



## PLANNING COMMISSION AGENDA

Thursday, December 11<sup>th</sup>, 2026  
Morgan County Commission Room  
6:30 p.m.

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

1. Call to Order – Prayer
2. Pledge of Allegiance
3. Approval of Agenda
4. Declaration of Conflicts of Interest
5. Public Comment

### **Legislative**

6. **Public Hearing/Discussion/Decision – *Wall Rezone***: Request to rezone property from a split-designation of RR-1 and A-20 to RR-2.5, and reflect that change on the Future Land Use Map from Rural Residential and Agriculture to Rural Residential completely. The property is identified by parcel number 00-0005-4286 and serial number 01-RA1-0002 and is approximately located at 1210 S Hwy 66 in unincorporated Morgan County. **\*\*County staff recommends bringing this item back to the Planning Commission at a later date.\*\***
7. **Public Hearing/Discussion/Decision – *Whisper Ridge at Stone Canyon DA, First Amendment***: Request to amend the Whisper Ridge at Stone Canyon Development Agreement to remove the requirement for a professional property manager to maintain the common open space.
8. **Public Hearing/Discussion/Decision – *Cottonwoods Development Agreement Amendment***: A request to approve an amendment to the Cottonwoods Development Agreement (“DA”) to remove specific properties from the land area governed by the DA, thereby reverting those properties to parcels within the unincorporated county; and to add additional land from adjoining parcels into the Cottonwoods Development to offset the reduction.
9. Business/Staff Questions
10. Approval of December 11<sup>th</sup>, 2025, Planning Commission Minutes
11. Adjourn



**PLANNING & DEVELOPMENT**

Planning Commission  
Staff Report  
Zoning Map Amendment

January 8, 2026

Wall Rezone  
Public Hearing  
January 8, 2026

Application No.:	25.050
Applicant/Owner:	Brent Wall
Project Location:	1210 S Hwy 66
Date of Application:	September 30, 2025
Parcel Number:	00-0005-4286
Serial Number:	01-RA1-0002
Current Zoning:	Rural Residential (RR-1) / Agriculture (A-20)
General Plan Designation:	Rural Residential / Agriculture
Acreage:	7.26 acres

**REQUEST**

Request to rezone property from a split-designation of RR-1 and A-20 to a split designation of RR-1 and RR-2.5, and reflect that change on the Future Land Use Map from Rural Residential and Agriculture to Rural Residential completely.

**\*\* Due to a modification to the applicant's rezone request, staff requests that this item not be heard at this time. The item will be re-noticed and brought back to the Planning Commission at a future meeting. \*\***



PLANNING COMMISSION PUBLIC  
MEETING

WHISPER RIDGE AT STONE CANYON  
DEVELOPMENT AGREEMENT, FIRST AMENDMENT

JANUARY 8, 2026

Staff: Joshua Cook, AICP

Public Meeting

January 8, 2026

Application No.: 25.046

Applicant Bert Sheffer

Owner: Whisper Ridge At Stone Canyon Association

Date of Application: August 28, 2025

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**REQUEST:**

Request to amend the Whisper Ridge at Stone Canyon Development Agreement to remove the requirement for a professional property manager to maintain the common open space.

**ATTORNEY GUIDANCE**

**Legislative Review:**

The Planning Commission is tasked with advising and recommending to the County Commission whether the proposed zoning change is consistent with Morgan County Code requirements for zoning applications. The Planning Commission is further tasked with advising and making its recommendations based on whether the application conforms to Utah State law. In that regard, while previously the County Commission had broad discretion in either approving or denying a legislative decision (the standard being whether the zoning ordinance could promote the general welfare; or even if it is reasonably debatable that it is in the interest of the general welfare), it appears to have been narrowed by recent changes to § 17-27a-801(3). The subsequently amended statute provides that legislative acts will be upheld if it is shown to be “reasonably debatable that the land use regulation is consistent with LUDMA.” While I have not seen any case law testing this new standard, I highly recommend that any decisions by the Planning Commission or County Commission include references to the standards in Morgan County Code and Utah State Code to support them and provide a solid basis for review. In that regard, the State Code standards include:

17-27a-102. Purposes — General land use authority — Limitations.

(1)

(a) The purposes of this chapter are to:

- (i) provide for the health, safety, and welfare;
- (ii) promote the prosperity;
- (iii) improve the morals, peace, good order, comfort, convenience, and aesthetics of each county and each county's present and future inhabitants and businesses;
- (iv) protect the tax base;
- (v) secure economy in governmental expenditures;
- (vi) foster the state's agricultural and other industries;
- (vii) protect both urban and nonurban development;
- (viii) protect and ensure access to sunlight for solar energy devices;
- (ix) provide fundamental fairness in land use regulation;
- (x) facilitate orderly growth and allow growth in a variety of housing types; and
- (xi) protect property values.

(b) Subject to Subsection (4) and Section 11-41-103, to accomplish the purposes of this chapter, a county may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that the county considers necessary or appropriate for the use and development of land within the unincorporated area of the county or a designated mountainous planning district, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing:

- (i) uses;
- (ii) density;
- (iii) open spaces;
- (iv) structures;
- (v) buildings;
- (vi) energy-efficiency;
- (vii) light and air;
- (viii) air quality;
- (ix) transportation and public or alternative transportation;
- (x) infrastructure;
- (xi) street and building orientation and width requirements;
- (xii) public facilities;
- (xiii) fundamental fairness in land use regulation; and
- (xiv) *considerations of surrounding land uses to balance the foregoing purposes with a landowner's private property interests and associated statutory and constitutional protections.*

Utah Code Ann. § 17-27a-102. While the County Commission still appears to have broad discretion, I would caution that Utah Code Ann. § 17-27a-102 (1)(b)(xiv) causes concern for legal actions if the Commission fails to support its decisions with the above purposes and standards.

## **SUMMARY:**

Staff received an application proposing an amendment to the Whisper Ridge at Stone Canyon Development Agreement to remove the requirement for professional management of common areas. The proposed amendment is minor in scope and updates the approved concept plan. No other changes are proposed. The applicant submitted the following narrative:

*“We met with the county commission to discuss removing the requirement for professional property management of our common spaces and were admonished to submit an amendment to the Development Agreement.”*

*“We are merely removed the professional management company requirement so that we can self manage things as we build up our reserves and pay for much needed maintenance.*

The applicant submitted the proposed amendment text as Exhibit C of this staff report.

## **STAFF RECOMMENDATION:**

Staff finds that the applicant's proposal to amend the Development Agreement to remove the requirement for professional management of common areas is aligned with good planning practices. Based on this review, staff presents the following findings for consideration:

### Findings:

1. *That the proposal is not detrimental to the health, safety, and welfare of the public.*
2. *That removing the professional management requirement allows the community to self-manage common areas while reserves are built and maintenance needs are addressed.*
3. *That the amendment maintains the intent of the Development Agreement and does not alter approved land use standards, required improvements, or overall development density.*

## **PUBLIC NOTICE, MEETINGS, COMMENTS**

- ✓ Public Notice was submitted to the State of Utah Public Notice website on December 29, 2025; a minimum of 10 days prior to the scheduled meeting. (Morgan County Code § 155.032 (C)).
- ✓ A Public Notice was posted at the County on December 29, 2025.
- ✓ Notices to property owners within 1000' feet of the proposed use were mailed a Public Notice on December 29, 2025.
- ✓ A sign was posted on the site on December 29, 2025.

## **SAMPLE MOTIONS:**

**Recommended Motion for a *Positive* Recommendation** – “I move we recommend approval to the County Commission for an amendment to the Whisper Ridge at Stone Canyon Development Agreement, to remove the requirement for a professional property manager to maintain the common open space, with the findings as listed in the staff report, based on the text listed in Exhibit C of the staff report dated January 8, 2026.”

**Recommended Motion for a *Positive* Recommendation with *Additional Changes*** – “I move we recommend approval to the County Commission for an amendment to the Whisper Ridge at Stone Canyon Development Agreement, to remove the requirement for a professional property manager to maintain the common open space, with the findings as listed in the staff report, based on the text listed in Exhibit C of the staff report dated January 8, 2026, with the following corrections:”

1. List any corrections...

**Recommended Motion for a *Negative* Recommendation** – “I move we recommend denial to the County Commission for an amendment to the Whisper Ridge at Stone Canyon Development Agreement, due to the following findings:”

1. List any findings...

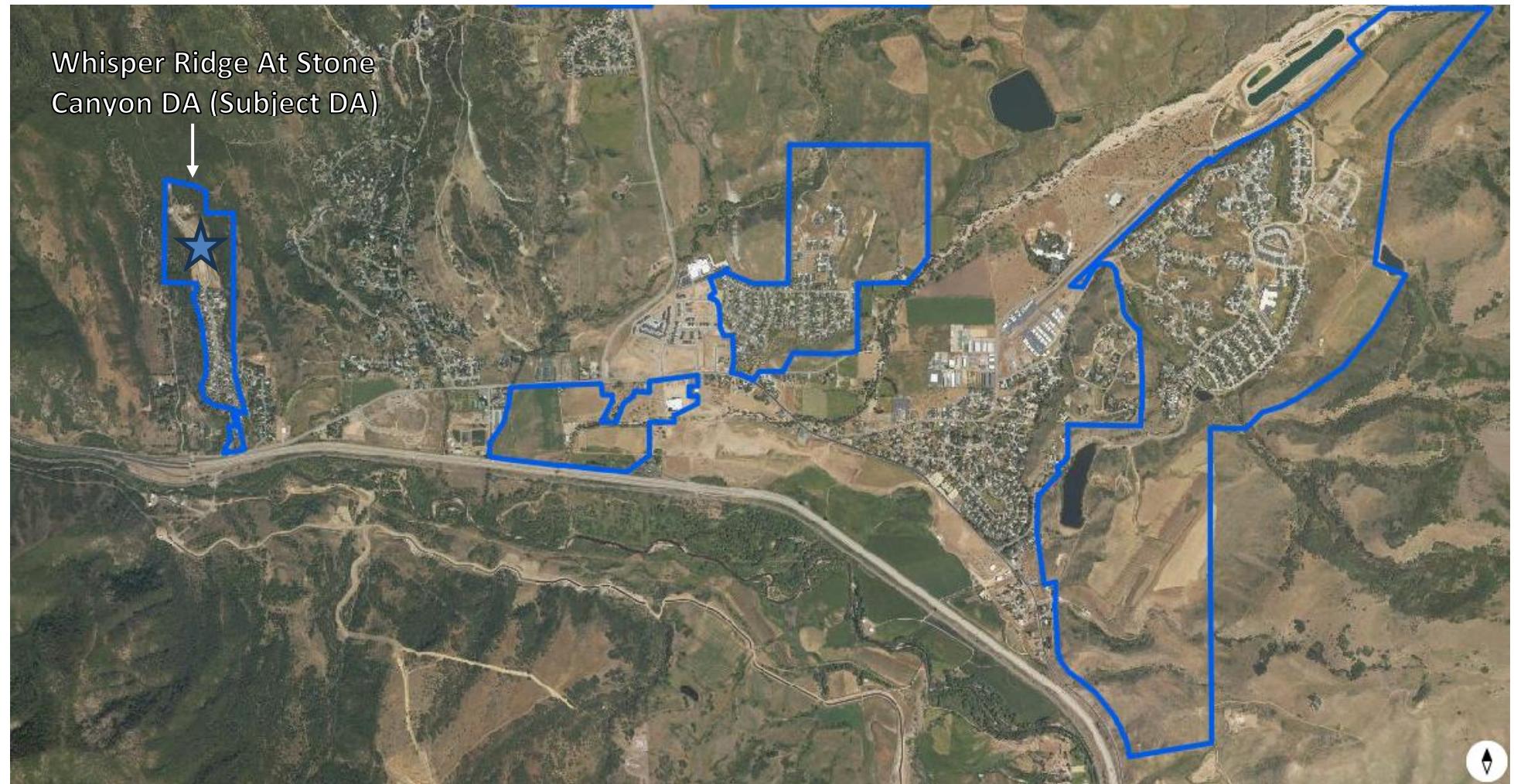
## **SUPPORTING INFORMATION**

Exhibit A: Vicinity Map

Exhibit B: Whisper Ridge at Stone Canyon Development Agreement - Recorded

Exhibit C: Whisper Ridge at Stone Canyon Development Agreement Amendment - Proposal

