

## CHAPTER 15

# MASTER PLANNED DEVELOPMENT RESERVE

### Sections:

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### **16-15-010 Purpose and Objectives.**

The purpose of the MPDR zone district is to allow, at the discretion of Morgan County, flexibility in the use of land, densities, site layout, and project design. Morgan County shall use the MPDR zone district only when it is clearly demonstrated that, in doing so, substantial benefits will be derived by the residents of the Morgan County. Morgan County, at its discretion, can use this zone district to allow development according to an approved plan, which establishes allowable density, uses, and configuration of allowed uses, and other applicable zoning restrictions and parameters for all or any portion of the property so designated. The intention of this zone district is to allow Residential, Resort Centers, Town Centers and Village Centers as well as commercial development providing a mixed-use development. Morgan County may designate the MPDR zone only after an application has been submitted by the owner(s) of the property to be considered. The burden shall rest upon an applicant to demonstrate that the proposed MPDR is in the best interest of the general health, safety, and welfare of Morgan County residents. The MPDR is intended to:

1. Permit innovative considerations in the development of land, to ensure that all development is undertaken in a manner that significantly promotes the objectives of the Morgan County General Plan;
2. Allow a creative, mixed-use approach to the development and use of the land and related physical facilities to produce better development, design and construction of quality and aesthetic amenities, and to establish standards within the MPDR that may be different than or supplemental to the underlying zoning;
3. Allow for a choice in the type and quality of environments, including a mix of land uses, available to residents and visitors;
4. Better relate residential and commercial uses with community facilities and infrastructure location, size and design.

Further, the purpose of the Master Planned Development Reserve (MPDR) is to allow diversification in the relationship of various uses and structures to their sites, to permit more flexibility in the use of such sites, and to assure any such development will conform to the Morgan County General Plan and/or sub-area master plans. The application of MPDR concepts is intended to promote the existing quiet, rural, small town, residential, and agricultural character of Morgan County; to encourage the general health, safety and welfare of the county's residents, property owners and visitors; to secure the advantages to the community and to property owners of large scale site planning for development of lands within the county; to encourage innovative site planning which emphasizes and encourages the maintenance of the county's agricultural lands and open Space; to acknowledge the county's unique geographic location including its views and its important topography; and to encourage the clustering of houses and to consider the use of density transfers.

This chapter should be considered an enhancement to the regulations of The Morgan County Land Management Code and Subdivision Ordinance. These enhancements are negotiable between the developer and the County. The effective and innovative application of these standards plus community and county benefits may result in bonuses to the density and structural placement regulations found in the chapters

defining use, density, setbacks, etc. (zoning) and elsewhere in this code. All MPDR proposals must also demonstrate, that the minimum requirements or conditions of any underlying zone or other regulations contained in this code can be met.

The Planning Commission and Board of County Commissioners may accept or reject a MPDR proposal on the basis of non-consistency with the General Plan, the quality of materials used in the project, inappropriate site design or development layout, or architectural design and serviceability of the project. All MPDR developments shall be designed to "fit in" and protect the character of the community and rural atmosphere of the County. In considering MPDR applications, every effort will be made to see that the community and County are enhanced by the project.

Complete planning of the entire project in all of its phases is critical in the application of the MPDR process. All MPDR regulations are in addition to the regulations of The Morgan County Land Management Code and Subdivision Ordinance and the MPDR may be processed concurrently with a subdivision application.

#### **16-15-020 Scope.**

MPDR projects are required to be located within either; (1) the MU-160, A-20 or F-1(1/4 section) Zones and/or (2) include a minimum of 160, acres from any combination of zones. It is encouraged by Morgan County that multiple landowners submit a joint MPDR application to allow for more efficient use of land and achieving the goals, objectives and policies of the Morgan County General Plan. Before a MPDR is designated in any area, the Planning Commission and Governing Body shall determine the following:

1. That there are substantial tangible benefits to be derived by the citizens of the Morgan County that significantly outweigh those that would otherwise be derived if development occurred under the provisions of the underlying zone districts;
2. That there are unique circumstances, above the normal limitations and allowances of the underlying zone districts, that justify the use of a MPDR;
3. That the development proposed in an application for MPDR consideration, is compatible with the appropriate social, cultural, rural, mountain, and/or natural resource characteristics of the Morgan County;
4. That the development proposed furthers the goals and objectives of the Morgan County General Plan;
5. That a specific development plan proposed under an MPDR zone approved by Morgan County is implemented through a development agreement as described in the Code;
6. That approving a MPDR zone district will not adversely affect the public health, safety, and general welfare.

#### **16-15-030 Land Uses, Density and Intensity Allowances/Bonuses.**

Morgan County requires that all MPDR proposals meet the following criteria.

1. Dedication and Preservation of Viewsheds and Environmental Features of the Area. The preservation of viewsheds shall, when possible, include the retention of all or major portions of all meadow and hillside viewsheds, all ridgelines, and significant environmental features such as all waterways and non-jurisdictional wetlands, wildlife habitat, wildfire hazard areas, historic and cultural artifacts, and geologic features. This is to be accomplished by, among other things, minimizing the removal of vegetation from the site and the amount of over-lot grading required to fit the project into the natural landscape. These important features of the pre-development landscape shall be identified on the applicable land use plan map or by field inspection at the time of a development application.
2. Consistency with Desired Neighborhood Character. Development shall be compatible with the desired community character, development patterns and policies identified in the Morgan County General Plan. Development shall ensure economy of service delivery not only for Morgan County and any service districts, but also to residents and businesses of the development. At least 60% of the total development parcel(s) that exceed base density shall be maintained as open Space in a manner that is consistent with the goals and objectives of the General Plan and Land Management Code.
3. Neighborhood Recreation Facilities. Development shall provide appropriate neighborhood recreation and trails facilities, in terms of location, type, and variety, that meet specific

neighborhood resident demands that will be generated by the development project. The areas designated for such uses shall not simply be left over Spaces within a development. They shall be appropriate in terms of size and quality for the intended use. The specific recreation and trails facilities provided shall be adequate to satisfy neighborhood demand. While consideration will be given to standards established in the Code, the unique characteristics of the neighborhood shall be taken into consideration in determining specific requirements. The long-term care of these facilities shall be the responsibility of the developer or subsequent residents of the project.

The adopted MPDR Plan (development agreement) shall determine permitted and conditional land uses. Commercial uses, other than home occupations and agriculture uses, are not permitted outside of designated (will each MPDR plan designate or will there be a land use map??) Town, Resort, and Village Centers, and Commercial areas identified on the Land Use Plan Maps (Morgan County has none) and Detailed Master Planned Areas approved by Morgan County.

4. Permitted uses within Town, Resort, and Village Centers nodes include:
  - a. Single family dwelling units; two family dwelling units; multi-family dwelling units, mixed residential/commercial development; short-term nightly rental of residential dwelling units; home occupations; pedestrian and equestrian trails and new open Space.
  - b. Those uses specifically identified on an adopted Detailed Master Plan for all or a portion of a Community Area.
  - c. Those uses that are consistent with the Morgan County General Plan.
5. Conditional Uses shall be determined by the adopted MPDR Plan (development agreement). Examples of conditional uses are appropriately designed and developed commercial. There must be a determination that the specific commercial use is appropriate at the proposed location and compatible with the surrounding neighborhood.

#### **16-15-031 Potential Density Bonuses.**

The County Commission may, upon recommendation of the Planning Commission and consistent with the Morgan County General Plan, grant density bonuses, which may allow the developer of a MPDR to exceed the maximum base density for the zone district.

1. Density bonuses shall be defined as an increase over the maximum base density for amenities and other community enhancements included in a Master Planned Development Reserve. Amenities and community enhancements for a particular project may vary from those of another project because of project type, existing natural features of the site, and market for which the project is being built. Types of amenities and community enhancements may include dense landscapes and vegetation, trails, recreation areas and parks, permanent open Space, common useable agricultural or farming open Spaces or other similar features. Such features may be an amenity and community enhancement for one project, but a liability for another. The County shall consider the total project and the proposed amenities and community enhancements, and determine the amount of density bonus a project may receive. A density bonus may be based on any of the following:
  - a. Environmental Enhancements.

These shall include, but are not limited to, programs and improvements that will enhance existing wildlife habitat, rehabilitating wetlands disturbed by previous land use practices, measures to protect air quality, water quality, establishing fisheries in local streams, landscaping beyond Code requirements, and other such features. Such enhancements must be compatible with the Morgan County General Plan and applicable area plans. Environmental enhancements must produce benefits for the enjoyment of all residents and visitors of Morgan County. Improvements that are provided largely for the enjoyment of the development and which produce only minor benefits for the general population may receive some density credit, but only to the extent that the general public benefits from the improvements.
  - b. Exceeds Open Space Requirements for the Project. Density incentives will be granted by Morgan County when a development provides significant and meaningful open Space consistent with the goals, objectives and policies found in the General Plan, and when the amount of open Space provided exceeds the required open Space for the site established within in this Chapter.
    - i. This shall mean the provision and protection of permanent common open Space or

agricultural open Space which is distinguishable from a standard subdivision by its quantity or quality and which is readily accessible to the residents of the development and the community at large. Open Space placed in conservation or agricultural easements for perpetuity will be valued highly in the MPDR process.

- c. Restricted Affordable Housing. Higher densities will be permitted when restricted affordable housing is provided within the project. Restricted housing must be of a type that is compatible with the neighborhood within which it is proposed. Restrictions by deed or other desired mechanisms shall include appropriate sales and re-sales restrictions, rental rates restrictions, and other appropriate measures. These restrictions shall ensure that the dwelling units are oriented towards persons employed within Morgan County and remain affordable to those employed in Morgan County in perpetuity, including sales beyond the original owner. Affordable housing types and sizes, together with the percentage of such units provided must be compatible and deemed appropriate by Morgan County for the neighborhood in which it is proposed and meet the housing needs of the community. Before restricted affordable housing density increases are granted, the ability of the local community to absorb the number and type of units proposed must be demonstrated or a phasing plan (with financial guarantees) based on absorption will be required. It is not the intent of Morgan County to create neighborhoods comprised of restricted affordable housing only.
  - d. Contribution to Community Trails and Parks. Contributions for community trails and parks shall be made according to the Morgan County Recreation and Trails Master Plan (when completed). Facilities required to meet specific neighborhood or project needs will not be considered as contributions to the community-wide system. Morgan County must consider improvements and/or contributions appropriate and desirable. The level of density incentive will relate to the value of the community benefit received from the contribution.
  - e. Public Facilities and Amenities Exceeding Project Requirements. Unique community facilities and amenities shall be considered only when it has been demonstrated that the improvements or land contribution exceed the specific and identifiable impacts and/or needs of a project. The density shall be directly related to the value of the community benefit. Before a density incentive is granted, however, it must also be demonstrated that there is a need for the proposed improvements; that the improvements or land are needed or desired at the proposed location; that the land is appropriate in size and that the terrain is appropriate to accommodate the intended use; and the improvement is compatible with the surrounding neighborhood. Such benefits may include structured parking when it will result in the preservation of additional open Space; school sites; trail overpass/underpass; public buildings; the provision of alternative transportation facilities and systems; or other such improvements that are deemed desirable under the General Plan.
2. Total Density.
    - a. It is the intention of Morgan County, through Chapter 16-15, to allow densities in excess of the underlying zoning by allowing for a density determination process. The process and procedures are described within this chapter.

**16-15-040 Master Planned Development Reserve Re-zone.**

The County may allow the Master Planned Development Reserve as a re-zone. No Master Planned Development Reserve re-zone shall be approved unless such development meets the policies of the general plan and the requirements of the Code.

**16-15-050 General Development Standards.**

1. Setback and height standards.
  - a. Setback Standards.
    - i. The minimum setback from the Trapper's Loop Highway, list other significant state highways, and Interstate 84 right-of-way shall be 100 feet.
    - ii. The minimum setback for list significant county roads rights-of-way shall be 60 feet.
    - iii. The minimum setback from the high-water line of the Weber River list other significant rivers shall be 150 feet.
    - iv. The minimum setback from any jurisdictional wetland shall be 50 feet.
    - v. The minimum setback from any other naturally occurring year round stream, (other than

those listed in number three above), lake, pond or reservoir shall be 100 feet from the high-water line.

- vi. With the above exceptions, the minimum front yard setback in the MU-160, AG-20 and F-1 zone districts shall be thirty (30) feet, unless otherwise indicated on a recorded plat or an approved site plan.
- vii. With the above exceptions, the minimum side yard setback in the MU-160, AG-20 and F-1 zone districts shall be twelve (12) feet unless otherwise indicated on the recorded plat or an approved site plan.
- viii. With the above exceptions, the minimum rear yard setback in the MU-160, AG-20 and F-1 zone districts shall be twelve (12) feet, unless otherwise indicated on the recorded plat or an approved site plan.

Minimum front, side, and rear yard setbacks in an MPDR zone district shall be established by adopted MPDR Plan which may be different from in-viii above.

b. Height Standards.

- i. Maximum building or structure height in the MU-160, AG-20 and F-1 zone districts shall be thirty-five (35) feet.
- ii. Flag Poles in the MPDR shall not exceed twenty-two (22) feet in height.

Maximum building height in a MPDR zone district shall be determined by adopted MPDR Plan, which may be different than in and b above.

2. Other standards.

- a. No Master Planned Development Reserve shall have an area less than that approved by the County as adequate for the proposed development as described in Section 16-15-020 herein.
- b. The development shall be a single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.
- c. The County shall require arrangements of structures and open Spaces shown on the site development plan to be designed in such a manner to assure that adjacent properties will not be adversely affected:
- d. Density of land use intensity shall not create an abrupt change in the character of the MPDR district and adjacent properties and zoning districts.
- e. Where possible, least height and intensity of buildings and uses shall be arranged around the boundaries of the development protecting the character of adjacent properties and zoning districts.
- f. Preservation, maintenance, and ownership of required open Spaces within the development shall be accomplished by:
  - 1. Dedication of land as a public park or parkway system, or,
  - 2. Granting to Morgan County or an appropriate 501(C) 3 conservation organization a permanent, conservation or agriculture easement on and over the said private open Spaces to guarantee that the open Space remain perpetually in recreational and/or agricultural use, with ownership and maintenance being the responsibility of an Owners' Association established with articles of association and by-laws which are satisfactory to the County or,
  - 3. Complying with the provisions of the Condominium Ownership Act of 1963, Title 57, Chapter 8, Utah Code Annotated, 1953, as amended, which provides for the payment of common expenses for the upkeep of the common areas (including open Space) and facilities.

Landscaping, fencing, and screening related to the uses within the site may be a means of integrating the proposed development into its surroundings and shall be planned and presented to the County for approval, together with other required plans for the development. The height, location, and design of signs shall comply with the provisions of Chapter 10 of this Code.

- g. Architectural design standards listed in Section 16-15-060(6), Master Planned Development Reserve Plan Application, of this chapter.
- h. Landscape, irrigation and maintenance standards described in Section 16-15-060(6), Master Planned Development Reserve Plan Application, of this chapter.
- i. Transportation and Access design standards described in Section 16-15-060(6), Master Planned Development Reserve Plan Application, of this chapter.
- j. Environmental standards described in Section 16-15-060(6), Master Planned Development Reserve Plan Application, of this chapter.
- k. Open Space requirements described in Section 16-15-060(6), Master Planned Development Reserve Plan Application, of this chapter.
- l. Parking standards described in Section 16-15-060(6), Master Planned Development Reserve Plan Application, of this chapter.
- m. Site design standards described in Section 16-15-060(6), Master Planned Development Reserve Plan Application, of this chapter.
- n. Lighting standards listed in Section 16-15-060(6), Master Planned Development Reserve Plan Application, of this chapter.
- o. Any other standards described in this chapter.

**16-15-060 MPDR Process -- MPDR Development Review.**

**1. Purpose:** The purpose of the MPDR Development Review provision is to establish a procedure for considering any development application requesting additional residential densities over base densities in a MU-160, A-20, F-1, or any combinations of zoned lands in excess of 160 that can conform to the Morgan County General Plan. The process described herein represents an integration of zoning, subdivision, and site planning concepts and considerations. This review process requires the submission of significant information to describe the development and justify compliance with criteria of the Morgan County General Plan and Land Management Code.

**2. Process Overview:** The primary goal of the MPDR Development Review Process is to maximize Morgan County citizen, Planning Commission and other interested parties involvement in the planning process early on. This will allow the applicant to understand the communities goals, objectives and policies through the Morgan County General Plan and its area plans and citizen input before applicant's plans and expectations become to "hard." The process overview looks as follows (see flow chart page 15-8a):

- a. Step 1: Sketch Plan and Pre-Application Review.
- b. Step 2: Joint Planning Sessions with the Planning Commission.
- c. Step 3: Master Planned Development Reserve Zone District Application (Re-zone) and MPDR Application (Development Agreement).
- d. Step 4: Planning Commission Work Sessions and Public Hearings.
- e. Step 5: Planning Commission recommendation on Re-zone and MPDR Plan.
- f. Step 6: Board of County Commissioners Public Hearings.
- g. Step 7: Board of County Commissioners final action.

