



## PLANNING COMMISSION AGENDA

Thursday, December 8, 2016  
Morgan County Council Room  
6:30 PM

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

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

Legislative:

Postponed items from November 10<sup>th</sup>, 2016 meeting:

6. Discussion/Decision on the Dickson Future Land Use Map Amendment.
7. Discussion/Decision on Various Land Use Management Codes.

New Legislative Item:

8. Discussion/Public Hearing/Decision on Peterson Properties Future Land Use Map Amendment.

Administrative:

9. Discussion/Decision on Coventry Cove Plat Amendment
10. Discussion/Decision on R & D Small Subdivision Prelim & Final Plat
11. Discussion/Decision on Heather Meadows Small Subdivision Concept Plan
12. Discussion on Commercial Use Table
13. Discussion on Process Review
14. Planning Commission Business/Questions for Staff
15. Approval of minutes from November 10, 2016
16. Adjourn

Dickson Future Land Use Map Amendment  
Public Hearing  
December 8, 2016

Application No.: 16.028  
Applicant: Norris and Pamela Dickson  
Owner: Same  
Project Location: approximately 661 W 1550 S (Richville Lane)  
Current Zoning: A-20  
General Plan Designation: Agricultural  
Acreage: ~14.75 acres  
Request: Amend the Future Land Use Map, changing the existing designation of Agricultural to Ranch Residential 5  
Date of Application: August 10, 2016  
Date of Previous Hearing: September 22, 2016 (Planning Commission – tabled; tabled again on October 13 and 27 and November 10)

Staff Recommendation

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

***Findings:***

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

Background

*\*\*\* Note – Staff received a letter (included below as Exhibit G changing the amendment request on the application from "Rural Residential" to "Ranch Residential 5". The Staff Report has been updated to reflect this change.*

Norris Dickson applied for the Future Land Use Map amendment in order to pursue anticipated development of this property. The property is located in the Richville area of unincorporated Morgan County, just west of Morgan Valley Drive. The property currently is in the Agricultural designation for the Future Land Use Map. The associated zoning for the property (which is currently all zoned the same at A-20) would not allow for the desired development the applicant wishes to pursue. The proposed amendment would change the current designation from Agricultural to Ranch Residential 5. The land is currently largely vacant; however, there is a barn located on the north east corner of the property (see Exhibit A).

## Analysis

*General Plan and Zoning.* Changing the Future Land Use Map/General Plan is a serious undertaking. The General Plan represents the desires of the people of Morgan County, and as such should only be modified to reflect these continuing desires. Care should be taken to ensure viability of any proposed projects, as well as maintaining the desires of the people as expressed in the General Plan.

The General Plan and Future Land Use Map anticipate the development of property in this area. In designating the property as a part of the Agricultural designation, the General Plan demonstrated the desire of the County to keep this area in relatively open space, protecting property from rapid and dense development, and ensuring that the relatively undeveloped areas of the County remain pristine. The purpose of the Agricultural designation is to:

*...support viable agricultural operations in Morgan County, while allowing for incidental large-lot residential and other uses. The residential density in this category is up to one unit per 20 acres. (page 7)*

The requested designation, Rural Residential, notes that:

*The Ranch Residential 5 category 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. (page 7)* Residential density in Ranch Residential 5 areas is a maximum of 1 unit per 5 acres.

As can be seen in Exhibit B, and as noted above, there is already some compatible development in the area. It is also anticipated that the developer will request a rezone to RR-5 pending the approval of the proposed Future Land Use Map amendment.

As there are a number of lots in the area ranging from 1 to 6 acres, the proposed amendment appears to be in keeping with the existing character of the area.

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

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

...

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

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

Ordinance Evaluation:

Morgan County ordinance anticipates amendments to the General Plan. Section 8-3-10: General Plan indicates that:

*C. Plan Adoption:*

- 1. After completing a proposed general plan for all or part of the area within the county, the planning commission shall schedule and hold a public hearing on the proposed plan.*

*After the public hearing, the planning commission may make changes to the proposed general plan.*

- 2. The planning commission shall then forward the proposed general plan to the governing body.*
- 3. The governing body shall hold a public hearing on the proposed general plan recommended to it by the planning commission.*

*The governing body shall publish notice of the time, place, and purpose of the public hearing in a newspaper of general circulation in the county at least ten (10) days before the hearing at which the proposed general plan is to be considered and public comment heard.*

- 4. After the public hearing, the governing body may make any modifications to the proposed general plan that it considers appropriate.*
- 5. The governing body may:*
  - a. Adopt the proposed general plan without amendment;*
  - b. Amend the proposed general plan and adopt or reject it as amended; or*
  - c. Reject the proposed general plan.*

- 6. The general plan is an advisory guide for land use decisions.*

*D. Amendment of Plan: The governing body may amend the general plan by following the procedures required by subsection C of this section.*

This meeting is in fulfillment of subsection (D) above, in following the procedures outlined in subsection (C), which is included for reference.

Model Motion

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Dickson Future Land Use Amendment, application number 16.028, changing the designation from Agricultural to Ranch Residential 5, based on the findings listed in the staff report dated December 8, 2016.”

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the Dickson Future Land Use Amendment, application number 16.028, changing the designation from Agricultural to Rural Residential, based on the findings listed in the staff report dated December 8, 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: Existing Zoning Map

Exhibit D: Current Section Plat Map

Exhibit E: Property Boundary Description

Exhibit F: Applicant’s Narrative (Application)

Exhibit G: Letter from Norris Dickson requesting a change on his application from Rural Residential to Ranch Residential 5

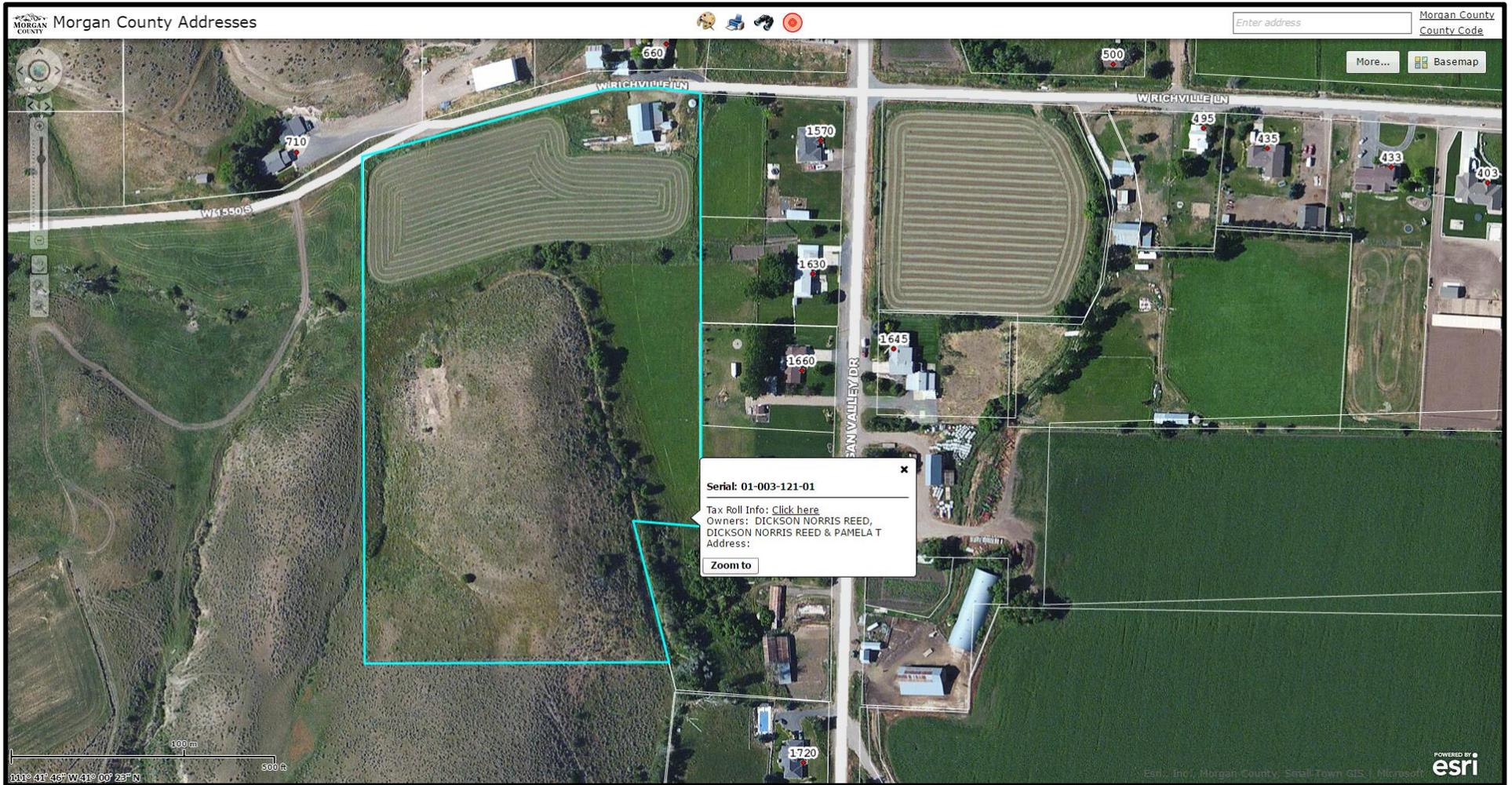
### Staff Contact

Bill Cobabe, AICP

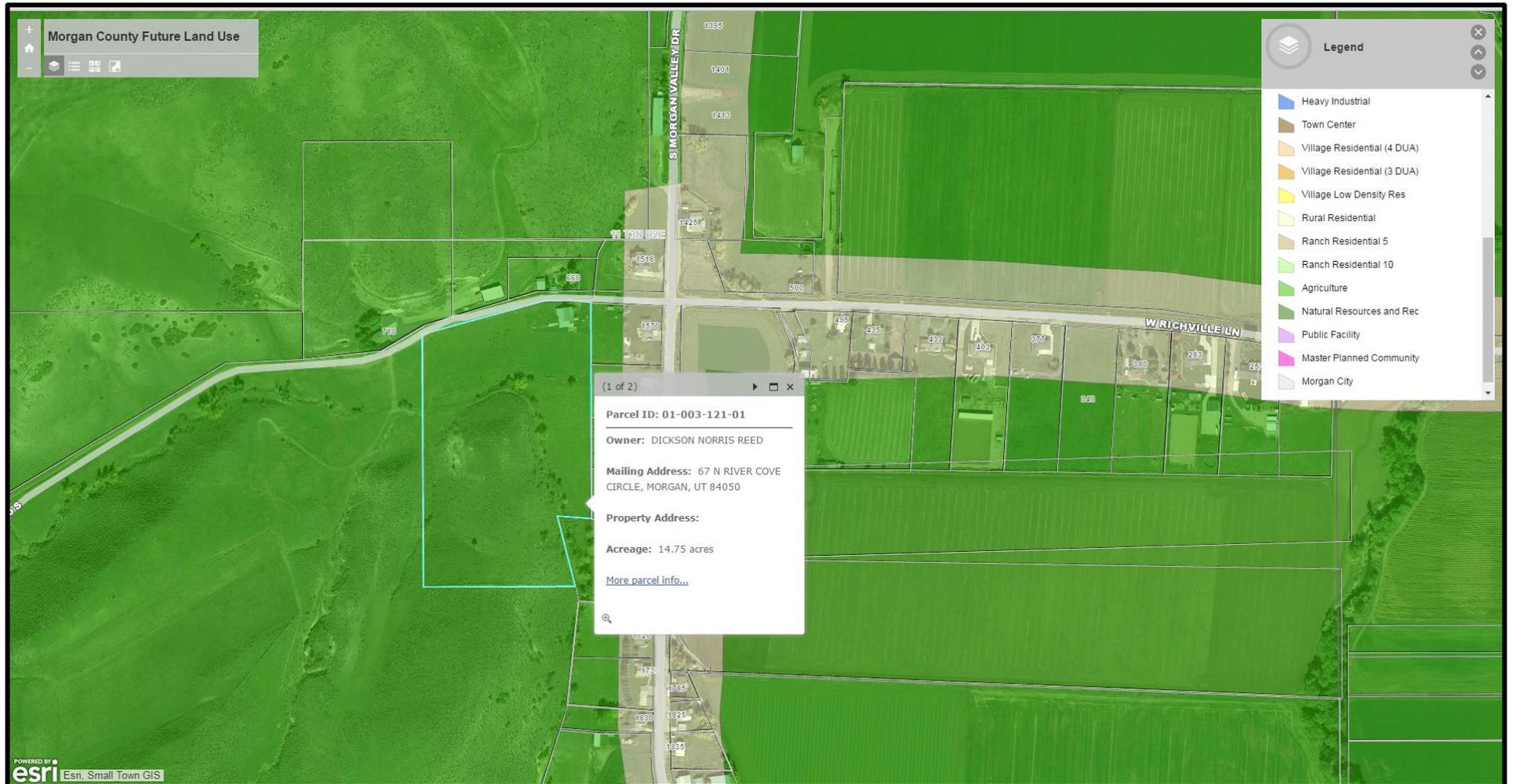
801-845-4059

bcobabe@morgan-county.net

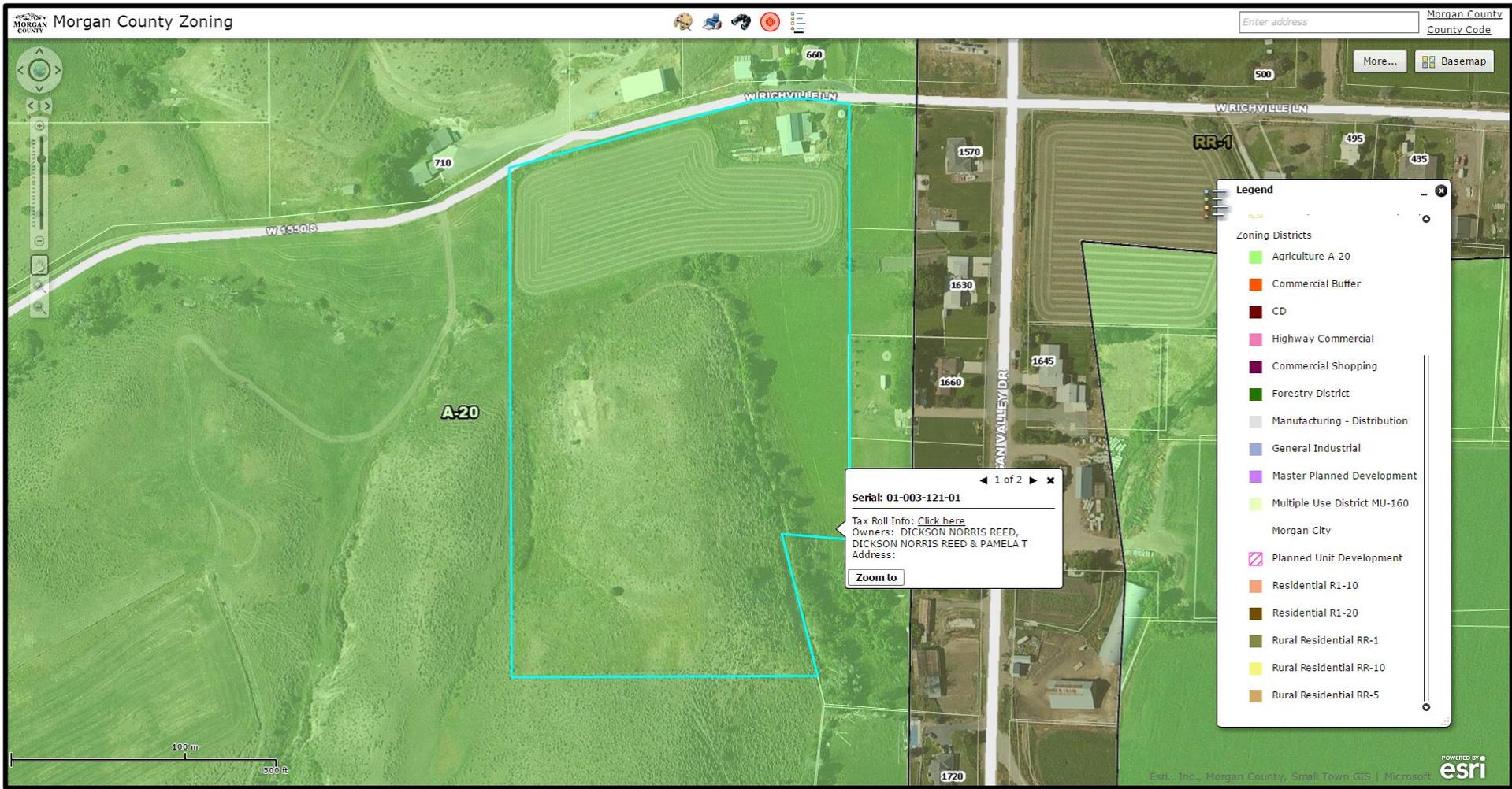
Exhibit A: Vicinity Map



# Exhibit B: Future Land Use Map



# Exhibit C: Existing Zoning Map



# Exhibit D: Current Section Plat Map

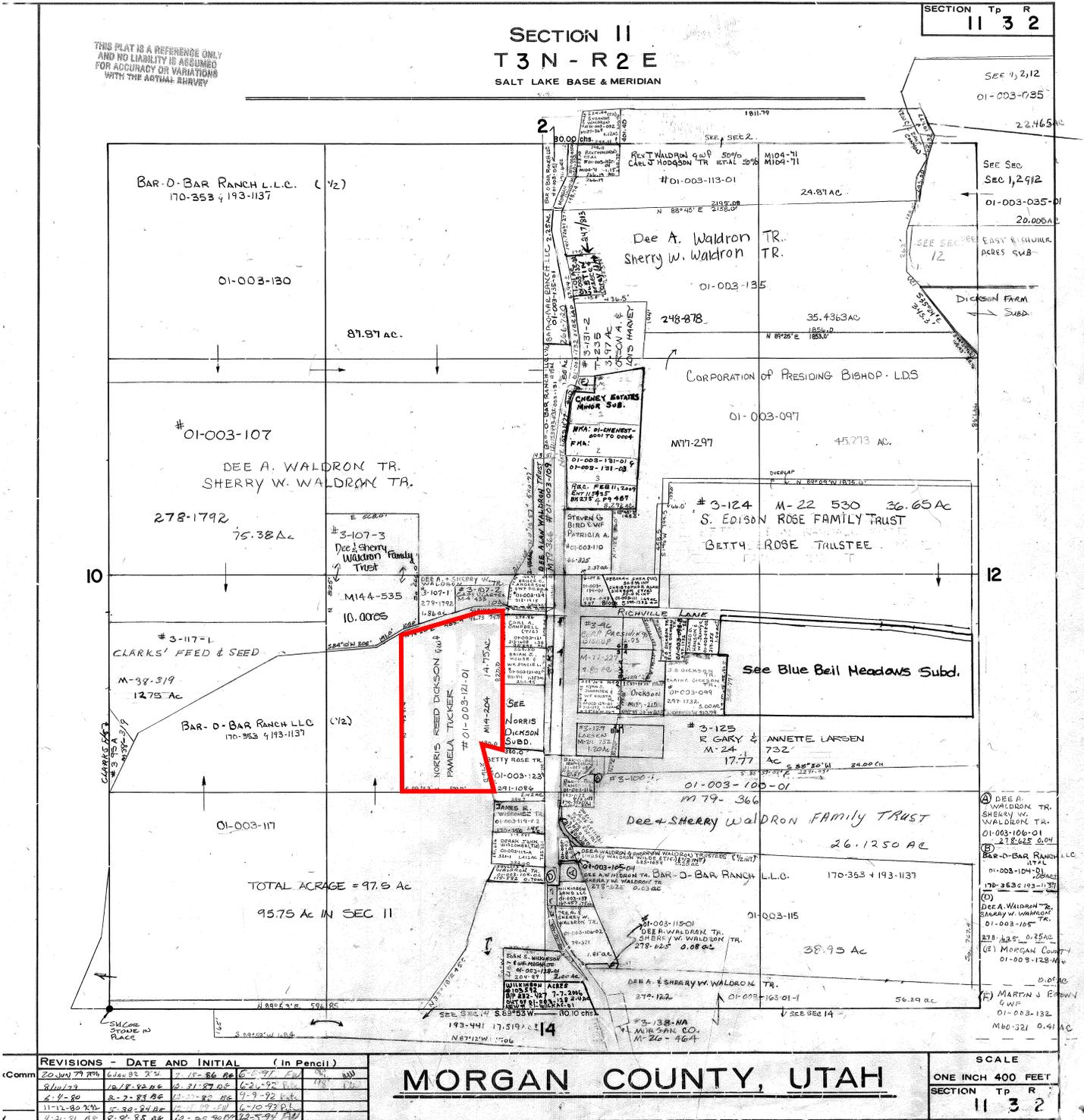


Exhibit E: Property Boundary Description

A PT OF THE NE1/4SW1/4 OF SEC 11, T3N, R2E, SLB&M. U.S. SUR. BEG AT A PT WH BEARS N 89°53' E 1777.8 FT & N 1320.0 FT FRM THE SW COR (STONE IN PLACE) OF THE SD SEC 11, & RUN TH N 0°10' W 959.4 FT TO A CO RD UP TAGGART HOLLOW; TH ALG THE S BDY LN OF SD RD 3 COUR AS FOLS: N 74°50' E 485.4 FT; N 88°45' E 96.73 FT; S 82°22' E 79.0 FT; TH LEAV SD CO RD S 820.0 FT; TH N 85°10' W 130.0 FT ALG A FNC LN; TH S 14°10' E 276.0 FT ALG A FNC LN; TH S 89°53' W 578.7 FT ALG A FORTY AC LN TO THE POB. CONT 14.75 AC, M. OR L.

Exhibit F: Applicant's Narrative (Application)



**ZONE MAP/FUTURE LAND USE MAP  
AMENDMENT APPLICATION**

RECEIVED  
AUG 10 2016  
Morgan County

*NOTE: Please Read Chapter 4 of the Land Use Management Code as well as any other pertinent sections of the Code/General Plan/Area Plan in detail before submitting any type of Code Amendment Application. The applicant should realize that a typical time frame for a Zoning Ordinance Amendment may be lengthy, depending upon the complexity and issues.*

<b>PARCEL to be amended (attach legal description):</b>					
Name of Owner(s): Norris Reed Dickson   Pamela Tucker Dickson				Date of Submission:	
Owner(s) Address: 67 River Cove Circle			Owner(s) Mailing Address (if different): 675 W 1550 S		
Property Address: 675 W 1550 S			01-003-121-01 00-		
City: Morgan	State: UT	Zip: 84050	City: Morgan	State: UT	Zip: 84050
Phone: 801-829-5589   801-829-6640			Email: nandpdickson@gmail.com		
Name of Applicant or Authorized Agent: Norris Reed Dickson					
Agent Address:			Agent Mailing Address (if different):		
City:	State:	Zip:	City:	State:	Zip:
Phone:			Email:		
Owner(s): Signature of Authorization to file:				Date of Submission:	
Describe proposed MAP amendment: Amend the future land use map from an agricultural designation to a rural residential designation. Copy of deed attached.					
Describe how this change will affect the general character of the zone: This will change the general character of the area to allow for low density (1-3) homes to be constructed on the property. pending future zone change.					
Any additional information that may be useful: Two homes already exist on the north side of 1550 S., across the road from this property.					
Pre-Application Conference Date (if applicable or necessary):					

Exhibit G: Letter from Norris Dickson requesting a change on his application from Rural Residential to Ranch Residential 5

November 23, 2016

Bill, would you please change my Future Land Use Application to reflect the following.

Amend the future land map from an agricultural designation to Ranch Residential 5 designation.

Thank You

Norris Reed Dickson

A handwritten signature in black ink that reads "Norris Reed Dickson". The signature is written in a cursive style with a long horizontal stroke at the end.

Various Ordinance Revisions  
December 8, 2016

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

Various Land Use Management Code Amendments – Proposed amendments to the Land Use Management Code for Morgan County:

1. Section 8-2-1 – Amending the definitions of “Frontage”, adding a requirement for frontage to be “contiguous” on a “single” street, and removing the restriction due to topography or other reasons.
2. Subsection 8-5-6 – Removing the allowance for width and frontage regulations related to the smaller zoning district, and adding a requirement that the minimum area and frontage regulation shall apply based on the zoning district in which the frontage is established.
3. Section 8-6-2 – Removing the language regarding “flexible requirements” and adding an allowance for “private lane” frontage.
4. Subsection 8-12-43 (B) – Adding language to note that the frontage requirements are to be implemented “where required by this title”.
5. Subsection 8-12-43 (E) – Changing the requirement for interior lots to be at right angles by adding the provision that interior side lot lines shall be within 30 degrees of perpendicular to the street; also, that exceptions may be made at the discretion of the County Council.
6. Subsection 8-12-53 (B) – Adding language to note that the frontage requirements are to be implemented “where required by this title”.
7. Subsection 8-12-37 – Adding a provision for the installation of required improvements prior to plat recordation, and changing the required bond amount to 110% for complete improvements and 10% for completion and maintenance bonds.
8. Subsection 8-12-41 – Changing the approval time for final plats to six months, with one possible six month extension.
9. Subsection 8-3-13 (A) – Changing the requirement for mailing letters for public comment items.
10. Subsection 8-3-13 (C) – Changing the requirement for mailing letters for public comment items.
11. Subsection 8-3-13 (I) – Removing this subsection in its entirety.
12. Subsection 8-8-4 (G) – Removing this subsection in its entirety.
13. Subsection 8-19-8 – Changing the requirement for taking public comment.

Date of Previous Discussions: 11 Aug 2016; 25 Aug 2016; 08 Sep 2016; 13 Oct 2016; 27 Oct 2016; 10 Nov 2016 (Planning Commission - Discussion Only); 22 Sep 2016 (Planning Commission Public Hearing - Tabled)

## Background and Analysis

The Planning Commission has identified several sections of the Code that need revisions. The Planning Commission discussed the proposed changes several times in an attempt to ensure the best resolutions to the identified concerns. For further discussion, please refer to the specific sections listed in Exhibit A.