## Exhibit A: Vicinity Map



## Exhibit B: Whisper Ridge at Stone Canyon Development Agreement - Recorded

Ent 108742 Bk 251 Pg 617  
Date: 06-AUG-2007 11:41AM  
Fee: \$101.00 Check  
Filed By: CRB  
BRENDA NELSON, Recorder  
MORGAN COUNTY

### WHISPER RIDGE AT STONE CANYON DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the "Agreement") is entered into as of this 27<sup>th</sup> day of July, 2007, effective July 27, 2007 (the "Effective Date"), by and between WHISPER RIDGE DEVELOPMENT, LLC, a Utah limited liability company, (hereinafter called "Developer"), and MORGAN COUNTY, a political subdivision of the State of Utah (hereinafter called the "County"). Developer and the County are, from time to time, hereinafter referred to individually as a "Party" and collectively as the "Parties." Unless otherwise noted herein, this Agreement supersedes and replaces any previous development agreements entered into by and between Developer and the County involving the same Property (defined below).

#### RECITALS

A. The County, acting pursuant to its authority under Utah Code Annotated, Section 17-27-101, *et seq.*, and Section 17-53-223, and Section 17-53-302(13), as amended, and in furtherance of its land use policies, goals, objectives, ordinances, and regulations, has made certain determinations with respect to the proposed Planned Residential Unit Development ("PRUD") and, therefore, has elected to approve and enter into this Agreement in order to advance the policies, goals, and objectives of the County, and the health, safety, and general welfare of the public.

B. Developer has a legal interest in certain real property consisting of approximately 88.3 acres located in the County as described in Exhibit "A" attached hereto. Upon development of this initial parcel of real property, Developer intends to expand the size of the development from time to time, which expansion will require further approval from the County. Developer acknowledges that for any development in excess of the approximately 88.3 acres of real property described in Exhibit "A" (herein referred to as the "Property"), Developer will be required to enter into a new Development Agreement or an amendment to this Development Agreement, as determined by the County.

C. Developer intends to develop the real property described in Exhibit "A" as a planned residential unit development (PRUD) with mixed uses consisting of one hundred twenty-two (122) lots for residential homes. This Development is commonly known as Whisper Ridge at Stone Canyon and is more particularly described in a Plat on file or to be filed with the Morgan County Recorder, which Plat is incorporated herein by reference. As the Project is expanded, additional Plats shall be filed with the Morgan County Recorder.

## Exhibit C: Whisper Ridge at Stone Canyon Development Agreement Amendment - Proposal

When recorded, return to:

Bert Sheffer  
5821 Deer Crest Ln  
Mountain Green, Utah 84050

### THIRD AMENDMENT TO THE WHISPER RIDGE AT SNOW CANYON DEVELOPMENT AGREEMENT

This Third Amendment to the Whisper Ridge at Snow Canyon Development Agreement (this "**Amendment**") is made and entered into as of this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by and between MORGAN COUNTY, a political subdivision of the State of Utah (the "**County**") and Whisper Ridge at Stone Canyon Association, a Utah nonprofit corporation (the "**Association**"). The County and the Association may be referred to individually as a "**Party**" or collectively as the "**Parties**".

#### RECITALS

- A. Whisper Ridge at Stone Canyon (the "**Project**") is a residential community located in Morgan County, Utah.
- B. The Project was initially approved for development in 2007 pursuant to that certain Whisper Ridge at Stone Canyon Development Agreement dated July 27, 2007 (the "**Development Agreement**") and recorded on August 6, 2007, as Entry No. 108742.
- C. The original "**Developer**" in 2007 was an entity known as Whisper Ridge Development, LLC, which thereafter ceased development when the Project was taken over by Bank of American Fork (the "**Bank**"). The Bank subsequently sold the Project to Henry Walker Construction of Northern Utah, LLC ("**Henry Walker**").
- D. The County and Henry Walker entered into a First Amendment to the Development Agreement (the "**First Amendment**"), which was recorded in the Morgan County Recorder's Office on January 22, 2014, as Entry No. 131288.
- E. Oakwood Homes of Utah, LLC ("**Oakwood**") acquired the Project from Henry Walker.

F. The County and Oakwood entered into a Second Amendment to the Whisper Ridge at Stone Canyon Development Agreement (the "**Second Amendment**") which was recorded in the Morgan County Recorder's Office on January 12, 2016.

G. Heights at Whisper Ridge, LLC ("**The Heights**") acquired the Project from Oakwood.

H. The Project is subject to that certain Amended and Restated Declaration of Covenants, Conditions and Restrictions for Whisper Ridge at Stone Canyon (the "**CCRs**") executed and recorded on December 11, 2012, in the Morgan County Recorder's Office as Entry 127826, as amended by that certain Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Whisper Ridge at Stone Canyon dated November 17, 2014 and recorded in the Morgan County Recorder's Office on November 18, 2014 as Entry No. 133409.

I. Pursuant to the CCRs, Whisper Ridge at Stone Canyon Association, a Utah nonprofit corporation (the "**Association**") was incorporated to govern the Project.

J. As the result of its acquisition of the Project, The Heights became the successor "**Declarant**" under the CCRs and during the period of administrative control, had sole control of the Association.

K. Pursuant to the CCRs, on March 12, 2025, The Heights, as Declarant, "turned over" the operation and control of the Association to the members of the Association (the "**Turn Over Meeting**").

L. Section 14.1 of the CCRs provides that the Association be professionally managed and that Section 14.1 cannot be amended without the approval of Morgan County.

M. Section 3.1.3 of the Development Agreement requires that the Common Areas of the Project be managed *in accordance with the CCRs*, as the same may be amended, restated, supplemented or otherwise modified from time to time. This section further states, "In no event shall the County be responsible or liable for the enforcement of the Declaration."

N. The last sentence in Section 3.1.17.1 of the Development Agreement states, "The Home Owners' Association shall be required to hire a professional property

management company to manage and maintain all aspects of the Common Area and Trails."

O. In order to reduce its operating expenses, the Association desires the option to manage its operations and affairs (including, but not limited to, the maintenance of the Common Areas) by its directors, officers, other members of the Association and qualified contractors whom the Association may employ from time to time and not be required to only employ professional management.

NOW, THEREFORE, the Parties agree as follows:

1. Section 3.1.3 of the Development Agreement shall be amended by adding the following sentence at the end of Section 3.1.3:

Notwithstanding anything set forth in this Section 3.1.3 to the contrary, it is expressly understood and agreed that the Association need not be professionally managed. The Association may be managed by its Directors, Officers, members or such contractors as the Association may reasonably and prudently select.

2. The last full sentence of Section 3.1.17.1 – Maintenance of Open Space and Trails – shall be deleted in its entirety and the following inserted in lieu thereof:

The Common Areas and Trails will not require management or maintenance by a professional management company but shall be managed and maintained by a professional management company hired by the Association, by the Association's Directors, Officers, members and/or by such contractors as the Association may reasonably and prudently select.

IN WITNESSETH WHEREOF, this Third Amendment has been entered into by and between the County and the Association as of the date and year first above written.

MORGAN COUNTY:

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Attest:

\_\_\_\_\_

## MORGAN COUNTY CLERK

STATE OF UTAH )  
:ss.  
COUNTY OF MORGAN )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by \_\_\_\_\_, who executed the foregoing instrument in his capacity as the Morgan County \_\_\_\_\_, and by \_\_\_\_\_ who executed the foregoing instrument in her capacity as the Morgan County Clerk.

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

## NOTARY PUBLIC

#### WHISPER RIDGE AT STONE CANYON ASSOCIATION

By: \_\_\_\_\_  
Name: Bert Sheffer  
Title: President and Director

STATE OF UTAH )  
:ss.  
COUNTY OF MORGAN )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of  
\_\_\_\_\_, 2025, by Bert Sheffer, who executed the foregoing instrument in  
his capacity as the President and Director of the Whisper Ridge at Stone Canyon  
Association.

**NOTARY PUBLIC**



## PLANNING COMMISSION

### PUBLIC HEARING

Cottonwoods Development Agreement  
Amendment

January 8, 2026

Staff: Joshua Cook, AICP

Public Hearing

January 8, 2026

Application No.: 23.072

Applicants Raymond & Heidi Nettleton, Matt Wilkinson

Owners: Mark & Sheila Wilkinson Family Trust Wilkinson Mark H & Sheila R Trustees, Morgan County Cottonwood LLC Nettleton Heidi, Turkey Flats LLC Plyer Eric J, Max & Shauna Wilkinson Family Trust Wilkinson Max Trustee

Project Location: Approx. east and southeast of the boundaries of the Cottonwoods Development Agreement, all within sections 20, 29, 30 and 31 T5N, R2E

Date of Application: October 12, 2023

Current Zoning: Rural Residential (RR-1), Rural Residential (RR-5), Agriculture (A-20), Multiple Use (MU-160)

Acreage: Approx. 701.40 acres affected, per applicant-provided information

Request: Request to amend the Cottonwoods Development Agreement by removing certain parcels and adding others to offset the change

### **REQUEST**

A request to approve an amendment to the Cottonwoods Development Agreement (“DA”) and the Cottonwoods PUD Overlay District (“PUD”) to remove specific properties from the land area governed by the DA, thereby reverting those properties to parcels within the unincorporated county; and to add additional land from adjoining parcels into the Cottonwoods Development to offset the reduction.

### **ATTORNEY GUIDANCE**

#### **Legislative Review:**

The Planning Commission is tasked with advising and recommending to the County Commission whether the proposed zoning change is consistent with Morgan County Code requirements for zoning applications. The Planning Commission is further tasked with advising and making its recommendations based on whether the application conforms to Utah State law. In that regard, while previously the County Commission had broad discretion in either approving or denying a legislative decision (the standard being whether the zoning ordinance could promote the general welfare; or even if it is reasonably debatable that it is in the interest of the general welfare), it appears to have been narrowed by recent changes to § 17-27a-801(3).

