



PLANNING COMMISSION AGENDA
Thursday, July 17th, 2025
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

Public Hearing/Discussion/Decision – – The Ranch Rezone – Request to rezone property from a split designation of Rural Residential (RR-5) and Agriculture (A-20) to Rural Residential (RR-5) completely, and reflect that change on the Future Land Use Map from a split designation of Agriculture and Ranch Residential 5 to Ranch Residential 5 completely. The property is identified by parcel number 00-0093-6495 and serial number 01-RINDLEA-0006-A4 and is located at 2272 West Chrys Lane in unincorporated Morgan County.

Business/Staff Questions

6. Approval of June 26th, 2025, Planning Commission Minutes
7. Adjourn

July 17, 2025

The Ranch Rezone
Public Hearing
July 17, 2025

Application No.:	25.020
Applicant/Owner:	Tucker Jensen
Project Location:	2272 W Chrys Ln
Date of Application:	May 19, 2025
Current Zoning:	Rural Residential (RR-5)/Agriculture (A-20)
General Plan Designation:	Ranch Residential 5/Agriculture
Acreage:	51.94 acres

REQUEST

Request to rezone property from Agriculture (A-20) to Rural Residential (RR-5), and reflect that change on the Future Land Use Map from a split designation of Agriculture and Ranch Residential 5 to Ranch Residential 5 completely. The property is identified by parcel number 00-0093-6495 and serial number 01-RINDLEA-0006-A4 and is located at 2272 West Chrys Lane in unincorporated Morgan County.

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.

STAFF OBSERVATION

County staff believes that the proposed zoning map amendment from A-20 to RR-5, and an accompanying amendment to the Future Land Use Map from a split designation of Agriculture and Ranch Residential 5 to Ranch Residential 5 completely, is consistent with good planning principles. While the County Zoning Map indicates some RR-5 zoning on the western portion of the property, this appears to be the result of a mapping error. Therefore, staff is proceeding with the interpretation that the property is currently zoned entirely as A-20. If the Commission finds merit in this rezone, then the following findings could be considered:

Findings:

1. That the proposed amendment is consistent with the County's future land use goals and objectives, and aligns with the Future Land Use Map, which designates a significant portion of the property as Ranch Residential 5.
2. That the proposed amendment is in harmony with existing land uses in the area.
3. That the rezone will not adversely impact the adjacent properties many of which are smaller than 20 acres.
4. That the property amendment is consistent with surrounding property sizes and zoning.

ANALYSIS

General Plan and Zoning:

The application requests a rezone of the property from a split designation of RR-5 and A-20 to RR-5 completely, and reflect that change on the Future Land Use Map from a split designation of Agriculture and Ranch Residential 5 to Ranch Residential 5 completely. Approval of this rezone would allow development consistent with agricultural zoning rather than the patterns typical of rural residential areas.

The 2010 Morgan County General Plan identifies the following as three of the six visions for the County that may be applicable to the proposal (see pages 4 & 5 of the 2010 Morgan County General Plan):

1. *Morgan County attracts families with its quality of life, rural atmosphere, secure environment, and natural beauty. Residents have a wide range of employment, housing, and lifestyle choices. The County benefits from a balanced economy, livable wages, economic prosperity, and first-rate community services.*
2. *Morgan County respects property rights and recognizes personal responsibility to the land and communities.*
- ...
6. *Morgan County accommodates growth responsibly by integrating new development in a way that is respectful of the environment, supports County values, considers long-term sustainability, and uses available infrastructure. To help achieve this goal, the County strongly recommends that growth occur within or adjacent to corporate limits and villages or be located within master-planned communities.*

The proposed zone change appears to coincide with the stated vision for Morgan County. In changing the zoning district for the applicant's property, the County is reflecting the policies and desires of the General Plan and in accordance with the County Ordinance (See § 155.105). The purpose of the rural residential zoning districts are defined as follows:

(D) Rural Residential Districts.

(1) The purposes of providing a Rural Residential District are:

(a) To promote and preserve in appropriate areas conditions favorable to large lot family life;

(b) Maintaining a rural atmosphere;

(c) The keeping of limited numbers of animals and fowl; and

(d) Reduced requirements for public utilities, services and infrastructure.

