



PLANNING COMMISSION AGENDA
Thursday, June 11th, 2026
Morgan County Commission Room
6:30 p.m.

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

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

Legislative

6. **Public Hearing/Discussion/Decision** – *Creekside Vista P-C Rezone*: A request for approval of a Planned Community (P-C) Zone on 10.42 acres at approximately 4645 Old Highway Road in the Mountain Green area in unincorporated Morgan County. The current zoning is A-20 and RR-1. The properties are identified by parcel numbers 00-0060-4577, 00-0078-7724, 00-0003-3538, 00-0060-4734 & serial numbers 03-005-030-03, 03-005-030-03-1, 03-005-030, 03-005-030-04.

Administrative

7. **Public Meeting/Discussion/Decision** – *Warrior Rizen Ranch CUP 2nd Amendment*: A request to amend the Conditional Use Permit (CUP) to allow additional uses for Warrior Rizen Ranch for a Dude Ranch in the A-20 and Forestry zoning districts. The project location is 3265 S. Highway 66 and covers approximately 6,500 acres in unincorporated Morgan County. The current zoning is A-20 and RR-1.
8. **Public Meeting/Discussion/Decision** – *Cottonwood Spring View A PUD Subdivision Phase 7B 5th Amended*: A request for approval of an Amended Plat for Cottonwood Spring View A PUD Subdivision Phase 7B 5th Amended. The properties are identified by parcel number 00-0094-0418 & serial number 03-COSPR7B-0756-A1 and is located at approximately 3059 West Summit View Circle in unincorporated Morgan County.
9. **Public Meeting/Discussion/Decision** – *Wasatch Peaks Resort Oaks Lodge Site Plan*: A request for approval of a Site Plan for Wasatch Peaks Resort Oaks Lodge. The properties are identified by parcel numbers 00-0093-1362 and 00-0091-9997 & serial numbers 12-004-014-01-1-1-3 and 12-004-013-01 and is located at approximately 5233 West Wasatch Peaks Road in unincorporated Morgan County.

10. Business/Staff Questions
11. Approval of May 28th, 2026, Planning Commission Minutes
12. Adjourn

Morgan County, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations should call Planning & Development at 801-845-4015, giving at least 24 hours' notice prior to the meeting. A packet containing supporting materials is available for public review prior to the meeting at the Planning and Development Services Dept. and will also be provided at the meeting. Note: Effort will be made to follow the agenda as outlined. However, agenda items may be discussed out of order as circumstances may require. If you are interested in a particular agenda item, attendance is suggested from the beginning of the meeting.



PLANNING & DEVELOPMENT

Planning Commission
Staff Report
Zoning Map Amendment

June 11, 2026

Creekside Vista P-C Rezone
Public Hearing
June 11, 2026

Application No.: 26.007
Applicant/Owner: Skyler Gardner
Project Location: 4645 Old Highway Road, Mountain Green
Date of Application: February 23, 2026
Parcel Number: 00-0078-7724 00-0060-4577 00-0003-3538 00-0060-4734
Serial Number: 03-005-030-03-1 03-005-030-03 03-005-030 03-005-030-04
Current Zoning: Agriculture (A-20) and Rural Residential (RR-1)
General Plan Designation: Rural Residential (RR-1)
Acreage: 10.42 acres

REQUEST

Request to rezone property from A-20 (Agriculture) and RR-1 (Rural Residential one acre minimum) to P-C (Planned Community) and reflect that change on the Future Land Use Map from Agriculture and Rural Residential to Planned Community.

ATTORNEY GUIDANCE

Legislative Review: Legislative Review: Legislative land use decisions involve the adoption, amendment, or repeal of ordinances, zoning maps, development standards, and other land use regulations. Under Utah Code § 17-79-501, these are policy decisions entrusted to the County Commission as the County's legislative body and involve the exercise of legislative judgment and discretion.

The Planning Commission's role is to review the proposal, receive public input, evaluate potential impacts, and make a recommendation to the County Commission. In doing so, the Planning Commission should consider whether the proposal is consistent with Morgan County Code, the General Plan, and applicable provisions of Utah law.

Applicable Law: Utah law grants counties broad authority to regulate land use through legislative action. Historically, legislative land use decisions were generally upheld if it was reasonably debatable that the regulation promoted the public welfare. However, recent amendments to Utah Code § 17-79-801 provide that a legislative land use regulation will be upheld if it is reasonably debatable that the regulation is consistent with LUDMA.

While there is currently limited case law interpreting this revised standard, recommendations and decisions are best supported by the purposes and policies identified in Utah Code § 17-79-102, Morgan County Code, and the General Plan. Doing so provides a stronger basis for legislative action and judicial review. Among other things, Utah Code § 17-79-102 identifies the following land use purposes:

- Protect the public health, safety, and welfare.
- Promote prosperity and economic stability.
- Protect the tax base and secure economy in governmental expenditures.
- Facilitate orderly growth and a variety of housing types.
- Protect property values.
- Foster agricultural and other industries.
- Protect both urban and nonurban development.
- Promote transportation, infrastructure, and public facilities.
- Balance surrounding land uses with private property rights and constitutional protections.

Findings: The record should clearly identify:

- The basis for the recommendation or decision.
- The applicable provisions of Morgan County Code, the General Plan, and Utah law supporting the recommendation or decision.
- The public purposes and policy considerations supporting the recommendation or decision, including any applicable purposes identified in Utah Code § 17-79-102.
- The facts, information, policy considerations, and evidence relied upon in reaching the recommendation or decision.

Examples of Supporting Reasons

"I find the proposal is [consistent/inconsistent] with the goals and policies of the General Plan."

"I find the proposal [supports/does not support] the purposes identified in Utah Code § 17-79-102, including orderly growth, infrastructure planning, agricultural preservation, property rights, compatibility with surrounding land uses, public welfare, economic development, housing opportunities, or other applicable statutory purposes."

"I find the proposal is [consistent/inconsistent] with applicable provisions of Morgan County Code."

"I find the proposal [advances/conflicts with] adopted County policies, plans, or planning objectives."

Important Considerations

- Legislative decisions involve policy judgments and the exercise of discretion.

- Public comments may assist in identifying impacts, concerns, and policy considerations. Recommendations should be based on the merits of those considerations, rather than the volume of public support or opposition.
- Recommendations are best supported by identifying the applicable provisions of Morgan County Code, the General Plan, and the purposes identified in Utah Code § 17-79-102.
- A well-supported recommendation provides a stronger basis for County Commission action and judicial review.

STAFF OBSERVATION

It is important to remember that this application is for a rezone not a subdivision. A concept plan is needed to envision how this rezone may be applied to this property; however, full subdivision applications are not needed at this time. The proposed P-C rezone can provide additional benefits to the County beyond the current zoning of RR-1 and A-20. These standards and maps adopted as part of this rezone will be used to direct the development on the property.

The purpose (§ 155.455) of the Planned Community (P-C) Zone Overlay is to provide a regulatory tool which allows large properties in Morgan County to be developed in accordance with a specific plan designed to promote the following:

- (1) High quality, innovative and creative development that includes a mixture of uses in accordance with the land use styles listed below, heights and setbacks, varying densities and lot sizes and sufficient diversity of housing types to meet the full life cycle of housing needs of Morgan County residents;
- (2) Preservation of open space;
- (3) Retail, employment and recreational uses that meet or exceed the needs of the residents of the P-C Zone Overlay;
- (4) A bicycle and pedestrian friendly environment; and
- (5) A desirable living and working environment with unique identity and character.

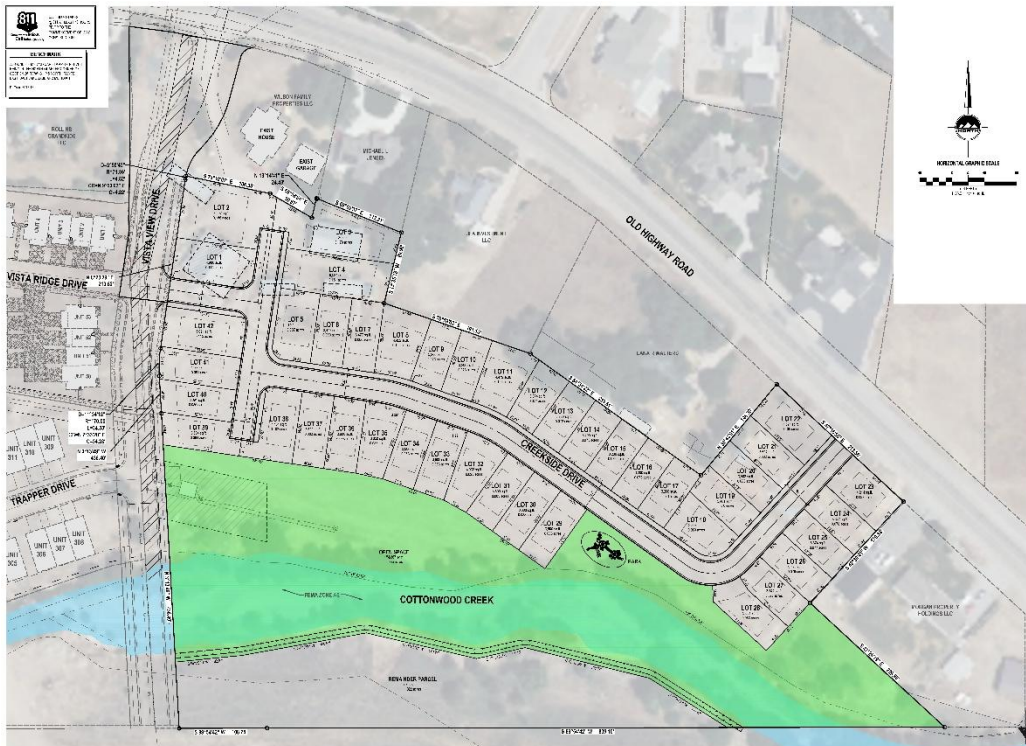
Below is a comparison of the P-C requirements found in § 155.462 to the application.

Density. The density of the proposed Project master plan is 4.03 units per acre (42 dwellings over 10.42 acres). Within the P-C zoning § 155.457(A)(3) Land Use Style “Village” densities are recommended to range from 4-15 units per acre. This project is just over four units per acre minimum. The properties zoned A-20 are non-conforming in size and may allow a single dwelling.

Open Space. The application states that 34.06% (3.55 acres) is open space (MCC § 155.462 requires 20% open space). The application provides 50% or 1.78 acres as active open space (a landscaped area with amenities). This includes a small tot lot and a trail along the south side of Cottonwood Creek with trail access provided by sidewalks (MCC requires that at least 50% of the active open space or amenities be open to the public). The application states that the trail area on the south side of the creek will be publicly accessible and connect to Old Highway Road; however, the concept plan does not show direct connection to the trail. Cottonwood Creek runs between the homes and the proposed trail. Some sort of bridge may be necessary to meet the accessibility

requirements. The area south of the trail is a 1.32-acre area of remainder parcel, which is not allowed. Current zoning does not require any public open space or amenities.

Connectivity. The concept plan shows connectivity of the Creekside Vista P-C Rezone to Old Highway Road to the north and a proposed Vista View Drive to the west. The concept plan shows proposed construction of a portion of the proposed Vista View Drive; it does not show dedication of Vista View Drive connecting to Old Highway Road. The proposed rezone provides access to the property zoned A-20. All streets appear to be private. Sidewalks are proposed on one side of each street.



Fencing, Screening. The P-C zone overlay requires that all mechanical equipment, antennas, utility areas, and trash receptacle shall be screened from view with architectural features or walls with materials used in the associated buildings. This standard is beyond the basic MCC requirements.

Architectural standards. Architectural requirements shall be determined and governed by the project development standards established as part of the applicant’s narrative and adopted as part of the ordinance. The following architectural standards and requirements shall apply in the P-C zone overlay.

- (1) Architectural design of buildings and building materials shall be established in the project development standards.
- (2) All building materials shall be high quality, durable, and low maintenance.
- (3) The applicable project development standards shall address exterior relief of buildings,

- design of all sides of buildings, and architectural compatibility of buildings.
- (4) All non-residential development shall incorporate four-sided architectural design along with building facade undulation and features to create visual interest.
 - (5) Colors and materials shall be presented in the conceptual development plan.

The architectural and elevation standards provided below by the application exceed the MCC standards for hard zones.

Architectural design. The homes in this subdivision will be single-family rambler-style houses, which are typically one-story with an open and accessible layout. These homes will feature a combination of hip roof and gabled roof lines. Hip roofs have slopes on all four sides, which meet at the top to form a ridge, providing stability and resistance to wind. Gabled roofs have two sloping sides that come together at a ridge, creating a triangular wall section at each end, which allows for better water drainage and additional attic space. This mix of roof styles adds architectural variety and enhances the overall aesthetic appeal of the neighborhood.

Elevations/styles. The exterior façade of all Residences shall be constructed of a combination of at least two (2) materials on each elevation, including residential brick masonry, natural stone, cultural stone, LP smartside siding, cement fiber siding (Hardie-board brand or equivalent), and metal aluminum siding (Longboard brand or equivalent) with traditional woodgrain finishes and colors that appear like natural wood or Metal aluminum siding with a solid finish color (Longboard brand or equivalent) shall be permitted in limited use not to exceed Fifteen Percent (15%) of any single elevation. Log veneer siding, solid paint color aluminum siding and vinyl siding, are prohibited. Application of a stone veneer to the exposed foundation will not be considered for the two required materials. Limited use of stucco trim around windows and other features may be approved at the discretion of the Architectural Review Committee (ARC). Exterior exposed foundations are to be finished to six (6) inches below finished backfill grade.

Landscaping requirements. Landscaping requirements shall be determined and governed by the applicable project development standards. The following landscaping requirements shall apply in the P-C zone overlay.

- (1) The applicable project development standards shall address the landscaping and proper maintenance by the Home Owners Association of required front, side, and rear yards of lots (non-residential and residential) and private ownership areas in the P-C zone overlay.
- (2) All areas of lots and parcels in the P-C zone overlay not designated for open space, parking, buildings, or other hard surfacing shall be landscaped and properly maintained, or in the case of large areas of preserved open space may be maintained in its natural area-scape. As such, designated open space shall remain in a natural condition, cultivated or landscaped, and properly maintained in accordance with the project development standards. If this area is disturbed during construction, then reseeding and revegetation shall occur to return it to its natural condition.
- (3) All park strips and public right-of-way areas in the P-C zone overlay shall be landscaped and properly irrigated and maintained by the applicable property owners in the P-C zone overlay unless otherwise approved by the County Commission.
- (4) A plan for the funding of on-going maintenance of all landscape and amenity areas by the

HOA shall be presented for approval by staff at the time of site plan approval.

- (5) Tree materials, percentages and sizes, shall be addressed in the conceptual development plan.
- (6) Groundcover shall be addressed in the conceptual development plan, and may include alternatives other than grass, including xeriscape options.
- (7) Rural area development may benefit from reduced infrastructure requirements such as removing curb, gutter, and sidewalks from the street design.

The application provides the following landscaping detail. Landscaping must prioritize low water use, low maintenance, and native species. The developer will landscape common areas with native grasses, trees, shrubs, and irrigation. Woody vegetation is prohibited within 10 feet between residences. Common areas will be maintained by the appropriate Owners Association. Retaining walls require ARC approval. Walls over four feet must be engineered and structurally certified. Stone gabion walls are preferred. Concrete walls must be finished, while Concrete Masonry Unit (CMU) and railroad tie walls are prohibited. All fences, walls, and hedges must be well maintained, and owners must brace adjoining structures when making changes.

Other P-C Requirements. Beyond the general MCC requirements the P-C zone overlay requires an application to address in greater detail lighting, height of buildings, and signs.

STAFF RECOMMENDATION

Staff finds that the applicant's proposed changes to the zoning map and Future Land Use Map are consistent with established planning principles. The rezone would provide a buffer between Commercial (CU), Low Density Residential (R1-20), and Town Center Districts (TC) by allowing rural residential use in a manner that is intermediate to those zoning designations and consistent with established rural residential standards. If the Commission finds merit in this rezone, then the following findings could be considered:

Findings:

1. *That the proposed amendment is appropriate given the zoning for the Future Land Use Map and existing infrastructure.*
2. *That the requested rezone from A-20 and RR-1 to P-C is unlikely to adversely affect surrounding properties, several of which are one (1) acres or less.*
3. *That the amendment supports County land-use objectives and maintains an orderly development pattern.*

Condition:

1. *As it stands, the proposed trail system in the application's concept plan has no connection between the homes and the trail system. Staff recommends a connection between these two areas to allow residents to access the trail system.*

ANALYSIS

General Plan and Zoning:

The application requests a rezone of the property from A-20 and RR-1 to P-C and reflect that change on the Future Land Use Map from Agriculture and Rural Residential to Planned Community. Approval of this rezone would allow development consistent with rural residential zoning rather than the patterns typical of agricultural areas.

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

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

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

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

ORDINANCE EVALUATION:

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

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

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

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

(C) Any property owner may initiate an amendment to this chapter or the zoning map, as long as they are affected by the proposed amendment, by submitting a complete

*application to the Planning and Development Services Department in accordance with § 155.023(A) of this code.
(Prior Code, § 8-3-3) (Ord. 13-03, passed 4-16-2013)*

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

(D) Planning Commission review and recommendation.

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

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

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

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

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

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

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

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

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

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

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

Approval Standards

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

PUBLIC NOTICE, MEETINGS, COMMENTS

- ✓ Public Notice was submitted to the State of Utah Public Notice website on June 1, 2026; a minimum of 10 days prior to the scheduled meeting. (Morgan County Code § 155.032 (C)).
- ✓ A Public Notice was posted at the County on June 1, 2026.
- ✓ Notices to property owners within 1000' feet of the proposed use were mailed a Public Notice on June 1, 2026.
- ✓ A sign was posted on the site on June 1, 2026.

RECOMMENDED MOTION

Recommended Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Commission for the Creekside Vista P-C Rezone, application number 26.007, changing 10.42 acres from A-20 and RR-1 to P-C, and reflect that change on the Future Land Use Map from Agriculture and Rural Residential to Planned Community completely, based on the findings listed in the staff report dated June 11, 2026.”

