



PLANNING COMMISSION AGENDA  
Thursday, April 23<sup>rd</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** – *Meadow Brook Subdivision, Phase 2, Small Subdivision Preliminary & Final Plat*: A request for preliminary & final plat approval of the Meadow Brook Subdivision, Phase 2, Small Subdivision for the creation of three (3) lots. The property is identified by parcel number 00-0001-3258 & serial number 01-004-093, and is located approximately west of the intersection of North Thurston Drive and West 3725 North Street in unincorporated Morgan County.
7. **Public Meeting/Discussion/Decision** – *WPR Mountain Villa Plat Amendment No. 2*: A request for approval of an amendment to the Wasatch Peaks Ranch North Village Mountain Villas to adjust the Limited Common Area of the subdivision. The properties are identified by parcel numbers 00-0094-0174 and 00-0093-0461 & serial numbers 12-WPRNVMTV-CA-NA-A1 and 12-WPRNVMTV-CA-NA, and is located approximately at 5233 West Wasatch Peaks Road in unincorporated Morgan County.

**Legislative**

8. **Public Hearing/Discussion/Decision** – *Side Yard Setback Code Text Amendment*: Request for approval of a text amendment to the Morgan County Code (MCC) to remove a portion of the side yard requirements in section 155.111 of the Residential and Multiple-Family Residential Districts.
9. **Public Hearing/Discussion/Decision** – *Wildland Urban Interface Code Text Amendment*: Request for approval of a text amendment to the Morgan County Code (MCC) to amend the requirements of the Wildland Urban Interface Code to match State Statutes.
10. Business/Staff Questions
11. Approval of April 9<sup>th</sup>, 2026, Planning Commission Minutes
12. Adjourn



# PLANNING COMMISSION STAFF REPORT

Meadow Brook Subdivision, Phase 2, Small  
Subdivision Preliminary & Final Plat

**PLANNING & DEVELOPMENT**

April 23, 2026

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Meadow Brook Subdivision, Phase 2, Small Subdivision Preliminary & Final Plat

April 23, 2026

Public Meeting

File #25.061

Applicant/Owner:	Brent Bohman
Project Location:	Approx. west of the intersection of N. Thurston Dr. and W. 3725 N. in unincorporated Morgan County.
Parcel Number:	00-0001-3258
Serial Number:	01-004-093
Current Zoning:	Residential (R1-20)
Acreage:	28.31 acres

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**REQUEST:** A request for preliminary & final plat approval of the Meadow Brook Subdivision, Phase 2, Small Subdivision for the creation of three (3) lots.

**ATTORNEY GUIDANCE:**

**Administrative Review:**

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

**Applicable law:**

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

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

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

*Utah Code Ann. § 17-27a-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.

### **RECOMMENDATION**

County Staff has reviewed the application for Preliminary and Final Plats for the Meadow Brook Phase 2 Small Subdivision. Staff is hereby recommending approval of the requested Preliminary and Final Plat based on the following findings and with conditions listed below:

#### **Findings:**

- 1. That the subdivision is in conformance with the current land uses of the area.*
- 2. That the proposal complies with applicable zoning and subdivision regulations.*
- 3. That the proposal is not detrimental to the health, safety, and welfare of the public.*

#### **Conditions:**

- 1. That all outsourced consultant fees are paid current prior to final plat recordation.*
- 2. That all other local, state, and federal laws are adhered to.*
- 3. That the County Engineer, Surveyor and Fire Services comments are addressed.*
- 4. That the plat drawings shall be revised to prohibit basements due to high groundwater conditions and that detention areas are provided for each lot.*

### **PROJECT DESCRIPTION**

The applicant is seeking approval for a small subdivision, with preliminary and final plat applications generally combined for subdivisions of ten (10) lots or fewer. The subdivision will consist of three (3) lots.

A rezone was approved on March 1, 2022. A 10.17-acre portion was fully rezoned at that time to R1-20 completely, and this is the area that the applicant is proposing to subdivide into three (3) lots. The remaining 18.14 acres were left with the pre-existing split zoning, meaning that portion of the property retains both R1-20 and A-20 designations.

Ordinance Evaluation. The property includes land within both the A-20 and R1-20 zoning districts. The future location of the proposed dwelling will determine which zone’s setback requirements apply. All development must comply with the standards of the zoning district in which it is located at the time of building permit review.

Property Layout. The subdivision application is required to establish developable lots that conform to County standards for minimum lot size in accordance with zoning regulations.

Roads and Access. Access to the property will be derived from North Thurston Lane and West 3726 North Street with approximately 563.35 feet of frontage. The property will feature individual driveways for future lots if approved by the Planning Commission.

Water Source. Water service will be provided by a culinary water system maintained by the Peterson Pipeline Association (PPA).

Fire Protection. The property is served by Morgan County Fire Department providing for joint fire and emergency services to serve the lot.

Sanitary Sewer Systems. The health department has issued permitting for a wastewater disposal system.

Flood Plain: N/A.

**ANALYSIS**

The proposal has been reviewed and meets the preliminary and final design standards as required by the Morgan County Code (MCC).

<b>Item</b>	<b>Zone Regulation</b>	<b>Proposal</b>
Area Regulation	Split-Zone – R1-20 and A-20	<i>Lot Complies – Approx. 28.31 ac currently</i>
Width & Frontage Regulations	R1-20 = 50’	<i>Lot Complies – Approx. 563.35’ currently</i>
Front Yard Regulations	R1-20: 30’ / A-20: 30’	<i>Lot Complies</i>
Side Yard Regulations	R1-20: 24’ (combined) / A-20: 60’	<i>Lot Complies</i>
Rear Yard Setback	R1-20: 30’ / A-20: 60’	<i>Lot Complies</i>

**ANALYSIS OF STANDARDS**

<b>Standards</b>	<b>Findings</b>	<b>Rationale</b>
<p><b><i>Ordinance Evaluation. Morgan County Code § 155.438 states the following:</i></b></p> <p><i>The subdivider shall submit a complete application for a small subdivision to the planning and development services department, along with a completed application and application fee. The proposed small subdivision application shall include all of the information required for a complete preliminary and final plat application as outlined in sections 155.407, 155.413, 155.414, and 155.415 of this chapter, and other applicable sections of this title, with the exception of the final mylar for signature. Small subdivisions shall meet all the requirements of this title. (Ord. 10-16, 12-14-2010)</i></p> <p><i>Therefore, this application has been reviewed for preliminary and final plat standards.</i></p>		

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

<b>A</b>	<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>B</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	The applicant has submitted the certified boundary survey. The title report has been submitted as well.
<b>C</b>	<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> <li>7. The layout and dimensions of proposed lots with lot areas in square feet.</li> <li>8. The location and dimensions and labeling of other spaces including open spaces, parks, trails, or public spaces.</li> <li>9. The location of manmade features including bridges, railroad tracks, fences, ditches, and buildings.</li> <li>10. Topography at two foot (2') intervals. One foot (1') contours may be required by the county engineer in particularly flat areas.</li> <li>11. Location and ownership of all adjoining tracts of land.</li> <li>12. Proposed subdivision phasing plan and relationship to existing phases of development. (Ord. 10-16, 12-14-2010)</li> </ol>	Complies	
<b>D</b>	<p><b>Grading and drainage plan (may be combined with plat sheet, if approved by the county engineer):</b></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</li> </ol>	Will Comply	

	<p>fifteen percent (15%) and greater than twenty five percent (25%) with distinct notation. (Ord. 12-09, 9-18-2012)</p>		
E	<p>Utility plan (may be combined with plat sheet, if approved by the county engineer):</p> <ol style="list-style-type: none"> <li>1. Plan drawn to a scale not smaller than one hundred feet (100') to the inch, showing the road and lot layout.</li> <li>2. North arrow.</li> <li>3. Subdivision name.</li> <li>4. Show all existing and proposed utilities including: sewer, culinary water, well locations with secondary water, fire hydrants, storm drains, subsurface drains, gas lines, power lines, and streetlights, television and telecommunications.</li> <li>5. Show location and dimensions of all utility easements.</li> </ol>	N/A	
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 preservation area, or which contain an agricultural open space conservation easement within the plat.</li> <li>8. Written verification of all proposed water sources. For all proposed water sources, provide approval letters from the Weber-Morgan County health department and proof of all water rights, including quantities (water rights certificates, etc.), for each well and water source to be utilized for the development.</li> <li>9. The developer shall submit all information concerning site geology, area hydrogeology, site topography, soil types and the proven wet water by the drilling of at least one test well from within the described subdivision boundary, as determined by a geotechnical engineer, licensed in the state of Utah. Well logs shall be submitted to the county 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.</li> <li>10. Verification of approval from the Weber-Morgan County health department regarding the proposed location of all septic systems and water source</li> </ol>	Complies	

