



PLANNING COMMISSION AGENDA
Thursday, November 13th, 2025
Morgan County Commission Room
6:30 p.m.

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

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

Administrative

6. **Public Meeting/Discussion/Decision** – *LDS MTN. Green Cottonwood Canyon Road Subdivision - First Amended:* A request for a lot line adjustment to lot 4 of the LDS MTN. Green Cottonwood Canyon Road Subdivision, which is identified by parcel number 00-0084-0774 and serial number 03-LDSMG-0004 and is located at 4210 West Cottonwood Canyon Road in unincorporated Morgan County.
7. **Public Meeting/Discussion/Decision** – *East Canyon Retreat Small Subdivision Preliminary & Final Plat:* A request for preliminary and final plat approval for a 2-lot subdivision, which is identified by parcel number 00-0001-1195 and serial number 01-003-410-11 and is located at 4950 & 4964 South Highway 66 in unincorporated Morgan County.

Legislative

8. **Public Hearing/Discussion/Decision** – *Emergency Adoption of Water Element to Meet State Statutes and Deadlines for County General Plan:* Request for approval of a text amendment to the Morgan County General Plan to clarify provisions and ensure consistency with Utah Code §17-27a-403 requiring inclusion of a water use and preservation element in the County General Plan.
9. **Public Hearing/Discussion/Decision** – *Utah Code Title 17 Update Code Text Amendment:* Request for approval of a text amendment to the Morgan County Code (MCC) to update references in the county code to reflect recent recodification of Utah Code Title 17 regarding county organization, powers, and land use authority.
10. Business/Staff Questions
11. Approval of October 23rd, 2025, Planning Commission Minutes
12. Adjourn



PLANNING COMMISSION
STAFF REPORT
Plat Amendment

LDS MTN. Green Cottonwood Canyon Road Subdivision - First Amended
November 13, 2025
Public Meeting
File #24.067

Applicant:	Samuel Parry of Parry, Kirton McConkie, P.C.
Owner:	Corporation of Presiding Bishop LDS
Project Location:	4210 W Cottonwood Cnyn Rd
Parcel Number:	00-0084-0774
Serial Number:	03-LDSMG-0004
Current Zoning:	Residential (R1-20) & Agriculture (A-20)
Acreage:	28.97 acres

REQUEST:

A request for a lot line adjustment to lot 4 of the LDS MTN. Green Cottonwood Canyon Road Subdivision.

**** Staff requests that this item be continued to the Planning Commission meeting on December 11, 2025, due to a noticing issue with the posted sign. Staff will re-notice the item and prepare it for consideration at the December meeting.****



PLANNING & DEVELOPMENT

**PLANNING COMMISSION
STAFF REPORT**

East Canyon Retreat Small Subdivision
Preliminary & Final Plat

November 13, 2025

East Canyon Retreat Small Subdivision Preliminary & Final Plat
November 13, 2025
Public Meeting
File #25.012

Applicant/Owner: Tom Guffey
Project Location: 4950 & 4964 S Hwy 66
Parcel Number: 00-0001-1195
Serial Number: 01-003-410-11
Current Zoning: Rural Residential (RR-5)
Acreage: 10.00 acres

REQUEST: A request for preliminary and final plat approval of a small subdivision of two (2) lots.

ATTORNEY GUIDANCE:

Administrative Review:

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

Applicable law:

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

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

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

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

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

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

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

RECOMMENDATION

County Staff has reviewed the application for Preliminary and Final Plat for the East Canyon Retreat Small Subdivision. Staff is hereby recommending approval of the requested Preliminary and Final Plat 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.
3. That the County Engineer, Surveyor and Fire Services comments are addressed.

PROJECT DESCRIPTION

The applicant is seeking approval for a small subdivision (preliminary and final plat). The applicant received Concept Plan approval on December 30th, 2024. The subdivision will consist of two (2) lots, each containing an existing dwelling with an assigned address. The applicant is simply proposing to divide the property by drawing a line between the two existing homes.

Ordinance Evaluation. The property received approval for a rezone from Agriculture (A-20) to Rural Residential 5-acre Minimum (RR-5), and an amendment to the Future Land Use Map from Agriculture to Ranch Residential 5, by the County Commission on February 6, 2024. With exactly 10 acres in total, the property meets the minimum size requirement for division into two (2) RR-5 lots.

Property Layout. If approved, the property will be subdivided into two (2) lots.

Roads and Access. Access to the property will be derived from South Highway 66. The property features two (2) currently existing driveways. However, staff maintains the position that the approval of the subdivision may require UDOT approval of both driveway accesses.

Water Source. Water service will be provided by existing individual wells, with one well serving each lot.

Fire Protection. The property is served by Morgan County Fire Department providing for joint fire and emergency services to serve the lots.

Sanitary Sewer Systems. During the review process, it was identified that the proposed lot line would bisect an existing leach field serving one of the dwellings. To address this concern, the applicant coordinated with the Health Department and obtained approval to install a new leach field in a compliant location that aligns with the configuration of the two future lots. This action resolved the primary issue identified during the review and ensures that each lot will have an independent, properly permitted wastewater disposal system upon completion of the subdivision.

Utilities: The applicant clarified in the submitted narrative that both homes are equipped with individual propane tanks and electrical meters (see Exhibit “D”).

Flood Plain: Both homes were previously constructed within the existing 100-year flood plain. The proposed plan contains the following note:

A portion of the property is located within zone A as shown by graphical plotting per FEMA map number 49029C0385D dated 12/72017.

Zone A is designated as No Base Flood Elevations Determined. The 1% annual chance flood (100-year flood), also known as the base flood, it is the flood that has a 1% chance of being equaled or exceeded in any given year. The special flood hazard area is the area subject to flooding by the 1% annual flood chance.

The inclusion of this note ensures that the subdivision plat accurately reflects the property’s location within the 100-year floodplain and meets applicable floodplain standards.

ANALYSIS

The proposal has been reviewed and meets the preliminary and final design standards as required by MCC.

Item	Zone Regulation	Proposal
Area Regulation	Lots 1 & 2 – RR-5 = 5.00 acres	<i>Lots Comply – 10 acres currently</i>
Width & Frontage Regulations	Lots 1 & 2 – RR-5 = 250’	<i>Lots Comply – Approx. 509’ currently</i>
Front Yard Regulations	RR-5: 30 feet	<i>Lots Comply</i>
Side Yard Regulations	RR-5: 20 feet	<i>Lots Comply</i>
Rear Yard Setback	RR-5: 50 feet	<i>Lots Comply</i>

