



PLANNING COMMISSION AGENDA

Thursday, May 28th, 2026
Morgan County Commission
Room
6:30 p.m.

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

Present PC Members:

Chair Sessions
Member Maloney
Member Taylor
Member Wilson
Member Watt

Absent PC Members

Member McMillan
Member King

Public Attendance:

Tina Kelley
Chris Tremea
Mark Miller
Bill Black
Skyler Gardner

Staff:

Deputy County Attorney – Janet Christoffersen
Josh Cook – Planning Director
Kent Page – Senior Planner
Jessie Drage - Transcriptionist/Permit Tech

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

Motion by Member Maloney to approve the agenda for Thursday May 28th 2026 and to move the geohazards text amendment item #7 to the top of agenda. Second by Member Wilson . Motion carried unanimously.

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

Administrative

- 6. Public Meeting/Discussion/Decision – *Silverstone Subdivision Ph. 6 Plat Amendment:*** A request for approval of an amendment to the Silver Stone Subdivision No. 1, Amended Plat No. 1 for the creation of a new lot. The properties are identified by parcel numbers 00-0005-3023, 00-0005-5416, and 00-0005-2785 & serial numbers 03-SS1-0008-A1, 03-005-121-08, and 03-005-121-06 to and is located at approximately 5780 N. Silverstone Circle in unincorporated Morgan County.

Planner Page explained that the application was a continuance from the April 9 meeting. Staff had previously been directed to prepare a text amendment to allow flag lots to extend from cul-de-sacs. The item was forwarded to the County Council on May 5. The County Council determined that it did not want to pursue a text amendment and instead referred the item back to the Planning Commission for clarification and correction of any errors. Planner Page stated that staff had reviewed the plat with the surveyor and Recorder's Office and made several revisions, including renaming the plat to indicate it was an amendment to Lot 8A with additional land, clarifying the language of the cross-access easement to state that both lots were subject to and benefited from the easement for ingress, egress, snow removal, and utilities, and renumbering the existing lot as Lot 31 and the new lot as Lot 32. Planner Page stated that staff was available to answer questions.

Department Head Cook explained that forwarding the item to the County Council had not been intended as a slight to the Planning Commission. He stated that after discussions with Mike Newton, he had been asked to contact Mike Babcock to determine whether he wished to attend virtually or present the item at a meeting he could attend. Cook noted that the property contained numerous nonconformities and that approval of the request would reduce several of those issues by bringing the existing home closer to compliance. He explained that the parcel had originally been created and approved by previous Planning Commissions around 2005, though he was unsure how or why it had been approved in that manner. Cook emphasized that approval would not change the use of the property, as access had already been occurring through the existing driveway and the home was already occupied. He advised Mr. Babcock to establish a legal lot so that existing building nonconformities could be addressed. Cook stated that the home had reportedly been constructed without a residential building permit or inspections and that the owner would need to work backward through the permitting process. He expressed support for reconsideration and approval of the request but acknowledged that the code currently prohibited flag lots extending from the bulb of a cul-de-sac and that the provision existed for emergency service access reasons.

Member Watt asked whether approval would allow staff to bring the property into compliance.

Department Head Cook confirmed that it would and stated that the owner would need to work with the Building Official to demonstrate that the home met current International Building Code standards before a Certificate of Occupancy could be issued.

Member Watt commented that the proposal appeared to be a way around the code requirements.

Chair Sessions noted that the property was not technically a legal lot and asked whether the Planning Commission was being asked to ignore the code.

Department Head Cook responded that while nonconformities could not be expanded, actions that reduced nonconformities and improved overall compliance were permissible.

County Attorney Christoffersen stated that reducing nonconformities in a manner that improved safety for the occupants made sense.

Department Head Cook questioned what would change if no action were taken. He stated that the owner would continue living in the home and accessing the property through the same driveway, and that staff's only immediate recourse would be noting the absence of a Certificate of Occupancy. He emphasized that approval would not change the property's use but would allow the owner to move closer to compliance.

County Attorney Christoffersen noted that staff had also considered alternative approaches.

Member Wilson expressed concern about the driveway and asked what would happen if the property were sold in the future.

Department Head Cook explained that approval would formalize the lot and the cross-access easement with Lot 31, and that the lot could not be further divided.

Chair Sessions asked for clarification regarding the purpose of a cross-access easement.

