



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

Northside Creek Excavation Conditional Use Permit  
Public Meeting  
November 12, 2015

Application No.: 10.049  
Applicant: Rulon Gardner  
Owner: Same  
Project Location: approximately 6471 N Silver Leaf Dr (intersection of Silver Leaf and Cottonwood Canyon Road)  
Mountain Green  
Current Zoning: RR-5  
General Plan Designation: Village Low Density  
Acreage/Lots: approximately 92.524 acres/22 lots, 4 parcels, 1 private road  
Request: Approval of Northside Creek CUP, allowing for excavation and construction of a reservoir  
Date of Application: October 14, 2010  
Date of Previous Meeting: N/A

Staff Recommendation

County Staff recommends approval of the requested conditional use permit based on the following findings and with conditions listed below:

**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 minimal.
5. That there will be no employees – this will be a reservoir for holding water and for recreation purposes.
6. 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.
3. That all other requirements of the County Engineer and Public Works Director are met.

### Background

This is a request to construct a small reservoir in the Cottonwood Canyon area. The property is located generally north of the intersection of Cottonwood Canyon Road and Silver Leaf Drive. The proposed conditional use permit is for the excavation of material sufficient to ultimately construct the reservoir.

While this site is currently relatively isolated, there is proposed to be expansion of residential units in the area, including building out Stone Ridge (Cottonwoods Phase 4) and the immediately adjacent Northside Creek subdivision, which has 22 proposed lots. Due to the nature of the proposed conditional use permit, and the kinds of noises, dust, and dirt that are generated, mitigating efforts should be taken to ensure minimal impact on these areas. Further, heavy truck traffic along Cottonwood Canyon Road and Silver Leaf Drive will almost certainly cause damage to the existing roadway. The developer has agreed that any adverse effect of his activities on the roadway will be repaired by him prior to final completion of the project.

The developer has been working on this project with the County, State, and other interested parties for several years. As this is mainly an engineering-related project, the County Engineer and Public Works Director have worked closely with the developer to ensure that the County's interests will be met. It is anticipated that this project will help deal with the water shortages that the area experiences each summer, and will work in connection with the Cottonwoods Mutual Water Company system to provide secondary water to the area.

### Analysis

*General Plan and Zoning.* Pursuant to the Future Land Use Map (see Exhibit B), the property has a Village Low Density Residential designation. According to the General Plan, the Village Low Density Residential designation "provides for a lifestyle with planned single family residential communities, which include open space, recreation and cultural opportunities, including schools, churches, and neighborhood facilities located in established village areas or master planned communities." The ultimate use of this parcel will be for open space and both active and passive recreation, which is in keeping with the purposes of the General Plan designation. The proposed CUP will make these uses possible.

The zoning of the parcel is RR-5 (Rural Residential - 5 acre lot minimum). The purposes of the RR-5 zone is

- a. To promote and preserve in appropriate areas conditions favorable to large lot family life;
- b. Maintaining a rural atmosphere;
- c. The keeping of limited numbers of animals and fowl; and
- d. Reduced requirements for public utilities, services and infrastructure.

Further, these (Rural Residential) districts are intended to be primarily residential in character and protected from encroachment by commercial and industrial uses. The proposed conditional use permit would be a short-term use. The ordinance allows for this kind of use with the

granting of a conditional use permit.

Ordinance Evaluation. Morgan County Code, Chapter 3, Section 8-2-1 defines conditional use as the following:

*CONDITIONAL USE: A land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. (A use of land for which a conditional use permit is required, pursuant to this title.)*

**Staff Response:** Due to the nature of this kind of excavation, any impact due to the location of the proposed use will need to be mitigated in terms of noise, traffic, and other potential nuisances. While the site is currently fairly remote, there may be some disturbance to local land owners, and care should be taken to ensure compliance with conditions outlined in the Code and this report.

Property Layout. The property involved in the reservoir comprises Parcel A, which is approximately 64 acres, of which approximately 24 acres will be under water and reserved as a water storage easement held by Cottonwoods Mutual Water Company.

Roads and Access. Access to the lot will be derived from Cottonwood Canyon Road/Silver Leaf Drive. It is anticipated that the proposed conditional use could have a significant impact on the roadway and existing traffic patterns. The developer has provided a truck route schedule, and the roadways will be monitored for wear and other impact.

Grading and Land Disturbance. This project is essentially a large-scale grading project, with excavation of the material and minimal, non-mechanized processing on the site. The resulting land formation will be a large pond that will hold secondary water and provide recreation opportunities. The County Engineer has reviewed and approved the preliminary drawings. Portions of the parcel appears to lie within the flood plain; however, as this is also a natural drainage channel, the reservoir will be designed to accommodate any/all flood events.

Water Source. Water shares have been procured for the proposed eventual reservoir.

Fire Protection. The property is outside the Wildland Urban Interface Area. However, there will be no structures built in connection with the conditional use permit.

Sanitary Sewer Systems. Sewer service will not be utilized by the proposed use.

Storm Water. Storm water drainage will be accommodated in the proposed system. The County Engineer has reviewed the drainage plans and has approved the proposed drawings.

Geologic and Geotechnical Evaluations. Consideration has been given to the geotechnical requirements of such an improvement. The requirements of the County Engineer have been addressed.

Utilities. No utilities are to be installed.

## Model Motion

Sample Motion for *positive recommendation* – “I move we 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.”

Sample Motion for *positive recommendation with conditions* – “I move we 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, *with the following conditions:*”

1. List any additional findings and conditions...

Sample Motion for *negative recommendation* – “I move we forward a negative 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 following findings:*

1. List any additional findings...

## Supporting Information

Exhibit A: Vicinity Map  
Exhibit B: Future Land Use Map  
Exhibit C: Existing Zoning Map  
Exhibit D: Flood Plain Map  
Exhibit E: Proposed Layout of Reservoir  
Exhibit F: Morgan County Engineer Statement

## Staff Contact

Bill Cobabe, AICP  
801-845-4059  
bcobabe@morgan-county.net

Exhibit A: Vicinity Map

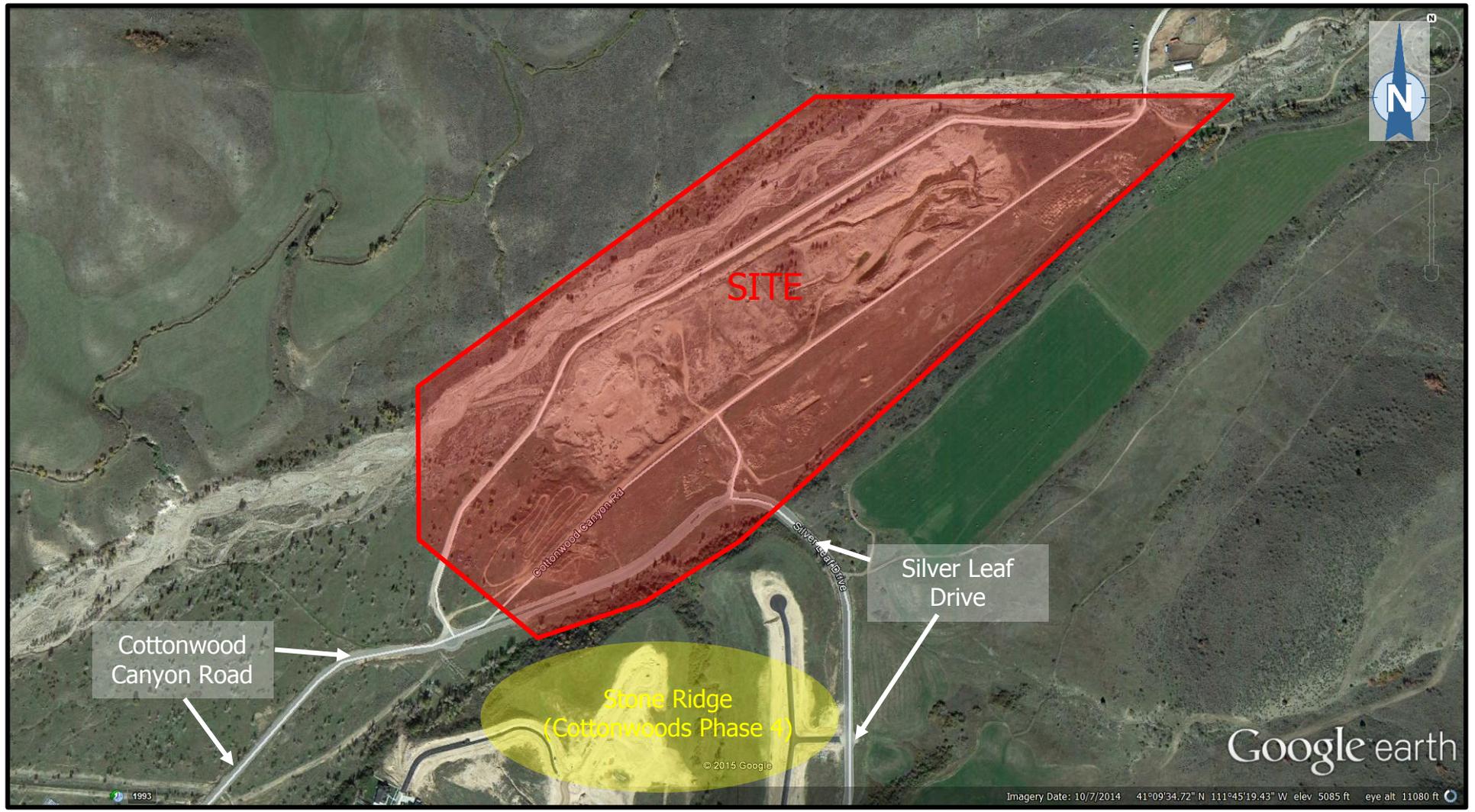


Exhibit B: Future Land Use Map

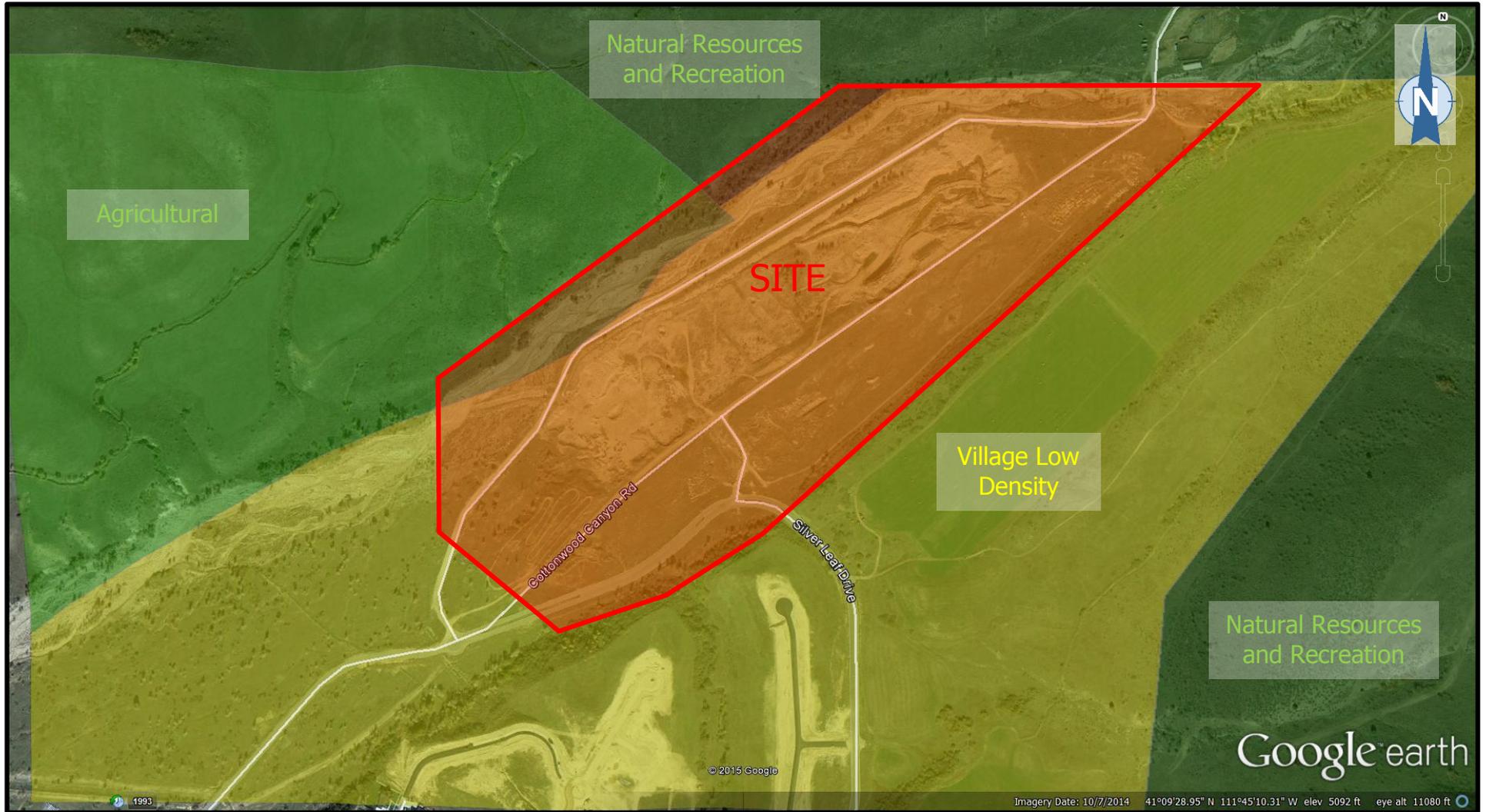


Exhibit C: Existing Zonng Map

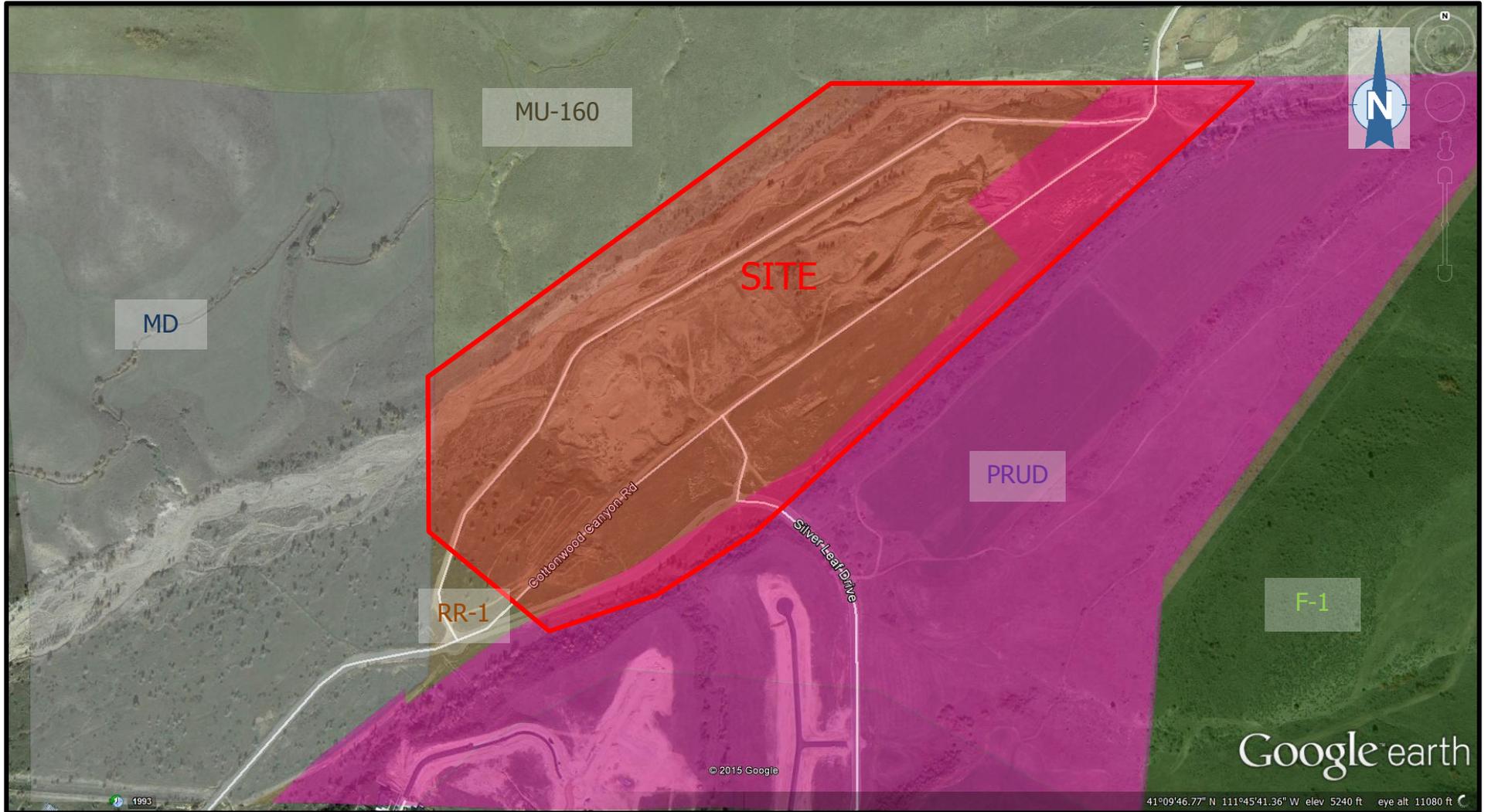
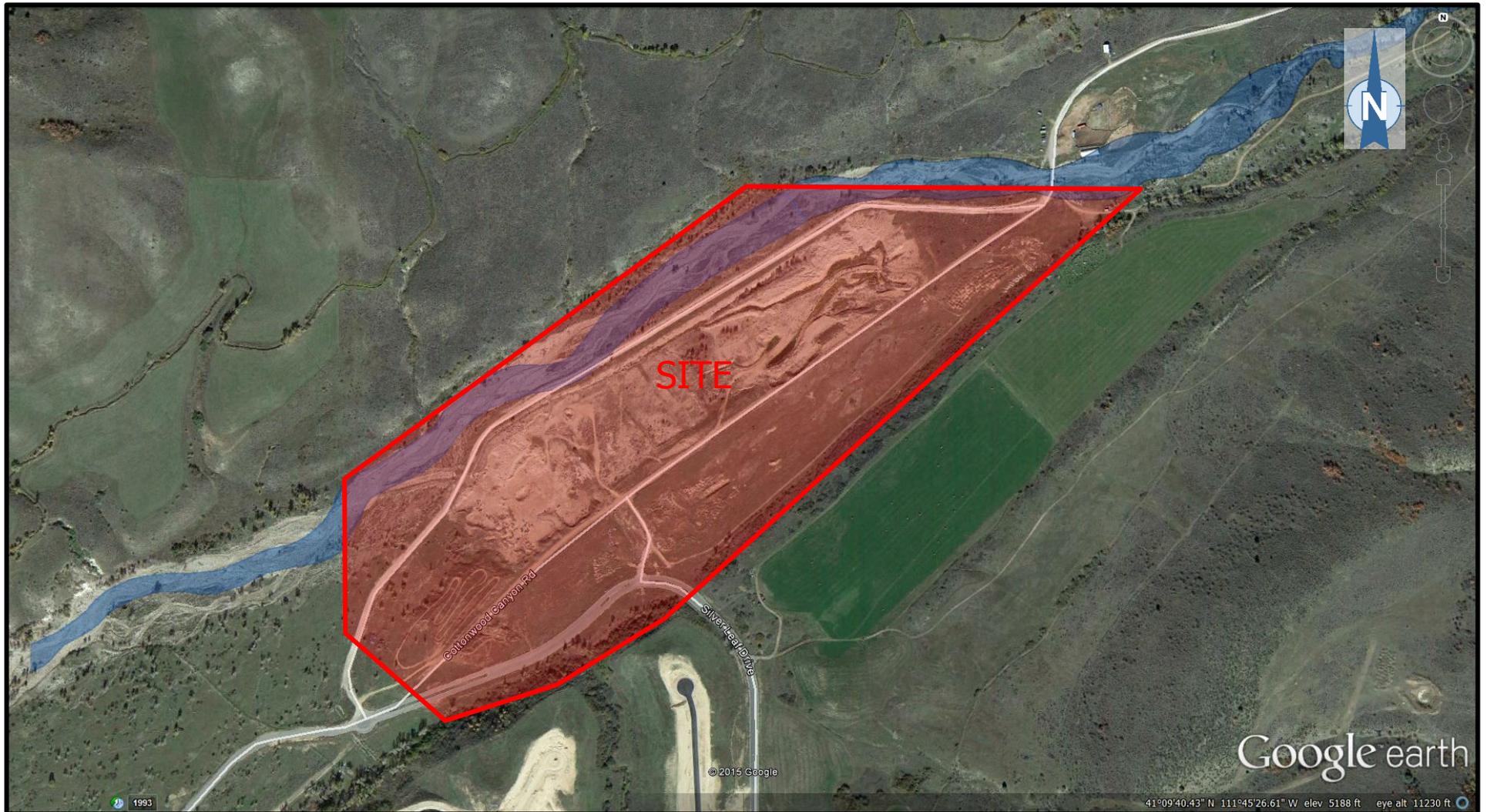


Exhibit D: Flood Plain Map



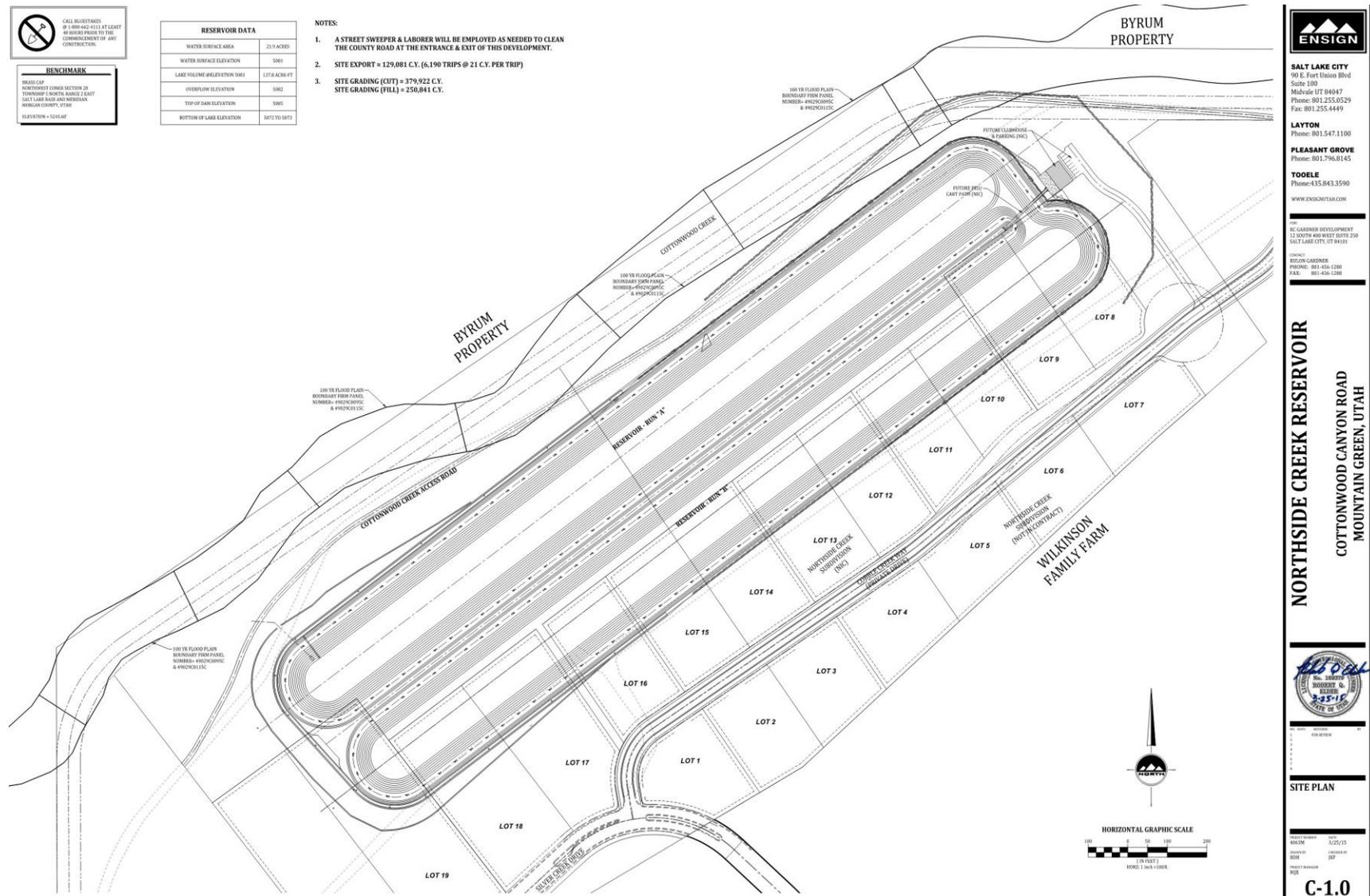
# Exhibit E: Proposed Layout of Reservoir



**BENCHMARK**  
 BENCHM: 400 NORTHWEST CORNER SECTION 29 TOWNSHIP 3 NORTH RANGE 2 EAST SALT LAKE BASIN AND MERRIAM HERRICK COUNTY, UTAH  
 ELEVATION = 5204.66'

RESERVOIR DATA	
WATER SURFACE AREA	21.9 ACRES
WATER SURFACE ELEVATION	5301
LAKE VOLUME @ ELEVATION 5301	137.6 ACRES FT
UNDERFLOW ELEVATION	5302
TOP OF DAM ELEVATION	5305
BOTTOM OF LAKE ELEVATION	5075 TO 5073

- NOTES:**
1. A STREET SWEEPER & LABORER WILL BE EMPLOYED AS NEEDED TO CLEAN THE COUNTY ROAD AT THE ENTRANCE & EXIT OF THIS DEVELOPMENT.
  2. SITE EXPORT = 129,081 C.Y. (6,190 TRIPS @ 21 C.Y. PER TRIP)
  3. SITE GRADING (CUT) = 379,922 C.Y.  
 SITE GRADING (FILL) = 250,841 C.Y.





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**HC GARDNER DEVELOPMENT**  
 22 SOUTH 900 WEST SUITE 200  
 SALT LAKE CITY, UT 84111

**CONTACT:**  
 BRUCE GARDNER  
 PHONE: 801-458-1280  
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**NORTHSIDE CREEK RESERVOIR**

COTTONWOOD CANYON ROAD  
 MOUNTAIN GREEN, UTAH

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**SITE PLAN**

DATE: 10/20/15  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT NUMBER: [Number]  
 RICE

C-1.0

## Exhibit F: Morgan County Engineer Statement

As requested in the previous planning commission meeting on October 22, 2015, Mark Miller and Mike Waites observations in regards to pedestrian safety.

Posted by Mark Miller Tuesday at 11:29am

As requested, Mike and I looked into the potential vehicle/pedestrian conflicts on Cottonwood Canyon Road as it relates to the proposed trucking of material from the reservoir site. Inasmuch as no walkway exists on either side of the roadway, and due to its narrow width (particularly from the airport to the site), increased truck traffic will increase safety risk for pedestrians.

