



PLANNING COMMISSION AGENDA
Thursday, August 27th, 2026
Morgan County Commission Room
Morgan County Courthouse – 48 West Young Street

6:30 p.m. Regular Meeting

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

Legislative

6. **Public Hearing/Discussion/Decision** – *New Monument Code: Amendments to § 150.04, § 154, § 155.008, § 155.371, § 155.430.*
7. **Public Hearing/Discussion/Decision** – *2292 W. Chrys Lane Future Land Use Map Amendment (FLUMA) & Rezone: A request to change the FLUM for 5.00 acres from Ranch Residential five (5) acres minimum per dwelling to Rural Residential one (1) acre minimum per dwelling and to rezone 5.00 acres from Rural Residential five (5) acres minimum per dwelling to Rural Residential two and one half (2.5) acres minimum per dwelling at 2292 W. Chrys Lane in the Milton area in unincorporated Morgan County. Applicant: A. Jaden Wells.*

Administrative

8. Business/Staff Questions
9. Approval of August 13, 2026, Planning Commission Minutes
10. Adjourn

Morgan County, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations should call Planning & Development at 801-845-4015, giving at least 24 hours' notice prior to the meeting. A packet containing supporting materials is available for public review prior to the meeting at the Planning and Development Services Dept. and will also be provided at the meeting. Note: Effort will be made to follow the agenda as outlined. However, agenda items may be discussed out of order as circumstances may require. If you are interested in a particular agenda item, attendance is suggested from the beginning of the meeting.

MEMORANDUM

TO: Morgan County Planning Commission

FROM: Morgan County Planning & Development Services Staff

SUBJECT: Monument Preservation Text Amendment

SUMMARY: Request for approval of a text amendment to the Morgan County Code (MCC) to remove parts of the § 155.371 code to implement it into the new 154 ordinance.

This amendment was created by Morgan County staff to amend the Morgan County Code. The proposed revisions modify parts of MCC §155.008, § 155.371, and § 155.430 regarding monument preservation and land surveying to allow for the consolidation of standards to be kept in section 154 of the MCC.

The proposed change removes language and standards outlined in § 155.008 Definitions, § 155.371 Surveys, and § 155.430 Subdivision Survey Monuments to establish clear and consistent surveying and monument preservation requirements. These revisions ensure reasonable expectations for lot owners, application of the code, and supports fair and defensible administration by county staff.

ATTORNEY GUIDANCE

Legislative Review: Legislative Review: Legislative land use decisions involve the adoption, amendment, or repeal of ordinances, zoning maps, development standards, and other land use regulations. Under Utah Code § 17-79-501, these are policy decisions entrusted to the County Commission as the County's legislative body and involve the exercise of legislative judgment and discretion.

The Planning Commission's role is to review the proposal, receive public input, evaluate potential impacts, and make a recommendation to the County Commission. In doing so, the Planning Commission should consider whether the proposal is consistent with Morgan County Code, the General Plan, and applicable provisions of Utah law.

Applicable Law: Utah law grants counties broad authority to regulate land use through legislative action. Historically, legislative land use decisions were generally upheld if it was reasonably debatable that the regulation promoted the public welfare. However, recent amendments to Utah Code § 17-79-801 provide that a legislative land use regulation will be upheld if it is reasonably debatable that the regulation is consistent with LUDMA.

While there is currently limited case law interpreting this revised standard, recommendations and decisions are best supported by the purposes and policies identified in Utah Code § 17-79-102, Morgan County Code, and the General Plan. Doing so provides a stronger basis for legislative

action and judicial review. Among other things, Utah Code § 17-79-102 identifies the following land use purposes:

- Protect the public health, safety, and welfare.
- Promote prosperity and economic stability.
- Protect the tax base and secure economy in governmental expenditures.
- Facilitate orderly growth and a variety of housing types.
- Protect property values.
- Foster agricultural and other industries.
- Protect both urban and nonurban development.
- Promote transportation, infrastructure, and public facilities.
- Balance surrounding land uses with private property rights and constitutional protections.

Findings: The record should clearly identify:

- The basis for the recommendation or decision.
- The applicable provisions of Morgan County Code, the General Plan, and Utah law supporting the recommendation or decision.
- The public purposes and policy considerations supporting the recommendation or decision, including any applicable purposes identified in Utah Code § 17-79-102.
- The facts, information, policy considerations, and evidence relied upon in reaching the recommendation or decision.

PROPOSED TEXT

§ 155.008 DEFINITIONS.

MONUMENT. an accessory that is presumed to occupy the exact position of a corner, as defined in U.C.A §17-73-101, as amended. A permanent survey marker established by the County Surveyor and/or survey marker set in accordance with the County Surveyor's specifications and referenced to county survey MONUMENTS.

~~PERMANENT MONUMENT. Any structure of concrete, masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference, which meets the requirements of the county for permanent monuments.~~

PROFESSIONAL LAND SURVEYOR. an individual who is licensed to practice land surveying in Utah in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act, as defined in U.C.A. §17-73-101(13).

RECORD OF SURVEY MAP. A map or plat of a survey prepared and filed in accordance with U.C.A §17-73-504, as amended. A map of a survey of land prepared in accordance with UCA §§ 10-9a-603, 17-23-17, 17-27a-603 or 57-8-13.

§ 155.371 SURVEYS.

(B) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOUNDARY MONUMENT. Any physical object, regardless of type of material or marking, intended to represent a property corner or line, whether it be at the corner, on the line or a recorded distance from the corner or line.

PROFESSIONAL LAND SURVEYOR. An individual who is licensed to practice land surveying in Utah in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act, as defined in U.C.A. § 17-73-101(13), as amended. ~~LAND SURVEYOR. A person who is qualified to practice land surveying by reason of special knowledge of the technique of measuring land, the basic principles of mathematics, the related physical and applied sciences, the relevant requirements of law for adequate evidence, and the requisites to surveying of real property, and who is licensed pursuant to UCA 58-22-101 et seq., as amended, or who qualifies under one of the nonlicensing exceptions of UCA 58-22-101 et seq., as amended.~~

(Prior Code, § 8-15-2)

(C) Relationship to Title III, Chapter 38.

- (1) Professional land surveyors performing surveys within Morgan County shall comply with the applicable requirements of Title III, Chapter 38, Surveying and Survey Monuments, and applicable state law.
- (2) Whenever a survey involves a government survey monument, public land survey government corner location, reference monument, witness monument, or other monument protected under Title III, Chapter 38, the surveyor shall comply with all applicable monument preservation, notification, permit, monument tie sheet, reconstruction, rehabilitation, and filing requirements of that Chapter.
- (3) Nothing in this section relieves a person from obtaining any Monument Encroachment Permit, Monument Construction Permit, or other approval required by Title III, Chapter 38.

~~(D)~~ Filing of plats.

~~(E)~~ Fees. The County Surveyor shall collect a filing fee, in such amount as established by resolution of the County Commission, to cover administration costs.

(Prior Code, § 8-15-4)

§ 155.430 SUBDIVISION SURVEY MONUMENTS.

(A) All survey monuments required by an approved subdivision plat, this Title, or as a

condition of subdivision approval shall be installed in accordance with Title III, Chapter 38, Surveying and Survey Monuments, including all applicable permit, inspection, and acceptance requirements.

(B) Survey monuments required by this section constitute required subdivision improvements and shall be completed before the subdivision improvements are accepted by the County, unless otherwise approved by the County. Prior to the placement or installation of any survey monument within a subdivision, the subdivider shall obtain approval and verification of the proposed location of the survey monument from the County Surveyor. Standard monuments, which are acceptable to the County surveyor, shall be installed by the subdivider's state-licensed professional engineer or professional land surveyor and shall be part of the required improvements.

(Prior Code, § 8-12-47) (Ord. 10-16, passed 12-14-2010; Ord. 19-09, passed 10-15-2019)

RECOMMENDED MOTIONS

Sample Motion for a *Recommendation for Approval* – “I move we recommend approval to the County Commission the Monument Preservation Text Amendment based on the findings listed in the memorandum dated August 27, 2026.”

Sample Motion for *Approval with Conditions* – “I move we recommend approval to the County Commission the Monument Preservation Text Amendment based on the findings listed in the memorandum dated August 27, 2026, with the following additional conditions:”

1. List any additional findings and conditions...

Sample Motion for *Denial* – “I move we recommend denial to the County Commission the Monument Preservation Text Amendment with the following findings:”

1. List any additional findings...

ATTACHMENTS:

Attachment “A”: Shaun Rose Narrative

Attachment “B”: Monument Preservation Ordinance

NARRATIVE FOR THE ADOPTION OF MORGAN COUNTY
MONUMENT PRESERVATION ORDINANCE (CHAPTER 38)

The adoption of Chapter 154 is an important step toward modernizing Morgan County's monument preservation program and ensuring compliance with recent amendments to Utah Code Title 17, Chapter 73. This ordinance repeals and replaces the County's existing monument preservation regulations with a comprehensive, streamlined chapter that establishes clear procedures for monument preservation, permitting, inspections, reconstruction, documentation, and enforcement.

