



PLANNING COMMISSION AGENDA

Thursday, August 14, 2014

Morgan County Auditorium

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

Administrative

5. Discussion/Decision: Alchemy LLC Conditional Use Permit

Legislative

6. Public Hearing/Discussion/Decision: Yaryca Future Land Use Map Amendment: An application for an amendment to the Morgan County Future Land Use Map, redesignating approximately 2980.4 acres currently designated “Natural Resources and Recreation” to “Master Planned Community”
7. Planning Commission Business/Questions for Staff
8. Approval of minutes from July 10, 2014
9. Adjourn

Members Present

Michael Newton
David Sawyer
Debbie Sessions
Roland Haslam
Darrell Erickson
Steve Wilson
Shane Stephens

Staff Present

Bill Cobabe, Senior Planner
Nicole Taylor, Admin Assistant
Mickaela Moser, Transcriptionist

Public present

Brenda Freeman	Derrick & Angela Beatty	Lorien Belton
Will McCoy	Glen Burton	Dean Carver
Bill Bertagnole	Rahul Mukherjee	Alfredo Vazquez
Juli Bertagnole	Carol Vigil	Mark Farmer
Carolyn Meyer	Clodie Vigil	Roberto
Scott McFarland	Deby Burton	Kent Wilkerson
Laurie Stant-Letz	Wayne Acrin	Nate Harbertson
Linda H. Smith Co.Historian	Ryan Scott	Kathie Robinson
Bud & Erma Carter	Justine Scott	Elwyn Bodily
Elizabeth Schubert	Ryan Kimber	Deanne Winterton
Clif Burwell	Zack McCain	Jeanie Scott
Ken Adams	Danielle McCain	Jennie Earl
Les Adams	Trudy Hill	Kerilyn Barr
Lee Ann Semrow	Tom Hill	Laura White
Maria Broman	Nancy Sivulich	Baya White
Steve Gailey	Kyle Munk	MarshaAnn Martin
Blake Gailey	SueAnn Munk	Andrew Chamberlain
Jeremy Belinski	Cort & Lori Singleton	Allison Jones
Steve Shope	Earl Nelson	Janice Gardner
Tom Permar	Heather Dove	L Rasmussen
Dave Kimball	Janice Gardner	Elway Bodily
D/Lynn Poll	Sylvia Gray	Kathleen Robinsen
James Tracy	Nancy Howard	Scott Winder
David B. Corpany	Carolina Rod	Erma Carter
Bruce Sanders	Brent Porter	Linda Smith
Matt Barr	Mark Mortenson	Jeff Jones
Ray Rust	Brent Carlman	Glenda Cotter
Tom Permar	Tina Kelley	Yancy Scott
Jonathan Moser	Robyn Scott	David B Cooney
Austin Turner	Chad Wilson	Scott Walker
Buz Marthaler (Wildlife Rehab Center of N. UT)		

1. Call to order – prayer
Chair Haslam called the meeting to order and welcomed those in attendance. Chairman Haslam offered prayer.
2. Approval of agenda
Member Sessions moved to approve the agenda. Second by Member Newton. The vote was unanimous. The motion carried.

Chair Haslam excused Member Stephens from the beginning of tonight's meeting.

3. Declaration of conflicts of interest

There were none.

4. Public Comment

Member Newton moved to go into public comment. Second by Member Erickson. The vote was unanimous. The motion carried.

Matt Barr: He wondered if the Y intersection is part of the county or the city. Chair Haslam responded that the Y is part of the county. Mr. Barr is concerned about gravel being kicked around from all the traffic. Chair Haslam said he would pass that concern on to the road supervisor for discussion.

Member Sessions moved to go out of public comment. Second by Member Sawyer. The vote was unanimous. The motion carried.

Administrative

5. Discussion/Decision: Alchemy LLC Conditional Use Permit

Bill Cobabe: Stated that the applicant would like to postpone until the Sept. 25th meeting.

Member Erickson moved to postpone this item until the September 25, 2014 meeting. Second by Member Sessions. The vote was unanimous. The motion carried.

