



PLANNING COMMISSION AGENDA  
Thursday, May 28<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

**Administrative**

6. **Public Meeting/Discussion/Decision** – *Silverstone Subdivision Ph. 6 Plat Amendment*: A request for approval of an amendment to the Silver Stone Subdivision No. 1, Amended Plat No. 1 for the creation of a new lot. The properties are identified by parcel numbers 00-0005-3023, 00-0005-5416, and 00-0005-2785 & serial numbers 03-SS1-0008-A1, 03-005-121-08, and 03-005-121-06 to and is located at approximately 5780 N. Silverstone Circle in unincorporated Morgan County.

**Legislative**

7. **Public Hearing/Discussion/Decision** – *Geohazards Text Amendment*: Request for approval of a text amendment to the Morgan County Code (MCC) to update buildable area and slope requirements generally.
8. **Public Hearing/Discussion/Decision** – *P-C Zoning Code Text Amendment*: A request to amend the Morgan County Code lowering the minimum acreage requirements for residential projects.
9. Business/Staff Questions
10. Approval of May 14th, 2026, Planning Commission Minutes
11. Adjourn



**PLANNING COMMISSION**  
**STAFF REPORT**  
Plat Amendment

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Silverstone Subdivision Ph. 6 Plat Amendment (file name) Silver Stone Subdivision Amended Plat No. 2  
(official name)  
May 28, 2026  
Public Meeting  
File #25.059

Applicant: Jess Holyoak  
Owner: Mike Babcock  
Project Location: 5776 and 5780 N. Silver Stone Cir., w/ a smaller parcel located approx.. 140' north of the cul-de-sac bulb on N. Silver Stone Cir.  
Parcel Number: 00-0005-3023, 00-0005-5416, and 00-0005-2785  
Serial Number: 03-SS1-0008-A1, 03-005-121-08, and 03-005-121-06  
Current Zoning: Residential (R1-20)  
Acreage: 5.30 acres combined

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**REQUEST:**

A request for approval of an amendment to Lot 8A of the Silver Stone Subdivision amended plat number 1, and additional land for the creation of a new lot and adjust the boundaries of an existing lot.

**ATTORNEY GUIDANCE:**

**Administrative Review:**

The sole issue in land use administration is whether the application complies with county ordinances. If it does, it must be approved.

**Applicable law:**

*An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays all application fees, unless:*

*“(A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or*

*(B) in the manner provided by local ordinance and before the applicant submits the application, the county formally initiates proceedings to amend the county’s land use regulations in a manner that would prohibit approval of the application as submitted.*

*Utah Code Ann. § 17-27a-508(1)(a)(ii).”*

*“The Utah Supreme Court has indicated that a significant threat to the public welfare should be considered compelling. “If a proposal met zoning requirements at the time of application but seriously threatens public health, safety, or welfare, the interests of the public should not be thwarted.” W. Land Equities v. Logan, 617 P.2d 388, 395-96 (Utah Sup.Ct. 1980).”*

Staffs’ findings are legally sufficient to adopt if the Commission finds that the application is complete, conforms to the requirements of the applicable land use regulations, land use decisions, and development standards, and there are no apparent threats to public health, safety, or welfare that would support a compelling countervailing public interest to recommend denying the application. Staffs’ recommended conditions are required by county ordinances and appear to be legal conditions.

Recommendations for denial and/or additional findings must be placed on the record, contain a legal basis, and supported by substantial evidence. Legal can provide guidance on what is required for a sufficient record and what is considered substantial evidence.

**STAFF RECOMMENDATION:**

Based on the information in this staff report, staff recommends approval of Silverstone Subdivision Ph. 6 Plat Amendment, subject to all applicable regulations and the following conditions:

1. That all of the County Surveyor and Engineer review comments be addressed.
2. That all outsourced consultant fees are paid current prior to recordation of the plat amendment.
3. That all other local, state, and federal laws are adhered to.

**PROJECT DESCRIPTION:**

**Proposal Details**

This request is to amend Lot 8A of the Silver Stone Subdivision to combine a smaller parcel lacking frontage on a public right-of-way with an adjacent flag parcel, and to incorporate the combined area as a new lot within the subdivision. The proposal also includes a lot line adjustment to the existing lot (Lot 31) resulting in two separate lots—one existing lot (Lot 31) and one newly created lot (Lot 32) - each capable of development in conformance with County standards.

## **DISCUSSION:**

The Planning Commission considered this item in their April 9<sup>th</sup> meeting. Here is the approved motion:

***Member Watt motioned to continue Silverstone Subdivision Ph. 6 Plat Amendment: A request for the approval of an amendment to the Silver Stone Subdivision No. 1, Amended Plat No. 1 for the creation of a new lot to May 28<sup>th</sup>. Second by Member King. Motion carried unanimous.***

***Member King motioned to direct staff to do a text amendment to allow for flag pole lots to extend off of a cul-de-sac. Second by Member Taylor. Motion carried unanimous.***

The Zoning Administrator decided to forward this item to the County Commission on May 5<sup>th</sup> to avoid unnecessary delay. On May 5<sup>th</sup> the County Commission decided to not do a text amendment to allow for flag pole lots to extend off of a cul-de-sac and to send this amended plat back to the Planning Commission to correct any errors and make any clarifications.

Approval of an amendment to the Silver Stone Subdivision will reconfigure Lot 31 and the adjacent parcels to create legal frontage and ensure compliance with subdivision and zoning requirements. The reconfiguration will alleviate a nonconforming situation where the existing home currently encroaches into property line setbacks. No new structures are proposed at this time, and the existing home will remain on the combined parcel. The amendment is not expected to impact circulation, access, or neighboring properties beyond the administrative adjustment of lot lines. This request is limited solely to modifying lot boundaries, consolidating parcels, and resolving nonconforming conditions in accordance with County ordinance.

The plat amendment requirements come from Morgan County's Land Use Management Code, Title 15, Chapter 155, Section 440 and subsequent sections. Staff has reviewed the requirements and procedures for a plat amendment and have found that the application request meets these standards.

### ***155.447: AMENDED PLAT REQUIREMENTS:***

*(A) Prior to the County Commission's approval of a petition or proposal to amend a subdivision plat, the petitioner or sponsor shall deliver to the county an amended plat map and complete supporting preliminary plat and final plat information in compliance with the requirements of this subchapter. The applicant shall also pay all fees required by the county's fee schedule.*

*(B) Upon approval of the plat amendment, all required documents, submissions, signatures and review procedures which are required for a final plat shall be submitted and followed, prior to recordation in the office of the County Recorder.*

*(C) The County Commission may vacate a subdivision or a portion of a subdivision by recording in the County Recorder's office an ordinance describing the subdivision or the portion being vacated.*

*(Prior Code, § 8-12-64) (Ord. 10-16, passed 12-14-2010; Ord. 19-09, passed 10-15-2019)*

**155.446: GROUNDS FOR VACATING OR CHANGING A PLAT:**

*(A) The land use authority may approve the vacation, alteration or amendment of a plat by signing an amended plat showing the vacation, alteration or amendment if the land use authority finds that:*

*(1) There is good cause for the vacation, alteration or amendment; and*

*(2) No public street, right-of-way or easement has been vacated or altered.*

*(B) The land use authority shall ensure that the amended plat showing the vacation, alteration or amendment is recorded in the office of the County Recorder.*

*(C) If an entire subdivision is vacated, the County Commission shall ensure that a resolution containing a legal description of the entire vacated subdivision is recorded in the County Recorder's office.*

*(D) The County Commission may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way or easement if the legislative body finds that:*

*(1) Good cause exists for the vacation; and*

*(2) Neither the public interest nor any person will be materially injured by the vacation.*

*(E) If the County Commission adopts an ordinance vacating some or all of a public street, right-of-way or easement, the County Commission shall ensure that a plat reflecting the vacation and/or an ordinance describing the vacations is recorded in the office of the County Recorder.*

*(F) The action of the legislative body vacating some or all of a street, right-of-way or easement that has been dedicated to public use:*

*(1) Operates to the extent to which it is vacated, upon the effective date of the recorded plat, as a revocation of the acceptance of and the relinquishment of the county's fee in the vacated street, right-of-way or easement; and*

*(2) May not be construed to impair:*

*(a) Any right-of-way or easement of any lot owner; or*

(b) *The franchise rights of any public utility.*

*(Prior Code, § 8-12-63) (Ord. 10-16, passed 12-14-2010; Ord. 19-09, passed 10-15-2019)*

**155.444: PROCEDURE:**

*(A) For plat amendments that result in adjusting and/or altering lot lines through an exchange of title within a platted subdivision the Zoning Administrator shall be the land use authority:*

*(1) The Zoning Administrator shall approve an exchange of title under this division (A) if the exchange of title will not result in a violation of any land use ordinance;*

