



PLANNING COMMISSION AGENDA  
Thursday, January 22<sup>nd</sup>, 2026  
Morgan County Commission Room  
6:30 p.m.

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

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

**Administrative**

6. **Public Meeting/Discussion/Decision – *The Range Phase 1, No. 1 Plat Amendment***: A request to remove the temporary fire access easement located along the north boundary of The Range Phase 1 subdivision.
7. **Public Meeting/Discussion/Decision – *Village @ Trapper's Loop Townhomes Site Plan***: A request for site plan approval of the Village @ Trapper's Loop Townhomes Subdivision, which is identified by parcel number 00-003-3892 and serial number 03-005-041 and is located approximately 600 feet south of the intersection of North Queens Garden Road and West Old Highway Road in unincorporated Morgan County.
8. **Public Meeting/Discussion/Decision – *Village @ Trapper's Loop Townhomes Preliminary Plat***: A request for preliminary plat approval of the Village @ Trapper's Loop Townhomes Subdivision, which is identified by parcel number 00-003-3892 and serial number 03-005-041 and is located approximately 600 feet south of the intersection of North Queens Garden Road and West Old Highway Road in unincorporated Morgan County.
9. Business/Staff Questions: Election of Planning Commission Officers (Chair and Vice Chair)
10. Approval of January 8<sup>th</sup>, 2026, Planning Commission Minutes
11. Adjourn



**PLANNING COMMISSION  
STAFF REPORT  
Plat Amendment**

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The Range Phase 1, No. 1 Plat Amendment

January 22, 2026

Public Meeting

File #25.052

Applicant:	Chase Freebairn
Owner:	CW The Range, LLC
Project Location:	Open Space Parcel A, 6799 and 6795 N Frontier Dr; 5158, 5172, 5188, 5200, and 5206 W Aberdeen Cir
Parcel Number:	00-0094-0363, 00-0094-0341, 00-0094-0342, x, 00-0094-0344, 00-0094-0345, 00-0094-0346, and 00-0094-0347
Serial Number:	14-RANGE1-A, 14-RANGE1-0101, 14-RANGE1-0102, x, 14-RANGE1-0104, 14-RANGE1-0105, 14-RANGE1-0106, 14-RANGE1-0107
Current Zoning:	Residential (R1-20)
Acreage:	Approx. 19.29 acres combined

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**REQUEST:**

A request to remove the temporary fire access easement located along the north boundary of The Range Phase 1 subdivision.

**ATTORNEY GUIDANCE:**

**Administrative Review:**

The sole issue in land use administration is whether the application complies with county ordinances. If it does, it must be approved.

**Applicable law:**

*An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays all application fees, unless:*

*“(A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or*

*(B) in the manner provided by local ordinance and before the applicant submits the application, the county formally initiates proceedings to amend the county’s land use regulations in a manner that would prohibit approval of the application as submitted.*

*Utah Code Ann. § 17-27a-508(1)(a)(ii).”*

*“The Utah Supreme Court has indicated that a significant threat to the public welfare should be considered compelling. “If a proposal met zoning requirements at the time of application but seriously threatens public health, safety, or welfare, the interests of the public should not be thwarted.” W. Land Equities v. Logan, 617 P.2d 388, 395-96 (Utah Sup.Ct. 1980).”*

Staffs’ findings are legally sufficient to adopt if the Commission finds that the application is complete, conforms to the requirements of the applicable land use regulations, land use decisions, and development standards, and there are no apparent threats to public health, safety, or welfare that would support a compelling countervailing public interest to recommend denying the application. Staffs’ recommended conditions are required by county ordinances and appear to be legal conditions.

Recommendations for denial and/or additional findings must be placed on the record, contain a legal basis, and supported by substantial evidence. Legal can provide guidance on what is required for a sufficient record and what is considered substantial evidence.

### **STAFF RECOMMENDATION:**

Based on the information in this staff report, staff recommends approval of The Range Phase 1, No. 1 Plat Amendment, subject to all applicable regulations and the following conditions:

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

### **PROJECT DESCRIPTION:**

#### **Proposal Details**

This request is to remove a temporary fire access easement along the north boundary of The Range Phase 1 Subdivision. The subdivision plat was recorded with an easement originally required to provide emergency fire access during development. The subdivision roadway, N Frontier Drive, has been constructed to a point where it will provide safe ingress and egress for both emergency and general traffic within a 60-foot right-of-way, making the temporary easement unnecessary.

## **DISCUSSION:**

The roadway, in its current configuration, will safely accommodate emergency vehicles and general access. Road-blocking barricades installed by the Utah Department of Transportation (UDOT) on N Trapper's Loop Road currently prevent use of the temporary access easement. The planned subdivision entrance, noted on the plat as Range Road, will include the future neighborhood identification sign and a landscaped entry feature. Access to Range Road from N Trapper's Loop Road cannot occur until UDOT approves the required signage and roadway markings. Phase 2, when recorded, will complete the remaining improvements required for the entirety of The Range development. Removal of the temporary easement will not affect circulation, emergency access, or general use of the subdivision. This amendment is limited solely to eliminating an easement that is no longer required and will also unencumber the affected lots.

The plat amendment requirements come from Morgan County's Land Use Management Code, Title 15, Chapter 155, Section 440 and subsequent sections. Staff has reviewed the requirements and procedures for a plat amendment and have found that the application request meets these standards.

### ***155.447: AMENDED PLAT REQUIREMENTS:***

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

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

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

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

### ***155.446: GROUNDS FOR VACATING OR CHANGING A PLAT:***

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

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

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

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

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

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

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

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

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

(2) *May not be construed to impair:*

- (a) *Any right-of-way or easement of any lot owner; or*
- (b) *The franchise rights of any public utility.*

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

#### **155.444: PROCEDURE:**

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

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

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

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

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

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

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

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

(B) For plat amendments that result in the combination of lots, building pad adjustments, subdivision title changes, plat note revisions, amendments to internal lot restrictions, the alteration, amendment or vacature 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
<i>Ordinance Evaluation. Morgan County Code, Chapter 155, Section 440 states the following:</i>		
<i>Prior to the County Commission's approval of a petition or proposal to amend a subdivision plat, the petitioner or sponsor shall deliver to the County an <u>amended plat map</u> and <u>complete supporting preliminary plat and final plat</u> information in compliance with the requirements of this chapter. The applicant shall also pay all fees required by the County's fee schedule.</i>		
<i>Therefore, this plat amendment has been reviewed for preliminary and final plat standards.</i>		
<b>155.407: PRELIMINARY PLAT SUBMITTAL:</b> <i>The preliminary plat shall be prepared, stamped and signed by a professional engineer or professional land surveyor licensed by the state of Utah. The preliminary plat submittal shall include at least the following information:</i>		
A	<p><b>Vicinity Map</b></p> <ol style="list-style-type: none"> <li>1. Drawn at a maximum scale of one thousand feet (1,000') to the inch.</li> <li>2. Show all existing and proposed roadways in the vicinity of the proposed development.</li> <li>3. A north arrow.</li> <li>4. The nearest section corner tie.</li> <li>5. Subdivision name.</li> </ol>	Complies
B	Certified boundary survey of the subject property, which meets state of Utah requirements, which also depicts all easements identified by the title report.	Complies
C	<p>Preliminary plat (all facilities within 200 feet of the plat shall be shown):</p> <ol style="list-style-type: none"> <li>1. Drawn at a scale not smaller than one hundred feet (100') to the inch.</li> <li>2. A north arrow.</li> <li>3. Subdivision name.</li> <li>4. The layout and names and widths of existing and future road rights of way.</li> <li>5. A tie to a permanent survey monument at a section corner.</li> <li>6. The boundary lines of the subdivision with bearings and distances.</li> </ol>	Complies

	<p>7. The layout and dimensions of proposed lots with lot areas in square feet.</p> <p>8. The location and dimensions and labeling of other spaces including open spaces, parks, trails, or public spaces.</p> <p>9. The location of manmade features including bridges, railroad tracks, fences, ditches, and buildings.</p> <p>10. Topography at two foot (2') intervals. One foot (1') contours may be required by the county engineer in particularly flat areas.</p> <p>11. Location and ownership of all adjoining tracts of land.</p> <p>12. Proposed subdivision phasing plan and relationship to existing phases of development. (Ord. 10-16, 12-14-2010)</p>		
D	<p>Grading and drainage plan (may be combined with plat sheet, if approved by the county engineer):</p> <p>1. Plan drawn to a scale not smaller than one hundred feet (100') to the inch, showing the road and lot layout.</p> <p>2. Topography at two foot (2') contour intervals.</p> <p>3. North arrow.</p> <p>4. Subdivision name.</p> <p>5. Areas of substantial earthmoving.</p> <p>6. Location of existing watercourses, canals, ditches, springs, wells, culverts, and storm drains.</p> <p>7. Location of any 100-year floodplain as designated by the federal emergency management agency (FEMA).</p> <p>8. A storm drainage plan showing water flow directions, inlets, outlets, catch basins, waterways, culverts, detention basins, outlets to offsite facilities, and off site drainage facilities planned to accommodate the project drainage.</p> <p>9. Show any existing wetlands.</p> <p>10. Slope analysis which depicts all slopes greater than fifteen percent (15%) and greater than twenty five percent (25%) with distinct notation. (Ord. 12-09, 9-18-2012)</p>	Does Not Apply	
E	<p>Utility plan (may be combined with plat sheet, if approved by the county engineer):</p> <p>1. Plan drawn to a scale not smaller than one hundred feet (100') to the inch, showing the road and lot layout.</p> <p>2. North arrow.</p> <p>3. Subdivision name.</p> <p>4. Show all existing and proposed utilities including: sewer, culinary water, well locations with secondary water, fire hydrants, storm drains, subsurface drains, gas lines, power lines, and streetlights, television and telecommunications.</p> <p>5. Show location and dimensions of all utility easements.</p>	Does Not Apply	
F	<p>The subdivider shall provide the following documents with the application:</p> <p>1. Three (3) copies of a geotechnical soils report.</p> <p>2. A traffic report when required by the planning commission or county engineer.</p> <p>3. Preliminary title report, which specifically references the boundary survey and exactly matches the legal description of the outside boundary of the subdivision.</p> <p>4. Service agreements from all utility companies or providers.</p> <p>5. Any necessary agreements with adjacent property owners regarding storm drainage or other matters pertinent to subdivision approval.</p> <p>6. Maintenance agreements for subsurface drains serving the subdivision, if they are proposed or exist.</p> <p>7. An agricultural impact analysis, on subdivisions which are contiguous to an adopted agricultural</p>	Does Not Apply	

	<p>preservation area, or which contain an agricultural open space conservation easement within the plat.</p> <p>8. Written verification of all proposed water sources. For all proposed water sources, provide approval letters from the Weber-Morgan County health department and proof of all water rights, including quantities (water rights certificates, etc.), for each well and water source to be utilized for the development.</p> <p>9. The developer shall submit all information concerning site geology, area hydrogeology, site topography, soil types and the proven wet water by the drilling of at least one test well from within the described subdivision boundary, as determined by a geotechnical engineer, licensed in the state of Utah. Well logs shall be submitted to the county identifying the depth and yield of the well. Information submitted must verify that the source is consistently available to supply eight hundred (800) gallons per day (gpd) per equivalent residential connection (ERC) at a minimum flow rate of 0.55 gallons per minute (gpm). Water for irrigation supplies shall be verified to provide three (3) gpm per irrigated acre. If the proposal is being served by an existing water utility company, these requirements do not apply.</p> <p>10. Verification of approval from the Weber-Morgan County health department regarding the proposed location of all septic systems and water source protection areas.</p>		
G	When the subdivision is located within the sensitive area district or geologic hazards special study area, required reports and documents are to be submitted in accordance with the provisions of this title.	Does Not Apply	
H	The subdivider shall comply with all applicable federal, state, and local laws and regulations, and shall provide evidence of such compliance if requested by the county.	Complies	
I	Copy of proposed protective covenants in all cases where subsurface drains or other common area maintenance proposals are to serve any portion of the subdivision.	Does Not Apply	
J	Electronic copies of all preliminary plat drawings in AutoCAD (DWG) format.	Complies	
K	Tabulations showing the total number of lots or buildings sites, and the percentage of land in roads, lots, and open space.	Does Not Apply	
L	Any additional submittal requirements required for or by master planned development reserves, specific development agreements, or requirements and conditions of other applicable ordinances or previous approvals. (Ord. 10-16, 12-14-2010)	Does Not Apply	
<b>155.415: FINAL PLAT; PREPARATION AND REQUIRED INFORMATION:</b>			
A	The final plat shall consist of a mylar with the outside or trim line dimensions of twenty four inches by thirty six inches (24" x 36"). The mylar shall be submitted to the county at least twenty (20) days prior to consideration for placement on the county commission agenda for approval. Until that date, submittal of paper copies is sufficient for review. The borderline of the plat shall be drawn in heavy lines leaving a space of at least one and one-half inches (1 1/2") on the left side and at least one-half inch (1/2") margin on the other sides. The plat shall be so drawn that the top of the drawing faces either	Will Comply	Historically, staff has recommended the applicant wait to print the final mylar in the event that the Planning Commission recommend changes to the plat.