Survey monuments are the foundation of the Public Land Survey System and ultimately define the legal boundaries of every parcel of property in Morgan County. Protecting these monuments is essential to preserving property rights, maintaining accurate land records, and reducing future boundary disputes.

As development continues throughout the County, it is increasingly important to have clear standards in place to ensure monuments are properly protected whenever construction or excavation activities occur.

This ordinance creates a consistent process for Monument Encroachment Permits and Monument Construction Permits, requires Monument Tie Sheets to improve future monument recovery, and updates the administration of the existing Public Land Corner Preservation Fund. It also establishes permit fees and inspection procedures that allow the program to be largely self-supporting, ensuring that the costs of monument preservation are paid by the projects affecting the monuments rather than by the County's general taxpayers.

The ordinance further strengthens Morgan County's ability to protect public monuments by establishing clear enforcement provisions. It defines violations, establishes civil penalties, provides administrative remedies, and creates a formal appeal process that ensures fairness while protecting the County's ability to preserve critical survey infrastructure.

I am passionate about this project because I believe monument preservation is one of the most overlooked yet essential responsibilities of local government. These monuments are permanent public assets that define legal boundaries, protect private property rights, support public infrastructure, and preserve the original intent of the Public Land Survey System. Once they are lost or improperly reconstructed, the consequences can affect landowners, surveyors, engineers, title companies, and the County for decades.

This ordinance is about planning ahead rather than reacting after problems occur. It establishes clear expectations, modern administrative procedures, responsible funding, accurate documentation, and consistent enforcement. It brings Morgan County into alignment with current Utah law while creating a sustainable monument preservation program that will continue

protecting our public land survey system for many years to come. This ordinance is more than a regulatory update—it is an investment in protecting property rights, promoting responsible development, and ensuring Morgan County's monument preservation program reflects current law and modern surveying practices.

Shaun Rose

Morgan County Recorder

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Title 15

Chapter 154: Surveying and Survey Monuments

General Provisions

154.01 Short title

This Chapter shall be known as “Surveying and Survey Monuments”

154.02 Purpose

(A) It is the purpose of this Chapter to preserve and safeguard survey control and evidence of land boundaries. This Chapter accomplishes that purpose by establishing standards and procedures for the filing of records of survey, the review of subdivision plats and final local entity plats, and the establishment, reestablishment, preservation, rehabilitation, and perpetuation of monuments of the public land survey system and other monuments upon which land boundaries, public infrastructure, and real property improvements rely.

(B) Requirements imposed under this Chapter may be administered in conjunction with subdivision approvals, development approvals, permits, and other County authorizations when necessary to carry out duties authorized under Utah Code Title 17, Chapter 73 and Title 57, Chapter 10.

(C) Nothing in this Chapter shall be construed as a land use regulation, zoning regulation, or development approval requirement except to the extent specifically authorized by state law.

154.03 Definitions

When used in this Chapter, the following words and phrases have the meaning ascribed to them in this Chapter, unless the context indicates a different meaning:

CONSTRUCTION means (a) (i) the preparation of an area for a building or structure, including demolition, site clearance, exploration, drilling, boring, and excavation; and (ii) the carrying out of any building, civil engineering, or engineering work for the assembly or maintenance of any building or structure. (b) “Construction” does not mean normal maintenance of a roadway and related infrastructure that does not require construction drawings.

CORNER, unless otherwise qualified, means a property corner, a property controlling corner, a public land survey corner, or any combination of these.

EMERGENCY SITUATION means an unforeseen condition that poses a threat to public health or safety, or an immediate threat of substantial damage to property or the continued operation of critical public infrastructure, and requires immediate corrective action that does not reasonably allow sufficient time to obtain a Monument Encroachment Permit before commencing work.

GOVERNMENT SURVEY MONUMENT means a monument that: (a) a government entity maintains; or (b) the county surveyor sets in accordance with Utah Code § 17-73-501.

MONUMENT means an accessory that is presumed to occupy the exact position of a corner.

MORGAN COUNTY RECORDER/SURVEYOR'S OFFICE means the Morgan County Recorder acting in the Recorder's capacity as County Surveyor pursuant to applicable law, together with any professional land surveyor employed by, appointed by, retained under contract by, or otherwise authorized by the Morgan County Recorder to perform county surveyor duties, and any authorized deputies, employees, inspectors, agents, or representatives acting within the scope of their delegated authority. Nothing in this definition authorizes a person who is not a licensed professional land surveyor to perform any act that state law requires to be performed by a licensed professional land surveyor.

PERMITTEE means any person who has been issued a permit under this Chapter.

PERSON means the same as defined in Utah Code § 68-3-12.5(18).

PROFESSIONAL LAND SURVEYOR means an individual who is licensed to practice land surveying in Utah in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act, as defined in Utah Code § 17-73-101(13).

PUBLIC LAND SURVEY GOVERNMENT CORNER means the same as defined in Utah Code § 17-73-101.

REFERENCE MONUMENT means a special monument that does not occupy the same geographical position as the corner itself, but whose spatial relationship to the corner is recorded and which serves to witness the corner, as defined in Utah Code § 17-73-101(18).

WRITTEN AUTHORIZATION TO PROCEED means the written authorization issued by the Morgan County Recorder/Surveyor's Office authorizing work to commence under an approved permit.

In the event of any conflict between these definitions and Utah Code § 17-73-101, as amended, the statutory definition shall control.

Public Land Corner Preservation Fund

154.10 Public Land Corner Preservation Fund

The Public Land Corner Preservation Fund established by Morgan County Ordinance CO 24-21 pursuant to Utah Code §§ 17-63-710 and 17-73-104 is hereby continued as a special revenue fund. Money required or authorized by state law to be deposited into the Public Land Corner Preservation Fund shall be used only for the establishment, reestablishment, preservation, rehabilitation, maintenance, and perpetuation of corners of government surveys and other purposes expressly authorized by state law.

154.11 Escrows, Fees, And Fines

All money collected under this Chapter shall be deposited with the Morgan County Treasurer. Money required or authorized by Utah Code §§ 17-63-710 and 17-73-104 to be deposited into the Public Land Corner Preservation Fund shall be credited to that fund. Escrows and security deposits shall be separately accounted for and administered according to their purpose. All other fees, civil penalties, reimbursements, and amounts collected under this

Chapter shall be credited to the fund or account identified by the Morgan County Recorder/Surveyor's Office in accordance with applicable law and County accounting policies.

The Morgan County Recorder/Surveyor's Office shall collect the following fees, escrows, and civil penalties in amounts established by this Chapter or by resolution or fee schedule adopted by the Morgan County Commission:

(A) Escrows and Security Deposits

(1) When necessary to guarantee monument preservation, reconstruction, rehabilitation, or replacement required by this Chapter, the Morgan County Recorder/Surveyor's Office may require the applicant to provide an escrow, cash deposit, letter of credit, bond, or other financial security acceptable to the County to guarantee the installation, reconstruction, rehabilitation, preservation, protection, or replacement of any government survey monument, public land survey government corner location, or related monument improvements.

(2) The amount and form of the escrow or security shall be established by the Morgan County Recorder/Surveyor's Office based upon the estimated cost of the required work, inspections, administration, restoration, and any other costs reasonably associated with the monument or monument-related improvements.

(3) Upon satisfactory completion of the required work and compliance with all permit, agreement, and approval conditions, any remaining escrow or security shall be released. If the applicant fails to satisfy the requirements of the permit, agreement, or approval, the County may draw upon, retain, or forfeit all or a portion of the escrow or security to complete the work or reimburse the County for costs incurred.

(4) Nothing in this Chapter shall prohibit the County from assessing permit fees, inspection fees, review fees, or other fees authorized by this Chapter.

(B) Permit Fees

(1) Monument Encroachment Permit Fee. The Morgan County Recorder/Surveyor's Office shall assess a monument encroachment permit fee for each monument within Morgan County that may be buried, damaged, disturbed, displaced, covered, removed, or destroyed. The Monument Encroachment Permit Fee shall not exceed the maximum amount authorized by Utah Code § 17-73-502, as amended.

(2) Monument Construction Permit Fee. The Morgan County Recorder/Surveyor's Office shall assess a monument construction permit fee for each monument the Morgan County Recorder/Surveyor's Office requires to be installed as a part of any subdivision, right-of-way, dedication, public infrastructure project, monument improvement agreement, land development project, or other approval under this Chapter.

The monument construction fee shall cover the review, inspection, acceptance, and administrative costs associated with the installation of the monument. The monument construction fee shall also include the cost of furnishing the brass monument, ring, lid, and other monument components required by the Morgan County Recorder/Surveyor's Office.

(C) Review Fees

(1) Record of Survey Filing Fee. The Morgan County Recorder/Surveyor's Office shall assess a record of survey filing fee for each sheet of a record of survey map, plat, corner record, or any other survey document, submitted for filing pursuant to Utah Code §§ 17-73-504 and 17-73-505.

(2) Interlocal Subdivision Plat Review Fee. The Morgan County Recorder/Surveyor's Office shall assess an inter-local subdivision plat review fee for any subdivision plat submitted for review by any agency which has entered into an inter-local agreement with the Morgan County Recorder/Surveyor's Office for reviewing subdivision plats.

