



PLANNING COMMISSION AGENDA

Thursday, August 28, 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

5. Discussion/Decision: Croydon Substation Conditional Use Permit: A conditional use request for the construction of an electrical substation. The substation is proposed to be located at approximately 1600 North 6800 East in Croydon.
6. Discussion/Decision Whittier Estates Subdivision – Concept Plan: A proposed concept plan for the Whittier Estates Subdivision, located at approximately 4000 N Morgan Valley Drive. Comprising approximately 104 acres and a proposed 56 lots. Current zoning is 31.68 acres of R1-20 (34 lots), 43.25 acres of RR-1 (20 lots), and 33.02 acres of A-20/RR-1 (2 lots).
7. Discussion/Decision: Beaver Ridge RCMD Water System Improvements Conditional Use Permit: A conditional use permit request for water system improvements including a pump house, storage tank, and water lines, at an existing youth camp in the F-1 zoning district. Located at approximately 15122 North Church Road, Wanship.
8. Discussion/Decision: Beehive Broadband Conditional Use Permit: A conditional use permit request for a private utility facility (network central office) in an existing CS (Commercial shopping) zoning district. The facility will be 10' x 20' and will be located behind the existing convenience store located at 5150 Old Highway Road in Mountain Green.

Legislative

9. Planning Commission Business/Questions for Staff
10. Approval of minutes from August 14, 2014
11. Adjourn

Members Present

David Sawyer, via electronic participation
Debbie Sessions
Roland Haslam
Darrell Erickson
Michael Newton
Steve Wilson

Staff Present

Bill Cobabe, Senior Planner
Mickaela Moser, Transcriptionist

Public present

JD & Tressa Simmons
Chad Ambrose, RMP
Betty King, Bitner Ranch
Kerry Bitner, Bitner Ranch
Allen & L. Carrigan
Blair Gardner
Wyndell Pasch
Debbie Munteer, RMP
Carol W. Johnson
JoAnn Whittier
Albert Wilde
Steve Petersen
Andrew Peterson
Dave Fletcher
Tina Kelley
Stephen Lifferth

1. Call to order – prayer. Chair Haslam welcomed those in attendance and called the meeting to order. He excused Member Stephens and welcomed Member Sawyer via speaker phone. Member Erickson 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.

Steve Peterson: He is a Croydon resident whose comments were about the power substation. He pointed out on the present map, the pink area is the proposed power substation and the surrounding areas in yellow belong to him and his family. His property will be the first affected by this substation. He believes it will be an eye-sore with concerns about the height of the towers that cannot be concealed. He also expressed concern about the amounts of dirt involved and the affect it will have on county roads. He pointed out the 20-ft height restriction and contacted the power company who informed him their towers were exempt, by way of the national electric code.

Another of his requests included 20-foot pine trees and landscaping so the area didn't become a weed patch. He is upset that there is no way to cover the height of the proposed towers. He's asking to postpone this application for 30 days so he can negotiate with the power company. He also stated that he is not against the proposal, just the location.

Albert Wilde: Representing the Wilde Family, whose property on which the proposal lies. They would like to relocate the site of the proposed power substation. They are willing to swap it out, acre for acre, at no additional cost and explore the possibility with the power company to relocate. He expressed the family's willingness to work with those involved.

Dave Fletcher: Plant manager of Holcim, Inc at Devil's Slide. He emphasized the need for the power substation, stating that there is definitely a need for the substation, but the location is irrelevant to him.

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

Administrative

5. Discussion/Decision: Croydon Substation Conditional Use Permit: A conditional use request for the construction of an electrical substation. The substation is proposed to be located at approximately 1600 North 6800 East in Croydon.

Bill Cobabe: He stated that staff recommended approval based on the listed conditions. Fencing was discussed and it was concluded that the fencing will not be for the intention of obscuring the site. It will be for containment only. The landscaping listed is to make the area aesthetically pleasing. Bill pulled up the map to show everyone the location of the current proposal for the substation.

Member Sessions asked about the flood plain. Bill stated that it lies outside the flood plain. She also asked about the geologic hazard study that is required for CUP's. Bill stated this is not an area of concern, as it is just infrastructure and doesn't involve human habitation. Member Sessions said that Morgan County code has a 35-foot height restriction, however power transmission lines are exempt. But the exemption doesn't necessarily apply for substations.

Member Wilson asked about any side work that has been done on the property. Bill didn't know and deferred to the applicant. Bill stated the chain-link fence is 7 feet high with barbed wire.