Staff anticipates that the proposed zoning map amendment will meet these purposes and generally be in harmony with the General Plan and surrounding development. The overall impact on adjacent properties will be negligible as development in the area already has rural residential development.

ORDINANCE EVALUATION:

Morgan County ordinance anticipates amendments to the zoning map. Section 155.022: *Amendments to Title and Zoning Map* indicates that:

The County Commission may amend this chapter, including the zoning map, but only in accordance with the following procedure.

(A) The County Commission may instruct staff to study and make recommendations for amendments to this chapter or the zoning map in response to changes in policy or conditions generally within the county. Staff shall forward a recommended amendment to the Planning Commission for their consideration. The Planning Commission shall review and make recommendation to the County Commission regarding the proposed amendment pursuant to § 155.023(D) of this code.

(B) The Planning Commission may instruct staff to study and make recommendations for amendments to this chapter in response to changes in policy or conditions generally within the county. Staff shall forward a recommended amendment to the Planning Commission for its consideration. The Planning Commission shall review and make recommendation to the County Commission regarding the proposed amendment pursuant to § 155.023(D) of this code.

(C) Any property owner may initiate an amendment to this chapter or the zoning map, as long as they are affected by the proposed amendment, by submitting a complete application to the Planning and Development Services Department in accordance with § 155.023(A) of this code.

(Prior Code, § 8-3-3) (Ord. 13-03, passed 4-16-2013)

Section 155.023: *Procedures for Amendments and Rezonings* states:

(D) Planning Commission review and recommendation.

(1) Upon receiving a recommendation from staff regarding an amendment to this chapter or the zoning map, and after holding the required public hearing, the Planning Commission shall review the amendment and prepare its recommendation. The Planning Commission may recommend approval, approval with modifications or denial of the proposed amendment and shall submit its recommendation to the County Commission for review and decision.

(2) Changed or changing conditions make the proposed amendment reasonably necessary to carry out the purposes stated in this chapter.

(E) County Commission review. The County Commission shall schedule and hold a public hearing on the application as provided in § 155.031 of this code. Following the public hearing the County Commission may approve, approve with modifications or deny the proposed amendment. Prior to making a decision that goes contrary to the Planning Commission's recommendation, the County Commission may, but is not obligated to, remand the amendment to the Planning Commission with a request for another recommendation with additional or specific considerations. The Planning Commission shall review such request as specified in division (D) above.

(F) Approval standards. A decision to amend the text of this chapter or the zoning map is a matter committed to the legislative discretion of the County Commission and is not controlled by any one standard. However, in making an amendment, the County Commission and Planning Commission should consider the following factors:

(1) Whether the proposed amendment is consistent with goals, objectives and policies of the county's General Plan;

(2) Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;

(3) The extent to which the proposed amendment may adversely affect adjacent property; and

(4) The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies and wastewater and refuse collection.

(G) Reconsideration. Where an application for zoning amendment has been denied, the Planning Commission and the County Commission shall not review the same zoning amendment application within two years of a denial unless there is a substantial change of conditions since the earlier application. A new application, with applicable fee, shall be required and processed in accordance with the procedure outlined in this section.

(Prior Code, § 8-3-4) (Ord. 13-03, passed 4-16-2013; Ord. 18-07, passed 11-13-2018)

This meeting is in fulfillment of subsection (D) above. In response to § 155.023 (F) above, due to the size of the proposed zone change, the impact on the facilities and services should be minimal.

Approval Standards

The proposed zoning map change complies with the intent of the Morgan County General Plan policies and Future Land Use Map Designation. The change would maintain the character of the area while allowing for rural residential development in the Stoddard area.

RECOMMENDED MOTION

Recommended Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Commission for The Ranch Rezone, application number 25.020, changing 21.64 acres from Agriculture (A-20) to Rural Residential (RR-5), and reflect that change on the Future Land Use Map from a split designation of Agriculture and Ranch Residential 5 to Ranch Residential 5 completely, based on the findings listed in the staff report dated July 17, 2025.”