*(2) If an exchange of title is approved under this division (A), a notice of approval shall be recorded in the office of the County Recorder which:*

*(a) Is executed by each owner included in the exchange and by the land use authority;*

*(b) Contains an acknowledgment for each party executing the notice in accordance with the provisions of UCA § 57-2a, Recognition of Acknowledgments Act; and*

*(c) Recites the descriptions of both the original parcels and the parcels created by the exchange of title.*

*(3) A document of conveyance of title reflecting the approved change shall be recorded in the office of the County Recorder; and*

*(4) A notice of approval recorded under this division (A) does not act as a conveyance of title to real property and is not required to record a document conveying title to real property.*

*(B) For plat amendments that result in the combination of lots, building pad adjustments, subdivision title changes, plat note revisions, amendments to internal lot restrictions, the alteration, amendment or vacation of a public or private road shown on a subdivision plat and all other modifications to lots within a recorded subdivision plat shall be reviewed by the County Commission with a recommendation from the Planning Commission.*

*(C) Applications to vacate or amend a subdivision plat shall be required to submit those documents required for review in a complete preliminary plat application which pertain to and describe the proposed amendment, as well as a paper copy of the proposed final plat Mylar. Revised construction drawings shall also be submitted when changes to any required subdivision improvements are proposed.*

(D) Upon receipt of a petition or a proposal to vacate or amend a subdivision plat which requires action by the County Commission, the matter shall be referred to the Planning Commission for a recommendation on the proposal.

(E) The land use authority shall hold a public hearing within 45 days after the day on which the petition is filed if:

(1) Any owner within the plat notifies the county of the owner's objection in writing within ten days of mailed notification; or

(2) A public hearing is required because all the owners in the subdivision have not signed the revised plat.

(F) The land use authority may consider at a public meeting, without a public hearing, an owner's petition to vacate or amend a subdivision plat if:

(1) The petition seeks to join two or more of the petitioning fee owner's contiguous lots;

(2) Subdivide one or more of the petitioner's fee owner's lots if the subdivision will not result in a violation of a land use ordinance or a development condition;

(3) Adjust the lot lines of adjoining lots or parcels if the fee owners of each of the adjoining lots or parcels join the petition, regardless of whether the lots and parcels are in the same subdivision;

(4) On a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the county;

(5) Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not owned by the petitioner or designated as common area; and

(6) Notice has been given to adjacent property, in accordance with § 155.031 of this code.

(Prior Code, § 8-12-61) (Ord. 10-16, passed 12-14-2010; Ord. 19-09, passed 10-15-2019)

**ANALYSIS OF STANDARDS**

Standards	Findings	Rationale
<p><b>Ordinance Evaluation. Morgan County Code, Chapter 155, Section 440 states the following:</b></p> <p><i>Prior to the County Commission's approval of a petition or proposal to amend a subdivision plat, the petitioner or sponsor shall deliver to the County an <u>amended plat map and complete supporting preliminary plat and final plat</u> information in compliance with the requirements of this chapter. The applicant shall also pay all fees required by the County's fee schedule.</i></p> <p><i>Therefore, this plat amendment has been reviewed for preliminary and final plat standards.</i></p>		
<p><b>155.407: PRELIMINARY PLAT SUBMITTAL:</b> <i>The preliminary plat shall be prepared, stamped and signed by a professional engineer or professional land surveyor licensed by the state of Utah. The preliminary plat submittal shall include at least the following information:</i></p>		
<p><b>A</b>   <b>Vicinity Map</b></p>	<p>Complies</p>	

	<ol style="list-style-type: none"> <li>1. Drawn at a maximum scale of one thousand feet (1,000') to the inch.</li> <li>2. Show all existing and proposed roadways in the vicinity of the proposed development.</li> <li>3. A north arrow.</li> <li>4. The nearest section corner tie.</li> <li>5. Subdivision name.</li> </ol>		
B	Certified boundary survey of the subject property, which meets state of Utah requirements, which also depicts all easements identified by the title report.	Complies	
C	<p>Preliminary plat (all facilities within 200 feet of the plat shall be shown):</p> <ol style="list-style-type: none"> <li>1. Drawn at a scale not smaller than one hundred feet (100') to the inch.</li> <li>2. A north arrow.</li> <li>3. Subdivision name.</li> <li>4. The layout and names and widths of existing and future road rights of way.</li> <li>5. A tie to a permanent survey monument at a section corner.</li> <li>6. The boundary lines of the subdivision with bearings and distances.</li> <li>7. The layout and dimensions of proposed lots with lot areas in square feet.</li> <li>8. The location and dimensions and labeling of other spaces including open spaces, parks, trails, or public spaces.</li> <li>9. The location of manmade features including bridges, railroad tracks, fences, ditches, and buildings.</li> <li>10. Topography at two foot (2') intervals. One foot (1') contours may be required by the county engineer in particularly flat areas.</li> <li>11. Location and ownership of all adjoining tracts of land.</li> <li>12. Proposed subdivision phasing plan and relationship to existing phases of development. (Ord. 10-16, 12-14-2010)</li> </ol>	Complies	
D	<p>Grading and drainage plan (may be combined with plat sheet, if approved by the county engineer):</p> <ol style="list-style-type: none"> <li>1. Plan drawn to a scale not smaller than one hundred feet (100') to the inch, showing the road and lot layout.</li> <li>2. Topography at two foot (2') contour intervals.</li> <li>3. North arrow.</li> <li>4. Subdivision name.</li> <li>5. Areas of substantial earthmoving.</li> <li>6. Location of existing watercourses, canals, ditches, springs, wells, culverts, and storm drains.</li> <li>7. Location of any 100-year floodplain as designated by the federal emergency management agency (FEMA).</li> <li>8. A storm drainage plan showing water flow directions, inlets, outlets, catch basins, waterways, culverts, detention basins, outlets to offsite facilities, and off site drainage facilities planned to accommodate the project drainage.</li> <li>9. Show any existing wetlands.</li> <li>10. Slope analysis which depicts all slopes greater than fifteen percent (15%) and greater than twenty five percent (25%) with distinct notation. (Ord. 12-09, 9-18-2012)</li> </ol>	Complies	
E	<p>Utility plan (may be combined with plat sheet, if approved by the county engineer):</p> <ol style="list-style-type: none"> <li>1. Plan drawn to a scale not smaller than one hundred feet (100') to the inch, showing the road and lot layout.</li> <li>2. North arrow.</li> <li>3. Subdivision name.</li> <li>4. Show all existing and proposed utilities including: sewer, culinary water, well locations with secondary water, fire</li> </ol>	Complies	

	hydrants, storm drains, subsurface drains, gas lines, power lines, and streetlights, television and telecommunications. 5. Show location and dimensions of all utility easements.		
F	<p>The subdivider shall provide the following documents with the application:</p> <ol style="list-style-type: none"> <li>1. Three (3) copies of a geotechnical soils report.</li> <li>2. A traffic report when required by the planning commission or county engineer.</li> <li>3. Preliminary title report, which specifically references the boundary survey and exactly matches the legal description of the outside boundary of the subdivision.</li> <li>4. Service agreements from all utility companies or providers.</li> <li>5. Any necessary agreements with adjacent property owners regarding storm drainage or other matters pertinent to subdivision approval.</li> <li>6. Maintenance agreements for subsurface drains serving the subdivision, if they are proposed or exist.</li> <li>7. An agricultural impact analysis, on subdivisions which are contiguous to an adopted agricultural preservation area, or which contain an agricultural open space conservation easement within the plat.</li> <li>8. Written verification of all proposed water sources. For all proposed water sources, provide approval letters from the Weber-Morgan County health department and proof of all water rights, including quantities (water rights certificates, etc.), for each well and water source to be utilized for the development.</li> <li>9. The developer shall submit all information concerning site geology, area hydrogeology, site topography, soil types and the proven wet water by the drilling of at least one test well from within the described subdivision boundary, as determined by a geotechnical engineer, licensed in the state of Utah. Well logs shall be submitted to the county identifying the depth and yield of the well. Information submitted must verify that the source is consistently available to supply eight hundred (800) gallons per day (gpd) per equivalent residential connection (ERC) at a minimum flow rate of 0.55 gallons per minute (gpm). Water for irrigation supplies shall be verified to provide three (3) gpm per irrigated acre. If the proposal is being served by an existing water utility company, these requirements do not apply.</li> <li>10. Verification of approval from the Weber-Morgan County health department regarding the proposed location of all septic systems and water source protection areas.</li> </ol>	Does Not Apply	Homes currently exist on the properties
G	When the subdivision is located within the sensitive area district or geologic hazards special study area, required reports and documents are to be submitted in accordance with the provisions of this title.	Does Not Apply	
H	The subdivider shall comply with all applicable federal, state, and local laws and regulations, and shall provide evidence of such compliance if requested by the county.	Complies	
I	Copy of proposed protective covenants in all cases where subsurface drains or other common area maintenance proposals are to serve any portion of the subdivision.	Does Not Apply	

