



PLANNING COMMISSION AGENDA
Thursday, August 13th, 2026
Morgan County Commission Room
Morgan County Courthouse – 48 West Young Street

5:00 p.m. WORK Session

Public Meeting/Discussion – Proposed addition to the Morgan County Code addressing Cargo/Shipping Containers

Public Meeting/Discussion -- Planning Commission Training presented by staff

6:30 p.m. Regular Meeting

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** – *Anderson Rezone*: A request to rezone 2.90 acres at 2685 W. Old Highway Road from RR-1 and A-20 to R1-20 located in the Enterprise area in unincorporated Morgan County.
7. **Public Hearing/Discussion/Decision** – *Eagle Vista Future Land Use Map Amendment and Rezone*: A request to change 6.29 acres on the Future Land Use Map from Village Low Density to Village Residential and to rezone 6.29 acres from RR-1 to R-1-8 located at approximately 4428 W. Old Highway Road in the Mountain Green area in unincorporated Morgan County.
8. **Public Hearing/Discussion/Decision** – *Agriculture Protection Areas*: Amendment to § 151.03 defining how to create Agriculture Protection Areas.

Administrative

9. Business/Staff Questions
10. Approval of July 9, 2026, Planning Commission Minutes
11. Adjourn

§ 155. Use of Portable Storage Containers as Accessory Structures.

[A] Purpose. The purpose of this section is to protect the health, safety, and general welfare of Morgan County by regulating and prohibiting the placement and use of portable storage containers, including shipping containers, Conex boxes, cargo containers, and similar structures as accessory structures or for storage purposes. These structures are generally incompatible with the County's land use plan, aesthetic objectives, and the residential and rural character of the County. This section provides clear, enforceable regulations to prevent circumvention of zoning and aesthetic standards, ensure proper site management, and protect property values and community character.

[B] Definitions. For purposes of this section:

- (1) **"Portable Storage Container," "Shipping Container," "Conex Box," or "Cargo Container"** means a standardized, reusable, moveable, weather-resistant container originally designed and constructed for the storage and transport of freight, goods, or property, including but not limited to ISO ([International Organization for Standardization](#)) containers, cargo containers, shipping containers, and portable storage units. This term also includes portable structures placed on private property for the storage of items such as clothing, equipment, goods, household or office furnishings, materials, and merchandise. This term does not include open roll-off dumpsters or trash containers.
- (2) **"Accessory Structure"** means a subordinate structure customarily incidental to and located on the same lot as the primary structure.
- (3) **"Grade-Level"** means placed directly upon the ground or a pad, without a permanent foundation.
- (4) **"Non-Connected"** means not connected to utilities, other structures, or systems.

[C] Prohibition and Allowances.

- (1) **Residential Zones:** Portable storage containers are prohibited as accessory structures or for storage in residential zones except as permitted under subsection [D].
- (2) **Agricultural Zones:** Portable storage containers may be used for storage in agricultural zones subject to subsection [D].
- (3) **Commercial and Manufacturing Zones:** Portable storage containers may be used for storage in commercial and manufacturing zones as a conditional use, subject to subsection [D].
- (4) **Stacking Prohibited:** Vertical stacking of portable storage containers and stacking of other materials on or around containers is prohibited in all zones, except as expressly

permitted by the Planning Commission for licensed storage businesses.

(5) **Use Restrictions:** Portable storage containers shall not be used as dwellings, living quarters, camping shelters, cooking facilities, or recreation structures in any zone, at any time.

(6) **Building Permit Required:** A building permit is required for all portable storage containers greater than or equal to two hundred (200) square feet and/or are serviced by any utility.

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Commented [KP1]: Is a building permit necessary for these pre-fabricated structures?

Commented [KP2R1]: Standard of renewing safety certification every 30 months.

Commented [KP3]: Standard ISO containers are 20 to 40 by 8.

[D] Exceptions and Conditions.

(1) **Temporary Construction Use:** One portable storage container may be used during active construction or remodeling projects on a lot with a valid building permit. The container shall:

- (a) Be removed within 10 days of final inspection or 30 days of construction completion or permit expiration, whichever occurs first;
- (b) Be placed on a stable base and not located in the public rights-of-way, fire lanes, easements, designated parking, or landscaping;
- (c) Meet all setback ~~and height~~ requirements.

(2) **Short-Term Moving Use in Residential Zones:** One portable storage container may be used for up to 30 days in any 12-month period, provided it is located on a driveway or other approved area, and not in the public right-of-way or other restricted location.

(3) **Agricultural Zone Use:** One portable storage container may be placed per acre, up to a maximum of two containers per lot ~~or use~~, if:

- (a) Located in the rear yard, meeting all setbacks ~~for accessory structures~~;
- (b) Painted a solid, neutral color with no visible markings;
- (c) Used exclusively for storage purposes;
- (d) Complies with applicable building codes;
- (e) Placed on a concrete pad; and

(f) Not connected to each other – minimum separation of five (5) feet is ~~required~~.

Commented [KP4]: Should we apply this 5-foot separation distance to all structures in all zones?

(4) Commercial/Manufacturing Zone Conditional Use:

- (a) Portable storage containers are limited to one per lot, plus one additional container per acre or part thereof, up to two total units (except for businesses licensed to sell or rent off-site containers);
- (b) Portable storage containers shall not exceed 8 feet in width, 41 feet in length, and ~~9-6~~ .5 feet in height;
- (c) Portable storage containers shall be screened or painted to complement adjacent structures and kept in good repair;
- (d) Portable storage containers shall be located on concrete or asphalt, and a building permit shall be obtained prior to placement;
- (e) For shipping or receiving purposes, portable storage containers shall not exceed 30 consecutive days or 90 days in a calendar year. For construction purposes, the duration shall not exceed 180 days unless extended by the **Zoning Administrator** with a valid building permit. **This extension may be granted on six month increments up to and not to exceed the length of construction time.**

(5) Maintenance. All portable storage containers must be kept in good repair, secured, and maintained free of infestation. Containers abandoned, unsafe, or not maintained in compliance with this section shall be subject to removal **and abatement**. **The cost of removal shall be at the expense of the property owner, or in the case of construction the company that placed the container on the property for that purpose.**

[E] Enforcement. Any violation of this section is subject to penalties under Section 155.999, including administrative enforcement, fines, injunctive relief, and removal orders.



PLANNING & DEVELOPMENT

Planning Commission
Staff Report
Zoning Map Amendment

August 3, 2026

Anderson Rezone
Public Hearing
August 13, 2026

Application No.:	26.014
Applicant/Owner:	James Anderson
Project Location:	2685 W. Old Highway Road
Parcel Number:	00-0080-5626
Serial Number:	01-ENTE-0003
Date of Application:	April 20, 2026
Current Zoning:	Rural Residential (RR-1) and Agriculture (A-20)
General Plan Designation:	Village Low Density Residential (1/2 acre lots)
Acreage:	2.91 Acres

REQUEST

Request to rezone property from a split-designation of RR-1 and A-20 to R1-20.

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 [appropriately balances/fails to appropriately balance] surrounding land use considerations with the property owner's private property interests and constitutional protections."

"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

County staff believes that the proposed zoning map amendment from RR-1/A-20 to R1-20, is consistent with sound planning principles. The General Plan designates the future land use of this property as Village Low Density Residential. The General Plan defines Village Low Density Residential as half-acre lots or R1-20 zoning. The adjacent property to the north is zoned R1-20; the future land use is R1-20. The adjacent property to the south is zoned RR-1 and A-20; the future land use is also R1-20. Properties across Old Highway Road are zoned RR-1; the future land use is also RR-1. The property's adjacency to existing R1-20 zoning and Village Low Density Residential designations in the Enterprise area provides a logical continuation of the established residential development pattern. The proposed zoning would align the property more closely with surrounding residential designations.

