



PLANNING COMMISSION AGENDA  
Thursday, April 9<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** – *Canyon View Commons Phase 1 Condominium Plat Amendment*: A request for approval of an amendment to lot 7 of the Canyon View Commercial West subdivision to allow for condominiumization, identified by parcel number 00-0090-5052 and serial number 03-CANVCOMW-0007, and is located at 5788 West Canyon View Circle in unincorporated Morgan County.
7. **Public Meeting/Discussion/Decision** – *Silverstone Subdivision Ph. 6 Plat Amendment*: A request for approval of an amendment to the Silver Stone Subdivision No. 1, Amended Plat No. 1 for the creation of a new lot. The properties are identified by parcel numbers 00-0005-3023, 00-0005-5416, and 00-0005-2785 & serial numbers 03-SS1-0008-A1, 03-005-121-08, and 03-005-121-06 to and is located at approximately 5233 West Wasatch Peaks Road in unincorporated Morgan County.

**Legislative**

8. **Public Hearing/Discussion/Decision** – *Town Center Zone Code Text Amendment*: Request for approval of a text amendment to the Morgan County Code (MCC) to update Town Center zoning requirements generally.
9. Business/Staff Questions
  - Planning Commission Training
10. Approval of March 26<sup>th</sup>, 2026, Planning Commission Minutes
11. Adjourn



**PLANNING COMMISSION**  
**STAFF REPORT**  
Plat Amendment

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Canyon View Commons Phase 1 Condominium Plat Amendment  
April 9, 2026  
Public Meeting  
File #25.024

Applicant: Kelvin Judd  
Owner: Canyon View Commons LLC.  
Project Location: 5788 W. Canyon View Cir.  
Parcel Number: 00-0090-5052  
Serial Number: 03-CANVCOMW-0007  
Current Zoning: Highway Commercial (CH)  
Acreage: 1.98 acres

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**REQUEST:**

A request for approval of an amendment to lot 7 of the Canyon View Commercial West subdivision to allow for condominiumization.

**ATTORNEY GUIDANCE:**

**Administrative Review:**

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

**Applicable law:**

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

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

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

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

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

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

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

**STAFF RECOMMENDATION:**

Based on the information in this staff report, staff recommends approval of Canyon View Commons Phase 1 Condominium Plat Amendment, subject to all applicable regulations and the following conditions:

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

**PROJECT DESCRIPTION:**

**Proposal Details**

This application is a request for approval to condominiumize the approved site plan for Lot 7 of Canyon View Commercial West, creating fourteen (14) individual commercial flex units, each to receive its own serial identification. Staff has reviewed the request in accordance with state code governing condominium plats.

## **DISCUSSION:**

This request involves condominiumizing the approved site plan for Lot 7 of Canyon View Commercial West to allow each of the 14 existing flex units to have individual serial identification. The proposed condominium plat does not create new structures or change the approved site plan; it formalizes the subdivision of property ownership in compliance with Utah Code § 57-8-13, which governs condominium plats and required surveying details, including unit elevations. Each unit will maintain the previously approved layout, including access, parking, and utility connections.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**155.444: PROCEDURE:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## ANALYSIS OF STANDARDS

Standards	Findings	Rationale
<p><b>Ordinance Evaluation. Morgan County Code, Chapter 155, Section 440 states the following:</b></p> <p><i>Prior to the County Commission's approval of a petition or proposal to amend a subdivision plat, the petitioner or sponsor shall deliver to the County an <u>amended plat map and complete supporting preliminary plat and final plat</u> information in compliance with the requirements of this chapter. The applicant shall also pay all fees required by the County's fee schedule.</i></p> <p><i>Therefore, this plat amendment has been reviewed for preliminary and final plat standards.</i></p>		
<p><b>155.407: PRELIMINARY PLAT SUBMITTAL:</b> 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:</p>		
A	<p><b>Vicinity Map</b></p> <ol style="list-style-type: none"> <li>1. Drawn at a maximum scale of one thousand feet (1,000') to the inch.</li> <li>2. Show all existing and proposed roadways in the vicinity of the proposed development.</li> <li>3. A north arrow.</li> <li>4. The nearest section corner tie.</li> <li>5. Subdivision name.</li> </ol>	Complies
B	<p><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></p>	Complies
C	<p><b>Preliminary plat (all facilities within 200 feet of the plat shall be shown):</b></p> <ol style="list-style-type: none"> <li>1. Drawn at a scale not smaller than one hundred feet (100') to the inch.</li> <li>2. A north arrow.</li> <li>3. Subdivision name.</li> <li>4. The layout and names and widths of existing and future road rights of way.</li> <li>5. A tie to a permanent survey monument at a section corner.</li> <li>6. The boundary lines of the subdivision with bearings and distances.</li> </ol>	Complies

	<p>7. The layout and dimensions of proposed lots with lot areas in square feet.</p> <p>8. The location and dimensions and labeling of other spaces including open spaces, parks, trails, or public spaces.</p> <p>9. The location of manmade features including bridges, railroad tracks, fences, ditches, and buildings.</p> <p>10. Topography at two foot (2') intervals. One foot (1') contours may be required by the county engineer in particularly flat areas.</p> <p>11. Location and ownership of all adjoining tracts of land.</p> <p>12. Proposed subdivision phasing plan and relationship to existing phases of development. (Ord. 10-16, 12-14-2010)</p>		
D	<p>Grading and drainage plan (may be combined with plat sheet, if approved by the county engineer):</p> <ol style="list-style-type: none"> <li>1. Plan drawn to a scale not smaller than one hundred feet (100') to the inch, showing the road and lot layout.</li> <li>2. Topography at two foot (2') contour intervals.</li> <li>3. North arrow.</li> <li>4. Subdivision name.</li> <li>5. Areas of substantial earthmoving.</li> <li>6. Location of existing watercourses, canals, ditches, springs, wells, culverts, and storm drains.</li> <li>7. Location of any 100-year floodplain as designated by the federal emergency management agency (FEMA).</li> <li>8. A storm drainage plan showing water flow directions, inlets, outlets, catch basins, waterways, culverts, detention basins, outlets to offsite facilities, and off site drainage facilities planned to accommodate the project drainage.</li> <li>9. Show any existing wetlands.</li> <li>10. Slope analysis which depicts all slopes greater than fifteen percent (15%) and greater than twenty five percent (25%) with distinct notation. (Ord. 12-09, 9-18-2012)</li> </ol>	Does Not Apply	
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>	Does Not Apply	
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. Service agreements from all utility companies or providers.</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</li> </ol>	Does Not Apply	

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

	north or west, whichever accommodates the drawing best. All lines, dimensions, and markings shall be made on a mylar with approved waterproof black ink. The plat shall be made to a scale large enough to clearly show all details, and in any case not smaller than one hundred feet (100') to the inch, and workmanship on the finished drawing shall be neat, clean cut and readable.		
B	The final plat shall show the subdivision name that is distinct from any other recorded subdivision name and the general location of the subdivision in bold letters at the top of the sheet.	Complies	
C	The plat shall contain a north arrow and scale of the drawing and the date.	Complies	
D	Prior to consideration by the county commission, the plat shall be signed by all required and authorized parties, with the exception of the county commission chairperson, planning commission chairperson and county attorney, with appropriate notarial acknowledgements and the final plat shall contain all information set forth in this section.	Will comply	Historically, staff has recommended the applicant wait to print the final mylar and receive signatures, in the event that the Planning Commission and/or County Commission recommend changes to the plat.
E	An accurate and complete survey, which conforms to Utah state law.	Complies	
F	Plats will show accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to at least two (2) public survey monuments. These lines should be slightly heavier than street and lot lines.	Complies	
G	The final plat shall show all survey, mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, and central angle, radius and arc length of curves, and such information as may be necessary to determine the location of beginning and ending points of curves. All property corners and monuments within the subdivision shall be tied to an acceptable Morgan County monument, as determined by the Morgan County surveyor. Lot and boundary closure shall be calculated to the nearest 0.02 of a foot.	Complies	
H	All lots, blocks, and parcels offered for dedication for any purpose should be delineated and designated with dimensions, boundaries and courses clearly shown and defined in every case. The square footage of each lot shall be shown. All parcels offered for dedication other than for streets or easements shall be clearly designated on the plat. Sufficient linear, angular and curved data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot and parcel which is a part thereof. No ditto marks shall be used for lot dimensions.	Complies	
I	The plat shall show the right of way lines of each street, and the width of any portion being dedicated and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty feet (50') of the subdivision shall be shown with dashed lines. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such existing streets shall be accurately shown.	Complies	
J	All lots are to be numbered consecutively under a definite system approved by the county. Numbering shall continue	Complies	

	consecutively throughout the subdivision with no omissions or duplications.		
K	All streets within the subdivision shall be numbered (named streets shall also be numbered) in accordance with and in conformity with the adopted street numbering system adopted by the county. Each lot shall show the street addresses assigned thereto, and shall be according to the standard addressing methods approved by the county. In the case of corner lots, an address will be assigned for each part of the lot having street frontage.	Complies	
L	The side lines of all easements shall be shown by fine dashed lines. The width of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be shown. All easements shall be clearly labeled and identified.	Complies	
M	The plat shall fully and clearly show all stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or bench mark that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider under the direction of the county surveyor. The following required monuments shall be shown on the final plat: 1. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties; 2. All right of way monuments at angle points and intersections as approved by the county surveyor.	Complies	
N	The final plat shall contain the name, stamp and signature of a professional land surveyor, together with the date of the survey, the scale of the map and number of sheets. The following certificates, acknowledgements and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate: 1. Professional land surveyor's "certificate of survey". 2. Owner's dedication certificate in the following form:  <p style="text-align: center;"><i>OWNERS DEDICATION</i></p> <p style="text-align: center;"><i>Know all men by these presents that we, the undersigned owner(s) of the above described tract of land, having caused said tract to be subdivided into lots and streets to be hereafter known as Subdivision do hereby dedicate for perpetual use of the public all parcels of land, other utilities, or easements shown on this plat as intended for public use. In witness whereof, we have hereunto set out hands this day of, 21.</i></p> <p style="text-align: center;"><i>(Add appropriate acknowledgments)</i></p> 3. Notary public's acknowledgement for each signature on the plat. 4. A correct metes and bounds description of all property included within the subdivision. 5. Plats shall contain signatures of the water provider (if provided by a culinary water system), sewer provider (if provided by a sewer improvement district), Weber-Morgan County health department, planning commission, and county engineer, and blocks for signatures of the county attorney and county commission (a signature line for the commission chairperson and an attestation by the county clerk). A block for the county recorder shall be provided in the lower right corner of the final plat.	Complies	Owner's Dedication is present, but not signed

