

Morgan County Planning Commission
Bylaws and Rules of Procedure 2026

ARTICLE I Authority and Purpose

Section 1. Authority and Adoption

These Bylaws and Rules of Procedure govern the organization, powers, duties, and procedures of the Morgan County Planning Commission established under Utah Code § 17-79-301 and Morgan County Code § 155.028. They take effect upon approval by the Morgan County Commission under Morgan County Code § 155.028(G). Controlling state law and County ordinances govern in the event of a conflict.

ARTICLE II Roles and Responsibilities

Section 2. Role of the Planning Commission

1. Status and Authority. The Planning Commission is an appointed public body that serves the County as a whole. Members do not act as representatives or advocates for particular neighborhoods, districts, businesses, interest groups, applicants, or opponents. The Commission exercises its authority as a body through the voting procedures in Section 6; individual members do not exercise that authority independently.

2. Legislative Recommendations. The Planning Commission advises the County Commission on the General Plan, land use ordinances, zoning maps, and other legislative matters within its jurisdiction. In forming recommendations, it may consider planning principles, policy choices, and public input. Open communication and coordination with the County Commission are encouraged; final legislative authority rests with the elected County Commission.

3. Administrative Authority. When designated by ordinance to act on land use applications, the Planning Commission acts as a land use authority and applies adopted ordinance standards. A complying application must be approved, and a noncomplying application must be denied, regardless of public opinion or personal preference. Requirements and conditions must be expressly authorized by state law or the Morgan County Land Use and Development Code.

4. Decision Record. Recommendations and decisions shall be based on information presented on the record, including application materials, staff reports, testimony, evidence, and applicable law, adopted plans, and ordinances. The action and supporting reasons shall be reflected in the public record. Public deliberation is governed by Section 3(5).

5. Assistance to Applicants. One of the primary roles of the Planning Commission is to help applicants accomplish lawful use of their property in a manner consistent with the County's plans and ordinances. The Commission fulfills this role by applying the code fairly and consistently and identifying how an application may comply with adopted standards. Member conduct is governed by Section 3, voting by Section 6, and preparation and training by Section 7.

ARTICLE III Ethics and Standards of Conduct

Section 3. Ethics and Standards of Conduct

1. Public Trust and Professional Conduct. Members shall comply with applicable state and local ethics requirements, including Utah Code Title 17, Chapter 70, Part 5, Disclosure Duties Applicable to All County Officers, and the ethics standards referenced in Utah Code § 17-79-301(3)(a)(v)(B). Violations are subject to applicable statutory consequences and removal provisions, including Utah Code §§ 17-70-510 and 17-79-301 and Morgan County Code § 155.028(D). Members shall not use their position, authority, confidential information, or information obtained through Commission service for personal, financial, political, or other private benefit.

Members shall treat applicants, property owners, staff, consultants, elected officials, fellow members, and the public with courtesy, dignity, and respect. Disagreement shall be expressed professionally, without personal attacks, intimidation, or abusive conduct.

2. Conflicts of Interest, Disclosure, and Recusal.

a. Definition. For purposes of these bylaws, a conflict of interest includes a personal interest or investment that creates a potential or actual conflict between a member's personal interests and public duties concerning a matter before the Commission, consistent with Utah Code § 17-70-507. It includes a matter that may directly financially benefit or harm the member, the member's immediate family, or a person or entity with whom the member has a private financial, business, employment, property, or organizational interest. A conflict also includes a private interest that would impair, or reasonably appear to impair, fair and impartial consideration. Statutory disclosure requirements, including Utah Code §§ 17-70-504 through 17-70-507, apply according to their terms. An annual disclosure of an interest unrelated to the matter before the Commission does not, by itself, require recusal from that matter.

Circumstances that may constitute a conflict include:

- i. ownership of or a financial interest in property that is the subject of an application;
- ii. current or prospective employment, contractual, or business relationships with an applicant, property owner, or interested party;
- iii. a financial interest directly and substantially affected by the outcome;
- iv. representation of, advocacy for, or an agency relationship with an applicant or interested party;
- v. close familial, household, or personal relationships with an applicant, property owner, or interested party; or
- vi. other circumstances in which a reasonable person would question the member's ability to decide fairly and impartially.

b. Matters Not Constituting a Conflict. Residence within the County or near a project; general land use policy views; prior Commission service or legislative discussion of applicable ordinances; controversy or public interest; and exposure to information through official meetings, hearings, staff reports, or site visits do not, by themselves, constitute a conflict.

c. Disclosure. Before participating in a matter, a member shall publicly disclose any conflict and its nature on the record. The disclosure shall be entered in the minutes. Members shall also make the sworn statements, written disclosures, and filings required by Utah Code §§ 17-70-504 through 17-70-507 and other applicable law, at the times and with the recipients those laws require. Disclosure does not excuse recusal required by subsection d.

d. Recusal. A member with a conflict under subsection a shall recuse from discussion, deliberation, and voting. Recusal is also required when mandated by law or when actual impermissible bias or an unacceptable risk of impermissible bias prevents fair consideration. Automatic recusal for a conflict under these bylaws is a County rule; the disclosure statutes do not themselves make every disclosure an automatic disqualification. The County's recusal requirements shall be included in its ordinance as required by Utah Code § 17-79-301(3)(a)(vii).

e. Effect of Recusal. A recused member shall leave the Commission seating area during consideration of the item and shall not participate, attempt to influence the decision, or be counted toward the quorum for that item. If fewer than four eligible members remain, the Commission shall not act on the item.