	<b>north or west, whichever accommodates the drawing best. All lines, dimensions, and markings shall be made on a mylar with approved waterproof black ink. The plat shall be made to a scale large enough to clearly show all details, and in any case not smaller than one hundred feet (100') to the inch, and workmanship on the finished drawing shall be neat, clean cut and readable.</b>		
B	<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.</b>	Complies	
C	<b>The plat shall contain a north arrow and scale of the drawing and the date.</b>	Complies	
D	<b>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.</b>	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	<b>An accurate and complete survey, which conforms to Utah state law.</b>	Complies	
F	<b>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.</b>	Complies	
G	<b>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.</b>	Complies	
H	<b>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.</b>	Complies	
I	<b>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.</b>	Complies	
J	<b>All lots are to be numbered consecutively under a definite system approved by the county. Numbering shall continue</b>	Complies	

	<b>consecutively throughout the subdivision with no omissions or duplications.</b>		
K	All streets within the subdivision shall be numbered (named streets shall also be numbered) in accordance with and in conformity with the adopted street numbering system adopted by the county. Each lot shall show the street addresses assigned thereto, and shall be according to the standard addressing methods approved by the county. In the case of corner lots, an address will be assigned for each part of the lot having street frontage.	Complies	
L	The side lines of all easements shall be shown by fine dashed lines. The width of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be shown. All easements shall be clearly labeled and identified.	Complies	
M	<p>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:</p> <ol style="list-style-type: none"> <li>1. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties;</li> <li>2. All right of way monuments at angle points and intersections as approved by the county surveyor.</li> </ol>	Complies	
N	<p>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:</p> <ol style="list-style-type: none"> <li>1. Professional land surveyor's "certificate of survey".</li> <li>2. Owner's dedication certificate in the following form:</li> </ol> <p><i>OWNERS DEDICATION</i></p> <p><i>Know all men by these presents that we, the undersigned owner(s) of the above described tract of land, having caused said tract to be subdivided into lots and streets to be hereafter known as Subdivision do hereby dedicate for perpetual use of the public all parcels of land, other utilities, or easements shown on this plat as intended for public use. In witness whereof, we have hereunto set out hands this day of, 21.</i></p> <p><i>(Add appropriate acknowledgments)</i></p> <ol style="list-style-type: none"> <li>3. Notary public's acknowledgement for each signature on the plat.</li> <li>4. A correct metes and bounds description of all property included within the subdivision.</li> <li>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.</li> </ol>	Complies	Owner's Dedication is present, but not signed

	<p>6. Such other affidavits, certificates, acknowledgements, endorsements and notarial seals as are required by law, by this title, the county attorney, or county surveyor.</p> <p>7. Prior to recordation of the plat, the subdivider shall submit a current title report to be reviewed by the county. A "current title report" is considered to be one which correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat.</p> <p>8. The owner's dedication certificate, registered land surveyor's certificate of survey, and any other certificates contained on the final plat shall be in the form prescribed by the county's standards.</p> <p>9. When a subdivision contains lands which are reserved in private ownership for community use, including common areas, the subdivider shall submit, with the final plat, the name, proposed articles of incorporation and bylaws of the owner, or organization empowered to own, maintain and pay taxes on such lands and common areas and any access easements which may be required by the county.</p>		
O	On subdivisions which are contiguous to an adopted agricultural protection area, or which contain an agricultural open space preservation area within the plat, a note shall be placed on the plat, in conjunction with right to farm provisions, stating such, and that agricultural operations work hours begin early and run late and that these operations may contribute to noises and odors objectionable to some residents.	Does Not Apply	Does not border an Agricultural Protection Area
P	<p><b>A note on the plat which states the following:</b></p> <p><i>Morgan County restricts the occupancy of buildings within developments as outlined in the adopted building and fire codes. It is unlawful to occupy a building located within any development without first having obtained a certificate of occupancy issued by the county.</i></p>	Complies	

## DEPARTMENT COMMENTS/RECOMMENDATIONS

Public Works: No comments received

Fire/EMS Services: Comments received and recommend approval

Engineering/Surveyor: Comments received and recommend approval

Recorders: Comments received and are being addressed

Zoning: R1-20

## PUBLIC NOTICE, MEETINGS, COMMENTS

- ✓ Public Notice was submitted to the State of Utah Public Notice website on or before January 12, 2026; a minimum of 10 days prior to the scheduled meeting. (Morgan County Code § 155.032 (C)).
- ✓ A Public Notice was posted at the County on or before January 12, 2026.
- ✓ Notices to property owners within 1000' feet of the proposed use were mailed a Public Notice on or before January 12, 2026.
- ✓ A sign was posted on the site on or before January 12, 2026.

## Recommended Motions

**Motion for a Positive Recommendation** – “I move we recommend approval to the County Commission of The Range Phase 1, No. 1 Plat Amendment, application #25.052, to remove the temporary fire access easement located along the north boundary of The Range Phase 1 subdivision, based on the findings and with the conditions listed in the staff report dated January 22, 2026.”

**Motion for a Positive Recommendation with Conditions** – “I move we recommend approval to the County Commission of The Range Phase 1, No. 1 Plat Amendment, application #25.052, to remove the temporary fire access easement located along the north boundary of The Range Phase 1 subdivision, based on the findings and with the conditions listed in the staff report dated January 22, 2026, and the following additional conditions:”

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

**Motion for a Negative Recommendation** – “I move we recommend denial to the County Commission of The Range Phase 1, No. 1 Plat Amendment, application #25.052, to remove the temporary fire access easement located along the north boundary of The Range Phase 1 subdivision, *due to the following findings:*”

## Attachments:

Attachment A: Vicinity Map

Attachment B: Zoning Map

Attachment C: Zoning Map (Airport Overlays Disabled)

