



PLANNING COMMISSION AGENDA

Thursday, January 14, 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 on ordinance changes.
7. Planning Commission Business/Questions for Staff
8. Approval of minutes from December 10, 2015
9. Adjourn

MEMORANDUM

TO: Planning Commission
FROM: Bill Cobabe
DATE: January 14, 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. Recommendations by staff are as outlined using the **bold**/strikethrough notation):

Definitions of Words and Terms (Section 8-2-1):

~~LOT:~~ A parcel or tract of land within a subdivision ~~and abutting a public street or a private street~~ pursuant to the requirements of this title.

~~LOT FRONTAGE REQUIRED:~~ The length, in feet, of the front lot line which is coterminous with the front street line.

~~LOT RIGHT OF WAY:~~ A strip of land not less than sixteen feet (16') in width connecting a lot to a street for use as a private access to that lot. This definition does not apply to the creation of new lots or parcels, pursuant to the County's subdivision ordinances.

Approval of Conditional Uses (Section 8-3-9 (H)(8)):

8. Recommend approval or denial **by the County Council** of conditional use permits **noted in this title as "C3"; approve or deny conditional use permits noted in this title as "C2"**.

Lot Standards (Section 8-6-2)

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 **and access** 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.~~

Improvements Required (Section 8-12-44 (D)):

Improvements Required: All lots or parcels created by the subdivision shall have ~~frontage on a street, improved and dedicated to the standards~~ **access to the lot as** required herein **in this title**. Pavement widths, curbs, gutters, sidewalks, and park strips shall be installed on existing and proposed streets by the subdivider in all subdivisions where the adopted road cross sections require these improvements:

Deferral Agreement (Section 8-12-44 (D)(1)(C)):

c. In lieu of a deferral agreement, the ~~County Council~~ **Planning Commission** may grant an improvements exemption as provided for in this subsection.

Private Lanes/Small Subdivision (Section 8-12-44 (P)(2)):

2. Private Lanes May Be Required To Be Public Street: The establishment of a new private lane or right of way shall be evaluated by the zoning administrator and county engineer, and may, at the discretion of the county council, be required to be dedicated as a public street meeting county street standards to accomplish needed and logical street connections, to provide access to properties that may otherwise have no access or limited access to the detriment of the property, or other purposes determined to be appropriate. ~~Subdivisions with proposed private lanes shall not qualify for the small subdivision review.~~



PLANNING COMMISSION AGENDA
Thursday, December 10, 2015
Morgan County Council Room
6:30 PM

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

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

Administrative:

6. Presentation by University of Utah students on feedback from the Listening to Morgan website associated with the required General Plan update.
7. Discussion on various *potential* ordinance changes, including the A-20 zoning, private lanes/small subdivisions, noticing requirements, requirement on number of paper copies for planning and zoning applications and the language to approve resolutions.
8. Discussion/Decision on Planning Commission resolution 15-01. A resolution setting the annual meeting schedule of the Morgan County Planning Commission for 2016.

Legislative:

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

12. Adjourn

Members Present

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

Staff Present

Bill Cobabe
Gina Grandpre
Mickaela Moser

Public Present

1. Call to order – prayer. Acting-Chair Sessions opened the meeting.
2. Pledge of Allegiance
3. Approval of agenda
Bill commented that item #6, concerning the University students, will be presented at a different time.
Member Newton moved to approve the amended agenda. Second by Member Nance. The vote was unanimous. The motion carried.
4. Declaration of conflicts of interest
There were none.
5. Public Comment
There was no public comment.

Administrative:

- ~~6. Presentation by University of Utah students on feedback from the Listening to Morgan website associated with the required General Plan update.~~
7. Discussion on various ***potential*** ordinance changes, including the A-20 zoning, private lanes/small subdivisions, noticing requirements, requirement on number of paper copies for planning and zoning applications and the language to approve resolutions.

A-20 zoning: Member Nance stated that his opinion is that there are too many permitted issues within the A-20 zone. His suggestion was to allocate many of the current permitted uses in the MU-160. Member Sessions suggested removing the A-20 zone within the town center of Mountain Green. The biggest area for discussion was concerning the gravel pits that are currently allowed in the A-20 zones. Member Newton suggested adding some buffer zones. Bill suggested that instead of buffer zones, using clarifications (like 500 feet) to mitigate some of the impact for future building lots.

Member Ross suggested changing the question to, “What can we do to reduce a negative impact on the residents of Mountain Green.” Member Wilson referred to State law. There was discussion on potential places within the County to allocate gravel pits and other potential development. Member Sessions discussed the reality of many agricultural uses as opposed to the

the “country” living perception that includes green fields without any negative agricultural impacts that is associated with Ag zoning, such as smell, noise, etc. There was further discussion on areas where a zone change would make sense and possible zoning changes, especially from currently located A-20 zones to RR-5. Member Sessions suggested getting input from landowners in the General Plan updates.

Private lanes/small subdivisions: Bill stated that a private lane was intended to be a mix between a private driveway and a private street or access to a lot. The private street would not be dedicated to the County and maintained by the HOA or subdivision residents. The County engineer proposed a cross-section solution. Bill said him and the County engineer will discuss standards concerning private lanes and driveways.

Chair Haslam joined the meeting at 7:25 pm.

Noticing requirements: Bill presented the code 8-3-13. Member Sessions suggested eliminating public clamor or public comment during a public meeting for an administrative decision, as was suggested at a previous training by Brent Bateman. She stated that the public can become frustrated when they perceive their comments are not considered and Member Sessions suggested not noticing those situations as a meeting that accepts public comment. It was noted that many decisions are made before the controversies appear in the meeting and many decisions are made before specific situations are presented. It was also discussed to let the public know that any written comment would be accepted at certain times. It was noted that paperwork should be made available by the Planning Office for those interested parties.

Paper copies for planning and zoning applications: Bill explained that many applications and such are digital copies. There was some discussion about paper copies on file. Gina explained that the building permit process is now fully digital.

Language to approve resolutions: Recommend approval or denial of conditional use permits.

8. Discussion/Decision on Planning Commission resolution 15-01. A resolution setting the annual meeting schedule of the Morgan County Planning Commission for 2016.

There was a review of the upcoming 2016 scheduled Planning Commission meeting dates.

Member Newton moved to approve the annual meeting schedule of the Morgan County Planning Commission for 2016. Second by Member Nance. The vote was unanimous. The motion carried.

Chair Haslam opened the time for public comment.
There was no public comment.

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

Legislative:

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

Bill presented the commercial and industrial use table that included all of the combined notes from his revisions for Planning Commission review. The Planning Commission members and Bill discussed the different levels of approval for many commercial uses.

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

Second by Member Nance.

Member Sessions commented that she thinks there are still too many permitted uses. She still has concerns with several of the items just approved.

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

10. Planning Commission Business/Questions for Staff

Bill wished everyone a Merry Christmas.

11. Approval of minutes from October 22, 2015 and November 12, 2015

Member Sessions moved to approve the amended minutes from October 22, 2015. Second by Member Ross. The vote was unanimous. The motion carried.

Member Ross moved to approve the amended minutes from November 12, 2015. Second by Member Nance. The vote was unanimous. The motion carried.

12. Adjourn

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

Approved: _____ Date: _____
Chairman, Roland Haslam

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

DRAFT



PLANNING COMMISSION AGENDA
Thursday, February 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 of Riverwood Farms Small Subdivision Concept Plan – A proposed small subdivision of approximately 4 lots consisting of 5 acres each. Located at approximately 3499 Bigler Lane in Morgan, Utah.
7. Discussion and Decision of Poverty Estates Small Subdivision Concept Plan – 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.
8. Discussion and Decision of Elysium Pet Services Conditional Use Permit – A proposed conditional use permit to allow for a pet crematorium in the Business Park Zoning district, located at approximately 4090 W 5800 N, suite C in Morgan, Utah.

Legislative:

9. Discussion/Public Hearing/Decision: Various Land Use Management Code Amendments – Proposed amendments to the Land Use Management Code for Morgan County.

Administrative:

10. Discussion on General Plan updates.
11. Planning Commission Business/Questions for Staff
12. Approval of minutes from February 11, 2016
13. Adjourn



PLANNING COMMISSION AGENDA
Thursday, February 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 of Riverwood Farms Small Subdivision Concept Plan – A proposed small subdivision of approximately 4 lots consisting of 5 acres each. Located at approximately 3499 Bigler Lane in Morgan, Utah.
7. Discussion and Decision of Poverty Estates Small Subdivision Concept Plan – 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.
8. Discussion and Decision of Elysium Pet Services Conditional Use Permit – A proposed conditional use permit to allow for a pet crematorium in the Business Park Zoning district, located at approximately 4090 W 5800 N, suite C in Morgan, Utah.

Legislative:

9. Discussion/Public Hearing/Decision: Various Land Use Management Code Amendments – Proposed amendments to the Land Use Management Code for Morgan County.

Administrative:

10. Discussion on General Plan updates.
11. Planning Commission Business/Questions for Staff
12. Approval of minutes from February 11, 2016
13. Adjourn

Riverwood Farms Small Subdivision – Concept Plan
Public Meeting
February 25, 2016

Application No.: 16.001
Applicant: Jared and Lisa Penrod
Owner: Same
Project Location: approximately 3499 Bigler Lane
Peterson
Current Zoning: RR-5
General Plan Designation: Ranch Residential 5
Acreage: Approximately 20.84
Request: Concept Plan Approval
Date of Application: January 5, 2016
Date of Previous Meeting: N/A

Staff Recommendation

County Staff has reviewed the application for Concept Plan for the Riverwood Farms Small Subdivision. Staff is hereby recommending approval of the requested concept plan based on the following findings and with conditions listed below:

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 applicable zoning regulations.
4. That the developer will install any requisite infrastructure, including roadways, water lines, etc.
5. That the proposal is not detrimental to the health, safety, and welfare of the public.

Conditions:

1. That all outsourced consultant fees are paid current prior to final plat recordation.
2. That the required front, side and rear public utility easements are identified on all lots within the subdivision.
3. That proof of culinary shares/rights (800 gallons per day) and irrigation shares/rights (3 gallons per minute) are provided for each lot at preliminary plat application.
4. That all requirements and concerns of the County Engineer are met during the preliminary/final plat approval stages.
5. That the requirements of the County Surveyor are addressed.
6. That all proposed utilities provide a will serve letter indicating their willingness to serve the property in a manner that complies with County ordinances.

7. That approval of the sewage disposal mechanism is provided by the Weber-Morgan Health Department with preliminary plat submittal.
8. That all other local, state, and federal laws are adhered to.

Background

The applicant is seeking approval of a subdivision concept plan for a 4 lot subdivision. The proposal is being reviewed for conceptual design standards as required by Morgan County Code (MCC). The purpose of a concept plan is to provide the subdivider an opportunity to consult with and receive assistance from the County regarding the regulations and design requirements applicable to the subdivision of property as required by MCC Section 8-12-16.

With the recommendations contained in this staff report, the application appears to meet the minimum of requirements for the conceptual subdivision plan of the zoning and subdivision ordinances. It is important to note that because this is a concept plan, there may be some compliance issues with certain specific elements of the subdivision code. These issues will be resolved/addressed as the subdivision progresses through its Preliminary and Final Plat processes. Recommendations regarding the concept plan shall not constitute an approval or disapproval of the proposed subdivision, but rather shall operate in such a manner as to give the subdivider general guidance as to the requirements and constraints for the subdivider's proposed subdivision.

Analysis

General Plan and Zoning. Pursuant to the Future Land Use Map (see Exhibit B), the property is designated as lying in the Ranch Residential 5 area, allowing for 1 dwelling units per 5 acres. According to the General Plan, 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 proposed concept plan appears to follow this designation in the General Plan and according to the Future Land Use Map, reflecting low density neighborhoods.

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

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

The proposed conceptual lot layout appears to conform to the requirements of the zoning districts.

Ordinance Evaluation. The purpose statements in the General Plan and Zoning Ordinance do not provide actual development standards, but present the zoning context for the zone in which

the proposed subdivision is located. The specific standards found in the adopted County Code govern development of the subject property.

Property Layout. As noted, there are 4 total lots. Lot 1 will have approximately 5.84 acres, while each of the other lots will have approximately 5 acres. The proposed conceptual lot layout appears to conform to the requirements of the zoning districts.

Roads and Access. Access to the property will be derived from Morgan Valley Dr. via Bigler Lane. Each lot will have access via a private lane.

Grading and Land Disturbance. The property is relatively flat and therefore will not require extensive grading. There may be some grading associated with the construction of homes on the site.

Water Source. Water will be provided through water connections to the Peterson Pipeline system. Proof of water will be required at the preliminary/final plat stage.

Fire Protection. The property is inside the Wildland Urban Interface Area.

Sanitary Sewer Systems. Sanitary sewer services will be handled by separate septic systems on each lot.

Storm Water. Storm water drainage will be handled in existing storm drain channels.

Geologic and Geotechnical Evaluations. This parcel appears to be in the Qay geologic unit, which is not listed as an area of geologic hazard in the Morgan County ordinance.

Utilities. Other utilities (power, gas, etc.) will be addressed with the preliminary plat reviews.

Flood Plain: It appears that none of the lots will be in the existing 100 year flood plain.

Model Motion

Sample Motion for *approval* – “I move we approve the Riverwood Farms Subdivision Concept Plan, application number 16.001, allowing for a four lot subdivision of land located at approximately 3499 Bigler Lane, based on the findings and with the conditions listed in the staff report dated February 25, 2016.”

Sample Motion for *approval with additional conditions* – “I move we approve the Riverwood Farms Subdivision Concept Plan, application number 16.001, allowing for a four lot subdivision of land located at approximately 3499 Bigler Lane, based on the findings and with the conditions listed in the staff report dated February 25, 2016, and with the following additional conditions:”

1. List any additional conditions

Sample Motion for *denial* – “I move we deny the Riverwood Farms Subdivision Concept Plan, application number 16.001, allowing for a four lot subdivision of land located at approximately 3499 Bigler Lane, based on the findings and with the conditions listed in the staff report dated

February 25, 2016, *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: Proposed Concept Plan/Site Layout

Staff Contact

Bill Cobabe, AICP

801-845-4059

bcobabe@morgan-county.net

Exhibit A: Vicinity Map

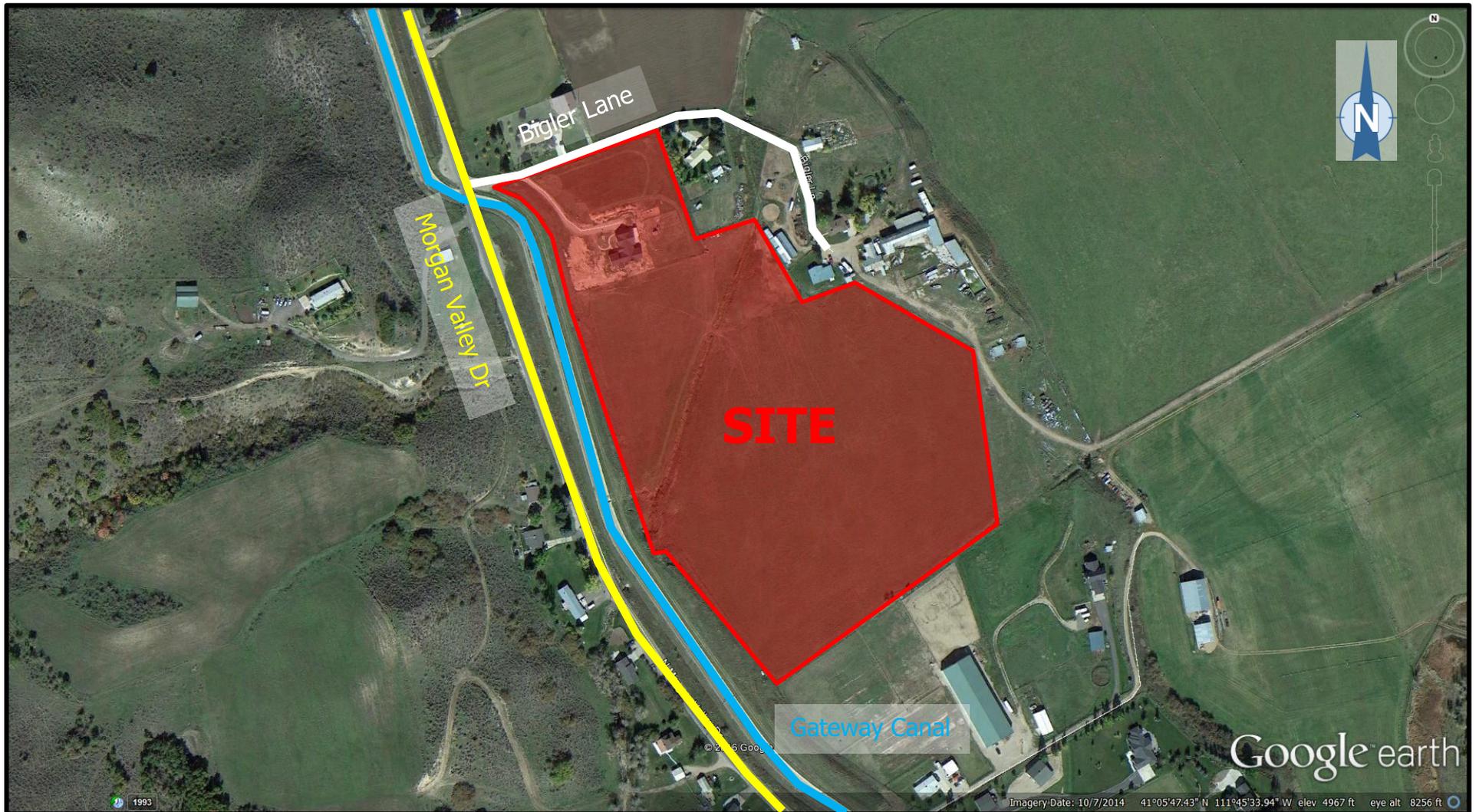


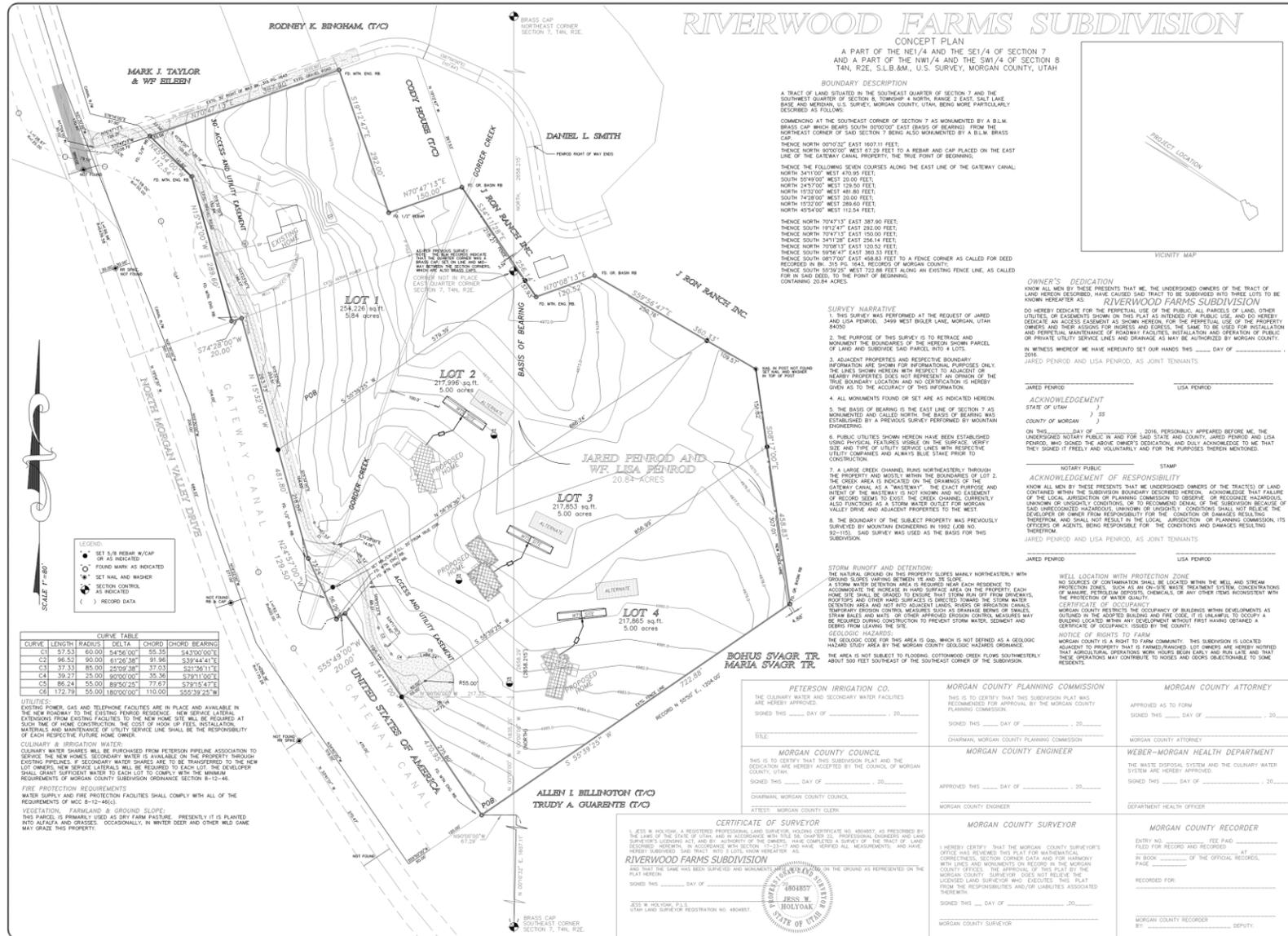
Exhibit B: Future Land Use Map



Exhibit C: Existing Zoning Map



Exhibit D: Proposed Concept Plan/Site Layout



MOUNTAIN ENGINEERING
P. O. BOX 309
MORGAN, UTAH 84050
TEL (801) 876-3975 FAX 876-3979

RIVERWOOD FARMS SUBDIVISION
CONCEPT PLAN
A PART OF THE EAST 1/2 OF SECTION 7 AND THE WEST 1/2 OF SECTION 8,
TOWNSHIP 4 NORTH, RANGE 2 EAST, "SALT LAKE BASE AND MERIDIAN, U.S. SURVEY,
MORGAN COUNTY, UTAH

