



PLANNING COMMISSION AGENDA

Thursday, September 24, 2015

Morgan County Council Room

6:30 PM

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

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

Legislative:

Administrative:

6. Discussion/Decision – Rockin’ M Small Subdivision.
7. Discussion/Decision – The Ridges PRUD Plat Amendment #1
8. Discussion/Decision – Waterpocket Conditional Use Permit.
9. Planning Commission Business/Questions for Staff
10. Approval of minutes from September 10, 2015
11. Adjourn



Planning Commission
Staff Report

Rocking M Small Subdivision
Public Meeting
September 24, 2015

Application No.: 15.062
Applicant: Milan and Susan Mecham
Owner: Same
Project Location: 1275 W. Island Road
Morgan
Current Zoning: RR-1/A-20
General Plan Designation: Rural Residential/Agricultural
Lots/Acreage: Proposed 2 lots / Approximately 3.75 acres
Date of Application: August 31, 2015
Date of Previous Meeting: Concept Plan Approval – 3 Dec 2013

Staff Recommendation

County Staff is recommending approval of the Rocking M Small Subdivision, application #15.062, subject to the following conditions and with the following findings:

Conditions:

1. That all outstanding fees for outside reviews are paid in full prior to recording the final Mylar.
2. That a current updated Title Report is submitted with the final Mylar.
3. That all other local, state, and federal laws are adhered to.

Findings:

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

Background

The applicant is seeking approval of a two lot subdivision. The proposed subdivision received conceptual approval by the County Council on December 3, 2013. The proposed subdivision has been designed to utilize the required access, frontage and setbacks of the RR-1 zone.

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

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

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

ANALYSIS

General Plan and Zoning. The subject property is located along the west portion of Island Road in unincorporated Morgan County near the City of Morgan (see Exhibit A). The 2010 Morgan County General Plan and Future Land Use Map have designated this area along Morgan Valley Drive as a maximum of one dwelling unit per acre (DUA) area, which is considered a Rural Residential designation. The proposed subdivision lies within the Rural Residential designation. The purpose of the Rural Residential designation is:

The Rural Residential category designation accommodates semi-rural large lot development, with generous distances to streets and between residential dwelling units in a viable semi-rural character setting. Residential density in rural residential areas is a maximum of 1 unit per acre. (See 2010 Morgan County General Plan page 6)

The purposes of the RR-1 zone are:

1. The purposes of providing a rural residential district are:
 - a. To promote and preserve in appropriate areas conditions favorable to large lot family life;
 - b. Maintaining a rural atmosphere;
 - c. The keeping of limited numbers of animals and fowl; and
 - d. Reduced requirements for public utilities, services and infrastructure.
2. These districts are intended to be primarily residential in character and

protected from encroachment by commercial and industrial uses.

The proposal is in compliance with these purpose statements.

Layout. The proposed two-lot subdivision fronts Island Road (see Exhibit D). It is currently configured as one residential lot. Each proposed lot has over one acre in the RR-1 zone. The proposed lot lines and configurations conform to existing RR-1 standards for lots, including setbacks, coverage, acreage and frontage/width.

Roads and Access. All lots have existing access from Island Road. They are each provided a minimum of 200 feet of frontage and width measured at the front and rear setback lines, which complies with Morgan County Code standards.

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

Sensitive Areas, Geology, and Geotechnical Considerations. A Geological and Geotechnical report have been submitted, reviewed, and accepted by the County for these lots. The requirements of these reports shall be adhered to.

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

- Culinary water is proposed to be provided for Lot 1 from an existing well, and Lot 2 will utilize a new well to be located on Lot 2.
- Sewage is proposed to be provided by individual septic systems. The septic systems will need to be reviewed and approved by the Weber Morgan Health Department as part of the building permit process.
- Electric and telecommunication facilities run along the site's frontage along Island Road.

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

Flood Plain. The easterly portion of the site lies within the 100-year flood plain as identified on the FEMA FIRM maps.

Supporting Information

- Exhibit A: Vicinity Map
- Exhibit B: Future Land Use Map
- Exhibit C: Existing Zoning Map
- Exhibit D: Proposed Subdivision Preliminary and Final Plat