3. Impartiality. Members shall remain open-minded, avoid prejudgment, and respect constitutional rights and due process. No member shall act with the intent to influence a land use decision or appeal of a pending application in a manner that creates actual impermissible bias or an unacceptable risk of impermissible bias in the member's administrative or quasi-judicial duties, consistent with Utah Code § 17-79-301(3)(a)(v)(C). Participation in a Planning Commission meeting with staff, an elected official, or the applicant is not, by itself, cause for removal under § 17-79-301(3)(a)(vi). Authorized participation remains subject to the communication rules below.

4. Ex Parte Communications. Communications concerning the merits of a pending matter with an applicant, representative, opponent, interested party, elected official, staff member, or other person outside a properly noticed public meeting are ex parte communications. Members should discourage communications intended to influence the outcome outside the public hearing process and avoid expressing opinions on pending applications before the hearing concludes.

Communications for scheduling, procedure, information, clarification of submitted materials, or understanding a request are generally permissible if they do not involve advocacy, persuasion, or an effort to influence the outcome.

A member who receives a communication concerning the substance or merits of a pending matter shall disclose the person involved and the general nature of the communication on the record before discussion or voting. The Commission may determine whether additional steps are necessary to preserve fairness and due process.

5. Public Deliberation and Communications Among Members. Commission meetings shall comply with the Utah Open and Public Meetings Act. Discussion, deliberation, and decisions on Commission business shall occur in properly noticed public meetings unless otherwise authorized by law. Members shall not privately deliberate and merely ratify the result in public.

Members shall not deliberate, poll one another, seek consensus, or attempt to influence one another on the merits of a pending matter outside a properly noticed meeting. This rule includes private meetings, calls, texts, email, social media, and serial communications intended to avoid public discussion.

Communications among members outside meetings should be limited to procedural, administrative, scheduling, or training matters.

6. Guidance. Members should consult the County Attorney or Planning and Development Services Director promptly about conflicts, disclosure, recusal, abstention, bias, due process, or permissible communications. Legal questions should be directed to the County Attorney.

ARTICLE IV Planning Commission Membership and Organization

Section 4. Membership

Membership. The Planning Commission consists of seven (7) members, appointed in accordance with Morgan County Code § 155.028.

1. Seat Designation and At-Large Appointments. Planning Commission seats shall be designated and filled as provided in Morgan County Code § 155.028, including designated-area seats and at-large seats. If a designated-area seat becomes vacant and no qualified applicant from the designated area applies, the Morgan County Commission may appoint an at-large member to fill that seat.

2. Vacancies. If a Planning Commissioner resigns or otherwise vacates a seat prior to the expiration of the term, the Morgan County Commission shall appoint a replacement to serve the remainder of the unexpired term, in accordance with Morgan County Code § 155.028(D).

3. Staggered Terms. Planning Commission terms shall be staggered to ensure continuity of service and to avoid the expiration of all terms in the same year.

a. Appointments and reappointments shall be arranged so that no more than two (2) Planning Commission seats expire in any single calendar year, to the extent practicable.

b. When necessary to establish or preserve staggered terms, the Morgan County Commission may adjust the length of an initial appointment so that the staggered rotation of terms is maintained.

c. Once established, the staggered rotation shall continue so that at least one Planning Commission term expires each calendar year.

4. Reappointments. Nothing in these bylaws shall limit the authority of the Morgan County Commission to reappoint a Planning Commissioner to a subsequent term in accordance with Morgan County Code § 155.028.

