PLANNING COMMISSION AGENDA

Thursday, November 5th, 2026

6:30 PM

Morgan County Commission Room

Morgan County Courthouse – 48 West Young Street

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/Recommendation – Rollins Ranch Phase 5 – 3rd Amended. A request to amend the recorded subdivision plat to divide existing open-space Parcel A into Parcel C (remaining open space) and Parcel D (existing water tank and associated access), located at approximately 6203 N. Lariat Lane in the Mountain Green area of unincorporated Morgan County.

Legislative

7. Public Hearing/Discussion/Recommendation – Eagle Vista FLUMA & Rezone (tabled from October 22). A request to change the future land use map from Village Low Density Residential to Village Residential and rezone 6.29 acres at approximately 4428 W. Old Highway Road from RR-1 to R1-8 in Mountain Green, and to forward a recommendation on the associated Eagle Vista Villas Development Agreement for the overall project.

8. Public Hearing/Discussion/Recommendation – Morgan County Code proposed text amendment: Land Use Notice Requirements and Procedures. A request to amend §§ 155.029, 155.031, 155.032, 155.444, 155.445, 155.515, and 155.534 to update public-notice requirements and procedures for land use applications, public meetings and public hearings, including newspaper-publication requirements.

9. Public Hearing/Discussion/Recommendation – Morgan County Code proposed text amendment: Mobile Food Vending, Food Truck Courts, and Temporary Mobile Food Gatherings. A request to enact §§ 155.359 and 155.356 and amend §§ 155.132, 155.324, 155.366, and 155.369 concerning uses, temporary-use permits, conditional-use procedures, and parking.

10. Public Hearing/Discussion/Recommendation – Morgan County Code proposed text amendment: § 155.357, creating regulations for portable storage containers used for accessory storage and temporary construction and household storage, together with the proposed conforming amendment to § 155.324.

Administrative

11. Business/Staff Questions

12. Approval of October 22, 2026, Planning Commission Minutes

13. Adjourn

Morgan County, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for citizens in need of assistance. Persons requesting accommodations should call Planning & Development at 801-845-4015, giving at least 24 hours' notice prior to the meeting.

Supporting materials are available for public review prior to the meeting through the Planning and Development Services Department 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 require. Persons interested in a particular item are encouraged to attend from the beginning of the meeting.

Rollins Ranch Phase 5 — 3rd Amended

Subdivision Plat Amendment | Water Tank | Public Meeting / Recommendation

Application	26.018
Applicant	Mountain Green Tank, LLC / c/o Skyler Gardner
Owner	Mountain Green Tank, LLC
Project location	6203 N. Lariat Lane
Parcel / Serial	00-0084-9951 / 03-ROLLR5-A
Current zoning	Rural Residential (RR-1) with Development Agreement
Acreage	6.80

REQUEST

This application requests amendment of the Rollins Ranch Phase 5 subdivision plat to divide Parcel A (Open Space) into Parcel D, containing the existing water tank and associated access, and Parcel C, containing the remaining open space.

The division identifies the tank location and related utilities on a separate parcel. The amendment is intended to meet the operational and ownership requirements of Cottonwood Mutual Water Company, whose water facilities require fee-simple ownership rather than an easement within the general open-space parcel.

Parcel D — Water Tank Parcel. This parcel will encompass the existing 1-million-gallon water tank footprint and associated operational area and will be conveyed in fee simple to the water company.

Parcel C — Remaining Open Space. The balance of the original parcel will remain designated open space, preserving the intent of the recorded plat, and will be conveyed in fee simple to the Rollins Ranch HOA.

The proposed amendment is for ownership and title purposes; no physical site or subdivision changes are proposed.

STAFF RECOMMENDATION

Staff forwards a **positive recommendation to the Morgan County Commission** for Rollins Ranch Phase 5 — 3rd Amended, Application 26.018, subject to all applicable regulations and the following conditions:

- All County Recorder comments shall be addressed.
- All outsourced consultant fees shall be paid current before recordation of the plat amendment.
- All applicable local, state, and federal laws shall be adhered to.

PROJECT DESCRIPTION

The applicant requests a subdivision plat amendment dividing Parcel A (Open Space) into Parcel D (the existing water tank and access) and Parcel C (the remaining open space).

DISCUSSION

This request amends the Rollins Ranch Phase 5 plat. The second amended plat adjusted the buildable and restricted-buildable areas of Lot 506, and the first amended plat reduced Lot 501. Staff reports that this amendment conforms to the Rollins Ranch Development Agreement and its amendments and, based on the application, will have no impact on the County or nearby property owners.

Applicable plat-amendment requirements are found in Morgan County Land Use Management Code, Title 15, Chapter 155, § 155.440 and subsequent sections. Staff reports that its review found the application meets the applicable requirements and procedures.

MCC § 155.447 — AMENDED PLAT REQUIREMENTS

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

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

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

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

155.446: GROUNDS FOR VACATING OR CHANGING A PLAT:

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

(1) There is good cause for the vacation, alteration or amendment; and

(2) No public street, right-of-way or easement has been vacated or altered.

(B) The land use authority shall ensure that the amended plat showing the vacation, alteration or amendment is recorded in the office of the County Recorder.
(C) If an entire subdivision is vacated, the County Commission shall ensure that a resolution containing a legal description of the entire vacated subdivision is recorded in the County Recorder's office.
(D) The County Commission may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way or easement if the legislative body finds that:
(1) Good cause exists for the vacation; and
(2) Neither the public interest nor any person will be materially injured by the vacation.

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

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

(1) Operates to the extent to which it is vacated, upon the effective date of the recorded plat, as a revocation of the acceptance of and the relinquishment of the county's fee in the vacated street, right-of-way or easement; and

(2) May not be construed to impair:

(a) Any right-of-way or easement of any lot owner; or

(b) The franchise rights of any public utility.

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

155.444: PROCEDURE:

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

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

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

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

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

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

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

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

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

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

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

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

(1) Any owner within the plat notifies the county of the owner's objection in writing within ten days of mailed notification; or

(2) A public hearing is required because all the owners in the subdivision have not signed the revised plat.

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

(1) The petition seeks to join two or more of the petitioning fee owner's contiguous lots;

(2) Subdivide one or more of the petitioner's fee owner's lots if the subdivision will not result in a violation of a land use ordinance or a development condition;

(3) Adjust the lot lines of adjoining lots or parcels if the fee owners of each of the adjoining lots or parcels join the petition, regardless of whether the lots and parcels are in the same subdivision;

(4) On a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the county;

(5) Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not owned by the petitioner or designated as common area; and

(6) Notice has been given to adjacent property, in accordance with § 155.031 of this code.

(Prior Code, § 8-12-61) (Ord. 10-16, passed 12-14-2010; Ord. 19-09, passed 10-15-2019)

ANALYSIS OF STANDARDS

Standards		Findings	Rationale
Ordinance Evaluation. Morgan County Code, Chapter 155, Section 440 states the following: *Prior to the County Commission's approval of a petition or proposal to amend a subdivision plat, the petitioner or sponsor shall deliver to the County an amended plat map and complete supporting preliminary plat and final plat information in compliance with the requirements of this chapter. The applicant shall also pay all fees required by the County's fee schedule.* *Therefore, this plat amendment has been reviewed for final plat standards.*			
155.415: FINAL PLAT; PREPARATION AND REQUIRED INFORMATION:			
A	**The final plat shall consist of a mylar with the outside or trim line dimensions of twenty four inches by thirty six inches (24" x 36"). The mylar shall be submitted to the county at least twenty (20) days prior to consideration for placement on the county commission agenda for approval. Until that date, submittal of paper copies is sufficient for review. The borderline of the plat shall be drawn in heavy lines leaving a space of at least one and one-half inches (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**	Will Comply	Historically, staff has recommended the applicant wait to print the final mylar in the event that the Planning Commission recommend changes to the plat.

	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.		
B	**The final plat shall show the subdivision name that is distinct from any other recorded subdivision name and the general location of the subdivision in bold letters at the top of the sheet.**	Complies	
C	**The plat shall contain a north arrow and scale of the drawing and the date.**	Complies	
D	**Prior to consideration by the county commission, the plat shall be signed by all required and authorized parties, with the exception of the county commission chairperson, planning commission chairperson and county attorney, with appropriate notarial acknowledgements and the final plat shall contain all information set forth in this section.**	Will comply	Historically, staff has recommended the applicant wait to print the final mylar and receive signatures, in the event that the Planning Commission and/or County Commission recommend changes to the plat.
E	**An accurate and complete survey, which conforms to Utah state law.**	Before recordation, a written boundary description is needed.	
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.**	N/A	
J	**All lots are to be numbered consecutively under a definite system approved by the county. Numbering shall continue**	Complies – labeled as parcels	

	consecutively throughout the subdivision with no omissions or duplications.		
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.**	N/A	
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.**	N/A	
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, 21.* *(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 commission (a signature line for the commission chairperson and an attestation by the county clerk). A block for the county recorder shall be provided in the lower right corner of the final plat.**	Complies	

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. N/A Does not border an Agricultural Protection Area 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) N/A

DEPARTMENT COMMENTS

Public Works: No comments received

Fire/EMS Services: No comments received

Engineering: No comments received

Recorders: Comments received; comments will need to be resolved before recordation

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

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

ATTACHMENTS

Attachment A. Vicinity Map

Attachment B. Current Zoning Map

Attachment C. Rollins Ranch Phase 5

Attachment D. Rollins Ranch Phase 5 · 3rd Amended

PLANNING COMMISSION | RECOMMENDED MOTIONS

6. ROLLINS RANCH PHASE 5 — THIRD AMENDED

POSITIVE RECOMMENDATION

“I move that the Planning Commission forward a positive recommendation to the Morgan County Commission for Rollins Ranch Phase 5 — 3rd Amended, Application 26.018, based on the findings and conditions in the November 5, 2026 staff report.”

POSITIVE RECOMMENDATION WITH CONDITIONS

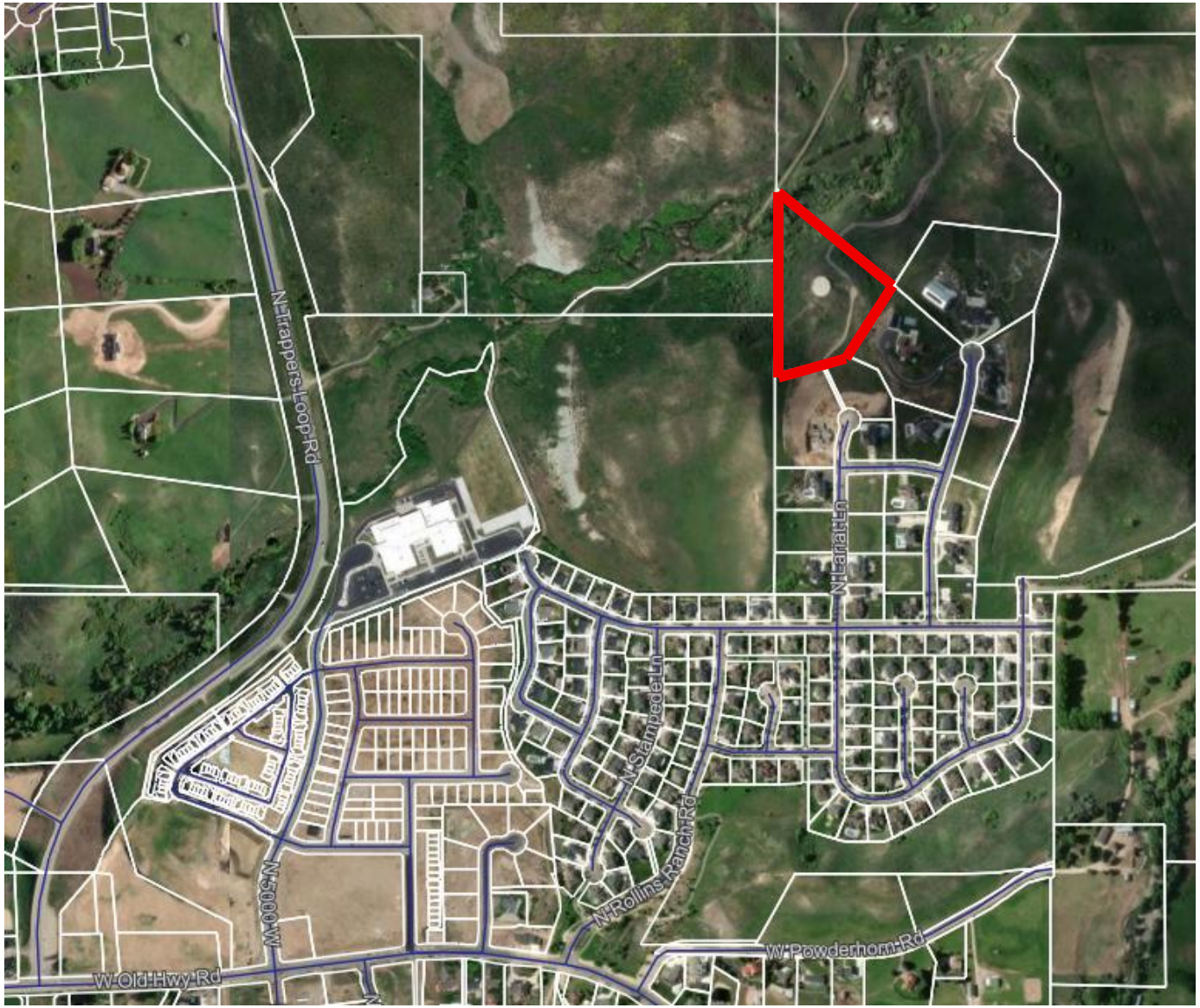
“I move that the Planning Commission forward a positive recommendation with the following additional conditions to the Morgan County Commission for Rollins Ranch Phase 5 — 3rd Amended, Application 26.018, based on the November 5, 2026 staff report: [state each condition].”

NEGATIVE RECOMMENDATION

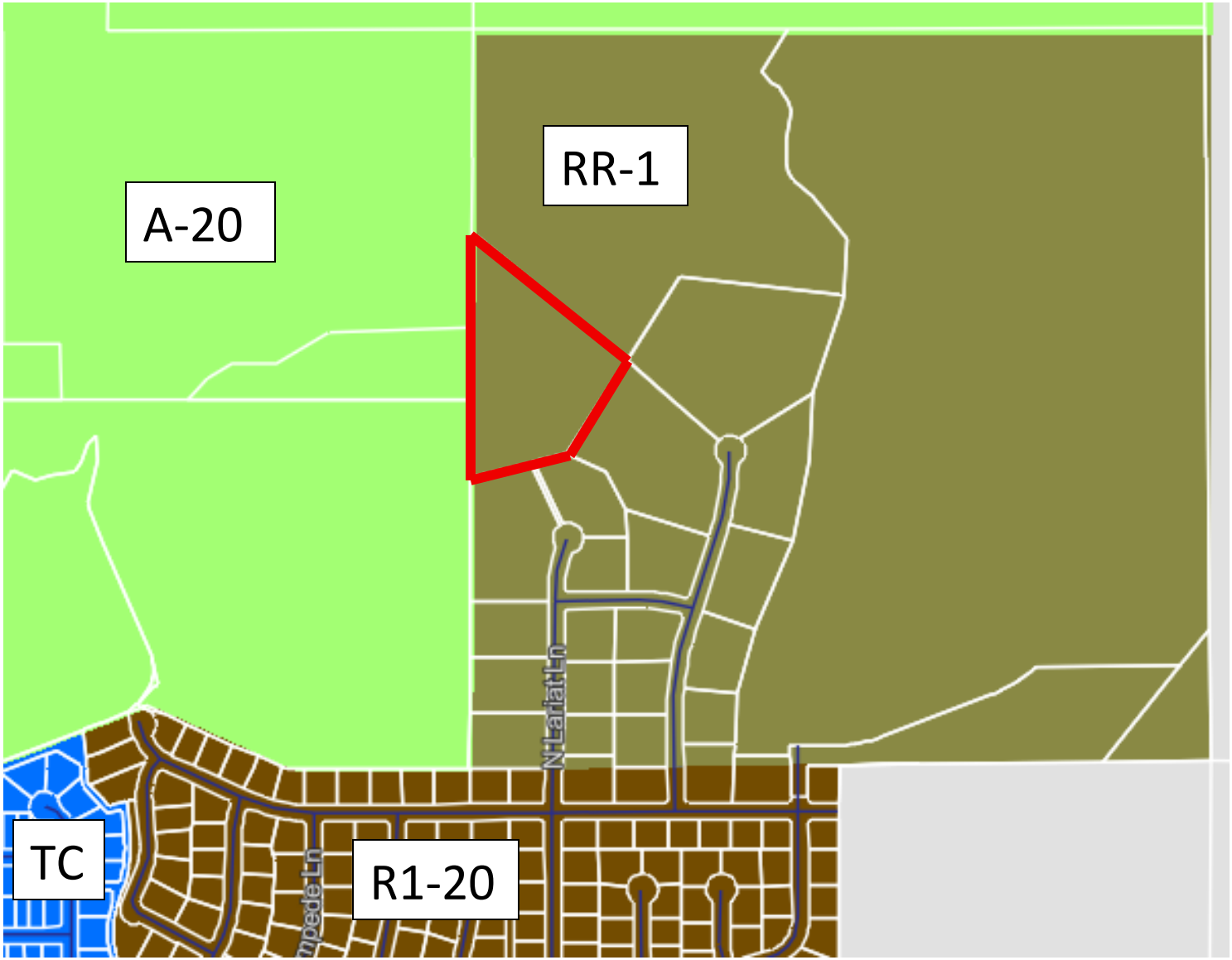
“I move that the Planning Commission forward a negative recommendation to the Morgan County Commission for Rollins Ranch Phase 5 — 3rd Amended, Application 26.018, based on the following specific findings: [state findings].”

Select one motion. State any additional conditions, textual modifications, or findings expressly on the record. For legislative amendments, conditions should identify the proposed text changes.

