THIS SURVEY WAS MADE AT THE REQUEST OF MILAN E. AND SUSAN M. MECHAM, 1275 WEST ISLAND ROAD, MORGAN, UTAH 84050, TEL 801-829-3565.

B. THE PURPOSE OF THIS SURVEY IS TO SET APART TWO PARCELS OF LAND, ONE OF WHICH IS THE EXISTING HOMESTEAD OF MILAN AND SUSAN MECHAM AND ANOTHER FOR A NEW HOME FOR ONE OF THEIR CHILDREN.

C. THE SURVEY CORNERS MARKED WITH AN (●) ARE 5/8"X24" REBARs, WITH CAPS STAMPED WITH (MOUNTAIN ENGINEERING). OTHER MARKS FOUND OR SET ARE AS INDICATED.

D. THE BASIS OF BEARING IS THE SOUTH LINE OF SECTION 27, CALLED SOUTH 89°56'44" EAST.

GEOLOGIC & GEOTECHNICAL:
A GEOLOGIC EVALUATION IS NOT REQUIRED. A GEOTECHNICAL INVESTIGATION IS REQUIRED AND SHALL APPLY TO ALL ACTIVITIES RELATING TO THIS SUBDIVISION, INCLUDING ARCHITECTURAL, ENGINEERING, CONSTRUCTION AND OTHER ENTITIES, SHALL CONFORM TO STATED PRINCIPLES.

GENERAL NOTES
ZONE: CURRENT ZONING IS RR-1 AND A-20
SEWER: PRIVATE WASTE SYSTEMS AS PER WEBER MORGAN HEALTH DIST.
WATER: CULINARY WATER WILL BE PROVIDED BY A PRIVATE WELL.
SECONDARY WATER IS ALSO AVAILABLE. *will it be transferred to both lots?*
UTILITIES: POWER AND TELEPHONE ARE AVAILABLE ON EXISTING ROAD.
NO PUBLIC MAINTENANCE SHALL BE PROVIDED ON PRIVATE DRIVEWAYS.
0.28 acres dedicated to the public

RESIDENTIAL BUILDING ENVELOPE
ALL RESIDENCES MUST BE CONTAINED WITHIN DESIGNATED ENVELOPE

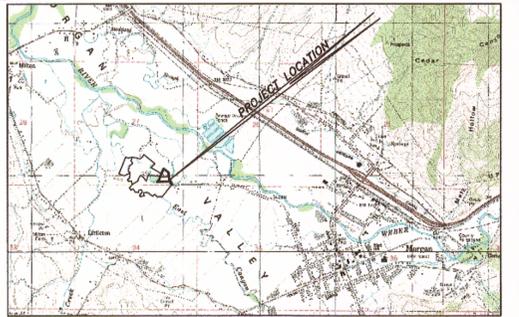
PERCOLATION TEST PIT

GEOLOGICAL TEST PIT

GEOTECHNICAL TEST PIT

CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	148.58	6473.33	118°54'	148.58	S03°20'29"E
C2	88.70	199.41	25°29'11"	87.97	S18°44'30"E
C3	43.01	155.55	15°50'34"	42.87	S37°24'22"E
C4	55.84	188.55	16°58'08"	55.64	S37°58'09"E
C5	103.38	232.41	25°29'11"	102.53	S16°44'30"E
C6	175.74	6506.33	1°32'51"	175.73	S03°13'31"E
C7	125.74	6506.33	1°08'26"	125.73	S01°53'52"E
C8	151.37	6473.33	1°20'23"	151.36	S02°00'51"E
C9	161.41	155.55	59°27'22"	154.27	S75°03'20"E

Remainder Parcel A is an exempt from platting requirements per A Survey of the parcel is on file in the county recorder's office.



BOUNDARY DESCRIPTION - ROCKING M SUBDIVISION
A TRACT OF LAND SITUATE IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 4 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U. S. SURVEY, MORGAN COUNTY, UTAH, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 27;
THENCE NORTH 89°56'44" WEST 1217.97 FEET ALONG THE SECTION LINE;
THENCE NORTH 00°00'00" EAST 253.92 FEET TO A REBAR AND CAP PLACED ON THE WESTERLY LINE OF ISLAND ROAD, THE TRUE POINT OF BEGINNING;

THENCE SOUTH 60°30'54" WEST 43.58 FEET TO A REBAR AND CAP;
THENCE SOUTH 87°06'53" WEST 479.46 FEET TO A REBAR AND CAP;
THENCE NORTH 37°01'51" EAST 122.48 FEET TO A REBAR AND CAP;
THENCE NORTH 19°48'38" EAST 114.93 FEET;
THENCE NORTH 22°49'44" EAST 158.06 FEET TO A REBAR AND CAP PLACED AT A FENCE CORNER;
THENCE NORTH 22°49'44" EAST 239.00 FEET ALONG A FENCE LINE TO A REBAR AND CAP PLACED AT A FENCE CORNER;
THENCE SOUTH 53°58'42" EAST 284.26 FEET ALONG A FENCE LINE TO A NAIL AND WASHER PLACED AT THE CENTERLINE OF ISLAND ROAD;
THENCE 148.58 FEET ALONG SAID CENTERLINE, A CURVE TO THE LEFT HAVING A RADIUS OF 6473.33 FEET AND A CHORD BEARING SOUTH 03°20'29" EAST 148.58 FEET;
THENCE SOUTH 03°59'51" EAST 98.02 FEET ALONG SAID CENTERLINE;
THENCE 88.70 FEET ALONG SAID CENTERLINE, A CURVE TO THE LEFT HAVING A RADIUS OF 199.41 FEET AND A CHORD BEARING SOUTH 16°44'30" EAST 87.97 FEET;
THENCE SOUTH 29°29'05" EAST 16.70 FEET ALONG SAID CENTERLINE TO A NAIL AND WASHER;
THENCE SOUTH 60°30'54" WEST 33.00 FEET TO THE POINT OF BEGINNING;
CONTAINING 2 LOTS, STREET AND 4.14 ACRES.

THE BASIS OF BEARING IS A LINE BETWEEN THE SOUTH QUARTER CORNER OF SECTION 28 AND THE SOUTHEAST CORNER OF SECTION 27 CALLED: SOUTH 89°56'44" EAST.

OWNER'S DEDICATION
KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNER(S) OF THE HERIN DESCRIBED TRACT OF LAND, HAVING CAUSED SAID TRACT OF LAND TO BE SUBDIVIDED INTO THREE LOTS TO BE HEREAFTER KNOWN AS:

ROCKING M SUBDIVISION
DO HEREBY DEDICATE, FOR PERPETUAL USE OF THE PUBLIC, ALL PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF PUBLIC UTILITIES AND FOR DRAINAGE PURPOSES AS MAY BE AUTHORIZED BY MORGAN COUNTY.

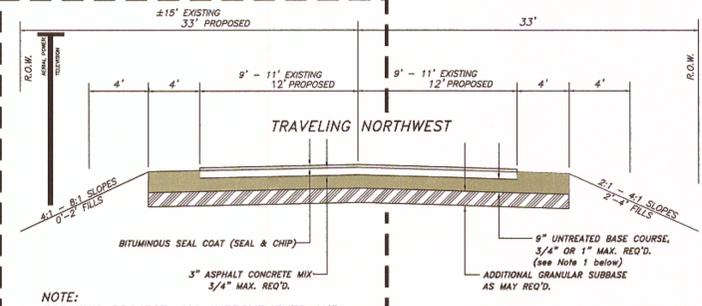
IN WITNESS WHEREOF, WE HAVE HERETO UNTO SET OUR HANDS THIS ____ DAY OF ____ 2013.

MILAN EARL MECHAM SUSAN M. MECHAM (50% OWNERS)
MATT MECHAM JULIE MECHAM (50% OWNERS)

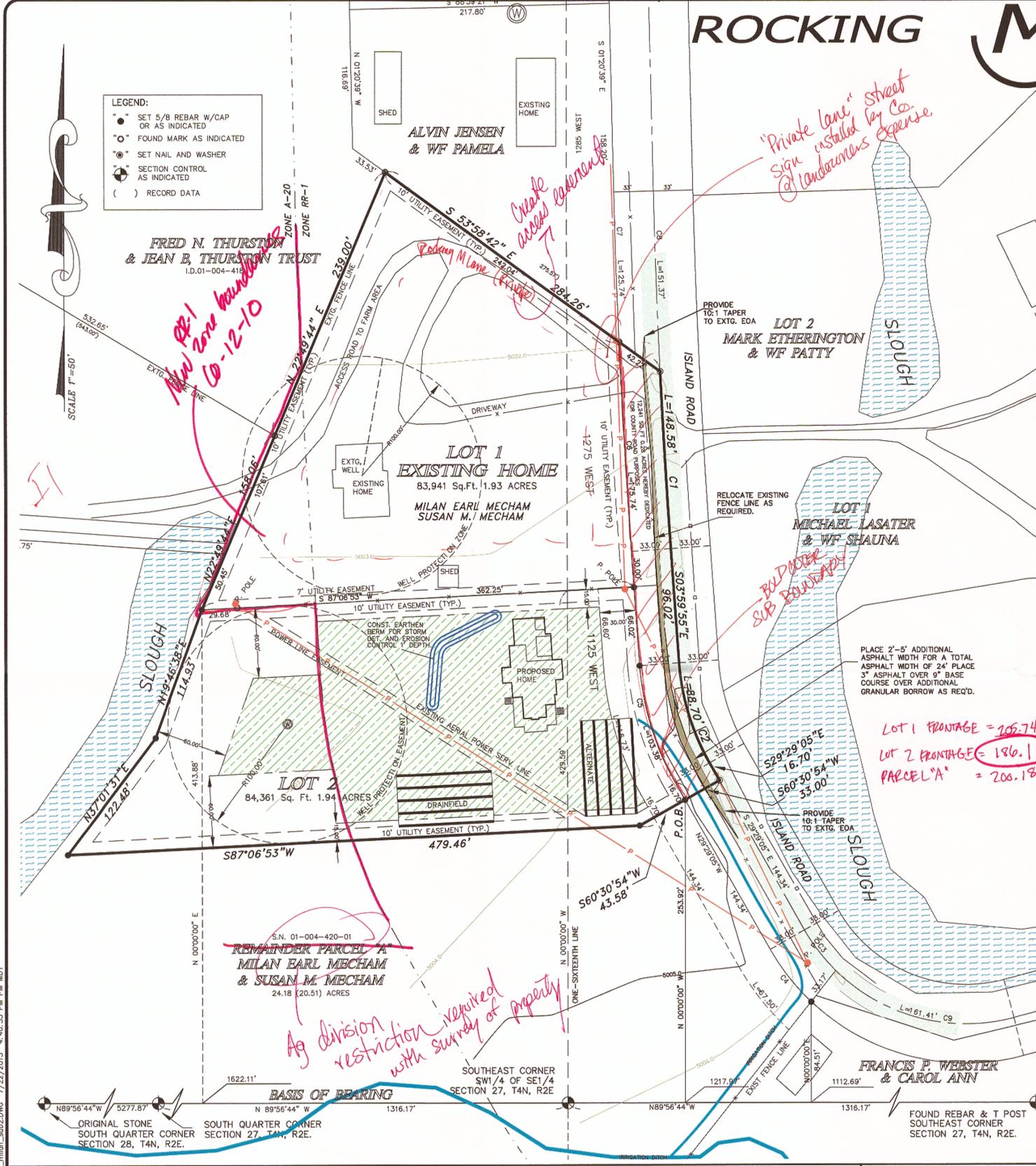
ACKNOWLEDGEMENT
STATE OF _____ }
COUNTY OF MORGAN } SS

ON THIS ____ DAY OF _____, 2013, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, MILAN EARL MECHAM AND SUSAN M. MECHAM AND MATT MECHAM AND JULIE MECHAM WHO SIGNED THE ABOVE OWNERS DEDICATION, AND DULY ACKNOWLEDGED TO ME THAT THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES

RESIDING IN _____ COUNTY, UTAH
MY COMMISSION EXPIRES _____



TYPICAL ROAD SECTION / ISLAND ROAD
EXISTING AND PROPOSED CONDITIONS



MORGAN COUNTY ATTORNEY
APPROVED AS TO FORM
SIGNED THIS ____ DAY OF _____, 20____
MORGAN COUNTY ATTORNEY

WEBER-MORGAN HEALTH DEPARTMENT
THE WASTE DISPOSAL SYSTEM AND THE CULINARY WATER SYSTEM ARE HEREBY APPROVED.
SIGNED THIS ____ DAY OF _____, 20____
DEPARTMENT HEALTH OFFICER

MORGAN COUNTY ENGINEER
I HEREBY CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES PREREQUISITE TO APPROVAL BY THE COUNTY ENGINEER OF THE FOREGOING PLAT AND DEDICATIONS HAVE BEEN COMPLIED WITH.
SIGNED THIS ____ DAY OF _____, 20____
MORGAN COUNTY ENGINEER

MORGAN COUNTY ZONING ADMINISTRATOR
THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED BY THE MORGAN COUNTY ZONING ADMINISTRATOR.
SIGNED THIS ____ DAY OF _____, 20____
ZONING ADMINISTRATOR

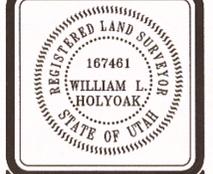
MORGAN COUNTY SURVEYOR
I HEREBY CERTIFY THAT THE MORGAN COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS PLAT FOR MATHEMATICAL CORRECTNESS, SECTION CORNER DATA AND FOR HARMONY WITH LINES AND MONUMENTS ON RECORD IN THE MORGAN COUNTY OFFICES. THE APPROVAL OF THIS PLAT BY THE MORGAN COUNTY SURVEYOR DOES NOT RELIEVE THE LICENSED LAND SURVEYOR WHO EXECUTES THIS PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED THEREWITH.
SIGNED THIS ____ DAY OF _____, 20____
MORGAN COUNTY SURVEYOR

CERTIFICATE OF SURVEYOR
I, WILLIAM L. HOLYOAK, A REGISTERED PROFESSIONAL LAND SURVEYOR, HOLDING CERTIFICATE NO. 167461, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT, AND BY AUTHORITY OF THE OWNERS, HAVE COMPLETED A SURVEY OF THE TRACT OF LAND DESCRIBED HERewith, IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS; AND HAVE HEREBY SUBDIVIDED SAID TRACT INTO 2 LOTS, KNOWN HEREAFTER AS:
ROCKING M SUBDIVISION
AND THAT THE SAME HAS BEEN SURVEYED AND MONUMENTS HAVE BEEN PLACED ON THE LAND AND THE SAME ARE SHOWN ON THE PLAT HEREON.
SIGNED THIS ____ DAY OF _____, 20____
WILLIAM L. HOLYOAK, P.E. & PLS
UTAH LAND SURVEYOR REGISTRATION NO. 167461.

MORGAN COUNTY RECORDER
ENTRY NO. _____ FEE PAID _____
FILED FOR RECORD AND RECORDED _____ AT _____
IN BOOK _____ OF THE OFFICIAL RECORDS, PAGE _____
RECORDED FOR: _____
MORGAN COUNTY RECORDER
BY: _____ DEPUTY.

MOUNTAIN ENGINEERING
P. O. BOX 309
MORGAN, UTAH 84050
TEL (801) 876-3978 FAX 876-3979

REVISIONS	COMMENTS
DATE	BY



DESIGNED BY: W.L.H.
DRAWN BY: W.L.H.
DATE: FEBRUARY, 2013

RECEIVED
SEP 17 2013
Morgan County Planning

ROCKING M SUBDIVISION
PRELIMINARY PLAN
A PART OF THE SOUTHEAST QUARTER OF SECTION 27
TOWNSHIP 4 NORTH, RANGE 2 EAST,
SALT LAKE BASE AND MERIDIAN, U.S. SURVEY
MORGAN COUNTY, UTAH

MILAN E. MECHAM, 1275 WEST ISLAND ROAD, MORGAN, UT 84050, TEL 801-829-3565

DRAWING NO.
ME 13
SHEET 1 OF 2
FILE:09/AMECHAM13

MORGAN COUNTY
Planning and Development Services

STAFF REPORT

October 18, 2013

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

Prepared By: Jim Carter, AICP CEP, Contract Planner

RE: **Cobble Creek Reservoir Conditional Use Permit Request**

Application No.: 10.050
Applicant: Gardner Cottonwood Creek LC
Project Location: Approximately 1,600 feet east of the intersection of Park Meadow Drive and Silver Leaf Drive in the Cottonwoods Subdivision
Zoning: F-1
Acreage: Property: 436.04 Acres; Limits of Disturbance: Approximately 3.5 Acres
Request: Conditional Use Permit for a Utility Use and Excavation; a reservoir to store water for the Mountain Green Secondary Water Company.

SUMMARY

This application is for a utility use in the F-1 zone. Mountain Green Secondary Water Company desires to expand their utility infrastructure by constructing a storage reservoir in the Cobble Creek drainage to the east of the Cottonwood Hills Subdivision. (see Exhibit A for location). The reservoir would impound approximately 19 acre feet of water for secondary (outside irrigation) use in the subdivision. Dams and reservoirs and excavations in the F-1 zone are both allowed by conditional use permit. Conditional Use Permits are administrative actions and should be approved as long as harmful impacts as described in adopted ordinances can be mitigated. The County Code already specifies certain standards necessary for mitigation of harmful impacts to which the proposal must adhere.

The engineering and design plans submitted on May 22, 2013 (Exhibit B) contain a number of specifications and standards for erosion control, construction and site work which would be incorporated as conditions of approval. With these and the additional recommended conditions, the proposal appears to meet the Code 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 storage reservoir will help them to provide better services in the future. Mountain Green Secondary Water Company has previously received authorization to construct a smaller holding pond within the Cottonwoods Subdivision. This reservoir would be constructed and connected to the secondary water system to provide additional storage capacity to meet irrigation water demands in the subdivision.

ANALYSIS

Zoning. The subject property is zoned F-1. Portions of the project appear to be located in the RR-1 zone. In both the F-1 and RR-1 zone districts, land excavations and dams and reservoirs are conditional uses:

8-5A-3: USE REGULATIONS:

No building, structure of 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
Dams and Reservoirs	C	C	C	C	C	C

Property Layout. The proposed reservoir is sited in the drainage of Cobble Creek to the east of the Cottonwoods Meadows Subdivision, and is immediately adjacent to and surrounded by farmland/wildland. The 436.04 acre parcel meets the minimum quarter section (160 acre minimum) lot size zoning requirement.

The reservoir is being proposed to be located along the west boundary of the 436.04 acre parcel of land that is owned by Arnell Ranch at Cottonwood, Gardner Cottonwood Creek LC, and Morgan County Cottonwood LLC (zoned F-1, see Exhibit C). The reservoir would occupy approximately 3.5 acres. While the reservoir structure would be located primarily on the subject property, a portion of the dam and tailrace would be located on property owned by Wilkinson Family Farm LLC (zoned RR-1), and the pipelines and access road would cross land owned by the Wilkinson Family Farm LLC and Gardner Cottonwood Creek LC (zoned RR-1). The application shows the alignments of a 20 foot wide access road to connect to Park Meadow Drive approximately 300 feet south of its intersection with Silver Leaf Drive, and a waterline easement to connect the reservoir to the existing irrigation pipeline in Silver Leaf Drive. The plans also show a secondary waterline easement to connect the reservoir to an

existing Mountain Green Secondary Water Company pipeline approximately 250 feet below the reservoir on land owned by the Wilkinson Family Farm LLC. The proposed uses are also conditional uses in the RR-1 zone district.

Legal descriptions of the portions of the dam and tailrace and road and waterline alignments should be incorporated into easements executed by the affected landowners in favor of the applicant.

Setbacks. Side and rear setbacks for utility uses in the F-1 and RR-1 zones are 15 feet. Most of the proposed dam and reservoir structure are located in the F-1 zone district, and would meet the setback requirements of that district. The toe of the dam and most of the tailrace of the reservoir, however, appears to be on property owned by the Wilkinson Family Farm LLC property to the west (zoned RR-1). The boundaries of the easement for the reservoir structures on the Wilkinson Family Farm property should include a minimum 15' buffer between the edge of the reservoir structures and the easement line in order to meet setback requirements.

Roads and Access. Access is being proposed from Park Meadow Drive near the intersection with Silver Leaf Drive. The access from Park Meadow Drive site is a rough graded dirt road. The road would be used during construction as well as for maintenance. A legal description of this road should be prepared and easement(s) executed by the landowners and the applicants. Dust generation 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 would be approximately 3.5 acres. The proposed dam would be approximately 40 feet in height and approximately 400 feet wide at the crest, and would be constructed by excavating material from the site and depositing it back onsite. Construction details are shown on page C-1 of Exhibit B. Exhibit B also shows the applicants storm water pollution prevention plan on pages C-2 and specifications on page S-2.0 to help mitigate erosion.

Construction. The Utah State Code requires that the State Engineer approve the construction of water impounding structures including the proposed Cobble Creek Reservoir (Utah Code Ann 73-5a-202 through 205). The State Engineer issued an Order Granting Permit to Construct, Enlarge, Repair, Alter, Remove or Abandon a Dam (State Engineer's Order) dated April 15th, 2013 approving application No. UT53510 approving construction of the Cobble Creek Reservoir with seven conditions and based on the findings that:

- The dam will impound 19.4 acre-feet of water

- The developer has agreed to impose a “no build easement” on all areas located within the predicted inundation area of a dam-related breach.

The inundation area was calculated by Hydrologic Design, Inc., and a no-build easement would be applied to a portion of lot 20 and all of lots 21 and 22 of the Northside Creek P.R.U.D. Subdivision as a condition of approval.

