



PLANNING COMMISSION AGENDA
Thursday, August 28th, 2025
Morgan County Commission Room
6:30 p.m.

PUBLIC NOTICE is hereby given that the Morgan County Planning Commission will meet at the above time and date at the Morgan County Courthouse, Commission 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. **Public Hearing/Discussion/Decision – Rollins Ranch DA, Fifth Amendment:** A request for a minor amendment to a street layout depicted within the conceptual development plan for the Rollins Ranch Development Agreement, which is identified by parcel number 00-0063-3521 and serial number 03-005-029, and is approximately located at 6113 N Hidden Valley Rd in unincorporated Morgan County.
7. Business/Staff Questions
8. Approval of August 14th, 2025, Planning Commission Minutes
9. Adjourn



PLANNING & DEVELOPMENT

PLANNING COMMISSION

PUBLIC MEETING

ROLLINS RANCH DEVELOPMENT AGREEMENT, FIFTH AMENDMENT

AUGUST 28, 2025

Staff: Joshua Cook, AICP

Public Meeting

August 28, 2025

Application No.:	25.037
Applicant	Ty Reese, Durbano Group
Owner:	Fernwood LC
Project Location:	Approx. 6113 N Hidden Valley Rd
Date of Application:	July 18, 2025
Current Zoning:	Residential (R1-20) and Rural Residential (RR-1)
Acreage:	Approx. 250 acres
Request:	Amendment to the Development Agreement to revise road alignment for improved safety and to accommodate existing infrastructure.

REQUEST:

A request for a minor amendment to a street layout depicted within the conceptual development plan for the Rollins Ranch Development Agreement, which is identified by parcel number 00-0063-3521 and serial number 03-005-029, and is approximately located at 6113 N Hidden Valley Rd in unincorporated Morgan County.

ATTORNEY GUIDANCE:

Administrative Review:

The sole issue in land use administration is whether the application complies with county ordinances. If it does, it must be approved.

Applicable law:

An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays all application fees, unless:

“(A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or

(B) in the manner provided by local ordinance and before the applicant submits the application, the county formally initiates proceedings to amend the county's land use regulations in a manner that would prohibit approval of the application as submitted.

Utah Code Ann. § 17-27a-508(1)(a)(ii)."

"The Utah Supreme Court has indicated that a significant threat to the public welfare should be considered compelling. "If a proposal met zoning requirements at the time of application but seriously threatens public health, safety, or welfare, the interests of the public should not be thwarted." W. Land Equities v. Logan, 617 P.2d 388, 395-96 (Utah Sup.Ct. 1980)."

Staffs' findings are legally sufficient to adopt if the Commission finds that the application is complete, conforms to the requirements of the applicable land use regulations, land use decisions, and development standards, and there are no apparent threats to public health, safety, or welfare that would support a compelling countervailing public interest to recommend denying the application. Staffs' recommended conditions are required by county ordinances and appear to be legal conditions.

Recommendations for denial and/or additional findings must be placed on the record, contain a legal basis, and supported by substantial evidence. Legal can provide guidance on what is required for a sufficient record and what is considered substantial evidence.

SUMMARY:

Staff received an application proposing an amendment to the Rollins Ranch Development Agreement. Currently, the subdivision spans over 250 acres. The request pertains to a minor amendment to the development agreement associated with the Ponderosa Property, specifically amending the Concept Plan in Exhibit C (as referenced in the Fourth Amendment). The updated plan, shown in the attached Exhibit A, allows for revised road placement where it connects to Ranch Blvd. While this is a legislative application, it is being processed administratively in accordance with § 155.464(B)(3), which allows administrative approval of rearrangements to proposed lot and street layouts, provided other thresholds are not exceeded. Public comments may be made during the general comment portion of the meeting at which this item appears on the agenda; it will not be scheduled for a separate public hearing.

