



*Due to a technical malfunction, the audio portion of the Planning Commission Meeting is not available for this date.

PLANNING COMMISSION AGENDA

Thursday, August 08, 2013

Morgan County Council Room

6:30 PM

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

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

Administrative Items

5. Discussion/Decision: Tifie Ranch Conditional Use Permit
6. Discussion/Decision: Little Horn Subdivision
7. Discussion/Decision: Rollins Ranch Phase 4a
8. Discussion/Decision: Rollins Ranch Phase 4b
9. Discussion/Decision: Rollins Ranch Phase 5
10. Discussion/Decision: Rollins Ranch Phase 6
11. Discussion/Decision: Flexible Subdivision Survey Results

Legislative Items

12. Discussion/Decision: Flexible Subdivision Non-Conforming Lot Ordinance
13. Staff Report.
14. Approval of minutes from June 27, 2013
15. Adjourn.

Members Present

David Sawyer

Debbie Sessions

Roland Haslam

Darrell Erickson

Michael Newton

1. Call to Order- Prayer

Chairman Haslam welcomed everyone and also welcomed Mickaela Moser as the new transcriptionist. Chairman Haslam offered prayer.

2. Approval of agenda.

Member Sessions moved to approve the agenda and switch items 11 and 12. Second by Member Newton. The vote was unanimous. The motion carried.

3. Declaration of conflicts of interest.

Chairman Haslam declared a conflict of interest on items 7, 8, 9, and 10.

4. Public Comment.

Member Newton moved to open public comment after each section of numbers 5-10. Second by Member Sawyer. The vote was unanimous. The motion carried.

Administrative Items

5. Discussion/Decision: Tifie Ranch Conditional Use Permit

Robert Workman, Owner of Tifie Ranch wants to add one solar array structure to the one that's already there. Member Sawyer asked if Robert Workman has seen staff recommendations and if there are any problems with recommendations.

Charlie gave his presentation, noting that Mr. Workman did a great job presenting his part. Charlie stated they were baffled why they would need a conditional use permit because it's an obscure location. He stated there is a fence surrounding the unit, but it's out of public sight.

Conditions of approval for Mr. Workman:

1. That the applicant will apply for and receive a building permit prior to the commencement of construction.

2. That the applicant will submit with the building permit application a detailed site plan identifying the construction location as well as all outbuildings and property lines to ensure adequate setbacks.
3. That a fire protection plan, or other considerations as approved by the local fire official, will be required during the building permit process.
4. That a six foot fence will be constructed around to the ground mounted solar array to ensure public safety.
5. That the solar array/panels are placed in such a manner that they are not visible from the public right of way and shall not reflect sunlight into the public right of way.
6. That erosion control and revegetation plans will be submitted to the Morgan County Planning Department for review and approval by the Zoning Administrator.
7. That the project adheres to all other local, state, and federal requirements.

Mr. Workman responded that the recommendations are reasonable. The only danger of public safety is the 4-foot ditch but there is no problem to fence around if that is the County Council's recommendation. Member Erickson had no comment about the distribution system. Mr. Workman stated that Rocky Mountain Power meters it and it is the best system in the county. Member Sessions inquired about the type of fence required and Charlie responded that there is not a specific type required by code.

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

There was no public comment.

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

Member Sessions moved to forward a positive recommendation to the County Council for the Tifie Ranch Ground Mounted Solar Array Conditional Use Permit for construction of a solar photovoltaic array for the purpose of power generation to be used on site, application 13.061, subject to the findings and conditions listed in the July 26, 2013 staff report.

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

6. Discussion/Decision: Little Horn Subdivision

Mr. Dave Sadzewicz - Amend the Denise Wasuita Minor Subdivision. Would like to subdivide into 3 lots, leaving the final home. He is seeking a positive recommendation as well as asking for a special consideration approval of this project as well as asking for special consideration in response to the covenant. The covenant was created 25 years ago for a \$2500 assessment per house for ingress and egress rights on 5800 North. There is currently one existing home with access to Old Highway Road. He stated that 5800 N now intersects with Old Highway Road near the Rollins Ranch entrance. His argument is that access for lot 3 will not need to access 5800 N (Powder Horn Road) for ingress or egress.

