

## MEMORANDUM

**TO: Planning Commission**  
**FROM: Bill Cobabe**  
**DATE: June 26, 2014**  
**SUBJECT: Peterson Point CUP**

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On May 22, 2014, the Planning Commission met to discuss the above referenced application. Since that time, the applicant has not responded to the requests outlined in the Staff Report of the same date. The applicant did provide one drawing of cross sections to the engineer for review; however, this does not constitute a complete response to all of the requirements outstanding for review, which makes analysis impossible. Please refer to the original staff report for outstanding requirements not yet submitted – in particular, please refer to the comments from the County Engineer dated March 4, 2014.

Staff has tried to contact the applicant to verify the status of the application. At this point, Staff is not recommending denial of the application. Rather, we would ask that the Staff and applicant be given additional time to submit and review for compliance additional documents as needed.



PLANNING COMMISSION AGENDA  
Thursday, June 26, 2014  
Morgan County Council Room  
6:30 PM

**PUBLIC NOTICE** is hereby given that the Morgan County Planning Commission 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 – prayer
2. Approval of agenda
3. Declaration of conflicts of interest
4. Public Comment
5. Update on previously tabled item: Alchemy L.L.C. Conditional Use Permit: A conditional use request for land excavation/site grading improvements located at approximately 5218 West Cemetery Road in the Mountain Green area of Morgan County.
6. Discussion/Decision: An ordinance changing Section 8-12-53 “Small Subdivision”, repealing the existing Section and replacing it with “Small Subdivision,” which allows for up to 10 lots, or fewer, to be subdivided where no public improvements or infrastructure are required and where access is derived from an existing public road. As proposed, all required standards, review and approval procedures, and all other items are to be included as revisions to Section 8-12-53, with necessary definition changes to be included with Section 8-2-1.

**Administrative**

7. Discussion/Decision: Hidden Hollow Ranch Amendment 1: Amending a subdivision plat removing building envelope restrictions.
8. Discussion/Decision: Cottonwood Hills Subdivision Amendment 2: Amending a subdivision of record to combine lots and rearrange property lines.
9. Discussion/Decision: Wright Meadows PRUD Preliminary Plat 1 Year Extension Request

**Legislative**

10. Discussion/Public Hearing/Decision: Revision of Improvements Exemption Ordinance (Section 8-12-44 (D)(2))
11. Planning Commission Business/Questions for Staff
12. Approval of minutes from June 12, 2014
13. Adjourn



## PLANNING COMMISSION AGENDA

Thursday, June 12, 2014

Morgan County Council Room

6:30 PM

**PUBLIC NOTICE** is hereby given that the Morgan County Planning Commission 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 – prayer
2. Approval of agenda
3. Declaration of conflicts of interest
4. Public Comment

### **Administrative**

5. Discussion/Decision: Terrell Conditional Use Permit: A conditional use permit request for a 6.12 kW pole mounted photovoltaic system with battery backup located at 325 W 3350 S Morgan, Utah (Application number 14.055).

### **Legislative**

6. Discussion/Public Hearing/Decision: An ordinance changing Section 8-12-53 “Small Subdivision”, repealing the existing Section and replacing it with “Small Subdivision,” which allows for up to 10 lots, or fewer, to be subdivided where no public improvements or infrastructure are required and where access is derived from an existing public road. As proposed, all required standards, review and approval procedures, and all other items are to be included as revisions to Section 8-12-53, with necessary definition changes to be included with Section 8-2-1.
7. Planning Commission Business/Questions for Staff
8. Approval of minutes from April 24, 2014 and May 22, 2014
9. Adjourn

### Members Present

Shane Stephens  
Debbie Sessions  
Roland Haslam  
Darrell Erickson

### Staff Present

Ronda Kippen, Planning Technician  
Bruce Parker, Consultant  
Mickaela Moser, Transcriptionist

Michael Newton

#### Public Present

1. Call to order – prayer. Chair Haslam welcomed everyone to the meeting. Member Stephens offered prayer. Chair excused Members Sawyer and Wilson.
2. Approval of agenda.

**Member Sessions moved to approve the agenda. Second by Member Newton. The vote was unanimous. The motion carried.**

3. Declaration of conflicts of interest  
There were none.
4. Public Comment

**Member Erickson moved to go into public comment. Second by Member Sessions. The vote was unanimous. The motion carried.**

There were no comments.

**Member Newton moved to go out of public comment. Second by Member Stephens. The vote was unanimous. The motion carried.**

#### Administrative

5. Discussion/Decision: Terrell Conditional Use Permit: A conditional use permit request for a 6.12 kW pole mounted photovoltaic system with battery backup located at 325 W 3350 S Morgan, Utah (Application number 14.055).

Chair Haslam asked if any members of the Planning Commission had any issues or questions associated with this item. There were none and they proceeded to a motion.

**Member Sessions moved to forward a positive recommendation to the County Council for the Terrell Conditional Use Permit, application #14.055, located at approximately 325 W. 3350 S., allowing for the construction of an arrayed photovoltaic system producing 6.12 kW, based on the findings and with the condition listed in the staff report dated June 12, 2014.**

#### Findings:

1. That the installation of the proposed photovoltaic (PV) system is in keeping with the goals set forth in the Future Land Use Map of the General Plan.

2. That the proposed PV system meets the requirements of the Morgan County Code for conditional uses (see analysis below).
3. That the proposed PV system will have a negligible impact on surrounding properties.

Condition:

1. That all the requirements of the building official and fire chief are met.

**Second by Member Newton. The vote was unanimous. The motion carried.**

### **Legislative**

6. Discussion/Public Hearing/Decision: An ordinance changing Section 8-12-53 “Small Subdivision”, repealing the existing Section and replacing it with “Small Subdivision,” which allows for up to 10 lots, or fewer, to be subdivided where no public improvements or infrastructure are required and where access is derived from an existing public road. As proposed, all required standards, review and approval procedures, and all other items are to be included as revisions to Section 8-12-53, with necessary definition changes to be included with Section 8-2-1.