### *Additional Info for 8 Dec 2016 Discussion:*

Staff has been directed to look at the Sections of the Code listed above as items 9-13 for potential revision. State Code governing public notice is found in Sections 17-27a-201 through 212. These Sections are listed below, and you may click through to these Sections to review what is required:

[Section 201](#) Required notice.

[Section 202](#) Applicant notice -- Waiver of requirements.

[Section 203](#) Notice of intent to prepare a general plan or comprehensive general plan amendments in certain counties.

[Section 204](#) Notice of public hearings and public meetings to consider general plan or modifications.

[Section 205](#) Notice of public hearings and public meetings on adoption or modification of land use ordinance.

[Section 206](#) Third party notice.

[Section 207](#) Notice for an amendment to a subdivision -- Notice for vacation of or change to street.

[Section 208](#) Hearing and notice for proposal to vacate a public street, right-of-way, or easement.

[Section 209](#) Notice challenge.

[Section 210](#) Notice to county when a private institution of higher education is constructing student housing.

[Section 211](#) Canal owner or operator -- Notice to county.

[Section 212](#) Notice for an amendment to public improvements in a subdivision or development.

Specific notice for public meetings on administrative items is not required; however, it is required for legislative items, including general plan modifications and ordinances modifications (including the zoning map). The requirements for notice for a subdivision plat amendment note that the notice may either be through mailing or signage. The following are suggested revisions (these items are repeated in Exhibit A below):

### 8-3-13: NOTICING:

Required notice of public meetings, ~~public comment items~~, and public hearings for land use applications and ordinances shall include and comply with the following provisions:

A. Mailing List And Labels: The applicant for a site specific land use application which requires a public hearing ~~or public comment~~ shall provide the planning and development services department with an approved list of all owners of real property located within one thousand feet (1,000') of the boundary of the subject property parcel, as shown on the official records of

the county assessor. The applicant shall pay to the county a fee in the amount of the actual costs incurred by the county in providing the notice, and shall bear sole responsibility to ensure the accuracy of the property owner list.

...

C. Notice To Third Parties: For site specific land use applications which require a public hearing ~~or public comment~~, the county shall mail notice to the record owner of each parcel within a one thousand foot (1,000') radius of the subject property, and the applicant shall post a sign on the property according to the following regulations:

...

~~I. Notice Of Land Use Applications: The following site specific land use applications shall be considered public comment items and be noticed at least ten (10) calendar days before the first public meeting, pursuant to this title:~~

- ~~1. Conditional use permits or amendments; and~~
- ~~2. Site plans or site plan amendments. (Note: to be removed entirely, which would make subsection (J) below the new (I)).~~

#### 8-8-4 PERFORMANCE STANDARDS FOR ALL CONDITIONAL USES:

...

~~G. Conditional Use Permits Are Public Comment Items: All conditional use permits are considered public comment items. The first public meeting regarding a conditional use permit shall be noticed as a public comment item pursuant to this title.~~

#### 8-19-8: CONDITIONAL USE PERMIT:

For all new telecommunication facilities, the applicant shall submit a master plan along with a completed application, and a site justifications study for each proposed telecommunications facility or site. A site justification study and master plan shall be submitted to the planning department. This study shall provide a review of the proposed project to ensure that the provisions of this title are being met. If the application is a collocation or stealth, go to the permitted use permit provisions of section 8-19-13 of this chapter for application requirements. Permitted uses shall be reviewed and approved by the planning staff. Temporary and conditional uses shall be review and approved by the planning commission and approved by the county council. Any conflicts shall be submitted to the planning commission for consideration. Said planning commission shall review, ~~take public comment~~ and render a decision by: a) approving the application; b) approving the application with conditions; or c) denying the application. The applicant shall request in written form what information submitted with the application is to be kept confidential from public review.

Supporting Information

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

Staff Contact

Bill Cobabe, AICP

801-845-4059

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

## Exhibit A: Proposed Revised Ordinance Sections

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

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

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

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

The Code currently states that:

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

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

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

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

This Section of the Code currently reads:

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

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

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

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

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

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

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

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

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

"The **interior side lot** lines of all lots, ~~so far as possible,~~ shall be at right angles ~~within~~ **thirty degrees (30°) of perpendicular** to the street which the lot faces, or ~~approximately radial~~ **within thirty degrees (30°) of perpendicular** to the center of curves, if such street is curved. Side lines of lots shall be ~~approximately radial~~ **within thirty degrees (30°) of perpendicular** to the center of a cul-de-sac on which the lot faces."

Additionally, a provision could be added for unusual cases:

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

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

This Section of the Code deals specifically with the requirements of Small Subdivisions. It includes the provision stating, "All lots have acceptable access to a public street, either by direct frontage or through access by an approved private street..." Again, this does not adequately address provisions for lots that are in the larger zoning districts. A suggested amendment for this Section could be:

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

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

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

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

A suggested amendment to the Code would be:

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

~~A.~~ **B.** Prior to signing of a final plat by the county engineer, county attorney, county clerk, and county council chairperson, the subdivider shall enter into an improvements guarantee acceptable to the county as security to ensure completion of all improvements required to be installed in the subdivision. The improvements guarantee shall be in a form approved by the county attorney, shall be signed on behalf of the county by the county council chairperson, and may contain specific provisions approved by the county attorney. The agreement shall include, but not be limited to:

1. The subdivider's agreement to complete all improvements within a period of time not to exceed twenty four (24) months from the date the agreement is executed;
2. The improvements shall be completed to the satisfaction of the county and in accordance with the county's design and construction standards as established by the county engineer and adopted by the county council;

3. A provision that the improvements guarantee amount of deposit shall be equal to ~~one hundred fifteen percent (115%)~~ **one hundred ten percent (110%)** of the county engineer's estimated cost of the improvements to be installed;
4. That the county shall have immediate access to the deposited funds when necessary to remedy a deficiency in required subdivision improvements or a violation of the improvements agreement;
5. That deposited funds may only be reduced upon the written request of the subdivider as system improvements are completed. The amount of the reduction shall be determined by the county engineer. Reductions shall be made only as they apply to the completion, satisfactory to the county engineer, of entire systems. The improvements for subdivisions are typically grouped into six (6) system categories: culinary water, storm drainage, roadways, parks/trails and landscaping, erosion control and miscellaneous/finish items. Additional categories may be added if approved by the county engineer. Such written reduction requests may be made only once every thirty (30) days and no reduction shall be authorized until such time as the county engineer has inspected the improvements and found them to be in compliance with the county's standards and specifications. All reductions shall be by written authorization of the county engineer. No deposited funds shall be reduced below ~~fifteen percent (15%)~~ **ten percent (10%)** of the county engineer's estimated cost of the improvement to be installed until final acceptance by the county engineer following an improvement assurance warranty period. No reduction in deposited funds shall be allowed for materials which are delivered to the subdivision site but not installed in accordance with approved construction drawings.
6. That if the deposited funds are inadequate to pay the cost of the completion of the improvements according to the county's standards or specifications for whatever reason, including previous reductions, the subdivider shall be responsible for the deficiency and no further building permits shall be issued in the subdivision until the improvements are completed or, with county council approval, a new, satisfactory deposit and improvements guarantee has been executed and delivered to the county;
7. That the county's cost of administration and engineering costs incurred in obtaining the deposited funds, including attorney fees and court costs, shall be deducted from any deposited funds; and
8. That the subdivider shall guarantee all improvements installed against any damage arising from any defect in construction, materials, or workmanship during the warranty period and shall promptly repair the same upon notice from the county; and
9. That the subdivider shall agree to hold the county harmless from any and all liability which may arise as a result of defects in materials and workmanship of the improvements which are installed until such time as the county certifies the improvements are complete and accepts the improvements at the end of the warranty period.

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

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

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

This Section of the Code states:

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

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

If the final plat is not recorded within ~~three (3)~~ **six (6)** months from the date of county council approval, such approval shall be null and void. This time period may be extended by the county council for up to one additional ~~three (3)~~ **six (6)** month period for good cause shown. The subdivider must petition in writing for an extension prior to the expiration of the original ~~three (3)~~ **six (6)** months. No extension will be granted if it is determined that it will be detrimental to the county. If any of the fees charged as a condition of subdivision approval, have increased, the county may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases as a condition of granting an extension.

8 Dec 2016 Additional Revisions:

#### 8-3-13: NOTICING:

Required notice of public meetings (**where required by State Code**), ~~public comment items,~~ and public hearings for land use applications and ordinances shall include and comply with the following provisions:

A. Mailing List And Labels: The applicant for a site specific land use application which requires a public hearing ~~or public comment~~ shall provide the planning and development services department with an approved list of all owners of real property located within one thousand feet (1,000') of the boundary of the subject property parcel, as shown on the official records of the county assessor. The applicant shall pay to the county a fee in the amount of the actual costs incurred by the county in providing the notice, and shall bear sole responsibility to ensure the accuracy of the property owner list.

...

C. Notice To Third Parties: For site specific land use applications which require a public hearing ~~or public comment~~, the county shall mail notice to the record owner of each parcel within a one thousand foot (1,000') radius of the subject property, and the applicant shall post a sign on the property according to the following regulations:

...

~~I. Notice Of Land Use Applications: The following site specific land use applications shall be considered public comment items and be noticed at least ten (10) calendar days before the first public meeting, pursuant to this title:~~

- ~~1. Conditional use permits or amendments; and~~
- ~~2. Site plans or site plan amendments. (Note: to be removed entirely, which would make subsection (J) below the new (I)).~~

#### 8-8-4 PERFORMANCE STANDARDS FOR ALL CONDITIONAL USES:

...

~~G. Conditional Use Permits Are Public Comment Items: All conditional use permits are considered public comment items. The first public meeting regarding a conditional use permit shall be noticed as a public comment item pursuant to this title.~~

#### 8-19-8: CONDITIONAL USE PERMIT:

For all new telecommunication facilities, the applicant shall submit a master plan along with a completed application, and a site justifications study for each proposed telecommunications facility or site. A site justification study and master plan shall be submitted to the planning department. This study shall provide a review of the proposed project to ensure that the provisions of this title are being met. If the application is a collocation or stealth, go to the permitted use permit provisions of section 8-19-13 of this chapter for application requirements. Permitted uses shall be reviewed and approved by the planning staff. Temporary and conditional uses shall be review and approved by the planning commission and approved by the county council. Any conflicts shall be submitted to the planning commission for consideration. Said planning commission shall review, ~~take public comment~~ and render a decision by: a) approving the application; b) approving the application with conditions; or c) denying the application. The applicant shall request in written form what information submitted with the application is to be kept confidential from public review.

Peterson Future Land Use Map Amendment  
Public Hearing  
December 08, 2016

Application No.: 16.039  
Applicant: Derek Walker, Better City  
Owner: Peterson Properties LLC  
Project Location: approximately 161 S Morgan Valley Dr  
Current Zoning: A-20/RR-1  
General Plan Designation: Rural Residential and Agricultural  
Acreage: ~ 98.72 acres  
Request: Amend the Future Land Use Map, changing the existing designation of portions of the property which are currently designated as Agricultural to Rural Residential  
Date of Application: November 7, 2016  
Date of Previous Hearing: N/A

Staff Recommendation

County Staff recommends denial of the requested future land use map amendment based on the following findings and with the conditions listed below:

***Findings:***

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

Background

Derek Walker with Better City applied for the Future Land Use Map amendment in order to pursue anticipated development of this property. The property is located in the Milton area of unincorporated Morgan County, just north and west of the Surrey Lane, and generally east and north of Morgan Valley Drive. The property currently extends over two different Future Land Use Map designations – the bulk of the property lies within the Agricultural designation, while the property nearest Morgan Valley Drive (including a couple of access routes) are in the Rural Residential designation. The associated zoning for the property would not allow for the desired development the applicant wishes to pursue. The proposed amendment would change the property currently designated as Agricultural to Rural Residential. The land is currently largely vacant and is in agricultural use (see Exhibit A).

## Analysis

*General Plan and Zoning.* Changing the Future Land Use Map/General Plan is a serious undertaking. The General Plan represents the desires of the people of Morgan County, and as such should only be modified to reflect these continuing desires. Care should be taken to ensure viability of any proposed projects, as well as maintaining the desires of the people as expressed in the General Plan.

The General Plan and Future Land Use Map anticipate the development of property in this area. In designating the property as a part of the Agricultural designation, the General Plan demonstrated the desire of the County to keep this area in relatively open space, protecting property from rapid and dense development, and ensuring that the relatively undeveloped areas of the County remain pristine. The purpose of the Agricultural designation is to:

*...support viable agricultural operations in Morgan County, while allowing for incidental large-lot residential and other uses. The residential density in this category is up to one unit per 20 acres. (page 7)*

and the Rural Residential designation states that:

*The Rural Residential category designation accommodates semi-rural large lot development, with generous distances to streets and between residential dwelling units in a viable semi-rural character setting. Residential density in rural residential areas is a maximum of 1 unit per acre. (pages 7 and 12)*

The requested designation change would be over that property not currently designated as Rural Residential to the Rural Residential designation.

The Milton Area Plan provides the following guidance:

*When considering land use policy changes that will affect the Milton area, the following goals and objectives should assist the Planning Commission and County Council in understanding the community's needs and desires for future land uses, zoning, and infrastructure..*

*The goals of the Milton community are organized accordingly:*

Land Use

- 1. Maintain a rural atmosphere and rural way of life.*
- 2. Safeguard the local farmers' right to farm. (...)*

Transportation

- 5. Address traffic, transportation, and roadway concerns in and through the Milton area. (Milton Area Plan, page 4)*

*(Goal 1; Objective) 3. Discourage increased densities outside of the village center and the Deep Creek area by maintaining current zoning in all other areas of Milton.*

*The Milton community values the open atmosphere that the current land uses provide. The community recognizes that some growth is inevitable and desires to see such growth organized by providing a village center in which greater density may be allowed.*

*Future zoning decisions should provide for this density as indicated on the Milton Area Plan Map (Exhibit A). (page 5) (Note - The Milton Area Plan Future Land Use Map is included in the Staff Report as Exhibit F)*

*(...)*

*The future increased densities as designated by the Milton Area Plan Map are recommended as a means of providing an area in Milton where growth can be planned and organized. As such, the provision of encouraging growth therein is also intended to discourage growth in all other areas of Milton. The current zoning is recommended to guide future land uses in these other areas. (page 5)*

*(...)*

*(Goal 2; Objective 1) Encourage farming by maintaining the current A-20 and MU-160 zoning as the future land use of those areas currently zoned as such, unless depicted otherwise on the Milton Area Plan Map.*

*The quality of life and rural atmosphere that the Milton area provides is enjoyed because of the agriculture and open space it provides. Agriculture is of economic importance to the area. Maintaining farming and agriculture is critical for the quality of life the Milton area provides and for its overall contribution to Morgan County. There are a few residents of Milton whose sole income comes from farming and its way of life. There are some residents that supplement their income with farming, and others who hobby farm. Whichever it may be, the right to farm in the Milton area should be preserved, and future policies related to Milton should reflect such rights and practices.*

As can be seen in Exhibit B, and as noted above, there is some compatible or comparable development of this nature in the area. However, this development is located along existing roads and other infrastructure, while keeping the larger lots behind these areas. The proposed amendment would dramatically change the nature of the area, potentially affecting the property rights of adjacent owners. Many of these adjacent property owners have expressed concern about a commercial development in this area. These comments are included in this Staff Report as Exhibit G.

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

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

*...*

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

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

*Ordinance Evaluation:*

Morgan County ordinance anticipates amendments to the General Plan. Section 8-3-10: General Plan indicates that:

*C. Plan Adoption:*

- 1. After completing a proposed general plan for all or part of the area within the county, the planning commission shall schedule and hold a public hearing on the proposed plan.*

*After the public hearing, the planning commission may make changes to the proposed general plan.*

- 2. The planning commission shall then forward the proposed general plan to the governing body.*
- 3. The governing body shall hold a public hearing on the proposed general plan recommended to it by the planning commission.*

*The governing body shall publish notice of the time, place, and purpose of the public hearing in a newspaper of general circulation in the county at least ten (10) days before the hearing at which the proposed general plan is to be considered and public comment heard.*

- 4. After the public hearing, the governing body may make any modifications to the proposed general plan that it considers appropriate.*
- 5. The governing body may:*
  - a. Adopt the proposed general plan without amendment;*
  - b. Amend the proposed general plan and adopt or reject it as amended; or*
  - c. Reject the proposed general plan.*

- 6. The general plan is an advisory guide for land use decisions.*

*D. Amendment of Plan: The governing body may amend the general plan by following the procedures required by subsection C of this section.*

This meeting is in fulfillment of subsection (D) above, in following the procedures outlined in subsection (C), which is included for reference.

## Model Motion

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Peterson Future Land Use Amendment, application number 16.039, changing the designation from Agricultural to Rural Residential, *due to the following findings:*”

1. List any additional findings...

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the Peterson Future Land Use Amendment, application number 16.039, changing the designation from Agricultural to Rural Residential, based on the findings listed in the staff report dated December 8, 2016.”

## Supporting Information

- Exhibit A: Vicinity Map
- Exhibit B: Future Land Use Map
- Exhibit C: Existing Zoning Map
- Exhibit D: Current Section Plat Map
- Exhibit E: Property Boundary Description
- Exhibit F: Milton Area Plan Future Land Use Map
- Exhibit G: Comments from Residents/Property Owners
- Exhibit H: Applicant’s Narrative (Application)

## Staff Contact

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



Exhibit B: Future Land Use Map

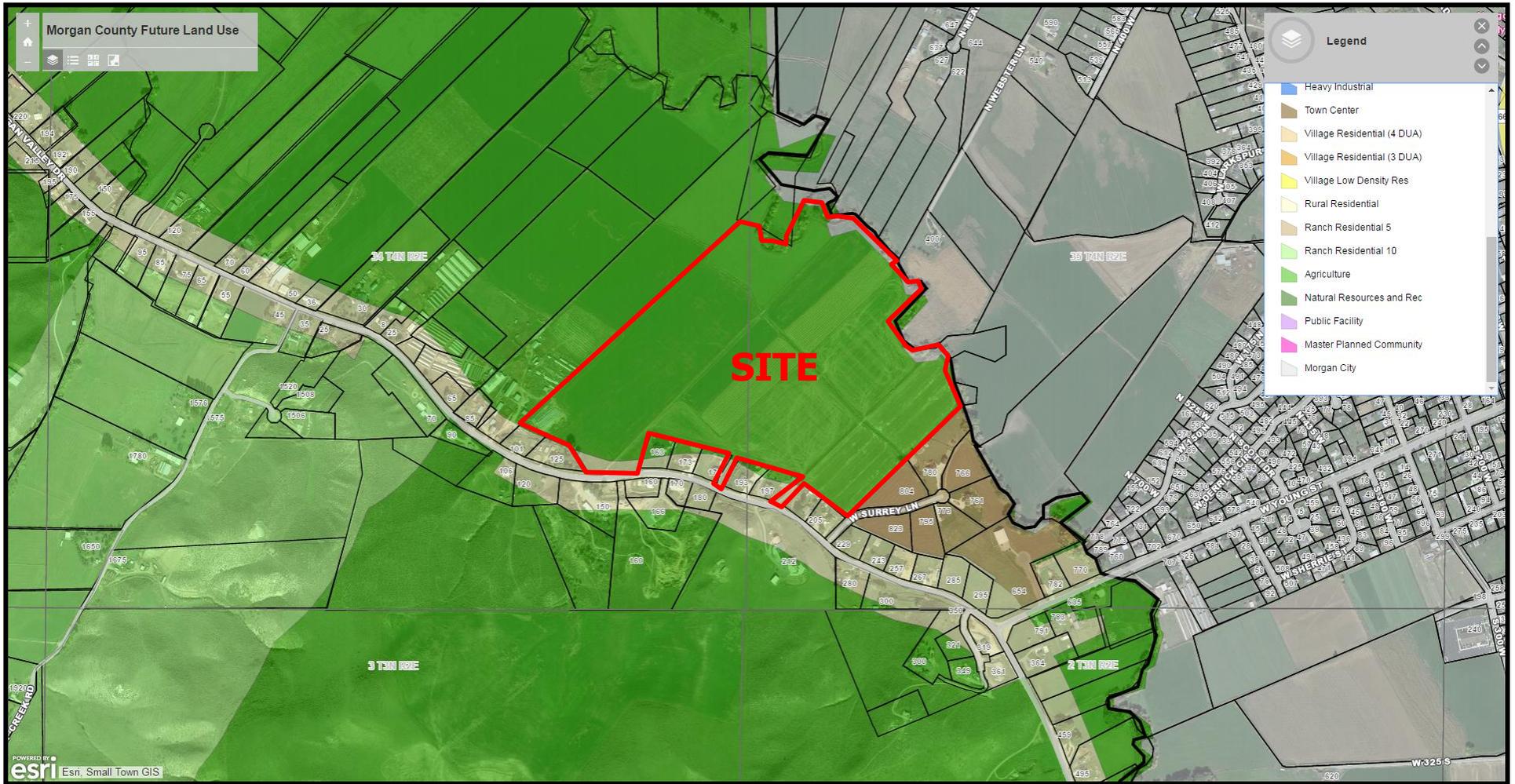


Exhibit C: Existing Zoning Map

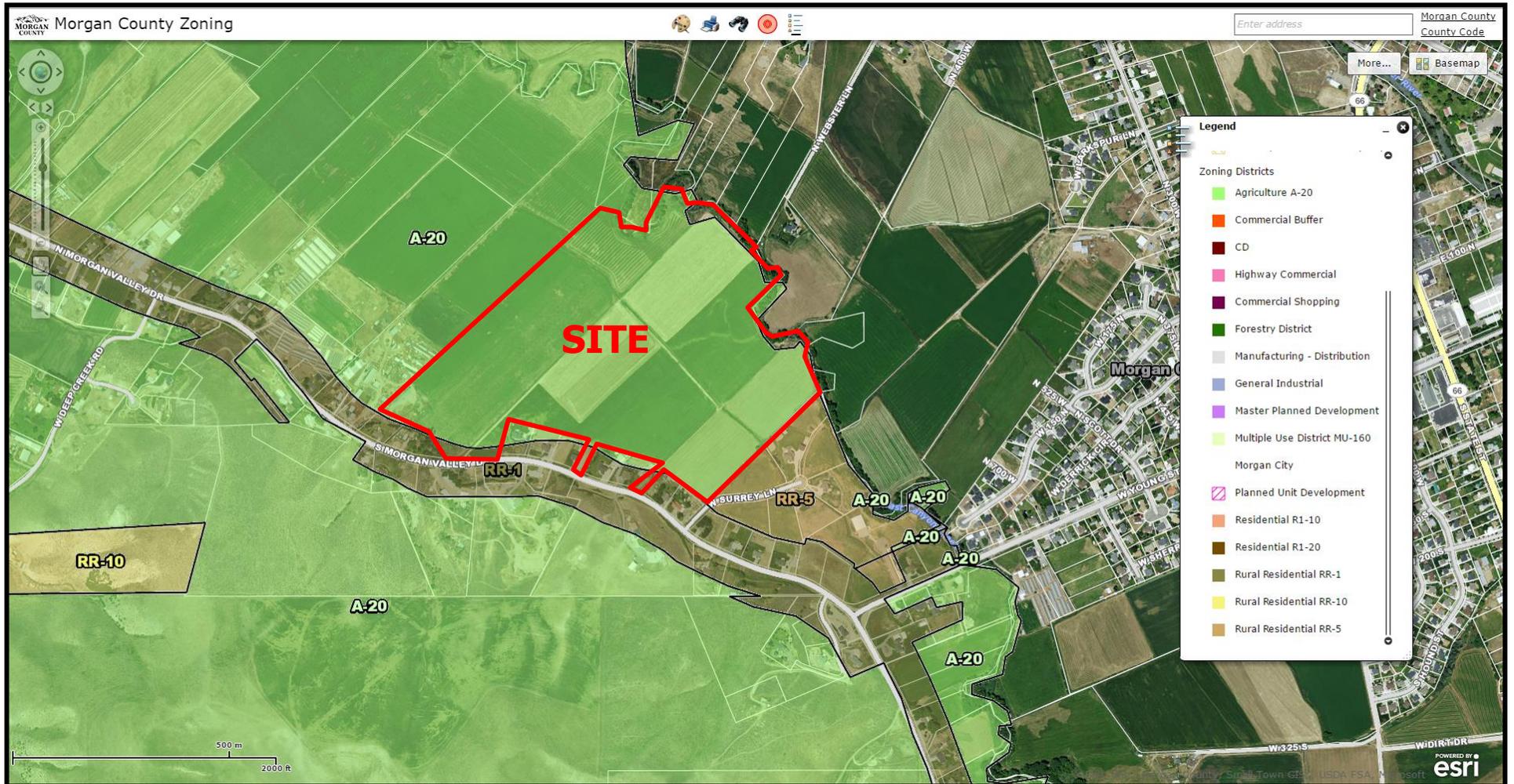


Exhibit D: Current Section Plat Map

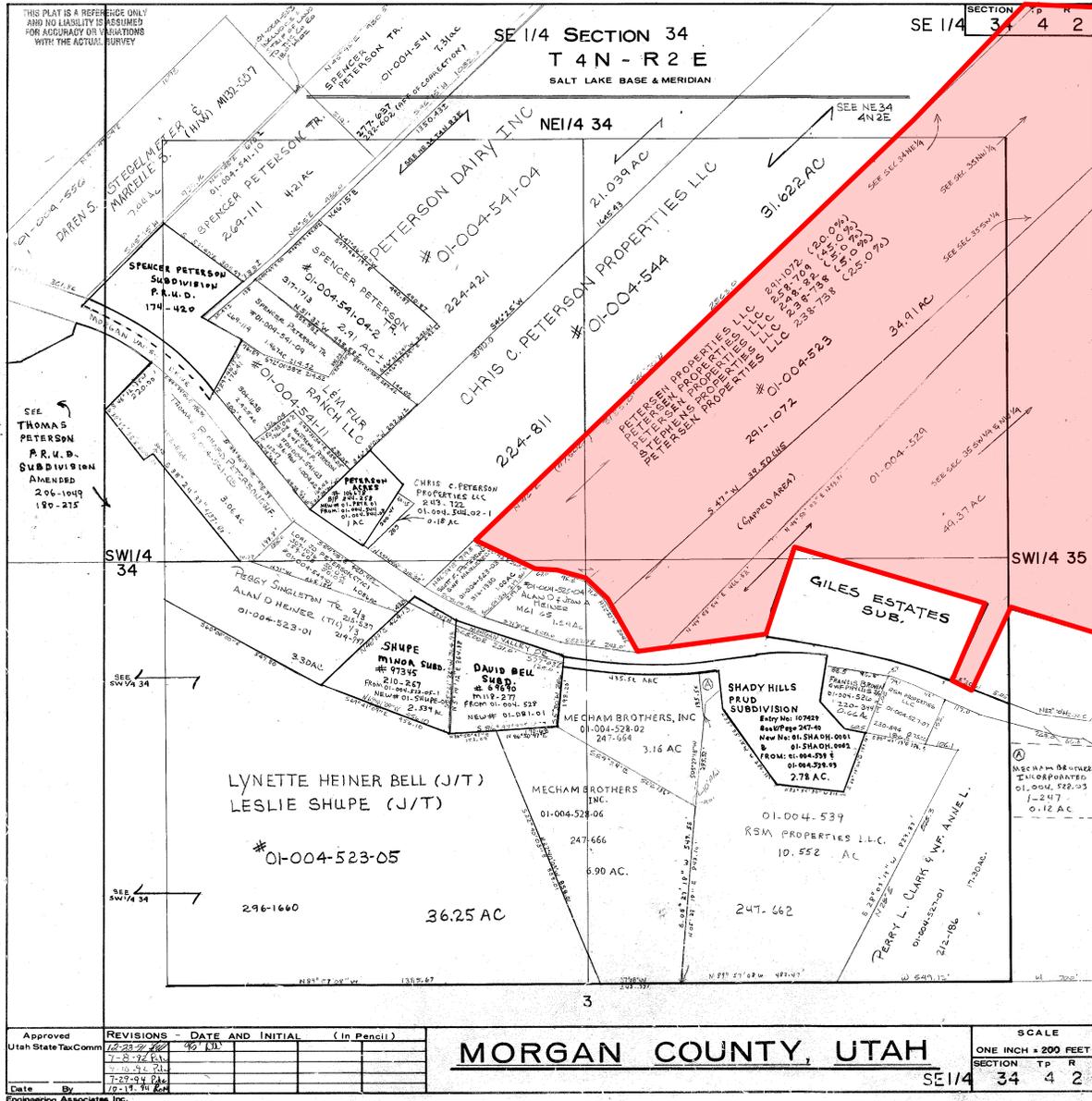




Exhibit E: Property Boundary Description

*Parcel 2-1392:*

SECS 34 & 35, T4N, R2E. COM AT THE SW COR OF THE SE1/4 OF SEC 34, T4N, R2E, SLB&M; TH N 18.40 CHS; TH S 60° E 8.30 CHS; TH N 46° E 47.50 CHS TO CANYON CREEK; TH UP CRK FOL THE BENDS OF SD CRK S 18° E 8.0 CHS & N 15° E 8.0 CHS & S 35° E 4.50 CHS; TH S 47° W 39.50 CHS TO CO RD; TH N 76°30' W 4.50 CHS; TH S 83° W 5.30 CHS; TH S 17.0 CHS; TH W 13.20 CHS TO BEG. LESS THE FOL AMT SOLD: 19/451 (1.00 AC); 61/65 (1.54 AC); 83/246 (21.81 AC) LEAV 34.91 AC, M. OR L

