



PLANNING COMMISSION AGENDA  
Thursday, February 12<sup>th</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** – *WPR Phase 3A.1 Preliminary Plat*: A request for preliminary plat approval of the WPR Phase 3A.1 Subdivision, which is identified by parcel number 00-0094-0283 and serial number 12-004-020-01-2 and is located approximately at 5233 West Wasatch Peaks Road in unincorporated Morgan County.
7. **Public Meeting/Discussion/Decision** – *Rollins Ranch Development Agreement Amendment*: A request for a minor amendment to a street layout depicted within the conceptual development plan for the Rollins Ranch Development Agreement, which is identified by parcel number 00-0063-3521 and serial number 03-005-029, and is approximately located at 6113 N Hidden Valley Rd in unincorporated Morgan County.

**Legislative**

8. **Public Hearing/Discussion/Decision** – *Morgan County Rezone*: Request to rezone property from Multiple Use (MU-160) to Residential (R1-20), and reflect that change on the Future Land Use Map from Natural Resources and Recreation to Village Low Density Residential. The property is identified by parcel number 00-0001-9024 and serial number 01-004-386-NA1 and is approximately located at 870 E Mahogany Ridge Road in unincorporated Morgan County.
9. Business/Staff Questions:
10. Approval of January 22<sup>nd</sup>, 2026, Planning Commission Minutes
11. Adjourn



## PLANNING COMMISSION

### STAFF REPORT

Preliminary Plat

February 12, 2026

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Wasatch Peaks Ranch Subdivision Phase 3A.1 Preliminary Plat  
February 12, 2026  
Public Meeting  
File #25.045

Applicant/Owner: Wasatch Peaks Ranch, LLC  
Project Location: Approx. 5233 W. Wasatch Peaks Rd  
Parcel Numbers: 00-0094-0283  
Serial Numbers: 12-004-020-01-2  
Current Zoning: Resort Special District w/ Development Agreement  
Acreage: Approx. 25.27 acres combined

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#### **REQUEST:**

Request for preliminary plat approval of a subdivision of 13 lots.

#### **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. § 17-79-803(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 Wasatch Peaks Ranch Phase 3A.1 Preliminary Plat Application. Staff recommends approval of the requested preliminary plat based on the following findings and with the conditions listed below:

**Findings:**

1. That the proposal complies with the Morgan County zoning and subdivision regulations and the WPR Development Agreement.
2. That the proposal is not detrimental to the health, safety, and welfare of the public.

**Conditions:**

1. All outsourced consultant fees are paid current prior to final plat application.
2. That all other local, state, and federal laws are adhered to.
3. The developer shall install any requisite infrastructure, including roadways, etc. as part of the preliminary plat approval.

## **PROJECT DESCRIPTION:**

### **Proposal Details**

This request is for a 13-lot subdivision preliminary plat, which is being submitted in sequence to Final Plats 1A, 2A, 3A, 3C, 5, and 6A. Each lot will consist of a building activity envelope (BAE) with setbacks and frontage from newly constructed private streets. The homes will all be detached single-family dwellings. All improvements and disturbances will be required to stay within the BAE, excluding private ski access devices. The parcel being subdivided consists of 23.01 acres and will be divided into 13 single-family lots and open space for the subdivision. The 13 lots range in size from 0.76 acres up to 3.85 acres. The property is located west of the Peterson area in Morgan County and south of Phase 2.

The overall land use for the subdivision encompasses 25.27 acres. The residential lots comprise the majority at 22.39 acres, while roads account for 1.16 acres to support internal circulation via the private street network. An additional 1.72 acres are designated as open space for the subdivision.

Sewer and water utilities will be privately owned and maintained by the Wasatch Peaks Ranch Water and Sewer District (WPR-UD). Road and fire protection services will be provided by the Wasatch Peaks Ranch Road & Fire District (WPR-RFD). Will-serve letters have been provided from both districts.

Road, fire protection, water, and sewer services are provided through private improvement districts, and corresponding service letters are included. Electrical service is provided by Rocky Mountain Power, and telephone and internet services are provided by All West; copies of the associated service agreements are included. Gas service will be supplied by individual propane service providers.

Member Services, functioning as the property owners' association and representative of the property owners for the development, is responsible for the coordination and management of shared services and amenities for residents and members of WPR. This includes the centralized administration of solid waste collection, as well as oversight of common infrastructure and community amenities in accordance with the governing DA.

## **DISCUSSION:**

The Wasatch Peaks Ranch Development Agreement (DA) for this property was approved on October 30, 2019, by the Morgan County Council. This preliminary plat is consistent with the uses and layout as required by the DA and the applicable MCC Subdivision Standards. 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 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:*

<b>A</b>	<b>Vicinity Map</b> <b>1. Drawn at a maximum scale of one thousand feet (1,000') to the inch.</b> <b>2. Show all existing and proposed roadways in the vicinity of the proposed development.</b> <b>3. A north arrow.</b> <b>4. The nearest section corner tie.</b> <b>5. Subdivision name.</b>	<b>Complies</b>	
<b>B</b>	<b>Certified boundary survey of the subject property, which meets state of Utah requirements, which also depicts all easements identified by the title report.</b>	<b>Complies</b>	
<b>C</b>	<b>Preliminary plat (all facilities within 200 feet of the plat shall be shown):</b> <b>1. Drawn at a scale not smaller than one hundred feet (100') to the inch.</b> <b>2. A north arrow.</b> <b>3. Subdivision name.</b> <b>4. The layout and names and widths of existing and future road rights of way.</b> <b>5. A tie to a permanent survey monument at a section corner.</b> <b>6. The boundary lines of the subdivision with bearings and distances.</b> <b>7. The layout and dimensions of proposed lots with lot areas in square feet.</b> <b>8. The location and dimensions and labeling of other spaces including open spaces, parks, trails, or public spaces.</b> <b>9. The location of manmade features including bridges, railroad tracks, fences, ditches, and buildings.</b> <b>10. Topography at two foot (2') intervals. One foot (1') contours may be required by the county engineer in particularly flat areas.</b> <b>11. Location and ownership of all adjoining tracts of land.</b> <b>12. Proposed subdivision phasing plan and relationship to existing phases of development. (Ord. 10-16, 12-14-2010)</b>	<b>Complies</b>	
<b>D</b>	<b>Grading and drainage plan (may be combined with plat sheet, if approved by the county engineer):</b> <b>1. Plan drawn to a scale not smaller than one hundred feet (100') to the inch, showing the road and lot layout.</b> <b>2. Topography at two foot (2') contour intervals.</b> <b>3. North arrow.</b> <b>4. Subdivision name.</b> <b>5. Areas of substantial earthmoving.</b> <b>6. Location of existing watercourses, canals, ditches, springs, wells, culverts, and storm drains.</b> <b>7. Location of any 100-year floodplain as designated by the federal emergency management agency (FEMA).</b>	<b>Complies</b>	

	<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>		
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> <li>5. Any necessary agreements with adjacent property owners regarding storm drainage or other matters pertinent to subdivision approval.</li> <li>6. Maintenance agreements for subsurface drains serving the subdivision, if they are proposed or exist.</li> <li>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.</li> <li>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.</li> <li>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</li> </ol>	Complies	

	<p>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	

## **EXITING CONDITIONS & ZONING**

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The elevation on the site ranges between 5,780 feet on the eastern portion to 6,200 feet on the southwest side of the site. Slope gradients on the site range from shallow (less than 15%) to moderately steep (15 to 25%). The soil types are Qms, Qgao, and Tn. Due to the slope of the site and soils, a geologic hazards study is required and has been reviewed by planning staff.

## **DEPARTMENT COMMENTS/RECOMMENDED MOTIONS**

Public Works: No comments

Fire/EMS Services: Comments have been received and addressed

Engineering: Comments have been received and addressed

Surveying: 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 February 2, 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 February 2, 2026.
- ✓ Notices to property owners within 1000' feet of the proposed use were mailed a Public Notice on or before February 2, 2026.
- ✓ A sign was posted on the site on or before February 2, 2026.

## **Recommended Motions**

**Motion for a *Positive Recommendation*** – “I move we recommend approval to the County Commission the WPR Phase 3A.1 Preliminary Plat, application #25.045, allowing for a 13-lot subdivision of land located at approximately 5233 West Wasatch Peaks Road in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report dated February 12, 2026.”