Department Head Cook explained that although Lot 31 had frontage, access occurred through a shared driveway. He stated that the easement protected both property owners and that shared driveways were permitted under the code.

Member Taylor asked whether the property could be sold if the request were approved.

Department Head Cook responded that the property could already be sold, though financing could be difficult due to the current nonconforming status. He reiterated his preference for bringing properties closer to compliance whenever possible.

Chair Sessions noted that many nonconforming properties existed throughout the county, including properties in Deep Creek, and asked whether similar requests could be expected in the future.

Department Head Cook stated that there should be a pathway for addressing such situations but emphasized that he had not sought out this case. Rather, the property owner had approached him seeking guidance, and he had provided his professional recommendation. He added that a stop-work order had been issued on the property years earlier but had not been followed up on before his tenure.

Member Taylor observed that the situation involved an older property and that many older nonconforming properties likely existed throughout the county. He noted that development oversight had been very different in previous decades and expressed support for addressing historical issues. He also stated that future buyers could unknowingly inherit compliance problems that may not become apparent until several ownership transfers later.

Member Watt commented that as additional cases were addressed, a clearer path forward would likely emerge.

Member Taylor suggested that the county may wish to consider timelines when addressing nonconforming properties, noting that recently created violations differed significantly from issues that had existed for twenty years.

Chris Tremea, Code Enforcement Officer, stated that when he began working for the county approximately fifteen months earlier, staff had already stopped numerous projects that would have become nonconforming if allowed to continue. He explained that enforcement practices had changed significantly and that staff now actively intervened when violations were identified. He stated that stop-work orders were enforced and that the county had citation and enforcement authority available when necessary. He emphasized that current violations were not simply being left unresolved for years.

County Attorney Christoffersen stated that some responsibility rested with the county for allowing situations such as this to occur in the past. He acknowledged that resource limitations may have existed previously but expressed the opinion that the county should take responsibility for correcting historical issues. He stated that addressing those problems was more important than applying regulations in an overly rigid manner.

Member Wilson asked whether future owners would retain the right to utilize the shared driveway easement.

Department Head Cook confirmed that they would. He explained that the easement width had been established at twenty-five feet because that width satisfied the county's shared driveway standards.

Member Wilson asked whether future owners could request modifications to the arrangement.

Department Head Cook stated that they could apply for changes. He further explained that the proposed configuration met all setback requirements and that the owner of Lot 31 could construct a separate driveway from the lot's frontage if desired, as sufficient space existed to do so.

Chair Sessions stated that her preference would have been to address the issue through a code amendment that allowed exceptions with approval from the fire district.

Department Head Cook responded that he could prepare language for the County Council's consideration and bring a proposal forward.

County Attorney Christoffersen noted that, ideally, most regulations included some form of exception process and agreed that flexibility could be appropriate in certain circumstances.

Motion was made by Member Watt to recommend approval to County Commission of the request for approval of an amendment to the Silver Stone Subdivision No. 1, Amended Plat No. 1 for the creation of a new lot and to adjust boundaries of an existing lot based on the findings and conditions listed in the staff report dated May 29th 2026. The motion was seconded by Member Wilson. Motion carried unanimously.

Legislative

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

Department Head Cook stated that Morgan County Staff had prepared a text amendment. He explained that the amendment originally came forward in July 2025 proposing major changes, including the removal of the 25% slope requirement to reduce County liability. Since that time, Staff had scaled back those changes and was now proposing only minor amendments that would still reduce and limit County liability while providing additional flexibility to property owners.

He noted that Staff continued to recommend prohibiting development on slopes greater than 25%, while modifying the language throughout the code to consistently state that slopes must be 25% or less. He explained that this prohibition already existed, but the proposed amendments would make the language more consistent.

He identified two major additions to the code: a definition for "Applicant" and a definition for "Average Slope." Both definitions had been drafted by the County Engineer. He noted that previous discussions had emphasized the importance of clearly defining the buildable area rather than applying the standard to the entire lot, and additional language had been added to provide that clarification.

