



Council Meeting

10-11-22

7:00 p.m.



**MORGAN CITY COUNCIL AGENDA
OCTOBER 11, 2022 – 7:00 P.M.
MORGAN, UTAH**

PUBLIC NOTICE is hereby given that the Morgan City Council will hold a public meeting in the Council Room in the City Office Building, 90 West Young Street, Morgan, Utah, commencing at 7:00 p.m. on October 11, 2022.

GENERAL MEETING – 7:00 P.M.

1. A. Welcome - Mayor Steve Gale
 B. Pledge of Allegiance and Opening Ceremony
 C. Approval of Meeting's Agenda
2. **CONSENT AGENDA:**
 - A. City Council Joint Meeting Minutes – August 23, 2022;
 - B. Warrants (09/23/2022 – 10/09/2022)
3. **CITIZEN COMMENTS** (Time has been set aside for the public to express their ideas, concerns, and comments. Comments are limited to 3 minutes per person with a total of 30 minutes for this item. Open Comment Cards are available on the City's website, morgancityut.org, and are to be filled out and submitted to the City Recorder before 5:00 p.m. on the day of the meeting.)
4. **ACTIVE AGENDA**
 - A. Final Acceptance of Quail Hollow Subdivision Phase 2 – Release of Escrow Funds in the Amount of \$73,008.73
 - B. City Owned Right-of-Way in Wardell's Development – Property Located at Approximately 550 East 700 North
5. **CITY REPORTS AND BUSINESS**
 - A. City Manager
 - Row Howard – Residential Building Inspector Certificate
 - City Code – Campaign Signs
 - Project Updates
6. **ADJOURN**

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- This meeting will also be live streamed via morgancityu.org.
 - The Council at its discretion may rearrange the order of any item(s) on the agenda.
 - In compliance with the American with Disabilities Act, individuals needing special accommodation (including auxiliary communicative aids and service) during the meeting should notify Denise Woods, City Recorder, at (801) 829-3461 at least 48 hours prior to the meeting.
 - This meeting may involve the use of electronic communications for some of the members of this public body. The anchor location for the meeting shall be the Morgan Council Conference Room, 90 West Young Street, Morgan, Utah. Elected Officials at remote locations may be connected to the meeting electronically to participate.
 - Notice is hereby given that by motion of the Morgan City Council, pursuant to Title 52, Chapter 4 of the Utah Code, the City Council may vote to hold a closed session for any of the purposes identified in that Chapter.
 - The undersigned, duly appointed City Recorder does hereby certify that the above notice and agenda was posted within the Morgan City limits on this 7th day of October, 2022 at Morgan City Hall, on the Utah State Public Notice Website, at morgancityut.org, and three public places within the City. The 2022 meeting schedule was posted on the City's Website and Public Notice Website on December 17, 2021.

/s/ Denise Woods, City Recorder

**MINUTES OF MORGAN CITY
COUNCIL MEETING**

August 23, 2022; 7:02 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**Mayor Steve Gale, Tony London, Jeff Wardell, Eric
Turner, and Jeffery Richins**

**COUNCILMEMBERS PRESENT
ELECTRONICALLY:**

Dave Alexander

STAFF PRESENT IN-PERSON:

**Ty Bailey, City Manager; Gary Crane, City Attorney;
Lance Prescott, Street Department, and Denise Woods**

OTHERS PRESENT:

Ray Little, Planning Commissioner

This meeting was held in the Council Conference Room of the Morgan City Offices, 90 West Young Street, Morgan, Utah. The meeting was streamed live on YouTube and available for viewing on the City's website – morgancityut.org.

This meeting was called to order by Mayor Steve Gale.

The pledge of allegiance was led by Ray Little, Planning Commissioner.

The opening ceremony was presented by Councilmember Turner.

APPROVAL OF MEETING AGENDA

MOTION: Councilmember London moved to approve the agenda.

SECOND: Councilmember Turner

Vote was 5 ayes; Motion passed to approve the agenda; Councilmember Alexander voted aye electronically.

MINUTES AND WARRANTS

MOTION: Councilmember Alexander moved to approve the following:
City Council Work Meeting Minutes – August 9, 2022;
City Council Meeting Minutes – Truth in Taxation – August 9, 2022; and
Warrants (08/05/22 to 08/19/22).

SECOND: Councilmember Richins

Vote was 5 ayes; Motion passed to approve the minutes as written and one set of warrants; Councilmember Alexander voted aye electronically.

CITIZEN COMMENTS

David F. Castro, 497 Sherrie Street, Morgan, Utah: David Castro addressed the Council regarding internal accessory dwelling units. He gave a brief history of his family and life in Morgan and the size of their home. He said they had excess space within the primary footprint of their home which could easily be

converted into a comfortable one-bedroom, full kitchen, full bath, large living room and a small study with a separate access (Internal Accessory Dwelling Unit (IADU)). He stated Jake Young, City Planner, had informed him the state had made changes to the State Code regarding ADUs during the 2021 Legislative Session – HB 82 Single-Family Housing Modifications. He stated it could provide either a single person or a couple a comfortable living space with a beautiful view. He expressed his appreciation to the City Council for their review and consideration of this request to develop a City ordinance to allow ADUs within Morgan City.

Mayor Gale asked Gary Crane, City Attorney, to explain what would be considered a ‘separate’ entrance for the ADU, i.e., entrance through the garage which went to the basement.

Gary Crane, City Attorney, stated the State Code didn’t describe specifically what constituted a separate entrance.

David Castro explained where the separate entrance would be located on his home for the ADU.

Ty Bailey, City Manager, explained this was the point in the agenda for citizen comments and this item was on the active agenda for a discussion and to receive direction from the Council whether or not to recommend to the Planning Commission the drafting of an ordinance later during the meeting. He expressed his appreciation to David Castro for coming and giving input regarding this issue.

ACTIVE AGENDA

DISCUSSION / ACTION – MIXED-RESIDENTIAL OVERLAY ZONE AND ACCESSORY DWELLING UNITS

Councilmember London asked since the State allowed ADUs could the City deny a request for someone wanting to have an ADU in their home.

