

Poverty Flats Estates Small Subdivision – Concept Plan
Public Meeting
March 10, 2016

Application No.: 15.068
Applicant: Ivan and LuDene Carter Family Trust
Owner: Same
Project Location: approximately 811 Hardscrabble Rd
Porterville
Current Zoning: A-20
General Plan Designation: Agricultural
Acreage: Approximately 92.461
Request: Concept Plan Approval
Date of Application: December 2, 2015
Date of Previous Meeting: February 25, 2016 (Planning Commission initial review)

Staff Recommendation

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

Findings:

1. The nature of the subdivision is in conformance with the current and future land uses of the area.
2. The proposal complies with the Morgan County 2010 General Plan.
3. The proposal complies with applicable zoning regulations.
4. That the developer will install any requisite infrastructure, including roadways, water lines, etc.
5. That the proposal is not detrimental to the health, safety, and welfare of the public.

Conditions:

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

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

Background

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

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

Analysis

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

The zoning of the parcel is A-20 (Agricultural – 20 acre minimum lot size). The purpose of the A-20 zone is to:

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

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

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

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

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

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

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

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

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

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

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

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

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

UPDATE FOR 10 MAR 2016:

On 25 Feb 2016, the Planning Commission noted several missing or deficient items that needed to be addressed. The plat attached to this updated document reflects those requirements. Specifically:

1. The frontage requirement has been addressed. The existing parcel has 433' of frontage along Hardscrabble Road before the access gate, and an additional 415.35' behind the gate. This frontage was incorporated entirely within lot 2, and lots 1 and 3 will be access via 26' access easements.
2. The width of each property has been modified to reflect the 330' minimum width.
3. Vegetation existing on the property is shown (on Lot 2).
4. The name of the subdivision has been corrected.
5. Utilities have been noted on the plat.
6. No slopes on the property exceed 25%. A note has been added to that effect.
7. The property (as noted in the staff report above) is located in the TN – Norwood Tuff geologic unit and is subject to geologic hazards study. This study has been completed and will be submitted with the preliminary plat.
8. A statement regarding water and septic has been added to the plat.
9. Property ownership information for adjacent properties has been added to the plat.

Model Motion

Sample Motion for *approval* – “I move we approve the Poverty Flats Estates Subdivision Concept Plan, application number 15.068, allowing for a three lot subdivision of land located at approximately 811 Hardscrabble Road, based on the findings and with the conditions listed in the staff report dated March 10, 2016.”

Sample Motion for *approval with additional conditions* – “I move we approve the Poverty Flats Estates Subdivision Concept Plan, application number 15.068, allowing for a three lot subdivision of land located at approximately 811 Hardscrabble Road, based on the findings and with the conditions listed in the staff report dated March 10, 2016, and with the following additional conditions:”

1. List any additional conditions

Sample Motion for *denial* – “I move we deny the Poverty Flats Estates Subdivision Concept Plan, application number 15.068, allowing for a three lot subdivision of land located at approximately 811 Hardscrabble Road, based on the findings and with the conditions listed in the staff report dated March 10, 2016.”, *due to the following findings:*”

1. List any additional findings...

Supporting Information

Exhibit A: Vicinity Map
Exhibit B: Future Land Use Map
Exhibit C: Current Zoning Map
Exhibit D: Wildland/Urban Interface Map
Exhibit E: Flood Plain
Exhibit F: Geologic Hazards Map
Exhibit G: Proposed Concept Plan/Site Layout