Over the past several years I have observed that many pedestrians on this section of road walk on the pavement. Mike and I witnessed a walker and a runner on the pavement the day we visited the site. We also followed a 10 wheel dump truck up the road on our way to the site. It seemed very obvious to both Mike and me that pedestrian and large truck conflicts will increase with the increase in truck traffic which will result from the reservoir construction. – Mark Miller



Planning Commission  
Memorandum

**Planning and Development Services**

Warner Gravel Pit Conditional Use Permit  
Public Meeting  
November 12, 2015

Application No.: 15.051  
Applicant: Staker Parson Mountain Green  
Owner: Jack B Parson Companies  
Project Location: approximately 4950 Old Highway Road (near the intersection of Trappers Loop Road and Old Highway Road)  
Mountain Green  
Current Zoning: A-20  
General Plan Designation: Village Low Density, Town Center, and Village Residential (4 Dwelling Units per Acre (DUA))  
Acreage: approximately 51.51 acres  
Request: Approval of Warner Gravel Pit CUP, allowing for excavation processing  
Date of Application: May 28, 2015  
Date of Previous Meeting: N/A

**Staff Recommendation**

County Staff recommends approval of the requested conditional use permit based on the following findings and with conditions listed below:

**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. 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. MCC 8-8-4.E.2
5. As a matter of public safety, a non-climbable fence shall be installed around the entire perimeter of the property. MCC 8-8-4.A.9
6. 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.
7. The applicant shall comply with the Storm Water Pollution Prevention Plan, permit # UTR000995. MCC 9-9-3.C.3
8. 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
9. 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
10. A geologic and geotechnical report shall be submitted. An environmental assessment and environmental impact statement shall also be required. MCC 8-8-4.C.7, 8, &12
11. 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. MCC 8-8-4.A.11
12. The existing berm shall remain in place to provide visual screening and noise buffering until the completion of the pit. MCC 8-8-4.D.2
13. 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
14. 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.C7
15. The applicant shall provide a comprehensive, phased re-vegetation plan. MCC 8-6-32.C.5
16. 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 Parson. MCC 8-8-4.D.1
17. Stock piles will be kept in a way that will prevent the wind from blowing dust from them. MCC 8-6-32.C.8
18. All lighting in the area of the pit shall preserve the "night 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 far west end of the pit. MCC 8-8-4.A.3 & 6
21. Construction methods, specifications, drawings, plans and practices shall be provided as requested by the county engineer. MCC 98-6-32.C
22. A plan regarding processes that will be used to prevent the degradation of water quality will be provided. MCC 8-8-4.C.3
23. No blasting will be used during mining. MCC 8-8-4.C.13
24. 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
25. The applicant will satisfy all requirements of the County Engineer and Public Works Director. MCC 8-8-5.L
26. 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
27. The conditional use permit will be revoked for non-compliance. MCC 8-8-3.C

## Background

This is a request to complete the mining of the Warner Pit in the Mountain Green area. The property is located generally north of the Old Highway Road, near the intersection of Trappers Loop Road and Old Highway. The proposed conditional use permit is for the continued excavation of material. The original conditional use permit was granted in 1997 and was good for a period of 13 years, after which time it expired.

This site is located immediately adjacent to a residential area to the east (Rollins Ranch) Due to the nature of the proposed conditional use permit, and the kinds of noises, dust, and dirt that are generated, mitigating efforts should be taken to ensure minimal impact on these areas. Further, heavy truck traffic along Old Highway Road will almost certainly cause damage to the existing roadway. The developer will need to repair any adverse effect of his activities on the roadway will be repaired by him prior to final completion of the project. As this is mainly an engineering-related project, the County Engineer and will continue to work closely with the developer to ensure that the County's interests will be met.

## Analysis

General Plan and Zoning. Pursuant to the Future Land Use Map (see Exhibit B), the property has a Village Low Density Residential, Town Center, and Village Residential (4 DUA) designation. According to the General Plan, the Village Low Density Residential designation "provides for a lifestyle with planned single family residential communities, which include open space, recreation and cultural opportunities, including schools, churches, and neighborhood facilities located in established village areas or master planned communities." The Town Center designation "denotes areas suitable for a mixture of commercial, employment, and supporting residential uses in appropriate locations. Horizontal mixes uses would be required for master planned projects, and vertical mixed uses would be encouraged. Residential uses in the Town Center category should be vertically and/or horizontally integrated, and complementary to non-residential uses. Town Center projects should be designed to provide maximum compatibility with surrounding land uses. Increased aesthetic and architectural design requirements and focus on streetscape creation are paramount to the development of a Town Center area." The Village Residential designation "provides for a combination of single family attached and detached dwellings, townhomes, and duplexes. Substantial common open space for visual relief and recreation amenities would serve residents. This designation is found in the Mountain Green area with designated densities of up to 4 units per acre, and is appropriate for established village areas with infrastructure to support the uses." The anticipated ultimate use of this parcel will be for potential commercial and residential development. The proposed CUP will make these uses possible.

The zoning of the parcel is A-20 (Agricultural - 20 acre lot minimum). The purposes of the A-20 zone is "to promote and preserve in appropriate areas conditions favorable to agriculture and to maintain greenbelt spaces. These districts are intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses inimical to the continuance of agricultural activity." (LUMC 8-5A-1 (C))

Ordinance Evaluation. Morgan County Code, Chapter 3, Section 8-2-1 defines conditional use as the following:

*CONDITIONAL USE: A land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. (A use of land for which a conditional use permit is required, pursuant to this title.)*

**Staff Response:** Due to the nature of this kind of excavation, the impact on adjacent properties due to the location of the proposed use will need to be mitigated in terms of noise, traffic, and other potential

nuisances. There may be some disturbance to local land owners, and care should be taken to ensure compliance with conditions outlined in the Code and this report.

Property Layout. The property comprises 51.51 acres. The site has had some excavation, and the remaining area will be mined for gravel and sand.

Roads and Access. Access to the lot will be derived from Old Highway. It is anticipated that the proposed conditional use could have a significant impact on the roadway and existing traffic patterns. The developer has provided a truck route schedule, and the roadways will be monitored for wear and other impact.

Grading and Land Disturbance. This project is essentially a large-scale grading project, with excavation of the material and processing on the site. The resulting land formation will be a relatively smoothly graded to facilitate future development. The County Engineer has reviewed and approved the preliminary drawings.

Water Source. This site will use water from the existing water sources available on the site.

Fire Protection. The property is within the Wildland Urban Interface Area. There will be no permanent structures built in connection with the conditional use permit.

Sanitary Sewer Systems. Sewer service will not be utilized by the proposed use.

Storm Water. Storm water drainage will be accommodated in the proposed system. The County Engineer has reviewed the drainage plans and has approved the proposed drawings.

Geologic and Geotechnical Evaluations. Consideration has been given to the geotechnical requirements of such an improvement. The requirements of the County Engineer have been addressed.

Utilities. No utilities are to be installed.

### **Model Motion**

Sample Motion for *positive recommendation* – “I move we forward a positive recommendation to the County Council for the Warner Gravel Pit Conditional Use Permit, application #15.051, located at approximately 4950 Old Highway Road, allowing for the excavation and processing of gravel and sand, based on the findings and with the conditions listed in the staff report dated November 12, 2015.”

Sample Motion for *positive recommendation with conditions* – “I move we forward a positive recommendation to the County Council for the Warner Gravel Pit Conditional Use Permit, application #15.051, located at approximately 4950 Old Highway Road, allowing for the excavation and processing of gravel and sand, based on the findings and with the conditions listed in the staff report dated November 12, 2015, with the following conditions:”

1. List any additional findings and conditions...

Sample Motion for *negative recommendation* – “I move we forward a negative recommendation to the County Council for the Warner Gravel Pit Conditional Use Permit, application #15.051, located at approximately 4950 Old Highway Road, allowing for the excavation and processing of gravel and sand, based on the following findings:

1. List any additional findings...

**Supporting Information**

- Exhibit A: Vicinity Map
- Exhibit B: Future Land Use Map
- Exhibit C: Existing Zoning Map
- Exhibit D: Proposed Layout of Gravel Pit
- Exhibit E: Applicant's Narrative
- Exhibit F: Morgan County Engineer Report

**Staff Contact**

Bill Cobabe, AICP  
801-845-4059  
bcobabe@morgan-county.net

Exhibit A: Vicinity Map

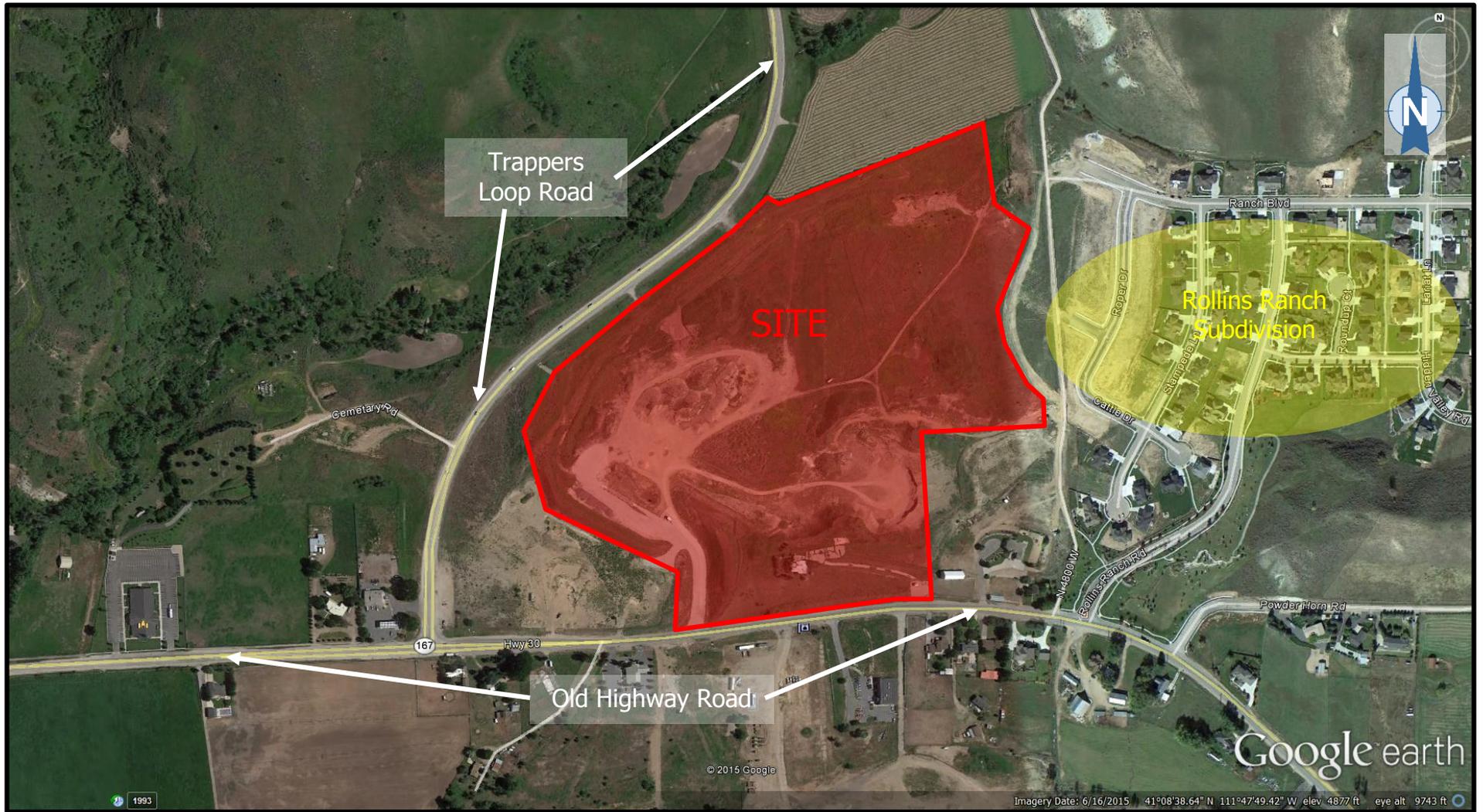


Exhibit B: Future Land Use Map

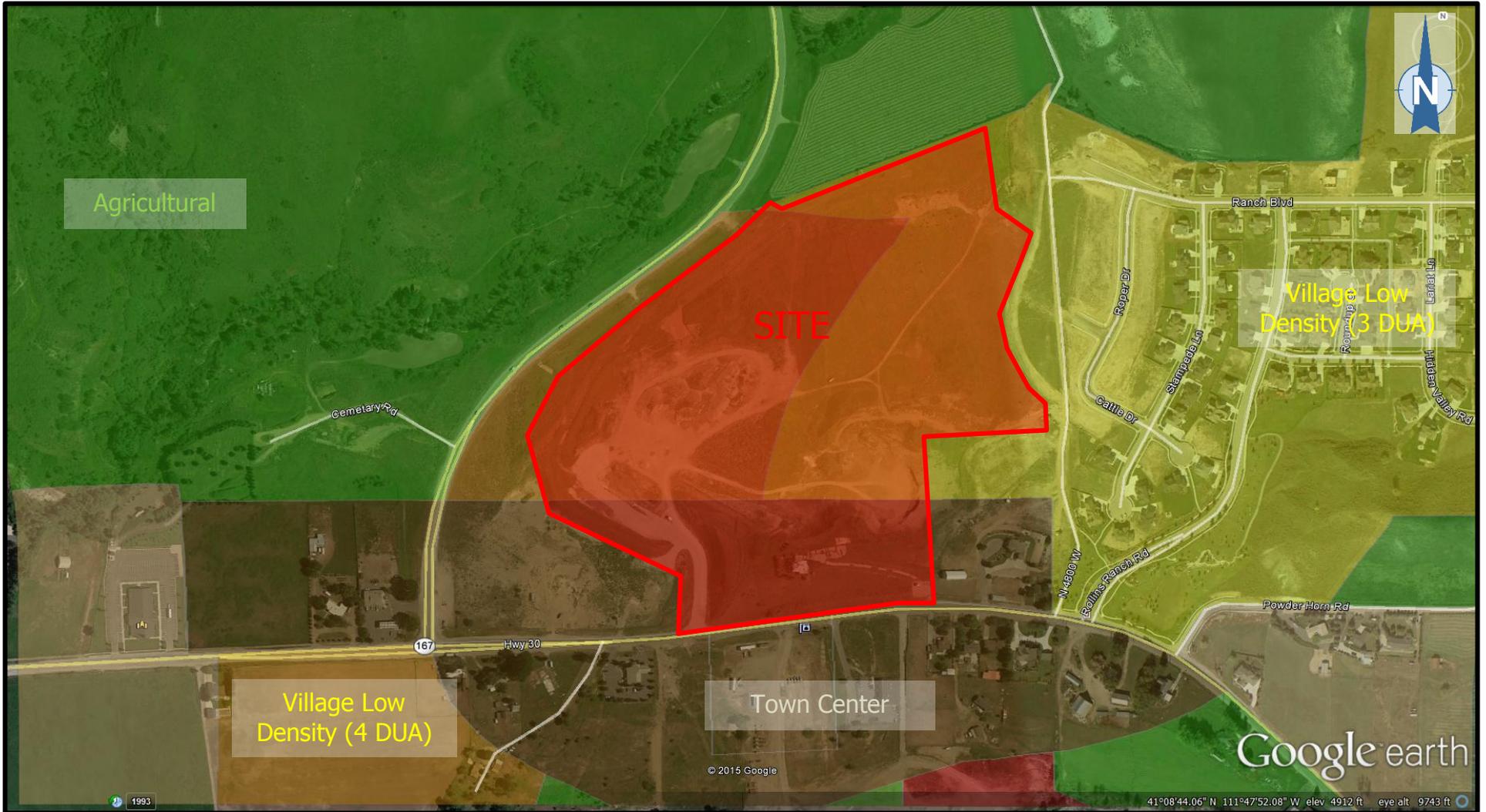


Exhibit C: Existing Zonng Map

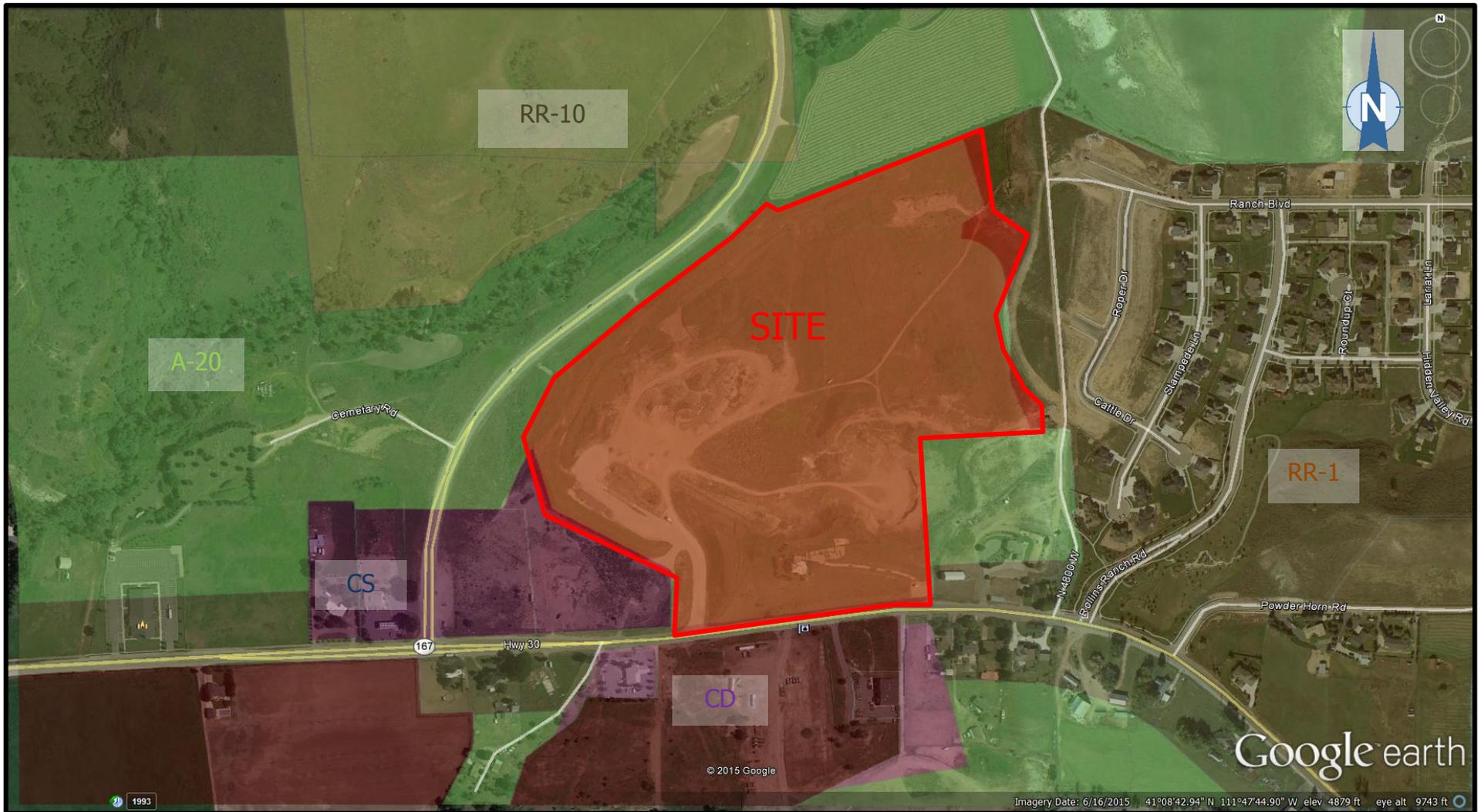


Exhibit D: Proposed Layout of Gravel Pit

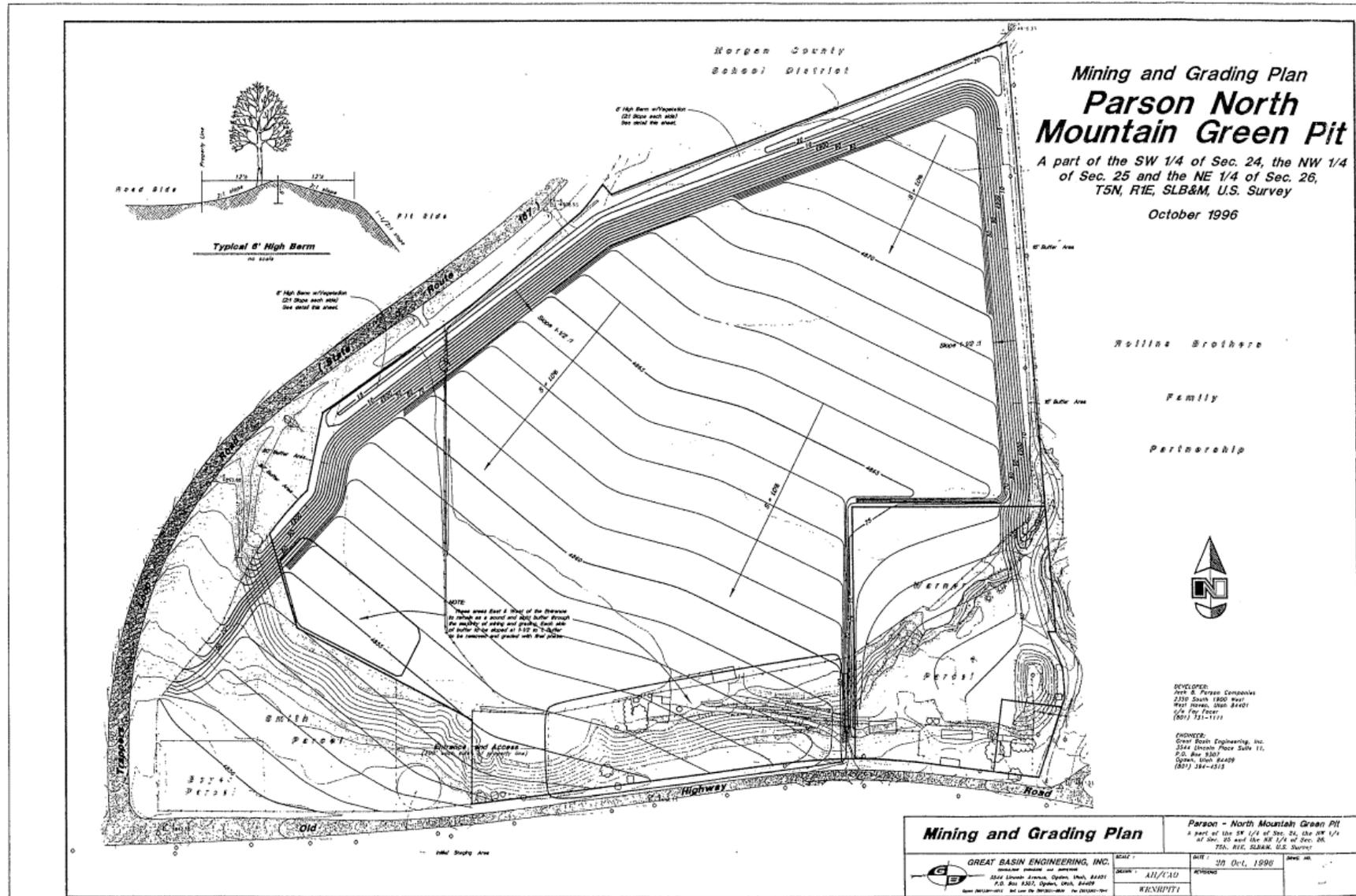


Exhibit E: Applicant's Narrative

**REVISED (VERSION 2)  
WRITTEN NARRATIVE  
FOR  
JACK B. PARSON COMPANIES  
CONDITIONAL USE PERMIT APPLICATION  
MOUNTAIN GREEN – WARNER PIT**

<b>PROJECT NAME:</b>	STAKER PARSON COMPANIES MOUNTAIN GREEN – WARNER PIT
<b>APPLICANT INFORMATION:</b>	JACK B. PARSON COMPANIES, ATTN. REAL ESTATE MANAGER 2350 SOUTH 1900 WEST OGDEN, UT 84401
<b>PROJECT DESIGNER INFORMATION:</b>	STAKER PARSON COMPANIES, ATTN. NICK WARDELL 2350 SOUTH 1900 WEST OGDEN, UT 84401

In February of 1997 Jack B. Parson Companies ("JBP") was issued a conditional use permit at this same location (See Attached). It was the intent of JBP to have the reserves mined off of the property and have the property fully reclaimed by February of 2010. For the first ten (10) years of work taking place in the pit, extraction rates were consistent with the time allotted by Morgan County in the original granting of a conditional use permit. However, due to the economic downturn in 2007-2008, progress slowed significantly to the point where only removal of materials from existing stockpiles and mining of a very small area in the Southeast corner of the pit adjacent to the Paul Warner residence existed. Up until recently, demands for material at this location were not significant enough for the need to process further materials.

At this time, JBP desires to renew its conditional use permit to allow for the final extraction and processing of remaining materials. While much work has been completed at the location to date, work still remains to extract remaining reserves and fully reclaim the property as represented in the 1997 mining and grading plan (See Attached). JBP's plan to extract and process material, grade, and reclaim the property is still consistent with the original design. However, the current 'performance standards for conditional uses' as set forth by the Morgan County Code have each been addressed in the attached (ATTACHMENT 'A'). Because the timeframe has lapsed in the original conditional use permit to complete the work, it is the intent of JBP to renew its conditional use permit so that work can be completed and the site can be completely reclaimed to make way for the utilization of the property for new development.

During the term of the last conditional use permit, JBP has been a good neighbor and steward in adhering to the conditions originally set in that conditional use permit issued in 1997. The demand for rock has increased recently to the point where it makes sense for the company to re-commence processing operations at this location in an effort to complete its mining and grading obligations, reclaim the property and make way for further growth and development in this area.

The original and proposed mining plans are consistent with one another and are designed to minimize any adverse impact to the area as far as traffic, noise or emissions are concerned. However, Staker Parson Companies proposes that the amount of trips for truck traffic be as follows:

- A. Trucking from Old Farm to freeway be limited to 15 trips per hour loaded.
  - 1. Unrestricted trucking to the freeway would be allowed if the new proposed interchange is built.
- B. Trucking over Trappers Loop Road – unrestricted.
- C. Trucking from Pit to Peterson exit be restricted to three (3) trucks loaded per day without review and approval of the Morgan County Engineer. Any exceptions to this must be reviewed and approved by the Morgan County Engineer.
- D. Signs, walking path, safety devices will be directed by the Morgan County Engineer.

Staker Parson Companies also proposes the following hours of operation be allowed to limit any impacts to neighboring property owner's:

- A. Monday thru Friday – 6:00am to 6:30pm.
- B. Saturdays – 8:00am to 5:00pm.

The property is unique in that a very valuable and needed aggregate source remains that can be utilized in roads, concrete, asphalt, and associated sand and gravel in the immediate vicinity, at reasonable costs. After mining is completed, the utilization of the land will offer a broad range of development potential to this area.

**ATTACHMENT 'A'**  
**To the Written Narrative**  
**for**  
**Jack B. Parson Companies or ('JBP')**  
**Conditional Use Permit Application**

**APPLICANT'S RESPONSES TO THE FOLLOWING COUNTY CODE ITEMS:**

**SECTION 8-8-4 PERFORMANCE STANDARDS FOR CONDITIONAL USES**

- A. Conditions Relating To Safety For Persons And Property:
  - 1. No Buildings will be added to the facility. A small scale house structure and related scale exists on the property for the weighing and ticketing of product being sold. This building was constructed in accordance with local building codes at the time it was installed. Also, an existing single-family residence still remains on the site. It is the intent of the applicant that permits and plans for demolition will be submitted for prior to extracting materials in the area of this residence.
  - 2. N/A, No irrigation ditches, drainage channels, and other potential attractive nuisances exist on or are adjacent to the property.
  - 3. JBP intends to locate its processing plant for processing material at appropriate distances (a minimum of 600 feet) from incompatible uses such as single-family residences that are occupied.
  - 4. N/A.
  - 5. N/A.
  - 6. All truck loading and unloading will take place at or very near the stockpile area designated at the far West end of the property or at the processing plant located at a minimum of 600 feet from any single-family residence.