	<p>6. Such other affidavits, certificates, acknowledgements, endorsements and notarial seals as are required by law, by this title, the county attorney, or county surveyor.</p> <p>7. Prior to recordation of the plat, the subdivider shall submit a current title report to be reviewed by the county. A "current title report" is considered to be one which correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat.</p> <p>8. The owner's dedication certificate, registered land surveyor's certificate of survey, and any other certificates contained on the final plat shall be in the form prescribed by the county's standards.</p> <p>9. When a subdivision contains lands which are reserved in private ownership for community use, including common areas, the subdivider shall submit, with the final plat, the name, proposed articles of incorporation and bylaws of the owner, or organization empowered to own, maintain and pay taxes on such lands and common areas and any access easements which may be required by the county.</p>		
O	<p>On subdivisions which are contiguous to an adopted agricultural protection area, or which contain an agricultural open space preservation area within the plat, a note shall be placed on the plat, in conjunction with right to farm provisions, stating such, and that agricultural operations work hours begin early and run late and that these operations may contribute to noises and odors objectionable to some residents.</p>	Does Not Apply	Does not border an Agricultural Protection Area
P	<p>A note on the plat which states the following:</p> <p><i>Morgan County restricts the occupancy of buildings within developments as outlined in the adopted building and fire codes. It is unlawful to occupy a building located within any development without first having obtained a certificate of occupancy issued by the county.</i></p> <p>(Ord. 10-16, 12-14-2010)</p>	Complies	

## DEPARTMENT COMMENTS/RECOMMENDATIONS

Public Works: No comments received

Fire/EMS Services: Comments received and recommend approval

Engineering/Surveyor: Comments received and recommend conditional approval

Recorders: Comments received and are being addressed

Zoning: CH

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

- ✓ Public Notice was submitted to the State of Utah Public Notice website on or before March 30, 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 March 30, 2026.
- ✓ Notices to property owners within 1000’ feet of the proposed use were mailed a Public Notice on or before March 30, 2026.
- ✓ A sign was posted on the site on or before March 30, 2026.

## **Recommended Motions**

**Motion for a *Positive Recommendation*** – “I move we recommend approval to the County Commission of Canyon View Commons Phase 1 Condominium Plat Amendment, application #25.024, to allow the condominiumization of the on-site buildings for the creation of individual units, based on the findings and with the conditions listed in the staff report dated April 9, 2026.”

**Motion for a *Positive Recommendation with Conditions*** – “I move we recommend approval to the County Commission of Canyon View Commons Phase 1 Condominium Plat Amendment, application #25.024, to allow the condominiumization of the on-site buildings for the creation of individual units, based on the findings and with the conditions listed in the staff report dated April 9, 2026, and the following additional conditions:”

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

**Motion for a *Negative Recommendation*** – “I move we recommend denial to the County Commission of Canyon View Commons Phase 1 Condominium Plat Amendment, application #25.024, to not allow the condominiumization of the on-site buildings for the creation of individual units, *due to the following findings:*”

## **Attachments:**

Attachment A: Vicinity Map

Attachment B: Zoning Map

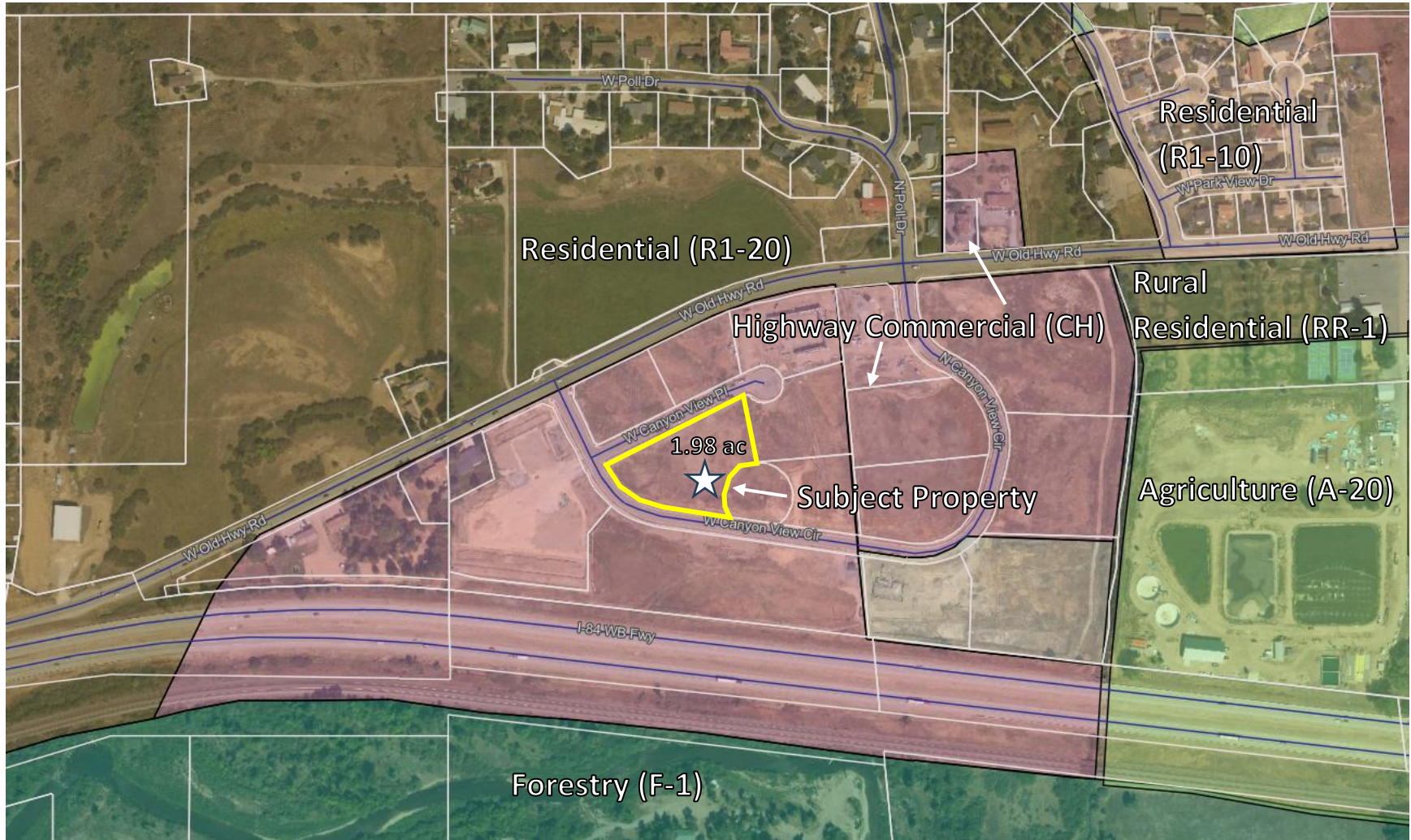
Attachment C: Original Plat

Attachment D: Proposed Preliminary Plat

**Attachment A: Vicinity Map**



**Attachment B: Current Zoning Map**



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

Attachment C: Original Plat

**VICINITY MAP**

## CANYON VIEW COMMERCIAL WEST

LOCATED IN THE WEST HALF OF SECTION 26,  
AND THE EAST HALF OF SECTION 27,  
TOWNSHIP 5 NORTH, RANGE 1 EAST,  
SALT LAKE BASE, AND MERIDIAN  
MOUNTAIN GREEN, MORGAN COUNTY, UTAH

**LAYTON SURVEYS L.L.C.**  
1802 N. 1000 WEST, 1  
CLAYTON, UT 84015  
(801) 662-1641  
www.laytonsurveys.com

**NOTES:**

- MORGAN COUNTY RESTRICTS THE OCCUPANCY OF BUILDINGS WHEN DEVELOPMENTS AS DEFINED IN THE HAZARDOUS WASTE AND SOLID WASTE ACT IS UNLAWFUL TO OCCUPY A BUILDING LOCATED WITHIN AN DEVELOPMENT WITHOUT FIRST OBTAINING A CERTIFICATE OF OCCUPANCY FROM THE COUNTY. A HAZARDOUS WASTE AND SOLID WASTE ACT IS UNLAWFUL TO OCCUPY A BUILDING LOCATED WITHIN AN DEVELOPMENT WITHOUT FIRST OBTAINING A CERTIFICATE OF OCCUPANCY FROM THE COUNTY. A HAZARDOUS WASTE AND SOLID WASTE ACT IS UNLAWFUL TO OCCUPY A BUILDING LOCATED WITHIN AN DEVELOPMENT WITHOUT FIRST OBTAINING A CERTIFICATE OF OCCUPANCY FROM THE COUNTY.
- APPROPRIATE LAWS OF MORGAN COUNTY APPLYING TO LOT 4 ARE SHOWN WITH A CHECK MARK IDENTIFIED IN THE LEGEND. ANY LAWS APPLYING TO THE NEIGHBORS WILL BE AUTHORIZED BY THE APPROPRIATE GOVERNING AGENCIES.
- ALL IMPROVEMENTS ARE SUBJECT TO THE RULES AND REGULATIONS AS SET FORTH IN THE COOPER'S FOR THIS PROJECT.
- A PUBLIC DRAINAGE EASEMENT IS HEREBY DESIGNATED BY THIS MAP AS SHOWN ACROSS LOT 8 FOR THE PURPOSES OF MOUNTAIN GREEN SEWER IMPROVEMENT DISTRICT AND OTHER NEIGHBORS REFERENCED TO THE STORM DRAINAGE OF THIS PROJECT. THE OWNER OF LOT 8 IS RESPONSIBLE FOR THE MAINTENANCE OF DRAINAGE FACILITIES ON THE LOT. THE DESIGN OF THIS EASEMENT, ALSO AN EASEMENT AS SHOWN IN THIS MAP, SHALL BE SUBJECT TO APPROVAL BY THE MOUNTAIN GREEN SEWER IMPROVEMENT DISTRICT.
- ANY CONSTRUCTION, INCLUDING HAZARDOUS WASTE ACTIVITIES, WITHIN THE 50-FOOT WIDE AREA DEFINED TO THE EXISTING GREEN TRANSMISSION LINE ACROSS LOT 8 AND IS SUBJECT TO APPROVAL BY MOUNTAIN GREEN SEWER IMPROVEMENT DISTRICT.
- NOTE: NEIGHBOR AND ADJACENT WITH IS SUBJECT TO BE SET ALL WHEEL POINTS OF SIDE LOT LINES, NEAR LOT LINES AND AT EACH CORNER OF LOT.
- PARCEL A IS TO BE RETAINED BY THE MOUNTAIN GREEN SEWER IMPROVEMENT DISTRICT. THIS PARCEL IS SHOWN FOR REFERENCE ONLY.
- THE EXISTING WASTEWATER SEWERAGE, REFERENCED IN THE LEGEND, WAS RECORDED AT THE MOUNTAIN GREEN SEWER IMPROVEMENT DISTRICT ON APRIL 15, 2022. THE RECORD BOOK NO. 2022-0001-0001, PAGE 168A. SAID EASEMENT WAS AMENDED AS DESCRIBED IN THAT COUNTY CLERK CLAIM DEED RECORDED AS DEED NO. 2022-0001-0001 ON JULY 11, 2022. IN BOOK 2022-0001, PAGE 168B. THE AMENDED COORDINATES IS SHOWN HEREON.
- NOTE: NEIGHBOR AND ADJACENT WITH IS SUBJECT TO BE SET ALL WHEEL POINTS OF SIDE LOT LINES, NEAR LOT LINES AND AT EACH CORNER OF LOT.
- PARCEL A IS TO BE RETAINED BY THE MOUNTAIN GREEN SEWER IMPROVEMENT DISTRICT. THIS PARCEL IS SHOWN FOR REFERENCE ONLY.
- THE EXISTING WASTEWATER SEWERAGE, REFERENCED IN THE LEGEND, WAS RECORDED AT THE MOUNTAIN GREEN SEWER IMPROVEMENT DISTRICT ON APRIL 15, 2022. THE RECORD BOOK NO. 2022-0001-0001, PAGE 168A. SAID EASEMENT WAS AMENDED AS DESCRIBED IN THAT COUNTY CLERK CLAIM DEED RECORDED AS DEED NO. 2022-0001-0001 ON JULY 11, 2022. IN BOOK 2022-0001, PAGE 168B. THE AMENDED COORDINATES IS SHOWN HEREON.

