



## PLANNING COMMISSION AGENDA

Thursday, April 11, 2013

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. Approval of agenda.
3. Declaration of conflicts of interest.
4. Public Comment
5. Discussion/Decision: Bearson Woodworks CUP: Requesting a Conditional Use Permit for general woodworking and cabinet making on the property located at 4181 West 5800 North in the Cottonwood Industrial Park.
6. Discussion/Decision: K&C Duncan's Black and Tan Kennel CUP: Requesting a Conditional Use Permit for a Kennel to be located on vacant property in the vicinity of 2840 N Morgan Valley Drive.
7. Staff Report.
8. Approval of minutes from March 28, 2013
9. Adjourn.

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Morgan County, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations should call Keryl Squires at 801-845-4015, giving at least 24 hours notice prior to the meeting. A packet containing supporting materials is available for public review prior to the meeting at the Planning and Development Services Dept. and will also be provided at the meeting. Note: Effort will be made to follow the agenda as outlined, but agenda items may be discussed out of order as circumstances may require. If you are interested in a particular agenda item, attendance is suggested from the beginning of meeting.



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48 West Young Street  
Morgan, UT 84050  
(801) 845-4015

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## **STAFF REPORT**

April 1, 2013

**To:** Morgan County Planning Commission  
Business Date: April 11, 2013

**Prepared By:** Ronda Kippen, Planning Technician

**Re:** **Bearnson Woodworks Conditional Use Permit Request**

Application No.: 13.016  
Applicant: John Bearnson, Bearnson Woodworks, LLC  
Project Location: 4181 West 5800 North (Cottonwoods Industrial Park)  
Zoning: CB Zone  
Acreage: 1 acre  
Request: Conditional Use Permit for general woodworking, cabinet making and storage services.

### **SUMMARY**

This application is for a commercial use in the CB zone. The proposed business will be located in an existing commercial building built approximately in 1999. The applicant, Bearnson Woodworks, LLC, would like to re-locate its operations to Morgan County. The main building on the property will be utilized for general woodworking, cabinet making, millwork such as moldings, cabinet components including cabinet doors, drawers, fire place mantels, commercial and residential cabinetry, kitchens, baths, entertainment centers and similar items. The scope of work will include finishing in a fire protected spray booth. The applicant is also proposing to utilize the storage units that are located on the property to store personal items such as: boats, cars, atvs, or other personal property as well as, reserving the right to rent out the storage units. Bearnson Woodworks, LLC may also use the storage units to house materials/products for the subject business. The application is to consider the subject property to be used as "retail trade-lumber and other building material", "manufacturing-furniture products", and "warehousing and storage services".

The proposed uses in the CB zone are allowed by conditional use permit. Conditional use permits should be approved as long as any harmful impact is mitigated. The County Code already specifies certain standards necessary for mitigation of harmful impact to which the proposal must adhere. The proposed application appears to meet these standards. The following is staff's evaluation of the request.

## **ANALYSIS**

**General Plan.** The Future Land Use Map identifies this property as “Business Park” which is intended to “provide for areas for the development of uses that provide employment involving light manufacturing, assembling, warehousing, and wholesale activities and associated office space and support uses. Typical uses may also include construction contractors, small, screened storage yards and small warehousing spaces”. The 2010 General Plan has identified the need to “support growth of retail and other commercial activity in Morgan County-particularly Mountain Green-in order to provide goods and services to County residents”. (See 2010 General Plan page 12-13, Future Land Use Map and Land Use Strategic Objectives)

**Zoning.** The property is zoned CB (see Exhibit A). The proposed uses are allowed in the CB zone through a conditional use permit. Morgan County Code (MCC) 8-5C-3 identifies this as at least three uses the proposal may be considered under: “retail trade-lumber and other building material”, “manufacturing-furniture products”, and/or “warehousing and storage services”. All of these uses require a conditional use permit in the CB zone.