The applicant submitted the following narrative:

"The east alternative shown in this pdf is from a concept that we did early in the project. The east alignment is based on the development agreement that turns to go up the draw rather than going straight up the hill. This alignment also avoids the irrigation pump house. In order to avoid the pump house and avoid going up the steep hill, the road has tighter curves including (2) 150-ft radius back-to-back curves. The new west alignment has a 190-ft radius curve followed by a 500-ft radius curve. The larger radius curves in the new west alignment are safer for vehicle site distance especially on a residential street when there are vehicles parked on the site of the street and with kids playing in the neighborhood. The larger radius curves will help with driver visibility when there are obstructions in the road and/or kids playing."

"The proposed amendment should not change the character of the zone but will provide a safer ingress/egress to the subdivision."

The applicant has submitted the following text for the proposed amendment:

1. Concept Plan. The Concept Plan attached to the Development Agreement as Exhibit C and in the Fourth Amendment is supplemented and/or amended as it applies to the Ponderosa Property to be as it appears in the attached **Exhibit A**, which by this reference is incorporated into this Addendum, which among other things allows for the placement of the road in a more appropriate location as it connects to Ranch Blvd., see the attached Plan and drawing Exhibit A.

2. Amended Road Plan Shall be as Follows: *The original road has tighter curves including (2) 150-ft radius back-to-back curves and is a safety to concern due to the lack of visibility and increasingly so if there are parked cars on the side of the road. This road placement will create significant safety concerns and will make it difficult for children, pets or on coming traffic. This will be especially arduous to stop quickly during inclement weather and/or when parked cars on the side of the road which will create further visibility issues.*

*The west alignment shall have a 190-ft radius curve followed by a 500-ft radius curve. This change is made to facilitate e larger radius curves in **the new west alignment which will be safer for vehicle site distance** especially on a residential street when there are vehicles parked on the side of the street and with children playing in the neighborhood. The larger radius curves will improve driver visibility during inclement weather/obstructions in the road and/or kids playing.*

3. Miscellaneous. This Addendum is supplemental to the Fourth Amendment and contains the entire understanding of County and Fernwood and supersedes all prior oral or written understandings relating to the subject matter set forth herein. This Addendum may be executed in counterparts, each of which shall be deemed an original. This Addendum shall be binding upon and shall inure to the benefit of County and Fernwood and their respective grantees, transferees, lessees, heirs, devisees, personal representatives, successors, and assigns. In all respects, other than as specifically set forth in this Addendum, the Fourth Amendment and the Development Agreement and its applicable amendments shall remain unaffected by this Amendment and shall continue in full force and effect, subject to the terms and conditions thereof.

STAFF RECOMMENDATION:

Staff recommends approval of the applicant's proposal to amend the Development Agreement, which includes revise road alignment for improved safety and to accommodate existing infrastructure. Based on this review, staff presents the following findings and recommendations for consideration:

Findings:

- 1. That the proposal is not detrimental to the health, safety, and welfare of the public.*
- 2. That the revised road alignment improves vehicle sight distance and driver visibility through the use of wider curve radii.*
- 3. That the new alignment avoids conflicts with existing infrastructure, including the irrigation pump house, and reduces impacts to steep terrain.*

4. *That the amendment is consistent with the intent of the Development Agreement and maintains access within the originally contemplated area.*
5. *That the amendment does not change the approved number of lots or increase the overall density of the subdivision.*

PUBLIC NOTICE, MEETINGS, COMMENTS

- ✓ Public Notice was submitted to the State of Utah Public Notice website on August 18, 2025; a minimum of 10 days prior to the scheduled meeting. (Morgan County Code § 155.032 (C)).
- ✓ A Public Notice was posted at the County on August 18, 2025.
- ✓ Notices to property owners within 1000' feet of the proposed use were mailed a Public Notice on August 18, 2025.
- ✓ A sign was posted on the site on August 18, 2025.

SAMPLE MOTIONS:

Recommended Motion for a *Positive Recommendation* – “I move we recommend approval to the County Commission for an amendment to the Rollins Ranch Subdivision Development Agreement, to revise road alignment for improved safety and to accommodate existing infrastructure, as listed in the staff report, based on the text listed in Exhibit C of the staff report dated August 28, 2025.”