**BOUNDARY DESCRIPTION:**

COMMENCING AT THE NORTHWEST CORNER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH EAST ALONG THE SECTION LINE OF SECTION 26 AND SECTION 27, A DISTANCE OF 373.42 FEET; THENCE SOUTH, A DISTANCE OF 211.13 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF OLD HIGHWAY ROAD, ROAD 167, 56 FEET WIDE; SAID POINT IS ALSO THE NORTHWEST CORNER OF LOT 7 OF THE CANYON VIEW COMMERCIAL SUBDIVISION RECORDED ON NOVEMBER 19, 2021 AS DEED NO. 2021-0004 IN BOOK 2021-0004, PAGE 485. OF OFFICIAL RECORDS; SAID POINT BEING SAID POINT OF BEGINNING FOR THE FOLLOWING DESCRIPTION, THENCE FOLLOWING THE WESTLY BOUNDARY OF SAID SUBDIVISION THE FOLLOWING FOUR (4) COURSES:

- SOUTH 09°07'57" EAST, A DISTANCE OF 284.15 FEET;
- SOUTH 02°12'48" EAST, A DISTANCE OF 329.83 FEET;
- SOUTH 04°29'27" EAST, A DISTANCE OF 187.45 FEET;
- SOUTH 04°29'27" EAST, A DISTANCE OF 238.08 FEET;

TO A POINT ON THE NORTH LINE OF INTERSTATE 84 (NORTH VARIANCE); THENCE, ALONG SAID NORTH LINE THE FOLLOWING THREE (3) COURSES:

- NORTH 83°02'14" WEST, A DISTANCE OF 239.22 FEET;
- NORTH 83°02'14" WEST, A DISTANCE OF 218.92 FEET;
- ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 2669.72 FEET THROUGH A CENTRAL ANGLE OF 07°59', A DISTANCE OF 83.54 FEET;

THENCE, NORTH 00°00'18" WEST, A DISTANCE OF 256.65 FEET; THENCE, NORTH 28°02'17" EAST, A DISTANCE OF 100.02 FEET; THENCE, NORTH 40°02'17" WEST, A DISTANCE OF 147.02 FEET; TO A POINT ON THE SOUTHEASTERN CORNER OF SAID OLD HIGHWAY ROAD; THENCE, ALONG THE SOUTH LINE OF SAID ROAD THE FOLLOWING TWO (2) COURSES:

- NORTH 64°05'48" EAST, A DISTANCE OF 712.86 FEET;
- ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 1103.55 FEET THROUGH A CENTRAL ANGLE OF 10°23'32", A DISTANCE OF 414.27 FEET (CHORD BEARS NORTH 74°38'06" EAST, A DISTANCE OF 412.05 FEET);

TO THE POINT OF BEGINNING FOR THE FOLLOWING TWO (2) COURSES:

- NORTH 20°27'44" EAST, MORE OR LESS

**OWNERS DEDICATION:**

KNOW ALL MEN BY THESE PRESENTS THAT I, THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED SAID TRACT TO BE SUBDIVIDED INTO LOTS, PARCELS, AND STRIPS TO BE HEREINAFTER KNOWN AS:

**CANYON VIEW COMMERCIAL WEST**

DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND, OTHER UTILITIES, OR EASEMENTS SHOWN ON THIS MAP AS INTENDED FOR PUBLIC USE.

IN WITNESS WHEREOF, I/WE HAVE HEREIN SET MY/OUR HANDS THIS 12th DAY OF July, A.D. 2022.

*Val L. Pugh*  
VAL L. PUGH, CO-RECORDERS  
MOUNTAIN GREEN SEWER IMPROVEMENT DISTRICT  
2022-0001-0001, PRESENT

**ACKNOWLEDGMENT (TRUSTEE):**

STATE OF UTAH  
COUNTY OF MORGAN, I, S.S.,  
ON THE 12th DAY OF July, A.D. 2022, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF MORGAN, IN THE STATE OF UTAH, Val L. Pugh, HEREIN AS CO-RECORDERS, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT THEY ARE CO-TRUSTEES OF THE VAL AND HEATHER PUGH FAMILY 2004 TRUST DATED MARCH 3RD 2004 AND THAT THEY SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID FAMILY TRUST FOR THE PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC Debra Marie Anderson  
PRINTED FULL NAME: Debra Marie Anderson  
MY COMMISSION NUMBER: 20221222  
MY COMMISSION EXPIRES: April 12, 2025  
A NOTARY PUBLIC COMMISSIONED IN Utah, RESIDING IN Morgan COUNTY.

**ACKNOWLEDGMENT (ASSOCIATION):**

STATE OF UTAH  
COUNTY OF MORGAN, I, S.S.,  
ON THE 12th DAY OF July, A.D. 2022, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF MORGAN, IN THE STATE OF UTAH, Douglas L. Hendrix, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE PRESIDENT, AND THAT HE REPRESENTS THE MOUNTAIN GREEN SEWER IMPROVEMENT DISTRICT, AND THAT HE SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY, FOR THE PURPOSES THEREIN MENTIONED, FOR AND IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BOARD OF DIRECTORS.

NOTARY PUBLIC Debra Marie Anderson  
PRINTED FULL NAME: Debra Marie Anderson  
MY COMMISSION NUMBER: 20221222  
MY COMMISSION EXPIRES: April 12, 2025  
A NOTARY PUBLIC COMMISSIONED IN Utah, RESIDING IN Morgan COUNTY.

**LEGEND & ABBREVIATIONS:**

**MORGAN COUNTY SURVEYOR**

I HEREBY CERTIFY THAT THE MORGAN COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS PLAT FOR MATHEMATICAL CORRECTNESS, SECTION CORNER DATA AND FOR HARMONY WITH LINES AND MONUMENTS ON RECORD IN THE MORGAN COUNTY OFFICES. THE APPROVAL OF THIS PLAT BY THE MORGAN COUNTY SURVEYOR DOES NOT RELIEVE THE UNDERSIGNED LAND SURVEYOR WHO DEDICATES THIS PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED THEREWITH SIGNED THIS 12th DAY OF July, 2022.

*David C. Smith*  
MORGAN COUNTY SURVEYOR

**HIGHLANDS WATER COMPANY**  
APPROVED THIS 12th DAY OF July, 2022.

**MOUNTAIN GREEN SEWER IMPROVEMENT DISTRICT**  
APPROVED THIS 14th DAY OF July, 2022.

**COUNTY ENGINEERS' APPROVAL**  
APPROVED THIS 15th DAY OF July, 2022.

**COUNTY COMMISSION APPROVAL AND ACCEPTANCE**  
PRESENTED TO THE MORGAN COUNTY COMMISSION THIS 17th DAY OF July, 2022, AT WHICH TIME THIS SUBDIVISION AND THE OWNER'S DEDICATION WAS APPROVED AND ACCEPTED.

**MORGAN COUNTY PLANNING COMMISSION**  
APPROVED THIS 17th DAY OF July, 2022, BY THE MORGAN PLANNING COMMISSION.

**COUNTY ATTORNEYS' APPROVAL AS TO FORM**  
APPROVED AS TO FORM THIS 16th DAY OF July, 2022, BY THE MORGAN COUNTY ATTORNEYS.

**RECORDER # 161585**  
STATE OF UTAH, COUNTY OF MORGAN, RECORDED AND FILED AT THE REQUEST OF Val L. Pugh,  
DATE August 1, 2022 IN THE 0298 3RD BOOK 244 PAGE 109  
\*60.00  
FILE # 161585  
Janet Rose L. DePuy  
MORGAN COUNTY RECORDER

**CURVE DATA**

SEGMENT	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
01	83.55	3999.72	171.92	41.73	83.54	N64°01'30"W
02	414.27	1153.60	2754.39	205.39	412.20	N04°29'27"W
03	6.07	1153.55	018087	3.04	6.07	S84°18'31"W
04	67.12	1350.50	334142	43.26	67.11	S87°44'20"W
05	12.25	1350.50	029117	6.13	12.25	S88°20'00"W
06	130.89	1350.53	373137	65.50	130.84	S75°54'40"W
07	408.20	1153.55	207428	205.45	405.57	S74°37'00"W
08	179.93	1341.56	739131	88.09	179.91	S73°20'37"W
09	21.49	14.50	869191	14.50	19.80	S70°59'34"W
10	19.88	200.00	214527	8.96	19.88	S37°43'27"E
11	201.20	74.00	925420	147.33	200.29	S17°42'29"W
12	119.40	285.03	124253	61.43	118.49	S43°10'07"W
13	153.36	285.06	172237	78.66	151.45	S28°57'30"E
14	272.78	285.00	384427	148.20	272.10	S08°43'31"W
15	143.74	285.00	105452	71.87	143.74	S08°43'31"W
16	205.18	230.00	525132	109.47	204.91	S02°10'47"E
17	211.84	100.00	117201	126.31	174.44	S24°23'16"W
18	237.32	180.00	147220	240.23	181.97	S02°50'37"W
19	489.24	180.00	289711	450.23	482.50	S01°20'31"W
20	46.09	32.00	110000	15.89	46.11	S01°04'00"W
21	147.10	55.00	157137	231.74	147.03	S40°51'48"E
22	242.24	55.00	352233	15.89	242.25	N10°21'54"E
23	182.32	18.00	772234	11.18	179.93	N07°07'14"W
24	122.50	80.00	881014	77.30	117.16	N42°21'30"E
25	37.32	100.00	211427	18.83	37.30	S01°04'00"W
26	88.27	3040.70	117307	44.74	88.27	S49°51'33"W
27	230.86	250.00	529132	124.80	232.74	S15°10'47"E