ANALYSIS OF STANDARDS

Standards		Findings	Rationale
<p>Ordinance Evaluation. Morgan County Code § 155.438 states the following:</p> <p><i>The subdivider shall submit a complete application for a small subdivision to the planning and development services department, along with a completed application and application fee. The proposed small subdivision application shall include all of the information required for a complete preliminary and final plat application as outlined in sections 155.407, 155.413, 155.414, and 155.415 of this chapter, and other applicable sections of this title, with the exception of the final mylar for signature. Small subdivisions shall meet all the requirements of this title. (Ord. 10-16, 12-14-2010)</i></p> <p><i>Therefore, this application has been reviewed for preliminary and final plat standards.</i></p>			
<p>155.407: PRELIMINARY PLAT SUBMITTAL: <i>The preliminary plat shall be prepared, stamped, and signed by a professional engineer or professional land surveyor licensed by the state of Utah. The preliminary plat submittal shall include at least the following information:</i></p>			
A	<p>Vicinity Map</p> <ol style="list-style-type: none"> 1. Drawn at a maximum scale of one thousand feet (1,000') to the inch. 2. Show all existing and proposed roadways in the vicinity of the proposed development. 3. A north arrow. 4. The nearest section corner tie. 5. Subdivision name. 	Complies	
B	<p>Certified boundary survey of the subject property, which meets state of Utah requirements, which also depicts all easements identified by the title report.</p>	Complies	The applicant has submitted the certified boundary survey. The title report has been submitted as well.
C	<p>Preliminary plat (all facilities within 200 feet of the plat shall be shown):</p> <ol style="list-style-type: none"> 1. Drawn at a scale not smaller than one hundred feet (100') to the inch. 2. A north arrow. 3. Subdivision name. 4. The layout and names and widths of existing and future road rights of way. 5. A tie to a permanent survey monument at a section corner. 6. The boundary lines of the subdivision with bearings and distances. 7. The layout and dimensions of proposed lots with lot areas in square feet. 8. The location and dimensions and labeling of other spaces including open spaces, parks, trails, or public spaces. 9. The location of manmade features including bridges, railroad tracks, fences, ditches, and buildings. 10. Topography at two foot (2') intervals. One foot (1') contours may be required by the county engineer in particularly flat areas. 11. Location and ownership of all adjoining tracts of land. 12. Proposed subdivision phasing plan and relationship to existing phases of development. (Ord. 10-16, 12-14-2010) 	Complies	
D	<p>Grading and drainage plan (may be combined with plat sheet, if approved by the county engineer):</p> <ol style="list-style-type: none"> 1. Plan drawn to a scale not smaller than one hundred feet (100') to the inch, showing the road and lot layout. 2. Topography at two foot (2') contour intervals. 3. North arrow. 	N/As	Previously constructed dwellings

	<ol style="list-style-type: none"> 4. Subdivision name. 5. Areas of substantial earthmoving. 6. Location of existing watercourses, canals, ditches, springs, wells, culverts, and storm drains. 7. Location of any 100-year floodplain as designated by the federal emergency management agency (FEMA). 8. A storm drainage plan showing water flow directions, inlets, outlets, catch basins, waterways, culverts, detention basins, outlets to offsite facilities, and off site drainage facilities planned to accommodate the project drainage. 9. Show any existing wetlands. 10. Slope analysis which depicts all slopes greater than fifteen percent (15%) and greater than twenty five percent (25%) with distinct notation. (Ord. 12-09, 9-18-2012) 		
E	<p>Utility plan (may be combined with plat sheet, if approved by the county engineer):</p> <ol style="list-style-type: none"> 1. Plan drawn to a scale not smaller than one hundred feet (100') to the inch, showing the road and lot layout. 2. North arrow. 3. Subdivision name. 4. Show all existing and proposed utilities including: sewer, culinary water, well locations with secondary water, fire hydrants, storm drains, subsurface drains, gas lines, power lines, and streetlights, television and telecommunications. 5. Show location and dimensions of all utility easements. 	N/A	Previously constructed dwellings
F	<p>The subdivider shall provide the following documents with the application:</p> <ol style="list-style-type: none"> 1. Three (3) copies of a geotechnical soils report. 2. A traffic report when required by the planning commission or county engineer. 3. Preliminary title report, which specifically references the boundary survey and exactly matches the legal description of the outside boundary of the subdivision. 4. Service agreements from all utility companies or providers. 5. Any necessary agreements with adjacent property owners regarding storm drainage or other matters pertinent to subdivision approval. 6. Maintenance agreements for subsurface drains serving the subdivision, if they are proposed or exist. 7. An agricultural impact analysis, on subdivisions which are contiguous to an adopted agricultural preservation area, or which contain an agricultural open space conservation easement within the plat. 8. Written verification of all proposed water sources. For all proposed water sources, provide approval letters from the Weber-Morgan County health department and proof of all water rights, including quantities (water rights certificates, etc.), for each well and water source to be utilized for the development. 9. The developer shall submit all information concerning site geology, area hydrogeology, site topography, soil types and the proven wet water by the drilling of at least one test well from within the described subdivision boundary, as determined by a 	Complies	Septic permit for new leach field on file

	<p>geotechnical engineer, licensed in the state of Utah. Well logs shall be submitted to the county identifying the depth and yield of the well. Information submitted must verify that the source is consistently available to supply eight hundred (800) gallons per day (gpd) per equivalent residential connection (ERC) at a minimum flow rate of 0.55 gallons per minute (gpm). Water for irrigation supplies shall be verified to provide three (3) gpm per irrigated acre. If the proposal is being served by an existing water utility company, these requirements do not apply.</p> <p>10. Verification of approval from the Weber-Morgan County health department regarding the proposed location of all septic systems and water source protection areas.</p>		
G	When the subdivision is located within the sensitive area district or geologic hazards special study area, required reports and documents are to be submitted in accordance with the provisions of this title.	N/A	
H	The subdivider shall comply with all applicable federal, state, and local laws and regulations, and shall provide evidence of such compliance if requested by the county.	Complies	
I	Copy of proposed protective covenants in all cases where subsurface drains or other common area maintenance proposals are to serve any portion of the subdivision.	N/A	
J	Electronic copies of all preliminary plat drawings in AutoCAD (DWG) format.	N/A	
K	Tabulations showing the total number of lots or buildings sites, and the percentage of land in roads, lots, and open space.	Complies	
L	Any additional submittal requirements required for or by master planned development reserves, specific development agreements, or requirements and conditions of other applicable ordinances or previous approvals. (Ord. 10-16, 12-14-2010)	Does not apply	
155.415: FINAL PLAT; PREPARATION AND REQUIRED INFORMATION:			
A	The final plat shall consist of a mylar with the outside or trim line dimensions of twenty four inches by thirty six inches (24" x 36"). The mylar shall be submitted to the county at least twenty (20) days prior to consideration for placement on the county council agenda for approval. Until that date, submittal of paper copies is sufficient for review. The borderline of the plat shall be drawn in heavy lines leaving a space of at least one and one-half inches (1 1/2") on the left side and at least one-half inch (1/2") margin on the other sides. The plat shall be so drawn that the top of the drawing faces either north or west, whichever accommodates the drawing best. All lines, dimensions, and markings shall be made on a mylar with approved waterproof black ink. The plat shall be made to a scale large enough to clearly show all details, and in any case not smaller than one hundred feet (100') to the inch, and workmanship on the finished drawing shall be neat, clean cut and readable.	Complies	
B	The final plat shall show the subdivision name that is distinct from any other recorded subdivision name and the general location of the subdivision in bold letters at the top of the sheet.	Complies	
C	The plat shall contain a north arrow and scale of the drawing and the date.	Complies	
D	Prior to consideration by the county council, the plat shall be signed by all required and authorized parties, with the exception of the county council chairperson, planning	Will Comply	Historically, staff has recommended the applicant wait to print the final mylar and

