



PLANNING COMMISSION AGENDA
Thursday, June 25th, 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** – *Personal Power Generation Code Text Amendment*: A request to amend the Morgan County Code to change personal power generation requiring a Conditional Use Permit to be approved through the building permit process.

Administrative

7. **Public Meeting/Discussion/Decision** – *Peterson Pipeline CUP Well #2*: A request for approval of a Conditional Use Permit (C3) that is required for a “Public facilities or public service facilities,” which is identified by parcel number 00-0086-4072 and serial number 01-WHITE-A and is approximately located at 4150 Mahogany Drive in unincorporated Morgan County. The current zoning is A-20.
8. **Public Meeting/ Discussion/Decision** – *PEAKS Plat Amendment No. 1*: A request to amend the PEAKS Plat moving the location of units 1 to 15. The project location is 5360 W. Old Highway Road in unincorporated Morgan County. The current zoning is RM-15 (Multiple family Residential).
9. Business/Staff Questions
10. Approval of June 11, 2026, Planning Commission Minutes
11. Adjourn

DRAFT

MEMORANDUM

TO: Morgan County Planning Commission
FROM: Morgan County Planning & Development Services Staff
SUBJECT: Personal Power Generation Code Text Amendment

SUMMARY: Request for approval of a text amendment to the Morgan County Code (MCC) to amend power generation permitting regulations for Rural, Residential, and Commercial Districts from a Conditional Use Permit to permitted with the issuance of a Building Permit.

Morgan County Commission directed staff to amend the Morgan County Code. The proposed revisions modify the regulations governing power generation by changing the permitting requirements for generators from a Conditional Use Permit (CUP) to a building permit. This change would allow generators to be approved through the building permit process rather than through the Conditional Use Permit process and provide an updated definition to § 155.008 of the ordinance.

The proposed amendment removes language and standards currently outlined in § 155.082, Use Regulations, and establishes a clear and consistent permitting framework for power generation uses. Additionally, a definition for "power generation" is added to provide greater clarity and support consistent interpretation and administration of the ordinance. These revisions ensure reasonable expectations for lot owners, application of the code, and supports fair and defensible administration by county staff.

ATTORNEY GUIDANCE

Legislative Review:

The Planning Commission is tasked with advising and recommending to the County Commission whether the proposed text amendment is consistent with Morgan County Code requirements for zoning applications. The Planning Commission is further tasked with advising and making its recommendations based on whether the application conforms to Utah State law. In that regard, while previously the County Commission had broad discretion in either approving or denying a legislative decision (the standard being whether the zoning ordinance could promote the general welfare; or even if it is reasonably debatable that it is in the interest of the general welfare), it appears to have been narrowed by recent changes to § 17-27a-801(3). The subsequently amended statute provides that legislative acts will be upheld if it is shown to be "reasonably debatable that the land use regulation is consistent with LUDMA." While I have not seen any case law testing this new standard, I highly recommend that any decisions by the Planning Commission or County

Commission include references to the standards in Morgan County Code and Utah State Code to support them and provide a solid basis for review. In that regard, the State Code standards include:

§ 17-79-101. Purposes — General land use authority — Limitations.

(1) The purposes of this chapter are to:

- (i) provide for the health, safety, and welfare;
- (ii) promote the prosperity;
- (iii) improve the morals, peace, good order, comfort, convenience, and aesthetics of each county and each county's present and future inhabitants and businesses;
- (iv) protect the tax base;
- (v) secure economy in governmental expenditures;
- (vi) foster the state's agricultural and other industries;
- (vii) protect both urban and nonurban development;
- (viii) protect and ensure access to sunlight for solar energy devices;
- (ix) provide fundamental fairness in land use regulation;
- (x) facilitate orderly growth and allow growth in a variety of housing types; and
- (xi) protect property values.

(b) Subject to Subsection (4) and Section 11-41-103, to accomplish the purposes of this chapter, a county may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that the county considers necessary or appropriate for the use and development of land within the unincorporated area of the county or a designated mountainous planning district, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing:

- (i) uses;
- (ii) density;
- (iii) open spaces;
- (iv) structures;
- (v) buildings;
- (vi) energy-efficiency;
- (vii) light and air;
- (viii) air quality;
- (ix) transportation and public or alternative transportation;
- (x) infrastructure;
- (xi) street and building orientation and width requirements;
- (xii) public facilities;
- (xiii) fundamental fairness in land use regulation; and
- (xiv) considerations of surrounding land uses to balance the foregoing purposes with a landowner's private property interests and associated statutory and constitutional protections.

PROPOSED TEXT

§ 155.008 DEFINITIONS.

POWER GENERATION. The installation of any type of power generation shall be permitted with the issuance of a building permit; This includes solar, wind, micro-hydro generation, or any other type of power generation within or for a residence or commercial structure. Diesel or fuel driven generators shall be restricted to fuel storage allowances by the Fire Code and approval by the local fire department having jurisdiction. Maximum decibel readings from any power generation unit shall be 70db.

§ 155.082 USE REGULATIONS.

	<i>Districts</i>			
	<i>MU-160</i>	<i>F-1</i>	<i>A-20</i>	<i>Rural Residential</i>
Power generation (commercial)	C2	C2	C2	-
Power generation (personal use)	C1	C1	C1	C1

RECOMMENDED MOTIONS

Sample Motion for a *Recommendation for Approval* – “I move we recommend approval to the County Commission for the Personal Power Generation Code Text Amendment based on the findings listed in the memorandum dated June 25, 2026.”

Sample Motion for *Approval with Conditions* – “I move we recommend approval to the County Commission for the Personal Power Generation Code Text Amendment based on the findings listed in the memorandum dated June 25, 2026, with the following additional conditions:”

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

Sample Motion for *Denial* – “I move we recommend denial to the County Commission for the Personal Power Generation Code Text Amendment with the following findings:”

1. *List any additional findings...*

ATTACHMENTS:

Attachment “A”: Personal Power Generation Code Text Amendment Ordinance

Attachment “A”: Personal Power Generation Code Text Amendment

ORDINANCE NO. CO-26-0X

AN AMENDMENT TO THE LAND USE MANAGEMENT CODE FOR MORGAN COUNTY TO REMOVE A PORTION OF THE USE REGULATIONS IN § 155.082 OF THE MULTIPLE USE, FORESTRY, AGRICULTURE, AND RURAL RESIDENTIAL DISTRICTS, AND MODIFY § 155.008 OF DEFINITIONS TO DEFINE POWER GENERATION, OTHERWISE KNOWN AS THE PERSONAL POWER GENERATION CODE TEXT AMENDMENT, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Morgan County Commission has previously established land use management regulations for Morgan County as Title XV of the Morgan County Code which established, among other things, the requirements for the definition of entitlements for properties with the Residential and Multiple-Family Residential Districts; and

WHEREAS, the regulations established by the Morgan County Commission in Title XV of the Morgan County Code have been determined by the Morgan County staff and the Morgan County Commission to be in need of revision to address these concerns; and

WHEREAS, the Morgan County Planning Commission and Zoning Administrator have reviewed the proposed amendment in accordance with State Law and have recommended approval of the same;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSION
OF MORGAN COUNTY, STATE OF UTAH:

Section 1. Amendment and Adoption. Title XV of the Morgan County Code is hereby amended and adopted to remove a portion of the use regulations in section 155.082 of the Multiple Use, Forestry, Agriculture, and Rural Residential Districts and modify § 155.008 Definitions to define power generation, as more specifically described in Exhibit “A”, attached hereto and incorporated herein by reference.

Section 2. Severability. If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not

affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective after subsequent publication in accordance with State Law, but not before 15 days after its passage.

APPROVED, ADOPTED AND PASSED and ordered published by the Morgan County Commission, this 25th Day of June 2026.

ATTEST:

MORGAN COUNTY GOVERNING
BODY

Leslie Hyde
Morgan County Clerk

Matthew Wilson
County Commission Chair

APPROVED AS TO FORM

Commission Members

Voting:

AYE NAY ABSENT

Garret Smith
Morgan County Attorney

Vaughn Nickerson

Mike Newton

Raelene Blocker

Matthew Wilson

Blaine Fackrell

Exhibit "A": Personal Power Generation Code Text Amendment

§ 155.082 DEFINITIONS.