Recommended Motion for a *Positive Recommendation with Additional Changes* – “I move we recommend approval to the County Commission for an amendment to the Rollins Ranch Subdivision Development Agreement, to revise road alignment for improved safety and to accommodate existing infrastructure, as listed in the staff report, based on the text listed in Exhibit C of the staff report dated August 28, 2025, with the following corrections:”

1. List any corrections...

Recommended Motion for a *Negative Recommendation* – “I move we recommend denial to the County Commission for an amendment to the Rollins Ranch Subdivision Development Agreement, *due to the following findings:*”

1. List any additional findings...

SUPPORTING INFORMATION

Exhibit A: Rollins Ranch Development Agreement - Recorded

Exhibit B: Rollins Ranch Development Agreement Amendment - Proposal

Exhibit C: Exhibit C-1 of Rollins Ranch Development Agreement, 4th Amendment

Exhibit D: Proposed Rollins Ranch Subdivision Plat

Exhibit A: Rollins Ranch Development Agreement - Recorded

November 20, 2006

When Recorded, Please Return to:

Morgan County
Attention: County Attorney
48 West Young Street
Morgan, Utah 84050

DEVELOPMENT AGREEMENT FOR ROLLINS RANCH, MORGAN COUNTY, UTAH

THIS DEVELOPMENT AGREEMENT FOR ROLLINS RANCH, MORGAN COUNTY, UTAH (this "**Agreement**") is entered into as of this 20 day of November, 2006, by and between ROLLINS RANCH, L.L.C., a Utah limited liability company ("**Developer**"), and MORGAN COUNTY, a political subdivision of the State of Utah, by and through its County Council (the "**County**").

RECITALS:

A. Developer owns or has the contractual right to acquire approximately 249 acres of land, located in Morgan County, Utah, more particularly described on Exhibit "A" attached hereto and made a part hereof (the "**Property**"), on which Developer has proposed the development of a master planned community in accordance with the site plans attached hereto as "Exhibit "B" (the "**Site Plan**").

B. Pursuant to a duly noticed public hearings on May 14, 2005 and August 11, 2005, the County's Planning Commission voted to recommend to the County Council that the Property be rezoned from A-20 and MU-160 to RR-1 and RR-5.

C. Pursuant to a duly noticed public hearings on June 14, 2005 and September 6, 2005, the County Council considered and adopted the recommendation of the County's Planning Commission and the Property was rezoned from A-20 and MU-160 to RR-1 and RR-5 (the "**Zone Change**").

D. Pursuant to the County's Land Use Management Code Chapter 48 (the "**PRUD Ordinance**") the Developer submitted to the County, and after appropriate public hearings the [Concept Plan] attached hereto as "Exhibit "C" and made a part hereof (the "**Concept Plan**"), and the County has approved the Concept Plan.

Exhibit B: Rollins Ranch Development Agreement Amendment - Proposal

Recording Requested by and
When Recorded Return to:
Morgan County
Attn: Morgan County Attorney
48 West Young Street
Morgan, Utah 84050

For Recording Purposes
Do Not Write above this Line

**ADDENDUM, MODIFICATION, REFINEMENT
AND/OR SUPPLEMENT
TO
FOURTH AMENDMENT
TO
DEVELOPMENT AGREEMENT
FOR
ROLLINS RANCH
MORGAN COUNTY, UTAH
RE: The Ponderosa/Fernwood**

This Addendum, Modification, Refinement and/or Supplement to Fourth Amendment to Development Agreement for Rollins Ranch ("Addendum") is made effective as of _____ 20____, by and among Morgan County, a political subdivision of the State of Utah ("County") and Fernwood, L.C. ("Fernwood").

RECITALS

Fernwood and County wish to modify, refine and/or supplement the Fourth Amendment dated 30th of November, 2014, to allow Fernwood to proceed to develop Ponderosa Phase II and agree to amend the Fourth Amendment and Development Agreement as it affects Fernwood and the Ponderosa Property as follows.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and Fernwood hereby agree as follows:

1. Concept Plan. The Concept Plan attached to the Development Agreement as Exhibit C and in the Fourth Amendment is supplemented and/or amended as it applies to the Ponderosa Property to be as it appears in the attached **Exhibit A**, which by this reference is incorporated into this Addendum, which among other things allows for the placement of the road in a more appropriate location as it connects to Ranch Blvd., see the attached Plan and drawing Exhibit A.