DESIGNED BY: J.R.K.
DRAWN BY: J.R.K.
DATE: JANUARY, 2016

NOTARY PUBLIC
STATE OF UTAH) SS
COUNTY OF MORGAN)
ON THIS ____ DAY OF _____, 2016, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, JARED PERIOD AND LISA PERIOD, WHO SIGNED THE ABOVE OWNER'S DEDICATION, AND DULY ACKNOWLEDGE TO ME THAT THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.
NOTARY PUBLIC STAMP

ACKNOWLEDGEMENT OF RESPONSIBILITY
KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE TRACTS OF LAND CONTAINED WITHIN THE SUBDIVISION BOUNDARIES DESCRIBED HEREON, DO HEREBY ACKNOWLEDGE THAT FAILURE OF THE LOCAL GOVERNMENT OR PLANNING COMMISSIONS TO REVIEW OR RECOMMEND DETAIL OF THE SUBDIVISION BECAUSE OF SAID UNDESIGNED HAZARDOUS, UNUSUAL OR UNUSUALLY UNDESIRABLE CONDITIONS, SHALL NOT RELIEVE THE DEVELOPER OR OWNER FROM RESPONSIBILITY FOR THE CONDITION OR DAMAGES RESULTING THEREFROM, AND SHALL NOT RESULT IN THE LOCAL ADOPTION, OR PLANNING COMMISSION, ITS OFFICERS OR AGENTS, BEING RESPONSIBLE FOR THE CONDITIONS OR DAMAGES RESULTING THEREFROM.
JARED PERIOD AND LISA PERIOD, AS JOINT TENANTS

WELL LOCATION WITH PROTECTION ZONE
NO SOURCE OF CONTAMINATION SHALL BE LOCATED WITHIN THE WELL AND STREAM PROTECTION ZONES, SUCH AS AN ON-SITE WASTE TREATMENT SYSTEM, CONCENTRATIONS OF MANURE, PETROLEUM DEPOSITS, CHEMICALS OR ANY OTHER ITEMS INCOMPATIBLE WITH THE PROTECTION OF WATER QUALITY.
CERTIFICATE OF OCCUPANCY
MORGAN COUNTY RESIDES IN THE OCCUPANCY OF BUILDINGS WHEN DEVELOPMENTS AS SHOWN ON THIS PLAN ARE CONSTRUCTED. THE OCCUPANCY OF BUILDINGS SHALL NOT BE REQUIRED DURING CONSTRUCTION TO PREVENT STORM WATER, SEDIMENT AND DEBRIS FROM LEAVING THE PROPERTY.
NOTICE OF RIGHTS TO FARM
MORGAN COUNTY IS A RIGHT TO FARM COMMUNITY. THIS SUBDIVISION IS LOCATED ADJACENT TO PROPERTY THAT IS FARMED/RANCHED. LOT OWNERS ARE HEREBY NOTICED THAT AGRICULTURAL OPERATIONS WITHIN YOURS BEGIN EARLY AND RUN LONG AND THAT THESE OPERATIONS MAY CONTRIBUTE TO NOISES AND ODORS OBJECTIONABLE TO SOME RESIDENTS.

PETERSON IRRIGATION CO.
THE CULINARY WATER AND SECONDARY WATER FACILITIES ARE HEREBY APPROVED.
SIGNED THIS ____ DAY OF _____, 2016.
MORGAN COUNTY PLANNING COMMISSION
THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAN WAS RECOMMENDED FOR APPROVAL BY THE MORGAN COUNTY PLANNING COMMISSION.
SIGNED THIS ____ DAY OF _____, 2016.
MORGAN COUNTY COUNCIL
THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAN AND THE DESIGNATION ARE HEREBY ACCEPTED BY THE COUNCIL OF MORGAN COUNTY, UTAH.
SIGNED THIS ____ DAY OF _____, 2016.
MORGAN COUNTY ENGINEER
APPROVED THIS ____ DAY OF _____, 2016.
MORGAN COUNTY SURVEYOR
I HEREBY CERTIFY THAT THE MORGAN COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS PLAN FOR MATHEMATICAL CORRECTNESS AND THAT THE SECTION CORNER DATA AND FOR HARMONY WITH LINES AND MONUMENTS ON RECORD IN THE MORGAN COUNTY OFFICES. THE APPROVAL OF THIS PLAN BY THE MORGAN COUNTY SURVEYOR DOES NOT RELIEVE THE LICENSEE LAND SURVEYOR WHO EXECUTES THIS PLAN FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED THEREWITH.
SIGNED THIS ____ DAY OF _____, 2016.
MORGAN COUNTY SURVEYOR

WATER SUPPLY AND FIRE PROTECTION FACILITIES SHALL COMPLY WITH ALL OF THE REQUIREMENTS OF MOC 8-12-46(5).

VEGETATION (FARMLAND & GROUND SLOPE):
THIS PARCEL IS PRIMARILY USED AS DRY FARM PASTURE. PRESENTLY IT IS PLANTED WITH ALFALFA AND GRASS. OCCASIONALLY, IN WINTER DEER AND OTHER WILD GAME MAY GRAZE THIS PROPERTY.

UNITED STATES OF AMERICA
GATEWAY CANAL
COODY CREEK
DOCKER CREEK
BASIS OF BEARING

LOT 1 254,226 sq.ft. 5.84 acres
LOT 2 217,996 sq.ft. 5.00 acres
LOT 3 217,853 sq.ft. 5.00 acres
LOT 4 217,565 sq.ft. 5.00 acres

ADJACENT PROPERTIES:
RODNEY K. BINGHAM (T/C)
MARK J. TAYLOR & WF GILBERT
DANIEL L. SMITH
J. RON RANCE INC.
J. RON RANCE INC.
JARED PERIOD AND W/ LISA PERIOD 20.81 ACRES
BOHUS SVAGOR TR. MARIA SVAGOR TR.
ALLEN I. BILLINGTON (T/C) TRUDY A. GUARENTE (T/C)

UNITED STATES OF AMERICA
GATEWAY CANAL
COODY CREEK
DOCKER CREEK
BASIS OF BEARING

Poverty Flats Estates Small Subdivision – Concept Plan
Public Meeting
February 25, 2016

Application No.: 15.068
Applicant: Ivan and LuDene Carter Family Trust
Owner: Same
Project Location: approximately 811 Hardscrabble Rd
Porterville
Current Zoning: A-20
General Plan Designation: Agricultural
Acreage: Approximately 92.461
Request: Concept Plan Approval
Date of Application: December 2, 2016
Date of Previous Meeting: N/A

Staff Recommendation

County Staff has reviewed the application for Concept Plan for the Poverty Estates Flats Small Subdivision. Staff is hereby recommending approval of the requested concept plan based on the following findings and with conditions listed below:

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 applicable zoning regulations.
4. That the developer will install any requisite infrastructure, including roadways, water lines, etc.
5. That the proposal is not detrimental to the health, safety, and welfare of the public.

Conditions:

1. That all outsourced consultant fees are paid current prior to final plat recordation.
2. That the required front, side and rear public utility easements are identified on all lots within the subdivision.
3. That proof of culinary shares/rights (800 gallons per day) and irrigation shares/rights (3 gallons per minute) are provided for each lot at preliminary plat application.
4. That all requirements and concerns of the County Engineer are met during the preliminary/final plat approval stages.
5. That the requirements of the County Surveyor are addressed.
6. That all proposed utilities provide a will serve letter indicating their willingness to serve the property in a manner that complies with County ordinances.

7. That approval of the sewage disposal mechanism is provided by the Weber-Morgan Health Department with preliminary plat submittal.
8. That all other local, state, and federal laws are adhered to.

Background

The applicant is seeking approval of a subdivision concept plan for a 3 lot subdivision. The proposal is being reviewed for conceptual design standards as required by Morgan County Code (MCC). The purpose of a concept plan is to provide the subdivider an opportunity to consult with and receive assistance from the County regarding the regulations and design requirements applicable to the subdivision of property as required by MCC Section 8-12-16.

With the recommendations contained in this staff report, the application appears to meet the minimum of requirements for the conceptual subdivision plan of the zoning and subdivision ordinances. It is important to note that because this is a concept plan, there may be some compliance issues with certain specific elements of the subdivision code. These issues will be resolved/addressed as the subdivision progresses through its Preliminary and Final Plat processes. Recommendations regarding the concept plan shall not constitute an approval or disapproval of the proposed subdivision, but rather shall operate in such a manner as to give the subdivider general guidance as to the requirements and constraints for the subdivider's proposed subdivision.

Analysis

General Plan and Zoning. Pursuant to the Future Land Use Map (see Exhibit B), the property is designated as lying in the Agricultural area, allowing for 1 dwelling units per 20 acres. According to the General Plan, the Agricultural designation "identifies areas of existing agricultural land uses. The purpose of this land use designation is to support viable agricultural operations in Morgan County, while allowing for incidental large-lot residential and other uses." The proposed concept plan appears to follow this designation in the General Plan and according to the Future Land Use Map, reflecting low density neighborhoods.

The zoning of the parcel is A-20 (Agricultural – 20 acre minimum lot size). 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 proposed conceptual lot layout appears to conform to the requirements of the zoning districts.

Ordinance Evaluation. The purpose statements in the General Plan and Zoning Ordinance do not provide actual development standards, but present the zoning context for the zone in which the proposed subdivision is located. The specific standards found in the adopted County Code govern development of the subject property.

Property Layout. As noted, there are 3 total lots. The proposed conceptual lot layout appears to conform to the requirements of the zoning districts.

Roads and Access. Access to the property will be derived from Hardscrabble Road.

Grading and Land Disturbance. The property has significant topography; however, the locations for home building will be designated on the final plat (building envelope) and will be relatively flat, and therefore will not require extensive grading. There may be some grading associated with the construction of homes on the site.

Water Source. Water will be provided through water connections to existing or new wells. Proof of water will be required at the preliminary/final plat stage.

Fire Protection. The property is outside the Wildland Urban Interface Area.

Sanitary Sewer Systems. Sanitary sewer services will be handled by separate septic systems on each lot.

Storm Water. Storm water drainage will be handled in existing storm drain channels.

Geologic and Geotechnical Evaluations. This parcel appears to be in the Tn geologic unit, which is listed as an area of geologic hazard in the Morgan County ordinance. The applicant is currently in the process of preparing a geologic hazards study.

Utilities. Other utilities (power, gas, etc.) will be addressed with the preliminary plat reviews.

Flood Plain: It appears that none of the lots will be in the existing 100 year flood plain.

Model Motion

Sample Motion for *approval* – “I move we approve the Poverty Flats Estates Subdivision Concept Plan, application number 15.068, 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 February 25, 2016.”

Sample Motion for *approval with additional conditions* – “I move we approve the Poverty Flats Estates Subdivision Concept Plan, application number 15.068, 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 February 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 Subdivision Concept Plan, application number 15.068, 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 February 25, 2016.”, *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: Wildland/Urban Interface Map
- Exhibit E: Flood Plain
- Exhibit F: Geologic Hazards Map
- Exhibit G: Proposed Concept Plan/Site Layout

