



PLANNING COMMISSION AGENDA  
Thursday, November 12, 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 at Morgan County Courthouse
2. Pledge of Allegiance
3. Approval of agenda
4. Declaration of conflicts of interest

**Administrative (Postponed Items):**

5. Discussion/Decision of Northside Creek Conditional Use Permit – A proposed conditional use permit to allow for excavation for a reservoir in an RR-5 zoning district, located at approximately Silver Leaf Drive and Cottonwood Canyon Road.
6. Discussion/Decision – Staker Parson Mountain Green/Warner Gravel Pit Conditional Use Permit – A proposed conditional use permit to allow for a gravel pit in an A-20 zoning district, located at approximately 4950 W Old Highway.

**Administrative:**

7. Public Comment
8. Discussion/Decision of Whittier Estates Subdivision Preliminary Plat - A proposed Preliminary Plat for the Whittier Estates Subdivision, located at approximately 4000 N Morgan Valley Drive. Comprising approximately 104 acres and a proposed 26 lots and a remainder parcel. Current zoning is 31.68 acres of R1-20 (19 lots), 43.25 acres of RR-1 (7 lots with some remainder parcel), and 33.02 acres of A-20 (remainder).

**Legislative:**

9. Discussion/Public Hearing/Decision for Various Land Use Management Code Amendments – Proposed amendments to the Land Use Management Code for Morgan County:
  - Revision of Commercial and Industrial Districts Purpose Statement (Section 8-5C-1), revising the names and purposes of the districts.
  - Revision of the Codes and Symbols used in the Commercial and Industrial Use Tables (Section 8-5C-2), allowing for different levels of approval, including C1 (Staff), C2 (Planning Commission), and C3 (County Council).
  - Revision of the Commercial and Industrial Use Tables (Section 8-5C-3), specifying which uses are allowed in the various zoning districts.
  - Revision of Improvements Completed or In Progress before Building Permit Issued (8-5C-6), with changes to reflect the new zoning district types.
10. Planning Commission Business/Questions for Staff
11. Approval of minutes from October 22, 2015
12. Adjourn

Members Present

Shane Stephens  
Gary Ross  
Debbie Sessions  
Roland Haslam  
Larry Nance  
Michael Newton  
Steve Wilson

Staff Present

Bill Cobabe  
Gina Grandpre  
Mickaela Moser

Public Present

Tina Kelley  
Rich & Carol Koski  
Bill Chipp  
Bill & Buffy O'Malley  
Shawn & Rainey Miller  
Blair Gardner  
Trevis Koch  
Tyson Gardner  
Thomas Family  
Andrea Harris  
Christa Frickel  
Dak Maxfield  
Emily Cox  
Wyndell Pasch  
Dave  
Tina Cannon  
Carla Parrish  
Rachel Hogge

1. Call to order – prayer. Chair Haslam opened the meeting and Member Wilson offered prayer.
2. Pledge of Allegiance
3. Approval of agenda

**Member Nance moved to allow for additional public comment on item 6, as there may be people present who may want to speak who didn't get a chance at the last meeting. Second by Member Wilson.**

Member Wilson suggested a limited amount of time for public comment. A time restriction will be decided later.

**The vote was not unanimous with Members Stephens, Ross, Nance, and Wilson in favor and Members Sessions and Newton against. The motion carried.**

4. Declaration of conflicts of interest  
Chair Haslam indicated a conflict with items 5 and 8. He will continue conducting the meeting but will not comment on those agenda items.

**Administrative (Postponed Items):**

5. Discussion/Decision of Northside Creek Conditional Use Permit – A proposed conditional use permit to allow for excavation for a reservoir in an RR-5 zoning district, located at approximately Silver Leaf Drive and Cottonwood Canyon Road.

Bill introduced Mark Miller, Morgan County Engineer. Member Nance asked about the original motion made concerning Northside Creek. Member Nance read the original motion made at the last Planning Commission Meeting, which asked specifically about the road and pedestrian safety and truck traffic. He had recently looked at the travel patterns with Mike Waite (Public Works Director) to determine pedestrian safety. They followed runners, atv's riders, and they agree that the safety risk will increase with excavation, as there is no walkway in the area. Mark was also

concerned about road degradation and encouraged Planning Commission members to the applicant to provide maintenance and repair as needed.

