



Planning and Development Services

48 West Young Street
Morgan, UT 84050
(801) 845-4015

STAFF REPORT

May 14, 2014

To: Morgan County Planning Commission
Business Date: May 22, 2014

Prepared By: Ronda Kippen, Planning Technician

Re: **Rollins Ranch Phase 2 Subdivision Plat Amendment #1**

Application No.: 13.052
Applicant: Rollins Ranch, L.L.C.
Project Location: Saddleback Lane and Rollins Ranch Road in the Rollins Ranch Subdivision Phase 2
Zoning: R1-20 Zone
Request: Final plat approval for an amendment to the Rollins Ranch Phase 2 Subdivision allotting approximately 0.11 acres to the proposed Lots 210A, 211A, 212A, 213A coming from the open space in the proposed Rollins Ranch Phase 3 Subdivision Amendment# 2.

SUMMARY & BACKGROUND

The applicant is seeking approval of an amendment to an existing subdivision. The proposed subdivision amendment is a lot line adjustment between two existing subdivisions, involving four improved building lots in the Rollins Ranch Phase 2 Subdivision and one open space parcel in the Rollins Ranch Phase 3 Subdivision. The subdivision was designed under the 2006 PRUD ordinance that allowed for some flexibility within the adopted ordinances. The typical setbacks that have been approved for the Rollins Ranch Phase 2 Subdivision and implemented through the Development Agreement differ from the underlying R1-20 zone requirements. The proposed lot line adjustment will increase the acreage of the proposed Lots 210A, 211A, 212A and 213A to allow for a larger lot size due to the 25% coverage regulations that govern the R1-20 zone. This proposal will bring the existing improved lots into conformity with the R1-20 zone 25% coverage regulation and the Rollins Ranch Development Agreement Amendment# 2 Section D. The proposal was reviewed for process steps and standards under the following codes:

- Current Zoning Ordinance Morgan County Code (MCC) §8-5B
- Current Preliminary Plat Ordinance MCC §8-12-22 through §8-12-28
- Current Final Plat Ordinance MCC §8-12-29 through §8-12-46
- Amendments to Recorded Subdivision Plats Ordinance MCC §8-12-60 through §8-12-63
- The PRUD Ordinance #CO-06-15 Land Use Management Code (LUMC) §16-20-30
- Development Agreement for the Rollins Ranch Subdivision as recorded with the Morgan County Recorder Entry# 108742 book 251 page 617, and amended #1 on Nov 21, 2011 Entry# 124507 book 294 page 1138 and amended #2 on Feb 27, 2013 Entry# 128494 book 304 page 638.

Staff finds that with the recommended conditions herein, the request appears to meet the requirements of the zoning ordinance, the subdivision ordinance, the PRUD ordinance of the time and the Development Agreement. Staff's evaluation of the request is as follows.

ANALYSIS & REVIEW

General Plan and Zoning: Pursuant to the Future Land Use Map of the area the future land use designation is Village Low-Density Residential. The Village Low Density Residential designation provides for a lifestyle with planned single family residential communities, which include open space, recreation and cultural opportunities, including schools, churches and neighborhood facilities located in established village areas or master planned communities. The residential density is a maximum of 2 units per acre. (See 2010 Morgan County General Plan page 6)

The current zoning designation on the property is R1-20 PRUD. The entire 1.31 acres of property is within the R1-20 zone.

The MCC 8-5B identifies the purpose for the R1-20 zone is:

1. To provide areas for very low density, single-family residential neighborhoods of spacious and uncrowded character.

The proposal is in compliance with both the General Plan and Zoning purpose statements.

The purpose statements in the General Plan and Zoning Ordinance do not provide actual development regulations, but present the zoning context in which the proposed subdivision is located. The specific regulations found in the adopted County Code govern development of the subject property.

Layout: The proposed subdivision amendment involves four improved building lots in the Rollins Ranch Phase 2 Subdivision located along the intersection of Rollins Ranch Road and Saddle Back Lane (Exhibit A). The proposed lot line adjustment will increase the acreage for the proposed building lots as follows:

- Lot 210A from 0.29 acres (12,546 sq. ft.) to 0.31 acres (13,695 sq. ft.)
- Lot 211A from 0.29 acres (12,757 sq. ft.) to 0.32 acres (13,695 sq. ft.)
- Lot 212A from 0.28 acres (12,126 sq. ft.) to 0.30 acres (13,206 sq. ft.)
- Lot 213A from 0.34 acres (14,774 sq. ft.) to 0.37 acres (16,210 sq. ft.)

The proposed lots lines appear to conform to the existing R1-20 zone standards for width and frontage. The setbacks differ from the existing R1-20 requirements due to the overlying Development Agreement that allows for a front setback of 20', side setback of 10' and rear setback of 20'. There is a 10' utility easement running along the exterior boundary line of the proposed lots.

Roads and Access: Saddle Back Lane will serve as access and frontage for the proposed lots. Further frontage, access and improvements have not been proposed. Staff feels that the need for further frontage, access and improvement requirements are unnecessary due to the previous approvals.

Previous Platting: The property was originally subdivided as the Rollins Ranch Phase 2 Subdivision (Exhibit B).

Development Agreement & CC&R's: The proposed subdivision amendment appears to meet the general purpose and requirements of the original and amended Rollins Ranch Development Agreements between Morgan County and the developer, Rollins Ranch, LLC.

The Rollins Ranch development is required to have covenants, contracts, and restrictions (CC&R's) recorded against all resulting properties per the Rollins Ranch Development Agreement §2.3. The

creation, review, and administration of the CC&R's are not within the purview of the County, but ensuring that the developer follows through with recording them is. To ensure that the amendment is tied to the initial and amended Development Agreements between Morgan County and Rollins Ranch, LLC, as well as assuring that the required CC&R's are still in effect, Staff recommends a condition of approval requiring a note placed on the plat acknowledging that the original and/or amended Development Agreements and CC&R's are still in effect to guarantee that the proposed amendment will remain in conformance as a result of the repealed PRUD ordinance.

Grading and land disturbance: The proposed lots have been improved and built on, with landscaping in place. Further grading of the lots is not expected at this time. Any land owner choosing to re-grade the lots may need additional review and engineering of the proposal at that time.

County Engineer: Additional site grading alterations are not being proposed at this time. A review by the County Engineer was not necessary for the approval of this proposed amendment.

County Surveyor: The County Surveyor has reviewed the proposal and is recommending approval (Exhibit C).

County Recorder: The County Recorder has reviewed the proposal and has identified some minor edits prior to recording the final Mylar. Staff recommends a condition of approval to address minor administrative edits prior to recording the final Mylar. (Exhibit D).

Fire Chief: The development should comply with the International Fire Code and the 2006 Wildland Urban Interface Code. Fire controls are administered by the Mountain Green Fire Protection District Chief. Due to no additional alterations being proposed at this time and based on the previous approval, a review by the Fire Chief was not necessary for the approval of this proposed amendment.

Sensitive Areas, Geology, and Geotechnical Considerations: Due to no additional site grading alterations being proposed at this time, a geotechnical review was not necessary for the approval of this proposed amendment.

Utilities: All utility will-serve letters from the original subdivision application have been found adequate for the proposed use. No further modifications for street lighting or other applicable utilities have been proposed at this time.

Development Fees and Taxes: The MCC § 8-12-52 states:

“No final plat shall be approved by the county council or zoning administrator or recorded and no building or other permits required by the ordinances of Morgan County shall be issued, unless the subdivider shall first pay to the county all applicable fees required under the county's fee schedule.

All improvements inspections fees, development review and consulting fees, and outstanding taxes, including any greenbelt rollback taxes, shall be paid to the county prior to the recordation of the plat, per the county's fee schedule and tax assessments.”

The property taxes for the proposed subdivision amendment are paid current with the Morgan County Treasurer. Due to ongoing reviews, there may be additional fees owed to Morgan County for outside reviewers and consulting fees. Staff recommends a condition of approval to ensure all fees are paid current prior to recording the final Mylar.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a positive recommendation to the County Council for the Rollins Ranch Phase 2 Subdivision Amendment #1, application# 13.052, subject to the following conditions:

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.

MODEL MOTION

Sample Motion for a *Positive* Recommendation – "I move we 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, and as modified by the conditions and findings below:"

1. List any additional findings and conditions...

Sample Motion for a *Negative* Recommendation – "I move we forward a negative recommendation to the County Council for the Rollins Ranch Phase 2 Subdivision Amendment #1, application# 13.052 subject to the following conditions:

1. List any additional findings...

SUPPORTING INFORMATION

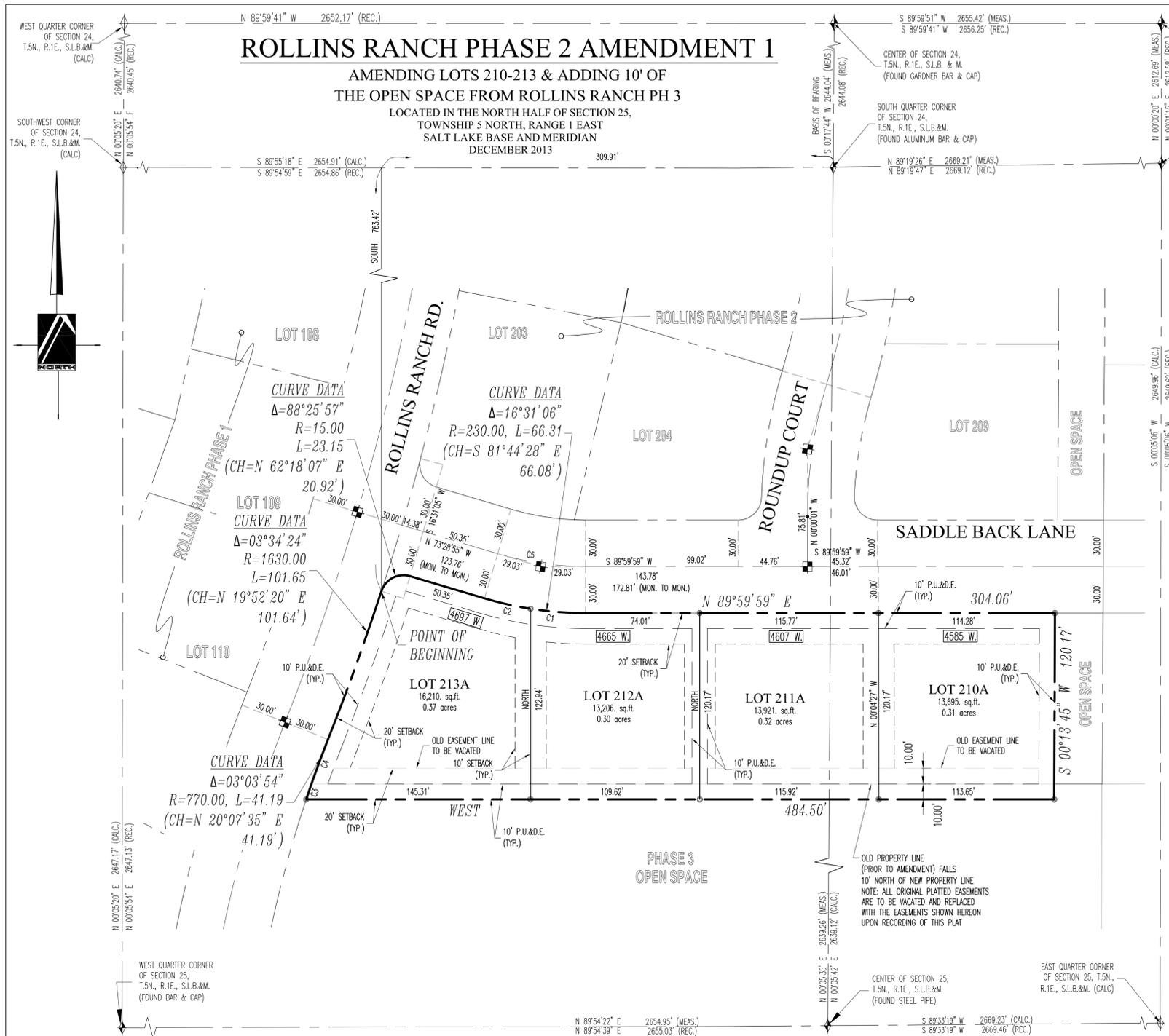
Exhibit A: Rollins Ranch Phase 2 Subdivision Amendment# 1 Final Plat

Exhibit B: Rollins Ranch Phase 2 Subdivision Original Plat

Exhibit C: County Surveyor Approval

Exhibit D: County Recorder's Review dated 5/8/14

Exhibit A: Rollins Ranch Phase 2 Amendment#1 Final Plat



NOTE
THE PROPERTY OWNER ACKNOWLEDGES THAT HE/SHE IS BUILDING IN A LOCATION THAT IS FAR REMOVED FROM THE PRIMARY MORGAN COUNTY SERVICE AREAS. AS SUCH, THE PROPERTY IS ON NOTICE THAT THERE IS LIMITED ACCESS, INFRASTRUCTURE, AND PUBLIC SERVICES IN THE AREA. SOME SERVICES, WHICH INCLUDE BUT NOT LIMITED TO GARBAGE PICK UP AND HIGH SCHOOL, BUS SERVICE, MAY NOT BE PROVIDED. EMERGENCY RESPONSE TIME WILL BE LONGER THAN IT IS IN MORE ACCESSIBLE AREAS, AND ACCESS BY EMERGENCY VEHICLES MAY BE IMPOSSIBLE AT TIMES DUE TO SNOW AND ROAD CONDITIONS THAT THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT THERE MAY BE INFRASTRUCTURE IN THESE REMOTE LOCATIONS THAT DOES NOT MEET ADOPTED COUNTY INFRASTRUCTURE STANDARD. IT IS THE INTENT OF MORGAN COUNTY TO ATTEMPT TO CONTINUE TO PROVIDE THE EXISTING VARIETY, SCALE, AND FREQUENCY OF PUBLIC SERVICES AND INFRASTRUCTURE FOR ALL EXISTING AND NEW DEVELOPMENT IN THESE REMOTE AREA OF MORGAN COUNTY. IT IS NOT THE INTENT OF MORGAN COUNTY TO INCREASE THE VARIETY, SCALE AND FREQUENCY OF PUBLIC SERVICES AND INFRASTRUCTURE OR TO PROVIDE URBAN LEVELS OF SERVICE AND INFRASTRUCTURE IN THESE AREAS. BY THIS NOTICE, THE PROPERTY OWNER ASSUMES THE RISK OF OCCUPANCY AS OUTLINED ABOVE, AND IS HEREBY PUT ON NOTICE THAT THERE ARE NO ANTICIPATED CHANGES IN THE LEVELS OF SERVICE OF INFRASTRUCTURE BY EITHER MORGAN COUNTY OR THE APPROPRIATE SPECIAL SERVICE DISTRICT, NOR DOES THE PROPERTY OWNER EXPECT CHANGES BEYOND THOSE IDENTIFIED HEREIN.

LEGEND
 BOUNDARY LINE
 FUTURE DEVELOPMENT ADJACENT PROPERTY LINE
 SECTION/CENTER LINE
 EASEMENT LINE
 SETBACK LINE
 RADIAL LINE
 PUBLIC UTILITY & DRAINAGE EASEMENT MONUMENT
 SURVEY MONUMENT
 SECTION CORNER
 BAR & CAP OR NAIL & WASHER TO BE SET STAMPED
 "PINNACLE" OR RIVET SET IN CURB

VICINITY MAP
 SUBJECT PARCEL
 ROLLINS RANCH PHASE 2
 SADDLE BACK LANE
 ROUNDUP COURT
 ROLLINS RANCH RD
 SADDLE BACK LANE
 ROUNDUP COURT
 ROLLINS RANCH PHASE 2

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CH. BEARING
C1	35.75	230.00	8°54'20"	35.71	S 85°32'51" E
C2	30.56	230.00	7°36'46"	30.54	S 77°17'18" E
C3	10.58	770.00	0°47'13"	10.58	N 18°59'16" E
C4	30.61	770.00	0°21'41"	30.61	N 20°31'12" E
C5	57.66	200.00	16°31'06"	57.46	S 81°44'28" E

SETBACKS
 20' FRONT SETBACK
 20' REAR SETBACK
 10' SIDE SETBACK
 20' SIDE STREET SETBACK

EASEMENTS
 10' EASEMENT AROUND SUBDIVISION BOUNDARY
 10' EASEMENT ALONG ROAD FRONTAGE
 10' EASEMENT CENTERED ON ALTERNATING LOTS

ZONING
 R1-20 PRUD

SCALE: 1"=40'

NOTE:
 ALL COVENANTS, SETBACK, AND ALL OTHER REGULATIONS AS DESCRIBED ON AND WITH THE ROLLINS RANCH PHASE 2 PLAT, AS RECORDED WITH THE OFFICE OF THE MORGAN COUNTY RECORDER, SHALL APPLY TO AND BE BINDING WITH THIS AMENDED PLAT. EASEMENTS FROM PREVIOUS PLAT HEREBY VACATED AND REPLACED WITH EASEMENTS SHOWN HEREON.
 BROWNING ARMS OPERATES A FIREARMS TEST RANGE ON NEARBY PROPERTY. PERIODIC GUNFIRE WILL BE AUDIBLE WITHIN THE BOUNDARIES OF THIS PROPERTY.

SURVEYOR'S CERTIFICATE
 I, STEPHEN J. FACKRELL, a registered professional land surveyor holding Certificate No. 191517, as prescribed under laws of the State of Utah, and do hereby certify that, by authority of the Owners, I have made a survey of the tract of land shown on this plat and described herein, and have subdivided said tract of land into lots and streets to be hereafter known as: ROLLINS RANCH PHASE 2 AMENDMENT 1 and that the same has been surveyed and staked on the ground as shown on this plat.
 Signed on this _____ day of _____, 20____

 Registered Land Surveyor

BOUNDARY DESCRIPTION
 A PORTION OF LAND LOCATED IN THE NORTH HALF OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING ON THE WEST LINE OF LOT 213 OF ROLLINS RANCH PHASE 2, A PLAT RECORDED WITH THE OFFICE OF THE MORGAN COUNTY RECORDER, SAID POINT BEING ON THE EAST LINE OF ROLLINS RANCH ROAD, A 60 FOOT WIDE STREET AND ALSO LOCATED NORTH 89°55'18" WEST ALONG SECTION LINE 309.91 FEET AND SOUTH 763.42 FEET FROM THE NORTH QUARTER CORNER OF SAID SECTION, AND RUNNING:
 THENCE NORTHEASTERLY ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 88°25'57" A DISTANCE OF 23.15 FEET (CHORD BEARS NORTH 62°18'07" EAST 20.92 FEET) TO THE SOUTH LINE OF SADDLE BACK LANE; THENCE EASTERLY ALONG SAID SOUTH LINE THE FOLLOWING THREE (3) CALLS: SOUTH 73°28'55" EAST 50.35 FEET TO A POINT OF CURVATURE, SOUTHEASTERLY ALONG THE ARC OF A 230.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 16°31'06" A DISTANCE OF 66.31 FEET (CHORD BEARS SOUTH 81°44'28" EAST 66.08 FEET) TO A POINT OF TANGENCY, NORTH 89°59'59" EAST 304.06 FEET; THENCE SOUTH 00°13'45" WEST 120.17 FEET; THENCE WEST 484.50 FEET TO THE EAST LINE OF SAID ROLLINS RANCH ROAD, SAID POINT BEING ON THE ARC OF A 770.00 FOOT RADIUS CURVE; THENCE NORTHEASTERLY ALONG SAID EAST LINE THE FOLLOWING TWO (2) CALLS: NORTHEASTERLY ALONG THE ARC OF SAID 770.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 0°30'54" A DISTANCE OF 41.19 FEET (CHORD BEARS NORTH 20°07'35" EAST 41.18 FEET) TO A POINT OF REVERSE CURVATURE, NORTHEASTERLY ALONG THE ARC OF A 1630.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 0°34'24" A DISTANCE OF 101.65 FEET (CHORD BEARS NORTH 19°52'20" EAST 101.64 FEET) TO THE POINT OF BEGINNING.
 CONTAINS: 57,032 SQ.FT. / 1.31 AC. / 4 LOTS

MOUNTAIN GREEN SEWER IMPROVEMENT DISTRICT APPROVAL
 WASTE DISPOSAL SYSTEM APPROVAL THIS _____ DAY OF _____, 20____

 DISTRICT CHAIRMAN

WILKINSON/COTTONWOOD MUTUAL WATER COMPANY APPROVAL
 WATER SYSTEM APPROVAL THIS _____ DAY OF _____, 20____

 CHAIRMAN

MORGAN COUNTY PLANNING COMMISSION APPROVAL
 APPROVED THIS _____ DAY OF _____ A.D., 20____ BY THE _____ PLANNING COMMISSION.

 PLANNING COMMISSION CHAIRMAN

COUNTY ATTORNEY'S APPROVAL AS TO FORM
 APPROVED AS TO FORM THIS _____ DAY OF _____ A.D., 20____

 MORGAN COUNTY ATTORNEY

OCCUPANCY RESTRICTIONS
 MORGAN COUNTY has an ordinance which restricts the occupancy of buildings within this subdivision as outlined in the adopted building & fire codes. Accordingly, it is unlawful to occupy a building located within this Subdivision without first having obtained a certificate of occupancy issued by County Building Inspector.

ROLLINS RANCH PHASE 2 AMENDMENT 1
 AMENDING LOTS 210-213 & ADDING 10' OF THE OPEN SPACE FROM ROLLINS RANCH PH 3
 LOCATED IN THE NORTH HALF OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 1 EAST SALT LAKE BASE & MERIDIAN MOUNTAIN GREEN, MORGAN COUNTY, UTAH

SHEET 1 OF 2
 SEE SHEET 2 OF 2 FOR OWNER(S), SIGNATURE(S), AND ACKNOWLEDGEMENTS.