Gary stated the City couldn’t deny it, but it would be good if the City put an ordinance in place which outlined the conditions which needed to be met in order to have an ADU, i.e., parking, access, etc.

Ty expressed appreciation to those residents who wanted to do it correctly.

Gary stated the City had to look at the state statute and incorporate those requirements into the City’s ordinance. He explained the City couldn’t put anything in their ordinance contrary to state law and the City couldn’t require more than what the state statute did. He stated what was in the state statute currently governed what the City could do. He explained in the City’s ordinance they could require an additional parking space because the biggest problem with ADUs was parking. He stated the parking needed to be off the street because the City’s winter parking ordinance prohibited parking on the street.

Jake Young, City Planner, clarified the State Code allowed the City to require one additional stall for the ADU so if the City’s ordinance regulating single-family dwellings required two parking stalls per home, then the City could require a third stall for an ADU. He stated several items the City could require in their ordinance:

- A business permit if the City wanted to regulate it as a business;
- Require that the ADUs be owner occupied; and
- Prohibit them from being used as nightly rentals.

Councilmember London and Councilmember Alexander informed the Council that during the last Planning Commission meeting ADUs were discussed, and the Planning Commission would welcome direction from the Council to begin the process of adopting an ordinance to properly regulate ADUs.

Discussion on whether to begin drafting an ordinance to regulate only internal ADUs or to also include attached ADUs.

Gary stated there were several items which needed to be addressed in the ordinance for attached ADUs, i.e., setback requirements, separation of units, height requirements, etc. He stated there were many people who had added to the footprint of their home to be able to accommodate an ADU and that was not what Jake referred to when he was talking about attached ADU. He stated the bottom line was the 'attached' had to be part of the current home as if you were going to build on an additional room and needed to follow all the City's building codes and standards.

Councilmember Alexander stated in the Planning Commission meeting, Jake explained the attached ADU needed to look like it was part of the home, an attached garage could be converted into an ADU, or a room above the existing home where it was attached could be considered an attached ADU.

Discussion on what direction to give Jake moving forward regarding ADUs. Gary stated internal ADUs were mandated by the State, but the legislature hadn't set regulations for external/detached ADUs, but he felt they would address the issue in the near future. He suggested the City begin drafting an ordinance to regulate the internal ADUs within the City. Discussion regarding separate meters for water, sewer, and power and should it be required. Gary stated rather than connecting the utility services through the existing home, most external/detached ADUs were built so they could be sold off as separate units if desired and they would need a separate meter.

Jake stated there was a grey area between an attached and an internal ADU. He mentioned a scenario where someone came into the City and applied to do an addition onto their home following the current building standards and later, since it met the requirements of an internal ADU they could have an ADU. He stated the detached ADU was clearly a separate building and there was a clear zoning line.

The consensus of the Council was to recommend Jake to begin drafting the City ordinance to regulate both the internal and attached ADUs.

Councilmember Alexander complimented Jake on the work he had done regarding the mixed-residential overlay zone and the presentation to the Council. He said Jake was sensitive to the fact Morgan was small and didn't have large parcels for this type of development, but the City could manage small developments with the overlay zone. He commented on the public hearing which would be held during a Planning Commission meeting to hear the public's input before the overlay zone was adopted.

Councilmember London asked if when a developer came to the Planning Commission requesting a zone change with the mixed-residential overlay could the Planning Commission require a very detailed plan or rendering of what they were going to develop.

Gary said yes. He said it was the advantage of this type of development because the City could ask for those specific details, i.e., landscaping, location of units, etc. He said this could be required of the developer prior to the public hearing.

Councilmember Turner expressed his concerns regarding this issue and stated the City should take some time in making the decision regarding ADUs. He stated he loved the rural atmosphere and the open concept, and this type of development could change the face of Morgan.

Councilmember Alexander stated it was critical to realize the difference between a zone change and the overlay zone. The overlay zone would be a development tool available to developers if they choose to apply for it and it didn't mean that a piece of property was approved for a higher density development. He said at the public hearing the City could get input from the community whether they would like such a development in their neighborhood. The City didn't have to approve the overlay zone, but the benefits could outweigh the high density.

Councilmember Richins said he viewed it as an additional option for the City. For example, if a developer came in with a zone change to R-1-10 or R-1-12 and wanted a different feel to the development he could also apply for the overlay zone. He said if the property was zoned R-1-10 or R-1-12 on the zoning map the Council's only choice was to vote yes or no, but with the overlay zone the developer had options for a different type of community feel.

Councilmember London stated the developer would build what would sell and lately Morgan has seen a lot of medium density residential developments. He was okay with the overlay zone as long as the City was able to see the end product and the neighbors surrounding the proposed development having the opportunity to voice their approval or disapproval of the development with the overlay zone.

Jake explained the process of drafting the ordinance and working through it with the Planning Commission until they recommended it to the Council, after a public hearing, for the Council's review and adoption.

Councilmember Turner said he thought they should recommend Jake to move forward with the ADUs as recommended and come back to this issue at a later date.

Lance Prescott, Planning Commission, stated the drafting of the overlay zone ordinance would be a long process to work through with City staff and the Planning Commission, but he didn't want to see a good opportunity get away from the City.

Ray Little, Planning Commission, stated this concept was different from what we have seen in the past and it was different than our 'normal' developments. If the City did put this overlay zone in place it was another option for the developer to apply for. He felt this was an option for larger development instead of the three-to-four-acre development as Jake discussed earlier. He stated he wasn't opposed to have Jake start drafting the ordinance though, but the issue regarding ADUs seemed more pressing.

Councilmember London stated he was in favor of having Jake and the Planning Commission begin the process on both issues.

Councilmember Wardell agreed with Councilmember London.

Councilmember Richins stated he recommended they start the process but with the priority being on the ADUs. He stated the City had a lot of irons in the fire and he wanted to make sure the issues were prioritized in the correct order for the City.

