PLANNING COMMISSION AGENDA
Thursday, October 22nd, 2026
Morgan County Commission Room
Morgan County Courthouse – 48 West Young Street

5:30 p.m. Work Session

Creating new code: use of Portable Storage Containers as Accessory Structures
Creating new code: addressing Mobile Food Vending & Food Trucks Courts

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

Administrative

6. **Public Meeting/Discussion/Decision** – *Hales Small Subdivision.* Two-lot subdivision at 406 W. Richville Lane in the Richville area in unincorporated Morgan County.

7. **Public Meeting/Discussion/Decision** – *Wasatch Peaks Ranch Outside the Gate Small Subdivision*. Two-lot subdivision at 4139 N. Wasatch Peaks Drive in the Peterson area of unincorporated Morgan County.

8. **Public Meeting/Discussion/Recommendation** – *Wasatch Peaks Ranch Pool Complex Site Plan.* Located at approximately 5250 W. Peaks View Drive in the Peterson area of unincorporated Morgan County.

Legislative

9. **Public Hearing/Discussion/Recommendation** – *Eagle Vista FLUMA & Rezone*: (Tabled from the October 8th meeting.) A request to change the future land use map from Village Low Density Residential to Village Residential and to change the zoning on 6.29 acres at approximately 4428 W. Old Highway Road from RR-1 to R1-8 located in the Mountain Green area in unincorporated Morgan County. And recommendation of the overlaying Flagship Homes Development Agreement County Ordinance CO 26-17 for the overall 43.15-acre project in the Mountain Green Area.

10. **Public Hearing/Discussion/Recommendation –** *Eggett FLUMA & Rezone:* A request to change the future land use map from A-20 (Agriculture, 20 acres min.) and RR-1 (Rural Residential, 1 acre min.) to Ranch Residential 5 and to change the zoning from A-20 and RR-1 to RR-5 (Rural Residential, 5 acre min.) on 20.30 acres at 667 W. Hardscrabble Court located in the Porterville area in unincorporated Morgan County.

11. **Public Hearing/Discussion/Recommendation** – Morgan County Code text amendment creating § 155.359 (Mobile Food Vending) and § 155.360 (Food Truck Courts and Temporary Mobile Food Gatherings), with conforming amendments to §§ 155.132 (Use Regulations), 155.324 (Temporary Use Permits), 155.366 (Conditional Uses), and 155.369 (Off-Street Parking Requirements).

12. **Public Hearing/Discussion/Recommendation** – *Updating Planning Commission bylaws*.

13. **Public Hearing/Discussion/Recommendation** – *Repeal of 155.464 Amending the Conceptual Development Plan*.

Administrative

14. Planning Commission Meeting Schedule Amendment. Addition of November 5th meeting.

15. Business/Staff Questions

16. Approval of October 8, 2026, Planning Commission Minutes

17. Adjourn

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

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

[A] State Laws. The State of Utah has adopted the International Residential (Building) Code. As of July 1, 2026, grade level, non-connected Conex boxes, less than 350 square feet, used for storage only are exempt from needing a building permit. [see 15A-3-202 (6)] However, the Utah State Code 17-79-101 gives counties land use authority to provide for the health, safety, and welfare … and protect property values by enacting ordinances governing land uses and structures including the number, placement, and screening/painting of portable storage containers.

[B] Taxing. Morgan County will assess property taxes for portable storage containers as steel sheds calculated by square footage.

[C] Purpose. The purpose of this section is to protect the health, safety, and general welfare of Morgan County by regulating the placement and use of portable storage containers, including shipping containers, Conex boxes, cargo containers, and similar structures as accessory structures for storage purposes. These structures without modifications 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.

[D] 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. Portable storage containers shall not exceed 8 feet in width, 40 feet in length, and 9.5 feet in height.

(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.

[E] General Requirements:

(1) Except in the Light Manufacturing and Industrial districts, portable storage containers shall be screened with a privacy fence taller than the container or painted in a solid

neutral color with no visible markings to complement adjacent structures and kept in good repair and 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. (Not applicable to **[G]**Exceptions and Conditions).

(2) Portable storage containers shall be located on rebar reinforced six-inch concrete pads or on at least four inches of compacted asphalt laid over at least six inches of compacted crushed aggregate.

(3) A building permit is required for all portable storage containers greater than or equal to 350 square feet, or are serviced by any utility, or are modified with any windows or doors.

(4) Shall be used exclusively for storage purposes; shall not be used as dwellings, living quarters, camping shelters, cooking facilities, or above ground recreation structures.

(5) Shall not connect to each other. A minimum separation of five (5) feet is required.

(6) Except in the Light Manufacturing and Industrial districts, vertical stacking of portable storage containers and stacking of other materials on or around containers is prohibited.

(7) No storage of hazardous materials.

(8) Not allowed without a primary structure.

(9) Portable storage containers have not specifically been allowed uses (see § 155.063). Existing portable storage containers shall be brought into compliance with this ordinance by July 1, 2027.

§ 155.365 NONCONFORMING USES, STRUCTURES AND LOTS.

(E)(10) Termination of nonconforming uses. *The governing body may in any ordinance provide for the termination of nonconforming uses of land for open storage or signage, either by specifying the period or periods in which nonconforming uses shall be required to cease, or providing a formula or formulas whereby the compulsory termination of a nonconforming use may be so fixed as to allow for the recovery or amortization of the investment and reasonable termination costs in the nonconforming use.*

[F] District Allowances.

(1) **Residential and Multiple-Family Residential Districts**: One portable storage container is allowed per lot/parcel as follows:

District	R1-20	R1-12	R1-8	RM-7	RM-15
Max. Size (LxWxH)	40 x 8 x 8.5	20 x 8 x 8.5	10 x 8 x 8.5	Not Allowed	Not Allowed

Containers shall be in the rear yard and meet all setbacks for accessory structures.

(2) **Multiple Use, Forestry, Agriculture and Rural Residential Districts**: Portable storage containers are allowed per lot/parcel as follows:

District	MU-160*	F-1*	A-20*	RR-10*	RR-5*	RR-2.5	RR-1
(Max. #) Max. Size (LxWxH)	(4) 40 x 8 x 9.5	(4) 40 x 8 x 9.5	(4) 40 x 8 x 9.5	(2) 20 x 8 x 9.5	(2) 20 x 8 x 9.5	(1) 20 x 8 x 8.5	(1) 20 x 8 x 8.5

*The number of units allowed is proportionate to the lot's/parcel's acreage. For example: 10 acres in A-20 is equivalent to 2 units.

Containers shall be in the rear yard and meet all setbacks for accessory structures.

(3) **Commercial Districts**:

(a) Portable storage containers are limited to one per lot, plus one additional container per acre or part thereof, up to a maximum of four total units (except for businesses licensed to sell or rent storage containers).

(b) For shipping or receiving purposes, portable storage containers shall not exceed 30 consecutive days or 90 days in a calendar year.

(4) **Light Manufacturing and Industrial Districts**: Portable storage containers are allowed as long as they meet setback requirements.

[G] Exceptions and Conditions.

(1) **Temporary Construction Use**: One portable storage container may be used during active construction or remodeling projects on a lot/parcel 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, or designated parking~~, or landscaping~~;

~~(c) Meet all setback requirements~~.

(2) **Short-Term Moving Use** : 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.

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

MEMORANDUM

TO: Morgan County Planning Commission

FROM: Morgan County Planning & Development Services Staff

DATE: October 22, 2026

SUBJECT: MCC § 155.132. 155.324, 155.359, 155.360**,** 155.366 & 155.369

SUMMARY: A request to create new codes addressing Mobile Food Vending & Food Trucks Courts & Temporary Mobile Food Gatherings

The County Commission has directed staff to research the creation of a new Morgan County Code addressing food trucks and food truck courts. Staff and the Planning Commission discussed this proposal during a work session on July 9, 2026.

Deputy County Attorney, Janet Christoffersen, has researched this issue extensively especially regarding the Utah State Code and offers the following for staff's and the Planning Commission's consideration and discussion:

Food Truck Ordinance — Planning Commission Discussion

The draft addresses individual food trucks, ongoing food truck courts, and temporary gatherings of food trucks. A food truck court would receive Planning Commission approval for its overall layout and operation. Vendors could rotate, change, or leave without requiring a new approval each time. Trucks could remain overnight, subject to applicable parking and health requirements.

The draft does not set a County-wide maximum number of trucks. Each court's capacity would depend on its space, parking, utilities, restrooms, and safe access. Courts could expand through an amended approval or develop in approved phases. The draft also addresses visibility, traffic, trash, lighting, noise, and responsibility for maintaining shared facilities.

Shared seating, shade, outdoor games, small performances, and farmers' or artisan markets could be included in the approved plan. These activities would remain secondary to the court's dining and gathering use. An on-site commissary is allowed but is not automatically required.

Questions for Planning Commission

1. **Where should courts be allowed?** Should we keep all the zoning districts currently listed, or limit courts to certain districts? Should courts with larger entertainment areas have different location restrictions?

2. **How large a role should events play?** Should courts primarily be places to eat, with occasional entertainment, or should they also accommodate larger markets, festivals, concerts, outdoor theater, and movies? Should private rentals or ticketed events be allowed?
3. **Should larger courts have a permanent commissary?** A commissary is an approved facility supporting activities such as food preparation, storage, cleaning, and truck servicing. Should we explore requiring one after a court reaches a certain approved number of vendors, or continue allowing approved off-site arrangements? Any new requirement would need health-department and legal review.
4. **Should there be a maximum number of trucks?** Should the number continue to depend on what each site can safely accommodate, or should the ordinance establish a maximum?
5. **What gathering spaces should we encourage or require?** Should the ordinance expressly allow large grass areas, pavilions, stages, picnic areas, and playgrounds? Should larger courts be required to provide a minimum amount of shared outdoor space or shade?
6. **How should recurring events be approved?** Should regular markets and performances be covered by the court's initial approval? What changes in attendance, activity, or operating hours should require additional review?
7. **What limits should apply to hours and noise?** The draft generally allows customer service from 7 a.m. to 10 p.m., with different hours subject to approval. Should concerts and amplified music have a separate ending time or additional protections near homes?
8. **How should larger crowds be accommodated?** Should approved off-site parking and temporary restrooms be available for occasional larger events, or should permanent facilities support the full approved attendance?

What other vendors should be allowed? Should courts remain focused on food, with accessory market booths, or also include nonfood businesses operating from vehicles or trailers?

Janet Christoffersen has drafted two ordinances (see Attachment A) addressing Mobile Food Vending and Food Truck Courts & Temporary Food Gatherings. State Code really regulates how we regulate food trucks. Staff appreciate the Planning Commission's review and insights. Attachments B through F are Utah State Codes regarding Mobile Business Licensing and Regulation.

RECOMMENDED MOTIONS

Sample Motion for a Recommendation for Approval – "I move we recommend approval to the County Commission of the Morgan County Code text amendment creating § 155.359 (Mobile Food Vending) and § 155.360 (Food Truck Courts and Temporary Mobile Food Gatherings), and amending § 155.132 (Use Regulations), § 155.324 (Temporary Use Permits), § 155.366 (Conditional Uses), and § 155.369 (Off-Street Parking Requirements), based on the findings listed in the memorandum dated October 22, 2026."

Sample Motion for a Recommendation for Approval with Conditions – "I move we recommend approval to the County Commission of the Morgan County Code text amendment creating § 155.359 (Mobile Food Vending) and § 155.360 (Food Truck Courts and Temporary Mobile Food Gatherings), and amending § 155.132 (Use Regulations), § 155.324 (Temporary Use Permits), § 155.366 (Conditional Uses), and § 155.369 (Off-Street Parking Requirements), based on the findings listed in the memorandum dated October 22, 2026 with the following additional conditions:"

1. List any additional findings and conditions…

Sample Motion for a Recommendation for Denial – "I move we recommend denial to the County Commission of the Morgan County Code text amendment creating § 155.359 (Mobile Food Vending) and § 155.360 (Food Truck Courts and Temporary Mobile Food Gatherings), and amending § 155.132 (Use Regulations), § 155.324 (Temporary Use Permits), § 155.366 (Conditional Uses), and § 155.369 (Off-Street Parking Requirements), based on the findings listed in the memorandum dated October 22, 2026 with the following findings:"

1. List any additional findings…

ATTACHMENTS:

A: DRAFT MCC § 155.359 Mobile Food Vending
&
DRAFT MCC § 155.360 Food Truck Courts and Temporary Mobile Food Gatherings

B: 11-56-102. Definitions. Utah Code Annotated > Title 11 Cities, Counties, and Local Taxing Units (Chs. 1 — 72) > Chapter 56 Mobile Business Licensing and Regulation Act (§§ 11-56-101 · 11-56-106)

C: 11-56-103. Licensing — Reciprocity — Fees. Utah Code Annotated > Title 11 Cities, Counties, and Local Taxing Units (Chs. 1 — 72) > Chapter 56 Mobile Business Licensing and Regulation Act (§§ 11-56-101 · 11-56-106)

D: 11-56-104. Safety and health inspections and permits — Fees. Utah Code Annotated > Title 11 Cities, Counties, and Local Taxing Units (Chs. 1 — 72) > Chapter 56 Mobile Business Licensing and Regulation Act (§§ 11-56-101 — 11-56-106)

E: 11-56-105. Mobile business events. Utah Code Annotated > Title 11 Cities, Counties, and Local Taxing Units (Chs. 1 — 72) > Chapter 56 Mobile Business Licensing and Regulation Act (§§ 11-56-101 · 11-56-106)

F: 11-56-106. Mobile business operation. Utah Code Annotated > Title 11 Cities, Counties, and Local Taxing Units (Chs. 1 — 72) > Chapter 56 Mobile Business Licensing and Regulation Act (§§ 11-56-101 · 11-56-106)

Attachment A:

Mobile Food Vending and Food Truck Courts

§ 155.359 MOBILE FOOD VENDING.

(A) Purpose and applicability.

(1) This section regulates mobile food vending in unincorporated Morgan County, including individual units operating on streets, public property, and private parking lots. Divisions (D) through (G) apply to all mobile food units, including units within food truck courts and temporary mobile food gatherings. Location and additional site requirements are governed by division (C) and § 155.360, as applicable.

(2) Food truck courts and temporary mobile food gatherings are governed additionally by § 155.360. Ordinary mobile vending does not require a court approval unless the site constitutes a food truck court under division (B)(3).

(3) Relationship to other provisions. Notwithstanding § 155.002(B) and other general conflict provisions of this chapter, an express standard or exception in this section or § 155.360 controls the same subject over a conflicting general provision of this chapter. Where § 155.360 expressly establishes a different standard or exception from this section, § 155.360 controls that subject. Other applicable requirements remain in effect. This paragraph does not waive controlling state or federal law or an independently applicable traffic, health, building, plumbing, electrical, fire, accessibility, or floodplain requirement. All requirements are subject to division (F).

(B) Definitions. The following definitions apply to this section and § 155.360.

(1) Commissary. A food service establishment permitted by a local health department and approved to support mobile food operations as provided in Utah Administrative Code R392-102. A commissary may provide food preparation, storage, cleaning, waste disposal, water replenishment, or other approved servicing functions.

(2) Court operator. The person or entity responsible for managing a food truck court and maintaining its common areas, facilities, and compliance with the court's land-use approval. A court operator may also operate a vendor business, but providing premises and common amenities alone does not make the court operator the operator of each vendor's food business.

(3) Food truck court. A site planned, arranged, and managed as a single ongoing commercial use to accommodate multiple mobile food units, with designated vendor spaces and shared customer seating, dining, or gathering areas. The term includes a food truck park. The site may occupy one parcel or contiguous parcels under coordinated management. A court may operate with fewer vendors than its approved capacity. The number of units present, their proximity on unrelated properties, or the number of days an individual unit operates does not, by itself, establish a food truck court. Ordinary mobile vending and temporary mobile food gatherings that do not establish this ongoing use are not food truck courts.

(4) Mobile food unit. A food truck or food cart as defined in Utah Code § 11-56-102, including a qualifying towable food trailer.

(5) Temporary mobile food gathering. A gathering of mobile food units associated with a particular event or limited series of events, using removable amenities without establishing an ongoing food truck court. A gathering may recur without becoming a court solely because it recurs.

(6) Vendor space. A designated area within a food truck court for a mobile food unit or an accessory vendor authorized under the court's approved site plan. The term includes the unit's associated service area and equipment, but does not include required common pedestrian routes or customer parking.

(C) Locations and residential areas.

(1) On private property, mobile food vending is allowed with the property owner's consent in a zone where a food establishment is a permitted or conditional use, subject to this section. Mobile units may also occupy approved vendor spaces in a food truck court under § 155.360(C). An individual unit operating under this paragraph does not require a separate conditional use permit merely because a food establishment is a conditional use in that zone. Court approval requirements are governed by § 155.360.

(2) Outside an approved food truck court, ordinary walk-up mobile food vending is prohibited in a residential or rural residential district where a food establishment is neither a permitted nor a conditional use, except as provided in paragraph (3). Where a food establishment is a permitted or conditional use in such a district, this section shall not be applied to entirely or constructively prohibit mobile food vending contrary to Utah Code § 11-56-106.

(3) A mobile food unit may serve a lawful private catered event on private property in a residential district with the property owner's consent, when service is limited to the event's invited participants. A unit may also serve participants in a lawful school, religious, recreational, or similar institutional event when food service is authorized as part of that use. These exceptions do not authorize an ongoing commercial vending site open to the general public.

(4) Street vending is allowed only in lawful parking spaces along street segments abutting property in a zone where a food establishment is a permitted or conditional use, or in an area expressly authorized for vending by the public entity controlling the property. Vending from a travel lane, bicycle lane, median, or a location where parking is prohibited is prohibited. Applicable parking time limits remain in effect.

(5) Use of other public property requires authorization from the entity controlling that property. Land-use approval under this section or § 155.360 does not itself grant a lease, reservation, or other property-use authorization. Use of County property remains subject to applicable County-property requirements, including §§ 150.25 through 150.27, the airport provisions of this chapter, and Chapter 70. Use of County property remains subject to applicable County contracting and facility-use policies and County-property requirements, including §§ 150.25 through 150.27, the airport provisions of this chapter, and Chapter 70.

(D) Placement, visibility, and access.

(1) Regardless of whether a front yard is required, mobile food operations shall maintain the clear-view triangle established by § 155.315(A), formed using points 25 feet from the

intersection of the curb lines as specified in that section. No mobile food unit, canopy, sign, equipment, or other opaque obstruction exceeding three feet in height, measured as provided in that section, may occupy the triangle. Serving windows and customer queues shall remain outside the triangle. Deviations require County Engineer approval under § 155.315(B).

(2) Units and associated activities shall not obstruct sight distance at driveways, parking-lot entrances or exits, or pedestrian crossings as required by applicable County engineering and roadway standards.

(3) No unit, queue, furniture, sign, equipment, cord, or hose may obstruct a driveway, drive aisle, loading area, building exit, fire lane, hydrant, utility access, pedestrian crossing, or required accessible route. Accessible parking spaces, access aisles, and curb ramps shall remain available for their intended use.

(4) Serving windows shall face a sidewalk or protected customer service area. Customers shall not be required to stand in a travel lane, bicycle lane, or active drive aisle. Vehicle movement shall be separated from the service area and queue. Service to occupants of vehicles requires a separately approved drive-through use.

(5) Units shall occupy stable surfaces suitable for their loads and shall not damage required landscaping. Placement shall maintain applicable fire separation. Canopies shall provide at least seven feet of vertical clearance, or greater clearance where required by applicable accessibility or building requirements, and shall not obstruct circulation.

(6) Units shall not displace parking required for another use unless a lawful site approval allows shared or reallocated parking. No separate restaurant floor-area parking calculation is imposed on an individual mobile unit by this section. Court parking is governed by § 155.360(E)(4). Accessible spaces and access aisles remain subject to paragraph (3).

(E) Operating standards.

(1) Customer service is allowed from 7:00 a.m. to 10:00 p.m., unless a lawful event or site approval authorizes different hours. Different court hours may be approved under § 155.360(G)(5). Quiet setup, cleaning, security, refrigeration, and lawful overnight parking are not customer service. Noise and public-safety requirements apply at all times.

(2) Vendors shall provide or have access to adequate refuse containers and remove litter and waste attributable to their operations. Shared containers may satisfy this requirement. Food preparation and storage, potable water, handwashing, employee toilet access, wastewater, grease, and servicing shall comply with applicable health requirements, including Utah Administrative Code R392-102 and any lawful exemption or alternative approved by the local health officer. Wastewater, grease, and cleaning water shall not be discharged to the ground, a storm drain, or an unapproved disposal system.

(3) Generators, refrigeration, amplified sound, fuel, cooking equipment, and electrical connections shall comply with applicable noise, fire, and construction requirements. Cords and hoses shall be protected and shall not obstruct required routes. Vehicle engines shall not idle during customer service except when necessary for lawful food-service equipment or a safety function. Outdoor lighting shall comply with § 155.352, including its applicable exemptions.

(4) Signs. Ordinary identification and advertising graphics integral to a lawfully operating mobile food unit and one portable menu board no larger than two feet by three feet per operating unit are allowed without a separate County sign permit. Those graphics and boards are exempt from the temporary-promotion periods and common sign-theme requirements of § 155.368. Menu boards shall remain outside required pedestrian routes, sight-distance areas, and vehicle circulation areas, shall be removed when customer service ends, and shall not occupy a public right-of-way without lawful authorization. Applicable visibility, lighting, and traffic-safety requirements remain in effect. Other signs, including permanent court signs and common freestanding menu displays, remain subject to § 155.368.

(5) Mobility and overnight parking. Units shall remain removable by their ordinary means of transport, with readily disconnectable utility connections. Permanent structures, permanent site improvements, and incorporation of a unit into a permanent structure require applicable approvals. This section imposes no daily relocation requirement or operating-day limit. Overnight parking is subject to paragraph (6) and applicable health, fire, commissary, and servicing requirements. Habitation in a unit is prohibited.

(6) Parking requirements. Units shall comply with Chapter 70 and Utah Code Title 41, Chapter 6a, including applicable parking time limits, snow-removal restrictions, and traffic and fire-access clearances. The 48-hour restriction in § 70.16 applies to public roads, streets, and County-owned property; it does not apply to private property. The permanent-parking prohibition in § 155.318(A) does not apply to lawful mobile food vending under this section, overnight parking incidental to that operation, or occupancy of an approved vendor space under § 155.360. This exception does not waive other applicable location, placement, or safety requirements. Storage unrelated to a lawful vending operation remains subject to §§ 155.318 and 155.327, as applicable. Compliance with, or a deviation from, § 155.315 does not waive traffic or parking requirements.

(7) Utility connections. Notwithstanding § 155.326(A) and (B), approved above-ground service pedestals and readily disconnectable utility connections may serve mobile food units. Underground requirements for permanent utility distribution and the restrictions on equipment in designated snow-storage easements under § 155.326(H) remain applicable.

(F) Credentials and state-law protections.

(1) Each vendor shall maintain the business license, health permit, and fire approval applicable to its operation. The County shall recognize qualifying Utah credentials under Utah Code §§ 11-56-103 and 11-56-104. Required copies shall be kept in each operating unit as provided by state law.

(2) No additional County mobile-food license, vendor registration fee, or permit for each operating location and time is required by this section. The County shall not require submission of operating dates, times, or duration, impose prohibited operating-day limits, require written owner-consent documentation, impose a minimum distance from a restaurant, restrict unit size, or require duplicative inspections contrary to Chapter 56.

(3) Notwithstanding §§ 155.024–155.025, 155.045–155.048, and 155.366, ordinary mobile food vending at a location allowed by this section does not require a separate land-use application, site plan, use permit, or conditional use permit solely because a mobile food unit operates

there. Any independently applicable requirement shall comply with Utah Code § 11-56-106, including its prohibition on a private-property site plan where a unit operates at the same location for less than 10 hours per week and its prohibition on a site plan for each public-right-of-way location where mobile vending is allowed. Reaching 10 hours does not, by itself, trigger a permit or court approval under these sections.

(4) Mobile-business events are subject to Utah Code § 11-56-105. No participating mobile business shall be required to obtain a private-property event permit or pay a fee prohibited by that section. Health permits for temporary mass gatherings are governed by that section. Restrictions on streets and abutting sidewalks temporarily closed for an event are governed by Utah Code § 11-56-106(2). Temporary mobile food gatherings are addressed in § 155.360(I).

(5) The protections in this division do not dispense with property-owner authorization or site and operating plans required for development of a food truck court under § 155.360(B) and (D), or with approvals independently required for permanent improvements. Such requirements shall not be imposed on ordinary mobile vending by treating repetition, duration, or the presence of several units alone as establishment of a court.

(G) Enforcement.

(1) Vendors are responsible for their operations. A property owner or court operator remains responsible for obligations otherwise imposed on that person by law or an applicable site approval. Enforcement shall address the responsible person and actual violation.

(2) Enforcement and penalties are governed by § 155.999 and other applicable provisions of this Code and state law, including required notice and opportunity to be heard. Land-use appeals are governed by § 155.030 except where another applicable provision designates an appeal procedure. Court permit suspension and revocation are governed by § 155.360(J). Nothing limits lawful emergency action by an authorized official.

(3) This section shall be administered consistently with Utah Code Title 11, Chapter 56. A conflicting requirement shall not be applied to the extent prohibited by controlling law.

§ 155.360 FOOD TRUCK COURTS AND TEMPORARY MOBILE FOOD GATHERINGS.

(A) Purpose and applicability.

(1) This section establishes land-use, development, and operating standards for food truck courts and temporary mobile food gatherings in unincorporated Morgan County. General mobile food vending standards are established in § 155.359.

(2) A food truck court is an ongoing land use that may operate year-round or seasonally. Individual vendors may occupy the court on a continuing, seasonal, rotating, or occasional basis. The court's approval is not dependent on the identity or continued presence of a particular vendor.

(3) The definitions in § 155.359(B) apply to this section. Mobile food units are subject to § 155.359. This section establishes additional requirements for coordinated sites and gatherings; it does not impose court-development standards on ordinary mobile vending. Applicable health, building, plumbing, electrical, fire, accessibility, and other laws remain applicable.

(4) Other food facilities may participate only as allowed by this section and their applicable health and land-use approvals; their participation does not change their classification under state law.

(B) Relationship to vendor approvals.

(1) A court’s land-use approval addresses development and operation of the coordinated site. Vendor credentials and state-law protections are governed by § 155.359(F). Court approval does not replace required vendor credentials or require separate land-use approval for each vendor occupying an approved space.

(2) The court applicant shall provide property-owner authorization and the site and operating plans required by division (D). These requirements apply to development of the court and shall not be used to impose prohibited documentation requirements on individual vendors.

(3) County business licensing otherwise required for the court operator or accessory businesses is administered under Title XI, subject to § 155.359(F). A court approval does not authorize collection of a prohibited mobile-business fee through the court operator.

(C) Food truck courts; location and approval.

(1) Food truck courts are conditional uses, designated C2, in the CB, NC, TC, CS, CH, GC, BP, TPC, MGC, PC, LM, and I districts, subject to this section. The PC designation in this list means the Peterson Commercial District. Other districts are governed by their applicable use provisions. An overlay, approved development plan, or development agreement remains applicable to the extent enforceable under state law.

(2) The Planning Commission is the land-use authority for initial court approval and major amendments, and the Zoning Administrator decides minor amendments under division (H). Review shall follow § 155.366 except that these assignments control over § 155.366(A)(2)(b) and (C)(1). A separate County Commission approval is not required solely because the court

is a commercial site. Appeals from decisions under this section shall be heard by the appeals and variance hearing officer under § 155.030, notwithstanding a different appeal designation in § 155.366(A)(2).

(3) A court may be a principal use or an accessory use on a site with another lawful principal use. Shared access, parking, restrooms, and other facilities may be approved when their location, capacity, availability, and continued use satisfy this section.

(4) The approval shall identify the court area, vendor spaces, maximum simultaneous mobile food units, accessory-vendor areas, customer seating and gathering capacity, common facilities, and any approved phases. This section establishes no County-wide numerical maximum on mobile food units within a court. Site capacity shall be based on the approved layout and compliance with applicable access, parking, utility, sanitation, building, and fire requirements.

(5) The Planning Commission shall approve a complying conditional use when reasonable conditions can mitigate its reasonably anticipated detrimental effects under applicable standards, consistent with Utah Code § 17-79-506. Conditions shall identify the applicable standard and the effect being mitigated. A denial shall identify the unmet standard and why reasonable conditions cannot achieve compliance. Approval shall not depend on the identity, menu, cuisine, or competitive effect of an individual vendor.

(D) Court application and site plan.

(1) An application shall identify the property, applicant, property owner, and court operator or proposed management arrangement, and shall include a scaled site plan showing:

(a) Property boundaries; the court area; existing and proposed buildings; vendor spaces and serving orientations; and applicable setbacks and clear-view areas;

(b) Customer seating, accessible dining areas, queues, pedestrian routes, entrances, vehicle circulation, parking, loading, and fire access;

(c) Restrooms, handwashing facilities, any proposed commissary or other support building, waste and grease facilities, enclosed storage, and utility connections;

(d) Landscaping, screening, lighting, court signs, grading, drainage, and snow-storage areas where needed; and

(e) Areas for accessory vendors, markets, performances, games, and other proposed activities, together with any proposed phases.

(2) An operating plan shall describe customer-service hours, proposed simultaneous vendor and customer capacity, accessory activities, deliveries and vendor movement, shared-facility maintenance, trash collection, noise management, and the proposed approach to commissary use and servicing. Vendor names and individual operating schedules are not required as part of the land-use application.

(3) The application shall identify proposed water, wastewater, and electrical service. Provider letters or agency approvals are required where applicable to establish service availability and capacity. Approved existing service may be documented without obtaining a duplicative will-serve letter. Internet service is not a required utility under this section.

(4) The Zoning Administrator shall route the application to the County Engineer, Building Official, fire code official, Weber–Morgan Health Department, and other responsible agencies for review of matters within their respective authority. Relevant existing approvals shall be accepted where they cover the proposed use and capacity. Technical studies and construction drawings shall be required only as necessary under applicable standards for the proposed improvements or identified impacts.

(5) Land-use approval may precede final construction and health permits, but shall identify the remaining required approvals and improvements. A court or phase shall not open until its required access, sanitation, utilities, and other facilities are completed and approved by the responsible agencies, except for improvements that may lawfully be deferred with appropriate assurance. Financial assurances shall be governed by applicable County requirements and Utah Code § 17-79-707; this section creates no additional bond requirement for individual vendors or improvements exempt under state law.

(6) The application requirements of this division and the amendment and phasing procedures in division (H) govern food truck courts over conflicting or duplicative requirements of §§ 155.024–155.025 and 155.045–155.048. Independently required construction permits, engineering drawings, and other technical approvals remain applicable.

(E) Court site and development standards.

(1) Layout and mobility. Vendor spaces shall be sized and arranged to accommodate units and their equipment while maintaining the placement, visibility, access, and fire-separation standards in § 155.359(D). Trailers may be unhitched within approved spaces. Unit mobility and utility connections are governed by § 155.359(E)(5).

(2) Setbacks and common areas. Vendor spaces and permanent structures shall meet applicable district setbacks. The court shall provide shared seating and a common dining or gathering area connected to vendor service areas by safe pedestrian routes. Seating, umbrellas, shade structures, landscaping, public art, and outdoor games may be included. Permanent buildings and structures remain subject to applicable commercial or town-center design requirements. Those building-design requirements do not require mobile units to have uniform branding, colors, or materials.

(3) Surfacing and drainage. Vendor pads, vehicle entrances, parking, and circulation areas shall have all-weather surfaces that support anticipated loads, control dust and mud, and prevent sediment from reaching public roads or drainage systems. Applicable paving requirements remain in effect. Where this chapter allows an alternative surface, it may be approved upon the County Engineer's determination that these standards are met. Required accessible routes and spaces shall be firm, stable, slip-resistant, and otherwise compliant with accessibility standards. Grading and drainage shall comply with § 155.338 and applicable engineering standards.

(4) Customer and employee parking. Required court parking is one space per 3.5 customer seats, plus one space per employee on the largest simultaneous shift of the court and its vendors, rounded up to the next whole space. Common seats are counted once. Truck interiors, vendor pads, uncovered gathering areas, and circulation areas are not restaurant floor area for this calculation. A separate principal use retains its applicable parking

requirement. The Planning Commission may approve shared parking or a reduction based on a parking analysis demonstrating sufficient spaces for overlapping peak demand, considering approved seating, takeout service, employees, accessory activities, hours, and legally available nearby parking. The approved plan shall identify the resulting number and location of spaces. Standing-room events or markets shall not exceed the parking demand addressed in the approved analysis or any separately approved event plan. This paragraph governs the number and calculation of court parking spaces, including approved shared parking and reductions. Other applicable standards of § 155.369 remain in effect. Vendor spaces are not customer parking spaces.

(5) Pedestrian and vehicle access. Accessible routes shall connect accessible parking, vendor service areas, common seating, and required restrooms and shall remain clear as required by § 155.359(D). The plan shall provide for vendor deliveries, arrival, and departure without moving vehicles through occupied dining areas unless the affected area is temporarily closed to customers. Access to each vendor space shall be available for servicing and removal without moving permanent structures.

(6) Restrooms and handwashing. Approved toilet and handwashing facilities shall be available to employees and customers throughout customer-service hours. Number, type, accessibility, location, and plumbing shall satisfy applicable health, building, and plumbing requirements for the approved use and capacity. Facilities in an existing building may be used when approved by the responsible officials and secured by an enforceable arrangement for access and maintenance. Portable facilities may be used only when those officials approve them for the particular use and duration; they do not automatically substitute for permanent facilities required by applicable codes. Expansion shall not exceed approved facility capacity.

(7) Water, wastewater, and grease. The court shall provide approved systems or servicing arrangements sufficient for its common facilities and approved vendor operations. Required connections to available public systems shall comply with applicable provider and County standards. Alternative water or wastewater systems require approval from the agencies having jurisdiction. Wastewater and grease shall be collected, stored, and disposed of through approved systems. A direct water, wastewater, or gas connection at every vendor space is not required where the responsible agencies approve another lawful arrangement. Common potable-water and wastewater facilities shall be protected against cross-connections and contamination.