Bruce Parker: He clarified that this proposal includes right of way dedications with no county improvements. It would allow for exceptions to the code to be made with staff in the office without having to be presented in front of the Planning Commission. He suggested opening and closing a hearing and having discussion to forward a proposal of how to bring the wording together.

Chair expressed concern that the County Council implemented this exception to the rule in 2012 and wondered why the Planning Commission was trying to remove the requirement. Member Newton summarized that residents were having to pay to expand the road and initially the solution was to implement the exception. With an increased amount of applications and requests for an exception to the current law, there is a desire to change that exception to the rule.

Ronda stated that the current exception only allows an option for larger lots, along Morgan Valley Drive and Old Highway Road, where there will not be sidewalk, curb and gutter. Ronda expressed desire for half-acre lot areas to still remain connected to the current code. Ronda stated that currently the County Council can grant an exception to a request within smaller lots (8 lots or fewer) within certain zones. She gave the example of the Cottonwoods and the Highlands slowly merging together and the desire is to get them come together in a way that makes sense.

Bruce Parker explained that the change from 8-10 lots follows the state statute that was implemented last year. The raise to 10 lots gives the County a bit of flexibility and it also matches that number of the State Law.

There was discussion on the current small subdivision code in Morgan County and how it reads and is understood differently between different people. The code discussed was 8-12-53: Small Subdivisions in Morgan County Code.

Chair Haslam believed that the problem lies with 8-12-44 where the problem originated.

Bruce suggested deleting (D) under that section and creating a new section, 8-12-68. Ronda expressed concern for creating the new section and would rather see the wording changed to have them all work together.

Member Newton wondered what the drawbacks could be for replacing the current small subdivision code. Bruce stated that the current code is for a dedication for improvements on existing roads. Member Sessions said there might be new subdivisions on old roads and some of the lines are becoming blurred and are confusing. The Planning Commission expressed desire for Bruce and Ronda to work out the wording.

**Member Stephens moved to go into public hearing. Second by Member Newton. The vote was unanimous. The motion carried.**

There were not comments.

**Member Newton moved to close the public hearing. Second by Member Stephens. The vote was unanimous. The motion carried.**

Chair Haslam wondered why, if the problem lies in 8-12-44 is the Planning Commission addressing it in 8-12-53? There was discussion about the problems faced for applicants who want to be in a small subdivision without having to make improvements.

All agreed that Ronda and Bruce will have a discussion about replacing the wording in 8-12-44D to read “part of an existing platted subdivision”. They would like to reconvene with the Planning Commission on June 26<sup>th</sup> with the updated change for approval.

**Member Sessions moved to postpone approval of the revised Small Subdivision Ordinance to the June 26, 2014 Planning Commission Meeting to allow staff time to insert proposed language into existing small subdivision code and to completely review and evaluate the procedures and requirements for small subdivisions.**

**Second by Member Erickson. The vote was unanimous. The motion carried.**

#### 7. Planning Commission Business/Questions for Staff

Note: The Planning Commission acknowledged an error made from the May 8, 2014 meeting and was corrected by staff before forwarding on to the County Council concerning AW Towing. The motion was made as Winterton Towing and the staff report and application indicated AW Towing.

#### 8. Approval of minutes from April 24, 2014 and May 22, 2014

Note: Minutes for April 24, 2014 had been approved on May 8, 2014 and Mickaela just needed

verification as to who made the motions to approve the minutes. The other changes were made as previously discussed.

**Member Sessions moved to approve the minutes for May 22, 2014 with the discussed changes. Second by Member Newton. The vote was unanimous. The motion carried.** Members Erickson and Stephens abstained.

9. Adjourn

**Member Stephens moved to adjourn the meeting. Second by Member Erickson. The vote was unanimous. The motion carried.**

DRAFT

Cottonwood Hills Plat Amendment 2  
Public Meeting  
June 26, 2014

Application No.: 14.028  
Applicant: Ken and Cary Allred  
Owner: Same  
Project Location: 3483 W Greenfield Circle  
Mountain Green  
Current Zoning: PUD (underlying zoning is RR-1)  
General Plan Designation: Village Low Density Residential  
Acreage: ~1.32  
Request: Amend a subdivision of record to combine lots and rearrange lot lines  
Date of Application: March 11, 2014  
Date of Previous Hearing: N/A

### Staff Recommendation

County Staff recommends approval of the requested plat amendment based on the following findings and with the conditions listed below:

#### ***Findings:***

1. That the proposed amendment is in keeping with the goals set forth in the Future Land Use Map of the General Plan.
2. That the proposed amendment meets the requirements of the Morgan County Code for subdivision plat amendments.
3. That the proposed amendment will have a negligible impact on surrounding properties.

#### ***Conditions:***

1. That the owners provide an updated title report prior to recordation.
2. That all fees and taxes are paid, including fees associated with outsourced consultants.
3. That the developer provides an updated, site-specific geotechnical report for lot 104A at the time of building permit submittal.

### Background

This is an application for combining lots in the existing Cottonwood Hills subdivision. Initially, the proposal was for lots 104 and 106, each of which absorb a portion of lot 103, which will be eliminated. While going through this process, however, it was determined that lot 105 needed to be revised as well in order to accommodate an existing home which was constructed within

the existing lot setbacks (it was too close to the side lot line on the east).

## Analysis

General Plan and Zoning. Pursuant to the Future Land Use Map (see Exhibit B), the property is designated as Village Low Density. According to the General Plan, "the Village Low Density Residential designation provides for a lifestyle with planned single family residential communities, which include open space, recreation, and cultural opportunities, including schools, churches, and neighborhood facilities located in established village area (formerly area plan boundaries) or master planned communities." The proposed plat amendment is in accordance with the purposes of the General Plan.