He further stated that there were several sections of the code that could be confusing and might warrant removal. He indicated that any confusing language could be stricken if desired. He also discussed confusion surrounding the conditional use provisions. He explained that the existing conditional use section already allowed development on slopes greater than 30%, but the language was written in a confusing manner. Staff's goal was to make the code more consistent. He stated that the only substantive additions were the definition of average slope and revisions to make Section G.1 consistent with Section F. He advised that if the Commission did not wish to allow development on slopes exceeding 30%, this would be the appropriate time to recommend removing that provision entirely. All remaining changes were intended to ensure the code consistently referenced slopes of 25% or less. He invited questions from the Commission and noted that he could also defer to Mark Miller (County Engineer) and Bill Black (County Geologist) if necessary.

Member Maloney asked whether the code had previously referenced the "buildable area."

Department Head Cook responded that the code had implied that only the buildable area should be evaluated, but it had not explicitly stated so. He explained that the proposed amendments were intended to improve consistency throughout the slope-related provisions. He referenced language requiring site plans to include driveways, grades, retaining walls, grading and drainage plans, finished floor elevations, and slope stability analyses. He noted that the section discussed building envelopes and implied consideration of the buildable area, but Staff believed additional clarification was necessary moving forward.

Member Maloney asked whether the code had already addressed the issue elsewhere.

Department Head Cook confirmed that it had. He stated that the code already included references to average slope, but the amendment would formally define the term. He noted that the existing language also addressed what should and should not be included in slope calculations, and Staff was expanding upon those provisions through additional definitions and clarifications. He added that a sentence had been included to define buildable area as including the building pad, ingress, egress, and driveway.

Member Taylor asked whether there would be any prohibition against crossing steep slopes with roads or utilities within a development.

Department Head Cook responded that there would not be. He explained that the code would simply require appropriate engineering to provide access to the buildable area.

Member Taylor asked how the provisions would apply to subdivisions.

Department Head Cook explained that lots could be created if the combined average slope of the building pads, roads, driveways, ingress, and egress areas equaled 25% or less. However, he noted that properties containing slopes of 40% or greater could potentially increase the overall average and reduce the number of developable lots.

Member Taylor asked whether developers could cross slopes of any percentage provided the average slope calculation remained at 25% or less.

Department Head Cook confirmed that they could. He stated that engineered plans would still be required for retaining walls and other necessary improvements.

Member Taylor asked about the County's potential liability exposure.

Department Head Cook deferred the question to the County Attorney.

County Attorney Christoffersen stated that once an outside engineer had reviewed the project and signed off on the plans that would be acceptable and remove the County from liabilities.

Member Taylor stated that code enforcement should be responsible for addressing big issues. He remarked that people often came before the Commission seeking relief, but he believed the

Commission should avoid becoming overly involved in matters that properly belonged elsewhere.

County Attorney Christoffersen responded that such situations occurred frequently. She noted that she was unsure how the project in Draper having major sliding issues had ultimately been approved.

Bill Black stated that he was familiar with Draper and knew the reviewer there. He explained that the reviewer conducted a thorough review and worked under a restrictive code. However, the reviewer often inserted interpretive comments into his reviews, which eventually led him to become the driving force behind investigations and made him partially responsible for the outcomes.

Mark Miller explained that approximately 10 to 12 years earlier, the County had utilized a geologist review board. Under that system, private developers would submit geological reports, and the review board would often require significantly more work than originally anticipated, resulting in costs that were substantially higher than projected. He stated that he had convinced the Commission to rely upon the professional stamp of the licensed geologist. The County now conducted geoscoping meetings where staff reviewed the plans, after which the geologist completed their analysis. If issues later arose, responsibility rested with the geologist. He stated that the County had moved away from direct involvement in that process and that the current approach had proven more effective.

Member Maloney asked whether the proposed code language represented an improvement over the current code and requested staff's opinion.

Mark Miller stated that, during discussions in July, staff had been receiving questions regarding definitions. Drawing upon his experience as a consulting engineer, he believed it was important to establish a standardized method for calculating average slopes. His primary objective had been to incorporate a formula into the ordinance so that slope calculations would be performed by applicants and reviewed by staff, rather than requiring staff to perform the calculations themselves and assume additional liability. He explained that the proposal was intended to provide clarity and eliminate subjective interpretation.

He further noted that comments from former Commissioner Tina Kelley and others regarding hillside protection involved a separate issue governed by its own ordinance. He emphasized that the current amendment was not a hillside protection ordinance but rather an effort to clarify definitions and limit County liability. He stated that he had not been aware of the existing provisions allowing development above 30% slopes through the Conditional Use Permit process and had mixed feelings about those provisions. While exceptions generally concerned him, he acknowledged that the language already existed within the ordinance.

