



PLANNING COMMISSION AGENDA

Thursday, February 26, 2015

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. Pledge of Allegiance
3. Approval of agenda
4. Declaration of conflicts of interest
5. Public Comment

**Administrative:**

1. Discussion and Decision of the Whisper Ridge Subdivision Phase 2 – Preliminary Plat – A proposed subdivision of approximately 51.576 acres into 48 lots in an R1-20 zoning district. The proposed preliminary plat is at the north end of the existing Robinson Lane in Mountain Green.

**Legislative:**

2. Discussion, Public Hearing and Decision of the Wasatch Powder Bird Land Use Management Code Amendment – A proposed amendment to the Land Use Management Code for Morgan County, amending Section 8-2-1 Definitions, adding a definition for “Heli-skiing”; 8-5A-3 Use Table for F-1 and MU-160 Zones, allowing for heli-skiing as a permitted use; and adding Section 8-6-40 Supplementary Regulations, providing specific regulations and other provisions regarding recreational commercial uses in the F-1 and MU-160 zoning districts.
3. Discussion, Public Hearing and Decision of the Anderson Future Land Use Map Amendment; a request to change the Morgan County Future Land Use Map for 40 acres of property located at approximately 3760 W Ridges Rd from the Natural Resources and Recreation designation to the Agriculture designation.
4. Planning Commission Business/Questions for Staff
5. Approval of minutes from February 12 , 2015
6. Adjourn

Members Present

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

Staff Present

Bill Cobabe  
Mickaela Moser

Public Present

Brent Anderson  
LeRoy Kapp  
Benson J. Whitney  
David Eddington  
Susan Eddington  
Rick Roberts  
Susan Roberts  
Hollie Anderson  
Candice Kimber  
Dave Bliesner  
Rusty Dassing  
Tina Kelley  
Charles Caton  
Bert Sheffer  
Matt Kimber  
Tina Cannon  
Paul Burger

- 1 Call to order – prayer. Chair Haslam called the meeting to order and Member Erickson offered prayer.
- 2 Pledge of Allegiance
- 3 Approval of agenda  
**Member Newton moved to approve the agenda. Second by Member Sessions. The vote was unanimous. The motion carried.**
- 4 Declaration of conflicts of interest  
There were none
- 5 Public Comment  
**Member Sessions moved to go into public comment. Second by Member Erickson. The vote was unanimous. The motion carried.**

Jeff Gooch: Lives on 5680 Robinson Lane in Mountain Green. He is concerned about speeding on Robinson Lane. He has previously contacted the local authorities and they've responded that they don't have the manpower to enforce. He addressed the concern for the few speed limit signs posted (currently 2) and in his opinion, 25 MPH is too fast for the layout of the road. It is 1000 feet of road that needs a speed bump or some other option to reduce the speed. He is willing to pay for a radar or other option to enforce a low speed limit.

Eagon Wheeler: Lives at 5995 Robinson Lane. His concerns for Phase III of the development are: 1. Egress and ingress. The current egress is 18 feet, where it's supposed to be 20 feet, and he is concerned about the need for fixing the issues from Phase I before moving onto Phase II. 2. Snow removal. He mentioned a few instances where construction vehicles are sliding down the roads and he is worried about safety issues involving the narrow road. 3. Water supply. His numbers following the WUIC code conclude 1500 gallons of water per minute for 30 minutes in an emergency situation and he had some questions as to exactly what that entails. He requested that a study be completed for an additional 48 units in the subdivision and whether that will have an impact on emergency response and water availability. He desired that these issues be addressed before moving forward with Phase II.

Matt Kimber: Lives at 6284 Oak Ridge Lane in the Whisper Ridge subdivision. He is concerned with the noise accompanied by construction vehicles as well as traffic increase. He mentioned that there is only one access point and wondered about the plan for current residents and the increased traffic. Being at the top of the subdivision, he can see the dirt, fill and garbage being removed onto the Phase II area and

wants to see it cleared away and cleaned up before building commences.