Legislative

6. Public Hearing/Discussion/Decision: Yaryca Future Land Use Map Amendment: An application for an amendment to the Morgan County Future Land Use Map, redesignating approximately 2980.4 acres currently designated "Natural Resources and Recreation" to "Master Planned Community"

Bill Cobabe reminded those present that tonight the process is being initiated. This is not a rezone, but the only decision on the agenda is to change the Future Land Use Map.

Member Stephens joined the meeting at 6:40 pm.

Member Sessions asked Bill to clarify for everyone in attendance on the differences between a resort and a Master Planned Community. He informed that a Master Planned Community is a land use designation to provide for planned recreational opportunities. He read the definition contained in the Morgan County Code, including the allowance for flexibility for infrastructure and access. Bill stated that the Resort Special District is the only designation in Morgan County

that would fit this type of situation.

Glen Burton: Owner of the property. He summarized that he has been heavily involved with the Envision Morgan and Envision Utah plans. He briefly addressed issues concerning the sage grouse and a possible relocation for them. He had received information from Alan Clark (DWR) about the possible relocation of the Greater Sage Grouse found on the property. He is under the impression that their relocation could be easily done, as addressed in the Utah Conservation Plan for the Greater Sage Grouse. He accused Chair Haslam of telling someone in the hall prior to the July 10, 2014 meeting that he was going to put a stop to this project and have it postponed. Mr. Burton stated that he consulted his attorney and that Mr. Chair should've stated that he had a conflict of interest.

Roland asked Mr. Burton who he was talking to at the time and Mr. Burton did not know. Roland then replied it's a "he said, she said" accusation.

Chairman Haslam began by saying that everyone choosing to speak during the public hearing had a 2 minute time limit to convey their thoughts. A representative from the DWR wondered if their organization would qualify for one extra minute during the hearing to which the Chairman responded no.

Member Stephens moved to go into Public Hearing. Second by Member Sessions. The motion was unanimous. The motion carried.

Bruce Sanders: He stated that he was present at the last meeting. He commented that the Richville/Porterville plan recommends dedicating a small area on the south end as a resort area, but he recommends that a resort of the size proposed be turned back to the area residents for their approval.

Dave Kippell, an investor in the property: He wondered if Chair Haslam did, in fact, say that he would stop the resort. He wants to see involvement in this rezone. He stated that the property is in a great location and can achieve environmental progress. He has faith that by working together all the common goals can be achieved.

Irma Carter, Deputy Commissioner of Weber River Water Services, and also East Canyon, Echo Reservoir, Lost Creek, and Weber River drainages: Inflow is now 1/3 of what it used to be and the pollution has increased dramatically. She is concerned that promises have been made to improve the pollution situation and nothing has been done. East Canyon Dam was 1/3 higher for pollution than it should've been when last checked. She wondered what the plan is for a sewage system.

Shelly Page: She believes it's not compatible with the Morgan County Plan. She read the mission statement of the Morgan County Public plan, emphasizing that it is focused on what is most important to Morgan County residents. Her ancestors taught her that if you build a cabin somewhere, everyone else will want to build one there too. She also expressed concern for safety

on Highway 66 with traffic.

Janis Gardner, Great Salt Lake Audubon: She stated that sage grouse are being protected under the current land use permit and their habitats. Her concern was for the possible destruction of Greater Sage Grouse lecks and their surrounding habitat. The proposal would remove almost 2000 acres of their current habitat. She stated that management areas support more than 90% of Utah's sage grouse populations. She also had concerns about the big game habitat and land loss.

Yancy Scott: He believes it is time for a change. This property has been in his family since the 1960's and believes the changes will benefit everyone. He reminded those present that the property involved is private land and that what is proposed isn't a bad thing.

David Corpany: Stated that since he was Planning Commission chairman, this property has been considered. His concern was how to protect the wells downstream.

Sara Hoskinson: She was born and raised in Morgan. She is passionate about the birds and believes there could be a peaceful solution. She suggested using public relations to draw interest in the sage grouse lecks and their protection by possibly introducing "Greater Sage Grouse Days." She encouraged those in attendance to have open minds about different possibilities.

Les Adams: He asked to not change the map. He believes Highway 66 is a disaster with Ragnar, camps, etc. and believes the road cannot take any more. As a long-time resident, he is against it.

