



## PLANNING COMMISSION AGENDA

Thursday, August 25, 2016  
Morgan County Council Room  
6:30 PM

PUBLIC NOTICE is hereby given that the Morgan County Planning Commission will meet at the above time and date at the Morgan County Courthouse, Council Chambers; 48 West Young St, Morgan, Utah. The agenda is as follows:

1. Call to order – prayer
2. Pledge of Allegiance
3. Approval of agenda
4. Declaration of conflicts of interest
5. Public Comment

### Administrative:

6. Discussion and Decision on Reynolds/Peterson Subdivision Prelim & Final – A proposed small subdivision preliminary & final plan of approximately two (2) lot subdivision of approximately 8 acres, where lot 1 will contain approximately 1.76 acres, and lot 2 will contain approximately 6.36 acres, on property located at approximately 2981 S Morgan Valley Dr.

### Legislative:

7. Discussion/**Public Hearing**/Decision - Enterprise Zoning Map Amendment - Amending the Zoning Map of the County to reflect desired changes in the Enterprise Area:
  - Areas west and south of Old Highway currently zoned A-20 will be rezoned to RR-1
  - Portions south and east of Old Highway and running from approximately 2360 W Old Highway Road south to approximately 2250 W Old Highway Road currently zoned A-20 will be rezoned to RR-1
  - The portion of land in the Spring Hollow area currently south of the Summer Ridge PRUD and otherwise surrounded by RR-1 zoning currently zoned as A-20 will be rezoned to RR-1
  - Several portions of Section 3 Township 4 North Range 2 East currently zoned MU-160 will be rezoned to RR-10
  - Several properties north of Old Highway located at approximately 3130 W Old Highway Road currently zoned A-20 and RR-5 will be rezoned RR-1

Administrative:

8. Discussion and Decision of Poverty Flats Estates Small Subdivision Prelim & Final Plat – A proposed small subdivision of approximately 3 lots consisting of one 20 acre lot, and two 36.11 acre lots. Located at approximately 811 Hardscrabble Road in Morgan, Utah.
9. Discussion and Decision of Whittier Estates phasing plan.

Legislative:

10. Discussion/**Public Hearing**/Decision - Stegelmeier Zoning Map Amendment – Amending the Morgan County Zoning Map, changing approximately 42 acres of property located at approximately 2035 W Deep Creek Road from the A-20 zone to the RR-10 zone.

Administrative:

11. Discussion – Ordinance Updates
12. Discussion – Commercial Use Table
13. Planning Commission Business/Questions for Staff
14. Approval of minutes from August 14, 2016
15. Adjourn

Reynolds/Peterson Small Subdivision – Preliminary/Final Plat  
Public Meeting  
August 25, 2016

Application No.: 16.015  
Applicant: Marvin Reynolds/Brett Peterson  
Owner: Same  
Project Location: Approximately 2950 S Morgan Valley Drive  
Current Zoning: RR-1  
General Plan Designation: Rural Residential  
Acreage: Approximately 8.12  
Date of Application: May 18, 2016  
Date of Previous Meeting: September 3, 2015 – Concept Plan Approval; July 14, 2016 – Planning Commission (initial review)

#### Staff Recommendation

County Staff is recommending approval of the Reynolds/Peterson Small Subdivision, application #16.015, subject to the following conditions and with the following findings:

#### Conditions:

1. That all outstanding fees for outside reviews are paid in full prior to recording the final mylar.
2. That all requirements of the County Engineer are met.
3. That any minor corrections are made with County Staff prior to submitting a final mylar.
4. That a current updated Title Report is submitted with the final mylar.
5. 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 have the ability to approve, approve with conditions, or deny a small subdivision 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.

**August 25, 2016 Update** – Staff met with the applicant and the Appeal Authority regarding the topography issue and access/frontage on the lot. It was pointed out that the interpretation of the definition of “Frontage” relates to the “street line” and not what happens on the lot itself. Thus a variance to the frontage requirements is not warranted.

### Background

The applicant is seeking approval of a two lot subdivision. The proposed subdivision received conceptual approval on September 3, 2015. The proposed subdivision has been designed to utilize the required access, frontage and setbacks of the RR-1 zone.

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

- Zoning - MCC Section 8-5A
- Preliminary Plat - MCC Section 8-12-22 through Section 8-12-28
- Final Plat MCC - Section 8-12-29 through Section 8-12-46
- Small Subdivision - MCC Section 8-12-53 through Section 8-12-59

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 in unincorporated Morgan County in the Porterville Area (see Exhibit A). The 2010 Morgan County General Plan and Future Land Use Map have designated this area along Morgan Valley Drive as a maximum of one dwelling unit per acre (DUA) area, which is considered a Rural Residential designation. The proposed subdivision lies within the Rural Residential designation. The purpose of the Rural Residential designation is:

The Rural Residential category designation accommodates semi-rural large lot development, with generous distances to streets and between residential dwelling units in a viable semi-rural character setting. Residential density in rural residential areas is a maximum of 1 unit per acre. (See 2010 Morgan County General Plan page 6)

The purposes of the RR-1 zone are:

1. The purposes of providing a rural residential district are:

- 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.
2. These districts are intended to be primarily residential in character and protected from encroachment by commercial and industrial uses.

The proposal is in compliance with these purpose statements.

Layout. The proposed two-lot subdivision fronts Morgan Valley Drive (see Exhibit E). It is currently configured as one residential lot. Each proposed lot has over one acre in the RR-1 zone. The proposed lot lines and configurations conform to existing RR-1 standards for lots, including setbacks, coverage, acreage and frontage/width. The original lot has an unusual configuration, with two separate frontages and unusual ground topography. The proposed layout represents the best possible configuration of the lots that will allow for subdivision and home construction.

Roads and Access. All lots have existing access from Morgan Valley Drive. They are each provided a minimum of 200 feet of frontage and width measured at the front and rear setback lines, which complies with Morgan County Code standards.

Grading and Land Disturbance. The land where the homes are to be built is relatively flat. There may be minor site preparation prior to building, but none so much that it will trigger the excavation review thresholds. Each lot must be graded appropriately so as to ensure positive drainage away from structures and adjacent properties. There is significant slope to the east and west portions of the property, which will allow for natural drainage into existing drainages, including East Canyon Creek on the east.

Sensitive Areas, Geology, and Geotechnical Considerations. This area lies within a geologic hazards area (see Exhibit D). A Geological and Geotechnical report have 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 individual wells on the respective lots.
- Sewage is proposed to be provided by individual septic systems. The septic systems will need to be reviewed and approved by the Weber Morgan Health Department as part of the building permit process.
- Gas, Electric, and telecommunication facilities run along the site's frontage along Morgan Valley Drive.

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. This area will lie outside the buildable area of the lots.

#### Model Motion

Sample Motion for *approval* – “I move we approve the Reynolds/Peterson Small Subdivision, application number 16.015, allowing for a two lot subdivision of land located at approximately 2995 S Morgan Valley Dr, based on the findings and with the conditions listed in the staff report dated July 14, 2016.”

Sample Motion for *approval with additional conditions* – “I move we approve the Reynolds/Peterson Small Subdivision, application number 16.015, allowing for a two lot subdivision of land located at approximately 2995 S Morgan Valley Dr, based on the findings and with the conditions listed in the staff report dated July 14, 2016, and with the following additional conditions:”

1. List any additional conditions

Sample Motion for *denial* – “I move we deny the Reynolds/Peterson Small Subdivision, application number 16.015, allowing for a two lot subdivision of land located at approximately 2995 S Morgan Valley Dr, *due to 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: Geologic Hazards Map  
Exhibit E: Flood Plain Map  
Exhibit F: Proposed Subdivision Preliminary and Final Plat

#### Staff Contact

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

Exhibit A: Vicinity Map

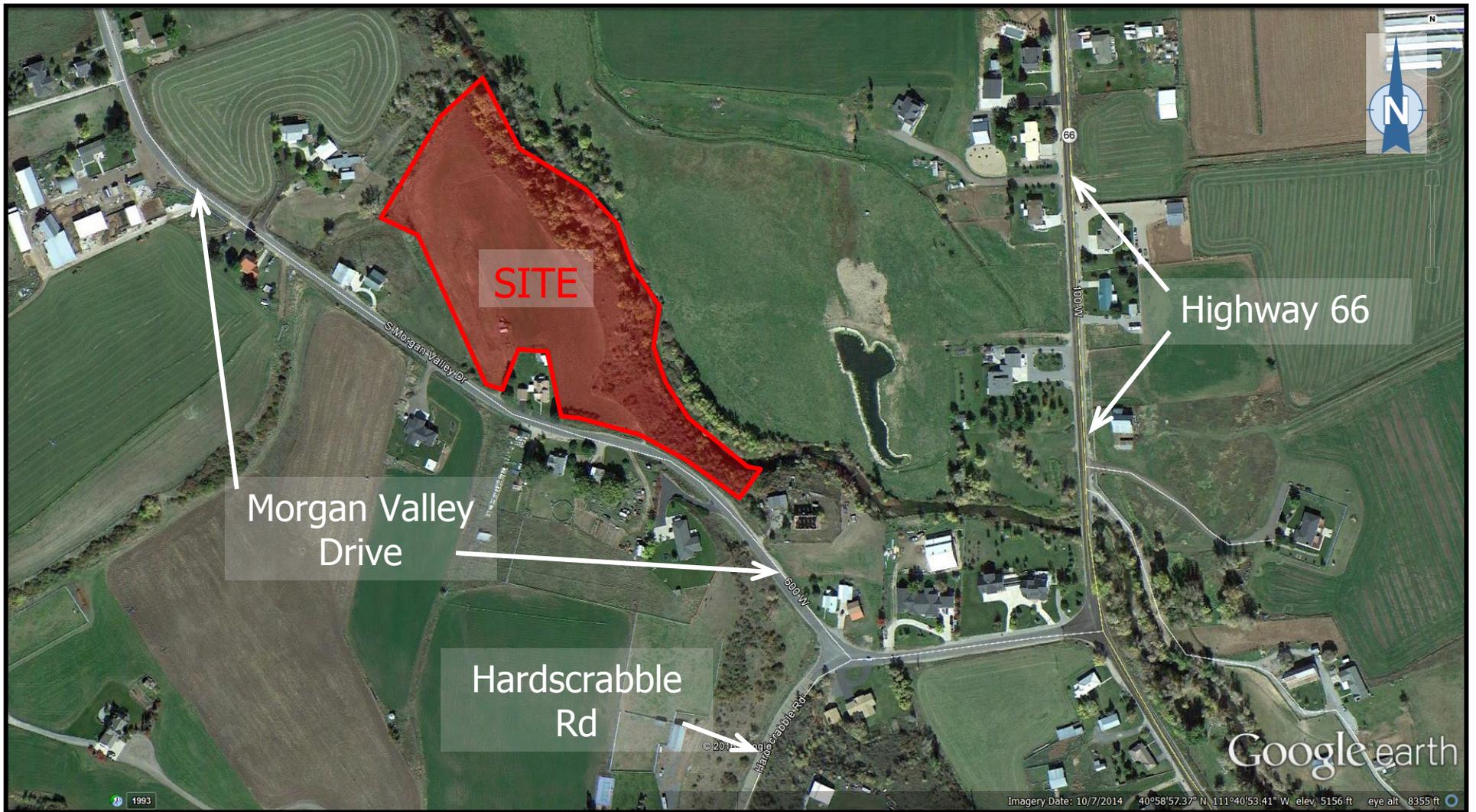


Exhibit B: Future Land Use Map

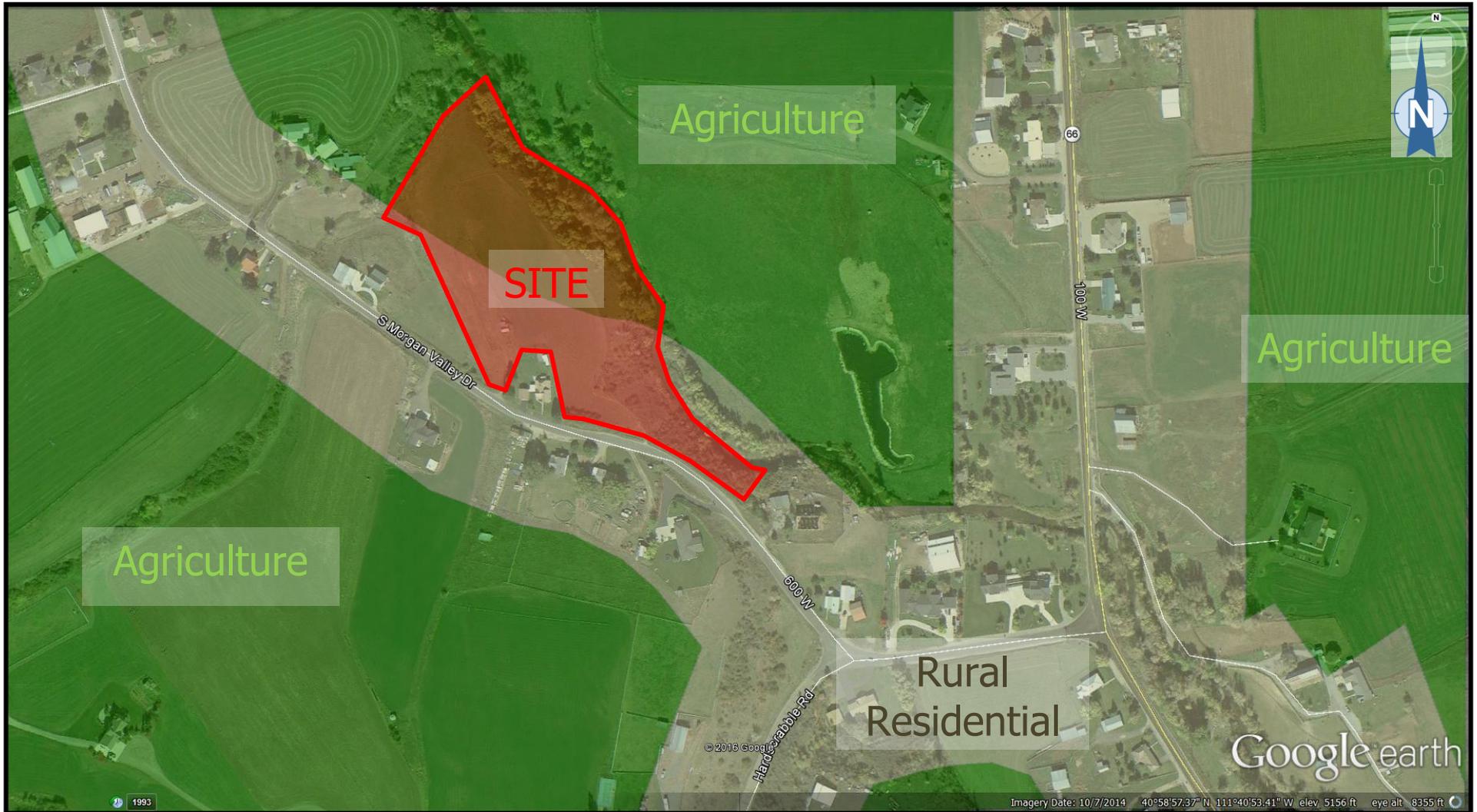
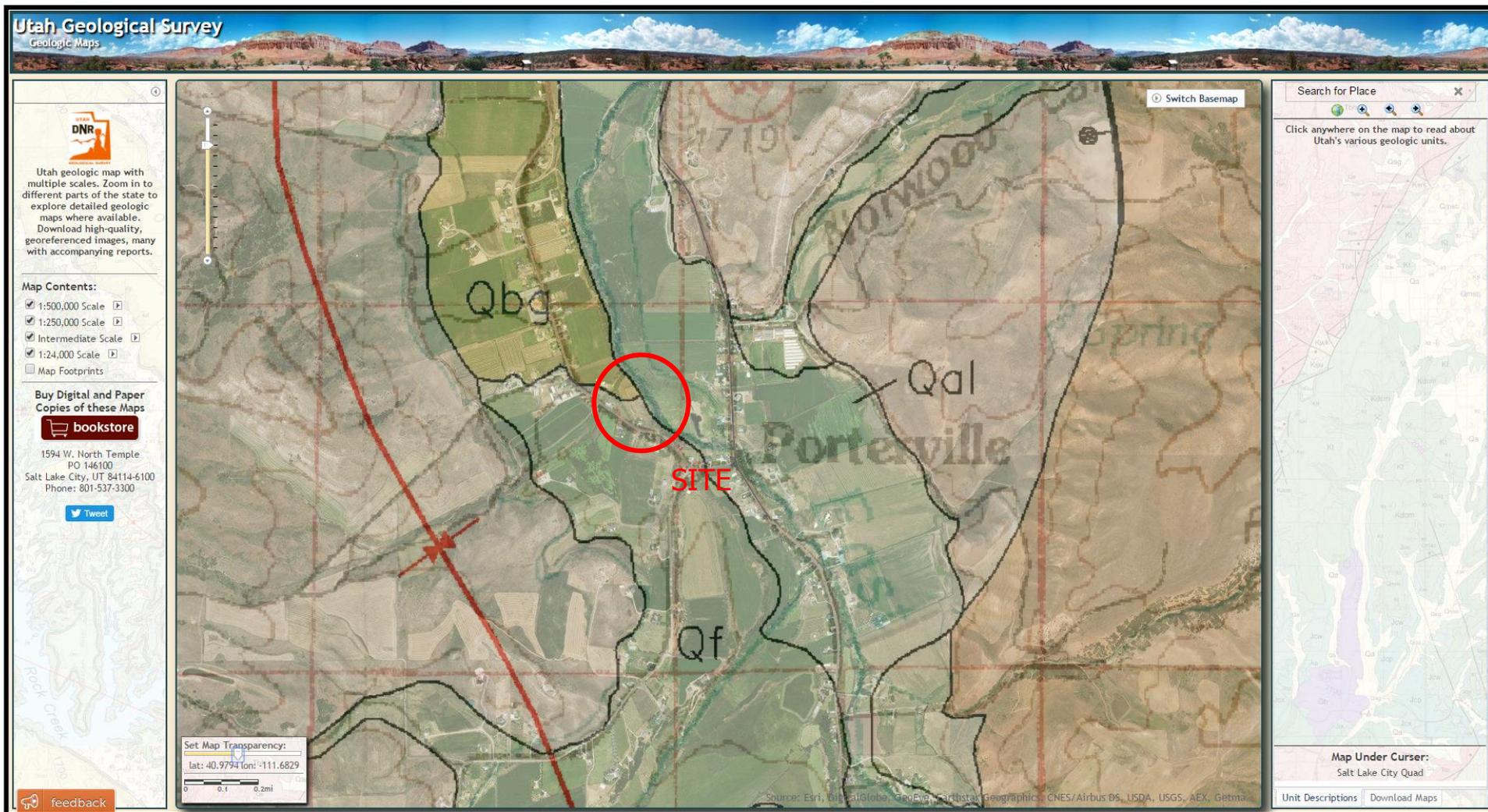