**Motion for a *Positive Recommendation with Conditions*** – “I move we recommend approval to the County Commission the WPR Phase 3A.1 Preliminary Plat, application #25.045, allowing for a 13-lot subdivision of land located at approximately 5233 West Wasatch Peaks Road in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report dated February 12, 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 the WPR Phase 3A.1 Preliminary Plat, application #25.045, not allowing for a 13-lot subdivision of land located at approximately 5233 West Wasatch Peaks Road in unincorporated Morgan County, *due to the following findings:*”

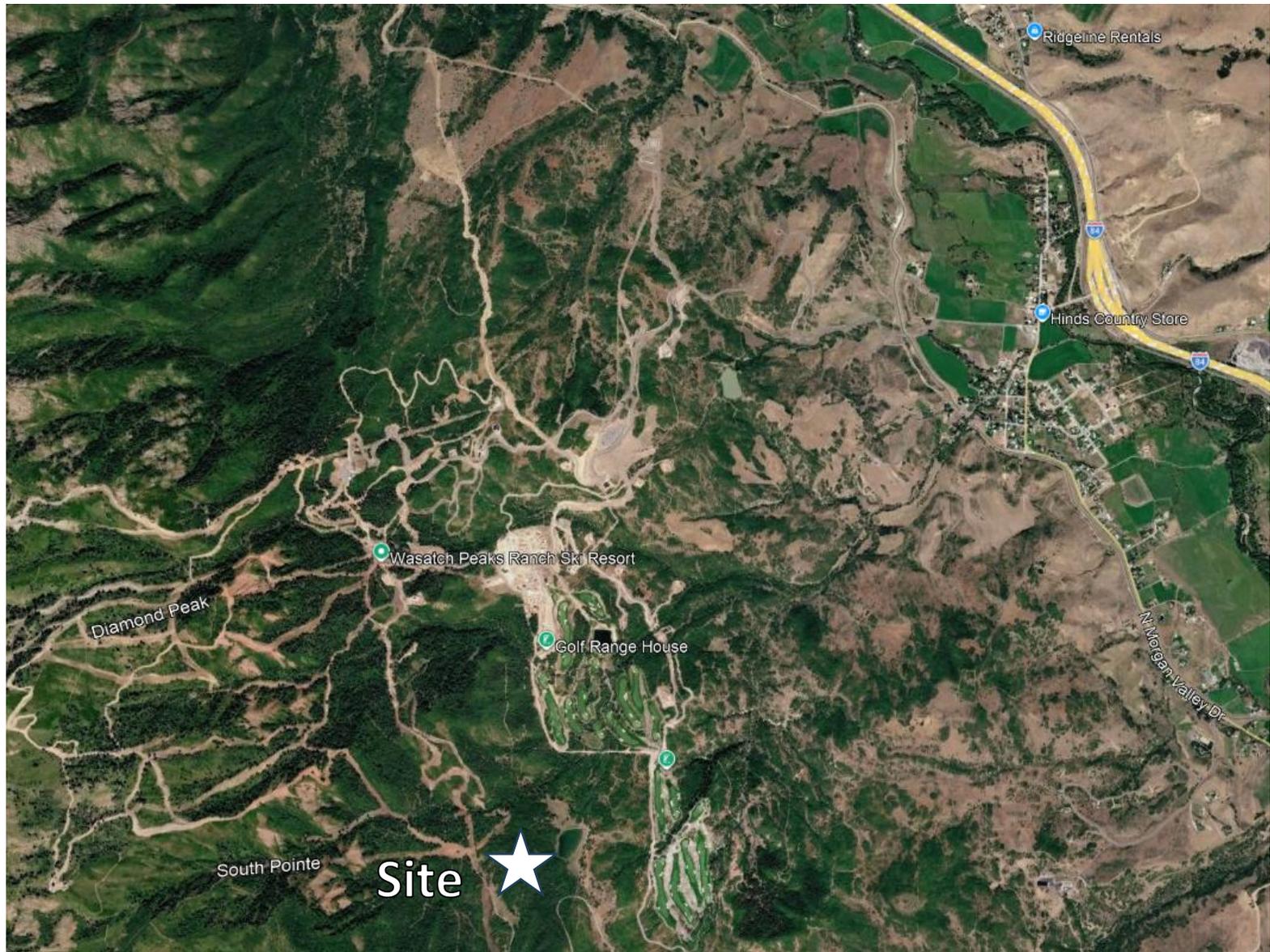
## **Additional Information**

### **Attachments:**

Attachment A: Vicinity Map

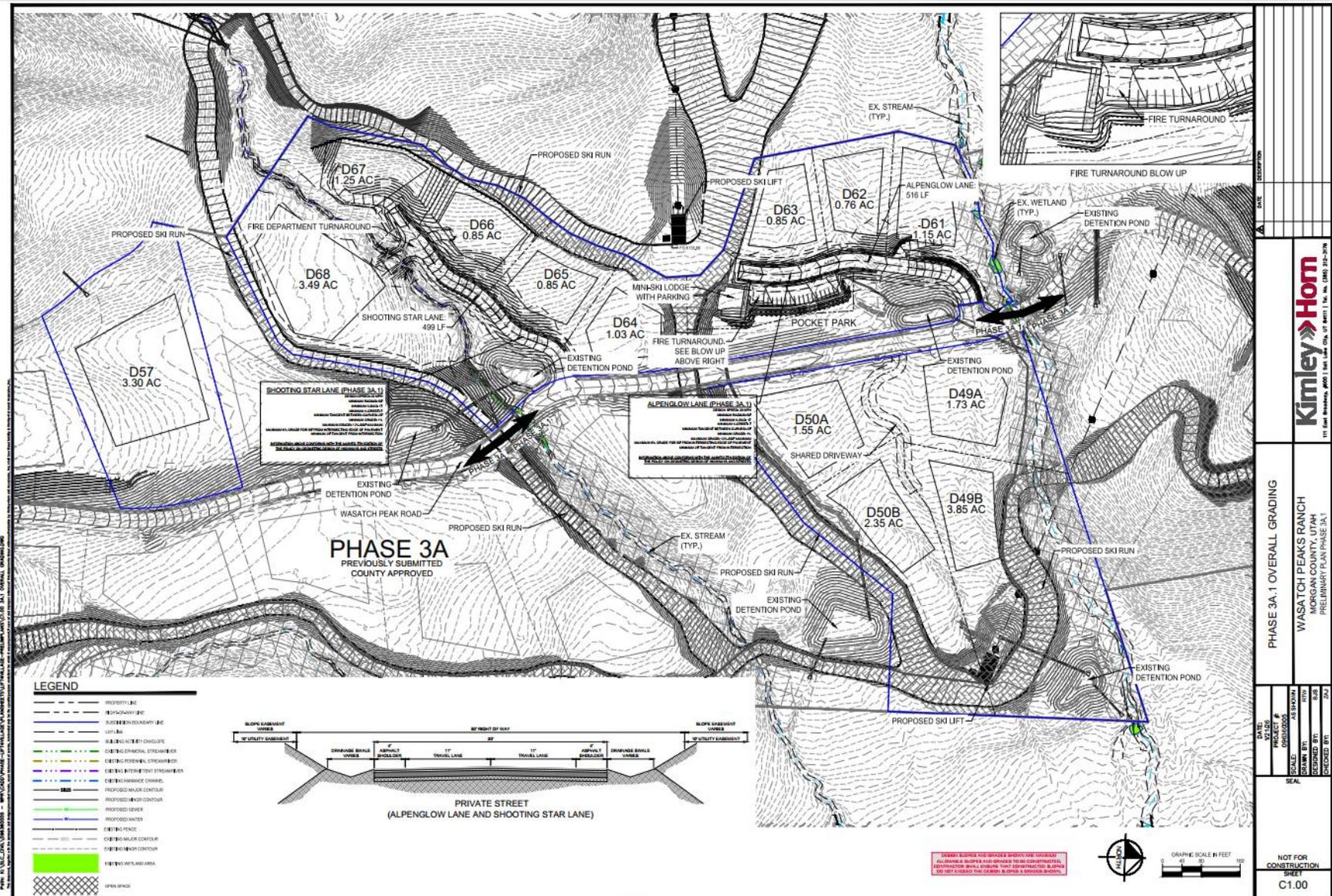
Attachment B: Proposed Preliminary Plat

**Attachment A: Vicinity Map**



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

**Attachment B: Proposed Preliminary Plat**



DATE: 02/12/2026 10:30 AM DRAWN BY: JACOBSON, JIMMY CHECKED BY: JACOBSON, JIMMY SCALE: AS SHOWN PROJECT #: SHEET: 10 OF 10 PHASE: 3A.1 OVERALL GRADING	
WASATCH PEAKS RANCH MORGAN COUNTY, UTAH PRELIMINARY PLAN PHASE 3A.1	
SEAL	NOT FOR CONSTRUCTION SHEET C1.00



PLANNING COMMISSION

PUBLIC MEETING

ROLLINS RANCH DEVELOPMENT AGREEMENT

FEBRUARY 12, 2026

**PLANNING & DEVELOPMENT**

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Staff: Joshua Cook, AICP  
Public Meeting  
February 12, 2026

Application No.:	25.063
Applicant	Ty Reese, Durbano Group
Owner:	Fernwood LC
Project Location:	Approx. 6113 N Hidden Valley Rd
Date of Application:	December 30, 2025
Current Zoning:	Residential (R1-20) and Rural Residential (RR-1)
Acreage:	Approx. 250 acres
Request:	Amendment to the Development Agreement to revise road alignment for improved safety and to accommodate existing infrastructure.

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**REQUEST:**

A request for a minor amendment to a street layout depicted within the conceptual development plan for the Rollins Ranch Development Agreement, which is identified by parcel number 00-0063-3521 and serial number 03-005-029, and is approximately located at 6113 N Hidden Valley Rd in unincorporated Morgan County.