Recommended Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Commission for The Ranch Rezone, application number 25.020, changing 21.64 acres from Agriculture (A-20) to Rural Residential (RR-5) completely, and reflect that change on the Future Land Use Map from a split designation of Agriculture and Ranch Residential 5 to Ranch Residential 5 completely, due to the following findings:”

1. List any additional findings...

Supporting Information

Exhibit A: Vicinity Map
Exhibit B: Future Land Use Map
Exhibit C: Existing Zoning Map
Exhibit D: Boundary Description
Exhibit E: Applicant's Narrative

Staff Contact

Joshua Cook
801-845-4015
jcook@morgancountyutah.gov

Exhibit A: Vicinity Map

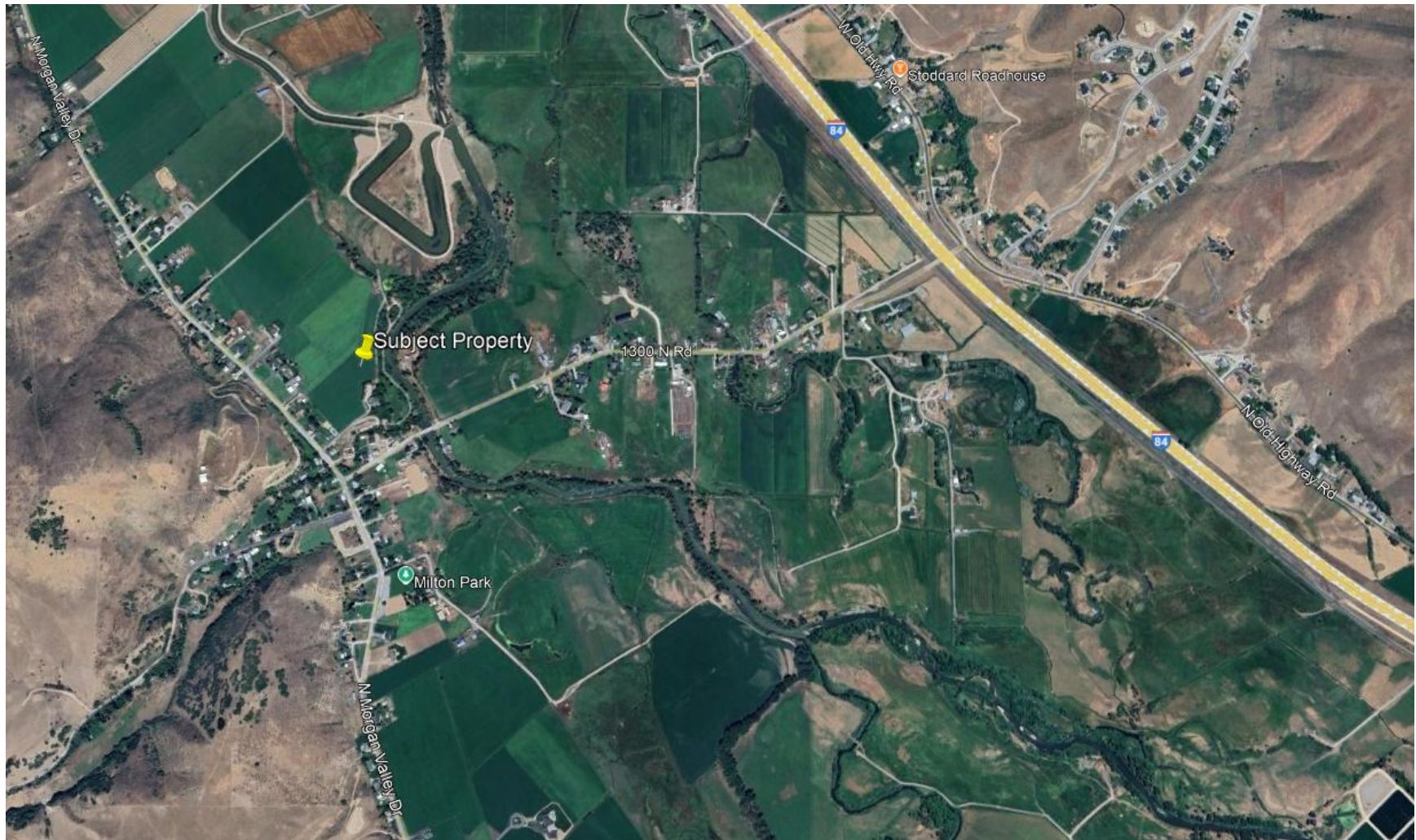


Exhibit B: Future Land Use Map



Exhibit C: Existing Zoning



Exhibit D: Property Boundary Description

ALL OF LOT 6C, RINDLESBACH MINOR SUBDIVISION AMENDED PLAT NO. 4, MORGAN COUNTY, UTAH, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE & OF RECORD, AS RECORDED ON DECEMBER 16, 2024, AS ENTRY NO. 167542, IN BK 416 AT PG 981, IN THE OFFICE OF THE MORGAN COUNTY RECORDER. CONT 21.6399 AC / 21.64 AC, M, OR L.

Exhibit E: Applicant's Narrative (Application)

Morgan County - Planning & Development Services

Printed: 07/09/2025

25.020 The Ranch Rezone

25.020

05/19/2025 - 05/18/2026

Legislative Actions

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General

Active

Under Review

Application Review Status

Pre-Review **Approved**

05/19/2025

The Zoning Administrator may take a project out of Pre-Review Status to allow the County Engineer to review to determine that all submittal items contain the required information necessary to be considered a complete application. While the application may be out of pre-review this does not constitute a complete application until such time as the County Engineer provides a memo stating all items are present.

County Commission	Not Reviewed
Zoning Administrator	Not Reviewed
County Engineer	Not Reviewed
Planner I	Reviewing
GIS Personnel	Not Reviewed
County Attorney	Not Reviewed
Final-Review	Not Reviewed

Fees

Payments

Zone Map Amendment	\$310.00	05/19/2025	Online	\$1,000.00
Future Land Use Map Amendment	\$500.00	Total Paid		\$1,035.00
Noticing	\$190.00			
Subtotal	\$1,000.00			
Processing Fee	\$35.00			
Total	\$1,035.00			

PLANNING COMMISSION MINUTES

Thursday, June 26th, 2025
Morgan County Commission Room
6:30 pm

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 Maloney
Member King
Member Wilson
Member McMillan