**NOTES (CONTINUED):**

- ALL 50-FOOT WIDE IMPROVED CULINARY WATER EASEMENTS IS HEREBY REFERRED BY THIS MAP TO THE MOUNTAIN GREEN SEWER IMPROVEMENT DISTRICT AND IS TO BE USED FOR THE MAINTENANCE AND OPERATION OF IMPROVED CULINARY WATER LINES AND RELATED WATER FACILITIES AS MAY BE AUTHORIZED BY MOUNTAIN GREEN AND UNDER THE REAL PROPERTY, AS SHOWN HEREON ACROSS LOT 3 AND 4.
- A PUBLIC STORM DRAINAGE SHALL BE CONSIDERED AS A PART OF LOT 1. THE POINTS, BEING THE POINTS OF THE EASEMENT SHALL BE SET AT THE TIME THE LOT IS SET TO THE COUNTY ENGINEER AT THE TIME OF DEVELOPMENT.
- THE ROAD, PARCELS, AND ALLEGMENT WILL BE OWNED BY MOUNTAIN GREEN SEWER IMPROVEMENT DISTRICT. THE ROAD, PARCELS, AND ALLEGMENT WILL BE OWNED BY MOUNTAIN GREEN SEWER IMPROVEMENT DISTRICT. THE ROAD, PARCELS, AND ALLEGMENT WILL BE OWNED BY MOUNTAIN GREEN SEWER IMPROVEMENT DISTRICT. THE ROAD, PARCELS, AND ALLEGMENT WILL BE OWNED BY MOUNTAIN GREEN SEWER IMPROVEMENT DISTRICT.
- A 50-FOOT WIDE EASEMENT COVERS A 50-FOOT WIDE AREA AND IS INTENDED TO BE USED FOR THE PURPOSES OF MOUNTAIN GREEN SEWER IMPROVEMENT DISTRICT AND IS TO BE USED FOR THE MAINTENANCE AND OPERATION OF IMPROVED CULINARY WATER LINES AND RELATED WATER FACILITIES AS MAY BE AUTHORIZED BY MOUNTAIN GREEN AND UNDER THE REAL PROPERTY, AS SHOWN HEREON ACROSS LOT 3 AND 4.
- ALL EXISTING CONVEYANCES TO CONFORM TO THE REQUIREMENTS OF THE MOUNTAIN GREEN SEWER IMPROVEMENT DISTRICT MUST BE FILED AND NOTED TO APPEAR ACCORDING TO THE PROVISIONS OF THE DISTRICT'S AMENDED REGULATIONS, COORDINATES AND RESTRICTIONS.

**DETAIL A (1"=10')**

**DETAIL B (1"=40')**

**DETAIL C (1"=20')**

**DETAIL D (1"=20')**

**DETAIL E (1"=40')**

Attachment D: Proposed Plat Amendment

### CANYON VIEW COMMONS PHASE 1

A CONDOMINIUM PROJECT AMENDING ALL OF LOT 7, CANYON VIEW COMMERCIAL WEST SUBDIVISION  
 LOCATED IN THE WEST HALF OF SECTION 26,  
 AND THE EAST HALF OF SECTION 27,  
 TOWNSHIP 5 NORTH, RANGE 1 EAST,  
 SALT LAKE BASE AND MERIDIAN  
 MOUNTAIN GREEN, MORGAN COUNTY, UTAH  
 DECEMBER 2025

CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C4	15.72	5.00	145°48'51"	S8° 47' 37"E	9.56
C5	15.81	26.50	34°11'09"	S81° 10' 23"W	15.38
C6	30.64	51.30	33°25'15"	S47° 28' 11"W	28.82
C7	15.12	21.30	41°14'24"	S43° 32' 30"W	14.79
C10	200.16	226.00	52°54'32"	N05° 10' 47"W	186.01
C11	22.78	14.80	92°54'29"	N17° 42' 30"E	20.29
C12	211.24	190.00	121°25'32"	S24° 29' 10"W	174.44
C13	24.61	100.00	19°49'54"	N68° 02' 41"E	24.44
C14	31.82	226.13	8°04'29"	S83° 09' 59"E	31.60

**SURVEYOR'S CERTIFICATE**

I, WILLES D. LONG, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD CERTIFICATE NO. 302686 IN ACCORDANCE WITH TITLE 18, CHAPTER 2 OF THE PROFESSIONAL ENGINEERING AND LAND SURVEYING ACT; I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED HEREIN, IN ACCORDANCE WITH SECTION 17-25-17, AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, AND STREETS, TOGETHER WITH EASEMENTS, HEREAFTER TO BE KNOWN AS CANYON VIEW COMMONS PHASE 1, AND THAT THE SAME HAVE BEEN CORRECTLY SURVEYED AND INSTRUMENTED ON THE GROUNDS AS SHOWN ON THE PLAT.

SIGNED THIS 8TH DAY OF DECEMBER, 2025.

W.D. Long, P.L.S. NO. 302686

LINE #	LENGTH	BEARING
L1	7.30	N84° 10' 48"E
L2	7.30	N84° 10' 48"W
L3	5.32	S25° 49' 12"E
L4	5.32	S25° 49' 12"W
L5	3.00	N05° 49' 12"W
L6	1.23	N84° 10' 48"E
L7	3.12	S25° 49' 12"E
L8	3.00	S25° 49' 12"W
L9	5.32	N05° 49' 12"W
L10	7.30	N84° 10' 48"E
L11	7.30	S84° 10' 48"W
L12	1.23	N84° 10' 48"E
L13	3.12	N05° 49' 12"W
L14	7.30	S84° 10' 48"W
L15	7.30	N84° 10' 48"E
L16	7.30	N84° 10' 48"E
L17	5.20	S25° 49' 12"E
L18	3.00	S25° 49' 12"W
L19	7.30	S84° 10' 48"W
L20	5.32	N05° 49' 12"W
L21	7.28	N84° 02' 30"E
L22	3.12	N05° 49' 12"W
L23	1.23	N84° 10' 48"E
L24	2.89	S87° 21' 57"W
L25	3.12	N87° 21' 57"E
L26	1.23	S81° 38' 03"E
L27	7.30	S81° 38' 03"E
L28	7.30	N81° 38' 03"W
L29	5.22	N87° 30' 15"E
L30	4.88	S22° 56' 24"W
L32	2.96	S30° 40' 33"W

UNIT #	ADDRESS
UNIT 1	5805 CANYON VIEW PLACE MOUNTAIN GREEN, UT 84003
UNIT 2	5807 CANYON VIEW PLACE MOUNTAIN GREEN, UT 84003
UNIT 3	5797 CANYON VIEW PLACE MOUNTAIN GREEN, UT 84003
UNIT 4	5791 CANYON VIEW PLACE MOUNTAIN GREEN, UT 84003
UNIT 5	5787 CANYON VIEW PLACE MOUNTAIN GREEN, UT 84003
UNIT 6	5783 CANYON VIEW PLACE MOUNTAIN GREEN, UT 84003
UNIT 7	5777 CANYON VIEW PLACE MOUNTAIN GREEN, UT 84003
UNIT 8	5773 CANYON VIEW PLACE MOUNTAIN GREEN, UT 84003
UNIT 9	5769 CANYON VIEW PLACE MOUNTAIN GREEN, UT 84003
UNIT 10	5765 CANYON VIEW PLACE MOUNTAIN GREEN, UT 84003
UNIT 11	5757 CANYON VIEW PLACE MOUNTAIN GREEN, UT 84003
UNIT 12	5753 CANYON VIEW CIRCLE MOUNTAIN GREEN, UT 84003
UNIT 13	5751 CANYON VIEW CIRCLE MOUNTAIN GREEN, UT 84003
UNIT 14	5749 CANYON VIEW CIRCLE MOUNTAIN GREEN, UT 84003

**LEGEND**

- Section Monument
- Property Corner
- Subdivision Boundary
- Unit Line
- Adjacent Parcel
- Section Line
- Easement
- Road Centerline
- Right of Way
- TYP
- MON
- ENIT
- EXIST
- EXISTING PUBLIC UTILITY
- EASEMENT
- COMMON AREA
- PRIVATE AREA

**CONDO ASSOC. VOUCHER ADDRESS:** 5749 CANYON VIEW CIRCLE MOUNTAIN GREEN, UT 84003

**DEVELOPER:** S11 AT THE PALMS 2020 1700 NORTH HIGHLAND PARK MOUNTAIN, UT 84003

**MORGAN COUNTY SURVEYOR**

APPROVED THIS \_\_\_ DAY OF \_\_\_\_\_, 2025.

**HIGHLANDS WATER COMPANY**

APPROVED THIS \_\_\_ DAY OF \_\_\_\_\_, 2025.

**MOUNTAIN GREEN SEWER IMPROVEMENT DISTRICT**

APPROVED THIS \_\_\_ DAY OF \_\_\_\_\_, 2025.

**COUNTY ENGINEER'S APPROVAL**

APPROVED THIS \_\_\_ DAY OF \_\_\_\_\_, 2025.

**COUNTY COMMISSION APPROVAL AND ACCEPTANCE**

PRESENTED TO THE MORGAN COUNTY COMMISSION THIS \_\_\_ DAY OF \_\_\_\_\_, 2025.

**MORGAN COUNTY PLANNING COMMISSION**

APPROVED THIS \_\_\_ DAY OF \_\_\_\_\_, 2025.

**COUNTY ATTORNEY'S APPROVAL AS TO FORM**

APPROVED THIS \_\_\_ DAY OF \_\_\_\_\_, 2025.