The zoning of the parcel is PUD; the underlying zoning is RR-1. PUD subdivisions allow for flexibility from the strict application of zoning requirements, including lot sizes and density limits. The proposed amendment is in keeping with the intent of both the PUD and is closer to the underlying zoning, reducing the impact of the PUD on the surroundings. Further, the lot line adjustment for lot 103 eliminates the nonconformity of the setback along the east property line.

### Ordinance Evaluation:

Property Layout. The proposed amendment would alter four existing lots – lots 103, 104, 105, and 106. Lot 103 will be eliminated and absorbed into lots 104A and 106A, while the lot line between current lots 105 and 106 will be adjusted toward the east to accommodate a building which is located too close to the existing property line. This will result in the final configuration of lots 105A and 106A.

Roads and Access. These lots are located at the corner of Willow Creek Road and Greenfield Circle. There is 199.56' of frontage along both lots fronting Greenfield Circle (94.15' for lot 105A and 105.41' for lot 106A) and 240.60' of frontage along both lots fronting Willow Creek Road (135' for lot 104A and 105.60' for lot 105A). This frontage will provide adequate access to the properties.

Grading and Land Disturbance. The parcel appears to lie outside of the flood plain.

Fire Protection. The Fire Chief has provided a letter noting that the proposal will have adequate fire protection (see Exhibit D).

Utilities. The proposed amendment will have utility service similar to existing lots throughout the subdivision. Utility service in the area is provided by the Mountain Green Sewer District and the Cottonwoods Mutual Water Company.

## Model Motion

Sample Motion for a *Positive* Recommendation – "I move we forward a positive recommendation to the County Council for the Cottonwood Hills Subdivision Amendment 2, application #14.028, located at approximately 6310 N Willow Creek Road, allowing for lot 103 to be absorbed into lots 104A and 106A, and for the adjustment of the easterly lot line of lot 105A, based on the findings and with the condition listed in the staff report dated June 26,

2014.”

Sample Motion for a *Positive Recommendation with conditions* – “I move we forward a positive recommendation to the County Council for the Cottonwood Hills Subdivision Amendment 2, application #14.028, located at approximately 6310 N Willow Creek Road, allowing for lot 103 to be absorbed into lots 104A and 106A, and for the adjustment of the easterly lot line of lot 105A, based on the findings and with the condition listed in the staff report dated June 26, 2014, *with the following additional conditions:*”

1. List any additional findings and conditions...

Sample Motion for a *Negative Recommendation* – “I move we forward a negative recommendation to the County Council for the Cottonwood Hills Subdivision Amendment 2, application #14.028, located at approximately 6310 N Willow Creek Road, allowing for lot 103 to be absorbed into lots 104A and 106A, and for the adjustment of the easterly lot line of lot 105A, based on the findings and with the condition listed in the staff report dated June 26, 2014, *due to the following findings:*