The applicant has also submitted a Report – Geotechnical Study Proposed Cobble Creek Water Storage Reservoir Cottonwood Estates Morgan, Utah dated February 28, 2013 prepared by GSH Geotechnical, Inc. (the Geotechnical Report) that characterizes the soil and geologic conditions of the site, concludes that the site is suitable for construction of the proposed reservoir, and makes recommendations for construction of the dam at section 5.6 of the Report. The earthwork and construction recommendations should be made a part of the conditions of approval of this CUP.

Landscaping. The applicant has proposed to revegetate and reseed disturbed areas as part of the project (Exhibit B, page C-2) in accordance with MCC §8-8-7(F)(10) which states that:

1. All disturbed areas shall be covered with not less than a one inch thick layer of topsoil, reseeded with a hardy plant species, and the hardy plant species shall be established with sufficient concentration of vegetation to screen at least twenty five percent of the exposed surface from view. Disturbed areas located in the desert areas or located in areas which naturally lack soil or vegetation, shall be restored to a vegetation and soil surface that corresponds with the adjacent native conditions. (At Page C-2)

Lighting. There is no proposal for exterior lighting changes.

Bonding. To ensure that the required re-vegetation 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 B 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, except as specifically noted in the conditions, below.

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 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 photography 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 the Cobble Creek Reservoir, application 10.050, with the following conditions:

1. The permissions from all landowners on which the reservoir structures are proposed to be located must be provided prior to the required preconstruction meeting.
2. Legal descriptions for all easements for the proposed reservoir structures, access road and waterlines must be prepared, documented and recorded provided prior to the required preconstruction meeting.

3. Documentation of the State Engineer's "No Build Easements" for lots 20, 21 and 22 of the Northside Creek P.R.U.D. Subdivision be recorded before construction begins.
4. All work and use shall be conducted in compliance with the approved Engineering Plans, the recommendations at Section 5.6 of the February 28, 2013 Geotechnical Study, and the conditions of approval of the State Engineer's April 15, 2013 Order.
5. Information regarding number, sizes, loaded weight and frequency of construction traffic will be submitted to the County's Engineer for review and determination of appropriate construction traffic management and road maintenance program, which would address dust management, hours of operation, current roadway conditions and the potential need for repairs to County roads due to construction traffic.
6. The final engineered plans are submitted for the County's Engineer's approval signature. Final plans should include maps showing all easement locations and boundaries.
7. All final administrative comments/corrections from the County's Engineer are complied with prior to the beginning of construction.
8. Submittal of a re-vegetation and re-seeding plan with specific seed mixes, planting dates and irrigation methods.
9. Submittal of a cash completion bond and Cash Escrow agreement and Engineer's Cost Estimate for the approved re-vegetation and reseeding plan in an amount and on forms as are acceptable by the County's Engineer, County Attorney, and County Zoning Administrator.
10. That no work or construction shall commence prior to a preconstruction meeting with the County Engineer, and that the submittal of mylars shall be provided prior to this meeting.
11. That all County outsourced review costs are paid current prior to commencement of construction.
12. That enforcement of these conditions may be attained by the issuance of a stop work order until infractions are corrected, among any other legal means.
13. That the project adheres to all other local, state, and federal requirements.

This recommendation is based on the following findings:

1. That the request conforms to the requirements of the Morgan County Code.
2. That the requested uses are allowed in the RR-1 zone.
3. That with the proposed conditions, the proposal will mitigate potential detrimental effects it may cause to the public, particularly with respect to public safety and dust and debris control.

4. That a re-vegetation and seeding plan is essential to mitigating the harmful effects of erosion and slope instability, and will mitigate the negative aesthetic effects of the hillside excavation.

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 the Cobble Creek Reservoir to store water for the Mountain Green Secondary Water Company, application 10.050, subject to the findings and conditions listed in the October 15, 2013 staff report, and as modified by the conditions and findings below."

1. 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 the Cobble Creek Reservoir to store water for the Mountain Green Secondary Water Company, application 10.050, subject to the following findings:

1. List any additional findings...

SUPPORTING INFORMATION

Exhibit A: Location Image

Exhibit B: Engineering Plans for the Cobble Creek Reservoir.

EXHIBIT A Project Location





COBBLE CREEK RESERVOIR

MOUNTAIN GREEN, UTAH



COBBLE CREEK RESERVOIR
March 11, 2013

INDEX OF DRAWINGS

- C-0 OVERALL SITE PLAN
- C-1 SITE PLAN
- C-2 EROSION CONTROL & REVEGETATION PLAN
- D-1 CIVIL DETAIL SHEET
- D-2 CIVIL DETAIL SHEET
- D-3 CIVIL DETAIL SHEET
- S-1 STRUCTURAL DETAIL SHEET
- S-2 STRUCTURAL DETAIL SHEET AND NOTES

UTILITY DISCLAIMER

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND / OR ELEVATIONS OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

NOTICE TO CONTRACTOR

ALL CONTRACTORS AND SUBCONTRACTORS PERFORMING WORK SHOWN ON OR RELATED TO THESE PLANS SHALL CONDUCT THEIR OPERATIONS SO THAT ALL EMPLOYEES ARE PROVIDED A SAFE PLACE TO WORK AND THE PUBLIC IS PROTECTED. ALL CONTRACTORS AND SUBCONTRACTORS SHALL COMPLY WITH THE "OCCUPATIONAL SAFETY AND HEALTH REGULATIONS OF THE U.S. DEPARTMENT OF LABOR AND THE STATE OF UTAH DEPARTMENT OF INDUSTRIAL RELATIONS CONSTRUCTION SAFETY ORDERS." THE CIVIL ENGINEER SHALL NOT BE RESPONSIBLE IN ANY WAY FOR THE CONTRACTORS AND SUBCONTRACTORS COMPLIANCE WITH SAID REGULATIONS AND ORDERS.

CONTRACTOR FURTHER AGREES TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB-SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE CIVIL ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR ENGINEER.

DEVELOPER

GARDNER COTTONWOOD FARM
90 SOUTH 400 WEST, STE 330
SALT LAKE CITY, UTAH 84101
PHONE: 801-456-1288

GENERAL NOTES

1. ALL WORK SHALL CONFORM WITH MORGAN COUNTY STANDARDS & SPECIFICATIONS.
2. CALL BLUE STAKES 48 HOURS PRIOR TO DIGGING.
3. CONTRACTOR SHALL FIELD VERIFY LOCATIONS OF ALL EXISTING MANHOLES AND OTHER UTILITIES BEFORE CONSTRUCTING ANY IMPROVEMENTS.

NOTICE TO DEVELOPER/ CONTRACTOR

UNAPPROVED DRAWINGS REPRESENT WORK IN PROGRESS, ARE SUBJECT TO CHANGE, AND DO NOT CONSTITUTE A FINISHED ENGINEERING PRODUCT. ANY WORK UNDERTAKEN BY DEVELOPER OR CONTRACTOR BEFORE PLANS ARE APPROVED IS UNDERTAKEN AT THE SOLE RISK OF THE DEVELOPER, INCLUDING BUT NOT LIMITED TO BIDS, ESTIMATION, FINANCING, BONDING, SITE CLEARING, GRADING, INFRASTRUCTURE CONSTRUCTION, ETC.

ENGINEER/SURVEYOR:

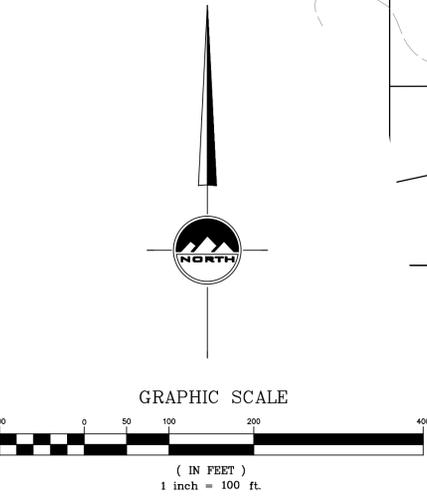
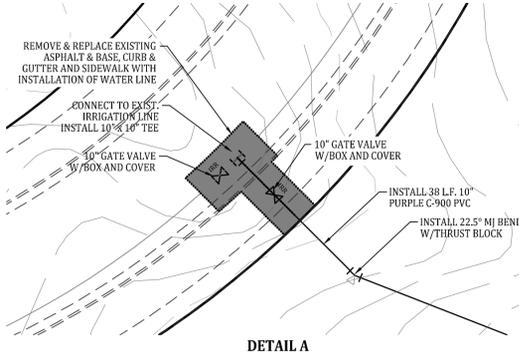
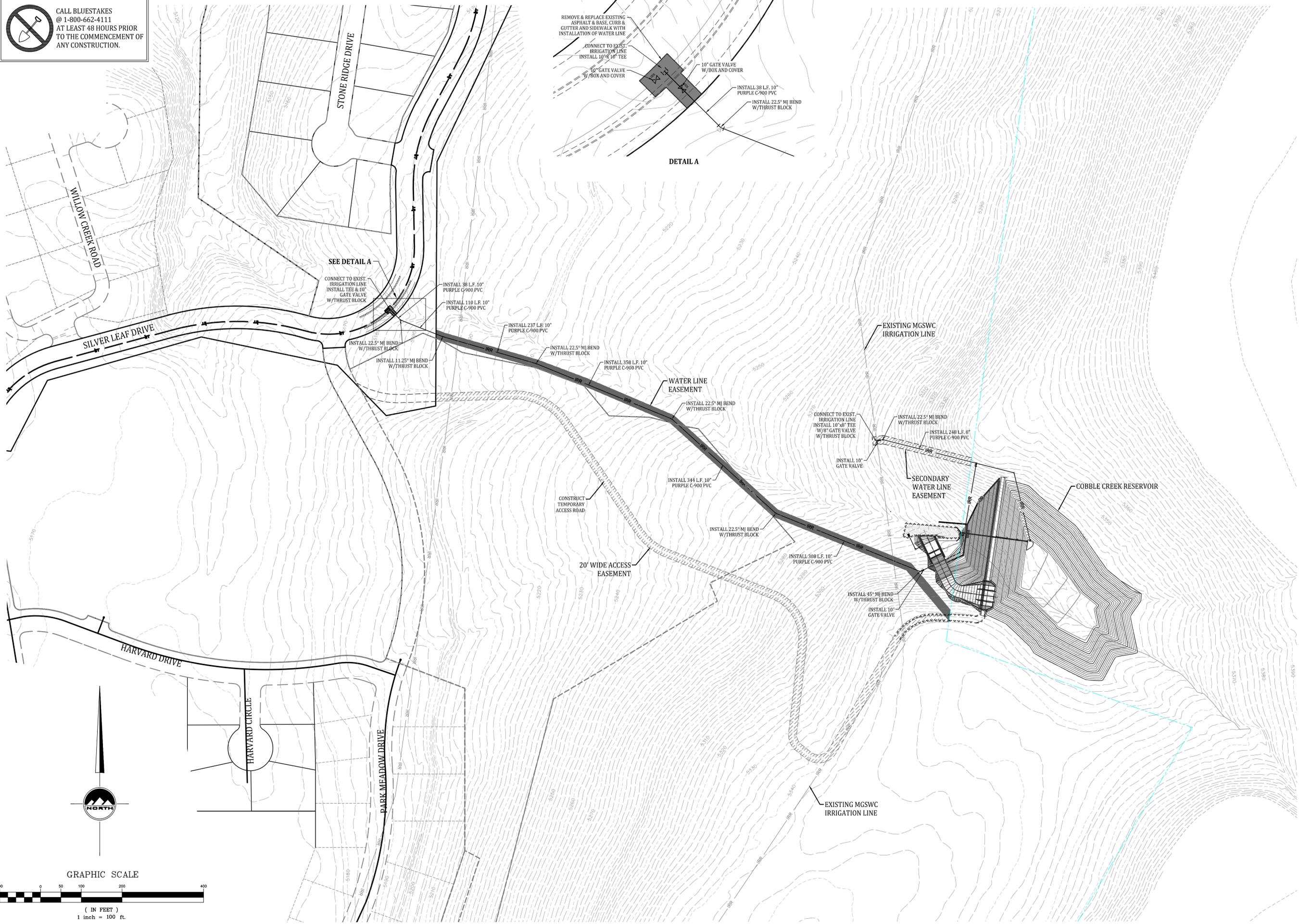