2. Amended Road Plan Shall be as Follows: *The original road has tighter curves including (2) 150-ft radius back-to-back curves and is a safety to concern due to the lack of visibility and*

increasingly so if there are parked cars on the side of the road. This road placement will create significant safety concerns and will make it difficult for children, pets or on coming traffic. This will be especially arduous to stop quickly during inclement weather and/or when parked cars on the side of the road which will create further visibility issues.

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3. Miscellaneous. This Addendum is supplemental to the Fourth Amendment and contains the entire understanding of County and Fernwood and supersedes all prior oral or written understandings relating to the subject matter set forth herein. This Addendum may be executed in counterparts, each of which shall be deemed an original. This Addendum shall be binding upon and shall inure to the benefit of County and Fernwood and their respective grantees, transferees, lessees, heirs, devisees, personal representatives, successors, and assigns. In all respects, other than as specifically set forth in this Addendum, the Fourth Amendment and the Development Agreement and its applicable amendments shall remain unaffected by this Amendment and shall continue in full force and effect, subject to the terms and conditions thereof.

[Signatures appear on the next two pages.]

IN WITNESS WHEREOF, this Addendum has been executed as of the date first set forth above.

FERNWOOD:

FERNWOOD, L.C.

By: _____
Name: Douglas M. Durbano
Title: Manager

FERNWOOD ACKNOWLEDGEMENT

State of Utah)
) SS
County of Davis)

On this _____ 20____, before the undersigned notary public in and for the State of Utah, personally appeared before me Douglas M. Durbano, known or identified to me as the Manager of Fernwood, L.C. and the person who executed the foregoing instrument and acknowledged to me that said company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand seal the day and year first above written.

Notary Public for Utah
Residing in: _____
My Commission Expires: _____

COUNTY:
ORGAN COUNTY

By: _____
Name:
Title:

Attest:

County Clerk

COUNTY ACKNOWLEDGEMENT

State of Utah)
) SS
County of Morgan)

On this _____ 20____, before the undersigned notary public in and for the State of Utah, personally appeared before me _____, known or identified to me as the _____ of Morgan County and the person who executed the foregoing instrument and acknowledged to me that Morgan County executed the same.