J	Electronic copies of all preliminary plat drawings in AutoCAD (DWG) format.	Complies	
K	Tabulations showing the total number of lots or buildings sites, and the percentage of land in roads, lots, and open space.	Does Not Apply	
L	Any additional submittal requirements required for or by master planned development reserves, specific development agreements, or requirements and conditions of other applicable ordinances or previous approvals. (Ord. 10-16, 12-14-2010)	Does Not Apply	
<b>155.415: FINAL PLAT; PREPARATION AND REQUIRED INFORMATION:</b>			
A	The final plat shall consist of a mylar with the outside or trim line dimensions of twenty four inches by thirty six inches (24" x 36"). The mylar shall be submitted to the county at least twenty (20) days prior to consideration for placement on the county commission agenda for approval. Until that date, submittal of paper copies is sufficient for review. The borderline of the plat shall be drawn in heavy lines leaving a space of at least one and one-half inches (1 1/2") on the left side and at least one-half inch (1/2") margin on the other sides. The plat shall be so drawn that the top of the drawing faces either north or west, whichever accommodates the drawing best. All lines, dimensions, and markings shall be made on a mylar with approved waterproof black ink. The plat shall be made to a scale large enough to clearly show all details, and in any case not smaller than one hundred feet (100') to the inch, and workmanship on the finished drawing shall be neat, clean cut and readable.	Will Comply	Historically, staff has recommended the applicant wait to print the final mylar in the event that the Planning Commission recommend changes to the plat.
B	The final plat shall show the subdivision name that is distinct from any other recorded subdivision name and the general location of the subdivision in bold letters at the top of the sheet.	Complies	
C	The plat shall contain a north arrow and scale of the drawing and the date.	Complies	
D	Prior to consideration by the county commission, the plat shall be signed by all required and authorized parties, with the exception of the county commission chairperson, planning commission chairperson and county attorney, with appropriate notarial acknowledgements and the final plat shall contain all information set forth in this section.	Will comply	Historically, staff has recommended the applicant wait to print the final mylar and receive signatures, in the event that the Planning Commission and/or County Commission recommend changes to the plat.
E	An accurate and complete survey, which conforms to Utah state law.	Complies	
F	Plats will show accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to at least two (2) public survey monuments. These lines should be slightly heavier than street and lot lines.	Complies	
G	The final plat shall show all survey, mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, and central angle, radius and arc length of curves, and such information as may be necessary to determine the location of beginning and ending points of curves. All property corners and monuments within the subdivision shall be tied to an acceptable Morgan County monument, as determined by the	Complies	

	Morgan County surveyor. Lot and boundary closure shall be calculated to the nearest 0.02 of a foot.		
H	All lots, blocks, and parcels offered for dedication for any purpose should be delineated and designated with dimensions, boundaries and courses clearly shown and defined in every case. The square footage of each lot shall be shown. All parcels offered for dedication other than for streets or easements shall be clearly designated on the plat. Sufficient linear, angular and curved data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot and parcel which is a part thereof. No ditto marks shall be used for lot dimensions.	Complies	
I	The plat shall show the right of way lines of each street, and the width of any portion being dedicated and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty feet (50') of the subdivision shall be shown with dashed lines. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such existing streets shall be accurately shown.	Complies	
J	All lots are to be numbered consecutively under a definite system approved by the county. Numbering shall continue consecutively throughout the subdivision with no omissions or duplications.	Complies	
K	All streets within the subdivision shall be numbered (named streets shall also be numbered) in accordance with and in conformity with the adopted street numbering system adopted by the county. Each lot shall show the street addresses assigned thereto, and shall be according to the standard addressing methods approved by the county. In the case of corner lots, an address will be assigned for each part of the lot having street frontage.	Complies	
L	The side lines of all easements shall be shown by fine dashed lines. The width of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be shown. All easements shall be clearly labeled and identified.	Complies	
M	The plat shall fully and clearly show all stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or bench mark that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider under the direction of the county surveyor. The following required monuments shall be shown on the final plat: 1. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties; 2. All right of way monuments at angle points and intersections as approved by the county surveyor.	Complies	
N	The final plat shall contain the name, stamp and signature of a professional land surveyor, together with the date of the survey, the scale of the map and number of sheets. The following certificates, acknowledgements and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate: 1. Professional land surveyor's "certificate of survey". 2. Owner's dedication certificate in the following form:  OWNERS DEDICATION	Complies	Owner's Dedication is present, but not signed

	<p><i>Know all men by these presents that we, the undersigned owner(s) of the above described tract of land, having caused said tract to be subdivided into lots and streets to be hereafter known as Subdivision do hereby dedicate for perpetual use of the public all parcels of land, other utilities, or easements shown on this plat as intended for public use. In witness whereof, we have hereunto set out hands this day of, 21.</i></p> <p><i>(Add appropriate acknowledgments)</i></p> <p>3. Notary public's acknowledgement for each signature on the plat.</p> <p>4. A correct metes and bounds description of all property included within the subdivision.</p> <p>5. Plats shall contain signatures of the water provider (if provided by a culinary water system), sewer provider (if provided by a sewer improvement district), Weber-Morgan County health department, planning commission, and county engineer, and blocks for signatures of the county attorney and county commission (a signature line for the commission chairperson and an attestation by the county clerk). A block for the county recorder shall be provided in the lower right corner of the final plat.</p> <p>6. Such other affidavits, certificates, acknowledgements, endorsements and notarial seals as are required by law, by this title, the county attorney, or county surveyor.</p> <p>7. Prior to recordation of the plat, the subdivider shall submit a current title report to be reviewed by the county. A "current title report" is considered to be one which correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat.</p> <p>8. The owner's dedication certificate, registered land surveyor's certificate of survey, and any other certificates contained on the final plat shall be in the form prescribed by the county's standards.</p> <p>9. When a subdivision contains lands which are reserved in private ownership for community use, including common areas, the subdivider shall submit, with the final plat, the name, proposed articles of incorporation and bylaws of the owner, or organization empowered to own, maintain and pay taxes on such lands and common areas and any access easements which may be required by the county.</p>		
O	<p>On subdivisions which are contiguous to an adopted agricultural protection area, or which contain an agricultural open space preservation area within the plat, a note shall be placed on the plat, in conjunction with right to farm provisions, stating such, and that agricultural operations work hours begin early and run late and that these operations may contribute to noises and odors objectionable to some residents.</p>	Does Not Apply	Does not border an Agricultural Protection Area
P	<p>A note on the plat which states the following:</p> <p><i>Morgan County restricts the occupancy of buildings within developments as outlined in the adopted building and fire codes. It is unlawful to occupy a building located within any development without first having obtained a certificate of occupancy issued by the county.</i></p>	Complies	

	(Ord. 10-16, 12-14-2010)		
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**DEPARTMENT COMMENTS/RECOMMENDATIONS**

Public Works: No comments received

Fire/EMS Services: Comments received and recommend approval

Engineering/Surveyor: Comments received and are being addressed

Recorders: Comments received and are being addressed

Zoning: R1-20

## Recommended Motions

**Motion for a *Positive Recommendation*** – “I move we recommend approval to the County Commission of Silverstone Subdivision Ph. 6 Plat Amendment, application #25.059, to allow the creation of a new lot and adjust the boundaries of an existing lot, based on the findings and with the conditions listed in the staff report dated May 28, 2026.”

**Motion for a *Positive Recommendation with Conditions*** – “I move we recommend approval to the County Commission of Silverstone Subdivision Ph. 6 Plat Amendment, application #25.059, to allow the creation of a new lot and adjust the boundaries of an existing lot, based on the findings and with the conditions listed in the staff report dated April 9, 2026, and the following additional conditions:”

1. *List any additional findings and conditions...*

**Motion for a *Negative Recommendation*** – “I move we recommend denial to the County Commission of Silverstone Subdivision Ph. 6 Plat Amendment, application #25.059, to not allow the creation of a new lot and adjust the boundaries of an existing lot, *due to the following findings:*”