**3. Pre-Application Review, Sketch Plan Application and Review (Step 1).**

a. Prior to submitting an application for a MPDR Zone District and MPDR plan, an applicant shall first submit a Sketch Plan and pay the applicable fee for the review thereof, in order to determine compliance with the General Plan, Land Use Maps and other applicable provisions of the "Code". The Planning Department shall establish standards for and determine the adequacy of the Sketch Plan in fulfilling its intended purpose. More information may be required for potentially complex developments.

b. Sketch Plan Information Requirements. The following information and data are required to be submitted with a sketch plan. Certain other information may be required, if necessary, to adequately describe the project conceptual plan to the Planning Commission. A sketch plan is not a completed application for purposes of vesting under Utah law.

- 1. Name and address, including telephone number, of legal owner or agent of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
- 2. Location of property lines, existing easements, burial grounds, existing rights-of-way, trails,

watercourses, existing wooded areas, and all other vegetation areas; location, width, and names of all existing or platted roads or other public ways within or immediately adjacent to the tract; names of adjoining property owners from the latest assessment rolls within one thousand (1,000) feet of any perimeter boundary of the subdivision.

3. Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent building and utility poles on or immediately adjacent to the site and utility rights-of-way.
  - i. Existing site topography. A slope analysis of the proposed development site, showing slopes for the following percent of existing grades: 0-10, 10-20, 20-30, and slopes greater than 30 percent, including a tabulation of the number of acres in each slope percentage.
  - ii. A delineation of all Critical Areas. Development within Critical Areas as defined in Subsections A through E below is prohibited. All structures, buildings, impervious surfaces and other development on the property to be developed shall be clustered on areas that do not contain Critical Areas.
    - A. Geologic Hazards. The development layout and design shall avoid areas, which may be adversely affected by geologic hazards. A variance from this prohibition may be obtained from the Governing Body in cases where the developer demonstrates that the geologic hazard is fully mitigated by appropriate design and construction techniques. Geologic hazards include any kind of slope instability (landslides, rock-fall, mudflows) or ground subsidence that may result from natural or man-made conditions and also any kind of seismic activity.
    - B. Avalanche Tracks. The development layout and design shall avoid areas, which may be adversely affected by avalanche tracks. All known avalanche tracks are declared to be critical areas because of the high probability that development in such hazardous areas will result in property damage, damage to public utilities and roads serving the development, and, possibly, injury or loss of life to occupants.
    - C. Critical Slopes. Development layout and design shall be prohibited in areas, which include slopes greater than thirty (30) percent greater. Slopes greater than thirty (30) percent are declared to be critical areas because there is a high probability that on-site and down-slope property damage and water quality, fisheries and wildlife habitat deterioration will result from their development. Re-vegetation difficulties are compounded by the Morgan County's short growing season, making the reclamation of disturbed slopes very costly. Development on slopes over fifteen percent (15) and less than or equal to thirty percent (30) shall be regulated as follows:
      - a. The arrangement and location of structures and impervious surfaces shall minimize the potential of instability, rapidly accelerated storm-water runoff, erosion, and soil loss.
      - b. Submission of a professionally prepared Grading and Conservation Plan which specifies all measures taken to assure slope stability and to prevent accelerated runoff and erosion is required. The design of all structural elements (such as permanent and temporary access roads) included in such a plan shall be certified by a licensed professional with demonstrated experience in slope stabilization.
    - D. Flood plains. All areas within a 100-year flood plain as mapped for the Federal Flood Insurance program, or as calculated by a qualified engineer, or where the prevailing or potential natural vegetation is riparian are declared to be critical to the maintenance of the County's hydrologic systems, fisheries and wildlife habitat. Development of flood plain areas has a significant potential to adversely affect wildlife, water quality, and if it modifies the flood way, adjoining, upstream and downstream properties, roads and other public facilities. Development in flood plain areas may also be constrained by a high water table which raises the cost of installing and maintaining utilities. Finally, flood plain development adversely affects all taxpayers through public expenditures to prevent or clean up flood damages.
      - a. Development, other than open use recreation, shall be prohibited in areas which include flood plains. Structures shall not be permitted in a flood plain. b. Road and driveway crossings shall bridge over all flood plains. The installation of culvert for such purposes shall be minimized and is generally not

- appropriate.
- c. Where flood plain areas are modified any action, which may increase flood hazards or adversely affect water quality or fisheries shall be avoided. Such actions may include, but are not limited to, stream channel modifications, the storage of floatable or potentially polluting materials, and the construction of stream crossings.
- d. Plantings or natural stone (as opposed to scrap metal, junked vehicles or concrete slabs) shall be used where stream channels are required to be stabilized.
- E. Wetlands. Development of high and moderate value wetlands has a significant adverse effect on water quality, the rate and volume of storm-water discharge, and wildlife. Development layout and design shall be prohibited within all high and moderate value wetlands as identified by the Army Corps of Engineers or other authoritative source. Low value wetlands shall be strictly regulated with regard to development impacts and mitigation. Any development permitted in a low value wetland shall require Army Corps of Engineer review and permit prior to final subdivision plat or final site plan approval.
  - a. The approximate location and widths of all proposed roads.
  - b. Concept proposals for water and sewage disposal.
  - c. Conceptual provisions for collecting and discharging surface water drainage.
  - d. The Sketch Plan shall contain enough information, in graphic and text form, to adequately describe the applicant's intentions with regard to proposed uses, site layout, including the approximate location and dimensions of all lot and/or buildings, building design concepts, open Space, and other primary features that will comprise the development plan.
  - e. Concepts for complying with all applicable provisions of the Morgan County Development Density Potential, section 16-15-030. The information provided shall, among other things, describe measures that will promote "sound land use planning principles," and the type of densities proposed in exchange for "community benefits" described in the Morgan County Development Density Potential, section 16-15-030. The sketch plan also shall describe or illustrate how the proposed development will comply with the General Plan.

c. Pre-application Conference. After submitting a Sketch Plan and before joint planning sessions are held, an applicant shall schedule an appointment with the Planning Department to discuss procedures and issues related to the project. Issues which may be discussed at the Pre-Application Conference may include, but are not limited to:

- i. Consistency with the goals, objectives and policies of the "Plan", the "Code", and the applicable Morgan County Development Density Potential, section 16.15-030.
- ii. The general nature of the proposed development, including, if applicable, proposed land uses and densities; parks and trails; scale; land use relationships that influence the character of the area; phasing; site and building issues that relate to the promotion of the objectives of the "Plan", the "Code", and the Morgan County Development Density Potential, section 16-15-030; treatment of public areas affected by the project; preservation of natural features; concurrency management, and level of service standards.
- iii. The specific nature of information that, in addition to the application requirements stated herein, will be required to permit the Planning Commission and the Governing Body to determine whether the intensity of the use proposed and the character of the project meets the objectives of the General Plan and Morgan County Development Density Potential, section 16-15-030 established herein.
- iv. The procedures for the approval and compliance with the requirements of the "Code"; and identify issues that the applicant should address in the application for approval.

**4. Joint project planning with planning commission required for MPDR development (Step 2).**

a. In order to provide an opportunity for informal discussion among developers, public officials, service providers and the public on various issues relating to, among others, the use of land in the Morgan County, the Planning Commission shall conduct joint planning sessions related to the proposed Sketch Plan. The relationship of the development to the overall operation and economic stability of the

community, the acceptability of community infrastructure in proximity to the project, design practice compatibility, environmental considerations, transportation matters, and other development criteria established in the applicable Morgan County Development Density Potential, section 16-15-030 shall be discussed. The discussion also shall be for the purpose of interpreting and clarifying matters related to the General Plan and informing a developer of such matters and to discuss the anticipated application with those officials who must eventually approve those aspects of the application coming within their jurisdiction. It is an opportunity for the applicant to find out if the General Plan needs to be amended. The joint planning sessions are for the purpose of discussion, education, and clarification of community policies, and are not intended to result in any formal action or decision-making regarding a specific development project. Under no circumstance can the Planning Commission or Governing Body be estopped to deny approval of an MPDR Plan or, re-zoning request, or any other matter for which approval is required pursuant to the provisions of this Section because of the participation of members of the Planning Commission in such joint planning sessions.

b. An application for MPDR Plan consideration for any development seeking density incentives in the Morgan County Development Density Potential, section 16-15-030, will not be accepted by Morgan County until after such time as the applicant has entered into joint planning discussions with the Planning Commission.

c. Before the conclusion of the joint planning sessions, and at the sole discretion of the Planning Department, the Planning Department may schedule a public input session before the Planning Commission. In such instances, the Planning Department may attempt to notify near by property owners affected by the proposed project. The public input session shall be for the purpose of allowing the public to provide input into the project before the applicant submits an application for MPDR re-zone and MPDR Plan approval to the County.

#### **5. Master planned development reserve zone district application (re-zone) (Step 3A-7).**

a. Following the joint planning sessions, the Applicant, if they choose to proceed, shall submit simultaneously with a MPDR Plan application, an application for a MPDR Zone district (re-zone). Along with the application, the Applicant shall pay the required review fee. The Planning Department shall not commence the review of an Applicant's application for Master Planned Development Reserve zone designation until after the Planning Department has reviewed a Sketch Plan at a Pre Application Conference and until appropriate joint planning sessions, and a public input session, if required, have been held with the Planning Commission.

b. After completion of the report identifying issues and concerns related to the project for the Planning Commission, the Planning Department shall schedule a work session(s) on the Master Planned Development Reserve Zone (Step 4) request before the Planning Commission, at which time the Planning Commission shall review the re-zoning request for consistency with the "General Plan," the Land Use Plan Map, the Morgan County Development Density Potential, section 16-15-030, and the applicable provisions of the "Code".

c. Following the work session(s), the Planning Department shall schedule a public hearing (Step 4 continued) on the Master Planned Development Reserve re-zone request before the Planning Commission. The Planning Department shall cause reasonable notice to be given before the public hearing.

d. At the discretion of the Planning Commission, either in conjunction with or immediately following the public hearing and after receiving a recommendation from the Planning Department, the Planning Commission shall make a recommendation (Step 5) regarding the request for MPDR zone district designation to the Governing Body. The Planning Commission shall make a recommendation for approval, approval with conditions, or denial. If the Planning Commission recommends approval, the Planning Commission shall first have determined:

1. That there are substantial tangible benefits to be derived by the general public of Morgan County that significantly outweigh those that would otherwise be derived if development occurred under the provisions of the existing zone district;
2. That there are unique circumstances, above the normal limitations and allowances of the existing zone, that justify the use of a MPDR;
3. That the development proposed in the MPDR re-zone furthers the goals and objectives and policies of the Morgan County General Plan, Land Use Maps, and the applicable Morgan County Development Density Potential, section 16-15-030;
4. That an MPDR zone must be implemented through a development agreement (MPDR Plan)

as described in the Code; and

5. That approving an MPDR zone district will not adversely affect the public health, safety, and general welfare.

e. After the recommendation of the Planning Commission has been rendered, the Planning Department shall schedule a public hearing and place the re-zone application and recommendation of the Planning Commission and Planning Department on a regular agenda of the Governing Body for review and acceptance of public comment (Step 6). The Planning Department shall cause reasonable notice to be given before the public hearing. At the discretion of the Governing Body, either in conjunction with or at a meeting following the public hearing, the Governing Body shall render its decision to approve, approve with conditions, or deny the application for MPDR zone designation (Step 7). In approving the MPDR zone, the Governing Body shall first find that the re-zone request is consistent with the criteria for approving a re-zone described in Section 16-15-060(5)(d) above. The Governing Body approval shall be in the form of a re-zone Ordinance.

f. Effective Period of a MPDR zone designation. Approval of an MPDR zone designation by the Governing Body shall be effective for a period of twenty-four (24) months from the date of Governing Body approval. If a complete MPDR Plan application has not been approved within twenty-four (24) months, the MPDR zone approval shall be null and void and the zoning of the subject property shall revert to the zoning, which was established prior to the re-zone to MPDR. The MPDR Zone designation for purposes of State vesting law is conditional zoning only and does not vest the applicant with respect to use, density, configuration or other Code requirements.

## **6. Master planned development reserve plan application (development agreement) (Steps 3B-7).**

### **a. Review Procedure.**

1. Following the joint planning sessions, the applicant, if they choose to continue, shall submit simultaneously with an MPDR re-zone application, an application for a MPDR Plan (development agreement) (Step 3B). Along with the application the Applicant shall pay the required fee. The Planning Department shall not commence the review of an Applicant's application for Master Planned Development Reserve Plan until after the Planning Department has reviewed a Sketch Plan at a Pre-Application Conference and appropriate joint planning sessions have been held with the Planning Commission.
2. The Planning Department shall cause the review of the proposed Master Planned Development Reserve Plan application for consistency with the General Plan, Land Use Maps, the Code, and the applicable Morgan County Development Density Potential, section 16-15-030. Where an MPDR re-zone Ordinance has previously been approved by the Governing Body, the Planning Department shall also cause the review of the project for consistency with that re-zone Ordinance. The Planning Department shall secure input regarding the proposed development from all affected agencies and service providers. Upon receiving such information the Planning Department shall prepare a report(s) identifying issues, concerns, and a recommendation related to the proposal.
3. After completion of the report identifying issues and concerns related to the project for the Planning Commission, the Planning Department shall schedule a work session(s) (Step 4) on the Master Planned Development Reserve Plan application before the Planning Commission, at which time the Planning Commission shall review the project for consistency with the General Plan, Land Use Maps, the Code, and the applicable Morgan County Development Density Potential, section 16-15-030. Where a MPDR re-zone Ordinance has previously been approved by the Governing Body, the Planning Commission shall also review the project for consistency with that re-zone ordinance.
4. Following the work session(s), the Planning Department shall schedule a public hearing on the Master Planned Development Reserve Plan (Step 4 continued) application before the Planning Commission. The Planning Department shall cause reasonable notice to be given regarding the Public Hearing.
5. At the discretion of the Planning Commission, either in conjunction with or immediately following the public hearing and after receiving a recommendation from the Planning Department, the Planning Commission shall make a recommendation regarding the MPDR Plan to the Governing Body (Step 5). The Planning Commission shall make a recommendation for approval, approval with conditions, or denial. In a recommendation for

approval, the Planning Commission shall also make findings as to the justification for density incentives granted by Morgan County through the applicable Development Potential Matrix. If the Planning Commission recommends approval, the Planning Commission shall first have determined that:

- a. the proposed project conforms to all goals, objectives and policies of the General Plan and Land Use Plan Maps;
  - b. the proposed project conforms to all relevant provisions of the Code;
  - c. the development proposed in the MPDR Plan is compatible with the appropriate social, cultural, rural, mountain, and natural resource characteristics of the Morgan County;
  - d. that the development proposed is in sufficient compliance with criteria established in the applicable Morgan County Development Density Potential, section 16-15-030 to merit an increase in density and differentiation of uses as proposed;
  - e. all development allowed by the MPDR Plan complies with appropriate Concurrency Management Provisions (need to develop these) of the Code and the appropriate infrastructure and level of service standards of the Code or appropriate criteria and standards described in the MPDR Plan;
  - f. when appropriate, based on the size of the project, the land owner or applicant agrees to, at a minimum, contribute or provide, when appropriate, all capital improvements and facilities necessary to mitigate the impacts of the project on Morgan County and its Special Districts;
  - g. the land owner or applicant for any development, will mitigate fiscal impacts on the community to the extent possible and reasonable; and the appropriate mitigation measures have been included in the development agreement;
  - h. the landowner or applicant for a development shall establish significant economic enhancement and tax base for the Morgan County;
  - i. the project will not generate unacceptable construction management impacts; and the appropriate mitigation measures are included in the MPDR Plan;
  - j. all development approved in the MPDR Plan will meet or exceed development quality and aesthetic objectives of the General Plan, the Code, and the applicable Morgan County Development Density Potential, section 16-15-030;
  - k. the development will be consistent with the goal of orderly growth and minimize construction impacts on the public infrastructure within the Morgan County;
  - l. development will protect life and property from natural and manmade hazards;
  - m. development will prevent harm to neighboring properties and lands, including nuisances;
  - n. the MPDR Plan includes the written consent by each land owner whose properties are included within the area described;
  - o. the MPDR Plan results in benefits to the general public that would not otherwise occur under the literal application of the Code; or the provisions of the existing zone district;
  - p. the MPDR is consistent with the MPDR re-zone Ordinance; and
  - q. approval of the MPDR Plan will not adversely affect the health, safety, and welfare of residents of the Morgan County.
6. After the recommendation of the Planning Commission has been rendered, the Planning Department shall schedule a public hearing and place the application and recommendation of the Planning Commission and Planning Department on a regular agenda of the Governing Body (Step 6) for review and acceptance of public comment. The Planning Department shall cause reasonable notice to be given before the public hearing. At the discretion of the Governing Body, either in conjunction with or at a meeting following the public hearing, the Governing Body shall render its decision to approve, approve with conditions, or deny the application for MPDR Plan (Step 7). In approving the MPDR Plan, the Governing Body shall first find that:
- a) the Planning Commission's findings, required in Section 16-15-060(5)(d) above are appropriate and reasonable;
  - b) the Planning Commission's justification related to density incentives through the appropriate Morgan County Development Density Potential, section 16-15-030 is fair, reasonable, and consistent with the goals, objectives, and policies, of the Plan; and
  - c) approval of the MPDR Plan will not adversely affect the health, safety, and welfare of residents of the Morgan County. The Governing Body approval shall be in the form of an

Ordinance.