Councilmember Alexander recommended moving forward with both the ADUs and the mixed-residential overlay zone.

The consensus of the Council was to recommend that Jake and the Planning Commission move forward with drafting the ordinances for the mixed-residential overlay zone and also the internal and attached ADUs.

CITY REPORTS AND BUSINESS

City Manager Updates

Team Appreciation Recognition Program (TARP) – Ty explained the City participates in the TARP program with the Utah Local Governments Trust and the City received a rebate check again this year for our participation.

Como Springs – Ty stated Gary Crane, City Attorney, drafted a letter to the County Planning Commission for the Mayor's signature which outlined the City's objections/concerns to an access to Como Springs off of 100 South.

Young Street Bridge Project – Ty explained the project was moving along and the City had obtained the Right-of-Way needed from Jenkins for the project.

Geothermal Study Project Agreement – UAMPS – Ty stated the City had signed up to be part of a Geothermal Study Project through UAMPS. A study group was formed to study technology of different ways to generate power and if the project came to fruition the City would receive 100 kilowatts from it. If the project was put together the City would have the option to reassess how much they wanted in the project. He informed the Council they were looking at an internal generation of natural gas generator and there was a possibility of a grant opportunity as a backup power source for the City's utilities.

Train Depot – Ty updated the Council regarding the remodel of the Train Depot which was almost finished. He said he was working on another grant for the completion of the building so it could possibly be used as a visitor center.

Sidewalk Project – Lance updated the Council on the project. He stated the rock and landscaping was completed and they would be replacing collars around manholes and water valves.

Sewer Lagoons – Ty stated the sewer lagoons were back on-line and both pumps were working and the building which covered the blower motors was the last item to be completed at the sewer lagoons. He said the City had also purchased a machine which helped remove the duckweed off the top of the lagoons.

Emergency Repair Sewer Line – Ty explained this project was related to the road project. He stated a resident's sewer lateral was crushed when the City installed one of the sumps and didn't realize it until after the road had been paved. The sewer line was actually through a neighbor's backyard and Lance proposed bringing it to the front of a different street.

Lance explained he had talked with Kale, Senior Sewer Operator, and Matt and Kyle with Jones and Associates, and going forward Kale would have Twin D make note where the locations of the sewer laterals were when they did camera work and inspections within the City and then Kyle would attach that information into our GIS system so in the future we would have the measurements of where every sewer lateral was located within the City to avoid similar issues in the future.

This meeting was adjourned at 8:24 p.m.

Denise Woods, City Recorder

Steve Gale, Mayor

These minutes were approved at the October 11, 2022 meeting.



CONSULTING ENGINEERS

October 3, 2022

Morgan City Mayor and City Council
Denise Woods, CMC
90 West Young Street.
Morgan, Utah 84050

RE: QUAIL HOLLOW PH 2 - FINAL ACCEPTANCE

Mayor, City Council, and Denise Woods:

City staff and I have completed inspections of the improvements in the above mentioned subdivision and found them to be completed satisfactorily and to meet minimum requirements of Morgan City standards in accordance with engineering and/or subdivision plans submitted and previously approved. We can recommend Final Acceptance of this Subdivision and release the remaining escrow except for \$4,470.75 that represents money to cover the placement of the seal coat on the roadway next summer.

There will be some charges in the Jones & Associates October billing that will need to be charged to the Inspection Fee item before releasing the remaining funds in that item.

If you have any questions, or if I can be of any help, please let me know.