Member Maloney asked whether slopes exceeding 50% could currently be included within a development area as long as the overall average remained below 25%, and whether that had been possible previously.

Mark Miller responded that such a scenario was largely theoretical and unlikely to occur in practice. He explained that applicants participated in a geoscoping meeting where they were required to demonstrate that roads met the maximum 12% grade standard and that roadways and access points were as stable as the proposed building foundations. He stated that he had occasionally seen roads cross slopes approaching 25% within Wasatch Peaks Ranch, but such situations were rare. He acknowledged that concerns regarding extensive hillside cuts related more directly to hillside protection ordinances, which were not addressed by the proposed amendment.

He added that another significant change resulting from previous amendments was that developers were now responsible for creating buildable lots. Previously, lots could be sold without mitigation of steep slopes, leaving purchasers responsible for substantial costs before construction could begin. He stated that the County Council had agreed developers should be responsible for mitigating slopes to the required standards and that the amendment further clarified that requirement.

Member Maloney asked whether hillside protection regulations were typically included within ordinances of this type.

Department Head Cook responded that they generally were not. He explained that creating hillside protection regulations often resulted in the creation of numerous nonconforming properties. Existing lots that had previously been legal could suddenly become nonconforming, creating significant legal and practical complications. He stated that he was unsure how such protections could be implemented without creating a host of additional issues.

Member Maloney observed that jurisdictions such as Park City appeared to have hillside protection ordinances but generally allowed existing nonconforming lots to remain grandfathered.

Department Head Cook responded that while nonconforming properties could remain, owners were often prohibited from expanding or enlarging nonconformities, which could prevent property owners from making future modifications to their homes or lots.

Member Taylor asked whether an undeveloped lot could still be built upon if a hillside protection ordinance were adopted.

Department Head Cook explained that this was precisely the concern. If undeveloped lots suddenly became nonconforming, property owners could be prevented from building, potentially exposing the County to litigation. He requested that Mark Miller share his experience with a similar ordinance in Ivins.

Mark Miller stated that he had worked with the town of Ivins for approximately two years on a hillside ordinance. The process required eight public hearings and proved highly contentious. He explained that he became involved after developers argued that the ordinance effectively prevented them from building on their properties. After reviewing the situation, he concluded that their concerns were valid. As a result, revisions were made that allowed development while

maintaining significant restrictions. Although the ordinance ultimately functioned as intended, he described the process as challenging.

Member Maloney asked whether other counties had successfully implemented sensitive lands ordinances.

Mark Miller responded that many jurisdictions along the Wasatch Front had hillside protection or sensitive lands ordinances. However, he emphasized that developing such regulations was a substantial undertaking requiring extensive public participation, consultant involvement, planning efforts, and extensive and dedicated funding.

Member Watt asked where the slope percentages and standards originated.

Mark Miller explained that the State Geologist had identified that most slope failures occur on slopes of 15% or greater, while major failures typically occurred on slopes between 25% and 30%. He further noted that Morgan County contained Norwood-Tuft soils, which consisted of highly expansive clay and required additional caution.

Member Watt asked whether those standards were generally accepted within the profession.

Bill Black confirmed that they were.

Member Watt referenced earlier comments regarding undeveloped parcels and asked whether those properties would still be eligible for development.

Department Head Cook responded affirmatively, stating that the proposed amendment would apply to those parcels and could potentially assist property owners.

Member Taylor referenced language stating that buildable areas must have an average slope of 25% or less.

Department Head Cook confirmed that interpretation and noted that the term was defined elsewhere in the ordinance. He suggested that the language could be revised to reference slopes between 15% and 25% if desired and that additional clarification could be added within the slope and soil regulations section.

Member Maloney asked whether staff had concerns about utilizing an average slope calculation rather than maintaining a strict prohibition at 25%.

Bill Black stated that the average slope calculation worked well. He explained that under the current code, a small portion of steep slope could render an otherwise suitable lot non-buildable, even when the steep area posed little or no actual hazard. The average slope formula eliminated those ambiguities and had been used within the profession for decades. He recalled performing such calculations manually as early as the 1980s.