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- (ii) promote the prosperity;
- (iii) improve the morals, peace, good order, comfort, convenience, and aesthetics of each county and each county’s present and future inhabitants and businesses;
- (iv) protect the tax base;
- (v) secure economy in governmental expenditures;
- (vi) foster the state’s agricultural and other industries;
- (vii) protect both urban and nonurban development;
- (viii) protect and ensure access to sunlight for solar energy devices;
- (ix) provide fundamental fairness in land use regulation;
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(b) Subject to Subsection (4) and Section 11-41-103, to accomplish the purposes of this chapter, a county may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that the county considers necessary or appropriate for the use and development of land within the unincorporated area of the county or a designated mountainous planning district, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing:

- (i) uses;
- (ii) density;
- (iii) open spaces;
- (iv) structures;
- (v) buildings;
- (vi) energy-efficiency;
- (vii) light and air;
- (viii) air quality;
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- (xiv) *considerations of surrounding land uses to balance the foregoing purposes with a landowner’s private property interests and associated statutory and constitutional protections.*

Utah Code Ann. § 17-27a-102. While the County Commission still appears to have broad discretion, I would caution that Utah Code Ann. § 17-27a-102 (1)(b)(xiv) causes concern for legal actions if the Commission fails to support its decisions with the above purposes and standards.

**Specific Legal Guidance For This Application:** The original Development Agreement was entered into between the County and the developer. The fee owners of the subject property did not execute the Development Agreement, and County Legal has not identified any separate recorded or written instrument affirming the property owners' agreement to be bound by its terms.

At the time the Development Agreement was approved, the property was subject to a phased purchase agreement under which the developer had the option to acquire portions of the property over time. Not all phases were ultimately purchased by the developer. As a result, there are legal concerns regarding whether the owners of the portions of the property not acquired by the developer can be bound by the Development Agreement.

However, the entirety of the property was subsequently rezoned into the Cottonwoods PRUD. That rezoning was a legislative action of the County, adopted following public notice and hearing, during which affected property owners had an opportunity to object or otherwise participate. Accordingly, it is likely that the property is legally subject to the Cottonwoods PRUD ordinance, regardless of whether it is bound by the Development Agreement.

In summary, the Development Agreement is not legally binding on this property; however, the applicable zoning ordinance is. The more appropriate procedure at the time would have been to obtain the property owners' signatures on the Development Agreement or to record a separate instrument expressly binding their property to its terms.

The developer and the original property owners were also involved in separate litigation. The County was not a party to that litigation and takes no legal position regarding those matters. County Legal has not evaluated any potential issues arising from that litigation, as they do not affect the County's legal obligations.

## **SUMMARY**

Staff received an application proposing the removal of specific parcels of land from the Cottonwoods Master Plan. This legislative action is associated with an amendment to the Cottonwoods DA and PUD. The affected parcels were originally included in Phase 9 of the Cottonwoods Master Plan (see Exhibit "C" or "D"). Staff has reviewed the application and the proposed changes. The applicant's request seeks to withdraw these parcels from the development agreement and PUD ordinance and revert them to the underlying agricultural zoning provisions, consistent with the County's objectives for land use and management.

Staff wishes to provide the following parcel data to clarify the properties included in this proposal. Approximately 701.40 acres are indicated by the applicant as being affected by this request. One parcel, with the applicable parcel number ending in 2927, appears to be split on the zoning map but is a single parcel with one legal description. For clarity, staff will refer to the "upper portion" and "lower portion" of the parcel in the table below. See the table below for parcel numbers, serial numbers, and total parcel acreage; however, only portions of each parcel are included in the proposed land swap:

Parcel Number	Serial Number	Total Acreage
00-0088-2927	03-005-133-01-2-1 (Upper Portion)	10.73 ac
00-0088-2927	03-005-133-01-2-1 (Lower Portion)	156.45 ac
00-0083-5583	03-005-133-01-3	27.02 ac
00-0065-7539	03-005-106	422.40 ac
00-0002-7282	01-005-106	240.00 ac
00-0092-3775	07-005-106-02	39.00 ac
00-0086-3046	03-005-108-14-2-1	52.76 ac
00-0086-2622	03-005-108-14-1	61.91 ac

The applicant submitted the following narrative as a letter to the Morgan County Planning & Development Services office:

*“Together, the owners of the parcels in Phase 6 and 9 of the Cottonwoods Development Zone are requesting changes to the Cottonwoods Development Agreement in the form of Amendment #3.*

*In 2006 when the Development Agreement was signed with the County it encumbered land with the developer’s vision for the entire property. The problem is the developer never exercised an option to purchase all the property, so our property was encumbered but never paid for. This stripped all building options from the Mark Wilkinson Family Trust property in Phase 9 and created a requirement to build an equestrian center on Phase 6 which is no longer possible due to the construction of Northside Creek Ski Lake.*

*In 2023, Mark’s Trust formally approached Morgan County about withdrawing from the Development Agreement Zone. As a standalone request, this was difficult because it threw off the maximum density calculation on the 1036-acre rezone area. In 2021 Morgan County Cottonwoods approached Morgan County about some development on the fringe of their property abutting the Cottonwoods. They obtained a change to the future land use plan (Ref. 21.037) to allow R1 density on 23 acres as part of a future rezone zone. It was not known how this would blend into the Cottonwood area infrastructure, so the rezone was not completed.*

*The solution evolved to remove the Mark Family Trust land from the Development Agreement area and replace it with an equivalent ~193 acres belonging to Morgan County Cottonwoods. This keeps the Development Agreement area and dwelling density almost the same as the original. The property removed will revert to the A-20 zone.*

*The new concept plan for Phase 6 and 9 (including the revised area) provides for a maximum of 253 dwelling units on the 434 acres affected by Amendment #3. Proposed dwelling unit density per acre is .58 as opposed to the total average density for the entire Cottonwoods which is .85. We are committing to provide over 4 miles of community trails, 2 community parks and preserving a minimum of 260 acres as perpetual open space. Our open space equates to ~60% by area vs. the 40% required in the original development agreement.*

*We hope that the Council and Community will embrace Amendment #3 and see that it solves several problems while keeping Mountain Green a desirable place to live for all.”*

## **ANALYSIS**

At the time the original staff report was presented to the Planning Commission in 2024, staff did not recommend approval of the applicant's request to remove specific parcels from the Cottonwoods Development Agreement. The proposed removal of acreage that was originally included in the open space calculations raised concerns regarding the integrity of the development's open space framework while also limiting the applicant's ability to utilize the property in a manner consistent with its zoning. The revised request proposes a reconfiguration of lands within the DA and PUD Overlay District rather than a net reduction in acreage, thereby addressing these concerns by maintaining the overall open space balance while allowing for a more appropriate allocation of uses.

As revised, the proposal aligns with sound planning principles by preserving long-term agricultural use and low-density residential patterns through an amended conceptual layout. If the Commission finds merit in the applicant's request, the following findings may be considered:

### **Findings:**

1. *That the proposal is not detrimental to the health, safety, and welfare of the public.*
2. *That the proposal aligns with the County's long-term vision for agricultural preservation and responsible land management.*
3. *That the proposed amendment allows the property to be used in a manner consistent with its zoning designation through a mutually acceptable reconfiguration of land within the Development Agreement.*
4. *That the proposal maintains the overall integrity of the Cottonwoods Development Agreement by preserving open space objectives while allowing for an appropriate allocation of land uses.*
5. *That the affected land added to the Development Agreement and PUD would allow for a 1-to-1 exchange to maintain the open space area.*

## **PUBLIC NOTICE, MEETINGS, COMMENTS**

- ✓ Public Notice was submitted to the State of Utah Public Notice website on December 29, 2025; a minimum of 10 days prior to the scheduled meeting. (Morgan County Code § 155.032 (C)).
- ✓ A Public Notice was posted at the County on December 29, 2025.
- ✓ Notices to property owners within 1000' feet of the proposed use were mailed a Public Notice on December 29, 2025.
- ✓ A sign was posted on the site on December 29, 2025.

## **SAMPLE MOTION**

Motion for a *Positive* Recommendation – “I move we recommend approval to the County Commission for an amendment to the Cottonwoods Development Agreement and PUD Overlay District to reconfigure certain parcels within the development, as outlined in the staff report, based on the text listed in Exhibit A of the staff report dated January 8, 2026.”

Motion for a *Positive* Recommendation with *additional changes* – “I move we recommend approval to the County Commission for an amendment to the Cottonwoods Development Agreement and PUD Overlay District to reconfigure certain parcels within the development, as outlined in the staff report, based on the text listed in Exhibit A of the staff report dated January 8, 2026, with the following corrections:”

1. List any corrections...

Motion for a *Negative* Recommendation – “I move we recommend denial to the County Commission for an amendment to the Cottonwoods Development Agreement and PUD Overlay District to reconfigure certain parcels within the development, *due to the following findings:*”

1. List any additional findings...

## **Supporting Information**

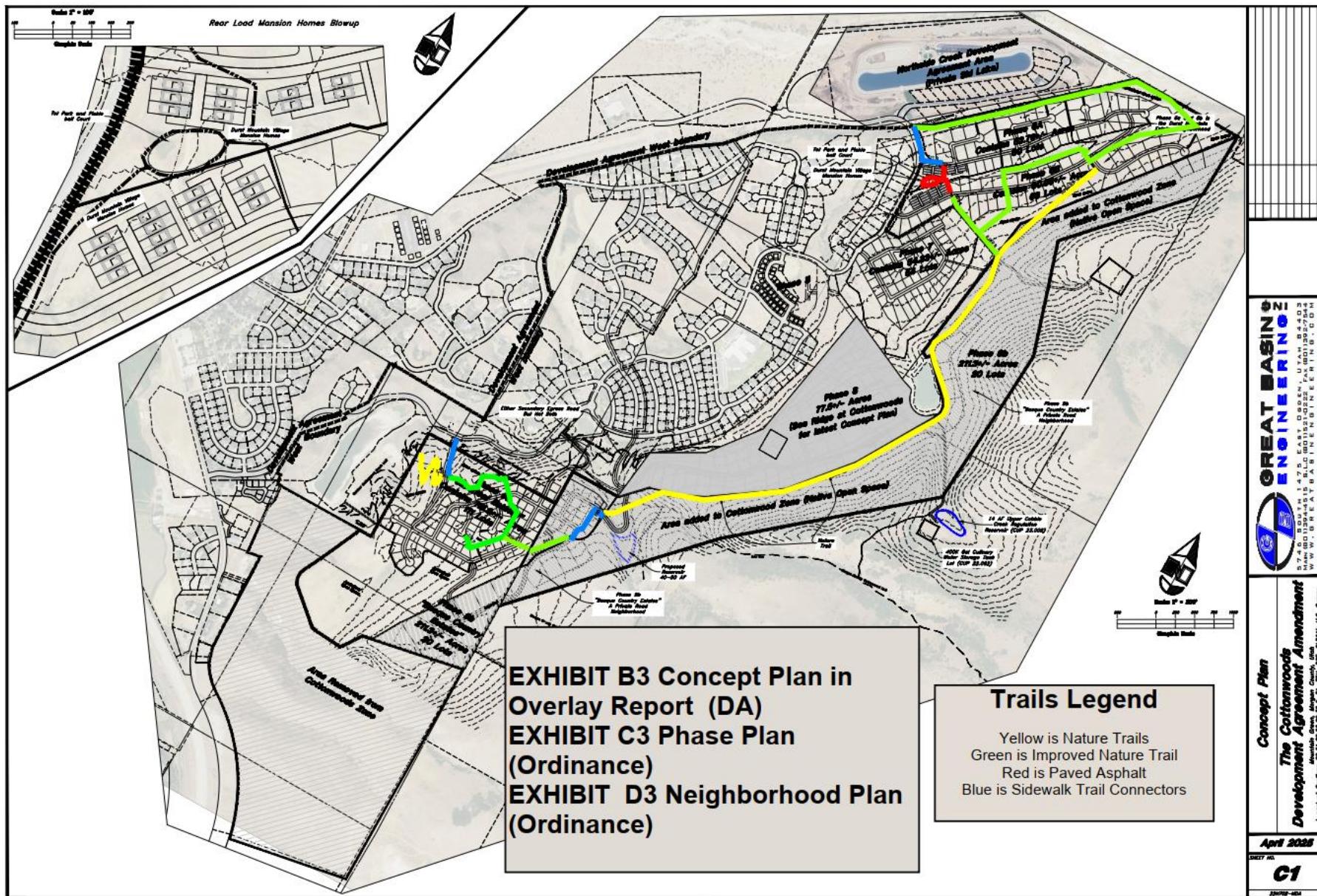
- Exhibit A: Vicinity Map
- Exhibit B: Proposed Concept Plan
- Exhibit C: Exact Parcels To Be Traded
- Exhibit D: Cottonwoods Development Agreement Phasing - Neighborhood plans
- Exhibit E: Original Cottonwoods Master Plan
- Exhibit F: Legal Descriptions
- Exhibit G: Application
- Exhibit H: Proposed Amendment
- Exhibit I: Proposed PUD Amendment