**ATTORNEY GUIDANCE:**

**Development Agreement Review:**

Amendments to a development agreement can be either legislative, administrative, and/or contractual.

**Applicable law:**

Whether a governmental action involving a Development Agreement (DA) or related instrument should be classified as legislative, administrative, and/or contractual, with corresponding implications for process, standards of review, and referendum.

## Classification of Development Agreement–Related Actions

- **Legislative:**

Actions that establish generally applicable land-use rules are legislative. See *Krejci v. City of Saratoga Springs*, 2013 UT 74, ¶¶ 28–30, 322 P.3d 662 (holding that site-specific rezonings are legislative because they establish general rules binding present and future landowners); *Baker v. Carlson*, 2018 UT 59, ¶¶ 41–44, 428 P.3d 850 (holding that approval of a Site Development Master Plan was legislative because it prescribed land-use, density, and circulation rules requiring policy balancing). Although approval of a Development Agreement is generally administrative, the Utah Supreme Court has found that development agreement or amendments to development agreements that prescribe site-wide rules for land use, density, and circulation, functions as land use regulation. In that respect they are legislative in character, and subject to the referendum power. *Baker v. Carlson*, 2018 UT 59, ¶ 45, 428 P.3d 850.

- **Administrative:**

Actions that apply existing rules to identified parties or that execute or amend Development Agreement terms are administrative. *Baker v. Carlson*, 2018 UT 59, ¶¶ 52–54, 428 P.3d 850 (distinguishing administrative ADL/DA approval from legislative SDMP adoption, noting that government’s decision to contract with a specific entity is not legislative). Additionally, approval of an amended Development Agreement that applies an already-adopted master plan to the obligations of specific parties is fundamentally administrative because it involves applying existing standards to the facts of a particular case, not weighing broad, competing policy considerations.” *Baker v. Carlson*, 2018 UT 59, ¶¶ 52–54, 428 P.3d 850; *Krejci v. City of Saratoga Springs*, 2013 UT 74, ¶ 34, 322 P.3d 662.

- **Contractual:**

Actions concerning the inheritance or assignment of Development Agreement rights are contractual, controlled by the agreement’s text rather than general zoning principles. *LD III v. Mapleton City*, 2020 UT App 41, ¶¶ 36–39, 463 P.3d 123 (holding that DA benefits did not survive foreclosure because assignment required City approval; “runs with the land” language could not override express transfer conditions). More broadly, because a Development Agreement is a negotiated contract, amendments to it require the consent of both parties. Even if a proposed change qualifies as a “minor amendment” under § 155.464(B)(3), the County is not compelled to approve it. As the Utah Supreme Court explained in *Baker v. Carlson*, 2018 UT 59, ¶ 54, the government’s decision to contract is administrative but remains discretionary; “the government is not required to contract with a particular entity.”

## Application to Street Relocation in Conceptual Plan

As a threshold matter, MCC § 155.464 applies by its terms to amendments to the P-C zone overlay, associated development agreements, and existing PRUD subdivisions. If the subject development is not within that framework (or if there is no cross-reference applying § 155.464 more broadly), § 155.464 may not control.

That ordinance expressly provides that “rearrangement of the proposed lot and street layouts” may be processed as a minor amendment, subject to limits on unit count, height, and other thresholds. Under the ordinance, such requests are treated as administrative actions, not rezonings.

This classification is consistent with Utah case law distinguishing between legislative, administrative, and contractual acts:

- In *Baker v. Carlson*, 2018 UT 59, ¶¶ 52–54, 428 P.3d 850, the Court held that execution or amendment of a Development Agreement is administrative because it applies existing law to specific parties.
- Similarly, *Krejci v. City of Saratoga Springs*, 2013 UT 74, ¶ 28, 322 P.3d 662, emphasized that when approval is constrained by fixed criteria rather than open-ended policy balancing, the action is administrative.

If an instrument functions as generally applicable land-use regulation (like a zoning ordinance or SDMP-like master plan) it is more likely legislative; if it is a negotiated agreement implementing an already adopted plan and binding only contracting parties, it is administrative. And, even if an application fits within the ordinance’s ‘minor amendment’ category, approval still requires County assent through the authorized decisionmaker (here, either delegated administrative approval or Commission action as required). Nothing in § 155.464(B) creates an entitlement to an amendment; it identifies when an amendment may be processed administratively.

Additionally, if the approved conceptual plan that was incorporated into the prior amended DA included an express commitment that the private drive will later be dedicated and used as the public access road for future phases, relocating the access corridor may constitute a material change to a bargained-for obligation (not merely a rearrangement of internal streets). In that circumstance, the amendment is more appropriately processed as a major amendment under the governing DA amendment process.

### **Discretion to Deny**

However, that does not compel approval. Because the street layout is part of a negotiated Development Agreement, amendments require the consent of both parties. The County Commission, acting in its capacity as the County’s governing body, retains discretion to withhold agreement to the amendment even if it qualifies as “minor” under the ordinance.

### **Referendum Implications**

This amendment is likely not referable. As the Utah Supreme Court explained in *Baker v. Carlson*, 2018 UT 59, ¶ 54, “the government’s decision to contract with a particular entity is administrative, not legislative,” and therefore not subject to the people’s referendum power. This conclusion assumes the amendment does not itself adopt generally applicable land-use rules or function as an ordinance-level regulatory scheme.

## Conclusion

A DA amendment is generally administrative/contract-implementation in nature and thus not referable. Whether this particular change may be approved administratively under § 155.464(B)(3) depends on (1) whether § 155.464 applies to the subject project, and (2) whether relocating the access road changes a material DA obligation (e.g., future dedication/access commitments). In any event, the County's assent is required through the authorized decisionmaker; the applicant cannot compel an amendment.

## SUMMARY:

Staff received an application proposing an amendment to the Rollins Ranch Development Agreement. Currently, the subdivision spans over 250 acres. The request pertains to a minor amendment to the development agreement associated with the Ponderosa Property, specifically amending the Concept Plan in Exhibit C (as referenced in the Fourth Amendment). The updated plan, shown in the attached Exhibit D, allows for revised road placement where it connects to Ranch Blvd. While this is a legislative application, it is being processed administratively in accordance with § 155.464(B)(3), which allows administrative approval of rearrangements to proposed lot and street layouts, provided other thresholds are not exceeded. Public comments may be made during the general comment portion of the meeting at which this item appears on the agenda; it will not be scheduled for a separate public hearing.

The applicant submitted the following narrative:

*"The road will be moved to the west creating a better ingress/egress for line of sight, parking, pushing snow, alleviating a situation a double frontage lot and complies with AASHTO."*

The applicant has submitted the following text for the proposed amendment:

- 1. Concept Plan.** The Concept Plan attached to the Development Agreement as Exhibit C and in the Fourth Amendment is supplemented and/or amended as it applies to the Ponderosa Property to be as it appears in the attached **Exhibit A**, which by this reference is incorporated into this Addendum, which among other things allows for the better placement of the road in a more appropriate location as it connects to Ranch Blvd., see the attached Preliminary Plat, Plan and drawing Exhibit A.
- 2. Road Placement Improvements over the Previous Plat:**
  - a. The road is centered in the property, allowing now for a storm water retention and snow removal placements in the retention pond at a downward sloped location not accommodated in the Previous Plat.**
  - b. The road is in full compliance with County Ordinances and Engineering Standards as to distances from adjoining roads and other lots making for improved visibility, pedestrian flow, stopping distances and parking, not accommodated on the Previous Plat.**

**c. The road is more economical as to being on the flat portions of the property, generally straight and not impeded by upward sloping terrain and is therefore more receptive to flow of traffic, stopping distances, site lines as to oncoming and merging traffic, less sharp curves, less angled curves, less slope all of which better accommodates fire suppression equipment as well for better safety of travel, pedestrians and less attentive children at play, not accommodated on the Previous Plat.**

**3. Miscellaneous.** This Addendum is supplemental to the Fourth Amendment and contains the entire understanding of County and Fernwood and supersedes all prior oral or written understandings relating to the subject matter set forth herein. This Addendum may be executed in counterparts, each of which shall be deemed an original. This Addendum shall be binding upon and shall inure to the benefit of County and Fernwood and their respective grantees, transferees, lessees, heirs, devisees, personal representatives, successors, and assigns. In all respects, other than as specifically set forth in this Addendum, the Fourth Amendment and the Development Agreement and its applicable amendments shall remain unaffected by this Amendment and shall continue in full force and effect, subject to the terms and conditions thereof.

