



PLANNING COMMISSION AGENDA
Thursday, December 2, 2010
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. Approval of agenda.
3. Declaration of conflicts of interest.
4. Approval of Minutes for November 4, 2010 & November 18, 2010.
5. Discussion/Decision: Adoption of the Morgan County General Plan.
6. Adjourn.

MORGAN COUNTY PLANNING COMMISSION MEETING
MORGAN COUNTY COURTHOUSE - RM. 29
THURSDAY December 2, 2010 – 6:30 P.M.

MEMBERS PRESENT

Trevor Kobe
Bill Weaver
Adam Toone
Assistant
Roland Haslam
Steve Wilson
Brandon Andersen

STAFF PRESENT

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

MEMBERS ABSENT

Robert Wright

COUNTY COUNCIL PRESENT

Tina Kelly

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

1. Call to order – prayer.

Vice-Chairman Kobe welcomed everyone and excused Chairman Wright.
The prayer was offered by Member Wilson.

2. Approval of agenda.

Member Toone asked why there was no public comment period on the agenda. Mr. Crowell noted he and Chairman Wright had discussed this and tried to figure out a way to help the planning commission wrap up their deliberations. There had been public hearing and public comment open for three or four meetings. It is not a requirement but the planning commission can always add it back on.

Member Anderson moved to approve the agenda with the addition of a public comment period to allow anyone the opportunity to comment on any proposed changes that the planning commission has made since the last public comment period. Second by Member Haslam. The vote was unanimous. The motion carried.

3. **Declaration of conflicts of interest.**

There were no conflicts of interest declared.

4. **Approval of Minutes for November 4, 2010 & November 18, 2010.**

Member Weaver moved to approve the minutes of November 4, 2010 as typed. Second by Member Wilson. The vote was unanimous. The motion carried.

Member Wilson moved to approve the minutes of November 18, 2010 as typed. Second by Member Anderson. The vote was unanimous. The motion carried.

5. **Public comment –**

Brent Porter –

- Requested the removal of the 10 acre zoning settlement that was not in, and send it back to the Croydon area to have them review. He realizes there are 10 acre lots throughout the county. There are also some third acre lots in various locations as well, but he was not sure he wanted to take the whole county to that simply because they existed before.

Mr. Crowell noted several area plan suggest 5 - 10 acre zoning as appropriate for a ranch residential designation. There have been no changes made on the map. On the Croydon issue because of some zoning already in Croydon

Debbie Sessions –

- Page 11 of the November 22nd draft. Definition of agriculture. Would like to see a period after agriculture uses. It states “future” and she disagreed with having the word future in.
- Page 27 - Providing housing types and options in Morgan County, objective #3 policy #2. Would like to see “fencing” in the wording.
- Page 38 objective #5 – support the development of a commercial helipad at the County airport. It was noted this had been added.
- Page 39 – under water – The statement, “*In Morgan County, most of the water being used in residential areas was originally appropriated for agricultural uses.*” Is in error. This is an appropriate statement for the future, but not now.
- Page 47 open spaces – objective #1 Weber River is not a public land so take the word “other” out.
- Page 52 – would like to see some zoning ordinances and discussion for some planned development.

6. **Discussion/Decision: Adoption of the Morgan County General Plan.**

Grant Crowell gave a background summary of where the County is at on this draft.

Mr. Crowell noted in 2009 Envision Morgan was just finishing up and at a time Morgan County had just ended a Moratorium in Morgan County which came on the heels of the

DAT. The County Council had always wanted to do some general plan work, but funding was not available until 2010. This is a process that has been going on for several years and a lot of accumulations of input and comments. Staff and Planning Commission have gone through this line for line and through all the maps.

There is a map request for the Mike Morgan Property and the Bohman Dry Farm.

There have been several open houses held which public comment has been taken. (Please see attached exhibit A - November 22, 2010 draft)

Jim Carter –

Noted what is in front of them now is a clean version of the plan document. We have worked through this line by line. The last discussion with the Planning Commission was the bicycling which has been substantially re-written. He would request that the Planning Commission members read this and see if what it says now captures what the Planning Commission wants to recommend with regard to bicycling because there were different opinions.

Member Anderson asked if that was the only changes that were made to this final draft. Mr. Carter noted the discussion of bicycles and bicycle map is new text. Everything else was minor changes which the planning commission reviewed on the overhead and the text was taken out at the time of the discussion.