The subject property has approximately 262 feet of frontage and width along Old Highway Road. The R1-20 zone requires a minimum width of 100 feet and a minimum frontage of 50 feet. The applicant is envisioning subdividing this property similar to the adjacent property to the north with a flag lot. The rezoning itself does not create additional lots but would establish a zoning framework under which a subdivision application could be evaluated.

The subject property is located in proximity to existing water infrastructure operated by the Central Enterprise Water Association. Under Utah state law, residential development is generally favored in areas where municipal or public culinary water service is reasonably available, as connection to such systems supports orderly development and public health objectives. Consistent with Morgan County Code § 155.429(B)(2), when an approved culinary water supply is available or proposed, all lots within the subdivision are required to connect to that system. This includes the installation of water mains, service laterals, valves, meters, and appurtenances sufficient to serve each lot, ensuring compliance with state and county standards for potable water service and well protection. The property's location near existing infrastructure therefore facilitates compliance with both state guidance and County Code requirements while supporting long-term, sustainable development.

The applicant will need the approval of the Weber/Morgan Health Department for the location and type of septic systems.

Together, the existing access and compatible neighboring zoning support the conclusion that the proposed rezoning is contextually appropriate and aligned with current development patterns in the Enterprise area. If the Commission finds merit in this rezone, the following findings could be

considered:

Findings:

1. That the amendment is appropriate given adjacency to existing R1-20 zoning, established access, and the future land use of Village Low Density Residential.
2. That the rezone is unlikely to adversely impact surrounding residential, rural residential, or agricultural properties.
3. That the amendment supports County objectives while maintaining an orderly land-use pattern in the Peterson area.
4. That the proposed amendment is in harmony with existing land uses in the area.

ANALYSIS

General Plan and Zoning:

The application requests a rezone of the property from RR-1/A-20 to R1-20. Approval of this rezone would allow development consistent with residential zoning rather than the patterns typical of rural residential or agricultural zoning.

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). The purpose of the R1-20 zoning district is defined as follows:

(A) Residential District R1-20: To provide areas for very low density, single-family residential neighborhoods of spacious and uncrowded character;

Staff anticipates that the proposed zoning map amendment will meet these purposes and will generally be in harmony with the General Plan and surrounding development. The overall impact

on the adjacent property to the north will be negligible as it is already zoned R1-20; the adjacent property to the south's future land use is R1-20.

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, while there will be an impact of the proposed zone change it will not be substantial; the proximity of the culinary water service and the adjacent same zoning to the north and the future land use for this and adjacent properties of Village Low Density Residential.

PUBLIC NOTICE, MEETINGS, COMMENTS

- ✓ Public Notice was submitted to the State of Utah Public Notice website on or before August 3, 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 or before August 3, 2026.
- ✓ Notices to property owners within 1000' feet of the proposed use were mailed a Public Notice on or before August 3, 2026.
- ✓ A sign was posted on the site on or before August 3, 2026.

RECOMMENDED MOTIONS

Recommended Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Commission for the Anderson Rezone, application number 26.014, changing 2.91 acres from RR-1/A-20 to R1-20, based on the findings listed in the staff report dated August 3, 2026.”

Recommended Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Commission for the Anderson Rezone, application number 26.014, changing 2.91 acres from RR-1/A-20 to R1-20, due to the following findings:”