Chair Haslam wondered about the allocation under the RR-1 and A-20 zones, as power generation is not allowed in RR-1. Bill said it's considered a utility in that zone and clarified it's covered by the CUP.

Member Sessions asked what would happen if a tower fell onto neighboring property and if a fall zone is being required. Bill deferred to the applicant.

Chad Ambrose: Applicant, representing Steve Rush for Rocky Mountain Power. He showed a map explaining that up Lost Creek, a transmission line has been upgraded. That transmission line will eventually intertwine until it meets the Silver Creek substation. This 138,000 volt transmission source will provide better reliability. Mr. Ambrose is the account manager for Holcim who deals with every power outage that occurs in the area. The land was acquired from the Wilde Family in 2010 and they've not done any actual work with dirt yet. He addressed the question that if the power lines fall, they'll fall within the property lines. This project will bring in transmission line from Evanston and also from Silver Creek. Inside the substation, the voltage will decrease to 46,000 volts and crossover into the Devil's Slide substation, greatly shortening the distance from Holcim source and their actual facility. Currently, because the recent fire burned part of the first line, they are single-sourcing through the second line. It will eventually provide a more reliable service to Morgan County residents. The 12,470-volt line will serve the Henefer area and improve distribution service. Rocky Mountain Power plans to begin construction in January 2015 and be ready to energize by Fall 2015. Once they begin construction, they recognize the impact of trucks and increased large truck traffic. He stated that they consider it a privilege to provide this service.

Member Erickson asked about the transmission line from Wyoming and Mr. Ambrose said it is in and working. He also asked about the NESC code that was addressed earlier. Mr. Ambrose clarified that it is safe and reliable and as small as possible.

Member Newton asked about the location of the substation and whether they've considered moving the currently proposed location. Mr. Ambrose said they have invested millions of dollars on this site and are ready to start construction for this project. They've got too much invested in this project to relocate.

Member Wilson asked about the cost of engineering. Debbie Munteer responded \$250,000 just this year. The geo-tech study has been completed and there have been significant costs already spent associated with this project.

Debbie Munteer: Project manager with Rocky Mountain Power. She showed the visual for the project and said that the initial intent was to tuck the substation behind the hill.

Mr. Peterson requested to move it 1000 feet to the west. Ms. Munteer responded that the same visual will be in place, but it moves it closer to the creek and flood plain. Relocating also affects the transmission line and work is scheduled to begin this week. Member Newton asked about landscaping. She responded that Eric Wilde is planning to utilize the surrounding fields for alfalfa and planting trees in his field interferes with his farming. There is a Questar Gas line present that would need to be worked around and were okay with small shrubs being planted, but not along the gas line. With landscaping, there are issues with irrigation and the costs involved.

It was clarified that the fence will only be around the substation, which is 330 x 500 ft. Chair Haslam asked how far could they move the substation with the information and engineering they currently have?

Ms. Munteer stated that there are significant slopes on the property. Chair Haslam wanted to explore options. He asked about possibly moving 300 feet and the applicant said that even moving 300 feet, they would have to redesign and re-route the transition line. Mr. Ambrose said there are 3 lines coming in. Ms. Munteer said there are also pipelines involved and they have all approved this location. She stated that the area appears large, but there really isn't a large area to work with, considering everything that is impacted. As far as landscaping, trees cannot negatively impact the Wilde operation. Trees also need to be low enough that someone couldn't climb up and get into the substation. Mr. Ambrose talked about considering drought-resistant plants. Member Newton countered that trees need to obscure the substation and he, along with Member Sessions, would like to see landscaping plans. Mr. Ambrose explained that this substation was designed as a modern, low-profile substation and Ms. Munteer said that it will become a part of the community as much as the Holcim plant is. It was clarified that the main bus coming in is 25 feet. Member Sessions would like to mitigate the visual impact. Mr. Ambrose stated that the landscaping plan can be made a condition. Chair also stated that he'd like to see landscaping plans and explore options on how they can work with Mr. Peterson and address his concerns to have minimal impact on everyone.

The NESC, National Electric Safety Code, was discussed. Chair asked if there was a way to move the substation back so it's all in within A-20 zone. Member Sessions stated that when it splits two codes like this, the more restrictive code is enforced.

Bill Cobabe stated that both zones have CUP's that cover uses for public utilities and power. Member Newton asked about the fill needed to bring up the land level. Munteer said they have specific regulations on type of fill. Currently the plan is to cut into the site and not add a significant amount of fill. She stated the trucks hauling dirt will probably use both accesses to the substation.