## **8-5C-3: USE REGULATIONS:**

		Districts						
		CB	C-N	C-S	C-H	C-G	M-D	M-G
Retail Trade:								
	Lumber and other building materials	C	-	P	C	P	C	-
INDUSTRIAL:								
Furniture Products - Manufacturing:								
	Furniture - manufacturing	C	-	-	-	-	C	C
	Partitions, shelving, lockers, office and store fixtures	C	-	-	-	-	C	C
	Wooden containers	C	-	-	-	-	C	C
Wholesale Trade And Warehousing:								
	Warehousing and storage services	C	-	-	-	-	C	C

**Building Code Requirements.** The proposed business will be located in the main commercial building located on the subject property and has been inspected by the Morgan County Building Inspector. It should be noted that the applicant initially proposed partitioning off the area on the southwest side of the building to accommodate the dust collection system. The proposed partition would block one of the emergency exits to the building and would bring the building into a “non-compliance” state. The applicant has identified an alternative location for the dust collection system that will conform to current codes. All other items seem to be in compliance with Building Code.

**Conditional Use Requirements.**

- *Vehicles:* MCC 8-8-4 identifies potential conditions related to safety for persons and property concerning the numbers and types of vehicles per time period associated with the conditional use activities. The applicant indicates that the site has an existing asphalt parking lot which should allow for 7 (9' x 22') parking spaces. MCC 8-11-4 identifies the calculations for all off street parking as follows: one parking space for each 600 square feet of floor area in addition to one space for each employee projected for the highest employment shift is required. The proposed show room is approximately 500 square feet. The applicant currently has three employees plus the owner. Staff feels adequate hard surface parking is being proposed and that further conditions at this time are unnecessary.
- *Hours of operation:* MCC 8-8-4 states “time of day and days of week a conditional use may operate”. Staff recommends that the proposed woodworking business limits hours of operation within the timeframe of 6:00 AM to 10:00 PM.
- *Landscaping:* MCC 8-8-4 and 8-6-27 have specific landscaping standards. Landscaping is encouraged to ensure compatibility with the intended characteristics of the district and to enhance, conserve and stabilize property values by preventing litter and providing an attractive neighborhood. Staff feels the current site has adequate landscaping improvements (see Exhibit B). Considering that this is an existing site, requiring new or more landscaping may not be necessary. If the Planning Commission feels more landscaping is needed in order to comply with the provisions of both of these codes, then a Landscape Plan should be submitted and approved by the Zoning Administrator.
- *Environmental Concerns:* MCC 8-8-4 identifies the need to implement processes for the control, elimination or prevention of land, water or air pollution. The applicant is proposing to install an exterior dust collection system. The applicant has taken several sound level measurements (see Exhibit C). The highest decibel reading was taken standing directly next to the unit and was measured at 81 decibels which can be compared to the noise from city traffic or a standard vacuum cleaner. The sound level was measured at 300 feet from the unit at 48 decibels which can be compared to the noise of a refrigerator humming. The closest residence is approximately 350 feet away from the proposed dust collection system. Staff feels adequate measures have been proposed to mitigate air pollution with minimal harmful impact regarding noise to the surrounding residence.

**Property Layout.** The 1 acre lot is rectangular in shape. It is surrounded by similar commercial uses (see Exhibits D). It fronts 5800 North with approximately 130 feet of frontage.

**Setbacks.** The front setback for uses in the CB zone is 25 feet. The side yard is 10 feet and rear setback of 20 feet. The proposal meets all of these requirements.

**Fire Protection.** Due to the commercial use of the property, staff recommends a site inspection and approval from the local fire official prior to the issuance of a business license.

## **STAFF RECOMMENDATION**

Staff recommends approval of the Bearnson Woodworks Conditional Use permit for general woodworking, cabinet making and storage services, file #13.016 subject to the following conditions:

1. That the proposed woodworking business limits hours of operation within the timeframe of 6:00 AM to 10:00 PM.
2. That a building permit is required to be issued for any electrical, plumbing, heating, framing etc. during any renovation period.
3. That all emergency exits remain accessible.
4. That the applicant schedules a site inspection with the local fire official and receives approval prior to the issuance of a business license.
5. That the business adheres to all other County, State, and Federal requirements.