Member Taylor stated that one advantage of the formula was that it avoided excessive focus on small, isolated steep areas that had little practical impact on development.

Bill Black stated that he would not support allowing development above 25% slopes through the Conditional Use Permit process.

Member Taylor asked whether that opinion was based upon the prevalence of unstable soils throughout the County. He expressed concern with the Conditional Use Permit language, noting that CUPs were generally presumed approvable if impacts could be mitigated. He stated that he did not feel comfortable with the existing language but also did not want to completely foreclose future opportunities.

Department Head Cook explained that Conditional Use Permit applicants would still be required to provide studies and supporting information. He noted that a permit could be denied if the decision-makers could clearly articulate a detrimental impact that could not be adequately mitigated. If a slope presented unacceptable risks and no reasonable mitigation existed, denial would be justified. However, the rationale for denial would need to be clearly documented.

Member Maloney asked whether it would be reasonable to simply remove the provision.

Member Taylor restated his concern, questioning whether the Commission would effectively be required to substitute its judgment for that of professional geologists when reviewing applications on slopes exceeding 35%. He asked where Bill Black believed an appropriate threshold should be established.

Bill Black responded that he was uncertain. He stated that once studies were required and reviewed, questions of liability could become more complicated.

Member Watt asked what process occurred prior to an application reaching the Commission and how such applications would be identified.

Department Head Cook explained that the ordinance specified which uses required Conditional Use Permits. Applicants submitted applications, which were then reviewed by staff, the Planning Commission, or the County Commission as applicable.

Member Maloney asked whether staff had originally drafted the Conditional Use Permit language.

Department Head Cook stated that he had not. He indicated that he believed removing the provision was a reasonable approach and noted that the language was confusing and difficult to interpret. He recommended deleting it and stated that both Mark Miller and Bill Black agreed. He noted that similar language could always be reconsidered in the future if desired.

Member Watt stated that he did not want the Planning Commission to be placed in a position of making such determinations and preferred establishing a clear limitation.

Department Head Cook agreed and recommended deleting Subsection D3 of the Conditional Use Permit section.

Chair Sessions noted that Section 155.221 referenced the Conditional Use Permit provisions in its final sentence and suggested revising the language to simply refer to the buildable area while removing the CUP reference.

Department Head Cook agreed and stated that the reference could be removed. He clarified that the language under discussion had only been proposed as an attempt to reconcile existing code provisions.

Member Taylor asked whether staff knew of any properties that would be affected by the proposed amendment.

Department Head Cook stated that he was aware of three lots within The Highlands subdivision that would benefit from the average slope calculation because of the need to construct access roads.

Member Maloney asked what percentage of additional development opportunities the amendment might create.

Department Head Cook stated that staff had met with engineers and property owners regarding these issues on numerous occasions. He did not believe the amendment would open large areas to new development. Rather, he believed it would provide modest flexibility for certain properties while reducing County liability.

Mark Miller added that developers were generally already complying with the County's slope requirements. He noted that Wasatch Peaks Ranch had consistently complied with the 25% standard, demonstrating that the requirement was not unreasonable. He further stated that the amendment would not significantly increase development opportunities within Wasatch Peaks Ranch because developers there intentionally sought to preserve existing trees, vegetation, and natural features. In his opinion, their practices were often more restrictive than the County's minimum requirements.

Member Maloney moved to open the public hearing. Member Watt seconded the motion. The motion carried unanimously.

Tina Kelley stated that she continued to support the geological ordinance concepts she had previously advocated. She noted that she initially had concerns regarding portions of the proposed amendment but now understood that the 30% slope provision already existed within the Conditional Use Permit section of the ordinance. She stated that if the engineer and geologist were comfortable with the 25% average slope standard, she was comfortable supporting it as well. However, she remained opposed to allowing development on slopes of 30%.

Member Wilson moved to close the public hearing. Member Taylor seconded the motion. The motion carried unanimously.

Chair Sessions requested that Josh review the proposed changes before the Commission proceeded further.

Department Head Cook –What I have marked is in the definition of building area I delete the sentence “areas over the average 25% slope shall not be included in the buildable area or envelope”. Underneath definitions delete the last sentence under slope where it talks about the CUP allowing slopes of 30%. I’ll leave it 25%. Underneath 155.223 geologic hazard change the slope of 15% up to 25% and delete “or less”. In 155.293 say “between 15% up to 25%” to be consistent. And then put in a condition to delete out 155.366 D3 which is the condition use permit. Those are the changes I have listed.