7. No added improvements are intended to be installed. Fire hydrants currently exist along the frontage of Old Highway Road immediately adjacent to the property as well as throughout the Rollins Ranch Subdivision to protect the homes located in that neighborhood.
8. N/A.
9. Fencing currently exists and no added improvement is anticipated.
10. The current entrance to the pit will be the only means of traffic circulation in and out of the property.
11. REFER TO WRITTEN NARRATIVE ABOVE.
12. REFER TO WRITTEN NARRATIVE ABOVE.

B. Conditions Relating To Health and Sanitation:

1. The Northwest Irrigation Company's secondary water system stubbed to the property will be utilized for the source of water on the property for dust control and for the processing of materials at the location of the processing plant. A water truck will also be onsite during the times of processing materials to maintain impacted areas with the use of water being applied to those areas.
2. The processing of material will only take place at those times a mobile plant is mobilized to the site. At locations where this mobile plant operates such as this location, JBP installs and supplies proper temporary sanitation facilities for its workers to use and agrees to do the same at this location.
3. N/A.

C. Environmental Concerns:

1. N/A.
2. N/A, none exist.
3. Processes for the control, elimination or prevention of land, water or air pollution; the prevention of soil erosion; and the control of objectionable odors.
  - a. N/A, the possibility of degradation of water quality does not exist at the site.
  - b. N/A, no possibility of discharge to existing watercourses exists.
  - c. Applicant intends to strip existing topsoil from those areas of extraction prior to commencing any extraction activities, then stockpile that topsoil, and install that topsoil after completion of final grade for the seeding of vegetation. No streams, watercourses, swales, floodplains or right-of-ways exist on the property.
4. The planting of ground cover or other surfacing to prevent dust and erosion.
  - a. N/A, no conditions like this exist.
  - b. Those areas not being disturbed by extraction activities will be maintained.
  - c. N/A, no critical areas exist on the property.
  - d. Because the site is being graded according to the attached 'Mining & Grading Plan' for future development of the property, these conditions will be met.
5. Restructuring will occur in accordance with the supplied 'Mining & Grading Plan'.
6. All slopes will be removed during the extraction of materials process so erosion will not occur.
7. N/A.
8. If determined to be required, it will be supplied.
9. N/A, conditions such as this will not exist.

10. N/A, no natural drainages exist on the property.
11. Drawings and plans have been supplied.
12. N/A. Because this is a continuation of an existing permit, no conditions like this exist currently on the property.
13. If requested by the planning commission, JBP will strive to meet those additional reasonable standards.

D. Conditions Relating To Compliance with Intent Of General Plan And Characteristics Of Vicinity (Or Neighborhood):

1. N/A.
2. Because this is a continuation of an existing use, and due to the fact that any processing plant intended to be located on the property with the condition that the operator agree to operate at a distance of a minimum of 600 feet from incompatible uses, no need for screening is requested by the applicant.
3. N/A. This will occur as the property is developed.
4. N/A. No final development activities will occur on the site at this time.
5. Upon completion of the extraction of materials and removal of stockpiled material, it is the intent of the applicant to remove the small scale house structure and related scales under proper permit.
6. N/A.
7. N/A.
8. N/A, see 'Mining & Grading Plan'.
9. Values will be maintained as this will not be a continuous on-going operation in perpetuity and the property being left in a state for future development of a compatible use to neighboring properties.
10. N/A, see 'Mining & Grading Plan'.

E. Conditions Relating To Performance:

1. Time limits. SEE APPLICATION.
  - a. It is not possible to extract and sell through the materials processed in accordance with the supplied 'Mining & Grading Plan' within the allotted two (2) year period of this section. Due to the current market conditions and lack of local market demands on the types of materials being processed, applicant requests ten (10) years to complete the required mining and grading activities as well as to sell through and remove the materials being stockpiled on the property.
  - b. Action in the form of selling material from stockpiled materials on this property will take place immediately following issuance of a conditional use permit.
2. Bonding for the activities performed on this property can be supplied if one is not already in place from the previous conditional use permit.
3. No development activity interest has been received on this property to date.
4. Because applicant has agreed not to perform processing activities within 600 feet of an incompatible use, applicant feels this condition will be met. Because construction activities of neighboring developments are utilizing similar equipment being utilized by the applicant to extract materials, applicant does not see any impact above and beyond that construction activity occurring in the immediate vicinity of the property.
5. Applicant agrees that it will do so.

F. Energy Conservation Concerns:

1. N/A.
2. Not feasible with the requested use.
3. N/A.
4. N/A.
5. N/A.
6. Already accomplished with existing berms of earthen material and vegetation.
7. Already established on the property from prior conditional use permit requirements.
8. N/A, grading plan already addresses this concern.
9. N/A.
10. No ongoing maintenance required for currently installed improvements.

G. Conditional Use Permits Are Public Comment Items:

Applicant agrees to the standards set forth in this paragraph.

**SECTION 8-8-5: GENERAL STANDARDS FOR CONDITIONAL USE DEVELOPMENTS:**

- A. Properties are corporately owned by entities that are affiliated. Jack B. Parson Companies is a 'DBA' of Staker & Parson Companies.
- B. Landscaping, Fencing and Screening: Site is currently fenced and screening is provided by way of earthen berms located around the perimeter of the property.
- C. Signs and Lighting: N/A
- D. Grading and Drainage Plan: See submittal.
- E. Planting Plan: Site is not being developed into its final use at this time so no plantings should be required.
- F. Use not Detrimental: This type of use occurs frequently in areas such as this with no detrimental impacts to health and safety or general welfare of those persons residing the vicinity of this property due to the measures already agreed to above and that will take place while material is being extracted.
- G. Water And Sewer System: N/A, existing structures/improvements were constructed under the prior conditional use permit and codes and should be considered legal (perhaps non-conforming) structures at this time.
- H. Bond: Applicant agrees to bond for the stipulated amounts and timeframes required under this section.
- I. Fees and Costs Paid By Applicant: Applicant agrees to cover the costs of engineering and professional fees incurred in connection with this application.

- J. Environmental: Those areas disturbed by the extraction process will be graded, topsoil materials placed, then re-seeded with a seed blend to match existing natural vegetation, and/or crop for agricultural purposes until such time that a future development application is submitted to the County.
- K. Plans, Plats, and Documents: See 'Mining & Grading Plan'
- L. Standards and Requirements: Applicant agrees to any standards and requirements set forth in this title or applicable ordinances.
- M. Character of District: The proposed use is preparing the property to conform to this standard and allowing the future development to keep with the general character of the district.
- N. Plan Preparation: Plans for this application were completed by a licensed professional land surveyor in the State of Utah.
- O. Storm Drainage Facilities: Not applicable as all storm water shall be retained onsite until future development occurs.
- P. Permits Required: Any and all permits required for this use will be submitted for and obtained by applicant.



## Memorandum

**To:** Bill Cobabe, Planning and Development Services Director  
Morgan County

**From:** Mark T. Miller, P.E.  
Wasatch Civil Consulting Engineering

**Date:** November 5, 2015

**Subject:** **Warner Gravel Pit - CUP**

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I have reviewed the applicant's drawings, written narrative, responses to County performance standards for Conditional Uses and other documents (Storm Water Prevention, NOI for water quality, Dust Control Plan, etc.) for the proposed Warner CUP in Mountain Green. I have also driven the site, spoken with the loader operator, and visited Rollins Ranch and the neighboring properties to assess potential and probable impacts.

The proposed gravel pit encompasses an area of just over 43 acres and has a minable quantity of material slightly more than 1,000,000 cubic yards (c.y.) (according to their topographic drawing). End dump trucks usually haul around 8 c.y. of material and Dump and Pups can haul up to approximately 15 c.y. The total number of truck loads required to haul the minable material will likely be between 66,000 and 125,000.

Generally, the application is very thorough with respect to the information required by the Morgan County Ordinances governing gravel pits and CUP's. The County Codes regulating this operation are 8-8-4 (Performance Standards for Conditional Uses); 8-8-5 (General Standards for Conditional Use Development); 8-6-32 (Open Pit Extraction of Earth Products); and, 8-8-7 (Land Fills and Land Excavations).

My review and analysis of the application focused primarily on engineering issues, although I do offer comments on some of the planning focused items. Comments for planning focused items are based on my engineering perception of the Health, Safety and Welfare issues as they relate to the proposed gravel pit.

Each section of Code is addressed herein separately, with an attempt not to be duplicative in my comments where they overlap.

**Section 8-8-4 Performance Standards for Conditional Uses:** The applicant prepared a "Written Narrative" and a six page "Attachment A," which is labeled as their response to this code section. There are approximately 80 items addressed in their document. It seems appropriate for the County to assess each of these criteria individually. Although this approach is very time

consuming, it is quite important; especially considering the recent construction and changes in use of the neighboring property. My comments herein pertain to the applicant's items that I disagree with, have not been adequately addressed, or for which I am seeking additional information. If not mentioned, I feel the item was appropriately and adequately addressed.

A.2. – The proposal to locate any processing equipment no closer than 600 feet from the single family homes seems very close considering the size of the property. The property owners will certainly see and hear any crushers, screens, conveyors, loaders (with back-up alarms), processing equipment, conveyors, etc. at that distance. The alternative is to locate the equipment at the far west end of the pit behind a man-made berm to hide the sights and sounds as best as possible. Doing so seems practical, and I have seen it done elsewhere.

It should be noted, however, that this would require considerably more loader trips (and possibly conveyors) to move the material to the processing equipment. It would add additional noise and activity and is not as efficient (meaning the mining would take longer).

It seems like a legitimate matter to discuss with the applicant and the Commission.

A.5. – I did not see a sign plan in the application. The engineering concern about the sign plan is location and size. I need to verify that it does not create a traffic hazard due to sight distance.

A.9. – The existing fencing should not create visual or other safety hazards. A non-climbable fence separating the uses seems to be the only way to avoid a safety hazard for the neighboring residential children. Considering the extent and duration of the proposed mining, it seems reasonable to make the site safer with a better fence.

A.10. – The plans do not address how the existing site entrance/exit makes provisions for pedestrians (there is no sidewalk), acceleration/deceleration lanes, or stopping bars for the increased truck traffic with the increased traffic circulation. A traffic engineer should be consulted to assure the County that the new traffic pattern will be safe and effective.

B.2. – The response references a mobile processing plant, meaning that it will be moved to different locations throughout the mining process. This is not abnormal, but it might be a good reason to look at the permit in shorter terms rather than ten years with intermittent renewals. Then both parties can address concerns as the processed mining changes.

C.3.a. – The possibility of degradation of water quality does exist at the site due to the machinery required for the mining. A simple statement on the plans or document clarifying this should be adequate.

C.4 (all) – One thing I have not seen is a comprehensive re-vegetation plan. The Ordinance seems to anticipate a phased approach of re-vegetation (not just waiting until the entire 43 acres is mined) to insure that areas that have not yet been mined and areas of recent mining stay adequately vegetated (see 8-6-32C.7.). The only plan I have seen is a fairly limited final design plan with a berm. This is certainly more of a planning issue, so I will let Bill address these comments. Planting vegetation in phases that immediately follow phased mining is one of the best means of dust control.

C.8. – A geologic and geotechnical report should be submitted, particularly addressing how the cuts will affect the elevated adjoining properties.

C.9. – It does not appear that the applicant intends to use blasting during mining, but it should be stated as such on the application.

C.11. – The final design plan should include at least two complete cross-sections. The cross sections should include, not just the berm, but the section from the top of slope (including the berm) all the way to the bottom of the final elevation of the pit. One section is appropriate (at the east boundary near the homes) and another would be helpful along the northwesterly boundary.

A few more elevations and grades should be added to demonstrate that the final site will retain or detain all of its storm water runoff. Elevations and grades near and on the highway related to those in the pit will identify that positive grading exists and that the site will not end up in a hole.

D.2.- Adequate screening does not appear to have been addressed as required by this item.

E.1.a. – Two year renewals would allow the County the opportunity to evaluate and resolve potential conflicts and problems associated with this use and address the health, safety and welfare concerns that may present themselves after the pit is in operation.

E.4. – It is my opinion that the 600 foot separation does not address this requirement, as intended.

**Section 8-8-5 (General Standards for Conditional Use Development):**

B. – The application says signs and lighting are not applicable, but I suspect that a sign will be placed on Highway 30 and that lighting will be needed within the pit.

Other items in this section (landscaping, grading and drainage, etc.) have been addressed herein. See comments above.

**Section 8-6-32 (Open Pit Extraction of Earth Products):**

Inasmuch as drawings are relatively complete, I recommend that a note be added to the plans that clearly states “intent to strictly comply with all provisions of Section 8-8-32.” The note should be added to the first drawing sheet. These requirements are standard for many gravel pits. The re-vegetation issue, bond amount, etc. should also still be addressed. Again, I will let Bill address that issue.

**Section 8-8-7 (Landfills and Land Excavations):**

E. - An inspection schedule should be established in accordance with this requirement. It should be referenced on the drawings. Additional inspections can possibly be required by the Performance Standards of the Conditional Use.

F.2. – This limits the hours of operation from 7:00 a.m. to 5:30 p.m. Monday through Friday. The applicant is requesting extended hours and days of operation. This is typically a difficult point of discussion because any variation is subject to an individual’s point of view. Some people like longer hours so the pit will mine out sooner, while others prefer a tighter operating window.

F. (all) – Some of the requirements in this section do not apply to the proposed gravel pit, but I recommend (as with 8-6-32) that a note be added the first sheet of drawings indicating the intention to strictly comply with this section of the code.

**Other observations:**

Dust control is always an issue. Staker Parsons Companies have the appropriate Fugitive Dust Control Plan in place. The problem is usually with monitoring. I suggest the applicant address dust control measures in more detail. This is an issue that should likely be discussed at the public hearing.

Noise is also an obvious issue. I think it needs to be discussed in layman's terms during the meeting. It is my experience that using decibel ratings and comparing them to common items (the neighbor's lawnmower, etc.) helps people understand this issue. I recommend the applicant be prepared to discuss this item.

Safety of trucks entering and leaving this site is of utmost concern. Their disproportionate impact on the condition of Highway 30 is also of interest. I think this should be addressed by the applicant and the County in the public meeting.

Please call if you have any questions.

Whittier Estates Subdivision Preliminary Plat  
Public Meeting  
November 12, 2015

Application No.: 15.010  
Applicant: Blair Gardner  
Owner: Same  
Project Location: approximately 4000 N Morgan Valley Dr.  
Peterson  
Current Zoning: R1-20, RR-1, and A-20  
General Plan Designation: Village Low Density (3 DUA)/Rural Residential/Agricultural  
Lots/Acreage: Proposed 26 lots / Approximately 104 acres  
Date of Application: January 27, 2015  
Date of Previous Meeting: Concept Plan Approval – September 16, 2014

#### Staff Recommendation

County Staff is recommending approval of the Whittier Estates Subdivision Preliminary Plat, application #15.010, subject to the following conditions and with the following findings:

#### 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.

### Background

The applicant is seeking approval of a twenty-six (26) lot subdivision, with a large remainder parcel that will be potentially developed in the future. The proposed subdivision received conceptual approval by the County Council on September 16, 2014. The proposed subdivision has been designed to utilize the required access, frontage and setbacks of the R1-20, RR-1, and A-20 zoning districts.

The proposal is a preliminary plat and was reviewed for process steps and standards under the following codes:

- Zoning - MCC Sections 8-5A and 8-5B
- Preliminary Plat - MCC Section 8-12-22 through Section 8-12-28

Staff finds that with the recommended conditions herein, the request appears to meet the requirements of the zoning ordinance, and the subdivision ordinance. Staff's evaluation of the request is as follows.

### ANALYSIS

*General Plan and Zoning.* The subject property is located along the east portion of Morgan Valley Drive and 3900 W in unincorporated Morgan County near the Peterson Area (see Exhibit A). The 2010 Morgan County General Plan and Future Land Use Map have designated this area along Morgan Valley Drive as Village Low Density Residential, with a maximum of two dwelling units per acre (DUA) area, Rural Residential further away from Morgan Valley Drive, and Agricultural towards the Weber River. The purposes of these designations are:

The **Village Low Density** designation "provides for a lifestyle with planned single family residential communities, which include open space, recreation, and cultural opportunities, including schools, churches, and neighborhood facilities located in established village areas (formerly area plan boundaries) or master planned communities."

The **Rural Residential** designation "accommodates semi-rural large lot development, with generous distances to streets and between residential dwelling units in a viable semi-rural character setting."

The **Agricultural** designation "identifies areas of existing agricultural uses. The purpose of this land use designation is to support viable agricultural operations in Morgan County, while allowing for incidental large-lot residential and other uses."

The proposed preliminary plat appears to follow the different designations in the General Plan and according to the Future Land Use Map. (See 2010 Morgan County General Plan pages 6, 12)

The zoning of the parcel is R1-20 (Residential District – 20,000 square feet lot minimum), RR-1 (Rural Residential – 1 acre lot minimum) and A-20 (Agriculture – 20 acre lot minimum). The purpose of the R1-20 zone is to provide areas for very low density, single-family residential neighborhoods of spacious and uncrowded character.

The purpose of the RR-1 zone is:

- a. To promote and preserve in appropriate areas conditions favorable to large lot family life;
- b. Maintaining a rural atmosphere;
- c. The keeping of limited numbers of animals and fowl; and
- d. Reduced requirements for public utilities, services and infrastructure.

Further, these (Rural Residential) districts are intended to be primarily residential in character and protected from encroachment by commercial and industrial uses.

The purpose of the A-20 zone is to promote and preserve in appropriate areas conditions favorable to agriculture and to maintain greenbelt spaces. These districts are intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses inimical to the continuance of agricultural activity.

The proposal is in compliance with these purpose statements.

Layout. The proposed 26 lot subdivision fronts Morgan Valley Drive (see Exhibit D). The originally approved Concept Plan was for 56 lots. However, due to concerns related to the flood plain, as well as other practical concerns, the number of proposed lots has been decreased to 26. The proposed lot lines and configurations conform to existing zoning standards for lots, including setbacks, coverage, acreage and frontage/width.

Roads and Access. All lots have existing access from roads that will be developed internally. Access will be from Morgan Valley Drive via 3900 North and from 3725 North (through the Bohman Property).

Grading and Land Disturbance. The land is for the most part relatively flat. There may be minor site preparation prior to building. Drainage will be handled in a storm sewer

system that will be underground in the residential area, draining to two detention basins of approximately 47,000 cubic feet and 41,000 cubic feet, located on the north side of the property, which will drain into the Weber River. Each lot must be graded appropriately so as to ensure positive drainage away from structures and adjacent properties.

*Sensitive Areas, Geology, and Geotechnical Considerations.* A Geotechnical report has been submitted, reviewed, and accepted by the County for these lots. The requirements of these reports shall be adhered to.

*Utilities.* All required utilities are found adequate for the proposed use.

- Culinary water is proposed to be provided by the Peterson Pipeline Company.
- Sewage is proposed to be provided by individual septic systems. Each lot has designated on it the approved type of system that will be required for that lot (mound or packed-bed w/ disinfection). The septic systems will need to be reviewed and approved by the Weber Morgan Health Department as part of the building permit process.
- Electric and telecommunication facilities currently run along the property's access roads, and lines will need to be extended to the lots.

The applicant will be responsible for meeting all conditions of the applicable will-serve letters in order to attain services.

*Flood Plain.* The easterly portion of the site lies within the 100-year flood plain as identified on the FEMA FIRM maps. (see Exhibit D)

#### Model Motion

Sample Motion for a *Positive* Recommendation – “I move we 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.”

Sample Motion for a *Positive* Recommendation *with conditions* – “I move we 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, *with the following conditions:*”

1. List any additional findings and conditions...

Sample Motion for a *Negative* Recommendation – “I move we forward a negative

recommendation to the County Council for the Whittier Estates Subdivision Preliminary Plat, application #15.010, located at approximately 4000 N. Morgan Valley Drive, *based on the following findings*:

1. List any additional findings...

#### Supporting Information

Exhibit A: Vicinity Map

Exhibit B: Future Land Use Map

Exhibit C: Existing Zoning Map

Exhibit D: Flood Plain Map

Exhibit E: Concept Plan

Exhibit F: Proposed Subdivision Preliminary Plat

Exhibit G: Memo from County Engineer dated 30 Sep 2015 (with follow-up correspondence)

Exhibit H: Traffic Study dated 5 Nov 2015

Exhibit I: Will-Serve Letter – Peterson Pipeline Company

#### Staff Contact

Bill Cobabe, AICP

801-845-4059

bcobabe@morgan-county.net

Exhibit A: Vicinity Map

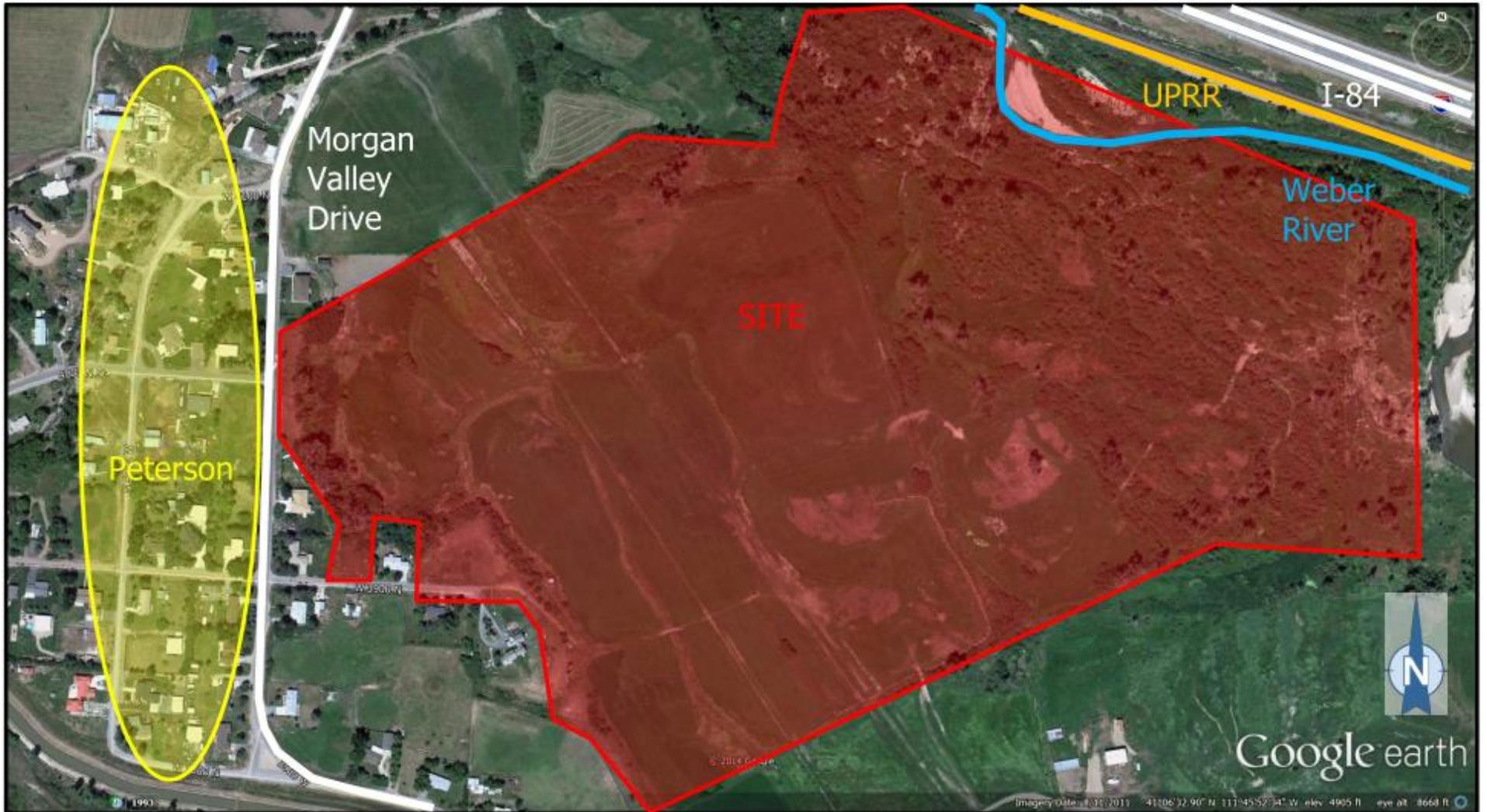


Exhibit B: Future Land Use Map

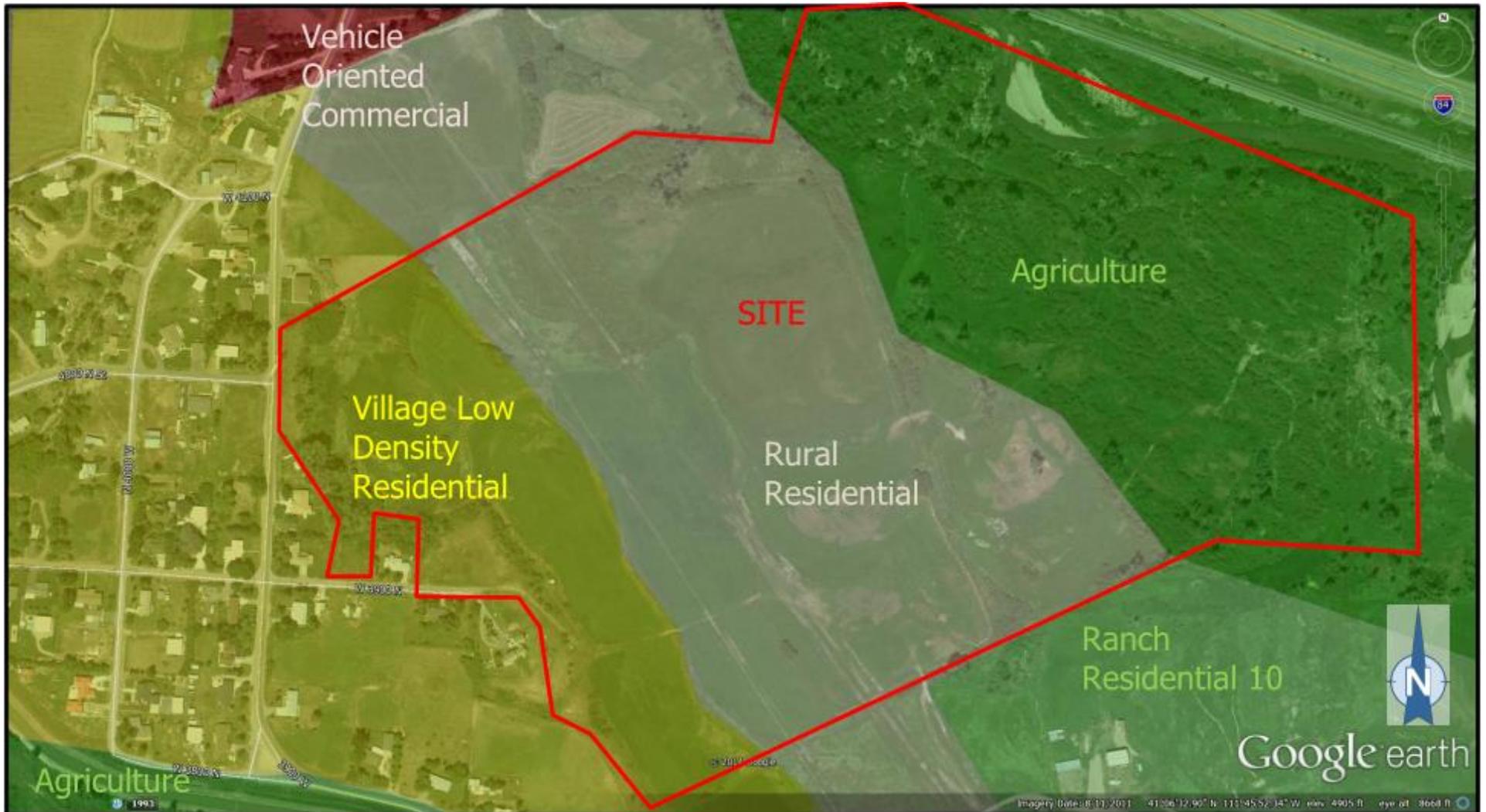


Exhibit C: Existing Zoning Map



Exhibit D: Flood Plain Map



Exhibit E: Concept Plan



# WHITTIER ESTATES

LOCATED IN THE NORTHEAST, SOUTHEAST, AND SOUTHWEST QUARTERS OF SECTION 6,  
TOWNSHIP 4 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN  
MORGAN COUNTY, UTAH  
SHEET 2 OF 3