Staff Contact

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

Exhibit A: Vicinity Map



Exhibit B: Future Land Use Map

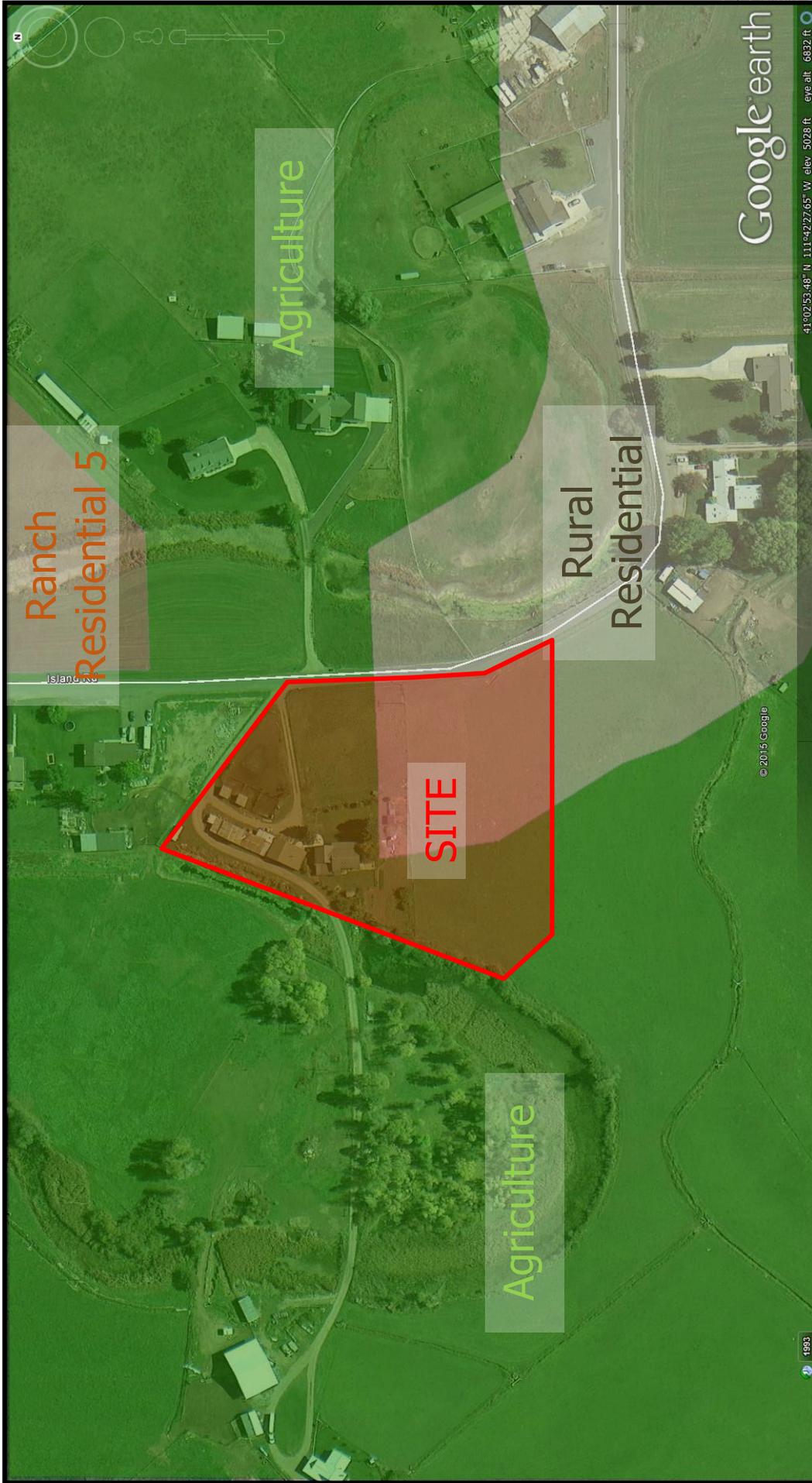


Exhibit C: Existing Zoning Map





Planning Commission
Staff Report

Ridges Lot 17 Plat Amendment
Public Meeting
September 24, 2015

Application No.: 15.063
 Applicant: Brent Anderson
 Owner: Same
 Project Location: Lots 17 of the existing Ridges PRUD
 3633 W Ridges Road
 Peterson
 Current Zoning: A-20 (PRUD)
 General Plan Designation: Agricultural
 Acreage: approximately 64.49
 Request: Amend a subdivision of record to reduce the lot size of Lot 17,
 resulting in two remnant parcels
 Date of Application: September 8, 2015
 Date of Previous Meeting: N/A

Staff Recommendation

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

Findings:

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

Conditions:

1. That the owners provide an updated title report prior to recordation.
2. That all fees and taxes are paid, including any fees associated with outsourced consultants.
3. That any minor changes to the plat be handled by County Staff prior to recordation.

Background

This application is to amend the approved Ridges PRUD Plat, originally approved in 2004. Lot 17 is Mr. Anderson's home site and he would like to sell the lot. His real estate agent has recommended the lot size reduction in order to make the property seem more attractive to

potential buyers. This would result in two remnant parcels which are intended to be included in Lot 3 of the proposed Ridgeview Estates subdivision – a three-lot subdivision to the west and south of the existing Ridges PRUD. The acreage of the existing lot is approximately 65.49 acres, while the resulting smaller lot (Lot 17 A) would be approximately 30.96 acres. The two remnant parcels (A and B) will be approximately 15.43 acres and 18.09 acres, respectively. As noted, these will be combined with Lot 3 of the proposed Ridgeview Estates subdivision, which will create a parcel that is approximately 195.19 acres. The lots all lie within the A-20 zoning district (see Exhibit C).

Analysis

General Plan and Zoning. Pursuant to the Future Land Use Map (see Exhibit B), the property has an Agricultural designation. 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 residential density in this category is up to 1 unit per 20 acres.” This lot, at just over 30 acres, matches the desired character of the General Plan.

The zoning of the parcel is A-20 (see Exhibit C). As noted above, the size of the lot (approximately 30 acres) seems appropriate for the zoning that exists in the area and on this lot.

Ordinance Evaluation:

Property Layout. The lot is sited on the south side of the Ridges PRUD subdivision. The setbacks are noted on the plat and are typical to the zone.

Roads and Access. The lot fronts onto Ridges Road, where access is gained to the property. Please note that a proposed access easement is granted along the west side of the amended lot which will provide access to the adjacent Lot 3 of the Ridgeview Estates small subdivision.

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

Utilities. Water service in the area is provided by the private wells. Waste water will be handled in the existing septic systems.

Geologic Hazards. The subdivision was completed prior to the County Geologic Hazards Ordinance. According to the existing/current plat, a geotechnical study has been completed for the property. This study should be referred to prior to any additional construction or mass grading.

