



PLANNING COMMISSION AGENDA

Thursday, October 8th, 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/Recommendation** – *Eagle Vista FLUMA & Rezone*: A request to change the future land use map from Village Low Density Residential to Village Residential and to change the zoning on 6.29 acres at approximately 4428 W. Old Highway Road from RR-1 to R1-8 located in the Mountain Green area in unincorporated Morgan County.
7. **Public Hearing/Discussion/Recommendation** – *Morgan County Code proposed text amendment to section 155.132*: permitting with a Conditional Use Permit issued by the Zoning Administrator Recreational Vehicle Parks in the Town Center (TC) zone.
8. **Public Hearing/Discussion/Recommendation** – *Morgan County Code proposed text amendment*: clarifying the intent of § 155.426 (C) (5): **The zoning entitlements of the flagpole /panhandle portion of a flag lot shall not apply to the lot; the zoning entitlements of the flag portion shall apply to the whole lot** ~~be included in calculated gross square footage of a lot.~~

Administrative

9. **Public Meeting/Discussion/Decision** – *Conditional Use Permit (C2) to permit an agribusiness at 3390 W. Bigler Lane in the Peterson area.*
10. **Public Meeting/Discussion/Recommendation** – *Wasatch Peaks Ranch Plat 1, Third Amendment*: consolidating two lots (C15 & C16).
11. Business/Staff Questions
12. Approval of September 10, 2026, Planning Commission Minutes
13. Adjourn

October 8, 2026

Eagle Vista FLUMA & Rezone
Public Hearing
October 8, 2026

Application No.:	26.019
Applicant:	Luke McColm
Owner:	BCP Development, Inc.
Project Location:	approximately 4428 W. Old Highway Road
Parcel Numbers:	00-0003-3728 (6.29 acres of 44.75 acres)
Serial Numbers:	03-005-034-03 (6.29 acres of 44.75 acres)
Date of Application:	June 22, 2026
Future Land Use Designation:	VLDR (Village Low Density Residential)
Current Zoning:	RR-1 (Rural Residential, 1 acre minimum)
Requested Future Land Use Designation:	Village Residential
Requested Zoning:	R1-8 (Single-family Residential, 8,000 sq. ft. lots)
Total Acreage:	6.29

(This item was on the August 13, 2026 Planning Commission meeting and was tabled to the September 24th meeting. The September 24th was cancelled.)

REQUEST

Request to change the future land use map from “Village Low Density Residential” (maximum of Two (2) units per acre) to “Village Residential” (maximum of 4 units per acre) and to change the zoning from RR-1 to R1-8.

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 Village Low Density Residential to Village Residential, and a requested rezone from RR-1 to R1-8.

The Village Low Density Residential designation provides for a lifestyle with planned single family residential communities, which include open space, recreation and cultural opportunities, including schools, churches and neighborhood facilities located in established village areas (formerly area plan boundaries) or master planned communities. The residential density is a maximum of 2 units per acre.

The Village Residential category designation provides for a combination of single family attached and detached dwellings, townhomes, and duplexes. Substantial common open space for visual relief and recreation amenities would serve residents. This designation is currently found in the Mountain Green area with designated densities of up to 4 units per acre, and is appropriate for established village areas with infrastructure to support the uses.

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

	Future Land Use	Zoning	Current Use
North	Across from Old Highway Rd – R1-20	RR-1 & R1-20	Single-family dwellings
East	R1-20	R1-20	Vacant
South	Commercial	Town Center	Vacant
West	RR-1	RR-1	Fire Station

The application states that:

BCP Development Inc. (Flagship Homes) respectfully requests approval to rezone approximately 6.29 acres currently designated as Village Low Density Residential (VLDR) and zoned RR-1 to R1-8 Residential, with a corresponding future land use designation of Village Residential, as part of the larger Eagle Vista development in Mountain Green. The subject property consists of approximately 273,993 square feet (6.29 acres) and is identified in the attached legal description and exhibit.

The purpose of the proposed rezone and future land use amendment is to create a more cohesive and unified development pattern within the Eagle Vista community. As currently configured, the RR-1 zoning and VLDR future land use designation create an isolated area within the larger project that does not align with the proposed neighborhood layout, roadway network, utility infrastructure, or overall community design. Rezoning the property to R1-8 and amending the future land use designation to Village Residential will allow the site to be integrated into the overall development in a manner that is consistent with adjacent residential areas and the broader vision for Eagle Vista.

The proposed rezone and future land use amendment will enhance neighborhood connectivity, facilitate the efficient delivery of public infrastructure and services, and support coordinated planning of roads, utilities, drainage systems, landscaping, and open space throughout the community. The request does not introduce a new or incompatible land use; rather, it aligns the zoning and land use designation of the property with the surrounding residential development and the intended character of the project.

The requested amendment represents a logical and appropriate adjustment that will enable Eagle Vista to function as a cohesive, well-planned development while maintaining compatibility with surrounding land uses.

For these reasons, BCP Development Inc. respectfully requests approval of the proposed rezone from RR-1 to R1-8 Residential and the associated future land use amendment from Village Low Density Residential to Village Residential.

The proposed 6.29 acres proposed for a future land use map amendment and rezone amendment can be serviced by culinary water and sewer services.

The proposed development is a continuation of proposed residential development in the Town Center zone. Staff questions why this property was not included within the Town Center zoning.

Under Utah state law, residential development is generally favored in areas where municipal or public culinary water service is reasonably available, as connection to such systems supports orderly development and public health objectives.

ANALYSIS

General Plan and Zoning:

The application requests a change in the future land use from “Village Low Density Residential” to “Village Residential” and a rezone from RR-1 to R1-8.

The 2010 Morgan County General Plan identifies the following as three of the six visions for the County that may be applicable to the proposals (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.*

Another avenue to change the future land use is through updating the General Plan.

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.

Staff's Assessment of 155.023 (F) (4) Above:

Roadways: There are existing roadways that can serve the property if it is divided in the future. The developer will be required to extend roadways into the development to serve the lots.

Parks and Recreation Facilities: Our code does not require additional parks and recreation facilities for developments within hard zoned properties.

Police and Fire Protection: Police protection will be provided by the County Sheriff's office. Fire will be provided by Mountain Green Fire District.

Schools: Staff checked with the Morgan County School District regarding capacity; schools in the area have capacity. This includes Mountain Green Elementary School, Mountain Green Middle School, and Morgan High School.

Stormwater Drainage Systems: The future development will be required to provide storm drain facilities such that it will meet all natural and historic flows.

Water supplies: Cottonwood Mutual Water Company is in the area and has active water mains that could serve any future subdivisions.

Wastewater: Mountain Green Sewer Improvement District has active mains in the area that could be extended through any future subdivisions in the area and provide service for wastewater.

Refuse Collection: The County has a contract with Robinson for refuse collection. This company would most likely serve any future subdivisions in the area.

PUBLIC NOTICE, MEETINGS, COMMENTS

- ✓ Public Notice was submitted to the State of Utah Public Notice website on or before August 3, 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 3, 2026.
- ✓ Notices to property owners within 1000' feet of the proposed use were mailed a Public Notice on or before August 3, 2026.
- ✓ A sign was posted on the site on or before August 3, 2026.

RECOMMENDED MOTIONS

Recommended Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Commission for the Eagle Vista future land use map amendment and rezone request, application number 26.019, changing 6.29 acres from future land use of Village Low Density Residential to Village Residential, and rezoning from RR-1 to R1-8 based on the findings listed in the staff report dated October 8, 2026.”

Recommended Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Commission for the Eagle Vista future land use map amendment, and rezone request, application number 26.019, changing 6.29 acres from Village Low Density Residential to Village Residential, and rezoning from RR-1 to R1-8 based on the findings listed in the staff report dated October 8, 2026.”

Supporting Information

Exhibit A: Vicinity Map

Exhibit B: County Future Land Use Map

Exhibit C: County Zoning Map

Exhibit D: Rezone Exhibit

Staff Contact

Kent Page

801-845-4007

kpage@morgancountyutah.gov

Exhibit A: Vicinity Map



Exhibit B: County Future Land Use Map

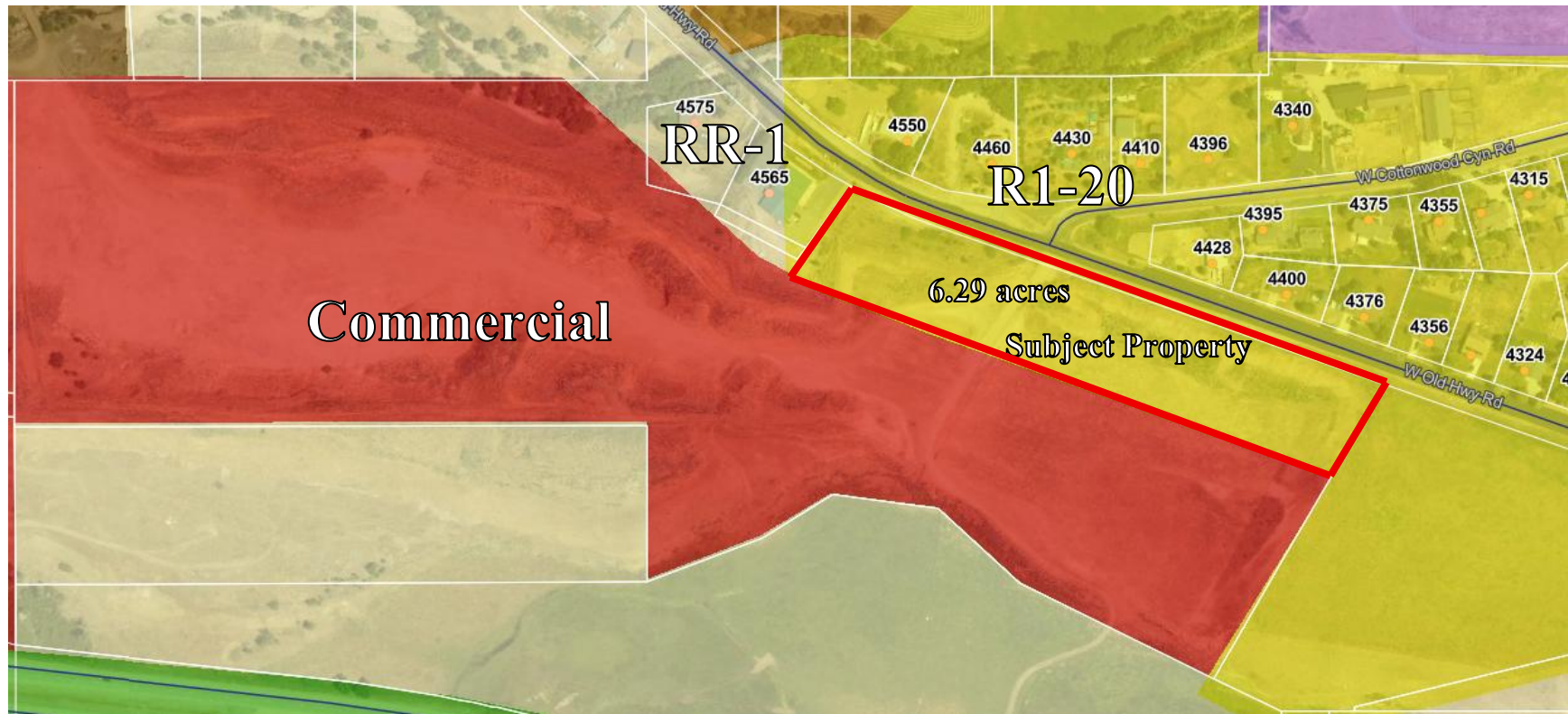
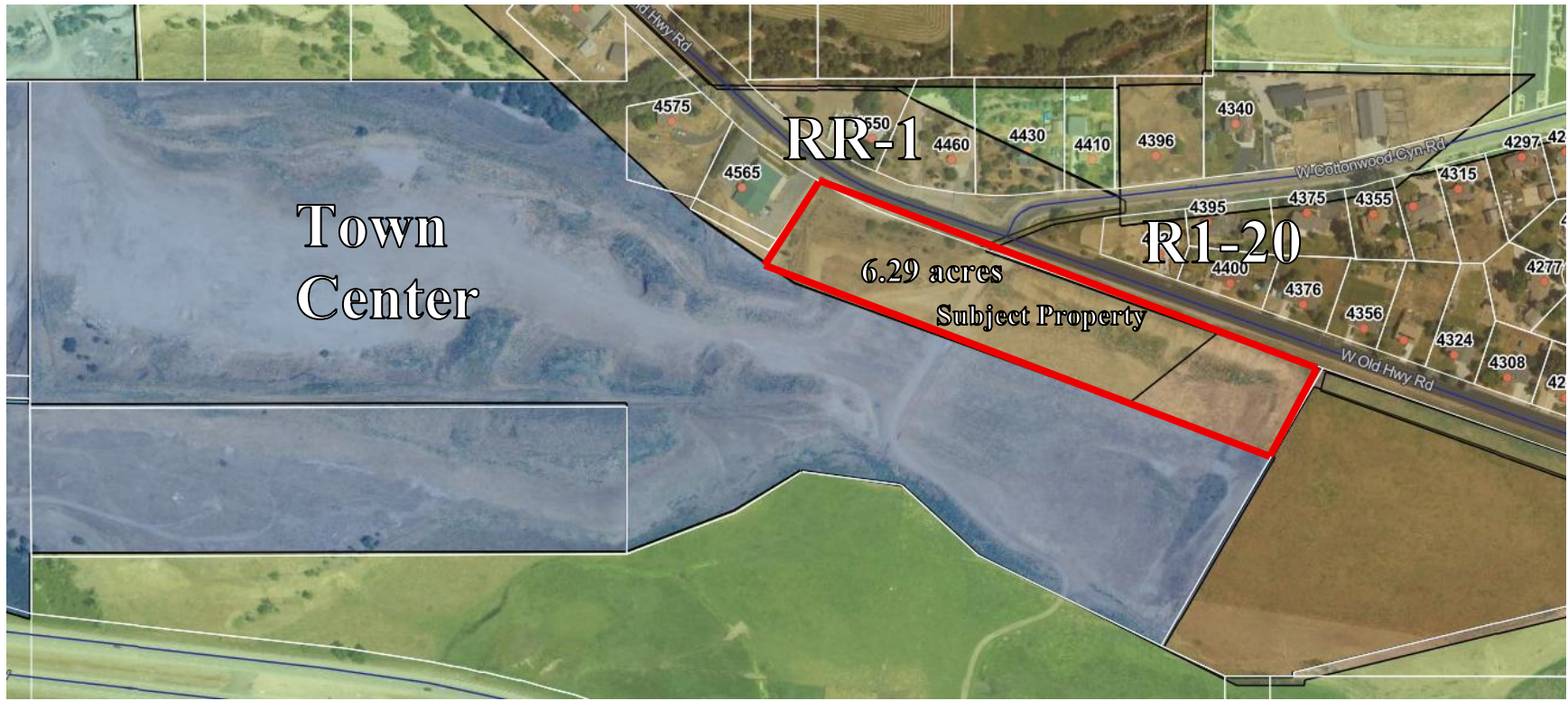


