



PLANNING COMMISSION AGENDA  
Thursday, March 19, 2009  
4:00 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 W Young St, Morgan, Utah. The agenda is as follows

4:00 p.m. Work session/Training for County Council and Planning Commission to include the following:

1. Planning Management Audit/County Government Administration
2. Open and Public Meetings
3. 2009 Legislative Session Update-related to Land Use Matters
4. Review basics of code, general plan, area plans, zoning maps, and basic planning.

6:00 p.m. Dinner Break

7:00 p.m. Envision Morgan Report-presentation by Envision Utah and discussion of implementation strategies, including working sub-group and general plan update.

8:00 p.m. Draft 2009 Morgan County Land Use Management Code-discussion of policy issues and direction for staff on proposed amendments

**MORGAN COUNTY PLANNING COMMISSION MEETING  
MORGAN COUNTY COURTHOUSE - RM. 29  
THURSDAY MARCH 19, 2009 – 4:00 P.M.**

**MEMBERS PRESENT**

Robert Wright  
Ladd Albrechtsen  
Steve Wilson  
Bill Weaver  
Jodee Bosen  
Trevor Kobe  
Adam Toone

**STAFF PRESENT**

Sherrie Christensen, County Planner  
Charlie Ewert, Planner Tech  
Teresa Rhodes, Planning Commission Assistant  
Mark Miller, County Engineer

**OTHERS PRESENT**

Dave Manning, GIS  
Grant Crowel

**COUNTY COUNCIL PRESENT**

Sid Creager, Chairman  
Tina Kelley  
David Gardiner  
Howard Hansen  
Karen Sunday  
Rod Haslam  
David Miller

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**1. Work session/Training for County Council and Planning Commission to include the following:**

- a. Open and Public Meetings.
- b. 2009 Legislative Session Update-related to Land Use Matters.
- c. Planning Management Audit/County Government Administration.  
Sherrie introduced Grant Crowell, who has been helping with the current code re-write.

Member Wright asked Grant to explain Legislative and Administrative action.

- Legislative actions - set policy and are generally ordinance related - Zoning regulations
- Administrative action – decisions, enforce policy - CUP as an example

Quotas were discussed – Garth Day noted that there are certain cases where a county can say they “have their fair share” and can begin to restrict additional instances. For example, - Ogden has its fair share of affordable housing so they can begin to restrict affordable housing. Morgan has its fair share of Gravel pits so the county may want to begin to restrict gravel pits. He further

noted these restrictions would have to be established through a legislative action in the County code and make a finding to support it.

Garth Day further noted if something is not specifically defined in the code, the default is that it is NOT allowed. If a landowner comes in and wants something and it is not in the code then he has to figure out how to get it in the code.

Sherrie noted codes can be structured to say that every use is permitted with the exception of items that are listed, which would be prohibited.

Member Wright asked if the County Council would like the Planning Commission to structure and present ideas and recommendations to the County Council. Grant noted the role of the Planning Commission is to do just that. Chairman Creager requested that the Planning Commission be more aggressive in proposing new ordinances and suggesting adjustments to the general plan.

Garth Day – explained the development process.

- Concept Approval – (The idea) Does it meet the minimum requirements of the zone? Staff could do this step. One of the dangers he sees in our current process is that we give the developers some kind of vesting at this level. No vesting should occur at this level.
- Preliminary Approval – Planning Commission
- Final Approval – Planning Commission
- Final Approval – County Council

Garth noted these steps can be combined and simplified if the County Council agrees. The goal is to give the administrative to staff. He has seen problems where the Planning Commission becomes involved in the engineering of a development. **He also noted the best place for vesting to happen would be at the preliminary stage.**

Garth asked Mark Miller, Wasatch Civil, to offer some offer his insights based on his experience. Mr. Miller noted that communities handle this process differently. If staff is functioning properly, issues needing to be addressed will be filtered out prior to going to the Planning Commission. When the Planning Commission gets an application it should be ready for approval.

Preliminary approval should give the developer a green light to spend planning money. Lot size, storm drain detention, pipe sizes, etc. should be addressed at this level. A lot of time should be spent at preliminary because then it is fair to the County and fair to the developer.

If you do not allow construction to begin until final has been given then you still maintain the developer's full attention. If you allow them to begin prior to final they lose that momentum.

Member Wright – asked if preliminary would go through Planning Commission as well as County Council. Mr. Miller noted he really likes it when the preliminary goes to both the Planning Commission and the County Council. He noted he has experienced both ways the other

one being where the County Council does not see the preliminary. Member Wright noted he is not sure he wants the County Council to be surprised when final comes to them. He would rather see them involved at the preliminary level also.

Garth Day noted that moving the political process out of administrative function is a good thing; that is why the state legislature had just passed law with regard to this.— He noted this process varies in every community. The steps are just different with regard to what happens between each step.

Member Wright – are there circumstances where Planning Commission gets to final and someone says this just isn't going to work. Garth Day noted that if you get that far and that happens, then someone has messed up. Mark Miller noted frequently this happens when a reluctant staff member, who has not told the developer the cold hard facts right up front, has not been as forthright as they should be.