Attachment A: Vicinity Map

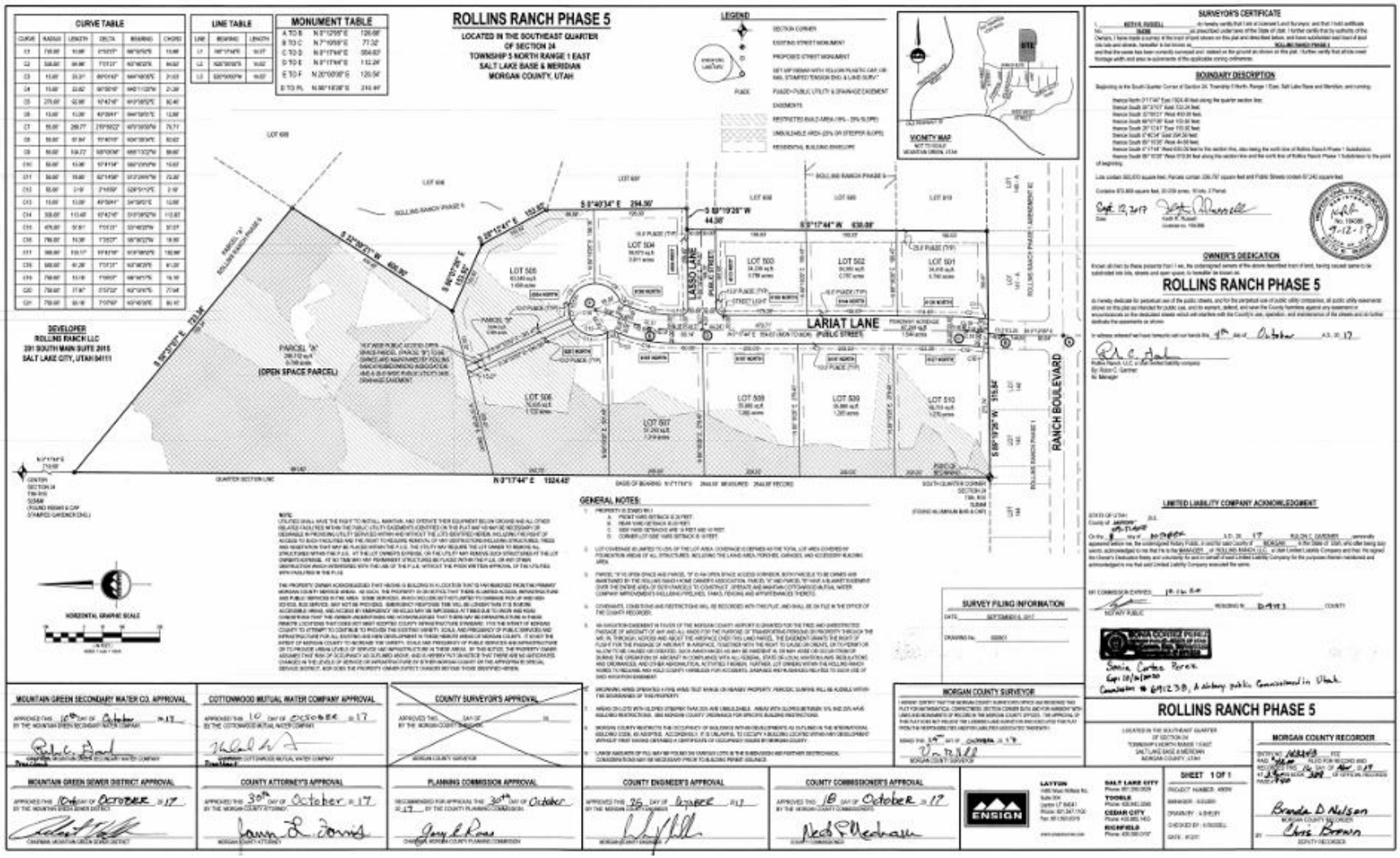


Attachment B: Current Zoning Map



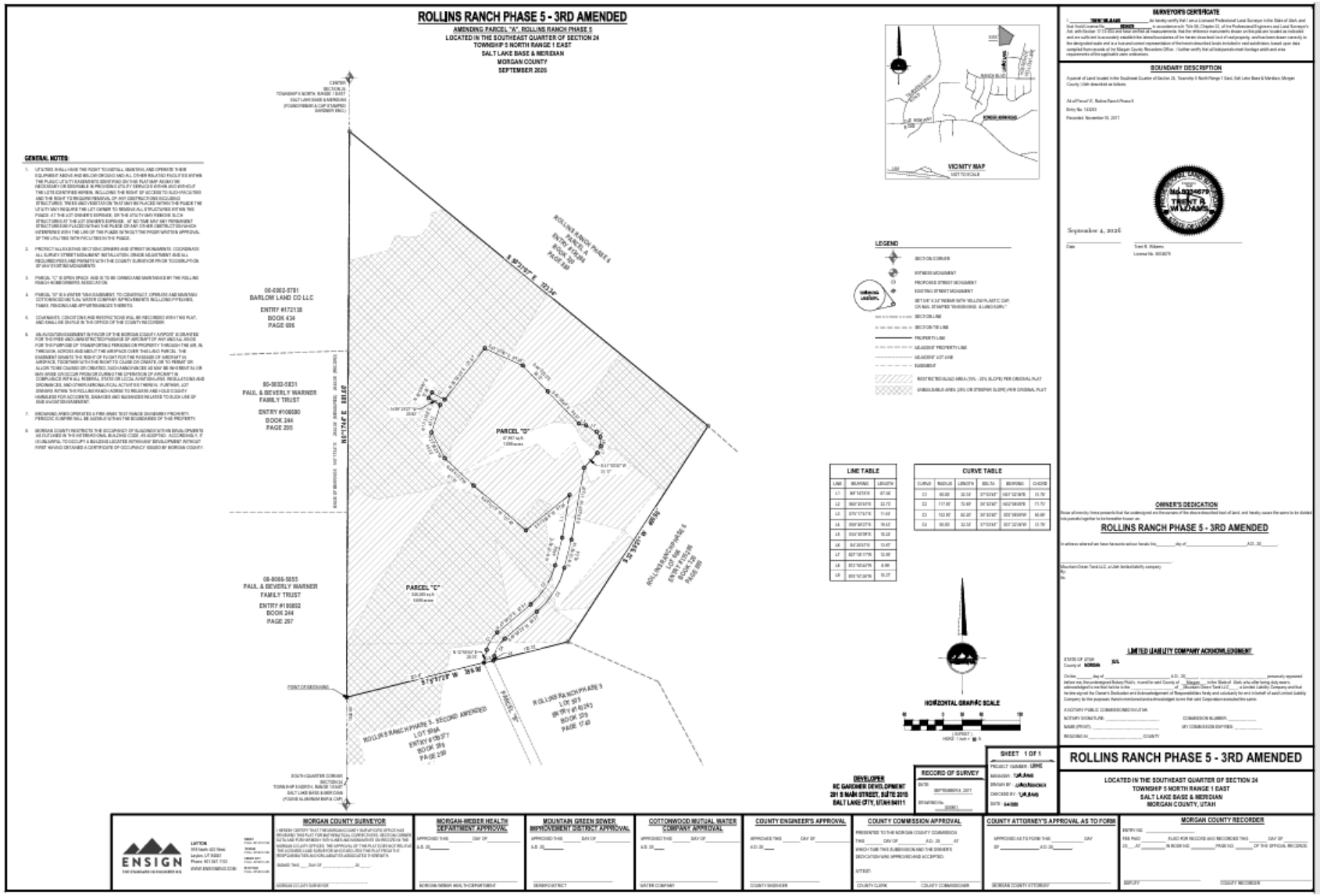
[Click here to view a full-size .pdf version of the Recorded Plat]

Attachment C: Original Recorded Plat



Attachment D: Rollins Ranch Phase 5 – 3rd Amended

Click here to view a full-size .pdf version



EAGLE VISTA | UPDATED STAFF REPORT

Application 26.019 | Public Hearing / Discussion / Recommendation

Project: Eagle Vista Villas, approximately 4428 W. Old Highway Road, Mountain Green. Applicant: Luke McColm. Developer identified in updated Development Agreement: BCP Development, LLC, a Delaware limited liability company. Applicant requests a Future Land Use Map amendment from Village Low Density Residential to Village Residential and a rezone of approximately 6.29 acres from RR-1 to R1-8.

Current reviewed materials: Eagle Vista Development Agreement (22 pages); October 28, 2026 Eagle Vista Option G, Sheet CD-201.G; and October 28, 2026 G Phasing Plan, Sheet CD-202.G. Earlier July 21 agreement references are superseded. The FLUMA, rezone, DA, and proposed commercial-allocation exception require their respective legislative procedures and findings.

Current development program (per supplied October 28 DA and maps)

Maximum 276 dwelling units: 197 townhomes and 79 detached single-family homes (21 R8 product-area homes, 58 R4 product-area homes). Phase 1: 84 townhomes; Phase 2: 79 detached homes; Phase 3: 113 townhomes. Phase order is flexible subject to the terms of the agreement.

At least 2.6 acres of commercial land is reserved. Commercial preparation is subject to the DA schedule and before the 43rd primary dwelling certificate of occupancy, whichever comes first. Certain public amenities must be complete before the first residential occupancy. The Project Plan shows the commercial location, public open space, circulation, and fire-protection dedication.

Acreage / legal description — outstanding

The October 28 concept map labels the total area approximately 43.65 acres; the phasing map rounds to 44 acres; prior staff materials refer to a 44.75-acre parent parcel and an approximately 37-acre project. These figures are not interchangeable. Use the legally surveyed Exhibit A boundary for final acreage and do not infer a final area from an illustrative map.

EXHIBIT A — PROPERTY LEGAL DESCRIPTION: To be added later. The DA also leaves open-space area and commercial-allocation findings/denominator blanks that require completion before execution and recordation.

Staff review

Review the requested land-use changes under MCC §§ 155.022–155.023, General Plan policies, the applicable Town Center standards, and Utah Code Title 17, Chapter 79. Evaluate infrastructure, drainage, public safety, surrounding compatibility, and enforceability of proposed public benefits. Approval of the agreement does not itself enact the separate map amendments.

The remaining maps and underlying zoning analysis follow. Project-specific representations in the former July 21 draft should not be relied on where inconsistent with the updated DA.

STAFF OBSERVATION

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

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

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

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

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

The application states that:

> BCP Development Inc. (Flagship Homes) respectfully requests approval to rezone approximately 6.29 acres currently designated as Village Low Density Residential (VLDR) and zoned RR-1 to R1-8 Residential, with a corresponding future land use designation of Village Residential, as part of the larger Eagle Vista development in Mountain Green. The subject property consists of approximately 273,993 square feet (6.29 acres) and is identified in the attached legal description and exhibit.
>
> The purpose of the proposed rezone and future land use amendment is to create a more cohesive and unified development pattern within the Eagle Vista community. As currently configured, the RR-1 zoning and VLDR future land use designation create an isolated area within the larger project that does not align with the proposed neighborhood layout, roadway network, utility infrastructure, or overall community design. Rezoning the property to R1-8 and amending the future land use designation to Village Residential will allow the site to be integrated into the overall development in a manner that is consistent with adjacent residential areas and the broader vision for Eagle Vista.
>
> The proposed rezone and future land use amendment will enhance neighborhood connectivity, facilitate the efficient delivery of public infrastructure and services, and support coordinated planning of roads, utilities, drainage systems, landscaping, and open space throughout the community. The request does not introduce a new or incompatible land use; rather, it aligns the zoning and land use designation of the property with the surrounding residential development and the intended character of the project.
>
> The requested amendment represents a logical and appropriate adjustment that will enable Eagle Vista to function as a cohesive, well-planned development while maintaining compatibility with surrounding land uses.
>
> For these reasons, BCP Development Inc. respectfully requests approval of the proposed rezone from RR-1 to R1-8 Residential and the associated future land use amendment from Village Low Density Residential to Village Residential.

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

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

Under Utah state law, residential development is generally favored in areas where municipal or

public culinary water service is reasonably available, as connection to such systems supports orderly development and public health objectives.

ANALYSIS

General Plan and Zoning:

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

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

1. *Morgan County attracts families with its quality of life, rural atmosphere, secure environment, and natural beauty. Residents have a wide range of employment, housing, and lifestyle choices. The County benefits from a balanced economy, livable wages, economic prosperity, and first-rate community services.*

2. *Morgan County respects property rights and recognizes personal responsibility to the land and communities.*

...

6. *Morgan County accommodates growth responsibly by integrating new development in a way that is respectful of the environment, supports County values, considers long-term sustainability, and uses available infrastructure. To help achieve this goal, the County strongly recommends that growth occur within or adjacent to corporate limits and villages or be located within master-planned communities.*

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

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

Section 155.022: *Amendments to Title and Zoning Map* indicates that:

> *The County Commission may amend this chapter, including the zoning map, but only in accordance with the following procedure.*
>
> *(A) The County Commission may instruct staff to study and make recommendations for amendments to this chapter or the zoning map in response to changes in policy or conditions generally within the county. Staff shall forward a recommended amendment to the Planning Commission for their consideration. The Planning Commission shall review and make recommendation to the County Commission regarding the proposed amendment pursuant to § 155.023(D) of this code.*
>
> *(B) The Planning Commission may instruct staff to study and make recommendations for amendments to this chapter in response to changes in policy or conditions generally within the county. Staff shall forward a recommended amendment to the Planning Commission for its consideration. The Planning Commission shall review and make*

recommendation to the County Commission regarding the proposed amendment pursuant to § 155.023(D) of this code.

(C) Any property owner may initiate an amendment to this chapter or the zoning map, as long as they are affected by the proposed amendment, by submitting a complete application to the Planning and Development Services Department in accordance with § 155.023(A) of this code.

(Prior Code, § 8-3-3) (Ord. 13-03, passed 4-16-2013)

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

(D) Planning Commission review and recommendation.

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

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

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

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

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

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

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

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

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

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

This meeting is in fulfillment of subsection (D) above.

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.

PLANNING COMMISSION | RECOMMENDED MOTIONS

7. EAGLE VISTA FLUMA, REZONE & DEVELOPMENT AGREEMENT

POSITIVE RECOMMENDATION

“I move that the Planning Commission forward a positive recommendation to the Morgan County Commission for Application 26.019, including the proposed 6.29-acre Future Land Use Map amendment, RR-1 to R1-8 rezone, and October 28, 2026 Eagle Vista Development Agreement, based on the findings stated on the record.”

POSITIVE RECOMMENDATION WITH CONDITIONS

“I move that the Planning Commission forward a positive recommendation with the following conditions or proposed Development Agreement modifications for Application 26.019, including the FLUMA amendment and RR-1 to R1-8 rezone, to the Morgan County Commission: [state each condition or modification and supporting finding].”

NEGATIVE RECOMMENDATION

“I move that the Planning Commission forward a negative recommendation to the Morgan County Commission for Application 26.019, including the proposed FLUMA amendment, rezone, and Development Agreement, based on the following specific findings: [state findings].”

Select one motion. State any additional conditions, textual modifications, or findings expressly on the record. For legislative amendments, conditions should identify the proposed text changes.

Exhibit A: Vicinity Map



Exhibit B: County Future Land Use Map

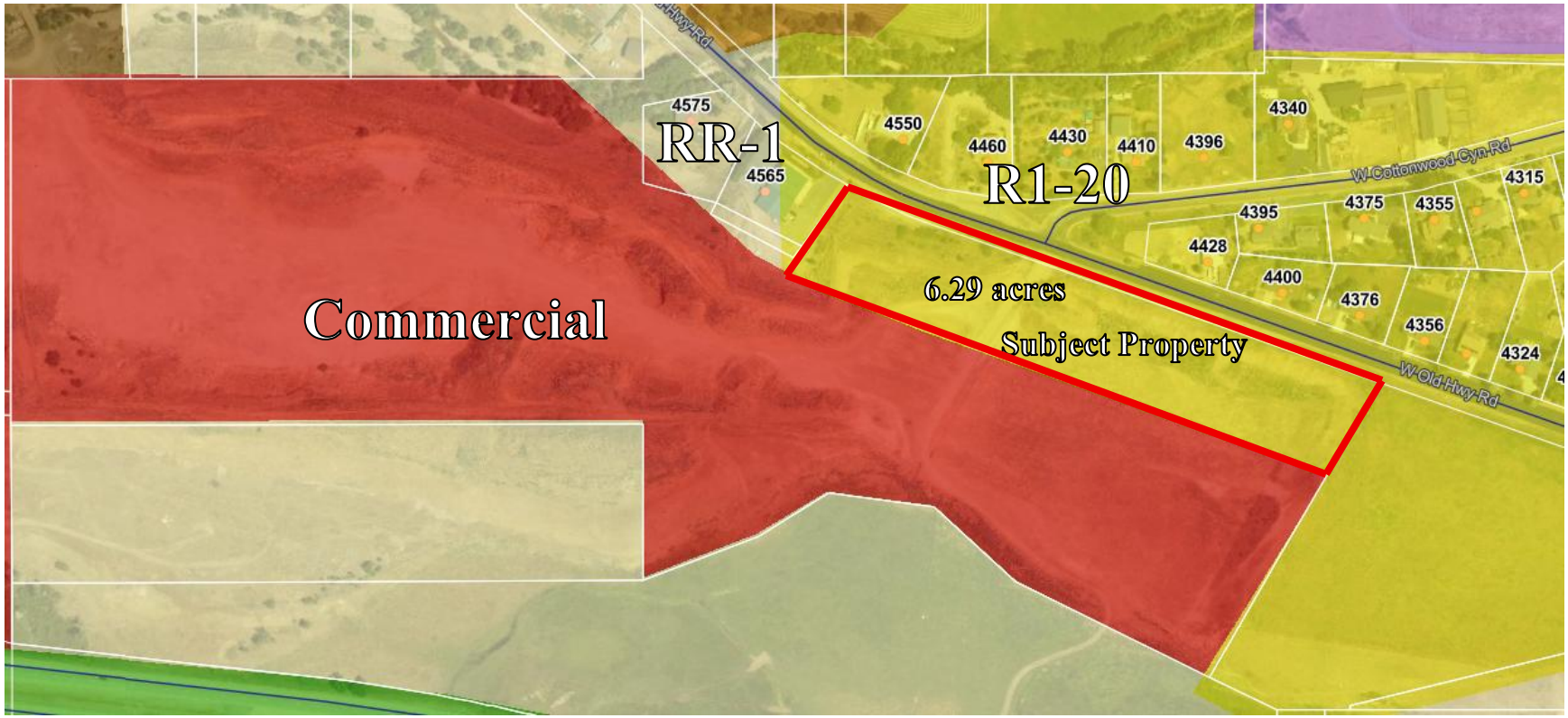


Exhibit C: County Zoning Map

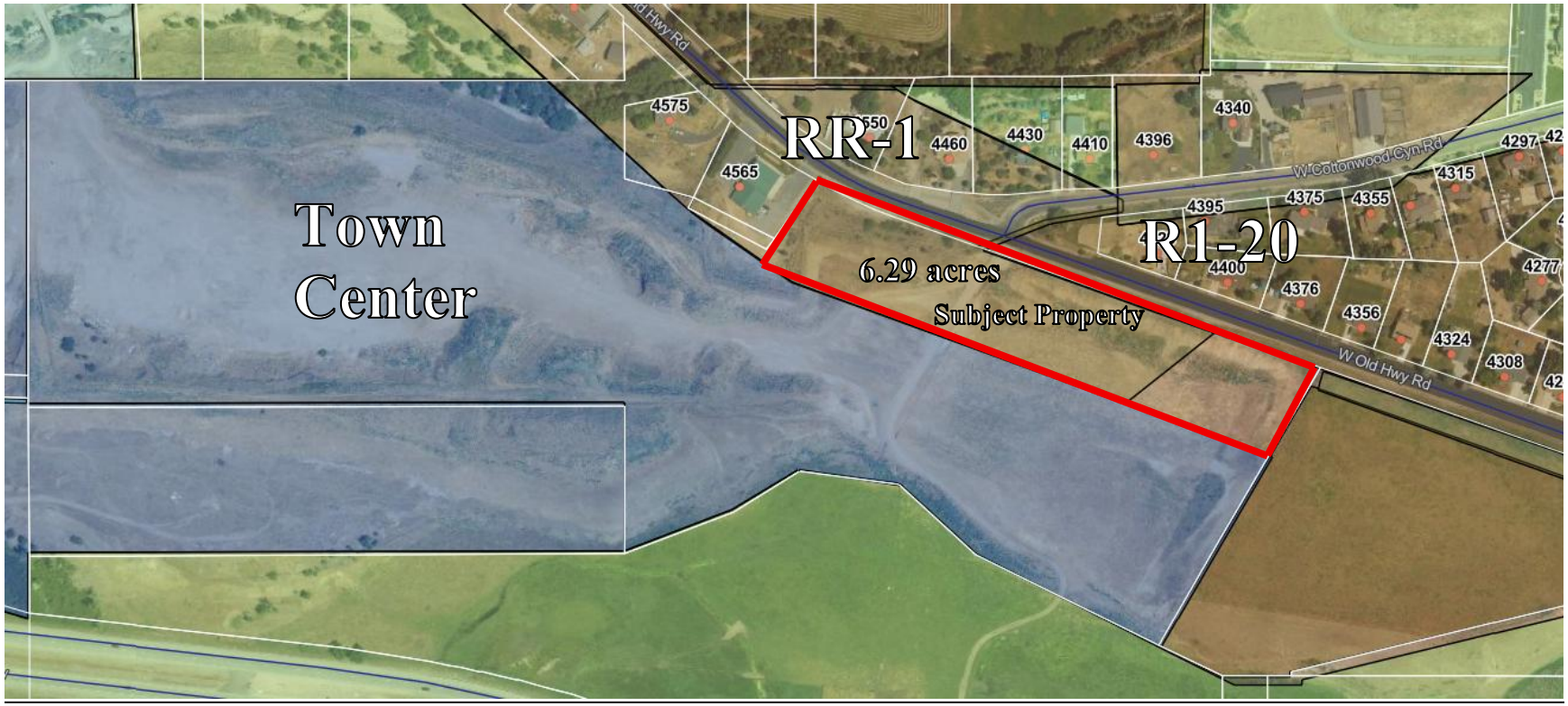
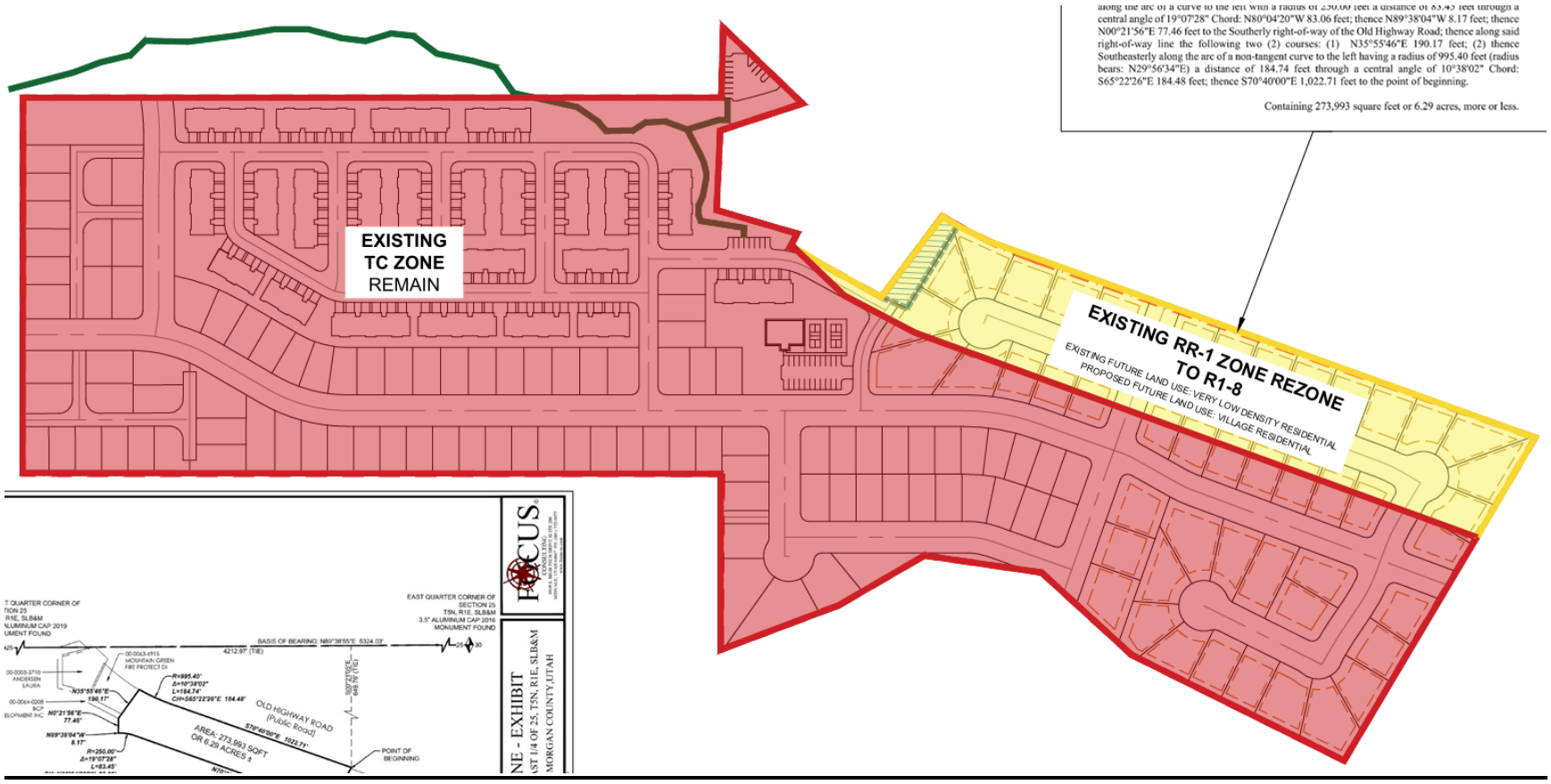


Exhibit D: Rezone Exhibit



When recorded, return to:

Morgan County Attorney
48 W. Young Street
P.O. Box 886
Morgan, Utah 84050.