Model Motion

Sample Motion for *Approval* – “I move we recommend approval by the County Council the Ridges Plat Amendment – Lot 17, application #15.063, located at approximately 3633 W Ridges Road, amending the plat and reducing the size of Lot 17 and creating remnant Parcels A and B, based on the findings and with the conditions listed in the staff report dated September 24, 2015.”

Sample Motion for *Approval with additional conditions* – “I move we recommend approval by the County Council the Ridges Plat Amendment – Lot 17, application #15.063, located at approximately 3633 W Ridges Road, amending the plat and reducing the size of Lot 17 and creating remnant Parcels A and B, based on the findings and with the conditions listed in the staff report dated September 24, 2015, *with the following additional conditions:*”

1. List any additional findings and conditions...

Sample Motion for *denial* – “I move we recommend denial by the County Council the Ridges Plat Amendment – Lot 17, application #15.063, located at approximately 3633 W Ridges Road, amending the plat and reducing the size of Lot 17 and creating remnant Parcels A and B, based on the findings and with the conditions listed in the staff report dated September 24, 2015, *due to the following findings:*

1. List any additional findings...

Supporting Information

Exhibit A: Vicinity Map
Exhibit B: Future Land Use Map
Exhibit C: Current Zoning Map
Exhibit D: Existing Ridges PRUD Plat
Exhibit E: Proposed Amended Plat

Staff Contact

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

Exhibit A: Vicinity Map

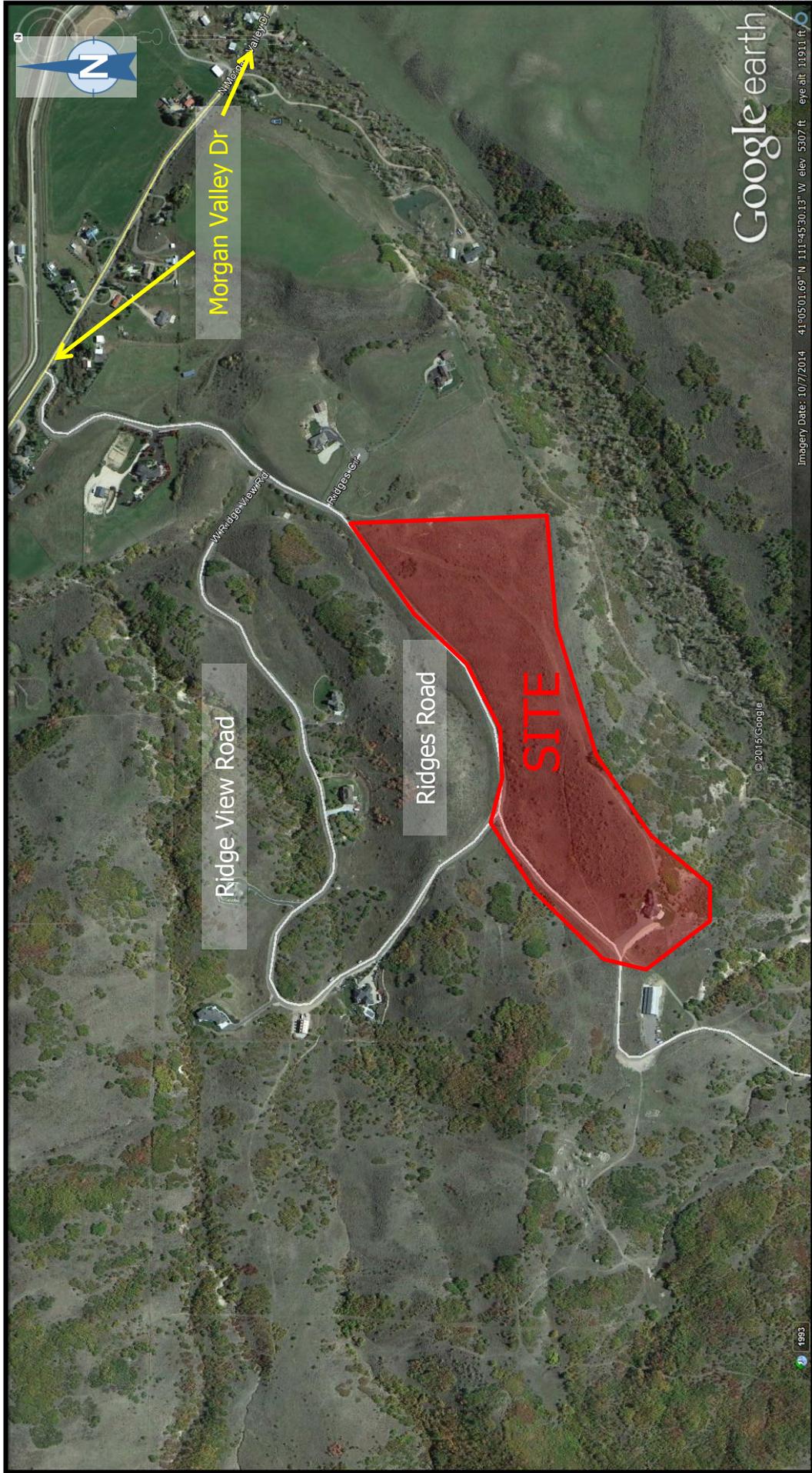


Exhibit B: Future Land Use Map



Exhibit C: Current Zoning Map



(Plat Notes)

BUILDING ENVELOPES & OTHER OPTIONS

BUILDING ENVELOPES ARE DESIGNATED FOR EACH LOT AND INTENDED TO CONTAIN THE HOME AND ALL SECONDARY BUILDINGS NECESSARY FOR THE ENJOYMENT OF THE HOME SITE. HOWEVER, THERE MAY BE OTHER LOCATIONS ON THE LOTS WHICH WOULD BE SUITABLE FOR CONSTRUCTION OF OTHER SPECIAL USE SECONDARY BUILDINGS.