Vice-Chairman noted this has been a long process. He believed we owe it to the citizen of the County to move this forward so that there can be comment at the County Council level. The County Council will have an additional public hearing where citizens will have another chance to comment. He noted he would like to address several issues that need to be addressed. The following was discussed:

- Mike Morgan property – request to consider this property be incorporated into the general plan. (Please see attached exhibit B for map)
 - Member Anderson noted he agreed with some of the public comment and does like the idea of being considerate of the ranchers and farmers in the area. He does like the idea of a conservation easement. Believed Mr. Morgan’s request was valid but does not believe it needs to be in the general plan because the general plan needs to be general.
 - Member Wilson asked what Mr. Morgan was requesting. It was noted Mr. Morgan’s land is currently in A-20. He has requested that the 14 acres be considered a different zoning. Mr. Crowell noted because it is only 14 acres it would need to be at least a 1 - 5 acre designation. There is a concern that when we apply these types of decisions they are fair and uniform and not a situation where we are changing zoning for everyone that comes in and makes a request.
 - Vice- Chairman Kobe noted we don’t have sufficient information before us to modify the general plan to carve out this small of area. He would recommend the general plan be moved forward without the Mike Morgan plan highlighted and once more specifics are known then they will be able to come forward and modify the general plan to get that in. We are saying “not now”, but we are not saying

they can't come forward at a later time and that is why there is a process mapped out on page 5 of the general plan.

- Member Weaver noted the general plan is an advisory document. He did not believe we should be putting these small requests in the general plan. He would leave it out at this time.
- Member Toone noted we should be consistent and fair. There was discussion on Carver and Snow Basin.
- Member Haslam stated he did not have a problem including Mr. Morgan's request. One of the differences he sees right now is that Mr. Morgan is short frontage and does not have a legal lot. He noted Carver's had been discussed, but they do have a legal lot if the subdivision gets approved. He believed Mr. Morgan would like to extend that because he would like to get it change now, before it gets approved, to avoid having to come in later. Member Haslam noted he did not have a problem moving the line that far. Mr. Morgan would still need to work out what he can build there with what zoning he has. He will still be in the A-20 and will still have to come in and request a re-zone. Technically the area plans are just an idea. Mr. Morgan noted he wanted to be included in the village area; the line would need to be extended to do that. The line now ends at Bob Harvey's.
- Vice – Chairman Kobe – Believed this would be the hardest thing for the Planning Commission and County Council to think about. He believed the basis behind the entire growth plan is saying we have centers of growth and the County will try to control that growth as it feeds out from the center so that we can maintain the rural character that we enjoy. This is one of 100 that could happen. Today it is difficult when there is an individual, that you know, that wants something done to their property. He can think of every area plan that has a line at some point that at some point you need to draw the line and say this is what we are going to start with and until we fill up to here and see this growth we don't want to have density and pockets around the County. Unless, we want to re-write the entire general plan and say that people can develop their property whenever they want. A plan means you are going to tell someone no. It does not mean it doesn't fit it just means that it doesn't fit now.
- Mr. Carter – a general plan looks into the future. It becomes complex because we talk about degrees of zoning. The general plan does change over time. This is a snapshot of today based on what has been discussed up to today. A general plan should be kind of vague with areas colored as certain designation where future development is intended.
- Vice-Chairman Kobe – His recommendation would be not to include that parcel in the general plan. (1) It allows Mr. Morgan to come forward when he is more prepared. (2) This does not say no, there because there is a process in place to do that. We have given weight to try and say we respect the area plans that were developed. He does not believe all the information is before us to see how this comes into play. He would like to see this addressed as a separate issues just like any other recommendation that would come before the Planning Commission. He

believed we would hold up an entire general plan to meet with Mr. Morgan and discuss this.

- Member Wilson clarified that the area plans are appendixes to the general plan; although he does not agree with that. Therefore he would look at Member Anderson, who represents this area, and rely on his expertise to decide what is best for his area.
- Mr. Carter noted the planning commission should look at it as “is this beneficial for the County to extend this village area out and down the road from where the area plans has specified.”
- Mr. Crowell noted decisions of growth areas are usually based on features and attributes. Vice-Chairman Kobe agreed that it is not about whom it is, it is about the area plan.
- Member Anderson – believe we are getting way to specific to the general plan if we begin looking at individual pieces of property.
- The Mike Morgan property is not listed in the general plan as a future zone of RR-1. If someone would like to make an amendment at the time that a motion on the general plan there could be an up down vote is someone wishes to address it.
- Goal and objectives submitted by Mr. Brent Bohman –
 - Vice-Chairman Kobe noted Mr. Bohman had presented some recommendations for Goals, objectives, and policies (Please see attached exhibit C). He would like to review these and decided if they should be included. 1-C and 2-A would be ones he could seeing adding immediately.
 - Member Anderson noted this was not e-mailed out to the planning commission until today. If we have asked for agricultural expertise in the county and someone has provided it to us, then we should not just brush it off without discussion.
 - Vice-Chairman Kobe read through Mr. Bohman’s recommendations. He believed there was some ambiguity at this time.
 - Mr. Carter noted there are a lot of different techniques to allow for residential uses in agricultural areas without re-zoning for a subdivision.
 - Member Anderson would agree with Member Kobe to add 1-C and 2-A. He would also recommend adding 1-B so that it is a goal and objective until something is in place. The specifics of changes from land use would include when someone comes in to develop a piece of property and subdivide.

