



PLANNING COMMISSION AGENDA
Thursday, March 12th, 2026
Morgan County Commission Room
6:30 p.m.

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

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

Administrative

6. **Public Meeting/Discussion/Decision** – *The Patterson Place CUP*: A request for approval of a Conditional Use Permit (C2) that is required for a private/public resort with dwelling complexes and associated Commercial Sales, which is identified by parcel numbers 00-0001-3712 & 00-0001-3704 and serial numbers 01-004-119-01 & 01-004-119 located approximately at 4215 N 3800 W, Peterson UT in unincorporated Morgan County.
7. **Public Meeting/Discussion/Decision**: *Young Powersports Mountain Green Sales & Service CUP*: A request for approval of a Conditional Use Permit (C2) that is required for an auto sales and service center, which is identified by parcel number 00-0090-5054 and serial number 03-CANVCOMW-0009 and is located at 5759 W Canyon View Circle Mountain Green, UT in unincorporated Morgan County.
8. **Public Meeting/Discussion/Decision** – *Hidden Hills Estates Small Subdivision Preliminary & Final Plat*: A request for preliminary and final plat approval of a small one (1) lot subdivision, identified by parcel number 00-0094-0301 and serial number 01-003-066-04, and is located at approximately 1815 Deep Creek Road in unincorporated Morgan County.

Legislative

9. **Public Hearing/Discussion/Decision** – *Howard & Kelly Rezone*: Request to rezone property from A-20 (Agriculture) to RR-5 (Rural Residential five acre minimum) and reflect that change on the Future Land Use Map from Agriculture to Ranch Residential 5 completely. The property is identified by parcel number 00-0085-3971 and serial number 01-004-414-01 and is approximately located at 1300 W Island Road in unincorporated Morgan County.
10. **Public Hearing/Discussion/Decision** – *Geohazards Code Text Amendment*: Request for approval of a text amendment to the Morgan County Code (MCC) to update slope requirements generally.

11. Business/Staff Questions:
 - Election of Planning Commission Officers (Chair and Vice Chair)
12. Approval of February 26th, 2026, Planning Commission Minutes
13. Adjourn



PLANNING COMMISSION STAFF REPORT

Conditional Use Permit
March 12, 2026

Patterson Place Commercial CUP
Public Meeting
File #CUP26.002

Applicant/Owner: Dalynn Patterson
Project Location: Approx. 4215 N 3800 W
Parcel Number: 00-0001-3712 & 00-0001-3704
Serial Numbers: 01-004-119-01 & 01-004-119
Current Zoning: Rural Residential (RR-5) / Highway Commercial (CH) /
Agriculture (A-20)
Acreage: 5.22 acres combined

REQUEST

A request for approval of a Conditional Use Permit (C2) that is required for a private/public resort with dwelling complexes and associated commercial sales.

ATTORNEY GUIDANCE:

Administrative Review: CUPs are subject to administrative review.

The sole issue in land use administration is whether the application complies with county ordinances. If it does, it must be approved. The only circumstance in which an application could be denied is if a land use authority find that a compelling, countervailing public interest would be jeopardized. In determining whether this circumstance exists, the courts have stated, *“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).”

Essentially, the only situation in which such an application can be denied is the application seriously threatens public health, safety or welfare.

While CUPs are subject to administrative review, they are an exception to the general zoning rule. By allowing them through ordinance, our County legislature has acknowledged that CUPs may have some impacts but has decided they are permissible. To address any detrimental effects that may arise, the legislature has also allowed for reasonable conditions to be imposed when those effects are reasonably anticipated. In doing so, our County is following State law, which provides, “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 in accordance with applicable standards.” Utah Code Ann. § 17-27a-506(2)(a)(i).

1. Introduction

- Conditional uses are presumed to be appropriate and desirable in the designated zoning area.
- CUPs must be approved if they meet the requirements outlined in the local ordinance.
- Conditions may be imposed to mitigate reasonably anticipated detrimental effects.

2. Guiding Principles

- **Presumption of Approval:** A CUP must be approved unless detrimental effects cannot be substantially mitigated.
- **Reasonably Anticipated Detrimental Effects (RADEs):**
 - Must be supported by substantial evidence.
 - Public clamor, opinion, or general opposition do not constitute substantial evidence.
 - **Mitigation, Not Elimination:** Conditions should substantially mitigate RADEs, but do not have to completely eliminate the detrimental effects.

3. Review Process

Step 1: Determine Compliance with Ordinance Standards

- Identify the specific standards outlined in the local ordinance.
- Confirm the CUP application meets these standards.

Step 2: Identify Potential Detrimental Effects

- Consider only those effects that are reasonably anticipated and substantiated by credible evidence.
- Disregard speculative, vague, or unsupported concerns.

Step 3: Assess Evidence

Evidence must be:

- **Relevant:** Directly related to the proposed use and its impact.
- **Credible:** Objective and fact-based.
- **Independent:** Not influenced by public opinion alone.

Step 4: Impose Reasonable Conditions (if necessary – remember by providing for a CUP in our local ordinance, County already recognizes that there may be effects)

Conditions must be:

- **Ordinance-Based:** Directly linked to the standards outlined in the local ordinance. Conditions not specified in the ordinance or unrelated to the identified detrimental effects are improper and unenforceable.

- Appropriate: Within local government's authority.
- Relevant: Specifically address the detrimental effects identified.
- Proportionate: Not excessively burdensome compared to the impact.
- Reasonable: Not intended to undermine the viability of the use.

4. Decision Making

Approval: If conditions can mitigate the detrimental effects, the CUP must be approved.

Denial: Can only occur if:

- Detrimental effects cannot be substantially mitigated.
- Conditions imposed do not adequately address the specific issues.

5. Documentation and Findings

Clearly document:

- Substantial evidence supporting the determination.
- Specific reasons for either approval or denial.
- Conditions imposed and their rationale.
- Maintain a detailed record to support the decision in case of appeal.

6. Avoiding Common Pitfalls

- Public Clamor: Do not base decisions solely on public outcry.
- Unsubstantiated Concerns: Avoid considering issues not backed by factual evidence.
- Consistency: Apply standards uniformly to avoid arbitrary decisions.

7. Post-Approval Management

- Conditions run with the land and are enforceable with subsequent owners.
- Monitor compliance and address violations as needed.

RECOMMENDATION

Based on the information in this staff report, planning staff recommends that the Planning Commission approve the requested Conditional Use Permit (CUP) application for a private/public resort with associated commercial services. The purpose of this Conditional Use Permit (CUP) application is to obtain authorization for the proposed recreational resort use and accessory commercial service uses, which are classified as C2 uses under § 155.082 of the Morgan County Code (MCC). As C2 designations, these uses require Planning Commission review and approval. Approval of a CUP only approves the use, not the design. A separate site plan application will be required to review and approve compliance with applicable development standards, including but not limited to building placement, parking layout, access, exterior lighting, landscaping, drainage, and other commercial design requirements. A recommendation from staff is subject to all applicable regulations and the following suggested conditions:

Conditions:

1. *That any existing or future outdoor or indoor lighting associated with the use shall comply with the County's Dark Sky Ordinance, be fully shielded, and directed downward to prevent glare or light spillover onto neighboring properties.*

2. *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.*
3. *That hours of operation shall be limited to 6:00 a.m.–10:00 p.m. to minimize impacts on surrounding properties.*
4. *That all recreational, sports, and community facilities, including outdoor courts, play areas, and food service areas, shall be maintained and operated to minimize noise, litter, and other disturbances, and shall be designed to ensure safe access, circulation, and use by the public and residents of the facility.*
5. That all other local, state, and federal laws are adhered to.

PROJECT DESCRIPTION

Staff has reviewed a Conditional Use Permit (CUP) application for a private/public resort with accessory commercial services. The applicant proposes to utilize existing structures to provide a community-focused recreational facility, with gathering spaces, limited food service, and seasonal or temporary commercial activities. No new principal buildings are proposed at this time, although future improvements such as a community center are anticipated and would be reviewed through separate permits.

The facility is intended to serve as a central location for community events and activities. Proposed amenities include outdoor recreational features such as a sport court and play structure, indoor gathering spaces, and areas for temporary vendor or swap meet events. Accessory commercial uses are planned to provide food and snack services, limited retail, and temporary storage or staging areas for local contractors or businesses. The narrative emphasizes that these uses are accessory to the recreational function and designed to serve both the on-site resort and the surrounding community.

The applicant’s narrative describes the scope and nature of the proposed use as follows:

“We will provide a place for the community to gather for community events and activities... We would like to establish a food court situation to provide more options to Peterson and surrounding community for places to eat.”

Approval of this CUP would authorize the proposed recreational resort and accessory commercial uses at the conceptual level. Any future expansions, modifications, or construction will require separate review to verify compliance with all applicable development standards, including building placement, landscaping, lighting, drainage, and operational requirements. These aforementioned additional conditions would need to comply with the following standards as contained within § 155.366(A) Conditional Uses:

- “ A. Conditions Relating To Safety For Persons And Property:*
 - 1. Building elevations and grading plans which will prevent or minimize floodwater damage, where property may be subject to flooding.*
 - 2. The relocation, covering or fencing of irrigation ditches, drainage channels, and other potential attractive nuisances existing on or adjacent to the property.*

3. *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.*
4. *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.*
5. *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.*
6. *Plans for the location, arrangement and dimensions of truck loading and unloading facilities.*
7. *Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants and street lighting.*
8. *Reduction of permitted street grades for winter and storm conditions, or exposure.*
9. *Fences shall not create visual nor other safety hazards.*
10. *Backing movements, passing vehicles, sidewalk traffic, small children, etc., shall be considered in the location of fences and effects on circulation system.*
11. *Numbers and types of vehicles per time period associated with the conditional use activities.*
12. *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 private/public resort with dwelling complexes and associated commercial sales 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.	<i>Will Comply</i>	<i>Elevations and grading plans will be reviewed with a site plan application.</i>
1(b)	The relocation, covering or fencing of irrigation ditches, drainage channels, and other potential attractive nuisances existing on or adjacent to the property.	<i>Will Comply</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.	<i>N/A</i>	<i>N/A</i>
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.	<i>N/A</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.	<i>Will Comply</i>	
1(f)	Plans for the location, arrangement and dimensions of truck loading and unloading facilities.	<i>N/A</i>	
1(g)	Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants and street lighting.	<i>N/A</i>	
1(h)	Reduction of permitted street grades for winter and storm conditions, or exposure.	<i>N/A</i>	
1(i)	Fences shall not create visual nor other safety hazards.	<i>Will Comply</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>Will Comply</i>	
1(k)	Numbers and types of vehicles per time period associated with the conditional use activities.	<i>Will Comply</i>	
1(l)	Time of day and days of the week conditional use may operate.	<i>Will Comply</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>Will Comply</i>	
2(b)	A wastewater disposal system and a solid waste disposal system meeting standards adopted by the governing body.	<i>Will Comply</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.	<i>N/A</i>	
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.	<i>N/A</i>	<i>Accessory Structure</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, 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	<i>Will Comply</i>	

	standards for the development, change of use, or alteration of such features.		
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>	
3(c)(1)	These processes may include restrictions on degradation of water quality.	<i>Will Comply</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>	
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>	
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>	
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>Will Comply</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>Will Comply</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>Will Comply</i>	
3(f)	Limitations and/or restrictions on construction and/or development on slopes in excess of thirty percent (30%) to control erosion.	<i>Will Comply</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>Will Comply</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>Will Comply</i>	
3(g)(2)	A geologic/geotechnical report which shall be in form and content approved by the county engineer, consisting of,	<i>Will Comply</i>	

	among other things, a slope stability study, earthquake analysis and sedimentation analysis, prepared by a certified engineering geologist or geotechnical engineer approved by the county engineer, certifying that the site or route in its entirety is suitable for the proposed development.		
3(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>Will Comply</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>Will Comply</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>	

PUBLIC NOTICE, MEETINGS, COMMENTS

- ✓ Public Notice was submitted to the State of Utah Public Notice website on or before March 2, 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 March 2, 2026.
- ✓ Notices to property owners within 1000’ feet of the proposed use were mailed a Public Notice on or before March 2, 2026.
- ✓ A sign was posted on the site on or before March 2, 2026.