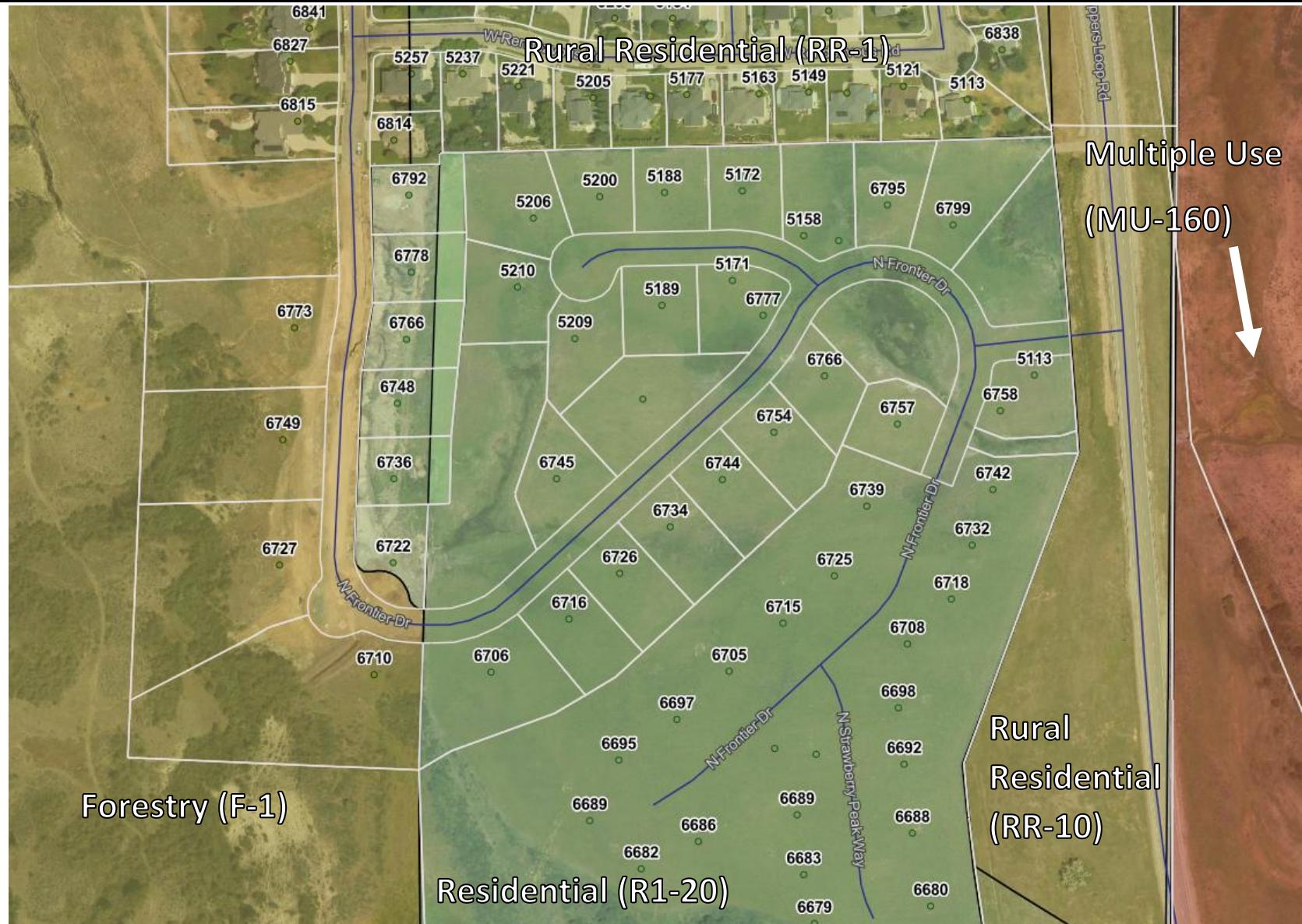
Attachment D: Original Plat

Attachment E: Proposed Preliminary Plat

**Attachment A: Vicinity Map**

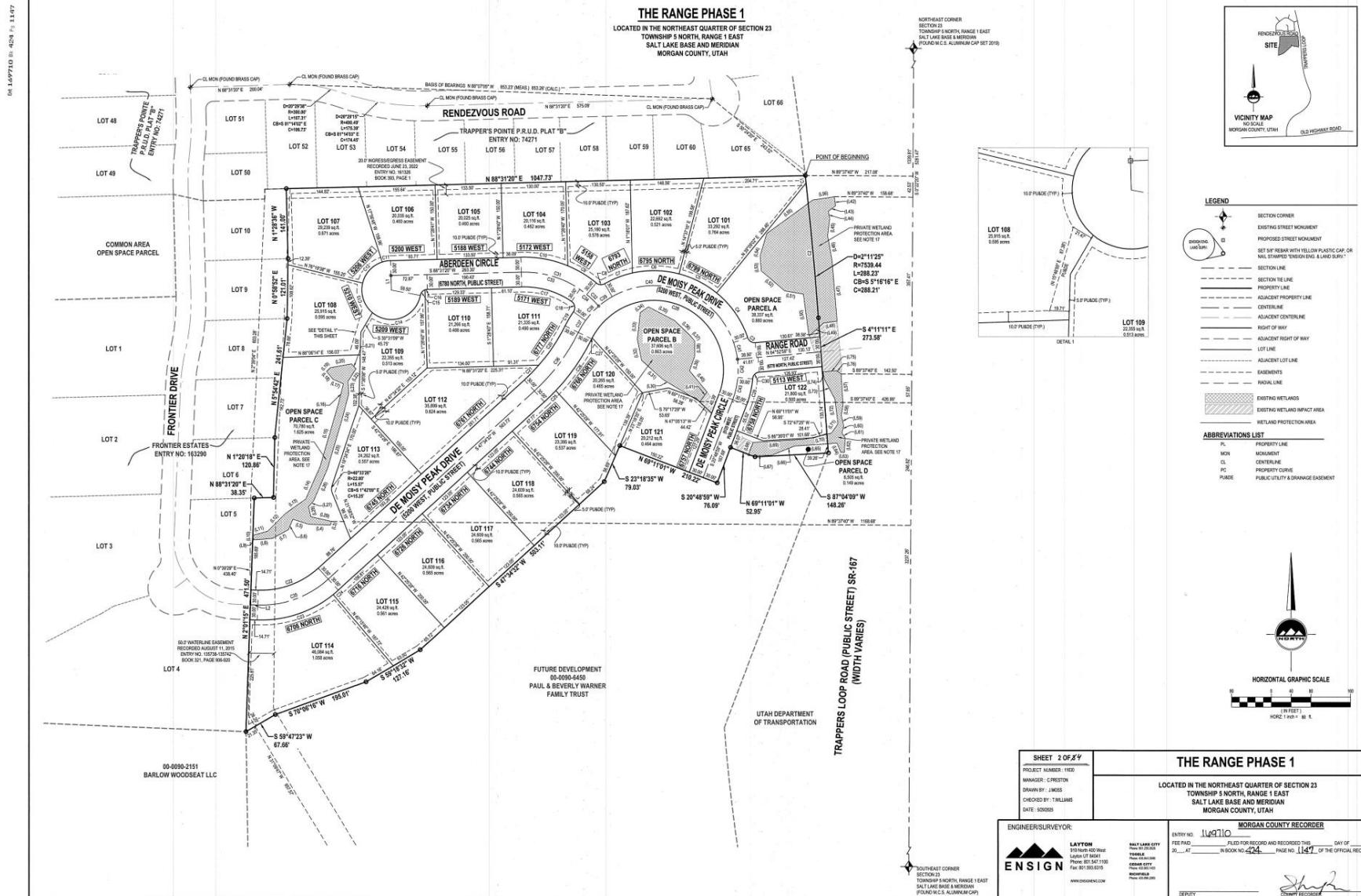


Attachment B: Current Zoning Map



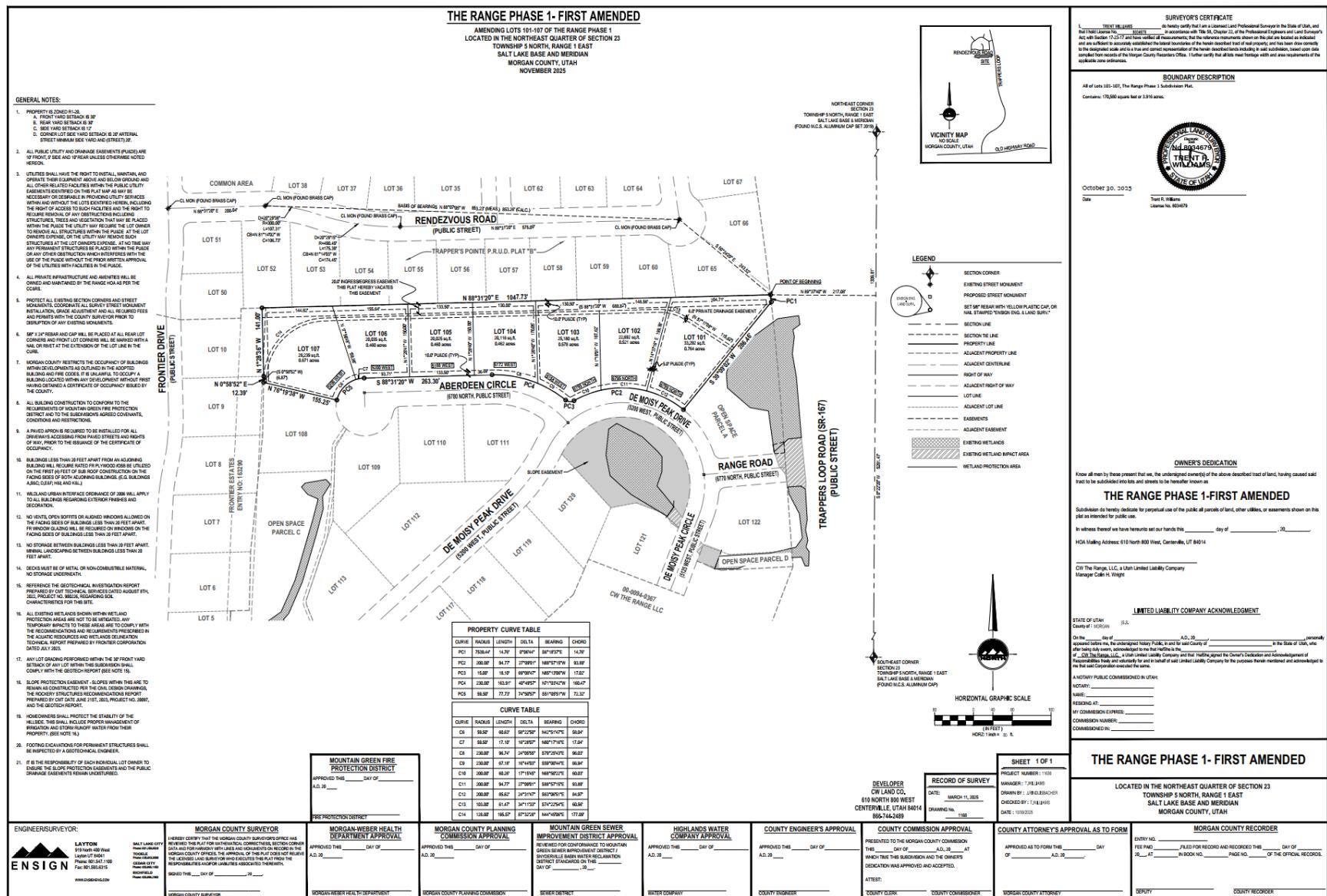
[Click here to view a full-size .pdf version](#)

## Attachment D: Original Plat



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

## **Attachment E: Proposed Plat Amendment**





## PLANNING COMMISSION

### STAFF REPORT

#### Site Plan

January 22, 2026

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#### Village @ Trapper's Loop Townhomes Site Plan

January 22, 2026

Public Meeting

File #25.044

Applicant:	Wayne Johnson
Owner:	Soderby LTD
Project Location:	Approx. 600' south of the intersection of N Queens Garden Rd and W Old Hwy Rd
Parcel Number:	00-0092-9896
Serial Number:	03-005-041-01
Current Zoning:	Multiple Residential District (RM-15)
Acreage:	8.45 acres

---

#### **REQUEST:**

A request for site plan approval of the Village @ Trapper's Loop Townhomes Subdivision to allow for the construction of 45 townhomes.

#### **ATTORNEY GUIDANCE:**

##### **Administrative Review:**

The sole issue in land use administration is whether the application complies with county ordinances. If it does, it must be approved.

##### **Applicable law:**

*An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays all application fees, unless:*

*“(A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or*

*(B) in the manner provided by local ordinance and before the applicant submits the application, the county formally initiates proceedings to amend the county's land use regulations in a manner that would prohibit approval of the application as submitted.*

*Utah Code Ann. § 17-27a-508(1)(a)(ii). ”*

*“The Utah Supreme Court has indicated that a significant threat to the public welfare should be considered compelling. “If a proposal met zoning requirements at the time of application but seriously threatens public health, safety, or welfare, the interests of the public should not be thwarted.” W. Land Equities v. Logan, 617 P.2d 388, 395-96 (Utah Sup.Ct. 1980).”*

Staffs' findings are legally sufficient to adopt if the Commission finds that the application is complete, conforms to the requirements of the applicable land use regulations, land use decisions, and development standards, and there are no apparent threats to public health, safety, or welfare that would support a compelling countervailing public interest to recommend denying the application. Staffs' recommended conditions are required by county ordinances and appear to be legal conditions.

Recommendations for denial and/or additional findings must be placed on the record, contain a legal basis, and supported by substantial evidence. Legal can provide guidance on what is required for a sufficient record and what is considered substantial evidence.

## **STAFF RECOMMENDATION**

County Staff has reviewed the application for the Village @ Trapper's Loop Townhome Site Plan. Staff recommends approval of the requested site plan based on the following findings and with the conditions listed below:

### **Findings:**

1. That the proposal complies with applicable zoning regulations, including chapter 155.045 in its entirety.
2. That the proposed landscaping plan complies with the standards as outlined in MCC § 155.335 Landscaping.
3. That the proposed photometrics plan complies with the standards as outlined in § 155.352 Lighting.

## **Conditions:**

1. That all outsourced consultant fees are paid current prior to final plat recordation.
2. That all other local, state, and federal laws are adhered to.
3. The developer will install any required infrastructure, including roadways, utilities, parking, lighting, and landscape areas.
4. This proposal is not detrimental to the health, safety, and welfare of the public.

## **PROJECT DESCRIPTION:**

### **Proposal Details**

This request is for approval of a 45-lot preliminary subdivision plat for a residential townhome development. The proposed subdivision consists of 45 townhome dwelling units located within ten (10) multi-unit buildings. The development is designed to provide medium-high density residential housing consistent with the applicable zoning district and Morgan County subdivision standards.

The subdivision will be served by a system of private internal roadways designed to support circulation within the development and future connectivity to adjacent properties. Access to the site will be provided through planned roadway connections, including an extension from 4900 West Street and a roadway along the eastern boundary that is intended to provide an eventual intersection connecting to North Rollins Ranch Road. Hammerheads are shown at roadway termini.

Water service will be provided by the Mountain Green Mutual Water Company. Sanitary sewer service will be provided by the Mountain Green Sewer Improvement District, and fire protection services will be provided by the Mountain Green Fire Protection District. Other utilities will be addressed during subsequent phases of subdivision review.

## **SITE PLAN SUBMITTAL**

### **Site and Building Layout**

The Village @ Trapper's Loop Townhomes Site Plan shows 10 buildings that contain between three-to-six townhome units each. Total building square footage is 56,250 sq. ft., or 1.29 acres. The acreage of the current parcel is 8.45 acres, which would yield a lot coverage of approximately 15.3% where zoning regulations allow 50%. Furthermore, staff has reviewed the proposed land use of the future structures to ensure that those structures meet all requirements for setbacks and building height as outlined in § 155.133 and § 155.134. The Mountain Green Fire Protection District has reviewed the distance between the proposed structures per regulations for Fire Separation Distance from the International Building Code (IBC) 2021. Access to the site will be provided from 4900 West Street on the west, with a proposed future connection from the east via a public right-of-way from the planned Vista View Drive.

Concerning parking, the developer is proposing a total of 193 parking spaces, consisting of 90 garage spaces, 90 driveway spaces, and 13 visitor spaces. In accordance with § 155.369(D)(2) of the Morgan County Code, residential developments are required to provide two (2) parking spaces per dwelling unit. Based on the proposed 45-townhome units, the development meets the minimum off-street parking requirements established by county code.

### **PROJECT DESCRIPTION:**

The applicant is seeking approval of a site plan for a 45-lot residential townhome development. The proposal is being reviewed for compliance with Morgan County Code site plan standards. The site plan shows ten (10) multi-unit buildings containing a total of 45 townhome dwelling units. The total townhome area measures 212,174 square feet (approximately 4.87 acres), with a density of 9.24 units per acre. The units are arranged to provide medium-high density residential housing while maintaining compliance with zoning and subdivision standards, including setbacks, building placement, and lot configuration.

Access to the subdivision will be provided via private internal roadways, including a primary east-west road through the site, two north-south road alignments with hammerheads, and temporary dirt circular turnarounds during development. A future connection to North Rollins Ranch Road is also planned. Utilities, including water service from the Mountain Green Mutual Water Company, sewer service from the Mountain Green Sewer Improvement District, and fire protection from the Mountain Green Fire Protection District, will be provided to the site. Other utilities will be addressed during subsequent review phases. Management of the Village @ Trapper's Loop development would be under one HOA management.

### **Commercial Design Standards**

There are design standards for commercial areas in Morgan County outlined in 155.152.C1(f):

*(f) Building materials.*

- 1. The majority of each facade (51% or more of the wall area excluding windows and doors) shall be constructed of the following hard surface building materials: Brick, stone, treated or split face decorative block (CMU), fiber cement siding and panels, wood, concrete or other durable building material as approved by the Planning Commission.*
- 2. Stucco, EIFS or untreated concrete block (CMU) may be allowed by the Planning Commission as an accent or secondary material only (see [Figure 155.152-5](#) below).*

3. *The Planning Commission may approve metal as an exterior building material on a case-by-case basis if an applicant can show that the type of metal is of a high grade and provides architectural quality to a building (see [Figure 155.152-6](#) below).*

4. *Vinyl siding and standing seam metal (see [Figure 155.152-7](#)) are prohibited for use as exterior wall building materials.*

The materials for this project, as clarified by the applicant, are as follows:

- Asphalt Shingle Roofing – Install per manufacturer's specifications.
- Lap Siding – Smooth texture, 6" exposed. Install per manufacturer's specifications.
- Elevation Sheet Notes – Applicable to elevation sheets only.
- Brick – White Sands veneer.
- Stain Grade Front Posts.
- Board & Batten Siding – Install per manufacturer's specifications. Color by owner.
- Stucco

## Landscaping

The Site Plan displays more than the 15% landscaping requirement per MCC, with the following figures:

<b>Land Use / Feature</b>	<b>Area (sq. ft.)</b>	<b>Percent of Site (%)</b>
Developed Park Area	69,560	28.4
Landscaped Detention	15,117	6.2
Natural Open Space	0	0
<b>Total</b>	<b>84,677</b>	<b>34.6</b>

The Plant Schedule includes a total of 429 units, comprising 36 trees and 393 shrubs. Tree species include Eastern Redbud and Japanese Zelkova, while shrub and accent plantings include Winged Euonymus, Pine Mugo, and Fountain Grass. These plantings are intended to provide visual interest, complement the open space areas, and enhance the overall streetscape and community character. Landscaping requirements for commercial development are outlined within § 155.335 of the MCC, and states the following:

*"A. Purpose: The purposes of the landscaping requirements of this section are to enhance, conserve and stabilize property values by preventing wind and water erosion, creating an environment which discourages the accumulation of rubbish and litter, and providing an attractive neighborhood. Further, where required, the landscaping is necessary to contribute to the relief of erosion, heat, noise and glare through the proper placement of trees and other vegetation. Landscaping plans are required for all development within commercial zones, two-family or multi-family dwelling development projects, for all institutional uses, and all common areas within residential or condominium projects, in addition to types of development already specified by this title.*

*B. Approved Plan: Where landscaping is required, it shall be placed and maintained according to the plan approved by the land use authority as a prerequisite to further use of the lot, and consistent with the timing and phasing plan approved for the development.*

*C. Nonconforming Status: Landscaping shall be deemed a substantive rather than a procedural requirement, such that any use of property on the effective date hereof, which is nonconforming only as to landscaping, may be continued in the same manner as if the landscaping were conforming.*

*D. Plot Plan: Where landscaping is required, a landscaping plan, drawn to scale, and stamped by a landscape architect, licensed in the state of Utah, shall be submitted as part of the application submittal requirements.*

*The landscaping plan shall contain at least: the location and common and Latin names of all trees, shrubs, and ground covers; the size in caliper, gallon, or height, as applicable to the particular landscaping type; any nonvegetative landscape features; and all irrigation facilities.*

*E. Coverage And Screening: ...*

*2. Coverage of the ground in required landscaped areas shall be at least eighty five percent (85%) by plant materials and waterways, when viewed from above, so that impervious landscaping features such as walkways, rockscapes and statuary do not impair runoff. Where screening or buffering from surrounding properties is required to be in the form of landscaping, a minimum six foot (6') tall or taller row of evergreen trees that are spaced to occlude vision shall constitute sufficient screening, unless a greater height is required by the land use authority to mitigate specific impacts of the development.*

*3. Where landscaping is required in residential projects, at least seventy percent (70%) of the yard area surrounding the building, for a width at least equal to the minimum front, side and rear setback distances stated for the zone, shall be landscaped and maintained in landscaping. The landscaping shall be composed of irrigated lawn or other fire resistive green plants. Any portion of the setback area that is not proposed to be covered by landscaping (the remaining 30 percent or less setback area) shall have a covering that is hard surfaced, graveled or composed of other suitable material to prevent vegetative growth, and shall be maintained free of weeds, brush and flammable plants and materials. The plot plan shall show how these requirements will be met.*

*F. Maintenance: Required landscaping shall be maintained in a clean, orderly, healthful condition. Such shall include proper irrigation, pruning, mowing, weed removal, pest control and replacement of dead plantings.”*

## **Lighting**

The applicant submitted photometric calculations that meet the intent of Morgan County's Dark Sky Ordinance. Morgan County has adopted comprehensive Dark Sky lighting requirements and conditions. These are clearly defined within MCC § 155.352. The intent of these sections of the MCC are to make sure that the following occurs:

- “A. Reducing, eliminating, or preventing light trespass;*
- B. Reducing, eliminating, or preventing unnecessary or inappropriate outdoor lighting;*
- C. Reducing, eliminating, or preventing the effects of outdoor lighting on wildlife;*

- D. Preventing unsightly and unsafe glare;*
- E. Promoting energy conservation;*
- F. Maintaining nighttime safety, utility, and security;*
- G. Encouraging a minimal light footprint of land uses in order to reduce light pollution; and*
- H. Promoting and supporting agrotourism and recreation, including the pursuit or retention of accreditation of local parks by the International Dark-Sky Association.”*

## **DISCUSSION:**

This Site Plan is compatible with the design requirements from the applicable Multi-Family Residential Design Standards in MCC. The proposed building materials are consistent with §155.152(f), which requires that the majority of each façade (51% or more of the wall area, excluding windows and doors) be constructed of durable, hard surface materials such as brick, lap siding, fiber cement panels, stucco, or treated wood. Stucco and other approved materials are to be used as secondary or accent elements, and no prohibited materials such as vinyl siding or standing seam metal are proposed. The Planning Commission may review and approve any metal elements on a case-by-case basis if shown to be of high quality and architectural significance; in this proposal, no standing seam metal is planned, and the minor metal components, such as railing or canopy elements, are not anticipated to adversely affect the visual aesthetics of the development.

