



PLANNING COMMISSION AGENDA

Thursday, August 13, 2015
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. Pledge of Allegiance
3. Approval of agenda
4. Declaration of conflicts of interest
5. Public Comment

Legislative:

6. Discussion/Public Hearing/Decision – Rees Future Land Use Map Amendment

Administrative:

7. Discussion/Decision – Pettit Ranchettes PRUD Amendment 2.
8. Planning Commission Business/Questions for Staff
9. Approval of minutes from July 9, 2015
10. Adjourn

Members Present

Shane Stephens
Gary Ross
Debbie Sessions
Roland Haslam
Larry Nance
Steve Wilson

Staff Present

Bill Cobabe
Gina Grandpre
Mickaela Moser

Public Present

Tina Kelley
Mark & Debbie Rees
Veloy Tonks Dickson
Dave Fluckinger
Tina Cannon
Austin Turner
Bruce Tonks
Craig Tonks
Joseph S. Rees

1. Call to order – prayer. Chair Haslam called the meeting to order. Prayer was offered by Member Ross.
2. Pledge of Allegiance
3. Approval of agenda
Member Sessions moved to approve the agenda. Second by Member Nance. The vote was unanimous. The motion carried.
4. Declaration of conflicts of interest
There were none.
5. Public Comment
Member Newton moved to go into public comment. Second by Member Ross. The vote was unanimous. The motion carried.

Dave Fluckinger: He owns an adjacent property. He had a question on the Pettit Ranches and what the intent is for that agenda item. He also wondered about water usage on the lots in discussion tonight. His understanding is that the lots are required to have a well. Member Nance clarified that the lots with the existing homes do have wells.

Randy Pettit: He wondered about the density requirement with the lots on the agenda tonight. Chair Haslam responded that the lots are in a PRUD, which is different. Mr. Pettit stated that his property will be affected with the rearrangement of lines and is seeking clarification.

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

Member Nance requested that property owners be able to voice their opinions when they get to that point on the agenda.

Legislative:

6. Discussion/Public Hearing/Decision – Rees Future Land Use Map Amendment

Bill gave an overview of the application: Mark Rees, acting also on behalf of Bruce and Craig Tonks, Scott Rees, and Gene Ercanbrack, applied for the Future Land Use Map amendment, as he would like to pursue development of this property. The property is south of the existing Rivala Development, which currently consists of the Round Valley Golf Course. He summarized that the proposed amendment would change approximately 225 acres of land currently designated Agricultural to Rural Residential. The land is currently generally vacant, with the exception of two homes located in the vicinity of the Golf Clubhouse area. Bill further explained the density of the surrounding areas. Bill mentioned that the property owners feel this is a good time to bring back this application, as it was presented to the Planning Commission a few years before.

Member Newton asked if there are signed affidavits from the Bell family. Bill said they have not signed on to be a part of the amendment. Bill clarified that this is not spot-zoning but the area does look like a donut hole.

Member Nance asked about the infrastructure currently in place. Bill responded that there are just wells and septic right now, but it is anticipated that Rivala will continue with development. Bill mentioned that the proposed development goes hand-in-hand with the Rivala development.

The reason for the Future Land Use Map (FLUM) change is that the current designation of A-20 does not accommodate the applicant's desired development. Mr. Rees explained that he cannot give his kids a lot from his property, whether it be 1 acre or 5 acres, as it stands with the current zoning.

Member Sessions asked if there are TOPO maps available. She is concerned they may be over the 20% grade allowable and it would be too steep to build anyway. Bill acquiesced that there are natural constraints. Member Sessions voiced her opinion that she doesn't have a problem with the location as far as proximity to town, but the topography is not conducive for major development.

Member Newton asked about roadways. Bill understood that the road is intended to be private roads, although they will be developed to County standards. Bill pointed out the spots along the road which would remain County and which areas would be private.

Chair Haslam got the meeting back on track with the current application. He referenced the Area Plan concerning access and stated that Rivala, in conjunction with the County, helped put the bridge in. Chair Haslam wondered if the County considers the bridge a second access. Bill was uncertain that an easement was ever dedicated to the County. Member Sessions stated the developer paid for the bridge and it belongs to the County. There was discussion about the emergency access.

Mark Rees: He is the applicant. He stated that when this was originally presented a few years ago, the Planning Commission and County Council members felt it was spot zoning and would not approve it. He addressed the limited development availability due to steep terrain. He stated he has roughly 10 acres of flat land. His neighbors have 60-70 acres of buildable land. Chair Haslam asked for calculations concerning building envelopes and Mr. Rees wasn't quite prepared with numbers tonight but estimated 2.7 acres per lot if he considered the total acreage. Chair asked about acreage with the potential to build. Mr. Rees responded possibly 100 acres in the area. Chair read from the Area Plan.

Mr. Rees pointed out on the projected map the current property lines and possible future development areas. Chair asked about the consensus between the property owners and the secondary access. He responded the bridge was the secondary access, with the primary access being Como. Chair Haslam addressed possible locations for a secondary access and he said it is

one of his concerns. Member Sessions said she believes the bridge was Rivala's secondary access.

Member Nance asked how many acres he owns. Mr. Rees answered that he owns 30 acres but he represents all of the involved property owners. Bill has affidavits from all involved parties. Mr. Rees stated that there are buildable spots within each owner's property. He also stated that all the property owners have access except Scott and himself. There was discussion about property lines and accesses to the different areas. Scott Rees stated he purchased an easement but those involved acknowledged there will need to be road improvements.

Member Sessions asked about intentions for future zoning. Mr. Rees responded he would like to have RR-1 across the whole thing, although not all of the lots would be as small as 1 acre.

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

Bruce Tonks: He was invited by Mark Rees to join in this development. He stated that it would not be allowed to have a private road unless all the adjoining parties agreed and signed. To his knowledge, no one had signed. They want it a public road right up until Gene Ercanbrack's house. Member Newton asked if that was the case, if the road behind should exist and be maintained. Bruce Tonks responded that the road behind his house was a private road with a secure gate. He indicated his residence on the displayed map.

Kim Bell: She lives next to Bruce. Her husband is Dave Bell. She is not in favor of 1-acre lots with housing. She loves the countryside and privacy. She suggested RR-5 as possible zoning.

Scott Rees: If zoned RR-1, he asked if he could still have 5-acre lots. He was interrupted by his ringing cell phone. The Planning Commission responded that there is no maximum lot size, but under the RR-1, the minimum is 1 acre. He also asked if there is a statute of limitations on this request and Member Sessions responded that this is a Development Agreement with no expiration date. He further clarified that he doesn't necessarily want much development, but would like to be able to divide his land to his posterity.

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

Chair asked the Planning Commission about their feelings on the application. He suggested a site evaluation or postponement to seek more information. Member Nance requested information about access. Member Stephens stated that everyone on the list has access and the accessibility for 4 future homes will be addressed at the Concept stage of development. Member Newton asked the Planning Members if this application complies with the Area Plan.

Member Sessions suggested a site-tour. Member Stephens said that they will still have to meet requirements and a site-tour won't make a difference that way. Member Newton asked Bill if the FLUM were changed to RR-1, would there be a need for another FLUM change if a different request were made for another designation, say, to RR-5. Bill responded no; the Rural Residential encompasses all three zoning designations. There was discussion on how things would be affected if each member involved in this application applied individually. Bill responded there would not be any difference with each property owner applying individually for a rezone. Bill also stated that

he encouraged the current group to apply together, to get a bigger picture and if one person is not ready for a change, they can be excluded whilst the others proceed.

Member Sessions moved to postpone the Rees Future Land Use Amendment, application number 15.058, changing the designation from Agriculture to Rural Residential until August 27, 2015 to allow for a site tour and to clarify the Rivala River Bridge as a secondary access for Round Valley. Second by Member Nance.

Member Ross moved to amend the motion to include the 5:00 appointment for a site tour at the golf course parking lot. Second by Member Nance. The vote to the amendment was unanimous.

The new motion reads: Member Sessions moved to postpone the Rees Future Land Use Amendment, application number 15.058, changing the designation from Agriculture to Rural Residential until August 27, 2015 to allow for a site tour with a 5:00 appointment at the golf course parking lot and to clarify the Rivala River Bridge as a secondary access for Round Valley. Second by Member Nance.

There were no questions on the amendment or motion.

The vote was unanimous. The motion carried.

Administrative:

7. Discussion/Decision – Pettit Ranchettes PRUD Amendment 2.

Member Nance moved to postpone until August 27, 2015, as the applicant was not present. There was no second. The motion failed.

It was noted that there is a representative in attendance for Mr. Krantz, who is his partner. Bill introduced that this application is in keeping with the density requirements. He noted the different site constraints. Bill provided the current and future maps with the proposed changes and he explained the lot lines involved. Lot 1 and Lot 2 were previously owned by Pettit's as a common area, but Lot 1 has since changed ownership so there is need for clarification of responsibility. The applicant desires to change the lot lines to their original position, before there was a "common area". The lots would return to their original lot boundaries and there would be no common area. Member Nance clarified that the 4 lots are recorded. There is one owner for 2 lots and Bill clarified owners. Randy Pettit showed the original common area, which was much larger than it is currently. Member Nance asked if all the property owners have signed off on this proposal. Randy Pettit said he needs clarification before he will sign. Bill read a memo from Randy Krantz. Mr. Pettit received notification of the changes, Owner of Lot 2 and Open Space of Lot B, but has not signed off yet. Bill suggested adding a condition of approval for Mr. Pettit to sign his approval. Member Nance asked if people are waiting for a building permit, to which Bill responded that there is a building permit but no certification of occupancy, and the garage is awaiting a decision before proceeding.

Chair suggested clarifying lot lines and would like more information before proceeding. Bill said that the proposal will not change. The applicant and representative have no problem with the postponement. Bill would like to get affidavits before proceeding.

Member Nance moved to postpone this item until August 27, 2015. Second by Member Sessions. Member Sessions commented that the Amended Plat #2 needs the original plat for comparison, along with building envelopes on lots 3 and 4.
The vote was unanimous. The motion carried.

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

Derek Harbortson: He inquired about the property around Surrey Lane (14 acres north of Surrey Lane), currently A-20. He is interested in a possible rezone of the current corn field. He is interested in a flexible subdivision ordinance to allow for a home in front of the current corn field and leave the agriculture behind. Member Nance suggested speaking with Bill about possible ordinance changes, as there is no ordinance in place currently to allow for his request.

8. Planning Commission Business/Questions for Staff
There was none.

9. Approval of minutes from July 9, 2015
Member Nance moved to approve amended the minutes from July 9, 2015. Second by Member Ross. The vote was unanimous. The motion carried. Members Newton and Stephens abstained, as they were absent.

10. Adjourn
Member Nance moved to adjourn. Second by Member Stephens. The vote was unanimous. The motion carried.

Approved: _____ Date: _____
Chairman, Roland Haslam

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