SUCH LOCATIONS FOR SECONDARY BUILDINGS MAY BE USED ONLY WITH THE APPROVAL OF THE ARCHITECTURAL AND DESIGN CONTROL COMMITTEE, DOCUMENTED BY LETTER, AND RECOMMENDED FOR APPROVAL BY THE MORGAN COUNTY PLANNING COMMISSION AND APPROVED BY THE COUNTY COUNCIL AND DOCUMENTED BY A CONDITIONAL USE PERMIT.

BUILDING SETBACKS, INCLUDING SECONDARY BUILDINGS, SHALL BE: 30' FRONT YARD SETBACK, 15' SIDE YARD SETBACK, AND 30' REAR YARD SETBACK FROM PROPERTY LINE. HEIGHT REGULATIONS AND OTHER CONDITIONS FOR EACH LOT SHALL CONFORM TO THE REQUIREMENTS OF THE COVENANTS, CONDITIONS AND RESTRICTIONS OF THE P.R.U.D.

CONDITIONS OF WATER USAGE, CULINARY AND IRRIGATION

A. WITH REGARD TO WATER SHARES AND USAGE FOR LOTS 8 THROUGH 17, ONE SHARE OF WATER, BEING ONE ACRE FOOT OF WATER, SHALL PROVIDE CULINARY WATER FOR ONE HOME UNIT AND IRRIGATION WATER FOR +/- 7800 SQUARE FEET OF VEGETATION. THE GEOTECHNICAL/GEOLOGICAL STUDY INDICATES THAT EACH OF THESE LOTS SHALL NOT IRRIGATE MORE THAN 10,000 SQUARE FEET OF VEGETATION.

B. WITH REGARD TO WATER SHARES AND USAGE FOR LOTS 1 THROUGH 7, ONE SHARE OF WATER, BEING ONE ACRE FOOT OF WATER, SHALL PROVIDE CULINARY WATER FOR ONE HOME UNIT AND +/- 7800 SQUARE FEET OF VEGETATION. THE GEOTECHNICAL/GEOLOGICAL REPORT INDICATED THAT EACH LOT SHALL NOT IRRIGATE MORE THAN 10,000 SQUARE FEET OF VEGETATION. HOWEVER, THIS AREA HAS BEEN IRRIGATED FOR MANY YEARS WITH A PRESSURE IRRIGATION SYSTEM FED BY DALTON CREEK WHICH HAS NOT SIGNIFICANTLY AFFECTED GROUND WATER. THEREFORE, IRRIGATION RESTRICTIONS ARE NOT NECESSARY ON THESE LOTS.

GEOTECHNICAL/GEOLOGICAL STUDY & HOME OWNER'S ASSOCIATION

A. A GEOTECHNICAL/GEOLOGICAL STUDY HAS BEEN PREPARED BY EARTHTEC TESTING AND ENGINEERING, P.C., COVERING THE REQUIREMENTS FOR THE RIDGES SUBDIVISION, INCLUDING, BUT NOT LIMITED TO EXCAVATIONS, SITE GRADING, SURFACE DRAINAGE, USE OF WATER, ROAD TECHNICAL REQUIREMENTS GEOLOGIC HAZARDS, ENGINEERING GEOLOGY, AND BUILDING CONSTRUCTION REQUIREMENTS. THIS STUDY IS IDENTIFIED AS ETE JOB NO. 03E-726. THIS STUDY IS MADE A PART HEREOF BY THIS REFERENCE.

B. THE SEISMIC ZONE FOR THIS PROJECT IS "ZONE D₂"

C. A HOME OWNER'S ASSOCIATION SHALL BE ESTABLISHED, WITH CONDITIONS, COVENANTS, AND RESTRICTIONS DOCUMENTED AND RECORDED TO PROVIDE CONTROL, RESPONSIBILITY, AND REVIEW OF ALL CONDITIONS PERTAINING TO THE GROWTH, DEVELOPMENT AND MAINTENANCE OF THE RIDGES SUBDIVISION.

D. ALL LOTS, AND LOT OWNERS, WITHIN THE RIDGES SUBDIVISION ARE SUBJECT TO THE ABOVE DESCRIBED GEOTECHNICAL/GEOLOGICAL STUDY AND TO THE HOME OWNER'S ASSOCIATION.



Planning Commission
Staff Report

Waterpocket Distillery Conditional Use Permit
Public Meeting
September 24, 2015

Application No.: 15.064
Applicant: Alan and Anna Scott
Owner: Ryan Nye
Project Location: 4883 W Old Highway Road Unit C
Mountain Green
Current Zoning: CD (Commercial Development); Nye PUD
General Plan Designation: Town Center
Acreage: Approximately .47 acre
Request: Conditional Use for a Beverage Distillery
Date of Application: September 8, 2015
Date of Previous Hearing: N/A

Staff Recommendation

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

Conditions:

1. That the applicant provides evidence that sufficient water is available to support the proposed business prior to issuance of a building permit.
2. That the applicant acquires all relevant state and federal approvals to operate a distillery and provide evidence of such to the County prior to issuance of a building permit.
3. That all other health, safety, and welfare concerns of the County health department, the Mountain Green Fire Chief, and other County departments are met.