RECOMMENDED MOTION

Recommended Motion for *Approval* – “I move we approve the Patterson Place Commercial CUP, application #CUP26.002, to allow for a private/public resort with dwelling complexes and associated commercial sales at property located approximately at 4215 North 3800 West in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report dated March 12, 2026.”

Recommended Motion for *Approval with Conditions*– “I move we approve the Patterson Place Commercial CUP, application #CUP26.002, to allow for a private/public resort with dwelling complexes and associated commercial sales at property located approximately at 4215 North 3800 West in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report dated March 12, 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 Patterson Place Commercial CUP, application #CUP26.002, to allow for a private/public resort with dwelling complexes and associated commercial sales at property located approximately at 4215 North 3800 West in unincorporated Morgan County, subject to the following findings:

1. List any additional findings...

SUPPORTING INFORMATION

Exhibit A: Vicinity Map

Exhibit B: Zoning Map

Exhibit C: Applicant Narrative

Exhibit D: Graphic Representation of Proposal

Exhibit A: Vicinity Map

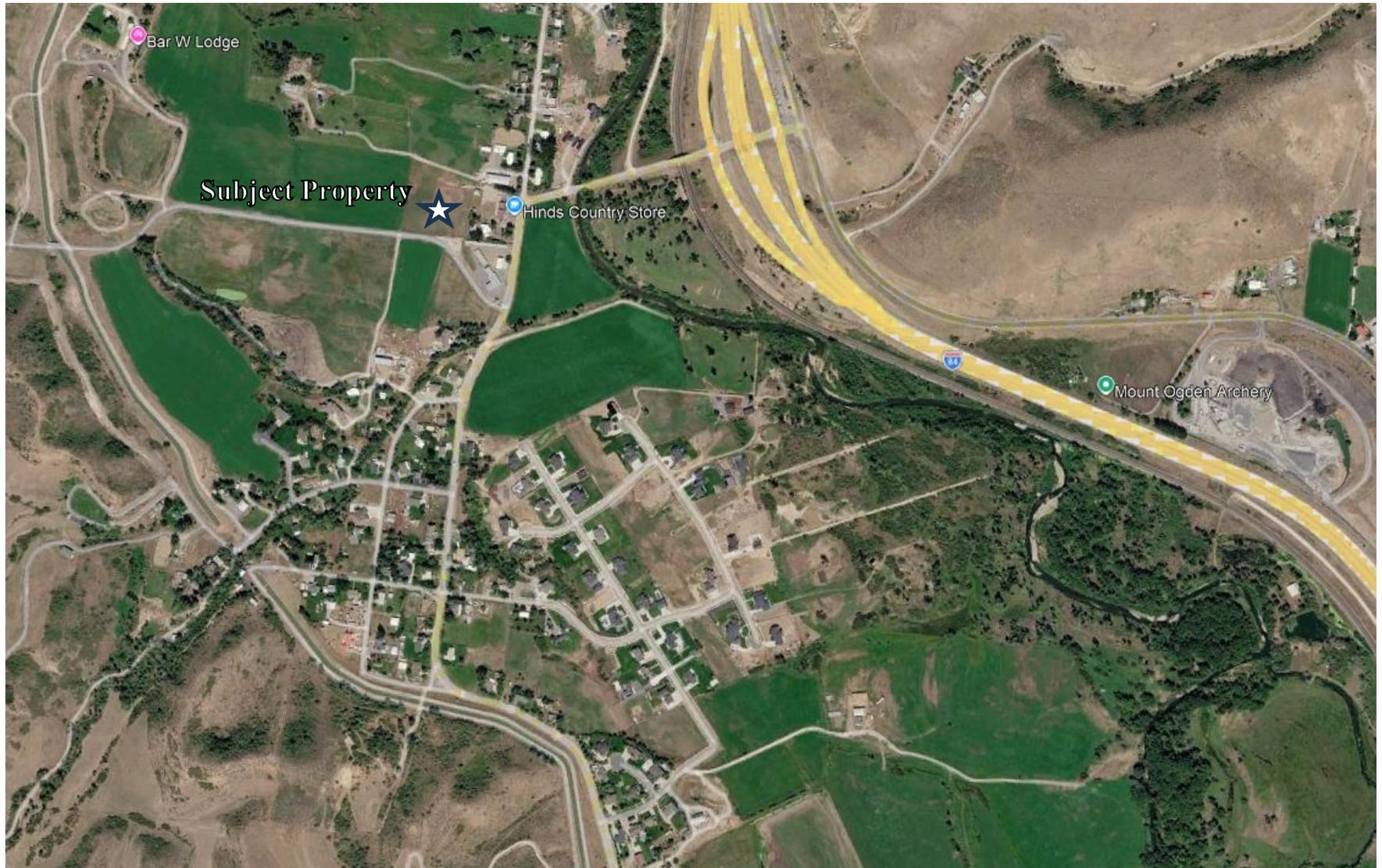


Exhibit B: Zoning Map

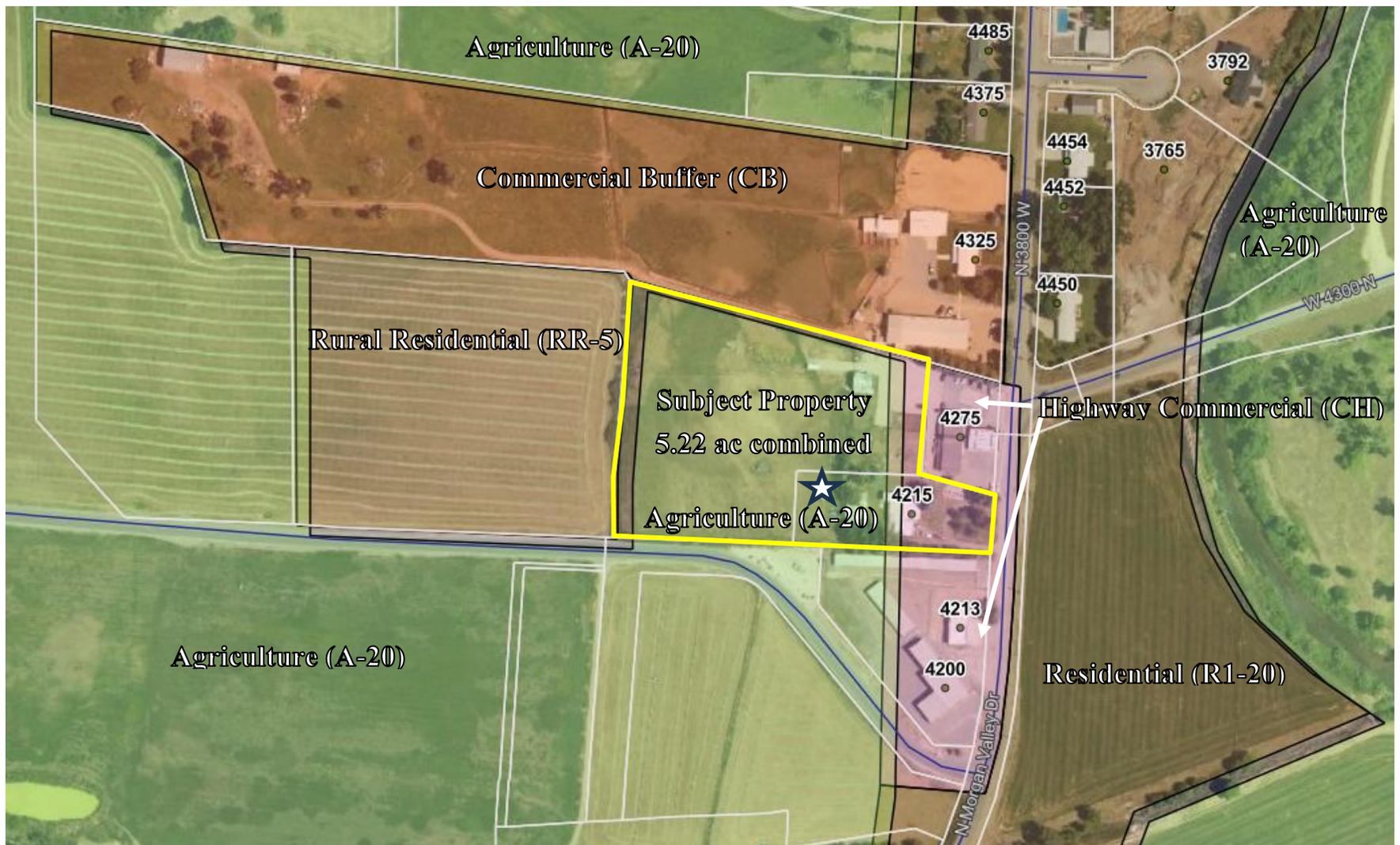


Exhibit C: Applicant Narrative

Project- Patterson Place

Dalynn & Gary Patterson
4215 n 3800 w
Morgan Ut 84050

Business address same as home address

No Engineer needed, structures are already in place that are going to be used.
Vaughn Nickerson will do permitted electrical
Hone Propane will be used for propane leasing and installation
Haslam excavating will be used for any septic (if required)
Beehive Buildings for eventual Community Center

The main subject that links all business doings is what is needed in and for the community.
We will provide a place for the community to gather for community events and activities. Food and snack will be provided along with places to eat, play (sport court, play structure, Community Center)
We would like to establish a food court situation to provide more options to Peterson and surrounding community for places to eat.
We will also provide storage leasing for construction or professional companies that need temporary parking or mobilization areas. From April to October we wish to supply a swap meet for the community to enjoy along with a place for community members to bring garage sale items.