(3) Final Local Entity Plat Review Fee. The Morgan County Recorder/Surveyor's Office shall assess a final local entity plat review fee for any final local entity plat submitted for review pursuant to Utah Code §17-73-507.

(4) Excessive Review Fee. The Morgan County Recorder/Surveyor's Office may assess an excessive review fee for any subdivision plat, or final local entity plat, record of survey, or related document submitted for review that requires review substantially exceeding the normal review time due to repeated corrections, repeated resubmittals, incomplete submissions, or failure to adequately address prior review comments.

(5) Monument Inspection Fee. The Morgan County Recorder/Surveyor's Office may assess a monument inspection fee for the inspection of each monument constructed, reconstructed, rehabilitated, or affected by construction activity. The Morgan County Recorder/Surveyor's Office may also assess an additional monument inspection fee for any subsequent inspections of any monument that failed previous inspection pursuant to the terms of the permit or monument improvement agreement.

(6) Monument Supplies Convenience Fee. The Morgan County Recorder/Surveyor's Office shall assess a monument supplies convenience fee for furnishing monument materials or individual monument parts necessary to construct, reconstruct, or rehabilitate monuments.

(D) Civil Fines.

(1) Work Without Permit Fine. The Morgan County Recorder/Surveyor's Office shall assess a civil fine for each monument whenever a person performs any activity requiring a Monument Encroachment Permit or Monument Construction Permit under this Chapter without first obtaining the required permit from the Morgan County Recorder/Surveyor's Office.

(2) Failure to Identify Monument Fine. The Morgan County Recorder/Surveyor's Office shall assess a civil fine against a person who prepares or produces drawings or plans for construction work within 30 feet of a government survey monument or public land survey government corner location and who fails to expressly show the monument or corner location on the face of the drawings or plans as required by Utah Code §17-73-502 and Morgan County Code 154.40(A)(3).

(3) Monument Destruction Fine. The Morgan County Recorder/Surveyor's Office shall assess a civil fine from a person responsible for the unlawful disturbance or destruction of a monument as provided by Utah Code §§ 17-73-502 and 17-73-503 and this Chapter.

154.12 Use of Public Land Corner Preservation Fund

(A) Money deposited in the Public Land Corner Preservation Fund shall be used to pay expenses incurred by the Morgan County Recorder/Surveyor's Office in carrying out duties authorized by Utah Code §§ 17-73 and 57-10, including:

(1) Establishment, reestablishment, rehabilitation, preservation, maintenance, inspection, and perpetuation of government survey monuments and public land survey government corner locations;

(2) Purchase of monument materials, brass caps, rings, lids, markers, survey equipment, and related supplies;

(3) Survey record retention, management, digitization, indexing, and accessibility;

(4) Review and administration of permits, plats, records of survey, and corner records;

(5) Enforcement and compliance activities related to monument preservation;

(6) Professional services, labor, mapping, surveying, and administrative costs associated with monument preservation and survey record management; and

(7) Other expenses reasonably related to and authorized for the establishment, reestablishment, preservation, maintenance, administration, protection, accessibility, and perpetuation of government survey monuments, public land survey government corner locations, survey records, training and continuing education related to surveying and monument preservation, and county surveyor duties as authorized under Utah Code Title 17, Chapter 73 and Title 57, Chapter 10.

Records of Survey and Corner Records

154.20 Filing of Record of Survey Maps

(A) Filing Requirements.

(1) Each professional land surveyor making a boundary survey to establish or reestablish a boundary line within Morgan County shall comply with the requirements of Utah Code Ann. § 17-73-504, as amended, including filing a Record of Survey Map with the Morgan County Recorder/Surveyor's Office within ninety (90) days after the establishment or reestablishment of the boundary.

(2) Every Record of Survey Map submitted to the Morgan County Recorder/Surveyor's Office is subject to review for compliance with applicable state law, this Chapter, and County standards and procedures.

(3) The requirements of this section apply to all boundary surveys, Records of Survey, and other survey documents required by this Chapter, Title 155, or applicable state law.

(B) Map or Plat Requirements. Each record of survey map or plat filed in the Morgan County Recorder/Surveyor's Office shall comply with all of the map requirements of Utah Code § 17-73-504 and the following:

(1) All surveyed boundary descriptions shall have a mathematical error in closure equal to or less than two centimeters (0.0656 feet) plus 50 parts per million.

(2) The map or plat shall identify and describe each monument found or set, including the monument type, size, condition, identifying markings, date observed or set, and the agency, entity, or office identified on the monument, if any.

(3) The location of all property corners or endpoints of property lines set or marked by the surveyor on the ground shall be shown on the map or plat and labeled as having been set or marked by the surveyor.

(4) A legend shall be included which clearly identifies the lines, symbols, abbreviations, and other markings used on the survey map or plat.

(C) Narrative Requirements. In addition to the narrative requirements of Utah Code § 17-73-504, the record of survey map or plat filed with the Morgan County Recorder/Surveyor's Office shall contain a written narrative that explains and identifies:

(1) The documentary, parol, and tangible evidence used in establishing the location of the lines of the survey;

(2) The legal principles of boundary establishment utilized in establishing the location of the lines of the survey; and

(3) If the survey abuts, references, or relies upon a public or private right-of-way, subdivision, utility corridor, railroad, canal, river, or similar feature, the survey narrative shall identify the documentary, parol, and tangible evidence relied upon and the legal principles of boundary establishment utilized to locate or re-establish the location of said features.

(D) Monument Tie Sheets. In addition to any filing required by Utah Code Ann. §§ 17-73-504 or 17-73-505, whenever a Record of Survey Map or subdivision plat identifies, establishes, perpetuates, rehabilitates, reconstructs, replaces, relocates, lowers, resets, or otherwise documents a survey monument or property corner, the professional land surveyor shall submit a monument tie sheet for each monument shown on the Record of Survey Map or subdivision plat.

The monument tie sheet shall:

(1) Be submitted contemporaneously with the Record of Survey Map or subdivision plat;

(2) Be prepared in a form approved by the Morgan County Surveyor;

(3) Include sufficient measurements, sketches, photographs, coordinates, descriptions, and other information necessary to facilitate the future recovery of the monument; and

(4) Become part of the permanent monument records maintained by the Morgan County Recorder/Surveyor's Office.

No additional filing fee shall be charged for the submission of a monument tie sheet required by this Chapter.

154.21 Corner Files, Corner Records, Record of Corner Changes, and Monument Tie Sheets

(A) Professional land surveyors shall comply with the corner file, corner record, and record of corner change requirements of Utah Code Ann. §§ 17-73-504 and 17-73-505, as amended.

(B) Any corner file, corner record, record of corner change, or other filing required by Utah Code Ann. §§ 17-73-504 or 17-73-505 shall be filed with the Morgan County Recorder/Surveyor's Office in the manner and within the time periods required by state law.

Plat Reviews

154.30 Review of Subdivision Plats and Final Local Entity Plats

(A) Review Requirement

(1) The Morgan County Recorder/Surveyor's Office shall review all subdivision plats, road dedication plats, road vacation plats, and final local entity plats submitted to Morgan County to determine compliance with applicable survey requirements of state law, this Chapter, and applicable County standards.

(2) The review conducted under this Chapter is limited to matters within the authority of the Morgan County Recorder/Surveyor's Office and does not constitute approval of engineering, planning, zoning, utility, or other matters reviewed by other County departments or agencies.

(B) Compliance

(1) Any plat submitted to the Morgan County Recorder/Surveyor's Office that fails to substantially comply with applicable state law, this Chapter, or applicable County standards may be rejected as incomplete and/or returned without substantive review.

(2) The Morgan County Recorder/Surveyor's Office may, as part of its review, identify and note deficiencies in the plat that do not comply with applicable state law, this Chapter, or applicable County standards. The identification of deficiencies during the review process shall not constitute a representation that all deficiencies have been identified, and the professional land surveyor remains solely responsible for ensuring the plat complies with all applicable legal and technical requirements. The plat shall be brought into compliance before it may be approved or signed by the Morgan County Recorder/Surveyor's Office. Nothing in this Chapter shall be construed to shift responsibility for the accuracy, completeness, or legal sufficiency of a plat from the

professional land surveyor to Morgan County or the Morgan County Recorder/Surveyor's Office.

(3) Each plat submitted to the Morgan County Recorder/Surveyor's Office for review shall include a signature block for the Morgan County Recorder/Surveyor's Office certificate of approval which shall read as follows:

Morgan County Recorder/Surveyor's Office:

I hereby certify that the Morgan County Recorder/Surveyor's Office has reviewed this plat pursuant to the requirements of state law, this Chapter, and applicable County standards. Approval by the Morgan County Recorder/Surveyor's Office does not constitute a certification of the accuracy or completeness of the survey and does not relieve the professional land surveyor of any responsibility or liability imposed by law.

Signed this day of .

(4) Prior to approval of a plat, any Record of Survey required by state law or this Chapter shall be filed with the Morgan County Recorder/Surveyor's Office showing the boundaries and acreage of all parcels or portions of parcels included within the boundaries of the proposed plat.