DEVELOPER
 ROLLINS RANCH LLC
 90 SOUTH 400 WEST, SUITE 330
 SALT LAKE CITY, UT 84101
 801-456-1280

PINNACLE
 Engineering & Land Surveying, Inc.
 Layton • West Bountiful • Mt. Pleasant • St. George
 2720 North 350 West, Suite #108 Phone: (801) 773-1910
 Layton, UT 84041 Fax: (801) 773-1925

MORGAN COUNTY SURVEYOR
 I HEREBY CERTIFY THAT THE MORGAN COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS PLAT FOR MATHEMATICAL CORRECTNESS, SECTION CORNER DATA AND FOR HARMONY WITH LINES AND MONUMENTS ON RECORD IN THE MORGAN COUNTY OFFICES. THE APPROVAL OF THIS PLAT BY THE MORGAN COUNTY SURVEYOR DOES NOT RELIEVE THE LICENSED LAND SURVEYOR WHO EXECUTES THIS PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED THEREWITH.
 SIGNED THIS _____ DAY OF _____, 20____

 MORGAN COUNTY SURVEYOR

COUNTY COUNCIL
 PRESENTED TO THE MORGAN COUNTY COUNCIL THIS _____ DAY OF A.D., 20____ AT WHICH TIME THIS SUBDIVISION AND THE OWNER'S DEDICATION WAS APPROVED AND ACCEPTED
 ON THE _____ DAY OF _____, 20____ ATTEST:

 COUNTY COUNCIL CHAIR

COUNTY ENGINEER'S APPROVAL
 I HEREBY CERTIFY THAT ALL APPLICABLE STATUTES AND ORDINANCES PREREQUISITE TO COUNTY ENGINEER APPROVAL OF THE FOREGOING PLAT AND DEDICATIONS HAVE BEEN COMPLIED WITH.
 SIGNED THIS _____ DAY OF _____, 20____

 SIGNATURE

COUNTY RECORD NO. _____
 STATE OF UTAH, COUNTY OF _____
 RECORDED AND FILED AT THE REQUEST OF _____
 DATE _____ TIME _____
 FEE _____ ABSTRACTED _____
 INDEX _____
 FILED _____
 COUNTY RECORDER

ROLLINS RANCH PHASE 2 AMENDMENT 1
 AMENDING LOTS 210-213 & 10' OF OPEN SPACE FROM ROLLINS RANCH PH 3
 LOCATED IN THE NORTH HALF OF SECTION 25,
 TOWNSHIP 5 NORTH, RANGE 1 EAST
 SALT LAKE BASE AND MERIDIAN
 DECEMBER 2013

ACKNOWLEDGMENT

STATE OF UTAH)
 County of) :S.S.
 On this the ____ day of _____ A.D., 20____, _____ (ROLLINS RANCH LLC) personally appeared before me, the undersigned Notary Public, in and for said County of _____, in the State of Utah, the signer(s) of the Owner's Dedication and Owner's Acknowledgment of Responsibility and Lot Owner Approval, _____ in number, who duly acknowledge to me that _____ signed it freely and voluntarily and for the uses and purposes therein mentioned

NOTARY PUBLIC

Residing at _____

My Commission expires _____

ACKNOWLEDGMENT

STATE OF UTAH)
 County of) :S.S.
 On this the ____ day of _____ A.D., 20____, MICHAEL R. WORKMAN AND CINDY J. WORKMAN personally appeared before me, the undersigned Notary Public, in and for said County of _____, in the State of Utah, the signer(s) of the Owner's Dedication and Owner's Acknowledgment of Responsibility and Lot Owner Approval, _____ in number, who duly acknowledge to me that _____ signed it freely and voluntarily and for the uses and purposes therein mentioned

NOTARY PUBLIC

Residing at _____

My Commission expires _____

ACKNOWLEDGMENT

STATE OF UTAH)
 County of) :S.S.
 On this the ____ day of _____ A.D., 20____, DAVID P. ALLEMAN AND LAURA S. ALLEMAN personally appeared before me, the undersigned Notary Public, in and for said County of _____, in the State of Utah, the signer(s) of the Owner's Dedication and Owner's Acknowledgment of Responsibility and Lot Owner Approval, _____ in number, who duly acknowledge to me that _____ signed it freely and voluntarily and for the uses and purposes therein mentioned

NOTARY PUBLIC

Residing at _____

My Commission expires _____

ACKNOWLEDGMENT

STATE OF UTAH)
 County of) :S.S.
 On this the ____ day of _____ A.D., 20____, GORDON J. SANT AND KAREN M. SANT personally appeared before me, the undersigned Notary Public, in and for said County of _____, in the State of Utah, the signer(s) of the Owner's Dedication and Owner's Acknowledgment of Responsibility and Lot Owner Approval, _____ in number, who duly acknowledge to me that _____ signed it freely and voluntarily and for the uses and purposes therein mentioned

NOTARY PUBLIC

Residing at _____

My Commission expires _____

ACKNOWLEDGMENT

STATE OF UTAH)
 County of) :S.S.
 On this the ____ day of _____ A.D., 20____, BRANDON T. FLITTON AND CYNTHIA FLITTON, TRUSTEES OF THE FLITTON FAMILY TRUST personally appeared before me, the undersigned Notary Public, in and for said County of _____, in the State of Utah, the signer(s) of the Owner's Dedication and Owner's Acknowledgment of Responsibility and Lot Owner Approval, _____ in number, who duly acknowledge to me that _____ signed it freely and voluntarily and for the uses and purposes therein mentioned

NOTARY PUBLIC

Residing at _____

My Commission expires _____

DEVELOPER
 ROLLINS RANCH LLC
 90 SOUTH 400 WEST, SUITE 330
 SALT LAKE CITY, UT 84101
 801-456-1280



<p align="center">LOT 210 OWNER APPROVAL</p> <p>APPROVED THIS ____ DAY OF _____ A.D., 20____</p> <p align="center">GORDON J. SANT AND KAREN M. SANT</p>	<p align="center">LOT 211 OWNER APPROVAL</p> <p>APPROVED THIS ____ DAY OF _____ A.D., 20____</p> <p align="center">MICHAEL R. WORKMAN AND CINDY J. WORKMAN</p>
<p align="center">LOT 212 OWNER APPROVAL</p> <p>APPROVED THIS ____ DAY OF _____ A.D., 20____</p> <p align="center">BRANDON T. FLITTON AND CYNTHIA FLITTON TRUSTEES OF THE FLITTON FAMILY TRUST</p>	<p align="center">LOT 213 OWNER APPROVAL</p> <p>APPROVED THIS ____ DAY OF _____ A.D., 20____</p> <p align="center">DAVID P. ALLEMAN AND LAURA S. ALLEMAN</p>

OWNER'S DEDICATION

Know all men by these presents that we, the undersigned owners of the described tract of land above, having caused the same to be subdivided into lots and street hereafter to be known as ROLLINS RANCH PHASE 2, AMENDMENT 1 do hereby dedicate for perpetual use of the public all parcels of lands owned on this plat as intended for public use, and do warrant, defend, and save the County harmless against any easement or encumbrances on the dedicated streets which will interfere with the County's use, operation, and maintenance of the streets and do further dedicate the easements as shown.

In witness thereof, we have hereunto set our hands this ____ day of _____, 20____.

GORDON J. SANT AND KAREN M. SANT MICHAEL R. WORKMAN AND CINDY J. WORKMAN

BRANDON T. FLITTON AND CYNTHIA FLITTON DAVID P. ALLEMAN AND LAURA S. ALLEMAN
 TRUSTEES OF THE FLITTON FAMILY TRUST DATED 12/1/2011

ROLLINS RANCH AT MOUNTAIN GREEN HOMEOWNERS ASSOCIATION, INC. ROLLINS RANCH LLC

OWNER'S ACKNOWLEDGEMENT OF RESPONSIBILITY

Know all men by these presents that we, the undersigned owners of the tract(s) of land contained within the Subdivision Boundary described herein, acknowledge that failure of the Local Jurisdiction or Planning Commission to observe or recognize hazardous, unknown or unsightly conditions, or to recommended denial of the subdivision because of said unrecognized hazardous, unknown or unsightly conditions shall not relieve the developer or owner from responsibility for the condition or damages resulting therefrom, and shall not result in the Local Jurisdiction or Planning Commission, its officers or agents, being responsible for the conditions and damages resulting therefrom.

In witness thereof, we have hereunto set our hands this ____ day of _____, 20____.

GORDON J. SANT AND KAREN M. SANT MICHAEL R. WORKMAN AND CINDY J. WORKMAN

BRANDON T. FLITTON AND CYNTHIA FLITTON DAVID P. ALLEMAN AND LAURA S. ALLEMAN
 TRUSTEES OF THE FLITTON FAMILY TRUST DATED 12/1/2011

ROLLINS RANCH AT MOUNTAIN GREEN HOMEOWNERS ASSOCIATION, INC. ROLLINS RANCH LLC

ACKNOWLEDGMENT

STATE OF UTAH)
 County of) :S.S.
 On this the ____ day of _____ A.D., 20____, _____ (ROLLINS RANCH AT MOUNTAIN GREEN HOMEOWNERS ASSOCIATION, INC.) personally appeared before me, the undersigned Notary Public, in and for said County of _____, in the State of Utah, the signer(s) of the above Owner's Dedication and Owner's Acknowledgment of Responsibility, _____ in number, who duly acknowledge to me that _____ signed it freely and voluntarily and for the uses and purposes therein mentioned

NOTARY PUBLIC

Residing at _____

My Commission expires _____

OCCUPANCY RESTRICTIONS

MORGAN COUNTY has an ordinance which restricts the occupancy of buildings within this subdivision. Accordingly, it is unlawful to occupy a building located within this Subdivision without first having obtained a certificate of occupancy issued by County Building Inspector.

ROLLINS RANCH PHASE 2 AMENDMENT 1
 AMENDING LOTS 210-213 & 10' OF OPEN SPACE FROM ROLLINS RANCH PH 3
 LOCATED IN THE NORTH HALF OF SECTION 25,
 TOWNSHIP 5 NORTH, RANGE 1 EAST SALT LAKE BASE & MERIDIAN
 MOUNTAIN GREEN, MORGAN COUNTY, UTAH

SHEET 2 OF 2

COUNTY RECORD NO. _____

STATE OF UTAH, COUNTY OF _____
 RECORDED AND FILED AT THE REQUEST OF _____
 DATE _____ TIME _____
 FEE _____ ABSTRACTED _____
 INDEX _____
 FILED _____ COUNTY RECORDER _____

Exhibit C: Surveyor's Approval

Ronda Kippen

From: Von Hill <vrhill@hillargyle.com>
Sent: Thursday, December 19, 2013 3:34 PM
To: 'Ronda Kippen'
Subject: RE: Re-review of Rollins Ranch phase 2 amendment 2 and Rollins Ranch phase 3 amendment 2

I have reviewed the 2 revised plats and they have been corrected appropriately. I am now fine with them.

Von

From: Ronda Kippen [<mailto:rkippen@morgan-county.net>]
Sent: Wednesday, December 18, 2013 11:14 AM
To: 'Von Hill'
Subject: Re-review of Rollins Ranch phase 2 amendment 2 and Rollins Ranch phase 3 amendment 2

Hi Von,

Here is the most recent resubmittal for the plat amendments for Phase 2 & 3 in the Rollins Ranch Subdivision. Let me know if you need anything else.

Have a great day,

Ronda Kippen

Morgan County
Planning Technician
Planning & Zoning Dept
P# 801-845-4014
F# 801-845-6087



MORGAN COUNTY RECORDER

Rollins Ranch Phase 2 Amendment 1

Lots 210-213 & 10' of Open Space from Phase 3

(5th Review)

Reviewed 05/08/2014

- Notary for Flitton's should include the date of the Trust as shown on the Dedication signature.
- Notary for both the HOA and Rollins Ranch LLC should also include who is signing for the LLC and HOA and what their capacity is.
- Deeds from owners of Open Space to each Lot (suggest the owners of their respective lots also sign the deeds – so that all ownership for their lot is on one deed instead of at least 2 or more deeds.



Planning and Development Services

48 West Young Street
Morgan, UT 84050
(801) 845-4015

STAFF REPORT

May 14, 2014

To: Morgan County Planning Commission
Business Date: May 22, 2014

Prepared By: Ronda Kippen, Planning Technician

Re: Rollins Ranch Phase 3 Subdivision Plat Amendment #2

Application No.: 13.053
Applicant: Rollins Ranch, L.L.C.
Project Location: Rollins Ranch Road in the Rollins Ranch Subdivision Phase 3
Zoning: R1-20 Zone
Request: Final plat approval for an amendment to the Rollins Ranch Phase 3 Subdivision reducing approximately 0.11 acres from the open space to be allocated to the proposed Lots 210A, 211A, 212A, 213A in the Rollins Ranch Phase 2 Subdivision Amendment# 1.

SUMMARY & BACKGROUND

The applicant is seeking approval of an amendment to an existing subdivision. The proposed subdivision amendment is a lot line adjustment between two existing subdivisions, involving four improved building lots in Rollins Ranch Phase 2 Subdivision and one open space parcel in Rollins Ranch Phase 3 Subdivision. The subdivision was designed under the 2006 PRUD ordinance that allowed for some flexibility within the adopted ordinances. The proposed lot line adjustment will decrease the acreage of the proposed open space in the Rollins Ranch Phase 3 Subdivision by approximately 0.11 acres. This acreage will be allocated to Lots 210A, 211A, 212A and 213A in the Rollins Ranch Phase 2 Subdivision Amendment# 1 bringing the existing improved lots into conformity with the R1-20 zone 25% coverage regulation and the Rollins Ranch Development Agreement Amendment# 2 Section D. The proposal was reviewed for process steps and standards under the following codes:

- Current Zoning Ordinance Morgan County Code (MCC) §8-5B
- Current Preliminary Plat Ordinance MCC §8-12-22 through §8-12-28
- Current Final Plat Ordinance MCC §8-12-29 through §8-12-46
- Amendments to Recorded Subdivision Plats Ordinance MCC §8-12-60 through §8-12-63
- The PRUD Ordinance #CO-06-15 Land Use Management Code (LUMC) §16-20-30
- Development Agreement for the Rollins Ranch Subdivision as recorded with the Morgan County Recorder Entry# 108742 book 251 page 617, and amended #1 on Nov 21, 2011 Entry# 124507 book 294 page 1138 and amended #2 on Feb 27, 2013 Entry# 128494 book 304 page 638.

Staff finds that with the recommended conditions herein, the request appears to meet the requirements of the zoning ordinance, the subdivision ordinance, the PRUD ordinance of the time and the Development Agreement. Staff's evaluation of the request is as follows.

ANALYSIS & REVIEW

General Plan and Zoning: Pursuant to the Future Land Use Map of the area the future land use designation is Village Low-Density Residential. The Village Low Density Residential designation provides for a lifestyle with planned single family residential communities, which include open space, recreation and cultural opportunities, including schools, churches and neighborhood facilities located in established village areas or master planned communities. The residential density is a maximum of 2 units per acre. (See 2010 Morgan County General Plan page 6)

The current zoning designation on the property is R1-20 PRUD. The entire 1.31 acres of property is within the R1-20 zone.

The MCC 8-5B identifies the purpose for the R1-20 zone is:

1. To provide areas for very low density, single-family residential neighborhoods of spacious and uncrowded character.

The proposal is in compliance with both the General Plan and Zoning purpose statements.

The purpose statements in the General Plan and Zoning Ordinance do not provide actual development regulations, but present the zoning context in which the proposed subdivision is located. The specific regulations found in the adopted County Code govern development of the subject property.

Layout: The proposed subdivision amendment involves the open space in Rollins Ranch Phase 3 Subdivision located along Rollins Ranch Road in the Rollins Ranch development (Exhibit A). The proposed lot line adjustment will decrease the open space in Rollins Ranch Phase 3 from 17.33 acres to 17.22 acres.

Roads and Access: Access to the open space parcel can be gained along Rollins Ranch Road as well as the existing platted trails. Further frontage, access and improvements have not been proposed. Staff feels that the need for further frontage, access and improvement requirements are unnecessary due to the previous approvals.

Previous Platting: The property was originally subdivided as the Rollins Ranch Phase 3 Subdivision (Exhibit B). The County Council heard and approved Rollins Ranch Phase 3 Subdivision Amendment #1 on June 18, 2013, eliminating the trail system throughout other areas of the phase (Exhibit C).

Development Agreement & CC&R's: The proposed subdivision amendment appears to meet the general purpose and requirements of the original and amended Rollins Ranch Development Agreement between Morgan County and the developer, Rollins Ranch, LLC.

The Rollins Ranch development is required to have covenants, contracts, and restrictions (CC&R's) recorded against all resulting properties per the Rollins Ranch Development Agreement §2.3. The creation, review, and administration of the CC&R's are not within the purview of the County, but ensuring that the developer follows through with recording them is. To ensure that the amendment is tied to the initial and amended Development Agreements between Morgan County and Rollins Ranch, LLC, as well as assuring that the required CC&R's are still in effect, Staff recommends a condition of approval requiring a note placed on the plat acknowledging that the original and/or amended Development Agreements and CC&R's are still in effect to guarantee that the proposed amendment will remain in conformance as a result of the repealed PRUD ordinance.

Open Space. The current proposal will utilize approximately 0.11 acres (4791.6 sq. ft.) of open space from Rollins Ranch Phase 3 Subdivision. The general configuration of the open space is in general compliance with the general configuration of Exhibit D-1 of the Rollins Ranch Development Agreement (Exhibit D).

When reviewing the total provided open space in the Rollins Ranch Phases 1-4 including previously approved un-platted phases and amendments, Staff found the current total approved and proposed open space is approximately 21.87 acres. When comparing acreage to acreage, the open space is 5.33 acres less than required by the Rollins Ranch Concept Plan Exhibit D-1, which indicates that the open space area in Phases 1-4 should be 27.2 acres at project completion.

Because the Development Agreement and Master Plan was not created with survey level accuracy in mind, it is more appropriate to discuss open space in terms of a percent of the whole rather than raw acres¹. The developer promised that 30% of the acreage of Phases 1-4 would be held in open space². Rollins Ranch Phases 1-4 currently have a total of 25.39% open space. This proposal will yield a total of 25.26% open space for Phases 1-4, as shown in table 1. This is approximately 4.089 acres less than the 30% promised through the Development Agreement.

	Total Acreage	Open Space Acreage	%
Phase 1	26.75	4.05	15.14%
Phase 1 Amendment# 1(Approved/Unrecorded)		3.47	12.97%
Phase 2	5.95	0.67	11.26%
Phase 2 Amendment# 1(Proposed)		0.67	11.26%
Phase 3	40.25	18.15	45.09%
Phase 3 Amendment# 1(Approved/Unrecorded)		17.33	43.06%
Phase 3 Amendment# 2(Proposed)		17.22	42.78%
Phase 4a (Approved/Unrecorded)	7.79	0.28	3.59%
Phase 4b (Approved/Unrecorded)	5.79	0.23	3.97%
Total Approved/Proposed	86.53	21.87	25.26%

The Planning Commission’s recommendation to the County Council will need to take into consideration the following three options:

1. The developer benefits by not providing the promised open space percentage. The Planning Commission may choose this option if the promised conceptual amount of open space is not a policy issue worth pushing in this development. Perhaps the adherence to the general configuration of the concept plan is more important than adherence to the promised open space acreage.
2. The developer suffers by not being allowed to amend phases 2 and 3 as proposed. The Planning Commission may make a determination that the promised additional acreage is important to this development, and that the developer should’ve taken it into consideration when platting the first four phases. This option emphasizes open space promises over the proposed general configuration of the concept plan.
3. The developer could come before the County Council with an amendment to the Development Agreement reflecting the accurate survey acreage and include the previously approved phases and amendments to correctly identify the open space for Phases 1-4.

Based on previous discussions and approvals, this may not be an issue. However this is a discretionary policy question for the Planning Commission to decide in their recommendation to the County Council. Because the vested laws that led to the creation of the Development Agreement do not actually require an open space minimum³ but that it appears to have been offered freely by the developer through the Development Agreement, and because the provided general configurations of the proposed open spaces

¹ The concept plan says phases 1-4 should be approximately 90.58 acres, but the surveyors have found it to be closer to approximately 86.54 acres.

² Rollins Ranch Development Agreement Exhibit D-1, also attached as part of Exhibit D herein.

³ LUMC §16-20-030 (adopted as ordinance #CO-06-15 on Aug. 1, 2006, and recorded on Sep. 7, 2006): “The provision for open space or common area shall not be a requirement of the PRUD Subdivision.”

comply with the proposed concept plan, Staff is recommending that, as long as the Planning Commission can find no policy benefit in strictly adhering to the 30% open space promises, option #1 above is applied⁴. If the Planning Commission cannot find that option #1 is a viable option, Staff recommends the Planning Commission adds a condition that the developer provides the County Council with an amendment to the current Development Agreement correcting the open space allocation for Phases 1-4 prior to recording the proposed amendment.

Grading and land disturbance: The proposed lot has been improved and landscaping is in place. Further grading of the lot is not expected at this time. If the developer chooses to re-grade the existing open space parcel, they may need additional review and engineering of the proposal at that time.

County Engineer: Additional site grading alterations are not being proposed at this time. A review by the County Engineer was not necessary for the approval of this proposed amendment.

County Surveyor: The County Surveyor has reviewed the proposal and is recommending approval (Exhibit E).

County Recorder: The County Recorder has reviewed the proposal and has identified some minor edits prior to recording the final Mylar. Staff recommends a condition of approval to address minor administrative edits prior to recording the final Mylar (Exhibit F).

Fire Chief: The development should comply with the International Fire Code and the 2006 Wildland Urban Interface Code. Fire controls are administered by the Mountain Green Fire Protection District Chief. Due to no additional alterations being proposed at this time and based on the previous approval, a review by the Fire Chief was not necessary for the approval of this proposed amendment.

Sensitive Areas, Geology, and Geotechnical Considerations: Due to no additional site grading alterations being proposed at this time, a geotechnical review was not necessary for the approval of this proposed amendment.

Utilities: All utility will-serve letters from the original subdivision application have been found adequate for the proposed use. No further modifications for street lighting or other applicable utilities have been proposed at this time.

Development Fees and Taxes: The MCC § 8-12-52 states:

“No final plat shall be approved by the county council or zoning administrator or recorded and no building or other permits required by the ordinances of Morgan County shall be issued, unless the subdivider shall first pay to the county all applicable fees required under the county's fee schedule.

All improvements inspections fees, development review and consulting fees, and outstanding taxes, including any greenbelt rollback taxes, shall be paid to the county prior to the recordation of the plat, per the county's fee schedule and tax assessments.”

The property taxes for the proposed subdivision amendment are past due with the Morgan County Treasurer. Due to ongoing reviews, there may be additional fees owed to Morgan County for outside reviewers and consulting fees. Staff recommends a condition of approval to ensure all fees and all past due taxes are paid current prior to recording the final Mylar.

⁴ See finding #6 of this report.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a positive recommendation to the County Council for the Rollins Ranch Phase 3 Subdivision Amendment #2, application# 13.053, subject to the following conditions:

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.

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.

MODEL MOTION

Sample Motion for a *Positive* Recommendation – "I move we 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. List any additional findings and conditions...

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council of the Rollins Ranch Phase32 Subdivision Amendment #2, application# 13.053 subject to the following conditions:

1. List any additional findings...

SUPPORTING INFORMATION

Exhibit A: Rollins Ranch Phase 3 Subdivision Amendment# 2 Final Plat

Exhibit B: Rollins Ranch Phase 3 Subdivision Original Plat

Exhibit C: Rollins Ranch Phase 3 Subdivision Amendment# 1 Final Plat (Unrecorded) as approved by the County Council on June 18, 2013.