POWER GENERATION. The installation of any type of power generation shall be permitted with the issuance of a building permit; This includes solar, wind, micro-hydro generation, or any other type of power generation within or for a residence or commercial structure. Diesel or fuel driven generators shall be restricted to fuel storage allowances by the Fire Code and approval by the local fire department having jurisdiction. Maximum decibel readings from any power generation unit shall be 70db.

§ 155.082 USE REGULATIONS.

	<i>Districts</i>			
	<i>MU-160</i>	<i>F-1</i>	<i>A-20</i>	<i>Rural Residential</i>
Power generation (commercial)	C2	C2	C2	-
Power generation (personal use)	C1	C1	C1	C1

PLANNING COMMISSION STAFF REPORT

Conditional Use Permit
June 25, 2026

Peterson Pipeline Well CUP #2
Public Meeting
File #CUP 26.010

Applicant:	Matthew Harames
Owner:	Peterson Pipeline Association
Project Location:	Parcel A – Peterson Pipe Line (Approximately 4150 Mahogany Dr.)
Parcel Number:	00-0086-4042
Serial Numbers:	01-WHITE-A
Current Zoning:	Agriculture (A-20)
Acreage:	1.750 acres

REQUEST

A request for approval of a Conditional Use Permit (C3) that is required for “Public facilities or public service facilities,” which is identified by parcel number 00-0086-4072 and serial number 01-WHITE-A and is approximately located at 4150 Mahogany Drive in unincorporated Morgan County.

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. The question is whether the application complies with applicable standards and whether identified detrimental effects can be substantially mitigated. Under Utah Code § 17-79-506, a land use authority *shall* approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use.

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.

RECOMMENDATION

Based on the information in this staff report, planning staff recommends that the Planning Commission recommend approval to the County Commission of the requested Conditional Use Permit (CUP) application for a “Public facilities or public service facilities” subject to all applicable regulations and the following conditions:

Conditions:

1. *That the property adheres to all other County, State, and Federal requirements.*
2. *That all structures shall be designed and planned according to the Morgan County and International Building Code (IBC) codes.*
3. *That all structures on site shall be constructed at least one (1) foot above the Base Flood Elevation.*

PROJECT DESCRIPTION

Staff has reviewed a Conditional Use Permit (CUP) application for a proposed “public service facility” on a 1.75-acre property located in Morgan County. A “public service facility” in the A-20 zone requires a Conditional Use Permit granted by the County Commission; it is a C3 level CUP. The project site is vacant except for a nonoperational well. The proposal is to build a well house around the well (Peterson Pipeline Well #2) and pour a 5’x7’ concrete pad for a transformer, an 11’x 6’ concrete pad for a generator, and supply a 1000 gallon propane tank. The result will be an operational well. The parcel is accessed through a right-of-way on an existing dirt road located off Mahogany Drive in the Peterson area. This right-of-way includes an 8” water line from the existing well to Mahogany Drive.

A flood plain permit (FL26.003) has been issued and reviewed by staff and the County Engineer.

Staff finds that the proposed CUP maintains compatibility with the surrounding area and the intent of the A-20 zoning district. The existing well is approximately 250 feet from the closest residence. The proposed well house will block generator noise to the closest residence.

The applicant addresses the noise of the generator:

The generator will be operational only for backup power and for regular maintenance, which will occur approximately a few hours once every three months. The generator will have a maximum operating decibel level at full rated load of 75 dBA at 7 meters from the generator. The existing well in this location is currently only a wellhead and is not operational, so there isn't currently a generator in this location. This project will fully equip the well and allow it to be operational.

Seventy-five (75) decibels (dB) is a moderately loud noise level, similar to a vacuum cleaner, dishwasher, or busy traffic, which can be tiring over time. While not instantly damaging, it is above the 70 dB threshold for safe, 24-hour exposure, making it noticeable and potentially disruptive if sustained, such as in an open office.

The entire site is within the flood plain so care needs to be taken to prevent damage or contamination of the well, as such some additional conditions could be imposed according to § 155.366(A) Conditional Uses:

“ 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.”*

Any conditions that staff or the Planning Commission come up with should aim to ensure that the well house, well, and supporting facilities need to be reasonably protected from flood damage, and the closest residents need to be reasonably mitigated from adverse noise.

CODE ANALYSIS

Standards		Findings	Rationale
<i>Ordinance Evaluation. Morgan County Code § 155.008 defines conditional use as the following:</i>			
<i>CONDITIONAL USE: A land use that, because of the unique characteristics or potential impact of the land use 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 development or land use application which requires a conditional use permit, pursuant to this chapter.)</i>			
155.366 (D) Conditions Relating To Safety For Persons And Property:			
1(a)	Building elevations and grading plans which will prevent or minimize floodwater damage, where property may be subject to flooding.	<i>Will Comply</i>	<i>Staff will review at the time of site plan and building permit.</i>
1(b)	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>	
1(c)	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>	
1(d)	Appropriate design, construction and location of structures, buildings and facilities in relation to any	<i>Existing</i>	

	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.		
1(e)	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.	N/A	
1(f)	Plans for the location, arrangement and dimensions of truck loading and unloading facilities.	N/A	
1(g)	Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants and street lighting.	Will Comply	Staff will review at the time of site plan and building permit.
1(h)	Reduction of permitted street grades for winter and storm conditions, or exposure.	N/A	
1(i)	Fences shall not create visual nor other safety hazards.	N/A	
1(j)	Backing movements, passing vehicles, sidewalk traffic, small children, etc., shall be considered in the location of fences and effects on circulation system.	N/A	
1(k)	Numbers and types of vehicles per time period associated with the conditional use activities.	Will Comply	
1(l)	Time of day and days of the week conditional use may operate.	Will Comply	
155.366 (D) Conditions Relating To Health And Sanitation:			
2(a)	A guarantee of sufficient water to serve the intended land use and a water delivery system meeting standards adopted by the governing body.	Will Comply	
2(b)	A wastewater disposal system and a solid waste disposal system meeting standards adopted by the governing body.	Will Comply	
2(c)	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.	Will Comply	
155.366 (D) Environmental Concerns:			
3(a)	Limitations and/or restrictions on the use and/or location of uses in sensitive areas due to soils capabilities, wildlife and plant life.	Complies	
3(b)	Standards intended to conserve, enhance, restore and maintain significant natural and manmade features which are of public value, including among other things, river 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.	Will Comply	
3(c)	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.	Will Comply	

3(c)(1)	These processes may include restrictions on degradation of water quality.	<i>Will Comply</i>	
3(c)(2)	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>Will Comply</i>	
3(c)(3)	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>Will Comply</i>	
3(d)	The planting of ground cover or other surfacing to prevent dust and erosion.	<i>Will Comply</i>	
3(d)(1)	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>Will Comply</i>	
3(d)(2)	Whenever feasible, natural vegetation will be retained and protected.	<i>Will Comply</i>	
3(d)(3)	Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.	<i>Will Comply</i>	
3(d)(4)	Plans will be made to accommodate increased runoff and sedimentation caused by altered soil and surface conditions during and after the proposed activity.	<i>Will Comply</i>	
3(e)	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>Will Comply</i>	
3(f)	Limitations and/or restrictions on construction and/or development on slopes in excess of thirty percent (30%) to control erosion.	<i>Will Comply</i>	
3(g)	If the proposed conditional use involves hillside construction and/or development, the application will be approved only after the applicant provides:	<i>Will Comply</i>	
3(g)(1)	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.	<i>Will Comply</i>	
3(g)(2)	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.	<i>Will Comply</i>	
3(g)(3)	Such other engineering or technical reports as may be required by the planning commission or governing body.	<i>Will Comply</i>	

3(g)(4)	Detailed construction plans, drawings and specifications which outline all construction methods proposed to be utilized.	<i>Will Comply</i>	
3(h)	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.	<i>Will Comply</i>	
3(i)	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.	<i>N/A</i>	

RECOMMENDED MOTION

Recommended Motion for *Approval* – “I move we recommend approval to the County Commission of the CUP for the Peterson Pipeline Well #2 well house and supporting facilities, application #CUP 26.010, to allow for a “Public facility” at the property identified by Serial # 01-WHITE-A and Parcel ID # 00-0086-4042 and is approximately located at 4150 Mahogany Dr. in the Peterson area, based on the findings and with the conditions listed in the staff report dated June 25, 2026.”