	commission chairperson and county attorney, with appropriate notarial acknowledgements and the final plat shall contain all information set forth in this section.		receive signatures, in the event that the Planning Commission and/or County Council recommend changes to the plat.
E	An accurate and complete survey, which conforms to Utah state law.	Complies	
F	Plats will show accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to at least two (2) public survey monuments. These lines should be slightly heavier than street and lot lines.	Complies	
G	The final plat shall show all survey, mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, and central angle, radius and arc length of curves, and such information as may be necessary to determine the location of beginning and ending points of curves. All property corners and monuments within the subdivision shall be tied to an acceptable Morgan County monument, as determined by the Morgan County surveyor. Lot and boundary closure shall be calculated to the nearest 0.02 of a foot.	Complies	
H	All lots, blocks, and parcels offered for dedication for any purpose should be delineated and designated with dimensions, boundaries and courses clearly shown and defined in every case. The square footage of each lot shall be shown. All parcels offered for dedication other than for streets or easements shall be clearly designated on the plat. Sufficient linear, angular and curved data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot and parcel which is a part thereof. No ditto marks shall be used for lot dimensions.	Complies	
I	The plat shall show the right of way lines of each street, and the width of any portion being dedicated and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty feet (50') of the subdivision shall be shown with dashed lines. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such existing streets shall be accurately shown.	Complies	
J	All lots are to be numbered consecutively under a definite system approved by the county. Numbering shall continue consecutively throughout the subdivision with no omissions or duplications.	Complies	
K	All streets within the subdivision shall be numbered (named streets shall also be numbered) in accordance with and in conformity with the adopted street numbering system adopted by the county. Each lot shall show the street addresses assigned thereto, and shall be according to the standard addressing methods approved by the county. In the case of corner lots, an address will be assigned for each part of the lot having street frontage.	Complies	
L	The side lines of all easements shall be shown by fine dashed lines. The width of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be shown. All easements shall be clearly labeled and identified.	Complies	10' PUE is shown
M	The plat shall fully and clearly show all stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or bench mark that is disturbed or destroyed before acceptance of all	Complies	

	<p>improvements shall be replaced by the subdivider under the direction of the county surveyor. The following required monuments shall be shown on the final plat:</p> <ol style="list-style-type: none"> 1. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties; 2. All right of way monuments at angle points and intersections as approved by the county surveyor. 		
N	<p>The final plat shall contain the name, stamp and signature of a professional land surveyor, together with the date of the survey, the scale of the map and number of sheets. The following certificates, acknowledgements and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate:</p> <ol style="list-style-type: none"> 1. Professional land surveyor's "certificate of survey". 2. Owner's dedication certificate in the following form: <p><i>OWNERS DEDICATION</i></p> <p><i>Know all men by these presents that we, the undersigned owner(s) of the above described tract of land, having caused said tract to be subdivided into lots and streets to be hereafter known as Subdivision do hereby dedicate for perpetual use of the public all parcels of land, other utilities, or easements shown on this plat as intended for public use. In witness whereof, we have hereunto set out hands this day of, 20 .</i></p> <p><i>(Add appropriate acknowledgments)</i></p> <ol style="list-style-type: none"> 3. Notary public's acknowledgement for each signature on the plat. 4. A correct metes and bounds description of all property included within the subdivision. 5. Plats shall contain signatures of the water provider (if provided by a culinary water system), sewer provider (if provided by a sewer improvement district), Weber-Morgan County health department, planning commission, and county engineer, and blocks for signatures of the county attorney and county council (a signature line for the council chairperson and an attestation by the county clerk). A block for the county recorder shall be provided in the lower right corner of the final plat. 6. Such other affidavits, certificates, acknowledgements, endorsements and notarial seals as are required by law, by this title, the county attorney, or county surveyor. 7. Prior to recordation of the plat, the subdivider shall submit a current title report to be reviewed by the county. A "current title report" is considered to be one which correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat. 8. The owner's dedication certificate, registered land surveyor's certificate of survey, and any other certificates contained on the final plat shall be in the form prescribed by the county's standards. 9. When a subdivision contains lands which are reserved in private ownership for community use, including common areas, the subdivider shall submit, with the final plat, the name, proposed 	Complies	<p>Preliminary Title Report submitted previously; a final title report will be required within 30 days of recordation</p>

	articles of incorporation and bylaws of the owner, or organization empowered to own, maintain and pay taxes on such lands and common areas and any access easements which may be required by the county.		
O	On subdivisions which are contiguous to an adopted agricultural protection area, or which contain an agricultural open space preservation area within the plat, a note shall be placed on the plat, in conjunction with right to farm provisions, stating such, and that agricultural operations work hours begin early and run late and that these operations may contribute to noises and odors objectionable to some residents.	Complies	
P	A note on the plat which states the following: <i>Morgan County restricts the occupancy of buildings within developments as outlined in the adopted building and fire codes. It is unlawful to occupy a building located within any development without first having obtained a certificate of occupancy issued by the county.</i> (Ord. 10-16, 12-14-2010)	Complies	

Department Comments

Public Works: No comments received

Fire/EMS Services: No comments received

Engineering: Comments received and recommend conditional approval

Surveying: Comments received; there are outstanding comments left to address

Recorders: Comments received; there are outstanding comments left to address

PUBLIC NOTICE, MEETINGS, COMMENTS

- ✓ Public Notice was submitted to the State of Utah Public Notice website on or before November 3, 2025; a minimum of 10 days prior to the scheduled meeting. (Morgan County Code § 155.032 (C)).
- ✓ A Public Notice was posted at the County on or before November 3, 2025.
- ✓ Notices to property owners within 1000' feet of the proposed use were mailed a Public Notice on or before November 3, 2025.
- ✓ A sign was posted on the site on or before November 3, 2025.

Recommended Motions

Recommended Motion for *Approval* – “I move we approve the East Canyon Retreat Small Subdivision Preliminary & Final Plat, application number 25.012, allowing for a 2-lot subdivision of land located at 4950 & 4964 South Highway 66, based on the findings and with the conditions listed in the staff report dated November 13, 2025.”

Recommended Motion for *Approval with Conditions* – “I move we approve the East Canyon Retreat Small Subdivision Preliminary & Final Plat, application number 25.012, allowing for a 2-lot subdivision of land located at 4950 & 4964 South Highway 66, based on the findings and with the conditions listed in the staff report dated November 13, 2025, and with the following additional conditions:”

1. List any additional conditions

Recommended Motion for *Denial* – “I move we deny the East Canyon Retreat Small Subdivision Preliminary & Final Plat, application number 25.012, not allowing for a 2-lot subdivision of land located at 4950 & 4964 South Highway 66, based on the following findings:”

1. List any additional findings

Supporting Information

Exhibit A: Vicinity Map
Exhibit B: Existing Zoning Map
Exhibit C: Final Plat
Exhibit D: Applicant Narrative