	<b>protection areas.</b>		
<b>G</b>	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.	N/A	
<b>H</b>	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	
<b>I</b>	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.	N/A	
<b>J</b>	Electronic copies of all preliminary plat drawings in AutoCAD (DWG) format.	N/A	
<b>K</b>	Tabulations showing the total number of lots or buildings sites, and the percentage of land in roads, lots, and open space.	Complies	
<b>L</b>	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)	N/A	
<b>155.415: FINAL PLAT; PREPARATION AND REQUIRED INFORMATION:</b>			
<b>A</b>	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 council 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 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.	Complies	
<b>B</b>	The final plat shall show the subdivision name that is distinct from any other recorded subdivision name and the general location of the subdivision in bold letters at the top of the sheet.	Complies	
<b>C</b>	The plat shall contain a north arrow and scale of the drawing and the date.	Complies	
<b>D</b>	Prior to consideration by the county council, the plat shall be signed by all required and authorized parties, with the exception of the county council 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 Council recommend changes to the plat.
<b>E</b>	An accurate and complete survey, which conforms to Utah state law.	Complies	
<b>F</b>	Plats will show accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to at least two (2) public survey monuments. These lines should be slightly heavier than street and lot lines.	Complies	
<b>G</b>	The final plat shall show all survey, mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing	Complies	

	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.		
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 consecutively throughout the subdivision with no omissions or duplications.	Complies	
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	10' PUE is shown
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: <ol style="list-style-type: none"> <li>1. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties;</li> <li>2. All right of way monuments at angle points and intersections as approved by the county surveyor.</li> </ol>	Complies	
N	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: <ol style="list-style-type: none"> <li>1. Professional land surveyor's "certificate of survey".</li> </ol>	Complies	Preliminary Title Report submitted previously; a final title report will be required within 30 days of recordation

	<p><b>2. Owner's dedication certificate in the following form:</b></p> <p><i>OWNERS DEDICATION</i></p> <p><i>Know all men by these presents that we, the undersigned owner(s) of the above described tract of land, having caused said tract to be subdivided into lots and streets to be hereafter known as Subdivision do hereby dedicate for perpetual use of the public all parcels of land, other utilities, or easements shown on this plat as intended for public use. In witness whereof, we have hereunto set out hands this day of , 20 .</i></p> <p><i>(Add appropriate acknowledgments)</i></p> <ol style="list-style-type: none"> <li>3. <b>Notary public's acknowledgement for each signature on the plat.</b></li> <li>4. <b>A correct metes and bounds description of all property included within the subdivision.</b></li> <li>5. <b>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 council (a signature line for the council 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.</b></li> <li>6. <b>Such other affidavits, certificates, acknowledgements, endorsements and notarial seals as are required by law, by this title, the county attorney, or county surveyor.</b></li> <li>7. <b>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.</b></li> <li>8. <b>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.</b></li> <li>9. <b>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.</b></li> </ol>		
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>	Complies	
P	<p>A note on the plat which states the following:</p>	Complies	

<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><b>(Ord. 10-16, 12-14-2010)</b></p>		
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**Department Comments**

Public Works: No comments received  
 Fire/EMS Services: No comments received  
 Engineering: Comments received and recommend conditional approval  
 Surveying: Comments received and are being addressed  
 Recorders: Comments received and are being addressed

**PUBLIC NOTICE, MEETINGS, COMMENTS**

- ✓ Public Notice was submitted to the State of Utah Public Notice website on or before April 13, 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 April 13, 2026.
- ✓ Notices to property owners within 1000’ feet of the proposed use were mailed a Public Notice on or before April 13, 2026.
- ✓ A sign was posted on the site on or before April 13, 2026.

**Recommended Motions**

**Recommended Motion for *Approval*** – “I move we approve the Meadow Brook Subdivision, Phase 2, Small Subdivision Preliminary and Final Plat, application number 25.061, allowing for the creation of three lots, located approximately west of the intersection of North Thurston Drive and West 3725 North in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report dated April 23, 2026.”

**Recommended Motion for *Approval with Conditions*** – “I move we approve the Meadow Brook Subdivision, Phase 2, application number 25.061, allowing for a one (1) lot subdivision, located approximately west of the intersection of North Thurston Drive and West 3725 North in unincorporated Morgan County, based on the findings and with the conditions listed in the staff report dated April 23, 2026, and with the following additional conditions:”

1. List any additional conditions

**Recommended Motion for *Denial*** – “I move we deny the Meadow Brook Subdivision, Phase 2, Small Subdivision Preliminary & Final Plat, application number 25.061, not allowing for a one (1) lot subdivision, located approximately west of the intersection of North Thurston Drive and West 3725 North in unincorporated Morgan County, based on the following findings:”

1. List any additional findings

## **Supporting Information**

Exhibit A: Vicinity Map

Exhibit B: Proposed Preliminary Plat

Exhibit C: Proposed Final Plat

## Exhibit A: Vicinity Map









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

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WPR Mountain Villa Plat Amendment No. 2  
April 23, 2026  
Public Meeting  
File #26.003

Applicant: Brian Nestoroff  
Owner: Wasatch Peaks Ranch, LLC  
Project Location: Approximately 5233 W. Wasatch Peaks Road  
Parcel Number: 00-0094-0174 and 00-0093-0461  
Serial Number: 12-WPRNVMTV-CA-NA-A1 and 12-WPRNVMTV-CA-NA  
Current Zoning: Resort Special District (RSD) w/ Development Agreement (DA)  
Acreage: 1.33 acres combined

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**REQUEST:**

Adjust the “Limited Common Areas” around the previously platted and recorded twelve (12) townhome units.

**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 WPR Mountain Villas Plat Amendment No. 2, 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 adjust the “Limited Common Areas” around the previously platted and recorded twelve (12) townhome units of WPR North Village Mountain Villas and WPR North Village Mountain Villas, First Amendment.

## **DISCUSSION:**

WPR (Wasatch Peak Ranch) requests an adjustment to the “Limited Common Area” from the WPR North Village Mountain Villas and the WPR North Village Mountain Villas, First Amendment. This second amendment consists of three (3) components. The request is intended to provide additional unit-specific yard area by reallocating portions of Common Area to Limited Common Area. Feedback from members, or residents of the WPR, indicates a need for increased private outdoor space for uses such as pets and outdoor living. The adjustment would reduce the “Common Area” by the same amount that the “Limited Common Area” is increased, resulting in no net change to overall project acreage. “Limited Common Area” is defined as landscaped or green space intended for use by specific property owners and appurtenant to individual townhome units. “Private Area” refers to the foundation and area beneath the villas. “Common Area” is synonymous with common open space for the subdivision. All “Private Area” remains the same; the balance between the “Limited Common Area” and the “Common Area” is requested to be adjusted slightly. No lot lines will be modified, no changes to individual lot acreage are proposed, and the location and configuration of the buildings will remain as previously approved. Project CC&R definitions further clarify applicable terms:

*1.45 Project Limited Common Areas means any portion of the Project designated by the Act, Plat, and this Declaration as "limited common area" reserved for the exclusive use of one or more, but not all, Units.*

*1.41 Project Common Areas means the entire Project designated by this Declaration or the Act and as may be shown on the Plat as "common area". Project Common Area specifically excludes Units and Project Limited Common Areas.*

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 information in compliance with the requirements of this chapter. The applicant shall also pay all fees</u></i></p>		

required by the County's fee schedule.