Member Taylor moved to recommend to the County Commission approval of the geohazards code Text Amendment based on the findings in the memorandum dated May 29th 2026 with the additional conditions:

1. Delete the sentence “areas over the average 25% slope shall not be included in the buildable area or envelope”.
2. Underneath definitions delete the last sentence under slope where it talks about the CUP allowing slopes of 30%. To be left at 25%.
3. Underneath 155.223 geologic hazard change the slope of 15% up to 25% and delete “or less”.
4. In 155.293 say “between 15% up to 25%” to be consistent.
5. Delete 155.366 D3 which is the condition use permit allowance of slopes greater than 25%.

The motion was seconded by Member Watt. All in favor. Motion carried unanimously.

8. **Public Hearing/Discussion/Decision – P-C Zoning Code Text Amendment:** A request to amend the Morgan County Code lowering the minimum acreage requirements for residential projects.

Planner Page introduced the agenda item and applicant. He explained that the proposed text amendment would make Planned Community (PC) zoning more accessible for smaller developments. He stated that the current code required a minimum project area of 50 acres in certain instances and 15 acres in others. The applicant was proposing to reduce those minimums, changing the 50-acre requirement to 10 acres and the 15-acre requirement to 5 acres. He noted that the applicant was present and available to answer questions.

Member Watt asked about the long-term impact of the proposed amendment.

Department Head Cook stated that when he originally drafted the Planned Community ordinance, he believed a minimum of 5 acres for residential developments was appropriate and continued to hold that opinion. He recommended reducing the minimum acreage to 5 acres and prohibiting any further reductions. He stated that 5 acres provided sufficient area for smaller housing projects while still preserving the intent of the Planned Community zoning district. He

noted that developments would continue to be clustered, with open space requirements remaining in place. He explained that the current acreage requirements had been established through multiple work sessions involving both the Planning Commission and County Commission, ultimately resulting in the 50-acre threshold. He further noted that the County had not yet received any Planned Community zoning applications, and he believed the acreage requirement was likely a contributing factor.

Chair Sessions stated that he had always felt the 50-acre minimum was excessive. He noted that the Planned Community ordinance also contained amenity requirements intended to encourage high-quality development.

Department Head Cook confirmed that both public and private amenities were required within the Planned Community zoning district.

Member Watt asked whether density regulations were included within the Planned Community standards.

Department Head Cook explained that density calculations occurred after open space was identified and reserved. Development could then be clustered around those protected areas.

Skyler Gardner stated that if the text amendment were approved, his team intended to submit a Planned Community project application. He distributed materials illustrating a conceptual project and explained that his company had acquired several properties and evaluated the possibility of using Planned Community zoning. However, the current acreage requirements were so restrictive that the zoning option was not feasible.

He explained that the ordinance already allowed multifamily, commercial, and industrial Planned Community projects to be reduced to as little as 10 acres, and his proposal sought to extend similar flexibility to single-family residential projects by reducing the acreage requirement to 10 acres as well. He stated that one of the primary advantages of Planned Community zoning was the ability to create more aesthetically pleasing developments. He also emphasized the benefits of clustering development, which protected sensitive lands, wetlands, steep slopes, and open space.

He explained that Cottonwood Creek traversed the subject property and that his goal was to preserve the creek corridor and surrounding area as open space. Without Planned Community zoning, he would likely pursue a conventional residential zone such as R-1-8 or R-1-12, neither of which required open space preservation, trails, or public access. Those zoning districts typically resulted in traditional grid-style subdivisions with quarter-acre lots.

He stated that his vision was to cluster residential development on the north side of the creek while preserving the creek corridor as open space and incorporating a trail system beginning near the fire station. He also hoped to coordinate with adjacent property owners to create trail connections linking future developments to the commercial area of Mountain Green.

He reported that he had reviewed parcel data from the County Recorder's Office and found that approximately 8,500 parcels existed within Morgan County, with only about 6% consisting of 50 acres or more. While acknowledging that some property owners held multiple parcels, he believed the 50-acre requirement remained overly restrictive. He stated that if the County desired additional developments featuring clustering, open space preservation, and public access, the proposed amendment would help achieve those goals.