SALT LAKE CITY
45 W. 10000 S., Suite 500
Sandy, UT 84070
Phone: 801.255.0529
Fax: 801.255.4449

WWW.ENSIGNUTAH.COM

LAYTON
Phone: 801.547.1100
TOOELE
Phone: 435.843.3590
CEDAR CITY
Phone: 435.865.1453
RICHFIELD
Phone: 435.590.0187

CALL BLUESTAKES
@ 1-800-662-4111
AT LEAST 48 HOURS PRIOR
TO THE COMMENCEMENT OF
ANY CONSTRUCTION.



ENSIGN
90 E. Fort Union Blvd
Suite 100
Midvale UT 84047
Phone: 801.255.0529
Fax: 801.255.4449

1485 West Hillfield
Rd. Suite 204
Layton UT 84041
Phone: 801.547.1100
Fax: 801.593.6315

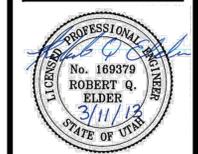
795 South Main Street
Pleasant Grove UT 84062
Phone: 801.796.8145
Fax: 801.796.8147

WWW.ENSIGNUTAH.COM

FOR:
GARDNER COTTONWOOD CREEK
90 SOUTH 400 WEST, STE 330
SALT LAKE CITY, UTAH 84101

CONTACT:
RULON GARDNER
PHONE: 801-456-1280
FAX: 801-456-1288

COBBLE CREEK RESERVOIR
MOUNTAIN GREEN, UTAH



NO.	DATE	REVISION	BY
1		FOR REVIEW	
2			
3			
4			

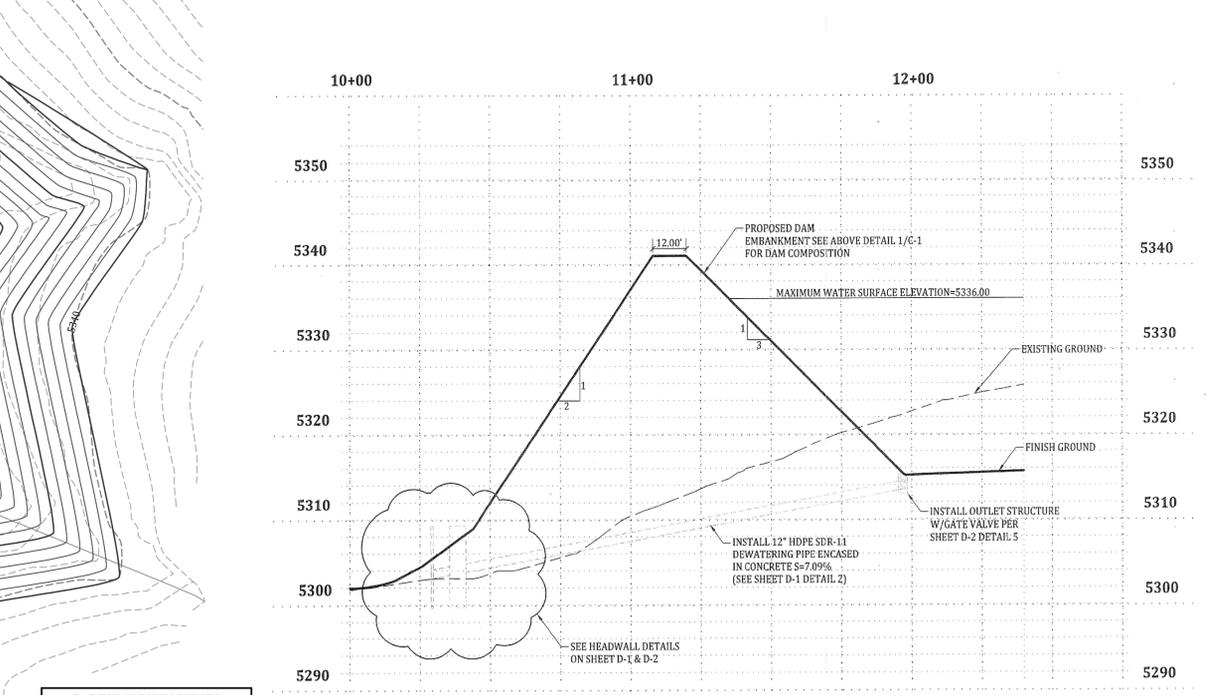
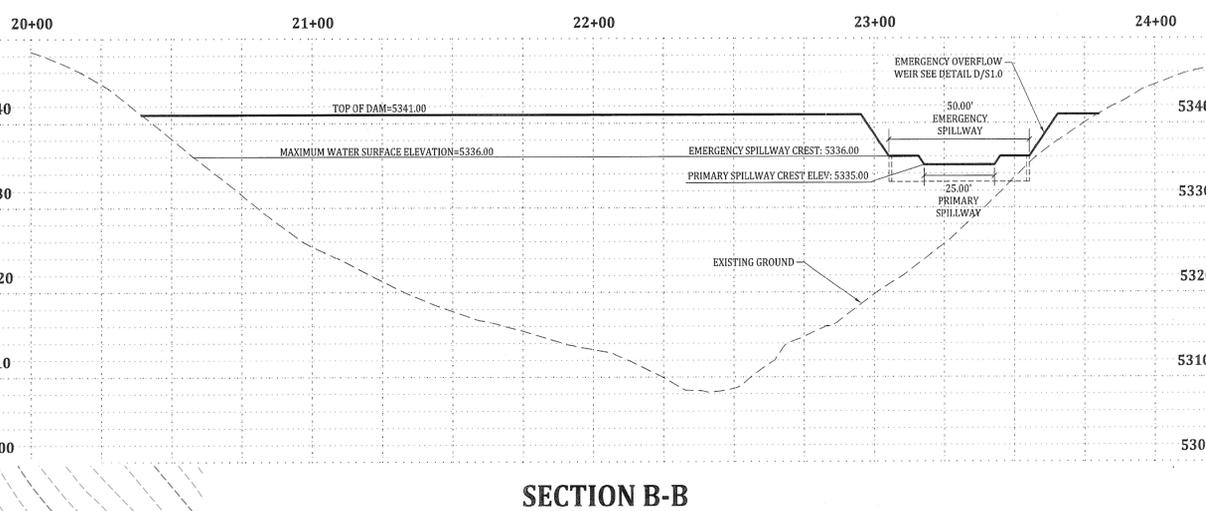
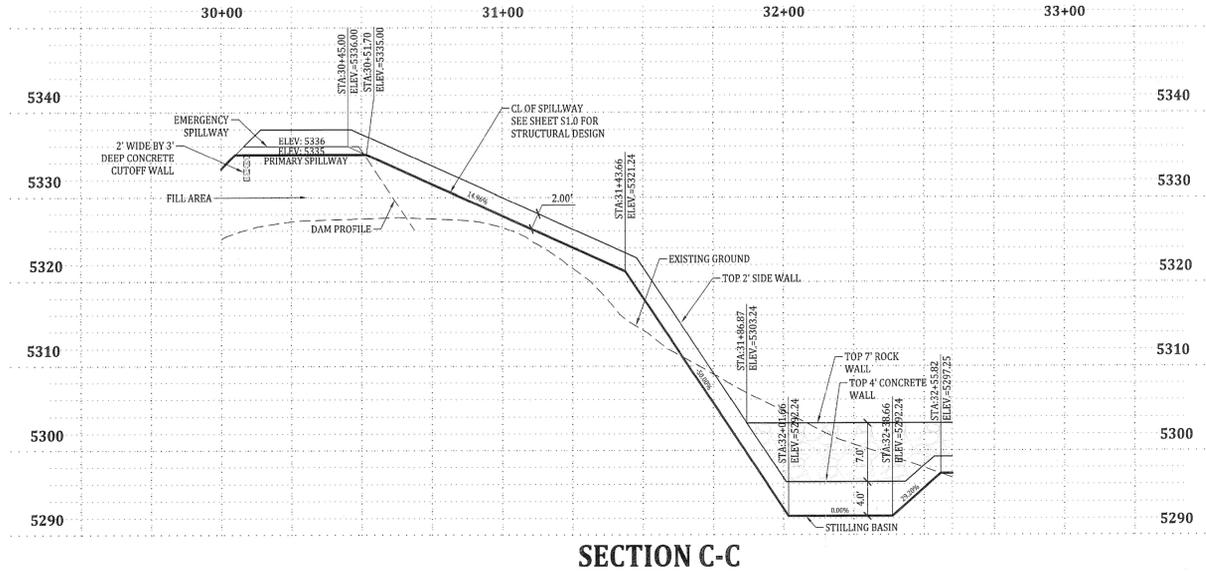
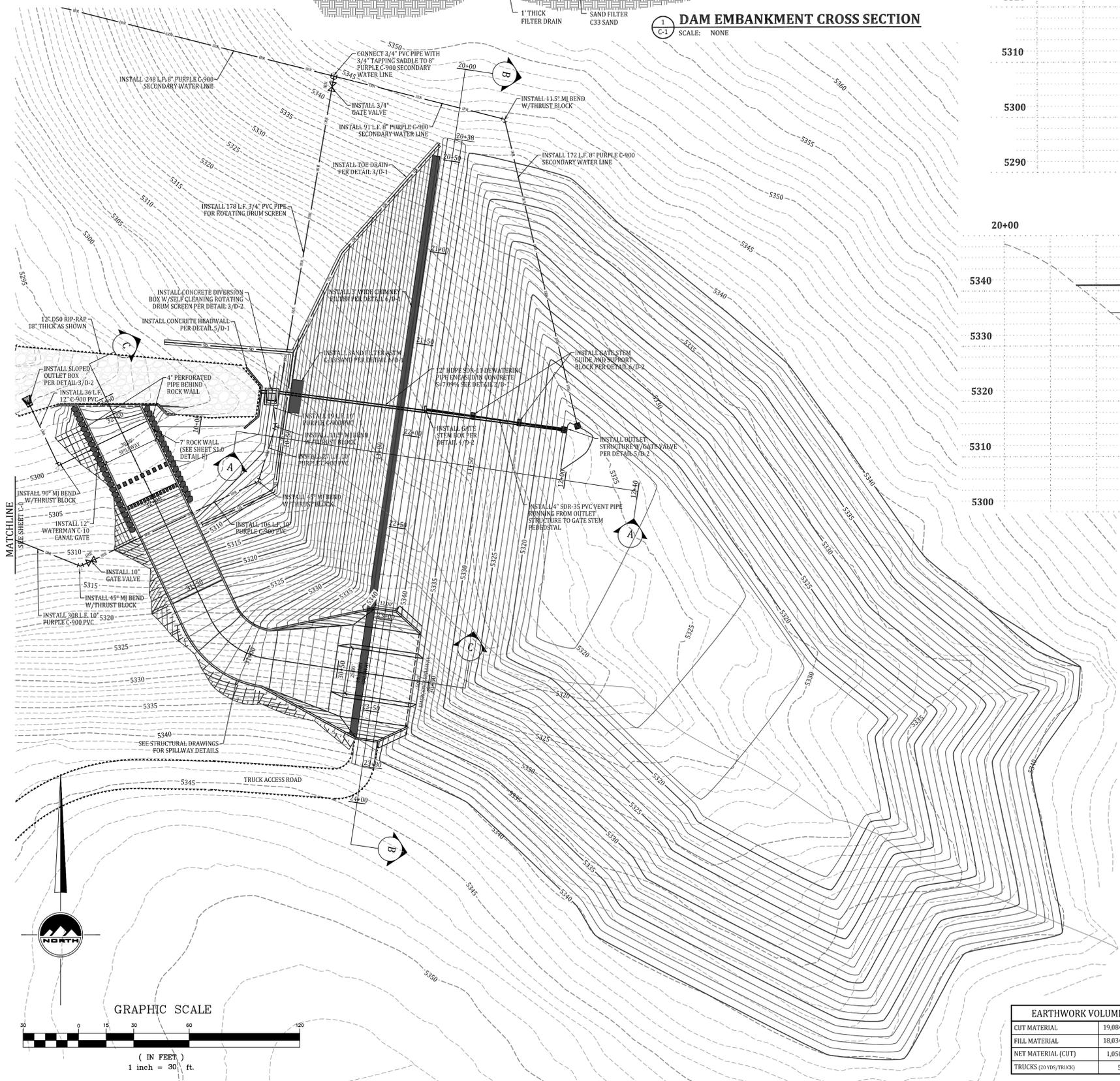
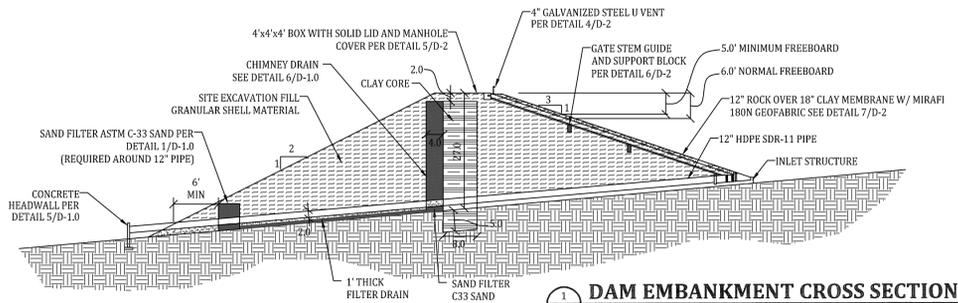
OVERALL SITE PLAN