Sincerely,

JONES AND ASSOCIATES
Consulting Engineers
Morgan City Engineers

Brent W. Slater PLS. - City Engineer Representative

cc: Ty Bailey City Administrator
Matt Hartvigsen City Engineer

QUAIL HOLLOW SUBDIVISION PHASE 2 – FINAL ACCEPTANCE

Conditional Acceptance was granted on November 24, 2020

Amount in Escrow - \$77,479.58

Seal Coat – Spring 2023 - \$4,470.75

Amount to release - \$73,008.73

Amount to remain in escrow \$4,470.75

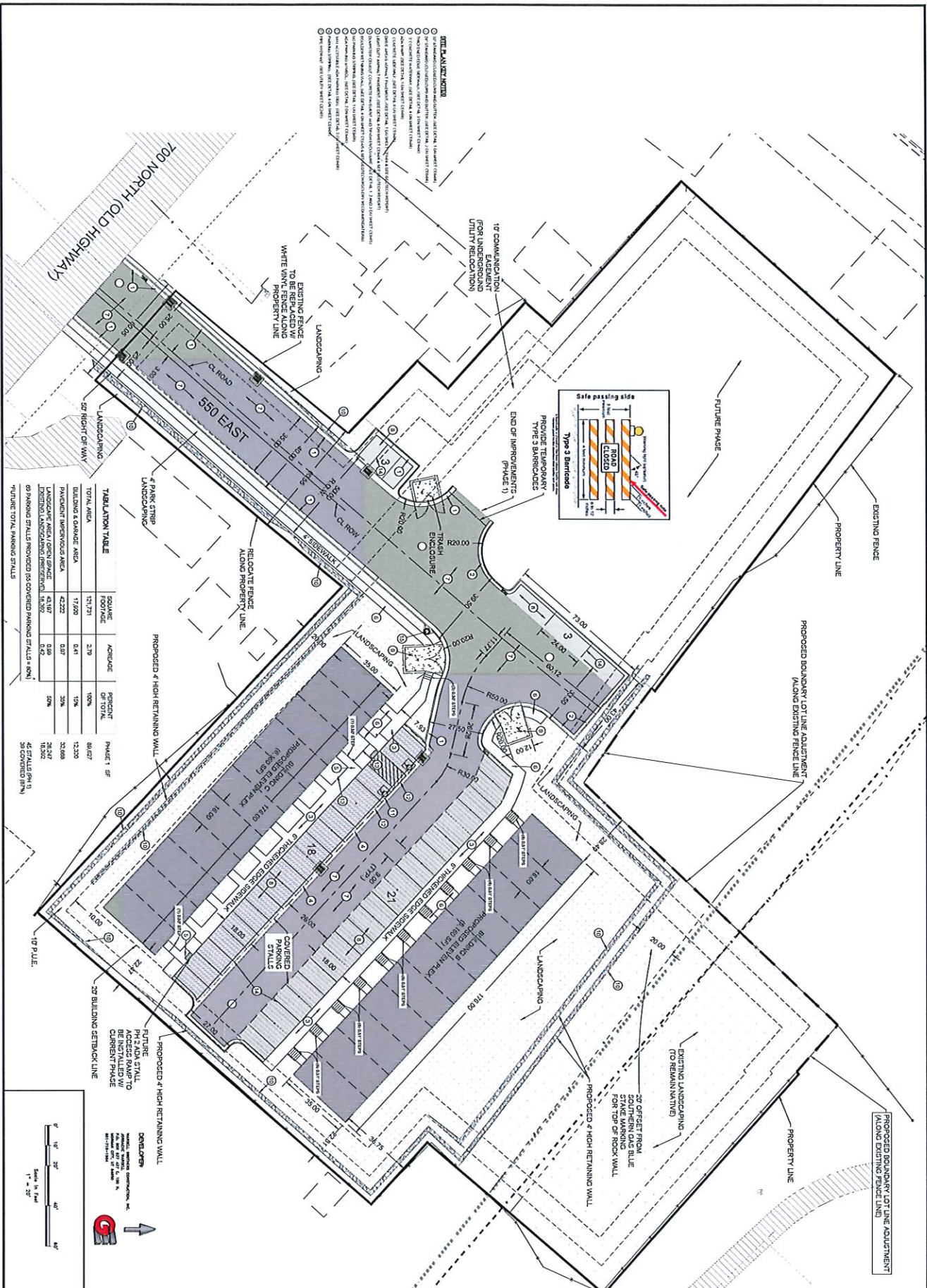
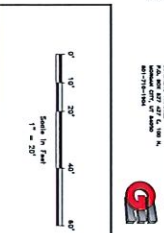


TABLE 1: SUMMARY

ITEM	AMOUNT	PERCENT
TOTAL AREA	121,731	100%
BUILDING & DRIVEWAY AREA	17,200	14%
PARKING IMPROVEMENT AREA	42,220	35%
LANDSCAPE AND OPEN SPACE	62,311	51%
EXISTING LANDSCAPE DIFFERENCE	15,392	13%
PROPOSED LANDSCAPE DIFFERENCE	2,600	2%
PROPOSED TOTAL PARKING STALLS	39	
PROPOSED TOTAL PARKING STALLS (PHASE 1)	29	
PROPOSED TOTAL PARKING STALLS (PHASE 2)	10	





GARDNER ENGINEERING
 CIVIL • LAND PLANNING
 MUNICIPAL • LAND SURVEYING
 5150 SOUTH 1500 EAST, SUITE 100
 OFFICE: 801.476.0202 FAX: 801.476.0066

PROPOSED SITE PLAN
HA INVESTMENT
700 NORTH 550 EAST
MORGAN CITY, MORGAN COUNTY, UTAH



REVISIONS

DATE	DESCRIPTION

DWG: 151111 - 151111 - 151111 - 151111 - 151111 - 151111 - 151111 - 151111 - 151111 - 151111

SCALE: 1" = 40'

CAD: 8/1/2022

DRAWN: W.B.

CHECKED: W.B.

DATE: 8/1/2022



Staff Report for Morgan City Planning Commission / City Council

From: Prepared by Jake Young, Contracted City Planner

To: Morgan City, Teresa Shope

RE: HA Investments – Review (sent 10.06.2022)

Project Description: The proposed development is approximately 2.75 acres (including City owned property/right of way). The property is located above 700 East near 600 North.

This is a revised submittal by the applicant. The previous application had 32 units and proposed development has 22 units. This application does not include a proposal to development the slopes steeper than 30%, however the site plans indicate that the steep slopes are a future phase of development.

Zone Requirements for RM:

The RM Zone says the following: R-M Zones: “The R-M zones are intended to provide areas for multi-family attached dwellings at medium to high-medium densities. Single-family dwellings are also allowed in these zones. These districts shall be located adjacent arterial streets and, in some circumstances, major collector streets. (Ord. 040202, 4-2-2002).”

The lower portion of the City’s ROW is located in R-1-8

Summary comments:

1. The project does not meet the following site design requirements (see table in this document for more information):
 - a. Parking
 - b. Setbacks
 - c. Landscaping (has not been submitted)
2. Site plans mention phase 2 this should be removed, unless the applicant would like to provide drawings for a phase 2.
3. Part of the lot (not proposed for building) has slope steeper than 30%, see engineering report. Slope map needs to be adjusted or remove that area from the map.
4. Architectural plans are required per section G of the Sensitive Lands ordinance.
5. It is recommended that these items be completed before this goes before the Planning Commission.
6. Impervious land is too high (see last item).



For planning review

Site Address:	700 East 600 North
Parcel(s) Size:	2.75 acres (including City property)
Zone(s):	Development/buildings are proposed RM-15, ROW entrance is R-1-8
Uses Allowed in Zone:	Permitted Multi-family
Link to land use table:	Table
Proposed uses:	Multiple-family residential unit
Sensitive Lands Zone:	Yes – See engineering comments
Minimum Lot Size: 8,000 Square Feet	Lot size conforms
Minimum Size Per Unit: 2,500	Project conforms at 5,445 square feet per unit
Minimum lot width (feet) at setback (inside/corner): 80/90	The lot is wider than 80' however it fronts onto a future private drive and not a public street.
Minimum frontage: 70'	The lot is wider than 70' however it fronts onto a future private drive and not a public street.