1. List any additional findings...

Supporting Information

Exhibit A: Vicinity Map

Exhibit B: Zoning Map

Exhibit C: Future Land Use Map

Exhibit D: Boundary Description

Staff Contact

Kent Page

801-845-4007

kpage@morgancountyutah.gov

Exhibit A: Vicinity Map

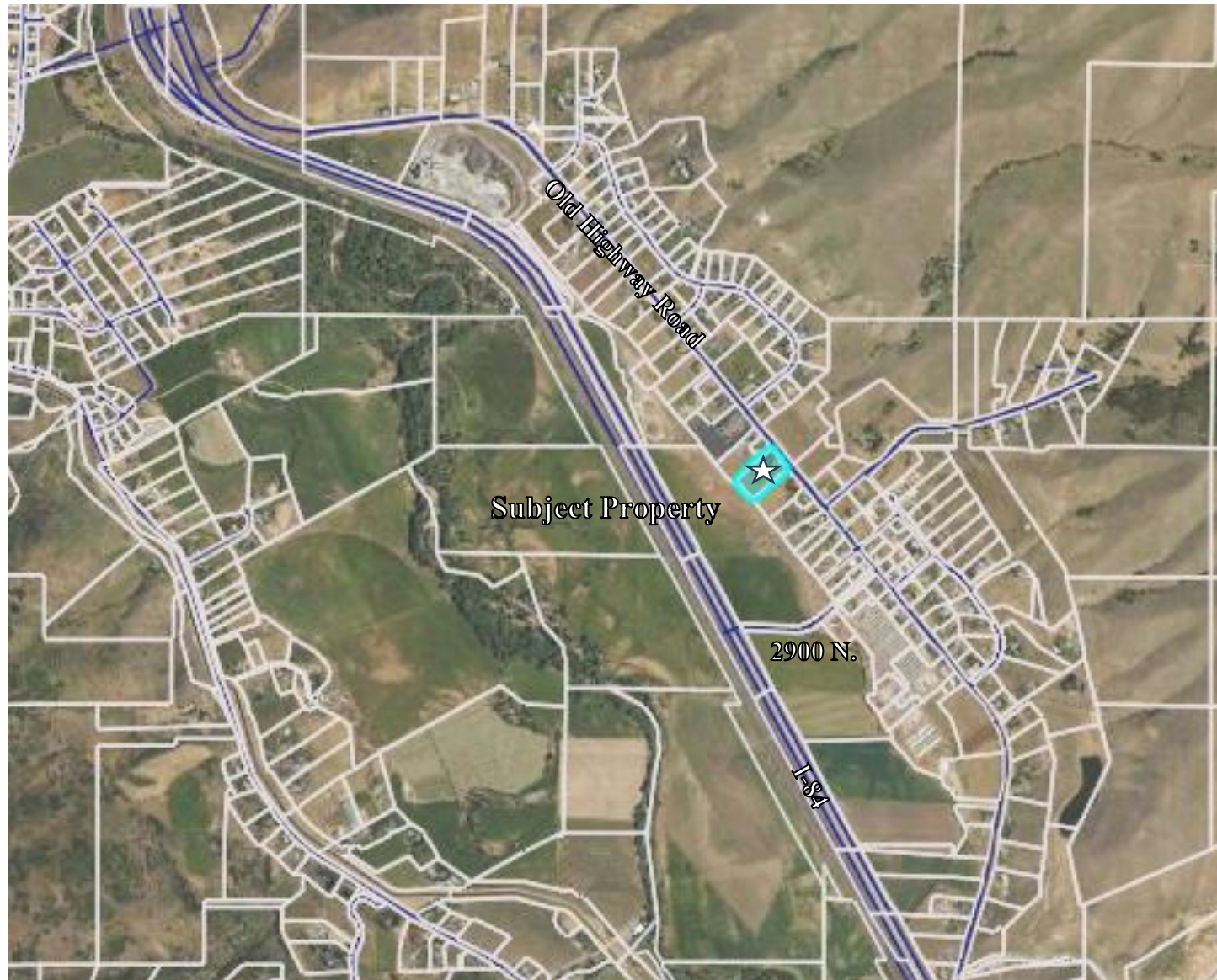


Exhibit B: Zoning Map



Exhibit C: Future Land Use

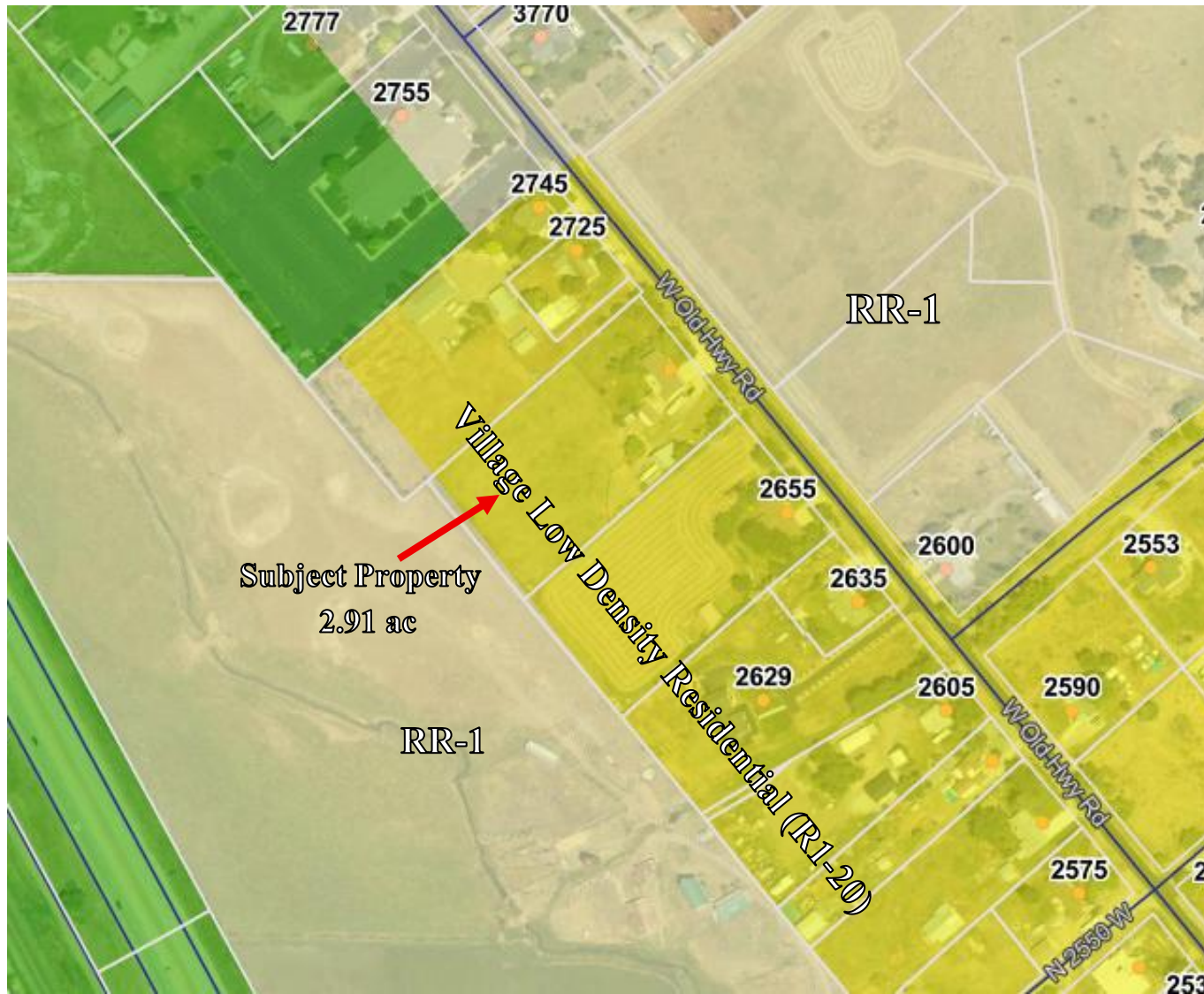


Exhibit D: Boundary Description

ALL OF LOT 3, ENTERPRIZE ESTATES, MORGAN COUNTY, UTAH, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD, AS RECORDED NOVEMBER 18, 1968, AS ENTRY NO. 35906, IN BK M-3 AT PG 313, IN THE OFFICE OF THE MORGAN COUNTY RECORDER. ALSO KNOWN AND DESC AS FOLS: COM ON THE W'LY R. OF W. LN OF A CO RD (FORMERLY KNOWN AS HIGHWAY U.S. 30) AT A PT N 39*17' W 1349.85 FT FRM THE INTER SEC OF THE AFOREMENTIONED CO RD R. OF W. LN & THE N'LY R. OF W. LN OF AN 80 FT WIDE ACCESS RD, SD INTER SEC BEING S 1268.5 FT & E 5826.1 FT FRM THE NW COR OF SEC 8, T4N, R2E, SLB&M, & RUN TH N 39*17' W 246.0 FT; TH S 49*00' W 490.0 FT; TH S 39*17' E 246.0 FT; TH N 49*00' E 490.0 FT TO THE POB. CONT 2.766 AC. ALSO: 16.5' OF ENTERPRISE TOWNSITE STREET, WHICH IS A "CLAIMS" PORT LYING BETWEEN BLK 7 & 8 ENTERPRISE TOWNSITE. CONSISTING OF 0.183 AC, M. OR L. (SD "CLAIMS" PORT IS SHOWN ON THE DED PLAT (BK 3 PG 313); LESS THE FOL AMT SOLD: M3/313 (0.040 AC - GOING TO #01-ENTE-NA / 00-0080-5627), AS DEDICATED TO MORGAN COUNTY, AS SHOWN ON THE DEDICATION PLAT OF ENTERPRIZE ESTATES LEAV 2.909 / 2.91 AC, M. OR L. (LOCATED WITHIN THE ORIGINAL ENTERPRISE TOWNSITE, BLK 8, LOTS 1 & 4)

August 3, 2026

Eagle Vista
Public Hearing
August 13, 2026

Application No.:	26.019
Applicant:	Luke McColm
Owner:	BCP Development, Inc.
Project Location:	approximately 4428 W. Old Highway Road
Parcel Numbers:	00-0003-3728 (6.29 acres of 44.75 acres)
Serial Numbers:	03-005-034-03 (6.29 acres of 44.75 acres)
Date of Application:	June 22, 2026
Future Land Use Designation:	VLDR (Village Low Density Residential)
Current Zoning:	RR-1 (Rural Residential, 1 acre minimum)
Requested Future Land Use Designation:	Village Residential
Requested Zoning:	R1-8 (Single-family Residential, 8,000 sq. ft. lots)
Total Acreage:	6.29

REQUEST

Request to change the future land use map from “Village Low Density Residential” (maximum of Two (2) units per acre) to “Village Residential” (maximum of 4 units per acre) and to change the zoning from RR-1 to R1-8.

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 [appropriately balances/fails to appropriately balance] surrounding land use considerations with the property owner's private property interests and constitutional protections."

"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

The proposal is for a future land use map amendment from Village Low Density Residential to Village Residential, and a requested rezone from RR-1 to R1-8.

The Village Low Density Residential designation provides for a lifestyle with planned single family residential communities, which include open space, recreation and cultural opportunities, including schools, churches and neighborhood facilities located in established village areas (formerly area plan boundaries) or master planned communities. The residential density is a maximum of 2 units per acre.

The Village Residential category designation provides for a combination of single family attached and detached dwellings, townhomes, and duplexes. Substantial common open space for visual relief and recreation amenities would serve residents. This designation is currently found in the Mountain Green area with designated densities of up to 4 units per acre, and is appropriate for established village areas with infrastructure to support the uses.

Adjacent properties have the following future land use designations, zoning, and current land uses:

	Future Land Use	Zoning	Current Use
North	Across from Old Highway Rd – R1-20	RR-1 & R1-20	Single-family dwellings
East	R1-20	R1-20	Vacant
South	Commercial	Town Center	Vacant
West	RR-1	RR-1	Fire Station

The application states that:

BCP Development Inc. (Flagship Homes) respectfully requests approval to rezone approximately 6.29 acres currently designated as Village Low Density Residential (VLDR) and zoned RR-1 to R1-8 Residential, with a corresponding future land use designation of

Village Residential, as part of the larger Eagle Vista development in Mountain Green. The subject property consists of approximately 273,993 square feet (6.29 acres) and is identified in the attached legal description and exhibit.

