



## PLANNING COMMISSION AGENDA

Thursday, December 22, 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 December 8<sup>th</sup>, 2016 meeting:

6. Discussion/Decision on Various Land Use Management Codes.

Administrative Items:

7. Discussion/Decision on West Winds Small Subdivision Prelim & Final Plat
8. Discussion on Commercial Use Table
9. Discussion on Process Review
10. Discussion/Decision on 2017 Schedule
11. Planning Commission Business/Questions for Staff
12. Approval of minutes from December 8, 2016
13. Adjourn

Various Ordinance Revisions  
December 22, 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; 08 Dec 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.

#### Additional Info for 22 Dec 2016 Meeting:

Staff has been requested to review and suggest language allowing for amending a PUD/PRUD Plat. The following is proposed language that could be considered:

## 8-12-60: AMENDMENTS TO RECORDED SUBDIVISION PLATS

...

**C. A previously approved and recorded Planned Unit Development (PUD) or Planned Residential Unit Development (PRUD) may be amended if the following requirements and restrictions are met:**

- 1. No additional building lots may be created. Only existing lots may expand their area by the addition of adjacent property to the respective existing lots.**
- 2. The amount of open of open space (percentage or square footage, whichever is required) shall remain the same. In no case shall the amended plat reduce or eliminate the requirements for open space.**
- 3. The overall area of the PUD or PRUD may increase, provided the requirements of item 1 (above) are met.**

### 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.

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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.

#### 8-12-60: AMENDMENTS TO RECORDED SUBDIVISION PLATS

...

**C. A previously approved and recorded Planned Unit Development (PUD) or Planned Residential Unit Development (PRUD) may be amended if the following requirements and restrictions are met:**

- 1. No additional building lots may be created. Only existing lots may expand their area by the addition of adjacent property to the respective existing lots.**
- 2. The amount of open of open space (percentage or square footage, whichever is required) shall remain the same. In no case shall the amended plat reduce or eliminate the requirements for open space.**
- 3. The overall area of the PUD or PRUD may increase, provided the requirements of item 1 (above) are met.**

West Wind Small Subdivision – Preliminary/Final Plat  
Public Meeting  
December 22, 2016

Application No.: 16.009  
Applicant: Grant Edward Salter  
Owner: Same  
Project Location: approximately 4625 W 5800 N (Powder Horn Rd)  
Mountain Green  
Current Zoning: R1-20  
General Plan Designation: Village Mixed Use – 3 Dwelling Units Per Acre (DUA)  
Acreage: Approximately 3  
Date of Application: March 3, 2016  
Date of Previous Meeting: January 28, 2016 – Planning Commission Concept Plan Review

### Staff Recommendation

County Staff is recommending approval of the Riverwood Farms Small Subdivision, application #16.009, subject to the following conditions and with the following findings:

#### Conditions:

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

#### Findings:

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

## Background

The applicant is seeking approval of a four lot subdivision. The proposed subdivision received conceptual approval on February 25, 2016. The proposed subdivision has been designed to utilize the required access, frontage and setbacks of the RR-5 zone.

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

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

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

## ANALYSIS

General Plan and Zoning. The subject property is located along the southern portion of Powder Horn Rd, north of Old Highway Rd, in unincorporated Morgan County in the Mountain Green Area (see Exhibit A). The 2010 Morgan County General Plan and Future Land Use Map have designated this area along Morgan Valley Drive as a maximum of three dwelling units per acre (DUA) area, which is considered a Village Residential designation. The proposed subdivision lies within the Village Residential designation. The purpose of the Village Residential designation is to provide:

*...for a combination of single family attached and detached dwellings, townhomes, and duplexes. Substantial common open space for visual relief and recreation amenities would serve residents. This designation is currently found in the Mountain Green area with designated densities of up to 4 units per acre, and is appropriate for established village areas with infrastructure to support the uses.*

The purpose of the R1-20 zone is:

*to provide areas for very low density, single-family residential neighborhoods of spacious and uncrowded character.*

The proposal is in compliance with these purpose statements.

Layout. The proposed three-lot subdivision fronts Powder Horn Rd on the north and Old Highway on the south. Two new lots will be constructed on the south, while the existing home will remain on the third lot to the north (see Exhibit D). It is currently configured as one residential lot. Each proposed lot has over 20,000 square feet required in the R1-20 zone. The proposed lot lines and configurations conform to existing R1-20 standards for lots, including setbacks, coverage, acreage and frontage/width.

Roads and Access. All lots have existing access from Old Highway Road and Powder Horn Road.

Grading and Land Disturbance. The land where the homes are to be built is relatively flat. There may be minor site preparation prior to building, but none so much that it will trigger the excavation review thresholds. Each lot must be graded appropriately so as to ensure positive drainage away from structures and adjacent properties.

Sensitive Areas, Geology, and Geotechnical Considerations. This area lies outside any geologic hazards area. A geotechnical report has been submitted, reviewed, and accepted by the County for these lots. The requirements of this report shall be adhered to.

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

- Culinary water is proposed to be provided by the Cottonwood Mutual Water Association.
- Sewage is proposed to be provided by Mountain Green Sewer District.
- Gas, Electric, and telecommunication facilities run along the site's frontage along Old Highway Rd.

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

Flood Plain. The property appears to lie outside the FEMA flood plain.

#### Model Motion

Sample Motion for *approval* – "I move we approve the West Wind Small Subdivision, application number 16.009, allowing for a three lot subdivision of land located at approximately 4625 W 5800 N, based on the findings and with the conditions listed in the staff report dated December 22, 2016."