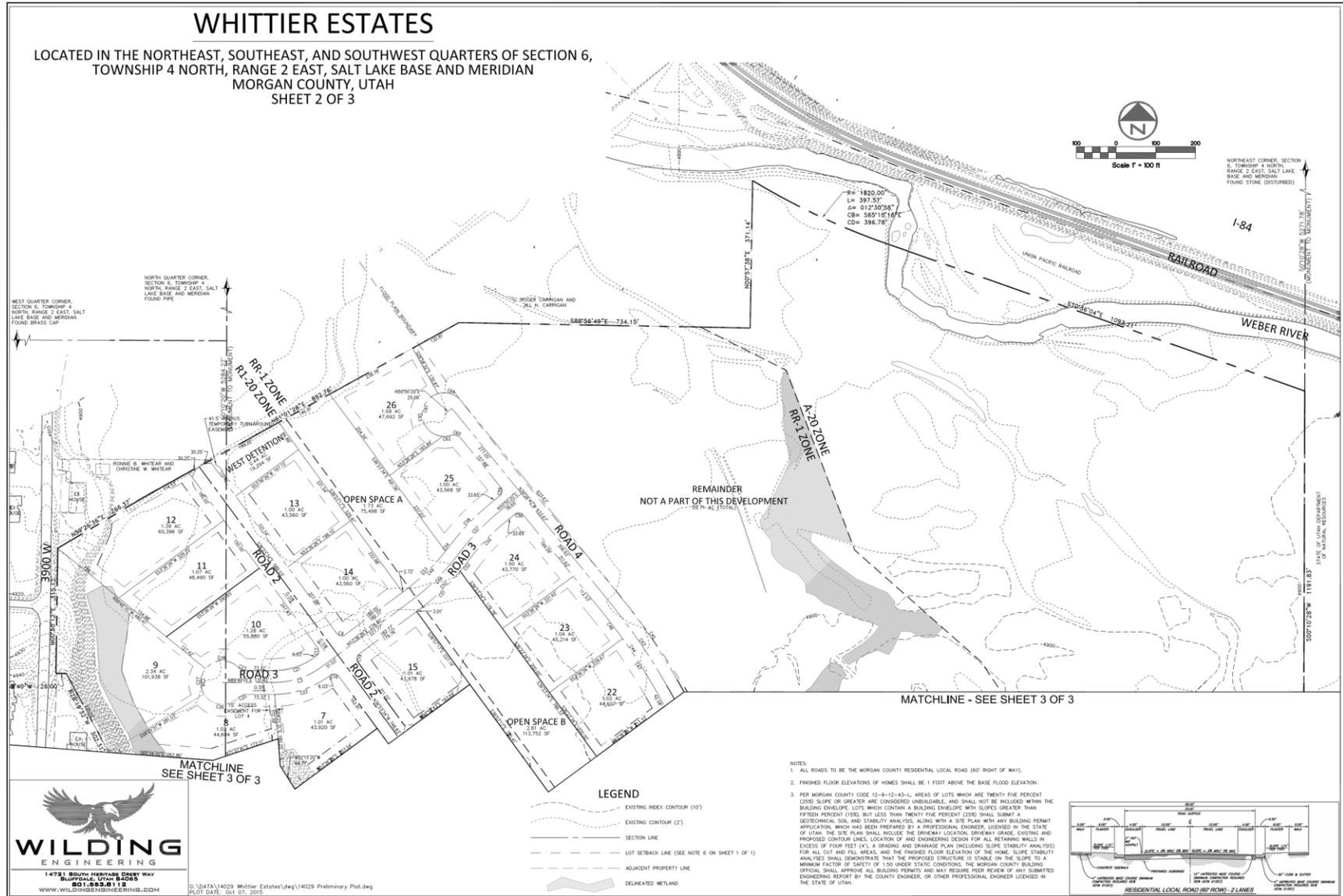


Exhibit F: Proposed Subdivision Preliminary Plat (Page 2)

# WHITTIER ESTATES

LOCATED IN THE NORTHEAST, SOUTHEAST, AND SOUTHWEST QUARTERS OF SECTION 6,  
TOWNSHIP 4 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN  
MORGAN COUNTY, UTAH  
SHEET 3 OF 3

- NOTES:
1. ALL ROADS TO BE THE MORGAN COUNTY RESIDENTIAL LOCAL ROAD (60' RIGHT OF WAY).
  2. A PORTION OF 3900 NORTH WILL HAVE A MODIFIED ROAD CROSS SECTION TO REDUCE THE AMOUNT OF RETAINING THAT WILL BE REQUIRED. THROUGH THIS SECTION OF ROADWAY ONLY, THE PLANTERS WILL BE ELIMINATED AND A SIDEWALK WILL BE PLACED AT THE BACK OF CURB ON BOTH SIDES OF THE ROAD. THE RIGHT OF WAY WILL REMAIN AT 60.0' THROUGH THIS SECTION OF ROAD AND THE MODIFIED CROSS SECTION WILL TRANSITION THROUGH THE HORIZONTAL CURVES. THE TOTAL LENGTH OF THIS MODIFIED ROAD SECTION IS APPROXIMATELY 400 FEET.
  3. ALL ROADS TO BE THE MORGAN COUNTY RESIDENTIAL LOCAL ROAD (60' RIGHT OF WAY).
  4. FINISHED FLOOR ELEVATIONS OF HOMES SHALL BE 1 FOOT ABOVE THE BASE FLOOD ELEVATION.
  5. PER MORGAN COUNTY CODE 12-8-12-43-L, AREAS OF LOTS WHICH ARE TWENTY FIVE PERCENT (25%) SLOPE OR GREATER ARE CONSIDERED UNBUILDABLE, AND SHALL NOT BE INCLUDED WITHIN THE BUILDING ENVELOPE. LOTS WHICH CONTAIN A BUILDING ENVELOPE WITH SLOPES GREATER THAN FIFTEEN PERCENT (15%), BUT LESS THAN TWENTY FIVE PERCENT (25%) SHALL SUBMIT A GEOTECHNICAL, SOIL AND STABILITY ANALYSES, ALONG WITH A SITE PLAN WITH ANY BUILDING PERMIT APPLICATION, WHICH HAS BEEN PREPARED BY A PROFESSIONAL ENGINEER, LICENSED IN THE STATE OF UTAH. THE SITE PLAN SHALL INCLUDE THE DRIVEWAY LOCATION, DRIVEWAY GRADE, EXISTING AND PROPOSED CONTOUR LINES, LOCATION OF AND ENGINEERING DESIGN FOR ALL RETAINING WALLS IN EXCESS OF FOUR FEET (4'), A GRADING AND DRAINAGE PLAN (INCLUDING SLOPE STABILITY ANALYSES) FOR ALL CUT AND FILL AREAS, AND THE FINISHED FLOOR ELEVATION OF THE HOME. SLOPE STABILITY ANALYSES SHALL DEMONSTRATE THAT THE PROPOSED STRUCTURE IS STABLE ON THE SLOPE TO A MINIMUM FACTOR OF SAFETY OF 1.50 UNDER STATIC CONDITIONS. THE MORGAN COUNTY BUILDING OFFICIAL SHALL APPROVE ALL BUILDING PERMITS AND MAY REQUIRE PEER REVIEW OF ANY SUBMITTED ENGINEERING REPORT BY THE COUNTY ENGINEER, OR OTHER PROFESSIONAL ENGINEER LICENSED IN THE STATE OF UTAH.

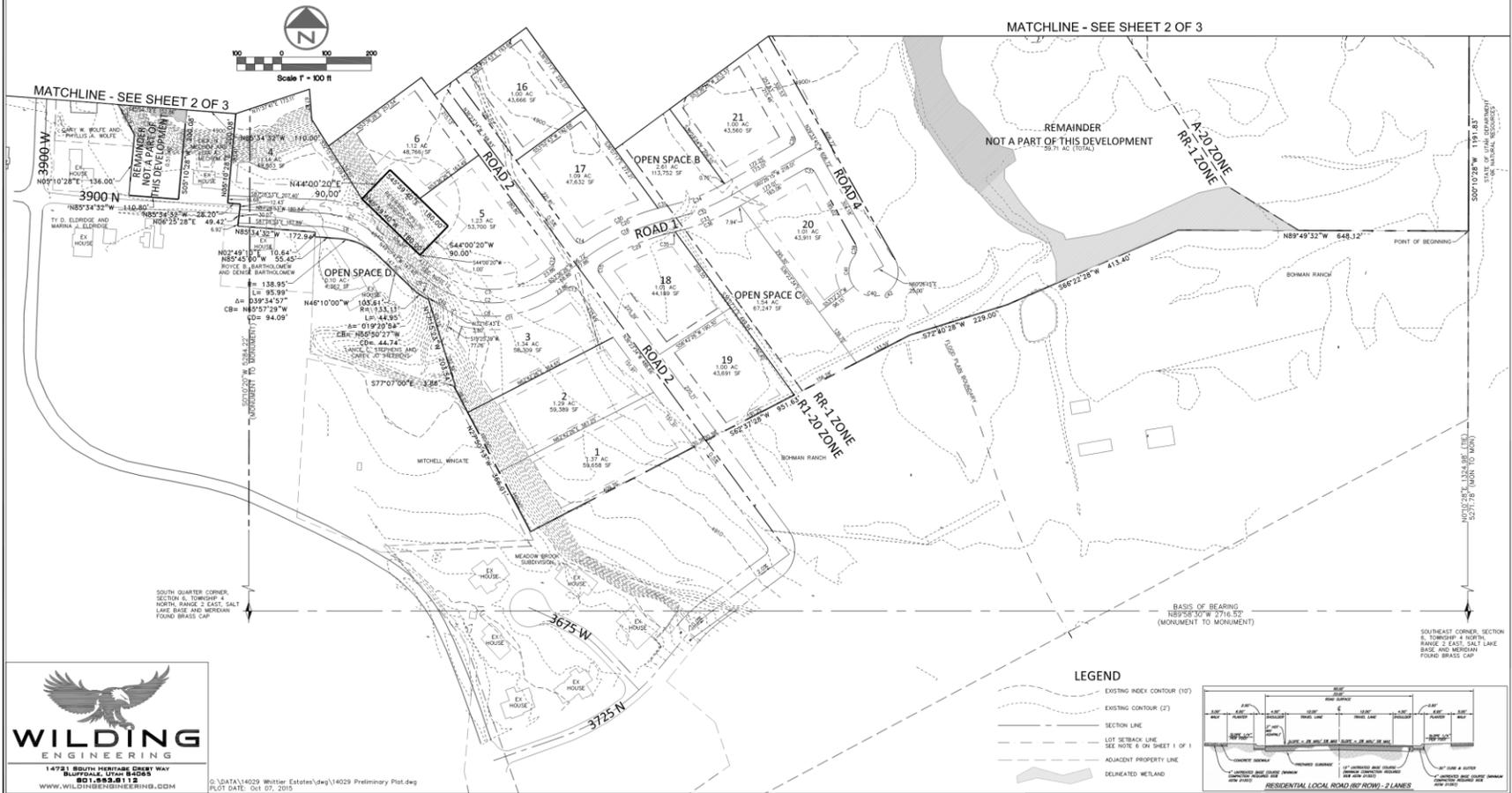
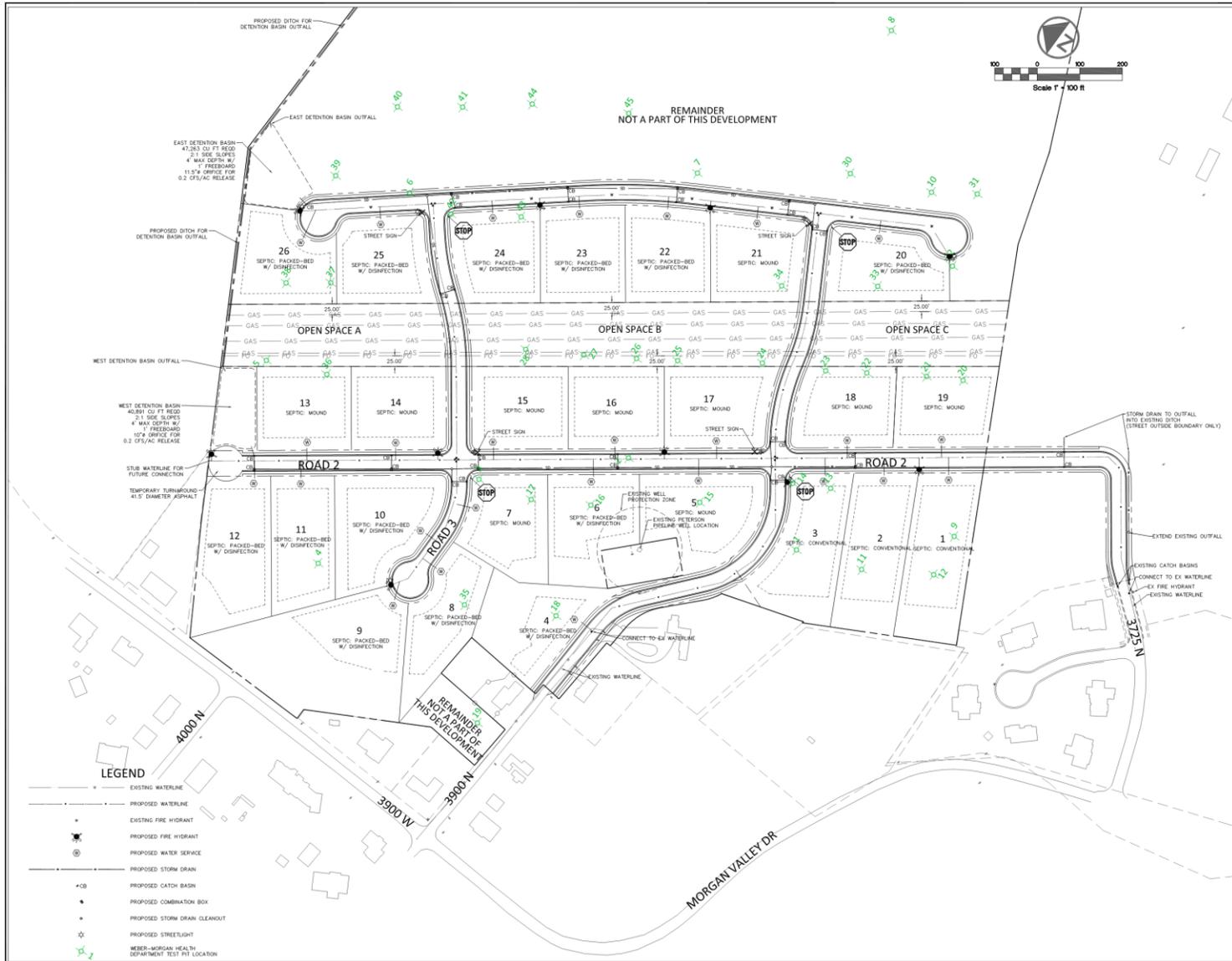


Exhibit F: Proposed Subdivision Preliminary Plat (Drainage and Utility Plan)





**WILDING**  
ENGINEERING

14751 SOUTH HERMAN CREEK WAY  
BLUFFDALE, UTAH 84005  
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WWW.WILDINGENGINEERING.COM

**DRAWING NOTES**

- POTABLE WATERLINE SYSTEM TO BE PER PETERSON PIPELINE STANDARDS AND SPECIFICATIONS.
- STANDARD WATERLINE SIZE IN ROADWAYS SHALL BE 8".
- ALL LOTS TO HAVE A 1" POTABLE WATER SERVICE.
- CULINARY WATER WILL BE MADE AVAILABLE TO EACH PROPOSED BUILDING LOT BY PETERSON PIPELINE COMPANY.
- ALL LOTS ARE TO HAVE AN INDIVIDUAL SEPTIC SYSTEM, PENDING APPROVAL BY THE WEBER-MORGAN HEALTH DEPARTMENT.

NO.	REVISION	DATE
3	REVISED LAYOUT & MORGAN COUNTY COMMENT	10/9/15
2	REVISED LAYOUT & MORGAN COUNTY COMMENT	8/26/15
1	REVISED LAYOUT	8/7/15
NO.	REVISION	DATE

PROJECT INFORMATION

**WHITTIER ESTATES**

PRELIMINARY UTILITY PLAN

PETERSON, UTAH

DRAWN	CHECKED	PROJECT #
MEC		14029
DATE		11/24/14
SCALE		1" = 100'
SHEET		U-1

ENGINEER'S STAMP

© SANTA LUCIA 2012 Whittier Estates (App) 14029 Prelim (10/8) Plot Area  
PLOT DATE: Oct 08, 2015



## Memorandum

**To:** Bill Cobabe, Planning and Development Services Director  
Morgan County

**From:** Mark T. Miller, P.E.  
Wasatch Civil Consulting Engineering

**Date:** September 30, 2015

**Subject:** **Whittier Estates Phase 1 – Preliminary Review**

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We have reviewed the latest revisions to the Whittier Estates drawings for Preliminary Subdivision approval. The developer has changed the plans to remove the lots that were located in the floodplain from consideration in this phase. The drawings still show lots outside of the newly proposed Phase 1 development. All lots outside of the proposed Phase 1 should be removed from the drawings and the remaining land should be indicated as a “Remainder Parcel – Not Part of Development”. The floodplain issues discussed in our September 15<sup>th</sup> memo are significant. We don’t want to give the impression that any entitlement for future phases run with Phase 1. We recommend that any preliminary approval be subject to the following:

1. **Ordinance Section 9-5-2, A.** states that “*New construction and substantial improvement of residential structure shall have the lowest floor (including basement), elevated at least one foot (1’) above the base flood elevation.*” This requirement does not appear to be restricted to lots only within the floodplain, but to all lots. The plans state that it would apply only to lots within the Floodplain. **The note will need to be changed to apply to all lots.**
2. If the Preliminary Plan is approved, it should be subject to obtaining the “Verification of approval from the Weber-Morgan Health Department regarding the proposed final location of all septic systems and water source protection areas”, in accordance with Ordinance requirements. The locations of the approved systems should be shown on the final drawings.
3. A letter should also be obtained from the Peterson Pipeline Water Company that guarantees the water storage, source and supply required by Morgan County **Ordinance (8-12-46)** is available and can be provided to all lots within the development.
4. All water distribution lines must be a minimum of 8” diameter. Hydrant locations should be approved by the Fire Marshall and available hydrant flows should be verified or calculated prior final approval.

5. Street lights and signs should be added to the intersections.
6. We recommend that the trail system be identified. The note stating that it will be determined in the field is likely insufficient.
7. Once Preliminary Plans are approved, we will need more detail on storm drainage calculations, storm water outlets, grading, roadway transitions (existing to new), retaining structures, fences, etc.
8. A qualified Traffic Engineer will need to be provide an intersection analysis for the ingress and egress roadways where they intersect Morgan Valley Drive (3900 W on drawings). The analysis will need to indicate traffic impact and demonstrate that all vehicles (including passenger cars and pickups, buses, emergency vehicles, trash trucks, snow plows, etc.) can safely enter and exit the site without modifications (widening) to the existing roadways. Safe Sight Distance will also need to be analyzed.
9. Lot A should be given a number and included or excluded from Phase 1. Note 3 is not acceptable for a questionable possible division. It must either meet subdivision requirements or be removed from Phase 1.
10. The soils report states that native materials cannot be used as backfill material for utilities, so the developer should plan on import fill material.
11. The Phase 1 hatching only includes half of the easterly roadway. Half roadways should not be approved. We recommend that a full road section be constructed for the street fronting Lots 13-19.
12. We are not comfortable with the proposed road section mentioned in Note 2 on Sheet 3 of 3. We understand the need to narrow the roadway due to grade concerns, but we recommend only eliminating the 6' planter areas. Sidewalk should remain on both sides of the road. Eliminating the planter areas in that section will cause the plowed snow to frequently end up on the sidewalk forcing pedestrians into the roadway. In cases like this, we usually recommend a minimum sidewalk width of 6' so a portion of walk remains open at all times. We can work out the details of this cross section during the final approval process.

Other items will be noted in the review of the final plans. If you have any questions, please call.

(Subsequent Basecamp Correspondence):

Posted by Mark Miller on Oct 12

Bill,

I reviewed the latest drawings from Wilding Engineering and they have addressed some of the major issues referenced in my September 30, 2015 drawing. Several of the issues in the memo are recommended conditions of approval that would not be indicated on the Preliminary Plan. As long as the conditions in said memo are part of the approval, I recommend placing it on the agenda for approval.

Exhibit H: Traffic Study dated 5 Nov 2015

## MEMORANDUM

Date: November 5, 2015

To: Blair Gardner  
Future Homes

From: Hales Engineering

Subject: **Peterson – Whittier Estates Traffic Study**

UT15-791

### Purpose

The purpose of this memorandum is to report on a study completed for the proposed Whittier Estates development in Peterson, Utah. The development is located in the area west of Morgan Valley Drive (3900 West) and south of the Weber River and I-84. The proposed development is planned to include approximately 40 single family homes on approximately 105 acres. A vicinity map of the proposed project is provided in Figure 1.



**Figure 1. Vicinity Map for the proposed Whittier Estates in Peterson, Utah**

### Project Conditions

The proposed development will gain access to Morgan Valley Drive (3900 West) via two existing streets: 3900 North and 3725 North.

Morgan Valley Drive (3900 West): connects to I-84 to the north (via 4300 North) and winds south along the west side of the Morgan Valley before connecting to SR-66 in the town of Porterville, south of Morgan. Morgan Valley Drive has a paved width of 26 feet in the vicinity of the proposed project and the posted speed limit is 40 miles per hour. There are no lane markings on Morgan Valley Drive in the vicinity of the proposed project, but the road functions as a two-lane roadway.

3900 North: extends approximately 600 feet to the east from Morgan Valley Drive. The paved width of 3900 North is 17.5 feet near the intersection with Morgan Valley Drive and there is no posted speed limit. Road 1 (to be built with the proposed development) will extend from the existing eastern terminus of 3900 North.

3725 North: extends approximately 500 feet to the east from Morgan Valley Drive and is the main access road for the Meadow Brook Subdivision. The paved width of 3725 North is 26 feet and there is no posted speed limit. Road 2 (to be built with the proposed development) will extend from the existing eastern terminus of 3725 North.

### Intersection Geometry Analysis

Hales Engineering used measurements taken on-site, as well as aerial photographs to evaluate the 3900 North / Morgan Valley Drive (3900 West) and 3725 North / Morgan Valley Drive (3900 West) intersections. Turning radii were measured on each study intersection. Those radii were compared to the minimum design turning radius and the minimum inside radius for three design vehicles listed in AASHTO *A Policy on Geometric Design of Highways and Streets (6th Edition, 2011)*, which are typical for this type of intersection. These three design vehicles are: passenger cars, single-unit trucks (representing emergency vehicles, garbage trucks, or other large vehicles), and school bus.

The existing radii at the study intersections, as well as the minimum design turning radius and the minimum inside radius for each of the three design vehicles are summarized in Table 2. As shown in Table 2, the turning radii at each study intersection exceeds the minimum dimensions necessary to accommodate turning movements from each of the design vehicles considered. It should be noted that the maximum turning radii are also adequate at both intersections.

**Table 2 Turning Radii Summary**

Intersection	Existing Design Turning Radius (ft)	Existing Inside Radius (ft)
3900 North / Morgan Valley Drive (3900 West)	50	27
3725 North / Morgan Valley Drive (3900 West)	55	28
AASHTO Design Vehicle	Minimum Design Turning Radius (ft)	Minimum Inside Radius (ft)
Passenger Car (P)	23.8	14.4
Single-Unit Truck (SU-30)	41.8	28.4
School Bus (S-BUS40)	38.6	23.8

Source: Hales Engineering, October 2015

**Intersection Sight Distance**

Hales Engineering utilized methods set forth in AASHTO *A Policy on Geometric Design of Highways and Streets (6th Edition, 2011)*, to determine minimum intersection sight distances for each study intersection. For a two lane road with speeds of 40 mph (such as Morgan Valley Drive), the minimum sight distance for left-turning vehicles is 445 feet, and 385 feet for right turning vehicles. Intersection sight triangles showing the areas where obstructions would impede the driver's view of the intersecting roadway are shown in Figure 2 and Figure 5.

At the 3900 North / Morgan Valley Drive (3900 West) intersection, sight distance to the north is impeded by a vertical curve in the roadway. As is shown in green in Figure 2, left-turning vehicles only have approximately 260 feet of sight distance due to the vertical curvature on Morgan Valley Drive (3900 West) north of 3900 North (see Figure 3 for drivers view). Sight distance to the south is adequate, but is subject to obstruction by roadside vegetation as shown in Figure 4.



**Figure 2. Intersection Sight Distance at 3900 North and Morgan Valley Drive**



**Figure 3. Intersection Sight Distance at 3900 North and Morgan Valley Drive Looking North**



**Figure 4. Intersection Sight Distance at 3900 North and Morgan Valley Drive Looking South**

At the 3725 North / Morgan Valley Drive (3900 West) intersection, sight distance to the north is impeded by a vertical curve in the roadway. As is shown in green in Figure 5, left-turning vehicles only have approximately 350 feet of sight distance due to the vertical curvature on Morgan Valley Drive (3900 West) north of 3725 North (see Figure 6 for drivers view). There is sufficient sight distance to the south of the intersection as shown in figure 7.



**Figure 5. Intersection Sight Distance at 3725 North and Morgan Valley Drive**



**Figure 6. Intersection Sight Distance at 3725 North and Morgan Valley Drive Looking North**



**Figure 7. Intersection Sight Distance at 3725 North and Morgan Valley Drive Looking South**

Lowering the speed of vehicles traveling on Morgan Valley Drive (3900 West) would help to improve sight distances at the study intersections. This could be accomplished by lowering the speed limit, or by other traffic calming measures. The speeds on Morgan Valley Drive (3900 West) would need to be lowered to 20 mph at 3900 North, and 30 mph at 3725 North, to attain adequate intersection sight distances with the existing roadway geometry. When future improvements are made to Morgan Valley Drive (3900 West), consideration should be given to locations where the vertical curvature of the roadway impedes minimum sight distances. Care should be taken to maintain the roadside vegetation along Morgan Valley Drive (3900 West) such that adequate sight distance is maintained.