Exhibit D: Exhibit D-1 of the Rollins Ranch Development Agreement Amendment #1

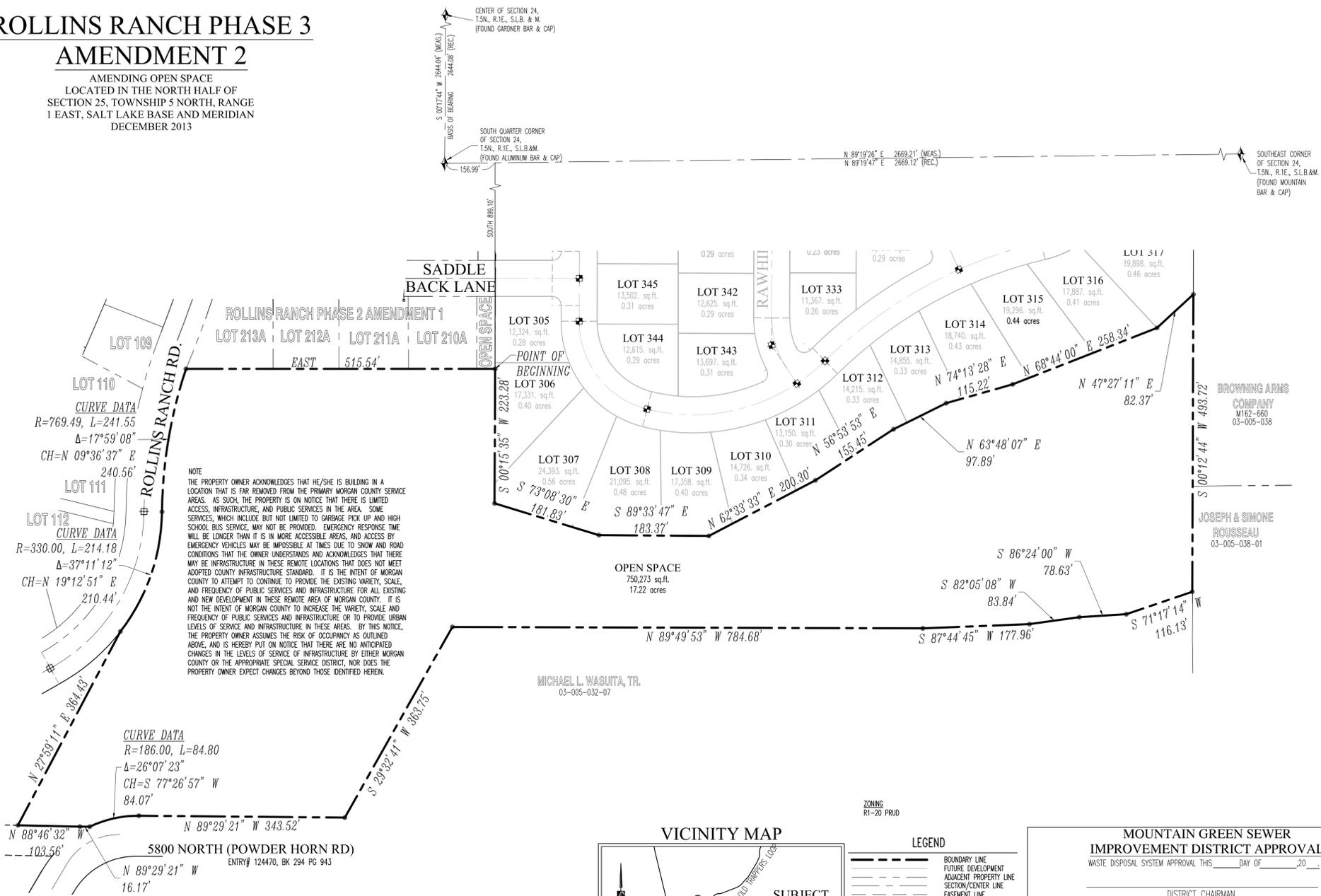
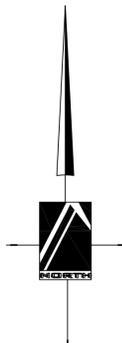
Exhibit E: County Surveyor Approval

Exhibit F: County Recorder’s Review dated 5/8/14

Exhibit A: Rollins Ranch Phase 3 Subdivision Amendment# 2 Final Plat

ROLLINS RANCH PHASE 3 AMENDMENT 2

AMENDING OPEN SPACE
LOCATED IN THE NORTH HALF OF
SECTION 25, TOWNSHIP 5 NORTH, RANGE
1 EAST, SALT LAKE BASE AND MERIDIAN
DECEMBER 2013

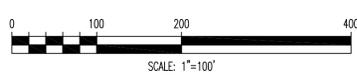


NOTE: THE PROPERTY OWNER ACKNOWLEDGES THAT HE/SHE IS BUILDING IN A LOCATION THAT IS FAR REMOVED FROM THE PRIMARY MORGAN COUNTY SERVICE AREAS. AS SUCH, THE PROPERTY IS ON NOTICE THAT THERE IS LIMITED ACCESS, INFRASTRUCTURE, AND PUBLIC SERVICES IN THE AREA. SOME SERVICES, WHICH INCLUDE BUT NOT LIMITED TO GARBAGE PICK UP AND HIGH SCHOOL BUS SERVICE, MAY NOT BE PROVIDED. EMERGENCY RESPONSE TIME WILL BE LONGER THAN IT IS IN MORE ACCESSIBLE AREAS, AND ACCESS BY EMERGENCY VEHICLES MAY BE IMPOSSIBLE AT TIMES DUE TO SNOW AND ROAD CONDITIONS THAT THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT THERE MAY BE INFRASTRUCTURE IN THESE REMOTE LOCATIONS THAT DOES NOT MEET ADOPTED COUNTY INFRASTRUCTURE STANDARD. IT IS THE INTENT OF MORGAN COUNTY TO ATTEMPT TO CONTINUE TO PROVIDE THE EXISTING VARIETY, SCALE, AND FREQUENCY OF PUBLIC SERVICES AND INFRASTRUCTURE FOR ALL EXISTING AND NEW DEVELOPMENT IN THESE REMOTE AREA OF MORGAN COUNTY. IT IS NOT THE INTENT OF MORGAN COUNTY TO INCREASE THE VARIETY, SCALE AND FREQUENCY OF PUBLIC SERVICES AND INFRASTRUCTURE OR TO PROVIDE URBAN LEVELS OF SERVICE AND INFRASTRUCTURE IN THESE AREAS. BY THIS NOTICE, THE PROPERTY OWNER ASSUMES THE RISK OF OCCUPANCY AS OUTLINED ABOVE, AND IS HEREBY PUT ON NOTICE THAT THERE ARE NO ANTICIPATED CHANGES IN THE LEVELS OF SERVICE OF INFRASTRUCTURE BY EITHER MORGAN COUNTY OR THE APPROPRIATE SPECIAL SERVICE DISTRICT, NOR DOES THE PROPERTY OWNER EXPECT CHANGES BEYOND THOSE IDENTIFIED HEREIN.

CURVE DATA
R=186.00, L=84.80
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CH=S 77°26'57" W
84.07'

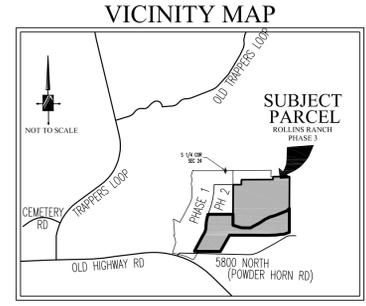
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CH=N 09°36'37" E
240.56'

CURVE DATA
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Δ=37°11'12"
CH=N 19°12'51" E
210.44'



DEVELOPER
ROLLINS RANCH LLC
90 SOUTH 400 WEST, SUITE 330
SALT LAKE CITY, UT 84101
801-456-1280

NOTE: BROWNING ARMS OPERATES A FIREARMS TEST RANGE ON NEARBY PROPERTY. PERIODIC CONFINES WILL BE AUDIBLE WITHIN THE BOUNDARIES OF THIS PROPERTY.



LEGEND

--- (dashed line)	BOUNDARY LINE
--- (dotted line)	FUTURE DEVELOPMENT
--- (long dashed line)	ADJACENT PROPERTY LINE
--- (short dashed line)	SECTION/CENTER LINE
--- (dash-dot line)	EASEMENT LINE
--- (long dash short dash line)	SETBACK LINE
--- (dotted line)	RADIAL LINE
P.U.&D.E.	PUBLIC UTILITY & DRAINAGE EASEMENT
MON.	MONUMENT
+	CONSTRUCT SURVEY MONUMENT
+	SECTION CORNER
o	BAR & CAP OR NAIL & WASHER TO BE SET STAMPED "PINNACLE"

MOUNTAIN GREEN SEWER IMPROVEMENT DISTRICT APPROVAL
WASTE DISPOSAL SYSTEM APPROVAL THIS _____ DAY OF _____, 20____.

DISTRICT CHAIRMAN _____

WILKINSON/COTTONWOOD MUTUAL WATER COMPANY APPROVAL
WATER SYSTEM APPROVAL THIS _____ DAY OF _____, 20____.

CHAIRMAN _____

COUNTY ATTORNEY'S APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF _____, A.D., 20____.

MORGAN COUNTY ATTORNEY _____

SURVEYOR'S CERTIFICATE

I, STEPHEN J. FACKRELL, a registered professional land surveyor holding Certificate No. 191517, as prescribed under laws of the State of Utah, and do hereby certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described hereinafter, and have subdivided said tract of land into lots and streets to be hereafter known as: ROLLINS RANCH PHASE 3 AMENDMENT 2 and that the same has been surveyed and staked on the ground as shown on this plat.

Signed on this _____ day of _____, 20____.

Registered Land Surveyor

BOUNDARY DESCRIPTION

BEGINNING AT THE SOUTHEAST CORNER OF ROLLINS RANCH PHASE 2 AMENDED, SAID POINT BEING LOCATED NORTH 89°19'26" EAST ALONG SECTION LINE 156.94 FEET AND SOUTH 899.10 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 24, TOWNSHIP 5 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, AND RUNNING THENCE SOUTH 00°15'35" WEST 223.28 FEET, THENCE SOUTH 73°08'30" EAST 181.83 FEET, THENCE SOUTH 89°33'47" EAST 183.37 FEET, THENCE NORTH 62°33'33" EAST 200.30 FEET, THENCE NORTH 56°53'53" EAST 155.45 FEET, THENCE NORTH 63°48'07" EAST 97.89 FEET, THENCE NORTH 74°13'28" EAST 115.22 FEET, THENCE NORTH 68°44'00" EAST 258.34 FEET, THENCE NORTH 47°27'11" EAST 82.37 FEET, THENCE SOUTH 00°12'44" WEST 493.72 FEET, THENCE SOUTHWESTERLY THE FOLLOWING: A CALL: SOUTH 71°17'14" WEST 116.13 FEET, SOUTH 86°24'00" WEST 78.63 FEET, SOUTH 82°05'08" WEST 83.84 FEET, SOUTH 87°44'45" WEST 177.96 FEET, THENCE NORTH 89°29'21" WEST 343.52 FEET, THENCE SOUTH 29°32'41" WEST 363.75 FEET, THENCE NORTH 89°29'21" WEST 343.52 FEET TO A POINT OF CURVATURE, THENCE 84.80 FEET ALONG A 186.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 26°07'23" (CHORD BEARS SOUTH 77°26'57" WEST 84.07 FEET), THENCE NORTH 89°29'21" WEST 16.17 FEET, THENCE NORTH 88°46'32" WEST 103.56 FEET TO A POINT ON THE EAST LINE OF SAID ROLLINS RANCH PHASE 1, THENCE NORTHERLY ALONG SAID EAST LINE THE FOLLOWING 3 CALLS: NORTH 27°59'11" EAST 364.43 FEET, NORTHEASTERLY ALONG THE ARC OF A 330.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 37°11'12" A DISTANCE OF 214.18 FEET (CHORD BEARS NORTH 19°12'51" EAST 210.44 FEET) TO A POINT OF REVERSE CURVATURE, ALONG THE ARC OF A 769.49 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 17°59'08" A DISTANCE OF 241.55 FEET (CHORD BEARS NORTH 09°36'37" EAST 240.56 FEET) TO THE SOUTH LINE OF ROLLINS RANCH PHASE 2 AMENDMENT 1, THENCE EAST ALONG SAID SOUTH LINE 515.54 FEET TO THE POINT OF BEGINNING.

CONTAINS: 750,273 SQ.FT. 17.22 ACRES

OWNER'S DEDICATION

Know all men by these presents that we, the undersigned owners of the described tract of land below, having caused the same to be subdivided into lots and street to hereafter be known as ROLLINS RANCH PHASE 3 AMENDMENT 2 do hereby dedicate for perpetual use of the public all parcels of lands owned on this plat as intended for public use, and do warrant, defend, and save the County harmless against any easement or encumbrance on the dedicated streets which will interfere with the County's use, operation, and maintenance of the streets and do further dedicate the easements as shown.

In witness thereof, we have hereto set our hands this _____ day of _____, 20____.

ROLLINS RANCH, LLC

OWNER'S ACKNOWLEDGEMENT OF RESPONSIBILITY

Know all men by these presents that we, the undersigned owners of the tract(s) of land contained within the Subdivision Boundary described hereon, acknowledge that failure of the Local Jurisdiction or Planning Commission to observe or recognize hazardous, unknown or unsightly conditions, or to recommend denial of the subdivision because of said unrecognized hazardous, unknown or unsightly conditions shall not relieve the developer or owner from responsibility for the condition or damages resulting therefrom, and shall not result in the Local Jurisdiction or Planning Commission, its officers or agents, being responsible for the conditions and damages resulting therefrom.

In witness thereof, we have hereto set our hands this _____ day of _____, 20____.

ROLLINS RANCH, LLC

ACKNOWLEDGMENT

STATE OF UTAH)
County of _____) s.s.

On this the _____ day of _____, A.D., 20____, _____ (ROLLINS RANCH, LLC) personally appeared before me, the undersigned Notary Public, in and for said County of _____ in the State of Utah, the signer(s) of the above Owner's Dedication and Owner's Acknowledgment of Responsibility, _____ in number, who duly acknowledge to me that _____ signed it freely and voluntarily and for the uses and purposes therein mentioned.

NOTARY PUBLIC

Residing at _____
My Commission expires _____

OCCUPANCY RESTRICTIONS

MORGAN COUNTY has an ordinance which restricts the occupancy of buildings within this subdivision as outlined in the adopted building & fire codes. Accordingly, it is unlawful to occupy a building located within this Subdivision without first having obtained a certificate of occupancy issued by County Building Inspector.

ROLLINS RANCH PHASE 3 AMENDMENT 2

AMENDING OPEN SPACE
LOCATED IN THE NORTH HALF OF SECTION 25,
TOWNSHIP 5 NORTH, RANGE 1 EAST SALT LAKE BASE & MERIDIAN
MOUNTAIN GREEN, MORGAN COUNTY, UTAH

PINNACLE
Engineering & Land Surveying, Inc.
Layton • West Bountiful • Mt. Pleasant •
2720 North 350 West, Suite #108 Phone: (801) 773-1910
Layton, UT 84041 Fax: (801) 773-1925

MORGAN COUNTY SURVEYOR
I HEREBY CERTIFY THAT THE MORGAN COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS PLAT FOR MATHEMATICAL CORRECTNESS, SECTION CORNER DATA AND FOR HARMONY WITH LINES AND MONUMENTS ON RECORD IN THE MORGAN COUNTY OFFICES. THE APPROVAL OF THIS PLAT BY THE MORGAN COUNTY SURVEYOR DOES NOT RELIEVE THE LICENSED LAND SURVEYOR WHO EXECUTES THIS PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED THEREWITH.

SIGNED THIS _____ DAY OF _____, 20____.

MORGAN COUNTY SURVEYOR _____

MORGAN COUNTY PLANNING COMMISSION APPROVAL
APPROVED THIS _____ DAY OF _____, A.D., 20____.

BY THE _____ PLANNING COMMISSION.

PLANNING COMMISSION CHAIRMAN _____

COUNTY COUNCIL
PRESENTED TO THE MORGAN COUNTY COUNCIL THIS _____ DAY OF A.D., 20____ AT WHICH TIME THIS SUBDIVISION AND THE OWNER'S DEDICATION WAS APPROVED AND ACCEPTED.

ON THE _____ DAY OF _____, 20____.

COUNTY CLERK _____

COUNTY COUNCIL CHAIR _____

COUNTY ENGINEER'S APPROVAL
I HEREBY CERTIFY THAT ALL APPLICABLE STATUTES AND ORDINANCES PREREQUISITE TO COUNTY ENGINEER APPROVAL OF THE FOREGOING PLAT AND DEDICATIONS HAVE BEEN COMPLIED WITH.

SIGNED THIS _____ DAY OF _____, 20____.

SIGNATURE _____

COUNTY RECORD NO. _____

STATE OF UTAH, COUNTY OF _____
RECORDED AN OFFILED AT THE REQUEST OF _____
DATE _____ TIME _____
FEE _____ ABSTRACTED _____
INDEX _____
FILED _____
COUNTY RECORDER _____

ALL INFORMATION SHOWN HEREON IS NOT FINAL OR APPROVED WITHOUT THE GOVERNING AGENCY(S)'S STAMP AND SIGNATURE. ANY USE OF THIS DRAWING AND ITS CONTENT WITHOUT SAID APPROVAL IS DONE AT THE INDIVIDUAL'S OWN RISK. PINNACLE ENGINEERING & LAND SURVEYING, INC. DOES NOT ASSUME LIABILITY FOR ANY SUCH USE.

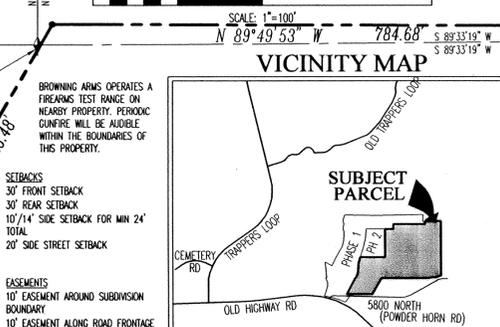
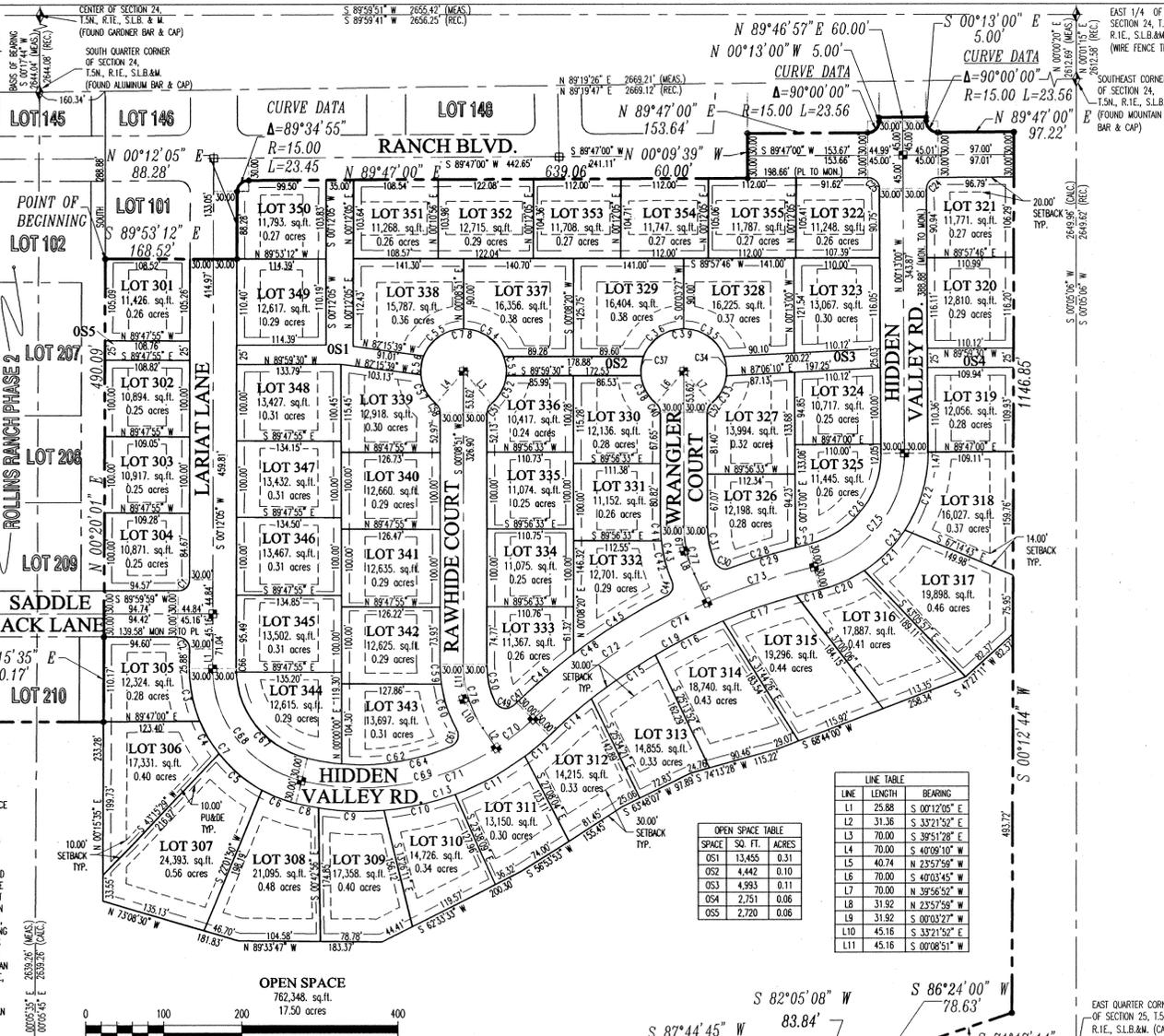
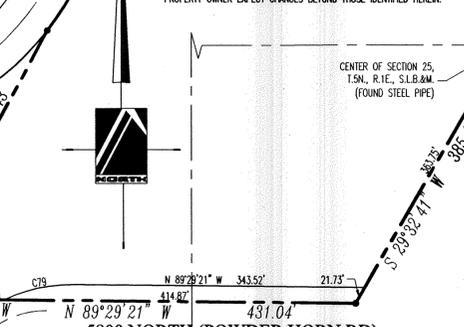
ROLLINS RANCH PHASE 3

LOCATED IN THE NORTH HALF OF SECTION 25,
TOWNSHIP 5 NORTH, RANGE 1 EAST
SALT LAKE BASE AND MERIDIAN
MAY 2005

CURVE	LENGTH	RADIUS	DELTA	CHORD	CH. BEARING
C1	23.51	15.00	89°47'55"	21.18	N 45°06'02" E
C2	23.61	15.00	90°12'05"	21.25	N 44°53'58" W
C3	70.52	180.00	22°28'46"	70.27	S 11°01'21" E
C4	46.87	180.00	19°31'46"	46.72	S 3°00'21" E
C5	72.73	180.00	23°09'00"	72.23	S 49°22'30" E
C6	46.95	180.00	14°56'44"	46.82	S 88°25'22" E
C7	239.07	180.00	76°05'49"	221.88	S 37°50'50" E
C8	29.83	344.72	4°57'28"	29.82	S 78°22'57" E
C9	84.37	344.72	14°01'25"	84.16	S 87°52'24" E
C10	93.65	344.72	15°33'58"	93.36	S 77°19'54" E
C11	102.55	344.72	17°09'16"	102.17	S 61°10'35" E
C12	41.29	344.72	6°51'44"	41.26	N 49°04'24" E
C13	351.69	344.72	58°27'18"	336.63	N 74°52'11" E
C14	72.18	732.49	5°38'46"	72.15	S 48°27'55" W
C15	99.56	732.49	7°47'16"	99.49	S 55°10'56" W
C16	97.43	732.49	7°31'14"	97.43	S 62°53'55" W
C17	99.48	732.49	7°43'27"	99.40	S 70°36'15" W
C18	30.70	732.49	2°22'31"	30.70	S 75°41'44" W
C19	388.47	732.49	31°14'17"	384.53	S 81°15'35" W
C20	62.85	180.00	20°00'15"	62.53	N 65°31'11" E
C21	73.86	180.00	22°28'46"	73.15	N 45°09'40" E
C22	105.73	180.00	33°39'18"	104.21	N 18°36'38" E
C23	242.23	180.00	77°06'18"	224.36	N 38°20'10" E
C24	23.56	15.00	90°00'00"	21.21	S 44°47'00" W
C25	23.56	15.00	90°00'00"	21.21	N 45°13'00" W
C26	161.49	120.00	77°06'18"	149.58	N 38°20'10" E
C27	17.26	791.90	1°14'55"	17.26	S 76°15'52" W
C28	88.75	792.47	6°25'00"	88.70	S 72°25'58" W
C29	106.01	792.47	7°39'51"	105.93	S 73°03'23" W
C30	23.15	15.00	88°26'32"	20.92	S 66°33'16" E
C31	46.90	120.00	22°27'27"	46.80	S 11°08'17" E
C32	13.09	15.00	49°59'41"	12.68	S 25°03'17" W
C33	42.15	55.00	43°54'49"	41.13	N 28°05'44" E
C34	25.29	55.00	26°20'35"	25.07	N 07°01'58" W
C35	66.94	55.00	69°44'18"	62.89	N 50°04'24" W
C36	66.89	55.00	69°41'11"	62.85	S 30°12'25" W
C37	25.42	55.00	28°28'52"	25.19	S 07°02'00" W
C38	42.07	55.00	43°49'38"	41.05	S 28°01'26" E
C39	288.77	55.00	128°59'23"	207.71	N 82°56'34" E
C40	13.09	15.00	49°59'41"	12.68	N 24°56'24" W
C41	19.22	180.00	6°07'02"	19.21	S 03°00'04" E
C42	53.50	180.00	17°01'46"	53.30	S 14°34'28" E
C43	72.72	180.00	23°08'48"	72.22	S 11°30'57" E
C44	22.49	15.00	85°52'33"	20.45	N 19°52'20" E
C45	141.37	792.39	10°13'19"	141.18	S 57°43'24" W
C46	96.42	792.40	6°58'18"	96.36	S 49°07'40" W
C47	5.30	284.71	1°03'57"	5.30	S 46°10'30" W
C48	237.79	792.49	17°11'30"	236.90	S 54°14'17" W
C49	28.70	15.00	109°37'14"	24.52	S 78°28'54" E
C50	49.89	120.00	23°49'08"	49.53	S 11°45'43" E
C51	13.09	15.00	49°59'41"	12.68	S 25°08'42" W
C52	42.48	55.00	44°15'02"	41.43	N 28°01'01" E
C53	25.43	55.00	28°29'44"	25.21	N 07°21'22" W
C54	66.47	55.00	69°14'55"	62.50	N 51°15'41" W
C55	65.82	55.00	68°34'09"	61.96	S 55°51'47" W
C56	25.22	55.00	26°16'30"	25.00	S 08°26'27" W
C57	43.34	55.00	45°09'02"	42.23	S 27°16'19" E
C58	13.09	15.00	49°59'41"	12.68	N 24°50'59" W
C59	26.16	180.00	8°19'37"	26.14	S 04°00'58" E
C60	63.14	180.00	20°05'51"	62.81	S 18°13'42" E
C61	24.70	15.00	94°21'05"	22.00	N 18°53'56" E
C62	143.83	284.71	28°56'43"	142.31	N 80°32'50" E
C63	45.07	284.72	9°04'10"	45.02	S 80°26'43" E
C64	188.94	284.71	38°01'19"	185.49	N 85°05'08" E
C65	154.92	120.22	23°50'08"	144.42	S 38°57'26" E
C66	4.51	248.47	1°02'23"	4.51	N 00°12'05" E
C67	159.53	120.00	26°10'03"	148.04	S 37°52'57" E
C68	199.76	150.00	76°08'42"	184.93	S 37°51'17" E
C69	260.69	314.71	42°27'40"	253.30	N 80°21'58" E
C70	60.39	314.71	10°59'36"	60.29	N 51°08'20" E
C71	321.08	314.71	58°27'18"	307.33	N 74°52'10" E
C72	271.27	763.74	20°21'00"	269.85	S 55°49'49" W
C73	144.55	763.13	10°49'29"	144.34	S 71°27'53" W
C74	415.83	762.49	31°14'47"	410.69	S 61°15'56" W
C75	201.86	150.00	77°06'18"	186.97	N 38°20'10" E
C76	87.73	150.00	33°30'43"	86.49	S 16°36'30" E
C77	62.89	150.00	24°01'26"	62.43	S 11°57'16" E
C78	268.77	55.00	27°59'23"	207.71	N 85°10'09" W
C79	84.80	186.00	26°07'23"	84.07	S 77°26'57" W