Sample Motion for *approval with additional conditions* – "I move we approve the West Wind Small Subdivision, application number 16.009, allowing for a three lot subdivision of land located at approximately 4625 W 5800 N, based on the findings and with the conditions listed in the staff report dated December 22, 2016, and with the following additional conditions:"

1. List any additional conditions

Sample Motion for *denial* – "I move we deny the West Wind Small Subdivision, application number 16.009, allowing for a three lot subdivision of land located at approximately 4625 W 5800 N, *due to the following findings:*"

1. List any additional findings...

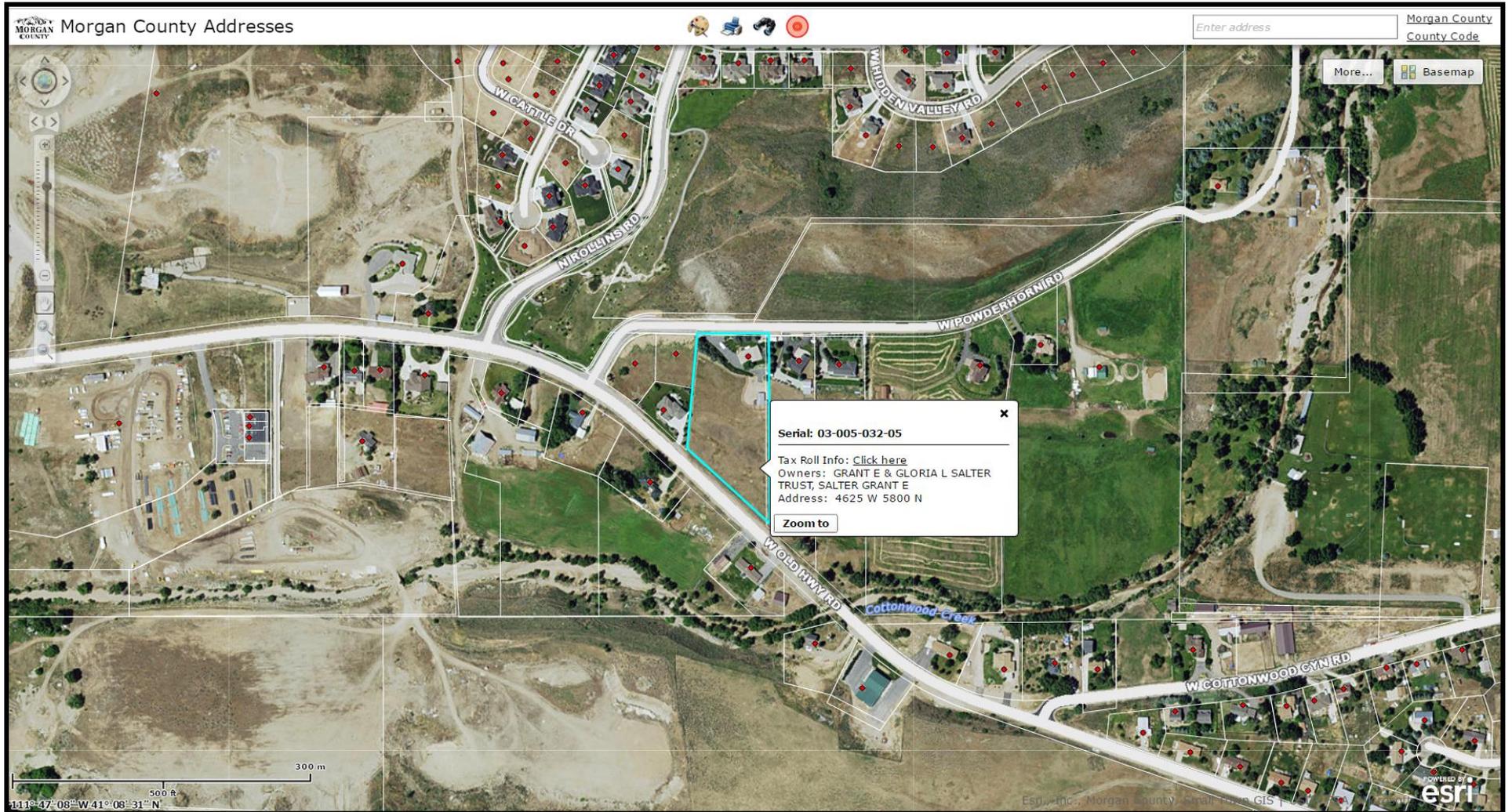
## Supporting Information

Exhibit A: Vicinity Map  
Exhibit B: Future Land Use Map  
Exhibit C: Existing Zoning Map  
Exhibit D: Proposed Subdivision Preliminary and Final Plat  
Exhibit E: Application Materials  
Exhibit F: Other Staff Remarks