### **Conclusions**

The findings and recommendations of the study are as follows:

- The turning radii at each of the study intersections are sufficient to accommodate emergency vehicles, and other typical daily traffic.
- Sight distance for left-turning vehicles is insufficient at both study intersections.
- Lowering the speed of vehicles traveling on Morgan Valley Drive (3900 West) could improve site distance conditions.
- Consideration should be given to modifying the vertical curvature of Morgan Valley Drive (3900 West) to improve sight distances when future improvements are made.
- Sight distance for right-turning vehicles is adequate, but could potentially be impeded by roadside vegetation.
- Care should be taken to maintain roadside vegetation such that it does not impede sight distances at intersections along Morgan Valley Drive (3900 West).

If you have any questions regarding this study performed by Hales Engineering please feel free to contact us.

Exhibit I: Will-Serve Letter – Peterson Pipeline Company



**PETERSON PIPELINE ASSOCIATION**

3800 WEST 3900 NORTH (PETERSON) • MORGAN, UTAH 84050

To: Future Homes  
Blair Gardner (representative)  
1508 E Skyline Drive  
Suite 600  
South Ogden, Utah 84405

RE: Whittier Family Trust Land  
Hawk Business Solutions

This Will Serve Agreement is dated November 3, 2015 (Will Serve Date).

This Will Serve Agreement is between Peterson Pipeline Association (PPA) and Future Homes (Applicant).

Peterson Pipeline Association (PPA) will provide twenty-six (26) culinary water connections for residential lots within the Whittier Family Trust Land Subdivision (the Subdivision) located in Peterson, Utah, in accordance with PPA By-Laws and Operating Procedures, if, and only if, all of the following conditions are completed by November 3, 2016 (Will Serve Expiration Date). If all of the following conditions are not completed by the Will Serve Expiration Date, PPA and Applicant agree that PPA will have no obligation to provide culinary water connections for the residential lots within the Subdivision:

1. The cost per connection for this Will Serve Agreement is \$1,500 (Will Serve Deposit). The Will Serve Deposit must be paid to PPA in the form of a valid check from a bank account with sufficient funds within 10 business days of the Will Serve Date. If the Will Serve Deposit is not received within 10 business days of the Will Serve Date, this Will Serve Agreement becomes invalid and no longer in force.
2. A monthly fee of \$30.00 per connection (Monthly Connection Fee) will be charged against the Will Serve Deposit until a PPA Membership is purchased or until the Will Serve Expiration Date.
3. If all PPA Memberships for each connection are purchased before the Will Serve Expiration Date, the balance of the Will Serve Deposit less the Monthly Connection Fees as of the date all PPA Memberships have been purchased will be refunded to the Applicant.
4. If all PPA Memberships for each connection are not purchased before the Will Serve Expiration Date, the balance of the Will Serve Deposit less the Monthly Connection Fees as of the Will Serve Expiration Date will be refunded to the Applicant.
5. PPA Memberships for each connection will be sold in accordance with the By-Laws of the Peterson Pipeline Association.

6. A PPA Membership must be purchased for each connection before the Will Serve Expiration Date. This Will Serve Agreement does not guarantee the price of each PPA Membership. Each PPA Membership will be sold based on the then current PPA Membership Fee at the time of application for a PPA Membership. The PPA Membership Fee is subject to change.

**Peterson Pipeline Association:**

  
Signed

David Carrigan  
Printed

11/3/2015  
Date

**Applicant:**

\_\_\_\_\_  
Signed

Blair Gardner  
Printed

\_\_\_\_\_  
Date

Commercial Use Table Text Amendment  
Public Hearing  
November 12, 2015

Applicant: Morgan County  
Request: 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.

Date of Previous Hearing: N/A

Background and Analysis

In December 2013, the County Council directed Staff to look at revisions to the Commercial Use Tables found in Sections 8-5C-3. The purpose of the revisions was to provide for a streamlined process for review of conditional uses, enabling applicants to receive approval more quickly. Staff met with the Ordinance Update Committee and Planning Commission over the course of several months to go over each use and decide which uses were appropriate and how to best administer the applications.

The review for applications was divided into three separate categories as follows (more detail is provided in the proposed ordinance sections):

**C-1** – Staff level review

**C-2** – Planning Commission review

**C-3** – County Council review

With these different categories in mind, the use tables were reviewed and different levels were given to each use type. In addition, several changes were made to the uses in the table, and

clarifications were made to help guide applicants and staff regarding which uses were acceptable and which were prohibited. Some uses were eliminated as redundant or undesirable, and others were combined with other, existing uses to help provide clarity.

The memos generated ahead of each Planning Commission meeting are attached for reference.

### Model Motion

Sample Motion for *approval* – “I move we recommend approval by the County Council of the revised Commercial Use Table and associated Sections (Section 8-5C-1, revising the names and purposes of the districts; Section 8-5C-2, allowing for different levels of approval, including C1 (Staff), C2 (Planning Commission), and C3 (County Council); Section 8-5C-3, specifying which uses are allowed in the various zoning districts; and, 8-5C-6, with changes to reflect the new zoning district types), with the revisions noted in the staff report dated November 12, 2015.”

Sample Motion for *approval with conditions* – “I move we recommend approval by the County Council of the revised Commercial Use Table and associated Sections (Section 8-5C-1, revising the names and purposes of the districts; Section 8-5C-2, allowing for different levels of approval, including C1 (Staff), C2 (Planning Commission), and C3 (County Council); Section 8-5C-3, specifying which uses are allowed in the various zoning districts; and, 8-5C-6, with changes to reflect the new zoning district types), with the revisions noted in the staff report dated November 12, 2015, *with the following revisions:*”

1. List any additional revisions...

Sample Motion for *denial* – “I move we recommend denial by the County Council of the revised Commercial Use Table and associated Sections (Section 8-5C-1, revising the names and purposes of the districts; Section 8-5C-2, allowing for different levels of approval, including C1 (Staff), C2 (Planning Commission), and C3 (County Council); Section 8-5C-3, specifying which uses are allowed in the various zoning districts; and, 8-5C-6, with changes to reflect the new zoning district types), *subject to the following findings:*”

1. List any additional findings...

### Supporting Information

Exhibit A: Staff Memos – 13 Nov 2014; 11 Dec 2014; 08 Jan 2015; 07 Apr 2015; 23 Apr 2015; 14 May 2015; and 28 May 2015

Exhibit B: Draft Revised Ordinance Section 8-5C-1, revising the names and purposes of the districts; Section 8-5C-2, allowing for different levels of approval, including C1 (Staff), C2 (Planning Commission), and C3 (County Council); Section 8-5C-3, specifying which uses are allowed in the various zoning districts; and, 8-5C-6, with changes to reflect the new zoning district types

### Staff Contact

Bill Cobabe, AICP

801-845-4059

[bcobabe@morgan-county.net](mailto:bcobabe@morgan-county.net)

**TO: Morgan County Planning Commission**  
**FROM: Bill Cobabe**  
**DATE: November 13, 2014**  
**SUBJECT: Commercial Conditional Use Table**

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As applies in the review/revision of the residential uses, the following are the categories for review:

**C-1:** This is a *staff level* decision. The conditions outlined in the ordinance have been met completely and explicitly met and there are no unique, controversial, or potentially conflicting aspects of the application. It is anticipated that this would encompass most of the applications for conditional use permits.

**C-2:** This is a decision requiring *Planning Commission* review and approval. These are cases where the applicant is proposing specific deviations to the conditional use requirements outlined in Section 8-8-4. The reasons for these deviations may be tied to specific, unique land conditions, controversial issues, and/or items that may potentially be conflicting with the requirements of the Code. It is anticipated that only those things which cannot be handled as a Staff-level approval would be reviewed and approved by the Planning Commission.

**C-3:** This is a decision requiring *County Council* approval after Planning Commission review. These cases would be relatively rare and involve complex, controversial, and/or contentious items that involve an anticipated impact on a very large scale (either large amounts of land or many people would be impacted by the granting of the conditional use permit).

The current use table will need to be modified to reflect the various levels of administration. The Planning Commission should review each existing use for appropriateness, and adding other uses where needed.

Of particular interest is the number of different Commercial Uses we have in the County. The General Plan of the County provides for four different commercial use types, while the zoning ordinance has seven different designations. Staff recommends combining some of these uses to help simplify the review/approval process. The designations in the General Plan are as follows:

- **Commercial**

The Commercial category designation provides for commercial nodes on individual parcels and more intense commercial uses near major road corridors. The intent of the Commercial use category is to provide for commercial uses which, through sensitive and creative building design, orientation of buildings, access, lighting, signs, parking, and landscaping can be made compatible with adjacent residential neighborhoods, to regional retail, neighborhood retail,

family entertainment, office, and compatible employment uses in master planned developments.

- **Business Park**

The Business Park use category is intended to provide for areas for the development of uses that provide employment involving light manufacturing, assembling, warehousing, and wholesale activities and associated office space and support uses. The Business Park designation is intended to encourage campus-style commercial development near the airport which incorporates amenities including attractive streetscapes and enhanced landscaping. This use category provides for employment in commercial and light industrial uses that are compatible with adjacent or surrounding land uses. The areas designated for Business Park uses have adequate transportation and infrastructure access, and emphasize minimal conflict with existing adjacent land uses. This designation provides for the development and accommodation of administrative and research industries, offices, and limited manufacturing and support services. Typical uses may also include construction contractors, small, screened storage yards, and small warehousing services.

- **Heavy Industrial**

The Heavy Industrial use designation is intended to provide for capital-intensive operations that manufacture or fabricate products within enclosed or partially enclosed structures. Heavy Industrial provides for the development and accommodation of intense industrial activity involving mining, manufacturing, warehousing, assembly, and storage characterized by open space uses/or storage, industrial processes, which involve significant amounts of noise, heat, mechanical and chemical processing, large amounts of materials transfer, and large-scale machinery and structures.

- **Town Center**

The Town Center designation denotes areas suitable for a mixture of commercial, employment, and supporting residential uses in appropriate locations. Horizontal mixed uses would be required for master planned projects, and vertical mixed uses would be encouraged. Residential uses in the Town Center category should be vertically and/or horizontally integrated, and complementary to non-residential uses. Town Center projects should be designed to provide maximum compatibility with surrounding land uses. Increased aesthetic and architectural design requirements and focus on streetscape creation are paramount to the development of a Town Center area.

The General Plan is to be used to inform decisions about zoning in a community. These designations provide guidelines for making ordinance changes that will conform to the desires of the County as represented in the General Plan.

The Commercial Land Use Table is attached.

**MORGAN COUNTY, UTAH  
MULTIPLE USE, AGRICULTURE, RURAL RESIDENTIAL, RESIDENTIAL AND  
MULTIPLE-FAMILY RESIDENTIAL DISTRICTS  
ALLOWED USES (EXISTING)**

**8-5C-1: PURPOSE:**

The purpose of the following districts is:

- A. Commercial Buffer District CB: To provide areas for appropriate transitions of commercial uses.
- B. Neighborhood Commercial District C-N: To provide areas in appropriate locations where convenience buying outlets may be established to serve surrounding residential neighborhoods. The regulations of this district are designed to promote a combination of retail and service facilities which in character and scale are necessary to meet day to day needs of area residents.
- C. Commercial Shopping District C-S: To provide areas in appropriate locations where a combination of businesses, commercial, entertainment and related activities may be established, maintained and protected. The regulations of this district are designed to promote and encourage the development of comparison shopping centers.
- D. Highway Commercial District C-H: To provide areas in appropriate locations adjacent to highways or major streets where activities dependent upon or catering to thoroughfare traffic and the traveling public may be established, maintained and protected. The regulations of this district are designed to encourage harmony between traffic needs and centers for retail commercial, entertainment, automotive facilities, and other appropriate highway related activities.
- E. General Commercial District C-G: To provide areas in appropriate locations where a combination of businesses, commercial, entertainment, and related activities may be established, maintained and protected. Regulations of this district are designed to provide a suitable environment for those commercial and service uses which are vital to economic life, but some of which would be intrusive and disruptive in a shopping center type of commercial development.
- F. Manufacturing - Distribution District M-D: To provide areas in appropriate locations where light manufacturing, industrial processes and warehousing not producing objectionable effects may be established, maintained and protected. The regulations of this district are designed to protect environmental quality of the district and adjacent areas.
- G. General Industrial District M-G: To provide for areas in appropriate locations where heavy industrial processes necessary to the economy may be conducted. The

regulations of this district are designed to protect environmental quality of the district and adjacent areas. (2010 Code)

### **8-5C-2: CODES AND SYMBOLS:**

In following sections of this article, uses of land or buildings which are allowed in various districts are shown as "permitted uses", indicated by a "P" in the appropriate column, or as "conditional uses", indicated by a "C" in the appropriate column. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, "-". If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet required, or by the letter "A". If the regulation does not apply, it is indicated in the appropriate column by a dash, "-". (2010 Code)

### **8-5C-3: USE REGULATIONS:**

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the commercial and industrial districts, except as provided in this article. Accessory uses and buildings customarily incidental to uses authorized by conditional use permit in any district are also authorized by issuance of a conditional use permit in any such district. "Temporary uses", as defined in section [8-2-1](#) of this title, are authorized in any district upon issuance of a conditional use permit for the same.

***(12 Nov 2015 Note – Existing Commercial Use Table omitted for brevity)***

**TO: Morgan County Planning Commission**  
**FROM: Bill Cobabe**  
**DATE: December 11, 2014**  
**SUBJECT: Commercial Conditional Use Table**

---

As applies in the review/revision of the residential uses, the following are the categories for review:

**C-1:** This is a *staff level* decision. The conditions outlined in the ordinance have been met completely and explicitly met and there are no unique, controversial, or potentially conflicting aspects of the application. It is anticipated that this would encompass most of the applications for conditional use permits.

**C-2:** This is a decision requiring *Planning Commission* review and approval. These are cases where the applicant is proposing specific deviations to the conditional use requirements outlined in Section 8-8-4. The reasons for these deviations may be tied to specific, unique land conditions, controversial issues, and/or items that may potentially be conflicting with the requirements of the Code. It is anticipated that only those things which cannot be handled as a Staff-level approval would be reviewed and approved by the Planning Commission.

**C-3:** This is a decision requiring *County Council* approval after Planning Commission review. These cases would be relatively rare and involve complex, controversial, and/or contentious items that involve an anticipated impact on a very large scale (either large amounts of land or many people would be impacted by the granting of the conditional use permit).

The current use table will need to be modified to reflect the various levels of administration. The Planning Commission should review each existing use for appropriateness, and adding other uses where needed.

Of particular interest is the number of different Commercial Uses we have in the County. The General Plan of the County provides for four different commercial use types, while the zoning ordinance has seven different designations. Staff recommends combining some of these uses to help simplify the review/approval process. The designations in the General Plan are as follows:

- **Commercial**

The Commercial category designation provides for commercial nodes on individual parcels and more intense commercial uses near major road corridors. The intent of the Commercial use category is to provide for commercial uses which, through sensitive and creative building design, orientation of buildings, access, lighting, signs, parking, and landscaping can be made compatible with adjacent residential neighborhoods, to regional retail, neighborhood retail,

family entertainment, office, and compatible employment uses in master planned developments.

- **Business Park**

The Business Park use category is intended to provide for areas for the development of uses that provide employment involving light manufacturing, assembling, warehousing, and wholesale activities and associated office space and support uses. The Business Park designation is intended to encourage campus-style commercial development near the airport which incorporates amenities including attractive streetscapes and enhanced landscaping. This use category provides for employment in commercial and light industrial uses that are compatible with adjacent or surrounding land uses. The areas designated for Business Park uses have adequate transportation and infrastructure access, and emphasize minimal conflict with existing adjacent land uses. This designation provides for the development and accommodation of administrative and research industries, offices, and limited manufacturing and support services. Typical uses may also include construction contractors, small, screened storage yards, and small warehousing services.

- **Heavy Industrial**

The Heavy Industrial use designation is intended to provide for capital-intensive operations that manufacture or fabricate products within enclosed or partially enclosed structures. Heavy Industrial provides for the development and accommodation of intense industrial activity involving mining, manufacturing, warehousing, assembly, and storage characterized by open space uses/or storage, industrial processes, which involve significant amounts of noise, heat, mechanical and chemical processing, large amounts of materials transfer, and large-scale machinery and structures.

- **Town Center**

The Town Center designation denotes areas suitable for a mixture of commercial, employment, and supporting residential uses in appropriate locations. Horizontal mixed uses would be required for master planned projects, and vertical mixed uses would be encouraged. Residential uses in the Town Center category should be vertically and/or horizontally integrated, and complementary to non-residential uses. Town Center projects should be designed to provide maximum compatibility with surrounding land uses. Increased aesthetic and architectural design requirements and focus on streetscape creation are paramount to the development of a Town Center area.

The General Plan is to be used to inform decisions about zoning in a community. These designations provide guidelines for making ordinance changes that will conform to the desires of the County as represented in the General Plan.

The Commercial Land Use Table is attached.

***Additional Information for December 11, 2014:***

Purpose statements from the Code of each commercial zoning district follow, in addition to Staff comments (*in parentheses*):

A. Commercial Buffer District CB: To provide areas for appropriate transitions of commercial uses.

*(This is probably most similar to the "Business Park" general plan designation. It is a relatively new addition to the Code, and is currently only applied to one area, near the airport).*

B. Neighborhood Commercial District C-N: To provide areas in appropriate locations where convenience buying outlets may be established to serve surrounding residential neighborhoods. The regulations of this district are designed to promote a combination of retail and service facilities which in character and scale are necessary to meet day to day needs of area residents.

*(This purpose statement may need to be modified. The term "convenience buying outlets" is ambiguous and seems to indicate convenience stores, which may not be desirable in neighborhood areas. In my mind "neighborhood commercial" would be places like dentist's or attorney's offices, where the feel and impact of the use on the surrounding neighborhood are minimal in terms of visual and transportation impact).*

C. Commercial Shopping District C-S: To provide areas in appropriate locations where a combination of businesses, commercial, entertainment and related activities may be established, maintained and protected. The regulations of this district are designed to promote and encourage the development of comparison shopping centers.

*(I believe this district should be combined with the General Commercial district).*

D. Highway Commercial District C-H: To provide areas in appropriate locations adjacent to highways or major streets where activities dependent upon or catering to thoroughfare traffic and the traveling public may be established, maintained and protected. The regulations of this district are designed to encourage harmony between traffic needs and centers for retail commercial, entertainment, automotive facilities, and other appropriate highway related activities.

*(I believe this should be combined with the General Commercial district as well).*

E. General Commercial District C-G: To provide areas in appropriate locations where a combination of businesses, commercial, entertainment, and related activities may be established, maintained and protected. Regulations of this district are designed to provide a suitable environment for those commercial and service uses which are vital to economic life, but some of which would be intrusive and disruptive in a shopping center type of commercial development.

*(This should be the main commercial district for the County. It should be construed to allow for as many commercial, retail, and business-type uses as possible. Locations that are potential commercial use areas, as designated by the General Plan, should be encouraged to change zoning districts to this district.)*

F. Manufacturing - Distribution District M-D: To provide areas in appropriate locations where light manufacturing, industrial processes and warehousing not producing objectionable effects may be established, maintained and protected. The regulations of this district are designed to protect environmental quality of the district and adjacent areas.

*(I would change this to be a "Light Manufacturing/Light Industrial" district. The purpose statement seems to indicate this already, but the name of the district can be misleading).*

G. General Industrial District M-G: To provide for areas in appropriate locations where heavy industrial processes necessary to the economy may be conducted. The regulations of this district are designed to protect environmental quality of the district and adjacent areas. (2010 Code)

*(I might change this to a "Heavy Industrial" district. Again, the purpose statement seems to indicate this, but the name can be confusing).*

With regard to the use table, there has been some interest in making the table more broadly applicable. That is, within each zone more uses would be permitted. This could be done in a number of ways, including providing exhaustive lists, allowing for a catch-all provision where a clause/use allowance is put in for "other compatible uses" as determined by the County Council and/or Planning Commission, or using broad categories of uses.

This last element is something I've had experience with at the City of Beaumont, Texas. We used the North American Industry Classification System (NAICS), which grew out of the older Standard Industry Classification (SIC). The NAICS uses a two to six digit numbering system to differentiate similar and/or related industries to help specify which types of uses are similar, and offers a great deal of specificity. For example, book binding is found mainly under Section 32 (Manufacturing) → 323 (Printing and Related Support Activities) → 3231 (Printing and Related Support Activities), → 32312 (Support Activities for Printing) → 323120 (Support Activities for Printing). Specific activities listed under this category include things like book binding, engraving printing plate, repairing books, etc. See this website for more:

<http://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=323120&search=2012%20NAICS%20Search>

This is useful because if we want to allow all activities in a particular category in a certain zone, we can be as specific or as general as we want. If we were to say, for example, that in the heavy manufacturing zone, Sections 31-33 are allowed, that is a very broad and inclusive definition. If we wanted to exclude certain things, we could specify those as well. This further provides the advantage of being not arbitrary because it is a nationally recognized system of classification.

***(12 Nov 2015 Note – Existing Commercial Use Table omitted for brevity)***

**TO: Morgan County Planning Commission**  
**FROM: Bill Cobabe**  
**DATE: December 11, 2014**  
**SUBJECT: Commercial Conditional Use Table**

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*(12 Nov 2015 Note – Previous Memo was cited in its entirety; omitted for brevity)*

***Additional Information for the 8 Jan 2015 discussion:***

As requested, we have prepared a table (below) reflecting how the NAICS classifications could be implemented in Morgan County. The original table is included for reference.

**MORGAN COUNTY, UTAH  
MULTIPLE USE, AGRICULTURE, RURAL RESIDENTIAL, RESIDENTIAL AND  
MULTIPLE-FAMILY RESIDENTIAL DISTRICTS  
ALLOWED USES (MODIFIED)**

**8-5C-1: PURPOSE:**

The purpose of the following districts is:

- A. ~~Commercial Buffer~~ **Business Park** District ~~CB~~ **(BP)**: To provide areas for appropriate transitions of **between** commercial uses **and residential uses**. **Developments are intended to reduce impact adjacent properties by using landscaping, setbacks, and building design.**
- B. Neighborhood Commercial District ~~C-N~~ **(NC)**: To provide areas in appropriate locations where convenience buying outlets may be established to serve surrounding residential neighborhoods. The regulations of this district are designed to promote a combination of retail and service facilities which in character and scale are necessary to meet day to day needs of area residents.
- C. ~~Commercial Shopping District C-S~~: ~~To provide areas in appropriate locations where a combination of businesses, commercial, entertainment and related activities may be established, maintained and protected. The regulations of this district are designed to promote and encourage the development of comparison shopping centers.~~
- D. ~~Highway Commercial District C-H~~: ~~To provide areas in appropriate locations adjacent to highways or major streets where activities dependent upon or catering to thoroughfare traffic and the traveling public may be established, maintained and protected. The regulations of this district are designed to encourage harmony between traffic needs and centers for retail commercial,~~

~~entertainment, automotive facilities, and other appropriate highway related activities.~~

- E. General Commercial District ~~C-G~~ **(GC)**: To provide areas in appropriate locations where a combination of businesses, commercial, entertainment, and related activities may be established, maintained and protected. Regulations of this district are designed to provide a suitable environment for those commercial and service uses which are vital to economic life, but some of which would be intrusive and disruptive in a shopping center type of commercial development.
- F. **Light Manufacturing** ~~Distribution~~ District ~~M-D~~ **(LM)**: To provide areas in appropriate locations where light manufacturing, industrial processes and warehousing not producing objectionable effects may be established, maintained and protected. The regulations of this district are designed to protect environmental quality of the district and adjacent areas.
- G. General Industrial District ~~M-G~~ **(I)**: To provide for areas in appropriate locations where heavy industrial processes necessary to the economy may be conducted. The regulations of this district are designed to protect environmental quality of the district and adjacent areas.

### **8-5C-2: CODES AND SYMBOLS:**

In following sections of this article, uses of land or buildings which are allowed in various districts are shown as "permitted uses", indicated by a "P" in the appropriate column, or as "conditional uses", indicated by a "C" **"C1," "C2," or "C3,"** in the appropriate column. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, "-". If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet required, or by the letter "A". If the regulation does not apply, it is indicated in the appropriate column by a dash, "-". **If a particular use classification category is specified as permitted or conditionally permitted, it shall mean all specific items that fall under that category. Otherwise, only the specific items noted shall be permitted.**

### **8-5C-3: USE REGULATIONS:**

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the commercial and industrial districts, except as provided in this article. Accessory uses and buildings customarily incidental to uses authorized by conditional use permit in any district are also authorized by issuance of a conditional use permit in any such district. "Temporary uses", as defined in section [8-2-1](#) of this title, are authorized in any district upon issuance of a conditional use permit for the same.

Use	District				
	BP	NC	GC	LM	I
21 - Mining, Quarrying, and Oil and Gas Extraction				C3	P
22 - Utilities				C3	P
23 - Construction					
236 - Construction of Buildings	C2			P	P
237 - Heavy and Civil Engineering Construction					P
238 - Specialty Trade Contractors				C1	P
31-33 Manufacturing					
3111 - Animal Food Manufacturing				C2	P
3112 - Grain and Oilseed Milling				C2	P
3113 - Sugar and Confectionery Product Manufacturing	C2			C2	P
3114 - Fruit and Vegetable Preserving and Specialty Food Manufacturing	C2			C2	P
3115 - Dairy Product Manufacturing	C2			P	P
3116 - Animal Slaughtering and Processing				C1	P
3118 - Bakeries and Tortilla Manufacturing	C1	C2	C2	P	P
3119 - Other Food Manufacturing	C2	C2	C2	C2	C2
3121 - Beverage Manufacturing	C2			P	P
313 - Textile Mills	C1			P	P
314 - Textile Product Mills	C2			P	P
315 - Apparel Manufacturing	C2			P	P
316 - Leather and Allied Products Manufacturing	C2			P	P
321 - Wood Product Manufacturing				P	P
322 - Paper Manufacturing	C2			P	P
323 - Printing and Related Support Activities	C1		C1	P	P
324 - Petroleum and Coal Products Manufacturing					P
325 - Chemical Manufacturing				C2	P
326 - Plastics and Rubber Products Manufacturing				C2	P
327 - Nonmetallic Mineral Product Manufacturing				C2	P
331 - Primary Metal Manufacturing					P

332 - Fabricated Metal Product Manufacturing				C2	P
333 - Machinery Manufacturing				C2	P
334 - Computer and Electronic Product Manufacturing				C2	P
335 - Electrical Equipment, Appliance, and Component Manufacturing				C2	P
336 - Transportation Equipment Manufacturing				C2	P
337 - Furniture and Related Product Manufacturing				C2	P
339 - Miscellaneous Manufacturing				C2	P
42 - Wholesale Trade					
423 - Merchant Wholesalers, Durable Goods	C2			C1	P
424 - Merchant Wholesalers, Nondurable Goods	C2			C1	P
425 - Wholesale Electronic Markets and Agents and Brokers	C2			P	P
44-45 - Retail Trade					
4411 - Automobile Dealers	C2		C2	P	P
4412 - Other Motor Vehicle Dealers	C2		C2	P	P
4413 - Automotive Parts, Accessories, and Tire Stores	C2	C2	C2	P	P
442 - Furniture and Home Furnishings Stores	C1	C2	C1		
443 - Electronics and Appliance Stores	C1	C2	P		
444 - Building Material and Garden Equipment and Supplies Dealers	C2		C1	P	
4451 - Grocery Stores	C2	C2	C1		
4452 - Specialty Food Stores	C2	C2	C1		
4453 - Beer, Wine, and Liquor Stores			C2		
446 - Health and Personal Care Stores	C2	C2	C1		
447 - Gas Stations	C2	C2	C2	P	P
448 - Clothing and Clothing Accessory Stores	C2	C2	C1		
45111 - Sporting Goods Stores	C2	C2	C2		
45112 - Hobby, Toy, and Game Stores	C1	C2	P		
45113 - Sewing, Needlework, and Piece Goods Stores	C1	P	P		
45114 - Musical Instrument and Supplies Stores	C1	P	P		
4512 - Book Stores and News Dealers	C1	P	P		

452 - General Merchandise Stores	C2	C2	P		
4531 - Florists	P	P	P		
45321 - Office Supplies and Stationery Stores	C1	C2	P		
45322 - Gift, Novelty, and Souvenir Stores	C2	C2	C2		
4533 - Used Merchandise Stores	C1	C2	P		
45391 - Pet and Pet Supplies Stores	C1	C2	P		
45392 - Art Dealers	P	P	P		
45393 - Manufactured Home Dealers	C2		C2		
453991 - Tobacco Stores			C2		
453998 - All Other Miscellaneous Store Retailers (Except Tobacco)	C2	C2	C2		
4541 - Electronic Shopping and Mail Order Houses	P	P	P		
4542 - Vending Machine Operators			P		
4543 - Direct Selling Establishments	C2		C2		

***(12 Nov 2015 Note – This table was incomplete – it was a first draft to show how the table would look/work)***

Exhibit A: Staff Memo – 07 Apr 2015

***(12 Nov 2015 Note – This memo is largely a repeat of memos previously included. Exhibits B-D from that memo included – includes minutes from the above meeting’s discussions)***

Exhibit B: Planning Commission Minutes – 13 Nov 2014

PLANNING COMMISSION AGENDA  
Thursday, November 13, 2014  
Morgan County Council Room  
6:30 PM

Members Present

Shane Stephens  
Debbie Sessions  
David Sawyer, via electronic participation  
Darrell Erickson  
Steve Wilson

Staff Present

Bill Cobabe, Senior Planner  
Mickaela Moser, Transcriptionist

Public Present

Dylan Mansfield  
Jason Mansfield

1. Discussion on commercial use table text amendment.

For the boy scout’s benefit, Bill explained the reasons for meeting as a Planning Commission and introduced the topic for tonight’s meeting as a discussion about commercial uses.