Recommended Motion for *Approval with Conditions*– “I move we recommend approval with conditions to the County Commission of the CUP for the Peterson Pipeline Well #2 well house and supporting facilities, application #CUP 26.010, to allow for a “Public facility” at the property identified by Serial #01-WHITE and Parcel ID # 00-0086-4042 and is approximately located at 4150 Mahogany Dr. in the Peterson area, based on the findings and with the conditions listed in the staff report dated June 25, 2026, and as modified by the conditions and findings below:”

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

Recommended Motion for *Denial* – “I move we recommend denial to the County Commission of the CUP for the Peterson Pipeline Well #2 well house and supporting facilities, application #CUP 26.010, to allow for a “Public facility” at the property identified by Serial # 01-WHITE-A and Parcel ID # 00-0086-4042 and is approximately located at 4150 Mahogany Dr. in the Peterson area subject to the following findings:

1. List any additional findings...

SUPPORTING INFORMATION

Exhibit A: Vicinity Map

Exhibit B: Zoning Map

Exhibit C: Applicant Narrative

Exhibit D: Site Plan

Exhibit A: Vicinity Map



Exhibit B: Zoning Map

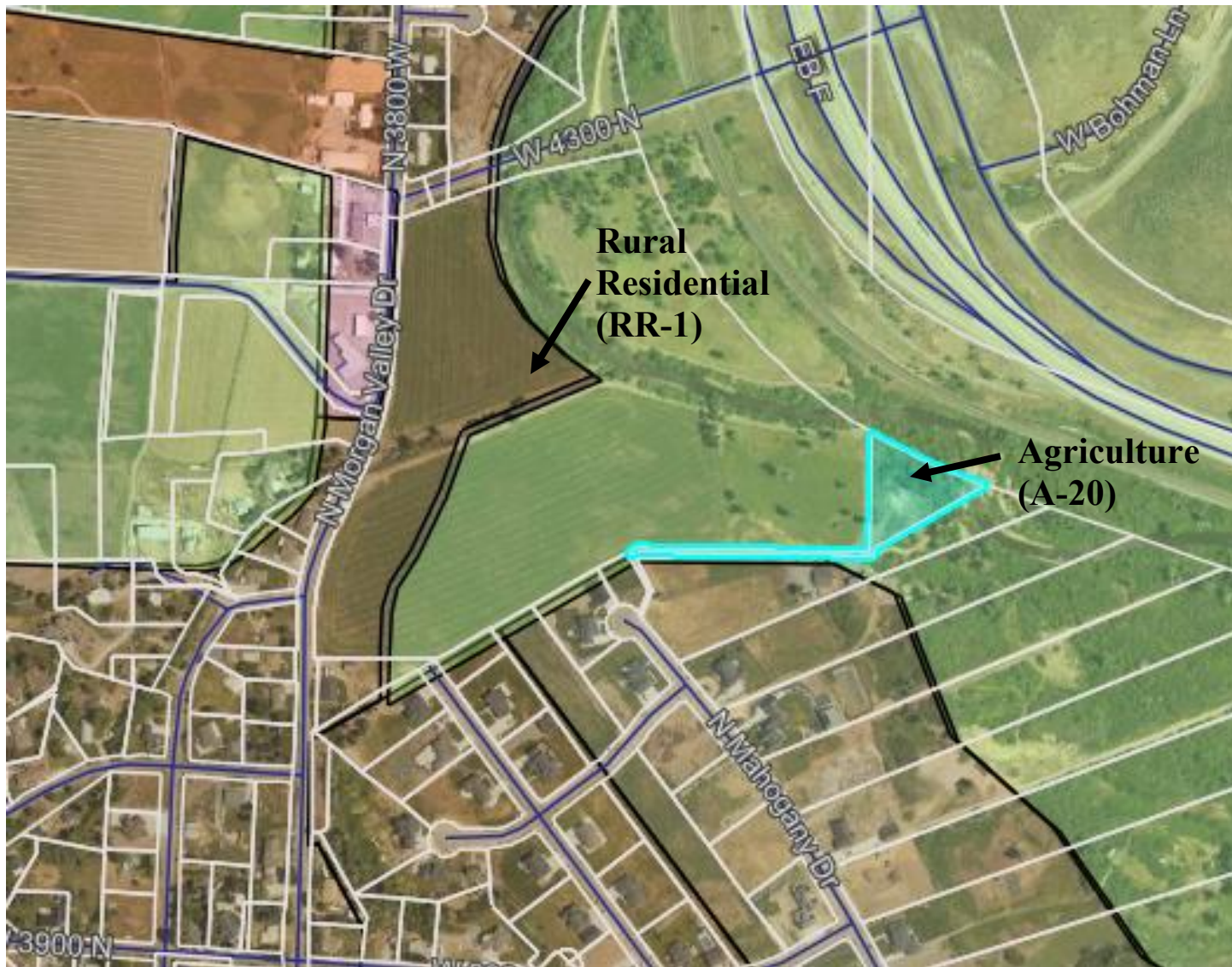
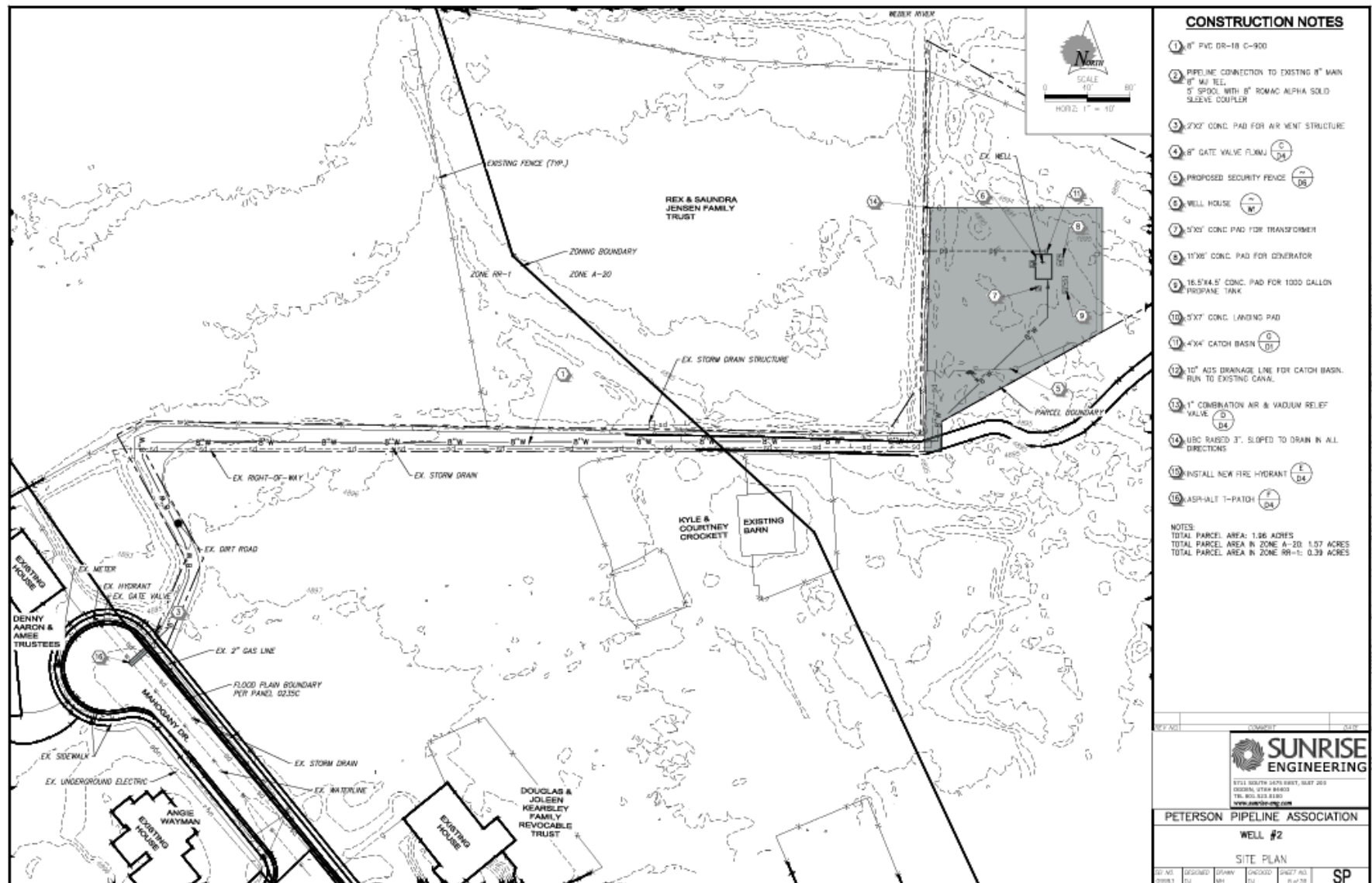