PROJECT NUMBER: 4178
DATE: 3/12/13
DRAWN BY: [blank]
CHECKED BY: [blank]

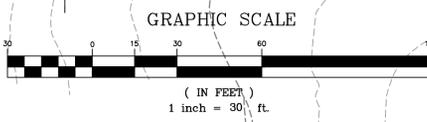
PROJECT MANAGER:
C-0

CALL BLUESTAKES
@ 1-800-662-4111
AT LEAST 48 HOURS PRIOR
TO THE COMMENCEMENT OF
ANY CONSTRUCTION.

CROSS SECTION



EARTHWORK VOLUMES	
CUT MATERIAL	19,084 CU.YD.
FILL MATERIAL	18,034 CU.YD.
NET MATERIAL (CUT)	1,050 CU.YD.
TRUCKS (20 VDS/TRUCK)	53



90 E. Fort Union Blvd
Suite 100
Midvale UT 84047
Phone: 801.255.0529
Fax: 801.255.4449

1485 West Hillfield
Rd. Suite 204
Layton UT 84041
Phone: 801.547.1100
Fax: 801.593.6315

795 South Main Street
Pleasant Grove UT 84062
Phone: 801.796.8145
Fax: 801.796.8147

WWW.ENSIGNUTAH.COM

FOR:
GARDNER COTTONWOOD CREEK
90 SOUTH 400 WEST, STE 330
SALT LAKE CITY, UTAH 84101

CONTACT:
RULON GARDNER
PHONE: 801-456-1280
FAX: 801-456-1288

COBBLE CREEK RESERVOIR
MOUNTAIN GREEN, UTAH



NO.	DATE	REVISION	BY
1		FOR REVIEW	
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4			

SITE PLAN

PROJECT NUMBER: 4178
DATE: 3/12/13
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CHECKED BY: [blank]

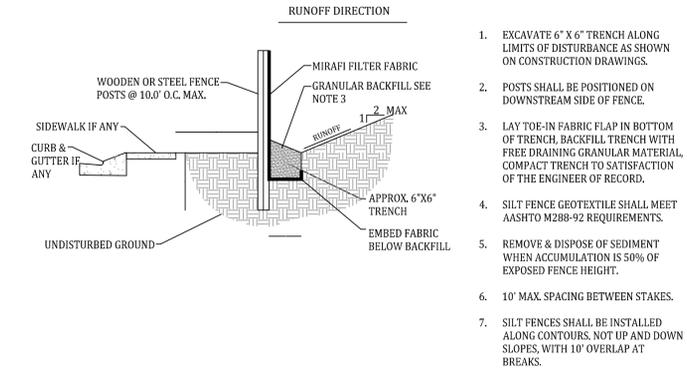
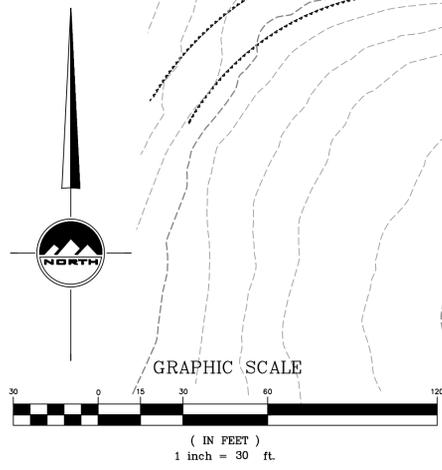
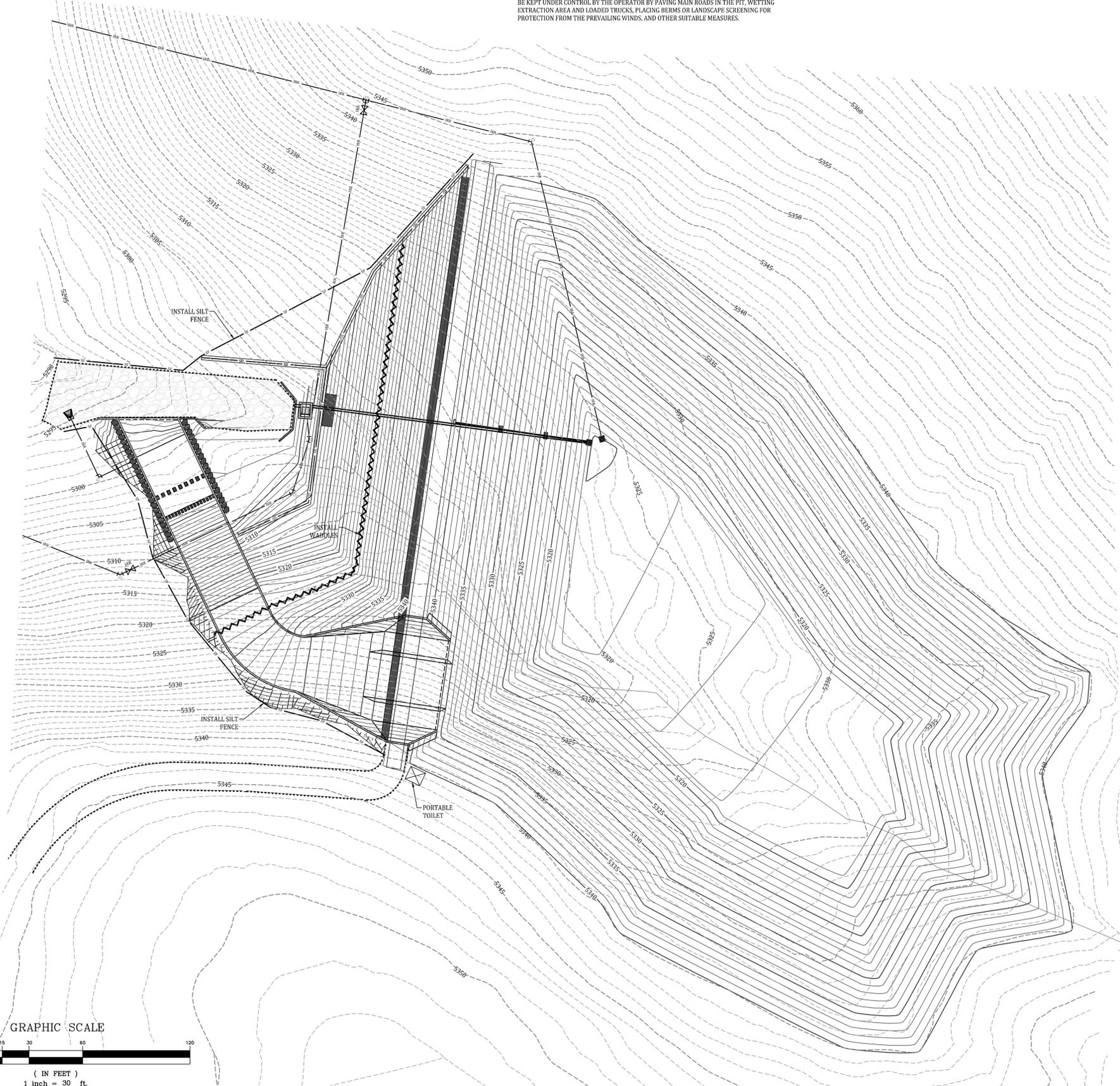
PROJECT MANAGER