## Exhibit A: Vicinity Map



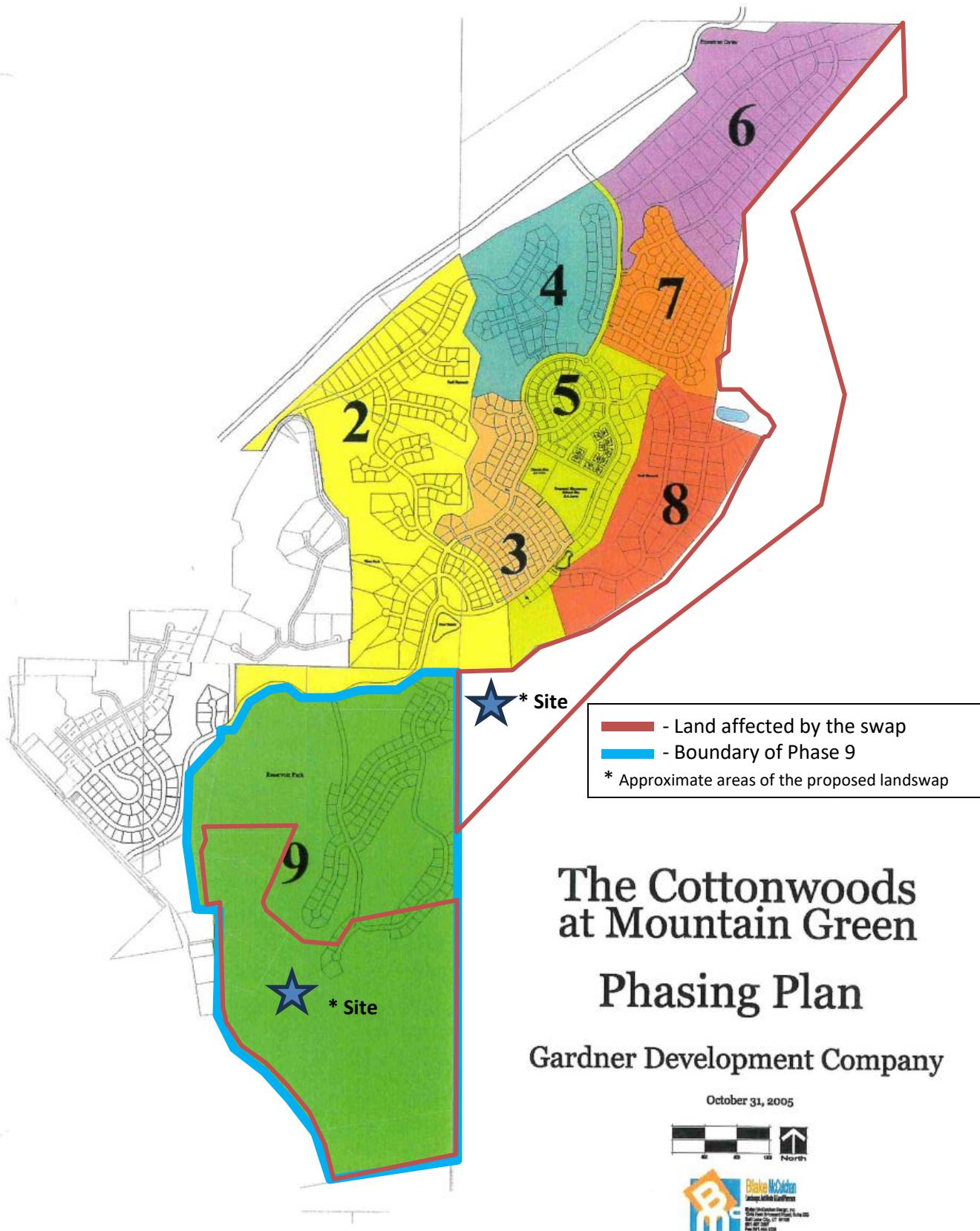
## **Exhibit B: Proposed Concept Plan**

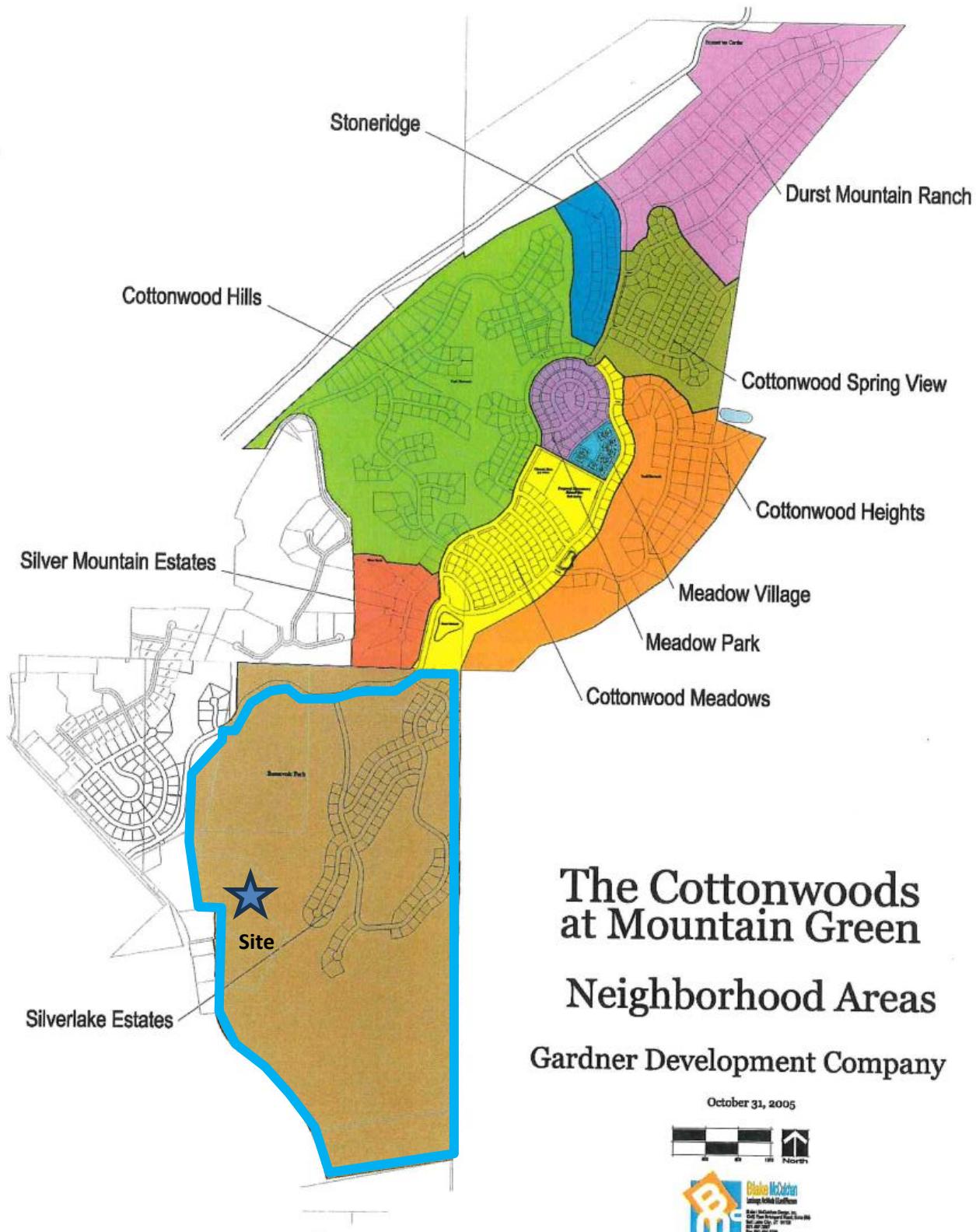
[Click here to view a full-size .pdf version](#)





## Exhibit D: Cottonwoods Development Agreement Phasing - Neighborhood plans





## The Cottonwoods at Mountain Green

### Neighborhood Areas

Gardner Development Company

October 31, 2005



## Exhibit E: Original Cottonwoods Master Plan



# A Master Plan Unlike Any Other

The Cottonwoods at Mountain Green is much more than a mortar-and-bricks development—it's a close-knit community specifically designed to complement and enhance the natural landmarks and rural lifestyle of Morgan County. No other planned community is as green and open and unique as ours; in fact, we invite you to research other communities and compare.

### Our one-of-a-kind master plan includes:

- Over 600 acres of open spaces and neighborhood parks (more than 50% of the total area)
- Extensive network of walking & nature trails
- Sites for an elementary school and church
- Silver Lake Reservoir
- Community center
- Equestrian center



Image Source: [cottonwoods\\_masterplan.pdf \(cottonwoodsmg.com\)](http://cottonwoods_masterplan.pdf (cottonwoodsmg.com))

## Exhibit F: Legal Descriptions

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### SWAP AREA 1 DESCRIPTION

A Part of the South Half of Section 30 and the North Half of Section 31, Township 5 North Range 2 East, Salt Lake Base and Meridian, U.S. Survey.