(8) Power and fuel. Food truck courts shall provide electrical service and properly installed connections sufficient for the approved use and vendors that require external power. Generators may supplement service during a power outage, an approved construction phase, or an approved temporary event, subject to fire and noise requirements. A different permanent power source may be approved if it complies with applicable codes and noise standards. Utility distribution and connections are subject to § 155.359(E)(7). Propane storage and distribution shall comply with the fire code. Shared fuel systems require the approvals applicable to those systems.

(9) Waste, storage, and maintenance. The court operator shall provide shared refuse and recycling facilities sufficient for the operation, arrange collection, and maintain common areas in a clean condition. Containers shall be covered and screened where required by

applicable commercial standards. Individual patron receptacles may be supplied by vendors or the court operator. Food and food-service equipment storage is governed by § 155.359(E)(2). Other bulk supplies and maintenance equipment shall be stored in enclosed storage, except for outdoor items shown on the approved site plan. The operator shall maintain required paths and access during snow and ice conditions.

(10) Landscaping, lighting, and noise. Landscaping, screening, and exterior lighting shall comply with §§ 155.335, 155.345, and 155.352, as applicable. The lighting plan shall show fixtures and illumination sufficient to verify compliance; photometric information shall be provided where required by those standards. Service equipment and performance areas shall be located and oriented to meet applicable noise requirements and reduce direct effects on adjoining residential property. Any additional mitigation imposed through the CUP shall be tied to an applicable objective standard and identified impact.

(11) Signs and structures. Court identification, directional signs, and common menu displays shall comply with § 155.368. Individual vendor signs and portable menu boards are governed by § 155.359(E)(4). Pavilions, canopies, containers converted to buildings, stages, heaters, fire pits, and other improvements require the building or fire approvals applicable to the particular installation. A court approval alone does not authorize a separate restaurant, bar, or other principal use not included in the approval.

(F) Commissary and servicing requirements.

(1) A court may include a shared on-site commissary as an accessory facility serving its vendors. The commissary shall obtain the health and construction approvals applicable to its actual functions and shall provide the capacity and equipment required for the vendors it serves. No minimum kitchen floor area is established by this section. A kitchen serving unrelated outside businesses or functioning as a separate principal use remains subject to the approvals applicable to that additional use.

(2) This section does not independently require every court to construct an on-site commissary. The requirement may be satisfied, as approved by the local health officer, through an on-site commissary, use of an approved off-site commissary, or an exemption or other alternative authorized by applicable health law. Approval of common seating, restrooms, or utility hookups does not itself establish or approve a commissary.

(3) A vendor using an off-site commissary shall continue to return and maintain records at the frequency required by the local health officer. A vendor intending to remain at the court between operating days shall obtain any required health approval for that parking and servicing arrangement. An off-site commissary agreement alone does not authorize the vendor to disregard required return or servicing obligations. Where the proposed operation cannot comply through an approved off-site arrangement or lawful exemption, the necessary approved on-site facilities or a revised operation shall be provided before that operation begins.

(4) The court operator is responsible for any commissary or common servicing facility the operator provides. Each vendor remains responsible for its own health permit and approved servicing arrangement. County land-use officials shall not substitute their own kitchen,

equipment, or servicing requirements for determinations assigned by law to the health authority.

(G) Court operation and accessory activities.

(1) Management. The court shall have a designated operator and a current contact available during operating hours to address site conditions. The operator shall maintain common facilities and ensure that participating vendors have the credentials required by § 155.359(F). Vendors remain responsible for their individual operations under § 155.359(G). The County shall not regulate the amount or form of private vendor rent or service charges under this section.

(2) Vendor flexibility and overnight parking. Continuing, seasonal, rotating, guest, and event vendors may occupy approved spaces within the court's approved capacity. Units may remain in those spaces overnight and between operating days, subject to division (F), § 155.359(E)(5), and lawful conditions of approval.

(3) Accessory activities. Common seating, shade, outdoor games, public art, seasonal decorations, small live performances, and farmers' or artisan-market booths may be included in the court's site and operating plan. Nonfood vendors may sell from designated booths or tables. Such activities shall remain subordinate to the court's dining and gathering use, remain within the approved activity areas and capacity, and comply with applicable licensing, health, fire, noise, and other requirements. Ordinary vendor substitutions and individual performances within the approved scope do not require separate land-use approval.

(4) Events beyond approved operation. An activity requiring street closure, using land outside the approved court area, or exceeding approved parking, attendance, sanitation, or operating limits shall obtain any otherwise required event or amended land-use approval, subject to § 155.359(F)(4). A separately regulated activity, including alcohol service, remains subject to its applicable approvals.

(5) Hours. Customer-service hours are governed by § 155.359(E)(1). The Planning Commission may approve different court hours through the CUP based on compliance with applicable noise, lighting, and other site standards.

(H) Vendor changes, amendments, and phasing.

(1) Changes not requiring land-use approval. Substituting vendors; changing menus; changing vendor tenure or private contracts; leaving approved spaces vacant; and placing a compliant replacement unit within an approved space do not require a new or amended CUP. The replacement shall fit within the approved space and available facilities without obstructing required access or exceeding approved site capacity. Required health, fire, or other operational approvals remain applicable.

(2) Minor amendments. The Zoning Administrator shall approve a proposed site adjustment administratively when it remains within the approved court boundary and simultaneous vendor and customer capacity; preserves required setbacks, access, parking, drainage, landscaping, and utility capacity; complies with applicable standards; and does not change approved customer-service hours or enlarge the authorized scope of accessory activities.

Necessary review by engineering, building, fire, or health officials may be obtained. The written approval shall identify the revised plan and findings of compliance.

(3) Major amendments. An increase in approved simultaneous vendor or customer capacity, expansion of the court boundary, change in approved hours, addition of a principal use, or other change not qualifying under paragraph (2) requires Planning Commission review under this section. An increase within an existing district where courts are allowed does not require a text amendment merely because more vendor spaces are proposed. Review of an amendment shall address the proposed change and its effects on the approved development, subject to applicable law.

(4) Phasing. The initial approval may establish ultimate site capacity and phases. A phase may open when the facilities needed for that phase have been completed and approved. Opening a phase already authorized by the approved plan requires verification of compliance, rather than a new CUP. Improvements supporting a later phase need not be completed to open an earlier phase unless necessary for the earlier phase's safe and lawful operation.

(5) Continuity. The court's land-use approval runs with the land, subject to applicable expiration, abandonment, and enforcement provisions. Ordinary turnover, vacancies, or approved seasonal operation do not, by themselves, terminate the approval. A change in court operator requires updated contact information and compliance with otherwise applicable licensing requirements, but not a new land-use approval solely because management changes.

(I) Temporary mobile food gatherings.

(1) Temporary mobile food gatherings are subject to § 155.359 and any independently required event approval. The presence of several mobile food units at an event does not, by itself, require a court CUP or permanent court improvements.

(2) A gathering at a location where mobile food vending is allowed under § 155.359(C) does not require a temporary-use permit solely because multiple mobile food units participate. Temporary structures, street closures, entertainment, or other activities that independently require approval remain subject to applicable requirements and § 155.359(F)(4).

(3) A temporary-use or event approval may authorize removable seating, shade, restrooms, and other facilities appropriate to its approved scope and duration. The organizer shall maintain required access and sanitation and remove temporary installations at the conclusion of the authorized use. This paragraph does not impose a relocation requirement or operating-day limit on an individual mobile business contrary to § 155.359.

(4) Permits, fees, and restrictions on mobile businesses participating in events are governed by § 155.359(F)(4). A permit under § 155.324 shall not be required or conditioned in conflict with those provisions.

(J) Compliance and enforcement.

(1) The court operator shall maintain the site in compliance with its approval. General enforcement procedures are governed by § 155.359(G). Suspension or revocation of a court

CUP is governed by § 155.366(C)(3), subject to required notice and opportunity to be heard and controlling state law.

(2) A violation confined to an individual vendor does not automatically revoke the court's land-use approval. Enforcement shall address the responsible operation and the nature of the violation. Court-wide action may be taken where common facilities or site operations fail to comply, the operator fails to correct a violation within its responsibility, or otherwise authorized by applicable law.

(3) County land-use approval does not waive or override another agency’s lawful order or permit condition.

EXHIBIT B

CONFORMING CODE AMENDMENTS

1. § 155.132 — Use regulations.

Add the following entry under "Accommodation and food services" in the use table:

Use	CB	NC	TC	CS	CH	GC	BP	TPC	MGC	PC	LM	I
Food truck courts (§ 155.360)	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2

(Add the following paragraph immediately after the use table:)

Mobile food vending is governed by § 155.359; food truck courts and temporary mobile food gatherings are governed by § 155.360. The C2 designation applies only to courts. Those sections control over conflicting requirements of this section, subject to Utah Code Title 11, Chapter 56.

2. § 155.324. Temporary use permits.

(Add the following paragraph at the end of division (A):)

The requirements and exemptions in §§ 155.359 and 155.360 govern mobile food vending, food truck courts, and temporary mobile food gatherings. Section 155.359(F) controls conflicting requirements of this section. Food truck courts, including seasonal courts, shall be reviewed under § 155.360 as ongoing land uses.

Add the following exemptions as divisions (D)(1)(j) and (k):

(j) Mobile food vending allowed under § 155.359 and temporary mobile food gatherings exempt under § 155.360(I)(2). This exemption does not waive approval independently required for another activity or improvement.

(k) Activities expressly included within a food truck court's approved site and operating plan, when conducted within the approved areas, capacity, and operating limits under § 155.360. This exemption does not waive an independently required health, fire, building, alcohol, street-closure, or other approval.

3. § 155.366. Conditional uses.

Add the following sentence at the end of division (A)(2)(b) and at the end of division (C)(1):

For food truck courts, the specific approval and appeal provisions of § 155.360(C)(2) and (H) control.

4. § 155.369. Off-street parking requirements.

Add the following entry to the parking table in division (D)(2):

Use	Required parking
Food truck courts	As provided in § 155.360(E)(4).

[Add the following paragraph immediately after the parking table:]

Sections 155.359(D)(6) and 155.360(E)(4) govern mobile food vending and court parking notwithstanding other standards in this section. Separate principal uses retain their applicable parking requirements.

Attachment B:

Utah Code Ann. § 11-56-102

Current through the 2026 General Session.

Utah Code Annotated > Title 11 Cities, Counties, and Local Taxing Units (Chs. 1 — 72) >
Chapter 56 Mobile Business Licensing and Regulation Act (§§ 11-56-101 · 11-56-106)

11-56-102. Definitions.

As used in this chapter:

(1)

(a) "Enclosed mobile business" means a business that maintains ongoing mobility and of which the receipt of goods or services offered and point of sales occurs within an enclosed vehicle, an enclosed trailer, or an enclosed mobile structure.

(b) An enclosed mobile business's goods or services include those offered in the following industries:

(i) barber;

(ii) beauty and cosmetic, including nail, eyelash, and waxing;

(iii) cycling;

(iv) cell phone;

(v) computer;

(vi) footwear;

(vii) media archive and transfer;

(viii) pet grooming;

(ix) sewing and tailoring;

(x) small engine; and

(xi) tool.

(c) "Enclosed mobile business" does not include a food cart, a food truck, or an ice cream truck.

(2) "Event permit" means a permit that a political subdivision issues to the organizer of a mobile business event located on public property.

(3)

(a) "Food cart" means a cart:

(i) that, except as provided in Subsection (3)(c), is not motorized; and

(ii) that a vendor, standing outside the frame of the cart, uses to prepare, sell, or serve food or beverages for immediate human consumption.

(b) "Food cart" does not include an enclosed mobile business, a food truck, or an ice cream truck.

(c) "Food cart" includes a cart that is pulled by an electric assisted bicycle, as that term is defined in Section 41-6a-102.

(4)

(a) "Food truck" means a fully encased food service establishment:

(i) on a motor vehicle or on a trailer that a motor vehicle pulls to transport; and

(ii) from which a food truck vendor, standing within the frame of the vehicle, prepares, cooks, sells, or serves food or beverages for immediate human consumption.

(b) "Food truck" does not include an enclosed mobile business, a food cart, or an ice cream truck.

(5) "Health department permit" means a document that a local health department issues to authorize a mobile business to operate within the jurisdiction of the local health department.

(6)

(a) "Ice cream truck" means a fully encased food service establishment:

(i) on a motor vehicle or on a trailer that a motor vehicle pulls to transport;

(ii) from which a vendor, from within the frame of the vehicle, serves ice cream;

(iii) that attracts patrons by traveling through a residential area and signaling the truck's presence in the area, including by playing music; and

(iv) that may stop to serve ice cream at the signal of a patron.

(b) "Ice cream truck" does not include an enclosed mobile business, a food cart, or a food truck.

(7) "Local health department" means the same as that term is defined in Section 26A-1-102.

(8) "Mobile business" means an enclosed mobile business, a food cart, a food truck, or an ice cream truck.

(9) "Mobile business event" means an event at which a mobile business has been invited by the event organizer to offer the mobile business's goods or services at a private or public gathering.

(10) "Operator" means a person, including a vendor, who owns, manages, controls, or operates a mobile business.

(11) "Political subdivision" means:

(a) a city or town; or

(b) a county, as it relates to the licensing and regulation of businesses in the unincorporated area of the county.

(12)

(a) “Temporary mass gathering” means:

(i) an actual or reasonably anticipated assembly of 500 or more people that continues, or reasonably can be expected to continue, for two or more hours per day; or

(ii) an event that requires a more extensive review to protect public health and safety because the event’s nature or conditions have the potential of generating environmental or health risks.

(b) “Temporary mass gathering” does not include an assembly of people at a location with permanent facilities designed for that specific assembly, unless the assembly is a temporary mass gathering described in Subsection (15)(a)(i).

History

2017 ch. 165, § 2; recompiled from § 11-55-102, effective May 9, 2017; 2019 ch. 260, § 1, effective May 14, 2019; 2022 ch. 306, § 2, effective May 4, 2022; 2023 ch. 450, § 1, effective May 3, 2023; 2024 ch. 438, § 36, effective May 1, 2024; 2025 ch. 78, § 1, effective May 7, 2025.

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Attachment C:

Utah Code Ann. § 11-56-103

Current through the 2026 General Session.

Utah Code Annotated > Title 11 Cities, Counties, and Local Taxing Units (Chs. 1 — 72) > Chapter 56 Mobile Business Licensing and Regulation Act (§§ 11-56-101 · 11-56-106)

11-56-103. Licensing — Reciprocity — Fees.

(1)

(a) Subject to the provisions of this chapter, a political subdivision may require a mobile business to obtain a business license if the mobile business does not hold a current business license in good standing from another political subdivision in the state.

(b) A political subdivision may only charge a licensing fee to a mobile business in an amount that reimburses the political subdivision for the actual cost of processing the business license.

(2) A political subdivision may not:

(a) require a mobile business to:

(i) obtain a separate business license beyond the initial business license described in Subsection (1)(a);

(ii) pay a fee other than the fee for the initial business license described in Subsection (1); or

(iii) pay a fee for each employee the mobile business employs;

(b) as a condition of a mobile business obtaining a business license under Subsection (1):

(i) require an operator to submit to or offer evidence of a criminal background check, except as provided in Subsection (5); or

(ii) require a mobile business or its operator to demonstrate how the mobile business will comply with a land use or zoning ordinance at the time the mobile business applies for the business license; or

(c) regulate or restrict the size of a mobile business.

(3)

(a) A political subdivision shall recognize as valid within the political subdivision the business license of a mobile business obtained in another political subdivision within the state, if the business license is current and in good standing.

(b) Notwithstanding Subsection (3)(a), a political subdivision is not required to recognize as valid the business license issued by another political subdivision within the state if:

(i)

(A) the mobile business does not have a current health department permit from a local health department within the state; and

(B) the nature of the mobile business requires that the mobile business have a health department permit in order to operate; or

(ii)

(A) the mobile business does not have current evidence of passing a fire safety inspection, conducted by another political subdivision within the state in accordance with Subsection 11-56-104(3)(a); and

(B) the nature of the mobile business requires that the mobile business pass a fire safety inspection in order to operate.

(4) Nothing in this section prevents a political subdivision from:

(a) requiring a mobile business to comply with local zoning and land use regulations to the extent that the regulations do not conflict with this chapter;

(b) promulgating local ordinances and regulations consistent with this section that address how and where a food truck or enclosed mobile business truck may operate within the political subdivision;

(c) requiring a mobile business to obtain an event permit in accordance with Section 11-56-105; or

(d) if the nature of the mobile business requires the mobile business to have a business license, health department permit, or fire safety inspection, requiring the mobile business to keep a copy of the following in each mobile business that is in operation and engaging in transactions:

(i) a valid business license, whether issued by the political subdivision or another political subdivision;

(ii) a valid health department permit, as described in Section 11-56-104, whether issued by a local health department or another health department; or

(iii) evidence of passing a fire safety inspection, as described in Section 11-56-104, whether conducted by the political subdivision or another political subdivision.

(5) As a condition of obtaining and maintaining in good standing an initial business license as described in Subsection (1)(a), a political subdivision may require a food truck business that operates one or more ice cream trucks to submit to or offer evidence of an annual criminal background check for each employee of the food truck business that operates or will operate an ice cream truck.

History

2017 ch. 165, § 3; recompiled from § 11-55-103, effective May 9, 2017; 2018 ch. 172, § 1, effective May 8, 2018; 2019 ch. 260, § 2, effective May 14, 2019; 2022 ch. 306, § 3, effective May 4, 2022; 2023 ch. 450, § 2, effective May 3, 2023.

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Attachment D:

Utah Code Ann. § 11-56-104

Current through the 2026 General Session.

***Utah Code Annotated* > *Title 11 Cities, Counties, and Local Taxing Units (Chs. 1 — 72)* >** Chapter 56 Mobile Business Licensing and Regulation Act (§§ 11-56-101 · 11-56-106)

11-56-104. Safety and health inspections and permits — Fees.

(1)

(a)

(i) A food truck business shall obtain, for each food truck that the business operates, an annual health department permit from the local health department that has jurisdiction over the area in which the majority of the food truck's operations occur.

(ii) Subject to Subsection (4)(a), a mobile business is not subject to a local health department's regulations or permit requirements, unless the local health department has authority to regulate the activities or services provided by the mobile business through regulation or permit.

(b) A local health department shall recognize as valid a health department permit that has been issued by another local health department within the state.

(2) A local health department may only charge a fee for a health department permit in an amount that reimburses the local health department for the cost of regulating the mobile business.

(3)

(a) A political subdivision inspecting a mobile business for fire safety shall conduct the inspection based on the criteria that the Utah Fire Prevention Board, created in Section 53-7-203, establishes in accordance with Section 53-7-204.

(b)

(i) A political subdivision shall recognize as valid within the political subdivision's jurisdiction an approval from another political subdivision within the state that shows that the mobile business passed a fire safety inspection that the other political subdivision conducted.

(ii) A political subdivision may not require that a mobile business pass a fire safety inspection in a given calendar year if the mobile business presents to the political subdivision an approval described in Subsection (3)(b)(i) issued during the same calendar year.

(4)

(a) Nothing in this section prevents a local health department from requiring a mobile business to obtain an event permit, in accordance with Section 11-56-105.

(b) Nothing in this section prevents a political subdivision from revoking the political subdivision's approval:

(i) described in Subsection (1)(b), if the mobile business fails a health inspection by a local health department; or

(ii) described in Subsection (3)(b)(i), if the mobile business does not pass a fire safety inspection described in Subsection (3)(a).

(c) For each mobile business that fails a health inspection as described in Subsection (4)(b)(i), a local health department may charge and collect a fee from the mobile business for that health inspection.

History

2017 ch. 165, § 4; recompiled from § 11-55-104, effective May 9, 2017; 2019 ch. 260, § 3, effective May 14, 2019; 2022 ch. 306, § 4, effective May 4, 2022; 2023 ch. 450, § 3, effective May 3, 2023.

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Attachment E:

Utah Code Ann. § 11-56-105

Current through the 2026 General Session.

Utah Code Annotated **>** ***Title 11 Cities, Counties, and Local Taxing Units (Chs. 1 — 72)*** **>**
Chapter 56 Mobile Business Licensing and Regulation Act (§§ 11-56-101 · 11-56-106)

11-56-105. Mobile business events.

(1) Subject to Subsection (4), a political subdivision may not require a mobile business to pay any fee or obtain from the political subdivision any permit to operate the mobile business at a mobile business event that takes place on private property within the political subdivision, regardless of whether the event is open or closed to the public.

(2) If a mobile business has a business license from any political subdivision within the state, a political subdivision may not require the mobile business to pay a fee or obtain from the political subdivision an additional business license or permit to operate at an event that:

(a) takes place on private property within the political subdivision; and

(b) is not open to the public.

(3) If a political subdivision requires an event permit for a mobile business event, the organizer of the mobile business event may obtain the event permit on behalf of the mobile businesses that service the event.

(4)

(a) Nothing in this section prohibits a county health department from requiring a permit for a temporary mass gathering.

(b)

(i) A mobile business operating at a temporary mass gathering that occurs over multiple days may operate in a stationary manner for the duration of the temporary mass gathering, not to exceed five consecutive days, without moving or changing location if the mobile business maintains sanitary conditions and operates in compliance with the permitting requirements and regulations imposed on other similar vendors at the temporary mass gathering.

(ii) A county health department may not impose a requirement on a mobile business described in Subsection (4)(b)(i) that the county health department does not impose on other similar vendors operating at the temporary mass gathering.

History

2017 ch. 165, § 5; recompiled from § 11-55-105, effective May 9, 2017; 2019 ch. 260, § 4, effective May 14, 2019; 2023 ch. 450, § 4, effective May 3, 2023.

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Attachment F:

Utah Code Ann. § 11-56-106

Current through the 2026 General Session.

***Utah Code Annotated* > *Title 11 Cities, Counties, and Local Taxing Units (Chs. 1 — 72)* >** Chapter 56 Mobile Business Licensing and Regulation Act (§§ 11-56-101 · 11-56-106)

11-56-106. Mobile business operation.

(1) A Except as provided in Subsection (2), a political subdivision may not:

(a) entirely or constructively prohibit mobile businesses in a zone in which a food establishment is a permitted or conditional use;

(b) prohibit the operation of a food truck within a given distance of a restaurant;

(c) restrict the total number of days a mobile business may operate within the political subdivision during a calendar year;

(d) require a mobile business to:

(i) provide to the political subdivision:

(A) a site plan for each location in which a mobile business operates in the public right of way, if the political subdivision permits mobile businesses in the public right of way; or

(B) the date, time, or duration that a mobile business will operate within the political subdivision; or

(ii) obtain and pay for a land use permit for each location and time during which a mobile business operates; or

(e) if a mobile business has the consent of a private property owner to operate on the private property:

(i) limit the number of days the mobile business may operate on the private property;

(ii) require that the mobile business provide to the political subdivision or keep on file in the mobile business the private property owner's written consent; or

(iii) require a site plan for the operation of the mobile business on the private property where the mobile business operates in the same location for less than 10 hours per week.

(2) A political subdivision may prohibit a mobile business on a street or the sidewalk abutting a street that is temporarily closed by the political subdivision for a temporary mass gathering or other special event.

History

2017 ch. 165, § 6; recompiled from § 11-55-106, effective May 9, 2017; 2018 ch. 172, § 2, effective May 8, 2018; 2019 ch. 260, § 5, effective May 14, 2019; 2023 ch. 450, § 5, effective May 3, 2023; 2026 ch. 432, § 1, effective May 6, 2026.

Utah Code Annotated
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End of Document

MORGAN COUNTY
PLANNING & DEVELOPMENT

COUNTY COMMISSION
STAFF REPORT
Small Subdivision
October 22, 2026

Hales Small Subdivision
October 22, 2026
Public Meeting
File #26.022

Applicant/Owner:	Christopher Hales
Project Location:	406 W. Richville Lane
Parcel Numbers:	00-0094-0181, 00-0094-0182
Serial Numbers:	01-003-124-02-3, 01-003-124-02-4
Current Zoning:	Rural Residential, one-acre minimum (RR-1)
Acreage:	8.134 (6.384 acres, proposed Lot 1; 1.750 acres, proposed Lot 2)

REQUEST:
Request for preliminary and final plat approval of a single-family subdivision of two single family lots.

STAFF RECOMMENDATION:
County Staff has reviewed the plans for the Hales Small Subdivision and recommends approval of the preliminary plat and the final plat based on the following findings and with the conditions listed below:

Findings:

1. The nature of the subdivision is in conformance with the current and future land uses of the area.
2. The proposal complies with the Morgan County 2010 General Plan, and the zoning regulations of the RR-1 zone.
3. This proposal is not detrimental to the health, safety, and welfare of the public.

Conditions:

1. 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 requisite infrastructure, including roadways, etc. as part of the final plat approval.

PROJECT DESCRIPTION:

Proposal Details

This request is for a two-lot preliminary and final subdivision plat located in the northeast and southeast quarters of Section 11, Township 3 North, Range 2 East, Salt Lake Base and Meridian. The parcel being subdivided spans a total of 8.134 acres; proposed Lot 1 is 6.384 acres and proposed Lot 2 is 1.750 acres. Each lot will be serviced by individual wells and septic fields. Will serve letters have been received from Enbridge Gas, Rocky Mountain Power, and the Weber/Morgan Health Department (for wells). The property is located along Richville Lane in the Richville area in unincorporated Morgan County.

DISCUSSION:

A SMALL SUBDIVISION shall be defined as a subdivision of ten lots or fewer from a parcel which meets the following criteria:

(A) The parcel proposed to be subdivided currently has the zoning designation required for the minimum lot sizes proposed;

(B) Where required by this chapter, all lots shall have acceptable access to a public street, either by direct frontage or through access by an approved private street. Public and private street standards must meet standard county cross-sections and adopted specifications and the requirements of this chapter;

(C) Each lot within the proposed subdivision must meet the frontage, width and area requirements of the zone district in which it is to be located; and

(D) The proposed lots are not part of an existing, platted, recorded subdivision. (§ 155.436)

In the case of small subdivisions, the Planning Commission shall have the ability to approve, approve with conditions or deny a small subdivision in accordance with the regulations outlined in this subchapter. Alternatively, the Planning Commission may direct that the application follows the standard procedures for subdivision approval, as provided elsewhere in this subchapter. The applicant may appeal the decision of the Planning Commission to the County Commission as outlined elsewhere in this subchapter. (§ 155.437)

§ 155.440 REVIEW BY THE PLANNING COMMISSION OF SMALL SUBDIVISIONS.

(A) Once comment has been received from all notified government departments, agencies and property owners, the county's Planning and Development Services Department shall review the submitted small subdivision application and check compliance with relevant requirements of the county's General Plan, Land Use Management Code and other appropriate regulations, and shall present a staff report to the Planning Commission. Based on this staff report, the Planning Commission shall make findings regarding the submitted small subdivision plan, specifying the approval, approval with conditions or denial of the subdivision, or specifying any inadequacy in the information submitted, noncompliance with county regulations, questionable or undesirable design and/or engineering. The Planning Commission may also make a determination that the small subdivision is required to proceed through the normal subdivision process. The Zoning Administrator shall prepare a notice of decision and deliver it to the applicant within a reasonable period following the review, outlining the decision of the Planning Commission, including any findings and/or conditions of approval.

(B) The Planning Commission shall take the following into account when determining whether the application will require standard subdivision review:

(1) The size of the proposed development;

(2) Whether the subdivision lies within the Sensitive Area District or geologic hazard study area;

(3) Compliance with county ordinances and relevant sections of the county's General Plan;

(4) Requests for exceptions or modifications;

(5) Compatibility with surrounding properties; and

(6) Whether the proposal is routine and uncontested.

(C) The Planning Commission may require additional information, data or studies to be provided by the applicant for the subdivision before any determination is made as to the acceptability of the proposed subdivision.

(D) The Planning Commission may, after review of the plan and comment from other departments and agencies, direct the applicant to follow the standard procedures required for subdivision, as described in this subchapter.

(E) The applicant may appeal any decision of the Planning Commission to the County Commission within 14 days of the notice of decision. The appeal must be submitted in writing to the county's Planning and Development Services Department. The County Commission shall then, during a public meeting, review the record of the decision and determine if the Planning Commission's decision was in accordance with this chapter. If the Planning Commission's decision is found to not be in accordance with this chapter, the application shall be remanded, with comment regarding the County Commission's action, to the Planning Commission for additional review.

(F) The Zoning Administrator shall provide notification of any final decision regarding a small subdivision to the Planning Commission and the County Commission.

The preliminary plat requirements come from Morgan County's Land Use Management Code, Title 15, Chapter 155, Sections 405-407. Staff has reviewed the requirements and procedures for a preliminary plat and have found that the application request meets the standards.

> ***§ 155.405 PRELIMINARY PLAT; PURPOSE.***
> *The purpose of the preliminary plat is to require formal preliminary approval of a subdivision as provided herein in order to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary plat and all information and procedures relating thereto, shall in all respects, be in compliance with the provisions of this chapter and any other applicable county ordinances.*
>
> *(Prior Code, § 8-12-22) (Ord. 10-16, passed 12-14-2010; Ord. 19-09, passed 10-15-2019)*

> ***§ 155.409 REVIEW OF PRELIMINARY PLAT.***
> *(A) The Planning Commission shall review the submitted preliminary plat and determine compliance with the standards and criteria set forth in this chapter and all other ordinances of the county, including, but not limited to, the Land Use Management Code, General Plan, master street plan, road and bridge standards and applicable Building Codes. Courtesy notice of the public meeting at which the Planning Commission reviews the proposed preliminary plat shall be provided in accordance with § 155.395 of this code. The Planning Commission shall make findings specifying any inadequacy in the application, noncompliance with county regulations, design and construction standards and/or engineering and the need for any additional information which may assist the Planning Commission to evaluate the preliminary plat. The Planning Commission may review all relevant information pertaining to the proposed development including, but not limited to, the following: Fire protection; sufficient supply of culinary and secondary water to the proposed subdivision; sanitary sewer and septic service; traffic considerations and the potential for flooding; and the like. The Planning Commission shall submit its findings and recommendations regarding approval or disapproval of the preliminary plat to the County Commission for review and decision.*

(B) The County Commission shall review the findings and recommendations by the Planning Commission for the proposed preliminary plat. The County Commission may make any modifications to the proposed preliminary plat that it considers appropriate, and which are in accordance with this chapter.
(C) Granting of preliminary plat approval by the County Commission shall not constitute a final acceptance of the subdivision by the County Commission. Approval of the preliminary plat shall not relieve the subdivider of the responsibility to comply with all required conditions and ordinances and to provide the improvements and easements necessary to meet all county standards and requirements.
(D) Preliminary plat approval must be granted by the county prior to the application for final plat approval except as provided in subchapter 155.550 et seq.

(Prior Code, § 8-12-26) (Ord. 10-16, passed 12-14-2010; Ord. 19-09, passed 10-15-2019; Ord. 24-16, passed 7-16-2024)

The final plat requirements come from Morgan County's Land Use Management Code, Title 15, Chapter 155, Sections 412-424. Staff has reviewed the requirements and procedures for a final plat and have found that the application request meets the standards.