### Attachments:

Attachment A: Vicinity Map

Attachment B: Zoning Map

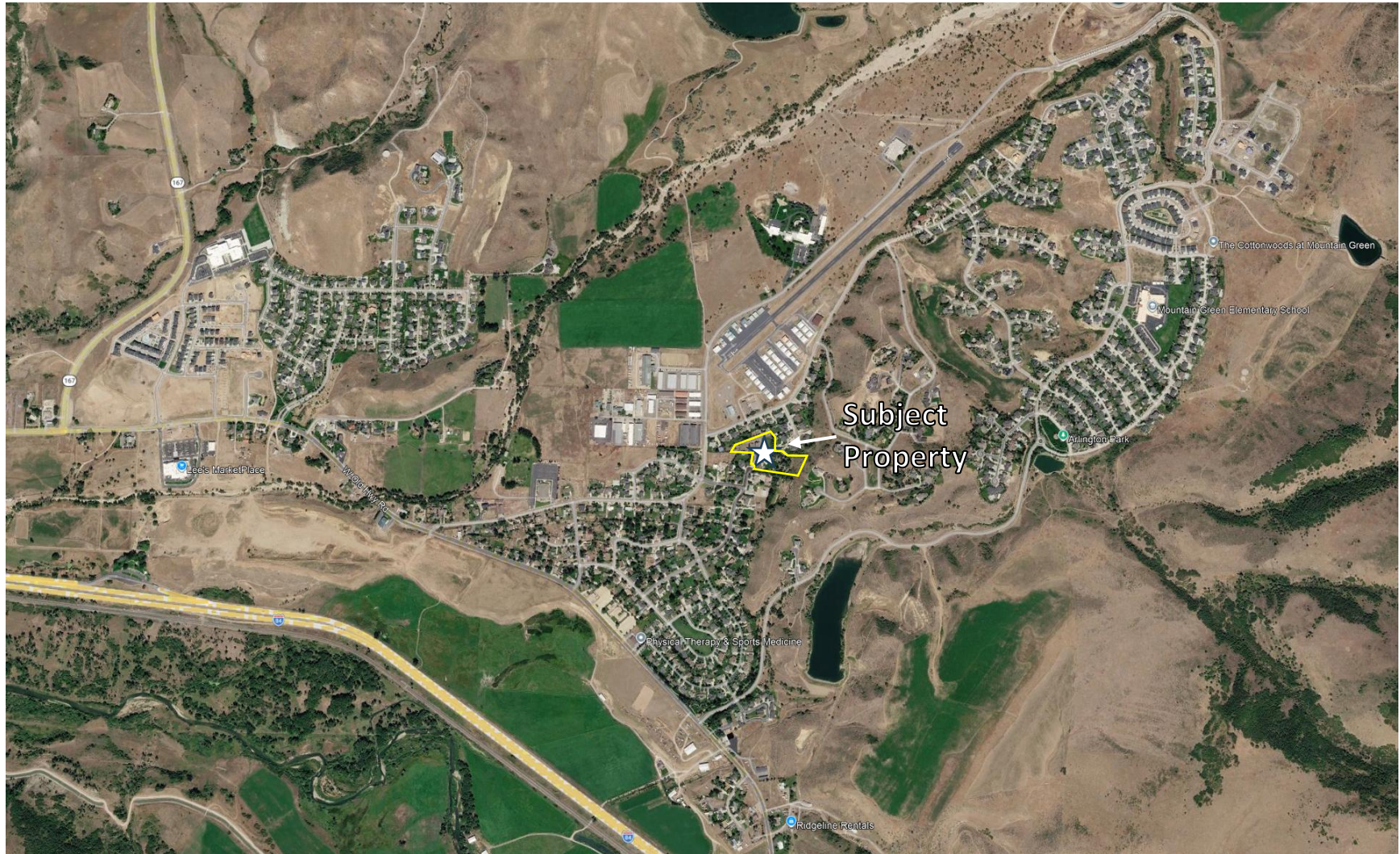
Attachment C: Original Plat

Attachment D: Proposed Plat Amendment (Preliminary Plat)

Attachment E: Proposed Plat Amendment (Final Plat)

## Attachment A: Vicinity Map

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**Attachment B: Current Zoning Map**











## MEMORANDUM

**TO:** Morgan County Planning Commission  
**FROM:** Morgan County Planning & Development Services Staff  
**SUBJECT:** Geohazards Code Text Amendment

**SUMMARY:** A request to amend multiple sections of the Morgan County Code Defining Average Slope, and designating buildable area as the area of interest for the geohazard section.

In response to recurring questions about slope percentage developability and hillside development, Morgan County staff has prepared a draft text amendment to address several sections of the Land Use Code related to the Geohazard section of the MCC. Sections to be modified include MCC §§ 155.008, 155.221, 155.222, 155.223, 155.293, 155.366, and 155.426. These changes will add a definition of slope to the code and will base future review off of average slope of the buildable area.

### **ATTORNEY GUIDANCE**

#### **Legislative Review:**

The Planning Commission is tasked with advising and recommending to the County Commission whether the proposed zoning change (land use ordinance text amendment) 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 text amendment 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 caselaw testing this new standard, I highly recommend that any recommendations by the Planning Commission or decisions by the 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;
- (ii) 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.

## PROPOSED TEXT

### § 155.008 DEFINITIONS.

***BUILDABLE AREA.*** The portion of a lot **OR PARCEL** which, in its natural state, has an average **SLOPE OF** ~~percent of slope less than~~ **25% OR LESS**, with a contiguous building area of at least 5,000 square feet, and which is free of other building constraints which are identified by this chapter. Areas over **THE AVERAGE 25%** slope shall not be included within any ***BUILDABLE AREA*** or building envelope. ***BUILDABLE AREA INCLUDES THE BUILDING PAD, AND ALSO THE INGRESS/EGRESS ACCESS, AND DRIVEWAY.***

### § 155.221 DEFINITIONS.

**APPLICANT. DEVELOPER/SUBDIVIDER OF PROPOSED SUBDIVISION, OR OWNER OF PREVIOUSLY SUBDIVIDED PARCEL. THE APPLICANT OR OWNER ARE RESPONSIBLE FOR COMPLIANCE WITH THIS ORDINANCE AND FOR ALL RECOMMENDED AND APPROVED HAZARD MITIGATIONS.**

...

**SLOPE AVERAGE. THE AVERAGE SLOPE OF A PARCEL IS CALCULATED USING THE FOLLOWING FORMULA:**

**S = 100(I)(L)/A, WHERE:**

- A. S = AVERAGE SLOPE (IN PERCENT).**
- B. I = CONTOUR INTERVAL (IN FEET).**
- C. L = TOTAL LENGTH OF ALL CONTOUR LINES ON THE PARCEL (IN FEET).**
- D. A = AREA OF SUBJECT PARCEL (IN SQUARE FEET).**

**ANY BUILDABLE AREA WITHIN A LOT OR PARCEL WITH AVERAGE SLOPES OF 15% TO 25% SHALL BE SUBJECT TO COMPLIANCE OF THIS ORDINANCE. AVERAGE SLOPES GREATER THAN 25% WITHIN THE BUILDABLE AREA ARE CONSIDERED UNBUILDABLE WITHOUT A CONDITIONAL USE PERMIT. A CONDITIONAL USE PERMIT ALLOWS FOR SLOPES UP TO 30%.**

### § 155.222 APPLICABILITY.

The regulations contained in this subchapter shall apply to all lands in the unincorporated county. **THE BUILDABLE AREA OF EACH LOT SHALL BE THE REQUIRED FOCUS OF THE GEOHAZARD ORDINANCE AND THE AVERAGE SLOPE OF THE BUILDABLE AREA SHALL DETERMINE THE DEVELOPABILITY OF THE LOT.**

(A) Every **LEGAL PARCEL**, lot of record, and lot in a proposed land subdivision, within a geologic hazard study area as defined by this subchapter, must have a buildable area safe for the intended use. Each buildable area must also have access from the nearest existing public or private street which is free of unreasonable and unacceptable geologic hazards. Any geologic hazards which must be mitigated in order to provide a buildable area with acceptable and reasonable access must be mitigated prior to issuance of the final plat recordation, **OR ISSUANCE OF BUILDING PERMITS.**

The following are exempt from the provisions of this subchapter:

- (1) Detached accessory buildings that are not designed for human occupancy;
- (2) Remodeling of existing structures designed for human occupancy if no use change or expansion of the existing structure footprint is proposed; and
- (3) Expansion of an existing structure where the structure and proposed addition:
  - (a) Are not in IBC Risk Category III or IV;
  - ~~(b) Are not in an area where a site-specific surface fault rupture investigation is required per § 155.236(D);~~
  - (eB) Are not in an area where slope stability analyses are required per § 155.236(E);and
  - (dC) The area of the addition does not exceed 1,000 square feet or the original structure footprint, whichever is left.
  - (eD) Demolition and replacement of a home or structure made for habitation shall be exempt from the requirements of this section. This shall include demolition due to acts of God as well.