1. List any additional findings...

### Supporting Information

Exhibit A: Vicinity Map

Exhibit B: Future Land Use Map

Exhibit C: Existing Zoning Map

Exhibit D: Letters from Fire Chief, Engineer, Surveyor, and Recorder

Exhibit E: Proposed New Plat

### Staff Contact

Bill Cobabe, AICP

801-845-4059

bcobabe@morgan-county.net

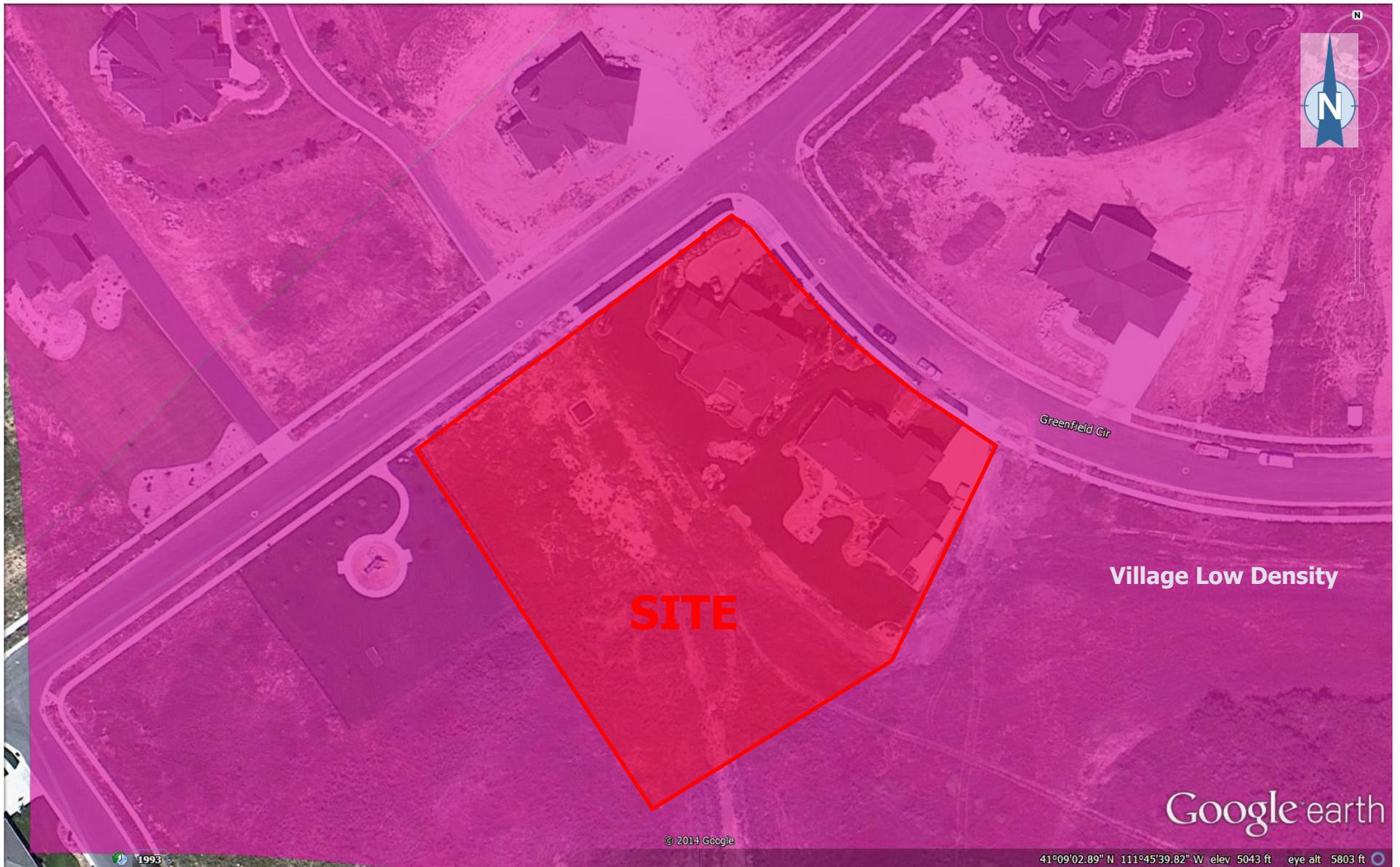
Exhibit A: Vicinity Map



Exhibit B: Future Land Use Map



Exhibit C: Existing Zoning Map



## Subdivision International Fire Code Form

Project Name: Cottonwood Hills plat combination

Name of Owner(s): Mike Carlton, P.E.

**WILDING ENGINEERING, INC.**

Address: Willow Creek

General Description of Project: lot 103 will be eliminated and the area will be split between lots 104 and 106

As per 8-12-46(c) in the Morgan County Code the above referenced general description has adequate fire protection pursuant to adopted fire codes and/or as part of the required conditions of approval.

  
\_\_\_\_\_  
Fire Code Official Approval Signature

  
\_\_\_\_\_  
Date

RE: Revisions needed for Amended Plat  
From: Von Hill [vrhill@hillargyle.com](mailto:vrhill@hillargyle.com)  
Sent: Tue 6/10/2014 2:22 PM  
To: 'Bill Cobabe' <[bcobabe@morgan-county.net](mailto:bcobabe@morgan-county.net)>

Hi Bill

This plat conforms to my previous comments. I am willing to sign it.  
Von

Cottonwood Hills Amend No. 2  
From: Brenda Nelson <[bnelson@morgan-county.net](mailto:bnelson@morgan-county.net)>  
Sent: Tue 6/10/2014 10:18 AM  
To: 'Bill Cobabe' <[bcobabe@morgan-county.net](mailto:bcobabe@morgan-county.net)>

Bill,

I have reviewed the Plat for Cottonwood Hills Amend No. 2 and everything looks fine on the recorder's office end.

I added something that I did not catch on the last review in May, 2014. There is a typo on the Boundary Narrative on the page for the original dedication plat.

Amended CC&R's need to be brought along with the dedication plat, at the time of recording for those lots that are being amended.

Thanks,

Brenda

(Posted to Basecamp)

Mark Miller

Ronda,

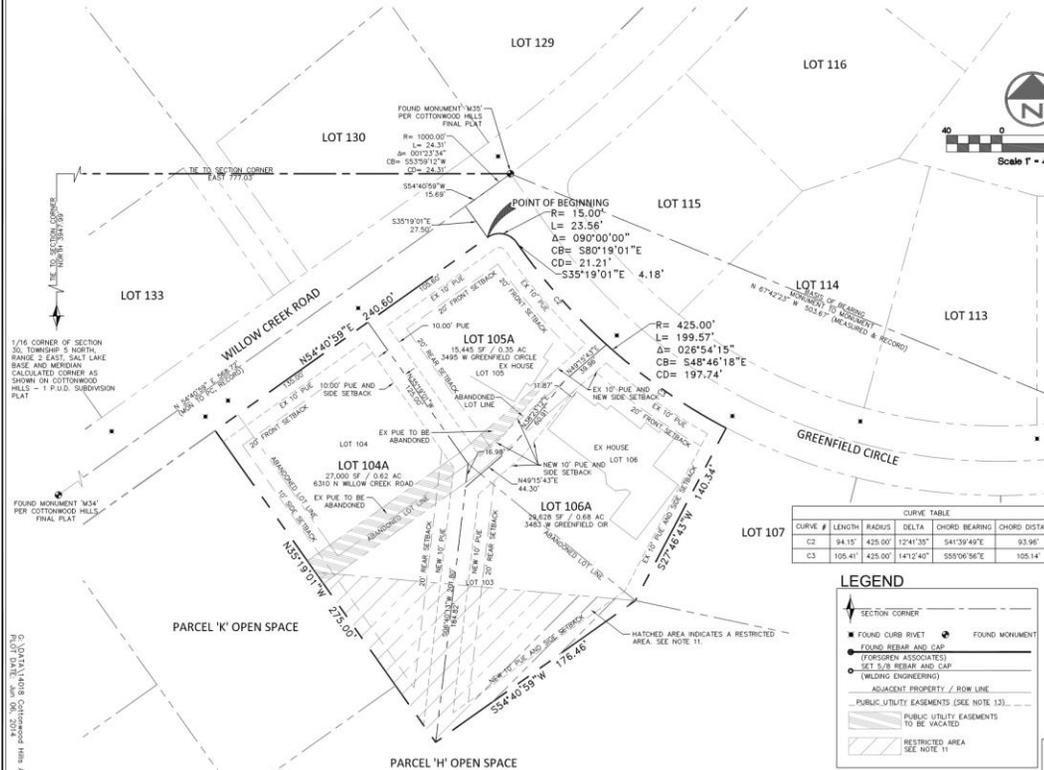
I don't have any addition comments since my March 24, 2014 memo. Mark

[Posted on May 13](#)