Nate Harbertson: He loves Morgan County and is asking the Planning Commission to change the future land use map and remember what Morgan has to offer. He said that County staff recommends approval for this project and he believes this proposal will create something for the County that will improve the County financially and in other ways.

Buz Marthaler, Chairman of the Wildlife Rehab Center in Northern Utah: He suggested catering to hunters, recreationalists, and wildlife enthusiasts for use of this land. He believes that if the local sage grouse populations plummet to numbers where the federal government has to step in, it will be bad for everyone.

Brenda Freeman: She is a landowner and served 10 years on the wildlife board. She stated that the DWR and DNR were the first people they contacted in addressing the sage grouse issue. She believes there are ways to mitigate. The applicants are not here to ask for water. She moved out of the valley to provide for her handicapped child and believes there are not sufficient resources for handicapped people in Morgan. She believes this venue will provide tax dollars for that channel.

Brent Porter: He was on the area planning committee and on Envision Morgan. He remembers talk about putting the marina and resort back-to-back instead of spreading them out. He stated that a tax increase would be negative toward the County and wants the decision to be brought back to the area planning committee.

John Page: He lives in Richville and wants to stay with the current General Plan. He believes the impact from this project will be devastating for the roads. He indicated he does not want it to become another Wasatch Front. He is also concerned with the increase in traffic and wants Morgan County to grow at a determined rate.

Jeff Jones, local farmer: He does not want to change the Master Plan.

Ty Rumor, resident of Morgan County: He stated that with this proposal, Morgan roads will turn into I-80 at rush hour.

Matt Barr: He believes with the increase in traffic from these proposed changes, it would be like experiencing Ragnar everyday in Morgan County. He stated that growth is inevitable but is against it at this rate. In his opinion, Envision Morgan was rammed down their throats and the community gave answers to satisfy those in charge.

James Tracy, representing the future developer: He stated that this meeting is not for the plan presentation. This meeting is to get to the next step of presenting a plan. He stated there is no intention to “ram it down your throats” and provided assurance that this project would not be forced upon anyone. He reminded everyone that this is private property. He asked to whom they’re supposed to sell it? He is asking for an amendment to the County map and desires to move forward in this process.

Jenny Earl, Porterville resident: She is concerned for water. She currently sits on the school growth committee and wants the school board involved in future meetings to address growth concerns. She was also on the Envision Morgan Committee and feels people were only presented with a lot of cookie cutter options; that there were not many open decisions left for residents and it lacked the options for residents to come forward with their own ideas.

Rahul Mukherjee: He expressed concern for the sage grouse. He shared his experience with seeing them in person and believes they provide opportunity for encouraged birding. He stated that those who come to see them spend money on gas, food and other things in Morgan.

Mark Mortenson, resident of East Canyon: He’s seen changes within the County and believes the current zone is in place for a reason and wants to keep the area open and free. He has an interest with the sage grouse and thinks they have a great history in the region that impacts other wildlife. His concerns also include pollution, traffic and lack of ground testing.

Kenneth Wilkerson: He supports amenities at East Canyon Resort, including the Mormon Pioneer Trail, among other trails and this particular parcel currently looks like it did many years ago. He believes something can be done in this area, but it needs to be addressed very carefully.

Nancy Sivulich: She is convinced there is a way to figure out a creative solution for everyone involved.

Robin Scott, Yaryca Profit Sharing and manager: This land is in her family with her dad being one of the original owners. She would like to enhance the area, in keeping with the sage grouse and trails. She wants the area to be well planned and established when people move in.

Adam Chamberlain: He believes that if things are done carefully then it can be done right. But it needs to be done cautiously because it is difficult to undo damage. Pleaded with the Planning Commission to please consider all aspects of this proposal and consider carefully.

Blaine Fackrell: He stated that everyone has the right to develop, but as far as he can see from the plan, there is nothing being addressed with environmental impact. There has to be an environmental impact study done to consider what will happen with wildlife and other factors. He stated that once it's gone, you can't bring it back.

Milton Bodily: He is a zoologist by training and loves to preserve wildlife. He stated that everyone wants to move to Morgan and then turn around and put a lock on the gate before others move in. Water, drinking water and sewage were among his concerns.