Mr. Peterson: He would like to slide this project to the west. He stated that the soil conditions are the same and landscaping may not be required. It could put the substation more out of site. He was concerned that there may be a possibility of the substation needing to expand sometime in the future. He was also worried that the truck traffic that's used to bring the dirt will destroy the road.

Member Newton moved to postpone the decision until the September 11th meeting, to include both a landscaping plan as well as the NESC code for height clarification that has been referenced tonight. Second by Member Sessions.

Discussion on the motion: Member Newton noted that he'd like to see the power company move the location slightly. Member Sessions explained that making the landscaping plan a condition is necessary to guarantee that it will be completed. She is concerned that without the plan being a condition, there is no guarantee a landscaping plan will be presented.

The vote was unanimous. The motion carried.

6. Discussion/Decision Whittier Estates Subdivision – Concept Plan: A proposed concept plan for the Whittier Estates Subdivision, located at approximately 4000 N Morgan Valley Drive. Comprising approximately 104 acres and a proposed 56 lots. Current zoning is 31.68 acres of R1-20 (34 lots), 43.25 acres of RR-1 (20 lots), and 33.02 acres of A-20/RR-1 (2 lots).

Bill Cobabe: He showed a map of the parcel location. This area was rezoned for this type of development. Bill reminded that this is a conceptual plan and many decisions still are outstanding and will be discussed and addressed as this project moves forward. He explained the flood plain lines and pipelines. There was some concern with pipeline location and will need surveys to configure lots.

Member Sessions asked if the planning office has had communication with the various pipelines to which Bill responded no. Chair Haslam responded that Pioneer and Questar know about the project. There are still others who may not, including Plains and fiberoptics. Bill stated that access will not be connected to Cloverdale. Bill clarified that everything dedicated will be dedicated to County standards. Chair Haslam was concerned that there is only one entrance to the subdivision.

Blair Gardner: He represents both seller and buyer of the property. There is a 120-foot wide easement for utilities. The overall intention was to comply completely with requirements for approval. There's a hybrid of lots, including the minimum ½ acre lots and also 20 acre lots. The primary access is 3900 N. There is a potential secondary access and also a possible third access. There are plans for a future sub street. He identified the first 21 lots, which touch roads that touch access. There is a list of potential buyers compiled. The current R1-20 zone would be considered Phase 1, but it is a possibility the whole development could happen at once, based upon demand. The RR-1 zone is flood irrigated, and he counted 3-4 head gates. Surface water being used on the property will be stopped by a head gate and channeled, diverted and will not affect water users or property owners downstream.

Member Wilson asked about sewer. Blair responded there is no sewer; it's all septic. Realistic timeline for development is Spring 2015. Each lot will be on their own, individual septic system. Member Erickson asked about landscaping in shaded areas without numbers or designation. Mr. Gardner responded that they are open spaces and common trail easements and HOA's will be implemented for maintaining landscaping and trails. Secondary water is offered with Peterson irrigation. Member Sessions asked about considering anything other than individual septic systems. Blair responded that they've considered a community system, but it was not preferred. The Health Department would require a community system to be located on the highest point of the property and that would require pump stations with potential messy situations. Fence and boundary lines have been completed at this point. They've verified that there is a 100-foot radius around the well as a no-build area. Chair Haslam said that upon rezone, the intent was for the western boundary to be the back of the R1-20 lots. Chair Haslam said the easement is 25 feet from

the center of the pipe, meaning their pipeline corridor goes 19 feet beyond their easement. He said they can't install any buildings, fill material, etc. upon their easement. Chair said he is right in the middle of it now, that's why he knows. He said the property line goes right down the middle of the pipeline corridor. He encouraged Blair to look at membrane systems instead of individual septic systems. There was some discussion about this pipeline corridor and possible lot line relocations. Chair Haslam would like to see it more defined.

Member Sessions moved to forward a positive recommendation to the County Council for the Whittier Estates Subdivision Concept Plan, application #14.080, located at approximately 4000 N. Morgan Valley Drive, based on the findings and with the conditions listed in the staff report dated August 28, 2014.

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 developer sought and received a zone change in connection with this property, approved May 6, 2014.
4. That the developer will install any requisite infrastructure, including roadways, water lines, etc.
5. That the proposal is not detrimental to the health, safety, and welfare of the public.