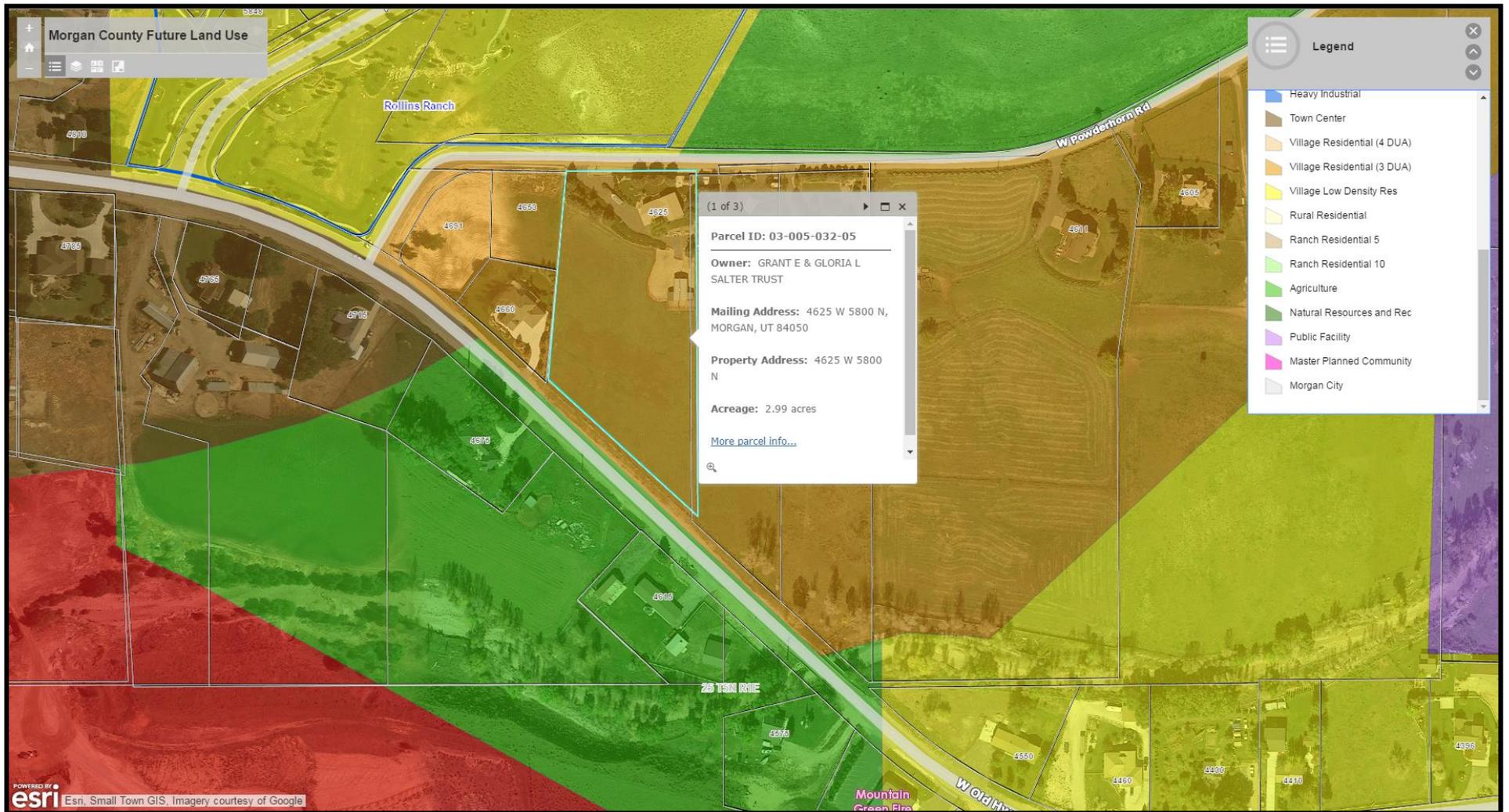
## Staff Contact

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

Exhibit A: Vicinity Map



# Exhibit B: Future Land Use Map



# Exhibit