Exhibit C: County Zoning Map



[illegible]

MEMORANDUM

TO: Morgan County Planning Commission
FROM: Morgan County Planning & Development Services Staff
DATE: October 8, 2026
SUBJECT: MCC § 155.132 Code Text Amendment

SUMMARY: A request to allow Recreational Vehicle Parks in the Town Center (TC) Zone

Applicant Skyler Gardner requests to amend the MCC § 155.132 (Use Regulations) to permit with a Conditional Use Permit issued by the Zoning Administrator (C1) Recreational Vehicle Parks in the Town Center (TC) zone. The applicant shares the follow narrative:

STATEMENT OF INTENT & PURPOSE

The applicant respectfully requests an amendment to Morgan County Code Table 155.132 (Use Regulations) to allow Recreational Vehicle (RV) Parks as a Conditional Use (C1) within the Town Center (TC) zoning district. Currently, RV parks are recognized and allowed in other non-residential commercial zones across the county. Extending C1 classification for RV Parks to the TC zone aligns with the economic and planning goals of Morgan County by promoting local commerce, expanding tourism infrastructure, and ensuring orderly development through site-specific conditional review.

KEY PERSUASIVE ARGUMENTS

1. Regulatory Alignment and Consistency Across Commercial Districts

- Parity with Commercial Zones: RV parks and transient accommodations are already integrated into Morgan County’s commercial zoning frameworks. Allowing RV Parks in the TC zone creates regulatory consistency across non-residential commercial districts that accommodate tourist and visitor activities.
- Logical Inclusion: The Town Center (TC) district is designed as a focal point for economic activity, pedestrian flow, and community services. Excluding RV parks, which cater directly to visitors seeking access to town services, creates an unnecessary gap in commercial accommodation options within the core commercial hub.

2. Economic Vitality, Business Support, and Tax Revenue

- Direct Local Spending: Visitors staying at RV parks contribute significantly to the local economy. RV park patrons frequent nearby core commercial businesses, including local eateries, retail shops, grocery stores, gas stations, and recreational service providers in the Town Center.
- Municipal Tax Base Enhancement: Granting C1 status allows for managed developments that generate both local sales tax and Transient Room Tax (TRT) under Morgan County Code § 35.01–35.02. This provides an additional revenue stream for the county to fund infrastructure, tourism promotion, and public facilities.

3. Built-In Protection Through Conditional Use (C1) Safeguards

- Case-by-Case Oversight: Amending Table 155.132 to a C1 (Conditional Use)—rather

than an outright Permitted (P) use—ensures that the Planning Commission and Zoning Administrator retain full discretionary review over every individual proposal.

- Mitigation of Impacts: Under conditional use review, county officials can evaluate specific site plans and impose reasonable conditions to address traffic flow, access management, noise, utility capacity, and aesthetic compatibility.
- Adherence to RV Park Standards: Any proposed RV park in the TC zone would still be subject to the rigorous development, licensing, and operational guarantees required under Morgan County Code § 155.390(F). The process includes annual business licensing, management plan requirements, and bonding for maintenance and open space.

4. Synergies with Town Center Open Space & Design Goals

- Enhanced Buffering and Landscaping: RV park developments naturally incorporate landscaped open spaces, perimeter buffers, and low-density layouts. This aligns with the visual screening standards (§ 155.345) and Town Center Open Space Corridor preservation requirements (§ 155.270).
- Integration with Trail Networks: Well-designed RV parks can easily incorporate pedestrian paths and connect to broader community trail networks, supporting walkability and outdoor recreation without burdening permanent housing infrastructure.

PROPOSED TEXT AMENDMENT DETAIL

The proposed change to Morgan County Code Table 155.132 (Use Regulations) is attached hereto. The only change is the addition of “C1” on the Recreation vehicle parks row in the TC column on page 6 of 8.

CONCLUSION

Adding Recreational Vehicle Parks as a C1 conditional use in the Town Center (TC) zone is a logical, revenue-generating, and controllable update to the Morgan County Code. It supports local commerce, provides essential lodging options for visitors, and guarantees full administrative oversight on a project-by-project basis. We respectfully request that the Planning Commission and County Commission approve this text amendment.

§ 155.132 USE REGULATIONS.

No building, structure or land shall be used, and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the Commercial and Industrial Districts, except as provided in this subchapter. Accessory uses and buildings customarily incidental to uses authorized by conditional use permit in any district are also authorized by issuance of a conditional use permit in any such district. “Temporary uses,” as defined in § 155.008 of this code, are authorized in any district upon issuance of a conditional use permit for the same. All uses prohibited except as stated in the use table.

C1	CUP Zoning Administrator
C2	CUP Planning Commission
C3	CUP County Commission
P	Permitted

CB: Commercial Buffer
 NC: Neighborhood Commercial
 TC: Town Center
 CS: Commercial Shopping
 CH: Highway Commercial
 GC: General Commercial
 BP: Business Park
 TPC: Technical and Professional Campus
 MGC: Mountain Green Commercial
 PC: Peterson Commercial
 LM: Light Manufacturing
 I: Industrial

	CB	NC	TC	CS	CH	GC	BP	TPC	MGC	PC	LM	I
Residential:												
Recreation vehicle parks	C1	-	C1	C1	C1	C1	-	-	-	-	C1	-
Residential care facilities	C1	-	-	C1	C1	C1	-	-	-	-	-	-
Residential live-work	C3	C1	-	C3	P	P	-	-	-	-	-	-
Residential units as part of a mixed-use development	-	-	P	-	-	-	-	-	-	-	-	-
Retirement home/assisted living	-	C1	-	-	C1	-	-	-	-	-	-	-
Retail trade:												
Auto parts and supply stores	-	-	P	C2	C2	C2	-	-	-	-	P	P
Auto salvage yards (i.e., retailing used auto parts)	-	-	-	C2	C2	C2	-	-	C2	-	C1	P
Automobile dealers, new and used	-	-	-	C2	C2	C2	-	-	-	-	P	P
Camper dealers, recreational	-	-	-	C2	C2	C2	-	-	-	-	P	P
Grocery	-	P	P	P	P	P	P	P	P	P	C1	C1
Motor home dealers	-	-	-	C2	C2	C2	-	-	-	-	P	P
Recreational vehicle (RV)	-	-	-	C2	C2	C2	-	-	-	-	P	P

dealers (campers, motor homes, boats, ATV, motorcycles or similar)												
Retail store (not listed elsewhere)	P	P	P	P	P	P	C1	C1	P	P	C1	C1
Transportation:												
Bus terminal or station	C1	C1	P	C1	P	C1	P	C1	C1	C1	P	P

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PROPOSED TEXT

Table 155.132

	CB	NC	TC	CS	CH	GC	BP	TPC	MGC	PC	LM	I
Residential:												
Recreation vehicle parks	C1	-	C1	C1	C1	C1	-	-	-	-	C1	-

STAFF ANALYSIS

The purpose of the Town Center District (TC) is to provide areas in appropriate locations where a combination of business, commercial, entertainment, residential and related activities may be established and maintained. Regulations of this district are designed to provide a compatible environment for commercial and residential uses. The district has strict design standards for architecture, landscaping and other performance requirements as reflected in §§ [155.265](#) through 155.270 of this code. A mix of commercial and residential uses, in the same building or on the same site is allowed in this zoning district.

The MCC defines “Recreational Vehicle Park (Travel Trailer Park) as: “Any area or tract of land or a separately designated section within a mobile home park where lots are rented or held out for rent to one or more owners or users of recreational vehicles.”

Recreation Vehicle Parks can be designed to look and be maintained to a high standard; however, staff assesses from the purpose statement of the Town Center District (TC) (above) and various parts of the Morgan County Code (MCC) that Recreation Vehicle Parks are not the best fit for the Town Center District (TC).

The Town Center Design Standards include design standards (architectural, street front entrances, street facades) for non-residential and mixed-use and multi-family residential; it does not specify residential.

The only reference to “Recreation Vehicle Parks” in the use tables (residential and commercial) is in the commercial use table (§ [155.132](#)) under “Residential”:

	CB	NC	TC	CS	CH	GC	BP	TPC	MGC	PC	LM	I
Residential:												
Recreation vehicle parks	C1	-	-	C1	C1	C1	-	-	-	-	C1	-
Residential Care Facilities	C1	-	-	C1	C1	C1	-	-	-	-	-	-
Residential live-work	C3	C1	-	C3	P	P	-	-	-	-	-	-
Residential Units as part of a Mixed-Use Development			P									

Retirement home/assisted living	-	C1	-	-	C1	-	-	-	-	-	-	-
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Under General Regulations in the MCC § 155.366 Conditional Uses (C) recreation vehicle parks do not require a Conditional Use Permit if a site plan is approved.

Under the MCC Supplementary Regulations § 155.334 Recreation Vehicle Courts and Commercial Campgrounds are Conditional Uses with the Planning Commission being the approval authority. A requirement is that they need to be listed as permitted or conditionally permitted in a particular zone. The MCC use table for commercial, and all residential uses does not list “Recreation Vehicle Courts and Commercial Campgrounds.” The MCC definitions also do not define this use.

The Town Center District permits the following uses: (if a use is not listed in the § 155.132 table it is not allowed)

1. Accommodation & food services
2. Agriculture (until development)
3. Public Cemetery (C3)
4. General Contractor’s Office
5. Educational Services
6. Most Entertainment Uses
7. Finance & Insurance
8. Most Office Uses
9. Only residential in mixed-use development
10. Retail (except Auto Salvage, Auto Dealers, Camper, Mobile Home, & RV Dealers)
11. Animal Clinic and Hospital
12. Automatic Car Wash, Truck Wash
13. Barber Shops
14. Beautician Services
15. Churches
16. Cosmetology Salons or Shops
17. Day Spas
18. Drinking Place (alcoholic beverages)
19. Drive-in Restaurant
20. Esthetician (i.e., skin care)
21. Gasoline service station
22. Laundry Services (laundromat, dry cleaner pick-up only)
23. Liquor, packaged sales (check the state code)
24. Parking Garage
25. Public or quasi-public facilities, or public service facilities. Exception: governmentally operated essential service facilities such as police, fire, ambulance, substations and animal control facilities
26. Radio and television communication facilities (C1)
27. Tailor
28. Tanning Salons

RECOMMENDED MOTIONS

Sample Motion for a *Recommendation for Approval* – “I move we recommend approval to the County Commission of the MCC § 155.132 Code Text Amendment permitting Recreation vehicle parks in the TC zone with a conditional use permit approved by the Zoning Administrator based on the findings listed in the memorandum dated October 8, 2026.”