Staff Contact

Bill Cobabe, AICP

801-845-4059

bcobabe@morgan-county.net

Exhibit A: Vicinity Map

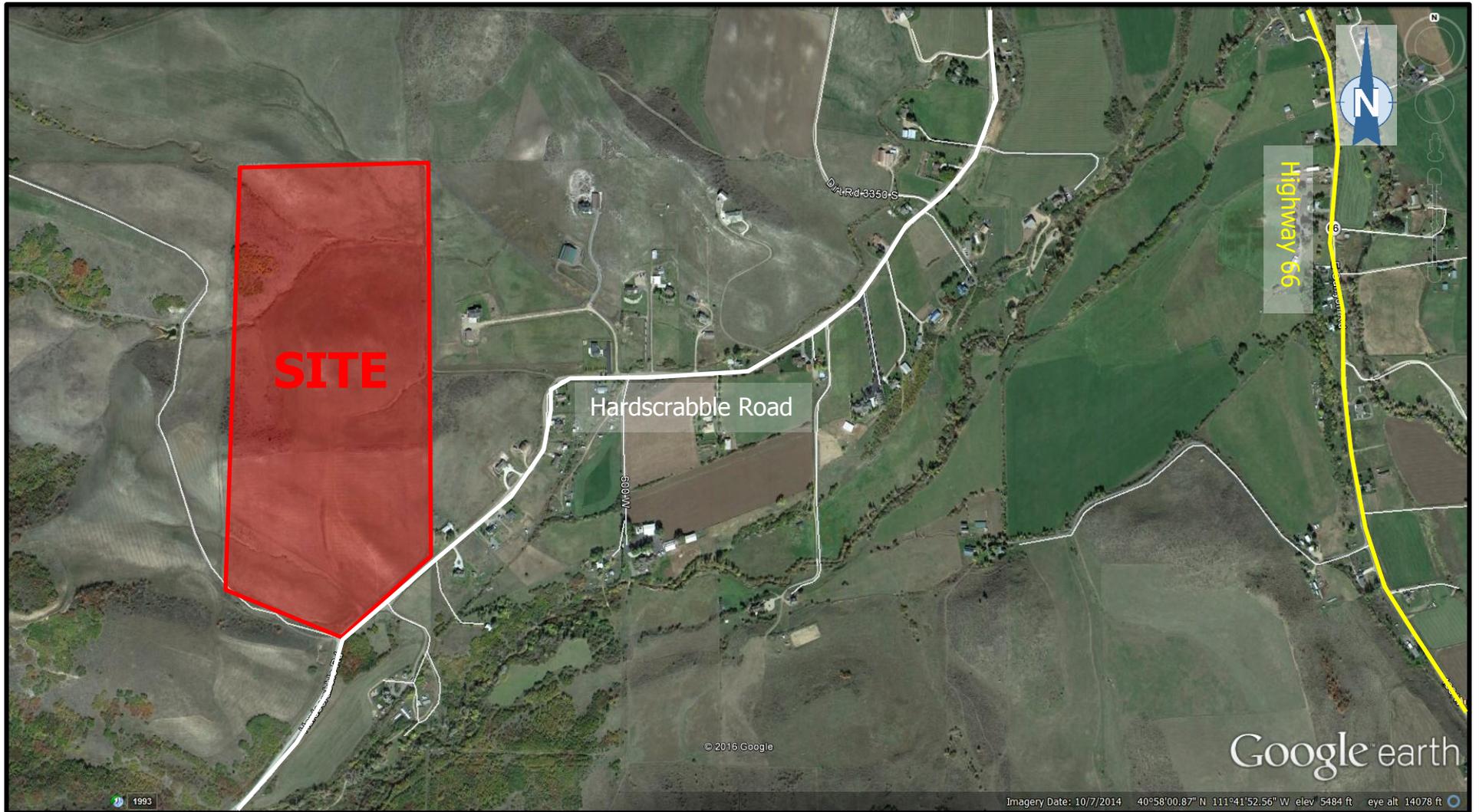


Exhibit B: Future Land Use Map

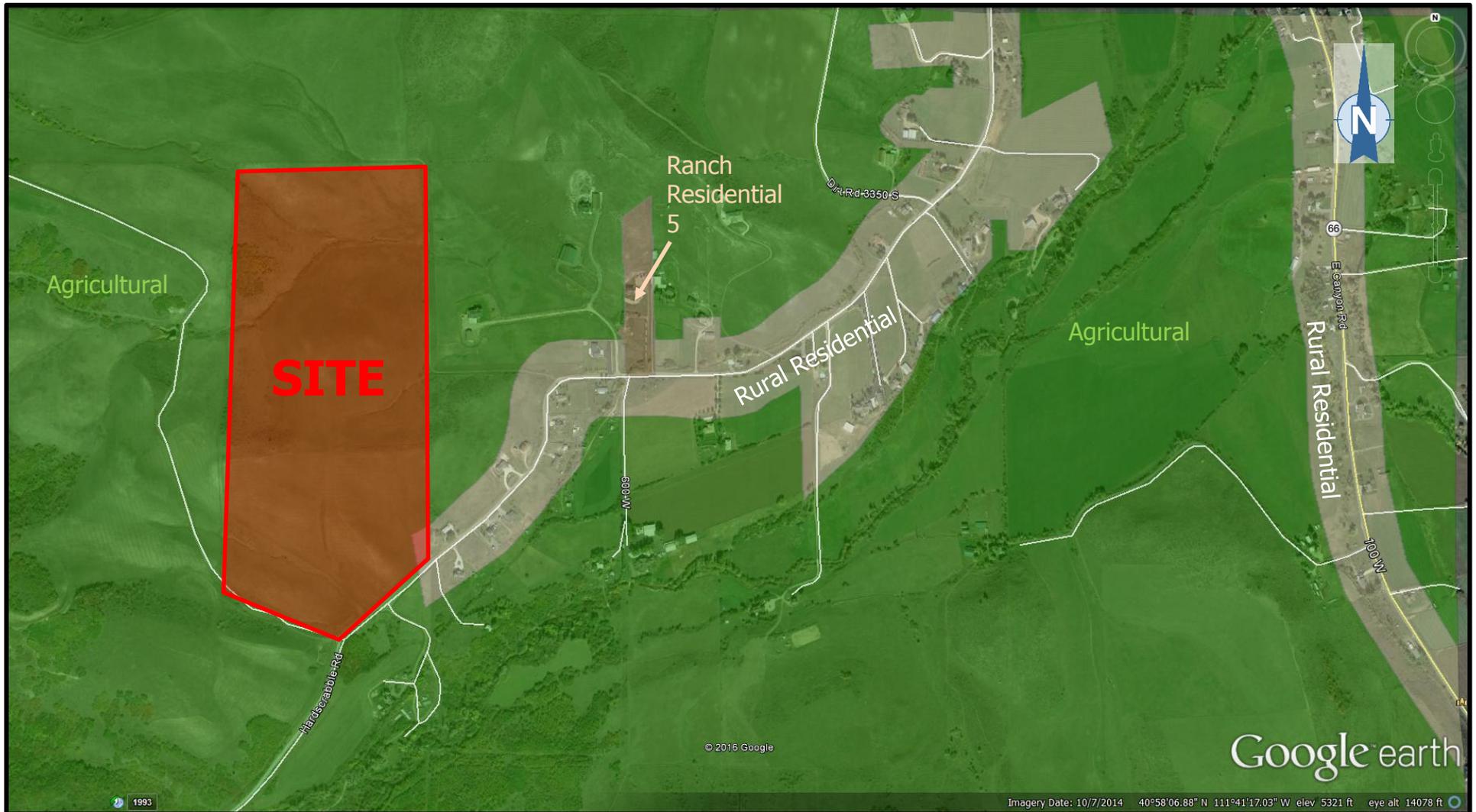


Exhibit C: Existing Zoning Map

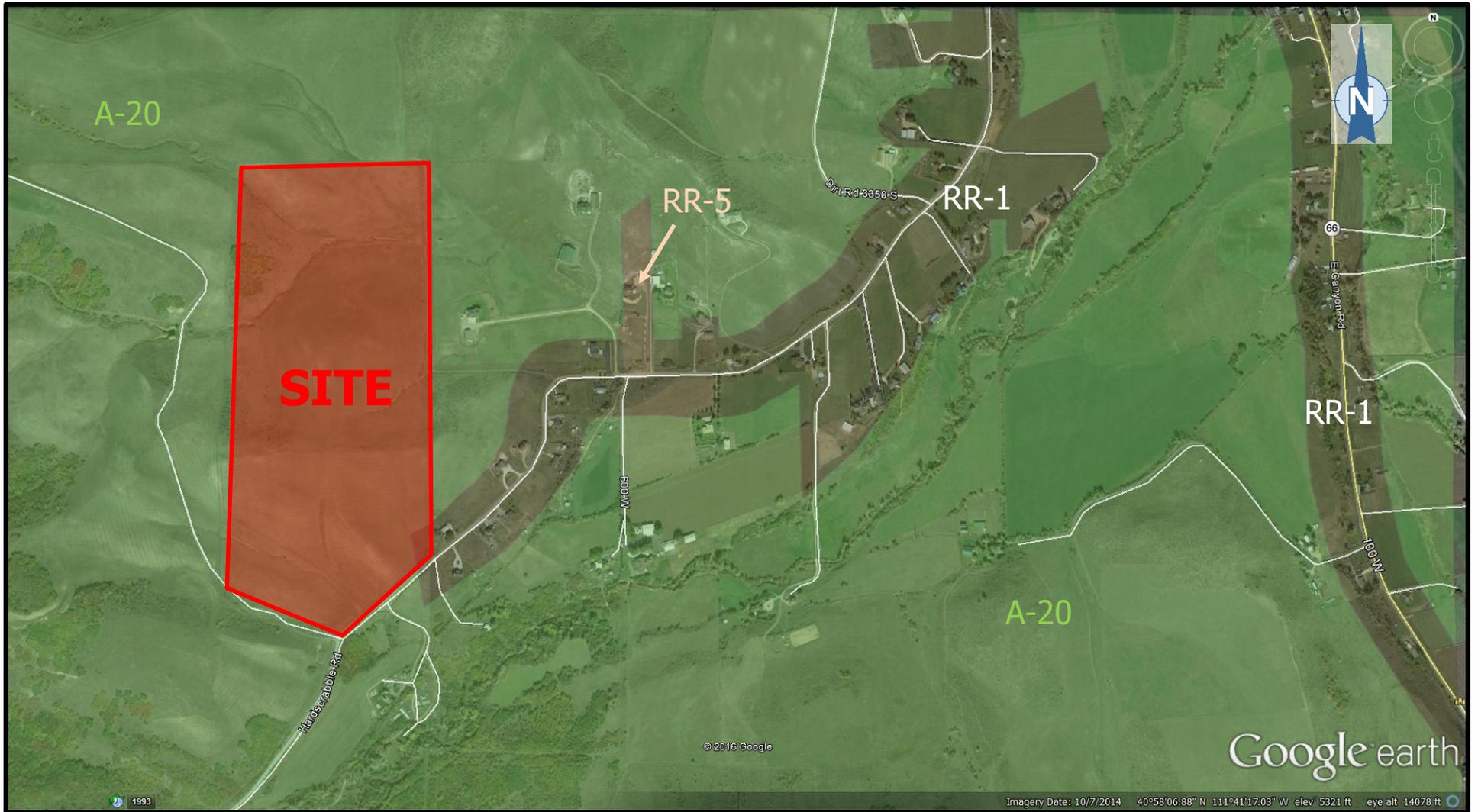
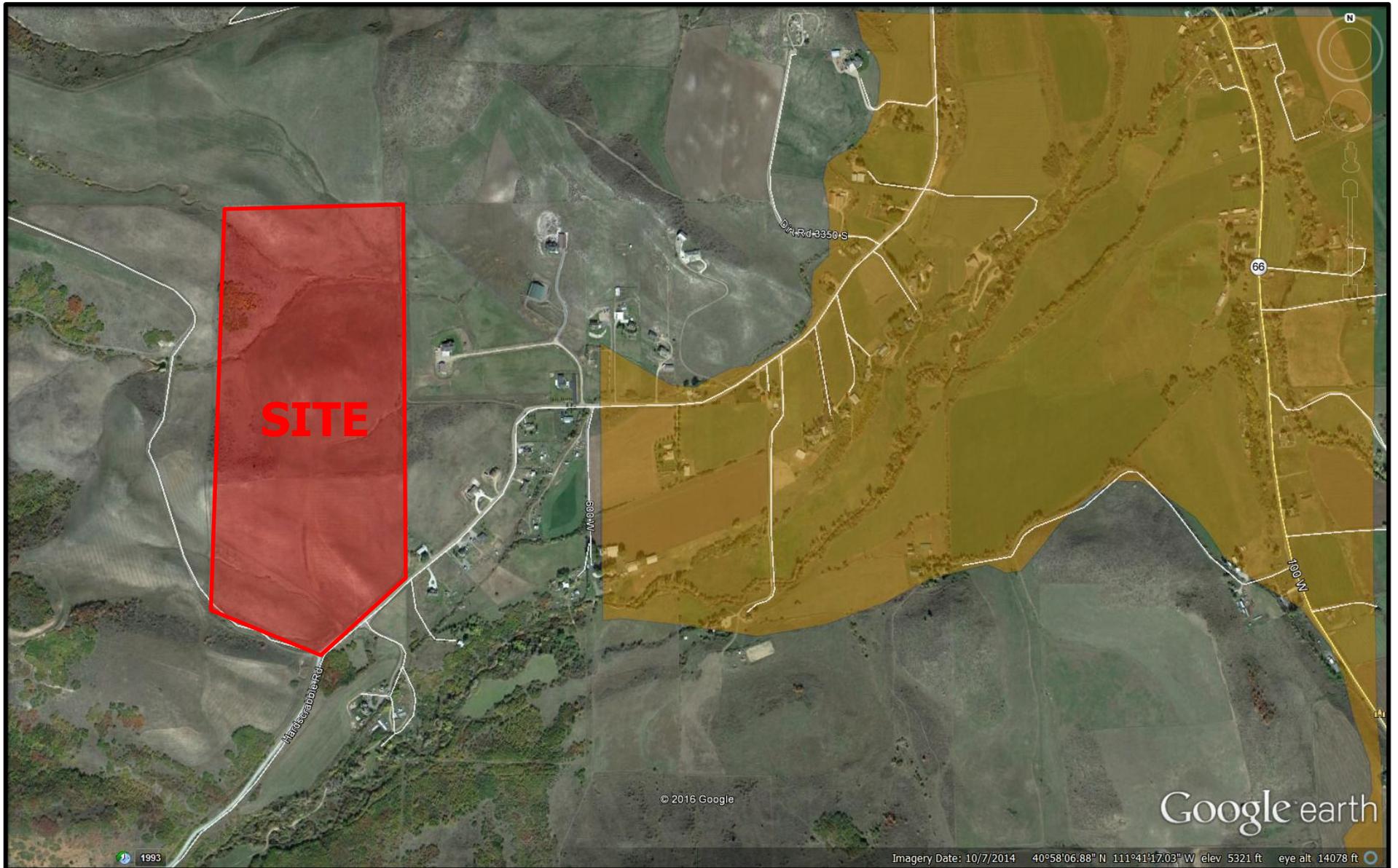


Exhibit D: Wildland/Urban Interface

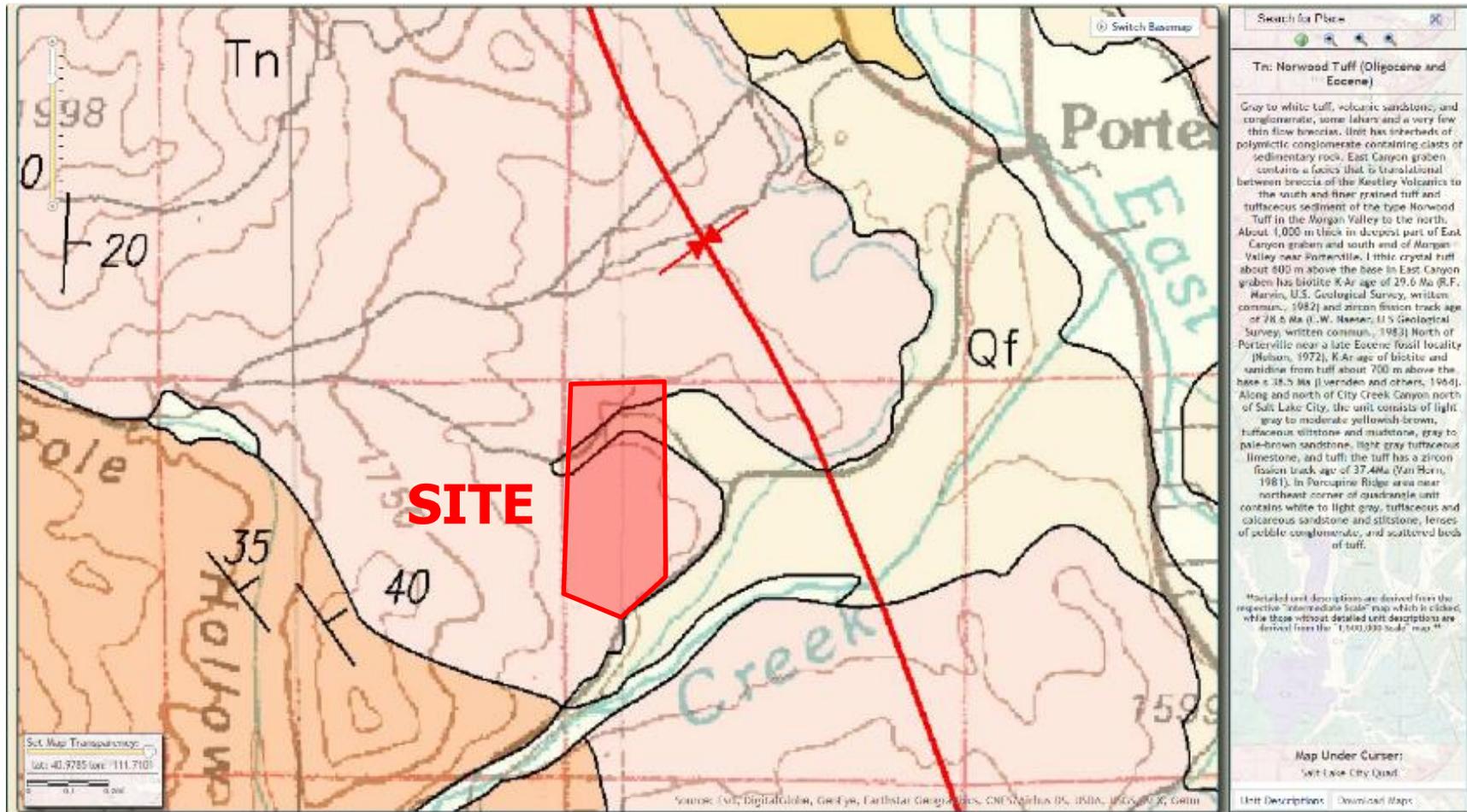


Poverty Flats Estates Small Subdivision – Concept Plan
App # 15.068
25 Feb 2016

Exhibit E: Flood Plain



Exhibit F: Geologic Hazards Map



Site appears to lie within the Tn (Norwood Tuff) Formation.

Exhibit G: Proposed Concept Plan/Site Layout

CINDY CARTER SUBDIVISION Conceptual Plat

PART OF THE WEST HALF OF SECTION 26 AND THE EAST HALF OF SECTION 27, TOWNSHIP 3 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY
MORGAN COUNTY, UTAH
OCTOBER, 2015

LEGEND

- SECTION CORNER
- SET 5/8" x 24" REBAR AND PLASTIC CAP STAMPED "REEVE & ASSOCIATES"
- BOUNDARY LINE
- LOT LINE
- - - - - ADVANCING PROPERTY
- - - - - EASEMENTS
- - - - - SECTION LINE
- x - x - EXISTING FENCELINE
- ROAD DEDICATION
- PUBLIC UTILITY EASEMENT

P.U.E.

Scale: 1" = 200'

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PLAT IS THE SECTION LINE BETWEEN THE NORTHWEST CORNER AND THE SOUTHWEST CORNER OF SECTION 26, TOWNSHIP 3 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, SHOWN HEREON AS: S00°58'49"W

NARRATIVE

THE PURPOSE OF THIS PLAT IS TO DIVIDE THE BELOW DESCRIBED PROPERTY INTO THREE LOTS AS SHOWN. ALL BOUNDARY AND LOT CORNERS WERE SET WITH A 5/8" x 24" REBAR AND PLASTIC CAP STAMPED "REEVE & ASSOCIATES".

CURVE TABLE

#	RADIUS	ARC LENGTH	CHORD LENGTH	TANGENT	CHORD BEARING	DELTA
1	112.39.35'	137.89'	135.93'	30.86'	S39°55'42"W	133°29'29"
2	252.85'	145.81'	147.80'	26.80'	N40°50'34"E	152°36'49"

BOUNDARY DESCRIPTION

PART OF THE WEST HALF OF SECTION 26 AND THE EAST HALF OF SECTION 27, TOWNSHIP 3 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY DESCRIBED AS FOLLOWS:

BEARINGS AT THE NORTHWEST CORNER OF SECTION 26, THENCE N89°02'42"E 1216.16 FEET; THENCE S02°29'03"E 566.66 FEET; THENCE S02°47'42"E 485.15 FEET; THENCE S02°14'23"E 398.23 FEET; THENCE S02°29'03"E 287.05 FEET; THENCE S01°49'36"E 200.20 FEET; THENCE S00°30'13"E 379.64 FEET; THENCE N51°49'52"W 9.04 FEET; THENCE S00°42'22"W 381.32 FEET; THENCE S49°47'19"W 26.71 FEET; THENCE S50°50'59"W 104.84 FEET; THENCE S53°21'02"W 122.16 FEET; THENCE S40°48'12"E 26.71 FEET; THENCE S49°47'19"W 38.75 FEET; THENCE S50°50'59"W 104.84 FEET; THENCE S53°21'02"W 122.16 FEET; THENCE ALONG A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 137.87 FEET, A RADIUS OF 236.35 FEET, A CHORD BEARING OF S39°55'42"W, AND A CHORD LENGTH OF 135.93 FEET; THENCE N00°16'49"W 265.38 FEET; THENCE N00°16'15"W 281.63 FEET; THENCE N00°07'00"E 551.38 FEET; THENCE N00°59'37"E 1144.81 FEET; THENCE N04°50'34"E 830.18 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,027,613 SQUARE FEET OR 92,461 ACRES

VICINITY MAP
NOT TO SCALE

MORGAN COUNTY PLANNING COMMISSION APPROVAL

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED BY THE MORGAN COUNTY PLANNING COMMISSION. SIGNED THIS _____ DAY OF _____ 20____.

CHAIRMAN, MORGAN COUNTY PLANNING COMMISSION

MORGAN COUNTY ENGINEER

I HEREBY CERTIFY THAT THE REQUIRED PUBLIC IMPROVEMENT STANDARDS AND DRAWINGS FOR THIS SUBDIVISION CONFORM WITH THE COUNTY STANDARDS AND THE AMOUNT OF THE FINANCIAL GUARANTEE IS SUFFICIENT FOR THE INSTALLATION OF THESE IMPROVEMENTS.

SIGNED THIS _____ DAY OF _____ 20____.

MORGAN COUNTY ENGINEER

MORGAN COUNTY COMMISSION ACCEPTANCE

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT, THE DEDICATION OF STREETS AND OTHER PUBLIC WAYS AND FINANCIAL GUARANTEE OF PUBLIC IMPROVEMENTS ASSOCIATED WITH THIS SUBDIVISION, THEREON ARE HEREBY APPROVED AND ACCEPTED BY THE COMMISSIONERS OF MORGAN COUNTY, UTAH.

SIGNED THIS _____ DAY OF _____ 20____.

CHAIRMAN, MORGAN COUNTY COMMISSION

ATTEST

MORGAN COUNTY SURVEYOR

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

SIGNED THIS _____ DAY OF _____ 20____.

MORGAN COUNTY SURVEYOR

MORGAN COUNTY ATTORNEY

I HAVE EXAMINED THE FINANCIAL GUARANTEE AND OTHER DOCUMENTS ASSOCIATED WITH THIS SUBDIVISION PLAT, AND IN MY OPINION THEY CONFORM WITH THE COUNTY ORDINANCE APPLICABLE THERETO AND NOW IN FORCE AND EFFECT.

SIGNED THIS _____ DAY OF _____ 20____.

MORGAN COUNTY ATTORNEY

WEBER-MORGAN HEALTH DEPARTMENT

I HEREBY CERTIFY THAT THE SOILS, PERCOLATION RATES, AND SITE CONDITIONS FOR THIS SUBDIVISION HAVE BEEN INVESTIGATED BY THIS OFFICE AND ARE APPROVED FOR ON-SITE WASTEWATER DISPOSAL SYSTEMS.

SIGNED THIS _____ DAY OF _____ 20____.

WEBER-MORGAN HEALTH DEPARTMENT

Morgan County Recorder

Entry No. _____ Filed For Record
And Recorded _____
At _____ In Book _____
Of The Official Records, Page _____

Signed This _____ Day of _____ 20____.

Morgan County Recorder
Deputy

SURVEYOR'S CERTIFICATE

I, ROBERT D. KUNZ, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT, AND THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THIS PLAT, AND THAT THIS PLAT OF CINDY CARTER SUBDIVISION IN MORGAN COUNTY, UTAH, HAS BEEN DRAWN CORRECTLY TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE HEREIN DESCRIBED LANDS INCLUDED IN SAID SUBDIVISION, BASED UPON DATA COMPILED FROM RECORDS IN THE MORGAN COUNTY RECORDER'S OFFICE AND FROM SAID SURVEY MADE BY ME ON THE GROUND. I FURTHER CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES OF MORGAN COUNTY CONCERNING ZONING REQUIREMENTS REGARDING LOT MEASUREMENTS HAVE BEEN COMPLIED WITH.

SIGNED THIS _____ DAY OF _____ 20____.

150228
UTAH LICENSE NUMBER ROBERT D. KUNZ

15028-2005
REGISTERED LAND SURVEYOR
ROBERT D. KUNZ
STATE OF UTAH

OWNERS DEDICATION AND CERTIFICATION

WE, THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AS SHOWN ON THE PLAT AND NAME SAID TRACT CINDY CARTER SUBDIVISION AND DO HEREBY DEDICATE TO PUBLIC USE ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES AND ALSO TO GRANT AND DEDICATE A PERPETUAL RIGHT AND EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED HEREON AS PUBLIC UTILITY, STORM WATER DETENTION PONDS DRAINAGE EASEMENTS AND CANAL MAINTENANCE EASEMENT, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINE, STORM DRAINAGE FACILITIES, IRRIGATION CANALS OR FOR THE PERPETUAL PRESERVATION OF WATER CHANNELS IN THEIR NATURAL STATE, WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY THE GOVERNING AUTHORITY, WITH NO BUILDINGS OR STRUCTURES BEING ERECTED WITHIN SUCH EASEMENTS.

SIGNED THIS _____ DAY OF _____ 20____.

STATE OF UTAH)
COUNTY OF _____)
ON THE _____ DAY OF _____ 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, _____ (AND) _____ SIGNER(S) OF THE ABOVE OWNER'S DEDICATION AND CERTIFICATION, WHO BEING BY ME DULY SHOWN, DO KNOWLEDGE TO ME _____ SIGNED IT FREELY, VOLUNTARILY, AND FOR THE PURPOSES THEREIN MENTIONED.

COMMISSION EXPIRES _____ NOTARY PUBLIC

STATE OF UTAH)
COUNTY OF _____)
ON THE _____ DAY OF _____ 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, _____ (AND) _____ BEING BY ME DULY SHOWN, ACKNOWLEDGED TO ME THEY ARE _____ AND _____ OF SAID CORPORATION AND THAT THEY SIGNED THE ABOVE OWNER'S DEDICATION AND CERTIFICATION FREELY, VOLUNTARILY, AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSES THEREIN MENTIONED.

COMMISSION EXPIRES _____ NOTARY PUBLIC

Project Info.

Surveyor: R. KUNZ
Designer: _____ ANDERSON
Begin Date: 10-21-15
Name: CINDY CARTER SUBDIVISION
Number: 6055-01
Revision: _____
Scale: 1"=200'
Checked: _____

Elysium Pet Services Conditional Use Permit
Public Meeting
February 25, 2016

Application No.: 16.003
Applicant: Steve Ford
Owner: Chris Anderson
Project Location: 4090 W 5800 N Unit C
Mountain Green
Current Zoning: BP – Business Park
General Plan Designation: Business Park
Acreage: (existing building)
Request: Conditional Use for a pet crematorium/small retail store
Date of Application: February 8, 2016
Date of Previous Meeting: N/A

Staff Recommendation

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

Findings:

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

Conditions:

1. That there are no deliveries to the front of the building.
2. That exhaust emissions are kept within state-regulated guidelines.
3. That cremations will not exceed five times per week.
4. That no storage or other business activity is conducted outside the building.
5. That the exterior of the facility be maintained in an attractive manner, painted and generally kept looking aesthetically pleasing.
6. That water and sewer utilities connections are provided at the time of building permit.

