



PLANNING COMMISSION AGENDA
Thursday, March 28, 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
5. Discussion: Ponderosa Update
6. Discussion/Decision: Application Expiration Text Amendment
7. Staff Report.
8. Approval of minutes from March 14, 2013
9. Adjourn.

PLANNING COMMISSION AGENDA
Thursday, March 28, 2013
Morgan County Council Room
6:30 PM

MEMBERS PRESENT

Roland Haslam, Chairman
Darrell Erickson
Debbie Sessions
Michael Newton
Shane Stephens
Steve Wilson

STAFF PRESENT

Charles Ewert, Planner
Ronda Kippen, Assistant Planner Tech

MEMBERS ABSENT

Alvin Lundgren

COUNTY COUNCIL PRESENT

Tina Kelly

***** MINUTES *****

1. Call to order – prayer.

Chairman Haslam called the meeting to order.
The prayer was offered by Chairman Wilson.

2. Approval of agenda.

Member Sessions moved to approve the agenda. Second by Member Erickson. The vote was unanimous. The motion carried.

3. Declaration of conflicts of interest.

There were no conflicts of interest declared.

4. Public Comment:

Member Stephens moved to open public comment. Second by Member Wilson. The vote was unanimous. The motion carried.

There was no public comment.

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

5. Discussion: Ponderosa Update

Charlie noted nothing has changed in the last week since his Memo dated (Please see attached exhibit A)

Member Erickson noted he is concerned about the multiple development agreements and the conflicts that may come forward.

Charlie noted the following:

- One application is open at the County Council level which is the development agreement amendment; that is not a subdivision plan. That is supposed to be a tool to help Mr. Durbano get to the subdivision plan.
- Mr. Durbano jumped ahead in submitting his subdivision application. The subdivision application did not meet the terms of the development agreement at the time. Then he subsequently wanted to amend the development agreement to allow for the subdivision to work. Mr. Ewert noted he has requested several times that Mr. Durbano postpone decision on one until final decision on the other has been made; but Mr. Durbano has not been desirous to do that.
- He noted if Mr. Durbano was not using State code, what is referred to as the "rip cord" to get a final decision, the County would have said "no" going forward on one until a decision on the other is made. Now everything is upside down on the management end because state code says he is entitled to a decision.
- Full staff report is going to County Council for their next meeting. Staff is still recommending denial of the development agreement changes, which was the original position of staff. However, he believed it was Council's intention to make changes and so he has tried to facilitate which changes would minimize the problems that the amendment is going to cause. He expects a decision to be made on April 2nd by the County Council. If the Council passes, Mr. Durbano will be creating his own subdivision and his own standards.

Chairman Haslam ask if part of this proposed amended development agreement, has Mr. Durbano address Browning Arms? Mr. Ewert stated he has indicated that there was a previously signed agreement with Browning Arms. In this amendment he would be remodeling what their requirements are, as it applies to him. He is still obligated to the original contractual obligations that Rollins Ranch LLC made with Browning in accordance with the development agreement. Member Newton asked if this would impact the existing Rollins Ranch. Mr. Ewert noted he has tried to minimize that to the best of his ability but anytime you overlay a document over another document you are going to have conflicts. What Mr. Durbano's document says is that in the event of conflicts, his document prevails. Charlie noted open space is a concern because Mr. Durbano has proposed no open space in his three lot subdivision. But PRUD ordinance requires

a certain percentage of open space; so the other developers in the development have to compensate for that.

Member Stephens asked about the future development that can take place on the Ponderosa property. It was noted Mr. Durbano has purchased the northern property, 88 acres with the right to 101 lots. He wants to keep that density but not use it right now. Chairman Haslam noted that Mr. Durbano wants everything agreed upon in the original Rollins Ranch PRUD, but then he wants to adjust it to accommodate his three lot subdivision. Mr. Ewert noted that was a very big concern of his. He noted Mr. Durbano, through some discussion with him, volunteered, through that development agreement, to record a restrictive covenant against the rest of the property once he does his three lot subdivision. So a restrictive covenant will be recorded that the remaining property will not be developed unless all necessary infrastructure is provided through what will be phase one; his three lot subdivision.

Biggest concern of the upper 98 lots is not when it will be developed but that there will not be adequate public right of way or infrastructure to get to it; we would be in essence land locking.

6. Discussion/Decision: to consider amending portions of Title 8 of the Morgan County Code regarding the expiration timeframes of Land Use and other similar applications, and other related administrative provisions.

There was discussion on the 14 day time period and the submission process.

Member Haslam called for a vote

Member Sessions moved to forward a positive recommendation to the County Council for the proposed land use regulations text amendments regarding the procedural denial of inactive applications, application 12.123, based on the findings presented in the Staff report dated February 28, 2013.