#### **STAFF RECOMMENDATION:**

Staff recommends approval of the applicant's proposal to amend the Rollins Ranch Development Agreement, which includes revise road alignment for improved safety and to accommodate existing infrastructure. Based on this review, staff presents the following findings and recommendations for consideration:

#### **Findings:**

- 1. That the proposal is not detrimental to the health, safety, and welfare of the public.*
- 2. That the revised road alignment improves vehicle sight distance and driver visibility through the use of wider curve radii.*
- 3. That the new alignment avoids conflicts with existing infrastructure, including the irrigation pump house, and reduces impacts to steep terrain.*
- 4. That the amendment is consistent with the intent of the Development Agreement and maintains access within the originally contemplated area.*
- 5. That the amendment does not change the approved number of lots or increase the overall density of the subdivision.*

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

- ✓ Public Notice was submitted to the State of Utah Public Notice website on February 2, 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 February 2, 2026.
- ✓ Notices to property owners within 1000' feet of the proposed use were mailed a Public Notice on February 2, 2026.
- ✓ A sign was posted on the site on February 2, 2026.

## SAMPLE MOTIONS:

**Recommended Motion for a *Positive Recommendation*** – “I move we recommend approval to the County Commission for an amendment to the Rollins Ranch Development Agreement, to revise road alignment for improved safety and to accommodate existing infrastructure, as listed in the staff report, based on the text listed in Exhibit C of the staff report dated February 12, 2026.”

**Recommended Motion for a *Positive Recommendation with Additional Changes*** – “I move we recommend approval to the County Commission for an amendment to the Rollins Ranch Development Agreement, to revise road alignment for improved safety and to accommodate existing infrastructure, as listed in the staff report, based on the text listed in Exhibit C of the staff report dated February 12, 2026, with the following corrections:”

1. List any corrections...

**Recommended Motion for a *Negative Recommendation*** – “I move we recommend denial to the County Commission for an amendment to the Rollins Ranch Development Agreement, *due to the following findings:*”

1. List any additional findings...

## SUPPORTING INFORMATION

### Attachments:

- Exhibit A: Rollins Ranch Development Agreement - Recorded
- Exhibit B: Rollins Ranch Development Agreement Amendment - Proposal
- Exhibit C: Exhibit C-1 of Rollins Ranch Development Agreement, 4th Amendment
- Exhibit D: Proposed Rollins Ranch Subdivision Plat

### Staff Contact

Joshua Cook  
801-845-4015  
jcook@morgancountyutah.gov

**Exhibit A: Rollins Ranch Development Agreement - Recorded**

November 20, 2006

When Recorded, Please Return to:

Morgan County  
Attention: County Attorney  
48 West Young Street  
Morgan, Utah 84050

DEVELOPMENT AGREEMENT  
FOR ROLLINS RANCH,  
MORGAN COUNTY, UTAH

**THIS DEVELOPMENT AGREEMENT FOR ROLLINS RANCH, MORGAN COUNTY, UTAH** (this "**Agreement**") is entered into as of this 20<sup>th</sup> day of November, 2006, by and between ROLLINS RANCH, L.L.C., a Utah limited liability company ("**Developer**"), and MORGAN COUNTY, a political subdivision of the State of Utah, by and through its County Council (the "**County**").

**RECITALS:**

A. Developer owns or has the contractual right to acquire approximately 249 acres of land, located in Morgan County, Utah, more particularly described on Exhibit "A" attached hereto and made a part hereof (the "**Property**"), on which Developer has proposed the development of a master planned community in accordance with the site plans attached hereto as "Exhibit "B" (the "**Site Plan**").

B. Pursuant to a duly noticed public hearings on May 14, 2005 and August 11, 2005, the County's Planning Commission voted to recommend to the County Council that the Property be rezoned from A-20 and MU-160 to RR-1 and RR-5.

C. Pursuant to a duly noticed public hearings on June 14, 2005 and September 6, 2005, the County Council considered and adopted the recommendation of the County's Planning Commission and the Property was rezoned from A-20 and MU-160 to RR-1 and RR-5 (the "**Zone Change**").

D. Pursuant to the County's Land Use Management Code Chapter 48 (the "**PRUD Ordinance**") the Developer submitted to the County, and after appropriate public hearings the [Concept Plan] attached hereto as "Exhibit "C" and made a part hereof (the "**Concept Plan**"), and the County has approved the Concept Plan.

**Exhibit B: Rollins Ranch Development Agreement Amendment - Proposal**

---

Recording Requested by and  
When Recorded Return to:  
Morgan County  
Attn: Morgan County Attorney  
48 West Young Street  
Morgan, Utah 84050

---

For Recording Purposes  
Do Not Write above this Line

**ADDENDUM, MODIFICATION, REFINEMENT  
AND/OR SUPPLEMENT  
TO  
FIFTH AMENDMENT  
TO  
DEVELOPMENT AGREEMENT  
FOR  
ROLLINS RANCH  
MORGAN COUNTY, UTAH  
RE: The Ponderosa Phase II/Fernwood**

This Addendum, Modification, Refinement and/or Supplement to Fifth Amendment to Development Agreement for Rollins Ranch (“Addendum”) is made effective as of \_\_\_\_\_ 20\_\_\_\_, by and among Morgan County, a political subdivision of the State of Utah (“**County**”) and Fernwood, L.C. (“**Fernwood**”).

RECITALS

Fernwood and County wish to modify, refine and/or supplement the Fourth Amendment dated 30<sup>th</sup> of November, 2014, to allow Fernwood to proceed to develop Ponderosa Phase II and agree to amend the Fourth Amendment and Development Agreement as it affects Fernwood and the Ponderosa Property as follows.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and Fernwood hereby agree as follows:

- 1. Concept Plan.** The Concept Plan attached to the Development Agreement as Exhibit C and in the Fourth Amendment is supplemented and/or amended as it applies to the Ponderosa Property to be as it appears in the attached **Exhibit A**, which by this reference is incorporated into this Addendum, which among other things allows for the better placement of the road in a more appropriate location as it connects to Ranch Blvd., see the attached Preliminary Plat, Plan and drawing Exhibit A.
- 2. Road Placement Improvements over the Previous Plat:**

a. The road is centered in the property, allowing now for a storm water retention pond and snow removal placements in the retention pond at a downward sloped location not accommodated in the Previous Plat.

b. The road is in full compliance with County Ordinances and engineering standards as to distances from adjoining roads and other lots making for improved visibility, pedestrian flow, stopping distances and parking, not accommodated on the Previous Plat.

c. The road is more ergonomical as to being on the flat portions of the property, generally straight and not impeded by upward sloping terrain and is therefore more receptive to flow of traffic, stopping distances, site lines as to oncoming and merging traffic, less sharp curves, less angled curves, less slope all of which better accommodates fire suppression equipment as well for better safety of travel, pedestrians and less attentive children at play, not accommodated on the Previous Plat.

3. **Miscellaneous.** This Addendum is supplemental to the Fourth Amendment and contains the entire understanding of County and Fernwood and supersedes all prior oral or written understandings relating to the subject matter set forth herein. This Addendum may be executed in counterparts, each of which shall be deemed an original. This Addendum shall be binding upon and shall inure to the benefit of County and Fernwood and their respective grantees, transferees, lessees, heirs, devisees, personal representatives, successors, and assigns. In all respects, other than as specifically set forth in this Addendum, the Fourth Amendment and the Development Agreement and its applicable amendments shall remain unaffected by this Amendment and shall continue in full force and effect, subject to the terms and conditions thereof.

IN WITNESS WHEREOF, this Addendum has been executed as of the date first set forth above.

**FERNWOOD:**

FERNWOOD, L.C.

By: \_\_\_\_\_  
Name: Douglas M. Durbano  
Title: Manager

**FERNWOOD ACKNOWLEDGEMENT**

State of Utah            )  
                                  ) SS  
County of Davis        )

On this \_\_\_\_\_ 20\_\_\_\_, before the undersigned notary public in and for the State of Utah, personally appeared before me Douglas M. Durbano, known or identified

to me as the Manager of Fernwood, L.C. and the person who executed the foregoing instrument and acknowledged to me that said company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand seal the day and year first above written.

\_\_\_\_\_  
Notary Public for Utah  
Residing in: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**COUNTY:**  
MORGAN COUNTY

By: \_\_\_\_\_  
Name:  
Title:

Attest:

\_\_\_\_\_  
County Clerk

**COUNTY ACKNOWLEDGEMENT**

State of Utah            )  
  ) SS  
County of Morgan        )

On this \_\_\_\_\_ 20\_\_\_\_, before the undersigned notary public in and for the State of Utah, personally appeared before me \_\_\_\_\_, known or identified to me as the \_\_\_\_\_ of Morgan County and the person who executed the foregoing instrument and acknowledged to me that Morgan County executed the same.