ANALYSIS OF STANDARDS

§ 155.407: PRELIMINARY PLAT SUBMITTAL: *The preliminary plat shall be prepared, stamped and signed by a professional engineer or professional land surveyor licensed by the state of Utah. The preliminary plat submittal shall include at least the following information:*			
A	**Vicinity Map** **1. Drawn at a maximum scale of one thousand feet (1,000') to the inch.** **2. Show all existing and proposed roadways in the vicinity of the proposed development.** **3. A north arrow.** **4. The nearest section corner tie.** **5. Subdivision name.**	**Complies**	
B	**Certified boundary survey of the subject property, which meets state of Utah requirements, which also depicts all easements identified by the title report.**	**Complies**	
C	**Preliminary plat (all facilities within 200 feet of the plat shall be shown):** **1. Drawn at a scale not smaller than one hundred feet (100') to the inch.** **2. A north arrow.** **3. Subdivision name.** **4. The layout and names and widths of existing and future road rights of way.** **5. A tie to a permanent survey monument at a section corner.** **6. The boundary lines of the subdivision with bearings and distances.** **7. The layout and dimensions of proposed lots with lot areas in square feet.** **8. The location and dimensions and labeling of other spaces including open spaces, parks, trails, or public spaces.** **9. The location of manmade features including bridges, railroad tracks, fences, ditches, and buildings.**	**Complies**	

	10. Topography at two foot (2') intervals. One foot (1') contours may be required by the county engineer in particularly flat areas. **11. Location and ownership of all adjoining tracts of land.** **12. Proposed subdivision phasing plan and relationship to existing phases of development. (Ord. 10-16, 12-14-2010)**		
D	**Grading and drainage plan (may be combined with plat sheet, if approved by the county engineer):** **1. Plan drawn to a scale not smaller than one hundred feet (100') to the inch, showing the road and lot layout.** **2. Topography at two foot (2') contour intervals.** **3. North arrow.** **4. Subdivision name.** **5. Areas of substantial earthmoving.** **6. Location of existing watercourses, canals, ditches, springs, wells, culverts, and storm drains.** **7. Location of any 100-year floodplain as designated by the federal emergency management agency (FEMA).** **8. A storm drainage plan showing water flow directions, inlets, outlets, catch basins, waterways, culverts, detention basins, outlets to offsite facilities, and off site drainage facilities planned to accommodate the project drainage.** **9. Show any existing wetlands.** **10. Slope analysis which depicts all slopes greater than fifteen percent (15%) and greater than twenty five percent (25%) with distinct notation. (Ord. 12-09, 9-18-2012)**	**Complies**	
E	**Utility plan (may be combined with plat sheet, if approved by the county engineer):** **1. Plan drawn to a scale not smaller than one hundred feet (100') to the inch, showing the road and lot layout.** **2. North arrow.** **3. Subdivision name.** **4. Show all existing and proposed utilities including: sewer, culinary water, well locations with secondary water, fire hydrants, storm drains, subsurface drains, gas lines, power lines, and streetlights, television and telecommunications.** **5. Show location and dimensions of all utility easements.**	**Complies**	
F	**The subdivider shall provide the following documents with the application:** **1. Three (3) copies of a geotechnical soils report.** **2. A traffic report when required by the planning commission or county engineer.** **3. Preliminary title report, which specifically references the boundary survey and exactly matches the legal description of the outside boundary of the subdivision.** **4. A Will Serve Letter from all utility companies or providers that states:** **a. That their system has capacity to serve the proposed development, documentation of such available capacity and specifying the amount of such capacity that will be utilized for the proposed project.** **b. Any conditions of required improvements before they can serve the subdivision** **5. Any necessary agreements with adjacent property owners regarding storm drainage or other matters pertinent to subdivision approval.**	**Complies**	

	6. **Maintenance agreements for subsurface drains serving the subdivision, if they are proposed or exist.** 7. **An agricultural impact analysis, on subdivisions which are contiguous to an adopted agricultural preservation area, or which contain an agricultural open space conservation easement within the plat.** 8. **Written verification of all proposed water sources. For all proposed water sources, provide approval letters from the Weber-Morgan County health department and proof of all water rights, including quantities (water rights certificates, etc.), for each well and water source to be utilized for the development.** 9. **The developer shall submit all information concerning site geology, area hydrogeology, site topography, soil types and the proven wet water by the drilling of at least one test well from within the described subdivision boundary, as determined by a geotechnical engineer, licensed in the state of Utah. Well logs shall be submitted to the county identifying the depth and yield of the well. Information submitted must verify that the source is consistently available to supply eight hundred (800) gallons per day (gpd) per equivalent residential connection (ERC) at a minimum flow rate of 0.55 gallons per minute (gpm). Water for irrigation supplies shall be verified to provide three (3) gpm per irrigated acre. If the proposal is being served by an existing water utility company, these requirements do not apply.** 10. **Verification of approval from the Weber-Morgan County health department regarding the proposed location of all septic systems and water source protection areas.**		
G	**When the subdivision is located within the sensitive area district or geologic hazards special study area, required reports and documents are to be submitted in accordance with the provisions of this title.**	**Complies**	
H	**The subdivider shall comply with all applicable federal, state, and local laws and regulations, and shall provide evidence of such compliance if requested by the county.**	**Complies**	
I	**Copy of proposed protective covenants in all cases where subsurface drains or other common area maintenance proposals are to serve any portion of the subdivision.**	**Complies**	
J	**Electronic copies of all preliminary plat drawings in AutoCAD (DWG) format.**	**Complies**	
K	**Tabulations showing the total number of lots or buildings sites, and the percentage of land in roads, lots, and open space.**	**Complies**	
L	**Any additional submittal requirements required for or by master planned development reserves, specific development agreements, or requirements and conditions of other applicable ordinances or previous approvals. (Ord. 10-16, 12-14-2010)**	**Complies**	

Standards		Findings	Rationale
Ordinance Evaluation. Morgan County Code, Chapter 8, Section 12-29 states the following: *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)*			
155.414: OTHER REQUIRED INFORMATION: *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 drainage information required by the county engineer in order to demonstrate mitigation of potential harmful impact.* *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)*			
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 (11/2") 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.**	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.

	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.		
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**	Complies	

	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.**		
N	**The final plat shall contain the name, stamp and signature of a professional land surveyor, together with the date of the survey, the scale of the map and number of sheets. The following certificates, acknowledgements and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate:** **1. Professional land surveyor's "certificate of survey".** **2. Owner's dedication certificate in the following form:** *OWNERS DEDICATION* *Know all men by these presents that we, the undersigned owner(s) of the above described tract of land, having caused said tract to be subdivided into lots and streets to be hereafter known as Subdivision do hereby dedicate for perpetual use of the public all parcels of land, other utilities, or easements shown on this plat as intended for public use. In witness whereof, we have hereunto set out hands this day of, 20 .* *(Add appropriate acknowledgments)* **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**	Complies	

	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:** *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.* **(Ord. 10-16, 12-14-2010)**	Complies	

SLOPES AND SOILS

Slope gradients on the site are shallow. The County Geologist has granted that the property owner can sign a Geohazard Waiver.

DEPARTMENT COMMENTS/RECOMMENDED MOTIONS

Public Works: No comments

Fire/EMS Services: Morgan County Fire Department has approved

Engineer: Comments have been received and are addressed

Surveyor: Comments have been received and are addressed

Recorder: Comments have been received and are addressed

Recommended Motions

Motion for *Approval* – "I move we approve the Hales Small Subdivision, application #26.022, allowing for a two-lot subdivision of land located at approximately 406 W. Richville Lane in the Richville area in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report dated October 22, 2026."

Motion for *Approval* with *Conditions* – "I move we approve the Hales Small Subdivision, application #26.022, allowing for a two-lot subdivision of land located at approximately 406 W. Richville Lane in the Richville area in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report dated October 22, 2026, and the following conditions:"

1. *List any additional findings and conditions…*

Motion for *Denial* – "I move we deny the Hales Small Subdivision, application #26.022, allowing for a two-lot subdivision of land located at approximately 406 W. Richville Lane in the Richville area in unincorporated Morgan County, *due to the following findings:"*

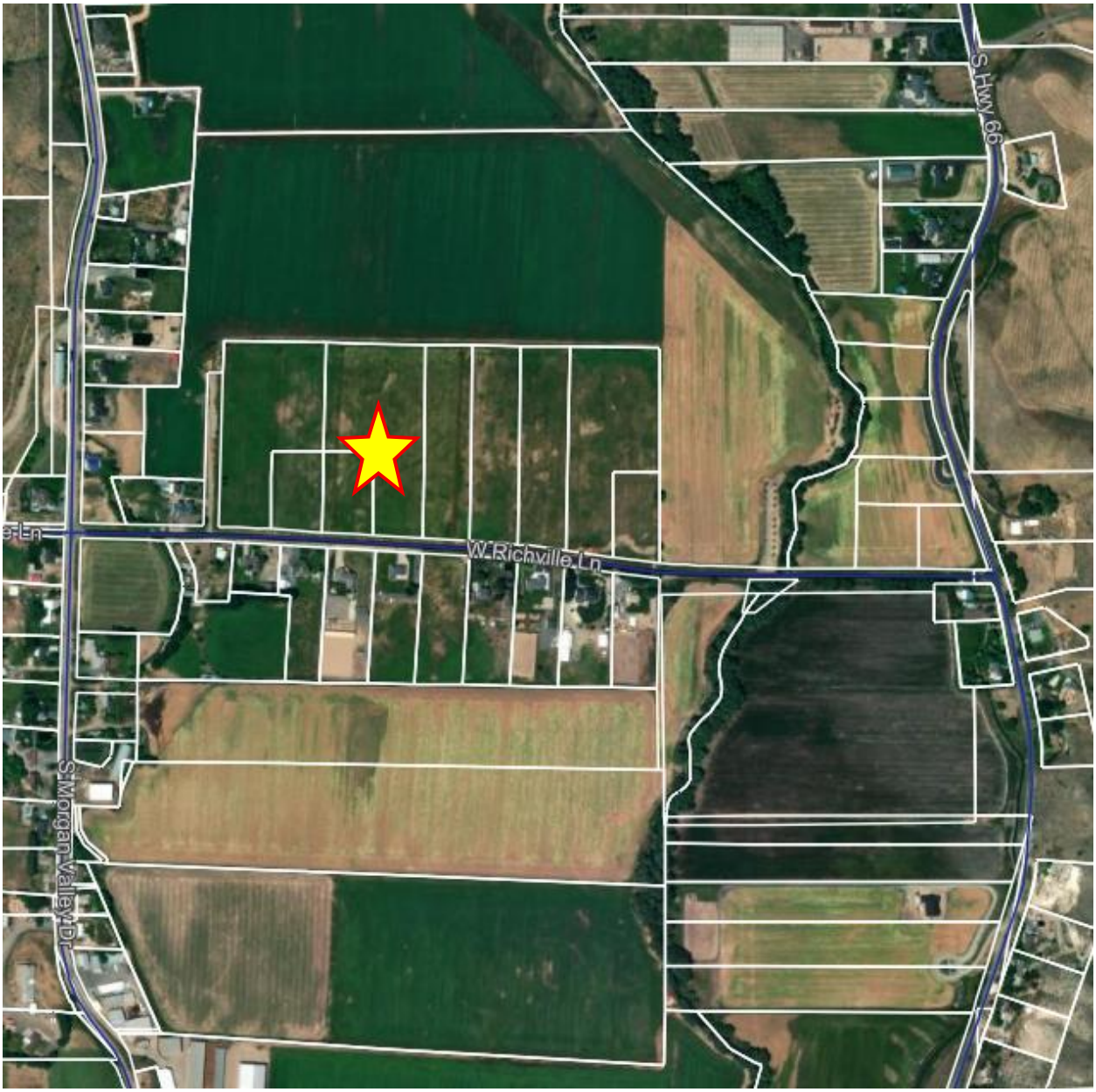
Attachments:

Attachment A: Aerial Vicinity Map

Attachment B: Proposed Preliminary Plat

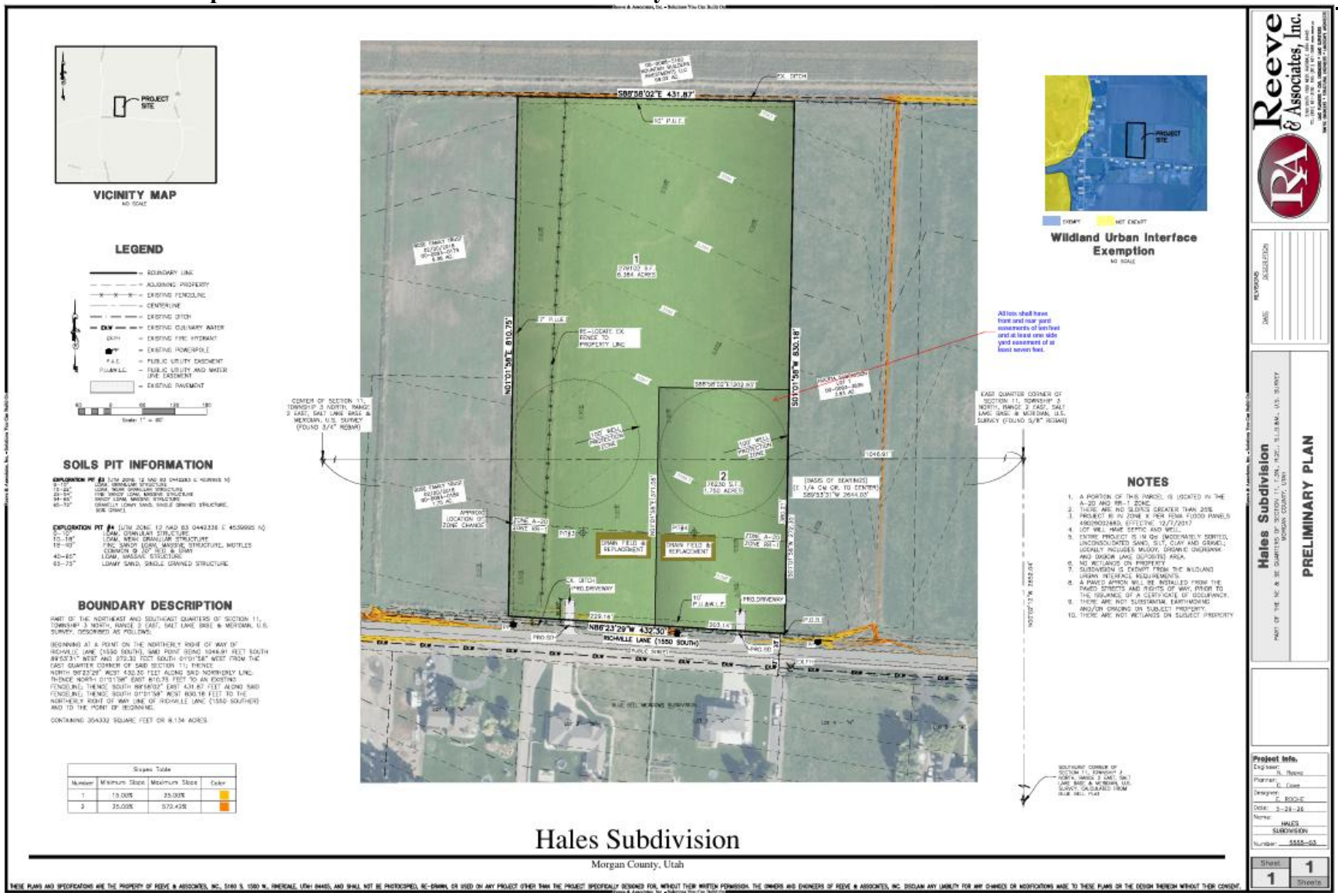
Attachment C: Proposed Final Plat

Attachment A: Aerial Vicinity Map

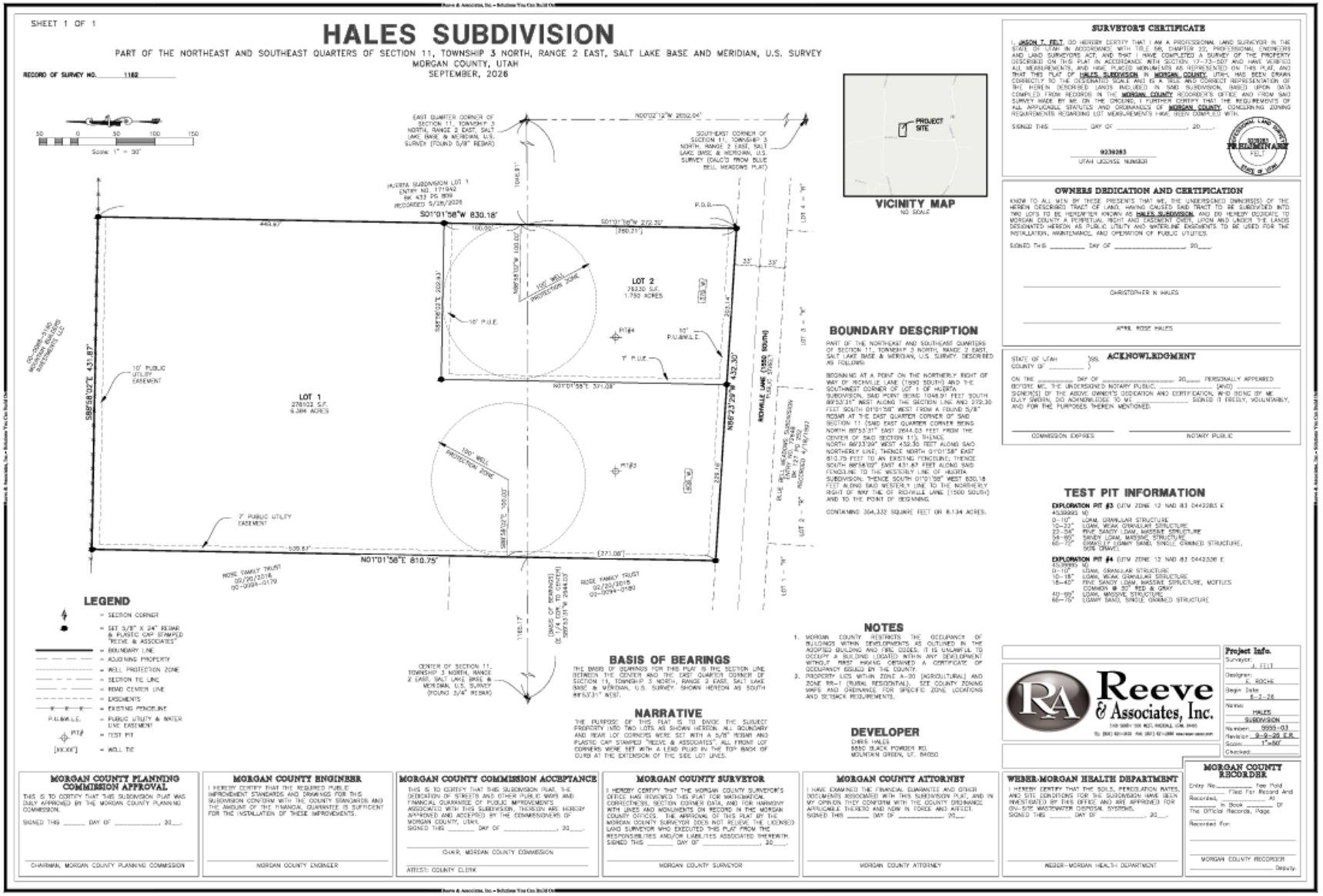


[Click here to view enlarged Preliminary Plat.pdf]

Attachment B: Proposed Hales Small Subdivision Preliminary Plat



Attachment C: Proposed Hales Small Subdivision Final Plat



MORGAN COUNTY
PLANNING & DEVELOPMENT

COUNTY COMMISSION
STAFF REPORT
Small Subdivision
October 22, 2026

Wasatch Peaks Ranch Outside the Gate Subdivision
October 22, 2026
Public Meeting
File #26.020

Applicant/Owner:	Wasatch Peaks Ranch, LLC/Brian Nestoroff
Project Location:	Approx. 4139 N. Wasatch Peaks Rd
Parcel Number:	00-0095-0043
Serial Number:	12-004-008-02
Current Zoning:	Resort Special District w/ Development Agreement
Acreage:	329.1 acres overall parcel; 10.18 acres subdivision

REQUEST:
Request for preliminary and final plat approval of a single-family subdivision of two single family lots.

STAFF RECOMMENDATION:
County Staff has reviewed the plans for the Wasatch Peaks Ranch Outside the Gate Small Subdivision and recommends approval of the preliminary and final plat based on the following findings and with the conditions listed below:

Findings:

1. The nature of the subdivision is in conformance with the current and future land uses of the area.
2. The proposal complies with the Morgan County 2010 General Plan, zoning regulations, and WPR Development Agreements.
3. This proposal is not detrimental to the health, safety, and welfare of the public.

Conditions:

1. 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 requisite infrastructure, including roadways, etc. as part of the final plat approval.

PROJECT DESCRIPTION:

Proposal Details

This request is for a two-lot preliminary and final subdivision plat located in the northwest quarter of Section 1 and the northeast quarter of Section 2, Township 4 North, Range 1 East, Salt Lake Base and Meridian. Each lot will consist of a building activity envelope (BAE) with setbacks and frontage requirements in accord with the development agreements. All improvements and disturbances will be required to stay within the BAE (Building Activity Envelope). Each lot will be accessed by a driveway from an access and utility easement that is accessed off Wasatch Peaks Road. The parcel being subdivided spans a total of 329 acres; the Outside the Gate subdivision includes 10.18 acres. Lot 1 includes 3.911 acres of open space. Lot 2 includes 4.008 acres of open space. Lot 1 includes 4.92 acres; Lot 2 includes 5.26 acres. The property is located west

of the Peterson area in unincorporated Morgan County, and more particularly, just down the hill from the security gate into the Wasatch Peaks Ranch resort.

The developer has constructed a private road system and emergency access that connects with North Morgan Valley Drive east of the subdivision. Secondary access is proposed at the north end of Wasatch Peaks Ranch. Sewer and water utilities will be privately owned and maintained by the Wasatch Peaks Ranch Utility District (WPRUD). Road and fire protection services will be provided by the Wasatch Peaks Ranch Road & Fire District (The WPR-RFD). A WPRUD will serve letter is provided.

DISCUSSION:

The Wasatch Peaks Ranch Development Agreement (DA) for this property was approved on October 30, 2019, by the Morgan County Council. The approved development agreement allows a total of 750 residential units. This final plan is consistent with the uses and layout as required by the DA and the applicable MCC Subdivision Standards. All future building permits, if approved and platted, will be subject to the Design Review Board that is sponsored by Wasatch Peaks Ranch, LLC.

A SMALL SUBDIVISION shall be defined as a subdivision of ten lots or fewer from a parcel which meets the following criteria:

(A) The parcel proposed to be subdivided currently has the zoning designation required for the minimum lot sizes proposed;

(B) Where required by this chapter, all lots shall have acceptable access to a public street, either by direct frontage or through access by an approved private street. Public and private street standards must meet standard county cross-sections and adopted specifications and the requirements of this chapter;

(C) Each lot within the proposed subdivision must meet the frontage, width and area requirements of the zone district in which it is to be located; and

(D) The proposed lots are not part of an existing, platted, recorded subdivision. (§ 155.436)

In the case of small subdivisions, the Planning Commission shall have the ability to approve, approve with conditions or deny a small subdivision in accordance with the regulations outlined in this subchapter. Alternatively, the Planning Commission may direct that the application follows the standard procedures for subdivision approval, as provided elsewhere in this subchapter. The applicant may appeal the decision of the Planning Commission to the County Commission as outlined elsewhere in this subchapter. (§ 155.437)

§ 155.440 REVIEW BY THE PLANNING COMMISSION OF SMALL SUBDIVISIONS.

(A) Once comment has been received from all notified government departments, agencies and property owners, the county's Planning and Development Services Department shall review the submitted small subdivision application and check compliance with relevant requirements of the county's General Plan, Land Use Management Code and other appropriate regulations, and shall present a staff report to the Planning Commission. Based on this staff report, the Planning Commission shall make findings regarding the submitted small subdivision plan, specifying the approval, approval with conditions or denial of the subdivision, or specifying any inadequacy in the information submitted, noncompliance with county regulations, questionable or undesirable

design and/or engineering. The Planning Commission may also make a determination that the small subdivision is required to proceed through the normal subdivision process. The Zoning Administrator shall prepare a notice of decision and deliver it to the applicant within a reasonable period following the review, outlining the decision of the Planning Commission, including any findings and/or conditions of approval.

(B) The Planning Commission shall take the following into account when determining whether the application will require standard subdivision review:

(1) The size of the proposed development;

(2) Whether the subdivision lies within the Sensitive Area District or geologic hazard study area;

(3) Compliance with county ordinances and relevant sections of the county's General Plan;

(4) Requests for exceptions or modifications;

(5) Compatibility with surrounding properties; and

(6) Whether the proposal is routine and uncontested.

(C) The Planning Commission may require additional information, data or studies to be provided by the applicant for the subdivision before any determination is made as to the acceptability of the proposed subdivision.

(D) The Planning Commission may, after review of the plan and comment from other departments and agencies, direct the applicant to follow the standard procedures required for subdivision, as described in this subchapter.

(E) The applicant may appeal any decision of the Planning Commission to the County Commission within 14 days of the notice of decision. The appeal must be submitted in writing to the county's Planning and Development Services Department. The County Commission shall then, during a public meeting, review the record of the decision and determine if the Planning Commission's decision was in accordance with this chapter. If the Planning Commission's decision is found to not be in accordance with this chapter, the application shall be remanded, with comment regarding the County Commission's action, to the Planning Commission for additional review.

(F) The Zoning Administrator shall provide notification of any final decision regarding a small subdivision to the Planning Commission and the County Commission.

The preliminary plat requirements come from Morgan County's Land Use Management Code, Title 15, Chapter 155, Sections 405-407. Staff has reviewed the requirements and procedures for a preliminary plat and have found that the application request meets the standards.

> ***§ 155.405 PRELIMINARY PLAT; PURPOSE.***
> *The purpose of the preliminary plat is to require formal preliminary approval of a subdivision as provided herein in order to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary plat and all information and procedures relating thereto, shall in all respects, be in compliance with the provisions of this chapter and any other applicable county ordinances.*
>
> *(Prior Code, § 8-12-22) (Ord. 10-16, passed 12-14-2010; Ord. 19-09, passed 10-15-2019)*

§ 155.409 REVIEW OF PRELIMINARY PLAT.

(A) The Planning Commission shall review the submitted preliminary plat and determine compliance with the standards and criteria set forth in this chapter and all other ordinances of the county, including, but not limited to, the Land Use Management Code, General Plan, master street plan, road and bridge standards and applicable Building Codes. Courtesy notice of the public meeting at which the Planning Commission reviews the proposed preliminary plat shall be provided in accordance with § 155.395 of this code. The Planning Commission shall make findings specifying any inadequacy in the application, noncompliance with county regulations, design and construction standards and/or engineering and the need for any additional information which may assist the Planning Commission to evaluate the preliminary plat. The Planning Commission may review all relevant information pertaining to the proposed development including, but not limited to, the following: Fire protection; sufficient supply of culinary and secondary water to the proposed subdivision; sanitary sewer and septic service; traffic considerations and the potential for flooding; and the like. The Planning Commission shall submit its findings and recommendations regarding approval or disapproval of the preliminary plat to the County Commission for review and decision.

(B) The County Commission shall review the findings and recommendations by the Planning Commission for the proposed preliminary plat. The County Commission may make any modifications to the proposed preliminary plat that it considers appropriate, and which are in accordance with this chapter.

(C) Granting of preliminary plat approval by the County Commission shall not constitute a final acceptance of the subdivision by the County Commission. Approval of the preliminary plat shall not relieve the subdivider of the responsibility to comply with all required conditions and ordinances and to provide the improvements and easements necessary to meet all county standards and requirements.

(D) Preliminary plat approval must be granted by the county prior to the application for final plat approval except as provided in subchapter 155.550 et seq.

(Prior Code, § 8-12-26) (Ord. 10-16, passed 12-14-2010; Ord. 19-09, passed 10-15-2019; Ord. 24-16, passed 7-16-2024)

The final plat requirements come from Morgan County's Land Use Management Code, Title 15, Chapter 155, Sections 412-424. Staff has reviewed the requirements and procedures for a final plat and have found that the application request meets the standards.

ANALYSIS OF STANDARDS

Ordinance Evaluation. Morgan County Code § 155.447 states the following:

Prior to the County Council's approval of a petition or proposal to amend a subdivision plat, the petitioner or sponsor shall deliver to the County a preliminary plat map and complete supporting preliminary plat information in compliance with the requirements of this chapter. The applicant shall also pay all fees required by the County's fee schedule.

Therefore, this plat amendment has been reviewed for preliminary plat standards.

§ 155.407: PRELIMINARY PLAT SUBMITTAL: *The preliminary plat shall be prepared, stamped and signed by a professional engineer or professional land surveyor licensed by the state of Utah. The preliminary plat submittal shall include at least the following information:*			
A	**Vicinity Map** **1. Drawn at a maximum scale of one thousand feet (1,000') to the inch.** **2. Show all existing and proposed roadways in the vicinity of the proposed development.** **3. A north arrow.** **4. The nearest section corner tie.** **5. Subdivision name.**	**Complies**	
B	**Certified boundary survey of the subject property, which meets state of Utah requirements, which also depicts all easements identified by the title report.**	**Complies**	
C	**Preliminary plat (all facilities within 200 feet of the plat shall be shown):** **1. Drawn at a scale not smaller than one hundred feet (100') to the inch.** **2. A north arrow.** **3. Subdivision name.** **4. The layout and names and widths of existing and future road rights of way.** **5. A tie to a permanent survey monument at a section corner.** **6. The boundary lines of the subdivision with bearings and distances.** **7. The layout and dimensions of proposed lots with lot areas in square feet.** **8. The location and dimensions and labeling of other spaces including open spaces, parks, trails, or public spaces.** **9. The location of manmade features including bridges, railroad tracks, fences, ditches, and buildings.** **10. Topography at two foot (2') intervals. One foot (1') contours may be required by the county engineer in particularly flat areas.** **11. Location and ownership of all adjoining tracts of land.** **12. Proposed subdivision phasing plan and relationship to existing phases of development. (Ord. 10-16, 12-14-2010)**	**Complies**	
D	**Grading and drainage plan (may be combined with plat sheet, if approved by the county engineer):** **1. Plan drawn to a scale not smaller than one hundred feet (100') to the inch, showing the road and lot layout.** **2. Topography at two foot (2') contour intervals.** **3. North arrow.** **4. Subdivision name.** **5. Areas of substantial earthmoving.** **6. Location of existing watercourses, canals, ditches, springs, wells, culverts, and storm drains.** **7. Location of any 100-year floodplain as designated by the federal emergency management agency (FEMA).** **8. A storm drainage plan showing water flow directions, inlets, outlets, catch basins, waterways, culverts, detention basins, outlets to offsite facilities, and off site drainage facilities planned to accommodate the project drainage.** **9. Show any existing wetlands.** **10. Slope analysis which depicts all slopes greater than fifteen percent (15%) and greater than twenty five percent (25%) with distinct notation. (Ord. 12-09, 9-18-2012)**	**Complies**	
E	**Utility plan (may be combined with plat sheet, if approved by the county engineer):** **1. Plan drawn to a scale not smaller than one hundred feet (100') to the inch, showing the road and lot layout.**	**Complies**	

	2. **North arrow.** 3. **Subdivision name.** 4. **Show all existing and proposed utilities including: sewer, culinary water, well locations with secondary water, fire hydrants, storm drains, subsurface drains, gas lines, power lines, and streetlights, television and telecommunications.** 5. **Show location and dimensions of all utility easements.**		
F	**The subdivider shall provide the following documents with the application:** 1. **Three (3) copies of a geotechnical soils report.** 2. **A traffic report when required by the planning commission or county engineer.** 3. **Preliminary title report, which specifically references the boundary survey and exactly matches the legal description of the outside boundary of the subdivision.** 4. **A Will Serve Letter from all utility companies or providers that states:** a. **That their system has capacity to serve the proposed development, documentation of such available capacity and specifying the amount of such capacity that will be utilized for the proposed project.** b. **Any conditions of required improvements before they can serve the subdivision** 5. **Any necessary agreements with adjacent property owners regarding storm drainage or other matters pertinent to subdivision approval.** 6. **Maintenance agreements for subsurface drains serving the subdivision, if they are proposed or exist.** 7. **An agricultural impact analysis, on subdivisions which are contiguous to an adopted agricultural preservation area, or which contain an agricultural open space conservation easement within the plat.** 8. **Written verification of all proposed water sources. For all proposed water sources, provide approval letters from the Weber-Morgan County health department and proof of all water rights, including quantities (water rights certificates, etc.), for each well and water source to be utilized for the development.** 9. **The developer shall submit all information concerning site geology, area hydrogeology, site topography, soil types and the proven wet water by the drilling of at least one test well from within the described subdivision boundary, as determined by a geotechnical engineer, licensed in the state of Utah. Well logs shall be submitted to the county identifying the depth and yield of the well. Information submitted must verify that the source is consistently available to supply eight hundred (800) gallons per day (gpd) per equivalent residential connection (ERC) at a minimum flow rate of 0.55 gallons per minute (gpm). Water for irrigation supplies shall be verified to provide three (3) gpm per irrigated acre. If the proposal is being served by an existing water utility company, these requirements do not apply.**	**Complies**	

	10. Verification of approval from the Weber-Morgan County health department regarding the proposed location of all septic systems and water source protection areas.		
G	**When the subdivision is located within the sensitive area district or geologic hazards special study area, required reports and documents are to be submitted in accordance with the provisions of this title.**	**Complies**	
H	**The subdivider shall comply with all applicable federal, state, and local laws and regulations, and shall provide evidence of such compliance if requested by the county.**	**Complies**	
I	**Copy of proposed protective covenants in all cases where subsurface drains or other common area maintenance proposals are to serve any portion of the subdivision.**	**Complies**	
J	**Electronic copies of all preliminary plat drawings in AutoCAD (DWG) format.**	**Complies**	
K	**Tabulations showing the total number of lots or buildings sites, and the percentage of land in roads, lots, and open space.**	**Complies**	
L	**Any additional submittal requirements required for or by master planned development reserves, specific development agreements, or requirements and conditions of other applicable ordinances or previous approvals. (Ord. 10-16, 12-14-2010)**	**Complies**	

Standards	**Findings**	**Rationale**
Ordinance Evaluation. Morgan County Code, Chapter 8, Section 12-29 states the following: *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)*		
155.414: OTHER REQUIRED INFORMATION: *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 drainage information required by the county engineer in order to demonstrate mitigation of potential harmful impact.* *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)*		
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 (11/2") 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**	Complies	

	and parcel which is a part thereof. No ditto marks shall be used for lot dimensions.		
I	**The plat shall show the right of way lines of each street, and the width of any portion being dedicated and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty feet (50') of the subdivision shall be shown with dashed lines. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such existing streets shall be accurately shown.**	Complies	
J	**All lots are to be numbered consecutively under a definite system approved by the county. Numbering shall continue consecutively throughout the subdivision with no omissions or duplications.**	Complies	
K	**All streets within the subdivision shall be numbered (named streets shall also be numbered) in accordance with and in conformity with the adopted street numbering system adopted by the county. Each lot shall show the street addresses assigned thereto, and shall be according to the standard addressing methods approved by the county. In the case of corner lots, an address will be assigned for each part of the lot having street frontage.**	**Lot 2's address of 4145 West needs to change to 4145 North.**	
L	**The side lines of all easements shall be shown by fine dashed lines. The width of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be shown. All easements shall be clearly labeled and identified.**	Complies	
M	**The plat shall fully and clearly show all stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or bench mark that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider under the direction of the county surveyor. The following required monuments shall be shown on the final plat:** **1. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties;** **2. All right of way monuments at angle points and intersections as approved by the county surveyor.**	Complies	
N	**The final plat shall contain the name, stamp and signature of a professional land surveyor, together with the date of the survey, the scale of the map and number of sheets. The following certificates, acknowledgements and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate:** **1. Professional land surveyor's "certificate of survey".** **2. Owner's dedication certificate in the following form:** *OWNERS DEDICATION* *Know all men by these presents that we, the undersigned owner(s) of the above described tract of land, having caused said tract to be subdivided into lots and streets to be hereafter known as Subdivision do hereby dedicate for perpetual use of the public all parcels of land, other utilities, or easements shown on this plat as intended for public use. In witness whereof, we have hereunto set out hands this day of, 20 .* *(Add appropriate acknowledgments)*	Complies	

	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:** *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.* **(Ord. 10-16, 12-14-2010)**	Complies	

EXITING CONDITIONS & ZONING

Slope gradients on the site range from shallow (less than 15%) to moderately steep (15 to 25%) to some areas greater than 25%. The soil types are Wasatch Formation (Tw), Norwood Formation

Bedrock (Tn), and Qaf (an Alluvial Deposit). Due to the slope of the site and soils, a geologic hazards study is required and has been reviewed by the County geologist.