He continued on to discuss the four different designations of the commercial zones, which include Commercial, Business Park, Heavy Industrial, and Town Center.

Bill suggested possibly eliminating or combining a few of the designations under the current seven commercial districts, to allow for a simpler clarification and absorb unnecessary designations. Member Wilson asked Bill why he thinks they need to simplify the commercial zones, as he feels there are tools within each current district that allow for sufficient differentiation. Bill asked about the differences between a Commercial Shopping District and some others that are similar, such as Neighborhood Commercial District. Member Wilson asked for clarification on Bill’s wording of horizontal and vertical within a commercial zone. Bill explained that a horizontal mixed use is separated by space, and is outwardly, whereas a vertical mixed use is an upward expansion, as in floor one, floor two, etc, mixing office space and residential space. He also confirmed that the Morgan County General Plan currently has only four commercial areas, and they can be divided into more specific areas within. Member Wilson expressed concern that by simplifying or eliminating some of the current designations in the commercial zone, it may open unwanted doors and create potential future problems. Member Sessions suggested a buffer area between the town commercial center and residential areas. Bill suggested they think about what transition is wanted between the different commercial zones. Member Sessions offered a suggestion of Business Park I and Business Park II, as a way to split and transition from Heavy Industrial to Commercial. Member Wilson asked about possibly preparing a visual for the next meeting to be able to see what businesses would be appropriate in certain areas

of the county. Bill said he would prepare a map or other visual for presentation at the next meeting. Bill described the typical transitions within a county, beginning with the heavy industrial to other light industrial, commercial warehousing, smaller retail areas, to business park with office space. He explained that the next part in the blending or transition is the high density residential, which includes multi-family housing/apartment complexes, and then moving to single family homes and ranches/farms.

There was discussion about the different locations of commercial districts throughout the County as well as town center designations. Member Sessions suggested possible village center designations in certain areas of the County. Bill reminded the Planning Commission that these decisions are not easy, but it's important to establish a base to use as a springboard. Member Sessions suggested altering the General Plan to input a commercial buffer, or Business Park, and then allocate businesses according to four specific commercial zones, removing the light manufacturing zone within the buffer. She suggested reducing to four zones: Business Park, Commercial, Light Manufacturing, and Heavy Industrial. The other zones--Neighborhood Shopping, Highway, and General would all be incorporated into one Commercial zone. Member Wilson partially agreed with that idea but was reluctant so as to avoid a potential strip mall or fast food restaurant that would back up to a residential zone. He feels the County control would slip away if those three previously mentioned zones were eliminated to reduce the number of commercial zones to four. He suggested combining Commercial Shopping and Highway Commercial into a General commercial zone but keeping a Neighborhood Commercial option. Member Sessions agreed.

Member Erickson commented on the importance of the definitions associated with the different zoning distinctions. There was some discussion on the placement of the assisted living and discussion on the projection of development.

Member Wilson wanted to address town and village centers, incorporated areas, unincorporated areas, etc. He expressed the importance of guiding the discussions and planning for the unincorporated areas until, if ever, they become incorporated.

Member Erickson asked to postpone further discussion on this topic until Bill can provide a visual. Member Wilson also asked Bill for definitions of town centers, village centers and incorporated areas, along with a visual case study and integrated plan. Before the next meeting, Member Erickson also asked for clarified definitions. Member Sessions suggested bringing the Peterson Area Plan and map. Member Sawyer was interested about the definitions for town and village centers. Member Sessions asked Bill to present all of the different area maps from each section of the County to allow for further visual clarification of where commercial areas are currently zoned.

Exhibit C: Planning Commission Minutes – 11 Dec 2014

PLANNING COMMISSION AGENDA  
Thursday, December 11, 2014  
Morgan County Council Room  
6:00 PM

Members Present

Shane Stephens  
Debbie Sessions  
David Sawyer, via electronic participation  
Darrell Erickson  
Michael Newton  
Steve Wilson

Staff Present

Bill Cobabe, Senior Planner  
Mickaela Moser, Transcriptionist

Public Present

6. Discussion on Commercial Use Table Text Amendment.

Bill presented the history of zoning. He also displayed the Commercial Use Table he created to show all of the current commercial uses in Morgan and Mountain Green. There was discussion about the various locations of possible future commercial land use. There was mention of commercial development in Summit County and Mountain Green. Member Sessions wanted to shift the discussion to include the various levels of commercialism and how to divide to include light industrial, heavy industrial, etc. Member Stephens expressed his desire to avoid change and keep Morgan County from developing into an industrialized region. Member Sawyer suggested preparing for the upcoming General Plan discussion so as to channel the avenues of growth and development. Member Newton added his concern about commercial specifications but would rather see more general classifications, like General Retail instead of specifying that a shoe store is or is not permissible in a commercial area. Member Sawyer mentioned using the NAICS to which Bill replied that he'd used NAICS and Use Table before however he's not necessarily pushing to adopt them. Member Sessions asked to decide tonight what designations the Planning Commission members would like to move forward in the streamlining process. She suggested a Business Park designation and to get rid of the commercial buffer. Member Sawyer recommended a neighborhood commercial district also, for its community appeal. Member Sessions recommended enforcing 5 zones and it was agreed to move forward with keeping A (Business Park) and B (Neighborhood Commercial) separate for now from the current use table. There was an overall agreement with the clarity between Light Manufacturing and Heavy Manufacturing/Industrial under Commercial. Bill discussed his plan to put all of these suggestions and decisions into effect and have a written or visual presentation for the next Planning Commission Meeting.

Exhibit D: Planning Commission Minutes – 08 Jan 2015

PLANNING COMMISSION AGENDA  
Thursday, January 8, 2015  
Morgan County Council Room  
6:30 PM

Members Present

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

Staff Present

Bill Cobabe  
Gina Grandpre

Public Present

Tina Kelley

6. Discussion on commercial use table text amendment.

Bill addressed the perception that Morgan County residents are against business development but Member Sessions argued that they have been trying for several decades to bring business development into the County and grow where possible. Bill showed a visual presentation of the commercial use table and explained the restrictions associated with different areas. Member Wilson asked Bill if the form based zoning was more map-based or if it needed additional explaining in Code to which Bill explained that there would be a written code or text to go along with a visual on the map. Chair Haslam asked about the commercial development in Mountain Green. He referenced the light manufacturing areas with operations of varying noise levels and said that he thought they shouldn't be so restrictive to the operations within buildings as long as they are able to contain the noise. He added that if the business can't be contained within a building, then it should be moved to a light industrial or a heavy industrial area. He also stated that he visualizes a shopping area more in the region of Trappers Loop. He wants to implement general standards and if those standards are met, then it shouldn't require a conditional use permit. Bill said there are specific standards in the Code that are already in place, like street regulations. Bill further explained that they are using form based zoning to shape the community and designate where they want businesses to go. Member Wilson asked for clarification on whether they are planning for rezones and implementing town centers. Member Sessions stated that she thought they were working with the existing zones and not creating new zoning areas. Bill showed the properties available in Mountain Green that are open for development. Member Newton wants to simplify the districts on the commercial use table and use what they already have. The Planning Commission members agreed on their desire to simplify the use table so an applicant wouldn't have to obtain several different conditional use permits in order to do something that is permitted within a business park. Bill pointed out the purpose of the General Plan; that it is supposed to be "general" and flexible. Member Erickson commented that the number system in place is for identifying the types of businesses and where they should be allocated, and it would be very beneficial to Morgan County to implement it as it is the same system that the Federal Government and many others use (including developers, contractors, engineers, architects). There was some discussion on pinpointing what is wanted in each commercial zone, as there are multiple zones

that are being condensed into the 5 previously discussed commercial zones. Member Sessions wanted to focus on each particular zone before allocating numbers for approved operations. Bill argued that the Planning Commission members need to focus on specific operations before proceeding and Member Sessions wanted to first establish standards for each commercial zone.

Chair Haslam called for the opinion of each Planning Commission member. Member Stephens voiced his opinion that he struggles with the idea of the County moving in a direction that leaves the rural environment. Member Wilson would like to see more discussion on how traffic, height, and other standards will protect what Morgan County already has. His idea of “standards” was in line with what Bill had presented. Member Sessions said her idea of “standards” was that a business could be approved for operation if they met certain standards, for example leaving the retail trade as an appropriate standard for its commercial zone instead of specifying exact types of possible retail trade. Member Newton suggested that the coding system within the table would accomplish a set of standards, and they could exclude any that were not appropriate from the current list. Member Sessions felt the list was extensive at this stage of the process and she commented that it felt like they were trying to eat the whole elephant when it would be more manageable to take one bite at a time so as to be less overwhelming. She suggested focusing on the Business Park and then moving on. Member Erickson argued that the coding system already does that for them. Member Newton suggested going through the existing table and comparing the coding to what they want. Member Sawyer commented that the County Council wants to simplify the current table using the coding. Member Newton suggested beginning with the use table to discuss what is wanted in the community and then apply it to a particular zone, addressing possible restrictions at that time. Chair Haslam suggested going through each area to decide what they don’t want permitted or to be made conditional and at the next meeting, they will compare and condense. It was pointed out that this process will be tedious and difficult initially, but in the end will be a great and very useful accomplishment.

Exhibit A: Staff Memo – 23 Apr 2015

**TO: Morgan County Planning Commission**  
**FROM: Bill Cobabe**  
**DATE: April 23, 2015**  
**SUBJECT: Commercial Conditional Use Table**

As requested, we have prepared a table (below) reflecting how the NAICS classifications could be implemented in Morgan County. The original table is included for reference.

With regard to methodology, I used the following steps to determine what should be included in the table in which zones, and at which level should we allow/regulate:

1. Looking at the NAICS online table, I noted the 20 main sectors (the two-digit coded sectors on the first screen)

The screenshot shows the NAICS website interface. On the left, there are search boxes for 2012, 2007, and 2002 NAICS codes, along with download links for various NAICS versions and concordance sheets. A 'Contact Us' section is also visible. The main content area is titled '2012 NAICS' and includes a descriptive paragraph and a table of sectors. Below the table is a 'Downloadable Files' section with a table listing file descriptions and formats.

Sector	Description
11	Agriculture, Forestry, Fishing and Hunting
21	Mining, Quarrying, and Oil and Gas Extraction
22	Utilities
23	Construction
31-33	Manufacturing
42	Wholesale Trade
44-45	Retail Trade
48-49	Transportation and Warehousing
51	Information
52	Finance and Insurance
53	Real Estate and Rental and Leasing
54	Professional, Scientific, and Technical Services
55	Management of Companies and Enterprises
56	Administrative and Support and Waste Management and Remediation Services
61	Educational Services
62	Health Care and Social Assistance
71	Arts, Entertainment, and Recreation
72	Accommodation and Food Services
81	Other Services (except Public Administration)
92	Public Administration

Description	File Format
2012 Downloadable Files	

2. Then I expanded each sector to look to see what would be an appropriate level for permitting/regulation. For example, I looked at Sector 81 and noted that while some subsectors are broadly permissible in some areas, others merited more specific attention.

<p>2012 NAICS Search</p> <p>Enter keyword or 2-6 digit code</p> <p>2007 NAICS Search</p> <p>Enter keyword or 2-6 digit code</p> <p>2002 NAICS Search</p> <p><b>Downloads/Reference Files/Tools</b></p> <ul style="list-style-type: none"> <li>2012 NAICS</li> <li>2007 NAICS</li> <li>2002 NAICS</li> <li>1997 NAICS</li> <li>Concordances</li> <li>NAICS Update Process Fact Sheet [PDF, 37KB]</li> </ul> <p>Contact Us</p> <p>Email Us: <a href="mailto:naics@census.gov">naics@census.gov</a></p>	<p><b>Search results for: 81</b></p> <p>Number of records found: 98</p> <p><b>81 Other Services (except Public Administration)<sup>T</sup></b></p> <p><b>811 Repair and Maintenance<sup>T</sup></b></p> <p><b>8111 Automotive Repair and Maintenance<sup>T</sup></b></p> <p><b>81111 Automotive Mechanical and Electrical Repair and Maintenance<sup>T</sup></b></p> <p><b>811111 General Automotive Repair</b></p> <p><b>811112 Automotive Exhaust System Repair</b></p> <p><b>811113 Automotive Transmission Repair</b></p> <p><b>811118 Other Automotive Mechanical and Electrical Repair and Maintenance</b></p> <p><b>81112 Automotive Body, Paint, Interior, and Glass Repair<sup>T</sup></b></p> <p><b>811121 Automotive Body, Paint, and Interior Repair and Maintenance</b></p> <p><b>811122 Automotive Glass Replacement Shops</b></p> <p><b>81119 Other Automotive Repair and Maintenance<sup>T</sup></b></p> <p><b>811191 Automotive Oil Change and Lubrication Shops</b></p> <p><b>811192 Car Washes</b></p> <p><b>811198 All Other Automotive Repair and Maintenance</b></p> <p><b>8119 Electronic and Precision Equipment Repair and Maintenance<sup>T</sup></b></p>
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This subsector – 8111 – allows for “Automotive Repair and Maintenance”. Together with subsector 8112, which allows for “Electronic and Precision Equipment Repair and Maintenance”, these seemed to be fairly low-impact uses in a general commercial, business park, manufacturing, or industrial zoning district. However, the next subsector, 8113 “Commercial and Industrial Machinery and Equipment (Except Automotive and Electronic) Repair and Maintenance” seemed to be less compatible with a general commercial zoning, so I left that out of that zone.

Each subsector was evaluated for potential commercial development in the County. I tried to keep things as open and permissive as reasonably possible, knowing that ultimately it will be up to the Planning Commission and County Council to make certain decisions. In this attempt, I have only eliminated three categories or industrial classifications. They are as follows (and for the subsequent reasoning):

4831 – Deep Sea, Coastal, and Great Lakes Water Transportation (these do not apply to our County).

7132 – Gambling Industries (these uses are prohibited by State law)

72112 – Casino Hotels (these uses are also prohibited by State law)

Everything else found a place in our ordinance. Escort services fall under subsector 81299 but are regulated with other sexually oriented businesses in Section 8-18 of our Code. That will have to be modified when we change the ordinance to reflect the modification of “M-D” zoning district to “I”.

The current ordinance and the modified ordinances follow.

***(12 Nov 2015 Note – Existing and Modified Commercial Use Table omitted for brevity)***

Exhibit A: Staff Memo – 14 May 2015

**TO: Morgan County Planning Commission**  
**FROM: Bill Cobabe**  
**DATE: May 14, 2015**  
**SUBJECT: Commercial Conditional Use Table**

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Staff received a request to examine other County’s ordinances to see how they regulate commercial uses. Specifically, Summit County and Wasatch County’s ordinances were reviewed. There were a couple of interesting items resulting from this analysis.

Summit County is generally broken into two sections – Eastern Summit County and Snyderville Basin. The Snyderville Basin portion of Summit County has a very different way of regulating commercial uses and as such was not considered for this review. Eastern Summit County, however, has characteristics that are similar to Morgan County, including relatively low density, small, unincorporated communities, and a very large agricultural contingent. The way that this portion of Summit County regulates business/commercial uses is similar to what Morgan County currently employs – that is, that only a few commercial uses are allowed, and unless it is specifically permitted (either as of right or as a conditional use), it is not permitted. The list of things they’ve allowed is somewhat different from the current Morgan County list, but essentially it’s the same.

Wasatch County, on the other hand, has an approach similar to what is proposed for Morgan County. They have devised a numeric system of categories, where each category allows for commercial uses that come under that category. For example, if a category is “retail”, clothing shops, shoe stores, etc. would all fall under that category. They define “retail trade” as follows:

*Retail trade: 5200 \_ 5900, this subdivision includes establishments engaged in selling merchandise for personal, household or farm consumption, and rendering services incidental to the sale of the goods. In general, retail establishments are classified by kind of business according to the principal lines of commodities sold (groceries, hardware, etc.), or the usual trade designation (drug store, cigar store, etc.). Some of the important characteristics of retail trade establishments are: the establishment is usually a place of business and is engaged in activities to attract the general public to buy; the establishment buys or receives merchandise as well as sells; the establishment may process its products, but such processing is incidental or subordinate to selling; the establishment is considered as retail in the trade; and the establishment sells to customers for personal, household or farm use. Not all of these characteristics need be present and some are modified by trade practice.*

*Buying of goods for resale to the consumer is a characteristic of retail trade establishments that particularly distinguishes them from the agricultural and*

*extractive industries. For example, farmers who sell only their own produce at or from the point of production are not classified as retailers.*

*Processing incidental or subordinate to selling often is conducted at retail stores. For example, restaurants prepare meals, and feed stores grind feed. Retail establishments of manufacturing concerns are included in retail trade.*

*For the most part, establishments engaged in retail trade sell merchandise to the general public for personal or household consumption. Certain exceptions to this general rule are made necessary by trade practices. For example, retail lumberyards are included in retail trade despite the fact that a high proportion of their sales are made to contractors; and establishments selling feed, fertilizer, machinery, etc., to farmers are also included in retail trade. Chain store warehouses are considered auxiliary to the retail establishment served and are classified on the basis of the industrial activity carried on by such retail stores.*

*Establishments engaged in selling to the general public, from displayed merchandise, products such as typewriters, stationery or gasoline, are classified in retail trade even though such products may not be used for personal in household consumption, however, establishments that sell these products only to institutional or industrial users and establishments that sell similar merchandise for use exclusively by business establishments are not classified in retail trade.*

*(Wasatch County Code – Section 16.36.04)*

As can be seen, significant effort was made to define and specify where each particular use is regulated. Their numeric system is either unique to their County (i.e., they had someone who made it up) or was borrowed from another source. An example of how their table appears follows:

5600	Apparel and accessories	
	5610	Men's and boys clothing and furnishings
		5611 Men's and boys clothing and furnishings, excluding hats
		5612 Men's and boys hats
	5620	Women's ready to wear
		5620 Women's ready to wear (includes bridal shops, dress shops, maternity shops, etc.)
	5630	Women's accessories and specialties

	5630	Women's accessories and specialties (includes millinery, costume jewelry, handbag, hosiery, knitwear, etc.)
	5640	Children's and infants wear
	5640	Children's and infants wear
	5650	Family clothing
	5650	Family clothing
	5660	Shoes
	5660	Shoes (adult and children)
	5670	Custom tailoring
	5670	Custom tailoring (includes tailors, dressmakers, etc.)
	5680	Furriers and fur apparel
	5680	Furriers and fur apparel
	5690	Retail trade - apparel and accessories, NEC
	5691	Uniforms (includes nurses, doctors, etc.)
	5692	Wigs
	5693	Cosmetics (only when sold in a separate store)
	5694	Leather goods
	5695	Other retail trade - (apparel, sports apparel, umbrella shops, etc.)
	5696	Scuba diving equipment

Once a particular desired commercial use is identified (5696 Scuba diving equipment, for example) the business owner would refer back to the table in Section 16.10.02 – Permitted Uses and/or Section 16.10.03 – Conditional Uses. In the case of Scuba diving equipment, it would come under the heading of 5600 – Apparel and accessories, which are permitted uses.

As requested, I have removed the portions of the 11 – Agriculture sections dealing with animals, and the other modifications noted in the Planning Commission meeting on April 23, 2015.

*(12 Nov 2015 Note –Modified Commercial Use Table omitted for brevity)*

Exhibit A: Staff Memo – 28 May 2015

**TO: Morgan County Planning Commission**  
**FROM: Gina Grandpre**  
**DATE: May 28, 2015**  
**SUBJECT: Commercial Conditional Use Table**

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As requested, I made the changes under 11 – Agriculture sections dealing with animals, and 22 – Mining & Quarrying sections and the other modifications noted in the Planning Commission meeting on May 14, 2015 back into the table.

The modified ordinance follows:

**MORGAN COUNTY, UTAH  
COMMERCIAL, DISTRICTS  
ALLOWED USES (MODIFIED)**

**8-5C-1: PURPOSE:**

The purpose of the following districts is:

- A. Neighborhood Commercial District C-N (**NC**): To provide areas in appropriate locations where convenience buying outlets may be established to serve surrounding residential neighborhoods. The regulations of this district are designed to promote a combination of retail and service facilities which in character and scale are necessary to meet day to day needs of area residents.
- ~~B. Commercial Shopping District C-S: To provide areas in appropriate locations where a combination of businesses, commercial, entertainment and related activities may be established, maintained and protected. The regulations of this district are designed to promote and encourage the development of comparison shopping centers.~~
- ~~C. Highway Commercial District C-H: To provide areas in appropriate locations adjacent to highways or major streets where activities dependent upon or catering to thoroughfare traffic and the traveling public may be established, maintained and protected. The regulations of this district are designed to encourage harmony between traffic needs and centers for retail commercial, entertainment, automotive facilities, and other appropriate highway related activities.~~

- D. General Commercial District C-G (**GC**): To provide areas in appropriate locations where a combination of businesses, commercial, entertainment, and related activities may be established, maintained and protected. Regulations of this district are designed to provide a suitable environment for those commercial and service uses which are vital to economic life, but some of which would be intrusive and disruptive in a shopping center type of commercial development.
- E. ~~Commercial-Buffer~~ **Business Park** District CB (**BP**): To provide areas for appropriate transitions of **between** commercial uses **and residential uses. Developments are intended to reduce impact adjacent properties by using landscaping, setbacks, and building design.**
- F. **Light** Manufacturing ~~-Distribution~~ District M-D (**LM**): To provide areas in appropriate locations where light manufacturing, industrial processes and warehousing not producing objectionable effects may be established, maintained and protected. The regulations of this district are designed to protect environmental quality of the district and adjacent areas.
- G. General Industrial District M-G (**I**): To provide for areas in appropriate locations where heavy industrial processes necessary to the economy may be conducted. The regulations of this district are designed to protect environmental quality of the district and adjacent areas.

### **8-5C-2: CODES AND SYMBOLS:**

In following sections of this article, uses of land or buildings which are allowed in various districts are shown as "permitted uses", indicated by a "P" in the appropriate column, or as "conditional uses", indicated by a "C" "**C1,**" "**C2,**" or "**C3,**" in the appropriate column. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, "-". If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet required, or by the letter "A". If the regulation does not apply, it is indicated in the appropriate column by a dash, "-". **If a particular use classification category is specified as permitted or conditionally permitted, it shall mean all specific items that fall under that category. Otherwise, only the specific items noted shall be permitted.**

### **8-5C-3: USE REGULATIONS:**

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the commercial and industrial districts, except as provided in this article. Accessory uses and buildings customarily incidental to uses authorized by conditional use permit in any district are also authorized by issuance of a conditional use permit in any such district. "Temporary

uses", as defined in section [8-2-1](#) of this title, are authorized in any district upon issuance of a conditional use permit for the same.