The purpose of the proposed rezone and future land use amendment is to create a more cohesive and unified development pattern within the Eagle Vista community. As currently configured, the RR-1 zoning and VLDR future land use designation create an isolated area within the larger project that does not align with the proposed neighborhood layout, roadway network, utility infrastructure, or overall community design. Rezoning the property to R1-8 and amending the future land use designation to Village Residential will allow the site to be integrated into the overall development in a manner that is consistent with adjacent residential areas and the broader vision for Eagle Vista.

The proposed rezone and future land use amendment will enhance neighborhood connectivity, facilitate the efficient delivery of public infrastructure and services, and support coordinated planning of roads, utilities, drainage systems, landscaping, and open space throughout the community. The request does not introduce a new or incompatible land use; rather, it aligns the zoning and land use designation of the property with the surrounding residential development and the intended character of the project.

The requested amendment represents a logical and appropriate adjustment that will enable Eagle Vista to function as a cohesive, well-planned development while maintaining compatibility with surrounding land uses.

For these reasons, BCP Development Inc. respectfully requests approval of the proposed rezone from RR-1 to R1-8 Residential and the associated future land use amendment from Village Low Density Residential to Village Residential.

The proposed 6.29 acres proposed for a future land use map amendment and rezone amendment can be serviced by culinary water and sewer services.

The proposed development is a continuation of proposed residential development in the Town Center zone. Staff questions why this property was not included within the Town Center zoning.

Under Utah state law, residential development is generally favored in areas where municipal or public culinary water service is reasonably available, as connection to such systems supports orderly development and public health objectives.

ANALYSIS

General Plan and Zoning:

The application requests a change in the future land use from “Village Low Density Residential” to “Village Residential” and a rezone from RR-1 to R1-8.

The 2010 Morgan County General Plan identifies the following as three of the six visions for the County that may be applicable to the proposals (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.*

Another avenue to change the future land use is through updating the General Plan.

The following procedures from the Morgan County Code Section 155.022 and 155.023 effectively apply to a petition to change the future land use map and also apply to a petition to change 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.

PUBLIC NOTICE, MEETINGS, COMMENTS

- ✓ Public Notice was submitted to the State of Utah Public Notice website on or before August 3, 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 or before August 3, 2026.
- ✓ Notices to property owners within 1000' feet of the proposed use were mailed a Public Notice on or before August 3, 2026.
- ✓ A sign was posted on the site on or before August 3, 2026.

RECOMMENDED MOTIONS

Recommended Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Commission for the Eagle Vista future land use amendment and rezone request, application number 26.019, changing 6.29 acres from future land use of Village Low Density Residential to Village Residential, and rezoning from RR-1 to R1-8 based on the findings listed in the staff report dated August 3, 2026.”

Recommended Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Commission for the Eagle Vista future land use amendment, and rezone request, application number 26.019, changing 6.29 acres from Village Low Density Residential to Village Residential, and rezoning from RR-1 to R1-8 based on the findings listed in the staff report dated August 3, 2026.”

Supporting Information

Exhibit A: Vicinity Map
Exhibit B: County Future Land Use Map
Exhibit C: County Zoning Map
Exhibit D: Rezone Exhibit

