



PLANNING COMMISSION AGENDA

Thursday November 4, 2010

Morgan County Council Room

Planning Commission 7:00 PM

General Plan Open House from 5:00 PM to 6:30 PM

PUBLIC NOTICE is hereby given that the Morgan County Planning Commission will meet at the above time and date at the Morgan County Courthouse, Council Chambers, 48 West Young St, Morgan, Utah. The agenda is as follows:

1. Call to order – prayer.
2. Approval of agenda.
3. Declaration of conflicts of interest.
4. Public comment.
5. Public Hearing/Discussion/Decision: Adoption of the Morgan County General Plan.
6. Approval of Minutes for October 14, 2010.
7. County Council update.
8. Adjourn.

**MORGAN COUNTY PLANNING COMMISSION MEETING
MORGAN COUNTY COURTHOUSE - RM. 29
THURSDAY November 4 – 6:30 P.M.**

MEMBERS PRESENT

Bill Weaver
Adam Toone
Steve Wilson
Roland Haslam
Brandon Andersen

STAFF PRESENT

Grant Crowell, Director
Charlie Ewert, Planner Tech/Code
Teresa Rhodes, Planning Commission Assistant

MEMBERS ABSENT

Robert Wright
Trevor Kobe

COUNTY COUNCIL PRESENT

Tina Kelly

*** * * M I N U T E S * * ***

1. Call to order – prayer.

Chairman Weaver welcomed those in attendance.
Member Andersen offered the prayer.

2. Approval of agenda.

Member Wilson moved to approve the agenda. Second by Member Toone. The vote was unanimous. The motion carried.

3. Declaration of conflicts of interest.

There were no conflicts of interest declared.

4. Public comment.

There was no public comment.
Vice Chairman Weaver noted there were two letters submitted by county residents with regard to the Mtn. Green area plan. (Please see attached exhibit A and B)

5. **Public Hearing/Discussion/Decision: Adoption of the Morgan County General Plan.**

Member Wilson moved to open a public hearing. Second by Member Toone. The vote was unanimous. The motion carried.

Jim Carter introduced the General plan draft and briefly reviewed the process that had taken place.

Larry Hatch –

Mr. Hatch noted Mr. Robert Kilmer had given him a letter to read in his absence. (Please see attached exhibit C).

Debbie Sessions –

- Would like a list of the names of the stakeholders the general plan refers to.
- Page 4 –
- Page 6 #6 last sentence where it states “county requires” would like to see the word “required” softened a little bit. Requires implies mandatory.
- Page 11 - how is the county going to encourage anyone to remain in agriculture?
- Page 12 – talks about village residential. All this talks about is Mtn. Green. Is the Peterson area included in this?
- Page 15 Master Plan Community – is it just a master plan community or can you have a master plan development. Does it have to be a certain size?
- Page 16 – talks about protecting Morgan County’s agriculture heritage. No incentives to encourage agriculture to remain.
- Page 17 – under residential development in the second paragraph. Would like to see consistency in verbiage.
- Page 18 – objective 1 # 4 - encouraging compact development. How will this compact development be encouraged? Does not read anything that talks about those incentives to encourage.
- Page 18 #12 – discourage outside – consistency in referring to where re-zones are appropriate. Maybe the PRUD could be brought in as one of the tools to implement the compact development.
- Protect and preserve – would like to see preserve taken out, believes it is too strong.
- Right to farm ordinance - Right to farm is state code and so we really should not need to adopt anything.
- #5 preservations maintenances – take
- #7 discourages residential zoning in agriculture areas. Again, not consistent throughout the plan.
- Business section #21 and #22 – if you are going to incentivize businesses incentivize agriculture to try to keep it going a little longer.
- Page 25- employment – goal 2 objective 1 –
 - No employment opportunities in agriculture or farming, does not believe it should be mentioned.
 - #4 talks about buffers.

- #5 – locates less desirable commercial, industrial and agriculture uses in remote areas.
- #9 – Encourage expansion of the airport. The airport cannot expand anymore. Could encourage development but expansion is not the right word for the airport.
- Page 27 – goal 1 objective 1. – promote and obtain housing types. Just did away with duplexes in the county. She does not understand how the county is going to maintain a range of housing now.
- Page 25 – county wide sewer system. If we are not going to develop outside of towns and villages, why would you encourage a county wide sewer system?
- Page 46 – trails - unless you are going to be willing to work with the landowners you are not going to get land dedicated for trails.

She noted these are little words, but have seen commissions get hung up on little words.