5. Removal and Nonperformance

a. Removal Authority. Members of the Planning Commission may be removed by the Morgan County Commission for misconduct or nonperformance of duty as provided in Morgan County Code § 155.028(D), subject to the applicable procedures, grounds, and limitations in Utah Code § 17-79-301.

b. Attendance and Nonperformance. Attendance and preparation requirements are stated in Section 7(1). The following attendance patterns may be considered nonperformance of duty and grounds for removal by the County Commission:

- i. three (3) consecutive absences from regularly scheduled Planning Commission meetings, whether excused or unexcused;
- ii. five (5) or more absences within any rolling twelve-month period, whether excused or unexcused; or
- iii. a demonstrated pattern of absences that materially interferes with the Planning Commission's ability to conduct business, maintain quorum, or ensure continuity of review.

c. Notice and Opportunity to Address Attendance Concerns. Prior to recommending removal based on attendance, the County Commission Chair or their representative may notify the affected member of the attendance concern and provide an opportunity to address or correct the pattern of absences, unless immediate action is warranted due to operational necessity.

d. Discretion Preserved. Nothing in this section shall be construed to require automatic removal. The Morgan County Commission retains discretion to consider the totality of circumstances, including the reasons for absences, the member's overall participation, and the impact on the Planning Commission's operations.

e. Vacancy Upon Removal. A vacancy created by removal shall be filled under Section 4(2).

Section 5. Organization and Officers

1. Election of Chair and Vice Chair. At its first regular meeting in April of each year, the Planning Commission shall elect from among its members a Chair and a Vice Chair, each to serve a one-year term, unless earlier replaced by action of the Planning Commission.

2. Role of the Chair. The Chair shall preside and conduct meetings under these bylaws, the adopted agenda, and applicable law. The Chair votes on the same basis as other members under Section 6; restrictions on making and seconding motions are in Section 10(1).

3. Duties of the Chair. The Chair shall:

- a. call the meeting to order at the scheduled time and place and follow the agenda;
- b. recognize members, staff, applicants, and public speakers; receive and restate motions when needed; call votes; and announce results;
- c. rule on points of order and procedure under Section 11, requesting legal advice when appropriate;
- d. administer hearings, public comment, and decorum under Section 9; and
- e. authenticate by signature, when required or directed, official acts, findings, orders, or proceedings of the Commission.

4. Duties of the Vice Chair. In the absence or incapacity of the Chair, the Vice Chair shall perform the duties and exercise the authority of the Chair.

5. Temporary Chair. In the absence or incapacity of both the Chair and the Vice Chair, the Planning Commission members present shall elect a Temporary Chair from among the members present to preside for that meeting only. The Temporary Chair shall have all authority and duties of the Chair for the duration of that meeting.

6. Secretary. The duties of the Planning Commission Secretary shall be performed by the Planning and Development Services Department, which shall provide administrative and clerical support to the Planning Commission. The Secretary is not a voting member of the Planning Commission.

7. Duties of the Secretary. The Planning Commission Secretary, through the Planning and Development Services Department, shall perform the following duties:

a. Public Notice. To provide public notice of regular and special Planning Commission meetings, including agendas and meeting locations, in compliance with the Utah Open and Public Meetings Act, applicable state law, and County Code.

b. Attendance and Roll. To attend meetings of the Planning Commission when practicable; to record attendance and roll; to present communications, resolutions, or other materials as directed by the Chair; and to receive and bring to the attention of the Planning Commission official communications relating to Commission business.

c. Minutes. To prepare and maintain minutes of the proceedings of the Planning Commission in accordance with state law, the Utah Open and Public Meetings Act, and County policy.

d. Records. To maintain a permanent record of Planning Commission actions, minutes, staff reports, findings, and related documents, which records shall be available for public inspection as required by law.

e. Distribution of Materials. To distribute staff reports and supporting materials in accordance with Section 8(3).

f. Other Duties. To perform such other administrative and clerical duties as may be reasonably required to support the work of the Planning Commission.

ARTICLE V Meetings, Quorum, and Voting

Section 6. Quorum, Voting, and Electronic Participation

1. Quorum. Four (4) eligible voting members constitute a quorum. The effect of recusal on quorum is governed by Section 3(2)(e).

2. Presence and Proxy Voting. A member may vote only while present in person or through approved electronic participation when the vote is taken and the result announced. Proxy voting is prohibited, and members should not relate the opinions of absent members.

3. Voting Responsibility and Abstentions. Members are expected to deliberate and vote on matters properly before the Commission, except when recusal is required under Section 3(2). Abstention is discouraged and should occur only when required by law or ethical obligation, not merely because a matter is controversial, difficult, or unpopular.

4. Voting Threshold. Except as otherwise specifically provided by law or ordinance, a majority vote of the members present and eligible to vote shall be required to take action on any item properly noticed on the agenda.

5. Electronic Participation. Members may participate by telephone or video as permitted by the Utah Open and Public Meetings Act and subject to staff coordination for proper setup and public access. A member counts as present for quorum and voting only while able to hear the proceedings, be heard by members and the public, and otherwise participate as required by law.

a. Notice to Staff. The member shall notify Planning and Development Services staff as early as practicable, and no later than one (1) business day before the meeting, except in an unforeseen emergency.

b. Loss of Connection. A member who loses the required ability to hear or be heard shall not count as present for quorum or voting during the interruption.