C-1

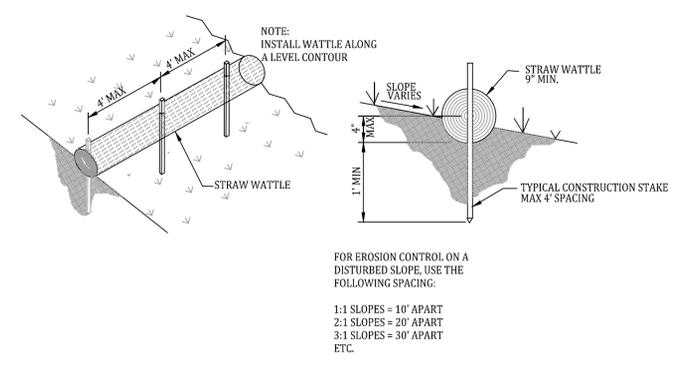


- LEGEND**
- TEMPORARY SILT FENCE PER DETAIL 1
 - STRAW WATTLES PER DETAIL 2
 - EXIST MINOR CONTOURS 1' INCREMENT
 - EXIST MAJOR CONTOURS 5' INCREMENT
 - MINOR CONTOURS 1' INCREMENT
 - MAJOR CONTOURS 5' INCREMENT

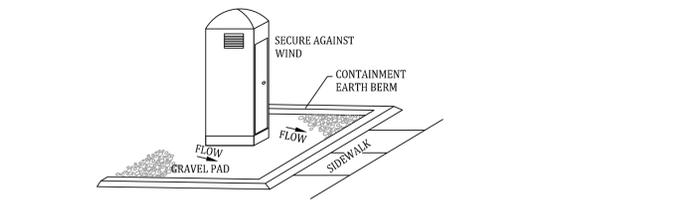
- NOTES**
1. ALL DISTURBED AREAS SHALL BE COVERED WITH NOT LESS THAN A ONE INCH (1") THICK LAYER OF TOPSOIL, RESEEDED WITH A HARDY PLANT SPECIES, AND THE HARDY PLANT SPECIES SHALL BE ESTABLISHED WITH SUFFICIENT CONCENTRATION OF VEGETATION TO SCREEN AT LEAST TWENTY FIVE PERCENT (25%) OF THE EXPOSED SURFACE FROM VIEW. DISTURBED AREAS LOCATED IN THE DESERT AREAS OR LOCATED IN AREAS WHICH NATURALLY LACK SOIL OR VEGETATION SHALL BE RESORTED TO A VEGETATION AND SOIL SURFACE THAT CORRESPONDS WITH THE ADJACENT NATIVE CONDITIONS.
 2. SURFACE MINING SHALL PROCEED IN AN ORDERLY MANNER FROM THE OUTER BOUNDARIES AND LOWER SLOPES OF THE PROPERTY INWARD AND UPWARD.
 3. DUST GENERATED IN THE EXCAVATION AND PROCESSING OF THE EARTH PRODUCTS SHALL BE KEPT UNDER CONTROL BY THE OPERATOR BY PAVING MAIN ROADS IN THE PIT, WETTING EXTRACTION AREA AND LOADED TRUCKS, PLACING BERMS OR LANDSCAPE SCREENING FOR PROTECTION FROM THE PREVAILING WINDS, AND OTHER SUITABLE MEASURES.



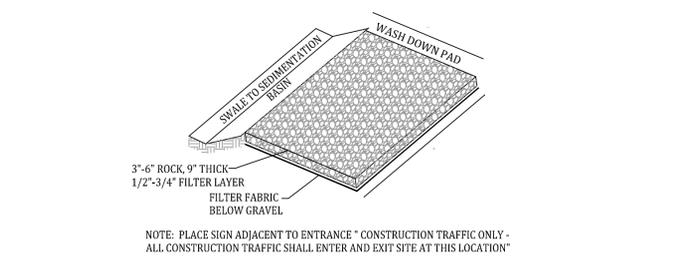
1 TEMPORARY SILT FENCE SCALE: NONE



2 STRAW WATTLES SCALE: NONE



3 PORTABLE TOILET SCALE: NONE



4 TEMPORARY VEHICLE WASHDOWN & STABILIZED CONSTRUCTION ENTRANCE SCALE: NONE

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FOR:
GARDNER COTTONWOOD CREEK
90 SOUTH 400 WEST, STE 330
SALT LAKE CITY, UTAH 84101

CONTACT:
RULON GARDNER
PHONE: 801-456-1280
FAX: 801-456-1288

COBBLE CREEK RESERVOIR

MOUNTAIN GREEN, UTAH

NO.	DATE	REVISION	BY
1		FOR REVIEW	
2			
3			
4			

EROSION CONTROL & REVEGETATION PLAN

PROJECT NUMBER: 417B DATE: 3/12/13
DRAWN BY: CHECKED BY: PROJECT MANAGER:

C-2



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LAYTON
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PLEASANT GROVE
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TOOELE
 Phone: 435.843.3590

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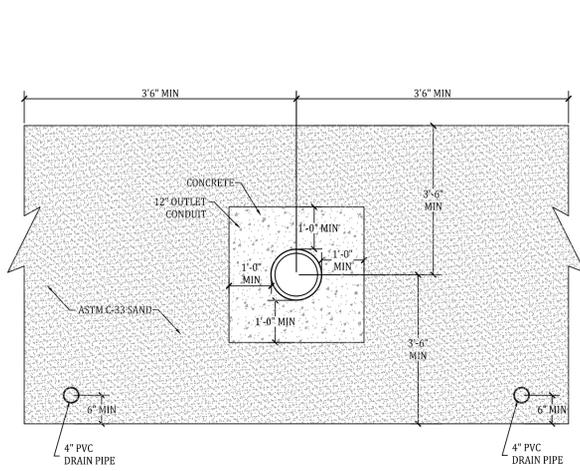
COBBLE CREEK RESERVOIR

MOUNTAIN GREEN, UTAH

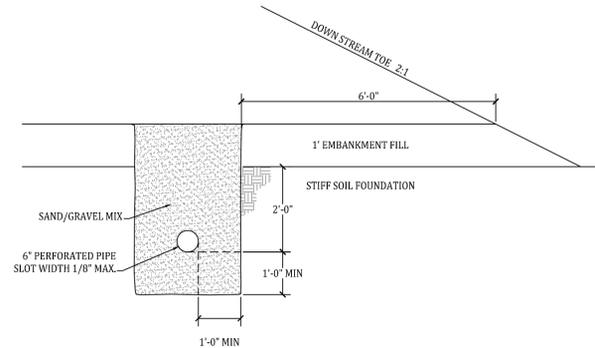
STAGE STORAGE VOLUME		
ELEVATION	CUBIC YARDS	ACRE FEET
5315	0	0.00
5316	77	0.05
5317	368	0.23
5318	938	0.40
5319	1779	0.58
5320	2804	1.10
5321	3938	1.74
5322	5180	2.44
5323	6539	3.21
5324	8018	4.05
5325	9621	4.97
5326	11354	5.96
5327	13222	7.04
5328	15226	8.20
5329	17371	9.44
5330	19663	10.77
5331	22108	12.19
5332	24708	13.70
5333	27468	15.31
5334	30391	17.03
5335	33482	18.84
5336	36745	20.75
5337	40184	22.78
5338	43803	24.91
5339	47608	27.15
5340	51606	29.51
5341	55806	31.99

NORMAL FREEBOARD
 MINIMUM FREEBOARD

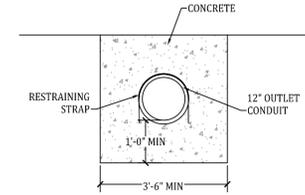
CREST



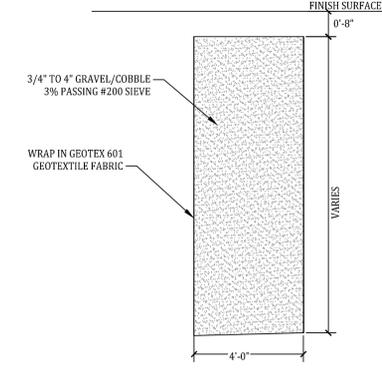
1 SAND FILTER CROSS SECTION
 C-1 NOT TO SCALE



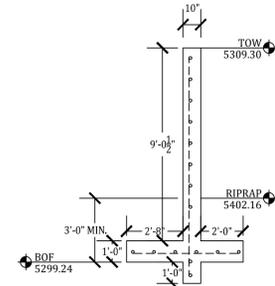
3 TOE DRAIN CROSS SECTION
 C-1 NOT TO SCALE



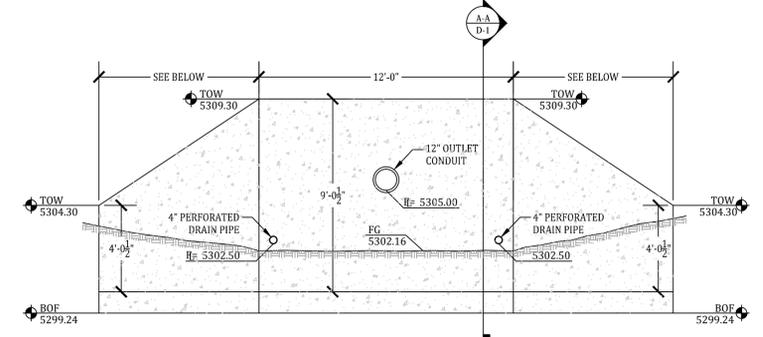
2 12" OUTLET CONCRETE ENCASEMENT
 C-1 NOT TO SCALE



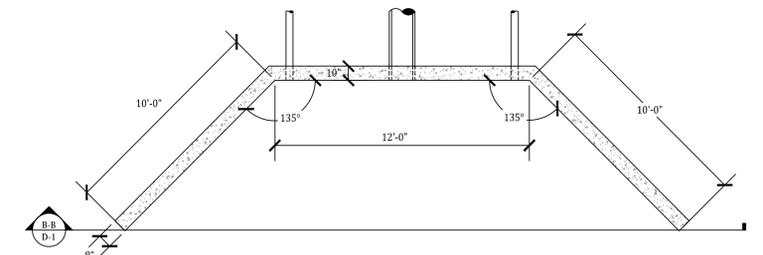
6 CHIMNEY DRAIN DETAIL
 C-1 NOT TO SCALE