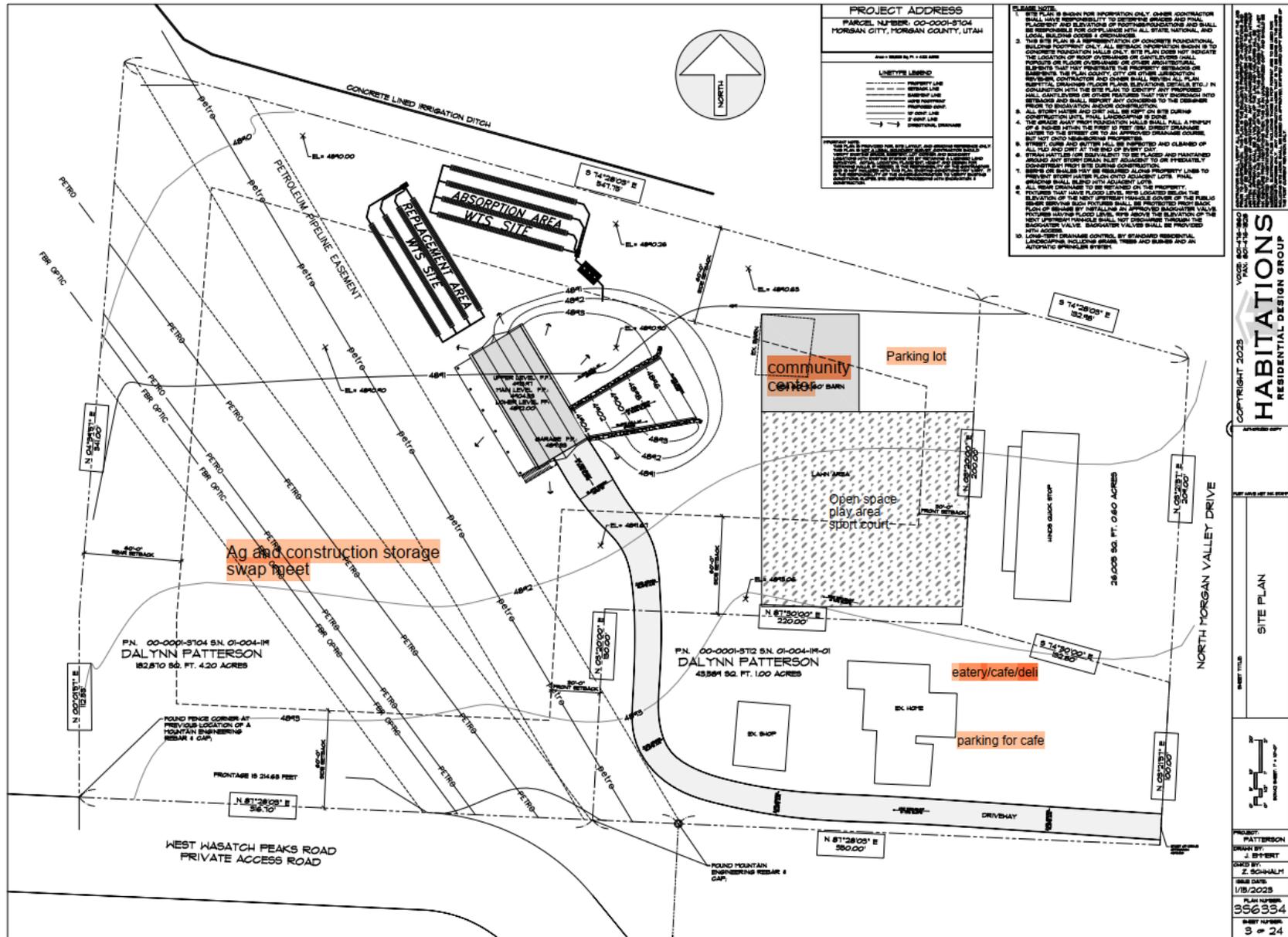
The impact would be great for a residential community, but we are zoned highway commercial and already have this same traffic going up to WPR and Hinds Country Store. We believe this will be a positive impact on both companies (neighbors) bringing more sales and people into their established businesses.

There would be an impact on parking. To ensure there would not be parking on the street, We have an already established parking lot, in the back of the property. We would provide signage at the street to direct people to the parking lot. We will also establish the required 26' road that would be used to connect the parking lot to the access of the property. In addition we would add 6 parking spaces closer to the road to provide shorter term parking for those that come for the food and grab and go items.

Thank you for your time
Gary and DaLynn Patterson
Patterson Place

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

Exhibit D: Graphic Representation of Proposal



PLANNING COMMISSION STAFF REPORT

Conditional Use Permit
March 12, 2026

Young Powersports Commercial CUP
Public Meeting
File #CUP26.001

Applicant/Owner: Steve Peterson
Project Location: 5759 West Canyon View Circle
Parcel Number: 00-0090-5054
Serial Numbers: 01-003-176
Current Zoning: Highway Commercial (CH)
Acreage: 5.00 acres

REQUEST

A request for approval of a Conditional Use Permit (C2) that is required for an auto sales and service center.

ATTORNEY GUIDANCE:

Administrative Review: CUPs are subject to administrative review.

The sole issue in land use administration is whether the application complies with county ordinances. If it does, it must be approved. The only circumstance in which an application could be denied is if a land use authority find that a compelling, countervailing public interest would be jeopardized. In determining whether this circumstance exists, the courts have stated, *“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).”

Essentially, the only situation in which such an application can be denied is the application seriously threatens public health, safety or welfare.

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- **Credible:** Objective and fact-based.
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Conditions must be:

- **Ordinance-Based:** Directly linked to the standards outlined in the local ordinance. Conditions not specified in the ordinance or unrelated to the identified detrimental effects are improper and unenforceable.
- **Appropriate:** Within local government's authority.
- **Relevant:** Specifically address the detrimental effects identified.
- **Proportionate:** Not excessively burdensome compared to the impact.
- **Reasonable:** Not intended to undermine the viability of the use.

4. Decision Making

Approval: If conditions can mitigate the detrimental effects, the CUP must be approved.

Denial: Can only occur if:

- Detrimental effects cannot be substantially mitigated.
- Conditions imposed do not adequately address the specific issues.

5. Documentation and Findings

Clearly document:

- Substantial evidence supporting the determination.
- Specific reasons for either approval or denial.
- Conditions imposed and their rationale.
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6. Avoiding Common Pitfalls

- Public Clamor: Do not base decisions solely on public outcry.
- Unsubstantiated Concerns: Avoid considering issues not backed by factual evidence.
- Consistency: Apply standards uniformly to avoid arbitrary decisions.

7. Post-Approval Management

- Conditions run with the land and are enforceable with subsequent owners.
- Monitor compliance and address violations as needed.

RECOMMENDATION

Based on the information in this staff report, planning staff recommends approval of the Conditional Use Permit (CUP) for a new automobile dealership with automobile repair services. Both uses are classified as C2 under the Morgan County Code Commercial Use Regulations and therefore require Planning Commission approval. This approval is limited to the land use determination; a separate commercial site plan application will be required to ensure compliance with applicable development standards. A recommendation from staff is subject to all applicable regulations and the following suggested conditions:

Conditions:

1. *That any existing or future outdoor or indoor lighting associated with the use shall comply with the County's Dark Sky Ordinance, be fully shielded, directed downward to prevent glare or light spillover onto neighboring properties, and be extinguished at the close of business.*
2. *That all repair and service work shall be conducted within enclosed service bays, and no outdoor repair activities shall be permitted, except for temporary vehicle staging customary to dealership operations.*
3. *That hours of operation shall be limited to 6:00 a.m.–10:00 p.m. to minimize impacts on surrounding properties.*
4. *That all vehicle display, storage, and service activities shall be conducted on-site in designated areas, with outdoor display and customer parking organized to prevent congestion, maintain clear access to public streets, and minimize impacts to neighboring properties.*
5. *That all other local, state, and federal laws are adhered to.*

PROJECT DESCRIPTION

Staff has reviewed a Conditional Use Permit (CUP) application for an auto sales and service center located on a 5-acre property in Morgan County. The property is zoned for commercial use, and automobile dealers (new) and automobile repair services are classified as C2 uses, requiring Planning Commission approval of a CUP. The project consists of administrative offices, a vehicle showroom and sales area, a service and repair shop, and designated space for parts storage and retail sales. The submitted site plan also incorporates a courtyard area for customer events and gatherings, a covered drop-off canopy for patrons, and an architectural water tower element intended to establish a distinctive visual landmark for the development. Internal site circulation and parking areas will be evaluated in detail during subsequent site plan review.

The submitted narrative describes the scope and nature of the proposed use as follows:

“The proposed powersports dealership is designed to be a professionally developed commercial facility that supports local economic activity and customer service needs while incorporating design features and operational strategies intended to maintain compatibility with surrounding properties and mitigate potential impacts.”

The applicant indicates that the dealership will operate during customary daytime business hours typical of retail sales establishments. Repair and maintenance activities are proposed to occur predominantly within enclosed service bays inside the building. Anticipated effects—including customer traffic, delivery activity, and noise associated with service work—are described as standard for this type of commercial operation. To minimize potential impacts to surrounding properties, the narrative explains that service functions will be contained indoors and that the site will be designed to support clear, well-organized vehicle circulation.