DEVELOPMENT AGREEMENT
EAGLE VISTA VILLAS

This Development Agreement (Agreement) is entered into by MORGAN COUNTY, a political subdivision of the State of Utah (County), and BCP DEVELOPMENT, LLC, a Delaware limited liability company (Developer). The Agreement concerns the Eagle Vista Villas mixed-use development (Project) on the real property described in Exhibit A (Property). County and Developer are individually a Party and collectively the Parties. The Effective Date is the date established under Section 1.4.

RECITALS

A. Developer represents that it owns the Property or has obtained the participation of every owner whose interest must be bound to carry out this Agreement. The Property includes land within the Town Center (TC) zoning district and the approximately 6.29-acre area identified in Exhibit D for rezoning from Rural Residential (RR-1) to Residential (R1-8).

B. The Project includes detached single-family homes, townhomes, a commercial parcel for the nonresidential TC uses authorized by Section 2.1, parks, trails, common open space, recreational amenities, and a land dedication adjoining the existing fire-protection property. The Parties intend to implement the development concept shown on the Eagle Vista Option G plan, Sheet CD-201.G, dated October 28, 2026 (Project Plan), and the Eagle Vista G Phasing Plan, Sheet CD-202.G, dated October 28, 2026 (Phasing Plan).

C. Developer and the adjacent Gardner Town Center owner have participated in coordinated planning. If the County relies on an approved and executed joint conceptual development plan under County Code § 155.266(B)(4), the approval record shall identify that plan and this Agreement shall conform to it. Otherwise, the Project and its requested commercial exception shall be evaluated independently. This Agreement binds only the Property and the parties undertaking its obligations and does not rely upon unsecured benefits from a nonparty property.

D. Approval of this Agreement, the approximately 6.29-acre Rezone, any required Future Land Use Map Amendment, and the commercial-allocation exception are separate land-use actions requiring the applicable procedures and findings. The County's approval record shall identify those actions. This Agreement becomes effective as provided in Section 1.4.

E. The Parties have negotiated the specific development rights and obligations stated below. The County's approval of a reduced commercial allocation rests on the written findings required by § 155.266(D), supported by the legislative record, and on delivery and preservation of the public

benefits secured by this Agreement. Ordinary code compliance is not, by itself, an additional public benefit supporting the exception.

F. The Parties enter into this Agreement under Utah Code Title 17, Chapter 79, including § 17-79-508, and the County's development-agreement ordinances. They intend to provide a reliable development framework, reasonable flexibility in implementation, and enforceable protection of the County's public benefits without transferring the cost or risk of private development to the County.

In consideration of the mutual promises in this Agreement, the Parties agree as follows:

1. INCORPORATION OF RECITALS AND EXHIBITS

1.1 Incorporated documents.

The recitals and the following supplied attachments are incorporated: Exhibit A, the Property legal description; Exhibit B, the Eagle Vista Option G Project Plan, Sheet CD-201.G, dated October 28, 2026; Exhibit C, the Eagle Vista G Phasing Plan, Sheet CD-202.G, dated October 28, 2026; and Exhibit D, the supplied Rezone Area survey and legal description. The obligations and development requirements are stated in this Agreement and the applicable County Code. References to the County Code mean the Morgan County Code as applicable under Article 8. Approval means approval by the official or body legally authorized to act.

1.2 What the plans establish.

The Project Plan establishes the development pattern, residential product areas, commercial location, open-space system, principal connections, fire-protection dedication, and amenity locations. The Phasing Plan establishes the three master phases. Those features are binding as supplemented by this Agreement. Illustrative floor plans, vehicle symbols, vegetation symbols, and undimensioned construction details are not final engineering specifications. A "preliminary" or "not for construction" notation does not make the agreed land-use program, public benefits, or phasing optional.

1.3 Order of precedence.

In the event of a conflict between the body of this Agreement and any exhibit, incorporated document, or subsequent plat, site plan, or construction drawing, the body of this Agreement controls. Applicable County Code requirements govern matters not expressly addressed or lawfully modified by this Agreement. No exhibit or subsequent approval shall amend this Agreement except through the amendment procedures in Section 13.11. Nothing in this Agreement supersedes controlling state or federal law. Any substantive inconsistency with an approved Joint Plan shall be resolved through the required County approval process before execution.

1.4 Effectiveness; documents required for recording.

This Agreement becomes effective upon County Commission approval, execution by the County, Developer and the record owners required by Section 3.2, recording, and effectiveness of the Rezone and other land-use actions necessary for the approved Project. Before execution, the Parties shall complete the substantive blanks in this Agreement, confirm the supplied legal descriptions and required property rights, and obtain the required approvals and commercial-

exception findings. Final engineering and construction details shall be reviewed through the applicable Code approval processes. Staff may complete ministerial recording references but may not supply a missing substantive entitlement or amend an agreed obligation.

2. ZONING, DEVELOPMENT STANDARDS, AND SUBSEQUENT APPROVALS

2.1 Zoning and permitted uses.

The Project is approved as one consolidated mixed-use development encompassing the TC-zoned land and the Rezone Area described in Section 3.1. The approved residential uses, locations, and allocations are established in Section 4.2 and the Project Plan. The commercial commitment is established in Sections 4.7 and 4.8.

Pursuant to Utah Code § 17-79-508(2)(a)(iii), and upon approval of this Agreement through the legislative procedures required by § 17-79-502, including Planning Commission review and recommendation and a public hearing, the County expressly authorizes the full list of nonresidential uses permitted or conditionally allowed in the TC district under County Code § 155.132 on the Commercial Parcel shown on the Project Plan, notwithstanding an underlying R1-8 restriction that would otherwise prohibit those uses. The applicable edition of the use table is governed by Article 8. Required conditional-use and other use-specific approvals remain applicable; listing a conditional use is not approval of its conditional-use permit. Residential uses and dwelling units are prohibited on the Commercial Parcel, including residential units within a mixed-use building and accessory dwelling units. No residential allocation may be transferred to or exercised on the Commercial Parcel. The Project as a whole remains a consolidated mixed-use development. This authorization does not change the underlying zoning map or authorize commercial development outside the Commercial Parcel.

2.2 Development standards.

The Project shall comply with the County Code standards applicable to its approved uses, including the TC use, height, setback and yard provisions in §§ 155.132 through 155.134 and the TC design, connectivity and open-space provisions in §§ 155.265 through 155.270, together with applicable parking, landscaping, signage, subdivision, engineering, construction and fire requirements. The applicable TC development and design standards shall govern the consolidated Project, including the Commercial Parcel, as provided in this Agreement. Detached residential development within the R1-8 Rezone Area shall also comply with applicable underlying R1-8 requirements; the express commercial-use authorization in Section 2.1 remains controlling for the Commercial Parcel. This Agreement creates no separate setback, height, lot-dimension, parking or architectural standard or exception. The R4 and R8 labels identify residential product areas and do not independently establish zoning or modify the Code. Required standards and discretionary approvals shall be applied as provided by the Code; recommendations are not independently made mandatory. Final plats and site and construction plans shall demonstrate Code compliance. A conflicting conceptual dimension or drawing does not approve a departure. Any needed departure shall be approved through the process authorized by applicable law and, if it changes this Agreement or an incorporated attachment, Section 13.11. Article 8 governs the applicable edition of the land-use standards.

2.3 Plats, engineering, and permits.

Developer shall obtain all subdivision, engineering, building, utility, and other permits and approvals required for development of the Project under the County Code and applicable Utah law. Development shall also comply with this Agreement.

2.4 Review and inspections.

The County shall review applications and conduct inspections under applicable County Code and Utah law, including Utah Code §§ 17-79-706, 17-79-805, and 17-79-901 as applicable. Applicable review deadlines, review-cycle limits, and requirements for consolidated and specific comments remain controlling. Professional certifications, test results, and record drawings are evidence of compliance and do not replace a legally required approval or permit the County to disregard a mandatory acceptance or release deadline. No provision authorizes additional review cycles, application requirements, or withholding contrary to controlling law.

3. REZONE AREA AND OWNERSHIP

3.1 Rezone Area.

The approximately 6.29-acre Rezone Area is depicted and described in supplied Exhibit D and shall be zoned R1-8 upon effectiveness of the separate Rezone. It is part of the consolidated Project and is subject to Sections 2.1 and 2.2. Approval of this Agreement does not itself enact the Rezone or approve any dimensional or design departure from the County Code.

3.2 Title and necessary property rights.

Before the County executes this Agreement, each record owner of the Property shall execute it as a Signing Owner and agree to be bound by its terms. Developer and the Signing Owners are jointly and severally responsible for the obligations they undertake under this Agreement until completion and release under Section 11.3 or another express written County Commission release. The Agreement shall be recorded against all of the Property. Developer shall disclose known pending litigation or title claims materially affecting performance. A representative signing solely for an identified entity binds that entity and does not personally guarantee its obligations.

Developer shall obtain and record all additional property rights, releases, lienholder consents, subordinations, and non-disturbance instruments necessary to protect required access, open space, public amenities, the Commercial Parcel reservation, residential caps and allocations, dedications, and shared-facility obligations against conflicting existing interests. The County Attorney shall review the instruments and recording sequence for consistency with this Agreement; that review does not insure title. Existing liens shall not be assumed subordinate merely because this Agreement is recorded. Future financing voluntarily granted by Developer shall preserve the required rights and restrictions. Land outside the Property shall not count toward a requirement until permanent rights sufficient for the promised function are secured and recorded. The County has no obligation to acquire or fund those rights.

4. APPROVED DEVELOPMENT PROGRAM AND PUBLIC BENEFITS

4.1 Project boundary.

Development rights attach only to the Property described in Exhibit A. No land may be added to or removed from this Agreement without an approved written amendment and necessary owner participation. Acreage estimates do not enlarge that boundary, create additional units, or include neighboring property. The Project-wide unit cap is a fixed number, not a density multiplier that increases with a later survey.

4.2 Residential allocation and housing mix.

The Project may contain no more than 276 dwelling units, consisting of no more than 197 attached townhomes and 79 detached single-family homes. The detached allocation consists of 21 homes in the R8 product area and 58 homes in the R4 product area shown on the Project Plan. Phase 1 is allocated 84 townhomes; Phase 2 is allocated 79 detached homes; and Phase 3 is allocated 113 townhomes. These are separate allocations for each housing type and phase, in addition to the overall Project limit.

Developer may construct phases in any order or concurrently, provided that detached single-family homes constitute at least 28.6% of all Project homes that have received certificates of occupancy. The County may withhold a townhome certificate of occupancy if its issuance would cause the Project to fall below that percentage. Developer expressly agrees to this occupancy condition and the corresponding withholding of a townhome certificate, subject to controlling law.

Developer is not required to construct the maximum number of homes. Actual buildout may reflect market demand and site constraints, provided the required housing mix, approved development areas, unit limits, and amenity obligations are maintained. Unused units do not automatically transfer between housing types, product areas, or phases. Changes to those allocations require an amendment under Section 13.11.

Only the residential building types identified in this Section are authorized. Lawfully established accessory dwelling units do not count toward the Project’s unit limits, housing mix, or occupancy milestones and do not create transferable development rights. Residential units are prohibited on the Commercial Parcel.

4.3 Housing character and final design.

Homes shall comply with the applicable County Code architectural and design standards under Section 2.2. Floor plans, elevations and materials may vary within those standards. The approved detached-home areas and residential allocations shall be preserved. An amendment to this Agreement or its incorporated attachments requires approval under Section 13.11.

4.4 Landscaping, signage, and buffers.

Developer shall provide required street trees, park-strip and common-area landscaping, water-wise irrigation, perimeter and use-transition buffers, and entrance and wayfinding signs in accordance with approved plans and applicable standards. Permanent signs remain subject to required permits. Maintenance and transfer of these common facilities are governed by Article 7.

4.5 Construction management.

Developer shall implement dust control, approved haul routes, construction hours consistent with applicable noise requirements, erosion and sediment control, and measures to prevent mud and debris from entering public roads and drainage facilities. Developer shall repair damage caused by its construction activities to public facilities and adjacent improvements to the extent of its responsibility under law. Construction staging shall preserve required emergency access and safe access to occupied portions of the Project.

4.6 Open-space system and Town Center connections.

(a) Developer shall preserve and improve the parks, trail corridors, common open space and pedestrian connections shown on the Project Plan as an integrated Open Space System. The total qualifying open space is _____ acres, including _____ acres available for public park and trail use, subject to survey confirmation before execution. The principal public park, trail, trailhead and public connections shall be publicly accessible; other common open space may serve residents. The system shall meet applicable TC Code requirements. Meeting a Code minimum does not authorize removal of a mapped open-space corridor or promised public facility.

(b) Before execution, Developer shall provide survey confirmation of the acreage stated above, distinguishing public and resident-serving areas and any land outside the Property. Qualifying acreage shall be calculated under the applicable County Code without duplicate credit. The Commercial Parcel, individual residential lots and FD Parcel are not part of the promised Open Space System. Required permanent property rights shall be obtained under Sections 3.2 and 6.1 before outside land is counted or relied upon.

(c) Developer shall construct the on-Property roadways, pedestrian connections, utility infrastructure, and boundary connections shown on the Project Plan and required to serve the Project, including the main roadway, Old Highway Road connections, the indicated emergency connection, and connections within Developer's ownership or control implementing an approved Joint Plan. Final engineering shall establish safe dimensions, grades, drainage, and intersection details. Before affected development or conveyance, Developer shall record the reciprocal and cross-access easements necessary for those connections, stating the benefited and burdened parcels, permitted users, construction and connection rights, maintenance duties, and any approved cost-sharing formula. Exercise of the agreed access rights shall not depend on a later discretionary consent, an unagreed connection charge, or additional compensation beyond the recorded terms. These obligations do not impose a construction or payment duty on a nonparty owner.

(d) Off-site work, additional utility capacity, or third-party property acquisition beyond the Project's express commitments may be required only through a lawful approval condition, an applicable provider requirement, or a separate agreement. Developer remains responsible for obtaining access and service necessary for the phase it proposes. County services and any County funding or reimbursement are governed by Sections 8.3 and 9.2.

4.7 Commercial Parcel.

(a) Developer shall reserve and legally create at least 2.6 acres for commercial development in the location shown on the Project Plan (Commercial Parcel). The Parcel shall remain available for commercial TC uses authorized by Section 2.1. Residential uses are prohibited; no unused

residential allocation may be exercised there. A reduction, material relocation, or change to these restrictions requires a County Commission-approved amendment. Its acreage is not part of the Open Space System.

(b) Developer may construct commercial buildings concurrently with residential development or reserve the Parcel for later commercial construction. In either case, Developer shall provide usable grading, drainage, legal access, utility availability, and required roadway and frontage improvements sufficient to support future commercial construction. The approved improvement plans shall establish the required work, including any required utility connections or stubs and frontage sidewalks and curb and gutter, without requiring building- or tenant-specific improvements before commercial construction. The plans shall demonstrate a commercially usable site and identify the work and its completion schedule before the first residential certificate of occupancy. Developer is not required to provide capacity or site improvements suitable for every possible TC business.

(c) Developer shall legally create the Commercial Parcel and complete the improvements required under subsection (b) by the approved completion date in the commercial preparation schedule or before issuance of the certificate of occupancy for the 43rd primary dwelling anywhere in the Project, whichever occurs first. These obligations apply whether the work accompanies commercial construction or prepares for later development. Any earlier conveyance shall comply with applicable parcel-creation requirements. Commercial buildings need not be completed or occupied by that deadline. Developer expressly agrees that the County may withhold residential certificates at or beyond the occupancy milestone until the required work is complete, subject to controlling law. Sale or assignment does not extend either deadline or release unfinished obligations except as expressly approved by the County Commission under Article 11.

(d) Direct access from Old Highway Road shall be pursued in the location shown, subject to roadway-authority approval. Commercial access may also use the proposed public-road system where approved. If direct access is denied or modified, Developer shall obtain approval of a legally sufficient alternative that preserves a usable Commercial Parcel, safe circulation and the approved residential design before approval of the commercial preparation plans. A denial alone is not a default if diligently addressed, but does not waive the required access or completion deadlines. Roads and access serving the Commercial Parcel shall be designed under applicable standards for the anticipated commercial and residential traffic, including delivery, service and emergency vehicles and safe pedestrian access. Approval of conceptual corridors does not establish pavement widths or capacity for every authorized TC use. Any commercial use shall obtain required site and access approvals and provide improvements lawfully required for that use. An amendment to this Agreement or its Exhibits requires approval under Section 13.11.

(e) Developer shall maintain the Commercial Parcel until an approved successor assumes that responsibility in writing. Each subsequent owner shall maintain the Parcel under recorded covenants, including control of debris, weeds, dust, erosion and unsafe conditions and maintenance of drainage and installed improvements. Developer remains responsible for its obligations until release under Section 11.3 or an express written County Commission release; a sale or assumption alone is not a release. After completion and release, the then-owner remains responsible for continuing parcel maintenance. Developer need not obtain a purchaser or tenant, operate a business or guarantee commercial occupancy. Residential approvals shall not be withheld solely because

commercial buildings are not completed or occupied after the requirements of subsection (c) and other applicable obligations are satisfied.

(f) The Commercial Parcel is not required to be included in the residential Owners Association. Before its separate conveyance or use of a shared private facility, whichever occurs first, Developer shall record the necessary easements and maintenance agreements identifying the facilities, responsible owner or operator, each benefited property's reasonable share of operation, maintenance, repair and replacement costs, reserve funding where appropriate, and enforceable payment obligations. The agreements shall bind successors and preserve the public rights secured by this Agreement. Commercial use of a private road requires approval under applicable law, permanent access rights covering that use, and an enforceable allocation of the associated private maintenance costs. A property is not required to fund a private facility from which it receives no access, service or other benefit; shared drainage, utilities and required emergency access are benefits even without routine customer traffic. Use of a public street does not alone require HOA membership or a private road-maintenance assessment. Commercial occupants may use Public Amenities on the same terms as the public, without an implied right to private resident amenities.

4.8 Commercial exception and findings.

The approved commercial allocation is at least 2.6 acres. The applicable development-area denominator is _____ acres, and the approved commercial percentage is _____%. The Commission's written findings under County Code § 155.266(D) are identified in approval instrument _____, dated _____. Those findings shall establish the basis for the reduction from the ordinary commercial-allocation requirement, the proportionate extent of the reduction, and the greater and more durable benefit secured. The agreed benefits are the approved detached-home pattern and housing mix in Section 4.2 where eligible; the public park, trail, public recreation and parking in Articles 5 and 6; the fire-protection dedication in Section 6.3; and qualifying public connectivity secured by this Agreement. The approval record shall distinguish incremental public benefits from ordinary Code compliance and resident-only amenities. Neither additional residential yield alone nor unsecured neighboring commercial development establishes the required findings. Commercial construction and tenancy are not guaranteed. The Commission shall adopt the actual findings based on its approval record before execution; these statements do not substitute for those findings.

4.9 Short-term rentals.

To the extent enforceable under applicable law, rental or other compensated residential occupancy of a dwelling or portion of a dwelling for fewer than 30 consecutive days is prohibited within the residential Project. Related bookings used to evade that duration shall be treated as one arrangement. Developer shall record this restriction, with County enforcement rights, before the first residential conveyance. The Owners Association shall enforce it through lawful procedures. Legally required reasonable accommodations and controlling state or federal exceptions remain available. This restriction does not prohibit a nonresidential transient-lodging use independently authorized on the Commercial Parcel under Section 2.1; no permanent dwelling unit or residential component is authorized there. Developer remains responsible for its violations and document-recording obligations, but does not guarantee compliance by independent future owners.

5. PROJECT AMENITIES AND COMPLETION

5.1 Required amenities.

Developer shall construct and equip: (i) a community clubhouse with kitchen, dining and gathering space, weight room, and restrooms, appropriately sized for the approved Project; (ii) two pickleball courts with necessary fencing and safety features, one public and one for residents; (iii) a resident hot tub; (iv) the principal grassed community park with shade trees and a commercial-grade children's playground; (v) a covered pavilion and picnic facilities; (vi) two neighborhood pocket parks with seating; (vii) the Cottonwood Creek Trail, trailhead, and connections; (viii) a continuous six-foot-wide sidewalk along the main roadway; (ix) public parking serving the public park, trailhead, and public pickleball court; and (x) landscaping, irrigation, utilities, accessible routes, and entrance signs necessary to complete those facilities (Project Amenities).