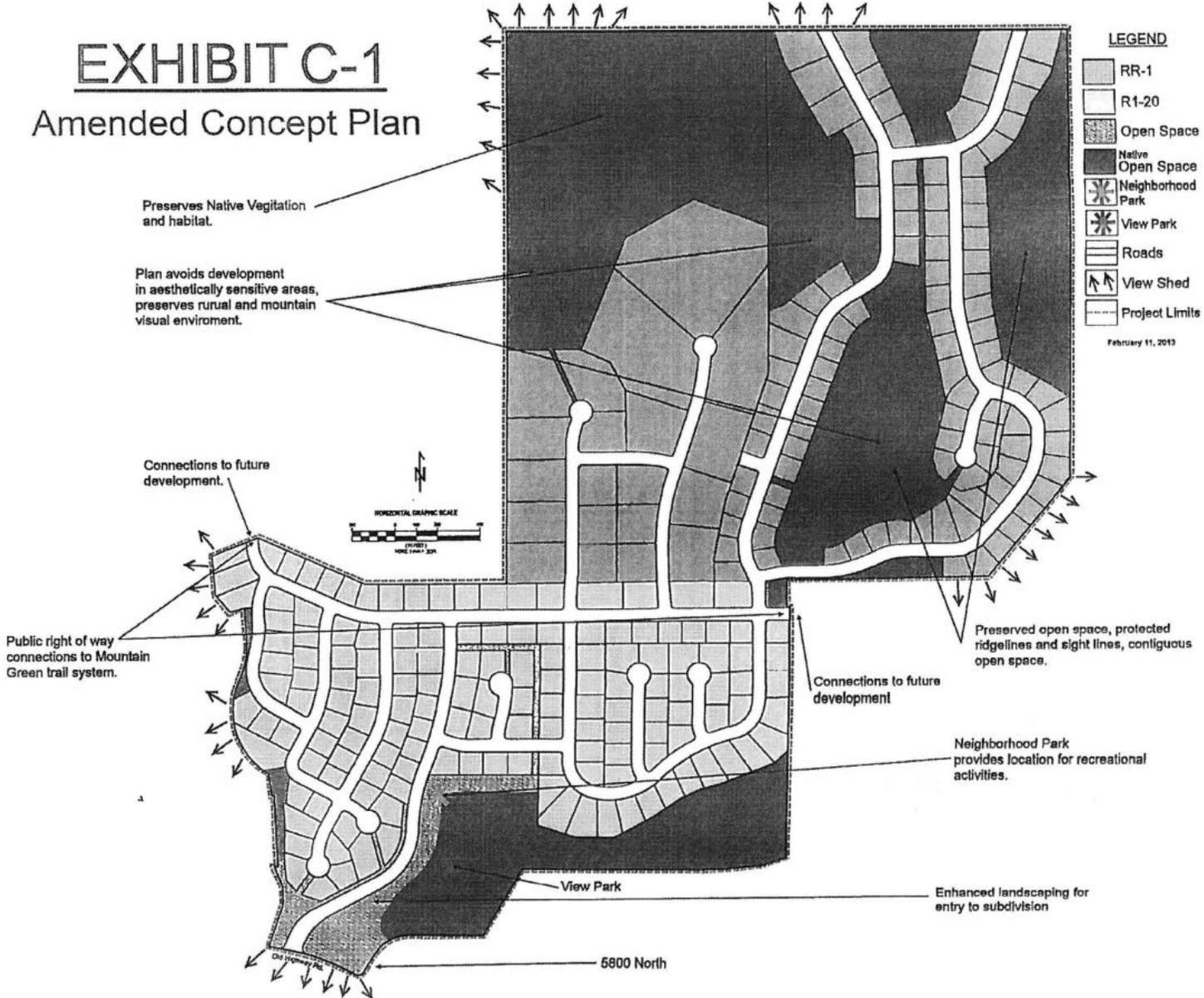
IN WITNESS WHEREOF, I have hereunto set my hand seal the day and year first above written.

\_\_\_\_\_  
Notary Public for Utah  
Residing in: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

[Click here to view a full-size .pdf version of the Concept Plan \(See Pg. 48\)](#)

# EXHIBIT C-1

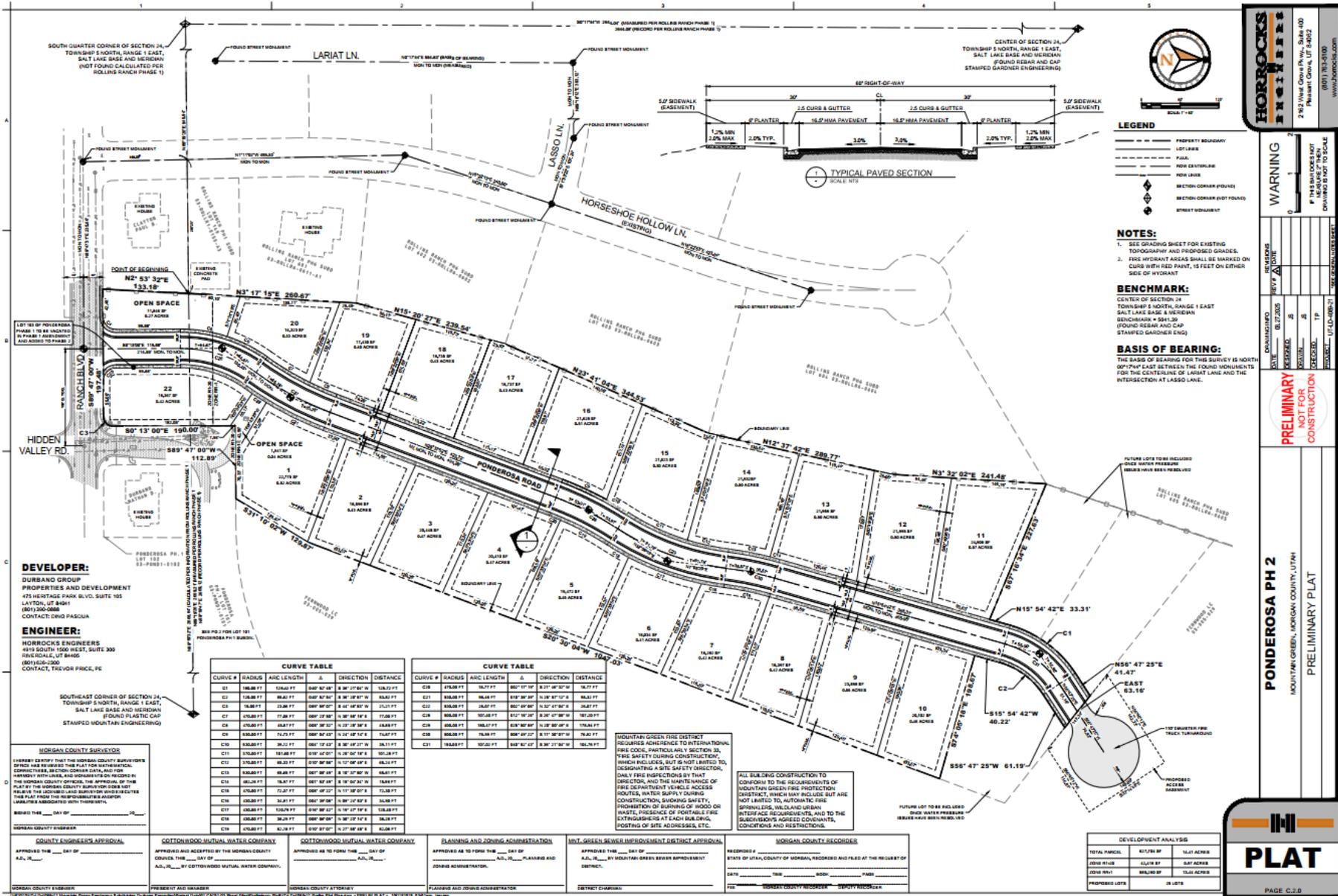
## Amended Concept Plan



Ent 128494 Bk 0304 Pg 0647  
 Ent 135195 Bk 0320 Pg 0415

# Exhibit D: Proposed Rollins Ranch Subdivision Plat

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



**HORROCKS ENGINEERS**  
292 West Grove Pkwy., Suite 100  
Preston, UT 84092  
(801) 763-9102  
www.horrocksonline.com

**WARNING**  
THIS IS A PRELIMINARY PLAT. IT IS NOT TO BE USED FOR CONSTRUCTION.

**PONDEROSA PH 2**  
MOUNTAIN GREEN, MORGAN COUNTY, UTAH  
PRELIMINARY PLAT

**PLAT**

PAGE C.2.B



Morgan County Rezone  
Public Hearing  
February 12, 2026

Application No.:	25.058
Applicant/Owner:	Morgan County
Project Location:	870 E Mahogany Ridge Rd
Parcel Number:	00-0001-9024
Project Location:	01-004-386-NA1
Date of Application:	November 4, 2025
Current Zoning:	Multiple Use (MU-160)
General Plan Designation:	Natural Resources & Recreation
Acreage:	29.48 acres

---

## **REQUEST**

Request to rezone property from Multiple Use (MU-160) to Residential (R1-20), and reflect that change on the Future Land Use Map from Natural Resources and Recreation to Village Low Density Residential.

## **PLANNING COMMISSION SUMMARY**

The Planning Commission heard this item at their regularly scheduled meeting on February 12, 2026. Staff explained the current zoning, the Future Land Use Map designation as natural resources and recreation, and the proposal's potential to allow low-density residential development while buffering between higher-density city zoning and surrounding multiple-use areas. The applicant emphasized that the rezone is intended to establish property value, not to immediately sell the land. She explained that any relocation of the rifle range would be fully budgeted and coordinated before closing the current facility, addressed concerns about acreage, noise, environmental remediation, and urban encroachment, and proposed creating a rifle range committee to oversee planning and ensure public involvement.