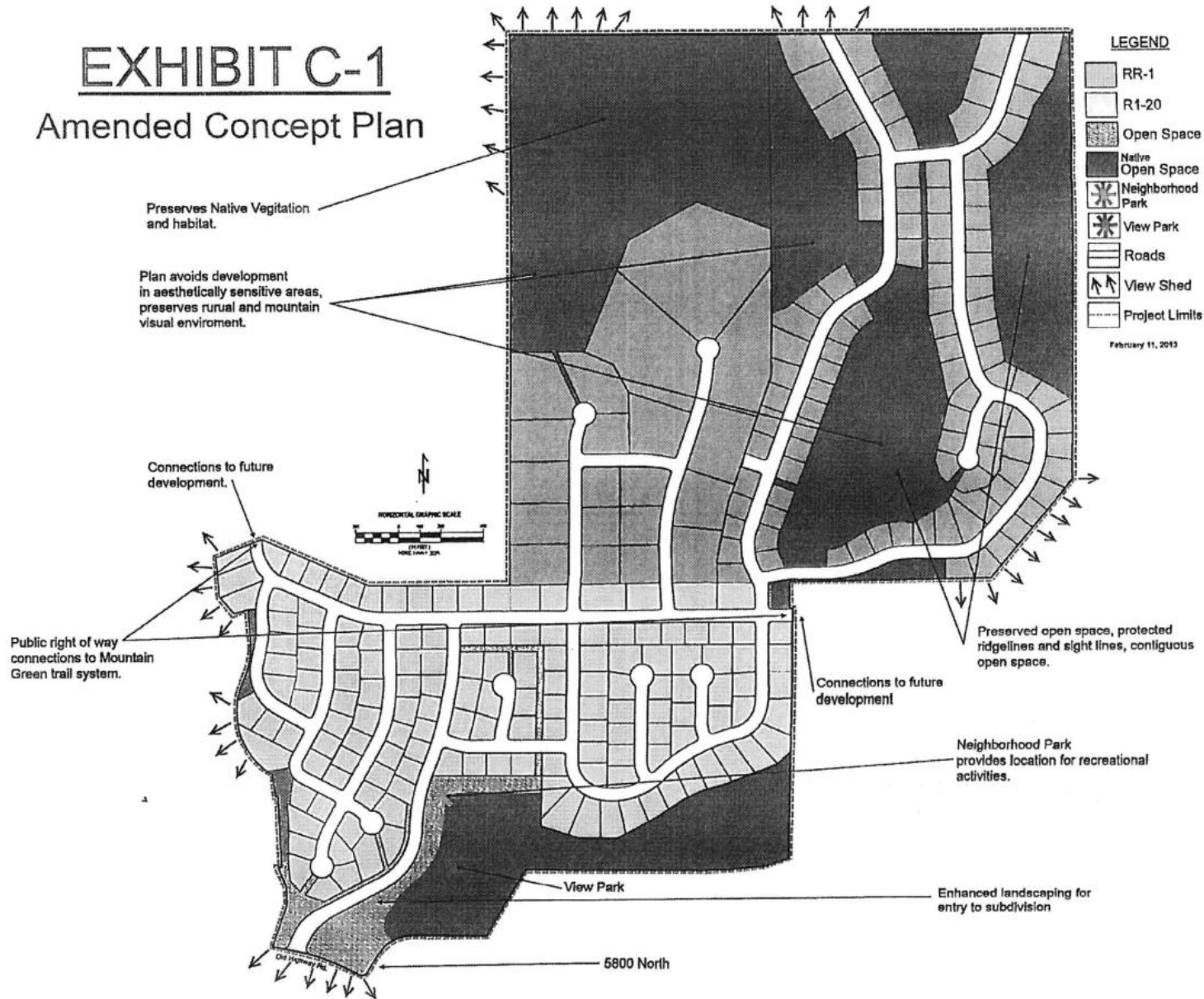
IN WITNESS WHEREOF, I have hereunto set my hand seal the day and year first above written.

Notary Public for Utah
Residing in: _____
My Commission Expires: _____

Exhibit C: Proposed Rollins Ranch Subdivision Plat

[Click here to view a full-size .pdf version of the Plat](#)