The Project Amenities shall meet applicable County Code requirements, including the TC amenity standards in § 155.268(B)(6) where applicable, and provide the facilities expressly listed above. The clubhouse shall be completed and equipped for the listed uses; an unfinished shell does not satisfy that obligation. Site and construction plans shall be approved through the applicable Code process before amenity construction or the residential approval relying upon them. Public parking shall be available to the public rather than resident driveways or unavailable private spaces. Restrooms shall be provided as required by applicable law and the approved plans; resident clubhouse restrooms are not automatically public.

The principal public park, playground, pavilion and picnic facilities, trail, trailhead, public parking and public pedestrian connections shall be available for public use. One pickleball court shall also be public; the clubhouse, hot tub and other court may be reserved for residents and guests. Recorded instruments shall allocate ownership and operation, maintenance, snow removal, repair, replacement and funding to the responsible association or owner. Developer is responsible for delivery and the duties it undertakes until completion and release under Section 11.3. After release, the responsible association or owner shall perform the continuing duties. Public use or inspection does not itself transfer ownership, operation or maintenance to the County. Private parks, trails, courts, clubhouse, hot tub, common open space, private roads and shared private drainage shall be operated, maintained, repaired and replaced by the responsible association or owner under recorded instruments. Those instruments shall allocate pavement, sidewalk repair and snow removal, lighting, landscaping, irrigation, drainage, public-use parking, utilities and shared costs before conveyance or public opening of the affected facility. County maintenance begins only upon legally effective acceptance. Sections 4.7(f) and 7.1 govern shared commercial facilities and association duties.

5.2 Phasing and amenity completion.

(a) Phasing. The three master phases are shown in Exhibit C, with residential allocations in Section 4.2. Phases may proceed in any order or concurrently and may contain smaller plat increments, subject to the housing-mix condition, required serving infrastructure and the deadlines below. Phase numbers do not establish a mandatory construction order. An amenity is assigned to the master phase in which it is located unless an express earlier trigger applies. Smaller plats do not create new master phases or reset a deadline.

(b) Early public improvements. Before issuance of the first residential certificate of occupancy anywhere in the Project, Developer shall complete and open the principal public park, including its playground, pavilion and picnic facilities; the Cottonwood Creek Trail and trailhead; and the public parking, pedestrian connections, access and serving improvements necessary for their safe and functional public use. Required public-access and maintenance instruments shall be recorded before opening. These obligations apply regardless of which residential phase begins first. The public pickleball court is governed by subsection (c), rather than this early-delivery requirement.

(c) Phase amenities. Except for the early public improvements in subsection (b), Developer shall complete, equip and make available each amenity assigned to a master phase before issuance of the certificate of occupancy that would bring the number of dwelling units with certificates of occupancy to fifty percent (50%) of that phase's allocated dwelling units. The deadlines are before issuance of the 42nd dwelling-unit certificate in Phase 1, the 40th in Phase 2 and the 57th in Phase 3. The clubhouse, hot tub and both pickleball courts shown in the Phase 3 amenity area are assigned to Phase 3. Pocket parks and other local amenities are assigned to the master phase in which their approved locations fall; their locations and assignments shall be identified in the approved phase plans before approval of the affected phase's first residential final plat. A shared facility's use by residents of other phases does not change its stated assignment. There is no separate Project-wide 50% amenity trigger. Developer expressly agrees to withholding certificates at or beyond an applicable deadline until the required facilities are complete, subject to controlling law and subsection (f).

(d) Counting and changes. Each primary dwelling receiving a certificate of occupancy is counted once in its master phase and the Project total. Accessory dwelling units are excluded under Section 4.2. Concurrent construction, divided ownership, smaller plats, replacement certificates and a decision to build fewer homes do not reset a deadline. Changes to master-phase allocations or amenity assignments and deadlines require an amendment under Section 13.11.

(e) Earlier work and schedules. Safe access, utilities, drainage and fire-protection improvements shall be provided earlier when required by law. Each developing phase shall have an approved completion schedule and lawful assurances for unfinished required work. The commercial preparation plans and schedule are governed by Section 4.7; the approved schedule shall include a definite completion date in addition to the 43rd Project occupancy deadline, and the earlier deadline controls. Entrance signs shall be completed with the approved entrance improvements. Construction of an uncommenced future residential phase is not required solely because an earlier phase proceeds, subject to the housing mix and the expressly early public improvements.

(f) Seasonal work and enforcement. Where weather prevents proper planting, the County may approve a definite seasonal completion schedule with lawful assurance and interim stabilization. Essential access, drainage and safety improvements and the functional public park and trail facilities shall not be deferred under this provision. Any amendment to this Agreement remains subject to Section 13.11. If controlling law prevents withholding a particular approval, the completion obligation remains enforceable through other lawful remedies.

5.3 Amenity changes.

Developer may propose changes needed for final engineering or equivalent equipment. A change shall preserve the amenity's function, capacity, quality, public accessibility, and timely delivery. Any amendment to this Agreement or its Exhibits requires approval under Section 13.11.

5.4 Airport and other recorded notices.

Before recording the first final plat affecting the airport-easement area, Developer shall record a County-approved avigation easement in favor of Morgan County for the benefit of its airport. The affected area is _____, to be identified by an approved legal description before recording the easement. The approved instrument shall state its scope and any required disclosures; no undefined blanket release is created by this Section. Each affected final plat shall reference the recorded instrument. Developer shall provide any other airport notice required by applicable law. This provision does not grant rights over a nonparty's land.

6. OPEN SPACE, PUBLIC ACCESS, AND FIRE-PROTECTION DEDICATION

6.1 Permanent protection.

Required open space and Public Amenities shown on the Project Plan or required by this Agreement shall be protected by recorded restrictions and easements enforceable by the County, with legal descriptions sufficient to identify the burdened land. The protective instruments shall be recorded with this Agreement before a partial conveyance or development could impair the rights. Final survey locations may be refined through the applicable approval process without eliminating a promised benefit. Open-space acreage may not support a second residential allocation within or outside the Project. No residential construction is permitted on required open space.

The recorded instruments shall identify permitted uses, public-access rights, ownership, maintenance and enforcement responsibilities. They shall permanently preserve the required open space and public rights and bind successors after the development term or completion and release under Article 11. Drainage and utility uses shall be compatible with the approved open-space and public functions. No new residential allocation is created on protected land.

6.2 Trail and public-access operation.

Developer shall provide a six-foot-wide asphalt pedestrian trail along the Cottonwood Creek corridor, a trailhead connection from Old Highway Road with parking, a reasonable number of benches and shaded resting areas, directional and public-access signs, and the pedestrian connections shown on the Project Plan, coordinated with the Project Plan and any approved Joint Plan. Final engineering shall address the creek, floodplain, drainage, environmental permits, accessibility where required, safe crossings, and sufficient easement width for construction and maintenance. Public access shall be free of an entrance charge that would defeat the agreed benefit. Reasonable nondiscriminatory hours and rules may address safe use, maintenance, and protection of the facilities; they shall not reserve Public Amenities to residents or use gates to obstruct promised connectivity.

Temporary closures for actual hazards, necessary repairs or emergencies shall be limited to the area and time reasonably necessary. The responsible owner or operator shall correct the condition and restore public access. Applicable recreational-use protections and other defenses remain available

as provided by law. The County is not required to assume ownership, operation, maintenance or the private owner's liabilities.

6.3 Fire-protection parcel.

(a) Developer shall convey to the County or its designated fire-protection provider the parcel adjoining the existing fire-protection property shown on the Project Plan (FD Parcel), approximately 8,097 square feet. Final survey shall establish its boundaries and area without a material reduction from the depicted dedication. This is a land dedication for fire-protection purposes, including potential expansion of the adjoining facility, not a promise by Developer to construct or operate a fire station.

(b) Developer shall provide a recordable survey and legal description, current title information and available information concerning the Parcel's physical condition, access and utilities. The recipient shall have a reasonable opportunity to review that information before acceptance. The Parcel shall have legally sufficient access and rights reasonably necessary for its intended fire-protection use. The recipient is not required to accept a materially unsuitable parcel or unapproved title encumbrances.

(c) Developer shall convey the Parcel without a purchase price by special warranty deed, free of monetary liens and other exceptions not accepted by the recipient. Developer shall pay its survey, conveyance and recording costs. Required Project improvements shall preserve the Parcel's usability. The dedication does not require Developer to construct or operate a fire station.

(d) Conveyance shall occur before the first final plat including or directly affecting the FD Parcel and in all events before the first Phase 1 residential certificate of occupancy. If the designated recipient declines or a material suitability problem prevents conveyance, the Parties shall seek an approved alternative before the deadline; Developer may not unilaterally eliminate or replace the benefit. An amendment or deadline change requires approval under Section 13.11.

6.4 Tax treatment.

The County may reasonably cooperate in acknowledging a completed donation without expense or an admission concerning value or tax treatment. Developer is responsible for its tax advice, valuation, and tax consequences. The County makes no representation that a deduction or other tax benefit is available.

7. OWNERS ASSOCIATION, FUNDING, AND TURNOVER

7.1 Structure and recorded documents.

Before the first residential final plat is recorded, Developer shall establish one or more owners associations (collectively, Owners Association) and submit proposed declarations, bylaws, maintenance agreements, and shared-facility agreements for County review for consistency with this Agreement. The documents shall identify participating properties and future phases, each maintained asset, public and private use rights, ownership or easement interests, and the allocation of costs. Separate associations are permitted if a master association or binding reciprocal agreement covers every shared obligation without gaps or duplicate charges. Applicable association statutes govern resident and owner rights. Documents necessary to impose or support an obligation shall be recorded no later than the first plat or conveyance relying upon them,

including an earlier commercial or shared-facility conveyance. A commercial parcel outside the residential association remains bound by its recorded shared-facility duties. The documents shall conform to applicable Utah association or condominium law and shall not purport to waive nonwaivable owner rights.

7.2 Funding and reserves.

The recorded governing documents shall provide assessment authority, allocation of operating and replacement costs, reserves and insurance as required by applicable law, and funding sufficient for the assigned private maintenance duties. Before the first residential conveyance, Developer shall provide an initial budget and funding arrangements identifying Developer contributions and the allocation of costs to occupied and unsold property. The County's review is limited to consistency with this Agreement and does not constitute a financial audit.

While controlling the association, Developer shall pay its required assessments and perform its agreed funding obligations. Transfer of control does not discharge unpaid amounts or unfinished work. Any advance proposed as a debt of the association shall be disclosed and authorized in accordance with applicable law and the governing documents.

Before a privately operated Public Amenity opens, Developer shall ensure that the responsible operator has funded operating arrangements, required permits, and a written assumption of its assigned duties.

7.3 Transfer of property and turnover of control.

Conveyance of common property and turnover of association control shall comply with applicable law and the recorded documents. Developer shall deliver the property rights and records necessary for the association to perform its duties. Turnover or assumption does not alone release unfinished construction, accrued funding obligations or applicable warranties. Completion and release are governed by Section 11.3; the association thereafter remains responsible for continuing operation and maintenance.

At turnover, Developer shall deliver applicable deeds and easements, record drawings, permits, equipment information, warranties, contracts, financial and assessment records, reserve funds and an itemized statement of unfinished work. No County review guarantees the association's solvency or construction quality.

7.4 Protected obligations and enforcement.

The declarations shall give the County direct enforcement rights for public access, open-space restrictions, and maintenance obligations secured by this Agreement. The Owners Association shall implement and enforce its governing documents, including applicable architectural controls, without a County duty to administer private covenants. Amendments affecting County-protected rights, release or withdrawal of burdened property, or dissolution without a qualified successor require County approval and, if material, an amendment under Section 13.11. Ordinary internal governance changes that do not affect County-protected obligations do not require County approval.

If an association or owner fails to perform a continuing duty, the County may enforce the recorded obligations and pursue remedies available under law. Before release, Developer remains

responsible as provided in Article 11. After release, Developer remains responsible for later-discovered pre-completion noncompliance under Section 11.3, but does not guarantee a successor's independent future operation or maintenance. No automatic County takeover or funding obligation is created.

8. VESTED RIGHTS AND RESERVED AUTHORITY

8.1 Defined vesting.

For the 15-year development term, Developer may exercise the uses, residential caps and allocations, commercial reservation and development framework expressly established by this Agreement, subject to its conditions. The applicable TC land-use and design standards in effect on the Effective Date are incorporated by reference under Section 2.2, together with the applicable underlying R1-8 standards described in Section 2.2. Building and fire codes, engineering and construction standards, application procedures and fees apply as provided by controlling law. No additional dwelling, use or exception is granted by omission or illustration. The County shall not renegotiate the agreed public-benefit package merely because a later phase is submitted.

8.2 Reserved governmental authority.

The County retains legislative authority and powers that cannot lawfully be contracted away, including authority preserved by Utah Code § 17-79-508. Applicable state and federal law, mandatory construction and fire codes, lawful health and safety measures, valid temporary land-use regulations, and lawful changes in fees remain applicable to the extent permitted by law. A regulation or moratorium need not apply throughout the entire County to be lawful. Merely filing a building-permit application creates no contractual exemption from an otherwise applicable lawful measure. The County shall respect vested rights and applicable statutory limits in exercising those powers.

8.3 Services and jurisdiction.

The County will provide services it ordinarily provides to similarly situated property, subject to law and lawful budgeting. This Agreement does not guarantee utility capacity, another provider's service, infrastructure expansion, or a particular emergency-response time or level. Developer shall secure necessary utility commitments and approvals. If governmental jurisdiction changes by incorporation, annexation, or law, the Parties' rights, duties, and any governmental succession are governed by applicable law and any valid implementing agreement; the County does not guarantee another entity's performance or future service funding.

9. TAXES, FEES, AND FINANCIAL RESPONSIBILITY

9.1 Taxes and charges.

Developer and subsequent owners shall pay taxes, assessments, permit charges, inspection charges, impact fees, utility charges, and other fees lawfully applicable to their property or work. No tax exemption, frozen fee schedule, reimbursement entitlement, or duplicate fee credit is created. Any credit shall be determined under applicable law or a separate written agreement.

9.2 No implied County expenditure.

Developer is responsible for the costs of performing its obligations. County funding, reimbursement, acceptance of private infrastructure, or assumption of maintenance requires separate express authorization by the legally responsible body and a written agreement stating the obligation. Staff coordination, inspection, acceptance of a land-use application, or public use is not that authorization.

10. INFRASTRUCTURE, ASSURANCES, INSPECTION, AND WARRANTY

10.1 Required improvements.

Developer shall construct required public and private improvements in accordance with approved construction plans, this Agreement, applicable standards, and County code. Each developed phase shall function with legally sufficient access, emergency response access, water, sewer, drainage, and other required services without relying on an unbuilt future phase for essential facilities. Developer may construct serving improvements through an otherwise undeveloped phase without commencing its residential construction.

10.2 Inspection and acceptance.

Developer may request inspection and acceptance in writing with required certifications, test results, record drawings, maintenance information, conveyances, and other applicable closeout documents. The County shall accept or identify deficiencies within the periods required by Utah Code § 17-79-805 and other controlling law. Reinspection and further corrections shall comply with statutory limits. Engineering compliance, release of security, acceptance of a dedication, and acceptance of public maintenance are distinct actions. An inspection does not itself accept public ownership or maintenance, waive latent defects or fraud, or release an express warranty. The County shall not use that distinction to avoid a mandatory statutory acceptance or security-release duty.

10.3 Completion assurances.

At the time required by law, Developer shall complete required improvements or provide lawful completion assurance and an improvement completion agreement identifying the work, estimate, completion date, inspection process, and release procedures. Assurances shall comply with Utah Code §§ 17-79-707 and 17-79-805, including permitted forms, statutory cost and administrative limits, partial releases, cash-deposit interest when required, and restrictions on duplicate or prohibited security. Completed and accepted work shall not be bonded again. Security shall be maintained while lawfully required, with timely replacement before expiration. Drawing security does not discharge any remaining completion obligation, but recovery shall not exceed amounts lawfully due.

As consideration for the discretionary entitlements in this Agreement, Developer also agrees to lawful completion assurance for eligible landscaped common amenities under § 17-79-707(4), subject to statutory limitations. This does not require security for individual residential-yard landscaping or equivalent attached-home private areas prohibited by law. Any security for other amenities must have a lawful basis expressly identified in the applicable completion agreement.

Posting security does not extend a valid contractual completion milestone, and the County shall not withhold a permit or certificate contrary to controlling law.

10.4 Roads, parking, and emergency access.

The Project Plan identifies the proposed 60-foot public-road corridors and 36-foot and 44-foot private-road corridors. These are corridor widths, not approved pavement widths or a determination of commercial traffic capacity. Final engineering shall establish compliant road classification, cross-sections, pavement, drainage, sidewalks, utilities, snow storage, intersections, turning movements and emergency access for the uses served. The County Engineer, fire authority and roadway authority shall review those matters within their respective authority before the affected final plat or construction approval. Commercial access and shared private costs shall comply with Section 4.7(d) and (f). Private streets remain the responsibility of the designated association or owner under recorded instruments. The emergency lock-box gate shall be approved by the fire authority, remain operational and be supported by permanent rights; no private gate may block a required public connection. The recorded instruments required by Sections 4.7(f), 5.1 and 7.1 shall allocate pavement, sidewalk repair and snow removal, lighting, landscaping, irrigation, drainage and public parking responsibilities. County maintenance begins only upon legally effective acceptance, subject to mandatory statutory duties. Earlier road drawings do not replace the October 28 layout.

10.5 Utilities and environmental requirements.

Developer shall provide utilities, drainage, and erosion-control improvements in accordance with the County Code, applicable utility-provider requirements, and controlling state and federal law, and shall obtain all required permits and property rights. Developer shall coordinate and complete the overhead power-line relocation shown on the Project Plan before construction that depends upon that relocation. County approval does not guarantee utility service or capacity.

10.6 Phase applications and coordination.

A phase application shall identify its master phase, residential allocation, current allocation ledger under Section 12.1, serving infrastructure, obligations due under Sections 4.2, 4.7, 5.2, and 6.3, and any shared or off-site work needed for safe independent operation. A deficiency in one phase shall affect another only to the extent authorized by this Agreement and law and related to the proposed approval, shared facility, or unmet Project milestone. Security and acceptance of unrelated completed improvements shall not be withheld to compel unrelated work contrary to statute.

10.7 Improvement warranty.

Developer warrants required public improvements against defects in materials and workmanship and noncompliance with approved plans for one year following the County’s written acceptance, subject to any controlling statutory requirement. At the lawful time associated with Developer’s written completion and acceptance request, the County may require warranty security within the statutory maximum and on the permitted cost basis. Warranty security shall not be required prematurely at plat recording for unfinished improvements.

The County shall give notice of a covered defect and a reasonable correction period based on its nature and urgency. Developer shall promptly commence and diligently complete corrective work.

Imminent threats may require immediate action. If Developer fails to respond as reasonably required, the County may undertake lawful corrective work and recover its reasonable attributable costs, including through available warranty security. Acceptance and security release shall occur within applicable statutory periods. Timely noticed defects remain subject to correction after the warranty period; this Section does not enlarge statutory security-retention periods or eliminate remedies for fraud, latent defects, or other separately surviving obligations.

11. TERM AND CONTINUING OBLIGATIONS

11.1 Development term.

The contractual development term is 15 years from the Effective Date. An extension requires a written County Commission-approved amendment. Expiration ends unexercised contractual development rights, subject to independently vested approvals, but does not discharge an accrued default, unfinished obligations arising from development undertaken, or continuing restrictions and duties under Section 11.2. Expiration does not transfer unused units between parcels, renew unexercised entitlements or require construction of an uncommenced residential phase.

11.2 Continuing obligations.

Provisions relating to the continuing use and operation of the Property survive completion, release and expiration. These include residential caps and allocations, commercial-use and open-space restrictions, recorded public access and easements, and the operation, maintenance and funding duties assigned to the responsible association or owner. Applicable warranties continue for their established duration. Developer and the Signing Owners remain responsible for their undertaken obligations until completion and release under Section 11.3 or another express written County Commission release. A transfer or assumption alone does not provide that release.

11.3 Completion and release.

When the approved development has been completed and the obligations required for completion have been performed, Developer shall give written notice to the County. Upon a finding by the County Commission that those obligations have been completed, the County Clerk shall record a notice of completion identifying the completed development and releasing Developer and the Signing Owners from further performance of the completed development obligations. Continuing use restrictions, public rights and duties assigned to the responsible association or owner under Section 11.2 remain in effect. The finding and notice do not release a failure to comply with this Agreement occurring before completion merely because the failure is discovered afterward, including incomplete or nonconforming work or a misrepresentation concerning completion. Applicable warranties and claims for that noncompliance remain subject to their governing terms, defenses and statutory time limits; this provision does not create a perpetual warranty or revive an expired claim. The completion process does not delay a mandatory improvement acceptance or security release under law. Any earlier release of a particular party or obligation requires express written County Commission approval and identification of the obligations released and retained.

12. SALES, ASSIGNMENT, AND SUCCESSORS

12.1 Allocation before divided ownership.

Before a partial conveyance of undeveloped Project land, Developer shall provide a legal description and recorded allocation instrument identifying the parcel's master phase, product type, maximum units, open-space and public-access restrictions, improvement obligations, shared-facility rights, costs, and responsible parties. A Project ledger shall track original allocations, units platted, permits, certificates of occupancy, and the detached-home percentage, transfers, and remaining units by parcel and phase. The County shall receive updated information with each relevant plat, transfer, and amendment. No conveyance duplicates or increases an entitlement or releases land committed to an existing public benefit.