Building elevations and architectural details will be verified at the time of building permit submittal. The application meets minimum requirements for lighting, landscaping, open space, and parking. Grading, drainage, and utility plans have been reviewed as part of this Site Plan application, and all engineering comments will need to be implemented during construction to ensure compliance with MCC standards.

## **DEPARTMENT COMMENTS/RECOMMENDED MOTIONS**

Public Works: No comments

Engineering: Comments received and have been addressed

Utility Companies: All required will-serve letters on file

Fire/EMS Services: Comments received and need to be addressed prior to recordation

## **PUBLIC NOTICE, MEETINGS, COMMENTS**

- ✓ Public Notice was submitted to the State of Utah Public Notice website on January 12, 2026; a minimum of 10 days prior to the scheduled meeting. (Morgan County Code § 155.032 (C)).
- ✓ A Public Notice was posted at the County on January 12, 2026.
- ✓ Notices to property owners within 1000' feet of the proposed use were mailed a Public Notice on January 12, 2026.
- ✓ A sign was posted on the site on January 12, 2026.

## **Recommended Motions**

**Motion for a *Positive Recommendation of Approval*** – “I move we recommend approval to the County Commission for the Village @ Trapper’s Loop Townhomes Site Plan, application numbers 25.044, allowing for the proposed multi-family development located approximately 600 feet south of the intersection of North Queens Garden Road and West Old Highway Road in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report dated January 22, 2026.”

**Motion for a *Positive Recommendation of Approval with Conditions*** – “I move we recommend approval to the County Commission for the Village @ Trapper’s Loop Townhomes Site Plan, application numbers 25.044, allowing for the proposed multi-family development located approximately 600 feet south of the intersection of North Queens Garden Road and West Old Highway Road in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report dated January 22, 2026, and with the following conditions:”

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

**Motion for a *Recommendation of Denial*** – “I move we recommend denial to the County Commission the Village @ Trapper’s Loop Townhomes Site Plan, application numbers 25.044, not allowing for the proposed multi-family development located approximately 600 feet south of the intersection of North Queens Garden Road and West Old Highway Road in unincorporated Morgan County, *due to the following findings:*”

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

## **SUPPORTING INFORMATION**

Attachment A: Vicinity Map

Attachment B: Proposed Site Plan

Attachment C: Landscaping Plan

Attachment D: Photometrics Plan

Attachment E: Building Elevations

Attachment F: Materials List

Attachment G: Applicant Narrative

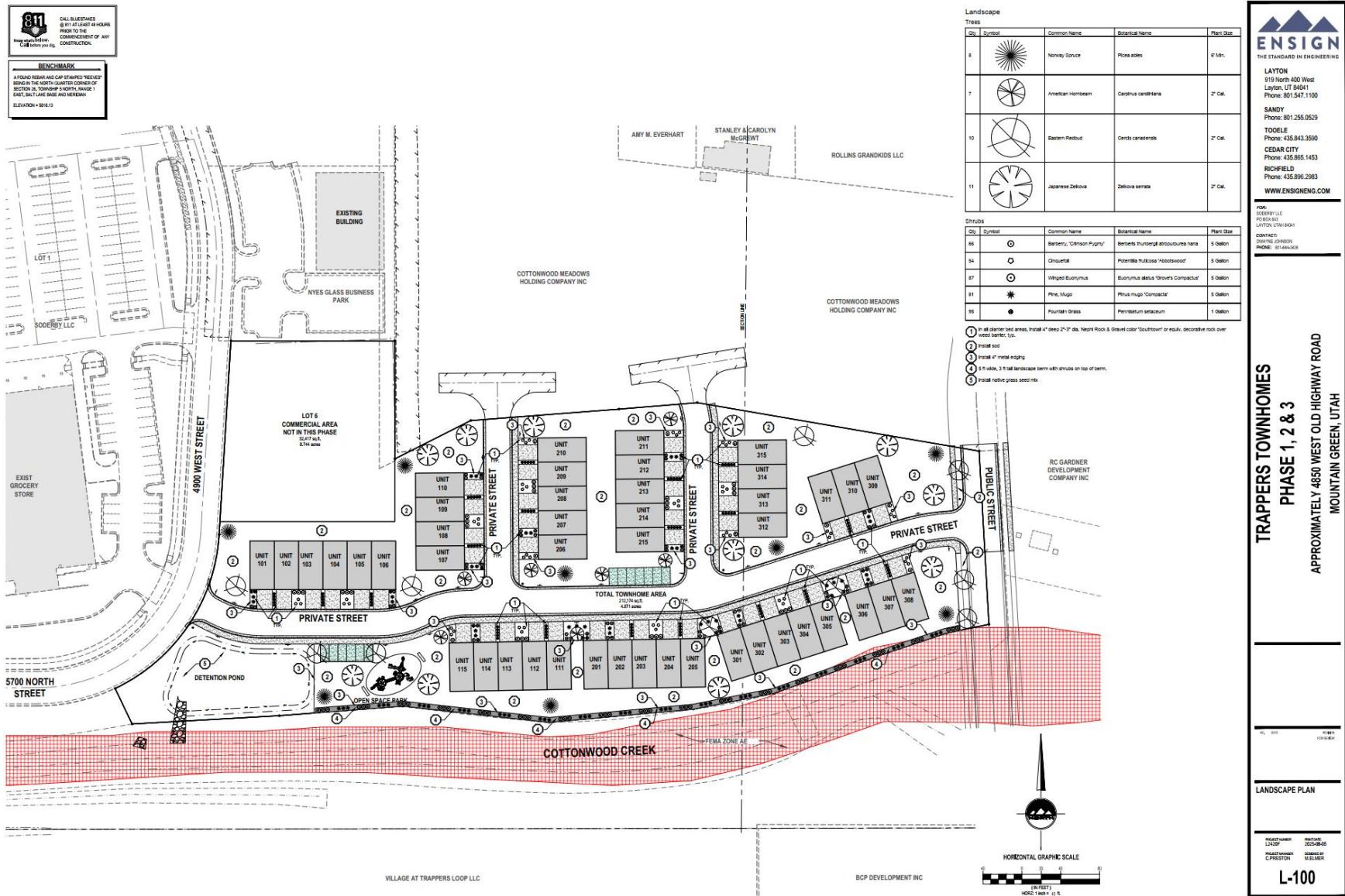
**Attachment A: Vicinity Map**





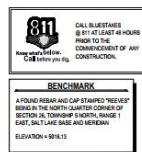
[Click here to view a full-size .pdf version of the Site Plan \(see sheet L-100\)](#)

## **Attachment C: Landscaping Plan**



[Click here to view a full-size .pdf version of the Site Plan \(see sheet PH-100\)](#)

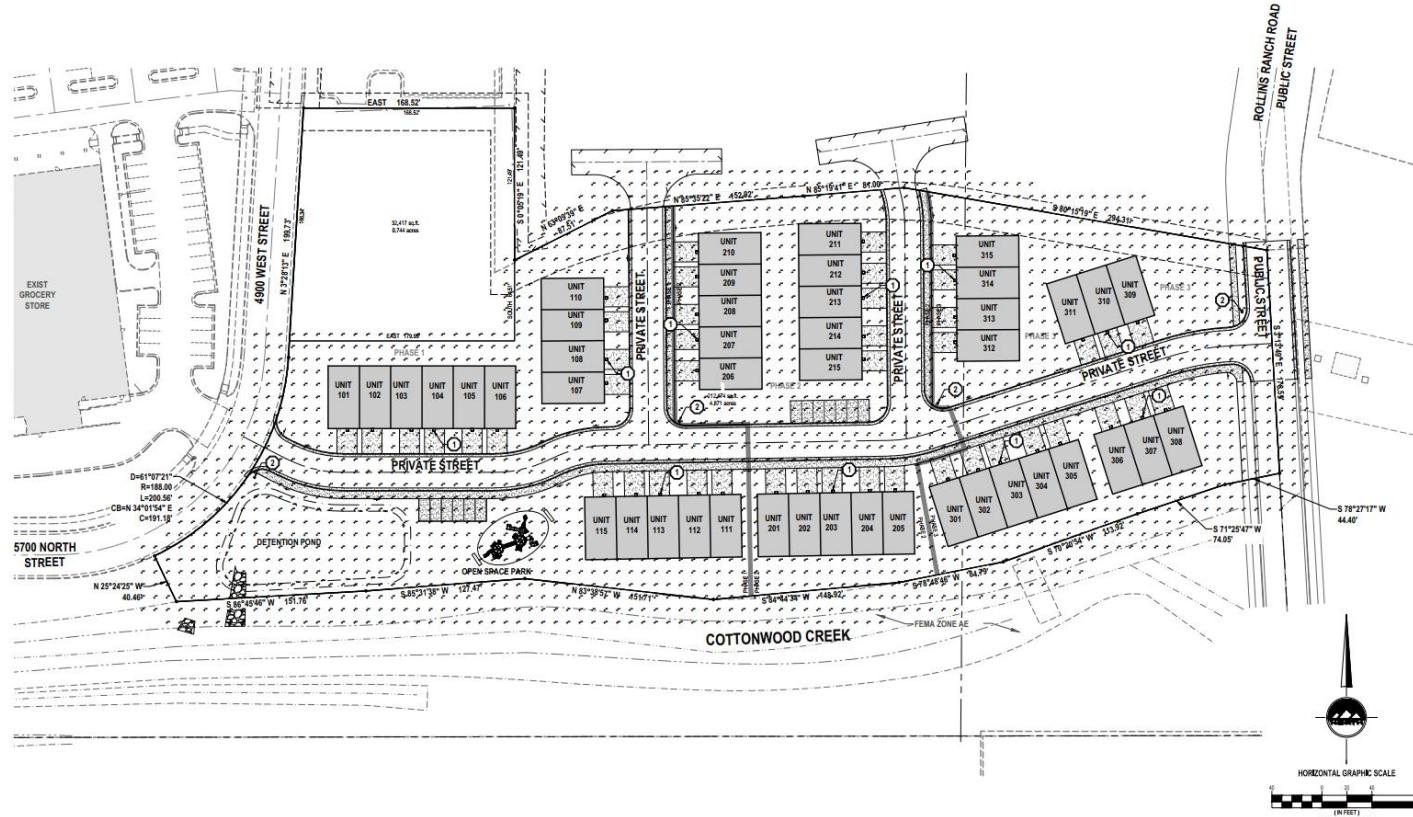
## Attachment D: Photometrics Plan



**SCOPE OF WORK:**  
ALL LIGHT FIXTURES SHALL BE CALLED OUT ON THE BUILDING ELECTRICAL PLANS AND THE SITE ELECTRICAL PLANS. THIS PLAN ONLY SHOWS THE LIGHT DISTRIBUTION OF THE LIGHT POLES AND GARAGE LIGHTING. ALL LIGHTS SHALL BE DARK SKY FRIENDLY AND SWING COMMANDERS.

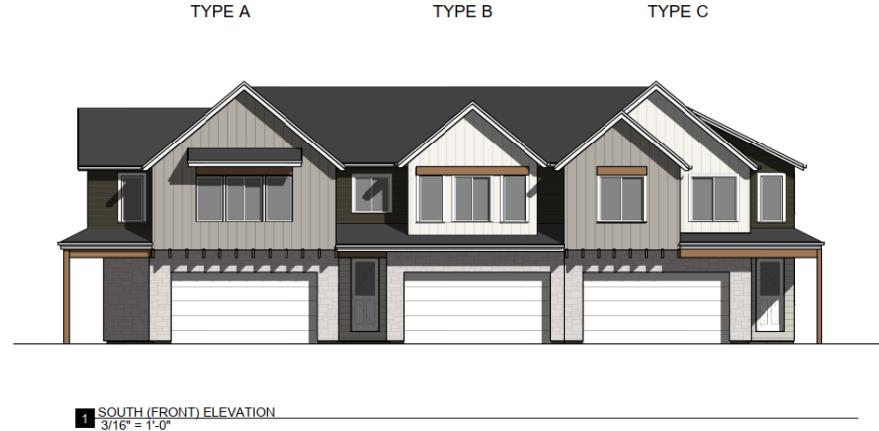
- ① WALL PACK LIGHT FIXTURE - COORDINATE WITH BUILDING PLANS FOR TYPE AND LOCATION - DARK SKY FRIENDLY.
- ② 20 TALL STREET LIGHT - COORDINATE FINAL FIXTURE DESIGN WITH CLIENT.

**BENCHMARK**  
ND REBAR AND CAP STAMPED "REEVES"  
IN THE NORTH QUARTER CORNER OF  
ON 26, TOWNSHIP 5 NORTH, RANGE 1  
SALT LAKE BASE AND MERIDIAN  
ITION = 5018.13



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

## Attachment E: Building Elevations



**ELEVATION GENERAL NOTES**

1. INSTALL SHEETS (T1-2000, B100 AND C100) MATERIALS ACCORDING TO DETAILS PROVIDED AS WELL AS PER MANUFACTURERS SPECIFICATIONS.
2. CONTRACTOR SHALL COORDINATE WITH ELECTRICAL SUBCONTRACTOR FOR THE LOCATION OF ANY EXTERIOR OUTLETS AND THEIR LOCATIONS.
3. CONTRACTOR SHALL COORDINATE THE LOCATION OF ANY EXTERIOR HOSE BIB LOCATIONS, LANDSCAPE IRRIGATION, ETC WITH PLUMBING CONTRACTOR.
4. CONTRACTOR SHALL COORDINATE THE LOCATION OF ANY FLOOR ELECTRICAL OUTLET WITH OWNER AND ELECTRICAL CONTRACTOR.
5. CONTRACTOR SHALL ENSURE THAT ALL EXTERIOR DOORS SHALL BE SECURE T/A FOR PROPER WATER PROTECTION.