Staff Contact

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

Exhibit A: Vicinity Map

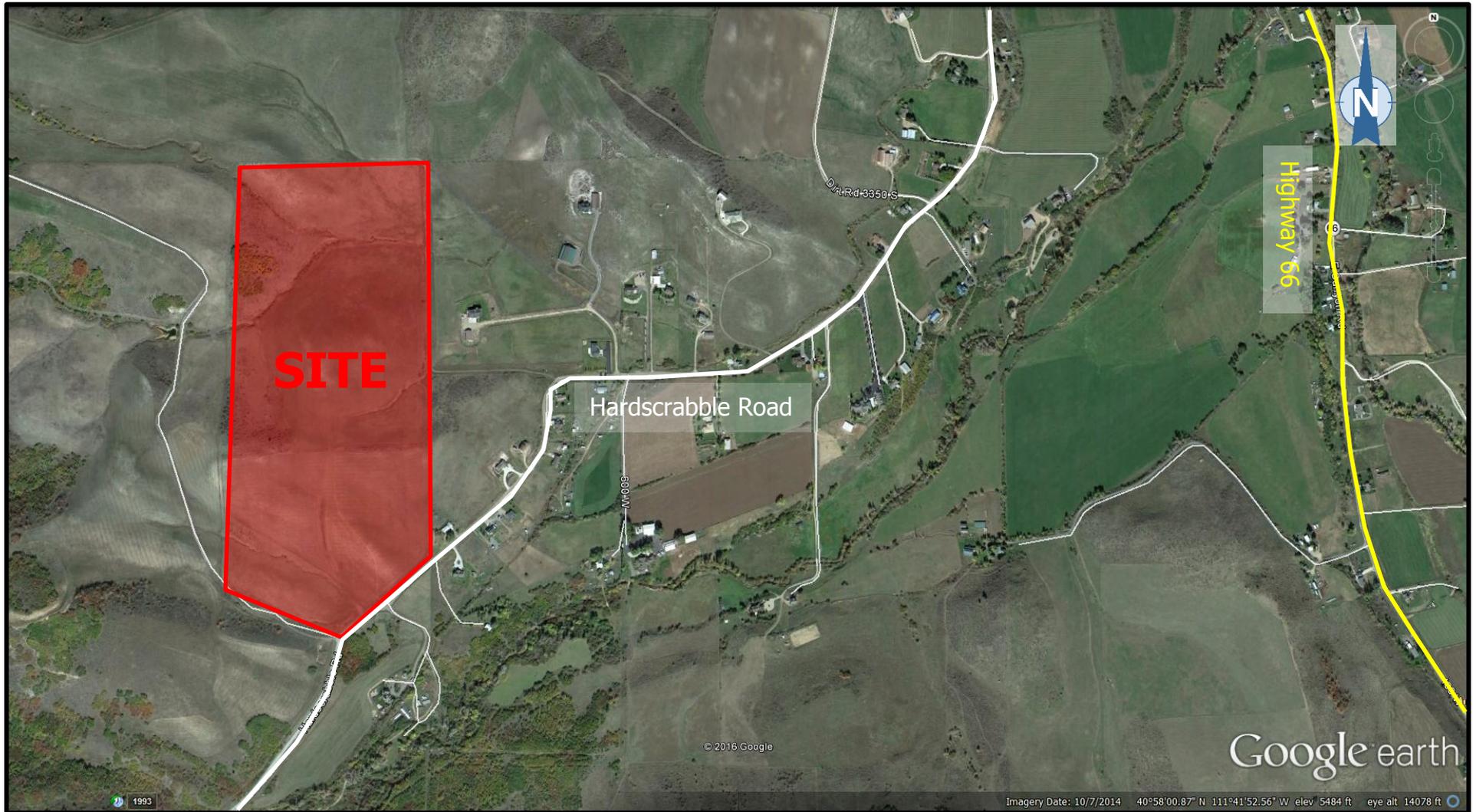


Exhibit B: Future Land Use Map

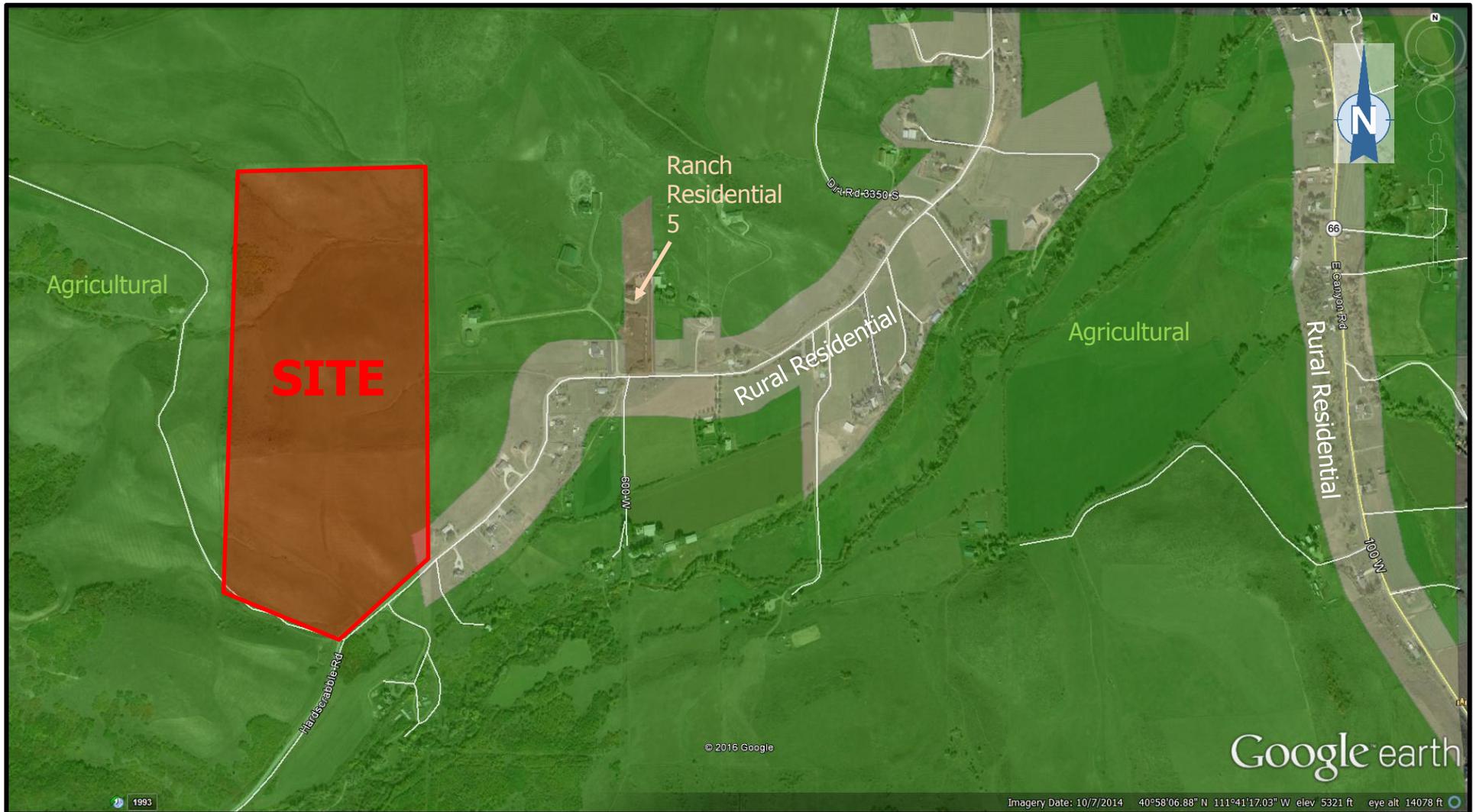


Exhibit C: Existing Zoning Map

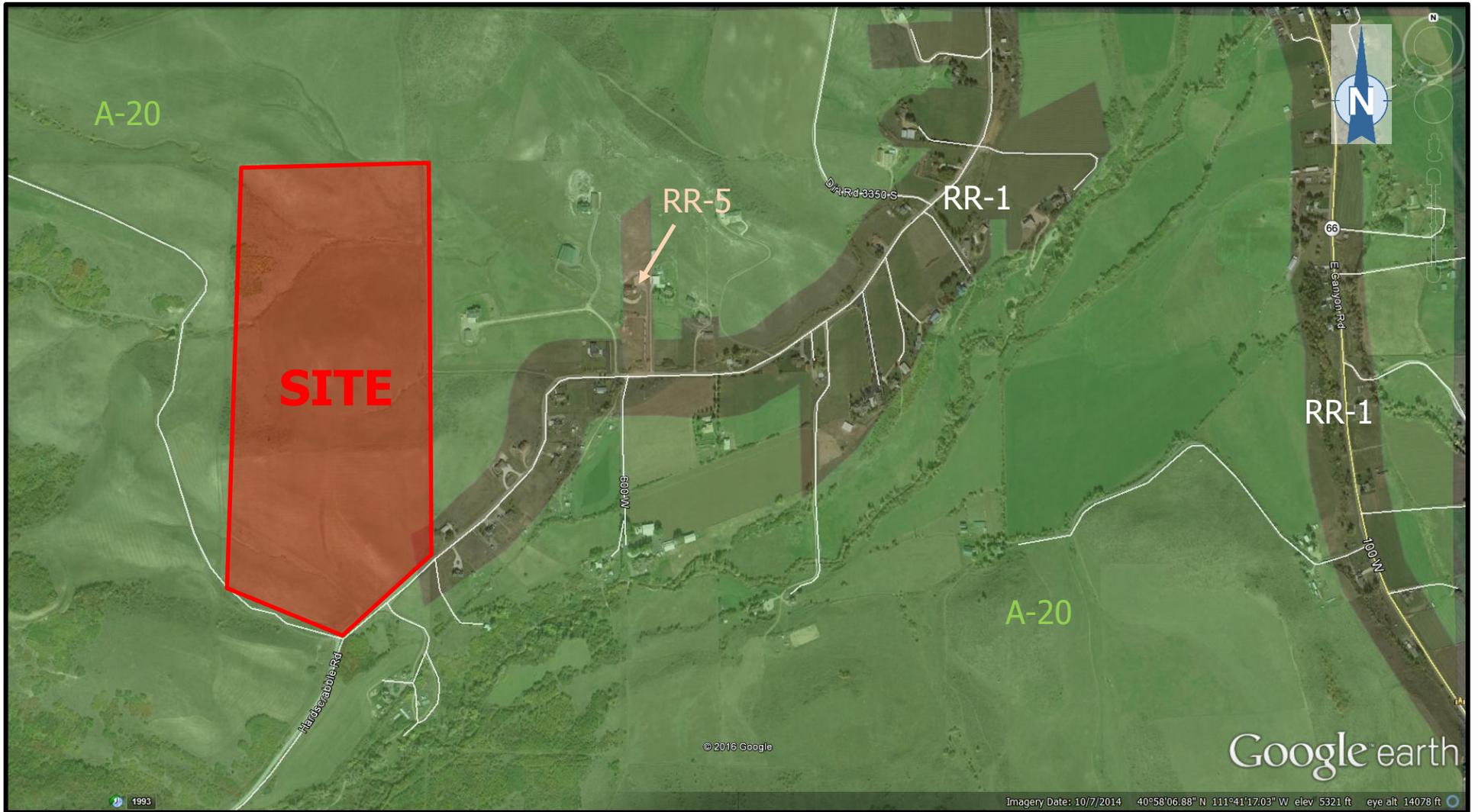


Exhibit D: Wildland/Urban Interface

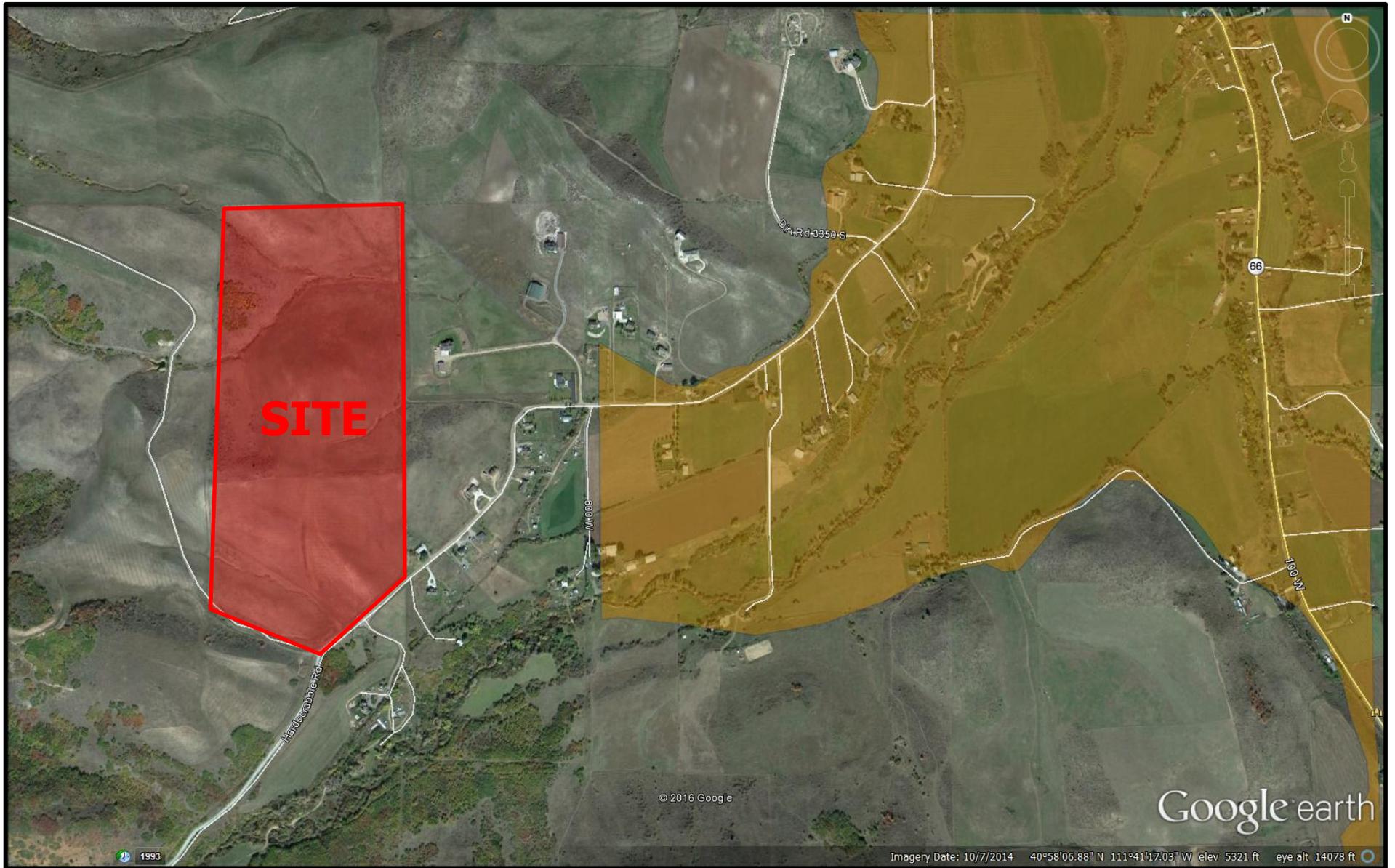
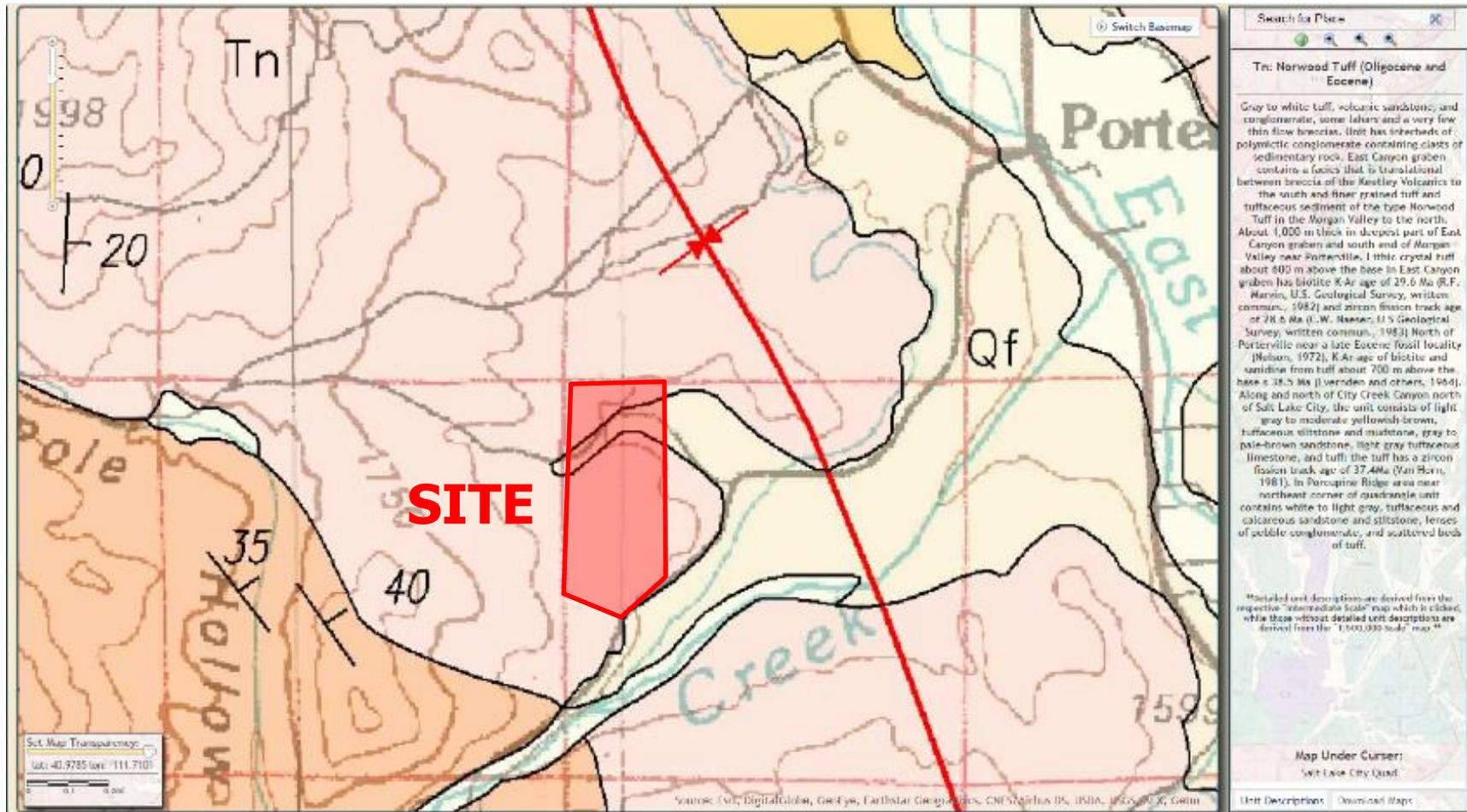


Exhibit E: Flood Plain

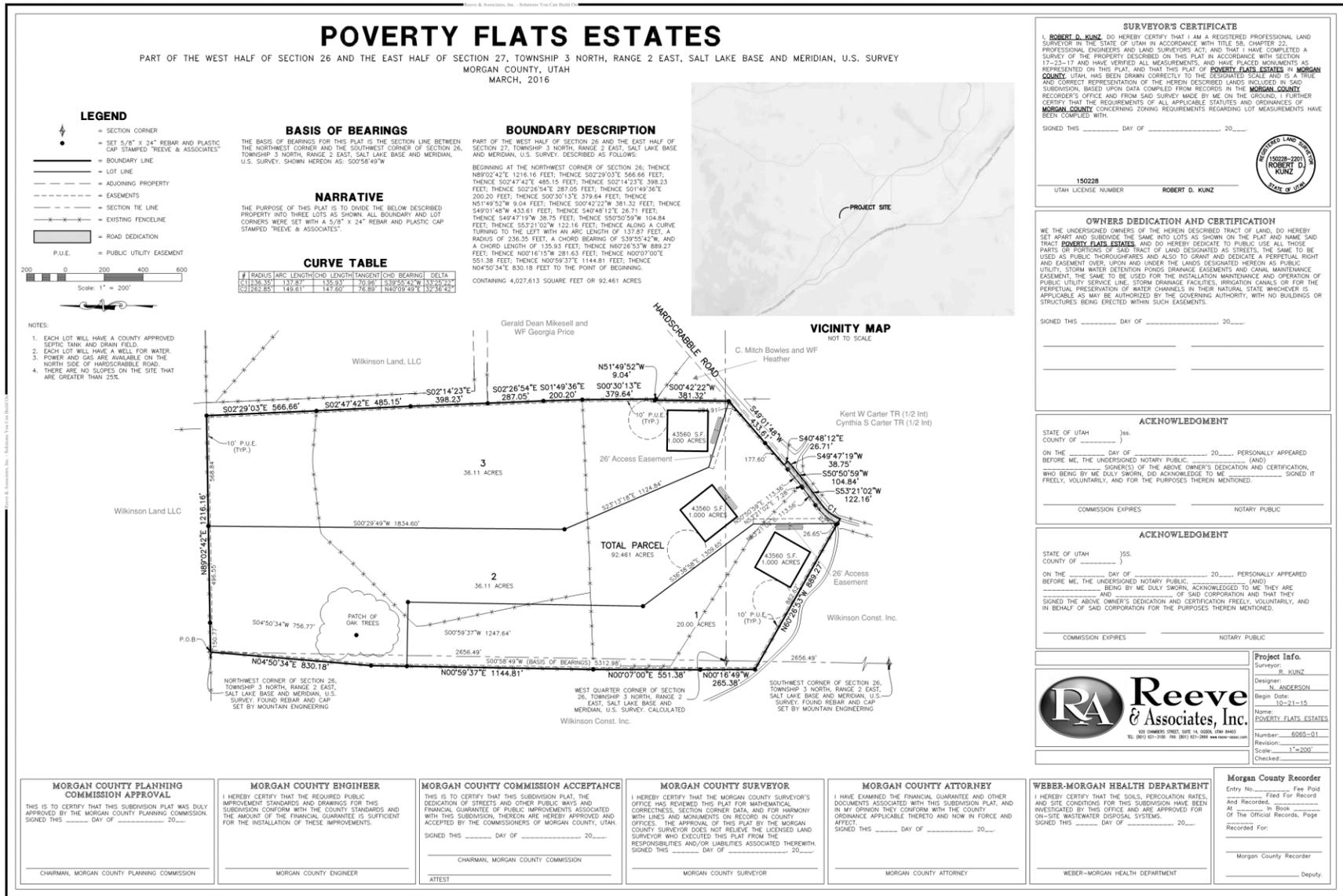


Exhibit F: Geologic Hazards Map



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

Exhibit G: Proposed Concept Plan/Site Layout



MEMORANDUM

TO: Planning Commission
FROM: Bill Cobabe
DATE: March 10, 2015
SUBJECT: Land Use Ordinance Text Amendment – Conditional Use Standards

Background and Discussion

In addition to the Residential and Commercial Use Tables and the associated Conditional Uses which are permitted under each of these tables, the County has adopted a series of standards that are used to evaluate each conditional use. Some of these standards are broad and apply to each proposed Conditional Use in the County, while others are specific to a certain type of use. Standards are both loved and hated by business owners - loved, because they provide necessary guidance and help supply minimum requirements that must be met by every business, which means that the businesses are all held to a uniform standard; hated, because they typically require additional oversight, time, and money to adhere to in order to demonstrate compliance with the Code requirements.

The following are the "Performance Standards" for Conditional Uses (from **Section 8-8-4**):

A. Conditions Relating To Safety For Persons And Property:

1. Building elevations and grading plans which will prevent or minimize floodwater damage, where property may be subject to flooding.
2. The relocation, covering or fencing of irrigation ditches, drainage channels, and other potential attractive nuisances existing on or adjacent to the property.
3. Increased setback distances from lot lines where the planning commission determines it to be necessary to ensure the public safety and to ensure compatibility with the intended characteristics of the district as outlined in this title.
4. Appropriate design, construction and location of structures, buildings and facilities in relation to any earthquake fault which may exist on the property, and limitations and/or restrictions on the use and/or location of uses due to special site conditions, including, but not limited to, geologically hazardous areas; floodplains; fault zones; landslide areas.
5. Limitations and control of the number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and appearance and harmony with adjacent development.
6. Plans for the location, arrangement and dimensions of truck loading and unloading facilities.
7. Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants and street lighting.
8. Reduction of permitted street grades for winter and storm conditions, or exposure.
9. Fences shall not create visual nor other safety hazards.
10. Backing movements, passing vehicles, sidewalk traffic, small children, etc., shall be considered in the location of fences and effects on circulation system.
11. Numbers and types of vehicles per time period associated with the conditional use activities.
12. Time of day and days of the week conditional use may operate.

B. Conditions Relating To Health And Sanitation:

1. A guarantee of sufficient water to serve the intended land use and a water delivery system meeting standards adopted by the governing body.
2. A wastewater disposal system and a solid waste disposal system meeting standards adopted by the governing body.
3. Construction of water mains, sewer mains and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the district and to provide for an orderly development of land in the county.

C. Environmental Concerns:

1. Limitations and/or restrictions on the use and/or location of uses in sensitive areas due to soils capabilities, wildlife and plant life.
2. Standards intended to conserve, enhance, restore and maintain significant natural and manmade features which are of public value, including among other things, river corridors, streams, lakes and islands, domestic water supply watersheds, flood storage areas, natural shorelines and unique vegetation, wetlands, wildlife and fish habitats, significant geological features, tourist attractions, archaeological features and sites, historic features and sites and scenic views and vistas, and to establish criteria and standards for the development, change of use, or alteration of such features.
3. Processes for the control, elimination or prevention of land, water or air pollution; the prevention of soil erosion; and the control of objectionable odors. Processes for the control, elimination or prevention of land, water or air pollution; the prevention of soil erosion; and the control of objectionable odors.
 - a. These processes may include restrictions on degradation of water quality.
 - b. Developments which produce any discharge to any watercourse shall demonstrate compliance with all federal, state and county water quality standards as evidenced by the issuance of any permits required for their discharge by the federal government, state and/or county.
 - c. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces and drainage systems prior to final approvals for the project. It is the responsibility of any person, corporation or other entity doing any act on or across a stream, watercourse or swale, or upon the floodplain or right of way thereof, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain or right of way during such activity.
4. The planting of ground cover or other surfacing to prevent dust and erosion.
 - a. The proposed land disturbing activity will ensure and provide an undisturbed vegetation buffer from the top of the bank of a stream, wetland or other water body, unless a mitigation plan is approved for alterations within the buffer area.
 - b. Whenever feasible, natural vegetation will be retained and protected.
 - c. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
 - d. Plans will be made to accommodate increased runoff and sedimentation caused by altered soil and surface conditions during and after the proposed activity.
5. Restructuring of the land and planting of the same as directed by the planning commission when the conditional use involves cutting and/or filling the land and where such land would be adversely affected if not restructured.
6. Limitations and/or restrictions on construction and/or development on slopes in excess of thirty percent (30%) to control erosion.

7. If the proposed conditional use involves hillside construction and/or development, the application will be approved only after the applicant provides:
 - a. Topographic information showing that the proposed activity is on land with a slope less than thirty percent (30%) and that it is located more than two hundred feet (200') from a known landslide.
 - b. A geologic/geotechnical report which shall be in form and content approved by the county engineer, consisting of, among other things, a slope stability study, earthquake analysis and sedimentation analysis, prepared by a certified engineering geologist or geotechnical engineer approved by the county engineer, certifying that the site or route in its entirety is suitable for the proposed development.
 - c. Such other engineering or technical reports as may be required by the planning commission or governing body.
 - d. Detailed construction plans, drawings and specifications which outline all construction methods proposed to be utilized.
8. In all cases, the applicant may be required to supply a geologic report, a geotechnical study, a hydrological study, a civil engineering study and other applicable engineering studies required by the planning commission or governing body acceptable in form and content to the county engineer.
9. The applicant's conditional use may be limited or denied if blasting, drilling or any other construction activity involved will weaken, or cause, adjoining slopes, geologic formations and manmade improvements to become unstable or if the proposed construction or operation will result in the creation of a geologic hazard to surrounding properties, such as through slumping, sliding or drainage modifications.
10. Standards to maintain the integrity/existence of natural drainage patterns as determined by the planning commission.
11. Construction methods, specifications, drawings, plans and practices as requested by the county engineer.
12. An environmental assessment and/or an environmental impact statement which includes an alternatives analysis performed by a company approved in advance by the planning commission may be required.
 - a. The environmental assessment/environmental impact statement shall identify all environmental concerns, including, but not limited to, visual and auditory aesthetics, erosion control, land, water and air pollution, and an alternatives analysis.
 - b. The alternatives analysis in the environmental assessment/environmental impact statement will address all reasonably possible alternatives to the proposed project. In the event the proposed use is a utility line or pipeline for the transportation, transmission, delivery or receipt of water, natural gas, electricity, telephone, cable television or any other similar use, public property or roadway rights of way shall be utilized to the extent possible and the least damaging practical alternative is presumed to be such public property or roadway rights of way; condemnation of private property for such uses is not favored and will only be allowed if there is no other reasonably practical alternative. This analysis must demonstrate that the applicant's chosen alternative is the least environmentally damaging of those alternatives available.
 - c. A finding of no other practicable alternative for the proposed use may be made after demonstration by the applicant that:
 - (1) The basic purpose of the project cannot reasonably be accomplished using another alternative.