Exhibit C: Applicant Narrative

Potential impacts of the wellhouse include an increase in noise from the well and generator and visual impacts from the construction of the building. The increase in noise from the wellhouse is anticipated to be minimal during normal operations as the pump chosen is a submersible pump and the wellhouse is to be insulated, which will decrease the noise level produced from any equipment inside the wellhouse. There is an emergency propane generator that will be used when necessary to continue providing water to residents in the case of power outage. As generator usage will be limited to necessary maintenance and emergency use, the noise impact of the generator is minimal. There will be a visual impact due to the construction of the wellhouse and necessary equipment. The wellhouse is designed to be a CMU block building with a prefinished standing seam metal roof. The wellhouse location is located away from any residential properties and it is anticipated that visual impacts to nearby residents will be minimal.

Exhibit D: Site Plan





PLANNING COMMISSION STAFF REPORT

Amended Plat

June 25, 2026

25.060 Peaks 1st Amendment
Public Meeting
File #25.060

Applicant: Blair Gardner

Property Address: 5360 W. Old Highway Road in Mountain Green, UT 84050

Area: 13,338 sq. ft. or 0.306 acres

General Plan Land Use Designation: Town Center (TC)

Zoning District: Multiple-family Residential District (RM-15)

REQUEST: Amend units 1 to 15 of the Peaks by moving the property lines to be in-line with the foundations. (The foundations for these 15 units were moved from the original townhome plat dimensions.)

STAFF RECOMMENDATION: County Staff has reviewed the plans for the Peaks 1st Amendment. Staff recommends approval of the requested amended plat based on the conditions listed below:

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 shall install any and all requisite infrastructure, including roadways, and utilities, etc.
4. That the proposal is not detrimental to the health, safety, and welfare of the public.
5. That all outstanding comments from the County Surveyor and County Recorder are addressed, and a final title report is submitted prior to final plat recordation.
6. Upon recordation date, all owners of record sign and their signatures are acknowledged.

PROJECT DESCRIPTION:

Proposal Details

This request is to amend units 1 thru 15 of the Peaks so that the plat is in-line with the foundations.

The area of the amended plat consists of 13,338 sq. ft. or 0.306 acres. There are four (4) townhome buildings for the 15 total units, with buildings containing between three (3) to four (4) units per building. The 15 units are located on Jeeder Drive – a private road at 5360 W. Old Highway Road. The development is located west of the Old Highway Road and Trapper’s Loop Intersection in Mountain Green. Jeeder Drive connects directly to W Old Hwy Rd south of the subdivision.

DISCUSSION:

The Ostler family owned the property for many years, but sold it to Xpert Enterprises, LLC in 2022. Approval for the Ostler rezoning occurred in 2022 (Ord. No. CO-22-17). The current zoning is RM-15 and lies within the Town Center General Plan land use designation. MCC § 155.105 Purpose defines RM-15 as, “To provide areas for medium high residential density with the opportunity for varied housing styles and character.” Townhouses on this property are a permitted use within the RM-15 zone.

Access to the property is from Old Highway Road to the south. Topography is relatively flat from West Old Highway Road to the back part of the property, except where it inclines in a southeast to northwest direction near the property line that borders the cemetery. The final plat requirements come from Morgan County’s Land Use Management Code, Title XV, 155.412 through 155.424. Staff has reviewed the requirements and procedures for a final plat and have found that the application request meets the standards with the conditions of approval.

155.412: FINAL PLAT; PURPOSE:

The purpose of the final plat is to require formal approval by the County Council before a subdivision plat is recorded in the office of the Morgan County Recorder. The final plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of this title. The final plat and construction drawings shall be submitted at the time of final plat application and shall conform in all respects to those regulations and requirements specified during the preliminary plat procedure. Additionally, all other final plat requirements such as title report(s), improvements guarantee agreements, and fees shall be required to be submitted with the final drawings. (Ord. 10-16, 12-14-2010; amd. Ord. CO-19-09, 10-15-2019)

155.419: REVIEW BY THE COUNTY COUNCIL:

Within a reasonable time following the recommended approval of the final plat by the Zoning Administrator, the final plat shall be submitted to the County Council for its review and consideration. The County Council shall not be bound by the recommendations of the Zoning Administrator and may set its own conditions and requirements consistent with this title. If the County Council determines that the final plat is in conformity with the requirements of this title, other applicable ordinances, and that the County Council is satisfied with the final plat of the subdivision, it shall approve the final plat. If the County Council determines that the final plat is not in conformity with this title or other applicable ordinances, it shall disapprove the final plat specifying the reasons for such disapproval. No final plat shall have any force or effect unless the same has been approved by the County Council and signed by the County Council Chairperson and the County Clerk. Best efforts shall be made by staff to notify the Planning Commission of final decisions of the County Council. (Ord. 10-16, 12-14-2010; amd. Ord. CO-19-09, 10-15-2019)

ANALYSIS OF STANDARDS

Standards	Findings	Rationale
Ordinance Evaluation. Morgan County Code, Chapter 8, Section 12-29 states the following:		
155.412: FINAL PLAT; PURPOSE:		
<i>The purpose of the final plat is to require formal approval by the county council before a subdivision plat is recorded in the office of the Morgan County recorder. The final plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of this title. The final plat and construction drawings shall be submitted at the time of final plat application and shall conform in all respects to those regulations and requirements specified during the preliminary plat procedure. Additionally, all other final plat requirements such as title report(s), improvements guarantee agreements, and fees shall be required to be submitted with the final drawings. (Ord. 10-16, 12-14-2010)</i>		
155.414: OTHER REQUIRED INFORMATION:		
<i>A. Final storm drainage plans and erosion control plans with final hydraulic and hydrologic storm drainage calculations, 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, and any other</i>		

<i>drainage information required by the county engineer in order to demonstrate mitigation of potential harmful impact.</i> <i>B. Construction drawings which show existing ground and/or asphalt elevations, planned grades and elevations of proposed improvements and the location of all utilities, and shall meet all county standards and specifications. All construction drawings shall have the designing engineer's Utah state license seal, date and signature stamped on all submitted sheets. (Ord. 12-09, 9-18-2012)</i>			
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 council 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.	Complies	
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 council, the plat shall be signed by all required and authorized parties, with the exception of the county council chairperson, planning commission chairperson and county attorney, with appropriate notarial acknowledgements and the final plat shall contain all information set forth in this section. 1. A signature on the plat by a service provider shall be a commitment to provide the respective service to the lots created pursuant to the plat.	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	The survey has been completed.
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 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.	Complies	
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: <i>OWNERS DEDICATION</i> <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</i>	Complies	

	<i>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, 20 .</i> <i>(Add appropriate acknowledgments)</i> 3. Notary public's acknowledgement for each signature on the plat. 4. A correct metes and bounds description of all property included within the subdivision. 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 council (a signature line for the council 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. 6. Such other affidavits, certificates, acknowledgements, endorsements and notarial seals as are required by law, by this title, the county attorney, or county surveyor. 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. 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. 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.		
O	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.	Does Not Apply	
P	A note on the plat which states the following: <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> (Ord. 10-16, 12-14-2010)	Complies	

DEPARTMENT COMMENTS/RECOMMENDED MOTIONS

Highlands Water Company: Approved
Mountain Green Sewer Improvement District: No Comments Received
Planner: Approved
Surveyor: Approved
Recorder: Comments have been received

Recommended Motions

Motion for Approval – “I move we recommend to the County Commission to approve the Peaks 1st Amendment, application #25.060, adjusting the property lines of 15 townhome units, located along Jeeder Drive at 5360 W. Old Highway Road in Mountain Green in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report dated June 25, 2026.”