#### § 155.223 GEOLOGIC HAZARDS STUDY AREAS.

Geologic hazard study areas are defined as, but not necessarily be limited to:

- (A) Areas designated as Qc, Qm, Qmrf, Qms, Qms1, Qmsb, Qmsh, Qmsy, Qmso, Qmt, Qmc, Qmg, Qac, Qg, Qga, Qgy, Qgmy, Qgo, Qgao, Qgm, Qgmo, Qmdf, Qaf, Qafy, Qafo, Qaf1-5, Qafb, Qafp, Qafoe, Qgr, Qmtr, Qmy, Qct and Tn on the most recent geologic maps published by the state's Geological Survey (UGS, <https://geology.utah.gov/>). Most maps are available in the UGS interactive geologic map portal (<https://geology.utah.gov/apps/intgeomap/>), but contact the UGS for interim, progress update and other non-final maps that may be available, but not online; unit Qal, in and of itself, does not require a geologic hazard investigation unless other qualifiers exist, as identified in § 155.236 of this code;
- (B) Landslide areas identified in the UGS Utah Landslide Database, available online at: (<https://gis.utah.gov/data/geoscience/landslides/>);
- (C) Areas requiring slope stability analyses as defined in § 155.236 of this code below, **OR ANY BUILDABLE AREA WITH AN AVERAGE SLOPE OF 25% OR LESS (SEE AVERAGE SLOPE CALCULATION, 155.221);**

#### § 155.293 SLOPE AND SOIL REGULATIONS.

(A) ALL RECREATION DWELLINGS PROPOSED TO BE CONSTRUCTED ON SLOPES OF 15% OR GREATER SHALL BE REQUIRED TO SUBMIT A GEOHAZARD REPORT PREPARED BY A LICENSED GEOLOGIST THAT INCLUDES CONDITIONS AND REQUIREMENTS TO MITIGATE SLOPE AND SOIL HAZARDS ~~The maximum slope for any recreational dwelling shall be 25%.~~

## § 155.366 CONDITIONAL USES.

(D) *Performance standards for all conditional uses.* There is a need to promote healthy and visually and auditory attractive environments and to reduce conflicts between different land uses. As part of the purpose to protect the health, safety, convenience and general welfare of the inhabitants of the county, the performance standards delineated in this division (D) are intended to conserve, enhance, restore and maintain significant natural and human-made features which are of public value, including among other things, river corridors, streams, lakes and islands, domestic water supply, watersheds, flood storage areas, natural shorelines and unique vegetation, wetlands, wildlife and fish habitats, significant geological features, tourist attractions, archaeological features and sites, historic features and sites and scenic views and vistas, and to establish criteria and standards for the development, change of use or alteration of such features. As responsible parties, applicants for conditional use permits shall meet all specific requirements made in this chapter. The Planning Commission may establish additional requirements as outlined herein to meet the concerns of safety for persons and property, health and sanitation, environment, general plan and neighborhood needs, performance and administration. More specifically, and without limitation, the Planning Commission may require:

(3) Environmental concerns:

(f) Limitations and/or restrictions on construction and/or development on slopes in excess of 30% **AVERAGE SLOPE** to control erosion;

(g) If the proposed conditional use involves hillside construction and/or development, the application will be approved only after the applicant provides:

1. Topographic information showing that the proposed activity is on land with a slope ~~less than~~ **IN EXCESS OF 30%** and that it is located **IN THE VICINITY OF more than 200 feet from** a known landslide;

2. A geologic/geotechnical report which shall be in form and content approved by the County Engineer, consisting of, among other things, a slope stability study, earthquake analysis and sedimentation analysis, prepared by a certified engineering geologist or geotechnical engineer approved by the County Engineer, certifying that the site or route in its entirety is suitable for the proposed development;

3. Such other engineering or technical reports as may be required by the Planning Commission or governing body; and

4. Detailed construction plans, drawings and specifications which outline all construction methods proposed to be utilized.

## § 155.426 LOTS

(L) Areas of lots which are **GREATER THAN 25%** slope ~~or greater~~ are considered unbuildable and shall not be included within the building envelope. Lots which contain a building envelope with slopes greater than 15%, ~~but less than~~ **UP TO AND INCLUDING 25%** shall submit a geotechnical investigation and slope stability analysis, along with a site plan with the preliminary plat application, which has been prepared by a state-licensed professional engineer. The site plan shall include the driveway location, driveway grade, existing and proposed contour lines, location of and engineering design for all retaining walls in excess of four feet, a grading and drainage plan (including slope stability analysis) for all cut and fill areas and the finished floor elevation of the home. Slope stability analyses shall demonstrate that the

proposed structure is stable on the slope to a minimum factor of safety of one and one-half under static conditions and one and one-tenth under pseudostatic conditions in conformance with the provisions in §§ [155.220](#) through [155.237](#) of this code (geologic hazards). The County Engineer shall review the analysis and site plan and may require peer review of any submitted engineering report by the County Geologist or other state-licensed professional engineer. The Building Official may require the developer to provide special inspections and written verification from a state-licensed professional engineer regarding construction compliance with the engineered site plan and recommendations of the geotechnical report.

## RECOMMENDED MOTIONS

**Sample Motion for a *Recommendation for Approval*** – “I move we recommend approval to the County Commission of the Geohazards Code Text Amendment based on the findings listed in the memorandum dated May 28, 2026.”

**Sample Motion for a *Recommendation for Approval with Conditions*** – “I move we recommend approval to the County Commission of the Geohazards Code Text Amendment based on the findings listed in the memorandum dated May 28, 2026, with the following additional conditions:”

1. *List any additional findings and conditions...*

**Sample Motion for a *Recommendation for Denial*** – “I move we recommend denial to the County Commission of the Geohazards Code Text Amendment with the following findings:”

1. *List any additional findings...*

## ATTACHMENTS:

Attachment “A”: Geohazards Code Text Amendment

**Attachment “A”: Draft Geohazards Code Text Amendment**

**ORDINANCE NO. CO-26-0X**

**AN AMENDMENT TO THE LAND USE MANAGEMENT CODE FOR MORGAN COUNTY TO REVISE AND CLARIFY THE GEOHAZARD REGULATIONS AND RELATED PROVISIONS CONCERNING SLOPE STANDARDS, OTHERWISE KNOWN AS THE GEOHAZARDS CODE TEXT AMENDMENT, AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Morgan County Commission has previously established land use management regulations for Morgan County as Title XV of the Morgan County Code which established, among other things, the requirements for the subdivision approval process; and

**WHEREAS**, the regulations established by the Morgan County Commission in Title XV of the Morgan County Code have been determined by the Morgan County staff and the Morgan County Commission to be in need of revision to address these concerns; and

**WHEREAS**, the Morgan County Planning Commission and Zoning Administrator have reviewed the proposed amendment in accordance with State law and have recommended approval of the same;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSION OF MORGAN COUNTY, STATE OF UTAH:

**Section 1. Amendment and Adoption.** Title XV of the Morgan County Code is hereby amended and adopted to clean up and clarify the Geohazards section of the Morgan County Code (MCC) and other sections mentioning slopes, as more specifically described in Exhibit “A”, attached hereto and incorporated herein by reference.

**Section 2. Severability.** If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

**Section 3. Effective Date.** This Ordinance shall become effective after subsequent publication in accordance with State Law, but not before 15 days after its passage.

**APPROVED, ADOPTED AND PASSED and ordered published by the  
Morgan County Commission, this 7<sup>th</sup> Day of April 2026.**

ATTEST:

MORGAN COUNTY GOVERNING  
BODY

\_\_\_\_\_  
Leslie Hyde  
Morgan County Clerk

\_\_\_\_\_  
Matthew Wilson, County Commission Chair

APPROVED AS TO FORM

\_\_\_\_\_  
Garrett Smith  
Morgan County Attorney

Commission Members	Voting:		
	AYE	NAY	ABSENT
Vaughn Nickerson	_____	_____	_____
Mike Newton	_____	_____	_____
Raelene Blocker	_____	_____	_____
Matthew Wilson	_____	_____	_____
Blaine Fackrell	_____	_____	_____

**Exhibit “A”: Geohazards Code Text Amendment**

§ 155.008 DEFINITIONS.

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~~(eB)~~ Are not in an area where slope stability analyses are required per § 155.236(E);  
and

~~(dC)~~ The area of the addition does not exceed 1,000 square feet or the original structure footprint, whichever is left.

~~(eD)~~ Demolition and replacement of a home or structure made for habitation shall be exempt from the requirements of this section. This shall include demolition due to acts of God as well.