Background

Elysium Pet Services is a small business that provides pet crematorium services. It is currently located in Farmington and has been in operation since 2012. They will utilize a 2 million BTU

furnace which will be installed per the manufacturer specifications and County Building Code. It is anticipated that the furnace will operate no more than five times per week. Approximate hours of operation would be 7 AM to 10 PM daily, and the facility would utilize existing parking for the expected 1-4 employees. They will have a small retail area in the front of the shop which will sell mementos and memorials. Emissions are regulated by the State, and the applicant has provided a copy of the State Department of Air Quality exemption letter. There will be no harsh chemicals used on the site.

Analysis

General Plan and Zoning. Pursuant to the Future Land Use Map (see Exhibit B), the property is designated as Business Park. According to the General Plan, the Business Park designation “provides for areas for the development of uses that provide employment involving light manufacturing, assembling, warehousing, and wholesale activities. The Business Park designation is intended to encourage campus-style commercial development near the airport which incorporates amenities including attractive streetscapes and enhanced landscaping. This use category provides for employment in commercial and light industrial uses that are compatible with adjacent or surrounding land uses. The areas designated for Business Park uses have adequate transportation and infrastructure access, and emphasize minimal conflict with existing adjacent land uses. This designation provides for the development and accommodation of administrative and research industries, offices, and limited manufacturing and support services. Typical uses may also include construction contractors, small, screened storage yards, and small warehousing spaces.” The proposed conditional use would meet the anticipated general planning designation.

The zoning of the parcel is BP – Business Park. The purpose of the zone is to provide areas for appropriate transitions of commercial uses. The proposed conditional use permit would collocate a relatively low-impact use at an existing commercial site. The ordinance allows for this kind of use with the granting of a conditional use permit at a C3 (County Council level approval).

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

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

Staff Response: Due to the preexisting uses already on the parcel, any impact due to the collocation of the proposed use will be minimal. The site lies within a predominately light industrial/commercial use area. The proposed conditional use permit will not adversely impact adjacent properties or businesses.

Property Layout. The proposed use would be located in an existing building and will not require the modification of the property.

Roads and Access. The property is located on 5800 N. It is not anticipated that the proposed

conditional use will have a significant impact on the roadway and existing traffic patterns.

Grading and Land Disturbance. No grading/land disturbance is being proposed at this time. The parcel appears to lie outside of the flood plain.

Water Source. The proposed use will utilize water from the Cottonwoods Mutual Water Company. The proposed use will require similar water usage to what a household uses per person per day.

Fire Protection. A fire protection plan, or other considerations as approved by the local fire official, will be required during the building permit process.

Sanitary Sewer Systems. Sewer service will be utilized by the proposed use, and approval will be required by the Mountain Green Sewer District.

Storm Water. Storm water drainage is accommodated in the existing system. As the proposed conditional use will not expand the impervious surface area of the parcel, additional storm water drainage is not required.

Geologic and Geotechnical Evaluations. No additional construction will be associated with this proposed conditional use; therefore, geologic and geotechnical evaluations are not required.

Utilities. Connections to existing utilities in the area should be sufficient to supply the proposed use.

Model Motion

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Elysium Pet Services Conditional Use Permit, application #16.003, located at approximately 4090 W 5800 N, allowing for the installation of a pet crematorium, based on the findings and with the conditions listed in the staff report dated February 25, 2016.”

Sample Motion for a *Positive* Recommendation *with additional conditions* – “I move we forward a positive recommendation to the County Council for the Elysium Pet Services Conditional Use Permit, application #16.003, located at approximately 4090 W 5800 N, allowing for the installation of a pet crematorium, based on the findings and with the condition listed in the staff report dated February 25, 2016, *with the following additional conditions:*”

1. List any additional findings and conditions...

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for Elysium Pet Services Conditional Use Permit, application #16.003, located at approximately 4090 W 5800 N, allowing for the installation of a pet crematorium, based on the findings and with the condition listed in the staff report dated February 25, 2016, *based on the following findings:*

1. List any additional findings...

Supporting Information

Exhibit A: Vicinity Map

Exhibit B: Future Land Use Map

Exhibit C: Existing Zoning Map

Exhibit D: Applicant's Narrative and Other Supporting Documents

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: Applicant's Narrative and Other Supporting Documents

To: Morgan County Planning and Development Services

Elysium Pet Services is a company that performs cremations for Vet Clinics and provides pet owners with momentos such as paw prints and engraved pictures of their loved pets. We have identified a location in the Cottonwood Commercial Park in Mountain Green as a good location for this process. The proposed location for this business is 4090 West 5800 North Suite C.

The purpose of this narrative is to help Morgan Planning and Development Services determine the compatibility of this service and business activity at this location.

Approximate hours of operation (7 am to 10 pm), minimal sound and odor emissions during operating hours. Parking demands wont exceed the existing parking allotted to Suite C.

Elysium Pet Services is currently located at 868 North 2000 West Clinton Utah. This is behind a Vet Clinic in a commercial zone. It also borders a Residential zone approximately 200 feet away. I have included letters of recommendation from the nearest resident and from the Vet Clinic stating that they have never encountered any odors or smoke from my facility. Elysium Pet Services is registered with the State of Utah Department of Environmental Quality and is considered Small Source Exempt. There is no discharge to sewer systems or use of water. No harmful chemicals are used.

Cremations are performed 2-3 times per week, not to exceed 5 times per week. All deliveries are to be made in the rear of the building. This is done with a pickup truck with a shell on the bed to protect the pets from the elements during transportation and also out of respect for the pets and owners.

Cremations are performed in a self contained natural gas fired oven. There is a 24"stack that would protrude through the steel roof of the building. The afterburner at the outlet of the oven runs at 2 million BTU. The oven will be installed per manufacture recommendations and or Morgan County Building Code.

There will be a small business sign in the window or door. There will be no storage or business activity conducted outside of the building.

**Owner
Steven Ford**

**Elysium Pet Services
801.831.9587
322 Quail Flight
Farmington, Utah, 84025
E-mail- Elysiumpetservices@gmail.com**



State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

Small Source Registration

DAQE-EN144370001-12

February 6, 2012

Steven Ford
Elysium Pet Services
868 North 2000 West
Clearfield, UT 84015

Dear Mr. Ford:

Re: Request for Evaluation of Compliance with Rule R307-401-9, UAC: Exemptions and Special Provisions - Small Source Exemptions - De Minimis Emissions
Project Fee Code: N14437-0001

The Utah Department of Environmental Quality, Division of Air Quality (DAQ) has reviewed your letter, submitted January 5, 2012, requesting a small source exemption for one natural gas-fired cremation machine for animal remains at Elysium Pet Services located at: 868 North 2000 West, Clearfield, Davis County. The DAQ determined that the small source exemption applies as long as the above-referenced equipment and associated processes are operated as specified in the registration request.

The small source exemption does not exempt a source from complying with other applicable federal, state, and local regulations and the current Utah Administrative Code. If you change your operation such that there is an increase in the emissions submitted to DAQ, it is recommended that you notify us as an approval order may be required.

The fee for issuing the small source/de minimis designation is the cost, as authorized by the Utah Legislature of the actual time spent by the review engineer and all other staff on the project, and a one-time filing fee. Payment should be sent to the DAQ upon receipt of the invoice.

195 North 1950 West • Salt Lake City, UT
Mailing Address: P.O. Box 144820 • Salt Lake City, UT 84114-4820
Telephone (801) 536-4000 • Fax (801) 536-4099 • T.D.D. (801) 536-4414
www.deq.utah.gov
Printed on 100% recycled paper

February 9, 2016

Steve Ford
Elysium Pet Services
4091 W 5800 N, Suite C
Mountain Green, UT 84050

801-831-9587
elysiumpetservices@gmail.com

Dear Mr. Ford,

Thank you for contacting us regarding your business for pet cremation services that will be opening in the commercial park in Mountain Green.

Based on our conversation, your business will only be using the sewer for normal restroom and general sink discharge and that there will be no special chemical, biological or ash discharge into the wastewater system. As such, the Mountain Green Sewer Improvement District will not require any restrictions or pre-treatment of wastewater from your business at this time.

Please review the attached sections of our Ordinance for Use of the Sewer System, Power and Authority of the District and Penalties and let us know if you have any questions.

We wish you the best of luck with your endeavor and thank you for choosing Mountain Green as the location for your business.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Volk", with a long horizontal flourish extending to the right.

Robert Volk
Manager MGSID
801-876-3416
robert@mgsid.com

AFFIDAVIT

PROPERTY OWNER

STATE OF UTAH }
 }ss
COUNTY OF MORGAN }

I (we), Chris Andersen, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I also acknowledge that I (we) have received written instructions regarding the process for which I (we) am (are) applying and the Morgan County Planning Staff have indicated they are available to assist me in making this application.

Chris Andersen

(Property Owner)

(Property Owner)

Subscribed and sworn to me this 8th day of February, 2016.



Gina Grandpre

(Notary)
Residing in Morgan County, Utah
My commission expires: May 27, 2019

AGENT AUTHORIZATION

I (we), Chris Andersen, the owner(s) of the real property described in the attached application, do authorized as my (our) agent(s), Steve Ford, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Chris Andersen

(Property Owner)

(Property Owner)

Dated this 8th day of February, 2016, personally appeared before me Chris Andersen, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.



Gina Grandpre

(Notary)
Residing in Morgan County, Utah
My commission expires: May 27, 2019

Agricultural Land Division, Religious Uses in Residential Zones, Frontage Requirements in Certain Zones, and Small Subdivision Ordinance Revision
July 9, 2015

Applicant: Morgan County
Discussion: Revisions to the following Sections of Code:

1. Section 8-2-1 – Amending the definitions of “Lot”, “Lot Frontage Required”, and removing the definition of “Lot Right of Way”
2. Subsection 8-3-9 (H)(8) – Adding language to allow for “C2” and “C3” approvals (Planning Commission and County Council approval, respectively)
3. Section 8-6-2 – Removing the requirement for frontage and private or public street; adding “access” as required by the Code
4. Subsection 8-12-44 (D) – Removing frontage requirement; adding “access” as required by the Code
5. Subsection 8-12-44 (D)(1)(C) – Changing the authority to grant improvements exemptions from County Council to Planning Commission
6. Subsection 8-12-44 (M)(1) – Amending the requirements for Private Lanes
7. Subsection 8-12-44 (M)(4) – Adding a requirement to meet Public Street standards as determined by the County.
8. Subsection 8-12-44 (P)(1)(C) – Amending the requirements for private lanes.
9. Subsection 8-12-44 (P)(2) – Removing the qualification of Small Subdivisions with proposed private lanes.
10. Subsection 8-12-44 (Q) – Changing the requirements for driveway widths (allowing for 40’ widths); adding a requirement for driveways longer than 100’, in areas of geologic instability, or as otherwise determined by the County, to be reviewed by the County Engineer prior to issuance of a building permit; and adding a requirement that driveways serving more than one lot must meet the requirements of the County for Private Lanes.

Date of Previous Discussions: 10 Dec 2016; 14 Jan 2016; 11 Feb 2016 (Planning Commission - Discussion Only)

Background and Analysis

The Planning Commission has identified several sections of the Code that need revisions. These sections largely deal with questions of access to property and the cross sections of the roads associated with that access. The intent is to make access to lots easier and more efficient. The County Engineer provided the cross section drawings (see Exhibit B) and is in support of the proposed changes, as is the County Public Works Director. The Planning Commission discussed the proposed changes several times in an attempt to ensure the best resolutions to the identified concerns.

Supporting Information

Exhibit A: Draft Revised Ordinance Sections – Strikethrough/Bold format

Exhibit B: Proposed Road Cross Sections (for reference only)

Staff Contact

Bill Cobabe, AICP

801-845-4059

bcobabe@morgan-county.net

Exhibit A: Proposed Revised Ordinance Sections

Note – deletions are in ~~striketrough~~; additions are in **bold**

Definitions of Words and Terms (Section 8-2-1):

LOT: A parcel or tract of land within a subdivision ~~and abutting a public street or a private street~~ pursuant to the requirements of this title.

LOT FRONTAGE ~~REQUIRED~~: The length, in feet, of the front lot line which is coterminous with the front street line.

~~LOT RIGHT OF WAY: A strip of land not less than sixteen feet (16') in width connecting a lot to a street for use as a private access to that lot. This definition does not apply to the creation of new lots or parcels, pursuant to the County's subdivision ordinances.~~

Approval of Conditional Uses (Section 8-3-9 (H)(8)):

8. Recommend approval or denial **by the County Council** of conditional use permits **noted in this title as "C3"; approve or deny conditional use permits noted in this title as "C2"**.

Lot Standards (Section 8-6-2)

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 **and access** 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.~~

Section 8-12-44:

Improvements Required (Section 8-12-44 (D)):

Improvements Required: All lots or parcels created by the subdivision shall have ~~frontage on a street, improved and dedicated to the standards~~ **access to the lot as** required herein **in this title**. Pavement widths, curbs, gutters, sidewalks, and park strips shall be installed on existing and proposed streets by the subdivider in all subdivisions where the adopted road cross sections require these improvements:

Deferral Agreement (Section 8-12-44 (D)(1)(C)):

c. In lieu of a deferral agreement, the ~~County Council~~ **Planning Commission** may grant an improvements exemption as provided for in this subsection.

Subsection 8-12-44 (M) – Private Streets –

1. Private streets shall meet and adhere to all county standards for ~~public~~ **private** streets, including construction standards, **and** width and right of way standards, ~~and the construction of curb, gutter, and sidewalk, regardless of the number of proposed lots.~~ **The minimum right of way for private streets is thirty-six feet (36'), including twenty-two feet (22') of paved surface, a 4' shoulder on each side of the pavement, and drainage sufficient to provide for anticipated storm water runoff (a minimum of three feet (3') per side of the private street). Additional right of way may be required if an approved drainage design cannot be accomplished within the thirty-six feet (36') right of way. The road subgrade and pavement shall be sufficient to hold a 75,000 pound load.**

...

4. The county may determine in the public interest that a proposed private street shall be dedicated with the subdivision as a public street for public use. **In such cases, the private streets shall meet all standards regarding public streets, as specified in this Chapter.**

Subsection 8-12-44 (P) – Private Lanes –

(1)(c) - Private lanes shall have a recorded minimum right of way of ~~twenty four feet (24')~~ **twenty-six feet (26')** and an improved, **all-weather** surface of at least twenty feet (20'), designed and constructed with rolled and compacted road base capable of supporting a seventy five thousand (75,000) pound fire apparatus vehicle, road base and subbase that meet the recommended geotechnical analysis of the load bearing capacity of the soils under the proposed roadway, and which is also designed pursuant to adopted construction standards, fire codes, and wildland urban interface requirements. Private lanes greater than one hundred fifty feet (150') in length must be terminated with a turnaround of not less than one hundred ten feet (110') of right of way in diameter, or an alternative turnaround design which meets the adopted fire and wildland urban interface code and is approved by the fire code official and county engineer. Additional right of way may be required if an approved drainage design cannot be accomplished within the ~~twenty four feet (24')~~ **twenty-six feet (26')** right of way.

Private Lanes/Small Subdivision (Section 8-12-44 (P)(2)):

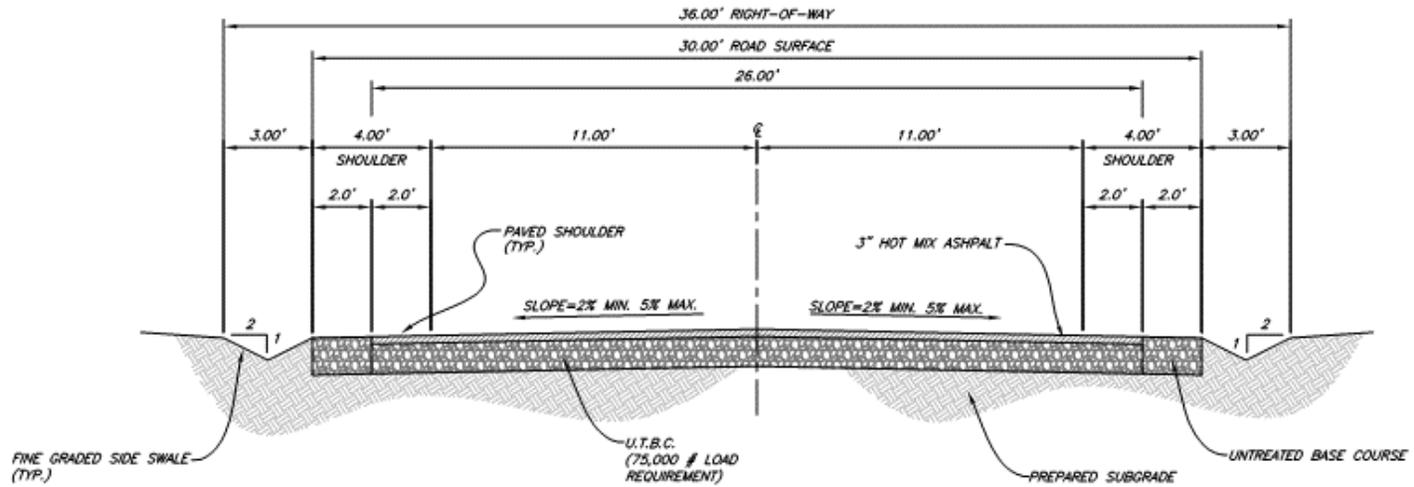
2. Private Lanes May Be Required To Be Public Street: The establishment of a new private lane or right of way shall be evaluated by the zoning administrator and county engineer, and may, at the discretion of the county council, be required to be dedicated as a public street meeting county street standards to accomplish needed and logical street connections, to provide access to properties that may otherwise have no access or limited access to the detriment of the property, or other purposes determined to be appropriate. ~~Subdivisions with proposed private lanes shall not qualify for the small subdivision review.~~

Subsection 8-12-44 (Q) – Driveways –

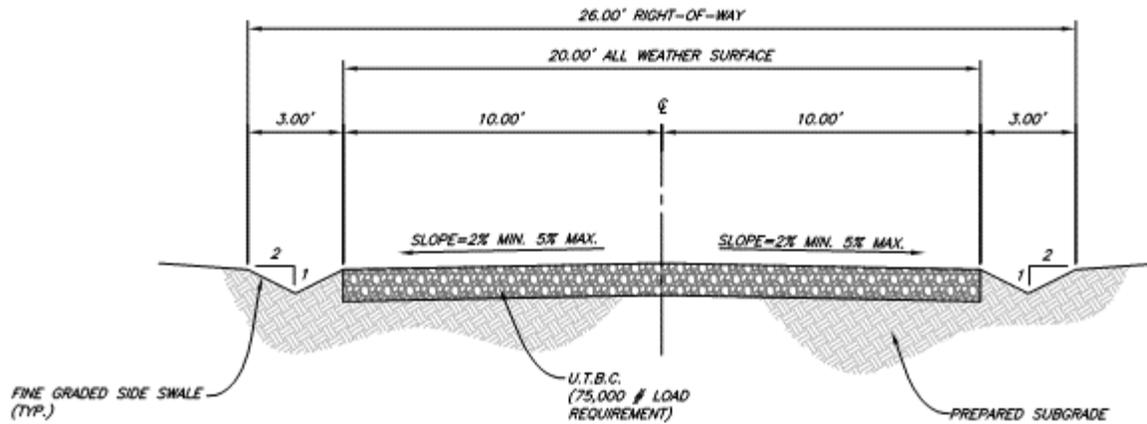
1. Driveways shall be provided for all residential building lots. The drive approach for the driveway shall be a minimum width of twelve feet (12') and shall not exceed the maximum width of ~~thirty feet (30')~~ **forty feet (40')**. A secondary drive approach may be permitted upon review and approval by the county engineer.

2. Downsloping driveways toward the building envelope shall not be permitted, unless topographic constraints warrant their construction. Driveways must comply with the provisions of the adopted building code regarding drainage adjacent to any structures.
3. For driveways less than fifty feet (50') in length, the maximum slope shall be fifteen percent (15%). For driveways fifty feet (50') or greater, the maximum grade at which a driveway shall be allowed to be built is twelve percent (12%). All driveways shall meet the provisions of the adopted fire code and wildland urban interface code for grade and turnaround requirements. **Driveways longer than one hundred feet (100'), in areas of geologic instability or steep or loose slope areas, or as determined by the Fire Chief, Building Official, Zoning Administrator, or County Engineer, shall be reviewed and accepted by the County Engineer prior to issuance of a building permit.**
4. A driveway serving no more than one dwelling or lot may be designed and constructed as an all-weather gravel road, with rolled and compacted road base capable of supporting a seventy five thousand (75,000) pound fire apparatus vehicle, and road base and subbase that meet geotechnical recommendations. If at any time during building construction, the gravel driveway becomes impassable, as determined by the building official, fire code official, zoning administrator, or county engineer, a stop work order shall be placed on the building permit until the road is rehabilitated and inspected to meet this standard. The developer is responsible to pay all inspection fees prior to the stop work order being lifted.
5. Driveways serving two (2) or more lots or building envelopes shall be paved to county construction standards **for private lanes.**
6. 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.
7. Driveways may not be utilized to establish or calculate required lot frontage.