Vice Chairman Kobe noted he would like to call for a motion if they would have recommendation which policies to include as additional policies under objective 4.

Member Weaver asked what would be required in the ordinance for agriculture protection and right to farm. Mr. Crowell noted there is a provision in the State Code for the right to establish agricultural and industrial protection areas. It would give them a little more protection. It would not stop the complaints and complaints are what change policies.

Member Haslam moved to insert all of Mr. Bohman’s objective 4 into the proposed general plan.

Member Wilson asked about Mr. Bohman's objective 4, policy 3, #C "*special service district*". And asked if Mr. Haslam wanted to create a special service district?

Member Haslam noted the county has talked about preserving certain things; hillside, agriculture, etc. If the county is trying to get open space and preserve the ground in the community that is what this special service district would do is help preserve some of that property.

Member Wilson noted it is his understanding that a special service district created by the County is its own taxing authority and can levy its own taxes. Creating one of these creates an entity that the Council does not control. Mr. Crowell noted the Council does help set it up but then it begins to have a life of its own and there are different ways to create them, but ultimately this would be a candidate to a recreation district if it was for open space. They are created for a purpose that needs money.

Member Wilson questioned whether this was something Member Haslam wanted to do.

There was discussion again about taking out 3-C. Vice-Chairman Kobe noted that there is concern on 2-B as well, because there are other tools that can be used. The fact that we are going to specifically recommend up-zoning in districts is contrary to other policies, objectives, and goals that we have in the general plan now.

Motion died due to lack of a second.

There was discussion on up-zoning and lower agricultural value land.

Member Anderson noted once the up zoning occurs it does not have to be next generation; it can be any body they choose. So if we are saying "*supporting the ability of farmers and ranchers*" you might as well take that next part out by allowing up-zoning of small parcels of land to rural residential because basically it would not matter who they passed it on to or were supporting them giving it to their kids or someone from California. Because once we up zone you are giving them that authority.

Vice-Chairman Kobe noted the fact that we are interpreting some of this, is cause for concern to not add all of this'

Member Toone moved to incorporate the following proposed policy comments from Mr. Brent Bohman into objective 4, of the general plan:

1B – adopting fence laws designed to reduce the economic impact on agricultural activities resulting from changes in land use, including related liability exposure.

1C – Pursuing an aggressive weed control program that addresses noxious weeds.

2A- Adopting policies that encourage and support uses of agricultural lands to derive supplemental income.

3A – Whenever possible, encourage proposed development in areas outside the village centers to be located on non tilled/non-irrigated farm lands.

3B – When development is proposed on irrigated farm lands it be developed in such a way as to maintain the agricultural uses of the remaining parcels. Second by Member Weaver. The vote was unanimous the motion carried.

- Page 11 – Village Low Density residential – change “*The residential density is a maximum of 3 units per acre.*” To “*2 units per acre*”.
- Page 14 – Mtn. Green Area Plan Map – Legend should read “village low density” instead of “Village residential” (yellow cross hatch)
- Member Sessions comments –
 - Page 11 under agricultural bullet. Eliminate the end of the first sentence because we are not trying to anticipate the future.
 - Page 27 objective 3, policy 2 – add fencing.
 - Page 39 – strike sentence in middle of page that begins “In Morgan County, most of the water being used.....”
 - Page 47 Goal 1, objective 1, #8 – strike the word “*other*” in the sentence. So it reads “*Weber River and public lands.*”
 - Page 52 – re-word to state “*Develop ordinances for planned communities and developments*”.
- Bohman Dry Farm request – (Please see Exhibit D – Bohman Dry Farm map)
 - Recommendation from Mr. Bohman is that the Bohman dry farm area be included under a different zoning. Vice-Chairman recommended that we identify the Bohman dry farm as ranch residential 10. (Vice Chairman Kobe noted this would be the 59 acre and 42 acre areas)
 - Member Anderson is concerned the correlation is made when Mr. Bohman may come before an entire new planning commission.
- Bicycle future map and text - Lengthy discussion took place on this.

Vice-Chairman Kobe called for a motion.

There was discussion on reviewing versus just sending it on and allowing staff to make the changes.

Motion by Member Anderson to table this considering the fact that this last updated draft copy of the general plan was e-mail to us within the last 48 hours. With the amount of changes that we have made to it tonight I would like to make a motion that we table this to get the final draft of the general plan updated with the changes that we have recommended and update the future land use map so we can get a final copy of all this so that we can look over it, within sufficient time and not two days before our next meeting but maybe a week to two weeks before our next meeting, so we have sufficient time to look over the final copy and check for any errors and he would feel more comfortable making a vote on the general plan at that time.