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

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

A	<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>Certified boundary survey of the subject property, which meets state of Utah requirements, which also depicts all easements identified by the title report.</p>	Complies	
C	<p>Preliminary plat (all facilities within 200 feet of the plat shall be shown):</p> <ol style="list-style-type: none"> <li>1. Drawn at a scale not smaller than one hundred feet (100') to the inch.</li> <li>2. A north arrow.</li> <li>3. Subdivision name.</li> <li>4. The layout and names and widths of existing and future road rights of way.</li> <li>5. A tie to a permanent survey monument at a section corner.</li> <li>6. The boundary lines of the subdivision with bearings and distances.</li> <li>7. The layout and dimensions of proposed lots with lot areas in square feet.</li> <li>8. The location and dimensions and labeling of other spaces including open spaces, parks, trails, or public spaces.</li> <li>9. The location of manmade features including bridges, railroad tracks, fences, ditches, and buildings.</li> <li>10. Topography at two foot (2') intervals. One foot (1') contours may be required by the county engineer in particularly flat areas.</li> <li>11. Location and ownership of all adjoining tracts of land.</li> <li>12. Proposed subdivision phasing plan and relationship to existing phases of development. (Ord. 10-16, 12-14-2010)</li> </ol>	Complies	
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> </ol>	Complies	

	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)		
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 preservation area, or which contain an agricultural open space conservation easement within the plat.</li> <li>8. Written verification of all proposed water sources. For all proposed water sources, provide approval letters from the Weber-Morgan County health department and proof of all water rights, including quantities (water rights certificates, etc.), for each well and water source to be utilized for the development.</li> <li>9. The developer shall submit all information concerning site geology, area hydrogeology, site topography, soil types and the proven wet water by the drilling of at least one test well from within the described subdivision boundary, as determined by a geotechnical engineer, licensed in the state of Utah. Well logs shall be submitted to the county 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.</li> <li>10. Verification of approval from the Weber-Morgan County health department regarding the proposed location of all septic systems and water source protection areas.</li> </ol>	Does Not Apply	Homes currently exist on the properties

<b>G</b>	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	
<b>H</b>	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	
<b>I</b>	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	
<b>J</b>	Electronic copies of all preliminary plat drawings in AutoCAD (DWG) format.	Complies	
<b>K</b>	Tabulations showing the total number of lots or buildings sites, and the percentage of land in roads, lots, and open space.	Does Not Apply	
<b>L</b>	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>			
<b>A</b>	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 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.	Will Comply	Historically, staff has recommended the applicant wait to print the final mylar in the event that the Planning Commission recommend changes to the plat.
<b>B</b>	The final plat shall show the subdivision name that is distinct from any other recorded subdivision name and the general location of the subdivision in bold letters at the top of the sheet.	Complies	
<b>C</b>	The plat shall contain a north arrow and scale of the drawing and the date.	Complies	
<b>D</b>	Prior to consideration by the county commission, the plat shall be signed by all required and authorized parties, with the exception of the county commission chairperson, planning commission chairperson and county attorney, with appropriate notarial acknowledgements and the final plat shall contain all information set forth in this section.	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.
<b>E</b>	An accurate and complete survey, which conforms to Utah state law.	Complies	
<b>F</b>	Plats will show accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to at least two (2) public survey monuments. These lines should be slightly heavier than street and lot lines.	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 consecutively throughout the subdivision with no omissions or duplications.	Complies	
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	Complies	Owner's Dedication is present, but not signed

	<p>following certificates, acknowledgements and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate:</p> <ol style="list-style-type: none"> <li>1. Professional land surveyor's "certificate of survey".</li> <li>2. Owner's dedication certificate in the following form:</li> </ol> <p 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> <ol style="list-style-type: none"> <li>3. Notary public's acknowledgement for each signature on the plat.</li> <li>4. A correct metes and bounds description of all property included within the subdivision.</li> <li>5. Plats shall contain signatures of the water provider (if provided by a culinary water system), sewer provider (if provided by a sewer improvement district), Weber-Morgan County health department, planning commission, and county engineer, and blocks for signatures of the county attorney and county commission (a signature line for the commission chairperson and an attestation by the county clerk). A block for the county recorder shall be provided in the lower right corner of the final plat.</li> <li>6. Such other affidavits, certificates, acknowledgements, endorsements and notarial seals as are required by law, by this title, the county attorney, or county surveyor.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol>		
<b>O</b>	<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

<b>P</b>	<p><b>A note on the plat which states the following:</b></p> <p><i>Morgan County restricts the occupancy of buildings within developments as outlined in the adopted building and fire codes. It is unlawful to occupy a building located within any development without first having obtained a certificate of occupancy issued by the county.</i></p> <p><b>(Ord. 10-16, 12-14-2010)</b></p>	Complies	
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**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: RSD w/ DA

**PUBLIC NOTICE, MEETINGS, COMMENTS**

- ✓ Public Notice was submitted to the State of Utah Public Notice website on or before April 13, 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 April 13, 2026.
- ✓ Notices to property owners within 1000’ feet of the proposed use were mailed a Public Notice on or before April 13, 2026.
- ✓ A sign was posted on the site on or before April 13, 2026.

## Recommended Motions

**Motion for a *Positive Recommendation*** – “I move we recommend approval to the County Commission of WPR Mountain Villa Plat Amendment No. 2, application #26.003, to adjust the “Limited Common Area” of the subdivision, based on the findings and with the conditions listed in the staff report dated April 23, 2026.”

**Motion for a *Positive Recommendation with Conditions*** – “I move we recommend approval to the County Commission of WPR Mountain Villa Plat Amendment No. 2, application #26.003, to adjust the “Limited Common Area” of the subdivision, based on the findings and with the conditions listed in the staff report dated April 23, 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 WPR Mountain Villa Plat Amendment No. 2, application #26.003, to not allow the adjustment of “Limited Common Area” of the subdivision, *due to the following findings:*”