Mr. Sadzewicz's second argument is that the \$2500 assessment from the covenant was already paid by original owner, Jim Williams. That original house has since been removed and will be replaced by a new home. Since the assessment was paid on the previous house on that lot, Mr. Sadzewicz asks that the original assessment be acceptable so he will not have to pay it. He had one final request: if the assessment cannot be removed, he would like to proceed and not have it delay the project any further.

Chairman Haslam asked if there were any further questions, to which there were none.

Charlie gave his presentation of 3-lot subdivision of Powder Horn Rd (5800 N) and Old Highway Rd. It is currently a single-lot subdivision. There are no issues with the proposed lot boundaries. Water provisions: Letter from health dept for 1-14 connections.

There are 16 items that need particular care before approval: Public improvement and agreement with a bond. Existing sidewalk, curb and gutter need to be extended to the end of the property. Extend pavement on Old Highway Road 2 ½ feet to meet requirements.

Asking for a revised letter from the fire chief of approval. Covenant of the land has been recorded in County Attorney Office.

Member Sessions: Item 4 of the covenant refers to homes built on any of the property along 5800 North. She also noted that small sections of the property are still zoned A-20. She suggested a possibility of the county cleaning it up by rezoning to R-120.

Charlie: I think the intent is supposed to be ½ acres

Member Sessions wanted to know the county attorney's thoughts on the issue. Charlie indicated that the fee stands.

Member Sawyer wondered when the fee was assessed, if the road was different?

Charlie: discussed availability to get off this road. If road was never created, Mr. Sadzewicz would be spending 100%. Failed to consider inflation.

Member Sawyer: Idea was lot 1 would use the \$2500 to enter and exit the road to their residence. In the original construction of the road it looked like access would have to be off Old Highway Rd instead of PowderHorn Rd Lot 1.

Charlie: Not sure if original homeowner had to pay.

Member Erickson: I'm confused if that is the original.

Chairman Haslam: Original went clear to the end

Charlie: Home in 1988, owner was required to pay 2500 dollars

Member Erickson: Access was not specifically mentioned

Mr. Sadzewicz: It's in the specific agreements from the property owners at the time.

Jim Williams, property owner, shall have the right of access on 5800 N for egress and regress. Lot #2 in his opinion, would be accessing the same.

Chairman Haslam: Issue of water and sewer. Do we have updated paperwork for approval?

Charlie: Yes

Chairman Haslam: What about a well? The Health Department in 2006 issued a policy requiring enough area for well head protection on each lot. If you want to provide all 3 lots with 1 well, it's ok, but have to provide enough area that if there's a problem with the well, it can be replaced.

Charlie: Wondered if it is being addressed by other departments.

Chairman Haslam: So we could add an item, #17, that we could get a letter of approval from the health department.

Mr. Sadzewicz: I have a letter from the Health Department for approval for lot 1. If you replace a well, you can go up to 100 feet for a replacement. Well protection would be contained.

Chairman Haslam: We still need the Health Department letter.

Mr. Sadzewicz: I thought she had that covered with the 14 connections off the well. Anytime I call them to talk about the well, she says, "Is this the same well?"

Member Newton: Is this a building permit issue?

Chairman Haslam: I don't want him to get to the next step and then realize he has to backtrack.

Member Sessions: Condition with the running of the land.

Charlie: We will verify what the covenant is.

Member Erickson moved to open public comment. Second by Member Newton. The vote was unanimous. The motion carried.

Mike Wasuita stated he has lived on Little PowderHorn Road for 25 years. He has one house on 10 acres. He is aware of the covenant that runs with the land and believes the property is subject to it.

Ron Lawson: Posed a question to long-time resident, Paul Warner: "How long has that cabin been there?" To which Paul Warner and others responded at least 20 years and upwards of 36 years. The cabin is small. Their neighbor had permission to move cabin to her backyard for historical reasons. Powder Horn Road was originally paved by the county with pit run. His thought on this is the construction of the new curvature of Powder Horn Rd, to extend that portion to the NE corner of the subdivision benefits Mr. Sadzewicz.

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

Member Sessions moved to forward a positive recommendation to the County Council for the Little Horn Final Subdivision Plat, an amendment to the Denise Wasuita Minor subdivision, application 12.036, subject to the conditions and based on the findings presented in the staff memo dated August 8, 2013, with one additional requirement #17 for: A letter from the Weber Morgan Health Department stating that the three lots meet the Health Department's requirements for well head protection: and that staff propose amendments to the zoning map for that area changing the A-20 zone on the property to R1-20.

Discussion:

Chairman Haslam requested to keep direction to staff separate from motion on the item. Member Sessions stated it is not a condition for approval, it is just additional comments.

Member Sessions struck the additional directions to staff from the motion. The motion now reads: Member Sessions moved to forward a positive recommendation to the County Council for the Little Horn Final Subdivision Plat, an amendment to the Denise Wasuita Minor subdivision,

application 12.036, subject to the conditionis and based on the findings presented in the staff memo dated August 8, 2013. Member Newton seconded.

Discussion:

Member Erickson commented that based on explanations he's heard on the \$2500, he will take exception to what the County Attorney has said, concluding it has already been paid in his judgment.

The vote was unanimous. The motion carried.

7. Discussion/Decision: Rollins Ranch Phase 4a

Skyler Gardner, employee of Gardner Development, representing Rollins Ranch, LLC. Explained why they divided into 2 subdivisions and 2 phases. Now they are ready to purchase all of it and would like to go ahead with all of it. 30 lots total. Consists of $\frac{1}{4}$ and $\frac{1}{3}$ acre lots. Includes small portions of open space. Phase 4 is 16 acres in total and are 5 acres off in calculations. He thought they'd matched up the discrepancy regarding of open space.

Member Sessions wondered if the current agreement is the amended one. Gardner affirmed it was.

Gardner: Lots showed what was in the lots and open space. Discrepancy of 5 acres from printed colorful papers and engineer plans. Calculations were incorrect.

Member Sessions: Concept matches approval. Wondered if the intention of open space didn't matter?

Gardner: No minimum requirement for open space.

Member Sawyer: Use of open space, areas to entrance. Blue areas are native open space. What are you going to do with the small slivers of land?

Gardner: It is hillside.

Member Sawyer: You don't know what you'll do with it?

Gardner: No, we haven't made any proposals. Parcel A is in phase b; is 12338 sq feet.

Member Sessions asked about the view park.

Gardner explained that a sidewalk leads to it, and it's a place to enjoy. Another thing, the conditions list is quite long. Preliminary plat required to go to Commission first, Council second; then back to Commission for a final plat and

Council for a final. Conditions relate to both preliminary and final, since Commission and Council see both.

Member Sawyer: Some residents in Rollins Ranch believe a road will eventually go to Trappers Loop. Does the developer have plans to eventually do that?

Gardner: Morgan County School District has land there. Indicated it is beyond their control.

Chairman Haslam indicated it was time to move along the subject matter.

Charlie: A subdivision request shall be approved as long as it meets requirements. There are issues with open space. There are specifically, 30 lots in 4a and 4b. This is preliminary plat review. There are 15-16 conditions. Process for approval is preliminary at planning commission, preliminary at county council. Final at planning commission and final at county council.

4a and 4b being addressed as if they're the same thing. Frontage was approved with the concept plan. Smallest length of frontage is 82.97 feet, which is above frontage requirement. PRUD ordinance doesn't appear to have a minimum of open space. Where did missing open space go? Probably a miscalculation.

I recommend what was approved and go along with the concept plan. Requires CC&R. We don't enforce, but they're required. Water source secondary water supply. Need to see 800 per day, but is a condition for approval... More like a 1000. Storm water drainage plan, got more than enough for phase 4a and 4b. Sewer provided by sewer district.

Charlie: Development agreement sets a process for preliminary plat goes to planning commission. Our current ordinance says concept at planning commission.

Member Sessions: I don't think it's our call regarding the development agreement.

Charlie: He is looking for a recommendation.

Member Newton: Aren't you including both?

Charlie: I am including a higher level review. Our current ordinance doesn't call for --Development agreements take a higher level agreement. Mark Miller, our engineer is fine.

Member Sessions: In addressing number 3 in conditions: Open space vs Native open space. Is it your term? Their term?

Charlie: What is native open space? Exhibit J-1 indicates the color. Not a lot of information. Go to Exhibit G-1: existing native grasses. Not particularly groomed landscape. Not to be expanded.

Member Sessions: in G 1, open space calls it open space and not native space.

Different exhibits refer to open space and native open space. Open space is green and defined, groomed. Native open space is different.

Member Newton commented that the exhibits have the color coding at the top of the exhibit page.

Member Sessions: Native open space still takes a lot of care to not let it go to weeds and thistle.

Member Sawyer: Can it be a recommendation for a landscape.

Charlie: It can be a recommendation, but not a mandate.

Member Newton: Require but not change.

Charlie. You can ask for it.

Chairman Haslam stated he has a conflict of interest, noting that our agenda calls for preliminary plat approval. He wanted to know if it was advertized for preliminary or final. If it was advertized as preliminary, they cannot move forward to final. Charlie responded that it was only preliminary approval today.

Gardner: Seeking a recommendation to not come back to this board for final.

Member Erickson moved to open public comment. Second by Member Sessions. The vote was unanimous. The motion carried.

4a and 4b. public comment

Wade Warner: Family has land north of proposed 4a and 4b, also phase 6 as well. Signed contract in 2007 that has not yet been completed. Proposed and agreed upon for an easement for secondary water on property. Also an easement on open area for secondary water. Want both in place to avoid conflict. Want fencing to work with developers. Has concerns about the property lines and fence lines not coinciding. Fencing has been around for 100 years and more recently has been removed in the night to accommodate building, but he wants to avoid that happening in the future conflicts. Wants all traffic, including agriculture equipment, to go through Rollins Ranch subdivision. That sums up his concerns and conflicts.

Joe Coles: Father of 7 children who lives within the subdivision and is concerned that Rollins Ranch will be Grand Central Station. He is concerned that if there was an accident, there is a huge bottleneck with no other access point coming out of there. It is a deathtrap where no one can get out. He also has concerns with water assessment. He suggested an outside audit of the water be done to make sure there is enough water for everyone in all the lots.

Gary Ivy: Lives on Rollins Ranch, on the entrance road. Egress is his main concern. Trails are not maintained. There are a lot of kids and people all trying to make their way to buses. Need to accommodate. Most of the section at the bottom of Exhibit D-1 is not a planned landscape. He would like to see it planned.

Gordon Sant: Lives on Rollins Ranch, and has concerns for egress. He suggested addressing the fire department so everyone is not trapped. He is also concerned about having enough room for emergency vehicles. Also expressed concern about the existence of CC&R's and that they've been amended 3 times. Big concerns with open space. He is one of 4 lots that acquired 10 additional feet to the property when he bought in 2006 that has never been done. His understanding is that it needs to be done. It's been landscaped, fenced. He is concerned that he and the others won't get their 10 additional feet.

Vicki Resnick: Recent homeowner at Rollins Ranch, who moved here from out of state. Expressed concerns about nowhere to turn around and the difficulty of maneuvering around the development during construction. Believes there are issues for kids' safety, stating there are 40 children- many of them elementary school age- living on one road. The cranes, wildlife and cows frighten the children. Suggested a gate to eliminate congestion. Expressed frustration for the amount of garbage in empty lots and the presence of mice and ants.

Gary Ivy: Added concern about broken cement and other construction waste.

Joe Coles: Added his concern about the mess and garbage.

Paul Warner: Added to what his son, Wade Warner, said about secondary water having severe water restrictions. Suggested looking at engineering designs to remedy the situation as the new phase comes into existence.

Reed Costly: Landowner in Rollins Ranch. Has concerns about egress and traffic. Is also concerned of whether the amount of culinary water is enough. Also, the safety of children in the area.

Jared Flitton: He is the last home before where 4a will be. His backyard backs Warner's property. Stated that one egress is not sufficient. Main concern. Echoed comments from Wade Warner with fencing and cattle escaping into his yard at night. Lots of talk of getting fencing resolved, but it hasn't happened.

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

Member Sawyer: Addressed questions for Mr. Gardner, stating he didn't understand closing of the old Trappers Loop Road and its impact on Rollins Ranch. Gardner indicated the course of the original Trappers Loop Rd. Stated the road had been vacated, but it is still used for cattle runs. They are trespassing.

Member Sawyer indicated he would talk to Charlie about it. It's a big concern for anyone involved with the department.

Member Sessions inquired about the easement regarding secondary water.

Gardner: Reflected in parcel A. Also a public utility on lot 403, intended to deliver water to their northern pasture. During construction, the excavator removed fencing. Existing agricultural fence is imposing on Rollins Ranch property and a temporary fence is in place.

Member Sawyer directed his question to Charlie: What can we do with farm vehicles going through?

Charlie: Spoke with Mr. Warner. Mountain Green is moving away quickly from its agriculture nature. People moving in can see those changes, but have been promised a rural environment..... Road was vacated in the 1990s to the county line. It was vacated in favor of whoever owns the ownership of the property. Law states private rights of way can be established. What can be done? Developers provided evidence that they own property. Roads going through Rollins Ranch are public so they can't be restricted. Farm and suburbia are meeting and it is a conundrum. How they resolve this issue is up to them and the courts.

Member Sessions requested that Charlie give those in attendance an explanation of the ingress and egress, since determination was made years ago before even one resident was there.

Charlie explained that roads are made with the abstract in mind. No one knows when development will happen. It is difficult to know when to ask for what and how to stop development from happening. One ingress/egress is fine.

Member Haslam: This is what's been approved. There's nothing we can do to change your concerns.

Vicki Resnick: Wanted to know if there is a law in Morgan County of distance between homes and the fire department. She thought it had to be a time restriction of less than 4 ½ minutes for emergency vehicles to respond.

Chairman Haslam: Responded that it was not what she wanted to hear, but she will need to address it herself by talking to Charlie.

Member Erickson had a question about public safety.

Charlie reported that anything over 150 feet must have a turn-around. He stated the developer had proposed another fire hydrant. Fire chief has reviewed and has no issues specific to the proposed phase.

Member Erickson had another concern with the entry. He wondered if the county engineer looked at it with traffic going through?

Charlie indicated that a traffic study would need to be performed to verify that there is a sufficient need.

Gardner stated they have an approval.

Member Erickson: Needs to have a public knowledge.

Charlie: I can confirm with Kent if it's something that has been adopted.

Member Sawyer: To address the residents concerning phase 4, don't feel like your wishes are not being heard. I think the developer will take your concerns to heart and both issues will be looked into and some resolution will be met.

Member Sawyer moved to forward a positive recommendation to the County Council of the Rollins Ranch Preliminary Plat for Phases 4a and 4b, applications #12.172 and 12.173 subject to the findings and conditions listed in the July 24, 2013 staff report, and as modified by the conditions and findings below:

- **#24. Contingent on completion of recommendations made by staff listed in the July 24, 2013 staff report.**
- **#25. That a landscaping plan for all native space contained within the subdivision is submitted.**
- **#26. That removal of debris on the northwest corner of property in concerned phases shall occur.**
- **#27. That verification of culinary water supplies shall occur.**
- **#28. That traffic study verification or recompletion of study shall occur.**

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

9. Discussion/Decision: Rollins Ranch Phase 5

Dan Bridenstein, US Development, Partner in Rollins Ranch development of Phase 5. Rollins Ranch phase 5 was originally platted, we've scaled back to 10 lots and decreased the size on some of those lots. Not only have we gone over preliminary review on these lots, but we've had an extensive review on them. He wanted to address some concerns of residents. First to Wade Warner's concerns about utilities, Mr. Bridenstein said they have agreed to run water conduits up to his land. For some reason, they didn't show up in their title search and it got missed. He wanted to clarify that his company had nothing to do with fences being taken down at night and would also like to see a more consistent fencing. He is unable to help with the mice issue or the sandhill cranes. Paul Warner requested a waterline easement to beef up the secondary water line and they will take care of those easements. The missing 5 acres is ludicrous. The forms have always shown the same. It is not a groomed section. It has wildflowers and is drought resistant. Regarding phase 5 and the traffic scenario. 304 lots were approved under the development agreement. Extensive studies were done to service potential homes and access to them. Designed for wider roads, additional green area. Also, recession slowed it down. They have dropped back by 80 homes or so.

Charlie: Significant grading will happen. Up to 20 feet of cut, 5 feet of fill. Mark Miller Engineering feels confident in their plan. Developer plans to construct the subdivision. If they want to construct first they've got to bond. Don't want to relive Whisper Ridge. Staff report: 10 lots, phase 5. 13.56 acres. Willing to file plat 6 before plat 5. Need to set up a scoping meeting as required by geological society. Same conditions as in phase 4, but more because of the geological issues.

Member Sawyer discussed a difference in geological hazard, mentioning Hidden Hollow.

Charlie mentioned that Hidden Hollow didn't have it.

Member Sawyer wondered if the nature trail is present already?

Gardner answered no.

Member Sawyer: small vehicles. What is the intent?

Gardner. It will be cut and have small slopes

Member Sessions wondered if the open space will be accomplished at the phase 6.

Charlie suggested it be done at the final flat.

Dan Bridenstein said on plats, anything over 25% will have slope easement. Slope easement areas cannot have a garage built or any other building. It's additional open space.

Member Sessions asked if the easement would be recorded on the plat.

Bridenstein continued to discuss slope easement and it being a no-build area.

Chairman Haslam thought maybe part of it was.

Bridenstein stated it didn't matter.

Charlie: You can't build on those portions of the lot.

Member Sawyer wondered if 3% open space deficit really that big of a deal?

Charlie: That's for you to decide. Our current ordinance doesn't require for open space.

Bridenstein. You have a hard ordinance to subscribe to.

Member Erickson stated he sees a futuristic problem with multiple owners. Who is going to monitor the slide down process? It could be very problematic. This has multiple conditions and he fears for long-term issues.

Charlie: Who is responsible? The signature is Rollins Ranch executor. Right now it is Rollins Ranch, LLC but whoever that is, they are to be held responsible.

Gardner: Between phases 5 &6 we would like it to remain conditional as currently presented. Chairman Haslam wondered if there was any new public comment.

Member Sessions moved to open public comment. Second by Member Newton. The vote was unanimous. The motion carried.

Gordon Sant: Appreciated the concerns of residents being addressed. He is very concerned for the secondary water at Rollins Ranch – that there is not going to be enough secondary water provided for all of the residents up there. He stated that they are having problems now with everyone's landscaping, etc. He recommends making the same concerns with Phases 4 and 5 as with Phase 6. He understands the Planning Commission's limitations.

Member Sawyer: Just to clarify on the water: they are required to show the county that they can provide a certain amount of water. We can add that as a clarification.

Member Newton moved to close public comment. Second my Member Sessions. The vote was unanimous. The motion carried.

Member Sessions moved to forward a positive recommendation to the County Council of the Rollins Ranch Preliminary Plat for Phase 5, applications #12.099 subject to any findings and conditions listed in the August 1, 2013 staff report....and as modified by:

- **Condition #36. That the open space requirement of 47.4% be met and reflected in the final plat between phases 5 & 6.**

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

10. Discussion/Decision: Rollins Ranch Phase 6

Chairman Haslam reminded everyone that it was getting close to time constrictions. Wanted to know if there was anything different on item 10.

Gardner said Mr. Durbano has agreed to participate in the grading plan. Other than that is it the same. For secondary water, they purchased approx 330-350 shares for NW irrigation to service. Announced they have excess water shares. Shares are able to service the lots there in phase 6. Can't speak for phase 5. Slopes that excess 15% will not be sprinkled.

Member Sawyer: Referenced Mr. Wasuita's email that an inquiry was sent for water shutoff date.

Gardner: Water shut off the 1st of September.

Charlie: If there's not enough irrigation provided, there should be a condition of approval on the plat so people know what they're buying into. Nature trail runs through phase 6.

No one had any public comment at this time.

Member Sawyer moved to forward a positive recommendation to the County Council of the Rollins Ranch Preliminary Plat for Phase 6, applications #12.100 subject to the findings and conditions listed in the August 2, 2012 staff report, and as modified by the conditions and findings below:

- **#33. That the final plat approval shall include the number of secondary irrigation shares and irrigable acreage that will be**

provided for each lot, and by what water entity. Second by Member Sessions.

The Chairman called for a debate. There was a debate over the verbiage.

The vote was unanimous. The motion carried.

Chairman Haslam addressed Charlie about item #12.

Charlie: Reviewing Jones' request. Nonconforming lots prohibited after adoption. It even says they can amend open space area. Rollins Ranch, there was no limited open space. Johnson's required a certain amount of open space.

Member Erickson: Whatever was in the original, they'd be held to it. Commented they didn't own the first in Charlie's example.

Member Sawyer: Regardless, in the subdivision, when they want to change the plat they need approval.

Member Sessions: One owner cannot make a decision for all the homeowners.

Charlie: This allows them to amend the PRUD subdivision.

Member Sessions discussed a situation that came to her attention with the packets for non-conforming uses about an 80-yr old couple trying to make an addition to their home that would require a 3 month conditional use permit process. She wants to change wording to allow zoning administrator to approve it as long as it doesn't create a greater non-conformity. She wondered if the motion would approve both at the same time or if it would be two separate motions?

Chairman Haslam: If we're all in agreement with 8-7-4, make your motion including both. Then we can amend the motion, dividing the two if needed.

Member Newton: It specifies three regulations. Should that list be longer?

Charlie: They are established ordinances in zoning. These are definite standards in zoning.

Member Sessions: The original spelled out height regulations.

Member Newton: Those are the 3 specific regulations listed.

Charlie discussed width, depth, open space, frontage and area requirements; all commas. Charlie reminded the Chairman that this was noticed for a public hearing.

Member Newton moves to go to public hearing. Second by Member Sessions. Vote was unanimous. The motion carried.

No one commented.

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

Motion by Member Sessions moved to forward a positive recommendation to the County Council for the proposed land use regulations text amendments regarding plat amendments to lots created by flexible subdivision or zoning ordinances now repealed, application 13.067, based on the findings presented in the staff report dated August 2, 2013, with the additional language presented by Member Sessions in the meeting.

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

11. **Discussion:** Flexible Subdivision Non-Conforming Lot Ordinance
Chairman Haslam proposed postponing the flexible subdivision survey, indicating no agenda item shall be started after 10:00 pm.

Member Sessions moved to postpone the Flexible Subdivision Survey results to the next meeting on August 22, 2013.

Member Sessions moved to postpone items 11 and 14 to the August 22nd meeting and directed that they be placed at the end of the agenda. Second by Member Erickson. The vote was unanimous. The motion carried.

Charlie: Changed the Snowbasin meeting to September. Proposal for Rezone and master plan approval. Public will be there.

Member Sawyer: What about calling in? It's not in our by-laws.

Chairman Haslam: We don't have alternate members according to our by-laws.

Charlie informed the commission that they would need to amend their by-laws to allow for alternate members as well as electronic participation.

Member Sessions moved to recommend that Morgan County move forward with a rezone from A-20 to R1-20 along Powder Horn Road. Second by Member Newton. The vote was unanimous. The motion carried.

Member Erickson motioned to adjourn. Second by Member Newton. The vote was unanimous. The motion carried.

DRAFT