Brent Porter – Porterville resident

- Biannual review – would like to see that moved to five years where it goes down to the area plans to review.
- Page 2 Envision Morgan – talks about a community driven plan.
- Page 4, last paragraph calls for bi-annual reviews – keep it relevant.
- Page 7 – talks about villages – believes they are mixing villages with planning areas.
- Page 11 and 12 – Natural Resources and Recreation – change to one unit per one so it is not a hidden volume.
- Would like to see what the total change in density is in the county if these changes were to take place. Change from MU-160 to F-1 would like to see a density change on that also.
- Definition of a master plan community.
- Page 18 objective 1 policy #4 – would like to maintain but would also like to know where that location is on a map.
- Page 18 objective 3 - change village to area plans. Because not all area plans have villages in them now.
- Page 19 – like to see a preserve cap in bright bold solid letters.
- Page 19 objective 4, #7 – no residential re-zone in agriculture areas. Don't make a 20 year projection make it grow when it is available.
- Page 19 Goal 2 #4 likes to see a list of the level of those services.
- Page 20, second paragraph - would like to see what the agricultural land generates. Would like to see the financial impact of putting that new subdivision over the place of farmland versus what the cost is.
- Page 21 – education. What is the state level because we say we want to increase that, if we do what we are going to increase it against? Would like to know if we are a higher educated county than others.
- Page 24 – objective 1, #9 – maintain and review inspection schedules. Inspection of what?
- Page 25, #4 – what area are we looking for, for second home location.
- Page 26 – values – use correct comparisons.
- Page 27 – likes encouragement of moderate housing and designated areas.
- Explanation of a buffering zone.
- Page 16 - Cattle drive trail preservation.

- Would like to request at least two work sessions where the public can get together again and see what has changed.

Clint Ensign – Senior Vice President of the Sinclair companies. He noted one of those companies is Snow Basin.

- Would like to request inclusion of Snow Basin as a resort location in the general plan.
- In 2009 he met with the County Council and was instructed to primarily work with Garth Day. During the legislative session he was contacted by Mr. Day and encouraged to join with a number of people to encourage the State of Utah to bump up the interchange on I-84 which they were pleased to do and they made a number of legislative contacts during that legislative session.
- Met with Jason Perry, the Governor’s Chief of Staff to present their master draft plan and to also encourage an environmental impact statement on the proposed interchange so that it could be studied.
- He was then directed to Mr. John Nord – heads up UDOT. Earlier this year he met with Mr. Nord. They reviewed the master plan and Snow Basin’s timing and they encouraged the intersection on I-84 in Mtn. Green.
- He noted he was encouraged at the December 2008 Planning Commission Meeting to work on Traffic, Sewer, water, and storm water and public use of amenities to incorporate into a master plan. That has now been completed.
- In the summer of 2009 he met with Mr. Crowell and part of the Envision workshop that was held.
- Earlier this year they submitted to the Weber County Commission their draft master plan and proposal. This has been submitted to Morgan County.
- An Open house was presented in June 2010 at Snow Basin and several Morgan County officials attended.
- They believe they will have a sketch plan finished by the end of this year and in that the County will be able to see traffic, sewer, water, storm water and amenities.

Becky Zimmerman - Design Workshop, representing Snow Basin

- Formally request that Snow Basin be designated as a resort designation in the future land use map. In the plan presented today it is it is designated green and the natural resource area of the county.
- Snow Basin consists of 12,000 acres of private land of which 8,000 is in Morgan County.
- Would like the designation because it will help them and Morgan County in re-zoning the Snow Basin property. If it is left green today then technically they have to come before the county for a general plan amendment before they could proceed with a re-zone request. Believed it would benefit everyone if they had that designation for its ultimate purpose in the last use map before it was adopted.

David Potter - Mtn. Green resident

- There has not been continuity in Morgan County for quite some time.

- Encourage all of the area committees to meet with Jim and Grant and try to consolidate so that there are not differences in terminology.
- See how the Mtn. Green works into the Peterson area and see how some common ground integrates.

Randy Sessions -

- Page 52 under Zoning ordinance and subdivision regulation update, #2 - Would like to see “Plus developments”.
- Page 47 under Open Space – open space is a key word for “*I don’t want it next to me*”.
- Page 47 under policy – run to voters a taxing entity to provide for open space. Don’t require the guy next to you to provide it.
- Page 47 #7 – viability can be supported, but can it be delivered.
- Page 47 #8 – without re-zoning of agricultural ground he does not believe the farmer is going to give up that ground.
- Page 46 – recommend map be attached and available to the public.
- Page 40 – water rights – this section may need some update to reflect history.
- Page 36 – pedestrian ways – sidewalk size, location, and cross sections?
- Page 19 – agriculture areas and uses.
- Page 18 – Item #6 – how do you fund a management plan. Let there be an opportunity for residents to decide how important open space is to them.
- Page 18, item #12 – discourage residential zoning outside of village areas; like winning the lottery.