LOT	ADDRESS	STREET	LOT	ADDRESS	STREET
301	6065 N.	LARIAT LANE	324	6035 N.	HIDDEN VALLEY RD
302	6043 N.	LARIAT LANE	325	4356 N.	HIDDEN VALLEY RD
303	6013 N.	LARIAT LANE	326	4378 W.	HIDDEN VALLEY RD
304	5967 N.	LARIAT LANE	6008 N.		WRANGLER COURT
305	4567 W.	SADDLE BACK LANE	327	6054 N.	WRANGLER COURT
306	4553 W.	HIDDEN VALLEY RD	329	6055 N.	WRANGLER COURT
307	4541 W.	HIDDEN VALLEY RD	331	6015 N.	WRANGLER COURT
308	4529 W.	HIDDEN VALLEY RD	332	5957 W.	WRANGLER COURT
309	4517 W.	HIDDEN VALLEY RD	4418 W.		HIDDEN VALLEY RD
310	4509 W.	HIDDEN VALLEY RD	333	4462 W.	HIDDEN VALLEY RD
311	4501 W.	HIDDEN VALLEY RD	5980 N.		RAWHIDE COURT
312	4477 W.	HIDDEN VALLEY RD	334	5986 N.	RAWHIDE COURT
313	4445 W.	HIDDEN VALLEY RD	345	6016 N.	RAWHIDE COURT
314	4403 W.	HIDDEN VALLEY RD	336	6038 N.	RAWHIDE COURT
315	4381 W.	HIDDEN VALLEY RD	337	6056 N.	RAWHIDE COURT
316	4365 W.	HIDDEN VALLEY RD	338	6057 N.	RAWHIDE COURT
317	4351 W.	HIDDEN VALLEY RD	339	6037 N.	RAWHIDE COURT
318	6016 N.	HIDDEN VALLEY RD	340	6017 N.	RAWHIDE COURT
319	6038 N.	HIDDEN VALLEY RD	5995 N.		RAWHIDE COURT
320	6064 N.	HIDDEN VALLEY RD	342	4808 W.	RAWHIDE COURT
321	6086 N.	HIDDEN VALLEY RD	343	5963 N.	RAWHIDE COURT
322	6083 N.	HIDDEN VALLEY RD	344	4536 W.	RAWHIDE COURT
323	6061 N.	HIDDEN VALLEY RD	346	5792 N.	LARIAT LANE

NOTE: THE PROPERTY OWNER ACKNOWLEDGES THAT HE/SHE IS BUILDING IN A LOCATION THAT IS FAR REMOVED FROM THE PRIMARY MORGAN COUNTY SERVICE AREAS. AS SUCH, THE PROPERTY IS ON NOTICE THAT THERE IS LIMITED ACCESS, INFRASTRUCTURE, AND PUBLIC SERVICES IN THE AREA. SOME SERVICES, WHICH INCLUDE BUT NOT LIMITED TO GARBAGE PICK UP AND HIGH SCHOOL BUS SERVICE, MAY NOT BE PROVIDED. EMERGENCY RESPONSE TIME WILL BE LONGER THAN IT IS IN MORE ACCESSIBLE AREAS, AND ACCESS BY EMERGENCY VEHICLES MAY BE IMPOSSIBLE AT TIMES DUE TO SNOW AND ROAD CONDITIONS THAT THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT THERE MAY BE INFRASTRUCTURE IN THESE REMOTE LOCATIONS THAT DOES NOT MEET ADOPTED COUNTY INFRASTRUCTURE STANDARD. IT IS THE INTENT OF MORGAN COUNTY TO ATTEMPT TO CONTINUE TO PROVIDE THE EXISTING VARIETY, SCALE, AND FREQUENCY OF PUBLIC SERVICES AND INFRASTRUCTURE FOR ALL EXISTING AND NEW DEVELOPMENT IN THESE REMOTE AREAS OF MORGAN COUNTY. IT IS NOT THE INTENT OF MORGAN COUNTY TO INCREASE THE VARIETY, SCALE AND FREQUENCY OF PUBLIC SERVICES AND INFRASTRUCTURE OR TO PROVIDE URBAN LEVELS OF SERVICE AND INFRASTRUCTURE IN THESE AREAS. BY THIS NOTICE, THE PROPERTY OWNER ASSUMES THE RISK OF OCCUPANCY AS OUTLINED ABOVE, AND IS HEREBY PUT ON NOTICE THAT THERE ARE NO ANTICIPATED CHANGES IN THE LEVELS OF SERVICE OF INFRASTRUCTURE BY EITHER MORGAN COUNTY OR THE APPROPRIATE SPECIAL SERVICE DISTRICT, NOR DOES THE PROPERTY OWNER EXPECT CHANGES BEYOND THOSE IDENTIFIED HEREIN.



LINE	LENGTH	BEARING
L1	25.88	S 02°12'05" E
L2	31.36	S 33°21'52" E
L3	70.00	S 39°51'28" E
L4	40.74	N 23°57'56" W
L5	40.74	N 23°57'56" W
L6	70.00	S 40°03'45" W
L7	40.74	N 39°56'52" W
L8	31.92	S 23°57'56" W
L9	31.92	S 00°03'27" W
L10	45.16	S 33°21'52" W
L11	45.16	S 00°08'51" W

SPACE	SQ. FT.	ACRES
OS1	13,455	0.31
OS2	4,442	0.10
OS3	4,933	0.11
OS4	2,751	0.06
OS5	2,720	0.06

SURVEYOR'S CERTIFICATE
I, STEPHEN J. FACKRELL, a registered professional land surveyor holding Certificate No. 191517, as prescribed under laws of the State of Utah, and do hereby certify that, by authority of the Owners, I have made a survey of the tract of land shown on this plat and described hereafter, and have subdivided said tract of land into lots and streets to be hereafter known as ROLLINS RANCH PHASE 1 and that the same has been surveyed and staked on the ground as shown on this plat.
Signed on this 22 day of Nov., 2006
Stephen J. Fackrell
Registered Land Surveyor

BOUNDARY DESCRIPTION
BEGINNING ON THE SOUTH LINE OF LOT 101, ROLLINS RANCH PHASE 1, NOT YET RECORDED, SAID POINT BEING LOCATED NORTH 89°19'26" EAST ALONG SECTION LINE 160.34 FEET AND SOUTH 288.68 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 24, TOWNSHIP 5 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, AND RUNNING THENCE SOUTH 89°53'12" EAST ALONG SAID SOUTH LINE AND THE EXTENSION OF 168.52 FEET TO THE EAST LINE OF SADDLE HORN HOLLOW (NOT YET DEDICATED); THENCE NORTH 00°12'05" EAST ALONG SAID EAST LINE 88.28 FEET TO A POINT ON A CURVE; THENCE NORTHEASTERLY ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 89°34'55" A DISTANCE OF 23.45 FEET (CHORD BEARS NORTH 44°59'32" EAST 21.14 FEET) TO A POINT ON THE SOUTH LINE OF RANCH BOULEVARD; THENCE NORTH 89°47'00" EAST ALONG SAID SOUTH LINE 639.06 FEET; THENCE NORTH 00°09'39" WEST ALONG SAID NORTH LINE 153.64 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 90°00'00" A DISTANCE OF 23.56 FEET (CHORD BEARS NORTH 44°47'00" EAST 21.21 FEET); THENCE NORTH 00°13'00" WEST 5.00 FEET; THENCE NORTH 89°46'57" EAST 60.00 FEET; THENCE SOUTH 00°13'00" EAST 5.00 FEET TO A POINT ON A CURVE; THENCE SOUTHEASTERLY ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 90°00'00" A DISTANCE OF 23.56 FEET (CHORD BEARS NORTH 45°13'00" EAST 21.21 FEET); THENCE SAID NORTH LINE OF SAID RANCH BOULEVARD; THENCE NORTH 89°47'00" EAST 97.22 FEET; THENCE SOUTH 00°12'44" WEST 114.85 FEET; THENCE SOUTHWESTERLY THE FOLLOWING 4 CALLS: SOUTH 71°17'14" WEST 116.13 FEET; SOUTH 86°24'00" WEST 78.63 FEET; SOUTH 82°05'08" WEST 83.84 FEET; SOUTH 87°44'45" WEST 177.96 FEET; THENCE NORTH 89°49'53" WEST 784.68 FEET; THENCE SOUTH 29°32'41" WEST 385.48 FEET; THENCE NORTH 89°29'21" WEST 431.04 FEET; THENCE NORTH 88°45'32" WEST 103.56 FEET TO A POINT ON THE EAST LINE OF SAID ROLLINS RANCH PHASE 1; THENCE NORTHERLY ALONG SAID EAST LINE THE FOLLOWING 3 CALLS: NORTH 27°59'11" EAST 364.43 FEET; NORTHEASTERLY ALONG THE ARC OF A 330.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 37°11'12" A DISTANCE OF 214.18 FEET (CHORD BEARS NORTH 19°12'01" EAST 210.44 FEET) TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 789.49 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 184°28'23" A DISTANCE OF 252.12 FEET (CHORD BEARS NORTH 10°01'15" EAST 251.00 FEET) TO THE SOUTH LINE OF ROLLINS RANCH PHASE 2 (NOT YET RECORDED); THENCE EAST ALONG SAID SOUTH LINE 512.15 FEET TO THE EAST LINE OF SAID PHASE 2; THENCE NORTHEASTERLY ALONG SAID EAST LINE THE FOLLOWING 2 CALLS: NORTH 00°15'35" EAST 110.17 FEET; NORTH 00°12'05" EAST 490.00 FEET TO THE POINT OF BEGINNING.

CONTAINS: 1,753,087 SQ. FT. 40.25 ACRES 50 LOTS

OWNER'S DEDICATION
Know all men by these presents that we, the undersigned owners of the described tract of land below, having caused the same to be subdivided into lots and streets to be hereafter known as ROLLINS RANCH PHASE 3, do hereby dedicate for perpetual use of the public all parcels of lands owned on this plat as intended for public use, and do warrant, defend, and save the County harmless against any easement or encumbrances on the dedicated streets which will interfere with the County's use, operation, and maintenance of the streets and do further dedicate the easements as shown.
In witness thereof, we have hereunto set our hands this day of 22nd Nov. 2006
Rollins Ranch L.L.C.
DANNY C. BERTHIAUME
MANAGING MEMBER

OWNER'S ACKNOWLEDGEMENT OF RESPONSIBILITY
Know all men by these presents that we, the undersigned owners of the tract(s) of land contained within the Subdivision Boundary described herein, acknowledge that failure of the Local Jurisdiction or Planning Commission to observe or recognize hazardous, unknown or unsightly conditions, or to recommended denial of the subdivision because of said unrecognized hazardous, unknown or unsightly conditions shall not relieve the developer or owner from responsibility for the condition or damages resulting therefrom, and shall not result in the Local Jurisdiction or Planning Commission, its officers or agents, being responsible for the conditions and damages resulting therefrom.
In witness thereof, we have hereunto set our hands this day of 22nd Nov. 2006
Rollins Ranch L.L.C.
DANNY C. BERTHIAUME
MANAGING MEMBER

OCCUPANCY RESTRICTIONS
MORGAN COUNTY has an ordinance which restricts the occupancy of buildings within this subdivision. Accordingly, it is unlawful to occupy a building located within this Subdivision without first having obtained a certificate of occupancy issued by County Building Inspector.
My Commission expires September 1, 2008
NOTARY PUBLIC
DANNY C. BERTHIAUME
Residence at

ROLLINS RANCH PHASE 3
LOCATED IN THE NORTH HALF OF SECTION 25,
TOWNSHIP 5 NORTH, RANGE 1 EAST SALT LAKE BASE & MERIDIAN
MOUNTAIN GREEN, MORGAN COUNTY, UTAH

COUNTY RECORD NO. 105997
STATE OF UTAH, COUNTY OF MORGAN
RECORDED ON FILED AT THE OFFICE OF THE COUNTY CLERK
DATE 11/21/07 TIME 2:13 PM
INDEXED
FILED
COUNTY RECORDER

MOUNTAIN GREEN SEWER IMPROVEMENT DISTRICT APPROVAL
WASTE DISPOSAL SYSTEM APPROVAL THIS 25th DAY OF Nov. 2006
WILKINSON/COTTONWOOD MUTUAL WATER COMPANY APPROVAL
WATER SYSTEM APPROVAL THIS 25th DAY OF Nov. 2006
COUNTY ATTORNEY'S APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 30th DAY OF Nov. A.D., 2006
Jann L. Jarvis
MORGAN COUNTY ATTORNEY

COUNTY COUNCIL APPROVAL & ACCEPTANCE
PRESENTED TO THE MORGAN COUNTY COMMISSION THIS August 1st DAY OF A.D., 2006 AT WHICH TIME THIS SUBDIVISION AND THE OWNER'S DEDICATION WAS APPROVED AND ACCEPTED ON THE 1st DAY OF August 2006
CHAIRMAN, MORGAN COUNTY PLANNING COMMISSION

MORGAN COUNTY PLANNING COMMISSION APPROVAL
APPROVED THIS 20th DAY OF July, A.D., 2006
CHAIRMAN

Pinnacle Engineering & Land Surveying, Inc.
Layton West Bountiful Mt. Pleasant
1513 North Hillfield Rd., Suite #2
Layton, UT 84041
Phone: (801) 866-0676
Fax: (801) 866-0678

ROLLINS RANCH PHASE 3 AMENDMENT #1

AMENDING LOTS 301, 302, 319, 320, 323, 324, 327, 328, 329, 330, 336, 338, 339, 348, 349, 350, AND 351; AND ELIMINATING PARCELS OS 1, OS 2, OS 3, OS 4 AND OS 5 OF ROLLINS RANCH PHASE 3 SUBDIVISION LOCATED IN THE NORTH HALF OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	15.00'	13.09'	49°59'41"	S25°03'17"W	12.68'
C2	55.00'	268.77'	279°59'23"	N89°56'33"W	70.71'
C3	15.00'	13.09'	49°59'41"	N24°56'24"W	12.68'
C4	15.00'	13.09'	49°59'41"	S25°08'42"W	12.68'
C5	55.00'	268.77'	279°59'23"	N89°51'09"W	70.71'
C6	15.00'	13.09'	49°59'41"	N24°50'59"W	12.68'
C7	55.00'	54.69'	56°58'34"	N21°33'51"E	52.47'
C8	55.00'	79.69'	83°01'08"	N48°26'00"W	72.90'
C9	55.00'	79.79'	83°07'02"	S48°29'56"W	72.97'
C10	55.00'	54.60'	56°52'40"	S21°29'55"E	52.38'
C11	55.00'	67.91'	70°44'46"	N14°46'09"E	63.68'
C12	55.00'	78.45'	81°43'26"	S49°17'08"W	71.97'
C13	55.00'	55.94'	58°16'15"	S20°42'43"E	53.56'

SURVEYOR'S CERTIFICATE
 I, KEITH R. RUSSELL, do hereby certify that I am a Licensed Land Surveyor, and that I hold Certificate No. 164386 as prescribed under laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as ROLLINS RANCH PHASE 3 AMENDMENT #1, and that the same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet frontage width and area requirements of the applicable zoning ordinances.

BOUNDARY DESCRIPTION
 All of Lots 301, 302, 319, 320, 323, 324, 327, 328, 329, 330, 336, 338, 339, 348, 349, 350, and 351; and all of Parcels OS 1, OS 2, OS 3, OS 4 and OS 5 of Rollins Ranch Phase 3 Subdivision, recorded as Entry No. 105997 in Book 241, at Page 476 in the Morgan County Recorder Office.
 Contains 246,261 Square Feet or 6.029 Acres and 17 Lots

DATE: _____ SURVEYOR: KEITH R. RUSSELL
 P.L.S. 164386

OWNER'S DEDICATION
 Know all men by these presents that we, the undersigned owners of the above described tract of land, having caused same to be subdivided, hereafter known as the **ROLLINS RANCH PHASE 3 AMENDMENT #1**, do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for Public use, and do warrant, defend, and save the County harmless against any assessment or encumbrances on the dedicated streets which will interfere with the County's use, operation, and maintenance of the streets and do further dedicate the easements as shown.

In witness whereof we have hereunto set our hands this _____ day of _____ A.D. 20____

By: _____ Lot # _____ By: _____ Lot # _____
 By: _____ Lot # _____ By: _____ Lot # _____
 By: _____ Lot # _____ By: _____ Lot # _____
 By: _____ Lot # _____ By: _____ Lot # _____
 By: _____ Lot # _____ By: _____ Lot # _____
 By: _____ Lot # _____ By: _____ Lot # _____
 By: _____ Lot # _____ By: _____ Lot # _____
 By: _____ Lot # _____ By: _____ Lot # _____
 By: _____ Lot # _____ By: _____ Lot # _____

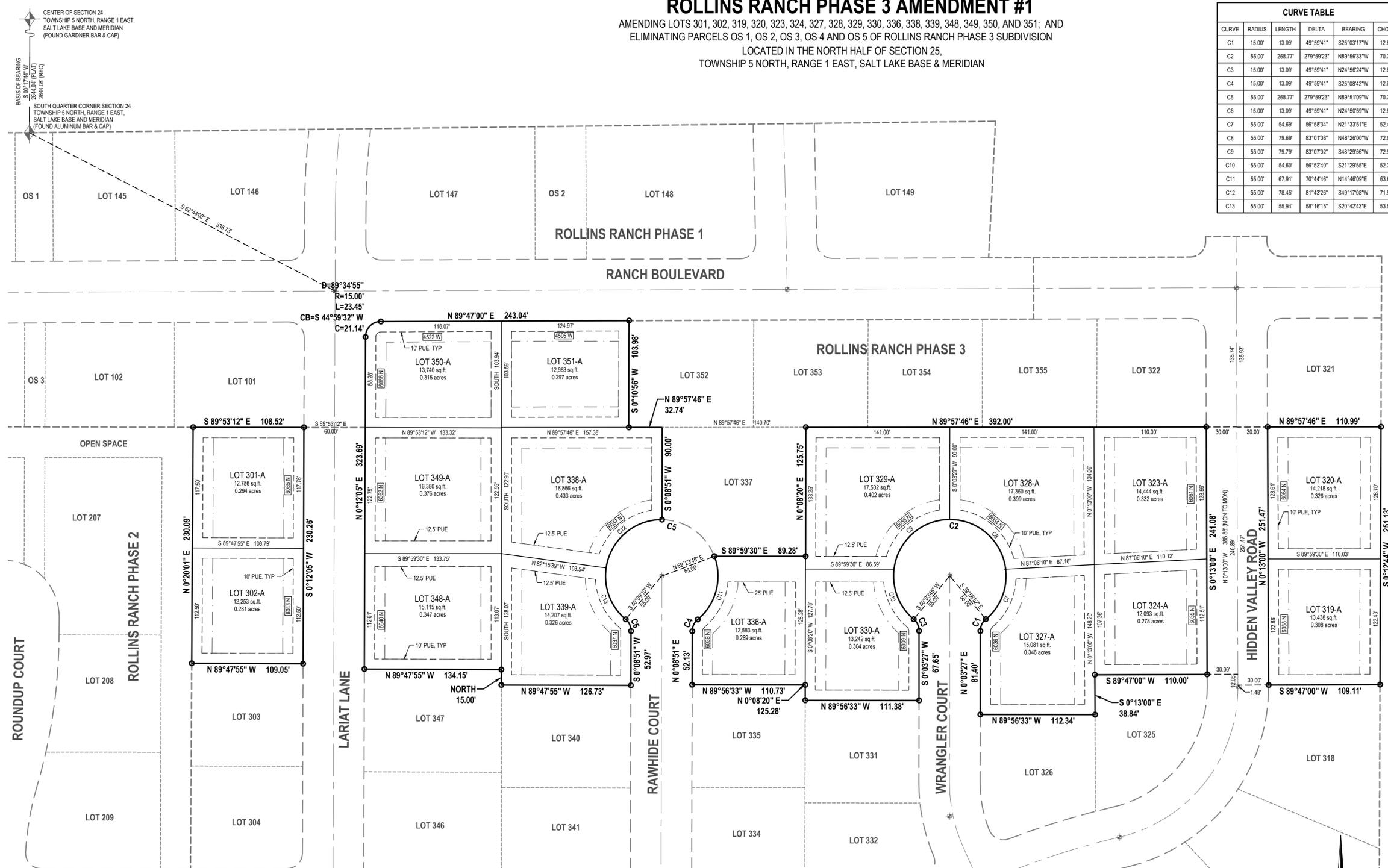
OWNER'S ACKNOWLEDGMENT OF RESPONSIBILITY
 Know all men by these presents that we, the undersigned owners of the above described tracts of land contained within the Subdivision Boundary described herein, acknowledge that failure of the Local Jurisdiction or Planning Commission to observe or recognize hazardous, unknown or unsightly conditions, or to recommend denial of the subdivision because of said unrecognized hazardous, unknown or unsightly conditions shall not relieve the developer or owner from responsibility for the conditions or damages resulting therefrom, and shall not result in the Local Jurisdiction or Planning Commission, its officers or agents, being responsible for the conditions and damages resulting therefrom.

In witness whereof we have hereunto set our hands this _____ day of _____ A.D. 20____

By: _____ Lot # _____ By: _____ Lot # _____
 By: _____ Lot # _____ By: _____ Lot # _____
 By: _____ Lot # _____ By: _____ Lot # _____
 By: _____ Lot # _____ By: _____ Lot # _____
 By: _____ Lot # _____ By: _____ Lot # _____
 By: _____ Lot # _____ By: _____ Lot # _____
 By: _____ Lot # _____ By: _____ Lot # _____
 By: _____ Lot # _____ By: _____ Lot # _____
 By: _____ Lot # _____ By: _____ Lot # _____
 By: _____ Lot # _____ By: _____ Lot # _____

ROLLINS RANCH PHASE 3 AMENDMENT #1

AMENDING LOTS 301, 302, 319, 320, 323, 324, 327, 328, 329, 330, 336, 338, 339, 348, 349, 350, AND 351; AND ELIMINATING PARCELS OS 1, OS 2, OS 3, OS 4 AND OS 5 OF ROLLINS RANCH PHASE 3 SUBDIVISION
 LOCATED IN THE NORTH HALF OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN



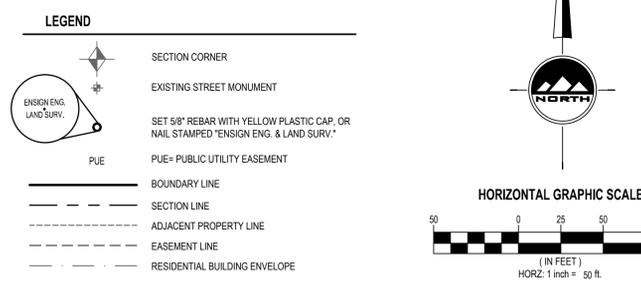
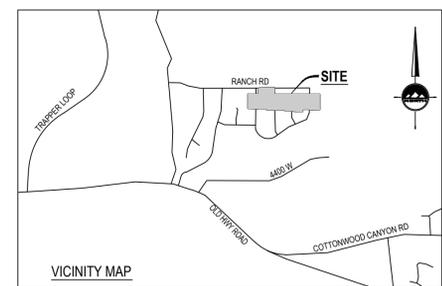
NOTES:
 1. THE PROPERTY OWNER ACKNOWLEDGES THAT HE/SHE IS BUILDING IN A LOCATION THAT IS FAR REMOVED FROM THE PRIMARY MORGAN COUNTY SERVICE AREAS. AS SUCH, THE PROPERTY IS ON NOTICE THAT THERE IS LIMITED ACCESS, INFRASTRUCTURE, AND PUBLIC SERVICES IN THE AREA. SOME SERVICES, WHICH INCLUDE BUT NOT LIMITED TO GARBAGE PICK UP AND HIGH SCHOOL BUS SERVICE, MAY NOT BE PROVIDED. EMERGENCY RESPONSE TIME WILL BE LONGER THAN IT IS IN MORE ACCESSIBLE AREAS, AND ACCESS BY EMERGENCY VEHICLES MAY BE IMPOSSIBLE AT TIMES DUE TO SNOW AND ROAD CONDITIONS THAT THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT THERE MAY BE INFRASTRUCTURE IN THESE REMOTE LOCATIONS THAT DOES NOT MEET ADOPTED COUNTY INFRASTRUCTURE STANDARD. IT IS THE INTENT OF MORGAN COUNTY TO ATTEMPT TO CONTINUE TO PROVIDE THE EXISTING VARIETY, SCALE, AND FREQUENCY OF PUBLIC SERVICES AND INFRASTRUCTURE FOR ALL EXISTING AND NEW DEVELOPMENT IN THESE REMOTE AREA OF MORGAN COUNTY. IT IS NOT THE INTENT OF MORGAN COUNTY TO INCREASE THE VARIETY, SCALE AND FREQUENCY OF PUBLIC SERVICES AND INFRASTRUCTURE OR TO PROVIDE URBAN LEVELS OF SERVICES AND INFRASTRUCTURE IN THESE AREAS. BY THIS NOTICE, THE PROPERTY OWNER ASSUMES THE RISK OF OCCUPANCY AS OUTLINED ABOVE, AND IS HEREBY PUT ON NOTICE THAT THERE ARE NO ANTICIPATED CHANGES IN THE LEVELS OF SERVICE OF INFRASTRUCTURE BY EITHER MORGAN COUNTY OR THE APPROPRIATE SPECIAL SERVICE DISTRICT, NOR DOES THE PROPERTY OWNER EXPECT CHANGES BEYOND THOSE IDENTIFIED HEREON.