Recommended Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Commission for the Creekside Vista P-C Rezone, application number 26.007, changing 10.42 acres from A-20 and RR-1 to P-C, and reflect that change on the Future Land Use Map from Agriculture and Rural Residential to Planned Community completely, due to the following findings:”

1. List any additional findings...

Supporting Information

Exhibit A: Vicinity Map
Exhibit B: Existing Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Concept Plan
Exhibit E: Boundary Description
Exhibit F: Applicant Narrative

Staff Contact

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

Exhibit A: Vicinity Map



Exhibit B: Existing Zoning Map

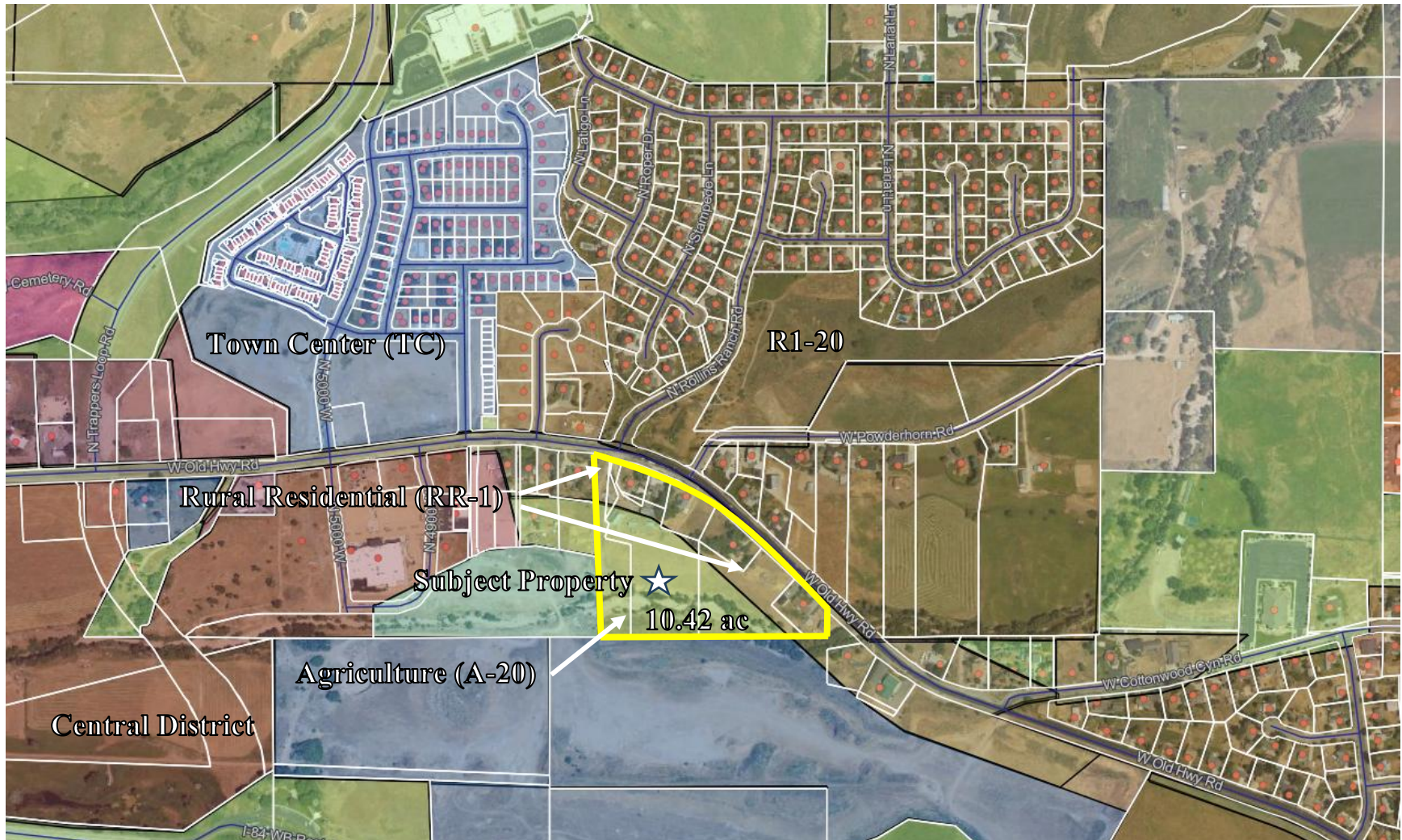


Exhibit C: Future Land Use Map

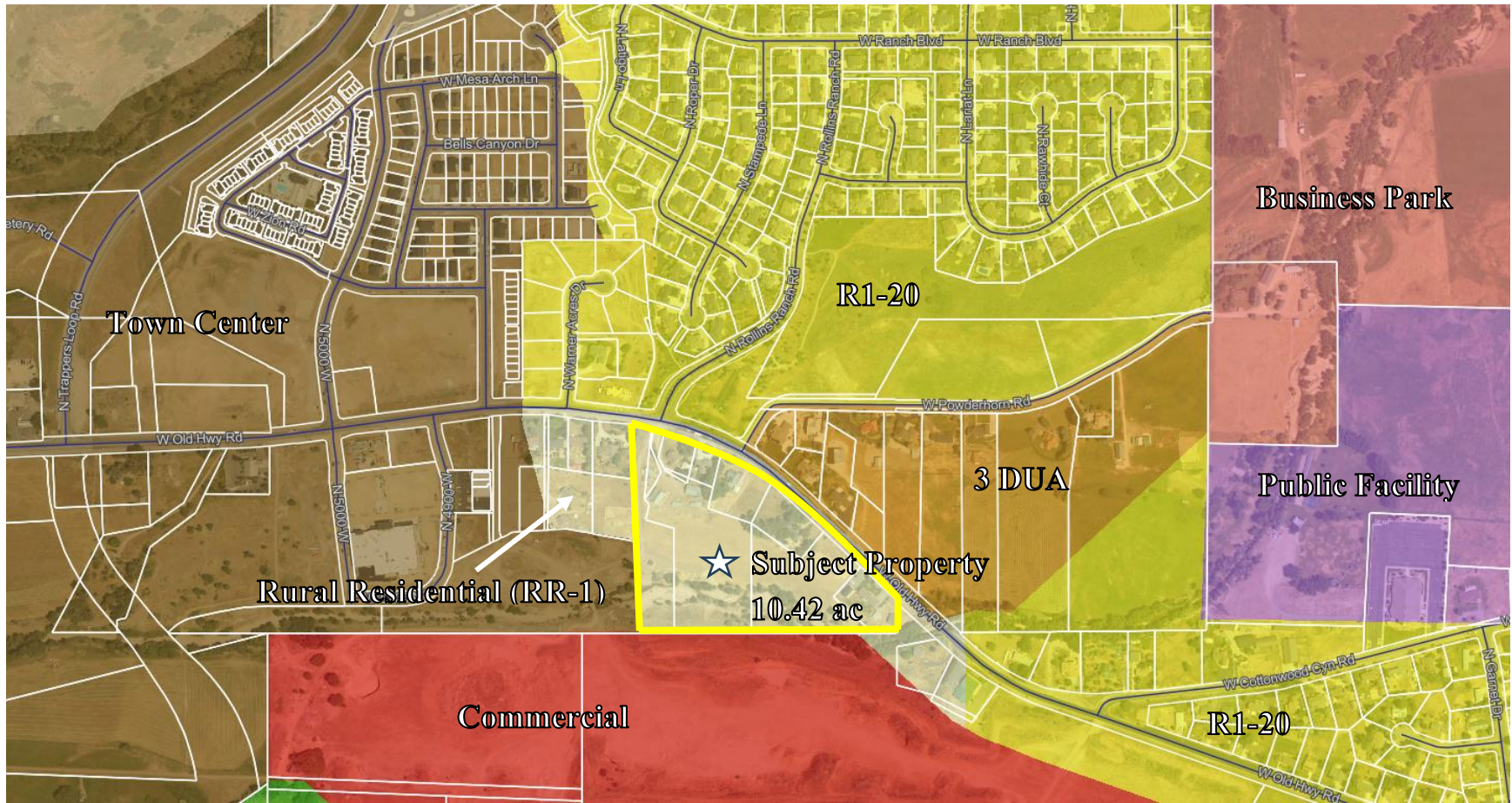


Exhibit E: Property Boundary Description

00-0060-4577

BEG AT A PT ON A FNC LN SD PT BEING N 89°54'39" E 1576.31 FT ALG THE 1/4 SEC LN FRM THE W1/4 COR OF SEC 25, T5N, R1E, SLB&M (B.B. N 89°54'39" E FRM SD COR OF THE CTR OF SEC 25; TH AS FOLS: N 3°13'49" W 503.48 FT ALG AN EXIST FNC LN; TH N 01°38'04" W 146.11 FT ALG AN EXIST FNC LN; TH N 2°14'22" E 122.94 FT ALG AN EXIST FNC LN; TH N 02°45'12" W 96.83 FT TO A NON TNGT CUR ON THE S R. OF W. LN OF THE OLD HWY; TH E'LY 87.45 FT; ALG SD CUR (R=1106 FT, D=4°31'48", T=43.75 FT, CH=87.42 FT, CHB=S 81°39'31" E) TO A NON TNGT LN; TH S 10°29'11" W 71.43 FT; TH S 22°08'17" E 115.75 FT; TH S 27°47'23" W 63.82 FT; TH S 36°00'26" W 67.91 FT; TH S 39°25'21" E 29.40 FT; TH S 12°30'14" W 67.63 FT TO THE CTR OF A WATERING TROUGH; TH S 73°53'50" E 124.62 FT; TH S 00°00'00" W 443.23 FT TO THE 1/4 SEC LN; TH S 89°54'39" W 138.81 FT ALG THE 1/4 SEC LN TO THE POB. CONT 2.316 AC / 2.32 AC. LESS THE FOL AMT SOLD: 282/1334 (0.173 AC GOING TO: #03-005-030-03-1) MORE PART DESC AS FOLS: THAT PORT OF LAND LOC IN THE NW1/4 OF SEC 25, T5N, R1E, SLB&M, COUNTY OF MORGAN, STATE OF UTAH, DESC AS FOLS: COM AT THE NW COR OF A TRACT OF LAND CONVEYED TO C&L VENTURES (APN:03-005-030-03) PER THAT CERTAIN QUIT CLAIM DEED RECORDED SEPTEMBER 8, 2009, AS ENTRY NO. 118094 IN THE OFFICE OF THE RECORDER OF SD COUNTY, SD COR ALSO BEING ON THE S'LY R. OF W. LN OF OLD HIGHWAY; TH S 81°39'31" E 76.63 FT ALG THE S'LY R. OF W. TO THE T.POB; TH S 81°39'31" E 10.79 FT ALG THE S'LY R. OF W. LN OF OLD HIGHWAY; TH S 10°29'11" W 71.43 FT; TH S 22°08'17" E 115.75 FT; TH S 27°47'23" W 63.82 FT; TH S 36°00'26" W 67.91 FT; TH N 05°34'56" E 291.80 FT TO SD S'LY R. OF W. & THE T.POB. LEAV A NET BAL OF 2.147 AC / 2.15 AC, M. OR L.

00-0078-7724

A PCL OF LAND LOC IN THE NW1/4 OF SEC 25, T5N, R1E, SLB&M, US SUR, MORGAN COUNTY, UT, DESC AS FOLS: BEG AT THE NW COR OF A TRACT OF LAND CONV TO C & L VENTURES (TAX ID 03-005-030-03) PER QCD REC 09/08/2009 AS E# 118094 IN THE OFFICE OF THE COUNTY RECORDER OF SD MORGAN COUNTY, SD COR ALSO BEING ON THE S'LY R OF W LN OF OLD HWY; TH S 81°39'31" E 76.63 FT ALG SD S'LY R OF W TO THE TPOB; & RUN TH S 81°39'31" E 10.79 FT ALG THE S'LY R OF W LN OF OLD HWY; TH S 10°29'11" W 71.43 FT; TH S 22°08'17" E 115.75 FT; TH S 27°47'23" W 63.82 FT; TH S 36°00'26" W 67.91 FT; TH N 05°34'56" E 291.80 FT TO SD S'LY R OF W & THE TPOB. CONT 7,541 SQ. FT., 0.1731 / 0.17 AC, M/L.

00-0003-3538

BEG AT A PT N 89*54'39" E 1715.12 FT ALG THE 1/4 SEC LN FRM THE W1/4 COR OF SEC 25, T5N, R1E, SLB&M (BB = N 89*54'39" E) FRM SD COR TO THE CTR OF SEC 25; & RUN TH N 00*00'00" E 443.23 FT; TH N 73*53'50" W 124.62 FT TO THE CTR OF A WATERING TROUGH; TH N 12*30'14" E 67.63 FT; TH N 39*25'21" W 29.40 FT; TH N 36*00'26" E 67.91 FT; TH N 27*47'23" E 63.82 FT; TH N 22*08'17" W 115.75 FT; TH N 10*29'11" E 71.43 FT; TO A NON-TNGT CURV ON THE S R OF W LN OF THE OLD HWY; TH E'LY 48.24 FT ALG SD R OF W LN CURV TO THE R (R=1106.0 FT, D=02*29'55", T=24.12 FT, CB=S 78*08'39" E, CH=48.23 FT) TO AN EXIST FNC COR; TH S 15*00'00" W 107.82 FT ALG FNC LN; TH S 27*35'00" E 65.00 FT; TH S 59*52'00" E 106.10 FT; TH N 13*20'00" E 25.00 FT; TH S 68*00'39" E 112.21 FT TO AN EXIST FNC LN; TH S 13*35'16" W 89.90 FT ALG SD FNC LN; TH S 70*57'30" E 190.92 FT ALG SD FNC LN; TH S 00*00'00" E 462.59 FT TO THE 1/4 SEC LN; TH S 89*54'39" W 325.63 FT ALG THE 1/4 SEC LN TO THE POB. CONT 4.827 / 4.83 AC, M/L.

00-0060-4734

BEG AT A PT N 89*54'39" E 2040.97 FT ALG THE 1/4 SEC LN FRM THE W1/4 COR OF SEC 25, T5N, R1E, SLBM (B.B. N 89*54'39" E FRM SD COR TO THE CTR OF SEC 25; TH AS FOLS: N 00*00'00" W 462.59 FT TO AN EXIST FNC LN; TH S 54*34'23" E 259.61 FT ALG SD FNC LN; TH N 39*43'00" E 146.30 FT ALG FNC LN TO THE S R. OF W LN OF THE OLD HWY; TH S 47*16'51" E 214.86 FT ALG SD R. OF W LN; TH S 42*42'12" W 170.27 FT ALG AN EXIST FNC LN; TH S 47*34'01" E 226.69 FT ALG SD FNC LN TO THE 1/4 SEC LN; TH S 89*54'39" W 514.50 FT ALG THE 1/4 SEC LN TO THE POB. CONT 3.664 / 3.66 AC, M. OR L

CONDITIONAL USE PERMIT

APPLICATION NO.: 26.009

PROPERTY ADDRESS: 3265 S Highway 66

SERIAL ID: 01-003-393 (Section 19; T3N, R3E; shooting range, sporting clays, tents)

PARCEL ID: 00-0001-0809 (Section 19; T3N, R3E; shooting range, sporting clays, tents)
(Please see Exhibit I for all parcel and serial numbers w/ acreages)

ZONING DISTRICT: A-20/F-1

PLANNING COMMISSION UPDATE: This is the second amendment to the original Schlichte Dude Ranch CUP granted in 2018.

The original CUP granted in 2018 was for a “Dude ranch with no separate cooking facilities in accessory lodging structures” in the A-20 and F-1 zones and required a conditional use permit granted from the Planning Commission. The first amendment granted in 2023 was to change the CUP “Dude ranch . . .” to a “Private park or recreational grounds, private recreational camps or resorts, including accessory or supporting dwellings or dwelling complexes and commercial service uses owned or managed by the recreational facility to which it is accessory”. The first amendment also required a CUP granted by the Planning Commission. This second amendment for a CUP for a “Private park . . .” also requires a CUP granted by the Planning Commission.

Here are the findings and conditions to the original CUP granted in 2018:

Findings:

1. That the proposed use has been identified as a dude ranch use, which is allowed as a conditional use in the A-20 and Forestry zoning districts.
2. That the proposed use will include a family lodge, green house, horse barn, equipment barn.
3. That the proposed facilities will not adversely impact the adjacent properties.
4. That any potential impact on the existing neighborhood will be minimal.

Conditions:

1. That the exterior of the facilities be maintained in an attractive manner, painted and generally kept looking aesthetically pleasing.
2. All dude ranch activities will be on the interior of the property and avoid impacting the adjacent properties.
3. Permanent structures will be located in the A-20 zoning area.
4. Length of stay will be limited to a maximum of 14 days.

The original approval in February 2018 was for a Dude Ranch experience for disabled veterans and their families. The first amendment in 2023 was a change from Dude Ranch to Private Resort which allows for an expansion of uses to include resort type uses, associate dwelling complexes and some commercial uses. The expansion of uses at that time included weddings, concerts, corporate retreats, and other similar events. These events are not just for disabled veterans and their families, but also for other interested parties, families, and groups. The first amendment in 2023 was approved with the following twelve conditions:

1. That negative impacts be reasonably mitigated
2. That events such as weddings and concerts end no later than 9:00 p.m.
3. That all attendees park within a designated parking area wholly within the property and not along the shared private street for safety of residents and attendees
4. Dust control methods, such as water or brine solutions, will be used during high traffic events such as weddings, concerts and other events
5. No weddings, concerts or other events will be held between the hours of 9 p.m. and 8 a.m., and no more than 10 concerts per year and 10 weddings per year.
6. Comply with all UDOT recommendations including that you;
 - a. Obtain a Special Use Permit from the Utah Department of Transportation, Region One office, annually, for the concert events
 - b. Place two temporary special event signs at the northbound and southbound entrances
 - c. Provide a law enforcement officer at owner's expense
7. Shall comply with the County's Dark Sky ordinance (Morgan County Code 8-6-44)
8. Shall comply with State and County regulations
9. Maintain 20' private road access for fire apparatus
10. Hours of operation are from 8 a.m. to 10 p.m. and shall not apply to overnight stays
11. That all attendees park within a designated parking area wholly within the property and not along the shared private street for safety of residents and attendees.
12. That the property adheres to all other County, State, and Federal requirements

ATTORNEY GUIDANCE

Administrative Review: In an administrative land use decision, the sole question is whether the application complies with applicable County ordinances and standards. If it does, the application must be approved.