Exhibit C: Existing Zoning Map

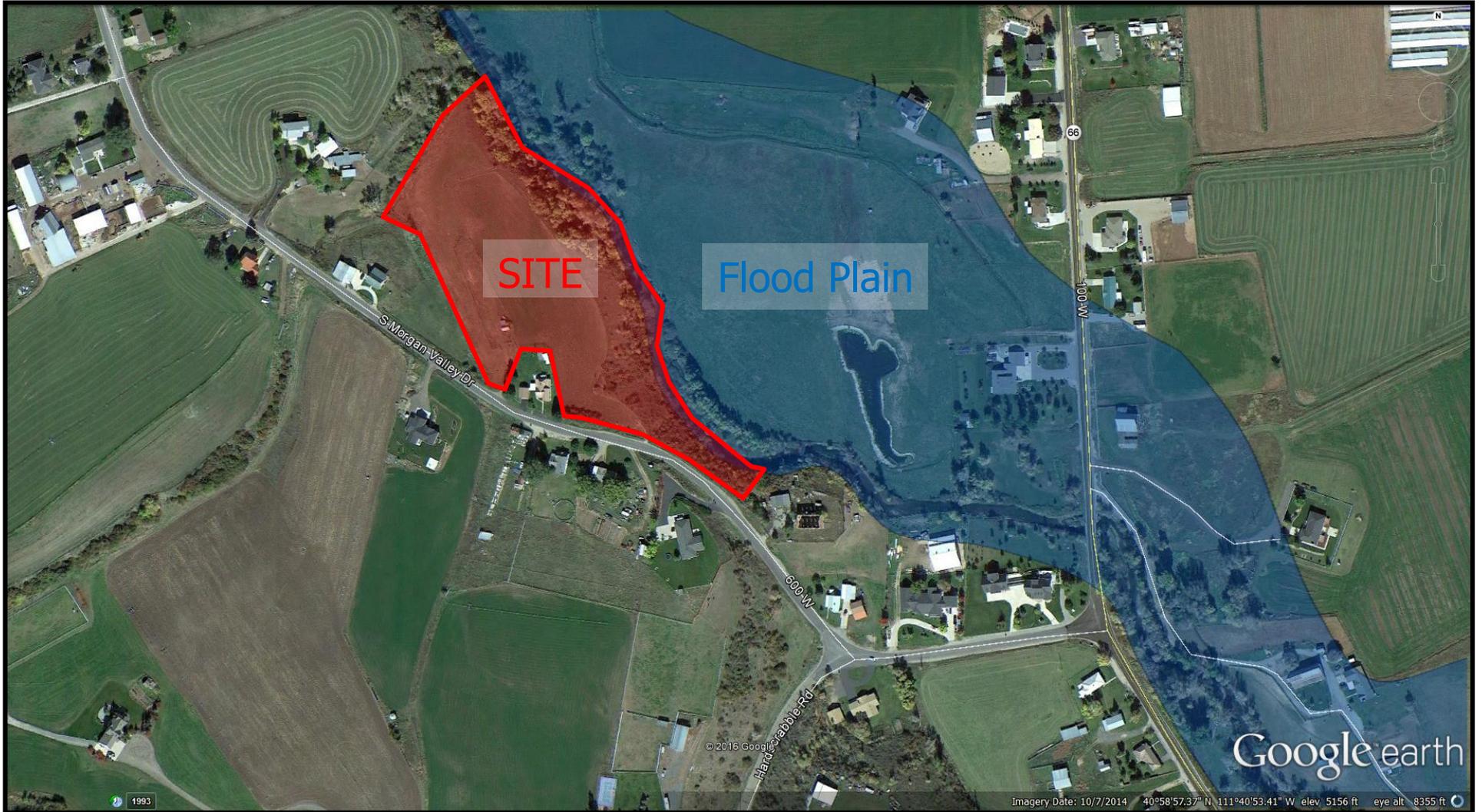


# Exhibit D: Geologic Hazards Map



Site appears to lie within the Qf and Qbg Geologic Units

Exhibit E: Flood Plain Map







---

# MEMORANDUM

**TO: Planning Commission**  
**FROM: Bill Cobabe**  
**DATE: August 25, 2016**  
**SUBJECT: Enterprise Zone Map Amendment – Updated Map**

---

County Staff has made the following updates to the proposed zoning map amendment:

1. Property on the west side of I-84 beginning with the Archery Range on the north and extending to the Enterprise Town Center area line to the south was changed to remain in A-20.
2. The Croft Property at the east end of Spring Hollow Road was changed from RR-1 to RR-5.
3. The triangular-shaped portion of Mr. Green's property that was in A-20 was changed to RR-1.
4. The portion of Summerridge PRUD that is currently in MU-160 was changed to remain MU-160.
5. The property owned by the Wardells west of Old Highway was changed to remain in A-20 as is currently configured.
6. The portion of the Wardell property heading up to the gravel pits was changed from RR-1 to RR-5 to match the Holyoak property to the west.

This should be the changes as desired that were expressed in the meeting on August 11, 2016.

Poverty Flats Estates Small Subdivision – Preliminary/Final Plat  
Public Meeting  
August 25, 2016

Application No.: 16.021  
Applicant: Ivan and Ludene Carter Family Trust  
Owner: Same  
Project Location: Approximately 811 Hardscrabble Road  
Current Zoning: A-20  
General Plan Designation: Agricultural  
Acreage: Approximately 95.03  
Date of Application: June 8, 2016  
Date of Previous Meeting: March 10, 2016 – Concept Plan Approval

Staff Recommendation

County Staff is recommending approval of the Poverty Flats Estates Small Subdivision, application #16.021, subject to the following conditions and with the following findings:

Conditions:

1. That all outstanding fees for outside reviews are paid in full prior to recording the final mylar.
2. That all requirements of the County Engineer are met.
3. That all requirements of the Fire Chief are met.
4. That any minor corrections are made with County Staff prior to submitting a 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 have the ability to approve, approve with conditions, or deny a small subdivision 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 three lot subdivision. The proposed subdivision received conceptual approval on March 10, 2016. The proposed subdivision has been designed to utilize the required access, frontage, and setback requirements of the A-20 zone.

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

- Zoning - MCC Section 8-5A
- Preliminary Plat - MCC Section 8-12-22 through Section 8-12-28
- Final Plat MCC - Section 8-12-29 through Section 8-12-46
- Small Subdivision - MCC Section 8-12-53 through Section 8-12-59

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 northern portion of Hardscrabble Road in unincorporated Morgan County in the Porterville Area (see Exhibit A). The 2010 Morgan County General Plan and Future Land Use Map have designated this area along Hardscrabble as a maximum of one dwelling unit per 20 acres area, which is considered an Agricultural designation. The proposed subdivision lies within the Agricultural designation. The purpose of the Agricultural designation is:

*to support viable agricultural operations in Morgan County, while allowing for incidental large-lot residential and other uses. The residential density in this category is up to 1 unit per 20 acres. (See 2010 Morgan County General Plan page 6)*

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 three-lot subdivision fronts Hardscrabble Road (see Exhibit E). Lots 1, 2, and 3 will have 20 acres, 37.089 acres, and 35.123 acres, respectively. It is currently configured as one agricultural lot. The entire property lies within the A-20 zone. The proposed lot lines and configurations conform to existing A-20 standards for lots, including setbacks, coverage, acreage, and access and frontage/width. The proposed layout represents the best possible configuration of the lots that will allow for subdivision and home construction.

*Roads and Access.* All lots will have access from Hardscrabble Road. Lot 2 is provided with 330

feet of frontage while the remaining lots have 26-foot access easements. Lot width measured at the front and rear setback lines appears to comply with Morgan County Code standards.

Grading and Land Disturbance. The land where the homes are to be built is relatively flat and is designated on the plat with one-acre building envelopes. There may be minor site preparation prior to building, but none so much that it will trigger the excavation review thresholds. Each lot must be graded appropriately so as to ensure positive drainage away from structures and adjacent properties. Because of the nature of these large acreage lots, impacts due to improvements and impervious surfaces should be minimal.

Sensitive Areas, Geology, and Geotechnical Considerations. This area lies within a geologic hazards area (see Exhibit D). A Geological and Geotechnical report have 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 individual wells on the respective lots.
- Sewage is proposed to be provided by individual septic systems. The septic systems will need to be reviewed and approved by the Weber Morgan Health Department as part of the building permit process.
- Gas, Electric, and telecommunication facilities run along the site's frontage along Morgan Valley Drive.

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

Flood Plain. This lot lies outside the FEMA FIRM-identified floodplain.

### Model Motion

Sample Motion for *approval* – "I move we approve the Poverty Flats Estates Small Subdivision, application number 16.021, allowing for a three lot subdivision of land located at approximately 811 Hardscrabble Road, based on the findings and with the conditions listed in the staff report dated August 25, 2016."

Sample Motion for *approval with additional conditions* – "I move we approve the Poverty Flats Estates Small Subdivision, application number 16.021, allowing for a three lot subdivision of land located at approximately 811 Hardscrabble Road, based on the findings and with the conditions listed in the staff report dated August 25, 2016, and with the following additional conditions:"

1. List any additional conditions

Sample Motion for *denial* – "I move we deny the Poverty Flats Estates Small Subdivision, application number 16.021, allowing for a three lot subdivision of land located at approximately 811 Hardscrabble Road, *due to the following findings:*"