ARTICLE VI Member Preparation and Meeting Scheduling

Section 7. Member Preparation and Meeting Scheduling

1. Attendance, Preparation, and Training. Planning Commission members are expected to attend all meetings of the Planning Commission unless unable to do so due to extenuating circumstances. A member who is unable to attend a meeting shall notify the Planning Commission Secretary as soon as practicable.

a. Preparation. Planning Commission members shall review the agenda, staff reports, and supporting materials in advance of each meeting and shall come prepared to participate in discussion and decision-making, consistent with the Planning Commission's advisory and administrative roles described in these bylaws.

b. Pre-Meeting Clarification. Members are encouraged to contact the Zoning Administrator/Planning and Development Services Director about agenda materials, or the County Attorney about legal questions, before the meeting. Such communications remain subject to Section 3.

c. Training. Members shall complete initial and annual training required by Morgan County Code § 155.028 and applicable state law. Authorized training expenses shall be paid by the County under County policy.

2. Meeting Location. Meetings of the Planning Commission shall be held in the Commission Chambers of the Morgan County Building, 48 West Young Street, Morgan, Utah, or at such other location as may be designated by the Planning Commission or Planning and Development Services staff, provided that proper public notice of the meeting location is given in accordance with law.

The Planning Commission may adjourn a meeting to another location within Morgan County solely for the purpose of conducting a site visit or investigation, provided that the adjournment and location are properly noticed to the public in advance or announced during the meeting in compliance with the Utah Open and Public Meetings Act. An announcement during the meeting does not substitute for advance public notice required by law. See Section 8(2).

3. Regular Meetings. Regular meetings of the Planning Commission shall be held twice per month, or on an alternative schedule approved by the County Commission prior to the first meeting of each calendar year. At the discretion of the County Commission or Planning Commission Chair, work sessions or site visits may be scheduled, provided that adequate public notice of the time and location is given in accordance with law. Regular meetings may be canceled when no applications or other matters are ready for consideration.

4. Special Meetings. Notice of the time, place, and purpose of a special meeting shall be provided at least twenty-four (24) hours prior to the meeting in accordance with the Utah Open and Public Meetings Act and applicable County Code.

5. Cancellation or Postponement for Lack of Quorum or Emergency Conditions. If it reasonably appears prior to a scheduled meeting that a quorum will not be present, or if weather conditions, emergencies, or other unforeseen circumstances make holding the meeting impracticable, the Chair, or in the Chair's absence the Vice Chair, in consultation with Planning and Development Services staff, may cancel the meeting. When a meeting is canceled or adjourned prior to convening:

a. Applicant Notification. Staff shall make reasonable efforts to notify affected applicants as soon as practicable and, when feasible, obtain the applicant's consent to continue the matter to a date certain.

b. Date Certain Continuance. Agenda items shall be continued to the next regular meeting or to another date certain, which shall be identified in the cancellation notice whenever possible.

c. Public Notice. Notice of the cancellation and the continued date shall be posted on the Utah Public Notice Website, the County's website, and County Building as soon as reasonably practicable.

d. Protection of Applicant Rights. A cancellation or continuance under this subsection shall not prejudice an applicant's rights, restart statutory review timelines unless required by law, or be deemed a denial of the application.

e. Meeting Convened Without Quorum. If a meeting is convened but a quorum is not present, no substantive action shall be taken. The members present may announce the continued date on the record, and staff shall provide public notice of the continuance consistent with law.

6. Matters Considered. The Planning Commission may consider and act upon matters within its authority and jurisdiction at any properly noticed regular or special meeting, consistent with its roles and limitations set forth in these bylaws and applicable law.

ARTICLE VII Meeting Procedures

Section 8. Order of Business and Agendas

1. Order of Business. The order of business at Planning Commission meetings shall generally be as follows, subject to reasonable modification by the Chair for the orderly and efficient conduct of business and consistent with applicable law:

- a. Call to order and roll taken by the Secretary;
- b. Field trip or site visit (if scheduled);

- c. Consideration of agenda items;
- d. Other business properly before the Planning Commission; and
- e. Approval of minutes.

2. Field Trips and Site Visits. When site inspections or field trips are deemed advisable, they may be conducted prior to or in conjunction with a Planning Commission meeting at a date and time determined by the Chair or the Planning Commission.

a. Notice. The time, location, and purpose of any field trip or site visit shall be included on the meeting agenda or otherwise noticed in accordance with the Utah Open and Public Meetings Act.

b. Attendance. Field trips or site visits may be attended by Planning Commission members and pertinent Planning and Development Services staff. Members of the public may attend site visits; however, testimony, argument, and public comment are encouraged to be presented during the Planning Commission meeting rather than during the site visit.

c. Purpose and Limitations. Field trips and site visits are intended solely for the purpose of observing site conditions and gathering information. No deliberation, discussion of the merits, decision-making, or polling of members shall occur during a field trip or site visit.

d. Transportation. Use of County vehicles for field trips or site visits shall be subject to County policy. Nothing in this section requires the County to provide transportation for Planning Commission members or staff.