*Parcel 2-1483:*

A PT OF THE SW1/4 OF SEC 35, T4N, R2E, SLB&M; BEG AT A PT WH BEARS E 618.32 FT & N 549.62 FT, M. OR L, TO A PT WH IS THE MOST SE'LY LOT LN OF THE SCOTT WOOLSEY PROP KNOWN AS NO. 01-004-527-05; TH N 52°00' W 360.0 FT & N 59°57' W 97.8 FT FRM THE SW COR OF SD SEC 35, & RUN TH N 46°10' E 1724.0 FT, M. OR L, TO THE CTR LN OF EAST CANYON CREEK, TH ALG THE CTR OF SD CRK, THE FOL 3 COUR; TH S 38° E 140.0 FT; TH S 9°00' E 181.5 FT; TH S 21°30' E 185.0 FT; TH S 81°00' W 135.0 FT, M. OR L, TO THE MOST NW'LY LOT LN OF THE SCOTT F. PETERSON PROP KNOWN AS NO. 01-004-563-01; TH S 20°00' E 66.0 FT; TH S 45°50' W 1101.0 FT, M. OR L, TO THE MOST NE'LY LOT LN OF THE SCOTT WOOLSEY PROP KNOWN AS NO. 01-004-527-05; TH N 52°00' W 399.89 FT; TH S 46°10' W 225 FT TO THE N'LY LN OF THE CO RD; TH N 59°57' W ALG N'LY LN OF CO RD 55.44 FT, TO POB. ALSO: A TRACT OF LAND SIT IN THE SE1/4 OF SEC 34, & THE W1/2 OF SEC 35, T4N, R2E, SLB&M, U.S. SUR., MORGAN COUNTY, UTAH, BEING MORE PART DESC AS FOLS: COM AT THE SW COR OF SEC 35, A REBAR & CAP & THREE WAY FNC COR; TH N 00°09'05" W 1004.59 FT ALG THE W LN OF SD SEC 35; TH N 90°00'00" E 440.10 FT TO THE SE'LY COR OF LOT 5 GILES ESTATES SUB, A REBAR AND CAP, THE T. POB; TH N 46°03'08" E 1395.00 FT ALG A FNC LN TO THE CTR LN OF EAST CANYON CREEK; TH FOL 5 COUR FOL UP THE CTR LN OF EAST CANYON CREEK; TH S 85°12'19" E 66.11 FT; TH S 52°34'18" E 67.95 FT; TH S 03°35'42" E 111.68 FT; TH S 30°20'05" E 119.14 FT; TH S 13°47'32" E 145.21 FT TO THE PROJECTION OF A FNC EXTENDED SW'LY; TH S 45°41'11" W 1248.21 FT ALG SD FNC LN TO A FNC COR & A 3/4" PIPE; TH N 51°31'44" W 401.76 FT ALG A FNC LN TO A REBAR & CAP; TH S 46°31'33" W 231.03 FT ALG A FNC LN TO A PT ON THE N'LY LN OF MORGAN VALLEY DR & A REBAR & CAP; TH 56.59 FT ALG SD N LN OF MORGAN VALLEY DR, A CUR TO THE L, HAV A RAD OF 727.15 FT & A CHORD BEAR N 68°15'00" W 56.57 FT TO THE SE'LY COR OF LOT 5 "GILES ESTATES SUB" & A REBAR & CAP; TH N 46°08'06" E 280.00 FT ALG THE E'LY LN OF SD LOT 5 TO THE NE'LY COR OF SD LOT 5 "GILES ESTATES SUB", A REBAR & CAP, & THE POB. THE B.B. THE CTR LN OF MORGAN VALLEY DR AS SURVEYED BY THE CO SURVEYOR ON AUGUST, 1970. CONT 14.440 AC.

*Parcel 2-1574:*

A TRACT OF LAND SIT IN THE SE1/4 OF SEC 34, & THE W1/2 OF SEC 35, T4N, R2E, SLB&M, U.S. SUR, MORGAN CO, UTAH, BEING MORE PART DESC AS FOLS: COM AT THE SW COR OF SEC 35, A REBAR & CAP & 3 WAY FNC COR: TH N 00°09'05" W 1004.59 FT ALG THE W LN OF SD SEC 35; TH N 90°00'00" E 440.10 FT TO THE NE'LY COR OF LOT 5 "GILES ESTATES SUB", A REBAR & CAP, THE T.POB; THE FOL 11 COUR FOL ALG THE BDY OF "GILES ESTATES SUB; TH N 74°02'35" W 479.64 FT TO A REBAR & CAP; TH S 31°36'29" W 167.21 FT TO A REBAR & CAP; TH 31.38 FT ALG A CUR TO THE L, HAV A RAD OF 200.00 FT & A CHORD BEAR S 27°06'48" W 31.35 FT TO A REBAR & CAP; TH S 22°37'07" W 44.38 FT TO A PT ON THE N LN OF MORGAN VALLEY DRIVE & A REBAR & CAP; TH N 67°22'53" W 60.00 FT ALG SD N LN OF MORGAN VALLEY DRIVE TO A REBAR & CAP; TH N 22°37'07" E 44.38 FT TO A REBAR & CAP; TH 40.79 FT ALG A CUR TO THE RGT, HAV A RAD OF 260.00 FT & A CHORD BEAR N 27°06'48" E 40.75 FT TO A REBAR & CAP; TH N 31°36'29" E 150.40 FT TO A REBAR & CAP; TH N 74°02'35" W 640.43 FT TO A REBAR & CAP; TH S 18°57'42" W 200.68 FT TO A REBAR & CAP; TH S 11°21'29" W 81.33 FT TO A PT ON THE N LN OF MORGAN VALLEY DRIVE & A REBAR & CAP; TH 11.07 FT ALG SD N LN OF MORGAN VALLEY DRIVE, A CUR TO THE L, HAV A RAD OF 816.05 FT & A CHORD BEAR S 83°22'08" W 11.07 FT TO A REBAR & CAP; TH S 82°58'49" W 141.72 FT ALG SD N LN OF MORGAN VALLEY DRIVE TO A REBAR & CAP; TH 165.86 FT ALG SD N LN OF MORGAN VALLEY DRIVE, A CUR TO THE RGT, HAV A RAD OF 1399.39 FT & A CHORD BEAR S 86°22'32" W 165.76 FT TO THE PROJECTION OF FNC LN EXTENDING TO THE NE & A REBAR & CAP; TH N 44°53'54" E 466.52 FT ALG SD FNC LN TO A REBAR & CAP; TH N 44°50'02" E 1259.87 FT ALG SD FNC LN TO A REBAR & CAP; TH N 44°30'36" E 1001.66 FT ALG SD FNC LN TO THE CTR LN OF EAST CANYON CREEK, SD LN IS ALSO THE S LN OF MEADOW CREEK ESTATES P.R.U.D. SUB; THE FOL 6 COUR FOL UP SD CTR OF EAST CANYON CREEK & THE S LN OF SD "MEADOW CREEK ESTATES P.R.U.D. SUB"; TH S 84°15'58" E 20.96 FT; TH S 45°07'32" E 127.30 FT; TH S 49°58'44" E 74.41 FT; TH S 38°12'31" E 134.78 FT; TH S 44°57'23" E 44.74 FT; TH S 50°20'22" E 92.22 FT WHERE LN LEAVES MEADOW CREEK ESTATES P.R.U.D. SUB; THE FOL 8 COUR FOL UP THE CTR LN OF SD EAST CANYON CREEK; TH S 14°09'45" E 126.13 FT; TH S 55°51'43" E 151.45 FT; TH S 05°24'02" E 56.12 FT; TH S 44°00'00" W 232.78 FT; TH S 01°02'47" W 94.92 FT; TH S 19°18'16" E 113.39 FT; TH S 63°15'51" E 96.60 FT; TH N 83°48'05" E 144.75 FT TO THE PROJECTION OF A FNC LN EXTENDING TO THE SW; TH S 46°03'08" W 1395.00 FT TO THE NE'LY COR OF LOT 4 GILES ESTATES SUB A REBAR & CAP, & THE POB; THE B.B. IS THE CTR LN OF MORGAN VALLEY DR AS SUR BY THE CO SURVEYOR IN AUGUST, 1970. CONT 49.374 AC / 49.37 AC, M. OR L

Exhibit F: Milton Area Plan Future Land Use Map

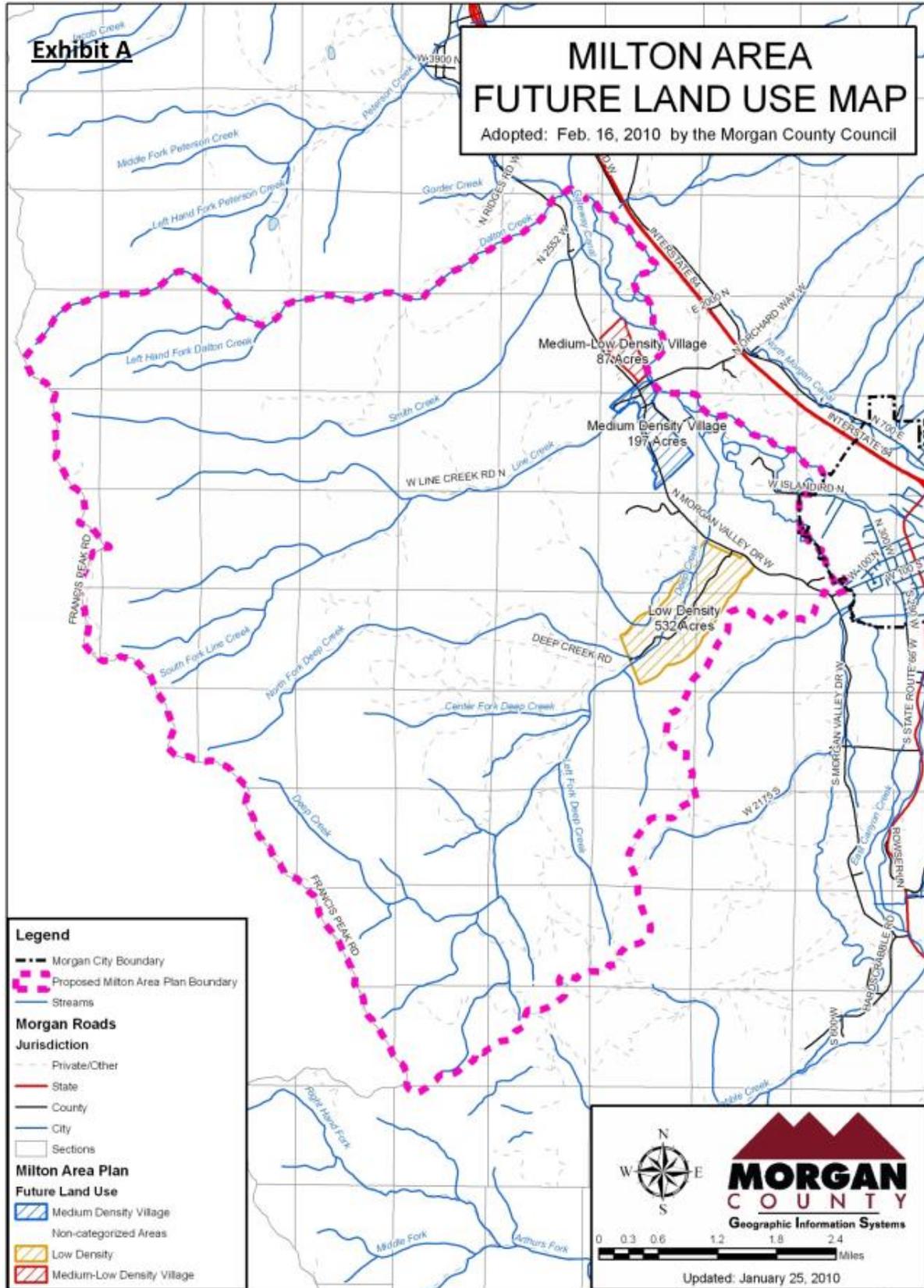


Exhibit G: Comments from Residents/Property Owners

**From:** Swan, Sarah [mailto:sswan@ari-slc.com]  
**Sent:** Wednesday, November 30, 2016 3:27 PM  
**To:** bcobabe@morgan-county.net  
**Subject:** Peterson Future Land Use Map Amendment

Good afternoon Mr. Cobabe,

I am writing this email in regard to the proposal to amend the Morgan County Future Land Use Map for the property located at 161 S. Morgan Valley Drive. I just recently purchased my home at 120 S. Morgan Valley Drive which is almost directly across the street from the property. My Grandfather, Alan Heiner, lives at 125 S. Morgan Valley Drive which is across from my home and directly in front of the Peterson property.

I was born and raised in Morgan County and after getting married I was glad to purchase a home in the County. Rather than file for a land use amendment to build a home on the property owned by my family, we decided that with the extreme growth in the County it would better serve us and the community to buy an existing home. This amendment greatly concerns me obviously because of my proximity to the property, as well as both on a personal level and on a community level.

It's heartbreaking to walk across the street and see how upset my Grandpa is about having businesses and/or 60 homes directly behind him. He has lived in his house for decades and before he lived there his Grandmother lived there. He loves where he lives because it's a rural farming location and he can keep his horses, goats, chickens, miniature donkey and a whole host of pigs, ducks, turkeys, peacocks and barn cats there. Can you imagine how his privacy would be invaded with 60 neighbors in his backyard? For myself, as I look at raising children on Morgan Valley Drive, the busy road is already a concern. Can you imagine what that road would look like with 120 extra cars per day (if we assume a two car average per home).

On a community level, with existing water, waste and power issues – how does the addition of these homes further impact our existing problems? Our schools are already full – how does this additional subdivision impact our schools? Do we really have the resources to sustain this growth?

Peterson has leased out this land for years for agricultural use. They knew what it was zoned for when they purchased the property and have operated it as zoned for many years now. We all know the Peterson's who own the land aren't residents of Morgan County. They don't care about the community or how this will affect us. They care about making money. I hope as a community we are collectively concerned about more than money. This changes the rural living of Morgan Valley Drive and in some way impacts each and every member of the County.

I strongly oppose the amendment.

Sincerely,



*Sarah Swan*  
*Human Resources Manager / AgReserves,*  
*Inc.*  
[\(801\) 715-9103](tel:8017159103) | [sswan@agreserves.com](mailto:sswan@agreserves.com)

From: matt johnson [mailto:mjohnson4545@yahoo.com]  
Sent: Monday, November 28, 2016 8:07 PM  
To: Bill Cobabe <bcobabe@morgan-county.net>  
Subject: Peterson FLUMA

Hi Bill,

We are opposed to the new Peterson FLUMA for exactly the same reasons that we were opposed to the last one. I understand this one doesn't include commercial but it still would allow for relatively dense residential development. I believe there are about 130 homes in Milton now and this change would allow for nearly 100 new homes!

We've been told that we can resubmit the petition from last time. Do we need to write new emails or can you use the ones from last time? When will you be submitting the packet?

Thanks, Matt

From: Phyllis Wolfe [mailto:goldwolf1@icloud.com]  
Sent: Tuesday, November 29, 2016 6:20 PM  
To: bcobabe@morgan-county.net  
Subject: Milton Future Land Use

Mr. Cobabe,

We would like to give you our view on the proposal to change 98.7 acres of land in Milton (161 S. Morgan Valley Dr.) from agricultural zoning to rural residential. We are both highly opposed to changing the zoning. The beauty of Morgan County is from its agricultural basis and large expanses of farm and open land. Please do NOT allow a developer to turn this land into another subdivision. This is already happening in too many places in our lovely county.

Thank you for considering the opinions of those of us who already live in Morgan county.

Phyllis & Gary Wolfe  
3940 N. Morgan Valley Dr.

From: Diana Windley [mailto:dianawindley98@msn.com]  
Sent: Tuesday, November 29, 2016 7:08 PM

To: Bill Cobabe <bcobabe@morgan-county.net>  
Subject: In Support of Development

Bob,

I'm sending you this email in response to a post on Morgan Moms, but not because I'm opposed to the development of the land owned by Steve Peterson. It's his land as long as he stays within the law he should be able to develop it for commercial use or housing or whatever.

I don't understand people who build next to farm land or open spaces and then expect the landlords to not utilize the land for their benefit. Most people purchase land as a business investment...not just to graze livestock. (Unless, of course, they are ranchers.)

I'm in favor of commercial development. And I don't mind more homes as long as we have the water, the County can provide the necessary infrastructure and our schools can keep up with the growing student population.

I'm sure you receive many emails in opposition to development in Morgan County, so I wanted you to know that some people are not opposed to responsible and sustainable growth.

Diana Windley  
Mountain Green resident

Text below from MM Facebook post:

FYI-Steve Petersen and Better City are at it again! In September they tried to change the Milton Future Land Use Map so that they could build a business park. After reading all of the emails and petition that you wonderful people sent and signed, they withdrew their application. But now they're trying to change the Future Land Use Map to "Rural Residential" on all 98.72 acres. Meaning that they can build almost 100 houses! Milton currently only has 130 homes. If you value farm land and open spaces as much as I do, please email Bill Cobabe the county zoning administrator, at [bcobabe@morgan-county.net](mailto:bcobabe@morgan-county.net). A short, quick email will make a HUGE difference! Thanks for all of your help Ladies!

**From:** Danell Sorensen [mailto:princessred22@msn.com]  
**Sent:** Wednesday, November 30, 2016 11:14 AM  
**To:** bcobabe@morgan-county.net  
**Subject:** Milton Planning - Peterson Planning

Please do NOT allow them to build several homes in this area. We want to keep it rural! We built in the country because we LOVE the country. We do not want strip malls or several homes close to each other. Part of the glory of the country is not having a ton of neighbors. I believe some houses should be built but not a lot. There has to be compromise.

What is the best option? Not sure at this point. Maybe they need a couple different course of actions to determine the best route.

Just some food for thought.

Concerned citizen,

Danell Sorensen  
801-791-8326

From: Carol Mecham [mailto:mechamalley@gmail.com]  
Sent: Wednesday, November 30, 2016 1:19 PM  
To: bcobabe@morgan-county.net  
Subject: Peterson Group Land Use Map Amendment

To you all:

Sorry about the email that was sent unfinished. This is in regards to the Peterson Group Future land Use Map Amendment. We are really concerned about what is being proposed. First, the "Notice of Public Hearing" was very vague. It did not tell what was planned for this 100 (98.72) acres. We as a community have a master plan and do not want it changed. The Map amendment does not follow our Master plan and I don't know of anyone in our community that wants it changed. We moved here to live out in the country and we still want that country feeling. If the Peterson Group is allowed to have approximately 100 homes on this property, where is he going to have a sewer pond? And what is stopping him from changing the lot size from 1 acre to smaller? And what is stopping him from putting in a small industrial park if this is changed? There is plenty of room to grow industrial in Morgan City where it is needed, not out in the county. We are sorry we are not able to attend this meeting because of other obligations, but we still wanted our voices to be heard.

Glen & Carol Mecham

Exhibit H: Applicant's Narrative (Application)



## ZONE MAP/FUTURE LAND USE MAP AMENDMENT APPLICATION

*NOTE: Please Read Chapter 4 of the Land Use Management Code as well as any other pertinent sections of the Code/General Plan/Area Plan in detail before submitting any type of Code Amendment Application. The applicant should realize that a typical time frame for a Zoning Ordinance Amendment may be lengthy, depending upon the complexity and issues.*

<b>PARCEL to be amended (attach legal description):</b>					
<b>Name of Owner(s):</b> Petersen Properties, LLC				<b>Date of Submission:</b>	
<b>Owner(s) Address:</b> 1527 N 2000 W			<b>Owner(s) Mailing Address (if different):</b>		
<b>City:</b> Ogden	<b>State:</b> UT	<b>Zip:</b> 84104	<b>City:</b>	<b>State:</b>	<b>Zip:</b>
<b>Phone:</b> 801-710-2718			<b>Email:</b> jared.hadley@peterseninc.com		
<b>Name of Applicant or Authorized Agent:</b> Derek Walker, Better City					
<b>Agent Address:</b> 1100 Country Hills Dr			<b>Agent Mailing Address (if different):</b>		
<b>City:</b> Ogden	<b>State:</b> UT	<b>Zip:</b> 84403	<b>City:</b>	<b>State:</b>	<b>Zip:</b>
<b>Phone:</b> 801-652-3134			<b>Email:</b> derek@bettercity.us		
<b>Owner(s) Signature of Authorization to file:</b>				<b>Date of Submission:</b>	
<b>Describe proposed MAP amendment:</b>					
1574					
This application is proposing to amend the Future Land Use Map to allow for RR-1 zoning designation for parcels 00-0002-1392, 1483, and 1547, comprising of 98.72 AC located on the north side of Morgan Valley Drive, just west of Surrey Lane. Some of the southern portion of the property is already zoned RR-1, although the rest of the parcel is zoned A-20.					
<b>Describe how this change will affect the general character of the zone:</b>					
The subject property is currently zoned A-20, with a portion being zoned RR-1. Zoning to the south of the property is RR-1, zoning to the east is RR-5, zoning to the north (across the river - in Morgan city) is A and R-1-20, and zoning to the west is A-20. Due to residential designations adjacent to the subject property on the south, east, and north sides, allowing RR-1 zoning on the subject parcel will have minimal impact on the general character of the zone.					
<b>Any additional information that may be useful:</b>					
The intention of using the land as residential also includes a trail system around the 98 AC property which would allow Morgan residents to enjoy walks along East Canyon Creek.					
<b>Pre-Application Conference Date (if applicable or necessary):</b>					

**\*\*Attach to this application any other information regarding the proposed use of the property which will be useful to the Planning Commission and County Council. \*\***

- \_\_\_\_\_ Fees paid in full as per current fee resolution.
- \_\_\_\_\_ Addressed and Stamped envelopes of property owners within 1000 feet of the boundary of the property to be rezoned.
- \_\_\_\_\_ Property Owner's address list within 1000 feet of the boundary of the property to be rezoned.

**APPLICANT CERTIFICATION:**

*I certify under penalty of perjury that this application and all information submitted as part of this application is true, complete and accurate to the best of my knowledge. I also acknowledge that I have reviewed the County Land Use Management Code(s) and that items and checklists contained in this application are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses. I agree also to comply with any and all applicable codes in effect at this time. Should any of the information or representation submitted in connection with this application be incorrect or untrue, I understand that Morgan County may rescind any approval, or take any other legal or appropriate action. I also agree to allow the Planning Commission, County Council or appointed agent(s) of the County to enter the subject property, if applicable, to make any necessary inspections thereof.*

Signature:  Date: 9-26-2016

**Approvals:**

<i>Planning Commission Approval Date:</i>
<i>Council Approval Date:</i>

<i>For Office Use Only</i>		
Received By:	Date Received:	File #:
Application Date:	Hearing Date:	Fee Paid: \$ /Receipt #:
Approved Date:	Denial Date (if applicable):	

**\*\*Note: Rezoning requests denied may not be heard by the County for a period of two (2) years from the date of denial. New application and fee required.**

**AFFIDAVIT**

**PROPERTY OWNER**

STATE OF UTAH                    }  
  }ss  
COUNTY OF MORGAN}

I (we), STEVEN PETERSEN, 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 and Development Services Staff have indicated they are available to assist me in making this application.