Approval of this CUP will authorize the proposed uses at this site, subject to compliance with all County regulations. Completion of a separate commercial site plan review is required to address detailed design and development standards. These aforementioned additional conditions would need to comply with the following standards as contained within § 155.366(A) Conditional Uses:

“ A. Conditions Relating To Safety For Persons And Property:

- 1. Building elevations and grading plans which will prevent or minimize floodwater damage, where property may be subject to flooding.*
- 2. The relocation, covering or fencing of irrigation ditches, drainage channels, and other potential attractive nuisances existing on or adjacent to the property.*
- 3. 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.*
- 4. 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.*

5. *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.*
6. *Plans for the location, arrangement and dimensions of truck loading and unloading facilities.*
7. *Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants and street lighting.*
8. *Reduction of permitted street grades for winter and storm conditions, or exposure.*
9. *Fences shall not create visual nor other safety hazards.*
10. *Backing movements, passing vehicles, sidewalk traffic, small children, etc., shall be considered in the location of fences and effects on circulation system.*
11. *Numbers and types of vehicles per time period associated with the conditional use activities.*
12. *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 auto sales and service center 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.	<i>Will Comply</i>	<i>Staff will review elevations and grading plans along with a site plan application</i>
1(b)	The relocation, covering or fencing of irrigation ditches, drainage channels, and other potential attractive nuisances existing on or adjacent to the property.	<i>N/A</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.	<i>N/A</i>	<i>N/A</i>
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.	<i>Will Comply</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.	<i>N/A</i>	
1(f)	Plans for the location, arrangement and dimensions of truck loading and unloading facilities.	<i>N/A</i>	
1(g)	Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants and street lighting.	<i>Will Comply</i>	<i>Existing structure</i>
1(h)	Reduction of permitted street grades for winter and storm conditions, or exposure.	<i>N/A</i>	
1(i)	Fences shall not create visual nor other safety hazards.	<i>N/A</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>Will Comply</i>	
1(k)	Numbers and types of vehicles per time period associated with the conditional use activities.	<i>Will Comply</i>	
1(l)	Time of day and days of the week conditional use may operate.	<i>Will Comply</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.	<i>N/A</i>	
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.	<i>N/A</i>	<i>Accessory Structure</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, 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.	<i>Will Comply</i>	
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>	
3(c)(1)	These processes may include restrictions on degradation of water quality.	<i>Will Comply</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	<i>Will Comply</i>	

	the issuance of any permits required for their discharge by the federal government, state and/or county.		
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>	
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>	
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>Will Comply</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>Will Comply</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>Will Comply</i>	
3(f)	Limitations and/or restrictions on construction and/or development on slopes in excess of thirty percent (30%) to control erosion.	<i>Will Comply</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>Will Comply</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>Will Comply</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>Complies</i>	
3(g)(3)	Such other engineering or technical reports as may be required by the planning commission or governing body.	<i>Complies</i>	
3(g)(4)	Detailed construction plans, drawings and specifications which outline all construction methods proposed to be utilized.	<i>Complies</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	<i>Complies</i>	

	studies required by the planning commission or governing body acceptable in form and content to the county engineer.		
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.	N/A	

PUBLIC NOTICE, MEETINGS, COMMENTS

- ✓ Public Notice was submitted to the State of Utah Public Notice website on or before March 2, 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 March 2, 2026.
- ✓ Notices to property owners within 1000’ feet of the proposed use were mailed a Public Notice on or before March 2, 2026.
- ✓ A sign was posted on the site on or before March 2, 2026.

RECOMMENDED MOTION

Recommended Motion for *Approval* – “I move we approve the Young Powersports Commercial CUP, application #CUP26.001, to allow for an auto sales and service center at property located at 5759 West Canyon View Circle in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report dated March 12, 2026.”

Recommended Motion for *Approval with Conditions*– “I move we approve the Young Powersports Commercial CUP, application #CUP26.001, to allow for an auto sales and service center at property located at 5759 West Canyon View Circle in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report dated March 12, 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 Young Powersports Commercial CUP, application #CUP26.001, to not allow for an auto sales and service center at property located at 5759 West Canyon View Circle in unincorporated Morgan County, subject to the following findings:

1. List any additional findings...

SUPPORTING INFORMATION

Exhibit A: Vicinity Map

Exhibit B: Zoning Map

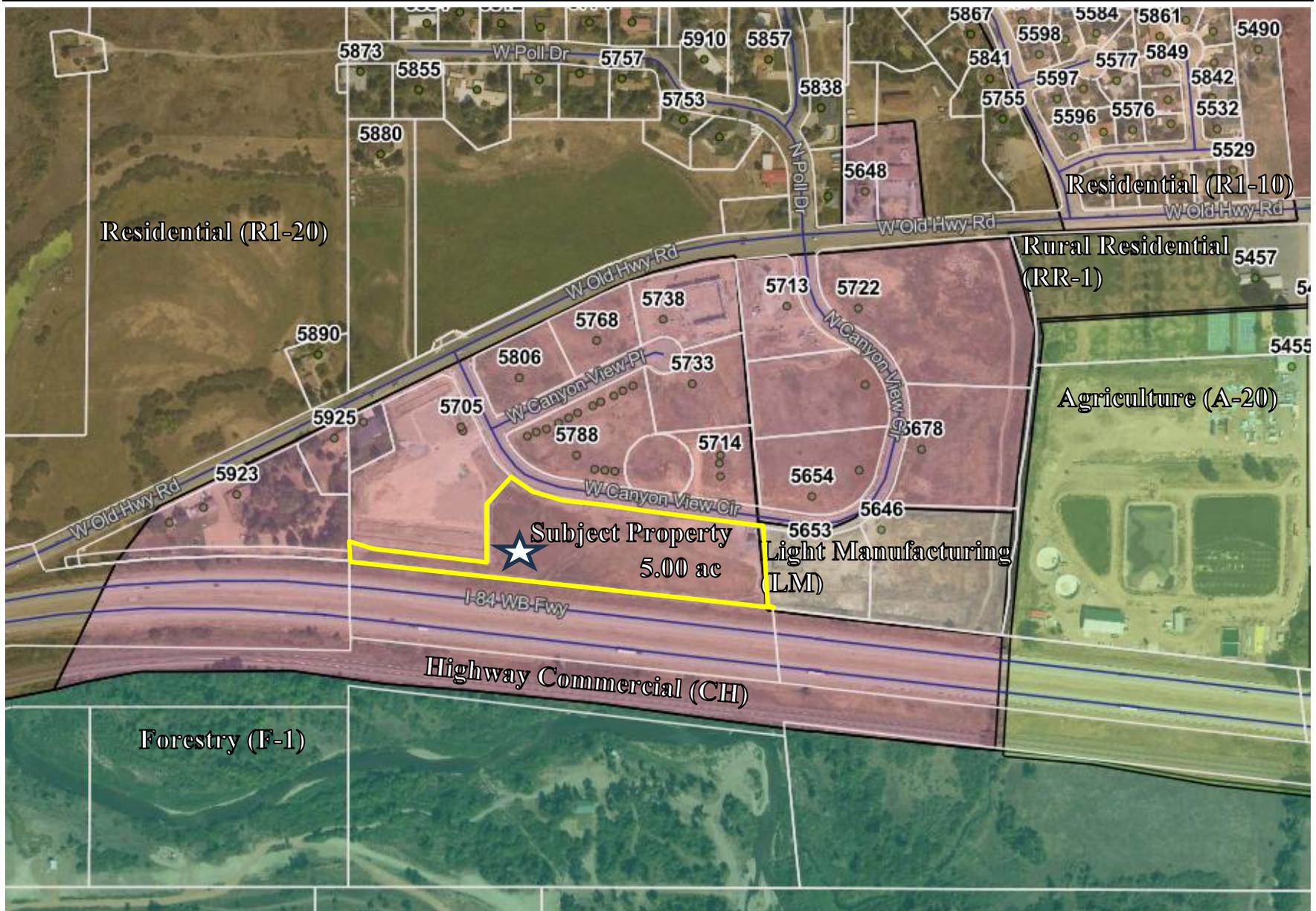
Exhibit C: Applicant Narrative

Exhibit D: Graphic Representation of Proposal

Exhibit A: Vicinity Map



Exhibit B: Zoning Map





Conditional Use Permit Narrative

Morgan County Planning Department

Project Name: *Mountain Green Service & Sales Facility (28,265 SF)*
Project Location: 5759 W. Canyon View Cir., Mountain Green, UT
Parcel Size: Approximately 5.0 acres

Applicant Information

Applicant: Steve Peterson / Case, Lowe & Hart, Inc.
Business Address: 2484 Washington Blvd. – Ste. 510, Ogden, UT 84401

Project Architect / Engineer Information

Project Architect / Engineer: *Case, Lowe & Hart, Inc.*
Business Address: 2484 Washington Blvd. – Ste. 510, Ogden, UT 84401

Project Narrative and Impact Mitigation

This Conditional Use Permit application is submitted for the construction of a new 28,265 SF powersports dealership facility located at 5759 W. Canyon View Cir. in Mountain Green, Utah, on an approximately 5-acre site. The proposed development is intended to provide a high-quality customer and service-oriented dealership environment, including a showroom and sales floor, service shop, administrative offices, and parts storage and parts sales, along with associated support areas typical of a full-service powersports dealership.

The building will be a masonry commercial structure with a significant amount of aluminum storefront glazing, particularly at the public-facing showroom areas, creating an attractive and transparent frontage that supports visibility, natural daylighting, and an inviting customer experience. Site and building features include a covered customer drop-off canopy for convenient and protected customer access, a courtyard area for outdoor gathering and events that may support customer appreciation activities and community engagement, and a water tower architectural feature intended to serve as a site identity element and enhance the overall character of the project.

The proposed use is expected to generate impacts typical of a retail dealership and service facility, including daytime operational activity related to sales and service functions. Hours of operation are anticipated to be consistent with typical day-to-day business hours, with no unusual or late-night operations proposed. Customer activity is anticipated to occur primarily during normal business hours, with service operations generally contained within the building. The site layout is planned to support clear internal circulation, organized parking, and safe customer access while maintaining separation between customer areas and operational/service functions.



Conditional Use Permit Narrative

Potential impacts to surrounding properties may include noise associated with service operations, delivery activity, and general dealership operations. To mitigate these impacts, the service areas are designed to be enclosed within the building, limiting the extent of outdoor service activity. In addition, site planning and operational measures will be implemented to promote orderly circulation, reduce unnecessary vehicle queuing, and maintain a clean and professional appearance. Site lighting will be designed to enhance safety while minimizing light spillover to adjacent properties through appropriate fixture selection, directionality, and placement. The building's durable masonry exterior materials and quality storefront design are intended to reduce visual impacts and provide a compatible architectural presence within the Mountain Green area.

Overall, the proposed powersports dealership is designed to be a professionally developed commercial facility that supports local economic activity and customer service needs while incorporating design features and operational strategies intended to maintain compatibility with surrounding properties and mitigate potential impacts.





PLANNING COMMISSION STAFF REPORT

Hidden Hills Estates Small Subdivision
Preliminary & Final Plat

PLANNING & DEVELOPMENT

March 12, 2026

Hidden Hills Estates Small Subdivision Preliminary & Final Plat
March 12, 2026
Public Meeting
File #25.048

Applicant/Owner:	Kyle Brown
Applicant/Owner:	Jeremy Draper
Project Location:	Approx. 1815 Deep Creek Road
Parcel Number:	00-0094-0301
Serial Number:	01-003-066-04
Current Zoning:	Rural Residential (RR-10) / Agriculture (A-20) / Multiple Use (MU-160)
Acreage:	94.81 acres

REQUEST: A request for preliminary and final plat approval of a one (1) lot small subdivision.

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 Hidden Hills Estates 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.
4. That all engineering comments and special notes shall be addressed and inspected for compliance prior to issuance of any building permit.