Required front setback: 25' Required front setback on arterial street: 40'	Conforms
Minimum setback between facing structures on same lot: 50'	Conforms
Required Side-yard Setback: 20'	Conforms (22.47')
Minimum side yard (interior) one side/total: 10'	Conforms
Minimum side yard between RM zones, adjacent to A, R-R and R-1 zones: 25'	Does not conform. Site plan needs to be adjusted.
Minimum side yard (corner lot) Street side arterial street:	Not applicable.
Minimum rear yard: 30'	Does not conform (at 20' for SW side). Site plan needs to be adjusted.
Landscape Plan required: Yes Link to Landscape ordinance	No landscape plan has been provided.
Fencing	No fencing seen in plans
Off-street parking required: 2 per unit. Link to parking ordinance	Does not conform. Parking shown on plans, 39 total stalls, including 1 ADA Not enough parking 22 units at 2 stalls per unit is 44
Guest parking required: 1 per 3 units (cannot be covered or garage)	Does not conform. 6 shown, 7.3 required.
Site plan requirements: Group mail-box on plans and trash receptacles	Trash enclosure is on site plans. No mail boxes shown on plans.
Located within the Sensitive Lands District: Link to Sensitive Lands Ordinance	Yes, slope is greater than 15%. See engineering report. Part of the property has slope greater than 30% according to review by Jones Civil, however the applicant's engineer map does not show the slope greater than 30%. It is recommended that the steeper area not be shown slope map or the applicant's engineer review their slope map. Section G of the Sensitive Lands Ordinance requires architectural plans for the Planning Commission.



Morgan City – Project Review- HA Investments

	Property is not located in a flood plain.
Sensitive Lands Lot Coverage: “Maximum Impervious Material Coverage: The maximum allowable coverage of a lot by impervious material shall be forty percent (40%) of the total lot area, or five thousand (5,000) square feet, whichever is less.”	Non-conforming. Site plans state that 50% of the site will be preserved as open space and landscaping. Landscaping and open space should be 60% to meet 40% impervious.

M E M O R A N D U M

To: Teresa Shope, Morgan City Planning Commission Secretary
 Jake Young, City Planner
 Tyler Nielsen, Gardner Engineering

From: Matthew Hartvigsen, P.E. – City Engineer *Matthew E. Hartvigsen*

RE: HA INVESTMENTS – DEVELOPMENT REVIEW

Date: September 28, 2022

The development contains 2.75 acres (including city owned right-of-way) located in the sensitive lands district above 700 East near 600 North. The developer previously submitted a plan for a 32 unit apartment development at the site. The City responded with concerns about slopes that appear to be over 30 percent which are restricted under the sensitive lands ordinance. In response the developer submitted a new plan dated September 16, 2022 that shows two buildings with 11 units each. The new construction plans avoids the main area of concern where slopes exceed 30 percent. The plans indicate that the buildings will be built in separate phases. It also appears as though another phase is anticipated to the northeast as a road has been stubbed off of the proposed access (600 North) in that direction.

There is a city owned right-of-way that runs through the property (600 North). We understand that the City may dispose of this right-of-way so that the development would have a private access. The new access will meet the definition of a private street and have a minimum right-of-way width of 50 feet allowed by the sensitive lands ordinance.

Comments regarding the sensitive lands ordinance are the primary focus of the August 4, 2022 review below. Comments regarding utilities are the primary focus of the September 28, 2022 review.

SENSITIVE LANDS REVIEW – August 4, 2022

Analysis & Reports

- | | |
|----------------------------|--|
| 1. Topographic contour map | Complete |
| 2. Slope district map | Complete: 19.67% average slope |
| 3. Slope district density | Complete:
<10% = 0.26 acres
10%-20% = 1.03 acres
20%-30% = 1.46 acres |
| 4. Geologic hazards report | Complete: No unusual issues were noted. |
| 5. FEMA flood zones | NA |
| 6. Geotechnical report | Complete: No significant issues. The plans generally follow all recommendations. |
| 7. Vegetation map | Complete: Mostly grass, brush, and some trees |
| 8. Land use data | Complete: RM-15, proposed 32 units (11.6 units per acre) |

Preliminary Site Plan and Utilities

- | | |
|---|--|
| 9. Roads should meet the city standard as much as possible. | Incomplete: Width is compliant but a standard road section detail is needed. |
| 10. A site visit confirmed some areas with slope | The main areas of 30% slope have been avoided with the |

Notes:

Complete: No unusual issues were noted.

NA

Complete: No significant issues. The plans generally follow all recommendations.

Complete: Mostly grass, brush, and some trees

Complete: RM-15, proposed 32 units (11.6 units per acre)

Notes:

Incomplete: Width is compliant but a standard road section detail is needed.

The main areas of 30% slope have been avoided with the

SENSITIVE LANDS REVIEW – August 4, 2022

- | | |
|---|---|
| over 30% | new plan dated September 16, 2022. |
| 11. The proposed underground storm drain detention appears to be inadequate (preliminary estimate of 8,700 cf needed) | Complete. Additional capacity has been added to the plan dated September 16, 2022. |
| 12. The proposed water connection is from the lower pressure zone and will have a maximum pressure of 45 psi. | We recommend serving the upper units from the upper pressure zone. The water model shows an available fire flow from the lower zone of 1,350 gpm. |
| 13. The proposed development appears to comply with the maximum cut and fill limitations in the ordinance. | Complete |
-

City engineer initial disposition and conclusions regarding the sensitive lands ordinance and city right-of-way:

- Based on the above review we feel that the development may continue under the requirements of the sensitive lands ordinance.
 - With regard to the city right-of-way that runs through the property (600 North): The city could reasonably vacate the public right-of-way since it only appears to serve this one development. Proceeds from the sale of the property could be used to construct the improvements on 825 East where development has already occurred.
 - With regard to connecting the proposed road (600 North) to 825 East: The property is steep. I feel that access to 825 East is best from 525 North rather than from the new road (600 North). The proposed roadway has grades of 15% in some places and would need to cross the 16" high pressure natural gas pipeline and 8" oil pipeline. I feel it is best to avoid placing roadways above these utilities as much as possible.
 - Public vs private road: The city may want to consider a private road since plowing and maintenance would be difficult at the anticipated grades of 15%.
-