- (2) The basic purpose of the project cannot be accomplished by a reduction in the size, scope, configuration or density of the project as proposed, or by changing the design of the project in a way that would result in fewer adverse effects.
 - (3) If the applicant has rejected other alternatives, the applicant shall show that a reasonable attempt has been made to remove or accommodate the constraints associated with the rejected alternative.
13. Such other or additional standards as may be established by the planning commission or governing body as they may deem necessary for the protection of the health, safety, convenience and general welfare of the present and future inhabitants of the county and the environment.

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

1. The removal of structures, debris or plant materials, incompatible with the intended characteristics of the district outlined in this title.
2. The screening of yards or other areas as protection from obnoxious land uses and activities.
3. Landscaping to ensure compatibility with the intended characteristics of the district as outlined in this title.
4. Limitations or controls on the location, height and materials of walls, fences, hedges and screen plantings to ensure harmony with adjacent development, or to conceal storage areas, utility installations or other unsightly development.
5. The relocation of proposed or existing structures as necessary to provide for future streets on the major street plan of the county, adequate sight distances for general safety, groundwater control, or similar problems.
6. Provision for or construction of recreational facilities necessary to satisfy needs of the conditional use.
7. Population density and intensity of land use limitations where land capability and/or vicinity relationships make it appropriate to do so to protect health, safety and welfare, or conservation of values.
8. Other improvements which serve the property in question and which may compensate in part or in whole for possible adverse impacts to the district from the proposed conditional use.
9. Conservation of values; community, neighborhood and property values.
10. The character of the neighborhood and aesthetics of the streetscape shall be considered in the location of fences and in determining the reduction of any front yard for fencing purposes.

E. Conditions Relating To Performance:

1. Time limits on the validity of the conditional use permit. Such time limits shall be determined by the following guidelines:
 - a. A conditional use permit for uses which are of a temporary nature only may be issued for the intended duration of the temporary use or for two (2) years, whichever period of time is shorter.
 - b. Unless there is substantial and positive development action under a conditional use permit within a period of one year of its issuance, said permit shall expire. The planning commission and governing body may grant a maximum extension for one year, when deemed in the public interest.
2. The planning commission and/or governing body may require the applicant to pay a performance and completion bond for one hundred fifteen percent (115%) of the cost of

construction. The planning commission and governing body may also require a performance bond for one hundred fifteen percent (115%) of the cost of rehabilitation to ensure that proper rehabilitation is made over a three (3) year period. The rehabilitation requirements will be determined by the county engineer.

3. Specific short and long range plans of development may be required to demonstrate timeliness, feasibility and impact on the public.
4. The applicant may be required to demonstrate that the general and specific requirements of this title are met. In addressing these requirements, the applicant and the planning commission shall give due regard to the nature and condition of adjacent uses and structures. The environmental and other concerns, including, but not limited to, visual and auditory aesthetics, erosion control, energy conservation concerns and water and air pollution listed in this section under performance standards for conditional uses apply.
5. In connection with and as a condition of approval of any application for a conditional use, the applicant shall sign such agreements in form and content approved by the county attorney, planning commission and governing body embodying any of the standards or requirements set forth herein or otherwise established by the planning commission and/or governing body.

F. Energy Conservation Concerns:

1. Solar orientation of buildings and uses.
2. Use of renewable energy sources.
3. Efficiency of exterior lighting.
4. Shading and protection of important buildings and pavings (parking lots, etc.), landscaping and trees, location of buildings and screens.
5. Effective use of vestibules.
6. Wind screening.
7. Circulation (travel) efficiency.
8. Efficiency of stormwater removal and erosion control.
9. Maintenance efficiency for offsite improvements to be maintained by the public.
10. Maintenance efficiency for on site improvements to be maintained by users, occupants and owners, etc.

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.

Staff Comment

Item G above was recommended to be modified by Mr. Bateman when he spoke to us. Additionally, many of the guidelines above are vague and could be construed in a number of different ways. Effort should be made to provide specific and clear guidance in these standards, eliminating words like "may" or other terms that are ambiguous.

The following are "General Standards" and note specific submittal requirements for those seeking Conditional Use permits (**Section 8-8-5**):

When applicable, the following general standards shall apply to all conditional use developments within the county, unless waived for good and sufficient reasons by the planning commission:

A. Ownership: The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.

B. Landscaping, Fencing And Screening: Landscaping, fencing and screening within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the planning commission for approval, together with other required plans for the development.

C. Signs And Lighting: The size, location, design and nature of signs, if any, and the intensity and direction of area lighting or floodlighting shall be detailed in the application.

D. Grading And Drainage Plan: A grading and drainage plan shall be submitted to the planning commission with the application.

E. Planting Plan: A planting plan showing the proposed tree, shrubbery and lawn plantings shall be prepared for the entire site to be developed, including especially the yards which abut upon public streets.

F. Use Not Detrimental: It shall be shown that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety or general welfare of persons residing in the vicinity of the conditional use development.

G. Water And Sewer System: All buildings used for human occupancy when completed shall be served by a central water system and appropriate sewage disposal system which have been approved by the building official and which are in compliance with applicable local and state law.

H. Bond: In order to ensure that the development will be constructed to completion in accordance with approved plans, the planning commission shall require the developer to render a payment, or post a performance and/or completion bond, mortgage, or other valuable assurance acceptable to the governing body, in an amount equal to the estimated cost as determined by the county engineer, plus fifteen percent (15%) of constructing the proposed project, including, without limitation, all required landscaping, road improvements, pedestrianways, bike paths, curbs and gutters, utility lines, conduits, street lighting, hard surfacing, culinary water and sewer lines (and domestic sewage disposal facilities if sewer is not available), as shown on the final site plan. The planning commission and/or governing body shall also require the developer to post an adequate bond to ensure proper rehabilitation as the circumstances warrant. The planning commission and/or governing body may also require of the developer an additional bond to ensure against any damage to any property, buildings, improvements, structures, water wells, springs and water aquifers which may be adversely affected by the proposed project in such amounts as the planning commission and/or governing body determine is appropriate under the proposed project. Any such bond shall be in favor of the county and each affected third party private property owner. Estimates of cost shall be furnished by the developer which will be checked for accuracy by the planning commission staff. Final determination of the amount of each required bond or other assurance shall be made by the governing body.

1. The duration of the bond or other assurance shall be for one or more years from the date of approval of the development by the governing body and an extension of time for completion may be granted by the governing body upon application by the developers, provided such application is submitted at least sixty (60) days prior to the expiration of

the bond or other assurance, and provided the issuer of the bond is willing to extend the time of the assurance.

2. In the event the developer defaults or fails or neglects to satisfactorily install the required improvements within one year from the date of approval of the development by the governing body, or to pay all liens in connection therewith, the governing body may declare the bond or other assurance forfeited and the county may install or cause the required improvements to be installed using the proceeds from the collection of the bond or other assurance to defray the expense thereof.
3. The developer shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than ten (10) days prior to the release date of the bond or other assurance, the county engineer shall make a preliminary inspection of the improvements to be made and submit a report to the governing body setting forth the conditions of such facilities. If all liens are paid and other conditions thereof are found to be satisfactory, the governing body shall release the bond or other assurance. If the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability, or if any outstanding liens are not paid, the governing body may declare the developer in default.

I. Fees And Costs Paid By Applicant: In connection with any application for a conditional use, the applicant shall pay to the county, within ten (10) days of receipt of each invoice, all of the county's out of pocket engineering and professional fees and costs incurred in connection with the independent professional review, inspection, testing and/or analysis of the proposed development or project, and the project during construction and upon completion of the same, including, without limitation, all plan and report review and inspections, and supervising and reviewing any required environmental assessment or environmental impact statement.

J. Environment: Grouping and spacing of buildings and dwellings in residential areas shall provide for a restful and uncrowded environment. Landscaped areas shall be encouraged as the dominant features of the development. Areas not covered by buildings or by off street parking space or driveways shall generally be planted into natural vegetation, lawn, trees and shrubs, and otherwise landscaped and maintained in accordance with good landscape practice as approved on the final plan. Permanent automatic irrigation systems shall be installed when required by the planning commission to provide for maintenance of planted areas.

K. Plans, Plats And Documents: Details of plans, plats and documents to be submitted showing the size of water lines, sewer lines and other domestic sewage disposal facilities, garbage and trash disposal, the quality of material and improvements, protection from adverse influences, lighting, landscaping, off street parking, grading and other details of design and construction shall conform to standards as set forth in such resolutions pertaining to such standards as may be adopted by the planning commission.

L. Standards And Requirements: The development shall meet all standards and requirements of this title and all requirements of applicable ordinances.

M. Character Of District: The development shall be in keeping with the general character of the district within which it is to be located.

N. Plan Preparation: Depending upon the complexity of the project, the planning commission may require that plans for the development be prepared by a qualified professional team. In all cases, it is recommended that professional design and other assistance be obtained early in the

program. It is the intent of the county that the developer solve his/her problems before approval is given and construction begins.

O. Storm Drainage Facilities: Storm drainage facilities shall be so constructed as to protect residents of the development as well as adjacent property owners. Such facilities shall be of sufficient capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the development.

P. Permits Required: All structures required by this title to have building permits and all uses required to have use permits shall be inspected by the building official in accordance with procedures established by the building code, as adopted by the county and this title; provided, however, that no building permit for such structures or use permits shall be issued until the planning commission, or the zoning administrator if authorized by the planning commission and governing body, has issued a conditional use permit for the building site or use or have determined that a conditional use permit is not required by this title.

Specific Use Standards

The following apply to the specific uses noted (**Sections 8-8-6 through 8-8-8**):

8-8-6: MOBILE HOME PARKS, MOBILE HOME SUBDIVISIONS AND RECREATIONAL VEHICLE PARKS:

A. Purpose And Intent: The purpose and intent of this section is:

1. Variety, Flexibility: To permit variety and flexibility in land development for residential purposes by allowing the use of mobile homes and recreational vehicles under certain conditions.
2. Promotion, Protection: To require that mobile home and recreational vehicle developments will be of such character as to promote the objectives and purposes of this title; to protect the integrity and characteristics of the district contiguous to those in which mobile home parks are located; and to protect other land use values contiguous to or near mobile home or recreational vehicle developments.

B. Location:

1. Park, Subdivision; Exception: No mobile home shall be located anywhere within the corporate boundaries of the county, except in a licensed mobile home park or approved mobile home subdivision, or as temporary living quarters by conditional use permit. Emergency or temporary parking of any unoccupied mobile home outside a licensed mobile home park or mobile home subdivision will be permitted for a period not exceeding twenty four (24) hours. This limitation does not apply to unoccupied mobile homes in licensed mobile home sales areas.
2. Recreational Coaches: Recreational coaches which do not include facilities necessary to be "mobile homes", as defined in section 8-2-1 of this title, shall not be used at any place within the established boundaries of the county, at any time, for living quarters, except in designated camping areas or recreational coach parks.
3. Unoccupied Recreational Coaches: Recreational coaches which are unoccupied for living space may be temporarily stored on a private residential lot or larger parcel of land, provided they do not violate any required setbacks for front or side yards. Long term

storage of recreational coaches, maintenance operations, reconstruction or construction activities are permitted within enclosures only and in zoning districts allowing such uses.

C. Standards And Requirements:

1. Review For Compliance: The planning commission shall review the proposed development plan to determine its compliance with all portions of the county general plan and, among other things, shall attempt to make sure that such development will constitute a residential environment of sustained desirability and stability, and that it will not adversely affect amenities in the surrounding area. Standards higher than the minimum standards contained in this title may be required if necessary for local conditions of health, safety and protection of property, and to ensure that the development will mix harmoniously with contiguous and nearby existing and planned uses.
2. Required Facilities: The planning commission shall not approve any application for a mobile home park, recreational vehicle park or mobile home subdivision conditional use permit if the developer cannot provide required water supplies and facilities, waste disposal systems, storm drainage facilities, access or improvements, or if the developer cannot assure that the development will be completed within twelve (12) months, or if the planning commission or governing body determines there would be unusual danger of flood, fire or other hazard, or if the proposed development would be of such character or in such a location that it would:
 - a. Create excessive costs for public services and facilities;
 - b. Endanger the health or safety of the public;
 - c. Unreasonably hurt or destroy the environment;
 - d. Cause excessive air or water pollution, or soil erosion; or
 - e. Be inconsistent with any adopted general or specific plan of the area in which it is to be placed.
3. Specified Standards And Requirements: The development shall conform to the following standards and requirements:
 - a. The area shall be in one ownership, or if in several, the application for approval of the development shall be filed jointly by all owners of the property included in the plan;
 - b. A strip of land at least fifteen feet (15') wide surrounding the entire park shall be left unoccupied by mobile homes, recreational vehicles, storage buildings, service buildings, garages or any add ons, and shall be planted and maintained in lawn, shrubs, trees, with an approved durable permanent wall or fence designed to afford privacy to the development;
 - c. All storage and solid waste receptacles outside the confines of any mobile home or recreational vehicle shall be housed in a closed structure compatible in design and construction to the mobile homes, and to any service buildings within the development; all patios, carports, garages and other add ons shall be compatible in design and construction with the mobile home. The service buildings shall be constructed in accordance with standard commercial practice and kept in good repair as determined by the zoning administrator. In mobile home developments where units will be situated with long axis perpendicular to the street, streets will run in a north-south direction to the greatest extent possible. This is to promote solar orientation of the units;
 - d. In addition to meeting the above requirements and conditions, and conforming to the other laws of the county, all mobile home parks, recreational vehicle parks and mobile home subdivisions shall also conform to all applicable state regulations. In

- the event of any conflict between said regulations and this chapter, this chapter shall take precedence where its regulations are more strict, and the provisions of the state regulations shall take precedence where such regulations are more strict.
4. **Underground Utilities:** Every mobile home park, recreational vehicle park and mobile home subdivision shall provide underground utility service to every mobile home stand or lot as required by the planning commission, including, but not limited to, water, sewer, power, natural gas, telephone and TV.
 5. **Inspection And Special Regulation Of Mobile Homes:** Mobile homes are considered by the county to be less durable and less resistant to deterioration than are conventional homes; therefore, all mobile homes which are used for human habitation, whether conforming or nonconforming, and whether located in mobile home parks, in mobile home subdivisions or on bona fide farms or ranches, shall be subject to the following special regulations:
 - a. Permits are required for mobile home plumbing and electrical hookups, and such hookups shall be made only by licensed plumbers and electricians;
 - b. No mobile home may be placed on a permanent foundation without state approved modification;
 - c. A certificate of compliance is required for all mobile homes within the county, whether occupied or awaiting occupancy, and may be obtained from the building official following an inspection wherein the mobile home is found to meet the safety, sanitary and structural standards adopted by the county. The state inspection certificate will be honored in lieu of a certificate of compliance;
 - d. Each mobile home may be inspected annually, or upon evidence of need, by the building official, to determine whether the structure is sound and being kept in a safe and sanitary condition for human habitation. During the inspection, the local building official may revoke the certificate of compliance or certificate in lieu thereof for cause, including, but not limited to, violation of the fire or sanitary codes adopted by the county, substantial deterioration of structure so as to adversely affect the health or safety of the occupants, or deterioration in appearance so as to be unsightly and to adversely affect the value of neighboring properties;
 - e. Upon the revocation of a certificate of compliance or certificate in lieu thereof, or a finding of noncompliance, the building official shall order the deficiencies corrected and a certificate of compliance obtained within thirty (30) days;
 - f. If such deficiencies are not corrected, or cannot be corrected, the mobile home shall be ordered vacated and removed from the premises upon which located, and shall not thereafter be used for human habitation within the county unless all deficiencies are corrected and a certificate of compliance obtained.
 6. **Compliance With Other Regulations:** Any mobile home or recreational vehicle located in any permitted area shall comply with and conform to all other zoning laws, rules and regulations, and building, plumbing, electrical, fire prevention, and all other codes and requirements applicable to a structure or building erected within the district in which said mobile home or recreational vehicle is located.
 7. **Guarantees:**
 - a. For mobile home parks and recreational vehicle parks, adequate and reasonable guarantees must be provided as determined by the planning commission and governing body for permanent retention of open spaces and for the maintenance of roadways, storage facilities, service facilities, and landscaping resulting from the application of these regulations. Guarantees shall be in the form of a bond, or a cash deposit, in the sum to be determined by the planning commission, which form must be approved by the governing body and the county attorney. The basis for providing

- assurance of compliance will be a management plan developed by the applicant and approved by the planning commission and governing body that will outline standards of operation, remedies for failure to comply with those standards and a single responsible person or entity for its administration and dealing with the county.
- b. In any case, when a mobile home park or recreational vehicle park is owned by more than one person, the developer shall establish and appoint a park manager. The manager shall be authorized to receive, process and represent fully the interests of the owners in respect to continuing management and maintenance of the park.
 - c. Prerequisite to the operation of any mobile home park or recreational vehicle park in the county shall be the obtaining of an annual business license from the county.
 - d. In the event a mobile home or recreational vehicle park is not completed according to approved plans, or operated and maintained according to the approved management plan, the annual business license may be denied or revoked. The mobile homes or recreational vehicles and associated property and facilities shall be removed, and all services discontinued before any part of the land within the development planning area may be used for any other purpose, or be subdivided.
 - e. The premises on which any mobile home is located, used or occupied shall be maintained in a clean, orderly and sanitary condition. The accumulation of any rubbish, waste, weeds, inoperative vehicles, or other unsightly material thereon, shall constitute a public nuisance and a violation of this title. Reasonable guarantees to assure compliance with this requirement will be required of the developer and/or owner as a condition of conditional use permit approval and ultimately the issuance of the annual county business license.