Motion for Approval *with Conditions* – “I move we recommend to the County Commission to approve the Peaks 1st Amendment, application #25.060, adjusting the property lines of 15 townhome units, located along Jeeder Drive at 5360 W. Old Highway Road in Mountain Green in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report dated June 25, 2026, with the following additional conditions:”

1. List any additional findings and conditions...

Motion for Denial – “I move we recommend to the County Commission to deny the Peaks 1st Amendment, application #25.060, adjusting the property lines of 15 townhome units, located along Jeeder Drive at 5360 W. Old Highway Road in Mountain Green in unincorporated Morgan Count, *due to the following findings:*”

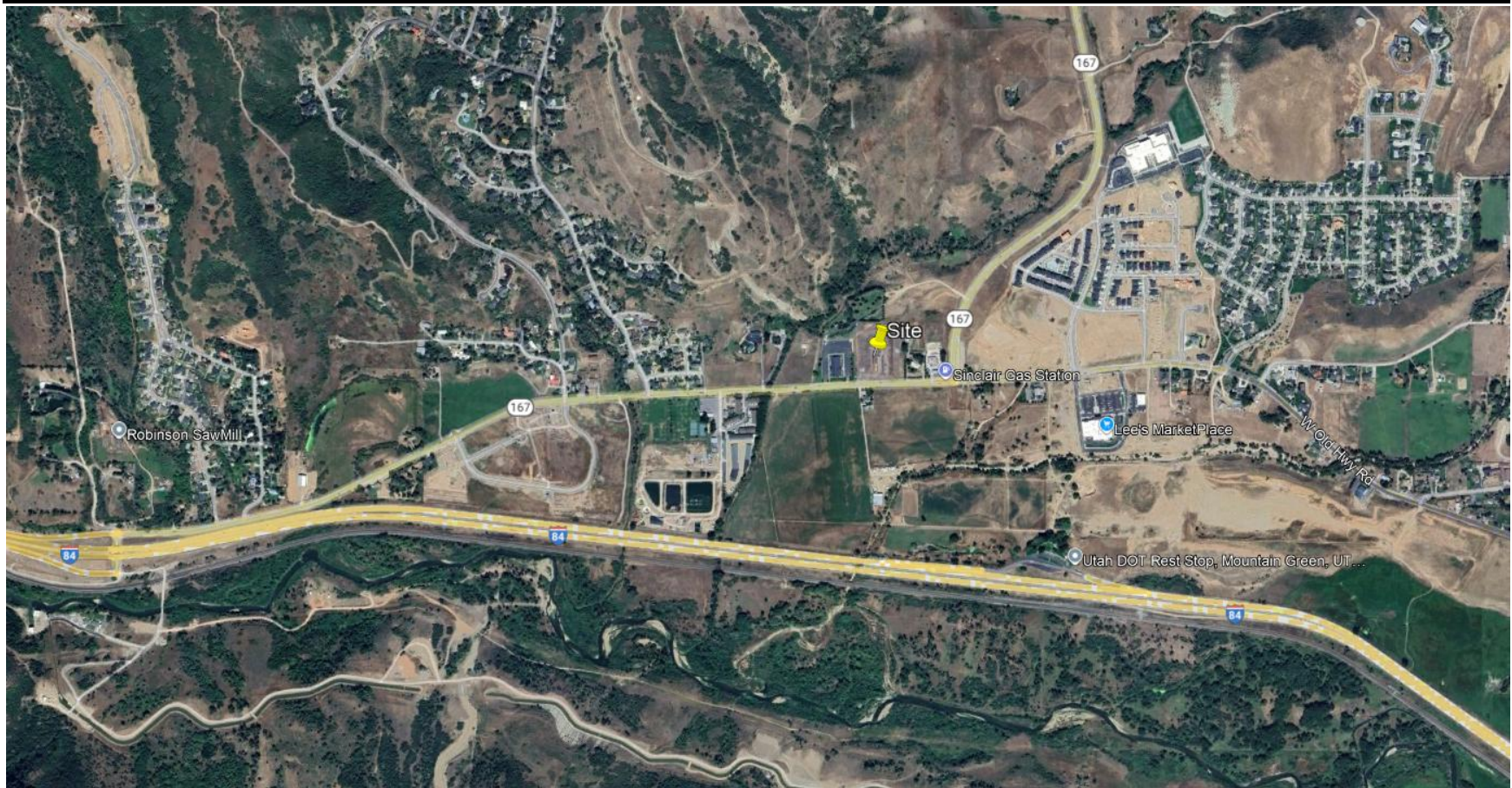
Attachment A: Vicinity Map

Attachment B: Existing Zoning Map

Attachment C: Final Plat

Attachment D: Application

Attachment A: Vicinity Map



Attachment B: Existing Zoning Map



Peaks 1st Amendment
June 25, 2026
Application #25.060



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

Attachment D: Peaks 1st Amendment

SHEET 1 OF 1
RECORD OF SURVEY NO. 9301145

PEAKS 1ST AMENDMENT

AMENDING UNITS 1-15 OF PEAKS
PART OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 3 NORTH, RANGE 1 EAST, S.L.B.&M., U.S. SURVEY
MORGAN COUNTY, UTAH
APRIL, 2026

LEGEND

- SECTION CORNER
- BOUNDARY LINE
- ADJOINING PROPERTY
- SECTION TIE LINE
- ROAD CENTER LINE
- LIMITED COMMON AREA
- PRIVATE UNITS
- ORIGINAL LOCATION OF PRIVATE UNITS

BOUNDARY DESCRIPTION
ALL OF UNITS 1-15 OF PEAKS BEING LOCATED IN THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 3 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, SHOWN HEREON AS NORTH 89°58'26" WEST 1.3258 S.F. OR 0.306 ACRES.

BASIS OF BEARINGS
THE BASIS OF BEARINGS FOR THIS PLAT IS THE SECTION LINE BETWEEN THE NORTHEAST CORNER AND THE ADJOINING CORNER OF SECTION 26, TOWNSHIP 3 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, SHOWN HEREON AS NORTH 89°58'26" WEST.

NARRATIVE
THE PURPOSE OF THIS PLAT IS TO AMEND UNITS 1-15 OF PEAKS SUBDIVISION AS SHOWN HEREON. BOUNDARIES OF THE PARCELS WERE ESTABLISHED BY INFORMATION OF RECORD AND FOUND EVIDENCE OF OCCUPATION ON THIS DATE.

NOTE
MORGAN COUNTY RESTRICTS THE OCCUPANCY OF BUILDINGS WITHIN DEVELOPMENTS AS OUTLINED IN THE ADJOINING 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.

IN ACCORDANCE WITH SECTION 7(2) OF THE AMENDED AND REVISED AMENDMENT (ENACTED AS OF OCTOBER 4, 2024) AND RECORDED AS ENTRY NO. 190103 IN THE 4TH PG. 826, THE FOLLOWING CONSTITUTES THE PLAT NOTE ALLEGING THE ASSIGNMENTS AMONG THE TITLE OWNERS:

UNIT NUMBER	OWNER	ADDRESS
1	1.00	41.428.57
2	1.00	41.428.57
3	1.00	41.428.57
4	1.00	41.428.57
5	1.00	41.428.57
6	1.00	41.428.57
7	1.00	41.428.57
8	1.00	41.428.57
9	1.00	41.428.57
10	1.00	41.428.57
11	1.00	41.428.57
12	1.00	41.428.57
13	1.00	41.428.57
14	1.00	41.428.57
15	1.00	41.428.57

CURVE TABLE

PI RADIUS	ARC LENGTH	CHD LENGTH	TANGENT	CHD BEARING	DELTA
101.88200	102.58	101.79	31.45	288°47'30"	102°58'
101.88200	102.58	101.79	31.45	288°47'30"	102°58'
101.88200	102.58	101.79	31.45	288°47'30"	102°58'
101.88200	102.58	101.79	31.45	288°47'30"	102°58'
101.88200	102.58	101.79	31.45	288°47'30"	102°58'
101.88200	102.58	101.79	31.45	288°47'30"	102°58'
101.88200	102.58	101.79	31.45	288°47'30"	102°58'
101.88200	102.58	101.79	31.45	288°47'30"	102°58'
101.88200	102.58	101.79	31.45	288°47'30"	102°58'
101.88200	102.58	101.79	31.45	288°47'30"	102°58'

HIGHLANDS WATER COMPANY
THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED BY THE HIGHLANDS WATER COMPANY. SIGNED THIS _____ DAY OF _____, 20____.

