



ZONING ADMINISTRATOR AGENDA

Monday, January 27, 2014
Morgan County Council Room
3:00 PM

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

1. Call to order.
2. Approval of agenda
3. Public Comment

Administrative issues

4. Discussion/Decision: Porter's Place Subdivision Amendment #2: An internal lot line adjustment between Lot 1, Lot 2 & Lot 3 in the Porter's Place Subdivision.
5. Discussion/Decision: Whisper Ridge at Stone Canyon Phase I Amendment #2: An internal lot line adjustment between Lot 150 & 151 in the Whisper Ridge at Stone Canyon Phase I Amendment #2.
6. Adjourn

Those present:

Charlie Ewert
Mickaela Moser
Mike Carlton
Oliver Porter
Shirley Porter
Roger Randall

1. Call to order. Charlie called the meeting to order and welcomed those in attendance.
2. Approval of agenda. As no one was present to represent item #4 (Whisper Ridge), Charlie amended the original agenda to switch items #4 and #5.

3. Public Comment

Administrative issues

4. Discussion/Decision: Porter's Place Subdivision Amendment #2: An internal lot line adjustment between Lot 1, Lot 2 & Lot 3 in the Porter's Place Subdivision.

Charlie stated this is one of the quickest applications to move through the system. Mr. Carlton explained the purpose is to amend Lot 3, moving the rear lot line back and taking area from Lot 1 and Lot 2. This follows up from first amendment plat. This also increases the acreage of the proposed Lot 3, while shrinking Lots 1 and 2. Charlie noted there are 60 foot setbacks in place. Mr. Carlton stated the rear building also moved back the same amount. This is intended to be the final mylar, as the actual signature is on the plat.

Everyone present indicated that they had a chance to review the staff report and conditions contain therein. Charlie went over the conditions:

Condition #1: The document of advance reflecting the approved change shall be recorded in the office of the County Recorder per Morgan County Code.

Mr. Carlton stated the quick claim deeds didn't ever get recorded with the first amendment plat and no property was ever exchanged with the first amendment plat.

Condition #2: Staff could make a positive finding that all administrative corrections and information have been provided to the satisfaction of respective reviewers and that all conditions have been satisfied upon completion of the above conditions.

Charlie wondered if there were additional or ongoing corrections that needed to be addressed. Mr. Carlton stated that the red lines on the plat had all been addressed. Mr. Carlton said he would check on the fees to be paid before final recording. Everyone was comfortable with the stated conditions. Charlie verified that in accordance with Morgan County Code 8-5a (zoning code) the required 200 feet of frontage has been met. It also meets criteria of having 1 acre in the 1 acre zone, 60 foot setbacks in the A-20 zone and 15 foot setbacks for residential properties in the RR-1 zone.

Charlie deemed that the plat had met all of the requirements under the zoning law and officially approved the document. Charlie estimated that it would be about a week before the final recording and verification of any outstanding fees and unmet conditions.

The Final Decision is based on the findings and conditions of the Staff Report dated January 21, 2014 for file #13.164, namely:

Conditions:

1. That a document of conveyance of title reflecting the approved change shall be recorded in the office of the County Recorder per MCC §8-12-61(A)(3).
2. That staff can make a positive finding that all administrative corrections and

information have been provided to the satisfaction of respective reviewers, and that all conditions have been satisfied upon completion of the above conditions.

3. That all outstanding fees for outside reviews are paid in full prior to recording the final Mylar.

Findings:

1. The nature of the subdivision is in conformance with the current and future land uses of the area.
 2. The proposal complies with the Morgan County 2010 General Plan.
 3. The proposal complies with current zoning requirements.
 4. Those sufficient utilities "will-serve letters" have been provided to the Planning and Development Services Department as part of the original and Amendment# 1 Porter's Place Subdivision.
 5. Those certain conditions herein are necessary to ensure compliance with adopted laws prior to subdivision plat recording.
 6. The infrastructure improvements are not necessary at this time to protect the public's health, safety, and welfare and the required improvements would create a negative impact on abutting unimproved properties, and an Improvement Exception was approved by the Morgan County Council with the final plat approval for the Porter's Place Subdivision Amendment# 1.
 7. That the proposal is not detrimental to the health, safety, and welfare of the public.
5. Discussion/Decision: Whisper Ridge at Stone Canyon Phase I Amendment #2: An internal lot line adjustment between Lot 150 & 151 in the Whisper Ridge at Stone Canyon Phase I Amendment #2.

