



PLANNING COMMISSION AGENDA  
Thursday, September 26, 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. Rollins Ranch 4a Final Subdivision – a 12 lot subdivision proposed in the Rollins Ranch Development in the Mountain Green area.
6. Rollins Ranch 4b Final Subdivision – an 18 lot subdivision proposed in the Rollins Ranch Development in the Mountain Green area.
7. Rollins Ranch 5 Final Subdivision – a 10 lot subdivision proposed in the Rollins Ranch Development in the Mountain Green area.
8. Rollins Ranch 6 Final Subdivision – a 10 lot subdivision proposed in the Rollins Ranch Development in the Mountain Green area.
9. Staff Report
10. Approval of minutes from September 12, 2013
11. Adjourn

Members Present

Shane Stephens  
David Sawyer  
Debbie Sessions  
Roland Haslam  
Darrell Erickson  
Michael Newton

Others present

Tina Kelley  
Skylar Gardner  
Craig Widmier

1. Call to order—prayer.

Chairman Haslam welcomed everyone to the meeting tonight. Member Erickson offered prayer.

2. Approval of agenda.

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

3. Declaration of conflicts of interest.

Chairman Haslam declared a conflict of interest and abstained from comment.

4. Public comment.

**Member Sawyer moved to go into public comment. Second by Member Erickson. The vote was unanimous. The motion carried.**

There was no public comment.

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

**Administrative Items**

**5. Rollins Ranch 4a Final Subdivision – a 12 lot subdivision proposed in the Rollins Ranch Development in the Mountain Green area.**

Skylar Gardner, representative for the applications on Phases 4, 5 and 6 for Rollins Ranch, addressed concerns with ingress and egress and traffic studies. He contacted the fire chief who didn't have any issues with single-family dwellings and the ingress and egress concerns. He expressed desire about fully

constructing the subdivision in lieu of a cash deposit with the county. After recording the plat they would post a 10% warranty bond for 1 year afterward.

He referred to line 940 on the State Code Section 17-27a-604.5: "A land use authority shall require an applicant to complete a required landscaping or infrastructure improvement prior to any plat recordation or development activity" as well as lines 944-946: "Upon the applicant's request, the land use authority has authorized the applicant to post an improvement completion assurance in a manner that is consistent with local ordinance." He understands the subdivision needs to be recorded before they can sell any lots or build.

Member Sessions asked what still remains to be completed.

Mr. Gardner replied that they need to make minor corrections with surveyor comments on the plat and update their title report.

Member Sawyer asked that if the County Council requires a cash bond, what the impact would be on the project?

Mr. Gardner prefers to install improvements, as the 110% cash bond would stall the project.

Charlie reviewed the 14 conditions for approval.

Member Sessions had a question with wording on conditional item #6, along with items #8, #9 with state code. Charlie explained it is ok to ask for 110% and other counties routinely withhold recording the plat until all improvements have been done or a cash bond is submitted.

Member Stephens asked for clarification about the 110% required up front and Charlie referred to the state code that the approved plat is held until all the concerns are addressed and completed.

Member Sessions wondered if the cash escrow was in place in 2006 or if it was a bond and discussion took place about concerns with a bond versus cash.

Charlie interpreted the code to mean that the county has the option to ask for their method of choice as a condition of approval. The recommendation of 110% is written into the current code. Charlie addressed a question from Member Sawyer about the fire chief requiring a secondary access.

Member Sawyer wanted some specific information on the water conditions. The county ordinance requires 800 gallons per day for residential use and 3 gallons per minute for irrigation purposes.

Member Sessions wanted clarification on state code as it relates to county code. State code reads: "A land use authority shall require an applicant to complete a required landscaping or infrastructure improvement prior to any plat recordation or development activity" (17-27a-604.5, 2a).

Member Erickson discussed the level of risk posed to residents.

Member Sessions expressed the desire to protect the county while allowing developers to continue with progress.

Charlie recommended considering a completion agreement on Exhibit F.

**Member Sessions moved to have a 5 minute recess. Second by Member Sawyer. The vote was unanimous. The motion carried.**

**Chairman Haslam called the meeting back to order.**

Member Sawyer commented that there is no desire to stifle development. This will help the cause to generate money for the schools and it's a wise decision to move forward from here and pass decision to the County Council.

**The Chairman called for a motion.**

**Member Sessions moved to forward a positive recommendation to the County Council of the Rollins Ranch Final Plat for Phase 4a, applications #13.092 subject to the findings and conditions listed in the September 19, 2013 staff report, and as modified by changing the wording in conditions #6, 8, and 9:**

1. That all outsourced consultant services fees are paid in full prior to final plat recordation and/or the commencement of any construction.
2. That any minor administrative edits are provided to the satisfaction of respective reviewers.
3. That GIS shapefile information is submitted to the GIS division of the Planning and Development Services Department of the new parcel data at or prior to plat recordation.
4. That, pursuant to MCC §8-12-32(N), the developer shall submit the name, proposed/existing articles of incorporation, and bylaws of the owner or organization empowered to own, maintain, and pay taxes on common area for recording with the final plat.
5. That, if the date of recording exceeds 30 days from the date on the current title report, then an updated title report shall be required to be submitted with the final mylar.
6. That all items in the title report are more fully explained, provided for, or eliminated to the satisfaction of the County Surveyor prior to County Council approval and/or the commencement of any construction.
7. That prior to final plat recordation and/or the commencement of any construction a signed and notarize acknowledgement from Browning Arms is submitted that acknowledges that §2.10 of the Rollins Ranch Development Agreement has been satisfied in a manner that meets their needs.
8. That a signed and notarized "subdivision completion agreement" is executed in a form as approved by the County Attorney; and that the final plat shall not be recorded prior to all required subdivision improvements and a 10% cash bond for the first year warranty period, as proposed by the applicant.
9. That no construction shall commence prior to final approval of construction drawings by the County Engineer and a pre-construction meeting has been held with the County.
10. That inasmuch as the Mountain Green Sewer Improvement District, Questar Gas, and Rocky Mountain Power have all given conditional will serve letters for the proposal, approval of the Final Plat is conditioned on the fulfillment of the various requirements of those entities. Failure to comply may result in voidance of Final Plat approval.
11. That streetlight standards shall comply with Exhibit L-1 of the Rollins Ranch Development Agreement. Operation and maintenance of the streetlights shall be the responsibility of the HOA.
12. That removal of concrete refuse and debris on the property shall occur.
13. That noncompliance with the conditions herein may result in voidance of final plat approval, and may also result in the inability to record the final mylar and/or receive building permits.
14. That all other local, state, and federal laws are upheld.

This recommendation is based on the following findings:

1. The nature of the subdivision is in conformance with the current and future land uses of the area.
2. The proposal complies with the Morgan County 2010 General Plan.
3. The proposal complies with zoning requirements.
4. The proposal generally complies with the 2006 subdivision regulations.
5. The proposal generally complies with the Rollins Ranch Development Agreement.
6. The proposal complies with the conditions of approval for the preliminary plat.
7. The proposed open space satisfies the requirements of the vested laws for the Rollins Ranch Development, and generally satisfies conceptual principles of opens space provisions as required

by the Rollins Ranch Development Agreement, and as drawn on the concept plan in that agreement.

8. The developer has provided evidence that the Cottonwood Mutual Water Company can provide adequate culinary water services to the subdivision, as indicated in the August 19, 2013 letter from Cottonwood Mutual Water Company.

9. The developer has provided evidence that the Mountain Green Secondary Water Company can provide adequate secondary water services to the subdivision, as indicated in the August 13, 2013 letter from Mountain Green Secondary Water Company.

10. That the proposal is not harmful to the health, safety, or welfare of the public.

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

## **6. Rollins Ranch 4b Final Subdivision – an 18 lot subdivision proposed in the Rollins Ranch Development in the Mountain Green area.**

**Chairman called for a motion.**

**Member Newton moved to forward a positive recommendation to the County Council of the Rollins Ranch Final Plat for Phase 4b, applications #13.093 subject to the findings and conditions listed in the September 16, 2013 staff report, and as modified by the conditions and findings below:**

1. That all outsourced consultant services fees are paid in full prior to final plat recordation and/or the commencement of any construction.
2. That any minor administrative edits are provided to the satisfaction of respective reviewers.
3. That GIS shapefile information is submitted to the GIS division of the Planning and Development Services Department of the new parcel data at or prior to plat recordation.
4. That, pursuant to MCC §8-12-32(N), the developer shall submit the name, proposed/existing articles of incorporation, and bylaws of the owner or organization empowered to own, maintain, and pay taxes on common area for recording with the final plat.
5. That, if the date of recording exceeds 30 days from the date on the current title report, then an updated title report shall be required to be submitted with the final mylar.
6. That all items in the title report are more fully explained, provided for, or eliminated to the satisfaction of the County Surveyor prior to County Council approval and/or the commencement of any construction.
7. That prior to final plat recordation and/or the commencement of any construction a signed and notarize acknowledgement from Browning Arms is submitted that acknowledges that §2.10 of the Rollins Ranch Development Agreement has be satisfied in a manner that meets their needs.
8. That a signed and notarized “subdivision completion agreement” is executed in a form as approved by the County Attorney; and that the final plat shall not be recorded prior to all required subdivision improvements and a 10% cash bond for the 1 year warranty period, as proposed by the applicant.
9. That no construction shall commence prior to final approval of construction drawings by the County Engineer and a pre-construction meeting has been held with the county.
10. That inasmuch as the Mountain Green Sewer Improvement District, Questar Gas, and Rocky Mountain Power have all given conditional will serve letters for the proposal, approval of the

Final Plat is conditioned on the fulfillment of the various requirements of those entities. Failure to comply may result in voidance of Final Plat approval.

11. That streetlight standards shall comply with Exhibit L-1 of the Rollins Ranch Development Agreement. Operation and maintenance of the streetlights shall be the responsibility of the HOA.
12. That removal of concrete refuse and debris on the property shall occur.
13. That noncompliance with the conditions herein may result in voidance of final plat approval, and may also result in the inability to record the final mylar and/or receive building permits.
14. That all other local, state, and federal laws are upheld.

This recommendation is based on the following findings:

1. The nature of the subdivision is in conformance with the current and future land uses of the area.
2. The proposal complies with the Morgan County 2010 General Plan.
3. The proposal complies with zoning requirements.
4. The proposal generally complies with the 2006 subdivision regulations.
5. The proposal generally complies with the Rollins Ranch Development Agreement.
6. The proposal complies with the conditions of approval for the preliminary plat.
7. The proposed open space satisfies the requirements of the vested laws for the Rollins Ranch Development, and generally satisfies conceptual principles of opens space provisions as required by the Rollins Ranch Development Agreement, and as drawn on the concept plan in that agreement.
8. The developer has provided evidence that the Cottonwood Mutual Water Company can provide adequate culinary water services to the subdivision, as indicated in the August 19, 2013 letter from Cottonwood Mutual Water Company.
9. The developer has provided evidence that the Mountain Green Secondary Water Company can provide adequate secondary water services to the subdivision, as indicated in the August 13, 2013 letter from Mountain Green Secondary Water Company.
10. That the proposal is not harmful to the health, safety, or welfare of the public.

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

#### **7. Rollins Ranch 5 Final Subdivision – a 10 lot subdivision proposed in the Rollins Ranch Development in the Mountain Green area.**

Skylar Gardner noted that Phases 5 and 6 are mirror images of each other, along with Phase 4. Member Sawyer expressed concern about more grading being done before final approval. Charlie elaborated that the county engineer and himself have updated geologic hazard reports, which took time to complete.

**Chairman called for a motion.**

**Member Sessions moved to forward a positive recommendation to the County Council of the Rollins Ranch Phase 5 Final Plat, application #13.109 subject to the findings and conditions listed in the September 19, 2013 staff report, with the same modifications for conditions #6, 9 and 12 as listed in Phase 4a.**

1. That all outsourced consultant services fees are paid in full prior to final plat recordation and/or the commencement of any construction.
2. That any minor administrative edits are provided to the satisfaction of respective reviewers.
3. That GIS shapefile information is submitted to the GIS division of the Planning and Development Services Department of the new parcel data at or prior to plat recordation.
4. That, pursuant to MCC §8-12-32(N), the developer shall submit the name, proposed/existing articles of incorporation, and bylaws of the owner or organization empowered to own, maintain, and pay taxes on common area for recording with the final plat.
5. That, if the date of recording exceeds 30 days from the date on the current title report, then an updated title report shall be required to be submitted with the final mylar.
6. That all items in the title report are more fully explained, provided for, or eliminated to the satisfaction of the County Surveyor prior to County Council approval and/or the commencement of any construction.
7. That Phase 6 plat is recorded prior to Phase 5 in order to provide for adequate open space requirements and that storm water easement across phase 6 is provided prior to final plat recordation and/or the commencement of any construction.
8. That prior to final plat recordation and/or the commencement of any construction a signed and notarize acknowledgement from Browning Arms is submitted that acknowledges that §2.10 of the Rollins Ranch Development Agreement has be satisfied in a manner that meets their needs.
9. That a signed and notarized "subdivision completion agreement" is executed in a form as approved by the County Attorney; and that the final plat shall not be recorded prior to all required subdivision improvements and a 10% cash bond for the 1 year warranty period, as proposed by the applicant.
10. That all work shall comply with the recommendations of the AGEC geologic and geotechnical reports dated November 15, 2005 and August 27, 2013. Prior to the issuance of the first building permit within the subdivision the developer shall be required to submit verification from the project geologist and geotechnical engineer that the recommendations in the reports and requirements of MCC 8-5I have been adhered to.
11. That a geologic hazards disclosure notice is recorded against the property with plat recording in a form acceptable to the County Attorney, pursuant to MCC §8-5I-13.
12. That no construction shall commence prior to final approval of construction drawings by the County Engineer and a pre-construction meeting has been held with the County.
13. That inasmuch as the Mountain Green Sewer Improvement District, Questar Gas, and Rocky Mountain Power have all given conditional will serve letters for the proposal, approval of the Final Plat is conditioned on the fulfillment of the various requirements of those entities. Failure to comply may result in voidance of Final Plat approval.
14. That all site grading shall be done in conformance with the approved plans, as stamped by the County Engineer, and shall be wholly contained onsite. No truck traffic mitigation plan has been presented therefore no truck traffic shall be permitted on public roads. Earthwork shall be conducted by the developer with a competent contractor skilled in earthwork operations to insure conformance with the design elevations and grades. All work shall be influenced by a licensed geologist and geotechnical engineer in conformance with any geologic hazards and geotechnical reporting, as may be applicable in MCC 8-5I.
15. That bonding separate from public improvement guarantees shall be required for the reclamation and revegetation of all major earthwork permissions prior to the commencement or beginning of construction.

16. That a note on the final plat shall contain the number of irrigation shares being provided for each lot and the irrigable acreage those shares may serve. The note shall also indicate by whom those shares are provided.
17. That noncompliance with the conditions herein may result in voidance of final plat approval, and may also result in the inability to record the final mylar and/or receive building permits.
18. That all other local, state, and federal laws are upheld.

This recommendation is based on the following findings:

1. The nature of the subdivision is in conformance with the current and future land uses of the area.
2. The proposal complies with the Morgan County 2010 General Plan.
3. The proposal complies with zoning requirements of the RR-1 zone as influenced by the PRUD and Rollins Ranch Development Agreement.
4. The proposal generally complies with the 2006 subdivision regulations.
5. The proposal generally complies with the Rollins Ranch Development Agreement.
6. That requiring the recording of phase six before five will avoid the potential lack of platting of and preservation of required open space, and is supported by §4.2A of the Rollins Ranch Development Agreement to provide for an orderly development of the project.
7. That MCC §8-5I indicates certain geologic units as hazard study areas, and requires that all development within them is free from unreasonable or unacceptable geologic hazards. The applicant has provided the certifications and insurance requirements of MCC §8-5I-12(A)
8. The listed conditions will bring the proposal into compliance with current requirements, and assist in the successful execution of a final plat.
9. That the listed conditions assist in providing effective mitigation of potential harmful impact on the health, safety, and welfare of the community.

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

#### **8. Rollins Ranch 6 Final Subdivision – a 10 lot subdivision proposed in the Rollins Ranch Development in the Mountain Green area.**

Member Sawyer wondered what the plan is for the HOA for phases 4-6; if they are going to be separate. Mr. Gardner replied that it has not yet been decided.

**Chairman Haslam called for a motion.**

**Member Sessions moved to forward a positive recommendation to the County Council of the Rollins Ranch Phase 6 Final Plat, application #13.100 subject to the findings and conditions listed in the September 20, 2013 staff report, with the same modifications for conditions #6, 9 12 as listed for Phase 4a:**

1. That all outsourced consultant services fees are paid in full prior to final plat recordation and/or the commencement of any construction.

2. That any minor administrative edits are provided to the satisfaction of respective reviewers, including minor surveying edits, and the accommodation for a public access easement for the trail through the open space area.
3. That GIS shapefile information is submitted to the GIS division of the Planning and Development Services Department of the new parcel data at or prior to plat recordation.
4. That, pursuant to MCC §8-12-32(N), the developer shall submit the name, proposed/existing articles of incorporation, and bylaws of the owner or organization empowered to own, maintain, and pay taxes on common area for recording with the final plat.
5. That, if the date of recording exceeds 30 days from the date on the current title report, then an updated title report shall be required to be submitted with the final mylar.
6. That all items in the title report are more fully explained, provided for, or eliminated to the satisfaction of the County Surveyor prior to County Council approval and/or the commencement of any construction.
7. That Phase 6 plat is recorded prior to Phase 5 in order to provide for adequate open space requirements and that storm water easement across phase 6 is provided prior to final plat recordation and/or the commencement of improvements construction.
8. That prior to final plat recordation and/or the commencement of any construction a signed and notarize acknowledgement from Browning Arms is submitted that acknowledges that §2.10 of the Rollins Ranch Development Agreement has be satisfied in a manner that meets their needs.
9. That a signed notarized “subdivision completion agreement” is executed in a form as approved by the County Attorney; and that the final plat shall not be recorded prior to all required subdivision improvements and a 10% cash bond for the 1 year warranty period, as proposed by the applicant.
10. That all work shall comply with the recommendations of the AGEC geologic and geotechnical reports dated November 15, 2005 and August 27, 2013. Prior to the issuance of the first building permit within the subdivision the developer shall be required to submit verification from the project geologist and geotechnical engineer that the recommendations in the reports and requirements of MCC 8-5I have been adhered to.
11. That a geologic hazards disclosure notice is recorded against the property with plat recording in a form acceptable to the County Attorney, pursuant to MCC §8-5I-13.
12. That no construction shall commence prior to final approval of construction drawings by the County Engineer and a pre-construction meeting has been held with the County.
13. That inasmuch as the Mountain Green Sewer Improvement District, Questar Gas, and Rocky Mountain Power have all given conditional will serve letters for the proposal, approval of the Final Plat is conditioned on the fulfillment of the various requirements of those entities. Failure to comply may result in voidance of Final Plat approval.
14. That all site grading shall be done in conformance with the approved plans, as stamped by the County Engineer, and shall be wholly contained onsite. No truck traffic mitigation plan has been presented therefore no truck traffic shall be permitted on public roads. Earthwork shall be conducted by the developer with a competent contractor skilled in earthwork operations to insure conformance with the design elevations and grades. All work shall be influenced by a licensed geologist and geotechnical engineer in conformance with any geologic hazards and geotechnical reporting, as may be applicable in MCC 8-5I.
15. That a note on the final plat shall contain the number of irrigation shares being provided for each lot and the irrigable acreage those shares may serve. The note shall also indicate by whom those shares are provided.
16. That noncompliance with the conditions herein may result in voidance of final plat approval, and

may also result in the inability to record the final mylar and/or receive building permits.  
17. That all other local, state, and federal laws are upheld.

This recommendation is based on the following findings:

1. The nature of the subdivision is in conformance with the current and future land uses of the area.
2. The proposal complies with the Morgan County 2010 General Plan.
3. The proposal complies with zoning requirements of the RR-1 zone as influenced by the PRUD and Rollins Ranch Development Agreement.
4. The proposal generally complies with the 2006 subdivision regulations.
5. The proposal generally complies with the Rollins Ranch Development Agreement.
6. That requiring the recording of phase six before five will avoid the potential lack of platting of and preservation of required open space, and is supported by §4.2A of the Rollins Ranch Development Agreement to provide for an orderly development of the project.
7. That MCC §8-5I indicates certain geologic units as hazard study areas, and requires that all development within them is free from unreasonable or unacceptable geologic hazards. The applicant has provided the certifications and insurance requirements of MCC §8-5I-12(A)
8. The listed conditions will bring the proposal into compliance with current requirements, and assist in the successful execution of a final plat.
9. That the listed conditions assist in providing effective mitigation of potential harmful impact on the health, safety, and welfare of the community.

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

#### **9. Staff Report**

Discussion followed of updating the bylaws and rules of procedure. Participation via an electronic device and alternate members were discussed. A quorum (4 people) needs to be present to continue; however a member may participate if desired via electronic device.

**Chairman Haslam called for a motion.**

**Member Sessions moved to amend the Planning Commission Bylaws and Rules of Procedure by adding electronic attendance to E2 as mentioned in the September 26, 2013 amendments, striking paragraph 4 and adding the number 4 in parentheses after the mention of a quorum in paragraph 1 and 2 and striking any references to a change for alternate members.**

**Second by Member Stephens. The vote was unanimous. The motion carried.**

#### **10. Approval of minutes from September 12, 2013.**

**Member Sessions moved to approve the minutes from September 12, 2013. Second by Member Erickson. The vote was unanimous. The motion carried. Member Newton abstained.**

**11. Adjourn**

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

**Approved: \_\_\_\_\_ Date: \_\_\_\_\_**  
**Chairman**

**ATTEST: \_\_\_\_\_ Date: \_\_\_\_\_**  
**Mickaela Moser, Transcriptionist**  
**Planning and Development Services**