Staff Contact

Kent Page
801-845-4007
kpage@morgancountyutah.gov

Exhibit A: Vicinity Map



Exhibit B: County Future Land Use Map

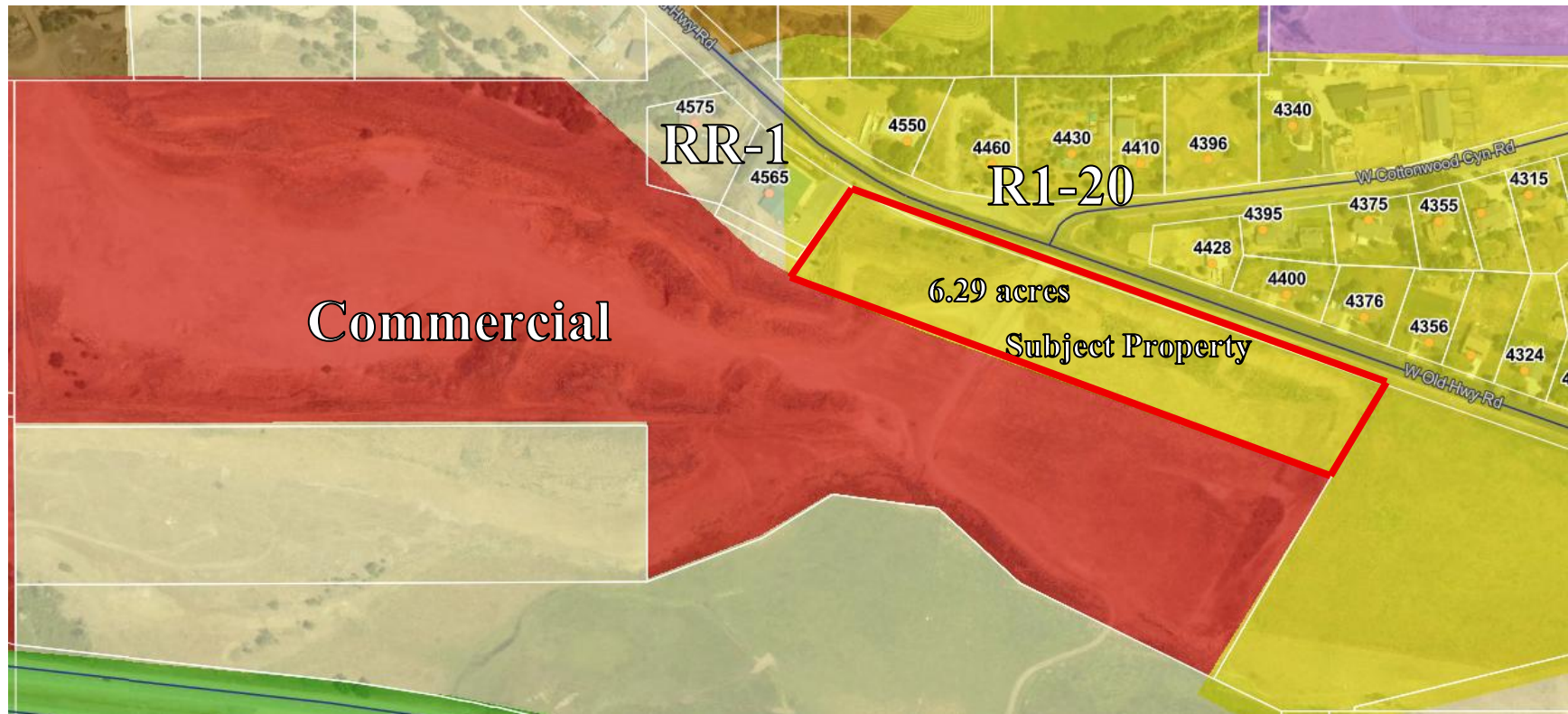


Exhibit C: County Zoning Map

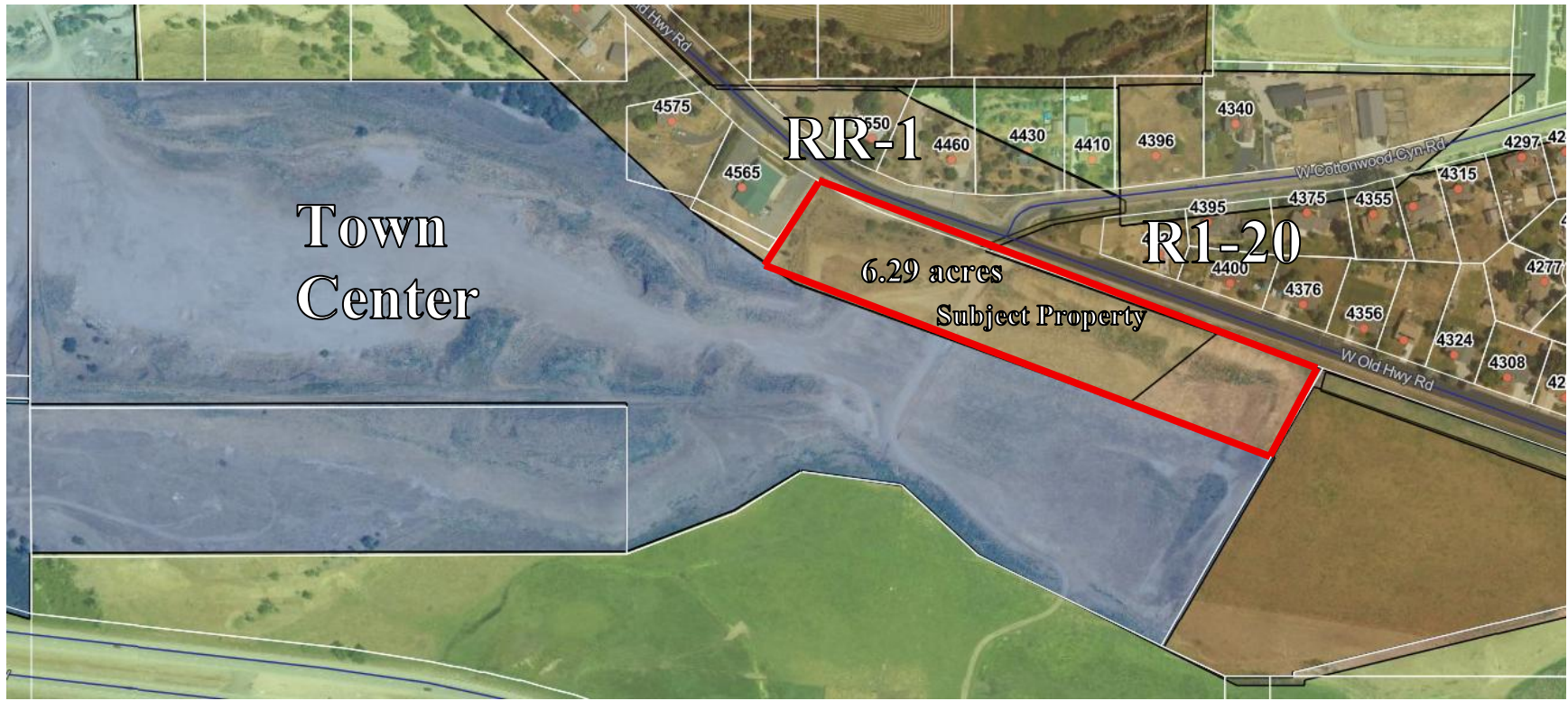
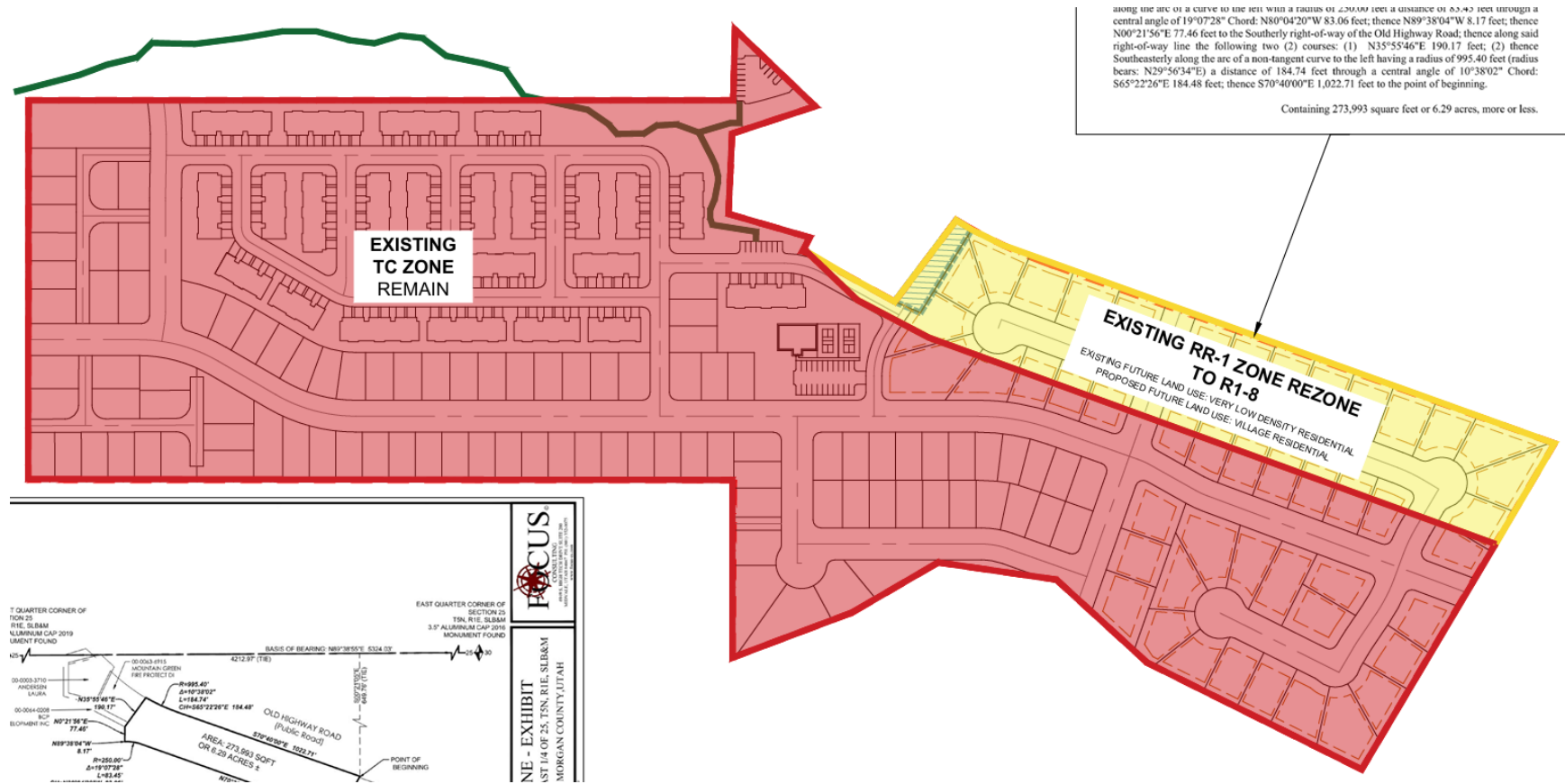


Exhibit D: Rezone Exhibit



§ 151.03 AGRICULTURE PROTECTION AREAS.

(A) Purpose and intent.

The purpose of this section is to implement Utah Code Title 17, Chapter 81, as amended, providing a local framework for the creation, continuation, modification, and termination of Agricultural Protection Areas in the unincorporated County.

(1) Agricultural Protection Areas are intended to:

- (a) Protect and encourage the continued use of land for viable agricultural production;
- (b) Support the County's General Plan policies for agricultural lands and rural character; and
- (c) Align eligibility for Agricultural Protection Areas with the qualification standards of the Farmland Assessment Act ("FAA"), Utah Code Title 59, Chapter 2, Part 5, as amended, while recognizing that FAA assessment decisions are made solely by the County Assessor under state law.

(B) Definitions.

For purposes of this section, and unless the context clearly indicates otherwise:

- (1) "Actively devoted to agricultural use" and "reasonable expectation of profit" shall be interpreted in accordance with the FAA and applicable guidance of the Utah State Tax Commission and County Assessor.
- (2) "Agricultural production," "land in agricultural production," and other related agricultural terms shall have the meanings given in Utah Code Title 17, Chapter 81, and the Farmland Assessment Act, Utah Code Title 59, Chapter 2, Part 5, as amended, and shall be interpreted consistently with those statutes.
- (3) "Agricultural Protection Area" means an area created and approved in accordance with Utah Code Title 17, Chapter 81, as amended.
- (4) "Farmland Assessment Act" or "FAA" means Utah Code Title 59, Chapter 2, Part 5, as amended.
- (5) "Removal of land from an Agricultural Protection Area" means the administrative action by which the County grants an owner's petition to remove land from an Agricultural Protection Area in accordance with Utah Code Title 17, Chapter 81, as amended. This action is required by state law upon petition of the owner and is not a discretionary land use decision.