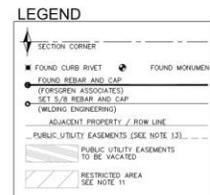
Exhibit E: Proposed New Plat

# COTTONWOOD HILLS A P.U.D. SUBDIVISION AMENDMENT NO 2

AMENDING LOTS 103, 104, 105, AND 106  
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 5 NORTH,  
 RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN  
 MOUNTAIN GREEN, MORGAN COUNTY, UTAH



CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	94.15'	425.00'	124°10'00"	S47°59'49"E	93.90'
C2	105.41'	425.00'	141°42'40"	S59°56'58"E	105.14'



NOTES:  
 1. THIS PLAT WAS PREPARED AT THE REQUEST OF HEN AND CARY ALRED, 3483 WEST GREENFIELD CIRCLE, MOUNTAIN GREEN, UTAH.  
 2. POWER, GAS, AND TELEPHONE ARE LOCATED IN WILLOW CREEK ROAD AND GREENFIELD CIRCLE.  
 3. WASTE DISPOSAL IS PROVIDED BY MOUNTAIN GREEN SEWER DISTRICT VIA AN EXISTING SYSTEM IN WILLOW CREEK ROAD AND GREENFIELD CIRCLE.  
 4. WATER SERVICE IS PROVIDED BY COTTONWOOD MUTUAL WATER COMPANY VIA AN EXISTING SYSTEM IN WILLOW CREEK ROAD AND GREENFIELD CIRCLE.  
 5. EXISTING ZONING IS R-1.1 P.U.D. LOT AREAS ARE AS FOLLOWS:  
 6. RESIDENTIAL ENVELOPE IS BASED ON THE FOLLOWING SETBACKS:  
 7. MORGAN COUNTY RESTRICTS THE OCCUPANCY OF BUILDINGS WITHIN DEVELOPMENTS AS OUTLINED IN THE ADORDED 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. A PAVED APRON IS REQUIRED TO BE INSTALLED FOR ALL DRIVEWAYS ACCESSING FROM PAVED STREETS AND RIGHTS OF WAY, PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.  
 8. A GEOTECHNICAL REPORT FOR THE COTTONWOOD HILLS OVERALL PROJECT WAS PERFORMED BY GSH (JOB 0023-006-06 DATED JUNE 21, 2006).  
 9. ALL NOTES AND REQUIREMENTS OF THE ORIGINAL COTTONWOOD HILLS A P.U.D. SUBDIVISION PLAT (RECORDED AUGUST 18, 2006 AS ENTRY 104098, BOOK 234, PAGE 360) AND THE DEVELOPMENT AGREEMENT (RECORDED AUGUST 18, 2006 AS ENTRY 104097, BOOK 234, PAGE 323) REMAIN IN FORCE.



**MOUNTAIN GREEN SEWER DISTRICT**  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
 \_\_\_\_\_  
 COUNTY CLERK

**COTTONWOOD MUTUAL WATER COMPANY**  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
 \_\_\_\_\_  
 COUNTY CLERK

**MORGAN COUNTY COUNCIL**  
 PRESENTED TO THE MORGAN COUNTY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_, AT WHICH TIME THIS SUBDIVISION AND THE OWNER'S DESIGNATIONS WERE APPROVED AND ACCEPTED.  
 \_\_\_\_\_  
 COUNTY CLERK

**MORGAN COUNTY ATTORNEY**  
 I HAVE EXAMINED THIS SUBDIVISION PLAT AND IN MY OPINION IT CONFORMS TO THE COUNTY ORDINANCES APPLICABLE THERETO AND NOW IN FORCE AND EFFECT.  
 SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
 \_\_\_\_\_  
 MORGAN COUNTY ATTORNEY

**MORGAN COUNTY ENGINEER**  
 I HEREBY CERTIFY THAT ALL APPLICABLE STATUTES AND ORDINANCES PREREQUISITE TO COUNTY ENGINEERING APPROVAL OF THE FOREGOING PLAT AND DESIGNATIONS HAVE BEEN COMPLIED WITH.  
 SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
 \_\_\_\_\_  
 MORGAN COUNTY ENGINEER

**ACKNOWLEDGMENT**  
 STATE OF UTAH  
 COUNTY OF MORGAN  
 ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ IN THE YEAR 20\_\_\_\_, BEFORE ME  
 KENNETH G. ALRED AND CARY M. ALRED, TRUSTEES OF THE ALRED FAMILY TRUST DATED 12TH DAY OF JULY 2011, PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THIS INSTRUMENT, AND ACKNOWLEDGED THEY EXECUTED THE SAME. WITNESS MY HAND AND OFFICIAL SEAL.  
 \_\_\_\_\_  
 NOTARY PUBLIC  
 MY COMMISSION EXPIRES: \_\_\_\_\_

**ACKNOWLEDGMENT**  
 STATE OF UTAH  
 COUNTY OF MORGAN  
 ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ IN THE YEAR 20\_\_\_\_, BEFORE ME  
 DAVID JOHN LANE AND DELANE LANE, OWNERS OF LOT 105, PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THIS INSTRUMENT, AND ACKNOWLEDGED THEY EXECUTED THE SAME. WITNESS MY HAND AND OFFICIAL SEAL.  
 \_\_\_\_\_  
 NOTARY PUBLIC  
 MY COMMISSION EXPIRES: \_\_\_\_\_

**ACKNOWLEDGMENT**  
 STATE OF UTAH  
 COUNTY OF MORGAN  
 ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ IN THE YEAR 20\_\_\_\_, BEFORE ME  
 WAYNE N. HALL AND JILL W. HALL, OWNER OF LOT 106, PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THIS INSTRUMENT, AND ACKNOWLEDGED THEY EXECUTED THE SAME. WITNESS MY HAND AND OFFICIAL SEAL.  
 \_\_\_\_\_  
 NOTARY PUBLIC  
 MY COMMISSION EXPIRES: \_\_\_\_\_