(C) Non-Compliant Submittal

(1) A plat submitted to the Morgan County Recorder/Surveyor's Office for any review cycle which fails to adequately address all prior review comments provided by the Morgan County Recorder/Surveyor's Office for that plat may be deemed a non-compliant submittal.

(2) When a plat submitted for review is deemed a non-compliant submittal, the Morgan County Recorder/Surveyor's Office:

(a) Shall provide written notice to the surveyor preparing the plat that the submitted plat has been deemed a non-compliant submittal; and

(b) May require an additional review fee or non-compliant submittal fee, which shall be paid before any further review by the Morgan County Recorder/Surveyor's Office.

Survey Monument Preservation

154.40 Monument Protection

(A) Prohibited Acts.

(1) Pursuant to Utah Code § 17-73-503, it is unlawful for any person to damage, disrupt, move, remove, bury, pave over, cover, deface, alter or destroy an existing government survey monument, public land survey government corner location, witness monument, reference monument, or any associated concrete collar, monument box, ring, lid or monument accessory, except as permitted by this Chapter.

(2) In any civil enforcement proceeding under this Chapter, evidence that a person performed, directed, controlled, or authorized construction activities within 30 feet of the monument at or near the time the disturbance occurred may be considered in determining whether that person caused or contributed to the disturbance or destruction of the monument.

(3) Pursuant to Utah Code § 17-73-502(4), a person who prepares or produces drawings or plans for construction to be performed within 30 feet of a government survey monument or public land survey government corner location shall expressly show the following on the face of the drawings or plans:

(a) The record or actual location of the government survey monument or public land survey government corner location as determined by field surveys, survey records, monument records, corner records, or records maintained by the Morgan County Recorder/Surveyor's Office;

(b) A note identifying the government survey monument or public land survey government corner location, including the monument type, size, condition, location relative to the ground surface, and any identifying markings, inscriptions, caps, tags, dates, or agency designations associated with the monument; and

(c) The following note:

Morgan County Recorder/Surveyor's Office Monument
Encroachment Permit Required. Monument shall be preserved in place or replaced in accordance with County specifications and Utah law.

(4) Pursuant to Utah Code Ann. § 17-73-502(5), a person who finds a monument that needs rehabilitation shall notify the Morgan County Recorder/Surveyor's Office within five (5) business days after the day on which the person finds the monument. Upon receiving notice, the Morgan County Recorder/Surveyor's Office or its designee may inspect, document, reconstruct, rehabilitate, perpetuate, witness, lower, replace, or otherwise preserve the monument in accordance with Utah law.

(5) If a professional land surveyor performs work described in Subsection (A)(4) and no Record of Survey Map or subdivision plat requiring a monument tie sheet is filed, the surveyor shall submit a monument tie sheet documenting the monument and any work performed within thirty (30) days after completing the work.

154.41 Monument Permits.

(A) *Except as otherwise provided in this Chapter*, a person shall obtain the applicable permit from the Morgan County Recorder/Surveyor's Office and pay all required permit fees, escrow amounts, and deposits at least five (5) business days prior to commencing the following activities:

(1) Monument Encroachment Permit Required. A Monument Encroachment Permit shall be required for:

(a) Performing construction within 30 feet of a government survey monument or public land survey government corner location; or

(b) Performing any activity that the person knows or reasonably should know will unlawfully disturb or destroy a monument.

(2) Monument Construction Permit Required. A Monument Construction Permit shall be required for installing, reestablishing, rehabilitating, reconstructing, replacing, relocating, lowering, witnessing, or otherwise performing monument work when such work is required by this Chapter, a subdivision plat, road dedication, public infrastructure project, monument improvement agreement, development approval, permit condition, or written directive of the Morgan County Recorder/Surveyor's Office.

(3) Relationship Between Permits. Monument work required as a condition of a Monument Encroachment Permit shall be governed by the terms of the Monument Encroachment Permit and does not require a separate Monument Construction Permit unless the Morgan County Recorder/Surveyor's Office expressly requires one.

(B) *Emergency exemption.* An Emergency Situation, as defined in this Chapter, is exempt from the advance permitting requirements of this Chapter. A person performing emergency work may commence the work without first obtaining a Monument Encroachment Permit, or other permit required by Morgan County Code, but shall:

(1) Notify the Morgan County Recorder/Surveyor's Office and, if the emergency work occurs within a County right-of-way or may affect County roads, drainage facilities, or other public infrastructure, the Morgan County Public Works Department before commencing the work whenever reasonably practicable. If advance notice is not reasonably practicable because of the emergency, notice shall be provided as soon as reasonably possible after the work commences;

(2) Apply for the required Monument Encroachment Permit no later than the next business day after commencing the emergency work and provide all information necessary to document the emergency, the work performed, and any monument or public land survey government corner location affected; and

(3) Pay all applicable permit fees, escrows, inspection fees, reconstruction costs, and other charges required by this Chapter.

A person shall not be assessed a civil penalty for commencing emergency work without first obtaining a permit if the work related to an Emergency Situation posing a threat to public health or safety. Failure to provide notice or apply for the permit within the time required by this subsection is a separate violation of this Chapter.

154.42 Permit Applications

(A) Forms. An applicant shall submit a permit application to the Morgan County Recorder/Surveyor's Office in person or through the Morgan County Recorder/Surveyor's Office website using forms provided by the County. The applicant shall provide all information and supporting documentation required by the Morgan County Recorder/Surveyor's Office, including drawings, plans, specifications, surveys, or other documents necessary to identify the location, nature, and extent of the proposed work. The County shall provide a system allowing electronic submission of a Monument Encroachment Permit application and electronic approval or denial of the application as required by Utah Code § 17-73-502.

(B) Conditions. Each permit shall specify its duration and the requirements for completion of the permitted work. Unless the permit provides otherwise or the Morgan County Recorder/Surveyor's Office grants a written extension, the permittee shall complete any required installation, reconstruction, rehabilitation, replacement, or restoration of a government survey monument or public land survey government corner location within ninety (90) days after the permit is issued. Upon expiration of the permit, all work authorized by the permit shall immediately cease until the permit has been extended or a new permit has been issued and written authorization to proceed has been provided by the Morgan County Recorder/Surveyor's Office.

(C) Extensions. A permittee seeking an extension of the permit period shall submit a written request to the Morgan County Recorder/Surveyor's Office before the permit expires. The request shall explain the reason for the extension and identify the anticipated date for completing the permitted work. The Morgan County Recorder/Surveyor's Office may grant a written extension of the permit period.

(D) Transferability. Permits are not transferable or assignable without the prior written approval of the Morgan County Recorder/Surveyor's Office. The permittee remains responsible for compliance with the terms of the permit, this Chapter, and applicable state law, regardless of who performs the work authorized by the permit.

(E) Suspension, Revocation, and Stop-Work Orders. The Morgan County Recorder/Surveyor's Office may suspend or revoke a Monument Encroachment Permit or Monument Construction Permit if the permittee:

- (1) Violates this Chapter;
- (2) Violates a condition of the permit;
- (3) Violates applicable state law governing the permitted activity; or
- (4) Obtains the permit by providing materially false or misleading information.

Except when immediate action is necessary to protect a monument, public infrastructure, property, or public health or safety, the Morgan County Recorder/Surveyor's Office shall provide the permittee written notice of the violation and a reasonable opportunity to correct the violation before suspending or revoking the permit.

The Morgan County Recorder/Surveyor's Office may issue an immediate stop-work order or suspend a permit when continued work may damage a monument or threaten public infrastructure, property, or public health or safety. The written notice or order shall state the grounds for the action, any required corrective action, and the right to appeal under § 154.54.

Upon issuance of a stop-work order or suspension or revocation of a permit, all affected work shall immediately cease until the violation has been corrected and the Morgan County Recorder/Surveyor's Office issues written authorization to proceed or a new permit, as applicable.

(F) Inspection Access. The permittee shall provide the Morgan County Recorder/Surveyor's Office reasonable access to the monument site and any work authorized by the permit for the purpose of conducting inspections required by this Chapter, the permit, or applicable state law.

154.43 Monument Reconstruction.

(A) A person may not remove, disturb, displace, demolish, or reconstruct a government survey monument or public land survey government corner location unless the Morgan County Recorder/Surveyor's Office has issued a Monument Encroachment Permit and provided written authorization to proceed in accordance with the terms and conditions of the permit.

(B) Before completely removing or demolishing a government survey monument located at a public land survey government corner location, a person shall provide the Morgan County Recorder/Surveyor's Office with not less than one hour's advance notice and a reasonable opportunity to inspect the monument site for historical or physical evidence associated with the monument. When reasonably practicable, the person shall cooperate with and assist the Morgan County Recorder/Surveyor's Office in locating and preserving the historical or physical evidence.

(C) A person who removes, disturbs, demolishes, destroys, or otherwise damages a government survey monument or public land survey government corner location is responsible for (i) all costs associated with the required reconstruction, rehabilitation, replacement, restoration, and installation of the monument, and (ii) completing that work at the location and in the manner specified by the Morgan County Recorder/Surveyor's Office and in accordance with this Chapter, applicable state law, and any applicable permit.