During the public hearing, residents expressed concerns about environmental hazards, lead remediation costs, property values, infrastructure limitations, and the potential loss of the rifle range. Several speakers suggested alternative uses for the land, urged careful planning before rezoning, and highlighted the need for transparency in the process. In response, the applicant clarified appraisal values, explained the need for closed-session negotiations to prevent a bidding war, and reiterated that the county intends to maintain a functional rifle range while responsibly managing the property.

The Planning Commission allowed the public an opportunity to respond to the applicant's clarifications by reopening the public hearing. Additional public comment reinforced the desire to protect public access and ensure the relocation plan is viable before any sale. The Commission discussion focused on zoning density, potential environmental risks, lead mitigation, runoff management, and the limits of the Commission's authority to impose conditions. Recognizing the outstanding questions and community concerns, the applicant requested a postponement, and the Commission voted to continue the item to a February 12, 2026, to continue review.

## **ATTORNEY GUIDANCE**

### **Legislative Review:**

The Planning Commission is tasked with advising and recommending to the County Commission whether the proposed zoning change is consistent with Morgan County Code requirements for zoning applications. The Planning Commission is further tasked with advising and making its recommendations based on whether the application conforms to Utah State law. In that regard, while previously the County Commission had broad discretion in either approving or denying a legislative decision (the standard being whether the zoning ordinance could promote the general welfare; or even if it is reasonably debatable that it is in the interest of the general welfare), it appears to have been narrowed by recent changes to § 17-79-1009(3). The subsequently amended statute provides that legislative acts will be upheld if it is shown to be "reasonably debatable that the land use regulation is consistent with LUDMA." While I have not seen any case law testing this new standard, I highly recommend that any decisions by the Planning Commission or County Commission include references to the standards in Morgan County Code and Utah State Code to support them and provide a solid basis for review. In that regard, the State Code standards include:

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

(1)

(a) The purposes of this chapter are to:

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

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

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

Utah Code Ann. § 17-79-101. While the County Commission still appears to have broad discretion, I would caution that Utah Code Ann. § 17-79-101 (1)(b)(xiv) causes concern for legal actions if the Commission fails to support its decisions with the above purposes and standards.

#### **STAFF OBSERVATION**

County staff believes that the proposed zoning map amendment from MU-160 to R1-20, along with an accompanying amendment to the Future Land Use Map, is consistent with sound planning principles to maximize the value of county land. The R1-20 district supports very low-density single-family development. The property's adjacency to the existing city R-1-8 zoning provides a logical transition between city-level residential density and the County's intended lower-density pattern in anticipation of purchase and annexation into the city. The property is already served by the established city Right-Of-Way (ROW) of East Mahogany Ridge Road, which provides access to several County facilities including: the County Rifle Range and the County Search and Rescue building; as well as the privately operated Family Tree Assisted Living of Morgan. This roadway offers an appropriate point of ingress and egress for future development under the proposed zoning designation. Together, the existing infrastructure, compatible neighboring zoning, and inherent buffering provided by a practical density transition, support the conclusion that the rezoning is contextually appropriate and in alignment with current growth patterns. If the Commission finds merit in this rezone, then the following findings could be considered:

#### Findings:

1. That the amendment is appropriate given adjacency to higher-density city zoning, existing infrastructure, and the low-density character of the proposed R1-20 zoning.
2. That the rezone is unlikely to adversely impact surrounding properties, many of which are 0.30 acres or smaller.
3. That the amendment supports County objectives while maintaining an orderly land-use pattern.
4. That the proposed amendment is in harmony with existing land uses in the area.

## ANALYSIS

### General Plan and Zoning:

The application requests a rezone of the property from a MU-160 to R1-20, and reflect that change on the Future Land Use Map from Natural Resources and Recreation to Village Low Density Residential. Approval of this rezone would allow development consistent with residential zoning rather than the patterns typical of multiple use mountainside areas.

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

1. *Morgan County attracts families with its quality of life, rural atmosphere, secure environment, and natural beauty. Residents have a wide range of employment, housing, and lifestyle choices. The County benefits from a balanced economy, livable wages, economic prosperity, and first-rate community services.*
2. *Morgan County respects property rights and recognizes personal responsibility to the land and communities.*
- ...
6. *Morgan County accommodates growth responsibly by integrating new development in a way that is respectful of the environment, supports County values, considers long-term sustainability, and uses available infrastructure. To help achieve this goal, the County strongly recommends that growth occur within or adjacent to corporate limits and villages or be located within master-planned communities.*

The proposed zone change appears to coincide with the stated vision for Morgan County. In changing the zoning district for the applicant's property, the County is reflecting the policies and desires of the General Plan and in accordance with the County Ordinance (See § 155.105). The purpose of the R1-20 zoning district is defined as follows:

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

Staff anticipates that the proposed zoning map amendment will meet these purposes and generally be in harmony with the General Plan and surrounding development. The overall impact on adjacent properties will be negligible as development in the area already has rural residential development.

## ORDINANCE EVALUATION:

Morgan County ordinance anticipates amendments to the zoning map. Section 155.022: *Amendments to Title and Zoning Map* indicates that:

*The County Commission may amend this chapter, including the zoning map, but only in accordance with the following procedure.*

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

(B) *The Planning Commission may instruct staff to study and make recommendations for amendments to this chapter in response to changes in policy or conditions generally within the county. Staff shall forward a recommended amendment to the Planning Commission for its consideration. The Planning Commission shall review and make recommendation to the County Commission regarding the proposed amendment pursuant to § 155.023(D) of this code.*

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

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

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

*(D) Planning Commission review and recommendation.*

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

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

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

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

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

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

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

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

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

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

This meeting is in fulfillment of subsection (D) above. In response to § 155.023(F) above, while the impact of the proposed zone change will be substantial, the proximity of the city utilities system and the surrounding higher-density development should help mitigate potential effects on facilities and services.

## **RECOMMENDED MOTION**

**Recommended Motion for a *Positive Recommendation*** – “I move we forward a positive recommendation to the County Commission for the Morgan County Rezone, application number 25.058, changing 29.48 acres from MU-160 to R1-20, and reflect that change on the Future Land Use Map from a split designation of Natural Resources and Recreation to Village Low Density Residential, based on the findings listed in the staff report dated February 12, 2026.”

**Recommended Motion for a *Negative Recommendation*** – “I move we forward a negative recommendation to the County Commission for the Morgan County Rezone, application number 25.058, changing 29.48 acres from MU-160 to R1-20, and reflect that change on the Future Land Use Map from a split designation of Natural Resources and Recreation to Village Low Density Residential, due to the following findings:”

1. List any additional findings...

### Supporting Information

Exhibit A: Vicinity Map

Exhibit B: Future Land Use Map

Exhibit C: Existing Zoning Map

Exhibit D: Boundary Description

### Staff Contact

Joshua Cook

801-845-4015

[jcook@morgancountyutah.gov](mailto:jcook@morgancountyutah.gov)