Member Telford
Member Sessions

PC Members Absent:

Member Watt

Public Attendance:

Tina Kelley
Bill Black
Chris Tremea
Vaugh Nickerson
Mark Miller
Lucas Gray

Staff:

Joshua Cook – Planning Director
Judy Vogel, Transcriptionist/Permit Tech

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

Motion by Member Wilson to approve the agenda.

Second by Member King. The vote was unanimous. Motion carried.

4. **Declaration of Conflicts of Interest**
5. **Public Comment**
No Public Comment

Legislative

6. **Public Hearing/Discussion/Decision – Geohazards Code Text Amendment –**
Geohazards Code Text Amendment – Request for approval of a text amendment to the Morgan County Code (MCC) to clean up and clarify the geohazard section and other sections mentioning slopes.

Planning Director Cook introduced the geo hazard text amendment, explaining the need to remove the 25% prohibition to avoid regulatory takings. He detailed the proposed changes, including requiring a geo hazard report for properties exceeding 15% slope.

Mark Miller, County Engineer, discussed the historical context and current state of the geo hazard ordinance, emphasizing the importance of mitigating hazards. He explained the potential legal issues with the 25% prohibition and the need for a more defensible threshold. He felt comfortable to recommend with Geologist.

Bill Black, County Geologist, stated other Counties are at a 30% or more threshold.

Member Wilson questioned the legal basis for the 25% prohibition and the potential for regulatory taking.

Mark Miller explained the County Attorney's concerns about defending the 25% threshold in court.

Member Wilson questioned if it would increase the number of buildable lots.

Mark Miller explained that it won't affect a lot of properties.

Member McMillan asked if this would indemnify an individual?

Deputy Attorney Christofferson stated that it would push the responsibility to the geo-tech engineers/geologists.

Member Wilson questioned if the county would enforce the shifting liability.

Mark Miller and Planning Director Cook discuss the feasibility of mitigating hazards on steep slopes and the role of geologists and geotechnical engineers.

Member Telford questioned where the percentage of slope came from.

Bill Black stated that 15% comes from statistics on previous slides.

Member Sessions stated concerns of scaring of the hills sides due to switchbacks being created.

Mark Miller referenced Ivans, Utah and how they mitigated scaring due to their Hillside Protection Ordinance.