(D) The Morgan County Recorder/Surveyor's Office, or an authorized representative, may inspect monument reconstruction, rehabilitation, restoration, or installation work at any reasonable time to ensure compliance with the permit, this Chapter, applicable state law, and County monument specifications.

(E) Upon completion of the monument work, the person performing the work shall request a final inspection from the Morgan County Recorder/Surveyor's Office. The Morgan County Recorder/Surveyor's Office shall inspect the completed work to determine compliance with this Chapter, applicable state law, County monument specifications, and the terms of any applicable permit. If the work complies, the Morgan County Recorder/Surveyor's Office shall accept the completed monument work and close the permit.

Enforcement

154.50 Violations

(A) A person who violates any provision of this Chapter, any applicable provision of Utah law incorporated into this Chapter, any condition of a Monument Encroachment Permit or Monument Construction Permit, or any lawful written order or directive issued by the Morgan County Recorder/Surveyor's Office under this Chapter commits a violation of this Chapter.

(B) Unless a different civil penalty is expressly provided by this Chapter or applicable state law, a person who violates this Chapter is subject to a civil penalty not to exceed \$500.00 for each violation.

(C) Each day a violation continues after expiration of the correction period stated in the notice of violation constitutes a separate violation.

(D) The civil penalties established by this Chapter are cumulative and in addition to any criminal penalties, civil remedies, injunctive relief, or other enforcement actions authorized by Utah law, including Utah Code §§ 17-73-503 and 76-8-415, as well as those additional remedies provided in § 154.52.

(E) Notice of Violation. Before assessing a civil penalty, the Morgan County Recorder/Surveyor's Office shall provide the responsible person written notice identifying the violation, the required corrective action, any applicable correction period, the proposed civil penalty, and the right to appeal.

(F) Service. The notice may be served personally, by certified mail to the person's last known address, or by another method reasonably calculated to provide actual notice.

(G) Final Assessment. If the violation is not corrected within the time provided, or if no correction period is required because the violation has been completed or cannot reasonably be corrected, the Morgan County Recorder/Surveyor's Office may issue a final written assessment of the applicable civil penalty. The assessment becomes final upon expiration of the appeal period unless a timely appeal is filed under § 154.54.

(H) Continuing Violations. Civil penalties for a continuing violation may accrue during an appeal unless stayed by the Administrative Hearing Officer or Appeals Board under § 154.54(J).

154.51 Specific Civil Penalty Amounts

(A) Work Without Required Permit. A person who performs an activity requiring a Monument Encroachment Permit or Monument Construction Permit without first obtaining the required permit is subject to a civil penalty of \$1,000.00 per monument.

(B) Failure to Provide Required Construction Plan Notification. A person who produces drawings or plans for construction work within thirty (30) feet of a government survey monument or public land survey government corner location and fails to comply with Utah Code Ann. § 17-73-502(4) or this Chapter is subject to a civil penalty of \$500.00 per monument. Each omitted monument constitutes a separate violation.

(C) Unlawful Disturbance or Destruction of a Monument. A person who willfully or negligently removes, destroys, defaces, disturbs, buries, covers, displaces, or otherwise damages a government survey monument or public land survey government corner location in violation of this Chapter is subject to a civil penalty of \$1,000.00 per monument.

154.52 Additional Remedies

(A) In addition to any applicable civil penalty, a person who violates this Chapter shall be responsible for:

- (1) The costs of any necessary legal action;

(2) The costs of locating, resurveying, reestablishing, reconstructing, rehabilitating, replacing, restoring, and reinstalling the monument and any associated monument accessories;

(3) All permit fees, escrow amounts, inspection costs, and actual administrative costs directly related to monument reconstruction, rehabilitation, permitting, inspection, and enforcement; and

(4) Any other costs recoverable under applicable law.

(B) If a person fails to comply with this Chapter after receiving written notice of violation, the Morgan County Recorder/Surveyor's Office may:

(1) Issue a stop-work order prohibiting further work affecting the monument area until compliance is achieved;

(2) Suspend or revoke any permit issued under this Chapter;

(3) Declare any applicable escrow forfeited;

(4) Complete or correct the required work and recover all associated costs;

(5) Withhold approval of permits, plats, Records of Survey, corner records, monument records, or other approvals administered under this Chapter until compliance is achieved;

(6) Record a Notice of Monument Noncompliance pursuant to § 154.53; and

(7) Pursue any other remedy authorized by law.

(C) Neither the issuance of a notice of violation nor the assessment or payment of a civil penalty relieves a person from the obligation to obtain required permits, correct the violation, pay applicable fees, escrows, costs, or otherwise comply with this Chapter.

(D) The remedies provided by this Chapter are cumulative and are in addition to any criminal penalties, civil remedies, injunctive relief, or other enforcement actions authorized by Utah law, including Utah Code Ann. §§ 17-73-503 and 76-8-415.

154.53 Notice of Monument Noncompliance

(A) *Purpose.* The purpose of a Notice of Monument Noncompliance is to provide public record notice that a violation of this Chapter affecting a government survey monument or public land survey government corner location has not been corrected or accepted by Morgan County. The Notice is intended to protect the integrity of the public land survey system and to inform property owners, prospective purchasers, lenders, title companies, surveyors, contractors, governmental agencies, and other interested persons that additional investigation, surveying,

monument verification, or corrective action may be necessary before relying upon the location or condition of the affected monument or the boundaries of the affected property.

(B) Recording of Notice. If a person fails to correct a violation of this Chapter after receiving written notice of violation and the expiration of any applicable compliance period, the Morgan County Recorder/Surveyor's Office may record a Notice of Monument Noncompliance in the office of the Morgan County Recorder against the affected property.

(C) Contents of Notice. The Notice of Monument Noncompliance shall identify, to the extent reasonably available:

- (1) The owner of record of the affected property;
- (2) The legal description or parcel identification number of the affected property;
- (3) The monument or public land survey government corner location affected;
- (4) The nature of the violation;
- (5) The corrective action required to achieve compliance; and
- (6) A statement that the violation remains unresolved and that the Notice shall remain of record until released by the Morgan County Recorder/Surveyor's Office.

(D) Effect of Notice. A recorded Notice of Monument Noncompliance provides record notice that the property is subject to an unresolved violation of this Chapter affecting a government survey monument or public land survey government corner location. The Notice establishes that the violation has not been approved or accepted by Morgan County and shall remain of record until the Morgan County Recorder/Surveyor's Office records a Release of Notice of Monument Noncompliance after determining that the violation has been corrected in accordance with this Chapter.

(E) Release of Notice. Upon determining that the violation has been fully corrected and that all applicable permit requirements, monument reconstruction requirements, inspections, fees, escrows, costs, and other obligations imposed by this Chapter have been satisfied, the Morgan County Recorder/Surveyor's Office shall record a Release of Notice of Monument Noncompliance.

(F) Other Remedies. Recording a Notice of Monument Noncompliance does not preclude or limit any other enforcement action or remedy authorized by this Chapter or applicable law.

154.54 Appeals

(A) Right of Appeal. A person directly affected by a final written administrative discretionary decision of the Morgan County Recorder/Surveyor's Office identified in Subsection (B) may appeal the decision in accordance with this Chapter.

(B) Appealable Decisions. The following final written administrative decisions may be appealed:

- (1) The denial, suspension, revocation, or conditions of a Monument Encroachment Permit or Monument Construction Permit;
- (2) The issuance of a Notice of Monument Noncompliance;
- (3) The assessment of a civil penalty or cost recovery under this Chapter;
- (4) A determination that monument reconstruction, rehabilitation, replacement, restoration, or installation work does not comply with this Chapter, applicable state law, or the terms of an approved permit; and
- (5) Any other final written administrative determination involving the exercise of discretion under this Chapter.

(C) Matters Not Subject to Appeal. The following are not subject to appeal under this Chapter:

- (1) Requirements imposed by applicable state law;
- (2) Fees, escrow amounts, deposits, or other charges established by ordinance or resolution of the Morgan County Commission;
- (3) Ministerial acts or determinations that merely apply mandatory requirements of this Chapter or applicable state law; and
- (4) Any matter for which another appeal procedure is expressly provided by state law.

Administrative decisions that merely apply mandatory requirements established by this Chapter or applicable state law and involve no exercise of administrative discretion are not subject to appeal under this Chapter.

(D) Filing an Appeal. An appeal shall be filed with the Morgan County Recorder/Surveyor's Office within thirty (30) calendar days after the date of the final written decision.

The appeal shall:

- (1) Identify the decision being appealed;
- (2) State the specific grounds for the appeal;
- (3) Identify the relief requested;
- (4) Include copies of any documents or other materials upon which the appellant intends to rely; and

(5) Be accompanied by the appeal fee established by resolution or ordinance of the Morgan County Commission.

An appeal is not complete until all information required by this subsection has been submitted and the required appeal fee has been paid.

The Morgan County Recorder/Surveyor's Office shall determine whether an appeal is complete. If the appeal is determined to be incomplete, the Morgan County Recorder/Surveyor's Office shall notify the appellant that the appeal has not been accepted as complete. The appeal shall not be transmitted to the Administrative Hearing Officer or Appeals Board until the Morgan County Recorder/Surveyor's Office determines that the appeal is complete.