DEVELOPMENT REVIEW – Sep 28, 2022

Notes:

Plat

- | | |
|--|--|
| 1. Submit a plat. With council approval the right-of-way for the private street should be dedicated to the apartment complex owner. It may be best to include the turn-around area for emergency service vehicles in the dedication. | A plat will be required. The plat should establish the new 50' right-of-way for access, adjust the lot lines or combine the parcels, show existing easements and proposed easements, and list the requirements associated with the sensitive lands ordinance. Label lot numbers with an "R" to indicated restrictions. |
| 2. Place a note on the plat indicating that sewer lines, irrigation lines, storm drain lines, and water lines outside of the 700 East right-of-way will be private and the responsibility of the owner of the apartment complex. | Incomplete. This comment assumes that the city council prefers a private access road. |
| 3. Change the label for 550 East to 600 North. Also, the old highway is 700 East not 700 North. | Incomplete |

Site Plan and Utilities

- | | |
|---|---|
| 4. The sensitive lands ordinance needs to be clarified for the number of units which may be allowed for a single access. | The sensitive lands ordinance indicates that a maximum of 20 "lots" may be served by a single access. The development shows 22 "units" (see 10.22.050-F-5). |
| 5. The fire marshal needs to approve the fire hydrant location(s), available fire flow of 1,350 gpm, 15% slope access, and the turn-around. | See the review from Dave Rich. |
| 6. We understand that the property will eventually be added to the city's irrigation district but will be served through the | Incomplete |

DEVELOPMENT REVIEW – Sep 28, 2022

Notes:

- culinary water system for now. The developer will need to turn over shares of water or water rights now for irrigation purposes.
- | | |
|---|--|
| 7. Provide a profile view of 600 North. Vertical curves should meet the standard for a local street. | Incomplete |
| 8. Show a separate water line to be used for irrigation with a valve at 700 East. This line will connect to the culinary water until irrigation service is brought to the area. | Incomplete. We recommend that the city requires the owner of the apartment complex to be responsible to connect this line to the irrigation main line when it becomes available. |
| 9. Provide an approved back-flow device on the irrigation line. | Incomplete |
| 10. Electrical power service will need to be coordinated with the city's power department. | Incomplete |
| 11. Provide street lighting per the power department standards | Incomplete |
| 12. Storm water management has been calculated for <u>on-site retention</u> of the 3 hour 100 year storm. This will minimize impact to downstream facilities. | Even though we have concerns about downstream stormwater capacity we feel that properly managed on-site retention is acceptable. |
| 13. The developer will need to sign a "Long-term Stormwater Maintenance Agreement" to ensure that the stormwater facilities are properly maintained and managed. | Incomplete |
| 14. Fencing, if used, will need to meet the requirements of the sensitive lands ordinance. | We are unsure if fencing is proposed or needed. |
| 15. The landscaping needs to be identified on the plans. Include the park-strip and areas behind the curb or sidewalk in the landscaping plan and development cost estimate. | Incomplete |
| 16. Provide building elevations and material schedules to be reviewed by the planning commission (see ordinance 10.22.010-C-11 & 10.22.050-G-2). | Incomplete |

Please contact me if you have any questions.

10.32.180 TEMPORARY SIGNS, FLAGS AND BANNERS

Businesses may, with a special permit issued by the planning commission, use flags or banners on any number of parking area light poles or separate poles in conjunction with special sales events. The planning commission shall use the following criteria for approval/revocation of temporary signs, flags or banners: (Ord. 040202, 4-2-2002; amd. 2003 Code)

- A. The applicant shall present to the planning commission drawings, representations or other types of visual aid to ensure that what is approved will accomplish the intent of the planning commission.
- B. The applicant shall provide sizes and numbers of all flags or banners.
- C. The proposal must be in harmony with neighboring development in terms of size, color and volume.
- D. Temporary signs shall not be in any landscaping, affixed to any utility pole, boundary fence, or object, within a public right of way except as allowed in this title for public service signs.
- E. The planning commission has the right to revoke the permit if the applicant has misrepresented any aspect of the proposal or the flags/banners become tattered or discolored, or the applicant has violated any provisions of this code. Appeals of a determination shall be heard by the planning commission. (Ord. 040202, 4-2-2002)