3. Agenda for Meetings. The Planning and Development Services Director, with the assistance of the Secretary, shall prepare a written agenda as far in advance as practicable. The Chair may review the agenda and suggest changes to staff no later than twenty-four (24) hours before the meeting. Review is optional and advisory; Chair approval is not required. Suggestions do not authorize the Chair to add, remove, or postpone an item. Staff shall prepare and post the agenda without awaiting Chair review or a response. Optional review shall not delay posting, required notice, application deadlines, or consideration of an item. Staff remain responsible for the agenda and any lawful revisions. The agenda shall be made available to members and the public in accordance with applicable law.

a. Public Hearings.

i. Agenda Placement. Public hearings shall generally be placed near the beginning of the agenda in order to reasonably accommodate members of the public.

ii. Agenda Management. In determining the number of public hearings scheduled for any meeting, consideration may be given to the complexity of the applications, anticipated public comment, time limitations, and other scheduled or continued agenda items.

b. Staff Reports. Major matters presented to the Planning Commission for consideration shall be accompanied by a staff report prepared by Planning and Development Services. Staff reports shall include, as applicable:

- i. an overview and background of the request;
- ii. analysis of applicable Morgan County Code provisions;

- iii. consistency with the General Plan;
- iv. identification of any pertinent state statutes; and
- v. staff findings and recommendations, including proposed conditions of approval when appropriate.

Staff reports shall be as concise as practicable while providing sufficient information for informed decision-making and shall be made available to the public upon request. Copies of staff reports and other pertinent materials shall be made available to Planning Commission members sufficiently in advance of regularly scheduled meetings to allow informed review, and at least three (3) days prior to the meeting when practicable.

c. Submission of Written Materials. Applicants and interested parties are encouraged to submit written materials no later than one (1) week prior to the meeting at which the item is scheduled for consideration to allow adequate review by the Planning Commission.

Written materials submitted at the meeting or after the suggested deadline may be excluded from consideration at the discretion of the Chair. Written comments submitted at the meeting should be limited to one typed page, unless otherwise permitted by the Chair.

d. Notice of Public Hearings. Notice of all public hearings and agenda items scheduled for Planning Commission review shall be provided in accordance with Morgan County Code, the Utah Open and Public Meetings Act, and applicable state law.

Section 9. Hearings and Public Participation

1. Order of Consideration. The following sequence normally applies. Not every item requires a hearing; applicable procedures depend on the request and governing law. The Chair may reasonably adjust the sequence for orderly, fair, and efficient consideration. Staff and applicant presentations shall be concise, relevant, and subject to reasonable time limits.

a. Introduction and Staff Report. The Chair shall introduce the item. Staff shall present the request, analysis, applicable code, findings, and recommendation.

b. Applicant Presentation. The applicant or representative may present the proposal. Applicant presentations and answers to Commission or public questions are voluntary, and no adverse inference shall be drawn from a decision not to respond.

c. Public Hearing. When a hearing is required by law or ordinance, the public portion shall be opened and public comment received under subsections 2 through 4. The hearing may be opened or closed by motion or by direction of the Chair, consistent with applicable law.

d. Close of Hearing. The Chair shall close the public portion after all public comment has been received or the allotted time has expired, before deliberation and action.

e. Applicant Response and Deliberation. After the hearing closes, the Chair shall offer the applicant an opportunity to respond to questions or concerns raised during public comment and expressly advise the applicant that a response is voluntary and is not required. No adverse inference shall be drawn from a decision not to respond, as provided in subsection b. The Commission shall then deliberate; staff may

address issues raised in public comment, and the Chair or Commission may request clarification or additional information from staff or the applicant. Any response by the applicant remains voluntary. For items without a hearing, deliberation follows the presentations.

f. Action. The Chair shall outline the available actions, which may include approval, authorized conditions, denial, or continuance. Motions are governed by Section 10 and voting by Section 6.

g. Reopening. The public portion may be reopened only by majority vote when additional testimony or information is necessary for a fair and informed decision.

2. Public Comment.

a. Speakers shall state their name for the record and direct comments to the Chair or Commission as a body. Each speaker may address an item once unless the Chair permits additional comment.

b. Comments are limited to three (3) minutes per speaker unless modified by the Chair. A timer shall alert the Chair when that period expires; the Chair shall administer the applicable limit.

c. Public comment provides information and perspectives to the Commission. It is not a question-and-answer session, debate, or cross-examination. Members, staff, and applicants shall not answer public questions during the comment period. Responses after the hearing are governed by subsection 1(e).

d. The Chair may limit repetitive, cumulative, or irrelevant testimony and adjust speaker time to accommodate attendance, avoid repeated points, and provide balanced participation. The Chair may equalize time between proponents and opponents when necessary for a fair hearing and may close comment when the issue has been adequately and fairly heard. Written comments repeating points already raised orally may be summarized for the record.

e. Written submissions are governed by Section 8(3)(c).