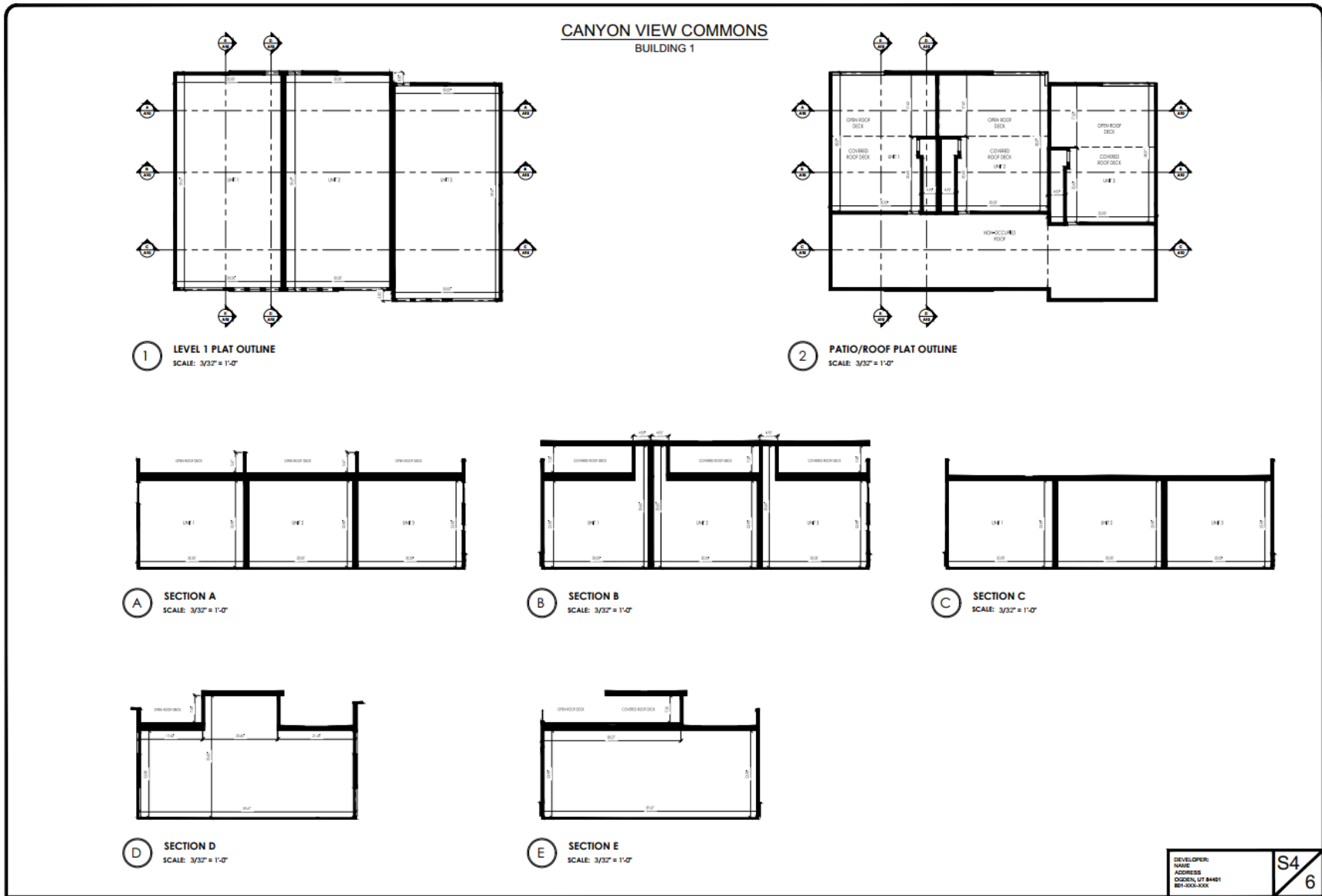
**RECORDING #**

STATE OF UTAH, COUNTY OF MORGAN, RECORDS AND PUBLIC SALE AT THE REGULAR OF \_\_\_\_\_, 2025.

BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

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

**Attachment D: Proposed Elevation Plat**





**PLANNING COMMISSION**  
**STAFF REPORT**  
Plat Amendment

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Silverstone Subdivision Ph. 6 Plat Amendment  
April 9, 2026  
Public Meeting  
File #25.059

Applicant: Jess Holyoak  
Owner: Mike Babcock  
Project Location: 5776 and 5780 N. Silver Stone Cir., w/ a smaller parcel located approx.. 140' north of the cul-de-sac bulb on N. Silver Stone Cir.  
Parcel Number: 00-0005-3023, 00-0005-5416, and 00-0005-2785  
Serial Number: 03-SS1-0008-A1, 03-005-121-08, and 03-005-121-06  
Current Zoning: Residential (R1-20)  
Acreage: 5.30 acres combined

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**REQUEST:**

A request for approval of an amendment to the Silver Stone Subdivision No. 1, Amended Plat No. 1 for the creation of a new lot.

**ATTORNEY GUIDANCE:**

**Administrative Review:**

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

**Applicable law:**

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

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

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

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

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

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

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

**STAFF RECOMMENDATION:**

Based on the information in this staff report, staff recommends approval of Silverstone Subdivision Ph. 6 Plat Amendment, subject to all applicable regulations and the following conditions:

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

**PROJECT DESCRIPTION:**

**Proposal Details**

This request is to amend Lot 8 of the Silver Stone Subdivision to combine a smaller parcel lacking frontage on a public right-of-way with an adjacent flag parcel, and to incorporate the combined area as a new lot within the subdivision. The proposal also includes a lot line adjustment to the existing lot, Lot 8A, resulting in two separate lots—one existing lot and one newly created lot—each capable of development in conformance with County standards.

## **DISCUSSION:**

Approval of an amendment to the Silver Stone Subdivision will reconfigure Lot 8A and the adjacent parcels to create legal frontage and ensure compliance with subdivision and zoning requirements. The reconfiguration will alleviate a nonconforming situation where the existing home currently encroaches into property line setbacks. No new structures are proposed at this time, and the existing home will remain on the combined parcel. The amendment is not expected to impact circulation, access, or neighboring properties beyond the administrative adjustment of lot lines. This request is limited solely to modifying lot boundaries, consolidating parcels, and resolving nonconforming conditions in accordance with County ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**155.444: PROCEDURE:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## ANALYSIS OF STANDARDS

Standards	Findings	Rationale
<p><b>Ordinance Evaluation. Morgan County Code, Chapter 155, Section 440 states the following:</b></p> <p><i>Prior to the County Commission's approval of a petition or proposal to amend a subdivision plat, the petitioner or sponsor shall deliver to the County an <u>amended plat map and complete supporting preliminary plat and final plat</u> information in compliance with the requirements of this chapter. The applicant shall also pay all fees required by the County's fee schedule.</i></p> <p><i>Therefore, this plat amendment has been reviewed for preliminary and final plat standards.</i></p>		
<p><b>155.407: PRELIMINARY PLAT SUBMITTAL:</b> 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:</p>		
<p><b>A</b></p>	<p><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></p>	<p>Complies</p>
<p><b>B</b></p>	<p><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></p>	<p>Complies</p>
<p><b>C</b></p>	<p><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></p>	<p>Complies</p>

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

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

	north or west, whichever accommodates the drawing best. All lines, dimensions, and markings shall be made on a mylar with approved waterproof black ink. The plat shall be made to a scale large enough to clearly show all details, and in any case not smaller than one hundred feet (100') to the inch, and workmanship on the finished drawing shall be neat, clean cut and readable.		
B	The final plat shall show the subdivision name that is distinct from any other recorded subdivision name and the general location of the subdivision in bold letters at the top of the sheet.	Complies	
C	The plat shall contain a north arrow and scale of the drawing and the date.	Complies	
D	Prior to consideration by the county commission, the plat shall be signed by all required and authorized parties, with the exception of the county commission chairperson, planning commission chairperson and county attorney, with appropriate notarial acknowledgements and the final plat shall contain all information set forth in this section.	Will comply	Historically, staff has recommended the applicant wait to print the final mylar and receive signatures, in the event that the Planning Commission and/or County Commission recommend changes to the plat.
E	An accurate and complete survey, which conforms to Utah state law.	Complies	
F	Plats will show accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to at least two (2) public survey monuments. These lines should be slightly heavier than street and lot lines.	Complies	
G	The final plat shall show all survey, mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, and central angle, radius and arc length of curves, and such information as may be necessary to determine the location of beginning and ending points of curves. All property corners and monuments within the subdivision shall be tied to an acceptable Morgan County monument, as determined by the Morgan County surveyor. Lot and boundary closure shall be calculated to the nearest 0.02 of a foot.	Complies	
H	All lots, blocks, and parcels offered for dedication for any purpose should be delineated and designated with dimensions, boundaries and courses clearly shown and defined in every case. The square footage of each lot shall be shown. All parcels offered for dedication other than for streets or easements shall be clearly designated on the plat. Sufficient linear, angular and curved data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot and parcel which is a part thereof. No ditto marks shall be used for lot dimensions.	Complies	
I	The plat shall show the right of way lines of each street, and the width of any portion being dedicated and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty feet (50') of the subdivision shall be shown with dashed lines. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such existing streets shall be accurately shown.	Complies	
J	All lots are to be numbered consecutively under a definite system approved by the county. Numbering shall continue	Complies	

	consecutively throughout the subdivision with no omissions or duplications.		
K	All streets within the subdivision shall be numbered (named streets shall also be numbered) in accordance with and in conformity with the adopted street numbering system adopted by the county. Each lot shall show the street addresses assigned thereto, and shall be according to the standard addressing methods approved by the county. In the case of corner lots, an address will be assigned for each part of the lot having street frontage.	Complies	
L	The side lines of all easements shall be shown by fine dashed lines. The width of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be shown. All easements shall be clearly labeled and identified.	Complies	
M	The plat shall fully and clearly show all stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or bench mark that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider under the direction of the county surveyor. The following required monuments shall be shown on the final plat: 1. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties; 2. All right of way monuments at angle points and intersections as approved by the county surveyor.	Complies	
N	The final plat shall contain the name, stamp and signature of a professional land surveyor, together with the date of the survey, the scale of the map and number of sheets. The following certificates, acknowledgements and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate: 1. Professional land surveyor's "certificate of survey". 2. Owner's dedication certificate in the following form:  <p style="text-align: center;"><i>OWNERS DEDICATION</i></p> <p style="text-align: center;"><i>Know all men by these presents that we, the undersigned owner(s) of the above described tract of land, having caused said tract to be subdivided into lots and streets to be hereafter known as Subdivision do hereby dedicate for perpetual use of the public all parcels of land, other utilities, or easements shown on this plat as intended for public use. In witness whereof, we have hereunto set out hands this day of, 21.</i></p> <p style="text-align: center;"><i>(Add appropriate acknowledgments)</i></p> 3. Notary public's acknowledgement for each signature on the plat. 4. A correct metes and bounds description of all property included within the subdivision. 5. Plats shall contain signatures of the water provider (if provided by a culinary water system), sewer provider (if provided by a sewer improvement district), Weber-Morgan County health department, planning commission, and county engineer, and blocks for signatures of the county attorney and county commission (a signature line for the commission chairperson and an attestation by the county clerk). A block for the county recorder shall be provided in the lower right corner of the final plat.	Complies	Owner's Dedication is present, but not signed

	<p>6. Such other affidavits, certificates, acknowledgements, endorsements and notarial seals as are required by law, by this title, the county attorney, or county surveyor.</p> <p>7. Prior to recordation of the plat, the subdivider shall submit a current title report to be reviewed by the county. A "current title report" is considered to be one which correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat.</p> <p>8. The owner's dedication certificate, registered land surveyor's certificate of survey, and any other certificates contained on the final plat shall be in the form prescribed by the county's standards.</p> <p>9. When a subdivision contains lands which are reserved in private ownership for community use, including common areas, the subdivider shall submit, with the final plat, the name, proposed articles of incorporation and bylaws of the owner, or organization empowered to own, maintain and pay taxes on such lands and common areas and any access easements which may be required by the county.</p>		
O	<p>On subdivisions which are contiguous to an adopted agricultural protection area, or which contain an agricultural open space preservation area within the plat, a note shall be placed on the plat, in conjunction with right to farm provisions, stating such, and that agricultural operations work hours begin early and run late and that these operations may contribute to noises and odors objectionable to some residents.</p>	Does Not Apply	Does not border an Agricultural Protection Area
P	<p>A note on the plat which states the following:</p> <p><i>Morgan County restricts the occupancy of buildings within developments as outlined in the adopted building and fire codes. It is unlawful to occupy a building located within any development without first having obtained a certificate of occupancy issued by the county.</i></p> <p>(Ord. 10-16, 12-14-2010)</p>	Complies	

## DEPARTMENT COMMENTS/RECOMMENDATIONS

Public Works: No comments received

Fire/EMS Services: Comments received and recommend approval

Engineering/Surveyor: Comments received and are being addressed

Recorders: Comments received and are being addressed

Zoning: R1-20

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

- ✓ Public Notice was submitted to the State of Utah Public Notice website on or before March 30, 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 March 30, 2026.
- ✓ Notices to property owners within 1000’ feet of the proposed use were mailed a Public Notice on or before March 30, 2026.
- ✓ A sign was posted on the site on or before March 30, 2026.