F. Campaign signs shall meet the following requirements:

1. Posting On Public Right Of Way: It shall be lawful for any person to post a campaign sign in the area between the sidewalk and curb and gutter or within any right of way but not closer than five feet (5') of roadway of any public street except that no sign over two feet (2') in height may be placed in any clear view area. No campaign sign may be attached to any utility pole within a public right of way. No campaign sign may overhang the travelway or sidewalk in a public right of way.
2. Posting Time Limits: It shall be unlawful for any person to post a campaign sign more than sixty (60) days prior to the election for which the sign is posted, and it shall be unlawful to fail to remove a campaign sign within five (5) days after the election for which the sign is posted.
3. Limitation Of Campaign Signs: In any R (residential) zone, said campaign sign, or combination of said signs, shall not exceed sixteen (16) square feet in area, per lot, and in any A (agricultural) zones, said campaign sign, or combination of said signs, shall not exceed thirty two (32) square feet in area per parcel. If detached, said signs shall not exceed six feet (6') in height in residential zones and twelve feet (12') in height in agricultural zones. In C (commercial) and M (manufacturing) zoning districts campaign signs or a combination of said signs, shall not exceed fifty (50) square feet in area per lot, nor shall any such sign exceed twelve feet (12') in height.
4. Removal Of Illegal Campaign Signs: Any authorized agent of Morgan City shall be authorized to remove any campaign sign found posted within the corporate limits of the city when such sign is in violation of the provisions of this section. For the purpose of removing campaign signs the authorized agents are empowered to take all steps necessary to remove the unauthorized sign, including, but not limited to, enlisting the aid or assistance of any other department of the city, and to secure legal process to the end that all such signs shall be expeditiously removed from any property where posted.
5. Notice: Upon discovery of the violating sign, the authorized agent shall immediately notify by telephone, the candidate, committee or person responsible for posting of any sign in violation of this section, the location of the sign and that the sign must be removed within five (5) working days. If the address or phone number of the person responsible for the violating sign is not known, the sign shall be removed under the provisions as set forth in subsection F4 of this section.
6. Storage And Return: If after five (5) days of notice given under subsection F5 of this section, any political sign has not been removed, the authorized agent shall remove said campaign sign and keep a record of the location from which the sign was removed. He/she shall store the sign in a safe location for at least thirty (30) days. The authorized agent shall return any campaign sign upon payment of the fee provided in subsection F7 of this section.
7. Removal Of Sign Charge: The city shall be entitled to receive the sum of five dollars (\$5.00) for every campaign sign removed by the authorized agent to cover the expense of removal, notice and storage. In cases where unusual effort is needed to remove a sign additional fees may be charged.
8. Persons Responsible: In a campaign for political office, the candidate for such office shall be deemed the person responsible for posting of campaign signs, unless he/she first notifies the city recorder of another person who is responsible. In such case, the candidate shall provide the name, address, telephone number, and signed consent of such other responsible person. In a campaign regarding a ballot measure, the president of the committee supporting or opposing such ballot measure shall be deemed responsible, unless he/she first notifies the city recorder in the manner described above. The candidate, or in the case of a ballot measure, the committee president or other responsible person if so designated, shall be liable to pay any fees or costs for the removal and storage of illegal signs, as set out herein. Further, such candidate, committee president, or other designated person, shall be subject to prosecution for any violation of this chapter.
9. Illegal Signs, Public Nuisance: Campaign signs in violation of this section are hereby declared to be public nuisances, and may be abated as such by the city. The collection of removal fees shall not preclude the city from prosecuting any person for violating this chapter.
10. Appeal: Any person deemed responsible under this subsection shall have a right to appeal any civil penalty levied under subsection F7 of this section to the city council. (Ord. 05-18, 10-11-2005)

*Morgan County***8-10-6: SIGNS ALLOWED WITHOUT PERMIT:**

A. All Zones Generally: The following signs are allowed in any zone (except on public property) district without the requirement of a sign permit:

1. Directional Or Instructional Signs: Signs which provide direction or instruction and are located entirely on premises and which do not in any way advertise a business shall not exceed four (4) square feet in area or four feet (4') in height. These signs may identify restrooms, public telephones or walkways; or shall provide direction such as parking lot entrance and exit signs, and those of a similar nature.

2. No Trespassing Or No Dumping Signs: No trespassing or no dumping signs may not exceed sixteen (16) square feet in area for a single sign or are limited to four (4) signs at four (4) square feet for each lot, unless the community development director finds more signs are required to prevent violation.

3. Plaques: Plaques or nameplate signs not more than two (2) square feet which are fastened directly to the building.

4. Symbols Or Insignia: Religious symbols, commemorative plaques of recognized historical agencies; or identification emblems of religious orders or historical agencies; provided, that no such sign shall exceed eight (8) square feet in area; and provided further, that all such signs be placed flat against the building.

5. Neighborhood Identification Signs: In any zone district, a sign, masonry wall, landscaping and other similar materials or features may be combined to form a display for neighborhood identification; provided, that the legend of such sign or display shall consist of only the neighborhood name and/or address.

6. Institutional Uses: Churches, public schools, public utility companies, libraries, governmental buildings, parks, public golf courses, etc., are allowed one monument sign of thirty two (32) square feet. If the institution has more than one frontage and is located on an arterial street, then an additional sign of the same size is allowed.

7. Flags: The flags, emblems or insignia of any nation or political subdivision. Corporation flags may not exceed twelve (12) square feet and may be flown in tandem with the state or national flag. Large flags flown in high wind may cause a noise nuisance and are subject to removal upon investigation.

8. Public Necessity Signs: Signs installed by a unit of the government for control of traffic and other regulatory purposes; including street signs, hospital signs, directional or warning signs for public service companies, utilities or institution, or signs erected by or on the order of a public officer in the performance of his public duty.

9. Memorial Signs: Memorial signs or tablets with the names of buildings and date of erection cut into any masonry surface or inlaid so as to be part of the building.

10. Notice Bulletin Boards: Notice bulletin boards not over thirty two (32) square feet in area for medical, public, charitable or religious institution; where the same are located on the premises of such institution and are oriented solely to the interior of the property and are not used to direct exterior vehicular attention to any product or service of the institution.

11. Holiday Decorations: Noncommercial signs of a primary decorative nature, clearly incidental and customary and commonly associated with any nation, local or religious holiday. Such signs may be of any type, number or area, and shall be contained entirely within the boundaries of the lot or premises on which they are erected and should be placed so as to avoid confusion with authorized traffic lights and signals, and shall conform to traffic safety standards. They shall be removed within a reasonable period after the holiday is over.

12. Changing Copy: The changing of the message on a permitted sign that has an approved marquee, reader board, electronic message center, or other replaceable copy area.

13. Political Or Campaign Signs: In addition to signage otherwise authorized by this chapter, political or campaign signs on behalf of candidates for public office or measures on election ballots are allowed as follows:

a. Said signs for all candidates, regardless of participation in a primary election, may not be erected earlier than thirty (30) days prior to a primary election and shall be removed by the Monday following a general election. Candidates who lose a primary election shall remove signs by the Monday following the primary election. Signs relating to elections on special issues may be installed and must be removed on the same basis.

b. Any one sign shall not exceed sixty four (64) square feet in aggregate area and, if freestanding, shall not exceed eight feet (8') in height. Such sign shall not be erected in a manner as to constitute a roof sign. Signs may not be placed on public property, in a public right of way or in any place which would impede traffic visibility or safety. Signs along unimproved roadways may not be placed closer than ten feet (10') to the edge of the paved surface.

c. Campaign signs may not be placed closer than one hundred fifty feet (150') to buildings where any official voting station is located.