[Signature]  
\_\_\_\_\_  
(Property Owner)  
\_\_\_\_\_  
(Property Owner)

Subscribed and sworn to me this 26<sup>TH</sup> day of SEPTEMBER, 2016.



[Signature]  
\_\_\_\_\_  
Residing in WEGER Morgan County, Utah  
(Notary)  
My commission expires: 01-09-2017

**AGENT AUTHORIZATION**

I (we), \_\_\_\_\_, the owner(s) of the real property described in the attached application, do authorized as my (our) agent(s), \_\_\_\_\_, 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.

\_\_\_\_\_  
(Property Owner)  
\_\_\_\_\_  
(Property Owner)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me \_\_\_\_\_, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

\_\_\_\_\_  
(Notary)  
Residing in Morgan County, Utah  
My commission expires: \_\_\_\_\_

Coventry Cove Plat Amendment Number 3  
Public Meeting  
December 08, 2016

Application No.: 16.035  
Applicant: Kenneth and Carol Ann Driggs  
Owner: Driggs, Fowers, Benjamin, and Wilkinson (see attached affidavits)  
Project Location: 5528 Coventry Circle (Mountain Green Area)  
Current Zoning: R1-20 (PUD)  
General Plan Designation: Village Low Density  
Acreage: approximately 0.54 acres in existing lots; proposed amendment would increase to 0.76 acres  
Request: Amend a subdivision of record to reduce the lot size, adding additional property to land (Lots 5, 6, and 7) inside the subdivision  
Date of Application: October 20, 2016  
Date of Previous Meeting: N/A

#### Staff Recommendation

County Staff recommends approval of the requested amended plat based on the following findings and with the conditions listed below:

#### ***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 final mylar indicate that the lots are amended by adding an "A" to the lot designations (i.e., Lot 5 A, Lot 6 A, and Lot 7 A).
2. That the owners provide updated title reports prior to recordation.
3. That all requirements of the County Surveyor and County
4. That all fees and taxes are paid, including any fees associated with outsourced consultants.
5. That any minor changes to the plat be handled by County Staff prior to recordation.

#### Background

This application is to amend the approved/amended Coventry Cove PUD Subdivision Plat,

originally approved in 2005 and amended in 2007. There was an additional amendment (number 2) that affected only one lot which was done in 2014. The proposed subdivision amendment would increase the sizes of Lots 5, 6, and 7 by 0.23 acres (approximately 9808 square feet) to 0.76 acres, which is closer to the underlying zoning requirement. The land thus added will be removed to the "Wilkinson Family Farm, LLC" property to the west of the subdivision.

Analysis

General Plan and Zoning. Pursuant to the Future Land Use Map (see Exhibit B), the property has a Village Low Density Residential designation. According to the General Plan, the Village Low Density Residential designation "provides for a lifestyle with planned single family residential communities, which include open space, recreation and cultural opportunities, including schools, churches and neighborhood facilities located in established village areas (formerly area plan boundaries) or master planned communities. The residential density is a maximum of 2 units per acre." This proposed amendment would increase the sizes of the respective lots, more closely matching the desired character of the General Plan.

The zoning of the parcel is R1-20 (see Exhibit C), but is in a Planned Unit Development (PUD). As noted above, the sizes of the lots seem appropriate for the zoning that exists in the area.

Ordinance Evaluation:

Property Layout. The lots are located in the Mountain Green area of unincorporated Morgan County, generally north and east of Old Highway Road off Silverleaf Dr. The current and amended lots are described in the following table:

Lot	Current Area (square feet)	Current Area (acreage)	Proposed Area (square feet)	Proposed Area (acreage)	Difference (square feet)	Difference (acreage)
5	10,254	0.24	12,151	0.28	1,897	0.04
6	6,531	0.15	12,151	0.28	5,620	0.13
7	6,393	0.15	8,684	0.20	2,291	0.05
<b>Totals:</b>	<b>23,178</b>	<b>0.53</b>	<b>32,986</b>	<b>0.76</b>	<b>9,808</b>	<b>0.23</b>

Roads and Access. The lots front onto Coventry Cove Circle (a private drive), where access is gained to the properties.

Grading and Land Disturbance. The parcel appears to lie outside of the flood plain. Since the parcels have already been built on, there is little if any future grading expected on the site.

Utilities. Water service in the area is provided by the Cottonwoods Mutual Water Company. Waste water will be handled in the sewer systems.

Geologic Hazards. The subdivision was completed prior to the County Geologic Hazards Ordinance. The property appears to lie outside of any geologic hazards area.

## Model Motion

Sample Motion for a *positive* recommendation – “I move we recommend approval by the County Council the Coventry Cove Plat Amendment Number 3, application #16.035, located at approximately 5528 Coventry Cir, amending the plat and increasing the sizes of the lots 5, 6, and 7, based on the findings and with the conditions listed in the staff report dated December 8, 2016.”

Sample Motion for a *positive* recommendation *with additional conditions* – “I move we recommend approval by the County Council the Coventry Cove Plat Amendment Number 3, application #16.035, located at approximately 5528 Coventry Cir, amending the plat and increasing the sizes of the lots 5, 6, and 7, based on the findings and with the conditions listed in the staff report dated December 8, 2016, *with the following additional conditions:*”

1. List any additional findings and conditions...

Sample Motion for a *negative* recommendation – “I move we recommend denial by the County Council the Coventry Cove Plat Amendment Number 3, application #16.035, located at approximately 5528 Coventry Cir, amending the plat and increasing the sizes of the lots 5, 6, and 7, *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: Existing Coventry Cove Subdivision Plat/Amendments

Exhibit E: Proposed Amended Plat/Property Description

## Staff Contact

Bill Cobabe, AICP

801-845-4059

bcobabe@morgan-county.net

Exhibit A: Vicinity Map

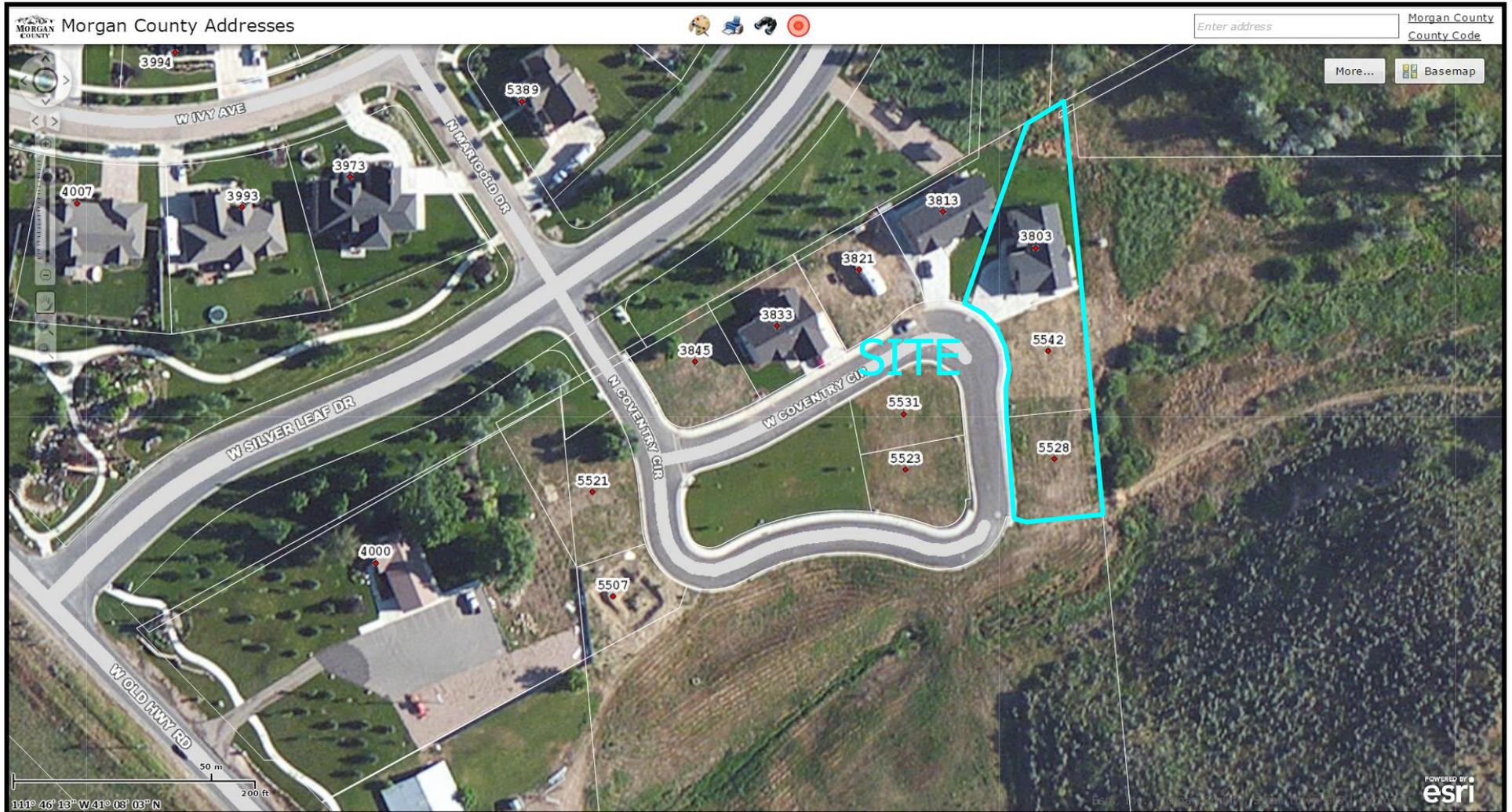


Exhibit B: Future Land Use Map

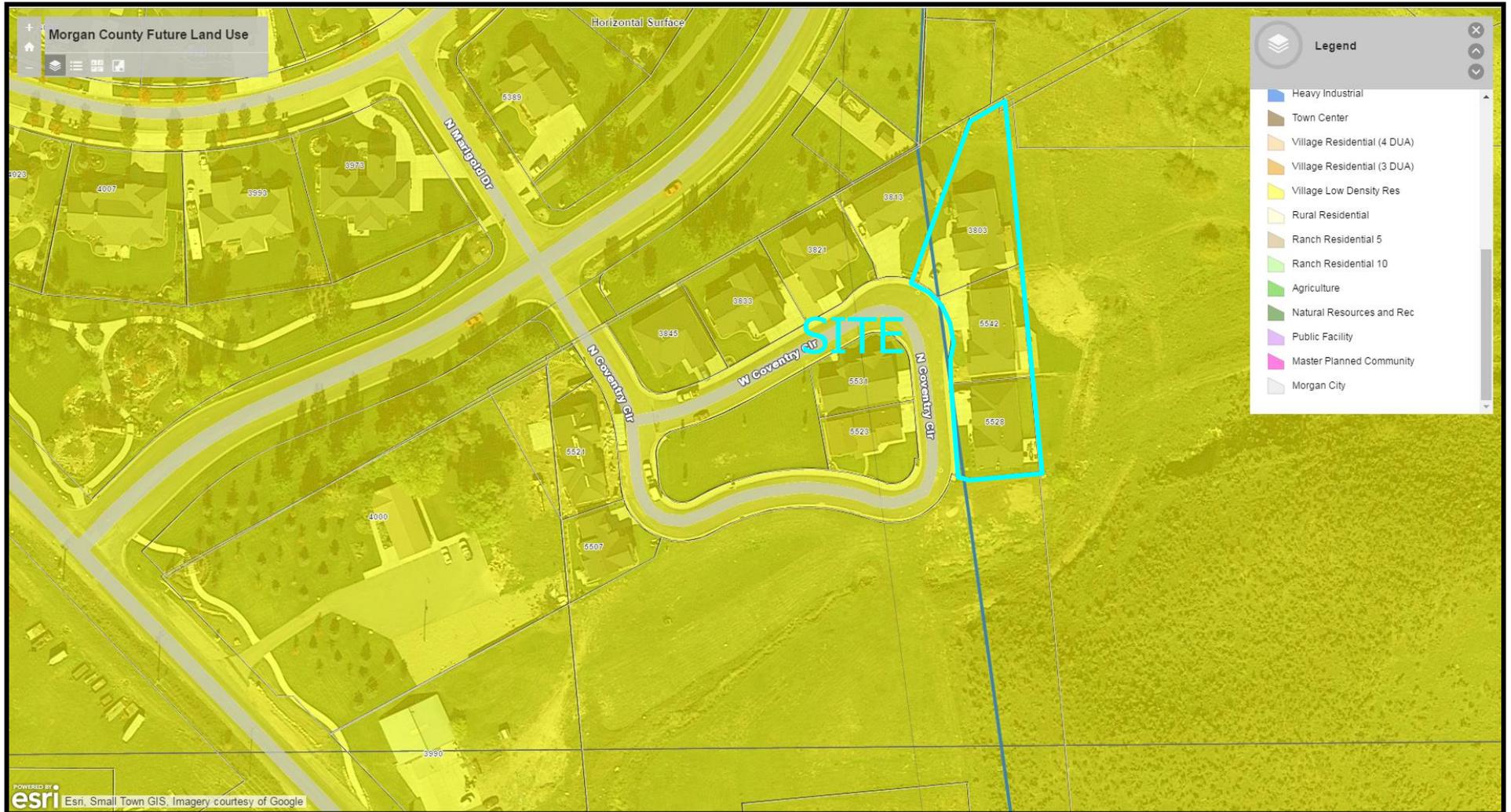
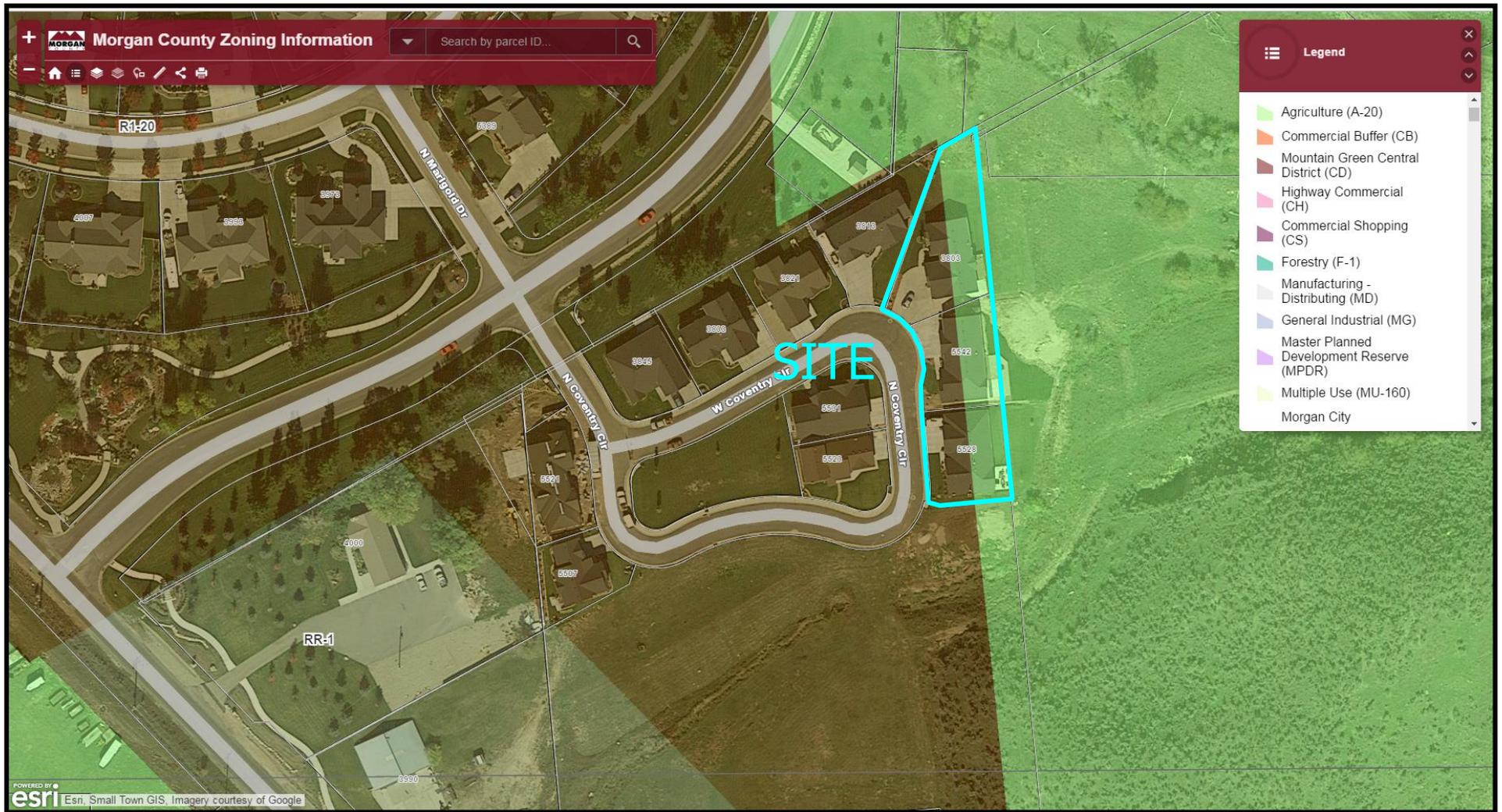


Exhibit C: Current Zoning Map



# Exhibit D: Existing Coventry Cove Subdivision Plat

## COVENTRY COVE SUBDIVISION, A PLANNED UNIT DEVELOPMENT MOUNTAIN GREEN, MORGAN COUNTY, UTAH

LYING AND SITUATE IN THE SOUTHWEST QUARTER OF SECTION 30, AND THE NORTHWEST QUARTER OF SECTION 31,  
TOWNSHIP 5 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN

LOT No.	AREA
1	1.00 ac.
2	1.00 ac.
3	1.00 ac.
4	1.00 ac.
5	1.00 ac.
6	1.00 ac.
7	1.00 ac.
8	1.00 ac.
9	1.00 ac.
10	1.00 ac.
11	1.00 ac.
12	1.00 ac.
13	1.00 ac.
14	1.00 ac.
15	1.00 ac.
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91	1.00 ac.
92	1.00 ac.
93	1.00 ac.
94	1.00 ac.
95	1.00 ac.
96	1.00 ac.
97	1.00 ac.
98	1.00 ac.
99	1.00 ac.
100	1.00 ac.

**WILKINSON FAMILY FARM, L.L.C.**  
(NOT A PART)

**THE COTTONWOODS AT ROSE HILL SUBDIVISION**  
(NOT A PART)

**CHRYSTOPHER M. AND SANDY M. WILKINSON**  
(NOT A PART)

**MARK A. WILKINSON, ET AL.**  
(NOT A PART)

**LEGEND**

- 5/8" B.P. & C.P. & PROPERTY LINE
- RIGHT OF WAY LINE (ROW)
- PERPETUAL OPEN SPACE & COMMON AREA
- ADJOINING PARCEL BOUNDARY
- 10.0' PUBLIC UTILITY & DRAINAGE EASEMENT (P.U.E.)
- CENTER LINE STREET & MONUMENT (TO BE SET)
- LOT LINE
- DIMENSION AND RADIAL LINES
- FOUND W.T.N. ENC. REBAR & CAP & SECTION LINE
- BUILDING FOOTPRINT
- COMMON AREAS
- IRREGULAR

**NOTES**

- All streets in the housing area are private roadways and common area owned and maintained, including snow removal, by the Home Owners Association and are for the common use of all residential lot owners and their guests. All open space is owned and maintained by the Home Owners Association. Conditions, Covenants and Restrictions apply to all open space, and private roadways and common area in the housing area.
- All roadways are Public Utility Easements.
- The Storm Drain Detention Basins located on Lot 20 will be cleaned and maintained by the Home Owners Association.
- Site contains no public improvements.
- Street parking only on non-sidewalk side of street.
- Entrance to Lots 19 & 20 are detailed on the Construction and Landscape Plans.

**DRAINAGE & MAINTENANCE EASEMENT**  
LOTS 2 THROUGH 10 AND 13 THROUGH 15 CONTAIN SECTION (7) FOOT DRAINAGE AND MAINTENANCE EASEMENT RUNNING CONCURRENT TO THE COMMON LOT LINE FOR ROOF RUNOFF AND STRUCTURE MAINTENANCE WHERE A ZERO BUILDING LINE EXISTS.

**RADIAL BEARING LINES**

No.	Bearing	Distance
001	N107°42'48"W	11.00
002	N107°42'48"W	11.00
003	N44°17'30"E	15.00
004	N44°17'30"E	15.00
005	N107°42'48"W	11.00
006	N107°42'48"W	11.00
007	N44°17'30"E	15.00
008	N44°17'30"E	15.00
009	N107°42'48"W	11.00
010	N107°42'48"W	11.00
011	N44°17'30"E	15.00
012	N44°17'30"E	15.00
013	N107°42'48"W	11.00
014	N107°42'48"W	11.00
015	N44°17'30"E	15.00
016	N44°17'30"E	15.00
017	N107°42'48"W	11.00
018	N107°42'48"W	11.00
019	N44°17'30"E	15.00
020	N44°17'30"E	15.00

**CURVE TABLE**

No.	Length	Radius	Delta	Chord	Dist.	No.	Length	Radius	Delta	Chord	Dist.
C1	179.89	100.00	77.3629°	51.9017	71.669	C1	179.89	100.00	77.3629°	51.9017	71.669
C2	144.19	100.00	110.012°	38.8433	42.066	C2	144.19	100.00	110.012°	38.8433	42.066
C3	143.18	100.00	110.012°	38.8433	42.066	C3	143.18	100.00	110.012°	38.8433	42.066
C4	141.30	100.00	110.012°	38.8433	42.066	C4	141.30	100.00	110.012°	38.8433	42.066
C5	141.30	100.00	110.012°	38.8433	42.066	C5	141.30	100.00	110.012°	38.8433	42.066
C6	141.30	100.00	110.012°	38.8433	42.066	C6	141.30	100.00	110.012°	38.8433	42.066
C7	141.30	100.00	110.012°	38.8433	42.066	C7	141.30	100.00	110.012°	38.8433	42.066
C8	141.30	100.00	110.012°	38.8433	42.066	C8	141.30	100.00	110.012°	38.8433	42.066
C9	141.30	100.00	110.012°	38.8433	42.066	C9	141.30	100.00	110.012°	38.8433	42.066
C10	141.30	100.00	110.012°	38.8433	42.066	C10	141.30	100.00	110.012°	38.8433	42.066
C11	141.30	100.00	110.012°	38.8433	42.066	C11	141.30	100.00	110.012°	38.8433	42.066
C12	141.30	100.00	110.012°	38.8433	42.066	C12	141.30	100.00	110.012°	38.8433	42.066
C13	141.30	100.00	110.012°	38.8433	42.066	C13	141.30	100.00	110.012°	38.8433	42.066
C14	141.30	100.00	110.012°	38.8433	42.066	C14	141.30	100.00	110.012°	38.8433	42.066
C15	141.30	100.00	110.012°	38.8433	42.066	C15	141.30	100.00	110.012°	38.8433	42.066
C16	141.30	100.00	110.012°	38.8433	42.066	C16	141.30	100.00	110.012°	38.8433	42.066
C17	141.30	100.00	110.012°	38.8433	42.066	C17	141.30	100.00	110.012°	38.8433	42.066
C18	141.30	100.00	110.012°	38.8433	42.066	C18	141.30	100.00	110.012°	38.8433	42.066
C19	141.30	100.00	110.012°	38.8433	42.066	C19	141.30	100.00	110.012°	38.8433	42.066
C20	141.30	100.00	110.012°	38.8433	42.066	C20	141.30	100.00	110.012°	38.8433	42.066
C21	141.30	100.00	110.012°	38.8433	42.066	C21	141.30	100.00	110.012°	38.8433	42.066
C22	141.30	100.00	110.012°	38.8433	42.066	C22	141.30	100.00	110.012°	38.8433	42.066
C23	141.30	100.00	110.012°	38.8433	42.066	C23	141.30	100.00	110.012°	38.8433	42.066
C24	141.30	100.00	110.012°	38.8433	42.066	C24	141.30	100.00	110.012°	38.8433	42.066
C25	141.30	100.00	110.012°	38.8433	42.066	C25	141.30	100.00	110.012°	38.8433	42.066
C26	141.30	100.00	110.012°	38.8433	42.066	C26	141.30	100.00	110.012°	38.8433	42.066
C27	141.30	100.00	110.012°	38.8433	42.066	C27	141.30	100.00	110.012°	38.8433	42.066
C28	141.30	100.00	110.012°	38.8433	42.066	C28	141.30	100.00	110.012°	38.8433	42.066
C29	141.30	100.00	110.012°	38.8433	42.066	C29	141.30	100.00	110.012°	38.8433	42.066
C30	141.30	100.00	110.012°	38.8433	42.066	C30	141.30	100.00	110.012°	38.8433	42.066

**Boundary Specialists**  
When Quality Matters  
7920 South Highway 89, Willard Utah 84340  
(801) 792-1569 Fax (435) 723-5512

Davidson  
Coventry Cove, L.L.C. (Res. Wilkinson)  
3900 West Old Highway Road, Morgan Utah 84050

**COUNTY ENGINEER'S APPROVAL**  
I CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED AND FIND THAT IT IS CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE. I ALSO HEREBY MAKE A COPY OF ALL ACCEPTED IMPROVEMENT PLANS FOR THIS SUBDIVISION HAVE BEEN SUBMITTED TO THIS OFFICE EACH FITTED WITH A STAMP AND SIGNATURE OF A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF UTAH WHO IS IN THE EMPLOY OF THE OWNER OR DEVELOPER.