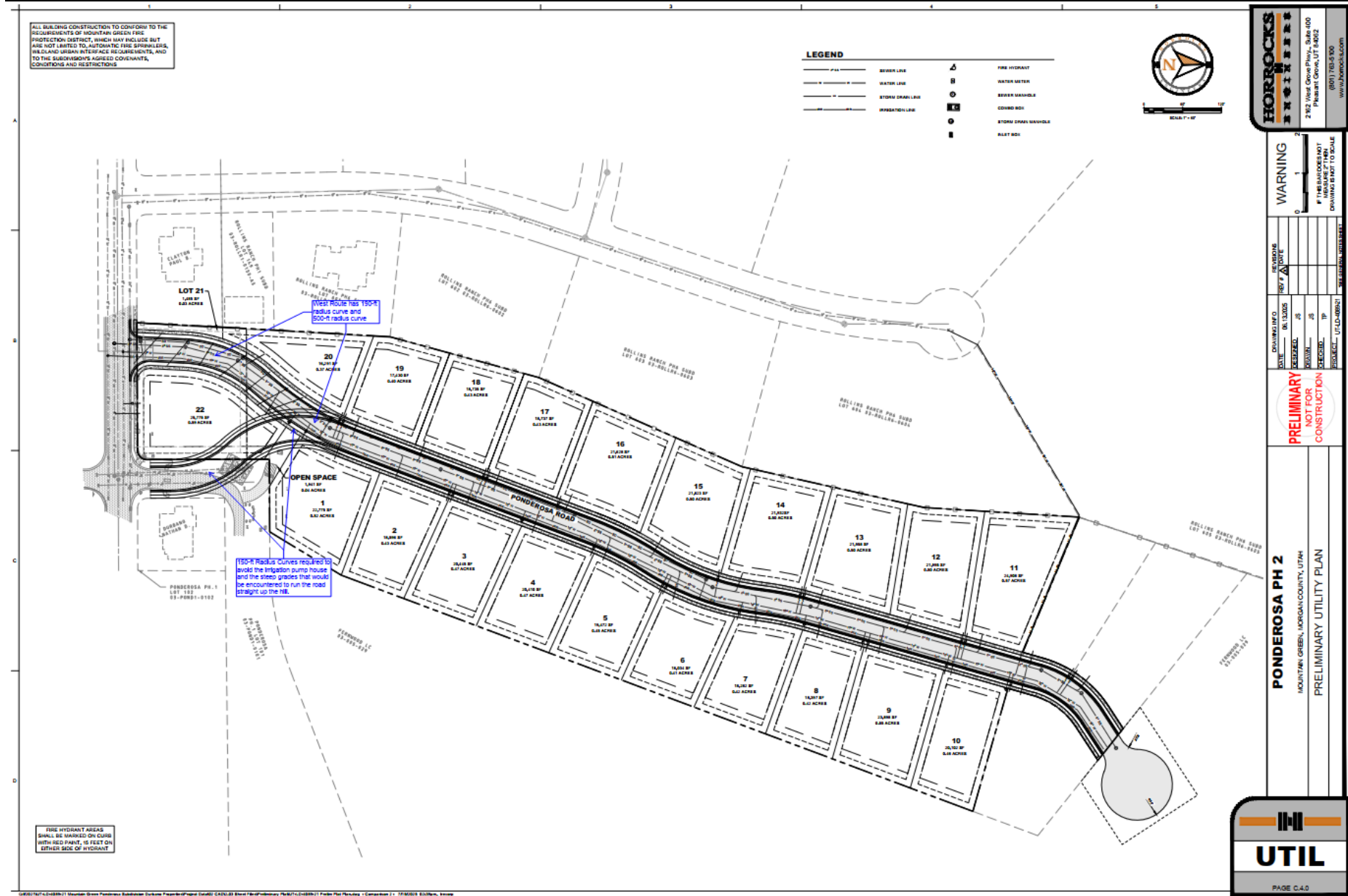
EXHIBIT C-1 Amended Concept Plan



Ent 128494 Bk 0304 Pg 0647
Ent 135195 Bk 0320 Pg 0415

Exhibit D: Proposed Rollins Ranch Subdivision Plat

[Click here to view a full-size .pdf version of the Plat](#)



PLANNING COMMISSION MINUTES

Thursday, August 14, 2025
Morgan County Commission Room
6:30 pm

Minutes of the Morgan County Planning Commission meeting at the above time and date at the Morgan County Courthouse, Commission Chambers; 48 West Young Street, Morgan, Utah.

Present PC Members:

Member Maloney
Member King
Member Wilson
Member McMillan
Member Telford
Member Sessions
Member Watt

Public Attendance:

Tina Kelley	Kent Singleton
Clay Rich	Jeff Glum
Ty Eldridge	Norm Thurston
Brandon Anderson	Jordan Garfield
Dean House	Marilyn Garfield
Karen House	Al Petelinsek
Trey Stephens	Peter Van Horn
Stephanie Howard	Judy Crowther
Row Howard	Theron Crowther
Reeni Crowther	Lisa Petelinsek
Daren Stegelmeier	Alvin Jensen
Marelle Stegelmeier	Marion Beown
Ty Eldridge	Todd Whimpey

Staff:

Jeremy Lance -Planner I
Judy Vogel, Transcriptionist/Permit Tech

1. **Call to order – Prayer**
2. **Pledge of Allegiance**
3. **Approval of agenda**

Motion by Member Sessions to approve the agenda.

Second by Member King. The vote was unanimous. Motion carried.

4. **Declaration of Conflicts of Interest**
None.

5. **Planning Commission Training – Craig Call**
Refer to training recording. [Planning Commission Meeting August 14, 2025](#)

6. **Public Comment**

Marion Brown stated he was not notified about the rezone and he lives up Deep Creek.