7. Once the Governing Body approves the Major Development MPDR Plan, the Planning Department shall cause all applicable signatures to be obtained on the MPDR Plan. The final MPDR Plan and preliminary title report shall be reviewed by the County Attorney for acceptability.
8. Recordation. Upon approval of the County Attorney, and once all required signatures are obtained, the Planning Department shall cause the MPDR Plan to be recorded in the records of the Morgan County Recorder.
9. Remand of Application to the Planning Commission. In the event that the Planning Department or Governing Body determines that the applicant substantially altered the MPDR Plan after the review and recommendation of the Planning Commission but prior to consideration by the Governing Body, the Governing Body may remand the application to the Planning Commission for further proceedings. A motion by the Governing Body to remand the application to the Planning Commission shall establish a time within, which said Planning Commission proceedings, must be conducted and completed.

**b. MPDR Plan Application Information**

Requirements. The following information shall be submitted with an application for MPDR Plan review. All maps shall be prepared at a scale of one (1) inch equals one hundred (100) feet or larger (which must be acceptable to the Planning Department to permit adequate review) and on sheets of twenty-four (24) by thirty-six (36) inches, unless otherwise approved by the Planning Department. When project phasing is proposed, the applicant may submit a conceptual level of information so long as it is consistent with the intent of the information requirements hereunder, provided however the MPDR Plan establishes a procedure that ensures adequate review of the detailed information required herein in conjunction with the various phases.

**1. Development and Location Map.**

The name of the development and location map showing the location and size of the site and existing land uses within three hundred (300) feet of the site. A vicinity map at a scale of not less than one (1) inch equals one thousand (1000) feet shall be provided..

**2. Owner List.** Names, addresses, and telephone numbers of the owners of all land included in the application, the developer, the designer and/or architect, and the licensed surveyor of the proposed project.

**3. Parcel Mapping.** Location and boundaries of any parcels as part of a larger tract. A surveyed boundary of the development, giving the location of and dimension to the nearest benchmark or monument, and total acreage encompassed thereby shall be provided.

**4. Legal Description and Map.** A legal description and accompanying map exhibit of the property at a scale of one (1) inch equals one (100) feet, unless otherwise approved by the Planning Department, showing the type of boundary evidenced. Such information should be from recorded legal plats. The legal description shall include the following:

- i. Metes and bounds of all property lines;
- ii. Total area of the property;
- iii. North arrow and map scale;
- iv. Name and route numbers of boundary roads and the width of existing rights-of-way.

**5. Zoning Map.** A map showing the existing zoning, including all sensitive/critical lands, and the amount thereof, clearly delineated.

**6. Site Characteristics Map.** An existing site characteristics map or maps showing, but not limited to, existing woodlands, stream, drainage, and other water courses, flood plains, topography, all critical and sensitive lands within the project area, access to property, wildfire hazard areas in accordance with Morgan County Fire Service District (MCFSD), and all critical areas that constitute natural hazards as defined in the "Code" or as determined by subsequent investigation. The map shall indicate the location, size, and type of existing vegetation, historical features, and other natural or man-made landscape features together with the proposed limits of any excavation or re-grading to be done in carrying out the project. The map shall indicate all trees that are proposed to be removed. The map also shall clearly delineated view-shed, as designated on the Land Use Plan Maps, or as otherwise agreed to by the Planning Department, and any other key features and landmarks within the parcel.

**7. Plan Proposal.** A proposed plan with appropriate detail on one or more sheets to show the

proposed dimensions and locations of all buildings and/or lot layout, building envelopes, public and private roadways, bridges, existing and proposed utility lines and fire hydrants, service areas, emergency vehicle access, parking areas with related phasing plan where appropriate, pedestrian pathways, trails and open Space areas, all proposed land contour lines at two-foot or less contour intervals, common open areas, public open Space, drainage facilities and detention areas, snow storage/removal areas, trash storage areas, fencing/screens to be used, areas of disturbance and grading, and other details necessary to all complete review of the project layout and design. Adjacent structures, roads, and landmarks within three hundred (300) feet of each property line shall be located on the plans so as to show the relationships of the proposed development to its surroundings. The location, size, and design of community benefits to comply with the Morgan County Development Density Potential, section 16-15-030 shall be shown. Infrastructure connections and site layout compatibility between the proposed project and all surrounding properties shall be demonstrated, to the extent possible, for the purpose of determining compliance with the Morgan County Development Density Potential, section 16-15-030.

8. **Acreage and Use Chart.** A chart of proposed land uses by acreage, including percentage of land coverage by type of use.
9. **Summary Statement.** A summary statement describing those community benefits or impacts that the applicant proposes in exchange for density incentives from Morgan County. Where applicable, these improvements should be shown on the final site plan or final plat. The following reports prepared by qualified experts, among others, may be required to support an applicant's request for density incentives. The Planning Department and the applicant may determine that other information is necessary to help the Planning Commission understand the applicant's request for density incentives under the Morgan County Development Density Potential, section 16-15-030. Such information shall include, but not necessarily be limited to:
  - i. An economic and fiscal impact analysis. This analysis shall indicate the fiscal and economic benefits and impacts to the community as a result of the project. The report should be based on assumptions mutually agreed upon by the applicant and Morgan County. The report should relate the level of density incentive to the projected level of community benefit. It shall clearly delineate both the costs and benefits to Morgan County.
  - ii. An environmental impact assessment describing all potential environmental impacts that will result from the proposed development. This report will further explain specific measures proposed to offset development impacts and for undertaking and completing environmental enhancements and describing the net public benefits of such enhancements, together with letters from appropriate agencies describing the environmental values and benefits that are anticipated as a result of the improvements.
  - iii. A social impact assessment. New growth will introduce new population both as residents and/or service workers. These newly introduced people and their associated activities will demand a wide variety of services and infrastructure to be provided by public and private institutions. Areas that the assessment will need to examine are population and employment, police and fire, emergency medical services, library(s), parks, social services, schools, health services, county workers, and housing demands. The assessment shall provide recommendations for mitigation of these issues.
  - iv. A traffic impact assessment. With new development comes an increased traffic, road and infrastructure demand. This analysis needs to examine existing conditions, traffic characteristics of the project, future demands on the transportation system, recommendations for mitigation and transportation alternatives.
  - v. Specific restrictions and other measures for ensuring the on-going affordability of the housing stock provided in the project, together with information showing that the sale prices, rents, unit types and sizes meet the affordable housing needs of those employed within Morgan County.
10. **Architecture.** Architectural plans in conformance with the following architectural regulations for all structures in the MPDR. The plans shall include elevations at a vertical scale of not less than one-eighth (1/8) inch equals one (1) foot, unless otherwise agreed to by the Planning Department, of all proposed facades of all proposed structures other than single family

detached dwellings. Building elevations, one of which shall be colored to accurately represent the proposed material and color scheme, shall be of sufficient detail to indicate building openings, height above grade, number of floors, specific materials proposed for the roof and exterior of the buildings, decks and other architectural features of the buildings, including chimney, mechanical equipment and features affecting the roof lines of all proposed buildings. A sample of all materials and color schemes for all wall and roof elements also shall be provided. In the case of single family detached dwellings, architectural guidelines shall be submitted.

These regulations are intended to guide the architectural character of all buildings. They are intended to ensure unity in "function", the relationship of the Spaces that meet specific needs, "structure", including the method used to enclose the Space, and "beauty" or the artistic character. They are intended to allow and promote creativity in design within the context of a mountain character that is desired in Morgan County. Variety, interest, and elegance in architectural designs shall be incorporated into all designs. All designs shall also be compatible with the desired mountain design character as indicated in these standards and described in the General Plan.

- i. Prohibited Architectural Styles and Motifs. The following architectural styles and motifs are not permitted. Any style that is determined to represent an extreme statement of the architectural style or period is not appropriate.
  - a. A-frame structures
  - b. Geodesic dome structures
  - c. Mediterranean motifs
  - d. Tudor or mock Tudor styles
  - e. Swiss chalet or Tyrolean motifs
  - f. "Omate" Victorian
  - g. Colonial
  - h. Standard prefabricated corporate/business structures, such as but not limited to metal, corporate colored gasoline island canopies and building facades, typically found in other areas unless specifically found to be compatible with these requirements.
  - i. The use of same template or repetitive architecture within the same large-scale building and/or the mere copying of adjacent building architecture or form.
  - j. Other overstated historical or period design motifs that do not have a strong connection or association with Morgan County and are not representative of a mix of alpine, small town, and agricultural environments.
- ii. Siding Materials
  - a. The siding materials considered most typical of the mountain environment are wood siding, log, heavy timber, and glu-lam materials, native stone and lichen rock, and stucco. These principal materials shall be incorporated in each building design in a manner that is consistent with the design objectives herein. Appropriate use of other materials not identified in Subsection 16-15-060(6)(b)(10)(ii)(e) below will be considered by Morgan County. Concrete products that replicate angular native stone are discouraged but may be permitted only if approved through the review process.
  - b. No single wall shall contain a single or predominate treatment, but shall include an appropriate balance of the desired principal materials identified in Section 16-15-060(6)(b)(10)(ii)(a) above.
  - c. Colored, textured, or split-faced concrete block is strongly discouraged. If it is permitted, there must be an appropriate balance of siding materials described in Section 16-15-060(6)(b)(10)(ii)(a) incorporated in the design and only when the principal design materials described in Section 16-15-060(6)(b)(10)(ii)(a) are included on those portions of all buildings seen from roadways and other public areas. At any rate, the use of colored, textured, or split-faced concrete shall be minimized. Special consideration will be given to industrial buildings only, so long as supplemental materials and sufficient landscape material is used are used to break up the uniform look of the architectural block.
  - d. The application of a stone wainscot on the lower base of the building as the only

stone application is discouraged. The design may include such wainscot applications only when applied in other areas of the buildings, such as at entry points, prominent walls, and other similar applications.

- e. The following materials have proved to be unsuitable for use in this area due to the extreme climate, incompatibility with the mountain environment, or because their appearance is such that the values of adjoining or abutting properties are adversely affected. These materials are to be limited in use or prohibited. Materials labeled as discouraged may only be used if specifically approved by the Governing Body.
  - 1. Slump Block, Weeping Mortar - discouraged
  - 2. Plastic or Vinyl Siding - discouraged
  - 3. Plain Concrete Block - discouraged
  - 4. Colored or Architectural Concrete Block - discouraged
  - 5. Fish Scale Cut Shingles - discouraged
  - 6. Match Stick Wood or other inlays - discouraged
  - 7. Lava Rocks, Clinkers - discouraged
  - 8. Half Timbered Stucco - discouraged
  - 9. Asphalt or Hardboard siding - discouraged
  - 10. Plywood Siding -discouraged
  - 11. Aluminum Siding - discouraged
- iii. Exterior Wall Architecture. Some buildings are visible from more than one public area, such as a roadway, a public parking lot, a park, or residential area. In these instances the wall treatment on all such sides of a building shall be of a character and quality as the image presented on the front side of the building.
- iv. Exterior Wall Appurtenances.
  - 1. Features such as awnings flower boxes, balconies, exterior decks, and other similar enhancements shall be considered. However, the color, use of logos and words, and number of such features will not be allowed to over-decorate the wall. Exterior decks, when incorporated on an exterior wall, shall be of sufficient size to suggest depth and shall be scaled appropriately to the overall size of the building.
  - 2. The mass of the balusters and the railings, when used, should be a substantial visual element of the building's design. Balusters and railings should be designed in a simple, straightforward manner. Ornate balusters and railing suggesting Swiss or historic motifs are prohibited.
  - 3. Balconies shall be designed to prevent snow accumulation, interior leaks, and icicle buildup. They shall be located so that neither snow nor ice falling on or from them can endanger passersby.
- v. Color Palette and Texture.
  - 1. The predominate tones shall be colors selected from warm earthy tones or a muted natural color and light to dark shades of wood. The colors found in the mountain forest canopy, the meadow grasses, and hillside vegetation are appropriate.
  - 2. A uniform color and texture for walls are not acceptable. While color and texture changes shall be accomplished through the use of various principal materials described in Section 16-15-060(6)(b)(10)(ii)(a), accent colors should be used. Such colors shall be compatible with the predominate color tones of the building and shall not be used as attention-getting (advertising) devices.
  - 3. Primary and closely related colors are strongly discouraged.
- vi. Roof Materials and Fire Ratings
  - 1. The materials used on a pitched roof shall compliment the building design and encourage compatibility with the surrounding environment. The color of materials on a flat roof shall blend with the color of surrounding vegetation. Primary and closely related colors are not permitted.
  - 2. The following materials are prohibited on any roof.
    - a. Reflective materials (the color and slope of metal roofs shall be carefully considered since steeper slopes may increase reflectivity)
    - b. Any bright colored or highly visible material
  - 3. Roof materials on residential dwelling units shall be constructed with the minimum

of UL listed Class A fire rated roofing materials. Examples may include asphalt shingles, tile roofing material, metal roofing material, sheet iron, and other appropriate materials. Provided, however, roofing materials on any residential dwelling unit in a Mountain/Remote area designated on the Land Use Plan Maps (we need GP maps) or any area containing a high or extreme wildfire hazard rating shall have a roofing material that carries the minimum of a UL listed Class AA fire rating. Subdivision CC&Rs will reflect the type of building materials required for use and specify materials that are prohibited.

4. Screening. In areas designated Mountain/Remote (need map) or in any area with a high or extreme wildfire hazard rating, the exterior openings from the roof, attic, eaves, and floor areas will be screened to reduce the chance of flying embers entering a structure.
5. Chimneys and Stovepipes. Any solid or liquid fuel-burning appliance must have spark arresters or screens equipped on stovepipes and chimney outlets.

vii. Roof Shapes

1. In immediately adjacent buildings, groups, or clusters, particularly in a village, town, or resort center, a general roof shape should predominate but not constitute the only shape in the group. The predominate roof shape should be set by existing adjacent buildings. Subsequent adjacent developments are expected to adhere to their precedents unless there are compelling reasons not to follow this example. Such an instance is where smaller commercial structures will be constructed adjacent to a larger-scale, flat roof building. In this instance, the smaller buildings shall consider an appropriately pitched roof, or a mix of flat and pitched styles.
2. Where a pitched roof is provided on larger Multiple-Family, commercial, or industrial structures, overhangs of at least thirty-six (36) inches shall be provided. Overhangs of greater size may be required to ensure that they are appropriately scaled to the size of the building.
3. Large unbroken expanses of roof area shall not be permitted.
4. Roof design techniques may be required on two and three story buildings that help to minimize the scale of the building (i.e., extending the eave lines below the ceiling level of the upper story). The basis for using such techniques will depend on the visibility of the building from public roadways and pedestrian areas.
5. The following roof shapes are prohibited:
  - a. Geodesic domes
  - b. Conical roofs
  - c. Onion shaped roofs
  - d. A-frame or modified A-frame roofs

viii. Mechanical Equipment on Roofs. Mechanical equipment on a roof must be hidden with a visual barrier so it is not readily visible from adjacent properties or public roadways, parks or other public Spaces. All rooftop mechanical equipment shall be painted or coated with an appropriate color to blend with other rooftop materials and minimize visual impacts.

ix. Roof Appurtenances. Features including but not limited to shed dormers, gable dormers, hip dormers and/or articulation of the roof shall be considered on pitched roofs to add visual interest and character. Such features may be required on large pitched roofs as a means to minimize the massiveness of the roof. When provided, dormers shall be in scale with the roof on which they are located. However, dormers and other similar features shall not be allowed to over decorate the exterior appearance.

x. Window and Door Treatments.

1. Architecturally significant window treatment is encouraged, particularly where there is an associated pedestrian streetscape in town, resort, and village Centers. Such treatment is also encouraged in other buildings and complexes of buildings to minimize the repetitive nature of a uniform window treatment.
2. Untreated aluminum or metal window frames are prohibited. Windows shall be adequately trimmed on the exterior and the size of the trim shall be in scale with the building facade. In most instances larger trim will be required as the scale of the

building facade increases.

3. An area containing a large amount of window surface shall not be flush with the plane of the principle facade. The amount of offset shall be commensurate with the amount of window surface, (the more window surface the greater the offset).
4. Careful consideration should be given to the ratio of solid wall area to window area. Inappropriate ratios will not be permitted. In certain instances, larger and smaller windows should be used on a facade. Window selection and placement shall avoid the monotony of many identical windows or the confusion of too much variation in the windows.
5. Treatments, which obscure the visual distinction between windows and walls, are not permitted.
6. Smokey or tinted windows are permitted, while mirrored glass is not permitted.

xi. Facade Length and Variations.

1. All walls described in Section 16-15-060(6)(b)(x)(3) above that are greater than 60 feet in length, but less than 100 feet in length, must exhibit a prominent shift in the facade of the structure so that no greater than 75 percent of the length of the facade appears linear. The shift shall be in the form of at least a ten (10) foot change in facade alignment. A series of shifts may be appropriate provided that the cumulative off-set is at least 10 feet. A combination of both a roof line and facade change is encouraged, particularly when they occur at the same point.
2. All walls described in Section 16-15-060(6)(b)(x)(iii) above that exceed 100 feet in length shall provide a prominent shift(s) in the mass of the structure so that no greater than 75 percent of the length of the facade appears unbroken. The shift or series of shifts in height and/or alignment that reflect a change in function and scale is required. A shift shall be in the form of at least a 15-foot change in facade alignment. A combination of both a roof line and facade change is encouraged, particularly when they occur at the same point on the facade. A series of shifts may be appropriate provided that the cumulative offset is a least 15 feet.
3. The required shift in facade alignment shall not be created by add on features such as porticos, porte-cocheres, exterior vestibules, decks, and other similar features.
4. Any long horizontal building shall include vertical design elements to break up the building mass. The number and scale of such elements shall be commensurate with the length of the facade.
5. Required vertical and horizontal elements shall not be created by using paint schemes on the siding material.
6. Commercial structures comprised of various tenant Spaces shall emphasize the individuality of units by variation in roof lines and/or walls or other appropriate design techniques.

xii. Prototypical Structures.

