

## PLANNING COMMISSION MINUTES

Thursday, June 26th, 2025  
Morgan County Commission Room  
6:30 pm

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

### **Present PC Members:**

Member Maloney  
Member King  
Member Wilson  
Member McMillan  
Member Telford  
Member Sessions

### **PC Members Absent:**

Member Watt

### **Public Attendance:**

Tina Kelley  
Bill Black  
Chris Tremea  
Vaugh Nickerson  
Mark Miller  
Lucas Gray

### **Staff:**

Joshua Cook – Planning Director  
Judy Vogel, Transcriptionist/Permit Tech

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

*Motion by Member Wilson to approve the agenda.*

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

4. Declaration of Conflicts of Interest
5. Public Comment  
No Public Comment

### **Legislative**

6. **Public Hearing/Discussion/Decision – Geohazards Code Text Amendment –**  
Geohazards Code Text Amendment – Request for approval of a text amendment to the Morgan County Code (MCC) to clean up and clarify the geohazard section and other sections mentioning slopes.

**Planning Director Cook** introduced the geo hazard text amendment, explaining the need to remove the 25% prohibition to avoid regulatory takings. He detailed the proposed changes, including requiring a geo hazard report for properties exceeding 15% slope.

**Mark Miller, County Engineer**, discussed the historical context and current state of the geo hazard ordinance, emphasizing the importance of mitigating hazards. He explained the potential legal issues with the 25% prohibition and the need for a more defensible threshold. He felt comfortable to recommend with Geologist.

**Bill Black, County Geologist**, stated other Counties are at a 30% or more threshold.

**Member Wilson** questioned the legal basis for the 25% prohibition and the potential for regulatory taking.

**Mark Miller** explained the County Attorney's concerns about defending the 25% threshold in court.

**Member Wilson** questioned if it would increase the number of buildable lots.

**Mark Miller** explained that it won't affect a lot of properties.

**Member McMillan** asked if this would indemnify an individual?

**Deputy Attorney Christofferson** stated that it would push the responsibility to the geo-tech engineers/geologists.

**Member Wilson** questioned if the county would enforce the shifting liability.

**Mark Miller and Planning Director Cook** discuss the feasibility of mitigating hazards on steep slopes and the role of geologists and geotechnical engineers.

**Member Telford** questioned where the percentage of slope came from.

**Bill Black** stated that 15% comes from statistics on previous slides.

**Member Sessions** stated concerns of scaring of the hills sides due to switchbacks being created.

**Mark Miller** referenced Ivans, Utah and how they mitigated scaring due to their Hillside Protection Ordinance.

## **Open Public Hearing**

*Motion by Member Wilson to open Public Hearing*

*Second, by Member Telford. The vote was unanimous. Motion carried.*

**Tina Kelley** expressed concerns about the vague notice of the public hearing and the potential impact on slope requirements. She shared personal experiences with landslides and the long-term consequences for the community. She suggested considering a hillside protection ordinance to prevent scaring and long-term issues.

## **Close Public Hearing**

*Motion by Member Sessions to close Public Hearing.*

*Second, by Member King. The vote was unanimous. Motion carried.*

**Member McMillan** questions if the switchback cuts into the hills would cause issues for other property owners.

**Bill Black** stated per code, they must do it in a safe manner and studies are conducted to ensure they are doing it the right way for everyone.

**Chair Maloney** stated hillside protection should be added to her view shed ordinance request. There was continued discussion about property owner rights and the ability to build an steeper slopes if the property owners are willing to spend the money to mitigate any potential issues.

**Planning Director Cook** suggested re-noticing and having the County Commission direct to bring it forward again. No need for motion.

7. **Public Hearing/Discussion/Decision – Code Enforcement Code Text Amendment –**  
Request for approval of a text amendment to modify the Morgan County Code (MCC) to establish revised enforcement procedures, clarify appeal processes, and expand available civil and criminal remedies.

**Deputy Attorney Christofferson** presented the Code Enforcement Text amendment stating the code 155.99 is being completely revised. Violations and penalties along with enforcement will be revised and made clearer.

**Deputy Attorney Christofferson** read and recommended the changes. Civil Enforcement #6 notice to comply; The \$100 a day is too low. Recommends bumping to \$1000 per day which should start immediately. Civil fines start at 30 days. She explained a tiered fine structure for 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> offense and stated fines should be \$500, \$750 and \$1000. She explained that Commissioner Newton wanted some things clarified such as emergency abatement and to tailor the language. Chang appeals to 15 days. She asked the commission if the appeals process should stay with appeals officer or County Commission.

**Planning Commission** agreed to keep it with the County Commission sitting its good checks and balances and having those elected making the decisions. They decided to keep the appeals officer for everything except small subdivisions. Those will go with the County Commission.

**Deputy Attorney Christofferson** discussed inspections. Quoting Utah Rule 40(K) of procedure. The code officer can apply for a search warrant. I would like to add provision (H) to give people notice that they can search property.

**Code Enforcement Officer Tremea** stated that warrants to search would only be for the worst of the worst i.e. drug houses. It is very beneficial if needed.

**Deputy Attorney Christofferson** reads changes to the abatement procedure.

### **Open Public Hearing**

*Motion by member McMillan*

*Second by member Wilson. The vote was unanimous. Motion carried*

**Lucas Gray** stated that the neighbor built a garage too close to his property. Issues between him and neighbor. Questioned if he and his neighbor should be apart of this meeting? Neighbors want a variance. How is this going to be dealt with. Nothing has been productive.

**Tina Kelly** – Questioned what was added to the code compliance section. States she has the right to be safe on her property and doesn't like the search warrant section. Questioned if this will change.

### **Close Public Hearing**

*Motion by member King*

*Second by member Telford. The vote was unanimous. Motion carried.*

**Deputy Attorney Christofferson** addressed Tina Kelley's concern stating that this is a notice to the public that search warrants may happen but needs to be signed by a judge and enforced by police. She explained the process.

**Chair Maloney** questioned the ability to retroactively enforce code violations.  
**Deputy Attorney Christofferson** stated that there is processes in place such as code enforcement and state laws to allow private parties to enforce against other private parties etc.

*Motion by member McMillan "I move we recommend approval to the County Commission of the Code Enforcement Code Text Amendment based on the findings listed in the memorandum dated May 22, 2025, with the following additional conditions outlined by Janet Christofferson leaving the conditions on 155.437 of the county commission and the tiered fine structure and the additional search warrant language "*

*Second by member Wilson. The vote was unanimous. Motion carried.*

Business and staff questions

8. Approval of minutes


*Motion by Member King*

*Second, by Member Sessions the vote was unanimous. Motion carried.*

9. Adjourn

*Motion by Member Sessions.*

*Second, by Member King. The vote was unanimous. Motion carried*

Approved:  Date 7/17/25  
Maddie Maloney -Chair

 Date 7-17-25  
Judy Vogel, Transcriptionist