### Attachments:

Attachment A: Vicinity Map

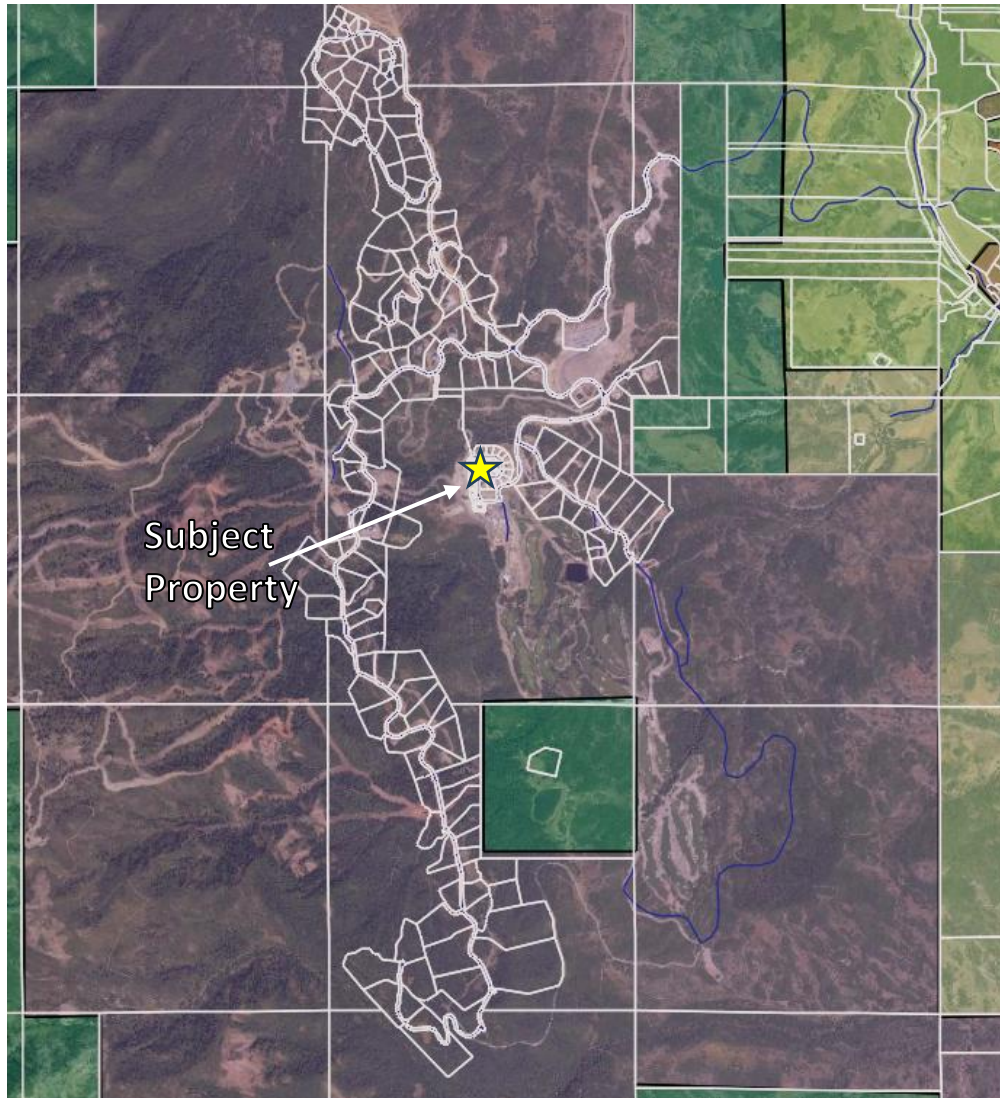
Attachment B: Original Plat

Attachment C: First Amendment

Attachment D: Proposed Second Amendment

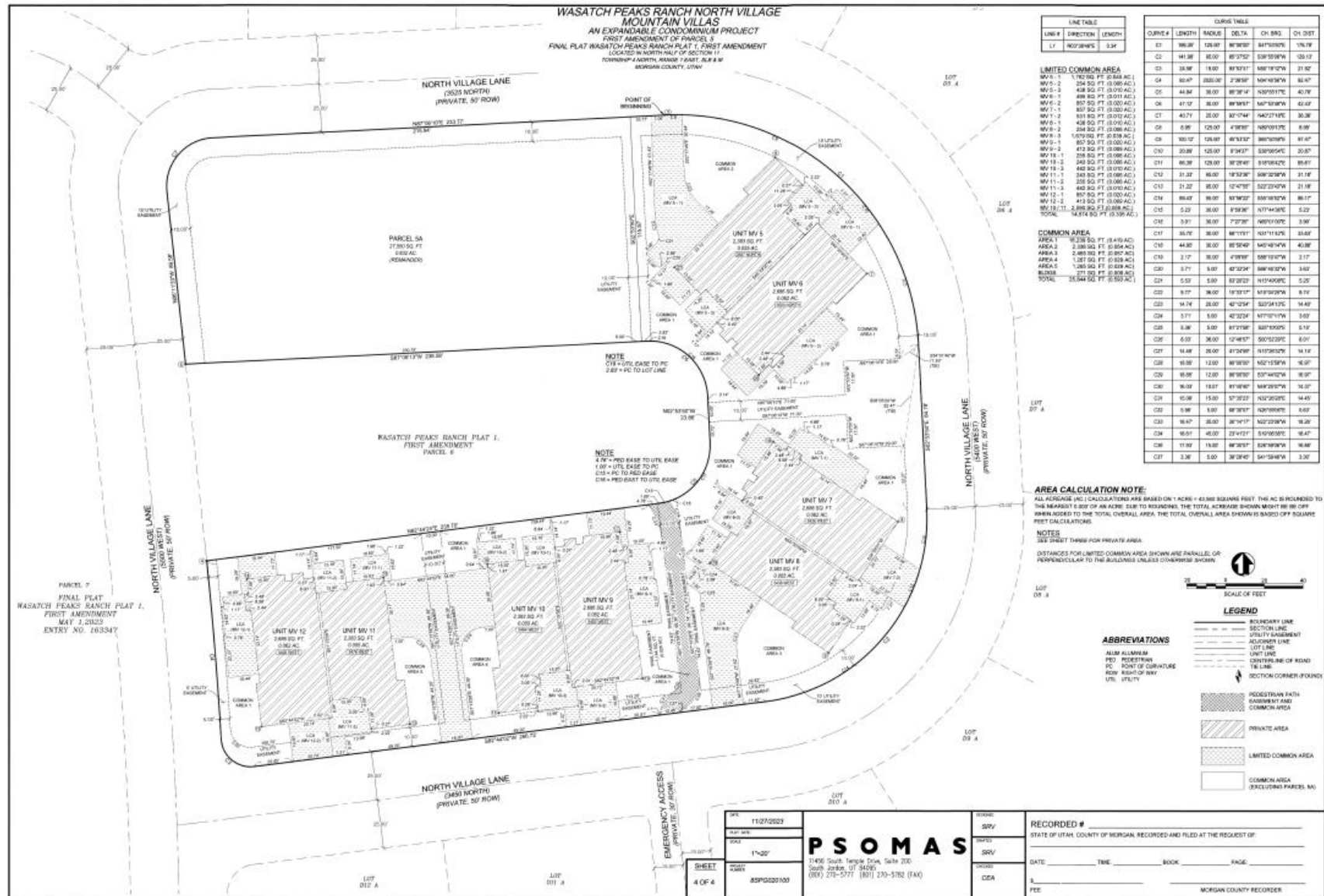
**Attachment A: Vicinity Map**

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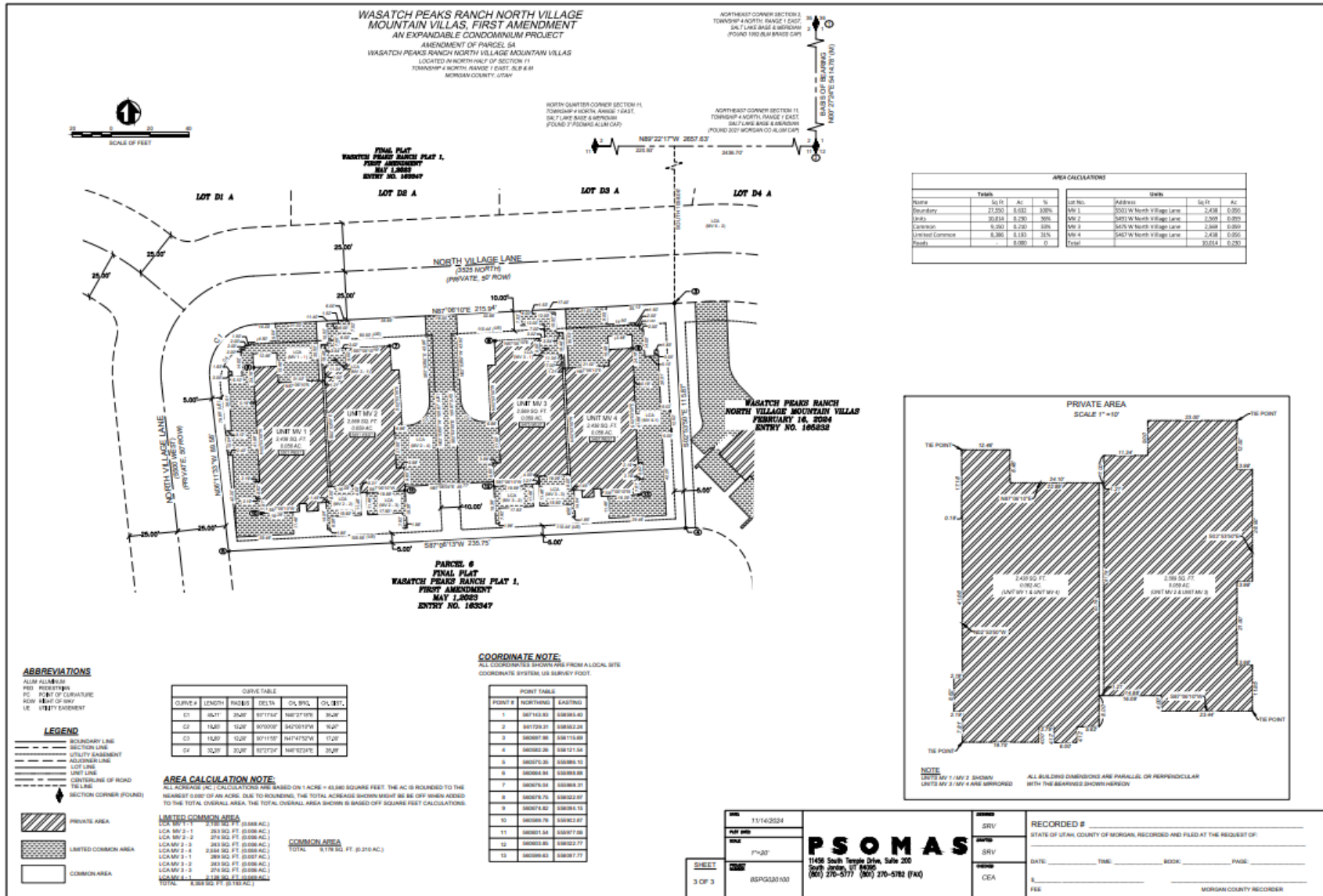
[Click here to view a full-size .pdf version](#)