2. BROWNING ARMS OPERATES A FIREARMS TEST RANGE ON NEARBY PROPERTY. PERIODIC GUNFIRE WILL BE AUDIBLE WITHIN THE BOUNDARIES OF THIS PROPERTY.

3. EXISTING PUBLIC UTILITY EASEMENTS ARE HEREBY VACATED AND RE-ESTABLISHED ALONG THE LOT LINES AS SHOWN ON THIS PLAT.

4. IN CONJUNCTION WITH RIGHT TO FARM PROVISIONS, AGRICULTURAL OPERATIONS WORK HOURS BEGIN EARLY AND RUN LATE AND THESE OPERATIONS MAY CONTRIBUTE TO NOISES AND ODORS OBJECTIONABLE TO SOME RESIDENTS.

5. THE PUE ON OR BETWEEN LOTS 329, 330, 336, 338, 339, 348, AND 349 HAVE EXISTING STORM DRAIN, LAND DRAIN AND SANITARY SEWER PIPES THAT WERE INSTALLED DURING THE SUBDIVISION IMPROVEMENT.



SETBACKS
 20' FRONT SETBACK
 20' REAR SETBACK
 10' SIDE SETBACK
 20' SIDE STREET SETBACK

<p>DEVELOPER GARDNER MEADOW VILLAGE, LLC 90 SOUTH 400 WEST, SUITE 330 SALT LAKE CITY, UTAH 84101</p>	<p>SHEET 1 OF 2</p>	<p>SALT LAKE CITY 45 W. 1000 S. Suite 500 Sandy, UT 84070 Phone: 801.255.0529 Fax: 801.255.4449 WWW.ENSGNUTAH.COM</p>	<p>LAYTON Phone: 801.547.1100</p>	<p>TOOLE Phone: 435.843.3590 Fax: 801.255.4449</p>	<p>CEDAR CITY Phone: 435.865.1456</p>	<p>APPROVED THIS _____ DAY OF _____ A.D. 20____ BY THE MORGAN PLANNING COMMISSION.</p>	<p>APPROVED THIS _____ DAY OF _____ A.D. 20____ BY THE MORGAN PLANNING COMMISSION.</p>	<p>APPROVED THIS _____ DAY OF _____ A.D. 20____ BY THE MORGAN PLANNING COMMISSION.</p>	<p>APPROVED THIS _____ DAY OF _____ A.D. 20____ BY THE MORGAN PLANNING COMMISSION.</p>	<p>APPROVED THIS _____ DAY OF _____ A.D. 20____ BY THE MORGAN COUNTY SURVEYOR.</p>	<p>APPROVED AS TO FORM THIS _____ DAY OF _____ A.D. 20____</p>	<p>PRESENTED TO THE MORGAN COUNTY COUNCIL THIS _____ DAY OF _____ A.D. 20____ AT WHICH TIME THIS SUBDIVISION AND THE OWNER'S DEDICATION WAS APPROVED AND ACCEPTED.</p>	<p>STATE OF UTAH, COUNTY OF _____ RECORDED AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ FEE _____ ABSTRACTED _____</p>
	<p>MANAGER: RDE DRAWN BY: KFW CHECKED BY: KRR DATE: 5/24/13</p>					<p>SEWER DISTRICT</p>	<p>WATER COMPANY</p>	<p>CHAIRMAN, PLANNING COMMISSION</p>	<p>MORGAN COUNTY SURVEYOR</p>	<p>MORGAN COUNTY ATTORNEY</p>	<p>MORGAN COUNTY CLERK</p>	<p>MORGAN COUNTY ENGINEER</p>	<p>COUNTY RECORDER</p>

EXHIBIT D-1

Approved Use

LEGEND

-  RR-1
-  R1-20
-  Open Space
-  Native Open Space
-  Neighborhood Park
-  View Park
-  Roads
-  View Shed
-  Project Limits

February 11, 2013

R1-20 1/2 Acre Basis (Phase 1, 2, 3 & 4)

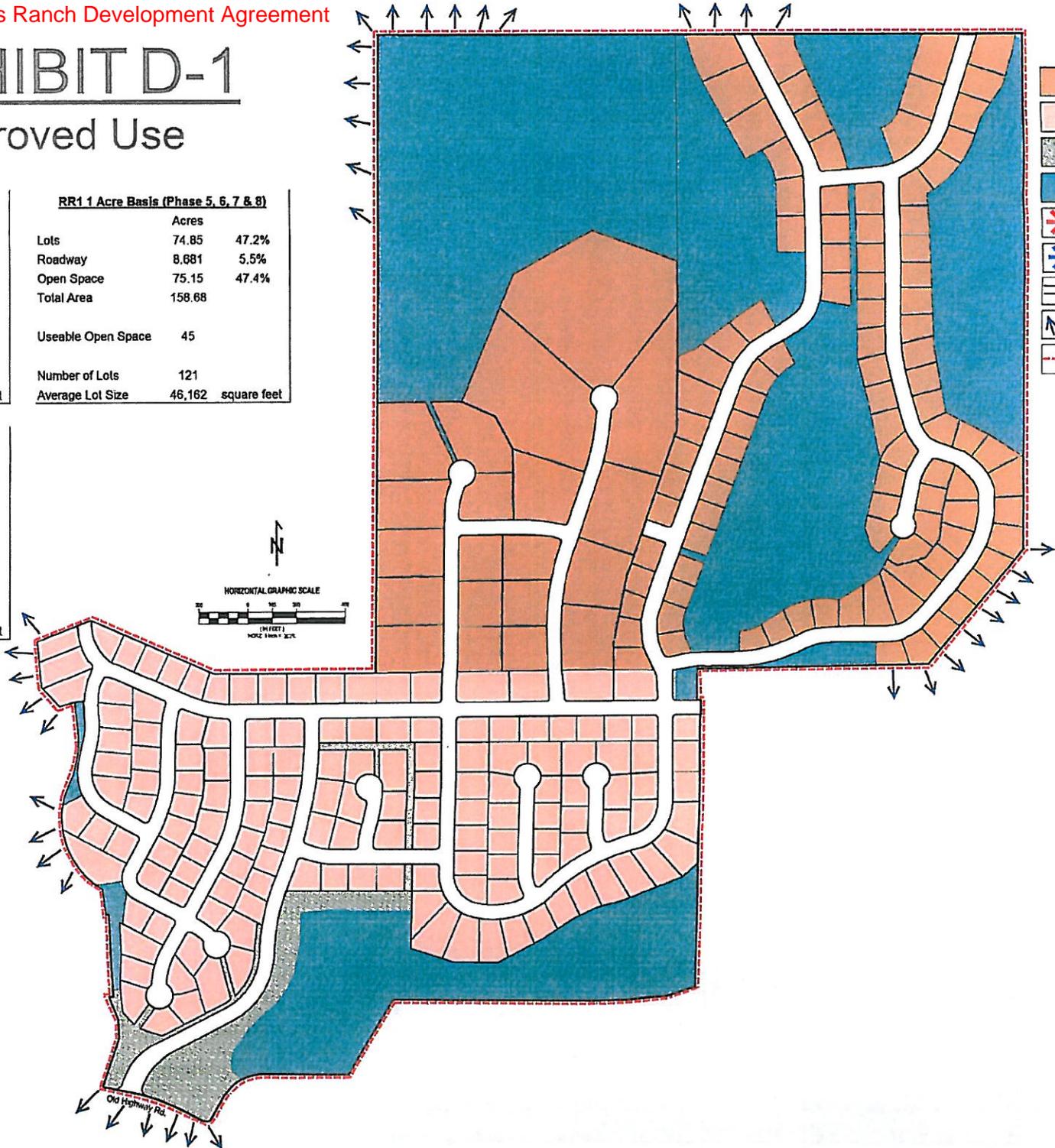
	Acres	
Lots	45.52	50.3%
Roadway	17.66	19.7%
Open Space	27.2	30.0%
Total Area	90.58	
Useable Open Space	16	
Number of Lots	147	
Average Lot Size	13,772	square feet

RR1 1 Acre Basis (Phase 5, 6, 7 & 8)

	Acres	
Lots	74.85	47.2%
Roadway	8.681	5.5%
Open Space	75.15	47.4%
Total Area	158.68	
Useable Open Space	45	
Number of Lots	121	
Average Lot Size	46,162	square feet

RR1 & R1-20 Combined

	Acres	
Lots	120.37	48.3%
Roadway	26.541	10.6%
Open Space	102.35	41.1%
Total Area	249.261	
Useable Open Space	61	
Number of Lots	268	
Average Lot Size	29,967	square feet



Ent 128494 BK 0304 Pg 0648

Exhibit E: Surveyor's Approval

Ronda Kippen

From: Von Hill <vrhill@hillargyle.com>
Sent: Thursday, December 19, 2013 3:34 PM
To: 'Ronda Kippen'
Subject: RE: Re-review of Rollins Ranch phase 2 amendment 2 and Rollins Ranch phase 3 amendment 2

I have reviewed the 2 revised plats and they have been corrected appropriately. I am now fine with them.

Von

From: Ronda Kippen [<mailto:rkippen@morgan-county.net>]
Sent: Wednesday, December 18, 2013 11:14 AM
To: 'Von Hill'
Subject: Re-review of Rollins Ranch phase 2 amendment 2 and Rollins Ranch phase 3 amendment 2

Hi Von,

Here is the most recent resubmittal for the plat amendments for Phase 2 & 3 in the Rollins Ranch Subdivision. Let me know if you need anything else.

Have a great day,

Ronda Kippen

Morgan County
Planning Technician
Planning & Zoning Dept
P# 801-845-4014
F# 801-845-6087



MORGAN COUNTY RECORDER OFFICE
48 West Young Street
P.O. BOX 886
Morgan, Utah 84050

Phone (801) 829-3277
Fax (801) 845-4066

Brenda D. Nelson
Morgan Co. Recorder

* * * SUBDIVISION CHECKLIST * * *

Rollins Ranch Phase 3 Amendment No. 2 (Open Space)

Reviewing Complete: May 8, 2014 (2nd Review on new change to plat) (5th review for this Amendment

Boundary Description:

- Notary & Signature needs to state who is signing on behalf of the LLC
- Conflict with the original plat and the CC&R's. Plat calls it open space. CC&R's call it Common Area. Which is correct? For assessment we are treating it as open space – but since it is in conflict I suggest both the Home owners association sign as well as who we show as the owner of the open space
- Amended plat should have amended CC&R's and be consistent with the plat when the plat is recorded as to this is Open Space



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



PLANNING COMMISSION AGENDA

Thursday, April 10, 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

Legislative Items:

5. Discussion/Decision: Whittier Rezone; A request to rezone approximately 75 acres from the A-20 zone to the R1-20 and RR-1 zones located at approximately 4000 North Morgan Valley Drive in conformance with the Peterson area Future Land Use Map.
6. Public Hearing/Discussion/Decision: Vern Young Revocable Trust Rezone; A request to rezone approximately 7 acres from the A-20 zone to the R1-20 zone located at approximately 4567 North 3800 West in conformance with the Peterson area Future Land Use Map.
7. Staff Report
8. Adjourn

Members Present

Shane Stephens
David Sawyer
Debbie Sessions
Roland Haslam
Michael Newton
Steve Wilson

Public Present

Mike Whittier
Randy Sessions
Carol Johnson
JoAnn Whittier
Robert Herrman
Vaughn Goodfellow
Jeff Young
Brent Bohman

Trevor Kobe
Tim Spens
Blair Gardner
Dave Craig

Staff Present

Ronda Kippen
Mickaela Moser

1. Call to order – prayer. Chairman Haslam welcomed everyone to the meeting. Member Sawyer offered prayer.
2. Approval of agenda.

Item #8, approval of minutes from March 27, 2014 was removed at the decision of the Chair.

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

Chair Haslam excused Member Erickson from the meeting.

3. Declaration of conflicts of interest.

Member Sessions stated that she is a member of the Peterson Pipeline Association. She also has a business relationship with the Young Family as part owner of the Sessions Limousin Ranch.

4. Public Comment

Chair Haslam reminded those present that the hearing for the Whittier Rezone was done at the last Planning Commission Meeting and for tonight, any comments must be made in the public comment period.

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

Randy Sessions: Noted that from the previous meeting many comments pertained to sewer. He passed out an informational sheet from the Natural Resources Conservation Service about comparisons between the amounts of nitrogen produced from cow manure and sewage from a growing community. He wanted to recommend that the members of the Planning Commission consider “with reason” the information about septic systems.

Brent Bohman: He commented about the sewer system and his thoughts that a ½ acre zoning would be appropriate from the outside edge as you go toward the village center. He stated that there were 17 members of the committee in 2005 that planned for the growth of the Peterson area. This was an advisory document to the General Plan that has now become part of the General Plan. He felt the road to connect the development should come from his property to which everyone on that committee agreed. Stated that the current Whittier Rezone does, in his opinion, conform with the General Plan. He had spoken with some minority groups about the sewer issue since the previous Planning Commission Meeting. He expressed concerns about density and ultimately wants to do what the community has already agreed to do.

Trevor Kobe: Suggested posting more public information for community members who may not

be familiar with what the rezone numbers RR-1 and A-20 mean, for clarity. He requested calculating the number of potential future homes before proceeding with the decision. He commented that if a rezone is done for 110 homes in an area, there will be a way to put that many homes in that area, however, if there is a limit assigned to the number of homes in that community, people will know what to expect can give feedback accordingly.

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

Legislative Items:

5. Discussion/Decision: Whittier Rezone; A request to rezone approximately 75 acres from the A-20 zone to the R1-20 and RR-1 zones located at approximately 4000 North Morgan Valley Drive in conformance with the Peterson area Future Land Use Map.

Member Sessions moved to suspend the rules. Second by Member Sawyer. Suspending the rules allows for questions to the applicant and staff before proceeding with a decision. The vote was unanimous. The motion carried.

Blair Gardner: He is representing the applicant from the Whittier Rezone. Chair Haslam inquired about the line going down the middle of the map. Mr. Gardner verified that it is east of the corridor and was derived from the General Master Plan.

Chair Haslam proposed moving the line toward the western boundary. He understands the corridor to be roughly 125 feet and the length of the property to be roughly 1800 feet (just under 7 acres).

There ensued discussion about moving the center line and consequences for density in doing so. There were also concerns of property line clean-up on 3600 N. Mr. Gardner confirmed there is a secondary well site.

The full acreage of the property was discussed, eliminating portions that are unbuildable (hillside, roads, etc.) and arriving at realistic amounts of home proposals. Initially, there was an understanding of 41 homes, which then jumped to a possibility of 110 homes. Chair Haslam expressed desire for further clarification on the map lines, noting that nothing can be built along the pipeline corridor.

Blair Gardner stated that just because there may be allowance for maximum density, doesn't mean it should be or will be maximized. He also noted that property constraints will not allow for that maximization to occur. He reiterated that maximum density is not what they are looking for with this rezone. This meeting tonight is not for planning positions of homes, roads, etc. He said that there are many specifics that haven't yet been identified, but will be addressed at the next meeting with the next step after initial rezone approval.

Chair Haslam stated that the public is desirous to leave the proposal of 110 potential homes and move toward the more conservative and realistic 30-40 potential homes. The possibility of having 110 homes is too drastic and causes concern with residents. Mr. Gardner responded that he thought the line was moved to where the County wanted it and reiterated that there will not be 110 homes built on that area.

Chair Haslam believed that the line is on the wrong side of Peterson Creek and there was more discussion about the position of the center line between Planning Commission Members, staff and residents who were present.

Member Stephens wanted to know the acreage involved and Chair Haslam responded that it is a rough estimate. Member Stephens also expressed concern about other impacts from this rezone, including traffic and water. Blair Gardner requested approval to move forward with the rezone and then address other issues in the future.

Mr. Whittier stated that the calculated acreage includes houses and wetlands. He said the most realistic expectation for development in the A-20 zone is half of the acreage.

Chair Haslam expressed concern for lot acreage being large enough to accommodate a septic system. Member Sessions pointed out that it is part of a standard subdivision, so total density cannot be moved around, unlike a PRUD.

Member Sawyer stated that this proposal is in accordance with the General Plan and expressed desire to be consistent with their decisions.

Member Sessions asked about the location of the lower Weber River Ditch.

Brent Bohman responded that it runs east of the pipeline and he would recommend a 25 foot easement on each side. Blair Gardner stated that a large area of the 1 acre zone is in the current flood zone.

Member Sessions wondered how to describe the eastern boundary between the RR-1 and A-20 zones.

Blair Gardner said that the boundary line from RR-1 to A-20 didn't change from the original application. Further discussion took place of the derision of the boundaries and lines, noting Questar gas lines, fiber optic lines and the current slough.

Member Wilson asked about the road concept, to which Blair Gardner responded that there are some vague ideas about the placement, but that will be determined after initial rezone approval. Member Sessions asked Ronda about requesting a traffic study for a small subdivision, to which Ronda stated that it could be done, however it should be approached with caution.

Blair Gardner noted that there are many restrictions associated with this property that will not allow for the maximum possibility of 110 potential homes that was explored at the last Planning Commission meeting.

Ronda explained that Morgan County has a strict subdivision code. She clarified that currently there is not a clustering option. Ronda also clarified that rezones can't be conditional and feels the rezone is in conformance with Morgan County's General Plan.

Member Sessions moved to forward a positive recommendation to the County Council for the Whittier Rezone Request, application #14.027, located at approximately 4000 North Morgan Valley Drive, rezoning the acreage to the western border of the pipeline easement from the A-20 zone to the R1-20 zone and rezoning the acreage upon an east of the pipeline easement from the A-20 zone to the RR-1 zone, leaving the A-20 zone the same as defined on the engineer's report, based on the findings listed in the staff report dated March 10, 2014 and the staff memo dated April 2, 2014, and as modified by the findings below:

1. That the proposed amendment is in accord with the County's General Plan.
2. That allowing the rezone will provide the property owners their desired use of the land.
3. That the uses listed in the proposed zone are harmonious with existing uses in the area.
4. That the potential for traffic increase along North Morgan Valley Drive and 3900 North will not be detrimental to current traffic flows.
5. That changed or changing conditions makes the proposed amendment reasonably necessary to carry out the purposes of this title.

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

Member Sawyer left at this point in the meeting, approximately 7:50 pm.

6. Public Hearing/Discussion/Decision: Vern Young Revocable Trust Rezone; A request to rezone approximately 7 acres from the A-20 zone to the R1-20 zone located at approximately 4567 North 3800 West in conformance with the Peterson area Future Land Use Map.

Jeff Young: son of Vern Young, representing the family. His parents are remodeling and while waiting for a building permit, they found that they had an illegal, non-conforming lot, and a rezone was needed to bring it into conformity. It is currently situated in the A-20 zone. He stated they do not have any immediate plans, but would like the option to develop. It the property is 300 feet deep.

Member Newton wondered about the future land use map and Ronda confirmed that it complies with that. Member Sessions calculated that Mr. Young could net 5 new homes with the proposed rezone.

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

Brent Bohman: Recommended that the Planning Commission follow the General Plan. He mentioned that in the history of this property, tunnel zoning was put on all the plats in the County, however the current road was classified as a "lane".

Blair Gardner: Commented that if this rezone follows the General Plan, he will offer his support.

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

Member Newton moved to forward a positive recommendation to the County Council for the Young Revocable Trust Rezone Request, application #14.036, located at approximately 4567 North 3800 West, rezoning approximately 6.54 acres from the A-20 zone to R1-20 zone, based on the findings listed in the staff report dated April 4, 2014, and as modified by the findings below:

1. That the proposed amendment is in accord with the County's General Plan.
2. That allowing the rezone will provide the property owners their desired use of the land.
3. That the uses listed in the proposed zone are harmonious with existing uses in the area.
4. That the potential for traffic increase along North Morgan Valley Drive and 3900 North will not be detrimental to current traffic flows.
5. That changed or changing conditions makes the proposed amendment reasonably necessary to carry out the purposes of this title.

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

7. Staff Report

Ronda reported on her training in Southern Utah. The Ordinance Update Committee met just prior to the Planning Commission meeting and discussed small subdivisions conformance. There will now be discussion on use-table. She provided insight that the next Planning Commission meeting will entail small subdivisions.

8. Adjourn

Member Stephens moved to adjourn. Second by Member Sessions. The vote was unanimous. The motion carried.

Approved: _____ **Date:** _____
Chairman

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



PLANNING COMMISSION AGENDA

Thursday, March 27, 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

Legislative Items:

5. Public Hearing/Discussion/Decision: Fitzgerald Future Land Use Map Amendment; a request to change the Morgan County Future Land Use Map for 31.71 acres of property located at approximately 420 North Morgan Valley Drive from the Agricultural designation to the Rural Residential designation.
6. Public Hearing/Discussion/Decision: Whittier Rezone; A request to rezone approximately 75 acres from the A-20 zone to the R1-20 and RR-1 zones located at approximately 4000 North Morgan Valley Drive in conformance with the Peterson area Future Land Use Map.
7. Election of Chair and Vice Chair
8. Staff Report
9. Approval of minutes from February 13, 2014
10. Adjourn

Members Present

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

Public Present

Tina Kelley
Shawn Lowry
Machelle Lowry
Ray Giles
Elizabeth Lucido
Jerry Pierce
Connie Wade
Jane Williamson
Doug Brown

Evelyn Giles
Julie Brown
Trevor Kobe
Wes Shaw
Kathleen Shaw
John Ure
Barbara Whittier
Jo Phelps
Matt & Jen Johnson

Randy Sessions
JoAnn Whittier
Carol W. Johnson
Linda G.W. East
Blair Gardner
Brent Bohman
Doug Kearsley
Judy Crowther
Theran Crowther

Staff Present

Jeremy Archibald
Ronda Kippen
Mickaela Moser

1. Call to order – prayer. Chairman Haslam welcomed everyone to the meeting. Member Wilson offered prayer.
2. Approval of agenda

Chair Haslam amended the agenda by placing item 4 (election of Chair and Vice Chair) after item 7. Member Sessions moved to approve the amended agenda. Second by Member Newton. The vote was unanimous. The motion carried.

3. Declaration of conflicts of interest

There were none.

4. Public Comment

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

Jane Williamson: Representing those present who have signed a petition in opposition to the proposed Fitzgerald Future Land use Map Amendment. She read the attached petition in the 5 minutes allotted to her. See PETITION attached to the recorded minutes in the County Clerk's Office for the written petition and signatures.