Exhibit A: Vicinity Map





Exhibit C: Existing County Zoning Map

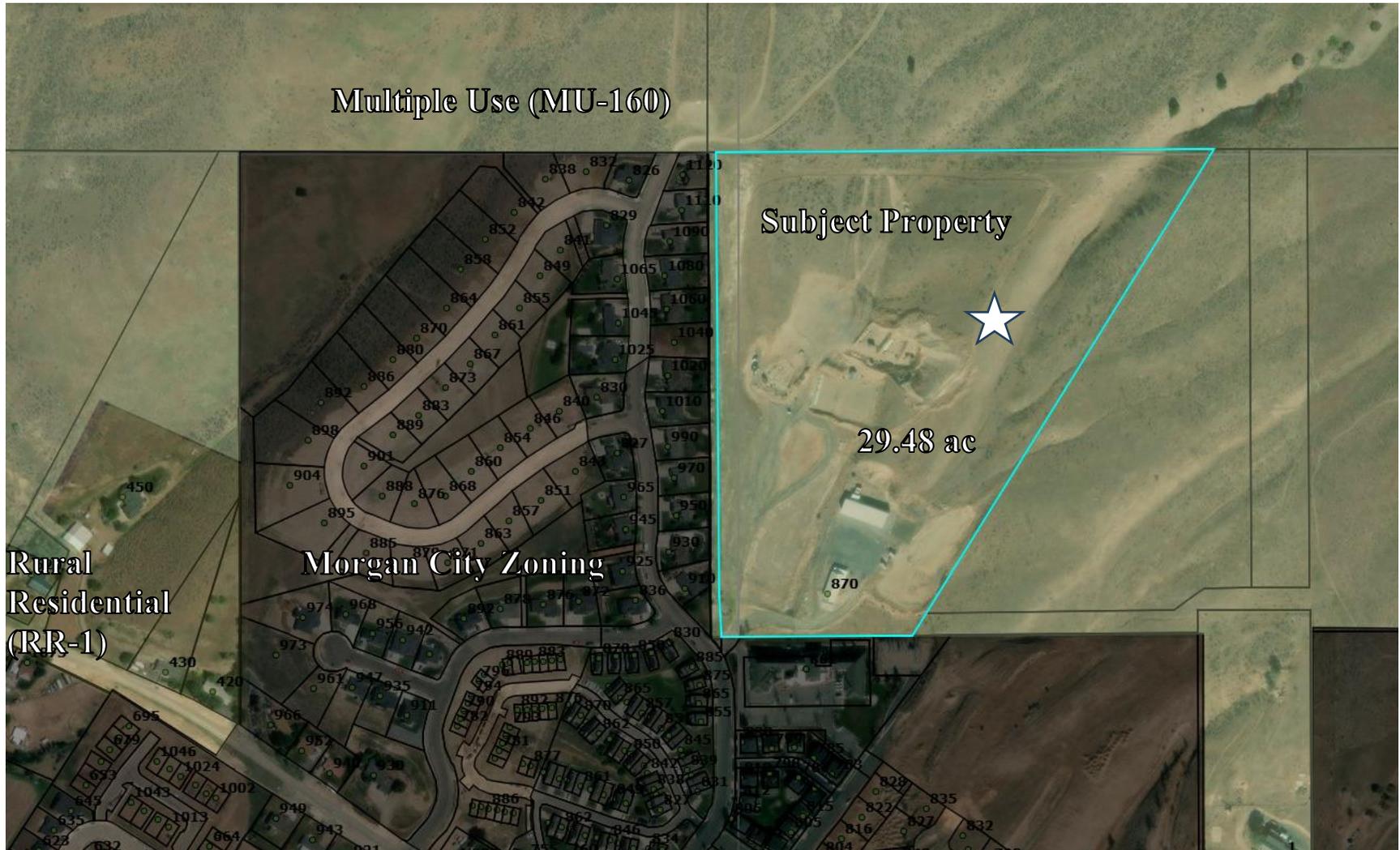


Exhibit C: Existing City Zoning Map

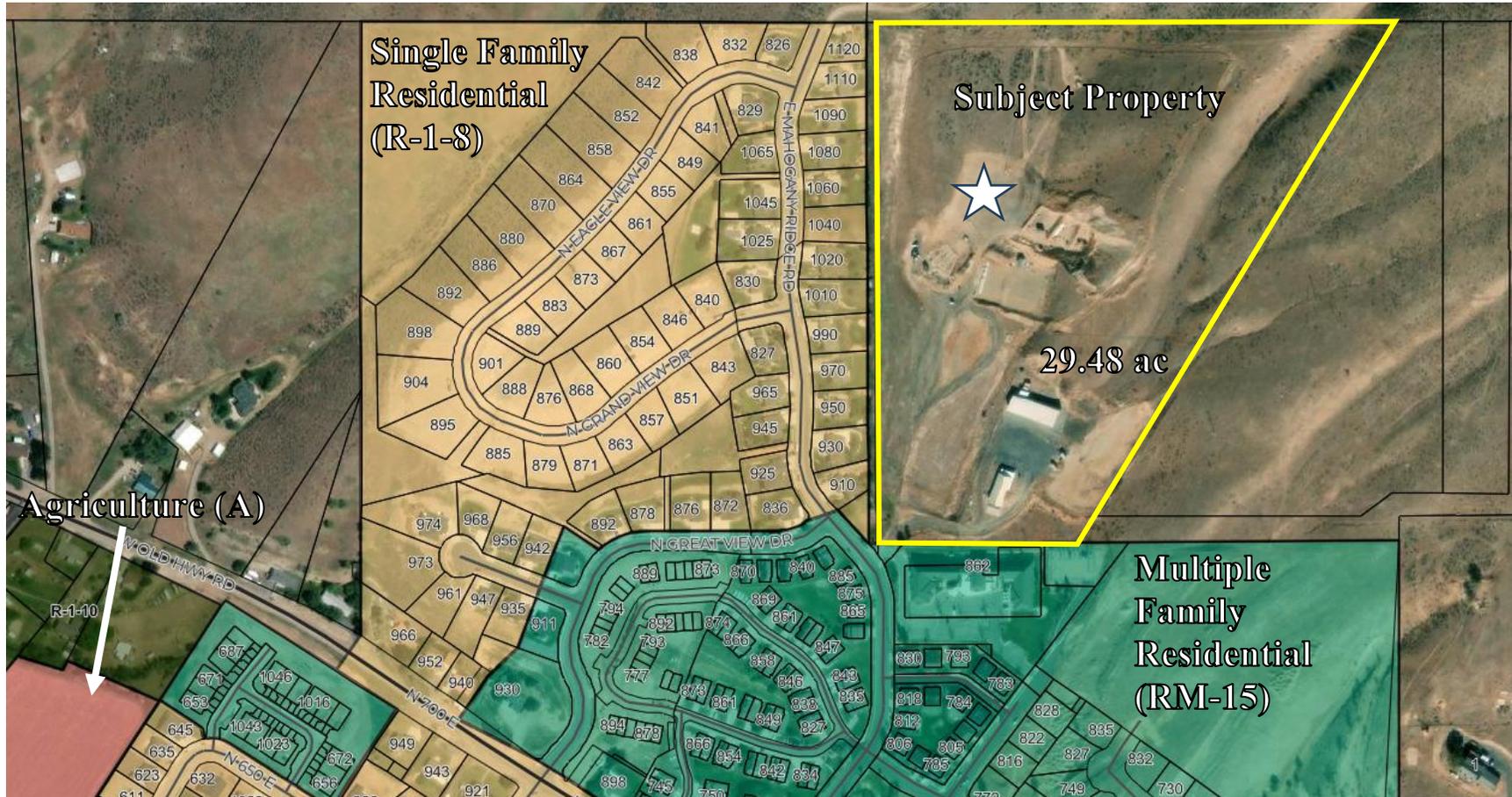


Exhibit D: Property Boundary Description

**Legal Description:**

A PT OF THE N1/2 NW1/4 OF SEC 25, T4N, R2E, SLB&M. BEG AT THE NW COR OF SD SEC 25, & RUN TH E 1381.1 FT; TH S 32°00' W 1568.3 FT TO 40 AC LN; TH ALG SD LN W 550.0 FT TO THE SEC LN; TH N ON THE SEC LN 1330.0 FT TO POB. CONT 29.48 AC. LESS ANY PORT RECORDED IN Q.C.D. ENTRY NO. 89493, IN BK 184, AT PG 232.

**Parcel Text History:**

NOTE: 184/232 NO AC CHANGE -PER ALL AC TAKEN FRM 01-004-386-NA3 -PER DESC OVERLAPS EACH OTHER. (B.D.N. 04-08-03) 2003 TAX YR; VESTING REF: #30278 (R/351); OTHER REF: #123814 (292/1596) -AFF OF ADDRESS CHANGE FROM: 810 RIFLE RANGE RD TO: 870 E MAHOGANY RIDGE RD; (ABSTRACT TO: 01-004-387-02/00-0001-9065 SEC 25, T5N, R2E N1/2, APPEARS TO OVERLAP)



PLANNING COMMISSION Minutes  
Thursday, January 22<sup>nd</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 Watt  
Member Taylor  
Member McMillan  
Member Wilson  
Member Maloney

**Absent PC Members**

Member King

**Public Attendance:**

Lisa Wood  
Paige Wood  
Brielle Jackson  
Jake Halls  
Krystal Kinsey  
Jen Kinsey  
Ethen Weaver  
Amy Everhart  
Ryan Everhart  
Ashton Orr  
Bruce Sharp

**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 Wilson**
2. **Pledge of Allegiance**
3. **Approval of agenda**

*Member Sessions moves to approve the agenda for Thursday January 22<sup>nd</sup> 2026. Motion is seconded by Member McMillan. Motions carries unanimous.*

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

5. **Public Comment – None**

**Administrative**

6. **Public Hearing/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.***

**Planner Lance** – Item number six on your agenda is the Range phase 1, number 1 plat amendment. It is file number 25.052. The applicant is Chase Freebairn, he is in the audience tonight. The owner is

CW the Range LLC. The property is identified as the whole subdivision by the parcel number and serial numbers in your packet tonight. Current zoning is R1-20 which is one residential unit per 20,000 square foot minimum zone. There are 19.29 acres for the whole subdivision. The request is to remove the temporary fire access easement along the northside of the subdivision. The subdivision plat was recorded last year in the fall and was recorded with an easement that originally required the subdivision to provide emergency fire access during development. Frontier Drive has been constructed to a point to provide safe ingress and egress into the development safely with a sixty foot right of way making the temporary easement unnecessary. Reviewing staff all recommend approval to this body tonight. Josh and I are happy to answer any questions you may have.

**Member Sessions** – I have a question this easement was for fire access. Is there secondary emergency access?

**Planning Director Cook** – The secondary access is through Trapper’s Pointe. The road into the Range development is complete. UDOT has allowed them emergency approval for construction and emergency vehicles for access until they can stripe it with temperatures that are greater than 50 degrees. The only things not complete is the striping and seal coat. This keeps the construction traffic out of Trapper’s Pointe.