While prototype designs may be used in a development consisting of a number of structures, it may be necessary to include an appropriate number of such designs to provide appropriate variety and vitality within a development project, particularly in residential development. Simply using various color schemes or changes in materials selections will not be adequate. Changes in prototype designs shall include, among other things, a variety of roof, facade, and window treatments, together with changes in color schemes and materials.

xiii. Interpretation of Standards.

The above architectural requirements shall be promoted in all applicable building designs. These standards are not meant to encourage the overuse of an existing architectural style or feature. In fact, such practices will be discouraged. These regulations are intended to establish restrictions on a limited number of architectural approaches that are not considered desirable and provide guidance only. Appropriate latitude shall be allowed and creativity promoted to achieve interest and vitality throughout the Morgan County.

**11. Block Model.** A block model not less than one (1) inch equals fifty (50) feet or larger and/or computer generated imagery with sufficient detail to illustrate the cubic volume and design

philosophies of the above ground portions of all major residential, commercial, and industrial buildings, excluding single family detached dwellings, in the project. The model or imagery shall be of sufficient detail to show the relationship, in terms of cubic volume and view planes, between proposed structures in the development, between structures and site topography, between the project and all other adjacent major, and between the project and public roadways and other public areas. The model or imagery also shall show the relationship of proposed buildings to the proposed landscaping plan, which shall be shown at the time of planting.

12. **Lighting Plan.** A detailed lighting plan showing the location of all exterior lighting, fixture designs, and light patterns cast by the proposed fixtures. The lighting plan shall demonstrate compliance with the regulations in the Code.
13. **Signing Plan.** Signing plan for the project that complies or exceeds with the provisions of the Code.
14. **Maintenance Plan.** A detailed landscape, irrigation, and maintenance plan that complies with the requirements listed below, including the extent and location of all plant materials and other landscape and landform features. The approximate scale of all trees illustrated shall be that which will exist ten (10) years from planting given the mountain environment. The plan shall describe the location, species, size, and amount of all vegetative materials, seed mixes and areas to be covered, and other landscape features to be incorporated in the project. The plan shall describe the specific planting schedule, planting techniques, and maintenance procedures as required in the Code. The plan also shall show irrigation system design, including location and size of pipe, distribution of sprinkler heads, and measures to ensure appropriate water requirements for various plant materials. All berms shall be indicated at one (1) foot contour intervals.

The following landscape design standards shall apply in all MPDR development in Morgan County.

1. General Requirements
  - A. Where trees and shrubs are cleared from a site, the clearing created shall maintain a non-linear edge, along which the disturbed portions of the site blend effectively with the natural vegetation.
  - B. The development shall preserve existing healthy, desirable trees, shrubs or vegetation wherever possible. A limit of disturbance fence shall be required to minimize impact on natural vegetation.
    1. Plantings shall be contained so as not to grow into and obstruct views and so as not to interfere with utility lines or road or parking illumination, and so as not to obstruct the line-of-sight needed for road and trail corners or intersections.
    2. Plant materials should complement native species and provide continuity with the surroundings. The use of drought tolerant species and species tolerant to the climatic conditions of Morgan County is encouraged. Species that promote a colorful landscape also are encouraged.
    3. The specifications for all other plant materials to be used shall accompany the application for development approval. Specifications for all plantings shall be in conformance with the American Standard for Nursery Stock. The materials proposed for use shall be suitable for the area's elevation and climate.
    4. Replacement plantings shall comply with the approved landscaping plan or alternative plantings as approved by the Planning Department.
    5. Grass, seed, sod and other materials shall be clean and reasonably free of weeds and noxious pests and insects.
2. Materials and Installation in Commercial, Industrial, Multi-Family, and Single Family Attached Development. Landscape shall be installed in a manner generally consistent with the planting densities indicated on the concept plans.
  - A. Required landscape clusters
    1. In addition to landscape required throughout a project area, each project shall include clustered landscaped areas appropriately distributed throughout the

- project site so as to serve as an effective screening device for each structure as viewed from the road or other structures. The location and area of such clusters shall be determined during site plan review. However, each cluster shall be appropriately proportioned for the area to be landscaped.
2. Within each cluster landscape materials shall comply with the following standards. These standards may be increased when buildings are large scale in nature.
    - i. Coniferous trees shall be planted at an average of .4 trees per 100 square feet of area within the cluster. Coniferous trees shall be at least seven (7) feet in height.
    - ii. Deciduous trees shall be planted at an average of 2.5 trees per 100 square feet within the same area where clustering occurs. All deciduous trees included within a designated cluster area shall be at least one and one-half (1.5) inch caliper measured at least 12 inches above ground.
- B. All other deciduous trees and coniferous vegetation required
1. No more than fifty (50) percent of all other tree stock provided outside of the required cluster areas described above shall meet at least the following standards.
    - i. For all deciduous species there shall be a caliper of a least two- (2) inches measured 12 inches above ground.
    - ii. Coniferous species shall be at least six (6) feet in height.
  2. A minimum of fifty (50) percent of all other tree stock provide outside the clustered areas described above shall meet at least the following standards.
    - i. For deciduous species there shall be a caliper of at least two and one half (2.5) inches measured at 12 inches above ground.
    - ii. Coniferous species shall be at least (8) feet in height.
  3. The Planning Department may permit a reduction in the requirements in Subsections A and B above when supplemental "mass" stock plantings of deciduous and evergreen trees (smaller caliper and height than otherwise required herein) will be installed. The supplemental planting is to enhance the screening/buffering capability of the proposed landscape plan. The supplemental planting shall not be in lieu of the requirements herein, but may permit a reduction in the planting requirements established in this Section.
- C. Grass lawn areas may be provided. Such areas should generally be kept to a minimum. It is more appropriate to maintain such areas in a natural setting and to use trees, shrubs, ground covers, and grasses that are drought tolerant. Ground covers, grasses, and other similar vegetation used in the overall landscape of a site shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one (1) year.
- D. Wildflowers and shrubs, which present colorful vistas, shall be required in visually sensitive areas as a means to provide visual interest within the view planes.
- E. All required landscaped areas shall be provided with adequate and inconspicuous irrigation systems. The systems shall be designed to minimize water loss to evaporation. The systems shall be designed appropriately to account for different water requirements between grass and planting areas, which may include shrubs, trees, and other similar materials.
- F. Soil preparation plans prepared by a qualified landscape architect or similar individual shall be required. The plan shall define planting procedures, soil composition and enhancement techniques and measures for maintaining proper soil acidity (pH).
- G. Careful consideration shall be given to proper planting techniques, ensuring that vegetation is planned in proper locations based on availability or lack of sun exposure, wind, water, and other factors.
- H. Faster growing varieties of vegetation may be required in certain visually sensitive areas or where there are large, massive building facades.
- I. Use of mulch in shrub and perennial plating areas is encouraged to enhance water

retention and weed control. A minimum 3-inch layer is recommended. However, extensive use of mulch solely as a decorative element is discouraged. Mulched areas exceeding 100 square feet shall be planted with appropriate plant materials to provide coverage within 3 years.

3. Landscape buffers and berms
  - A. All landscape buffers used shall be of sufficient width to accommodate plant materials, which will provide effective visual screening. Unless specifically stated, walkways, trails, or driveways may cross landscape buffers
  - B. Earthen berms shall be provided when appropriate. Berms shall have side slopes that do not exceed three (3) feet of horizontal distance for each one (1) foot in height unless specifically approved by Morgan County.
  - C. In areas where there is a transition from structure to an identified viewshed (e.g., broad open meadows) landscaped clusters that meet the standards in Section 16-15-060(6)(b)(2)(A)(1) shall be established to create an appropriate transition between developed and undeveloped areas.
4. Parking area landscaping
  - A. The following minimum setbacks, unless otherwise approved in a MPDR Plan, shall be required for surface parking lots; on-site driveways, visitor drop off areas, and similar areas:
    1. 30 feet from road right-of-way, with the exception of property access driveway;
    2. 30 feet to side and rear property lines,
    3. 15 feet between the structure and a hard surfaced area, including those described in this subsection, in a front and side yard.
  - B. Exceptions to the minimum setbacks for surface parking may be granted at the Planning Department's discretion where it can be demonstrated that site-specific constraints exist which require innovative design solutions; and, where suitable mitigation for such reduced setbacks is provided and approved by the Planning Department.
  - C. A landscape area at least ten (10) feet in width shall be required to separate the parking lot from the facade of a building on any side of the building that is visible from a public roadway or other public area.
  - D. An area equal to at least 15 percent of the total size of the parking lot must be landscaped and permeable, exclusive of perimeter plantings. Landscaped islands and peninsulas shall be required in the design of parking areas. The determining factor shall be the size of the parking lot and the visual impact and aesthetics of the area. Landscaped islands, when required, shall be a minimum of ten (10) feet in width at the end of the parking rows and at a maximum Spacing of one (1) island per every fifteen (15) parking Spaces. This requirement may be reduced or eliminated, as determined by the Planning Department, when the perimeter parking lot landscaping is enhanced beyond the basic requirements of the Section.
  - E. Changes in grade, planting, and/or berms shall be provided to reduce the visual impact of large parking areas.
  - F. Trees, a minimum of two (2) inch caliper for deciduous and six (6) feet in height for coniferous, shall be provided within the parking lot. There shall be an average of one tree for every seven (7) Spaces or at least 25 feet on center; whichever equals the greatest number of trees.
  - G. Shrubs and other landscape material between two (2) and four (4) feet in height, so as not to block sight distance, shall be provided in landscape islands.
5. Street Trees and Rights-of-Way Landscaping Required
  - A. Village, Town, and Resort Center Streetscapes
    1. There shall be at least one (1) tree, installed by the developer every thirty- (30) feet or less along the length of the roadway on both sides of the road.
    2. The minimum tree size for streetscape plantings shall be 2 1/4 - 2 1/2-inch caliper as measured twelve (12) inches above finish grade.
    3. In the commercial areas within town, village or resort centers, the distance between tree shall be no more than twenty-five (25) feet on both sides of the

- road. The type of trees provided in the commercial area shall be compatible with the local environment.
4. Tree form and anticipated height at maturity shall be considered in the design of streetscapes adjacent to commercial uses. Columnar or tightly pyramidal growth habits may be more appropriate to avoid conflicts with nearby building facades and/or street traffic. Where greater separation exists between street trees and building facades exists, a broader tree form may be considered. All such trees shall be large enough at or near maturity to allow elevation of a bole height (the lowest point where branching occurs) through judicious pruning to provide adequate clearance for pedestrians and/or vehicles without seriously impairing the tree form and mass.
  5. Streetscapes adjacent to mixed commercial/residential and non-commercial uses shall be designed to address similar concerns as above, such as proximity to building facades and pedestrian/vehicular clearance. Where practical and adequate separation exists, large trees with broader canopies may be considered to provide a greater sense of enclosure and intimacy.
  6. Trees shall be planted no more than six (6) feet from pavement edge and no closer than three (3) feet from the edge of a curb. Greater distances may be required in the absence of a curb.
  7. Appropriate irrigated lawn and ground cover shall be provided within the rights-of-way to the edge of pavement or curb. In commercial areas, hardscape (sidewalk) may be provided, with the exception of tree grates, to the curb line. In such instances, landscape features such as planters and other similar features may be required to compensate for the elimination of lawn and ground cover areas.
- B. Streetscapes outside of village, town, resort centers and in mountain/remote areas designated on the MPDR plan:
1. There shall be at least one (1) tree installed by the developer for every thirty- (30) feet of roadway frontage on both sides of the road. These trees shall be planted in clusters appropriately Spaced over the length of the roadway and shall address the special screening needs, preservation of viewsheds, and other site-specific considerations.
  2. At development entryways and in open terrain areas required trees should be planted in a hedgerow along one or both sides of the roadway.
  3. Minimum tree sizes shall be 2-2 ½ inch caliper for deciduous trees and eight- (8) feet fall for evergreens.
6. Tree Preservation. During any construction or land development, the developments shall clearly mark all trees to be maintained and shall be required to erect and maintain protective barriers around all such trees or groups of trees to the drip line. The developer shall not allow the movement of equipment or the storage of equipment, materials, debris or fill to be placed within the dripline of any trees. During the construction stage, the developer shall not allow cleaning of equipment or material under the canopy of any tree or groups of trees to remain. No attachment or wires of any kind, other than those of a protective nature, shall be attached to any tree. All existing trees, which are to be preserved, shall be provided with a permeable surface under the existing dripline of the tree. All new trees shall be provided with a permeable surface under the dripline for a minimum of four (4) feet by four (4) feet.
  7. Maintenance. The owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be properly maintained at all times. This includes, but is not limited to, mowing lawn areas of grass of six (6) inches or higher, edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weed, and other such material or plants not part of the landscaping. All plant material shall be maintained in a healthy condition as is appropriate for the season of the year. Plant materials which die shall be replaced with plant material of a similar variety and size, within ninety (90) days.

- 15. Easements and Covenants.** A description of easements and covenants, whether in existence or proposed, that affect the proposed project area.
- 16. Infrastructure Description.** A description of all utility lines, irrigation ditches, bridges, and similar physical features.
- 17. Grading and Conservation Plan.** Grading and Conservation Plan which shall include the following:
- i. Proposed cuts and fills required by the location of all structures and roads. Phased site grading and stabilization or re-vegetation shall be included in the plan. Proposed erosion and control and conservation techniques shall be shown.
  - ii. The length of time that will pass from the date ground cover on the site is first disturbed until new ground cover is established.
  - iii. The possible area of land exposed at any one time during construction.
  - iv. The temporary vegetation or mulching used to protect areas exposed during construction.
  - v. The location, dimensions and maintenance of sediment basins, as necessary.
- 18. Domestic Water Information.** Source of domestic water, and a letter from the proposed service provider, acknowledging its intention to serve the project.
- 19. Sewerage Information.** A letter from a sewer improvement district and/or compliance with the following requirements.
1. Public System: A connection to a public sewer system will be required for all subdivisions, developments, and structures that are less than 300 feet from an existing or proposed sanitary sewer line or less than 300 feet from the boundaries of a platted or existing subdivision or development which is served by sanitary sewer line. Such systems will be in full compliance with all of the standards and regulations of the responsible agency.
    - a. Notice of adequate capacity to serve the proposed development shall be provided in writing by the responsible sewer district or agency. A notice of ability to serve shall not contractually or otherwise bind the sewer district or agency to reserve actual system capacity for that purpose.
    - b. A Line Extension Agreement must be accepted by the responsible sewer district or agency for the development before any Final Site Plan or Final Subdivision Plat is approved. Line Extension Agreements may be approved in phases, so long as no subsequent phase shall be approved until an applicable Line Extension Agreement is approved. The submission and acceptance of a Line Extension Agreement by the responsible sewer district or agency for one phase shall not guarantee approval of subsequent phases of the development.
    - c. Capacity fees shall be paid to the responsible sewer district or agency at any time before a building permit is issued. The responsible sewer district or agency shall not be required to reserve sewer capacity for the development until such time as the full capacity fees are paid.
  2. Individual Systems: Proposed projects that request approval to utilize individual sewage disposal systems shall perform an Economic and Planning Analysis with the responsible sewer district or agency and submit a Subdivision and Development Feasibility Review in accordance with R317-501 through R317-513, Utah Administrative Code or subsequent regulations. Consideration will be given to individual systems if the entire property is master planned and there are no concentrations of dwelling units beyond single family detached dwellings on individual lots together with associated barns and guest units and/or only isolated commercial uses. (Such developments are encouraged to investigate and connect to the public system whenever possible.)
    - a. The developer shall submit a plan with supplemental information prepared by a professional engineer showing the entire property with topography, possible dwelling locations, possible access roads, and driveways. A preliminary sewer alignment for a sanitary sewer system serving all lots within the rural development and connecting said lots to the public sewer system shall be provided and approved by responsible sewer district or agency. A sanitary sewer easement that follows the preliminary alignment shall be reserved in favor of responsible sewer district or agency.

- b. Prior to Final Subdivision Plat or Final Site Plan, the Morgan County Health Department shall ensure that sufficient percolation tests are undertaken within the buildable area of each lot within the subdivision to verify that soils are capable of percolating on all proposed lots at projected wastewater flow rates. Individual septic systems shall be developed in compliance with Morgan County and State of Utah requirements (reference R317501 through 513, Utah Administrative Code as it may be amended). The developer must submit such other data and information concerning utilization of individual sewage systems to allow an evaluation of the impact of the private systems on water quality.
- c. Plat note required. In those instances in which private sewage disposal systems are approved, a note shall be included on the recorded Final Subdivision Plat or Final Site Plan:

Purchasers of this property are hereby notified that at the request of the developer of the property Morgan County allowed emplacement of individual disposal systems (septic tanks) on this property. The developer did not request that this property be connected to a sewer improvement district sewer line. The purchaser of the property is hereby put on notice that septic systems can fail. All costs associated with the correction of a failed septic system, including sewer connection from the property to existing sewer lines shall be at the sole expense of the property owner. Morgan County or any sewer provider shall in no way be responsible for these or any related costs associated with septic system failure. In the event public sewer becomes reasonably available according to the Morgan County Land Management Code or Uniform Plumbing Code, connection to the facilities of a sewer system shall be required. That sewer provider shall not be responsible for this or any related cost associated with connection.