Brent Bohman –

- Every time we begin this project he feels like someone is trying to take something from him.
- The question is how do we do it? Is it fair and balanced? It has the platitudes, but it has no meat. It says we want to protect farming – How do we protect it?
- Page 16 – *Protect Morgan County Agriculture Heritage*. Statement says nothing. What does “premature abandonment mean”.
- Set forth the types of ordinances that are going to promote the objectives, i.e. sustain agricultural areas.

Brent Anderson –

- Consider the decisions you make as a planning commission and how they would affect you, personally, if you were standing where he is standing.
- Prayer tonight talked about working together. Should quit having a prayer if you are going to pray and then take away property rights. Because ordinances have been set by people with socialistic views. If you are going to have a prayer put yourself into the shoes of the people that have 100’s and 1000’s of acres and then have those ordinances placed on you.
- He sees homes in his view shed. Just like people on the valley floor do not want to see homes on the mountains he does not want to see homes in the hay fields.
- No PRUD ordinances in the code.

- The Ridges was a PRUD, what is wrong with the Ridges development? He has not received an answer yet to that question.
- He has spent everything he has to purchase property to do developments like the Ridges and then can't do it.
- Why is there no PRUD ordinance in this code? Would request that it be put back in.
- Zoning – believes there are pretty arbitrary zoning lines.
- Put a tool in the code that would help those that do not have perfectly flat ground. We can do a better tool.
- Will fight and fight for property rights to be able to do more than a standard subdivision that does not fit in a perfect world.

Member Wilson moved to close the public comment on the general plan. Second by Member Andersen. The vote was unanimous. The motion carried.

Members agreed to hold work meeting on November 10, 2010 at 6 p.m.

Member Toone moved to continue this discussion at a work session on Wednesday, November 10, 2010 at 6 p.m. with an invitation to the County Council to attend. Second by Member Andersen. The vote was unanimous. The motion carried.

6. Approval of Minutes for October 14, 2010.

Member Toone moved to approve the minutes of October 14, 2010 with the noted minor changes of October 14, 2010. Second by Member Wilson. The vote was unanimous. The motion carried.

7. County Council update.

- Mr. Crowell noted that the County Council approved Seventh Heaven Ranch.
- Rocky Mtn. Power came and discussed the Croydon area upgrade.

Member Wilson noted that the Richville/Porterville area plan does not look like it has been implemented into the general plan as he remembers it. He was assured by Chairman Sanders at the time that it was accepted as presented.

Mr. Crowell noted because the general plan is open now, the area plan needs to present what they believe happened. Staff is happy to receive facts.

Member Wilson noted that the statement has been stated that Maps trump text and that text trumps maps. Which is it?

Mr. Carter noted it really depends. With a general plan document it is probably a good thing to say where the boundaries are. In a general plan the goals and policies are what drive it; so probably the language.

8. **Adjourn.**

Motion by Member Toone to adjourn.

Residents of the County in attendance:

Barbara Thurston
Jill Melle
Dave and Julie Croft
Brent Bohman
Larry Hatch
Rulon Gardner
Brent Anderson
Mr. Preece
John Wilkinson Jr.
Ladd Peterson
Mr. and Mrs. John Barber
Mrs. Johansen
Randy and Debbie Sessions
Bruce and Jennifer Clark
Snow Basin representatives
David Potter
Howard Hansen
Ronda Kippen

Approved: _____
Chairman

Date: _____

ATTEST: _____
**Teresa A. Rhodes, Clerk
Planning and Development Services**

Date: _____

To: Morgan County Planning Commission
From: Alan Turner
Subject: Comments on Future County Expansion in the Mtn. Green Area
Date: 1 November 2010

To Whom It May Concern:

Due to the fact that I have to be out of town on an assignment on Thursday when you have your planning meeting, I feel I need to provide my opinion as to future expansion in the Mtn. Green Area.

I have lived in this area since 1971, so have seen a considerable amount of change since that time. I love this area, with its serene, peaceful and friendly people. We have felt accepted by the community and have enjoyed adding our part to it as well.

I realize that some expansion will occur, and that is normal. I am not of the opinion that once I have moved here to Morgan County, that the doors need to be shut and locked from any further expansion. Others will also seek to live in our beautiful valley. I do strongly feel however, that this growth must be controlled, or we will experience to our dismay, our shortsightedness in not controlling this expansion. I will not review thoughts covered by other letters which I hope you receive in time for your meeting. It is my desire to add another different comment as to why I believe it is better to error in caution regarding expansion, rather than wish we had later on.

One area of major concern to me is the water issue. Living at the top of the Highlands, we have experienced over and over a water system that is currently adequate for our usage. This was not the case earlier where we experienced no or low water for our personal use. I feel that this could falter or fail if or when a future heavy demand for water is put in place. Water is a critical issue here, and range wars have occurred over water usage and water rights. Lets be cautious as building permits are handed out, especially for high density residential developments or when commercial businesses desire to start up in this community. A hundred homes here, and five hundred there, hypothetically speaking, could over tax our water systems thereby limiting water usage to the current or future occupants in our area.