Member Wright asked for Chairman Sid Creager's input. Chairman Creager noted the County Council has not discussed it to a point where he can give the opinion of everyone on the council with regard to preliminary coming to the County Council or not coming to the County Council. He noted he does get a little nervous with an advisory board that does not have legislative power granting vested rights. For that reason he believes there is good reason to have it come to the County Council. He is concerned that preliminary is granted, developers have the bulldozers going. He wants the developers feet held to the fire to hold up to all the obligations. When a developer comes in and they are granted rights all the way to final, they already have roads cut and infrastructure in place to where the only motivation they have for recording the final plat is so that they can begin to receive revenue. The County takes it on the chin, because the developer is going to postpone that plat filing as long as they absolutely possibly can so that it does not show on the tax records. He noted you will see some very savvy developers coming in that will file the plat on January 15<sup>th</sup> so that they can bypass for another 12 months the January 1<sup>st</sup> deadline. He does not have a problem with the developer receiving vested rights at the preliminary level, but would like that developers feet held to the fire to fulfill all obligations. He noted an example where there are developments that are not finished after eight years. What action does the council or the County has to protect the citizens. If someone comes in and buys a lot, in good faith, they thought the County had protected them. Where is the protection if it is not done after eight years? He personally favors preliminary coming to the council and he personally favors the developer not being able to pick up a shovel until he receives all approvals including recording of the plat. Sherrie noted she has put 60 days as the maximum time that they have to record the final plat. Chairman Creager noted what you will start to see then is a push for November and December deadlines.

Garth Day noted when you put those deadlines on then if they don't record within a certain time frame, you send them back pretty far in the process. If they are going to wait 60 days then you put them back another 60 -90 days or send them back to preliminary again and say the final approval has expired. You have to put time frames in and there are other consequences besides that. He noted having listened to what has been said here, and without talking to the County Council, it sounds like having preliminary done by both Planning Commission and County Council sounds like what should be done.

Member Toone- wanted further information on how concept/prelim/final processes work. Further discussion ensued.

Member Wright requested feedback from the County Council on how the Planning Commission might improve. Chairman Creager noted the Council needs to become more forward thinking, and stop playing catch-up. Trust needs to be regained between the Planning Commission and the County Council. Garth Day noted County systems have failed in the past because of incompetency issues among former staff. The County must “step up” to initiate better systems.

Member Kelley- sometimes council members interpret the code different than the commissioners do, and that is where the disagreements between the two entities arise.

Sherrie noted there are many discrepancies in the code which bring conflict between the two entities. She noted there are multiple regulations that overlap.

There was a review of basics of code, the general plan, area plans, zoning maps, and basic planning.

## **2. Dinner Break**

### **3. Envision Morgan Report-presentation by Envision Utah and discussion of implementation strategies, including working sub-group and general plan update.**

Christie Ostema presented the Envision Morgan Report presentation put together by Envision Morgan.

There is a recommendation that the county create an Envision Morgan Task force perhaps consisting of –

- Two people from the Planning Commission
- Two people from the County Council
- Two residents
- Representation from Morgan City
- Contracted person to act as staff for the task force
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The purpose of this task force will be to incorporate Envision Morgan and the DAT into existing Land Use Management Code and the General Plan.

Chairman Creager noted the following:

- Areas of emphasis of what the County wants to tackle first.
- Would like this process completed in six months.
- Need to get ordinances updated so the County can have that to govern by.
- Ultimately this needs to come through the Planning Commission to the County Council for ratification.
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Tina Kelly– believed the document stands alone and you take things out of it to make it happen and help those ordinances.

Member Weaver – sees no conflict between this and the DAT. He would suggest the two be done together because the DAT should be completed. Sherrie noted the DAT and the Envision Morgan are separate documents.

Member Albrechtsen asked if they needed to be more than they are or do they just become part of the plan. Sherrie noted it could be adopted as an appendix. It needs to be a guiding document in order to implement ordinances into the code. i.e.: Envision calls for TDR's how and where do we implement those in the code.

Member Kobe – Noted that he works with Hospitals and vision statements are always very broad and obvious, and then they have more specific detail. Concern with tacking this one is that People, in different areas, are going to have very different view of what this means.

Member Creager – The County Council would like the Planning Commission to choose who they would like to represent them on the task force.

Christine Ostema believed it was good that the County wants to move quickly. She would hope that they also work toward establishing a group with other agencies and Morgan City. She believes the early establishment of that, in the process, is very important.

Sherrie noted that the task force decision will be on the Planning Commission agenda this coming week so that a recommendation can be given to the County Council.

**4. Draft 2009 Morgan County Land Use Management Code-discussion of policy issues and direction for staff on proposed amendments.**

Grant noted the following:

- CUP ordinance needs a lot of work – the performance standards are lumped together.
- Geology ordinance is about 92% complete. There are some questions that Dave Simon needs to answer.

Sherrie gave the group several chapters of the new LUMC code to review.

Sherrie noted what needs to happen now is some refining of the ordinances. How much and how far do we want to define these ordinances. We need some policy direction.

**MEMBER TOONE MOVED TO ADJOURN THE MEETING.**

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

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
          **Teresa A. Rhodes, Secretary**  
          **Planning and Development Services**

Date: \_\_\_\_\_