3. Order and Decorum. All attendees shall conduct themselves respectfully and in a manner that allows members, staff, applicants, and speakers to be heard. Disruptive side conversations, audible reactions, interruptions, heckling, applause, and similar interference with proceedings are prohibited. Personal attacks, abusive or profane language, intimidation, threats, hostile gestures, and refusal to comply with meeting rules or the Chair's directions are prohibited.

The Chair may direct compliance and, when practicable, warn the individual before further action. If the conduct continues, or immediate action is necessary to preserve order, safety, or the integrity of the proceedings, the Chair may end the individual's speaking opportunity or direct removal.

4. Sign-In and Attendance Record. Attendees other than members and staff shall sign the attendance roster on entering and are encouraged to print their name and city or area of residence. Signing in does not require speaking or other participation. The roster is used for recordkeeping and meeting administration. The Chair may require sign-in as a condition of recognition for public comment or testimony.

5. Public Guidelines. Appendix B provides a public summary of these procedures. The Commission may adopt additional consistent guidelines explaining meeting procedures, but the guidelines do not create independent rights or obligations. These bylaws and applicable law control.

Section 10. Motions and Parliamentary Actions

1. Making Motions. A Planning Commission member other than the member presiding as Chair may make a motion. The presiding Chair shall not make or second motions, including amendments or substitute motions, but may participate in discussion and vote. This restriction applies to the Vice Chair or Temporary Chair while presiding.

Motions shall clearly state the proposed action and, when applicable, include findings supporting approval or denial and any authorized conditions of approval.

a. Recommendations to Other Bodies. Motions recommending action to another body shall clearly state the recommendation and may reference the staff report for findings of fact and proposed conditions.

b. Clarification of Motions. At the request of any Planning Commission member, a motion may be restated for clarification following discussion and prior to the vote.

c. Legal Advice. Planning Commission members may request legal advice from the County Attorney during the preparation, discussion, and deliberation of motions.

d. Common Motions. A non-exclusive list of commonly used motions is included as Exhibit A to these bylaws.

2. Second Required. All motions and amendments require a second before being considered by the Planning Commission.

3. Table or Reorder Agenda Item. A motion to table or temporarily set aside an agenda item may be made to allow other business to be considered during the same meeting. Such a motion does not dispose of the item and does not continue the matter to a future meeting.

4. Continuances. A motion to continue an item shall, when practicable, state the reason and the meeting date or timeframe for further consideration. An applicant may request a continuance to provide information or address issues, but the request does not itself continue the item.

In considering an applicant's request, the Commission shall evaluate the circumstances, including whether additional information would materially assist review, whether the public has had a meaningful opportunity to be heard, and whether a continuance is needed for a fair and informed decision. A continuance requires Commission approval by motion. If the hearing has opened, the Commission shall determine whether it remains open or will be reopened at the continued meeting, consistent with law.

5. Amendments to Motions. A motion may be amended by a member eligible under subsection 1, with a second, at any time prior to the Chair calling for a vote.

6. Amendments to Amendments. An amendment to a motion may itself be amended, with a second, prior to the Chair calling for a vote on the amendment.

7. Withdrawal of Motions. After a motion has been stated by the Chair, it is in the possession of the Planning Commission but may be withdrawn by the maker of the motion at any time prior to the vote. Withdrawal does not require a second.

8. Substitute Motions. A substitute motion may be made prior to a vote. If adopted, the substitute motion replaces the original motion.

9. Rescission of Action. Except as limited by law, a previously adopted action of the Planning Commission may be rescinded, provided that notice of the proposed rescission has been given at a prior meeting or included in the meeting notice.

An action shall not be rescinded when:

- a. the action has resulted in a contract and the other party has been notified;
- b. the action involves appointment to or removal from office and reinstatement would require reappointment; or
- c. the action cannot be undone.

10. Reconsideration. A motion to reconsider may be made only at the same meeting in which the original vote occurred and only by a Planning Commission member who voted with the prevailing side.

- a. A motion to reconsider shall not be used when the same result can be achieved by another parliamentary action or when the matter may be renewed at a later meeting.
- b. If an applicant or interested party is affected by a motion to reconsider and is not present, the Planning Commission shall determine whether the item must be re-noticed and shall direct the Secretary to notify the applicant as soon as practicable.

11. Motion to Adjourn. A motion to adjourn may be made by a member eligible under subsection 1. The Chair may adjourn the meeting without a motion when no further business remains.

12. Parliamentary Reference. Meetings are governed by these bylaws. Robert's Rules of Order are not adopted, but may be consulted informally when these bylaws do not address a procedural matter and guidance is needed for orderly proceedings.