D. Additional Requirements For Mobile Home Parks: In addition to the requirements for mobile home parks outlined in this section, mobile home parks shall meet the following requirements:

1. Number; Density: The number of mobile homes shall be limited to seven (7) units per acre and may be limited to fewer units, depending on mobile home size, topography and other factors of the particular site. The mobile homes may be clustered; provided, that the total number of units does not exceed the number permitted on one acre, multiplied by the number of acres in the development. The remaining land not contained in individual lots, roads or parking shall be set aside and developed as parks, playgrounds and service areas for the common use and enjoyment of occupants of the development, and the visitors thereto.
2. Setbacks: No home or add on shall be located closer than ten feet (10') from the nearest portion of any other home or add on. All such homes and add ons shall be set back at least ten feet (10') from road curbs or walks. If the mobile home tongue remains attached, it shall be set back a minimum of six feet (6') from road curbs or walks. All mobile homes, storage buildings, service buildings, garages, carports, or other add ons, etc., shall be set back at least fifteen feet (15') from any boundary of the mobile home park.
3. Parking: Off street parking shall be provided at the rate of two (2) parking spaces per mobile home space, and each such parking space shall have a minimum width of ten feet (10') and minimum depth of twenty feet (20'). In no case shall the parking space be located farther than one hundred feet (100') from the mobile home space it is designed to serve.
4. Security Compound: A security compound for storage of vehicles, boats and other large items shall be provided equivalent to a minimum of three hundred (300) square feet of paved area per mobile home space, as approved by the planning commission.

5. Bulk Storage Area: One-story bulk storage areas shall be provided within a mobile home park, equivalent to sixty (60) square feet per mobile home space. The area designated for said bulk storage shall be improved, landscaped and screened as approved by the planning commission.
6. Common Area: Not less than ten percent (10%) of the gross land area shall be set aside for the joint use and enjoyment of occupants in a parklike setting with both active and passive recreational accommodations. The land covered by vehicular roadways, sidewalks, off street parking, and required setbacks shall not be construed as part of this ten percent (10%) common area required; provided, however, that in initial stages of development or special smaller developments, the minimum area shall be not less than one-half (1/2) acre or ten percent (10%), whichever is greater.
7. Lighting: Yard lighting with a minimum of 0.2 foot-candles of light shall be required for protective yard lighting the full length of all driveways and walkways.
8. Landscaping: All areas not covered by mobile homes or recreational vehicles, hard surfacing or buildings shall be landscaped as approved by the planning commission, and such landscaping shall be permanently maintained.
9. Surfacing Of Driveways And Parking Spaces: All off street parking spaces and driveways shall be hard surfaced before the adjacent spaces may be occupied.
10. Roadways: The roadways shall be designed to accommodate anticipated traffic, including the following standards, unless modified by an approved planned unit development plan:
 - a. One-Way Traffic: A minimum of fifteen feet (15') in width plus extra width as necessary for maneuvering mobile homes.
 - b. Two-Way Traffic: A minimum of thirty feet (30') in width.
 - c. Entrance Roadways: A minimum of thirty six feet (36') in width.
 - d. Roadways: All roadways shall be hard surfaced and bordered by twenty four inch (24") rolled gutters or an approved equivalent.
 - e. Sidewalks: Thirty six inch (36") minimum width sidewalks shall be installed on all main roadways within the development, if required by the planning commission.
 - f. Access: Each park shall have at least two (2) accesses to public streets, unless more than one access is prohibited by a responsible public agency.
11. Skirting: Within forty five (45) days of occupancy, each mobile home shall be skirted, or if shields are used, they are to be fireproof, well painted or otherwise preserved.
12. Storm Drainage: Storm drainage facilities shall be so constructed as to protect residents of the development as well as adjacent property owners. Such facilities must be of sufficient capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the development.
13. General Appearance: The mobile home park shall:
 - a. Be in keeping with the general character of the district in which it is to be located.
 - b. Be located on a parcel of land not less than ten (10) acres, or on two (2) or more parcels separated by a street or alley only and totaling ten (10) acres, unless modified by an approved planned unit development plan.
 - c. Have at least twenty five (25) spaces completed, ready for occupancy, or an approved financing plan for construction and phase completion, together with approved security to assure compliance, before first occupancy is permitted.
14. Laundry: A laundry for convenience of park occupants, but not for the general public, may be included in mobile home parks.
15. Term Of Rental: No mobile home space shall be rented for a period of less than thirty (30) days, and occupancy shall be by written lease. Leases shall be made available for inspection by the officials of the county upon demand.

16. Mobile Home Stands: Access shall be provided to each mobile home stand for maneuvering mobile homes into position. The accessway shall be kept free from trees and other immovable obstructions. Paving under mobile homes will not be required if adequate support is provided as required by state regulations. Use of planks, steel mats or other means to support the mobile home during placement shall be allowed, so long as the same are removed upon completion of placement.

E. Additional Requirements For Recreational Vehicle Parks: In addition to the requirements for recreational vehicle parks outlined in this section, recreational vehicle parks shall meet the following requirements:

1. Location: Recreational vehicle parks shall generally be located:
 - a. Adjacent to or in close proximity to a major traffic artery or highway.
 - b. Near adequate shopping facilities.
 - c. Within or adjacent to a mobile home park.
2. Common Area: Not less than ten percent (10%) of the gross land area shall be set aside for the joint use or enjoyment of occupants. The land covered by vehicular roadways, sidewalks, and off street parking shall not be construed as part of the ten percent (10%) common area required for parks and playgrounds for occupants; provided, however, that in initial stages of development or in special smaller developments the minimum area shall not be less than one-half (1/2) acre or ten percent (10%), whichever is greater.
3. Lighting: Yard lighting with a minimum of 0.2 foot-candles of light shall be required for protective yard lighting the full length of all driveways and walkways.
4. Landscaping: All areas not covered by recreational vehicles, hard surfacing or buildings shall be landscaped and permanently maintained pursuant to a plan approved by the planning commission.
5. Surfacing Of Driveways And Parking Areas: All off street parking spaces and driveways shall be hard surfaced before the adjacent recreational vehicle spaces may be occupied.
6. Roadways: The roadways shall be designed to accommodate anticipated traffic, including the following standards, unless modified by an approved planned unit development plan:
 - a. One-Way Traffic: A minimum of fifteen feet (15') in width, plus extra width as necessary for maneuvering recreational vehicles.
 - b. Two-Way Traffic: A minimum of thirty feet (30') in width.
 - c. Entrance Roadways: Minimum of thirty six feet (36') in width.
 - d. Roadways: All roadways shall be hard surfaced and bordered by twenty four inch (24") rolled gutters or an approved equivalent.
 - e. Sidewalks: Thirty six inch (36") minimum width sidewalks shall be installed on all main roadways within the development, if required by the planning commission.
 - f. Access: Each recreational vehicle park shall have at least two (2) accesses to public streets, unless more than one is prohibited by a responsible public agency.
7. Term Of Rental: No individual space in a recreational vehicle park shall be used by one individual recreational vehicle for more than ninety (90) days consecutively, nor shall such space be rented or leased to any one individual for a period longer than ninety (90) days in any one calendar year.
8. Storage Areas: Recreational vehicles may be stored where permitted, but not used for permanent living quarters.
9. Sales Lots: Recreational vehicles may be stored, displayed, sold and serviced, but not used for living quarters, in a sales lot in an appropriate zoning district when such use is a permitted or a conditional use.

10. Within Mobile Home Parks: Recreational vehicles may be accommodated in an approved and licensed mobile home park; provided, that:
 - a. The recreational vehicle park portion of the development is separated by barriers, screens or otherwise from the area of mobile homes.
 - b. The recreational vehicle use area shall have direct access to a collector or arterial street.
 - c. Separate ingress and egress shall be provided for recreational vehicles when required by the planning commission.
11. Location Of Developments: Recreational vehicle parks may be approved by the governing body in locations permitting such use in this title. Before such approval is given, a report to the governing body by the planning commission shall find that the proposed development will:
 - a. Be placed on a parcel of land of not less than five (5) acres, or within a mobile home park, unless modified by a planned unit development plan.
 - b. Before first occupancy, have at least twenty five (25) spaces completed (10 if in a mobile home park), or an approved schedule of financing, construction and phase completion, and approved security, to assure compliance.

F. Additional Requirements For Mobile Home Subdivisions: In addition to the requirements for mobile home subdivisions outlined in this section, mobile home subdivisions shall meet the following requirements:

1. Locations: Mobile home subdivisions may be approved by the governing body in locations permitting such use in this code. Before such approval may be granted, a report to the governing body by the planning commission shall find that the proposed development will:
 - a. Be located on a parcel of land containing not less than five (5) acres.
 - b. Contain lots with a minimum net area of five thousand (5,000) square feet and a minimum width of fifty feet (50').
 - c. Be organized in a homeowners' association, if required by the planning commission.
2. Security Compound: The planning commission may require a security compound for the storage of vehicles, boats and other large items, to be provided equivalent to a minimum of three hundred (300) square feet of paved area per mobile home lot, to be maintained by a homeowners' association in the mobile home subdivision.
3. Skirting: Each mobile home shall be skirted or shielded within forty five (45) days of occupancy. If shields are used, they are to be fireproof and painted, or otherwise preserved.
4. Street Width: Street widths shall be as required by the development regulations, except as may be modified by an approved planned unit development plan.
5. Term Of Rental: No mobile home in a mobile home subdivision shall be rented or leased for a period of less than ninety (90) days.

8-8-7: LANDFILLS AND LAND EXCAVATIONS:

A. Purpose And Intent: This section is adopted to promote public safety and the general public welfare; to protect property against loss from erosion, earth movement and flooding; to maintain a superior community environment; to provide for the continued orderly growth of the county; and to ensure the maximum preservation of the natural scenic character of major portions of the county by establishing minimum standards and requirements relating to land grading, excavations and fills, and procedures by which these standards and requirements may

be enforced. It is intended that this section be administered with the foregoing purposes in mind and specifically in an attempt to:

1. Ensure that the development of each site occurs in a manner harmonious with adjacent lands so as to minimize problems of drainage, erosion, earth movement and similar hazards.
2. Ensure the public lands and places, watercourses, streets and all other lands in the county are protected from erosion, earth movement or drainage hazards.
3. Ensure that the planning, design and construction of all development will be done in a manner which provides maximum safety and human enjoyment and except where specifically intended otherwise, makes such construction as unobtrusive in the natural terrain as possible.
4. Ensure, insofar as practicable, the maximum retention of natural vegetation to aid in protection against erosion, earth movement and other hazards, and to aid in preservation of the natural scenic qualities of the county.

B. Permit Required; Exceptions:

1. No person shall commence or perform any grading or excavation, including those in gravel pits and rock quarries, in excess of the limits specified below without first obtaining a conditional use permit for such grading or excavation.
2. In this section, all references to conditional use permit shall mean a conditional use permit for grading or excavation. (See also the building code.)
3. A conditional use permit shall be required in all cases where development comes under any one or more of the following provisions, unless such work is otherwise exempted elsewhere in this chapter:
 - a. Excavation, fill or any combination thereof exceeding one thousand (1,000) cubic yards.
 - b. Fill exceeding five feet (5') in vertical depth at its deepest point measured from the adjacent undisturbed ground surface.
 - c. An excavation exceeding five feet (5') in vertical depth at its deepest point.
 - d. An excavation, fill or combination thereof exceeding an area of one acre.
 - e. Vegetation removal from an area in excess of one acre.
4. A conditional use permit shall not be required in the following cases:
 - a. Excavations below finished grade for which a building permit is required and has been issued by the county, including, but not limited to, the following:
 - (1) Septic tanks and drainfields;
 - (2) Tanks;
 - (3) Vaults;
 - (4) Tunnels;
 - (5) Equipment basements;
 - (6) Swimming pools;
 - (7) Cellars; or
 - (8) Footings for buildings or structures.
 - b. Excavation or removal of vegetation within property owned by public utility companies or within public utility easements by public utility companies.
 - c. Removal of vegetation as a part of the work authorized by an approved building permit.
 - d. Tilling of soil or cutting of vegetation for agricultural or fire protection purposes.
 - e. Commercial quarries operating with valid conditional use permits and/or in appropriate industrial zones as provided for in this title.

- f. Engineered interior fills or surcharge on the property with respect to industrial development.
- g. Items not covered by this chapter which are exempted from required permits by this title and the building code of the county.
- h. Grading and/or excavation done pursuant to an approved final subdivision plan.

C. Responsibility: Failure of the county officials to observe or recognize hazardous or unsightly conditions, or to recommend denial of the conditional use permit, or of the planning commission to deny said permit, shall not relieve the permittee from responsibility for the condition or damages resulting therefrom.

D. Retention Of Plans: Plans, specifications and reports for all excavation conditional use permit applications submitted to the county for approval shall be retained by the county for a minimum period of two (2) years.

E. Inspections:

1. The zoning administrator and building official, with assistance from the county engineer, shall make the inspections hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the same fails to comply with this section. Where it is found by inspection that conditions are not substantially as stated or shown in the conditional use permit application, the inspector may stop further work until and unless approval is obtained for a revised grading plan conforming to the existing conditions.
2. Plans for grading work, bearing the stamp of approval of the planning commission, shall be maintained at the site during the progress of the grading. Until the final inspection is made, a card issued by the county indicating permission to grade has been granted shall be prominently displayed near the front property line of the property involved so as to be visible from the street on which the property fronts.
3. In order to obtain inspections, the permittee shall notify the county at least twenty four (24) hours before said inspection is to be made.
4. Inspections shall be made:
 - a. Before commencement of grading operations and after required construction stakes have been set; and
 - b. When all rough grading has been completed; and
 - c. When all work, including installation of all drainage and other structures and required planting has been completed.