- 3. Easements or rights-of-way required for sewer service by a sewer provider shall be provided by all developments before Final Subdivision Plat or Final Site Plan approval. The required acknowledgment from a sewer provider may be either a letter indicating signed easements have been submitted, or the sewer provider's signature on the Final Subdivision Plat or Final Site Plan.
- 4. Where a sewer providers Master Plan calls for sewer main sizes through a development that are larger than necessary to serve the development, the larger main shall be installed in accordance with sewer provider's policy.

**20. Population Report.** A report describing the amount of population that will be generated as a result of the development and the anticipated number of school-age children. A letter from the Morgan County School District describing the anticipated impact of the project on the District is required.

**21. Fire Service Information.** A letter from the Morgan County Fire Service District indicating, compliance with the requirements of this section is required.

- 1. Ability to serve a development in accordance with the Code and General Plan to provide fire protection shall be provided in writing, for all developments, by the Morgan County Fire Service District (MCFSD). Where buildings are to be used for industrial, commercial, multi-family, or mixed commercial/residential purposes, building and site plans must be approved by the MCFSD prior to issuance of the building permit.
- 2. MCFSD Level of Service Standards
  - a. The MCFSD has established the acceptable emergency response time as ten (10) minutes or less within the District. An acceptable response time to larger scale village, town, and resort center development may actually be less, as determined by the MCFSD. (It must be realized that prevailing weather conditions, general topography, geographical diversities, and unusual traffic conditions may inhibit district response times at any time of year.)
  - b. In order to comply with an acceptable level of service standard, a developer may be required to provide appropriate fire protection infrastructure, including facilities, apparatus, and equipment for the MCFSD to comply with the appropriate level of service standard. In addition, approved fire sprinkler and suppression systems may be required by the District in conjunction with other appropriate mitigation

measures, which must be approved by the District, to comply with the required level of service standard.

- c. Should the MCFSD determine that a desired level of service cannot be provided to a proposed development, the developer shall prepare and submit a Fire Protection Mitigation Plan to the District for its review and approval. This plan shall address the measures that will be used to comply with the intent of the level of service standard, and the timing/phasing in which such improvements will be required. An acceptable mitigation plan shall be approved by the MCFSD before a MPDR Plan, final subdivision plan or, final site approval is granted. Failure of a developer to provide an acceptable plan may be cause for denial of a development application by Morgan County.
3. Development in Wildfire Hazard Areas.
    - a. All proposed new subdivisions within Morgan County's mountain and remote areas designated on the Land Use Plan Map will be analyzed and rated on its wildfire risk using the Fire Hazard Severity Scale developed by the State of Utah, Division of State Lands and Forestry. All of these factors can vary from development to development. The composite score will categorize the hazard level of the proposed development as moderate, high or extreme. Once a proposed project has been classified as to its hazard level, development standards for each level can be used by Morgan County and the MCFSD for fire protection and wildfire prevention measures. This rating will be submitted to Morgan County with the Sketch Plan or in conjunction with a MPDR Plan application, as required by the Planning Department or as otherwise required in the processing of development permits for any proposed development. The Rating Scale is based on five separate factors:
      1. Slope - is displayed in percent; calculated by measuring the vertical distance and horizontal distance for a given area; and dividing the vertical by the horizontal.
      2. Aspect - is the cardinal direction in which the surface of the ground faces.
      3. Response Time of Fire Agency - is measured in minutes it takes the nearest responsible fire agency to respond to a fire in a given area.
      4. Type of Vegetation - is categorized by fuel types. Rates of spread, resistance to control, and potential to cause structural damage are the criteria for rating severity.
      5. Vegetation Density - is considered the total combustible vegetation, which may be available as a fuel for wildfire.
    - b. Fuel Breaks Vegetation Manipulation.
      1. Hazardous fuels in the form of native vegetation will be cleared around structures and around the perimeter of the development to assist in wildfire prevention measures. This fuel break is not intended as a complete vegetation clearing fire break. Fuel breaks must be in place prior to occupancy of the structure.
      2. The definition of a fuel break by the Utah State Division of Lands and Forestry is "a change in fuel continuity, type of fuel, or degree of flammability of fuel in a strategically located parcel or strip of land to reduce or hinder the rate of fire spread".
      3. Fuel breaks consist of the following:
        - i. Annual grasses within 30 feet of structures shall be mowed to 4 inches or less.
        - ii. Removal of ground litter annually.
        - iii. Over mature, dead, and dying trees shall be evaluated as to their potential to ignite and to carry fire and possibly will be removed.
        - iv. Fuel breaks may contain individual tree specimens, ornamental plants, or other similar vegetation used as ground cover, provided they will not provide a means of transmitting wildfire from native vegetation to structures.
        - v. Fire resistive vegetation will be planted in the fuel breaks to prevent undue soil erosion.

4. In steep terrain, cleared or leveled slopes will be stabilized immediately following construction. Developers and lot owners will construct retaining walls, water bars, check dams, terraces, or other forms of physical means of soil erosion control. As part of the recordation plat, a maintained fuel break easement will be dedicated for the benefit of the Area Forester and will be shown around the perimeter of the development. Fuel breaks must be maintained by the landowners and shall be a part of the CC & R's and monitored by the respective Homeowner's Association and/or Area Forester. The CC & R's for the development will include enforcing language for the Homeowner's Association to budget for and provide fuel break maintenance services around the perimeter of the development boundary.
5. The following chart identifies fuel break clearing limits around structures and development perimeters based on the wildfire hazard rating:

Type	Moderate	High	Extreme
Structures	30 feet	50 feet	100 feet
Development Perimeters	None	75 feet	100 feet

4. Central or community water systems shall include appropriately located fire hydrants and be capable of generating adequate flows to meet the Insurance Service Office Fire System Grading Standards. The minimum fire flow provided shall be at least 1000 gallons per minute for a period of two hours or as established by the MCFSD .
5. Certification of compliance with adopted service levels and standards of the MCFSD, including the payment of impact fees, shall occur prior to Final Site Plan approval.
6. Fire hydrants, water line sizes, water storage for fire protection, and minimum flow for fire protection shall be determined by using the standards of the Insurance Services Office which are known as the Fire System Grading Standards. In no case shall minimum fire flow be less than one thousand gallons per minute for a period of two (2) hours, unless otherwise permitted herein.
7. The developer(s) shall furnish written evidence to the County and the MCFSD verifying that either a new or existing water company or association shall be responsible for the perpetual and continual maintenance of all fire protection appurtenances including annual flagging of all hydrants, prior to November 1st of each year.
8. Plat Note Required. Each final subdivision plat for a development in any County area designated mountain/remote on the Land Use Plan Maps shall include the following note on the Plat:

The property owner acknowledges that he/she is building in a location that is far removed from the primary Morgan County service areas. As such, the property is on notice that there is limited access, infrastructure, and public services in the area. Some services, which include but are not limited to garbage pick up and school bus service, may not be provided. Emergency response time will be longer than it is in more accessible areas, and access by emergency vehicles may be impossible at times due to snow and road conditions the owner understands and acknowledges that there may be infrastructure in these remote locations that does not **meet adopted County infrastructure standard**. It is the intent of Morgan County to attempt to continue to provide the existing variety, scale, and frequency of public services and infrastructure for all existing and new development in these remote areas of the County. It is not the intent of Morgan County to increase the variety, scale and frequency of public services and infrastructure or to provide urban levels of service and infrastructure in these areas. By this notice, the property owner assumes the risk of occupancy as outlines above, and is hereby put on notice that there are no anticipated changes in the levels of service of infrastructure by either Morgan County or the appropriate Special Service District, nor does the property owner

expect changes beyond those identified herein.

**22. Traffic Report.** A report describing the traffic impacts (may be combined with section 16-15-060(6)(b)(4) which will be created by the project, including among other things anticipated peak period trip generation rates, impacts on turning movements and road segment level of service, proposals to mitigate the impacts, justification for the proposed number of parking spaces, and/or parking phasing plan when required.

**23. Environmental Standards.**

1. Air Quality Developments which produce emissions to the air shall, at a minimum demonstrate compliance with all State air quality standards, as evidenced by the issuance of any permits required for their emissions by the State. Any fireplace or wood burning devices shall meet applicable minimum EPA requirements for clean burning devices as set forth in title 40, part 60, subpart AAA of the Code of Federal Regulations ("Standards of Performance for New Residential Wood Heaters"), which is incorporated by reference as if set forth in its entirety herein.
2. Water Quality. Developments which produce any point source discharge to any watercourse shall demonstrate compliance with all State water quality standards, as evidenced by the issuance of any permits required for their discharge by the State. Developments which produce any non-point source discharge to any watercourse or which may potentially affect water quality through non-point discharges (including sediment, herbicides, pesticides and hydrocarbons) shall demonstrate that their construction and occupancy will not result in any degradation of present water quality.
3. Watershed Protection. In all developments no use or structure shall be permitted within 1500 feet above and 100 feet below each spring used for culinary use or public water supply where such use or structure could possibly pollute such water source. No structure shall be located within fifty (50) feet of a jurisdictional wetland. No structure shall be located within one hundred (100) feet of a year round naturally occurring stream, a reservoir, lake, or pond unless specifically stated in Section 16-15-050, where greater setbacks may be required. No septic system shall be located within two-hundred feet of a jurisdictional wetland, naturally occurring stream, a reservoir, lake, or pond.
4. Sewage Disposal
  - a. Connection to the facilities of the Morgan County Sewer Improvement District is required for all developments, except as otherwise permitted in Section 16-15-060(6)(b) of the Code. The Sewer District's written approval of a Line Extension Agreement shall confirm that the proposed development can be physically connected to the District's system, although this approval shall not serve as a guarantee of sewer capacity until appropriate sewer capacity fees have been paid to the District, or that the development complies with the provisions of Section 16-15-060(6)(b) of the Code. Applicable sewer capacity fees may be paid at any time by an applicant following District procedures, but in all instances such fees shall be paid before a building permit is issued for any structure.
  - b. Individual sewage disposal systems shall be sited and constructed in accordance with State and County health regulations and standards, as evidenced by issuance of the permits necessary to construct any such system by the appropriate authority. Whenever individual sewage disposal systems are permitted, there shall either be a plat note required or a recordable "memorandum of understanding" signed by the property owner that gives notice of the difficulties of individual sewage disposal systems, the potential for failure of such systems, correction of failed systems and connection to the public system shall be at the property owners expense and a waiver of any liability on the part of the Morgan County Sewer Improvement District or Morgan County to correct such individual systems in the event of failure. Easements shall also be granted as required in Section 16-15-060(6)(b).
5. Solid Waste and Recycling.
  - a. No development permit shall be approved unless there is a mandatory recycling program put into effect for the development project. Such recycling shall include, but not necessarily be limited to the recycling of construction waste materials.
  - b. Developments for which landfill and/or solid waste collection capacity are

unavailable are prohibited.

6. Revegetation/Erosion Protection/Runoff Control. Development plans shall preserve significant existing vegetation to the extent possible; shall provide for appropriate, prompt re-vegetation or erosion protection measures; and shall provide for surface water runoff control in accordance with Morgan County Engineering Standards.
  - a. No development permit shall be issued unless it is first determined that adequate facilities shall be made available to ensure that the developments shall not cause an increase in pre-development condition run-off.
  - b. No development shall be approved which results in soil loss exceeding the site's soil loss tolerance. Developers may use a variety of conservation techniques to limit soil loss to tolerable levels. Where such techniques are proposed they shall be presented in a professionally prepared Grading and Conservation Plan which is attached to the application for a permit.
  - c. All developments shall minimize the area disturbed by construction activities at any given time, particularly cuts and fills associated with road construction. Phased site grading and stabilization or re-vegetation shall be part of the Grading and Conservation Plan.
  - d. Buildings shall not be located on soils with severe limitations for any of the proposed uses, unless fully mitigated by appropriate design and construction techniques. Limitations on development may be due to any of a number of factors including the depth to bedrock or a water table, soil permeability, the soil's propensity to shrink and swell and other factors, as determined by the Soil Conservation Service (USDA).
  - e. Cut and fill slopes. All cut and fill slopes in excess of 3:1 shall be properly stabilized and re-vegetated, as evidenced in a professionally prepared Grading and Conservation Plan attached to the application for a permit.
  - f. Overlot grading, or the significant removal of soil material on the uphill side of a site and filling on the downhill side, when natural slope conditions exceed ten (10) percent of the site to create a large, flat development pad is not permitted. All development shall generally conform to the existing contours of the land.
7. Wildlife Habitat and Fisheries
  - a. Any development which has the potential of adversely affecting critical wildlife habitat, including critical winter range, migration corridors, and birthing areas, or Class 2 fisheries, as evidenced by written testimony of the Utah Division of Wildlife Resources or other authoritative source, shall take all reasonable steps to minimize such impacts, which may require the clustering of development in the least sensitive parts of the development parcel.
  - b. Developments shall preserve critical wildlife habitat areas or flood-plain corridors along streams supporting fisheries.

#### 24. Open Space.

1. Required Open Space.
  - a. For any type of residential development, including all single family, two family, and multi-family dwellings, a minimum of sixty (60) percent of a parcel, inclusive of developable and on-developable lands, must be reserved for open Space. The majority of the required open Space must be functional and in a location identified by Morgan County that meets the objectives of the General Plan. A primary objective of the open Space shall be to preserve identified viewshed areas and other significant open Spaces.
  - b. For commercial and industrial development, developers are encouraged to utilize the provisions of the MPDR Plan to establish open Space requirements, in which superior landscape in exchange for lower open Space requirements may be permitted. If a developer chooses not to pursue this option, then a minimum of twenty-five (25) percent of the total parcel must be reserved for open Space. The majority of this open Space must be functional an in a location identified by Morgan County that meets the objectives of the General Plan. A primary objective of the open Space shall be to preserve identified viewshed areas and other significant open

- Space.
- c. Open Space within a designated Town, Resort, and Village Centers shall be determined in an approved MPDR Plan.
  2. Inclusions and Exclusions in the Open Space Calculation. Open Space may include setback areas, easements within which no above ground structures are located, open space conservation easements, and other such areas. Open Space shall not include any portion of a parcel on which any structure, parking lot, or other such feature is located on or above the surface of the ground. Parking lot landscaping shall not be included in the required open space calculation.
  3. Method of Owning/Maintaining Open Space
    - a. Within all developments that comply with the base zone densities, open Space is a function of the large lot zoning and set back requirements. In these instances, ownership and maintenance responsibilities shall remain with the applicant.
    - b. The landowner/ developer for all other development shall determine how the open Space will be held for ownership purposes. Open Space can be held passively, owned by the landowner, or it can be held as active open Space, open for public use, and owned by the landowner, the County, or third party, or preserved through a conservation easement. In certain instances, Morgan County may chose not to accept ownership of open Space that is not compatible with the County and Morgan County Special Recreation District objectives.
  4. Cash-in-lieu of Open Space. Morgan County may, at its sole discretion, accept cash-in-lieu of open Space where such funds can be more appropriately used to purchase development rights or open space at a more appropriate or significant location. At any rate, cash-in-lieu will not be accepted until a satisfactory appraisal is obtained by the applicant to identify the value of the land based on the use that will be permitted if the open Space requirement is removed, and for which cash-in-lieu shall be offered.
- 25. Water and Water Supply.**
1. The developer shall submit a site plan prepared by a professional engineer showing the property boundary with topography, possible home locations, and the proposed roads and driveways. A construction cost opinion to serve the proposed development with a community water system serving all lots, and a cost opinion of individual water systems will be prepared and submitted to Morgan County for review.
  2. Clustering of homes should be considered and may be beneficial in rural and lower density developments. Clustering allows for reduced infrastructure of roads, driveways and water and sanitary sewer systems when compared with sprawl developments. Clustering may promote the visual integrity of development as viewed from within the development. The construction of a central community water system is encouraged to provide more effective water resources in case of wildfire. If clustering of homes is not achievable in rural developments, individual wells, storage tanks and fire suppression systems for each individual lot will be reviewed and considered by the MCFSD. Consideration should be given to tying into a neighboring community water system if one exists. Water supply and water infrastructure shall be in place and serviceable prior to any combustible construction taking place.
  3. Community System to Serve All Lots with a Central System
    - a. Water Distribution Lines. The minimum size of main lines for any system will be eight (8) inches in diameter and will be sized larger if flows and velocities dictate.
    - b. Fire Hydrants. Fire hydrants will be installed in accordance with Fire District requirements. Fire hydrant Spacing will be a maximum of 500 feet between hydrants, except in minor development where the restriction shall be a maximum of one hundred fifty (150) feet from any dwelling but no less than fifty (50) feet from the dwelling unless otherwise approved by MCFSD.
    - c. Fire Flow Requirements. The fire flow requirement for rural residential development of five or more building lots or dwellings will be a minimum of 1000 gallons per minute.
    - d. Water Storage
      1. Storage for Fire Fighting Use. Water storage will be provided to support the