Exhibit B: Proposed Road Cross Sections (for reference only)



PRIVATE STREET (36' ROW)
 SCALE: 1" = 6'



PRIVATE LANE (26' ROW)
 SCALE: 1" = 6'

MEMORANDUM

TO: Planning Commission
FROM: Bill Cobabe
DATE: February 25, 2016
SUBJECT: General Plan Update – Vision Statement

Background

When the Planning Commission began the discussion of the General Plan, special focus was brought on the “Vision Statement” of the plan and whether or not the vision reflected in the statement still is relevant and accurately describes the desires of the people of the County. It was pointed out that certain words and phrases are at once very important but also understood differently by different folks. The discussion below is an attempt to provide clarity to these concerns. The “Vision Statement” follows, with Staff comments in *italics* following each section.

Vision Statement

A vision statement is the description of an overall image of what the County aspires to be, and how it wants to look in terms of desired future conditions. The statements below reflect the desired future conditions for Morgan County, and serve as the foundation for more specific goals, objectives, and policies.

Morgan County Vision

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.

*Staff Comment: Trying to gain a consensus on what “quality of life”, “rural”, and “natural beauty” actually mean may be a difficult task. Each person will have a different view of what actually makes up each of these somewhat ambiguous and subjective terms. One way to help clarify what these terms mean is to solicit input from as many people as possible to help inform what it means to **US**, here in Morgan County, and not necessarily what it might mean in other places. While the next two sentences appear to attempt some clarification, these terms are sufficiently ambiguous as to leave area for concern. “Secure environment” is much clearer, but it is also questionable what is meant by “environment”. Does that mean built environment, natural environment, or something more esoteric? Or all of the above? The fact that “natural beauty” is specifically mentioned would seem to indicate that it is not intended to mean natural environment.*

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

Staff Comment: "Respects" is also an interesting term. The classic land use conundrum comes to mind – whose property rights are we respecting? And why? The remainder of the sentence is good, but is perhaps outside the scope of a county general plan, where you are trying to inform the vision of the county as a whole and as a society, not as an individual thing. How would you impose such recognition anyway?

3. Morgan County values its distinctive natural landscapes for their beauty, solitude, recreational opportunities, and natural resources and will work to ensure their long-range conservation and preservation.

Staff Comment: This is a pretty good statement and could serve as a template for the revision of other portions of the vision statement. It states values and gives specifics, including what we are going to do about it. I would only change "will work" to read "works", so that the phrase reads "Morgan County... works to ensure their long-range conservation and preservation."

4. Morgan County safeguards water resources for future generations, and conserves and reuses water whenever possible.

Staff Comment: This is also a good statement, but I wonder how this is going to be enacted through our general plan. Water rights do not involve the County, and all of the water in the County is accounted for. I think it might be better to say something like – Morgan County collaborates with private land owners, State and Federal guidelines, and with current best practices to safeguard...

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.

Staff Comment: This statement is clear, but I wonder about this in connection with the "property rights" portion above. If I buy a farm to turn it into a subdivision, I suppose part of my due diligence would be to look at the General Plan to determine what is allowed before I purchased the land. However, in my career, I can think of just a handful of times where people have come in to consult with me or the General Plan before they make such an investment. Then we run into the problem of having to deny folks what they want to do with their property because the General Plan says no...

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.

Staff Comment: Growth is a very sticky issue, and goes back to the "property rights" concerns addressed above. Again, the terms "respectful of the environment", "County values", and "sustainability" are all loose, subjective terms that need clarification either in the statement or in the document itself. On their own they really don't mean much – we need to make sure they have the power necessary to get the job done – whatever that job is.



PLANNING COMMISSION AGENDA
Thursday, February 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

Administrative:

6. Discussion/Decision on Pettit Ranchettes PRUD Plat Amendment 2 - A proposed amendment to the previously adopted Pettit Ranchettes, adjusting a lot line for two of the lots to account for required building setbacks and open space.

Legislative:

7. Discussion/Public Hearing/Decision: Stegelmeier Future Land Use Map Amendment: A request to amend the Morgan County Future Land Use Map for approximately 76 acres of property located at approximately 2035 W Deep Creek Road from the Agricultural designation to a Ranch Residential 10 designation.

Administrative:

8. Discussion on ordinance changes.
9. Discussion on General Plan updates.
10. Planning Commission Business/Questions for Staff
11. Approval of minutes from January 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

Tina Kelley
Ty Eldridge
David Giles
Jason Rose
Brandon Andersen
Pamela Turner
Jameson Harvey
Aaron Stegelmeier
Nicole Peterson

Tracey Harvey
Barbara Thurston
Mark Thurston
Laura Barker
Brett Kimball
Shawn Rose
Gaylene Kimball
Auggie Rose
Bruce Giles

1. Call to order – prayer. Chair Haslam called the meeting to order and welcomed those in attendance. Member Ross offered the prayer.
2. Pledge of Allegiance
3. Approval of agenda

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

4. Declaration of conflicts of interest
There were none.
5. Public Comment

Brandon Anderson: He commented about the Stegelmeier Future Land Use Map Amendment and stated he was involved with the Area Plan of the Milton Area about 6 years ago. He understands they are looking to rezone the whole piece of land, including the dry farm. He feels the approval of this item will open up many more questions and problems, including Deep Creek Road maintenance. He would like to see it done in a smart way in the beginning.

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

Administrative:

6. Discussion/Decision on Pettit Ranchettes PRUD Plat Amendment 2 - A proposed amendment to the previously adopted Pettit Ranchettes, adjusting a lot line for two of the lots to account for required building setbacks and open space.

Bill read from the 1997 County Code definition of “common area” which the common area in discussion was created under.

The PRUD ordinance that was in place at that time indicates the following:

The PLANNING COMMISSION may place whatever additional conditions restrictions it may deem necessary to insure development and maintenance of the desired residential character, including plans for disposition or reuse of property if the open space is not maintained in the manner agreed upon or is abandoned by the owners. Where the intent of the master plan and County ordinances are being met to the fullest extent, additional lots may be approved by the Planning Commission and County Commission.

The problem lies where the original land owner had built the existing garage without a building permit, and it lies too closely to the current property line. Now the current owners are trying to make the situation correct with the County code. There was some discussion about the dedication of the easement. Member Sessions commented that the intent of the original ordinance was to include common open space, and this development wouldn't have happened without a section of open space. She commented it doesn't matter to her if they change the shape of the common open space to configure correctly and allow for the garage. Member Newton and Member Ross questioned the contract in which the garage and open space were created, and the concern to vacate the common open space may create future problems for PRUD's who may want to vacate open space.

Randy Krantz: He clarified the property was a bank foreclosure and the garage was already in place when he bought the property. He commented that if there was no PRUD in place, the situation would meet current County standards.

Chair Haslam suggested moving the red boundary line to accommodate the existing building and all the appropriate acreage. He said the problem is the PRUD and the property's current configuration.

Randy Krantz said they don't have any problem with moving the line and maintaining the same amount of common area there is now. Chair confirmed that the Planning Commission would not have a problem with that. As long as the setbacks are met for the new building, there should not be a concern. Bill stated he can have a new plat drawn up with the corrected lines to maintain the proper acreage. Randy clarified there is not an access point involved to move lines. Basically what will happen is to take open space from the bottom of the property and relocate it at the top of the same lot.

Member Nance moved to postpone this agenda item to allow the applicant time to provide a new corrected plat showing the corrected lot lines. Second by Member Sessions.

Member Ross stated he would support adding the changes to reflect in the conditions of approval before forwarding it to the County Council. Members Wilson, Stephens and Newton supported passing it with a conditional of approval. It was clarified that the green line will stay, as it is the correct distance for the garage. Member Newton suggested passing it as long as the 3.5 acres is configured before being approved by the County Council. He stated it's not necessary how the lot lines are drawn, as long as the acreage stays the same. Member Newton clarified the current application is for a plat amendment.

The vote was not unanimous with Members Stephens, Ross, Newton and Wilson opposed. The motion failed.

Member Sessions moved to approve the Pettit Ranchettes PRUD Plat Amendment 2, application #14.130, located at approximately 246 W Woods Creek Rd., based on the findings and with the conditions listed in the staff report dated January 28, 2016, with the following additional condition (#5):

Findings:

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

Conditions:

1. That the owners provide an updated title report prior to recordation.
2. That the owners provide a copy of the updated deed restrictions prior to recordation.
3. That all fees and taxes are paid, including any fees associated with outsourced consultants.
4. That any minor changes to the plat be handled by County Staff prior to recordation.
- 5. That the common area be redrawn and remain at 3.5 acres.**

Second by Member Ross.

Member Nance asked if it is exactly 3.5 acres. Bill responded 3.55 acres. Member Newton suggested noting that the acreage stay the same, rather than tie an exact number to it.

Member Nance moved to amend the motion of condition #5 to state that the common area acreage is to remain the same. Second by Member Newton. The vote was unanimous. The amendment to the motion passed.

The motion with amended conditions now read:

Member Sessions moved to approve the Pettit Ranchettes PRUD Plat Amendment 2, application #14.130, located at approximately 246 W Woods Creek Rd., based on the findings and with the conditions listed in the staff report dated January 28, 2016, with the following additional condition (#5):

Findings:

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

Conditions:

1. That the owners provide an updated title report prior to recordation.
2. That the owners provide a copy of the updated deed restrictions prior to recordation.
3. That all fees and taxes are paid, including any fees associated with outsourced consultants.
4. That any minor changes to the plat be handled by County Staff prior to recordation.
5. **That the common area be redrawn and the common area acreage to remain the same.**

The vote on the main motion was not unanimous with Members Stephens, Ross, Sessions, Newton, Wilson in favor. Member Nance was opposed. The motion passed.

The applicants understand what they need to do to have lot lines redrawn to accommodate setbacks and will make the necessary changes as soon as possible.

Legislative:

7. Discussion/Public Hearing/Decision: Stegelmeier Future Land Use Map Amendment: A request to amend the Morgan County Future Land Use Map for approximately 76 acres of property located at approximately 2035 W Deep Creek Road from the Agricultural designation to a Ranch Residential 10 designation.

Bill introduced the application, showing the current zoning of RR-10. He showed the property is divided in half, with one half in the RR-10 zone and the other half in A-20. He is pursuing RR-10 for his whole property. There are roughly 76 acres to divide into 10 acre lots, meaning a potential of 7 new homes/lots. Bill stated the current Future Land Use Map reflects what the local people desire and noted there are letters from concerned neighbors attached to the Staff Report.

Aaron Stegelmeier: He stated his purpose is to build a home on the property and provide the possibility to his children for a future home site and also sell a few additional lots. He pointed out on the plat map the neighboring zoning and showed where possible lot lines may lie. He would like to pursue geological studies and access for future development. He wants to have the 10 acre capabilities that his adjacent neighbors do. He stated a possibility of 5 different lots. There is an existing home that would stay with one of the proposed 10 acre lots. He stated he is trying to sell his current home, and will then move to the vacant home to allow him to build in the near future.

Member Sessions asked if Mr. Stegelmeier had considered submitting a rezone application for the front portion of his property. He said he decided to propose an amendment to the FLUM.

Public Hearing:

Pamela Turner: She owns an 1120-acre dry farm adjacent to the Stegelmeier property. She gave some history about her family's farm and the water associated with it. There is no thoroughfare of water for their farm but they were granted permission to use several springs to provide water for cattle and crops. Her concern is that with 7 more homes in that area, they will need water rights and wells. The aquifer associated with those potential lots are different than that associated with her farm, and those future homes would significantly impact the springs that spontaneously provide her dry farm with water.

David Giles: He has a concern about the property line along Deep Creek Road. He is not sure exactly where the property lines lie, as he understands there is roughly 1000 feet in question.

Jamie Harvey: He owns property adjacent to the Stegelmeier's. He is concerned with the Deep Creek fences along the road, road shoulders, and increased density with the development of 7 additional homes. He doesn't feel the area is quite ready for the proposed changes.

Ty Eldridge: He provided a letter in opposition to the 7 additional residences.

Bruce Giles: He informed Planning Commission members that the existing home was built around 1996.

Laura Barker: She lives northeast of the proposed changes. She is concerned with additional traffic and water usage.

Brett Kimball: He is also associated with Clark's Feed and Seed. He's concerned with the road infrastructure and feels it's too small an area for increased development, as well as water.

Shawn Rose: He expressed concern for safety on Deep Creek Road, flooding, fire and the outlet in case of an emergency.

Gaylene Kimball: She stated the present well has dried up in the past and is concerned for the impact on water that 7 additional residences will make. She owns property next to the Stegelmeier's.

Mark Thurston: He explained his family's involvement with farming surrounding Deep Creek Road. He shared the same concerns about traffic safety and road shoulders. He is opposed to building more homes on the road with the condition it is in.

Pamela Turner: She stated the land above Deep Creek was purchased by a developer who desired to rezone to RR-10 but was denied.

Auggie Rose: He expressed concern with putting more people on the road and safety.

Jason Rose: He uses the Deep Creek Road for agricultural purposes. He expressed his irritation with people who are annoyed with wildlife sightings out their windows.

Nicole Peterson: She is worried about road safety, teenage drivers and kids waiting for the bus on the narrow road.

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

Chair clarified that both sides of the road (Deep Creek) are RR-10. Member Newton asked about the acreage on the FLUM and Bill responded roughly half of the property lies in the A-20 zone but he doesn't have the exact numbers. Bill further stated that if the property is not going to support 3 more homes, for acreage or water or anything else, he (Mr. Stegelmeier) won't be able to build 3 more homes. The concerns addressed tonight should be considered in the recommendation for approval.

Member Sessions moved to forward a negative recommendation to the County Council for the Stegelmeier Future Land Use Map Amendment, application number 16.002, changing the designation from Agricultural to Ranch Residential 10, due to the following findings:

Findings:

- 1. That the proposed amendment is not in harmony with future land use planning efforts.**
- 2. That the anticipated development will adversely impact the adjacent properties.**

Second by Member Newton.

Member Nance asked about changing the FLUM to reflect changes similar to those changes made at the Round Valley Golf Course. Member Newton replied that the surrounding land owners were in agreement with the Round Valley development and had their support and involvement.

Member Sessions noted that the area plan took into consideration the current road conditions when the RR-10 limitations were recommended.

Member Stephens pointed out that Deep Creek used to be a dirt road and commented on its narrow condition. He doesn't feel they're denying the landowner the right to develop, but rather the proposed changes do not fit into the current Area Plan. Member Wilson stated that neighboring complaints ought to be respected. The negative recommendation tonight is supported by the adverse effects for surrounding property owners.

The vote was unanimous. The motion passed.

There was a 5 minute recess.

Administrative:

8. Discussion on ordinance changes.

Bill gave an update on the driveway discussion previously addressed, and included that the County Engineer and Public Works employees are all in agreement. The fire requirements match the regulations, as reviewed by the County Engineer. There was discussion on possibly removing the restrictions on driveway width. Bill said he will eliminate the language about maximum width concerning driveways in the ordinance. They also discussed drainage and driveway length per recommendations made by the County Engineer. Bill stated these items have been noticed for a public hearing for the next meeting.

9. Discussion on General Plan updates.

Bill showed the map for the General Plan Update – FLUM and emphasized the importance of this major undertaking. He stated that the plan itself calls for a serious overhaul periodically. Round Valley was discussed, with its two accesses. Also, how often the General Plan, or at least a review of it, ought to be updated. Member Stephens asked if the different areas will have their own plan or if it will be an entire Morgan County area. Gina clarified that in past meetings, those who make the effort to attend meetings and have opinions on certain items, they can weigh-in on things to be changed from the vision. Member Newton suggested asking residents of the individual communities for comments contributing to the current respective area plans.

There was discussion about letting the local residents decide for their own areas, rather than the Planning Commission making universal decisions. Gina questioned whether residents will come for an educational class, if one were offered. Member Newton noted that each Planning Commission member represents their own area of the County and wondered what the best way is to discuss with people in their respective areas. Member Nance suggested advertising changes in certain areas and ask for the community's response.

The Planning Commission members began by reading the Morgan County Vision Statement from the General Plan and discussed whether the current "vision" is appropriate and applicable. The definition of "rural" was discussed and rural lots vs. rural atmosphere. Member Sessions decided to discuss the Morgan County Vision under the Vision Statement and end discussion for the night. Member Ross stressed the importance of using words carefully to create and express County values.

10. Planning Commission Business/Questions for Staff

Member Nance suggested the Planning Office mail his copy of the Planning Commission packet the week before meetings. Chair also requested a copy be mailed to him.

Bill mentioned upcoming training opportunities in Layton.

Chair asked Members Stephens and Wilson if they plan to continue their positions on the Planning Commission. Both said they would stay.

11. Approval of minutes from January 28, 2016

Member Newton moved to approve the amended minutes from January 28, 2016. Second by Member Nance. The vote was unanimous. The motion carried.

12. Adjourn

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

Approved: _____ Date: _____
Chairman, Roland Haslam

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

DRAFT

Poverty Flats Estates Small Subdivision – Concept Plan
Public Meeting
February 25, 2016

Application No.: 15.068
Applicant: Ivan and LuDene Carter Family Trust
Owner: Same
Project Location: approximately 811 Hardscrabble Rd
Porterville
Current Zoning: A-20
General Plan Designation: Agricultural
Acreage: Approximately 92.461
Request: Concept Plan Approval
Date of Application: December 2, 2016
Date of Previous Meeting: N/A

Staff Recommendation

County Staff has reviewed the application for Concept Plan for the Poverty Estates Flats Small Subdivision. Staff is hereby recommending approval of the requested concept plan based on the following findings and with conditions listed below:

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 applicable zoning regulations.
4. That the developer will install any requisite infrastructure, including roadways, water lines, etc.
5. That the proposal is not detrimental to the health, safety, and welfare of the public.

Conditions:

1. That all outsourced consultant fees are paid current prior to final plat recordation.
2. That the required front, side and rear public utility easements are identified on all lots within the subdivision.
3. That proof of culinary shares/rights (800 gallons per day) and irrigation shares/rights (3 gallons per minute) are provided for each lot at preliminary plat application.
4. That all requirements and concerns of the County Engineer are met during the preliminary/final plat approval stages.
5. That the requirements of the County Surveyor are addressed.
6. That all proposed utilities provide a will serve letter indicating their willingness to serve the property in a manner that complies with County ordinances.

7. That approval of the sewage disposal mechanism is provided by the Weber-Morgan Health Department with preliminary plat submittal.
8. That all other local, state, and federal laws are adhered to.

Background

The applicant is seeking approval of a subdivision concept plan for a 3 lot subdivision. The proposal is being reviewed for conceptual design standards as required by Morgan County Code (MCC). The purpose of a concept plan is to provide the subdivider an opportunity to consult with and receive assistance from the County regarding the regulations and design requirements applicable to the subdivision of property as required by MCC Section 8-12-16.

With the recommendations contained in this staff report, the application appears to meet the minimum of requirements for the conceptual subdivision plan of the zoning and subdivision ordinances. It is important to note that because this is a concept plan, there may be some compliance issues with certain specific elements of the subdivision code. These issues will be resolved/addressed as the subdivision progresses through its Preliminary and Final Plat processes. Recommendations regarding the concept plan shall not constitute an approval or disapproval of the proposed subdivision, but rather shall operate in such a manner as to give the subdivider general guidance as to the requirements and constraints for the subdivider's proposed subdivision.

Analysis

General Plan and Zoning. Pursuant to the Future Land Use Map (see Exhibit B), the property is designated as lying in the Agricultural area, allowing for 1 dwelling units per 20 acres. According to the General Plan, the Agricultural designation "identifies areas of existing agricultural land uses. The purpose of this land use designation is to support viable agricultural operations in Morgan County, while allowing for incidental large-lot residential and other uses." The proposed concept plan appears to follow this designation in the General Plan and according to the Future Land Use Map, reflecting low density neighborhoods.

The zoning of the parcel is A-20 (Agricultural – 20 acre minimum lot size). 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 proposed conceptual lot layout appears to conform to the requirements of the zoning districts.

Ordinance Evaluation. The purpose statements in the General Plan and Zoning Ordinance do not provide actual development standards, but present the zoning context for the zone in which the proposed subdivision is located. The specific standards found in the adopted County Code govern development of the subject property.