F. Standards And Specific Requirements:

1. Applicability: All grading and excavation shall comply with the requirements set forth in this chapter in addition to other requirements of this title.
2. Hours And Days Of Operation:
 - a. All grading and excavation in or contiguous to residential neighborhoods shall be carried on between the hours of seven o'clock (7:00) A.M. to five thirty o'clock (5:30) P.M. The zoning administrator may waive this requirement if it is shown that restricting the hours of operation would unduly interfere with the development of the property and it is shown that other properties or neighborhood values would not be adversely affected.
 - b. All grading and excavation in or contiguous to residential neighborhoods shall be carried on only Monday through Friday during the week.

3. Dust And Dirt Control: All graded or disturbed surfaces of excavations, and all equipment materials and roadways on the site shall be dampened or suitably treated, managed or contained to prevent the deposit of debris, dust or dirt on neighboring streets and properties; all materials transported to or from the site shall be so contained during transportation as to prevent spillage on streets or other property outside of the site.
4. Slopes: The zoning administrator may require the percent of slope of a cut or fill to be reduced if it is found that the cut or fill is subject to unusual or excessive erosion, or if other conditions make such requirements necessary for stability. The zoning administrator may permit steeper slopes where the material being cut is unusually stable.
5. Fill Material: All fill, except in publicly approved refuse disposal or other landfill operations, shall be earth, rock or other inert materials free from organic material and free of metal, and except that topsoil spread on cut and fill surfaces may incorporate humus for desirable moisture retention and plant growth properties.
6. Drainage: Adequate provisions shall be made to prevent any surface waters from damaging the cut face of an excavation or any portion of a fill. All drainageways and structures shall carry surface waters without producing erosion to the nearest practical street, storm drain or natural watercourse acceptable to the county engineer as a safe place to deposit and receive such waters. The county engineer may require such drainage structures to be constructed or installed as necessary to prevent erosion damage or to prevent saturation of the fill or material behind cut slopes.
7. Finished Cuts And Slopes: The exposed or finished cuts or slopes of any fill or excavation shall be smoothly graded. All exposed slopes of any cut or fill shall be protected by approved planting, crib walls or walls and planting, terracing, or combination thereof.
8. Backfilling: Any pipe trench or other trenching or excavation made in any slope of any excavation or filled site shall be backfilled and compacted to the level of the surrounding grade.
9. Compaction Of Fills: Unless otherwise directed by the zoning administrator, all fills governed by this title intended to support buildings, structures, or where otherwise required to be compacted for stability, shall be compacted, inspected and tested in accordance with the following provisions:
 - a. The natural ground surface shall be prepared by removal of topsoil and vegetation and, if necessary, shall be graded to a series of terraces.
 - b. The fill shall be spread in a series of layers, each not exceeding six inches (6") in thickness, and shall be compacted by "sheepsfoot" roller compactor (after each layer is spread) or other method acceptable to the county engineer.
 - c. The moisture content of the fill material shall be controlled at the time of spreading and compaction to obtain required maximum density.
 - d. The fill material after compaction shall have an average dry density of not less than ninety five percent (95%) of maximum dry density and a minimum of ninety percent (90%) in all portions of the fill requiring compaction as determined by the AASHTO soil compaction test method T99-57 or T180-57, or other testing method acceptable to the county engineer and zoning administrator.
 - e. A written report of the compaction, showing location and depth of test holes, materials used, moisture conditions, recommended soil bearing pressures, and relative density obtained from all tests, prepared by a civil engineer or soils engineer licensed by the state, shall be submitted to the zoning administrator or county engineer.

- f. The zoning administrator may require additional tests or information if, in his opinion, the conditions or materials are such that additional information is necessary, and may modify or delete any of the above listed requirements that in his opinion are unnecessary to further the purpose of this title.
10. Erosion Control And Landscaping: All cut and fill surfaces created by grading, except for firebreak purposes, shall be planted with a ground cover that is compatible with the natural ground covers in the county. Topsoil is to be stockpiled during rough grading and used on cut and fill slopes. When slopes too steep to support continuous ground cover have been permitted and in lieu thereof niches and ledges provided for planting, such slopes need not be planted with a continuous ground cover, but may instead be screened with vines and plantings. Cuts and fills along public roads may be required to be landscaped so as to blend into the natural surroundings. All plant materials must be approved by the planning commission prior to issuance of a conditional use permit.
11. Filling For Agricultural And Fire Protection Purposes: Filling of the ground for agricultural or fire protection purposes shall be accomplished with such practices as will prevent erosion and damage to natural drainage channels.
12. Final Inspection:
 - a. If upon final inspection of any grading it is found that the work authorized by the conditional use permit has been satisfactorily completed in accordance with the requirements of this title, and any other requirements imposed, the zoning administrator shall so record in the record.
 - b. The zoning administrator shall have the power to revoke any conditional use permit whenever it is found that the work covered by the certificate has been materially extended or altered without prior approval, or that any planting, retaining walls, cribbing, drainage structures or other protective devices as shown on the approved plans and specifications submitted with the application for a permit have not been maintained in good order and repair.
 - c. Before such revocation, the zoning administrator shall first give written notice to the owner of the property involved, specifying the defective condition and stating that unless such defective condition is remedied satisfactorily, the conditional use permit may be revoked. If the defective condition is remedied to the satisfaction of the zoning administrator, the certificate shall not be revoked.
13. Special Precautions: Special precautions shall be taken to preserve life, property values, stable soils conditions and aesthetics, including, but not limited to, the following:
 - a. Requiring a more level exposed slope, construction of additional drainage facilities, berms, terracing, compaction, or cribbing, installation of plant materials for erosion control, and reports of a registered soils engineer and/or engineering geologist whose recommendation may be made a requirement for further work. Such requirement by the zoning administrator shall constitute a change order in the work.
 - b. Where it appears that storm damage may result from work performed hereunder, such work may be stopped and the permittee required to take such measures as may be necessary to protect adjoining property or the public safety. On large operations or where unusual site conditions prevail, the zoning administrator may specify the time at which grading may proceed and the time of completion, or may require that the operation be conducted in specific stages so as to ensure completion of protective measures or devices prior to the advent of seasonal rains.
14. Excavations: All excavations shall be limited as follows:
 - a. No cut slope shall exceed a vertical height of one hundred feet (100') unless horizontal benches with a minimum width of thirty feet (30') are installed at each

- one hundred feet (100') of vertical height. No excavation shall be made with a cut face steeper in slope than two horizontal to one vertical (2:1).
- b. The land use authority may permit the excavation to be made with a cut face steeper in slope than two horizontal to one vertical (2:1) if the applicant can reasonably show that the material making up the slope of the excavation and the underlying bedrock is capable of holding satisfactorily on a steeper gradient. No slopes shall be cut steeper than the bedding planes, fault or joint in any formation where the cut slope will lie on the dip side of the strike line of the fracture, bedding plane, fault or joint. No slopes shall be cut in an existing landslide, mudflow, or other form of naturally unstable slope, except as recommended by a qualified geological engineer after conducting a site specific geologic hazards study. Geologic hazards studies shall meet the minimum requirements of section 8-5I-11 of this title. Where the excavation is exposed straight above the top of the cut which will permit the entry of water along bedding planes, this area shall be sealed with a compacted soil blanket having a minimum thickness of two feet (2'). The soil for this blanket shall be relatively impervious and must be approved for such use by the engineering geologist. If the material of the slope is of such composition and character as to be unstable under the anticipated maximum moisture content, the slope angle shall be reduced to a stable value.
 - c. No excavation for construction of new utility and telephone lines shall be made in paved streets within five (5) years after paving. During said five (5) year period, tunneling under such streets may be authorized if otherwise in compliance with this section, where to do so would facilitate construction of new utility and telephone lines, or maintenance unless approved by the county engineer.
15. Fills:
- a. All fills shall be limited as follows:
 - (1) No fill slope shall exceed a vertical height of one hundred feet (100'), unless horizontal benches with a minimum width of thirty feet (30') are installed at each one hundred feet (100') of vertical height.
 - b. The land use authority may permit a fill to be made which creates an exposed surface steeper in slope than two horizontal to one vertical (2:1) if the applicant can reasonably show that the strength characteristics of the material to be used in the fill are such as to produce an equivalent degree of slope stability and sufficient strength characteristics to support the fill within reasonable settlement values so as to produce an equivalent degree of safety.
16. Prohibited Activities:
- a. The provisions of this section shall not be construed as permitting the removal of topsoil solely for resale, or of permitting quarrying of any site within the limits of the county, unless in a zoning district allowing such activities.
 - b. This section shall also not be construed as authorizing any person to maintain a private or public nuisance upon his or her property, and compliance with the provisions of this section shall not be a defense in any action to abate such nuisance.

8-8-8: RESTRICTED LOTS:

No building permits shall be issued for construction of any building or structure to be located on a restricted lot or parcel, unless the permit complies with all of the requirements pertaining to the specific restrictions in place on the lot or parcel and the county's subdivision regulations.

Staff Comment

As can be seen, there is some discretion that can be applied both in general and to specific uses in an effort to mitigate the potential negative impacts on surrounding uses. If there are things that apply to all conditional uses, they should belong to the "Performance Standards" or "General Standards" sections of the Code. Otherwise, specific uses that require particular oversight, regulation, or standards should be addressed in specific. Care should be taken to ensure that the conditions are reasonable, not arbitrary or capricious (meaning that they apply to certain types in an almost exclusionary or punitive fashion, and should be based in some sort of real, measurable, and/or specifically definable concern), and allow for creativity both in application of the regulations as well as the various potential uses anticipated. In truth, the Code cannot anticipate every potential use – even with almost 20,000 uses in the NAICS. Some flexibility in applying those reasonable conditions should be worked into the Code – again, not with the intent to overly regulate, but with the intent to allow for appropriate uses with reasonable conditions to mitigate impacts on adjacent property/development.

M E M O R A N D U M

TO: Planning Commission
FROM: Bill Cobabe
DATE: March 10, 2015
SUBJECT: Land Use Ordinance Text Amendment – Use Table

Background and Discussion

The Planning Commission has directed Staff to prepare a text amendment which would remove “Crematoriums” from the Use Table (Section 8-5C-3). There are a couple of ways this could be accomplished:

1. Change the use table to allow for the currently specified “81222 – Cemeteries and Crematoriums” *only in certain zoning districts*. For example, the table currently reads:

Use	District				
	NC	GC	BP	LM	I
81222 - Cemeteries and Crematoriums		C3	C3	P	

And could be modified to remove the districts in which it is permitted or a conditional use.

2. We could *expand the specified uses* in the subcategory and assign each use to a particular zoning district, to look like this:

Use	District				
	NC	GC	BP	LM	I
812220 – Animal Cemeteries		C3	C3	P	
812220 – Cemeteries		C3	C3		
812220 – Cemetery Associations (i.e., operators)		C2	C2		
812220 – Cemetery Management Services		P	P		
812220 – Columbariums		C3	C3		
812220 – Crematoriums (except combined with funeral homes)				C3	
812220 – Mausoleums		C2	C2		
812220 – Memorial Gardens (i.e., burial places)		C2	C2		
812220 – Pet Cemeteries		C2	C2		

3. We could *eliminate* these particular uses from consideration in commercial areas completely, which would look like this:

		District				
Use		NC	GC	BP	LM	I
81222	Cemeteries and Crematories	-	€3	€3	P	

Staff Recommendation

My recommendation is to follow the 2nd option, specifying which areas get which uses.

MEMORANDUM

TO: Planning Commission
FROM: Bill Cobabe
DATE: March 10, 2016
SUBJECT: General Plan Update – Population Numbers

Background

Part of any General Plan is a look to the future to try to anticipate not only what growth will occur, but where that growth is anticipated to happen. To that end, and as requested by a County Council member, Staff has prepared a population analysis and forecast, broken down by the following geographical areas:

1. The County as a whole
2. Mountain Green
3. Peterson/Enterprise
4. Richville/Porterville/East Canyon
5. Round Valley
6. Croydon

The numbers that you are looking at are broken down further by zoning district type, the acreage of said zoning type, and the number of address points in each district. In other jurisdictions, household numbers are typically figured by water or sewer connections, or by other means. Address points seems a fairly reasonable estimate – especially in residential zones – of how many households are there.

The County further has at its disposal the number of building permits issued per year, which is reflected in Table 7. The multiplier of 3.39 persons per household comes from the 2010 Census.

Also in Table 7 are figures from the Census (which are a lower than the County's figures) and from the 2010 General Plan (which came from a third-party consultant and are higher than the County's figures). They all represent a reasonable snapshot of where we are and where we've been for the past six years. From that conclusions can be drawn about growth patterns in the County which can help inform decisions regarding infrastructure needs, amenities, and planning and land use issues.

The maps of each area used in this analysis will be presented to the Planning Commission at the 10 Mar 2016 Planning Commission meeting.

Table 1: Morgan County (entire)

Morgan County Population Estimates

Zoning Description	Acreage	Number of Address Points	Units Per Acreage (MAX)	Additional Units Possible	Population	Population (MAX)	Population Per Acre	Population Per Acre (MAX)
Mountain Green Central District	109.77	33						
Agriculture District A-20	25,897.50	290	1295	1005	983	4390		
Commercial Buffer District	55.19	48						
Commercial Shopping District	15.02	2						
Forestry District	301,769.00	7	1886	1879	24	6394		
General Industrial District	750.18	1						
Highway Commercial District	106.59	17						
Manufacturing - Distribution District	711.50	20						
Master Planned Development Reserve District	343.64	3						
Multiple Use District MU-160	53,251.30	29	333	304	98	1128		
Residential District R1-10	11.43	27	46	19	92	155		
Residential District R1-20	1,293.34	861	2587	1726	2919	8769		
Rural Residential District RR-1	3,284.30	1,141	3284	2143	3868	11134		
Rural Residential District RR-10	493.66	32	49	17	108	167		
Rural Residential District RR-5	990.88	173	198	25	586	672		
Total	389,083.30	2,684.00	9,677.99	7,117.99	9,099	38,250	0.02338512	0.098308859

Table 2: Mountain Green:

Mountain Green Area Population Estimates

Zoning Description	Acreage	Address Points	Units Per Acreage (MAX)	Additional Units Possible	Population	Population (MAX)	Population Per Acre	Population Per Acre (MAX)
Agriculture District A-20	2,084.14	38	104	66	150	353		
Commercial Buffer District	42.94	47						
Commercial Shopping District	15.02	2						
Forestry District	6,088.46	4	38	34	14	129		
Highway Commercial District	41.17	6						
Manufacturing - Distribution District	711.50	20						
Mountain Green Central District	109.77	33						
Multiple Use District MU-160	11,794.60	1	74	73	3	250		
Residential District R1-10	11.43	27	46	19	92	155		
Residential District R1-20	1,057.92	747	2116	1369	2532	7173		
Rural Residential District RR-1	1,262.94	446	1263	817	1512	4281		
Rural Residential District RR-10	153.89	25	15	0	85	52		
Rural Residential District RR-5	525.62	72	105	33	244	356		
Totals	23,899.40	1468	3,760.99	2,410.60	4,977	12,750	0.208227822	0.533475867

Table 3: Peterson/Enterprise

Peterson/Enterprise Area Population Estimates

Zoning Description	Acreage	Address Points	Units Per Acreage (MAX)	Additional Units Possible	Population	Population (MAX)	Population Per Acre	Population Per Acre (MAX)
Agriculture District A-20	8,906.91	120	445	325	407	1510		
Commercial Buffer District	12.24	1						
Forestry District	31,025.87	0	194	194	0	657		
Highway Commercial District	3.24	4						
Multiple Use District MU-160	10,348.16	13	65	52	44	219		
Residential District R1-20	161.15	91	322	231	308	1093		
Rural Residential District RR-1	1,010.47	422	1010	588	1431	3425		
Rural Residential District RR-10	131.96	6	13	7	20	45		
Rural Residential District RR-5	459.77	99	92	0	336	312		
Totals	52,059.77	756.00	2,141.85	1,397.90	2988	7261	0.0573944	0.13947204

Table 4: Richville/Porterville/East Canyon

Richville/Porterville Area Population Estimates

Zoning Description	Acreage	Address Points	Units Per Acreage (MAX)	Additional Units Possible	Population	Population (MAX)	Population Per Acre	Population Per Acre (MAX)
Agriculture District A-20	8,417.22	98	421	323	332	1427		
Forestry District	79,485.91	3						
Highway Commercial District	24.05	1						
Multiple Use District MU-160	20,962.06	9	131	122	31	444		
Rural Residential District RR-1	735.83	237	736	499	803	2494		
Rural Residential District RR-5	5.48	1	1	0	4	4		
Total	109,630.55	349.00	1,288.80	943.80	1,170	4,369	0.0106732	0.03985232