Debra Burton: She owns 60 acres of this parcel. She stated that the only item of business tonight is a map change. She clarified that the developer has not come forward with a number of 1700 homes that many residents are concerned with.

Laura White, Porterville resident: Her husband works at East Canyon Resort. Power outages are a constant battle, along with water pressure and supply concerns. She is concerned with the dangers associated with traffic increase and would also like the ground to be tested. She specified that there is a lot of red clay in the area and wants future houses to be stable. Her main worry involves water and she believes this project is not a good way to bring people to Morgan County.

Allison Jones, Wildlife Utah project: She presented the conservation plan from the state, which addresses concerns with sage grouse and is focused on state and federal lands. She would love to see Morgan County stand with the governor on this plan in protecting the Greater Sage Grouse. She insisted that the State has money to provide options and warned not to mess with the Endangered Species Act.

Gail Sanders, related to half of Morgan County: He cannot comprehend that the landowners don't have a plan and he wants to know what the plan is for the property.

Linda Smith, Morgan resident: She is a proponent for the Mormon Trail. She believes landowners are stewards of the land and would like to see this historic site be incorporated into the developer's plans.

Dean Carver: He stated that it's not easy to move into Morgan County. He admonished the developer to do with the property what they'd like, as long as it's in accordance with the General Plan of the County. He is confused as to why the map is being changed when we don't know why

it's being changed or what it's changing to. He wants to keep with the "small village character" of the County.

Lorien Belton, from Logan but buys her beef in Morgan: She is a facilitator from USU Extension for sage grouse. She announced a meeting from the USU Extension for anyone with concerns for sage grouse who would like additional information.

John Watkins, Cache Valley resident: He experienced the sage grouse personally and believes it is magical to witness in person. He does not want his children to say, "We used to see the sage grouse on that property", but rather be able to take their children to see it in person as well.

Jay Russ: He expressed concern for snowplowing in the winter and increased bikers and traffic in the summer.

Glenda Carter, SLC resident: She spoke out as an advocate for the nearly 3000 acres to be preserved for the Greater Sage Grouse populations. She was frustrated that land use planning is too often controlled by developers.

Jeremy Belinski: He voiced concern about passing a law without knowing what is involved. He is concerned about doubling the size of the current community, schools, roads, traffic, infrastructure, and crime. He thought it absurd to think this will increase the tax base.

Jessie Franage: She is against the proposal and feels it will not benefit the community in any way.

Weslen Woods, Morgan resident for 18 years: He remembers when he was an "outsider" and wasn't particularly welcome here. He asked the Planning Commission what their motivation is for this decision and to consider that motivation in making a decision.

Pam Petty: Advocating for the sage grouse. She believes the property owners knew the circumstances regarding the property when they bought it and the sage grouse were here before them. The Greater Sage Grouse are on the list to becoming endangered and she wants them protected.

Laurie Singleton: She stated, "This ground is For Sale." She asked that if someone wants to protect it for hunting, sage grouse, or any other reason, they are welcome to place an offer. She pointed out that no one knows what the future holds and many issues and concerns will be addressed once the map is changed. The map is up for a change tonight, but the small and even large decisions are not to be made tonight.

Member Sawyer moved to go out of public comment. Second by Member Sessions. The vote was not unanimous, with Members Newton, Sawyer and Sessions for and Members Wilson, Stephens and Erickson against. The motion failed with a vote of 3 to 3.

As a result of the failed motion, public comment continued.

Ryan Powell: He commented that Morgan is a beautiful area and wants to keep it the way it is.

Arnold Mikesell, Porterville resident: He believes that growth of this type will prevent Morgan County and the East Canyon area from remaining the jewels they currently are.

Brent Anderson: He believes there are good developers and this can be done correctly. He supposed there is a balance between property owners and neighbors. He experienced problems with his development a few years ago when they put 17 homes on 250 acres. He stated everyone has property rights but they need to be careful about impacting neighbors adversely.

Member Sawyer moved to go out of public comment. Second by Member Sessions. The vote was unanimous. The motion carried.