- required minimum fire flow of 1,000 gallons per minute for a duration of two hours.
2. Indoor Storage. Additionally water storage shall have a capacity of 400 gallons per equivalent residential connection for indoor use.
  3. Irrigation Storage. Most of the Morgan County falls within Zone 2, Irrigation Crop Consumptive Use Zone. This zone requires 1,873 gallons of storage for each irrigated acre.
- e. Water Source
1. Indoor Sources. Source(s) must be capable of providing 800 G.P.D./ equivalent residential connection for indoor use. The water supplier must possess, and provide to Morgan County, documentation which grants the legal right to the required amount of water.
  2. Irrigation Source. Within the Irrigated Crop Consumptive Use - Zone 2, the source must be capable of providing 2.80 gallons per minute per irrigated acre. Where an engineer, developer or water supplier claims that there will be no outside use of water (e.g. in a summer home development) documentation, typically a copy of the restrictive covenants and a note on the recorded plat, must be provided to prove the legal means exists to restrict outside use.
  3. Source Protection. Concentrated sources of pollution should be located as far as possible from all culinary well sources. To insure that protection is available, the water supplier must either own the protection zone and agree not to locate or permit concentrated sources of pollution within it or, if the water supplier does not own the land in question, he must obtain a land use agreement with the owner(s) of the land by which the land owner agrees not to locate or permit "concentrated sources of pollution" within the protection zone.
  4. In both of these above situations the restriction must be binding on all heirs, successors and assigns. The land use restriction must be recorded with the property description in the County Recorder's Office. Copies of this recording must be submitted to the Division of Drinking Water for review.
  5. Publicly owned lands containing protection zones need not be recorded in the Recorder's Office. However, a written statement must be obtained from the administrator of the land in question. This statement must meet all other requirements with respect to the establishing of a protection zone as described in this section.
- f. Water Supply to Lots. The house water service line shall be at least In ½ inches in diameter or larger to provide adequate flow and pressure meeting fire sprinkler demands.
- g. Water Line Burial. Water lines shall be buried a minimum of six (6) feet deep unless elevation dictates deeper burial.
4. Individual Water Systems on Each Lot
- a. Water Storage. All dwellings will require a water storage system for fire fighting purposes. Water storage to be within a tank(s) as dictated by NFPA Std. 22, as water reserves, exclusive of storage for domestic, irrigation and fire sprinkler system use. The amount or required water storage is based upon the useable floor area of the dwelling, including attached garages. The amount of required water storage is 5,000 gallons of water storage for every 2,000 square feet of useable floor area, or fraction there of.
  - b. Water Source
    1. Prior to preliminary approval by the County, a source, or sources, of water to the proposed project must be identified. The developer must submit information concerning site geology, area hydro-geology, site topography, soil types and the proven wet water by the drilling of one or more test wells as determined by a qualified geo-technical engineer. Well logs will be submitted to Morgan County identifying the depth and yield of the well. The source must be consistently available at sufficient quantities to supply domestic, and irrigation needs according to State regulations. In all cases a well, or wells, of sufficient capacity

- at each proposed building location will be required prior to building permit issuance. Language shall be included on the final recordation plat and within the projects CC&R's that identifies the process for obtaining a building permit as it is related to water rights and well drilling confirmation. A water right and associated well permit will remain with the lot and is not transferable.
2. Source Protection. Concentrated sources of pollution should be located as far as possible from all culinary well sources. To insure that protection is available, the water supplier must either own the protection zone and agree not to locate or permit concentrated sources of pollution within it or, if the water supplier does not own the land in question, he must obtain a land use agreement with the owner(s) of the land by which the land owner agrees not to locate or permit "concentrated sources of pollution" within the protection zone.
  3. In both of these above saturations the restriction must be binding on all heirs, successors and assigns. The land use restriction must be recorded with the property description in the County Recorder's Office. Copies of this recording must be submitted to the Division of Drinking Water for review.
  4. Publicly owned lands containing protection zones need not be recorded in the recorder's office. However, a written statement must be obtained from the administrator of the land in question. This statement must meet all other requirements with respect to the establishing of a protection zone as described in this Section.
  - c. An exterior fire suppression dry standpipe system will be designed and constructed at the time of home construction to provide MCFSD the ability to use the water storage for external fires.
  - d. Dry Hydrants/ Draft Site. The dry hydrant/draft site will be provided at all individual water systems intended for fire protection use. The design, construction, location, access and access maintenance of the dry hydrant/draft site must be approved by MCFSD. The dry hydrant/draft site must have emergency vehicle access designed and constructed in accordance with section 16-15-060(6)(b)(7), Roads and Streets. The dry hydrant/draft site must be clearly identified in a manner approved by the MCFSD to identify the location and to prevent obstruction by parking and other obstructions. The dry hydrant/draft site is also subject to periodic tests such that the system is operative at all times.
  5. Water System Concurrency Management
    - a. All water systems shall meet the availability, distribution and delivery system, capacity, storage, design and construction requirements of the Utah State Division of Drinking Water and such approval shall be provided before Final Subdivision Plat, Final Site Plan, Conditional Use, or Low Impact Permit approval.
    - b. Legal rights to the proposed water source shall be certified in writing by the Utah State Division of Water Rights and shall be provided before Final Subdivision Plat, Final Site Plan, Conditional Use, or Low Impact Permit approval. The county shall not accept an application or certificate that has lapsed, expired, or been revoked by the State Engineer.
    - c. Evidence of coordination with the private or public water service provider, including an agreement for service, service commitment letter, or other binding agreement for the provision of water shall be provided before Final Subdivision Plat, Final Site Plan, Conditional Use, or Low Impact Permit approval.
    - d. A certificate of convenience and necessity or an exemption therefrom, issued by the State Public Service Commission, for the proposed water supplier, including an indication of the service area of the proposed water supplier, shall be provided prior to permit approval.
    - e. Individual water systems, which may be permitted by Morgan County, shall only be permitted in mountain/remote areas designated on the Land Use Plan Map and in areas where there are appropriately sized lots for which a community system is not feasible.

## 26. Loading and Unloading.

1. An applicant shall demonstrate that adequate loading and unloading Space is available within commercial and industrial developments before approval of a Final Site Plan, Final Subdivision Plat, a conditional use permit, or Low Impact Permit.
2. Location of Required Loading and Unloading Spaces. The required loading and unloading Spaces shall be on the same lot or in appropriate proximity as the use they are intended to serve. In no case shall required loading and unloading Spaces be part of the area used to satisfy the parking requirement.
3. Collective Action Relative to Loading and Unloading. This provision shall not be construed to prevent the joint use of loading and unloading Spaces for two (2) or more buildings or uses.

#### **27. Parking Requirements.**

1. Parking Spaces shall be provided as set forth herein. Every effort shall be made to minimize the amount of impervious surface that is created for parking purposes.
2. Parking Required. The objective is to provide only the amount of parking that is actually needed for a particular use or type of use approved in the development. It shall be the responsibility of the applicant to demonstrate the amount of parking needed. The following parking standards shall be used by Morgan County as guidelines for development. Parking that exceeds the amount indicated may be permitted only after the applicant submits a parking study for comparable use(s) which demonstrates that a higher demand can be anticipated. If a specific use is not indicated herein, the applicant shall provide a parking study in conjunction with the applicable development application to demonstrate the amount of parking required.
  - a. The specific amount of parking required within an MPDR zone district shall be established by the adopted MPDR Plan.
  - b. Expansion of existing commercial, office, and industrial uses within the EC and EI zone district shall provide additional parking commensurate with the present on-site parking ratio unless it can be demonstrated by the developer or the Director that a different parking standard or no additional parking is appropriate.
  - c. There shall be one parking Space per studio/efficiency dwelling unit, plus one (1) guest parking Space for every five (5) units provided.
  - d. There shall be one (1) Space per bedroom, or a minimum of two (2) parking Spaces per single family, two family, or multi-family dwelling unit.
  - e. There shall be a maximum of 3.5 off- street parking Spaces per each 1,000 square feet of retail commercial Space. Provided, however, structured parking can exceed this amount.
  - f. There shall be a maximum of 3.5 off- street parking Spaces per each 1,000 square feet of office Space. Provided, however, structured parking can exceed this amount.
  - g. There shall be a maximum of one parking Space per sleeping unit in a hotel or lodge, plus one (1) Space for each employee working during nighttime hours, except in a Town, Resort, or Village Center where joint parking opportunities shall be taken into consideration.
3. Parking lot design and location. The following design standards shall be complied with within any zone district in which parking is being provided for other than one (1) single-family detached dwelling unit on a lot of record.
  - a. All parking lots shall be designed and located in accordance with the policies of the General Plan and the regulations provided herein. In no instance shall large expanses of asphalt parking be permitted. In situations where an extensive amount of parking is required, the parking shall be divided into smaller parking lots.
  - b. On-street parking and parking along the principal circulation roads within a private development shall either be parallel to the curb or with a parking angle of up to but not to exceed 60 degrees. Perpendicular parking along such areas shall be prohibited.
  - c. The proposed development must provide paving in any parking area by one of the following methods:
    1. Asphaltic concrete
    2. Cement concrete
    3. Penetration treatment of bituminous material and a seal coat of bituminous and

mineral aggregate.

4. The equivalent of the above as recommended by the County Engineer.
- d. Parking areas shall be designed with a through circulation pattern if they include more than 10 parking Spaces, unless there is suitable turn around Space at the end of the parking lot. While in certain instances on-street parking will be permitted, public roads shall not be used as part of a parking lot circulation pattern.
- e. Parking areas shall have a minimum grade (in any direction) of one (1) percent a maximum grade of five (5) percent, and an average grade of two (2) percent.
- f. Parking Spaces and driveways shall be so arranged as to require ingress and egress from the lot to a road by forward motion of the vehicle.
- g. Adjacent to any Zoning District in which residential uses are permitted, automobile parking shall be screened, except when separated by a public road.
- h. Any lights used to illuminate parking Spaces shall fully comply with the lighting regulations of this Code.
- i. Except where a wall is required a of minimum of six (6) inch high curb or bumper guard shall be utilized or employed so that no part of the vehicle shall extend over or beyond any property line.
- j. Uncovered parking lots shall provide snow storage areas equal to ten (10) percent of the uncovered parking lot surface area, unless otherwise approved by the Governing Body.
- k. Required parking Spaces shall be adequately marked or defined. At least one clearly marked and appropriately situated handicapped parking Space shall be provided for each commercial, institutional, and public parking area.
  - l. At least fifteen (15) percent of the internal portion of a parking lot shall be landscaped. Such landscaping must be in accord with Section 16-15-060(6)(b) herein.
4. In instances where the amount of parking required by a project cannot be clearly demonstrated, Morgan County may require the implementation of a phased parking plan to void unnecessarily large parking lots. The additional parking will be permitted by Morgan County as the need is demonstrated.
5. Within designated Resort, Town, and Village Centers, efforts shall be made to minimize the amount of dedicated surface parking by such considerations as, but not necessarily limited to, structured parking where appropriate, on street parking on appropriate streets, and joint use of parking facilities.
6. The stacking of parking Spaces is not permitted, except in one family, two family, and single family attached dwelling units where a parking Space may be provided on the parking apron directly outside of the garage. Only one such Space shall be permitted outside of each garage Space. Stacking of two or more Spaces outside of the garage shall not be permitted.
7. On and off street parking shall not be used for the extended storage of motor homes, trailers, construction related equipment, tractor trailer trucks, and other such vehicles. On and off site parking shall not be used for the purposes of sale, repair or dismantling or servicing of vehicles, equipment, materials, or supplies.
8. Collective Action Relative to Parking. The joint use of parking Spaces for two (2) or more buildings or uses is encouraged, and in some instances may be required through an MPDR Plan when it can be shown that the peak use periods of each of the buildings is different.

## **28. Transportation Infrastructure and Access Design.**

1. Access
  - a. Access to Existing Roads. All Points of access to existing public roads or highways shall meet the standards set forth in A Policy of Geometric Design of Highways and Streets 1990, as published by the American Association of State Highway and Transportation Officials (AASHTO), which is hereby incorporated by reference as if set forth in its entirety herein; and Subsections A through D hereto or, in the case of state highways, as approved by the Utah Department of Transportation. The design and construction of turn lanes, merging lanes, traffic signs or signals and other

improvements required to make access points conform to Morgan County or UDOT standards shall be the responsibility of the developer.

- b. A minimum of two access roads for separate ingress and egress will be provided. At least one access road will be considered the main access to be dedicated with a right-of-way easement as part of the final plat. In situations where dual access is not available with the initial development, one or more easements extending to the perimeter of the proposed development and evidence that existing vehicular access through adjacent properties to public roads must be provided by the developer. As a minimum, the second access, which may not comply with this Section may be permitted, so long as it is a passable access road and maintained for emergency services as approved by the MCFSD.
- c. Spacing. Except as otherwise provided herein, access drives shall be Spaced according to the following table:

<b>Road Classification</b>	<b>Minimum Spacing</b>	<b>Minimum Distance from Intersections</b>
Local	35 feet apart	50 feet
Collector	50 feet apart	75 feet
Arterials		Access points shall be minimized

- 2. Intersections
  - a. Grade. The grade within one-hundred (100) feet of any intersection shall not exceed three (3) percent.
  - b. Hazards. Intersections shall not create hazardous driving conditions. The site design shall avoid curves in the roadway and the crests of hills at intersection locations.
  - c. Alignment. Roadways shall be within ten (10) percent of a perpendicular alignment within one-hundred (100) feet of any intersection, unless otherwise approved by the Governing Body.
  - d. Intersection Offsets/Spacing. Intersection offsets shall be based upon the roadway classification, and shall be measured as follows unless otherwise approved by the Governing Body:

<b>Road Classification</b>	<b>Offset</b>
Local	125 feet
Collector	330 feet
Arterials	600 feet

- 3. Road Grades
  - a. The maximum grade for major and collector streets or roads shall be 8% with sustained grades not to exceed 6% where the sustained grade exceeds 600 feet in length. The maximum grade for local and minor streets or roads shall be 10%. However, local and minor streets or roads may contain grades in excess of 10% up to a maximum of 12% for short distances only when, at the discretion of Morgan County, it is determined that the steeper road grade is in the best interest of the County for all purposes of environmental protection and it is further

determined that the steeper grade shall not adversely affect the public safety. Short distances shall be measured along the centerline of the street or road and shall be defined as less than or equal to 500 feet.

- b. In all instances, the minimum road grade shall be 0.3 percent.
  - c. The following conditions shall be used for grades in excess of ten (10) percent provided that all applicable emergency and service providers review, at time of subdivision plat and site plan review, such road design and grades to adequately address the public health, safety and welfare.
    - 1. Main through roads (non-stop sip roads) can remain at a constant grade of less than eight (8) percent through the intersection.
    - 2. Retaining walls shall be used with cuts in excess of then (10) feet. Cut slopes shall be as specified by a qualified engineer to achieved a stable embankment. Fill areas shall be contoured to two (2) feet horizontal to one (1) foot vertical slopes or flatter as directed by a qualified engineer. If the disturbed areas fail to catch existing grade within ten (10) vertical feet, a retaining wall shall be used.
    - 3. Re-vegetation of all disturbed soils meeting Morgan County Construction Standards will be required on all roads.
4. Road Infrastructure Design
- a. The design and construction of all roads in the Morgan County shall be in accordance with the specifications adopted by Morgan County, the American Association of State Highway and Transportation Official's, (A Policy or Geometric Design of Highways and Streets), and those set forth herein.
  - b. Roads on soils having low bearing strengths, high shrink-swell potentials or high frost heave hazards may be required, upon recommendation of the County Engineer, to be constructed to specifications more demanding than those required on other sites.
  - c. Vertical Clearance: All roads and driveways will have unobstructed vertical clearance of thirteen feet six inches (13' 6 ").
  - d. Vehicular Right-of-Way or Road Easements: Homeowners may not grant additional vehicular right-of-ways and road easements across their property in addition to those vehicular right-of-ways and road easements that are already of record at the date of the plat recordation.
  - e. In Town, Resort, and Village Centers public roads shall generally meet the following design guideline. The County Engineer may require adjustments in this guideline
  - f. based on site specific conditions and development characteristics.
5. Driveway Access
- a. All individual driveway access locations shall be designed to function well with the existing conditions and layout of each residential building. Care shall be taken in location driveways to allow for the least amount of site and vegetation disturbance. The maximum grade of any driveway shall not exceed twelve (12) percent. The minimum width of any driveway shall be twelve (12) feet. Fifteen (15) percent grades may be allowed for short distances not to exceed 250 feet when approved by MCFSD. Where possible, driveways shall parallel the slope to lessen site impact. Driveways must also conform to the requirements of **Ordinance 18-10B** as amended.
  - b. A maximum of two dwellings can be served from one driveway. A single access serving in excess of two dwellings shall be considered a private road and shall comply with the requirements for a private road.
  - c. Retaining walls shall be used with cuts in excess of ten (10) feet. Retaining walls may be required in cut slopes less than ten feet depending on site topography and site soil characteristics as well as the proximity of the driveway to adjacent property. Cut slopes shall be as specified by a qualified engineer to achieve a stable embankment. Fill areas shall be contoured to two (2) feet horizontal to one (1) foot vertical slopes or flatter as directed by a qualified

- engineer. If the disturbed areas fail to catch existing grade within ten (10) vertical feet, a retaining wall shall be used. Driveway access for all lots may not be from any street or road other than interior roads within the subdivision.
- d. All driveways, whether or not locked, must provide a MCFSD approved turn-around for emergency vehicles where the driveway meets the building pad, and every 200 feet when longer driveways occur.
  - e. Driveways in excess of two hundred (200) feet and less than twenty (20) feet wide must be provided with turnout(s). Driveway turnouts must be an all weather road surface, ten (10) feet wide and thirty (30) feet long. Driveway turnouts to be located as required by MCFSD.
6. Cul-De-Sacs
- a. The maximum length of a cul-de-sac on any non-rural designated road, as defined in Section 16.04.245, shall be 650 feet.
  - b. The maximum length of a cul-de-sac on a rural designated road shall be as follows, unless other lengths are agreed to by MCFSD. The length of these cul-de-sacs shall be based on the wildfire hazard rating of the surrounding area.