(C) Agricultural Protection Area Advisory Board.

- (1) *Established.* An Agriculture Protection Area Advisory Board is hereby established for the County, ~~pursuant to Utah Code Annotated section 17-41-201~~ and to perform the duties set out in Utah Code Annotated section ~~17-41-201~~ 17-81-102, as amended, and as otherwise provided by this chapter.
- (2) *Appointment of Board members.* The County Commission shall appoint no more than five (5) members from the County's Conservation District Board of Supervisors to serve as the Agriculture Protection Area Advisory Board.
- (3) *Term in office; removal of members.* Each member appointed to the Agriculture Protection Area Advisory Board shall serve ~~on said Board~~ until expiration of that member's respective term on the ~~Soil~~ Conservation District Board of Supervisors or for ~~a such other~~ term as established at the time of appointment. The County Commission may remove and replace any Advisory Board member for cause or for failure to perform the duties required by law or this chapter.
- ~~(4) *Officers.* The members of the Agriculture Protection Area Advisory Board shall select a Chairperson and Vice Chairperson from among the members of the Board. The Chairperson and Vice Chairperson shall be selected from among the members of the Agriculture Protection Area Advisory Board. A selection of a county employee to serve as Secretary must be approved by the County Commission. The Board may designate a Secretary, who may be a Board member, County employee, or other person approved by the County Commission.~~
- (5) *Quorum and rules of operation.* Any three ~~(3)~~ members of the Agriculture Protection Area Advisory Board shall constitute a quorum. All actions of the Board ~~must be made in~~ shall be taken at a meeting at which a quorum is present and shall require the affirmative vote of at least three (3) members. ~~Any actions of the Agriculture Protection Area Advisory Board must be approved by at least three members of that Board. All meetings shall be conducted in accordance with the state's Open and Public Meetings Act, as set forth in UCA §§ 52-4-1 et seq. All meetings shall be conducted in accordance with the Utah Open and Public Meetings Act, Utah Code Title 52, Chapter 4, as amended.~~

~~(B) *Minimum size for agriculture protection areas.* Pursuant to UCA § 17-41-301(5), or any later amendment or enactment of that section, the minimum acreage (five acres) required for greenbelt must be included in each agriculture protection area established within the county.~~

~~(C) *Fees for accepting and processing proposals.* Any person filing a proposal to create an agriculture protection area, pursuant to UCA § 17-41, shall pay a fee at the time of filing. The amount of the fee shall be established by resolution of the County Commission. In~~

addition, any person or persons filing a proposal for creation of an agriculture protection area shall reimburse the county for all publication costs incurred by the county in publishing the notices required under UCA § 17-41, or any subsequent amendment or enactment of that statute.

~~(D) Filing procedure.~~ All proposals to create agriculture protection areas within the county shall be filed in the office of the County Clerk. All proposals must be accompanied by the filing fee established by the County Commission.

(D) Eligibility and qualifications.

(1) Minimum area and contiguity.

- (a) Each Agricultural Protection Area shall contain at least five (5) contiguous acres, or such greater minimum area as may be required by Utah Code Title 17, Chapter 81, as amended.
- (b) Two or more parcels may be considered together to meet the minimum acreage if:
The parcels are contiguous or separated only by a public road, right-of-way, or waterway; and
- (c) The parcels are under identical legal ownership and are operated together as a single agricultural unit, in a manner consistent with FAA treatment of combined or aggregated parcels.

(2) Active agricultural use and duration of use.

- (a) Land proposed for inclusion in an Agricultural Protection Area shall be actively devoted to agricultural use with a reasonable expectation of profit from agricultural production, consistent with the standards for agricultural use under the FAA.
- (b) Land shall have been in qualifying agricultural production for at least two (2) consecutive years immediately preceding the filing date of the proposal. For purposes of this subsection, "qualifying agricultural production" means agricultural production that would meet the FAA's use and production requirements for the applicable land type.
- (c) The two-year period may be demonstrated through documentation such as tax assessment records, FAA applications or approvals, leases, crop or livestock production records, or other credible evidence acceptable to the County and consistent with FAA practice.

(3) Production level.

Land included in a proposed Agricultural Protection Area shall produce, or be capable of producing, on average more than fifty percent (50%) of the average agricultural production per acre for the given type of land and location in the County.

as used for FAA qualification, unless the FAA or Utah State Tax Commission adopts a different standard.

(4) **Non-qualifying areas.**

Farmsteads, residential yards, and other non-agricultural areas within a parcel that are not eligible for FAA agricultural assessment shall not be counted toward the minimum acreage requirement, except to the extent permitted by FAA aggregation rules.

(5) **Relationship to FAA / Greenbelt.**

(a) Land that is currently assessed under the FAA shall be presumed to meet the agricultural use, duration, and production-level requirements of this subsection, subject to confirmation with the County Assessor.

(b) Land that is not currently assessed under the FAA may still qualify for an Agricultural Protection Area if the owner demonstrates that the land meets all applicable FAA eligibility criteria, whether or not an FAA application has been filed or approved.

(c) Designation of land as an Agricultural Protection Area does not confer, guarantee, or replace eligibility for assessment under the FAA. Eligibility for, and continuation of, FAA assessment is governed exclusively by Utah Code Title 59, Chapter 2, Part 5, as amended, and is administered by the County Assessor.

(E) **Who may file.**

Any owner, or group of owners, of land in agricultural production that satisfies the eligibility and qualification standards in subsection D may file a proposal to create an Agricultural Protection Area. A proposal may include one or more contiguous parcels or other parcels permitted to be included together under Utah Code Title 17, Chapter 81, as amended.

(F) **Filing of proposal.**

(1) A proposal to create an Agricultural Protection Area shall be filed with the Community Department on forms approved by the County.

(2) The reviewing department shall accept a proposal for processing only if the proposal is complete and accompanied by the filing fee established by the County's fee schedule.

(3) The date a complete proposal is accepted by the County shall be deemed the filing date for purposes of this section.

(G) **Required contents of proposal.**

A proposal to create an Agricultural Protection Area shall include, at minimum:

(1) The name and mailing address of each applicant and each owner of record of land proposed for inclusion.

Commented [VC1]: @MORGAN COUNTY Which department do you want handling the requests?

- (2) A legal description and map showing the exterior boundaries of the proposed Agricultural Protection Area.
- (3) The tax parcel number or account number for each parcel proposed for inclusion.
- (4) The acreage of each parcel as shown on County tax records.
- (5) A description of the current agricultural production occurring on each parcel, including the duration and type of agricultural use for at least the prior two (2) years.
- (6) A statement identifying any requested limitation on the types of agricultural production to be allowed within the proposed Agricultural Protection Area.
- (7) Documentation sufficient to establish that the statutory signature requirements have been satisfied.
- (8) Documentation sufficient to demonstrate that the land meets the eligibility and qualification standards of subsection **D**, including evidence of FAA assessment or eligibility where applicable.
- (9) Any other information required by Utah Code Title 17, Chapter 81, as amended, or by application materials approved by the County.

(H) Signature threshold.

A proposal shall be signed by the majority in number of all owners of real property within the proposed Agricultural Protection Area and by the owners of a majority of the land area in agricultural production within the proposed Agricultural Protection Area, unless state law provides otherwise. Owners of real property shall be determined by the records of the County Recorder.

(1) Voluntary inclusion of parcels.

(a) Despite the signature threshold in subsection **H**, no parcel shall be included within an Agricultural Protection Area unless all owners of record of that parcel have either: (a) signed the proposal or (b) submitted written consent to inclusion in the Agricultural Protection Area before final approval of the proposal by the County Commission.