CONDITIONAL USE PERMITS (CUPs): Morgan County Code classifies land uses as follows:

- P (Permitted Use): Allowed by right if the application complies with applicable County ordinances and standards.
- C1 (Conditional Use Permit): Reviewed and approved by the Zoning Administrator.
- C2 (Conditional Use Permit): Reviewed and approved by the Planning Commission.
- C3 (Conditional Use Permit): Reviewed and approved by the County Commission.

A Conditional Use Permit is an administrative land use decision. The Planning Commission's role is not to determine whether it likes or dislikes the proposed use, but whether the application

complies with applicable County ordinances and whether any reasonably anticipated detrimental effects can be substantially mitigated through reasonable conditions.

Conditional uses are presumed appropriate within the zoning district because the County Legislature has already determined, by adopting the zoning ordinance, that the use may be allowed in that zone, subject to compliance with applicable standards and conditions.

A CUP is not a discretionary policy decision. Utah Code § 17-79-506 requires approval of a conditional use if the application complies with applicable standards and any reasonably anticipated detrimental effects can be substantially mitigated through reasonable conditions.

Review Framework

When reviewing a CUP application:

1. Determine Ordinance Compliance
 - Confirm the application complies with all applicable County ordinances and standards.
2. Identify Reasonably Anticipated Detrimental Effects (RADEs)
 - Consider only detrimental effects supported by substantial evidence.
 - Speculation, generalized concerns, public opposition, or public clamor do not constitute substantial evidence.
3. Evaluate Mitigation
 - Determine whether reasonable conditions can substantially mitigate the identified detrimental effects.
 - Conditions should be related to the detrimental effect being addressed, within the County's authority, and reasonably proportionate to the impact.
 - Conditions must reasonably relate to an identified detrimental effect and may not be imposed simply because they are preferred by the County or neighboring property owners.
 - The law requires substantial mitigation of reasonably anticipated detrimental effects; it does not require elimination of all impacts.

Decision Standards

Approval

- A CUP must be approved if the application complies with applicable ordinances and any reasonably anticipated detrimental effects can be substantially mitigated through reasonable conditions.

Denial

- A CUP may be denied only when substantial evidence demonstrates that reasonably anticipated detrimental effects cannot be substantially mitigated through reasonable conditions.

- In exceptional circumstances, Utah courts have recognized that an otherwise compliant application may be denied where substantial evidence demonstrates that approval would seriously threaten public health, safety, or welfare. *See Western Land Equities, Inc. v. City of Logan*, 617 P.2d 388 (Utah 1980).

Findings

The record should clearly identify:

- The applicable ordinance standards.
- Any reasonably anticipated detrimental effects supported by substantial evidence.
- Any conditions imposed and how they mitigate the identified effects.
- The evidence relied upon, not merely the conclusions reached.
- The basis for approval or denial.

Important Considerations

- Conditional use permits are administrative land use decisions, not discretionary policy decisions.
- Public support, opposition, or public clamor is not a legal basis for approval or denial and does not, by itself, constitute substantial evidence.
- Do not rely on speculation, assumptions, or unsupported concerns.
- Apply ordinance provisions consistently to all applicants.
- Conditions must be reasonably related to identified reasonably anticipated detrimental effects and supported by the record.
- Conditions run with the land and remain enforceable against future owners.
- The role of the Planning Commission and County Commission is to apply adopted ordinances, not create new standards during the review process.

Personal preferences, policy concerns, or a desire for different requirements must be addressed legislatively through the adoption, amendment, or repeal of ordinances, not through review of an individual application.

REQUEST

The applicant, John Schlichte requests approval of a 2nd Amendment to the Conditional Use Permit to expand the uses associated with their Private Resort located on their property at 3265 South Highway 66, Morgan County, Utah.

This second amendment (CUP 26.009) requests the following activities to be conditionally permitted:

1. Horseback riding
2. Sporting Clays
3. Stand Up Paddle Boarding
4. Target Shooting
5. Snowcat Rides
6. Livestock interaction

7. Archery
8. Culinary Events
9. Yoga
10. Fishing
11. Foraging
12. Hiking
13. Backcountry skiing
14. Social Media Content
15. Creation/Videos
16. Cattle Roundups
17. Survival Training
18. X-Country Skiing
19. Hayrides
20. Wild and preserve style hunting
21. Mountain Biking
22. Roping
23. Camp Cooking
24. Wildlife Watching
25. Agribusiness
26. Other Low-impact activities

RECOMMENDATION

Based on the information in this staff report, planning staff recommends that the Planning Commission approve this 2nd amendment to a Conditional Use Permit application subject to all applicable regulations and the following conditions:

1. That negative impacts be reasonably mitigated.
2. That emergency access to the shooting range and the tent like structures along the path be provided in accordance with the Fire Department's Authority Having Jurisdiction and that those emergency plans be provided at time of building permit.

PROJECT DESCRIPTION

The applicant is requesting approval to modify the Conditional Use Permit that was approved in February 2018 for a Dude Ranch experience for disabled veterans and their families, and the first amendment to a private resort that was approved in April 2023 to expand the uses permitted to include weddings, concerts, and other events for not only disabled veterans and their families, but also for other interested parties, families, and groups.

In addition, as they are farming and ranching on the property, they would like to obtain approval to set up an agribusiness to sell that which they are cultivating.

The applicant's narrative, attached to this staff report details their proposal.

The Planning Commission, as the decision-making authority for this CUP may add additional conditions to mitigate potential negative impacts. These additional conditions would need to comply with the following standards as contained within 8-8-4(A):

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

1. Building elevations and grading plans which will prevent or minimize floodwater damage, where property may be subject to flooding.
2. The relocation, covering or fencing of irrigation ditches, drainage channels, and other potential attractive nuisances existing on or adjacent to the property.
3. Increased setback distances from lot lines where the planning commission determines it to be necessary to ensure the public safety and to ensure compatibility with the intended characteristics of the district as outlined in this title.
4. Appropriate design, construction and location of structures, buildings and facilities in relation to any earthquake fault which may exist on the property, and limitations and/or restrictions on the use and/or location of uses due to special site conditions, including, but not limited to, geologically hazardous areas; floodplains; fault zones; landslide areas.
5. Limitations and control of the number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and appearance and harmony with adjacent development.
6. Plans for the location, arrangement and dimensions of truck loading and unloading facilities.
7. Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants and street lighting.
8. Reduction of permitted street grades for winter and storm conditions, or exposure.
9. Fences shall not create visual nor other safety hazards.
10. Backing movements, passing vehicles, sidewalk traffic, small children, etc., shall be considered in the location of fences and effects on circulation system.
11. Numbers and types of vehicles per time period associated with the conditional use activities.
12. Time of day and days of the week conditional use may operate.”

Conditional Use permits for Agribusiness, Dude Ranches, and Recreational uses all require a C2 CUP.

CODE ANALYSIS

Standards		Findings	Rationale
<i>Ordinance Evaluation. Morgan County Code, Chapter 3, Section 8-2-1 defines conditional use as the following:</i>			
<i>CONDITIONAL USE: A land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. (A use of land for which a conditional use permit is required, pursuant to this title.)</i>			
8-8-4A Conditions Relating To Safety For Persons And Property:			
A1	Building elevations and grading plans which will prevent or minimize floodwater damage, where property may be subject to flooding.	<i>Complies</i>	
A2	The relocation, covering or fencing of irrigation ditches, drainage channels, and other potential attractive nuisances existing on or adjacent to the property.	<i>N/A</i>	

A3	Increased setback distances from lot lines where the planning commission determines it to be necessary to ensure the public safety and to ensure compatibility with the intended characteristics of the district as outlined in this title.	<i>N/A</i>	
A4	Appropriate design, construction and location of structures, buildings and facilities in relation to any earthquake fault which may exist on the property, and limitations and/or restrictions on the use and/or location of uses due to special site conditions, including, but not limited to, geologically hazardous areas; floodplains; fault zones; landslide areas.	<i>Complies</i>	
A5	Limitations and control of the number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and appearance and harmony with adjacent development.	<i>N/A</i>	
A6	Plans for the location, arrangement and dimensions of truck loading and unloading facilities.	<i>N/A</i>	
A7	Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants and street lighting.	<i>N/A</i>	
A8	Reduction of permitted street grades for winter and storm conditions, or exposure.	<i>N/A</i>	
A9	Fences shall not create visual nor other safety hazards.	<i>N/A</i>	
A10	Backing movements, passing vehicles, sidewalk traffic, small children, etc., shall be considered in the location of fences and effects on circulation system.	<i>N/A</i>	
A11	Numbers and types of vehicles per time period associated with the conditional use activities.	<i>Stipulation may be added</i>	<i>Due to the nature of the events and the amount of traffic generated the PC may add a stipulation limited the number of vehicles allowed.</i>
A12	Time of day and days of the week conditional use may operate.	<i>Stipulation may be added</i>	<i>Due to the nature of the events and the proposed time of each event the PC may add a stipulation limiting the hours of operation.</i>
8-8-4B Conditions Relating To Health And Sanitation:			
B1	A guarantee of sufficient water to serve the intended land use and a water delivery system meeting standards adopted by the governing body.	<i>N/A</i>	<i>Property is already served by Well</i>
B2	A wastewater disposal system and a solid waste disposal system meeting standards adopted by the governing body.	<i>N/A</i>	<i>Property is served by Septic</i>
B3	Construction of water mains, sewer mains and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the district and to provide for an orderly development of land in the county.	<i>N/A</i>	
8-8-4C. Environmental Concerns:			
C1	Limitations and/or restrictions on the use and/or location of uses in sensitive areas due to soils capabilities, wildlife and plant life.	<i>N/A</i>	
C2	Standards intended to conserve, enhance, restore and maintain significant natural and manmade features which are of public value, including among other things, river	<i>N/A</i>	

	corridors, streams, lakes and islands, domestic water supply watersheds, flood storage areas, natural shorelines and unique vegetation, wetlands, wildlife and fish habitats, significant geological features, tourist attractions, archaeological features and sites, historic features and sites and scenic views and vistas, and to establish criteria and standards for the development, change of use, or alteration of such features.		
C3	Processes for the control, elimination or prevention of land, water or air pollution; the prevention of soil erosion; and the control of objectionable odors. Processes for the control, elimination or prevention of land, water or air pollution; the prevention of soil erosion; and the control of objectionable odors.	<i>N/A</i>	
C3a	These processes may include restrictions on degradation of water quality.	<i>N/A</i>	
C3b	Developments which produce any discharge to any watercourse shall demonstrate compliance with all federal, state and county water quality standards as evidenced by the issuance of any permits required for their discharge by the federal government, state and/or county.	<i>N/A</i>	
C3c	Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces and drainage systems prior to final approvals for the project. It is the responsibility of any person, corporation or other entity doing any act on or across a stream, watercourse or swale, or upon the floodplain or right of way thereof, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain or right of way during such activity.	<i>N/A</i>	
C4	The planting of ground cover or other surfacing to prevent dust and erosion.	<i>N/A</i>	
C4a	The proposed land disturbing activity will ensure and provide an undisturbed vegetation buffer from the top of the bank of a stream, wetland or other water body, unless a mitigation plan is approved for alterations within the buffer area.	<i>N/A</i>	
C4b	Whenever feasible, natural vegetation will be retained and protected.	<i>Complies</i>	
C4c	Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.	<i>N/A</i>	
C4d	Plans will be made to accommodate increased runoff and sedimentation caused by altered soil and surface conditions during and after the proposed activity.	<i>N/A</i>	
C5	Restructuring of the land and planting of the same as directed by the planning commission when the conditional use involves cutting and/or filling the land and where such land would be adversely affected if not restructured.	<i>N/A</i>	
C6	Limitations and/or restrictions on construction and/or development on slopes in excess of thirty percent (30%) to control erosion.	<i>N/A</i>	

C7	If the proposed conditional use involves hillside construction and/or development, the application will be approved only after the applicant provides:	N/A	
C7a	Topographic information showing that the proposed activity is on land with a slope less than thirty percent (30%) and that it is located more than two hundred feet (200') from a known landslide.	N/A	
C7b	A geologic/geotechnical report which shall be in form and content approved by the county engineer, consisting of, among other things, a slope stability study, earthquake analysis and sedimentation analysis, prepared by a certified engineering geologist or geotechnical engineer approved by the county engineer, certifying that the site or route in its entirety is suitable for the proposed development.	N/A	
C7c	Such other engineering or technical reports as may be required by the planning commission or governing body.	N/A	
C7d	Detailed construction plans, drawings and specifications which outline all construction methods proposed to be utilized.	N/A	
C8	In all cases, the applicant may be required to supply a geologic report, a geotechnical study, a hydrological study, a civil engineering study and other applicable engineering studies required by the planning commission or governing body acceptable in form and content to the county engineer.	N/A	
C9	The applicant's conditional use may be limited or denied if blasting, drilling or any other construction activity involved will weaken, or cause, adjoining slopes, geologic formations and manmade improvements to become unstable or if the proposed construction or operation will result in the creation of a geologic hazard to surrounding properties, such as through slumping, sliding or drainage modifications.	N/A	

SUPPORTING INFORMATION

Exhibit A: Zoning Map (Original CUP & 1st Amendment)

Exhibit B: Site Plan (Original CUP & 1st Amendment)

Exhibit C: Area Site Plan (Original & 1st Amendment)

Exhibit D: Zoning Map (2nd Amendment) & Shelters

Exhibit E: Roads and Excavation & Shelter Locations

Exhibit F: Range Distance to Nearest Dwelling & Sound Testing

Exhibit G: Applicant Narrative

Exhibit H: Sound Testing & Link to all Graphic Representations of the Application

Exhibit I: All Parcel & Serial Numbers w/Acreage

Exhibit J: All Warrior Rizen Ranch Properties

RECOMMENDED MOTION

Recommended Motion for *Approval* – “I move to approve the Warrior Rizen Ranch CUP (Schlichte Conditional Use Permit 2nd Amendment), application CUP #26.009, located at Serial #01-CRKS-0002 and Parcel ID #00-0060-2183 off of Highway 66, Morgan County, Utah, based on the findings and with the conditions listed in the staff report dated June 11, 2026.”

Recommended Motion for *Approval with conditions*– “I move to approve the Warrior Rizen Ranch CUP (Schlichte Conditional Use Permit 2nd Amendment), application CUP #26.009, located at Serial #01-CRKS-0002 and Parcel ID #00-0060-2183 off of Highway 66, Morgan County, Utah, based on the findings and with the conditions listed in the staff report dated June 11, 2026, and as modified by the conditions and findings below:”

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

Recommended Motion for *Denial* – “I move to deny the Warrior Rizen Ranch CUP (Schlichte Conditional Use Permit 2nd Amendment), application CUP #26.009, located at Serial #01-CRKS-0002 and Parcel ID #00-0060-2183 off of Highway 66, Morgan County, Utah based on the following findings:

Exhibit A: Zoning Map Original & First Amendment



Exhibit B: Site Plan Original & First Amendment

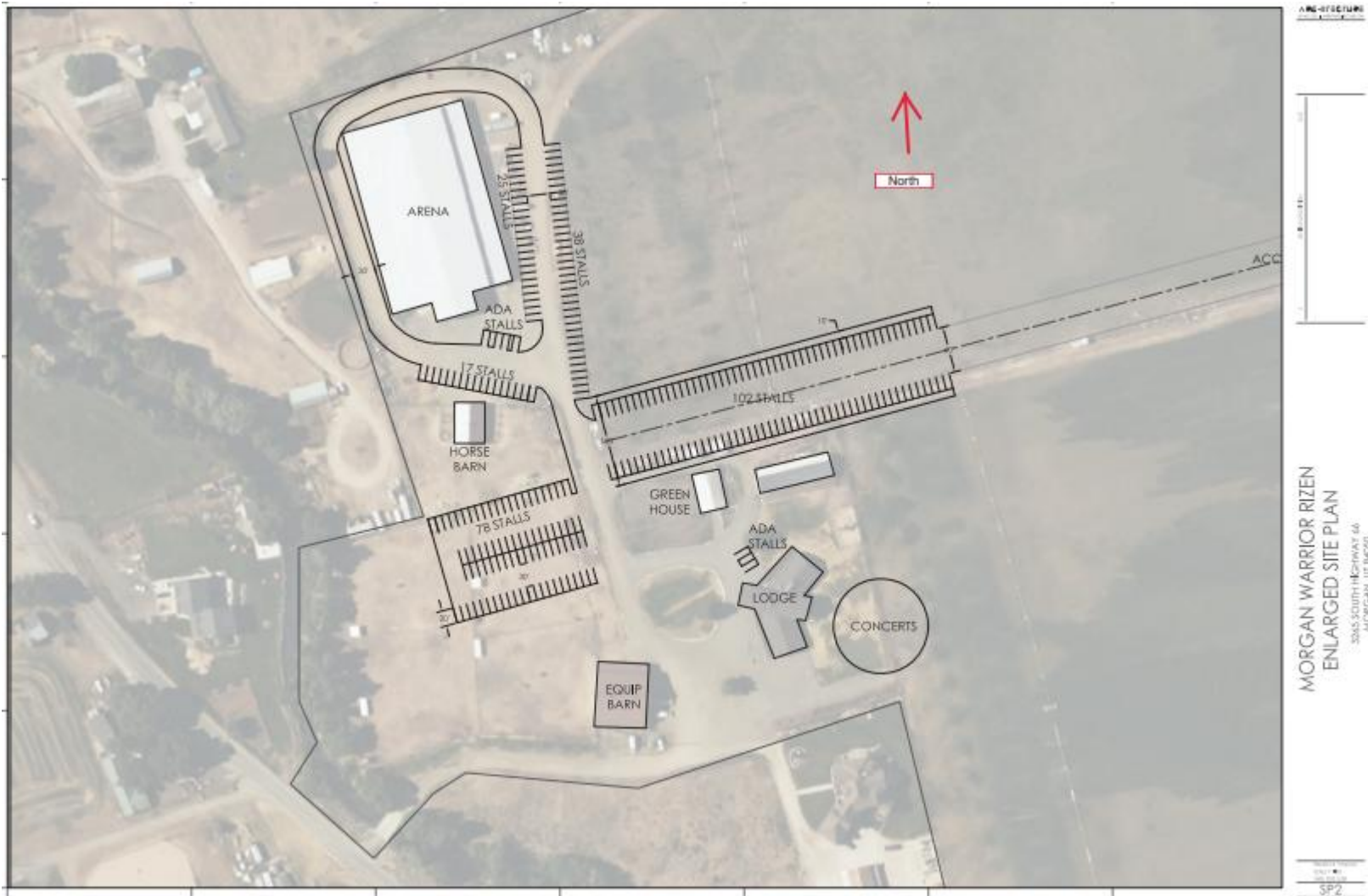


Exhibit C: Area Site Plan Original & First Amendment

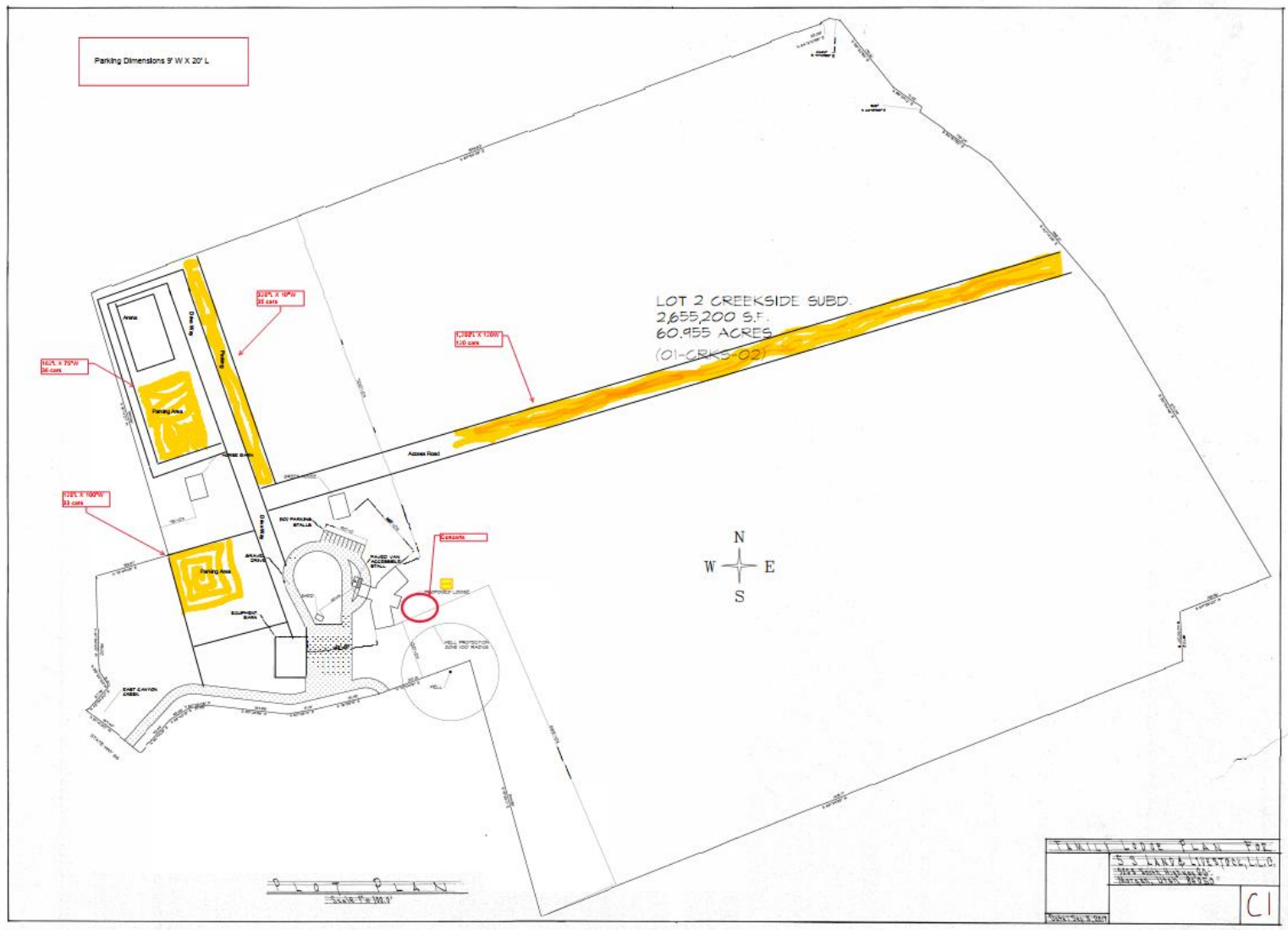


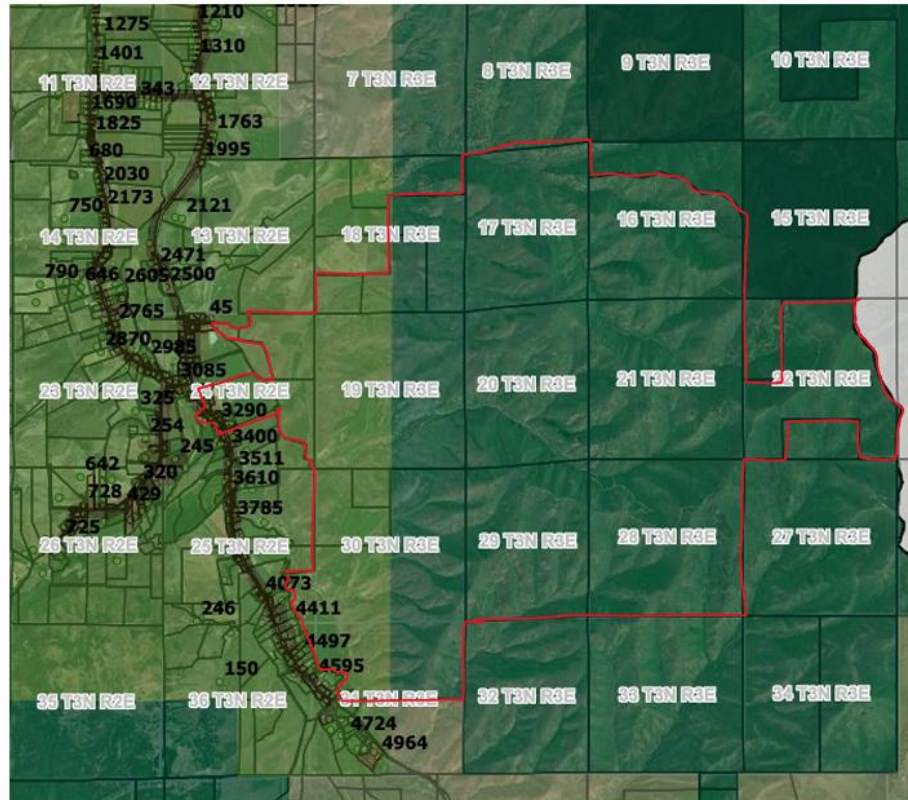
Exhibit D: Zoning Map 2nd Amendment & Shelters

Total Landowner Acreage:
6,500 Contiguous

Agriculture: Approximately
1,165 Acres

Forestry: Approximately
5,335 Acres

5,000 acres in
Conservation Easement
with Summit Land
Conservancy



Canvas safari tents using earth tones and exposed beams—like yurts—will offer shelter for various activities and gathering locations. These attractive and rugged tents can withstand Utah’s climate; they’re movable, and canvas windows can be opened in warmer weather.

Building Permit Applications are expected to be submitted by April 30, 2026

Tent 1 Dimensions
714 sq ft plus decking
Total Footprint Approx: 1,100 sq ft
Total Graded & Leveled Area: .045 Acre (approx.)

Tent 2 Dimensions
348 sq ft plus decking
Total Footprint Approx: 450 sq ft
Total Leveled Area: .02 Acre (approx.)

Tent 3 Dimensions:
560 sq ft plus decking
Total Footprint Approx: 1,500 sq ft
Total Graded & Leveled Area: .045 Acre (approx.)



Examples from tent manufacturer



Exhibit E: Roads and Excavation & Shelter Locations

- **No additional roads or parking areas are required**
- Ranch roads are 16-feet wide, dirt, and well maintained. Ranch roads will be improved with gravel in necessary areas, soil stabilizer and drainage improvements.
- Small extensions to dirt ranch roads possibly required
- Minimal soil and vegetation disruption will occur. Any vegetation removed will be replanted with native species.
- As a strictly private operation, the ranch is not expecting a significant increase in traffic.
- No new lighting, water, or electricity (except batteries and small solar panels) required.



Exhibit F: Range Distance to Nearest Dwelling & Sound Testing



Sound Testing: Testing conducted February 27, 2026 and April 7, 2026 resulted in little to no noise heard on various valley portions of Warrior Rizen Ranch from various firearms shot from proposed range areas.

Firearms used for the testing were configured for maximum volume (short-barrel rifles with muzzle breaks, 12-gauge shotgun, handgun).

The highest perceived sound score (5/10) occurred in only one scenario with the shot directed toward monitor – opposite of downrange direction.

When silencers were used, no noise was heard. The ranch will encourage the use of silencers whenever possible and establish a “silencer culture.”

Exhibit G: Applicant Narrative

Written Narrative

Name of the Project: Amendment to Warrior Rizen Ranch’s Dude Ranch Conditional Use Permit (approved February 22, 2018 parcel ID #01-CRKS-0002 being the main parcel) and amended April 18, 2023 to **Private Park Or Recreational Grounds, Private Recreational Camps Or Resorts, Including Accessory Or Supporting Dwellings or Dwelling Complexes and Commercial Service Uses Owned or Managed by the Recreational Facility to Which it is Accessory):**

Warrior Rizen Ranch Activities Improvement/Expansion

Applicant:

John Schlichte
Warrior Rizen Ranch
5730 Silver Mountain Cove, Morgan, UT 84050
801-898-8191

Applicant’s Agent:

Nick Seifert
Griffon & Greylight, LLC
3105 Fairway Hills Ct., Park City, UT 84060
435-640-9869

Project Designers: John Schlichte and Nick Seifert

Overview and Potential Impacts: Warrior Rizen Ranch was approved for a Dude Ranch Conditional Use Permit in February 2018 which was amended April 2023 to allow “expanded uses including weddings, concerts, agribusiness, and other like events.”

This application is submitted to clarify intended uses and continued improvements:

The ranch proposes to improve recreational operations in support of its missions upon its 10.6 square miles of private land. The goal is twofold: to further Warrior Rizen Foundation’s mission of supporting veterans, active military, law enforcement, first responders, and Gold Star families; and to create mentorships and a structure to support these programs long term under a private enterprise. There will be no public access.

Research—including studies conducted in partnership with the U.S. Department of Veterans Affairs, the University of Michigan, and Cornell University—demonstrates that structured outdoor recreation, particularly activities such as hunting and shooting sports,

contributes meaningfully to improved mental health, community connection, and long-term well-being for these groups.

Consistent with the above, the Ranch offers a variety of traditional western ranch activities, including horseback riding, fishing, hiking, outdoor education, shooting sports, hunting and other low impact activities. Improvements and changes will be made primarily to the shooting sports: The current shooting range will be closed, and a new one will be located approximately 1.4 miles (7,413 feet) away from the nearest dwelling. The range will include a variety of interactive targets and an acoustic system to eliminate the need for paper targets (a convenience and safety improvement). Sporting clays areas will be created plus a 3D archery course. All activities will occur “in the wild” well within the ranch’s 6,500 acres and within A-20 Agriculture and Forestry zoning districts.

We are intentionally designing these uses to remain low intensity:

- No meaningful increase in traffic (significantly less than event-based uses)
- No new commercial infrastructure (No new lighting, parking lots, or significant landscaping)
- Minimal ground disturbance (less than ~0.2 acres total)
- 3 Yurtlike tents for shelter – with tentative plans for another 1 or 2 possibly in the future

Further, we are not requesting any modification to the existing CUP conditions.

List of potential activities/changes:

Horseback Riding	Target Shooting	Archery	Fishing
Sporting Clays	Snow Machine Rides	Culinary Events	Foraging
Stand Up Paddle Boarding	Livestock interaction	Yoga	Hiking
Backcountry skiing	Cattle Roundups	X-Country Skiing	Hayrides
Social Media Content Creation/Videos	Survival Training	Wild and preserve style hunting	Wildlife Watching
Mountain Biking	Roping	Camp Cooking	Other Low-impact activities

IMPACTS: Most of the activities don’t pose risk of significant impacts. Shooting sports’ potential impacts are minimal on property, but include noise, safety, fire, and some ground leveling and brush clearing (less than two-tenths (.2) acre total). Potential impact off property include noise, which the ranch will mitigate by locating ranges approximately ½

mile to nearly 1 ½ miles away from the closest dwelling, by using geographic features to muffle and deflect noise, as well as promoting a “silencer culture.” More below:

Mitigations

- Noise: Ensuring good relationships with our neighbors has been primary in the design and layout of the range. All shooting areas will be set well beyond the Morgan County minimum standard of five hundred feet (500’) from “any residential structure, airstrip or runway.” Proposed range locations are more than 5X the minimum distance (2,600 feet – nearly ½ mile), to nearly 1-1/2 miles from any residential dwelling. In addition, we are using geography to mitigate noise concerns, using ridges and hills to buffer and deflect noise away from the East Canyon Creek Valley. The rifle/pistol range will be oriented to face away from the valley, and the ranch will institute a “silencer” culture to encourage the use of silencers. Silencers have become increasingly popular, and the U.S. Government eliminated the fee for tax stamps on silencers on January 1, 2026 which has made the process of obtaining silencers cheaper and faster.
 - An existing rifle range, which is approx. ½ mile from dwellings but has minimal natural barriers/buffers, will be eliminated
 - Clay target shooting will occur within a canyon to deaden sound
 - Sound Testing: Noise testing conducted on February 27, 2026 and April 7, 2026 **resulted in little to no noise heard from various firearms shot near proposed range areas. See full results in Graphic Presentation**
 - Containment and Safety: All ranges have been designed to ensure complete containment of projectiles. Due to the enormous size of the ranch and its total elevation gain of 2,800 feet (5,200 ft to 8,000 ft), range footprints have downrange containment of more than 1 mile and massive backstops (up to 1,000 feet of elevation gain) in the forms of mountains and ridges. Sporting Clays areas have similarly large containment space (well beyond the 300-yard minimum as recommended by the National Sporting Clays Association) coupled with terrain features (ridges and the primary canyon) and stands of dense vegetation that further mitigate shotshell fallout safety concerns. Sporting Clays shot sizes will be restricted to no larger than size 7 ½ shot (NSCA standard) to ensure airborne shot stays within designated safety areas. In terms of safety, shooting sports have one of the lowest injury rates among all sports, but the Ranch will follow NSCA, NRA and other safety guidelines and will follow a strict set of safety protocols. The ranch will have a Range Safety Officer on property whenever shooting ranges are open and occupied.
 - Fire – A US Forest Service study found that civilian shooting posed a small risk of causing wildfires. The causes included ignition by black powder muzzle loading

rifles and certain types of rifle bullets (overwhelmingly steel core or steel jacketed projectiles, the fragments of which “cool rapidly but can ignite organic matter, particularly fine material, if it is very dry and close to the impact site.” The USFS study used highly flammable oven-dried peat moss as “organic matter”). To mitigate the possibility of wildfire caused by shooting, the ranch will institute several policies and protocols. 1. Black powder firearms will be restricted to non-flammable areas (dirt, snow, wet organic material) and not allowed during particularly dry weather conditions. 2. Steel jacketed and steel core ammunition will be forbidden from use at the ranch for target shooting (except in very limited extremely low-fire-prone conditions) 3. Steel targets will be angled toward the ground and organic material will be cleared from the “bullet splatter radius” under steel targets, leaving dirt areas. Fire retardant will also be sprayed under any targets adjacent fire-prone material. 4. Two Rapid Fire Response Vehicles will be available: A military extreme overland vehicle (Mercedes-made Unimog) outfitted with a 500-gallon tank of fire retardant and sprayer system (see photo on graphic presentation); and a quick-response Sports Utility Vehicle loaded with fire extinguishing equipment. 5. The rifle/pistol range location was selected for its low-fire danger: The area overwhelmingly contains low-growing grasses, crops and shrubs with very sparse amount of woody material and very few ladder fuels (trees and tall bushes) allowing for the lowest fire danger possible and more easily extinguished in case of incident. 6. Clay target shooting doesn’t pose risk of wildfire.

Vicinity Map – See Attached Addendum 1

All significant natural and manmade features and existing structures within 200 feet of any portion of the proposed project area:

1. The only significant manmade features within 200 feet of any portion of the proposed project area are:
 - a. Cropland belonging to the landowner
 - b. Water Tanks owned by the landowner
 - c. One grain or hay crop owned by neighbor Neil Porter (adjacent the Upland Bird Hunting area).
 - i. For most of the upland bird hunting season (currently Sept. 1 to March 31), crops will have been harvested.
2. No structures exist within 200 feet of any portion of the proposed project area.