PROJECT DESCRIPTION

The applicant is seeking approval for a small subdivision (preliminary and final plat). The applicant received Concept Plan approval on January 8th, 2025. The subdivision will consist of one (1) lot. The applicant is proposing to subdivide the property to build a future dwelling unit with supporting accessory structures.

Ordinance Evaluation. With approximately 94 acres present on the property, the property exceeds the minimum size requirement for subdivision required by A-20 zoning (20 acres minimum).

Property Layout. If approved, the property will be subdivided into one (1) lot.

Roads and Access. Access to the property will be derived from West Deep Creek Road with approximately 500’ of frontage. The property features an existing driveway.

Water Source. Water service will be provided by a well.

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

Sanitary Sewer Systems. The health department has issued permitting for a wastewater disposal system.

Flood Plain: N/A.

ANALYSIS

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

Item	Zone Regulation	Proposal
Area Regulation	A-20 = 20.00 acres	<i>Lot Complies – Approx. 94 ac currently</i>
Width & Frontage Regulations	A-20 = 330’	<i>Lot Complies – Approx. 500’ currently</i>
Front Yard Regulations	A-20: 30 feet	<i>Lot Complies</i>
Side Yard Regulations	A-20: 60 feet	<i>Lot Complies</i>
Rear Yard Setback	A-20: 60 feet	<i>Lot Complies</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
C	<p>Preliminary plat (all facilities within 200 feet of the plat shall</p>	Complies
		The applicant has submitted the certified boundary survey. The title report has been submitted as well.

	<p>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) 		
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. 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) 	Will Comply	
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 	N/A	

	easements.		
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 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. 10. Verification of approval from the Weber-Morgan County health department regarding the proposed location of all septic systems and water source protection areas. 	Complies	
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	N/A	

	master planned development reserves, specific development agreements, or requirements and conditions of other applicable ordinances or previous approvals. (Ord. 10-16, 12-14-2010)		
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 commission chairperson and county attorney, with appropriate notarial acknowledgements and the final plat shall contain all information set forth in this section.	Will Comply	Historically, staff has recommended the applicant wait to print the final mylar and receive signatures, in the event that the Planning Commission and/or County 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	Complies	

	and parcel which is a part thereof. No ditto marks shall be used for lot dimensions.		
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 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: <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. 	Complies	
N	The final plat shall contain the name, stamp and signature of a professional land surveyor, together with the date of the survey, the scale of the map and number of sheets. The following certificates, acknowledgements and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate: <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> 	Complies	Preliminary Title Report submitted previously; a final title report will be required within 30 days of recordation
	3. Notary public's acknowledgement for each signature		

	<p>on the plat.</p> <ol style="list-style-type: none"> 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 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	<p>On subdivisions which are contiguous to an adopted agricultural protection area, or which contain an agricultural open space preservation area within the plat, a note shall be placed on the plat, in conjunction with right to farm provisions, stating such, and that agricultural operations work hours begin early and run late and that these operations may contribute to noises and odors objectionable to some residents.</p>	Complies	
P	<p>A note on the plat which states the following:</p> <p><i>Morgan County restricts the occupancy of buildings within developments as outlined in the adopted building and fire codes. It is unlawful to occupy a building located within any development without first having obtained a certificate of occupancy issued by the county.</i></p> <p>(Ord. 10-16, 12-14-2010)</p>	Complies	

Department Comments

Public Works: No comments received

Fire/EMS Services: No comments received

Engineering: Comments received and recommend approval

Surveying: Comments received and recommend approval

Recorders: Comments received and recommend approval

PUBLIC NOTICE, MEETINGS, COMMENTS

- ✓ Public Notice was submitted to the State of Utah Public Notice website on or before March 12, 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 March 12, 2026.
- ✓ Notices to property owners within 1000' feet of the proposed use were mailed a Public Notice on or before March 12, 2026.
- ✓ A sign was posted on the site on or before March 12, 2026.

Recommended Motions

Recommended Motion for *Approval* – “I move we approve the Hidden Hills Estates Small Subdivision Preliminary & Final Plat, application number 25.048, allowing for a one-lot subdivision of land approximately located at 1815 West Deep Creek Road, based on the findings and with the conditions listed in the staff report dated March 12, 2026.”

Recommended Motion for *Approval with Conditions* – “I move we approve the Hidden Hills Estates Small Subdivision Preliminary & Final Plat, application number 25.048, allowing for a one-lot subdivision of land approximately located at 1815 West Deep Creek Road, based on the findings and with the conditions listed in the staff report dated March 12, 2026, and with the following additional conditions:”

1. List any additional conditions

Recommended Motion for *Denial* – “I move we deny the Hidden Hills Estates Small Subdivision Preliminary & Final Plat, application number 25.048, not allowing for a one-lot subdivision of land approximately located at 1815 West Deep Creek Road, based on the following findings:”