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

**Administrative:**

7. Discussion and Decision of the Whisper Ridge Subdivision Phase 2 – Preliminary Plat – A proposed subdivision of approximately 51.576 acres into 48 lots in an R1-20 zoning district. The proposed preliminary plat is at the north end of the existing Robinson Lane in Mountain Green.

Bill reviewed that Whisper Ridge is a subdivision in Mountain Green, currently in the R1-20 zone, surrounded by F-1 and RR-1 zoning districts. The original staff report said 48 lots, but it has been revised to 50 lots. Bill mentioned that within this area and subdivision there are geologic hazards and areas designated as “no-build”. The last two lots will have a private lane, but does cross through the no-build area. With regard to access, there is a secondary access that picks up in Phase I and follows down the west side of the property line. There was some discussion as to the secondary access and secondary exit. Bill confirmed that this was approved as a PRUD. There was a plat map passed around to determine access points for Phase I and Phase II. Bill also confirmed the easement travels along the length of the west side of the subdivision, behind lots 120-124. He said the fire chief is investigating conditions pertaining to the fire code, as well as water rights. Bill thought there should be sufficient water for those involved. Chair Haslam noted that there is nothing in writing from the Fire Chief as to the ability to meet emergency requirements at the top of Phase II.

Member Wilson asked Bill to respond to the concerns expressed by the citizens in attendance tonight. Bill responded that he does not believe widening the road will be safer for residents, as a wider road will cause many drivers to increase their speed. He said that the landscape islands will be removed upon beginning of construction of Phase II.

Chair Haslam referred to the staff report where it mentions accommodating emergency vehicles and that the road be maintained for traffic. He is concerned about the access, as the plat says “open space” and there is no connection to the road. Referring to the water company agreement, he wondered if there was a service agreement between Henry Walker Homes and Highlands Water. The letter attached was outdated, but Bill stated that he has an updated letter (will-serve) stating there is enough water. Chair Haslam wondered what the elevation difference of the Highland water tanks was in relation to the highest lot in the subdivision. Mr. Whitney estimated 1000 feet. Member Sessions asked about trails and Bill confirmed there are trails in the development agreement, but their locations have not been determined. The original development agreement for Phase II was approved with 122 lots, but has since been reduced to 114.

Member Wilson mentioned the steep grade of the road (12% slope) and the County currently allows up to a 15% slope. He expressed concern for the steep slope on a snowy day.

Benson Whitney: He is the applicant and resides on Robinson Lane in Mtn. Green. He addressed issues of speeding on Robinson Lane, as previously brought up. He is willing to put in a safety device for Phase II, as a condition of approval, as long as Mark Miller (Morgan County Engineer) approves. He suggested flashing lights to indicate the reduced speed. He also addressed removing islands from the County road and when they will have rights to remove them. He addressed the ability of water reaching 1500 gallons/minute. There is a booster station designed to go in Phase II, on Parcel C, Phase I. It should pressurize the area to increase volume to 2500 gallons/minute for Phases I and II. Its design is nearly completed and needs approval through the state and also a building permit with Morgan County. Highland Water Company currently supports neither the additional pressure nor volume but will be resolved with an easement with a well before completion. He also addressed the

trail system. He passed around a copy of the amended development agreement. He stated that in Phase I, the bond is with the bank. He also stated that he didn't develop Phase I, but just bought many of the lots. He spoke of the sidewalk from the concept plan in 2007 and they will continue the meandering sidewalk as part of the trail system. He was clear in stating that the easement put on Phase I to allow secondary access to Phase II is for emergency access ONLY. That is his understanding and that is what is recorded on the plat in the Recorder's Office. It is currently part of the trail system where residents walk and use 4-wheelers. He agreed that it is necessary to show the easement going through Parcel A on the plat and said that it could be added as a condition of approval. He said they pay Highland Water Company upfront for water access and connections. Member Sawyer asked about speeding options for Robinson Lane and voiced his opinion that the flashing light or flashing sign would be the best fit.

Member Sessions expressed concern about the lack of information available. She would like to see the development agreement, address and define access points and, perhaps, add additional conditions. Member Wilson was in agreement, but asked about her specific questions. Member Sessions clarified she doesn't want to amend the development agreement, but add conditions upon approval.