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(B) Landslide areas identified in the UGS Utah Landslide Database, available online at: (<https://gis.utah.gov/data/geoscience/landslides/>);

(C) Areas requiring slope stability analyses as defined in § 155.236 of this code below, **OR ANY BUILDABLE AREA WITH AN AVERAGE SLOPE OF 25% OR LESS (SEE AVERAGE SLOPE CALCULATION, 155.221);**

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(D) *Performance standards for all conditional uses.* There is a need to promote healthy and visually and auditory attractive environments and to reduce conflicts between different land uses. As part of the purpose to protect the health, safety, convenience and general welfare of the inhabitants of the county, the performance standards delineated in this division (D) are intended to conserve, enhance, restore and maintain significant natural and human-made features which are of public value, including among other things, river corridors, streams, lakes and islands, domestic water supply, watersheds, flood storage areas, natural shorelines and unique vegetation, wetlands, wildlife and fish habitats, significant geological features, tourist attractions, archaeological features and sites, historic features and sites and scenic views and vistas, and to establish criteria and standards for the development, change of use or alteration of such features. As responsible parties, applicants for conditional use permits shall meet all specific requirements made in this chapter. The Planning Commission may establish additional requirements as outlined herein to meet the concerns of safety for persons and property, health and sanitation, environment, general plan and neighborhood needs, performance and administration. More specifically, and without limitation, the Planning Commission may require:

(3) Environmental concerns:

(f) Limitations and/or restrictions on construction and/or development on slopes in excess of 30% **AVERAGE SLOPE** to control erosion;

(g) If the proposed conditional use involves hillside construction and/or development, the application will be approved only after the applicant provides:

1. Topographic information showing that the proposed activity is on land with a slope ~~less than~~ **IN EXCESS OF 30%** and that it is located **IN THE VICINITY OF more than 200 feet from** a known landslide;

2. A geologic/geotechnical report which shall be in form and content approved by the County Engineer, consisting of, among other things, a slope stability study, earthquake analysis and sedimentation analysis, prepared by a certified engineering geologist or geotechnical engineer approved by the County Engineer, certifying that the site or route in its entirety is suitable for the proposed development;

3. Such other engineering or technical reports as may be required by the Planning Commission or governing body; and

4. Detailed construction plans, drawings and specifications which outline all construction methods proposed to be utilized.

MEMORANDUM

**TO:** Morgan County Planning Commission  
**FROM:** Morgan County Planning & Development Services Staff  
**SUBJECT:** P-C Zone Code Text Amendment  
**SUMMARY:** A request to amend minimum acreage requirements for P-C zones

Applicant Skyler Gardner requests amendments to the MCC § 155.459 “P-C Zone Overlay; Minimum Area Requirements.” The applicant says:

The current code makes it challenging to develop planned communities when the project is under fifty acres in size. As the primary zoning tool for planned residential projects, the current fifty-acre minimum makes it difficult for smaller, higher-quality projects to happen. Our proposal is to lower the minimum size to 10 acres. This will allow landowners more flexibility to develop planned communities that preserve open space on smaller parcels of land.

This change makes sure that the P-C Zone stays a viable and readily-to-reach choice for a variety of housing projects. It also keeps the Commission’s power to allow further drops to 7 acres when site-specific conditions call for it.

**ATTORNEY GUIDANCE**

**Legislative Review:**

The Planning Commission is tasked with advising and recommending to the County Commission whether the proposed zoning change (land use ordinance text amendment) 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 text amendment 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 caselaw testing this new standard, I highly recommend that any recommendations by the Planning Commission or decisions by the 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;
- (ii)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.

## PROPOSED TEXT

§ 155.459:

(A) *Single-family residential development.* Each P-C zone overlay that incorporates residential development shall contain a minimum of ~~50~~ 10 acres unless otherwise approved by the County Commission. However, any such reduction shall not be less than ~~15~~ 7 acres.

## RECOMMENDED MOTIONS

**Sample Motion for a *Recommendation for Approval*** – “I move we recommend approval to the County Commission of the P-C Zone Overlay Code Text Amendment based on the findings listed in the memorandum dated May 28, 2026.”

**Sample Motion for a *Recommendation for Approval with Conditions*** – “I move we recommend approval to the County Commission of the P-C Zone Overlay Code Text Amendment based on the findings listed in the memorandum dated May 28, 2026, with the following additional conditions:”

1. *List any additional findings and conditions...*

**Sample Motion for a *Recommendation for Denial*** – “I move we recommend denial to the County Commission of the P-C Zone Overlay Code Text Amendment with the following findings:”

1. *List any additional findings...*

## ATTACHMENTS:

Attachment “A”: P-C Zone Overlay Code Text Amendment

**Attachment “A”: Draft P-C Zone Code Text Amendment**

**ORDINANCE NO. CO-26-0X**

**AN AMENDMENT TO THE LAND USE MANAGEMENT CODE FOR MORGAN COUNTY TO REVISE AND CLARIFY THE P-C ZONE OVERLAY REGULATIONS CONCERNING MINIMUM ACREAGE STANDARDS, OTHERWISE KNOWN AS THE P-C ZONE CODE TEXT AMENDMENT, AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Morgan County Commission has previously established land use management regulations for Morgan County as Title XV of the Morgan County Code which established, among other things, the requirements for the subdivision approval process; and

**WHEREAS**, the regulations established by the Morgan County Commission in Title XV of the Morgan County Code have been determined by the Morgan County staff and the Morgan County Commission to be in need of revision to address these concerns; and

**WHEREAS**, the Morgan County Planning Commission and Zoning Administrator have reviewed the proposed amendment in accordance with State law and have recommended approval of the same;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSION OF MORGAN COUNTY, STATE OF UTAH:

**Section 1. Amendment and Adoption.** Title XV of the Morgan County Code is hereby amended and adopted to clean up and clarify the P-C Zone Overlay section of the Morgan County Code (MCC) as more specifically described in Exhibit “A”, attached hereto and incorporated herein by reference.

**Section 2. Severability.** If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

**Section 3. Effective Date.** This Ordinance shall become effective after subsequent publication in accordance with State Law, but not before 15 days after its passage.

**APPROVED, ADOPTED AND PASSED and ordered published by the  
Morgan County Commission, this <sup>th</sup> Day of 2026.**

ATTEST:

MORGAN COUNTY GOVERNING  
BODY

\_\_\_\_\_  
Leslie Hyde  
Morgan County Clerk

\_\_\_\_\_  
Matthew Wilson, County Commission Chair

APPROVED AS TO FORM

\_\_\_\_\_  
Garrett Smith  
Morgan County Attorney

Commission Members	Voting:		
	AYE	NAY	ABSENT
Vaughn Nickerson	_____	_____	_____
Mike Newton	_____	_____	_____
Raelene Blocker	_____	_____	_____
Matthew Wilson	_____	_____	_____
Blaine Fackrell	_____	_____	_____

## Exhibit “A”: P-C Zone Overlay Code Text Amendment

(A) *Single-family residential development.* Each P-C zone overlay that incorporates residential development shall contain a minimum of ~~50~~ 10 acres unless otherwise approved by the County Commission. However, any such reduction shall not be less than ~~15~~ 7 acres.



PLANNING COMMISSION AGENDA  
Thursday, May 14th, 2026  
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:**

Chair Sessions  
Member Maloney  
Member Taylor  
Member Wilson  
Member Watt  
Member King

**Absent PC Members**

Member McMillan

**Public Attendance:**

Tina Kelley  
John Bearnson  
Heather Bearnson  
Dave Durrant  
Simone Rousseau  
Joseph Rousseau  
Chad Spencer

**Staff:**

Deputy County Attorney – Janet Christoffersen  
Josh Cook – Planning Director  
Kent Page – Senior Planner  
Jessie Drage - Transcriptionist/Permit Tech

1. **Call to order – Prayer by Chair Sessions**
2. **Pledge of Allegiance**
3. **Approval of agenda**

*Motion by Member Maloney to approve the agenda for Thursday May 14<sup>th</sup> 2026, seconded by Member King. Motion carried unanimously.*

4. **Declaration of Conflicts of Interest – None**
5. **Public Comment**

**John Bearnson** – He spoke regarding the Rosehill Chapel site approval and expressed support for the project. He stated that he is both a property owner and business owner on 5800 North, east of the proposed church site, and explained that several nearby business owners would like to see the planned roadway extended to connect with 5800 North. He said the connection would provide a much-needed second point of egress for the area, improving safety in the event of wildfire or other emergencies, as many properties are currently limited to a single access point.

He also stated that the additional access would benefit the church by improving traffic flow and reducing congestion through the adjacent residential neighborhood. Mr. Bearnson noted that several property owners had discussed the issue and were willing to dedicate portions of their property to help facilitate the connection.

### **Administrative**

1. **Public Meeting/Discussion/Decision** – *Deywó's Mountain Estate Site Plan*: A request for site plan approval of the Deywó's Mountain Estate, for the creation of a reception center and accompanying parking lot. The property is identified by parcel number 00-0068-1129 & serial number 03-005-011-01-8, and is located on approximately 1.58 acres at 7533 N. Trappers Loop Road in unincorporated Morgan County.

**Planner Page** – He stated that County staff had reviewed the application and recommended approval based on the findings and conditions listed in the staff report. He noted that the proposal complied with the Conditional Use Permit approved in June 2025 and that signage directing guests to appropriate parking areas would be reviewed during the building permit process. Mr. Page explained that the request was for approval of a new 5,416-square-foot recreation center and stated that the landscaping, parking, and grading complied with County code requirements. He noted that the project had received a UDOT access permit and would also require an encroachment permit, adding that UDOT retained the right to require right-in/right-out access restrictions in the future. He further stated that the site plan exceeded the County's 15% landscaping requirement by providing 34.6% landscaping. He explained that the submitted photometric plan met the intent of the County's dark sky ordinance and that the project had been reviewed by the County Engineer and found compatible with Morgan County commercial design standards.

