



## PLANNING COMMISSION AGENDA

Thursday, May 22, 2014

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**

5. **Discussion/Decision:** Alchemy L.L.C. Conditional Use Permit: A conditional use request for land excavation/site grading improvements located at approximately 5218 West Cemetery Road in the Mountain Green area of Morgan County.
6. **Discussion/Decision:** Rollins Ranch Phase 2 Plat Amendment #1: An amendment to the Rollins Ranch Phase 2 Plat combining approximately 10 feet of the open space area from the Rollins Ranch Phase 3 into the adjacent lots #210, #211, #212 & #213 in Rollins Ranch Phase 2.
7. **Discussion/Decision:** Rollins Ranch Phase 3 Plat Amendment #2: : An amendment to the Rollins Ranch Phase 3 Plat combining approximately 10 feet of the open space area from the Rollins Ranch Phase 3 into the adjacent lots #210, #211, #212 & #213 in Rollins Ranch Phase 2.
8. Planning Commission Business/Questions for Staff
9. Approval of minutes from May 8, 2014 and re-approval of minutes from March 27, 2014 and April 10, 2014
10. Adjourn

### Members present

David Sawyer, via electronic participation  
Debbie Sessions  
Roland Haslam  
Michael Newton  
Steve Wilson

### Staff present

Bill Cobabe, Planner  
Ronda Kippen, Planning Technician  
Mickaela Moser, Transcriptionist

Public present

Beverly and Paul Warner

Karen and Gordon Sant

Bill Chipp

Tina Kelley

1. Call to order – prayer

Chairman Haslam welcomed everyone to the meeting. He offered prayer.

2. Approval of agenda

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

Chair Haslam excused Members Stephens and Erickson.

3. Declaration of conflicts of interest

There were none.

4. Public Comment

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

Gordon Sant: Wanted to address items #6 & #7 on the agenda. He is the owner of Lot 210 in the Rollins Ranch Development. He was under the impression that there shouldn't have been any problems and is anxious to adjust the lot lines and finalize the plans so they can move forward.

Paul Warner: Owner of the land adjacent to the cemetery and expressed concern about the easement. He read an affidavit from his brother, now deceased, requesting that the easement be honored. A copy of this affidavit is attached to the written minutes in the Morgan County Clerk's Office.

Bill Chipp: He serves on the architectural committee and is in support of approval for items #6 and #7 on the agenda.

Ty Eldridge: He owns property on the cemetery road and expressed concern over the recording of the right-of-way. He has no objections to the excavation, but would like to comment on the width and placement of the road.

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

## Administrative

5. **Discussion/Decision:** Alchemy L.L.C. Conditional Use Permit: A conditional use request for land excavation/site grading improvements located at approximately 5218 West Cemetery Road in the Mountain Green area of Morgan County.

Bill Cobabe: Presented the Planning Commission with a map of the cemetery for the Peterson Point Conditional Use Permit. He showed a picture of the machine that is proposed to be used for screening materials on-site. The main concern from staff is that there has been insufficient time to review the submitted information and how the impact will affect other possible uses. He requested additional time to review before forwarding this item.

Member Sawyer asked Bill why they are hearing the presentation if there has been insufficient time to review it. Bill answered that in Utah State Code it says the County has 45 days to hear an item and the applicant wanted to exert their right, so it is being presented before the Planning Commission.

Member Sessions asked if staff would consider postponing the item. Ronda stated that the applicant is entitled to a decision within 45 days and that becomes a problem with postponing it.

Member Wilson asked about those opposing the right-of-way for the road.

Ty Eldridge does not want the road re-routed on his property. Currently, 175 feet of the road to the cemetery goes through his property.

Chair wondered what Mr. Larsen needs in order to complete his application. Bill responded that he needs to confirm plans with the County Engineer and Planning Staff. Bill stated that if there is adequate time, his application will be reviewed. Bill estimated more than 2 weeks from the County's perspective.

Brent Bohman: He stated that Mark Miller's original letter stated requests for the quantity of material removal to determine excavation. Dust control has been proposed and screens do not generate much dust. He addressed the origin of Peterson Point's name and would like to work with Bill to simplify the issues involved to progress.

Roland Haslam suggested finding a happy medium and postponing for four weeks.

**Member Sessions moved to postpone the Peterson Point CUP permit application #11.036 until June 26, 2104 to allow staff further time to review the application. Second by Member Newton. The vote was unanimous. The motion carried.**

6. **Discussion/Decision:** Rollins Ranch Phase 2 Plat Amendment #1: An amendment to the Rollins Ranch Phase 2 Plat combining approximately 10 feet of the open space area from the Rollins Ranch Phase 3 into the adjacent lots #210, #211, #212 & #213 in Rollins Ranch Phase 2.

