

**MINUTES OF MORGAN CITY  
COUNCIL WORK MEETING**

**July 22, 2025; 6:00 P.M.**

**MAYOR AND COUNCIL MEMBERS  
PRESENT:**

**Mayor Steve Gale, Tony London, Jeff Wardell, Eric  
Turner, Jeffery Richins and Dave Alexander**

**STAFF PRESENT:**

**Ty Bailey, City Manager; Gary Crane, City Attorney;  
Janet Pace, City Recorder; Jake Young, City Planner  
and Row Howard, Building Inspector - Code  
Enforcement**

**This meeting was held in the Council Conference Room of the Morgan City Offices, 90 West Young Street, Morgan, Utah. The meeting was streamed live on YouTube and available for viewing on the City's website – <https://www.morganutah.gov/meetings>**

This meeting was called to order by Mayor Steve Gale.

**REZONE APPLICATION FROM RESIDENTIAL SINGLE-FAMILY (R-1-8) TO RESIDENTIAL  
MULTI-FAMILY (RM-15) ZONING DESIGNATION 690 NORTH 700 EAST-  
ORDINANCE 25-11**

Ty explained that the application came from the Wardell family and that the property in question is directly adjacent to their existing multifamily development, which is already zoned RM-15 on two sides. He mentioned that this rezoning would allow the Wardell's to include the parcel into their current project, particularly addressing issues with a shed that currently straddles both properties. He emphasized the importance of considering whether the rezoning is appropriate for the time and location.

Ty also pointed out that this application differs from another rezoning request on the agenda, which involves a property not directly adjacent to existing RM-15 zones. While both areas are designated for medium density in the general plan, the second property is surrounded by single-family homes and is more standalone. The second rezoning applicant was Cory Adams of ACS Construction.

Tony shared that during the recent planning commission meeting, there was some discussion regarding both rezoning applications, and neither vote was unanimous. He visited the Wardell property and described existing structures, including a stormwater basin and other buildings. He asked Gary to clarify the meaning of "spot zoning," as there was confusion during the planning meeting.

Gary explained that spot zoning is not simply placing a different zoning type in the middle of another; rather, it refers to zoning that is inconsistent with the city's general plan. A zone can be different from surrounding areas and still be valid, as long as it aligns with the general plan. He

emphasized that the best rationale for zoning decisions is their alignment with that plan, not whether or not a property is adjacent to similar zoning.

Tony mentioned that some planning commission members changed their opinions after Gary's explanation. He added that the vote on the Wardell property was 4–1 in favor, with the lone dissenting vote coming from someone who lives near the proposed project.

Dave referred to Jake's report, which stated that the proposal aligns with the general plan. Dave also asked if there were any strong public objections. The Mayor responded that he had received informal input from several residents, though not through official channels. Some concerns were similar to past opposition to development near Red Rock. Residents worried about increased traffic on 700 East. Dave also commented that the proposed rezoning might be a one-off situation, as 700 East is already largely developed.

Jake added that the proposed project would front 700 East, keeping traffic off local residential streets. He said the owner could choose not to develop but that the project, if built, would likely be an extension of the existing adjacent townhomes. Though not guaranteed, the previous layout shown could give the city some leverage during site plan review. He also pointed out that the infill nature of the project avoids consuming farmland and that utilities are already in place.

The Mayor closed the discussion by stating that rental units should not automatically be considered affordable housing, even if they offer more housing options. He then moved the meeting to the next agenda item.

**REZONE APPLICATION FROM RESIDENTIAL SINGLE-FAMILY (R-1-8) TO RESIDENTIAL MULTI-FAMILY (RM-15) ZONING DESIGNATION 582 NORTH 700 EAST-ORDINANCE 25-12**

Jake introduced the second rezoning application for a vacant quarter-acre lot near 582 North, just east of the previous rezone request. Because of its small size, zoning it RM-7 or RM-15 would only allow for a maximum of two units—likely a duplex. He noted that the property sits next to a city-owned stormwater basin and used to house the old Morgan school.

Dave asked whether there had been any community input. The Mayor responded by asking about staff comments, referring to a report that mentioned no significant impacts were identified. Jake explained that the report was based on input from himself and Teresa, and that more staff would be involved if a project followed. Ty added that while this stage only involves zoning, staff input grows as the project develops.