**MORGAN COUNTY SURVEYOR**  
 I HEREBY CERTIFY THAT THE MORGAN COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS PLAT FOR MATHEMATICAL CORRECTNESS, SECTION CORNER DATA AND FOR HARMONY WITH LINES AND MONUMENTS ON RECORD IN THE MORGAN COUNTY OFFICES. THE APPROVAL OF THIS PLAT BY THE MORGAN COUNTY SURVEYOR DOES NOT REVEAL THE LICENSED LAND SURVEYOR WHO EXECUTES THIS PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED THEREWITH.  
 SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
 \_\_\_\_\_  
 MORGAN COUNTY SURVEYOR

**MORGAN COUNTY PLANNING COMMISSION**  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_, BY THE MORGAN COUNTY PLANNING COMMISSION.  
 \_\_\_\_\_  
 CHAIRMAN, MORGAN COUNTY PLANNING COMMISSION

**SURVEYOR'S CERTIFICATE**  
 I, SCOTT W. DEBBY, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 188126, ISSUED BY THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS MAP, AND THAT I HAVE SUBDIVIDED THE PROPERTY INTO STREETS AND LOTS HEREINAFTER KNOWN AS:  
 COTTONWOOD HILLS A P.U.D. SUBDIVISION AMENDMENT NO. 2  
 AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AS SHOWN ON THIS MAP.  
 \_\_\_\_\_  
 SCOTT W. DEBBY  
 REGISTERED LAND SURVEYOR  
 STATE OF UTAH

**BOUNDARY DESCRIPTION**  
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 5 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, MORGAN COUNTY, UTAH.  
 ALL OF LOTS 103, 104, 105, AND 106 OF COTTONWOOD HILLS A P.U.D. SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE MORGAN COUNTY RECORDER, ENTRY 104098, BOOK 234, PAGES 359-364, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 BEGINNING AT A POINT COMMON TO LOT 105 AND THE EASTERLY RIGHT OF WAY LINE OF WILLOW CREEK ROAD AS SHOWN IN SAID SUBDIVISION PLAT, SAID POINT BEING SOUTHWESTERLY 24.31 FEET ALONG THE ARC OF A 1000.00 FOOT RADIIUS CURVE TO THE RIGHT (CHORD BEARS SOUTH 53°57'51" WEST 24.31 FEET) AND SOUTH 54°42'59" WEST 15.69 FEET AND SOUTH 35°19'01" EAST 27.50 FEET FROM A FOUND STREET MONUMENT (ALSO KNOWN AS MONUMENT 105 PER SAID SUBDIVISION PLAT) AT THE INTERSECTION OF WILLOW CREEK ROAD AND GREENFIELD CIRCLE (SAID MONUMENT BEING NORTH 39°47'59" WEST AND EAST 777.53 FEET FROM THE 1/16 CORNER OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN) AND RUNNING THENCE ALONG THE RIGHT OF WAY OF GREENFIELD CIRCLE THREE COURSES: 1) SOUTHWESTERLY 23.56 FEET ALONG THE ARC OF A 15.00 FOOT RADIIUS CURVE TO THE RIGHT (CHORD BEARS SOUTH 80°19'01" EAST 21.21 FEET); 2) SOUTH 35°19'01" EAST 4.18 FEET; 3) SOUTHWESTERLY 199.57 FEET ALONG THE ARC OF A 425.00 FOOT RADIIUS CURVE TO THE LEFT (CHORD BEARS SOUTH 48°46'18" EAST 197.74 FEET) TO A POINT COMMON TO LOTS 106 AND 107 OF SAID SUBDIVISION PLAT; THENCE ALONG SAID LOT 107, SOUTH 27°46'43" WEST 140.34 FEET TO A POINT COMMON TO LOTS 103 AND 104, THENCE ALONG LOT 103 THE FOLLOWING TWO COURSES: 1) SOUTH 54°42'59" WEST 176.46 FEET; 2) NORTH 35°19'01" WEST 270.00 FEET TO A POINT ON THE WILLOW CREEK ROAD RIGHT OF WAY; THENCE ALONG SAID RIGHT OF WAY, NORTH 54°42'59" EAST 240.80 FEET TO THE POINT OF BEGINNING.  
 THE ABOVE DESCRIBED TRACT CONTAINS 1.65 ACRES OR 72,073 SQUARE FEET.

**BOUNDARY NARRATIVE**  
 THIS AMENDED PLAT WAS PREPARED USING THE COTTONWOOD HILLS A P.U.D. SUBDIVISION FINAL PLAT, RECORDED AS ENTRY 104098, BOOK 234, PAGE 359 OF THE MORGAN COUNTY RECORDER'S OFFICE. THIS PLAT AMENDMENT ACCOMPLISHES THE FOLLOWING:  
 1. ELIMINATION OF LOT 103, WHILE INCREASING THE AREAS OF LOTS 104, 105, AND 106.  
 2. CORRECTS A LANDSCAPING ENCROACHMENT OF LOT 105 ONTO LOT 106 BY ADJUSTING THE BOUNDARY LINE BETWEEN THESE TWO LOTS TO ELIMINATE CONFLICT WITH THE CURRENT LOTS 104, 105, AND 106 HAVE BEEN RENAMED 104A, 105A, AND 106A, RESPECTIVELY IN THIS AMENDED PLAT.  
**BASIS OF BEARING**  
 THE BASIS OF BEARING FOR THIS PLAT IS NORTH 67°42'31" WEST BETWEEN TWO FOUND STREET MONUMENTS, ONE AT THE INTERSECTION OF WILLOW CREEK ROAD AND GREENFIELD CIRCLE, AND THE OTHER IN THE CENTER OF THE OLD SAC OF GREENFIELD CIRCLE.  
**OWNER'S DEDICATION**  
 KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED SAME TO BE SUBDIVIDED INTO LOTS TO BE HEREINAFTER KNOWN AS:  
 COTTONWOOD HILLS A P.U.D. SUBDIVISION AMENDMENT NO 2  
 DO HEREBY DEDICATE FOR PRIVATE USE OF THE PUBLIC ALL PARCELS OF LAND, OTHER UTILITIES, OR EASEMENTS TO BE SUBDIVIDED INTO LOTS AS INTENDED FOR PUBLIC USE.  
 IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_.  
 BY: KENNETH G. ALRED AND CARY M. ALRED, TRUSTEES OF THE ALRED FAMILY TRUST DATED 12TH DAY OF JULY 2011, OWNER OF LOTS 103 AND 104.  
 IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_.  
 BY: DAVID JOHN LANE AND DELANE LANE, OWNERS OF LOT 105.  
 IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_.  
 BY: WAYNE N. HALL AND JILL W. HALL, OWNER OF LOT 106.