Background

The applicant is leasing a space on a parcel of land located at 4883 W Old Highway, Unit 3, which is in the CD zone, and which is subject to a PUD. The property is currently being used as a ski and bike shop, while the adjacent units are being used as a dentist's office and a real estate office. The proposed conditional use permit would allow for the installation of a distillery in the unit.

Refer to the applicant's narrative for specific information on how the site is proposed to be used, as well as assurances from the applicant regarding the proposed use and its impact on adjacent properties and utilities.

Analysis

General Plan and Zoning. Pursuant to the Future Land Use Map (see Exhibit B), the property is designated as Town Center, within the Mountain Green area. According to the General Plan, "The Town Center designation denotes areas suitable for a mixture of commercial, employment, and supporting residential uses in appropriate locations. Horizontal mixed uses would be required for master planned projects, and vertical mixed uses would be encouraged.... Town Center projects should be designed to provide maximum compatibility with surrounding land uses. Increased aesthetic and architectural design requirements and focus on streetscape creation are paramount to the development of a Town Center area." Further, the Chapter 5, Policy 5.12, of the Mountain Green Area Plan notes:

... The Central business district should be the focal point for the community, and may include a mix of commercial, retail, office space, and supporting uses service the needs of the entire area and surrounding neighborhoods.... In order to achieve these goals for the Town Center, all areas in the central business district of the Town Center shall be zoned C-D and the Planning Commission and Governing Body shall grant conditional uses based on the level of compliance to this Area Plan and the General Plan principles. This central business district is delineated on the Future Land Use Map.

The proposed conditional use would meet the General Planning designation, and is in keeping with the Policy noted above.

The zoning of the parcel is CD (Commercial Development) and is governed by a PUD. Current zoning regulations do not recognize the CD zoning district, and properties that are currently zoned CD are regulated under the previous ordinance, which states:

1998 MORGAN COUNTY LAND USE MANAGEMENT CODE

15 December 1998

CHAPTER 13

CENTRAL DEVELOPMENT DISTRICT, CD

13.3 PURPOSE

To provide areas in appropriate locations for high intensity public, quasi-public, commercial, office, and multiple-family uses which may center in harmonious relationships based on planned development for mutual benefit.

13.2 PERMITTED USES

None

13.3 CONDITIONAL USES

All uses allowed as permitted or conditional uses in the RM; CN, CS, CH and CG Districts are allowed in the CD District upon issuance of a conditional use permit.

13.4 SPECIAL PROVISIONS

13.4.1 Any parcel larger than 1 acre at the time of passage of this Code may be divided or developed only under planned unit development approval. No new lot smaller than 1 acre may be created except as provided for in a PUD.

13.4.2 Every conditional use permit and every planned unit development approval shall be based primarily on how the development, as proposed in the application, will contribute to compatibility and mutual private and public benefit from existing, proposed, and potential buildings and uses in the area; the efficient, effective, and aesthetic use of land, buildings, landscaping, and amenities; and, the improvements to be made in land use, building construction and appearance, traffic safety and control, landscaping, and drainage.

13.5 AREA, WIDTH, FRONTAGE, YARD, COVERAGE, HEIGHT REGULATIONS

To be determined by conditional use permit or planned unit development approval.

The zoning regulations at the time included the following:

1998 MORGAN COUNTY LAND USE MANAGEMENT CODE

15 December 1998

	CB	C-N	C-S	C-H	C-G	M-D	MG
12.3.3 Industrial							
12.3.3.1 Food products manufacturing							
Baker products.....	-	-	C	-	C	C	C
Beverage.....	C	-	-	-	-	C	C
Canning and preserving of fruits, vegetables, meat and seafood.....	-	-	-	-	-	C	C
Confectionery and related products.	-	-	C	-	C	C	C
Dairy products.....	-	-	C	-	C	C	C
Food Processing and Manufacturing.....	C	-	-	-	-	-	-
Grain mill products.....	-	-	-	-	-	C	C
Meat products.....	-	-	-	-	-	C	C
Sugar.....	-	-	-	-	-	-	C

The zoning at the time the development was approved appears to allow for the proposed use. In particular, due to the relatively small nature of the process, the use seems to be compatible with the spirit of the zoning ordinance.

The property is also governed by a PUD, which was granted in 2003. The specifics governing the types of uses allowed in this PUD are vague, stating only:

Article III Section 5: Use: *The Units shall be used only for commercial, professional, and business purposes. Residential and manufacturing uses are consistent with Land Use Management Code as amended.*

This seems to imply some flexibility in the granting of conditional uses, provided the spirit of the ordinance is adhered to, and that any negative impacts on adjacent uses can be appropriately mitigated. According to the applicant’s narrative, there are a number of measures that can and will be taken to mitigate the anticipated impacts on adjacent uses.

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

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

Staff Response: Due to the preexisting uses on the parcel, any impact due to the proposed development of the use will have to be mitigated, including for noise, odor, and other potential nuisances that may negatively impact adjacent businesses and properties. Further, due to the hazardous nature of the proposed use, all requirements of the Health Department, Fire Chief, and other regulatory departments shall be strictly adhered to.

Property Layout. The existing lot is approximately 193' wide and 180' deep, or nearly one-half acre.