MORGAN COUNTY PLANNING COMMISSION APPROVAL
THIS IS TO CERTIFY THAT THE SUBDIVISION PLAT WAS DULY APPROVED BY THE MORGAN COUNTY PLANNING COMMISSION. SIGNED THIS _____ DAY OF _____, 20____.

MORGAN COUNTY ENGINEER
I HEREBY CERTIFY THAT THE REQUIRED PUBLIC IMPROVEMENTS AND DRAWINGS FOR THIS SUBDIVISION CONFORM WITH THE COUNTY STANDARDS AND THE AMOUNT OF THE FINANCIAL GUARANTEE IS SUFFICIENT FOR THE INSTALLATION OF THESE IMPROVEMENTS. SIGNED THIS _____ DAY OF _____, 20____.

MORGAN COUNTY COMMISSION ACCEPTANCE
THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT, S.E. SECTION OF STREETS AND OTHER PUBLIC WORKS AND FINANCIAL GUARANTEE OF PUBLIC IMPROVEMENTS ASSOCIATED WITH THIS SUBDIVISION, THEREIN WAS HEREBY APPROVED AND ACCEPTED BY THE COMMISSIONERS OF MORGAN COUNTY, UTAH. SIGNED THIS _____ DAY OF _____, 20____.

MORGAN COUNTY SURVEYOR
I HEREBY CERTIFY THAT THE MORGAN COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS PLAT FOR MATHEMATICAL CORRECTNESS, SECTION CORNER DATA, AND FOR CONFORMANCE WITH UNITS AND MONUMENTS ON RECORD IN THE MORGAN COUNTY OFFICES. THE APPROVAL OF THIS PLAT BY THE MORGAN COUNTY SURVEYOR DOES NOT RELIEVE THE LICENSED LAND SURVEYOR WHO EXECUTED THIS PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED THEREWITH. SIGNED THIS _____ DAY OF _____, 20____.

MORGAN COUNTY ATTORNEY
I HAVE EXAMINED THE FINANCIAL GUARANTEE AND OTHER DOCUMENTS ASSOCIATED WITH THIS SUBDIVISION PLAT, AND IN MY OPINION THEY CONFORM WITH THE COUNTY STANDARDS ATTACHABLE THEREON AND NOW IN FORCE AND EFFECT. SIGNED THIS _____ DAY OF _____, 20____.

MOUNTAIN GREEN SEWER DISTRICT
THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED BY THE MOUNTAIN GREEN SEWER DISTRICT. SIGNED THIS _____ DAY OF _____, 20____.

MORGAN COUNTY RECORDER
Entry No. _____ Fee Paid _____
Recorded _____ Filed For Record and _____
in Book _____ of _____
The Official Records, Page _____
Recorded On _____
MORGAN COUNTY RECORDER _____

UNIT AREA AND ADDRESS TABLE

UNIT	AREA	ADDRESS
1	0.306	41.428.57
2	0.306	41.428.57
3	0.306	41.428.57
4	0.306	41.428.57
5	0.306	41.428.57
6	0.306	41.428.57
7	0.306	41.428.57
8	0.306	41.428.57
9	0.306	41.428.57
10	0.306	41.428.57
11	0.306	41.428.57
12	0.306	41.428.57
13	0.306	41.428.57
14	0.306	41.428.57
15	0.306	41.428.57

LIMITED COMMON AREA TABLE

UNIT	AREA	ADDRESS
1	0.306	41.428.57
2	0.306	41.428.57
3	0.306	41.428.57
4	0.306	41.428.57
5	0.306	41.428.57
6	0.306	41.428.57
7	0.306	41.428.57
8	0.306	41.428.57
9	0.306	41.428.57
10	0.306	41.428.57
11	0.306	41.428.57
12	0.306	41.428.57
13	0.306	41.428.57
14	0.306	41.428.57
15	0.306	41.428.57

VICINITY MAP
SCALE: NONE

ACKNOWLEDGMENT
STATE OF UTAH _____
COUNTY OF _____
ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, _____, BEING BY ME DULY SWORN, ACKNOWLEDGED TO ME HE SIGNED IT FREELY, VOLUNTARILY, AND FOR THE PURPOSES THEREIN MENTIONED.

ACKNOWLEDGMENT (LLC)
STATE OF UTAH _____
COUNTY OF _____
ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, _____, BEING BY ME DULY SWORN, ACKNOWLEDGED TO ME HE IS MANAGER OF PEAKS TOWNHOMES, LLC, AND THAT HE SIGNED THE ABOVE OWNER'S DECLARATION AND CERTIFICATION FREELY, VOLUNTARILY, AND IN BEHALF OF PEAKS TOWNHOMES, LLC, FOR THE PURPOSES THEREIN MENTIONED.

ACKNOWLEDGMENT (LLC)
STATE OF UTAH _____
COUNTY OF _____
ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, _____, BEING BY ME DULY SWORN, ACKNOWLEDGED TO ME THEY ARE AND OF PEAKS TOWNHOMES ASSOCIATION, AND THAT THEY SIGNED THE ABOVE OWNER'S DECLARATION AND CERTIFICATION FREELY, VOLUNTARILY, AND IN BEHALF OF PEAKS TOWNHOMES ASSOCIATION, FOR THE PURPOSES THEREIN MENTIONED.

ACKNOWLEDGMENT (LLC)
STATE OF UTAH _____
COUNTY OF _____
ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, _____, BEING BY ME DULY SWORN, ACKNOWLEDGED TO ME THEY ARE AND OF PEAKS TOWNHOMES ASSOCIATION, AND THAT THEY SIGNED THE ABOVE OWNER'S DECLARATION AND CERTIFICATION FREELY, VOLUNTARILY, AND IN BEHALF OF PEAKS TOWNHOMES ASSOCIATION, FOR THE PURPOSES THEREIN MENTIONED.

ACKNOWLEDGMENT (LLC)
STATE OF UTAH _____
COUNTY OF _____
ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, _____, BEING BY ME DULY SWORN, ACKNOWLEDGED TO ME THEY ARE AND OF PEAKS TOWNHOMES ASSOCIATION, AND THAT THEY SIGNED THE ABOVE OWNER'S DECLARATION AND CERTIFICATION FREELY, VOLUNTARILY, AND IN BEHALF OF PEAKS TOWNHOMES ASSOCIATION, FOR THE PURPOSES THEREIN MENTIONED.

Project Info.
Surveyor: _____
Designer: _____
Begin Date: _____
End Date: _____
Name: _____
Address: _____
City: _____
State: _____
Zip: _____
Phone: _____
Fax: _____
Email: _____

Reeve & Associates, Inc.
1000 WEST 1000 NORTH, SUITE 200
PO BOX 600-0000, SALT LAKE CITY, UTAH 84101-0000



PLANNING COMMISSION AGENDA

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

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

Present PC Members:

Chair Sessions
Member Maloney
Member Taylor
Member Wilson

Absent PC Members

Member McMillan
Member King
Member Watt

Public Attendance:

John Schlichtee
Van Johanson
Lisa Jo Clark
Les Adams
Skyler Gardner
Ty Ames
Hayden Riddle

Staff:

Josh Cook – Planning Director
Kent Page – Senior Planner
Brynlee Savage – Planner I
Chris Tremea – Code Enforcement
Jessie Drage - Transcriptionist/Permit Tech

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

Motion by Member Maloney to approve the agenda for Thursday June 11th 2026. Second by Member Wilson . Motion carried unanimously.

- 4. Declaration of Conflicts of Interest – None**

- 5. Public Comment**

Lisa Clark – She asked several questions regarding the proposed Warrior Rizen Ranch CUP 2nd Amendment. She inquired whether the ranch currently operated under a Conditional Use Permit and sought clarification on fire safety measures related to the shooting range, particularly given

current drought conditions. While she noted the proposed water wagons, she expressed concern about whether those resources would be sufficient in the event of a rapidly spreading fire. She also asked whether the organization was registered as a nonprofit, whether fees would be charged for use of the proposed facilities, who would benefit from any revenue generated, whether Morgan County would receive tax revenue from the operation, and whether any new buildings or tent-like structures were proposed as part of the amendment.