SIGNED THIS 17 DAY OF May 2005  
COUNTY ENGINEER

**COUNTY COUNCIL APPROVAL AND ACCEPTANCE**  
PRESENTED TO THE MORGAN COUNTY COUNCIL THIS 17 DAY OF May, A.D. 2005, AT WHICH TIME THIS SUBDIVISION AND THE OWNER'S DEDICATION WAS APPROVED AND ACCEPTED.

ATTEST: *David M. MacPhee*  
CLERK

**MORGAN COUNTY PLANNING COMMISSION**  
APPROVED THIS 5 DAY OF May, A.D. 2005,  
BY THE MORGAN COUNTY PLANNING COMMISSION.

*W. H. Whitlock*  
CHAIRMAN

**COUNTY ATTORNEY'S APPROVAL AS TO FORM**  
APPROVED AS TO FORM  
THIS 17 DAY OF May, A.D. 2005.

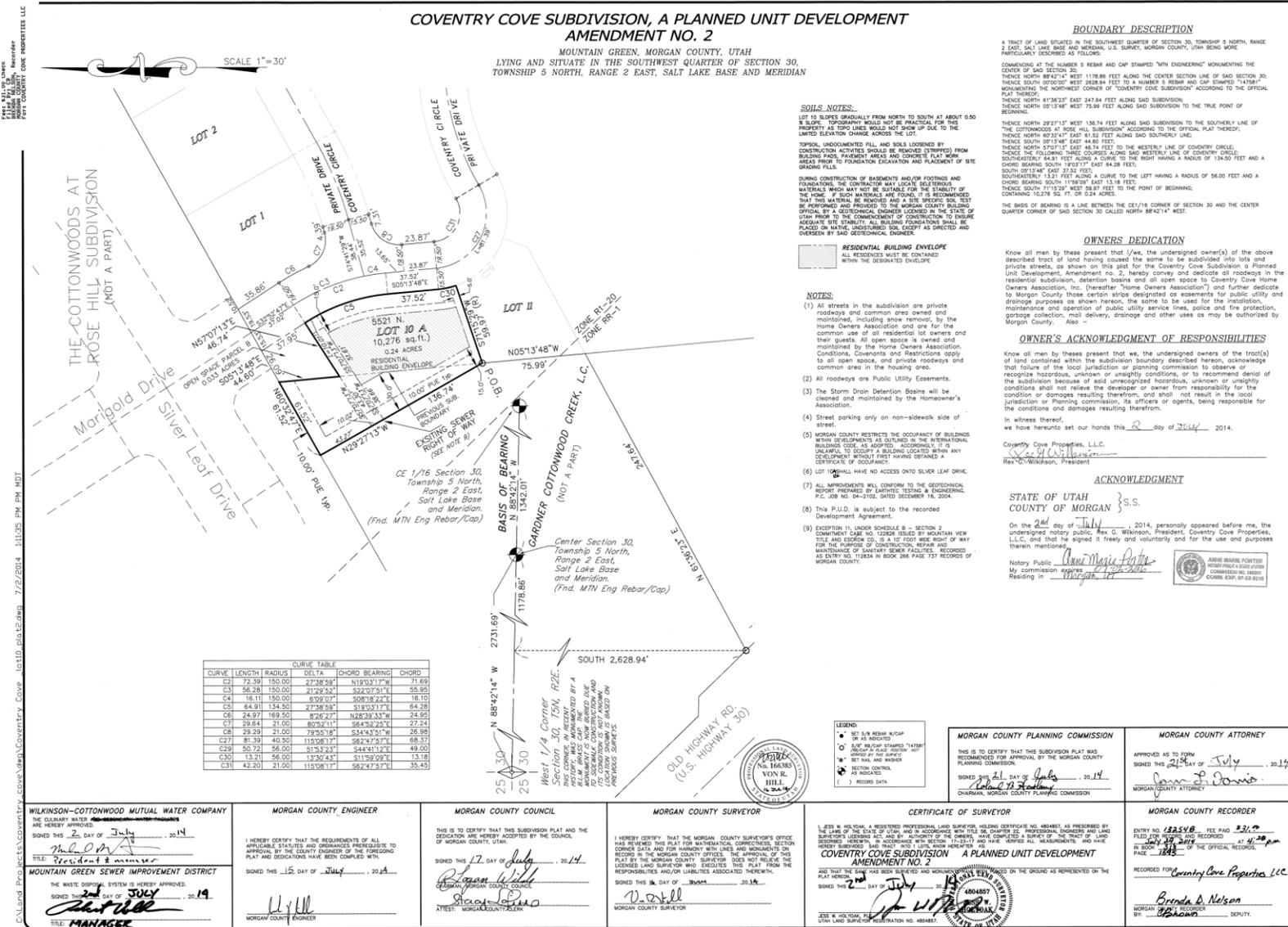
*Kellin M. Wright*  
MORGAN COUNTY ATTORNEY

**MORGAN COUNTY RECORDER**  
ENTRY NUMBER 9137  
FEE PAID \$56.00  
FILED FOR RECORD AND RECORDED THIS  
24 DAY OF May 2005, IN BOOK 216 AT PAGE 1103 OF THE OFFICIAL RECORDS.

*Brenda O. Tolson*  
RECORDER



# Exhibit D: Existing Coventry Cove Subdivision Plat (Amendment 2)



**MOUNTAIN ENGINEERING**  
P. O. BOX 309  
MOUNTAIN GREEN, UTAH 84050  
TEL: (801) 637-3978 FAX: 876-3979

DATE: 07/21/14  
BY: [Signature]  
CHECKED BY: [Signature]  
REVIEWED BY: [Signature]

DESIGNED BY: M.L.M.  
DRAWN BY: M.L.M.  
DATE: 4.8.2014

**COVENTRY COVE SUBDIVISION, A PLANNED UNIT DEVELOPMENT, AMENDMENT NO. 2**  
FOR THE ENLARGEMENT OF LOT 10 A, TOWNSHIP 5 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, MOUNTAIN GREEN, MORGAN COUNTY, UTAH.

RECORDED BY: [Signature]  
MORGAN COUNTY RECORDER  
DATE: 08-07-2014  
FILED: 08-07-2014



Coventry Cove Plat Amendment Number 3  
Public Meeting  
December 08, 2016

Application No.: 16.035  
Applicant: Kenneth and Carol Ann Driggs  
Owner: Driggs, Fowers, Benjamin, and Wilkinson (see attached affidavits)  
Project Location: 5528 Coventry Circle (Mountain Green Area)  
Current Zoning: R1-20 (PUD)  
General Plan Designation: Village Low Density  
Acreage: approximately 0.54 acres in existing lots; proposed amendment would increase to 0.76 acres  
Request: Amend a subdivision of record to reduce the lot size, adding additional property to land (Lots 5, 6, and 7) inside the subdivision  
Date of Application: October 20, 2016  
Date of Previous Meeting: N/A

#### Staff Recommendation

County Staff recommends approval of the requested amended plat based on the following findings and with the conditions listed below:

#### ***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 final mylar indicate that the lots are amended by adding an "A" to the lot designations (i.e., Lot 5 A, Lot 6 A, and Lot 7 A).
2. That the owners provide updated title reports prior to recordation.
3. That all requirements of the County Surveyor and County
4. That all fees and taxes are paid, including any fees associated with outsourced consultants.
5. That any minor changes to the plat be handled by County Staff prior to recordation.

#### Background

This application is to amend the approved/amended Coventry Cove PUD Subdivision Plat,

originally approved in 2005 and amended in 2007. There was an additional amendment (number 2) that affected only one lot which was done in 2014. The proposed subdivision amendment would increase the sizes of Lots 5, 6, and 7 by 0.23 acres (approximately 9808 square feet) to 0.76 acres, which is closer to the underlying zoning requirement. The land thus added will be removed to the "Wilkinson Family Farm, LLC" property to the west of the subdivision.

Analysis

General Plan and Zoning. Pursuant to the Future Land Use Map (see Exhibit B), the property has a Village Low Density Residential designation. According to the General Plan, the Village Low Density Residential designation "provides for a lifestyle with planned single family residential communities, which include open space, recreation and cultural opportunities, including schools, churches and neighborhood facilities located in established village areas (formerly area plan boundaries) or master planned communities. The residential density is a maximum of 2 units per acre." This proposed amendment would increase the sizes of the respective lots, more closely matching the desired character of the General Plan.

The zoning of the parcel is R1-20 (see Exhibit C), but is in a Planned Unit Development (PUD). As noted above, the sizes of the lots seem appropriate for the zoning that exists in the area.

Ordinance Evaluation:

Property Layout. The lots are located in the Mountain Green area of unincorporated Morgan County, generally north and east of Old Highway Road off Silverleaf Dr. The current and amended lots are described in the following table:

Lot	Current Area (square feet)	Current Area (acreage)	Proposed Area (square feet)	Proposed Area (acreage)	Difference (square feet)	Difference (acreage)
5	10,254	0.24	12,151	0.28	1,897	0.04
6	6,531	0.15	12,151	0.28	5,620	0.13
7	6,393	0.15	8,684	0.20	2,291	0.05
<b>Totals:</b>	<b>23,178</b>	<b>0.53</b>	<b>32,986</b>	<b>0.76</b>	<b>9,808</b>	<b>0.23</b>

Roads and Access. The lots front onto Coventry Cove Circle (a private drive), where access is gained to the properties.

Grading and Land Disturbance. The parcel appears to lie outside of the flood plain. Since the parcels have already been built on, there is little if any future grading expected on the site.

Utilities. Water service in the area is provided by the Cottonwoods Mutual Water Company. Waste water will be handled in the sewer systems.

Geologic Hazards. The subdivision was completed prior to the County Geologic Hazards Ordinance. The property appears to lie outside of any geologic hazards area.

## Model Motion

Sample Motion for a *positive* recommendation – “I move we recommend approval by the County Council the Coventry Cove Plat Amendment Number 3, application #16.035, located at approximately 5528 Coventry Cir, amending the plat and increasing the sizes of the lots 5, 6, and 7, based on the findings and with the conditions listed in the staff report dated December 8, 2016.”

Sample Motion for a *positive* recommendation *with additional conditions* – “I move we recommend approval by the County Council the Coventry Cove Plat Amendment Number 3, application #16.035, located at approximately 5528 Coventry Cir, amending the plat and increasing the sizes of the lots 5, 6, and 7, based on the findings and with the conditions listed in the staff report dated December 8, 2016, *with the following additional conditions:*”

1. List any additional findings and conditions...

Sample Motion for a *negative* recommendation – “I move we recommend denial by the County Council the Coventry Cove Plat Amendment Number 3, application #16.035, located at approximately 5528 Coventry Cir, amending the plat and increasing the sizes of the lots 5, 6, and 7, *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: Existing Coventry Cove Subdivision Plat/Amendments

Exhibit E: Proposed Amended Plat/Property Description

## Staff Contact

Bill Cobabe, AICP

801-845-4059

bcobabe@morgan-county.net

Exhibit A: Vicinity Map

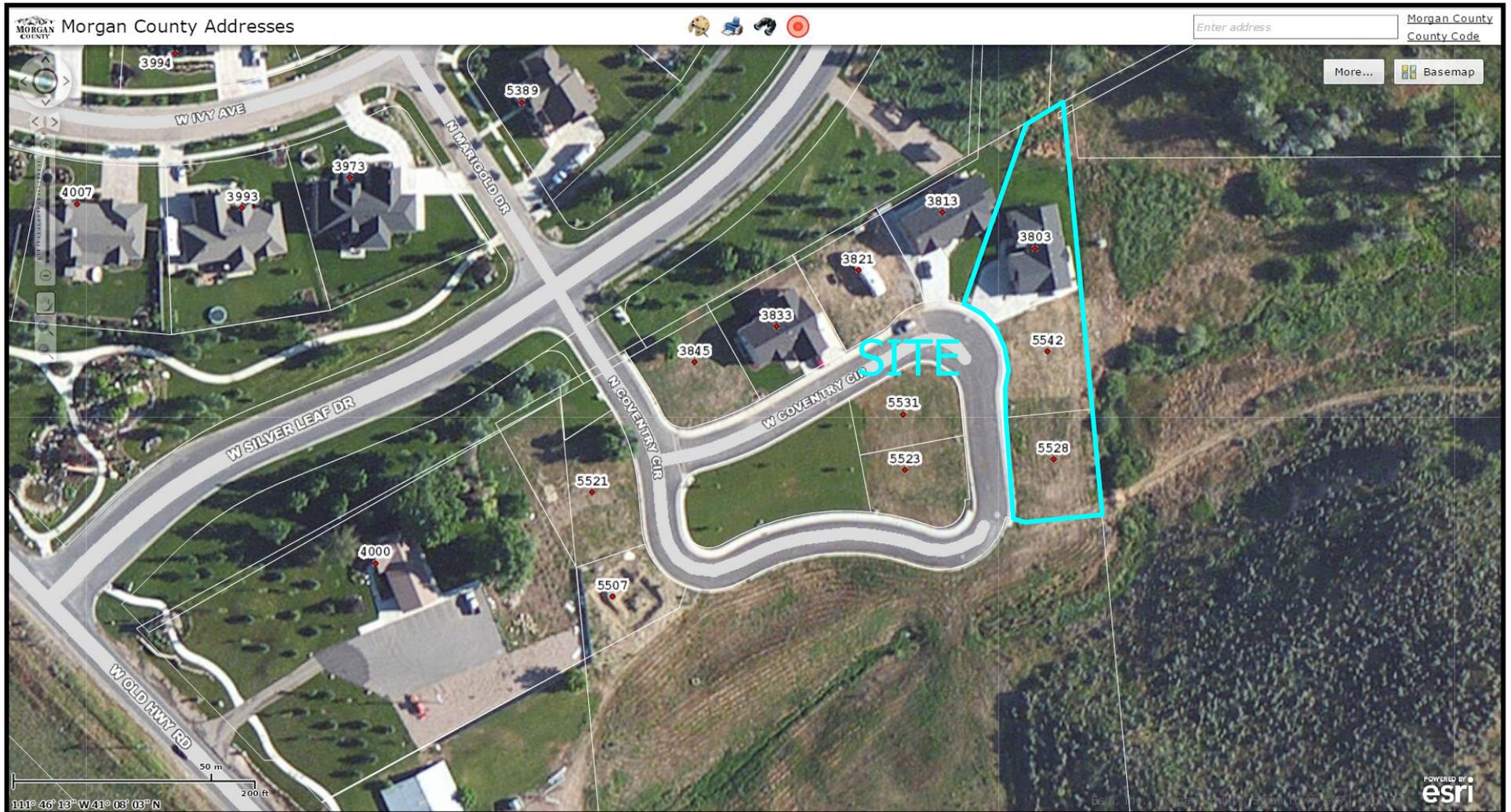


Exhibit B: Future Land Use Map

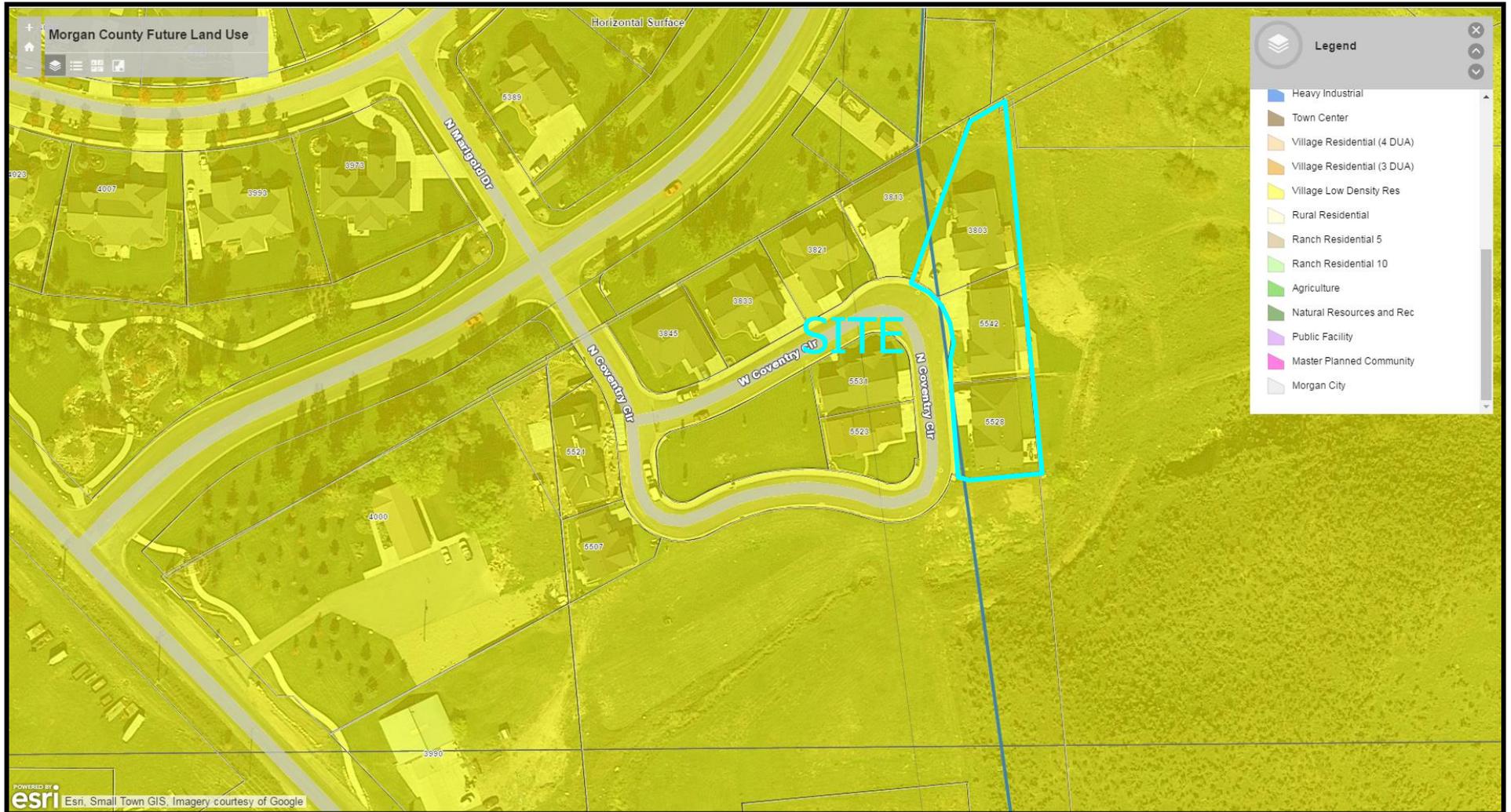
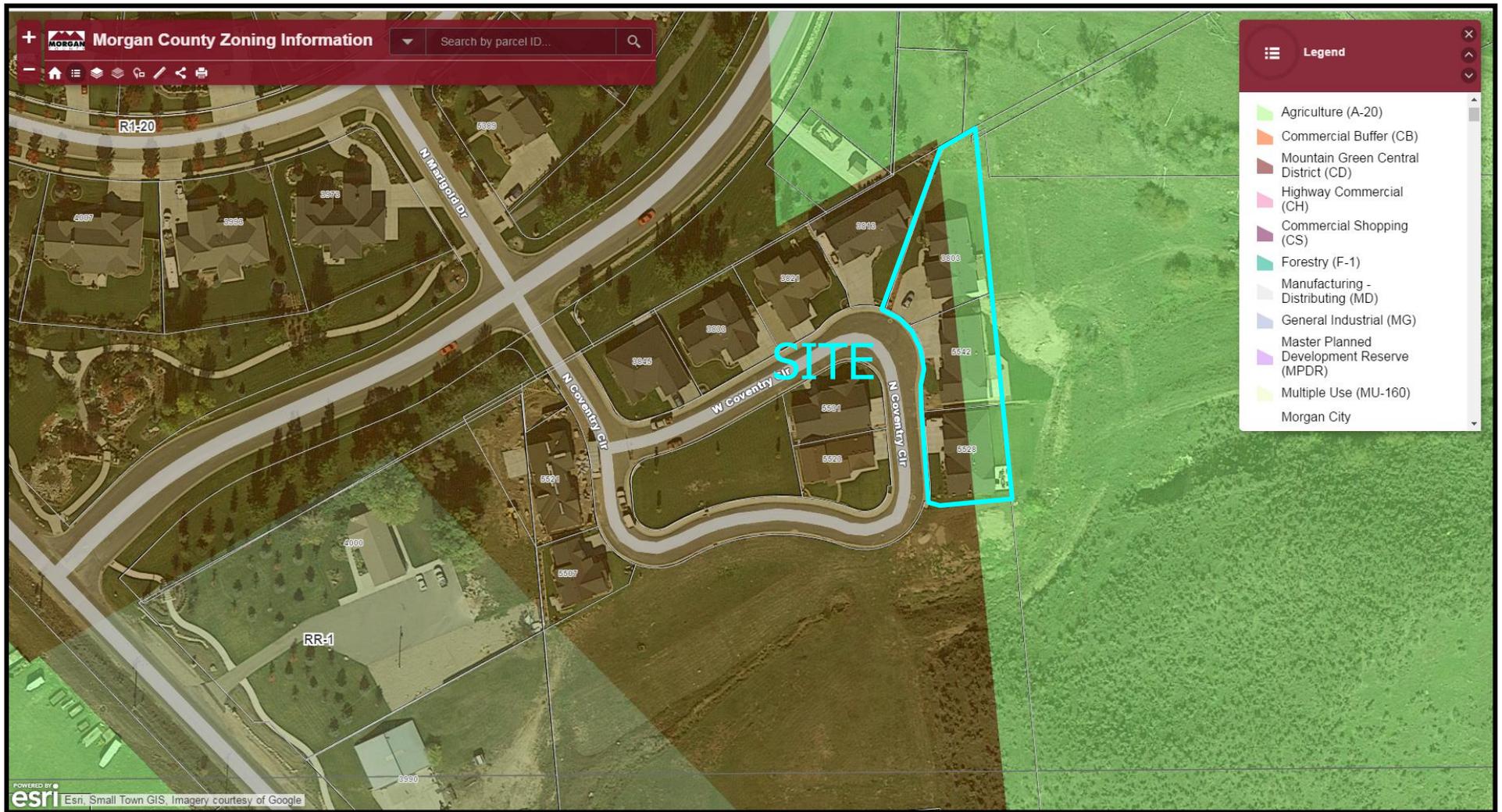


Exhibit C: Current Zoning Map



# Exhibit D: Existing Coventry Cove Subdivision Plat

## COVENTRY COVE SUBDIVISION, A PLANNED UNIT DEVELOPMENT MOUNTAIN GREEN, MORGAN COUNTY, UTAH

LYING AND SITUATE IN THE SOUTHWEST QUARTER OF SECTION 30, AND THE NORTHWEST QUARTER OF SECTION 31,  
TOWNSHIP 5 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN

LOT DATA	
No. 1	AREA
1	1.17
2	1.24
3	1.31
4	1.38
5	1.45
6	1.52
7	1.59
8	1.66
9	1.73
10	1.80
11	1.87
12	1.94
13	2.01
14	2.08
15	2.15
16	2.22
17	2.29
18	2.36
19	2.43
20	2.50

**NOTES:**

- All streets in the housing area are private roadways and common area owned and maintained, including snow removal, by the Home Owners Association and are for the common use of all residential lot owners and their guests. All open space is owned and maintained by the Home Owners Association. Conditions, Covenants and Restrictions apply to all open space, and private roadways and common area in the housing area.
- All roadways are Public Utility Easements.
- The Storm Drain Detention Basins located on Lot 20 will be cleaned and maintained by the Home Owners Association.
- Site contains no public improvements.
- Street parking only on non-sidewalk side of street.
- Entrance to Lots 19 & 20 are detailed on the Construction and Landscape Plans.

**DRAINAGE & MAINTENANCE EASEMENT**  
LOTS 2 THROUGH 10 AND 13 THROUGH 15 CONTAIN A SEVEN (7) FOOT DRAINAGE AND MAINTENANCE EASEMENT RUNNING CONCURRENT TO THE COMMON LOT LINE FOR ROOF RUNOFF AND STRUCTURE MAINTENANCE WHERE A ZERO BUILDING LINE EXISTS.

**RADIAL BEARING LINES**

No.	Bearing	Distance
001	N107°42'48"W	15.00
002	N107°42'48"W	15.00
003	N44°17'30"E	15.00
004	N44°17'30"E	15.00
005	N107°42'48"W	15.00
006	N107°42'48"W	15.00
007	N44°17'30"E	15.00
008	N44°17'30"E	15.00
009	N107°42'48"W	15.00
010	N107°42'48"W	15.00
011	N44°17'30"E	15.00
012	N44°17'30"E	15.00
013	N107°42'48"W	15.00
014	N107°42'48"W	15.00
015	N44°17'30"E	15.00
016	N44°17'30"E	15.00
017	N107°42'48"W	15.00
018	N107°42'48"W	15.00
019	N44°17'30"E	15.00
020	N44°17'30"E	15.00

**LINE TABLE**

No.	Bearing	Distance
L1	N107°42'48"W	15.00
L2	N107°42'48"W	15.00
L3	N44°17'30"E	15.00
L4	N44°17'30"E	15.00
L5	N107°42'48"W	15.00
L6	N107°42'48"W	15.00
L7	N44°17'30"E	15.00
L8	N44°17'30"E	15.00
L9	N107°42'48"W	15.00
L10	N107°42'48"W	15.00
L11	N44°17'30"E	15.00
L12	N44°17'30"E	15.00
L13	N107°42'48"W	15.00
L14	N107°42'48"W	15.00
L15	N44°17'30"E	15.00
L16	N44°17'30"E	15.00
L17	N107°42'48"W	15.00
L18	N107°42'48"W	15.00
L19	N44°17'30"E	15.00
L20	N44°17'30"E	15.00

**CURVE TABLE**

No.	Length	Radius	Delta	Chord	Base - Dist.
C1	179.89	100.00	77.3659°	119.0171	71.669
C2	144.19	100.00	63.4362°	94.1726	58.281
C3	144.19	100.00	63.4362°	94.1726	58.281
C4	144.19	100.00	63.4362°	94.1726	58.281
C5	144.19	100.00	63.4362°	94.1726	58.281
C6	144.19	100.00	63.4362°	94.1726	58.281
C7	144.19	100.00	63.4362°	94.1726	58.281
C8	144.19	100.00	63.4362°	94.1726	58.281
C9	144.19	100.00	63.4362°	94.1726	58.281
C10	144.19	100.00	63.4362°	94.1726	58.281
C11	144.19	100.00	63.4362°	94.1726	58.281
C12	144.19	100.00	63.4362°	94.1726	58.281
C13	144.19	100.00	63.4362°	94.1726	58.281
C14	144.19	100.00	63.4362°	94.1726	58.281
C15	144.19	100.00	63.4362°	94.1726	58.281
C16	144.19	100.00	63.4362°	94.1726	58.281
C17	144.19	100.00	63.4362°	94.1726	58.281
C18	144.19	100.00	63.4362°	94.1726	58.281
C19	144.19	100.00	63.4362°	94.1726	58.281
C20	144.19	100.00	63.4362°	94.1726	58.281

**BOUNDARY DESCRIPTION**

A general land lying and situate in the Southwest Quarter of Section 30, and the Northwest Quarter of Section 31, Township 5 North, Range 2 East, Salt Lake Base and Meridian, Morgan County, Utah, comprising 9.84 acres of the Wilkerson Family Farm L.L.C. parcel known as Ex D Number 02-005-120 and 02-005-101, being of bearing for subject parcel being Survey No. 974714 East 1342.01' (measured) between the number 5 rebar end cap stamped "WIN ENGINEERING" representing the Center and 2071/8 Corner of Section 30, Township 5 North, Range 2 East, Salt Lake Base and Meridian.