## **Recommended Motions**

**Motion for a *Positive Recommendation*** – “I move we recommend approval to the County Commission of Silverstone Subdivision Ph. 6 Plat Amendment, application #25.059, to allow the creation of a new lot, based on the findings and with the conditions listed in the staff report dated April 9, 2026.”

**Motion for a *Positive Recommendation with Conditions*** – “I move we recommend approval to the County Commission of Silverstone Subdivision Ph. 6 Plat Amendment, application #25.059, to allow the creation of a new lot, based on the findings and with the conditions listed in the staff report dated April 9, 2026, and the following additional conditions:”

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

**Motion for a *Negative Recommendation*** – “I move we recommend denial to the County Commission of Silverstone Subdivision Ph. 6 Plat Amendment, application #25.059, to not allow the creation of a new lot, *due to the following findings:*”

## **Attachments:**

Attachment A: Vicinity Map

Attachment B: Zoning Map

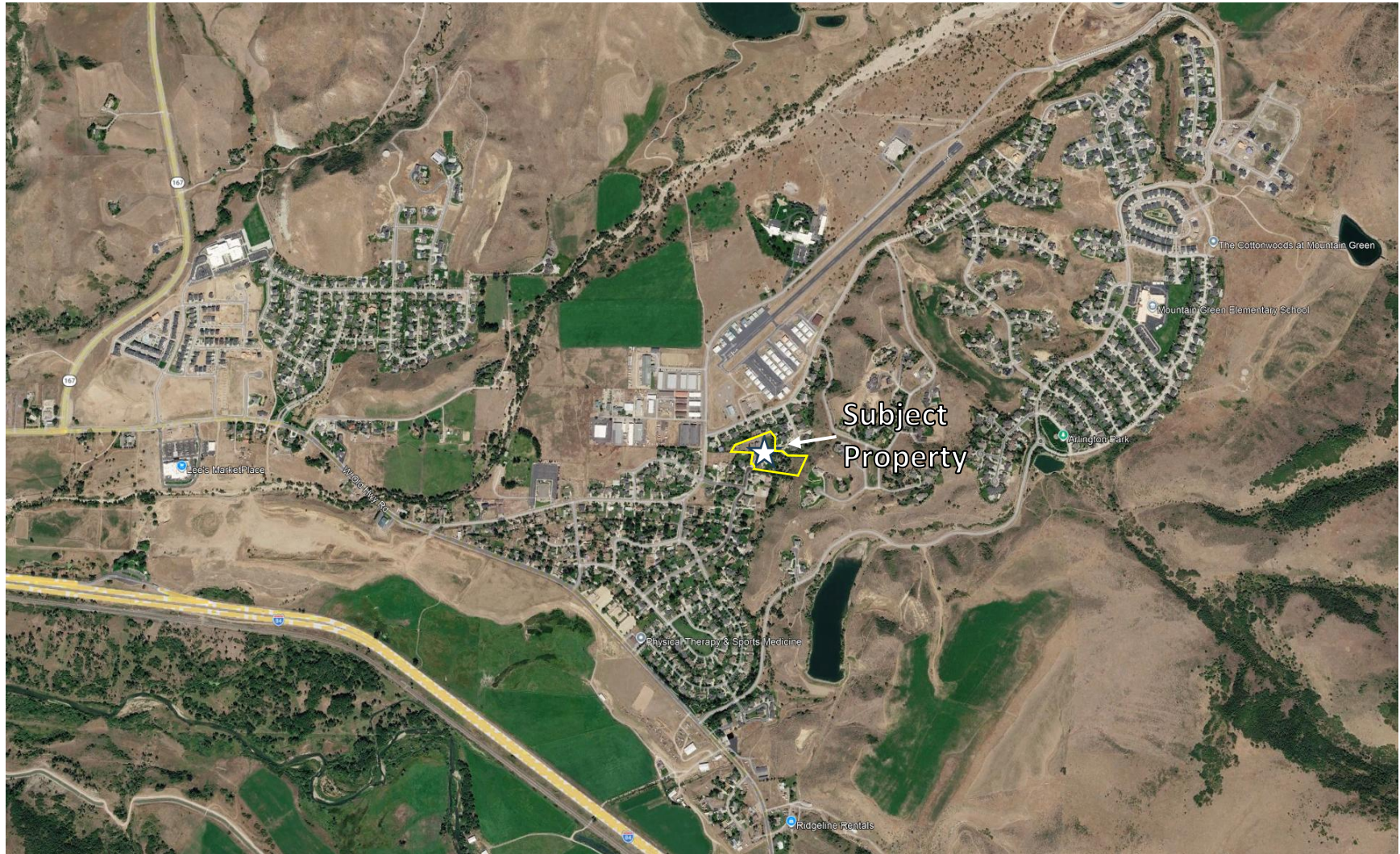
Attachment C: Original Plat

Attachment D: Proposed Plat Amendment (Preliminary Plat)

Attachment E: Proposed Plat Amendment (Final Plat)

**Attachment A: Vicinity Map**

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**Attachment B: Current Zoning Map**









## MEMORANDUM

**TO:** Morgan County Planning Commission  
**FROM:** Morgan County Planning & Development Services Staff  
**SUBJECT:** Town Center Code Text Amendment

**SUMMARY:** Request for approval of a text amendment to the Morgan County Code establishing a coordinated Joint Conceptual Development Plan process and narrowly tailored, exceptions to reduce the 35% commercial allocation within the Town Center zone.

This amendment introduces two primary changes to the Town Center zoning framework. First, it establishes a Joint Conceptual Development Plan (JCDP) as a limited coordination tool for properties that are contiguous, adjacent, or functionally interrelated. When an applicant requests a deviation from Town Center standards (such as a reduction or reallocation of the required commercial allocation) the County may require a JCDP upon written findings that coordinated planning is reasonably necessary. If required and not approved, the County may deny the deviation or require compliance on an individual property basis. When approved, the JCDP allows the County to evaluate commercial placement, circulation, infrastructure, open space, and phasing across multiple properties, while still allowing each property owner to proceed independently through separate Development Agreements. Outside of a requested deviation, coordination remains voluntary; however, if property owners voluntarily submit and obtain approval of a JCDP, it becomes binding through incorporation into their respective Development Agreements.

Second, the amendment creates the ability to reduce the 35% commercial requirement. Any approved reduction must provide a greater and more durable benefit to the County and must be tied to tangible, enforceable public benefits that exceed what would otherwise occur under strict compliance, such as publicly accessible open space, community-serving infrastructure or facilities, land dedications, or enhanced development patterns (Single-Family Dwellings). All reductions must be formalized through the Development Agreement with defined phasing, performance obligations, and provisions binding on future owners. Where a JCDP is required and approved, commercial allocation may be evaluated across the combined development area to support cohesive placement of uses and prevent fragmented or ineffective commercial development.

## ATTORNEY GUIDANCE

### Legislative Review:

The Planning Commission is tasked with advising and recommending to the County Commission whether the proposed zoning change (land use ordinance text amendment) 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 text amendment 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 caselaw testing this new standard, I highly recommend that any recommendations by the Planning Commission or decisions by the 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;
- (ii) 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.

**PROPOSED TEXT**

§ 155.266 SCOPE.

...  
(B)

...

(3) Joint Conceptual Development Plan for Contiguous TC Properties.

(a) Applicability. This subsection applies where a proposed Development Agreement within the Town Center Zone seeks to deviate from the requirements of the Town Center Zone, including any reduction or reallocation of the commercial allocation, and the subject property is contiguous, adjacent, or otherwise functionally interrelated with other Town Center properties.

(b) Coordination Requirement. Where a proposed Development Agreement seeks a deviation as described in subsection (a), the County may require coordinated planning among the affected properties upon written findings that such coordination is reasonably necessary to ensure compliance with the adopted commercial allocation, connectivity, circulation, infrastructure, and design standards of the Town Center Zone.

(c) Condition of Approval. Where coordinated planning is required, the requested deviation shall not be approved unless a Joint Conceptual Development Plan addressing the affected properties has been approved by the County.

(d) Failure to Provide Joint Plan. If a Joint Conceptual Development Plan is not approved, the County may deny the requested deviation or require compliance with the applicable standards on an individual property basis.

(e) Plan Requirements. The Joint Conceptual Development Plan shall demonstrate coordinated land use planning, commercial allocation, circulation, pedestrian connectivity, open space integration, infrastructure planning, and phasing across the combined properties.

(f) Execution and Amendments. The Joint Conceptual Development Plan shall be executed by the affected property owners. Amendments shall require approval of the County.

(g) Development Agreements. Each property owner shall enter into a separate Development Agreement. Any approved Joint Conceptual Development Plan shall be incorporated into each applicable Development Agreement and shall be binding upon the applicable property owner. No Development Agreement shall be approved unless it conforms to the approved Joint Conceptual Development Plan. Nothing herein shall be construed to require joint ownership or a single Development Agreement among multiple property owners. Failure of one property owner to obtain approval of a Development Agreement shall not affect any Development Agreement previously approved for another property owner. An owner failing to obtain a conforming Development Agreement shall not be entitled to any approvals or deviations provided under the approved Joint Conceptual Development Plan, unless otherwise approved by the County.

(h) Optional Coordination. The County may request that owners of contiguous, adjacent, or functionally interrelated Town Center properties coordinate planning efforts and submit a Joint Conceptual Development Plan, even where no deviation from the requirements of the Town Center Zone is proposed. Approval of a Development Agreement shall not be conditioned upon submission of such plan; however, where a Joint Conceptual Development Plan is submitted and approved, subsection (g) shall apply.