Member Stephens asked about water rights involved.

Skyler Gardner: He stated they have Change Applications as they are required by the Health Department. The Change Application approval is with the Mountain Green Secondary water district and it has been approved since 2008. Water rights will be owned by the developer and HOA.

Member Newton noted condition #4, concerning public safety precautions. He asked about any plan for safety precautions and Skyler addressed concerns, but actual improvements to the road have not been discussed at this point. Member Sessions asked about the removal of material and Skyler reiterated he is requesting the permit. Mark Miller had just deferred to the applicant for ideas to improve safety and Skyler indicated they could provide road striping, signs, reduced speed, etc.

Mr. Miller indicated that what they have proposed, which is reasonable, is sufficient as there is too much material onsite for them not to remove it. Member Sessions would like the material to remain onsite until a road improvement plan concerning public safety is implemented, as a temporary situation.

Skyler stated he can provide the requested documentation to Staff. Several of the conditions were discussed between Mr. Gardner and the Planning Commission members.

Mark Miller discussed that the State regulates dam safety and provides regular inspection.

Member Sessions clarified that the landowners will be responsible to carry liability insurance.

Member Newton proposed to strike Condition #10 completely. Member Nance is opposed to striking item #10. All others were in favor.

**Member Newton moved to forward a positive recommendation to the County Council for the Northside Creek Conditional Use Permit, application #10.049, located at approximately 6471 N Silver Leaf Drive, allowing for the excavation and construction of a reservoir, based on the findings and with the conditions listed in the staff report dated November 12, 2015 and with conditions listed on the provided documentation, and with changes made to condition #4 and the deletion of condition #10. Second by Member Ross.**

**Findings:**

1. That the proposed use has been identified as a land excavation/reservoir. These kinds of uses are conditionally (C3) allowed in RR-5 zoning districts.
2. That the proposed public facility utility is a use that may be permitted based on meeting certain criteria in the Code.
3. That the proposed facility will implement measures in an effort to not adversely impact the adjacent properties.
4. That any potential impact on the existing neighborhood will be mitigated.
5. That there will be no employees – this will be a reservoir for holding water and for recreational purposes.
6. That the increase in large truck traffic will raise the safety risk for pedestrians.
7. That the requirements of the County Engineer have been or will be addressed (see note attached in Exhibit G.)

**Conditions:**

1. That the developer work with Mike Waite (Public Works Director) and Mark Miller (County Engineer) to ensure that the roads are in the same state of use and repair at the end of the excavation period.
2. That the developer provides a revegetation plan and/or uses hardscape materials to help prevent erosion on sloped areas. MMC 8-6-32.C.5
3. That no excavation shall commence until the State has approved the Water Right's Change Application associated with this water facility and updated dam permit has been provided to the county.
4. As a matter of public safety, all excavated material must be kept on site until a safety traffic plan for Cottonwood Canyon Road is approved by the County Engineer. MMC 8-8-4.A.7
5. This conditional use permit expires 2 years from approval by the governing body, and shall be evaluated every 6 months for compliance and progress. A one year extension may be granted if the required conditions of this conditional use permit have been met. MCC 8-8-4.E.1
6. Hours of operation shall be from 7:00 am to 5:30 pm, Monday through Friday. MCC 8-8-7.F.2.a
7. A performance and completion bond of 110% will be provided in favor of the county for the cost of rehabilitation and/or completion of the reservoir. MCC 8-8-4.E.2
8. The developer shall be required to meet the standards of noise and dust emissions as set forth by the County Engineer. MMC 8-8-4.C.13, MMC 8-8-7.F.3
9. A plan regarding processes that will be used to prevent the degradation of water quality will be provided. MCC 8-8-4.C.3
10. ~~Mountain Green Secondary Water Company shall retain ownership and the maintenance responsibility of the reservoir.~~ (Member Nance was against removing this condition)
11. The applicant will satisfy all requirements of the County Engineer and Public Works Director. MCC 8-8-5.L
12. The applicant shall comply with all requirements of the Morgan County Code and ordinances, as well as state and federal regulations. MCC 8-8-5.L
13. The conditional use permit will be revoked for non-compliance. MCC 8-8-3.C

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

6. Discussion/Decision – Staker Parson Mountain Green/Warner Gravel Pit Conditional Use Permit – A proposed conditional use permit to allow for a gravel pit in an A-20 zoning district, located at approximately 4950 W Old Highway.