**RECORDER'S OFFICE**  
 STATE OF UTAH, COUNTY OF MORGAN, RECORDED AND FILED AT THE REQUEST OF \_\_\_\_\_  
 DATE \_\_\_\_\_ TIME \_\_\_\_\_  
 ENTRY \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
 FEE \_\_\_\_\_ MORGAN COUNTY RECORDER

Hidden Hollow Ranch Plat Amendment 1  
Public Meeting  
June 26, 2014

Application No.: 13.122  
Applicant: Chad and Marci Shupe  
Owner: Same  
Project Location: 1959 N Patterson Dr.  
Morgan  
Current Zoning: RR-1/RR-5  
General Plan Designation: Rural Residential/Ranch Residential 5  
Acreage: ~3.96  
Request: Amend a subdivision of record to remove building envelope restrictions on Lot 13  
Date of Application: September 30, 2013  
Date of Previous Hearing: N/A

### Staff Recommendation

County Staff recommends approval of the requested Plat based on the following findings and with the conditions listed below:

#### ***Findings:***

1. That the proposed amendment is in keeping with the goals set forth in the Future Land Use Map of the General Plan.
2. That the proposed amendment meets the requirements of the Morgan County Code for subdivision plat amendments.
3. That the proposed amendment will have a negligible impact on surrounding properties.

#### ***Conditions:***

1. That the owners provide an updated title report prior to recordation.
2. That all fees and taxes are paid, including fees associated with outsourced consultants.

### Background

This application is to remove building restrictions on Lot 13 of Hidden Hollow Ranch. The original plat was approved in 2006 and contained a building envelope that would have put the home located to one side of the lot. The proposal would remove the restrictions, allowing for a more central location for the structure. The site remains constrained east to west due to steep slope on the west side; however, the location of the home in a more central location north to south is acceptable.

The application originally came in September 2013. At that time, the area surrounding Hidden Hollow was experiencing some major landslide activity which impacted the infrastructure. Additionally, there was some concern regarding the flood plain and how it had been affected by earthwork in the area. This lot is not affected by the flood plain issues, and the ground surrounding this lot appears to be relatively stable.

### Analysis

General Plan and Zoning. Pursuant to the Future Land Use Map (see Exhibit B), the property includes Ranch Residential 5 and Rural Residential designations. According to the General Plan, "the Ranch Residential designation accommodates rural large lot development with generous distances to streets and between residential dwelling units and a viable semi-rural character setting." Further, "the Rural Residential category designation accommodates semi-rural large lot development, with generous distances to streets and between residential dwelling units in a viable semi-rural character setting." The number designator on the Ranch Residential 5 indicates five acre lot minimums, while the Rural Residential designation anticipates one acre lots. This lot, at three acres, lies between these two designations and thus matches the desired character of the General Plan.

The zoning of the parcel is RR-1 for the southern portion, and RR-5 for the northern portion. As noted above, the size of the lot (approximately four acres) seems appropriate for the mix of zoning that exists in the area and on this lot.

### Ordinance Evaluation:

Property Layout. This lot is a uniquely-shaped parcel, lying in a section of the street network where the roads encircle the property on three sides. The frontage is along Patterson Drive and is approximately 650' long. The lot ranges from about 330' wide at the south property line to about 180' wide along the north property setbacks. The setbacks are noted on the plat and are typical to the respective zones. There is a no-build area to the west side of the property due to steep slope issues which will limit any structures to the easterly side of the lot.

Roads and Access. As noted above, the lot fronts onto Patterson Drive, where access will be gained to the property. Orchard Way stubs into Patterson Drive and surrounds the parcel on the north and west sides. Due to steep slope issues, no access may be gained from Orchard Way.

Grading and Land Disturbance. The parcel appears to lie outside of the flood plain.

Fire Protection. The Fire Chief has accepted the proposed amendment with no conditions (See Exhibit E).

Utilities. Water service in the area is provided by the Hidden Hollow Water. Waste water will be handled in a septic system.

Model Motion

Sample Motion for a *Positive* Recommendation – “I move we forward a positive recommendation to the County Council for the Cottonwood Hills Subdivision Amendment 2, application #14.028, located at approximately 6310 N Willow Creek Road, allowing for lot 103 to be absorbed into lots 104A and 106A, and for the adjustment of the easterly lot line of lot 105A, based on the findings and with the condition listed in the staff report dated June 26, 2014.”