Vice Chairman called for a second.

Member Wilson asked when Member Anderson was proposing this be tabled to. Member Anderson noted until our next meeting which was on the 16th of December.

Member Anderson stated so that we table it to the 16th of the December at our next meeting so we can see the final draft with all changes that we have recommended.

Second by Member Haslam.

Member Weaver asked for a discussion. He noted the planning commission had not made a lot of changes. There had been a lot of discussion but as far as actual changes to the plan we have 6 changes that Mrs. Sessions had.

Member Anderson agreed, but noted what his only concern was that any changes that were made he has not had time to go through word for word this copy compared to the previous copy because it was only e-mailed to him within the last 48 hours. Plus everything else we have discussed tonight and discussed changing. He noted he did not like to rush into things and he knows we have tried to push this to get done but he does not sign his name to anything or vote on anything that he is not comfortable with.

Vice Chairman Kobe asked for any other thoughts or comments.

Member Wilson stated he could go either way. He respects Member Anderson's point of view. He also believes we are pretty much there. He is comfortable recommending it to the council in present form, but if there are members of the commission that are not he would certainly respect that and let them have more time on it.

Member Toone noted Member Anderson has a very good valid point. He does not believe he is going to get any smarter, but that is his own limitation. It would be wise to have a clean copy. He does not know if we are really going to advance to review it again, but to see what we did do, would be wise. He does have a concern regarding the Croydon map. How are we going to insure that we do that other say we will. Is there a way we could do that in a motion?

Mr. Crowell noted the planning commission could determine, as a group, that is one of the next priorities and we can work on the best way to try and figure out the best way to do it.

Member Haslam noted, like Brandon, that he would like to read through it. He has some questions that he needs answered.

Vice-Chairman Kobe agreed with Member Weaver. The changes that the planning commission has made, most of them are one word changes where we are replacing two with three. That the changes that Mrs. Sessions has recommended are very specific. Everything on here is a very minor change. He does not believe any of our viewpoints will change. If some of us are uncomfortable with this we are not going to be comfortable with it two weeks from now. If we are comfortable with it now, I believe we are ready to move it forward. He would really encourage and like the planning commission to move this forward. There is

added cost involved to the citizen's every time we delay to re-work and re-think this. We have another public hearing that is coming up before the county council, so there will be room available for more input. At some point we need to be able to move it on. I know with this being the last time we are going to hear it; he had people showing up at his place of work the day before saying "here are some additional thoughts". He would guess that with this coming up again we are going to have additional comment. People are going to review the outcome and probably have good suggestions to. He noted at some point we are going to have to look at it. He would even say if it is going to be helpful then let's take 15 – 30 minutes and pause. If people have serious concerns after reading through it; but we have taken so much time on this that if it is just that we want another shot at it, let's see what we can do tonight to just get it done. If we find something that we really want to hold back on then let's do that. He gets the sense that Member Haslam has concerns about the plan. Member Toone is not sure his ideas are going to change on it. Member Weaver is comfortable with it, and Member Wilson is respectful of other people's hesitations but maybe willing to consider moving forward today. He very much respects Member Anderson's position that it is helpful to review through it clearly.

Member Anderson noted his biggest point was that after receiving this last copy; He likes to pull things up side by side and go line by line and see all of the changes and think about all of the changes. Not in a 15 minute period but in a four day period when he has time and look at both of the documents and feel comfortable before he votes on something. It does cost the tax payers more money each time we delay, but it also costs the taxpayers money if we don't get it right. With as much talk and changes that the planning commission has done he would not feel comfortable voting yes on it until it's a final copy and proofread.

The vice Chairman noted there had been a motion, a second, discussion about delaying, and now we will call for a vote.

Member Toone requested to review the wording of the motion so that he remembers what he is thinking before he says yea or nay; He asked for clarification that it was to table. It was noted that was the correct wording. The motion was not re-read.

The chairman called for a vote of those all in favor of tabling until the next meeting.

The vote was not unanimous with Members Anderson, Haslam, Wilson, and Toone for and Member Weaver opposed. The motion carried with a vote of four to one.

7. Adjourn.

Member Toone moved to adjourn.

Approved: _____

Chairman

Date: _____

ATTEST: _____

**Teresa A. Rhodes, Clerk
Planning and Development Services**

Date: _____

Exhibit A – November 22, 2010 draft – Morgan County General Plan (this cannot be viewed on-line but can be reviewed with the official recorded minutes filed in the Morgan County Clerk’s office)

Exhibit B and C – Maps of Morgan and Bohman Property (these cannot be viewed on-line but can be reviewed with the official recorded minutes filed in the Morgan County Clerk’s office)