3. Property boundaries of the proposal (**See Graphic Presentation**)

4. The names of adjacent owners

- Neil Porter
- Richard L Kippen
- J Reverse J Land Co LLC
- Rees Legacy LLC
- Tunnel Hollow “Multiple Owners” – 615.47 Acres directly east of the Property Boundary – approximately 2 miles “as the crow flies” from proposed activities
- Val J Dearden Trustee
- Utah Division of Wildlife Resources – East Canyon WMA
- Halverson Family East Canyon LLC (Linda Haverson)
- Sanders Properties LLC
- Unknown (Appears to be a commercial camp area)
- Todd Stewart Carlson
- Craig C Sanders
- Christopher D Jensen
- Can Johanson
- Brent A Porter
- T&L Wellness LLC
- Marc M Evans
- Kris Haslam
- Michael Salmon
- Mark L Wall

- Ryan Eriksson
- JLW Properties LLC
- Bountiful Utah West Stake (Secondary Owner LDS Church Tax Division)
- McKay Dev Perry LLC
- Connie W. Porter
- Sanfords Place LLC (Secondary Owner John Porter)
- K. Michael Clemens
- Dawson Farm Properties LLC
- Unknown
- George Dee Kippen Family Limited Partnership

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Exhibit H: Sound Testing

February, 2026 Sound Test							
Scenario	Shoot Location	Caliber/Gun	Silencer Y/N	Direction of Fire	No. of Shots	Listen Location	Sound Rank 0 to 10
1	Range West	9mm HG	N	N	3	North Ranch	2
2	Range West	9mm HG	N	W	3	North Ranch	2
3	Range West	9mm HG	N	S	3	North Ranch	1
4	Range West	.223 SBR	N	E	3	North Ranch	1
5	Range West	.223 SBR	N	N	3	North Ranch	2
6	Range West	.223 SBR	Y	E	3	North Ranch	0
7	Range West	.223 SBR	Y	N	3	North Ranch	0
8	Range West	6.5 CM	N	E	2	North Ranch	3
9	Range West	6.5 CM	N	N	2	North Ranch	4
10	Range West	6.5 CM	Y	E	2	North Ranch	0
11	Range West	6.5 CM	Y	N	2	North Ranch	0
12	Range East	9mm HG	N	N	2	North Ranch	0
13	Range East	.223 SBR	N	E	2	North Ranch	0
14	Range East	.223 SBR	N	N	2	North Ranch	0
15	Range East	.223 SBR	Y	E	2	North Ranch	0
16	Range East	.223 SBR	Y	N	2	North Ranch	0
17	Range East	6.5 CM	N	E	2	North Ranch	1
18	Range East	6.5 CM	N	N	2	North Ranch	1
19	Range East	6.5 CM	Y	E	2	North Ranch	0
20	Range East	6.5 CM	Y	N	2	North Ranch	0
21	Range East	6.5 CM	Y	E	2	South Ranch Pond	0
22	Range East	6.5 CM	Y	N	2	South Ranch Pond	0
23	Range East	6.5 CM	N	E	1	South Ranch Pond	2
24	Range East	6.5 CM	N	N	1	South Ranch Pond	2
25	Range East	.223 SBR	Y	E	2	South Ranch Pond	0
26	Range East	.223 SBR	Y	N	2	South Ranch Pond	0
27	Range East	.223 SBR	N	E	2	South Ranch Pond	0
28	Range East	.223 SBR	N	N	2	South Ranch Pond	0
29	Range East	9mm HG	N	SE	2	South Ranch Pond	1
30	Range East	9mm HG	N	E	2	South Ranch Pond	0
31	Range East	9mm HG	N	N	2	South Ranch Pond	0
32	Range West	9mm HG	N	N	2	South Ranch Pond	0
33	Range West	9mm HG	N	E	2	South Ranch Pond	0
34	Range West	9mm HG	N	S	2	South Ranch Pond	0
35	Range West	.223 SBR	Y	N	2	South Ranch Pond	0
36	Range West	.223 SBR	Y	E	2	South Ranch Pond	0
37	Range West	.223 SBR	N	N	2	South Ranch Pond	0
38	Range West	.223 SBR	N	E	2	South Ranch Pond	0
39	Range West	6.5 CM	N	N	2	South Ranch Pond	2
40	Range West	6.5 CM	N	E	2	South Ranch Pond	2
41	Range West	6.5 CM	Y	N	2	South Ranch Pond	0
42	Range West	6.5 CM	Y	E	2	South Ranch Pond	0
43	Sporting Clays "B"	12 Ga	N	E	1	South Ranch Pond	0
44	Sporting Clays "B"	12 Ga	N	NW	1	South Ranch Pond	0
45	Sporting Clays	12 Ga	N	S	1	South Ranch Pond	0
46	Sporting Clays	12 Ga	N	E	1	South Ranch Pond	0
47	Sporting Clays	12 Ga	N	W	1	South Ranch Pond	0
48	Sporting Clays	12 Ga	N	N	1	South Ranch Pond	0

April 7, 2026 Sound Test							
Scenario	Shoot Location	Caliber/Gun	Silencer Y/N	Direction of Fire	No. of Shots	Listen Location	Sound Rank 0 to 10
1	Range East	.308 SBR	N	N	1	South Ranch Pond	2
2	Range East	.308 SBR	N	NE	1	South Ranch Pond	0
3	Range East	.308 SBR	N	N	1	South Ranch Pond	2
4	Range East	.308 SBR	Y	N	2	South Ranch Pond	0
5	Range East	.308 SBR	Y	NE	2	South Ranch Pond	0
6	Range East	.308 SBR	N	N	1	North Ranch	3
7	Range East	.308 SBR	N	NE	1	North Ranch	1
8	Range East	.308 SBR	N	N	1	North Ranch	2
9	Range East	.308 SBR	Y	N	2	North Ranch	0
10	Range East	.308 SBR	Y	NE	2	North Ranch	0
12	Sporting Clays	12 Ga	N	S	2	South Ranch Pond	2
13	Sporting Clays	12 Ga	N	SE	2	South Ranch Pond	0
14	Sporting Clays	12 Ga	N	E	2	South Ranch Pond	0
15	Sporting Clays	12 Ga	N	N	2	South Ranch Pond	0
16	Sporting Clays	12 Ga	N	W	2	South Ranch Pond	1*
17	Sporting Clays	12 Ga	N	S	2	North Ranch	1
18	Sporting Clays	12 Ga	N	SE	2	North Ranch	0
19	Sporting Clays	12 Ga	N	E	2	North Ranch	1
20	Sporting Clays	12 Ga	N	N	2	North Ranch	3
21	Sporting Clays	12 Ga	N	W	2	North Ranch	5*

*Opposite direction of selected line of fire

Firearm Key

.308 SBR: 30-Cal. High-power Short-barrel Rifle with Muzzle Break (Very Loud Configuration)	.223 SBR: AR-15 Short Barrel Rifle with muzzle break (Very Loud Configuration)
6.5 CM: High-power rifle with muzzle break (Very Loud Firearm Configuration)	12 Ga: 12 Gauge Shotgun - O/U 28-inch Barrels 9mm HG: Semi-auto handgun

Sound Ranking

- 0 — Not audible.
- 1 — Barely perceptible; unsure if you heard anything.
- 2 — Very faint "pop" that could be mistaken for a door slam
- 3 — Faint, short "pop/crack"; noticeable if you're listening for it.
- 4 — Soft but clear "pop/crack"; likely a gunshot, low confidence.
- 5 — Moderate "pop/crack," clear gunshot to a familiar listener; brief, no echo.
- 6 — Clear, distinct "crack" with slight carry/echo; average person would call it a gunshot.
- 7 — District "crack/boom," some echo or roll; unmistakable gunshot, direction somewhat perceptible.
- 8 — Strong report; direction evident. Would become somewhat annoying if sustained
- 9 — Clear "crack/boom," mildly startling; highly confident ID and direction. Annoying or concerning.
- 10 — Startlingly loud for the distance; sharp crack; feels close despite being ¼ mile. Immediately concerning/annoying.

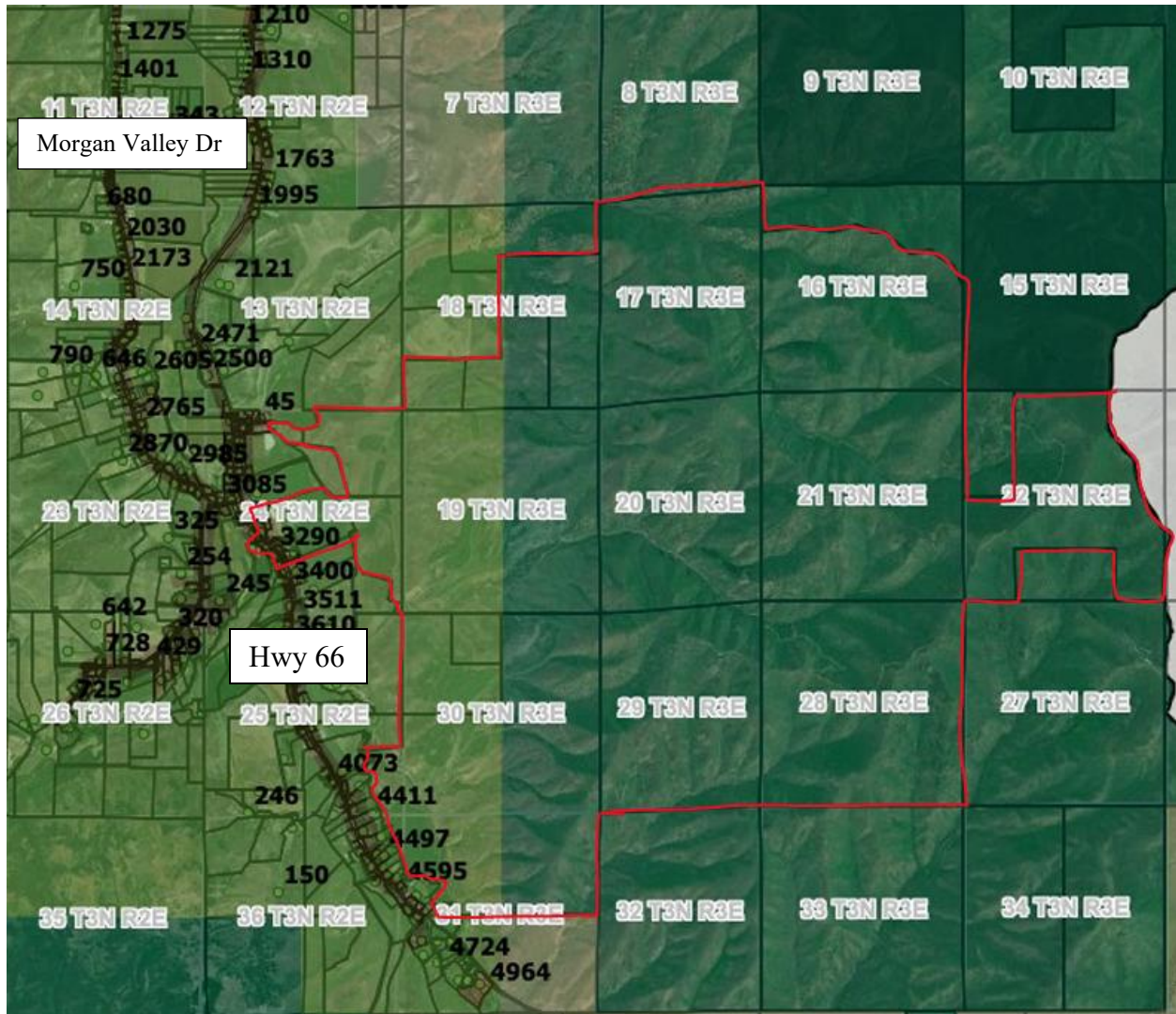
Range West
40°59'08.78"N 111°39'02.25"W
Range East
40°59'06.59"N 111°38'47.56"W
Sporting Clays - Lowest Area
40°58'21.34"N 111°39'31.81"W
Five Stand "B"
40°58'26.31"N 111°39'40.26"W

*Range East and Sporting Clays were selected as locations

Exhibit I: All Parcel & Serial Numbers w/Acreage

Parcel Number	Serial Number	Owner Name	Acres
00-0001-0783	01-003-390	PORTERVILLE ACRES LLC	160.000
00-0001-0791	01-003-391	PORTERVILLE ACRES LLC	43.460
00-0001-0809	01-003-393	PORTERVILLE ACRES LLC	640.640
00-0001-0817	01-003-396	PORTERVILLE ACRES LLC	507.780
00-0001-0825	01-003-397	PORTERVILLE ACRES LLC	640.000
00-0001-0833	01-003-397-01	PORTERVILLE ACRES LLC	401.610
00-0001-0866	01-003-400	PORTERVILLE ACRES LLC	640.000
00-0001-0874	01-003-401	PORTERVILLE ACRES LLC	510.380
00-0001-0908	01-003-404	PORTERVILLE ACRES LLC	120.010
00-0001-0916	01-003-405	PORTERVILLE ACRES LLC	40.000
00-0001-0932	01-003-407	PORTERVILLE ACRES LLC	811.880
00-0000-8795	01-003-276	PORTERVILLE ACRES LLC	8.360
00-0000-8803	01-003-277	PORTERVILLE ACRES LLC	71.330
00-0000-8811	01-003-278	PORTERVILLE ACRES LLC	0.900
00-0000-8837	01-003-280	PORTERVILLE ACRES LLC	102.140
00-0001-0726	01-003-382	PORTERVILLE ACRES LLC	404.340
00-0001-0734	01-003-383	PORTERVILLE ACRES LLC	504.600
00-0001-0759	01-003-387	PORTERVILLE ACRES LLC	110.550

Exhibit J: All Warrior Rizen Ranch Properties



Cottonwood Spring View A PUD Subdivision Phase 7B, 5th Amended
June 11, 2026
Public Meeting
File #26.006

Applicant: Chase Hansen
Owner: Chase Hansen
Project Location: 3049 Summit View Circle
Parcel Number: 00-0094-0418
Serial Number: 03-COSPR7B-0756-A1
Current Zoning: Rural Residential (RR-1) w/ Development Agreement
Acreage: 0.61 acres combined

REQUEST: This application is a request to subdivide a lot that was created in 2025 into two lots. The proposed two lots will regain their original configuration. (For tracking purposes, we are keeping this as the 5th amendment in our file; however, it is really the 2nd amendment to avoid re-noticing).

ATTORNEY GUIDANCE

Administrative Review: Administrative land use decisions are governed by applicable County ordinances. If an application complies with those ordinances, it must be approved.

The role of the Planning Commission and County Commission is not to determine whether they like or dislike a proposal, but whether the application complies with the ordinances governing the application. Administrative review is the application of existing ordinances to a specific application, not a discretionary policy decision. Policy decisions belong to the legislative process through the adoption, amendment, or repeal of ordinances.

Applicable Law: Under Utah Code § 17-79-508, an applicant is entitled to approval of a land use application if the application conforms to the applicable land use regulations, land use decisions, and development standards in effect when a complete application is submitted and all required fees are paid.

In exceptional circumstances, Utah courts have recognized that an otherwise compliant application may be denied where substantial evidence demonstrates that approval would

seriously threaten public health, safety, or welfare. See *Western Land Equities, Inc. v. City of Logan*, 617 P.2d 388 (Utah 1980).

Review Framework: When reviewing an administrative land use application:

1. Determine Ordinance Compliance
 - Confirm the application complies with all applicable County ordinances.
2. Evaluate Evidence
 - Decisions should be based on applicable County ordinances and substantial evidence in the record.
 - The role of the Planning Commission and County Commission is to apply adopted ordinances, not create new standards during the review process.
3. Evaluate Conditions
 - Any conditions imposed should be required by, authorized by, or reasonably related to applicable County ordinances.

Decision Standards:

Approval:

- An administrative land use application must be approved if it complies with applicable County ordinances.

Denial:

- An administrative land use application may be denied only if it does not comply with applicable County ordinances.
- In exceptional circumstances, an otherwise compliant application may be denied where substantial evidence demonstrates that approval would seriously threaten public health, safety, or welfare.

Findings: The record should clearly identify:

- The applicable ordinance provisions.
- The evidence relied upon, not merely the conclusions reached.
- Any conditions imposed and the legal basis for those conditions.
- The basis for approval or denial.

Important Considerations

- Administrative land use applications are not discretionary policy decisions.
- Public support, opposition, or public clamor is not a legal basis for approval or denial and does not, by itself, constitute substantial evidence.
- Do not rely on speculation, assumptions, or unsupported concerns.
- Apply ordinance provisions consistently to all applicants.
- The role of the Planning Commission is to apply adopted ordinances, not create new standards during the review process.

- Personal preferences, policy concerns, or a desire for different requirements must be addressed legislatively through the adoption, amendment, or repeal of ordinances, not through review of an individual administrative application.

STAFF RECOMMENDATION: Based on the information in this staff report, staff recommends approval of the Cottonwood Spring View A PUD Phase 7B, 5th Amended subject to all applicable regulations and the following conditions:

1. That all of the County Surveyor and Engineer review comments be addressed.
2. That all outsourced consultant fees are paid current prior to recordation of the plat amendment.
3. That all other local, state, and federal laws are adhered to.

PROJECT DESCRIPTION:

Proposal Details

The applicant requests approval of a plat amendment to subdivide one lot into two lots. The two lots will regain their original configuration as lot 754 (0.3 acres) and lot 753 (0.31 acres) in Cottonwood Spring View A PUD Subdivision Phase 7B.

DISCUSSION:

This request is for a plat amendment to the Cottonwood Spring View A PUD Subdivision Phase 7B 1st Amended. In the 2nd amended plat, lots 757 and 758 do not meet the required frontage on a County Right-Of-Way (ROW) or acreage requirement if we looked at the underlying zoning. However, the PRUD Development Agreement for the Cottonwoods provides for approved lot reduction, density, frontage, and development rights. This amendment will not affect the developability of consolidated lots. Staff has determined that the impact on the County and nearby property owners is minimal as the proposal is to return the current lot to what it was with the original plat. The plat amendment requirements come from Morgan County's Land Use Management Code, Title 15, Chapter 155, Section 440 and subsequent sections. Staff has reviewed the requirements and procedures for a plat amendment and have found that the application request meets these standards.

155.447: AMENDED PLAT REQUIREMENTS:

(A) Prior to the County Commission's approval of a petition or proposal to amend a subdivision plat, the petitioner or sponsor shall deliver to the county an amended plat map and complete supporting preliminary plat and final plat information in compliance with the requirements of this subchapter. The applicant shall also pay all fees required by the county's fee schedule.

(B) Upon approval of the plat amendment, all required documents, submissions, signatures and review procedures which are required for a final plat shall be submitted and followed, prior to recordation in the office of the County Recorder.

(C) The County Commission may vacate a subdivision or a portion of a subdivision by recording in the County Recorder's office an ordinance describing the subdivision or the portion being vacated.

(Prior Code, § 8-12-64) (Ord. 10-16, passed 12-14-2010; Ord. 19-09, passed 10-15-2019)

155.446: GROUNDS FOR VACATING OR CHANGING A PLAT:

(A) The land use authority may approve the vacation, alteration or amendment of a plat by signing an amended plat showing the vacation, alteration or amendment if the land use authority finds that:

- (1) There is good cause for the vacation, alteration or amendment; and*
- (2) No public street, right-of-way or easement has been vacated or altered.*

(B) The land use authority shall ensure that the amended plat showing the vacation, alteration or amendment is recorded in the office of the County Recorder.

(C) If an entire subdivision is vacated, the County Commission shall ensure that a resolution containing a legal description of the entire vacated subdivision is recorded in the County Recorder's office.

(D) The County Commission may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way or easement if the legislative body finds that:

- (1) Good cause exists for the vacation; and*
- (2) Neither the public interest nor any person will be materially injured by the vacation.*

(E) If the County Commission adopts an ordinance vacating some or all of a public street, right-of-way or easement, the County Commission shall ensure that a plat reflecting the vacation and/or an ordinance describing the vacations is recorded in the office of the County Recorder.