Commencing at the number 5 rebar end cap stamped "WIN ENGINEERING" monumentizing the Center of said Section 30, thence North 88°42'14" West 1178.86 feet coincident with the center of section of said Section 30, thence South 20°21'34" East to a number 5 rebar end cap stamped "12181" and the southwest corner of full plat portion of said corner, the angle is 141°01'30" and the southeast line (2) course coincident with the perimeter of said Wilkerson parcel; (1) North 81°25'27" East 247.64 feet; (2) North 02°13'48" West 223.93 feet to a point on the Southwesterly line of "The Cottonwoods at Rose Hill Subdivision" according to the Official Plat thereof; thence North 02°27'47" East 478.83 feet consistent with said Southwesterly line and the prolongation thereof to a number 5 rebar end cap stamped "713 356548"; thence South 02°27'47" East 1068.59 feet to a number 5 rebar end cap stamped "713 356548"; said point lying South 0.22 feet and West 0.84 feet of a number 5 rebar end cap stamped "713 356548" monumentizing the Southeast corner of that certain "Wilkinson Reserve Tract," as shown on that particular Boundary Survey filed as Survey Number 000387 in the Morgan County Recorder's Office; thence South 89°02'57" West 272.45 feet to a number 5 rebar end cap stamped "141581" and a point on the arc of a 1005.40 foot non-tangent curve; thence North 02°27'47" East 1068.59 feet consistent with the Northwesterly right of Way Line of Old Highway 30 and along the arc of said 1005.40 foot non-tangent curve to the said (center bears) South 02°27'47" East through a central angle of 02°27'47" to a number 5 rebar end cap stamped "713 356548"; thence North 47°07'19" West 489.42 feet consistent with said right of Way Line to the point of beginning. Corner 9.84 acres more or less.

**NOTES:**

- All streets in the housing area are private roadways and common area owned and maintained, including snow removal, by the Home Owners Association and are for the common use of all residential lot owners and their guests. All open space is owned and maintained by the Home Owners Association. Conditions, Covenants and Restrictions apply to all open space, and private roadways and common area in the housing area.
- All roadways are Public Utility Easements.
- The Storm Drain Detention Basins located on Lot 20 will be cleaned and maintained by the Home Owners Association.
- Site contains no public improvements.
- Street parking only on non-sidewalk side of street.
- Entrance to Lots 19 & 20 are detailed on the Construction and Landscape Plans.

**DRAINAGE & MAINTENANCE EASEMENT**  
LOTS 2 THROUGH 10 AND 13 THROUGH 15 CONTAIN A SEVEN (7) FOOT DRAINAGE AND MAINTENANCE EASEMENT RUNNING CONCURRENT TO THE COMMON LOT LINE FOR ROOF RUNOFF AND STRUCTURE MAINTENANCE WHERE A ZERO BUILDING LINE EXISTS.

**RADIAL BEARING LINES**

No.	Bearing	Distance
001	N107°42'48"W	15.00
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018	N107°42'48"W	15.00
019	N44°17'30"E	15.00
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**LINE TABLE**

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L11	N44°17'30"E	15.00
L12	N44°17'30"E	15.00
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L14	N107°42'48"W	15.00
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C8	144.19	100.00	63.4362°	94.1726	58.281
C9	144.19	100.00	63.4362°	94.1726	58.281
C10	144.19	100.00	63.4362°	94.1726	58.281
C11	144.19	100.00	63.4362°	94.1726	58.281
C12	144.19	100.00	63.4362°	94.1726	58.281
C13	144.19	100.00	63.4362°	94.1726	58.281
C14	144.19	100.00	63.4362°	94.1726	58.281
C15	144.19	100.00	63.4362°	94.1726	58.281
C16	144.19	100.00	63.4362°	94.1726	58.281
C17	144.19	100.00	63.4362°	94.1726	58.281
C18	144.19	100.00	63.4362°	94.1726	58.281
C19	144.19	100.00	63.4362°	94.1726	58.281
C20	144.19	100.00	63.4362°	94.1726	58.281

**WILKINSON FAMILY FARM, L.L.C. (NOT A PART)**

**THE COTTONWOODS AT ROSE HILL SUBDIVISION (NOT A PART)**

**CHRISTOPHER M. WILKINSON AND SANDY KAY (NOT A PART)**

**MARK A. WILKINSON, ET AL (NOT A PART)**

**OWNERS DEDICATION**

Know all men by these present that I/we, the undersigned owner(s) of the above described tract of land having caused the same to be subdivided into lots and private streets, as shown on this plat for the Coventry Cove Subdivision, a Planned Unit Development, hereby convey and dedicate all roadways in the residential subdivision and all open space to Coventry Cove Home Owners Association, Inc. (hereafter "Home Owners Association") and further dedicate to Morgan County, Utah, the areas designated as common area for public utility purposes, as shown herein, the same to be used for the installation, maintenance and operation of public utility service lines, police and fire protection, garbage collection, mail delivery, drainage and other uses as may be authorized by the Morgan County, in witness I/we have hereto set my/our signature.

Signed this 25 day of MAY, 2005.

*Coventry Cove, L.L.C. by Rex G. Wilkerson, President*  
Coventry Cove, L.L.C., by Rex G. Wilkerson, its President

**Corporate ACKNOWLEDGMENT**

STATE OF UTAH } S.S.  
COUNTY OF MORGAN }  
On the 25 day of May, 2005 personally appeared before me, the undersigned notary public in and for the County of Morgan in said State of Utah the signer of the above Owner's Certificate one in number, who duly acknowledged to me that he, Rex G. Wilkerson, is President of Coventry Cove, L.L.C. and that he signed it freely and voluntarily for the use and purposes therein mentioned.

MY COMMISSION EXPIRES March 22, 2008

*Janice A. Hyde*  
Residing in Morgan Utah

**OWNER'S ACKNOWLEDGMENT OF RESPONSIBILITIES**

Know all men by these present that we, the undersigned owners of the tract(s) of land contained within the subdivision boundary described herein, acknowledge that failure of the local jurisdiction or planning commission to observe or recognize hazardous, unknown or unratified conditions, or to recommend denial of the subdivision because of said unrecognized hazardous, unknown or unratified conditions shall not relieve the developer or owner from responsibility for the condition or damages resulting therefrom, and shall not result in the local jurisdiction or planning commission, its officers or agents, being responsible for the conditions and damages resulting therefrom.

In witness thereof, we have hereto set our hands this 25 day of MAY, 2005.

*Coventry Cove, L.L.C. by Rex G. Wilkerson, its President*  
Coventry Cove, L.L.C., by Rex G. Wilkerson, its President

**BOUNDARY SPECIALISTS**  
When Quality Matters  
7920 South Highway 89, Willard Utah 84340  
(801) 792-1569 Fax (435) 723-5512  
Developed by  
Coventry Cove, L.L.C. (Rex Wilkerson)  
3900 West Old Highway Road, Morgan Utah 84050

**COUNTY ENGINEER'S APPROVAL**  
I CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED AND FIND THAT IT IS CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE. I ALSO HEREBY MAKE A COPY OF ALL ACCEPTED IMPROVEMENT PLANS FOR THIS SUBDIVISION HAVE BEEN SUBMITTED TO THIS OFFICE EACH FITTED WITH A STAMP AND SIGNATURE OF A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF UTAH WHO IS IN THE EMPLOY OF THE OWNER OR DEVELOPER.

SIGNED THIS 17 DAY OF MAY, 2005.  
*Rex G. Wilkerson*  
COUNTY ENGINEER

**COUNTY COUNCIL APPROVAL AND ACCEPTANCE**  
PRESENTED TO THE MORGAN COUNTY COUNCIL THIS 17 DAY OF May, A.D. 2005, AT WHICH TIME THIS SUBDIVISION AND THE OWNER'S DEDICATION WAS APPROVED AND ACCEPTED.

ATTEST: *David M. MacKinnon*  
CLERK

**MORGAN COUNTY PLANNING COMMISSION**  
APPROVED THIS 5 DAY OF May, A.D. 2005,  
BY THE MORGAN COUNTY PLANNING COMMISSION.  
*Wesley Wilkerson*  
CHAIRMAN

**COUNTY ATTORNEY'S APPROVAL AS TO FORM**  
APPROVED AS TO FORM  
THIS 17 DAY OF May, A.D. 2005.  
*Kellin M. Wright*  
MORGAN COUNTY ATTORNEY

**MORGAN COUNTY RECORDER**  
ENTRY NUMBER 91371  
FEE PAID \$56.25  
FILED FOR RECORD AND RECORDED THIS  
25 DAY OF May, 2005, IN BOOK 216 AT PAGE 1103 OF THE  
OFFICIAL RECORDS.  
*Brenda O. Tolson*  
MORGAN COUNTY RECORDER

# Exhibit D: Existing Coventry Cove Subdivision Plat (Amendment 1)

**AN AMENDMENT OF  
COVENTRY COVE SUBDIVISION, A PLANNED UNIT DEVELOPMENT  
MOUNTAIN GREEN, MORGAN COUNTY, UTAH**  
LYING AND SITUATE IN THE SOUTHWEST QUARTER OF SECTION 30, AND THE NORTHWEST QUARTER OF SECTION 31,  
TOWNSHIP 5 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN

WILKINSON FAMILY FARM, L.L.C.  
(NOT A PART)

SCALE 1"=50'  
1006.59'

NOTE:  
This P.U.D. is subject to the recorded  
Development Agreement.

MARK A. WILKINSON, ET AL  
(NOT A PART)

**BOUNDARY DESCRIPTION**  
A parcel of land lying and situate in the Southwest Quarter of Section 30, and the Northwest Quarter of Section 31, Township 5 North, Range 2 East, Salt Lake Base and Meridian, Morgan County, Utah, containing 9.84 acres of the Wilkinson Family Farm L.L.C. parcel known as Tax ID Numbers 02-005-120 and 03-005-120, State of Bearing for subject parcel being South 81°41'14" East 1342.01' (measured) between the number 5 rebar and cap stamped "NH ENGINEERING" monumenting the Center and CE 1/8 Corner of Section 30, Township 5 North, Range 2 East, Salt Lake Base and Meridian, and CE 1/8 Corner of Section 30, Township 5 North, Range 2 East, Salt Lake Base and Meridian. Subject parcel being more particularly described as follows:  
Commencing at the number 5 rebar and cap stamped "NH ENGINEERING" monumenting the Center of said Section 30, thence North 89°21'14" West 1176.96' feet coincident with the center of section line of said Section 30, thence South 26°28'34" East to a number 5 rebar and cap stamped "147581" and the Southeast corner of that particular parcel of land owned in fee simple by Christopher M. and Sandy Kay Wilkinson, and the True Point of Beginning;  
Thence the following lot (2) courses coincident with the perimeter of said Wilkinson parcel:  
(1) North 07°32'21" East 247.64' feet;  
(2) North 02°17'48" West 223.93' feet to a point on the Southeastly line of "The Cottonwoods at Rose Hill Subdivision" according to the Official Plat therefor;  
Thence North 82°27'47" East 478.83' feet coincident with said Southeastly line and the prolongation thereof to a number 5 rebar and cap stamped "13 306487";  
Thence South 02°25'44" East 1006.59' feet to a number 5 rebar and cap stamped "13 336545", and point 1/8 mile 2.22 feet and meet the West line of a number 5 rebar and cap stamped "13 306487" monumenting the Southeast corner of that certain "Wilkinson Reserve Parcel" as shown on that particular Boundary Survey filed as Survey Number 003083 in the Morgan County Recorder's Office;  
Thence South 82°02'10" West 277.45' feet to a number 5 rebar and cap stamped "147581" and a point on the arc of a 1005.40' foot non-tangent curve;  
Thence Northwesterly 123.93' feet coincident with the Northwesterly Right of Way Line of Old Highway 30 and along the arc of said 1005.40' foot non-tangent curve to the left center line;  
Thence South 02°53'47" West through a central angle of 98°24'39" to a number 5 rebar and cap stamped "13 306487";  
Thence North 4°07'13" West 469.42' feet coincident with said Right of Way Line to the point of Beginning.  
Contains 9.84 acres more or less.

**OWNERS DEDICATION**  
Know all men by these presents that I/we, the undersigned owner(s) of the above described tract of land having caused the same to be subdivided into lots and private streets, as shown on this plat for the Coventry Cove Subdivision a Planned Unit Development, hereby convey and dedicate all roadways in the residential subdivision and all open space to Coventry Cove Home Owners Association, Inc. (hereafter "Home Owners Association") and further dedicate to Morgan County those certain strips designated as easements for public utility and drainage purposes as shown hereon. This same to be used for the installation, maintenance and operation of public utility service lines, police and fire protection, garbage collection, mail delivery, drainage and other uses as may be authorized by the Morgan County. Also -

**OWNER'S ACKNOWLEDGMENT OF RESPONSIBILITIES**  
Know all men by these presents that we, the undersigned owners of the tract(s) of land contained within the subdivision boundary described hereon, acknowledge that failure of the local jurisdiction or planning commission to observe or recognize hazardous, unknown or unsightly conditions, or to recommend denial of the subdivision because of said unrecognized hazardous, unknown or unsightly conditions shall not relieve the developer or owner from responsibility for the condition or damages resulting therefrom, and shall not result in the local jurisdiction or Planning Commission, its officers or agents, being responsible for the conditions and damages resulting therefrom.  
In witness whereof, we have hereunto set our hands this 21<sup>st</sup> day of December, 2006.  
Signed this 21<sup>st</sup> day of December, 2006.  
Corynne Dine Douglas, L.L.C., by Rex G. Wilkinson, it's President  
Michael C. Erickson and Joann H. Erickson, by Dale Erickson, Attorney in Fact  
Ryfel Properties, L.L.C., by Ryan C. Nye, Managing Member  
Dorfin W. Woodard and Audrey K. Woodard

**NOTES:**  
ALL IMPROVEMENTS WILL CONFORM TO THE  
TECHNICAL REPORT PREPARED BY EARTHTECH  
TESTING & ENGINEERING, P.C.  
JOB NO. 04-2102, DATED DECEMBER 16, 2004.

**NOTES:**  
(1) All streets in the housing area are private roadways and common area owned and maintained, including snow removal, by the Home Owners Association and are for the common use of all residential lot owners and their guests. All open space is owned and maintained by the Home Owners Association. Conditions, Covenants and Restrictions apply to all open space, and private roadways and common area in the housing area.  
(2) All roadways are Public Utility Easements.  
(3) The Storm Drain Detention Basins will be cleaned and maintained by the Homeowner's Association.  
(4) Site contains no public improvements.  
(5) Street parking only on non-sidewalk side of street.  
(6) Entrance to Lots 12 & 13 are detailed on the Construction and Landscape Plans.

**ACKNOWLEDGMENTS**  
STATE OF UTAH }  
COUNTY OF MORGAN } ss  
On the 21<sup>st</sup> day of December, 2006, personally appeared before me, the undersigned notary public, Rex G. Wilkinson, Registered, Coventry Cove Properties, L.L.C.; Michael C. Erickson and Joann H. Erickson, Ryan C. Nye, Managing Member, Ryfel Properties, L.L.C.; Dorfin W. Woodard and Audrey K. Woodard, and that they intended to execute the foregoing and for the use and purposes therein mentioned.  
Notary Public *Rex G. Wilkinson*  
Residing in *Utah* of *Utah*  
ANNE MARIE FORTNER  
Notary Public  
My commission expires 03/31/2008  
COMM EXP. 03/31/2008

**WILKINSON-COTTONWOOD MUTUAL WATER COMPANY**  
THE CULINARY WATER AND SECONDARY WATER FACILITIES  
AND ARE HEREBY APPROVED.  
SIGNED THIS 21<sup>st</sup> DAY OF December, 2006.  
TITLE *Rex G. Wilkinson*

**MORGAN COUNTY RECORDER**  
ENTRY NO. 1061820 FEE PAID \$149.00  
FILED FOR RECORDING AT 11:20am  
ON 12-21-2006  
PAGE 3 of 4 OF THE OFFICIAL RECORDS.

**RECORDED FOR** *Coventry Cove Properties, L.L.C.*  
BY: *Burinda D. Johnson* DEPUTY.

**CERTIFICATE OF SURVEYOR**  
I, WILLIAM L. HOLYOAK, A REGISTERED PROFESSIONAL LAND SURVEYOR, HOLDING CERTIFICATE NO. 26746, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND IN ACCORDANCE WITH TITLE 20, CHAPTER 22, PROFESSIONAL SURVEYORS AND LAND SURVEYING, IN ACCORDANCE WITH SECTION 72-21-3(2) AND 72-21-3(3) AND HAVE OFFICERALLY MEASURED AND SURVEYED AND HAVE AND I TRULY BELIEVE, TO BE THE TRUE AND CORRECT REPRESENTATION OF THE SAME.  
**AN AMENDMENT TO**  
**COVENTRY COVE SUBDIVISION - A PLANNED UNIT DEVELOPMENT**  
AND THAT THE SAME IS THE TRUE AND CORRECT REPRESENTATION OF THE SAME AS PRESCRIBED IN THE P.L.C.  
SIGNED THIS 27<sup>th</sup> DAY OF September, 2006.  
WILLIAM L. HOLYOAK  
STATE SURVEYOR REGISTRATION NO. 16461

**PROJECT STATISTICS**

AREAS	2.00 ACRES
RESIDENT	1.80 ACRES
STREAM	1.80 ACRES
OPEN SPACE	1.80 ACRES
COMMERCIAL UNIT A	0.80 ACRES
COMMERCIAL UNIT B	0.80 ACRES
COMMERCIAL UNIT C	0.80 ACRES
COMMERCIAL UNIT D	0.80 ACRES
COMMERCIAL UNIT E	0.80 ACRES
COMMERCIAL UNIT F	0.80 ACRES
COMMERCIAL UNIT G	0.80 ACRES
COMMERCIAL UNIT H	0.80 ACRES
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COMMERCIAL UNIT J	0.80 ACRES
COMMERCIAL UNIT K	0.80 ACRES
COMMERCIAL UNIT L	0.80 ACRES
COMMERCIAL UNIT M	0.80 ACRES
COMMERCIAL UNIT N	0.80 ACRES
COMMERCIAL UNIT O	0.80 ACRES
COMMERCIAL UNIT P	0.80 ACRES
COMMERCIAL UNIT Q	0.80 ACRES
COMMERCIAL UNIT R	0.80 ACRES
COMMERCIAL UNIT S	0.80 ACRES
COMMERCIAL UNIT T	0.80 ACRES
COMMERCIAL UNIT U	0.80 ACRES
COMMERCIAL UNIT V	0.80 ACRES
COMMERCIAL UNIT W	0.80 ACRES
COMMERCIAL UNIT X	0.80 ACRES
COMMERCIAL UNIT Y	0.80 ACRES
COMMERCIAL UNIT Z	0.80 ACRES

**LEGEND:**  

- SET 5/8" REBAR W/ CAP OR AS INDICATED
- FORUM MARK AS INDICATED
- SET NAIL AND WADERS
- SECTION CORNER
- AS INDICATED
- 1" RECORD DATA

**LINE TABLE**

LINE NO.	BEARING	DISTANCE
1	N 174°32'00" W	16.00'
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**DRAINAGE & MAINTENANCE EASEMENT**  
SEVEN FOOT ROOF DRAINAGE AND MAINTENANCE EASEMENT RUNNING CONCURRENT WITH COMMON LOT LINE. THIS ROOF RUNOFF AND STRUCTURE MAINTENANCE WHERE A 7'20" BUILDING LINE EXISTS. L.O.L.N. 12-26-06

**TABLE**

LINE NO.	BEARING	DISTANCE
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**MORGAN COUNTY ATTORNEY**  
APPROVED AS TO FORM  
SIGNED THIS 21<sup>st</sup> DAY OF December, 2006.  
*James S. Davis*  
MORGAN COUNTY ATTORNEY

**MORGAN COUNTY ENGINEER**  
THIS IS TO CERTIFY THAT I HAVE INVESTIGATED THE LINES OF SURVEY OF THE FOREGOING PLAT, LEGAL DESCRIPTION OF THE LAND ENRAGED THEREIN AND FIND THEM TO BE CORRECT AND TO AGREE WITH THE LINES AND MONUMENTS ON RECORD IN THIS OFFICE AND THE MORGAN COUNTY RECORDER'S OFFICE.  
SIGNED THIS 21<sup>st</sup> DAY OF December, 2006.  
*[Signature]*  
MORGAN COUNTY ENGINEER

**MORGAN COUNTY PLANNING COMMISSION**  
THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED BY THE MORGAN COUNTY PLANNING COMMISSION THIS 21<sup>st</sup> DAY OF December, 2006.  
SIGNED THIS 21<sup>st</sup> DAY OF Dec. 2006.  
*[Signature]*  
CHAIRMAN MORGAN COUNTY PLANNING COMMISSION

**MORGAN COUNTY COUNCIL**  
THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT AND THE DECLARATION HERE HEREBY ACCEPTED BY THE COUNCIL OF MORGAN COUNTY, UTAH THIS 21<sup>st</sup> DAY OF December, 2006.  
SIGNED THIS 21<sup>st</sup> DAY OF December, 2006.  
*[Signature]*  
ATTEST MORGAN COUNTY CLERK

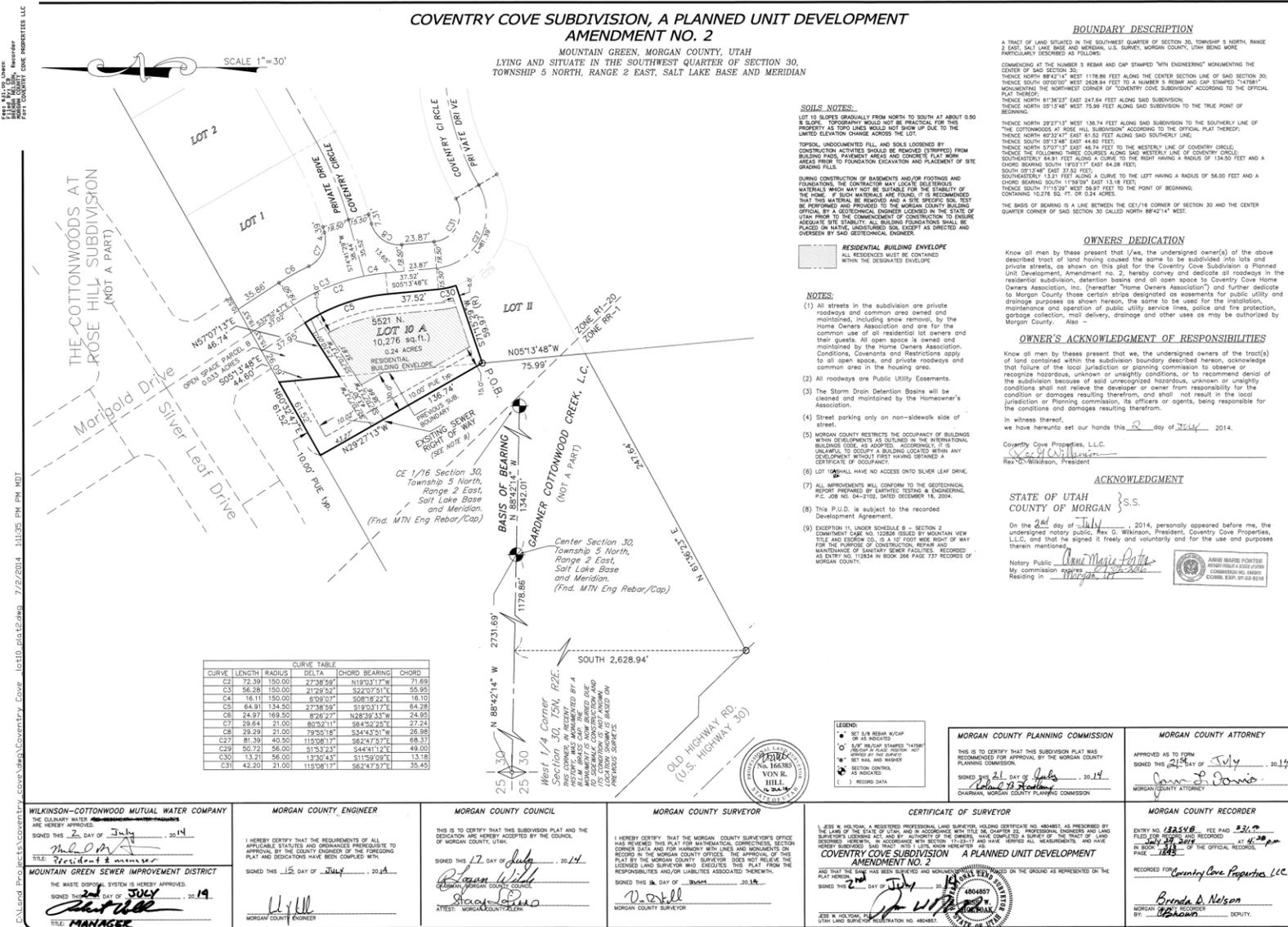
**MOUNTAIN GREEN SEWER IMPROVEMENT DISTRICT**  
THE WASTE DISPOSAL SYSTEM IS HEREBY APPROVED.  
SIGNED THIS 21<sup>st</sup> DAY OF January, 2007.  
*[Signature]*  
TITLE *AG/001/000/001*

**MOUNTAIN ENGINEERING**  
P. O. BOX 309  
MORGAN, UTAH 84050  
TEL (801) 892-2575 FAX 876-3079

**COVENTRY COVE SUBDIVISION - AN AMENDMENT OF  
A PLANNED UNIT DEVELOPMENT  
A PART OF THE SW 1/4 OF SEC. 30 & THE NW 1/4 OF SEC. 31,  
SALT LAKE BASE AND MERIDIAN, SURVEY,  
MOUNTAIN GREEN, MORGAN COUNTY, UTAH**

DRAWING NO. 06-09-72  
SHEET 1 OF 1  
FILE COVENTRY COVE DP-03

# Exhibit D: Existing Coventry Cove Subdivision Plat (Amendment 2)



**MOUNTAIN ENGINEERING**  
P. O. BOX 309  
MOUNTAIN GREEN, UTAH 84050  
TEL: (801) 637-3978 FAX: 876-3979

DATE: 07/21/2014  
TIME: 10:00 AM  
BY: [Signature]  
FOR: [Signature]

DESIGNED BY: M.L.M.  
DRAWN BY: M.L.M.  
DATE: 4.8.2014

COVENTRY COVE SUBDIVISION, A PLANNED UNIT DEVELOPMENT, AMENDMENT NO. 2  
FOR THE ENLARGEMENT OF LOT 10 A, TOWNSHIP 5 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, MOUNTAIN GREEN, MORGAN COUNTY, UTAH.