Member Taylor stated that he supported reducing the acreage requirements. He indicated that he was comfortable with allowing multifamily, commercial, industrial, and residential Planned Community projects on parcels as small as 5 acres and believed the proposal represented a positive change.

Department Head Cook agreed that clustering provided significant benefits and generally resulted in superior project design. He noted that the proposed amendment before the Commission only addressed the acreage requirements and did not include broader revisions to the Planned Community ordinance. He reiterated that while the applicant had proposed a 10-acre minimum, he continued to support reducing the threshold to 5 acres without allowing further reductions.

Member Watt asked whether the Commission could act on the amendment that evening while also requesting additional recommendations from staff regarding the acreage requirements. He stated that he supported the overall concept.

Department Head Cook explained that if the Planning Commission wished to pursue additional amendments beyond those proposed by the applicant, he would first need to determine whether the County Commission had an interest in considering those changes. He stated that because the current item was applicant-driven, he preferred to receive a recommendation from the Planning Commission that evening. However, if the Commission desired broader changes, additional review might be warranted.

Member Taylor observed that no one had yet submitted an application under the Planned Community zoning district.

Department Head Cook agreed and stated that the primary feedback he had received was that the acreage requirements were too restrictive, causing applicants to pursue conventional residential zoning instead.

Member Taylor stated that the lack of applications appeared to support the argument for reducing the acreage threshold to 5 acres.

Department Head Cook explained that the substantial design work, studies, and application requirements associated with Planned Community zoning created a significant upfront investment for applicants. Many developers were reluctant to incur those costs when there was a possibility that the County Commission could ultimately deny the project. He suggested that lowering the acreage threshold would make the zoning district more attractive and encourage additional applications.

Member Taylor asked whether there were any significant downsides to lowering the threshold.

Department Head Cook stated that, in his opinion, Planned Community zoning represented a superior development model. He explained that applicants were required to present detailed development standards, setbacks, open space plans, amenity packages, and design elements for Commission review. The burden was on the applicant to demonstrate that the proposed development was substantially better than what could be achieved through conventional zoning. Because Planned Community zoning was a legislative decision, both the Planning Commission and County Commission retained discretion to deny proposals that did not meet expectations.

County Attorney Christoffersen suggested that the Planning Commission could recommend approval of the amendment as noticed while also recommending that the County Commission consider reducing the acreage requirement further to 5 acres.

Member Watt moved to open the public hearing. Member Taylor seconded the motion. The motion carried unanimously.

Tina Kelley stated that the proposal reminded her of the Planned Residential Unit Developments (PRUDs) previously used within the community. She expressed concern that developments sometimes changed over time despite original commitments and noted that those concerns had contributed to the elimination of PRUD zoning.

She also stated that she found it difficult to evaluate the proposed amendment because the application materials contained only the proposed language rather than the full ordinance context. She believed having the full code available would have been helpful.

She further noted that she had heard references to a 50% open space requirement, while the project handout referenced a 20% open space requirement, creating some confusion. She acknowledged that clustering could provide benefits but stated that some clustered developments had also created road design issues. She questioned whether sufficient evidence had been presented demonstrating that the amendment would result in better development outcomes. She emphasized that although she was the only member of the public present, she felt it was important to ask those questions.

Member Wilson moved to close the public hearing. Member Watt seconded the motion. The motion carried unanimously.

Chair Sessions requested clarification regarding the open space requirements.

Department Head Cook acknowledged that he had misspoken earlier. He clarified that rural subdivisions required 50% open space, while other Planned Community developments generally required 20% open space. He explained that the ordinance differentiated between those categories.

Chair Sessions noted that the ordinance also divided amenities between active and passive uses.

Department Head Cook confirmed that requirement and explained that, in this case, the amenities would be divided equally between active and passive uses. He also noted that all landscaped open space areas within the Planned Community zone contributed toward meeting those requirements.

Member Taylor asked for additional explanation regarding open space clustering requirements.

Department Head Cook explained that at least half of the required open space had to be usable. Using a 5-acre project as an example, he noted that approximately one acre of usable open space would be required. He reviewed the ordinance requirements and explained that open space could be entirely public or divided between public and private areas, provided that at least 50% remained publicly accessible.