Member Stephens moved to forward a negative recommendation to the County Council for the Yaryca Future Land Use Amendment, changing the designation from Natural Resources and Recreation to Master Planned Community, based on the feeling that it's not the right time. Second by Member Wilson.

The following discussion ensued from each of the Planning Commission Members:

Member Stephens: He feels that this is neither the time nor the place for this proposal and desires to honor the feelings of those who live here.

Member Sawyer: He stated that the General Plan is in accordance with the Porterville/Richville Area Plan and that a future resort of unknown shape and size is allowed in this area. It is in the current General Plan. He answered the question about the motivation behind this decision and understands this to be a very policy-based application. He observed that different areas within the region are viewed and treated very differently. He also pointed out that the proposed resort would be part-time housing, which would alleviate pressure on the schools, as opposed to full-time housing. He mentioned that the County Council is in constant discussion about bringing an increase in business. Commercial developers are fighting against people in many developing areas, including Como Springs and other developments. He affirmed the increase in tax base will alleviate home owners.

Member Wilson: He responded to Member Sawyers' comment about areas being treated differently, commenting that Mountain Green embraces change and growth. He does not feel comfortable or confident in voting for the proposal the way it is.

Member Erickson: He acknowledged that this is a difficult circumstance tonight. He stated that the topic of tonight has been exploded into many futuristic conditions and he hoped the developers were listening and paying attention. He warned that if they were not, this will not pass the next stage of development if it is approved to move forward. He would like to have seen a more

saleable plan presented, however he informed those present that the law does not require a plan at this point of the process in order to proceed with a recommendation.

Member Newton: He hoped that everyone had read the entire Planning Commission packet for tonight's meeting. He desired for everyone to be informed and understand the issues being addressed. He pointed out the positive things that have come about with the droves of people who are present tonight, including community interest and involvement. The decision to be made right now is, "Is this an appropriate place for a resort?"

Member Sessions: She appreciates the support and company of the community tonight. She stated there was a reason there was no plan presented tonight. The decision tonight is "Is this the place for a resort?" She said the area rezone will take place in the future and that will be the time to discuss specifics like restaurants, housing, etc. She assured that the County is in the driver seat and will have a say in every decision. She noted the current ordinance requires 1280 acres for a resort. She insisted that if the developers do not comply with what the community wants, they will not move forward with their plans.

Member Sawyer: He thanked those who were in attendance, and not just those who spoke. He would like to see many people involved with this application and also involvement and suggestion for any other development brought before the Planning Commission. He commented that public involvement helps with Planning Commission decisions.

The vote was not unanimous. Those in favor of the negative recommendation were Members Stephens and Wilson. Those opposed were Members Newton, Sawyer, Sessions and Erickson. The motion failed with a vote of 2 to 4.

Chair Haslam called for a new motion.

Member Sessions moved to forward a positive recommendation to the County Council for the Yaryca Future Land Use Amendment, changing the designation from Natural Resources and Recreation to Master Planned Community, based on the findings listed in the staff report dated August 14, 2014. Second by Member Sawyer.

There was no further discussion on the motion.

The vote was not unanimous. Those in favor of the motion to forward a positive recommendation were Members Newton, Sawyer, Sessions and Erickson. Those opposed were Members Wilson and Stephens. The motion passed with a vote of 4 to 2.

Member Newton moved to take a 5 minute recess. Second by Member Sessions. The vote was unanimous. The motion carried.

Member Newton moved to resume the meeting. Second by Member Erickson. The vote was unanimous. The motion carried.

7. Planning Commission Business/Questions for Staff

Bill gave an update on what's to come in the next meeting, including CUPs for a substation in Croyden, a CUP for a pump house in Lewis Creek, Whittear Estates, CUP for a Broadband central office behind gas station by Trapper's Loop and Hwy 66.

8. Approval of minutes from July 10, 2014

Member Sawyer moved to accept the amended minutes. Second by Member Wilson. The vote was unanimous. The motion carried. Member Erickson abstained.

9. Adjourn

Member Stephens moved to adjourn. Second by Member Sessions. The vote was unanimous. The motion carried.

Approved: _____ **Date:** _____
Chairman, Roland Haslam

ATTEST: _____ **Date:** _____
Mickaela Moser, Transcriptionist
Planning and Development Services