**Member Sessions moved to postpone the Whisper Ridge at Stone Canyon PRUD Phase II Preliminary Plat, application #14.004, located at the north end of Robinson Lane, until the next meeting on March 12, 2015 for clarification to be able to receive more information regarding emergency ingress and egress as noted on the plat and also have the chance to review the development agreement. Second by Member Wilson.**

Discussion: Member Sessions would like to review the development agreement before moving forward. Member Stephens wondered if there was a need for addressing safety with the speeding problem before preliminary plat. Member Sawyer reminded everyone that the development agreement is listed on the Morgan County Planning website.

**The vote was not unanimous with Members Stephens, Sessions, Sawyer and Wilson in favor and Members Erickson and Newton opposed. The motion carried.**

Member Erickson clarified his vote, as the problems from Phase I has driven the direction and concerns of the Phase II development. He felt that if a few additional conditions were placed tonight, it could move forward. Member Sawyer voiced that he thought there was not enough clarity or information to add a condition about safety and emergency access. Member Erickson thought it would be necessary to show the appropriate connection on the plat, but the problems lie within Phase I, not necessarily Phase II. Member Sessions stressed the importance of ingress and egress.

#### **Legislative:**

8. Discussion, Public Hearing and Decision of the Wasatch Powder Bird Land Use Management Code Amendment – A proposed amendment to the Land Use Management Code for Morgan County, amending Section 8-2-1 Definitions, adding a definition for “Heli-skiing”; 8-5A-3 Use Table for F-1 and MU-160 Zones, allowing for heli-skiing as a permitted use; and adding Section 8-6-40 Supplementary Regulations, providing specific regulations and other provisions regarding recreational commercial uses in the F-1 and MU-160 zoning districts.

Bill presented a slide of the proposed area involved. Bill stressed that this activity has minimal impact upon affected areas. The “temporary” definition consists of activities occurring less than 6 months. Member Sawyer mentioned that in the proposed language, it is permitted and he was curious about this sport in the surrounding counties.

Ronda Kippen stated that it is privately owned and both Summit and Weber Counties allow ski resorts. She stated that Weber County recently removed their helipads. Summit County allows heli-skiing through low impact. Weber County views it as an accessory use to a permitted use. With heli-skiing, there is no disturbance to the ground areas.

Rusty Dassing: Applicant. He mentioned they have 2 bases of operation with helipads: Snowbird and The Canyons ski resorts. They operate with a permit, primarily on Forest Service land. Refueling could be done at the Morgan airport or a staging area in Immigration Canyon, but they do not have a facility within the County. He stated that they have operated on these lands for years.

Chair Haslam clarified that the discussion tonight is to determine the clarification of heli-skiing. Member Sessions suggested that she would like to have the chance to put conditions on this type of activity, such as hours of operation, so residents don’t have helicopters buzzing around at night. Mr. Dassing clarified that they fly during the day. Chair Haslam asked if there are limitations during daylight hours. He reiterated that they operate during the day and are restricted by their permit to a certain area surrounding the ridgeline. Mr. Dassing said they do not have time restrictions in either Summit or Weber County, but they usually operate in remote areas.

Ronda: She directed attention to the part of the code that clarifies conditions and clarified that this is a type of conditional use under F-2, on the third page in the code, “Implementation of a commercial recreation permit.” She stated that this is a commercial use permit. It is required to get a permit from the County to operate. Ronda read the code under F-2 where it clarifies that the zoning administration shall approve, approve with conditions, or deny the application. She mentioned that hours of operation are allowed to regulate this activity. Under a temporary use, it would require an annual renewal.

Member Sessions suggested that certain commercial recreational uses should have their permit reviewed annually, although not all commercial recreational uses fall in that category. Member Newton stated that he is comfortable with it being a permitted activity with some rewording and an adjustment to a ‘P’ to indicate “permitted”. There was some discussion as to the wording.

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

There were no comments.