This recommendation is based on the following findings:

1. That the request conforms to the 2010 General Plan.
2. That the request conforms to the requirements of the Morgan County Code.
3. That with the proposed conditions and processes implemented by the applicant, any foreseeable harmful impact to the public will be mitigated, particularly with respect to the adjacent residential area.
4. That the hours of operation may be a conditional use to operate.
5. That Morgan County Code has specific landscaping standards. If the Planning Commission feels additional landscaping is required in order to comply with code, staff would recommend a landscaping design to be submitted for approval by the Zoning Administrator.

## **MODEL MOTION**

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Bearnson Woodworks Conditional Use permit for general woodworking, cabinet making and storage services, file #13.016 subject to the findings and conditions listed in the April 1, 2013 staff report, and as modified by the conditions and findings below:”

1. List any additional findings and conditions...

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the Bearnson Woodworks Conditional Use permit for general woodworking, cabinet making and storage services, file #13.016 subject to the following findings:

1. List any additional findings...

## **SUPPORTING INFORMATION**

Exhibit A: Zoning Map.

Exhibit B: Applicant Narrative.

Exhibit C: Site Photos.

Exhibit D: Proposed site plan.



# Exhibit A



Google earth

feet  
km

3000  
1



# Exhibit B



BEARNSON WOODWORKS, LLC  
580 North. 700 West  
North Salt Lake, UT 84054  
phone 801-298-1329  
fax 801-298-8121

RECEIVED  
FEB 21 2013  
Morgan County Planning

Morgan County Planning Department  
Re- Conditional Use Permit For Bearnson Woodworks LLC  
Property located at 4181 West 5800 North  
Morgan UT 84050  
Applicant John W Bearnson  
Residing at 3601 south Canyon Estates Dr  
Bountiful UT 84010

No designer or engineer used on project

Bearnson Woodworks LLC desires C.U.P. for entire property located in Morgan county address listed above, for the purpose of re-locating its operations to Morgan County. Such operations include the following. General Woodworking, cabinet making, millwork such as moldings, cabinet components including cabinet doors, drawers, and box parts. Other woodwork may include things such as fire place mantels, commercial and residential cabinetry, kitchens, baths, entertainment centers, and similar items. Scope of work to include finishing in fire protected spray booth.

Potential impact to the property is to include the installation of exterior dust collection system. Specifications of dust collection system are includes as an attachment from the manufacturer.

Other specifications of the Dust Collection system is a decibel reading of the sound emitted from the unit. Several sound level measurement's were taken.

1. Standing directly next to the unit 81 decibel
2. 30' removed from the unit 79 decibel
3. 100' from the unit 59 decibel
4. 300' from the unit 48 decibel
5. 50' around the corner of the building 52 decibel

All of these measurements are representing potential property lines from the installed unit.

Existing storage units on property to be used either as storage of personal items such as boat's, car's, atv's or other personal property and may be rented out to persons other that owners of the building. Product from Bearnson Woodworks may also be stored in units.

Vicinity map included. As well as several photos of surrounding buildings.

Map includes name and north arrow of the project

Included photos of natural, and manmade features surrounding property, including adjacent building and uses.



# Exhibit B

Plat map provided by County Recorder to show property boundaries of the proposal.  
Name of adjacent owners provided by county in the form of labels

Graphic Representation of the proposal

Name

Bearnson Woodworks conditional use permit

John W Bearnson

3601 south canyon estates drive

Bountiful UT 84010

Business address 4181 West 5800 North  
Morgan UT 84050

No Designer or engineer

Drawing of project attached with parking stalls defined as well as showroom where potential customers may come to make decisions on their projects.

Drawing includes North Arrow at top of sheet.

Boundary of the site is included as attachment from Morgan County Recorder

Adjacent properties are included in attached photos, names of owners is included from Morgan County Recorder

5800 North Road is approximately 30' Wide. No additional proposed Roads, all parking areas are defined in attached site map.

Existing Zoning is CB

Total Acreage of the property is almost exactly 1.00 acres all of which is Zoned CB

Location of existing manmade features is identified on attached photos, proposed man made features include installation of dust collector. Short wire fence separates back of the property from adjacent field.

Proposed site improvements include dust collection system and potential awnings above overhead doors.

No irrigation water is needed, culinary water to be supplied by Cottonwoods mutual water company. Sewer connection is through mountain green sewer.

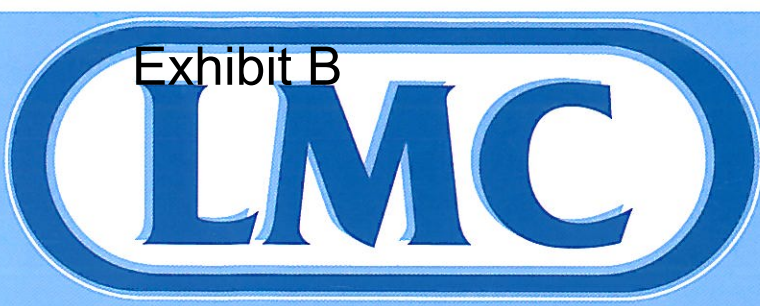
Existing vegetation includes small trees in front, no other vegetation. One of these trees will need to be removed in order to accommodate new power transformer being placed by Rocky Mountain Power.

Easements include 10' power line easement on North side of property. No other easements known.

Flood Plain boundaries do not apply.



Exhibit B



**FSD Pulse Jet Filters**

RECEIVED

FEB 21 2013

Morgan County Planning



The FSD series of pulse jet filters are an economical and popular choice. The filter media is cleaned by short pulses of compressed air controlled by a programmable solid state timer. The side door removal of filter media allows the FSD to be installed in areas with limited headroom. Applications include wood chip and sawdust, agricultural products, chemicals, cement, and rock crushing.

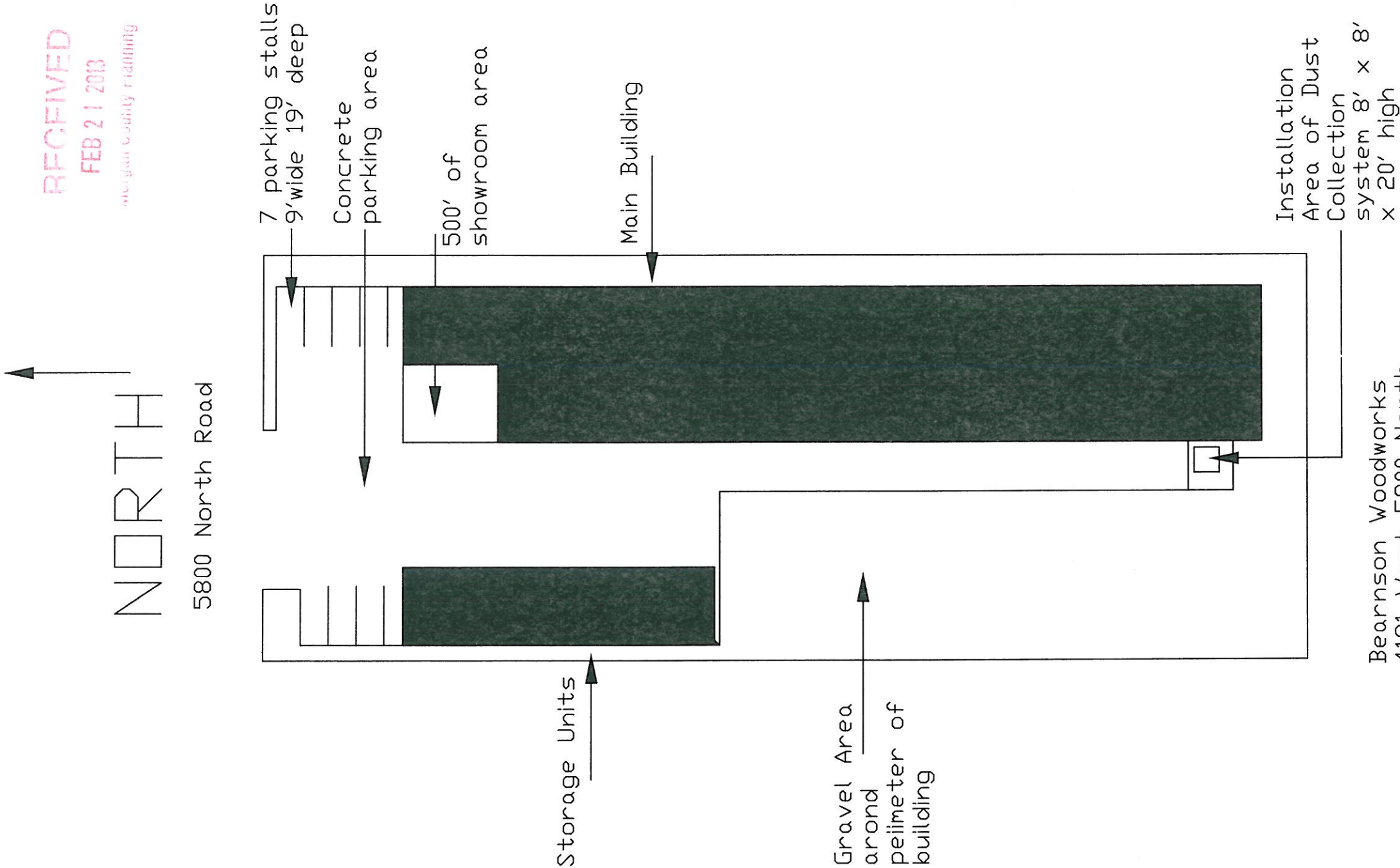
**“Processing Air For Industry”**



Exhibit C



Exhibit D



Bearnson Woodworks  
4181 West 5800 North  
Mountain Green

Bearnson Plans to occupy entire main building. Currently employees 3 persons. Plus 1 owner.

approximately 500' of showroom for customers to come decide in style, finish etc..

Location of Dust Collector shown.

No new openings will need to be made to building to bring in dust collection.





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48 West Young Street  
Morgan, UT 84050  
(801) 845-4015

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## **STAFF REPORT**

April 4, 2013

**To:** Morgan County Planning Commission  
Business Date: April 11, 2013

**Prepared By:** Ronda Kippen, Planning Technician

**Re:** **K&C Duncan's Black and Tan Kennel Conditional Use Permit Request**

Application No.: 13.017  
Applicant: Kenneth Duncan  
Project Location: Serial # 01-004-161 (approximately 2840 N Morgan Valley Drive)  
Zoning: A-20 Zone  
Acreage: 23.08 acre  
Request: Conditional Use Permit for a kennel

### **SUMMARY**

The applicant, Kenneth Duncan, has operated a kennel for hunting, training, breeding and selling of registered Black and Tan Coonhounds since 1963 and would like to bring the kennel into conformance with the current Morgan County Codes. The property where the existing kennel is located is owned by Rex Jensen. Mr. Jensen has submitted to the County written approval for the keeping of the animals and the ability for Mr. Duncan to access the existing kennel. The applicant currently houses 15 dogs and would like to have the ability to house a maximum of 20 dogs. The application is to consider the subject property to be used as a "kennel" which is defined in Morgan County Code (MCC) 8-2-1 as follows: *KENNEL<sup>2</sup>: Any premises where three (3) or more dogs, or five (5) or more cats, older than four (4) months, are kept for the purpose of boarding, keeping, breeding, buying, grooming, holding for adoption, letting for hire, training for profit, or selling.*

The proposed use in the A-20 zone is allowed by conditional use permit. Conditional use permits should be approved as long as any harmful impact is mitigated. The County Code already specifies certain standards necessary for mitigation of harmful impact to which the proposal must adhere. The proposed application appears to meet these standards. The following is staff's evaluation of the request.

### **ANALYSIS**

**Zoning.** The property is zoned A-20 (see Exhibit A). The proposed use is allowed in the A-20 zone through a conditional use permit. MCC 8-5A-3 identifies the use the proposal may be considered under: "kennel". This use requires a conditional use permit in the A-20 zone.