Section 11. Debate and Meeting Control

1. Recognition and Debate. The Chair shall regulate debate to ensure orderly discussion, equal participation, adherence to the agenda, and compliance with these bylaws.

2. Points of Order. A Point of Order is an interjection by a Planning Commission member who does not have the floor for the limited purpose of calling the Chair's attention to an alleged violation of these bylaws, adopted procedures, or applicable rules governing the meeting.

A Point of Order shall take precedence and shall be ruled upon promptly by the Chair. A Point of Order is not a motion and is not subject to debate. A Point of Order shall be raised at the time of the alleged violation unless the violation is of a continuing nature.

3. Points of Privilege. A Point of Privilege relates to matters affecting the ability of the Planning Commission to conduct business, including comfort, audibility, safety, or similar concerns.

Points of Privilege should not interrupt a speaker unless immediate attention is required. Points of Privilege shall be addressed and resolved by the Chair.

Section 12. Progress of Meeting and Time Limits

1. Agenda Cutoff. Except for items listed under Planning Commission Business or time-sensitive matters, no new agenda items shall be taken up after 10:00 p.m., except for general discussion or other matters as directed by the Chair.

2. Public Hearing Start Time. All public hearings scheduled and noticed to be heard shall begin prior to 9:30 p.m. Public hearings not commenced by that time shall be continued to a future meeting unless otherwise required by law.

3. Items in Progress at 10:00 p.m. If the Planning Commission is considering an agenda item but has not voted on the item prior to 10:00 p.m., the Planning Commission may, by motion, determine whether to:

- a. proceed to a vote;
- b. continue discussion for a specified period of time and then vote; or
- c. continue the item to the next appropriate meeting.

4. Time-Sensitive Matters. The Planning Commission may, by motion, consider and act upon agenda items after 10:00 p.m. when action is required due to statutory deadlines, legal requirements, or other time-sensitive circumstances.

Agenda items not heard due to time constraints shall be given priority on the next appropriate Planning Commission agenda.

ARTICLE VIII Amendments and Records

Section 13. Amendments to Rules of Procedure and Records

1. Amendment Process. These Bylaws and Rules of Procedure may be recommended for amendment by the Planning Commission at any meeting, provided that at least fourteen (14) days' written notice of the proposed amendment has been given.

Approval of a proposed amendment shall require a majority vote of the entire Planning Commission. All amendments shall be submitted to the Morgan County Commission for approval and shall not take effect unless and until approved by the County Commission.

2. Public Review. The public shall be provided an opportunity to review and comment on proposed amendments to these Rules of Procedure prior to adoption by the Morgan County Commission, consistent with applicable law.

3. Records and Availability of Rules. These Bylaws and Rules of Procedure, together with all subsequent amendments, shall be furnished to each Planning Commission member and maintained on file by the Secretary.

Appendix A

References and Authorities

The following authorities and guidance relate to these bylaws. References include amendments, recodifications, and renumberings in effect at the time of application. The controlling-authority rule is stated in Section 1.

Utah Statutes

Utah Code Title 17, Chapter 79 — *County Land Use, Development, and Management Act (CLUDMA)*, including provisions governing the establishment and duties of county planning commissions; general plans; land use ordinances; designation and authority of land use authorities; land use applications, hearings, and appeals; and subdivision review and approval.

Utah Code Title 52, Chapter 4 — *Open and Public Meetings Act*.

Utah Code Title 17, Chapter 70, Part 5 — Disclosure Duties Applicable to All County Officers, including §§ 17-70-501 and 17-70-503 through 17-70-507; and other applicable state ethics laws. Utah Code § 17-79-301(3)(a)(v)(B) also expressly references the Municipal Officers' and Employees' Ethics Act as a removal ground.

Morgan County Ordinances

Morgan County Code § 155.028 — *Planning Commission*, including provisions governing appointment, terms, vacancies, removal, powers, duties, and adoption of bylaws.

Morgan County Land Use and Development Code, Title 155, governing zoning, subdivision regulation, land use applications, public hearings, and procedures reviewed or administered by the Planning Commission.

Guidance Materials

Utah League of Cities and Towns, *Handbook for Planning Commissions and Land Use Authorities* (2025 edition), consulted for nonbinding guidance regarding planning commission roles, legislative versus administrative actions, ethics, due process, open meetings, and public hearing practices, with statutory references updated to reflect current numbering.

Land Use Academy of Utah (LUAU), training materials and educational resources referenced by the Utah League of Cities and Towns.

Parliamentary Reference

Robert's Rules of Order (Revised), as described in Section 10(12).

Appendix B

Public Participation and Meeting Conduct Guidelines

Morgan County Planning Commission

This summary explains how to participate in Commission meetings. Sections 8 and 9 of the bylaws contain the governing procedures; the bylaws and applicable law control.