Table 5: Round Valley

Round Valley Area Population Estimates

Zoning Description	Acreage	Address Points	Units Per Acreage (MAX)	Additional Units Possible	Population	Population (MAX)	Population Per Acre	Population Per Acre (MAX)
Agriculture District A-20	1,933.29	25	97	72	85	328		
Forestry District	41,498.74	0	259	259	0	879		
Highway Commercial District	38.13	6						
Master Planned Development Reserve District	343.64	3						
Multiple Use District MU-160	2,551.58	5	16	11	17	54		
Rural Residential District RR-1	23.86	10	24	14	34	81		
Total	46,389.24	49.00	395.84	355.84	136	1,342	0.0029231	0.02892684

Table 6: Croydon

Croydon Area Population Estimates

Zoning Description	Acreage	Address Points	Units Per Acreage (MAX)	Additional Units Possible	Population	Population (MAX)	Population Per Acre	Population Per Acre (MAX)
Agriculture District A-20	4,555.95	9	228	219	31	772		
Forestry District	143,670.38	0	898	898	0	3044		
General Industrial District	750.18	1						
Multiple Use District MU-160	7,594.88	1	47	46	3	161		
Residential District R1-20	74.27	23	149	126	78	504		
Rural Residential District RR-1	251.20	27	251	224	92	852		
Rural Residential District RR-10	207.83	1	21	20	3	70		
Total	157,104.69	62.00	1,593.73	1,532.73	207	5,403	0.00131626	0.03438942

Table 7: Population Estimates Comparison

Population Estimates - Permits, Census, General Plan

Source	Year						Multiplier (Household Size)	Six Year Total Increase
	2010	2011	2012	2013	2014	2015		
County Building Permits	113	77	133	178	161	150	3.39	
County Increase (Permits)	383	261	451	603	546	509		2753
County Population (Permits)	9469	9730	10101	10405	10744	11117		
Census Data	9469	9650	9802	10198	10608	10836		
2010 General Plan Estimates	9183	9671	10158	10646	11133	11621		

Chart 1: Population Estimate Based on Building Permits

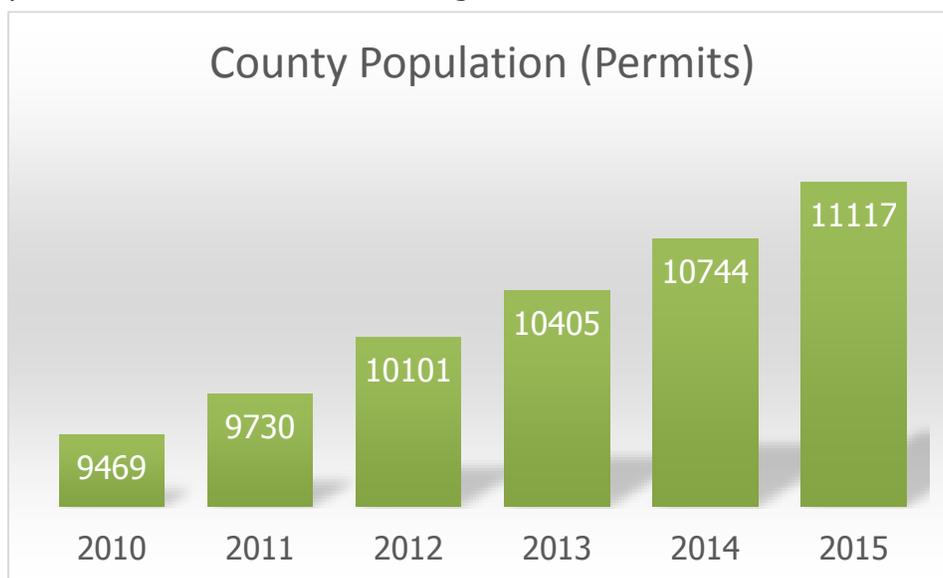


Chart 2: Population Estimate Based on Census Data

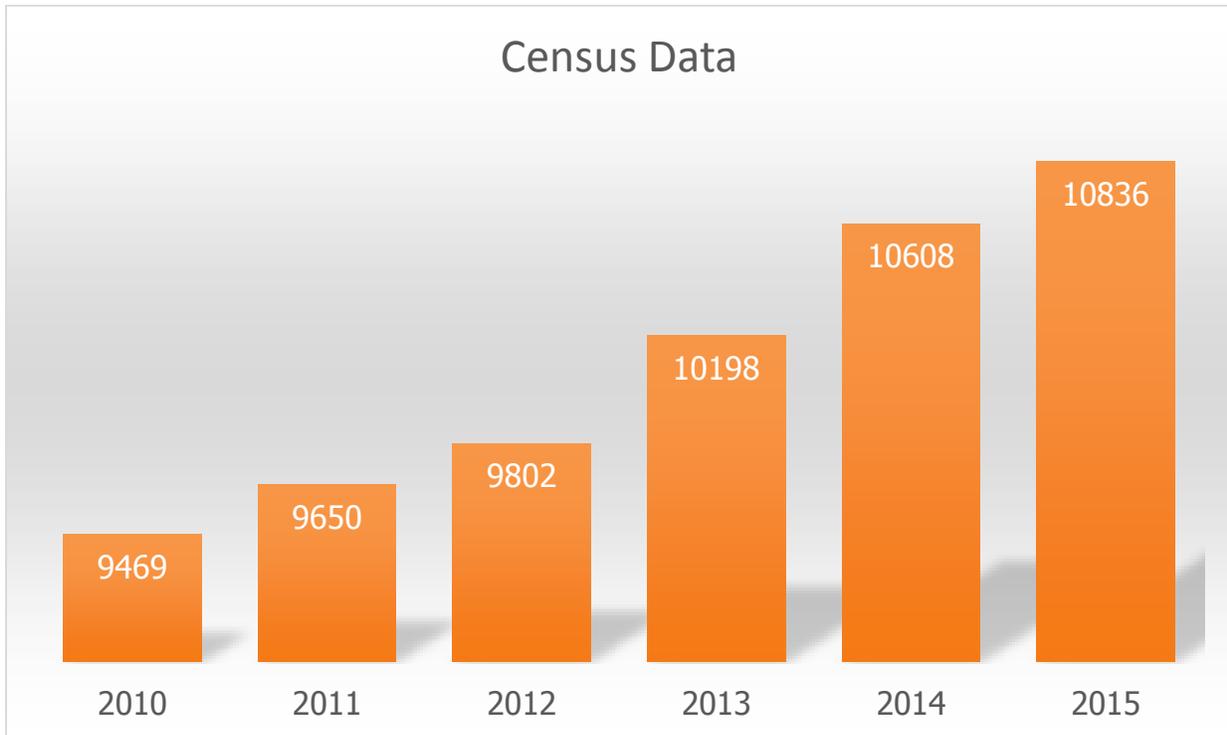
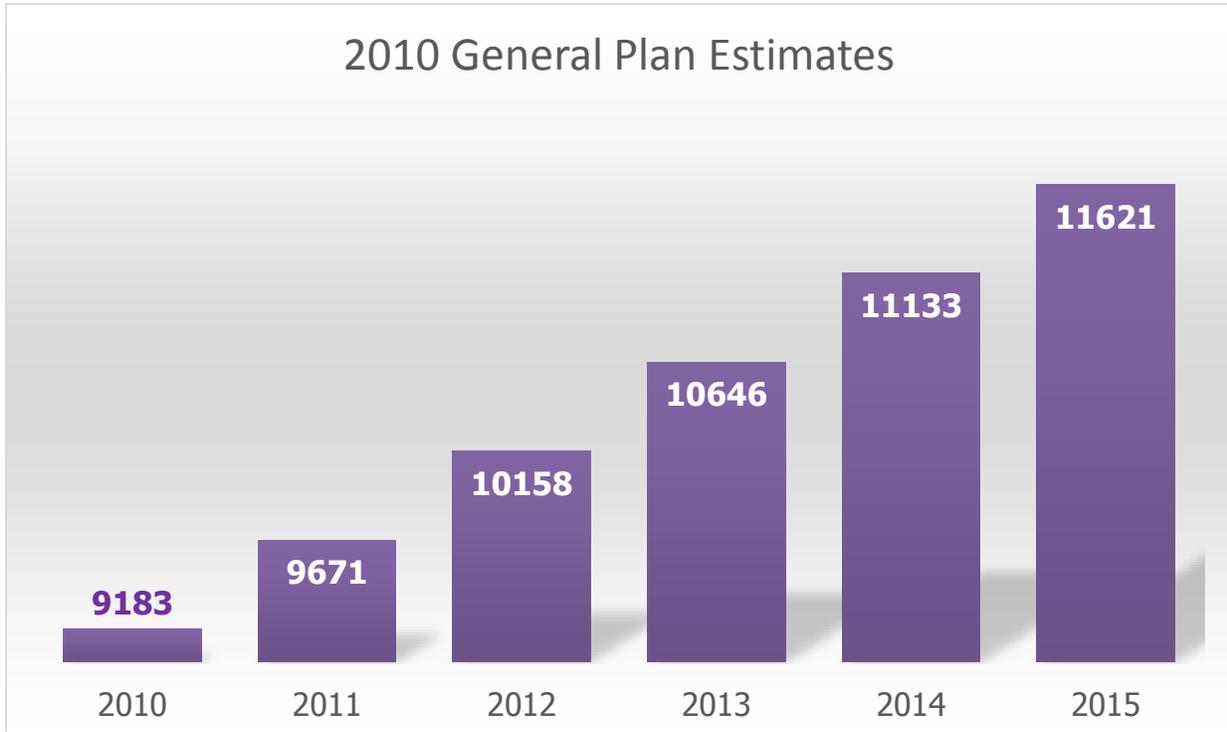


Chart 3: Population Estimate Based on General Plan Estimates



MEMORANDUM

TO: Planning Commission
FROM: Bill Cobabe
DATE: March 10, 2015
SUBJECT: Zoning Map Amendment

Background

As was pointed out in the last Planning Commission meeting, the language of the text of the Zoning Ordinance was amended, and each of the zoning designations was changed, but the official Zoning Map for the County was not amended to reflect these changes. The following notes the designations as changed:

8-5C-1: PURPOSE:

The purpose of the following districts is:

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

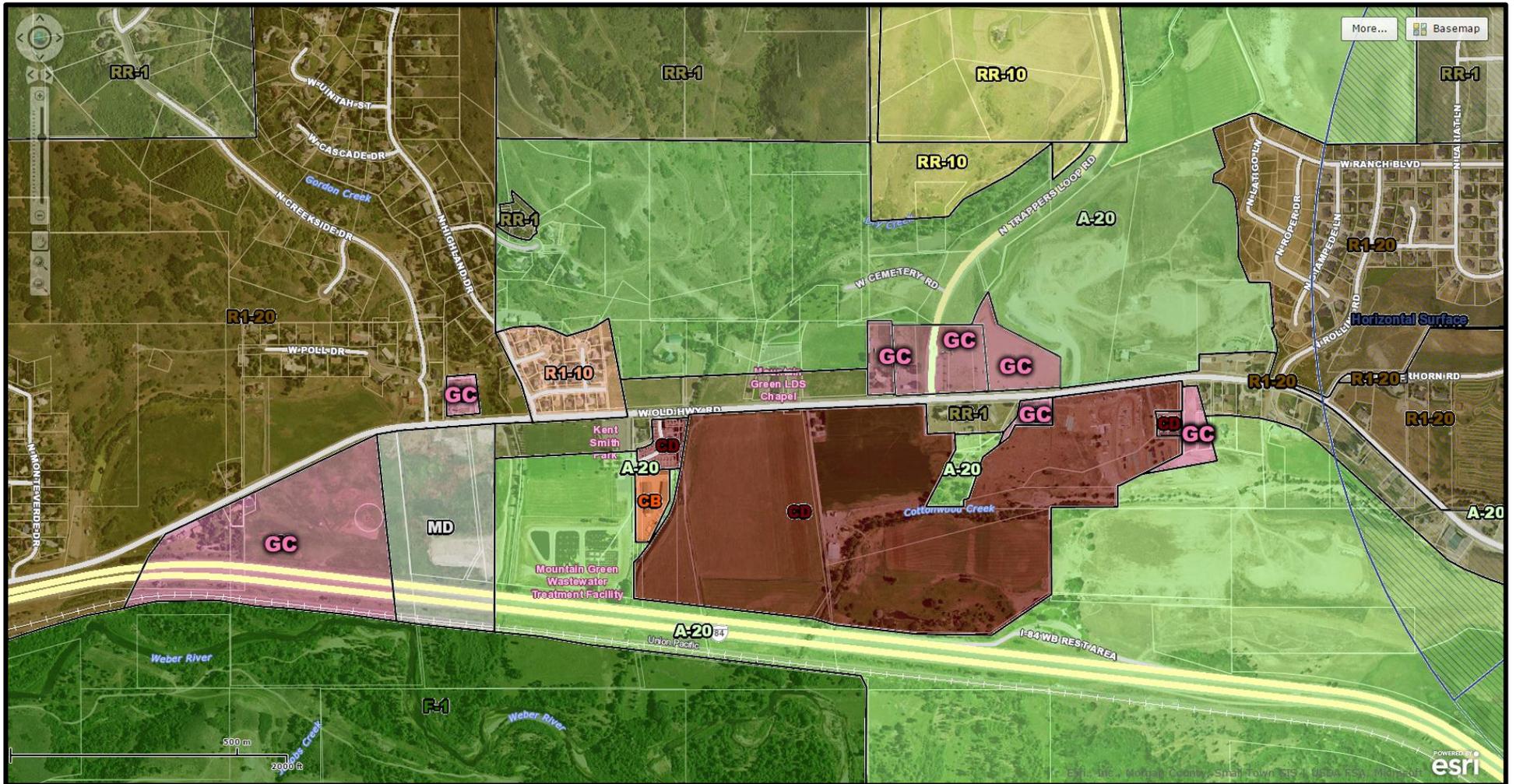
producing objectionable effects may be established, maintained and protected. The regulations of this district are designed to protect environmental quality of the district and adjacent areas.

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

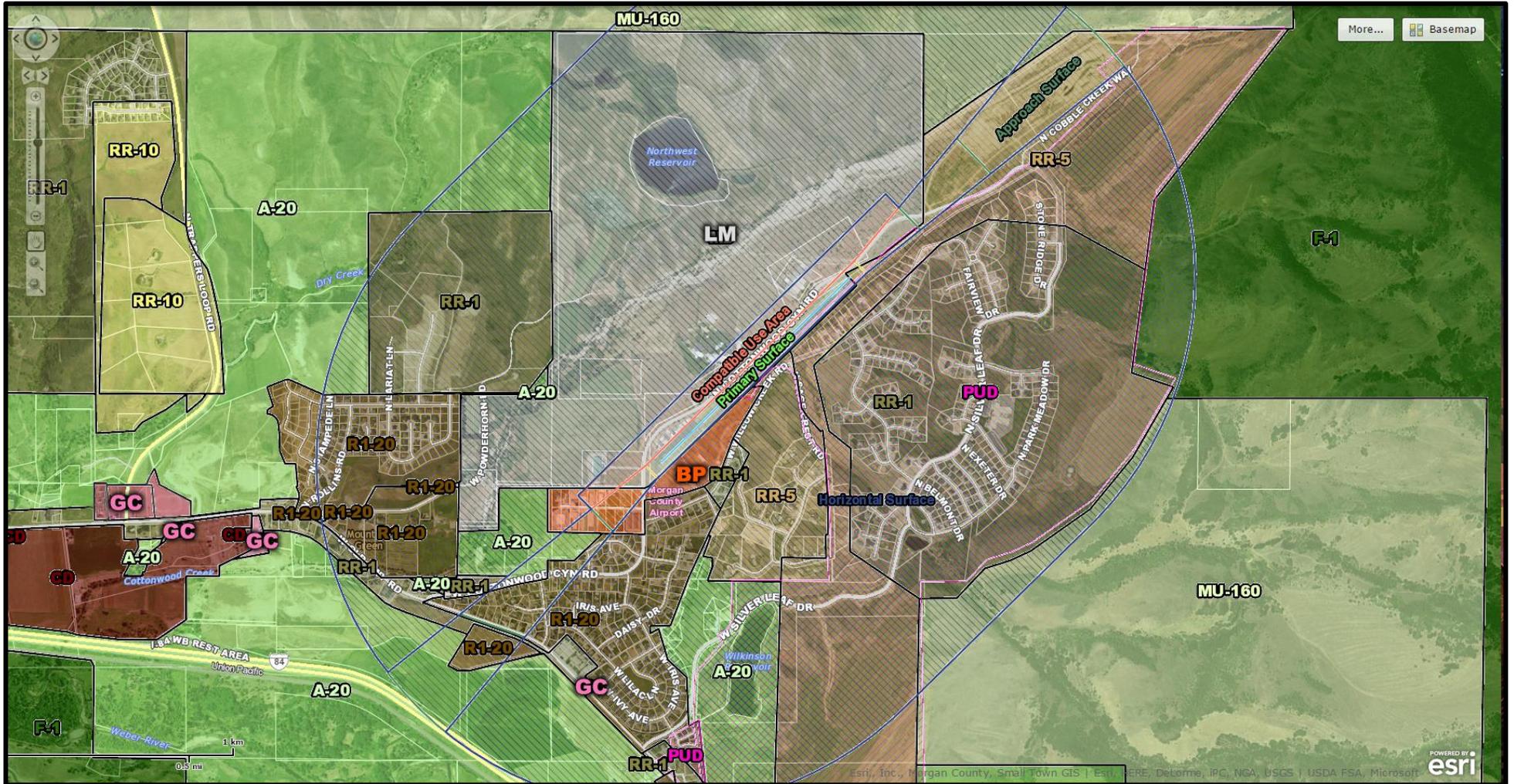
The intent of these changes seems apparent in the **Bold/Strikethrough** formatting above, where the amended text indicates which new zoning district would be applied to which former designation. Further, the "C-S" and "C-H" districts were anticipated to be combined in the newly named "GC" or General Commercial zoning district.

It should be noted that the geographically defined boundaries of those areas currently designated in the several commercial districts is not changed or proposed to be changed by this amendment. Rather, it is a formal declaration of the names of each district and specifying on the official zoning map how the amended names should be reflected.

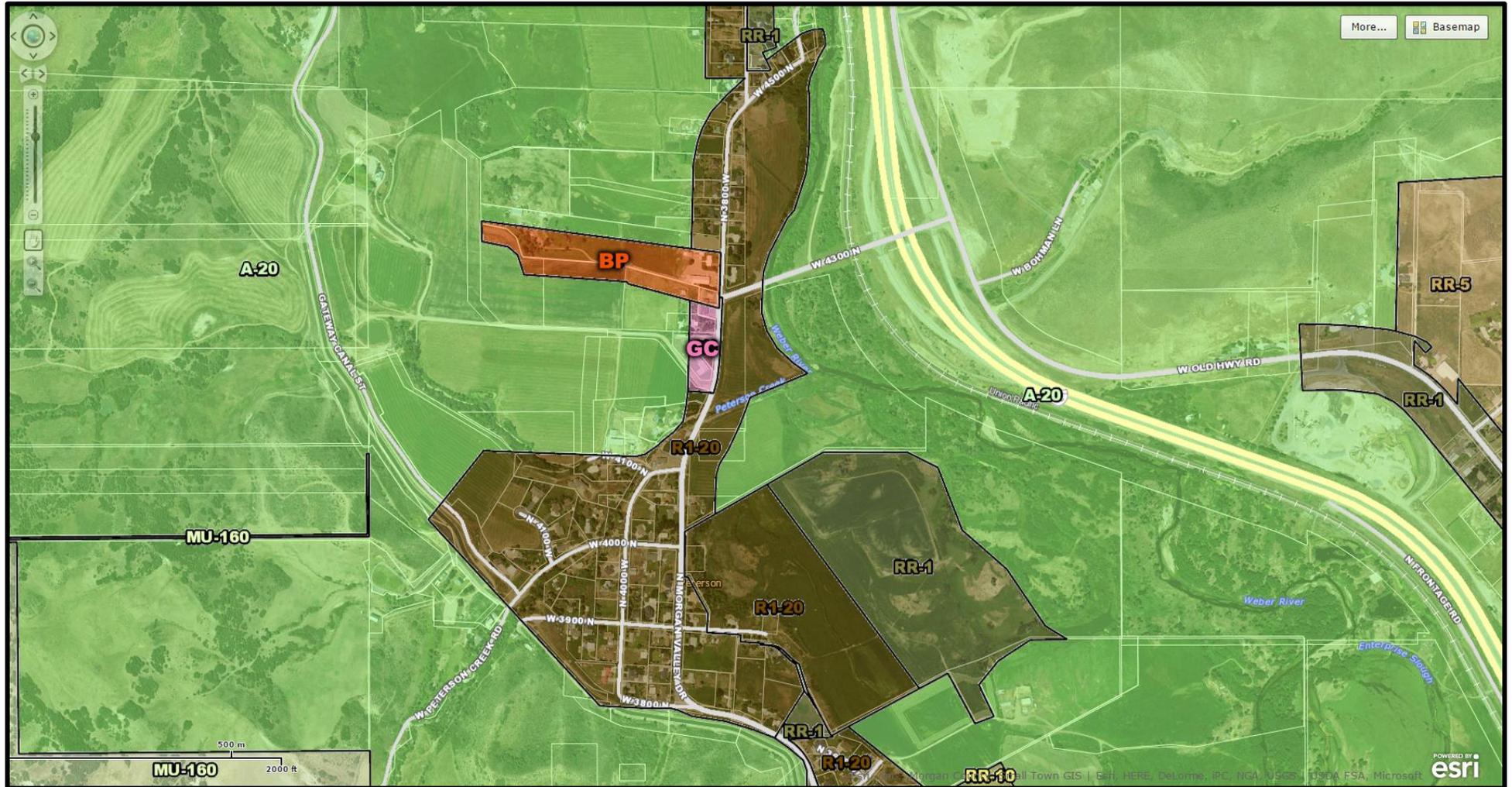
Map 1 – Mountain Green – Central Area



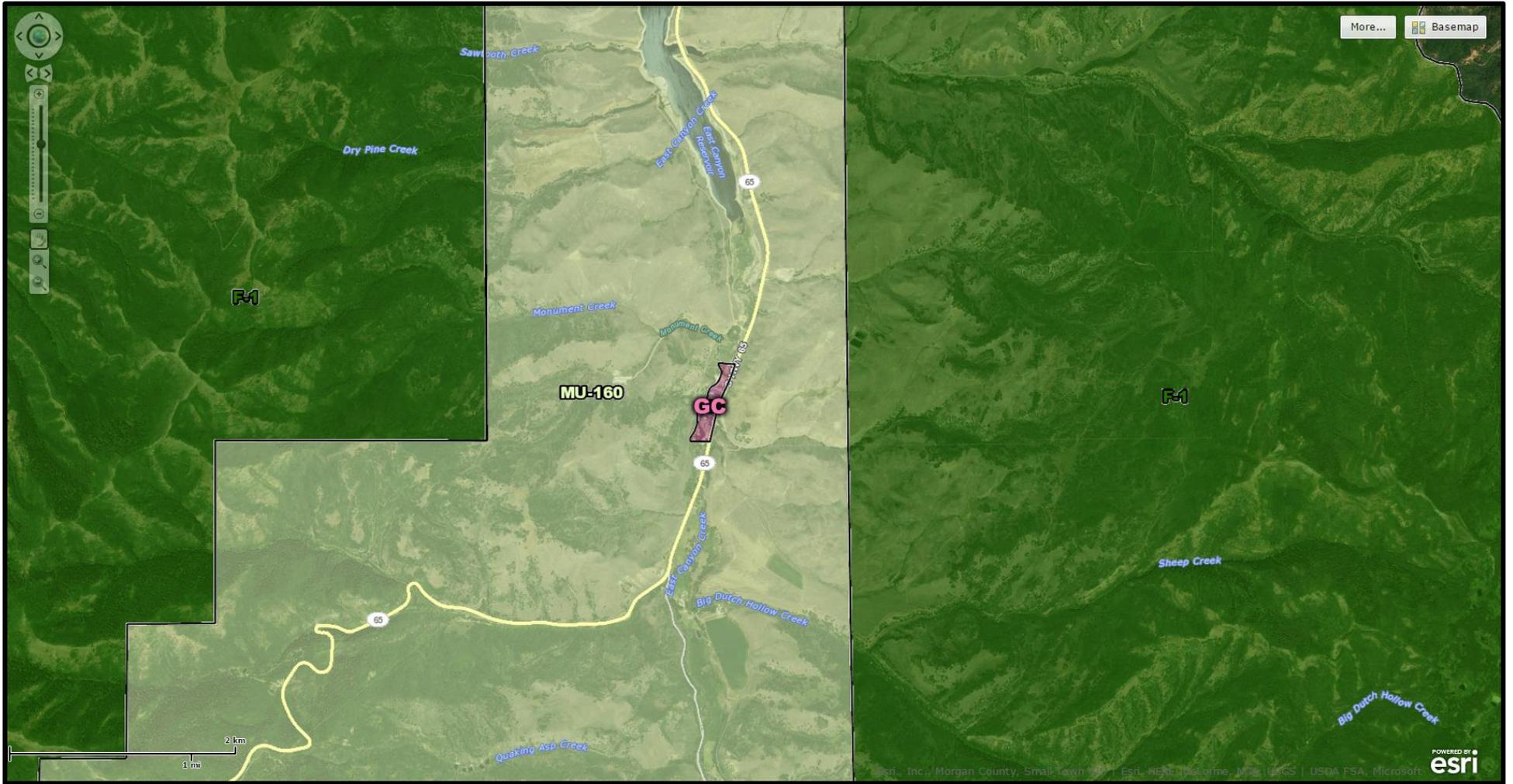
Map 2 – Mountain Green – Eastern Area



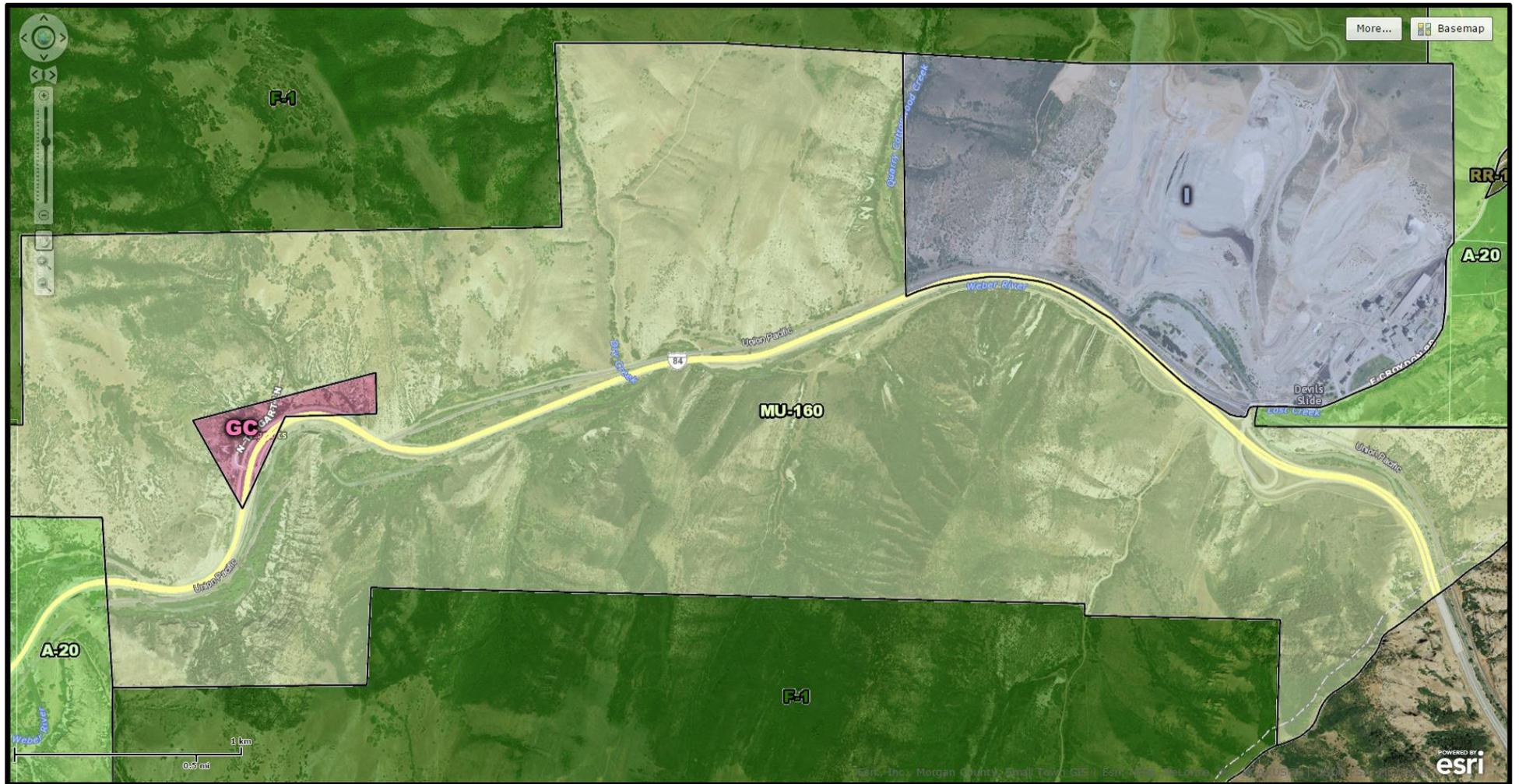
Map 3 – Peterson/Enterprise Area



Map 4 – East Canyon Area



Map 5 – Round Valley/Croydon Area





PLANNING COMMISSION AGENDA

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

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

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

Administrative:

6. Discussion and Decision of Riverwood Farms Small Subdivision Concept Plan – A proposed small subdivision of approximately 4 lots consisting of 5 acres each. Located at approximately 3499 Bigler Lane in Morgan, Utah.
7. Discussion and Decision of Poverty Estates Small Subdivision Concept Plan – A proposed small subdivision of approximately 3 lots consisting of one 20 acre lot, and two 36.11 acre lots. Located at approximately 811 Hardscrabble Road in Morgan, Utah.
8. Discussion and Decision of Elysium Pet Services Conditional Use Permit – A proposed conditional use permit to allow for a pet crematorium in the Business Park Zoning district, located at approximately 4090 W 5800 N, suite C in Morgan, Utah.

Legislative:

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

Administrative:

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

Members Present

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

Staff Present

Bill Cobabe
Gina Grandpre

Public Present

Tina Kelley
Vivian Nance
Russell Nance
Robert Volk
Cole Terry
Logan Whitemeyer
Taylor B
Sally Jensen
Tyler Archibald
Susie Penrod
Cody Hansen
Kent & Cindy
Pam Carter
Davin Hawkes
Tina Cannon
Janet Wilkins
Lisa Wood
Brayden B
John Fearn
Mack Howell
Julie Howell
Ray Clark
Russell Fearn
Kent & Trudy Whiteman
Gretchen & Kelly Flitton
Michael Hansen
Jessie J. Bell
Jacob Goff
Ivan & LuDene Carter
Dennis & Leeta Shishler
Van & Teniel Stephens
Derrick Stanbridge
Steven Ford
Elise Cobabe

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

Member Nance moved to approve the amended agenda. With the addition of moving the public comment period to follow each item of discussion. Second by Member Newton. The vote was unanimous. The motion carried.

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

Administrative:

6. Discussion and Decision of Riverwood Farms Small Subdivision Concept Plan – A proposed small subdivision of approximately 4 lots consisting of 5 acres each. Located at approximately 3499 Bigler Lane in Morgan, Utah.

Member Newton suggested Bill outline the basic subdivision process for the public in attendance tonight. He obliged.