14. Agricultural/Ranch Identifications Signs: Signs naming or identifying an individual farming or ranching property shall be permitted at the entrance to said property without limitation to size or location.

15. Community Signs: Community signs require review by the community development department, including recommendation of the county engineer and/or other pertinent county department, for compliance with the following criteria:

a. No sign shall be permitted which is unsafe for vehicular or pedestrian traffic, is inappropriate with respect to location, size, time or duration of display, or is maintained in a deteriorated condition. Such sign:

(1) Must be made of durable, weather resistant material;

(2) Must use logos or symbols instead of copy where possible, where copy would cause a distraction to vehicular traffic; and

(3) May be located at various gateway areas to the county, along major streets and important intersections adjacent to nonresidential properties as approved by the community development department.

b. Such signs shall be uniform in size for each individual display and shall be no larger than four feet (4') wide and ten feet (10') tall for signs attached to light or utility poles. Signs attached to a building may be larger but must be appropriate in scale and location as approved by the community development department.

c. Freestanding community signs shall be allowed on parcels with the permission of the owner and approval of the county planner. The size of the sign depends on the number of acres involved on the property according to the following size and height standard:

Less than 5 acres	32 square feet
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5 to 10 acres	64 square feet
10 to 20 acres	96 square feet
20 or more acres	128 square feet
Maximum height	15 feet

d. Such signs may not be attached to another temporary sign or a permanent traffic or business sign.

e. Such signs may be part of a rotating permanent feature of the county or community for such events as:

- (1) Fair days.
- (2) Holidays.
- (3) Cultural and/or arts events.
- (4) Changes in seasons.
- (5) General community promotion; i.e., business, with the prohibition of commercial endorsement or name on any such sign.

f. Such signs for any single purpose or event may not be displayed for more than thirty (30) days. However, the community development department may approve community purpose signs for long term purposes subject to review on a ninety (90) day basis.

B. Residential Zones: It is recognized that signs announcing the location, availability or development of property are necessary. Restraint is advised. The following shall apply:

1. On Premises Development Identification Signs:

a. Individual Lots: One sign announcing the name of the construction/development company is allowed. Area of the sign may not exceed sixteen (16) square feet nor six feet (6') in height. The sign may not be erected more than five (5) days prior to the beginning of construction for which a valid building permit has been issued. It must be removed before final occupancy.

b. Subdivisions: One development promotional sign may be placed on the premises of each development having five (5) or more lots or approved unit sites in any residential zone. The size allowed for the sign depends on the number of lots to be developed:

5 to 24 units (lots)	64 square feet
25 to 49 units	96 square feet
50 or more units	128 square feet
Maximum height	12 feet

c. Removal: Such signs shall be removed within five (5) years of the issuance of the first building permit in the project, or, if the lots are sold out before five (5) years, immediately upon sale of the last lot.

2. On Premises Real Estate Signs:

a. Signs advertising the sale, rent or lease of property shall be limited to one real estate sign on each lot. Each such sign shall not exceed six (6) square feet in size and six feet (6') in height.

b. One real estate sign per street frontage is allowed for any multi-use residential or professional office building or lot intended for such and may not exceed thirty two (32) square feet in area or eight feet (8') in height. If the parcel is over two (2) acres in size, the sign may not exceed sixty four (64) square feet.

c. Model home signs shall not exceed sixteen (16) square feet in area nor exceed six feet (6') in height and shall be placed entirely upon the premises of the model.

3. Temporary/Open House Real Estate Signs: Open house signs shall not to exceed six (6) square feet in area and four feet (4') in height, advertising real estate open for inspection may be placed on private property in the vicinity of the property open for inspection. They shall not be placed in the park strip. They shall not be attached to trees, poles or street signs, etc. Open house signs shall be displayed only during those hours/days which the house is open for actual inspection.

4. On Premises Signs For Home Occupations And Home Based Business Occupations In Residential Zones: Home occupations may need some form of identification. Because of their nature and restrictions on the intensity of use, they are not required to obtain a permit. Signs shall be limited to one nonflashing sign not larger in area than six (6) square feet. If lighted, the sign shall be diffused or shielded.

C. Commercial And Industrial Zones: It is recognized that signs announcing the location, availability or development of property are necessary. Because these are allowed with a permit, restraint is advised.

1. On Premises Development Identification Signs: Signs announcing or identifying the future development of commercial or industrial property are allowed one per public or private street frontage. The signs may not be erected before the proposed development has been submitted for site plan review. They must be removed before final inspection or before permanent signs are installed. The size of the sign depends on the number of acres involved in the project:

Less than 2 acres	32 square feet
2 to 5 acres	48 square feet
5 to 10 acres	64 square feet
10 to 20 acres	96 square feet
More than 20 acres	128 square feet
Maximum height	15 feet

2. On Premises Real Estate Signs:

a. One on premises real estate sign advertising the sale of property per street frontage is allowed for any commercial or industrial planned center, building or lot intended for such, and may not exceed thirty two (32) square feet in area or eight feet (8') in height. If the parcel is over two (2) acres in size, the sign may not exceed sixty four (64) square feet. Individual pads or parcels within centers are allowed their own sign, but it may not exceed sixteen (16) square feet or six feet (6') in height.

b. One on premises sign advertising the availability of commercial or industrial space, for lease or sale, for space within a multi-tenant building or for a pad within the same center is allowed. The sign must be securely attached to the vacancy in question. It may not exceed twenty four (24) square feet in area.

3. Other Allowed Signs:

a. Menu Boards: Menu boards for drive-in restaurants are to be reviewed and approved by the community development department at site plan review. The following shall apply although the planning commission may approve them at different locations depending upon circumstances:

(1) Only two (2) menu boards are allowed per site and must be located behind the front landscaped setback area.

(2) Maximum areas shall not exceed thirty five (35) square feet per sign and six feet (6') in height.

b. Gasoline Price Signs: One double faced sign per station. The area of said sign may not exceed sixteen (16) square feet. (2010 Code)