Chair Haslam inquired about the time limit for public comment. Member Sessions asked those present to keep opinions to themselves, but the Commission welcomes new evidence they could mitigate. She stated they are aware of the public concerns that have been previously shared. Member Wilson suggested 15 minutes and Member Nance recommended 30 minutes for the comment section. Member Wilson complied.

**Member Nance moved to allow for 30 minutes for public comment. Second by Member Newton. The vote was unanimous. The motion passed.**

Chair remarked that the applicant and Staff may address concerns at the end of public comment.

Member Nance asked those in attendance to consider that the Planning Commission members are required to follow the law.

Marina Halsten: She read a statement from Kera Birkeland, owner of the daycare, Mountain Green Kids Club. She understands property rights but is concerned about the dust and exhaust surrounding her daycare business, especially when she takes kids outside. She is also concerned with the proximity of the trucks driving to the outside playground equipment and also driveway proximity to the gravel pit area. The daycare is open 12 hours per day, 6 am-6 pm.

Emily Mendenhall: She expressed concern with potential violations of the Holley Pit and Warner Pit with safety and health concerns. She understands there are no exceptions in the Morgan County Code to allow for their operation.

Nina Rhoades: She addressed silica levels brought up by Mr. Dak Maxfield (representative of Parson's) at the previous meeting. At a prior meeting, a local doctor (Dr. Brian Mentsch) gave his professional statement that some of the most dangerous levels of diesel exhaust and other pollutants are not studied and many of the studies are out of date. Children's health was specifically addressed. She feels surrounding residents have endangered health due to this gravel pit.

Ray Allen: He has lived next to the existing gravel pit for 40 years and stated that 12 surrounding residents have cancer and he thinks the health implications are related to proximity to the gravel pit.

Matt Blood: He is not opposed to gravel pits in general, but the Warner Gravel Pit is too close to Rollins Ranch and its residents.

Jordan Hansen: He read a letter from the Utah Physicians of Healthy Environment which detailed the hazards associated with contact from toxic heavy metals, dust, and diesel exhaust.

Shawn Miller: He wondered if Staker Parsons follow OSHA's protocol and procedures, concerning safety issues. He knows Staker Parsons protect their employees from hazards but is not aware of protection for residents surrounding the gravel pit.

Elizabeth Chan: She is concerned with the air quality, as she suffers from asthma. She resides in Mountain Green.

Bill Chipp: He read from County code 8-83c-1 and stated that the health, safety and welfare of the community may give legal right for the County to reject their permit application. He stated that Staker Parsons has no interest in obeying the law or being a "good neighbor".

Bill O'Malley: Summer Ridge, Enterprise resident. He is opposed to the gravel pit and called for a moratorium on gravel pits in the County. He counted 12 existing gravel pits. His concern is that this may evolve into an asphalt processing plant in the future. He is also concerned with the toxic air.

Noah Hadley: Resident of Mountain Green. He has asthma and has a doctor's note saying the dust won't be good for his lungs.

Shauna Durbano: She is currently building a home in Mountain Green. Her perfect spot in the world would include clean air and she chose Mountain Green. She began building her home in proximity to a dormant gravel pit and knows the air quality near her new home will deteriorate with gravel pit activity.

Kreaton Green: He read that the 7-1-6 code specifies a violation with unsightly debris that hasn't been removed. The neat and orderly condition was never kept up.

Dak Maxfield, representing Staker Parsons Company: He stated they held a neighborhood meeting to address further concerns with local residents. He addressed Shawn Miller's comments to protect workers and OSHA standards.

