



PLANNING COMMISSION AGENDA
Thursday, December 9, 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. Discussion/Decision: Adoption of the Morgan County General Plan.
5. Adjourn.

**MORGAN COUNTY PLANNING COMMISSION MEETING
MORGAN COUNTY COURTHOUSE - RM. 29
THURSDAY December 9, 2010 – 6:30 P.M.**

MEMBERS PRESENT

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

STAFF PRESENT

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

MEMBERS ABSENT

COUNTY COUNCIL PRESENT

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

1. Call to order – prayer.

Chairman Wright called the meeting to order. He noted Member Toone would be arriving late. The prayer was offered by Member Kobe.

2. Approval of agenda.

Chairman Wright noted that he would like the Members to be considering things they would like to see staff work on for the New Year. Those items would be discussed at the next meeting on December 16th. He noted one of the items the Planning Committee has committed to work on is the fencing order.

Member Kobe moved to approve the agenda as printed. Second by Member Weaver. The vote was unanimous. The motion carried.

3. Declaration of conflicts of interest.

There were no conflicts of interest.

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

Chairman Wright believed it would be appropriate to rescind the motion to table the recommendation of the general plan that was made by Member Anderson at the December 2nd meeting. After that action it would be appropriate to make a motion to recommend adoption of the Morgan County General plan, then after a second there will be time for discussion prior to the final vote.

Member Anderson moved to rescind the motion of tabling the adoption of the Morgan County General plan. Second by Member Haslam. The vote was unanimous. The motion carried.

Member Kobe moved to forward a positive recommendation to the Morgan County Council dated December 3, 2010 with the following findings:

1. That the proposed general plan conforms with the Utah State Code requirements.
2. That the proposed general plan has incorporated relevant information and recommendations from previous planning efforts and area plans.
3. That the proposed general plan creates useable maps that help to provide a framework for future planning decisions.
4. That the proposed general plan has incorporated public comments and reflects a current assessment of Morgan County's goals and objectives for future development
5. That the adoption of the general plan will promote the long term health, safety, and welfare of the residents and property owners of Morgan County.
6. Both state and county land use regulations designate the general plan as an advisory guide for land use decision.

Second by Member Weaver.

The Chairman called for discussion.

Member Weaver noted there was one item that he thought would be changed and was not. He noted page 50, objective #1, policy #8 "*Provide and protect existing future access to the Weber River*". He noted it says "*and public lands*" He believed there was discussion to take out public lands.

Member Anderson noted the discussion was to remove the word "*other*" from Public lands, but leave public lands, because the Weber River was not a public land. The word "*other*" was removed. So what is being referred to here is just the Weber River and Public Lands; two separate.

Member Anderson noted that he appreciates the time and hastefulness that the Planning Commission received the final draft. He noted he did make a comment when Mr. Carter spoke last time about the section on transportation on page 30. He does like the way the bicycle part was re-written and believes it is more in line with the way he envisioned the bicycle portion.

However, the very last page, “*Implementation of the plan*” section, originally had three elements to it. It has now grown to four. He would suggest that the Transportation portion be taken out for the following reason:

- To implement this plan it notes the three strategic areas in which the county will focus its efforts in the next five years. As the County implements this plan, these will be the main focuses that the citizens of this county want to focus their efforts on with tax dollars, and staff that has been hired by the County.
- He noted he didn’t really agree because bicycle use was not one of his top four priorities he wanted to have his tax dollars used for. So he contacted approximately 30 people in the Milton area that he represents. Read the section to them and ask them if this was one of the four strategic areas in which they would like the county to focus their efforts in the next five years. He noted he received zero “yes” out of the 30 people he spoke to.
- He would like to see the paragraph on transportation which has a focus of our implementation of the plan, should be excluded from the general plan and go back to three.

Member Kobe amended his motion to include the removal of Transportation. The Motion read as follows:

Member Kobe moved to forward a positive recommendation to the Morgan County Council for adoption of the Morgan County General plan the dated December 3, 2010 with the following change:

1. That the transportation section on page 56 be removed.

And with the following findings:

1. That the proposed general plan conforms to the Utah State Code requirements.
2. That the proposed general plan has incorporated relevant information and recommendations from previous planning efforts and area plans.
3. That the proposed general plan creates useable maps that help to provide a framework for future planning decisions.
4. That the proposed general plan has incorporated public comments and reflects a current assessment of Morgan County’s goals and objectives for future development
5. That the adoption of the general plan will promote the long term health, safety, and welfare of the residents and property owners of Morgan County.