Sample Motion for a *Recommendation for Approval with Conditions* – “I move we recommend approval to the County Commission of the MCC § 155.132 Code Text Amendment permitting Recreation vehicle parks in the TC zone with a conditional use permit approved by the Zoning Administrator based on the findings listed in the memorandum dated October 8, 2026., with the following additional conditions:”

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

Sample Motion for a *Recommendation for Denial* – “I move we recommend denial to the County Commission of the MCC § 155.132 Code Text Amendment permitting Recreation vehicle parks in the TC zone with a conditional use permit approved by the Zoning Administrator based on the findings listed in the memorandum dated October 8, 2026. with the following findings:”

1. *List any additional findings...*

ATTACHMENTS:

Attachment “A”: MCC § 155.132 Code Text Amendment DRAFT Ordinance
Exhibit “A”: MCC § 155.132 Code Text Amendment

Attachment “A”: Draft MCC § 155.132 Text Amendment Ordinance

ORDINANCE NO. CO-26-0X

AN AMENDMENT TO THE LAND USE MANAGEMENT CODE FOR MORGAN COUNTY TO REVISE MCC § 155.132 USE TABLE PERMITTING RECREATION VEHICLE PARKS IN THE TOWN CENTER DISTRICT (TC) WITH A CONDITIONAL USE PERMIT ISSUED BY THE ZONING ADMINISTRATOR, AND ESTABLISHING AN EFFECTIVE DATE.

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

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

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

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

Section 1. Amendment and Adoption. The Morgan County Code is hereby amended to permit recreational vehicle parks in the Town Center (TC) zoning district with a conditional use permit issued by the Zoning Administrator as more specifically described in Exhibit “A”, attached hereto and incorporated herein by reference.

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

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

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

ATTEST:

MORGAN COUNTY GOVERNING
BODY

Leslie Hyde
Morgan County Clerk

Matthew Wilson, County Commission Chair

APPROVED AS TO FORM

Garrett Smith
Morgan County Attorney

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

Exhibit “A”: MCC § 155.132 Code Text Amendment

	CB	NC	TC	CS	CH	GC	BP	TPC	MGC	PC	LM	I
Residential:												
Recreation vehicle parks	C1	-	C1	C1	C1	C1	-	-	-	-	C1	-

MEMORANDUM

TO: Morgan County Planning Commission
FROM: Morgan County Planning & Development Services Staff
DATE: October 8, 2026
SUBJECT: MCC § 155.426 (C) (5) Code Text Amendment

SUMMARY: To Clarify the Intent of: “The flagpole or panhandle portion of a flag lot shall not be included in calculated gross square footage of a lot;”

Former Planning and Development Director, Josh Cook, who drafted this portion of the code, has brought to our attention the intent of MCC § 155.426 (C) (5). The Morgan County Commission has directed staff to amend this code to reflect the original intent.

This current code reads: “The flagpole or panhandle portion of a flag lot shall not be included in calculated gross square footage of a lot.” The intent of this code is that that the zoning entitlements of the flagpole or panhandle portion of flag lot shall not apply to the lot, but that the zoning entitlements of the flag portion shall apply. (It is not infrequent that a flag lot be split by zoning – often RR-1 along the road and A-20 farther back.)

PROPOSED TEXT AMENDMENT

MCC § 155.426 (C) (5): **The zoning entitlements of the flagpole /panhandle portion of a flag lot shall not apply to the lot; the zoning entitlements of the flag portion shall apply to the whole lot** ~~be included in calculated gross square footage of a lot.~~

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.

RECOMMENDED MOTIONS

Sample Motion for a *Recommendation for Approval* – “I move we recommend approval to the County Commission of the MCC § 155.426 (C) (5) Text Amendment clarifying the original intent based on the findings listed in the memorandum dated October 8, 2026.”

Sample Motion for a *Recommendation for Approval with Conditions* – “I move we recommend approval to the County Commission of the MCC § 155.426 (C) (5) Text Amendment clarifying the original intent based on the findings listed in the memorandum dated October 8, 2026., with the following additional conditions:”

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

Sample Motion for a *Recommendation for Denial* – “I move we recommend denial to the County Commission of the MCC § 155.426 (C) (5) Text Amendment clarifying the original intent based on the findings listed in the memorandum dated October 8, 2026. with the following findings:”

1. *List any additional findings...*

ATTACHMENTS:

Attachment “A”: MCC § 155.426 (C) (5) Code Text Amendment Ordinance

Attachment “A”: Draft MCC § 155.426 (C) (5) Text Amendment Ordinance

ORDINANCE NO. CO-26-0X

AN AMENDMENT TO THE LAND USE MANAGEMENT CODE FOR MORGAN COUNTY TO REVISE MCC § 155.426 (C) (5) CLARIFYING THE ORIGINAL INTENT, AND ESTABLISHING AN EFFECTIVE DATE.

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

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

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

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

Section 1. Amendment and Adoption. Morgan County Code § 155.426 (C) (5) is hereby amended to clarify its original intent as more specifically described in Exhibit “A”, attached hereto and incorporated herein by reference.

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

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

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

ATTEST:

MORGAN COUNTY GOVERNING
BODY

Leslie Hyde
Morgan County Clerk

Matthew Wilson, County Commission Chair

APPROVED AS TO FORM

Garrett Smith
Morgan County Attorney

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

Exhibit “A”

MCC § 155.426 (C) (5): ~~The zoning entitlements of the flagpole /panhandle portion of a flag lot shall not apply to the lot; the zoning entitlements of the flag portion shall apply to the whole lot~~ ~~be included in calculated gross square footage of a lot.~~

PLANNING COMMISSION STAFF REPORT

Conditional Use Permit
October 8, 2026

Kinghorn Farm & Livestock CUP
Public Meeting
October 8, 2026
File #CUP26.014

Applicant/Owner:	Keri Kinghorn
Project Location:	3390 W. Bigler Lane (Peterson area)
Parcel Number:	00-0001-4645
Serial Numbers:	01-004-146-06
Current Zoning:	Agriculture (A-20)
Acreage:	3.00 acres

REQUEST

A request for approval of a Conditional Use Permit (C2) that is required for an agribusiness.

The applicant gives the following detailed request:

Kinghorn Farm and Livestock is a family-owned agriculture business. It is owned by Keri and Mike Kinghorn. We have been residents of Morgan County for several years. Our 2 boys also help on our small hobby farm.

We breed Hampshire cross sheep and sell Morgan County kids to show in 4-H and FFA Livestock shows (specifically our local Morgan County Livestock Program). We also sell our sheep throughout Utah and the United States. The sales are performed online, and they are picked up by purchaser at our location. We allow them to pull into the pasture located by the sheep barn to prevent any roadblocks.

We also recently acquired a milk goat. The proposed plan is to make raw milk soaps and lotions to sell at local vendor events. We will register the business with the Utah Department of Agriculture for Raw Milk. Once registered, we will also offer a small selection of raw goat milk and cheeses. A food handlers permit is currently being acquired. These, along with soaps, will be available at a self-serve farm stand located near the house. There is a parking driveway located on the west and northeast side of the property.

In addition to the above, we will also offer products grown in our garden/greenhouse. This could include vegetable produce, plant starts, etc. These will also be offered in the self serve farmstand. Our chickens produce eggs and these will be offered at the farmstand also. If there are any additional questions, please feel free to reach out.

ATTORNEY GUIDANCE

Administrative Review: In an administrative land use decision, the sole question is whether the application complies with applicable County ordinances and standards. If it does, the application must be approved.

CONDITIONAL USE PERMITS (CUPs): Morgan County Code classifies land uses as follows:

- P (Permitted Use): Allowed by right if the application complies with applicable County ordinances and standards.
- C1 (Conditional Use Permit): Reviewed and approved by the Zoning Administrator.
- C2 (Conditional Use Permit): Reviewed and approved by the Planning Commission.
- C3 (Conditional Use Permit): Reviewed and approved by the County Commission.

A Conditional Use Permit is an administrative land use decision. The Planning Commission's role is not to determine whether it likes or dislikes the proposed use, but whether the application complies with applicable County ordinances and whether any reasonably anticipated detrimental effects can be substantially mitigated through reasonable conditions.

Conditional uses are presumed appropriate within the zoning district because the County Legislature has already determined, by adopting the zoning ordinance, that the use may be allowed in that zone, subject to compliance with applicable standards and conditions.

A CUP is not a discretionary policy decision. The question is whether the application complies with applicable standards and whether identified detrimental effects can be substantially mitigated. Under Utah Code § 17-79-506, a land use authority *shall* approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use.

Review Framework

When reviewing a CUP application:

1. Determine Ordinance Compliance
 - Confirm the application complies with all applicable County ordinances and standards.
2. Identify Reasonably Anticipated Detrimental Effects (RADEs)
 - Consider only detrimental effects supported by substantial evidence.
 - Speculation, generalized concerns, public opposition, or public clamor do not constitute substantial evidence.
3. Evaluate Mitigation
 - Determine whether reasonable conditions can substantially mitigate the identified detrimental effects.
 - Conditions should be related to the detrimental effect being addressed, within the County's authority, and reasonably proportionate to the impact.

- Conditions must reasonably relate to an identified detrimental effect and may not be imposed simply because they are preferred by the County or neighboring property owners.
- The law requires substantial mitigation of reasonably anticipated detrimental effects; it does not require elimination of all impacts.

Decision Standards

Approval

- A CUP must be approved if the application complies with applicable ordinances and any reasonably anticipated detrimental effects can be substantially mitigated through reasonable conditions.

Denial

- A CUP may be denied only when substantial evidence demonstrates that reasonably anticipated detrimental effects cannot be substantially mitigated through reasonable conditions.
- In exceptional circumstances, Utah courts have recognized that an otherwise compliant application may be denied where substantial evidence demonstrates that approval would seriously threaten public health, safety, or welfare. *See Western Land Equities, Inc. v. City of Logan*, 617 P.2d 388 (Utah 1980).

Findings

The record should clearly identify:

- The applicable ordinance standards.
- Any reasonably anticipated detrimental effects supported by substantial evidence.
- Any conditions imposed and how they mitigate the identified effects.
- The evidence relied upon, not merely the conclusions reached.
- The basis for approval or denial.

Important Considerations

- Conditional use permits are administrative land use decisions, not discretionary policy decisions.
- Public support, opposition, or public clamor is not a legal basis for approval or denial and does not, by itself, constitute substantial evidence.
- Do not rely on speculation, assumptions, or unsupported concerns.
- Apply ordinance provisions consistently to all applicants.
- Conditions must be reasonably related to identified reasonably anticipated detrimental effects and supported by the record.
- Conditions run with the land and remain enforceable against future owners.
- The role of the Planning Commission and County Commission is to apply adopted ordinances, not create new standards during the review process.

- Personal preferences, policy concerns, or a desire for different requirements must be addressed legislatively through the adoption, amendment, or repeal of ordinances, not through review of an individual application.

RECOMMENDATION

This property is zoned A-20. However, the parcel is only three acres in size. Adjacent parcels are also zoned A-20 and have acreages of 0.9, 1.3, 3.8, and 118. While the parcel is only three acres and adjacent parcels are also small in acreage, agribusiness uses need to be conducted with care.

Based on the information in this staff report, planning staff recommends that the Planning Commission approve the requested Conditional Use Permit (CUP) application for an agribusiness for the selling of livestock, livestock products, vegetables and plants subject to all applicable regulations and the following conditions:

Conditions:

- 1. That all animal housing, waste storage, and manure management associated with the use shall be operated and maintained to minimize odor, runoff, and pests in accordance with Weber-Morgan Health Department requirements.*
- 2. New buildings for housing or care of animals may be located no closer than ten feet to any side or rear lot line, 30 feet to any public street.*
- 3. All new pens, sheds, barns, coops, and stables housing animals and fowl shall be located not less than 50 feet from a public street. These provisions shall not apply to pastures.*
- 4. Odor, dust, noise, or drainage will be so controlled as not to constitute a nuisance or hazard to adjoining property or uses.*
- 5. The county animal ordinance shall govern animal nuisances*
- 6. That the property and operation shall remain in compliance with all applicable County, State, and Federal regulations to ensure continued protection of public health, safety, and general welfare.*
- 7. That hours of operation of the Agribusiness and related traffic shall be limited to 6:00 a.m.–10:00 p.m. to minimize impacts on surrounding properties.*
- 8. Obtain a Morgan County business license.*

PROJECT DESCRIPTION

Staff has reviewed a Conditional Use Permit (CUP) application for an agribusiness located on a 3.00-acre property in the Peterson area of unincorporated Morgan County. The agribusiness is for the selling of livestock, livestock products, vegetables, and plants.