Beginning at a point being 546.20 feet North  $0^{\circ}45'15''$  West and 543.68 feet South  $89^{\circ}14'45''$  West from the North Quarter corner of Section 31; and thence North  $89^{\circ}53'37''$  East 1,161.63 feet; thence South  $16^{\circ}01'17''$  West 49.76 feet; thence South  $24^{\circ}32'28''$  West 390.74 feet; thence South  $25^{\circ}27'26''$  West 174.54 feet; thence South  $25^{\circ}50'47''$  West 92.22 feet; thence South  $28^{\circ}41'33''$  West 145.14 feet; thence South  $23^{\circ}45'41''$  West 44.59 feet; thence South  $18^{\circ}54'12''$  West 32.04 feet; thence South  $11^{\circ}37'04''$  West 40.55 feet; thence South  $7^{\circ}02'59''$  East 48.79 feet; thence South  $14^{\circ}19'50''$  East 26.39 feet; thence South  $22^{\circ}45'45''$  East 36.58 feet; thence South  $33^{\circ}42'15''$  East 19.62 feet; thence South  $48^{\circ}48'19''$  East 289.88 feet; thence South  $49^{\circ}14'36''$  East 274.99 feet; thence South  $57^{\circ}19'21''$  East 43.07 feet; thence South  $76^{\circ}48'59''$  East 35.56 feet; thence South  $85^{\circ}42'55''$  East 391.04 feet; thence North  $34^{\circ}18'05''$  East 321.10 feet; thence North  $78^{\circ}54'39''$  East 1,369.00 feet; thence South  $0^{\circ}01'59''$  East 3,101.78 feet; thence South  $79^{\circ}44'59''$  West 1,582.50 feet to a point on a non-tangent curve to the left having a radius of 2,509.62 feet; thence along said arc a distance of 1,825.62 feet, Central Angle equals  $41^{\circ}40'47''$  and Long Chord bears North  $33^{\circ}16'11''$  West 1,785.63 feet to a point of non-tangency; thence North  $54^{\circ}50'00''$  West 127.98 feet to a point on a non-tangent curve to the right having a radius of 774.45 feet; thence along said arc a distance of 386.56 feet, Central Angle equals  $28^{\circ}35'54''$  and Long Chord bears North  $42^{\circ}33'20''$  West 382.56 feet to a point of non-tangency; thence North  $16^{\circ}17'39''$  West 215.84 feet; thence North  $1^{\circ}38'23''$  West 403.39 feet; thence North  $1^{\circ}39'58''$  East 166.14 feet; thence North  $4^{\circ}10'05''$  West 161.68 feet; thence North  $1^{\circ}19'18''$  West 166.31 feet; thence North  $1^{\circ}12'34''$  West 32.26 feet; thence North  $1^{\circ}12'39''$  West 26.52 feet; thence North  $1^{\circ}35'19''$  West 130.33 feet; thence North  $1^{\circ}38'00''$  West 222.82 feet; thence South  $80^{\circ}02'00''$  West 176.19 feet; thence North  $5^{\circ}19'06''$  West 664.03 feet; thence North  $84^{\circ}34'16''$  East 3.21 feet; thence North  $47^{\circ}28'54''$  East 1.37 feet; thence North  $31^{\circ}50'46''$  East 95.87 feet; thence North  $6^{\circ}32'08''$  West 193.54 feet to a Point of beginning.

Containing 193.57 acres, more or less.

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### SWAP AREA 2 DESCRIPTION

A part of Sections 20 and 29, Township 5 North, Range 2 East, Salt Lake Base and Meridian,

Beginning at the Northeast corner of Section 20 and running thence S  $1^{\circ}34'42''$  West 869.34 feet; thence South  $42^{\circ}52'45''$  West 1959.69 feet; thence South  $15^{\circ}02'28''$  East 2403.33; thence South  $13^{\circ}18'06''$  West 1328.76 feet; thence South  $50^{\circ}04'31''$  West 2907.21 feet; thence South  $43^{\circ}40'48''$  West 2993.47 feet; thence North  $0^{\circ}25'51''$  West 1980.48 feet along the West section line of the Southwest quarter of section 29; thence North  $89^{\circ}48'37''$  East 662.07 feet; thence North  $44^{\circ}03'05''$  East 432.99 feet; thence North  $73^{\circ}16'19''$  East 389.19 feet; thence North  $65^{\circ}25'53''$  East 323.32 feet; thence North  $55^{\circ}27'22''$  East 917.25 feet; thence North  $55^{\circ}27'22''$  East 133.59 feet; thence North  $39^{\circ}58'02''$  East 969.95 feet; thence North  $30^{\circ}40'10''$  East 1174.93 feet; thence North  $35^{\circ}50'32''$  East 82.35 feet; thence North  $0^{\circ}41'26''$  West 115.51 feet; thence North  $33^{\circ}42'00''$  West 75.27 feet; thence North  $42^{\circ}31'16''$  West 67.97 feet; thence North  $59^{\circ}18'35''$  West 103.61 feet; thence North  $43^{\circ}18'24''$  West 430.27 feet; thence South  $42^{\circ}31'16''$  West 67.97 feet; thence North  $62^{\circ}32'04''$  West 80.58 feet; thence North  $8^{\circ}00'06''$  East 2079.33 feet; thence North  $38^{\circ}43'29''$  East 3015.59 feet to the point of beginning.

Containing 193.57 acres, more or less.

## Exhibit G: Original Development Agreement

When Recorded, Please Return to:

Morgan County  
Attention: County Attorney  
48 West Young Street  
Morgan, Utah 84050

Est. 104097 B. 234 P. 323  
Date: 18-AUG-2006 1:44PM  
Fee: \$48.00 Check  
Filed By: AKT  
BRENDA NELSON, Recorder  
MORGAN COUNTY  
For: GARDNER COTTONWOOD CREEK L C

DEVELOPMENT AGREEMENT  
FOR THE COTTONWOODS AT MOUNTAIN GREEN,  
MORGAN COUNTY, UTAH

**THIS DEVELOPMENT AGREEMENT FOR THE COTTONWOODS AT MOUNTAIN GREEN, MORGAN COUNTY, UTAH** (this "Agreement") is entered into as of this 9<sup>th</sup> day of August, 2006, by and between GARDNER COTTONWOOD CREEK, L.C., a Utah limited liability company ("Developer"), and MORGAN COUNTY, a political subdivision of the State of Utah, by and through its County Council (the "County").

**RECITALS:**

A. Developer owns or has the contractual right to acquire approximately 1,036.08 acres of land located in Morgan County, Utah, commonly known as The Wilkinson Dry Farm and more particularly described on Exhibit "A" attached hereto and made a part hereof (the "Property"), on which Developer has proposed the development of a master planned community in accordance with the site plan shown in Section 3 of the Overlay Report (defined below) (the "Site Plan") and more particularly known as the Cottonwoods at Mountain Green.

B. Pursuant to a duly noticed public hearing on June 17, 2004, the County's Planning Commission voted to recommend to the County Council that the Property be rezoned from A-20 and MU-160 to RR-1 and RR-5.

C. Pursuant to a duly noticed public hearing on July 20, 2004, the County Council considered and adopted the recommendation of the County's Planning Commission and the Property was rezoned from A-20 and MU-160 to RR-1 and RR-5 (the "Zone Change").

D. Pursuant to the County's Ordinance Nos. CO-06-16 (the "Overlay Ordinance") the Developer submitted to the County, and after appropriate public hearings the County conditionally approved the proposed PUD Overlay Zone Change for "The Cottonwoods at Mountain Green", dated July 5, 2005 (the "Cottonwoods Concept Plan"), which Cottonwoods Concept Plan constitutes a PUD overlay zone amendment.

E. The Overlay Ordinance requires that Developer and County negotiate and adopt a development agreement which advances the policies, goals and objectives of the Morgan County

## **Exhibit H: Proposed Development Agreement Amendment**

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Morgan County  
Attention: Morgan County Attorney  
48 West Young Street  
Morgan Utah 84050

### **AMENDMENT #3 TO DEVELOPMENT AGREEMENT FOR THE COTTONWOODS AT MOUNTAIN GREEN, MORGAN COUNTY, UTAH**

THIS AMMENDMENT TO DEVELOPMENT AGREEMENT (this "Amendment") is entered into as of this \_\_\_\_\_ day of \_\_\_\_\_, 2025 by and between TURKEY FLATS LLC A Utah limited company, MOUNTAIN GREEN INVESTMENTS LP a Utah limited company, MAX WILKINSON an individual, and MORGAN COUNTY COTTONWOODS LLC a Utah limited Company ("Developer"), and MORGAN COUNTY, a political subdivision of the State of Utah, by and through County Council (the "County").

#### **RECITALS**

- 1) On October 12, 2004 Gardner Cottonwood Creek recorded "Declaration of Covenants, restrictions, and Easements for the Cottonwoods at Mountain Green"
- 2) On August 9, 2006, Developer and County entered into that certain Development Agreement for the Cottonwoods at Mountain Green, Morgan County, Utah (the "Development Agreement"), which Development Agreement was recorded in the office of the Morgan County Recorder on August 18, 2006 as Entry No. 104097 in Book 234 at Page 323. Capitalized terms used, but not otherwise defined herein, shall have their meanings set forth in the Development Agreement.
- 3) On August 21 2006 Ordinance No. CO6-16 was recorded "An ordinance of Morgan County Amending the Morgan County Land Use Management Code and Zoning Map and establishing an effective date" was recorded.
- 4) Gardner Cottonwood Creek LLC and their affiliates have completed or are completing Phases 1-4, 5 and 7 of the Development Agreement Area.
- 5) Phases 6, 8 and 9 has not been through preliminary plat review.
- 6) On April 30, 2015 Wilkinson Family Farms LLC and Gardner Cottonwood Creek LLC entered into a "Settlement Agreement" in which Paragraph 5 outlines "The Future Development of Acquired Phases and the Remaining Property" and 5b which outlines the "Assignment of the Development Agreement".
- 7) The Settlement Agreement referenced in (6) recognizes that Gardner Development did not purchase the "Remaining Property"
- 8) Wilkinson Family Farms LLC never signed the 2004 declaration or the 2006 Development Agreement.
- 9) The Mark and Sheila Wilkinson Family Trust, Turkey Flats LLC, Mountain Green Investments LP, and Max and Shauna Wilkinson Family Trust are successors to Wilkinson

**Exhibit I: Proposed PUD Amendment**

**ORDINANCE NO. CO-06-16**

AN ORDINANCE OF MORGAN COUNTY AMENDING THE MORGAN COUNTY LAND USE MANAGEMENT CODE AND ZONING MAP AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Morgan County Desires to amend its Land Use Management Code with respect to the regulations relating to the establishment of the Cottonwoods PUD Overlay Zone: and

WHEREAS, Morgan County desires to amend its Zoning Map with respect to the regulations relating to the establishment of the Cottonwood PUD Overlay Zone; and

WHEREAS, the Morgan County Planning Commission has reviewed said Land Use Management Code & Map Amendments and held a duly noticed public hearing on said amendments on **January, 8<sup>th</sup> 2036; and**

WHEREAS, the Morgan County Planning Commission has made a favorable recommendation to the County Council with respect to said Land Use Management Code & Map amendments at a duly noticed meeting held on **MONTH, xx 2025: and**

WHEREAS, the Morgan County Council has reviewed said Land Use Management Code & Map amendments and held a duly noticed public hearings on said amendments on **MONTH XX, 2025 held on MONTH, xx; and**

WHEREAS, the Morgan County Council has made findings that the proposed amendments are in accord with the comprehensive general plan, goals and policies of the county and that changed or changing conditions make the proposed amendments reasonably necessary to carry out the purposes stated in the Land Use Management Code.