Jeremy Speas, Industrial Hygienist for Staker Parsons: He stated his mother passed away from cancer, which is the reason for him pursuing his current educational degree to possibly prevent cancer through industrial causes. He discussed the protections and precautions practiced by Staker Parsons. He addressed silica concerns. He stated they do follow the regulations of OSHA and they put out 6000 gallons of water per day for dust control.

Dak Maxfield: He addressed the studies documented at the Brigham City pit, stating there are similar circumstances, offering comparable results. He showed on Google Earth a time lapse for gravel pit activity. He addressed property rights, both the company's and surrounding residents'. He noted the small berm in place to shield the surrounding neighborhood from gravel pit activity.

Randy Anderson, representing Staker Parsons: He clarified that their intent is to finish mining and sell the finished property to a developer for future development. He further clarified that was how Rollins Ranch was developed in the first place.

Member Ross asked Mr. Speas how often the air quality is mitigated, and he responded that they test the air quality within the pit and the Division of Air Quality may test air outside the pit.

Patrick Clark: Air quality is regulated outside the pit by the Department of Air Quality. They test the quality of air leaving the pit, and monitor gravel pits.

Member Ross asked about bringing water onto the site and Mr. Maxfield responded that a water truck will bring in the 6000 gallons of water a day. He also discussed the travel route of the trucks, indicating 15 loaded trucks per hour.

Member Nance asked about their good neighbor practices. Mr. Maxfield responded that they will not be processing material daily. When they do process, they will bring in a plant and sell locally. They comply with County hour restrictions. He also discussed remediation. He also addressed dust concerns. Member Nance said he didn't see any dust control when he drove past to view the activity. Randy Anderson clarified that the plant has everything built-in for dust control, as it is state-of-the-art equipment. He reiterated the dust levels are monitored and controlled.

Member Wilson asked about the potential for processing material. He asked about a condition limiting processing onsite. Mr. Anderson replied that they would be okay without processing. He also reiterated they want to get in, get the job done, and sell the property for development. He

discussed options for not being able to finish their mining job, as trucking will be needed regardless for development.

Member Sessions clarified that Staker Parsons will keep mining on the Holley Pit inactive, with processing happening at the Holley Pit but not at the Warner Pit. Randy Anderson clarified they will keep to the 15 trucks between both pits.

Randy Anderson addressed trucking, access and right of way in proximity to the daycare. There was discussion about access. Chair Haslam proposed hauling processed material out of the Holley Pit instead of the Warner Pit. The Staker Parson Company has agreed to the 15 trucks/hour condition the County proposed. The Planning Commission will address the proposed additional conditions and will give Dak Maxfield the opportunity to address each one individually. Bill confirmed that this is a legal operation. Chair Haslam spoke to the public in attendance, thanking them for their attendance and concern. He also wanted everyone to understand they are seeking a happy medium between public concern, County rights and the applicant.

Member Sessions asked for those in attendance to consider their support in updating the General Plan, stating that the current A-20 Zone allows for gravel pits. Mark Miller inserted that a bond of 115% is not legal anymore. He further stated a vinyl fence is non-climbable.

Member Stephens addressed a trespassing issue; suggesting putting “No Trespassing” signs on the fencing. Cattle movement along Warner’s land was also discussed, concerning fencing. Chain-link fencing was deferred to the County Council for recommendations.

Mark Miller suggested quantifying noise level, as it may vary between different people, and as there are crushers, conveyors, and trucking involved.

Member Nance asked about pollution and noise regulations from outside companies. Mark Miller clarified that the majority of his concern comes from the processing equipment.

Mr. Maxfield asked for clarification on condition #13 concerning the walking path. Mark Miller inserted that the applicant has not provided a traffic study and he requested that information, including potential acceleration, widening, crosswalk, etc. He feels it a responsible concern, as this is a dormant pit now coming into an active status and there is a new subdivision nearby. Mark Miller stated that the Public Works Director has requested action be taken concerning the weed control at the gravel pit (Condition 16).

Concerning Condition 19, Mark Miller is concerned with the road condition being quantified.