Use	District				
	NC	GC	BP	LM	I
11 - Agriculture, Forestry, Fishing, and Hunting	C1	C1	C1	P	P
21 - Mining, Quarrying, and Oil and Gas Extraction					
211 - Oil and Gas Extraction					P
2121 - Coal Mining					P
2122 - Metal Ore Mining					P
2123 - Nonmetallic Mineral Mining and Quarrying				C3	P
213 - Support Activities for Mining				C3	P
22 - Utilities					
22111 - Electric Power Generation					C3
22112 - Electric Power Transmission and Control					C2
2212 - Natural Gas Distribution					C2
2213 - Water, Sewage, and Other Systems				C2	C2
23 - Construction					
236 - Construction of Buildings				P	P
237 - Heavy and Civil Engineering Construction					P
238 - Specialty Trade Contractors				C1	P
31-33 Manufacturing					
3111 - Animal Food Manufacturing				C2	P
3112 - Grain and Oilseed Milling				C2	P
3113 - Sugar and Confectionery Product Manufacturing			C2	C2	P
3114 - Fruit and Vegetable Preserving and Specialty Food Manufacturing			C2	C2	P
3115 - Dairy Product Manufacturing			C2	P	P
3116 - Animal Slaughtering and Processing				C1	P
3117 - Seafood Product Preparation and Manufacturing			C2	P	P
3118 - Bakeries and Tortilla Manufacturing	C2	C2	C1	P	P
3119 - Other Food Manufacturing	C2	C2	C2	C2	C2
312 - Beverage Manufacturing			C2	P	P
313 - Textile Mills			C1	P	P
314 - Textile Product Mills			C2	P	P
315 - Apparel Manufacturing			C2	P	P
316 - Leather and Allied Products Manufacturing			C2	P	P
321 - Wood Product Manufacturing				P	P
322 - Paper Manufacturing			C2	P	P
323 - Printing and Related Support Activities		C1	C1	P	P
324 - Petroleum and Coal Products Manufacturing					P
325 - Chemical Manufacturing				C2	P
326 - Plastics and Rubber Products Manufacturing				C2	P
327 - Nonmetallic Mineral Product Manufacturing				C2	P
331 - Primary Metal Manufacturing					P
332 - Fabricated Metal Product Manufacturing				C2	P
333 - Machinery Manufacturing				C2	P
334 - Computer and Electronic Product Manufacturing				C2	P
335 - Electrical Equipment, Appliance, and Component Manufacturing				C2	P
336 - Transportation Equipment Manufacturing				C2	P
337 - Furniture and Related Product Manufacturing				C2	P
339 - Miscellaneous Manufacturing				C2	P
42 - Wholesale Trade					
423 - Merchant Wholesalers, Durable Goods			C2	C1	P
424 - Merchant Wholesalers, Nondurable Goods			C2	C1	P
425 - Wholesale Electronic Markets and Agents and Brokers			C2	P	P
44-45 - Retail Trade					
4411 - Automobile Dealers		C2	C2	P	P
4412 - Other Motor Vehicle Dealers		C2	C2	P	P
4413 - Automotive Parts, Accessories, and Tire Stores	C2	C2	C2	P	P
442 - Furniture and Home Furnishings Stores	C2	C1	C1		
443 - Electronics and Appliance Stores	C2	P	C1		
444 - Building Material and Garden Equipment and Supplies Dealers		C1	C2	P	
4451 - Grocery Stores	C2	C1	C2		
4452 - Specialty Food Stores	C2	C1	C2		
4453 - Beer, Wine, and Liquor Stores		C2			
446 - Health and Personal Care Stores	C2	C1	C2		
447 - Gas Stations	C2	C2	C2	P	P
448 - Clothing and Clothing Accessory Stores	C2	C1	C2		
45111 - Sporting Goods Stores	C2	C2	C2		
45112 - Hobby, Toy, and Game Stores	C2	P	C1		
45113 - Sewing, Needlework, and Piece Goods Stores	P	P	C1		
45114 - Musical Instrument and Supplies Stores	P	P	C1		
4512 - Book Stores and News Dealers	P	P	C1		
452 - General Merchandise Stores	C2	P	C2		
4531 - Florists	P	P	P		

Use	District				
	NC	GC	BP	LM	I
45321 - Office Supplies and Stationery Stores	C2	P	C1		
45322 - Gift, Novelty, and Souvenir Stores	C2	C2	C2		
4533 - Used Merchandise Stores	C2	P	C1		
45391 - Pet and Pet Supplies Stores	C2	P	C1		
45392 - Art Dealers	P	P	P		
45393 - Manufactured Home Dealers		C2	C2		
453991 - Tobacco Stores		C2			
453998 - All Other Miscellaneous Store Retailers (Except Tobacco)	C2	C2	C2		
4541 - Electronic Shopping and Mail Order Houses	P	P	P		
4542 - Vending Machine Operators		P			
4543 - Direct Selling Establishments		C2	C2		
48-49 Transportation and Warehousing					
481 - Air Transportation (see Article 8-5H and Title 10)	A	A	A	A	A
482 - Rail Transportation			P	P	P
4832 - Inland Water Transportation	P	P	P	P	P
484 - Truck Transportation			P	P	P
485 - Transit and Ground Passenger Transportation	P	P	P	P	P
486 - Pipeline Transportation	C3	C3	C2	C2	C2
487 - Scenic and Sightseeing Transportation	C2	C1	P		
4881 - Support Activities for Air Transportation (see Article 8-5H and Title 10)	A	A	A	A	A
4882 - Support Activities for Rail Transportation			C2	P	P
4883 - Support Activities for Water Transportation			C2	C2	C1
4884 - Support Activities for Road Transportation			C2	C1	P
4885 - Freight Transportation Arrangement			C2	P	P
4889 - Other Support Activities for Transportation			C2	P	P
491 - Postal Service	P	P	P	P	P
492 - Couriers and Messengers		C2	P	P	P
49311 - General Warehousing and Storage				P	P
49312 - Refrigerated Warehousing and Storage				P	P
49319 - Other Warehousing and Storage				C2	C2
51 - Information					
511 - Publishing Industries (Except Internet)		P	P	P	P
51211 - Motion Picture and Video Production		P	P	P	P
51212 - Motion Picture and Video Distribution		C2	P	P	P
51213 - Motion Picture and Video Exhibition	C2	P	P	P	P
51219 - Postproduction Services and Other Motion Picture and Video Industries		P	P	P	P
5122 - Sound Recording Industries		P	P	P	P
515 - Broadcasting (Except Internet)		P	P	P	P
517 - Telecommunications		C2	C2	P	P
518 - Data Processing, Hosting, and Related Services	C2	P	P	P	P
519 - Other Information Services		P	P	P	P
52 - Finance and Insurance					
521 - Monetary Authorities - Central Bank		P	P	P	P
5221 - Depository Credit Intermediation		P	P	P	P
52221 - Credit Card Issuing		P			
52222 - Sales Financing		C2	C2		
522291 - Consumer Lending			C3		
522292 - Real Estate Credit		C2	C2		
522293 - International Trade Financing		P	P		
522294 - Secondary Market Financing		P	P		
522298 - All Other Nondepository Credit Intermediation			C3		
523 - Securities, Commodities Contracts, and Other Financial Investments and Related Activities		C2	C2		
524 - Insurance Carriers	C2	C1	C1	P	P
525 - Funds, Trusts, and Other Financial Vehicles		C1	C1	P	P
53 - Real Estate and Rental and Leasing					
53111 - Lessors of Residential Buildings and Dwellings	C2	P	P		
53112 - Lessors of Nonresidential Buildings		P	P		
53113 - Lessors of Miniwarehouses and Self-Storage Units		P	P		
53119 - Lessors of Other Real Estate Property		P	P		
5312 - Offices of Real Estate Agents and Brokers	C1	P	P	P	P
5313 - Activities Related to Real Estate		P	P		
5321 - Automotive Equipment Rental and Leasing		P	P		
5322 - Consumer Goods Rental		P			
5323 - General Rental Centers		P			
5324 - Commercial and Industrial Machinery and Equipment Rental and Leasing		P		P	P
533 - Lessors of Nonfinancial Intangible Assets (Except Copyrighted Works)		P	P		
54 - Professional, Scientific, and Technical Services					
5411 - Legal Services	C1	P	P		
5412 - Accounting, Tax Preparation, Bookkeeping, and Payroll Services	C1	P	P	P	

Use	District				
	NC	GC	BP	LM	I
5413 - Architectural, Engineering, and Related Services	C2	P	P	P	
5414 - Specialized Design Services	C1	P	P		
5415 - Computer Systems Design and Related Services	C2	P	P	P	
5416 - Management, Scientific, and Technical Consulting Services	C2	P	P	P	
5417 - Scientific Research and Development Services		P	P	P	
5418 - Advertising, Public Relations, and Related Services		P	P	P	
5419 - Other Professional, Scientific, and Technical Services		P	P	P	
55 - Management of Companies and Enterprises					
551 - Management of Companies and Enterprises		P	P	P	
56 - Administrative Support and Waste Management and Remediation Services					
561 - Administrative and Support Services		P	P	P	
562 - Waste Management and Remediation Services			C2	P	P
61 - Educational Services					
6111 - Elementary and Secondary Schools	P	P	P		
6112 - Junior Colleges		P	P		
6113 - Colleges, Universities, and Professional Schools		P	P		
6114 - Business Schools and Computer and Management Training		P	P		
6115 - Technical and Trade Schools		P	P	P	P
6116 - Other Schools and Instruction		P	P		
6117 - Educational Support Services		P	P		
62 - Health Care and Social Assistance					
6211 - Offices of Physicians	P	P	P	P	
6212 - Offices of Dentists	P	P	P	P	
6213 - Offices of Other Health Practitioners	C2	P	P	P	
6214 - Outpatient Care Centers		P	P	P	
6215 - Medical and Diagnostic Laboratories		P	P	P	
6216 - Home Health Care Services	C2	P	P	P	
6219 - Other Ambulatory Health Care Services		P	P	P	
6221 - General Medical and Surgical Hospitals	C2	P	P	P	P
6222 - Psychiatric and Substance Abuse Hospitals			C3	C3	
6223 - Specialty (Except Psychiatric and Substance Abuse) Hospitals			P	P	
623 - Nursing and Residential Care Facilities	C2		P		
6241 - Individual and Family Services		P	P		
6242 - Community Food and Housing, and Emergency and Other Relief Services			P	P	
6243 - Vocational Rehabilitation Services			P	P	
6244 - Child Day Care Services	C2	C1	C1		
71 - Arts, Entertainment, and Recreation					
7111 - Performing Arts Companies		P	P		
7112 - Spectator Sports		P	P		
7113 - Promoters of Performing Arts, Sports, and Similar Events		P	P		
7114 - Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures		P	P		
7115 - Independent Artists, Writers, and Performers	C2	P	P		
71211 - Museums	P	P	P	P	P
71212 - Historical Sites	P	P	P	P	P
71213 - Zoos and Botanical Gardens		P	P		
71219 - Nature Parks and Other Similar Institutions	P	P	P	P	P
7131 - Amusement Parks and Archades		P	P	P	
7139 - Other Amusement and Recreation Industries		P	P	P	
72 - Accommodation and Food Services					
72111 - Hotels (Except Casino Hotels) and Motels	C3	C2	P	P	
72119 - Other Traveler Accommodation	C2	C2	P	P	
7212 - RV (Recreational Vehicle) Parks and Recreational Camps		P	P	P	
7213 - Rooming and Boarding Houses	C2	C2	P	P	
7222 - Special Food Services	C2	P	P	P	P
7224 - Drinking Places (Alcoholic Beverages)		C2	P	P	
7225 - Restaurants and Other Eating Places	C2	P	P	P	
81 - Other Services (Except Public Administration)					
8111 - Automotive Repair and Maintenance		C2	C2	P	P
8112 - Electronic and Precision Equipment Repair and Maintenance		C2	C2	P	P
8113 - Commercial and Industrial Machinery and Equipment (Except Automotive and Electronic) Repair and Maintenance			C2	P	P
8114 - Personal Household Goods Repair and Maintenance	C2	P	P	P	P
8121 - Personal Care Services	C1	P	P	P	
81221 - Funeral Homes and Funeral Services	C2	P	P	P	
81222 - Cemeteries and Crematories		C3	C3	P	
8123 - Drycleaning and Laundry Services	C2	P	P	P	P
81291 - Pet Care (Except Veterinary) Services	C2	P	P	P	
81292 - Photofinishing	P	P	P	P	
81293 - Parking Lots and Garages		P	P	P	P

Exhibit B: Modified Ordinance

(Note – the modifications follow the **bold**/~~strikethrough~~ format, where new additions are shown in **bold typeface**, and deletions are shown with ~~strikethrough~~).

**MORGAN COUNTY, UTAH**  
**COMMERCIAL AND INDUSTRIAL DISTRICTS**  
**ALLOWED USES **(MODIFIED)****

**8-5C-1: PURPOSE:**

The purpose of the following districts is:

- A. Neighborhood Commercial District ~~C-N~~ **(NC)**: To provide areas in appropriate locations where convenience buying outlets may be established to serve surrounding residential neighborhoods. The regulations of this district are designed to promote a combination of retail and service facilities which in character and scale are necessary to meet day to day needs of area residents.
- ~~B. Commercial Shopping District C-S: To provide areas in appropriate locations where a combination of businesses, commercial, entertainment and related activities may be established, maintained and protected. The regulations of this district are designed to promote and encourage the development of comparison shopping centers.~~
- ~~C. Highway Commercial District C-H: To provide areas in appropriate locations adjacent to highways or major streets where activities dependent upon or catering to thoroughfare traffic and the traveling public may be established, maintained and protected. The regulations of this district are designed to encourage harmony between traffic needs and centers for retail commercial, entertainment, automotive facilities, and other appropriate highway related activities.~~
- D. General Commercial District ~~C-G~~ **(GC)**: To provide areas in appropriate locations where a combination of businesses, commercial, entertainment, and related activities may be established, maintained and protected. Regulations of this district are designed to provide a suitable environment for those commercial and service uses which are vital to economic life, but some of which would be intrusive and disruptive in a shopping center type of commercial development.
- E. ~~Commercial Buffer~~ **Business Park** District ~~CB~~ **(BP)**: To provide areas for appropriate transitions of **between** commercial uses **and residential uses. Developments are intended to reduce impact adjacent properties by using landscaping, setbacks, and building design.**
- F. **Light** Manufacturing ~~Distribution~~ District ~~M-D~~ **(LM)**: To provide areas in appropriate locations where light manufacturing, industrial processes and warehousing not producing objectionable effects may be established, maintained

and protected. The regulations of this district are designed to protect environmental quality of the district and adjacent areas.

- G. General Industrial District M-G (I): To provide for areas in appropriate locations where heavy industrial processes necessary to the economy may be conducted. The regulations of this district are designed to protect environmental quality of the district and adjacent areas.

### **8-5C-2: CODES AND SYMBOLS:**

In following sections of this article, uses of land or buildings which are allowed in various districts are shown as "permitted uses", indicated by a "P" in the appropriate column, or as "conditional uses", indicated by a "C" "C1," "C2," or "C3," in the appropriate column. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, "-". If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet required, or by the letter "A". If the regulation does not apply, it is indicated in the appropriate column by a dash, "-". **If a particular use classification category is specified as permitted or conditionally permitted, it shall mean all specific items that fall under that category. Otherwise, only the specific items noted shall be permitted.**

*(Note – these designations [i.e., the C1, C2, and C3 designations] are already defined in Section 8-8-1)*

### **8-5C-3: USE REGULATIONS:**

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the commercial and industrial districts, except as provided in this article. Accessory uses and buildings customarily incidental to uses authorized by conditional use permit in any district are also authorized by issuance of a conditional use permit in any such district. "Temporary uses", as defined in section [8-2-1](#) of this title, are authorized in any district upon issuance of a conditional use permit for the same.

(Note: In the table below, the Planning Commission additions and changes are noted in red while the original – if any – is in (parentheses).

Use	NC	GC	BP	LM	I
11 - Agriculture, Forestry, Fishing, and Hunting	C1	C1	C1	P	P
21 - Mining, Quarrying, and Oil and Gas Extraction					
211 - Oil and Gas Extraction				C2	P
2121 - Coal Mining				C2	P
2122 - Metal Ore Mining				C2	P
2123 - Nonmetallic Mineral Mining and Quarrying				C3	P
213 - Support Activities for Mining				C3	P
22 - Utilities					
22111 - Electric Power Generation				C2	C3
22112 - Electric Power Transmission and Control	C1	C1	C1	C1	C2
2212 - Natural Gas Distribution					C2
2213 - Water, Sewage, and Other Systems	C1	C1	C1	C1 (C2)	C1 (C2)
23 - Construction					
236 - Construction of Buildings				P	P
237 - Heavy and Civil Engineering Construction					P
238 - Specialty Trade Contractors				C1	P
31-33 Manufacturing					
3111 - Animal Food Manufacturing				C2	P
3112 - Grain and Oilseed Milling				C2	P
3113 - Sugar and Confectionery Product Manufacturing			C2	C2	P
3114 - Fruit and Vegetable Preserving and Specialty Food Manufacturing			C2	C2	P
3115 - Dairy Product Manufacturing			C2	P	P
3116 - Animal Slaughtering and Processing				C1	P
3117 - Seafood Product Preparation and Manufacturing			C2	P	P
3118 - Bakeries and Tortilla Manufacturing	C2	C2	C1	P	P
3119 - Other Food Manufacturing	C2	C2	C2	C2	C2
312 - Beverage Manufacturing		C2	C2	P	P
313 - Textile Mills			C1	P	P
314 - Textile Product Mills			C2	P	P
315 - Apparel Manufacturing			C2	P	P
316 - Leather and Allied Products Manufacturing			C2	P	P
321 - Wood Product Manufacturing				P	P
322 - Paper Manufacturing			C2	P	P
323 - Printing and Related Support Activities		C1	C1	P	P
324 - Petroleum and Coal Products Manufacturing					P
325 - Chemical Manufacturing				C2	P
326 - Plastics and Rubber Products Manufacturing				C2	P
327 - Nonmetallic Mineral Product Manufacturing				C2	P
331 - Primary Metal Manufacturing					P
332 - Fabricated Metal Product Manufacturing				C2	P
333 - Machinery Manufacturing				C2	P
334 - Computer and Electronic Product Manufacturing				C2	P
335 - Electrical Equipment, Appliance, and Component Manufacturing				C2	P
336 - Transportation Equipment Manufacturing				C2	P
337 - Furniture and Related Product Manufacturing				C2	P
339 - Miscellaneous Manufacturing				C2	P
42 - Wholesale Trade					
423 - Merchant Wholesalers, Durable Goods			C2	C1	P
424 - Merchant Wholesalers, Nondurable Goods			C2	C1	P
425 - Wholesale Electronic Markets and Agents and Brokers			C2	P	P
44-45 - Retail Trade					
4411 - Automobile Dealers		C2	C2	P	P
4412 - Other Motor Vehicle Dealers		C2	C2	P	P
4413 - Automotive Parts, Accessories, and Tire Stores	C2	C2	C2	P	P
442 - Furniture and Home Furnishings Stores	C2	C1	C1		
443 - Electronics and Appliance Stores	C2	P	C1		
444 - Building Material and Garden Equipment and Supplies Dealers		C1	C2	P	
4451 - Grocery Stores	C2	C1	C2		
4452 - Specialty Food Stores	C2	C1	C2		
4453 - Beer, Wine, and Liquor Stores		C2	C2	C2	C2
446 - Health and Personal Care Stores	C2	C1	C2		
447 - Gas Stations	C2	C2	C2	P	P
448 - Clothing and Clothing Accessory Stores	C2	C1	C2		
45111 - Sporting Goods Stores	C2	C2	C2		
45112 - Hobby, Toy, and Game Stores	C2	P	C1		
45113 - Sewing, Needlework, and Piece Goods Stores	P	P	C1		
45114 - Musical Instrument and Supplies Stores	P	P	C1		
4512 - Book Stores and News Dealers	P	P	C1		
452 - General Merchandise Stores	C2	C2	C2		
4531 - Florists	P	P	P		

Use	District				
	NC	GC	BP	LM	I
45321 - Office Supplies and Stationery Stores	C2	P	C1		
45322 - Gift, Novelty, and Souvenir Stores	C2	P (C2)	C1 (C2)		
4533 - Used Merchandise Stores	C2	P	C1		
45391 - Pet and Pet Supplies Stores	C2	P	C1		
45392 - Art Dealers	P	P	P		
45393 - Manufactured Home Dealers		C2	C2		
453991 - Tobacco Stores		C2	C2	C2	C2
453998 - All Other Miscellaneous Store Retailers (Except Tobacco)	C2	C2	C2		
4541 - Electronic Shopping and Mail Order Houses	P	P	P		
4542 - Vending Machine Operators		P			
4543 - Direct Selling Establishments		C2	C2		
48-49 Transportation and Warehousing					
481 - Air Transportation (see Article 8-5H and Title 10)	A	A	A	A	A
482 - Rail Transportation			P	P	P
4832 - Inland Water Transportation	P	P	P	P	P
484 - Truck Transportation			P	P	P
485 - Transit and Ground Passenger Transportation	- (P)	- (P)	P	P	P
486 - Pipeline Transportation	C3	C3	C3 (C2)	C3 (C2)	C3 (C2)
487 - Scenic and Sightseeing Transportation	- (C2)	- (C1)	P	P	P
4881 - Support Activities for Air Transportation (see Article 8-5H and Title 10)	A	A	A	A	A
4882 - Support Activities for Rail Transportation			- (C2)	P	P
4883 - Support Activities for Water Transportation			- (C2)	P (C2)	P (C1)
4884 - Support Activities for Road Transportation			- (C2)	P (C1)	P
4885 - Freight Transportation Arrangement			P (C2)	P	P
4889 - Other Support Activities for Transportation			C2	P	P
491 - Postal Service	P	P	P	P	P
492 - Couriers and Messengers		P (C2)	P	P	P
49311 - General Warehousing and Storage				P	P
49312 - Refrigerated Warehousing and Storage				P	P
49319 - Other Warehousing and Storage				- (C2)	P (C2)
51 - Information					
511 - Publishing Industries (Except Internet)		(P)	(P)	(P)	(P)
(51211 - Motion Picture and Video Production) - the following were combined in 512		(P)	(P)	(P)	(P)
(51212 - Motion Picture and Video Distribution)		(C2)	(P)	(P)	(P)
(51213 - Motion Picture and Video Exhibition)	(C2)	(P)	(P)	(P)	(P)
(51219 - Postproduction Services and Other Motion Picture and Video Industries)		(P)	(P)	(P)	(P)
(5122 - Sound Recording Industries)		(P)	(P)	(P)	(P)
512 - Motion Picture and Sound Recording Industries		P	P	P	P
515 - Broadcasting (Except Internet)		P	P	P	P
517 - Telecommunications		- (C2)	C2	P	P
518 - Data Processing, Hosting, and Related Services	C2	P	P	P	P
519 - Other Information Services		P	P	P	P
52 - Finance and Insurance					
521 - Monetary Authorities - Central Bank		P	P	P	P
5221 - Depository Credit Intermediation		P	P	P	P
52221 - Credit Card Issuing		P			
52222 - Sales Financing		P (C2)	P (C2)		
522291 - Consumer Lending			C3		
522292 - Real Estate Credit		P (C2)	P (C2)		
522293 - International Trade Financing		P	P		
522294 - Secondary Market Financing		P	P		
522298 - All Other Nondepository Credit Intermediation		P	P (C3)		
523 - Securities, Commodities Contracts, and Other Financial Investments and Related Activities		P (C2)	P (C2)		
524 - Insurance Carriers	- (C2)	C1	P (C1)	P	P
525 - Funds, Trusts, and Other Financial Vehicles		C1	C1	P	P
53 - Real Estate and Rental and Leasing					
53111 - Lessors of Residential Buildings and Dwellings	P (C2)	P	P		
53112 - Lessors of Nonresidential Buildings		P	P		
53113 - Lessors of Miniwarehouses and Self-Storage Units		P	P		
53119 - Lessors of Other Real Estate Property		P	P		
5312 - Offices of Real Estate Agents and Brokers	P (C1)	P	P	P	P
5313 - Activities Related to Real Estate		P	P		
5321 - Automotive Equipment Rental and Leasing		P	P		
5322 - Consumer Goods Rental		P	P		
5323 - General Rental Centers		P	P		
5324 - Commercial and Industrial Machinery and Equipment Rental and Leasing		- (P)	P	P	P
533 - Lessors of Nonfinancial Intangible Assets (Except Copyrighted Works)		P	P		
54 - Professional, Scientific, and Technical Services					
5411 - Legal Services	P (C1)	P	P		

Use	District				
	NC	GC	BP	LM	I
5412 - Accounting, Tax Preparation, Bookkeeping, and Payroll Services	P (C1)	P	P	P	P
5413 - Architectural, Engineering, and Related Services	P (C2)	P	P	P	
5414 - Specialized Design Services	P (C1)	P	P		
5415 - Computer Systems Design and Related Services	P (C2)	P	P	P	
5416 - Management, Scientific, and Technical Consulting Services	P (C2)	P	P	P	
5417 - Scientific Research and Development Services		P	P	P	
5418 - Advertising, Public Relations, and Related Services		P	P	P	
5419 - Other Professional, Scientific, and Technical Services		P	P	P	
55 - Management of Companies and Enterprises					
551 - Management of Companies and Enterprises		P	P	P	
56 - Administrative Support and Waste Management and Remediation Services					
561 - Administrative and Support Services				P	P
562 - Waste Management and Remediation Services			C2	P	P
61 - Educational Services					
6111 - Elementary and Secondary Schools	P	P	P		
6112 - Junior Colleges		P	P		
6113 - Colleges, Universities, and Professional Schools		P	P		
6114 - Business Schools and Computer and Management Training		P	P		
6115 - Technical and Trade Schools		P	P	P	P
6116 - Other Schools and Instruction		P	P		
6117 - Educational Support Services		P	P		
62 - Health Care and Social Assistance					
6211 - Offices of Physicians	P	P	P	P	
6212 - Offices of Dentists	P	P	P	P	
6213 - Offices of Other Health Practitioners	P (C2)	P	P	P	
6214 - Outpatient Care Centers		P	P	P	
6215 - Medical and Diagnostic Laboratories		P	P	P	
6216 - Home Health Care Services	P (C2)	P	P	P	
6219 - Other Ambulatory Health Care Services		P	P	P	
6221 - General Medical and Surgical Hospitals	- (C2)	P	P	P	P
6222 - Psychiatric and Substance Abuse Hospitals			C3	C3	
6223 - Specialty (Except Psychiatric and Substance Abuse) Hospitals			P	P	
623 - Nursing and Residential Care Facilities	C2	P	P		
6241 - Individual and Family Services		P	P		
6242 - Community Food and Housing, and Emergency and Other Relief Services			P	P	
6243 - Vocational Rehabilitation Services			P	P	
6244 - Child Day Care Services	P (C2)	P (C1)	C1	C1	
71 - Arts, Entertainment, and Recreation					
7111 - Performing Arts Companies		P	P		
7112 - Spectator Sports		P	P		
7113 - Promoters of Performing Arts, Sports, and Similar Events		P	P		
7114 - Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures		P	P		
7115 - Independent Artists, Writers, and Performers	- (C2)	P	P		
71211 - Museums	P	P	P	P	P
71212 - Historical Sites	P	P	P	P	P
71213 - Zoos and Botanical Gardens		P	P		
71219 - Nature Parks and Other Similar Institutions	P	P	P	P	P
7131 - Amusement Parks and Archades		P	P	P	
7139 - Other Amusement and Recreation Industries		P	P	P	
72 - Accommodation and Food Services					
72111 - Hotels (Except Casino Hotels) and Motels	C3	C2	P	P	
72119 - Other Traveler Accommodation	C2	C2	P	P	
7212 - RV (Recreational Vehicle) Parks and Recreational Camps		P	P	P	
7213 - Rooming and Boarding Houses	C2	C2	P	P	
7222 - Special Food Services	C2	P	P	P	P
7224 - Drinking Places (Alcoholic Beverages)		C2	P	P	
7225 - Restaurants and Other Eating Places	C2	P	P	P	
81 - Other Services (Except Public Administration)					
8111 - Automotive Repair and Maintenance		C2	C2	P	P
8112 - Electronic and Precision Equipment Repair and Maintenance		C2	C2	P	P
8113 - Commercial and Industrial Machinery and Equipment (Except Automotive and Electronic) Repair and Maintenance			C2	P	P
8114 - Personal Household Goods Repair and Maintenance	C2	P	P	P	P
8121 - Personal Care Services	P (C1)	P	P	P	
81221 - Funeral Homes and Funeral Services	C2	P	P	P	
81222 - Cemeteries and Crematories		C3	C3	P	
8123 - Drycleaning and Laundry Services	C2	P	P	P	P
81291 - Pet Care (Except Veterinary) Services	C2	P	P	P	
81292 - Photofinishing	P	P	P	P	

Use	District				
	NC	GC	BP	LM	I
81293 - Parking Lots and Garages		P	P	P	P
81299 - Other Personal Services (Except Escort Services)	C2	C2	C2	C2	C2
8131 - Religious Organizations	P	P	P	P	P
8132 - Grantmaking and Giving Services		P	P	P	
8133 - Social Advocacy Organizations	-(C2)	P	P	P	
8134 - Civic and Social Organizations	-(C2)	P	P	P	
8139 - Business, Professional, Labor, Political, and Similar Organizations	-(C2)	P	P	P	
814 - Private Households	P	P	P	P	P
92 - Public Administration					
921 - Executive, Legislative, and Other General Government Support	P	P	P	P	P
92211 - Courts	P	P	P	P	P
92212 - Police Protection	P	P	P	P	P
92213 - Legal Counsel and Protection	P	P	P	P	P
92214 - Correctional Institutions				-(C3)	C3
92215 - Parole Offices and Probation Offices				-(C3)	C3
92216 - Fire Protection	P	P	P	P	P
92219 - Other Justice, Public Order, and Safety Activities	C2	C2	P	P	P
923 - Administration of Human Resource Programs		P	P	P	P
924 - Administration of Environmental Quality Programs		P	P	P	P
925 - Administration of Housing Programs, Urban Planning, and Community Development		P	P	P	P
926 - Administration of Economic Programs		P	P	P	P
927 - Space Research and Technology		P	P	P	P
928 - National Security and International Affairs		P	P	P	P

Section 8-5C-6: IMPROVEMENTS COMPLETED OR IN PROGRESS BEFORE BUILDING PERMIT ISSUED:

Improvements are to be in compliance with standards adopted by the county.