NOW THEREFORE, be it ordained by the Morgan County Council that the Morgan County Land Use Management Code and Land Use Zoning Map be amended as follows:



PLANNING COMMISSION Minutes  
Thursday, December 11<sup>th</sup>, 2025  
Morgan County Commission Room  
6:30 p.m.

Minutes of the Morgan County Planning Commission meeting at the above time and date at the Morgan County Courthouse, Commission Chambers; 48 West Young Street, Morgan, Utah.

**Present PC Members:**

Member Sessions  
Member Maloney  
Member Watt  
Member Wilson  
Member McMillian

**Absent PC Members**

Member Telford  
Member King

**Public Attendance:**

Tina Kelley  
Martin Quinlan  
Terri Watt  
Cameron Porter  
Milton L Viernow  
Jeff Mathews  
Scott Jensen  
Vivian Nance  
Russell Nance  
Ernie Durrant  
Jason Rudd  
Aubrin Jones  
Chanelle Jones  
Jeff Holden  
Cody Cardwell  
Simone Rousseau  
Mark Work  
Mardell & Melissa Nelson  
Andrew McCain  
Jennie Barton  
Chad Dean  
Parker Bauer  
Liz Donaldson  
JoAnn Arnold  
William Arnold  
Jessica Leigh  
George Newton  
Kate Becker  
Annette Lee  
Coby Nielson  
Rachel Nielson  
Shawna Smith  
Skyler Larsen  
Steve Gale  
Kat Pentz  
Katie Tilby  
Zane Grey  
Robert Schfield  
Daryl Ballartyne  
Monica Ballartyne

Dan Folett  
William Mickley  
Travis Dutson  
Nathan Dutson  
Dennis Shea Jackson  
Greg Roman  
Jillian Turner  
Kaye Rhoades  
Jeremy Morley  
Kristina Morley  
Brody Mecham  
Ryan Nye

**Staff:**

Deputy County Attorney – Janet Christopherson  
Jeremy Lance -Planner I  
Chris Tremea – Code Compliance Officer  
Jessie Drage, Transcriptionist/Permit Tech

- 1. Call to order – Prayer by Member Watt**
- 2. Pledge of Allegiance**
- 3. Approval of agenda**

*Member Sessions moves to approve the agenda for Thursday December 11<sup>th</sup> 2025. Motion is seconded by Member Watt. All unanimous, motion carries.*

**4. Declaration of Conflicts of Interest** – Member Watt notes that he has no conflict of interest but does mention that he runs a company that pertains to the business of #9.

**5. Public Comment** - Member Maloney mentions that the Rezone on item #9 will have it's own public hearing. She encourages the audience that if you are here for agenda items 6, 7 or 8 you can come forward now and state your name for the record. No comment.

**Administrative**

**6. Public Meeting**– *Ponderosa Subdivision Preliminary Plat*: A request for preliminary plat approval of a subdivision of 24 lots, which is identified by parcel numbers 00-0083-4593, 00-0083-4595, and 00-0063-3521 and serial numbers 03-POND1-0101, 03-POND1-0103, 03-005-029, and is approximately located at 6113 N Hidden Valley Rd in unincorporated Morgan County.

**Planner Lance** introduces the Ponderosa Subdivision preliminary amendment plat as a subdivision of 24 lots, which is identified by parcel numbers 00-0083-4593, 00-0083-4595, and 00-0063-3521 and serial numbers 03-POND1-0101, 03-POND1-0103, 03-005-029, and is approximately located at 6113 N Hidden Valley Rd in unincorporated Morgan County. The staff requests that the item not be continued at this time as the applicant is attempting to bring forth a proposal that meets all of our requirements. Member Lance states that we will re-notice when the applicant is ready. No motion needed.

**Janet Christopherson** clarifies that no motion is needed to re-notice the item.

**Member Lance** then spends a moment going over the difference between administrative and legislative items and how they are approved or denied.

**7. Public Meeting/Discussion/Decision** – *LDS MTN. Green Cottonwood Canyon Road Subdivision - First Amended*: A request for a lot line adjustment to lot 4 of the LDS MTN. Green Cottonwood

Canyon Road Subdivision, which is identified by parcel number 00-0084-0774 and serial number 03-LDSMG-0004 and is located at 4210 West Cottonwood Canyon Road in unincorporated Morgan County.

**Planner Lance** introduces the project as the *LDS MTN. Green Cottonwood Canyon Road Subdivision - First Amended*: A request for a lot line adjustment to lot 4 of the LDS MTN. Green Cottonwood Canyon Road Subdivision, which is identified by parcel number 00-0084-0774 and serial number 03-LDSMG-0004 and is located at 4210 West Cottonwood Canyon Road in unincorporated Morgan County. He states that the applicant is Samuel Perry McConkie and is from Perry McConkie law firm and is a representative of the LDS Church. He explains how the lot line will be adjusted and the impact it will have. He states that staff has reviewed the application and bring forward a recommendation for approval.

**Member Sessions** mentions that this is not actually a lot line adjustment, it is more of a boundary line adjustment because it changes the boundary of the subdivision and requests that we speak of it as such.

**Planner Lance** agrees with Member Sessions.

*Member Sessions moves that we recommend approval first amended application 24.067 the LDS MTN. Green Cottonwood Canyon Road Subdivision - First Amended: A request for a boundary line adjustment to lot 4 of the LDS MTN. Green Cottonwood Canyon Road Subdivision, which is identified by parcel number 00-0084-0774 and serial number 03-LDSMG-0004 and is located at 4210 West Cottonwood Canyon Road in unincorporated Morgan County. allowing for a boundary line adjustment located at 4210 cottonwood canyon road based on the findings and the conditions listed in the staff report dates today. Motion is seconded by Member Watt. All in favor, motion carries unanimous.*

8. **Public Meeting/Discussion/Decision – Cottonwood Spring View, P.U.D. Third Plat Amendment:** A request for a lot line adjustment to lots 710 and 711 of the Cottonwood Spring View, A P.U.D. Subdivision, which is identified by parcel numbers 00-0089-1016 & 00-0089-1017 and serial numbers 03-COSPR-0710 & 03-COSPR-0711, and is located at 6348 & 6358 S Wasatch back Drive in unincorporated Morgan County.

**Planner Lance** introduces application for applicant and owner of both lots, Jeff Holden, who is in the audience tonight. States the address of both locations 6348 & 6358 S Wasatch back Drive in unincorporated Morgan County. Current zoning is Rural Residential and is governed by Cottonwood Development Agreement and Cottonwood Spring View APUD plat. The request is for a boundary line adjustment for lot 710 and 711 of a forementioned subdivision. The proposal includes an enlargement to one of the lots and a decrease of the other. Lot 711 would increase from 0.59 acres and gain .32 acres to be 0.91 acres total and lot 710 would decrease from 0.64 to 0.32 acres. Staff looked at the governing document being the PUD plat. It doesn't say that there is a minimum lot size. The smallest lot found in that subdivision the smallest lot is 0.32 acres. Otherwise, the reviewing staff consisting of engineer, surveyor, recorder, fire department and planning staff provide a recommendation of approval tonight. The staff are happy to answer any questions.

**Member McMillian** to clarify, the current smallest lot is 0.32 and this would make this lot the same size.

**Member Maloney** offers to the applicant to come forward to speak and applicant denies.

*Member Wilson moves to recommend approval of the Cottonwood Spring View, P.U.D. Third Plat Amendment #25.028, allowing for a lot line adjustment to lots 710 & 711 of the Cottonwood Spring View, A P.U.D. Subdivision, which is identified by parcel numbers 00-0089-1016 & 00-0089-1017 and serial numbers 03-COSPR-0710 & 03-COSPR-0711, and is located at 6348 & 6358 S Wasatch back Drive in unincorporated Morgan County. Based on the findings and conditions listed in the staff report dated December 11<sup>th</sup> 2025. Member McMillan seconds. All in favor, motion carries*

*unanimously.*

## Legislative

9. **Public Hearing/Discussion/Decision – Morgan County Rezone:** Request to rezone property from Multiple Use (MU-160) to Residential (R1-20), and reflect that change on the Future Land Use Map from Natural Resources and Recreation to Village Low Density Residential. The property is identified by parcel number 00-0001-9024 and serial number 01-004-386-NA1 and is approximately located at 870 E Mahogany Ridge Road in unincorporated Morgan County.

**Planner Lance** introduces the applicant, the administrative manager of Morgan County, Kate Becker, for the Morgan County rezone project. The lot is 29.48 acres in size and the current zoning is multiple use at MU-160 with the county general plan and applicable future land use map showing this area to be natural resources and recreations. The request is to rezone this from MU-160 to residential R1-20 and to reflect that change on the future land use map to village low density designation on the future land use map. When staff receives an application like this we look at merits of the proposal. That being said, this is a 160 acre minimum zoning and the acreage of this lot is non-conforming in size at this time. We look at the request to rezone to R1-20, 20,000 square foot minimum zone which roughly equals to 0.46 acres per lot which doesn't include high density townhomes but does include low density single family homes in the future. Good planning practice does include buffering which currently has the property sandwiched between the city's high density zoning surrounding the multiple use zoning all around the property to the north east. If the commission does find merit in the rezone the conditions listed in the staff report lead as follows. 1. That the amendment is appropriate given adjacency to higher density city zoning existing infrastructure and low density character of the proposed R1-20 zoning. 2. Rezone is unlikely to adversely impact surrounding property man of which are 0.3 acres or smaller 3. That the amendment supports orderly land use pattern 4. Harmony with existing land uses in that area

**Member Maloney** offers the floor to applicant Kate Becker to give some context.

**Kate Becker**, County Administrative Manager, introduces herself and provides an update on the county rifle range. She explains that due to city zoning and ongoing urban sprawl, high-density development has expanded directly adjacent to the range. Safety concerns have required the county to construct berms and temporarily shut down the range multiple times, including due to livestock grazing behind the range. As a result, the county fully intends to relocate the rifle range.

Ms. Becker notes that rezoning the current property would increase its value and allow the county to generate sufficient funds to purchase a new range site located away from urban development. The rifle range operates under a restricted fund, meaning all user fees and any proceeds from the sale of the current property will remain within the rifle range fund and be used solely to acquire and develop a new facility.

She confirms that environmental remediation, including addressing lead contamination, will be required prior to sale. While a land swap would be ideal, strong developer interest makes a sale more likely, as the current zoning would not generate adequate funds to replace the range.

Ms. Becker emphasizes that the county has recently partnered with the 4-H Extension to establish a rifle range club and stated clearly that there is no intention to eliminate the rifle range. The relocation is necessary solely due to urban encroachment, not a desire to discontinue shooting sports.

**Member Maloney** do you have a timeline?

**Kate Becker** No, I have to get the lot rezoned before I can get it appraised. Probably a year or two? But nowhere less than a year is our intent. We are not getting rid of the search and rescue building. I have a grant paid for that and in front or behind that building is where we keep all our emergency equipment. We are not getting rid of that building. We just need to move the range itself before someone gets shot or a sheep gets shot.