Property Layout. As noted, there are 3 total lots. The proposed conceptual lot layout appears to conform to the requirements of the zoning districts.

Roads and Access. Access to the property will be derived from Hardscrabble Road.

Grading and Land Disturbance. The property has significant topography; however, the locations for home building will be designated on the final plat (building envelope) and will be relatively flat, and therefore will not require extensive grading. There may be some grading associated with the construction of homes on the site.

Water Source. Water will be provided through water connections to existing or new wells. Proof of water will be required at the preliminary/final plat stage.

Fire Protection. The property is outside the Wildland Urban Interface Area.

Sanitary Sewer Systems. Sanitary sewer services will be handled by separate septic systems on each lot.

Storm Water. Storm water drainage will be handled in existing storm drain channels.

Geologic and Geotechnical Evaluations. This parcel appears to be in the Tn geologic unit, which is listed as an area of geologic hazard in the Morgan County ordinance. The applicant is currently in the process of preparing a geologic hazards study.

Utilities. Other utilities (power, gas, etc.) will be addressed with the preliminary plat reviews.

Flood Plain: It appears that none of the lots will be in the existing 100 year flood plain.

Model Motion

Sample Motion for *approval* – “I move we approve the Poverty Flats Estates Subdivision Concept Plan, application number 15.068, 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 February 25, 2016.”

Sample Motion for *approval with additional conditions* – “I move we approve the Poverty Flats Estates Subdivision Concept Plan, application number 15.068, 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 February 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 Subdivision Concept Plan, application number 15.068, 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 February 25, 2016.”, *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: Wildland/Urban Interface Map
Exhibit E: Flood Plain
Exhibit F: Geologic Hazards Map
Exhibit G: Proposed Concept Plan/Site Layout

Staff Contact

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

Exhibit A: Vicinity Map

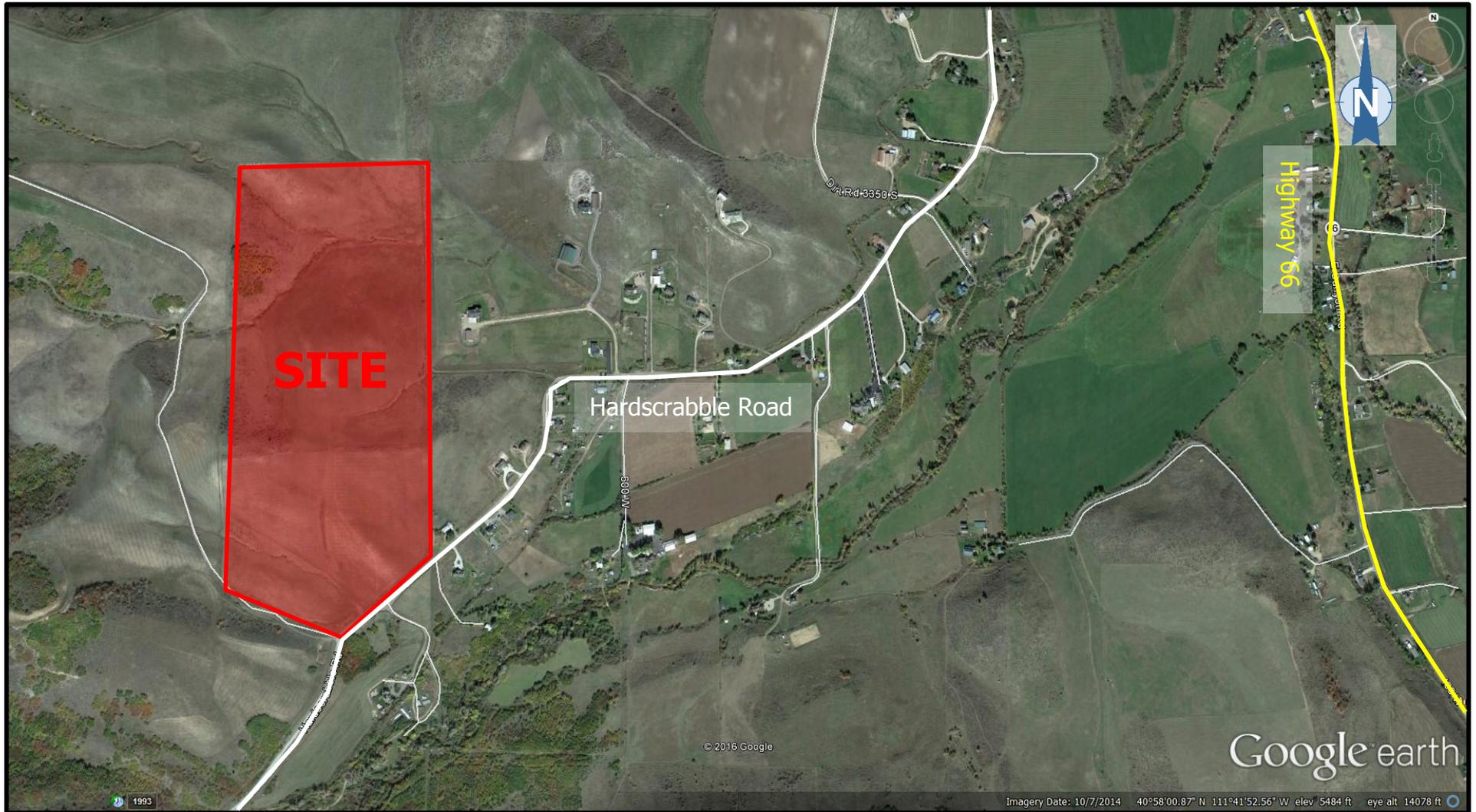


Exhibit B: Future Land Use Map

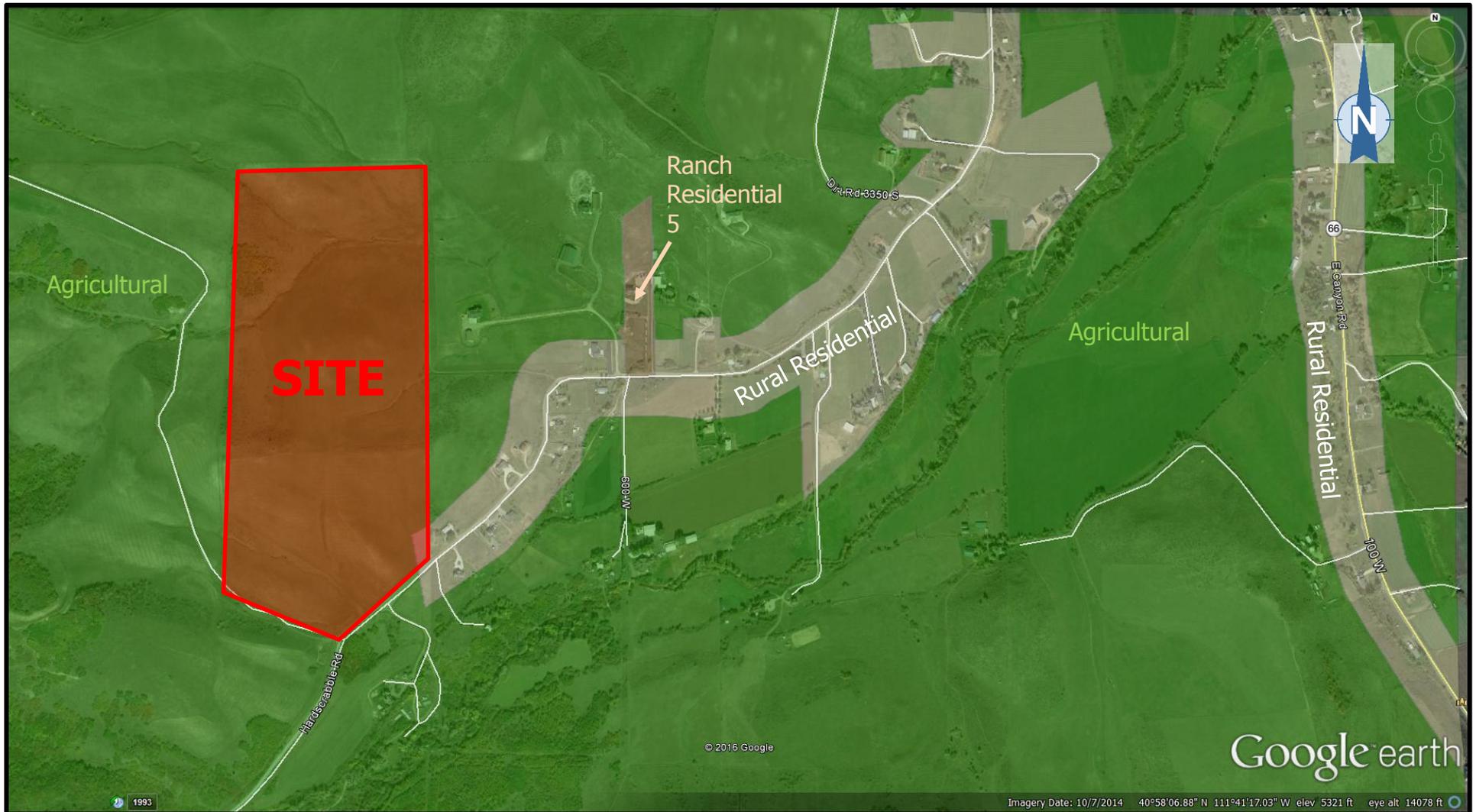


Exhibit C: Existing Zoning Map

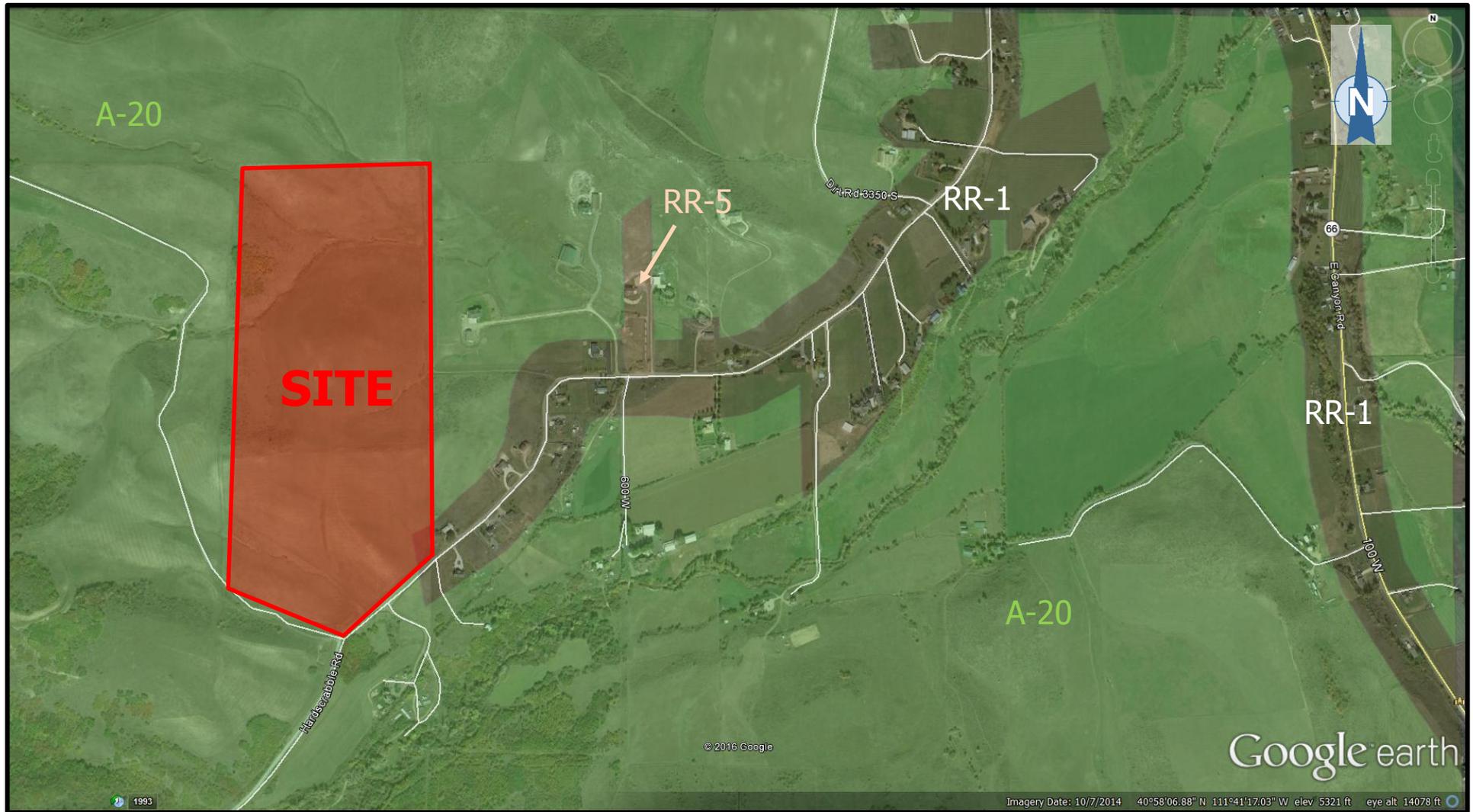


Exhibit D: Wildland/Urban Interface

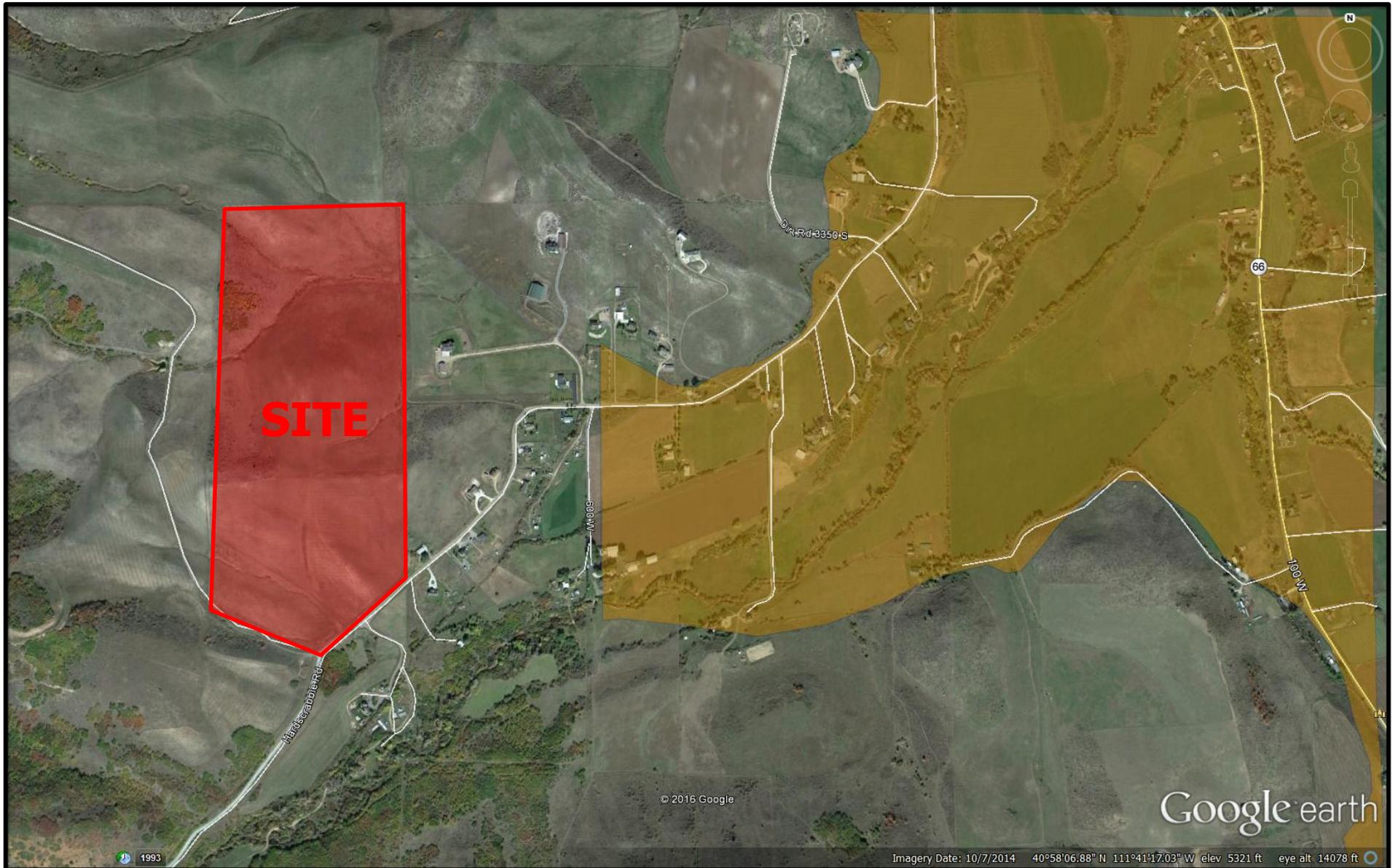


Exhibit E: Flood Plain



Exhibit G: Proposed Concept Plan/Site Layout

CINDY CARTER SUBDIVISION Conceptual Plat

PART OF THE WEST HALF OF SECTION 26 AND THE EAST HALF OF SECTION 27, TOWNSHIP 3 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY
MORGAN COUNTY, UTAH
OCTOBER, 2015

LEGEND

- SECTION CORNER
- SET 5/8" x 24" REBAR AND PLASTIC CAP STAMPED "REEVE & ASSOCIATES"
- BOUNDARY LINE
- LOT LINE
- - - - - ADVANCING PROPERTY
- - - - - EASEMENTS
- - - - - SECTION LINE
- x - x - EXISTING FENCELINE
- ROAD DEDICATION
- PUBLIC UTILITY EASEMENT

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PLAT IS THE SECTION LINE BETWEEN THE NORTHWEST CORNER AND THE SOUTHWEST CORNER OF SECTION 26, TOWNSHIP 3 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, SHOWN HEREON AS: S00°58'49"W

BOUNDARY DESCRIPTION

PART OF THE WEST HALF OF SECTION 26 AND THE EAST HALF OF SECTION 27, TOWNSHIP 3 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY DESCRIBED AS FOLLOWS:
BEGINNINGS AT THE NORTHWEST CORNER OF SECTION 26, THENCE N89°02'42"E 1216.16 FEET; THENCE S02°29'03"E 566.66 FEET; THENCE S02°47'42"E 485.15 FEET; THENCE S02°14'23"E 398.23 FEET; THENCE S02°29'03"E 287.05 FEET; THENCE S01°49'36"E 200.20 FEET; THENCE S00°30'13"E 379.64 FEET; THENCE N51°49'52"W 9.04 FEET; THENCE S00°42'22"W 381.32 FEET; THENCE S49°47'19"W 26.71 FEET; THENCE S50°50'59"W 104.84 FEET; THENCE S53°21'02"W 122.16 FEET; THENCE S40°48'12"E 26.71 FEET; THENCE S49°47'19"W 38.75 FEET; THENCE S50°50'59"W 104.84 FEET; THENCE S53°21'02"W 122.16 FEET; THENCE ALONG A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 137.87 FEET, A RADIUS OF 236.35 FEET, A CHORD BEARING OF S39°55'42"W, AND A CHORD LENGTH OF 135.93 FEET; THENCE N00°16'15"W 898.27 FEET; THENCE N00°16'15"W 281.63 FEET; THENCE N00°07'00"E 551.38 FEET; THENCE N00°59'37"E 1144.81 FEET; THENCE N04°50'34"E 830.18 FEET TO THE POINT OF BEGINNING.

NARRATIVE

THE PURPOSE OF THIS PLAT IS TO DIVIDE THE BELOW DESCRIBED PROPERTY INTO THREE LOTS AS SHOWN. ALL BOUNDARY AND LOT CORNERS WERE SET WITH A 5/8" x 24" REBAR AND PLASTIC CAP STAMPED "REEVE & ASSOCIATES".

CURVE TABLE

#	RADIUS	ARC LENGTH	CHORD LENGTH	TANGENT	CHORD BEARING	DELTA
1	236.35	137.87	135.93	30.86	S39°55'42"W	137°52'29"
2	262.85	145.61	147.80	26.80	N40°50'34"E	152°36'49"

CONTAINING 4,027,613 SQUARE FEET OR 92,461 ACRES

VICINITY MAP
NOT TO SCALE

NORTHWEST CORNER OF SECTION 26, TOWNSHIP 3 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, FOUND REBAR AND CAP SET BY MOUNTAIN ENGINEERING

WEST QUARTER CORNER OF SECTION 26, TOWNSHIP 3 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, CALCULATED

SOUTHWEST CORNER OF SECTION 26, TOWNSHIP 3 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, FOUND REBAR AND CAP SET BY MOUNTAIN ENGINEERING

MORGAN COUNTY PLANNING COMMISSION APPROVAL

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED BY THE MORGAN COUNTY PLANNING COMMISSION. SIGNED THIS _____ DAY OF _____, 20____.