The purposes of providing an Agriculture District are to promote and preserve in appropriate areas conditions favorable to agriculture and to maintain greenbelt spaces. These districts are intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses inimical to the continuance of agricultural activity.

Staff finds that the proposed CUP maintains compatibility with the surrounding area and the intent of the A-20 zoning district. Pursuant to § 155.082, this use is classified as a C2-level conditional use, granting the Planning Commission land use authority to review, approve, or deny the

application based on findings of compliance with applicable zoning standards and compatibility with neighboring land uses. The Planning Commission may require conditions relating to the safety of persons and property such as:[§ 155.366(D(1))]:

- a) *Building elevations and grading plans which will prevent or minimize floodwater damage, where property may be subject to flooding.*
- b) *b.The relocation, covering or fencing of irrigation ditches, drainage channels, and other potential attractive nuisances existing on or adjacent to the property.*
- c) *Increased setback distances from lot lines where the planning commission determines it to be necessary to ensure the public safety and to ensure compatibility with the intended characteristics of the district as outlined in this title.*
- d) *Appropriate design, construction and location of structures, buildings and facilities in relation to any earthquake fault which may exist on the property, and limitations and/or restrictions on the use and/or location of uses due to special site conditions, including, but not limited to, geologically hazardous areas; floodplains; fault zones; landslide areas.*
- e) *Limitations and control of the number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and appearance and harmony with adjacent development.*
- f) *Plans for the location, arrangement and dimensions of truck loading and unloading facilities.*
- g) *Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants and street lighting.*
- h) *Reduction of permitted street grades for winter and storm conditions, or exposure.*
- i) *Fences shall not create visual nor other safety hazards.*
- j) *Backing movements, passing vehicles, sidewalk traffic, small children, etc., shall be considered in the location of fences and effects on circulation system.*
- k) *Numbers and types of vehicles per time period associated with the conditional use activities.*
- l) *Time of day and days of the week conditional use may operate.”*

Any conditions that staff or the Planning Commission come up with should aim to ensure that the agribusiness operates in a manner that is compatible with surrounding land uses and minimizes any potential negative impacts on the community and the environment.

CODE ANALYSIS

Standards		Findings	Rationale
<i>Ordinance Evaluation. Morgan County Code § 155.008 defines conditional use as the following:</i>			
<i>CONDITIONAL USE: A land use that, because of the unique characteristics or potential impact of the land use on the county, surrounding neighbors or adjacent land uses, may not be compatible in some areas, or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. (A development or land use application which requires a conditional use permit, pursuant to this chapter.)</i>			
155.366 (D) Conditions Relating To Safety For Persons And Property:			
1(a)	Building elevations and grading plans which will prevent or minimize floodwater damage, where property may be subject to flooding.	N/A	Not in flood zone

1(b)	The relocation, covering or fencing of irrigation ditches, drainage channels, and other potential attractive nuisances existing on or adjacent to the property.	N/A	<i>Gorder Creek identified on Google Earth but not identified on site visit. Fencing appears to exclude Gorder Creek.</i>
1(c)	Increased setback distances from lot lines where the planning commission determines it to be necessary to ensure the public safety and to ensure compatibility with the intended characteristics of the district as outlined in this title.	N/A	N/A
1(d)	Appropriate design, construction and location of structures, buildings and facilities in relation to any earthquake fault which may exist on the property, and limitations and/or restrictions on the use and/or location of uses due to special site conditions, including, but not limited to, geologically hazardous areas; floodplains; fault zones; landslide areas.	N/A	<i>Existing</i>
1(e)	Limitations and control of the number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and appearance and harmony with adjacent development.	N/A	<i>No signage proposed</i>
1(f)	Plans for the location, arrangement and dimensions of truck loading and unloading facilities.	N/A	
1(g)	Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants and street lighting.	N/A	<i>No construction necessary.</i>
1(h)	Reduction of permitted street grades for winter and storm conditions, or exposure.	N/A	
1(i)	Fences shall not create visual nor other safety hazards.	N/A	<i>Existing fencing does not create a visual or other safety hazard.</i>
1(j)	Backing movements, passing vehicles, sidewalk traffic, small children, etc., shall be considered in the location of fences and effects on circulation system.	<i>Complies</i>	<i>Bigler Lane is a small gravel road with space to turn around at the end.</i>
1(k)	Numbers and types of vehicles per time period associated with the conditional use activities.	<i>Complies</i>	<i>Staff suggest no maximum number and type of vehicles per time period.</i>
1(l)	Time of day and days of the week conditional use may operate.	<i>Complies</i>	<i>Staff suggest hours of operation from 6 am to 10 pm.</i>
155.366 (D) Conditions Relating To Health And Sanitation:			
2(a)	A guarantee of sufficient water to serve the intended land use and a water delivery system meeting standards adopted by the governing body.	<i>Complies</i>	
2(b)	A wastewater disposal system and a solid waste disposal system meeting standards adopted by the governing body.	<i>Complies</i>	
2(c)	Construction of water mains, sewer mains and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the district and to provide for an orderly development of land in the county.	N/A	
155.366 (D) Environmental Concerns:			
3(a)	Limitations and/or restrictions on the use and/or location of uses in sensitive areas due to soils capabilities, wildlife and plant life.	N/A	<i>Proposed use does not impact soils, wildlife and plant life.</i>
3(b)	Standards intended to conserve, enhance, restore and maintain significant natural and manmade features which are of public value, including among other things,	<i>Complies</i>	<i>Comply with Weber/Morgan Health Dept. standards. Emailed Cynthia Rudh</i>

	river corridors, streams, lakes and islands, domestic water supply watersheds, flood storage areas, natural shorelines and unique vegetation, wetlands, wildlife and fish habitats, significant geological features, tourist attractions, archaeological features and sites, historic features and sites and scenic views and vistas, and to establish criteria and standards for the development, change of use, or alteration of such features.		(crudh@webercountyutah.gov) Weber/Morgan Health Dept. for any comment.
3(c)	Processes for the control, elimination or prevention of land, water or air pollution; the prevention of soil erosion; and the control of objectionable odors. Processes for the control, elimination or prevention of land, water or air pollution; the prevention of soil erosion; and the control of objectionable odors.	<i>Will Comply</i>	<i>Will comply with Weber/Morgan Health Dept. regulations.</i>
3(c)(1)	These processes may include restrictions on degradation of water quality.	<i>Will Comply</i>	<i>Will comply with Weber/Morgan Health Dept. requirements.</i>
3(c)(2)	Developments which produce any discharge to any watercourse shall demonstrate compliance with all federal, state and county water quality standards as evidenced by the issuance of any permits required for their discharge by the federal government, state and/or county.	<i>Will Comply</i>	<i>Will comply with Weber/Morgan Health Dept. requirements.</i>
3(c)(3)	Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces and drainage systems prior to final approvals for the project. It is the responsibility of any person, corporation or other entity doing any act on or across a stream, watercourse or swale, or upon the floodplain or right of way thereof, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain or right of way during such activity.	<i>Will Comply</i>	<i>Keep Gorder Creek in the present condition. Through a site visit and looking at Google Earth Gorder Creek cannot be readily identified.</i>
3(d)	The planting of ground cover or other surfacing to prevent dust and erosion.	<i>Will Comply</i>	
3(d)(1)	The proposed land disturbing activity will ensure and provide an undisturbed vegetation buffer from the top of the bank of a stream, wetland or other water body, unless a mitigation plan is approved for alterations within the buffer area.	<i>Will Comply</i>	<i>No land disturbing activity.</i>
3(d)(2)	Whenever feasible, natural vegetation will be retained and protected.	<i>Will Comply</i>	
3(d)(3)	Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.	<i>Complies</i>	<i>No exposed critical areas identified.</i>
3(d)(4)	Plans will be made to accommodate increased runoff and sedimentation caused by altered soil and surface conditions during and after the proposed activity.	<i>Complies</i>	<i>No altering soil and surface conditions.</i>
3(e)	Restructuring of the land and planting of the same as directed by the planning commission when the conditional use involves cutting and/or filling the land and where such land would be adversely affected if not restructured.	<i>N/A</i>	
3(f)	Limitations and/or restrictions on construction and/or development on slopes in excess of thirty percent (30%) to control erosion.	<i>N/A</i>	<i>No construction proposed.</i>

3(g)	If the proposed conditional use involves hillside construction and/or development, the application will be approved only after the applicant provides:	<i>N/A</i>	<i>No hillside construction and/or development.</i>
3(g)(1)	Topographic information showing that the proposed activity is on land with a slope less than thirty percent (30%) and that it is located more than two hundred feet (200') from a known landslide.	<i>N/A</i>	
3(g)(2)	A geologic/geotechnical report which shall be in form and content approved by the county engineer, consisting of, among other things, a slope stability study, earthquake analysis and sedimentation analysis, prepared by a certified engineering geologist or geotechnical engineer approved by the county engineer, certifying that the site or route in its entirety is suitable for the proposed development.	<i>N/A</i>	<i>No building proposed.</i>
3(g)(3)	Such other engineering or technical reports as may be required by the planning commission or governing body.	<i>Will Comply</i>	
3(g)(4)	Detailed construction plans, drawings and specifications which outline all construction methods proposed to be utilized.	<i>N/A</i>	<i>No construction</i>
3(h)	In all cases, the applicant may be required to supply a geologic report, a geotechnical study, a hydrological study, a civil engineering study and other applicable engineering studies required by the planning commission or governing body acceptable in form and content to the county engineer.	<i>N/A</i>	<i>No construction</i>
3(i)	The applicant's conditional use may be limited or denied if blasting, drilling or any other construction activity involved will weaken, or cause, adjoining slopes, geologic formations and manmade improvements to become unstable or if the proposed construction or operation will result in the creation of a geologic hazard to surrounding properties, such as through slumping, sliding or drainage modifications.	<i>N/A</i>	<i>No construction activity proposed.</i>

PUBLIC NOTICE, MEETINGS, COMMENTS

- ✓ Public Notice was submitted to the State of Utah Public Notice website on or before September 28, 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 September 28, 2026.
- ✓ Notices to property owners within 1000' feet of the proposed use were mailed a Public Notice on or before September 28, 2026.
- ✓ A sign was posted on the site on or before September 28, 2026.

RECOMMENDED MOTION

Recommended Motion for Approval – “I move we approve the Kinghorn Farm & Livestock CUP, application #CUP26.014, to allow for an agribusiness for the selling of livestock, livestock products, vegetables, and plants located in the Peterson area at 3390 W. Bigler Lane in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report dated October 8, 2026.”