**Member Sessions** are there plans to accommodate the long-range shooting?

**Kate Becker:** YES. That is one of the big purposes, this is 29 acre non-conforming size. We want to be able to have competition shoots and have it be a tourism attraction, obviously with morgan county residents having first right of access. Our end goal is to have a state of the art facility wherever we move it to. We haven't identified a place to move it to I need to know what I can get out of it to know what I can buy.

**Member McMillan** States that many attendees were present for the same concern as himself and explained that he sought additional information to ensure his comments aligned with county interests and complied with the Open Meetings Act. He notes that they had communicated his concerns to a county commissioner, particularly regarding the importance of retaining a shooting range and the challenges associated with the current property, including limited utilities and difficulties in county ownership.

He expresses concern about losing the existing range and asked for clarification on the plan moving forward and the rationale for the proposed actions. He reports that the commissioner explained the intent is to make the current property more attractive to potential buyers in order to generate sufficient funds to purchase and develop a better shooting facility, one that could also accommodate uses such as long range shooting and rodeo team.

He describes this approach was described as reasonable, provided that the county cannot continue using the property as intended forever. He requested that legally clear language be included to ensure that all proceeds from the sale are reinvested exclusively into a comparable or improved shooting range, and that there would be no sale without a defined plan for relocation and replacement and that the intent behind it would be to reinvest those monies, every dollar, into a new rifle range. Overall I think this makes sense to me if we can get better than what we have.

**Janet Christofferson** No, you can make a recommendation for those terms but that is outside the power of the planning commission to require specific language as you suggested.

**Member Maloney** Points out that we are the Planning on the County Commission and we are appointed, not elected. So whatever we decide tonight will then move the legislative item to the County Commission to make an actual decision. And now we will move to a public meeting with the county commission. We are only the planning commission and not the final voice.

**Member Sessions moves to open the public hearing. Second by Member Wilson. Motion carries unanimously.**

**Cameron Porter** lives in the “urban sprawl” and my backyard backs up to the rifle range so very few people who will be affected as much as I will be. I want to dispute a few things. I dislike that we will be at the mercy of everyone’s intent following this meeting. Unless we keep our ear to the ground to the ground for the next 24 months we will miss meetings. We can’t get an evaluation of the property without it being zoned R1-20. Any realtor that has been doing their job for two weeks can pull comps. We need a ballpark figure on what this would make us. I worry that we are downgrading on acreage. I disagree that it is cheaper to build a new one and do lead mitigation than it would be to simply mitigate safety concerns on current property. We can find other ways to mitigate. I’ve lived there for a while I haven’t really noticed concerns since exploding targets were prohibited. I can remember very few occasions that I have heard a gunshot that was startling to me. You could prohibit use of large caliber or request silencers on them.

**Mayor of Morgan City** let me give you a proposal, 29.48 would be a huge development in our city for housing. Currently not in our city, we would have to annex that and join in on the infrastructure and currently blow up the area. The city would really enjoy a park. The city could find a way to get a grant and create a park instead. This is badly needed in the area. The other thing is that we don’t have a safe way in the city for the kids to travel safely. We are currently looking at putting in a fish pond by Tractor

Supply which will create interest for kids to go over there with the on and off ramp right there. We are working with UDOT on a study to improve the safety of that zone. I think this would be in the best interest of the city.

**Seth Banebridge** Experience with closing ranges in Colorado.

**Misty Reesey** Lifelong citizen of Morgan. Grazing has always happened behind the rifle range, cattle/sheep, etc. Wants to know why so many homes were approved by the rifle range property in the first place. She states that she is confused about how properties can be built in the floodplain. She has watched homes be approved in places that don't make any sense. The cost is a big concern and the other concern is we are going to have this land purchased and ready before the current rifle range is closed. It feels like most of the time it falls on deaf ears so I asking to take into account the citizens here before it is closed and we lose it.

**Zane Grey** To the question for should this be rezoned the answer is absolutely not. That is a step towards taking other privileges and other rights and available properties away from citizens. Away from the children, the elderly and what they have available to them where almost every square foot is privately owned in this county. If there were an opportunity to say that the number one objective is to maintain a wonderful shooting range with long range that will give our 4H and our children family parties a place to gather and participate in shooting then that should be the number one goal, not looking to sell a piece of land so it brings money to the county or to the city. The number one goal would be to recreate and maintain a firing range and then we have a piece of land we can sell to accomplish that. This should not be rezoned because that opportunity starts to slip out of your fingers. It's like the second amendment where you take little bit of that privilege until it's gone.

**Jeff Mathews** there have been a lot of great comments. The main theme is the order in which this is being done. If the goal is to find a new gun range and take the existing property and redevelop it. Then the proper way is to first locate the alternative. I am a realtor and know that you can hire the appraisal to get an estimated value for now. There is a lot of mistrust in our community based on things that have happened in the past so we don't believe that they will find another property before closing the current range. We can do some things to mitigate the impact of the gun range. The main point is that the request for a rezone is not at the right time we need to explore these issues further.

**Kate Becker** Addresses the County Planning Commission and asks since I know that normally I speak and then the public speaks and I don't get a chance to respond until after public comment is closed, can you make sure I have the opportunity to address public comments now before you close public or that we reopen the public after I respond to the comments?

**Member Maloney** and other members of the commission agree to Kate Becker's request.

**Dennis Jackson** I have lived here for a year. Something that I haven't heard brought up is the impact this might have on the county itself. I've worked with a police department who have a range and one that doesn't have a range. The amount of man hours required to get to a range when you don't have one is astronomical. Coordinating takes a ton of time. To have it here for the sheriff's office to use is one of the best benefits they have for better training to protect us. Not having a plan laid out to see where the range is going to be so that law enforcement officers know they can go from to the other - I feel that would be a much better plan because who knows how long that it is going to take to find a replacement.

**Member Sessions motions to move out of public hearing. Second by Member Watt, motion carries unanimously.**

**Kate Becker** Clarifies to the audience, usually what would happen is that the applicant speaks, then there is public comment and then public comment is closed and the applicant does get a chance to speak again and you don't get a say after. I want you all to have that chance.

We did get an appraisal on the range in current zone it's \$81k per acre. I hear you guys saying that we

don't have a plan. I have to have a checkbook in order to have a plan. We are county and we are not private property. We have been talking about this since May, we have to do it in closed session because if people know what lot we want to buy then it creates a bidding war. That's why we have to have all real estate transactions done in closed session. We have a verbal first right of refusal agreement with the mayor of Morgan City for the sale of this lot. The city built right up the rifle range – if you're wondering why there are houses there, ask your mayor. We know that Morgan City doesn't have and needs a park. Morgan County is 98% private property. Trails have been built by HOA's, we don't have land! When I talked to the city manager, he said that the neighboring parcel above it wants this parcel and is going to do a land swap so it's going to get rezoned if it's annexed anyways because they can serve it with water and electric. When it comes to the idea of buying and identifying land before we do the swap - I can't take tax payer dollars out of general fund to reimburse tax payers for the same property. I need a budget. It's due diligence. We have put so much into this rifle range, cooperative agreements, dirt, high school volunteer projects, boy scouts just built us shooting benches. I have fire issues that the fire warden who is now retired tried to get the commission to shut it down from July to the end of October because of the fire issue. You cannot burn your casings in the burn barrel! So stop doing that it will cause a fire! That is part of the issue. I can't use taxpayer dollars so I have to know what my budget is going to be.

Downgrading of acreage – heck no. This is prime development land, it's got water, it's got sewer, it's got electric, it's already in an urban sprawl area and is already prime to be developed. You can't develop on something more than 6% grade. So, finding land to shoot at might have a grade. As a shooter I don't want to keep restricting. Sheep are still dumb. Rifles have changed, and have more range than they used to. It doesn't make sense to prohibit or suppress. Suppressants are extremely expensive and they mess up your range. We've already limited long range rifles. We shut down exploding targets. The issue with EPA remediation is that we will not move forward until we know what the dollar price is for that remediation. We are not selling we are rezoning to get every penny I can. If we sell to Morgan City I am sorry but I will get every penny I can out of them. At the end of the day, it's going to have to move. The County is not the one that built the high residential up to the property. I know I love the sound of gunshots too, however, there are kids, if we hadn't gotten the donated berm dirt that would have cost us a fortune. We want the rezone to reappraise the property and then do our closed session to negotiate and figure out where we will move it to. The commission would be open to a rifle range committee, which we have never had, to set up how it's going to get moved, what is allowed and not allowed. As a recommendation let's setup a committee made up of our use people. Speaking of that people ask to clean it up and we can't let you --- but it says something great about the people who want to take their free time to clean up. Our number one goal should be to create, absolutely but I can't do that on tax payer dollars. All I do as a county administrative, my job is to be the blunt useful idiot, to be the guy who asks for the rezone. The best way to dissolve mistrust is to request a creation of a board for the rifle range who controls what happens with the property. Thank you for the opportunity to speak again, now please open it back up to public comment.

***Member Watt motions to reopen public hearing. Second by Member Wilson all in favor, approved unanimous.***

**Steve Gail (Mayor)** I just want to clear a few things up. I have never heard a noise complaint. I might be the current mayor, but I wasn't the mayor when that housing went in. Thank you for remembering the verbal agreement that city has first dibs to put a park up there. I do not know if we have infrastructure there and we may not have capacity.

**Skyler Rippse** Regarding the budget, when I went shopping for my first home, I didn't have a checkbook I had estimates. I knew if I spent X amount my payment would be Y. 98% of the land up here is private, but we are going to sell it to get land – I'm hesitant to believe it. I want more questions answered before we rezone this. I feel like we can run off estimates well in advance. Last point, insurance lets us shoot guns but won't let us clean up the place? I am sure there are builders that we could ask for more dirt if needed. We can mitigate for safety concerns if the community came together which I think it would.

**Mike Hyatt** Thanks Kate Becker for your service. Rock and hard spot for sure. Goal should be to get a new range. We can have a plan.

**Question** is it possible to get an appraisal as if it's already rezoned? Let's get that number today.

**Tina Kelley** this was explored in 2007. Cost did not offset what we would have had to pay to mitigate at the time. Not sure if it's true to use restricted funds only – but in the past general fund has been used to maintain the range.

**Ernie Durrant** Pentz shut down the range using sheep before. Landowner had certain rights, stunts happened, and rifle range shut down for 3-4 months. State of Utah can exist in the middle of the houses. You do not have to decide tonight. I don't want a park. I want a rifle range.

**Brody Mecham** Appraisal with hypothetical value would help. Let's do a conditional use permit. Let's rezone with conditions, that once we find the land and meets budget etc. then it will be rezoned. Let's protect the zoning until the conditions are met.

**No Name Stated** Morgan is mostly private. I would keep the rifle range if at all possible, there is not a lot of recreation in Morgan County. You don't have to sell a school to build a new school. Maybe a fundraiser?