RECORDED IN: BOOK 266 PAGE 737  
DATE 07-21-2014  
FILED IN: MOUNTAIN GREEN, MORGAN COUNTY, UTAH



R & D Small Subdivision – Preliminary/Final Plat  
Public Meeting  
December 8, 2016

Application No.: 16.038  
Applicant: DeeDe Pace  
Owner: Dee & Sherry Waldron Family Trust  
Project Location: 1225 S Morgan Valley Drive  
Richville  
Current Zoning: RR-1/A-20  
General Plan Designation: Rural Residential/Agricultural  
Acreage: Approximately 3 acres  
Request: Preliminary and Final Plat Approval  
Date of Application: November 3, 2016

### Staff Recommendation

County Staff is recommending approval of the R & D Small Subdivision, application #16.038, subject to the following conditions and with the following findings:

#### Conditions:

1. That all outstanding fees for outside reviews are paid in full prior to recording the final mylar.
2. That all requirements of the County Engineer and Surveyor are met.
3. That any minor corrections are made with County Staff prior to submitting a final mylar.
4. That a current updated Title Report is submitted with the final mylar.
5. That all other local, state, and federal laws are adhered to.

#### Findings:

1. The nature of the subdivision is in conformance with the current and future land uses of the area.
2. The proposal complies with the Morgan County 2010 General Plan.
3. The proposal complies with current zoning and subdivision requirements.
4. The Planning Commission of the County shall have the ability to approve, approve with conditions, or deny a small subdivision in accordance with the regulations outlined in the Morgan County Code.
5. Those certain conditions herein are necessary to ensure compliance with adopted laws prior to subdivision plat recording.
6. That the proposal is not detrimental to the health, safety, and welfare of the public.

## Background

The applicant is seeking approval of a one lot subdivision, with a remainder agricultural parcel. The proposed subdivision received conceptual approval on October 27, 2016. The proposed subdivision has been designed to utilize the required access, frontage, and setback requirements of the RR-1 zone.

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

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

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

## Analysis

*General Plan and Zoning.* Pursuant to the Future Land Use Map (see Exhibit B), the property is designated as lying in the Rural Residential 1 area, allowing for 1 dwelling units per acre, and Agricultural, allowing for 20 dwelling units per acre. According to the General Plan, the Rural Residential designation "accommodates rural large lot development with generous distances to streets and between residential dwelling units and a viable semi-rural character setting." 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 residential density in this category is up to 1 unit per 20 acres." The proposed subdivision appears to follow these designations in the General Plan and according to the Future Land Use Map, reflecting low density neighborhoods.

The zoning of the parcel is RR-1 (Rural Residential – 1 acre minimum lot size) and A-20 (Agricultural – 20 acre minimum lot size). The purposes of the RR-1 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.*

and the purposes of the A-20 zone are:

*...to promote and preserve in appropriate areas conditions favorable to agriculture and to maintain greenbelt spaces. These districts are intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the*

*intrusion of uses inimical to the continuance of agricultural activity.*

The proposal is in compliance with these purpose statements.

*Layout.* The proposed one-lot subdivision fronts Morgan Valley Road (see Exhibit E). As noted, there would be one lot and one remainder agricultural parcel. Lot 1 will have approximately 3 acres, while the remainder parcel will have approximately 32.77 acres. Lot one has an existing single family home, along with a detached garage and two agricultural buildings. These structures make up a lot coverage of less than 25%. The proposed lot lines and configurations conform to existing RR-1 standards for lots, including setbacks, coverage, acreage, and access and frontage/width. The proposed layout represents the best possible configuration of the lot and remainder parcel that will allow for subdivision.

*Roads and Access.* Access to the property will be derived from Morgan Valley Drive. Lot width measured at the front and rear setback lines appears to comply with Morgan County Code standards.

*Grading and Land Disturbance.* The property is relatively flat and therefore will not require extensive grading. As there is already a residence on the property, no new residences are anticipated out of this subdivision.

*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 Qal geologic unit, which is not listed as an area of geologic hazard in the Morgan County ordinance.

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

- Culinary water is provided by Richville Pipeline Company.
- Sewage is provided by a Weber-Morgan Health Department approved septic system.

*Flood Plain:* It appears that none of the property falls within the existing 100 year flood plain.

### Model Motion

Sample Motion for *approval* – “I move we approve the R & D Small Subdivision, application number 16.038, allowing for a one lot subdivision of land, with a remaining agricultural parcel located at approximately 1225 S Morgan Valley Drive, based on the findings and with the conditions listed in the staff report dated December 8, 2016.”

Sample Motion for *approval with additional conditions* – “I move we approve R & D Small Subdivision, application number 16.038, allowing for a one lot subdivision of land, with a remaining agricultural parcel located at approximately 1225 S Morgan Valley Drive, based on

the findings and with the conditions listed in the staff report dated December 8, 2016, and with the following additional conditions:"

1. List any additional conditions

Sample Motion for *denial*– "I move we deny the , allowing for a one lot subdivision of land, with a remaining agricultural parcel located at approximately 1225 S Morgan Valley Dr,, *due to the following findings:*"

1. List any additional findings...

### Supporting Information

Exhibit A: Application  
Exhibit B: Affidavit of Ownership  
Exhibit C: Vicinity Map  
Exhibit D: Future Land Use Map  
Exhibit E: Current Zoning Map  
Exhibit F: Preliminary Plat  
Exhibit G: Final Plat

### Staff Contact

Gina Grandpre, Planning Tech  
801-845-4015  
ggrandpre@morgan-county.net

Exhibit A: Application

RECEIVED

Small Subdivision Application  
 Planning and Development Services  
 48 West Young Street, Morgan, UT 84050  
 (801) 845-4015 Fax (801) 845-6087  
[www.morgan-county.net](http://www.morgan-county.net)

NOV - 3 2016



Morgan County

*Notice:* The applicant must submit copies of the preliminary plans and final plat to be reviewed by the County in accordance with the terms of the Morgan County Code. Once a set of preliminary plans and final plat are submitted, the plans are subject to compliance reviews by the various county departments and contracted staff, and may be returned to the applicant for revision if the plans are found to be inconsistent with the requirements of the County Code and all other applicable laws. All submitted preliminary plan and final plat proposals shall be reviewed in accordance with Title 8 of the Morgan County Code. Submission of preliminary plans and final plat in no way guarantees placement of the application on any particular agenda of the County land use authority. It is **strongly** advised that all preliminary and final subdivision plans be submitted well in advance of any anticipated deadlines.

Project Information					
Date of Submission:	Zone:	Serial(s):	Parcel #(s):		
10-31-16	RR-1	01-003-135	00-0000-6518		
Project Name:			Acres:		
R&D Subdivision			3		
Project Address:					
1225 S. Morgan Valley Drive					
Project Description:					
Separate home from farm					
Property Owner(s):			Applicant(s):		
Dee & Sherry Waldron			Deede Pace		
Address:			Address:		
710 W. 1550 S.			1225 S. Morgan Valley Dr		
City:	State:	Zip:	City:	State:	Zip:
Morgan	UT	84050	Morgan	Ut	84050
Phone:			Phone:		
801-829-6566			801-301-3028		
Contact Person:			Address:		
Deede Pace			1225 S. Morgan Valley Dr		
Phone:			City:		
801-301-3028			Morgan		
Cellular:			State:		
801-301-3028			UT		
Fax:			Zip:		
			84050		
			Email:		
			deedemb@hatmail.com		

\*The application you are submitting may become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time to process or may be impossible to complete. If you are an "at-risk government employee" as defined in *Utah Code Ann.* § 63-2-302.5, please inform the County employee accepting this information. Morgan County does not currently share your private, controlled or protected information with any other person or government entity.

Small Subdivision Application Fees

Number of Lots: 1

- \_\_\_\_\_ Small Subdivision (Preliminary & Final Plat) ..... \$750.00 plus \$50.00/lot
- \_\_\_\_\_ Engineering review fees ..... \$Actual Cost will be billed to applicant
- \_\_\_\_\_ Surveyor Review Fees ..... \$Actual Cost will be billed to applicant
- \_\_\_\_\_ Outside Consultants or Outsourced Staff Fee ..... \$Actual Cost will be billed to applicant
- \_\_\_\_\_ Noticing Fee ..... \$190.00

For Office Use Only		
Received By:	Date Received:	App. #:



Exhibit C: Vicinity Map



Exhibit D: Future Land Use Map

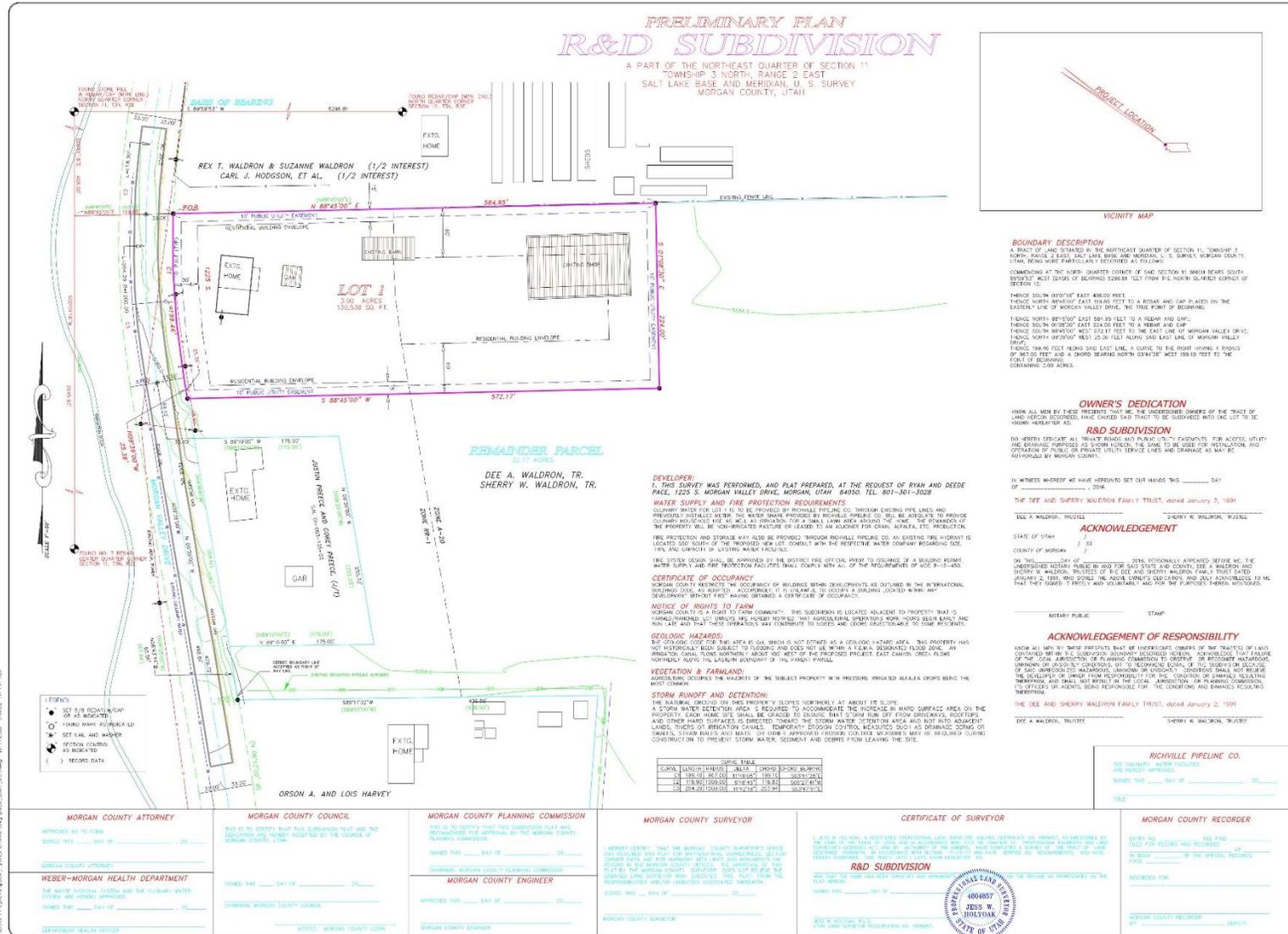


Exhibit E: Current Zoning Map



R & D Small Subdivision  
App # 16.038  
08 Dec 2016

Exhibit F: Preliminary Plat



**MOUNTAIN ENGINEERING**

P.O. BOX 1408  
MORGAN, UTAH 84050  
TEL (801) 679-3078 FAX 876-3079

**R&D SUBDIVISION**

RECORDING NO. \_\_\_\_\_

DATE OF RECORDING \_\_\_\_\_

RECORDED BY \_\_\_\_\_

DRAWN BY \_\_\_\_\_

DATE \_\_\_\_\_

PROJECT NO. \_\_\_\_\_

SCALE \_\_\_\_\_

SHEET NO. \_\_\_\_\_

TOTAL SHEETS \_\_\_\_\_

DATE OF SURVEY \_\_\_\_\_

DATE OF RECORDING \_\_\_\_\_

RECORDED FOR: \_\_\_\_\_

RECORDED BY: \_\_\_\_\_

RECORDED DATE: \_\_\_\_\_

R & D Small Subdivision  
App # 16.038  
08 Dec 2016



Heather Meadows Subdivision – Concept Plan  
Public Meeting  
December 8, 2016

Application No.: 16.032  
Applicant: David Pitcher  
Owner: Allan Carrigan  
Project Location: Approximately 4300 N 3800 W  
Peterson  
Current Zoning: R1-20  
General Plan Designation: Village Low Density Residential  
Acreage: Approximately 14.16 acres  
Request: Concept Plan Approval  
Date of Application: September 12, 2016  
Date of Previous Meeting: N/A

Staff Recommendation

County Staff has reviewed the application for Concept Plan for the Heather Meadows 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 compatible with the current land uses of the area.
2. The proposal complies with the Future Land Use designation and descriptions of the 2010 County 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 all requirements and concerns of the County Engineer are met during the preliminary/final plat approval stages.
4. That the requirements of the County Surveyor are addressed.
5. That all proposed utilities provide a will serve letter indicating their willingness to serve the property in a manner that complies with County ordinances.
6. That approval of the sewage disposal mechanism is provided by the Weber-Morgan Health Department with preliminary plat submittal.

7. That all other local, state, and federal laws are adhered to.

## Background

The applicant is seeking approval of a subdivision concept plan for an eight (8) 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. It should further be noted that there are no entitlements associated with a Concept Plan approval.

## Analysis

*General Plan and Zoning.* Pursuant to the Future Land Use Map (see Exhibit B), the property is designated as lying in the Village Low Density area, allowing for 2 dwelling units per acre. According to the General Plan, the Village Low Density Residential designation "...provides for a lifestyle with planned single family residential communities, which include open space, recreation and cultural opportunities, including schools, churches and neighborhood facilities located in established village areas (formerly area plan boundaries) or master planned communities." A small portion of the property across the Weber River from the rest of the property is in the Agricultural Future Land Use Map designation and the A-20 zoning district. This property is included in Lots 7 and 8 and is outside the building envelope for the respective lots. 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 R1-20 (Residential – 20,000 minimum lot size). The purpose of the R1-20 zone is "provide areas for very low density, single-family residential neighborhoods of spacious and uncrowded character."

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

*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, as currently configured there would be 8 lots and the extensions of two short cul-de-sacs from 3800 West. The lots range from just over 1 acre to approximately

2.8 acres. The overall density of the property is approximately 0.56 dwelling units per acre, well under the anticipated 2 dwelling units per acre and above the required 20,000 square feet per acre.

Roads and Access. Access to the property will be derived from 3800 North. However, each lot will require access from the new roads to be installed. As the preliminary plat progresses through the process, additional evaluations will be made.

Grading and Land Disturbance. The property is relatively flat and therefore will require minimal grading both for access and road installation and to prepare home sites for building.

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 individual septic systems located on each lot, as approved by the Morgan County Health Department.

Storm Water. Storm water drainage will be handled in existing storm drain channels. A small detention basin is noted on the south end of the property.

Geologic and Geotechnical Evaluations. This parcel appears to be in Qal and Qh geologic units, which are not listed as areas 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 a small portion of the property falls within the existing 100 year flood plain. Notes should be placed on the final plat delineating these areas and indicating that they are "no build" areas, as is currently indicated on the proposed concept plan, showing that the building area of each lot is to be outside the flood plain area.

## Model Motion

Sample Motion for *approval* – “I move we approve the Heather Meadows Subdivision Concept Plan, application number 16.032, allowing for an 8 lot subdivision of land located at approximately 4300 N 3800 W, based on the findings and with the conditions listed in the staff report dated December 8, 2016.”

Sample Motion for *approval with additional conditions* – “I move we approve the Heather Meadows Subdivision Concept Plan, application number 16.032, allowing for an 8 lot subdivision of land located at approximately 4300 N 3800 W, based on the findings and with the conditions listed in the staff report dated December 8, 2016, and with the following additional conditions:”

1. List any additional conditions

Sample Motion for denial – “I move we deny the Heather Meadows Subdivision Concept Plan, application number 16.032, allowing for an 8 lot subdivision of land located at approximately 4300 N 3800 W, *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  
Exhibit E: Preliminary Geologic Hazards Map  
Exhibit F: Application Materials  
Exhibit G: County Engineer’s Comments

## Staff Contact

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





# Exhibit C: Existing Zoning Map







Exhibit E: Preliminary Geologic Hazards Map

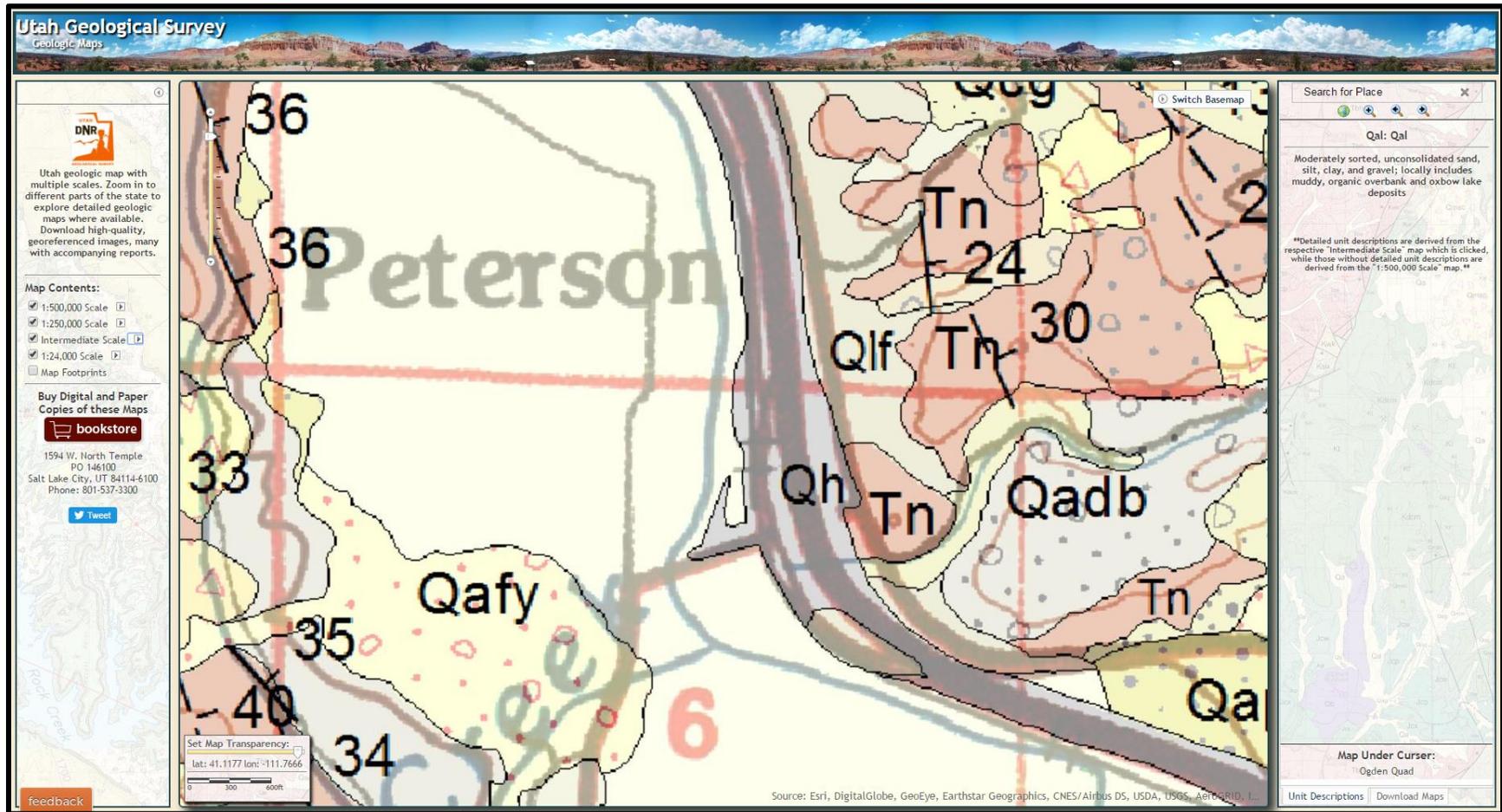


Exhibit F: Application Materials

**Concept Plan Application**

Planning and Development Services  
 48 West Young Street, Morgan, UT 84050  
 (801) 845-4015 Fax (801) 845-6087  
[www.morgan-county.net](http://www.morgan-county.net)



*Notice:* The applicant must submit copies of the concept plan to be reviewed by the County in accordance with the terms of the Morgan County Code. Once a set of concept plans are submitted, the plans are subject to compliance reviews by the various county departments and contracted staff, and may be returned to the applicant for revision if the plans are found to be inconsistent with the requirements of the County Code and all other applicable laws. All submitted concept plan proposals shall be reviewed in accordance with Title 8 of the Morgan County Code. Submission of concept plans in no way guarantees placement of the application on any particular agenda of the county land use authority. It is **strongly** advised that all concept subdivision plans be submitted well in advance of any anticipated deadlines.

Project Information					
Date of Submission: 9/1/16		Zone: R1-20	Serial#(s): 01-004-125-01, 03		Parcel #(s): 00-0001-3936, 3951
Project Name: Heather Meadows				Acres: 14.16 +/-	
Project Address: 4300 N 3800 W					
Project Description: Eight 1 acre+ residential lots.					
Property Owner(s): Allan Carrigan			Applicant(s): David Pitcher		
Address: P.O. Box 790			Address: 1659 W 1800 N		
City: Morgan	State: UT	Zip: 84050	City: Layton	State: UT	Zip: 84050
Phone:			Phone: 661-865-2945		
Contact Person: Chris Cave (Reeve & Assoc.)			Address: 5160 S. 1500 W.		
Phone: 801-721-3100			City: Riverdale	State: UT	Zip: 84405
Cellular:		Fax:		Email: ccave@reeve-assoc.com	

\*The application you are submitting may become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in *Utah Code Ann.* § 63-2-302.5, please inform the County employee accepting this information. Morgan County does not currently share your private, controlled or protected information with any other person or government entity.

**Concept Plan Fees**

Number of Lots: 8

\_\_\_\_\_ \$540 Concept Plan Fee.....\$300.00 plus \$30.00 per lot  
 \_\_\_\_\_ Engineering Review Fees.....\$Actual Cost will be billed to applicant  
 \_\_\_\_\_ Surveyor Review Fees.....\$Actual Cost will be billed to applicant  
 \_\_\_\_\_ Outside Consultants or Outsourced Staff Fee..... \$Actual Cost will be billed to applicant  
 \_\_\_\_\_ **Noticing Fee..... \$190.00**

For Office Use Only		
Received By:	Date Received: 9/12/16	App #: <b>16.032</b>

**AFFIDAVIT**

**PROPERTY OWNER**

STATE OF UTAH                    }  
  }ss  
COUNTY OF MORGAN}

I (we), \_\_\_\_\_, 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 and Development Services Staff have indicated they are available to assist me in making this application.

\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Notary)  
Residing in Morgan County, Utah

My commission expires: \_\_\_\_\_

**AGENT AUTHORIZATION**

I (we), \_\_\_\_\_, the owner(s) of the real property described in the attached application, do authorized as my (our) agent(s), Reeve & Associates and/or David Pitcher, 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.