1. Attendance and Sign-In. Meetings are open under the Utah Open and Public Meetings Act. Attendees other than members and staff shall sign the attendance roster and are encouraged to print their name and city or area of residence. Signing in does not require speaking. The Chair may require sign-in before recognizing a speaker. See Section 9(4).

2. Speaking. State your name and address the Chair or Commission as a body. Each person may speak once per item for three minutes unless the Chair allows otherwise. A timer alerts the Chair when time expires. The Chair may adjust limits, limit repetitive or irrelevant testimony, and manage participation under Section 9(2).

3. Questions and Applicant Responses. Public comment is not a question-and-answer session. Members, staff, and applicants do not answer questions during public comment. After the hearing closes, the Chair will offer the applicant an opportunity to respond and expressly state that the applicant is not required to respond. No adverse inference will be drawn from declining. The Commission and staff may address issues during deliberation. See Section 9(1).

4. Meeting Conduct. Allow others to be heard and comply with the meeting rules. Section 9(3) governs decorum and disruptive conduct. The Chair may warn an individual, end a speaking opportunity, or direct removal as provided there; immediate action may be taken when needed to preserve order, safety, or the proceedings.

5. Written Materials. Submit materials at least one week before the meeting when possible. Late materials may be excluded at the Chair's discretion. Written comments presented at the meeting should be limited to one typed page unless the Chair permits more. See Section 8(3)(c).

EXHIBITS

Exhibit A: Planning Commission Motion Cheat Sheet

Quick reference to Sections 6 and 10. Those sections control; the presiding Chair may not make or second motions.

Motion	Purpose	Second	Debate	Amend	Vote	Key Notes
Approve	Approve complying application	Yes	Yes	Yes	Majority	State findings and conditions; may reference staff report
Approve with Conditions	Approve with conditions	Yes	Yes	Yes	Majority	Conditions must be authorized by code
Deny	Deny noncomplying application	Yes	Yes	Yes	Majority	Identify specific noncompliance
Recommend Approval	Recommend approval	Yes	Yes	Yes	Majority	Advisory; final action rests with County Commission
Recommend Denial	Recommend denial	Yes	Yes	Yes	Majority	State reasons for recommendation
Continue	Defer to a future meeting	Yes	Yes	Yes	Majority	State reason and date; decide hearing status
Table	Set aside during same meeting	Yes	No	No	Majority	Does not continue item to another meeting
Amend a Motion	Modify pending motion	Yes	Yes	Yes	Majority	State amendments on the record
Substitute Motion	Replace pending motion	Yes	Yes	Yes	Majority	If adopted, replaces original motion
Reconsider	Revisit vote at same meeting	Yes	Yes	No	Majority	Only a member on prevailing side may move
Rescind	Undo prior action	Yes	Yes	Yes	Majority (or as required)	Prior notice required; legal limits in Section 10(9) apply
Open Public Hearing	Open public comment	Yes	No	No	Majority	Chair may also open under Section 9(1)
Close Public Hearing	Close public comment	Yes	No	No	Majority	Before deliberation; Chair may also close under Section 9(1)
Adjourn	End meeting	Yes	No	No	Majority	Chair may adjourn without motion if no business remains

Exhibit A-1: Chair Cheat Sheet (Chair-Only)

Quick reference to Sections 6 and 8 through 12. The bylaws control.

Meeting Stage	Chair Action	Key Script / Reminder	Decision Point
Call to Order	Call meeting to order; confirm quorum	"We have a quorum. The meeting is called to order."	Proceed only if quorum present
Agenda Item Begins	Introduce item; invite staff overview	"We'll now consider agenda item _____. Staff, please provide a brief overview."	—
Applicant (Optional)	Invite applicant presentation	"The applicant may present if they wish."	Applicant not required to speak
Public Hearing (if required)	Open hearing; explain rules	"I will now open the public hearing. This is for public comment; it is not a Q&A."	Open by motion or Chair direction where permitted
Public Comment	Enforce time and decorum	Three-minute timer alerts Chair; no answers during hearing; comments to Commission	Warn → stop → remove if necessary
Close Hearing	Close hearing	"Seeing no further comments, I will close the public hearing."	Close before deliberation
Deliberation	Offer applicant response; Commission discussion; request clarification	"Would the applicant like to respond? You are not required to respond, and no adverse inference will be drawn if you decline."	Offer response; expressly state it is optional
Motion	Request motion and second	"Is there a motion?" / "We have a motion and a second."	Presiding Chair does not make or second motions; no second means no motion
Vote	Call vote; announce result	"All those in favor / opposed." / "The motion passes / fails."	Majority unless otherwise required
Adjourn	End meeting	"Seeing no further business, we are adjourned."	Chair may adjourn if no business remains