



## PLANNING COMMISSION AGENDA

Thursday, February 13, 2014

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: Pinewood Subdivision Concept Plan: Conceptual review of a 3 lot subdivision located in the RR-1/A-20 zones on property located at approximately 2425 N 7000 E Croydon. The applicant is also seeking an exception from improvement requirements
6. Discussion/Decision: Carter Meadows Subdivision Concept Plan: Conceptual review of a 3 lot subdivision located in the RR-1/A-20 zones on property located at approximately 4700 S Highway 66
7. Staff Report
8. Approval of minutes from December 12, 2013
9. Adjourn

### **Members Present**

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

### **Others Present**

Chris Cave  
Mike Riddle  
Tina Kelley  
Bruce Sanders  
Dallen Robinson

1. Call to order – prayer. Chairman Haslam welcomed everyone to the meeting. Member Newton offered prayer.
2. Approval of agenda

**Member Sessions 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

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

Dallen Robinson: Mr. Robinson expressed concern about the water source. The existing well is a surface well and is in a flood zone, in addition to there being no water shares for the property. He also mentioned that there was an agreement between the LDS church and the grandmother for Carter Meadows Subdivision Concept Plan that there would be no houses built on that property.

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

#### **Administrative Items**

5. Discussion/Decision: Pinewood Subdivision Concept Plan: Conceptual review of a 3 lot subdivision located in the RR-1/A-20 zones on property located at approximately 2425 N 7000 E Croydon. The applicant is also seeking an exception from improvement requirements

Mike Riddle: Proposing to subdivide into 3 lots and is seeking an improvement exception to the current infrastructure requirements.

Member Newton wondered, in relation to condition #2, how wide the road is and if it is close to 22 feet. Ronda stated that they do not know at the moment, but it is required for preliminary. She said there may have to be a deferral agreement offered by Morgan County. Ronda estimated the width to be 24 feet. Mr. Riddle was confident that there was adequate space.

**Member Sessions moved to forward a positive recommendation for the Pinewood Subdivision Concept Plan, application 14.005, as listed in the February 5, 2014 staff report, and as modified by the additional recommendations below:**

1. That all outsourced consultant fees are paid current prior to final plat recordation.
2. That an improvements exception for the project is conditioned on the current width of 7000 East being 22 feet wide with adequate shoulders, as verified by the project surveyor or engineer; or that improvement of the existing street is provided to a minimum width of 22 feet with adequate shoulders. Construction drawings, if necessary, 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 or completion agreement for said improvements.
3. That the required front, side and rear public utility easements are identified on all lots within the subdivision.
4. That proof of culinary shares/rights (800 gallons per day) and irrigation shares/rights (3 gallons per minute) are provided for each lot at preliminary plat application.
5. That all proposed utilities provide a will serve letter indicating their willingness to serve the property in a manner that complies with County ordinances.
6. That approval of the sewage disposal mechanism is provided by the Weber-Morgan Health Department with preliminary plat submittal.
7. 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 complies with current zoning requirements and subdivision requirements.
4. 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.
5. 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.
6. That the proposal is not detrimental to the health, safety, and welfare of the public.

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

6. Discussion/Decision: Carter Meadows Subdivision Concept Plan: Conceptual review of a 3 lot subdivision located in the RR-1/A-20 zones on property located at approximately 4700 S Highway 66.

Chris Cave: Mr. Cave represented David Pitcher on this project. He proposed to subdivide into 3 lots and with an exception on improvements to the highway. He stated that for preliminary, they are planning to drill wells.

Member Wilson wondered about the agreement between the LDS church and the applicant. Mr. Cave stated that there was nothing recorded on the title report, and Ronda also confirmed that she couldn't find an agreement on title or record against the property.

Member Erickson asked about the current house across the street and Chris responded that it was not concerned with this subdivision. Member Erickson said the water is currently being fed from the well across the street and suggested that there are significant issues to be addressed concerning this.

Member Sessions asked Ronda about the well for the existing house across the street and if it requires an easement. Ronda responded that there would be an easement and the Health Department would need to perform tests and approve. The Health Department would require an easement to the well. It's considered a shallow well, with water being drawn up and across the property and road to the house.

Chair Haslam wondered if there were water rights associated with that well. Chris stated that he did not know at this point. Member Erickson highly recommended researching that before continuing. Ronda explained that water rights for all 3 lots and a well log providing adequate flow would need to be provided for Mark Miller, County Engineer, before advancement to preliminary approval.

Chair Haslam stated that the Health Department regulates the water for the wells and also the lot size, to which Mr. Cave understood.