C: Existing Zoning Map

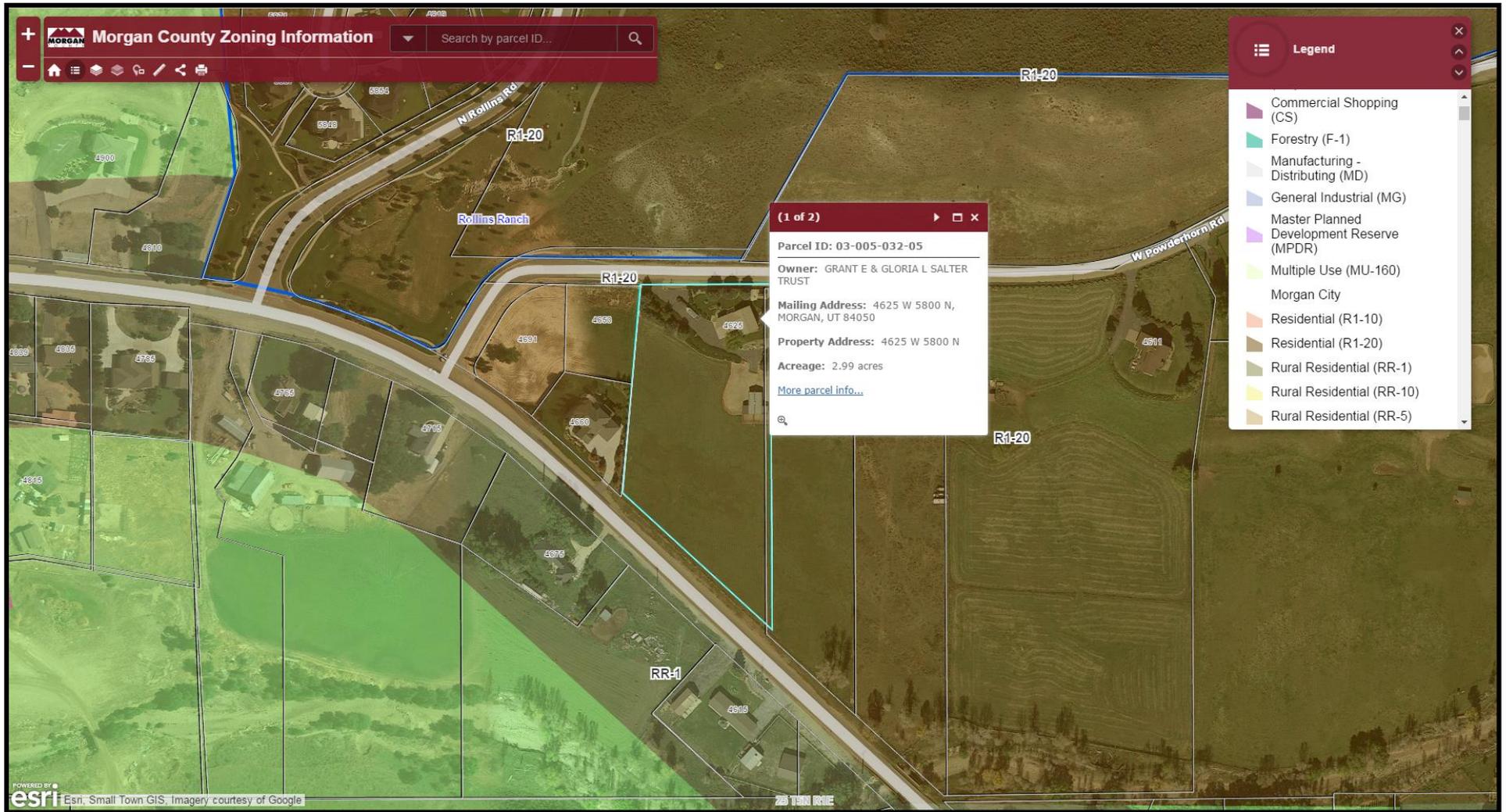


Exhibit D: Proposed Preliminary Plat

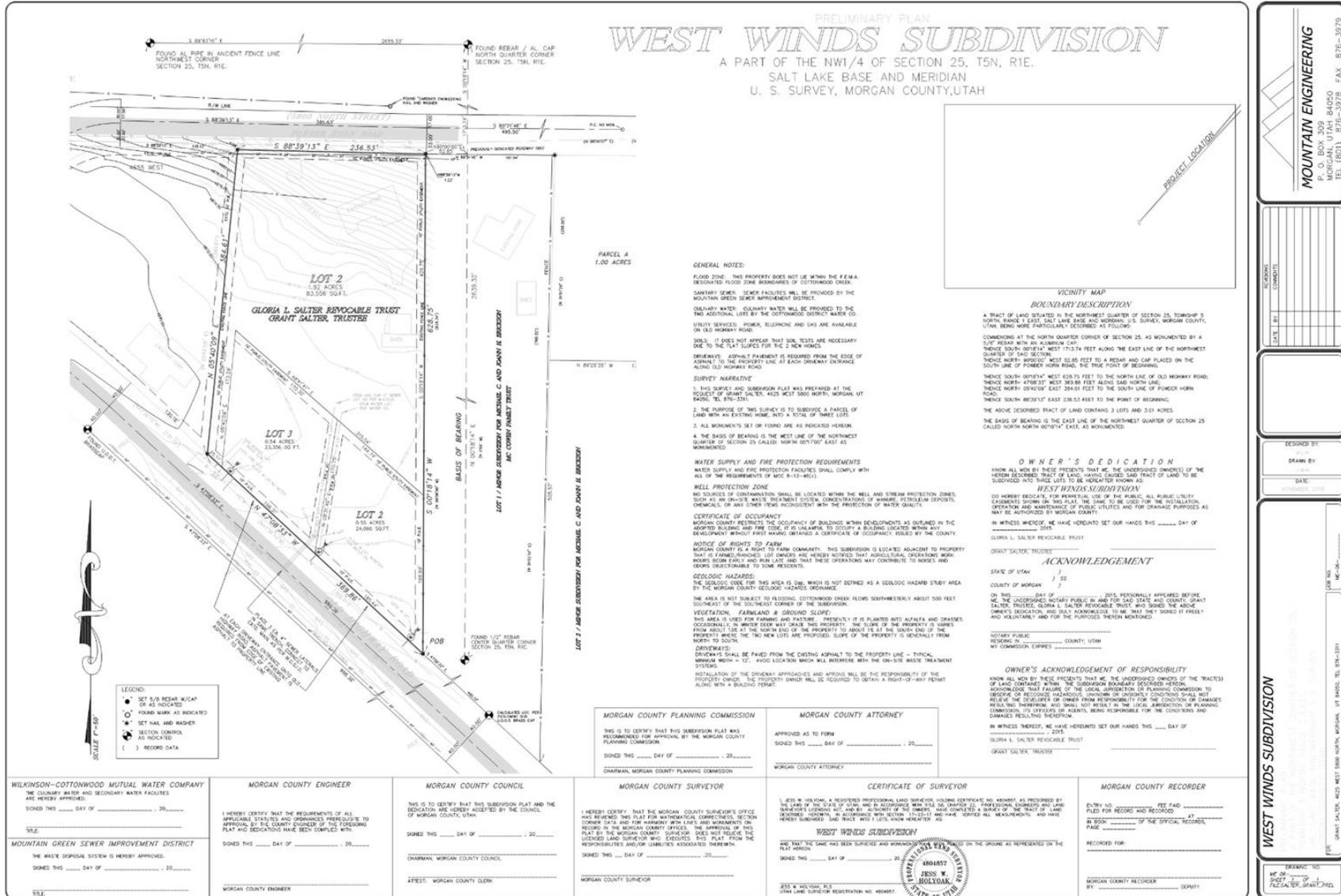
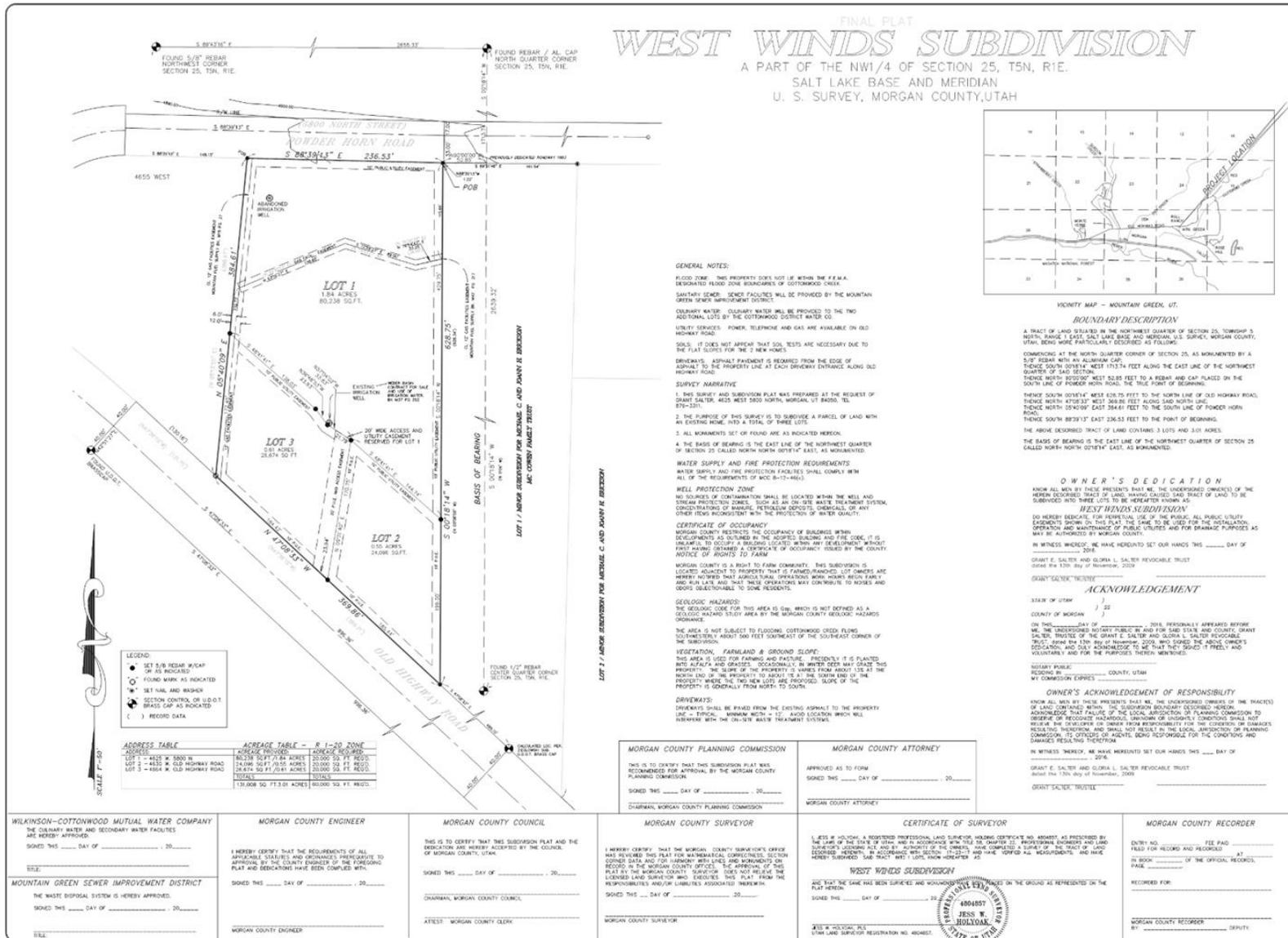