12.2 Transfers assumptions and releases.

Except for residential sales permitted under Section 12.3, a sale or transfer of undeveloped Project land or an assignment of development rights or responsibilities requires the County Commission's prior written consent, which shall not be unreasonably withheld or delayed. Transfers to an affiliate remain subject to this requirement. The successor shall assume in writing the obligations applicable to the transferred land or rights and demonstrate sufficient ability to perform them. The transfer documents shall identify the affected property, uses, units, infrastructure, public benefits and duties transferred and those remaining with Developer. Approval and assumption do not alone release Developer or a Signing Owner. Responsibility continues until completion and release under Section 11.3 or an express written County Commission release identifying the party and obligations released. Transfers of the Commercial Parcel or common property shall preserve the applicable recorded restrictions and maintenance duties. Involuntary transfers remain subject to controlling law.

12.3 Residential purchasers and financing.

Sales of individual residential lots or homes to purchasers who do not assume development rights or responsibilities do not require separate County approval. Purchasers remain subject to the recorded restrictions and association obligations applicable to their property. Transfers of development rights or responsibilities remain subject to Section 12.2.

12.4 Binding effect.

This Agreement runs with the land and binds the Parties and their successors and assigns according to the obligations applicable to their property or undertaking. An ordinary residential purchaser does not assume Project-wide construction obligations solely by purchasing a lot or home. Developer and the Signing Owners remain responsible until completion and release under Article 11 or an express written County Commission release. Recorded public rights, restrictions and continuing owner or association duties survive that release.

13. ADMINISTRATION, DEFAULT, AND MISCELLANEOUS

13.1 Recording and further instruments.

Developer shall pay the reasonable recording costs of this Agreement, required restrictions, and amendments and provide conformed copies to the County. The Parties shall execute reasonable

implementing instruments consistent with the approved bargain. No further-instruments obligation compels a new public expenditure, new development concession, or unauthorized legislative action. Following satisfaction of pre-execution conditions, this Agreement shall be recorded within 14 business days after signature by the County Commission Chair and applicant, or within another controlling statutory period. All operative exhibits shall accompany the recorded agreement or be incorporated through an identified recorded instrument; unrecorded file copies shall not substitute for necessary property notice.

13.2 Severability.

If a provision of this Agreement is held invalid or unenforceable by a court of competent jurisdiction, that determination shall not affect the remaining provisions, which shall remain in effect to the extent permitted by law.

13.3 No third-party beneficiary.

Except for rights expressly granted in recorded easements or dedications, this Agreement creates no third-party contractual beneficiary. Public access remains enforceable as provided in the applicable instruments. This provision does not eliminate a right independently conferred by statute or property law.

13.4 Law and venue.

Utah law governs. An action concerning this Agreement shall be brought in the Utah district court having jurisdiction in Morgan County or, if federal jurisdiction exists, the United States District Court for the District of Utah. Applicable administrative remedies and statutory review procedures remain controlling.

13.5 Entire agreement; public records.

This Agreement and its incorporated approval documents contain the Parties' agreement on its subject matter and supersede inconsistent prior drafts and negotiations. The Agreement is a public record. Records submitted to the County are subject to Utah's Government Records Access and Management Act and other applicable law. Developer may identify a lawful claim of protection, but the County determines disclosure as required by law and does not promise confidentiality contrary to law.

13.6 Notices.

Formal notices under this Agreement shall be in writing and sent by certified United States mail to the addresses below. Notice is effective on the date of mailing, postage prepaid. Either Party may change its notice address by written notice. Statutory notices shall comply independently with applicable law. Routine application communications may be sent electronically.

Developer: BCP Development, LLC, Attn: Peter Evans, 300 S. 1350 E., 2nd Floor, Lehi, Utah 84043; email for routine communications: pete@flagshiphomes.com.

County: Morgan County Attorney, 48 W. Young Street, P.O. Box 886, Morgan, Utah 84050; copy to the Morgan County Clerk at the same address. Formal electronic addresses may be designated by later written notice.

13.7 Default and remedies.

The Parties shall perform their respective duties under this Agreement with due diligence and in a timely manner. In the event of a default, either Party may pursue performance or other remedies available under applicable law. Before pursuing those remedies, the Parties shall meet and confer to discuss the default and, if possible, reach a mutually agreeable resolution. Nothing in this Section extends a statutory deadline or prevents emergency or interim relief authorized by law.

13.8 Force majeure.

If either Party is delayed in performing an obligation under this Agreement because of an event beyond that Party's control, the time for performance shall be extended for the period lost because of the event. This provision does not authorize occupancy before a facility expressly required for that occupancy is complete or extend a statutory deadline contrary to law.

13.9 Attorneys' fees.

The prevailing Party in an action to enforce this Agreement may recover its reasonable attorneys' fees and costs, including on appeal, subject to controlling law. This does not create a damages remedy for a statutory claim for which monetary recovery is prohibited.

13.10 No waiver; no partnership.

A waiver must be express and written by an authorized representative and applies only to the identified matter. Delay, an inspection, or approval of a different phase does not waive another obligation. The Parties are independent; this Agreement creates no partnership, joint venture, agency, or County responsibility for Developer's contracts, employees, or financing.

13.11 Amendments.

Any amendment to this Agreement, including its Exhibits, shall require County Commission approval following the procedures and notice required for an amendment to a County land-use ordinance. Amendments shall be written, executed by the necessary parties, recorded, and noticed as required by applicable County Code, including § 155.534.

13.12 Authority and construction.

Each signatory represents that the signatory is authorized to bind the named Party. The Parties participated in drafting; no presumption arises against either as drafter. Section captions aid reference only. Statutory references include valid successor provisions without enlarging contractual obligations beyond the agreed subject matter.

13.13 Counterparts and electronic signatures.

This Agreement may be executed in counterparts, which together constitute one instrument, and by electronic signatures to the extent accepted by applicable law and recording requirements. Required acknowledgments and recordable originals or accepted electronic instruments shall be provided. No oral modification is effective.

SIGNATURES AND ACKNOWLEDGMENTS

The County, Developer, and all other record owners execute this Agreement through their authorized signatures. The Effective Date is determined under Section 1.4.

DEVELOPER — BCP DEVELOPMENT, LLC

By: _____
Name: _____
Title: _____
Date: _____

STATE OF _____)
COUNTY OF _____) ss.

This instrument was acknowledged before me on _____, 20____, by _____, as _____ of BCP DEVELOPMENT, LLC, on behalf of that company.

_____
Notary Public
Commission expiration: _____
[Notarial seal]

COUNTY — MORGAN COUNTY

By: _____
Name: _____
Title: County Commission Chair
Date: _____

Attest: _____
Morgan County Clerk

STATE OF UTAH)
COUNTY OF MORGAN) ss.

This instrument was acknowledged before me on _____, 20____, by _____, as Chair of the Morgan County Commission, on behalf of Morgan County.

_____
Notary Public
Commission expiration: _____
[Notarial seal]

ADDITIONAL RECORD OWNER SIGNATURE

The undersigned record owner executes this Agreement as a Signing Owner under Section 3.2 and undertakes the obligations imposed on it, jointly and severally with Developer and the other Signing Owners. Responsibility continues after transfer or expiration until completion and release under Article 11 or another express written County Commission release. Recorded continuing restrictions and duties and responsibility for later-discovered pre-completion noncompliance remain as provided in Article 11. A representative signing solely for a named entity binds that entity and does not personally guarantee its obligations. This page forms part of the Agreement recorded against the Property.

Record owner: _____
Affected parcel or property interest: _____
_____
By: _____
Name: _____
Capacity, if signing for an entity: _____
Date: _____

STATE OF _____)
COUNTY OF _____) ss.

This instrument was acknowledged before me on _____, 20____, by _____, individually or as _____ of _____, on behalf of that entity, as applicable.

_____
Notary Public
Commission expiration: _____
[Notarial seal]

Provide a separate executed signature and acknowledgment page for each additional record owner.

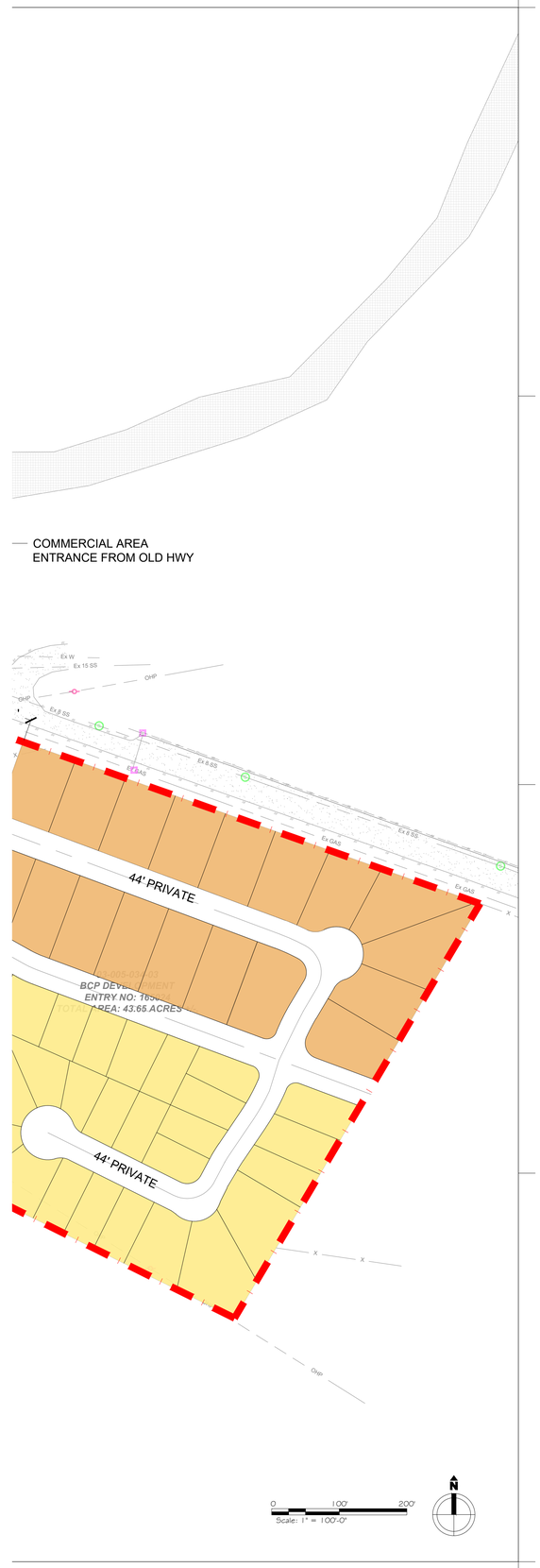
EXHIBIT A — PROPERTY LEGAL DESCRIPTION

Legal description to be added later.

Placeholder only — no legal description is attached on this page.

The complete legal description must be inserted and verified before execution or recording.





FLAGSHIP

300 S 1350 E, FLR 2 LEHI, UT 84043

CONSULTANT

PROJECT

EAGLE VISTA

MOUNTAIN GREEN, UT

SEAL

PRELIMINARY
PLANS
NOT FOR
CONSTRUCTION

call 811 or visit www.bluestakes.org before you dig to have all utilities located and marked

CLIENT

ISSUE

MARK	DATE	DESCRIPTION

PROJECT INFO

DATE:	**10/28/2026**
DRAWN BY:	**LUKE**
JOB NO:	

SET TITLE

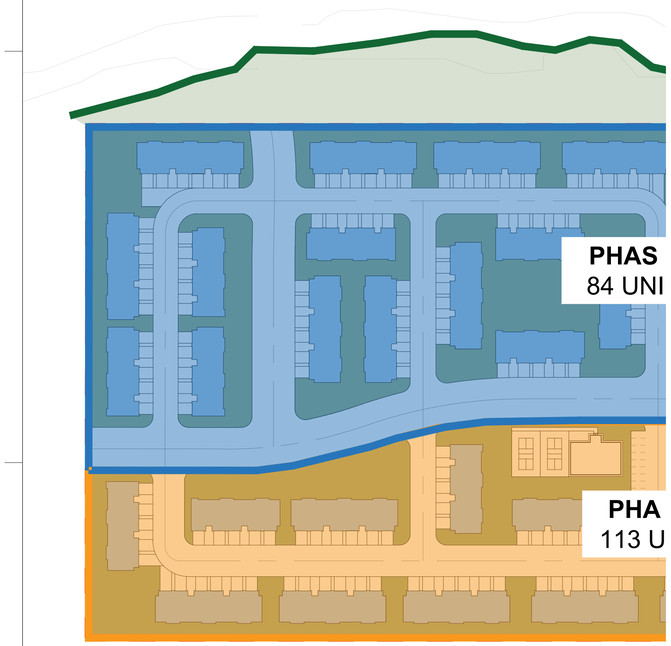
CONCEPTUAL DESIGN SET

SHEET TITLE

EAGLE VISTA
OPTION G

SHEET NO.

CD-201.G



MASTER DEVELOPMENT PHASING

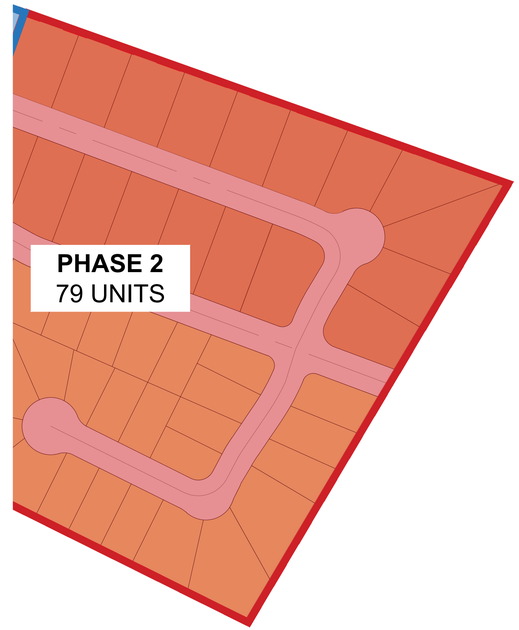
PHASE 1
84 UNITS

PHASE 2
79 UNITS

PHASE 3
113 UNITS

276 TOTAL LOTS

44 ACRES 6.2 UNITS PER AC



0 100' 200'
Scale: 1" = 100'-0"

FLAGSHIP

300 S 1350 E, FLR 2 LEHI, UT 84043

CONSULTANT

PROJECT

EAGLE VISTA
MOUNTAIN GREEN, UT

SEAL

PRELIMINARY
PLANS
NOT FOR
CONSTRUCTION

call 811 or visit www.bluestakes.org before you dig to have all utilities located and marked

CLIENT

ISSUE

MARK	DATE	DESCRIPTION

PROJECT INFO

DATE: **10/28/2026**
DRAWN BY: **LUKE**
JOB NO:

SET TITLE

CONCEPTUAL DESIGN SET

SHEET TITLE

EAGLE VISTA
G PHASING PLAN

SHEET NO.

CD-202.G

MORGAN COUNTY

PLANNING COMMISSION
STAFF REPORT
Land Use Noticing CTA
November 5, 2026

Land Use Notice Requirements and Procedures

APPLICATION INFORMATION

Item: Legislative code text amendment **Code:** §§ 155.029, 155.031, 155.032, 155.444, 155.445, 155.515 and 155.534
Review: Public Hearing / Discussion / Recommendation
Land use authority: Morgan County Commission following Planning Commission recommendation

REQUEST

Amend seven County Code sections to modernize notice and continuation procedures, coordinate site-specific and subdivision notice requirements, and remove local newspaper-publication language to the extent authorized by Utah law.

BACKGROUND

The proposal addresses General Plan and zoning hearing notices, applicant and property-owner notice, subdivision plat amendments, wireless telecommunication hearings, development agreements, and continued public hearings. The submitted § 155.032 redline and six companion redlines collectively make up the proposed text.

ANALYSIS AND CONSIDERATIONS

Notice methods, affected-entity and owner recipients, timing, continuation rules, and the interaction with Utah Code Title 17, Chapter 79 and the Open and Public Meetings Act require review against controlling law. Proposed text should preserve mandatory state notices and any additional County notice requirements not prohibited by state law.

STAFF RECOMMENDATION

Staff requests that the Planning Commission review the proposed text, take public testimony, and forward a recommendation to the County Commission. The attached redline is the proposed legislative text; this report does not independently approve any disputed policy choice.

ATTACHMENTS

Attachment A: Complete § 155.032 proposed redline (8 pages).
Attachment B: Companion redlines for the other six sections (2 pages).

PLANNING COMMISSION | RECOMMENDED MOTIONS

8. LAND USE NOTICE REQUIREMENTS AND PROCEDURES

POSITIVE RECOMMENDATION

“I move that the Planning Commission forward a positive recommendation to the Morgan County Commission for the Land Use Notice Requirements and Procedures code text amendments to §§ 155.029, 155.031, 155.032, 155.444, 155.445, 155.515, and 155.534, as presented in the attached redlines, based on findings stated on the record.”

POSITIVE RECOMMENDATION WITH CONDITIONS

“I move that the Planning Commission forward a positive recommendation with the following conditions or textual modifications for the seven-section Land Use Notice Requirements and Procedures amendment: [identify each change and supporting finding].”

NEGATIVE RECOMMENDATION

“I move that the Planning Commission forward a negative recommendation to the Morgan County Commission for the seven-section Land Use Notice Requirements and Procedures amendment, based on the following specific findings: [state findings].”

Select one motion. State any additional conditions, textual modifications, or findings expressly on the record. For legislative amendments, conditions should identify the proposed text changes.

§ 155.032 NOTICING.

~~Required notice of public meetings and public hearings for land use applications and ordinances shall include and comply with the following provisions.~~ The county shall provide notice of public hearings and public meetings concerning land use applications, the General Plan, land use ordinances, and zoning maps as required by this section and applicable state law. The requirements below identify the persons entitled to notice, the methods of notice, and the applicable notice periods. Newspaper publication is not required unless applicable state law requires it.

(A) Mailing list and labels.

(1) The applicant for a site-specific land use application which requires a public hearing shall provide the Planning and Development Services Department with an approved list of all owners of real property located within 1,000 feet of the boundary of the subject property parcel, as shown on the official records of the County Recorder.

(2) The applicant shall pay to the county a fee in the amount of the actual costs incurred by the county in providing the notice and shall bear sole responsibility to ensure the accuracy of the property owner list.

(B) Applicant notification. For ~~all~~ each land use ~~applications,~~ application, the county shall ~~be required to give notice to~~ notify the applicant of the date, time and place of each public hearing and public meeting ~~to consider~~ concerning the ~~application,~~ application and of any final action on ~~a pending~~ the application. The county shall ~~also~~ provide ~~to each~~ the applicant with a copy of each staff report ~~regarding~~ concerning the applicant or ~~the pending~~ application at least three business days before the public hearing or public ~~meeting and notify the applicant of any final action on a pending application.~~ meeting.

(C) Notice to third parties. For site-specific land use applications which require a public hearing, the county shall mail notice to the record owner of each parcel within a 1,000-foot radius of the subject property, and the applicant shall post a sign on the property according to the following regulations.

(1) The applicant shall post a county-provided sign along each street on which the subject property has frontage. If the subject property does not abut a street, then the sign should be posted on a nearby street as determined by the Zoning Administrator. Sign shall be of sufficient size, durability, print quality and location that it is reasonably calculated to give notice to those passing by. It shall be the responsibility of the applicant to remove and dispose of the sign(s) within five calendar days after the final hearing or meeting regarding the application. Third-party property owners who live within the 1,000-foot radius but outside of the county boundaries shall be sent notice equivalent to that sent to property owners within the county.

(2) The applicant shall submit a signed affidavit of public posting.

(3) The affidavit shall include a photograph verifying that the sign has been installed, at least ten days prior to the required public hearing or meeting.

(4) Failure to post the public notice sign and provide the required verification at least ten days prior to the required public hearing will cause a delay in the processing of the application, to allow for the required public hearing notice.

(5) If the sign is destroyed or damaged the applicant shall replace the sign within 12 hours upon being notified.

(D) General ~~plan adoption or amendment. The county shall provide advance notice of the date, time and place for public hearings and meetings regarding a General Plan adoption or amendment~~ Plan adoption or amendment. The county shall provide notice of public hearings and public meetings concerning the adoption or amendment of all or any portion of the General Plan as follows.

(1) The county shall provide notice of the ~~first public hearing to consider the adoption or modification of all or any portion of the General Plan at least ten calendar days before the public hearing. Notice shall be:~~ date, time and place of the first public hearing at least ten calendar days before the hearing. The county shall provide the notice through each of the following methods.

(a) ~~Published on the state's public notice website created in the state code;~~ The county shall publish the notice on the Utah Public Notice Website.

(b) ~~Mailed to each affected entity; and~~ The county shall mail the notice to each affected entity.

(c) ~~Posted in at least three public locations within the county or on the county's official website.~~ The county shall publish the notice on its official website and post a physical copy in a public location within the county that is reasonably likely to be seen by county residents.

(2) The county shall ~~publish in a newspaper of general circulation in the area at least three~~ maintain the website notices and physical posting for at least ten calendar days before the public hearing.

(3) The county shall provide notice of ~~each public meeting regarding the adoption or modification of all or any part of the General Plan at least 24 hours before the meeting. Notice shall be:~~ the date, time and place of each public meeting concerning the General Plan at least 24 hours before the meeting. The county shall provide the notice through both of the following methods and maintain the notices for the required period.