(2) Effect on non-consenting parcels.

(a) Parcels whose owners do not sign the proposal or submit written consent shall not be included within the boundaries of the Agricultural Protection Area and shall not be subject to, or benefit from, the specific legal protections associated with Agricultural Protection Area status under Utah Code Title 17, Chapter 81.

(I) Notice of proposal.

Upon acceptance of a complete proposal to create an Agricultural Protection Area, the Community Development Department shall prepare a notice of the proposal in the manner required by Utah Code Title 17, Chapter 81, as amended, stating the commencement of the 15-day comment review period. The County Clerk shall execute

this notification as a class B notice in accordance with Utah Code Title 63G, Chapter 30, as amended.

- (1) The geographic area for mailing of the notice shall include the proposed Agricultural Protection Area and the area extending one thousand (1,000) feet beyond the proposed Agricultural Protection Area boundaries.
- (2) The notice of proposal shall, at a minimum, include the following information:
 - (a) A proposal to create an Agricultural Protection Area has been filed with the County;
 - (b) The proposal is available for public inspection at the Community Development Department offices;
 - (c) Any person affected by the establishment of the Agricultural Protection Area may, within fifteen (15) days after the date of the notice, file with the County:
 - (1) Written objections to the proposal; or
 - (2) Written request to modify the proposal to exclude land from or add land to the proposed Agricultural Protection Area, identifying specifically the land that should be added or removed;
 - (d) That after the 15-day comment review period, the County Commission will submit the proposal to the Agriculture Protection Area Advisory Board and the Planning Commission for review and recommendations;
 - (e) The County Commission will hold a public hearing and a separate public notice will be posted when the meeting is scheduled at which time they will consider the recommendations of the Agriculture Protection Area Advisory Board and Planning Commission, and any written objections or modification requests received to date.

(J) Referral for review; evaluation criteria.

- (1) After the time required by state law following notice of the proposal, the Community Development Department shall refer the proposal, together with any objections, comments, or proposed modifications received by the County, to the Agriculture Protection Area Advisory Board and the Planning Commission for review.
- (2) The Advisory Board shall evaluate the proposal and submit a written recommendation to the County Commission addressing:
 - (a) The desirability of the proposal;
 - (b) The nature and extent of agricultural production within the proposed area and its relation to agricultural production in the County as a whole;
 - (c) The suitability of the land for continued agricultural production, including soil, water, access, and other relevant resource factors;
 - (d) Any proposed limitations on the types of agricultural production to be permitted within the area; and

- (e) Any recommended modifications or conditions.
- (3) The Planning Commission shall review the proposal and submit a written recommendation to the County Commission addressing consistency with applicable land use regulations, surrounding land use patterns, the County General Plan, and any other factors required by Utah Code Title 17, Chapter 81, as amended.
- (K) **Time for recommendations.**
 - (1) The Advisory Board and the Planning Commission shall each submit a written recommendation within forty-five (45) days after the proposal is referred to them, unless state law requires a different period.
 - (2) Failure to submit a recommendation within the applicable review period may be treated by the County Commission as a recommendation to approve the proposal, as submitted.
- (L) **Public hearing and final action; approval criteria.**
 - (1) After receipt of the written recommendations of the Advisory Board and the Planning Commission, or upon expiration of the 45 review period, whichever occurs first, the County Commission shall schedule and hold a public hearing on the proposal.
 - (2) Notice of the public hearing.
 - (a) After the Agriculture Protection Area Advisory Board and Planning Commission have submitted their recommendations under subsection **J(2)** and **J(3)**, or the applicable 45 day review period has expired, the County Commission shall schedule a public hearing on the proposal in accordance with Utah Code Title 17, Chapter 81, as amended.
 - (b) The Community Development Department shall prepare the public hearing notice and the County Clerk shall post as required by Utah law for land use public hearings, including posting on the Utah Public Notice Website and any other locations required by statute or County ordinance.
 - (1) The geographic area for the mailing of the notice shall include the proposed Agricultural Protection Area and the area extending one thousand (1,000) feet beyond the proposed Agricultural Protection Area boundaries.
 - (2) The public hearing notice shall not be posted less than seven (7) days prior to the County Commission public hearing
 - (c) The public hearing notice shall state, at a minimum:
 - (1) the date, time, and place of the hearing, and where the proposal and recommendations are available for public inspection
 - (2) A description of the proposed Agricultural Protection Area, and any modifications to the area, if applicable.

(3) A summary of the recommendations of the Advisory Board and Planning Commission.

(4) A statement that interested persons may appear and speak at the public hearing.

(3) Following the public hearing, the County Commission shall, within the time required by state law, approve, approve with modifications, or deny the proposal.

(4) In acting on a proposal, the County Commission shall consider the recommendations of the Agriculture Protection Area Advisory Board and Planning Commission; the evaluation criteria identified in subsections **I(2)** and **I(3)**, and all other matters required by Utah Code Title 17, Chapter 81, as amended.

(5) Any approval shall identify the boundaries of the Agricultural Protection Area and any limitations on the agricultural production permitted within the area.

(M) Recording and effective date.

Upon approval or approval with modifications, the County shall cause the approved Agricultural Protection Area, together with an executed legal description or other recording document required by law, to be recorded with the County Recorder. The Agricultural Protection Area shall be effective as of the date of recording, unless state law provides otherwise.

(N) State coordination.

Upon creation, expansion, reduction, or termination of an Agricultural Protection Area, the County shall provide notice and appropriate documentation of the action, including a legal description and map, to the Utah Department of Agriculture and Food or any successor agency responsible for cataloging Agricultural Protection Areas under Utah law, to facilitate inclusion in statewide records and mapping.

(O) Fees.

An applicant shall pay the filing fee established by the County for accepting and processing a proposal to create or amend an Agricultural Protection Area. Unless otherwise provided by the adopted fee schedule, the filing fee includes the County's administrative processing costs and required public notice costs.

(P) Addition of land to an existing Agricultural Protection Area.

(1) Any owner of land may apply to add land to an existing Agricultural Protection Area by filing a proposal with the designated County department and obtaining approval of the County Commission.

(2) A proposal to add land shall be processed in substantially the same manner as a proposal to create an Agricultural Protection Area, including notice, review, hearing, and decision requirements, unless state law expressly provides otherwise.

(3) Land proposed to be added shall meet the eligibility and qualification standards of subsection **D**.

(Q) **Removal of land from an existing Agricultural Protection Area.**

- (1) Any owner may petition to remove land from an existing Agricultural Protection Area by filing a written petition with the Community Development Department, which shall transmit the petition to the County Commission.
- (2) No filing fee shall be charged for a petition to remove land from an Agricultural Protection Area unless otherwise authorized by law.
- (3) The County Commission shall grant the petition for removal in the manner required by Utah Code Title 17, Chapter 81, as amended.
- (4) If land is removed, the County shall record the revised legal description of the remaining Agricultural Protection Area, providing constructive notice to affected persons.
- (5) Removal of land from an Agricultural Protection Area does not terminate the Agricultural Protection Area as to the remaining land.

(R) **Annexed land.**

If a municipality annexes land that is part of an Agricultural Protection Area, the County Commission shall review the feasibility of the annexed land remaining within the Agricultural Protection Area in accordance with Utah Code Title 17, Chapter 81, as amended, and may remove the annexed land from the Agricultural Protection Area when authorized by law and supported by any required owner consent.