...

(D) Exception to Commercial Allocation Requirement.

(1) Limited Exception. The County Commission may approve a reduction or reallocation of the commercial allocation required in subsection (C) only as a site-specific exception through an approved Development Agreement. Any reduction shall be limited to an extent reasonably necessary to support the required findings under this subsection, which may include reduction to zero commercial allocation where supported by the record. This subsection is intended to provide a narrowly applied, discretionary, site-specific exception and shall not be construed to modify the general applicability of the commercial allocation requirement.

(2) Required Findings. A reduction may be approved only upon written findings, supported by substantial evidence in the record, that:

(a) Due to the property's location, configuration, access, connectivity, relationship to existing or planned commercial areas, surrounding development patterns, and traffic circulation characteristics, strict application of the 35% commercial allocation would undermine cohesive Town Center development or conflict with adopted circulation, connectivity, infrastructure, or design standards, including by resulting in isolated commercial development that is not integrated with other commercial areas and that would create inefficiencies in traffic circulation, disrupt coordinated land use patterns, or interfere with the intended function and organization of the Town Center area; and

(b) The substituted land use configuration, development pattern, or secured public benefit provides a substantially greater and more durable overall benefit to the County and the Town Center area than strict compliance with the commercial allocation requirement. A reduction shall not be approved where the primary purpose is to increase residential yield, density, or project profitability.

(3) Eligible Public Benefits. Public benefits shall be evaluated in relation to the scale, location, and impact of the proposed development and must provide a material and demonstrable public advantage beyond what would reasonably be achieved through strict compliance with this chapter. Qualifying public benefits may include:

(a) A land use, development type, or public-serving improvement that would not otherwise be allowed or required under this chapter;

(b) Publicly accessible trails, parks, or enhanced recreational facilities;

(c) Public gathering spaces, public plazas, or community-oriented facilities;

(d) Significant infrastructure improvements that serve the broader Town Center area;

(e) Land dedications, easements, or facilities that provide lasting public value; or

(f) Other measurable, enforceable, and project-specific public benefits that materially advance cohesive Town Center development. Public benefits may include improvements, land uses, or dedications located outside the subject property where such benefits demonstrably serve the Town Center area or implement adopted County planning objectives. Qualifying benefits shall not consist solely of additional residential density or reconfiguration of residential product otherwise permitted by right.

(4) Development Agreement Requirements. Any approved reduction shall be expressly set forth in a Development Agreement, which shall:

- (a) Identify the approved commercial allocation;
- (b) Describe with specificity the public benefits provided in consideration of the reduction;
- (c) Demonstrate that the extent of the reduction is proportionate to the public benefits secured and consistent with the required findings;
- (d) Establish enforceable performance standards, phasing requirements, and completion timelines; and
- (e) Be binding upon successors and assigns.

(5) Joint Conceptual Development Plan. Where a Joint Conceptual Development Plan has been approved pursuant to § 155.266(B)(4), the required commercial allocation may be evaluated across the combined development area identified in the approved plan.

(6) No Entitlement. The exception authorized under this subsection is discretionary. Approval of a reduction requires written findings by the County Commission and shall not be construed to create a right to a reduction. Approval or denial of a reduction for one property shall not establish precedent or entitlement for any other property.

(Prior Code, § 8-5K-2) (Ord. 18-06, passed 8-7-2018; Ord. 19-07, passed 12-3-2019; Ord. 23-15, passed 10-3-2023)

## RECOMMENDED MOTIONS

**Sample Motion for a *Recommendation for Approval*** – “I move we recommend approval to the County Commission of the Town Center Code Text Amendment based on the findings listed in the memorandum dated April 9, 2026.”

**Sample Motion for a *Recommendation for Approval with Conditions*** – “I move we recommend approval to the County Commission of the Town Center Code Text Amendment based on the findings listed in the memorandum dated April 9, 2026, with the following additional conditions:”

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

**Sample Motion for a *Recommendation for Denial*** – “I move we recommend denial to the County Commission of the Town Center Code Text Amendment with the following findings:”

1. *List any additional findings...*

## ATTACHMENTS:

Attachment “A”: Town Center Code Text Amendment

**Attachment “A”: Draft Town Center Code Text Amendment**

**ORDINANCE NO. CO-26-0X**

**AN AMENDMENT TO THE LAND USE MANAGEMENT CODE FOR MORGAN COUNTY TO UPDATE TOWN CENTER ZONING REQUIREMENTS GENERALLY, IN RELATION TO CRITERIA TO REDUCE COMMERCIAL REQUIREMENTS, OTHERWISE KNOWN AS THE TOWN CENTER CODE TEXT AMENDMENT, AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Morgan County Commission has previously established land use management regulations for Morgan County as Title XV of the Morgan County Code which established, among other things, the requirements for the definition of entitlements for properties with the Town Center zoning designation; and

**WHEREAS**, the regulations established by the Morgan County Commission in Title XV of the Morgan County Code have been determined by the Morgan County staff and the Morgan County Commission to be in need of revision to address these concerns; and

**WHEREAS**, the Morgan County Planning Commission and Zoning Administrator have reviewed the proposed amendment in accordance with State law and have recommended approval of the same;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSION OF MORGAN COUNTY, STATE OF UTAH:

**Section 1. Amendment and Adoption.** Title XV of the Morgan County Code is hereby amended and adopted to clean up and clarify the Geohazards section of the Morgan County Code (MCC) and other sections mentioning slopes, as more specifically described in Exhibit “A”, attached hereto and incorporated herein by reference.

**Section 2. Severability.** If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

**Section 3. Effective Date.** This Ordinance shall become effective after subsequent publication in accordance with State Law, but not before 15 days after its passage.

**APPROVED, ADOPTED AND PASSED and ordered published by the  
Morgan County Commission, this 21<sup>st</sup> Day of April 2026.**

ATTEST:

MORGAN COUNTY GOVERNING  
BODY

\_\_\_\_\_  
Leslie Hyde  
Morgan County Clerk

\_\_\_\_\_  
Matthew Wilson, County Commission Chair

APPROVED AS TO FORM

\_\_\_\_\_  
Garrett Smith  
Morgan County Attorney

Commission Members	Voting:		
	AYE	NAY	ABSENT
Vaughn Nickerson	_____	_____	_____
Mike Newton	_____	_____	_____
Raelene Blocker	_____	_____	_____
Matthew Wilson	_____	_____	_____
Blaine Fackrell	_____	_____	_____

## Exhibit “A”: Town Center Code Text Amendment

### TOWN CENTER DESIGN STANDARDS

...  
§ 155.266 SCOPE.

Any lot or parcel located within the Town Center Zoning District(s), shall be subject to the standards and regulations of this subchapter. Such standards and regulations are intended to be in addition to existing standards and regulations for subdivision of property and other applicable regulations of this chapter.

(A) Design standards and guidelines. This subchapter establishes the following kinds of design criteria: Design standards and design guidelines.

(1) Design standards are required in addition to other standards set forth in this chapter and are indicated by the verb “shall.” In the event of conflict between this subchapter and other applicable provisions of this chapter, the more restrictive provision shall apply.

(2) Design guidelines indicate additional actions that may be taken to enhance development design and achieve greater compatibility with adjacent land uses. Guidelines thus use the verb “should” (rather than “shall”) signifying that the guidelines are desirable objectives to be achieved but are not mandatory requirements.

(B) Development agreement. A development agreement shall be required to enumerate the standards and specific requirements for a development to offer minor variations and more clearly define standards for individual projects.

(1) A conceptual plan and narrative discussing the proposing development (including density ranges) shall be required to be submitted as part of the rezoning application.

(2) The development agreement shall be submitted prior to or in conjunction with a land use application in the Town Center Zoning District.

(3) The development agreement shall include, at a minimum:

(a) Proposed development standards, including the following:

1. Approved permitted uses from the table in § 155.132 of this code and use standards establishing a mix of land use types, location and density;

2. Lot standards establishing requirements for lot area and dimensions;

3. Building setback standards for front, side and rear yards;

4. Design standards addressing building height, building orientation, common and private open space, natural resource protection and architectural design;

5. Landscaping and buffering standards;

6. Signage standards; and

7. Parking standards.

(b) A conceptual land use plan which shows the following:

1. Location of proposed uses; and

2. Location, arrangement and configuration of open space.

**(3) JOINT CONCEPTUAL DEVELOPMENT PLAN FOR CONTIGUOUS TC PROPERTIES.**

**(A) APPLICABILITY. THIS SUBSECTION APPLIES WHERE A PROPOSED DEVELOPMENT AGREEMENT WITHIN THE TOWN CENTER ZONE SEEKS TO DEVIATE FROM THE REQUIREMENTS OF THE TOWN CENTER ZONE, INCLUDING ANY REDUCTION OR REALLOCATION OF THE COMMERCIAL ALLOCATION, AND THE SUBJECT PROPERTY IS CONTIGUOUS, ADJACENT, OR OTHERWISE FUNCTIONALLY INTERRELATED WITH OTHER TOWN CENTER PROPERTIES.**

**(B) COORDINATION REQUIREMENT. WHERE A PROPOSED DEVELOPMENT AGREEMENT SEEKS A DEVIATION AS DESCRIBED IN SUBSECTION (A), THE COUNTY MAY REQUIRE COORDINATED PLANNING AMONG THE AFFECTED PROPERTIES UPON WRITTEN FINDINGS THAT SUCH COORDINATION IS REASONABLY NECESSARY TO ENSURE COMPLIANCE WITH THE ADOPTED COMMERCIAL ALLOCATION, CONNECTIVITY, CIRCULATION, INFRASTRUCTURE, AND DESIGN STANDARDS OF THE TOWN CENTER ZONE.**

**(C) CONDITION OF APPROVAL. WHERE COORDINATED PLANNING IS REQUIRED, THE REQUESTED DEVIATION SHALL NOT BE APPROVED UNLESS A JOINT CONCEPTUAL DEVELOPMENT PLAN ADDRESSING THE AFFECTED PROPERTIES HAS BEEN APPROVED BY THE COUNTY.**

**(D) FAILURE TO PROVIDE JOINT PLAN. IF A JOINT CONCEPTUAL DEVELOPMENT PLAN IS NOT APPROVED, THE COUNTY MAY DENY THE REQUESTED DEVIATION OR REQUIRE COMPLIANCE WITH THE APPLICABLE STANDARDS ON AN INDIVIDUAL PROPERTY BASIS.**

**(E) PLAN REQUIREMENTS. THE JOINT CONCEPTUAL DEVELOPMENT PLAN SHALL DEMONSTRATE COORDINATED LAND USE PLANNING, COMMERCIAL ALLOCATION, CIRCULATION, PEDESTRIAN CONNECTIVITY, OPEN SPACE INTEGRATION, INFRASTRUCTURE PLANNING, AND PHASING ACROSS THE COMBINED PROPERTIES.**