Roads and Access. The lot has 24' paved driveway in a 50' access easement. The proposed use does not appear to negatively impact the roadway and existing traffic patterns.

Grading and Land Disturbance. As the proposed use will be in an existing building, no grading/land disturbance is being proposed at this time. The parcel appears to lie outside of the flood plain.

Water Source. Water is available from the Cottonwood Mutual Water Company. It is anticipated that the proposed use will utilize 750,000 gallons per year, or the rough equivalent of five residential units. The applicant shall work with the Water Company to ensure adequate water flow.

Fire Protection. MCC 8-12-450(c) requires fire protection to comply with adopted fire code as verified by the local Fire Official. The parcel lies inside the Wildland/Urban interface.

Sanitary Sewer Systems. The property is served by the Mountain Green Sewer District.

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

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

Utilities. The proposed conditional use will not involve the use or expansion of utilities.

Model Motion

Sample Motion for a *Positive* Recommendation – "I move we forward a positive recommendation to the County Council for the Waterpocket Distillery Conditional Use Permit, application #15.064, located at approximately 4883 W. Old Highway, Unit C, allowing for the construction and use of a distillery, based on the findings and with the conditions listed in the staff report dated September 24, 2015."

Sample Motion for a *Positive* Recommendation *with conditions* – "I move we forward a positive recommendation to the County Council for the Waterpocket Distillery Conditional Use Permit, application #15.064, located at approximately 4883 W. Old Highway, Unit C, allowing for the construction and use of a distillery, based on the findings and with the conditions listed in the staff report dated September 24, 2015, *with the following conditions:*"

1. List any additional findings and conditions...

Sample Motion for a *Negative* Recommendation – "I move we forward a negative recommendation to the County Council for I move we forward a positive recommendation to the County Council for the Waterpocket Distillery Conditional Use Permit, application #15.064,

located at approximately 4883 W. Old Highway, Unit C, allowing for the construction and use of a distillery, based on the findings and with the conditions listed in the staff report dated September 24, 2015, *subject to the following conditions:*

1. List any additional findings...

Supporting Information

Exhibit A: Vicinity Map
Exhibit B: Future Land Use Map
Exhibit C: Existing Zoning Map
Exhibit D: Applicant's Narrative
Exhibit E: Proposed Building Remodel Plan

Staff Contact

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

Exhibit D: Applicant's Narrative**Conditional Use Permit Application for Waterpocket LLC**

August 29, 2015

Name of the project.

Alan and Anna Scott (Owners)
 2961 La Joya Drive
 Holladay, UT 84124

Proposed business address

Mountain Green Flex Condo (Unit C)
 4883 West Old Highway Road
 Morgan, Utah 84050

Name and business address of the project designer or engineer.

N/A

Written narration of the proposal with detailed specificity identifying potential impact of the use on the property and the surrounding properties, as well as the measures proposed to mitigate harmful impact.

Waterpocket LLC is a distillery that produces craft distilled and craft blended spirits including vodka, whiskey, and gin. The spirits will be produced from raw ingredients (wheat, rye, barley, fruits) on site. Assuming a wheat only work flow, we will use 21,000 lb of grain per month at full production. We estimate water usage at 750,000 gallons/year. We will also have a gift store and package store that will sell only products that we produced.

The distillery will occupy the 4,000 ft² space in the Mountain Green Flex Condo (Unit C). It will share this building with Mountain Green Dental and Mountain Valley Real Estate Experts.

Planned Changes

- Remove the interior wall that creates the area currently occupied by the Needles Peak Ski and Bike Shop, remove one of the bathrooms in the main manufacturing area, and create a new room in the northwest corner (see attached sketch).
- Run 3 phase power to the building since 1 phase only exists now.
- Repaint and remove the existing floating floor in the main warehouse area.
- Add a sign to the building.
- Build a secure, bonded area for the storage of finished products.

Possible Changes

- We may need to upgrade the sprinkler system.
- We need to analyze the water quality. If it is high in mineral content, we will need to install a reverse osmosis purification system.

Possible Impacts

Fire: We will store high proof alcohol on site, which poses a fire hazard. We will work with the fire marshal to meet the state and county requirements for fire protection. Although in the same building, the distillery space is separated by a concrete wall from the other building spaces.

Noise and dust: The hammermill grinds grain for fermentation. This operation can be noisy. If this level of noise is unacceptable to our neighbors, then we can either restrict grinding to off hours or build a soundproof enclosure. Because of the grinding process, some dust will be produced as well. We do not expect this to be significant. If it is a problem (which would be only in our distillery work space), we will build an enclosure to capture the dust and install a filter to remove the dust from the air.

Traffic: We will have semis and other trucks delivering supplies and picking up finished products from the business. With our maximum grain usage, we anticipate only 2-3 semis a month. We also expect to have visitors that want to tour the distillery, so we expect increased street traffic to the site as well. We do not have a way of estimating the expected visitors, and therefore, do not know if the existing parking is adequate. However, there are currently 38 parking spots available for the entire condo.

Sewage: We will have small amounts of organic byproducts from the distillation in our waste water. We do not anticipate these being a problem for the municipal waste water treatment, but will work closely with the county to ensure there are no problems. If necessary we will install a holding tank to monitor the condition of our waste water before releasing it. The bulk of the spillage (grains remaining after fermentation) will be sold as animal feed.