	Districts						
	C-N NC	C-G GC	C-S	C-H	CB BP	M-D LM	M-G I
Street grading <sup>1</sup>	A	A	<del>A</del>	<del>A</del>	A	A	A
Street base <sup>1</sup>	A	A	<del>A</del>	<del>A</del>	A	A	A
Street paving	A	A	<del>A</del>	<del>A</del>	A	A	A
Curb and gutter <sup>1</sup>	A	A	<del>A</del>	<del>A</del>	A	A	A
Sidewalk	A	A	<del>A</del>	<del>A</del>	A	A	A
Surface drainage facilities <sup>1</sup>	A	A	<del>A</del>	<del>A</del>	A	A	A
Wastewater disposal facilities	A	A	<del>A</del>	<del>A</del>	A	A	A
Culinary water facilities	A	A	<del>A</del>	<del>A</del>	A	A	A
Firefighting facilities <sup>1,2</sup>	A	A	<del>A</del>	<del>A</del>	A	A	A
Street name and traffic signs	A	A	<del>A</del>	<del>A</del>	A	A	A
Street monuments	A	A	<del>A</del>	<del>A</del>	A	A	A
Survey monuments boxes	A	A	<del>A</del>	<del>A</del>	A	A	A
Streetlights	A	A	<del>A</del>	<del>A</del>	A	A	A
Address numbers	A	A	<del>A</del>	<del>A</del>	A	A	A
Public utilities - power, gas, telephone, cable TV, etc.	A	A	<del>A</del>	<del>A</del>	A	A	A

Notes:

1. Construction completed prior to issuing building permits.
2. Indicates refer to fire officials for latest regulations.



PLANNING COMMISSION AGENDA  
Thursday, October 22, 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
5. Public Comment

**Administrative:**

6. Discussion/Decision of Dickson Lot Line Adjustment – A proposed lot line adjustment located in the previously approved Dickson Subdivision, adding approximately 55’ to the rear of lots 4 and 5. The property is located at approximately 1280 S Hwy 66.
7. Discussion/Decision of Flap Jack Drizzle Conditional Use Permit – A proposed conditional use permit to allow for syrup manufacturing business in a Commercial-Buffer (C-B) zoning district, located at approximately 4090 W 5800 N in Mountain Green.
8. Discussion/Decision of Northside Creek Conditional Use Permit – A proposed conditional use permit to allow for a gravel pit in an RR-5 zoning district, located at approximately Silver Leaf Drive and Cottonwood Canyon Road.
9. Discussion/Decision of Northside Creek PRUD Plat Amendment – A proposed amendment to a previously approved PRUD, located at approximately Cottonwood Canyon Road and Silver Leaf Drive.
10. 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.

11. Planning Commission Business/Questions for Staff

12. Approval of minutes from October 8, 2015

13. Adjourn

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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 Lannie & Dalinda Jolley  
Tina Cannon Dak Maxfield  
Barbara Whittier Bill O'Malley  
Stevie Christensen Buffy Johanson  
Ben Christensen Ron Halrs  
Val Byram Robert Volk  
Darren Byram Matthew Garn  
Matt Blood Marty Thomas  
Tyson & Kaylee Martin  
Veloy & Lee Dickson  
David & Nina Rhoades  
Kraig Walker Daryl Ballantyne  
Carla Parrish Angela Weppner  
Christa Frickel Rachel Hogge  
Teri Toelcke Ben Dickman

1. Call to order – prayer. Chair Haslam opened the meeting and Member Ross offered prayer.
2. Pledge of Allegiance
3. Approval of agenda  
Chair Haslam recommended to allocate the public comment section after the Staff and applicant presentations to allow for understanding before public comments are given.  
**Member Nance moved to approve the agenda. Second by Member Sessions. The vote was unanimous. The motion carried.**
4. Declaration of conflicts of interest  
Chair Haslam indicated a conflict with items 6, 8 and 9. He will continue conducting the meeting but will not comment on those agenda items.
5. ~~Public Comment~~

**Administrative:**

6. Discussion/Decision of Dickson Lot Line Adjustment – A proposed lot line adjustment located in the previously approved Dickson Subdivision, adding approximately 55’ to the rear of lots 4 and 5. The property is located at approximately 1280 S Hwy 66.

Bill showed the existing plat with lot lines. There were no questions for Staff.

Ron Hales: He is representing the Dickson’s and also the Fawson’s. They just want to adjust the lot lines. There are 2 owners involved and they have signed affidavits to have him represent them.

Public Comment:

There was none.

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

**Member Newton moved to recommend approval of the Dickson Farms Lot Amendment – Lots 3-5, application #15.066, located at approximately 1280 S HWY 66, amending the plat and adding approximately 55 feet on to the western portion of Lots 4 and 5, removing that added property from Lot 3, based on the findings and with the conditions listed in the staff report dated October 22, 2015.**

Findings:

1. That the proposed amendment is in keeping with the goals set forth in the Future Land Use Map of the General Plan.
2. That the proposed amendment meets the requirements of the Morgan County Code for subdivision plat amendments.
3. That the proposed amendment will have a negligible impact on surrounding properties.

Conditions:

1. That the owners provide an updated title report prior to recordation.
2. That all fees and taxes are paid, including any fees associated with outsourced consultants.
3. That any minor changes to the plat be handled by County Staff prior to recordation.

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

7. Discussion/Decision of Flap Jack Drizzle Conditional Use Permit – A proposed conditional use permit to allow for syrup manufacturing business in a Commercial-Buffer (C-B) zoning district, located at approximately 4090 W 5800 N in Mountain Green.

Bill introduced the application, giving background on the syrup manufacturer. The application includes manufacturing, not sales. He'll use about 50 gallons of water/day and employ 1-4 people. There will be no customers and no changes to the building.

Member Sessions asked when the Health Department will be notified and Bill replied that they are notified during the building permit process, as well as notification of the fire department. A representative from Mountain Green Sewer stated that they will contact the applicant independently.

The applicant was not in attendance.

Public Comment:  
There was none.

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

**Member Sessions moved to forward a positive recommendation to the County Council for the Flapjack Drizzle Conditional Use Permit, application #15.065, located at approximately 4090 W 5800 N, allowing for the installation of a syrup manufacturing facility, based on the findings and with the conditions listed in the staff report dated October 22, 2015.**

Findings:

1. That the proposed use has been identified as a food-products manufacturing use, which is allowed as a conditional use in the CB zoning district.
2. That the proposed use will be relatively limited in scale, and will employ 1-4 employees.
3. That the proposed facility will not adversely impact the adjacent properties.
4. That any potential impact on the existing neighborhood will be minimal.

Conditions:

1. That there are no retail sales 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 water and sewer utilities connections are provided at the time of building permit.

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

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

Bill mentioned that reservoirs are specifically delineated under the code as conditionally permitted in RR-5 zoning districts. This is in conjunction with the Cobble Creek Canyon

which has already been approved and begun construction and will greatly improve the water situation within the Cottonwoods subdivisions. Member Nance sought confirmation that the subdivision will be between the stream and reservoir. Bill confirmed. Bill pointed out the alternate accesses and the flood plain.

Skyler Gardner: He is representing the landowner, Northside Creek, LLC. He gave dimensions of the reservoir as 2200 linear feet long by 500 feet wide, which is optimized for boat usage. The boat ramp will be used for recreational use and storage. The dam will be 13 feet tall at the south end. The plan is to sort material and load trucks and haul it out; there won't be any processing onsite. The material, cobble, will be used to line the reservoir bed. The engineer provided details on noise levels, 98 decibels at full operation (105 decibels is a rock concert). He mentioned that the closest home lot will experience a decibel level of 44, sounding like a refrigerator. Skyler pointed out the relocation of the road and said the canyon road will be maintained for residents. He stated the partner is Mountain Green Secondary Water Company.

Member Wilson asked what the end of the project will look like. Skyler said the water level is a consistent 10 feet deep with a natural elevation change. He stated the boat ramp will probably be temporary and it is not represented on the current map. The approved point of diversion is Cottonwood Creek and can be supplemented in and out of in the late part of the year. Skyler stated they can close the inlet to control water levels for excess to flow back into Cottonwood Creek.

Member Nance asked about the future development sign he saw near this area. Skyler stated that it is probably his sign, near the yellow gate. He clarified that the HOA will maintain the reservoir, with a completely private lane for the 22 residents. There are fences around the perimeter but this reservoir will be accessible only for those who live there. The HOA will be responsible for maintenance and accessibility. Skyler further clarified that the embankment is 25 feet at the edge but perfectly level in the middle. Member Nance asked about hiking and biking trails. Skyler stated there are 66 acres of open space and may connect with the Cottonwoods.

Member Stephens joined the meeting at 7:00 pm.

Member Sessions asked about the road access and whether it's in the flood plain. Skyler said the road construction will include a 6-foot embankment on the creek side to keep the road clear. Bill added that the County Engineer has approved the current proposal. Skyler said they want to begin construction this Fall, due to the ground water table. Member Sessions asked about how much material will be removed. Skyler referred to the drawings C-O1.0 and responded about 129,000 cubic yards, involving 21 cubic yards per trip or truck. This will involve 6190 trucks. The route goes from Cottonwood Canyon Road to the Fire Department building, then to Old Highway Road and onto I-84. Member Sessions asked about safety with gravel trucks on the road and the concern of people using the road. She suggested the possibility of installing a nearby sidewalk. Hours of operation for trucking are limited to the code restrictions and Skyler confirmed that they will conform with County code: 7:30am - 5:30pm. Member Nance asked about the duration of the project and Skyler responded an anticipated 18-24 months, working Monday-Friday, per County code. Skyler

also stated that the developer has committed to make any necessary road repairs that may occur.

**Public Comment:**

**Sam Wright:** He lives along Old Highway Road. He expressed concern with the increased number of trucks on the road and sharing it with the many people who use it for walking, biking, horses, etc.

**Val Byram:** He owns property just north of the reservoir. He said the access has been moved 4 times and each time the fence gets pushed over and his land continues to get downgraded.

**Kraig Walker:** He is representing Browning whose property borders this project. He is in agreement with the sidewalk development and expressed concern with the increased truck traffic.

**Darlene Mussleman:** She is concerned with the sale of rocks coming out of the pit. She would like to see the rocks and gravel sold within the County as opposed to being trucked on the other side of the mountain. She also expressed concern with the gravel pit situation, with heavy truck traffic tearing up the roads.

**Dina Hoopes:** She has concerns with the subdivision going in and whether that construction will take place simultaneously with the reservoir construction. She supports this but has her reservations about the surrounding wildlife habits.

**Gordon Sant:** He wondered where water is coming out. He also expressed concern with those who use water downstream from this new subdivision and didn't know if those issues have been approved.

**Krista Rickle:** She was disturbed by comments made of "we need to be careful" and would like to see further safety precautions implemented.

Member Nance asked Kraig Walker about the yellow gate previously discussed. Mr. Walker stated they don't have any plans for development beyond that gate, but Browning property lies beyond that. He stated that Wilkinson's use that road and there are private cabins also. He gave a brief history on the roundabout, fencing issues and walking areas around the airport for safety.

Chair Haslam requested the map for Northside Creek Exhibit E for Member Nance's clarification.

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

**Skyler Gardner:** Member Sessions asked him and Bill clarified that this is for approval of the reservoir. Skyler said that all engineers have signed off and approve this application. Bill confirmed that he has a copy. Member Nance referred to some of the previous

questions and Skyler said the County will maintain the trail there, per the agreement, as it falls outside all subdivision areas. The developer will put in the trails and widen the road but the County will maintain, as is detailed in the current agreement. Skyler addressed the increase in traffic, suggesting slower driving, installing flashing lights or signs, but it is a street-legal truck and will be driving on the road. People walking on the road should utilize the sidewalk instead of the road for their activities.

Member Nance suggested issuing a CUP before forwarding to the County Council.

**Member Nance moved to table this item until the Planning Commission meeting on December 10, 2015 so as to allow for the County to determine whether there is adequate safety involved to accommodate the increased truck traffic and address any needs for expansion of the road. Second by Member Wilson.**

Member Wilson asked for specifics on Member Nance's request. Member Nance specified further clarification from the County Engineer (Mark Miller) and the County Road Department for a possible sidewalk. Bill stated that additional requirements need to apply to the application specifically. Bill also said the engineer has already signed off on this project as well as the developer committing to maintain the road. Chair Haslam stated that it is not just truck traffic, but pedestrian traffic. Bill said that needs to be addressed independently, and not as a part of this application.

Member Ross clarified that the information they are missing is whether the traffic is safe for pedestrians.

**Member Wilson amended the motion to include safety of pedestrian traffic. Member Wilson withdrew his amendment to the motion to allow for Member Ross to make the amendment.**

**Member Ross amended the motion to clarify that they are asking to table this decision to ensure that there is sufficient safety for pedestrians and residents in the area. Second by Member Sessions. The vote on the amendment was unanimous. The amendment to the motion passed.**

**The new motion reads:**

**Member Nance moved to table this item until the Planning Commission meeting on December 10, 2015 so as to allow for the County to determine whether there is adequate safety involved to accommodate the increased truck traffic and address any needs for expansion of the road, and to clarify that they are asking to table this decision to ensure there is sufficient safety for pedestrians and residents in the area.**

**The vote was unanimous. The motion passed.**

Chair declared a 5 minute recess.

9. Discussion/Decision of Northside Creek PRUD Plat Amendment – A proposed amendment to a previously approved PRUD, located at approximately Cottonwood Canyon Road and Silver Leaf Drive.

Bill corrected that this plat was recorded in 2009. The FLUM (Future Land Use Map) indicates this area as a village low density. The lots lie outside of the flood plain. He clarified Parcel F is an access road and showed where the open space lies.

Member Ross asked for clarification on the access for residents. Bill clarified that the road is private and maintained by the HOA and showed the alternate access road. Member Nance asked why Bill is recommending approval of these lot lines and Bill replied that there is no contradiction with the County code but it is not his decision. Bill showed where the edge of the reservoir is. The road is with the County's right-of-way, therefore the developer builds it and County will maintain it. Bill clarified that a PRUD or PUD is open for modifications.

Skyler Gardner: He is amending the lots only to accommodate the reservoir. As a requirement of dam safety, everything will be privately owned by the HOA. He stated that this amendment makes the lot sizes a little bit smaller.

Member Ross asked how this affects open space and Skyler responded that the lot sizes are smaller but the open space becomes larger (Parcel A) which also contains the reservoir. Member Sessions asked if the 12 foot access easement was recorded. Skyler said it is recorded on the 2009 recorded plat and is identified as an access easement. Skyler clarified that it is Parcel F on the recorded plat. Member Sessions asked how the road will run on this new plat. Skyler showed where the road will be shifted and realigned.

Member Wilson asked if local kids are welcome to use the reservoir and Skyler responded that it will be up to residents, or the HOA, to determine who could use it beyond the 22 residents of the subdivision.

Member Nance asked about County responsibility. Skyler responded that everything is privately owned except the storm drain, which is the only non-private improvement. The secondary water district will store water that they can utilize and the HOA will have a contract with the secondary water district.

Public Comment:

Sam Wright: He wondered if the Planning Commission will approve this item before approving the lake.

Dina Hoopes: She asked how long before the new road is usable for the ranchers. Skyler responded that it will be reconstructed first but there shouldn't be any interruption for ranch work. She asked if this lot size was approved.

Kraig Walker, Browning representative: He believes the County is responsible for the public road.

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

Skyler clarified that there shouldn't be any County responsibility once the asphalt ends. The County does not maintain it now and it should be the resident's responsibility for maintenance. He also clarified that there are things they can do to proceed with this agenda item, concerning construction, since the previous agenda item is tabled until December.

**Member Sessions moved to recommend approval by the County Council the Northside Creek PRUD Amendment, application #10.037, located at approximately 6471 W Silver Leaf Drive, amending the approved plat, based on the findings and with the conditions listed in the staff report dated October 22, 2015.**

Findings:

1. That the proposed amendment is in keeping with the goals set forth in the Future Land Use Map of the General Plan.
2. That the proposed amendment meets the requirements of the Morgan County Code for subdivision plat amendments.
3. That the proposed amendment will have a negligible impact on surrounding properties.

Conditions:

1. That the owners provide an updated title report prior to recordation.
2. That all fees and taxes are paid, including any fees associated with outsourced consultants.
3. That any minor changes to the plat be handled by County Staff prior to recordation.

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

10. 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.

Bill stated this gravel pit was originally approved in 1997 but they ceased work in 2007. At the end of 2010 the CUP expired. The zoning was changed to A-20, which is an existing zone that allows for gravel pits. There will be some processing onsite as necessary. Staff believes this is in keeping with what is allowed in the current code. Bill stated many of the concerns he's received from people are about safety, air quality and noise.

Member Nance asked about the zoning and Bill clarified that if the applicant can meet all of the conditions of the current code, it is a permitted use and will be approved. Bill said the CUP expired about the same time that the General Plan was adopted. Member Nance suggested putting up a fence and Bill deferred that decision to the Planning Commission by making that a condition of approval.

Tina Cannon, County Council representative (who is the reporting party for the Planning Commission): She reported on numbers from Gwen Rich, County Recorder: Rollins Ranch, since 1997, taxable value is \$39.7 million  
Taxes collected this year: \$282,500  
The Parson's pit was \$28,458 in total taxes.

Bill stated the gravel pit is on UDOT road (on Trapper's Loop) but there is a small portion of County Road involved and it will be addressed.

Member Ross asked about previous ordinances and the technical side of gravel pits. Bill stated this hasn't been restored to his knowledge and no bond was required at that time. There may not have been a revegetation stipulation either. The CUP requires a bond for vegetation at the end of the project. The applicant indicated a 5-10 year window of operation. Bill presumed that when the housing market tanked, the gravel pit wasn't an asset and closed. Bill clarified that conditional uses traditionally run with the land. Production was halted in 2008. He also stated that the applicant has asked for additional conditions which he recommends denying, like additional hours of operation.

Member Sessions asked about the condition for the bond and whether there needs to be a separate condition put in place. Chair clarified that the Planning Commission will need to specify if they want a bond.

Member Nance wondered about the house that was supposed to be demolished. Bill replied that the applicant didn't meet the requirements before the permit expired and therefore has no CUP to continue with demolition. Bill further clarified that if the County doesn't like the condition of the gravel pit when they're done, a lien will be placed on the property until the problems are fixed. Member Nance also commented that the surrounding area has greatly expanded with development since previous operations and he expressed concern about the safety of the surrounding families and children.

Dak Maxfield, real estate manager for the applicant: He reviewed the history of the area and pointed out the current gravel pit in proximity to this proposal. He said they sold half of the gravel pit to the Rollins Ranch developer in 2006 and anticipated completion in 2010 but in 2012, that property they'd sold was returned to them. There is a mining and grading plan in place to finish up and allow for future development. He stated that whether work comes from the gravel pit or development, there will be construction there for a few years. He also said they would like to finish up and make way for an expanded taxable base that comes from new homes. He is willing to bond and he also stated that he is experienced with reclaiming property. His company takes precautions to ensure safety and he will commit to a compromise with rock processing, sending part to Weber County and keeping some rocks in Morgan County. He stated they processed 120,000 tons of material across the road with an existing permit and received very limited complaints. The Parsons Company employs a full-time hygienist to test and adjust dust levels. He commented that it takes gravel pits to construct homes.

Member Sessions asked about the percentage of the pit remaining. Mr. Maxfield responded just under 1 million cubic yards. He commented that there is a "shield" in place to obstruct the view from the surrounding neighbors. The pit is fenced all around Trapper's Loop and Mr. Maxfield

pointed out where existing fencing lies. Member Sessions asked about water for sprinkling to inhibit dust. Mr. Maxfield said they have access to water year round from water trucks but they don't use Northwest Irrigation. They have water shares here to connect at the plant and they try to keep dust down at traffic ways. He stated they will not operate this pit until the other is done. Member Sessions also asked about removal of the old Warner Home and he responded it will be removed immediately, once an asbestos removal plan is approved. He stated they are limited on truckloads per day as to an outlet for the material.

Member Nance asked about previous complaints and Mr. Maxfield said they are usually concerning noise and dust. Magnesium Chloride is used to minimize dust, which is what counties use on their roads. Chair asked additional questions and Mr. Maxfield confirmed that Jack B Parson's Company is the sole owner of the property. He also confirmed they are not installing an asphalt plant.

Randy Anderson, with Parsons Company: He estimated a minimum time frame of 3 years to finish up, running 150 truck-loads per day.

**Public Comment:**

Sam Wright: He doesn't want the County to miss out on working with this great company. He vouched for the quality of Parson's Company and stated they do quick, quiet, safe work and he lived very close to another gravel pit.

Nina Rhoades: She lives in the Rollins Ranch subdivision with her husband and 18 month old. She feels the safety concerns cannot be mitigated. She is concerned with the silica dust emitted by gravel pits and the increased chance for lung problems for those exposed to silica dust. She gave results of a study that stated residents within 4 miles of a quarry suffer from lower property values.

Marty Thomas: He asked about zoning, with this being in the A-20 zone. He asked for clarification on the CUP. His backyard goes right to the gravel pit and would like to see them go elsewhere.

Emily Mendenhall: She is a stay-at-home-mom with young children. Sunday morning at 7:00, she hears construction and sees lights coming through her windows. She also has concerns with residents' well water.

Brandon Love: He is in support of this bid and sees the land as useless until the gravel pit is gone and makes way for housing development. He would like to see egress. He is negatively affected by the gravel pit until it is finished, whereby his property values will increase. He said the silica dust numbers are related to rock quarries, rather than gravel pits.

Cori VanDerBeek, Realtor: Morgan County has decreased by 9.9% in property values so far this year. She addressed home sales and values. She supports letting the gravel pit finish up and move on.

Jessie JoAnn Bell, resident of Rollins Ranch: She presented a copy of a petition with 90 signatures in opposition.

Armel Beardall: He would like to see dust control consistency and specifics on some of the company standards on dust emissions.

Matt Blood, Rollins Ranch resident: He would like to see this request tabled to allow for surrounding residents to become informed on what exactly is being proposed with the gravel pit. He has read company statements and feels some questions were evaded concerning health. He believes it is possible to be a good neighbor and he feels there may be other options for the current abandoned gravel pit.

Rachel Hogge: She distributed a copy of the last page of the previous CUP that expired. She highlighted the last section that says the consequences for the abandonment and feels another bond isn't necessary as the previous bond wasn't met. Therefore they had their chance and didn't uphold their part the first time. She feels they shouldn't be given another chance. She disagrees with the proposal.

Jared Noorda, resident of Rollins Ranch: He is undecided on this application but he sees the current eyesore and he stated that the Rollins Ranch community has really been unified over this issue. He proposed the residents of Rollins Ranch be allowed to write conditions for Parsons to uphold so they may continue.

Sabrina Maller: She read a letter from an engineer who resides in Rollins Ranch. His concerns are time, road usage, dust, noise and he suggested restrictions on CUPs expire every 2 years to allow for review.

Darlene Musslemen: "How many gravel pits do we need in Morgan County?" She named many throughout the County. She stated the County doesn't make money on gravel pits and she is concerned that the trucks are ruining the road and not keeping up with maintenance. She stated Wardell's have a bond for \$2500/acre with increases every year. Her concerns are also with the steep slope, safety and noise.

Christa Frickel: She is concerned with renewing the permit. She feels Parsons are threatening to use the pit however they want with implications that there is no other use for that land.

Marshall J. Arts, future resident of Rollins Ranch: He asked about the chemicals in the water to reduce dust and potential long-term effects of such chemicals. He asked the Planning Commission to envision the Rollins Ranch area in 10 years, especially concerning the road conditions. He proposed the Parson Company sell to a development company.

Dina Hoopes: She does not feel Parsons are a responsible company, as they didn't uphold their previous agreement. She stated they currently have a civil action from MicroCon Technologies for broken contracts. She said that dust contributes to lung problems and will cause problems for young and old.

Jody Anderson: She is in opposition to this application. She wondered if there has been an environmental study done on Parsons. She suggested putting so many conditions on this project that they don't want to come to Morgan County.

Carla Parrish, Rollins Ranch resident: She finished reading the petition that didn't get completely read during the 3-minute time frame. She continued with concerns about the time frame allowed to work, fencing, safety and would like to have HOA communication with Parsons.

John Gates, Rollins Ranch resident: His concern is tax dollars and would like to see housing development instead of gravel pit work. He also addressed light intrusion from the pit before sunrise and after sunset.

Ron Musslemen: He moved to Morgan 45 years ago next to an abandoned gravel pit which left cliffs for the neighbor's property. He doesn't want to see that happen with this project.

Josh Heater: He is frustrated with the lack of options to reduce the eyesore and feels there may be other options to consider.

Kreaton Green: He expressed concern about those just building new homes and the investment they are making with this gravel pit in their backyard. He'd like to see the gravel pit finish.

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

Randy Anderson, representing Parsons Company: He addressed those who had expressed concerns and reiterated that they would like to finish their job and get out so those surrounding residents don't have a gravel pit in their locale. He also reiterated that gravel is needed for progress. He informed the well currently used for the Rollins Ranch community was donated by them for the benefit of residents, as well as land for the existing fire station.

Dak Maxfield: He apologized that his previous comments were taken by those in attendance as a threat. He also addressed silica dust and confirmed that levels are closely monitored. Cases of silicosis exist, but there are nearly non-existent in North America. He responded to the comments regarding the number of gravel pits by saying that there are as many gravel pits as necessary to build to suit demand.

Chair read from the County bylaws concerning voting regarding items discussed after 10pm. It is currently 10:24 pm.

**Member Nance moved to postpone further action on the Warner Gravel Pit Conditional Use Permit until the next Planning Commission meeting, November 12, 2015. Second by Member Ross.**

Member Sessions commented that she has about 30 additional conditions she would like to impose on this application and invited others to compose a list of possible conditions. She also would like to see the engineer report and ask him a few questions. Bill will invite him to the next meeting. Member Sessions will email her additional conditions to the other Planning Commission members. Member Nance asked for clarification from Bill about the inactivity of the gravel pit for the next meeting.

**Member Nance amended the motion to include an engineer report and Holly Pit conditions.**

**Second by Member Sessions. The vote was unanimous. The amendment to the motion passed.**

The new motion reads:

**Member Nance moved to postpone further action on the Warner Gravel Pit Conditional Use Permit until the next Planning Commission meeting, November 12, 2015 and will include an engineer report and Holly Pit conditions.**

**The vote was unanimous. The motion passed.**

**Member Stephens moved to change the motion on the Northside Creek Conditional Use Permit (item #8) from “tabled” to “postponed”. Second by Member Nance. The vote was unanimous. The motion passed.**

11. Planning Commission Business/Questions for Staff

Bill informed of a new website called [www.listeningtoMorgan.com](http://www.listeningtoMorgan.com) and encouraged the Planning Commission members to take the survey on the website. He also listed upcoming training opportunities. December 10, 2015 will be the Planning Commission Christmas dinner, before the meeting. Spouses are invited. Member Nance suggested inviting the County Attorney to the next meeting and/or providing a statement from him on the gravel pit issue.

Compliments were given to Chair Haslam on how he conducted the meeting. Everyone was in agreement that Chair Haslam handled the meeting very well, especially rearranging the public comment section to come after the applicant and staff made their respective presentations.

12. Approval of minutes from October 8, 2015

**Member Stephens moved to approve the amended minutes from September 24, 2015. Second by Member Nance. The vote was unanimous. The motion passed. Members Ross and Newton abstained.**

13. 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