**(F) EXECUTION AND AMENDMENTS. THE JOINT CONCEPTUAL DEVELOPMENT PLAN SHALL BE EXECUTED BY THE AFFECTED PROPERTY OWNERS. AMENDMENTS SHALL REQUIRE APPROVAL OF THE COUNTY.**

**(G) DEVELOPMENT AGREEMENTS. EACH PROPERTY OWNER SHALL ENTER INTO A SEPARATE DEVELOPMENT AGREEMENT. ANY APPROVED JOINT CONCEPTUAL DEVELOPMENT PLAN SHALL BE INCORPORATED INTO EACH APPLICABLE DEVELOPMENT AGREEMENT AND SHALL BE BINDING UPON THE APPLICABLE PROPERTY OWNER. NO DEVELOPMENT AGREEMENT SHALL BE APPROVED UNLESS IT CONFORMS TO THE APPROVED JOINT CONCEPTUAL DEVELOPMENT PLAN. NOTHING HEREIN SHALL BE CONSTRUED TO REQUIRE JOINT OWNERSHIP OR A SINGLE DEVELOPMENT AGREEMENT AMONG MULTIPLE PROPERTY OWNERS. FAILURE OF ONE PROPERTY OWNER TO OBTAIN APPROVAL OF A DEVELOPMENT AGREEMENT SHALL NOT AFFECT ANY DEVELOPMENT AGREEMENT PREVIOUSLY APPROVED FOR ANOTHER PROPERTY OWNER. AN OWNER FAILING TO OBTAIN A CONFORMING DEVELOPMENT AGREEMENT SHALL NOT BE ENTITLED TO ANY APPROVALS OR DEVIATIONS PROVIDED UNDER THE APPROVED JOINT CONCEPTUAL DEVELOPMENT PLAN, UNLESS OTHERWISE APPROVED BY THE COUNTY.**

**(H) OPTIONAL COORDINATION. THE COUNTY MAY REQUEST THAT OWNERS OF CONTIGUOUS, ADJACENT, OR FUNCTIONALLY INTERRELATED TOWN CENTER PROPERTIES COORDINATE PLANNING EFFORTS AND SUBMIT A JOINT CONCEPTUAL DEVELOPMENT PLAN, EVEN WHERE NO DEVIATION FROM THE REQUIREMENTS OF THE TOWN CENTER ZONE IS PROPOSED. APPROVAL OF A DEVELOPMENT AGREEMENT SHALL NOT BE CONDITIONED UPON SUBMISSION OF SUCH PLAN; HOWEVER, WHERE A JOINT CONCEPTUAL DEVELOPMENT PLAN IS SUBMITTED AND APPROVED, SUBSECTION (G) SHALL APPLY.**

**(C) Mixed-use developments. Mixed-use developments shall have at least 35% of the development area designated for commercial uses.**

**(D) EXCEPTION TO COMMERCIAL ALLOCATION REQUIREMENT.**

**(1) LIMITED EXCEPTION. THE COUNTY COMMISSION MAY APPROVE A REDUCTION OR REALLOCATION OF THE COMMERCIAL ALLOCATION REQUIRED IN SUBSECTION (C) ONLY AS A SITE-SPECIFIC EXCEPTION THROUGH AN APPROVED DEVELOPMENT AGREEMENT. ANY REDUCTION SHALL BE LIMITED TO AN EXTENT REASONABLY NECESSARY TO SUPPORT THE REQUIRED FINDINGS UNDER THIS SUBSECTION, WHICH MAY INCLUDE REDUCTION TO ZERO COMMERCIAL ALLOCATION WHERE SUPPORTED BY THE RECORD. THIS SUBSECTION IS INTENDED TO PROVIDE A NARROWLY APPLIED, DISCRETIONARY, SITE-SPECIFIC EXCEPTION AND SHALL NOT BE CONSTRUED TO MODIFY THE GENERAL APPLICABILITY OF THE COMMERCIAL ALLOCATION REQUIREMENT.**

**(2) REQUIRED FINDINGS. A REDUCTION MAY BE APPROVED ONLY UPON WRITTEN FINDINGS, SUPPORTED BY SUBSTANTIAL EVIDENCE IN THE RECORD, THAT:**

**(A) DUE TO THE PROPERTY'S LOCATION, CONFIGURATION, ACCESS, CONNECTIVITY, RELATIONSHIP TO EXISTING OR PLANNED COMMERCIAL AREAS, SURROUNDING DEVELOPMENT PATTERNS, AND TRAFFIC CIRCULATION CHARACTERISTICS, STRICT APPLICATION OF THE 35% COMMERCIAL ALLOCATION WOULD UNDERMINE COHESIVE TOWN CENTER DEVELOPMENT OR CONFLICT WITH ADOPTED CIRCULATION, CONNECTIVITY, INFRASTRUCTURE, OR DESIGN STANDARDS, INCLUDING BY RESULTING IN ISOLATED COMMERCIAL DEVELOPMENT THAT IS NOT INTEGRATED WITH OTHER COMMERCIAL AREAS AND THAT WOULD CREATE INEFFICIENCIES IN TRAFFIC CIRCULATION, DISRUPT COORDINATED LAND USE PATTERNS, OR INTERFERE WITH THE INTENDED FUNCTION AND ORGANIZATION OF THE TOWN CENTER AREA; AND**

**(B) THE SUBSTITUTED LAND USE CONFIGURATION, DEVELOPMENT PATTERN, OR SECURED PUBLIC BENEFIT PROVIDES A SUBSTANTIALLY GREATER AND MORE DURABLE OVERALL BENEFIT TO THE COUNTY AND THE TOWN CENTER AREA THAN STRICT COMPLIANCE WITH THE COMMERCIAL ALLOCATION REQUIREMENT. A REDUCTION SHALL NOT BE APPROVED WHERE THE PRIMARY PURPOSE IS TO INCREASE RESIDENTIAL YIELD, DENSITY, OR PROJECT PROFITABILITY.**

**(3) ELIGIBLE PUBLIC BENEFITS. PUBLIC BENEFITS SHALL BE EVALUATED IN RELATION TO THE SCALE, LOCATION, AND IMPACT OF THE PROPOSED DEVELOPMENT AND MUST PROVIDE A MATERIAL AND DEMONSTRABLE PUBLIC ADVANTAGE BEYOND WHAT WOULD REASONABLY BE ACHIEVED THROUGH STRICT COMPLIANCE WITH THIS CHAPTER. QUALIFYING PUBLIC BENEFITS MAY INCLUDE:**

**(A) A LAND USE, DEVELOPMENT TYPE, OR PUBLIC-SERVING IMPROVEMENT THAT WOULD NOT OTHERWISE BE ALLOWED OR REQUIRED UNDER THIS CHAPTER;**

**(B) PUBLICLY ACCESSIBLE TRAILS, PARKS, OR ENHANCED RECREATIONAL FACILITIES;**

**(C) PUBLIC GATHERING SPACES, PUBLIC PLAZAS, OR COMMUNITY-ORIENTED FACILITIES;**

**(D) SIGNIFICANT INFRASTRUCTURE IMPROVEMENTS THAT SERVE THE BROADER TOWN CENTER AREA;**

**(E) LAND DEDICATIONS, EASEMENTS, OR FACILITIES THAT PROVIDE LASTING PUBLIC VALUE; OR**

**(F) OTHER MEASURABLE, ENFORCEABLE, AND PROJECT-SPECIFIC PUBLIC BENEFITS THAT MATERIALLY ADVANCE COHESIVE TOWN CENTER DEVELOPMENT. PUBLIC BENEFITS MAY INCLUDE IMPROVEMENTS, LAND USES, OR DEDICATIONS LOCATED OUTSIDE THE SUBJECT PROPERTY WHERE SUCH BENEFITS DEMONSTRABLY SERVE THE TOWN CENTER AREA OR IMPLEMENT ADOPTED COUNTY PLANNING OBJECTIVES. QUALIFYING BENEFITS SHALL NOT CONSIST SOLELY OF ADDITIONAL RESIDENTIAL DENSITY OR RECONFIGURATION OF RESIDENTIAL PRODUCT OTHERWISE PERMITTED BY RIGHT.**

**(4) DEVELOPMENT AGREEMENT REQUIREMENTS. ANY APPROVED REDUCTION SHALL BE EXPRESSLY SET FORTH IN A DEVELOPMENT AGREEMENT, WHICH SHALL:**

**(A) IDENTIFY THE APPROVED COMMERCIAL ALLOCATION;**

**(B) DESCRIBE WITH SPECIFICITY THE PUBLIC BENEFITS PROVIDED IN CONSIDERATION OF THE REDUCTION;**

**(C) DEMONSTRATE THAT THE EXTENT OF THE REDUCTION IS PROPORTIONATE TO THE PUBLIC BENEFITS SECURED AND CONSISTENT WITH THE REQUIRED FINDINGS;**

**(D) ESTABLISH ENFORCEABLE PERFORMANCE STANDARDS, PHASING REQUIREMENTS, AND COMPLETION TIMELINES; AND**

**(E) BE BINDING UPON SUCCESSORS AND ASSIGNS.**

**(5) JOINT CONCEPTUAL DEVELOPMENT PLAN. WHERE A JOINT CONCEPTUAL DEVELOPMENT PLAN HAS BEEN APPROVED PURSUANT TO § 155.266(B)(4), THE REQUIRED COMMERCIAL ALLOCATION MAY BE EVALUATED ACROSS THE COMBINED DEVELOPMENT AREA IDENTIFIED IN THE APPROVED PLAN.**

**(6) NO ENTITLEMENT. THE EXCEPTION AUTHORIZED UNDER THIS SUBSECTION IS DISCRETIONARY. APPROVAL OF A REDUCTION REQUIRES WRITTEN FINDINGS BY THE COUNTY COMMISSION AND SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO A REDUCTION. APPROVAL OR DENIAL OF A REDUCTION FOR ONE PROPERTY SHALL NOT ESTABLISH PRECEDENT OR ENTITLEMENT FOR ANY OTHER PROPERTY.**

**(PRIOR CODE, § 8-5K-2) (ORD. 18-06, PASSED 8-7-2018; ORD. 19-07, PASSED 12-3-2019; ORD. 23-15, PASSED 10-3-2023)**



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.

**Present PC Members:**

Chair Sessions  
Member McMillan  
Member Taylor  
Member Wilson  
Member Maloney  
Member King

**Absent PC Members**

Member Watt

**Public Attendance:**

Randy Sessions  
Travis Huerta  
Mark Huerta  
Carley Herrick  
Brian Nestoroff  
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**

**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.

**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.

**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.

**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.

**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.

**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?

**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: \_\_\_\_\_  
Chairman, Debbie Sessions  
Morgan County Planning Commission

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