Ben Johanson asked follow-up questions regarding the Warrior Rizen Ranch CUP amendment. He inquired whether the applicant would be financially responsible for fire suppression costs if a fire originated from the property. He also requested information regarding the anticipated number of visitors and employees associated with the proposed facilities and whether activity levels would be relatively consistent or fluctuate with larger group events.

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.

Department Head Josh Cook - He presented Application #26.007, a request to rezone approximately 10.42 acres at approximately 4645 Old Highway Road from RR-1 and A-20 to Planned Community (P-C) zoning. He explained the surrounding land uses and future land use designations, noting that the proposed development would serve as a transition between nearby single-family homes, townhomes, commercial development, and Town Center zoning. He stated the applicant proposed 42 clustered single-family homes at four units per acre while preserving approximately 35% of the site as open space, exceeding the 20% requirement. He noted staff supported the rezone because it provided an appropriate buffer and was consistent with surrounding densities. Staff's primary concern was ensuring the Planned Community access to the planned trail south of Cottonwood Creek.

Skyler Gardner - He represented the applicant and explained that the project proposed 42 single-family homes with lot sizes ranging from approximately 3,200 to 8,000 square feet. He stated the homes would be clustered north of Cottonwood Creek, with approximately 34% of the property preserved as open space. He explained that the public trail was proposed on the south side of the creek because it would provide greater regional access through future connections and a planned bridge associated with a neighboring development. He noted that HOA-maintained open space on the north side would include landscaping, nature trails, and a tot lot, while the south side would provide public trail access. He indicated willingness to consider additional amenities, including paved pathways, benches, picnic areas, tables, and a bowery. He also confirmed that all homes would be located outside the floodplain and later stated the south-side trail would be approximately 950 feet long. He described the proposed regional trail as an asphalt pathway extending from Old Highway Road westward along the south side of Cottonwood

Creek, with the long-term goal of connecting to the Mountain Green village and commercial area.

Member Taylor - He questioned whether a trail located across the creek would function as a meaningful amenity for project residents. He sought clarification regarding the Planning Commission's role in reviewing Planned Community applications, the level of detail required at the rezone stage, and whether additional amenities should be required in exchange for increased density. He also discussed trail connectivity, floodplain considerations, future trail planning, and suggested additional pathways and conceptual renderings of proposed recreational amenities be provided during later review stages.

Department Head Josh Cook - He explained that Planned Community zoning was a legislative decision and that the Planning Commission could request additional information, amenities, or design commitments as conditions of approval. He stated the Commission's responsibility was to determine whether the amenities offered justified the additional density and clustering requested. He reiterated staff's position that direct access to the regional trail should be provided and explained that future development agreements would further refine project details.

Member Maloney - She noted that this was the first Planned Community zoning application reviewed by the Planning Commission. She asked about the length of the proposed trail and questioned why the application was proceeding before final consideration of the related code text amendment.

Member Sessions - She expressed concern that residents should have convenient access to the trail amenity and questioned the lack of a pedestrian bridge across the creek. She stated that any remainder parcel should likely be designated as open space and discussed potential amenities for residents, including walking paths, recreation areas, picnic facilities, and a bowery. She also suggested that architectural elevations be provided during future review.

Member Wilson - He asked about flood risks associated with Cottonwood Creek and whether the proposed homes would be adequately protected from high-water events. He was informed that all homes would be outside the floodplain and that recent channel improvements had increased the creek's capacity. The applicant also informed that even during the heavy winter melt of 2023, the water did not exceed the flood plain or banks.

Department Head Cook - He clarified that approval of the future land use map amendment and the zoning amendment would require separate motions. He further explained that the related text amendment was scheduled for County Council review and that its approval would depend on Planning Commission action on the Planned Community application. He noted that the County Attorney had determined there was no issue with proceeding before final action on the text amendment.

Member Maloney moved to open the public hearing. Second by Taylor. Motion carried unanimously.

Chair Sessions – Saw no public comment.

Member Taylor moved to close the public hearing. Second by Member Maloney. Motion Carried unanimously.

Chair Sessions – Stated that the commission needed to vote on the Creekside Vista Rezone change on the future land use map first, and then make a motion for the Rezone itself.

Member Taylor moved to forward a positive recommendation for the Creekside Vista Rezone on the future land use map from RR-1 and A-20 to Planned Community completely. Second by Member Maloney. Motion carried unanimously.

Member Maloney – Stated that she loved the rezone but questioned if we had enough information, details and conditions to make a motion.

Member Taylor – Stated that he felt comfortable recommending it to the County Commission. He discussed some possible conditions including a walking trail or connecting bridge on the north side, a rendering of a playground, details regarding the types of trails to be created, presence of benches and picnic or covered seating areas.

Member Sessions – Stated that she wanted the additional parcel labeled as open space.

Member Maloney – In other counties with P-C zone, there is a flood plain and they won't build there so they get additional density in exchange. If the space is unbuildable or 30% grade have you ever seen that count toward open space or increase density?

Department Head Cook – Stated that there would simply just be parts of the year when some of the open space would not be useable for example when the creek is running high or during rainstorms.

Member Maloney – Confirmed that once entitlements are set, and approved by the County Commission then it's done. That being considered, she liked the idea of a sample elevation.

Member Maloney moved to recommend a positive recommendation to the County Commission for the Creekside Visa P-C Rezone Application #26.077. To Rezone 10.42 acres from A-20 and RR-1 to P-C Zone completely. With the findings listed in the staff report dated June 11th 2026 as well as the additional conditions listed below:

- 1. The developer shall add at their discretion either a six foot trail on the north for homeowner trail access or a foot bridge over the creek to adjoin the north and south side trails.***
- 2. An 8 foot asphalt trail on the south side***
- 3. Benches on the north side of the creek***
- 4. A pavilion or covered eating area***
- 5. The remainder parcel to be listed as open space***
- 6. A Tot Lot rendering***
- 7. Sample elevation drawing to be given to the County Commission***

Second by Member Wilson. Motion carried unanimously.

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.

Planner Page – He provided a history of the existing Conditional Use Permit for Warrior Rizen. He explained that the original CUP was approved in 2018 for a dude ranch and did not allow cooking facilities or accessory lodging structures without additional Planning Commission approval. He stated that the first CUP amendment, approved in 2023, changed the use from a dude ranch to a private park, recreation grounds, and resort use, including accessory dwellings and support facilities managed by the recreational operation. That amendment also expanded permitted uses to include weddings, receptions, events, and programs serving groups beyond disabled veterans, and was approved with 12 conditions.

He explained that the second amendment request sought approval for additional recreational and agritourism activities, including horseback riding, clay shooting, target shooting, snowcat rides, livestock interaction, culinary events, yoga, fishing, foraging, hiking, backcountry skiing, social media content creation, cattle roundups, survival training, hay rides, hunting-style activities, roping, biking, wildlife viewing, and agribusiness-related uses. He noted that the application also referenced "other low-impact activities," which staff believed should be more clearly defined.

Based on the information provided, he stated that staff recommended approval of the CUP amendment subject to all applicable conditions, including mitigation of any identified negative impacts and compliance with fire department requirements for emergency access and safety at the shooting range. He noted that the fire department had reviewed and approved the proposed tent structures and access plans and advised that the Planning Commission could add additional conditions if specific impacts were identified.

Member Wilson - He asked whether staff had reviewed any renderings or prototypes for the proposed shooting range.

Chris Tremea - He explained that he had been involved in discussions with the applicant for approximately three months and had worked with them to evaluate proposed amenities and potential impacts associated with the CUP amendment. He stated that concerns regarding the shooting range, including noise, fire risk, and safety, had been extensively reviewed. He noted

that the applicant proposed mitigation measures including encouraging suppressor use, creating fire breaks, clearing vegetation, implementing a fire response plan, maintaining trained personnel and equipment on site, and coordinating with emergency responders. He confirmed that the ranch already operated under an approved CUP and that the fire prevention and emergency response plans had been reviewed and approved by the fire department. He stated that annual fire inspections would be required as part of normal business operations and that additional CUP conditions could reinforce those requirements. He also explained that future nuisance concerns could be addressed through measurable standards such as decibel limits, lighting restrictions, and operating hours.

Department Head Josh Cook - He clarified that if annual fire inspections were incorporated as a condition of approval, failure to comply could result in enforcement action, including potential revocation of the CUP. He also noted that the applicant's fire, medical, and emergency response plans were available in Civic Review and could be incorporated into the CUP as formal conditions. Later, he suggested that the Commission could establish conditions allowing occasional nighttime shooting activities subject to specific restrictions.

Member Taylor - He questioned how compliance with annual fire inspections would be ensured and raised concerns about long-term enforcement if inspections were not completed. He sought clarification regarding the Commission's ability to regulate nighttime shooting activities and discussed the possibility of establishing measurable noise standards rather than relying on subjective complaints. He ultimately proposed several conditions, including removing Activity #26, requiring annual written requests for fire inspections, incorporating the fire, medical, and public safety plans into the CUP, and limiting nighttime shooting activities to a maximum of 50 decibels at the property line after 9:00 p.m.

John Schlichte - He explained that the ranch's mission focused on serving veterans, first responders, youth groups, and families, and that the shooting program was intended to provide therapeutic and recreational opportunities consistent with that mission. He stated that revenues generated from shooting activities supported ranch operations and programs and that no individuals received compensation from the program. He also noted that the property was subject to a conservation easement that limited commercial activities and emphasized that the shooting range would remain consistent with permitted agricultural and recreational uses. He further explained that the ranch utilized annual fire-prevention treatments and vegetation management practices as part of its wildfire mitigation efforts.

Chair Sessions - She asked questions regarding the business license, nonprofit status, future public use of the property, lighting, and proposed operating conditions. She expressed support for removing Activity #26 from the approved activity list and discussed requiring annual fire marshal inspections. She also sought clarification regarding the proposed hours of operation for the shooting range.

Nick Seiffert - He explained that the activity list had intentionally included a broad range of potential uses and stated that Activity #26 could be removed if desired. He clarified that the proposed tent structures would not be used for overnight occupancy and would primarily serve as shelter areas for supervised youth activities. He emphasized that the shooting range had been

intentionally located in an area with minimal wildfire risk, characterized by agricultural land and limited vegetation. He explained that steel-core and steel-jacketed ammunition would be prohibited due to fire concerns and that fuel reduction efforts, fire breaks, and a dedicated fire-response vehicle equipped with fire suppressant would further reduce risks. He stated that suppressor use would be encouraged to minimize noise impacts and noted that noise testing indicated little to no measurable impact in surrounding residential areas. He indicated that shooting activities could occasionally occur after dark but would not be a regular occurrence and that the organization wished to remain a good neighbor to surrounding property owners.

Member Maloney - She reviewed existing CUP conditions related to operating hours and noted that current limitations had originally been established for weddings and concerts. She discussed whether restrictions on ammunition types and nighttime shooting should be added as formal CUP conditions and supported prohibiting steel-core and steel-jacketed ammunition within the rifle and pistol ranges.

Chris Tremea - He explained that noise complaints would be investigated through existing nuisance and enforcement procedures. He stated that objective decibel standards would provide a clearer enforcement mechanism than subjective complaints and noted that repeated violations could result in enforcement action.

Member Taylor moved to approve the Warrior Rizen CUP 2nd Amendment Application# CUP26.009 located at approximately 3265 S Highway 66 in unincorporated Morgan County based on the findings and conditions listed in the staff report dated June 11th 2026 and with the additional conditions listed below:

- 1. Item #26 “other low impact activities” to be removed**
- 2. Owner is required to request in writing annual fire inspections from fire marshal for shooting operations**
- 3. No steel-core or steel-jacketed ammo on the rifle or pistol range**
- 4. Fire and medical and public safety plans would be incorporated as part of the CUP**
- 5. Shooting at the rifle and pistol range may operate outside of normal operating hours past 9pm but only with a limitation of maximum 50 decibels measurement at the property line**
- 6. Other shooting ranges limited to 9-9pm operational times**

Second by Member Wilson. Motion carried unanimously.

- 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.

Planner Page – Introduced the topic and stated that the request was made to subdivide this lot into two lots in 2025. He explained that for tracking purposes, staff had labeled and noticed this item as the 5th amendment when it was actually the 2nd amendment. Staff recommended approval with the following conditions. All comments by the County Surveyor and County Recorder were to be addressed. All fees were to be paid prior to recordation and all local state and federal laws are adhered to.

Member Taylor – He asked if there were HOA hurdles to do this?

Planner Page – No.

Department Head Cook – He agreed that the property owner, if they have the room, are allowed to combine lots or divide them. The property owner actually combine the lots in 2025 and now they wanted to split them back out again.

Member Wilson recommended approval of Cottonwood Spring View A PUD Subdivision Phase 7B 2nd amendment, Application #26.006. 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 based on findings and conditions listed in the staff report dated June 11th 2026. Second by Member Maloney. Motion carried unanimously.

- 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.

Planner Page: Introduced the request for a new 63,000 square foot lodge on 4.28 acres. He stated that the owners are WPR LLC. Staff had reviewed and recommended approval based on findings and conditions listed below. The Development Agreement included a lodge up to 90 feet in height in sections C OR D could be constructed. Other conditions include that it must address parking and landscaping and overall elevations. The structure cannot be a detriment to the health, safety or welfare of the public. He stated that all federal and state laws must be adhered to and that the developer was required to install all required infrastructure. He stated that Planning Staff believed the Oak Lodge site plan met all of the requirements for parking, roof, building height and landscaping requirements of the development agreement and building materials. He offered to answer questions and indicated that a representative from WPR was also in the audience.

Member Wilson: Asked where is the 90-foot height shown?

Planner Page: He stated that it is not specifically depicted at that height. The requirement is simply that the building remain under the 90-foot maximum allowed.

Member Taylor: Stated that the structure was impressive.

Chair Sessions: Confirmed that staff indicated that they had reviewed the plans against the Development Agreement and found that the proposal complied with its requirements.

Member Taylor moved to recommend approval to the county commission for the WPR Oaks Lodge Site plan Application #26.008 located at approximately 5233 West Wasatch Peaks Road in unincorporated Morgan County based on the findings and conditions listed in the staff report dated June 11th 2026. The motion was seconded by Member Maloney. Motion carried unanimously.

10. Business/Staff Questions

Department Head Cook- He introduced Brynlee Savage as the new Planner I and stated that he would be eventually stepping away from the Planning Commission and would be focusing solely on County Commission matters. He invited Ms. Savage to introduce herself.

Planner I Savage – She stated that she had graduated from Utah State University the previous year and that this was her first planning position. She explained that she grew up in Panguitch, Utah, and was looking forward to branching out and learning new things. She noted that she had majored in Landscape Architecture.

Chair Sessions – Questioned whether Member Wilson would be the individual replacing Member McMillan as Vice Chair.

Department Head Cook - He responded that he would be, but that a nomination would need to be made. He noted that he had not yet received a resignation letter via email.

Chair Sessions – She stated that Kate Becker had received the resignation letter.

Member Maloney – She asked about the procedure for filling the vacancy.

Department Head Cook - He explained that the item could be placed on the agenda for the next meeting and that the Commission could then approve a new member.

Member Taylor – He asked what happens to a Planning Commission member who was appointed by a County Commissioner if that commissioner was voted out of office.

Department Head Cook – He explained that the appointment would end at that time, but the newly elected County Commissioner could choose to reappoint the individual. If reappointed, the member would serve the remainder of the commissioner's term.

Member Taylor -He commented that the process seemed unnecessary.

Department Head Cook -He explained that the County Commission believed the appointment structure would facilitate better communication. Each County Commissioner appoints one

member to the board and is expected to maintain communication with that appointee. He noted that members should periodically touch base with the commissioner who appointed them. He also stated that at-large appointments serve four-year terms.

Member Taylor – He asked whether a County Commissioner’s term was four years.

Chair Sessions – She asked about alternates.

Department Head Cook – He stated that he had spoken with the County Attorney the previous day and that the attorney’s intern had prepared Planning Commission text amendments related to alternates as well as notification requirements.

Member Taylor -He jokingly asked whether he was the only one not doing his job.

Chair Sessions – She inquired about the bylaws.

Department Head Cook – He responded that he would need to ask Janet, the County Deputy Attorney, about that matter.

11. Approval of May 28th 2026, Planning Commission Minutes –

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

12. Adjourn

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

Approved:

Chairman, Debbie Sessions
Morgan County Planning Commission

Date: _____

Jessie Drage, Transcriptionist
Planning and Development Services

Date: _____