Exhibit A: Vicinity Map



Exhibit B: Existing Zoning Map

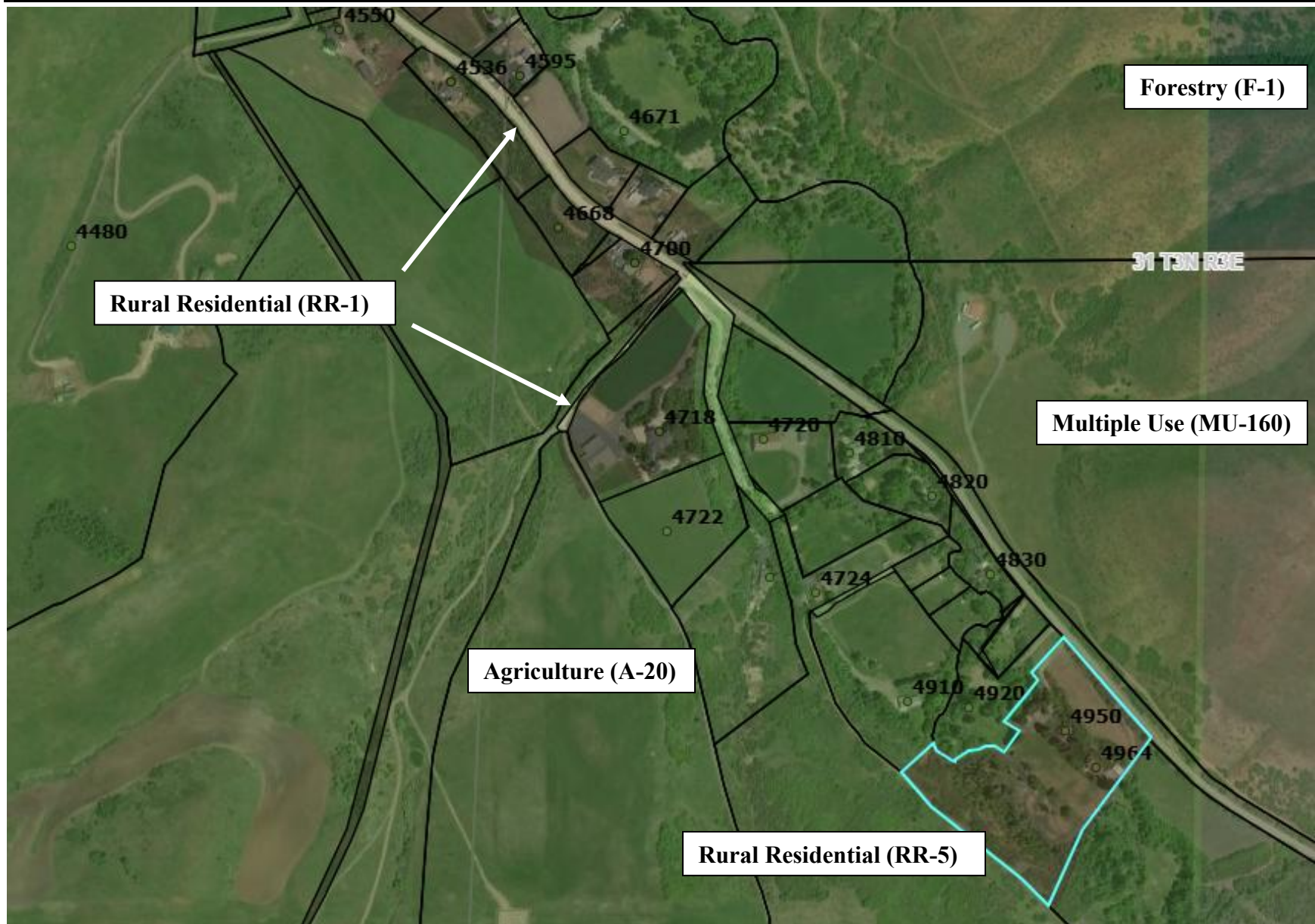


Exhibit C: Final Plat

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

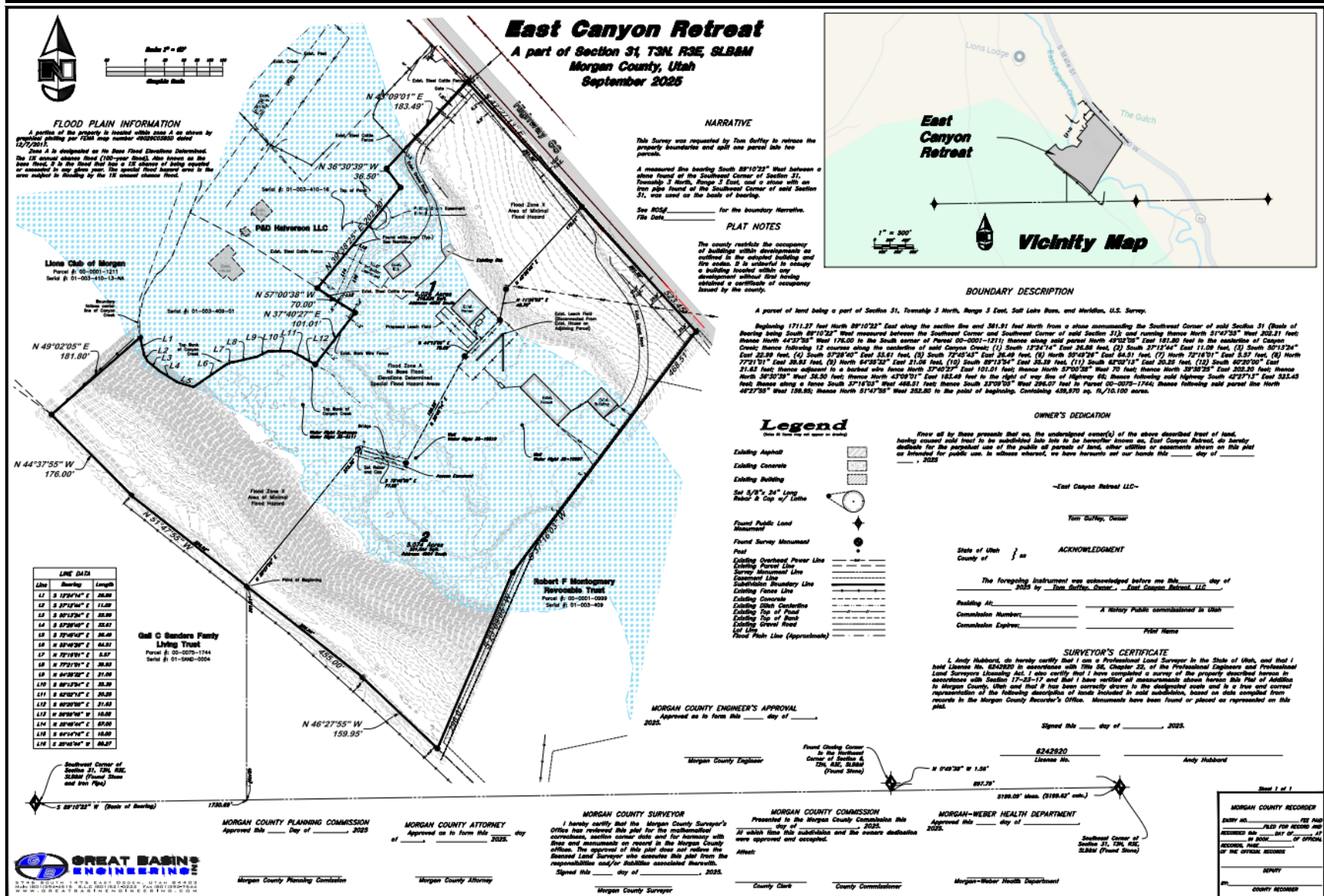


Exhibit C: Applicant Narrative

The subject property was acquired by Tom Guffey and Dennis Garner in 1971. A cabin was built in 1977 for recreational use by their respective families. Garner retired in 2000 and improved the cabin as his primary residence. Guffey then obtained a permit to build a second dwelling as their primary residence. Thus, there are two existing dwellings upon a 10-acre parcel that have been used separately since 2010. The two homes are serviced by separate driveways, wells, septic systems, propane tanks, and electrical meters.