**Member Taylor** – Just a general question, is there a way to do this in the future to self-extinguish these things? They just seem annoying. Is there a way to avoid plat amendments?

**Planning Director Cook** – Unfortunately since it was shown on the plat, we must have approval to remove it. Plat amendments are required for changing a plat. If the County Commission chooses to see this directly rather than coming to the Planning Commission first I could ask. Nothing can be self-extinguishing if it’s shown on the plat if it has been requested to be placed there. It was requested by the fire department.

**Member Taylor moves to recommend approval to the County Commission of the Range Phase 1 number 1 plat amendment application file number 25.052 to remove the temporary fire access easement to the north boundary of the Range phase 1 subdivision. Based on findings and conditions listed in the staff report dated January 22<sup>nd</sup> 2026. Second by Member Watt. Motion carries unanimous.**

**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.

**Planner Lance** – Introduces Item #7, Village at Trapper’s Loop Townhomes site plan application number 25.044. The applicant is Wayne Johnson, in the audience tonight. The owner is Sutterby LTD. The location is 600 feet south of North Queens Garden Road and West Old Highway Road and identified by the parcel and serial number in your packet. The current zoning is RM-15 which is a multiple residential district. Total acreage is 8.45 acres. The request is for a site plan approval for the construction of 45 townhomes, 10 buildings, 9.24 units per acre. The review of the site plan includes a review of landscaping, parking, lighting, elevation and building materials as well as design standards. The landscaping calls for 15% to be landscaped and 85% of that to be plant material. The lighting is a review of the photometrics plan. The applicant is in the audience and we can answer questions as can staff

**Member Sessions** – Your landscaping chart in the packet says the developed park area is 69,000 sq feet for 28% of the development. It was 7589 according to the plat, so the actual percentage is 28.4%

for the landscaped part for the park itself. That means the actual percentage goes up to 37.7% landscaped area which is more than the chart represents. Then I have a question on the materials, the different building materials are identified by number but there are no numbers on the elevations to identify what is what? My concern is that there is a lot of stucco on all the sides and back.

**Planning Director Cook** – We had the same concern. We reached out to the applicant today to find out the percentage of stucco and found out that the stucco has been removed completely and is actually hardy board. It must be less than 30%. A condition is recommended to show that there will not be stucco.

**Member Taylor** – So for clarification, based on drawings that all is hardy board on the elevations, even on the end? So do we approve it as is?

**Planning Director Cook** – Yes you would just make a condition or stipulation that the elevations that show no stucco are the appropriate elevations.

**Member Watt** – I have a question, this is a narrow area and there is a description regarding access and how it will take place. I'm worried about the disruptions and it talks about access roads during development? Could you lay that out for me?

**Planning Director Cook** – That is not really a discussion point. Engineers reviewed this and they are good with the design of the roads, they're going to be private roads. Before construction begins, we will have a pre-construction meeting to lay all of that out.

**Member Watt** – Question withdrawn.

**Member Taylor** – A question about parking, I see two stalls per unit provided and two stalls required by code?

**Planning Director Cook** – Actually only two stalls are required for single families. The two spaces in the garage count as two spaces.

**Member Taylor** – I didn't see the difference in the county code versus the new state code and I didn't see any floor plans to verify the width of the driveway or dimensions of the garage. I'm assuming that that means you have checked that.

**Planning Director Cook** – Yes, we have checked that the scales are on the site plan and measured in blue beam. The garages will have to be a minimum of 18 feet wide and 20 feet deep. Each space is 9x18. That is what is called out in our code.

**Member Taylor** – It says 10x20 is the limit in the garage and 9x20 in the driveway.

**Planning Director Cook** – The dimensions are on the site plan with a link to the drawings to pull up the full sets. Our engineers have checked it, two parking spaces for the garage appear to work.

**Member Taylor** – Then it is clear that they have gone over and above the parking code here, two in the garage and two in the driveway, functionally, it exceeds the code.

**Planning Director Cook** – We can double check before the County Commission, if you want...but as far as my professional opinion, it meets our code.

**Member Taylor** – I think this will be fine. I'm more concerned about our code in general. That seems to be inviting trouble to not have any visitor parking. Another question, on those hammer heads does the applicant own that property that the hammerheads are going on?

**Planning Director Cook** – I'll let the applicant speak to that. I don't know if the applicant is a partner with them or not.

**Member Taylor** – Is there a guarantee that they have a right to have hammer heads on someone else's property? I didn't see anything in the code limiting the number of units? This is labeled as public on the right hand side of the drawing. Does Rollins Ranch Road exist yet? Has fire marshal reviewed this? How many units can someone put in with only one way out?

**Planning Director Cook** – It depends on if it's sprinklered or not. They will have to meet fire code and sign off to proceed during preconstruction meeting to proceed. Fire has reviewed this. The way we calculate the number of units a property can have, we take the total acreage subtracted by 8,000sq feet for the first unit and then divide the remaining by 3500 square feet to give you the number of units you could fit on there.

**Member Taylor** – Fire code would definitely allow this but I didn't know if the county had additional restrictions? It doesn't sound like it.

**Planning Director Cook** – No, it's just the fire code and AHJ would be the one to sign off.

**Duane Johnson** – Regarding fire, we have a million-gallon tank with a ten inch line. We can easily flow 2000 gallons of water per minute.

**Member Sessions moves to recommend approval to the County Commission for the Village at Trappers Loop Townhomes site plan application file number 25.044. Allowing for the proposed multiple family development located at approximately 600 feet south of the intersection of North Queens Garden Road and Old Highway based on the conditions and findings in the staff report dated January 22<sup>nd</sup> 2026 with the following added condition that the elevations show that no stucco will be used for building material. Second by Member Taylor. Motion carries unanimous.**

**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.

**Planner Lance** – Same applicant, same property, the applicant is Wayne Johnson. This application is for the Village at Trapper's Loop Townhome Preliminary Plat, application number 25.030 Same location with acreage of 8.45 acres. The request is for approval of a preliminary plat approval to allow for the construction of 45 townhomes. RM-15 is medium density residential zoning. The preliminary plat looks at the subdivision boundaries, lot layouts, looks at grading and drainage utility plans, and looks specifically at infrastructure and public facilities. Staff and fire, county engineer all having reviewed this and recommend approval of this application. The Planning Commission is providing a recommendation to the County Commission, but we are happy to answer any questions you have.

**Member Sessions** – It is nice to see the amenity in phase 1!

**Member Taylor moves to recommend approval to the County Commission of the Trapper's Loope Townhomes preliminary plat application 25.030 allowing for 4 5unit townhome subdivision of land. Located 600 feet south of intersection of North Queens Garden Road and West Old Highway based on findings and conditions listed in the staff report dated January 22<sup>nd</sup> 2026. Second by Member McMillian. All in favor, motion carries unanimous.**

**9. Business/Staff Questions: Election of Planning Commission Officers (Chair and Vice Chair)**

**Planning Director Cook** – Unfortunately the next agenda will not be all administrative items. It will include the continuance for the shooting range. We will have training, either this next meeting or the second meeting in February where it might be a lighter agenda. There is usually a spring training conference for planning if anyone wants to attend something like that, we do have funding for that.

**Member Sessions** – Election of officers should be first meeting in March.

**Member Maloney** – I think we need to find a lighter meeting to update bylaws – they are super dated.

**County Attorney Janet Christopherson** – If someone wants to nudge me honestly unless I get nudged it won't rise to the top and it should be.

**Member Maloney** – I missed the last meeting, Civic Review was brought up, we don't have access to that and we used to? Is there a reason why we don't have access?

**Planning Director Cook** – The planning commission's duties are not to double check staff and make sure they got everything the staff has access to, it is not typically your job. The job is to stick to the duties found in the zoning ordinance which states that you review the items that staff provides along with the report and make recommendations accordingly.

**Member Maloney** – My concern was more, not double checking work, but that there was information missing that should have been provided.

**Planning Director Cook** – The staff provided a staff report. We provided what we thought was needed to make a recommendation. The applicant chose to provide additional information through a presentation as well.

**County Attorney Janet Christopherson** – If I may, it is to ensure that staff is doing their job and getting everything together. The Planning Staff job is to pull the vital things and check the boxes to make sure everything you need to review necessary items. It just happens with some applicants that they have more things they want to share and I don't know if we can anticipate everything. Certainly, if you notice in going through the packet beforehand please come down to Planning to make sure if there is anything missing you noticed please tell them.

**Planning Director Cook** – Just to put the invitation out there again I'm happy to meet with any of the commissioners anytime you want.

**Member Maloney** – Yeah it seemed more like there was just confusion.

**Planning Director Cook** – It was their choice to give a presentation...after we spent 18 months with them – that was just their choice.

10. Approval of January 8<sup>th</sup>, 2026, Planning Commission Minutes

*Member Sessions moves to approve the January 8<sup>th</sup> 2026 Planning Commission Minutes, second by Member Watt. All in favor, motion carries unanimous.*

11. Adjourn

*Motion by Member Wilson, second by member Taylor. Motion adjourned.*

Approved:

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

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