Tony said that the planning commission did give a recommendation to approve, but it was a close 3–2 vote. Gary clarified that for legislative actions like zoning, the planning commission is not simply interpreting black-and-white code like they would for administrative matters. Instead, their job is to determine whether a rezone is consistent with the general plan and appropriate for the time and place.

Dave followed up by asking whether disagreement among commissioners suggests something was missed, and Gary explained the distinction between administrative (compliance-based) and legislative (discretionary) decisions. Eric raised a common concern about rezoning over community opposition. Gary advised that while council members should listen to residents, decisions must be based on zoning principles and the general plan—not popularity or emotion.

Jake emphasized that the general plan supports a mix of single-family homes, townhomes, and medium density. He said the plan isn't black-and-white and allows for flexibility.

The Mayor said that he was trying to stay neutral despite living in the area. He also brought up comments from a mayor's conference where other mayors warned against letting developers shape city identity. He suggested that "timing" is often the most valid basis for denying a rezone, even if it's consistent with the general plan.

Gary agreed and listed three valid reasons for denying a rezone despite general plan alignment: (1) a mistake in the plan, (2) changed conditions since its drafting, or (3) inappropriate timing. He emphasized that cities may want to revisit their ordinances if they are seeing too many rentals and not enough owner-occupied housing.

#### **AMENDING 10.16.090 FARM ANIMALS WITH REGARDS TO CHICKENS – ORDINANCE 25-13**

Row explained that current ordinances allow chickens on half-acre lots, but many residents on smaller lots now want the same. He reviewed proposed changes drafted by Jake, offering feedback. He recommended allowing roosters only on lots larger than half an acre to avoid conflict with current owners. He supported the coop setback rules but suggested the size limit only apply to smaller lots, since some existing large barns already house chickens. He recommended referencing the city's nuisance ordinance for manure cleanup rather than including detailed requirements in the chicken ordinance.

Jake agreed and said the ordinance could include a reference to the nuisance code so residents know where to look. Regarding slaughtering chickens, Row acknowledged residents may do so in their own backyards and didn't see a practical way to prohibit it. He also questioned a clause banning commercial sales, saying that kids and residents often sell eggs informally. He explained that true "commercial sales" should be defined narrowly—such as selling to grocery stores or restaurants—and said the city currently allows residents to sell agricultural products from their property without a license.

Eric agreed that kids selling eggs to neighbors should be permitted. Tony agreed also, remembering how his family sold extra eggs growing up and stressing the need to allow such non-commercial activity. The Mayor asked whether farmers market sales would be allowed, and Row said they would, since that falls under agricultural activity at an event. The group agreed that the term "commercial" needs to be clearly defined in the ordinance to avoid confusion.

Dave suggested the home occupation permit language be revised, since agriculture doesn't trigger such a requirement. Row said that agricultural activities don't require a business license or home occupation permit. He also recommended adding a reference to the nuisance ordinance code number under enforcement. They also discussed peacocks, with Row explaining that they're currently allowed under existing ordinance language and are used for security in some locations. Changing the ordinance to exclude peacocks would be difficult.

Dave asked whether there had already been a public hearing (which there had), and whether there had been any opposition. Row said one woman spoke, but she was mostly concerned about peacocks, not chickens. Dave wondered if they could still refine the ordinance now or if they'd need to table it. Jake proposed clear wording: defining commercial sales as sales to commercial establishments, allowing roosters only on lots over 20,000 square feet, referencing the nuisance code for enforcement, and requiring regular cleanup.

Tony noted that some residents still wanted roosters, especially for 4-H and fair projects. Row said that unless a rooster was causing problems, he wouldn't enforce its removal. The mayor reminded the group that the original intent of this ordinance was to allow chickens on smaller lots, and that the issue had grown larger than expected. Dave acknowledged that residents may still voice opinions during the meeting but emphasized that the hearing phase was complete. Jake said the council didn't have to reopen discussion but could if they chose. Tony and Dave supported keeping the rules simple to aid enforcement. Row concluded by stating that six chickens is plenty for smaller lots, and Tony reiterated the need for clarity to make enforcement manageable.

This meeting was adjourned at 7:06 p.m.

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Janet Pace, City Recorder

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Steve Gale, Mayor

These minutes were approved at the August 12, 2025, meeting.