1. List any additional findings

Supporting Information

Exhibit A: Vicinity Map

Exhibit B: Existing Zoning Map

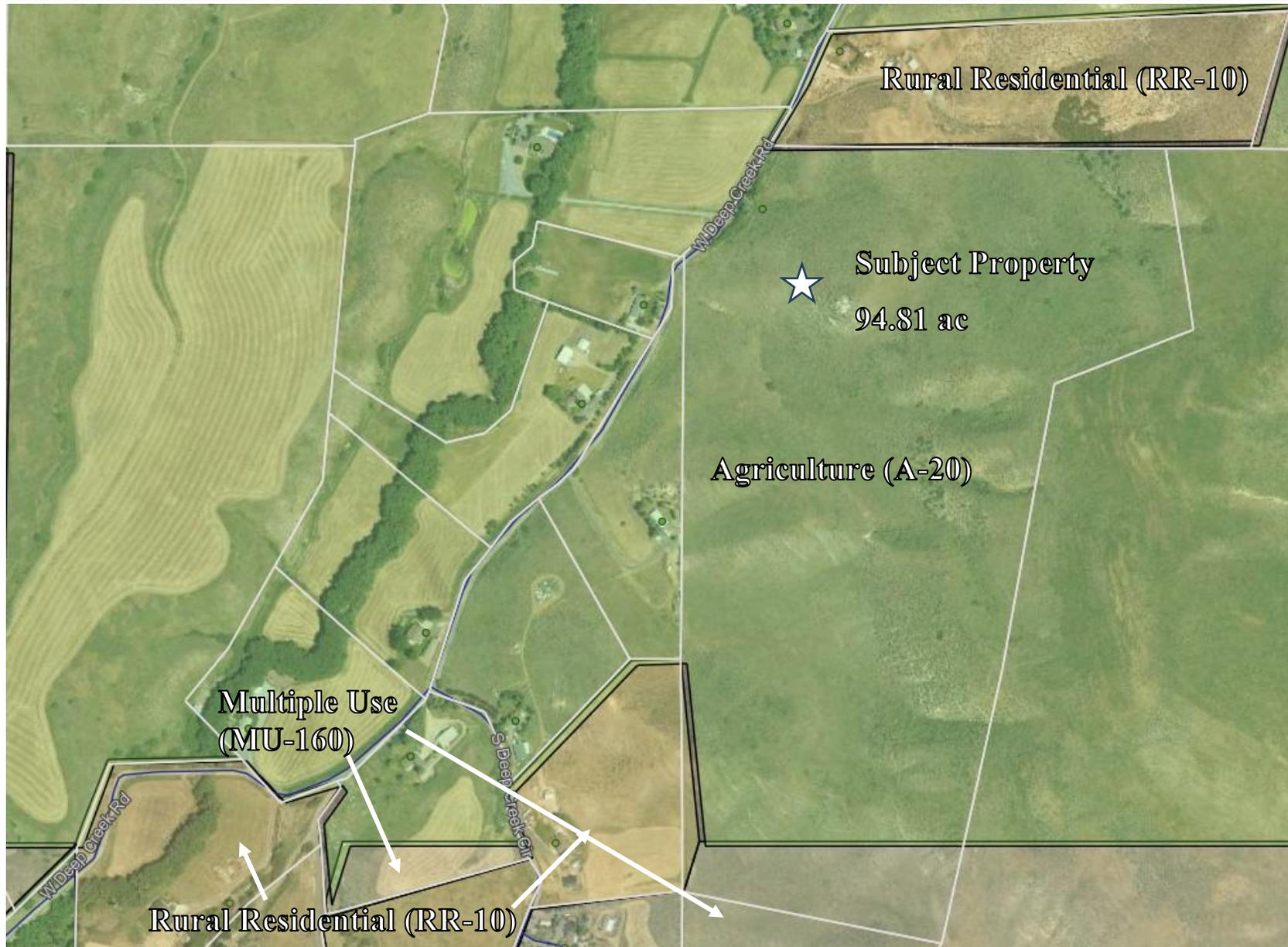
Exhibit C: Proposed Preliminary Plat

Exhibit D: Proposed Final Plat

Exhibit A: Vicinity Map

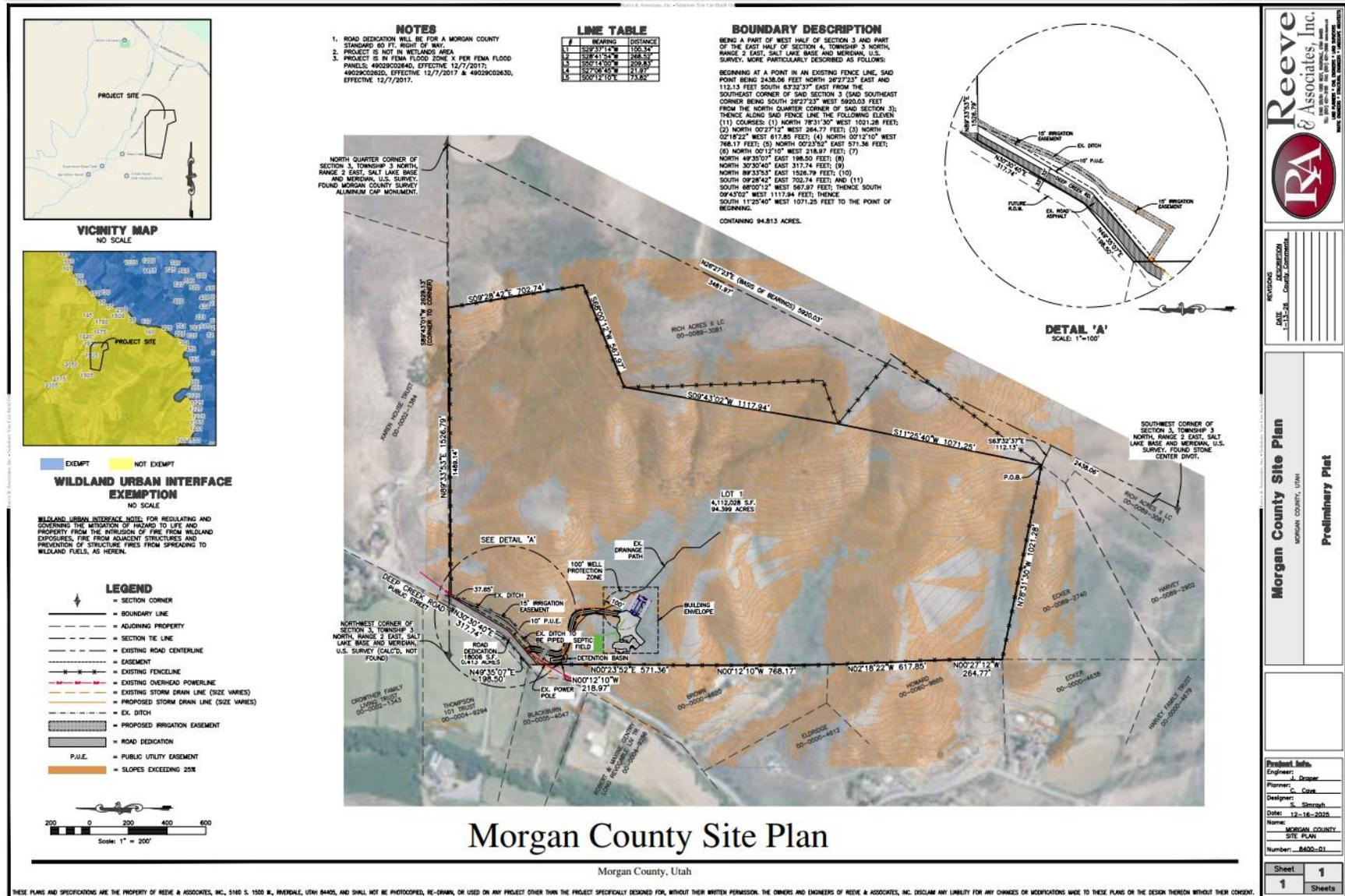


Exhibit B: Existing Zoning Map



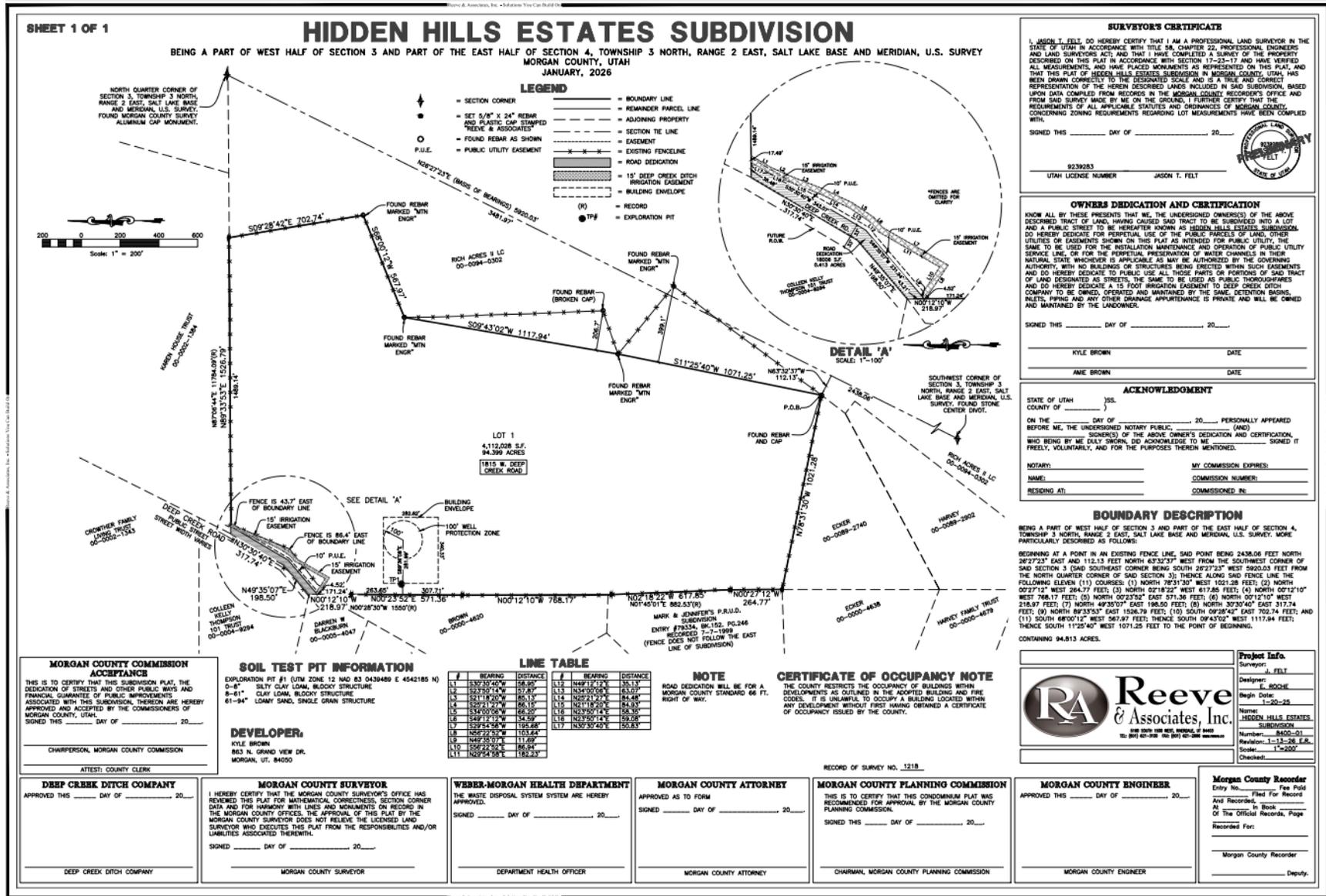
[Click here to view a full-size .pdf version of the Preliminary Plat](#)

Exhibit C: Proposed Preliminary Plat



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

Exhibit D: Proposed Final Plat





PLANNING & DEVELOPMENT

Planning Commission
Staff Report
Zoning Map Amendment

March 12, 2026

Howard & Kelly Rezone
Public Hearing
March 12, 2026

Application No.:	26.002
Applicant/Owner:	Howard & Kelly Thurston
Project Location:	1300 W Island Rd
Date of Application:	January 13, 2026
Parcel Number:	00-0085-3971
Serial Number:	01-004-414-01
Current Zoning:	Agriculture (A-20)
General Plan Designation:	Agriculture
Acreage:	26.00 acres

REQUEST

Request to rezone property from A-20 (Agriculture) to RR-5 (Rural Residential five acre minimum), and reflect that change on the Future Land Use Map from Agriculture to Ranch Residential 5.

ATTORNEY GUIDANCE

Legislative Review:

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

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

(1)

(a) The purposes of this chapter are to:

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

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

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

Utah Code Ann. § 17-27a-102. While the County Commission still appears to have broad discretion, I would caution that Utah Code Ann. § 17-27a-102 (1)(b)(xiv) causes concern for legal actions if the Commission fails to support its decisions with the above purposes and standards.

STAFF OBSERVATION

Staff finds that the applicant's proposed changes to the zoning map and Future Land Use Map are consistent with established planning principles. The rezone would provide a buffer between Rural Residential (RR-1, RR-2.5) and Agriculture (A-20) by allowing rural residential use in a manner that is intermediate to the those zoning designations and consistent with established rural residential standards. If the Commission finds merit in this rezone, then the following findings could be considered:

Findings:

1. *That the proposed amendment is appropriate given the surrounding rural residential character and existing infrastructure.*
2. *That the requested rezone from A-20 to RR-5 is unlikely to adversely affect surrounding properties, several of which are two (2) acres or less.*
3. *That the amendment supports County land-use objectives and maintains an orderly development pattern.*
4. *That the proposed rezone and Future Land Use Map amendment to Rural Residential are consistent with existing land uses in the area.*

ANALYSIS

General Plan and Zoning:

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

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

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

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

(D) Rural Residential Districts.

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

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

(b) Maintaining a rural atmosphere;

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

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

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

ORDINANCE EVALUATION:

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

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

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

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

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

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

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

(D) Planning Commission review and recommendation.

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

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

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

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

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

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

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

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

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

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

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

Approval Standards

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

PUBLIC NOTICE, MEETINGS, COMMENTS

- ✓ Public Notice was submitted to the State of Utah Public Notice website on March 2, 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 March 2, 2026.
- ✓ Notices to property owners within 1000' feet of the proposed use were mailed a Public Notice on March 2, 2026.
- ✓ A sign was posted on the site on March 2, 2026.

RECOMMENDED MOTION

Recommended Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Commission for the Howard & Kelly Rezone, application number 26.002, changing 26 acres from A-20 to RR-5, and reflect that change on the Future Land Use Map from Agriculture to Ranch Residential completely, based on the findings listed in the staff report dated March 12, 2026.”

Recommended Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Commission for the Howard & Kelly Rezone, application number 26.002, changing 26 acres from A-20 to RR-5, and reflect that change on the Future Land Use Map from Agriculture to Ranch Residential completely, due to the following findings:”

1. List any additional findings...

Supporting Information

Exhibit A: Vicinity Map
Exhibit B: Existing Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Boundary Description