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

**Member Newton moved to recommend approval of the proposed amendment to the Land Use Management Code for Morgan County, amending Section 8-2-1 Definitions, adding a definition for “Heli-skiing”; 8-5A-3 Use Table for F-1 and MU-160 Zones, allowing for heli-skiing as a P1 permitted use; and adding Section 8-6-40 Supplementary Regulations, providing specific regulations and other provisions regarding recreational commercial uses in the F-1 and MU-160 zoning districts, based on the findings listed in the staff report dated February 26, 2015 with the following condition:**

**8-6-40 Section B shall be amended to read: approval authority the Zoning Administrator is authorized to issue commercial recreation use permits as provided in section listed as P1. The Planning Commission is authorized to issue commercial recreation use permits as provided in this section and listed as P2. And the County Council is authorized to issue commercial recreation use permits as provided in this section listed as P3. Second by Member Sessions.**

Bill noted they didn't add the definition of "commercial recreation use" in the motion. Member Newton withdrew his original motion.

**Member Newton moved to recommend approval of the proposed amendment to the Land Use Management Code for Morgan County, amending Section 8-2-1 Definitions, adding a definition for "Heli-skiing" and "Commercial Recreational Use"; 8-5A-3 Use Table for F-1 and MU-160 Zones, allowing for heli-skiing as a P1 permitted use; and adding Section 8-6-40 Supplementary Regulations, providing specific regulations and other provisions regarding recreational commercial uses in the F-1 and MU-160 zoning districts, based on the findings listed in the staff report dated February 26, 2015 with the following condition:**

**8-6-40 Section B shall be amended to read: approval authority the Zoning Administrator is authorized to issue commercial recreation use permits as provided in this section and listed in the use table as P1. The Planning Commission is authorized to issue commercial recreation use permits as provided in this section and listed in the use table as P2. And the County Council is authorized to issue commercial recreation use permits as provided in this section and listed in the table as P3. Second by Member Sessions.**

**The vote was unanimous. The motion carried.**

9. Discussion, Public Hearing and Decision of the Anderson Future Land Use Map Amendment; a request to change the Morgan County Future Land Use Map for 40 acres of property located at approximately 3760 W Ridges Rd from the Natural Resources and Recreation designation to the Agriculture designation.

Bill showed the map displaying the vicinity of Mr. Anderson's proposed amendment. Bill pointed out that the Ridges subdivision is generally surrounded by steep terrain, however this particular lot under discussion is relatively flat and easy to develop. There are other existing lots relatively the same size as the proposed lot size.

Brent Anderson: Applicant and resident of the Ridges development. He explained the development process of the Ridges and some of the possibilities he's considered with his lot development. He discussed an option of rezoning the remaining 47 acres (after assigning acreage in the MU-160 zone) but has since decided against it. He would like to develop a few homes and indicated that they would not adversely impact surrounding neighbors. He feels it would enhance the development.

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

There were no comments.

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

**Member Sessions moved to forward a positive recommendation to the County Council for the Anderson Future Land Use Amendment, application number 15.015, changing the designation from Natural Resources and Recreation to Agricultural, based on the findings listed in the staff report dated February 26, 2015. Second by Member Newton.**

Member Sessions suggested implementing a zone for RR-20 in the future, as she sees that as the direction in which Morgan County is heading.

**The vote was unanimous. The motion carried.**

10. Planning Commission Business/Questions for Staff

Bill informed of the Planning Conference in April. Discussion ensued for upcoming openings on the Planning Commission for Enterprise and Mountain Green. March 17 at 5:00 pm is the scheduled joint meeting for the upcoming Planning Commission and County Council to discuss commercial use table. Member Sawyer wondered about the gate leading to the Ponderosa development and Bill responded that he hasn't asked Mr. Durbanio yet but he'll look into it. Member Sawyer expressed thanks for the opportunity to serve in Morgan County, and told of his plans to move to Washington D.C. to continue his career in the Air Force. Member Erickson also explained the circumstances surrounding his departure and thanked everyone for the experience.

11. Approval of minutes from February 12 , 2015

**Member Sessions moved to approve the minutes. Second by Member Newton. The vote was unanimous. The motion carried. Members Wilson and Erickson abstained as they were absent.**

12. Adjourn

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

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
Chairman, Roland Haslam

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