(F) The action of the legislative body vacating some or all of a street, right-of-way or easement that has been dedicated to public use:

- (1) Operates to the extent to which it is vacated, upon the effective date of the recorded plat, as a revocation of the acceptance of and the relinquishment of the county's fee in the vacated street, right-of-way or easement; and*
- (2) May not be construed to impair:
 - (a) Any right-of-way or easement of any lot owner; or*
 - (b) The franchise rights of any public utility.**

(Prior Code, § 8-12-63) (Ord. 10-16, passed 12-14-2010; Ord. 19-09, passed 10-15-2019)

155.444: PROCEDURE:

(A) For plat amendments that result in adjusting and/or altering lot lines through an exchange of title within a platted subdivision the Zoning Administrator shall be the land use authority:

(1) The Zoning Administrator shall approve an exchange of title under this division (A) if the exchange of title will not result in a violation of any land use ordinance;

(2) If an exchange of title is approved under this division (A), a notice of approval shall be recorded in the office of the County Recorder which:

(a) Is executed by each owner included in the exchange and by the land use authority;

(b) Contains an acknowledgment for each party executing the notice in accordance with the provisions of UCA § 57-2a, Recognition of Acknowledgments Act; and

(c) Recites the descriptions of both the original parcels and the parcels created by the exchange of title.

(3) A document of conveyance of title reflecting the approved change shall be recorded in the office of the County Recorder; and

(4) A notice of approval recorded under this division (A) does not act as a conveyance of title to real property and is not required to record a document conveying title to real property.

(B) For plat amendments that result in the combination of lots, building pad adjustments, subdivision title changes, plat note revisions, amendments to internal lot restrictions, the alteration, amendment or vacation of a public or private road shown on a subdivision plat and all other modifications to lots within a recorded subdivision plat shall be reviewed by the County Commission with a recommendation from the Planning Commission.

(C) Applications to vacate or amend a subdivision plat shall be required to submit those documents required for review in a complete preliminary plat application which pertain to and describe the proposed amendment, as well as a paper copy of the proposed final plat Mylar. Revised construction drawings shall also be submitted when changes to any required subdivision improvements are proposed.

(D) Upon receipt of a petition or a proposal to vacate or amend a subdivision plat which requires action by the County Commission, the matter shall be referred to the Planning Commission for a recommendation on the proposal.

(E) The land use authority shall hold a public hearing within 45 days after the day on which the petition is filed if:

- (1) Any owner within the plat notifies the county of the owner's objection in writing within ten days of mailed notification; or
- (2) A public hearing is required because all the owners in the subdivision have not signed the revised plat.

(F) The land use authority may consider at a public meeting, without a public hearing, an owner's petition to vacate or amend a subdivision plat if:

- (1) The petition seeks to join two or more of the petitioning fee owner's contiguous lots;
 - (2) Subdivide one or more of the petitioner's fee owner's lots if the subdivision will not result in a violation of a land use ordinance or a development condition;
 - (3) Adjust the lot lines of adjoining lots or parcels if the fee owners of each of the adjoining lots or parcels join the petition, regardless of whether the lots and parcels are in the same subdivision;
 - (4) On a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the county;
 - (5) Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not owned by the petitioner or designated as common area; and
 - (6) Notice has been given to adjacent property, in accordance with § 155.031 of this code.
- (Prior Code, § 8-12-61) (Ord. 10-16, passed 12-14-2010; Ord. 19-09, passed 10-15-2019)

ANALYSIS OF STANDARDS

Standards	Findings	Rationale
<p>Ordinance Evaluation. Morgan County Code, Chapter 155, Section 440 states the following:</p> <p><i>Prior to the County Commission's approval of a petition or proposal to amend a subdivision plat, the petitioner or sponsor shall deliver to the County an <u>amended plat map and complete supporting preliminary plat and final plat</u> information in compliance with the requirements of this chapter. The applicant shall also pay all fees required by the County's fee schedule.</i></p> <p><i>Therefore, this plat amendment has been reviewed for preliminary and final plat standards.</i></p>		
<p>155.407: PRELIMINARY PLAT SUBMITTAL: <i>The preliminary plat shall be prepared, stamped and signed by a professional engineer or professional land surveyor licensed by the state of Utah. The preliminary plat submittal shall include at least the following information:</i></p>		
<p>A</p>	<p>Vicinity Map</p> <ul style="list-style-type: none"> 1. Drawn at a maximum scale of one thousand feet (1,000') to the inch. 2. Show all existing and proposed roadways in the vicinity of the proposed development. 3. A north arrow. 4. The nearest section corner tie. 	<p>Complies</p>

	5. Subdivision name.		
B	Certified boundary survey of the subject property, which meets state of Utah requirements, which also depicts all easements identified by the title report.	Complies	
C	<p>Preliminary plat (all facilities within 200 feet of the plat shall be shown):</p> <ol style="list-style-type: none"> 1. Drawn at a scale not smaller than one hundred feet (100') to the inch. 2. A north arrow. 3. Subdivision name. 4. The layout and names and widths of existing and future road rights of way. 5. A tie to a permanent survey monument at a section corner. 6. The boundary lines of the subdivision with bearings and distances. 7. The layout and dimensions of proposed lots with lot areas in square feet. 8. The location and dimensions and labeling of other spaces including open spaces, parks, trails, or public spaces. 9. The location of manmade features including bridges, railroad tracks, fences, ditches, and buildings. 10. Topography at two foot (2') intervals. One foot (1') contours may be required by the county engineer in particularly flat areas. 11. Location and ownership of all adjoining tracts of land. 12. Proposed subdivision phasing plan and relationship to existing phases of development. (Ord. 10-16, 12-14-2010) 	Complies	
D	<p>Grading and drainage plan (may be combined with plat sheet, if approved by the county engineer):</p> <ol style="list-style-type: none"> 1. Plan drawn to a scale not smaller than one hundred feet (100') to the inch, showing the road and lot layout. 2. Topography at two foot (2') contour intervals. 3. North arrow. 4. Subdivision name. 5. Areas of substantial earthmoving. 6. Location of existing watercourses, canals, ditches, springs, wells, culverts, and storm drains. 7. Location of any 100-year floodplain as designated by the federal emergency management agency (FEMA). 8. A storm drainage plan showing water flow directions, inlets, outlets, catch basins, waterways, culverts, detention basins, outlets to offsite facilities, and off site drainage facilities planned to accommodate the project drainage. 9. Show any existing wetlands. 10. Slope analysis which depicts all slopes greater than fifteen percent (15%) and greater than twenty five percent (25%) with distinct notation. (Ord. 12-09, 9-18-2012) 	Does Not Apply	
E	<p>Utility plan (may be combined with plat sheet, if approved by the county engineer):</p> <ol style="list-style-type: none"> 1. Plan drawn to a scale not smaller than one hundred feet (100') to the inch, showing the road and lot layout. 2. North arrow. 3. Subdivision name. 4. Show all existing and proposed utilities including: sewer, culinary water, well locations with secondary water, fire hydrants, storm drains, subsurface drains, gas lines, power lines, and streetlights, television and telecommunications. 5. Show location and dimensions of all utility easements. 	Does Not Apply	
F	<p>The subdivider shall provide the following documents with the application:</p> <ol style="list-style-type: none"> 1. Three (3) copies of a geotechnical soils report. 	Complies	

	<ol style="list-style-type: none"> 2. A traffic report when required by the planning commission or county engineer. 3. Preliminary title report, which specifically references the boundary survey and exactly matches the legal description of the outside boundary of the subdivision. 4. Service agreements from all utility companies or providers. 5. Any necessary agreements with adjacent property owners regarding storm drainage or other matters pertinent to subdivision approval. 6. Maintenance agreements for subsurface drains serving the subdivision, if they are proposed or exist. 7. An agricultural impact analysis, on subdivisions which are contiguous to an adopted agricultural preservation area, or which contain an agricultural open space conservation easement within the plat. 8. Written verification of all proposed water sources. For all proposed water sources, provide approval letters from the Weber-Morgan County health department and proof of all water rights, including quantities (water rights certificates, etc.), for each well and water source to be utilized for the development. 9. The developer shall submit all information concerning site geology, area hydrogeology, site topography, soil types and the proven wet water by the drilling of at least one test well from within the described subdivision boundary, as determined by a geotechnical engineer, licensed in the state of Utah. Well logs shall be submitted to the county identifying the depth and yield of the well. Information submitted must verify that the source is consistently available to supply eight hundred (800) gallons per day (gpd) per equivalent residential connection (ERC) at a minimum flow rate of 0.55 gallons per minute (gpm). Water for irrigation supplies shall be verified to provide three (3) gpm per irrigated acre. If the proposal is being served by an existing water utility company, these requirements do not apply. 10. Verification of approval from the Weber-Morgan County health department regarding the proposed location of all septic systems and water source protection areas. 		
G	When the subdivision is located within the sensitive area district or geologic hazards special study area, required reports and documents are to be submitted in accordance with the provisions of this title.	Does Not Apply	
H	The subdivider shall comply with all applicable federal, state, and local laws and regulations, and shall provide evidence of such compliance if requested by the county.	Complies	
I	Copy of proposed protective covenants in all cases where subsurface drains or other common area maintenance proposals are to serve any portion of the subdivision.	Does Not Apply	
J	Electronic copies of all preliminary plat drawings in AutoCAD (DWG) format.	Complies	
K	Tabulations showing the total number of lots or buildings sites, and the percentage of land in roads, lots, and open space.	Does Not Apply	
L	Any additional submittal requirements required for or by master planned development reserves, specific development agreements, or requirements and conditions of other	Does Not Apply	

	applicable ordinances or previous approvals. (Ord. 10-16, 12-14-2010)		
155.415: FINAL PLAT; PREPARATION AND REQUIRED INFORMATION:			
A	The final plat shall consist of a mylar with the outside or trim line dimensions of twenty four inches by thirty six inches (24" x 36"). The mylar shall be submitted to the county at least twenty (20) days prior to consideration for placement on the county commission agenda for approval. Until that date, submittal of paper copies is sufficient for review. The borderline of the plat shall be drawn in heavy lines leaving a space of at least one and one-half inches (1 1/2") on the left side and at least one-half inch (1/2") margin on the other sides. The plat shall be so drawn that the top of the drawing faces either north or west, whichever accommodates the drawing best. All lines, dimensions, and markings shall be made on a mylar with approved waterproof black ink. The plat shall be made to a scale large enough to clearly show all details, and in any case not smaller than one hundred feet (100') to the inch, and workmanship on the finished drawing shall be neat, clean cut and readable.	Will Comply	Historically, staff has recommended the applicant wait to print the final mylar in the event that the Planning Commission recommend changes to the plat.
B	The final plat shall show the subdivision name that is distinct from any other recorded subdivision name and the general location of the subdivision in bold letters at the top of the sheet.	Complies	
C	The plat shall contain a north arrow and scale of the drawing and the date.	Complies	
D	Prior to consideration by the county commission, the plat shall be signed by all required and authorized parties, with the exception of the county commission chairperson, planning commission chairperson and county attorney, with appropriate notarial acknowledgements and the final plat shall contain all information set forth in this section.	Will comply	Historically, staff has recommended the applicant wait to print the final mylar and receive signatures, in the event that the Planning Commission and/or County Commission recommend changes to the plat.
E	An accurate and complete survey, which conforms to Utah state law.	Complies	
F	Plats will show accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to at least two (2) public survey monuments. These lines should be slightly heavier than street and lot lines.	Complies	
G	The final plat shall show all survey, mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, and central angle, radius and arc length of curves, and such information as may be necessary to determine the location of beginning and ending points of curves. All property corners and monuments within the subdivision shall be tied to an acceptable Morgan County monument, as determined by the Morgan County surveyor. Lot and boundary closure shall be calculated to the nearest 0.02 of a foot.	Complies	
H	All lots, blocks, and parcels offered for dedication for any purpose should be delineated and designated with dimensions, boundaries and courses clearly shown and defined in every case. The square footage of each lot shall be shown. All parcels offered for dedication other than for streets or easements shall be clearly designated on the plat. Sufficient linear, angular and curved data shall be shown to determine readily the	Complies	

	bearing and length of the boundary lines of every block, lot and parcel which is a part thereof. No ditto marks shall be used for lot dimensions.		
I	The plat shall show the right of way lines of each street, and the width of any portion being dedicated and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty feet (50') of the subdivision shall be shown with dashed lines. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such existing streets shall be accurately shown.	Complies	
J	All lots are to be numbered consecutively under a definite system approved by the county. Numbering shall continue consecutively throughout the subdivision with no omissions or duplications.	Complies	
K	All streets within the subdivision shall be numbered (named streets shall also be numbered) in accordance with and in conformity with the adopted street numbering system adopted by the county. Each lot shall show the street addresses assigned thereto, and shall be according to the standard addressing methods approved by the county. In the case of corner lots, an address will be assigned for each part of the lot having street frontage.	Complies	
L	The side lines of all easements shall be shown by fine dashed lines. The width of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be shown. All easements shall be clearly labeled and identified.	Complies	
M	The plat shall fully and clearly show all stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or bench mark that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider under the direction of the county surveyor. The following required monuments shall be shown on the final plat: 1. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties; 2. All right of way monuments at angle points and intersections as approved by the county surveyor.	Complies	
N	The final plat shall contain the name, stamp and signature of a professional land surveyor, together with the date of the survey, the scale of the map and number of sheets. The following certificates, acknowledgements and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate: 1. Professional land surveyor's "certificate of survey". 2. Owner's dedication certificate in the following form: OWNERS DEDICATION <i>Know all men by these presents that we, the undersigned owner(s) of the above described tract of land, having caused said tract to be subdivided into lots and streets to be hereafter known as Subdivision do hereby dedicate for perpetual use of the public all parcels of land, other utilities, or easements shown on this plat as intended for public use. In witness whereof, we have hereunto set out hands this day of, 21.</i> (Add appropriate acknowledgments)	Complies	Owner's Dedication is present, but not signed

	<p>3. Notary public's acknowledgement for each signature on the plat.</p> <p>4. A correct metes and bounds description of all property included within the subdivision.</p> <p>5. Plats shall contain signatures of the water provider (if provided by a culinary water system), sewer provider (if provided by a sewer improvement district), Weber-Morgan County health department, planning commission, and county engineer, and blocks for signatures of the county attorney and county commission (a signature line for the commission chairperson and an attestation by the county clerk). A block for the county recorder shall be provided in the lower right corner of the final plat.</p> <p>6. Such other affidavits, certificates, acknowledgements, endorsements and notarial seals as are required by law, by this title, the county attorney, or county surveyor.</p> <p>7. Prior to recordation of the plat, the subdivider shall submit a current title report to be reviewed by the county. A "current title report" is considered to be one which correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat.</p> <p>8. The owner's dedication certificate, registered land surveyor's certificate of survey, and any other certificates contained on the final plat shall be in the form prescribed by the county's standards.</p> <p>9. When a subdivision contains lands which are reserved in private ownership for community use, including common areas, the subdivider shall submit, with the final plat, the name, proposed articles of incorporation and bylaws of the owner, or organization empowered to own, maintain and pay taxes on such lands and common areas and any access easements which may be required by the county.</p>		
O	<p>On subdivisions which are contiguous to an adopted agricultural protection area, or which contain an agricultural open space preservation area within the plat, a note shall be placed on the plat, in conjunction with right to farm provisions, stating such, and that agricultural operations work hours begin early and run late and that these operations may contribute to noises and odors objectionable to some residents.</p>	Does Not Apply	Does not border an Agricultural Protection Area
P	<p>A note on the plat which states the following:</p> <p><i>Morgan County restricts the occupancy of buildings within developments as outlined in the adopted building and fire codes. It is unlawful to occupy a building located within any development without first having obtained a certificate of occupancy issued by the county.</i></p> <p>(Ord. 10-16, 12-14-2010)</p>	Complies	

DEPARTMENT COMMENTS/RECOMMENDED MOTIONS

Public Works: No comments received

Fire/EMS Services: No comments received

Engineering/Surveyor: No comments received

Recorders: Comments received, and the Reviewer has issued Conditional Approval

Surveyor: Approved with the condition that an updated title report is available for recording

Zoning: The zoning is RR-1 with a Development Agreement

Recommended Motions

Sample Motion for a Recommend for Approval – “I move we recommend approval to the County Commission of the Cottonwood Spring View A PUD Subdivision Phase 7B 2nd Amendment, application number 26.006, located at 3049 W. Summit View Circle in unincorporated Morgan County based on the findings listed in the staff report dated June 11, 2026.”