Please consider very carefully the concept that I have briefly addressed, because an over taxed inadequate future water supply will definitely cause many difficulties in the event water for residential or commercial building is not carefully controlled at this time.

Respectfully Yours,



Mountain Green Residents
Mountain Green, Morgan, Utah

November 1, 2010

To: Morgan County Planning Commission & County Council

As residents of Morgan County, residing in Mountain Green, we would like to address the Commission and Council regarding the future of our community.

We are concerned about the future of our beautiful valley - specifically the Mountain Green area. During recent years, this topic has been discussed many times by several different groups of Morgan County citizens and outside consultants.

Our position is simple and straight-forward. Please do not destroy the rural character of our community. We understand the possibility of a future 'town center', BUT density is the primary issue. We do not want to be classified as an URBAN community.

You may assume that this request is coming mainly from long-time Mountain Green residents - not so. Look closely at the signatures on this letter - these people have lived in our community anywhere from 2 - 65 years. In fact, many of the residents of Mountain Green have expended most of their resources to leave congested urban areas to live in this rural environment. There are many good people that reside in Mountain Green. We are united in our efforts to preserve and protect the beauty and safe, quiet life style that we love so much.

Thank you.

Exhibit C – letter submitted by Robert Kilmer (read by Larry Hatch at the meeting)

I address this letter not only to the planning commission but also to the planning and zoning department, citizens of Morgan County, and County Council.

As you work to develop a plan of managing land in Morgan County I ask that you take into consideration a few things that should be considered.

First: It is important to understand human nature. Many people have come to the realization that for society to work people must be willing to work together. When one demographic believes they have the right or should have the right to tell others how to live their lives we have chaos. When a society works together towards the common goal of protecting each other's rights then that society can be a successful society that enjoys the luxury of growth and prosperity. It is deeply disturbing to me that many in this country as well as this county have failed to see the reality of this type of living. Instead they choose to embrace the idea of government-managed society. They cling to the idea that if the government can control the land, the market, and the people that all will be equal and life will be great for all.

Second: History has repeatedly shown us that this is not true, that when the government assumes control that failure of the society is near. Sustainable development is a tool that is used in an effort to control the property rights of others. Most community planners today use the tools and ideas of sustainable development to convince communities that the only way they can truly protect the citizens is if the citizens will transfer to the government the citizen's right to own and manage property to the local, state, and federal government. This is accomplished with Zoning and land restrictions that in turn control the market value of any given parcel of land. Land use maps that draw boundaries' and label parcels for particular density's or uses are nothing more than dictates from the government of how you will use your land or property. When this right is transferred to the government they now control the people on the land as well as the owners of the land.

Third: Government control of the land market is a socialist view of a good society. Many people do not like to hear the word "socialist" used in public meetings and they consider the user a radical. If you will review the works of Karl Marx you will see that he professed that for socialism to work the state or government should own or control all of the land. Since Karl Marx is the father of modern socialism then when discussing land control whether it be from seizure or zoning by the government you must be willing to discuss the idea of socialism. Furthermore land use maps and zoning laws are only methods of governmental control sold to the public on the idea that it is the only way to protect them from developers or big business. In reality it turns into a method for controlling the market value of land and is used by those same developers and big businesses to profit from government mandated land market values.

Fourth: This Master Plan may show pictures of beautiful communities perfectly developed to provide an aesthetically pleasing village. A story book view of the way towns and cities should look or village centers with little shops and stores that remind people of Thomas Kinkade paintings. This is nice and those villages work for some people. For those people they have the right to purchase land and build those perfect communities. For the rest they should be allowed to possess their land and use it as they see fit. As long as they do not affect their neighbors land, the restrictions should be removed. Remember that beauty is in the eye of the beholder. What is pleasing to some may not be pleasing to others and the government should not be allowed to force those viewpoints on anyone. If a community wants to preserve open space or picturesque views they should find a method of purchasing those areas from the owners and then exercising their right to do what they want with their land and leaving it untouched and open.

For the sake of time I will end my letter with one final thought. Let's not forget the purpose of government. It is to protect our rights of "Life, Liberty, and The Pursuit of happiness". Land planning should always take into account this truth. A master planned community built on the idea of "Sustainable Development" cannot represent every landowner and cannot represent the views of every citizen. It in turn will only result in the

forfeiture of Freedoms. We must stop and take a long look at what we want our community, state, and country to be like for our children and grandchildren. Is the “perfectly planned” community more important than the retention of freedoms afforded us in the Constitution?

Thank you for your time and patience;

Robert Kilmer a concerned citizen of Morgan County