

March 26, 2026

Planning Commission,

The very first thing the pioneers did upon arrival in the Salt Lake Valley was divert water and start irrigating. Many water rights were recorded prior to Utah even becoming a state. We own one of those early rights as do many others here in Morgan County.

Water rights are so important that the State legislature, over the years, has passed numerous laws to protect and guarantee continued access to and the use of those perfected water rights. The general population has no concept of water usage or rights other than it comes out the tap. The status of the Great Salt Lake has amplified the interest in the use of water and water rights.

Irrigation ditches per state code are considered Critical Water infrastructure. Therefore, care needs to be taken to protect the ditches when development occurs on top of them. These irrigation ditches need to be identified on plats and protected. They are not drainage easements for the development. An irrigation ditch is used to convey an adjudicated water right, period, It should not be used as a collector system for storm water from the development. In my view an irrigation ditch is used to enhance and is taken care of by the owner of the water right.

Our water rights originate and flow through WPR. There have been attempts to impede our access and have created barriers that have delayed the use of our water right. During the construction in Phase 6, our ditch was damaged and obstructed. Their storm water runoff also ends up in our ditches as well as sediment filling them. During the approval process of Phase 6, I came to the county and spoke of my concerns about developing on top of our ditch. I made a simple request, as an added protection, to have our ditch labeled as such on the plat. However, my request was dismissed.

So why am I here ? My request is that in future developments throughout Morgan County, that care is taken by the Planning Commission and County Commission to protect and preserve the right of these ditches. They need to be identified appropriately as ditches and not as drainage easements on plats and construction drawings. My hope is to perhaps spare other water right holders from the frustration and damage caused by development that we have had to deal with these past few years.

Randy Sessions

**Planning Director Cook-** Questioned that this may not be the right route. The County Commission already directed him to do it a certain way. If they will buy off on it, then he would accept a request that land use authority is redefined. He stated that he would support it. Some of the administrative things should just be staff or planning commission approved. There are a lot of meetings that should not be needed. Maybe at the next meeting Matt Wilson and Mike Newton would be there, it could be discussed?

**Member Taylor – Perfect.**

**County Attorney Janet Christofferson –** You should give me blanket approval to fix all the things in our code...it's needed.

***Member King approved the March 12<sup>th</sup> minutes. Second by Member Maloney. Motion carried unanimous.***

***Member Maloney motioned to adjourn. Second by member Wilson. All in favor.***

Approved:

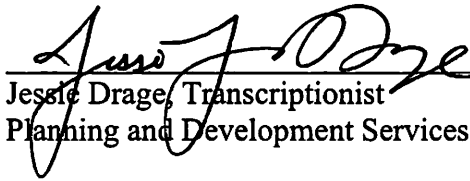


Date:

4-9-26

Chairman, Debbie Sessions

Morgan County Planning Commission



Date:

4-10-26

Jessie Drage, Transcriptionist

Planning and Development Services

**Planner Lance** – Introduced item #9 is Phase 6C & 6D preliminary plat modification, file #25.051, the applicant being WPR LLC, location again 5233 West Wasatch Peaks Road, identified by parcel and serial numbers in the packet tonight. With the Resort Special District zoning with the applicable Development Agreement, and acreage being 276.60 acres combined. The request was for preliminary plat approval for an 18 lot subdivision divided into two more phases, 6C and 6D. When Plat 6 came before the County Commission and received approval, phases A and B had complete definition and boundaries, lots contained therein, utilities, were all defined but Phase 6C was left undefined so the boundaries were drawn but none of the lots were drawn. This request is to define Phase C and add in and provide definition for phase 6 D. The lot sizes range from 0.74 acres with half dozen smaller lots up to 7.23 acres, the majority being larger lots. The Planning staff having reviewed this application and consisting of the County Engineer, Surveyor, Recorder and Fire all having provided reviews and approval in their reviews recommend approval to the Planning Commission tonight. The applicant is in the audience and staff is happy to answer questions.

**Planning Director Cook** – Stated that he wanted to make a quick correction that the Preliminary Plat is not required to be reviewed for surveyor or recorder. This was just reviewed by Planning staff, engineer and fire department.

**Member King** – Questioned if it was needed to add a condition on the ditches?

**Chair Sessions** – No...there are not public ditches affected in this application. The ditch was in phase 1 and it is already done.