The 10 acres was recently re-zoned from A-20 legal non-conforming to RR-5 in an effort to conform to the existing use of one dwelling per 5 acres. The recording of a two-lot small subdivision will complete that process.

MEMORANDUM

TO: Morgan County Planning Commission

FROM: Morgan County Planning & Development Services Staff

SUBJECT: Emergency Adoption of Water Element to Meet State-Mandated Statutes and Deadlines

SUMMARY: In response to a recent amendment to the State code, the County must adopt an emergency amendment to its current General Plan to include a Water Use and Preservation Element (aka “Water Element”) by December 31, 2025. The adoption is required to ensure compliance with Utah Division of Water Resources guidance and the statutory mandate under Utah Code §17-27a-403 for counties to integrate a water element.

In 2022, the Utah Legislature passed Senate Bill 110, requiring all counties (Utah Code §17-27a-401) to develop a Water Use and Preservation Element as part of their respective general plans. Integrating water considerations into land use planning presents a significant opportunity to reduce municipal and industrial water use, improve long-term resource management, and promote sustainable development patterns.

The Water Use and Preservation Element must address several key topics, including:

- The effect of permitted development on water demand and infrastructure;
- Methods for reducing water demand and per-capita consumption in both future and existing development; and
- Opportunities to modify operations or practices that contribute to water waste.

Under these state requirements, the Planning Commission is tasked by a mandate from the state with preparing recommendations for the new general plan water element. Rather than assuming that sufficient water will be available to meet future demand, the plan must evaluate current and projected water use and demand as part of the land-use planning process. Considerations may include future growth projections, infrastructure capacity, conservation strategies, and coordination with local and regional water providers.

Because state law establishes firm deadlines for compliance, the County is proceeding with an emergency adoption of the Water Element to ensure the General Plan meets statutory requirements and remains eligible for state support and coordination through the Utah Division of Water Resources.

ATTORNEY GUIDANCE

Legislative Review:

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

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

(1)

(a) The purposes of this chapter are to:

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

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

- (i) uses;
- (ii) density;
- (ii) open spaces;
- (iv) structures;
- (v) buildings;
- (vi) energy-efficiency;
- (vii) light and air;
- (viii) air quality;

- (ix) transportation and public or alternative transportation;
- (x) infrastructure;
- (xi) street and building orientation and width requirements;
- (xii) public facilities;
- (xiii) fundamental fairness in land use regulation; and
- (xiv) considerations of surrounding land uses to balance the foregoing purposes with a landowner's private property interests and associated statutory and constitutional protections.

PROPOSED TEXT

The draft Morgan County Water Use and Preservation Element document is provided in Exhibit "A" of this memorandum.

RECOMMENDED MOTIONS

Sample Motion for a *Positive Recommendation* – "I move we recommend approval to the County Commission for the Emergency Adoption of Emergency Adoption of Water Element to meet state statutes and deadlines for County General Plan based on the findings listed in the memorandum dated November 13, 2025."

Sample Motion for a *Positive Recommendation with Conditions* – "I move we recommend approval to the County Commission for the Emergency Adoption of Emergency Adoption of Water Element to meet state statutes and deadlines for the County General Plan based on the findings listed in the memorandum dated November 13, 2025, with the following additional conditions:"

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

Sample Motion for *Denial* – "I move we recommend denial to the County Commission for the Emergency Adoption of Emergency Adoption of Water Element to meet state statutes and deadlines for County General Plan with the following findings:"

1. *List any additional findings...*

ATTACHMENTS:

Attachment "A": Draft County Ordinance

Attachment “A”: Draft County Ordinance

ORDINANCE NO. CO-25-11

AN EMERGENCY AMENDMENT TO THE MORGAN COUNTY GENERAL PLAN TO ADOPT A WATER USE AND PRESERVATION ELEMENT (“WATER ELEMENT”) IN COMPLIANCE WITH UTAH CODE §17-27A-403 AND DIVISION OF WATER RESOURCES GUIDANCE, OTHERWISE KNOWN AS THE EMERGENCY ADOPTION OF WATER ELEMENT TO MEET STATE-MANDATED STATUTES AND DEADLINES, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Morgan County General Plan, adopted in 2015, serves as a policy document to guide land use, development, and resource management within Morgan County; and

WHEREAS, Morgan County desires to comply with the statutory requirements and guidance issued by the Utah Division of Water Resources by adopting an emergency amendment to the Morgan County General Plan (2015) to include a provision for a Water Element; 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 General Plan, as adopted on December 21, 2010, is hereby amended and adopted to include a Water Use and Preservation Element (“Water Element”), 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 General Plan amendment is found to be inconsistent with applicable state law, guidance, or other legal requirements, such inconsistency shall not affect any other portion of this General Plan, and all remaining sections, parts, and provisions shall remain in full force and effect.

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 2nd Day of December 2025.**

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”: Emergency Adoption Of Water Element To Meet State Statutes And
Deadlines For County General Plan**

MORGAN COUNTY
Water Use and Preservation Element

1. Purpose and Overview

Water is among the county’s most valuable and limited natural resources. This element establishes goals, objectives, and implementation measures to ensure that water resources are used efficiently, preserved for future generations, and planned for in coordination with the county’s projected growth. This element fulfills the requirement of Utah Code § 17-27a-403(2)(b)(ii), which directs counties to include an analysis of the effect of permitted development on water demand and to identify strategies for reducing per-capita water use in both existing and future development.

2. Existing Conditions Summary

Morgan County has historically pursued the vision of safeguarding clean and abundant water resources for future generations by conserving and reusing water whenever possible.

Encourages the use of existing centralized water service systems for new development in preference to individual wells. This provides flexibility in lot sizes, encourages better subdivision design, and provides greater system efficiency.

State of Utah requires water conservation plans of water providers that serve over 500 connections. Morgan County does not provide water services, however, a number of private and municipal water companies serve the majority of the residents and businesses within the County. These water providers are listed in Table 1, with the publicly available additional information regarding the water provider’s, number of connections, volume of water rights and annual water usage in Table 2.

Table 1 Water Providers

Amrize	Industrial
Central Enterprise Water Association	Public
Cottonwood Mutual Water Company	Public
Croydon Pipeline Company	Public
East Canyon Resort	Public
East Canyon Resort (Irrigation)	Secondary

Hidden Hollow Water Company	Public
Highlands Water Company	Public
Lost Creek State Park	Public
Monte Verde Water Association	Public
Morgan Secondary Water Association	Secondary
Mountain Green Highway Rest Stop (UDOT)	Public
Mountain Green Secondary Water Company	Secondary
Mountain Green Water Association	Public
Northwest Irrigation Company	Secondary
Peterson Pipeline Association	Public
Richville Pipeline Company	Public
South Robinson Spring Water Users	Public
Wasatch Peaks Ranch	Secondary
Wasatch Peaks Ranch (Culinary)	Public

Table 2 Water Supplier Water Rights Volume, Annual Usage and Connections.