1. List any additional findings...

## Supporting Information

Exhibit A: Vicinity Map

Exhibit B: Future Land Use Map

Exhibit C: Current Zoning Map

Exhibit D: Geologic Hazards Map

Exhibit E: Proposed Subdivision Preliminary and Final Plat

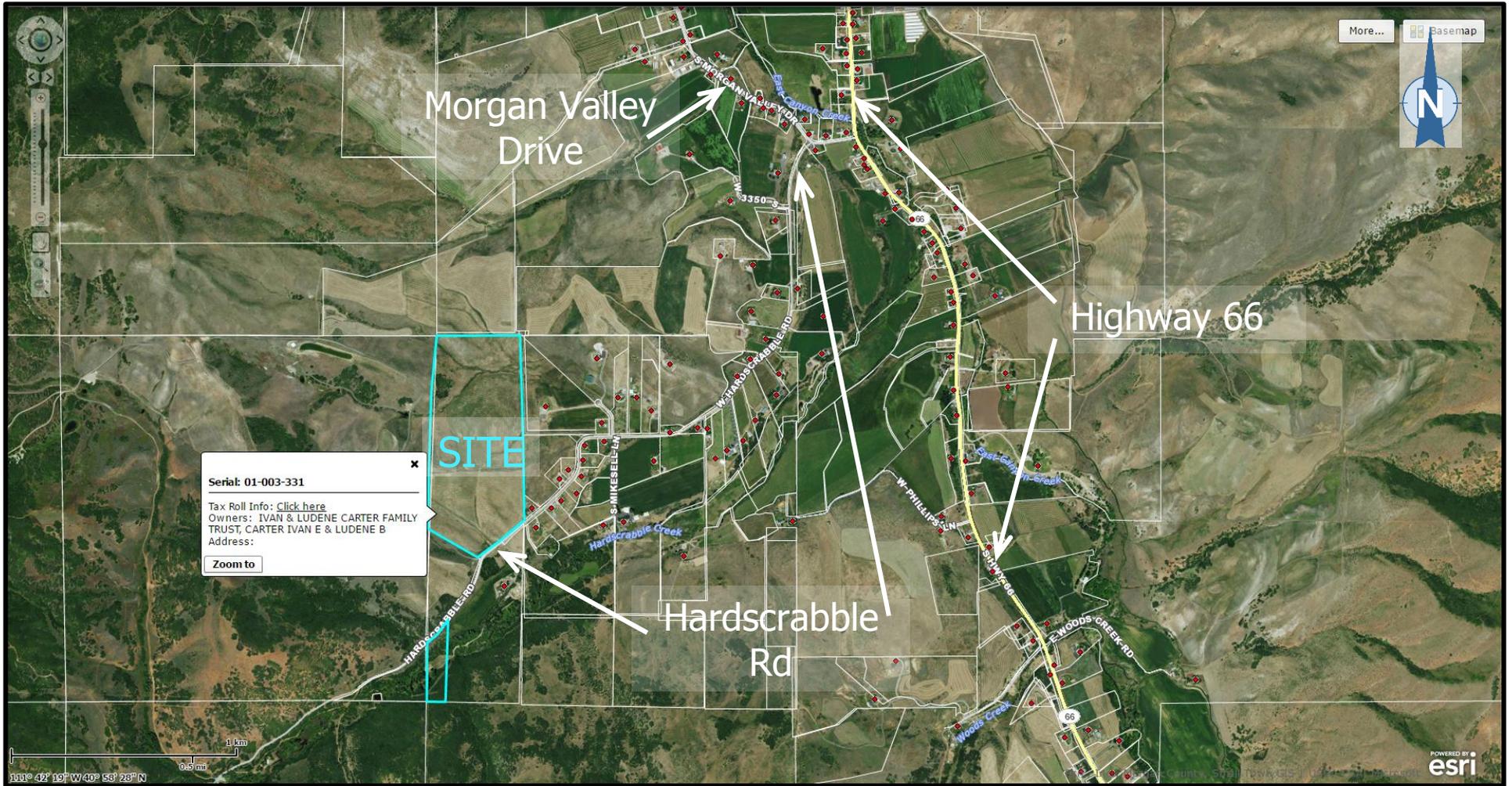
## Staff Contact

Bill Cobabe, AICP

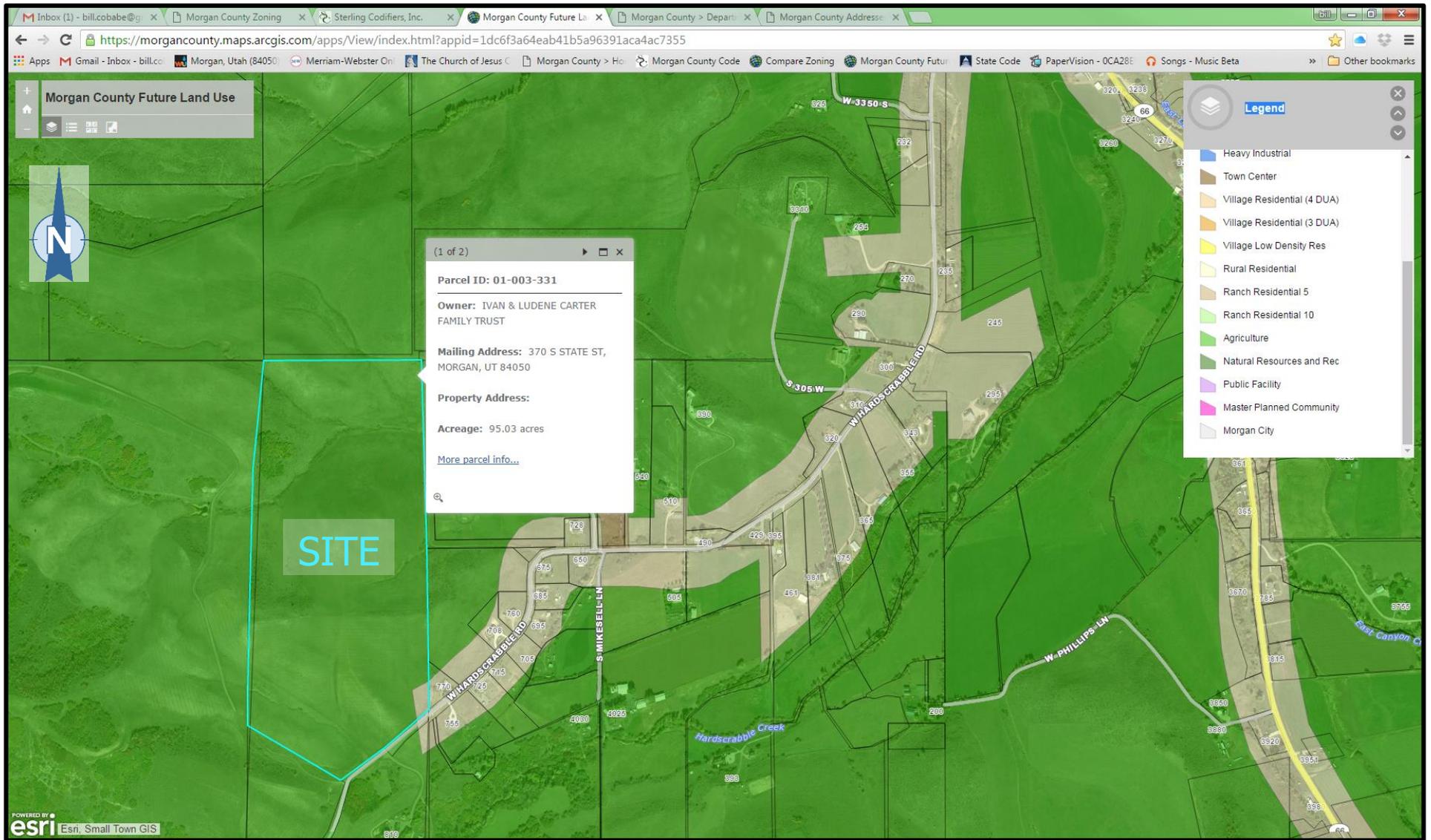
801-845-4059

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

Exhibit A: Vicinity Map

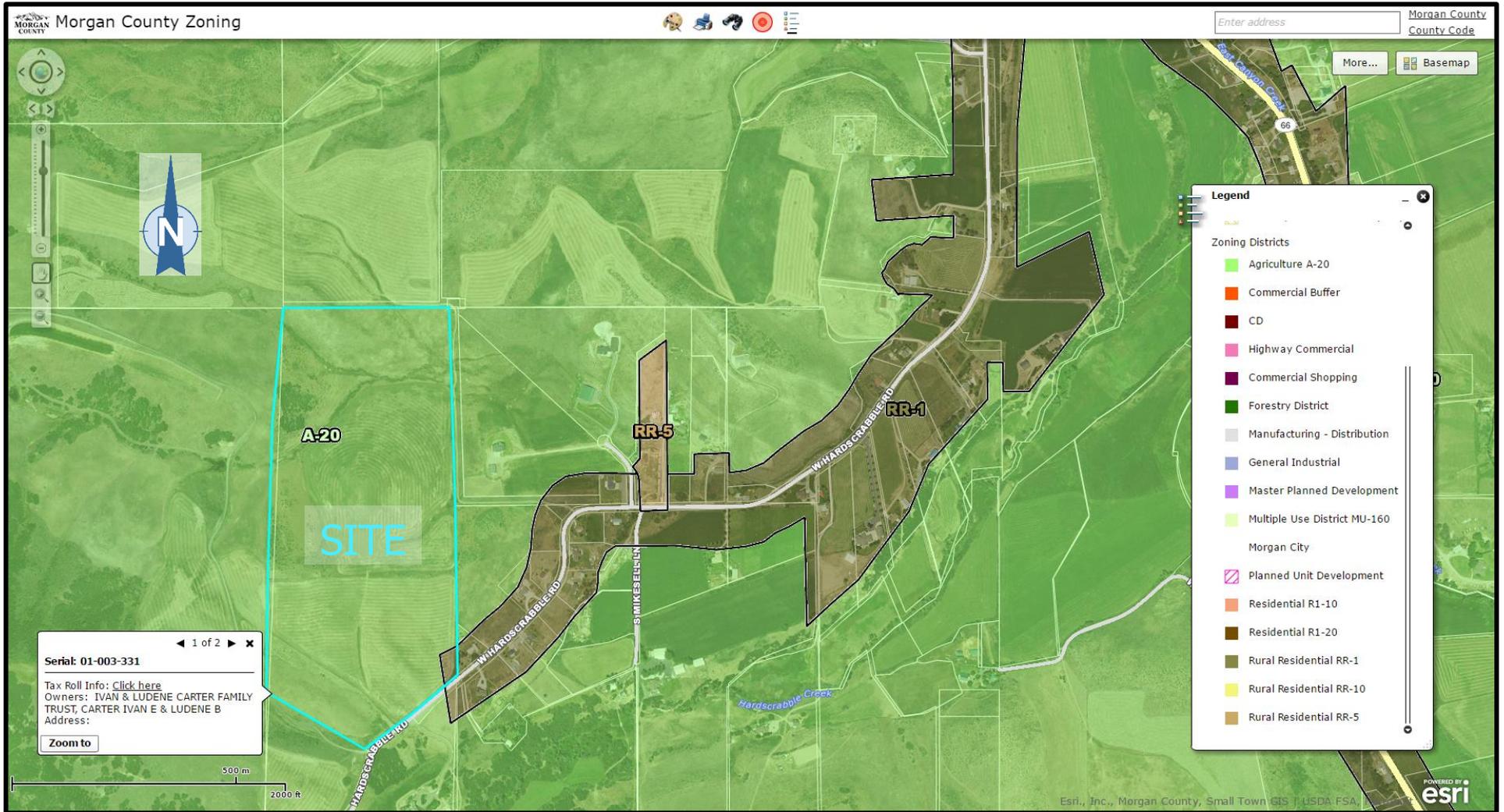


# Exhibit B: Future Land Use Map



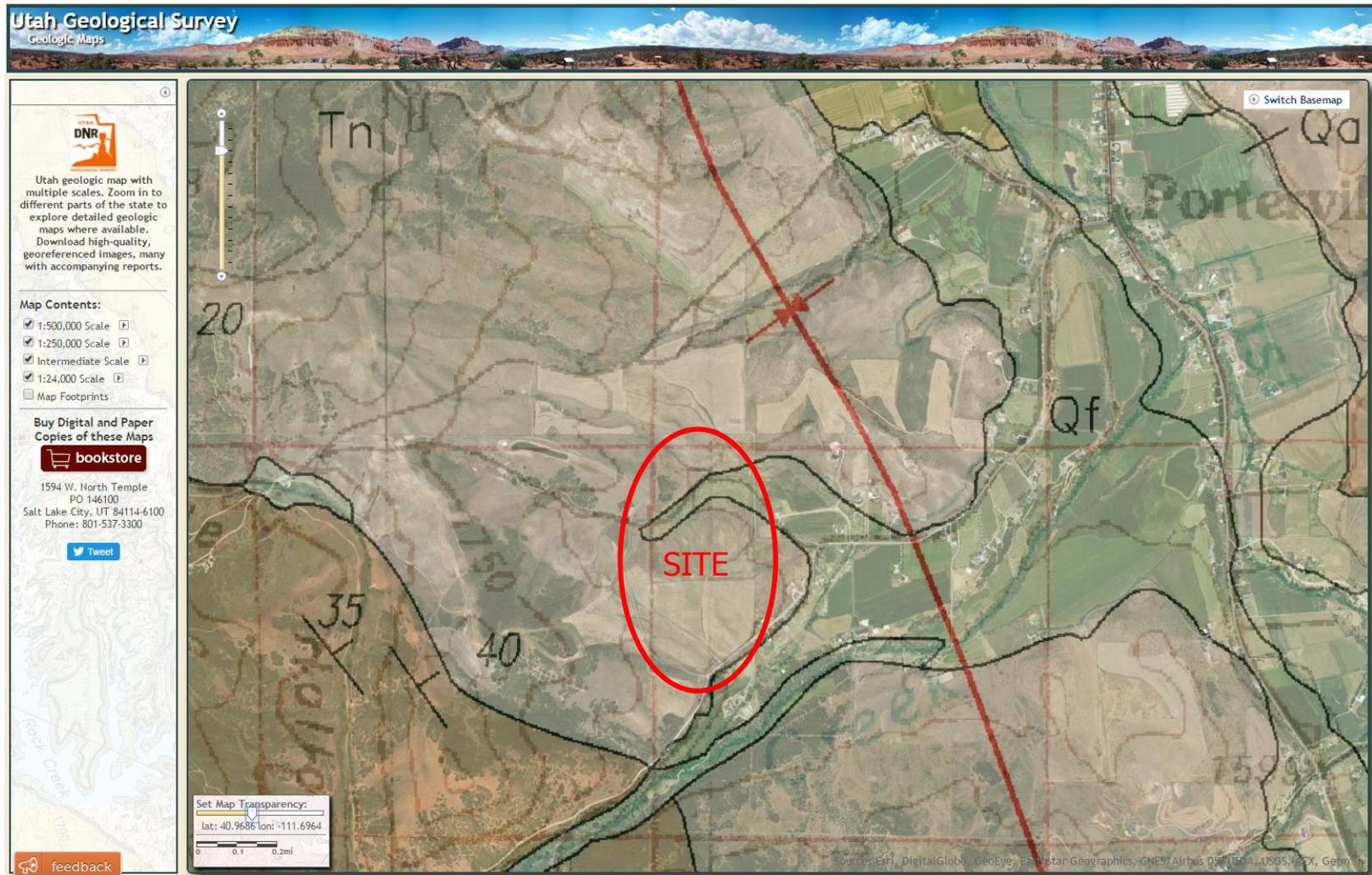
Poverty Flats Estates Small Subdivision  
App # 16.021  
25 Aug 2016

# Exhibit C: Current Zoning Map



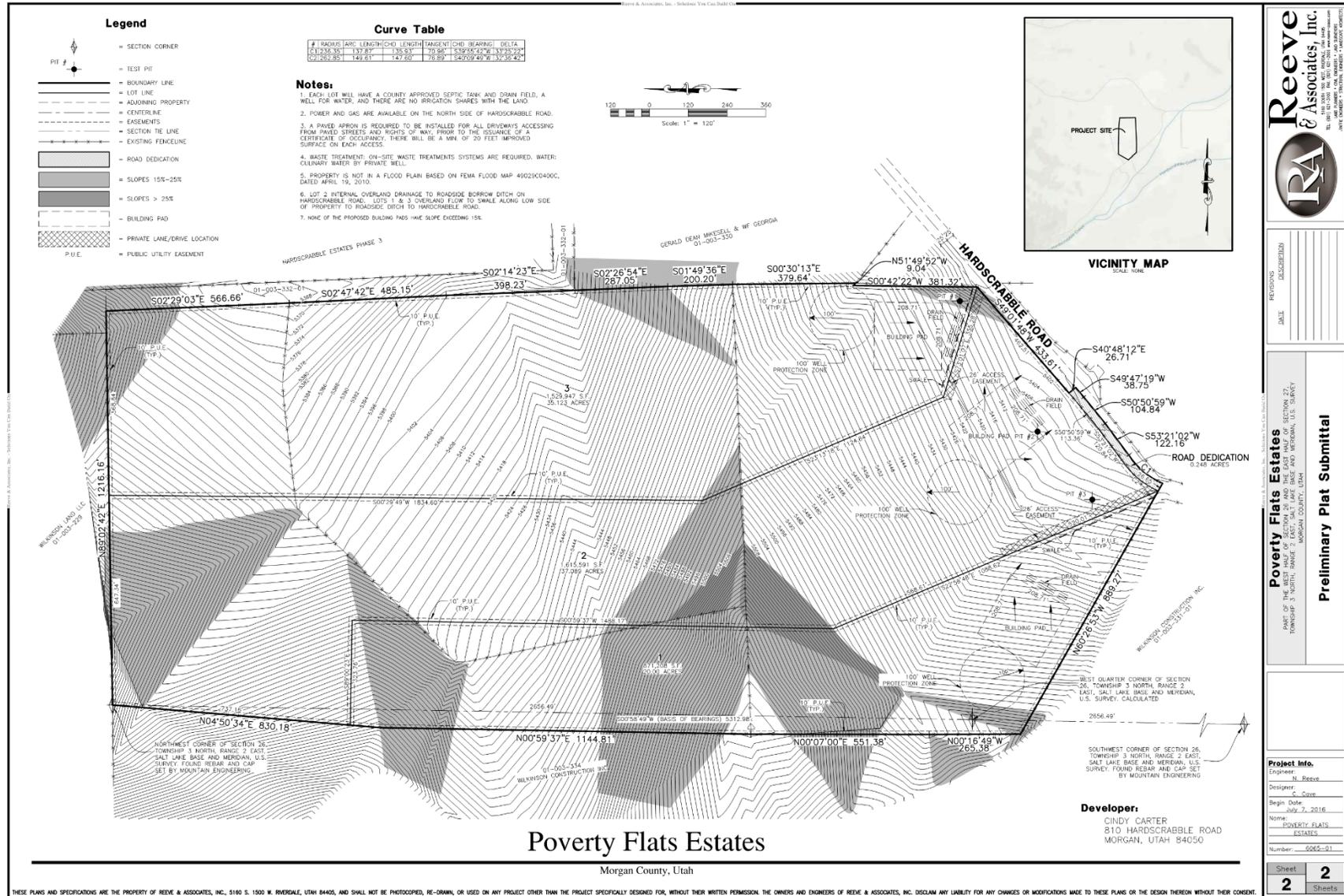
Poverty Flats Estates Small Subdivision  
 App # 16.021  
 25 Aug 2016

Exhibit D: Geologic Hazards Map



Site appears to lie within the Qf and Qbg Geologic Units

# Exhibit E: Proposed Preliminary Plat





---

# MEMORANDUM

**TO: Planning Commission**  
**FROM: Bill Cobabe**  
**DATE: August 25, 2016**  
**SUBJECT: Whittier Estates Subdivision – Proposed Phasing Plan Change**

---

## **Background**

On December 1, 2015, the County Council approved (with conditions) the proposed Whittier Estates Subdivision Preliminary Plat. At that time, no phasing was considered; however, the applicant has since come forward with a desired phasing plan. This will allow the developer to record a plat for each phase and begin to sell lots once approved infrastructure is installed and accepted by the County.

The timing for the various phases is as follows:

...we are planning on recording Phase 1 immediately after the city council meeting on September 6th. We are planning on recording Phase 2 by October 31st. The remaining lots (Phase 3) will be recorded in Spring 2017. (email from Stephanie Hales, Assistant for Utah Land Guys – dated August 08, 2016).

It should be noted that the recordation of any plat is conditioned on the acceptance by the County of the installed/inspected infrastructure.

The proposed phasing plan is attached.

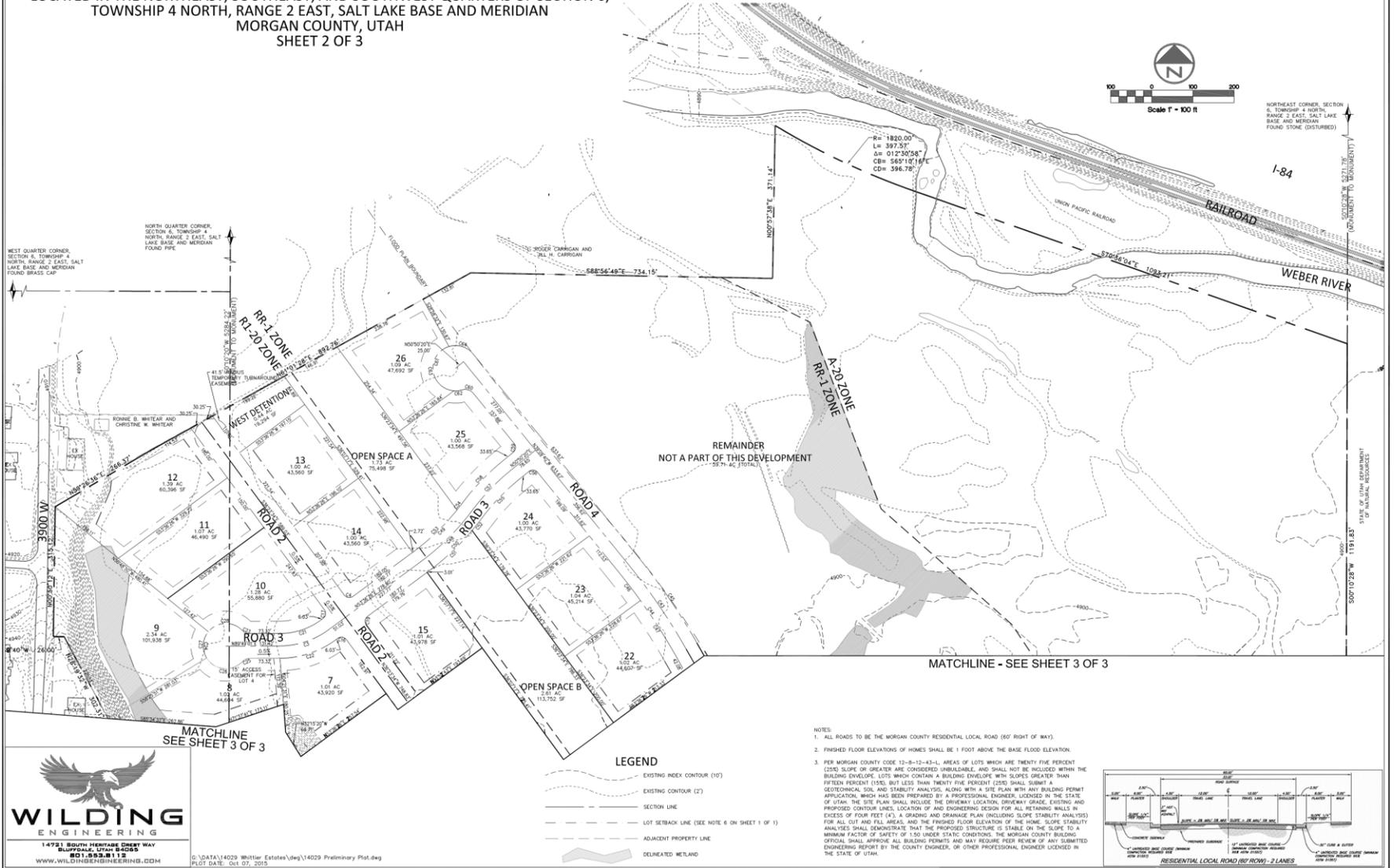
## **ATTACHMENTS:**

Exhibit A: Preliminary Plat (approved)  
Exhibit B: Proposed Phasing 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



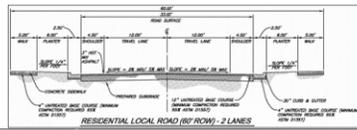
**WILDING**  
ENGINEERING

14731 SOUTH HEATRE DREY WAY  
BLUFFDALE, UTAH 84305  
801.892.8112  
WWW.WILDINGENGINEERING.COM

DATA: 14029 Whittier Estates\deg\14029 Preliminary Plat.dwg  
PLOT DATE: Oct 07, 2019

- LEGEND**
- - - - - EXISTING INDEX CONTOUR (10')
  - - - - - EXISTING CONTOUR (2')
  - - - - - SECTION LINE
  - - - - - LOT SETBACK LINE (SEE NOTE 6 ON SHEET 1 OF 1)
  - - - - - ADJACENT PROPERTY LINE
  - - - - - DELINEATED WETLAND