There was further discussion.

Member Haslam would recommend the following amendment to the findings:

In the Utah code Title 17 on Land Use Law subsection, General Plan it states the general plan is an advisory guide for land use decisions. The other reference is in the Morgan County code, 8-3-10 subsection C-6 which also refers to the general plan being an advisory guide to land use decisions. He noted he has talked to individuals who believe this general plan is concrete and with what he has researched he believes it is an advisory guide and would like it to be stated as such.

Mr. Crowell noted the general plan will be adopted by an ordinance, but it will be an ordinance that says this is a general plan and general plans are advisory documents.

When push comes to shove the existing land use regulations, which is our zoning ordinance and our subdivision ordinance, are the law. The general plan, in this context, and the way most jurisdictions have it, is that if you want it to be used to protect ridgelines, etc, then you would use that as the finding to create an ordinance that does it; most jurisdictions do it that way. He noted we could have that discussion further as we progress through next year's work or talk to the council about.

There was further discussion.

Mr. Carter noted State law is referred to as enabling. The state law does not trump the County regulations. The State law says the Counties are hereby empowered to adopt these general plans.

Member Haslam noted the State also says that these general plans can become a mandatory in concrete guide; he noted he is trying to block that and wants to make sure it remains advisory.

Member Kobe agreed to amend his motion to include an additional finding regarding the general plan being an advisory guide. The motion was amended to read as follows:

Member Kobe moved to forward a positive recommendation to the Morgan County Council for adoption of the Morgan County General plan dated December 3, 2010 with the following change:

1. That the transportation section on page 56 be removed.

And with the following findings:

1. That the proposed general plan conforms to the Utah State Code requirements.
2. That the proposed general plan has incorporated relevant information and recommendations from previous planning efforts and area plans.
3. That the proposed general plan creates useable maps that help to provide a framework for future planning decisions.
4. That the proposed general plan has incorporated public comments and reflects a current assessment of Morgan County's goals and objectives for future development
5. That the adoption of the general plan will promote the long term health, safety, and welfare of the residents and property owners of Morgan County.
6. Both State law and County land use regulations designate the general plan as an advisory guide for land use decisions.

Chairman Wright asked Teresa Rhodes to read the motion back.

The motion was read back.

Chairman Wright requested two recommendations. (1) The current area plans and future area plans are and can be incorporated into the general plan in such a way as to allow them to be of use in future land use considerations. (2) The Croydon map and area plan should be updated as soon as possible and that the changes from that were incorporated into the general plan.

Member Weaver noted that the Mtn. Green area plan has never been updated from the DAT and everything else either. Maybe then rather specify Croydon we generalize. Member Haslam agreed because Stoddard is the same way and noted he would make that recommendation as stated by Chairman Wright.

Member Kobe noted he was ok making that amendment.

Member Kobe amended his motion as follows:

Member Kobe moved to forward a positive recommendation to the Morgan County Council for adoption of the Morgan County General plan the dated December 3, 2010 with the following change:

1. That the transportation section on page 56 be removed.

And with the following eight findings:

1. That the proposed general plan conforms to the Utah State Code requirements.
2. That the proposed general plan has incorporated relevant information and recommendations from previous planning efforts and area plans.
3. That the proposed general plan creates useable maps that help to provide a framework for future planning decisions.
4. That the proposed general plan has incorporated public comments and reflects a current assessment of Morgan County's goals and objectives for future development
5. That the adoption of the general plan will promote the long term health, safety, and welfare of the residents and property owners of Morgan County.
6. Both State law and County land use regulations designate the general plan as an advisory guide for land use decisions.
7. That the area plan process, current area plans, and future area plans are and can be incorporated into the general plan in such a way as to allow them to be of use in future land use decisions.
8. Some area plans and maps should be updated as soon as possible with the land use changes, from that work, being incorporated into the general plan.

Chairman Wright asked that the motion be read back again.
The motion was read back.

Second by Member Weaver. The vote was unanimous. The motion carried.

5. Adjourn.

Member Wilson moved to adjourn.