Rights Vol AF	Supplier Name	System	Connections	ANN_USE	YEAR
	Amrize	Industrial	106		2024
132.3	Central Enterprise Water Co.	Public	107	91.0	2024
425.3	Cottonwood Mutual	Public	897	314.5	2024
307.9	Croydon Pipeline Corp.	Public	33	9.7	2024
256.9	East Canyon Resort	Public	12	11.5	2024
	East Canyon Resort (Irrigation)	Secondary	4		2024
13.0	Hidden Hollow Water Co.	Public	35	4.8	2024
850	Highlands Water Co. (Morgan)	Public	596	266.9	2024
	Lost Creek	Public			2024

35.0	Monte Verde	Public	27.5	2024	
37.4	Morgan County	Secondary	7	2024	
1,888.22	Morgan Secondary Association	Secondary	869	2024	
200	Mountain Green Water Association	Public	18	13.5	2024
213.82	Mountain Green Secondary Water Association	Secondary	456	2024	
1,614.63	Northwest Irrigation Company	Secondary	78	2024	
2.6	Peterson Pipeline Assoc.	Public	168	106.2	2024
374.29	Richville Pipeline Co.	Public	62	17.7	2024
	South Robinson Spring Water Users	Public	12	17.5	2024
2,000	Wasatch Peaks Ranch	Secondary		2024	
	Wasatch Peaks Ranch (Culinary)	Public	19	25.34	2024

Division of Water Rights reported data is incomplete, resulting in inconsistent data.

Rights Vol - The sum of the water rights volume for each water right owned in acre feet

ANN_USE - Annual water use reported by the water system in acre feet

YEAR - Year of the reported use

Budget

The County's water budget is determined by comparing expected future use with known rights and reliably available sources of water. The number of expected units by land use type is analyzed, particularly development units that have already been approved through the County land use approval process. Current water use is compared with historic data to estimate dependable availability and sustainability of surface water and well water yields.

Total Rights Volume in Acre Feet for reporting suppliers (excluding Morgan City) = 8,351.35 AF

Total Reported Usage 2024 for all suppliers = 820.6 AF

A projected surplus of at least 7,530.75 AF is available in unincorporated water provider systems.

Future Development

Morgan County's projected growth through the next several decades is provided below.

Table 3

	2020*	2025	2030	2035	2040	2045	2050	2055	2060
Number of Households	3574	4162	4832	5606	6310	7084	7899	8715	9578
Household Size	3.46	3.29	3.12	2.96	2.88	2.79	2.70	2.61	2.53
Morgan City	4,071	5,323	5,936	6,648	7,394	8,180	8,939	9,573	10,170
Mountain Green CDP	4,231	4,886	5,283	5,684	6,115	6,501	6,866	7,324	7,790
Balance of County	3,065	3,487	3,862	4,257	4,675	5,094	5,497	5,863	6,237
Total County Population	12,295	13,462	15,080	16,590	18,184	19,775	21,301	22,772	24,207

2020-2060 AARC = 2.42%

2020-2060 total change = 96.88%

*2020 Census

County projections from U of U Kem C. Gardner Policy Institute 2022 Long-Range County Population Projections

Municipal/Area projections from Wasatch Front Regional Council 2023 Household and Job Forecast, Unified Transportation Plan

Over time, the average household size in Utah and Morgan County has been decreasing. In contrast to the average household size decreasing by up to 26% by 2050, the total number of household increases by 167%, even when total population only grows by 97%. Smaller households will use less water per capita for indoor uses, but more overall units will potentially use more water for outdoor landscaping irrigation. Water use projections should therefore be weighted towards addressing household needs and not per-capital needs.

Anticipated commercial and residential development reported by Morgan County Planning and Development Department is expected to add 5,276 lots to unincorporated areas, according to currently approved developments and proposals that have entered the county

land use approval process. Based on an expected division of land use between roughly 65% housing and 35% commercial development, these lots are projected to consume an additional 3,825 Equivalent Residential Units (ERUs) of water.

Utah Division of Water Resources defines an ERU as 800 gallons per day of home water use at peak day demand. One ERU is equivalent to one single-family unit and approximately 0.9 acre feet of water used annually. This equates to the anticipated development requiring 3,442.59 acre-feet of water to reach buildout without additional conservation or water preservation measures.

Adequate water rights are available to meet projected demand, however the suppliers holding those rights and the actual availability of water are not consistent throughout the county. Morgan County has a role to play in communicating and coordinating with water suppliers on the determination of reliably available water and development around reliable sources.

3. Water Use and Preservation Goals and Objectives

Morgan County water providers are generally small and resources available to dedicate towards proactive water conservation have been limited. Weber Basin Water Conservancy District, Cottonwood Mutual Water Company, and Morgan City have Water Conservation Plans, as mandated by Utah's Water Conservation Act which requires Water Conservation Plans for providers with more than 500 connections. Outside of these conservation plans, details on current water conservation programming are limited and this water element may not be inclusive of all existing conservation efforts in Morgan County.

Goal 1. Integrate Land Use and Water Planning

Objective 1.1: Coordinate closely with water providers when making land use and development decisions.

Policies and Actions:

- Require a Water Supply and Infrastructure Adequacy Report for all major subdivisions and zone changes.
- Establish a formal review process with the Weber Basin Water Conservancy District for growth area designations.
- Maintain GIS mapping of service areas, water sources, and infrastructure to guide land use decisions.

Goal 2. Reduce Per-Capita Water Consumption

Objective 2.1: Decrease countywide municipal and industrial water use by 20% by 2030 relative to 2015 levels.

Objective 2.2: Decrease countywide municipal and industrial water use by 24% by 2040 relative to 2015 levels.

Policies and Actions:

- Encourage all public water suppliers to adopt and report annual water conservation plans consistent with Utah DWR standards.
- Promote installation of smart irrigation controllers and water-efficient fixtures through incentive programs.
- Support implementation of the Utah Water Conservation Plan Act requirements at the municipal and district level.

Goal 3. Promote Water-Efficient Development and Landscaping

Objective 3.1: Reduce outdoor water use in new development by 30%.

Policies and Actions:

- Adopt a Water-Wise Landscaping Ordinance requiring drought-tolerant plants, drip irrigation, and limits on turf coverage.
- Require new commercial and institutional projects to use non-potable water for landscape irrigation where feasible.
- Implement turf conversion programs for public rights-of-way, medians, and parks.

Goal 4. Protect and Preserve Critical Water Resources

Objective 4.1: Safeguard groundwater recharge areas, surface water sources, and riparian corridors from contamination and overuse.

Policies and Actions:

- Designate Watershed Protection Overlay Zones that restrict incompatible uses.
- Preserve natural floodplains and riparian buffers as open space in subdivision design.
- Coordinate with state and federal partners to protect drinking water source protection zones (DWSPZs).
- Develop stormwater infiltration and recharge projects to enhance aquifer sustainability.

Goal 5. Improve County and Provider Water System Efficiency

Objective 5.1: Reduce water losses from public systems by 10% by 2030.