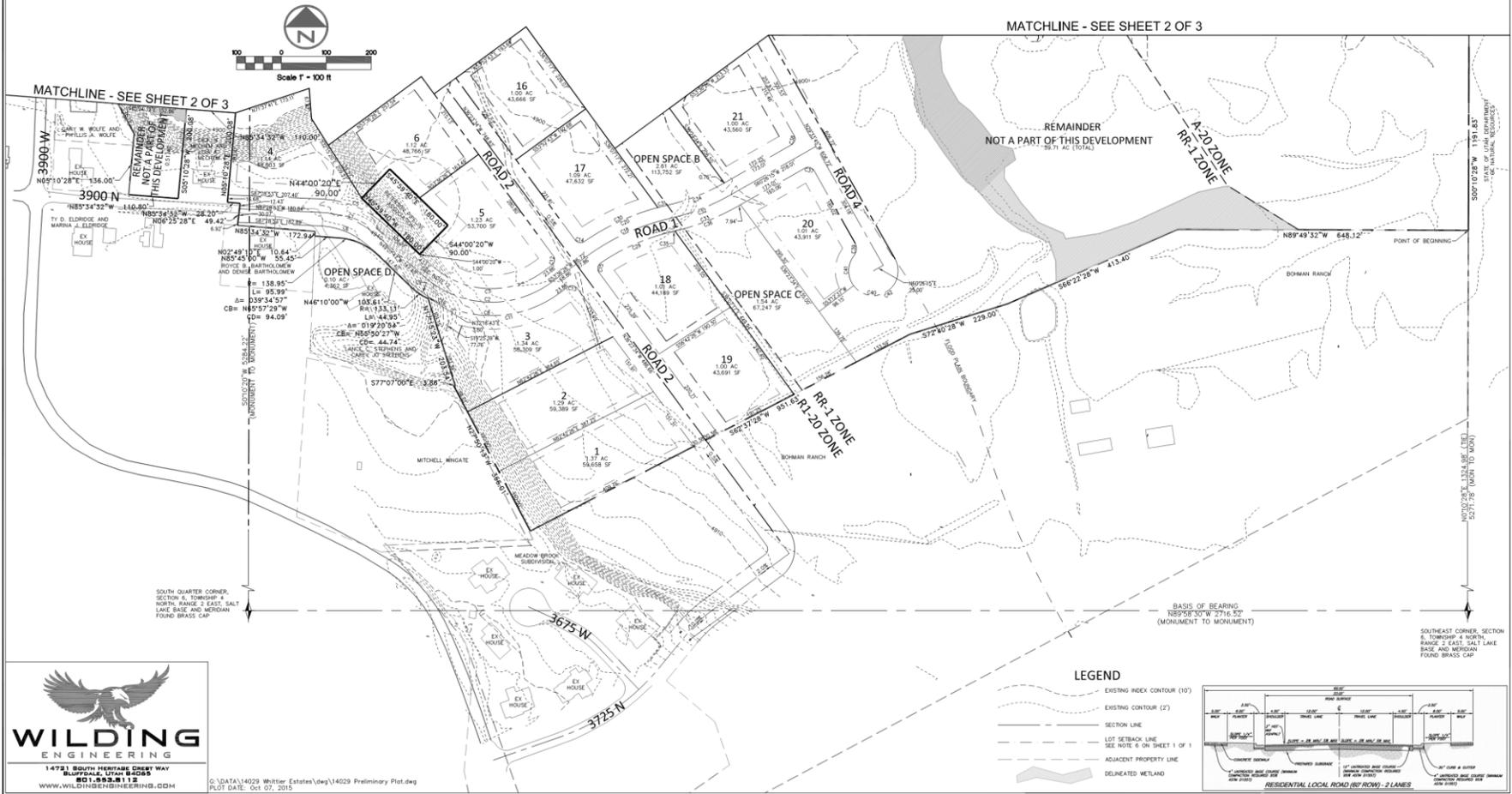
- NOTES:**
1. ALL ROADS TO BE THE MORGAN COUNTY RESIDENTIAL LOCAL ROAD (60' RIGHT OF WAY).
  2. FINISHED FLOOR ELEVATIONS OF HOMES SHALL BE 1 FOOT ABOVE THE BASE FLOOD ELEVATION.
  3. PER MORGAN COUNTY CODE 12-8-12-43-L, AREAS OF LOTS WHICH ARE TWENTY FIVE PERCENT (25%) SLOPE OR GREATER ARE CONSIDERED 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 ANALYSIS, 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 DRAINAGE PLAN, 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 ANALYSIS) 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.



# 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

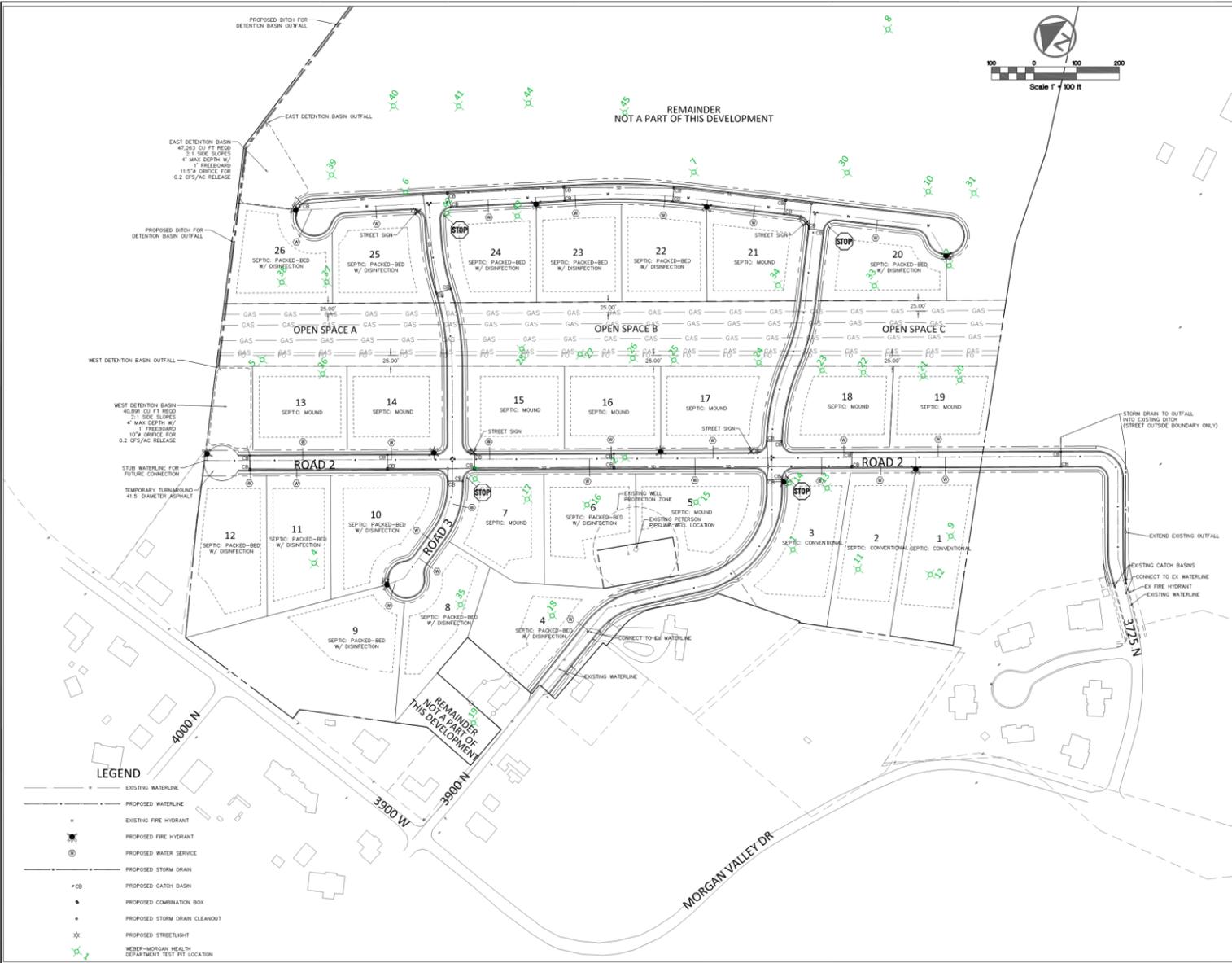
- NOTES
1. ALL ROADS TO BE THE MORGAN COUNTY RESIDENTIAL LOCAL ROAD (60' RIGHT OF WAY).
  2. A PORTION OF 3900 NORTH WILL HAVE A MODIFIED ROAD CROSS SECTION TO REDUCE THE AMOUNT OF RETAINING THAT WILL BE REQUIRED. THROUGH THIS SECTION OF ROADWAY ONLY, THE PLANTERS WILL BE ELIMINATED AND A SIDEWALK WILL BE PLACED AT THE BACK OF CURB ON BOTH SIDES OF THE ROAD. THE RIGHT OF WAY WILL REMAIN AT 60' 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 13-8-13-4.3-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 ANALYSIS, 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 ANALYSIS) 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.



D:\DATA\14029 Whittier Estates\deg\14029 Preliminary Plat.dwg  
 PLOT DATE: Oct 07, 2015



- 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 WELL 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.





**DRAWING NOTES:**  
 1. FLOOD PLAN IS FROM MORGAN COUNTY GIS AND CORRESPONDS TO FIRM MAP #R03030303; THE FLOOD ZONE EAST OF THE LINE SHOWN IS ZONE AE.  
 2. WETLANDS SHOWN ARE FROM A DELINEATION PERFORMED BY WISE EARTH WETLANDS AND SOIL SCIENCE.

© WILDING ENGINEERING, INC. 11/2015. PROJECT: WHITTIER ESTATES. DRAWING: PRELIMINARY GRADING & DRAINAGE PLAN. DATE: 11/24/14.

NO.	REVISION	DATE
3	REVISED LAYOUT & MORGAN COUNTY COMMENT	10/8/15
2	REVISED LAYOUT & MORGAN COUNTY COMMENT	8/28/15
1	REVISED LAYOUT	8/7/15

**PROJECT INFORMATION**  
**WHITTIER ESTATES**  
**PRELIMINARY GRADING & DRAINAGE PLAN**  
**PETERSON, UTAH**

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

ENGINEER'S STAMP

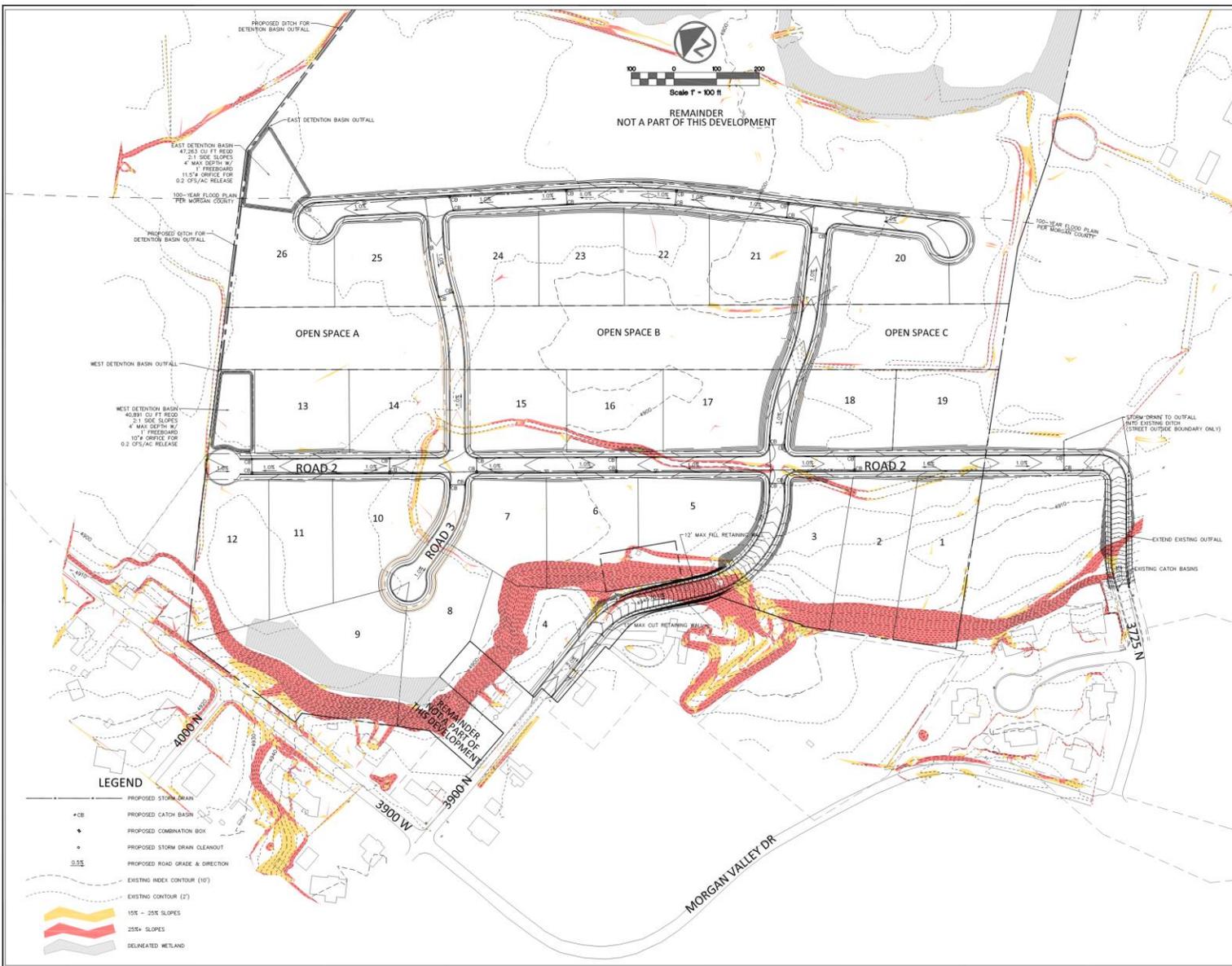


Exhibit B: Proposed Phasing Plan

# WHITTIER ESTATES PHASE 1

LOCATED IN THE SOUTHEAST AND SOUTHWEST QUARTERS OF SECTION 6,  
TOWNSHIP 4 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN  
MORGAN COUNTY, UTAH  
SHEET 1 OF 2



- NOTES:
- THIS PLAN WAS PREPARED AT THE REQUEST OF BLAIR GARDNER, 1508 EAST SKYLINE DR #100, SOUTH OGDEN, UTAH. (REAR) THIS PLAN WAS PREPARED BY WME CARLTON P.E., OF WILDING ENGINEERING, 14721 S HERITAGE CREST WAY, BLUFFDALE, UTAH 84063.
  - POWER GAS AND TELEPHONE ARE LOCATED TO 3900 NORTH AND 3725 NORTH.
  - WASTE DISPOSAL WILL BE PROVIDED VIA SEPTIC SYSTEM ON EACH LOT, SUBJECT TO APPROVAL BY THE WEBER-MORGAN HEALTH DEPARTMENT.
  - WATER SERVICE IS PROVIDED BY PETERSON PIPELINE WATER COMPANY VIA AN EXISTING SYSTEM IN 3900 NORTH AND 3725 NORTH.
  - EXISTING ZONING IS VILLAGE LOW DENSITY RESIDENTIAL, RURAL RESIDENTIAL, AND AGRICULTURAL.
  - RESIDENTIAL ENVELOPE IS BASED ON THE FOLLOWING SETBACKS (FOR MAIN BUILDINGS):
 

FRONT	30'
REAR	15'
SIDE	15'
  - MORGAN COUNTY RESTRICTS THE OCCUPANCY OF BUILDINGS WITHIN DEVELOPMENTS AS OUTLINED IN THE ADOPTED BUILDING AND FIRE CODES. IT IS UNLAWFUL TO OCCUPY A BUILDING LOCATED WITHIN ANY DEVELOPMENT WITHOUT FIRST HAVING OBTAINED A CERTIFICATE OF OCCUPANCY ISSUED BY THE COUNTY. A PAVED APRON IS REQUIRED TO BE INSTALLED FOR ALL DRIVEWAYS ACCESSING FROM PAVED STREETS AND RIGHTS OF WAY, PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
  - A GEOTECHNICAL REPORT FOR THIS PROJECT HAS BEEN PROVIDED BY OTHERS.
  - ZONE AREA TABULATION TABLES:
 

ZONE	AREA
RD-20	13.20
TOTAL	136.722
	13.56
  - ALL NEW CONSTRUCTION OF RESIDENTIAL STRUCTURES SHALL HAVE A LOWEST FLOOR ELEVATION AT LEAST 1' ABOVE THE BASE FLOOR ELEVATION.



C:\DATA\14029 Whittier Estates\dwg\14029 Whittier Estates Phase 1 Plot-mod.dwg  
PLOT DATE: Jul 19, 2016

**SURVEYOR'S CERTIFICATE**  
I, SCOTT W. DERBY, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 18625 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNER, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS MAP, AND THAT I HAVE SUBDIVIDED THE PROPERTY INTO STREETS AND LOTS WHEREAS KNOWN AS:

WHITTIER ESTATES PHASE 1  
No. 186126

AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AS SHOWN ON THIS MAP.