Chair Haslam called for anyone present to come forward if they are in favor of the Fitzgerald or the Whittier proposal. There were none.
He stated that if your name doesn't appear on the petition you have 2 minutes to express concerns.

Bill Shaw: Lives at 70 N Morgan Valley Drive. Stated that the infrastructure up and down MVD is a mess and there is not adequate structure, roads, sewer, as it is now. He is concerned that the county cannot afford to support and increase now and there are many things to consider before there is any further development on Morgan Valley Drive.

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

Legislative Items:

11. Public Hearing/Discussion/Decision: Fitzgerald Future Land Use Map Amendment; a request to change the Morgan County Future Land Use Map for 31.71 acres of property located at approximately 420 North Morgan Valley Drive from the Agricultural designation to the Rural Residential designation.

Mr. Greg Fitzgerald: In response to public comment concerning the proposed rezone, he feels that because he is not a blood relative of adjacent property owners, he does not have the right to develop his property as he would like. He feels, as a property owner, he has been shut out. He would like to live in Morgan County and be a good neighbor and provide a future home site for his children, as many current residents enjoy. He agrees with the Morgan County vision of accommodating growth responsibly and supporting long term sustainability. He is a proponent of progress. He stated that his proposal is only a future use petition and not a rezone. Directing attention to page 5 of the staff report, he pointed out the requested extension of approximately 274 yards to include the property his family owns. He is proposing 1+ acre, medium-density, lots--which he feels is responsible growth. The maximum number of lots would be 24; not hundreds. After all the tests are performed, he figured there would more likely be half that number (12 lots). The proposed amendment would comply with ingress, egress; flood, fire and geotechnical hazards. The property falls outside the flood zone. He has a written statement that will allow another access road but he is not releasing personal details. His proposal is to allow for large residential lots, allowing for enjoyment of rural life, while also complying with all parts of Morgan County code.

Chair Haslam asked if there were any questions for Mr. Fitzgerald.

Member Erickson asked whether Mr. Fitzgerald had other concerns or issues with the current General Plan. Mr. Fitzgerald clarified that he only feels the space is not adequate and would like the extension of 274 yards to include his land.

Member Wilson asked if he'd read the individual area plans to which Mr. Fitzgerald responded that he did read them.

Ronda added that this is a simple request to modify the general plan that has adopted the area plans. She explained that this is not granting any subdivisions, but rather looking at a future proposed use. She pointed out on the large maps of the Milton area that the RR-1 zone begins to the north of Stoddard Lane and heading south. From the north of Stoddard Lane heading north is Ranch-5. Some may feel it is an abrupt change going from 1 acre to 20 acres but there are possibilities to accommodate the transition. She stated there is adequate access from Morgan Valley Drive, which is a 60 foot right of way. There are other questions and concerns that would be brought forward at the subdivision stage, including water and septic.

Member Newton asked Ronda to briefly clarify the building process. Ronda complied by explaining the steps.

Step 1: Identify a future use

Step 2: Rezone

Step 3: Conceptual plan

Step 4: Preliminary plan: evaluating soils, water, sewer, access, fire, traffic.

Step 5: Final plat amendment and building permits

She reiterated that this is the extreme beginning of any type of development. General plans are typically updated every 5 years. The Milton area plan was revisited in 2009. Ronda suggested that the timing may be right to have a discussion about this.

Member Sessions moved to suspend the rules and have discussion between Planning Commission Members and Staff. Second by Member Newton. The vote was unanimous. The motion carried.

Member Sessions expressed concern about the relative location of the 1 acre lot and it being considered a large lot that promotes agriculture. She proposed a buffer zone between the use of the A-20 zone and the higher

density of a 1 acre lot, so it's not butting up against an A-20 zone. She explained that the buffer, going south, would provide a gradual transition. Member Newton asserted his positive support for that idea. Member Stephens suggested those on the Milton Area Plan address that. Member Sessions said area plans were incorporated into the General Plan and the former area plan committee members are no longer part of those respective plans.

Member Sawyer wondered about safeguarding the right to farm. Member Sessions answered that the right to farm provides a farmer with protection from possible neighboring complaints. The Agriculture Protection Zone provides another layer of protection, where they cannot be subject to being considered a nuisance, noisy, etc. Ronda further explained that there is a note put on all plats in Morgan County stating that there may be smells, noise, traffic associated with farms that protect their agriculture.

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

Member Sessions moved to go into public hearing for the Fitzgerald Future Land Use Map Amendment. Second by Member Newton. The vote was unanimous. The motion carried.

Doug Kearsley: He voiced that Milton residents are not in favor of 1 acre lots, which was manifest in the area plan made in 2009. He is upset that one person should come in and be able to change the area or general plan when hundreds of hours were spent back in 2009 to poll Milton residents about their opinions.

JoAnne Phelps: Expressed that Morgan County residents are trying to protect what they have and promote reasonable, controlled growth.

Bruce Giles: His main concern is water. Looking at the water rights, how are future residents going to divide that? He is concerned that even with a 5-10 acre lot, there may not be sufficient left for other residents.

Jane Williamson: Explained that she has 50 years of experience with the property in question. She is the daughter of the former owner of the property and there is a big problem with the water. She used to drive tractor and haul hay on the property and watched as water from neighboring sprinklers ran onto that property. She is concerned that current residents may not be able to water, because their water will run into this property and flood future resident's basements. The Weber Basin tests may not show that.

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

**Member Stephens moved to forward a negative recommendation to the County Council for the Fitzgerald General Plan Future Land Use Map Amendment request, application #14.019, redesignating property at approximately 420 North Morgan Valley Drive also known as Serial# 01-004-428-001 from Agricultural to Rural Residential, based on the following findings:
That it doesn't follow suit with the Morgan County future land use that has been adopted.**

Second by Member Wilson. Chair Haslam called for any comments.

Member Stephens commented that members of the community have spoken and they need to be heard. With no hard feelings toward the applicant, he feels that now is not the time for this kind of growth in that area.

Member Sessions commented that she'd like to postpone this decision to allow more time for public comment regarding a buffer and the positioning of a possible transition in acreage. Member Erickson commented that he feels it is about time to review the General Plan since we're at a point 5 years from the time it was last reviewed. He would like to receive input from the community to recertify what's in place or call for some changes.

Chair Haslam reminded everyone that this is not for a rezone, but a map amendment. Member Stephens didn't see a need to postpone. Member Sessions wondered how postponing the item indefinitely would affect the two year time frame?

Ronda suggested meeting with the GIS specialist and reconvening in 4 weeks.

Chair Haslam called for a vote of those in favor of the negative recommendation being forwarded to the County Council of the Fitzgerald Future Land Use Map Amendment. Those in favor were Members Stephens, Wilson, and Erickson. Those opposed were Members Sawyer, Sessions, and Newton. With a tie vote, the Chair elects to vote in favor with Members Stephens, Wilson, and Erickson. With a split vote of 4 to 3 the motion passed to the County Council.

6. Public Hearing/Discussion/Decision: Whittier Rezone; A request to rezone approximately 75 acres from the A-20 zone to the R1-20 and RR-1 zones located at approximately 4000 North Morgan Valley Drive in conformance with the Peterson area Future Land Use Map.

Blair Gardner: Representative for both the Whittier Family and the future owner. Indicated the ½ acre zoning should be pushed farther to the east. They will supply a legal description for further support of the line modification. The future land owner has the intention to develop. As he understands, the county residents want a village center. They have the support of the water company to supply 22 shares of water. He stated that access is adequate off of 3900 N and also frontage off of Morgan Valley Drive with the neighbor to the north as a potential access. Currently on the site, there is an active well that the Peterson pipeline is using and there will be a secondary water site for use.

Member Sawyer wanted clarity on water shares. Mr. Gardner responded they have 22 water connections and they do not want 92 homes. He commented that there may be additional opportunity for more development; maybe even be as high as 50 lots.

Member Erickson wondered how the flood zone would impact this property. Mr. Gardner stated that ideally, the future road would start at Clover Dale. All future flood zones would be in open space. They intend to preserve as much open space as possible.

Member Wilson expressed concern with septic systems and sewers. Mr. Gardner stated that if they do go to a 90 lot scenario, there would have to be a redesign.

Chair Haslam asked for clarification about creating a county road with frontage on 3900 N. He clarified that it is an access point at 3900 N, not frontage. Mr. Gardner responded that if another access road was required, they would have access. Mr. Gardner explained that there has to be a 100-foot buffer zone for well protection. The replacement should give the well the protection it needs. Concerning the line modifications, Chair Haslam would like an updated map with correct lines drawn so there are no assumptions.

Ronda: Addressing the error with map lines, the area plan clearly says to the East of the pipeline. When it was done, the pipeline was mistaken for a ditch or slough. The surveyor could possibly have new and correct density calculations and lines by the next meeting.

Chair Haslam: Referencing page 4 of the staff report, he wondered how moving the lines over will affect the acreage. Ronda responded that it will definitely increase the R-120 and decrease the RR-1.

Ronda stated that this is step 2 of the process to the entitlements.

Member Stephens asked about access on 3900 N, wondering if it is adequate to what the county requires.

Ronda responded that that will be evaluated at the concept plan.

Member Stephens asked about when requiring the 22 feet, whose property is that?

Ronda stated that they can only hold to the applicant's piece of property. It would be based on their half-width of the road, so at least 18 feet. We can't require them to upgrade property they don't own.

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

Brent Bohman: His family owns the property that abuts the Whittier's on the South. After a debate, it was determined that the subdivision was the southern edge of the village. He agrees the mapping was wrong. As far as the flood plain goes, the stated shed and corrals have never flooded. The Whittier property, all included in the line, does not flood. The water all goes toward the east. It would have to come up some distance to flood the proposed development area.

Clay Wilkinson: He owns the property south of Brent Bohman's. He stated that Clover Dale was intended to connect further up. He emphasized that this plan does actually match up with the village plan and stated that there are too many dead-ends in the community because we aren't considering the tomorrows. Tomorrow is here.

Trevor Kobe: He expressed desire to set up the zoning right and have it fit within what the Peterson area is all about. He wants flexibility to make things connect and still keep harmony with the overall vision.

Bill Shaw: Lives on Morgan Valley Drive. Wondered how many pipelines there are. Discussion indicated that there are 4: Conoco, FiberOptic, Questar and Plains. He stated that pipelines are dangerous. People who live around them don't know how dangerous they are.

Erin Buell Kobe: She worked with Peterson Pipeline and stated they are at a maximum capacity with 22 water shares at Peterson Pipeline. Unless there are other ways to get water, the 22 water rights are the end of the line. Stated that 22-30 homes sounds reasonable in her opinion. She believes growth is a positive thing, but infrastructure needs to be in place before 22-30 homes are placed on that property.

Member Erickson moved to go out of the public hearing. Second by Member Stephens. The vote was unanimous. The motion carried.

Member Sessions moved to postpone the Whittier Rezone Request, application #14.027, for map and boundary line clarification, until the April 10, 2014 meeting. Second by Member Sawyer.

Member Sessions thought it important to clarify what's being talked about. She wants to allow time to delineate the Morgan County Future Land Use Map the R-120 and RR-1 zone boundaries along the east side of the Plains Pipeline Corridor on the Whittier Property. Member Wilson asked what she expected to happen in two weeks. Member Sessions wants an updated map to reflect accurate lines. Chair Haslam wanted more clarification before moving to County Council.

Morgan County Planning Commission Meeting Minutes

March 27, 2014, Unapproved

Page 6 of 7

The vote was unanimous. The motion carried.

7. Election of Chair and Vice Chair.

Member Newton moved to nominate Roland Haslam as Chair. Second by Member Stephens. Member Sessions moved to close the nominations for Chair. Second by Member Stephens. The vote was unanimous. The motion carried.

Member Wilson moved to nominate Debbie Sessions as Vice Chair. Second by Member Newton. Member Erickson moved to close the election for Vice Chair. Second by Member Stephens. The vote was unanimous. The motion carried.

7. Staff Report

Ordinance Update Committee met prior to this meeting. The next OUC is scheduled for April 10, 2014 at 5 pm, concerning commercial codes. There are lots of applications coming in and they are being reviewed as quickly as possible.

Member Wilson wanted to know about the proposed 90 water units in Peterson. Roland explained the water tables will be reduced. The Health Department requires primary and secondary water. There was some discussion about water tables, connections and water issues.

8. Approval of minutes from February 13, 2014

Member Newton moved to approve the amended minutes from February 13, 2014. Second by Member Erickson. The vote was unanimous. The motion carried.

9. Adjourn

Member Stephens moved to adjourn. Second by Member Erickson. The vote was unanimous. The motion carried.

Approved: _____ Date: _____
Chairman

ATTEST: _____ Date: _____
Mickaela Moser, Transcriptionist
Planning and Development Services



PLANNING COMMISSION AGENDA

Thursday, May 8, 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

Legislative

5. Discussion/Public Hearing/Decision: Michael D. Jones Rezone: A request to rezone a 1 acre parcel located at 5065 West Old Highway Road from the RR-1 zone (Rural Residential 1 acre minimum per residential unit) to the R1-8 zone (Residential 8,000 sq. ft. per residential unit).

Administrative

6. Discussion/Decision: Allgood Tow Yard Conditional Use Permit: A conditional use permit request for clean outdoor storage located at 4132 West 5800 North in the Cottonwood Industrial Park.
7. Discussion/Decision: AW Towing Conditional Use Permit: A conditional use permit request for clean outdoor storage located at 4032 West 5800 North in the Cottonwood Industrial Park.
8. Staff Report
9. Approval of minutes from April 24, 2014
10. Adjourn

PLANNING COMMISSION MEETING

Thursday, May 8, 2014

Morgan County Council Room

6:30 PM

Members Present

Debbie Sessions, Acting-Chair
David Sawyer
Michael Newton
Steve Wilson

Staff Present

Bill Cobabe, Planner
Ronda Kippen, Transcriptionist

Public Present

Tina Kelley
Dale Winterton
Linda Winterton
Bridget Teson
Glen Allgood
Craig Walker

1. Call to order – prayer.

Acting-Chairman Sessions called the meeting to order.

Acting-Chairman Sessions excused Chairman Haslam, Member Stephens, and Member Erickson from the meeting tonight. Member Newton offered prayer.

2. Approval of agenda

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

3. Declaration of conflicts of interest.

There were none

4. Public Comment

There were none

Legislative Items

5. Michael D. Jones Rezone: A request to rezone a 1 acre parcel located at 5065 West Old Highway Road from the RR-1 zone (Rural Residential 1 acre minimum per residential unit) to the R1-8 zone (Residential 8,000 sq. ft. per residential unit).

Staff Presentation by Bill Cobabe

Applicant Presentation from Amy Jones read by Bill Cobabe-

“We are not planning to make any immediate changes, but basically are interested in improving the property so that it fits in with the future plans. We would like to build a duplex on the property in the next few years and with any income earned fix up and landscape the property so that it is aesthetically pleasing.”

Ronda explained that the applicant is aware that with the requested change of zone, there will not be animals permitted. There is currently a pasture on the lot and they do not have animals at the present time, but they are aware that the possibility of having animals on the property under the new zone is not an option.

Member Sawyer moved to go into Public Hearing. Second by Member Newton. The vote was unanimous. The motion carried.

Dale Winterton: He expressed concern about the location of future development at the intersection of Trapper’s Loop and Old Highway Road. He feels this is a dangerous area that has had frequent accidents.

Member Sawyer moved to go out of Public Hearing. Second by Member Newton. The vote was unanimous. The motion carried.

Member Sawyer moved to forward a positive recommendation to the County Council for the Jones Rezone Request, application #14.045, located at approximately 5065 W Old Highway Road, rezoning approximately 1 acre from the RR-1 zone to R1-8 zone, based on the findings listed in the staff report dated May 8, 2014 and outlined below:

Findings:

1. The proposed zone amendment is consistent with the County’s General Plan.
2. Mountain Green is a developing community. Areas of historically agricultural uses are transitioning to higher density uses. The proposed zone change is in harmony with the anticipated growth in the area.
3. The proposed amendment will not adversely affect adjacent property.
4. There is sufficient capacity in existing facilities and services to provide for the proposed zone change. See discussion below.

Second by Member Newton.

There was discussion regarding the possibility of a future road system and where it may be located. There was also discussion on the ability to require architectural design criteria to the future uses of this property to ensure it would mirror the adjacent developments.

The vote was unanimous. The motion carried.

Administrative Items

6. Allgood Tow Yard Conditional Use Permit: A conditional use permit request for clean outdoor storage located at 4132 West 5800 North in the Cottonwood Industrial Park.

Staff Presentation by Bill Cobabe

Glen Allgood, applicant: He addressed questions regarding the proposed use, where the tow trucks would be parked and if the applicant would like to utilize two separate tow companies for the lot or just one. The applicant answered that he has a carport that is fully enclosed and is used to park the tow trucks.

Member Sawyer moved to forward a positive recommendation to the County Council for the Allgood/Stauffers Conditional Use Permit, application #14.045, located at approximately 4132 W. 5800 N., allowing for the expansion of a towing yard as a clean outdoor storage, based on the findings and with the condition listed in the staff report dated May 8, 2014 and with the following conditions:

1. That the applicant enter into an aviation and hazard agreement pursuant to requirements of Morgan County Code, Section 8-5H-7 (B) for nonaeronautical uses in the airport overlay zone.
2. There will be no long-term or permanent storage on the lot, and it will not be used as a junkyard/scrap yard.
3. Customers will only be allowed to access the lot by appointment between the hours of 8 am to 5 pm, Monday through Friday.
4. There will be no office for this business located on the site.

Findings:

1. The proposed conditional use would meet the anticipated general planning designation.
2. The proposed conditional use permit is an expansion of an existing clean outdoor storage area.
3. The site is already adequately screened from visual impact to surrounding properties.
4. The proposed conditional use permit will not adversely impact adjacent properties or businesses.

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

7. AW Towing Conditional Use Permit: A conditional use permit request for clean outdoor storage located at 4032 West 5800 North in the Cottonwood Industrial Park.

Staff Presentation by Bill Cobabe. He mentioned that this business's location is close in proximity and situation to the previous application.

Applicant Presentation by Dale Winterton: He addressed questions regarding where the tow truck would be parked, saying they are parked in South Weber.

Member Newton moved to forward a positive recommendation to the County Council for the Winterton Conditional Use Permit, application #14.045, located at approximately 4032 W. 5800 N., allowing for the expansion of a towing yard as a clean outdoor storage, based on the findings and with the condition listed in the staff report dated May 8, 2014, with the following conditions:

1. That the applicant enter into an aviation and hazard agreement pursuant to requirements of Morgan County Code, Section 8-5H-7 (B) for nonaeronautical uses in the airport overlay zone.
2. There will be no long-term or permanent storage on the lot, and it will not be used as a junkyard/scrap yard.
3. Customers will only be allowed to access the lot by appointment between the hours of 8 am to 5 pm, Monday through Friday.
4. There will be no office for this business located on the site.
5. Also subject to conditions enumerated in Council Approval Letter dated April 6, 2010 in file # 10.004.

Findings:

1. The proposed conditional use would meet the anticipated general planning designation.
2. The proposed conditional use permit is an expansion of an existing clean outdoor storage area.
3. The site is already adequately screened from visual impact to surrounding properties.
4. The proposed conditional use permit will not adversely impact adjacent properties or businesses.

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

8. Staff Report

Bill updated the Planning Commission Members of the new staff that will start this month. Ronda mentioned some items for review by the Ordinance Update Committee. Ronda gave some updates on hearings that were previously addressed and discussed.

9. Approval of minutes from April 24, 2014.

Member Sawyer moved to approve the minutes from April 24, 2014 with the corrections as discussed. Second by Member Wilson. The vote was unanimous. The motion carried.

10. Adjourn.

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

Approved: _____ **Date:** _____
Acting-Chairman, Debbie Sessions

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

DRAFT

Peterson Point Conditional Use Permit
Public Meeting
May 22, 2014

Application No.: 11.036
Applicant: J. Blair Larsen
Owner: Kirk Smith
Project Location: 5218 W Cemetery Road
State Route 167 (Trappers Loop Road) and Cemetery Road
Mountain Green
Current Zoning: A-20 – Agricultural Zone (20 acre minimum lot size)
General Plan Designation: Agriculture
Acreage: Approximately 4.31 acres
Request: Conditional Use for Land Excavation/Site Grading Improvements
Date of Application: January 16, 2014 (Note: Staff has not received a complete application satisfying the requirements of the Code as outlined below)
Date of Previous Hearing: N/A

Staff Recommendation

County staff recommends denial of the requested conditional use permit based on the following findings:

Findings:

1. That the applicant has not submitted a complete application to the County Planning and Development Services staff. Specific deficiencies are outlined below.
2. That the proposed use is incompatible with adjacent and neighboring uses, and that no reasonable conditions can be applied to the particular use to mitigate detrimental impacts of the proposed use on existing adjacent uses.
3. That staff has not had adequate time to determine the adequacy of submitted documentation and therefore cannot recommend approval based on an incomplete review of the application.

Background

The applicant originally applied for a conditional use permit in June 2011. At that time, Mr. J. Blair Larsen, owner of Peterson Point Rock Products proposed "excavation, screening, and removal" of minerals and soils on the site. Mr. Larsen indicated that revegetation of the site would be accomplished by placing the existing vegetation into "piles and then re-distributed upon completion of the excavation." There have never been any plans to build any structures or otherwise develop the parcel.

The A-20 zone requires 20 acres lots. This parcel is a legal, nonconforming lot and is currently vacant. There is no record that the parcel has ever been used for anything other than agricultural uses. While no permit for grading or other construction has been given, the property appears from aerial imagery to be in use and grading or other excavation of the land appears to have begun.

The applicant made reference to the idea that the desire is to derive pecuniary benefit from the land. There are many ways that this could be accomplished that are not detrimental to adjacent properties and uses, including residential or agricultural. These land uses are in keeping with the desired agricultural land use anticipated by the County's Future Land Use Map.

In looking at the history of this application, it appears that the applicant has had frequent communication regarding the proposed site work, with responses both from planning and engineering areas. These responses have yet to be adequately addressed to the satisfaction of staff. In September, 2013, the applicant indicated that the project would need to be put on hold and that the previous submittal would "likely be trash." Rather than start a new application and cause the resubmittal of fees, staff has held open the file and has added to/revise the information received as it has been submitted. In January 2014 the applicant resubmitted new information for review. Responses to this application were sent in March 2014 (see Exhibits G and H). The applicant has not addressed any of the outstanding requirements noted in these responses.

Analysis

General Plan and Zoning. Pursuant to the Future Land Use Map (see Exhibit B), the property is designated as Agricultural. According to the General Plan, "the purpose of this land use designation is to support viable agricultural operations in Morgan County, while allowing for incidental large-lot residential and other uses." The proposed conditional use may be an acceptable use in some areas designated as Agricultural based on the existing neighboring uses, provided appropriate mitigation can be accommodated. This is why the zoning requires a conditional use permit.

The zoning of the parcel is A-20 (Agricultural uses, with a minimum lot size of 20 acres). The purpose of the zone is to promote and preserve in appropriate areas conditions favorable to agriculture and to maintain greenbelt spaces. These districts are intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses inimical to the continuance of agricultural activity. The proposed conditional use permit has not been demonstrated compliance with this purpose. This kind of use (land excavation or mine, quarry, gravel pit, rock crusher, etc. – see use table in Section 8-5A-3) is permitted with the granting of a conditional use permit. Due to the nonconforming nature of the lot (it is only 4.31 acres) it will be difficult to mitigate the impacts of the proposed conditional use on adjacent lots, including noise, dust, etc. See evaluation of conditional use requirements as outlined below.

Ordinance Evaluation. Morgan County Code, Chapter 3, Section 8-2-1 defines conditional use as the following:

CONDITIONAL USE: A land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. (A use of land for which a conditional use permit is required, pursuant to this title.)

Staff Response: As noted above, due to the nonconforming size of the lot, any impact due to the expansion of the use will be exacerbated. The site is not screened from visual impact to surrounding properties and lies within an area where there are commercial and residential uses, and a cemetery. The applicant has proposed hours of operation are from 6 AM to 7 PM, Monday through Saturday. The proposed conditional use permit may adversely impact adjacent properties or businesses. While the applicant's narrative has addressed some of these concerns, there remain some outstanding concerns that have not been addressed. See Exhibits G and H.