CHAIRMAN, MORGAN COUNTY PLANNING COMMISSION

MORGAN COUNTY ENGINEER

I HEREBY CERTIFY THAT THE REQUIRED PUBLIC IMPROVEMENT STANDARDS AND DRAWINGS FOR THIS SUBDIVISION CONFORM WITH THE COUNTY STANDARDS AND THE AMOUNT OF THE FINANCIAL GUARANTEE IS SUFFICIENT FOR THE INSTALLATION OF THESE IMPROVEMENTS.

MORGAN COUNTY ENGINEER

MORGAN COUNTY COMMISSION ACCEPTANCE

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT, THE DEDICATION OF STREETS AND OTHER PUBLIC WAYS AND FINANCIAL GUARANTEE OF PUBLIC IMPROVEMENTS ASSOCIATED WITH THIS SUBDIVISION, THEREON ARE HEREBY APPROVED AND ACCEPTED BY THE COMMISSIONERS OF MORGAN COUNTY, UTAH.

SIGNED THIS _____ DAY OF _____, 20____.

CHAIRMAN, MORGAN COUNTY COMMISSION

ATTEST

MORGAN COUNTY SURVEYOR

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

SIGNED THIS _____ DAY OF _____, 20____.

MORGAN COUNTY SURVEYOR

MORGAN COUNTY ATTORNEY

I HAVE EXAMINED THE FINANCIAL GUARANTEE AND OTHER DOCUMENTS ASSOCIATED WITH THIS SUBDIVISION PLAT, AND IN MY OPINION THEY CONFORM WITH THE COUNTY ORDINANCE APPLICABLE THERETO AND NOW IN FORCE AND EFFECT.

SIGNED THIS _____ DAY OF _____, 20____.

MORGAN COUNTY ATTORNEY

WEBER-MORGAN HEALTH DEPARTMENT

I HEREBY CERTIFY THAT THE SOILS, PERCOLATION RATES, AND SITE CONDITIONS FOR THIS SUBDIVISION HAVE BEEN INVESTIGATED BY THIS OFFICE AND ARE APPROVED FOR ON-SITE WASTEWATER DISPOSAL SYSTEMS.

SIGNED THIS _____ DAY OF _____, 20____.

WEBER-MORGAN HEALTH DEPARTMENT

Morgan County Recorder

Entry No. _____ Filed For Record
And Recorded _____
At _____ In Book _____
Of The Official Records, Page _____

SIGNED THIS _____ DAY OF _____, 20____.

Morgan County Recorder
Deputy

SURVEYOR'S CERTIFICATE

I, ROBERT D. KUNZ, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT, AND THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THIS PLAT, AND THAT THIS PLAT OF CINDY CARTER SUBDIVISION IN MORGAN COUNTY, UTAH, HAS BEEN DRAWN CORRECTLY TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE HEREIN DESCRIBED LANDS INCLUDED IN SAID SUBDIVISION, BASED UPON DATA COMPILED FROM RECORDS IN THE MORGAN COUNTY RECORDER'S OFFICE AND FROM SAID SURVEY MADE BY ME ON THE GROUND. I FURTHER CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES OF MORGAN COUNTY CONCERNING ZONING REQUIREMENTS REGARDING LOT MEASUREMENTS HAVE BEEN COMPLIED WITH.

SIGNED THIS _____ DAY OF _____, 20____.

150228
UTAH LICENSE NUMBER ROBERT D. KUNZ

15028-2005
REGISTERED LAND SURVEYOR
ROBERT D. KUNZ
STATE OF UTAH

OWNERS DEDICATION AND CERTIFICATION

WE, THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AS SHOWN ON THE PLAT AND NAME SAID TRACT CINDY CARTER SUBDIVISION AND DO HEREBY DEDICATE TO PUBLIC USE ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES AND ALSO TO GRANT AND DEDICATE A PERPETUAL RIGHT AND EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED HEREON AS PUBLIC UTILITY, STORM WATER DETENTION PONDS DRAINAGE EASEMENTS AND CANAL MAINTENANCE EASEMENT, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINE, STORM DRAINAGE FACILITIES, IRRIGATION CANALS OR FOR THE PERPETUAL PRESERVATION OF WATER CHANNELS IN THEIR NATURAL STATE, WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY THE GOVERNING AUTHORITY, WITH NO BUILDINGS OR STRUCTURES BEING ERECTED WITHIN SUCH EASEMENTS.

SIGNED THIS _____ DAY OF _____, 20____.

STATE OF UTAH _____
COUNTY OF _____

ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, _____ (AND) _____ SIGNER(S) OF THE ABOVE OWNER'S DEDICATION AND CERTIFICATION, WHO BEING BY ME DULY SHOWN, DO KNOWLEDGE TO ME _____ SIGNED IT FREELY, VOLUNTARILY, AND FOR THE PURPOSES THEREIN MENTIONED.

COMMISSION EXPIRES _____ NOTARY PUBLIC

ACKNOWLEDGMENT

STATE OF UTAH _____
COUNTY OF _____

ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, _____ (AND) _____ BEING BY ME DULY SHOWN, ACKNOWLEDGED TO ME THEY ARE _____ AND _____ OF SAID CORPORATION AND THAT THEY SIGNED THE ABOVE OWNER'S DEDICATION AND CERTIFICATION FREELY, VOLUNTARILY, AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSES THEREIN MENTIONED.

COMMISSION EXPIRES _____ NOTARY PUBLIC

ACKNOWLEDGMENT

STATE OF UTAH _____
COUNTY OF _____

ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, _____ (AND) _____ BEING BY ME DULY SHOWN, ACKNOWLEDGED TO ME THEY ARE _____ AND _____ OF SAID CORPORATION AND THAT THEY SIGNED THE ABOVE OWNER'S DEDICATION AND CERTIFICATION FREELY, VOLUNTARILY, AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSES THEREIN MENTIONED.

COMMISSION EXPIRES _____ NOTARY PUBLIC

Project Info.

Surveyor: R. KUNZ
Designer: _____ ANDERSON
Begin Date: 10-21-15
Name: CINDY CARTER SUBDIVISION
Number: 6055-01
Revision: _____
Scale: 1"=200'
Checked: _____

Riverwood Farms Small Subdivision – Concept Plan
Public Meeting
February 25, 2016

Application No.: 16.001
Applicant: Jared and Lisa Penrod
Owner: Same
Project Location: approximately 3499 Bigler Lane
Peterson
Current Zoning: RR-5
General Plan Designation: Ranch Residential 5
Acreage: Approximately 20.84
Request: Concept Plan Approval
Date of Application: January 5, 2016
Date of Previous Meeting: N/A

Staff Recommendation

County Staff has reviewed the application for Concept Plan for the Riverwood Farms Small Subdivision. Staff is hereby recommending approval of the requested concept plan based on the following findings and with conditions listed below:

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 applicable zoning regulations.
4. That the developer will install any requisite infrastructure, including roadways, water lines, etc.
5. That the proposal is not detrimental to the health, safety, and welfare of the public.

Conditions:

1. That all outsourced consultant fees are paid current prior to final plat recordation.
2. That the required front, side and rear public utility easements are identified on all lots within the subdivision.
3. That proof of culinary shares/rights (800 gallons per day) and irrigation shares/rights (3 gallons per minute) are provided for each lot at preliminary plat application.
4. That all requirements and concerns of the County Engineer are met during the preliminary/final plat approval stages.
5. That the requirements of the County Surveyor are addressed.
6. That all proposed utilities provide a will serve letter indicating their willingness to serve the property in a manner that complies with County ordinances.

7. That approval of the sewage disposal mechanism is provided by the Weber-Morgan Health Department with preliminary plat submittal.
8. That all other local, state, and federal laws are adhered to.

Background

The applicant is seeking approval of a subdivision concept plan for a 4 lot subdivision. The proposal is being reviewed for conceptual design standards as required by Morgan County Code (MCC). The purpose of a concept plan is to provide the subdivider an opportunity to consult with and receive assistance from the County regarding the regulations and design requirements applicable to the subdivision of property as required by MCC Section 8-12-16.

With the recommendations contained in this staff report, the application appears to meet the minimum of requirements for the conceptual subdivision plan of the zoning and subdivision ordinances. It is important to note that because this is a concept plan, there may be some compliance issues with certain specific elements of the subdivision code. These issues will be resolved/addressed as the subdivision progresses through its Preliminary and Final Plat processes. Recommendations regarding the concept plan shall not constitute an approval or disapproval of the proposed subdivision, but rather shall operate in such a manner as to give the subdivider general guidance as to the requirements and constraints for the subdivider's proposed subdivision.

Analysis

General Plan and Zoning. Pursuant to the Future Land Use Map (see Exhibit B), the property is designated as lying in the Ranch Residential 5 area, allowing for 1 dwelling units per 5 acres. According to the General Plan, 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 proposed concept plan appears to follow this designation in the General Plan and according to the Future Land Use Map, reflecting low density neighborhoods.

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

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

The proposed conceptual lot layout appears to conform to the requirements of the zoning districts.

Ordinance Evaluation. The purpose statements in the General Plan and Zoning Ordinance do not provide actual development standards, but present the zoning context for the zone in which

the proposed subdivision is located. The specific standards found in the adopted County Code govern development of the subject property.

Property Layout. As noted, there are 4 total lots. Lot 1 will have approximately 5.84 acres, while each of the other lots will have approximately 5 acres. The proposed conceptual lot layout appears to conform to the requirements of the zoning districts.

Roads and Access. Access to the property will be derived from Morgan Valley Dr. via Bigler Lane. Each lot will have access via a private lane.

Grading and Land Disturbance. The property is relatively flat and therefore will not require extensive grading. There may be some grading associated with the construction of homes on the site.

Water Source. Water will be provided through water connections to the Peterson Pipeline system. Proof of water will be required at the preliminary/final plat stage.

Fire Protection. The property is inside the Wildland Urban Interface Area.

Sanitary Sewer Systems. Sanitary sewer services will be handled by separate septic systems on each lot.

Storm Water. Storm water drainage will be handled in existing storm drain channels.

Geologic and Geotechnical Evaluations. This parcel appears to be in the Qay geologic unit, which is not listed as an area of geologic hazard in the Morgan County ordinance.

Utilities. Other utilities (power, gas, etc.) will be addressed with the preliminary plat reviews.

Flood Plain: It appears that none of the lots will be in the existing 100 year flood plain.

Model Motion

Sample Motion for *approval* – “I move we approve the Riverwood Farms Subdivision Concept Plan, application number 16.001, allowing for a four lot subdivision of land located at approximately 3499 Bigler Lane, based on the findings and with the conditions listed in the staff report dated February 25, 2016.”

Sample Motion for *approval with additional conditions* – “I move we approve the Riverwood Farms Subdivision Concept Plan, application number 16.001, allowing for a four lot subdivision of land located at approximately 3499 Bigler Lane, based on the findings and with the conditions listed in the staff report dated February 25, 2016, and with the following additional conditions:”

1. List any additional conditions

Sample Motion for *denial* – “I move we deny the Riverwood Farms Subdivision Concept Plan, application number 16.001, allowing for a four lot subdivision of land located at approximately 3499 Bigler Lane, based on the findings and with the conditions listed in the staff report dated

February 25, 2016, *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: Proposed Concept Plan/Site Layout

Staff Contact

Bill Cobabe, AICP

801-845-4059

bcobabe@morgan-county.net

Exhibit A: Vicinity Map

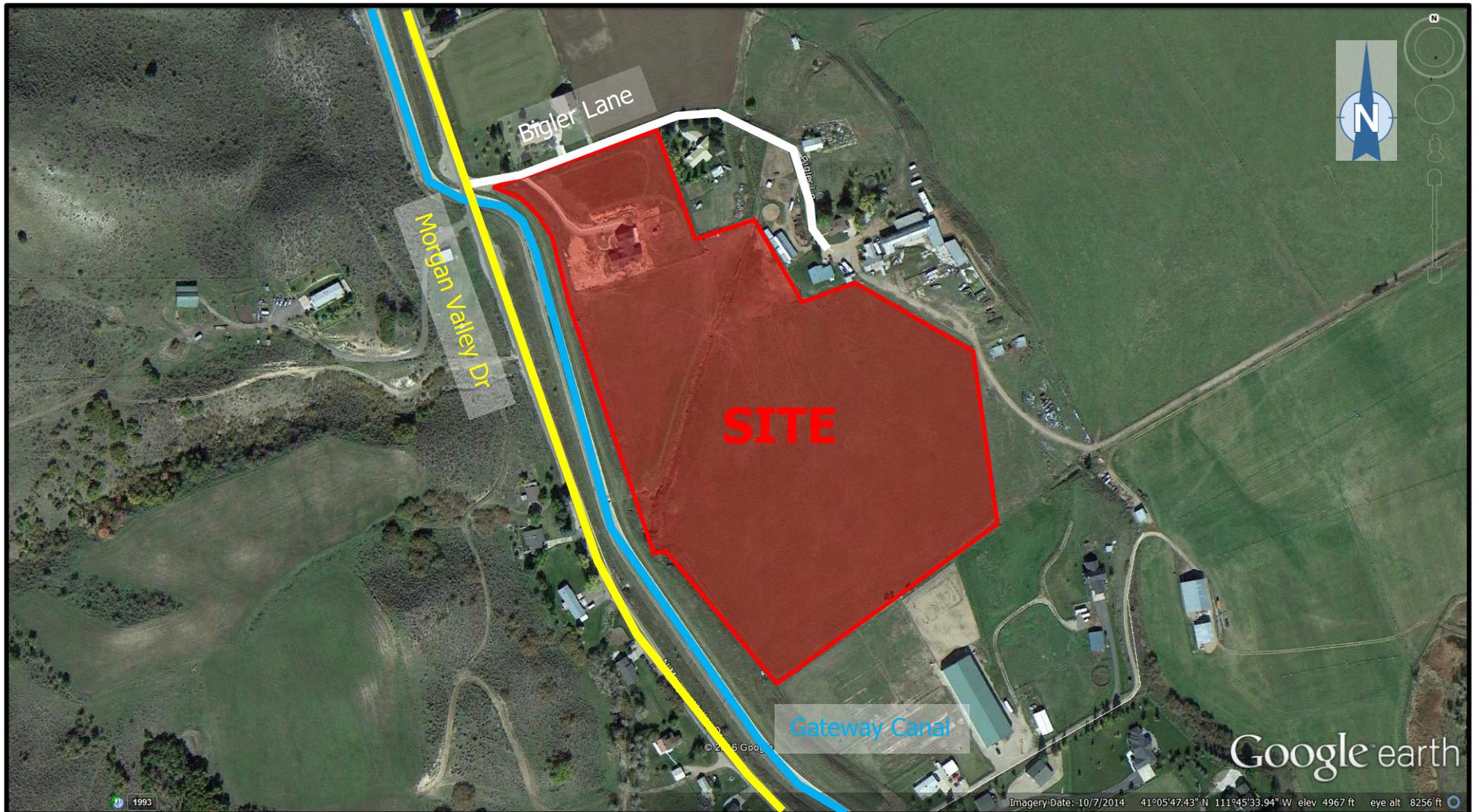


Exhibit B: Future Land Use Map



Exhibit C: Existing Zoning Map



Elysium Pet Services Conditional Use Permit
Public Meeting
February 25, 2016

Application No.: 16.003
Applicant: Steve Ford
Owner: Chris Anderson
Project Location: 4090 W 5800 N Unit C
Mountain Green
Current Zoning: BP – Business Park
General Plan Designation: Business Park
Acreage: (existing building)
Request: Conditional Use for a pet crematorium/small retail store
Date of Application: February 8, 2016
Date of Previous Meeting: N/A

Staff Recommendation

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

Findings:

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

Conditions:

1. That there are no deliveries to the front of the building.
2. That exhaust emissions are kept within state-regulated guidelines.
3. That cremations will not exceed five times per week.
4. That no storage or other business activity is conducted outside the building.
5. That the exterior of the facility be maintained in an attractive manner, painted and generally kept looking aesthetically pleasing.
6. That water and sewer utilities connections are provided at the time of building permit.

Background

Elysium Pet Services is a small business that provides pet crematorium services. It is currently located in Farmington and has been in operation since 2012. They will utilize a 2 million BTU

furnace which will be installed per the manufacturer specifications and County Building Code. It is anticipated that the furnace will operate no more than five times per week. Approximate hours of operation would be 7 AM to 10 PM daily, and the facility would utilize existing parking for the expected 1-4 employees. They will have a small retail area in the front of the shop which will sell mementos and memorials. Emissions are regulated by the State, and the applicant has provided a copy of the State Department of Air Quality exemption letter. There will be no harsh chemicals used on the site.

Analysis

General Plan and Zoning. Pursuant to the Future Land Use Map (see Exhibit B), the property is designated as Business Park. According to the General Plan, the Business Park designation “provides for areas for the development of uses that provide employment involving light manufacturing, assembling, warehousing, and wholesale activities. The Business Park designation is intended to encourage campus-style commercial development near the airport which incorporates amenities including attractive streetscapes and enhanced landscaping. This use category provides for employment in commercial and light industrial uses that are compatible with adjacent or surrounding land uses. The areas designated for Business Park uses have adequate transportation and infrastructure access, and emphasize minimal conflict with existing adjacent land uses. This designation provides for the development and accommodation of administrative and research industries, offices, and limited manufacturing and support services. Typical uses may also include construction contractors, small, screened storage yards, and small warehousing spaces.” The proposed conditional use would meet the anticipated general planning designation.

The zoning of the parcel is BP – Business Park. The purpose of the zone is to provide areas for appropriate transitions of commercial uses. The proposed conditional use permit would collocate a relatively low-impact use at an existing commercial site. The ordinance allows for this kind of use with the granting of a conditional use permit at a C3 (County Council level approval).

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

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

Staff Response: Due to the preexisting uses already on the parcel, any impact due to the collocation of the proposed use will be minimal. The site lies within a predominately light industrial/commercial use area. The proposed conditional use permit will not adversely impact adjacent properties or businesses.

Property Layout. The proposed use would be located in an existing building and will not require the modification of the property.

Roads and Access. The property is located on 5800 N. It is not anticipated that the proposed

conditional use will have a significant impact on the roadway and existing traffic patterns.

Grading and Land Disturbance. No grading/land disturbance is being proposed at this time. The parcel appears to lie outside of the flood plain.

Water Source. The proposed use will utilize water from the Cottonwoods Mutual Water Company. The proposed use will require similar water usage to what a household uses per person per day.

Fire Protection. A fire protection plan, or other considerations as approved by the local fire official, will be required during the building permit process.

Sanitary Sewer Systems. Sewer service will be utilized by the proposed use, and approval will be required by the Mountain Green Sewer District.

Storm Water. Storm water drainage is accommodated in the existing system. As the proposed conditional use will not expand the impervious surface area of the parcel, additional storm water drainage is not required.

Geologic and Geotechnical Evaluations. No additional construction will be associated with this proposed conditional use; therefore, geologic and geotechnical evaluations are not required.

Utilities. Connections to existing utilities in the area should be sufficient to supply the proposed use.

Model Motion

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Elysium Pet Services Conditional Use Permit, application #16.003, located at approximately 4090 W 5800 N, allowing for the installation of a pet crematorium, based on the findings and with the conditions listed in the staff report dated February 25, 2016.”