SCOTT W. DERBY  
STATE OF UTAH

**BOUNDARY DESCRIPTION**  
BEGINNING AT A POINT NORTH 89°56'30" WEST 1217.66 FEET AND NORTH 95°13 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 6, TOWNSHIP 4 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE ALONG THE NORTH LINE OF THE BERMAN BRANCH PROPERTY RECORDED AS ENTRY NO. 30022 IN BOOK M-81 AT PAGES 320-323 (PART C) IN THE OFFICIAL RECORDS OF THE MORGAN COUNTY RECORDER'S OFFICE, AND AN EXTENSION THEREOF, SOUTH 87°17'00" WEST 161.0 FEET; THENCE NORTH 27°13'13" WEST ALONG AN EXISTING FENCE, 366.0 FEET; THENCE SOUTH 77°07'00" EAST 3.86 FEET; THENCE NORTH 17°52'00" WEST 353.5 FEET; THENCE NORTHWESTERLY 44.8 FEET ALONG THE ARC OF A 153.11 FOOT NON TANGENT RADIUS CURVE TO THE RIGHT (CHORD BEARS NORTH 50°27'27" WEST 44.74 FEET; THENCE NORTH 49°07'47" EAST 104.27 FEET; THENCE NORTHWESTERLY 55.9 FEET ALONG THE ARC OF A 138.95 FOOT TANGENT RADIUS CURVE TO THE LEFT (CHORD BEARS NORTH 49°37'29" WEST 54.50 FEET); THENCE NORTH 89°45'00" WEST 55.45 FEET; THENCE NORTH 02°40'10" EAST 10.64 FEET; THENCE NORTH 85°54'52" WEST 125.94 FEET; THENCE NORTH 90°52'00" EAST 48.42 FEET TO THE NORTH RIGHT OF WAY LINE OF 3900 NORTH STREET; THENCE NORTH 89°54'30" WEST ALONG SAID NORTH RIGHT OF WAY LINE, 28.25 FEET TO THE SOUTHEAST CORNER OF THE BOB H. WELCH PROPERTY, RECORDED AS ENTRY NO. 9474; THENCE ALONG SAID WELCH TRACT NORTH 07°02'00" EAST 18.8 FEET; THENCE SOUTH 87°28'53" EAST 207.40 FEET; THENCE SOUTHEASTERLY 153.95 FEET ALONG THE ARC OF A 230.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS SOUTH 88°20'20" EAST 151.10 FEET; SOUTH 49°07'47" EAST 104.27 FEET TO A POINT ON THE EXTENSION OF THE SOUTHERN LINE OF THE PETERSON PIPELINE ASSOCIATION PARCEL, AS RECORDED AS ENTRY 6139 IN BOOK M-81 AT PAGES 433-438 AS RECORDED IN THE OFFICIAL RECORDS OF THE MORGAN COUNTY RECORDER'S OFFICE; THENCE ALONG SAID PETERSON PIPELINE ASSOCIATION PARCEL, THE FOLLOWING THREE (3) COURSES: (1) THENCE NORTH 44°02'00" EAST 91.00 FEET; (2) NORTH 85°54'52" WEST 183.0 FEET; THENCE NORTH 44°02'00" WEST 43.00 FEET; THENCE NORTH 44°02'00" WEST 132.30 FEET; THENCE NORTH 53°38'26" EAST 50.20 FEET; THENCE SOUTH 32°24'31" EAST 43.62 FEET; THENCE NORTH 53°32'43" EAST 183.89 FEET; THENCE SOUTH 36°07'17" EAST 103.11 FEET TO THE POINT OF BEGINNING.

CONTAINS 13.56 ACRES MORE OR LESS

**NARRATIVE**  
THIS PROPERTY IS AN RESIDENTIAL PHASE OF THE WHITTIER ESTATES PROJECT. SEE THE RECORD OF SURVEY ON FILE WITH THE MORGAN COUNTY SURVEYOR'S OFFICE FOR THE BOUNDARY SURVEY OF THE WHITTIER PROJECT.

**BASIS OF BEARING**  
THE BASIS OF BEARING FOR THIS SURVEY IS NORTH 89°56'30" WEST BETWEEN THE POINTS SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 4 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN AND THE FOUND SOUTH QUARTER CORNER OF SAID SECTION 6.

**OWNER'S DEDICATION**  
I KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED SAME TO BE SUBDIVIDED INTO LOTS TO BE HEREINAFTER SHOWN AS:

WHITTIER ESTATES PHASE 1  
DO HEREBY DEDICATE FOR PREFERRED USE OF THE PUBLIC ALL PARCELS OF LAND, OTHER UTILITIES, OR EASEMENTS SHOWN ON THIS PLAN AS INTENDED FOR PUBLIC USE.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_  
BY: \_\_\_\_\_

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_  
BY: \_\_\_\_\_

**ACKNOWLEDGMENT**  
STATE OF UTAH  
COUNTY OF MORGAN  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ IN THE YEAR 20\_\_\_\_ BEFORE ME  
A NOTARY PUBLIC, PERSONALLY APPEARED \_\_\_\_\_ PROVIDED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THIS PLAN AND OFFICIAL SEAL.

NOTARY PUBLIC: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

MORGAN COUNTY COUNCIL  
PRESENTED TO THE MORGAN COUNTY COUNCIL  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_ AT WHICH TIME THIS SUBDIVISION AND THE OWNER'S DEDICATIONS WAS APPROVED AND ACCEPTED.

MORGAN COUNTY ATTORNEY  
I HAVE EXAMINED THIS SUBDIVISION PLAN AND IN WITNESS WHEREOF, I CONFER TO THE COUNTY ORDINANCE APPLICABLE THERETO AND NOW IN FORCE AND EFFECT.

MORGAN COUNTY SURVEYOR  
I HEREBY CERTIFY THAT THE MORGAN COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS PLAN FOR MATHEMATICAL CORRECTNESS, SECTION CORNER DATA AND FOR HARMONY WITH LINES AND INSTRUMENTS ON RECORD IN THE MORGAN COUNTY OFFICES. THE APPROVAL OF THIS PLAN BY THE MORGAN COUNTY SURVEYOR DOES NOT RELIEVE THE LICENSED LAND SURVEYOR WHO EXECUTES THIS PLAN FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED THEREWITH.

MORGAN COUNTY ENGINEER  
I HEREBY CERTIFY THAT ALL APPLICABLE STATUTES AND ORDINANCES PRESCRIBED BY COUNTY ENGINEERING APPROVAL OF THE FOREGOING PLAN AND DECISIONS HAVE BEEN COMPLIED WITH.

MORGAN COUNTY PLANNING COMMISSION  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_ BY THE MORGAN COUNTY PLANNING COMMISSION.

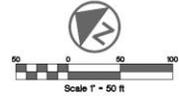
LOCATED IN THE SOUTHEAST AND SOUTHWEST QUARTERS OF SECTION 6, TOWNSHIP 4 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, MORGAN COUNTY, UTAH

**RECORDER'S OFFICE**  
STATE OF UTAH, COUNTY OF MORGAN, RECORDED AND FILED AT THE REQUEST OF \_\_\_\_\_ THIS \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_ ENTRY \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

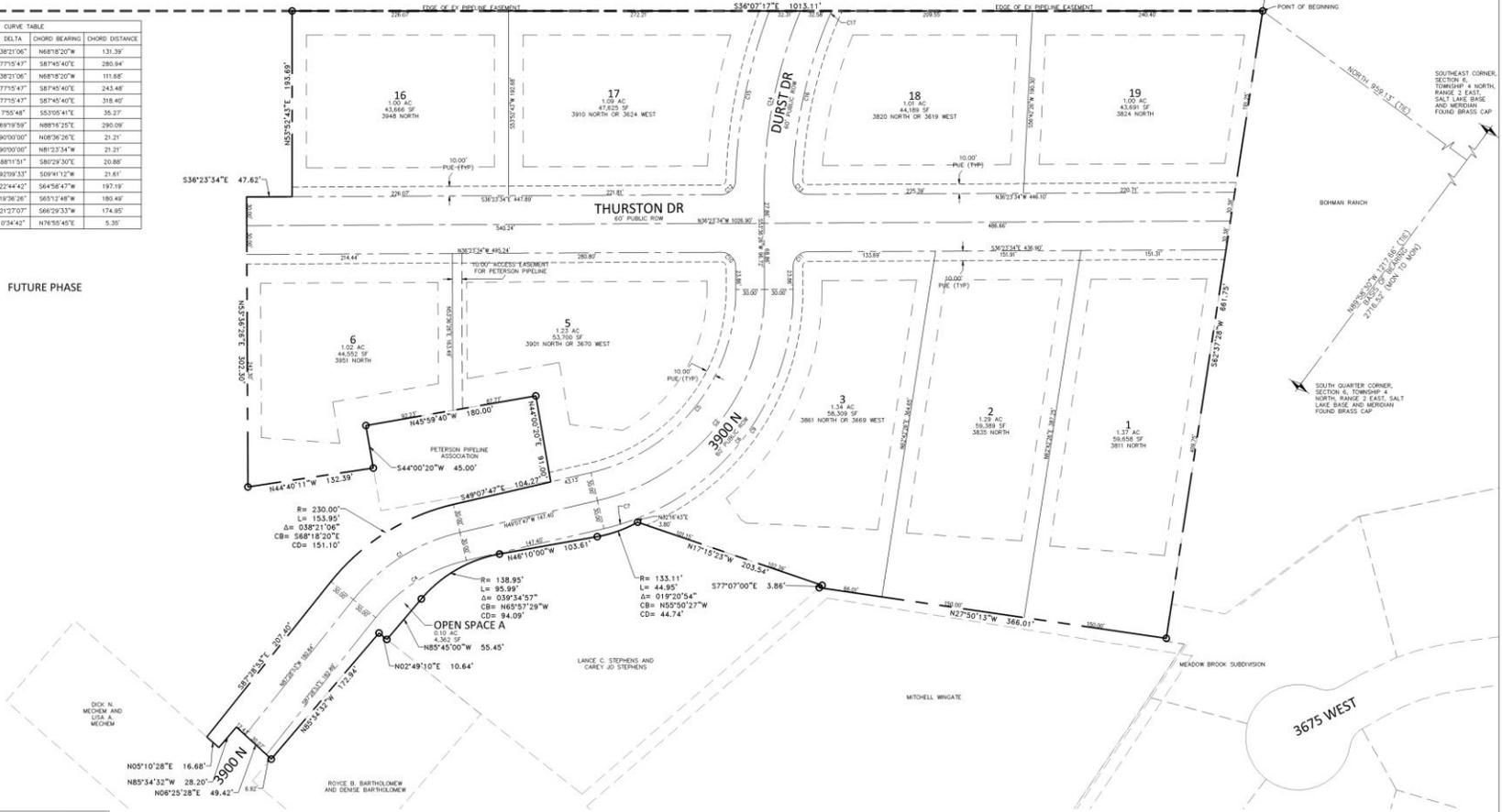
SEE \_\_\_\_\_ MORGAN COUNTY RECORDER

# WHITTIER ESTATES PHASE 1

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



CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	133.87	200.00	36°21'06"	N68°18'20"W	131.39
C2	303.41	235.00	77°15'47"	S87°45'40"E	280.94
C4	113.79	170.00	36°21'06"	N68°18'20"W	111.88
C5	282.86	195.00	77°15'47"	S87°45'40"E	243.48
C6	343.87	255.00	77°15'47"	S87°45'40"E	318.42
C7	35.29	255.00	7°50'48"	S53°05'41"E	35.27
C8	308.57	255.00	69°19'59"	N88°19'25"E	290.09
C10	23.56	15.00	90°00'00"	N08°38'26"E	21.21
C11	23.96	15.00	90°00'00"	N81°23'14"W	21.21
C12	13.09	15.00	86°17'51"	S80°29'30"E	10.88
C13	24.13	15.00	82°09'33"	S09°41'12"W	21.61
C14	198.49	500.00	22°44'42"	S64°56'47"W	197.19
C15	181.37	530.00	19°36'26"	S65°12'48"W	180.49
C16	175.97	470.00	21°27'07"	S66°29'33"W	174.95
C17	5.35	530.00	0°34'42"	N76°59'49"E	5.35



FUTURE PHASE

SOUTHEAST CORNER SECTION 6, TOWNSHIP 4 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN FOUND BRASS CAP

SOUTH QUARTER CORNER SECTION 6, TOWNSHIP 4 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN FOUND BRASS CAP



C:\DATA\14029 Whittier Estates\04\14029 Whittier Estates Phase 1 Plot-mod.dwg  
PLT DATE: Jul 19, 2016

- NOTES:
- ALL ROADS TO BE THE MORGAN COUNTY RESIDENTIAL LOCAL ROAD (80' RIGHT OF WAY).
  - FINISHED FLOOR ELEVATIONS OF HOMES SHALL BE 1 FOOT ABOVE THE BASE FLOOD ELEVATION.
  - PER MORGAN COUNTY CODE 12-8-10-43-4-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 ANALYSIS 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 ANALYSIS 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.
  - THE ENTIRE 'OPEN SPACE A' PARCEL IS ALSO A PUBLIC UTILITY EASEMENT.

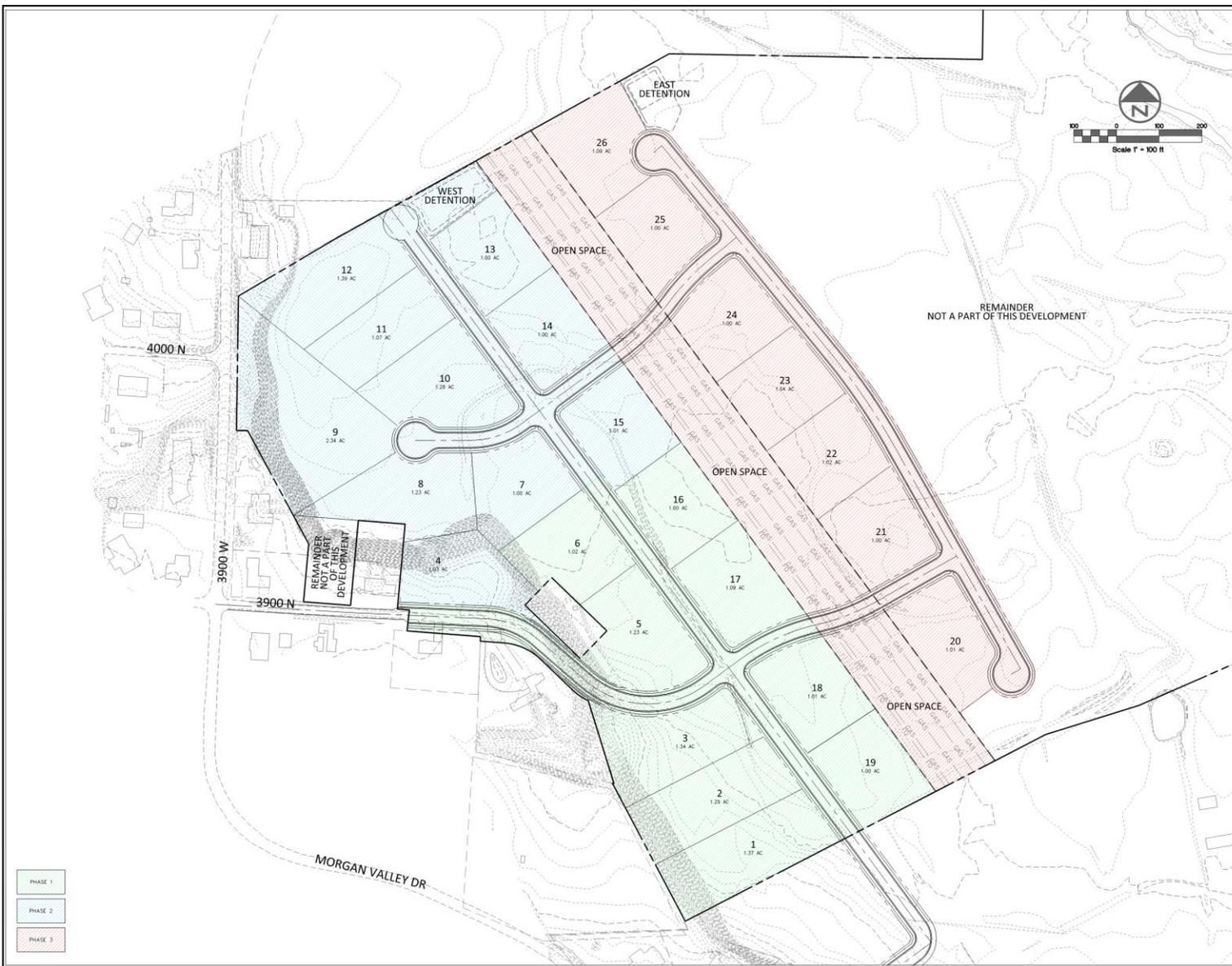
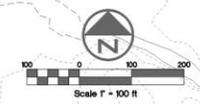
**LEGEND**

- SECTION CORNER
- TO BE SET AND BURN AND/OR CAP (WALDING ENGINEERING)
- TOP CORNER PLUS AT CUT LINE ELEVATION
- ADJACENT PROPERTY / ROW LINE
- PUBLIC UTILITY EASEMENTS
- (AS INDICATED ON PLAT)
- LOT SETBACK LINE (SEE NOTE 6 ON SHEET 1)



**WILDLING**  
ENGINEERING  
14731 South Highway 200 West  
Bluffdale, Utah 84004  
801-854-4118  
WWW.WILDLINGENGINEERING.COM

DRAWING NOTES:



- PHASE 1
- PHASE 2
- PHASE 3

NO.	REVISION	DATE

PROJECT INFORMATION  
**WHITTIER ESTATES**  
PHASING PLAN  
MORGAN COUNTY, UTAH

DRAWN	CHECKED	PROJECT #
MEC		14029
DATE		8/4/16
SCALE		1" = 100'
SHEET		1 OF 1

ENGINEER'S STAMP

© 2016 WILDLING ENGINEERING, INC. ALL RIGHTS RESERVED. PROJECT # 14029. DATE: 8/4/16.

Stegelmeier Zoning Map Amendment  
Public Hearing  
August 25, 2016

Application No.: 16.024  
Applicant: Daren and Marcelle Stegelmeier  
Owners: Same  
Project Location: Approximately 2035 W Deep Creek Road  
Current Zoning: A-20  
General Plan Designation: Ranch Residential 10  
Acreage: Approximately 42.07 acres  
Request: Amend the Zoning Map, changing the designation from A-20 to RR-10  
Date of Application: July 7, 2016  
Date of Previous Hearing: N/A

Staff Recommendation

County Staff recommends approval of the requested zoning map amendment based on the following findings and with the conditions listed below:

***Findings:***

1. That the proposed amendment is in harmony with future land use planning efforts.
2. That the proposed amendment will be in harmony with existing land uses in the area.
3. That the anticipated development will not adversely impact the adjacent properties.