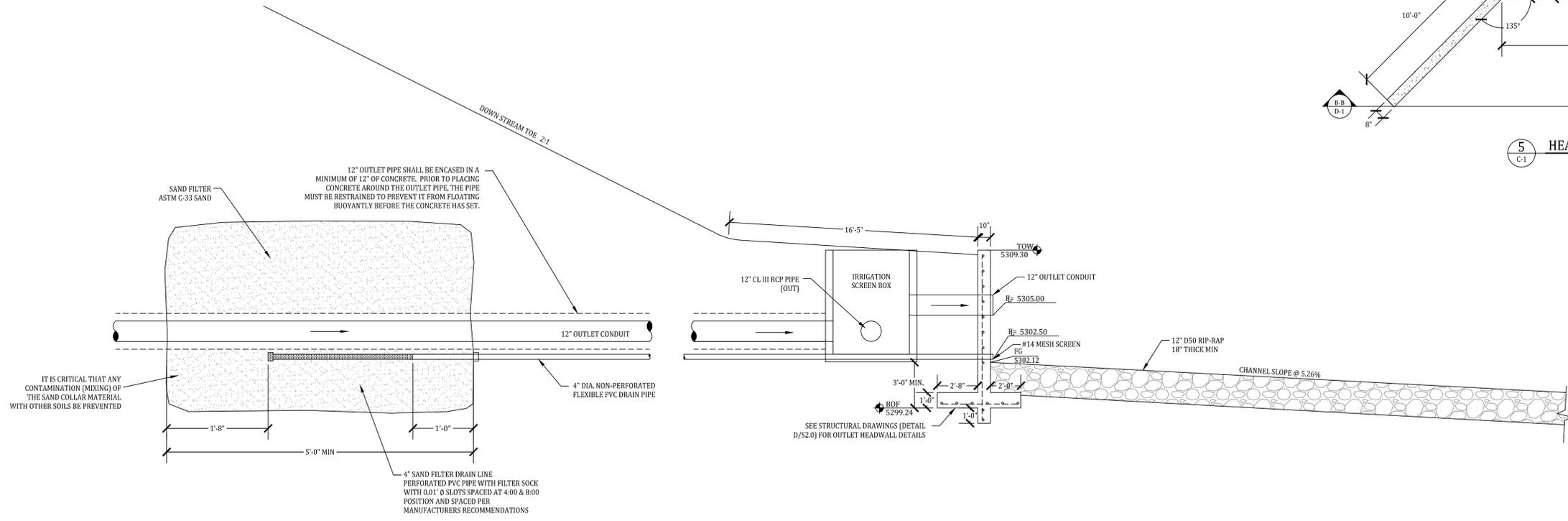
SECTION A-A



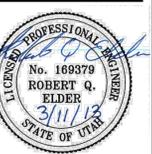
SECTION B-B



5 HEADWALL DETAIL
 C-1 SCALE: 1/4"=1'-0"



4 SAND COLLAR FILTER/STILLING BASIN
 C-1 SCALE: 1/4"=1'-0"

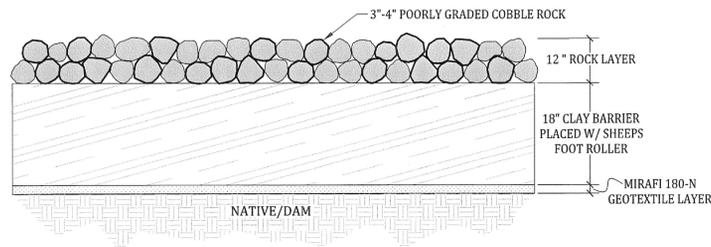


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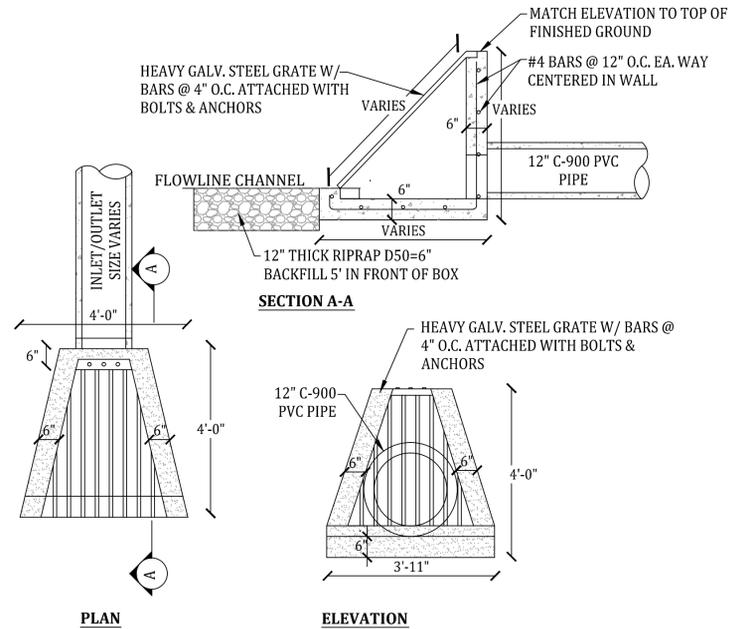
DETAILS

PROJECT NUMBER: 417B
 DATE: 3/13/13
 DRAWN BY: [blank]
 CHECKED BY: [blank]