Allen Carrigan  
\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Dated this 13<sup>th</sup> day of September, 2016 personally appeared before me ALLEN CARRIGAN, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

Keryl T Squires  
\_\_\_\_\_  
(Notary)  
Residing in Morgan County, Utah

My commission expires: 5.13.18



## Exhibit H: County Engineer's Comments

(Posted to Basecamp)

Posted by Mark Miller on Nov 8

Bill,

Emily from Reeve's brought me updated plans last week that included the information I requested in my review of Heather Meadows. Generally, the plans are adequate for consideration of Concept Plan approval. There is considerably more information we will need for Preliminary Plan approval, but inasmuch as Concept approval does not vest the subdivider, I think we can move ahead with this.



## Memorandum

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

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

**Date:** October 26, 2016

**Subject:** **Heather Meadows Subdivision – Concept Plain Review**

---

We have reviewed the concept plan drawing for Heather Meadows Subdivision. Unless we have not received all of the documents, the two drawings do not appear to address the following Concept Plan requirements (Section 8-12-17 A through M):

- A. Subdivision Name is not shown on the drawing.
- D. Availability and location of utilities.
- I. Location and description of existing vegetation.
- J. Soils and geologic unit information.
- K. Delineation of any slopes greater than 25% (which may not exist).
- M. Statement of proposed water source and sewage disposal methods.

We also recommend that the approximate width of pavement on the existing fronting roadways be indicated. The East/West road appears to create a potential setback issue with an existing structure.

We can re-review the plan within a few days once this information is included. Let us know if it appears we have not received all of the information.

If you have any questions, please call.



PLANNING COMMISSION MINUTES

Thursday, November 10, 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

Chair Ross called the meeting to order. Member Haslam offered prayer.

2. Pledge of Allegiance
3. Approval of agenda

**Member Nance suggested that public comment be added after staff presentation on item #8. Second by Member Newton. The vote was unanimous. The motion carried.**

**Member Haslam moved to accept the amended agenda. Second by Member Newton. The vote was unanimous. The motion carried.**

4. Declaration of conflicts of interest. Member Nance lives in area near item #8 but does not have a financial interest in it.
5. Public Comment for items other than Shady Creek Subdivision (item #8). There was none.

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

Legislative:

Postponed items from October 27<sup>th</sup>, 2016 meeting:

6. Discussion/Decision on the Dickson Future Land Use Map Amendment.

Bill shared presentation of survey results. He mentioned that survey info is also in packets. It has been determined that the county owns a 60 ft right of way that starts on the west property line of the Bruce Anderson property, noted on survey as POB (point of beginning). Includes a 30 foot swath of road which goes west to the current gate.

The surveyor presented information to staff and county how these types of roads become county roads/right of way. It is not currently a county right of way because it has not been adopted as such by the County Council. In order for it to become a county right of way, it needs to go through an official acceptance process. There are a couple of reasons why this *could become* a county right of way – those are illustrated in the narrative. Morgan County has never received a deed for a road in this area. State Code allows the option for the county to go in and claim this as a right of way. Member Sessions asked if the county has been plowing to the gate or the Waldron's driveway. Bill shared that it is the driveway. The gate is an additional 120 feet beyond that.

Member Ross clarified that the basis of this discussion is because an applicant (Mr. Dickson) has requested that the zoning for his property be changed from agricultural to rural residential. The Planning Commission had motioned to postpone decision until it can be determined if this is a county road or not. Bill confirmed that it is currently not a county road, but could become one. Member Sessions suggested that this be a point of discussion at the Area Plan Input Meetings.

Member Wilson asked who owns it. Bill said that it is currently the adjacent property owners. He referred to the survey narrative "County ownership plats appear to show a gap in ownership in the approximate area of the claimed road, but Morgan County has never received a deed or a road in this area". Not sure who owns it. Member Wilson asked what State Law would specify for ownership. Bill said that he doesn't have an answer for it. Member Sessions gave examples of other properties up and down Morgan Valley Dr. of private ownership. Bill gave a recent example of Mike Riddle subdividing his property off of 7000 East. The road was built on his property line, so when he subdivided, he was required to give the county the half portion of the road that he owned. In this case, since there is no official dedication of the property/road to the county and no official acceptance from the County, definitive ownership is up in the air. Member Newton asked about the term dedication. Bill clarified that dedication doesn't necessarily mean ownership. He mentioned that the narrative shows that the county could acquire enough width of the property to make the road convenient and safe. Member Haslam reiterated that it is not currently a county road. Member Sessions said it is a public right of way, but not a county road. Bill shared that there are two things to consider: one is a dedication of right of way for use by the public. That is clearly the case. The second question is who owns it and that is still unclear. Member Wilson clarified that for all in intents and purpose for this decision, the county road ends at the Anderson/Carter property and that we proceed based on that point. Bill said that we will be on the agenda for the next council meeting (Nov 22<sup>nd</sup>) for final resolution per Mr. Kilmer's request.

Member Nance questioned what impact that would have to benefit or not benefit the ability to make changes on the FLUM. Chair Ross reminded that the Area Plan calls for tunnel zoning along county roads. Member Haslam shared his feeling that since it is not a county road, tunnel zoning is not an option. He posed a question to Bill: although changing zoning to RR1 does not fit the area plan, is an RR5 or RR10 an option? Could the applicant request and be granted that? Bill said that we had looked at RR1 because of the potential frontage which would allow for up to 3 building lots. RR5 designation would

only allow for 2 lots. RR10 would allow for 1 lot. Right now it is zoned RR20 so he can only do Ag buildings. Member Haslam suggested that we recommend RR5 or RR10 back to the applicant as it would keep the area for of an agricultural atmosphere. Member Newton asked Bill what the purpose of the county council wanting to review this and to learn of the designation. Bill suggested that it may be to seek state funding. Member Newton shared that it seems there are 2 options: one is to suggest RR5 or RR10 to applicant and the other is to wait and see if the county requests this as a county road at which point it can possibly be changed to RR1 by extending tunnel zoning. Chair Ross reminded that the base question is if it is a county road, which could then allow adjacent properties to be designated as RR1. Member Nance suggested that we wait for one more meeting until the county council has had a chance to get the survey and respond.

Norris Dickson approached the Commission. Chair Ross asked him if it would be a benefit to him to wait to hear from the County Council. He told the committee that he is not going to be putting 14 homes in, as is rumored. He would like to put 1 – 2 homes in. Member Ross clarified that if a decision were made tonight that other factors at play may change the outcome. Mr. Dickson agreed to postpone until all of the decisions have been made from the County Council and General Plan Update.

**Member Nance motioned that decision be postponed til the next PC mtg on Dec 8<sup>th</sup>. Member Newton seconded. Vote was unanimous. Motion passed.**

Member Haslam commented on the definition of established zoning. He noted that there is not just an RR designation. Member Sessions showed that we need to look at the General Plan/FLUM. It is confusing and Member Sessions suggested that when we update the General Plan that we bring the terms into conformity. Bill showed that the application requested Rural Residential. Member Haslam feels that there are some options to make it work: not RR1, but there are some other options. Member Nance wondered if RR5 would conform with the FLUM. Member Sessions said not right now. Member Nance said that it is still in his best interested to postpone – so he doesn't lose his spot or money. Bill said that procedurally he could amend his application to Ranch Residential instead of Rural Residential. Chair Ross asked Bill to talk with applicant to discuss options.

**Member Haslam motioned to table item #7 until after #8 to allow public in attendance to hear presentation and comment. Member Stephens seconded. Vote was unanimous. Motion carried.**

(previously item #8) Discussion/Decision on Shady Creek Subdivision Concept Plan

Bill made presentation of the concept plan. He reminded members that at Concept Plan that there are no entitlements associated with an approval or recommendation. That is not until they actually apply for a preliminary plat that those entitlements start. Staff feels that there undoubtedly will be modifications to plot layouts that are currently shown. Application is brought by Bart Smith on behalf of S&S Holding. It is located on northern area of Highlands area in Mountain Green. It is currently zoned as RR-20 and includes 17 acres of vacant property between Highland Dr. and Weber Dr. A sewer line goes through property. FLUM shows that area has both rural residential and village residential designations in it. Bill showed the

subdivision plat map. He showed where no access lines are along Highland Drive due to limited access because of slope issues. Applicant is suggesting putting a shared access driveway at bottom of slope. Code does allow for shared access driveways, but it is unusual and staff has some concerns. Some lots are quite steep where building may not be possible. Bill showed slope analysis where building is not possible or restricted. Most lots fall under restrictions calling for geo technical testing. Staff's other concern is the geologic issues – this is in an area known concerns to the county for potential geologic activity/hazards. They can possibly be built on but need further testing and will most likely have restrictions.

Member Sessions questioned the 3 maps and is having a hard time meshing the 3. Bill clarified that the maps don't match up exactly because they are different iterations based on updates. Chair Ross asked for the history on the subdivision. Bill shared that it goes back 10-15 years. After homes began to be built the county experienced geologic concerns. After problems arrived, a geological hazard ordinance was established. Chair Ross asked if this is an approved subdivision. Bill shared that the subdivision is not approved. Just the zoning is approved.

FEMA has not designed it as flood area (Flood Zone X – outside of a known flood plane), so the owners would not necessarily have to get flood insurance, but Bill showed on map that there are areas where the engineer designated where homes still should not be built. The end of the FEMA study area is further to the south

Member Haslam asked how long the cul de sac is. Bill showed that it is 800 ft.; below the 1000 ft restriction. Bill shared that the 1000ft restriction doesn't include driveways. There is a provision in the code that does allow for more than one property to be accessed from a driveway. But Staff is looking for direction it. Member Haslam asked if water and sewer has already been addressed. Bill said that they will be at the preliminary stage. It is assumed that they will get water through the Highlands Water Company and sewer through the Mountain Green Sewer District, but that is subject to their availability. Member Haslam asked if the lots with double frontage are subject to County Council approval. Bill confirmed. Bill noted that the applicant has included statement of water on the plat.

Member Wilson asked about the driveway – what do we have envisioned for it? How wide? What material will be used? Bill shared that it must meet the private lane standards: sufficient to hold a fire apparatus. It will probably be paved, though it is not required. The fire department will probably have buy in on the decision. It is a creative solution to the problem and fits the code, but Bill and Mark are still determining if it meets requirements of all areas of the code.

Chair Ross asked about well service and Bill said that hasn't been addressed yet because it is unclear how many lots will end up being built. Member Nance asked if lot #4 is a retention pond. Bill shared that it is actually lot #6. He asked if there is a way to alleviate any flooding potential. Bill explained that the development would be built on a peninsula surrounded by two significant natural drainages and that any additional drainage calculations will be required when he does the engineering drawings. Member Nance asked why well and irrigation is mentioned in conditions, if it's not a concern. Bill said that it's just a place holder. Member Nance asked if a geologic survey will be required. Bill said that they will. Member Nance had concern that comment #8 in Mark's letter, regarding requirement of street lights. He shared that street lights are not currently in the area and that neighbors may not like them. Bill shared that it is currently in the code, but there are possibilities of making it less impactful in a dark sky area. Member Nance asked if utilities will all be underground. Applicant shared that they will. Member Nance

asked about utility poles why we need lights if there are no utility poles. Bill shared that it is required in the code for safety reasons.

Chair Ross asked to hear from applicant. Bart Smith (resident of Mountain Green) shared that this is a concept that has been developed for a number of years. It was going to be the 2<sup>nd</sup> phase of Woodland Heights. He shared why they used cul de sacs instead of a large loop in the plan. Although some lots are double frontage, there will be areas designated as non-accessible, even for a driveway. They decided to leave required frontage on Highland Dr and put the driveway in the back on stable ground. He wants to keep lots extending to Highland Dr so that residents will care for lots and it will be less of an eyesore of weeds along the road. He addressed flooding concerns and showed on map where drainage would go. He showed that it's not in a flood plane because the area is too far up the mountainside. Concern areas could be addressed by building up the banks of the stream. He mentioned that sewer and utilities are already in place. He talked about the geologic study: he was hoping that it could be done before winter, but time is running short. He mentioned that the building will be closer to the creek bottoms, in the bedrock, and not disturbing the hillside, even with the driveway. It is unconventional, but is effective. Member Sessions asked if a geohazard survey has already been done in the area and Bart responded that it has just been done on the hillside, not in the river bottom. He said that no home sites would be cut into the slope.

Member Nance asked if he feels that they need to put streetlights. Bart asked who would pay for the power. Chair Ross reminded that it's a great question, but not needed to be addressed at concept phase. Bart said that they've dealt with a lot of preliminary questions in order to get to concept phase. He mentioned that if the county requires streetlights, then the county would need to be ready to maintain and power it.

Chair Ross opened to public comment.

Royce Bartholomew – addressed safety issues to growing population in general in the area. He mentioned that there is no school bus stop up Highland Drive (too steep). Adding more children and more cars waiting for bus stop. It is a blind curve and slick in winter. He proposes that Mr. Smith would lower road adjacent to development to make it accessible to school bus. There are 3 lots for sale currently and he would like to see Mr. Smith's cul de sac to incorporate these additional lots. He feels that there would be no need for a cul de sac if the road was reconfigured into one loop. He's not opposed to a subdivision, but wants it to be done smartly and safely. He asked when the street light requirement began.

James Kelsey – has a couple of concerns. He lives at bottom of development. He suggested that the drainage at the bottom will create a flood plane for those that live at the bottom. He is also concerned about water availability for new development. He also has heard that the sewer is above capacity and wonders if it can handle new development.

Russell Young – resident of Mtn. Green. He walks on Highland Dr. every day. He has noticed that there is a 2' space on the road between curb and gutter. He can't imagine that it can be shored up well enough for new homes. Second, he mentioned that a new neighbor had to bring in over 125 loads of gravel and boulders to shore up their property when building. He doesn't think roads can handle a large amount of trucks bringing in materials to shore up each lot.

Rich Thomason - He has 3 concerns: roads, water, and lot sizes. He brought a map to show the

egress of Highland Dr. and Weber Dr. He showed a picture of sidewalk and how it is currently being maintained. He showed a picture of a portion of road coming off of Highland Dr. and showed a picture of the intersection at Sierra and Highland Dr. and noted that it is a blind corner right at the bottom of the hill. He showed a picture of Sierra and mentioned that it is a place where a large puddle often accumulates. He mentioned that rarely people drive the speed limit (25mph) and he's concerned that the county doesn't have the resources to enforce and maintain. He showed a picture of the potholes which are always there. He showed a picture of steep grade of road and described how road is often covered with black ice right by a school bus stop. His point is that an independent engineering firm needs to look at area before any more homes/residents are added. He showed letter regarding water restrictions already in place in the area. He wondered if more users would add more stress to the systems in place. His last question is if the lot sizes will be similar to what is already in the neighborhood, so that property values will be maintained.

Kim Wallace – came to represent Joan and James Hurst, who sent letter previously. Their #1 concern is an adequate water supply and recommends that there be no multi-family dwellings. Where will water come from? He has heard a rumor that a well will be drilled and is wondering how will water supply be financed. He feels that it should be financed by the new homeowners. Another concern is the roads: they are narrow with no center line. He brought up another problem: when the original subdivision was approved back around 2004, he bought a couple of lots and did geologic surveys to satisfy code he learned that he's in a slide area and it limited where he could build. He feels that to be fair to any homeowner the developer needs to be put on the line to identify any areas that are geologically unsound. It should not be a surprise to builders/owners who purchase lots to build.

Chair Ross invited Robert Bulk, manager for Mountain Green Sewer District, to speak. He mentioned that there is plenty of space in system for new development. Everything should be ok. He mentioned that they are currently searching for a record of the utility easement for the sewer line that is currently in place.

**Member Haslam motioned to go out of public comment. Member Sessions seconded. Vote was unanimous. Motion passed.**

Bart Smith addressed concerns brought up to the commission. Regarding water, there is a well already drilled with sufficient water. Should add to current supply in the area. The improvements will not be expense of existing property owners. He addressed the road issues and mentioned that it will need to be handled by county road people. The roads shown in examples during public contact are not directly in the Woodland Heights area. Regarding the water, those are going to be addressed by the retention ponds. Regarding the configuration of the roads, having a driveway makes less road for the county to maintain.

Chair Ross asked for member questions. Chair Haslam asked which lots would have rear access. He asked where the frontage is being designated. Bart shared that the frontage will be established from the cul de sac.

Member Nance asked Bill if this is something the county could look at now – the existing roads that Mr. Thompson brought up. Bill said that the residents need to bring it to the attention of Mike Weight at Public Works or the County Council. Member Nance is concerned of the compounding of the problem. Bill clarified that the developer will be responsible for

compounding of impact on road.

Chair Ross asked Bill to remind everyone where we're at in the process. Bill shared that the concept plan is supposed to be done in broad strokes and is to look at the zoning, restrictions, topography, infrastructure, etc. No entitlements are associated with a Concept Plan. It may change based on utilities, engineers, etc. Problems that arise could stop the process. Questions must be addressed moving forward. Chair Ross clarified that it is just an administrative overlook and a chance for the applicant to get a green light to move forward from this point.

**Member Wilson moved that we forward a positive recommendation for the Shady Creek Subdivision Concept Plan, Application #16.070, allowing for a 22 lot subdivision of land located approximately 6700 N Highland Dr, based on the findings and conditions listed in the Staff Report dated November 10, 2016. Member Nance seconded. Vote. Chair Haslam voted negatively. Motion carries.**

**Findings:**

- 1. The nature of the subdivision is in conformance with the current and land uses of the area.**
- 2. The proposal complies with the Future Land Use designation and descriptions of the 2010 County 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.**

Member Haslam discussed the motion. He has serious concerns with development. There have already been 2 houses go off the hill. Although houses are supposed to be at the bottom, he feels that there are maybe only half a dozen buildable lots there. He noted that we need to correct the Staff Report date to December 23, 2015, not 2016. Member Wilson asked if those concerns would be fleshed out in the next phase. Member Haslam wishes

the applicant would have something more feasible before he moves on. Bill shared that Bart was very responsive to any concerns and requests from the Staff. Staff shares those concerns and will be watching. Member Sessions has same concerns but referred to code and noted that applicant can't be required to have geohazard study done at this point. Member Nance shared that the risk sits with the applicant. Chair Ross also shares concerns but is wondering if applicant has met requirements of code – that's the administrative decision/motion. Member Wilson said that the points area valid, but they will be fleshed out, so he is still comfortable with his motion.

7. (previously item #7) Discussion/Decision on Various Land Use Management Codes.

This is the Field St. county road question. Bill apologized for not getting language back to committee regarding amending the public notice requirement. Bill recommends that we postpone the discussion until Dec 8th. Then have another public hearing. Member Nance asked if everything to be discussed be put in packet.

Member Session observed that the Commission seems to struggle a lot in knowing what is required at Concept and what is required at Preliminary. May need to be revisited. Bill offered to give a refresher course to the Commission on what the code says and possibly make a few changes. Member Sessions and Member Newton suggested that an outline of the steps be given to Commission and on a slide to show the public at meetings so they can see the overall picture and see what is being addresses at each step of the process. It would lend to more constructive input. Bill shared his process to make sure that all items that are pertinent have been addressed. If something is missing, he sends a note asking for the applicant to address it. Then he compiles the information for the Planning Commission. Chair Ross asked if all of the information is uploaded to Basecamp. Bill said yes. Member Newton suggested that at meetings with public present, 2 slides be created: one that shows a simplified explanation of the process so that the Commission can show public which part of process we are in for any given agenda item. The second slide can show the list of requirements for the phases so that the public and the Commission will be aware of what specifically is being addressed in the current meeting. Bill said that he'd have something ready on Dec 8<sup>th</sup>. Member Nance asked that the packets be posted online prior to meetings – he couldn't find it online today.

Member Haslam explained that he would rather have all issues (sewer, water, health, safety, geohazards) resolved before he makes a decision to approve a concept. Member Newton shared that he thinks that as long as we are fully aware of what is required at each step, that will alleviate some concerns. Then the developer can proceed at their own risk.

Chair Ross explained problem. He feels that problems should be addressed more early on. He would like to have info up front before he makes decision on concept. Member Newton responded that he agrees, but said that the developer must proceed at their own risk.

(Member Wilson excused from meeting.)

Member Sessions reminded that we can only require what code states. We cannot require

more until we change our code. If we don't like what our code requires, we can make changes. Member Stephens feels that we should do more at Concept Plan Phase to alleviate problems at Preliminary Phase. Our code would need to be changed. Member Sessions suggested that we be careful to not cross a legal line and that we may possibly need to check with the property ombudsman. She also suggested that the lists be different for small and large subdivision. Bill and Debbie said that they can work together to have something prepared for the next PC meeting.

Member Haslam also noted that PC has responsibility for the health, safety, and welfare of the residents. He would like those requirements be listed for the Concept Plan Phase. Member Sessions asked if the PC can use health, safety and welfare as one of the requirements for Concept Phase. Bill clarified that it can be required. Member Sessions noted that we would have to be very specific about what the PC concerns are, if any. Member Stephens wondered how county is protected if geohazard problems occur. Bill explained that we are protected by requiring geotechnical study. We also have a Hold Harmless Agreement that all applicants have to sign. Bill suggested that we get Mark Miller's suggestion on how much to require.

Member Haslam asked for clarification on what staff has been asked to bring back to Commission. Bill explained he will bring the Field St. determination by Dec 8<sup>th</sup>. Also, the public noticing. Also, he and Debbie will meet and discuss a presentation on concept/preliminary requirements. Member Nance reminded that all things will be included in packet. Member Sessions reminded that after that a public hearing will be done after that. Member Haslam summarized that once the PC gets clarification on Field Street, the PC will develop 3 recommendations to send to the county pertaining to lots in 2 different zones. Bill said that he'd be ready to go over those again on Dec 8<sup>th</sup> to refresh everyone's memory.

Bill also reminded the Commission that there are 2 meetings in December. On December 22<sup>nd</sup>, we will have a PC Christmas Dinner with spouses, then the regular meeting will begin at 6:30.

**Member Nance motioned to postpone item #7 until Dec 8<sup>th</sup>. Member Newton second. Vote unanimous. Motion passed.**

Administrative:

9. Update on Mountain Green zoning maps, definitions and standards

Chair Ross asked if everyone has had a chance to review maps, definitions, and standards. Member Nance asked if the purpose is to change the maps and zoning. He wondered if we are changing the maps from our existing maps and amending the FLUM and the zoning. We've heard from the community that they want the zoning change. He wondered when we are going to make the recommendation to change the zoning. Chair Ross suggested that it will be after the Area Plan Meetings. Member Nance asked if the Area Plan Committees will be reconvened after the Area Plan Meetings. Bill reminded that when we

started exploring the Commercial Use Table and the Maps, that the standards became the focus of the conversation from April until now. It didn't make sense to try to put areas on the map without having the standards in place first. That's why it has taken this long. We will need to finish up the table and finalize recommendations on the map. Chair Ross also reminded that the County Council did not approve the last change in Enterprise because they wanted to see the Area Plan first. Member Nance wondered about timeline.

A discussion continued about upcoming Area Plan Input Meetings and how the suggestions will be weighted against what the Area Plan Committees have already established. Bill shared that he does not anticipate many changes at all to the maps. Bill clarified the format of the meeting. It will not be an open mic format. It will be an open house, with maps posted and comment cards available for input. The PC will gather the responses and develop recommendations from that.

Member Sessions asked about architectural standards. She has looked at how other small communities have worded the standards in their code. Bill offered to bring back what he has and consider what other communities have done. Bill offered to bring back landscaping standards as well.

Member Nance asked about pg 3, item #7 where it mentions the Geotech survey. There was a discussion on when a survey is required and when it is not. Member Nance also asked about Pg 4, item #13 "what is considered being excessive"? what determines "generally" Member Newton said that it gives us leeway. Pg 9, e: Planting Plan. Member Nance suggests we add wording that says "provide irrigation statement" Bill will add it.

#### 10. Discussion on Commercial Use Table

Chair Ross asked Bill for timeline. Last meeting goal was established to get to 10,000. Chair Ross suggests goal for next meeting is 15,000. Have 20,000 done by Jan 12<sup>th</sup>, and have it completed by end of Jan, then hold a Public Hearing for Feb 9<sup>th</sup>. Bill suggested that a Saturday work session may be helpful to get to completion. Member Sessions suggested some extra Thursday meetings may be helpful.

#### 11. Planning Commission Business/Questions for Staff

Bill reminded re: calendar items: Area Plan Input Meetings start at 6:30 on Nov 16<sup>th</sup>, 17<sup>th</sup>, 30<sup>th</sup>, and December 1<sup>st</sup>. Please be here. The PC meeting two weeks from tonight cancelled due to Thanksgiving. The Dec 22<sup>nd</sup> meeting will begin with Christmas dinner at 5:30. Spouses are invited. The Commission meeting will start at 6:30.

Chair Ross questioned about a temporary zoning ordinance that was discussed a couple of weeks ago. He's wondering if we need to put a rush on it. There was a discussion on the difference of a TZO (or Temporary Land Use Regulation) and a moratorium. Member Sessions quoted Section 17-27A-504. Bill is clarifying with Jann, Austin, and Tina.

Member Nance asked for this item to be added to next week's agenda for formal discussion: removal or amendment of ordinance to remove concrete batching plants and asphalt plants out of the A20 Zone and put it into Industrial Zone. Member Newton commented that it is a cement plant, not a concrete bashing plant. This is not related to the Commercial Use Table.

Bill said that these could be added to the Item #7 items. Bill noted that these items are best broken up into separate line items and make separate motions on each to be brought before the County Council to be considered individually.

Member Nance suggested that this item be put on the agenda in February for discussion: to review street light requirements in dark sky areas. Bill replied other rural communities have dark sky areas with accommodations to protect that, but that the street light ordinance is for safety reasons.

Member Newton asked for input from Commission about the possibility of exploring a zoning option between RR1 and RR5 -- maybe creating an RR2 or RR3. The Dickson's application is a prime example. Bill said that the general plan would need to be amended. Make it an available option for people who are down-zoning.

12. Approval of minutes from October 13, 2016 and October 27, 2016.

**Member Newton moved to approve the amended minutes from October 13 and October 27, 2016. Second by Member Larry. The vote was unanimous. The motion carried.**

13. Adjourn

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