Background

This application is for an amendment to the Morgan County zoning map. The property is located in the Littleton area, generally located south of Morgan Valley Drive and south of Deep Creek Road (See Exhibit A). The entire property contains approximately 42 acres and is currently zoned A-20. (See Exhibit C). The proposed zone change would potentially allow for further subdivision of the land; however, the applicant currently has four parcels, which would be arranged via a lot line adjustment such that legal, buildable lots of a minimum of 10 acres each would result. His current layout (not for approval, but for informational purposes) would result in four parcels of 30.33 acres, 11.74 acres, and 32.99 acres, with an access parcel of 0.84 acres.

Analysis

***General Plan and Zoning:***

The General Plan and Future Land Use Map anticipate the development of property in this area. The current General Plan designation, Ranch Residential 10, demonstrates the desire of the County to allow for some moderate development, while also protecting property from rapid and dense development, and ensuring that the relatively undeveloped areas of the County remain pristine. The current designation specifically notes that:

*The Ranch Residential designation accommodates rural large lot development with generous distances to streets and between residential dwelling units and a viable semi-rural character setting. Livestock privileges are a part of this character. Areas in this category are generally larger lots with accessory structures that may be used for livestock. The residential density is a maximum of 1 unit per 10 acres.*

As can be seen in Exhibits A-C, and as noted above, there is already some compatible development/zoning that has been approved for the area. Further, the proposed zoning has significantly less than the 1 unit per 10 acres anticipated by the General Plan. At one dwelling unit per 10 acres, RR-10 zoning is a good fit between the existing rural character and a slightly more dense designation that is anticipated by the General Plan.

The 2010 Morgan County General Plan identifies the following as four of the six visions for the County that may be applicable to the proposal (*see pages 4 & 5 of the 2010 Morgan County General Plan*):

*1. Morgan County attracts families with its quality of life, rural atmosphere, secure environment, and natural beauty. Residents have a wide range of employment, housing, and lifestyle choices. The County benefits from a balanced economy, livable wages, economic prosperity, and first-rate community services.*

*2. Morgan County respects property rights and recognizes personal responsibility to the land and communities.*

...

*5. Morgan County public policies support the viability of working and hobby farms, protection of agricultural lands, and the conservation of natural resources and rural character.*

*6. Morgan County accommodates growth responsibly by integrating new development in a way that is respectful of the environment, supports County values, considers long-term sustainability, and uses available infrastructure. To help achieve this goal, the County strongly recommends that growth occur within or adjacent to corporate limits and villages, or be located within master-planned communities.*

The proposed zone change appears to coincide with the stated vision for Morgan County.

In changing the zoning district for the applicant's property, the County is reflecting the policies and desires of the General Plan and in accordance with the County Ordinance (See Chapter 8-5 Article B). The purpose of the RR-5 zoning district is as follows:

1. *The purposes of providing a rural residential district are:*
  - 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.*
2. *These districts are intended to be primarily residential in character and protected from encroachment by commercial and industrial uses.*

It is anticipated that the proposed zoning map amendment will meet these purposes and generally be in harmony with the desires of the residents as well as the property owners. The impact on adjacent properties will be negligible as this lot will remain undivided and will allow for only one additional structure on an existing parcel.

*Ordinance Evaluation:*

Morgan County ordinance anticipates amendments to the zoning map. Section 8-3-3: *Amendments to Title and Zoning Map* indicates that:

*The county council may amend this title, including the zoning map, but only in accordance with the following procedure:*

- A. *The county council may instruct staff to study and make recommendations for amendments to this title or the zoning map in response to changes in policy or conditions generally within the county. Staff shall forward a recommended amendment to the planning commission for their consideration. The planning commission shall review and make recommendation to the county council regarding the proposed amendment pursuant to subsection 8-3-4D of this chapter.*
- B. *The planning commission may instruct staff to study and make recommendations for amendments to this title in response to changes in policy or conditions generally within the county. Staff shall forward a recommended amendment to the planning commission for their consideration. The planning commission shall review and make recommendation to the county council regarding the proposed amendment pursuant to subsection 8-3-4D of this chapter.*
- C. *Any property owner may initiate an amendment to this title or the zoning map, as long as they are affected by the proposed amendment, by submitting a complete application to the planning and development services department in accordance with subsection 8-3-4A of this chapter.*

Section 8-3-4: *Procedures for Amendments and Rezoning*s states:

- D. *Planning Commission Review and Recommendation: Upon receiving a recommendation from staff regarding an amendment to this title or the zoning map, and after holding the required public hearing, the planning commission shall review the amendment and prepare its recommendation. The planning commission may recommend approval, approval with*

*modifications, or denial of the proposed amendment and shall submit its recommendation to the county council for review and decision. The planning commission shall recommend adoption of a proposed amendment only when the following findings are made:*

- 1. The proposed amendment is in accordance with the county's general plan, goals, and policies of the county.*
- 2. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the purposes stated in this title.*

*E. County Council Review: The county council shall schedule and hold a public hearing on the application as provided in section 8-3-12 of this chapter. Following the public hearing the county council may approve, approve with modifications, or deny the proposed amendment. Prior to making a decision that goes contrary to the planning commission's recommendation, the county council may, but is not obligated to, remand the amendment to the planning commission with a request for another recommendation with additional or specific considerations. The planning commission shall review such request as specified in subsection D of this section.*

*F. Approval Standards: A decision to amend the text of this title or the zoning map is a matter committed to the legislative discretion of the county council and is not controlled by any one standard. However, in making an amendment, the county council should consider the following factors:*

- 1. Whether the proposed amendment is consistent with goals, objectives and policies of the county's general plan;*
- 2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;*
- 3. The extent to which the proposed amendment may adversely affect adjacent property; and*
- 4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.*

This meeting is in fulfillment of subsection (D) above. In response to Section 8-3-4(F) above, due to the size of the proposed zone change and the fact that the property is already in 4 parcels, the impact on the facilities and services should be minimal.

## Model Motion

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Stegelmeier Zoning Map Amendment, application number 16.024, changing the zoning district from A-20 to RR-10, based on the findings listed in the staff report dated August 11, 2016.”

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the Stegelmeier Zoning Map Amendment, application number 16.024, changing the zoning district from A-20 to RR-10, *due to 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: Section Plat Map

## Staff Contact

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

Exhibit A: Vicinity Map

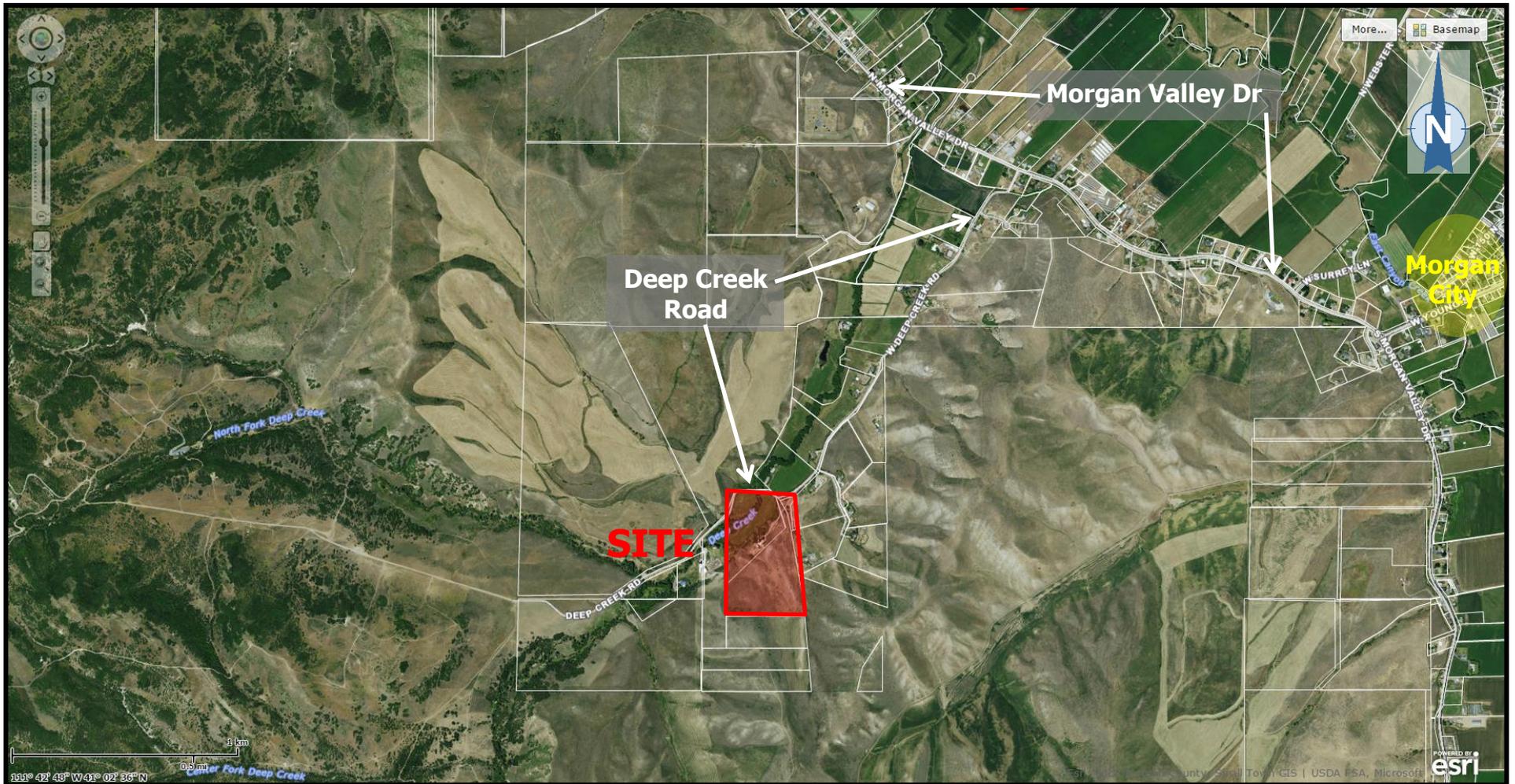


Exhibit B: Future Land Use Map

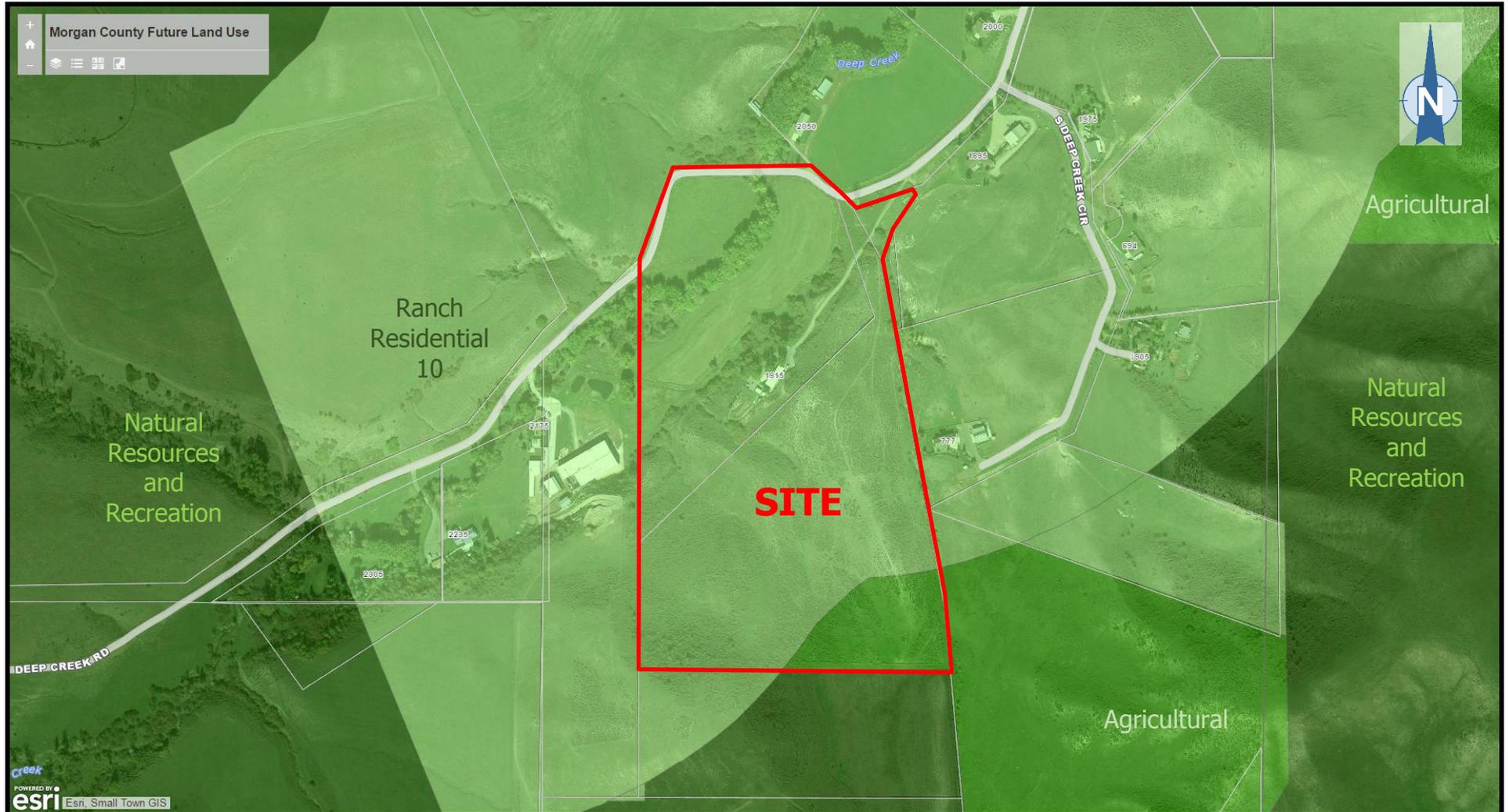


Exhibit C: Existing Zoning Map

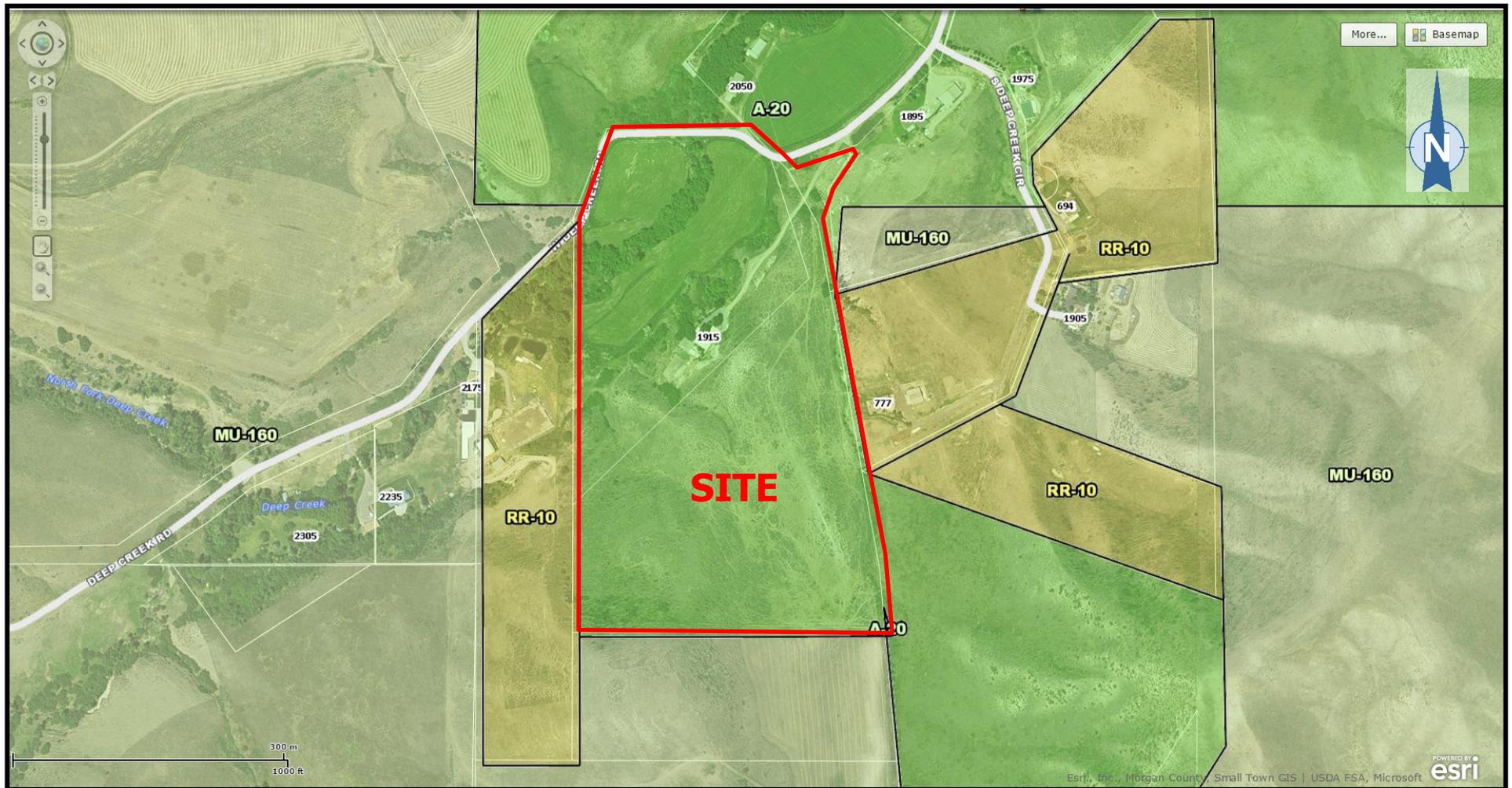
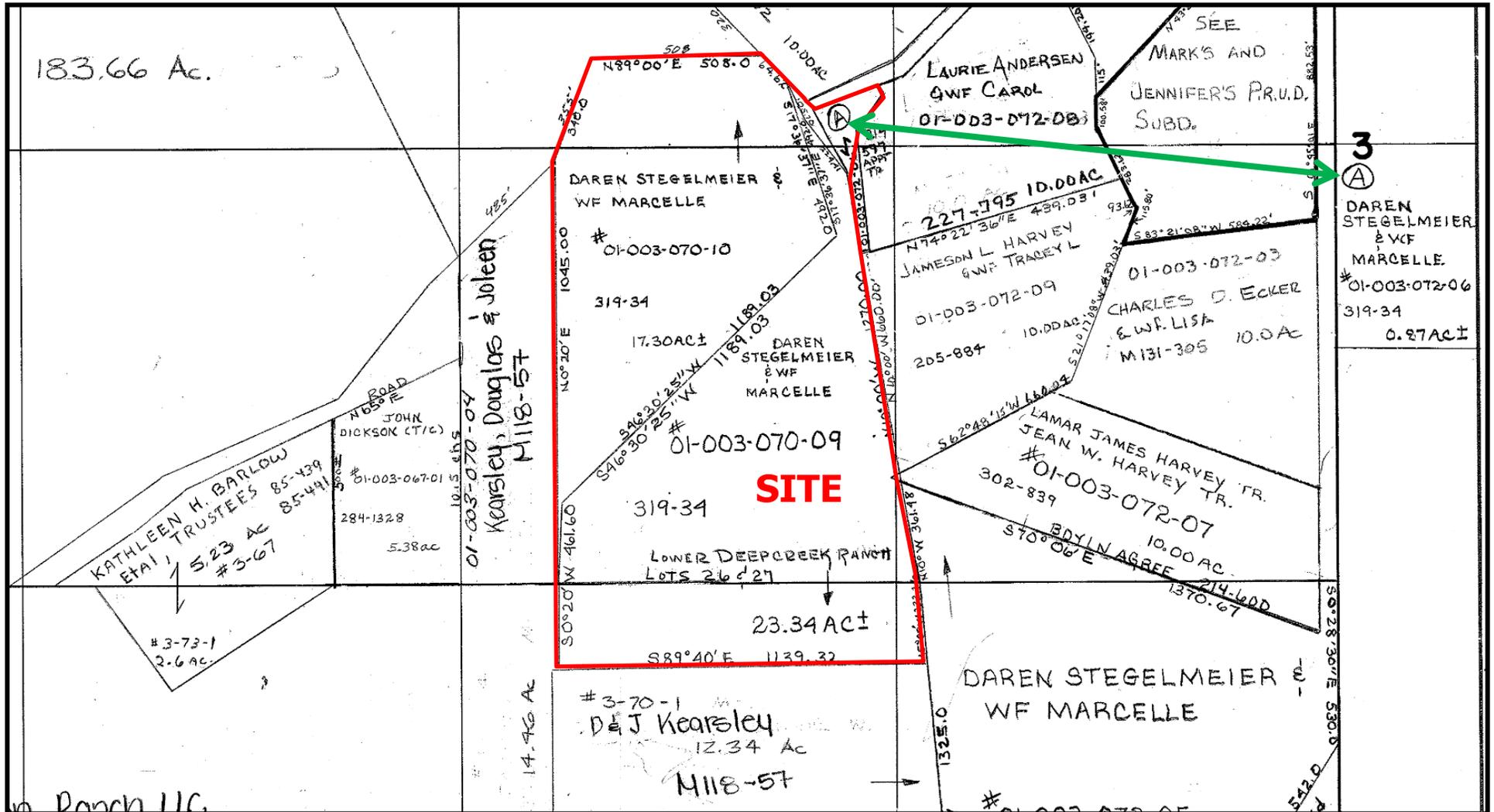