Exhibit D: Proposed Final Subdivision Plat



**WEST WINDS SUBDIVISION**

**MOUNTAIN ENGINEERING**  
P. O. BOX 309  
MORGAN, UTAH 84055  
TEL (801) 876-2976 FAX 876-3979

DESIGNED BY: \_\_\_\_\_  
DRAWN BY: \_\_\_\_\_  
DATE: \_\_\_\_\_

FILE NO. \_\_\_\_\_  
DRAWING NO. \_\_\_\_\_  
SHEET \_\_\_\_\_ OF \_\_\_\_\_  
FILED BY: \_\_\_\_\_  
DATE: \_\_\_\_\_

Exhibit E: Application Materials

**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)



*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: R 1-20	Serial#(s): 03-005-032-05	Parcel #(s): 00-0003-3611		
Project Name: West Wind Subdivision				Acres: 3	
Project Address: 4625 W 5800 N MTN. Green ut. 84050					
Project Description: Three Acres - Subdivided into three lots Two 1/2 & one 1/2 Ac. lots					
Property Owner(s): Grant Edward Salter			Applicant(s): Same		
Address: 4625 W 5800 N			Address:		
City: MTN. Green	State: UT.	Zip: 84050	City:	State:	Zip:
Phone: 801-876-3311			Phone:		
Contact Person: Grant E Salter			Address:		
Phone: 801-876-3311			City:	State:	Zip:
Cellular: 801-510-8228	Fax:		Email: g-salter@msn.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: \_\_\_\_\_

\_\_\_\_\_ 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: <i>Bill</i>	Date Received: <i>11/17/15</i>	App. #: <i>8582</i>

March 31, 2016

GRANT SALTER

Dear Grant:

*Re: Natural Gas Service Availability Letter*

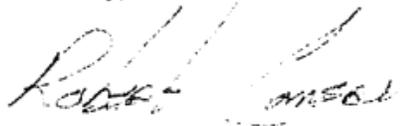
Natural gas can be made available to serve the 4625 W 5800 N, MT GREEN. development when the following requirements are met:

1. Developer provides plat maps, drawings, construction schedules, average size of homes, units, and/or buildings that will be served by natural gas, and any and all other relevant information regarding commercial and residential uses, including but no limited to, proposed natural gas appliances (number and type of appliances per unit, homes, building).
2. Review and analysis by Questar Gas' Engineering and/or Pre-Construction Department to determine load requirements. System reinforcement requirements and estimated costs to bring natural gas to the development.
3. Address & street names

Upon completion of Questar Gas' review of the development's natural gas requirements, agreements will be prepared, as necessary, for high pressure, intermediate high pressure and/or service line extensions required to serve the development. These service extensions must be paid in advance.

To accommodate your construction schedule and provide cost estimates to you, please contact me at your earliest convenience.

Sincerely,



Robert Comeau  
Pre-Construction Representative



October 15, 2015

Mr. Grant Salter  
4625 Powder Horn Road  
Mountain Green, UT 84050

Dear Mr. Salter,

The *Cottonwood Mutual Water Company's* Board-of-Directors met on October 8, 2015 to consider your request for a "will-serve" for lot 2 of your three lot subdivision. Lot 1 is your existing home which has a connection to the *Cottonwood Mutual Water Company* already, lot 2 is the lot requesting the "will-serve" and lot 3 is not being considered at this time for a "will-serve".

The issuance of the "will-serve" by the *Cottonwood Mutual Water Company* for lot 2 is granted; however, connection to the *Cottonwood Mutual Water Company* system is contingent upon the following:

1. The necessary infrastructure to bring water from our distribution line and service lot 2 be installed at your expense and inspected by the *Cottonwood Mutual Water Company* prior to burial. (Included with this "will-serve" letter are the minimum construction standards).
2. A one acre foot water right assigned to the *Cottonwood Mutual Water Company*. If this one acre foot right shows to be insufficient in meeting the demand due to lot size, an additional water right will be required.
3. A connection fee of \$1,500 be paid to the *Cottonwood Mutual Water Company*
4. An improvement fee of \$7,789.70 paid for the source (well) and storage demand that this connection will have upon the distribution system. The amount breaks down as follows:
  - a. Storage: \$2,313.49
    - i. Required storage space: 1942 gallons
  - b. Source: \$5,476.21
    - i. Required source: 2.63 gpm

Sincerely,

Michael R. Johanson  
*President & Manager*  
*Cottonwood Mutual Water Company*

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4000 West Old Highway Road ♦ Mountain Green, Utah 84050 ♦ Phone: 801.876.3895 ♦ Fax: 801.876.3893

Mountain Green Sewer

From: **Green Mountain** robert@mgsid.com  
Subject: Sewer connections for your properties  
Date: August 5, 2015 at 1:16 PM  
To: Salter Gloria g\_salter@msn.com, g-salter@msn.com

Dear Grant,

Thank you for stopping by this morning. I checked our regulations and then with Dennis Baldwin for the history on past connections that are similar in nature to your situation.

The optimal way would be for you to run three 4" lateral pipes across old highway in one trench and then tap each one individually into the 15" line. This would provide a separate connection for each house with only one trench and no need for a manhole.