Attachment B: Original Plat



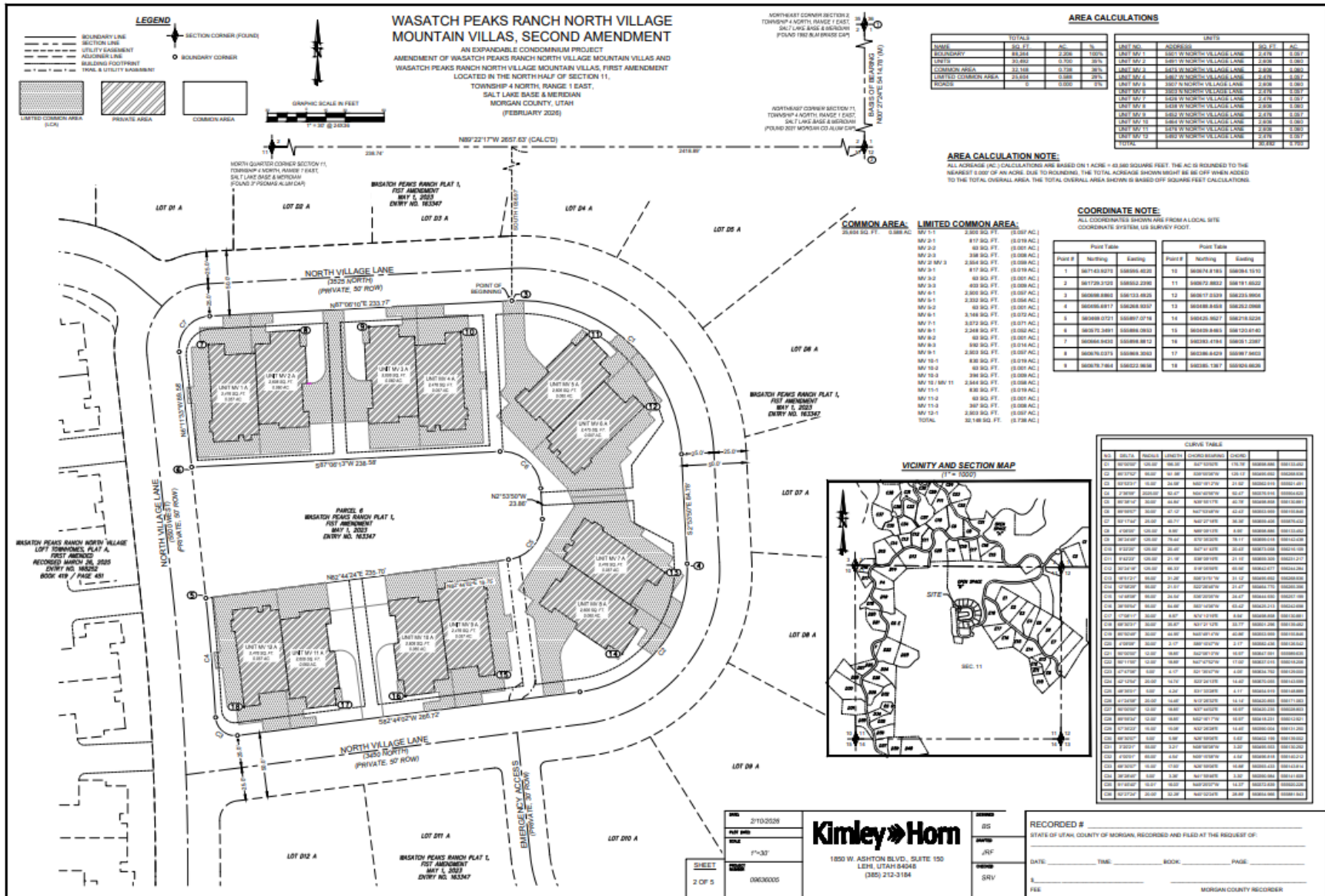
[Click here to view a full-size .pdf version](#)

Attachment C: First Amendment



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

**Attachment D: Proposed Second Amendment**



## MEMORANDUM

**TO:** Morgan County Planning Commission  
**FROM:** Morgan County Planning & Development Services Staff  
**SUBJECT:** Side Yard Setbacks Code Text Amendment, Application # 26.010

**SUMMARY:** Request for approval of a text amendment to the Morgan County Code (MCC) to amend the side yard requirements in Residential and Multiple-Family Residential Districts.

This amendment is a request from an applicant for an amendment to the Morgan County Code. It introduces revisions to the regulations regarding side yard setbacks to address an inconsistency in the existing County Code. Currently, the provision requiring that “in no case shall the total width of the two side yards be less than the height of the building” has never been enforced. Other proposed strikethroughs are displayed in the “Proposed Text” section of this memorandum

The proposed change removes language and standards outlined in § 155.111 Yard Regulations to establish a clear and consistent setback requirement. This revision ensures reasonable expectations for lot owners, application of the code, and supports fair and defensible administration by county staff.

### **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 § 17-27a-801(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:

17-27a-102. Purposes — General land use authority — Limitations.

(1)

(a) The purposes of this chapter are to:

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

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

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

**PROPOSED TEXT**

**§ 155.111 YARD REGULATIONS.**

(C) *Side yard regulations.*

	<b>Districts</b>				
	<b>R1-20</b>	<b>R1-12</b>	<b>R1-8</b>	<b>RM- 7</b>	<b>RM-15</b>
	<b>Districts</b>				
	<b>R1-20</b>	<b>R1-12</b>	<b>R1-8</b>	<b>RM- 7</b>	<b>RM-15</b>
The minimum side yard in feet for any dwelling in districts regulated by this subchapter shall be:	10	10	8	6	6
The total width of the 2 required side yards in feet shall be:	24	24	18	18	18
Except that in no case shall the total width of the 2 side yards be less than the height of the building	A	A	A	A	A
Other main buildings shall have a minimum side yard in feet of	20	20	15	15	15
And a total width of the 2 required side yards in feet of not less than	40	40	25	45	45

The minimum side yard in feet for a private garage or accessory building shall be:	10	10	6	6	6
<del>— Provided that no private garage or other accessory buildings shall be located in feet closer to a dwelling on an adjacent lot than 10 feet</del>	A	A	A	A	A
<del>On corner lots, main buildings shall have 2 front yards and 1 rear yard, and 1 side yard</del>	A	A	A	A	A
<del>The side yard in feet shall not be less than</del>	<del>10</del>	<del>10</del>	<del>8</del>	<del>6</del>	<del>8</del>
Utility facilities and governmentally operated essential service facilities	10	10	10	10	10

## RECOMMENDED MOTIONS

**Sample Motion for a *Recommendation for Approval*** – “I move we recommend approval to the County Commission for the Side Yard Setbacks Code Text Amendment based on the findings listed in the memorandum dated April 23, 2026.”

**Sample Motion for a *Recommendation for Approval with Conditions*** – “I move we recommend approval to the County Commission for the Side Yard Setbacks Code Text Amendment based on the findings listed in the memorandum dated April 23, 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 for the Side Yard Setbacks Code Text Amendment with the following findings:”

1. *List any additional findings...*

## ATTACHMENTS:

Attachment “A”: Side Yard Setbacks Code Text Amendment

**Attachment “A”: Side Yard Setbacks Code Text Amendment**

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

**AN AMENDMENT TO THE LAND USE MANAGEMENT CODE FOR MORGAN COUNTY TO REMOVE A PORTION OF THE SIDE YARD REQUIREMENTS IN § 155.111 OF THE RESIDENTIAL AND MULTIPLE-FAMILY RESIDENTIAL DISTRICTS, OTHERWISE KNOWN AS THE SIDE YARD SETBACKS 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 Residential and Multiple-Family Residential Districts; 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 remove a portion of the side yard requirements in section 155.111 of the Residential and Multiple-Family Residential Districts, 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 5<sup>th</sup> Day of May 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”: Side Yard Setbacks Code Text Amendment**

**§ 155.111 YARD REGULATIONS.**

(C) *Side yard regulations.*

	<b>Districts</b>				
	<b>R1-20</b>	<b>R1-12</b>	<b>R1-8</b>	<b>RM- 7</b>	<b>RM-15</b>
	<b>Districts</b>				
	<b>R1-20</b>	<b>R1-12</b>	<b>R1-8</b>	<b>RM- 7</b>	<b>RM-15</b>
The minimum side yard in feet for any dwelling in districts regulated by this subchapter shall be:	10	10	8	6	6
The total width of the 2 required side yards in feet shall be:	24	24	18	18	18
Except that in no case shall the total width of the 2 side yards be less than the height of the building	A	A	A	A	A
Other main buildings shall have a minimum side yard in feet of	20	20	15	15	15
And a total width of the 2 required side yards in feet of not less than	40	40	25	45	45

The minimum side yard in feet for a private garage or accessory building shall be:	10	10	6	6	6
<del>— Provided that no private garage or other accessory buildings shall be located in feet closer to a dwelling on an adjacent lot than 10 feet</del>	A	A	A	A	A
<del>On corner lots, main buildings shall have 2 front yards and 1 rear yard, and 1 side yard</del>	A	A	A	A	A
<del>The side yard in feet shall not be less than</del>	<del>10</del>	<del>10</del>	<del>8</del>	<del>6</del>	<del>8</del>
Utility facilities and governmentally operated essential service facilities	10	10	10	10	10

## MEMORANDUM

**TO:** Morgan County Planning Commission  
**FROM:** Morgan County Planning & Development Services Staff  
**SUBJECT:** Wildland Urban Interface Code Text Amendment

**SUMMARY:** Request for approval of a text amendment to the Morgan County Code (MCC) to amend the requirements of the Wildland Urban Interface Code to match amendments to the State Statutes.

This amendment is necessary to align § 155.370 of the Morgan County Code with current state requirements governing the Wildland Urban Interface (WUI). It introduces targeted revisions clarifying that, although the County has adopted the 2006 International Wildland-Urban Interface Code as its base code, the state-mandated modifications in Utah Administrative Code R652-122-1300 are expressly incorporated and applied to the corresponding provisions of that edition. The amendment further establishes that, in the event of a conflict, the state rule shall control, providing clear direction for interpretation and ensuring consistent, enforceable application of WUI standards.

### **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

### § 155.370 WILDLAND URBAN INTERFACE CODE.

(A) Code adopted by reference. That certain document, three copies of which are on file in the office of the County Clerk, being marked and designated as the ~~state's~~ **INTERNATIONAL Wildland Urban Interface Code, 2006 edition, including appendix chapters as published by the International Code Council, AS MODIFIED BY THE UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS PURSUANT TO UTAH ADMINISTRATIVE CODE R652-122-1300 AND AS FURTHER AMENDED HEREIN**, be and is hereby adopted as the Urban Wildland Interface Code of the county for regulating and governing the mitigation of hazard to life and property from the intrusion of fire from wildland exposures, fire from adjacent structures and prevention of structure fires from spreading to wildland fuels, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Wildland Urban Interface Code on file in the office of the County Clerk are hereby referred to, adopted and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in division (B) below.

(B) ~~Changes. Insert "Morgan County" in § 101.1.~~ **STATE REQUIRED MODIFICATIONS (R652-122-1300).**

**(1) APPLICABILITY OF STATE MODIFICATIONS. ALTHOUGH U.A.C. R652-122-1300 REFERENCES THE 2003 EDITION OF THE INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, MORGAN COUNTY HAS ADOPTED THE 2006 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE AS ITS BASE CODE. THE COUNTY HEREBY APPLIES AND INCORPORATES THE MODIFICATIONS REQUIRED BY R652-122-1300 TO THE CORRESPONDING PROVISIONS OF THE 2006 EDITION, AND IT IS THE EXPRESS INTENT OF THE COUNTY TO COMPLY WITH BOTH THE SUBSTANTIVE REQUIREMENTS AND PURPOSE OF THAT RULE.**

**(2) CONTROLLING AUTHORITY. IN THE EVENT OF ANY CONFLICT BETWEEN THE TEXT OF THE 2006 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE AND THE REQUIREMENTS OF U.A.C. R652-122-1300, THE PROVISIONS OF R652-122-1300 SHALL CONTROL AND BE DEEMED INCORPORATED HEREIN BY REFERENCE.**

(Prior Code, § 8-14-1)

## RECOMMENDED MOTIONS

**Sample Motion for a *Recommendation for Approval*** – “I move we recommend approval to the County Commission of the Wildland Urban Interface Code Text Amendment based on the findings listed in the memorandum dated April 23, 2026.”

**Sample Motion for a *Recommendation for Approval with Conditions*** – “I move we recommend approval to the County Commission of the Wildland Urban Interface Code Text Amendment based on the findings listed in the memorandum dated April 23, 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 Wildland Urban Interface Code Text Amendment with the following findings:”

1. *List any additional findings...*

## ATTACHMENTS:

Attachment “A”: Wildland Urban Interface Code Text Amendment

**Attachment “A”: Draft Wildland Urban Interface Code Text Amendment**

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

**AN AMENDMENT TO THE LAND USE MANAGEMENT CODE FOR MORGAN COUNTY TO AMEND THE REQUIREMENTS OF THE WILDLAND URBAN INTERFACE CODE TO MATCH STATE STATUTES, OTHERWISE KNOWN AS THE WILDLAND URBAN INTERFACE 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 development of properties within the Wildland Urban Interface; 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 amend the requirements of the Wildland Urban Interface Code to match State Statutes, 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 5<sup>th</sup> Day of May 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": Wildland Urban Interface Code Text Amendment

### § 155.370 WILDLAND URBAN INTERFACE CODE.

(A) Code adopted by reference. That certain document, three copies of which are on file in the office of the County Clerk, being marked and designated as the ~~state's~~ **INTERNATIONAL Wildland Urban Interface Code, 2006 edition, including appendix chapters as published by the International Code Council, AS MODIFIED BY THE UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS PURSUANT TO UTAH ADMINISTRATIVE CODE R652-122-1300 AND AS FURTHER AMENDED HEREIN**, be and is hereby adopted as the Urban Wildland Interface Code of the county for regulating and governing the mitigation of hazard to life and property from the intrusion of fire from wildland exposures, fire from adjacent structures and prevention of structure fires from spreading to wildland fuels, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Wildland Urban Interface Code on file in the office of the County Clerk are hereby referred to, adopted and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in division (B) below.

(B) ~~Changes. Insert "Morgan County" in § 101.1.~~ **STATE REQUIRED MODIFICATIONS (R652-122-1300).**

**(1) APPLICABILITY OF STATE MODIFICATIONS. ALTHOUGH U.A.C. R652-122-1300 REFERENCES THE 2003 EDITION OF THE INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, MORGAN COUNTY HAS ADOPTED THE 2006 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE AS ITS BASE CODE. THE COUNTY HEREBY APPLIES AND INCORPORATES THE MODIFICATIONS REQUIRED BY R652-122-1300 TO THE CORRESPONDING PROVISIONS OF THE 2006 EDITION, AND IT IS THE EXPRESS INTENT OF THE COUNTY TO COMPLY WITH BOTH THE SUBSTANTIVE REQUIREMENTS AND PURPOSE OF THAT RULE.**

**(2) CONTROLLING AUTHORITY. IN THE EVENT OF ANY CONFLICT BETWEEN THE TEXT OF THE 2006 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE AND THE REQUIREMENTS OF U.A.C. R652-122-1300, THE PROVISIONS OF R652-122-1300 SHALL CONTROL AND BE DEEMED INCORPORATED HEREIN BY REFERENCE.**

(Prior Code, § 8-14-1)



PLANNING COMMISSION AGENDA  
Thursday, April 9th, 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 Watt  
Member King

**Absent PC Members**

Member Maloney

**Public Attendance:**

Tina Kelley  
Brandon Green  
Kelvin Judd

**Staff:**

Deputy County Attorney – Janet Christopherson  
Kent Page – Senior Planner  
Jeremy Lance – Planner I  
Jessie Drage, Transcriptionist/Permit Tech

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

*Chair Sessions moved to approve the agenda for Thursday April 9th 2026. Motion by Member Wilson to approve, seconded by Member King. Motion carried unanimously.*

4. **Declaration of Conflicts of Interest – None**
5. **Public Comment - None**

## Administrative

6. **Planner Lance 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.

**Planner Lance**- Item 6 was the Canyon View Commons Phase 1 Condominium Plat Amendment. Kelvin Judd was the applicant and arrived during the meeting. The property is located at 5788 West Canyon View Circle in unincorporated Morgan County, zoned Highway Commercial, and totals 1.99 acres.

The request was to amend Lot 7 to allow condominiumization. The buildings had already been approved through a prior site plan and were under construction, with some units nearing completion. The amendment would allow for 14 individual units, consistent with Utah Code requirements.

The proposal was reviewed by the County Engineer, County Surveyor (with conditions), staff, and the County Recorder, all of whom provided minor comments currently being addressed in updated plat drawings. Staff recommended approval, and the Commission's discussion would result in a recommendation of approval or denial to the County Commission. Kent and staff were available for questions, and the applicant was present.

**Chair Sessions** – She asked if there will be another plat brought forward?

**Planner Lance** – Stated that no, the state requires an additional sheet of drawings. We have already been through the plat review, but the condominiumization requires more information by state requirements is requested.

**Chair Sessions** – Asked if there were concerns with the recorder?

**Planner Lance** – He stated that there were a few, minor in nature, but they will be addressed, all minor in nature enough to bring towards the PC tonight for recommendation.

**Chair Sessions** – She stated that she would prefer those changes be made before they come to us.

**Planner Lance** – He stated that he understood but that they are just very minor in nature. This applicant submitted a year and half ago so after that long review, and getting the elevation sheet to comply with state standards and then having done the review the second or third state of review, it trickles down to final comments, we try not to hold applicants up unless comments are substantive in nature.

**Member Taylor** – Stated that he personally liked that approach if they are small things.

**Planner Lance** – He read the conditions as follows that all comments must be addressed before recording. After recommendation from the Planning Commission and subsequent approval from the County Commission there is time afterwards.

**Chair Sessions** – Stated that she would be happy to address what the comments were.

**Kelvin Judd** – Offered to address the comments if needed.

**Member McMillan** – Stated that before recording, those comments would be reconciled.

**Planner Lance** – Stated that the zoning administrator decides if the comments are substantive or not.

**County Attorney Janet Christofferson** – She recommended that under the staff recommendation, County Recorder under number 1 should be added.

**Member Wilson** – Asked about the discussion of the obliteration of that line in unit 2 and 3? It looks like a section will be destroyed by that building. Right through the middle of the building? He questioned how people might recreate property boundaries in the future if they are tied to that line.

**Planner Lance** – Stated that his idea would be to research that question and follow up if you prefer.

**Member King** – Stated that if you lose a monument like that it creates issues down the road.

**Kelvin Judd** – Thanked Member King and said that he was not aware of any property that is encumbered by an easement for a monument. That would be new to me to not be able to build our monument.

**Member Taylor** – He stated that it shouldn't stop anything, but it should be recreated.

**Member King** – He stated that easements could be written off but there may be previous boundaries tied to that monument. If something was created it could be tied back to that location.

**Member Taylor** – Asked Jeremy if he knew what our code says about monuments and recreating them?

**Chair Sessions** – Stated that maybe that is one of the recorder's concerns.

**County Attorney Christofferson** – Stated that she is working on a monument ordinance.

**Member Watt** – Questioned if it was considered conditionally in the approval?

**Member Taylor** – Questioned if that was possible since the building was already there.

**Chair Sessions** – Requested that they add the recorder name to condition number one.

*Member Taylor moved to recommend approval to the County Commission of the Canyon View Commons Space Phase 1 Condominium Plat Amendment to allow the condominiumization of the onsite buildings based on the findings and with the conditions listed in the staff report with the additional condition of addressing any recorder comments as well. Second by Member Watt. Motion carries*

- 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.*

**Planner Page** – Introduced the Silverstone Subdivision Phase 6 Plat Amendment. This item requested approval to create a new lot. Staff recommended approval with conditions that all County Engineer and County Surveyor comments be addressed, all fees be paid prior to recordation, and all federal and state laws be followed. The amendment combined a smaller parcel lacking frontage with a flag lot and requested to record them as a new lot. A lot line adjustment created Lot 8A, resulting in two separate, conforming lots under county standards. No new structures were proposed, and the existing home remained on its current parcel. Staff and the applicant was available for questions.

**Member Taylor** – Asked if there was a frontage requirement on the cul-de-sac.

**Planner Lance** – Stated that the width of the flag lot needed to be 26 feet. Both lots would still meet current county standards of the frontage and met width requirements.

**Chair Sessions** – Stated that the labeling of the lot was a bit confusing.

**Planner Lance** – Answered that staff had issued that comment in the review and was going to be looking for that specifically. Also, for lot 31 staff would like to see Lot 8A. And Lot 8B will remain current as it is.

**Chair Sessions** – Stated that utility easements needed to be put in, they are missing. She also pointed out that in the code it says a flagpole or pan handle may not extend from a cul-de-sac bowl.

**Planner Lance** – Agreed that it did.

**Chair Sessions** – Stated that unless the code had changed, this wasn't allowed but she didn't personally have an issue with it – just referred to 155.426 C9.

**County Attorney Christofferson** – Confirmed that she would look through the code.

**Planner Lance** – Stated that the code also says that lots cannot be landlocked, and this lot is so they are attempt to correct the issue.

**Chair Sessions** – She stated that she had no problem with this but again, the reference code is 155.426 C9

**Member Taylor** – Stated that we needed a code change, text amendment.

**County Attorney Christofferson** – Stated that it's an easy amendment she could just strike it out.

**Chair Sessions** – Stated they would not do a variance.

**County Attorney Christofferson** – Confirmed that a variance would not work here it would need to be a text amendment.

**Chair Sessions** – Stated that she thought it would be easier to change the code if you think it's okay to do that.

**Planner Lance** – Stated that it would be inexpensive to the applicant as well.

**Mike Babcock** – He addressed a couple of questions, including frontage, and clarified that both the flag lot and the existing lot had legal frontage. He noted that the application had been in process for over a year and that this was the first time the issue had been raised. He also stated that his understanding was that flag lot ordinances had been removed for a period of time and that he had created several flag lots in the county. He then asked how long the current flag lot ordinance had been in place.

**County Attorney Christofferson** – Stated that it was passed on March 19<sup>th</sup> of 2024.

**Mike Babcock** – Stated that apparently staff and himself were not aware that this could not come off a cul-de-sac.

**Member Taylor** – Stated that it was just one of those things that once you see it, you can't unsee it so now we have to deal with his.

**Member King** – Raised a question regarding the lot numbering system. Asked if they are swapping Lot 8A for Lot 8B? It was originally lot 8A in the subdivision.

**Planner Page**- Explained the numbering rationale.

**Chair Sessions** – Stated and that the first amendment created 8A and the flag lot should be 8B.

**Mike Babcock** – Asked for clarification on what he should number the lot.

**Chair Sessions** – Asked if the lot was 8A in the first amendment and then we are changing it to 8B or changing it to 31?

**Member McMillan** – He said that it's weird.

**Chair Sessions** – Stated that the lot numbering was an easy fix and the code itself was what needed to be addressed.

**Mike Babcock** – Requested to have the process of changing the code to allow a flag lot off a cul-de-sac be explained to him.

**County Attorney Christofferson** – Stated that Planning Staff could circle back to this if directed, she can have it amended as soon as tomorrow.

**Member King** – Don't pass it to CC yet. Let's change the text first.

**County Attorney Christofferson** – Requested at least six weeks.

**Planner Lance** – Stated that May 28<sup>th</sup> would be a good date.

**Member McMillan** – Mentioned that with the flag lots being so recent, he was surprised we that he doesn't have a reason for it.

**Chair Sessions** – Stated that the Planning Director had worried that it would make the cul-de-sac longer.

**Member Taylor** – Stated that that shouldn't be an issue, the cul-de-sac should end where it ends and then a driveway moves forward from there.

**Member McMillan** – Questioned that if we direct staff to change it, are we overriding the original reason?

**Member Taylor** – Stated that if we do a text amendment they would hear the reasoning.

**County Attorney Christofferson** – Claimed no hand in writing this ordinance.

**Member Watt** – Let's continue this for six weeks from now.

*Member Watt motioned to continue Silverstone Subdivision Ph. 6 Plat Amendment: A request for the approval of an amendment to the Silver Stone Subdivision No. 1, Amended Plat No. 1 for the creation of a new lot to May 28<sup>th</sup>. Second by Member King. Motion carried unanimously.*

*Member King motioned to direct staff to do a text amendment to allow for flagpole lots to extend off of a cul-de-sac. Second by Member Taylor. Motion carried unanimously.*

### **Legislative**

1. **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.*

**County Attorney Christofferson** – She explained that he presented the text amendment because he had drafted it under the direction of the County Council. The amendment was created in response to two adjacent Town Center (TC) zoned properties owned by separate parties, with the

intent of encouraging coordination between the owners regarding commercial placement, access, and overall site flow.

She outlined a two-step approach. First, the developers would create a joint conceptual development plan. Second, the amendment would address potential reductions to the strict 35% commercial requirement in the Town Center zone. She noted that if developers sought to deviate from TC requirements and had adjacent parcels, it would be reasonable to have them coordinate their plans.

Christofferson acknowledged there had been some pushback regarding whether the County Council could require such coordination. She stated that the language could be adjusted to avoid explicitly requiring it while still achieving the intended outcome.

She further explained that if the commercial requirement were reduced, the County should receive something in return. Any such concessions would need to be incorporated into a development agreement, including clear phasing plans. The benefits provided should exceed standard Town Center requirements. She added that, since the Town Center zone typically emphasizes multifamily housing, incorporating single-family housing had been discussed as a potential requirement for one of the properties. Additional considerations included public dedications, infrastructure, trails, parks, and ensuring that commercial development was cohesive and not isolated.

**Chair Sessions** – She stated that she had concerns about property rights, particularly regarding requiring property owners to cooperate with neighboring owners.

**Member Taylor** – He said he supported the concept if it remained voluntary, noting that coordinating plans could be beneficial. However, he expressed concern that reducing the commercial requirement felt like entering a subjective “let’s make a deal” situation rather than maintaining an objective standard.

**County Attorney Christofferson** - She explained that she had made it clear in the language that the amendment was site-specific and required formal findings. She cautioned that without such flexibility, the County could end up with commercial development that did not make sense.

**Member Taylor** – He responded that developers could either comply with existing requirements or choose to enter into an agreement with the County to adjust the scope of work.

**County Attorney Christofferson** - Stated that she would revise the language to remove any implication that coordination was required.

**Member McMillan** – He noted that zoning requirements existed regardless and that the amendment aimed to maintain sound planning principles. He added that without enforceable provisions, the process could become unstructured.

**County Attorney Christofferson** – She emphasized that any reduction in the commercial requirement remained at the County’s discretion, even if all criteria were met.

**Member Taylor** - He added that he appreciated the flexibility in the language, allowing reductions below the 35% commercial requirement when appropriate if the proposal made sense.

**County Attorney Christofferson** – She stated that the amendment had gone through numerous drafts and that she believed it included sufficient protections for the County.

**Member Watt**- He questioned whether the amendment was necessary.

**County Attorney Christofferson**- She responded that when addressing spot zoning, it was difficult to predict long-term impacts, so she had attempted to anticipate future issues.

**Member Watt** – He reiterated his preference for clear, consistent standards rather than introducing new subjective criteria.

**County Attorney Christofferson** – She explained that some developers had rezoned properties to Town Center, but surrounding development had occurred before their development agreements were finalized, resulting in disconnected commercial and residential areas. She noted that isolated commercial development in the middle of residential neighborhoods could become underutilized or ineffective.

**Chair Sessions** - She stated that Town Center zoning had been placed within a predominantly residential area and that the parcel should not have received that designation because it was too far removed from the intended Town Center. She added that the issue was specific to two parcels.

**Member McMillan** – He said he appreciated that the amendment encouraged coordination between the two parcels and allowed for better consideration of requirements.

**County Attorney Christofferson** – She confirmed that this coordination had been the intent.

**Member Taylor** – He asked whether the County Council had intended to require the property owners to work together.

**County Attorney Christofferson** – She responded that the Council had not explicitly used the word “force,” but had directed the property owners to work together, and that applications had been delayed until a joint conceptual plan was developed.

**Chair Sessions** – She concluded that the Council still appeared to want to require coordination.

**County Attorney Christofferson**- She noted that the property owners seemed willing to collaborate and were already working on a joint conceptual plan.

**Member Taylor** – He asked whether the developers had initially proposed something unacceptable.

**Member McMillan** - He commented that the situation felt like trying to improve a fundamentally flawed proposal.

**County Attorney Christofferson** – She explained that the original proposal met Town Center requirements, but the County Council and the public did not favor it and preferred the inclusion of single-family housing. She stated that the amendment was an attempt to address all concerns.

**Chair Sessions** – She then suggested opening the discussion to public comment.

***Member Watt motioned to enter public hearing, which was seconded by Member Taylor. Motion carried unanimously.***

**Tina Kelley**- She stated that she was familiar with the application being discussed, explaining that a single owner had originally obtained the Town Center (TC) zoning and later sold the property. She argued that if the resulting commercial development did not make sense, the County Council should not have approved the TC rezoning, noting that concerns had been raised to them and that the Planning Commission had rejected it. She added that there had been some expectation of blending into the surrounding residential zone.

She referenced page 4 of 13, section #2 under D, and emphasized that the County Council had strongly supported maintaining commercial property, pointing out that there were limited areas in the county where commercial development was allowed. She expressed concern that reducing the commercial requirement was unwise unless an alternative solution within the code was provided. She also criticized the use of “substantial evidence” as subjective language, noting similar concerns had arisen in PRUD zone discussions.

She further questioned provisions related to public benefits, stating that they should be evaluated based on development scale and should exceed standard requirements. She expressed concern about language allowing benefits outside the subject property, questioning how a text amendment could apply beyond the Town Center zone. She also noted that allowing commercial allocation across multiple properties could lead all TC-zoned properties to seek similar treatment, despite language stating that approvals would not set precedent.

Finally, she pointed out that a section regarding geohazards and slopes appeared unrelated and likely belonged to a different ordinance. She concluded by stating those were her concerns and questions.

**County Attorney Christofferson** – She asked whether the geohazard code had been mistakenly included in the packet.

**Planner Lance**- He responded that it likely had been and noted it would be easy to fix.

**Brandon Green** - He expressed appreciation for the opportunity to work with staff. He explained that his team already had a plan that complied with Town Center zoning, but it had not been well received by the community. As a result, they were working to develop a revised plan with more single-family housing and fewer townhomes. He noted that commercial development

had been challenging due to a lack of sufficient residential density (“rooftops”) to support it, especially with 80 acres of commercial already approved nearby. He stated they were willing to submit their original plan but preferred the opportunity to create a plan that better aligned with community expectations. He added that he had personally met with residents to ensure their proposal addressed community concerns.

**Member Wilson** - He asked why the 35% commercial requirement was considered unreasonable.

**Brandon Green**- He responded that the requirement might be reasonable if existing commercial areas were thriving and well-connected but noted that the subject property was geographically removed from the Town Center, requiring travel through residential areas. He added that the percentage seemed high given the location.

**Member McMillan** - He asked whether, in exchange for reducing commercial requirements and coordinating with adjacent land, the developer would be willing to provide public benefits.

**Brandon Green** – He stated that they were considering several concessions, including donating land for fire department expansion, preserving open space, and creating trail corridors. He noted that a natural water corridor on the property provided an opportunity for preservation and that their concept plan already included view corridors, trails, and open space.

**County Attorney Christofferson** – She added that the developer’s efforts also addressed concerns raised by those who had supported a referendum, including improving access and community satisfaction.

**Brandon Green** – He confirmed that they had met with opposing residents one on one and in group settings and had been able to address their concerns.

**Member Watt** – He asked whether the proposal would be beneficial in the future.

**Brandon Green** – He explained that planned infrastructure improvements, including freeway changes by Utah Department of Transportation, would increase accessibility and bring more people into the area, supporting commercial viability. He noted that successful developments like Farmington Station benefited from strong residential support and freeway access. He emphasized that for success, commercial development needed to remain centrally located rather than dispersed.

**Member Taylor** *motioned to close the public hearing. This was seconded by Member King. The motion carried unanimously.*

**County Attorney Christofferson** – She advised that if the Planning Commission recommended approval, they should amend Subsection 4B to state that “the County may request coordinated planning,” removing any requirement language. She added that she would refine the wording.

**Chair Sessions** – She asked who would determine whether a reduction was inappropriate if the primary purpose was to increase residential yield.

**County Attorney Christofferson** -She explained that the language reflected her concern about developers reducing commercial requirements solely to increase density and revenue through additional townhomes. She acknowledged that other attorneys had questioned this language but stated her intent was to discourage reductions made only for that purpose.

**Member Taylor** -He stated that there would be situations where commercial development might not be appropriate at a given time, and he supported the ordinance’s flexibility to allow each proposal to be evaluated individually by the Planning Commission and County Council.

**County Attorney Christofferson** – She acknowledged that commercial development might not always make sense immediately but could become viable later, which justified including flexibility in the ordinance.

**Member Watt** – He expressed support for evaluating proposals on a case-by-case basis.

**Chair Sessions** - She noted that, under the proposed language, commercial requirements could potentially be reduced to zero if the County determined the public benefits were sufficient. She referenced adjacent property owned by Flagship and suggested that rezoning the entire area to Town Center might be a more straightforward approach.

**Member Taylor** – He responded that including the flexibility in the ordinance would not be harmful and would allow for case-specific solutions. He stated his preference to move the amendment forward with the proposed revisions.

***Member Taylor motioned to recommend approval of the code text amendment with the condition that Subsection 4B be revised to state that the County “may request coordinated planning” and that any requirement language be removed. The motion was seconded by Member Watt and passed unanimously.***

9. Business/Staff Questions

- Planning Commission Training – Postponed

10. Approval of March 26th, 2026, Planning Commission Minutes –

***Member King moved to approve the March 26<sup>th</sup> 2026 Planning Commission minutes. Second by Member McMillan. Motion carried unanimously.***

11. Adjourn

***Motion by Member Taylor to adjourn. Second by Member Wilson. Motion carried unanimously.***

Approved:

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

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