Exhibit D: Section Plat Map (NW 1/4 T4N R2E Section 6 - Partial)



---

# MEMORANDUM

**TO: Planning Commission**  
**FROM: Bill Cobabe**  
**DATE: August 25, 2016**  
**SUBJECT: Various Ordinance Changes**

---

## **Background**

The following Sections of Code have been identified as needing discussion, clarification, and/or revision (Please note that this list is not intended to be exhaustive or exclusive – other Sections of the Code may need to be addressed while reviewing and discussing possible changes; also, the following memo items intended to point and focus the discussion and not necessarily to inform opinion or offer recommendation):

### Frontage Definition (Section 8-2-1):

The Code currently does not reference “contiguous” as being a requirement for frontage calculation. We would like to add the word “contiguous” to the definition of frontage and specify that it is to be on a “single” street or lane, not the entire frontage of both streets of a corner lot or double-frontage lot. Further, the last sentence of the definition is to be removed. The definition would read:

FRONTAGE: All **contiguous** property fronting on one side of a **single** public or private street or a private lane which meets the standards of chapter 12 of this title between intersecting or intercepting streets, or between a street and a right of way, waterway, end of dead end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts, or that common line between a lot and a public street. ~~Street lines across which access is denied or cannot be had because of topography or for other reasons shall not constitute "frontage" for purposes of this title.~~

### Lots in Two or More Zoning Districts (Section 8-5-6):

The Code currently states that:

*If a lot permitting residential uses is located within the boundaries of two (2) or more zoning districts, then a dwelling structure may be located anywhere on such lot and the area, height, coverage, width and frontage regulations applicable to such lot shall be the regulations applicable to the zoning district requiring the smallest minimum lot area. Yard and setback requirements shall be administered based on the zoning district in which the structure is located. In no event shall there be located on such lot more than*

*one dwelling structure. From and after the construction of a dwelling structure on any such lot, the lot may not be further subdivided except in accordance with all then applicable land use and subdivision regulations.*

The County Council has instructed Staff that this language is not compatible with the original intent of this Section. The Council would like to reflect that area and frontage requirements must be met for the portion of the property in the respective zoning district, meaning that a lot in the A-20 and RR-1 zoning district would have to meet the minimum area requirement of one acre in the RR-1 OR 20 acres in the A-20. Frontage would be the same, meaning that if the frontage for a lot is in the A-20 zoning district then it should meet the requirements of the A-20 zone, regardless of other requirements that may apply. It was suggested that this Section of the Code could be eliminated entirely. However, a possible revision could be:

If a lot permitting residential uses is located within the boundaries of two (2) or more zoning districts, then a dwelling structure may be located anywhere on such lot and the area, height, coverage, width and frontage regulations applicable to such lot shall be the regulations applicable to the zoning district requiring the smallest minimum lot area. **In no case shall the area of the lot in the smallest minimum lot area be less than the lot area required for that zoning district. Frontage requirements shall apply to the zoning district in which the frontage is established.** Yard and setback requirements shall be administered based on the zoning district in which the structure is located. In no event shall there be located on such lot more than one dwelling structure. From and after the construction of a dwelling structure on any such lot, the lot may not be further subdivided except in accordance with all then applicable land use and subdivision regulations.

#### Lot Standards (8-6-2):

This Section of the Code currently reads:

*Except for more flexible requirements that may be specifically authorized in this title or other legal, nonconforming situations, every lot within the county shall have such area as is required by this title and shall have the required frontage upon a dedicated private or publicly approved street before a building permit may be issued.*

There is some question regarding the language "flexible requirements...specifically authorized" and what that may mean. Subdivision ordinances are not typically open for "flexible requirements", but we have also relaxed the frontage requirements as noted elsewhere in the Code. A proposed change could be:

~~Except for more flexible requirements that may be specifically authorized in~~ **as noted in** this title or other legal, nonconforming situations, every lot within the county shall have

such area as is required by this title and shall have the required frontage upon a dedicated private or publicly approved street **or private lane** before a building permit may be issued.

Lots (Section 8-12-43 (B)):

The Code currently states that "All lots or parcels created by the subdivision shall have frontage on a street, improved and dedicated to standards hereinafter required, equal to at least the street's minimum required width from top back of curb on one side of the street to the back of sidewalk on the abutting side..."

This does not adequately address provisions for lots that are in the RR-5, RR-10, A-20, MU-160, and F-1 zoning districts, where frontage is not required. A suggested amendment could be:

**Where required by this title, all lots or parcels created by the subdivision shall have frontage on a street, improved and dedicated to standards hereinafter required...**

Lots (Section 8-12-43 (E)):

This Section of the Code currently states that the "side lines of all lots, so far as possible, shall be at right angles to the street which the lot faces, or approximately radial to the center of curves, if such street is curved. Side lines of lots shall be approximately radial to the center of a cul-de-sac on which the lot faces." This is somewhat ambiguous, particularly in cases where "so far as possible" could be open for interpretation. A suggested amendment could be:

**"The side lines of all lots, so far as possible, shall be at right angles ~~within five degrees (5°) of perpendicular~~ to the street which the lot faces, or approximately radial ~~within five degrees (5°) of perpendicular~~ to the center of curves, if such street is curved. Side lines of lots shall be approximately radial ~~within five degrees (5°) of perpendicular~~ to the center of a cul-de-sac on which the lot faces."**

Additionally, a provision could be added for unusual cases:

**Exception may be made at the discretion of the County Engineer where unusual circumstances warrant, such as for topography or other practical reasons.**

Small Subdivision (Section 8-12-53(B)):

This Section of the Code deals specifically with the requirements of Small Subdivisions. It includes the provision stating, "All lots have acceptable access to a public street, either by direct frontage or through access by an approved private street...." Again, this does not adequately

address provisions for lots that are in the larger zoning districts. A suggested amendment for this Section could be:

**Where required by this title, all lots shall have acceptable access to a public street, either by direct frontage or through access by an approved private street....”**

Security for Required Improvements (Section 8-12-37):

This section of the Code requires an improvement guarantee equal to 115% of the estimated cost of improvements to be installed. There is currently no provision in our ordinance that allows for developers to follow State Code Section 17-27a-604.5 which states:

- (2) (a) A land use authority shall require an applicant to complete a required landscaping or infrastructure improvement prior to any plat recordation or development activity.
- (b) Subsection (2)(a) does not apply if:
  - (i) upon the applicant's request, the land use authority has authorized the applicant to post an improvement completion assurance in a manner that is consistent with local ordinance; and
  - (ii) the land use authority has established a system for the partial release of the improvement completion assurance as portions of required improvements are completed and accepted.
- (3) At any time up to the land use authority's acceptance of a landscaping or infrastructure improvement, and for the duration of each improvement warranty period, the land use authority may require the developer to:
  - (a) execute an improvement warranty for the improvement warranty period; and
  - (b) post a cash deposit, surety bond, letter of credit, or other similar security, as required by the county, in the amount of up to 10% of the lesser of the:
    - (i) county engineer's original estimated cost of completion; or
    - (ii) applicant's reasonable proven cost of completion.

A suggested amendment to the Code would be:

**A. The subdivider shall complete all required landscaping or infrastructure improvement prior to any plat recordation or development activity.**  
**1. Subsection (A) does not apply if upon the applicant's request, the County has authorized the applicant to post an improvement completion assurance in a manner that is consistent with this Section.**

**A. B.** Prior to signing of a final plat by the county engineer, county attorney, county clerk, and county council chairperson, the subdivider shall enter into an improvements

guarantee acceptable to the county as security to ensure completion of all improvements required to be installed in the subdivision. The improvements guarantee shall be in a form approved by the county attorney, shall be signed on behalf of the county by the county council chairperson, and may contain specific provisions approved by the county attorney. The agreement shall include, but not be limited to:

1. The subdivider's agreement to complete all improvements within a period of time not to exceed twenty four (24) months from the date the agreement is executed;
2. The improvements shall be completed to the satisfaction of the county and in accordance with the county's design and construction standards as established by the county engineer and adopted by the county council;
3. A provision that the improvements guarantee amount of deposit shall be equal to ~~one hundred fifteen percent (115%)~~ **one hundred ten percent (110%)** of the county engineer's estimated cost of the improvements to be installed;
4. That the county shall have immediate access to the deposited funds when necessary to remedy a deficiency in required subdivision improvements or a violation of the improvements agreement;
5. That deposited funds may only be reduced upon the written request of the subdivider as system improvements are completed. The amount of the reduction shall be determined by the county engineer. Reductions shall be made only as they apply to the completion, satisfactory to the county engineer, of entire systems. The improvements for subdivisions are typically grouped into six (6) system categories: culinary water, storm drainage, roadways, parks/trails and landscaping, erosion control and miscellaneous/finish items. Additional categories may be added if approved by the county engineer. Such written reduction requests may be made only once every thirty (30) days and no reduction shall be authorized until such time as the county engineer has inspected the improvements and found them to be in compliance with the county's standards and specifications. All reductions shall be by written authorization of the county engineer. No deposited funds shall be reduced below ~~fifteen percent (15%)~~ **ten percent (10%)** of the county engineer's estimated cost of the improvement to be installed until final acceptance by the county engineer following an improvement assurance warranty period. No reduction in deposited funds shall be allowed for materials which are delivered to the subdivision site but not installed in accordance with approved construction drawings.
6. That if the deposited funds are inadequate to pay the cost of the completion of the improvements according to the county's standards or specifications for whatever reason, including previous reductions, the subdivider shall be responsible for the deficiency and no further building permits shall be issued in the subdivision until the improvements are completed or, with county council approval, a new, satisfactory deposit and improvements guarantee has been executed and delivered to the county;

7. That the county's cost of administration and engineering costs incurred in obtaining the deposited funds, including attorney fees and court costs, shall be deducted from any deposited funds; and
8. That the subdivider shall guarantee all improvements installed against any damage arising from any defect in construction, materials, or workmanship during the warranty period and shall promptly repair the same upon notice from the county; and
9. That the subdivider shall agree to hold the county harmless from any and all liability which may arise as a result of defects in materials and workmanship of the improvements which are installed until such time as the county certifies the improvements are complete and accepts the improvements at the end of the warranty period.

~~B-~~ **C.** The only allowed financial security for the improvements guarantee shall be funds deposited directly with the Morgan County treasurer.

~~C-~~ **D.** The improvements guarantee and deposited funds may be extended by the county engineer one time for six (6) months for good cause shown. Any subsequent extension shall require approval by the county council following timely written request by the developer.

#### Expiration of Final Plat (Section 8-12-41):

This Section of the Code states:

If the final plat is not recorded within three (3) months from the date of county council approval, such approval shall be null and void. This time period may be extended by the county council for up to one additional three (3) month period for good cause shown. The subdivider must petition in writing for an extension prior to the expiration of the original three (3) months. No extension will be granted if it is determined that it will be detrimental to the county. If any of the fees charged as a condition of subdivision approval, have increased, the county may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases as a condition of granting an extension.

In talking with Mark Miller, the County Engineer, and with Mike Waite, the Public Works Director, it appears that three months is insufficient time in which to complete the required infrastructure where required. It was suggested that the ordinance be modified as follows:

If the final plat is not recorded within ~~three (3)~~ **twelve (12)** months from the date of county council approval, such approval shall be null and void. This time period may be extended by the county council for up to one additional ~~three (3)~~ **twelve (12)** month period for good cause shown. The subdivider must petition in writing for an extension

prior to the expiration of the original ~~three (3)~~ **twelve (12)** months. No extension will be granted if it is determined that it will be detrimental to the county. If any of the fees charged as a condition of subdivision approval, have increased, the county may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases as a condition of granting an extension.



PLANNING COMMISSION AGENDA

Thursday, August 11, 2016  
Morgan County Council Room  
6:30 PM

PUBLIC NOTICE is hereby given that the Morgan County Planning Commission will meet at the above time and date at the Morgan County Courthouse, Council Chambers; 48 West Young St, Morgan, Utah. The agenda is as follows:

1. Call to order – prayer
2. Pledge of Allegiance
3. Approval of agenda
4. Declaration of conflicts of interest
5. Public Comment

Legislative:

6. Discussion/**Public Hearing**/Decision - Stegelmeier Zoning Map Amendment – Amending the Morgan County Zoning Map, changing approximately 42 acres of property located at approximately 2035 W Deep Creek Road from the A-20 zone to the RR-10 zone.
7. Discussion/**Public Hearing**/Decision - Enterprise Zoning Map Amendment - Amending the Zoning Map of the County to reflect desired changes in the Enterprise Area:
  - Areas west and south of Old Highway currently zoned A-20 will be rezoned to RR-1
  - Portions south and east of Old Highway and running from approximately 2360 W Old Highway Road south to approximately 2250 W Old Highway Road currently zoned A-20 will be rezoned to RR-1
  - The portion of land in the Spring Hollow area currently south of the Summer Ridge PRUD and otherwise surrounded by RR-1 zoning currently zoned as A-20 will be rezoned to RR-1
  - Several portions of Section 3 Township 4 North Range 2 East currently zoned MU-160 will be rezoned to RR-10
  - Several properties north of Old Highway located at approximately 3130 W Old Highway Road currently zoned A-20 and RR-5 will be rezoned RR-1

Administrative:

8. Discussion – Updating Zoning Maps/Districts/Table
9. Discussion – Various Ordinance Updates
10. Planning Commission Business/Questions for Staff
11. Approval of minutes from July 28, 2016
12. Adjourn

Members Present

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

Staff Present

Bill Cobabe  
Gina Grandpre  
Mickaela Moser

Public Present

Russell & Vivian Nance  
Pamela Turner  
Tina Cannon  
Gaylene Kimbal  
Bill O'Malley  
Leon Paskett  
Dave & Julie Croft  
Todd Whimpey  
Todd Wardell  
Bob Bohman  
Kim Green

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

Chair stated the Stegelmeier Zoning Map Amendment has been removed from the agenda tonight. It may be discussed in 2 weeks, but it is off the agenda tonight. Bill stated it will be rescheduled for 2 weeks.

**Member Sessions moved to approve the agenda. Second by Member Nance. The vote was unanimous. The motion carried.**

4. Declaration of conflicts of interest

Member Newton stated his parent's home is in Enterprise and would be affected by possible changes. Their lot configuration is such that any changes would not grant them any additional acreage or opportunities but it could affect the back portion of their property.

5. Public Comment

Vivian Nance: She is of no relation to Larry Nance, who sits on the Planning Commission. She wondered why the zoning changes are being discussed when the County Council has already approved the zoning and map changes. It seems redundant to her to be discussing changes.