Mr. Miller asked for additional information concerning Condition 22.

Mr. Maxfield clarified that the post-reclamation site plan would be vacant ground.

Member Nance asked about how the conditions will be enforced. Chair responded that per County code, Bill Cobabe (planning director), Kent Smith (building inspector), Mark Miller (County engineer), Mike Waite (public works) -in their respective areas of expertise- will enforce their compliance with a regular 6 month inspection. There was discussion about the frequency of inspection to a possibility of quarterly or even monthly. Although Bill stated that regularly scheduled inspections sometimes bring inaccurate representations.

**Member Sessions moved to forward a positive recommendation to the County Council for the Warner Gravel Pit Conditional Use Permit, application #15.051, located at approximately 4950 W Old Highway Road, allowing for the excavation of gravel and sand, based on the 6 findings and with the following 29 conditions:**

**Findings:**

1. That the proposed use has been identified as a gravel pit. These kinds of uses are conditionally (C3) allowed in an A-20 zoning district.
2. That the proposed gravel pit is a use that is permitted based on meeting certain criteria in the Code.
3. That any potential impact on the existing neighborhood can be substantially mitigated.
4. That the proposed facility will implement measures in an effort to not adversely impact adjacent neighborhoods.
5. The development of the town center as identified on the future land use map and in the general plan necessitates the excavation and removal of material (gravel).
6. That the requirements of the County Engineer and Public Works Director have been or will be addressed.

**Conditions:**

1. This conditional use permit expires 2 years from approval by the governing body, and shall be evaluated every 6 months for compliance and progress. A one year extension may be granted if the required conditions of this conditional use permit have been met. MCC 8-8-4.E.1
2. The removal of the old Warner house is completed prior to extracting/removing any material from the pit. Also the removal of excess garbage in the pit before proceeding. MCC 8-8-4.D.1
3. Hours of operation shall be from 7:00 am to 5:30 pm, Monday through Friday. MCC 8-8-7.F.2.a
4. A performance and completion bond of 110% will be provided in favor of the County for the cost of rehabilitation of the pit.
5. Mining operations will not occur in the areas previously rehabilitated. MCC 8-8-4.E.2
6. As a matter of public safety, a non-climbable fence shall be installed along the eastern boundary between the pit and the Rollins Ranch subdivision. MCC 8-8-4.A.9
7. The mining of the Holley Pit will be put into an inactive status until the excavation of the Warner Pit is concluded and remediation is completed to the satisfaction of the County Engineer. Project specific mining of the Holley Pit will be allowed.
8. The applicant shall comply with the Storm Water Pollution Prevention Plan, permit # UTR000995. MCC 9-9-3.C.3
9. Dust emission shall meet all Utah Department of Environmental Quality regulations for gravel pits. A plan for dust mitigation will be submitted to the County. MCC 8-6-32.C.8
10. The applicant shall be required to meet the standards of noise emission for gravel pits as set forth by the County Engineer. MCC 8-8-4.C.13
11. A geologic and geotechnical report shall be submitted. An environmental assessment shall also be required. MCC 8-8-4.C.7, 8, &12
12. Westbound trucking along Old Highway Road shall be limited to 15 loaded trips per hour. Eastbound trucking along Old Highway Road shall be limited to 3 loaded trucks per day. Trucking over Trappers Loop shall be unrestricted, leaving from the North side of the pit. Trucking out of both pits will be limited to 15 trips per hour. MCC 8-8-4.A.11
13. The existing berm shall remain in place to provide visual screening and noise buffering until the completion of the pit (last area to be mined). MCC 8-8-4.D.2
14. Signs, walking path, or other safety devices will be placed as directed by Morgan County's Public Work Director and County Engineer. The applicant will provide a traffic study to ensure the new traffic pattern is safe and effective. MMC 8-8-5.C
15. During excavation all slopes are to be maintained in a stable and safe condition, as determined by the County Engineer. A final reclamation plan that is consistent with the Future Land Use Map will be submitted to the County. MCC 8-8-4.C.7
16. The applicant shall provide a comprehensive, phased re-vegetation plan. MCC 8-6-32.C.5