### 8-5A-3: USE REGULATIONS:

	Districts					
	MU-160	F-1	A-20	RR-10	RR-5	RR-1
Kennel	C	-	C	C	C	-

Animal Control. The Animal Control Deputy has scheduled a site visit to verify the current condition of the kennel. Staff recommends that the applicant provides the County Animal Control Department with proof of all vaccinations and applies for dog licenses annually. The Animal Control Department reserves the right to make periodic site visits to ensure the proper care of the dogs. Staff is not aware of any type of complaints regarding the kennel or the applicant at this time. (See Exhibit B)

#### Conditional Use Requirements.

- *Health and Sanitation:* MCC 8-8-4 identifies potential conditions related to health and sanitation associated with the conditional use activities. The applicant indicates that the water used to service the site comes from a pressurized water system during the summer months and is imported during the winter months. The applicant currently utilizes a vacated irrigation ditch for the disposal of the dog waste. Staff recommends that due to the proximity of the kennel to open water ways, the applicant should work with the Weber-Morgan Health Department and the State Division of Drinking Water and adhere to the guidelines that they have identified for the proper disposal of dog waste.
- *Environmental and Pollution Prevention:* MCC 8-8-4 states “processes for the control, elimination or prevention of land, water or air pollution; and the control of objectionable odors”. Potential 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, State and/or County government. MCC 8-6-29 states that “any use shall also be prohibited which emits or discharges liquids or solid material onto the soil or water in amounts which may result in pollutants entering any water or drainage system in amounts exceeding the standards prescribed by the state committee on water pollution, or its successor agency”. Staff recommends that the applicant takes the appropriate measures identified by the Weber-Morgan Health Department and the State Division of Drinking Water to ensure that all potential water pollutants and objectionable odors have been eliminated in addition to standards as may be established by the Planning Commission or County Council 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.

Property Layout. The 23.08 acre lot lies Northeast of the Gateway Canal and is bordered on the East by Dalton Creek and on the North by the Weber River. The primary use of the property is agricultural(see Exhibits C). The subject property is accessed by a private lane owned by Rex Jensen. The property owner has provided the applicant with written approval to use this lane.

Setbacks. The front setback for an accessory use in the A-20 zone is 30 feet. The side yard is 10 feet and rear setback of 10 feet. The proposal meets all of these requirements.



## **STAFF RECOMMENDATION**

Staff recommends approval of the K&C Duncan Black and Tan Kennel Conditional Use permit for the purpose of boarding, keeping, breeding, buying, grooming, holding for adoption, letting for hire, training for profit, or selling, file #13.017, subject to the following conditions:

1. That the applicant works with the Weber-Morgan Health Department and the State of Utah Division of Water to ensure that the adjacent water ways remain free and clear of pollutants.
2. That the applicant applies for and maintains a business license for the kennel operations in Morgan County.
3. That the applicant schedules a site inspection with the Weber-Morgan Health Department and receives approval prior to the issuance of a business license.
4. That the applicant applies for and maintains the appropriate licenses for the dogs associated with the kennel.
5. That the kennel operation and associated business adheres to all other County, State, and Federal requirements.

This recommendation is based on the following findings:

1. That the request conforms to the requirements of the Morgan County Code.
2. That with the proposed conditions, potential detrimental impact to the public will be mitigated, particularly with respect to the adjacent water ways.
3. That Morgan County Code has specific codes to protect the public health, safety and welfare. Additional standards as may be established by the Planning Commission or County Council 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.

## **MODEL MOTION**

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the K&C Duncan Black and Tan Kennel Conditional Use permit for the purpose of boarding, keeping, breeding, buying, grooming, holding for adoption, letting for hire, training for profit, or selling, file #13.017, subject to the findings and conditions listed in the April 4, 2013 staff report, and as modified by the conditions and findings below:”

1. List any additional findings and conditions...

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the K&C Duncan Black and Tan Kennel Conditional Use permit for the purpose of boarding, keeping, breeding, buying, grooming, holding for adoption, letting for hire, training for profit, or selling, file #13.017, subject to the following findings:

1. List any additional findings...

## **SUPPORTING INFORMATION**

Exhibit A: Zoning Map.