Recommended Motion for *Approval with Conditions*– “I move we approve the Kinghorn Farm & Livestock CUP, application #CUP26.014, to allow for an agribusiness for the selling of livestock, livestock products, vegetables, and plants located in the Peterson area at 3390 W. Bigler Lane in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report dated October8, 2026, and as modified by the conditions and findings below:”

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

Recommended Motion for *Denial* – “I move we deny the Kinghorn Farm & Livestock CUP, application #CUP26.014, to allow for an agribusiness for the selling of livestock, livestock products, vegetables, and plants located in the Peterson area at 3390 W. Bigler Lane in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report dated October8, 2026, subject to the following findings:

1. List any additional findings...

SUPPORTING INFORMATION

Exhibit A: Vicinity Map

Exhibit B: Zoning Map

Exhibit C: Close-up of Property

Exhibit A: Vicinity Map

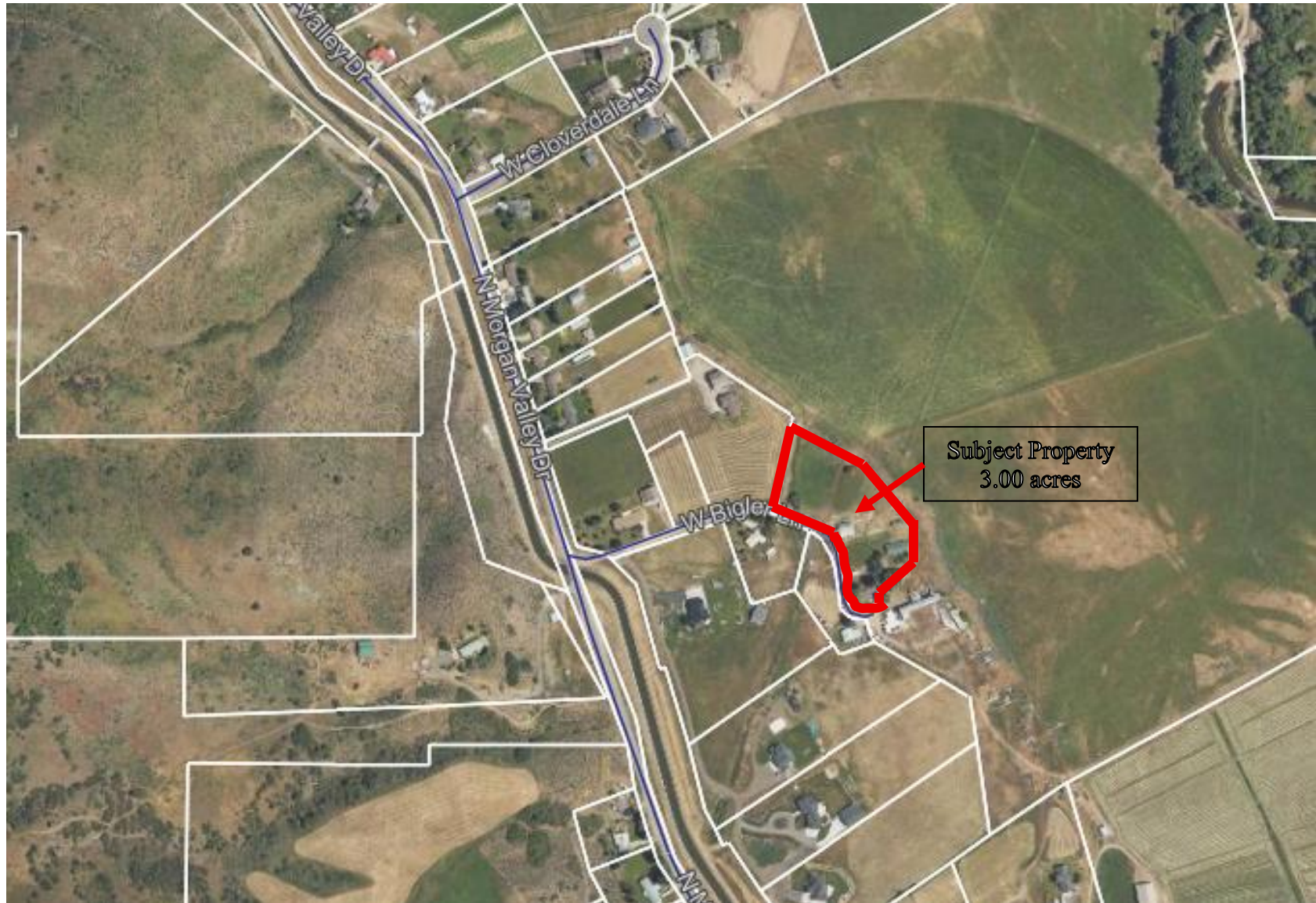


Exhibit B: Zoning Map



Exhibit C: Close-up of Property





PLANNING & DEVELOPMENT

PLANNING COMMISSION STAFF REPORT

Wasatch Peaks Ranch (WPR) Plat 1, 3rd
Amendment (C15 & C16 Lot
Consolidation)

WPR Plat 1, 3rd Amendment,
October 8, 2026
Public Meeting
File #26.024

Applicant/Owner:	Brian Nestoroff
Project Location:	3667 N. Peaks View Drive in unincorporated Morgan County.
Parcel Numbers:	00-0090-3155; 00-0090-3156
Serial Number:	12-WPR1C-0015; 12-WPR1C-0016
Current Zoning:	Resort Special District
Acreage:	3.9 acres; 3.0 acres

REQUEST: A request to amend the Wasatch Peaks Ranch Plat 1 by consolidating Lot C15 and C16. (This is the 3rd amendment.)

ATTORNEY GUIDANCE

Administrative Review: Administrative land use decisions are governed by applicable County ordinances. If an application complies with those ordinances, it must be approved.

The role of the Planning Commission and County Commission is not to determine whether they like or dislike a proposal, but whether the application complies with the County ordinances governing the application. Administrative applications are not discretionary policy decisions. Policy decisions are legislative matters addressed through the adoption, amendment, or repeal of ordinances. Administrative review is the application of existing County ordinances to a specific application.

Applicable Law: Under Utah Code § 17-79-508, an applicant is entitled to approval of a land use application if the application conforms to the applicable land use regulations, land use decisions, and development standards in effect when a complete application is submitted and all required fees are paid.

In exceptional circumstances, Utah courts have recognized that an otherwise compliant application may be denied where substantial evidence demonstrates that approval would seriously threaten public health, safety, or welfare. See *Western Land Equities, Inc. v. City of Logan*, 617 P.2d 388 (Utah 1980).

Review Framework

When reviewing an administrative land use application:

1. Determine Ordinance Compliance
 - Confirm the application complies with all applicable County ordinances.
2. Evaluate Evidence
 - Decisions should be based on applicable County ordinances and substantial evidence in the record.
 - The role of the Planning Commission and County Commission is to apply adopted ordinances, not create new standards during the review process.
3. Evaluate Conditions
 - Any conditions imposed should be required by, authorized by, or reasonably related to applicable County ordinances.

Decision Standards

Approval

- An administrative land use application must be approved if it complies with applicable County ordinances.

Denial

- An administrative land use application may be denied only if it does not comply with applicable County ordinances.
- In exceptional circumstances, an otherwise compliant application may be denied where substantial evidence demonstrates that approval would seriously threaten public health, safety, or welfare.

Findings

The record should clearly identify:

- The applicable ordinance provisions.
- The evidence relied upon, not merely the conclusions reached.
- Any conditions imposed and the legal basis for those conditions.
- The basis for approval or denial.

Important Considerations

- Administrative land use applications are not discretionary policy decisions.
- Public support, opposition, or public clamor is not a legal basis for approval or denial and does not, by itself, constitute substantial evidence.
- Do not rely on speculation, assumptions, or unsupported concerns.
- Apply ordinance provisions consistently to all applicants.
- The role of the Planning Commission is to apply adopted ordinances, not create new standards during the review process.

Personal preferences, policy concerns, or a desire for different requirements must be addressed legislatively through the adoption, amendment, or repeal of ordinances, not through review of an individual administrative application.

RECOMMENDATION

County Staff has reviewed the application for this 3rd amendment to Phase 1 of WPR. Staff is hereby recommending approval of the requested amendment based on the following findings and with conditions listed below:

Findings:

- 1. That the subdivision is in conformance with the current land uses of the area.*
- 2. That the proposal complies with applicable zoning and subdivision regulations.*
- 3. That the proposal is not detrimental to the health, safety, and welfare of the public.*

Conditions:

- 1. That all outsourced consultant fees are paid current prior to final plat recordation.*
- 2. That all other local, state, and federal laws are adhered to.*

PROJECT DESCRIPTION

The applicant is seeking approval to amend WPR Plat 1 by consolidating Lot C15 and Lot C16.

Plat 1 was recorded in May 2022. The consolidation of these two lots will not affect any rights-of-way, easements, or utilities.

ANALYSIS

These two lots have previously been reviewed and approved for preliminary and final approval as part of the WPR Plat 1. The consolidation of these two lots does not violate any Morgan County Code (MCC) or WPR Development Agreement. The consolidated lot will have a Building Area Envelope just like the previous lots.

PUBLIC NOTICE, MEETINGS, COMMENTS

- ✓ Public Notice was submitted to the State of Utah Public Notice website on or before September 28, 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 September 28, 2026.
- ✓ Notices to property owners within 1000' feet of the proposed use were mailed a Public Notice on or before September 28, 2026.
- ✓ A sign was posted on the site on or before September 28, 2026.

Recommended Motions

Recommended Motion for *Approval* – “I move we approve the WPR Plat 1, 3rd Amendment, application number 26.024, allowing for the consolidation of Lot C15 and Lot C16, located at 3667 N. Peaks View Drive in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report dated October 8, 2026.”

Recommended Motion for *Approval with Conditions* – “I move we approve the WPR Plat 1, 3rd Amendment, application number 26.024, allowing for the consolidation of Lot C15 and Lot C16, located at 3667 N. Peaks View Drive in unincorporated Morgan County in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report dated October 8, 2026, and with the following additional conditions:”

1. List any additional conditions

Recommended Motion for *Denial* – “I move we deny the WPR Plat 1, 3rd Amendment, application number 26.024, allowing for the consolidation of Lot C15 and Lot C16, located at 3667 N. Peaks View Drive in unincorporated Morgan County, based on the following findings:”

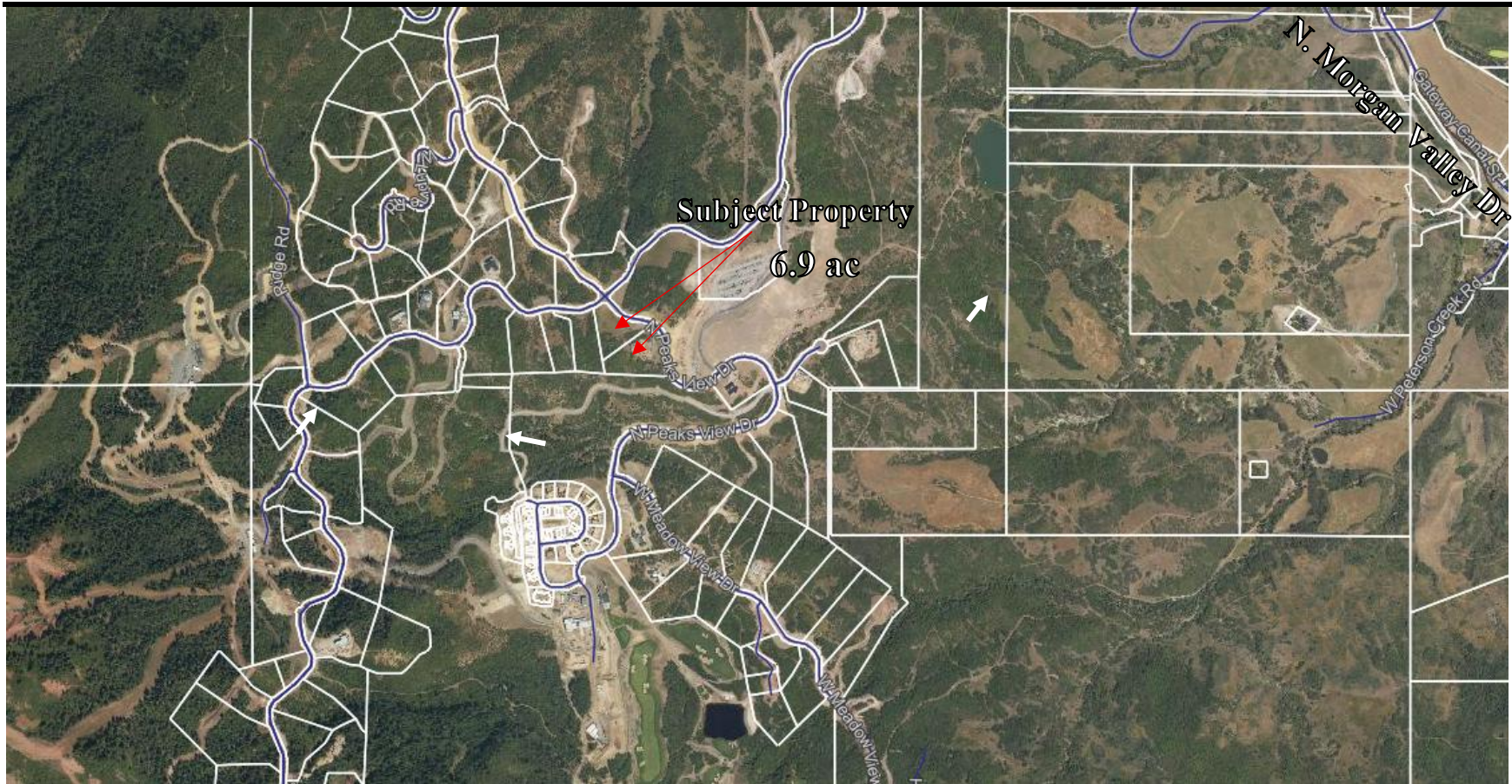
1. List any additional findings

Supporting Information

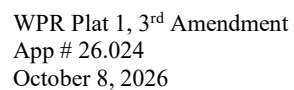
Exhibit A: Vicinity Map

Exhibit B: Wasatch Peaks Ranch Plat 1, Third Amendment

Exhibit A: Vicinity Map



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





PLANNING COMMISSION Minutes
Thursday, September 10th, 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 Taylor
Member Wilson
Member Maloney

Absent PC Members:

Member Watt
Member King

Public Attendance:

Tina Kelly
Janis Woody
WW
J
Beck
D Beck
A Odun
Joyce Odun
Tom Johnston
Katie Deebel
Corey Penrod
Mike Devrios
Cynthia Perkins
Becky Shelton
Tyson Shelton

Staff:

Joshua Cook – Zoning Administrator
Kent Page – Senior Planner
Brynnlee Savage -Planner I
Chris Tremea – Code Compliance Officer

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

Member Maloney motioned to approve the agenda for Thursday September 10th, 2026. Motion was seconded by Member Wilson. Motion carried unanimously.