**Chair Sessions** – She asked staff to restate the conditions of approval.

**Planner Page** – He reiterated that the CUP had been granted in June 2025 and that signage directing guests to parking areas would be required and reviewed during the building permit process.

**Planning Director Cook** - He stated that additional conditions had been added requiring compliance with ADA parking standards, including striping two additional ADA parking stalls. In response to questions from Member King, Mr. Cook explained that one stall would need to be van accessible and that the site currently only showed three of the five required ADA spaces.

**Member Taylor** – He asked about the sequence of approvals related to the well and septic systems and questioned whether building design work had begun prior to those approvals. Mr. Cook explained that the well and septic systems were existing and associated with an existing home on the property. He stated that the Health Department reviews expansions and determines whether the existing systems are adequate, noting that the County had received a conditional approval letter from the Health Department. He clarified that any required upgrades would be determined by the Health Department, not the County.

**Member Taylor** – He also questioned the proposed siding materials and whether aluminum siding was being approved.

**Planning Director Cook** - He responded that the project was not held to the same standards as strictly commercial developments and stated that the proposal met County code requirements as submitted.

**Member Taylor** - He asked additional questions regarding the photometric plan and dark sky compliance.

**Planning Director Cook** – He explained that the low light readings shown on the plan were desirable because they demonstrated that light spill off diminished at the property lines. He stated that any future lighting changes would require submission of a revised photometric plan and noted that the plans are reviewed by the County Engineer to verify compliance with dark sky.

**Member Taylor** – He stated that he remained confused regarding the proposed siding materials and asked what standards the Commission was expected to apply.

**Planning Director Cook** – He explained that the submitted elevations were intended to demonstrate that the applicant had provided a design proposal. He stated that while County code includes commercial design standards, the property is zoned A-20 and is not technically considered commercial, making the standards difficult to strictly apply. He stated that, in his opinion, the proposal met the intent of the design standards.

**Greg Daye** – He stated that he was representing applicant Josh Hughes, who was unable to attend the meeting. Mr. Daye introduced himself as being from Syracuse, Utah, and stated that he was available to answer any questions from the Commission.

**Chair Sessions** – She instructed that any motion for approval should include an additional finding that the proposal complied with the previously approved CUP for a private resort, as well as the parking-related condition discussed during the meeting.

***Motion by Member Taylor I move we recommend approval to the County Commission for the Deywō's Mountain Estate Site Plan: A request for site plan approval for the creation of a reception center and accompanying parking lot. The property is identified by parcel number 00-0068-1129 & serial number 03-005-011-01-8, and is located on approximately 1.58 acres at 7533 N. Trappers Loop Road in unincorporated Morgan County based on the findings and conditions listed in the staff report on May 14<sup>th</sup> 2026 with the following conditions:***

- 1. That the Site Plan complied requirements for a Conditional Use Permit in the Morgan County code.***
- 2. That the applicants provided clear directional signs to direct parking in compliance with the Morgan County code.***

***Second by Member Watt. Motion carried unanimously.***

**7. Public Meeting/Discussion/Decision** – *Rosehill LDS Chapel Site Plan*: A request for approval of a site plan for an LDS chapel in the Mountain Green area. The properties are identified by parcel number 00-0084-0774 & serial number 03-LDSMG-0004 and are located approximately at 4210 W. Cottonwood Canyon Road in unincorporated Morgan County.

**Planner Page** – He stated that the request for the Rosehill LDS Chapel Site Plan was to allow the construction of a new LDS chapel. Staff had reviewed the application and recommended approval based on the findings and conditions in the staff report. He noted that the chapel would include 285 parking stalls, a 1,085-square-foot pavilion, and a 2,000-square-foot building. The proposal met County requirements for landscaping, parking, commercial design, and compliance with dark sky ordinances.

**Member Taylor** – He asked about the road shown at the end of the site.

**Planner Page** – He explained that the road was intended to provide access to the chapel site and that there would be cross access between the two churches.

**Member Taylor** – He asked whether the gate was simply intended to provide access.

**Planning Director Cook** – He clarified that it was not a road and was not designed to street standards.

**Member Taylor** – He questioned whether the proposal effectively closed off access to anything behind the property.

**Planning Director Cook** - He stated that the church owned the property behind the church and the County could not require them to construct a road to provide access to commercial properties alongside the church property. He noted there was no harm in asking the applicant about it, but the County did not have authority to compel them to do so.

**Member Taylor** – He stated that the County should encourage the church to reach out to the neighboring church themselves about extending the road.

**Planner Page** – He stated that one of the conditions should be struck because it did not apply to the site plan.

**Planning Director Cook** – He explained that updated landscaping drawings had been submitted after the staff report was distributed, showing the trees spaced 30 feet on center. He recommended retaining the remaining two conditions because additional inspections during construction could incur fees, and the conditions also served as protection for the County in the event that anything was missed.

**Chair Sessions** – She noted that the staff report referenced landscaping and vicinity map changes that still needed to be made.

**Planner Page** – He confirmed that those updates had been completed and now met County requirements.

**Member Wilson** – He asked about the County’s ability to require exactions when applicants proposed developments.

**Planning Director Cook** – He explained that the County could require exactions such as roads, streets, and utilities, but the level of exaction must meet legal standards. He referenced court cases discussing the requirement for a rational nexus between the development and the exaction being required. Planner Page questioned whether there was a rational nexus for requiring improvements beyond what was currently being developed.

**Member Wilson** - He stated that he was curious about the limits of exactions.

**Planning Director Cook** – He explained that cities and counties could impose requirements, but the more extensive the exactions, the greater the likelihood of legal challenges. He stated that the County’s goal was to ensure exactions were reasonable in order to reduce the risk of litigation.

**Planner Page** – He stated that staff had to consider what improvements were necessary to access the site and whether a driveway would be sufficient.

**Member Watt** – He asked whether staff believed there was sufficient ingress and egress for the project to proceed.

**Planner Page** – He stated that, to his knowledge, a traffic study had not been required.

**Planning Director Cook** - He explained that the County Engineer had the authority to request a traffic study but had not done so because the parking provided met County code requirements. He also noted that the fire department had reviewed the proposal through Civic Review and approved it.

**Planner Page** – He added that the church would still need to comply with conditions from the fire department, which would be monitored during construction.

**Chair Sessions** - She asked whether the applicant was present.

**Chad Spencer** – He introduced himself as Chad Spender of ERA Architecture stated that he was present and willing to answer questions.

**Member Wilson** – He asked whether the applicant had any thoughts regarding the request for additional road access.

**Chad Spencer** – He stated that the church was not concerned about traffic because a second egress already existed through the church parking lot and there were alternative exits from the area.

*Motion was made by Member Watt of positive recommendation to the County Commission for approval of the Rosehill LDS Chapel Site Plan Application #25.083 allowing for the proposed chapel identified by parcel number 00-0084-0774 & serial number 03-LDSMG-0004 and located approximately at 4210 W. Cottonwood Canyon Road in unincorporated Morgan County based on the findings and conditions in the staff report dated May 14<sup>th</sup> 2026. Second was made by Member King. Motion carried unanimously.*

## 8. Business/Staff Questions

### A. Updated Planning Commission Bylaws

**County Attorney Christoffersen** – She introduced the topic of reviewing the new Planning Commission Bylaws and stated that the first item displayed on the screen was a summary of meeting rules intended to be posted for the public based on an appendix included at the end of the bylaws. She explained that the summary condensed the information into a single page.

**Member Maloney** - She commented that the summary was helpful and asked whether it would be posted publicly.

**County Attorney Christoffersen** – She confirmed that it would be posted and also displayed on the screen during meetings. She stated that she was available to answer any questions regarding the bylaws and explained that the document had been compiled based on recurring issues and comments raised during meetings over the past several years, including discussion regarding allowing the Chair to vote.

**Member Maloney** – She stated that she believed the bylaws should be updated to allow the Chair to vote.

**Planning Director Cook** - He stated that the Planning Commission had previously requested that change, but it had only been updated in one section of the bylaws.

**Member Maloney** - She referenced the duties of the Chair on page 2 of 10 and noted that subsection J stated the Chair could vote only if four Planning Commission members were present. She then clarified that she had been reviewing the wrong page on the old bylaws and disregarded the comment.

**Member Taylor** – He stated that he had questions regarding the conflict-of-interest section. He explained that the document appeared to require declaration of a conflict or potential conflict if a member had any personal interest, while also indicating that members could not discuss or vote on the matter once a conflict was declared. He stated that this seemed contradictory because it discouraged disclosure when disclosure should occur. He further commented that the issue was repeated throughout multiple sections of the document and suggested condensing it into a single section, possibly within the ethics section, to provide greater clarity.