No one was present on behalf of the applicant. Item #5 involved a comprehensive development agreement, an amendment to that development agreement and several zoning ordinances. Ronda has conducted a complete review for the staff report dated January 21, 2014. This is amending a common line between Lot 150 and Lot 151.

Charlie Ewert, Zoning Administrator, was acting under Morgan County Code 8-12 subdivision ordinances, 8-12-54: staff authority for small subdivisions and under the authority granted under 8-12-60: amendments to recorded subdivision plats, and 8-12-61: procedures for said amendments which reads, "For plat amendments that result in adjusting and/or altering lot lines through an exchange in title within a platted subdivision the Zoning Administrator shall be the Land Use Authority. Zoning Administrator is also Land Use Authority for small subdivisions as previously decided from the previously mentioned codes."

Staff is recommending approval, as it complies with relevant ordinances and development agreement. It also includes a concept plan and development agreement.

Conditions of approval as recommended by staff are as follows:

- #1: That a Whisper Ridge at Stone Canyon Phase I Subdivision PRUD amendment #1 mylar is recorded prior to amendment #2 to ensure correct succession.
- #2: The document of conveyance of title reflecting the approved change shall be recorded in the office of the County Recorder.
- #3: All outstanding fees for outside reviews are paid in full prior to recording the final mylar.
- #4: All local, state and federal laws are upheld.

It appears the amendment is minor with a small shift in a common boundary. Whisper Ridge at Stone Canyon Phase I Subdivision is a PRUD and this is an amendment to a PRUD. It appears the original Whisper Ridge at Stone Canyon Phase I Subdivision PRUD Lot 150 had 98.84' of frontage; Lot 151 had 100.84' of frontage. That is now being changed to Lot 150a having 102.84' of frontage; Lot 151 having 96.84' of frontage along Valley View Drive and 79.79' of frontage along Robinson Lane. The minimum frontage requirement in a PRUD, as required by the 2006 PRUD ordinance, is 100 feet. It appears this amendment brings the subdivision further into compliance with that requirement with Lot 151a having a total combined frontage along Valley View Drive and Robinson Lane above 100 feet and Lot 150a along Valley View Drive over 100 feet. It appears previously that Lot 150 did not have a conforming amount of frontage. All former public utility easements between the two are moving with the lot line. The plat is intended to act as a vacation of existing public utility easements and reestablishing them in the new amended position.

The proposed amendment brings this even more into compliance with current and existing laws. Morgan County Code 8-7, under non-conforming lots, states that the PRUD may be amended in accordance with the rules and regulations of the time, despite the fact that the PRUD ordinance has since been repealed. Charlie, acting as Zoning Administrator, offered approval, with the conditions listed in the January 21, 2014 staff report. Also, in accordance with the County Council's actions on January 21, 2014, Ronda Kippen will act as interim Zoning Administrator beginning January 31, 2014, and will have authority to sign the final plat.

The Final Decision is based on the findings and conditions of the Staff Report dated January 21, 2014 for file #13.164, namely:

Conditions:

1. That the Whisper Ridge at Stone Canyon Phase 1 Subdivision PRUD Amendment# 1 Mylar is recorded prior to Amendment# 2 to ensure correct succession.
2. That a document of conveyance of title reflecting the approved change shall be recorded in the office of the County Recorder per MCC §8-12-61(A)(3).
3. That all outstanding fees for outside reviews are paid in full prior to recording the

final Mylar.

4. That all local, State and federal laws are upheld.

Findings:

8. The nature of the subdivision is in conformance with the current and future land uses of the area.
9. The proposal complies with the Morgan County 2010 General Plan.
10. The proposal complies with the 2006 Morgan County LUMC PRUD Ordinance.
11. The proposal complies with current Development Agreement for the Whisper Ridge at Stone Canyon Subdivision PRUD.
12. That sufficient utility "will-serve letters" have been provided to the Planning and Development Services Department as part of the original Whisper Ridge at Stone Canyon Phase 1 Subdivision PRUD.
13. Those certain conditions herein are necessary to ensure compliance with adopted laws prior to subdivision plat recording.
14. The additional infrastructure improvements are not necessary at this time to protect the public's health, safety, and welfare.
15. That the proposal is not detrimental to the health, safety, and welfare of the public.

6. Adjourn

Charlie Ewert, Zoning Administrator:

 1/29/14

Mickaela Moser, Transcriptionist:
