



PLANNING COMMISSION AGENDA

Thursday, August 27, 2015

Morgan County Council Room

5:00 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. 5:00 pm - Rees Future Land Use Amendment Tour at the Round Valley Golf Course parking lot.
2. 6:30 pm - Call to order – prayer at Morgan County Courthouse
3. Pledge of Allegiance
4. Approval of agenda
5. Declaration of conflicts of interest
6. Public Comment

**Legislative:**

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

**Administrative:**

8. Discussion/Decision – Pettit Ranchettes PRUD Amendment 2.
9. Planning Commission Business/Questions for Staff
10. Approval of minutes from August 13, 2015
11. Adjourn

Rees Future Land Use Map Amendment  
Public Hearing  
August 27, 2015

Application No.: 15.058  
Applicant: Mark Rees  
Owner: Bruce Tonks, Craig Tonks, Scott Rees, Mark Rees, Gene Ercanbrack  
Project Location: Round Valley Rd; Generally South of the Rivala Development  
Current Zoning: A-20  
General Plan Designation: Agricultural  
Acreage: ~225  
Request: Amend the Future Land Use Map, changing the existing designation from Agricultural to Rural Residential  
Date of Application: July 28, 2015  
Date of Previous Hearing: N/A

Staff Recommendation

County Staff recommends approval of the requested future land use map amendment based on the following findings and with the conditions listed below:

***Findings:***

1. That the proposed amendment is in harmony with future land use planning efforts.
2. That the proposed amendment will be in harmony with existing land uses to the north (Rivala Development).
3. That the anticipated development will not adversely impact the adjacent properties.

Background

Mark Rees, acting also on behalf of Bruce and Craig Tonks, Scott Rees, and Gene Ercanbrack, applied for the Future Land Use Map amendment in order to pursue anticipated development of this property. The property is located generally south of the existing Rivala Development, which currently consists of the Round Valley Golf Course. There is some residential development in the vicinity, particularly to the western portion of the proposed Future Land Use Map amendment area, which is relatively dense in nature. The proposed amendment would change a 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 (see Exhibit A).

## Analysis

*General Plan and Zoning.* Changing the Future Land Use Map/General Plan is a serious undertaking. The General Plan represents the desires of the people of Morgan County, and as such should only be modified to reflect these continuing desires. Care should be taken to ensure viability of any proposed projects, as well as maintaining the desires of the people as expressed in the General Plan.

The General Plan and Future Land Use Map anticipates the development of property in this area. In designating the property as a part of the Agricultural designation, the General Plan demonstrated the desire of the County to keep this area in relatively open space, protecting property from rapid and dense development, and ensuring that the relatively undeveloped areas of the County remain pristine. The current designation, Agricultural, notes that:

*The purpose of [the Agricultural] designation is to support viable agricultural operations in Morgan County, while allowing for incidental large-lot residential and other uses. The residential density in this category is up to one unit per 20 acres.*

The current designation is incompatible with the desires of the property owners to develop their property, and is not necessarily in keeping with what will be developed in the Rivala Development. In the Round Valley Area Plan, the desire of the people involved is to:

*...change the current zoning to RR-1 the entire length of the existing County Road. (Morgan County General Plan, Appendix A, Round Valley, Como, and Taggarts General Plan, page 2).*

The proposed designation, Rural Residential, notes that:

*The Rural Residential category designation accommodates semi-rural large lot development, with generous distances to streets and between residential dwelling units in a viable semi-rural character setting. Residential density in rural residential areas is a maximum of 1 unit per acre.*

As can be seen in Exhibit A, and as noted above, there is already some compatible development in the area. Further, the Rivala Development will have large areas of similar, compatible density. It is also anticipated that the developer will request a rezone to RR-1 pending the approval of the proposed Future Land Use Map amendment.

The 2010 Morgan County General Plan identifies the following as three of the six visions for the County that may be applicable to the proposal (*see pages 4 & 5 of the 2010 Morgan County General Plan*):

*2. Morgan County respects property rights and recognizes personal responsibility to the land and communities.*

...

*5. Morgan County public policies support the viability of working and hobby farms,*

*protection of agricultural lands, and the conservation of natural resources and rural character.*

*6. Morgan County accommodates growth responsibly by integrating new development in a way that is respectful of the environment, supports County values, considers long-term sustainability, and uses available infrastructure. To help achieve this goal, the County strongly recommends that growth occur within or adjacent to corporate limits and villages, or be located within master-planned communities.*

*Ordinance Evaluation:*

Morgan County ordinance anticipates amendments to the General Plan. Section 8-3-10: General Plan indicates that:

*C. Plan Adoption:*

- 1. After completing a proposed general plan for all or part of the area within the county, the planning commission shall schedule and hold a public hearing on the proposed plan.*

*After the public hearing, the planning commission may make changes to the proposed general plan.*

- 2. The planning commission shall then forward the proposed general plan to the governing body.*
- 3. The governing body shall hold a public hearing on the proposed general plan recommended to it by the planning commission.*

*The governing body shall publish notice of the time, place, and purpose of the public hearing in a newspaper of general circulation in the county at least ten (10) days before the hearing at which the proposed general plan is to be considered and public comment heard.*

- 4. After the public hearing, the governing body may make any modifications to the proposed general plan that it considers appropriate.*
- 5. The governing body may:*
  - a. Adopt the proposed general plan without amendment;*
  - b. Amend the proposed general plan and adopt or reject it as amended; or*
  - c. Reject the proposed general plan.*

- 6. The general plan is an advisory guide for land use decisions.*

*D. Amendment of Plan: The governing body may amend the general plan by following the procedures required by subsection C of this section.*

This meeting is in fulfillment of subsection (D) above, in following the procedures outlined in

subsection (C), which is included for reference.

### Model Motion

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Rees Future Land Use Amendment, application number 15.058, changing the designation from Agricultural to Rural Residential, based on the findings listed in the staff report dated August 27, 2015.”

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the Rees Future Land Use Amendment, application number 15.058, changing the designation Agricultural to Rural Residential, *due to the following findings:*”

1. List any additional findings...

### Supporting Information

Exhibit A: Vicinity Map  
Exhibit B: Future Land Use Map  
Exhibit C: Existing Zoning Map  
Exhibit D: Current Section Plat  
Exhibit E: Proposed Rivala Map  
Exhibit F: 60' Right of Way for Emergency Access  
Exhibit G: County Council Minutes – July 15, 2008  
Exhibit H: County Council Minutes – December 16, 2008

### Staff Contact

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

Exhibit A: Vicinity Map

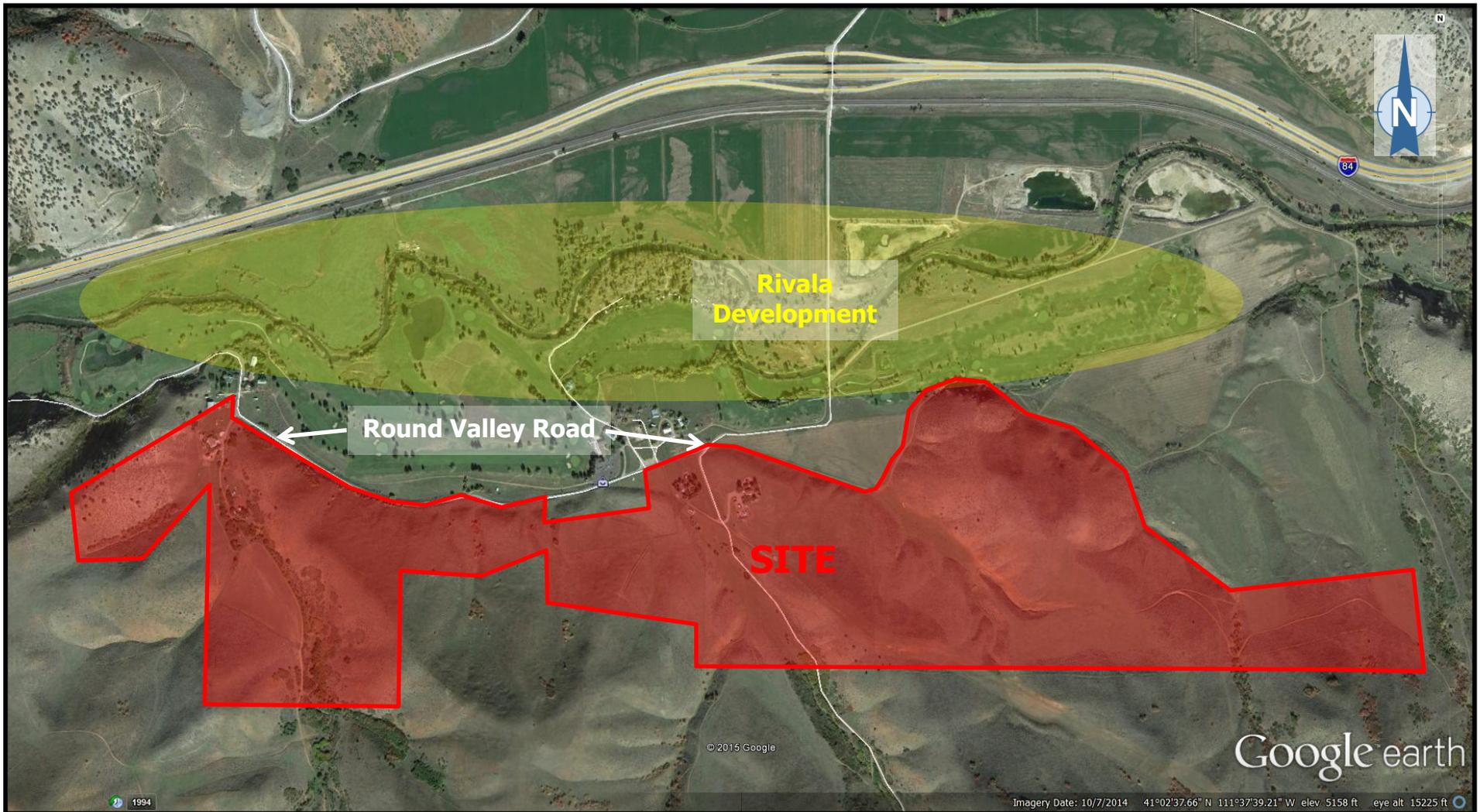


Exhibit B: Future Land Use Map

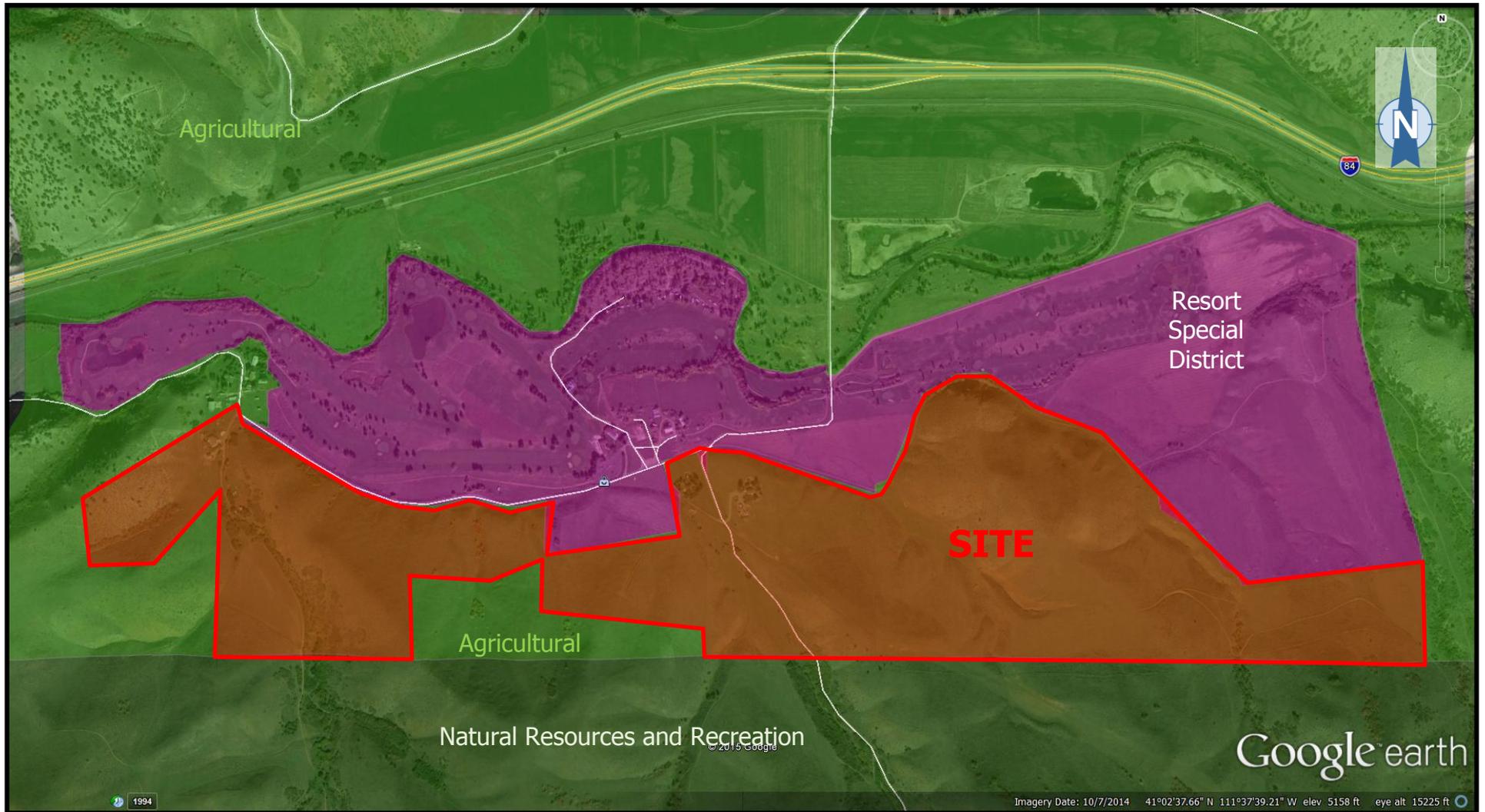


Exhibit C: Existing Zoning Map

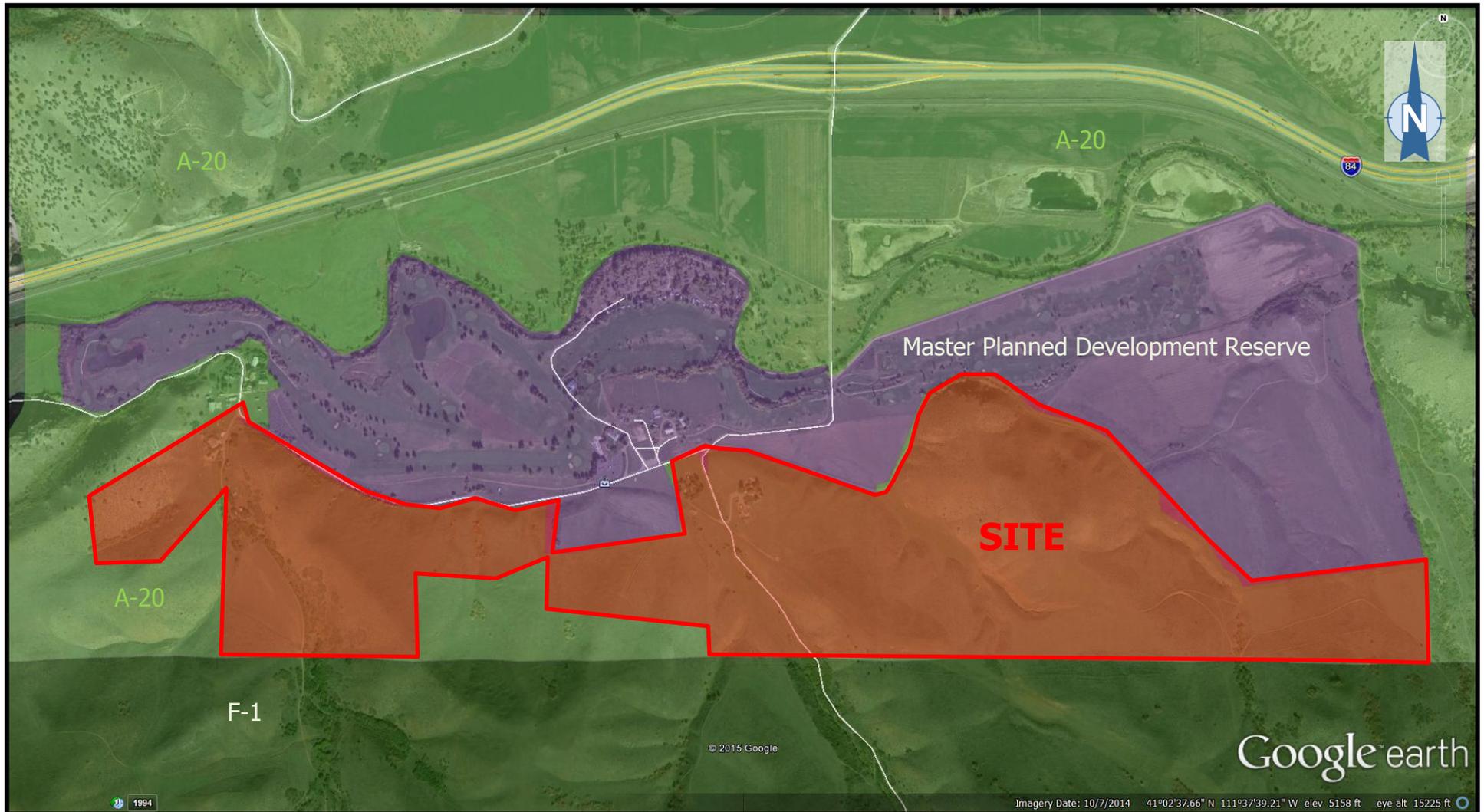
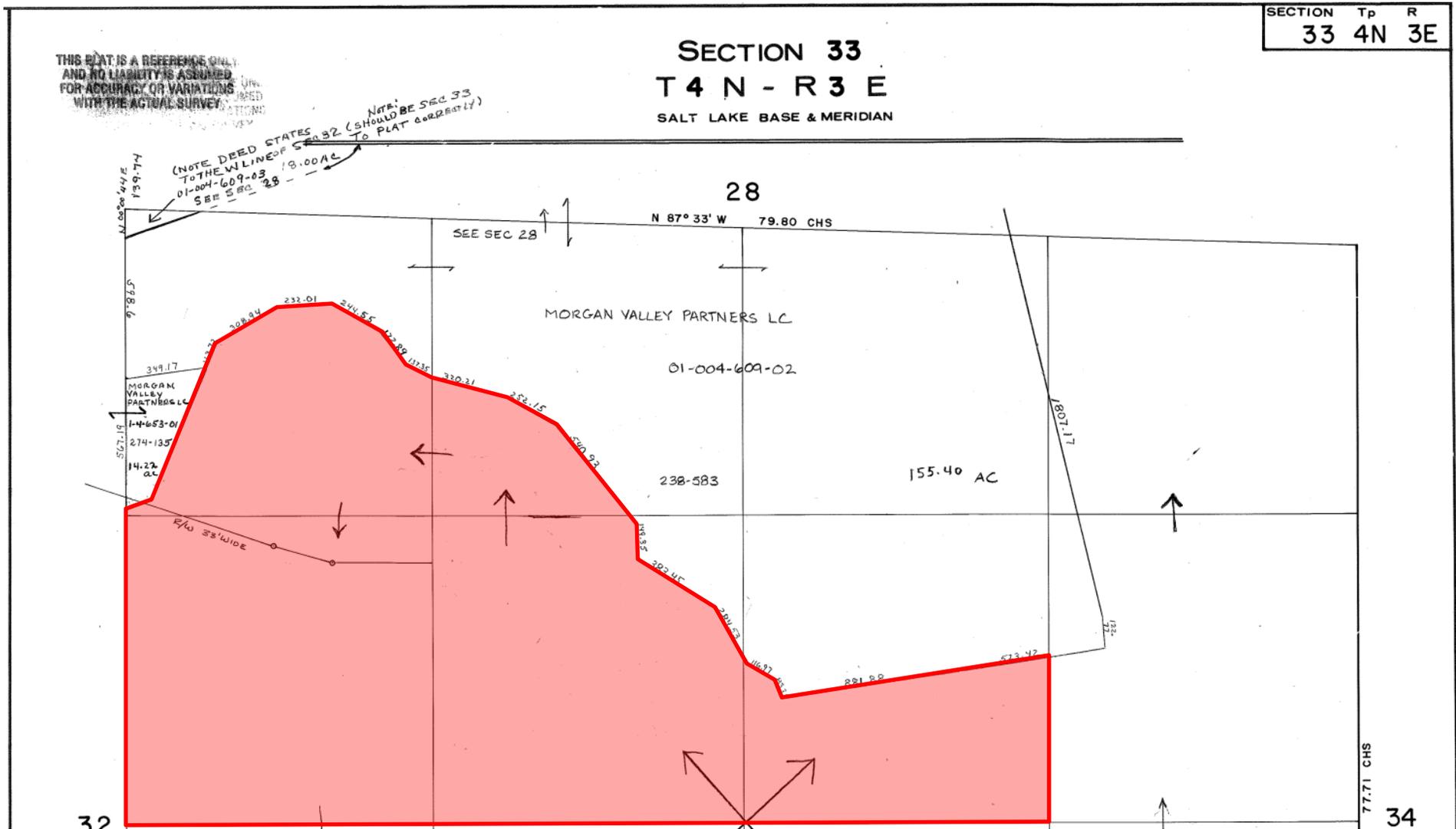
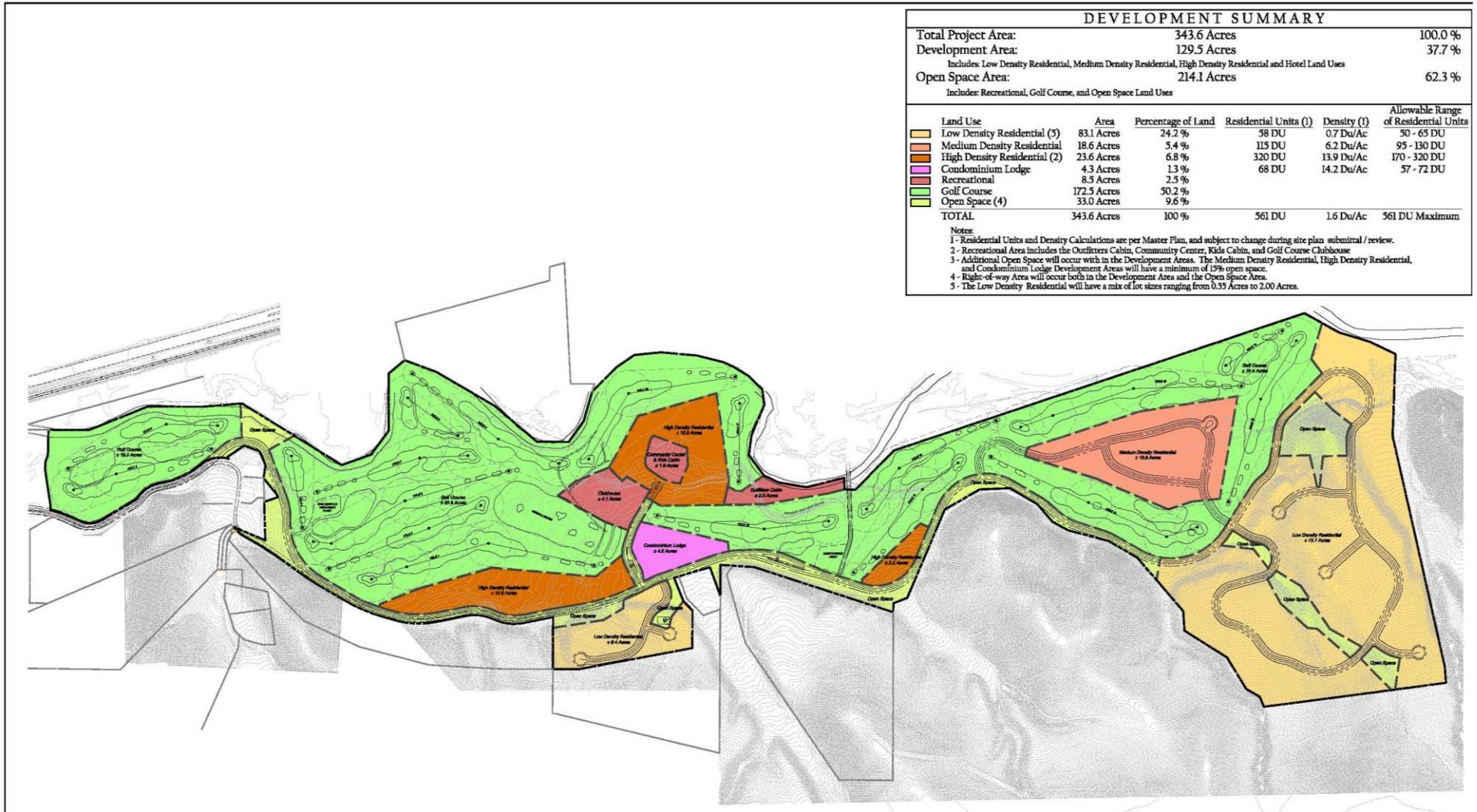




Exhibit D: Section Plat Map (Section 33 – Partial)



# Exhibit E: Proposed Rivala Map





**Exhibit "A"**  
**60 FOOT WIDE EMERGENCY ACCESS EASEMENT**

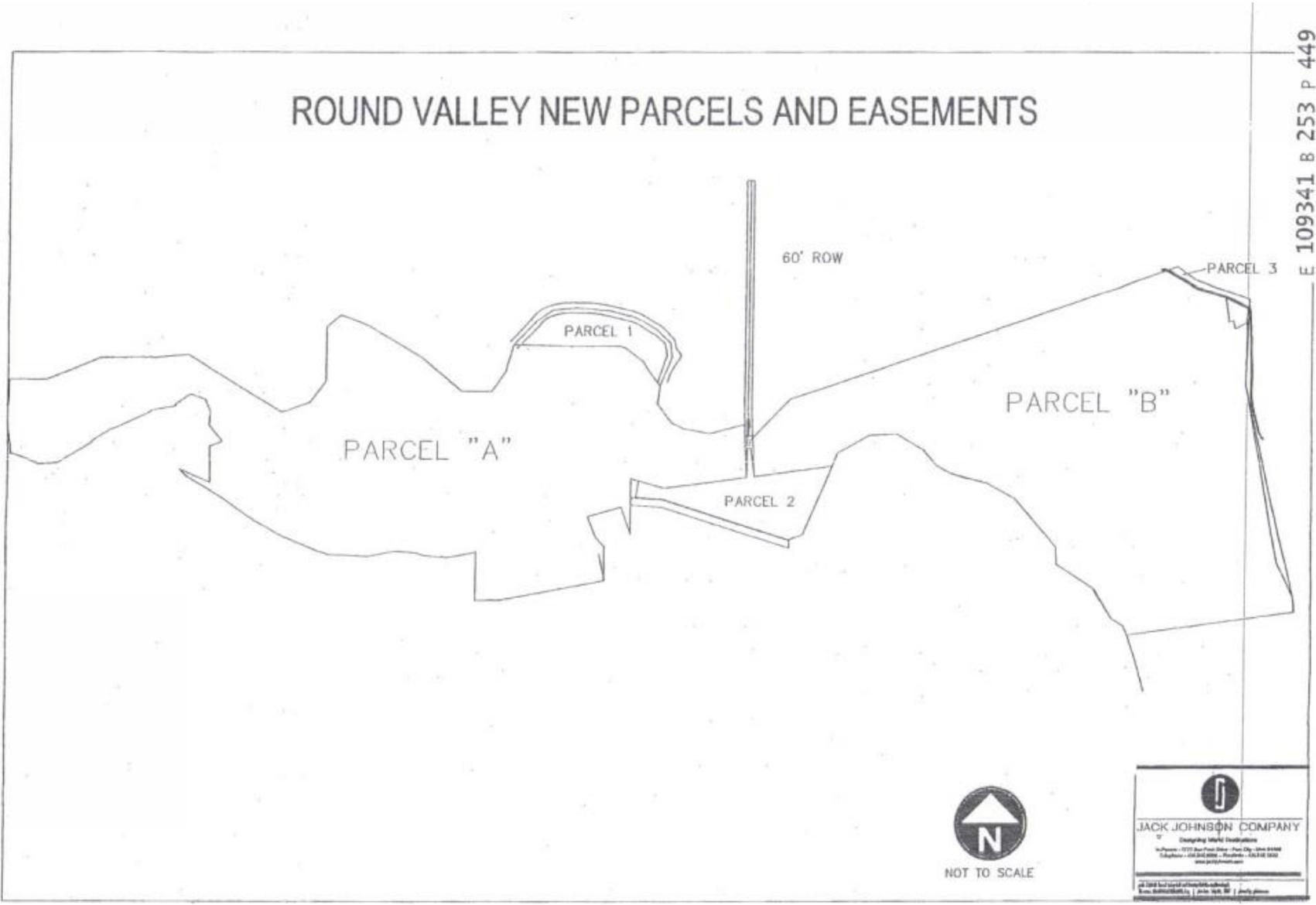
A STRIP OF LAND 60 FEET WIDE LOCATED IN THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 4 NORTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS NORTH 2220.25 FEET AND WEST 304.89 FEET FROM THE EAST QUARTER CORNER OF SECTION 32, TOWNSHIP 4 NORTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE NORTH 87°57'55" WEST 60.15 FEET; THENCE NORTH 02°03'27" WEST 209.67 FEET; THENCE NORTH 00°25'06" WEST 1879.47 FEET TO THE SOUTH LINE OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY; THENCE NORTH 89°50'47" EAST 60.00 FEET ALONG THE SOUTH LINE OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY; THENCE SOUTH 00°25'06" EAST 1879.47 FEET; THENCE SOUTH 02°03'27" EAST 213.96 FEET TO THE POINT OF BEGINNING.

Serial No. 01-004-612

Parcel No. 00-0002-3018

# ROUND VALLEY NEW PARCELS AND EASEMENTS



E 109341 B 253 P 449

Exhibit G: County Council Minutes – 15 July 2008 (Exerpt)

**Roads and Traffic**

Jason stated that he has received the most recent traffic study. He noted that with the intersection of State Street and Commercial Street there are issues that would need to be taken care of but the risks associated with that are small in comparison to routing the traffic on 100 South. He stated that there are other ways to get in and out of the development. He suggested that there are ways around it. Commercial Street and the frontage road are adequate. In reading through the economic analysis the average number of trips is decreased. He stated that they will be okay with the signage for now.

Member Stephens stated that the Fairgrounds Board is concerned about the traffic with the fair and the activities at the fairgrounds.

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Morgan County Council Meeting  
July 15, 2008

Jason stated that crosswalks could be used and they do work and there would be signage. There are ways to mitigate the issues.

Sherrie noted that there will be increased exposure to Commercial Street and the activities at the fairgrounds.

## Exhibit H: County Council Minutes – 16 December 2008

### Community Development – Discussion/Decision – Rezone of Round Valley Resort from A-20 to MPDR (Approval of applicable ordinance CO-08-06) in conjunction with a development agreement for 561 dwelling unit

The modifications to the development agreement were discussed.

There was discussion regarding Parks. Rivala has agreed to upfront money for a park at the fairgrounds with the money being reimbursed as impacts fees are collected. The Council asked where the 7% interest comes from when interest rates are lower.

Member Gardiner read from Section 16-15-060 stating there should be parks provided within the development.

Sherrie stated the golf course is a private park; it is a recreational park.

Member Kelley stated she did not agree with the developer paying for the park.

The Council requested the interest rate to be taken out of section 8.

There was also discussion regarding section 23 of the development agreement and requested clarification from the developer.

Todd Godfrey, Developer's Attorney, stated if the developer defaults they are not entitled to the benefit of the contract and the County would not be obligated to repay the loan.

Mr. Henriod stated they agree to strike the interest rate provision from the agreement. He noted they agree to be the contractor for the park; they would like that to be a separate agreement, typical owner/contractor agreement. He stated with the park being County property they are concerned about the liability where they are not the owner and will not be able to keep people off it. He stated they will also clarify section 23.

It was noted the County has the option to hire them as the contractor for the park.

**Member Sunday moved to approve the Rivala MPDR Rezone and Concept MPDR Plan with the following findings and conditions put forth by the Planning Commission as well as staff based upon work sessions:**

#### Findings:

- There are substantial tangible benefits to be derived by the general public of Morgan County that significantly outweigh those that would otherwise be derived if development occurred under the provisions of the existing zone district namely:
  - a. Economic development of the Round Valley will contribute substantial fiscal benefits for the citizens as demonstrated in the Fiscal Analysis;
  - b. The development will provide for increased tax base for the County with the provision of ~40% of the units being second homes, that are appraised at 100% of the valuation;
  - c. The development will contribute to economic revitalization of the greater Morgan City area, through increased visibility and utilization of the golf course and hotel;
- There are unique circumstances, above the normal limitations and allowances of the existing zone, that justify the use of a MPDR namely:
  - a. The existing A-20 use, which is agriculture in nature, is not appropriate for the proposed and existing land uses;
  - b. The property is an appropriate use of the MPDR zone, which is designated for resort developments in Morgan County;
  - c. Redevelopment of the course cannot be achieved under the existing zoning and produce a positive fiscal analysis;
- The development proposed in the MPDR re-zone furthers the goals and objectives and policies of the Morgan County General Plan, Land Use Maps, and the applicable Morgan County Development Density Potential, section 16-15-030 namely:

- a. Environmental Enhancements. The development proposed includes environmental enhancements that will protect wildlife and further encroachment on environmentally sensitive features. Examples of such are the 150 foot setback from the Weber River, night sky lighting regulations to protect nesting wildlife, identification and protection of wetlands and riparian areas, air quality regulations related to limiting the construction of wood burning fireplaces.
  - b. Exceeds Open Space Requirements for the Project. The proposed development provides over 62% open space, including active recreation such as golfing and public trails, as well as passive and natural open spaces for the benefit and enjoyment of the citizens.
  - c. Restricted Affordable Housing. Affordable housing shall be negotiated and shall be included within the development in accordance with an approved development agreement in a manner that is agreeable to the County Council.
  - d. Contribution to Community Trails and Parks. Public Trail Systems shall be provided within the development for the enjoyment of county citizens. The golf course shall be maintained as semi-private, with access to the general citizens being maintained. Neighborhood parks and tot-lots shall be required for residents of the project.
  - e. Public Facilities and Amenities Exceeding Project Requirements. Unique community facilities and amenities have been provided in the form of preservation of the pioneer school house and cemetery and have been incorporated as features of the project. Further the provision of below grade structure parking results in the preservation of additional open space and eliminates the environmental effects of large asphalt parking areas.
- The proposed development agreement and MPDR report adequately address the issues of the MPDR zone, Land Use Management Code and General Plan;
  - Approving an MPDR zone district will not adversely affect the public health, safety, and general welfare;
  - The proposed development is in concurrency with the purposes of the LUMC and the MPDR, namely:
    - a. The development is a creative use of land and encourages the preservation of permanent open space and sensitive areas;
    - b. The development utilizes a variety of density, architectural styles and land use, rather than tunnel and sprawl zoning concepts;
    - c. The development uses various features in harmony with natural features of the land;
    - d. The development preserves to the greatest extent possible the existing landscape features, watershed, animal habitat and natural amenities in a harmonious and aesthetically pleasing manner.
  - The proposed development is in compliance with the adopted General Plan and the Round Valley Master Plan Area;
  - The phasing plan is approved based upon the convenience of platting for topography and infrastructure constraints.
  - The development will be served by means of a private water company and independent special service district for sewer.

**Conditions:**

- The primary access route to the project shall not be 100 South, the developer shall obtain access via construction of a new or improved right of way through Como Springs, the County Fairgrounds property, Rees property or other suitable alternative which is not 100 South; (Completed)
- The development shall be implemented by negotiation of a development agreement, of which content shall be drawn based upon submittals and conditions of the Planning Commission outlined in this approval and based upon specific engineering reviews and studies; (Completed)
- Phasing shall be limited as presented in the MPDR report;
- Each Plat approval shall include review of Slopes, Soils, Geotechnical, Wetlands, Surface Waters, Water Quality, Air Quality, Wildlife, Vegetation, Fire Safety, Solid Waste, Public Safety, Visual Sensitive Areas, Traffic, Culinary Water, Secondary Water, Sanitary Sewer,

and Storm Drainage shall be completed for the development prior to the Preliminary Plat approvals;

- Roads within the development shall be private rights of way which shall be owned and maintained by the HOA;
- The ownership of all open spaces, and trails, shall be privately owned and maintained and the associated funding for their maintenance be established within the development agreement;
- The development shall comply with the night sky provisions of the MPDR, including both public street lighting and private dwelling lighting;
- A detailed street landscape plan shall be required for approval prior to preliminary plat, including streetscape and the provision of low water use, native plantings, and those undesirable to wildlife;
- The developer shall submit CC&R's for each phase, which require superior architectural design, minimize the garage orientation to the street, and use colors and materials, which blend with the natural environment;
- The Planning Commission reserves the right to impose additional conditions and requirements prior to Preliminary Plat based upon the purposes and principles described within the requirements of the development agreement, LUMC, and General Plan;
- The developer shall agree to provide a fee in lieu of \$1,000.00/unit to the County for the purpose of assisting the County in acquisition of affordable housing at an alternate location within the County. The formula used to calculate said fees shall be attached to the development agreement as an exhibit.

And approve the adoption of Ordinance CO-08-06. Seconded by Member Hawkes. Member Kelley voted against. All other members voted for. The motion passed.

Member Hawkes moved to approve the Master Development Agreement for the Rivala Master Planned Development dated today with the following changes: In Section 8 striking the last sentence eliminating the 7% interest rate and adding the county has the option of hiring them as the contractor for the Park. In section 23 under terms are amended to read "repayment of the debt due, except if termination of this Agreement is occasioned by Master Developer's default, in which case the County's obligation for repayment shall be terminated". Seconded by Member Sunday. Members Gardiner and Kelley voted against. All other members voted for. The motion passed.

Pettit Ranchettes PRUD Plat Amendment 2  
Public Meeting  
August 27, 2015

Application No.: 14.130  
Applicant: Randy Krantz  
Owner: Randy and Karen Pettit; Woods Creek Ranch LLC  
Project Location: 246 W Woods Creek Rd  
Porterville Area  
Current Zoning: A-20  
General Plan Designation: Agricultural  
Acreage/Lots: approximately 80.17 acres; 4 lots and 4 open space lots  
Request: Amend a subdivision of record to add approximately 50 feet to the eastern portion of Lot 23  
Date of Application: November 10, 2014  
Date of Previous Approvals: January 2002 (Original PRUD); June 2008 (1<sup>st</sup> Amendment)

### Staff Recommendation

County Staff recommends approval of the requested amended plat based on the following findings and with the conditions listed below:

#### ***Findings:***

1. That the proposed amendment is in keeping with the goals set forth in the Future Land Use Map of the General Plan.
2. That the proposed amendment meets the requirements of the Morgan County Code for subdivision plat amendments.
3. That the proposed amendment will have a negligible impact on surrounding properties.

#### ***Conditions:***

1. That the owners provide an updated title report prior to recordation.
2. That the owners provide a copy of the updated deed restrictions prior to recordation.
3. That all fees and taxes are paid, including any fees associated with outsourced consultants.
4. That any minor changes to the plat be handled by County Staff prior to recordation.

### Background

This application is to amend the approved Pettit Ranchettes PRUD, originally approved in 2002. The existing plat has only two (2) lots, while the proposed amendment to the existing PRUD has four lots and four open space lots. The existing PRUD has a total of 52.172 acres, while the

amended PRUD contains 80.17 acres, of which 39.84 acres are in lots, while the remaining 40.33 acres are in open space, for an approximate 50% open space.

Lot 2 would remain largely unchanged; the only significant change is to the location of the lot lines, accounting for the distribution of areas labeled "common areas" which were originally shared between lots 1 and 2. Lots 3 and 4 would be added, which are large lots and would surround open space A. There would be a couple of smaller open spaces (C and D) which would be held in common ownership of lots 1, 3, and 4, while common space B would be owned by the owner of Lot 2.

It has been suggested that rather than have the open spaces delineated as open spaces held in joint ownership, that the open spaces could be included in the lots themselves (Open Space Parcel A, for example, could be divided between lots 1, 3, and 4, and Open Space Parcels C and D could be included into Lot 3). The lots could then have "building envelopes" defined which would only allow construction within a certain area on each lot. This would preserve the open space on each lot and throughout the subdivision.

Please refer to Exhibit E for a comparison between the proposed and existing conditions.

### Analysis

*General Plan and Zoning.* Pursuant to the Future Land Use Map (see Exhibit B), the property has an Agricultural designation. According to the General Plan, the Agricultural designation "identifies areas of existing agricultural land uses. The purpose of this land use designation is to support viable agricultural operations in Morgan County, while allowing for large-lot residential and other uses." The Agricultural designation anticipates 20 acre lots. This proposed amendment adds lots 3 and 4, which provides for an overall density of 1 unit per 20 acres. This is in keeping with the spirit of the purpose outlined in the General Plan.

The zoning of the parcel is A-20 (see Exhibit C). The size of lot 2 will remain virtually the same, while lots 3 and 4 will be added, and the configuration of Lot 1 will be altered. All of this seems appropriate for the zoning that exists in the area in connection with the PRUD, which has already been approved. The overall density of 1 dwelling unit per 20 acres remains, which is in keeping with the spirit of the A-20 zoning district.

### *Ordinance Evaluation:*

*Property Layout.* This subdivision has some natural and technical constraints that make it unique. In addition to the large lots designated through the PRUD, the open spaces created in steep slope areas will help to ensure the disbursed and open character of the area. The four lots center around a large, looped private lane, which provides access for all of the lots and acts as a buffer between the private lots and the open space in Parcel A. The setbacks are noted on the plat and are typical to the respective zones.

*Roads and Access.* As noted above, the lots front onto a private lane, where access will be gained to each property.

*Grading and Land Disturbance.* The parcel appears to lie outside of the flood plain. Some minimal site grading may be required to provide access and building pads for future homes built

on lots 3 and 4, but this is not anticipated to greatly affect the land.

Utilities. Water service in the area is provided by an existing shared well serving lots 1 and 2, as well as two proposed wells located on lots 3 and 4. Waste water will be handled via individual septic systems.

Geologic Hazards. The proposed plat amendment lies within a geologic hazards unit and any development which takes place will need to follow the guidelines outlined in Section 8-5I of our code. However, the existing lots/structures predate the current Geologic Hazards ordinance, and are thus exempt from those requirements.

#### Model Motion

Sample Motion for *Approval* – “I move we approve the Pettit Ranchettes PRUD Plat Amendment 2, application #14.130, located at approximately 246 W Woods Creek Rd., based on the findings and with the conditions listed in the staff report dated August 27, 2015.”

Sample Motion for *Approval with additional conditions* – “I move we approve the Pettit Ranchettes PRUD Plat Amendment 2, application #14.130, located at approximately 246 W Woods Creek Rd., based on the findings and with the conditions listed in the staff report dated August 27, 2015, *with the following additional conditions:*”

1. List any additional findings and conditions...

Sample Motion for *denial* – “I move we deny the Pettit Ranchettes PRUD Plat Amendment 2, application #14.130, located at approximately 246 W Woods Creek Rd., *due to the following findings:*

1. List any additional findings...

#### Supporting Information

Exhibit A: Vicinity Map  
Exhibit B: Future Land Use Map  
Exhibit C: Current Zoning Map  
Exhibit D: Proposed Amended Plat  
Exhibit E: Comparison of Amended Plat and Existing Plat

#### Staff Contact

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

Exhibit A: Vicinity Map

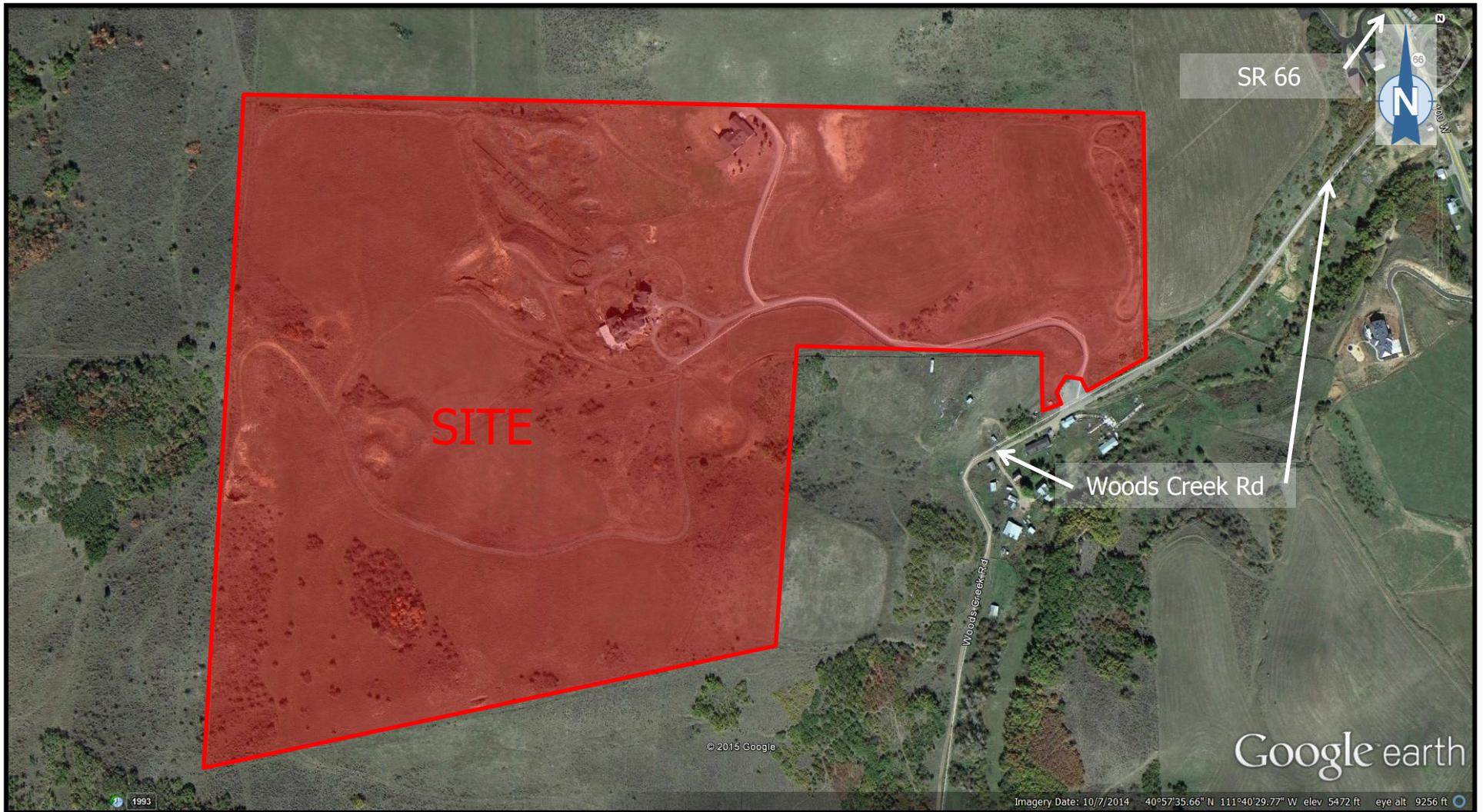


Exhibit B: Future Land Use Map

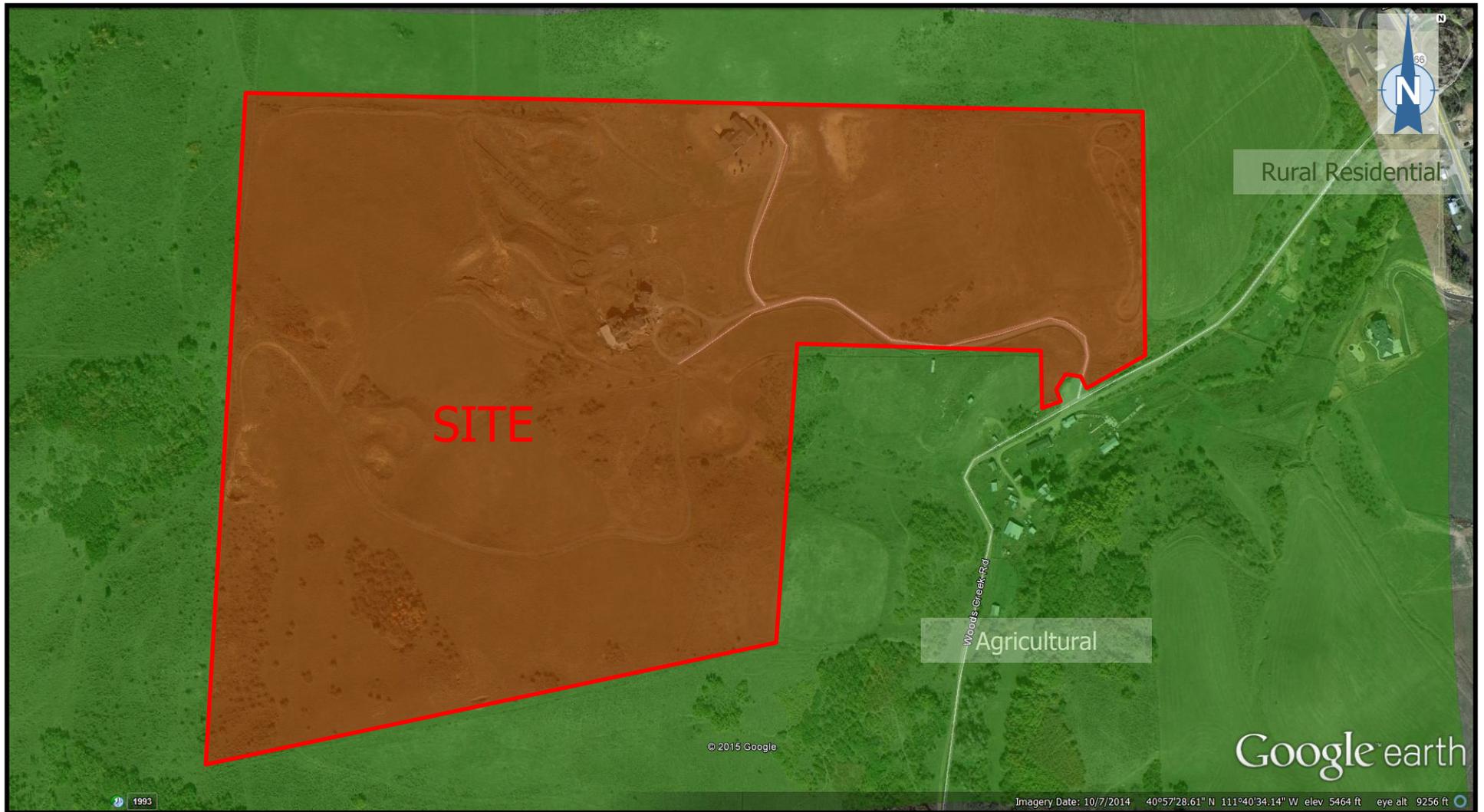
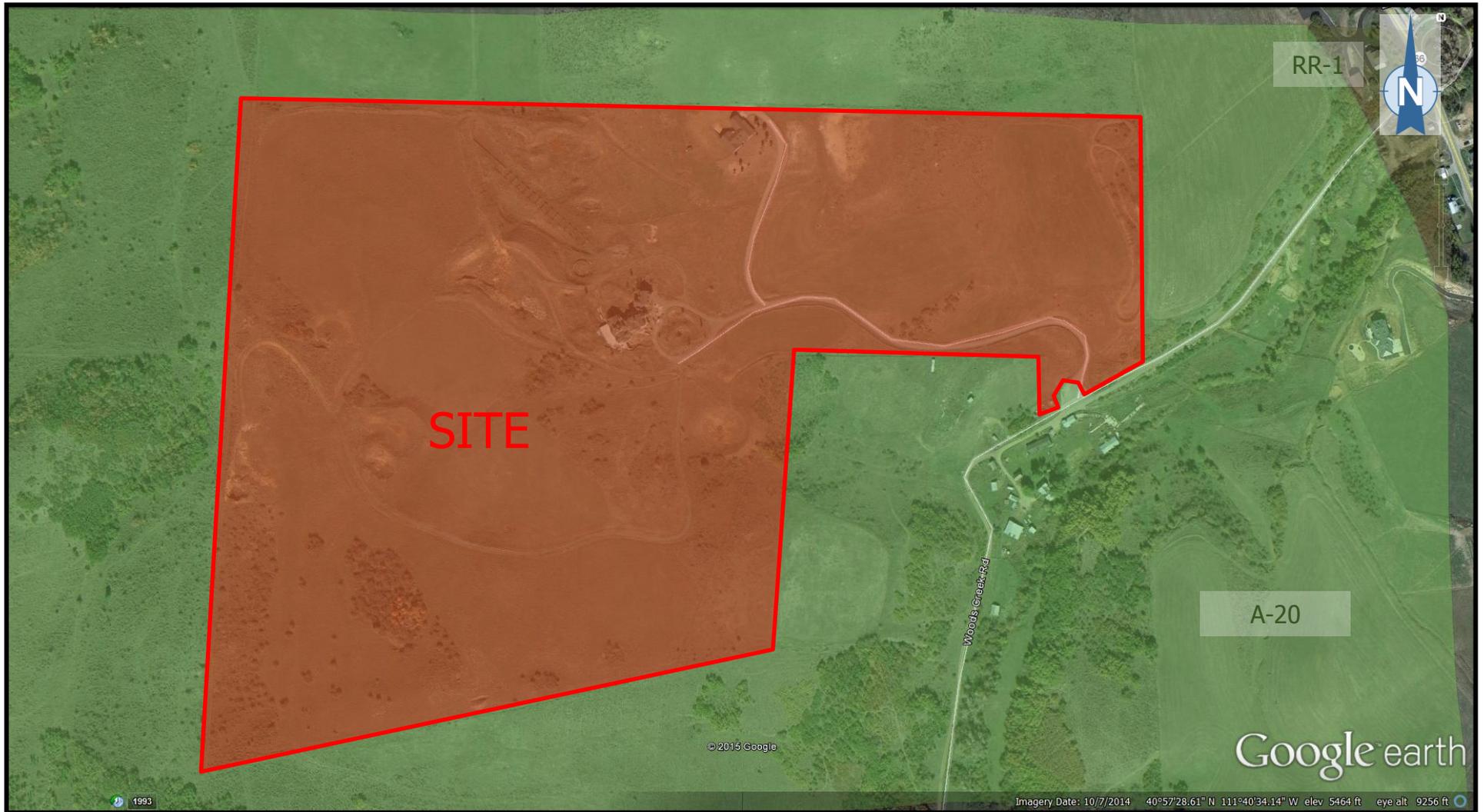
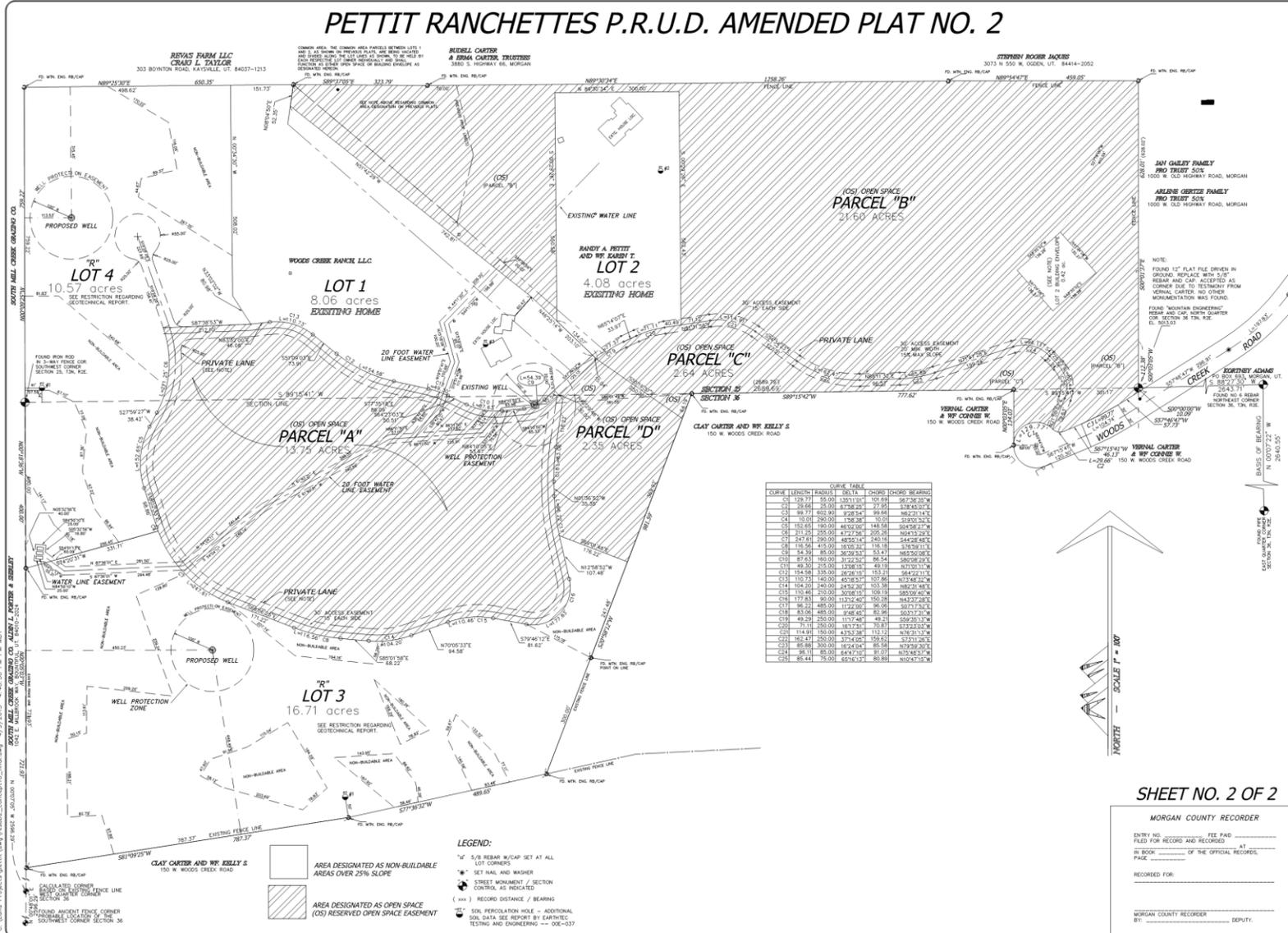


Exhibit C: Current Zoning Map





# PETTIT RANCHETTES P.R.U.D. AMENDED PLAT NO. 2



**MOUNTAIN ENGINEERING**

P. O. BOX 309 84050  
MORGAN, UTAH 84050  
TEL (801) 878-3978 FAX 878-3979

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DESIGNED BY: W.L.M.  
DRAWN BY: J.W.H.  
DATE: APRIL 2015

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**PETTIT RANCHETTES P.R.U.D. AMENDED PLAT NO. 2**

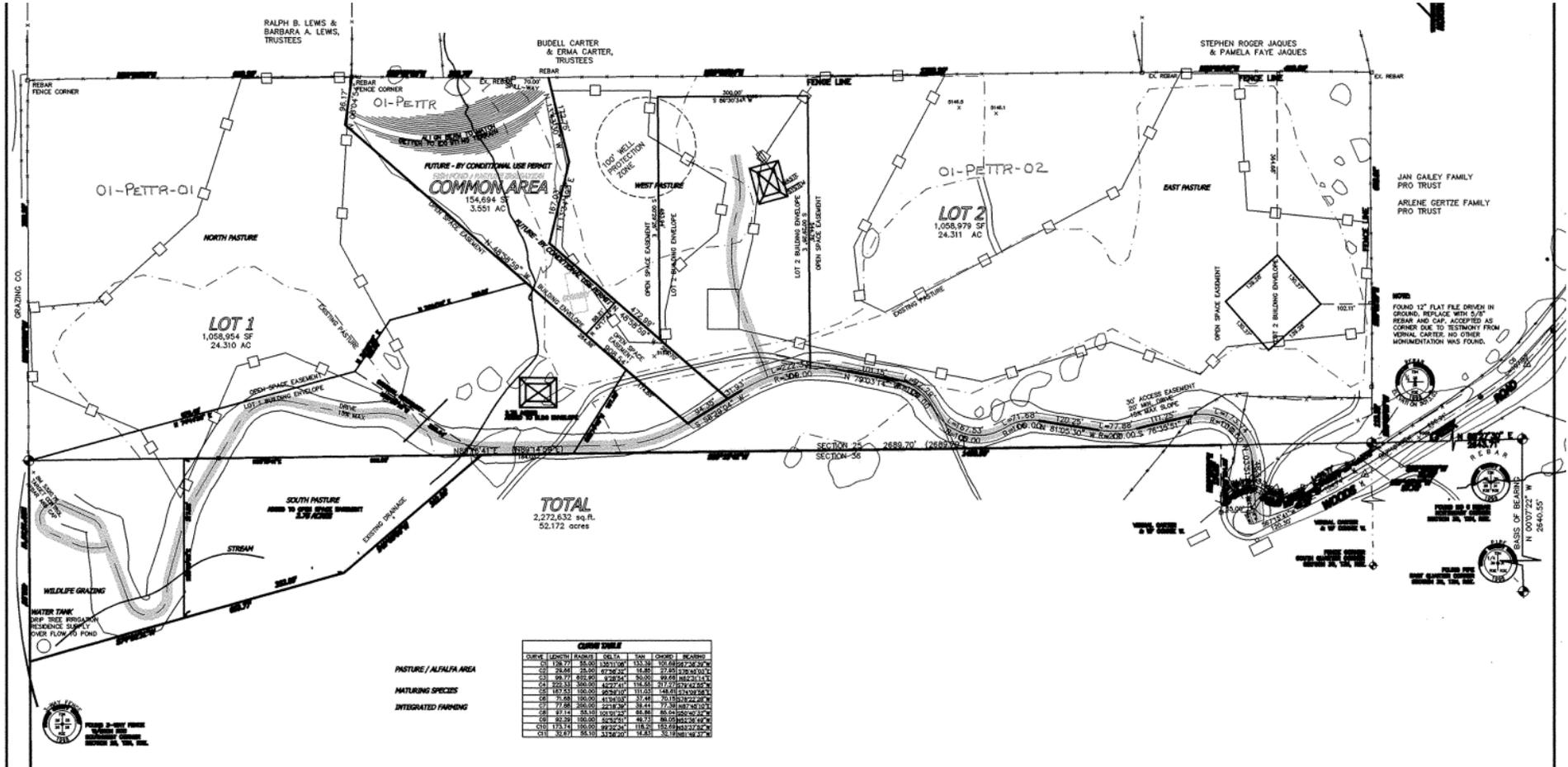
A PLANNED RESIDENTIAL UNIT DEVELOPMENT  
FINAL PLAT (LINE NW/4 OF SEC. 36, PART OF SW/4 SEC. 25, T3N, R2E  
S 1/2 PART OF BASIN 10, MORGAN, U.S. SURVEY  
MORGAN COUNTY, UTAH

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RECORDED FOR:  
MORGAN COUNTY RECORDER  
BY: \_\_\_\_\_ DEPUTY.

# Exhibit E: Comparison of Amended Plat and Existing Plat

## Existing Plat:







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 was deeded 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.**

There were no questions on the amendment or motion.

**The vote on the main motion 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. Pettit, 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 an original map 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