(S) **Term, periodic review, and continuation of Agricultural Protection Areas.**

- (1) Each Agricultural Protection Area created under this section shall be reviewed in the twentieth calendar year after its creation, or as otherwise required by Utah Code Title 17, Chapter 81, as amended.
- (2) During the review year, the County Commission shall:
 - (a) Request recommendations from the Agriculture Protection Area Advisory Board and Planning Commission regarding whether the Agricultural Protection Area should be continued, modified, or terminated;
Hold a public hearing at least one hundred twenty (120) days before the end of the calendar year;
 - (b) Provide notice of the hearing using the same procedures applicable to the creation of an Agricultural Protection Area; and
 - (c) After the public hearing, continue, modify, or terminate the Agricultural Protection Area.
- (3) If the County Commission modifies or terminates the Agricultural Protection Area, the County shall record an executed document containing the legal description of the Agricultural Protection Area as modified, or otherwise documenting the termination.

- (4) If the County Commission does not affirmatively continue, modify, or terminate the Agricultural Protection Area during the twentieth calendar year, the Agricultural Protection Area shall be deemed reauthorized for an additional twenty (20) years, or such other term as provided by state law.

(T) Effects of Agricultural Protection Area designation.

- (1) Land within an Agricultural Protection Area is entitled to the protections afforded by Utah Code Title 17, Chapter 81, and applicable right-to-farm and nuisance statutes, including limitations on nuisance actions and certain land use regulations that would unreasonably restrict accepted and normal agricultural operations.
- (2) Nothing in this section shall be construed to exempt land or operations within an Agricultural Protection Area from applicable federal, state, or local environmental, health, or safety laws, or from generally applicable building and fire codes.
- (3) The creation or continuation of an Agricultural Protection Area does not obligate the County to provide any additional public facilities or services to the area, nor does it guarantee any particular zoning classification or development approval.



PLANNING COMMISSION Minutes
Thursday, July 9th, 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.

5:00 PM WORK Session

Public Meeting/Discussion – Proposed addition to the Morgan County Code addressing Food Trucks

Work Session Summary – Food Truck Ordinance Discussion

Planner Page introduced the topic and provided an overview of current Morgan County regulations compared with ordinances used by other jurisdictions for food trucks and food truck courts. The discussion centered on developing two separate ordinance sections: one governing food trucks generally and another specifically addressing permanent and temporary food truck courts.

The Commission discussed several operational and infrastructure requirements for food truck courts, including adequate parking, seating, restroom and handwashing facilities, site access, and trail connectivity where applicable. Health Department requirements were referenced throughout the discussion.

Commission members also discussed distinguishing between temporary food trucks, special event food trucks, and permanent food truck courts, including how each should be regulated. Proposed definitions included temporary operations that do not remain overnight, special events operating only for the duration of an event, and permanent food truck courts with ongoing operations.

Other topics discussed included:

- Appropriate zoning districts for permanent and temporary food truck courts.
- Whether permanent food truck courts should require a Conditional Use Permit.
- Site plan requirements for both temporary and permanent courts.
- Setback requirements between trucks, buildings, and fire hydrants for safety.
- Water and sewer requirements, including will-serve letters where utilities are available.
- Landscaping requirements for permanent courts.
- Whether fencing should be required (consensus was that it was likely unnecessary).
- Hours of operation, with 7:00 a.m. to 10:00 p.m. suggested for temporary food truck operations.
- The need for permanent signage identifying food truck courts while allowing individual

food trucks to use portable menu signs.

Additional discussion included restroom requirements based on the number of food trucks, the distinction between transient and permanent vendors, regulation of food trucks on public versus private property, and limiting non-food merchandise sales to preserve the primary purpose of food truck courts.

County Attorney Christoffersen also discussed business licensing and sales tax collection, emphasizing the importance of ensuring sales tax revenue is properly attributed to Morgan County and noting that the Clerk's Office would play a role in administering business licenses.

The Commission generally agreed that additional draft language should be prepared addressing these topics before bringing a proposed ordinance back for further review.

Present PC Members:

Chair Sessions
Member Maloney
Member Wilson
Member King

Absent PC Members

Member Taylor
Member Watt
Member McMillan

Public Attendance:

Tina Kelley

Staff:

Deputy County Attorney – Janet Christopherson
Kent Page – Senior Planner
Brynnlee Savage -Planner I
Jessie Drage, Transcriptionist/Permit Tech

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

Member King motioned to approve the agenda for Thursday July 9th, 2026. Motion was seconded by Member Maloney. Motions carried unanimously.

- 4. Declaration of Conflicts of Interest – None**
- 5. Public Comment – None**

Legislative:

- 6. Public Hearing/Discussion/Decision – Rollins Ranch Development Agreement 6th Amendment:** A request for approval of a 6th amendment to the Rollins Ranch Development Agreement located in the Mountain Green area in unincorporated Morgan County. The current zoning is A-20.

Planner Page introduced the sixth amendment to the Rollins Ranch Development Agreement, explaining that the proposal would transfer ownership of Parcel A, designated as open space, from the HOA to a private trust. He stated that the trust intended to preserve the property as open space while constructing trails and adding park amenities. He also introduced the HOA representative, applicant Joe Sigety, and stated that County Attorney Christoffersen was present to provide information regarding the existing development agreements.

Member Maloney asked whether the open space would remain open to the public.

Joe Sigety responded that the property was currently open to the public and would remain so.

Chair Sessions noted that the land use restriction agreement referenced use of the trails by HOA members and their guests, and asked for clarification.

Joe Sigety explained that the property was currently open to the public, with the long-term intent of connecting the trail system to other trails in the Cottonwoods.

Chair Sessions noted that a trail located off the main road was a historic nature trail with a public right-of-way.

Joe Sigety stated that no existing trails had been removed and that all existing trails would remain open for public right-of-way use. He explained that the map included in the application was intended to illustrate completed improvements and was not an all-inclusive map of existing trails or access points.

Member Maloney referenced Page 5, Item 3(c) of the agreement, noting that it stated the trails were for members and guests rather than the general public.

County Attorney Christoffersen explained that the original Development Agreement superseded the proposed amendment regarding trail access and that the original agreement already established the trails as open to the public. She stated that the amendment did not change those provisions.

Member Maloney noted that the agreement referenced working with the Mountain Green Trails Association, which was no longer active.

Joe Sigety responded that the Hancock family remained willing to work with trail organizations and supported expanding trail access throughout the area.

County Attorney Christoffersen added that the Hancock family had stepped forward to complete amenities that the HOA had been unable to fund.

Joe Sigety noted that the amendment had originally been labeled as the Fifth Amendment but had been corrected to the Sixth Amendment after discovering an existing Fifth Amendment.

County Attorney Christoffersen stated that she had prepared a resolution reflecting the correction and that it would be addressed with the County Commission.

Member Maloney motioned to open the public hearing, seconded by Member King. The motion carried unanimously.

No public comment was received.

Member Maloney made a motion to close the public hearing, seconded by Member Wilson. The motion carried unanimously.

Member Wilson made a motion to recommend approval of the Rollins Ranch Sixth Amendment to the Development Agreement to the County Commission based on the findings and conditions contained in the memorandum dated July 9th, 2026. The motion was seconded by Member King and carried unanimously.

Administrative

7. Business/Staff Questions

Planner Page stated that we do not have a meeting on July 23rd because of the holiday.

Chair Sessions mentioned that at the last County Commission meeting there were concerns brought up about the data centers and warned that it is in our code that it is allowed in certain zones. She urged that we need to get that removed as soon as possible.

County Attorney Christoffersen recommended that the Planning Commission should make a motion to eliminate or at least redefine what a data center is within code. She reminded that if it is not listed in the code, then it is not allowed.

Member King motions to staff to look at the definition of data center and provide some additional information and clarification to the code to complete it. Second by Member Maloney. Motion carried unanimously.

8. Approval of June 25, 2026, Planning Commission Minutes

Member Maloney made a motion to approve the June 25th 2026 minutes. A second was made by Member Wilson. Motion carried unanimously.

9. Adjourn

Member Wilson motioned to adjourn the meeting. Motion was seconded by Member King. Motion carried unanimously.

Approved:

Chairman, Debbie Sessions
Morgan County Planning Commission

Date: _____

Jessie Drage, Transcriptionist
Planning and Development Services

Date: _____