Todd Wardell: Geneva Rock would like to have their property left in the A-20 and not rezoned to RR-1.

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

Legislative:

~~6. Discussion/Public Hearing/Decision—Stegelmeier Zoning Map Amendment—Amending the Morgan County Zoning Map, changing approximately 42 acres of property located at approximately 2035 W Deep Creek Road from the A-20 zone to the RR-10 zone.~~

7. Discussion/**Public Hearing**/Decision – Enterprise Zoning Map Amendment – Amending the Zoning Map of the County to reflect desired changes in the Enterprise Area:

- Areas west and south of Old Highway currently zoned A-20 will be rezoned to RR-1
- Portions south and east of Old Highway and running from approximately 2360 W Old Highway Road south to approximately 2250 W Old Highway Road currently zoned A-20 will be rezoned to RR-1
- The portion of land in the Spring Hollow area currently south of the Summer Ridge PRUD and otherwise surrounded by RR-1 zoning currently zoned as A-20 will be rezoned to RR-1
- Several portions of Section 3 Township 4 North Range 2 East currently zoned MU-160 will be rezoned to RR-10
- Several properties north of Old Highway located at approximately 3130 W Old Highway Road currently zoned A-20 and RR-5 will be rezoned RR-1

Bill pointed out the most significant areas of change. He compared the current or existing zoning with the proposed changes.

Member Nance pointed out that the proposed changes to RR-1 reflect the Future Land Use Map, which reflects the public desires. Chair Haslam stated that the archery range and Geneva both requested no changes to their properties. He discussed the areas of change, including Kim Green's property. Bill said this will require specific wording. Member Nance is prepared to make a recommendation to the County Council today. Chair Haslam said he doesn't have an issue with the proposed changes, as all of the affected property owners are in favor of changing to RR-1. Member Wilson asked how many future homes may be affected by the fact that there is a gravel pit in the area. Member Nance calculated there are a maximum of 21 additional homes that could be built, as well as what the Future Land Use Map suggests, including the area of MU-160 being changed to RR-10.

Member Ross asked Bill about any other possible options (including less dense zones) for those affected by the changes in Enterprise. Bill responded that 5 acre zoning would be an option.

Member Sessions asked about the 1 acre lot east of the RR-5 at the bottom of the map of the proposed changes. Member Nance suggested that if the FLUM says RR-5 they should leave it

RR-5.

## PUBLIC HEARING

Leon Paskett: He lives in the Enterprise area and is pretty unfamiliar with these proposed changes. He didn't know about 1 of the 2 public meetings held about the changes. He is concerned with property tax. He is not in favor of RR-1 as he believes it is too dense for the area. He wondered why this change has come about, whether it is for developers or just a traditional rezone for County purposes.

Member Nance clarified that the changes are being made to avoid gravel pits, as proposed by community members. He explained to Mr. Paskett that communication about the sub-committee meetings were spread by word of mouth.

Leon would like better communication and clarity with what's going on in the community, as this is a big change. He emphasized that sometimes with a community, neighbors don't always communicate with each other.

Alan Woody: He has 2 lots up the Spring Hollow Road. He has spent a lot of time and money changing his property from MU-160 to RR-1. He is glad to see the changes.

Bill O-Malley: Enterprise resident. He clarified that the map is still open for discussion. He understood from the previously held meetings that Enterprise residents spoke in favor of a change to RR-1 zoning. He feels the landowners who are here at the meeting tonight to request that they remain in the A-20 zoning are being unfair to those who went to the meeting. The community is under the impression that much of the zoning in Enterprise would change to RR-1 and he feels if someone remains in A-20, they have been having discussions behind the scenes.

Bryan Porter: He is comfortable with RR-1 zoning in Enterprise, but not necessarily with RR-5 zoning.

Jordache Wardell: He complimented Member Nance on bringing the community together to discuss the changes and desires of the community. He stated the mink farm, which is currently in A-20, is not interested in changing zoning. There is another piece of land in his family, in the MU-160 zone, that he also desires to leave alone. Bill clarified that that specific part of the MU-160 zoning isn't part of the proposed changes.

David Potter: He and his brother Richard own a large part of the RR-1 zone. His neighbor Kim Green also has some of the same concerns. They agree with the action to set up this zoning arrangement now, as an RR-1, to protect the land from unwanted uses. He has concerns with infrastructure: roads, wells, storage tanks, water. He feels the RR-1 zone provides a protection to the landowners, land uses and future residents. He mentioned some scenarios related to property running near the railroad.

Julie Croft: She owns land up Spring Hollow. The area plan suggests that her area be RR-1

zoning. Her land is 6.5 acres and she would like it to change to RR-5 instead of RR-1. Her land is steep and she'd like it to remain in agriculture.

Rainey Miller: Enterprise resident. She is in favor of the changes to RR-1.

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

Chair addressed Mr. Paskett's concern about property tax. He addressed Leon and said that they specifically used his property as an example. Much of his property is already in the RR-1 zone and very little is in the A-20 zone. Gwen (Assessor's Office) said it would not affect his taxes, as long as it's left in the A-20 greenbelt. The way the taxes would change would be if he were to do a rezone on his property.

He also answered Mr. O'Malley's question about the map. He said that is part of the process they're doing right now. There are a few landowners in Enterprise who don't want to change their zoning designation. It is not the Planning Commission's intention to tie anyone's hands with what they're currently doing on their property. Changing Wardell's land to RR-1 would limit their uses for their current mink farm business. If they don't want to change, they have the right to remain in their current zoning designation.

There was discussion about the archery range and their agreement with the State. They would like their zoning to remain as it is. Geneva also did not want to change zoning designation. There was some discussion as to the location of the well. It is not on the Green's property, it is on the Wilkinson property.

Member Sessions stated that at the County Council meetings, they created an Enterprise Zone at the gravel pit, to encourage business in that area. She proposed creating a special zone for Geneva to protect their business and surrounding property owners. Chair asked Todd what Geneva's opinion would be in changing a piece of their property, next to Kim Green's, to A-20. He replied that there is a piece of land that he doesn't care, and he could leave it in A-20 if it makes it easier for his neighbors. The rest, he'd like to change to RR-1. He also wants to make sure the right-of-way is taken care of and accurate. Member Nance proposed following the lines of the FLUM (Future Land Use Map). He further clarified that it is for the advantage of property owners to have their property changed to the RR-1 zone, as proposed.

Bill clarified that if a lot exists in 2 different zones, the lesser of the property's restrictions will prevail. Chair said if they meet RR-1 requirements, they can build in A-20.

Member Sessions asked if Geneva was interested in rezoning the Green Pit. Member Nance said he asked them specifically about that, and they replied that all they use that for is storage. It has already been mined out.

Spring Hollow:

Member Nance asked Julie Croft if she understands that she is the one to choose what happens to

her property. She has more opportunity to use her property in RR-1 than RR-5. Julie replied that an agri-nursery or agri-business would not be a possibility in RR-1 and they would prefer to change to the RR-5 zone. Julie Croft clarified that she wants RR-5 for her parcel that is about 6.5 acres. She owns a few parcels and she clarified that parcel is the only one they want zoned RR-5.

Rainey Miller clarified that current uses will still be allowed. Chair said that they would not be allowed to increase, but would be grandfathered in for current uses.

Jay Wardell: He'd like to leave his in A-20.

Member Nance read from the commercial use table that mink farms are permitted in RR-1 zones.

Member Sessions suggested RR-5 for the Wardell Equipment Co. and Geneva Pit.

There were no further questions from the Planning Commission members at this time. Chair suggested they update the map to reflect the changes before making a motion. Chair would like to see the map with the discussed changes before proceeding to the County Council, to review the hard copy for accuracy. Member Nance suggested making a motion tonight and having a new map made before the County Council meeting. Member Ross asked if there would need to be another public meeting involved. His concern is the miscommunication that happened before, between the Planning Commission and the County Council.

**Member Nance moved to forward a positive recommendation to the County Council for the Enterprise Zoning Map Amendment discussed today, changing the various zoning districts that are in the Future Land Use Map.**

**Second by Member Wilson.**

**Discussion:**

Member Nance doesn't want the Enterprise residents to have to return to another meeting for any further clarification. They've voiced that they don't want commercial zoning or gravel pits and a change to RR-10. He doesn't want to delay any further.

Member Ross pointed out that the motion was for the FLUM.

Chair clarified that the agenda item is Enterprise Zoning Map and it not only includes the FLUM, but the Enterprise Area map also. Member Sessions asked about the RR-1 portion at the top of the map. It hasn't been discussed but it's on the map.

Bill said they would try to bring an updated map back in 2 weeks, but it depends on the schedule of Jeff who would make the map.

Member Wilson understands Member Nance's concern but he would like to be cautious and make sure the map is a true reflection of what was discussed tonight before proceeding.

Member Ross added that he really wants to see the map to ensure the map they present to the County Council is exactly what they are proposing. Taking the time to do it right is of utmost importance.

--Question on the motion: There is a motion on the floor. Do we suspend the rules to discuss or vote on the motion that was made? The Planning Commissioners are ready to vote.

**The vote was not unanimous. Member Nance was in favor. Those opposed were Members Stephens, Ross, Sessions, Newton, Wilson. The motion failed.**

RR-10: Bohman property and Croft property.

Member Nance clarified that of the areas discussed tonight, the only concern is being able to look at it on the map. Member Stephens asked if the FLUM is a reflection of our time frame to grow. He wondered if the growth problem is being fixed or will it continue to be a problem? He referred to Austin Turner's comments about the need for commercial growth to help with revenue. Member Nance asked if there are any concerns about the maps while the community members are in attendance. Member Wilson responded to Member Stephens' comments that the respective area plans tip in favor of the general plan and what the community wants.

There were no further comments about the changes.

**Member Sessions moved to postpone the decision for the Enterprise Zoning Map Amendment until the August 25<sup>th</sup> meeting, to review the final maps.**

**Second by Member Newton.**

**Member Wilson suggested adding to the motion that the changes on the maps are correct.**

**Member Wilson amended the motion to include the following clarifications:**

- That the RR-10 designations discussed should be incorporated and clarified**
- Croft's requested that their property be changed to RR-5**
- Wardell mink farm property to remain in the A-20 zone**
- Jeff Wardell property to be changed to RR-5**
- The respective Geneva and Archery properties to remain in A-20**
- Sky View Pit: RR-5**
- Kim Green property by Geneva to remain A-20.**
- And the small triangle to remain RR-1.**

**Second by Member Ross. The vote was unanimous. The amendment passed. Member Nance abstained.**

**The new motion reads:**

**Member Sessions moved to postpone the decision for the Enterprise Zoning Map Amendment, until the August 25<sup>th</sup> meeting, to review the final maps, making sure that the changes on the maps are correct:**

**Including the following clarifications:**

- The RR-10 designations discussed (including Bohman's property) should be clarified**
- Croft's requested that their property be changed to RR-5**
- Wardell mink farm property to remain in the A-20 zone**
- Jeff Wardell property to be changed to RR-5**
- The respective Geneva and Archery properties to remain in A-20**
- Sky View Pit: RR-5**
- Kim Green property by Geneva to remain A-20.**
- And the small triangle to remain RR-1.**

**The vote was unanimous. The motion carried. Member Nance abstained.**

Administrative:

8. Discussion – Updating Zoning Maps/Districts/Table

Chair addressed Mrs. Vivian Nance about the zoning maps. He clarified that the County Council requested that they go through and review the commercial land use maps, not the whole zoning area maps. He explained for her benefit why they are reviewing the commercial areas, including storage units, Browning, and airport. He also explained they are reviewing which uses can and should go in each commercial area. She understood that area to contain a commercial or business buffer zone. Chair Haslam explained that some of the uses didn't coincide with a buffer area. They are trying to create an appropriate place for a buffer between residents and an industrial area. She has concerns for one business in particular. Chair clarified "conditional use permit" and Mrs. Nance is very concerned who will monitor the emissions and the conditions placed on his business. Chair explained that a business owner has a right to do his business under the code he applied for, and now they've changed the code but he's still able to do business (referring to the crematorium).

Bill added the 4 additional zones that were previously discussed, but stated that this is very preliminary:

He discussed the definitions of NC, GC, Town Center District, BP, Technical & Professional Campus (TPC). Member Sessions said her thoughts were to include Class A Office Space and more specific uses. Bill said he was trying to be a bit more broad in his definitions so as to have

an opportunity to discuss. Member Sessions wanted to delete, rather than add to, part of that definition. She doesn't think "hospital" is appropriate.

The definition currently reads: Technical and Professional Campus (TPC): To provide areas for the construction of research and development parks, educational facilities and campuses, trade and technical schools and colleges, health care facilities (including hospitals, clinics, and labs), and other associated and allied industries.

Member Ross thought nutraceuticals would be a better fit for TPC. They currently own in light manufacturing and would like to do business in the Town Center. Chair suggested that MG-CP would be an appropriate place to allocate a nutraceutical facility. It could also go in a Business Park. Within the Browning area, the trade school would be appropriate, but not hospitals. Bill will remove from "health care facilities...." to the end of the definition.

TPC on the left side of the map will be zoned Town Center and the next zone of TPC to the right will be Business Park. BP will only be located in one area of the County and can be easily tailored.

There was some discussion on the location and set up of Rollins Ranch. Member Ross said that rooftops bring businesses, meaning businesses will come when growth continues. Member Sessions suggested TC in place of the A-20 that is currently surrounded by other TC zones. The RR-1 just above it on the Mountain Green Area map will also be changed to TC zoning.

Member Ross brought up changing the FLUM in Mountain Green and Bill said the FLUM is a guideline. Member Sessions commented that they proceed carefully with light manufacturing. Member Ross said UDOT has plans to go through Dwayne Johnson's land for freeway access. There was some discussion on the future interchange and the connection with Trapper's Loop. Chair suggested taking the A-20 and RR-1 zones just previously discussed, and making them ready for an interchange when it happens. There was further discussion on future businesses that will come in and zoning changes when interstate changes happen.

Tina Cannon clarified that if manufacturing is pushed to certain areas, traffic will have to go through residential areas to access them.

Member Ross suggested having Jeff (mapping) come and sit at a meeting to make sure everything is as it should be.

Petersen Area: Member Sessions talked with Rex Jensen. He understood the front part of his property would be in a commercial zone. She suggested the first 300 feet of his property to be in the commercial zone, with the remaining back part of his property to be in the A-20 zone.

Bill requested they postpone the rest of the discussion on the commercial table until the next meeting.

Chair Haslam reminded the Planning Commission members that they will not all agree on

everything on the table. He suggested they mark off every listed use they don't want in the County. Member Newton suggested adding an additional mark for uses that could be allowed in certain areas of the County.

Chair said they can discuss their markings at the next meeting. He reminded them to have respect for each other and suggested they wipe out everything that each person has marked off, regardless if they agree on it or not. That will become the new table. He stated that there are too many items to discuss and try to agree on each person's opinion.

Member Ross suggested talking about the uses and crossing them out as they go. The Planning Commission members have been given a Commercial Use Table to go through (involving several hundred pages).

-----5 minute recess-----

Member Sessions commented that Wild Oats needs to be addressed and make sure it's allowed.

Member Newton suggested maybe going through the table by zone or sections. Bill said he started at the top with Agricultural uses, looking across, and then allocating it in an appropriate zone. Chair said that was what created problems in the first place. One problem comes from not looking closely at the expanded uses under each category.

It was decided that each member will cross out the uses they don't want anywhere in the County from 11 through the 20's on the table. Bill reminded them to be as friendly to businesses as possible. What is crossed out by one person, will be crossed out by all at the next meeting. Member Sessions reminded that these are uses for COMMERCIAL ZONES. Member Newton put in his plug for doing it electronically and then they could line them up and it would be much faster and easier. Not everyone agreed with that option. He suggested a google document system to merge their ideas. Bill said he would have Gina merge it from Excel to Google Docs and send it to everyone next week (Tuesday). Member Sessions suggested making a column for each individual so they can each have their own area for making a notation.

Bill commented that he feels comfortable doing the changes online because there will be discussion at a future open meeting.

## 9. Discussion – Various Ordinance Updates

Bill asked if there are concerns about the ordinance updates.

Frontage: Chair commented about the frontage issue. He suggested 200 contiguous feet along the County roadway. The 200 feet is a County, not a State, law.

Member Sessions said they need to clarify the last sentence of the 'frontage' definition. Member Newton argued the access being available to the whole frontage is subjective and he wondered if the 200 feet of frontage is to space out the homes adequately. He likes the contiguous frontage but the idea that frontage isn't counted because the lot is steep or has a dropoff doesn't make sense. He thinks there are enough restraints currently in place to avoid problems concerning frontage. Bill will eliminate the last sentence of the 'frontage' definition.

Chair Haslam has concerns with the frontage and rounding a corner. He wants to add to the definition, including wording with non-intersecting streets. Chair wants to clarify that it is a single street, not allowed to round corners to gain your 200 feet of frontage. Bill will add: "On one side of a single public street." He feels Morgan County may be the first in the universe to reach this point of clarification.

Lots:

"The side lines of all lots, so far as possible, shall be at right angles within five degrees (5°) of perpendicular to the street which the lot faces, or approximately radial within five degrees (5°) of perpendicular to the center of curves, if such street is curved. Side lines of lots shall be approximately radial within five degrees (5°) of perpendicular to the center of a cul-de-sac on which the lot faces."

Chair feels 5 degrees is too little. He suggested changing 'within 20 degrees of perpendicular.' Member Sessions commented that the outside property lines usually follow section lines.

**Member Newton moved to postpone this item until August 25. Second by Member Stephens. The vote was unanimous. The motion passed.**

10. Planning Commission Business/Questions for Staff

11. Approval of minutes from July 28, 2016

**Member Ross moved to approve the amended minutes from July 28, 2016. Second by Member Nance. The vote was unanimous. The motion carried.** Member Stephens abstained.

Member Ross commented that the approved minutes are not up to date on the website. Bill said he will make sure they are available.

12. Adjourn

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

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

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

UNAPPROVED