Legislative

7. **Public Hearing/Discussion/Decision – – The Thurston Rezone** – Request to rezone property from Multiple Use (MU-160) to Rural Residential (RR-10) and reflect that change on the Future Land Use Map from a split designation of RR-10 and Natural Resources and

Recreation to RR-10 completely. The property is identified by parcel numbers 00-0000-4729, 00-0000-4745, 00-0000-5148 and serial numbers 01-003-074, 01-003-076, 01-003-079 and is approximately located at 2240 West Deep Creek Road in unincorporated Morgan County.

Planner Lance presented the Thurston Rezon Request. The project location is approximately 2240 West Deep Creek. The current zoning of the property is multiple use MU-160, and the general plan designation shows RR-10. The request is to rezone property from MU-160 to the RR-10 specific designation from our zoning code and reflect that change on the Future Land Use Map. The proposed amendment is in harmony with existing land uses in the area and the rezone will not adversely impact the adjacent properties, many of which are 10-acre parcels or smaller. In addition to the review, staff has completed the noticing requirements for this meeting tonight.

Norm Thurston, a beneficiary of the trust, explained the inconsistency in the current zoning and the need for uniform zoning. He highlighted the surrounding properties and the appropriateness of RR-10 zoning for the area. He mentioned the potential for cluster development and the financial feasibility of such development. He emphasized the need for the rezone to align with the county's goals and preserve the rural feel of the area.

Open Public Hearing

***Motion by Member McMillian to open Public Hearing**
Second, by Member Wilson. The vote was unanimous. Motion carried.*

Brandon Anderson raised concerns about the safety of Deep Creek Road, citing past incidents and the need for proper ownership and maintenance.

Row Howard expressed concerns about the rezone and the lack of transparency in the notification process.

Daren Stegelmeier requested equitable application of the future land use plan, emphasizing the need for consistent zoning.

Marilyn Garfield Thurston explained the trustees' need to rezone to resolve family issues and ensure fair distribution of assets.

Dean House highlighted the safety issues on Deep Creek Road, particularly for emergency vehicles and agricultural activities.

Todd Wimpey raised concerns about the road's safety and the need for addressing these issues before approving the rezone.

Peter Van Horn and Theron Crowther expressed safety concerns related to the road's design and the need for improvements.

Lance Crowther and Ty Eldridge emphasized the ongoing safety issues and the need for a comprehensive solution before any development.

Member Sessions clarified the current zoning and the need for a development agreement for clustering.

Planner Lance explained the scope of a rezone application and the administrative process for subdivisions.

Close Public Hearing

Motion by Member King to close Public Hearing.

Second, by Member Telford. The vote was unanimous. Motion carried.

The planning commission discussed the inadequacy of the road and the need for a comprehensive solution before approving the rezone.

Member McMillian moved to forward a negative recommendation to the County Commission for the Thurston Rezone, application number 25.018, changing 356.55 acres from Multiple Use (MU-160) to Rural Residential (RR-10), and reflect that change on the Future Land Use Map from a split designation of Natural Resources and Recreation and Ranch Residential 10 to Ranch Residential 10 completely, due to the following findings:

- ***Inconsistent with the Future Land Use Map***
- ***Inconsistent with the health and safety welfare due to inadequacy of road***

Second by Member Watt. The vote was unanimous. Motion carried.

8. Business and staff questions

Attorney Smith emphasized the importance of community knowledge in planning decisions, especially regarding local conditions.

Member Watt highlighted the value of bringing in extra information for evaluation.

Attorney Smith mentioned ongoing training with Craig Call to improve planning processes and decision making.

Attorney Smith explained the role of the appeal authority and the importance of recording and noticing public meetings.

Member Sessions asked about the public's ability to participate in administrative appeals.

Attorney Smith clarified that while not a public hearing, administrative appeals are open to the public.

9. Approval of minutes

Motion by Member Sessions.

Second, by Member Watt the vote was unanimous. Motion carried.

10. Adjourn

Motion by Member Watt

Second, by Member King. The vote was unanimous. Motion carried.

Approved: _____ Date: _____
Chairman, Maddie Maloney

Judy Vogel, Transcriptionist
Planning and Development Services