Conditions:

1. That all outsourced consultant fees are paid current prior to final plat recordation.
2. That the required front, side and rear public utility easements are identified on all lots within the subdivision.
3. 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.
4. That a drainage plan for the subdivision is submitted with each phase, showing interconnecting points and outlets, as required by the County Engineer.
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.
8. That Mr. Gardner work out the lot configuration and pipeline easement delineation with the pipeline companies.

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

7. Discussion/Decision: Beaver Ridge RCMD Water System Improvements
Conditional Use Permit: A conditional use permit request for water system improvements including a pump house, storage tank, and water lines, at an existing

youth camp in the F-1 zoning district. Located at approximately 15122 North Church Road, Wanship.

Bill Cobabe: The LDS church owns the property that straddles Summit and Morgan Counties. Bill displayed the map showing the location of the girls camp that's been in operation since 1975 or so. This camp predates the zoning in Summit County. It is considered an accessory use to a conditional use in Morgan County. Since the work is being done in Morgan County they are seeking a CUP for a well and storage tank. The storage tank itself will be underground and the well is an 8- x 10-foot structure.

JD Simmons: Representing LDS church on this property. Member Erickson asked about the solar system being used to provide heat. JD responded there are 2-one for each pump and they are pedestal mounted.

Kerry Bitner: Bitner Corporation. His property surrounds this property and he wondered if the water rights are defined. JD Simmons stated that Mr. Bitner donated the property to the LDS church back in the 1970's. Bill Cobabe stated that he has a copy of the water rights.

Member Newton moved forward a positive recommendation to the County Council for the Beaver Ridge RCMP Conditional Use Permit, application #14.086, located at approximately 15122 N. Church Road in Wanship, allowing for the installation of water system improvements, based on the findings and with the condition listed in the staff report dated August 28, 2014.

Findings:

1. That the existing use is compatible with the Morgan County General Plan.
2. That the proposed water systems improvements may be permitted based on meeting certain criteria in the Code.
3. That the proposed facility will not adversely impact the adjacent properties.
4. That any potential impact on the existing neighborhood will be minimal.
5. That the structure is not designed for human habitation, and is designed to be visited for maintenance purposes only.

Condition:

1. That the site be returned to its pre-construction state following the completion of the project.

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

8. Discussion/Decision: Beehive Broadband Conditional Use Permit: A conditional use permit request for a private utility facility (network central office) in an existing CS (Commercial shopping) zoning district. The facility will be 10' x 20' and will be located behind the existing convenience store located at 5150 Old Highway Road in Mountain Green.

Bill Cobabe: This is located in the parking lot behind the Old Farm Market. Property is outside the current flood plain. It is roughly the size of a standard parking stall and placed on skids for portability. He reviewed the conditions involved.

Chair asked about railroad ties and would like to recommend concrete. The applicant agreed and it will be added as condition #4.

Steven Lifferth: He is the applicant, representing Beehive Broadband, who bought out the old system. He explained that the current fiber line is on poles and uses existing lines. They're doing an upgrade and currently hold UDOT permits.

Member Sessions moved to forward a positive recommendation to the County Council for the Beehive Broadband Conditional Use Permit, application #14.085, located at approximately 5150 Old Highway Road, allowing for the installation of a private utility facility, based on the findings and with the conditions listed in the staff report dated August 28, 2014.

Findings:

1. That the proposed use has been identified as a communications-type utility, similar to radio and television facilities, telephone and telegraph, and cable television.
2. That the proposed private utility facility is a use that may be permitted based on meeting certain criteria in the Code.
3. That the proposed facility will not adversely impact the adjacent properties.
4. That any potential impact on the existing neighborhood will be minimal.
5. That there will be no employees – this will be a largely remotely-run, automated facility requiring only periodic visits for maintenance and upgrades.

Conditions:

1. That there are no permanent employees at the site.
2. That the exterior of the facility be maintained in an attractive manner, painted and generally kept looking aesthetically pleasing.
3. That no utilities other than electrical service and internet be utilized on the site.
4. That the facility be located on a concrete slab.

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

Legislative

9. Planning Commission Business/Questions for Staff

Bill reported discussions from the Ordinance Update Committee, including revised Conditional Use Table for Residential and Multiple Use Areas around the County. Bill informed the Planning Commission of Fall training opportunities available in Salt Lake City.

10. Approval of minutes from August 14, 2014

Member Erickson moved to approve the amended minutes. Second by Member Newton. The vote was unanimous. The motion carried.

11. Adjourn

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

Approved: _____ Date: _____
Chairman, Roland Haslam

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