Zoning of the Property

Resort Special District
Wasatch Peaks Ranch Development Agreement
Underlying zoning is F-1

DEPARTMENT COMMENTS/RECOMMENDED MOTIONS

Public Works: No comments

Fire/EMS Services: Comments have been received and are addressed

Engineer: Comments have been received and are addressed

Surveyor: Comments have been received and are addressed

Recorder: Comments have been received and are addressed

Recommended Motions

Motion for *Approval* – "I move we approve the WPR Outside the Gate Small Subdivision, application #26.020, allowing for a two-lot subdivision of land located at approximately 4139 N. Wasatch Peaks Rd in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report dated October 22, 2026."

Motion for *Approval* with *Conditions* – "I move we approve the WPR Outside the Gate Small Subdivision, application #26.020, allowing for a two-lot subdivision of land located at approximately 4139 N. Wasatch Peaks Rd in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report dated October 22, 2026, and the following conditions:"

1. *List any additional findings and conditions…*

Motion for *Denial* – "I move we deny the WPR Outside the Gate Small Subdivision, application #26.020, allowing for a two-lot subdivision of land located at approximately 4139 N. Wasatch Peaks Rd in unincorporated Morgan County, *due to the following findings:"*

Attachments:

Attachment A: Vicinity Map

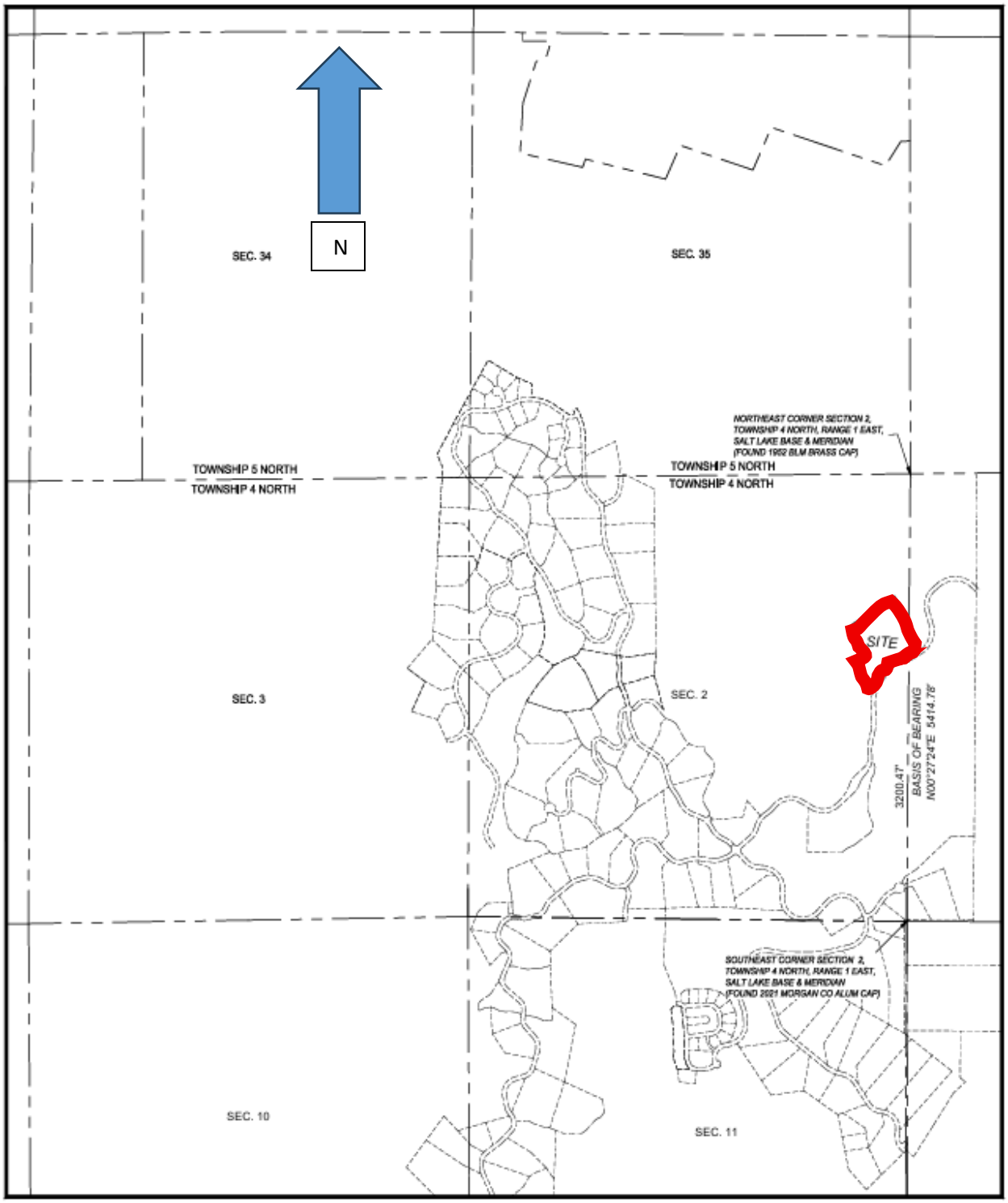
Attachment B: Aerial Vicinity Map

Attachment C: Proposed Final Plat

Attachment D: Plat 6 Map

Attachment E: Narrative

Attachment A: Vicinity Map

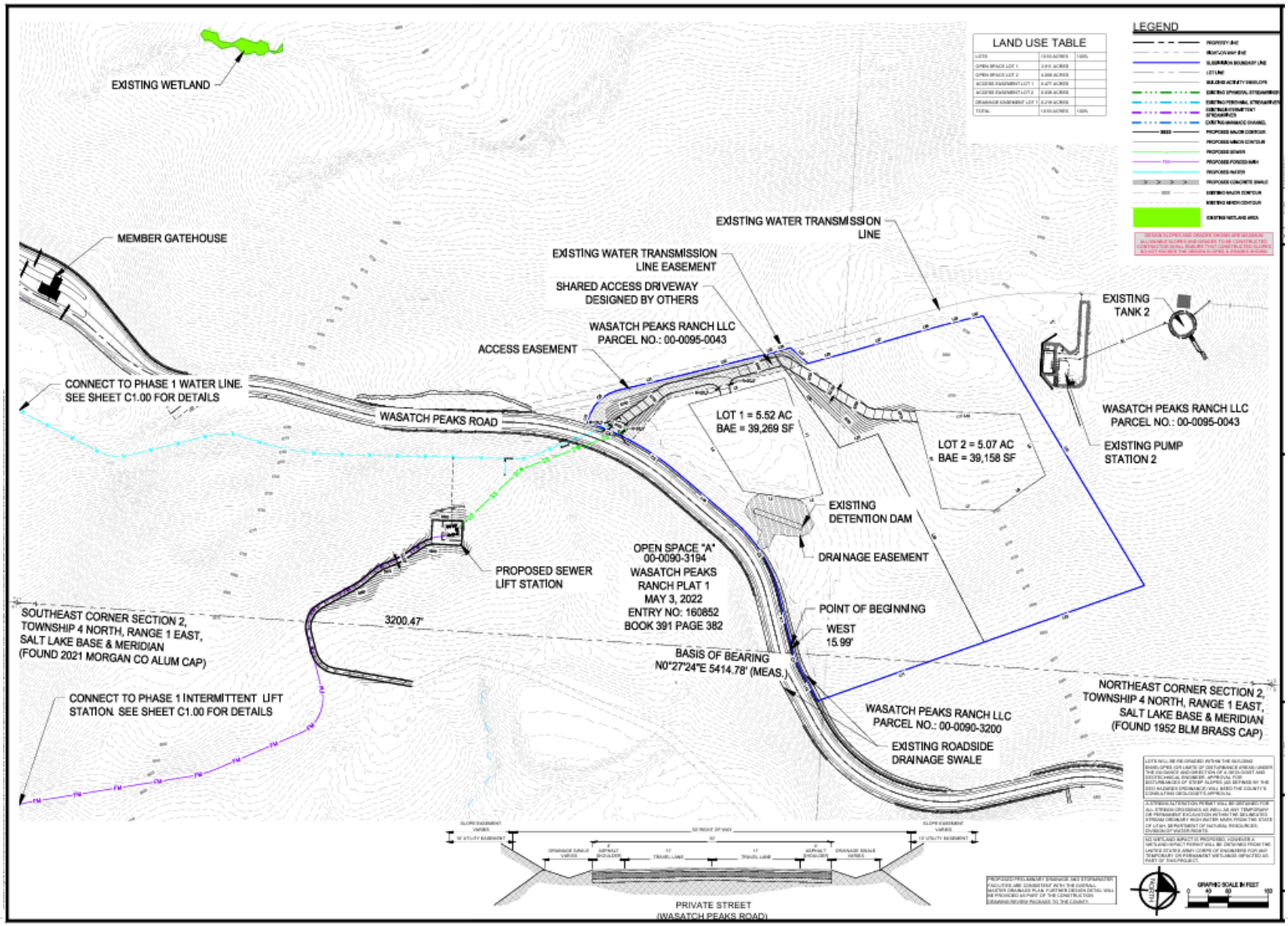


Attachment B: Aerial Vicinity Map



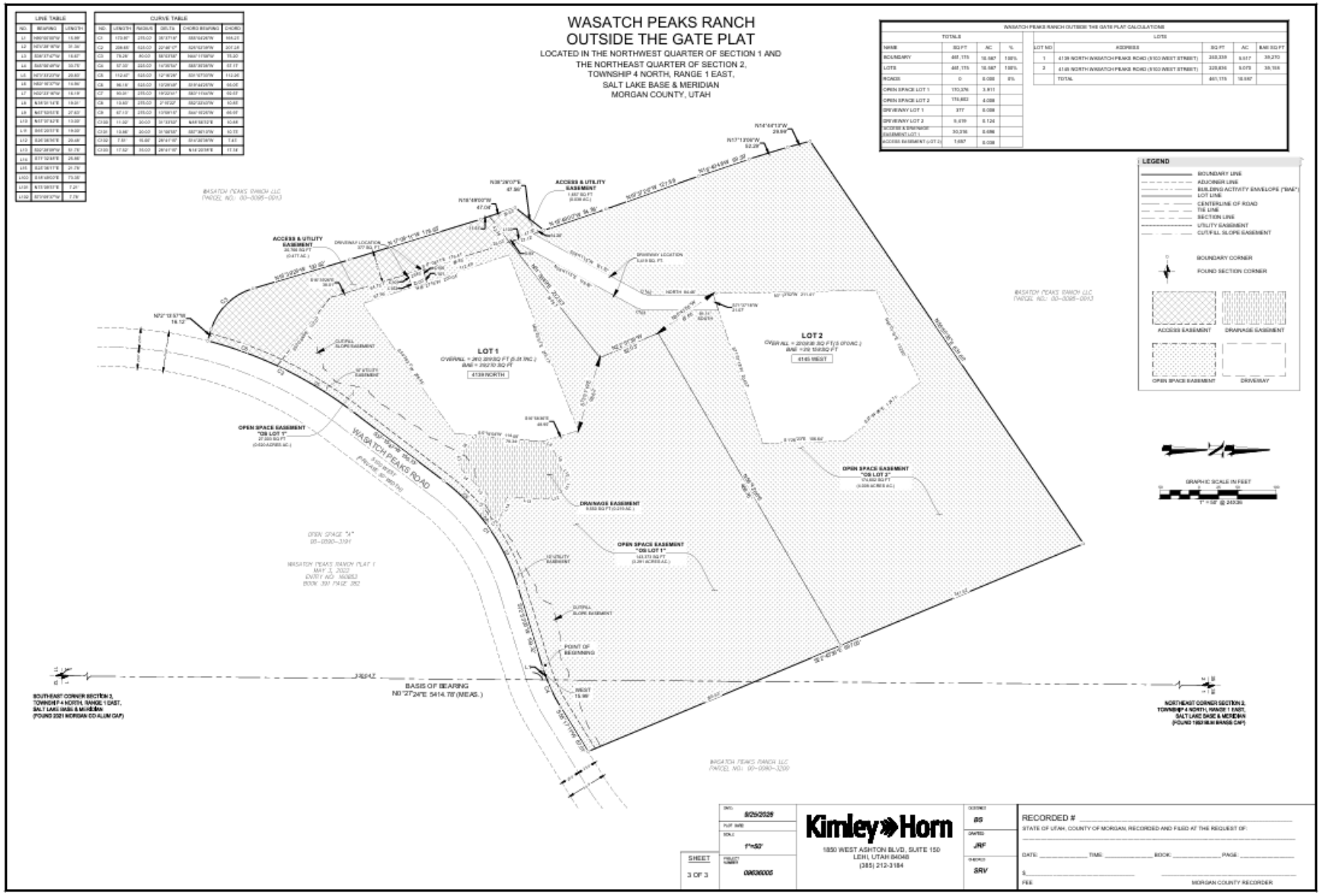
Click here to view the full Preliminary Plat Set.pdf

Attachment C: Proposed Outside the Gate Preliminary Plat



Attachment D: Proposed Outside the Gate Final Plat

[Click here to view the full Final Plat Set.pdf]



Attachment E: Narrative

Date: June 26, 2026

To: Josh Cook

Morgan County Planning & Development Director

48 West Young Street

P.O. Box 886

Morgan, Ut 84050

From: Brian Nestoroff, Residential Development Director

Subject: Wasatch Peaks Ranch – Outside the Gate Small Subdivision Submittal

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The intent of this memorandum is to provide pertinent information regarding the "Outside the Gate" (OTG) Small Subdivision submittal for Wasatch Peaks Ranch (WPR), which is located within the East Half of Section 2, Township 4 North, Range 1 East, Salt Lake Base & Meridian, Morgan County, Utah.

Project Overview: The OTG plat consists of 10.18 acres and includes two (2) single family (SF) lots, each having restricted building activity envelopes (BAEs). The lot sizes are 4.92 and 5.26 acres and the OTG plat is located just north of the Members Gate Plaza on Wasatch Peaks Road. WPR has previously completed the utility and private road improvements for this phase which will be annexed into the Wasatch Peaks Ranch Road and Fire District and the Wasatch Peaks Ranch Utility District.

WPR Entitlements: Over the last four years, WPR has processed numerous overall Morgan County entitlements, including, but not limited to, the following:

· Rezoning approval from Morgan County creating Resort Special District zoning (WPR-RSD) for the overall WPR property approved by the Morgan County Board of County Commissioner on October 30, 2019, and recorded as reception #149303, dated November 7, 2019.

· A Development Agreement (WPR-DA) was approved by the Morgan County Board of County Commissioner on October 30, 2019, and recorded as reception #149303, dated November 7, 2019.

· WPR-DA Amendment #1, recorded October 6, 2021 (with an effective date of October 1, 2021).

· Conceptual Plan #2, approved by the Morgan County Board of County Commission on July 12. 2023, consisting of 75 single family lots in WPR's Phase 5 and Phase 6. FP-5 is consistent with Conceptual Plan #2 and is a part thereof.

The OTG Small Subdivision Plat is consistent with all the predecessor Morgan County entitlements for WPR.

The following plans and reports are included with this submittal:

· Preliminary Plat – Kimley Horn & Associates, Dated 6/4/26

· Final Plat – Kimley Horn & Associates, Dated 6/19/26

· Geotechnical Report – Langan, Dated 6/26

· Preliminary Title Report – Cottonwood Title, Dated 6/26

· Traffic Report – Requirement Waived by County Engineer, Mr. Mark Miller

· WPR Utility District – Will Serve

· Rocky Mountain Power – Will Serve

· Allwest (data/comms) – Will Serve

We hope you find this information helpful for your review of WPR's FP-5. Wasatch Peaks Ranch would like to thank Morgan County and their staff for their support and guidance throughout this approval process. Please feel free to reach out with any questions or comments related to this submittal.

Sincerely,

Brian Nestoroff

Wasatch Peaks Ranch – Residential Development Director

MORGAN COUNTY
PLANNING & DEVELOPMENT

PLANNING COMMISSION STAFF REPORT

Site Plan

October 22, 2026

Wasatch Peaks Ranch Pool Complex Site Plan
October 22, 2026
Public Meeting
File #26.028

Applicant:	Brian Nestoroff
Owner:	Wasatch Peaks Ranch, LLC
Project Location:	5250 W. Peaks View Drive
Parcel Number:	00-0095-0121
Serial Number:	12-004-014-01-4
Current Zoning:	Resort Special District
Parcel Acreage:	365 acres

REQUEST:

A request for site plan approval of the WPR (Wasatch Peaks Ranch) Pool Complex Site Plan in the Peterson area to allow for the construction of a new pool complex .

STAFF RECOMMENDATION

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

Findings:

1. The original (2019) (Original DA WPR) development agreement permits swimming pools in all development areas.
2. This proposal is not detrimental to the health, safety, and welfare of the public.

Conditions:

1. Outsourced consultant fees shall be paid before issuance of the first Pool Complex building permit.
2. That all other local, state, and federal laws are adhered to.
3. The developer will install any required infrastructure, including roadways, utilities, parking, lighting, and landscape areas.

PROJECT DESCRIPTION:

Proposal Details

This request is for approval of a new, swimming pool complex including a mechanical building, pool, spas, future family activity center, cabana, and paving connection to village. The proposal has been reviewed for compliance with the WPR Development Agreements.

Access to the pool complex will be through Peaks View Road and a parking area.

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

SITE PLAN SUBMITTAL

SITE PLAN SUBMITTAL

Site and Building Layout

The WPR Pool Complex Site Plan shows the proposed:

- 3,616 sq. ft. pool
- Two, 231 sq. ft. saunas
- A 1,326 sq. ft. mechanical room
- A 2,206 sq. ft. pool house

Wasatch Peaks Ranch Design Standards

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

- A swimming pool is a permitted use in all Planning Areas.
- All buildings shall be designed with consideration given to the mountain community home styles and shall be appropriate for the climate.
- The pool complex is considered a “Mixed-Use” and as such it has no required setback restrictions.
- Design complex building forms with, overhangs, porches and varied skylines.
- Use brackets and overhangs to intercept sunlight and encourage building shadowing articulation where significant amounts of glass are used. Windows and doors should relate to the structural expression of the building.
- Roofs. Avoid large, unbroken expanse of single pitched roofs and to reduce reflection.
- Roof surfaces should be covered with composite shake or natural or synthetic slate tiles, or metal that is patinaed or patinaed with low sheen paints.
- Roof pitches are from 0.25:12 to 12:12.
- A hip, gable, flat, low slope or shed roof configuration may be appropriate.
- Exterior color schemes shall reflect the natural earth tones of the surrounding landscape.
- Break up building facades with projections, recesses, piers, textured materials, trim and other architectural details to avoid a bulky or “box-like” appearance.
- The Site Plan uses approved plant species from the development agreements including trees, shrubs, perennials/ground covers, and grasses.

DISCUSSION:

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

DEPARTMENT COMMENTS/RECOMMENDED MOTIONS

Public Works: No comments

Engineering: No comments

Utility Companies: All required will-serve letters on file

PUBLIC NOTICE, MEETINGS, COMMENTS

- ✓ Public Notice was submitted to the State of Utah Public Notice website by October 12, 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 by October 12, 2026.
- ✓ Notices to property owners within 1000' feet of the proposed use were mailed a Public Notice by October 12, 2026.
- ✓ A sign was posted on the site on October 12, 2026.

Recommended Motions

Motion for a *Positive* Recommendation of *Approval* – "I move we recommend approval to the County Commission for the WPR Pool Complex Site Plan, application number 26.028, allowing for the proposed Pool Complex located at 5250 W. Peaks View Drive in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report dated October 22, 2026."

Motion for a *Positive* Recommendation of *Approval* with *Conditions* – "I move we recommend approval to the County Commission for the WPR Pool Complex Site Plan, application number 26.028, allowing for the proposed Pool Complex located at 5250 W. Peaks View Drive in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report dated October 22, 2026, and with the following conditions:"

1. *List any additional findings and conditions…*

Motion for a Recommendation of *Denial* – "I move we recommend denial to the County Commission for the WPR Pool Complex Site Plan, application number 26.028, located at 5250 W. Peaks View Drive in unincorporated Morgan County, *due to the following findings:"*

1. *List any additional findings and conditions…*

AREA TABULATION - OPEN AREA	
NAME	AREA
TERRACE	10,536 SF
	10,536 SF
WATER SURFACE AREA	4,098 SF
	4,098 SF
TOTAL OPEN AREA	14,634 SF

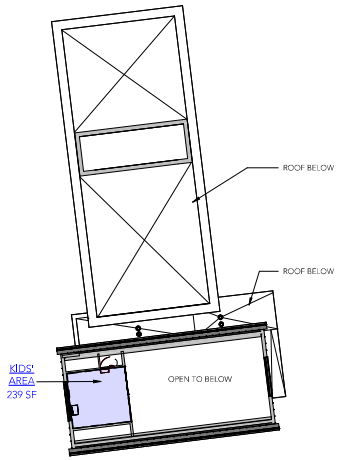
AREA TABULATION - USE TYPE	
USE TYPE	AREA
	213 SF
COMMERCIAL	5,525 SF

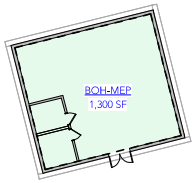
AREA TABULATION - GROSS BUILDING SF	
NAME	AREA
BOH - OFFICE	118 SF
	118 SF
BOH FOOD STORAGE	178 SF
	178 SF
BOH-MEP	1,360 SF
	1,360 SF
BOH-STORAGE	0 SF
	0 SF
FOH - CIRCULATION	497 SF
	497 SF
FOH - FOOD SERVICE	225 SF
	225 SF
FOH - RESTROOMS	724 SF
	724 SF
KIDS' AREA	1,680 SF
	1,680 SF
LOUNGE/ DINING	956 SF
	956 SF
TOTAL GROSS AREA	5,738 SF

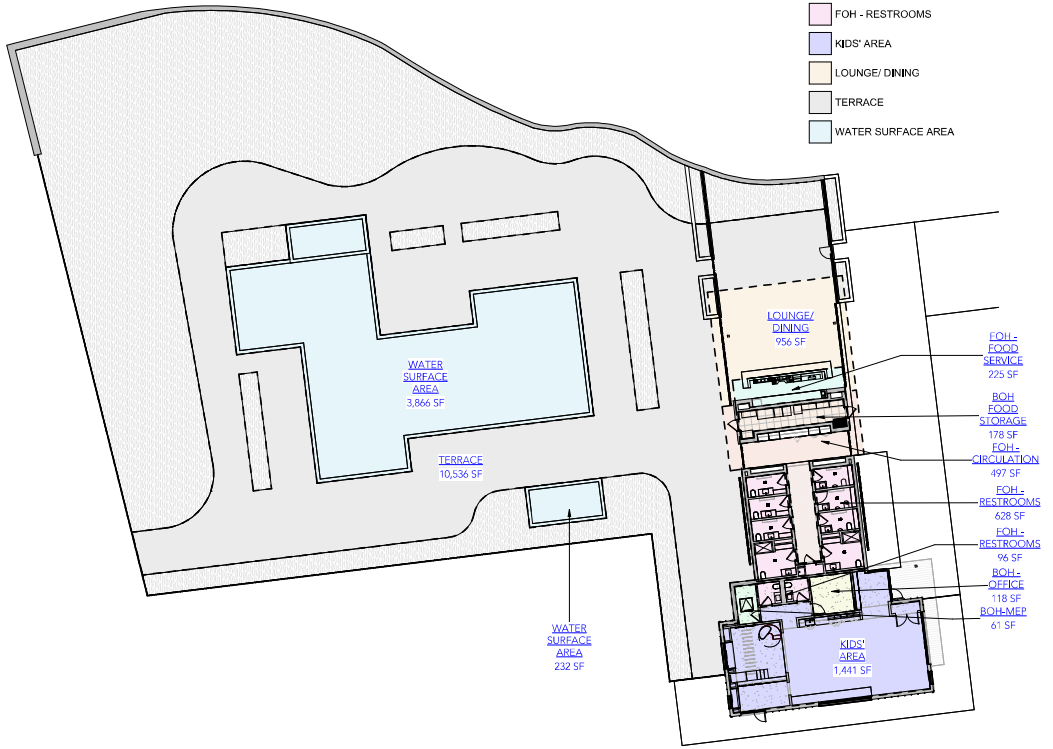
GROSS AREA PER IBC 2024
[BE]FLOOR AREA, GROSS:The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

Building Area Legend

- BOH - OFFICE
- BOH FOOD STORAGE
- BOH-MEP
- FOH - CIRCULATION
- FOH - FOOD SERVICE
- FOH - RESTROOMS
- KIDS' AREA
- LOUNGE/ DINING
- TERRACE
- WATER SURFACE AREA







AREA PLAN - KIDS' CLUB LOFT | 2
1/16" = 1'-0"

AREA PLAN - MAIN LEVEL | 1
1/16" = 1'-0"

CCY ARCHITECTS

WPR - POOL PHASE 01
MORGAN COUNTY, UTAH

DATE:
7.30.2026

ISSUE:
DD PROGRESS

PROJECT NUMBER:
26012

DRAWN BY: CCY CHECKED BY: CCY

HISTORY:

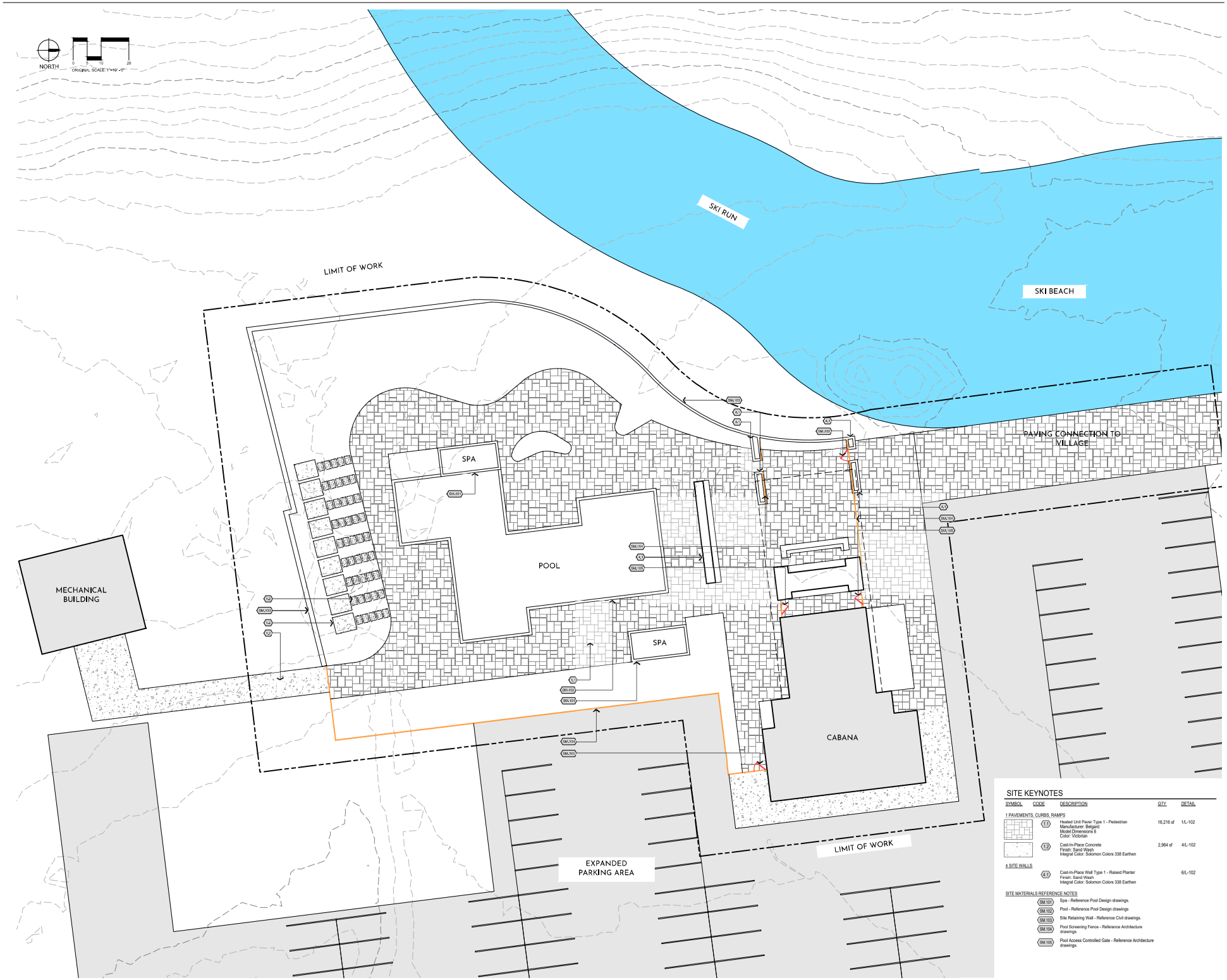
REV.#	DATE	DESCRIPTION

AREA PLANS

SCALE: 1/16" = 1'-0"

A-020

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228 Midland Avenue | PO Box 329 |
Basalt, Colorado 81621
970-927-4925 | www.ccyarchitects.com



SITE KEYNOTES

SYMBOL	CODE	DESCRIPTION	QTY	DETAIL
1 PAVEMENTS, CURBS, RAMPS				
	1.1	Heated Unit Paver Type 1 - Pedestrian Manufacturer: Belgard Model Dimensions 6 Color: Victorian	16,216 sf	1/L-102
	1.2	Cast-In-Place Concrete Finish: Sand Wash Integral Color: Solomon Colors 338 Earthen	2,964 sf	4/L-102
4 SITE WALLS				
	4.1	Cast-In-Place Wall Type 1 - Raised Planter Finish: Sand Wash Integral Color: Solomon Colors 338 Earthen		6/L-102

SITE MATERIALS REFERENCE NOTES

SM.101	Spa - Reference Pool Design drawings.
SM.102	Pool - Reference Pool Design drawings
SM.103	Site Retaining Wall - Reference Civil drawings.
SM.104	Pool Screening Fence - Reference Architecture drawings
SM.105	Pool Access Controlled Gate - Reference Architecture drawings.

WASATCH PEAKS RANCH

LDG

CONSULTANT

WASATCH PEAKS
SOUTH VILLAGE - POOL COMPLEX PHASE 1
MORGAN, UTAH

DATE:	JULY 2026
PROJECT:	222.010.1
DRAWN BY:	TK
REVIEW BY:	TK/EL

SITE MATERIALS PLAN

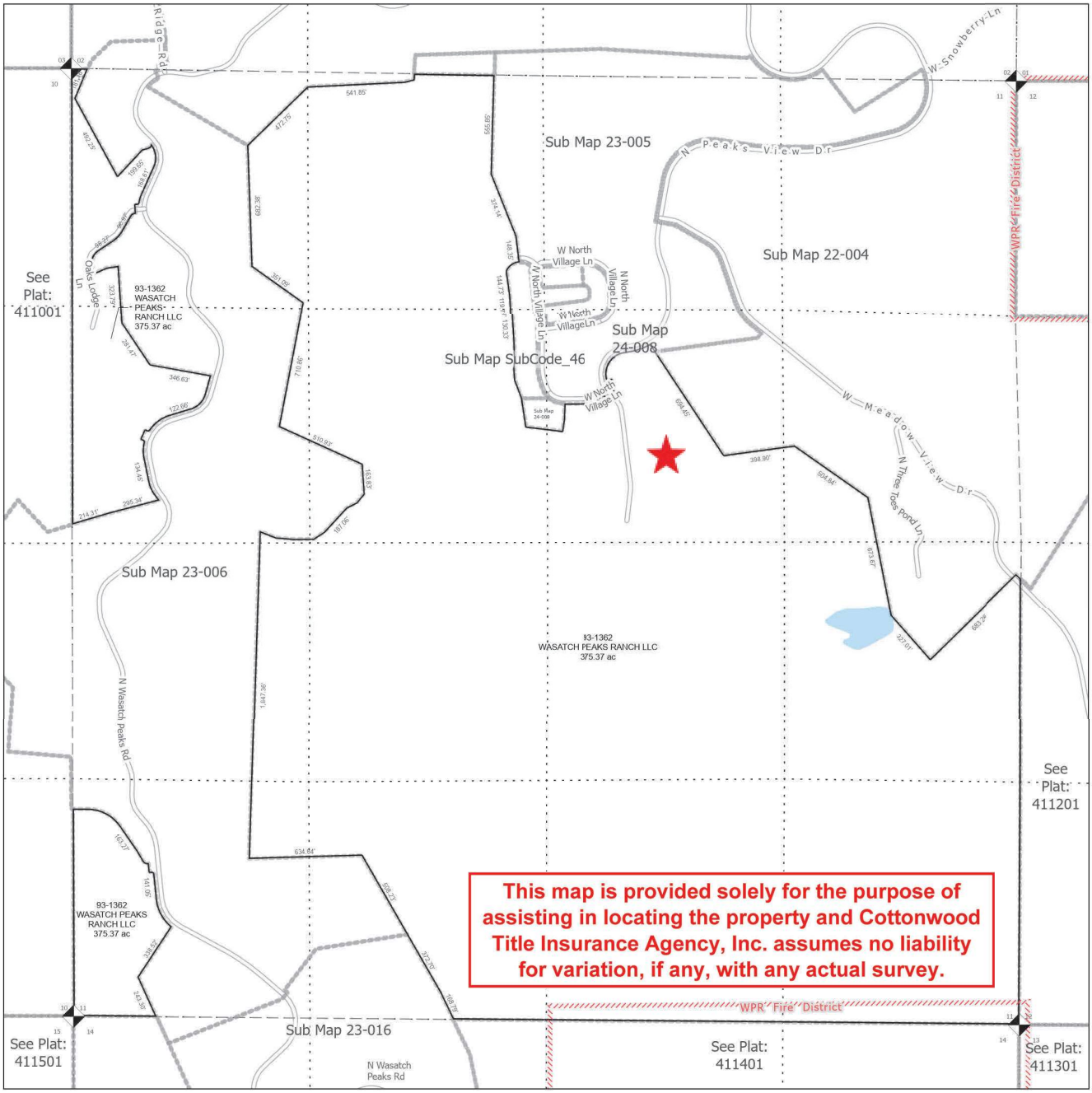
PRELIMINARY
NOT FOR CONSTRUCTION

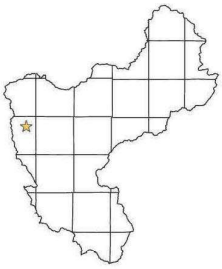
L-101

Plat: 411101

T 4 N - R 1 E | Section 11

MORGAN COUNTY, UTAH





N

Scale: 1" = 420'

THIS PLAT IS FOR TAX PURPOSES ONLY.
ONLY FIRST NAME ON MOST RECENT
DEED WILL BE SHOWN.