17. Weed control of the entire property will be monitored by Morgan County Public Works Director. Control of the weeds will be the responsibility of Staker Parsons. MCC 8-8-4.D.1
18. All lighting in the area of the pit shall preserve the "dark sky" standard. MCC 8-8-4.C.13
19. The applicant will work with Morgan County's Public Works Director and County Engineer to ensure that the roads are in the same state of use and repair at the end of the excavation period.
20. The County shall inspect the site to determine the appropriate setbacks to allow the operation to function while ensuring public safety. All processing equipment shall be located at the Holley Pit. No processing of material shall take place at the Warner Pit.
21. No asphalt batch plant shall be operated at the Warner Pit.
22. Construction methods, specifications, drawings, plans and practices shall be provided as requested by the County Engineer. A note shall be added to the first drawing sheet that states "intent to strictly comply with all the provisions of Sections 8-6-32 and 8-8-7 of the Morgan County Code." MCC 8-6-32 & 8-8-7
23. A plan regarding processes that will be used to prevent the degradation of water quality will be provided. MCC 8-8-4.C.3
24. No blasting will be used during mining. MCC 8-8-4.C.13
25. An inspection schedule shall be established and be referenced on the drawings in accordance with MCC 8-8-7.E.
26. The applicant will submit a final reclamation plan to the County Engineer which contemplates excavating and grading the site in such a manner that the final grading will be consistent with the Future Land Use Map. No excavation/removal of material below the level of Old Highway Road will be allowed. A post-reclamation site plan will also be required. MCC 8-6-32.C.3, &5
27. The applicant will satisfy all requirements of the County Engineer and Public Works Director. MCC 8-8-5.L
28. The applicant shall comply with all requirements of the Morgan County Code and ordinances, as well as state and federal regulations that govern gravel pits. MCC 8-8-5.L
29. The conditional use permit will be revoked for non-compliance. MCC 8-8-3.C

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

### **Administrative:**

#### 7. Public Comment

Trevor Kobe: Board member of the Peterson Pipeline Association. He summarized conditions related to sewer, drinking water and State regulations, making sure regulations are in place. He confirmed 1 active well and state requirements require a minimum of 2 sources. Growth in Peterson would need an additional water source, with a surrounding 2 acre protection zone. He stated they have a Will Serve in place to discuss a secondary well site in December. He would like to be able to move forward with what they currently have, instead of making it a condition of approval.

Dave Carrigan, President of Peterson Pipeline. He said the Peterson Pipeline supplies drinking water to this development. He sees two separate issues-capacity and protection zones-which are necessary to proceed. He believes they can serve this development project. He voiced that State ordinance says that for protection of well beds, septic systems within zone 2 (a new well) are not allowed. They currently have 124 servicing connections, putting them 50% over the

recommended level. It is recommended that connections exceeding 100 connections need to have an additional water source. The community is concerned about the possibility of contaminated drinking water.

Member Nance asked for clarification.

Trevor Kobe: He appreciated the traffic study, as a condition of approval, and he understands that involves reducing the speed limit through Peterson.

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

8. Discussion/Decision of Whittier Estates Subdivision Preliminary Plat - A proposed Preliminary Plat for the Whittier Estates Subdivision, located at approximately 4000 N Morgan Valley Drive. Comprising approximately 104 acres and a proposed 26 lots and a remainder parcel. Current zoning is 31.68 acres of R1-20 (19 lots), 43.25 acres of RR-1 (7 lots with some remainder parcel), and 33.02 acres of A-20 (remainder).

Bill summarized this application involves 100 acres and he showed the current Future Land Use Map. Bill described that the flood plain was the reason for many of the proposed lots being taken out of consideration from development. He showed the proposed utility plan, including the layout of the road. He said the County Engineer has not been able to review the traffic report yet, so that condition of approval has not been met, however besides that condition, he recommends approval. The County Engineer will review prior to construction of the lots. The lots are about 1 acre each. Bill confirmed they have a Will Serve letter.