**ELEVATION SHEET NOTES**

APPLICABLE TO ELEVATION SHEETS ONLY

1. ASPHALT SHINGLE ROOFING, INSTALL PER MANUFACTURERS SPEC.
2. LAP SIDING, SMOOTH TEXTURE, 6" EXPOSED, INSTALL PER MAN. SPEC.
3. BOARD & BATTEN SIDING, INSTALL PER MANUFACTURERS SPEC. COLOR BY OWNER.
4. BRICK, WHITE SAND VENEER
5. STAIN GRADE FRON POSTS.
6. STUCCO

DENOTES FIRE PROTECTED AREA. ROOF FIRE PROTECTION REQUIRED. THE R.F. OF ASSEMBLY MUST BE 20 MINUTES OR GREATER ON THE EXPOSED UNIT FIRE WALLS. (SEE IFC 7032.2 TOWNHOMES)

**COMPAS**  
STATE OF UTAH  
CHAD BAILEY  
LIC# 1098452  
**DEVELOP ARCHITECTS**  
1114 E 2550 S, SALT LAKE CITY, UT 84116  
801.823.9506  
info@developarchitects.com  
ISSUE DATE: 10/02/2024  
PROJECT PHASE: CONSTRUCTION  
REVISIONS: \_\_\_\_\_  
ELEVATIONS  
A2.0  
SHEET NUMBER: \_\_\_\_\_

## **Attachment F: Materials List**

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Building Material list for trappers townhomes

Outsides of the town home will consist of finish products namely

- Stucco
- Hardie board
- Asphalt shingles
- Aluminum Soffit and Fascia and rain gutter
- Rock/stone
- Cementitious materials for mortar
- Concrete

Structure of building will consist of

- Steel
- Concrete
- OSB
- Lumber
- Fire rated Plywood and sheetrock
- and galvanized and ungalvanized nails, screws, and staples

Building will also consist of tar paper for stone to adhere to and will a tyvek vapor barrier and all flashing needed to properly dispose of water from the building.

## **Attachment G: Applicant Narrative**

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### **Village Townhomes at Trappers**

Estimated Construction cost and proposed method of financing of streets and related facilities, water distribution systems, sewage collection systems, and storm drain systems.

Estimated cost of improvements is 40,000 dollars per unit in the first phase, and 20,000 per unit each subsequent phase.

Proposed method of financing is self financed.

Estimated start of phases and finish of phases.

1st phase as soon as building permit and approval by county is passed we will begin on improvements. And building out the 1st phase. Estimated construction time will be 1 year to get roads built and detention pond and park built in phase 1.

Each phase after will dependent upon economic factors.



## PLANNING COMMISSION

### STAFF REPORT

Preliminary Plat

January 22, 2026

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Village @ Trapper's Loop Townhomes Preliminary Plat

January 22, 2026

Public Meeting

File #25.030

Applicant:	Wayne Johnson
Owner:	Soderby LTD
Project Location:	Approx. 600' south of the intersection of N Queens Garden Rd and W Old Hwy Rd
Parcel Number:	00-0092-9896
Serial Number:	03-005-041-01
Current Zoning:	Multiple Residential District (RM-15)
Acreage:	8.45 acres

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#### REQUEST:

A request for preliminary plat approval of the Village @ Trapper's Loop Townhomes Subdivision to allow for the construction of 45 townhomes.

#### ATTORNEY GUIDANCE:

##### Administrative Review:

The sole issue in land use administration is whether the application complies with county ordinances. If it does, it must be approved.

##### Applicable law:

*An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays all application fees, unless:*

*“(A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or*

*(B) in the manner provided by local ordinance and before the applicant submits the application, the county formally initiates proceedings to amend the county’s land use regulations in a manner that would prohibit approval of the application as submitted.*

*Utah Code Ann. § 17-27a-508(1)(a)(ii).”*

*“The Utah Supreme Court has indicated that a significant threat to the public welfare should be considered compelling. “If a proposal met zoning requirements at the time of application but seriously threatens public health, safety, or welfare, the interests of the public should not be thwarted.” W. Land Equities v. Logan, 617 P.2d 388, 395-96 (Utah Sup.Ct. 1980).”*

Staffs’ findings are legally sufficient to adopt if the Commission finds that the application is complete, conforms to the requirements of the applicable land use regulations, land use decisions, and development standards, and there are no apparent threats to public health, safety, or welfare that would support a compelling countervailing public interest to recommend denying the application. Staffs’ recommended conditions are required by county ordinances and appear to be legal conditions.

Recommendations for denial and/or additional findings must be placed on the record, contain a legal basis, and supported by substantial evidence. Legal can provide guidance on what is required for a sufficient record and what is considered substantial evidence.

#### **STAFF RECOMMENDATION:**

County Staff has reviewed the plans for the Village @ Trapper’s Loop Townhomes Preliminary Plat Application. Staff recommends approval of the requested preliminary plat based on the following findings and with the conditions listed below:

#### **Findings:**

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

## **Conditions:**

1. That all outsourced consultant fees are paid current prior to final plat application.
2. That all other local, state, and federal laws are adhered to.
3. That all outstanding issues be addressed prior to final plat submittal.

## **PROJECT DESCRIPTION:**

### **Proposal Details**

This request is for approval of a 45-lot preliminary subdivision plat for a residential townhome development. The proposed subdivision consists of 45 townhome dwelling units located within ten (10) multi-unit buildings. The development is designed to provide medium-high density residential housing consistent with the applicable zoning district and Morgan County subdivision standards.

The subdivision will be served by a system of private internal roadways designed to support circulation within the development and future connectivity to adjacent properties. Access to the site will be provided through planned roadway connections, including an extension from 4900 West Street and a roadway along the eastern boundary that is intended to provide an eventual intersection connecting to North Rollins Ranch Road. Hammerheads are shown at roadway termini.

Water service will be provided by the Mountain Green Mutual Water Company. Sanitary sewer service will be provided by the Mountain Green Sewer Improvement District, and fire protection services will be provided by the Mountain Green Fire Protection District. Other utilities will be addressed during subsequent phases of subdivision review.

## **DISCUSSION:**

The subject property is zoned Multiple Residential District (RM-15), which allows for multiple-family residential development and provides opportunities for varied housing types and character. The proposed preliminary plat includes 45 residential lots arranged within ten (10) townhome buildings and is consistent with the intent of the RM-15 zoning district, the applicable Development Agreement, and Morgan County Code subdivision standards. Lot configuration, building placement, and circulation patterns have been designed to meet county requirements and will be further refined during final plat review.

Access and circulation within the subdivision will be provided by a private road network. The proposed roadway layout includes two north-south road alignments with hammerheads and temporary dirt circular turnarounds during development, as well as a primary east-west roadway through the central portion of the site. These improvements are intended to support safe access, internal circulation, and future connectivity consistent with county transportation planning objectives. The site has historically been used for grazing purposes and will require grading to accommodate roadways and residential lots, which will be reviewed for compliance with county standards and compatibility with surrounding properties.

Water service letters of intent have been submitted, with will-serve letters required prior to final plat approval. The subdivision will be served by the appropriate public service districts for water, sewer, and fire protection. Cottonwood Creek is located south of the project area, and all proposed residential buildings are located outside of the FEMA-designated floodplain and floodway, ensuring compliance with applicable floodplain management requirements.

The preliminary plat requirements come from Morgan County's Land Use Management Code, Title 15, Chapter 155, Sections 407-411. Staff has reviewed the requirements and procedures for a preliminary plat and have found that the application request meets the standards.

**§ 155.405: PRELIMINARY PLAT; PURPOSE:**

*The purpose of the preliminary plat is to require formal preliminary approval of a subdivision as provided herein in order to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary plat and all information and procedures relating thereto, shall in all respects, be in compliance with the provisions of this title and any other applicable county ordinances. (Ord. 10-16, 12-14-2010)*

**§ 155.409: REVIEW OF PRELIMINARY PLAT:**

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

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

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

(D) Preliminary plat approval must be granted by the county prior to the application for final plat approval.

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

## ANALYSIS OF STANDARDS

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

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

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

**§ 155.407: PRELIMINARY PLAT SUBMITTAL:** The preliminary plat shall be prepared, stamped and signed by a professional engineer or professional land surveyor licensed by the state of Utah. The preliminary plat submittal shall include at least the following information:

A	<b>Vicinity Map</b> 1. Drawn at a maximum scale of one thousand feet (1,000') to the inch. 2. Show all existing and proposed roadways in the vicinity of the proposed development. 3. A north arrow. 4. The nearest section corner tie. 5. Subdivision name.	Complies	
B	Certified boundary survey of the subject property, which meets state of Utah requirements, which also depicts all easements identified by the title report.	Complies	
C	Preliminary plat (all facilities within 200 feet of the plat shall be shown): 1. Drawn at a scale not smaller than one hundred feet (100') to the inch. 2. A north arrow. 3. Subdivision name. 4. The layout and names and widths of existing and future road rights of way. 5. A tie to a permanent survey monument at a section corner. 6. The boundary lines of the subdivision with bearings and distances. 7. The layout and dimensions of proposed lots with lot areas in square feet.	Complies	

	<p>8. The location and dimensions and labeling of other spaces including open spaces, parks, trails, or public spaces.</p> <p>9. The location of manmade features including bridges, railroad tracks, fences, ditches, and buildings.</p> <p>10. Topography at two foot (2') intervals. One foot (1') contours may be required by the county engineer in particularly flat areas.</p> <p>11. Location and ownership of all adjoining tracts of land.</p> <p>12. Proposed subdivision phasing plan and relationship to existing phases of development. (Ord. 10-16, 12-14-2010)</p>		
D	<p>Grading and drainage plan (may be combined with plat sheet, if approved by the county engineer):</p> <ol style="list-style-type: none"> <li>1. Plan drawn to a scale not smaller than one hundred feet (100') to the inch, showing the road and lot layout.</li> <li>2. Topography at two foot (2') contour intervals.</li> <li>3. North arrow.</li> <li>4. Subdivision name.</li> <li>5. Areas of substantial earthmoving.</li> <li>6. Location of existing watercourses, canals, ditches, springs, wells, culverts, and storm drains.</li> <li>7. Location of any 100-year floodplain as designated by the federal emergency management agency (FEMA).</li> <li>8. A storm drainage plan showing water flow directions, inlets, outlets, catch basins, waterways, culverts, detention basins, outlets to offsite facilities, and off site drainage facilities planned to accommodate the project drainage.</li> <li>9. Show any existing wetlands.</li> <li>10. Slope analysis which depicts all slopes greater than fifteen percent (15%) and greater than twenty five percent (25%) with distinct notation. (Ord. 12-09, 9-18-2012)</li> </ol>	Complies	
E	<p>Utility plan (may be combined with plat sheet, if approved by the county engineer):</p> <ol style="list-style-type: none"> <li>1. Plan drawn to a scale not smaller than one hundred feet (100') to the inch, showing the road and lot layout.</li> <li>2. North arrow.</li> <li>3. Subdivision name.</li> <li>4. Show all existing and proposed utilities including: sewer, culinary water, well locations with secondary water, fire hydrants, storm drains, subsurface drains, gas lines, power lines, and streetlights, television and telecommunications.</li> <li>5. Show location and dimensions of all utility easements.</li> </ol>	Complies	
F	<p>The subdivider shall provide the following documents with the application:</p> <ol style="list-style-type: none"> <li>1. Three (3) copies of a geotechnical soils report.</li> <li>2. A traffic report when required by the planning commission or county engineer.</li> <li>3. Preliminary title report, which specifically references the boundary survey and exactly matches the legal description of the outside boundary of the subdivision.</li> <li>4. A Will Serve Letter from all utility companies or providers that states: <ol style="list-style-type: none"> <li>a. That their system has capacity to serve the proposed development, documentation of such available capacity and specifying the amount of such capacity that will be utilized for the proposed project.</li> <li>b. Any conditions of required improvements before they can serve the subdivision</li> </ol> </li> </ol>	Complies	

	<p>5. Any necessary agreements with adjacent property owners regarding storm drainage or other matters pertinent to subdivision approval.</p> <p>6. Maintenance agreements for subsurface drains serving the subdivision, if they are proposed or exist.</p> <p>7. An agricultural impact analysis, on subdivisions which are contiguous to an adopted agricultural preservation area, or which contain an agricultural open space conservation easement within the plat.</p> <p>8. Written verification of all proposed water sources. For all proposed water sources, provide approval letters from the Weber-Morgan County health department and proof of all water rights, including quantities (water rights certificates, etc.), for each well and water source to be utilized for the development.</p> <p>9. The developer shall submit all information concerning site geology, area hydrogeology, site topography, soil types and the proven wet water by the drilling of at least one test well from within the described subdivision boundary, as determined by a geotechnical engineer, licensed in the state of Utah. Well logs shall be submitted to the county identifying the depth and yield of the well. Information submitted must verify that the source is consistently available to supply eight hundred (800) gallons per day (gpd) per equivalent residential connection (ERC) at a minimum flow rate of 0.55 gallons per minute (gpm). Water for irrigation supplies shall be verified to provide three (3) gpm per irrigated acre. If the proposal is being served by an existing water utility company, these requirements do not apply.</p> <p>10. Verification of approval from the Weber-Morgan County health department regarding the proposed location of all septic systems and water source protection areas.</p>		
G	When the subdivision is located within the sensitive area district or geologic hazards special study area, required reports and documents are to be submitted in accordance with the provisions of this title.	Complies	
H	The subdivider shall comply with all applicable federal, state, and local laws and regulations, and shall provide evidence of such compliance if requested by the county.	Complies	
I	Copy of proposed protective covenants in all cases where subsurface drains or other common area maintenance proposals are to serve any portion of the subdivision.	Complies	
J	Electronic copies of all preliminary plat drawings in AutoCAD (DWG) format.	Complies	
K	Tabulations showing the total number of lots or buildings sites, and the percentage of land in roads, lots, and open space.	Complies	
L	Any additional submittal requirements required for or by master planned development reserves, specific development agreements, or requirements and conditions of other applicable ordinances or previous approvals. (Ord. 10-16, 12-14-2010)	Complies	

## **DEPARTMENT COMMENTS/RECOMMENDED MOTIONS**

Public Works: No comments

Fire/EMS Services: No comments

Engineering: Comments have been received and are being addressed

## **PUBLIC NOTICE, MEETINGS, COMMENTS**

- ✓ Public Notice was submitted to the State of Utah Public Notice website on or before January 12, 2026; a minimum of 10 days prior to the scheduled meeting. (Morgan County Code § 155.032 (C)).
- ✓ A Public Notice was posted at the County on or before January 12, 2026.
- ✓ Notices to property owners within 1000' feet of the proposed use were mailed a Public Notice on or before January 12, 2026.
- ✓ A sign was posted on the site on or before January 12, 2026.