Sample Motion for a Recommendation for Approval with conditions – “I move we recommend approval to the County Commission of the Cottonwood Spring View A PUD Subdivision Phase 7B 2nd Amendment, application number 26.006, located at 3049 W. Summit View Circle in unincorporated Morgan County based on the findings listed in the staff report dated June 11, 2026, with the following additional conditions:”

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

Sample Motion for a Recommendation for Denial – “I move we recommend denial to the County Commission of the Cottonwood Spring View A PUD Subdivision Phase 7B 2nd Amendment, application number 26.006, located at 3049 W. Summit View Circle in unincorporated Morgan County with the following findings:”

1. *List any additional findings...*

Attachments:

Attachment A. Vicinity Map

Attachment B. Current Zoning Map

Attachment C. Original Recorded Plat

Attachment D. 1st Plat Amended

Attachment E. 2nd Plat Amended

Attachment A: Vicinity Map

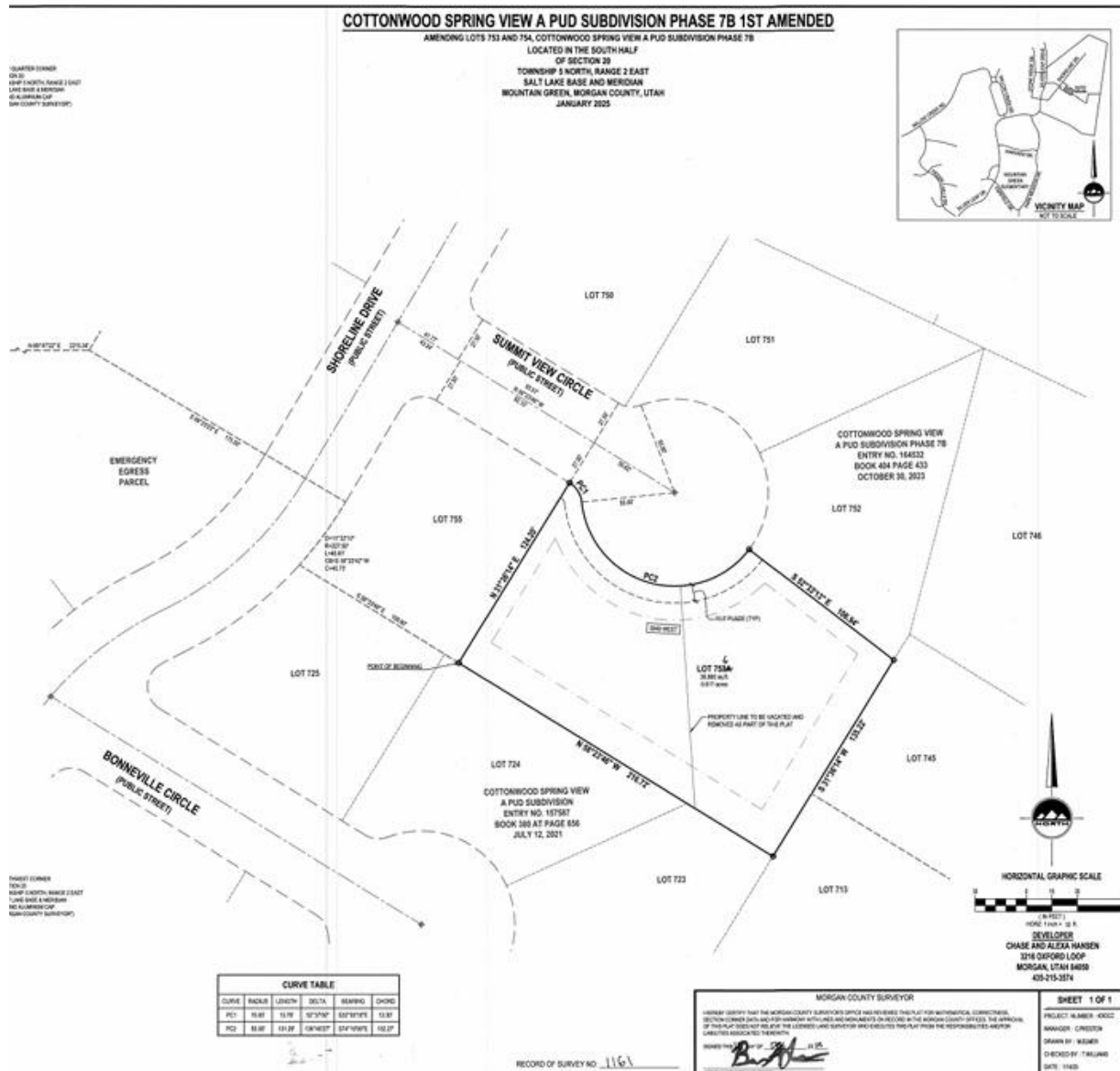


Attachment B: Current Zoning Map



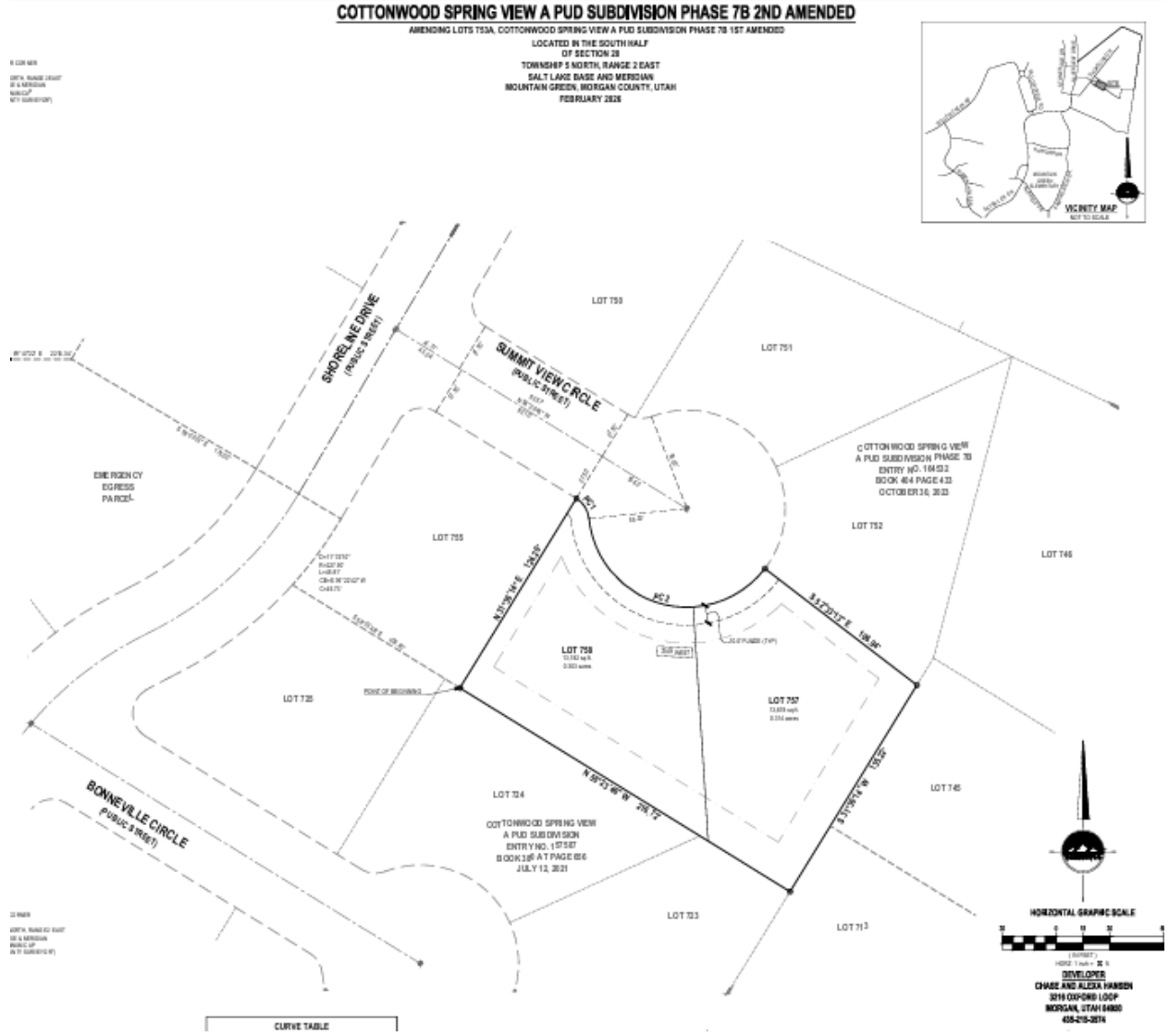
[Click here to view a full-size .pdf version of 1st Plat Amendment](#)

Attachment D: 1st Plat Amended



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

Attachment E: 2nd Plat Amended





**PLANNING COMMISSION
STAFF REPORT**

Site Plan
June 11, 2026

WPR Oak Lodge Site Plan
June 11, 2026
Public Meeting
File #26.008

Applicant: Brian Nestoroff
Owner: Wasatch Peaks Ranch, LLC
Project Location: 5946 W. Oaks Lodge Lane
Parcel Number: 00-0093-1362 & 00-0091-9997
Serial Number: 12-004-014-01-1-1-3 & 12-004-013-01
Current Zoning: Resort Special District
Acreage: 4.28 acres

REQUEST:

A request for site plan approval of the WPR (Wasatch Peaks Ranch) Oak Lodge Site Plan in the Peterson area to allow for the construction of a new 63,497 sq. ft. lodge on 4.28 acres.

ATTORNEY GUIDANCE

Administrative Review: Administrative land use decisions are governed by applicable County ordinances. If an application complies with those ordinances, it must be approved.

The role of the Planning Commission and County Commission is not to determine whether they like or dislike a proposal, but whether the application complies with the ordinances governing the application. Administrative review is the application of existing ordinances to a specific application, not a discretionary policy decision. Policy decisions belong to the legislative process through the adoption, amendment, or repeal of ordinances.

Applicable Law: Under Utah Code § 17-79-508, an applicant is entitled to approval of a land use application if the application conforms to the applicable land use regulations, land use decisions, and development standards in effect when a complete application is submitted and all required fees are paid.

In exceptional circumstances, Utah courts have recognized that an otherwise compliant application may be denied where substantial evidence demonstrates that approval would seriously threaten public health, safety, or welfare. See *Western Land Equities, Inc. v. City of Logan*, 617 P.2d 388 (Utah 1980).

Review Framework: When reviewing an administrative land use application:

1. Determine Ordinance Compliance
 - Confirm the application complies with all applicable County ordinances.
2. Evaluate Evidence
 - Decisions should be based on applicable County ordinances and substantial evidence in the record.
 - The role of the Planning Commission and County Commission is to apply adopted ordinances, not create new standards during the review process.
3. Evaluate Conditions
 - Any conditions imposed should be required by, authorized by, or reasonably related to applicable County ordinances.

Decision Standards:

Approval:

- An administrative land use application must be approved if it complies with applicable County ordinances.

Denial:

- An administrative land use application may be denied only if it does not comply with applicable County ordinances.
- In exceptional circumstances, an otherwise compliant application may be denied where substantial evidence demonstrates that approval would seriously threaten public health, safety, or welfare.

Findings: The record should clearly identify:

- The applicable ordinance provisions.
- The evidence relied upon, not merely the conclusions reached.
- Any conditions imposed and the legal basis for those conditions.
- The basis for approval or denial.

Important Considerations

- Administrative land use applications are not discretionary policy decisions.
- Public support, opposition, or public clamor is not a legal basis for approval or denial and does not, by itself, constitute substantial evidence.
- Do not rely on speculation, assumptions, or unsupported concerns.
- Apply ordinance provisions consistently to all applicants.
- The role of the Planning Commission is to apply adopted ordinances, not create new standards during the review process.

- Personal preferences, policy concerns, or a desire for different requirements must be addressed legislatively through the adoption, amendment, or repeal of ordinances, not through review of an individual administrative application.

STAFF RECOMMENDATION

County Staff has reviewed the application for the WPR Oak Lodge Site Plan. Staff recommends approval of the requested site plan based on the following findings and with the conditions listed below:

Findings:

The Site Plan is compliant with the original (2019) ([Original DA WPR](#)) and amended (2021) ([Amended DA WPR](#)):

1. Development Agreements include but are not limited to:
 - a. A lodge up to ninety feet in height in planning areas C & D.
 - b. Parking.
 - c. Landscaping.
 - d. Architectural/Elevations.
2. This proposal is not detrimental to the health, safety, and welfare of the public.

Conditions:

1. That all outsourced consultant fees are paid current prior to final plat recordation.
2. That all other local, state, and federal laws are adhered to.
3. The developer will install any required infrastructure, including roadways, utilities, parking, lighting, and landscape areas.

PROJECT DESCRIPTION:**Proposal Details**

This request is for approval of a new, three-level, 63,497 sq. ft. lodge with parking, hardscaping, landscaping, utilities, and associated driveway. Access to the lodge will be through two existing nearby ski lifts, one existing gondola and a driveway (Oaks Lodge Lane) to 66 parking stalls – located on the bottom level of the lodge. The original Development Agreement determined that parking lot standards are “not applicable by County stakeholders and applicant, given that this is a private community” (p.18).

Water and wastewater services will be provided by the WPR Utility District. Telecommunication services will be provided by All West/Utah Inc. Morgan County Fire will provide fire protection services. Rocky Mountain Power will provide power service. Enbridge Gas will provide gas service.

The applicant is seeking approval of a site plan for a new lodge. The proposal has been reviewed for compliance with the WPR Development Agreements.

Access will be provided through a Morgan County Fire Department approved driveway (Oaks Lodge Lane) off Wasatch Peaks Road.

SITE PLAN SUBMITTAL**Site and Building Layout**

The WPR Oaks Lodge Site Plan shows the proposed 63,497 sq. ft. lodge with three levels, landscaping, and elevations.

Wasatch Peaks Ranch Design Standards

The original and the amended development agreement address design standards for Wasatch Peaks Ranch’s Oaks Lodge. Staff believes the Oaks Lodge Site Plan meets the design standards from the development agreements, including but not limited to:

- A lodge is a permitted use in the C & D Planning Areas.
- All buildings shall be designed with consideration given to the mountain community home styles and shall be appropriate for the climate.

- The lodge is considered a “Mixed-Use” and as such it has no required setback restrictions.
- Design complex building forms with, overhangs, porches and varied skylines.
- Use brackets and overhangs to intercept sunlight and encourage building shadowing articulation where significant amounts of glass are used. Windows and doors should relate to the structural expression of the building.
- Glazing should avoid large amounts of reflective window planes without suitable overhangs or other articulation.
- Building Height. No portion of any building shall exceed ninety feet (90’) in height except for chimneys, lightning rods, elevator core, utility stacks, photovoltaic panels.
- Roofs. Avoid large, unbroken expanse of single pitched roofs and to reduce reflection.
- Roof surfaces should be covered with composite shake or natural or synthetic slate tiles, or metal that is patinaed or patinaed with low sheen paints.
- Roof pitches are from 0.25:12 to 12:12.
- A hip, gable, flat, low slope or shed roof configuration may be appropriate.
- Exterior color schemes shall reflect the natural earth tones of the surrounding landscape.
- Break up building facades with projections, recesses, piers, textured materials, trim and other architectural details to avoid a bulky or “box-like” appearance.
- Use brackets and overhangs to intercept sunlight and encourage building shadowing articulation where significant amounts of glass are used. Windows and doors should relate to the structural expression of the building.
- Glazing should avoid large amounts of reflective window planes without suitable overhangs or other articulation.
- All parking and drive lanes shall be paved with concrete, asphalt or permeable paver.
- Parking lot standards are determined to not be applicable given that this is a private community.
- A minimum of 30 feet adjacent to the lodge is considered defensible space (non-fire-resistive vegetation or growth is removed). The Site Plan uses approved plant species from the development agreements including trees, shrubs, perennials/ground covers, and grasses.

DISCUSSION:

Staff has reviewed the proposed Oaks Lodge site plan with the two WPR development agreements and finds the site plan compatible with the design standards in the original and amended development agreements.

DEPARTMENT COMMENTS/RECOMMENDED MOTIONS

Public Works: No comments

Engineering: No comments

Utility Companies: All required will-serve letters on file

PUBLIC NOTICE, MEETINGS, COMMENTS

- ✓ Public Notice was submitted to the State of Utah Public Notice website on June 1, 2026; a minimum of 10 days prior to the scheduled meeting. (Morgan County Code § 155.032 (C)).
- ✓ A Public Notice was posted at the County on June 1 2026.
- ✓ Notices to property owners within 1000’ feet of the proposed use were mailed a Public Notice on June 1, 2026.
- ✓ A sign was posted on the site on June 1, 2026.

Recommended Motions

Motion for a *Positive Recommendation of Approval* – “I move we recommend approval to the County Commission for the WPR Oaks Lodge Site Plan, application number 26.008, allowing for the proposed Oaks Lodge located at 5946 W. Oaks Lodge Lane in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report dated June 11, 2026.”

Motion for a *Positive Recommendation of Approval with Conditions* – “I move we recommend approval to the County Commission for the WPR Oaks Lodge Site Plan, application number 26.008, allowing for the proposed Oaks Lodge located at 5946 W. Oaks Lane in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report dated June 11, 2026, and with the following conditions:”

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

Motion for a *Recommendation of Denial* – “I move we recommend denial to the County Commission the WPR Oaks Lodge Site Plan, application number 26.008, not allowing for the proposed Oaks Lodge located at 5946 W. Oaks Lane in unincorporated Morgan County, *due to the following findings:*”