<b>Wildfire Hazard Rating</b>	<b>Maximum Length</b>
Moderate	1,200 Feet
High	900 Feet
Extreme	500 Feet

- c. The cul-de-sac shall have an all-weather driven surface of not less than 90 feet in diameter, or a s required by the Morgan County Fire Service District and Morgan County Engineer. Public roads having a cul-de-sac shall have a right-of-way of not less than 110 feet and a paved hard surface of not less than 90 feet (if curb is included the distance shall be 90 feet diameter from face to face of curb).
  - d. A hammerhead cul-de-sac design may be allowed in certain instances.
  - e. All cul-de-sacs must include signage indicating that the road is a dead end road within 50 feet of the outlet. In additional, two signs will be placed on the connecting road indicating that the "Next Turn is a Dead-End Road."
  - f. Project designs including cul-de-sacs within developments where local roads are dedicated for public maintenance are discouraged.
7. Road Base Specifications
- a. All roads shall be designed by a qualified engineer.
  - b. All roads shall have a base capable of supporting a gross vehicle weight of at least 40,000 pounds. The County Engineer may require additional support base depending on the specific function and traffic volumes anticipated on the roadway.
  - c. All roads shall include compacted road base, covered with either concrete or asphalt material, with the exception of emergency access roads, which may be compacted gravel or road base. Roads must meet all applicable Morgan County design standards.
  - d. All road surfaces must be capable of providing all-weather, year-round access, with the exception of emergency access road in Mountain/Remote areas and areas zoned Sensitive Area (SA), where emergency access roads must provide only summer access.
8. Bridges and Culverts: Bridges and culverts will be constructed to support a gross vehicle weight of 40,000 pounds; vehicle load limits will be posted. Permanent culverts will be installed at all intermittent and perennial stream crossings. Specifications for bridges, culverts, and other stream crossing devices will take into account at least the 25-year frequency storm and upstream debris hazard. If the development is within the 100-year flood plain, then 100 year frequency storm shall be used in drainage design.

9. Traffic Control and Street Signage
  - a. All roads will be designated road names and signs will be installed at each major road intersection. All lots and/or home sites will be visibly signed with street addresses and numbered as such or at the beginning of the driveway. Emergency access road shall be clearly identified.
  - b. All roads shall be named or numbered in accord with the County's addressing system and road identification signs in accordance with County standards and specifications. All permitted structures for residential, commercial and industrial uses shall post addresses prior to occupancy.
  - c. A developer shall be responsible for the expense of constructing and placing traffic control signs, as follows:
    - i. Stop signs shall be placed at all intersections of arterials; of collectors and arterials; and when appropriate as determined by the County Engineer, local streets/roads and collectors.
    - ii. Yield signs shall be required at the intersection of all other street and roads when determined appropriate by the County Engineer.
10. Road Maintenance
  - a. Snow Removal and Road Maintenance: Snow removal and road maintenance on private roads will be the responsibility of the respective Homeowner's Association and will be noted as such on the recordation plat. The CC&R's for the development shall include enforcement language for mandatory budgeting by the Association to provide snow removal and road maintenance services.
  - b. Roads intended to be owned and maintained by Morgan County will not be accepted by Morgan County for such purposes until adequate tax revenues accrue to the County from the development to pay the cost of all related road maintenance services for the roadway, in addition to other applicable County services for the roadway, in addition to other applicable County services for the development, or unless Morgan County determines that there are compelling reasons to accept responsibility for the road in the absence of adequate tax revenues. Road maintenance and snow removal services shall be provided in accordance with the appropriate County Ordinances.
11. Level of Service Standards
  - a. No development application may be approved which causes a reduction in the level of service for any road below the adopted level of service as set forth in the Code and General Plan, as such may be amended from time to time.
  - b. The operational character that shall be maintained for roadways and intersections in the Morgan County shall be a Level of Service C for County roads and intersections and a Level of Service D for State roads,-Level of service is as defined by the Transportation Research Board, Highway capacity Manual (Special Report 209,1985).
  - c. The applicant shall make an offer of dedication of any rights-of- way which are within but will not serve a development, and which are necessary to effectively link the proposed development with future major roads or future developments or to prevent the "landlocking" of adjoining properties or to provide the best possible long term circulation pattern prior to approval of a final subdivision plat or final site plan.
  - d. The dedication of the wider rights-of-way necessary to facilitate road improvements called for in the County's transportation plan in response to a request from the Board or Commission, is required.
12. Gates
  - a. The location of all posts for gates on private driveways and roads will be four feet wider than the approved road width. All gates shall be located at least fifteen (15) feet from right-of-way as approved by MCFSD and shall open inward, allowing a vehicle to stop while not obstructing traffic on major or minor roads. Should gates be electronically operated, a receiver shall be installed that will permit emergency services access with a transmitter. If the gate can be locked, a lock box approved and provided by MCFSD and Morgan County Sheriff will be located on the exterior side of the gate to provide for emergency equipment access to the property through

the gate.

13. Sidewalks

- a. Sidewalks, pedestrian walkways or non-motorized trails necessary (as recommended by County Engineer) for adequate internal circulation within a development shall be provided. Sidewalks shall be provided in appropriate locations in Village, Town, and Resort Centers.
- b. Sidewalks, walkways and trails shall be designed and constructed to the specifications provided by the County Engineer.

14. Pedestrian Non-Motorized Trail Systems

- a. Pedestrian walkways or non-motorized trails necessary as recommended by the Planning Commission.
- b. Developments shall provide portions of the community-wide trails system running through their site. Trail construction shall be consistent with the design guidelines of Morgan County and the General Plan Trails Master Plan and Community-Wide Trail System Development Standards.
- c. Developments shall connect an internal trail system to community-wide trail system where possible. Walkways and or sidewalks necessary for adequate internal pedestrian circulation within a development shall not be counted as internal trail system of a development, where connected to major trails. The space dedicated in trails shall be included in the calculation of the open space provided, even though the trail surfaces are impervious.

**29. Public Utilities**

1. A letter shall be obtained from each public utility company that will provide service to the development stating its ability and commitment to provide service to the proposed development before MPDR Plan, final subdivision plan or final site plan approval will be granted by Morgan County. Evidentiary letters shall include a statement that the utility presently has both adequate capacity and, based on plans submitted by the developer, adequate rights-of-way or easements to provide services.
2. All utilities shall be placed underground unless it is determined by Morgan County, with input from the service provider, that special conditions, other than cost, exist which should permit the utility to be installed above ground.
  - a. Natural gas service may be installed at the developer's option. Propane use must conform to all applicable provisions of the Uniform Fire Code.
  - b. Rights-of-way or easements shall be provided as required by the utilities serving the proposed development.
  - c. Underground utility services shall be installed to the property line of each lot before roads are surfaced.

**30. Mail Delivery**

Locations for proposed mail delivery should be shown on the MPDR Plan. The U.S. Post Master must provide written approval of the proposed locations. In some cases central mail delivery in the form of gang boxes within a post master kiosk may be located outside of the development boundaries on a paved road.

**31. School Capacity.**

The applicant shall submit a school impact analysis with the application for development approval. The capacity of schools within the impact area shall be calculated in accordance with Rule 278458-3 of the Utah Administrative Code, as such may be amended from time to time or an equivalent service level as may be established by the school district(s). All residential developments where public maintenance is anticipated shall provide adequate school bus loading and turn-around areas, as evidenced by a written statement from the school district(s). The determination by the school district(s) that capacity is not available may be factor which the County may take into consideration, but in no case shall it act as a bar to County's decision to approve a project or development.

**32. Garbage Collection**

1. Locations and conceptual design for proposed central garbage collection perimeter shelter for the containers will be shown on the plat or site plan drawings. Written approval of the proposed locations will be obtained by Morgan County's Garbage Collection contractor.

In some cases central garbage collection may be located outside of the development boundaries on a paved road. Open burning of building materials, rubbish or garbage will be prohibited.

2. Plat or Site Plan Note required. Each final subdivision plat or final site plan for a development in an area designated Mountain/Remote on the Land Use Plan Maps (do we create a map) shall include the following note on the Plat:

The property owner acknowledges that he/she is building in a location that is far removed from the primary Morgan County service areas. As such, the property is on notice that there is limited access, infrastructure, and public services in the area. Some services, which include but are not limited to garbage pick up and school bus service, may not be provided. Emergency response time will be longer than it is in more accessible areas, and access by emergency vehicles may be impossible at times due to snow and road conditions the owner understands and acknowledges that there may be infrastructure in these remote locations that does not meet adopted County infrastructure standard. It is the intent of Morgan County to attempt to continue to provide the existing variety, scale, and frequency of public services and infrastructure for all existing and new development in these remote areas of the Morgan County. It is not the intent of Morgan County to increase the variety, scale and frequency of public services and infrastructure or to provide urban levels of service and infrastructure in these areas. By this notice, the property owner assumes the risk of occupancy as outlines above, and is hereby put on notice that there are no anticipated changes in the levels of service of infrastructure by either Morgan County or the appropriate Special Service District, nor does the property owner expect changes beyond those identified herein.

**33. Snow Removal and Storage.**

1. Developments shall provide adequate area(s) for snow removal and storage. Prior to submitting an application for development approval, the applicant shall obtain certification as to compliance with this standard by the County Engineer or Public Works Director.
2. Plat Note and Memorandum of Understanding Required. The plat note or memorandum of understanding described in Section 16-15-060(6)(b), Garbage Collection, shall be required.

**34. Police and Security.**

1. Developments shall provide adequate access for law enforcement purposes. Prior to submitting an application for development approval, the applicant shall obtain certification as to compliance with this standard by the County Sheriffs Department.
2. Plat Note and Memorandum of Understanding Required. The plat note or memorandum of understanding described in Section 16-15-060(6)(b) Garbage Collection, 2, shall be required.

**35. Parks and Trails**

1. All development shall provide neighborhood park facilities in a manner that is sufficient to meet the specific recreational demands that will be generated by a development. In certain instances, cash-in-lieu of land and facilities may be permitted.
2. Neighborhood Recreational land (parks), facilities, and trails when provided, shall be in compliance with applicable standards of the Morgan County.
3. The long-term care of neighborhood recreation lands (parks) and facilities shall be the responsibility of the developer or a homeowners/property owners association. The C.C. and R's for the development shall include enforcing language for mandatory budgeting by the association for long-term maintenance and replacement.
4. A development shall mitigate its impacts on the community park and trail system of Morgan County in a manner consistent with the Code and Plan.

**36. Handicapped Access.**

1. All buildings intended for public use shall be accessible to the handicapped, as per the requirements of the Uniform Building Code and the Americans with Disabilities Act, as amended.

**37. Special Site Design Requirements**

These criteria serve the public interest by requiring that the design of developments in the Morgan County be compatible with the natural, rural characteristics of their setting and with the image of the area, which helps to support its resort economy. The design policies also help to reduce the potential for land use conflicts by encouraging the protection of privacy and of scenic views.

1. Development in the Morgan County shall be integrated in a manner that is consistent with the General Plan to promote more complete and functional neighborhood, community and resort areas. Integration shall be accomplished through, among other things, pedestrian and vehicular circulation, visual, open Space, and other linkages and design techniques. A piecemeal approach to planning and development, where individual development parcels are designed and constructed without adequate integration opportunities with surrounding areas, will not be permitted.
2. Developments shall not limit the viability of existing agricultural, industrial or mining uses. Limits to the viability of existing uses could include, without being limited to, potential nuisance or liability suits, adverse impacts on existing irrigation ditches, predation on stock by domestic dogs, and traffic conflicts with farm machinery or mining equipment.
3. Privacy. Developments shall protect on-site privacy and the privacy of those occupying adjacent sites. Privacy may be protected through setbacks, buffering, screening or structural elements, and other design tactics.
4. Building Site Plan: Building site plans for single family detached residential development shall provide the locations for the proposed building envelopes and associated driveways when there is steep terrain along the roadway. In certain instances for development in mountain remote and sensitive land areas, the recordation plat for the development may show multiple approved building envelope locations for each lot. At the time of building permit the lot owner shall choose one of the building envelopes and lose the other alternatives. The practice of selecting one and removing the remaining building envelopes for further development consideration shall be described on the Plat.
5. Outbuildings, Barns, and Associated Corrals. Within any lot in which a bam and/or associated corral are to be allowed as part of the development approval, a Low Impact Permit must be approved by Morgan County to locate the bam and related improvements and to authorize its construction. A bam will not be located closer than 60 (sixty) feet to any dwelling unless otherwise approved by U.B.C. An associated pasture corral management plan may be required.
6. Number of Single Family Detached Dwellings on a Lot. One single family detached dwelling only will be permitted on a "lot" as defined in this Code, except where specifically allowed in an approved MPDR Plan or when permitted accessory residential structures are allowed by this Code.
7. Vision Clearance. On any comer lot on which the front and side yards are required, no wall, fence, structure, sip, tree, shrub or hedge may be maintained as to cause danger to traffic by obstructing the view, and when topography prevents a clear view, the area shall be graded to provide visual clearance.
8. Side and Rear Yards
  1. Every part of the required side or rear yard shall be open and unobstructed by any above grade object or portion of the structure.
  2. No deck, on or below grade, shall be permitted to encroach within ten feet of a side or rear lot line.
9. Single Family Detached Dwelling Design Elements. Developments comprised of single family detached dwelling units shall provide for individual dwelling design review through Restrictive Covenants for compatibility of building materials, size, color, and style and other architectural standards required herein. The C.C. and Rs shall include provisions that ensure general design compatibility with the applicable provisions of Section 16-15-060(6)(b)(10), Architecture, of the Code.

### **38. Lighting Regulations**

1. Purpose. The purpose of this Section is to regulate the use of outdoor artificial illuminating devices emitting undesirable light rays into the night sky, or onto private

properties which have a detrimental effect on the rural mountain environment. Standards for controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by their owners and occupants while requiring adequate levels of lighting of parking areas.

2. All outdoor artificial illuminating devices shall be installed in conformance with these regulations.
3. Approved Materials and Methods of Installation. The standards provided here are intended to prevent the use of any materials or method of installation not specifically prescribed hereunder. Alternatives will be considered by the Planning Department, who may approve such alternatives if they are found to generally comply with the intent of the regulations herein.
  - a. Lamp Source. High pressure sodium is the lamp source that will be utilized throughout the Morgan County for all roadway, pathway, area, and building facade illumination. Sport facility lighting is the only application where a metal halide lamp source may be used subject to the limitations herein.
  - b. Any materials or methods of installation not specifically prescribed herein will be evaluated by the Director, as permitted above, for approval. Approval shall be based on providing equivalence to the applicable standards herein and otherwise complying with the intent of these regulations.
  - c. No flood lighting shall be permitted.
4. Non-conforming lighting schemes
  - a. Any development permit that invokes an amendment to an approved MPDR Plan, a significant change to an approved site plan, or a certificate of occupancy shall specify and require that any non-conforming area lighting located within the boundaries of the development site authorized in the original permit shall be brought into conformance with these regulations.
  - b. Non-conforming area lighting may be maintained. However, any change to fixtures and poles, beyond simple replacement of expired parts, shall require that the lighting be brought into conformance with the provisions of these regulation.
5. Violation and Enforcement.

It shall be unlawful to install or operate an outdoor light fixture in violation of these regulations. Enforcement of any violation of these regulations shall be pursuant to the provisions of the Code.
6. Specific Requirements for Lighting Applications and Fixtures
  - a. Area Lighting. The following shall apply to area lighting applications such as but not limited to parking lots.
    1. Wall Mounted Area Lighting
      - i. All wall mounted or building mounted fixtures shall not be mounted above twelve (12) feet, as measured from grade directly below the light fixture to the top of the fixture or a horizontal plane being lit by the fixture. The exception shall be those instances where there is second story access directly from the outdoors.
      - ii. The fixture shall house a high-pressure sodium lamp that shall not exceed 150 watts.
      - iii. The fixture shall be a "full cut" off variety, where no more than ten (10) percent of the total lumen output of the fixture will come out at 90 degrees above the horizontal plane of the fixture from nadir.
      - iv. The fixture must shield the lamp in such a way that there will be total cut-off when viewed from 60 feet or more from the light source.
      - v. All light must be directed downward. The washing of the side of the building shall be minimized to the maximum extent possible.
      - vi. Timers and motion sensor devices shall be used wherever practical to minimize light pollution within Morgan County.
    2. Pole Top Area Symmetrical Lighting.
      - i. Pole top mounted symmetrical distribution fixtures shall not be mounted

more than sixteen (16) feet above grade, as measured to the top of the fixture or a horizontal plane being lit by the fixture. More fixtures mounted at lower heights is referred to fewer fixtures mounted high in the air.