(a) ~~Submitted to a newspaper of general circulation in the area and published on the state's public notice website created in the state code; and~~ The county shall publish the notice on the Utah Public Notice Website.

(b) ~~Posted in at least three public locations within the county or on the county's official website.~~ The county shall publish the notice on its official website and post a physical copy in a public location within the county that is reasonably likely to be seen by county residents.

(E) ~~Adoption or amendment of land use ordinance or zoning map. The county shall provide notice of the date, time and place for public hearings and meetings regarding a Land Use Ordinance or zoning map adoption or modification as follows:~~ Land use ordinance or zoning

map adoption or amendment. The county shall provide notice of public hearings and public meetings concerning the adoption or amendment of a land use ordinance or zoning map as follows.

(1) The county shall provide notice of the ~~first public hearing to consider the adoption or any modification of a Land Use Ordinance or zoning map. Notice shall be:~~ date, time and place of the first public hearing at least ten calendar days before the hearing. The county shall provide the notice through the following methods, subject to the exception for certain ordinance changes described below.

(a) ~~Mailed to each affected entity at least ten calendar days before the public hearing;~~ The county shall mail the notice to each affected entity.

(b) ~~Posted in at least three public locations within the county or on the county's official website; and~~ The county shall publish the notice on the Utah Public Notice Website and its official website. The county shall also post a physical copy in a public location within the county, in or near the affected area, where it is reasonably likely to be seen by residents of that area. If the affected area has no residents, the county shall select a location where the notice is reasonably likely to be seen by persons passing through or near the area. The county shall maintain these notices for at least ten calendar days before the hearing.

(c) ~~Published in a newspaper of general circulation in the area at least three days before the public hearing and on the state's public notice website at least ten days before the public hearing or in lieu of the previous two requirements mailed at least ten days before the public hearing to each property owner whose land is directly affected by the Land Use Ordinance change and each adjacent property owner within 1,000 feet of a specific Land Use Ordinance amendment application boundary.~~ The county shall mail or otherwise deliver the notice, or a notice summary permitted by state law, to each residence and each owner of real property within the affected area. The county shall use the property owner's current residential or business address. If that address cannot reasonably be obtained, the county shall use the last known address obtainable through a reasonable inquiry into public records. If neither address can reasonably be obtained, the county shall post the notice on the owner's property.

(d) The county is not required to provide the separate mailing or delivery to residences and property owners described above when the ordinance change consists entirely of one or more of the following: bringing the county's ordinances into compliance with state or federal law; adopting an update affecting an entire zoning district or multiple zoning districts; making a nonsubstantive clerical correction; recodifying existing ordinances; or designating or defining an affected area for a boundary adjustment or annexation. If the proposal includes any change that does not qualify for this exception, the county shall provide the mailing or delivery. The exception does not eliminate notice to affected entities, website publication, physical posting, the zoning map courtesy notice, or applicable notices to neighboring property owners and property signs.

(2) The county shall provide notice of ~~each public meeting regarding the adoption or modification of a Land Use Ordinance or zoning map at least 24 hours before the meeting. Notice shall be posted in at least three public locations within the county or on the county's website.~~ the date, time and place of each public meeting concerning the ordinance or zoning map at least 24 hours before the meeting. The county shall publish the notice on the Utah

Public Notice Website and its official website and post a physical copy in a public location within the county that is reasonably likely to be seen by county residents. The county shall maintain these notices for the required period.

(3) For a proposed amendment to the text of a zoning ordinance, the county shall include in the hearing notice a summary explaining the effect of the proposed amendment in language understandable to the general public. The notice may instead provide a direct link to a county webpage containing that summary. The county shall provide the notice to any person who requests it in writing.

(4) For a proposed zoning map enactment or amendment, the county shall send a courtesy notice to each owner of private real property located entirely or partially within the proposed enactment or amendment at least ten days before the public hearing. The courtesy notice shall contain the following information.

(a) The notice shall specifically identify each affected owner of record, state the current and proposed zoning of the property, and provide information about or a reference to the regulations, prohibitions, and permitted uses that would apply if the zoning map or amendment is adopted.

(b) The notice shall state that an owner may file a written objection to including the owner's property in the proposed zoning map or amendment no later than ten days after the first public hearing. The notice shall identify the address where the objection must be filed and state that each written objection filed with the county will be provided to the County Commission.

(c) The notice shall state the location, date and time of the public hearing on the proposed zoning map or amendment.

(5) The county may combine the zoning-map courtesy notice with the notice mailed to property owners in the affected area if the combined notice satisfies all applicable content, recipient, and timing requirements. For a site-specific application requiring a public hearing, the county shall also provide the notice to owners within 1,000 feet of the subject property, and the applicant shall post the property signs required by this section.

(F) Subdivision plat. The county shall provide advance notice of the date, time and place for public meetings regarding a proposed subdivision as follows:

(1) The county shall mail notice of the first public meeting to consider a proposed subdivision not less than ten calendar days before the first public meeting addressed to the record owner of each parcel within 1,000 feet of the subject property; and

(2) Not less than ten calendar days before the first public meeting, the applicant shall post on the property one county provided sign on a street on which the subject property has frontage. If the subject property does not abut a street, then the sign shall be posted on a nearby street as determined by the Zoning Administrator. The sign shall be of sufficient size, durability, print quality and location that it is reasonably calculated to give notice to those passing by.

(G) Subdivision plat amendments.

(1) The county shall provide advance notice of the date, time and place for at least one public meeting regarding a proposed subdivision plat amendment as ~~follows:~~ follows. For subdivision plat amendments, the notice methods in this division govern in place of the general mailing and sign requirements in division (C). The county shall also provide the petition notices required by division (G)(3) and any street-related notices required by division (G)(2). Repetition of these notices for a continued meeting or hearing is governed by the continuation procedures in division (J).

(a) The county shall mail notice of the first public meeting and any required public hearings to consider a proposed subdivision plat amendment not less than ten calendar days before the ~~first~~ applicable public meeting or public hearing addressed to the record owner of each parcel within 1,000 feet of the subject property; or

(b) Not less than ten calendar days before the ~~first~~ applicable public meeting ~~and any~~ or required public ~~hearings,~~ hearing, the applicant shall post on the property one county provided sign on a street on which the subject property has frontage. If the subject property does not abut a street, then the sign shall be posted on a nearby street as determined by the Zoning Administrator. The sign shall be of sufficient size, durability, print quality and location that it is reasonably calculated to give notice to those passing by.

(2) ~~For a subdivision that involves a vacation, alteration or amendment of a street, notice shall also be provided as required by division (H) below.~~ If the proposed subdivision amendment includes the vacation, alteration or amendment of a street, the county shall also provide the notices required below for public streets, rights-of-way and easements.

(3) For a property owner's petition to amend a recorded subdivision plat, the land use authority shall also provide notice of the petition by mail or email to each property owner of record within the portion of the subdivision proposed to be amended and to each affected entity that provides a service to an owner in that portion of the subdivision. The notice to property owners shall state the deadline for submitting written objections to the land use authority. The deadline shall be no earlier than ten calendar days after the day the notice is sent. These petition notices are required even when a property sign is used to provide notice of the public meeting.

(4) The land use authority shall not approve the petition before the day after the deadline for written objections or, when a public hearing is required, before the hearing occurs. Any required hearing and the consideration of the petition shall also comply with applicable state-law scheduling requirements and exceptions.

(H) Proposals to vacate or amend a public street, right-of-way or easement. For ~~any~~ a proposal to vacate some or all of a public street, right-of-way or easement, or for a subdivision amendment involving the vacation, alteration or amendment of a street, the County Commission shall hold a public ~~hearing,~~ hearing after receiving a recommendation from the Planning ~~Commission, and give~~ Commission. The county shall provide notice of the date, time and place ~~and time~~ of the hearing at least ten days before the ~~public hearing. Notice shall be:~~ hearing through each of the following methods.

(1) ~~Mailed~~ The county shall mail the notice to the record owner of each parcel that is adjacent to, accessed by or within 300 feet of the affected public street, right-of-way or ~~easement;~~ easement.

(2) ~~Mailed to each affected entity;~~ The county shall mail the notice to each affected entity.

(3) ~~Posted on or near the street, right-of-way or easement at least one county provided sign in a manner that is calculated to alert the public. The sign shall be of sufficient size, durability, print quality and location that it is reasonably calculated to give notice to those passing by;~~ At least one county-provided notice sign shall be posted on or near the affected street, right-of-way or easement. The sign shall be of sufficient size, durability, print quality and location to reasonably notify persons passing by.

(4) ~~Published on the state's public notice website created in UCA § 63A-16-601; and~~ The county shall publish the notice on the Utah Public Notice Website.

(5) ~~Published in a newspaper of general circulation in the county in which the land subject to the petition is located at least three days before the public~~ The county shall publish the notice on its official website and post a physical copy in a public location within the county that is reasonably likely to be seen by county residents. The county shall maintain the website notices and physical postings for at least ten days before the hearing.

(I) Challenge of notice. ~~If notice given under authority of this section is not challenged in accordance with applicable appeal procedures within 30 days after the meeting or action for which notice was given, the notice shall be deemed adequate and proper.~~ Challenges to notices required by Utah Code Title 17, Chapter 79, Part 2 are governed by §§ 17-79-209 and 17-79-1009, as amended or superseded. Under § 17-79-209, a notice subject to that section is deemed adequate and proper if it is not challenged within 30 days after the meeting or action for which it was given, subject to any subsequent change in state law. This division does not shorten or replace a deadline or remedy under the Open and Public Meetings Act or other applicable law.

(J) Continued consideration and continued public hearings.

(1) Closing the hearing. After providing a reasonable opportunity for public comment, the reviewing commission shall close the public hearing unless it expressly votes to continue the hearing for a stated reason. A motion to continue consideration of an application does not, by itself, continue or reopen the public hearing. The motion and minutes shall state whether the hearing is closed or remains open.

(2) Continued consideration after the hearing closes. The commission may continue consideration of an application after closing the public hearing, including to an announced date, time and place. At a later public meeting, the commission may receive staff reports, obtain clarification from the applicant, deliberate, and take action without holding another public hearing. The county is not required to repeat completed hearing notices solely because deliberation or a decision is postponed. This rule does not eliminate notice of the later meeting or a legally required opportunity to respond to material new information.

(3) Continuing an open hearing to a specific date. When a properly noticed public hearing has convened, the commission may vote to continue that hearing before the same body. Before the hearing session ends, the presiding officer shall publicly announce the date, time and place

at which the hearing will resume. The announcement shall be recorded in the minutes. If the proposal remains within the scope of the original notice, the county need not repeat mailed notices, install new property signs, or restart notice periods imposed solely by this section for the continued session. Existing signs that must remain posted shall be maintained, and any displayed hearing date shall be updated promptly. This exception does not waive notice independently required by state law.

(4) Notice of public meetings. For every public meeting of a public body concerning a proposal covered by this section, including the first meeting and any meeting announced at a prior meeting, the county shall publish the agenda, date, time and place on the Utah Public Notice Website and the county website and post a physical copy at the meeting location at least 24 hours before the meeting, or for any different period required by state law. The agenda shall identify the proposal and, for a continued item, state whether the item is a continued public hearing or continued consideration after the hearing has closed. Required applicant notices and staff reports shall also be provided.

(5) When hearing notice must be repeated. The county shall provide the applicable hearing notices and notice periods again before resuming a hearing if no specific date, time and place were publicly announced, if the scheduled hearing did not convene, or if the hearing is moved to a different date, time or place without an announcement at a properly noticed session. The same requirement applies when the original notice was deficient, the proposal changes sufficiently that the original notice no longer fairly describes the property or action under consideration, or a closed hearing is reopened. Continuing an application for deliberation after its hearing has closed does not alone trigger this requirement.

(6) Additional hearings. Unless another hearing is required by law, a closed hearing may be reopened or an additional hearing scheduled only when state law permits and the reviewing commission approves a motion by majority vote under its applicable voting requirements. The motion shall state the reason and any specific issues for further testimony. Any notice required for the additional hearing shall be provided before testimony is received.

(7) State requirements and separate proceedings. These procedures do not excuse any notice or hearing independently required by state law, including notices for public-street or county-utility-easement proceedings, or any separately required hearing before another reviewing body. A continuation does not cure an original notice defect or extend a statutory deadline. Where state law limits a preliminary subdivision application to one public hearing, the commission shall comply with that limit and shall not use a continuation or reopening to avoid it.

(K) State law and subsequent amendments.

(1) This section shall be administered in accordance with Utah Code Title 17, Chapter 79, Part 2, governing land use notices; § 17-79-705, governing residential subdivision review and hearing limits; § 17-79-711, governing subdivision amendments; § 17-79-1009, governing judicial review; § 63G-30-102, governing notice publication and delivery; and Title 52, Chapter 4, including § 52-4-202, governing open meetings and meeting notices, each as amended or superseded.

(2) Every reference to Utah law includes that law as amended, renumbered, recodified, or replaced by a successor provision. The state-law requirements described in this section shall follow the law applicable to the notice or proceeding without a further amendment to this section. If state law changes a notice method, recipient, required content, deadline, or exception, the applicable state-law requirement shall control. Additional County requirements, including notices to neighboring property owners and property signs, shall remain in effect unless prohibited by state law.

(Prior Code, § 8-3-13) (Ord. 10-16, passed 12-14-2010; Ord. 12-04, passed 5-1-2012; Ord. 13-03, passed 4-16-2013; Ord. 17-10, passed 2-7-2017; Ord. 18-07, passed 11-13-2018; Ord. 17-11, passed 2-7-2017; Ord. 21-09, passed 7-6-2021)

All Other Land Use Notice Redlines

Morgan County Code §§155.029(C)(3), 155.031, 155.444, 155.445, 155.515 and 155.534

Consolidated redlines for all six sections accompanying the separate, complete §155.032 redline. Only the provisions shown below are amended; omitted provisions remain unchanged.

§ 155.029 GENERAL PLAN.

(C) Adoption.

(3) The governing body shall hold a public hearing on the proposed General Plan recommended ~~to it by the Planning Commission. The governing body shall publish notice of the time, place and purpose of the public hearing in a newspaper of general circulation in the county at least ten days before the hearing at which the proposed General Plan is to be considered and public comment heard.~~ by the Planning Commission. Before that hearing, the governing body shall give notice of its time, place and purpose using the hearing-notice procedures in § 155.032(D) of this code, including the applicable notice period and mailed notice to affected entities. Public comment shall be heard at the hearing.

Section 155.031 Public hearings public comment and public meetings

Amend division (B)(3).

(3) The land use authority, body or official conducting a public hearing or agendized public comment item may, upon the body's or official's own motion, postpone the hearing or public comment item. An applicant may request and shall be granted one postponement if requested 48 hours prior to a noticed meeting. Thereafter, any postponement shall be granted at the discretion of the body or official conducting the public hearing or agendized public comment ~~item.~~ item. Any postponement or continuation remains subject to applicable statutory deadlines. For proceedings before the Planning Commission or County Commission, the notice and continuation procedures in § 155.032(J) also apply. A postponement before a hearing convenes does not qualify for the notice exception for a continued open hearing under § 155.032(J)(3).

Section 155.444 Procedure for subdivision plat amendments

Amend the introductory language of division (E), division (E)(1), and division (F)(6). Division (E)(2) is shown for context and is unchanged.

(E) The land use authority shall hold a public hearing within 45 days after the day on which the petition is filed ~~if:~~ if either of the following occurs, subject to the hearing exceptions and any different scheduling requirements in Utah Code § 17-79-711, as amended, renumbered, recodified or replaced by a successor provision:

(1) ~~Any owner within the plat notifies the county of the owner's objection in writing within ten days of mailed notification;~~ An owner within the subdivision submits a written objection to the land use authority by the deadline stated in the notice provided under § 155.032(G)(3); or

(2) A public hearing is required because all the owners in the subdivision have not signed the revised plat.

Division (F)(6):

(6) Notice has been given to adjacent property, in accordance with § ~~155.031~~ 155.032 of this code.

§ 155.445 NOTICE.

(A) Notice of ~~any proposed plat amendment shall be given as required by § 155.031 of this code.~~ a proposed plat amendment shall be given as required by § 155.032 of this code and applicable Utah Code §§ 17-79-207, 17-79-208, and 17-79-711, each as amended, renumbered, recodified, or replaced by a successor provision.

(B) The petitioner for any proposed plat amendment shall pay the costs for any notices required by this subchapter.

(Prior Code, § 8-12-62) (Ord. 10-16, passed 12-14-2010; Ord. 19-09, passed 10-15-2019)

Section 155.515 Wireless telecommunication facilities

Amend divisions (K) and (L).

(K) Public hearing. All conditional use applications shall have a public hearing before the Planning Commission. Public hearings by the governing body are optional. In addition to all other notices required by law and no less than ten days prior to the public hearing, the applicant shall cause that a sign be constructed and placed on the lot where the proposed wireless telecommunication facilities are to be located. The sign shall be placed near the frontage road in a conspicuous location, with its view unobstructed, so as to be easily read by the public. The sign must be two feet by three feet in size and must state that a public hearing is to be held on the erection of a tower or other wireless telecommunications facility on this lot. The sign shall give the date, time and place of the hearing. The words "a public hearing" must be printed in letters at least four inches high. Following the public hearing, the Planning Commission shall make a recommendation to the County Commission regarding an approval, approval with conditions or a denial of the ~~application.~~ application. For a continued public hearing that satisfies § 155.032(J)(3), the ten-day sign notice period in this division need not begin again. The sign shall remain posted, and its hearing information shall be updated as required by § 155.032(J).

(L) Public notice. The applicant shall provide stamped, addressed envelopes for each property owner within 600 feet of the proposed facility property line, or 1,200 feet from the proposed facility, whichever is ~~less.~~ less. The envelope requirement in this division does not reduce the recipients or notice requirements imposed by § 155.032.

Section 155.534 Development agreement procedures

Amend divisions (A) and (D).

(A) All development agreements shall be considered and approved by the County Commission at a regular meeting. If a development agreement contains any provision proposing to amend the county's General Plan or land use ordinance, including zoning designation of the subject property, the procedures of the county required for a General Plan or land use ordinance amendment shall be followed, including complying with all noticing and public hearing ~~requirements.~~ requirements. If a development agreement would allow a use or development that applicable land use regulations would otherwise prohibit, the county shall follow the procedures required by Utah Code §§ 17-79-508 and 17-79-502, each as amended, renumbered, recodified or replaced by a successor provision, including Planning Commission review and recommendation, required public hearings, and notice under § 155.032(E).

(D) ~~The~~ Except when Planning Commission review and recommendation are required under division (A) or applicable state law, the County Commission, in considering a development agreement, may request a recommendation of the Planning Commission on planning, allowed uses or other development matters that may be associated with the proposed development agreement.

MORGAN COUNTY

PLANNING COMMISSION
STAFF REPORT
Food Truck Regulation CTA
November 5, 2026

Mobile Food Vending and Food Truck Courts

APPLICATION INFORMATION

Item: Legislative code text amendment **Code:** §§ 155.359, 155.356; conforming §§ 155.132, 155.324, 155.366 and 155.369
Review: Public Hearing / Discussion / Recommendation
Land use authority: Morgan County Commission following Planning Commission recommendation

REQUEST

Enact § 155.359 governing mobile food vending and § 155.356 governing food truck courts and temporary mobile food gatherings, together with conforming use-table, temporary-use, conditional-use and parking amendments.

BACKGROUND

The proposed framework distinguishes ordinary individual mobile vending from a coordinated, ongoing food truck court, and addresses temporary gatherings, site design, shared facilities, parking, vendor changes, management, and enforcement. The court section was renumbered from proposed § 155.360 to § 155.356 to avoid a collision with the separate storage-container proposal.

ANALYSIS AND CONSIDERATIONS

Review compliance with Utah Code Title 11, Chapter 56, including licensing reciprocity, mobile-business events, site-plan limitations and operating restrictions. Court development remains subject to applicable health, building, fire and accessibility requirements. The proposed court approval designation and conforming provisions should be considered together.

STAFF RECOMMENDATION

Staff requests that the Planning Commission review the proposed text, take public testimony, and forward a recommendation to the County Commission. The attached redline is the proposed legislative text; this report does not independently approve any disputed policy choice.

ATTACHMENTS

Attachment A: Proposed food truck and court ordinance text and conforming provisions.
Attachments: Utah Code §§ 11-56-102 through 11-56-106.

PLANNING COMMISSION | RECOMMENDED MOTIONS

9. MOBILE FOOD VENDING AND FOOD TRUCK COURTS

POSITIVE RECOMMENDATION

“I move that the Planning Commission forward a positive recommendation to the Morgan County Commission for proposed §§ 155.359 and 155.356 and the conforming amendments to §§ 155.132, 155.324, 155.366, and 155.369, based on findings stated on the record.”

POSITIVE RECOMMENDATION WITH CONDITIONS

“I move that the Planning Commission forward a positive recommendation with the following conditions or textual modifications for proposed §§ 155.359 and 155.356 and the conforming amendments to §§ 155.132, 155.324, 155.366, and 155.369: [state each modification and supporting finding].”

NEGATIVE RECOMMENDATION

“I move that the Planning Commission forward a negative recommendation to the Morgan County Commission for the mobile food vending and food truck courts amendments, based on the following specific findings: [state findings].”

Select one motion. State any additional conditions, textual modifications, or findings expressly on the record. For legislative amendments, conditions should identify the proposed text changes.