Even though, you would only be building two of the homes, now, I would allow you to make all three connections into the main at one time to alleviate the requirement to dig across Old Highway at a later date when your third lot is developed. We will just ask that you let the future developer of that extra lot understand that although the lateral stub has been run, the impact and inspection fees will still need to be paid.

Please let me know if you have any questions.

Sincerely,

Robert Volk  
Manager MGSID  
(435) 776-6683  
[robert@mgsid.com](mailto:robert@mgsid.com)

From: **Jackman Cathy** Cathy.Jackman@rockymountainpower.net  
Subject: Will Serve Letter  
Date: Today at 1:49 PM  
To: **Salter Gloria** g\_salter@msn.com

Dear Mr. Salter,

Attached is the Will Serve letter you requested.

Sincerely,

Cathy Jackman  
Rocky Mountain Power



1438 West 2550 South  
Ogden, Utah 84401

April 1, 2016

Grant Salter  
Gsalter@msn.com

Request: 6167775

Dear Mr. Salter:

Rocky Mountain Power will supply power to property located at or near 4625 W 5800 N, Mountain Green, UT with the following provisions:

- Applicant will apply for power by calling 1-888-221-7070
- Applicant or Developer will supply a signed, approved recorded property plat map with lot numbers, addresses, and section corners identified if applicable.
- Residential and Commercial Developer will supply an electronic copy of the subdivision by e-mail, (Auto-cad version 2011), to the estimator assigned to the project.
- Residential Subdivision Developer will pay all costs which are non-refundable above the \$750.00 per lot allowance according to line extension tariff, regulation 12.
- All single lot applicants will be subject to the line extension rules and regulation 12.
- Applicant is responsible to sign a contract after job is approved by Rocky Mountain Power management, and pay any associated costs before work can be scheduled or materials ordered.
- Rocky Mountain Power engineering review may be required and may be subject to additional charges according to our filed line extension tariff, regulation 12.

If you have any questions regarding these provisions, please feel free to call me at

## Exhibit F: Other Staff Remarks

**From:** Von Hill (Basecamp) [mailto:notifications@basecamp.com]  
**Sent:** Wednesday, December 07, 2016 2:01 PM  
**To:** Bcobabe@morgan-county.net  
**Subject:** (APP 16.009 West Winds Small Subdivision Prelim & Final Plat) Surveyor's comments

Write ABOVE THIS LINE to post a reply or [view this on Basecamp](#)



Von Hill posted this message on Basecamp.

### **Surveyor's comments**

We have reviewed the final plat and it is ok.

[View this on Basecamp](#)

This email was sent to: Mike Waite, Brenda Nelson, John Bjerregaard, Mark Miller, Bill Cobabe, jess holyoak, Gina Grandpre, Grant Salter, Bonnie Thomson, Laurel Orr, Gary Ross, and Von Hill.

[Stop receiving emails](#) about this message.

---

Want less email from Basecamp? [Get a digest of your notifications](#) every few hours instead, or [go to your Basecamp settings](#) to choose which emails you receive.

**From:** Mark Miller (Basecamp) [mailto:notifications@basecamp.com]  
**Sent:** Tuesday, December 06, 2016 12:48 PM  
**To:** Bcobabe@morgan-county.net  
**Subject:** (APP 16.009 West Winds Small Subdivision Prelim & Final Plat) Bill, I recommend you move forward with this subdivision with the understanding that approval is ...

Write ABOVE THIS LINE to post a reply or [view this on Basecamp](#)



Mark Miller posted this message on Basecamp.

### **Bill, I recommend you move forward with this subdivision with the understanding that approval is ...**

Bill,

I recommend you move forward with this subdivision with the understanding that approval is subject to previous engineering comments.

[View this on Basecamp](#)

This email was sent to: Mike Waite, Brenda Nelson, John Bjerregaard, Von Hill, Bill Cobabe, jess holyoak, Gina Grandpre, Grant Salter, Bonnie Thomson, Laurel Orr, Gary Ross, and Mark Miller.



[Stop receiving emails](#) about this message.

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Want less email from Basecamp? [Get a digest of your notifications](#) every few hours instead, or [go to your Basecamp settings](#) to choose which emails you receive.

## Memorandum

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

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

**Date:** June 16, 2016

**Subject:** **West Winds Subdivision – Preliminary Plan**

---

We have reviewed the Preliminary Plan for West Winds Subdivision and recommend the following information be submitted in accordance with Morgan County Code:

1. Grading and Drainage Plan should be clarified. Quantification of the 700 cubic feet should be documented.
2. “Commitment to Serve” letters should be provided by proposed utility service providers.
3. Information required by Code Section 8-12-24 F:1, 3, 4, 7, 8, 9 and 10.
4. The curb, gutter and sidewalk shown on the property to the west (fronting Little Horn Subdivision) does not exist on Old Highway Road as indicated.
5. The Old Highway Road Cross-Section must meet the County approved Cross Section. The section shown on the drawing is incorrect and no width dimensions are indicated on the plan view.

6. A shed encroaches into the public utility easement.
7. Geotechnical information has not been included.

We recommend the Preliminary Plan submittal include all items and requirements indicated in the Morgan County Subdivision Ordinance. Thereafter, we can provide a more detailed review. If you have any questions, please call.

**2017 MORGAN COUNTY PLANNING COMMISSION MEETING DATES  
PLANNING COMMISSION RESOLUTION 16-01**

**A RESOLUTION SETTING THE ANNUAL MEETING SCHEDULE OF THE  
MORGAN COUNTY PLANNING COMMISSION**

**WHEREAS**, the Utah Open and Public Meeting Law, 52-4-102, Utah Code Annotated, 1953, provides that political subdivisions of the State of Utah shall hold meetings which are open to the public; and

**WHEREAS**, said Open and Public Meetings Law provides in Section 52-4-202 that any public body which holds regular meetings that are scheduled in advance over the course of a year shall give public notice at least once each year of its annual meeting schedule; and

**WHEREAS**, the Morgan County Planning Commission desires to give public notice of the meeting schedule for the year 2017 in compliance with State law and in accordance with its adopted by-laws.

**NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED AS FOLLOWS:**

1. That the regular monthly meetings of the Morgan County Planning Commission during the calendar year 2017 shall be held at the Morgan County Courthouse, 48 West Young Street, Morgan, Utah on the second and fourth Thursday of each month, or in accordance with the schedule below, commencing at 6:30 p.m. When necessary, work sessions, field visits or other meetings will be held and noticed in accordance with the law. Regular meetings shall be held upon the following dates (unless no items are ready for discussion or action):

January 12, 2017	July 13, 2017
January 26, 2017	July 27, 2017
February 9, 2017	August 10, 2017
February 23, 2017	August 24, 2017
March 9, 2017	September 14, 2017
March 23, 2017	September 28, 2017
April 13, 2017	October 12, 2017
April 27, 2017	October 26, 2017
May 11, 2017	November 9, 2017
May 25, 2017	December 14, 2017
June 8, 2017	December 28, 2017
June 22, 2017	

2. If any meeting falls on a legal holiday or for other legitimate reasons the Planning Commission decides to not hold a regularly scheduled meeting, the meeting will be canceled unless rescheduled. In the event of rescheduling, notice of the rescheduled meeting will be given by public notice in accordance with the open and public meetings law.
3. Notice of the Annual Meeting Schedule shall be given in the following form:

**NOTICE OF ANNUAL MEETING SCHEDULE  
MORGAN COUNTY PLANNING COMMISSION**

**NOTICE** is hereby given that the Annual Meeting schedule of the Morgan County Planning Commission for the 2017 calendar year is as follows:

January 12, 2017	July 13, 2017
January 26, 2017	July 27, 2017
February 9, 2017	August 10, 2017
February 23, 2017	August 24, 2017
March 9, 2017	September 14, 2017
March 23, 2017	September 28, 2017
April 13, 2017	October 12, 2017
April 27, 2017	October 26, 2017
May 11, 2017	November 9, 2017
May 25, 2017	December 14, 2017
June 8, 2017	December 28, 2017
June 22, 2017	

If any meeting falls on a legal holiday or for other legitimate reasons the Planning Commission decides to not hold a regularly scheduled meeting, the meeting will be canceled unless rescheduled. In the event of rescheduling, notice of the rescheduled meeting will be given by public notice in accordance with the open and public meetings law.

**DATED** this 22<sup>nd</sup> day of December, 2016.

**MORGAN COUNTY PLANNING COMMISSION**

By: Gary Ross, Chairman

1. Morgan County will post written notice of the annual meeting schedule in the offices of the County and provide a copy of such notice to at least one newspaper of general circulation within the geographic jurisdiction of the county, or to a local media correspondent and to all persons who request a copy of such notice.
2. This Resolution shall be effective immediately upon passage and adoption.

**PASSED AND ADOPTED THIS 22<sup>nd</sup> DAY OF DECEMBER, 2016.  
MORGAN COUNTY PLANNING COMMISSION**

By \_\_\_\_\_  
Gary Ross  
Morgan County Planning Commission Chairman



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

1. Call to order – prayer

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

2. Pledge of Allegiance
3. Approval of agenda

Chair Ross noted that items #6 and #8 from the agenda have been pulled from the agenda. Also, since two members are absent and to make sure everyone leaves early, Chair Ross suggested that we get through the discussion items

**Member Sessions moved to accept the agenda with the following amendments: removing items #6 and #8 and postponing items #7, #12, and #13. Second by Member Stephens. The vote was unanimous. The motion carried.**

4. Declaration of conflicts of interest - None
5. Public Comment

**Member Newton moved to go into public comment. Second by Member Sessions. The vote was unanimous. The motion carried.**

Matt Johnson: Commented on the Peterson Land Use Map. He wondered how the community can let the Planning Commission and County Council to let them know how they feel. He has a suggestion for an applicant who wants to change the FLUM to go to the Area Plan Committee and discuss with them. Then the Area Plan Committee could meet with the Planning Commission and give them their recommendation. Another suggestion he shared is that when an applicant comes for a rezone and the rezone is denied, there is a 2 year waiting period, but there is not a waiting period for changing the Future Land Use Map. He believes that the FLUM is the bigger hurdle. He recommends that there is a waiting period is someone's application to change the FLUM is denied.

Clay Rich, 179 S Morgan Valley Dr: He showed the notice for the Public Hearing described the Peterson...it looked like it pertained to Peterson, not Milton. He thinks that the notices should be more clear and more broadly distributed. He noted that all of these maps were developed with the help of an Area Plan Committee. He suggests that the Commission make a motion to reconvene the Area Plan Committees on a limited scope. He also suggests applicants who want to make a change to the general plan – that the process should be more complicated than a rezone request.

Adriana Giles, Milton: Shared that she loves rural community. Subdivisions have their place, but need to listen to residents for FLUMs and the direction that we take from the county residents. Wants clear rules so residents are not always wondering what will happen.

Scott Peterson, 101 S Morgan Valley Dr: This community has been a farming community and he would like it to stay that way as possible. He wondered if the PC has considered

where new developments would be water or sewer services. He thinks this is the wrong area for growth. Other areas (Peterson, Mountain Green) are better equipped for growth.

Kurt Hathway, Enterprise: Wants to address Member Nance's request to take asphalt plants out of A20 zoning. He supports that and feels that some industries may not be appropriate for that type of zoning and to the residents who live nearby. He addressed a rumored request that Geneva has asked for more water (17 acre) in the area. He wonders where the chemicals go – down the weber river? He thinks more citizens would be happy if asphalt plants and heavy industrial be removed. Another concern is the devaluing of homes.

Robert Farrell, Enterprise: Wants to address A20 code. He feels that it is a misleading code. He also supports Larry Nance's proposal to restrict the asphalt plants and heavy industrial.

Jennifer Johnson, 780 W Surry Ln: Is frustrated that the Peterson application has been pulled again, on the day of the meeting. She spearheads petition signing and it takes time to gather signatures and send emails. She doesn't think it's fair that he waits until the last minute to pull his application to change the Milton FLUM. She suggests that there need to be time between a pulled application and being permitted to make a new one. She believes that the farmland in question should remain farmland.

Chair Ross thanked the group for coming out and voicing passions, frustrations, and concerns. The PC truly hears concern. He wants the group to know that there are committed members of the PC who are hearing concerns.