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

Legislative:

6. **Public Hearing/Discussion/Decision** – *Warner Future Land Use Map Amendment (FLUMA) and Rezone*: A request to change the Future Land Use Map from Ranch Residential 5 to Village Low Density Residential and to change the zoning from A-20 to R1-20 near 4970 West 6100 North in Morgan County. Total acreage is 51.299. Parcel numbers: 00-0002-5831 (4.50 acres), 00-0086-5855 (46.749 acres), 00-0086-5775 (0.04 acres), 00-0075-2329 (0.01 acres).

Kent Page, Senior Planner – thanked Commission. He stated this was application number 26.023, the applicant was the Paul and Beverly Warner Family Trust, and the owner was the Paul and Beverly Warner Family Trust. Planner Page described the location as being close to the Mountain Green Middle School at approximately 4970 West 6100 North. The current future land use designation was ranch residential, five-acre lots. The current zoning was A-20. The requested future land use designation was Village Low Density Residential, which was a maximum of two units per acre, and the requested zoning was R1-20.

Planner Page stated there were four parcels that were involved with this application, and they totaled approximately 51.299 acres around the perimeter. He noted there were some similarly zoned properties because of a development agreement with Rollin's Ranch to the east and to the south. Also, there were properties that were less than 13 or 14,000 square feet close by. Planner Page stated if Commission had any questions, he was willing to address those at that time.

Chair Sessions - asked if there were any questions for staff.

Member Taylor – noted he might have questions in a moment.

Chair Sessions – asked if Commission was ready to move to public hearing. With no further comment, she stated that the Commission was ready to move into public hearing.

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

Katie Deeble – introduced herself as Katie Deeble and stated that she lived near the ROAM area. She asked what the public benefit of changing the zoning was. She noted that the owner's would obviously benefit financially, likely from subdividing.

Ms. Deeble expressed that Mountain Green already had many families and nothing to offer for children after school. She asked if more housing was added without the amenities to support it, who the applicants were trying to attract. She asked what the public benefit was for this application. Ms. Deeble expressed the congestion that occurred at the Trapper's Loop and Old Highway intersection, and that more homes would make that congestion worse. She asked if the applicant was going to require UDOT to speed up the timeline for said intersection since the date was

scheduled closer to the Olympics. She asked what kind of infrastructure would be needed to support this development. She thanked Commission for hearing her concerns.

Tom Johnston – introduced himself as Tom Johnston and stated that he lived at the intersection where the road went into the middle school. He pointed out the specific property on the map. He stated his concerns about topography and asked if any geological studies in terms of watershed had been made on the property. He addressed that in previous years when there was heavy snowfall, there were many flooded basements, and stated that neighbors helped to prevent one house from flooding. He stated that the slope directed to the homes was a concern in terms of run-off.

Mr. Johnston expressed another concern was traffic. He asked whether the traffic would be directed off Trapper's Loop or through Rollin's Ranch. He testified that he had witnessed several near misses with children at this intersection. He stated his belief that this rezone would increase the likelihood of an accident, and that children did not obey traffic rules. He expressed concern for the infrastructure and acknowledged the previous comments made about it. He thanked Commission for hearing his concerns.

Chair Sessions – asked if there were any more comments. Seeing none, she stated she was ready for a motion to move out of public hearing.

Motion was made by Member Taylor to move out of Public Hearing and seconded by Member Wilson. Motion carried unanimously.

Chair Sessions - asked if there were any questions for staff.

Member Maloney - stated that the application narrative proposed five-acre lots, while the rezone would change the area to half-acre density. She asked why a split zone was not being proposed where five-acre and half-acre lots would be appropriate.

Josh Cook, Zoning Administrator - stated that staff had brought forward what was presented in the application. The applicant had requested R1-20 zoning, so staff had brought that forward.

Member Maloney - asked if that would be the applicant's entitlement rather than half-acre lots.

Administrator Cook - confirmed that was correct.

Member Taylor - stated that his assumption was that the Commission did not impose zoning conditions. He asked if the Commission could impose zoning conditions.

Administrator Cook - answered that the Commission did not impose zoning conditions.

Member Taylor - clarified that the application was for the R1-20 zone and that the Commission should consider everything permitted under that zone.

Administrator Cook - stated that the applicant would proceed through the subdivision process, which included a geologic study.

Member Taylor - clarified that his question was whether the application could be for anything permitted under the R1-20 zone.

Administrator Cook - confirmed that was correct.

Member Taylor - asked if that would ultimately be proposed when the applicant submitted the appropriate application.

Administrator Cook - stated that any property with a geohazard was required to go through the geologic ordinance process and submit a geologic study as part of any subdivision. He noted that subdivisions were required to be reviewed by the County Engineer, who would issue specific requirements. Traffic impact studies would include stipulations or requirements for access. Administrator Cook stated that access to Trapper's Loop would require UDOT approval because Trapper's Loop was UDOT-owned, which would create another stipulation.

Administrator Cook stated that the specific design details would be addressed during the subdivision process. During the rezone process, the Commission should review the future land use map and determine whether the proposal was consistent with it. If the zoning was not consistent, the Commission should review the surrounding zoning and development to determine whether it aligned with the proposal. If the zoning was consistent, the proposal would be consistent with development patterns in the area, as stated by Planner Page.

Administrator Cook noted that Planner Page had identified the 8,000- to 15,000-square-foot lots south of the proposal and that, farther south and east, the Roam subdivision had lots as small as 5,000 square feet. He noted that Rollins Ranch subdivision had been approved in 2006 and that development had occurred over time. The Roam subdivision had been approved in 2018 and had allowed smaller lots.

Administrator Cook stated that the Commission should consider the surrounding zoning, lot sizes, and the current future land use map, and then determine whether the proposed R1-20 rezone in that location was consistent or whether the area should be rezoned at all. From there, the Commission should recommend approval or denial of the application.

Member Taylor - stated that he was uncertain of UDOT's classification of Trapper's Loop but understood that a subdivision would govern new access and would have a separate process. He asked, if there was only one access, what the maximum number of detached single-family home lots that could be served would be.

Administrator Cook - replied that, according to fire code, up to 30 lots could be served. He noted that there were exceptions, but those were subject to the fire department, which was the authority having jurisdiction. He stated that more than 30 lots would require two access points and that spacing requirements under the fire code would apply.

Member Taylor – voiced that he had a public complaint of almost being hit multiple times while coming out of his westernmost property near the application.

Member Maloney – stated that she understood much of the process took place in the subdivision application. She stated that County Ordinance 155.0234 read: the adequacy of facilities and services intended to serve the subject property, including but not limited to roadways, parks,

recreation facilities, police, fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection. Member Maloney asked if those items were considered at a rezone, then how the Commission separated rezone from subdivision.

Planner Page – recommended that the Commission look at the broad scope currently, then become more detailed when the subdivision application came before them.

Member Maloney – asked if the broad scope had been observed.

Administrator Cook – confirmed that wastewater and water were available in the area. There were roadways available to be connected, and the property had access onto Tapper's Loop and into Rollin's Ranch subdivision. He stated that all facilities were available. Administrator Cook noted that, as Zoning Administrator, he had outlined those details for the Commission.

Member Wilson – stated that he had a question for Planner Page. He asked how many homes could fit into the rezone if lots were built at a half-acre.

Planner Page – confirmed that staff had yet to conduct that analysis. He stated that, with the topography, there would be plenty of space for half-acre lots.

Member Wilson – stated that was why he had asked about traffic. He asked how many acres there were.

Member Maloney – stated that there were 51 acres, with a worst case of 100 homes.

Member Taylor – indicated that the yield was likely 80 percent with 40 homes.

Administrator Cook – explained that the Commission did not need to go that direction. There were steep slopes and soils on the property. He stated that it was not germane to the current discussion.

Member Wilson – stated that the topic was germane to him. He noted that he would like to know what to ask the applicant when they approached.

Administrator Cook – stated that the applicant did not have to answer the question.

Member Maloney – asked if a map of the slopes was available.

Planner Page – confirmed that there was.

Chair Sessions – noted that the colors of the map slopes were 25% at the darkest and 15% at the lightest. She confirmed the soils to be Norwood Tuft.

Administrator Cook – explained that the map was not completely accurate. The darkest color was 25%, the lightest color was 10-15%, and no color was flat. He stated that the property would be required to provide a geohazard study.

Chair Sessions – noted that the Norwood Tuft was visible, and that much of the area was 25% slope.

Member Maloney – stated that Norwood Tuft was difficult to build on.

Administrator Cook – indicated that Norwood Tuft required mitigation. He explained that a licensed geologist would make the determination, and a geotechnical engineer would determine mitigation factors the geologist identified.

Chair Sessions – stated that the slope would limit the building availability more than 80 percent.

Administrator Cook – stated that that could not be determined at this stage because it was not a requirement for rezoning applications. That process would be undertaken during the geohazard study.

Chair Sessions – explained that the Commission would need to decide if the parcel would be an appropriate place for half-acre lots with constraints. She asked what the slope average was for a geohazard study.

Administrator Cook – explained that staff used the average slope of the area that was to be developed, which included roadways, driveways, access points, and the lots themselves. He stated that the average slope taken from the entire parcel would greatly restrict how many lots could be provided. The applicant would need to come in and discuss locations for homes in order to get an average slope of less than 25 percent.

Member Taylor – stated that if the zoning did not need to be changed, an applicant would need to go through that formula. He observed that the applicant would identify a maximum number of houses that would be allowed under that slope area calculation and maximum number of houses calculation. Member Taylor asked if an application were approved for a rezone after that process, the applicant would be limited to that amount of lots, but the applicant would not be able to have lots smaller than 20,000 square feet.

Administrator Cook – explained that the applicant would be even more restricted because they could not take the total parcel and calculate the total number of lots. The applicant would begin by subtracting 25 to 35 percent of the parcel outright, which went to the infrastructure: roads, curbs, gutters, sidewalks, landscape strips, etc. He noted that what was left would be a net acreage that the amount of lots would be calculated from, but with the slope in this application, the applicant would not get that.

Member Taylor – asked once the applicant came in after an approved rezone of R1-20 with the calculated number of lots being 50, for example, what their process would be if they found they could only get 30 to 40 lots, to recapture the other 20 lots. He asked if the applicant could go through the PUD process or rezone for something smaller.

Administrator Cook – explained that for the type of zone the applicant was requesting, they were capped at 20,000 square foot lots. If they wished to do something along the lines of Rollin's Ranch

or Roam, they would go through the PC zoning district. Administrator Cook noted that the PC zoning district had more intensive requirements.

Member Taylor – asked if an applicant did not know all the intricacies previously described, they would likely take their 50 acres and multiply it by two to get 100 lots.

Administrator Cook – confirmed that was correct.

Member Taylor – stated that the process Administrator Cook described was so erroneous that the number of lots kept shrinking.

Administrator Cook – confirmed that was correct.

Chair Sessions – asked if the Commission had questions for the applicant. She asked for the representative for the applicant to approach.

Wade Warner, Applicant – introduced himself as Wade Warner.

Member Wilson – asked what Mr. Warner's vision was for the property.

Wade Warner – explained that they did not have a vision for the amount of homes.

Member Wilson – asked if it was enlightening to hear the discussion.

Wade Warner – responded that it had not been since they had not gotten to the stage of deciding the amount of homes. He explained that they were only rezoning to match the current zoning of the surrounding subdivisions. The property was limited to where homes could be built. Mr. Warner noted that the property was shaped as a bowl.

Member Wilson – stated that that was not necessarily true. There was not a lot that could not be built on if the applicant desired.

Wade Warner – noted the steepness of the slope on the property. He explained that the property was shaped as a bowl and there were only so many lots that could fit into that shape. Mr. Warner noted the opportunity for potential lots outside the bowl, in the front of the property. The applicants did not have a plan for the property at that time. He stated that they did not have a number of homes; the rezone was only to open up future opportunities that were consistent with the zoning in the area.

Member Taylor – stated he had another question for staff. He asked when Rollin's Ranch and Roam were proposed and all the previous factors were considered, including the future land use map, whether staff considered the surrounding properties. He asked what the size of lots were in Roam.