MOBILE FOOD VENDING AND FOOD TRUCK COURTS

MOBILE FOOD VENDING — STAFF MEMORANDUM

MORGAN COUNTY PLANNING COMMISSION — STAFF MEMORANDUM

November 5, 2026 — Public Hearing Code Text Amendments §§ 155.359 and 155.356; conforming §§ 155.132, 155.324, 155.366 and 155.369. The proposed regulations cover ordinary individual mobile food vending, ongoing food truck courts, and temporary mobile food gatherings. Section 155.359 regulates individual operations, state-law recognition, siting and safety. Section 155.356 establishes approval and operating standards for food truck courts and temporary gatherings. Conforming amendments address the use table, temporary uses, conditional use procedures and off-street parking. Food truck courts are proposed as C2 conditional uses in the designated commercial and industrial districts. Vendor turnover does not trigger new approval; capacity follows site, parking, sanitation and access constraints rather than a countywide numerical limit. The proposed code does not impose a general 14-day mobile-food-unit operation limit, which is inconsistent with the current state mobile business framework. Event and health rules may contain separate duration provisions. Staff recommended motion for positive recommendation: I move to forward a positive recommendation to the County Commission for amendments to §§ 155.359, 155.356, 155.132, 155.324, 155.366 and 155.369 based on the proposed text and memorandum dated November 5, 2026. Staff recommended motion for approval with modifications: I move to recommend approval with the following specific modifications: [state modifications]. Staff recommended motion for negative recommendation: I move to forward a negative recommendation to the County Commission for the proposed amendments, based on the following findings: [state findings]. MOBILE FOOD VENDING — MATERIALS INDEX See current memorandum and complete legislative text following this page. This supersedes the October 22 memorandum, which is not reproduced in the clean packet.

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 § 155.356, as applicable.

(2) Food truck courts and temporary mobile food gatherings are governed additionally by § 155.356. 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 § 155.356 controls the same subject over a conflicting general provision of this chapter. Where § 155.356 expressly establishes a different standard or exception from this section, § 155.356 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 § 155.356.

(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 § 155.356(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 § 155.356.

(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 § 155.356 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 § 155.356(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 § 155.356(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 § 155.356. 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 § 155.356(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 § 155.356(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 § 155.356(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.

§ 155.356 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 MG C PC LM I Food truck courts (§ 155.356) 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 § 155.356. 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 155.356 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 § 155.356 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 § 155.356(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 § 155.356. 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 § 155.356(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 § 155.356(E)(4). [Add the following paragraph immediately after the parking table:] Sections 155.359(D)(6) and 155.356(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. Utah Code Annotated Copyright © 2026 All rights reserved. End of Document

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. Utah Code Annotated Copyright © 2026 All rights reserved. End of Document

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. Utah Code Annotated Copyright © 2026 All rights reserved. End of Document

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. Utah Code Annotated Copyright © 2026 All rights reserved. End of Document

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) 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

(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 § 11-56-106, 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 Copyright © 2026 All rights reserved. End of Document

MORGAN COUNTY

PLANNING COMMISSION
STAFF REPORT
Portable Storage Containers CTA
November 5, 2026

Portable Storage Containers

APPLICATION INFORMATION

Item: Legislative code text amendment **Code:** § 155.357; conforming § 155.324(D)(1)
Review: Public Hearing / Discussion / Recommendation
Land use authority: Morgan County Commission following Planning Commission recommendation

REQUEST

Enact § 155.357 establishing rules for permanent accessory storage containers and temporary construction and household storage; add the corresponding temporary-use exemption to § 155.324(D)(1).

BACKGROUND

The proposed ordinance addresses allowed districts, quantity and dimensional limits, site placement, screening, foundations or pads, temporary duration, stacking, floodplain restrictions, maintenance and treatment of existing containers. It has been renumbered from proposed § 155.360 to § 155.357.

ANALYSIS AND CONSIDERATIONS

The Planning Commission should confirm the proposed district exclusions, proportional limits for undersized lots, concrete/asphalt pad standard, solar and utility restrictions, differential stacking rules, floodplain prohibition and July 1, 2027 compliance date. Building-permit exemptions and construction standards remain subject to Utah law.

STAFF RECOMMENDATION

Staff requests that the Planning Commission review the proposed text, take public testimony, and forward a recommendation to the County Commission. The attached redline is the proposed legislative text; this report does not independently approve any disputed policy choice.

ATTACHMENTS

Attachment A: Proposed Portable Storage Containers ordinance and conforming amendment.

PLANNING COMMISSION | RECOMMENDED MOTIONS

10. PORTABLE STORAGE CONTAINERS

POSITIVE RECOMMENDATION

“I move that the Planning Commission forward a positive recommendation to the Morgan County Commission for proposed § 155.357 and the conforming amendment to § 155.324(D)(1), based on findings stated on the record.”

POSITIVE RECOMMENDATION WITH CONDITIONS

“I move that the Planning Commission forward a positive recommendation with the following conditions or textual modifications for proposed § 155.357 and the conforming amendment to § 155.324(D)(1): [state each modification and supporting finding].”

NEGATIVE RECOMMENDATION

“I move that the Planning Commission forward a negative recommendation to the Morgan County Commission for the portable storage containers amendment, based on the following specific findings: [state findings].”

Select one motion. State any additional conditions, textual modifications, or findings expressly on the record. For legislative amendments, conditions should identify the proposed text changes.

Morgan County Portable Storage Containers Ordinance An ordinance amending Chapter 155 of the Morgan County Code to allow and regulate portable storage containers used for accessory storage and temporary construction and household storage. The Morgan County Commission ordains as follows:

Section 1 Enactment

Section 155.357 of the Morgan County Code is enacted to read as follows:

155.357 Portable Storage Containers

(A) Purpose and applicability. This section allows portable storage containers for accessory storage while

regulating their number, size, location, appearance, and maintenance. It applies within the County's land use jurisdiction. Permanent accessory storage is allowed only in the districts identified in subsection (E), subject to this section and applicable district and overlay requirements. Temporary construction and household storage is allowed under subsection (F). These uses are expressly authorized notwithstanding Section 155.063 or a district use table that does not separately list portable storage containers. Storage authorized by this section is limited to goods, tools, equipment, and materials. This section does not authorize living quarters, offices, workshops, retail activities, animal housing, or other uses within a storage container. Incidental entry to place or retrieve stored items is allowed. A container converted into a building for another use must qualify for that use under the applicable zoning regulations and comply with the State Construction Code. This section does not independently prohibit an otherwise lawful, code-compliant building merely because intermodal shipping containers are used in its construction. B Definitions

(1) Portable storage container. A reusable, movable, enclosed, weather-resistant container designed for transporting or storing goods, including intermodal shipping containers, cargo containers, Conex boxes, and portable moving or storage units. The term does not include conventional accessory buildings, vehicles or trailers, dumpsters, trash receptacles, or containers actively transported in the ordinary course of shipping.

(2) Permanent storage container. A portable storage container that is not used in compliance with subsection (F), regardless of whether it is movable or attached to a foundation.

(3) Temporary construction container. A portable storage container used solely to store tools, equipment, or materials for an active construction or remodeling project on the same lot or parcel. C Approval and building permits

(1) Before placing a permanent storage container, the owner shall obtain zoning approval from the Zoning Administrator or authorized designee. The application shall identify the container's dimensions, proposed use,

exterior treatment, and location on a site plan showing property lines, structures, setbacks, access, easements, and drainage facilities. Approval shall be issued when the proposal complies with this section and other applicable land use requirements.

(2) Building permits and construction requirements are governed by the State Construction Code, including all applicable exemptions. For containers within the scope of the IRC, Utah Code Section 15A-3-202, as amended, provides a building-permit exemption for grade-level, non-connected Conex boxes of less than 350 square feet used only for storage. The exemption shall be applied according to state law and shall not be extended automatically to containers governed by the IBC. Other applicable state exemptions remain available. 155.357

(3) A building-permit exemption does not excuse compliance with this section, applicable zoning requirements, or applicable construction and fire code requirements. Utility installation, structural alterations, changes in use, and other work require permits to the extent required by state law. This section does not establish additional local structural or foundation standards.

(4) Notwithstanding Sections 155.024 and 155.025, zoning approval for containers governed by this section shall follow subsection (C)(1) or (F), as applicable. The information specified in subsection (C)(1), together with owner authorization and applicable fees, governs a storage-only container application in place of the general development checklist in Section 155.047(B). Additional documentation may be required only as necessary to determine compliance with an applicable requirement, including easement, approved-plan, or hazard restrictions. This provision does not waive permits or inspections required by the State Construction Code or approvals required for conversion to another use.

(5) Administrative decisions under this section may be appealed as provided in Section 155.030. D Permanent storage requirements

(1) Containers shall be accessory to a lawful principal use on the same lot or parcel. A principal building is required. The temporary construction exception in subsection (F) allows placement before completion of a principal building.

(2) Containers shall comply with applicable accessory-structure setbacks, lot coverage, and height restrictions under Sections 155.085 through 155.087, 155.111 through 155.113, and 155.133 through 155.134, as applicable, and enforceable recorded restrictions governing building locations. In authorized R1 districts, MU-160, F-1, A-20, and Rural Residential districts, permanent containers shall be located in the rear yard; permanent placement in a front or side yard is not allowed. Commercial, Light Manufacturing, and Industrial district placement shall comply with applicable district setbacks and approved site plans.

(3) Appearance and screening. In authorized R1 and Rural Residential districts, permanent containers shall be painted a uniform, nonreflective color matching a main or trim color of the principal building, whether screened or not. In other districts, except Light Manufacturing and Industrial, permanent containers shall either be painted a uniform, nonreflective neutral or earth-tone color compatible with the principal building or surrounding setting, or be fully screened from adjoining properties and public streets. Screening may consist of a building, landscaping, or lawful fencing and shall comply with Sections 155.335 and 155.345 and applicable development agreements, approved plans, and enforceable recorded restrictions. This subsection does not independently require fencing or waive screening or fencing required elsewhere, including Section 155.345(E). Required landscaping shall be maintained and dead plants replaced. Visible advertising, shipping logos, identification markings, and graffiti shall be removed or covered, except legally required safety markings and identification. Fluorescent or neon exterior colors are prohibited. All containers remain subject to the maintenance requirements in subsection (D)(4).

(4) Containers shall be kept in good repair, free of infestation, and maintained so they do not create a nuisance or unsafe condition. Exterior surfaces shall be free of holes, peeling paint, and exposed rust; damaged panels shall be repaired or replaced. Doors shall remain operable and capable of being secured. Stored items shall remain inside the container. Trash, debris, and materials shall not accumulate on or around it. Containers shall not create offensive odors, pest harborage, or other conditions constituting a nuisance under Chapter 90 or other applicable County regulations. Permanent containers shall be placed on a concrete or asphalt pad providing a stable, level surface that does not obstruct or adversely redirect drainage and complies with

Section 155.338. Foundations, anchorage, and structural support shall comply with the State Construction

Code to the extent applicable. 155.357

(5) Except for connections necessary for an approved stacked installation, storage containers shall not be connected to one another. A minimum horizontal separation of five feet shall be maintained between containers or approved stacks, with any greater separation required by applicable construction or fire codes. Except in Light Manufacturing and Industrial districts, vertical stacking and storage of materials on or around containers are prohibited. Stacking in those districts requires a building permit and all applicable approvals. A proposal to combine or structurally convert containers into another building shall be reviewed under subsection (A) and the regulations governing the resulting building and use; it is not authorized as portable storage under this section.

(6) Containers shall comply with applicable sight-distance and parking requirements in Sections 155.315 and 155.369 and shall not obstruct rights-of-way, sidewalks, fire access, required parking, sight-distance areas, drainage facilities, utility access, or access required by an easement. Placement within an easement is allowed only if consistent with the easement and any required easement-holder authorization. Containers shall not occupy required landscaping or protected open space. Containers shall not be placed within a regulatory floodplain identified under the County’s applicable flood-damage prevention regulations.

(7) Containers shall not be used to store hazardous waste or hazardous materials regulated as hazardous materials under the applicable fire code. For purposes of this section, hazardous waste means waste classified as hazardous under applicable federal or state law.

(8) Utility connections. Containers approved for storage under this section shall not be connected to electrical service, water, sewer, or gas, or equipped with plumbing fixtures or installed heating or cooling systems. Extension cords shall not be used to supply electrical service to a container. This restriction does not prohibit battery-operated lighting. Before converting a storage container to another use or installing utilities for that use, the owner shall obtain separate zoning approval for the proposed use and all required building and utility permits under subsection (A) and the State Construction Code. A storage approval or utility permit alone does not authorize another use. E District allowances

(1) Permanent storage containers are subject to the following district limits. Dimensions are maximum length by width by height in feet. Containers count toward applicable total lot-coverage limits, together with other buildings and structures. One permanent container is allowed in each R1 district listed below, with maximum size decreasing in the smaller-lot districts. Permanent storage containers are not authorized in R1-8, RM-7, or RM-15. Any solar equipment installed on a container shall comply with Section 155.322, where applicable, other applicable County solar-energy regulations, and required permits. This provision does not authorize electrical service to a storage container contrary to subsection (D)(8). District Maximum number Maximum dimensions R1-20 1 20 × 8 × 8.5 R1-12 1 10 × 8 × 8.5 MU-160, F-1, A-20 Maximum 4; see E(2) for smaller parcels 40 × 8 × 9.5 RR-10 and RR-5 1 large or up to 2 small; see E(2) for smaller parcels One 40 × 8 × 9.5, or up to two 20 × 8 × 9.5 each RR-2.5 and RR-1 1 20 × 8 × 8.5 Commercial districts Maximum 4; see E(3) for

acreage calculation 40 × 8 × 9.5 Light Manufacturing and Industrial No numerical limit 40 × 8 × 9.5

(2) For MU-160, F-1, A-20, RR-10, and RR-5 parcels smaller than the district's minimum parcel acreage, the maximum number shall be proportionately reduced according to the ratio of actual parcel acreage to the district minimum. For example, ten acres in A-20 allows two containers rather than four. Calculate the 155.357 allowance by multiplying the table maximum number (two for RR-10 and RR-5) by actual parcel acreage divided by the district minimum established in Section 155.083, and round down to the nearest whole number. A lawfully established parcel shall be allowed at least one container if all other applicable requirements are met. The table maximum shall not be exceeded.

(3) In Commercial districts, one container is allowed on a lot of one acre or less. One additional container is allowed for each acre or fraction of an acre exceeding the first acre, up to four containers total. Container inventory held by a business lawfully authorized to sell or rent containers is subject to applicable district outdoor-storage and site-plan requirements rather than this numerical limit.

(4) A container used only for shipping or receiving at a lawful commercial business may remain for up to 30 consecutive days and up to 90 days total in a calendar year. It shall satisfy subsection (D)(6) and applicable fire requirements. It is exempt from subsection (D)(3), but counts toward subsection (E)(3)'s numerical limit unless it is container inventory under that subsection.

(5) Permanent storage containers in districts not identified in the table are not authorized by this section. Applicable development agreements, approved plans, overlay standards, and other enforceable land use restrictions remain controlling. Consistent with Section 155.005, County approval does not supersede private covenants or constitute County enforcement of those covenants. F Temporary storage

(1) Temporary construction use. Except for an approved stacked installation in an Industrial district under subsection (F)(1)(e), one temporary construction container may be placed on the same lot or parcel as an active construction or remodeling project authorized by a valid building permit, or applicable County approval if the project is exempt from a building permit. Its location shall be shown on the construction site plan or approved in writing by the Zoning Administrator or authorized designee, in consultation with the Building Official as needed. The container may be placed before a principal building is completed. Temporary construction storage shall be incidental to a construction or remodeling project for a principal use allowed in the applicable zoning district, including a conditional use for which the required approval has been obtained. Storage that is not incidental to that project is not authorized by this temporary construction provision and requires separate approval under the regulations governing the proposed use, including a conditional use permit if that use is allowed conditionally. This subsection does not authorize a use prohibited in the district.

(a) The permanent-container yard-location, zoning-setback, screening, and surface-treatment requirements do

not apply. Placement shall remain entirely on the project property and shall comply with applicable construction and fire code clearances. It shall not interfere with construction, emergency access, traffic visibility, drainage, utilities, or neighboring property access.

(b) The container shall be placed on a stable, level surface. A concrete or asphalt pad is not required.

Placement on a lawn or other area to be disturbed as part of the approved construction is allowed. Required landscaping to remain, protected open space, and vegetation designated for preservation shall not be occupied or damaged. Any temporarily disturbed area shall be restored consistent with the approved site plan after removal.

(c) The restrictions in subsection (D)(6) concerning rights-of-way, access, parking, easements, drainage,

protected open space, and floodplains apply, except that required landscaping may be temporarily disturbed when its removal and restoration are part of the approved construction plan.

(d) Each container shall be removed within 10 days after final approval of the construction project, or within

30 days after project completion, expiration or revocation of the permit or approval authorizing the project, or cessation of construction for 90 consecutive days, whichever removal deadline occurs first. It may remain afterward only upon approval as a permanent storage container under this section. 155.357

(e) Temporary construction containers shall be no larger than 40 feet long, eight feet wide, and 9.5 feet high;

may be stacked only in Industrial districts with a building permit and all applicable approvals; and shall be maintained in safe condition. Storage shall be limited to items for the construction project and shall comply with applicable fire and environmental requirements. An approved stacked installation may include more than one temporary construction container, with the number and arrangement shown on the approved construction site plan. Applicable district height limits and construction and fire code requirements shall be met.

(2) Short-term household storage. One portable storage container, no larger than 40 feet long, eight feet wide, and 9.5 feet high, may be used for moving, estate clearing, or similar temporary household storage for up to 30 days total in any 12-month period. No separate zoning approval is required if it is located entirely on a driveway or other stable area on the property and complies with subsection (D)(6), applicable construction and fire requirements, and traffic-visibility restrictions. Temporary placement in the front yard or driveway is allowed. Permanent-container zoning-setback, side- or rear-yard, screening, and surface-treatment requirements do not apply. The container shall not be stacked and shall be removed when the authorized period ends.

(3) The temporary uses authorized by this subsection do not require a separate temporary use permit under

Section 155.324. Notwithstanding Section 155.314 and applicable district zoning-setback requirements,

temporary containers may be placed as provided in this subsection. Section 155.315 and applicable construction and fire code clearances remain applicable. Temporary containers shall also comply with subsection (D)(8). This exemption does not waive any building permit required by state law. Temporary containers complying with this subsection do not count toward the permanent-container limits in subsection (E). G Existing containers

(1) A container or use lawfully established before this ordinance takes effect retains any applicable nonconforming-use or noncomplying-structure protections under Utah Code Section 17-79-903 and Section 155.365. The absence of a separate container listing in a former use table does not, by itself, establish that an existing accessory storage container was unlawful.

(2) An existing container that was not lawfully established shall obtain approval and comply with this section, or be removed, by July 1, 2027. This compliance period does not prevent enforcement against unsafe conditions, interference with access or drainage, or violations independently enforceable under existing law. This section does not legalize an otherwise unlawful use during the compliance period. H Enforcement Violations are subject to Sections 155.020 and 155.999 and other applicable enforcement provisions. Abatement and

recovery of authorized removal costs shall occur through applicable notice, hearing, and enforcement procedures. This section does not authorize entry onto private property or summary removal without lawful authority.

Section 2 Temporary use cross reference

Section 155.324(D)(1) is amended by adding subsection (j) as follows:

(j) Temporary storage containers complying with Section 155.357(F).

Section 3 Severability

If any provision of this ordinance is held invalid, the remaining provisions shall remain in effect to the extent they can be given effect independently. 155.357

Section 4 Effective date

This ordinance takes effect upon completion of the publication or posting requirements prescribed by law. ADOPTED this ____ day of _____, 2026. MORGAN COUNTY COMMISSION By: _____ Chair ATTEST: _____ County Clerk

PLANNING COMMISSION MINUTES
Thursday, October 22, 2026

Morgan County Commission Room — 5:30 p.m.

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

Present PC Members: Chair Debbie Sessions; Members Taylor, Maloney, King, and Wilson.

Absent PC Member: Member Watt.

Public Attendance: Tina Kelley; Chris Hales; April Hales; Brian Nestoroff; Cindy Carter; Cindy McKee; Alan Hata; Arnold Mikesell; Stan Mikesell; Vicky Mikesell; Dennis Jacobson; Mike Evans; Cindee Mikesell; Lance Mikesell; Ed Schultz; Kameron Spencer; Lauri Robinson.

Staff: Kate Becker, Administrative Manager; Janet Christoffersen, Deputy County Attorney; Kent Page, Senior Planner; Brynnlee Savage, Planner I; Kayli Smith, Office Manager/Permit Tech.

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

Planning Commission: reviewed proposed regulations for storage containers, including zoning allowances, size limits, stacking, spacing, foundations, and building-permit requirements. They discussed prohibiting permanent storage containers in multifamily districts and R1-8 zones, adjusting allowable container sizes based on lot size, and potentially restricting containers in regulatory flood areas. Questions regarding principal structures, agricultural properties, existing containers, and final zoning and size standards remained unresolved.

They also discussed food truck regulations, distinguishing temporary gatherings from permanent food truck courts. They discussed a possible 14-consecutive-day threshold and potential requirements for restrooms, seating, parking, and commissary access; no such threshold was adopted as a finding. The threshold for determining when multiple food trucks constitute a food truck court and the applicable facility requirements remained unresolved. The food truck court threshold and related requirements were to be added to a future agenda for further discussion.