**Andrew McCain** Slow this down. There is no reason to make a decision now. Let's wait 50 years. I'll be gone by then.

**Colby Nielson** Praised Kate's work. Concern with development in Morgan County and not a lot of public land. Fear of losing it and not getting it back. I pay a lot in taxes and don't see a lot from it. I love having no worries about using the range anytime and I can enjoy it. I don't want a big facility. Randy Watt knows more than anyone else about gun ranges.

**Cameron Porter** Range has had \$80k in grant money from NRA and other programs. I would like to know where that went because it was promised that the range would remain open to the public and I would like that answered.

**Madame Maloney** seeing no additional public comment.

***Member Sessions to go out of public hearing. Second by Member Watt. Motion carries unanimous.***

**Kate Becker** Noise complaints have happened and that's why there are no more exploding targets. It is in the city's annexation plan already. As far as insurance on cleaning the property, you can't clean it because we clean burn and do not broom sweep and so that is the safety hazard. I have been here since 2024. In 2025 budget we split out the rifle range and the airport accounts so that they have their own funds. Yes, we can use general fund money to support them however, that was not the intent to do so. Your library passed by 1 vote – 1 vote for a bond 20 years ago. No one wants a bond. Taxes are high because of school districts. WPR tax incentive does not work that way. When you pass a tax levy you are passing a dollar amount. You cannot generate above that value. 42 million dollar homes go on tax books so we have to roll the rate back to stay at 5 million dollars. What you're physically paying is going down because we are taxing WPR. The appraisal company is the one that recommended we go through this process with the property. It's not an at-risk purchase so if a developer were to buy this as a R1-20 then it's not a risk to them to purchase this. It is at the appraiser's recommendation that we do this and we are having them spec it out and it would still be an at-risk appraisal and I don't want to spend 5 grand to get an at-risk appraisal. I hear you saying that the current range can exist but it doesn't mean it should. Science is really good at shoulda' not coulda'. We can't help the fact that there are residents all the way up to it. And that the lot above it is trying to develop it which is going to add more restrictions to us. This is an application to change zoning, not to sell. I see how you think they are synonymous, but it is not. If we see what we can get out of it with the rezone and get the EPA numbers back then we are not dipping into that fund. If it costs 5M to clean it and we will get 5M from it then

of course that would not make sense to do. We are working with the Sewer district to add to Kent Smith Park. We are trying to add to the rifle range and it is not the intent of the county to get rid of the range it is the intent of the county to move the rifle range where there is less restrictions and not within an annexation plan of any city.

Can I guarantee that everything will happen synonymous with the sale? No. I am not going to lie to you about that but it is not our intention. Until I know how the cards lie and what money we can get out of the property, then that is what our ask is today, to rezone. For public record, the planning commission makes a recommendation and does not postpone the decision then this will go before the county commission on January 6<sup>th</sup> public hearing again at 6pm.

**Member Watt** Are we open for discussion? Gives military background that he has owned for his whole career. This is how he has made his career. Participating in design of ranges and closure of ranges. He is one of three people who designed Weber County shooting complex when built by the Swanson Foundation. He is a rangemaster at gun site. He managed 27 ranges. He says we are constantly dealing with these things being discussed tonight. He talks about the Former Ogden police range started in 1950s to the 2000s. Due to encroaching homes, he was asked to do a study to evaluate risk levels and process of closing the range. Mitigation of the range was overseen by the EPA. Hazmat team would take on scene readings and would refer to clean up teams to be transported to authorized hazardous materials sites. Range owner is responsible for clean up unless developer agrees to take it on and this is incredibly expensive. Stopping use of the range does not stop the risks, EPA triggers clean up of lead mitigation after a certain timeframe. Changing zoning starts the timeframe for the taxpayers on the hook for a several million-dollar bill. I would not be able to favor this zone change. He suggests we do our homework so we can make educated decisions.

**Member Wilson** asks Member Watt about remediation practices and money expenditures to clean up the range?

**Member Maloney** This is an EPA standards question. Mitigation would be the same whether this was a park or houses is that correct?

**Kate Becker** Probably more if it was a park. The reason I say that is a previous range in Utah used to be a race track and the requirements for remediation for a race track was completely different for houses versus turning it into a park. We would remediate to the best use possible but I think it would have a lot more clean up and fill if it was a park for children.

**Member McMillan** I have another question to Member Watt, in the spirit of being more well-informed what issues would we have for lead run-off with remediation and are we at a risk at this point?

**Member Watt** No risk right now because it's an existing range. When regulations came into play they grandfathered existing ranges in, we will have to follow those with a new range. You are grandfathered into regulations that if you were to build a range today you would have to meet to open a new range. More regulations on lead traffic. Boy Scouts used to collect and sell lead but now there are hazardous material handling/protection requirements. There was a time 20-25 years ago when we would gather lead and sell it and now we must pay companies to take it away. These are some of the issues that as we deal with things... there are too many unknowns to start this rezone.

**Janet Christofferson** I need to challenge that. My legal gut is that there is lead run-off to adjoining properties that we are on the hook if that hurts people. Even right now, we could be sued if there is an issue with run-off.

**Member Watt** I'm sorry I misunderstood. Yes, with other ranges we had to put in a run-off catch basin because at certain times of the year the run-off would move in such a way that the lead got trapped. We could be sued if there is lead run-off that is going to other properties, yes.

**Member McMillian** are we at risk with how it currently sits? In your opinion what are those risks?

**Member Watt** I use that range a lot but you would have to get an engineer in to look at it. There is also a guide book on the EPA standards that guides out the specifics of how to do this. We should be using that to guide how we are thinking.

**Member McMillan** Being one of the younger members in this group at this point, my intent is to be here forever and maybe the rezone isn't the right thing however if we say no, are we being proactive about making an effort to find these things out, at what point are we just waiting for it to get closed down? We know one rifle range in the last few months that was shut down. However, are we putting ourselves in a position of not looking forward?

**Member Watt** I believe and support what you are saying. But a rezone is premature.

**Janet Christopherson** it's my understanding that the county can still operate it as a rifle range even if it's rezoned.

**Planner Lance** yes, we use could continue under rezoning unless use is abandoned for six months then it would be non-conforming. If the county wanted to discontinue the rifle range, they would have to have no use for six months

**Member Maloney** we have not broached the EPA at all to get a number do we have an estimate?

**Kate Becker** we are in contact with the EPA and looking at if we sell it or whatever we do we need to know what our risks are. But not in the capacity of cost to remediate. At end of the day we are not guaranteed to sell it, but it is a county asset that we have to maintain to not cause liability. This is an application for rezone not to sell once again.

**Janet Chrisofferson** when I advised that you can make a recommendation. I don't think it can be a stipulation for a rezone it would have to be a separate contract or ordinance.

**Member Sessions** could we make a suggestion to do a resolution separate from the rezone?

**Member Maloney** A range committee is a really good idea to manage this regardless of how we recommend this or what we do. And yes, we would recommend to appoint you Member Watt. I am very pro keeping public land public this is not an easy situation we are in here.

**Member Sessions** I would like to address density of the R1-20 that's 1/2 acre zoning so 2 units of housing per acre. This is not high density it is low density. 2 and a half times the size of the lot adjacent to it. So 64 lots max but we wouldn't get that many because of infrastructure and roads.

**Member McMillan** I'm worried about being shut down later if we don't rezone this how do we put a pin in it? I am not saying that I am for or against it.

**Kate Becker** There are no increasing insurance liabilities. To answer your question/concern if we deny the rezone or approve it, planning commission is done for this rezone and it goes before the commission. The commission makes the final decision. You still have the option to postpone the topic to another meeting and ask (me) the applicant to address more issues. That is the happy medium. I am happy to do that.

**Member McMillan** We shouldn't just approve it or deny it, it's a cop-out.

**Member Sessions** That's an easy answer.

**Member McMillan** Let's not just pass this on -

**Member Watt** let's present a motion, vote on it and amend it. The process exists. Or we kill it and move to another motion. I do want to clarify for legal that if The County Commission denies this one, then this specific one can't come back up in two years if the county commission denies it which is the

time that it takes for studies to be incorporated.

**Planner Lance** as a reminder, the planning commission is a reviewing body and the commission can best fulfill its role by immortalizing in tonight's meeting by stating concerns and making recommendations and submitting minutes. Either by continuance or by coming back here again. It will go to the county commission ultimately. A lot of good points have come up and you can put together a motion that represents the feelings of the public and planning commission.

**Janet Christofferson** if the applicant wants to postpone, they can, would they want to do that? You can make your list of questions.

**Member Watt** does the applicant have the desire to do that?

**Kate Becker** As the applicant, we would like to request a postponement but would like an additional public hearing at the second meeting. I know that is not standard but I would like it to be requested on the record. I have my notes but I would still like the public to put on the record anything they want addressed.

**Member Maloney** is there any risk of it being shut down no?

**Kate Becker** there is ZERO risk of that.

**Janet Christofferson** could you pick a date so that we do not have to re notice?

**Member Sessions** how about January 8<sup>th</sup> is that too soon? So the 22<sup>nd</sup>?

**Member Watt** is there a limit on how much time? Because if you have to get questions together and find out more information that may take time.

**Planner Lance** reminding the commission of its role as a advisory body. No time limit but please be reasonable.

**Kate Becker** I would like to request February 12<sup>th</sup>

**Member Maloney** as of now the applicant is requesting that this be postponed to February 12<sup>th</sup> (that is a Thursday) 2026 at 6:30pm in this room and we will have another public hearing.

**Member Sessions** *I move we postpone the Morgan County Rezone request to our February 12<sup>th</sup> 2026 meeting and to hold it with a public hearing. Second by Member Watt. All in favor, motion carries unanimous.*

**Member Sessions** and maybe, Jeremy, Cameron was asking about how to know if meetings are coming? Can you explain the public meeting notice side on the state? Where they can get an email to know when the meetings are posted.

**Planner Lance** I will use the computer to show that. Staff has a list of requirements for noticing to hold a public meeting and public hearing. What Member Sessions is talking about is that you can google Utah public notice and the first hit will take you to the state portal for public notices and as you can see there are notices happening all over the state but you can select the type of government, in this case county, and find Morgan County. There are a dozen or so boards there if you want to hear and get sure notice that an item you are interested in is going to a meeting then click this and then ask to create an account and put in an email address and you will be notified of the meeting and items in the meeting.

**Member Sessions** it is [www.Utah.gov/pmn](http://www.Utah.gov/pmn)

**10. Business/Staff Questions: Approval of 2026 Planning Commission Meeting Calendar**

**Planner Lance** A vote for the calendar of 2026 meetings is requested.

**Member Sessions moves to approve the 2026 planning commission calendar. Second by Member McMillan, motion carries unanimous**

**Member Maloney** any questions for staff?

**11.** Approval of November 13<sup>th</sup>, 2025, Planning Commission Minutes

**Member McMillan motions by to approve the November 13<sup>th</sup> 2025 minutes. Second by Member Wilson. Motion carries unanimous.**

**12.** Adjourn

**Member Sessions motions to adjourn. Second by Member Watt. Motion adjourned.**

Approved:

\_\_\_\_\_  
Chairman, Maddie Maloney  
Morgan County Planning Commission

\_\_\_\_\_  
Date: \_\_\_\_\_  
Jessie Drage, Transcriptionist  
Planning and Development Services