## Recommended Motions

**Motion for a *Positive Recommendation*** – “I move we recommend approval to the County Commission of the Village @ Trapper’s Loop Townhomes Preliminary Plat, application #25.030, allowing for a 45-unit townhome subdivision of land located approximately 600’ south of the intersection of North Queens Garden Road and West Old Highway Road in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report dated January 22, 2026.”

**Motion for a *Positive Recommendation with Conditions*** – “I move we recommend approval to the County Commission of the Village @ Trapper’s Loop Townhomes Preliminary Plat, application #25.030, allowing for a 45-unit townhome subdivision of land located approximately 600’ south of the intersection of North Queens Garden Road and West Old Highway Road in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report dated January 22, 2026, and the following conditions:”

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

**Motion for a *Negative Recommendation*** – “I move we recommend denial to the County Commission of the Village @ Trapper’s Loop Townhomes Preliminary Plat, application #25.030, allowing for a 45-unit townhome subdivision of land located approximately 600’ south of the intersection of North Queens Garden Road and West Old Highway Road in unincorporated Morgan County, *due to the following findings:*”

1. *List any findings and conditions for a recommendation of denial...*

## SUPPORTING INFORMATION

### Attachments:

Attachment A: Vicinity Map

Attachment B: County Plat Map

Attachment C: Approved Concept Plan

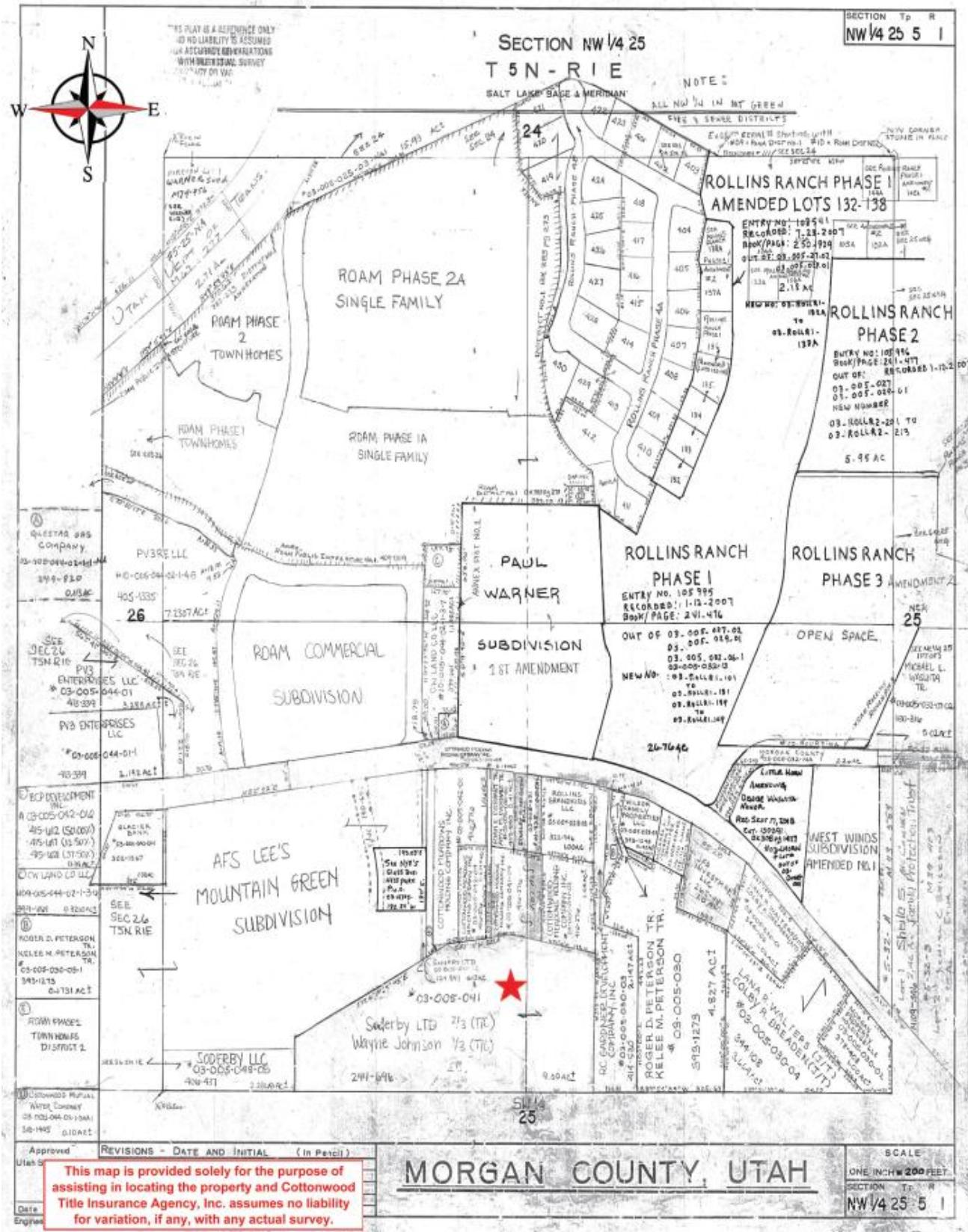
Attachment D: Proposed Preliminary Plat

**Attachment A: Vicinity Map**



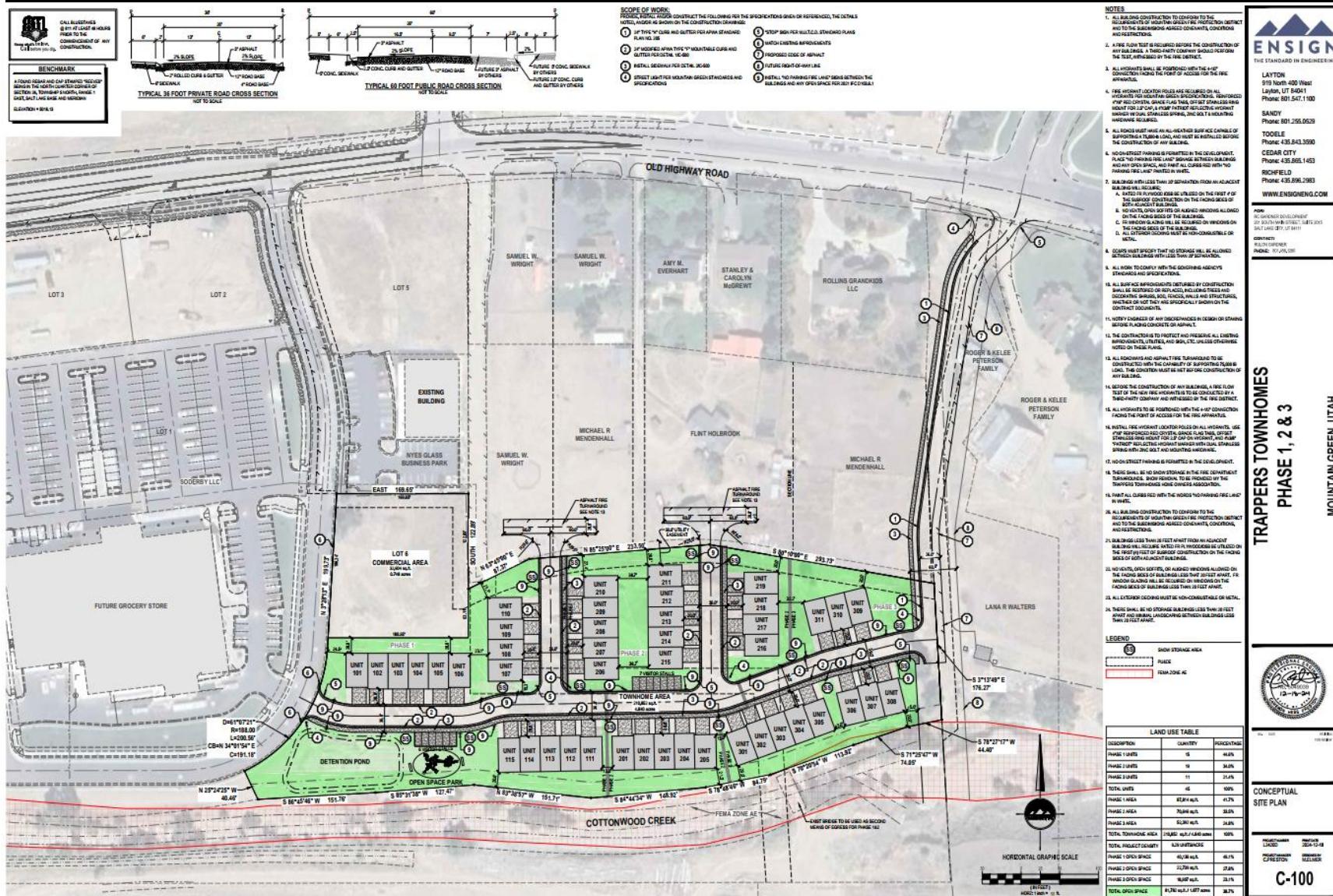
[Click here to view a full-size .pdf version](#)

## **Attachment B: County Plat Map**



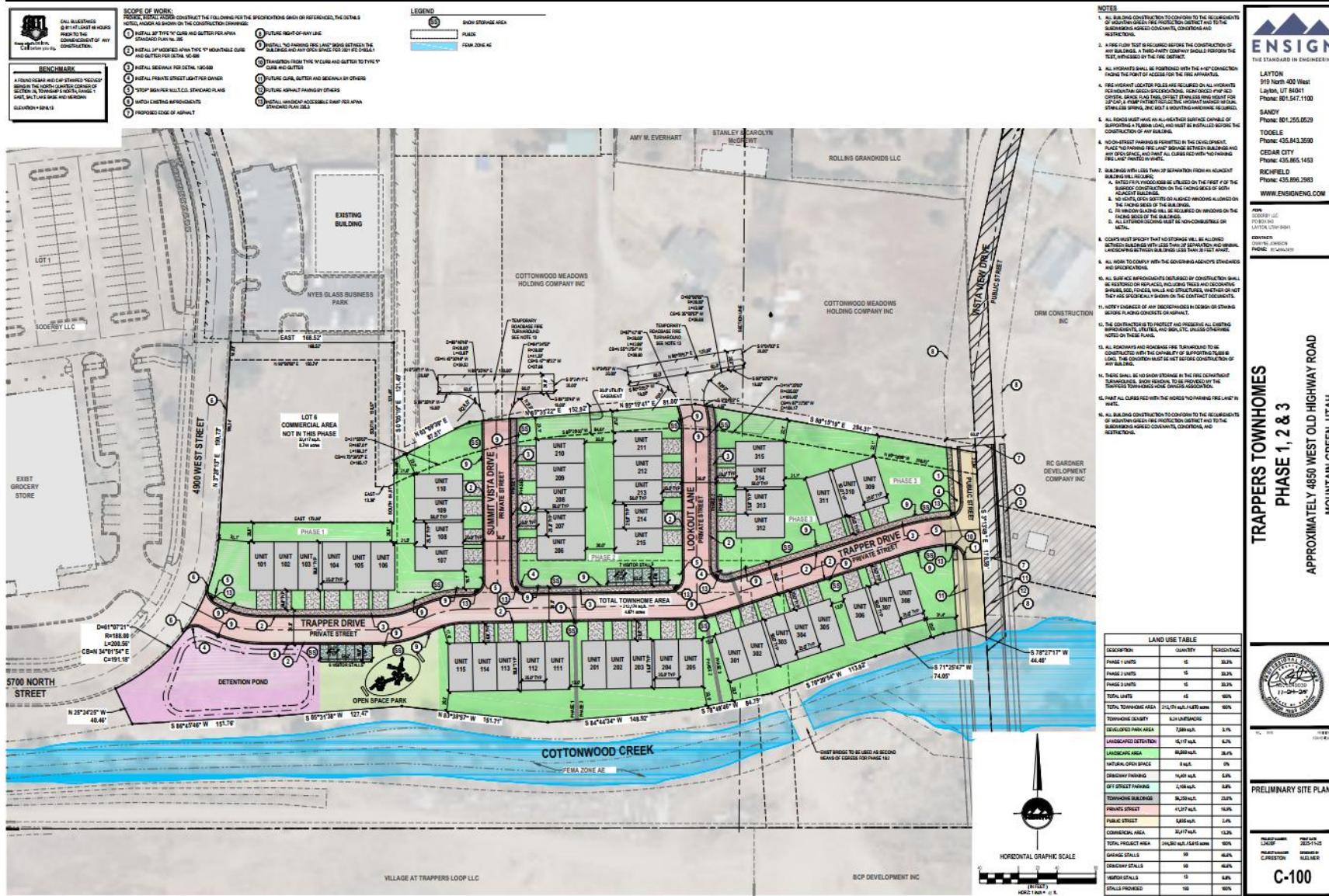
[Click here to view a full-size .pdf version](#)

## Attachment C: Approved Concept Plan



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

## **Attachment D: Proposed Preliminary Plat**





PLANNING COMMISSION Minutes  
Thursday, January 8<sup>th</sup>, 2026  
Morgan County Commission Room  
6:30 p.m.