Policies and Actions:

- Encourage utilities to complete annual water loss audits using AWWA methods.
- Replace aging distribution infrastructure to minimize leakage.
- Implement metering for all secondary (outdoor) connections.
- Adopt water-use performance standards for all county facilities.

Goal 6. Enhance Drought Resilience and Public Awareness

Objective 6.1: Increase community preparedness and awareness of water scarcity and drought response.

Policies and Actions:

- Develop and adopt a County Drought Contingency Plan with clear trigger levels and demand-reduction measures.
- Provide educational programs on water-wise landscaping, irrigation scheduling, and leak detection.
- Collaborate with Utah State University Extension and local conservation districts for community outreach and training.

4. Implementation Plan

The County's Water Use and Preservation Implementation Plan is outlined in Table 4.

Table 4

Action	Lead Agency	Partners	Timeline	Performance Measure
Adopt Water-Wise Landscaping Ordinance	County Planning Dept.	Water District, Cities	2026	Ordinance adopted
Establish Water-Land Use Coordination Protocol	County Planning, Water Conservancy District	Municipalities	2025	Policy adopted
Develop Drought Resilience Plan	Emergency Management	Water Providers	2027	Plan completion
Replace Aging Water Infrastructure	Public Works	Providers	Ongoing	% loss reduction
Conduct Public Education Campaign	County Extension, Conservation District	USU Extension	Annual	# workshops held

5. Monitoring and Evaluation

Progress on the water goals will be monitored through annual reporting of water use metrics, five-year reviews of this element, and coordination meetings with water providers and conservancy districts to assess data and adjust targets.

6. References

- Utah Division of Water Resources – Integrated Water and Land Planning Guidance (2024)
- Utah Code § 17-27a-403(2)(b)(ii)
- Utah State University Extension – Water-Wise Landscaping and Policy Toolkit (2023)
- Water Suppliers – Regional Water Conservation Plans (latest versions)

MEMORANDUM

TO: Morgan County Planning Commission

FROM: Morgan County Planning & Development Services Staff

SUBJECT: Utah Code Title 17 Update Code Text Amendment

SUMMARY: Request for approval of a text amendment to the Morgan County Code (MCC) to update references in the county code to reflect recent recodification of Utah Code Title 17 regarding county organization, powers, and land use authority.

During the 2024 legislative session, the Utah Legislature reorganized and renumbered portions of Utah Code Title 17 and related sections. In approximately one month, these updated references will take effect at the state level. This amendment updates the Morgan County Code (MCC) to reflect those changes, ensuring that all cross-references to state statutes within the MCC are accurate. The update is clerical in nature and does not alter the meaning, intent, or application of existing county regulations. The chart below summarizes the renumbered Utah Code references and the corresponding sections within the MCC:

<i>UCA Section</i>	<i>Code Section</i>
Title 17	30.01 , 31.01
17-16-6	31.01
17-22-2 et seq.	32.01
17-25-1 et seq.	32.01
17-27a-103	155.221 , 155.396
17-27a-103(60)(c) et seq.	155.393
17-27a-205	155.021 , 155.023

17-27a-211	<u>155.395</u>
17-27A-302(6)(B)(i) and (ii)	<u>155.028</u>
17-27a-403 et seq.	<u>155.008</u>
17-27a-507(5)(d)	<u>155.451</u>
17-27a-514	<u>155.516</u>
17-27a-523	<u>155.008</u> , <u>155.448</u>
17-27a-523(5)	<u>155.448</u>
17-27a-603	<u>155.008</u>
17-27a-603 et seq.	<u>155.008</u>
17-27a-605	<u>155.449</u>
17-27a-608	<u>155.008</u> , <u>155.448</u>
17-27a-801	<u>155.397</u>
17-27a-801 et seq.	<u>155.03</u>
17-27a-803	<u>155.999</u>
17-31	<u>35.02</u> , <u>35.03</u> , <u>35.05</u>
17-41	<u>151.03</u>

17-41-201	<u>151.03</u>
17-41-301(4)	<u>151.03</u>
17-53-202	<u>31.01</u>
17-53-208	<u>152.01</u>
Title 17A	<u>155.008</u>
17C-1-201.5	<u>33.001</u>
17C-1-201.5(2)(a)	<u>33.001</u>
17-563-208	<u>151.05</u>

** This chart presents a preliminary cross-reference between the County code and the original, unaltered Utah State Code (Title 17). It may not be complete as of the Planning Commission or County Commission public hearings; staff is continuing to review and verify all applicable references.*

ATTORNEY GUIDANCE

Legislative Review:

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

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

(1)

(a) The purposes of this chapter are to:

- (i) provide for the health, safety, and welfare;
- (ii) promote the prosperity;
- (iii) improve the morals, peace, good order, comfort, convenience, and aesthetics of

- each county and each county's present and future inhabitants and businesses;
- (iv)protect the tax base;
- (v)secure economy in governmental expenditures;
- (vi)foster the state's agricultural and other industries;
- (vii)protect both urban and nonurban development;
- (viii)protect and ensure access to sunlight for solar energy devices;
- (ix)provide fundamental fairness in land use regulation;
- (x)facilitate orderly growth and allow growth in a variety of housing types; and
- (xi)protect property values.

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

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

RECOMMENDATION

Based on the information in this staff report, staff provides the following conditions for consideration by the Planning Commission regarding the Utah Code Title 17 Update Code Text Amendment:

Conditions:

1. *That any scrivener's errors, minor technical errors, or omitted references discovered during continual staff review may be corrected, provided such corrections do not substantively alter the intent of the amendment.*
2. *That staff shall continue to review and refine cross-references and related technical elements of the County Code prior to adoption by the County Commission.*

PROPOSED TEXT

The proposed amendment to align the County code with the renumbered Utah State Code (Title 17) are under review. Specific language and all applicable references will be added once staff completes a full review of the County code.

RECOMMENDED MOTIONS

Sample Motion for *Approval* – “I move that we recommend approval to the County Commission for the Utah Code Title 17 Update Code Text Amendment, based on the findings listed in the memorandum dated November 13, 2025. This approval covers the changes currently proposed and also authorizes correction of any scrivener’s errors, minor technical errors, or omitted references that may be discovered during continual staff review. Any future minor adjustments of this nature shall be considered scrivener’s corrections and shall not require further County Commission review, and do not substantively alter the intent of the amendment.”

Sample Motion for *Approval with Conditions* – “I move that we recommend approval to the County Commission for the Utah Code Title 17 Update Code Text Amendment, based on the findings listed in the memorandum dated November 13, 2025. This approval covers the changes currently proposed and also authorizes correction of any scrivener’s errors, minor technical errors, or omitted references that may be discovered during continual staff review. Any future minor adjustments of this nature shall be considered scrivener’s corrections and shall not require further County Commission review, and do not substantively alter the intent of the amendment, but with the following additional conditions:”

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

Sample Motion for *Denial* – “I move we recommend denial to the County Commission for the Emergency Adoption of Utah Code Title 17 Update Code Text Amendment with the following findings:”

1. *List any additional findings...*

ATTACHMENTS:

Attachment “A”: Utah Code Title 17 Update Code Text Amendment

Attachment “A”: Utah Code Title 17 Update Code Text Amendment

ORDINANCE NO. CO-25-11

AN AMENDMENT TO THE MORGAN COUNTY CODE TO UPDATE REFERENCES TO THE UTAH CODE FOLLOWING STATE RECODIFICATION OF TITLE 17, RELATING TO COUNTY ORGANIZATION, POWERS, AND LAND USE AUTHORITY, AMENDING RELEVANT PORTIONS OF THE MORGAN COUNTY CODE TO ENSURE CONSISTENCY WITH CURRENT STATE STATUTORY REFERENCES, OTHERWISE KNOWN AS THE UTAH CODE TITLE 17 UPDATE CODE TEXT AMENDMENT, AND ESTABLISHING AN EFFECTIVE DATE.