Within five (5) business days after determining that an appeal is complete, the Morgan County Recorder/Surveyor's Office shall transmit the appeal and the administrative record relating to the appealed decision to the Administrative Hearing Officer or Appeals Board. The administrative record shall include the written decision being appealed and all documents, reports, correspondence, exhibits, and other materials relied upon by the Morgan County Recorder/Surveyor's Office in making the appealed decision.

Failure to file a complete appeal within the thirty (30) days constitutes a waiver of the right to administrative review.

(E) Administrative Hearing Officer or Appeals Board. Appeals shall be heard by an Administrative Hearing Officer appointed by the Morgan County Commission or, if established by the Morgan County Commission, by a Monument Appeals Board.

Neither the Morgan County Recorder/Surveyor nor any employee who participated in the decision being appealed may serve as the Hearing Officer or participate as a voting member of the Appeals Board for that appeal.

(F) Scheduling and Notice of Hearing. Unless otherwise agreed by the parties, the Administrative Hearing Officer or Appeals Board shall conduct the appeal hearing within thirty (30) calendar days after receiving the transmitted appeal and administrative record from the Morgan County Recorder/Surveyor's Office.

The Administrative Hearing Officer or Appeals Board shall provide written notice of the date, time, and location of the hearing to the appellant and the Morgan County Recorder/Surveyor's Office not less than ten (10) calendar days before the hearing.

(G) Hearing Procedures. The Administrative Hearing Officer or Appeals Board may receive testimony, documentary evidence, photographs, surveys, plats, maps, reports, and other evidence relevant to the appeal.

(1) The appellant bears the burden of proving, by a preponderance of the evidence, that the decision being appealed should be reversed or modified.

(2) Before the hearing, each party shall submit to the Administrative Hearing Officer or Appeals Board copies of all documents, exhibits, reports, photographs, surveys, plats, maps, witness lists, and other materials the party intends to present or rely upon at the hearing. The Administrative Hearing Officer or Appeals Board may establish deadlines governing the submission and exchange of evidence.

(3) At the hearing, each party may appear personally or through legal counsel and may present testimony, witnesses, documentary evidence, and argument relevant to the issues on appeal. The Administrative Hearing Officer or Appeals Board may question witnesses and receive any evidence the Administrative Hearing Officer or Appeals Board determines is relevant to the appeal.

(4) The hearing shall be recorded, and Morgan County shall retain the recording and all exhibits in accordance with applicable records retention requirements.

(H) Scope of Review. The Administrative Hearing Officer or Appeals Board shall determine whether the decision of the Morgan County Recorder/Surveyor's Office complies with this Chapter, applicable County ordinances, and applicable state law.

The Hearing Officer or Appeals Board may:

- (1) Affirm the decision;
- (2) Reverse the decision;
- (3) Modify the decision;
- (4) Remand the matter to the Morgan County Recorder/Surveyor's Office with instructions for further proceedings; or
- (5) Grant such other relief authorized by this Chapter or applicable law.

(I) Written Decision. The Administrative Hearing Officer or Appeals Board shall issue a written decision, including findings of fact and conclusions supporting the decision, within thirty (30) calendar days after the close of the hearing unless the parties agree otherwise. The written decision constitutes the final administrative action of Morgan County under this Chapter.

(J) Stay of Enforcement. The filing of an appeal does not automatically stay enforcement of the decision being appealed. Upon written request of the appellant, the Administrative Hearing Officer or Appeals Board may grant a stay, in whole or in part, upon such terms and conditions as are necessary to protect the public interest and preserve the integrity of the public land survey system.

(K) Exhaustion of Administrative Remedies. The administrative appeal procedures established by this Chapter constitute the exclusive administrative remedy for decisions appealable under this Chapter. A person shall exhaust the administrative remedies provided by

this Chapter before filing an action seeking judicial review of a decision appealable under this Chapter.

August 12, 2026

2292 Chrys Lane FLUMA & Rezone
Public Hearing
August 27, 2026

Application No.:	26.021
Applicant:	A. Jaden Wells
Owner:	Brad Peterson
Project Location:	2292 W. Chrys Lane
Parcel Numbers:	00-0093-6494 (5.0 acres)
Serial Numbers:	01-RINDLA-0005-A4 (5.0 acres)
Date of Application:	June 29, 2026
Future Land Use Designation:	RR-5 (Ranch Residential 5)
Current Zoning:	RR-5 (Rural Residential 5 acre minimum per dwelling)
Requested Future Land Use Designation:	Rural Residential (maximum of 1 dwelling unit per acre)
Requested Zoning:	RR-2.5(Single-family Residential, 1 dwelling per 2.5 acres)
Total Acreage:	5.00

REQUEST

Request to change the future land use map from “Ranch Residential 5” (RR-5) (one dwelling unit per five acres) to “Rural Residential” (maximum of one dwelling unit per acre) and to change the zoning from RR-5 (one dwelling unit per five acres) to RR-2.5(one dwelling unit per 2.5 acres).

ATTORNEY GUIDANCE

Legislative Review: Legislative Review: Legislative land use decisions involve the adoption, amendment, or repeal of ordinances, zoning maps, development standards, and other land use regulations. Under Utah Code § 17-79-501, these are policy decisions entrusted to the County Commission as the County's legislative body and involve the exercise of legislative judgment and discretion.

The Planning Commission's role is to review the proposal, receive public input, evaluate potential impacts, and make a recommendation to the County Commission. In doing so, the

Planning Commission should consider whether the proposal is consistent with Morgan County Code, the General Plan, and applicable provisions of Utah law.

Applicable Law: Utah law grants counties broad authority to regulate land use through legislative action. Historically, legislative land use decisions were generally upheld if it was reasonably debatable that the regulation promoted the public welfare. However, recent amendments to Utah Code § 17-79-801 provide that a legislative land use regulation will be upheld if it is reasonably debatable that the regulation is consistent with LUDMA.

While there is currently limited case law interpreting this revised standard, recommendations and decisions are best supported by the purposes and policies identified in Utah Code § 17-79-102, Morgan County Code, and the General Plan. Doing so provides a stronger basis for legislative action and judicial review. Among other things, Utah Code § 17-79-102 identifies the following land use purposes:

- Protect the public health, safety, and welfare.
- Promote prosperity and economic stability.
- Protect the tax base and secure economy in governmental expenditures.
- Facilitate orderly growth and a variety of housing types.
- Protect property values.
- Foster agricultural and other industries.
- Protect both urban and nonurban development.
- Promote transportation, infrastructure, and public facilities.
- Balance surrounding land uses with private property rights and constitutional protections.

Findings: The record should clearly identify:

- The basis for the recommendation or decision.
- The applicable provisions of Morgan County Code, the General Plan, and Utah law supporting the recommendation or decision.
- The public purposes and policy considerations supporting the recommendation or decision, including any applicable purposes identified in Utah Code § 17-79-102.
- The facts, information, policy considerations, and evidence relied upon in reaching the recommendation or decision.

Examples of Supporting Reasons

"I find the proposal is [consistent/inconsistent] with the goals and policies of the General Plan."

"I find the proposal [appropriately balances/fails to appropriately balance] surrounding land use considerations with the property owner's private property interests and constitutional protections."

"I find the proposal [supports/does not support] the purposes identified in Utah Code § 17-79-102, including orderly growth, infrastructure planning, agricultural preservation, property rights, compatibility with surrounding land uses, public welfare, economic development, housing opportunities, or other applicable statutory purposes."

"I find the proposal is [consistent/inconsistent] with applicable provisions of Morgan County Code."

"I find the proposal [advances/conflicts with] adopted County policies, plans, or planning objectives."

Important Considerations

- Legislative decisions involve policy judgments and the exercise of discretion.
- Public comments may assist in identifying impacts, concerns, and policy considerations. Recommendations should be based on the merits of those considerations, rather than the volume of public support or opposition.
- Recommendations are best supported by identifying the applicable provisions of Morgan County Code, the General Plan, and the purposes identified in Utah Code § 17-79-102.
- A well-supported recommendation provides a stronger basis for County Commission action and judicial review.

STAFF OBSERVATION

The proposal is for a future land use map amendment from RR-5 to Rural Residential, and a requested rezone from RR-5 to RR-2.5.

The RR-5 or Ranch Residential 5 future land use designation accommodates rural large lot development with generous distances to streets and between residential dwelling units and a viable semi-rural character setting. Livestock privileges are a part of this character. Areas in this category are generally larger lots with accessory structures that may be used for livestock.

The Rural Residential future land use designation accommodates semi-rural large lot development, with generous distances to streets and between residential dwelling units in a viable semi-rural character setting. Residential density in rural residential areas is a maximum of 1 unit per acre.

Adjacent properties have the following future land use designations, zoning, and current land uses:

	Future Land Use	Zoning	Current Use
North	RR-5	RR-5	Vacant
East	RR-5	RR-5	Single-family lot with Single-family dwelling
South	RR-1	RR-5	part of lot to the east
West	RR-1	RR-1	Single-family dwellings

The application states that:

I see no negative impact to creating an additional lot within the development. Currently the subdivision (Rindlesbach Minor Subdivision Amendment Plat No.4)

Culinary water and wastewater treatment will be reviewed by the Weber/Morgan Health Department.