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

**Present PC Members:**

Member Sessions  
Member King  
Member Taylor  
Member McMillan  
Member Wilson

**Absent PC Members**

Member Watt  
Member Maloney

**Public Attendance:**

Bert Sheffer  
Carol & Rich Oldenburg  
Bill & Jenn Coutts  
Hugh Horstman  
Heidi & Ray Nettleson  
Dylan Nelson  
Jennifer Lance  
Michelle Stocking  
David & Kay Andreason  
Kevin Kurtz  
Matt & Kathy Wilkinson  
April & Steve Quillin  
Rand & Cynthia Mattson  
Bruce Gorham  
Robert Woodrock  
Heidi Dorius  
Tyler Shaw  
Ralene Blocker  
Dale Clerey

**Staff:**

Deputy County Attorney – Janet Christopherson  
Joshua Cook – Planning Director  
Jeremy Lance -Planner I  
Chris Tremea – Code Compliance Officer  
Jessie Drage, Transcriptionist/Permit Tech

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

*Member Sessions moves to approve the agenda for Thursday January 8<sup>th</sup> 2026. Motion is seconded by Member King. Voting was unanimous, motion carries.*

4. Declaration of Conflicts of Interest – Member Taylor notes that he knows the applicant from the Whisper Ridge (Item#7) personally and has talked with him regarding this issue before.

5. Public Comment - Member Wilson introduces the newest commission member, Member Taylor and then opens the floor for public comment. No comment.

## Legislative

6. **Public Hearing/Discussion/Decision – Wall Rezone:** A request to rezone property from a split-designation of RR-1 and A-20 to RR-2.5, and reflect that change on the Future Land Use Map from rural Residential and Agriculture to Rural Residential completely. The property is identified by parcel number 00-0005-4286 and serial number 01-RA1-0002 and is approximately located at 1210 S Hwy 66 in unincorporated Morgan County.

**Planner Lance** introduces the Wall Rezone, item #6. He states that at this time, no action is needed from the commission as the Planning & Zoning department has spoken with the applicant to gain a more clear understanding of the request. Staff will re-notice and identify a future commission date and bring it forward again. **No Motion.**

7. **Public Meeting/Discussion/Decision – Whisper Ridge at Stone Canyon DA - First Amendment:** A request to amend the Whisper Ridge at Stone Canyon Development Agreement to remove the requirement for a professional property manager to maintain the common open space.

**Planner Lance** introduces the project as the *Whisper Ridge at Stone Canyon DA – First Amendment line item #7*. He clarifies that this is the third amendment to the development agreement. The request is to remove the requirement for the professional property manager to maintain the open space. They wish to manage the HOA land themselves rather than hiring a professional. Staff reviewed the request with the county attorney and planning staff finds that this is a simple amendment in scope. The proposal is not detrimental to the health, safety and welfare of the public. Self-management allows reserves to build and maintenance needs to be addressed. This request maintains the intent of the development agreement and does not alter the land use standards or development density. The applicant is in the audience tonight.

**Member Wilson** offers to open public hearing to allow the audience to speak. **Member Sessions moves to go into public hearing. Second by Member King. Motion passes unanimously.**

**Andy Andrayson** states that he is from Mountain Green and lives in the development. He says that the professionals are supposed to be taking care of the monument and gate but are not. He and other neighbors are happy and excited to be able to help maintain the beauty and integrity of the area. He is sure community members can do a better job.

**Bob Woodcock** states that he is a resident of Whisper Ridge for 14 years and have been going through a horrendous problem with the property developers who have changed hands three times. All have performed terribly and haven't completed obligations under the CC&Rs or development agreement. The HOA has now been turned over the homeowners who are a group of very active and attentive people who want to turn this development into a very nice common area that they can all enjoy. They have hired some subcontractors that are doing a good job with the landscaping and will do a better job with the snow plowing. He states that he is a real estate attorney by trade and has never seen a development agreement where the County has been asked to approve the professional management of the HOA. He asks the commission to please support the agreement to allow the homeowners to help make it a nice place to live.

**Member King moves to exit public hearing, second by Member McMillan. Motion carries unanimously.**

**Member Wilson** invites the applicant to address the Commission.

**Burt Shepherd** (the applicant) from Whisper Ridge offers to answer any questions. He mentions that he appreciates the residents and how they are willing to help. He motions that the development has been through some bankruptcies, three developers and none of them have put time, care or attention into the

community. They have convinced Greg North the current developer, to turn over the HOA to the community and found out that there were over \$50k of unpaid bills and only \$2k in reserves. He mentions that the professional company doing maintenance takes their cut but is very difficult to get to do any actual work. As a measure to battle the bills, they want to do self-management for a while. This request was approved by 90% when they brought it to the HOA meeting in May.

Staff discusses amongst them and no member presents issues with approving the line item.

***Member Sessions moves to recommend approval for item#7, for an amendment to the Whisper Ridge at Stone Canyon development agreement, to remove the requirement for a professional property manager to maintain the open space, with the findings listed in the staff report, exhibit C, dated January 8<sup>th</sup> 2026. Member Taylor seconds. Voting was unanimous, motion carries.***

**8. Public Meeting/Discussion/Decision – Cottonwoods Development Agreement Amendment:** A request to approve an amendment to the Cottonwoods Development Agreement (“DA”) to remove specific properties from the land area governed by the DA, thereby reverting those properties to parcels within the unincorporated county; and to add additional land from adjoining parcels into the Cottonwoods Development to offset the reduction.

**Planning Director Josh Cook** introduces item #8. He states the applicant has been working with staff for about 18 months. There are owners who want to pull out of the Cottonwoods Agreement and have the land reverted to A-20. They are suggesting a 1:1 land swap with other owners who wish to join the Cottonwoods Development. The new property owners who would be part of the agreement would be putting in additional amenities and trails. It will affect phases 6 and 9 which have not yet been developed. He states that he is going to turn this over to the applicant to hopefully answer a lot of questions with their presentation.

**Ray and Heidi Nettleton** introduce themselves and explain that they will present a slideshow outlining their request. They thank the commission and audience for their time and state that they represent landowners east of Cottonwoods LLC, whose land is not currently within the Cottonwoods. Phase 6 owners are Eric & Peggy Plyer and Max Wilkinson, and Phase 9 owners are Ted Taylor & the Mark and Sheila Wilkinson Family Trust. They have been working with the Planning & Development Office to develop a plan that was initially presented by Matt Wilkinson in March of 2024 and has since become more comprehensive.

Heidi reviewed a map of the area, clarifying that they do not represent Phase 8. The dotted line shows the existing Cottonwoods boundary. The Wilkinson Family Trust proposes removing the hatched area and replacing it with the grey area as a 1:1 acreage swap.

Historically, the Cottonwoods includes the Gardner Development concept plans and Development Agreement, with Phases 5, 6, 7, 8, and 9 previously under purchase options that expired in 2011. Phases 6, 7, 8, and 9 were later sold, creating the current complexity. The Wilkinson Family Trust requests removal of their land from the Cottonwoods DA Zone, while land to the east—previously contemplated for inclusion—would be added. The proposed changes include: (1) a boundary line adjustment to the Cottonwoods Overlay Zone and (2) minor amendments to the Cottonwoods at MG Development Agreement, including amenity commitments, removal of the equestrian center in Phase 6, and allowing mansion homes in Phase 6.

A total of 193 acres would be removed and 193 acres added. Phase 9 owners do not wish to remain in the Cottonwoods and would revert to the A-20 zone. Of the 193 acres, 163 acres would be preserved as native open space. The proposal includes 4.5 miles of trails, with the swapped land described as superior in views. The southern portion includes 23 acres already designated as RR-1 on the future land use map. Under the existing MU-160 zoning, only one lot would be allowed in that area.

They stated they will comply with the viewshed and ridgeline provisions of the original PUD overlay report. Amenities include a tot park and pickleball court for Phase 6, a 1-acre pocket park for Phase 9, and the potential addition of a pickleball court and/or pool clubhouse in Phase 9, along with the 4.5 miles of trails.

**Member Sessions** asked for clarity on what Phase 9 means.

**Heidi Nettleton** agrees that it is confusing and states that Phase 9 is what is originally there and Phase 9A is what they want to swap it with.

**Ray Nettleton** says that an equestrian center requirement is part of the DA, but they want to remove it because there is already an existing equestrian center in MG. This requirement is actually no longer possible either. The blue line shows the original agreement which the Equestrian Center was originally supposed to go on but it has been removed from the development.

**Heidi Nettleton** says they would like to mansion homes in phase 6. These were included in the original PUD overlay zone. We would like the option to add the maximum of 25 of these. They are townhomes designed to look like a single home with garages in the rear. With open space and setbacks provided in this area it has less density than a typical townhomes development.

**Ray Nettleton** says the townhomes are envisioned to rear load and keep the look very classy.

**Heidi Nettleton** Regarding density and open space. We have worked with the planning department. We want to decrease density and increase open space. Overall average density was .85 dwelling units in the original plans. Our proposed density for phase 6 and phase 9 is .58 dwellings per acre. The DA required 40% open space and phase 6 and 9 owners are committing to greater than 58% open space. These commitments will be preserved for agricultural, native and community open. We would like to be able to ask to join the existing HOA or form our own we are not asking for any commitments right now for them.

**Ray Nettleton** explains that originally there would have been 369 entitlements but with the land swap they are asking for 253 as the cap. Once approved, no one can come in and ask to do more. The owners that are coming together do have the ability to trade and to move the lots around a little but the total will never change.

**Heidi Nettleton** This is all due to physical constraints and land slide areas. They would like to allow single family lots greater than 8000 square feet. This allows for mixing in some smaller lots needing less water and would decrease density overall. This gives us flexibility on irregular lots. So, some closing thoughts, our presentation commits to Phase 6, Phase 9 and new Phase 9. It is less than current average density, provides additional view shed, adds additional trails be used by all Cottonwoods residents, prevents any subsequent development of open space and all phases will still go through the review process. No changes to the dark sky lighting requirements.

**Matt Wilkinson** The original developer purchased 1-5 phases but defaulted on the completed purchase. This put everyone in a compromised position. The land they are asking to have removed was never purchased by the original developer but he has been leveraging it for 15 years. In my original presentation I only wanted my parents land taken out. As I was talking with Josh, this does two things it secures and utilizes open space. This accomplishes providing trails that were promised but never added by the developer. This solves a lot of problems. It looks complicated but it solves problems for us, for the county and for the owners and the residents.

**Heidi Nettleton** We did have a meeting with the County Commission last November to head off any issues and they didn't see anything. We are confident in saying that we have been working on this for

over a year. The consensus and advice given to us is that we should look at this more comprehensively. The owners have been fortunate to work together to get this done, minus Phase 8 to get the development and infrastructure to move forward. Do you have any more questions for me right now?

**Member Sessions** asks to go back to a previous slide with number of units on it. So you're the MC Cottonwood LLC, that's 193 acres with 165 units?

**Ray Nettleton** no that would be the maximum if you took .85 x the acres. We are asking for way less. There are more details and tables in the ordinances but we are committing to 170 acres of open space out of the 193 total and it might be more open space than that. We are codifying what is in the table. There is a table attached to the ordinance.

**Member Sessions** that 165 number...

**Heidi Nettleton** 165 is what is allowed under the current zone but we are only reserving 35 of those. So what we're saying is that we could get 165 by average but...

**Member Sessions** the current zone is MU160...

**Heidi Nettleton** we are only asking for 35.

**Planning Director Josh Cook** 165 is an illustrative number to show what would be possible if they stuck with the .58 density. They are asking for 170 acres to remain as open space and 35 units as building units.

**Member Sessions** so 170 acres open space so how much is that leaving in the bottom half or south portion.

**Heidi Nettleton** it's a little complicated because Phase 9 has multiple owners.

**County Attorney Janet Christopherson** there is a certain amount of open spaces that has to go throughout the whole Cottonwood Development. I don't think you could do a complete exact swap.

**Planning Director Josh Cook** The developer over the years did not put in the major amenities in the DA language. After 20+ years it's not going in, they don't even own the land to put it in. There is not going to be a golf course, there are no trails. The proposal is to bring meaningful amenities to the development to offset what was promised but not provided. If you look at phases that were developed, they front loaded the density in this development into the first phases and didn't develop the phases where the amenities actually are supposed to be. The remaining 177 lots are supposed to fill out the remaining three phases. Staff has been working with them to solve this conundrum. There are development issues with phases 6 and 8...elevations are too high so they won't have the water pressure to serve them anyways. Mr. Nettleton is the one person I know of who is trying to bring in a water tank to fix that.

**Member Sessions** the percent open space needs to maintain what is called out in the development agreement and PUD overlay.

**Planning Director Josh Cook** that is not technically correct because they are amending the development agreement and the PRUD ordinance attached to the code. As such, that can be amended as well. If they are bringing additional amenities that would have never come because the phases were not owned by Mr. Gardner and they are bringing other things to serve the community then that can make up for any changes in density.

**Member Sessions** but I haven't seen the changes in the density...as far as the Open Space. I don't see that as a change on any of the documents.

**Ray Nettleton** states that the requirement was for 40% open space and we are going for 60%.

**County Attorney Janet Christopherson** I think the slide shows that we are close to 58% open space?

**Ray Nettleton** There are different types and location of open space – native, agricultural and parks.

**Heidi Nettleton** so we came to 260 which is where we got the 58% of open space from.

**Ray Nettleton** He goes over the lineal feet of each trail and guarantees 4.7 miles of trails, we are more than doubling the miles of public trails for that area.

**Heidi Nettleton** Remember the red hatched area is what is being removed. If you're familiar with the area, that reflects the photos we showed. So the green area is what we are adding and we are proposing trail all along that ridgel line. A nature trail. They may have to do a water line there in conjunction.

**Ray Nettleton** points out where the water tower and additional water sources might be located.

**Heidi Nettleton** you can see where the trail along Cobble Creek Reservoir. . The views are stunning here and that would be the trail all along looking out towards the mountains. This is a far better amenity than anything you will get from the other area.