EXISTING BUILDINGS

1. GONDOLA
2. SKIER SERVICES
3. OUTFITTERS
4. FAMILY BARN
5. TAVERN
6. MARKET

FUTURE BUILDINGS

Phase 01
9. KIDS CLUB
10. CABANA BAR

Future Phases
7. GOLF CLUBHOUSE
8. GYM
11. FAMILY
12. FITNESS
13. SPA

VILLAGE CORE
WASATCH PEAKS RANCH

CCY ARCHITECTS



VILLAGE CORE
WASATCH PEAKS RANCH

CCY ARCHITECTS



POOL
WASATCH PEAKS RANCH

CCY ARCHITECTS



POOL
WASATCH PEAKS RANCH

CCY ARCHITECTS

MORGAN COUNTY
PLANNING & DEVELOPMENT

Planning Commission
Staff Report

October 22, 2026

Eagle Vista FLUMA & Rezone
Public Hearing
October 22, 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 43.15 acres)
Serial Numbers:	03-005-034-03 (6.29 acres of 43.15 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

(This item was on the August 13, 2026 Planning Commission meeting and was tabled to the September 24th meeting. The September 24th meeting was cancelled, and this item was placed on the subsequent Planning Commission meeting which was October 8th. On October 8th, the Planning Commission scheduled this item until the October 22nd meeting to allow the Planning Commission to review and make a recommendation to the County Commission regarding the Development Agreement associated with this FLUMA & Rezone. Please see Exhibit E for the *Eagle Vista Villas* July 21, 2026 draft Development Agreement (p.13-48) – the County and the applicant are working on a newer draft. The review and recommendation on the Development Agreement is a Legislative function.)

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.

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	RR-1 & R1-20	Single-family

	Highway Rd – R1-20		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.

Staff's Assessment of 155.023 (F) (4) Above:

Roadways: There are existing roadways that can serve the property if it is divided in the future. The developer will be required to extend roadways into the development to serve the lots.

Parks and Recreation Facilities: Our code does not require additional parks and recreation facilities for developments within hard zoned properties.

Police and Fire Protection: Police protection will be provided by the County Sheriff's office. Fire will be provided by Mountain Green Fire District.

Schools: Staff checked with the Morgan County School District regarding capacity; schools in the area have capacity. This includes Mountain Green Elementary School, Mountain Green Middle School, and Morgan High School.

Stormwater Drainage Systems: The future development will be required to provide storm drain facilities such that it will meet all natural and historic flows.

Water supplies: Cottonwood Mutual Water Company is in the area and has active water mains that could serve any future subdivisions.

Wastewater: Mountain Green Sewer Improvement District has active mains in the area that could be extended through any future subdivisions in the area and provide service for wastewater.

Refuse Collection: The County has a contract with Robinson for refuse collection. This company would most likely serve any future subdivisions in the area.

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 recommend approval to the County Commission of the Eagle Vista future land use map amendment, rezone, and associated Eagle Vista Villas Development Agreement: application 26.019; changing 6.29 acres from Village Low Density Residential to Village Residential and from RR-1 to R1-8, based on the findings in the October 22, 2026 staff report."

Recommended Motion for a Negative Recommendation – "I move we recommend denial to the County Commission of the Eagle Vista future land use map amendment, rezone, and associated Eagle Vista Villas Development Agreement: application 26.019; changing 6.29 acres from Village Low Density Residential to Village Residential and from RR-1 to R1-8, based on the findings in the October 22, 2026 staff report."

Supporting Information

Exhibit A: Vicinity Map
Exhibit B: County Future Land Use Map
Exhibit C: County Zoning Map
Exhibit D: Rezone Exhibit
Exhibit E: Development Agreement (July 21, 2026)

Staff Contact

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

Exhibit A: Vicinity Map



Exhibit B: County Future Land Use Map

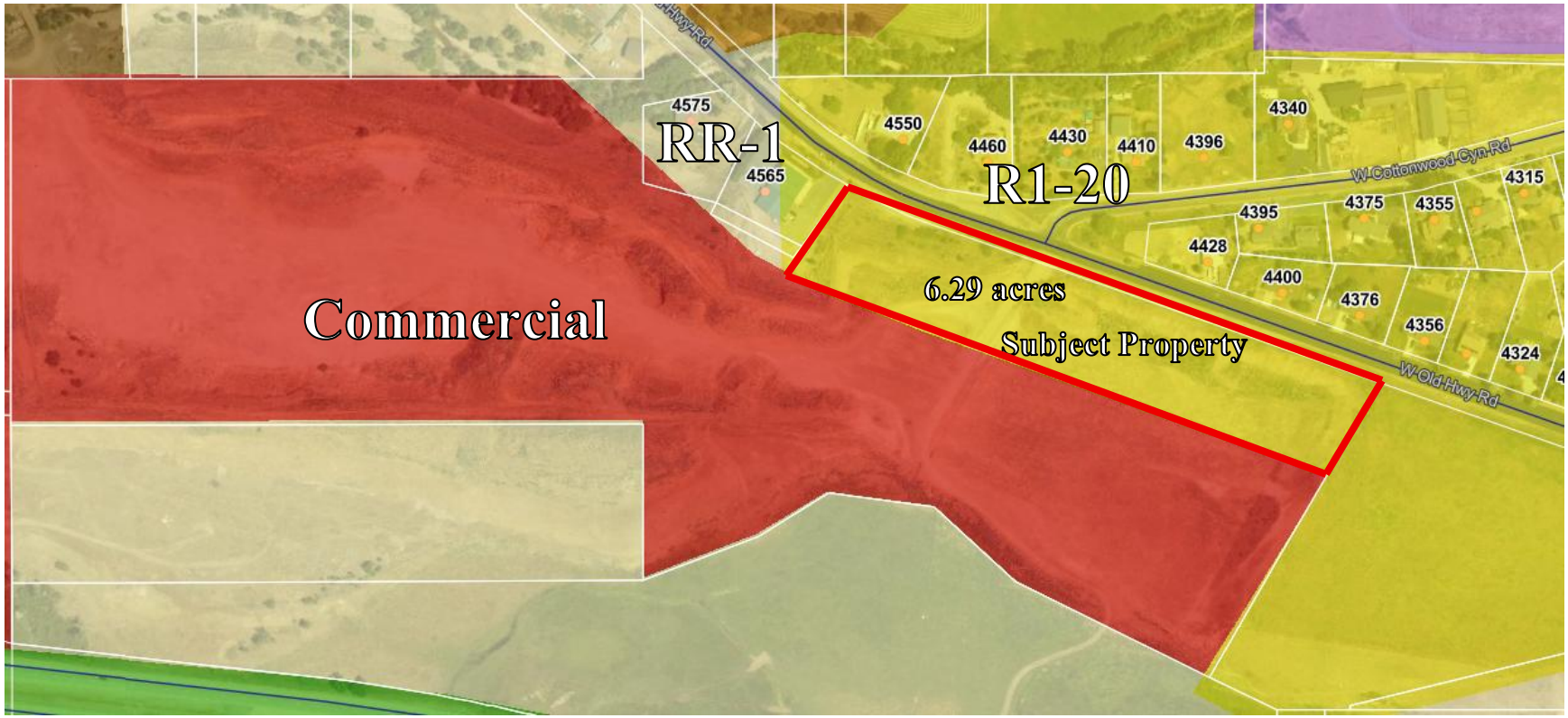


Exhibit C: County Zoning Map

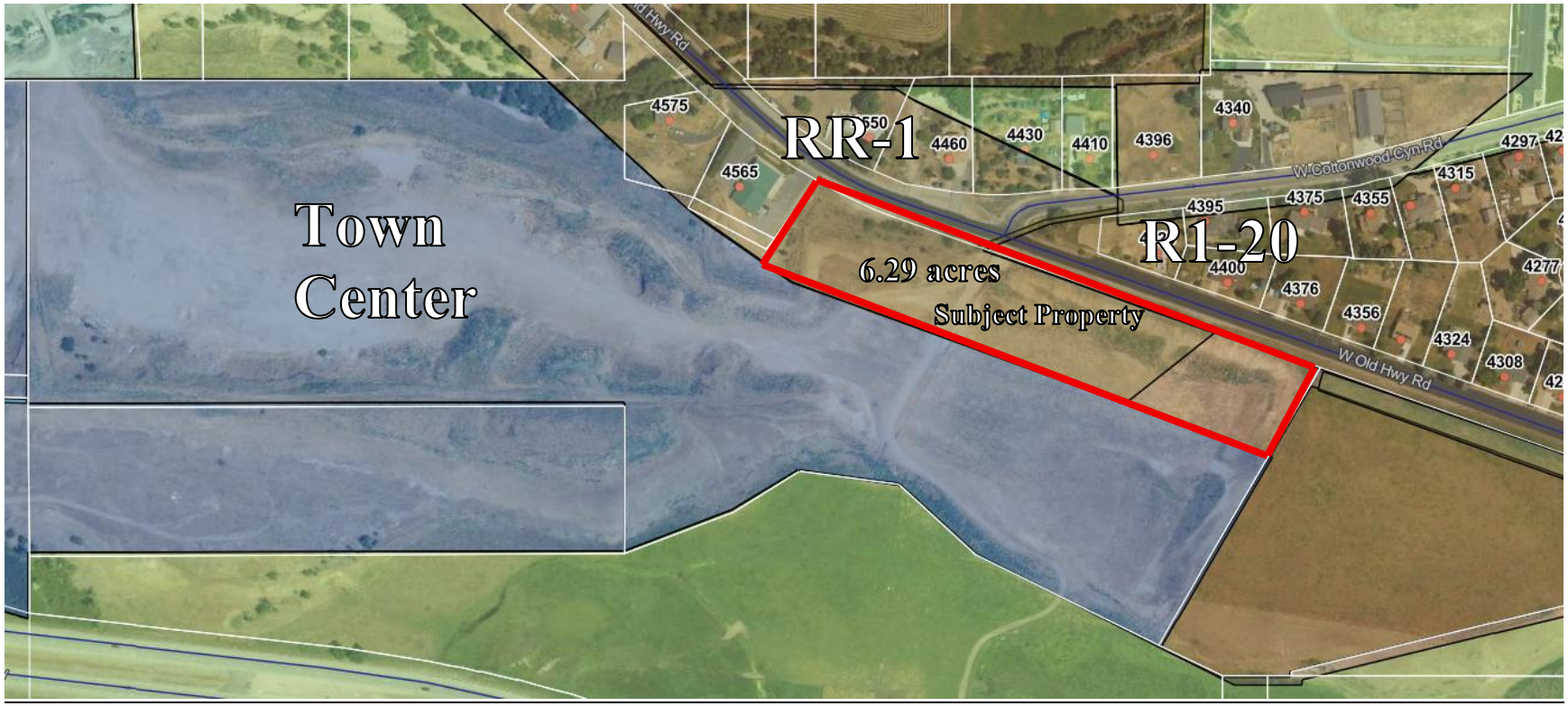


Exhibit D: Rezone Exhibit

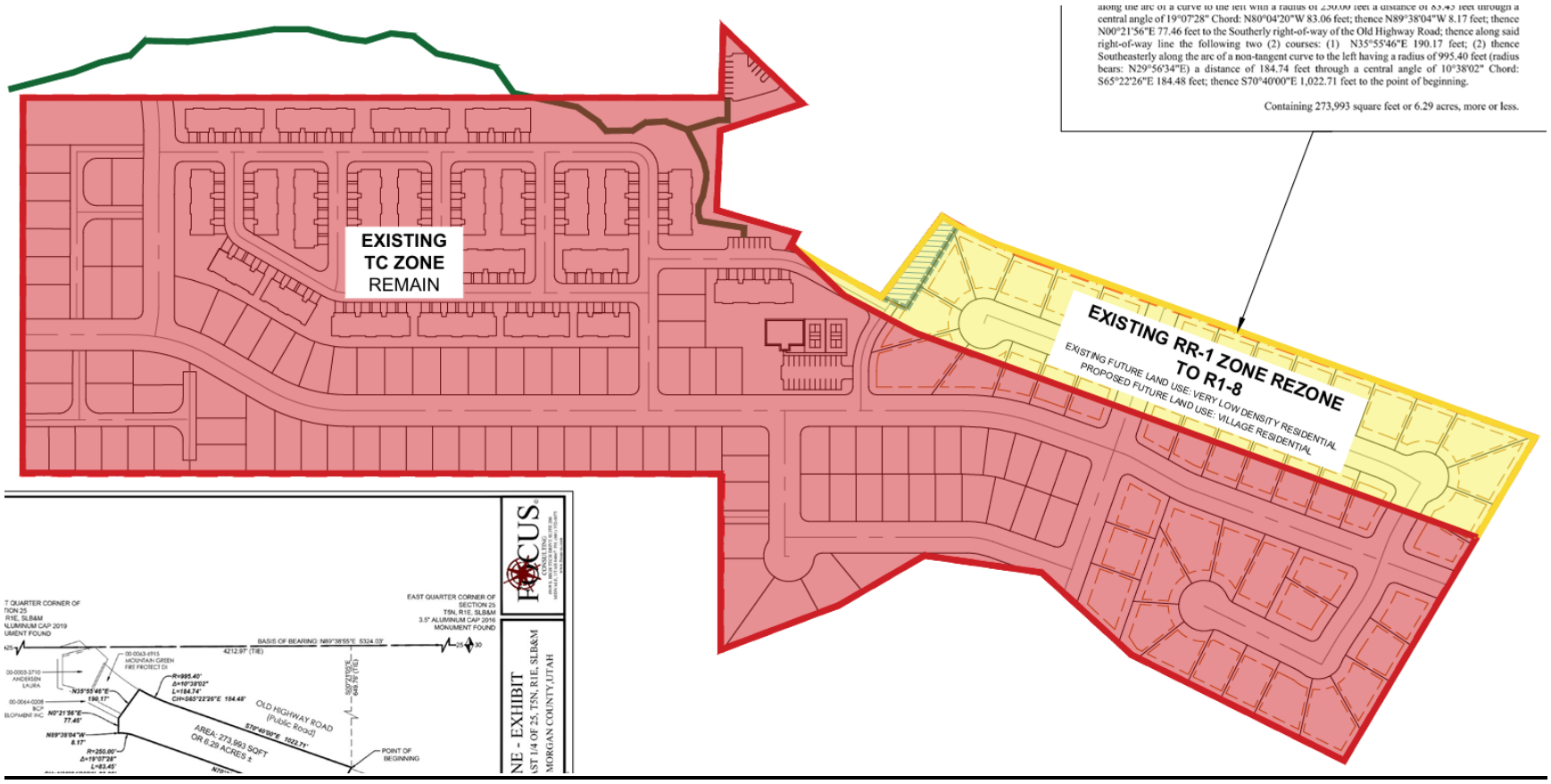


Exhibit E: Eagle Vista Villas Development Agreement, Including All Exhibits

WHEN RECORDED RETURN TO:
BCP DEVELOPMENT, INC.
Attn: Peter Evans
300 S 1350 E St. 2nd Floor
Lehi, UT 84043

Affects Tax Parcel Nos.: 00-0003-3728, 00-0064-0208

DEVELOPMENT AGREEMENT

EAGLE VISTA VILLAS

This Development Agreement ("**Agreement**") is entered into as of July___, 2026 ("**Effective Date**") by and between MORGAN COUNTY, (the "**County**"), a political subdivision of the State of Utah and BCP DEVELOPMENT, INC., a Utah corporation and its successors, assigns, and transferees as permitted pursuant to this Agreement (the "**Developer**"), as the developer of a mixed-use project known as Eagle Vista Villas (the "**Project**") to be developed on approximately 43.15 acres of real property located within the unincorporated boundaries of Morgan County, Utah, as more fully described in **Exhibit A**, attached hereto and incorporated hereby by this reference ("**Property**") in accordance with and pursuant to this Agreement. Developer and the County are referred to in this Agreement individually as a "**Party**" and collectively as the "**Parties**".

RECITALS

A. Developer owns the Property as more fully described in **Exhibit A**. Developer represents that it is the sole legal and equitable owner of the Property.

B. On April 21, 2026, the County Commission approved an amendment to Section 155.266 of the Morgan County Land Use Code ("**County Code**") and the Town Center Design Standards which will facilitate development of the Project.

C. At the request of Morgan County Commission, and in accordance with §155.266 B(4) and §155.404–424 of the County Code, the Developer together with the owner of the adjacent Gardner Development Town Center property submitted a Joint Concept Plan ("**Conceptual Plan**") for the coordinated planning and development of their respective Town Center properties; and after appropriate public hearings, the County Commission approved the Conceptual Plan on _____, 2026, Resolution No. _____. The approved Conceptual Plan is attached hereto as **Exhibit B** and by this reference incorporated herein.

D. The Developer also owns an adjacent parcel consisting of approximately 6.29 acres ("**Rezone Area**") that is currently zoned Rural Residential (RR-1) and is not presently located within the Town Center zoning district. At the request of the Morgan County Commission, the Developer agreed to include the adjacent parcel as part of the overall Project in order to provide a detached single-family residential transition between the Town Center development and surrounding development. To accomplish that objective, the Developer has applied to rezone the adjacent parcel from RR-1 to R1-

8, ("**Rezone**") as depicted on Exhibit D, which rezone is intended to be considered and approved contemporaneously with this Agreement as an integral component of the overall Project.

E. The Parties acknowledge that approval of the Conceptual Plan, approval of the Rezone, and approval of this Agreement are intended to occur concurrently and constitute interrelated components of the overall approval of the Project. Approval of any one of these actions is expressly conditioned upon approval of the others.

F. Upon approval, the County finds that the Project, including the approved Conceptual Plan, the Rezone, and this Agreement, is consistent with the Morgan County General Plan, the County Code, applicable Utah law, and the approvals granted concurrently herewith. The County further finds that the Project satisfies the requirements of § 155.266 of the County Code, including the findings necessary to approve the reduction in the commercial allocation.

G. The County further finds that the Project provides substantial, measurable, and enforceable public benefits that support the reduction in the commercial allocation approved herein and materially exceed those that would otherwise be achieved through strict compliance with the Town Center Zone requirements. Such public benefits include, without limitation, dedication of land for a future fire station, dedication of public trail property, construction and enhancement of regional trail connections, construction of recreational amenities, provision of a broader mix of housing types, including detached single-family residences, and implementation of coordinated development patterns that promote connectivity, compatibility, and cohesive development within the Town Center area and surrounding properties.

H. This Agreement is entered into pursuant to the County Land Use, Development, and Management Act, Utah Code Title 17, Chapter 79 (the "**Act**").

I. Developer and County have cooperated in the preparation of this Agreement.

J. The Parties understand and intend that this Agreement is a "development agreement" within the meaning of, and entered into pursuant to, the terms of §17-79-102(a) of the Act.

K. The proposed development of the Property is designed to further the goals and objectives of the County, provide public benefits, and implement the long-range planning vision of the General Plan. The provisions of this Agreement are intended to promote public health, safety, and welfare and advance the policies of the County pursuant to County Code §155.530.

L. Developer and County enter into this Agreement to define certain standards, clarify expectations, and establish enforceable commitments associated with the development of the Property and Project.

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, County and Developer hereby agree to the following:

AGREEMENT

1. INCORPORATION OF RECITALS AND EXHIBITS

1.1 **Incorporation**.

The foregoing Recitals and all attached Exhibits are hereby incorporated into this Agreement.

1.2 **Conceptual Plan**

The approved Conceptual Plan, attached as Exhibit B, is incorporated into this Agreement and is binding upon the Developer and all successors, assigns, and subsequent owners of any interest in the Property. The Conceptual Plan shall run with the Property to the extent applicable to the Property and shall govern the coordinated planning and development of the Property as provided in this Agreement.

The Parties acknowledge that the Conceptual Plan also applies to other property subject to separate development agreements approved by the County. Each development agreement shall govern only the property to which it applies, and nothing in this Agreement shall impose upon the Developer responsibility for the obligations of any other property owner or make the Developer responsible for another property owner's default under a separate development agreement.

2. ZONING, PERMITTED USES, AND PLAT APPROVAL

2.1 Zoning and Permitted Uses.

The Property is currently zoned Town Center District ("**TC**") and Rural Residential ("**RR-1**"). The Property is also subject to the Town Center Design Standards set forth in §§ 155.265 through 155-–270 of the County Code. Following approval of the Rezone contemplated by this Agreement, the Property shall consist of (TC and R1-8 zoning districts as shown on the approved exhibits.

2.2 Preliminary and Final Plats.

The Developer shall obtain approval of all preliminary and final plats required for development of the Property in accordance with §§ 155.405 through 155.424 of the County Code.

2.3 Completion Assurances.

Developer shall provide improvement completion assurance for all required public improvements in accordance with Land Use Code § 155.420 and as set forth in Section 11.3 of this Agreement. No third party, including lot purchasers, shall have rights as a third-party beneficiary under any improvement completion assurance.

2.4 Building Permits.

Following recordation of a final plat(s), the Developer may sell lots and apply for building permits in accordance with state and local law. The County shall issue building permits only after compliance with applicable state law, this Agreement, approved plats, and all required public infrastructure requirements. The County shall not withhold, suspend, or deny any building permit unless (i) Developer is in material default under this Agreement, (ii) the County has provided written notice describing the default in reasonable detail, (iii) Developer has failed to timely cure such default following the applicable cure period, and (iv) the default materially and adversely affects the public health, safety, or welfare or the Developer's legal entitlement to the requested permit. Any withholding or suspension of permits shall be limited to the minimum extent reasonably necessary to address the specific default and shall not affect permits for any lot, phase, or portion of the Project that is not directly impacted by the default. Nothing in this Section shall authorize the County to delay or deny permits for reasons unrelated to the specific uncured default or otherwise inconsistent with applicable law.

3. REZONE OF PORTION OF THE PROPERTY

3.1 Rezone Authorization and Agreement.

In reliance upon the commitments and public benefits provided by Developer under this Agreement, and as a material inducement to Developer's entry into this Agreement, contemporaneously with approval of this Agreement, the County Commission shall consider the proposed Rezone of approximately Rezone Area of the Property from RR-1 to R1-8 as depicted on **Exhibit D**. The County expressly agrees that the Rezone is consistent with the General Plan, the County Code, the Conceptual Plan, and the Act, and that approval of the Rezone is necessary to allow development of the Project as contemplated by this Agreement.

3.2 Relationship to Agreement.

The Rezone, Conceptual Plan, and this Agreement are intended to function together as an integrated approval framework for the Project. The rights and obligations established by this Agreement are based upon approval of the Rezone and Conceptual Plan.

3.3 Effect of Rezone.

Upon the effective date of the Rezone ordinance, the Rezone Area shall be governed by the standards applicable to the R1-8 zoning district, together with the applicable provisions of this Agreement and the approved Conceptual Plan.

3.4 Consistency with Approved Development.

Upon adoption of the Rezone, the Rezone Area shall be governed by the development standards, permitted uses, density, and limitations set forth in this Agreement and the R1-8 zoning district, as modified or supplemented herein. In the event of a conflict between the generally applicable provisions of the R1-8 zoning district and the specific development standards established by this Agreement, the provisions of this Agreement shall control to the maximum extent permitted by applicable law.

3.5 Scope of Rezone.

The Rezone shall apply solely to the Rezone Area and shall not alter zoning applicable to other portions of the Property. The Rezone Area may not be reduced or modified without Developer's prior written consent and a formal amendment approved by the County Commission.

3.6 Vesting.

Upon the effective date of the Rezone ordinance, the zoning and development rights associated with the Rezone Area shall constitute vested rights under this Agreement, subject only to the terms, conditions, and limitations expressly set forth herein and applicable state law.

4. APPROVED USE, DENSITY, AND DEVELOPMENT STANDARDS

4.1 Property Subject to Agreement.

The Property subject to this Agreement is legally described in **Exhibit A** attached hereto. No additional property shall be added to or removed from this Agreement except with written amendment by the Parties.

4.2 Approved Use, Density, Commercial Allocation and Required Findings.

Developer shall be entitled to and is vested with the right to develop and construct up to two hundred sixty-seven (267) "dwelling units". The minimum commercial development required within the Project shall be zero (0) square feet of commercial floor area as depicted on the approved Conceptual Plan. For purposes herein, the term "dwelling unit" shall man any building or portion thereof lawfully used or intended for residential occupancy, including single-family residence, townhomes, condominiums and multi-family dwelling units. The approved residential density, housing mix, commercial development, open space, amenities, trails, and land dedications depicted on the approved Conceptual Plan are incorporated into this Agreement and constitute the approved development program for the Property. The County approves a commercial allocation for the Project that is less than the commercial allocation otherwise required by §155.266(C). The County further finds, based upon substantial evidence contained in the legislative record, that the approved reduction satisfies the requirements of §155.266(D), including the following finds:

(a) Due to the location, configuration relationship to existing and planned commercial areas, circulation patterns, connectivity, and surrounding development patterns, strict application of the commercial allocation requirement would result in less cohesive Town Center development and could create isolated commercial areas not integrated with other commercial development;

(b) The approved development pattern, together with the public benefits secured through this Agreement, provides a substantially greater and more durable benefit to the County and the Town Center area than strict compliance with the commercial allocation requirement;

(c) Public benefits supporting the reduction include the measurable and enforceable public benefits secured by this Agreement, including, without limitation, dedication of land for a future public fire station, regional trail connectivity and public trail dedications, enhanced recreational amenities, infrastructure and connectivity improvements, provision of diverse housing types including detached single-family residences, landscaping and buffering, and the additional public benefits described in Sections 4.3 through 4.8 and Article 5 of this Agreement.

4.3 Diversity of Housing Types.

As a material public benefit supporting the approved reduction in the commercial allocation, and as a housing type not otherwise required within the TC Zone, Developer shall provide within the Project a diversity of housing types and development patterns designed to serve a range of households, including first-time buyers, move-up buyers, and residents seeking to reduce home and yard maintenance. The Project is anticipated to include the following residential product types (collectively, the "**Residential Product Types**"):

(a) **Executive and Signature Single-Family Homes**. The Executive and Signature Single-Family Home products within the development shall consist of detached, single-family residential dwelling units designed to an elevated standard of finish and architectural quality, representing the highest residential tier within the Project. The units shall feature distinctive mountain-style architecture incorporating enhanced elements such as stone, accents, articulated and pitched rooflines, and refined exterior materials and color palette intended to harmonize with the surrounding natural setting and to present a distinguished, high-quality streetscape. The homes shall offer a variety of floor plans and elevations to promote visual diversity and reinforce

the executive character of the product, while maintaining a unified design theme throughout the Project consistent with the applicable design standards of the County.

(b) **Luxury Townhomes**. The townhome product within the development shall consist of attached, two-story residential dwelling units designed to a luxury standard of finish and architectural quality. The units shall feature mountain-style architecture incorporating elements such as stone, accents, pitched rooflines, and complementary exterior materials and color palette intended to harmonize with the surrounding natural setting and to present a cohesive, high-quality streetscape. The architectural design, materials, and elevations are intended to create an attractive, premium residential offering that appeals to discerning homebuyers while remaining consistent with the character of the community and the applicable design standards of the County.

All Residential Product Types shall comply with the County's Mountain Architecture requirements and the design standards established by this Agreement. The residential land use mix, densities, lot configurations, dwelling sizes, and product types depicted in the approved Conceptual Plan are intended to establish the overall character of the Project and shall be implemented through subsequent subdivision approvals. Minor adjustments to lot sizes, dwelling sizes, and configurations may occur during the preliminary and final plat process, provided such adjustments remain substantially consistent with the approved Conceptual Plan and continue to provide the diversity of housing types contemplated by this Agreement

4.4 Community Landscaping, Signage, and Buffers.

As a material public benefit supporting the approved reduction in the commercial allocation, and to enhance the character, appearance, and character of the TC portion of the Project, Developer shall provide, at Developer's sole cost and expense, community landscaping and entry features for the Project, including street and park-strip landscaping, perimeter landscaping and buffers between differing housing types and adjacent uses, street trees along the main roadway, and monument, entry, and wayfinding signage consistent with County regulations and the County's Mountain Architectural standards. Such landscaping, signage, and buffer improvements shall be owned and maintained by one or more Owners Associations in accordance with recorded CC&Rs, at no cost or expense to the County.

4.5 Construction-Phase Commitments.

In addition to the public benefits provided elsewhere in this Agreement, and in recognition of the impacts of construction on existing residents and the surrounding community, Developer shall implement reasonable construction-management practices during development of the Project, including: (a) fugitive dust control measures consistent with applicable air-quality requirements; (b) designation and use of haul routes and truck-traffic management intended to minimize impacts on existing residential streets and neighboring properties; (c) observance of reasonable construction hours consistent with County requirements and applicable noise standards; and (d) maintenance of construction sites in a manner that reasonably controls mud, debris, and tracking onto public roadways. The specific measures shall be consistent with the County's applicable ordinances and any conditions of approval for the Project.

4.6 Infrastructure, Open Space Improvements Serving the Broader Town Center Area.

As a further material public benefit supporting the approved reduction in the commercial allocation, in addition to the trail improvements described in Section 6.1, Developer shall provide certain roadway, access, utility, water, and open space improvements and dedications that are designed and sized to serve not only the Project but also the broader TC area, thereby supporting the orderly, coordinated development of the TC area as a connected and cohesive district. Except as otherwise expressly provided in this Agreement, including the cost-recovery provisions applicable to oversized utility infrastructure set forth in subsection (c) below, the improvements described in Section 4.6 shall be designed and constructed by Developer at Developer's sole cost and expense.

(a) **Roadway and Access Improvements.** Developer shall design and construct roadway and access improvements within and adjacent to the Project that improve vehicular and pedestrian circulation for the TC area and that are intended to provide an improved access route for the benefit of other developments within the TC Zone. These improvements are intended to reduce the future access and circulation burden on neighboring parcels and to support the connectivity of the TC area as contemplated by the County's planning for the area. In connection with the foregoing, and as anticipated by the approved Conceptual Plan, Developer shall dedicate to the County or the applicable roadway authority such right-of-way along Old Highway Road as shown on the concept street layout attached hereto as **Exhibit E**. The specific location, configuration, and dimensions of such roadways and access improvements shall be established through the preliminary and final plat process.

(b) **Reciprocal and Cross-Access.** Developer shall grant and record such reciprocal access and cross-access easements as are reasonably necessary to provide for vehicular and pedestrian access to and from neighboring parcels, including, as applicable, the adjacent parcels currently owned by Cottonwood Meadows Holdings, Soderby LTD, Bonnie W. Brown, Bar-Z Investments, and Village at Trappers Loop LLC, thereby supporting the orderly development and connectivity of adjacent properties within the Town Center area. The specific location, configuration, and terms of such easements shall be established through the preliminary and final plat process and the applicable access or exchange agreements.

(c) **Utility Infrastructure with Broader-Area Capacity.**

(i) Developer shall design and construct the culinary water, secondary (irrigation) water, and sanitary sewer facilities necessary to serve the Project in coordination with, and in accordance with the reasonable engineering standards and requirements of, the applicable culinary water, secondary water, and sewer providers and the County. The County shall reasonably cooperate with Developer and the applicable utility providers in facilitating the timely review, approval, permitting, acceptance, and dedication (where applicable) of such facilities.

(ii) Developer shall not be required to design or construct infrastructure with capacity in excess of that reasonably necessary to serve the Project unless (i) such oversizing, extension, looping, or additional capacity is specifically requested or required by the County or the applicable utility provider to accommodate future development outside the Project, and (ii) Developer is provided with a legally enforceable mechanism for reimbursement or recovery of the incremental costs attributable to such excess capacity.

(iii) To the extent any water, sewer, or related utility improvements are oversized, extended, accelerated, or otherwise constructed to provide capacity, service, or connection opportunities for properties other than the Project, Developer shall be entitled to full reimbursement of all incremental costs, including without limitation design, engineering, permitting, land acquisition, easement acquisition, construction, financing, carrying costs, administrative expenses, and reasonable attorneys' fees attributable to such additional capacity. Such reimbursement may be accomplished through one or more reimbursement agreements, recovery agreements, impact fee credits, impact fee reimbursements, latecomer agreements, system improvement agreements, development reimbursements, utility participation agreements, assessment districts, connection fee sharing arrangements, or any other legally available cost-recovery mechanism authorized under Utah law or the policies of the applicable utility provider.

(iv) The County agrees to cooperate in good faith with Developer in establishing and implementing such cost-recovery mechanism(s), including executing such agreements and taking such legislative or administrative actions as are reasonably necessary to preserve and effectuate Developer's reimbursement rights. The County shall not approve the use of excess capacity constructed and paid for by Developer to serve other property unless Developer's contractual reimbursement rights have been established or otherwise adequately protected.

(v) Nothing in this Agreement shall be construed to require Developer to permanently subsidize the cost of public infrastructure serving lands outside the Project. Developer's obligation to construct public improvements shall be limited to the infrastructure reasonably necessary to serve the Project, together with any oversized or extended facilities for which Developer receives, or is legally entitled to receive, full reimbursement of the incremental costs attributable thereto. The failure of the County or a utility provider to establish or implement an agreed cost-recovery mechanism shall relieve Developer of any obligation to construct such oversized or excess-capacity improvements until adequate reimbursement arrangements have been made.