Ronda clarified that the road appears to have the adequate 22 feet required, but the exception is being requested for clarification if issues arise in the future, as the ground has been dedicated to Morgan County. Portions of the property will be donated to the County at final approval.

**Member Sessions moved to forward a positive recommendation for the Carter Meadows Subdivision Concept Plan, application 14.006, as listed in the February 6, 2014 staff report, and as modified by the additional recommendations below:**

1. That all outsourced consultant fees are paid current prior to final plat recordation.
2. That the plat is revised prior to preliminary plat submittal to modify the required building envelopes to state "Residential Building Envelope".
3. That the plat is revised prior to preliminary plat submittal to modify the required "Building Envelope" to correctly identify the setbacks for the applicable zone.
4. That the plat is revised prior to preliminary plat submittal to provide the minimum frontage requirements for all lots.
5. Adequate proof that the establishment of the existing outbuildings on Lot 3, that do not conform to front setback requirements, indicating that their legal establishment did not violate any land use laws at the time shall be provided as part of the preliminary plat process or propose an alternative plan acceptable to the County.
6. That UDOT approval for access purposes along Highway 66 to the proposed subdivision is provided as part of the preliminary plat application.
7. That an improvements exception for the project is conditioned on the current width of Highway 66 being 22 feet wide with adequate shoulders, as verified by the project surveyor or engineer; or that improvement of the existing street is provided to a minimum width of 22 feet with adequate shoulders. Construction drawings, if necessary, 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 or completion agreement for said improvements.
8. That a slope analysis may be required to clearly identify slope areas over 15% slope with the preliminary plat submittal.

9. That a geologic hazards scoping meeting is held prior to preliminary plat submittal in compliance with MCC §8-5I, and that all reports, studies, and certifications related to geologic hazards studies are provided with the preliminary plat submittal. The preliminary plat shall be designed in a manner that addresses the recommendations of the geologist and geotechnical engineer.
10. That proof of culinary shares/rights (800 gallons per day) and irrigation shares/rights (3 gallons per minute) are provided for each lot at preliminary plat application.
11. That approval of the sewage disposal mechanism is provided by the Weber-Morgan Health Department with preliminary plat submittal.
12. That all proposed utilities provide a will serve letter indicating their willingness to serve the property in a manner that complies with County ordinances.
13. That a note be placed on the plat requiring future development to adhere to Morgan County Code Title 9, Flood Damage Prevention Ordinance for all areas located in the flood plain area.
14. 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 complies with current zoning requirements and subdivision requirements.
4. 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.
5. 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.
6. That the proposal is not detrimental to the health, safety, and welfare of the public.

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

#### 7. Staff Report

Ronda informed the Planning Commission of two Zoning Administration decisions regarding internal lot line adjustments. One was Porter’s Place Subdivision and the other was Whisper Ridge lots 150 and 151 where the internal lines were adjusted. Both have been recorded by the County Recorder.

USIP training opportunities on March 6 were discussed for Planning Commission members. Ronda informed the Planning Commission of many applications coming in and moving forward.

She also informed the Planning Commission of a Mr. Ron Foster from Rollins Ranch, who is experiencing similar problems as many others with issues dealing with the 25% coverage in the RR-120 zone. Several years ago, the county council wanted assurance of adequate storm drain detention and the Rollins Ranch developer was not able to provide that so the 25% remains in place. There was discussion about some of the open space from that phase being sold to him, as

owner of lot 129. Mr. Foster was advised to contact Gardner's about the possible open space possibilities.

Member Wilson inquired about the status of the Durbano development, to which Ronda responded that they will proceed with the law suit.

The Ordinance Update Committee is scheduled to meet on March 20, 2014.

For the upcoming Planning Commission Meeting scheduled for March 13, Ronda will be absent. She sought the opinion of the members on how to proceed.

Planning Commission discussed issues surrounding older residences being demolished upon completion of a new residence on the same site. Member Wilson wondered what the state law is concerning requirement of demolishing an existing residence upon building a new one. He is very curious, as are all Planning Commission members, for consistency throughout the county. Member Sessions inquired about whom is responsible for proceeding with violations to a conditional use permit, to which Tina Kelley answered that the responsibility lies with the County Attorney.

8. Approval of minutes from December 12, 2013

**Member Sessions moved to approve the minutes with changes. Second by Member Erickson. The vote was unanimous. The motion carried.**

9. Adjourn

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

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
Chairman

ATTEST: \_\_\_\_\_ Date: \_\_\_\_\_  
Mickaela Moser, Transcriptionist  
Planning and Development Services