Administrator Cook – responded that Roam subdivision lots ranged anywhere from 5,000 square feet to 8,000 or 9,000 square feet.

Member Taylor – asked when an application such as this one came in, whether staff looked at the surrounding areas and determined if a five-acre lot restriction made sense when a neighbor might look at something that transitioned.

Administrator Cook – responded that he was unaware of what the previous planners did.

Member Taylor – clarified whether this application was proposed at that time.

Administrator Cook – stated that if the application had been proposed at that time, he would have recommended the same action he had been recommending. He explained that the general plan was discretionary; it provided a vision for the community moving forward.

Administrator Cook recommended that the Commission use the future land use map to look at development patterns in the area and determine if they warranted half-acre lots moving away from the freeway, which would increase lot size toward the south. He explained that it was the Commission's responsibility to make that recommendation, then the County Commission would make the final decision.

Administrator Cook stated that the general plan was discretionary.

Member Taylor – confirmed that the general plan was a guidance document.

Administrator Cook – explained that if that were not true, the general plan would be a specific plan.

Chair Sessions – asked if there were any more questions for staff. She stated that there were many concerns brought up by the public that would be covered in the subdivision process. The geological hazard, drainage, traffic, and general infrastructure would all be discussed at the subdivision level. She stated that the property looked difficult to develop. Chair Sessions asked if there was any more discussion.

Member Wilson – stated that he thought the Commission should discuss amongst themselves. He asked if the rezone was approved and the applicant blanketed the property with half-acre lots, how quickly the process would take and what the plans were to mitigate traffic. He stated that traffic was a concern for him and that he saw the congestion that was caused in Mountain Green. He stated that if there was the proper infrastructure for it, he would have been more apt to it.

Chair Sessions – stated that she understood Member Wilson's concern of whether this was the right time and place for this rezone.

Member Taylor – explained that he was not worried about it as it would be studied. The applicant would have to do a traffic study. He stated that if mitigation was warranted, the applicant would have to do mitigation.

Member Maloney – noted that it would happen at the county. The traffic was controlled by UDOT. She confirmed that traffic was controlled by UDOT off Tapper's Loop. She stated that was her only caveat, and that Rollin's Ranch and Roam were planned.

Member Taylor – stated that that was not completely true. The traffic did not have to come off Trapper’s Loop. He asked staff who determined the scope of the traffic study.

Administrator Cook – responded that the county engineer recommended the traffic study if it was warranted. He stated his professional opinion that the property would be required to do a traffic study.

Administrator Cook explained that the applicant’s traffic engineer would do the traffic study and look at the traffic patterns in the region, then make recommendations based on that. He explained that the study would be reviewed by the contracted County Engineer through Wasatch Civil, and they would determine if they agreed with it or not. If they did, then the certification of the engineer who stamped the study would bear liability. He stated that if the engineer did not agree with it, then the applicant’s engineer would revise it.

Member Taylor – asked what would happen if the Commission did not agree with it.

Administrator Cook – clarified that the traffic study would not come before the Planning Commission.

Member Taylor – acknowledged that was true, but the recommendation would. He explained that if the Commission asked a question about the scope of the study and staff answered that it only reached a certain spot, then the Commission could identify problem areas and table it.

Administrator Cook – responded that the Commission could not table it.

Member Taylor – clarified that the Commission could recommend denial until the issue was explored. He asked if the County Commission would ignore the Planning Commission.

Administrator Cook – explained that it was likely the County Commission would ignore them, considering none of the Planning Commission had the certification to stamp those plans.

Member Taylor – confirmed that he did.

Administrator Cook – clarified that Member Taylor might have the certification, but he would not be the one to stamp the plans.

Member Taylor – acknowledged that was true, and he would not be an official reviewer of those plans.

Administrator Cook – confirmed that would be correct, so staff relied on the professionals that they hired to review those plans. Then staff relied on the traffic engineer of the applicant, if the county engineer agreed, since their stamp would bear the liability. He explained that staff did not want the county to bear any liability by telling the applicant they had to design a specific way.

Member Taylor – clarified that they were not telling them to design a specific way, but to consider certain things.

Administrator Cook – explained that if the county told the applicant how to design and gave them requirements, then the county would take the liability if something did happen.

Janet Christofferson, Deputy County Attorney – asked if staff was requiring the applicant to do a traffic study, whether the county engineer would provide guidance for the area they needed to study.

Administrator Cook – confirmed that was correct, generally speaking.

Attorney Christofferson – clarified that the applicant would have to do a traffic study that satisfied the county engineer before he approved it.

Administrator Cook – confirmed that the county engineer would review it first.

Chair Sessions – asked if there was any more discussion.

Member Wilson – asked Member Taylor if he had any other concerns aside from the ones he had already expressed.

Member Taylor – reported that he did not, as there were stops in place in the ordinance. He stated that the application was proposing a transition from higher density to lower density. He noted that the number of homes that could go in and the traffic impact were extremely minor, especially compared to what was next door. The engineering concerns were solvable.

Member Taylor acknowledged that all the concerns presented were valid, but that they were all addressed in the ordinance. The ordinance had been changed recently, with the new slope calculation and geologist. He noted that just to build his house he had to hire a geologist and then pay the county geologist to review his geologist's work. This was for one house where there was no landslide potential. He expressed that he understood the process that staff went through, and that he did not have the same concerns.

Member Wilson – stated that he wished to hear Member Maloney's opinion.

Member Maloney – agreed with Chair Sessions' statement of whether this was the right time for this application. She noted Member Wilson's concern about density and building out from there. She explained that 50 acres was not a small parcel in her opinion, for a dense area.

Member Maloney asked if this was the best use, if a planned development with something else would work better. She noted that the property would likely be residential down the road. She asked if that was today, tomorrow, or if half-acre lots were the best option. There might have been better workability in another zone, where they could have open space, parks, or infrastructure like Roam. She expressed that she did not like the verbiage of the five acre, and that the Commission took it at face value for half-acre lots.

Member Taylor – explained that it was what it was in the zone. If he were the applicant, he would view this as a jumping-off point, and he would go explore what that meant. He confirmed that Member Maloney might have been right, and the applicant might have decided there was a better way to skin this cat, and that the plan was ill-conceived. He noted that they might have come back

and proposed something else, now that they had spent \$150,000 on engineering and geologists. It could have happened.

Member Maloney – acknowledged that the applicant would have to go through the rezone process again to cluster density and gain those tools.

Member Taylor – confirmed that they would receive more information in that case. He stated that this was as low-impact of a rezone in the area with tight enough restrictions that he was comfortable with it. He noted that when he looked at the density in the area, he also wanted to shut the door.

Member Maloney – asked Member Taylor if he had gotten stuck in the fire traffic that weekend. She stated that she had spent three hours on Trapper's Loop and was personally a little jaded. She noted that there were also cops deployed throughout her neighborhood.

Member Taylor – acknowledged that he had five kids and added to the problem.

Chair Sessions – agreed with Member Taylor, and that there were a number of constraints on the property. She stated that the applicant was unlikely to get the number of lots others thought would happen there, just with the slopes and soils. She explained that she understood the 20,000-square-foot lots and that they were an appropriate size for the area. She noted that there were some appropriate places by Trapper's Loop, but the rest was difficult to build on.

Chair Sessions acknowledged the concerns expressed, and that they were important, but they would be addressed at the subdivision level. She commented that it would be nice to be able to rezone specific areas, but there were not any mechanisms in place for that. She asked if there was any more discussion. Seeing none, she indicated that she was ready for a motion.

Member Taylor motioned for a positive recommendation to the County Commission for the Warner future land use map amendment and rezone requests, application number 26.023, changing approximately 51.299 acres from future land use of Ranch Residential 5 to Village Low Density Residential, and rezoning from A-20 to R1-20 based on the findings listed in the staff report dated September 10, 2026. The motion was seconded by Member Wilson. Three in favor, one opposed, motion carried unanimously.

7. Business/Staff Questions

Chair Sessions – reported that the Commission wished to do training.

Attorney Christofferson – asked if there was anything specific the Commission wished to look at.

Member Taylor – requested rezoning.

Attorney Christofferson – noted that it would be beneficial to see what other counties were doing.

Member Wilson – indicated that he had a question. He asked when Administrator Cook presented these applications and stated what was off the table, noting that he had been there long enough that it had once been on the table, who made the rules regarding what was off or on the table. He asked where those rules came from.

Attorney Christofferson – responded that Administrator Cook was the interpreter of the code. She explained that in the zoning code, what was reviewed was the consistency with the general plan and what was around the application area. She noted that the proposed zoning should be considered with fairness to the area.

Attorney Christofferson stated that she was not a planning expert and that this had been a learning curve for her. She explained that many of the issues were resolved through the subdivision process, and that a big concern such as access and traffic could be addressed through a secondary access that could be a benefit for the existing homes. She acknowledged that it was important to think forward about these services, but that whether they were provided was what mattered. She explained that it would not make sense to rezone in a desert where there was no water, for example, and that those issues were addressed in the subdivision process.

Member Wilson – agreed with Attorney Christofferson. He stated that if something was off the table, it was germane to what was being presented. He asked where those rules were written and who was making them.

Attorney Christofferson – described that it was Administrator Cook who could make those rules. He could suggest that those things were not imperative at that time. She emphasized that it was not a hard-and-fast rule, but a refocus on where the application was at.

Member Wilson – stated that he had a problem. He stated that he had asked the same questions with many other commissions, but now they were off the table, even though they could be pertinent to the application. He stated that when a lot came in with 100 homes, it was pertinent to ask questions about it. He stated that he was curious about why it was being presented that way.

Attorney Christofferson – stated that Member Wilson would need to ask Administrator Cook. She explained that he was trying to redirect the discussion to rezoning and not subdivision. She suggested a meeting with Administrator Cook.

Member Wilson – stated that he had tried and it had not worked well.

Administrator Cook – stated that he did not remember that.

Member Taylor – stated that he had a question for Administrator Cook. He indicated that the Commission should be trained at that time and that this should be counted as training. He explained that a rezone always felt like a whim, and an applicant would be approved or denied on a whim. He asked Administrator Cook to explain when to deny or approve a rezone or whether it was still just a whim.

Administrator Cook – explained that it should not be on a whim. The Commission should evaluate surrounding zoning, lot sizes, how and where development had occurred in the past, and

whether it was in the vicinity of the proposed rezone. He stated that the general plan was only good up to the date it was adopted.

Member Taylor – clarified that the Commission should forget the general plan and just consider a rezone application.

Administrator Cook – stated that the Commission should not forget the general plan.

Attorney Christofferson – stated that what Member Taylor was asking was legal, as in what the legal boundaries were. She suggested that staff and the Commission needed to look. She explained that the Commission had a lot of discretion, but the courts wanted to see the Commission looking at those delineated things when approving or denying the rezone. She asked if staff and Commission were protecting private interests, if they were considering other factors. She stated she tried to have those in the staffing report and they are delineated.

Member Taylor – stated that he saw those factors and noted that they included protecting property values.

Attorney Christofferson – confirmed that was correct.

Member Taylor – stated that as Commission considered a recommendation for denial, they would go through that list and identify the reasons for recommending denial. He stated that one reason could be that he believed the rezone would negatively impact neighboring home values.

Attorney Christofferson – confirmed that was correct.

Member Taylor – stated that another reason could be that he believed the rezone would have a negative impact on traffic and safety.

Attorney Christofferson – stated that she would like for the Commission to follow those state statutes. She explained that when the Commission made a recommendation or denial, it should articulate those reasons so that they were presented to the County Commission. She stated that nine times out of ten, they did not have those reasons documented. She explained that if someone came back and sued, it would be helpful to have substantive and factual information to support the decision. She stated that it went back to the state code and looking at it.

Administrator Cook – stated that the issue with asking questions about water and sewer and whether they were available, or whether an applicant could get a certain number of lots, was that those questions were not required as part of the application process for the applicant. He explained that those questions could put the applicant at a disadvantage compared to everyone else because people typically came in opposing an application, while there were rarely people coming in to speak in favor of it. He stated that the Commission also had to look at the application submittal requirements. He explained that for a hard rezone, the only things required to file an application were payment of the fee, submission of the legal description, and a vicinity map. He stated that was it. He explained that if the Commission asked an applicant or property owner who only wanted to rezone their property how many lots they were going to get out of it,

the applicant might have no idea because they were not required to prove anything in regard to that. He stated that, frankly, he believed those questions were not germane strictly for that reason.