(vi) Nothing herein shall obligate the applicable utility provider to extend service to property outside the Project except in accordance with its applicable rules, regulations, and service policies

(d) **Water Rights and Share Dedication.** As a public benefit, Developer shall dedicate or convey to the applicable culinary water and secondary (irrigation) water providers such water rights and water shares as are legally required to serve the Project, in the quantities and through the mechanism required by the applicable provider and in accordance with applicable Utah law, thereby protecting the capacity of the existing water systems for the benefit of current and future residents of Mountain Green. The specific water rights, shares, and dedication mechanism shall be established in coordination with the applicable provider and in accordance with its water-dedication and share-requirement policies and applicable Utah law.

(e) **Shared Open Space and Regional Trail Connectivity.** The open space, trail, and pedestrian improvements provided by Developer under this Agreement, including the Cottonwood Creek Trail and the trailhead, easements, and related improvements described in Section 6.1, are intended to be publicly accessible and to provide connectivity that benefits the broader Mountain

Green and TC area. Developer shall cooperate in good faith with the County in coordinating the location and configuration of these improvements so that they may be extended through, and connected to, future development and public open space within the TC area. Nothing in this Section shall be construed to obligate Developer to construct, fund, secure, or complete any trail improvement beyond those located within the Property and expressly described in Section 6.1, and the foregoing statement of intent shall not be enforceable as an affirmative obligation of Developer.

4.7 [Reserved].

4.8 Limitation on Off-Site Obligations.

Notwithstanding anything in this Article or Section 6.1 to the contrary, Developer's obligations with respect to the trail, roadway, access, utility, water, open space, and connectivity improvements and dedications described in this Agreement are limited to the design, construction, dedication, and conveyance of improvements, rights, and shares located within, or directly serving, the Project and located on or appurtenant to property owned or controlled by Developer. Developer shall have no obligation to construct, fund, secure, or guarantee any off-site trail segment, roadway, utility extension, or other improvement located on property not owned or controlled by Developer, or the completion of any improvement by any other developer or party. The foregoing limitation does not waive, and is without prejudice to, Developer's right to a reimbursement, payback, recovery, or impact-fee-credit arrangement for oversized utility infrastructure as provided in Section 4.6(c).

4.9 Short-Term Rental Prohibition.

As a further material public benefit supporting the approved reduction in the commercial allocation, the Parties acknowledge that the preservation of the Project as a long-term residential community is a material consideration supporting the County's approval of the reduction in commercial allocation.

Short-term rentals, including nightly or transient lodging accommodations, are strictly prohibited within the legally recorded boundaries of the development and shall not be permitted under any circumstances through plat notes, covenants, or other recorded instruments. Allowed uses and development approvals shall be governed by the TC Zone and the County Code and shall proceed through subdivision and building permit approvals consistent with such regulations.

4.10 Applicability of Town Center Development Standards

Except as expressly modified by this Agreement, development of the Property shall comply with the applicable development standards of the TC Zone, including § 155.267 of the County Code, to the extent such standards are not inconsistent with the approved commercial allocation, the approved Conceptual Plan, the Rezone, or the provisions of this Agreement.

5. PROJECT AMENITIES

5.1 Project Amenities.

The Project Amenities described in this Section 5.1 constitute material public benefits supporting approval of the Conceptual Plan, the reduction in commercial allocation authorized pursuant to §155.266(D), the Rezone, and this Agreement. The Parties acknowledge that such amenities

exceed minimum development requirements and form part of the consideration supporting the approvals granted herein.

(a) Developer shall construct the following resident-serving amenities ("**Project Amenities**").

- Community clubhouse with meeting space, restrooms, and kitchen facilities.
- Community amenities (pickleball court(s) with fencing and safety features.
- Tot lot/playground.
- Covered pavilion with picnic tables.
- Landscaping and water-wise irrigation for all common areas.
- Decorative monument signage at the entrances into the Project.

The amenities described in this Section are voluntarily provided and exceed minimum County subdivision requirements for TC Zone, constituting public benefits associated with the development.

For clarity, the Project Amenities described above shall include: a community clubhouse containing a kitchen area, an open dining and gathering area, a weight room, and restroom facilities, sized sufficiently to support the number of residential and townhome units approved for the Project; two (2) pickleball courts, one (1) of which shall be open and accessible to the general public of Mountain Green, with the remaining court reserved for the use of residents of an Owners Association; a hot tub for the use of residents of the Owner's Association; a large grassed community park improved with shade trees and a children's playground; two (2) neighborhood pocket parks, each improved with seating; a continuous six-foot (6′) wide sidewalk along the main roadway through the Project for safe pedestrian circulation; and a reasonable number of public parking stalls in the vicinity of the clubhouse, trailhead, and publicly accessible pickleball court to serve members of the public using the public amenities, in the quantity and configuration to be established through the site plan and subdivision approval process.

Except for the public sidewalk, the public parking stalls, and the Cottonwood Creek Trail (collectively, the "**Public Amenities**"), which shall be open to the public, the Project Amenities are reserved for the use of residents and guests of the Project. All Project Amenities, including the Public Amenities, shall be owned, operated, maintained, repaired, and replaced by one or more Owners Associations in accordance with recorded CC&Rs, at no cost or expense to the County, with the Developer responsible for maintenance until the applicable Owners Association assumes responsibility. Notwithstanding the foregoing, the County and an Owner's Association may, at the County's election and upon mutual written agreement, provide for the County to assume ownership and/or maintenance of one or more of the Public Amenities at such time as the County determines it has the resources and ability to adequately maintain them; provided that, unless and until such a transfer is completed by written agreement and the County's, an Owner's Association shall remain responsible for the ownership and maintenance of all Project Amenities, including the Public Amenities.

(b) **County Standards**. Project Amenities shall be built to County standards which are subject to permitting and plan approval. The Developer shall obtain all necessary permits, inspections, and approvals from the County and all applicable regulatory agencies prior to commencement of construction of such Project Amenities.

(c) **Design and Sizing**. Final design, sizing, and placement of the Project Amenities shall be confirmed during the final plat process; provided, however, that no material reduction in the type, function, capacity, or quality of the Project Amenities shall occur without approval of the County.

(d) **Recreational Use Liability; Change in Law; County Indemnification.**

(i) Material Inducement; Condition Precedent. The Parties acknowledge and agree that the Developer would not agree to dedicate, construct, encumber, maintain, or permit public access to the trail system, including Cottonwood Creek Trail (defined below) (the "**Trail System**") required by this Agreement, absent the liability protections afforded by Utah Code Ann. §§ 57-14-101 through 57-14-205 and § 57-14-401, as amended from time to time, together with any successor statutes or other laws providing substantially equivalent protections (collectively, the "**Protection Statutes**"). The continued availability and applicability of the Protection Statutes constitute a material inducement to this Agreement, a material assumption upon which this Agreement is based, and a continuing condition precedent to the Developer's and any applicable homeowners association's obligation to permit or maintain public access to the Trail System. Nothing contained in this Agreement shall be construed to require the Developer or any homeowners association or successor owner of the Trail System (collectively, the "**Trail Owner**") to permit public access under circumstances that materially increase the liability exposure of the Trail Owner beyond that contemplated by the Protection Statutes.

(ii) Maximum Statutory Protection. The Parties expressly intend that all public use authorized under this Agreement shall qualify for the fullest liability protections available under the Protection Statutes. This Agreement shall be interpreted and administered so as to maximize the applicability of those protections, and no provision of this Agreement shall be interpreted as creating any duty of care, warranty, representation, special relationship, invitation, or assumption of liability inconsistent with the Protection Statutes.

(iii) Automatic Suspension. Upon the occurrence of a change in law to the Protection Statutes, the obligation to provide unrestricted public access shall automatically be suspended, without constituting a default under this Agreement, upon written notice from the Developer or Trail Owner to the County. During the suspension period, the Developer or Trail Owner may temporarily close the Trail System, restrict access, require permits or reservations, limit hours of operation, install gates or other access-control measures, or implement any other reasonable restrictions necessary to protect against increased liability exposure.

(iv) Renegotiation. Within thirty (30) days after notice of a change in law to the Protection Statutes, the Parties shall commence good-faith negotiations to amend this Agreement to restore, as nearly as practicable, the original allocation of risks and benefits contemplated by the Parties.

(v) County Defense and Indemnification. To the fullest extent permitted by law, the County shall defend, indemnify, and hold harmless the Developer, each Trail Owner, their affiliates, successors, assigns, members, managers, officers, directors,

employees, contractors, agents, and insurers from and against any and all claims, demands, causes of action, damages, liabilities, judgments, penalties, fines, losses, costs, and expenses, including reasonable attorneys' fees and expert witness fees, arising out of or relating to public recreational use of the Trail System required by this Agreement, except to the extent finally determined by a court of competent jurisdiction to have resulted solely from the gross negligence or willful misconduct of the indemnified party. The County's duty to defend shall arise immediately upon tender of any claim and shall be independent of its duty to indemnify.

(vi) Insurance Cost Reimbursement. If required public access results in increased insurance premiums, reduced insurance availability, increased deductibles, additional self-insured retention, or additional risk management costs, the County shall reimburse the Developer or applicable Trail Owner for such increased costs within thirty (30) days after receipt of reasonable documentation.

(vii) County Option to Assume Ownership or Operations. If a change in law to the Protection Statutes materially increases the liability associated with public use, the County may elect to accept ownership, operation, maintenance, and liability for all or any portion of the Trail System. Upon such transfer, the County shall assume all obligations associated with public access.

(viii) No Waiver of Statutory Immunity. Nothing contained in this Agreement shall constitute: (a) a waiver of any statutory immunity or defense; (b) an assumption of any duty beyond those imposed by applicable law; (c) an admission that the Trail System is safe or suitable for any particular use; or (d) a dedication creating duties inconsistent with the Protection Statutes.

(ix) Failure to Reach Agreement. If the Parties have not executed an amendment within one hundred twenty (120) days after the occurrence of a change in law to the Protection Statutes, the Developer or applicable Trail Owner may permanently discontinue public access to the extent reasonably necessary to eliminate the materially increased liability exposure, and such discontinuance shall not constitute a breach or default of this Agreement.

(x) Covenant Running with the Land. This Section shall run with the land and shall bind and benefit the County, the Developer, all successors and assigns, and each present and future owner or homeowners association owning or maintaining any portion of the Trail System.

5.2 Amenity Phasing and Completion Schedule.

Developer shall complete the Project Amenities in accordance with the following schedule.

(a) **Community Amenities**. The Community Clubhouse, Pickleball Court, Tot Lot/Playground, and Covered Pavilion with Picnic Tables shall be completed and available for use no later than six (6) months following the issuance of Certificates of Occupancy for fifty percent (50%) of the approved dwelling units within the Development.

(b) **Parks, Green Space, Landscaping, and Irrigation.** Parks, green space, landscaping, and irrigation improvements serving a phase of the Development shall be completed prior to final acceptance of public improvements for that phase, unless otherwise approved by the County.

(c) **Trail Connections.** Trail connections required by this Agreement, the approved Conceptual Plan, or applicable subdivision approvals shall be completed within each phase of the Development prior to final acceptance of public improvements for that phase, unless otherwise approved by the County.

(d) **Decorative Monument Signage**. Decorative monument signage at project entrances shall be installed prior to issuance of the first Certificate of Occupancy within the Development, unless otherwise approved by the County.

(e) **Final Completion**. All Project Amenities shall be fully completed no later than the issuance of Certificates of Occupancy for seventy-five percent (75%) of the approved dwelling units within the Development.

5.3 No Substitution Without Approval.

Subject to Section 5.1(d), no Project Amenity identified in this Agreement may be eliminated, materially reduced, relocated, or substituted without written approval of the County. In reviewing any proposed modification, the County may consider whether the proposed change would materially affect the public benefits supporting approval of the Conceptual Plan, reduction in commercial allocation, Rezone, or this Agreement.

5.4 Aviation Easement.

All final plats shall include an aviation easement in favor of the County Airport for aircraft operations in airspace over the Property.

6. DEDICATION OF TRAIL OPEN SPACE AND LAND FOR FIRE DEPARTMENT

6.1 Trail Open Space Dedication.

Developer shall design, construct, and make available for public use a paved pedestrian trail along the Cottonwood Creek corridor (the "**Cottonwood Creek Trail**") as shown on the Conceptual Plan, and as depicted on **Exhibit F**, at Developer's sole cost and expense, together with the related improvements described below. The Cottonwood Creek Trail shall be a six-foot (6′) wide asphalt trail constructed by Developer across property owned by Developer, at the location shown and depicted on **Exhibit F**, and shall include a trailhead access point off of Old Highway Road as shown in the Conceptual Plan, providing public pedestrian access, together with benches and shaded rest areas for the use and enjoyment of the public. The Cottonwood Creek Trail and related trail improvements shall be retained in private ownership and shall be open and accessible to the general public. In lieu of dedication of the underlying land to the County, Developer shall dedicate to the County, or grant for the benefit of the public, a public-access easement over Cottonwood Creek Trail, in a form reasonably and mutually acceptable to

the Parties and recordable against the Property, sufficient to provide for public access to and maintenance of the Cottonwood Creek Trail. The County acknowledges that the construction and public dedication of the Cottonwood Creek Trail and related improvements will result in significant planning and economic benefits consistent with Section 155.266(D)(3) of the County Code.

6.2 Maintenance of Cottonwood Creek Trail.

The Cottonwood Creek Trail, the trailhead, and the related trail improvements shall be owned, maintained, repaired, and replaced by one or more Owners Associations in accordance with recorded CC&Rs, at no cost or expense to the County, while remaining open and accessible to the public. The public-access requirement for the Cottonwood Creek Trail is based, in part, upon the liability protections afforded to private property owners under Utah's Protection Statutes. In the event such statutory protections are repealed, materially limited, or judicially determined to be unavailable to Developer or the Owners Associations for public use of the trail, Developer and/or the Owners Associations shall have the rights set forth in Section 5.1(d) of this Agreement.

6.3 Fire Department Dedication.

Developer shall dedicate to the County, or its designated fire protection provider, a parcel of real property identified as Parcel "FD" on the Joint Concept Plan and as depicted on **Exhibit G** (the "**FD Parcel**"). The final dimensions and area of the FD Parcel shall be established by a record of survey and legal description prepared by a licensed surveyor and approved by the County prior to conveyance, consistent with the location and configuration depicted on the Conceptual Plan and **Exhibit G**. The FD Parcel shall be conveyed by special warranty deed, free and clear of all liens and encumbrances, subject to zoning laws, rules and regulations, all reservations, easements, covenants, conditions, restrictions, encumbrances, and other rights or interests of record. Conveyance shall occur upon recordation of the first final plat for Phase 1. The County acknowledges that dedication of the FD Parcel will result in significant planning and economic benefits to the County and its residents and are consistent with the eligible public benefits enumerated in Section 155.266(D)(3) of the Land Use Code.

6.4 Tax Benefits.

The County acknowledges that Developer may seek tax benefits by reason of conveying and/or construction the Cottonwood Creek Trail and FD Parcel. Developer shall have sole responsibility to claim and qualify for any such tax benefits. The County shall reasonably cooperate, to the extent permitted by applicable law, in executing documents reasonably requested by the Developer to support any lawful application for such tax benefits, provided the County incurs no cost or liability in doing so.

7. CC&RS AND OWNER ASSOCIATION(S)

7.1 Establishment.

At the time of final plat review and approval, Developer shall record one or more declarations of conditions, covenants and restrictions regarding certain aspects of design and construction on the Property as amended from time to time ("**CC&R's**). As more fully set forth in the CC&Rs, Developer shall create and establish one or more owner association(s) ("**Owner Associations**"),

which shall be responsible for the implementation and enforcement of the CC&Rs, any building design standards, including but not limited to architectural reviews, open space, common areas, Cottonwood Creek Trail maintenance and private street maintenance. Recordation of the CC&Rs and creation of such Owner Associations shall be required at the time of final plat review and approval. County shall not be responsible for the implementation or enforcement of any such CC&Rs.

7.2 Amendment.

The CC&Rs may be amended by the processes specified in the CC&Rs without any requirement of approval of such amendments by County.

7.3 Association(s) Funding and Financial Requirements — Utah State Code Compliance.

The Associations shall be organized, funded, and operated in compliance with the Utah Community Association Act, Utah Code Ann. §§57-8a-101 et seq.

7.4 CC&Rs Consistent with Agreement.

The CC&Rs and all other governing documents of an Owners Association shall remain consistent with this Agreement. No amendment to the CC&R's and governing documents shall eliminate, materially reduce, or impair any obligation of the Owner Associations imposed by this Agreement without the prior written reasonable approval of the County staff.

8. VESTED RIGHTS AND LEGISLATIVE AUTHORITY

8.1 Vested Rights.

To the maximum extent permitted by applicable law, the Parties intend that this Agreement grants the Developer vested rights to develop the Property in accordance with the terms of this Agreement, the approved Conceptual Plan, the Rezone, and the approvals granted hereunder. Except as expressly provided in this Agreement or otherwise required by applicable law, the County shall not modify or impair those vested rights. The Parties intend that the rights granted by this Agreement constitute vested land use rights under Utah Code § 17-79-803 and applicable Utah common law. Such vested rights shall be governed by the land use ordinances, regulations, and other applicable laws in effect on the Effective Date, except as otherwise provided herein or required by applicable law.

8.2 Reserved Legislative Powers.

Nothing in this Agreement shall be construed as limiting the County's legislative authority or police powers by the County in enacting zoning, subdivision, development, transportation, environmental, open space, and related land-use plans, policies, ordinances and regulations after the date of this Agreement, provided that the adoption and exercise of such power shall not restrict Developer's vested rights to develop the Property and Project as provided herein. Notwithstanding the foregoing, any proposed change affecting the vested rights of the Property shall be of general application to all development activity in the County; and, unless the County declares an emergency, Developer shall be entitled to notice and an opportunity to be heard with

respect to the proposed change and its applicability to the Property under the compelling, countervailing public interest exception to the vested rights doctrine. This Agreement is not intended to and does not bind the County Commissioners in the independent exercise of its legislative discretion with respect to such zoning regulations.

9. FURTHER APPROVALS

9.1 Subdivision, Plat Approval, and Compliance with Design Conditions.

Developer expressly acknowledges and agrees that nothing in this Agreement will be deemed to relieve it from the obligation to comply with all applicable requirements necessary for approval and recordation of final plat(s) as set forth herein and in the Land Use Code.

9.2 Timeliness.

Where further approvals by the County are required under this Agreement or applicable law, the Parties shall cooperate in good faith to facilitate the timely processing of applications. The County shall process complete applications in accordance with the procedures and timeframes established by the County Code and applicable law, and the Developer shall timely provide all information reasonably required to process such applications.

10. PUBLIC IMPROVEMENTS, SUBDIVISION PHASING, AND WARRANTY

10.1 Construction of Public Improvements.

All public improvements located within the Property and Project will be constructed and installed at the Developer's sole expense in accordance with applicable final plat(s) (including the approved construction drawings and specifications), this Agreement, and applicable law.

10.2 Inspection and Acceptance.

Following Developer's written request for inspection and certification that the improvements are substantially complete, as soon as reasonably practicable, but in no event more than thirty (30) days after completion of the public improvements, and at a time mutually agreed upon by the Parties, the County shall inspect the public improvements to determine whether the public improvements have been constructed in substantial compliance with the approved plans, specifications, this Agreement, and applicable County standards (the "**Inspection**"). As soon as reasonably practicable, but in no event more than thirty (30) days after the Inspection, the County shall provide to Developer: (a) a list of items failing to meet plans and specifications (the "**Correction List**"); or (b) written acknowledgment that the public improvements are accepted by the County. The County shall not unreasonably withhold, condition, or delay acceptance of public improvements that comply with this Agreement, the approved plans and specifications, and applicable County standards. County acceptance of public improvements shall not constitute a waiver of latent defects, defective workmanship, defective materials, fraud, or the Developer's warranty obligations under this Agreement.

10.3 Improvement Completion Assurance.

Prior to recordation of a final plat for any phase, Developer shall enter into an improvement completion agreement and post improvement completion assurance ("**Completion Assurance**")

in accordance with County Code § 155.420. The Completion Assurance shall equal one hundred ten percent (110%) of the County Engineer's estimated cost of the improvements to be installed, and shall otherwise be subject to the terms, reductions, and warranty obligations set forth in § 155.420 of the County Code.

Consistent with § 155.420(C) of the County Code, the County may accept any of the following three forms of financial Completion Assurance: (1) funds deposited directly with the County Treasurer; (2) a letter of credit; or (3) an escrow agreement and escrow account deposited with a County-approved third-party, federally insured financial institution. The letter of credit and escrow account options shall be subject to the conditions set forth in § 155.420(C) of the County Code. The form of Completion Assurance shall be approved by the County Attorney, the County Treasurer, and the County Engineer.

10.4 Roadways.

Private roads shall be designed and constructed per County standards and cross-sections as shown on **Exhibit D** attached hereto. The County is not responsible for maintenance of private roads. All private roads within the Project shall remain privately owned and shall be operated, maintained, repaired, and replaced by one or more Owner Associations at no cost or expense to the County.

10.5 Utilities.

Developer shall design, construct, and install all sewer, culinary water, secondary (irrigation) water, stormwater, and other utility infrastructure required to serve the Project in accordance with the approved construction plans, this Agreement, the requirements of the applicable utility providers, and applicable County standards. All utility improvements shall be subject to inspection and acceptance by the applicable utility provider and, where applicable, the County.

10.6 Subdivision Phasing.

The County acknowledges that the Project is anticipated to be developed in multiple phases, with sequencing subject to market conditions, infrastructure installation, and County approvals. The Developer may submit multiple preliminary and final plat applications from time to time to develop and/or construct portions of the Project in phases consistent with Chapter 155.415–424 of the County Code and Utah Code Ann. §17-79-704. The following phasing standards shall apply:

(a) **Phase Submittals.** Each phase shall be submitted as a separate preliminary and final plat application identifying the lots, common areas, public improvements, and amenities proposed within that phase.

(b) **Infrastructure Sequencing.** Public infrastructure required for each phase shall be constructed and completed in accordance with approved construction drawings and County standards prior to issuance of building permits or certificates of occupancy for that phase.

(c) **Completion Assurance Per Phase.** The Developer shall provide Completion Assurance in an amount equal to one hundred ten percent (110%) of the engineer-approved cost of all required public improvements not yet installed at the time of plat recordation for each respective phase.

(d) **Amenity Phasing.** Project Amenities shall be phased and completed in accordance with the schedule set forth in Section 5.2.

(e) **Phase Independence.** Each final plat phase shall be capable of standing alone as a functional subdivision with adequate access, utilities, and required improvements, without dependency on improvements in a future phase, unless otherwise approved in writing by the County.

(f) **Phase Modifications.** Minor modifications to phasing boundaries or sequencing that remain substantially consistent with the approved Conceptual Plan may be approved administratively by the County. Material modifications shall require amendment of this Agreement or such additional approvals as required by the County Code.

10.7 Improvement Warranty for Subdivisions — Utah State Code Compliance.

Upon the County's initial acceptance of the public improvements, and in compliance with Utah Code Ann. §17-79-707 and applicable County Code standards, the Developer shall provide the following warranty assurances:

(a) **Warranty of Improvements.** Developer warrants that all public improvements installed within the subdivision are constructed in accordance with the approved plans and specifications, are free from defects in materials and workmanship ("**Improvement Warranty**"), and will remain in satisfactory condition for a period of one (1) year from the date of the County's written acceptance (the "**Warranty Period**"), consistent with the minimum warranty requirement under Utah Code Ann. §17-79-707.

(b) **Defect Notification and Cure**. If the County identifies any material defect during the Warranty Period, the County shall provide written notice to Developer specifying the nature and location of the defect. Developer shall commence cure within thirty (30) days of receipt of such notice and shall diligently complete all necessary repairs. If Developer fails to commence or complete the required cure within the time specified, the County may draw upon the warranty security to perform or cause the repairs to be performed.

(c) **Release of Warranty Security.** Upon expiration of the Warranty Period and written confirmation by the County Engineer that all identified defects have been corrected, the County shall release the warranty security to Developer within thirty (30) days. The County shall not unreasonably withhold or delay such release.

(d) **Third-Party Beneficiaries.** No lot purchaser or other third party shall have rights as a third-party beneficiary under the Improvement Warranty or warranty security. All warranty obligations run solely between Developer and the County.

11. <u>TERM AND MISCELLANEOUS PROVISIONS</u>

11.1 Term.

This Agreement shall remain in effect for fifteen (15) years from the Effective Date unless terminated or amended in writing. The term may be extended by mutual written agreement of the Parties, subject to approval by the Morgan County Commission.

11.2 County Fees.

Developer acknowledges that County fees may increase in accordance with applicable law.

11.3 Construction Standards.

Construction standards for all portions of the development of the infrastructure for the Property will be governed by the most current edition of the County Code, the Utah State Building, Plumbing, Mechanical, Electrical Codes, current engineering standards and the International Building Code as enforced by the County as the primary governing agency, at the time of application for building permit. No part of this Agreement will be deemed to supersede these standards. Developer will be required to comply with all conditions necessary for the issuance of a building permit, including, without limitation, any bonding or guaranty requirements generally applied by the County.

11.4 Dedication of Public Infrastructure.

Following the recording of respective final plat(s), and except to the extent otherwise expressly set forth in this Agreement, Developer agrees to dedicate and convey to the County by special warranty deed or by plat dedication, at no cost to the County and free and clear of liens and encumbrances, except those existing on the Property on the date of acquisition by Developer and those agreed to by the Parties (excluding any monetary liens or encumbrances), any areas designated in the final plats to be used as roadways, storm water detention basins, parks open to the general public, and amenities open to the general public, in order to assure use of the land consistent with the policies, goals, and objectives of the General Plan. All such parcels will be conveyed at the time of recordation of respective final plat(s). Upon dedication, the County agrees to operate, maintain, repair, and replace, as provided by law, all public roadways and dedicated parks and trails subject to any existing warranties. However, the County will not be required to maintain or remove snow from any private roadways, parks, and trails located on the Property.

11.5 Final Plat Amendments.

In the event Developer desires to make minor changes to any respective final plat(s) before they are recorded, Developer will submit such changes to County staff for approval. So long as such changes are consistent with this Agreement and applicable law, County staff will approve such changes. If County staff determines that such changes are inconsistent with the provisions of this Agreement, Developer must seek approval from the County Planning Commission and the County Commission.

12. ASSIGNMENT

12.1 Binding on Successors and Assigns.

This Agreement shall be binding upon and inure to the benefit of the Parties and their respective permitted successors and assigns.

12.2 Assignment by Developer.

Developer may assign this Agreement only with prior written County consent, which consent shall not be unreasonably withheld, conditioned, or delayed. An assignee must demonstrate

capability to perform the obligations assumed. Developer shall remain liable under this Agreement unless expressly released in writing by the County.

12.3 Non-Assignment.

Lot sales and mortgages in the ordinary course of business do not constitute an assignment requiring County consent.

12.4 Obligations of Assignee.

Assignees shall assume all Developer's obligations under this Agreement and shall be substituted accordingly. Developer shall remain liable unless released by the County in writing.

13. GENERAL TERMS

13.1 Agreement to Run with the Land.

This Agreement shall be recorded in the Office of the Morgan County Recorder, shall be deemed to run with the Property, and shall encumber the same; and shall be binding on and inure to the benefit of all successors and assigns of Developer in the ownership or development of any portion of the Property.

13.2 Severability.

In the event any provision of this Agreement is held to be invalid or unenforceable, the remaining provisions shall remain valid and binding upon the Parties. One or more waivers of any term, condition, or other provision by either Party shall not be construed as a waiver of a subsequent breach of the same or any other provision.

13.3 No Third-Party Beneficiary.

The provisions of this Agreement are and will be for the benefit of Developer and the County only and are not for the benefit of any third person or entity.

13.4 Choice of Law and Venue.

Any dispute regarding this Agreement shall be heard and settled under the laws of the State of Utah. Any Utah litigation regarding this Agreement shall be filed in the Third District Court for Morgan County, Utah. Any federal litigation shall be filed in the United States District Court for the District of Utah.

13.5 Entire Agreement.

This Agreement contains the entire agreement between the Parties with respect to the subject matter hereof and integrates all prior conversations, discussions, or understandings of whatever kind or nature, and may only be modified by a subsequent writing duly executed and approved by the Parties.

13.6 Notice.

All notices required or permitted under this Agreement shall be given in writing and delivered by: (a) personal delivery; (b) certified mail, return receipt requested; or (c) a nationally recognized overnight courier service, addressed as follows:

Developer:
BCP Capital, LLC Attn: Peter Evans
300 S 1350 E St. 2nd Floor
Lehi, UT 84043

County:

Morgan County
Attn: County Attorney
48 W Young St, PO Box 886
Morgan, UT 84050-9000

Copy to:

Morgan County Clerk
48 W Young St,
PO Box 886
Morgan, UT 84050-9000

13.6.1 Effective Notice.

Except as otherwise provided in this Agreement, each Notice shall be effective and deemed delivered on the earlier of: (a) Physical Delivery — its actual receipt if delivered personally or by courier; (b) Electronic Delivery — its actual receipt if delivered by email; or (c) Mail Delivery — on the day the Notice is postmarked, postage prepaid, by First Class or Certified United States Mail.

13.6.2 Change of Notice Address.

Any Party may change its address for Notice under this Agreement by giving written Notice to the other Party in accordance with the provisions of this Section.

13.7 Default and Dispute Resolution.

If any Party fails to materially perform their respective obligations hereunder, the non-defaulting Party shall provide written notice to the defaulting Party specifying: (i) the claimed event of default; (ii) the provisions claimed to be in default; (iii) why the default is claimed to be material; and (iv) a proposed cure period of no less than thirty (30) calendar days. The County may withhold permits, certificates of occupancy, inspections, final plat approvals, future phase approvals, and other development approvals during the existence of an uncured default.

(a) **Meet and Confer.** If any Party gives notice of a default, the Parties shall meet within twenty-one (21) calendar days of the notice and make good faith effort to resolve the issues specified in the notice.

(b) **Mediation.** If the Parties are unable to resolve the notice of default after the Meet and Confer, the Parties shall attempt within fifteen (15) calendar days to appoint a mutually acceptable mediator. If the Parties cannot agree on a single mediator, each shall appoint their own representative who shall together choose the mediator. The Parties shall split mediator fees equally. The chosen mediator shall within fifteen (15) calendar days, review the positions of the

Parties regarding the dispute and promptly attempt to mediate the issue between the Parties. If the Parties are unable to reach agreement on the notice of default, the mediator shall notify the Parties in writing of the resolution that the mediator deems appropriate. The mediator's opinion shall not be binding on the Parties.

(c) **Remedies**. If the Parties are not able to resolve the default by mediation, the Parties shall have all rights and remedies available at law and in equity, including but not limited to injunctive relief, specific performance, and/or damages.

13.8 Force Majeure.

Any prevention, delay, or stoppage of the performance of any obligation under this Agreement due to strikes, labor disputes, inability to obtain labor or materials, acts of nature, inclement weather, governmental restrictions, judicial orders, wars, civil commotion, fires, or other causes beyond the reasonable control of the Party obligated to perform shall excuse performance of the obligation for a period equal to the duration of that prevention, delay, or stoppage.

13.9 Attorney's Fees.

The prevailing Party in any enforcement action shall be entitled to recover its reasonable attorneys' fees and costs incurred in such action, including any appeal.

13.10 No Waiver.

A Party's failure to enforce a right shall not constitute a waiver of any rights. Any waiver must be in writing and signed by the waiving Party to be effective.

13.11 Amendment.

This Agreement may be amended in whole or in part by the mutual written consent of the Parties or by their successors-in-interest or assigns. Any such amendment shall be recorded in the official records of the Morgan County Recorder's Office. No oral modifications shall be valid or enforceable.

13.12 Mutual Drafting.

Each Party has participated in negotiating and drafting this Agreement, and therefore no provision of this Agreement shall be construed for or against either Party based on which Party drafted any particular portion.

13.13 Further Actions and Instruments.

The Parties agree to provide reasonable assistance to the other and cooperate to carry out the intent and fulfill the provisions of this Agreement. Each of the Parties shall promptly execute and deliver all documents and perform all acts as necessary to carry out the matters contemplated by this Agreement.

[*Signatures appear on the following page*]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first herein above written.

DEVELOPER: BCP Development, Inc.

By: _____

Name: Peter Evans

Title: Manager

STATE OF UTAH)

:ss

COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2026, by _____.

_____

Notary Public

Residing at: _____

My Commission Expires: _____

COUNTY: Morgan County

By: _____

Name: _____

Title: _____

STATE OF UTAH)

:ss

COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2026, by _____.

_____

Notary Public

Residing at: _____

My Commission Expires: _____

EXHIBIT A

Legal Description of the Property

A parcel of land located in all Section 25, Township 05 North, Range 01 East, Salt Lake Base and Meridian, located in Morgan County, Utah, being more particularly described as follows:

Beginning at a point N89°38'55"E 1331.96 feet along the Quarter Section line from the West Quarter Corner of Section 25, Township 5 North, Range 1 East, Salt Lake Base and Meridian; running thence along said quarter Section Line N 89°38'55" E 1,320.26 feet; thence along the northerly line of Cottonwood Creek N 73°05'20" E 119.65 feet to the westerly right-of-way line of Old Highway Road; thence along said right-of-way line S 47°29'33" E 71.21 feet; thence S 76°00'00" W 176.10 feet; thence South 161.30 feet; thence S 75°40'00" E 167.73 feet; thence S 25°59'18" W 32.12 feet; thence S 62°36'30" E 198.05 feet; thence N 35°55'46" E 190.17 feet to the southerly right-of-way line of Old Highway Road; thence along said right of way line the following two (2) courses: (1) Southeasterly along the arc of a non-tangent curve to the left having a radius of 995.40 feet a distance of 184.74 feet through a central angle of 10°38'02" Chord: S 65°22'26" E 184.48 feet; (2) thence S 70°40'00" E 1,022.71 feet to the westerly line of that Warranty Deed recorded February 25, 2004 as Entry No. 095215 in the Morgan County Recorder's Office; thence along said Warranty Deed S 30°27'00" W 715.74 feet; thence N 63°40'00" W 467.79 feet; thence N 47°46'00" W 231.80 feet; thence N 82°00'00" W 225.00 feet; thence S 60°31'29" W 203.90 feet; thence S 69°02'00" W 216.83 feet to the easterly line of Parcel 1 described in the Special Warranty Deed recorded January 05, 2018 as Entry No. 143682 in the Morgan County Recorder's Office; thence along said easterly line of parcel 1 N 00°11'13" E 327.26 feet; thence West 1,330.72 feet to the easterly line of Parcel 2 in the aforementioned Special Warranty deed; thence along said easterly line of Parcel 2 line N 00°05'24" E 705.14 feet to the point of beginning.