**Ray Nettleton** almost all our 35 lots are right here in this area. By and large, this is all a good view – natural.

**Member Sessions** can you go over the amenities again?

**Heidi Nettleton** the main amenity is the big trail but in Phase 6 we will have a tot park and a pickleball court. Phase 9 will have a 1 acre pocket park. In addition, Phase 9 may add a pool/club house or pickleball court for Phase 9 members. The current owner is interested in that. We did put MAY because we haven't gotten to that specification yet.

**Member Sessions** where are these amenities codified at?

**Heidi Nettleton** they are in the amendment to the development agreement.

**Member Taylor** asks about triggers. When 25% of the lots go in do we have X percent of trails to be finished or something like that? In the past they have front loaded lots and rear loaded amenities. Are you open to doing something like that?

**Ray Nettleton** states that no, no triggers have been added in there but the tot park and the pickle ball court will be completed with the townhomes in Phase 6A.

**Heidi Nettleton** states that short answer is no, we did not put time frames in there as a requirement for getting each phase done. But they would be codified in there as part of the plat review to make sure that these are added.

**Member Taylor** you say naturally but I think this is the kind of thing that happens naturally...

**Ray Nettleton** states that the key difference is that these landowners are signing a development agreement and agreeing to these amenities going on to their properties and that is the difference.

**Member Sessions** This is for staff, states that the link for the full size document of the development agreement. It doesn't go to it when I click on it. The pages in our packet, the first page, when you click on the link for the full size...It's hard for me to make a decision when I can't see this. Another question, I wrote Janet an email and she emailed me back – I didn't expect that, thank you. My question was on the total lot number. She states some confusion since she wrote Janet an email asking about the total lots at 877 lots but the DA says 830.

**County Attorney Janet Christopherson** states that without the golf course, max lots for the entire

development per the original development agreement is 830.

**Member Sessions** Well no...and it was 868 with the golf course. But we are starting with this 877. Shouldn't be using this 830?

**County Attorney Janet Christopherson** Well, I think we could use a billion numbers here. Honestly it looks to me like The original agreement was bargained for with the golf course and the equestrian center. We are at a full new animal here, we are not bound to specific number in the original because we are amending it.

**Member Sessions** see, I can't see the amendments.

**Heidi & Ray Nettleton** offer to go through the amendments and the slide links that are not working.

**County Attorney Janet Christopherson** do you guys have a maximum number for the entire development or is this addressed just for Phase 6 & 9?

**Ray Nettleton** we can really only address our land so all we can do is promise that we will be WAY under the maximum density.

**County Attorney Janet Christopherson** which would probably run afoul to the prior phases that are limited to the 830. What do you think Josh?

**Planning Director Josh Cook** I know the number of entitled and developed lots is somewhere between 450 and 540. If it is 540 then since they are bringing additional amenities then I would say that the 877 should still apply which would give them 337 lots or something like that but that is under the amount that they are asking for. In my calculations, worst case is 540, but I heard it's actually 450/470, so it drops it even further. What they are proposing would not take it above the total allowed units at 877. If it does, you are entitled to amend the development agreement if you think the amenities would qualify the additional lots.

**Member Sessions** so since I don't have figures, in Phase 6 you are proposing 67 lots?

**Ray Nettleton** goes over a presentation slide with actual counts in different areas of the phases based on actual counts. So we are at 856 out of the 877. We may be slightly over but to the best of our knowledge there will not be 55 homes in Phase 8.

**Planning Director Josh Cook** you can allocate those homes anywhere in the phases. There is nothing in the DA that says they have to go in a certain place. This is complicated because there are multiple owners.

**Member Sessions** I want to make sure Phase 8 owner is protected and doesn't lose their density.

**Ray Nettleton** they are protected.

**Heidi Nettleton** we did approach phase 8 and they didn't want to work with us so we are trying to put the pieces together for our land while still proposing what will respect their land.

**Member Sessions** In phase 9B you said 20 lots but then I heard you say 35...

**Ray Nettleton** Yes there will be 20 lots in phase 9B, it is a private road and private community and 9A is the more traditional area.

**Member Sessions motions to go into public hearing second by Member King. All in favor, motion passes unanimously.**

**Neil Jakes** I live in Phase 7 six years ago and fell in love and built a home here. This is super

complicated... I don't envy you guys, they have been working on it 18 months – it would have been nice to have more information. It sounds good but I would like to have had more information ahead of time.

**Bill Horseman** in Phase 2 been there 17 years. It appears that Phase 6 and Phase 9 amenities are private other than the trail. Does the HOA get any say in the matter? Comments? Is that part of the plan? We would request that the HOA does get a say in the plan. There is a President of Master Owners association all of the HOAs within the Cottonwoods provide a rep that goes up to the higher levels of the HOA. We were approached about having Phase 7,8 9 joining our MOA and the primary reason we didn't see what advantage it was for them to be a part of the MOA. There was really no benefit they will use our roads, access and the only amenity we get is the trail along the ridge. So, on behalf of the MOA we would like to have access to the park and other amenities just like they have access to our amenities now. The other thing is we are changing phase 9 from an open space to perhaps having homes on it. That is going to change the look of the Cottonwoods from Old Highway looking out. Maybe the MOA should at least have an idea of what is going on here and if the open space is getting rezoned we should get the MOA opinion on that.

**Jennifer Lance** - Current President of MOA we would really like a voice at the table for this. We would like to go through the development agreement and make sure everything is being followed and hopefully welcome the new phases as we go along together. The questions I have included is there a geohazard study done for the land they want to trade? The master plan also should be submitting a proposal to us as well that the MOA votes on and decides. We would like to enjoy the pickle ball courts! We don't see a big value to what would be added since we don't have access to it. We are shareholders to that open space and would like to know what is going on. Why were we not notified?

**Kevin Curts** – President of HOA in the Cottonwoods this feels rather short notice and descriptions of the items....we would like to have a better amount of time to review and be better heard and review the documents.

**Heidi Dorrius** My parents are Sheila and Mark Wilkinson owners of Phase 9. As much as I really appreciate the homeowners and shareholders, but the truth is that they are not actually shareholders in someone else's property. I appreciate their concerns but they actually don't have a say. They admitted that they were approached and they were not interested. They have provided way more amenities and they are bringing a water tank, reservoirs, there is no one else is providing that. What they are proposing is by far a greater commitment. Planning Commission please look at the bigger picture. This benefits the community besides just views. That's all.

***Member Sessions motions to go out of public hearing second by Member King. Motion passes unanimously.***

**County Attorney Janet Christopherson** points out that each phase applies to which property and what is managed by the MOA. These two phases are not a part of it. If there is issue with the amenities and other phases and what people have access to it goes back to the original developer and what he promised and didn't follow through with.

**Planning Director Josh Cook** Thank you. Currently the geohazard is not required at time of DA. It is required during plat. Also, the actual layout is not decided until the actual plat phase. The conceptual phase is just that, conceptual in nature. Given geology and infrastructure it typically reduces the number of lots. Conceptual is just to get an idea but that number usually goes down. Shareholders and CC&Rs unfortunately the County does not care about these. We review them to make sure they meet state statute but we don't write them or enforce them. They are enforced by

private parties. MOA and HOA are not shareholders in these unpurchased lots. There have been no plats or geohazard studies or anything recorded on these parcels. The owners are bringing something forward the MOA and HOA do not have a say. The packet has been available for a week it went out last Friday it has been available for nearly a week, the information and data has been available.

**Member Taylor** – Per state code how are we required to notice this?

**Planning Director Josh Cook** – We post agenda and packet the Friday or Thursday before the meeting. These packets are digital or we can email you them from the office if you call to request it. When we post to the state website, the packet is posted as well. Property owners are given ten days in advance minimum. Property owners are everyone within 1000 feet. For this one, we went over and above we noticed everybody in the Cottonwoods and within 1000 feet as well. It was a LOT of envelopes. Some of the streets in the Cottonwoods are public and some are private. Should I turn it over to the applicant?

**Ray Nettleton** – Thank you. Bill, yes we did come to you, you acknowledged that. A lot has changed since then. We will work constructively together with you guys if you vote us in, great, if you vote no then we do have the right to go on our own but you have my commitment that we will come to you and try to make things work. We thought about making amenities open to other people but if everyone is trying to use that we want to try and avoid other people driving and parking on other people's property. I hope you can understand that. I mean, no one is really going to police it but we are committing to maintain it, unless if you want to participate in the maintenance, then we are open to that discussion. Open space going to homes that is not true because Phase 9 had 107 homes and phase 9A is only going to have 90...not much different that area has always been in the plan to be developed so that's not quite accurate.

**Member Wilson** – let's discuss within the commission.

**Member Taylor** – The front phase of 9 that is being removed... it reverts to A-20 so 9 houses on 193 acres at max. Is that correct? Yes, okay.

**Member McMillan** – I don't have any questions. This is all the same part of the DA. Ownership was not part of the DA could develop so once again it was all in the DA and falls under the same standards. For myself the land swap doesn't concern me. No concerns on my end as it's not denser than originally proposed. This makes sense.

**Member King** – the question I had was regarding some of the slopes but I think that will be answered later on.

**Member Sessions** – My concern is not being able to see the DA it would have been nice if the information that we wanted to look at would have been sent to me. I can't follow a thing. I'm not against it, I just feel like I don't have enough of the information. The numbers are just bouncing all over the place.

**Heidi Nettleton** – It was my understanding that we sent all of that in the slide deck through Civic Review. I understand the confusion it took us a long time to figure the numbers out ourselves. Can we get you the information, by we I mean the planning department?

**Ray Nettleton** – I believe the link to the ordinance change was included and it's very similar to the Development Agreement. I don't know how that works. It should have been done at the same time.

**Member Sessions** - In the original DA, it says that to the extent there are inconsistencies between the concept plan this agreement and overlay report shall govern. Shouldn't the overlay report also be

amended to reflect these changes?

**Planning Director Josh Cook** – The overlay report is not a development agreement and not ordinances so it's just trying to set out the order of authority for what controls.

**Member Sessions** – But I would think the development agreement and overlay report should not contradict each other.

**Planning Director Josh Cook** - If you want to add that as part of the agreement then that is fine. If the concept plan has issues – that is when the overlay report comes into play.

**Member Taylor** so I think some of the amenities are private except for the trail?

**Planning Director Josh Cook** – Yes, except for maybe the Pickleball court in phase 9. It's up to you guys in your recommendation if you want to include time triggers or access to amenities outside of the phase.

**Ray Nettleton** – I don't think we should be held to the PRUD overlay. It's a 100 page document. We are agreeing to everything in the Cottonwoods. We have a concept plan that is subject to geotechnical. It's a layer of complication that was probably put in place to prevent...something and to tie us to that 107 page agreement with all that detail is not reasonable. We will address everything that comes up in the subdivision agreement.

**Planning Director Josh Cook** – Those phases are already bound by the overlay agreement. There is a lot design criteria in the overlay agreement that have to be followed...no way to actually opt out. If you want add your recommendation the stipulation that they go through and make the amendment and overlay match, that is a good idea.

**Member King** – could we get some clarification on actual total number of lots? We have heard a lot of numbers bouncing around but nothing consistent.

**County Attorney Janet Christopherson** – So what you can do is put that in your recommendations, to add max lots, or to address amenities you can add triggers that are negotiated at certain points (25% or 50%) those are all details you can include and detail in your recommendation.

**Member Sessions** the motion is a request to amend a development agreement that we have not seen. That makes this difficult.

**Planning Director Josh Cook** – The packet was available nearly a week ago. If we had known there was a bad link, we could have fixed it but we were not aware that the link didn't work.

**County Attorney Janet Christopherson** - Additionally, another issue is that some of these old development agreements that have been amended ...they are LONG so this amendment amends part of the agreement but you have to read it all as a whole. One of the things we have been bouncing around is going to the other developers and putting together one master development agreement to make it easier for everyone to track. It would make it easier to track density issues between phases.

**Ray Nettleton** – I did provide a comprehensive rewrite of the Development Agreement. And I noted where it applied to each phase. We can only address phase 6 and 9. That is uploaded into Civic Review. I did my best.

**Member Wilson** – I suppose we are ready for a motion

**Member King** – do we want to add any stipulation on max lots? Where we at?

**Heidi Nettleton** – We did our best. We also struggled with the numbers. We are amenable to the triggers we talked about. Doing will instead of may on the second park. I don't know if we need to address now or later when we do the plat. I can't apologize for previous amenities that were not built but we are amenable to those items and like I said we did the work session with the council and they did not have any notes for us so I guess we will see when we go back to them.

**Planning Director Josh Cook** – A member of the public was able to verify that the link does actually work.

**Member McMillan** - *I move that we recommend approval to the county commission for the amendment to the Cottonwoods agreement PUD overlay district to configure certain parcels as within development as outlined in the staff report based on the text listed in exhibit A of the staff report dated January 8<sup>th</sup> 2026 with the following additional changes:*

- 1. That the overlay report matches that of the development agreement, that the amenities be developed in proportion or roughly proportion to the development of the lots, and*
- 2. That the overall development density be that of the original 877 units*

**Member King** seconds. Voting was not unanimous. Member McMillan, King and Taylor vote in favor. Member Sessions votes nay. Motion carries.

Business/Staff Questions:

**Planning Director Josh Cook** – All I have for staff is that we will be setting up a training with Garrett and Mike Newton and Matt Wilson. We can keep you informed with conferences coming up if you want to do your training that way. We are looking at bringing back Greg Collson we have money in the budget to that. I don't have anything else.

9. Approval of December 11th, 2025, Planning Commission Minutes

**Member King** moves by to approve the December 11<sup>th</sup> 2025 minutes. Second by Member Sessions. Motion carries unanimous.

10. Adjourn

**Member King** moves to adjourn. Second by Member Wilson. Meeting adjourned.

Approved:

\_\_\_\_\_  
Chairman, Maddie Maloney  
Morgan County Planning Commission

\_\_\_\_\_  
Date: \_\_\_\_\_  
Jessie Drage, Transcriptionist  
Planning and Development Services