**Member Taylor** – Would that show up in a preliminary or final plat recommendation?

**Planning Director Cook** – Confirmed that he would make sure if our code says that irrigation ditches need to be labeled on the plat, then they will be. He said he would make sure it is labeled in the future as well. It doesn't need a stipulation now.

*Member Taylor moved to recommend approval to the County Commission for WPR Phase 6C and 6D Application #25.051 allowing for an 18 lot subdivision of land located at approximately 5233 West Wasatch Peaks Road in unincorporated Morgan County, based on the findings and conditions listed in the staff report dated March 26<sup>th</sup> 2026. Second by Member Wilson. Motion carried unanimous.*

#### 10. Business and Staff Questions

**Member Taylor** – Asked if the Planning Commission could look at the list of requests to the Planning Staff?

**Planning Director Cook** – Stated that he did not bring the list but at the next meeting they would do an update on the list.

**Member Taylor** – Questioned how to make the motion for the site plan and final plat to be in alignment on approval?

**Planner Lance:** Introduced 4A.1 Upper Townhomes Preliminary and Final Plat, Application # 25.055 the applicant being WPR LLC, and the project location similarly stated at 5233 Wasatch Peaks Road in unincorporated Morgan County, identified by parcel and serial number in the meeting tonight. The current zoning being Resort Special District with an applicable development agreement and being 3.07 acres in size. The request is for preliminary and final plat approval of six townhomes in 3 separate buildings. He stated that to provide some details from staff we require that preliminary and site plan applications run together. The only difference is that we added the final plat here as well due to its small size. Reviewing staff consisted of County Engineer, Recorder, Fire Department and planning staff all having reviewed this recommend approval to this body tonight.

**Member Taylor** – Questioned why are we doing it this way?

**Planning Director Cook** – Stated that the code requires it.

**Member Taylor** – He confirmed that the applicant has another meeting to go to because the site plan requires county commission approval? Our Preliminary and Final approval is final tonight or is it conditioned on site plan?

**Planning Director Cook** – Stated that if the applicants check all the boxes they can't be denied as administrative items. For tonight the plat can be approved but the site plan must go to county commission.

**Member Taylor** – Questioned that it might be a waste of time to have the additional meeting?

**Planning Director Cook** – He agreed that it was a waste of time. He stated that he talked to the County Commission about site plans. They told him that land use authority in relation to site plans lies with the County Commission.

**Member Taylor** – Stated that he could just imagine what would happen if they walked away with a plat approved and then the County Commission has a problem with the site plan.

**Planning Director Cook** – He said that he hoped that would not happen...he stated that the plat does a few things differently than the site plan. So, this allowed them to divide and record.

**Member King moved to recommend approval of WPR Phase 4A.1 Upper Townhomes Small Subdivision Preliminary and Final Plat application# 25.055 allowing for six townhome units in three separate buildings, located at approximately 5233 West Wasatch Peaks Road in unincorporated Morgan County, based on findings and conditions listed in the staff report dated March 26<sup>th</sup> 2026. Second by Member Wilson. Motion carried unanimous.**

- 9. Public Meeting/Discussion/Decision – WPR Phase 6C & 6D Preliminary Plat Modification:** A request for preliminary plat approval a subdivision of 18 lots, identified by parcel number 00-0093-1362 and serial number 12-004-014-01-1-3, and is located at approximately 5233 West Wasatch Peaks Road in unincorporated Morgan County.

**Planning Director Cook** – Stated that in the meeting that Randy Sessions had mentioned, he called those ditches stormwater. It was clarified to me by Chair Sessions that they were actually drainage ditches. So I spoke with WPR and they agreed to list them as irrigation ditches.

**Planner Lance:** Introduced application #25.054, location being 5233 West Wasatch Peaks Road in unincorporated Morgan County, The applicant is WPR LLC team. The current zoning is resort special district with a Development Agreement. The acreage is 3.07 acres. The request is for the approval of Wasatch Peaks Ranch 4A.1 Upper Townhomes Residential Site Plan to allow for construction of six townhomes. The site plan application is one of the staff's most involved applications. It has a very long list of checklists and required plans as addendums including a landscaping plan, photometrics plan, building material which in this case are regulated by the Development Agreement. Elevations submitted, utility plans, parking is considered as well. This review includes the county engineer, the fire department and planning staff all who have reviewed this site plan application and recommend approval to this body tonight. Planning staff is happy to answer questions. The applicant is in the audience tonight.