Property Layout. The existing lot is approximately 4.31 acres. The applicant has not provided a finished condition topographic map reflecting the lot after the project is completed.

Roads and Access. The lot has approximately 400' of frontage on SR 167 (Trappers Loop Road). The applicant sought and received approval from UDOT as a part of the original application in 2011. However, the permit expired in August 2013.

Grading and Land Disturbance. The purpose of the conditional use permit is to excavate from the site and to process on the site sand, gravel, and rocks, which will then be sold for use in other applications off-site. The applicant has not provided an engineered grading plan, nor a drainage plan for runoff. Section 8-4-3 (C)(7) requires submittal of a grading plan.

Water Source. The applicant has provided a letter from the Highlands Water Company to provide water for dust control. There is no other indication of water use on the site.

Fire Protection. MCC Section 8-12-450(c) requires fire protection to comply with adopted fire code as verified by the local Fire Official. The parcel lies inside the Wildland/Urban interface.

Sanitary Sewer Systems. The property is served by the Mountain Green Sewer District.

Storm Water. Storm water drainage has not been accounted for. Section 8-4-3 (C) lists the requirements for project design information and plans. Item 9 indicates the need for a storm drainage system. Item 10 indicates that engineering plans should include "Detailed Engineering: Plans showing lot lines, site grading, street improvements, drainage, and public utility locations."

Geologic and Geotechnical Evaluations. Geologic and Geotechnical reports, as required by Section 8-4-3 (C)(1) have not been submitted. The ordinance requires a "Data geotechnical report, which also includes any information required by the geologic hazard or sensitive area ordinances, from a professional engineer and/or geologist, as necessary."

Utilities. The proposed conditional use will not involve the use or expansion of utilities.

Note: The applicant has expressed concern about the requirements both in the Code and of the

county engineer/planning staff. The Code anticipates these requirements. In Section 8-4-3 (L), it states – “the planning commission, governing body, zoning administrator-county planner, county engineer, building official, fire chief or county attorney may require such additional information as necessary to complete a proposal for the written record, demonstrate capability, solve anticipated problems, or show geotechnical solutions to site development.” Thus, all reasonable requirements of county staff regarding adequate submittals should be addressed prior to granting approval.

Model Motion

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Peterson Point Conditional Use Permit, application #11.036, located at approximately 5218 W Cemetery Road, allowing for land excavation/mining.”

Sample Motion for a *Positive* Recommendation *with conditions* – “I move we forward a positive recommendation to the County Council for the Peterson Point Conditional Use Permit, application #11.036, located at approximately 5218 W Cemetery Road, allowing for land excavation/mining, *with the following conditions:*”

1. List any additional findings and conditions...

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the Peterson Point Conditional Use Permit, application #11.036, located at approximately 5218 W Cemetery Road, allowing for land excavation/mining, based on the findings listed in the staff report dated May 20, 2014.”

Supporting Information

Exhibit A: Vicinity Map
Exhibit B: Future Land Use Map
Exhibit C: Existing Zoning Map
Exhibit D: Wildland Urban Interface Map
Exhibit E: Geologic Map
Exhibit F: Applicant’s Narrative
Exhibit G: Correspondence from County Engineer (March 2014)
Exhibit H: Correspondence from County Planning Staff (March 2014)

Staff Contact

Bill Cobabe, AICP
801-845-4059
bcobabe@morgan-county.net

Exhibit A: Vicinity Map

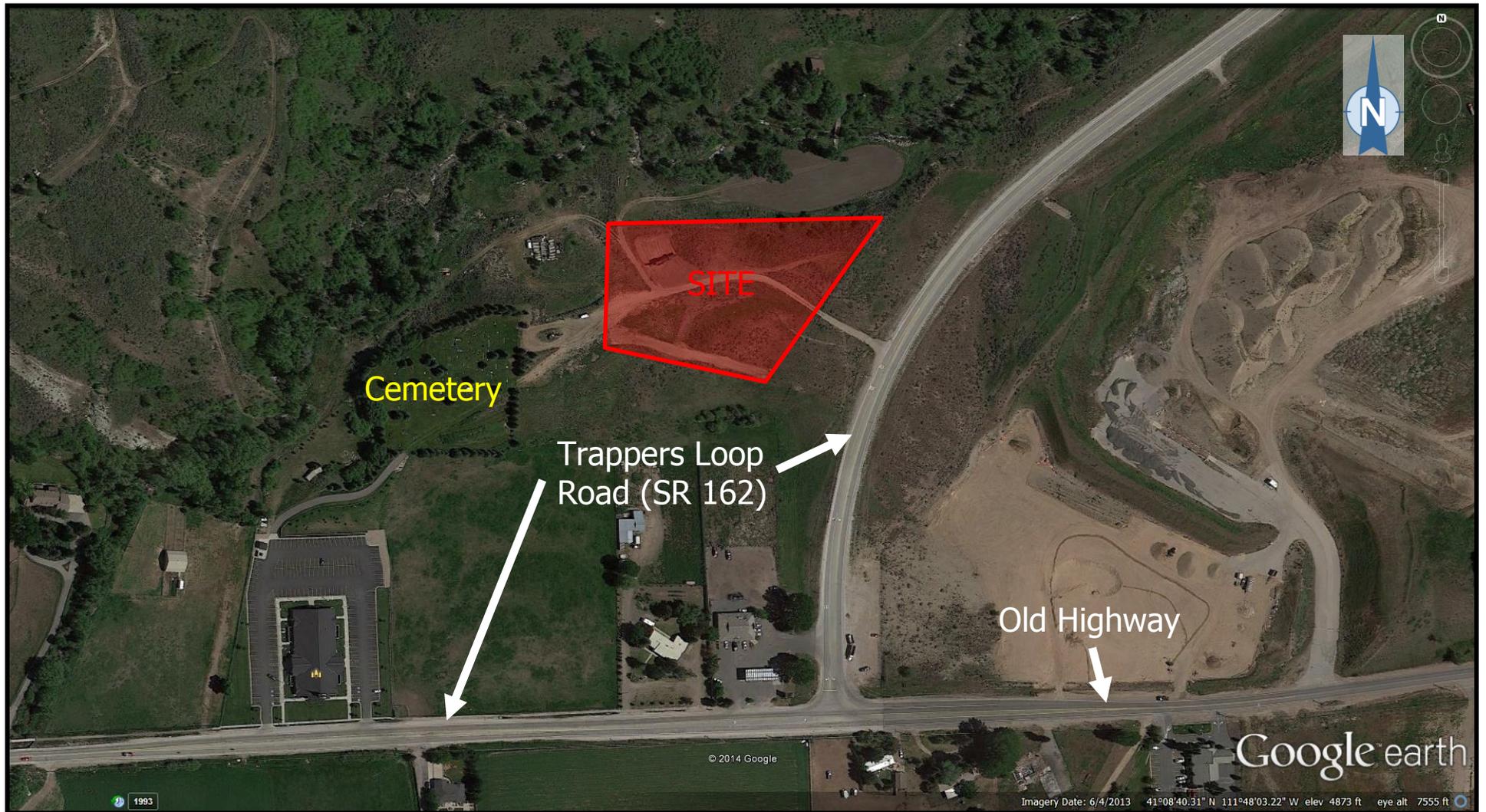


Exhibit B: Future Land Use Map



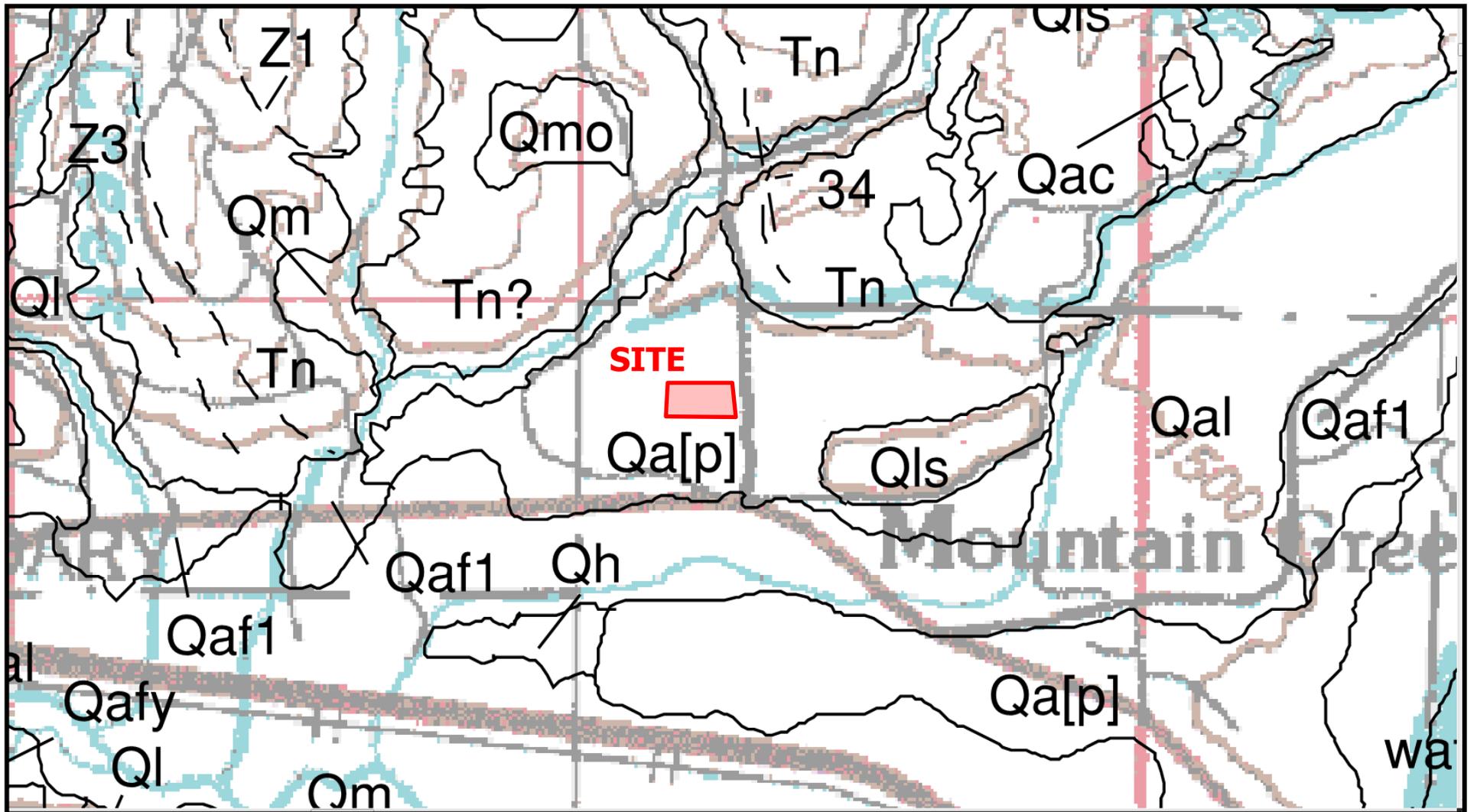
Exhibit C: Existing Zoning Map



Exhibit D: Wildland Urban Interface Map



Exhibit E: Geologic Map



Approximate Site Location – Qa[p] Geologic Designation

Exhibit F: Applicant's Narrative

Page 7 - Written Narrative

Name of Project

Alchemy LLC Property Improvement Project

Name/Address of Owner

Kirk Smith

2076 View Dr.

South Weber, UT 84050

Name/Address of Applicant

J. Blair Larsen/Larsen Service Enterprises Inc.

5803 Wasatch Dr.

Morgan, UT 84050

Name/Address of Designer

J. Blair Larsen/Larsen Service Enterprises Inc.

5803 Wasatch Dr.

Morgan, UT 84050

Name/Address Surveyor/Engineer

Bill & Jess Holyoak

Mountain Engineering

P.O. Box 309, Morgan, UT 84050

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Page 8 - Proposed Use of the Property

This is not a request to change the current zoning/use of the property.

No plans to build or develop are associated with this application.

This property is basically a big oblong knob. An excavation permit is sought to:

- 1) Improve the utility of the parcel
- 2) Create construction materials and landscape products for sale to the public by temporarily permitting the excavation, sorting, and piling and removal earthen materials on the site, until the proposed grades are met, the piles are removed, the surface reclaimed and project is completed.
- 3) Create revenue for the property owner.
- 4.) Create revenue for the applicant.
- 5.) Create revenue for the county.

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Page 9 - Potential impacts of the use on subject & surrounding property

Fugitive Dust:

The prevailing direction when the wind blows is west to east. This is the best possible scenario as there are no homes or businesses to the east for over 2000 + feet.

Measures to Mitigate - Fugitive Dust

- a. only removing vegetation as needed
- b. do not screen gravel on windy days
- c. apply water to traveled surfaces when needed. The applicant has an agreement with The Highlands Water Company to source such use. (Page 10)
- d. re-vegetate completed excavation areas a.s.a.p.

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DATE: August 8, 2013

TO: The Morgan County Planning & Development Services Department

FROM: The Highlands Water Company

RE: Water Service

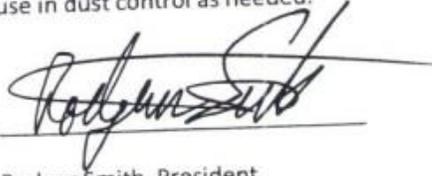
Owner: Alchemy Capital L.L.C. Kirk Smith

Property: Morgan County Parcel Number 03-005-050-02

Contractor: Larsen Service Enterprises Inc. J. Blair Larsen

CUP File No.: 11.036

The Highlands Water Company has an agreement to provide water to Larsen Service Enterprise Inc. for use in dust control as needed.



Rodger Smith, President

8-16-13

Date

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Erosion:

Any issues this parcel could have would result from rain/snow melt from this parcel alone. In its current state the parcel includes a shared storm water detention basin built and designed by UDOT at the time of the construction of Trappers Loop Rd. This basin has never held a gallon of water because the ground itself on the entire Alchemy parcel and the UDOT corridor consists of the native sand and gravel material that is very porous. Because this property receives potential runoff from itself only and is so porous, the current design of the UDOT detention basin storm drain capacities are more than adequate. The storm water detention basin and the area surrounding it will not be disturbed.

Measures to Mitigate - Erosion

- a. Excavate with a downward slope so as and potential surface water may run toward the excavation bank and percolate.
- b. Do not disturb the southern hillside vegetation or cause that any excavation allows surface drainage to enter the southern slope area.
- c. Leave excavated finished slopes at grades set forth in the code.
- d. Re-vegetate completed excavation areas as soon as practicable/possible.

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Noise:

Noise during a funeral at the cemetery

Measures to Mitigate - Noise

- a. Operate in conformance with the hours of operation schedule as outlined in the conditions listed on the excavation permit.

The cemetery property and patrons will be shown deference when funeral services are held and holidays related to cemetery visitation by the public.

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Page 13- Potential impacts of the use on subject & surrounding property continued

Entry to surrounding properties changing:

The Mountain Green Cemetery and the Paul Warner property have multiple entries to each of their parcels one of which is through the subject parcel. The Eldridge property has only one parcel entry which is through the subject property. All three surrounding properties, the Mountain Green Cemetery, the Paul Warner property and the Eldridge property enter their properties through the Alchemy property. (See page 14 - Google Earth photo)

Measures to mitigate:

This entry status will not change as a result of the approval and execution of this conditional use permit.

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Increase in vehicle traffic/safety/security:

- a) Traffic Count. For some the vehicle count is often tied to the number of loads expected to be removed from the property throughout the duration of the execution of the grading plan. Bill Holyoak rendered a rough estimate of this amount to be 14,000 cubic yards. (see page 16 and 17). Using this rough estimate, $14,000 \text{ CY} \times 1.75 \text{ ton/cubic yd} = 24,500 \text{ tons}$ of material. Based on this amount, using a five axel dump truck with a capacity of 15 ton/load will equate to 1,441 loads of material.

The intent of this applicant is to sale the product from the site to the customer. There are no commitments from any customers at this time to purchase large amounts in volume. This is partially due to the uncertainty of the outcome of the review and approval step of the permit acquisition. The duration of this improvement project is directly correlated to the demand for the products. This in turn determines the length of time which in turn directly affects the numbers of vehicle per day estimate.

For example length of season, April through November
 $8 \text{ months} \times 20 \text{ days per month} = 160 \text{ days}$ divided into 1,441 loads = 9 loads/day.

The rate at which the product is sold cannot be predicted. Therefore the time required for completion of the land improvement and the number of vehicles/day is somewhere North or South of this example.

- b) A concern was voiced as to UDOT permitting the above increase in usage. A permit is on hand. (see page 18)
- c) Safety/Property Security. Maintain safety of all parties and security related to trespass, vandalism and theft.

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MOUNTAIN ENGINEERING

4300 WEST OLD HIGHWAY ROAD P.O. BOX 309
MOUNTAIN GREEN, UTAH 84050 MORGAN, UTAH 84050
(801) 876-3978 FAX (801) 876-3979

OCTOBER 05, 2012

MEMORANDUM:

BLAIR LARSEN
5803 WASATCH AVE
MOUNTAIN GREEN, UT 84050

REF: GRAVEL RESOURCES – NEAR MOUNTAIN GREEN CEMETERY

THIS IS IN REFERENCE TO YOUR REQUEST FOR A SITE VISIT AND ESTIMATE OF THE AMOUNT OF GRAVEL WHICH COULD BE REMOVED FROM THE AREA BETWEEN THE TRAPPERS LOOP ROAD AND THE MOUNTAIN GREEN CEMETERY, WHICH LAYS TO THE WEST OF THE HIGHWAY ABOUT 800 FEET.

ATTACHED IS A DRAFT OF THE AVERAGE CROSS SECTION OF THE HILL AREA BETWEEN THE TRAPPERS LOOP HIGHWAY AND THE MOUNTAIN GREEN CEMETERY.

THE ESTIMATED LENGTH OF THE HILL AREA IS ESTIMATED AT 500 FEET.

WITH THESE ESTIMATED NUMBERS, IT WOULD YIELD ABOUT 14,000 CUBIC YARDS.

IT MAY BE DOUBTFUL TO GAIN AUTHORITY TO MOVE THE GRAVEL LAYING WITHIN THE STATE HIGHWAY. THIS IS NOT INCLUDED IN THE ABOVE ESTIMATE.

GIVE ME A CALL FOR FURTHER DISCUSSION OF THIS PROPOSAL. FOR A MORE ACCURATE ESTIMATE, ELEVATION CONTOURS WOULD NEED BE DEVELOPED.

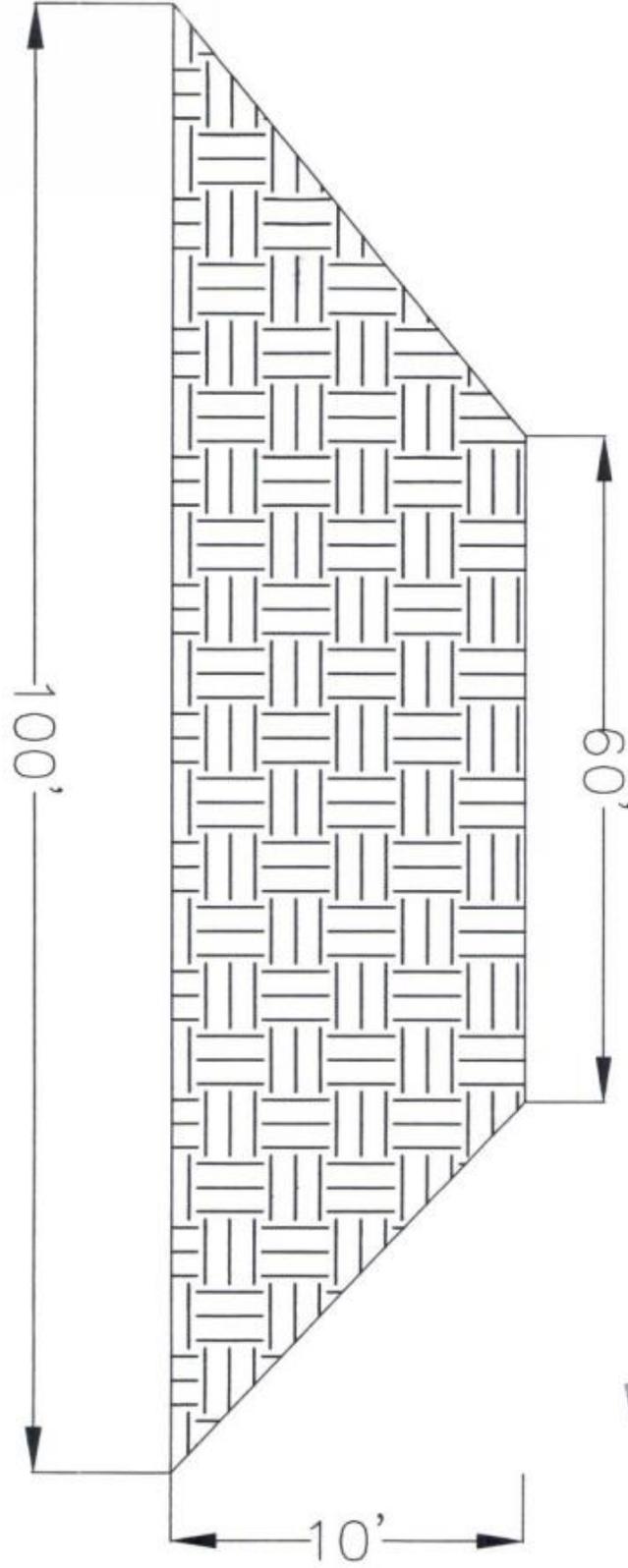


WILLIAM L. HOLYOAK, PE & PLS

ATTACHMENT: CROSS-SECTION OF GRAVEL

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AVERAGE CROSS SECTION OF GRAVEL



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UDOT Approval

(I will need to renew this but it is easily doable)

T-226(6/97)

UTAH DEPARTMENT OF TRANSPORTATION
PERMIT

HIGHWAY RIGHT OF WAY
ENCROACHMENT
Region 1

App ID: 44402 Activity 7P06 Function: 110833

R1-110833-0

Date: 8/11/2011

Application of: Peterson Point Rock Products
By: J. Blair Larsen
Address: 5803 Wasatch Drive Morgan, UT 84050
Subcontractor: Peterson Point Rock Products (801) 498-0002

Work (801) 498-0002
Cell (801) 498-0002

is hereby granted subject to: Utah Department of Transportation's (UDOT's) Regulations For the Accommodation of Utilities on Federal Aid and Non Federal-Aid Highway Right-of-Way, Regulations for the Control and Protection of State Highway Rights of Way, Standard Specifications for Road and Bridge Construction, UDOT Specifications for Excavation of State Highway, State Occupational Safety and Health Laws, Manual on Uniform Traffic Control Devices, Instructions to Flaggers, the approved plans, and any special limitations set forth herein, permission for the purpose of Remove gravel from Kirk Smith's Property within the right of way limits in the following locations: 6061 North Trappers Loop Road.

Highway 0167 Milepost 000 to 000 In/near Morgan, Morgan county

The permitted work shall commence 8/15/2011 and shall be diligently prosecuted to completion. The work shall be completed and all disturbed surfaces or objects restored on or before 8/31/2011. In the event work is commenced under this Permit and the permittee fails or refuses to complete the work, UDOT may, with or without notice, suspend or terminate the permitted work at the expense of the permittee. Upon receipt of an invoice of the costs incurred by UDOT, permittee shall immediately pay the amount due. If an action is required to be filed in court to collect the amount due, permittee shall be liable for UDOT's costs and fees, including attorney's fees.

Before work permitted is commenced, the permittee shall notify the permit inspector listed below and Timmy Vigil (801-791-4988). By applying for this Permit and UDOT issuing the Permit, permittee will comply with all instructions, conditions, requirements, and regulations of UDOT with respect to performance of the work described in this Permit. Permittee will properly control and warn the public of said work with UDOT's rights-of-way to prevent any accidents. Permittee shall defend, indemnify, and hold harmless UDOT from all damages or claims, including attorney's fees, arising out of any and all actions performed under this Permit by permittee, permittee's employees, agents or contractors, including failure to comply with terms and conditions in this Permit. Permittee shall pay for UDOT's inspection fees.

Permittee shall not perform any work on state highway right-of-way beyond those areas of operation described on this Permit.