**Chair Sessions** – She referenced the ethics section on page 5, noting that the second sentence under conflicts of interest and disclosure stated that disclosures were required both verbally and in writing.

**Member Taylor** – He asked how “personal interest” should be defined in a small community.

**Chair Sessions** -She suggested that the bylaws simply follow state law regarding conflicts of interest.

**Member Watt** – He commented that actual conflicts of interest were often more specific than what people assumed constituted a conflict. He suggested including a definition of conflict of interest consistent with state law within the bylaws.

**Chair Sessions** – She stated that she had previously disclosed matters such as water rights because she wanted the public to be aware of those interests.

**County Attorney Christoffersen** – She stated that when she had previously raised the water rights issue with Chair Sessions, she had been relying on the language contained in the old bylaws.

**Chair Sessions** – She asked what provisions the County Commission used regarding conflicts of interest and suggested matching those provisions.

**Member Taylor** – He stated that he appreciated the section indicating members should not abstain simply because a topic was controversial. He referenced page 16, which stated that applicants could respond to questions after the close of a public hearing, and page 27, which referenced language that still needed to be added. He also questioned whether there was an issue with allowing the Chair to make motions or vote.

**Chair Sessions** – She stated that under Robert’s Rules of Order the Chair typically did not make motions, but he did not see why the Chair should be prohibited from doing so.

**Member Taylor** - He stated that he understood the concern about preventing the Chair from overpowering the rest of the Commission.

**Member Watt** – He commented that part of the purpose of the Chair’s role was to serve as an arbitrator.

**Planning Director Cook** - He stated that situations occasionally arose where the Chair requested a motion and no member responded. He stated that, in those situations, allowing the Chair limited authority to make a motion could help meetings move forward. He referenced a previous instance where a motion died due to lack of action, which negatively impacted an applicant financially. He stated that in such cases a denial recommendation effectively occurred late in the evening without formal action.

**Member Watt** – He stated that such circumstances reflected a deliberate tactic rather than an accident.

**Member Taylor** – He compared the situation to abstaining from controversial matters.

**Planning Director Cook** - He stated that while rare, provisions could be added to the bylaws to prevent meetings from being stalled in those situations.

**Member Maloney** - She stated that such a requirement could place significant pressure on the Chair if the room remained silent for an extended period.

**Member Taylor** – He suggested that for extremely controversial items, it might be appropriate to continue the matter rather than force action.

**Member Maloney** - She responded that the Commission had dealt with contentious items in recent months and had successfully made motions and worked through them.

**Member Taylor** - He asked for clarification regarding the “provision of action” language on page 18, item 10.

**County Attorney Christoffersen** - She explained that the provision allowed the Commission to revisit a decision after a meeting if members later determined that approval may not have been appropriate.

**Member Taylor** - He asked whether there was a time limitation on when such reconsideration could occur.

**Planning Director Cook** – He explained that rezonings included a 15-day cure period and noted that the Planning Commission acted only as a recommendation body for those matters. He stated that applicants may not have appeal rights in those situations, though the public could challenge rezonings through referendum. He explained that the Planning Commission acted as the land use authority for matters such as small subdivisions and conditional use permits, where reconsideration might occur if additional conditions or stipulations were necessary. He further noted that rescinding an approval would involve an appeal process for administrative matters. He added that similar provisions could also be useful for County Commission actions such as reversing land sales.

**County Attorney Christoffersen** – She stated that the language had been pulled from Robert’s Rules of Order.

**Chair Sessions** – She noted that there might be different considerations when reconsideration occurred during the same meeting.

**Member Watt** – He stated that rescinding an action would require re-noticing the matter.

**Member Maloney** – She asked whether conditional use permits would be one type of matter where reconsideration could apply.

**Planning Director Cook** – He confirmed that conditional use permits and small subdivisions could fall into that category. He explained that if certain facts were later found to be incorrect, the Commission could revisit and approve the matter with modifications. He added that including such language in the bylaws would be beneficial.

**Member Maloney** – She stated that conditions could change over time.

**Planning Director Cook** - He explained that if a conditional use permit was violated, staff could revoke the permit and bring the matter back before the Planning Commission, where the Commission could choose to delete or modify conditions.

**Chair Sessions** – She referenced page 8 regarding elections and noted that County Code allowed the County Commission until the end of March to appoint their representative following elections, meaning Planning Commission elections might need to occur in April instead.

**County Attorney Christoffersen** – She asked whether the Commission wanted to move elections, noting that March had originally been selected before the County amended its code.

**Chair Sessions** - She referenced page 12 regarding cancellation procedures and asked whether the Chair should be involved in cancellations in addition to staff. She then referenced page 14 regarding advance approval of agendas by the Chair.

**County Attorney Christoffersen** – She asked what changes the Commission wanted made.

**Member Maloney** – She stated that the County Commission had requested that the Chair review agendas prior to posting and also wanted the Chair to have voting authority, explaining that the additional review would provide a second set of eyes.

**Member Taylor** – He stated that he would not want the process to create delays for applicants submitting packets.

**Chair Sessions** – She stated that such review should occur within the same day.

**Member Taylor** – He commented that other jurisdictions often required deadlines and procedural steps far in advance of meetings.

**Member King** - He suggested implementing a 24-hour deadline for agenda approval, after which the agenda would move forward automatically if no response was provided.

**Chair Sessions** - She also raised the issue of implementing a timer during public comment.

**Transcriptionist Jessie Drage** - She stated that she would not mind operating a timer on her phone if needed.

**County Attorney Christoffersen** - She stated that the bylaws likely did not need to specify who operated the timer, but suggested adding language requiring a timer with an alarm every three minutes during public comment.

**Chair Sessions** – She referenced page 19 regarding debate and voting procedures, specifically the language prohibiting Planning Commission members from debating or interrupting without direction from the Chair. He stated that while it had not been a major issue, it could become cumbersome for the Chair.

**County Attorney Christoffersen** – She suggested removing that sentence because the following sentence already gave the Chair authority to regulate debate.

**Member King** – He agreed that the following sentence addressed the issue more effectively.

**County Attorney Christoffersen** – She then referenced language at the bottom of page 19 concerning the prohibition on taking up new agenda items after 10:00 p.m. and asked for the Commission’s thoughts.

**Chair Sessions** – She stated that the Commission should still retain the ability to vote to continue past that time.

**Member King** – He asked whether the Planning Commission had experienced meetings extending that late.

**County Attorney Christoffersen** - She stated that there had been late meetings in the past and noted that meetings had previously extended until midnight.

**Member Watt** – He asked whether unfinished items would automatically continue to the next meeting if the Commission chose not to extend the meeting time.

**County Attorney Christoffersen** – She explained that a motion would still be required to continue the item to the next meeting.

**Planning Director Cook** – He stated that some flexibility was beneficial because staff typically knew meeting agendas several meetings in advance. He explained that postponing items could create backlogs, longer future meetings, and frustration for applicants who were prepared to proceed.

**Chair Sessions** – She referenced page 11 regarding advocacy prohibitions and asked whether members could represent themselves even though they could not represent applicants.

**Member King** - He stated that in such situations the member would disclose that the item was their own, declare a conflict of interest, and present the item personally.

**Member Taylor** – He recalled a prior situation in another jurisdiction where a staff member sat in the audience for their own item and later returned to their official seat. He questioned whether

the issue was governed by state law or local policy and stated that he personally did not see a problem with Planning Commission members developing property within the County while continuing to serve.

**County Attorney Christoffersen** - She explained that the advocacy prohibition language under the conflict-of-interest section applied specifically to advocating on behalf of another person.

**Member King** – He asked whether an item would need to be continued if only four members remained after a member recused themselves to represent their own application.

**Planning Director Cook** – He confirmed that the item could not be heard without a quorum and would need to be continued to the next meeting.

**Member Maloney** – She commented that the bylaws were already very good overall and that the Commission was primarily being detail-oriented.

**County Attorney Christoffersen** - She stated that she would review the bylaws again, remove redundancies, consolidate sections, and incorporate the requested revisions before forwarding the updated version to the County Commission.

**Chair Sessions** – She stated that the first week of April would likely be appropriate given the County Commission’s appointment timeline extending through the end of March.

10. Approval of April 23<sup>rd</sup>, 2026, Planning Commission Minutes –

*A motion to approve the minutes was made by Member King and seconded by Member Maloney. The motion passed unanimously.*

11. Adjourn

*Motion by Member Watt to adjourn. Second by Member Maloney. Motion carried unanimously.*

Approved:

\_\_\_\_\_ Date: \_\_\_\_\_  
Chairman, Debbie Sessions  
Morgan County Planning Commission

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