**County Attorney Janet Christofferson**– Reminded everyone that in the old bylaws, a conflict of interest is included if there is personal, familial or financial ties between the Planning Commission member and any proponents. There may be a conflict of interest between a Planning Commission member and a proponent of the discussion.

**Planner Lance** – Stated that that would apply to 6C but not this application.

**Member McMillan** –Questioned that there are four driveways right? Not three.

**Planner Lance** – He stated, that, yes, confirmed.

**Member Maloney** – Stated that she had a question about building materials and fire marshal approval.

**Planning Director Cook** – Stated that approval had been given. The materials come out of the Development Agreement, not out of our code, and they have followed those.

***Member Wilson moved to recommend approval to the County Commission for WPR 4A.1 Upper Townhome Residential Site Plan application #25.054. Allowing for the proposed multifamily development Of 6 townhome units in three separate buildings, located at approximately 5233 West Wasatch Peaks Road in unincorporated Morgan County, based on the findings and conditions in staff report dated March 26<sup>th</sup> 2026. Second by Member Maloney. Motion carried unanimous.***

8. **Public Meeting/Discussion/Decision** – *WPR Phase 4A.1 Upper Townhomes Small Subdivision Preliminary & Final Plat:* A request for preliminary & final plat approval of six (6) townhome units, within three (3) separate buildings, identified by parcel number 00-0093-1362 and serial number 12-004-014-01-1-1-3, and is located at approximately 5233 West Wasatch Peaks Road in unincorporated Morgan County.

**Planning Director Cook** – He stated that county staff did not establish the 1.75-acre requirement, noting that it was set by the Weber-Morgan Health Department based on percolation rates. He explained that while some properties might be allowed smaller sizes, recent practice had not permitted this, and the county’s minimum requirement remained one acre. He stated that all residential property owners in the county were eligible to apply for an accessory dwelling unit (ADU), and that regulations had expanded approximately two and a half years prior to allow detached ADUs. They clarified that constructing an ADU did not require a new subdivision but did require approval from the health department, including evaluation of septic systems and well capacity. He noted that the Huertas had completed this process and that the county had received the required approval letter.

**Chair Sessions** – Stated that the only thing she could see missing were the full utility easements.

**Planning Director Cook** – Stated that the Planning Commission could make that a stipulation of approval and it could be added before recording.

**Chair Sessions** – Stated that it might be worth noting that we may need to address the code maybe those easements aren’t necessary anymore. She asked if the applicant like to come forward, anything to say or add?

**Member King** – Do you remember what the perc rate is out there? It looks like it should per fine...

**Department Head Cook**– Stated that he doesn’t look at rates,he goes off of the letter that the Health Department provides.

**Member Wilson** – Questioned to the applicant, what is your plan for the secondary dwelling unit?

**Travis Hureta** – Stated that currently he had not specified any secondary unit. Just the single lot subdivision that we have submitted.

***Member Wilson moved to approve the Huerta Small Subdivision Preliminary and Final Plat Application File #25.023 allowing for a one lot subdivision located at approximately 344 West Richville Lane, based on findings and conditions listed in the staff report. With the following conditions that the utility easements be identified on the plat. Second by Member King. All in favor, motion carried unanimous.***

- 7. Public Meeting/Discussion/Decision** – *WPR Phase 4A.1 Upper Townhomes Residential Site Plan*: A request for site plan approval of six (6) townhome units, within three (3) separate buildings, identified by parcel number 00-0093-1362 and serial number 12-004-014-01-1-1-3, and is located at approximately 5233 West Wasatch Peaks Road in unincorporated Morgan County.

**Shelly Page** –She stated that she owned 4.1 acres across from the Huertas property and had been researching recommended distances between septic systems and wells, noting a guideline of approximately 1.75 acres. She also referenced information suggesting limits on the number of septic systems within a given square mile. She reported contacting the Weber-Morgan Health Department to inquire about soil capacity and drainage considerations for septic systems and was awaiting a response. She expressed concern that the attorney’s position framed the issue solely as whether the application complied with county ordinances. They questioned whether properties without access to public sewer and water infrastructure should be evaluated under the same standards as those with such utilities available. She emphasized that land has limited capacity to absorb and filter waste and questioned whether meeting the 1.75-acre guideline alone would be sufficient for approval, regardless of the cumulative impact of nearby parcels within the same area. She referenced Utah code indicating that significant threats to public welfare should be a compelling consideration and that public interest should not be undermined. She concluded by expressing appreciation for the decision-makers’ time and urged careful consideration of areas with similar infrastructure limitations.