Exhibit B: Site Photos

Exhibit C: Subject Property.

# Exhibit A



Google earth

feet 3000  
km 1







Exhibit B



# Exhibit C



Google earth

feet  
meters

2000

700





## PLANNING COMMISSION AGENDA

Thursday, March 28, 2013

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. Approval of agenda.
3. Declaration of conflicts of interest.
4. Public Comment
5. Discussion: Ponderosa Update
6. Discussion/Decision: Application Expiration Text Amendment
7. Staff Report.
8. Approval of minutes from March 14, 2013
9. Adjourn.

## PLANNING COMMISSION AGENDA

Thursday, March 28, 2013



## **Morgan County Council Room 6:30 PM**

### **MEMBERS PRESENT**

Roland Haslam, Chairman  
Darrell Erickson  
Debbie Sessions  
Michael Newton  
Shane Stephens  
Steve Wilson

### **STAFF PRESENT**

Charles Ewert, Planner  
Ronda Kippen, Assistant Planner Tech

### **MEMBERS ABSENT**

Alvin Lundgren

### **COUNTY COUNCIL PRESENT**

Tina Kelly

### **\*\*\* MINUTES \*\*\***

#### **1. Call to order – prayer.**

Chairman Haslam called the meeting to order.  
The prayer was offered by Chairman Wilson.

#### **2. Approval of agenda.**

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

#### **3. Declaration of conflicts of interest.**

There were no conflicts of interest declared.

#### **4. Public Comment:**

**Member Stephens moved to open public comment. Second by Member Wilson. The vote was unanimous. The motion carried.**

There was no public comment.

**Member Sessions moved to close public comment. Second by Member Stephens. The vote was unanimous. The motion carried.**

## 5. Discussion: Ponderosa Update

Charlie noted nothing has changed in the last week since his Memo dated (Please see attached exhibit A)

Member Erickson noted he is concerned about the multiple development agreements and the conflicts that may come forward.

Charlie noted the following:

- One application is open at the County Council level which is the development agreement amendment; that is not a subdivision plan. That is supposed to be a tool to help Mr. Durbano get to the subdivision plan.
- Mr. Durbano jumped ahead in submitting his subdivision application. The subdivision application did not meet the terms of the development agreement at the time. Then he subsequently wanted to amend the development agreement to allow for the subdivision to work. Mr. Ewert noted he has requested several times that Mr. Durbano postpone decision on one until final decision on the other has been made; but Mr. Durbano has not been desirous to do that.
- He noted if Mr. Durbano was not using State code, what is referred to as the "rip cord" to get a final decision, The County would have said "no" going forward on one until a decision on the other is made. Now everything is upside down on the management end because state code says he is entitled to a decision.
- Full staff report is going to County Council for their next meeting. Staff is still recommending denial of the development agreement changes, which was the original position of staff. However, he believed it was Council's intention to make changes and so he has tried to facilitate which changes would minimize the problems that the amendment is going to cause. He expects a decision to be made on April 2nd by the County Council. If the Council passes, Mr. Durbano will be creating his own subdivision and his own standards.

Chairman Haslam ask if part of this proposed amended development agreement, has Mr. Durbano address Browning Arms? Mr. Ewert stated he has indicated that there was a previously signed agreement with Browning Arms. In this amendment he would be remodeling what their requirements are, as it applies to him. He is still obligated to the original contractual obligations that Rollins Ranch LLC made with Browning in accordance with the development agreement. Member Newton asked if this would impact the existing Rollins Ranch. Mr. Ewert noted he has tried to minimize that to the best of his ability but anytime you overlay a document over another document you are going to have conflicts. What Mr. Durbano's document says is that in the event of conflicts, his document prevails. Charlie noted open space is a concern because Mr. Durbano has proposed no open space in his three lot subdivision. But subdivision ordinance requires a certain percentage of open space; so the other developers in the development have to compensate for that.