He further emphasized that applicants were effectively creating their own development standards through the Planned Community process and would be required to present those standards for Planning Commission review. He explained that Planned Community zoning districts were divided into two tiers, with Tier 1 developments involving less intensive standards and Tier 2 developments requiring a greater degree of planning and amenities. He reviewed the applicable requirements for each tier.

Member Taylor asked whether the legislative nature of Planned Community zoning allowed the Planning Commission and County Commission to deny projects that were not in the public's best interest.

Department Head Cook confirmed that it did. He stated that while decisions could not be arbitrary, legislative zoning decisions allowed broader consideration of community interests. He suggested that working collaboratively with applicants to create mutually beneficial projects generally produced better outcomes than the County's experience with the Town Center zoning district.

County Attorney Christoffersen remarked that nearly any alternative was preferable to the Town Center experience.

Department Head Cook recommended that the Planning Commission make its recommendation based upon the amendment as noticed while also recommending that the County Commission consider reducing the minimum acreage requirements to 5 acres and providing public notice of that potential change.

Member Watt moved to recommend approval to the County Commission of the P-C code text amendment. Second by Member Taylor. Motion carried unanimously.

Member Taylor moved to recommend a modification of the proposed text in the previous motion to the County Commission for the P-C zone overlay code that reduces minimum acreage by stating that the "Single Family Residential development shall contain a minimum of 5 acres." Second by Member Wilson. Motion carried unanimously.

9. Business/Staff Questions –

Chair Sessions requested that written copies of any updates to staff reports be provided when changes were made between the public noticing period and the distribution of meeting packets.

Department Head Cook suggested that any changes could be distributed to the Commission via email.

Chair Sessions stated that email distribution would be acceptable. She then asked for clarification regarding the Deywos Site Plan and whether the Commission's role in reviewing the commercial overlay was simply to determine whether the proposed use was appropriate under the approved site plan.

Department Head Cook responded that the situation was somewhat unusual. He explained that if the proposed use fell within a category that could reasonably be considered a resort, then it would be allowed under the applicable section of the code. He noted that the Conditional Use Permit had been approved the previous year and included a narrative statement. He explained that this was the reason Warrior Rizen had been required to return with amendments, as the project had originally been approved as a dude ranch but was later changed to a private resort. He emphasized that the narrative contained within the Conditional Use Permit was binding.

County Attorney Christoffersen agreed and stated that the narrative should be attached to and incorporated into the permit.

Chair Sessions stated that she believed a traffic study should have been required for the proposed church development and that was in the code.

Department Head Cook responded that he had not seen any such requirement in the code and asked that any reference be forwarded to him if it was located. He stated that the only provision he had found in the code allowed the County Engineer to require a traffic study if deemed necessary.

County Attorney Christoffersen cautioned that the County needed to be careful when considering requirements for religious institutions. She stated that the County could not require a traffic study solely because the proposed use was a church.

Chair Sessions noted that one church facility would accommodate approximately 600 people and another would accommodate approximately 900 people. She stated that traffic impacts associated with those attendance levels should be evaluated through a traffic study.

Department Head Cook responded that parking and circulation were required to be addressed within the development plans. He reiterated that if the County Engineer reviewed the proposal and determined that a traffic study was warranted, one could be required.

Member Watt stated that this had been his concern as well. He expressed concern regarding the volume of traffic entering and exiting the parking area.

Department Head Cook stated that he had reviewed the applicable code provisions and had only found language authorizing the County Engineer to require a traffic study when deemed necessary.

Member Taylor asked how many hours of required training Planning Commission members needed to complete and whether the training could be completed independently.

Chair Sessions asked when the Commission would be meeting with Mike for training.

Department Head Cook responded that Mike had indicated July would provide the best opportunity to conduct the training session.

10. Approval of May 14th 2026, Planning Commission Minutes --

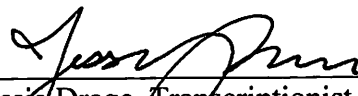
A motion to approve the minutes was made by Member Watt and seconded by Member Wilson. The motion passed unanimously.

11. Adjourn

Motion by Member Taylor to adjourn. Second by Member Maloney. Motion carried unanimously.

Approved:

 Date: 6-11-26
Chairman, Debbie Sessions
Morgan County Planning Commission

 Date: 6/11/26
Jessie Drage, Transcriptionist
Planning and Development Services