If permittee fails to comply with UDOT's regulations, specifications, or instructions pertinent to this Permit, the Region Director/District Engineer or his duly authorized representative, may by verbal order, suspend the work until the violation is corrected. If permittee fails or refuses to promptly comply, the Region Director/District Engineer or his authorized representative may issue a written order stopping all or any part of the work. When satisfactory corrective action is taken, an order permitting resumption of work may be issued.

**** 24 Hours before starting work, call Jim Harris at (801) 391-2177 ****

Special Limitations:

- An inspector may be required at permittee's expense, with 48 hours notice. By accepting this permit, I agree to pay for inspection fees.
- Licensee is responsible for repairing and/or restoring any portion of the roadway damaged during construction.
- Licensee must restore shoulder of highway to its original or better condition, including reseeding, replacing sidewalk, fencing, pipe, culverts or signs removed or damaged during construction and any other roadway features.
- Work is to begin after 9:00 AM, open to traffic by 3:30 PM.
- Permit Holder will comply with all applicable environmental laws.

By carrying out the activities allowed by this permit it is conclusive evidence that I have accepted all provisions, limitations, and restrictions of the permit and attachments, understand and agree to all penalties for failing to comply with them, and understand my ability to review a permit and applicable attachments at the appropriate region/district office.

J. Blair Larsen (see app for signature)
(Permittee)

Approved By:

(for Region Director/District Engineer)

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Measures to mitigate: Increase in vehicle traffic/safety/security.

Construct a bypass road that will be at least the width and quality as the current road. (see page 20) The purpose of the bypass road is to:

- a. Allowing sufficient room for the gravel removal process to take place.
- b. Entry agreements to surrounding properties will remain unchanged.
- c. As a matter of safety create separation between the excavating, screening, and loading areas and the users and patrons for the surrounding properties. The bypass road is shared by all users. The excavating, screening, and loading areas are limited to the excavation operation vehicles, personal and customers.
- d. Possible fencing or barrier around gravel operation to secure the improvement operation products, equipment for theft, vandalism etc. While leaving entry to other properties easily accessible and un restricted.

Upon completion the current road as listed on the plan will be available for use as was before the plan improvement commenced.

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Google earth

feet 400
meters 100



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Page 21 - Potential impacts of the use on subject & surrounding property continued

Screening Products:

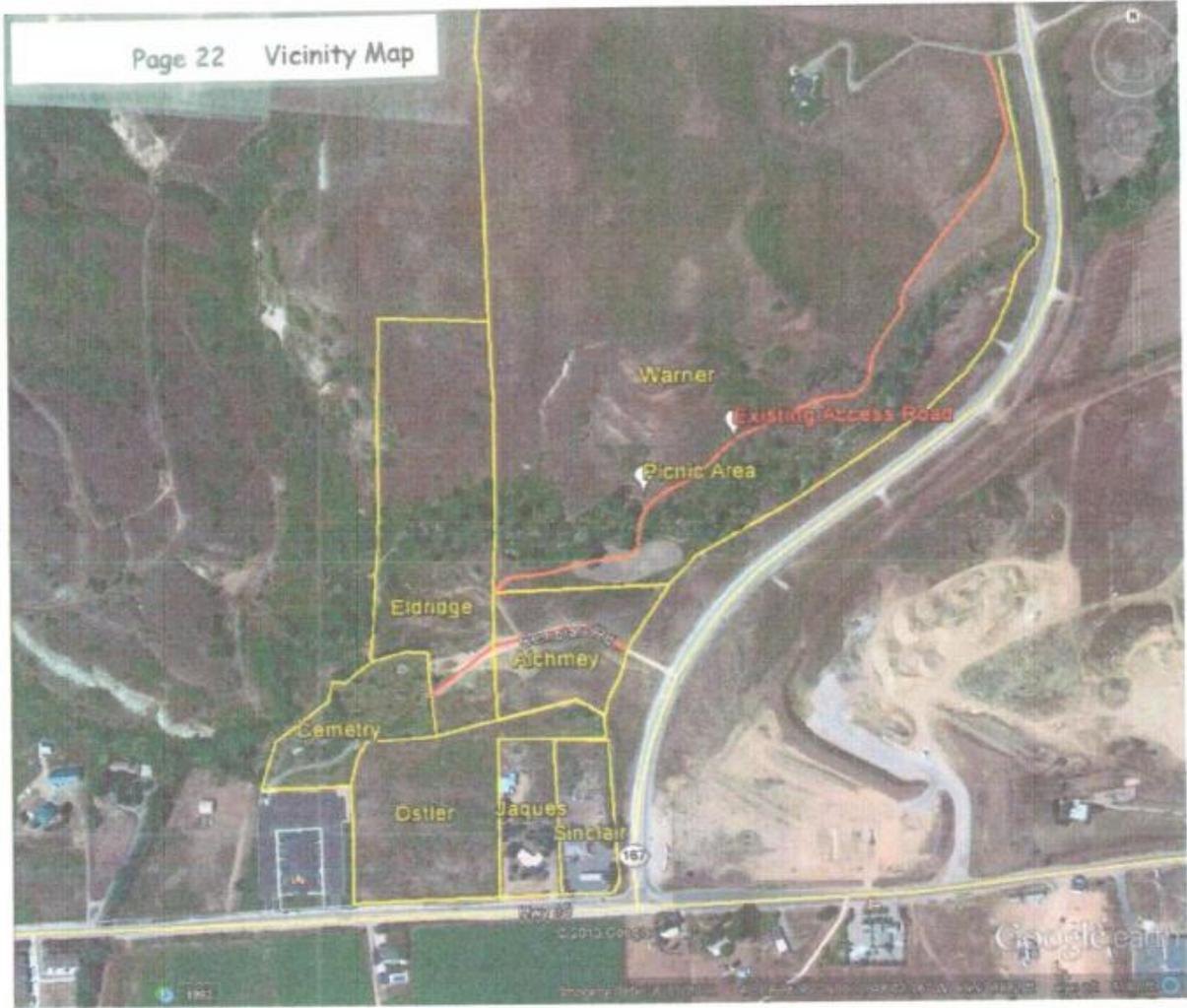
A Titan 1800 Power screen will be used to separate and sort the rocks from the sand. It has two screening decks which allows for 3 products to be separated with ever scoop of material placed in it. It is not a crusher. No rock will be crushed. By separating the rock into sizes makes the products more useful and easier to sale.

Measures to mitigate:

All of the potential impacts listed previously and the measures to mitigate have been addressed with the use of the machine in mind. It is vital to the prosecution to this project.



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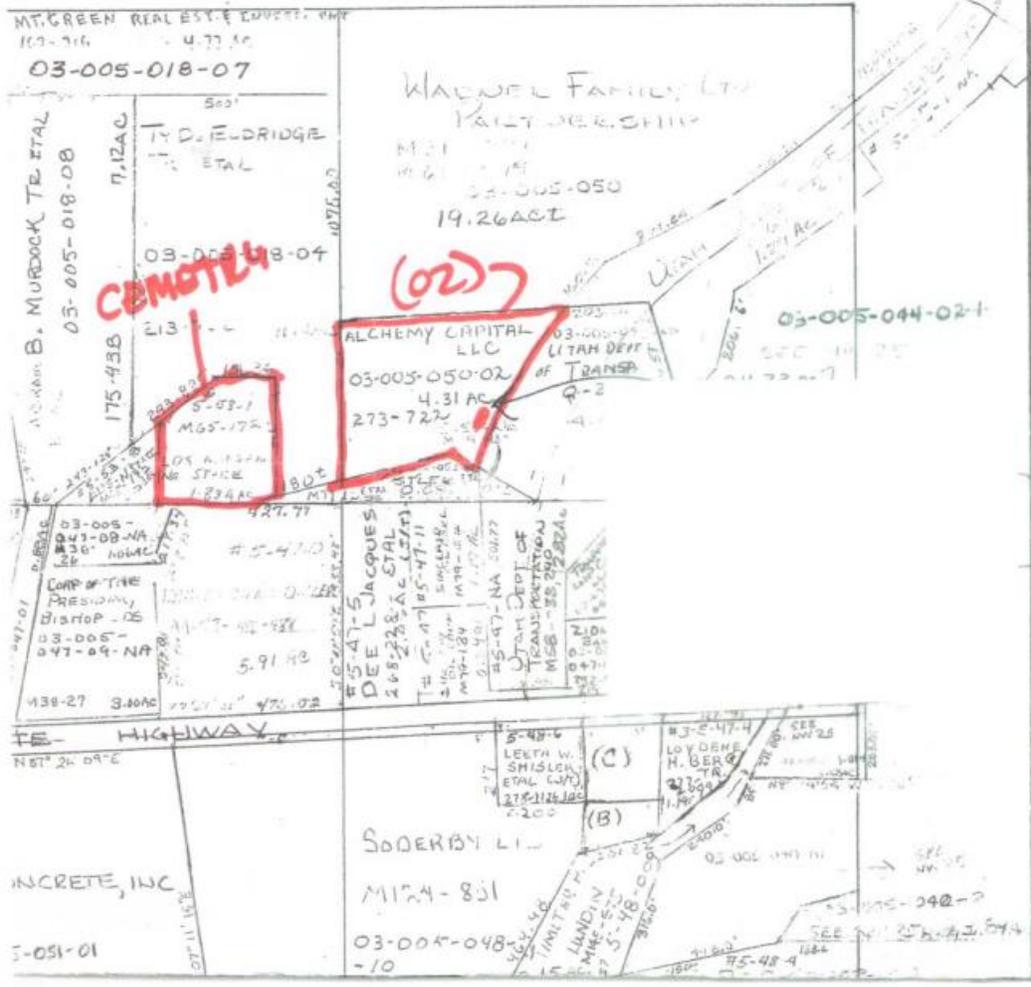
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Morgan County

26
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MT. GREEN SEWER IMPROVEMENT DISTRICT
BOUNDARY & MT. GREEN FIRE DISTRICT
BOUNDARY - SHOWN WITH



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Exhibit G: Correspondence from County Engineer (March 2014)



Memorandum

To: Ronda Kippen - Planner
Morgan County

From: Mark T. Miller, P.E.
Wasatch Civil Consulting Engineer

Date: March 4, 2014

Subject: **Alchemy L.L.C. Conditional Use Permit - Excavation**

We have reviewed the information submitted for the proposed Alchemy excavation permit. The application is subject to Morgan County Ordinance 8-6-32 (Open Pit Extraction of Earth Products) and 8-8-7 (Landfills and Land Excavations). The proposed excavation will yield approximately 14,000 cubic yards according to a letter from Mountain Engineering dated October 5, 2012. The regulations are generally concerned with protecting: the environment; rights of neighboring property owners; roads and other public facilities from unusual wear. The regulations specifically address: erosion; traffic; dust; noise; flooding; preservation of natural scenic character; re-vegetation, and other potentially detrimental impacts to public safety and general welfare.

It is obvious from the code requirements that a fairly extensive review is required by the County for these facilities in order to protect the public interest. Our main concern with the proposed application is that insufficient drawings have been submitted for an adequate review of the proposed work and re-vegetation. Site plans are generally submitted showing all aspects of the existing site (existing contours, utilities, drainages, roadways, vegetation, etc.). Plans are also submitted that show proposed finish contours (typically accompanied with cross-sections), phasing, methods of work, staging, stockpiling, re-vegetation, etc.. These details are needed to demonstrate conformance with all aspects of both sections of code hereinabove referenced. A re-vegetation plan is usually a separate document because it serves as the basis of the bonded improvement guarantee. Another purpose for the plan is to have a document on site that facilitates the periodic County inspections to verify conformance with the permit.

We recommend the applicant provide site and re-vegetation plans that address each requirement in both sections of code. Side slopes, fills, stockpiles, drainages, re-routed road cross-sections, storm water pollution prevention and other obvious issues should be shown on the drawing/drawings. These plans are typically prepared by a registered engineer or land surveyor (actually required for temporary gravel pits). Once plans have been submitted and it is clear that all aspects of the code requirements are met, we can meet with the applicant to

Ronda Kippen, Morgan County
Alchemy L.L.C Conditional Use Permit - Excavation
Page 2

review the documents and determine if the application is complete enough to be scheduled for a public meeting. It may be helpful to give them a copy of 8-8-7 and 8-6-32 for reference.

It may also be helpful to have them submit copies of the access easements for the neighboring property owners to demonstrate that they can legally relocated the existing roadway. If you have any questions, please call.

Exhibit G: Correspondence from County Planning Staff (March 2014)



REVIEW TRANSMITTAL

TO: J. Blair Larsen
FROM: Ronda Kippen
DATE: March 19, 2014
SUBJECT: Peterson Point Rock Products CUP; file #11.036

ATTACHED ITEMS:

Plans Written Comments

Enclosed are review comments and redlined plans from the Planning and Development Services Department and the County Engineer concerning this project. Written comments are also provided below. These comments are to assist you in preparing for conditional use permit review before the Planning Commission.

Comments from the County Engineer

1. See attached memo

Comments from the Planning and Development Services Department

1. Attached are a series of excerpts from the Morgan County Code with staff comments relevant to your application. Staff comments are in red font. It appears that the majority of the items that were part of the initial review in July 2011 have still not been addressed. Please provide the specific items that have been identified in the attached review for staff to review.
2. In addition to the submission of missing information listed therein, please submit an updated UDOT approval to access the lot for this purpose from Trapper's Loop Road.

Please make note that the departments may make additional comments on the project before they make final recommendations. Otherwise, please review the attached items and make any requested additions or modifications.

Should you have any questions, please feel free to call me at 801-845-4014. Thank you.

8-5A-3: Uses

The request can be identified as two types of uses in the Use Table:

- Mine, quarry, gravel pit, rock crusher, concrete batching plant or asphalt plant, oil and gas wells, steam wells, test borings for exploration, etc.
- Land excavations

Both uses are listed as needing a conditional use permit (CUP), so the CUP application is merited. We understand there is a desire to approach the use more as an excavation than as a mine or gravel pit. The activity onsite coincides along the lines of both a small scale open pit mine operation and a land excavation. We will evaluate the request as an excavation permit request, but we will also find objective review criteria relevant to the mitigation of potential harmful impact by applying some open pit mine operation criteria to our review. Thus we will be evaluating the permit for compliance with criteria for both types of uses.

8-5A-4: Area Regulations

The minimum lot area in acres for any main use in the districts regulated by this article shall be [20 acres]

The property does not conform to the requirements of the zoning ordinance for main uses of land. It can be argued that an excavation is not in fact a main use of land, but rather an activity that occurs. In evaluating this application, the Planning Commission will need to be willing to make this determination.

Chapter 4: DOCUMENT AND PLAN SUBMISSION

8-4-1: DOCUMENT SUBMISSION AND REVIEW PROCEDURES¹:

...

8-4-3: STEP 2 - APPLICATION REVIEW AND APPROVAL:

...

B. Document Requirements: The following items shall be submitted in an application to the zoning administrator for application review:

...

2. A preliminary title report covering the entire land in the proposed project, including a certificate of title insurance for any land to be dedicated to Morgan County for public use.

We need a title report for the property.

3. When applicable, letters from the public agencies which will provide water and sewer service to the proposed development. The letter should state what type, if any, interim system may be allowed until full service can be provided by the public agency; and that potable water will be available to the developer in quantities and quality as required by state requirements for the project.

Will there be restroom facilities onsite, and if so, what and where? Please indicate on the plan.

...

5. Statement of the estimated starting and completion dates for each phase of development, including proposed grading work and any landscape work.

Please indicate the timeframes the work is estimated to span. If the County is to review the application as anything other than an open gravel pit mining operation, the County will need assurances that excavation work will be limited. Also please include the amount of earth to be extracted in the excavation process.

...

10. Estimated construction cost and proposed method of financing of [...] elements as may be necessary and considered to be required improvements for the project.

Please provide the estimated cost of erosion control and revegetation for the site.

C. Project Design Information and Plans:

...

2. Fire hazard assessment and fire protection plan, as required by the wildland urban interface code.

Check with the district fire chief about fire protection requirements. We need either a sign-off from him or a transmittal indicating what he will require (if anything).

...

4. A map showing the existing contours at two foot (2') intervals for predominant ground slopes within the project up to five percent (5%) grade and five foot (5') contours for the predominant ground slopes within the project over five percent (5%) grade. Elevations shall be based on mean sea level data. In cases of predominantly level topography through a project, one foot (1') interval contours may be required.

What is the current and proposed grade of the property? What is the current topography of the property?

5. Location and size of all existing and proposed easements and rights of way, including solar, utility lines, water and sewage lines, storm drains and facilities, watercourses, irrigation systems, land drains, etc.

Does the property have any access easements (or other easements) recorded. A title report will help in determining this.

...

7. Grading plan.

See the above #4.

...

9. Storm drainage system design shall:

a. Consider the drainage system as a whole and shall include:

(1) Runoff from the entire development site.

(2) Where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and upstream from the development site.

(3) The effects of the stormwaters on lands downstream.

(4) Limit peak runoff discharge from any new development site area to 0.2 cubic feet per second per acre. Detention ponds with discharge control structures shall be used to store stormwater runoff in excess of the peak permissible discharge.

(5) If no drainage facilities are available for receiving runoff from the development site, stormwater runoff shall be retained and disposed on site.

b. Include all facilities necessary to accommodate that quantity of water attributable to a storm having a minimum ten (10) year frequency.

- (1) Gutter capacities will be limited to that flow which will not create a hazard, damage or flood adjacent properties and which can be safely intercepted at the inlets.
- (2) Stormwater inlets and catch basins shall be provided within the roadway improvements at points approved by the county engineer.
- (3) No ditch or canal shall be approved as suitable for the disposal of storm drainage water without the written permission of the appropriate ditch or canal company, or of the water users of said ditch or canal. No ditch or canal shall be used for stormwater disposal unless adequately improved to handle such water as might be reasonably expected to flow in the canal or ditch as irrigation water, the project runoff water, and any other water expected to reach such canal or ditch. No ditch, canal or other waterway shall be permitted within property dedicated or to be dedicated for public use, except as specifically approved by the land use authority. The developer shall remove such waterways from property to be dedicated before submission of the final plat.
- (4) Complete design calculations shall be submitted with the plans for the storm drainage system.

It is difficult to determine whether the proposal addresses these requirements without drainage calculations. More details on this may be required by the County Engineer. He will address it further if necessary in his review memo.

...

21. A copy of all required plan submittals in digital format for AutoCAD (DWG file) shall be submitted. Architectural plans or renderings not created in AutoCAD shall be submitted electronically in PDF format.

Please submit an electronic copy of your plans for electronic filing.

...

8-8-4: PERFORMANCE STANDARDS FOR CONDITIONAL USES:

...

A. Conditions Relating To Safety For Persons And Property.

...

5. Limitations and control of the number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and appearance and harmony with adjacent development.

Please provide information on where the proposed sign will be located.

...

11. Numbers and types of vehicles per time period associated with the conditional use activities.

How many vehicle trips to and from the site per day?

12. Time of day and days of the week conditional use may operate.

What times of the day?

B. Conditions Relating To Health And Sanitation:

...

2. A wastewater disposal system and a solid waste disposal system meeting standards adopted by the governing body.

Will facilities be provided onsite? If so, indicate where on the site plans. You may also need specific permission from the Weber Morgan Health Department.

...

C. Environmental Concerns:

...

4. The planting of ground cover or other surfacing to prevent dust and erosion.

The proposed re-vegetation plan may not adequately address re-vegetation requirements. Staff will likely recommend a revegetation bond to ensure the site is re-vegetated completely, and additional criteria will likely be required in the event the redistribution of topsoil does not adequately reclaim the vegetation onsite.

...

d. Plans will be made to accommodate increased runoff and sedimentation caused by altered soil and surface conditions during and after the proposed activity.

Will there be any erosion control measures for the exposed hillsides?

...

7. If the proposed conditional use involves hillside construction and/or development, the application will be approved only after the applicant provides:

a. Topographic information showing that the proposed activity is on land with a slope less than thirty percent (30%) and that it is located more than two hundred feet (200') from a known landslide.

Beginning and final topography should be indicated in 2' contours. Known landslides should be indicated if any.

...

8. In all cases, the applicant may be required to supply a geologic report, a geotechnical study, a hydrological study, a civil engineering study and other applicable engineering studies required by the planning commission or governing body acceptable in form and content to the county engineer.

Please provide geologic unit conditions of the site. If potentially hazardous units are located onsite you may be required to submit documentation that the proposal does not provide a risk to surrounding properties.

...

E. Conditions Relating To Performance:

1. Time limits on the validity of the conditional use permit. Such time limits shall be determined by the following guidelines:

a. A conditional use permit for uses which are of a temporary nature only may be issued for the intended duration of the temporary use or for two (2) years, whichever period of time is shorter.

What is the intended duration of the use?

8-8-5: GENERAL STANDARDS FOR CONDITIONAL USE DEVELOPMENTS:

When applicable, the following general standards shall apply to all conditional use developments within the county, unless waived for good and sufficient reasons by the planning commission:

...

C. Signs And Lighting: The size, location, design and nature of signs, if any, and the intensity and direction of area lighting or floodlighting shall be detailed in the application.

Will there be lighting onsite? Is there a lighting plan?

...

8-8-7: LANDFILLS AND LAND EXCAVATIONS:

...

F. Standards And Specific Requirements:

...

2. Hours And Days Of Operation:

...

3. Dust And Dirt Control: All graded or disturbed surfaces of excavations, and all equipment materials and roadways on the site shall be dampened or suitably treated, managed or contained to prevent the deposit of debris, dust or dirt on neighboring streets and properties; all materials transported to or from the site shall be so contained during transportation as to prevent spillage on streets or other property outside of the site.

Please submit a dust and dirt control plan to comply with this ordinance.

...

8-6-32: OPEN PIT EXTRACTION OF EARTH PRODUCTS:

...

C. Conditions: The community development director shall issue a permit for an open pit, a stockpile, or a waste dump only when all of the following are met, and all operations and rehabilitation shall comply with all of the following requirements:

...

5. The standards for rehabilitating the site shall be:

...

b. Mounds of fill shall not remain after rehabilitation of an extraction operation, even if utility poles must be relocated at the operator's expense; mounds may only be permitted in conjunction with a mine waste dump.

Are there any utility poles onsite?

...

d. No slope shall be steeper than the critical angle of repose (e.g., 33 degrees for gravel deposits).

The proposed final slope is a 45 degree angle. Please change the proposal to allow an angle no more than 33 degrees.

...

6. The operator shall place clearly identifiable survey markers on the outer boundaries of the bonded area and shall maintain such until the bond is released by the county. The county council may request an annual on site investigation and report of the county engineer to determine whether the terms of the grading plan, rehabilitation plan and bond agreement are being met.

Please indicate the markers on the plans.

...

8. Dust generated in the extraction and processing of the earth products shall be kept under control by the operator by paving main roads in the pit, wetting extraction area and loaded trucks, placing berms or landscape screening for protection from the prevailing winds, and other suitable measures.

Exception: The paving of the main roads of the pit may be waived by the community development director if all portions of the pit extraction area are at least six thousand feet (6,000') from any dwelling or cultivated crops, and any unpaved access road to the pit from the paved road system is at least five hundred feet (500') from any dwelling or cultivated crops. To qualify for this exception, the road shall have dust control accomplished with a coating of thirty two percent (32%) magnesium chloride treatment at a rate of one ton per three thousand three hundred (3,300) square feet, which coating shall be applied twice yearly. Further, water shall be added as needed so that the fugitive dust shall not exceed twenty percent (20%) opacity. If any of these qualifications are not met as determined by tests performed by the community development director, the county business license administrator, or the state division of air quality, or their designees, the pit operator shall cease operations, the community development director shall revoke the zoning compliance permit, and the business license shall not be renewed until the road is paved.

Please provide a plan for the required dust control of the road in the project.

9. All cuts and fills shall be set back from the property boundary and from the boundary of the approved extraction site a distance of at least five feet (5').

Please include on your site plan the required 5' setback. You may also want to indicate the previously mentioned survey markers along the setback.

D. Bond:

1. A cash escrow in the amount as set by resolution, but not less than two thousand five hundred dollars (\$2,500.00) per acre, in 2007, with an increase of fifty dollars (\$50.00) per annum for each year after 2007, shall be deposited with the county by the applicant to guarantee compliance with the provisions of this section. A violation of this section, or of the rehabilitation agreement, shall be sufficient grounds for forfeiture of the deposit to the county. If the deposited funds are over the minimum amount per acre and the owner disputes the cost of reclamation set by the county engineer, the county council may determine the cost and set the escrow amount, upon written dispute by the owner. (Ord. 11-03, 3-1-2011)

See attached bond forms for review and approval.