Member Stephens asked about the future development that can take place on the Ponderosa property. It was noted Mr. Durbano has purchased the northern property, 88 acres with the right to 101 lots. He wants to keep that density but not use it right now. Chairman Haslam noted that Mr. Durbano wants everything agreed upon in the original Rollins Ranch PRUD, but then he

wants to adjust it to accommodate his three lot subdivision. Mr. Ewert noted that was a very big concern of his. He noted Mr. Durbano, through some discussion with him, volunteered, through that development agreement, to record a restrictive covenant against the rest of the property once he does his three lot subdivision. So a restrictive covenant will be recorded that the remaining property will not be developed unless all necessary infrastructure is be provided through what will be phase one; his three lot subdivision.

Biggest concern of the upper 98 lots is not when it will be developed but that there will not be adequate public right of way or infrastructure to get to it; we would be in essence land locking.

**6. Discussion/Decision: to consider amending portions of Title 8 of the Morgan County Code regarding the expiration timeframes of Land Use and other similar applications, and other related administrative provisions.**

There was discussion on the 14 day time period and the submission process.

Member Haslam called for a vote

**Member Sessions moved to forward a positive recommendation to the County Council for the proposed land use regulations text amendments regarding the procedural denial of inactive applications, application 12.123, based on the findings presented in the Staff report dated February 28, 2013.**

1. That the amendments are necessary to maintain the legislative authority to address
2. Changing community conditions with new laws and make them applicable to application approvals.
3. That the amendments are necessary to alleviate the time and resources required for the administration to manage the number of open applications.
4. That the amendments are necessary to assist the administration in the tracking and monitoring of open applications.
5. That the amendments are not detrimental to the County's health, safety, and welfare.

**Second by Member Erickson.**

Chairman called for debate. there was none.

The Chairman called for a vote.

**The vote was unanimous. The motion passed.**

**7. Staff Report**

Mr. Ewert noted a meeting was held with Snowbasin earlier today. Originally they submitted an 8 page development agreement with exhibits. Snowbasin worked on that and now there is a 55 page development agreement with exhibits. Mr. Ewert discussed the Development Agreement

process with Snowbasin. The developer has been very receptive to the proposed changes. Staff believes that this will be ready for public hearing in the next month. Staff would recommend a work session to be held prior to the public hearing to discuss issues and concerns regarding the Snowbasin rezone and master plan. Staff would recommend keeping the public hearing open for written comment for two weeks following the 1<sup>st</sup> public hearing.

Member Erickson had a question regarding the Resort Special District zone and if it is unique to Snowbasin. Mr. Ewert explained that the Resort Special District is not actually a zone but it is an enabling ordinance for the applicant to come forward with the proposed zone with a Development Agreement unique to the circumstances of Snowbasin.

Member Wilson asked if staff has received very much negative input from the public and if staff anticipates any negative input in the future. Mr. Ewert stated he has been surprised by the seeming lack of interest; although he does not believe it is lack of interest. He did note that Snowbasin had held several open houses and it appears people are fairly accommodating of Snowbasin and the answers they are providing to the questions being asked.

Member Wilson asked what Mr. Ewert's concerns are with the proposed Development. He feels the biggest issue with the development will be the operation and maintenance with the roads within the development; the area is known for movement. This is the primary concern of Mr. Ewert's and Mark Miller, the County Engineer. Mr. Ewert stated it has been crafted into the development agreement that the road system will not become "public" until the developer is able to prove that the road system will not be a financial burden to the County Tax payers; this will be no sooner than two years into the development. He noted this development will provide 2500 units for the County.

#### **8. Approval of minutes from March 14, 2013**

Member Haslam called for a vote.

**Member Sessions moved to approve the minutes of March 14, 2013 with the noted minor corrections. Second by Member Erickson. The vote was unanimous. The motion passed.**

#### **9. Adjourn**

**Motion made by Member Stephens. Second by Member Newton. The vote was unanimous. The motion passed.**