1. That the amendments are necessary to maintain the legislative authority to address
2. Changing community conditions with new laws and make them applicable to application approvals.
3. That the amendments are necessary to alleviate the time and resources required for the administration to manage the number of open applications.
4. That the amendments are necessary to assist the administration in the tracking and monitoring of open applications.
5. That the amendments are not detrimental to the County's health, safety, and welfare.

Second by Member Erickson.

Chairman called for debate. there was none.

The Chairman called for a vote.

The vote was unanimous. The motion passed.

7. Staff Report

Mr. Ewert noted a meeting was held with Snowbasin earlier today. Originally they submitted an 8 page development agreement with exhibits. Snowbasin worked on that and now there is a 55 page development agreement with exhibits. Mr. Ewert discussed the Development Agreement process with Snowbasin. The developer has been very receptive to the proposed changes. Staff believes that this will be ready for public hearing in the next month. Staff would recommend a work session to be held prior to the public hearing to discuss issues and concerns regarding the Snowbasin rezone and master plan. Staff would recommend keeping the public hearing open for written comment for two weeks following the 1st public hearing.

Member Erickson had a question regarding the Resort Special District zone and if it is unique to Snowbasin. Mr. Ewert explained that the Resort Special District is not actually a zone but it is an enabling ordinance for the applicant to come forward with the proposed zone with a Development Agreement unique to the circumstances of Snowbasin.

Member Wilson asked if staff has received very much negative input from the public and if staff anticipates any negative input in the future. Mr. Ewert stated he has been surprised by the seeming lack of interest; although he does not believe it is lack of interest. He did note that Snowbasin had held several open houses and it appears people are fairly accommodating of Snowbasin and the answers they are providing to the questions being asked.

Member Wilson asked what Mr. Ewert's concerns are with the proposed Development. He feels the biggest issue with the development will be the operation and maintenance with the roads within the development; the area is known for movement. This is the primary concern of Mr. Ewert's and Mark Miller, the County Engineer. Mr. Ewert stated it has been crafted into the development agreement that the road system will not become "public" until the developer is able to prove that the road system will not be a financial burden to the County Tax payers; this will be no sooner than two years into the development. He noted this development will provide 2500 units for the County.

8. Approval of minutes from March 14, 2013

Member Haslam called for a vote.

**Member Sessions moved to approve the minutes of March 14, 2013 with the noted minor corrections. Second by Member Erickson.
The vote was unanimous. The motion passed.**

9. Adjourn

Motion made by Member Stephens. Second by Member Newton. The vote was unanimous. The motion passed.

Memo

TO: Planning Commission
FROM: Charles Ewert, Planning Director
DATE: March 21, 2013
SUBJECT: Ponderosa Subdivision Update; File #12.086

Pursuant to the February 28, 2013 Planning Commission meeting the Planning Commission postponed formal action on the Ponderosa Preliminary Subdivision proposal to the April 25, 2013 Planning Commission meeting. They also requested a project status update to be agendized for their March 28, 2013 meeting. This memo is that update in chronological progression.

On March 14th the County Engineer and I met with the applicant to discuss Staff concerns regarding the proposal. The County Engineer, Mark Miller, indicated that from an engineering perspective the project is viable, but that there needs to be more engineering specificity regarding certain improvements including storm drainage, sewer, slopes, and general plat configuration and notes that meet the terms of adopted ordinances, as indicated in past review memos from Mark Miller, and as presented to the Planning Commission in the February 28, 2013 Staff report.

The project's lack of general compliance with certain requirements of the existing Rollins Ranch Development Agreement was also discussed. Frontage requirements, lot size, open space, etc. were all discussed in conjunction with the proposed development agreement (a separate application).

On March 18th I received a phone call from Les Stone, the Mountain Green Fire District's volunteer Fire Chief, who indicated recent and somewhat confusing correspondence with the applicant. To that date, he had yet to receive any plans regarding the subdivision from the applicant and was unable to perform a full review of the project.

On March 19th the County Engineer received a call from the Administrator of the Mountain Green Sewer Improvement District, who, due to unknown confusion, was supposing the project was being designed by the County Engineer. He desired a discussion regarding the proposed design of the project's sewer lines. The Administrator was informed that the County Engineer is only a reviewer of a proposal, and does not design the applicant's project. He was directed to discuss project design with the applicant's Engineer. Staff has not further information as of the date of this memo.

On March 19th the County Council discussed the applicant's amendment to the Rollins Ranch Development Agreement (a separate application). After much discussion, and an attempt to provide clarity to the proposal, the Council seemed amenable to the proposed changes, but once again gave staff direction to work with the applicant to rework the proposal to provide for certain concerns. Once these concerns have been adequately addressed through a development agreement amendment, a more simplified review of the proposed subdivision can be provided by staff.