- ii. The fixture shall house a high pressure sodium lamp, with no more than 400 watts per pole.
- iii. These fixtures shall be used in interior parking/site installations only, and a full cut-off variety shall be used. There shall be no more than ten (10) percent of the total lumen output of the fixture will come out at 90 degrees above the horizontal plane of the fixture from nadir.
- iv. The fixtures shall be appropriately spaced so that the foot candles produced on the ground shall not exceed the following:

- a. Average Foot Candles = 2.15 to 3*
- b. Maximum Foot Candles = 9 or less*
- c. Minimum Foot Candles = 1.15 or more*
- d. Max/Min Foot Candles = 7.85 or less*

- v. These fixtures shall shield the lamp in such a way, as so there will be total cut-off when viewed from 70 feet or more from the light source.
- vi. Timers and motion sensor devices shall be used wherever practical to minimize light pollution within Morgan County.

3. Pole Top Area Asymmetrical Lighting.

- i. Pole top mounted asymmetrical distribution fixtures shall not be mounted more than sixteen (16) feet above grade, as measured to the top of the fixture or a horizontal plane being lit by the fixture.
- ii. The fixture shall house a high-pressure sodium lamp, with no more than 400 watts per pole.
- iii. These fixtures shall be used in interior parking/site installations only, and a full cut-off variety shall be used. There shall be no more than ten (10) percent of the total lumen output of the fixture will come out at 90 degrees about the horizontal plane of the fixture from nadir.
- iv. The fixtures shall be appropriately spaced so that the foot-candles produced on the ground shall not exceed the following:

- a. Average Foot Candles = 2.15 to 3*
- b. Maximum Foot Candles = 9 or less*
- c. Minimum Foot Candles = 1.15 or more*
- d. Max/Min Foot Candles = 7.85 or less*

- v. These fixtures shall shield the lamp in such a way as so there will be total cut-off when viewed from 70 feet or more from the light source.

4. Area Lighting - Maximum Levels

- i. The maximum point shall not exceed 15 foot candles with the circulation area being lit.
- ii. The average light level shall not exceed 4 foot candles with the circulation area being lit.
- iii. No more than one foot candle will be allowed outside of 20 feet beyond the circulation area being lit.
- iv. No more than .01 foot candles shall be allowed to spill beyond the property line of the property within which the area lighting is provided.

5. Walkway/Pathway Symmetrical Lighting

- i. All pathway pole top symmetric distribution fixtures shall not be mounted more than ten (10) feet above grade directly below the fixture, as measured to the top of the fixture or a horizontal plane being lit by the fixture.
- ii. The fixture shall house a high pressure sodium lamp, not to exceed 150

watts per pole. These fixtures can be used down a pathway, at an intersection of the pathway, or at the termination of a pathway. A full cut-off variety shall be used. No more than ten (10) percent of the total lumen output of the fixture shall be emitted at 90 degrees above the horizontal plane of the fixture from nadir.

- iii. The fixtures shall be appropriately spaced so that the foot candles produced on the ground shall not exceed the following:
    - a. Average Foot Candles = 1.35 to 2
    - b. Maximum Foot Candles = 5 or less
    - c. Minimum Foot Candles = .55 or more
    - d. Max/Min Foot Candles = 8.5 or less
  - iv. These fixtures shall shield the lamp in such a way that there will be total cut-off when viewed from 70 feet or more from the light source.
6. Walkway/Pathway Asymmetrical Lighting.
- i. All pathway pole top asymmetric distribution fixtures shall not be mounted more than ten (10) feet above grade directly below the fixture, as measured to the top of the fixture or a horizontal plane being lit by the fixture.
  - ii. The fixture shall house a high-pressure sodium lamp, not to exceed more than 100 watts per pole. These fixtures can be used down a pathway, at an intersection of the pathway, or at the termination of a pathway. A full cut-off variety shall be used. No more than ten (10) percent of the total lumen output of the fixture will come out at 90 degrees above the horizontal plane of the fixture from nadir.
  - iii. The fixture should have a die-cast aluminum housing, and shall be a Type-111 distribution pattern.
  - iv. These fixtures shall be located an appropriate distance from property boundary in order to ensure light does not inappropriately spill onto adjacent properties. The applicant shall provide a lighting plan to ensure appropriate placement.
  - v. The fixtures shall be appropriately spaced so that the foot candles produced on the ground shall not exceed the following:
    - Average Foot Candles 1.23 or more
    - Maintained minimum 16 or more
    - Max/Min Uniformity 30 or less
  - vi. These fixtures shall shield the lamp in such a way as so there will be total cut-off when viewed from 50 feet or more from the light source.
7. Walkway Lighting - Maximum Levels
- i. The maximum point shall not exceed 10 foot candles with the circulation area being lit.
  - ii. The average light level shall not exceed 2 foot candles with the circulation area being lit.
  - iii. No more than one foot candle will be allowed outside of 20 feet beyond the circulation area being lit.
  - iv. No more than .05 foot candles shall be allowed to spill beyond the property line of the property within which the area lighting is provided, or no more than .01 foot candles when the adjacent property is residential.
8. Roadway Lighting
- i. Roadway pole fixtures shall not exceed twenty-five (25) feet in height.
  - ii. The fixture should house a high pressure sodium lamp, not to exceed 150 watts/pole. A full cut-off variety shall be used. No more than ten (10) percent of the total lumen output of the fixture shall be omitted 90 degrees above the horizontal plane of the fixture from nadir.
  - iii. The fixture should have photometrics so that when used on a 50 foot wide road, and placed on opposing 100 feet Spacing, mounted on a 25 foot pole

with a Type HI distribution, and 150 watt high pressure sodium lamp, the following foot candles should be produced on the roadway.

Average Foot Candles 1.23 or more

Maintained minimum 16 or more

Max /Min Uniformity 30 or less

- iv. At 40 feet away from the pole, the roadway should not have less than . In horizontal foot candles minimum maintained at any point on the road, and 1 vertical foot candle as measured from ground level to six feet above grade in the middle of the road.
- v. The fixture should have a die-caste aluminum housing, and shall be a Type II, III or IV distribution pattern.
- vi. Decorative roadway pole mounted fixtures:
  - a. Shall not be mounted above fourteen (14) feet above grade.
  - b. Shall house a high pressure sodium lamp, with no more than 150 watts/pole.
  - c. Decorative roadway application fixtures shall utilize highly refractive globes, which have a minimum of 85 horizontal and 345 vertical prisms, to evenly direct the light and evenly diffuse the light source. The fixture should have the ability to have internal light directing reflectors which can be field installed after fixture installation to accommodate customization of the lighting output and/or to redirect unwanted light to the traffic area.
  - d. The fixture should have photometrics so that when used on a 40 foot wide road, and place on opposing 125 feet Spacing, mounted on a foot pole with a Type ER distribution, and 150 watt high pressure sodium lamp, the following foot candles should be produced on the roadway.

Average Foot Candles = 1 or more

Maintained minimum = .4 or more

Max/Min Uniformity = 4.45 or less

- e. The roadway should not have less that . In horizontal foot candles minimum maintained at any point on the road, and 1.5 vertical foot candles as measured from ground level to six feet above grade at 40 feet away from the pole in the middle of the road.
9. Building Canopy/Soffit Lighting.
- i. If lighting an area with fixtures mounted on a canopy, or, off of a soffit of a building, the fixture cannot be mounted above twenty (20) feet, as measured from the top of the fixture to the adjacent grade or the horizontal plane being lit by the fixture. Such lighting shall be minimized to the extent possible.
  - ii. The fixture should house a high pressure sodium lamp, of no more than 150 watts.
  - iii. The fixtures must be a cutoff variety, whereas no more than 10% of the total lumen output of the fixture will come out at 90 degrees above the horizontal plane of the fixture from nadir.
  - iv. Canopy/soffit mounted fixtures should be mounted a minimum distance of seventy (70) feet from the circulation area, or other critical light cutoff boundaries.
  - v. The fixture must shield the lamp in such a way as to if a person is standing 70 feet away from the fixture, there will be total visual cutoff of the lamp.
  - vi. The maximum point should not exceed 20 foot-candles within the circulation area being lit.
  - vii. The average light level should not exceed 10 foot-candles within the circulation area being lit.
  - viii. No more than In foot-candle will be allowed outside of 20 feet around the

- circulation area being lit.
- ix. No more than .05 foot-candles will be allowed outside the property lines of the property being lit.
  - x. No more than .01 foot-candles should be allowed to spill on any residential property as a result of another party lighting their own property.
  - xi. The only exception to above maximums would be in the case of a gas station canopy, whereas the maximum point should not exceed sixty (60) foot-candles, and the average light level should not exceed thirty (30) foot-candles within the boundaries of underneath the canopy. All other restrictions apply.
10. Sports-lighting Applications
- i. Sports lighting fixtures should not be mounted above seventy feet, as measured from the top of the fixture to the adjacent grade or the horizontal plane being lit by the fixture.
  - ii. The fixture should house a lamp that should not exceed 1500 watts.
  - iii. The fixture should be a IES cutoff variety, whereas when aimed at a point that is at a distance of 2 times their mounting height, the candlepower per 1000 lamp lumens does not numerically exceed 25 (2.5 percent) at an angle of 90 degrees above nadir (horizontal), and 100 (10 percent) at a vertical angle of 80 degrees above nadir. This applies to any lateral angle around the luminaire. The fixture should have a redirecting reflector which reflects high angle rays back into the beam achieving high beam utilization. It should be made of diecast aluminum, and the lamp should be able to be changed without removal or dismantling of the fixture lens. The ballast should totally encapsulated in a solid polyester resin compound.
  - iv. Lighting for sports fields should be shutoff no later than 11:00 P.M.
  - v. Specific application of sport lighting may be modified by the Planning Department
11. Building Facade Lighting Any proposal for building facade lighting must be approved by the Planning Department. As a general rule it will not be allowed. It may be considered if the following apply:
- i. The building surface being lit is not in the line of sight of any residential living unit.
  - ii. The average vertical foot-candles on the surface being lit does not exceed the average horizontal foot-candles of the adjoining circulation areas by no more than 3 times, and the maximum point does not exceed 20 foot-candles.
  - iii. The facade lighting shall be turned off by 10:00 P.M. each night, and not turned on until dusk the following day.
12. Applications
- i. Any person applying for a building or electrical permit to install outdoor lighting fixtures shall as part of said application submit evidence that the proposed work will comply with this Section.
  - ii. The application shall contain, but not limited to following:
    - A. Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamp supports, and other devices. This description may include but is not limited to manufacturers specifications and drawings including sections where required.
    - B. Description of the illuminating devices, fixtures, lamp supports, and other devices. This description may include but is not limited to manufacturers specifications and drawings including sections where required.
    - C. Photometry data such as that furnished by manufacturers, or similar, showing the angle of cutoff of light emissions for the proposed luminaire(s).
    - D. Computer generated point to point calculation on a scaled site plan

indicating conformance with this Section.

- E. Such other information as the Planning Department may determine is necessary to ensure compliance with this Section.

13. Exemptions.

- A. Lighting necessary for construction or emergencies is exempt from the provisions herein provided said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.
- B. Fossil fuel light produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels is exempt.

**39. Construction Management Plan.** A detailed construction management plan shall be provided. The plan shall describe in detail all measures to be taken by the applicant to mitigate the impacts associated with all aspects of the proposed development. These impacts may include but are not necessarily limited to, areas of disturbance, dust, debris on and damage to public roads, construction traffic and parking on public roads, hours of construction, and the impact of noise on adjacent properties. The plan also shall include a plan for recycling construction waste material.

**40. Other Information.** Other detailed information or studies required allowing the Planning Commission and Governing Body the ability to determine whether the project is consistent with the Morgan County Development Density Potential, section 16.15.060.

**41. Subdivision Plat.** A detailed subdivision plat and/or detailed site plan that complies with the requirements of the Morgan County Subdivision Ordinance, and/or a procedure for future approvals of individual plats and site plans for the various phases of the project.

**3. Effect of an Approved MPDR Plan**

- a. The approved and recorded MPDR Plan shall constitute a development permit. It shall contain those terms and conditions related to zoning, subdivision, and site planning agreed to by the County. The MPDR Plan shall describe all of the limitations, restrictions, conditions, and parameters associated with the development of the subject property. The MPDR Plan shall describe all processes and procedures for obtaining a building permit for all elements of the development.
- b. Upon approval of a MPDR Plan by the Governing Body, it shall constitute a vested right in the specific terms and proposals contained therein for a period of five (5) years from the date of the approval, or longer when specifically allowed in the agreement or when subsequently agreed to by the Governing Body, subject to any conditions agreed to and incorporated into the agreement.

**4. MPDR Plan Modification.**

- a. Upon receiving an application for a modification to an approved MPDR Plan, the Planning Department shall schedule the matter at a regular meeting of the Planning Commission as soon thereafter as may be practicable. The Planning Department shall schedule a public hearing and give reasonable notice thereof on the matter before the Planning Commission. The Planning Commission shall hear public input and review the Planning Department's recommendation related to the proposed modification. The Planning Commission shall review the proposed modification and make a recommendation for approval, approval with conditions, or denial to the Governing Body. In making a recommendation for approval the Planning Commission must find that:
  - a) circumstances relevant to the request have changed since, or were unknown at the time of, the original MPDR Plan approval;
  - b) that the modification will not otherwise alter any of the findings required in subsection (1)(e) above;
  - c) the modification is generally consistent with the efficient development and preservation of the entire MPDR Plan; d) the modification does not affect in a substantially adverse manner either the enjoyment of land abutting upon or in the general vicinity of the property in question; and e) the public health, safety, and general welfare are not adversely

- impaired by the modification.
- b. Upon receiving a recommendation from the Planning Commission, the Governing Body shall hold a Public Hearing on the proposed modification. The Planning Department shall cause reasonable notice to be given before the public hearing. After receiving public input and reviewing the recommendation of the Planning Commission and Planning Department, the Governing Body shall approve, approve with conditions, or deny the modification. Approval shall be in the form of an Ordinance amending the original MPDR Plan Ordinance. In making a determination for approval the Governing Body must find that:
    - a) circumstances relevant to the request have changed since, or were unknown at the time of, the original MPDR Plan approved;
    - b) that the modification will not otherwise alter any of the findings in Section (a) above;
    - c) the modification is generally consistent with the efficient development and preservation of the entire MPDR Plan;
    - d) the modification does not affect in a substantially adverse manner either the enjoyment of land abutting upon or in the general vicinity of the property in question; and
    - e) the public health, safety, and general welfare are not adversely impaired by the modification.

**16-15-070 Development Agreements.**

A. Authority. Morgan County may, but under no circumstances is it required to enter into a development agreement with a property owner or applicant for development approval. The County, at its sole discretion, may opt to use a development agreement when it determines that such an approach to development promotes and protects the public health, safety and general welfare. Development agreements (MPDR Plans) shall be used to implement MPDR rezones, in accordance with Chapter 15 of the Code.

B. Binding Agreement. Whenever the County opts to enter into a development agreement, the agreement shall constitute a binding agreement between the applicant and the County. It shall contain those terms and conditions agreed to by the applicant and the County. The agreement shall describe all limitations, restriction, and parameters associated with the development of the subject property. The agreement shall describe all processes and procedures for obtaining final approval and building permits. The agreement shall not allow the sale or transfer of individual parcels or components of the entire project unless specifically provided for in the agreement or as otherwise allowed under Utah Law.

C. Effect of Approval. Upon approval of the agreement, it shall constitute a vested right in the specific terms and proposals for a period of five (5) years from the date of the approval, or longer when specifically allowed in the agreement, subject to any conditions agreed to and incorporated into the agreement.

D. Criteria for Approval

1. The development agreement has been duly adopted in accordance with the provisions stated in this section, unless it comprises an MPDR Plan, in which case, it is subject to the adoption and approval provisions of Chapter 16.15;
2. The development agreement includes written consent by each land owner whose properties are included within the area described;
3. The Board of County Commissioners, after receipt of a recommendation from the Planning Commission and review and consideration of the development agreement, finds that the specific proposals, terms, and conditions contained in the agreement promote the intent of the General Plan, result in benefits to the general public that would not otherwise occur under the literal application of the Code, and effectively protect the health, safety, and general welfare of the public;
4. Development allowed under a development agreement shall comply with appropriate Concurrency Management Provisions of the Code(need to est. stds.), the Infrastructure Standards of the Code, and all appropriate criteria and standards described in the Development Agreement;
5. When appropriate, based on the size of the project, the land owner or applicant agrees to, at a minimum, contribute all capital improvements and facilities necessary to mitigate the impacts of the project on Morgan County and its Special Districts;
6. The landowner or applicant will mitigate all fiscal impacts on the general public;
7. Development shall not be permitted to create unacceptable construction management impacts;
8. While a creative approach to the development and use of the land and related physical facilities may be allowed by a development agreement, all development approved in the agreement shall meet or exceed development quality objectives of the General Plan and the Code;

9. The development shall be consistent with the goal of orderly growth and minimize construction impacts on public infrastructure within Morgan County;
10. The development shall protect life and property from natural and man-made hazards; and
11. The development shall prevent harm to neighboring properties and lands, including nuisances.