Staff Contact

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

Exhibit A: Vicinity Map



Exhibit B: Existing Zoning Map

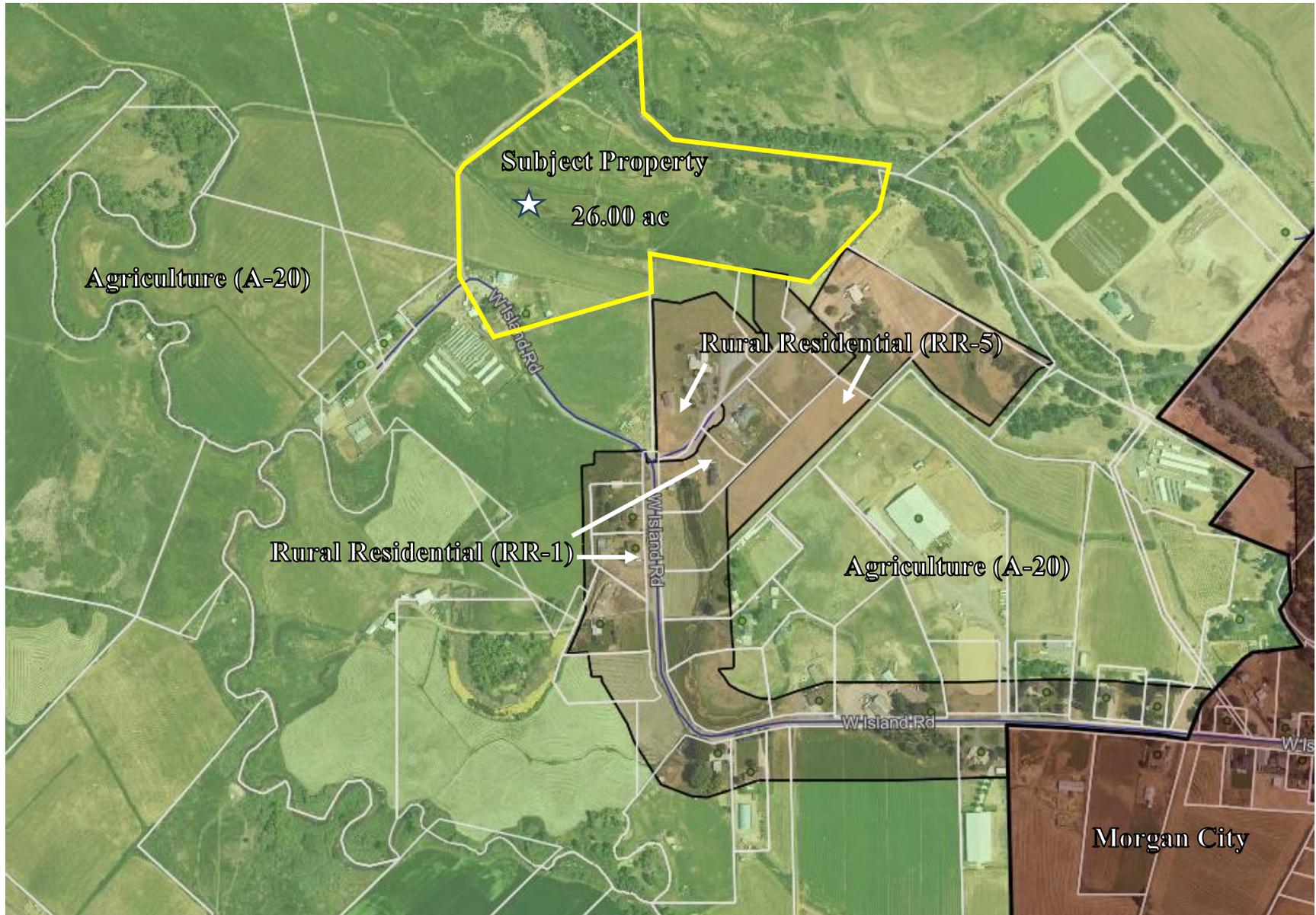


Exhibit C: Future Land Use Map

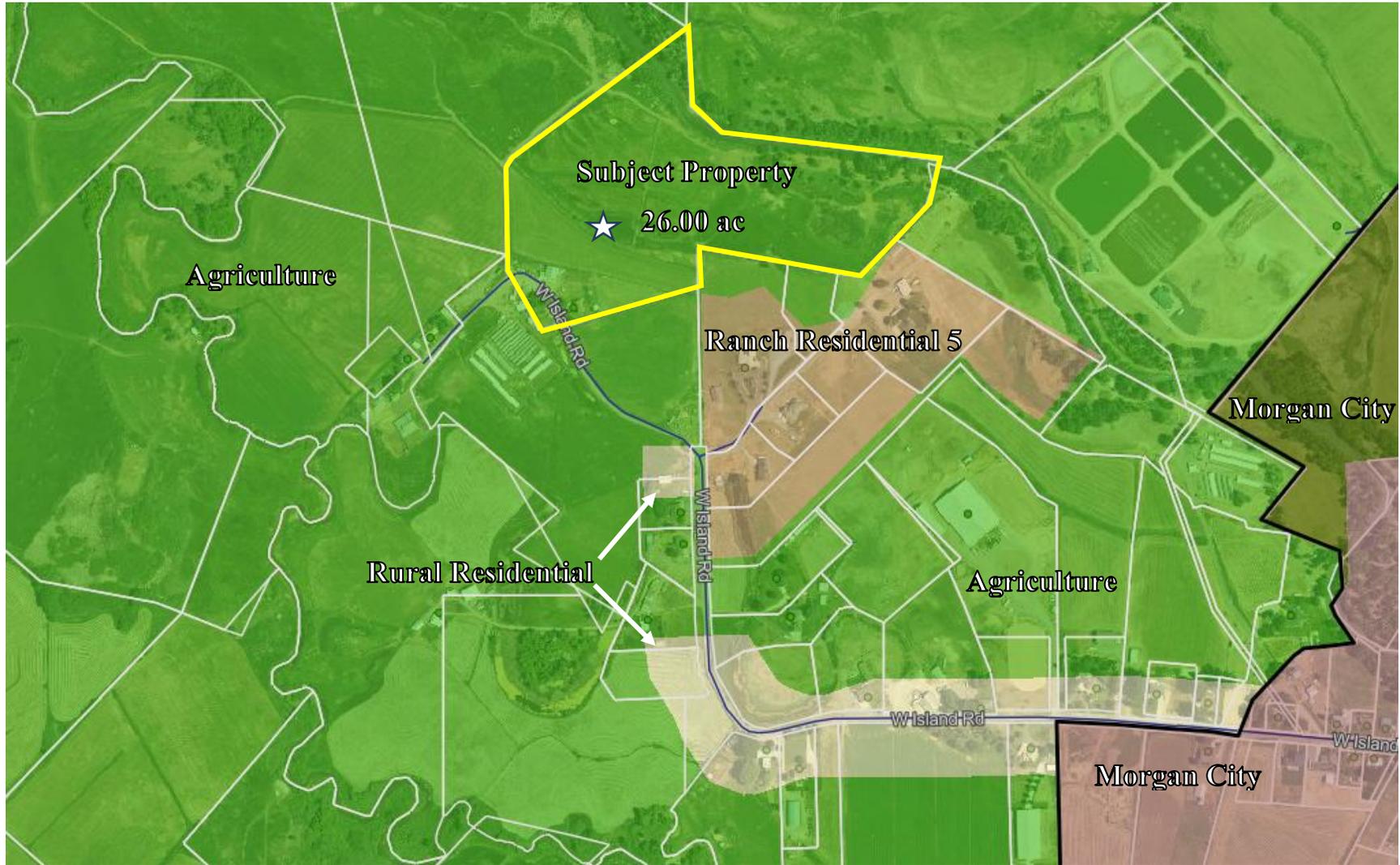


Exhibit E: Property Boundary Description

A PORT OF LAND LOC IN THE E1/2 OF SEC 27, T4N, R2E, SLB&M & HAV A B.B. TAKEN AS N 89*52'15" E BET THE SW COR & THE SE COR OF SEC 26, DESC AS FOLS: BEG AT A PT N 33*06'57" W 2287.93 FT FRM THE SE COR OF SEC 27, T4N, R2E, SLB&M, WH PT BEING LOC ON THE W'LY LN OF ISLAND CIRCLE P.R.U.D. AMENDED SUB, & RUN TH S 73*43'19" W 459.57 FT; TH S 72*24'00" W 106.03 FT; TH N 74*59'09" W 25.57 FT; TH S 72*49'33" W 102.05 FT; TH N 26*19'42" W 107.26 FT; TH N 30*22'21" W 141.69 FT; TH N 44*21'26" W 27.52 FT TO A FNC COR; TH N 1*37'55" W 423.55 FT ALG A FNC LN TO A FNC COR; TH N 31*39'17" E 45.65 FT; TH N 53*33'19" E 906.71 FT TO A FNC COR ON THE W'LY LN TO THE REES LEGACY PROP IDENTIFIED AS PCL NO. 01-004-407; TH S 4*12'59" E 322.42 FT ALG A FNC LN & THE EXTENSION LN OF FNC LN TO THE CTR LN OF THE WEBER RIVER; TH S 48*40'06" E 167.32 FT ALG SD LN; TH S 83*00'53" E 904.79 FT ALG SD LN; TH S 13*05'20" W 111.46 FT ALG THE W'LY LN OF PAUL FREED PROP IDENTIFIED AS PCL NO. 04-398-01 TO A 5/8-IN REBAR WITH NO CAP; TH S 16*37'52" W 80.47 FT ALG SD LN; TH S 41*10'38" W 86.02 FT ALG SD LN; TH S 41*15'44" W 103.00 FT TO THE NE COR OF THE ISLAND CIRCLE P.R.U.D. AMENDED SUB; TH S 45*33'47" W 211.12 FT ALG SD LN TO A FNC COR; TH N 78*49'06" W 413.74 FT ALG SD LN BEING A FNC LN; TH N 79*20'28" W 258.81 FT ALG SD LN BEING A FNC LN TO A FNC COR; TH S 1*47'30" W 90.40 FT ALG THE W'LY LN OF SD SUB TO A REBAR W/CAP STAMPED MTN. ENG; TH S 0*37'09" E 74.54 FT TO THE POB. CONT 25.999 / 26.00 AC, M. OR L.

MEMORANDUM

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

SUMMARY: A request to amend multiple sections of the Morgan County Code to clarify sections regarding development on slopes greater than 25%.

In response to recurring questions about slope percentage developability and hillside development, Morgan County staff has prepared a draft text amendment to address several sections of the Land Use Code related to slope and soil requirements. The amended language would clarify code requirements regarding slopes greater than 25%. MCC § 155.221 Definitions receives the most substantial revision, including the addition of a definition and calculation method for average slope. MCC §§ 155.008, 155.22, 155.223, 155.293, and 155.366 receive minor text amendments to ensure consistency with the updated slope definitions and standards in § 155.221. These changes align with sound planning practices, update review standards to reflect current geologic and engineering practices, and afford property owners additional development rights where average slope can be evaluated more fairly.

ATTORNEY GUIDANCE

Legislative Review:

The Planning Commission is tasked with advising and recommending to the County Commission whether the proposed zoning change (land use ordinance text amendment) is consistent with Morgan County Code requirements for zoning applications. The Planning Commission is further tasked with advising and making its recommendations based on whether the text amendment conforms to Utah State law. In that regard, while previously the County Commission had broad discretion in either approving or denying a legislative decision (the standard being whether the zoning ordinance could promote the general welfare; or even if it is reasonably debatable that it is in the interest of the general welfare), it appears to have been narrowed by recent changes to § 17-27a-801(3). The subsequently amended statute provides that legislative acts will be upheld if it is shown to be “reasonably debatable that the land use regulation is consistent with LUDMA.”

While I have not seen any caselaw testing this new standard, I highly recommend that any recommendations by the Planning Commission or decisions by the County Commission include references to the standards in Morgan County Code and Utah State Code to support them and provide a solid basis for review. In that regard, the State Code standards include:

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

(1)

(a) The purposes of this chapter are to:

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

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

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

PROPOSED TEXT

§ 155.008 DEFINITIONS.

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

§ 155.221 DEFINITIONS.

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

...