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

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

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

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

Section 1. Amendment and Adoption. Title XV of the Morgan County Code is hereby amended and adopted to update statutory references throughout the code to reflect the recodification of Utah Code Title 17, relating to county organization, powers, and land use authority, 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 2nd Day of December 2025.**

ATTEST:

MORGAN COUNTY GOVERNING
BODY

Leslie Hyde
Morgan County Clerk

Matthew Wilson, County Commission Chair

APPROVED AS TO FORM

Garrett Smith
Morgan County Attorney

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

Exhibit “A”: Utah Code Title 17 Update Code Text Amendment

** This is a placeholder exhibit, while the updated cross-references are not finalized at this time. The exhibit will, at a future date, contain updated references to the renumbered Utah State Code (Title 17). Staff will continue to review and refine these references prior to adoption by the County Commission.*

PLANNING COMMISSION MINUTES

Thursday, October 23rd, 2025
Morgan County Commission Room
6:30 pm

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

Present PC Members:

Member Sessions
Member Maloney
Member King
Member Wilson
Member Watt
Member McMillian

Absent PC Members

Member Telford

Public Attendance:

Tina Kelley
Michelle Palmer
Chris Tremea
Emily Boyle
Katie Deebel
Mike Shultz
Heidi Crouch
Justin Crouch

Staff:

Planning Director Cook – Planning Director
Jeremy Lance -Planner I
Mickelle Thackeray, Transcriptionist/Permit Tech

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

Motion by Member King to approve the agenda. Second by Member Sessions. The vote was unanimous. Motion carried.

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

Administrative

6. **Public Meeting/Discussion/Decision – Mtn Green Animal Hospital Sign CUP:** A request for approval of a Conditional Use Permit (C2) that is required for a sign on the rear of a commercial building. The property is identified by parcel number 00-0090-5051 and serial number 03-CANVCOMW-0006 and is approximately located at 5714 W Canyon View Cir in unincorporated Morgan County.

Planner Lance presented the Conditional Use Permit (CUP) application submitted for the installation of a sign on the rear of a commercial building located within the Canyon View Commercial West subdivision in Morgan County. He said the 1.02-acre property is developed with existing commercial improvements and is situated within the Commercial Highway (CH) zoning district.

Pursuant to Morgan County Code § 155.368(G)(5)(d), signs on the rear of commercial buildings are permitted only with Planning Commission approval. He said the applicant, Briton Sorensen, is present and can answer any questions the commission has. Staff has reviewed the application and finds it meets minimum code requirements.

Director Cook clarified that the sign illumination is to be turned off after 10 pm or one hour after closing.

Member Wilson moved to recommend the Mountain Green Animal Hospital Sign CUP, application #CUP25.008, to allow a sign on the rear of a commercial building at the property located at 5714 West Canyon View Circle in Mountain Green, based on the findings and with the conditions listed in the staff report dated October 23, 2025. Second by **Member King**. The vote was unanimous. Motion carried.

7. Public Meeting/Discussion/Decision – Croydon Gravel Pit CUP: A request for approval of a Conditional Use Permit (C3) that is required for the use of a private gravel pit. The property is identified by parcel number 00-0002-4354 and serial number 01-004-688 and is approximately located at 3100 N Lost Creek Rd in unincorporated Morgan County.

Planner Lance presented the Conditional Use Permit (CUP) request for a private gravel pit located on a 247.25-acre property in Morgan County. He said the project site is currently developed for commercial excavation uses but it is proposed to be developed for a private gravel pit operation involving grading, excavation, and associated site improvements. He said the parcel offers year-round access via North Lost Creek Road, a county-maintained road, and is situated in proximity to existing county infrastructure and services. He said staff finds that the proposed CUP application aligns with the intent of the code by ensuring that excavation and grading activities are conducted in a manner that protects public safety, adjacent properties, and the natural environment. Conditions of approval will address compliance with erosion control, slope stability, dust management, and operational timeframes to mitigate potential adverse impacts.

Member Sessions asked if the planning commission can approve the re-vegetation now.

Director Cook explained that the CUP can be approved, and the landscaping can be approved later.

Applicant discussed the types of grasses and forbs used for re-vegetation.

Member Sessions asked if there will be a crusher on site. Applicant said no.

Member King said he has concerns about the speed limit.

Planner Lance said the speed limit is 35mph.

Applicant said there will be minimal trucking in the area.

Member Sessions moved to recommend approval to the County Commission of the Croydon Gravel Pit CUP, application #CUP25.009, to allow for the use of a private gravel pit at

property located approximately at 3100 N Lost Creek Rd in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report dated October 23, 2025. Second by Member Wilson. The vote was unanimous. Motion carried.

8. Public Meeting/Discussion/Decision – Corner Canyon Equestrian Center CUP: A request for approval of a Conditional Use Permit (C2) that is required for an indoor riding arena. The property is identified by parcel number 00-0000-7268 and serial number 01-003-176 and is approximately located 330 feet northwest of the Porterville Chapel of the Church of Jesus Christ of Latter-day Saints in unincorporated Morgan County.

Planner Lance presented the Conditional Use Permit (CUP) request for an indoor riding arena. He said the property contains an existing enclosed riding arena and associated parking and access areas. He said there will be no new construction, expansion, or additional disturbance. Access to the property comes from South Morgan Valley Drive, with an existing paved driveway. No new roads are proposed beyond the improvements required for on-site circulation and parking. The remaining acreage of the parcel consists primarily of open pasture and undeveloped land, which provides natural buffering from adjacent properties and helps maintain the rural character of the surrounding area.

Applicant read aloud a letter from her neighbor, Mike Evans, which was in support of her equestrian operations. She said she lives on the property and there is plenty of parking.

Member McMillian motioned to move we approve the Corner Canyon Equestrian Center CUP, application #CUP25.004, to allow for an indoor riding arena at property located approximately 330' northwest of the Porterville Chapel of the Church of Jesus Christ of Latter-day Saints in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report dated October 23, 2025. Second by Member Watt. The vote was unanimous. Motion carried.

9. Business/Staff Questions

Director Cook informed the commission about the recodification of Title 17 by the state legislature. He said the numbering system has been completely changed. He said he needs to bring forward a text amendment to recodify the Morgan County Code (MCC).

Motion by Member King that Director Cook bring forward a text amendment requesting to recodify the Morgan County Code. Second by Member King. The vote was unanimous. Motion carried.

10. Approval of October 9th, 2025 Planning Commission Meeting Minutes

Motion by Member Sessions. Second by Member Watt. The vote was unanimous. Motion carried.

11. Adjourn

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

Approved:

Chairman, Maddie Maloney
Morgan County Planning Commission

Date: _____

Mickelle Thackeray, Transcriptionist
Planning and Development Services

Date: _____