If the requested future land use and zoning are approved an additional lot will need to be a flag lot

accesses away from the cul-de-sac.

ANALYSIS

General Plan and Zoning:

The application requests a change in the future land use from “Ranch Residential 5” (RR-5) (one dwelling per five acres) to “Rural Residential” (one dwelling per 1 acre) and a rezone from RR-5 (one dwelling per 5 acres) to RR-2.5 (one dwelling per 2.5 acres).

The 2010 Morgan County General Plan identifies the following six vision statements: (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.*
3. *Morgan County values its distinctive natural landscapes for their beauty, solitude, recreational opportunities, and natural resources and will work to ensure their long-range conservation and preservation.*
4. *Morgan County safeguards water resources for future generations, and conserves and reuses water whenever possible.*
5. *Morgan County public policies support the viability of working and hobby farms, protection of agricultural lands, and the conservation of natural resources and rural character.*
- ...
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 following procedures from the Morgan County Code Section 155.022 and 155.023 effectively apply to a petition to change the future land use map and also apply to a petition to change 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.

PUBLIC NOTICE, MEETINGS, COMMENTS

- ✓ Public Notice was submitted to the State of Utah Public Notice website on or before August 17, 2026; a minimum of 10 days prior to the scheduled meeting. [Morgan County Code § 155.032 (C)].
- ✓ A Public Notice was posted at the County on or before August 17, 2026.
- ✓ Notices to property owners within 1000' feet of the proposed use were mailed a Public Notice on or before August 17, 2026.
- ✓ A sign was posted on the site on or before August 17, 2026.

RECOMMENDED MOTIONS

Recommended Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Commission for the 2292 Chrys Lane future land use map amendment and rezone requests, application number 26.021, changing approximately 5 acres from future land use of RR-5 to Rural Residential, and rezoning from RR-5 to RR-2.5 based on the findings listed in the staff report dated August 12, 2026.”

Recommended Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Commission for the 2292 Chrys Lane future land use map amendment, and rezone requests, application number 26.021, changing approximately 5 acres from future land use of RR-5 to Rural Residential, and rezoning from RR-5 to RR-2.5 based on the findings listed in the staff report dated August 12, 2026.”

Supporting Information

Exhibit A: Vicinity Map
Exhibit B: Rindlesbach Minor Subdivision
Exhibit C: Rindlesbach Minor Subdivision, Lot 5C
Exhibit D: County Future Land Use Map
Exhibit D: County Zoning Map

Staff Contact

Kent Page
801-845-4007
kpage@morgancountyutah.gov

Exhibit A: Vicinity Map



2292 Chrys Lane FLUMA & Rezone
App # 26.021
August 27, 2026

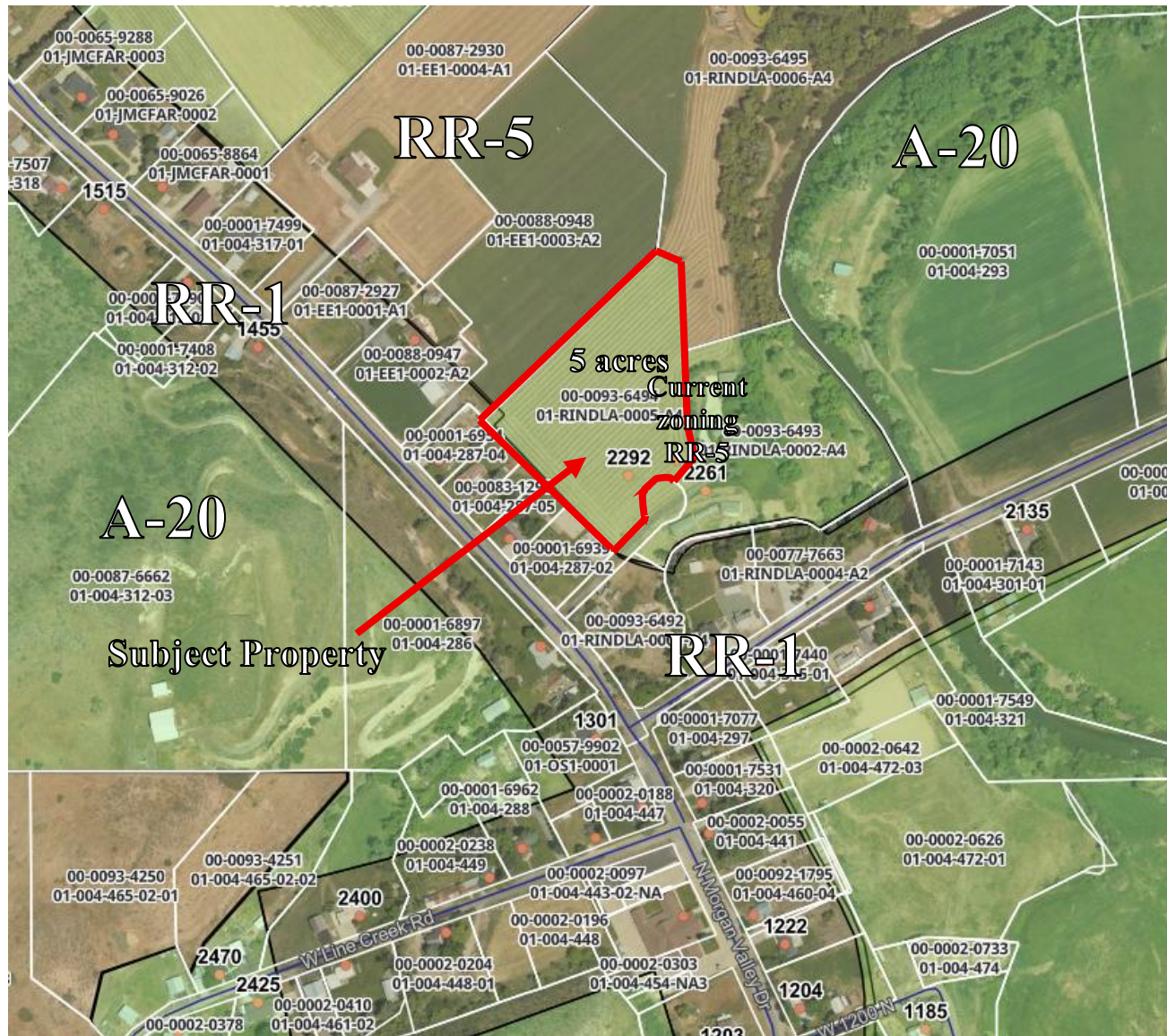


[illegible]

2292 Chrys Lane FLUMA & Rezone
App # 26.021
August 27, 2026



Exhibit E: County Zoning Map





PLANNING COMMISSION Minutes
Thursday, August 13th, 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 Watt
Member Taylor
Member King
Member Maloney

Absent PC Members

Member Wilson

Public Attendance:

Tina Kelley
Valerie Claussen
Jim Anderson
Kate Becker

Staff:

Deputy County Attorney – Janet Christopherson
Kent Page – Senior Planner
Brynnlee Savage -Planner I
Chris Tremea – Code Compliance Officer
Jessie Drage, Transcriptionist/Permit Tech

Work Session at 5:00pm – *Cargo Containers*

Work Session Summary :

1. **Call to order – Prayer by Member Taylor**
2. **Pledge of Allegiance**
3. **Approval of Agenda**

Member King motioned to approve the agenda for Thursday August 13th, 2026. Motion was seconded by Member Watt. Motion carried unanimously.

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

Legislative:

- 6. Public Hearing/Discussion/Decision** – *Anderson Rezone*: A request to rezone 2.90 acres at 2685 W. Old Highway Road from RR-1 and A-20 to R1-20 located in the Enterprise area in unincorporated Morgan County.

Planner Page – Introduced application 26.014 Anderson Rezone located at 2685 W. Old Highway Road currently zoned RR-1 and A-20, he stated that the general plan designation is village low density, which is ½ acre lots. This is in line with the future land use in the general plan. The county staff believes that the zoning map amendment is consistent with sound planning principles. The adjacent lot is also zoned R1-20 so he stated that it makes sense that the subject property would be zoned in a similar fashion. The subject property is located near Enterprise water and has associated water access. The Planning Staff recommended approval for this rezone request.

Motion was made by Member Watt to go into Public Hearing and seconded by Member Maloney. Motion carried unanimously.

No public comment was made.

Motion was made by Member Maloney to go out of public hearing and seconded by Member Taylor. Motion carried unanimously.

Member Taylor motioned for a positive recommendation for Application 26.014 The Anderson Rezone changing 2.9 acres from RR-1 and A-20 split designation to R1-20 based on the findings and the conditions stated in the staff report dated August 13th 2026. The motion was seconded by Member King. All in favor, motion carried unanimously.