Ronda relayed that there is no new, major or pertinent information in this item however she wanted to make sure all Planning Commission members were aware the additional 10 feet of open space has been fenced in and landscaped with Phase 2. Member Sawyer wondered how much open space there is. Ronda answered that she has divided out how much open space will be required in future developments. Additional acreage needed is clearly outlined and are currently short about 4.09 acres which can be amended or pulled from another phase.

**Member Sessions moved to forward a positive recommendation to the County Council for the Rollins Ranch Phase 2 Subdivision Amendment #1, application #13.052, subject to the findings and conditions listed in the May 14, 2014 staff report. Second by Member Wilson. The vote was unanimous. The motion carried.**

1. That all outstanding fees for outside reviews are paid in full prior to recording the final Mylar.
2. That a note is placed on the final plat acknowledging that the original and/or amended Development Agreement and CC&R's are still in effect and on record with the Morgan County Recorder's office, prior to recording.
3. That a document of conveyance of title reflecting the approved change shall be recorded in the office of the County Recorder per MCC §8-12-61(A)(3).
4. That Staff can make a positive finding that all administrative corrections and information have been provided to the satisfaction of respective reviewers, and that all conditions have been satisfied upon completion of the above conditions.
5. That all 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 the 2006 Morgan County LUMC PRUD Ordinance.
4. That the proposal will bring the existing improved lots into conformity with the R1-20 zone 25% coverage regulation as required by the Rollins Ranch Development Agreement Amendment# 2 Section D.
5. The proposal complies with the Rollins Ranch Development Agreement.
6. Those sufficient utilities "will-serve letters" have been provided to the Planning and Development Services Department as part of the original Rollins Ranch Phase 2 Subdivision.
7. Those certain conditions herein are necessary to ensure compliance with adopted laws prior to subdivision plat recording.
8. The additional infrastructure improvements are not necessary at this time to protect the public's health, safety, and welfare.
9. That the proposal is not detrimental to the health, safety, and welfare of the public.

7. **Discussion/Decision:** Rollins Ranch Phase 3 Plat Amendment #2: : An amendment to the Rollins Ranch Phase 3 Plat combining approximately 10 feet of the open space area from the Rollins Ranch Phase 3 into the adjacent lots #210, #211, #212 & #213 in Rollins Ranch Phase 2.

Ronda presented concerns about open space with the lots mentioned above and said that this is the second proposed amendment on this phase. She believes the open space was granted with the overall enjoyment of the subdivision. The lots in discussion were granted a CUP for the Parade of Homes and this additional open space will bring them into conformance. There is allowance for current property owners to build a shed or other potential structure and have sufficient room to do so.

Member Sessions agreed with condition 3 in setting the standard and abiding by it. She stated that in going with the development agreement, the Planning Commission could postpone indefinitely, or make a condition for the County Council's approval.

Chair Haslam clarified that the Development Agreement takes open space from Phase 3 and puts it into Phase 2. There is concern for the total amount of open space required for the Rollins Ranch Development Phases 1-4.

Member Newton suggested changing the percentage to 25%. Ronda calculated 41.1% open space for the entire development, Phases 1-8, which is 249.261 acres. Open space for the entire development is 102.35 acres. Phases 1-4, total area is 90.58 acres. Overall open space of Phases 1-4 is 27.2 acres (which is 30%). Concerning Phases 5-8, the overall acreage is 158.68 acres. Open space is 75.15 acres for a total of 47.4%. The proposal is a difference of 6 ½ acres. The Development Agreement must address the open space. Currently, the open space is at 38.06% and with the modification it would drop to 37.99%, which is minimal, but still must be addressed. Ronda suggested making a condition for the County Council upon approval. Member Sessions would like to see the Development Agreement complete and accurate before proceeding, however is open to adding a condition. Chair Haslam would like to see the Development Agreement completed before forwarding a positive recommendation.