Blair Gardner, applicant. He gave a brief history of their lot consolidation due to capacity and regulations, mainly surrounding sewer concerns. They have eliminated the easement on lots, allowing for an open corridor. He said they had a traffic study ordered and they will comply with any suggestions they are capable of. He stated they have exhausted many resources and would like to proceed with this development. The State told them they don't want additional treatment facilities (for sewer).

Member Nance asked for clarification about water connections. Dave Carrigan said the State Division of Drinking Water gave them the OK for additional hookups, allowing for them to go against their own regulations. He stated they go through extensive testing every month to ensure healthy water. He said the current well has given great water since 1952, but there are no houses surrounding it. That is where his concern lies.

**As it is currently 10:18 pm, Member Newton moved to allow for a vote on this agenda item. Second by Member Nance. The vote was unanimous. The motion passed.**

**Member Newton moved to forward a positive recommendation to the County Council for the Whittier Estates Subdivision Preliminary Plat, application #15.010, located at approximately 4000 N. Morgan Valley Drive, based on the findings and with the conditions listed in the staff report dated November 12, 2015.**

Conditions:

1. That all conditions of the County Engineer are met prior to or in connection with construction document submittal and beginning of construction on the site and prior to final plat review/approval. (see Exhibit G)
2. That the requirements of the traffic study be met as part of the construction document submittal, review, and construction process. (see Exhibit H)
3. That the conditions of the Peterson Pipeline Company as outlined in the Will Serve letter be met prior to final plat review/approval. (see Exhibit I)
4. That all outstanding fees for outside reviews are paid in full prior to recording the final Mylar.
5. That a current updated Title Report is submitted with the final Mylar.
6. That all other local, state, and federal laws are adhered to.

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 zoning and subdivision requirements.
4. The Planning Commission of the County shall make a recommendation to the County Council for a preliminary plat in accordance with the regulations outlined in the Morgan County Code.
5. Those certain conditions herein are necessary to ensure compliance with adopted laws prior to subdivision plat recording.
6. That the proposal is not detrimental to the health, safety, and welfare of the public.

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

As the time exceeds 10:00 pm, the County bylaws restrict Public Hearing.

Public Comment:

Ronda Kippen: She is a Morgan City resident: She addressed agenda item #9, expressing concern of exposing our community's data to a national database by using the national guidelines for commercial uses. She encouraged the commission members to actively plan for the future of our community. She specified nuclear power plants, among other potentially harmful commercial uses that fall under the national database.

Rachel Hogge: She commented on the current A-20 zoning which allows for excavation. She has done research concerning the recent gravel pit situation and discovered that the A-20 zone in Morgan City code does not allow for gravel pits and she believes they should not be allowed in the Morgan County code as well.

The next Planning Commission meeting will be December 10, 2015. Items 9, 10 and 11 on this agenda will be moved and discussed at that time. Member Nance suggested discussing a change in the Mountain Green A-20 zoning for the next meeting.

Bill informed County residents that next week, November 19 at 6:30, they will discuss updates for

the General Plan. He highly encouraged participation from Mountain Green residents.

**Legislative:**

9. Discussion/Public Hearing/Decision for Various Land Use Management Code Amendments – Proposed amendments to the Land Use Management Code for Morgan County:
  - Revision of Commercial and Industrial Districts Purpose Statement (Section 8-5C-1), revising the names and purposes of the districts.
  - Revision of the Codes and Symbols used in the Commercial and Industrial Use Tables (Section 8-5C-2), allowing for different levels of approval, including C1 (Staff), C2 (Planning Commission), and C3 (County Council).
  - Revision of the Commercial and Industrial Use Tables (Section 8-5C-3), specifying which uses are allowed in the various zoning districts.
  - Revision of Improvements Completed or In Progress before Building Permit Issued (8-5C-6), with changes to reflect the new zoning district types.
  
10. Planning Commission Business/Questions for Staff
  
11. Approval of minutes from October 22, 2015
  
  
12. Adjourn

**Member Stephens moved to adjourn. Second by Member Nance. The vote was unanimous. The motion passed.**

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

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