### **Administrative**

- 6. Public Meeting/Discussion/Decision – *Huerta Small Subdivision Preliminary & Final Plat:***  
A request for preliminary and final plat approval of a one (1) lot subdivision, identified by parcel number 00-0093-3836 and serial number 01-003-124-01, and is located approximately 0.28 miles east of the intersection of South Morgan Valley Drive and West Richville Lane in unincorporated Morgan County.

**Planner Lance** – Introduced Kent Page as the new Senior Planner. He stated that there are two items that the Planning Commission has land use authority to approve. That is the minority of applications that come through. Huerta and Phase 4A.1 those would be approved by the Planning Commission tonight and the others will just give recommendations. This upcoming application is a small subdivision of ten lots or less. Preliminary and final plats applications are combined but reviewed separately by Staff Item #6 is the Huerta Small Subdivision File# 25.023 Preliminary and Final Plat. The applicant is in the audience tonight, Travis Hureta. Location is approximately 344 West Richville Lane. Identified by parcel and serial numbers in the packet tonight. It is currently split designation of RR-1 and A-20 zone. The current acreage is 3.83 acres. The request was for approval for preliminary and final plats of the one lot subdivision. Staff had conducted a review and reviewing staff including the county engineer, recorder, fire, and planning staff The application meets the minimum frontage, size requirement and prelim and final plat standards. Staff recommended approval of the application to the Planning Commission tonight He stated that staff was available to answer questions.

**Randy Sessions** – I have a document that I am going to read off and request that it will be part of the minutes tonight. Dated March 26<sup>th</sup> 2026. He stated that early pioneers prioritized diverting water and establishing irrigation systems, and that water rights existed prior to Utah becoming a state. They emphasized that water rights are highly protected by state legislation, while noting that the general public often lacks understanding of water usage and rights. He explained that concerns surrounding the Great Salt Lake have brought increased attention to water rights issues. He noted that care should be taken when plats cross irrigation ditches, as these ditches are intended to convey water rights and should not be used for stormwater collection. They expressed the opinion that maintenance of such ditches should fall to the water right owner. He reported experiencing issues with access being impeded, as well as damage and obstruction to their ditch. They also stated that stormwater runoff from neighboring properties had historically drained into their ditch. He indicated they had requested that the ditch be clearly labeled on the plat. They urged that future developments in Morgan County take care to preserve ditch rights and ensure proper identification on plats and construction drawings. They concluded by expressing hope that others would be spared similar issues in the future. \*Written Statement Attached at end of Minutes\*

**John Page** – The speaker stated that the property had been court-ordered to be subdivided in compliance with current regulations, with one main residence and the remaining land designated for agricultural use. He noted that the current application did not clearly define the nature of the proposed additional dwelling unit. He expressed support for a conventional single-home model but opposed the construction of an additional residence on the property, particularly one with its own septic system, noting that current zoning would not allow it. They emphasized a desire to avoid increased housing density in the area. He raised concerns about health and safety risks associated with higher density, particularly given existing infrastructure limitations. He explained that all current homes on Richville Lane are in compliance, and that there are no additional water shares available and no public sewer system. He noted that all properties rely on private wells and septic systems. He warned that an overabundance of septic systems could exhaust or contaminate the local water supply and exceed the soil's capacity to properly treat waste. They highlighted that the area, located between Highway 66 and Mountain View Drive, contains only 24 homes, and stated that the number of septic systems should align with that density. He concluded that additional dwellings could increase risk to an unsafe level and emphasized that zoning regulations should not be viewed merely as obstacles for further development.



PLANNING COMMISSION AGENDA  
Thursday, March 26<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.

<b>Present PC Members:</b>	<b>Absent PC Members</b>	<b>Public Attendance:</b>
Chair Sessions	Member Watt	Randy Sessions
Member McMillan		Travis Huerta
Member Taylor		Mark Huerta
Member Wilson		Carley Herrick
Member Maloney		Brian Nestoroff
Member King		Ed Shultz
		Kelly Shuldberg

**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 Maloney moved to approve the agenda for Thursday March 26<sup>th</sup> 2026. Motion seconded by Member Taylor. Motion carried unanimous.*

- 4. Declaration of Conflicts of Interest** – None; however Chair Sessions mentioned that her water rights flowed through Wasatch Peaks Development.
- 5. Public Comment**