**Member Sessions moved to forward a positive recommendation to the County Council of the Rollins Ranch Phase 3 Subdivision Amendment #2, application# 13.053 subject to the findings and conditions listed in the May 14, 2014 staff report, and as modified by the conditions and findings below:**

1. That all outstanding fees for outside reviews and past due taxes owed to Morgan County are paid in full prior to recording the final Mylar.
2. That a note is placed on the final plat acknowledging that the original and/or amended Development Agreement and CC&R's are still in effect and on record with the Morgan County Recorder's office, prior to recording the final Mylar.
3. That the Rollins Ranch Phase 3 Subdivision Amendment# 1 Mylar is recorded prior to Amendment# 2 to ensure correct succession.
4. That a document of conveyance of title reflecting the approved change shall be recorded in the office of the County Recorder per MCC §8-12-61(A)(3).
5. That Staff can make a positive finding that all administrative corrections and information have been provided to the satisfaction of respective reviewers, and that all conditions have been satisfied upon completion of the above conditions.

6. That all Local, State and Federal laws are upheld.
7. That the development agreement be amended to reflect the open space for Phases 1-4 as 25% and the overall open space in Phases 1-8 as 38%.

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 the 2006 Morgan County LUMC PRUD Ordinance.
4. That the proposal will bring the existing improved lots into conformity with the R1-20 zone 25% coverage regulation as required by the Rollins Ranch Development Agreement Amendment# 2 Section D.
5. The proposal general complies with current Rollins Ranch Development Agreement.
6. The proposed open space satisfies the requirements of the vested laws for the Rollins Ranch Development, and generally satisfies conceptual principles of open space provisions as required by the Rollins Ranch Development Agreement, and as drawn on the concept plan in that agreement.
7. Those sufficient utilities “will-serve letters” have been provided to the Planning and Development Services Department as part of the original Rollins Ranch Phase 3 Subdivision.
8. Those certain conditions herein are necessary to ensure compliance with adopted laws prior to subdivision plat recording.
9. The additional infrastructure improvements are not necessary at this time to protect the public’s health, safety, and welfare.
10. That the proposal is not detrimental to the health, safety, and welfare of the public.

**The main motion was withdrawn by Member Sessions to add correct wording for condition #7. The new motion was re-read by Member Sessions.**

1. That all outstanding fees for outside reviews and past due taxes owed to Morgan County are paid in full prior to recording the final Mylar.
2. That a note is placed on the final plat acknowledging that the original and/or amended Development Agreement and CC&R’s are still in effect and on record with the Morgan County Recorder’s office, prior to recording the final Mylar.
3. That the Rollins Ranch Phase 3 Subdivision Amendment# 1 Mylar is recorded prior to Amendment# 2 to ensure correct succession.
4. That a document of conveyance of title reflecting the approved change shall be recorded in the office of the County Recorder per MCC §8-12-61(A)(3).
5. That Staff can make a positive finding that all administrative corrections and information have been provided to the satisfaction of respective reviewers, and that all conditions have been satisfied upon completion of the above conditions.
6. That all Local, State and Federal laws are upheld.
7. That the development agreement be amended prior to the recording of the plat to reflect the open space for Phases 1-4 as 25% and the overall open space in Phases 1-8 as 38%.

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 the 2006 Morgan County LUMC PRUD Ordinance.
4. That the proposal will bring the existing improved lots into conformity with the R1-20 zone 25%

coverage regulation as required by the Rollins Ranch Development Agreement Amendment# 2 Section D.

5. The proposal general complies with current Rollins Ranch Development Agreement.

6. The proposed open space satisfies the requirements of the vested laws for the Rollins Ranch Development, and generally satisfies conceptual principles of open space provisions as required by the Rollins Ranch Development Agreement, and as drawn on the concept plan in that agreement.

7. Those sufficient utilities “will-serve letters” have been provided to the Planning and Development Services Department as part of the original Rollins Ranch Phase 3 Subdivision.

8. Those certain conditions herein are necessary to ensure compliance with adopted laws prior to subdivision plat recording.

9. The additional infrastructure improvements are not necessary at this time to protect the public’s health, safety, and welfare.

10. That the proposal is not detrimental to the health, safety, and welfare of the public.

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

8. Planning Commission Business/Questions for Staff

Small subdivision ordinance reducts with Bruce Parker is on the agenda. There is a CUP for ground-based solar panels for a possible item on the next Planning Commission meeting. The next Ordinance Update Committee will be on June 12, 2014.

9. Approval of minutes from May 8, 2014 and re-approval of minutes from March 27, 2014 and April 10, 2014

**Member Newton moved to approve amended minutes from May 8, 2014. Second by Member Sessions. The vote was unanimous. The motion carried.**

**Member Sessions moved to approve amended minutes from March 27, 2014. Second by Member Newton. The vote was unanimous. The motion carried.**

Minutes from April 10, 2014 did not need re-approval.

10. Adjourn

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

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

**ATTEST:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Mickaela Moser, Transcriptionist**  
**Planning and Development Services**