Open Public Hearing

Motion by Member Wilson to open Public Hearing

Second, by Member Telford. The vote was unanimous. Motion carried.

Tina Kelly expressed concerns about the vague notice of the public hearing and the potential impact on slope requirements. She shared personal experiences with landslides and the long-term consequences for the community. She suggested considering a hillside protection ordinance to prevent scaring and long-term issues.

Close Public Hearing

Motion by Member Sessions to close Public Hearing.

Second, by Member King. The vote was unanimous. Motion carried.

Member McMillan questions if the switchback cuts into the hills would cause issues for other property owners.

Bill Black stated per code, they must do it in a safe manner and studies are conducted to ensure they are doing it the right way for everyone.

Chair Maloney stated hillside protection should be added to her viewshed ordinance request.

There was continued discussion about property owner rights and the ability to build on steeper slopes if the property owners are willing to spend the money to mitigate any potential issues.

Planning Director Cook suggested re-noticing and having the County Commission direct to bring it forward again. No need for motion.

7. **Public Hearing/Discussion/Decision – Code Enforcement Code Text Amendment –**
Request for approval of a text amendment to modify the Morgan County Code (MCC) to establish revised enforcement procedures, clarify appeal processes, and expand available civil and criminal remedies.

Deputy Attorney Christofferson presented the Code Enforcement Text amendment stating the code 155.99 is being completely revised. Violations and penalties along with enforcement will be revised and made clearer.

Deputy Attorney Christofferson read and recommended the changes. Civil Enforcement #6 notice to comply; The \$100 a day is too low. Recommends bumping to \$1000 per day which should start immediately. Civil fines start at 30 days. She explained a tiered fine structure for 1st, 2nd, 3rd offence and stated fines should be \$500, \$750 and \$1000. She explained that Commissioner Newton wanted some things clarified such as emergency abatement and to tailor the language. Chang appeals to 15 days. She asked the commission if the appeals process should stay with appeals officer or County Commission.

Planning Commission agreed to keep it with the County Commission sitting its good checks and balances and having those elected making the decisions. They decided to keep the appeals officer for everything except small subdivisions. Those will go with the County Commission.

Deputy Attorney Christofferson discussed inspections. Quoting Utah Rule 40(K) of procedure. The code officer can apply for a search warrant. I would like to add provision (H) to give people notice that they can search property.

Code Enforcement Officer Tremea stated that warrants to search would only be for the worst of the worst i.e. drug houses. It is very beneficial if needed.

Deputy Attorney Christofferson reads changes to the abatement procedure.

Open Public Hearing

Motion by member McMillan

Second by member Wilson. The vote was unanimous. Motion carried

Lucas Gray stated that the neighbor built a garage too close to his property. Issues between him and neighbor. Questioned if he and his neighbor should be apart of this meeting? Neighbors want a variance. How is this going to be dealt with. Nothing has been productive.

Tina Kelly – Questioned what was added to the code compliance section. States she has the right to be safe on her property and doesn't like the search warrant section. Questioned if this will change.

Close Public Hearing

Motion by member King

Second by member Telford. The vote was unanimous. Motion carried.

Deputy Attorney Christofferson addressed Tina Kelley's concern stating that this is a notice to the public that search warrants may happen but needs to be signed by a judge and enforced by police. She explained the process.

Chair Maloney questioned the ability to retroactively enforce code violations.
Deputy Attorney Christofferson stated that there is processes in place such as code enforcement and state laws to allow private parties to enforce against other private parties etc.

Motion by member McMillan “I move we recommend approval to the County Commission of the Code Enforcement Code Text Amendment based on the findings listed in the memorandum dated May 22, 2025, with the following additional conditions outlined by Janet Christofferson leaving the conditions on 155.437 of the county commission and the tiered fine structure and the additional search warrant language ”

Second by member Wilson. The vote was unanimous. Motion carried.

Business and staff questions

8. Approval of minutes

Motion by Member King

Second, by Member Sessions the vote was unanimous. Motion carried.

9. Adjourn

Motion by Member Sessions.

Second, by Member King. The vote was unanimous. Motion carried

Approved: _____ Date _____
Maddie Maloney -Chair

Judy Vogel -Transcriptionist

Date _____