Current Shared Obligations

The building shares sewage and water between all occupants, but has individual meters for power and natural gas. There is an existing agreement for sharing parking lot maintenance and building insurance. We plan to continue contributing to this, but since we expect to use more water and sewage than the other businesses, we will need to work with them to assess a fair distribution. Also, we will require additional insurance as required by the TTB since we will have alcohol stored on premises.

Equipment:

- 500 L Mueller still
- Natural gas fired steam boiler
- Hammermill (for grinding grain)
- Mash tank
- Fermentors
- Blending tanks
- Finished product tank
- Bottling equipment and labeler

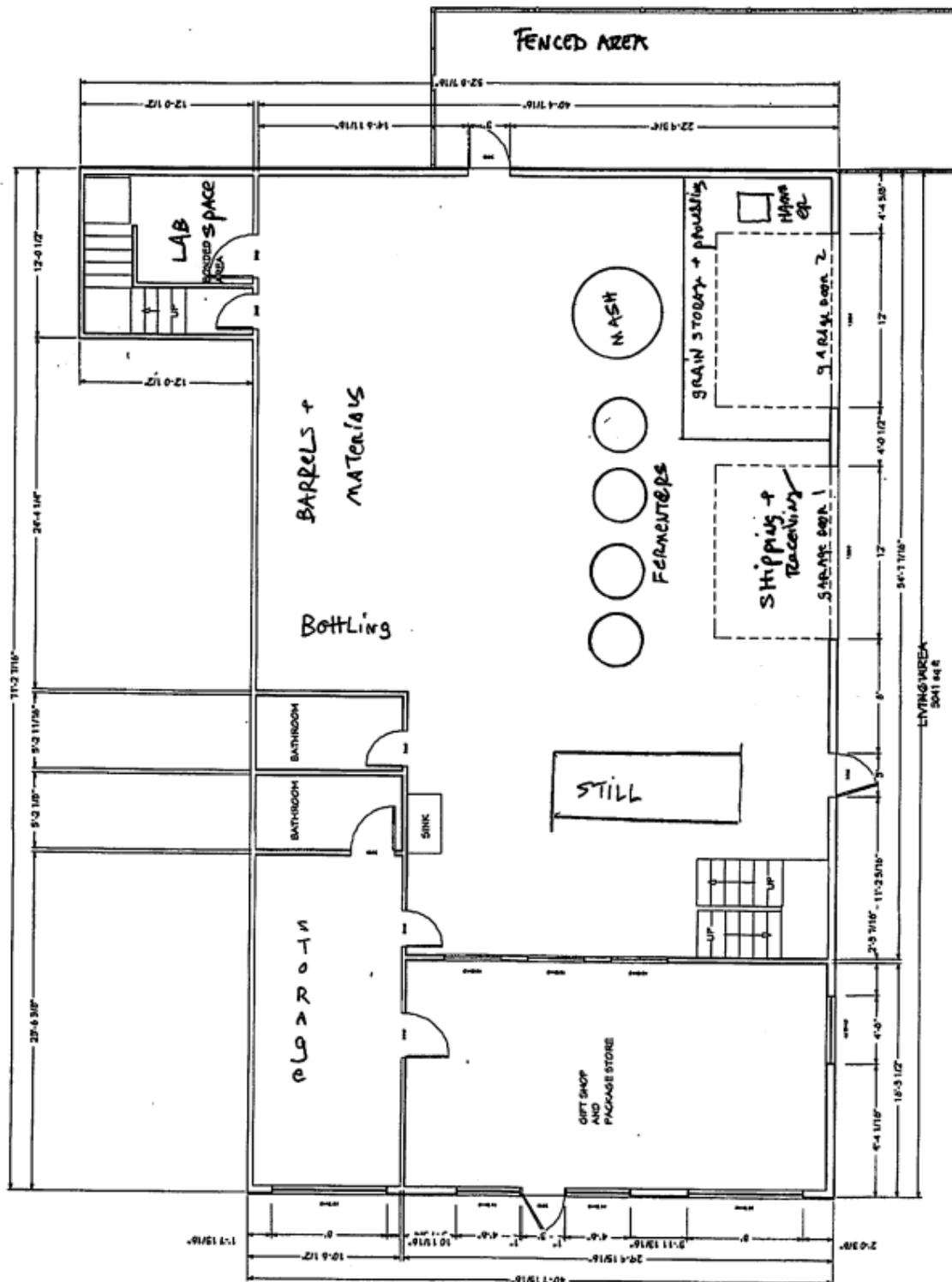
Adjacent Owners

Mountain Green Dental – Dr. Joe Hopkins, DDS

Mountain Valley Real Estate Experts – Jerry Pierce

Exhibit E: Proposed Building Remodel Plan

UNIT C





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

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

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

Legislative:

Administrative:

6. Discussion/Decision – Cottonwood Hills Lot 7 & 8 Plat Amendment.
7. Discussion – Commercial Use Table
8. Discussion – Bylaws and Roberts Rules.
9. Planning Commission Business/Questions for Staff
10. Approval of minutes from August 27, 2015
11. Adjourn

Members Present

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

Staff Present

Bill Cobabe
 Gina Grandpre
 Mickaela Moser

Public Present

Tina Cannon
 Brett Mills

1. Call to order – prayer. Chair Haslam called the meeting to order and offered prayer.
2. Pledge of Allegiance
3. Approval of agenda
Member Ross moved to approve the agenda. Second by Member Newton. The vote was unanimous. The motion carried.
4. Declaration of conflicts of interest
 There were none.
5. Public Comment

Mike Johansen: Representing the Cottonwood Mutual Water Company. He was concerned about the large size of the home and wants the owners to utilize both water sources, as he understands that the home is over 18,000 square feet. He clarified that he is requesting the owners to purchase both connections. He stated that the home is 3 times larger than the surrounding homes. There are also outbuildings that would require water connections and in order to meet the fire department requirements among other concerns, he would request they use both connections.