6:30 p.m. Regular Meeting

1. Call to Order – Prayer by Member King

2. Pledge of Allegiance

3. Approval of Agenda

Member Maloney motioned to approve the agenda for Thursday October 22nd, 2026. Motion was seconded by Member King. All in favor, motion carried unanimous.

4. Declaration of Conflicts of Interest – None

5. Public Comment

Cindy Carter – stated she supports private property rights but believes a general plan must reflect meaningful public participation and protect the broader community's interests. She argued that a general plan should guide responsible development, rather than simply accommodate development opportunities, and that every resident deserves a voice in Morgan County's future, regardless of how much land they own.

Sedge Kashay – requested additional pedestrian walking areas along South Morgan Valley Drive, Richville Lane, and other areas to improve walking access and safety within the community.

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.

Planner Page – Introduced the requested two lot subdivision. He stated application number 26.022 for the record. He stated the applicant was Christopher Hales and the request was for preliminary and final plat approval of a single-family subdivision of two single-family lots. He explained the staff had reviewed the application and found it in conformance with the current code. And that the proposal is not detrimental to the health, safety, and welfare of the public. Conditions that he recommended would be that all fees be paid, that all local, state, and federal laws be adhered to, and the developers shall install any requisite infrastructure, including roadways, etc., as part of the final plat approval.

Planning Commission - discussed with Administrator Becker and Planner Page how the scanned plat notes were hard to read, and the links didn't work. Planner Page stated the links worked for him earlier. He confirmed that staff would ensure the links and exhibits worked properly for future packets.

Motion by Member Wilson to 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 22nd, 2026. Second by Member Taylor. All in favor, motion carried unanimous.

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.

Planner Page – Introduced application 26.020 for preliminary and final plat approval of a 10.18- acre subdivision consisting of single-family lots. He stated that the application had been reviewed and found to be in compliance with county code and the Wasatch Peaks Ranch development agreements.

Chair Sessions – explained she had a few questions regarding the final plat. She stated there were no signature boxes that were shown on the plat, and the PUEs were missing on those lots. She welcomed Brian Nestoroff to come up and speak.

Brian Nestoroff – explained there were signature pages, so he was unsure if it was the correct packet.

Chair Sessions – acknowledged that the commissioners' packet did not contain the signature page and PUE information referenced by the applicant. The applicant indicated the complete documents included those materials; the transcript does not establish that a corrected packet was supplied before the vote.

Motion by Member King to 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 22nd, 2026. Second by Member Maloney. All in favor, motion carried unanimous.

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.

Planner Page - Introduced the application 26.028 for site plan approval of the Wasatch Peaks Ranch Pool Complex in the Peterson area. The proposed project included a pool, saunas, a mechanical room, and a pool house. Staff reviewed the application and determined that it complies with the Wasatch Peaks Ranch development agreement. He explained that a recommendation from the commission is required before the application proceeds to the County Commission for review. Applicant Brian Nestoroff was present to answer questions from the commission.

Motion by Member Taylor to 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 22nd, 2026. Seconded by Member King. All in favor, motion carried unanimous.

Legislative:

9. 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 application 26.019 for the Eagle Vista Future Land Use Map Amendment and Rezone, which had been postponed to allow review of the associated development agreement. The proposal requested changing the future land use designation from Village Low-Density Residential (two units per acre) to Village Residential (four units per acre) and rezoning the property from RR-1 to R1-8. Surrounding properties included residential, commercial, and town center uses.

Planning Commission – discussed the Eagle Vista development agreement, including the proposed commercial area, five-acre park, and development phasing. They reviewed airport overlay restrictions affecting part of the property and discussed adding the required restrictions to the development agreement and subdivision plat. The development agreement had not yet been finalized, so the item was expected to be postponed again.

Kameron Spencer – explained the phasing does include the commercial corner and discussed placing the commercial corner in the second phase of development to ensure transportation circulation from the intersection was in place.

Member Taylor – clarified that the commercial corner would need to be available during the second phase, but would not necessarily need to be built at that time.

Kameron Spencer – explained that the commercial area would initially be prepared as a pad for potential sale and development. Phase one would focus on the northwest corner, phase two would extend toward Old Highway to provide necessary traffic circulation, and the remaining phases would develop the eastern portion of the subdivision.

Member Maloney – asked if he was thinking retail.

Kameron Spencer - stated that the property along Old Highway would be best suited for retail- oriented commercial development

Planning Commission: discussed establishing requirements in the development agreement for sales-tax-generating commercial uses versus service businesses. The Commission also considered whether to include a deadline for commercial development, with the understanding that changes to the requirements would require an amendment to the development agreement.

Kameron Spencer – clarified that the rezone request developed as the overall site plan evolved to incorporate commercial areas and parks. The applicant requested that the item be tabled again to allow time to finalize the development agreement and related details, emphasizing the desire to complete the process correctly rather than rush the approval. He postponed until November 5, 2026, and asked for one more work session to finalize everything.

Motion by Member Taylor to table the Eagle Vista FLUMA & Rezone, application #26.019 to the November 5th, 2026, Planning Commission meeting. Second by Member King. All in favor, motion carried unanimous.

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 20.31 acres at 667 W. Hardscrabble Court located in the Porterville area in unincorporated Morgan County.

Planner Page - presented application 26.031, submitted by Roger Eggett, requesting a future land use map amendment and rezone for a 20.31-acre property located at 667 West Hardscrabble Court. The property is currently designated and zoned A-20, and the applicant requested a change to Ranch Residential Five (RR-5). Planner Page explained he reviewed the surrounding properties' land use designations and zoning classifications and invited the commission to ask questions. He also noted that a public comment had been provided to the commission.

Chair Sessions – Stated she would read it at the appropriate time.

Bret Anderson – Explained he was representing the applicant, and requested a favorable recommendation for application 26.031, which seeks a future land use map amendment and rezone to Ranch Residential Five (RR-5). He explained that the application had previously been denied due to concerns about water availability and road conditions, which the applicant believes had since been addressed. Anderson stated that the proposed RR-5 zoning would allow for four five- acre residential lots, helping preserve the area's rural and agricultural character while

accommodating housing needs. He noted that the surrounding area includes both RR-1 and RR-5 zoning and argued that the request would be consistent with the existing land uses and general plan. Regarding water availability, Anderson referenced a letter from Weber Basin indicating that water acreage was available for purchase, while acknowledging that final approval and verification would be required before building permits could be issued. He also stated that the road's previously identified potholes had reportedly been repaired and that any additional improvements could be addressed through the county's development review process. Anderson addressed the applicable rezone criteria, arguing that the proposal would be consistent with the general plan, harmonious with surrounding development, and unlikely to negatively affect adjacent properties. He added that schools, fire protection, garbage collection, and other services appeared capable of accommodating the proposed development. He further argued that the construction of four homes could contribute positively to nearby property values. Anderson concluded by asking the Planning Commission to recommend approval of the requested rezone to the County Commission.

Member Maloney - questioned the increase in the reported well production, noting that during the previous application two years earlier, Roger Eggett had stated that the well produced approximately 6 to 10 gallons per minute (gpm). She asked how the current application arrived at a reported production rate of 35 gpm and requested clarification regarding the difference.

Roger Eggett - The applicant clarified that the previously reported well production rate of 6 to 10 gallons per minute was an estimate provided without verification. After reviewing the well drilling log and test results, the applicant stated that the well produces more than 35 gpm. The applicant indicated that the well log had been submitted to the county and offered to email a copy for further review.

Member King – asked for clarification regarding water availability, confirming that although water had been indicated as available, the applicant had not yet purchased or secured the water rights.

Bret Anderson - confirmed that the water has not yet been purchased or secured. He explained that water is reportedly available, but the applicant would need to acquire it and obtain the necessary approvals during the building permit process. He added that if the required water is not secured, the building permit could be denied.

Roger Eggett - stated that he met with Weber Basin Water, which provided a letter confirming that additional water acreage was available for purchase. He indicated that the letter had also been submitted to the county. The applicant explained that the water could be purchased immediately, at an estimated cost of $33,000 for the additional water rights needed for the 11,000-square-foot lot. However, he had hesitated to make the purchase before the application's outcome was determined.

Member King – emphasized that securing water rights in Utah can be a difficult process and explained that this was the reason for asking for clarification about the applicant's water availability and procurement plans.

Roger Eggett - Explained he had the letter with him.

Administrator Becker - asked if the commission wanted to see the will serve letter.

Member Taylor - stated if they had the letter then go ahead and show it.

Planning Commission - Commissioners asked how many residences a well producing approximately 35 gallons per minute could serve and whether engineering had assessed its capacity and reliability. Member Taylor said he was unsure of the county's water requirements per home and noted that shared-well requirements would depend on Health Department standards. Member King estimated that indoor water use for a four-person household is approximately 600 gallons per day, excluding landscaping and irrigation. Member Wilson asked how long a well must be tested to confirm sustained production.

Roger Eggett - explained that a recently drilled well in Porterville was tested over several days, during which its water level dropped and then replenished. They added that a neighboring well drilled around the same time reportedly had a similar production rate. He stated that additional wells could be drilled if needed, as each property could potentially have its own well rather than relying solely on the existing well.

Member Wilson – asked Mr. Eggett how long it took the recently drilled well to replenish after the water level dropped during testing.

Roger Eggett – explained that the recently drilled well was located on a hill and extended approximately 700 feet deep. He was unable to provide an exact timeframe for how long the well took to replenish but stated that the well log for the subject property showed a consistent production rate of approximately 30–35 gpm. He offered to provide the well log for review.

Chair Sessions – stated that county code requires wells to provide at least 800 gallons per day per equivalent residential connection for indoor culinary use, plus a minimum flow rate of 3 gpm per irrigated acre for outdoor use.

Member Maloney moved to go into Public Hearing. Second by Member Wilson. All in favor, motion carried unanimous.

Chair Sessions – read a letter of objection from Amy Fairbanks, who expressed strong concerns about existing water problems affecting five neighboring properties and warned that the proposed development could worsen those issues. The letter also noted that Roger Eggett had applied three times over the past 14 years. The commenter stated that the property had previously belonged to the Morrisons, expressed concern that the parcel had been changed to 20 acres, and warned that additional development could result in eight homes competing for an already inconsistent water supply.

Stan Mikesell – He listed who had previously owned the property who had attempted to subdivide it. He stated the U.S. Army Corps of Engineers had identified the property as being within a floodplain, and the parcel was reduced to 20 acres. He warned that approving could encourage additional development. Spoke on behalf of Joni Johnson and reported that her well had

experienced water shortages and that she feared additional development could further affect water availability for nearby residents.

Cam Sidwell - Expressed concerns about the long-term water supply. He said that residents could no longer rely on wells, including for lawn irrigation. He warned that approving additional development could encourage widespread increases in housing. He questioned how Weber Basin water could be transported and pressurized to serve properties at higher elevations. He raised concerns about whether precipitation, aquifers, springs and runoff could support additional development.

Dennis Jacobson - Explained that he had lived in that area for 39 years and continued to experience unreliable water. He reported that his 400-foot well was on its fifth pump but still failed to provide sufficient water for household needs. He described having to haul water. He asked the county to consider installing a water pipeline.

Cindee Mikesell – questioned whether the proposed development met county road frontage and access requirements. She expressed concerns about water availability, noting that several homes in the area continue to experience water shortages. She reported that a nearby neighbor had installed another well pump in an attempt to improve water access.

Danielle Fairbanks - She emphasized that five-acre lots should not be considered affordable housing. She expressed concern about limited water supplies. She warned that approving the application could set a precedent for additional subdivision in the area. She stated that it could worsen existing water shortages and negatively affect the rural character and residents.

Arnold Mikesell – Disagreed to the proposed rezoning due to ongoing water shortages and declining well production in the area. He stated that several neighbors and relatives had been forced to haul water. Noted the springs in the surrounding canyon had dried up. He questioned whether Weber Basin Water could realistically be delivered to the area, and whether water was available to support additional homes. He warned that approving the rezone could set a precedent for further rezoning and higher-density development, including condominiums, that the area's water supply might not sustain.

Sydnee Mikesell – Expressed concerns about ongoing water shortages. Reported that a neighboring building lot had been abandoned after the owner allegedly accumulated approximately $100,000 in debt attempting to find water. She stated that the area has previously been subdivided and zoned to R-1 despite limited water availability.

Cindy McKee – Disagreed to the proposal due to ongoing water shortages. She stated she was the director of the local food pantry and assisted more than 700 people each month with no support from wealthy residents. She stated that she could not afford to repair, rebuild or relocate. She expressed concern that the proposal could encourage subdivision of a neighboring 40-acre property, potentially leading to further development.

Cindy Carter – Disagreed with the proposed rezone. She stated that the water shortages in the area had worsened, with some residents continuing to haul water. She questioned the applicant's

claim that the well produced 35 gpm and requested current documentation supporting the reported production rate. She expressed concern for the long-term benefit to the existing community. She asked the commission to consider the hardships faced by existing residents, ongoing water shortages, and the previous unanimous denials.

Greg Mikesell - Opposed the argument that rezoning would increase property values. He explained that he had been hauling water regularly for nearly 20 years and described the ongoing hardships of running out of water. He stated that the increase in property values was irrelevant if properties lacked sufficient water household needs. He said that the area's water shortages were the primary concern and should take precedence over potential increases in property values.

Cindy Carter - Read a statement on behalf of Michael Hanson, who explained that he respected the applicant's property rights and was open to additional neighbors if the development was sustainable. He emphasized that approval should request evidence that sufficient water was available for both existing residents and future development. He reported that he had experienced water shortages. He questioned whether the applicant was sufficiently concerned about the community long term water supply.

Lauri Robinson – Opposed the proposed development. She reported that she had witnessed neighbors hauling water. She expressed that she did not support additional development. She stated she wished to preserve that area's current character.

Roland Haslam – He acknowledges the water concerns. He expressed that the commission's current responsibility was to determine whether rezoning the property and changing the future land use map were appropriate at this time. He stated that water availability and subdivision requirements would need to be addressed during the subdivision approval process, when the applicant would be required to demonstrate sufficient water for the proposed development. He stated that commissioners needed to focus on the specific action under consideration and determine when each issue should appropriately be addressed.

Vicky Mikesell – Opposed additional development due to ongoing water shortages in the area. She explained that her son lacked sufficient water, forcing the family to take camp showers and travel to her home to bathe. She reported that residents and family members hauled water daily. She expressed concern that additional homes would place further demands on the limited underground water supply. She questioned whether properties without reliable water could be sold.

Roger Eggett – Responded to concerns about water availability, stating that a recently drilled well had filled a 2,000-gallon tank without stopping the well's operation. He explained that the well had been drilled to a greater depth and reported that it provided an adequate water supply. He argued that many residents' water problems resulted from the quality of their individual wells rather than broader water supply issues. He stated his experience drilling a productive well on a mountaintop near Hardscrabble as evidence that sufficient water could be found in the area.

Member Maloney- Asked Roger Eggett when the well test was conducted that reportedly showed a production rate of 35 gpm for the property proposed for rezoning.

Roger Eggett – Stated he could get a new test done. He then explained the last test was done when it was drilled.

Lance Mikesell – asked the commission to consider whether the proposed rezoning was consistent with the area's existing zoning and road frontage requirements. He noted that nearby RR-5 and one-acre lots had frontage along Hardscrabble Road, whereas the subject property did not. He suggested that the property's previous division into 20-acre parcels reflected the original intent to allow one home per parcel. He was concerned that allowing additional homes without adequate road frontage could encourage development farther from established roads and increase the county's infrastructure and maintenance responsibilities. He stated that the proposed development did not align with the existing development.

Mike Evans – stated that he had previously served on the State Water Board and raised concerns about the limited aquifer depth in Hardscrabble. He stated he had been advised that residents might eventually need to drill deep wells and pump water back uphill to Porterville because of potential water shortages. He explained that producing water through such a system would be an extreme expense. He explained that the area lacked an adequate water supply.

Sedge Kashay – questioned arguments made by the applicant's representative regarding rezoning the property to RR-5, particularly the claims related to agricultural use and property values. He noted that agricultural tax benefits through the greenbelt program generally required at least five acres, questioning the agricultural rationale for the proposed subdivision. He challenged the characterization for the proposed lots as affordable or attainable housing. He argued that the proposed lots would likely become luxury homes affordable primarily to wealthier buyers rather than local residents. He concluded that the RR-5 designation did not align with the stated goal of providing attainable housing.

Motion by Member Maloney to move out of Public Hearing. Second by Member Wilson. All in favor, motion carried unanimous.

Planning Commission: discussed concerns about water availability in the Hardscrabble area, including declining well production, dry wells, and the potential effects of additional homes on neighboring properties. They reviewed available well records, which raised questions about the applicant's well production and drawdown rates. They clarified that the Weber Basin will-serve letter indicated water rights availability but did not guarantee physical water delivery to the property. They discussed county rezoning criteria, including consistency with the general plan, compatibility with surrounding development, impacts on neighboring properties, and adequacy of services. They discussed road access and frontage requirements, noting that a private road meeting county standard would be required to create buildable lots. They considered the applicant's right to reapply after the two-year waiting period.

Motion by Member Taylor to 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 22nd, 2026, with the following additional findings:

1. It appears clear that additional demand on the water in the area would adversely affect adjacent property.

Second by Member Maloney. All in favor, motion carried unanimous.

11. Public Hearing/Discussion/Recommendation – Morgan County Code proposed text amendment to section 155.359: creating new code addressing Mobile Food Vending & Food Trucks Courts.

Planning Commission - discussed the proposed code amendment for mobile food vending and food trucks, including permit duration, parking requirements, and restrictions on operating near intersections. The Commission agreed to continue discussion at the November 5th meeting and postponed the item to allow further review of the proposed regulations.

Motion by Member Taylor to postpone to the November 5th, 2026, Planning Commission meeting. Second by Member King. All in favor, motion carried unanimous.

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

Planning Commission: reviewed bylaw updates regarding conflicts of interest, recusal, ex parte communications, agenda preparation, application materials, and public comment limits. Members discussed clarifying disclosure and recusal requirements, directing applicant questions through staff, and ensuring complete application materials are provided before meetings. They also reviewed agenda scheduling and public comment time limits. Staff agreed to revise the bylaws for further review.

Motion by Member Taylor to go into Public Hearing. Second by Member King. All in favor, motion carried unanimous.

Tina Kelley – emphasized that commissioners need access to engineers' and surveyors' comments to make informed decisions. She also stressed that Planning Commission motions, findings, and conditions should be forwarded to the County Commission as stated, rather than summarized by staff, to ensure accurate and complete records.

Roland Haslam – questioned how the staggered rotation of Planning Commission terms would work when multiple positions are filled at once. He also requested clearer definitions of extenuating circumstances and excused versus unexcused absences. He supported giving the chair more authority over the agenda.

Motion by Member Maloney to go out of public hearing. Second by Member Wilson. All in favor, motion carried unanimous.

Planning Commission: discussed ensuring that its recommendations, motions, and voting records are accurately conveyed to the County Commission. Members considered having the chair review and approve recommendation summaries before submission to avoid errors without delaying

applications. They also identified inconsistencies in the proposed bylaws regarding term rotation and absences. The bylaws discussion was postponed until November 12th, 2026, for further review.

Motion by Member King to postpone to the November 12th, 2026, Planning Commission meeting. Second by Member Maloney. All in favor, motion carried unanimous.

13. Public Hearing/Discussion/Recommendation – Repeal of 155.464 Amending the

Conceptual Development Plan.

Planning Commission: discussed repealing the ordinance due to concerns that its unclear wording could lead to legal disputes over what qualifies as a minor change to an approved development. They acknowledged the need for flexibility when unforeseen issues arise during development but noted that similar provisions could be addressed more clearly through development agreements. The discussion included allowing minor engineering changes while requiring significant changes affecting development agreements or entitlements to return to the County Commission for approval. They discussed repealing the existing ordinance first and considering a shorter, clearer replacement.

Motion by Member Taylor to go into Public Hearing. Second by Member Maloney. All in favor, motion carried unanimous.

No Comments

Motion by Member Wilson to go out of Public Hearing. Second by Member Taylor. All in favor, motion carried unanimous.

Motion by Member Maloney to forward a positive recommendation to the County Commission for repeal of MCC § 155.464, Amending the Conceptual Development Plan, based on the findings listed in the memorandum dated October 22, 2026. Second by Member Wilson. All in favor, motion carried. (Verified against October 22 meeting transcript, approximately 2:49:34–2:50:05.)

Administrative

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

and the tentative addition of the December 3rd meeting if needed for General Plan.

Administrator Becker - noted the previous discussion of the November 5th meeting, she explained the possible addition of December 3rd.

Member Maloney- asked if the addition of December 3rd was necessary.

Member Taylor – Noted his absence on December 10th.

Member Maloney – asked if the decision needed to be made currently, or if they could wait after the general plan meeting.

Administrator Becker - confirmed planning commission could wait until after the general plan meeting.

Member King- stated they would know by November 5th.

Motion by Member Maloney to approve the amended Planning Commission calendar, to add November 5th, 2026. Second by Member King. All in favor, motion carried unanimous.

15. Business/Staff Questions

None

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

Motion by Member Maloney to approve the October 8th, 2026, minutes. Second by Member Taylor. All in favor, motion carried unanimous.

17. Adjourn

Motion by Member King to adjourn the meeting. Second by Member Wilson. All in favor, motion carried unanimous.

Approved:

_____ Date: _____ Chairman, Debbie Sessions Morgan County Planning Commission

_____ Date: _____ Kayli Smith, Transcriptionist Planning and Development Services