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

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

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

ANY PARCEL WITH AVERAGE SLOPES OF 15% TO 25% SHALL BE SUBJECT TO COMPLIANCE OF THIS ORDINANCE. AVERAGE SLOPES GREATER THAN 25% ARE CONSIDERED UNBUILDABLE.

§ 155.222 APPLICABILITY.

The regulations contained in this subchapter shall apply to all lands in the unincorporated county.

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

The following are exempt from the provisions of this subchapter:

- ~~(1) Detached accessory buildings that are not designed for human occupancy;~~
- (21) Remodeling of existing structures designed for human occupancy if no use change or expansion of the existing structure footprint is proposed; and**
- (32) Expansion of an existing structure where the structure and proposed addition:**
 - (a) Are not in IBC Risk Category III or IV;**

~~— (b) Are not in an area where a site-specific surface fault rupture investigation is required per § 155.236(D);~~

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

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

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

§ 155.223 GEOLOGIC HAZARDS STUDY AREAS.

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

(A) Areas designated as Qc, Qm, Qmrf, Qms, Qms1, Qmsb, Qmsh, Qmsy, Qmso, Qmt, Qmc, Qmg, Qac, Qg, Qga, Qgy, Qgmy, Qgo, Qgao, Qgm, Qgmo, Qmdf, Qaf, Qafy, Qafo, Qaf1-5, Qafb, Qafp, Qafoe, Qgr, Qmtr, Qmy, Qct and Tn on the most recent geologic maps published by the state's Geological Survey (UGS, <https://geology.utah.gov/>). Most maps are available in the UGS interactive geologic map portal (<https://geology.utah.gov/apps/intgeomap/>), but contact the UGS for interim, progress update and other non-final maps that may be available, but not online; unit Qal, in and of itself, does not require a geologic hazard investigation unless other qualifiers exist, as identified in § 155.236 of this code;

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

(C) Areas requiring slope stability analyses as defined in § 155.236 of this code below, **OR ANY AREA WITH AN AVERAGE SLOPE OF 15% OR GREATER (SEE AVERAGE SLOPE CALCULATION, 155.221);**

§ 155.293 SLOPE AND SOIL REGULATIONS.

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

§ 155.366 CONDITIONAL USES.

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

(3) Environmental concerns:

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

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

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

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

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

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

RECOMMENDED MOTIONS

Sample Motion for a *Recommendation for Approval* – “I move we recommend approval to the County Commission of the Geohazards Code Text Amendment based on the findings listed in the memorandum dated March 12, 2026.”

Sample Motion for a *Recommendation for Approval with Conditions* – “I move we recommend approval to the County Commission of the Geohazards Code Text Amendment based on the findings listed in the memorandum dated March 12, 2026, with the following additional conditions:”

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

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

1. *List any additional findings...*

ATTACHMENTS:

Attachment “A”: Geohazards Code Text Amendment

Attachment “A”: Draft Geohazards Code Text Amendment

ORDINANCE NO. CO-26-0X

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

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

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

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

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

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

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

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

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

ATTEST:

MORGAN COUNTY GOVERNING
BODY

Leslie Hyde
Morgan County Clerk

Matthew Wilson, County Commission Chair

APPROVED AS TO FORM

Garrett Smith
Morgan County Attorney

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

Exhibit "A": Geohazards Code Text Amendment

§ 155.008 DEFINITIONS.

BUILDABLE AREA. The portion of a lot which, in its natural state, has an average percent of slope ~~less than 25%~~ **OR LESS**, with a contiguous building area of at least 5,000 square feet, and which is free of other building constraints which are identified by this chapter. Areas over 25% slope shall not be included within any **BUILDABLE AREA** or building envelope.

§ 155.221 DEFINITIONS.

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

...

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

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

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

ANY PARCEL WITH AVERAGE SLOPES OF 15% TO 25% SHALL BE SUBJECT TO COMPLIANCE OF THIS ORDINANCE. AVERAGE SLOPES GREATER THAN 25% ARE CONSIDERED UNBUILDABLE.

§ 155.222 APPLICABILITY.

The regulations contained in this subchapter shall apply to all lands in the unincorporated county.

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

The following are exempt from the provisions of this subchapter:

- ~~(1) Detached accessory buildings that are not designed for human occupancy;~~
- (21) Remodeling of existing structures designed for human occupancy if no use change or expansion of the existing structure footprint is proposed; and**
- (32) Expansion of an existing structure where the structure and proposed addition:**
 - (a) Are not in IBC Risk Category III or IV;**
 - ~~(b) Are not in an area where a site specific surface fault rupture investigation is required per § 155.236(D);~~

(eB) Are not in an area where slope stability analyses are required per § 155.236(E); and
(dC) The area of the addition does not exceed 1,000 square feet or the original structure footprint, whichever is left.

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

§ 155.223 GEOLOGIC HAZARDS STUDY AREAS.

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

(A) Areas designated as Qc, Qm, Qmrf, Qms, Qms1, Qmsb, Qmsh, Qmsy, Qmso, Qmt, Qmc, Qmg, Qac, Qg, Qga, Qgy, Qgmy, Qgo, Qgao, Qgm, Qgmo, Qmdf, Qaf, Qafy, Qafo, Qaf1-5, Qafb, Qafp, Qafoe, Qgr, Qmtr, Qmy, Qct and Tn on the most recent geologic maps published by the state's Geological Survey (UGS, <https://geology.utah.gov/>). Most maps are available in the UGS interactive geologic map portal (<https://geology.utah.gov/apps/intgeomap/>), but contact the UGS for interim, progress update and other non-final maps that may be available, but not online; unit Qal, in and of itself, does not require a geologic hazard investigation unless other qualifiers exist, as identified in § 155.236 of this code;

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

(C) Areas requiring slope stability analyses as defined in § 155.236 of this code below, **OR ANY AREA WITH AN AVERAGE SLOPE OF 15% OR GREATER (SEE AVERAGE SLOPE CALCULATION, 155.221)**;

§ 155.293 SLOPE AND SOIL REGULATIONS.

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

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

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



PLANNING COMMISSION AGENDA
Thursday, February 26th, 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:

Member Sessions
Member Watt
Member Taylor
Member McMillan
Member Maloney
Member King

Absent PC Members

Member Wilson

Public Attendance:

Tina Kelley
Dylan Gats
Brad Bohman
Russ Breathwaite

Staff:

Deputy County Attorney – Janet Christopherson
Joshua Cook – Planning Director
Chris Tremea – Code Compliance Officer
Jessie Drage, Transcriptionist/Permit Tech

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

Member Sessions moved to approve the agenda for Thursday February 26th 2026. Motion seconded by Member King. Motions carried unanimous.

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

Legislative

- 6. Public Hearing/Discussion/Decision – Bohman Rezone:** Request to rezone property from a split-designation of RR-1 and A-20 to R1-20, with an accompanying amendment to the Future Land Use Map from Village Low Density Residential and Rural Residential to Village Low Density Residential completely. The property is identified by parcel number 00-0001-3266 and serial number 01-004-094 and is located at 3690 North Morgan Valley Drive in unincorporated Morgan County.

Department Head Cook – He stated that the Bohman Rezone was Application 25.047, located at approximately 3690 N Morgan Valley Drive. The property was currently split-zoned RR-1 and A-20, and the General Plan designation showed a majority Village Low-Density Residential. The request was for ½-acre zoning, which was what was being considered that evening. As shown on the Future Land Use Map, the yellow area represented Village Low-Density Residential, with the remaining portion designated RR-1. There was an error on the zoning map; during a previous edit, the property had been inadvertently shifted and needed to be corrected. The property was split-zoned RR-1 and A-20, and the applicant proposed rezoning the entire parcel to R1-20, which allowed for ½-acre lots. Staff believed that, because the majority of the property fell within the Village Low-Density designation, the proposed change was consistent with the General Plan. Staff did not make a formal recommendation and instead turned the time over to the applicant to present their case.

Brad Bohman – Brad Bohman stated that he was present to answer any questions. He explained that the property had previously been owned by their family and was adjacent to their ranch below, which was the reason he had purchased it. He shared that the home located on the property had been moved there by his father and cousins. The home had originally belonged to Alfred Bohman and had to be relocated when the canal was constructed. An arrangement had been made to allow access to the land, and the house was moved from the canal area down to its current location near the barn. He noted that all adjacent properties were already zoned R1-20. The property to the east had been rezoned R1-20, and he stated that the request was, in part, to keep the zoning boundaries clean and consistent in the area.

Motion by Member McMillan to move into public hearing Second by Member Watt. Motion carries unanimous.

Russ Breathwaite – we live just adjacent to this property and it's more a question how many total acres are there combined with these two lots that are proposed to be the same zoning?

Member Maloney - The total acreage of the requested rezone was 1.39 acres.

Motion by Member King to go out of public hearing. Second by Member Watt to go out of public hearing. Motion carries unanimous.

Member Maloney – Any questions for staff?

Member Sessions moved to forward a positive recommendation to the County Commission for the Bohman Rezone application 25.047 changing 1.39 acres from RR-1 / A-20 to R1-20 with an accompanying amendment to the future land use map from village low density residential and rural residential to village low density residential completely based on the listed in the staff report on February 26th 2026. Second by Member Taylor. All in favor motion carries unanimous.

7. **Public Hearing/Discussion/Decision** – *Geohazards Code Text Amendment*: Request for approval of a text amendment to the Morgan County Code (MCC) to update slope requirements generally.

Department Head Cook – Regarding the second legislative item, he stated that he took full responsibility, as the wrong staff report had been attached to the packet and it did not contain the actual language being changed. He requested a continuance in order to avoid the need to re-notice the item. He proposed continuing the item to either the first meeting in March or the first meeting in April, and asked that it not be scheduled for March 26th due to the gun range item being on that agenda.

Member Taylor moved to continue this item #7 to the 12th of March 2026. Second by Member King. Motion carries unanimous.

Department Head Cook – He stated that Mike Newton had a conflict and was unable to attend that evening, so the training would be postponed to either the 12th or the 26th, depending on what worked best for Matt and Mike. He added that additional training, including Open Meeting Law training, might also be scheduled out to ensure everyone could complete their required training.

Member Sessions – Listed questions about new zoning map location.

Department Head Cook – He apologized that he should have sent the link out. He explained that the new map was up and running and that the older maps had been retired. He described how to access and navigate the new map, then proceeded to demonstrate its features, showing how all of the layers had been consolidated into a single map and providing brief training on its use.

8. Business/Staff Questions
9. Approval of February 12th, 2026, Planning Commission Minutes

Debbie Sessions motioned to approve the February 12th 2026 minutes with the corrections noted regarding Member Taylor's name. Second by Member King. Motion carries unanimous.

10. Adjourn

Member Taylor motioned to adjourn the meeting. Second by Member King. Motion carries unanimous.