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

Administrative:

6. Discussion/Decision on Coventry Cove Plat Amendment

Bill Cobabe gave a presentation regarding the Amendment. Three homes already developed in Coventry Cove would like to acquire a little extra property along their rear lot line. This would make the homes in question in better compliance with underlying zoning. The concern expressed that the ravine behind them is a natural drainage channel for the above dam. This amendment may create the need to reroute the drainage should the dam need to be reconstructed. There are ways to work around those concerns, should the need arise. Staff recommends approval. Member Newton asked if this would change the building envelope. Bill explained that it would not. Member Sessions shared a concern that the Commission has made a stand to not add or subtract land to PRUDs or PUDs. Member Wilson asked what the residents would gain and Bill described that it is simply a background. The total between 3 lots is appx ¼ acre. Member Wilson asked if there had been discussion with landowners on how they feel about a dam being built. Bill does not have information regarding that. Chair Ross noted that areas were approved under a PRUD

and the PRUD ordinance is no longer in existence. He asked Bill's thoughts on that from a planning perspective. Bill noted that 1. it does bring the lots into closer compliance to underlying zoning, and that 2. We are not adding additional lots to be effected by the existing PRUD. This is not the case. Bill noted that the development agreement would not change, only add some square footage to the PUD. Member Sessions noted that we don't have the old ordinance or development agreement to see how amendments should happen. Chair Ross suggested hearing from the applicant.

Ken Driggs (applicant): He has only 15 feet behind house but would like to plant a tree on the land behind him. The owner of the land gave him permission to plant a tree and build a fence around it. He would like to make a clear designation if/when a property transfer should come. Owner of land, Rex Wilkinson, offered just to give him the land, but they want to make it official with the county.

Mark Benjamin (applicant): he is currently cutting grass on back property to keep down fire hazard. He does not understand problems with request.

Member Wilson asked the applicants how they would feel if the water company needs to trespass on property for maintenance/construction. Mr. Driggs doesn't think it would be a problem and would allow access.

Member Wilson asked Member Sessions how she feels about having a mechanism in place to change PRUDs. Does he think it would be wise to do that or should the PC look at each item on it's own merits. Member Sessions feels that if we amend a PUD or PRUD is changed it should be according to a code – so maybe the PC needs an ordinance to allow the commission to address it. Member Wilson shared with audience that the commission wants to be able to make decisions not just for one, but for the whole county. Chair Ross feel that because it is an administrative decision being addressed with a dead ordinance. He feels that administratively we don't have the tools to make the decision. Member Stephens commented that the greater issue is if we were trying to take away from a PRUD or PUD. He feels that this case is not effecting anything. He wonders how long before we would make a code change to address it. He would like to approach it with common sense and not necessary based on code. Member Newton feels that administratively the PC should be able to make changes to a boundary. Where the applicant would not like to add any lots, he agrees with Member Stephens and feels that with common sense it is a clear decision. Bill shared some slides that go over governing rules for amending subdivision plats in the county. Member Sessions wondered if there is something stated in the development agreement. Bill said that he could find the development agreement and bring it back to the meeting on the 22<sup>nd</sup>, if the PC chooses.

Chair Ross explained to the applicants why we would postpone the decision – to make the amendment. That would be ready probably in March. The PC could make a decision tonight based on current ordinances, or the applicant could wait until after March for a new ordinance to be in place. The applicant would not lose their application fee if it's postponed.

**Member Newton moved to postpone application #16.035 until PC 2<sup>nd</sup> meeting in March, 2017. Second by Member Wilson. Vote was unanimous. Motion Passed.**

**Member Newton moved to direct staff to prepare potential code change language to address making changes to PRUDs and PUDs. Second by Member Sessions. Vote was unanimous. Motion passed.**

7. Discussion/Decision on R & D Small Subdivision Prelim & Final Plat

Bill Cobabe made presentation on application. He shared that Mark Miller, county engineer, believes that it is an easy, straight forward “Yes” answer.

**Member Sessions moved to 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. Member Stephens seconded. Vote was unanimous. Motion passed.**

**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.

8. Discussion/Decision on Heather Meadows Small Subdivision Concept Plan

Bill gave presentation regarding application. Property is split between agricultural and village mixed use. Some property is in a no build area, it is covered by floodway and flood plain. Each lot has buildable area exclusive of floodway and flood plain. The two cul de sacs will be built to private street standards in code. Water will be provided by Peterson Pipeline. More requirements will be addressed at Preliminary.

Applicant approached microphone to make comments on the map. He showed how much

area is out of the flood plain, showed how unbuildable area can be used as public access, and shared desire to work well with neighbors.

**Member Newton moved to 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. Seconded by Member Sessions. Vote was unanimous. Motion passed.**

9. Planning Commission Business/Questions for Staff

Bill updated PC on results from Area Plan Input Meetings. He is pleased with community involvement and with the number of comments which have been given. He told the group that the 22<sup>nd</sup> should be a light business meeting. Dinner will be served. Also on the 22<sup>nd</sup>, Bill will have the resolution for 2017 calendar to vote on. He thanked everyone for attending the Area Plan Input Meetings. Member Sessions reminded group to wrap up replies on Commercial Use Table. Chair Ross asked to look at timeline and noted the goal to have the Commercial Use Table by Jan 12<sup>th</sup>. He suggested that we look at calendar to find some dates for extra work sessions to address Commercial Use Table. Chair Ross and Member Sessions addressed that there are some needed changes on the Mountain Green Map specifically with designated recreation sites and the proposed extension of Trapper's Loop to Hwy 84. Chair Ross asked if we should add verbiage regarding transportation zones to communicate to public future vision for transportation. Members Sessions and Ross asked Bill to pull the County Transportation Plan into the General Plan. Chair Ross brought up Member Newton's suggestion for the need to clean up noticing. Member Stephens asked if the postponed items could be noted in the next packet.

Tentative dates: Thurs, Jan 5<sup>th</sup>, 4-8pm and Thurs, Jan 19<sup>th</sup>, 4-8pm. Dinner will be provided. An email will go out by staff with a meeting request and noticing.

10. Approval of minutes from November 10, 2016

**Member Sessions moved to approved the amended minutes from November 10, 2016. Second by Member Newton . The vote was unanimous. The motion carried.**

11. Adjourn

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