Member Sessions asked if there were any other surveyor comments and Bill replied that he hadn't received any additional comments. She clarified that this is a private access, not a private lane.

Applicant Jared Penrod, owner of the property – He thanked Bill and team on help with concept plan. Member Wilson questioned the applicant about the access easements. Member Sessions stated that he needs to remove the Morgan County Council block as it will not go before the County Council. She also stated that Chair Haslam wants to make sure that there is an agreement for road maintenance that needs to be addressed during the preliminary and final approval. The applicant stated that there is a general agreement. Member Nance asked the applicant how he planned to organize it. Mr. Penrod said that they could make some kind of an agreement for the access easement.

Public Comment:

Lynn Miller: He commented that Jared is a new neighbor. He has one issue about the secondary water situation. He feels the Dalton water is at capacity. He wondered how that will be handled when the subdivision is put in. He is of the opinion that it won't happen forever but that will be a major concern.

The applicant mentioned he has 40 water shares. Member Wilson wanted to know how he plans to separate those shares. He also wanted to know how many shares it takes to use for land. Applicant said there is no pump and that he would need to work something out with Weber Basin Water. Member Wilson asked if he would distribute it equally amongst the properties.

Russ Fearn – He wondered if the culvert is it big enough to handle the drainage and who would be responsible for cleaning the culvert and maintaining the drainage issues.

Kent Whiteman – He has questions but would like his concerns heard. Member Sessions directed him to ask his questions to the Planning Commission. He wanted to know about barns. He has a “Walmart-sized” barn right next to him. He wants outbuildings to fit the existing area, as they block views if too big. Concerning Dalton Creek, he has been labeled an assistant water master, and apparently everyone on the system is also an assistant water master. It's a very fragile system. Wells they have are based on an aquifer and he questions their capacity. He wondered about the process that the County goes through that will make sure they don't dry up like Mountain Green. He's concerned about that. Basically, the size of the barn, Dalton Creek water, and drilling more wells are his concerns.

Member Nance moved to approve the Riverwood Farms Subdivision Concept Plan, application number 16.001, allowing for a four lot subdivision of land located at

approximately 3499 Bigler Lane, based on the findings and with the conditions listed in the staff report dated February 25, 2016, with the additions of Conditions 9 and 10.

Findings:

1. The nature of the subdivision is in conformance with the current and future land uses of the area.
2. The proposal complies with the Morgan County 2010 General Plan.
3. The proposal complies with applicable zoning regulations.
4. That the developer will install any requisite infrastructure, including roadways, water lines, etc.
5. That the proposal is not detrimental to the health, safety, and welfare of the public.

Conditions:

1. That all outsourced consultant fees are paid current prior to final plat recordation.
2. That the required front, side and rear public utility easements are identified on all lots within the subdivision.
3. That proof of culinary shares/rights (800 gallons per day) and irrigation shares/rights (3 gallons per minute) are provided for each lot at preliminary plat application.
4. That all requirements and concerns of the County Engineer are met during the preliminary/final plat approval stages.
5. That the requirements of the County Surveyor are addressed.
6. That all proposed utilities provide a will serve letter indicating their willingness to serve the property in a manner that complies with County ordinances.
7. That approval of the sewage disposal mechanism is provided by the Weber-Morgan Health Department with preliminary plat submittal.
8. That all other local, state, and federal laws are adhered to.
- 9. To address road maintenance issues for the easement on Bigler Lane.**
- 10. Signature blocks be removed or placed on the preliminary and final plats.**

Second by Member Newton. The vote was unanimous. The motion carried.

7. Discussion and Decision of Poverty Estates Small Subdivision Concept Plan – A proposed small subdivision of approximately 3 lots consisting of one 20 acre lot, and two 36.11 acre lots. Located at approximately 811 Hardscrabble Road in Morgan, Utah.

Bill gave a summary of the application and stated it is designated Agricultural land (A-20) on the Future Land Use Map. He also clarified it lies outside the flood plain.

Member Ross asked about frontage. Member Sessions stated there is not enough frontage. She also wanted to know when the County road ends, as she assumed it ends at the gate. This needs to be addressed and sorted out for maintenance too. Also, Lot 1 needs to maintain the width of 350 feet. They will have to configure that.

Member Nance commented if they only have 800 feet and need 900 feet, how it will be stretched?

Bill stated they will put in a private lane.

Member Sessions – She asked if the Cindy Carter Subdivision name is correct. Bill said no, it needs to be Poverty Estates. Also, there are several things on this plat that do not meet the Concept Plan requirements, specifically the names of the adjoining property owners and geological contours of 5 feet, location/description of vegetation and statement of proper water source and sewage disposal. These are required at the concept stage, but still missing.

Member Wilson asked how the water sources are typically handled, as well as the slope of the land affecting septic tanks.

Member Sessions pointed out the Planners Report application is wrong. It should be December 22, 2015 not 2016.

Member Ross – The Riverwood Farms is different.

Applicant – Mr. Ivan Carter and his wife, LuDene. His Grandfather Carter started driving stakes many years ago and he wants to keep this property in the family.

Member Nance - Wanted to know if he is dividing it for his kids and grandkids. Mr. Carter stated that yes, it is for his kids and grandkids. One of the lots is for one of his sons and two lots will be for his grandkids. He doesn't have plans for additional future development.

Member Sessions wanted to know why the one-acre zoning ended short of the county road. No one knows.

Member Sessions asked for public comment. There was none.

Member Nance wanted to know if those previous concerns need to be addressed prior to approval of concept or if they can be addressed during preliminary and final. County Code was reviewed for clarification (8-12-17).

Cindy Carter – after reading the code that was on the screen, she thought they meet all the requirements except vegetation.

Member Wilson - wanted to know if this can be tabled or postponed, and how quickly they would be able to get those things fixed and come back to Planning Commission.

Member Newton moved to postpone application 15.068 until the next Planning Commission meeting on March 10, 2016 to give the applicant time to get everything addressed.

Member Wilson seconded the motion.

Member Newton referred Cindy Carter to Bill for the complete list of things that need to be addressed before the next Planning Commission meeting. Member Nance stated that he feels the applicant is being pushed aside. Member Stephens feels the same way, wondering why conditions couldn't be placed on it to bring it to code.

Member Ross wanted to know if it could pass with conditions rather than postponing it and causing delays. Member Sessions commented the next time the application would come before the Planning Commission is Preliminary Final.

Member Stephens asked about the codes that they are not currently meeting. The list includes: Proposed name, Name of adjacent property owners, Contours at 5 foot intervals, as per County Code. Also missing are the Availability and location of utilities, and Slope.

It was agreed that most of the changes are minor changes. Member Stephens commented that the slope issues will be addressed at the geological stage.

Member Ross asked if it's possible to approve the application with conditions.

Member Newton agrees with what they are doing, but wants to make sure the application meets code, minor or not.

Motion on the table is to postpone until March 10th:

Member Newton moved to postpone application 15.068 until the next Planning Commission meeting on March 10, 2016, to give the applicant time to get everything addressed.

Member Wilson seconded the motion.

The vote was not unanimous with Members Wilson, Newton, and Ross in favor and Members Stephens and Nance against. The motion carried.

8. Discussion and Decision of Elysium Pet Services Conditional Use Permit – A proposed conditional use permit to allow for a pet crematorium in the Business Park Zoning district, located at approximately 4090 W 5800 N, suite C in Morgan, Utah.

Bill Cobabe – There has been significant feedback concerning this application. He showed the location of the building for those present. Bill's concerns are related to building permit remodeling and fire code. Member Newton asked Bill to explain conditional uses for the public. Bill obliged, using the example of a gravel pit.

Member Sessions stated that the land use map has not changed and currently shows Commercial Buffer and there is no use allowed in Commercial Buffer currently. She stated that the Land Use Map will need to be amended to conform for commercial uses in the Business Park. Member Newton asked if that is amended with County Council and Member Sessions replied that a motion was never made to re-designate the zones that were changed. This would require a public notice to proceed to make changes with the Business Park designation.

Applicant – Steven Ford with Elysium Pet Services. Currently he operates 1-2 days a week for 8 hours, about 12 hours a week.

Member Ross – Asked about any kind of smell. In a recommendation letter from a neighbor, they

said they haven't smelled anything from his facility in 6 years. This borders a residential neighborhood and the residents have never complained of smoke, smell or anything. He said everything is self-contained. He services about 6 vet clinics and stores the carcasses in chest freezers until ready for a burn.

Mr. Ford said it's a misconception that this is a dirty kind of business, but it isn't. Using technology it's clean and efficient, emitting less than one diesel truck.

Member Nance commented that Mr. Ford is currently in a commercial zone, so why does he want to move?

Mr. Ford responded that the vet next to him wants to expand, and he also wants to expand.

Member Nance asked if they are going to deliver in the rear, why is there a store front?

Mr. Ford replied the store front is for customers and provides a setting for the public.

Member Nance asked the size of his facility. He replied 700-800 square feet.

Member Nance asked if he'd ever had any citations or complaints? He replied no for both.

Member Nance asked if he was being evicted. Mr. Ford said he still has a current lease for another 2 years. He has family here and would like to move back.

Member Sessions asked if the afterburner is 2 million BTU? Mr. Ford said yes. A question from Chair Haslam: He wanted to know why the hours of operation go until 10 pm? Mr. Ford replied that currently he works until after midnight and he thinks he could get his work done by 10pm.

Member Stephens asked if the hours fit within the Business Park area? Member Sessions stated there is not a standard within County code for business hours. Chair Haslam's concern with the late hour is because it is close to residents. Mr. Ford said there is not a lot of noise involved and it won't bother even those next to his business.

Member Nance asked again about his current hours. Mr. Ford responded 8-10 hours a week, possibly up to 16 hours depending on the time of year. He also clarified this is his full time job and he also makes paw prints and mementos. His business operation would run any day of the week, Monday-Sunday.

Public Comments:

Tina Kelley – I understand the nature of a conditional use permit. In the County Council meeting, they did not discuss the map, only the conditional uses. I sit on the Weber-Morgan Health Department board as the community representative, and an emission committee and they have expressed concern over emissions from crematoriums. I resourced the Weber-Morgan Health Director and haven't received an answer yet. I don't know where to look for regulations on pet crematoriums and who enforces those regulations. I wonder about the impact on surrounding homes. I am also concerned with the currently listed conditions on the application.

Russell Nance – I live about two blocks from the business park. The questions I was going to ask were answered, but do I believe him, I don't know? If they get it going and it stinks do we have

any recourse? We don't have any. I'm concerned and I wasn't until I started thinking about it, what about the smell and emissions from burning gas. It concerns me to have one that close to a residential area. I don't think anyone would want one next to them.

(Member Nance clarified for the record that he and Russell Nance are not related.)

Melinda Patterson – I have concerns, questions and statements. I live very close, in a subdivision of over 60 children. My concern is the toxins and chemicals. Within in the business park, there are 5 businesses who operate 5 days a week, including an exercise area and a dance studio. I am just concerned about the toxins and who is monitoring it. I would like more information before proceeding.

Darren Hawks – I live in the subdivision also, right next to Mrs. Patterson. I question the graph. I found some things from the EPA about emissions from heavy duty trucks. I have other concerns. I work for a company that represents wastewater treatment plant where they have burners and incinerators. Odor control is an issue and there is no entity that monitors or controls permits for odor. I want to see more qualifiers. It could be better served in an industrial park.

Mark Howell – I live in the same subdivision. I'm an analyst by trade, and the statistics are crap as it is such a small sample. His hours will only increase and I feel this is a poor sample size and will not accurately represent what will really happen. A lot of these fail. What is the emergency backup plan? Burn waste is dangerous. What you don't see is the Cottonwoods development sitting above the business and it will be impacted.

Dr. Derek Stanbridge – I had an opportunity to work a crematorium (for people) in Ogden, it was disgusting. It was a very clean place with no dirt but the smell was awful. My biggest concern is that they have a similar situation in the Ogden Valley where a nicely presented pet crematorium turned into a roadkill and sick animal disposal. The growth of the company is growing to where there are large animals being piled around the crematorium where the smell and business is something that the local residents can't get rid of. Maybe he really is truly representing himself but who will monitor to make sure it stays within a reasonable limit.

Member Nance asked him where the crematorium is. Dr. Stanbridge said it is called Leavitt's Mortuary and it is in Ogden Valley.

There was no further public comment.

Member Sessions – Would it be permissible to visit your facility?

Mr. Ford said yes, we can arrange it. Everything is self-contained in the building. He doesn't know anything about the one in Ogden Valley that was referenced.

Member Nance – You are attesting to us today that there are no odors, correct?

Mr. Ford, yes there are no odors. The 2 million BTU afterburner takes care of everything and there are no odors that come out of that.

Member Sessions – We will need a motion to postpone until the map change. Control of all odors is in our standards for conditional use permits.

Council Member Cannon – We did not approve the maps.

Member Sessions – We need a motion to postpone it.

Member Nance moved to postpone the Elysium Pet Services Conditional Use Permit, application #16.003, located at approximately 4090 W 5800 N, allowing for the installation of a pet crematorium, until April 14, 2016, at which time to determine there have been any changes to the maps to allow a business park where the proposed use is.

Second by Member Ross. The vote was unanimous. The motion carried.

Member Nance moved to take a 5 minute break.

Member Sessions called meeting back to order -

Legislative:

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

Bill stated that it is in strike-out format and located all in one place. Member Sessions clarified for the public that they are trying to simplify the County code.

Member Sessions – Found in “Various Land Use” 8-12-53b that it has a discrepancy. It’s in a weird part of the code that doesn’t really address roads. Bill recited that particular code.

Member Sessions – This will be a future code to change.

Member Nance – How is this going to affect the applicant for Poverty Estates because they will have to put in a private lane? Member Sessions said it won’t affect them. Bill clarified that they have the choice and it may benefit their situation, but it won’t hurt them as they can still use the old code.

Member Wilson – What are the requirements for frontage?

Bill – Explained frontage is required in lots within RR-1 or smaller. RR-5 and above that does not abut a public or private street is not required to have frontage.

Member Wilson – On a lower zoning designation what are the frontage requirements?

Bill – It depends on the zone but in RR-1 it is 200 feet and goes down from there. On the street, it is 36 feet of frontage.

Member Sessions – Pointed out another wrong date to fix from 2015 to 2016.

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

Darren Stegelmeier – Simple is good.

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

Member Nance moved to recommend approval for revisions to the Land Use Management Code, as contained in the packet. Second by Member Wilson. The vote was unanimous. The motion carried.

Administrative:

10. Discussion on General Plan updates.

Bill – Lead discussion on the Vision Statement. Words have power and meaning and the challenge is to articulate visions, thoughts and understanding into statements. Planning Commission members discussed wording with rural and urban atmosphere. These words mean different things to different people and maybe the Vision Statement isn't the place to define "rural" and "urban". The development of Mountain Green makes it a different place than the rest of the County. Bill illustrated the idea that sometimes if you wait too long to make a decision, one will be made for you, whether you like the outcome or not.

Member Sessions stated that Mountain Green was identified as a growth center. Morgan City was a village center. Member Ross suggested being more descriptive about growth centers. Before moving to Mountain Green, he read the history of Morgan County and all the vision statements and decided the vision he had and the vision he read about were a match. There was discussion about how people always share their personal stories: "I moved here because...." Why are people attracted to Morgan County? Clean air, views were the top reasons. Member Ross said the ordinances are made and development is guided from the wording in the vision statements, so it should be considered carefully. Member Ross suggested a working group for further discussion. Bill suggested 2-3 Planning Commission members, 2-3 County Council members, and each member bring a friend or person with them.

11. Planning Commission Business/Questions for Staff

Member Nance – We obviously don't want a crematorium so we need to change something so that it doesn't come up again. Member Sessions stated this application is vested but it may affect future applications. Member Nance asked to review uses to see if they are appropriate. Member

Sessions said Light Manufacturing holds Browning but is also open to dog food manufacturing and it sits next to Rollins Ranch. She doesn't want to always be one step behind with conditional uses.

Member Nance - Are we going to set up a date to watch the crematorium burn?

12. Approval of minutes from February 11, 2016

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

13. Adjourn

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

Approved: _____ Date: _____
Chairman, Roland Haslam

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