Sample Motion for a *Positive* Recommendation *with additional conditions* – “I move we forward a positive recommendation to the County Council for the Elysium Pet Services Conditional Use Permit, application #16.003, located at approximately 4090 W 5800 N, allowing for the installation of a pet crematorium, based on the findings and with the condition listed in the staff report dated February 25, 2016, *with the following additional conditions:*”

1. List any additional findings and conditions...

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for Elysium Pet Services Conditional Use Permit, application #16.003, located at approximately 4090 W 5800 N, allowing for the installation of a pet crematorium, based on the findings and with the condition listed in the staff report dated February 25, 2016, *based on the following findings:*

1. List any additional findings...

Supporting Information

Exhibit A: Vicinity Map

Exhibit B: Future Land Use Map

Exhibit C: Existing Zoning Map

Exhibit D: Applicant's Narrative and Other Supporting Documents

Staff Contact

Bill Cobabe, AICP

801-845-4059

bcobabe@morgan-county.net

Exhibit A: Vicinity Map

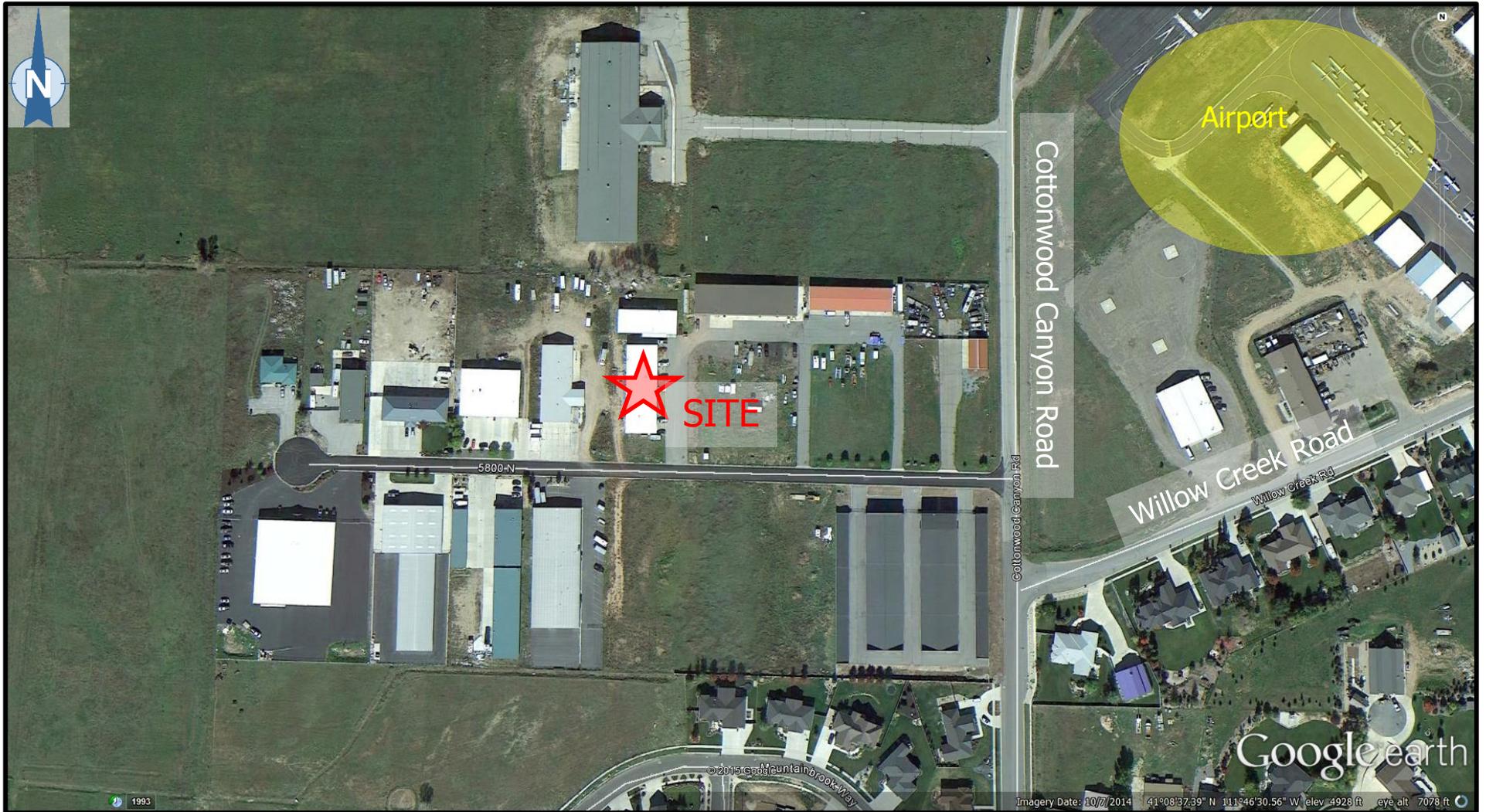


Exhibit B: Future Land Use Map



Exhibit C: Existing Zoning Map



Exhibit D: Applicant's Narrative and Other Supporting Documents

To: Morgan County Planning and Development Services

Elysium Pet Services is a company that performs cremations for Vet Clinics and provides pet owners with momentos such as paw prints and engraved pictures of their loved pets. We have identified a location in the Cottonwood Commercial Park in Mountain Green as a good location for this process. The proposed location for this business is 4090 West 5800 North Suite C.

The purpose of this narrative is to help Morgan Planning and Development Services determine the compatibility of this service and business activity at this location.

Approximate hours of operation (7 am to 10 pm), minimal sound and odor emissions during operating hours. Parking demands wont exceed the existing parking allotted to Suite C.

Elysium Pet Services is currently located at 868 North 2000 West Clinton Utah. This is behind a Vet Clinic in a commercial zone. It also borders a Residential zone approximately 200 feet away. I have included letters of recommendation from the nearest resident and from the Vet Clinic stating that they have never encountered any odors or smoke from my facility. Elysium Pet Services is registered with the State of Utah Department of Environmental Quality and is considered Small Source Exempt. There is no discharge to sewer systems or use of water. No harmful chemicals are used.

Cremations are performed 2-3 times per week, not to exceed 5 times per week. All deliveries are to be made in the rear of the building. This is done with a pickup truck with a shell on the bed to protect the pets from the elements during transportation and also out of respect for the pets and owners.

Cremations are performed in a self contained natural gas fired oven. There is a 24"stack that would protrude through the steel roof of the building. The afterburner at the outlet of the oven runs at 2 million BTU. The oven will be installed per manufacture recommendations and or Morgan County Building Code.

There will be a small business sign in the window or door. There will be no storage or business activity conducted outside of the building.

**Owner
Steven Ford**

**Elysium Pet Services
801.831.9587
322 Quail Flight
Farmington, Utah, 84025
E-mail- Elysiumpetservices@gmail.com**



State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

Small Source Registration

DAQE-EN144370001-12

February 6, 2012

Steven Ford
Elysium Pet Services
868 North 2000 West
Clearfield, UT 84015

Dear Mr. Ford:

Re: Request for Evaluation of Compliance with Rule R307-401-9, UAC: Exemptions and Special Provisions - Small Source Exemptions - De Minimis Emissions
Project Fee Code: N14437-0001

The Utah Department of Environmental Quality, Division of Air Quality (DAQ) has reviewed your letter, submitted January 5, 2012, requesting a small source exemption for one natural gas-fired cremation machine for animal remains at Elysium Pet Services located at: 868 North 2000 West, Clearfield, Davis County. The DAQ determined that the small source exemption applies as long as the above-referenced equipment and associated processes are operated as specified in the registration request.

The small source exemption does not exempt a source from complying with other applicable federal, state, and local regulations and the current Utah Administrative Code. If you change your operation such that there is an increase in the emissions submitted to DAQ, it is recommended that you notify us as an approval order may be required.

The fee for issuing the small source/de minimis designation is the cost, as authorized by the Utah Legislature of the actual time spent by the review engineer and all other staff on the project, and a one-time filing fee. Payment should be sent to the DAQ upon receipt of the invoice.

195 North 1950 West • Salt Lake City, UT
Mailing Address: P.O. Box 144820 • Salt Lake City, UT 84114-4820
Telephone (801) 536-4000 • Fax (801) 536-4099 • T.D.D. (801) 536-4414
www.deq.utah.gov
Printed on 100% recycled paper

February 9, 2016

Steve Ford
Elysium Pet Services
4091 W 5800 N, Suite C
Mountain Green, UT 84050

801-831-9587
elysiumpetservices@gmail.com

Dear Mr. Ford,

Thank you for contacting us regarding your business for pet cremation services that will be opening in the commercial park in Mountain Green.

Based on our conversation, your business will only be using the sewer for normal restroom and general sink discharge and that there will be no special chemical, biological or ash discharge into the wastewater system. As such, the Mountain Green Sewer Improvement District will not require any restrictions or pre-treatment of wastewater from your business at this time.

Please review the attached sections of our Ordinance for Use of the Sewer System, Power and Authority of the District and Penalties and let us know if you have any questions.

We wish you the best of luck with your endeavor and thank you for choosing Mountain Green as the location for your business.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Volk", with a long horizontal flourish extending to the right.

Robert Volk
Manager MGSID
801-876-3416
robert@mgsid.com

AFFIDAVIT

PROPERTY OWNER

STATE OF UTAH }
 }ss
COUNTY OF MORGAN }

I (we), Chris Andersen, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I also acknowledge that I (we) have received written instructions regarding the process for which I (we) am (are) applying and the Morgan County Planning Staff have indicated they are available to assist me in making this application.

Chris Andersen

(Property Owner)

(Property Owner)

Subscribed and sworn to me this 8th day of February, 2016.



Gina Grandpre

(Notary)
Residing in Morgan County, Utah
My commission expires: May 27, 2019

AGENT AUTHORIZATION

I (we), Chris Andersen, the owner(s) of the real property described in the attached application, do authorized as my (our) agent(s), Steve Ford, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Chris Andersen

(Property Owner)

(Property Owner)

Dated this 8th day of February, 2016, personally appeared before me Chris Andersen, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.



Gina Grandpre

(Notary)
Residing in Morgan County, Utah
My commission expires: May 27, 2019

Agricultural Land Division, Religious Uses in Residential Zones, Frontage Requirements in Certain Zones, and Small Subdivision Ordinance Revision
July 9, 2015

Applicant: Morgan County
Discussion: Revisions to the following Sections of Code:

1. Section 8-2-1 – Amending the definitions of “Lot”, “Lot Frontage Required”, and removing the definition of “Lot Right of Way”
2. Subsection 8-3-9 (H)(8) – Adding language to allow for “C2” and “C3” approvals (Planning Commission and County Council approval, respectively)
3. Section 8-6-2 – Removing the requirement for frontage and private or public street; adding “access” as required by the Code
4. Subsection 8-12-44 (D) – Removing frontage requirement; adding “access” as required by the Code
5. Subsection 8-12-44 (D)(1)(C) – Changing the authority to grant improvements exemptions from County Council to Planning Commission
6. Subsection 8-12-44 (M)(1) – Amending the requirements for Private Lanes
7. Subsection 8-12-44 (M)(4) – Adding a requirement to meet Public Street standards as determined by the County.
8. Subsection 8-12-44 (P)(1)(C) – Amending the requirements for private lanes.
9. Subsection 8-12-44 (P)(2) – Removing the qualification of Small Subdivisions with proposed private lanes.
10. Subsection 8-12-44 (Q) – Changing the requirements for driveway widths (allowing for 40’ widths); adding a requirement for driveways longer than 100’, in areas of geologic instability, or as otherwise determined by the County, to be reviewed by the County Engineer prior to issuance of a building permit; and adding a requirement that driveways serving more than one lot must meet the requirements of the County for Private Lanes.

Date of Previous Discussions: 10 Dec 2016; 14 Jan 2016; 11 Feb 2016 (Planning Commission - Discussion Only)

Background and Analysis

The Planning Commission has identified several sections of the Code that need revisions. These sections largely deal with questions of access to property and the cross sections of the roads associated with that access. The intent is to make access to lots easier and more efficient. The County Engineer provided the cross section drawings (see Exhibit B) and is in support of the proposed changes, as is the County Public Works Director. The Planning Commission discussed the proposed changes several times in an attempt to ensure the best resolutions to the identified concerns.

Supporting Information

Exhibit A: Draft Revised Ordinance Sections – Strikethrough/Bold format

Exhibit B: Proposed Road Cross Sections (for reference only)

Staff Contact

Bill Cobabe, AICP

801-845-4059

bcobabe@morgan-county.net

Exhibit A: Proposed Revised Ordinance Sections

Note – deletions are in ~~striketrough~~; additions are in **bold**

Definitions of Words and Terms (Section 8-2-1):

LOT: A parcel or tract of land within a subdivision ~~and abutting a public street or a private street~~ pursuant to the requirements of this title.

LOT FRONTAGE ~~REQUIRED~~: The length, in feet, of the front lot line which is coterminous with the front street line.

~~LOT RIGHT OF WAY: A strip of land not less than sixteen feet (16') in width connecting a lot to a street for use as a private access to that lot. This definition does not apply to the creation of new lots or parcels, pursuant to the County's subdivision ordinances.~~

Approval of Conditional Uses (Section 8-3-9 (H)(8)):

8. Recommend approval or denial **by the County Council** of conditional use permits **noted in this title as "C3"; approve or deny conditional use permits noted in this title as "C2"**.

Lot Standards (Section 8-6-2)

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 **and access** 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.~~

Section 8-12-44:

Improvements Required (Section 8-12-44 (D)):

Improvements Required: All lots or parcels created by the subdivision shall have ~~frontage on a street, improved and dedicated to the standards~~ **access to the lot as** required herein **in this title**. Pavement widths, curbs, gutters, sidewalks, and park strips shall be installed on existing and proposed streets by the subdivider in all subdivisions where the adopted road cross sections require these improvements:

Deferral Agreement (Section 8-12-44 (D)(1)(C)):

c. In lieu of a deferral agreement, the ~~County Council~~ **Planning Commission** may grant an improvements exemption as provided for in this subsection.

Subsection 8-12-44 (M) – Private Streets –

1. Private streets shall meet and adhere to all county standards for ~~public~~ **private** streets, including construction standards, **and** width and right of way standards, ~~and the construction of curb, gutter, and sidewalk, regardless of the number of proposed lots.~~ **The minimum right of way for private streets is thirty-six feet (36'), including twenty-two feet (22') of paved surface, a 4' shoulder on each side of the pavement, and drainage sufficient to provide for anticipated storm water runoff (a minimum of three feet (3') per side of the private street). Additional right of way may be required if an approved drainage design cannot be accomplished within the thirty-six feet (36') right of way. The road subgrade and pavement shall be sufficient to hold a 75,000 pound load.**

...

4. The county may determine in the public interest that a proposed private street shall be dedicated with the subdivision as a public street for public use. **In such cases, the private streets shall meet all standards regarding public streets, as specified in this Chapter.**

Subsection 8-12-44 (P) – Private Lanes –

(1)(c) - Private lanes shall have a recorded minimum right of way of ~~twenty four feet (24')~~ **twenty-six feet (26')** and an improved, **all-weather** surface of at least twenty feet (20'), designed and constructed with rolled and compacted road base capable of supporting a seventy five thousand (75,000) pound fire apparatus vehicle, road base and subbase that meet the recommended geotechnical analysis of the load bearing capacity of the soils under the proposed roadway, and which is also designed pursuant to adopted construction standards, fire codes, and wildland urban interface requirements. Private lanes greater than one hundred fifty feet (150') in length must be terminated with a turnaround of not less than one hundred ten feet (110') of right of way in diameter, or an alternative turnaround design which meets the adopted fire and wildland urban interface code and is approved by the fire code official and county engineer. Additional right of way may be required if an approved drainage design cannot be accomplished within the ~~twenty four feet (24')~~ **twenty-six feet (26')** right of way.

Private Lanes/Small Subdivision (Section 8-12-44 (P)(2)):

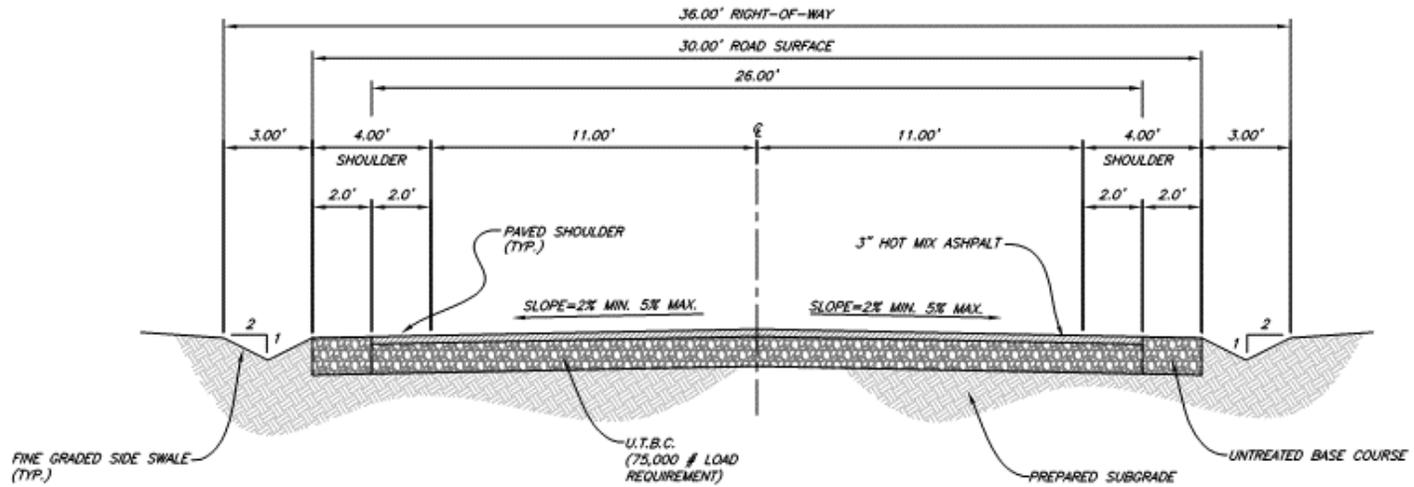
2. Private Lanes May Be Required To Be Public Street: The establishment of a new private lane or right of way shall be evaluated by the zoning administrator and county engineer, and may, at the discretion of the county council, be required to be dedicated as a public street meeting county street standards to accomplish needed and logical street connections, to provide access to properties that may otherwise have no access or limited access to the detriment of the property, or other purposes determined to be appropriate. ~~Subdivisions with proposed private lanes shall not qualify for the small subdivision review.~~

Subsection 8-12-44 (Q) – Driveways –

1. Driveways shall be provided for all residential building lots. The drive approach for the driveway shall be a minimum width of twelve feet (12') and shall not exceed the maximum width of ~~thirty feet (30')~~ **forty feet (40')**. A secondary drive approach may be permitted upon review and approval by the county engineer.

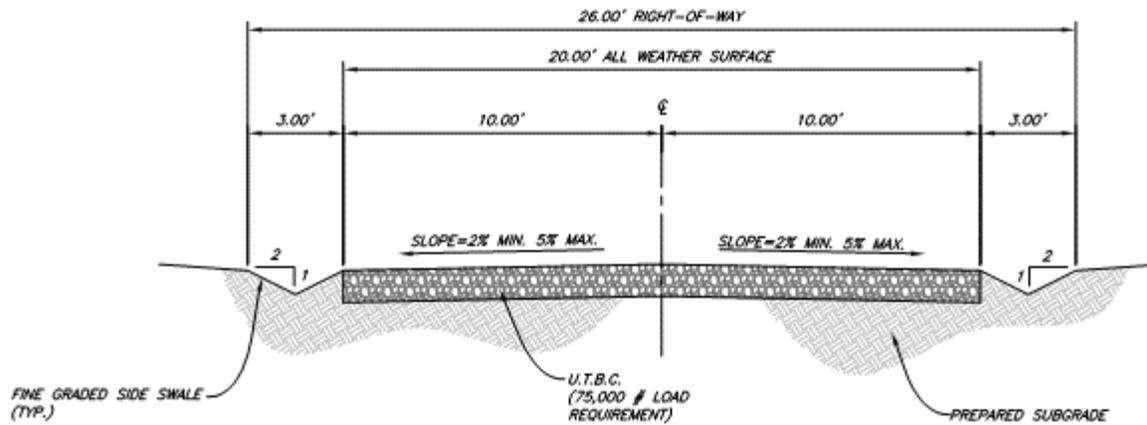
2. Downsloping driveways toward the building envelope shall not be permitted, unless topographic constraints warrant their construction. Driveways must comply with the provisions of the adopted building code regarding drainage adjacent to any structures.
3. For driveways less than fifty feet (50') in length, the maximum slope shall be fifteen percent (15%). For driveways fifty feet (50') or greater, the maximum grade at which a driveway shall be allowed to be built is twelve percent (12%). All driveways shall meet the provisions of the adopted fire code and wildland urban interface code for grade and turnaround requirements. **Driveways longer than one hundred feet (100'), in areas of geologic instability or steep or loose slope areas, or as determined by the Fire Chief, Building Official, Zoning Administrator, or County Engineer, shall be reviewed and accepted by the County Engineer prior to issuance of a building permit.**
4. A driveway serving no more than one dwelling or lot may be designed and constructed as an all-weather gravel road, with rolled and compacted road base capable of supporting a seventy five thousand (75,000) pound fire apparatus vehicle, and road base and subbase that meet geotechnical recommendations. If at any time during building construction, the gravel driveway becomes impassable, as determined by the building official, fire code official, zoning administrator, or county engineer, a stop work order shall be placed on the building permit until the road is rehabilitated and inspected to meet this standard. The developer is responsible to pay all inspection fees prior to the stop work order being lifted.
5. Driveways serving two (2) or more lots or building envelopes shall be paved to county construction standards **for private lanes.**
6. 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.
7. Driveways may not be utilized to establish or calculate required lot frontage.

Exhibit B: Proposed Road Cross Sections (for reference only)



PRIVATE STREET (36' ROW)

SCALE: 1" = 6'



PRIVATE LANE (26' ROW)

SCALE: 1" = 6'