Containing 43.15 acres, more or less.

EXHIBIT B

Conceptual Plan

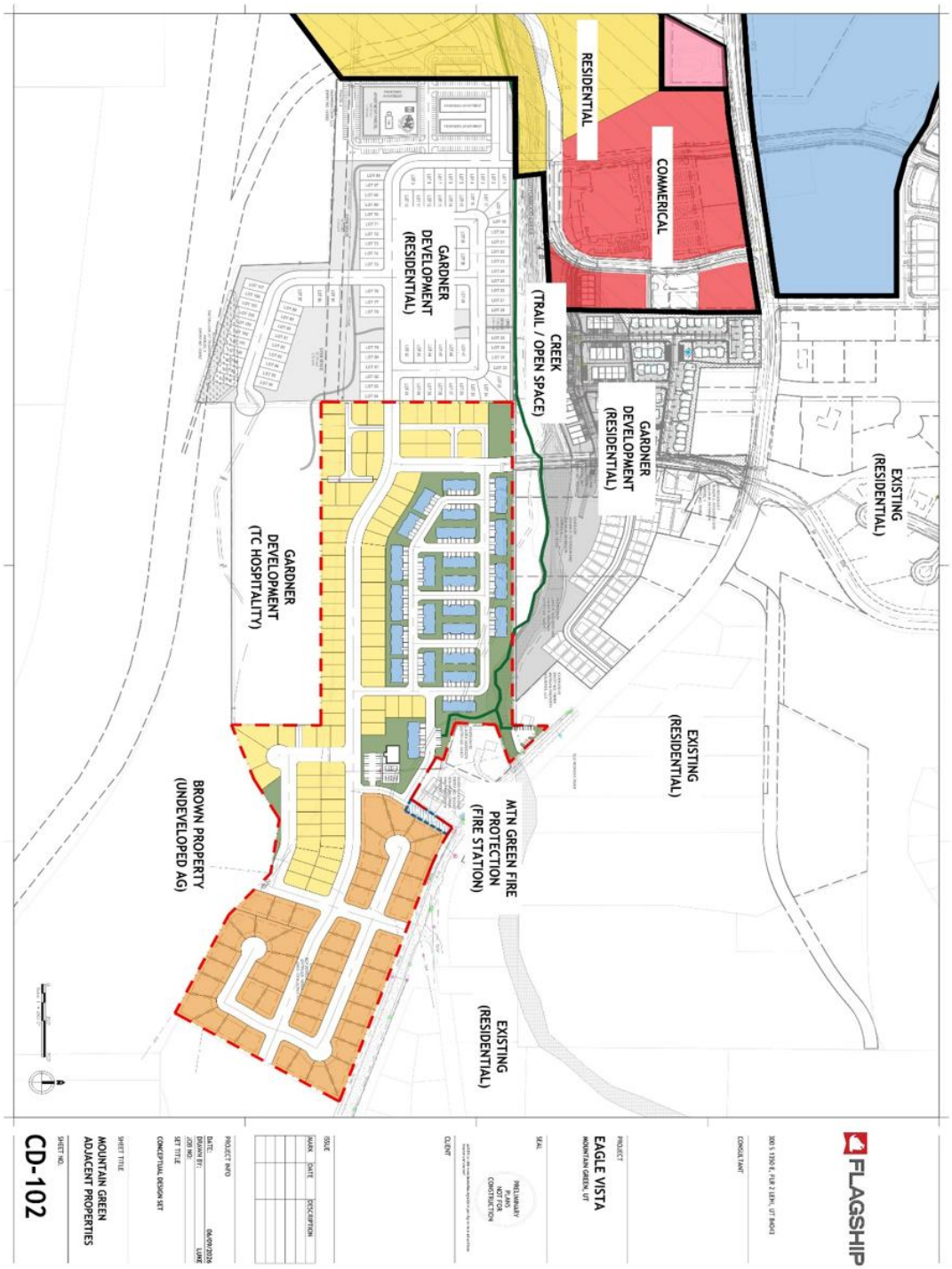


EXHIBIT C

Public and Private Road Cross-Section Standards

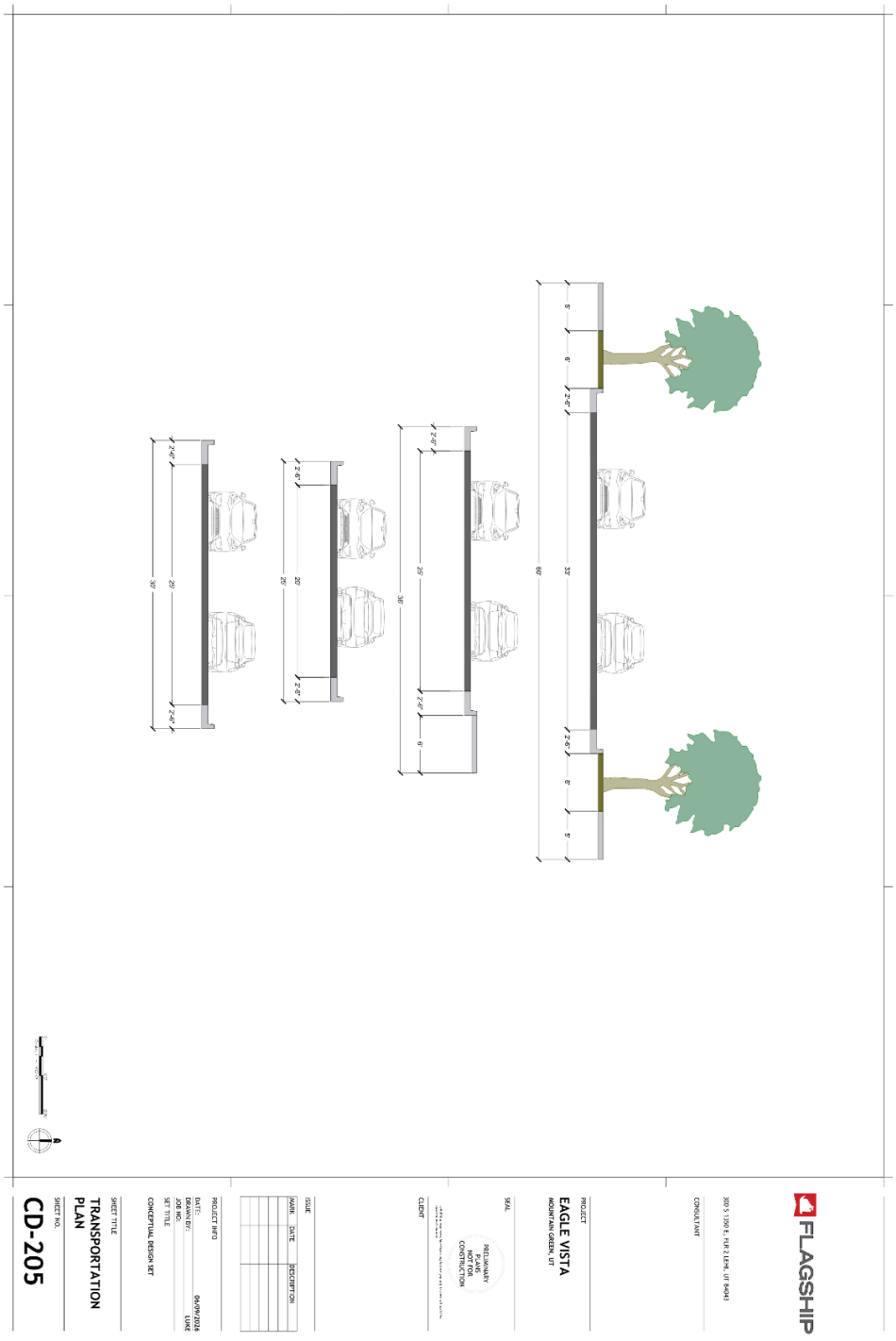
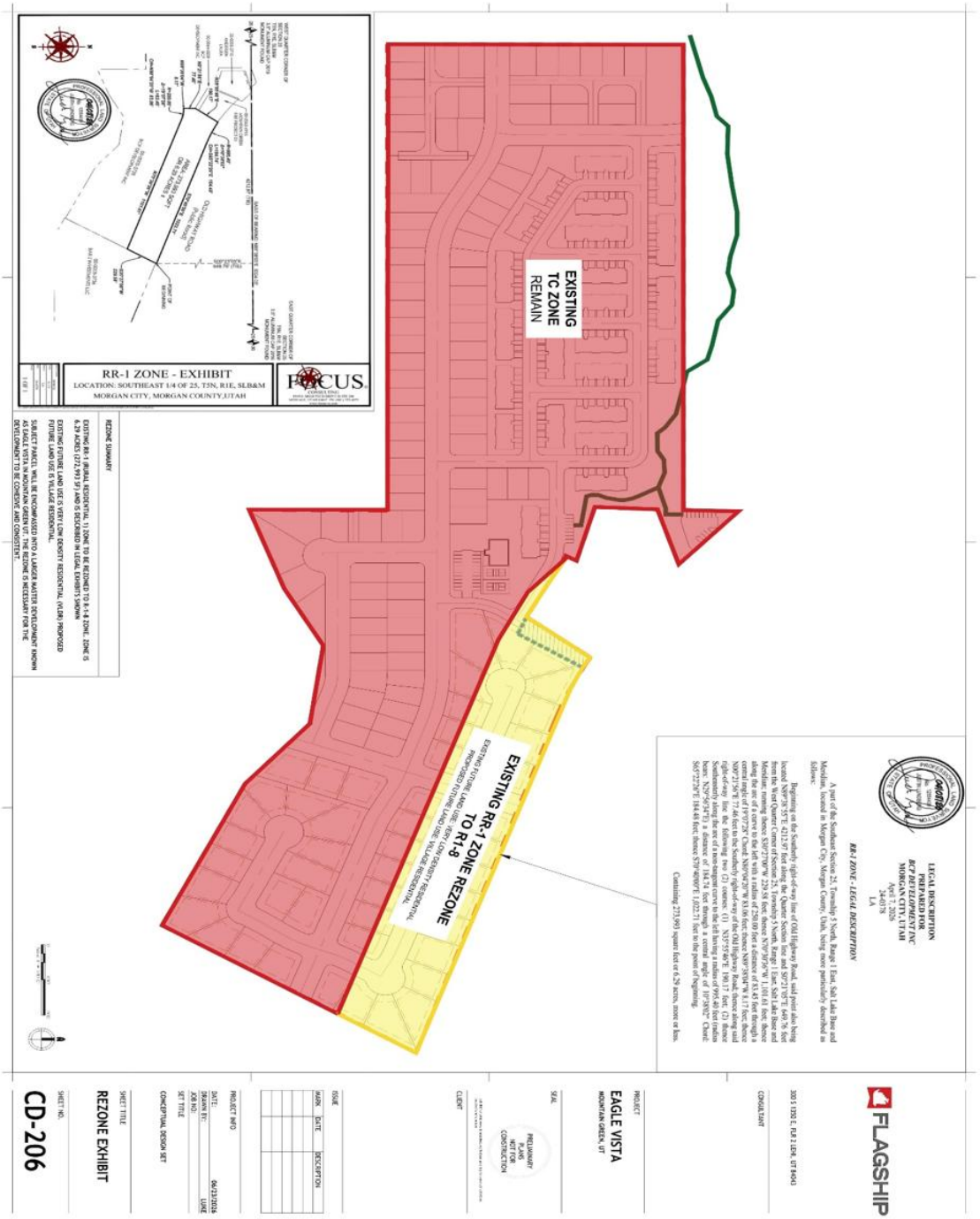
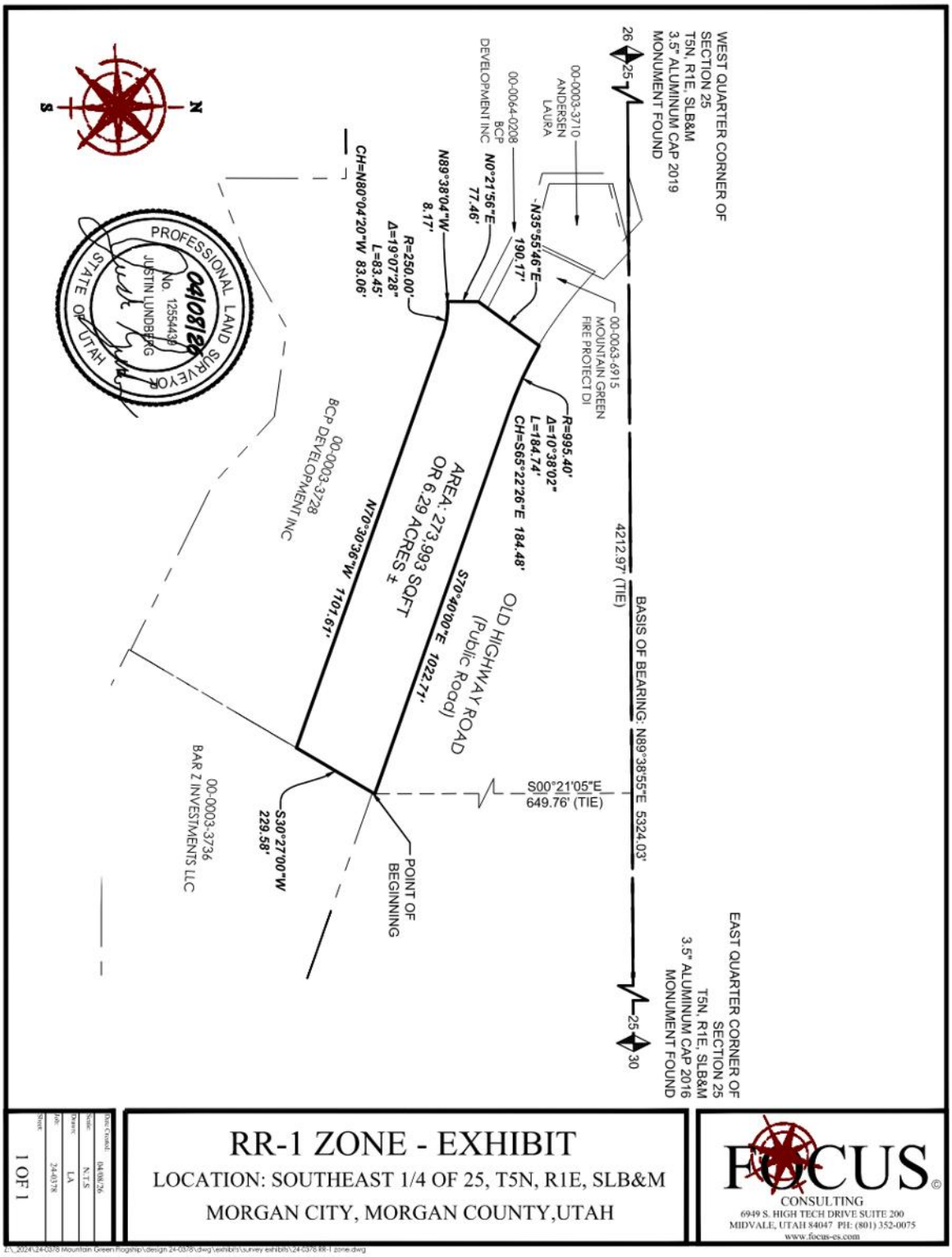


EXHIBIT D

Rezone Area Description and Depiction




WEST QUARTER CORNER OF
SECTION 25
T5N, R1E, SLB&M
3.5" ALUMINUM CAP 2019
MONUMENT FOUND
EAST QUARTER CORNER OF
SECTION 25
T5N, R1E, SLB&M
3.5" ALUMINUM CAP 2016
MONUMENT FOUND
BASIS OF BEARING: N89°38'55"E 5324.03'
4212.97' (TIE)
S00°21'05"E
649.76' (TIE)
POINT OF
BEGINNING
00-0003-3710
ANDERSEN
LAURA
00-0064-0208
BCP
DEVELOPMENT INC
00-0063-6915
MOUNTAIN GREEN
FIRE PROTECT DI
00-0003-3728
BCP DEVELOPMENT INC
00-0003-3736
BAR Z INVESTMENTS LLC
OLD HIGHWAY ROAD
(Public Road)
AREA:
OR 6.29 ACRES ±
N35°55'46"E
190.17'
N0°21'56"E
77.46'
N89°38'04"W
8.17'
R=250.00'
Δ=19°07'28"
L=83.45'
CH=N80°04'20"W 83.06'
R=995.40'
Δ=10°38'02"
L=184.74'
CH=S65°22'26"E 184.48'
S70°40'00"E
102.71'
N70°30'36"W
110.91'
S30°27'00"W
229.58'
PROFESSIONAL LAND SURVEYOR
STATE OF UTAH
No. 12554439
JUSTIN LUNDBERG
04/08/26
RR-1 ZONE - EXHIBIT
LOCATION: SOUTHEAST 1/4 OF 25, T5N, R1E, SLB&M
MORGAN CITY, MORGAN COUNTY,UTAH
Disc Created 04/08/26
Scale N.T.S.
Drawn LA
Job 24-0378
Sheet 1 OF 1
FOCUS
CONSULTING
6949 S. HIGH TECH DRIVE SUITE 200
MIDVALE, UTAH 84047 PH: (801) 352-0075
www.focus-es.com



LEGAL DESCRIPTION
PREPARED FOR
BCP DEVELOPMENT INC
MORGAN CITY, UTAH
April 7, 2026
24-0378
LA

RR-1 ZONE - LEGAL DESCRIPTION

A part of the Southeast Section 25, Township 5 North, Range 1 East, Salt Lake Base and Meridian, located in Morgan City, Morgan County, Utah, being more particularly described as follows:

Beginning on the Southerly right-of-way line of Old Highway Road, said point also being located N89°38'55"E 4212.97 feet along the Quarter Section line and S0°21'05"E 649.76 feet from the West Quarter Corner of Section 25, Township 5 North, Range 1 East, Salt Lake Base and Meridian; running thence S30°27'00"W 229.58 feet; thence N70°30'36"W 1,101.61 feet; thence along the arc of a curve to the left with a radius of 250.00 feet a distance of 83.45 feet through a central angle of 19°07'28" Chord: N80°04'20"W 83.06 feet; thence N89°38'04"W 8.17 feet; thence N00°21'56"E 77.46 feet to the Southerly right-of-way of the Old Highway Road; thence along said right-of-way line the following two (2) courses: (1) N35°55'46"E 190.17 feet; (2) thence Southeasterly along the arc of a non-tangent curve to the left having a radius of 995.40 feet (radius bears: N29°56'34"E) a distance of 184.74 feet through a central angle of 10°38'02" Chord: S65°22'26"E 184.48 feet; thence S70°40'00"E 1,022.71 feet to the point of beginning.

Containing 273,993 square feet or 6.29 acres, more or less.

Exhibit E (Reserved)
Old Highway Road Right-of-Way Dedication

Exhibit F

Cottonwood Creek Trail Alignment and Trailhead

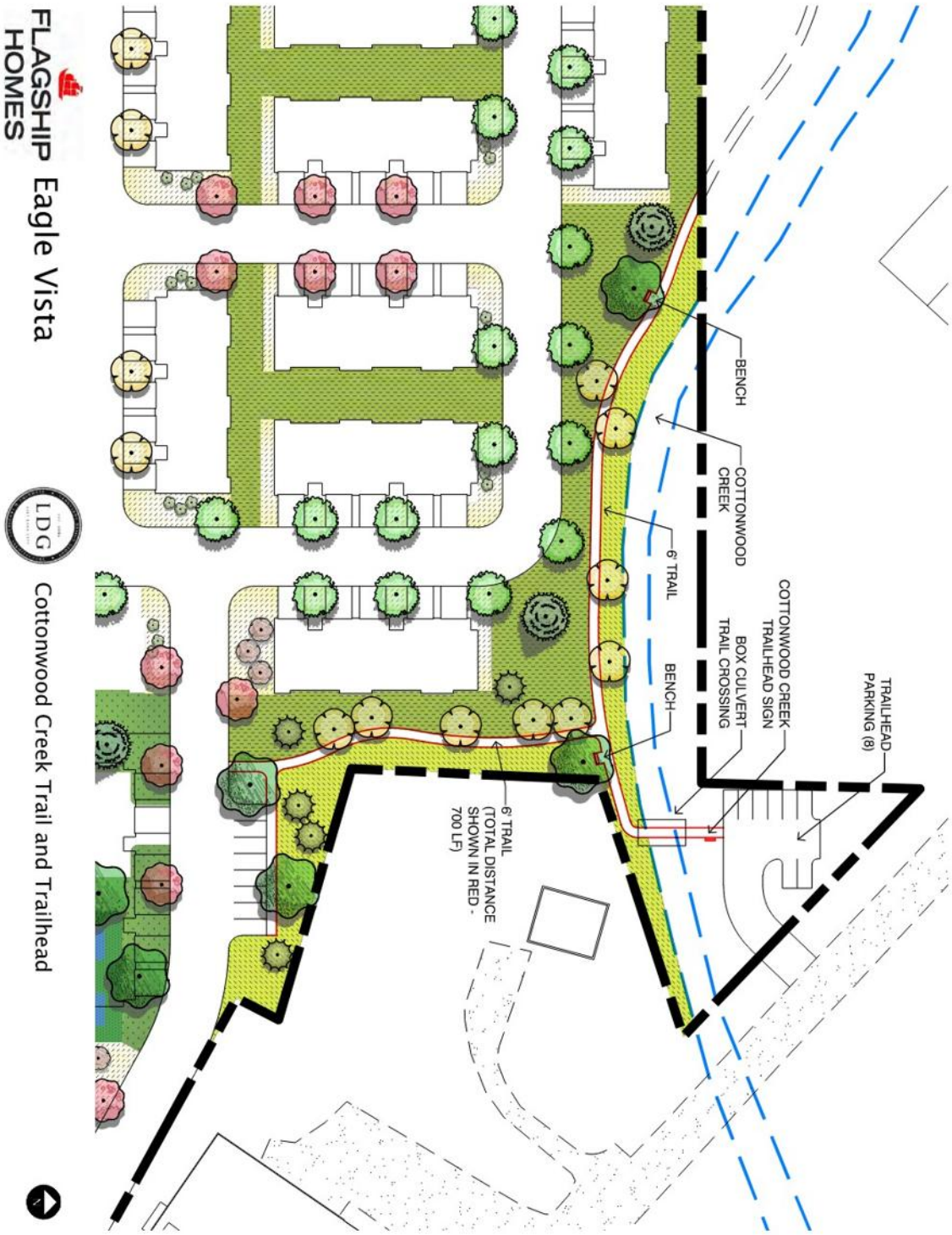


EXHIBIT G

Fire Department Parcel ("FD Parcel")

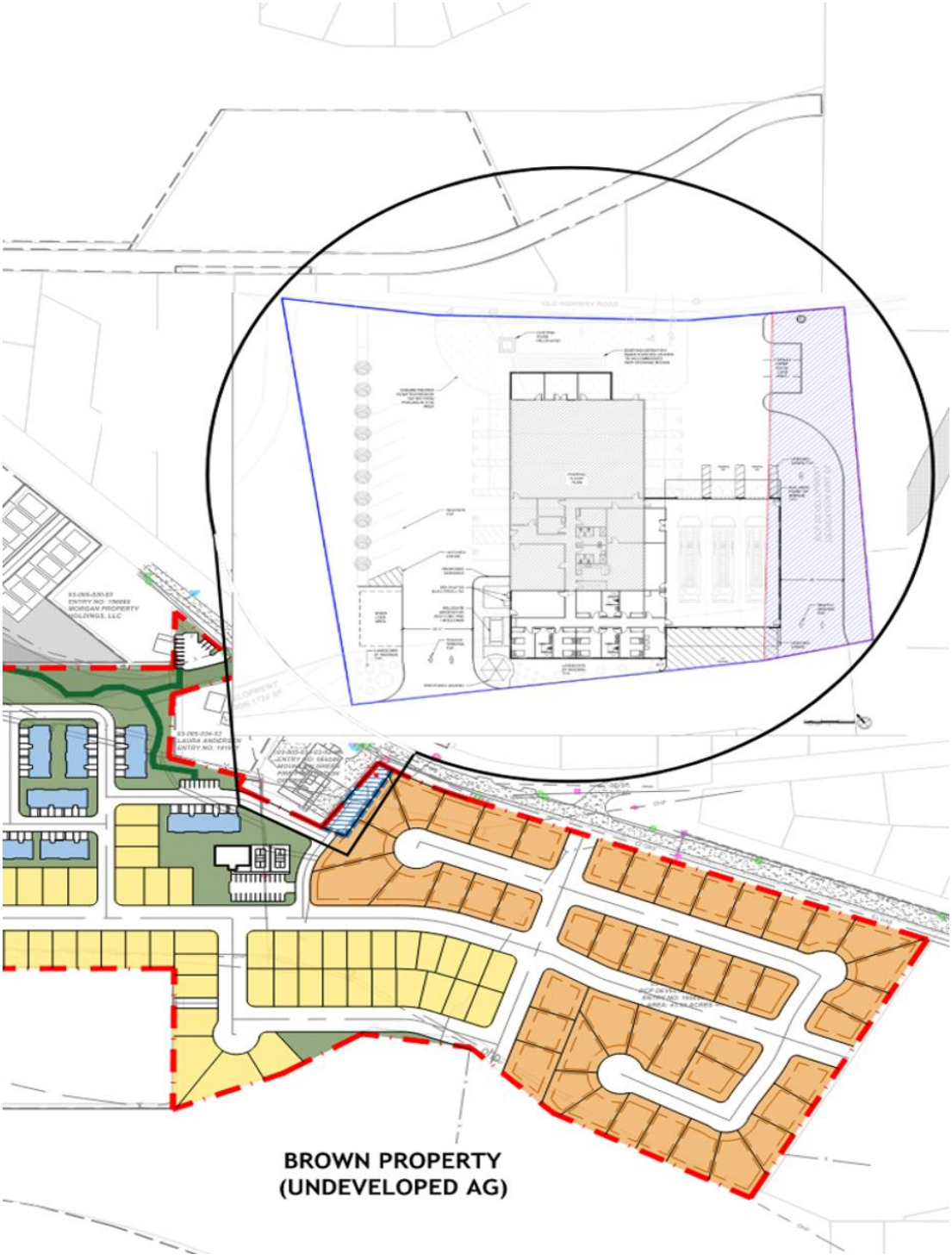


Exhibit H: Development Program and Housing-Type Plan

(looking for this information)

Exhibit I: Amenities, Open-Space, and Trail Plan

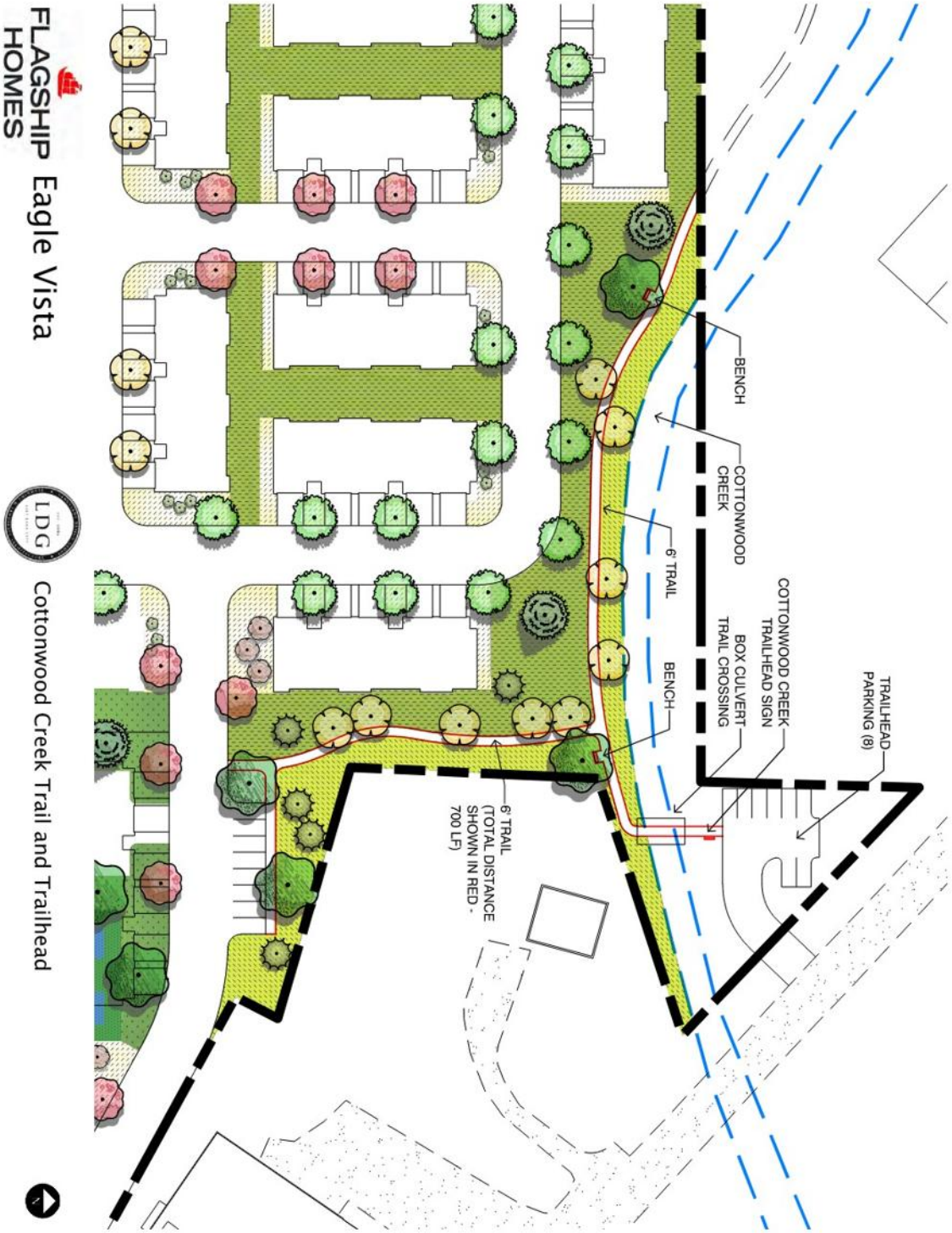


Exhibit J: Cottonwood Creek Trail and Public-Access Plan

(Same as Exhibit on page 55?)

Exhibit K: Fire-Station Parcel Exhibit

(Same as Exhibit on page 56?)

Exhibit L: April 21, 2026 Amendments to Morgan County Code § 155.266 and the Town Center Design Standards

(Looking for this information)

Exhibit M: March 21, 2023 M&D Nelson Rezone Approval and Related Zoning Exhibit

(Looking for this information)

Exhibit N: Planning Commission Staff Report, Recommendation, and Meeting Minutes

(Looking for this information)

Exhibit O: Public Comments and Applicant Responses, if any

(Looking for this information)

Exhibit P: Agency and Technical Review Comments, if applicable

(Looking for this information)

Exhibit Q: Proposed Ordinance Approving the Joint Conceptual Development Plan

(Looking for this information)

(Looking for this information)

Exhibit R: Proposed Ordinance Rezoning Approximately 6.29 Acres from RR-1 to R1-8

(Looking for this information)

Exhibit S: Proposed Ordinance Approving the Eagle Vista Villas Development Agreement and Requested Commercial-Allocation Reduction

(Looking for this information)

MORGAN COUNTY
PLANNING & DEVELOPMENT

Planning Commission
Staff Report

October 22, 2026

Eggett FLUMA & Rezone
Public Hearing
October 22, 2026

Application No.:	26.031
Applicant:	Roger Eggett
Owner:	Roger Eggett
Project Location:	667 W. Hardscrabble Court
Parcel Number:	00-0062-3395
Serial Numbers:	01-HE3-0005
Date of Application:	October 2, 2026
Future Land Use Designation:	A-20 (Agriculture) & RR-1
Current Zoning:	A-20 (Agriculture) & RR-1
Requested Future Land Use Designation:	Ranch Residential 5
Requested Zoning:	RR-5
Total Acreage:	20.30

REQUEST

Request to change the future land use map from "A-20" (Agriculture, 20 acre minimum per dwelling) and "RR-1" (one dwelling per acre) to "Ranch Residential 5" (5 acre minimum per dwelling) and to change the zoning from "A-20" and "RR-1" to "RR-5" (Rural Residential, 5 acre minimum per dwelling).

STAFF OBSERVATION

The proposal is for a future land use map amendment from A-20 and RR-1 to Ranch Residential 5, and a requested rezone from A-20 and RR-1 to RR-5.

The purpose of the Agricultural future land use designation is to support viable agricultural operations in Morgan County, while allowing for incidental large-lot residential and other uses. The residential density in this category is up to 1 unit per 20 acres.

The Ranch Residential 5 future land use designation accommodates rural large lot development. Agriculture privileges are a part of this character. Properties within this category are generally larger lots with accessory structures that may be used for agriculture.

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

	Future Land Use	**Zoning**	**Current Use**
North	A-20	A-20	Single-family dwelling & vacant
East	A-20 & RR-5	A-20 & RR-5	Single family dwellings
South	A-20 & RR-1	A-20 & RR-1	Single-family dwelling & vacant
West	A-20	A-20	Vacant

The application narrative states that:

> "Our neighborhood is mostly RR-1 and RR-5. This change is consistent with the surrounding area.
>
> We requested this change two years ago but it was rejected because of lack of water and a hazardous driveway. We have a letter from Weber Basin Water indicating that there is sufficient water and we can purchase additional shares. Our current well produces over 35 gallons per minute. There was a pothole in the driveway that was on the county's property. We paid to have the driveway graded."