Legislative:

Administrative:

6. Discussion/Decision – Cottonwood Hills Lot 7 & 8 Plat Amendment.

Bill presented that these lots will conform to the current CC&R's. He reviewed that the village low density is ½ acre. Bill showed on the map that this application is outside the geologic hazard area. He stated that the applicants want to position a home over the existing lot lines. Member Sessions pointed out the snow removal easement that was along the road near lot 8. Bill commented that the easements and building envelopes will be reflected on the recorded plat.

Concerning the size of the home, Bill stated that it is the building envelope that dictates the size of the home, not the other way around. For this reason, both lots are needed to build this home, as the building envelope on either lot would not be sufficient. Member Sessions wondered if the water issue should be considered in the motion.

Brett Mills, applicant: He clarified that the home is 8389 square feet and there is also a 3500 square foot garage with an underground basketball court.

Member Sessions moved to approve the Cottonwood Hills Plat Amendment – Lots 7 and 8, application #15.056, located at approximately 5667/5668 N Silver Mountain Cove, amending the plat and removing the lot line between lots 7 and 8 and creating Lot 150, based on the findings and with the conditions listed in the staff report dated September 10, 2015, with the added condition:

#4: That the building envelope and the no-build snow removal easement be shown on the plat.

The findings and conditions for the application should now read:

Findings:

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

Conditions:

1. That the owners provide an updated title report prior to recordation.
2. That all fees and taxes are paid, including any fees associated with outsourced consultants.
3. That any minor changes to the plat be handled by County Staff prior to recordation.
- 4: That the building envelope and the no-build snow removal easement be shown on the plat.**

Second by Member Newton.

Member Nance asked about the added condition to which Member Sessions replied that the requirements were printed on the original plat and she wants to ensure they get carried over to the new, amended plat.

The vote was unanimous. The motion carried.

7. Discussion – Commercial Use Table

It was decided to set a stopping time of 7:30 pm for the discussion on this agenda item. It is currently 6:52 pm.

Planning Commission members discussed items on the commercial use table, including grocery stores and other retail stores. There was some discussion on the distillery, NAICS code 312140. It was decided to add a C2 to the distillery. There was clarification that a C1 level is staff approval, C2 level is Planning Commission and a C3 level is County Council approval.

8. Discussion – Bylaws and Roberts Rules.

Member Nance requested to review the bylaws and Robert's Rules. Member Nance suggested that the Chair vote on all of the motions, not just in situations of a tie. Chair asked the Planning Commission what their thoughts were. Chair Haslam reviewed the Chairman's responsibilities to keep the meeting going and he clarified that the voting rules were set up to help keep the Chair from taking control of meetings. Tina Cannon clarified that the County Council Chair does not vote unless there is a tie. Member Newton stated that he would like to see the Planning Commission stay consistent with County Council and have the Chair vote only to break a tie. The consensus was to leave the vote of the Chair the way it is currently written in Robert's Rules.

Member Nance suggested that if a Planning Commission member has a conflict of interest on one of the agenda items, they should leave the room. Currently, if a member has a conflict of interest, they may remain in their seat, but they may not participate in discussion or voting.

Member Sessions asked about the discussion concerning applications, and whether Chair Haslam was ok with discussion amongst Planning Commission members before a motion is made. There was also discussion about the numbering of Robert's Rules. Member Sessions also discussed the withdrawing of a motion or restating a motion before a vote takes place.

Chair Haslam encouraged all motions to have a second so as to allow for discussion. After that point, a motion may be discussed and denied if necessary.

Member Sessions discussed the situations of rescinding and reconsidering a motion at a later meeting. It was discussed that if a motion needed to be withdrawn or changed, that it could be done so any time prior to any action being taken.

Bill stated that the bylaws govern the meeting, and Robert's Rules are great guidelines but the bylaws are what govern and guide the meeting, per the County Attorney, Jann Farris.

It was decided to bypass the motions for going into and out of public comment. It was also decided to have a motion to close public hearing but not to open it.

Member Nance moved to approve the amendments for the bylaws. Second by Member Wilson. The vote was unanimous. The motion carried.

Bill stated that the voting of the bylaws needs to be noticed in the proper places and then voted upon before progressing to the County Council.

Member Nance withdrew his motion.

Member Nance made a suggestion on page 11 of 12 of the County bylaws to add the wording “conflicts in procedure” to the 3 asterisks, if the County Attorney is in agreement:
(***The above by-laws were made with reference to Robert’s Rules of Order revised. If there are any conflicts herein the procedures of Robert’s rule of order shall apply.)

Member Nance moved to approve the amendments for the bylaws and direct Staff to properly notice for the public meeting. Second by Member Newton. The vote was unanimous. The motion carried.

9. Planning Commission Business/Questions for Staff
Bill gave information about an upcoming meeting. He also stated that the website for the Planning Department is getting a new look and will be changing soon. He also provided information about upcoming training opportunities.

10. Approval of minutes from August 27, 2015

Member Ross moved to approve the amended minutes from August 27, 2015. Second by Member Nance. The vote was unanimous. The motion carried.

11. Adjourn

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

Approved: _____ Date: _____
Chairman, Roland Haslam

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