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

SUPPORTING INFORMATION

Attachment A: Vicinity Map

Attachment B: Proposed Site Plan

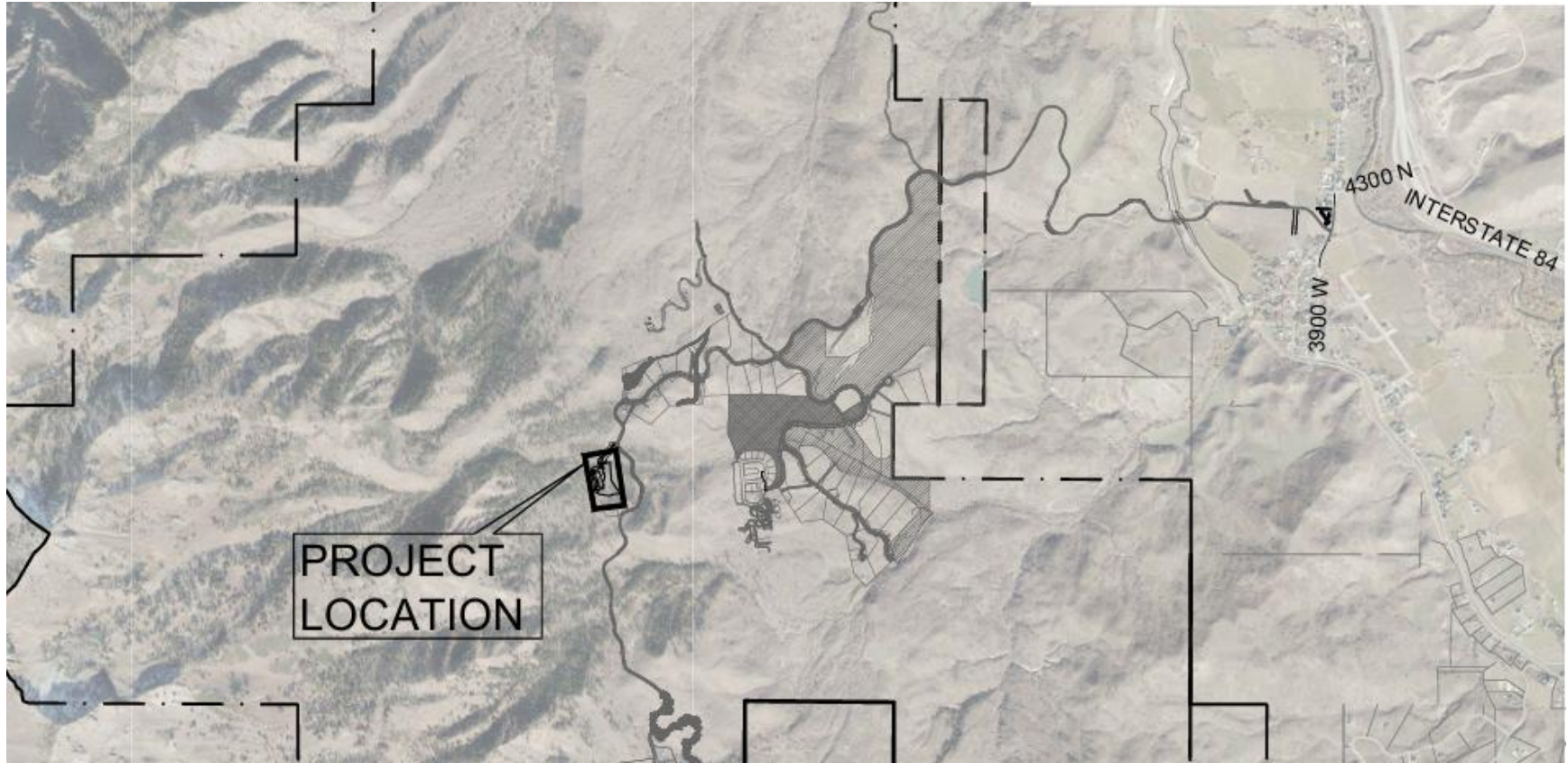
Attachment C: Landscape Green Roof Plan

Attachment D: Building Elevations & Materials

Attachment E: Photometrics Plan

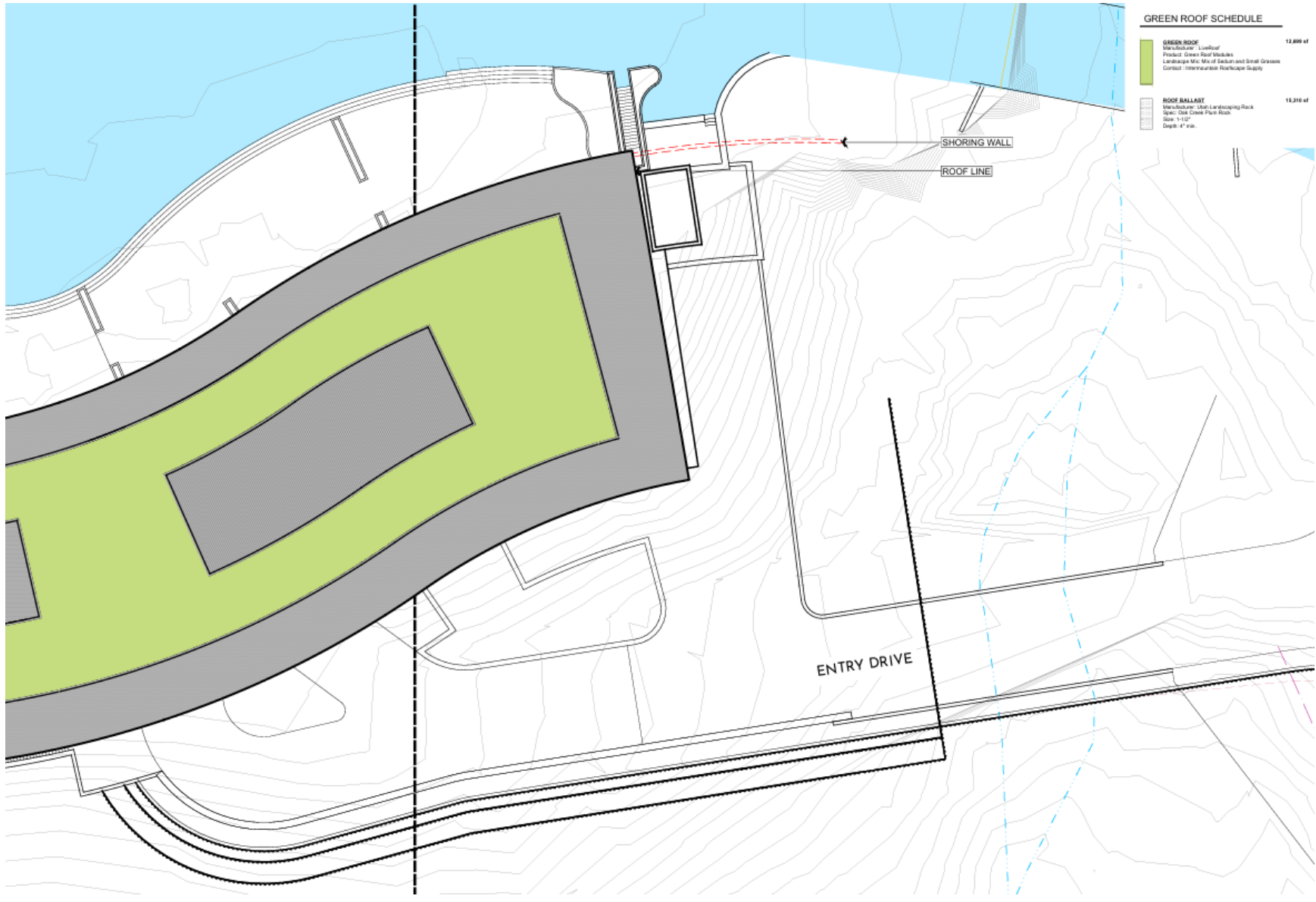
Attachment F: Applicant Narrative

Attachment A: Vicinity Map



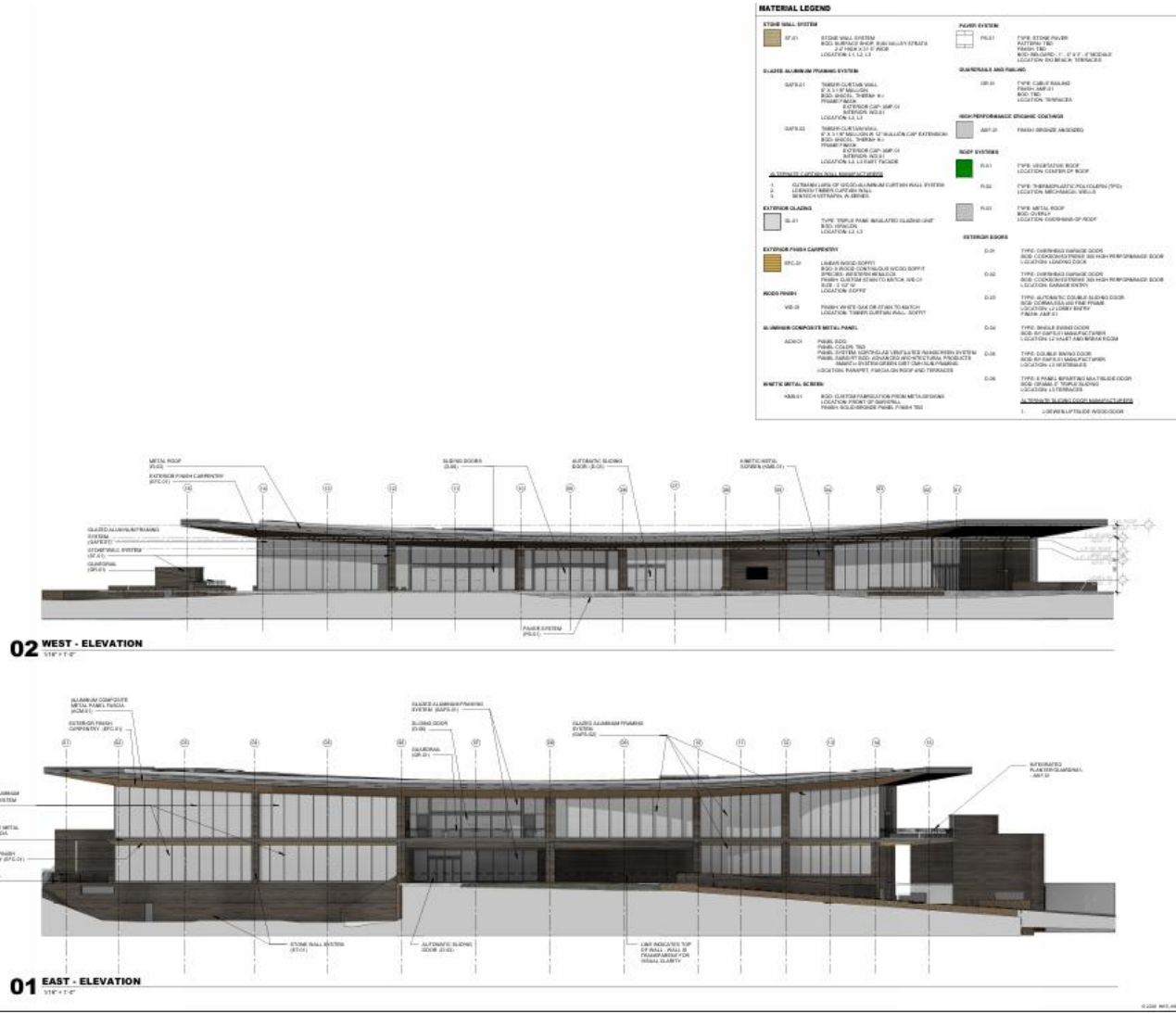
[Click here to view a full-size .pdf version of full set of Landscape Plans](#)

Attachment C: Landscape Green Roof Plan



[Click here to view a full-size .pdf version of the Elevations & Area Plans](#)

Attachment D: Building Elevations & Materials



MATERIAL LEGEND

STONE WALL SYSTEM	FLYER SYSTEM
<p>STW1 STONE WALL SYSTEM MOD. STONE & BRICK MIX (LUDLOW STONE) 5/8" HERRING BONE LOCATION: 1.1, 1.2, 1.3</p>	<p>FLY1 TYPE STONE-FLYER PATTERN: TBC FRAM: TBC MOD. BRUNO, 1.1, 1.2, 1.3 LOCATION: 1.1, 1.2, 1.3</p>
GLAZED ALUMINUM FRAMING SYSTEM	SHAKESHALE AND FINISH
<p>GLF1-01 TUBER GLAZING WALL 8" x 11" MULLION 11" x 11" MULLION FRAME: FINISH EXTENSION: CAP, 1/2" x 1/2" INTERIOR: W/CL LOCATION: 1.1, 1.2</p> <p>GLF2-01 TUBER GLAZING WALL 8" x 11" MULLION 11" x 11" MULLION FRAME: FINISH EXTENSION: CAP, 1/2" x 1/2" INTERIOR: W/CL LOCATION: 1.1, 1.2, 1.3</p>	<p>SH1 TYPE SHAKESHALE FRAM: 1/2" x 1/2" MOD. FINISH LOCATION: 1.1, 1.2, 1.3</p>
INTERIOR CERAMIC TILE WALL SYSTEM	NON-PERFORMANCE DRIVING COATING
<p>1. INTERIOR LAYER OF CERAMIC TILE WALL SYSTEM 2. LOWER TIERED CERAMIC TILE WALL SYSTEM 3. CERAMIC TILE WALL SYSTEM</p>	<p>NPC1 FINISH BRONZE ACCENT</p>
EXTERIOR GLAZING	ROOF SYSTEM
<p>GL1-01 TYPE TRIPLE PANE INSULATED GLAZING UNIT MOD. FINISH LOCATION: 1.1, 1.2</p>	<p>R1-01 TYPE VERBATIM ROOF LOCATION: 1.1, 1.2, 1.3</p> <p>R2-01 TYPE MEMBRANE POLYURETHANE (PMU) LOCATION: 1.1, 1.2, 1.3</p> <p>R3-01 TYPE METAL ROOF MOD. FINISH LOCATION: 1.1, 1.2, 1.3</p>
EXTERIOR FINISH CABINETRY	EXTERIOR DOOR
<p>FFC1-01 LAMINATE WOOD CABINETRY MOD. 1/2" x 1/2" x 1/2" WOOD-CABINETRY FRAM: 1/2" x 1/2" x 1/2" WOOD-CABINETRY FRAM: CUSTOM FINISH TO MATCH WOOD MOD. 1/2" x 1/2" x 1/2"</p> <p>FFC2-01 LAMINATE WOOD CABINETRY MOD. 1/2" x 1/2" x 1/2" WOOD-CABINETRY FRAM: 1/2" x 1/2" x 1/2" WOOD-CABINETRY FRAM: CUSTOM FINISH TO MATCH WOOD MOD. 1/2" x 1/2" x 1/2"</p>	<p>D1-01 TYPE OVERHEAD GARAGE DOOR MOD. COORDINATE WITH HIGH PERFORMANCE DOOR LOCATION: 1.1, 1.2, 1.3</p> <p>D2-01 TYPE OVERHEAD GARAGE DOOR MOD. COORDINATE WITH HIGH PERFORMANCE DOOR LOCATION: 1.1, 1.2, 1.3</p> <p>D3-01 TYPE AUTOMATIC DOUBLE SLIDING DOOR MOD. COORDINATE WITH HIGH PERFORMANCE DOOR LOCATION: 1.1, 1.2, 1.3</p> <p>D4-01 TYPE SINGLE SLIDING DOOR MOD. COORDINATE WITH HIGH PERFORMANCE DOOR LOCATION: 1.1, 1.2, 1.3</p> <p>D5-01 TYPE DOUBLE SLIDING DOOR MOD. COORDINATE WITH HIGH PERFORMANCE DOOR LOCATION: 1.1, 1.2, 1.3</p> <p>D6-01 TYPE 4 PANEL SHIFTER SLIDING DOOR MOD. COORDINATE WITH HIGH PERFORMANCE DOOR LOCATION: 1.1, 1.2, 1.3</p>
LUMBER COMPOSITE METAL PANELS	
<p>AMP1 PANEL COMPOSITE METAL PANEL MOD. COORDINATE WITH HIGH PERFORMANCE DOOR LOCATION: 1.1, 1.2, 1.3</p>	
WHITE METAL SCREEN	
<p>MS1-01 MOD. CUSTOM FABRICATION FROM METAL SCREEN LOCATION: 1.1, 1.2, 1.3</p>	



[Please click here to view full-size Photometrics Plan.](#)

Attachment E: Photometrics Plan



Attachment F: Applicant Narrative

Date: February 26, 2026

To: Joshua Cook

Morgan County Planning & Development Director

48 West Young Street

Morgan, Ut 84050

From: Brian Nestoroff

Subject: Wasatch Peaks Ranch – Oaks Lodge Site Plan Application

The intent of this memorandum is to provide pertinent information for the submittal of a Site Plan application for “Oaks Lodge” within the North Village area of Wasatch Peaks Ranch (WPR). The plans include one building with parking, hardscaping, landscaping, utilities, and associated Driveway.

WPR plans to start this development in the spring of 2026 and complete all improvements and occupy the facility by the end of 2028.

- Grading: Start: April 2026; Completion: May 2026.
- Foundation: Start: May 2026; Completion: November 2026.
- Vertical Construction: Start: November 2026; Completion December 2028.
- Utilities: Start: April: 2027; Completion: July 2027.
- Landscaping & Hardscape: Start: June 2027; Completion December 2028.
- Occupancy: December 2028.

The total estimate shows a total construction cost of \$63,497,000.00 for grading, utilities, structure, hardscaping, and landscaping. These costs will be paid directly by WPR without financing.

- Grading: \$2,000,000.00
- Utilities: \$6,000,000.00
- Structure: \$54,897,000.00
- Hardscape: \$350,000.00
- Landscape: \$250,000.00

This facility was included in the WPR Development Agreement (DA), which was approved by the County on October 30, 2019, with an Amendment approved on October 1, 2021. WPR DA: <https://wprdev.egnyte.com/dl/kVCGKCVPyBQb> WPR DA Amendment #1: <https://wprdev.egnyte.com/dl/FVftVgcHGcKkY>

Specifically, the “Permitted Uses” table (Exhibit C) calls out accessory buildings as uses customarily applicable to skiing & skiing infrastructure and therefore permitted.

As part of this submittal, the following documents are included as required by the County of Morgan Site Plan Application:

Attached Reports & Documents

- Wildland Urban Interface – The DA has established fire management requirements including sprinklers in all community buildings.
- Geologic Hazards Area - Geologic Hazards & Geotechnical Report for Oaks Lodge - Lagan & Associates, dated 1/9/2026.
- Preliminary Title Report – Cottonwood Title, dated February 26, 2026.
- Utility Will Serve – Wasatch Peaks Ranch Utility District, dated January 29, 2026.
- Protective Covenants – The ski lodge is a community amenity and regulated by the previous recorded Master Declaration.
- Water Discharge Standards – Kimley Horn & Associates drainage plans and calculations, dated February 2026.
- Site, Grading, Engineering, & Parking Plans – Kimley Horn & Associates, dated February 20, 2026.
- Fire Hazards Assessment – WPR Fire Management Plan (current), dated 4/27/2022
- Landscape Plans – LDG & Associates, dated February 19, 2026.
- Flood Zone – WPR is exempt from flood hazards, and the applicable flood panel #'s are included within the platting plans.
- Agricultural Impact Analysis – An Agricultural Impact Analysis is not required for WPR because the property was never farmed, there are no agricultural open space easements within the plat, and the land isn't contiguous to an adopted agricultural preservation area.
- Wetlands/Sensitive Habitat – The Oaks Lodge has been designed to avoid impacts to existing wetland habitat and there are no sensitive species listed within the boundaries of the project.

Utility Services - Road, fire, water, and sewer services are provided through private improvement districts, service letters are provided. Electrical is provided through Rocky Mountain Power and telephone/internet services are provided by

All West. Copies of both service agreements are included. Natural gas will be supplied through a propane service provider. Trash service will be centrally located/controlled by member services.

Neighboring Impacts – WPR has engaged with the surrounding community and considered potential impacts to neighboring properties. Existing irrigation ditches are being maintained to neighbors while property lines near neighbors have been setback in order to have the WPR association interact with neighbors versus individual homeowners.

Wasatch Peaks Ranch would like to thank Morgan County for their continued support over many years and for being a resource as this application package was prepared. The complexities of this project cannot be solved without this support. Wasatch Peaks Ranch is excited to work alongside the County to deliver an iconic and successful project.



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:	Absent PC Members	Public Attendance:
Chair Sessions	Member McMillan	Tina Kelley
Member Maloney	Member King	Chris Tremea
Member Taylor		Mark Miller
Member Wilson		Bill Black
Member Watt		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 geoscopying 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: _____
Chairman, Debbie Sessions
Morgan County Planning Commission

_____ Date: _____
Jessie Drage, Transcriptionist
Planning and Development Services