ANALYSIS

General Plan and Zoning:

The application requests a change in the future land use from "A-20" and "RR-1" to "Ranch

Residential" and a rezone from A-20 and RR-1 to RR-5 (Single-family residential, one dwelling per five acres).

The 2010 Morgan County General Plan identifies the following 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.*

3. *Morgan County values its distinctive natural landscapes for their beauty, solitude, recreational opportunities, and natural resources and will work to ensure their long-range conservation and preservation.*

4. *Morgan County safeguards water resources for future generations, and conserves and reuses water whenever possible.*

5. *Morgan County public policies support the viability of working and hobby farms, protection of agricultural lands, and the conservation of natural resources and rural character.*

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 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.

Staff's Assessment of 155.023 (F) (4) Above:

Roadways: Hardscrabble Court (a private road owned by Rigby Construction Inc.) provides 314.49 feet of frontage. This road will need to be extended or a flag lot will be needed to subdivide into RR-5.

Parks and Recreation Facilities: Our code does not require additional parks and recreation facilities for developments within hard zoned properties.

Police and Fire Protection: Police protection will be provided by the Morgan County Sheriff's Department. Fire will be provided by the Morgan County Fire Department.

Schools: Staff checked with the Morgan County School District regarding capacity; schools in the area have capacity.

Stormwater Drainage Systems: Any future development will be required to provide storm drain facilities such that it will meet all natural and historic flows.

Water supplies: The application states that our current well produces over 35 gallons per minute.

Wastewater: Individual lots will need septic wastewater fields.

Refuse Collection: The County has a contract with Robinson for refuse collection. This company would most likely serve any future subdivisions in the area.

PUBLIC NOTICE, MEETINGS, COMMENTS

- ✓ Public Notice was submitted to the State of Utah Public Notice website on or before October 12, 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 October 12, 2026.
- ✓ Notices to property owners within 1000' feet of the proposed use were mailed a Public Notice on or before October 12, 2026.
- ✓ A sign was posted on the site on or before October 12, 2026.

RECOMMENDED MOTIONS

Recommended Motion for a *Positive* Recommendation – "I move we forward a positive recommendation to the County Commission for the Eggett future land use map amendment and rezone requests, application number 26.031, changing approximately 20.30 acres from future land use of A-20 and RR-1 to Ranch Residential 5, and rezoning from A-20 and RR-1 to RR-5 based on the findings listed in the staff report dated October 22, 2026."

Recommended Motion for a *Negative* Recommendation – "I move we forward a negative recommendation to the County Commission for the Eggett future land use map amendment, and rezone requests, application number 26.031, changing approximately 20.30 acres from future land use of A-20 and RR-1 to Ranch Residential 5, and rezoning from A-20 and RR-1 to RR-5 based on the findings listed in the staff report dated October 22, 2026."

Supporting Information

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

Staff Contact

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

Exhibit A: Vicinity Map

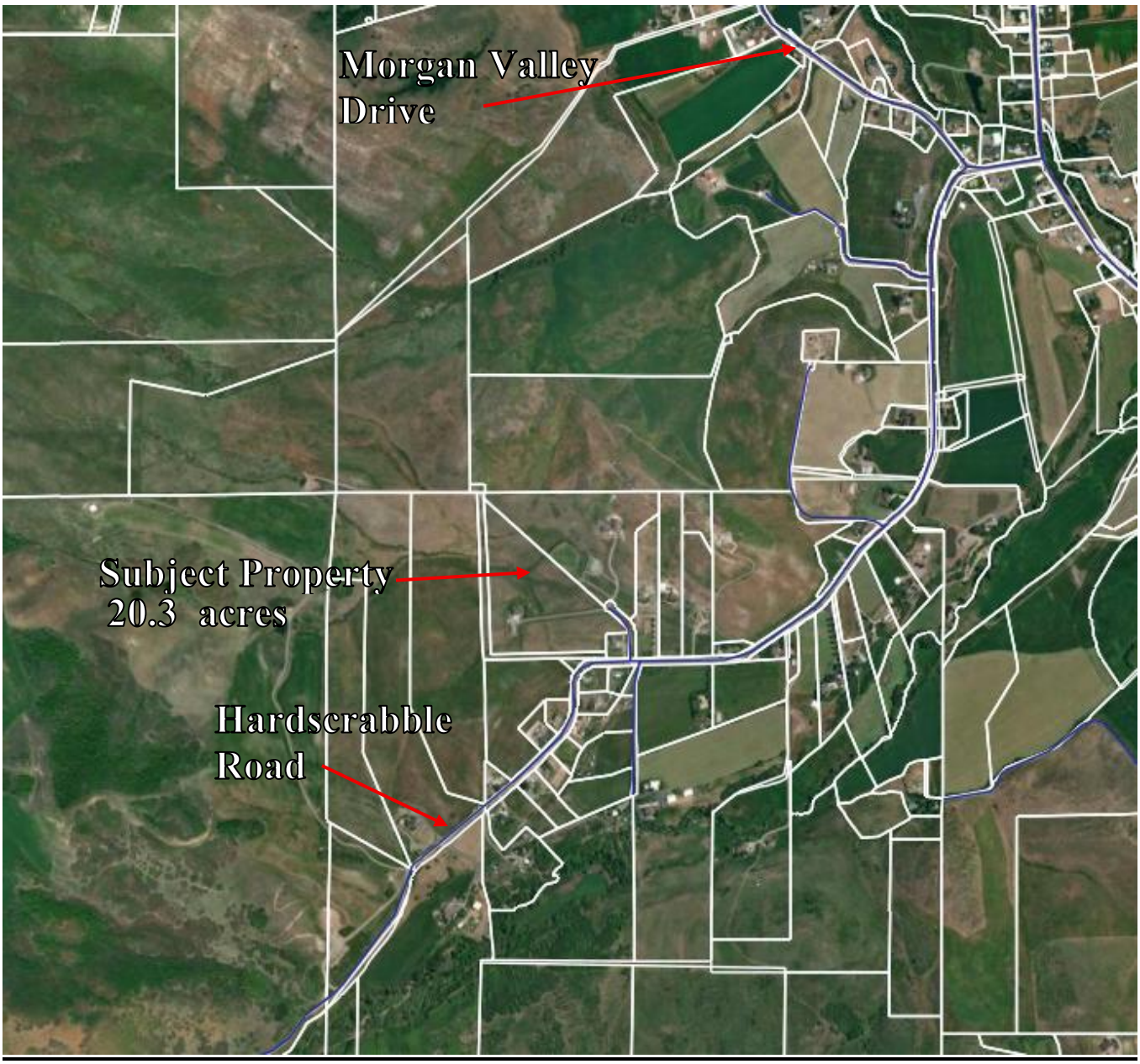


Exhibit B: County Future Land Use Map

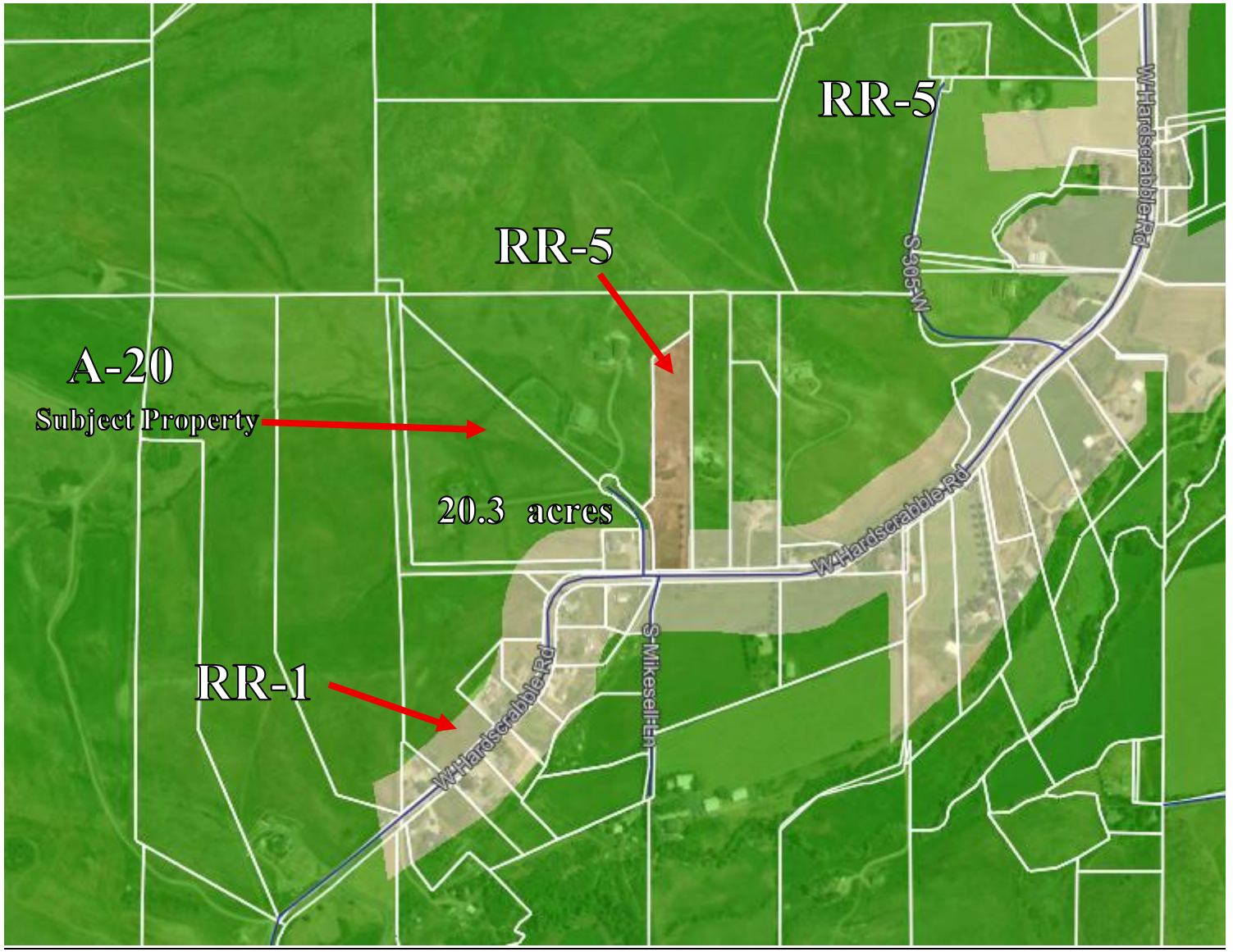


Exhibit C: County Zoning Map



Morgan County Planning Commission
Bylaws and Rules of Procedure 2026

ARTICLE I Authority and Purpose

Section 1. Authority and Adoption

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

ARTICLE II Roles and Responsibilities

Section 2. Role of the Planning Commission

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

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

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

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

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

ARTICLE III Ethics and Standards of Conduct

Section 3. Ethics and Standards of Conduct

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

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

2. Conflicts of Interest, Disclosure, and Recusal.

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

Circumstances that may constitute a conflict include:

i. ownership of or a financial interest in property that is the subject of an application;

ii. current or prospective employment, contractual, or business relationships with an applicant, property owner, or interested party;

iii. a financial interest directly and substantially affected by the outcome;

iv. representation of, advocacy for, or an agency relationship with an applicant or interested party;

v. close familial, household, or personal relationships with an applicant, property owner, or interested party; or

vi. other circumstances in which a reasonable person would question the member's ability to decide fairly and impartially.

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

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

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

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

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

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

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

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

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

Members shall not deliberate, poll one another, seek consensus, or attempt to influence one another on the merits of a pending matter outside a properly noticed meeting. This rule includes private meetings, calls, texts, email, social media, and serial communications intended to avoid public discussion. Communications among members outside meetings should be limited to procedural, administrative, scheduling, or training matters.

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

ARTICLE IV Planning Commission Membership and Organization

Section 4. Membership

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

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

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

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

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

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

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

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

5. Removal and Nonperformance

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

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

i. three (3) consecutive absences from regularly scheduled Planning Commission meetings, whether excused or unexcused;

ii. five (5) or more absences within any rolling twelve-month period, whether excused or unexcused; or

iii. a demonstrated pattern of absences that materially interferes with the Planning Commission's ability to conduct business, maintain quorum, or ensure continuity of review.

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

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

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

Section 5. Organization and Officers

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

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

3. Duties of the Chair. The Chair shall:

a. call the meeting to order at the scheduled time and place and follow the agenda;

b. recognize members, staff, applicants, and public speakers; receive and restate motions when needed; call votes; and announce results;

c. rule on points of order and procedure under Section 11, requesting legal advice when appropriate;

d. administer hearings, public comment, and decorum under Section 9; and

e. authenticate by signature, when required or directed, official acts, findings, orders, or proceedings of the Commission.

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

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

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

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

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

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

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

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

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

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

ARTICLE V Meetings, Quorum, and Voting

Section 6. Quorum, Voting, and Electronic Participation

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

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

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

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

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

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

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

ARTICLE VI Member Preparation and Meeting Scheduling

Section 7. Member Preparation and Meeting Scheduling

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE VII Meeting Procedures

Section 8. Order of Business and Agendas

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

a. Call to order and roll taken by the Secretary;

b. Field trip or site visit (if scheduled);

c. Consideration of agenda items;

d. Other business properly before the Planning Commission; and

e. Approval of minutes.

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

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

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

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

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

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

a. Public Hearings.

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

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

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

i. an overview and background of the request;

ii. analysis of applicable Morgan County Code provisions;

iii. consistency with the General Plan;

iv. identification of any pertinent state statutes; and

v. staff findings and recommendations, including proposed conditions of approval when appropriate.

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

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

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

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

Section 9. Hearings and Public Participation

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

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

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

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

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

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

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

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

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

2. Public Comment.

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

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

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

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

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

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

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

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

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

Section 10. Motions and Parliamentary Actions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

An action shall not be rescinded when:

a. the action has resulted in a contract and the other party has been notified;

b. the action involves appointment to or removal from office and reinstatement would require reappointment; or

c. the action cannot be undone.

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

a. A motion to reconsider shall not be used when the same result can be achieved by another parliamentary action or when the matter may be renewed at a later meeting.

b. If an applicant or interested party is affected by a motion to reconsider and is not present, the Planning Commission shall determine whether the item must be re-noticed and shall direct the Secretary to notify the applicant as soon as practicable.

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

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

Section 11. Debate and Meeting Control

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

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

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

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

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

Section 12. Progress of Meeting and Time Limits

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

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

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

a. proceed to a vote;

b. continue discussion for a specified period of time and then vote; or

c. continue the item to the next appropriate meeting.

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

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

ARTICLE VIII Amendments and Records

Section 13. Amendments to Rules of Procedure and Records

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

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

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

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

Appendix A

References and Authorities

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

Utah Statutes

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

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

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

Morgan County Ordinances

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

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

Guidance Materials

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

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

Parliamentary Reference

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

Appendix B

Public Participation and Meeting Conduct Guidelines

Morgan County Planning Commission

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

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

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

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

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

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

EXHIBITS

Exhibit A: Planning Commission Motion Cheat Sheet

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

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

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

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

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

MEMORANDUM

TO: Morgan County Planning Commission

FROM: Morgan County Planning & Development Services Staff

DATE: October 22, 2026

SUBJECT: Repeal of MCC § 155.464 Amending the Conceptual Development Plan

SUMMARY: A request to repeal MCC § 155.464 Amending the Conceptual Development Plan

Deputy County Attorney, Janet Christoffersen, requests that MCC § 155.464 Amending the Conceptual Development Plan be repealed as it has caused confusion. MCC § 155.464 is under the Planned Community (P-C) Zone.

Here is MCC § 155.464 Amending the Conceptual Development Plan:

> (A) Except as provided below in division (B) amendments to the P-C zone overlay, all associated development agreements, and existing PRUD subdivisions shall be treated as a rezone and shall require submittal of a new application including forms, fees, public notice requirements, public hearings, recommendation by the Planning Commission, and final decision by the County Commission.
>
> (B) Minor amendments shall be allowed administratively according to the determination of the Zoning Administrator as long as the amendments or changes do not exceed the following restrictions (no more than two minor amendments may be approved):
>
> (1) Less than 5% change in the total square feet of the proposed buildings, or total number of units (plus or minus);
>
> (2) Less than ten% change in the building height or permitted number of stories;
>
> (3) Rearrangement of the proposed lot and street layouts, structures or development elements as long as there is no change in height, square feet, or total number of units to be development that exceeds divisions (1) and (2) above; or
>
> (4) Less than a 10% increase or decrease in setback requirements within the original conceptual development plan.
>
> (5) No open space requirements shall be reduced.
>
> (6) That no other minor amendments in excess of that allowed in division (B) above have been granted for the development. Additional minor amendment requests shall result in being treated as a major amendment requiring new submittal as detailed in division (A) above.
>
> (Ord. 23-19, passed 12-19-2023)

RECOMMENDED MOTIONS

Sample Motion for a *Recommendation* for *Approval* – "I move we recommend approval to the County Commission of the repeal of MCC § 155.464 Amending the Conceptual Development Plan based on the findings listed in the memorandum dated October 22, 2026."

Sample Motion for a *Recommendation* for *Approval* with *Conditions* – "I move we recommend approval to the County Commission of the repeal of MCC § 155.464 Amending the Conceptual Development Plan based on the findings listed in the memorandum dated October 22, 2026 with the following additional conditions:"

1. *List any additional findings and conditions…*

Sample Motion for a *Recommendation* for *Denial* – "I move we recommend denial to the County Commission of the repeal of MCC § 155.464 Amending the Conceptual Development Plan based on the findings listed in the memorandum dated October 22, 2026. with the following findings:"

1. List any additional findings…

MORGAN COUNTY PLANNING COMMISSION

Notice is hereby given that the Annual Meeting schedule of the Morgan County Planning Commission for the 2026 calendar year is as follows:

January 8th and January 22nd 2026

February 12th and February 26th 2026

March 12th and March 26th 2026

April 9th and April 23rd 2026

May 14th and May 28th 2026

June 11th and June 25th 2026

July 9th and July 23rd 2026

August 13th and August 27th 2026

September 10th and September 24th 2026

October 8th and October 22nd 2026

***November 5th** and November 12th 2026

**[December 3rd] and December 10th 2026

If any meeting falls on a legal holiday or for other legitimate reasons the Planning Commission decides to not hold a regularly scheduled meeting, the meeting will be canceled unless rescheduled. In the event of rescheduling, notice of the rescheduled meeting will be given by public notice in accordance with the open and public meetings law.

DATED this _____day of _____, _____

MORGAN COUNTY PLANNING COMMISSION

By: _____

1. Morgan County will post written notice of the annual meeting schedule in the offices of the County and provide a copy of such notice to at least one newspaper of general circulation within the geographic jurisdiction of the county, or to a local media correspondent and to all persons who request a copy of such notice.

2. This Resolution shall be effective immediately upon passage and adoption.

PASSED AND ADOPTED THIS 22nd DAY OF October 2026.

MORGAN COUNTY PLANNING COMMISSION

By: _____

Debbie Sessions

Morgan County Planning Commission Chairman

* Recommended addition ** Tentative Meeting if needed for General Plan

PLANNING COMMISSION Minutes
Thursday, October 8th, 2026
Morgan County Commission
Room
6:30 p.m.

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

Present PC Members:	**Absent PC Members:**	**Public Attendance:**
Chair Sessions	Member Wilson	Tina Kelley
Member Taylor	Member King	Mike Kinghorn
Member Maloney		Keri Kinghorn
Member Watt		Brian Nestoroff
		Skylar Gardner
		Ed Schulz
		Kameron Spencer

Staff:
Kate Becker – Administrative Manager
Janet Christoffersen – Deputy County Attorney
Kent Page – Senior Planner
Brynnlee Savage – Planner I
Kayli Smith – Office Manager/ Permit Tech

1. **Call to order – Prayer by Chair Sessions**
2. **Pledge of Allegiance**
3. **Approval of Agenda**

Member Maloney motioned to approve the agenda for Thursday October 8th, 2026. Motion was seconded by Member Taylor. Motion carried unanimously.

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

Chair Sessions – explained there were three legislative items with their own public hearings. She introduced Kayli Smith as the new employee of the Planning and Development Department.

Legislative:

6. **Public Hearing/Discussion/Recommendation –** *Eagle Vista FLUMA & Rezone:* A request to change the future land use map from Village Low Density Residential to Village Residential and to change the zoning on 6.29 acres at approximately 4428 W. Old Highway Road from RR-1 to R1-8 located in the Mountain Green area in unincorporated Morgan County.

Planner Page – introduced the Eagle Vista Land Use Map Amendment and Rezone as application number 26.019. He stated the applicant was Luke McColm. Planner Page explained the item was previously tabled at the August 13th Planning Commission meeting to be brought forward on the September 24th meeting. He stated the September 24th meeting was cancelled and added to this meeting as the next available meeting.

Member Maloney – asked why the request was not for the TC (Town Center) rezone.

Administrator Becker – explained it wasn't what the applicant requested and the commercial district directly to the south was owned by the same property owner, which is included in the development agreement.

Attorney Christoffersen – explained a TC rezone would affect the concept plan and that this application needs to be presented to the County Commission with the Flagship Development Agreement.

Administrator Becker – stated the exhibit in the packet was an old rendition and what is applicable was the rezone before the Commission currently outlined in yellow.

Member Maloney – stated this rezone seemed like a way to bypass the required 35% commercial by making the rezone as residential.

Administrator Becker – explained that the rezone was part of a larger application going before County Commission which included commercial area.

Attorney Christoffersen – explained this was what was decided on when working on the Flagship Development Agreement, and it wouldn't work without the rezone.

Member Maloney – asked if the applicant could sell the parcel after the rezone or if it would still be part of the development agreement.

Attorney Christoffersen – explained it would be part of the development agreement, which is why this application and the development agreement should be presented together.

Member Maloney – asked what the phasing would look like.

Attorney Christoffersen – explained phasing had to be reflected and satisfy the county requirements.

Kameron Spencer, applicant – Introduced himself as Kameron Spencer from Flagship Homes. He explained they did not feel it was appropriate to rezone this parcel as TC and that they wanted to keep the area as single family detached homes. He noted the rezone is also part of a 2.6 acre commercial area.

Planning Commission – discussed with Kameron Spencer, Attorney Christoffersen, and Administrator Becker the process the development agreement would go through. They discussed what the development agreement encompassed and what Kameron Spencer envisioned for the commercial parcel. Planning Commission determined to go into public hearing.

Motion was made by Member Taylor to move into Public Hearing and seconded by Member Maloney. Motion carried unanimously.

Tina Kelley – introduced herself as Tina Kelley from Mountain Green. She stated a previous applicant did not include the RR-1 zone in the town center because the commission at the time kept the RR-1 zone along Old Highway. She noted that the applicant can get more homes in with the R1-8 than they would with the RR-1 zone. She disagreed with the area being rezoned TC. She explained that it was important to understand the commission's thoughts at the time that the area should stay RR-1 and that now the applicant has changed their mind. She noted this was deceptive to the public.

Motion was made by Member Taylor to move out of Public Hearing and seconded by Member Maloney. Motion carried unanimously.

Planning Commission – discussed its course of action regarding the application. It discussed the appropriateness for denser zoning in the area and the status of the development agreement. It asked Attorney Christoffersen, and Kameron Spencer why the rezone was necessary. They discussed the possibility of tabling the application.

Kameron Spencer – requested the Planning Commission tabled the application to the October 22nd meeting.

Member Taylor motioned to table the Eagle Vista Rezone, application 26.019 to the October 22nd Planning Commission meeting. Seconded by Member Watt. Motion carried unanimously.

7. **Public Hearing/Discussion/Recommendation –** *Morgan County Code proposed text amendment to section 155.132:* permitting with a Conditional Use Permit issued by the Zoning Administrator Recreational Vehicle (RV) Parks in the Town Center (TC) zone.

Planner Page – introduced the requested Recreational Vehicle text amendment to section 155.132 of the Morgan County code. He stated the applicant was Skyler Gardner and the request was to allow RV parks in the TC zone and amend the use regulations to permitted with a CUP (conditional use permit) issued by the zoning administrator. He explained that RV parks were permitted through a CUP in other commercial zones but not in the TC zone.

He explained the purpose of the TC zone and the design standards for it. Planner Page stated that staff assessed the purpose of the town center zone in Morgan County code and how it doesn't contemplate RV parks.

Planning Commission – discussed with Administrator Becker, Attorney Christoffersen, and Planner Page why the text amendment was necessary. They noted that the County Commission was considering placing a RV park near the Eagle Vista Rezone and that the parcel that was being considered was not buildable. They invited the applicant forward to speak.

Skyler Gardner – Introduced himself as Skyler Gardner and that he was the applicant. He confirmed where exactly the parcel they were considering was located. He explained that allowing a RV park by amending the code seemed the easiest path for where they planned to place it.

Planning Commission – discussed with Administrator Becker, Attorney Christoffersen, and Skyler Gardner how RV parks are allowed in other commercial districts except the TC and neighborhood commercial zones. They discussed the amount of time individuals would be allowed to stay in the RV park. They discussed the processes of allowing RV parks and how code states it must go through County and Planning Commission approval, which will need to be fixed. They discussed the purpose of a CUP, and how allowing this text amendment would allow a RV park in any TC zone.
Planning Commission, Administrator Becker, Attorney Christoffersen, and Skyler Gardner discussed how denying this application would require the applicant to submit a rezone request. They discussed the standards for RVs when staying long term in a RV park and the possibility of the development agreement including those. They discussed the issue of rezoning the property out of TC and how that would reduce the commercial area. Planning Commission, Administrator Becker, Attorney Christoffersen, and Skyler Gardner discussed the effects of keeping the allowance of RV parks in the development agreement.

Member Taylor moved to go into Public Hearing. Second by Member Maloney. Motion carried unanimously.

Tina Kelley – introduced herself as Tina Kelley from Mountain Green. She stated that in the use table if it is not listed, it is not permitted. She noted the review of Planning and County Commission and listed exceptions to the permitted uses. She explained that County Commission would likely consider RV parks as similar to RV dealers. She agreed with the decision to include the RV parks in the development agreement instead of change the use table.

Member Maloney moved to leave Public Hearing. Second by Member Taylor. Motion carried unanimously.

Planning Commission – discussed with Administrator Becker, Attorney Christoffersen, and Skyler Gardner the possibility of limiting the applicant's ability to have further discussion. They considered tabling the application to a date certain and discussed the

concerns of allowing RV parks across all TC zones. They considered the options of tabling the application or recommending denial. They stated it would be best to recommend denial.

Member Taylor moved to recommend denial to the County Commission of the MCC 155.132 Code Text Amendment permitting recreational vehicle parks in the TC zone with a conditional use permit approved by the zoning administrator based on the findings listed in the memorandum dated October 8, 2026, with the following findings:

1. ***In general, a conditional use permit text changed to the town center zone would allow RV parks under any of the parcels, either currently or in the future zone TC; and***
2. ***It would be more appropriate for an RV park in the TC zone to come before the Planning Commission and the County Commission as a development agreement, in order for the RV park to be reviewed on a one-by-one basis, to determine if the RV park will fit into the surrounding neighborhood, parcel, terrain, etc.***

Second by Member Watt. Motion carried unanimously.

8. **Public Hearing/Discussion/Recommendation –** *Morgan County Code proposed text amendment:* clarifying the intent of § 155.426 (C) (5): The zoning entitlements of the flagpole /panhandle portion of a flag lot shall not apply to the lot; the zoning entitlements of the flag portion shall apply to the whole lot be included in calculated gross square footage of a lot.

   Planner Page – introduced the text amendment to clarify if the intent of the flagpole or panhandle portion of a flag lot shall not be included in the calculated square footage of a lot. He explained the previous Zoning Administrator, Josh Cook, intended that the zoning entitlements of the flagpole portion should not count toward the whole lot, but that the zoning entitlements of the flag portion would. He noted the text amendment has had a history of review with the county and that the most recent review was Planning Commission wanted to have a portion of the whole lot counted toward the square footage.

   Planning Commission – discussed with Attorney Christoffersen, and Planner Page about the change to the language of the code presented. They discussed who requested the text amendment and what exactly it was clarifying. They noted that the presented code was amended recently and asked why it was being revisited. They clarified what the original intent of the text amendment was.
   Planning Commission Attorney Christoffersen, and Planner Page clarified what the current code said. They noted the split zone ordinance and that entitlements for the frontage of the lot are what should apply. They discussed the issue of the split zoning ordinance applying to flag lots. They asked Attorney Christoffersen to restate her proposed wording for the ordinance.

   Attorney Christoffersen – stated the flagpole or panhandle portion of a flag lot shall be included in calculating the lot area required to satisfy the minimum lot size, where the flag portion lies entirely within one zone district, the minimum lot size and residential density applicable to the lot shall be determined by the district, regardless of the zoning designation of the flagpole or panhandle portion.

Planning Commission – discussed changes to Attorney Christoffersen's proposed wording. They determined to go into public hearing.

Member Maloney moved to go into Public Hearing. Second by Member Taylor. Motion carried unanimously.

Public Comment – none

Member Taylor moved to leave Public Hearing. Second by Member Maloney. Motion carried unanimously.

Planning Commission – discussed with Attorney Christoffersen, and Administrator Becker the changes made to Attorney Christoffersen's proposed text.

Member Taylor moved to recommend approval to the County Commission of the MCC 155.426 C5 text amendment clarifying the original intent based on the findings listed in the memorandum dated October 8, 2026, except with the following changes:

1. ***That C5 be rewritten as follows:***

   The flagpole or panhandle portion of a flag lot shall not be included in calculated gross square footage of a lot. Where the flag portion lies entirely within one zoning district, the minimum lot size and residential density applicable to the lot shall be determined by that district, regardless of the zoning designation of the flagpole or panhandle portion.

Second by Member Maloney. Motion carried unanimously.

Administrative

9. **Public Meeting/Discussion/Decision** – Conditional Use Permit (C2) to permit an agribusiness at 3390 W. Bigler Lane in the Peterson area.

   Planner Page – introduced the application for a CUP granted by the Planning Commission for agribusiness. He explained the property is located at 3390 W Bigler Lane and is zoned A-20. He noted the size of the parcel and the requirements of conduct with agribusinesses. He stated staff recommended approval to the Planning Commission for agribusiness for the selling of livestock with eight conditions listed in the staff report.

   Chair Sessions – clarified that the applicant did not need a CUP to sell livestock and that it was permitted. She noted that conditions one through five needed to be removed.

   Member Taylor – requested the applicant to come forward.

   Keri Kinghorn, applicant – stated her name was Keri Kinghorn and that she had recently acquired a milk goat that produced more milk than her family can consume. She explained State law does not allow her to sell raw milk products from her home and that the permit

was to allow a fridge on her porch to sell goat milk products. She explained the benefits of goat milk and that she didn't plan to buy 57 more goats. She noted the need for goat milk in Morgan County.

Attorney Christoffersen – stated an addition to condition eight: to obtain a Morgan County business license, and before selling any raw milk, cheese, or other regulated food products obtain applicable state and health approvals.

Keri Kinghorn – confirmed that she would.

Planning Commission – discussed with Attorney Christoffersen, and Keri Kinghorn why the language Attorney Christoffersen proposed was necessary. They discussed that conditions were included in CUP applications to allow for mobility from the County. They discussed adequate parking on the applicant's lot. They noted conditions one through five were unnecessary and that condition six covered condition eight.

Member Maloney moved to approve the Kinghorn Farm and Livestock Conditional Use Permit Application CUP 26.014 to allow for an agribusiness for the selling of livestock products, vegetables, and plants located in Peterson Area 3390 West Bigler Lane in Unincorporated Morgan County, based on the findings and the conditions listed in the staff report dated October 8, 2026, and modified to remove conditions one through five and condition eight, with the following added conditions:

1. ***The applicant provides adequate parking.***

Second by Member Taylor. Motion carried unanimously.

10. **Public Meeting/Discussion/Recommendation** – Wasatch Peaks Ranch Plat 1, Third Amendment: consolidating two lots (C15 & C16).

    Planner Page – introduced application 26.024 Wasatch Peaks Ranch (WPR) Plat 1, Third Amendment which consolidated two lots into one. He noted the applicant was Brian Nestoroff and that the acreage of the lots are 3.9 and 3 acres.

    Chair Sessions – stated she had a question for the applicant.

    Ed Shultz, applicant – stated he was Ed Shultz and that he was with WPR.

    Chair Sessions – asked if WPR was going to revegetate a previously cleared parcel.

    Ed Shultz – stated they had already revegetated the entire lot and that their cows were in the area. He stated the cows and goats on WPR property were part of their fire prevention program.

Member Watt moved to approve the WPR Plat 1, Third Amendment Application Number 26.024, allowing for the consolidation of Lot C15 and Lot C16, located at 3667 North

Peaksview Drive in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report. October 8, 2026.

11. Business/Staff Questions

    Planning Commission – discussed with Administrator Becker about amending the Planning Commission calendar to include an extra meeting in November to accommodate the number of items that are going before Commission. They discussed what those items were. They noted the General Plan County Commission work sessions that Planning Commission is invited to attend. They decided to add November 5th to the Planning Commission calendar.
    Planning Commission discussed with Attorney Christoffersen, Administrator Becker, Jeremy Archibald, IT, and Planner Savage the requirements for minute taking and page amount. They explained that discussion may be a summary and the motions were the most important aspect. They discussed the capability of AI minute taking and what the AI minute taking entailed.
    Planning Commission discussed an error to the previous minutes with Planner Savage. They determined the error was due to the wrong copy of the minutes being printed out.

Member Maloney moved to approve the September 10th, 2026, minutes. Second by Member Taylor. Motion carried unanimously.

12. Adjourn

Member Maloney moved to adjourn the meeting. Second by Member Taylor. Motion carried unanimously.

Approved:

_____ Date: _____
Chairman, Debbie Sessions
Morgan County Planning Commission

_____ Date: _____
Brynnlee Savage, Transcriptionist
Planning and Development Services