- 7. Public Hearing/Discussion/Decision** – *Eagle Vista Future Land Use Map Amendment and Rezone*: **THIS ITEM HAS BEEN CONTINUED TO A FUTURE DATE.** A request to change 6.29 acres on the Future Land Use Map from Village Low Density to Village Residential and to rezone 6.29 acres from RR-1 to R-1-8 located at approximately 4428 W. Old Highway Road in the Mountain Green area in unincorporated Morgan County.

Chair Sessions – She asked if we can make a motion to postpone to a date certain so that we do not have to renote for the application?

County Attorney Christofferson – Confirmed that yes, if they set a date that applicant will not have to renote.

Planner Page – Stated that to his knowledge the applicant did not request a certain date but staff recommended moving it to September 24th 2026.

Motion by Member Maloney to continue the topic to September 24th 2026. The motion was seconded by Member Taylor. Motion carried unanimously.

8. Public Hearing/Discussion/Decision – *Agriculture Protection Areas*: Amendment to § 151.03 defining how to create Agriculture Protection Areas.

Valeri Claussen – She introduced herself as the applicant and stated that she had been tasked with completing the text amendment, as it had not previously been completed in full. She explained that the amendment addressed who could file, signature thresholds, and the required contents of an application for an agricultural protection area. State Code would have allowed additional parties to be included, but direction from the County had been not to include anyone who did not wish to participate. She also reviewed notification requirements and the mandatory review period, noting that reviews had to occur within 45 days. The process then included a public hearing and final action. Procedures for adding or removing property from an Agricultural Protection Area were also included. She explained that this was the general overview in regular language and represented the land-use component of an Agricultural Protection Area.

Chair Sessions asked whether the designation protected agricultural land in situations such as a pipeline being proposed through a property, allowing a participating property owner to prevent the pipeline from crossing the land.

Valeri Claussen confirmed that it did. She explained that the designation protected the property from being rezoned or changed and maintained its agricultural status.

Kate Becker, Morgan County Manager, provided a simplified example involving Heber City and a highway reroute. She explained that if the affected dairy farms had been within an Agricultural Protection Area, UDOT would not have been able to route the highway through the dairy fields and would have been required to find another route. She stated that, as development continued, Agricultural Protection Areas provided a way to protect farms from being taken away. She added that property owners could leave the Agricultural Protection Area at any time through a relatively simple process if they wanted to sell their land or water shares. She emphasized that the designation did not permanently lock up property; rather, it provided protection. Other than the permit fee, she saw little downside to participation.

Chair Sessions referred to page three under eligibility and qualifications, which stated that land included in a proposed Agricultural Protection Area could produce or be capable of producing agricultural products. She asked whether the property had to be part of Greenbelt or otherwise qualify under Greenbelt requirements to be included in an Agricultural Protection Area.

Valeri Claussen stated that it did not. She explained that the requirements were intended to be similar, but Greenbelt and Agricultural Protection Areas were two separate programs.

Kate Becker stated that, as a farmer, she disagreed with tying eligibility strictly to active production because agricultural rights could be sold to the State, resulting in fields temporarily not producing at the government's request. In those situations, farmers did not receive tax incentives but were instead paid in lieu of producing a crop. She explained that the land could

still qualify for agricultural protection if the fields were capable of being sown, even if they were not actively producing at that time.

Valeri Claussen clarified that the code was written so that property enrolled in Greenbelt was assumed to qualify, but a property could qualify for one program without qualifying for the other.

Member Taylor stated that if a property was enrolled in Greenbelt, it qualified for the Agricultural Protection Area. He questioned why that qualification would not be specifically included in the ordinance if the objective was to protect agricultural areas.

Kate Becker agreed with Member Taylor but stated that she had simply not wanted to redline that particular section.

Chair Sessions asked whether the property had to have two years of agricultural production to qualify, rather than simply being capable of agricultural production.

Kate Becker explained that a property owner could have 40 acres and run only two goats on it, which would not meet Greenbelt qualifications based on AUM requirements. However, the property could still be capable of meeting agricultural protection requirements even if the owner did not want to run enough livestock to satisfy Greenbelt requirements.

County Attorney Christofferson asked whether a property would qualify if it had been used agriculturally for two years, was not used for agriculture during the third year, and the owner applied during the fourth year.

Member Taylor referred to Section 2(A), which stated that proposed land should be actively devoted to agricultural use and production and had to have been used agriculturally for the two years immediately preceding the application. He pointed out that the language required actual agricultural use rather than simply the capability for agricultural production and stated that the Commission needed to determine which standard it wanted to apply.

Kate Becker referred to Section D(2) and acknowledged the clarification.

Chair Sessions explained that Greenbelt required at least 50 percent of the ground to be used for crops or other qualifying agricultural production. He stated that Greenbelt was based on actual production rather than capability.

Kate Becker reiterated that Greenbelt qualification was not being used as the qualification standard for the Agricultural Protection Area, although the requirements were similar.

Valeri Claussen stated that the language could be cleaned up and certain portions removed, but doing so would result in a less restrictive qualification standard.

Member Maloney asked whether someone with a six-acre property that was capable of agricultural production but was not currently producing could place the property within an Agricultural Protection Area.

Kate Becker stated that they could, provided there were at least five contiguous acres and the property met the definition of agricultural use. She explained that a house on one acre with five additional acres of agricultural land could qualify, while a house situated on a total five-acre parcel would not.

Chair Sessions stated that he understood limiting what could be mined in critical infrastructure regulations but questioned why similar limitations would be necessary for agricultural protection. He did not believe the provision made sense but acknowledged that it did not appear to cause harm.

Kate Becker asked whether the Commission wanted Section 6 removed.

Chair Sessions stated that it could remain but reiterated that he did not believe it made sense.

County Attorney Christofferson asked whether a group of property owners could come together and jointly request inclusion within an Agricultural Protection Area.

Member Maloney referred to Section E, which stated that any owner or group of owners could apply. He noted that multiple owners could also have ownership interests in a single parcel.

Kate Becker explained that individual owners could remove their respective sections from the Agricultural Protection Area, while the group could collectively pay a single application fee.

Member Taylor clarified that each individual property owner still had to independently have at least five contiguous acres.

Valeri Claussen confirmed that a group of property owners could petition together. If an individual later wanted to leave, that owner could withdraw relatively easily. However, each participant had to have a minimum of five acres and independently meet the applicable criteria, allowing individual owners to enter or leave the Agricultural Protection Area. She emphasized that the County wanted everyone included in an application to agree to participate.

Member Watt asked how a situation could occur in which State Code allowed something but the County prohibited it.

Kate Becker explained that the County could adopt requirements that were more restrictive than State Code, but it could not adopt requirements that were less restrictive.

County Attorney Christofferson commented that once a property was included, some form of enforcement might be necessary.

Member Taylor stated that he had reviewed a summary of the benefits of Agricultural Protection Areas and identified several reasons property owners might want to participate. These included protection from nuisance claims, zoning protections preventing rezoning without the written consent of all landowners, protections against laws restricting farming practices or agricultural structures, restrictions on eminent domain, stricter requirements for governmental entities seeking to condemn protected agricultural land, and notice requirements informing nearby property buyers that they were purchasing property adjacent to active agricultural operations.

Kate Becker agreed and explained that Utah was a right-to-farm state and that those protections were included in State Code and often noted on plats. She provided an example in which a city had adopted an ordinance preventing farmers from operating combines after dark. An Agricultural Protection Area would have protected farmers from that type of restriction because individuals moving into an agricultural area could not dictate how or when legitimate farming operations occurred. She stated that the County could not claim to be an agricultural-friendly community without providing an Agricultural Protection Area process. Despite Morgan County's strong agricultural character, she noted that there was not currently a single parcel within an Agricultural Protection Area because the County did not have the necessary code in place.

Chair Sessions asked what would happen if one landowner withdrew and the remaining Agricultural Protection Area was no longer contiguous.

Valeri Claussen stated that State Code contained a provision addressing that situation.

Chair Sessions stated that she disliked the limitations that had been placed on agricultural protection within the proposed language.

Valeri Claussen stated that those limitations could be removed.

Member Taylor motioned to go into public hearing. The motion was seconded by Member King. Motion carried unanimously.

No public comment.

Member Watt motioned to go out of public hearing. The motion was seconded by Member King. Motion carried unanimously.

Kate Becker – Summarized changes by stating that in Section D sub 1 it implied that it had to be one owner, they would re-write that part to make it clear that it could be one owner or more. She also stated that in section D sub 3 protection levels would be removed and in section G sub 6 would be removed as that was a limitation. Finally on section L sub 5 they would redact the section “after” ag protection area.

Member Taylor moved to forward a positive recommendation of the Agricultural Protection Zone text amendment using the changes stated by Kate Becker above to the County Commission. The motion was seconded by Member Maloney. Motion carried unanimously.

9. Business/Staff Questions

10. Approval of July 9th, 2026, Planning Commission Minutes

Member King moved to approve the July 9th 2026 minutes. Second by Member Watt. Motion carried unanimously.

11. Adjourn

Member Maloney moved to adjourn the meeting. Second by Member King. Motion carried unanimously.

Approved:

Chairman, Debbie Sessions
Morgan County Planning Commission

Date: _____

Jessie Drage, Transcriptionist
Planning and Development Services

Date: _____