Member Taylor – stated that based on Attorney Christofferson’s list in the packet regarding protecting home values, the Commission would have to assume that anything on the R1-20 list, or whatever list of permitted uses was applicable to the zone being considered, whether it was a commercial business or another use, could be developed by right. He explained that the Commission would have to consider that the property owner could walk in the next day and be vested in any of those permitted uses in that zone. He stated that if the Commission could identify one of those permitted uses and express concern that it would be detrimental, such as a drive-in theater causing traffic, noise, or light problems for neighboring properties, the Commission could list those concerns because the use would be permitted under the proposed zone.

Member Maloney – mentioned shipping containers.

Member Taylor – stated that it could be any permitted use.

Administrator Cook – explained that, unfortunately, the state legislature had made shipping containers legal. He stated that they were considered structures and that property owners were allowed to place them on their property up to 350 square feet. He stated that it was not simply staff making the rules.

Member Maloney – stated that she had only been joking about shipping containers because they had discussed shipping containers the previous Thursday, and she agreed.

Attorney Christofferson – stated that there was no good answer under the state code. She explained that the process was very discretionary.

Member Taylor – stated that the bottom line was that if the Commission wanted to deny an application, they still had to be able to articulate the reason why it was denied.

Administrator Cook – confirmed that was correct.

Attorney Christofferson – stated that the finding really needed to follow the applicable criteria, but that it could be based on an opinion.

Member Taylor – stated that it could be an “I feel” statement.

Member Maloney – stated that was what Craig Call had said.

Member Taylor – stated that the Commission could say that it felt the rezone would have a detrimental impact on neighboring home values.

Member Maloney – agreed that protecting home values was on the list.

Attorney Christofferson – agreed and stated that it would make her very happy if the Commission simply used a list rather than going further into the subdivision process.

Member Taylor – stated that he was uncomfortable going into the subdivision process, and that was partly why he asked those questions, to let the applicant know that there was a process after the rezone that was not insignificant.

Chair Sessions – stated that the process would be difficult for the applicant.

Member Maloney – stated that entitlements were handled at the rezone stage. She explained that she knew the zoning information stated five acres, and she thought sometimes the public read that information without understanding what it meant. She stated that if someone did not understand rezoning and saw 20 people at the meeting, they might believe that the property would mostly consist of five-acre lots. She explained that they also needed to understand that legally, once the property was rezoned, the entitlements were established.

Member Maloney stated that regardless of the subdivision process, the property would have those entitlements after the rezone. She stated that she knew not everyone present understood that, which was why she had repeated the point.

Attorney Christofferson – stated that it was extremely helpful at times to go down that rabbit hole to inform the public. She explained that it helped considerably, as long as the Commission acknowledged that those issues were not what was before them and recognized that, down the line, the subdivision process would require the applicant to address those issues.

Member Taylor – stated that was the reason he asked about half of the questions he asked.

Attorney Christofferson – thanked him and stated that it was helpful. She acknowledged that it made meetings longer, but stated that she thought that was part of the role of the Planning Commission and that it was helpful when the matter reached the County Commission.

Chair Sessions – stated that she thought what Steve Wilson was trying to bring up was the adequacy of facilities and services. She stated that the Commission needed to know whether there were adequate facilities and services to address the rezone. She explained that he wanted to know how many homes were going to be developed in order to determine that.

Member Wilson – stated that apparently that was not allowed to be asked.

Administrator Cook – stated that during the subdivision process, applicants were required to provide all the water and sewer for every lot.

Member Wilson – stated that the Commission was potentially approving 100 homes and that he thought it was a fair question to ask. He stated that he did not understand why it was not allowed and asked Administrator Cook for his opinion.

Attorney Christofferson – agreed that it was a fair question to ask.

Administrator Cook – stated that he did not agree.

Chair Sessions – asked whether it would be beneficial for the public to hear that question asked and receive an answer.

Member Maloney – stated that the question was addressed in the County Code. She explained that while Attorney Christofferson was saying that she agreed that it was good to ask the question, she believed it was fair to ask if the code stated that the adequacy of facilities and services was to be considered at the rezone process rather than the subdivision process.

Administrator Cook – stated that there was nothing stopping any applicant from going to the Weber-Morgan Health Department and getting approval for wells and septic systems. He explained that there was also nothing stopping applicants from increasing the capacity of any water systems. He acknowledged that it cost money, but stated that there was nothing stopping them from doing it. From his standpoint as the planner, he stated that there were water systems in the area and a sewer system in the area, and all of them handled those facilities and services.

Attorney Christofferson – asked whether, under the state code, which addressed traffic, roads, water, and sewer as factors that should be considered for a rezone, those were things staff had already looked at before bringing the application forward.

Administrator Cook – responded that, in a general sense, they looked at those factors to see what area the property was in. He explained that in every instance, if there was a water system in the area, applicants could go to Weber Basin and buy water shares. They could also go to the Cottonwood Mutual Water Company and apply for the rights to obtain will-serve letters for the number of lots. He explained that Cottonwood Mutual Water Company, Highlands Water, or another water company would identify the infrastructure needed to provide the requested service units. He stated that none of that was required as part of a rezone.

Member Taylor – stated that in the approval standards, under the applicable subsection, the Planning Commission should consider certain factors for a rezone. He stated that the first factor was whether the proposed amendment was consistent with the goals, objectives, and policies of the County's general plan.

Administrator Cook – confirmed that was correct.

Member Taylor – stated that the second factor was whether the proposed amendment was harmonious with the overall character of existing development in the vicinity of the subject property.

Administrator Cook – confirmed that was correct.

Member Taylor – stated that the third factor was the extent to which the proposed amendment might adversely affect adjacent property. He stated that the fourth factor, and what he believed the Commission was having difficulty with, was 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, wastewater, and refuse collection. He stated that the code was saying that it was the Planning Commission's duty to consider those things as part of a rezone.

Administrator Cook – responded that, generally speaking, that was correct. He explained that staff considered whether there were roads in the area that could accommodate the traffic, and whether there were water companies in the area that could provide the necessary water services. He stated that there were. He also stated that there was a sewer company in the area that would allow those services to be provided. He noted that if the property had half-acre lots, or 20,000 square feet or less, only one municipal service was needed. The property could either have sewer and wells or municipal water and septic systems; both were not required. He stated that, regarding the adequacy of those services, there were adequate options available.

Member Taylor – asked if the Commission was supposed to ask those questions.

Administrator Cook – stated that the Commission could ask those questions and that he had no problem with that. He asked how the applicant was supposed to prove the answers when the submittal requirements did not require any of that information. He explained that, generally speaking, the Commission could ask the questions and then look at the map and decide whether the facilities and services appeared to be adequate enough. However, those submittal requirements were not required from the applicant at the time of application.

Member Taylor – stated that his thought was that the County Code had a problem. He explained that the code was telling the Commission to do one thing while telling the applicant to do something completely different. He stated that the code was telling the applicant not to worry about those things and not to include them in the application, while telling the Planning Commission that it absolutely should consider those things.

Member Maloney – noted that the code even addressed parks and recreation, which someone had brought up. She stated that if there were 80 homes and the average household size was approximately three people, that could result in approximately 240 people. She noted that she lived near Kent Smith and that when there were soccer games, cars were parked on the street.

Administrator Cook – clarified that the average household size was three.

Member Maloney – stated that she had seen a figure of 3.51 for Utah.

Administrator Cook – stated that he had looked it up a couple of years earlier and that his information showed a flat three.

Member Maloney – stated that according to the information she had found, it was 3.51.

Administrator Cook – stated that the U.S. Census Bureau, which was where he had obtained his data, showed three. He stated that it did not really matter for the point being discussed.

Attorney Christofferson – asked Administrator Cook whether, if an applicant came in and it was clear that they wanted to rezone but clearly would not have water, access, or other necessary services, that was something he would tell the applicant directly, such as advising that it was probably not a good application for a rezone, or whether he would simply tell them to pay the fee and bring it forward.

Administrator Cook – stated that he had had conversations with applicants regarding those issues and that they typically did not apply. He stated, however, that it was difficult for him to prove to an applicant that they could not obtain water, especially if the future land use map showed five-acre lots and the applicant could go to the Weber-Morgan Health Department and obtain well and septic approval on one acre, 1.75 acres, or more.

Attorney Christofferson – stated that, as a practical application, most people who came in would be eligible for a rezone under the basic services requirements and would satisfy that requirement.

Administrator Cook – stated that, in his opinion, that was correct based on basic services. He explained that different state agencies or utility companies provided those services, and they relied on fees and other revenue to continue providing those services. He stated that they required growth in order to continue.

Member Taylor – asked how the Commission satisfied the code requirement to consider those things.

Administrator Cook – stated that he would generally look at the map. He suggested that Commission members come in and talk to him and ask whether there was water or sewer in the area or how the applicant would obtain those utilities. He stated that many of those questions could be answered before the meeting.

Attorney Christofferson – asked whether the County could take a checklist from the ordinance and put it in the staff report to show whether staff had checked those items. She suggested using simple check boxes.

Member Taylor – stated that would be the easy solution. He explained that if the Commission was required to ask about those things, the staff report could generally state that those services were available in the area.

Administrator Cook – agreed and stated that the checklist could be added to the staff report.

Member Taylor – stated that he thought that would be easier and would satisfy the requirement.

Administrator Cook – stated that it would also prevent the same argument from occurring repeatedly.

Member Taylor – stated that the issue would continue until the code was changed if the code was at odds with itself.

Administrator Cook – stated that when it came to interpreting the code, he would side with the applicant, noting that state law required that approach.

Member Maloney – stated that, to Member Taylor’s point, the code said that the Commission was supposed to ask about those things. She explained that when Member Wilson asked those questions and it seemed as though the questions were being treated as unnecessary, the code was actually telling the Commission that it was supposed to ask them. She stated that the Commission and staff were therefore at odds because the Commission read the code and believed it was supposed to ask about those things, while the zoning administrator interpreted the code differently. She stated that there was tension between those positions and that it was frustrating. She clarified that she was speaking for herself and not anyone else. She stated that it was frustrating when questions were met with frustration because the Commission members felt they were simply doing what they were supposed to do. She explained that she often worked until 6:00 p.m. and could not come in before meetings, and that the Commission members were not paid to be there, so they were trying to do what they could. She also stated that she thought that was what the public meeting was for. She explained that the open forum provided an opportunity to ask questions so the public could understand that the Commission was performing its due diligence under the public code. She stated that she believed there was a disconnect.

Member Wilson – stated that was his basis as well.

Chair Sessions – stated that a lot of the questions were asked as a devil’s advocate, as Member Taylor had indicated, and that there was a benefit to the public hearing the questions. She stated that the questions were not intended as a personal attack and were being asked because the Commission had received emails about the issues.

Administrator Cook – stated that he did not think the Commission was personally attacking him. He explained that he thought the questions put the Commission at odds with the applicant, and that his goal was to make sure the applicant was treated fairly and equitably.

Member Maloney – stated that she did not think the questions put the Commission at odds with the applicant if asking those questions was part of the County Code. She stated that it was part of the process and that she did not think the Commission was upset with the applicant at all.

Member Taylor – stated that the easy thing to do was to change the code or include the list in the staff report.

Member Maloney – agreed that the list should be included.

Administrator Cook – stated that until the code was changed, staff would include the list and answer those questions.

Attorney Christofferson – stated that she thought the code actually reflected state law and probably needed to be amended. She explained that some of the requirements were in state law.

Chair Sessions – stated that she believed the legislature was beginning to place more restrictions on legislative actions, similar to the restrictions that had been placed on administrative actions for subdivisions. She stated that the legislature was beginning to become involved in legislative decisions and denials.

Administrator Cook – stated that he knew the legislature made a lot of changes and that many of them were not good.

Attorney Christofferson – stated that they could not keep up with the changes.

Chair Sessions – stated that the legislature would probably like to have more control over zoning in the county.

Member Taylor – thanked everyone for the training.

Administrator Cook – explained that, regarding the four-hour training requirement, if the Commission members wanted to access the applicable training program and watch the videos on their own, they could send him a list of the videos watched and the amount of time spent watching them, and he would count that time as training.

Member Taylor – stated that was great because the Commission had asked that question at the previous meeting.

Administrator Cook – confirmed that and encouraged the Commission members to do so. He stated that everything that had been going on during the summer in his life and his family's life had made things difficult.

Chair Sessions – stated that the Commission should get it done and asked if there were any more staff questions. She then stated that the Commission was ready for approval of the minutes.

8. Approval of August 27th, 2026, Planning Commission Minutes

Member Maloney moved to approve the August 27th 2026 minutes. Second by Member Taylor. Motion carried unanimously.

9. Adjourn

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

Approved:

Chairman, Debbie Sessions
Morgan County Planning Commission

Date: _____

Brynnlee Savage, Transcriptionist
Planning and Development Services

Date: _____