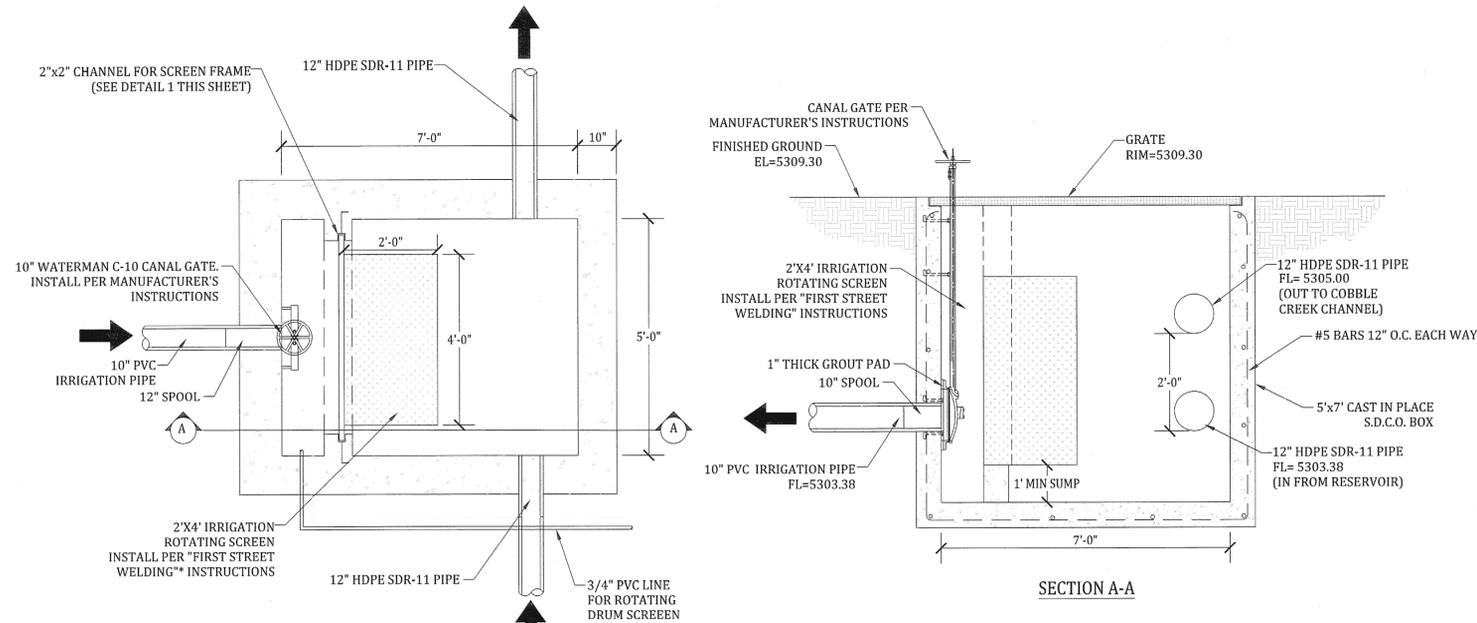
PROJECT MANAGER



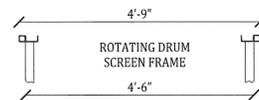
7 18" CLAY W/ MIRAFI GEOTEXTILE LAYER
NOT TO SCALE



3 SLOPED OUTLET BOX
SCALE: NONE

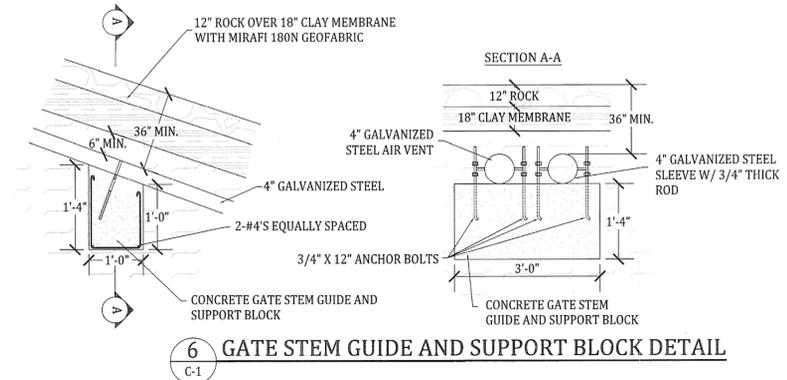


2 CONST. 5' x 7' IRRIGATION SCREEN BOX DETAIL
NOT TO SCALE

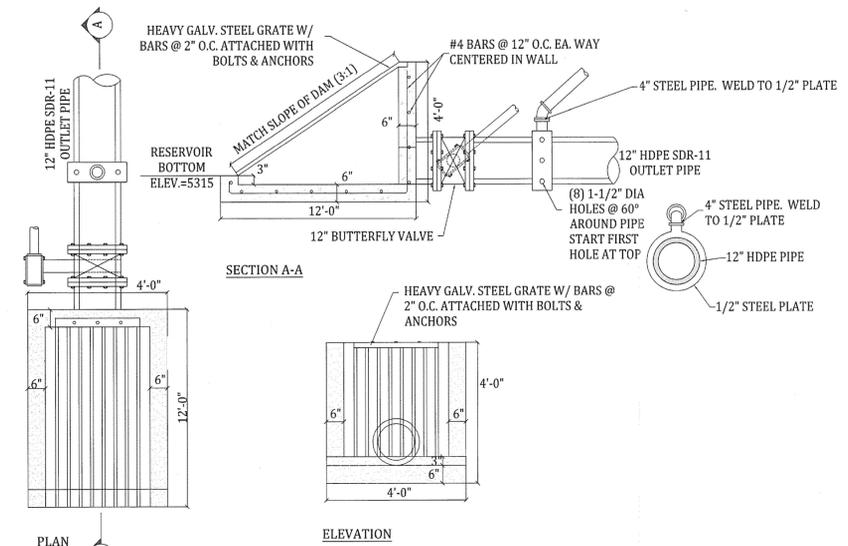


1 ROTATING DRUM SCREEN FRAME

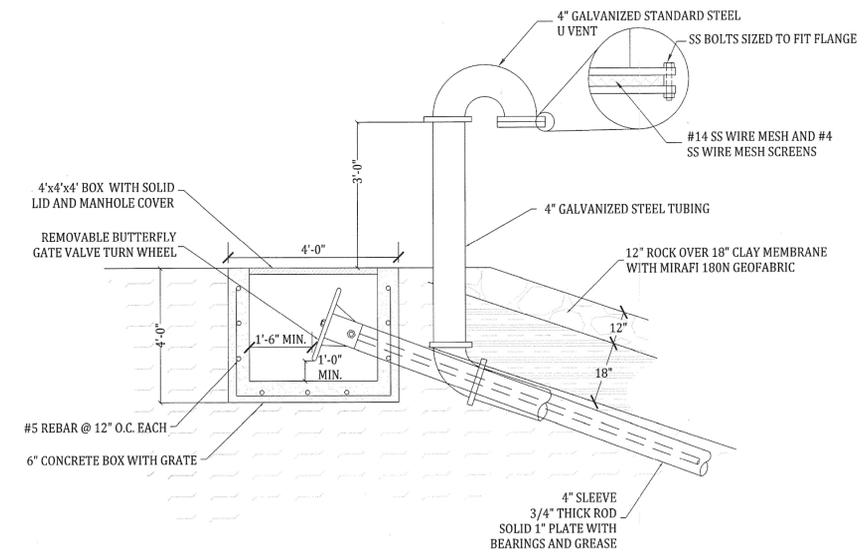
*ROTATING DRUM SCREEN TO BE BY FIRST STREET WELDING, 473 FIRST STREET, IDAHO FALLS, ID 83401, 208.522.2588 4' DIA. x 2' DEEP



6 GATE STEM GUIDE AND SUPPORT BLOCK DETAIL



5 SLOPED INLET BOX
SCALE: NONE



4 U VENT AND GATE STEM BOX DETAIL



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MOUNTAIN GREEN, UTAH

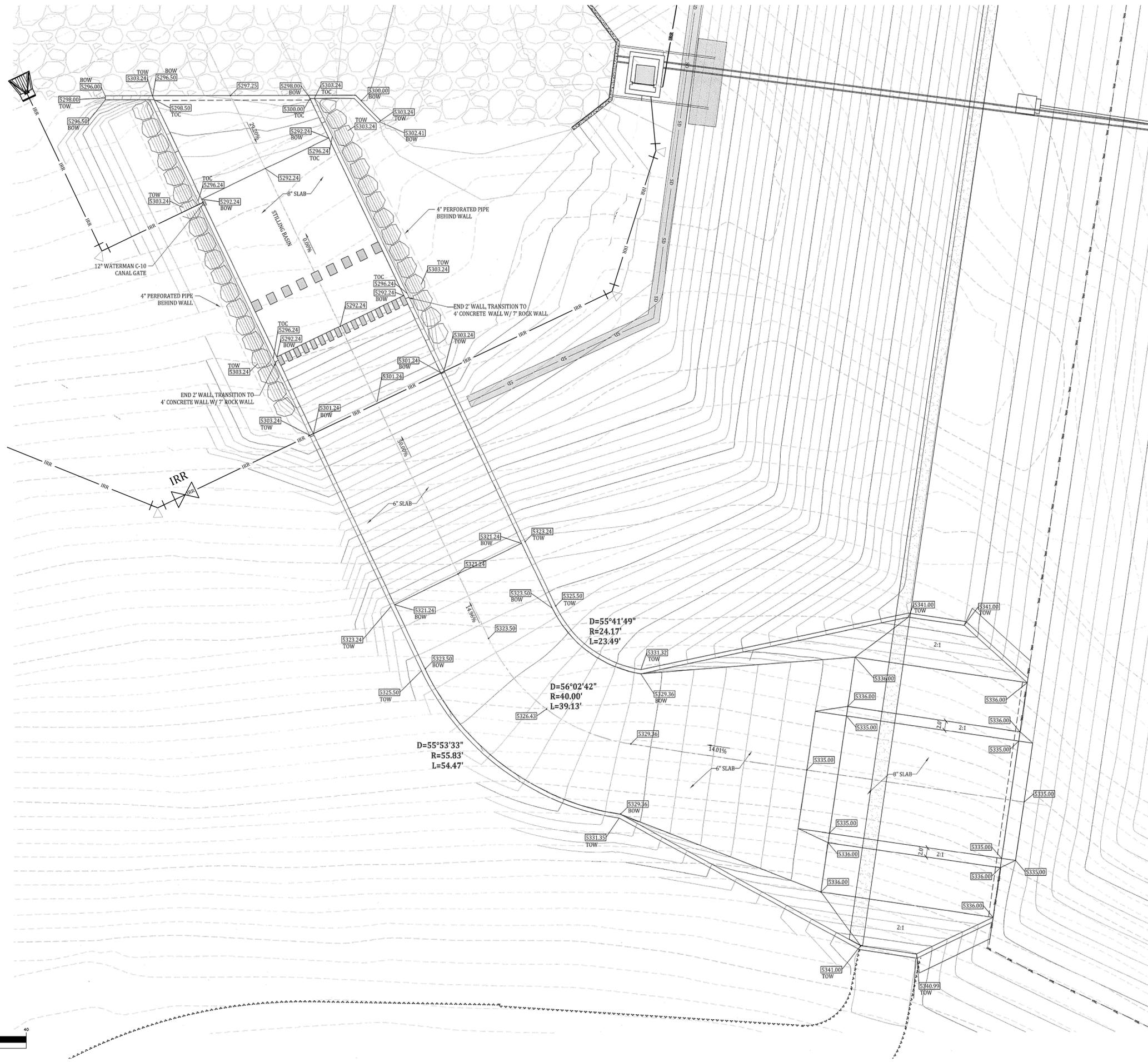


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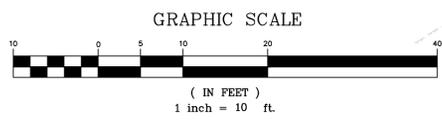
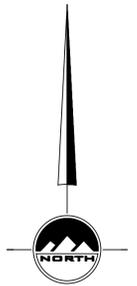
DETAILS

PROJECT NUMBER: 417B
DATE: 3/12/13
DRAWN BY: [blank]
CHECKED BY: [blank]

PROJECT MANAGER: [blank]



- LEGEND**
- xxx PRO SPOT ELEVATION
 - EXIST MINOR CONTOURS 1' INCREMENT
 - EXIST MAJOR CONTOURS 5' INCREMENT
 - MINOR CONTOURS 1' INCREMENT
 - MAJOR CONTOURS 5' INCREMENT
 - IRR PRO IRRIGATION LINE
 - X.X% PRO SLOPE AND DIRECTION



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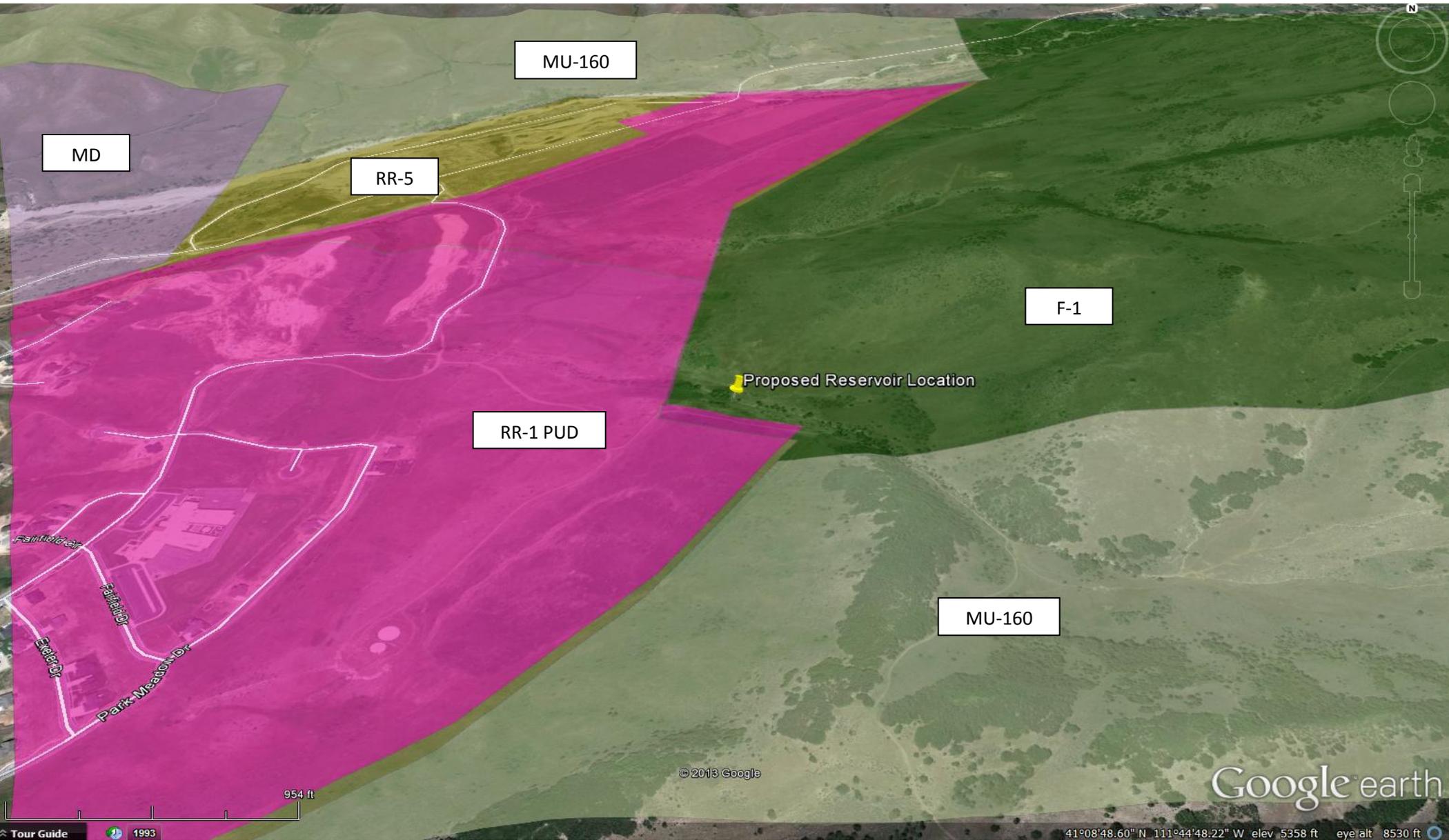


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4			

SPILLWAY DETAIL

PROJECT NUMBER: 417B DATE: 3/13/13
DRAWN BY: CHECKED BY:
PROJECT MANAGER:

Exhibit C: Current Zoning





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

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

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

Administrative Items

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