Sample Motion for a *Positive* Recommendation *with conditions* – “I move we forward a positive recommendation to the County Council for the Cottonwood Hills Subdivision Amendment 2, application #14.028, located at approximately 6310 N Willow Creek Road, allowing for lot 103 to be absorbed into lots 104A and 106A, and for the adjustment of the easterly lot line of lot 105A, based on the findings and with the condition listed in the staff report dated June 26, 2014, *with the following additional conditions:*”

1. List any additional findings and conditions...

Sample Motion for a *Negative* Recommendation – “I move we forward a negative recommendation to the County Council for the Cottonwood Hills Subdivision Amendment 2, application #14.028, located at approximately 6310 N Willow Creek Road, allowing for lot 103 to be absorbed into lots 104A and 106A, and for the adjustment of the easterly lot line of lot 105A, based on the findings and with the condition listed in the staff report dated June 26, 2014, *due to the following findings:*

1. List any additional findings...

Supporting Information

- Exhibit A: Vicinity Map
- Exhibit B: Future Land Use Map
- Exhibit C: Existing Zoning Map
- Exhibit D: Flood Plain Map
- Exhibit E: Letters from Fire Chief and Engineer
- Exhibit F: Proposed New Plat

Staff Contact

Bill Cobabe, AICP  
801-845-4059  
bcobabe@morgan-county.net

Exhibit A: Vicinity Map



Exhibit B: Future Land Use Map



Exhibit C: Existing Zoning Map



Exhibit D: Flood Plain Map



Exhibit E: Fire Protection Plan Approval



**FIRE PROTECTION PLAN APPROVAL**

Applicant name: CHAD STUPE  
Site address: LOT #13  
Project type: NEW DWELLING

Before being granted any occupancy of a home or business in Morgan County, this form must be filled out, signed by the appropriate fire code official, and returned to the Morgan County Planning and Development Services Department.

THIS BUILDING COMPLIES WITH THE INTERNATIONAL FIRE CODE SECTION 507 "FIRE PROTECTION WATER SUPPLIES" AND WITH MORGAN COUNTY ORDINANCES SPECIFIC TO FIRE PROTECTION WATER SUPPLIES, INCLUDING THE WILDLAND URBAN INTERFACE CODE.

Conditions (If any):

no conditions  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

David A. Beck  
Fire Chief

09/24/2013  
Date



## Fire District Approval Form

Wildland Urban Interface Code

Applicant Name CHAD SHAPE

Date Reviewed 09/24/2013

Reviewed by Dave Rich

The fire protection plan submitted for the:

\_\_\_\_\_ application

conforms to the requirements of the 2006 Utah Urban Wildland Interface Code with the following conditions:

no plan required.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dave A. Rich \_\_\_\_\_  
Fire Code Official Approval Signature Date

-----Original Message-----

From: John Bjerregaard [<mailto:wcjdb@comcast.net>]

Sent: Friday, May 30, 2014 9:46 AM

Subject: Hidden Hollow - Lot 13

I just wanted to follow up on Hidden Hollow Lot 13. The lot owner calls me a couple of times a week and I'm sure he calls you also.

We've concluded that changing the house location will not impact the floodplain analysis. If the proposed house location complies with zoning requirements, it is acceptable. We are currently preparing the hydraulic analysis for Letter of Map Amendments (LOMAs), and the house location on Lot 13 does not affect the analysis or the submittal to FEMA.

Call me if you have any questions. Thanks.

--

John Bjerregaard  
Wasatch Civil Consulting Engineering  
5434 South Freeway Park Drive  
Riverdale, Utah 84405  
801-775-9191 (office)  
801-628-9575

Exhibit F: Proposed New Plat

### FINAL PLAT HIDDEN HOLLOW RANCH 1st AMENDMENT AMENDING LOT 13 A PART OF THE NORTHEAST 1/4 OF SECTION 22 T4N, R2E, SLB&M, U.S. SURVEY MORGAN COUNTY, UTAH

**NOTES:**

10 FOOT UTILITY EASEMENTS AS INDICATED BY DASHED LINES UNLESS OTHERWISE SPECIFIED. ALL CONDUITS TO BE USED FOR IRRIGATION WATER LINES, DRAINAGE, SANITARY AND SEWAGE, POWER LINES, TELEPHONE LINES AND OTHER PUBLIC UTILITIES.

AS NEAR AS CAP BEARING THE STAMP "MORGAN ENGINEERING PLUMBING" TO BE SET AT BACK LOT CORNERS.

MOUNTAIN BOX AND BRASS CAP SET IN CONCRETE BEARING THE STAMP "MORGAN ENGINEERING PLUMBING" TO BE SET ON ROAD CENTERLINE WHERE INDICATED.

COPPER NINET TO BE SET IN CURB AT LOT LINE EXTENSION.

BUILDING SETBACKS ARE AS FOLLOWS: IN RR-1 FRONT AND BACK = 20 FT. SIDE = 10 FT. MIN. TOTAL OF BOTH SIDES = 24 FT. (E. OF 10 FT. & W. OF 12 FT. & 1/2 CORNER LOT SETBACK = 30 FT. IN REAR FRONT = 30 FT. BACK = 30 FT. CORNER LOT STREET WIDE = 30 FT.

HOUSES BUILT WITHIN THE DESIGNATED 100-NEAR FLOOD PLAIN MUST BE CONFORMED WITH THE 100-NEAR FLOOD ELEVATION & MAY BE REQUIRED TO CARRY FLOOD INSURANCE.

MORGAN COUNTY IS A RIGHT TO FARM COMMUNITY; THIS SUBDIVISION IS LOCATED ADJACENT TO PROPERTY THAT IS FARMED/PASTURED. IN ACCORDANCE WITH 2005 CODE ORDINANCE WE HEREBY NOTIFIED THAT AGRICULTURAL OPERATIONS WITHIN THIS SUBDIVISION ARE ALLOWED AND THAT THESE OPERATIONS MAY CONTRIBUTE TO NOISE AND ODOR UNDESIRABLE TO SOME RESIDENTS.

MORGAN COUNTY RESTRICTS THE OCCUPANCY OF BUILDING WITHIN DEVELOPMENT AS OUTLINED BY THE INTERNATIONAL BUILDING CODE, AS ADAPTED. ACCORDINGLY, IT IS UNLAWFUL TO OCCUPY A BUILDING LOCATED WITHIN DEVELOPMENT WITHOUT FIRST HAVING OBTAINED CERTIFICATE OF OCCUPANCY ISSUED BY MORGAN COUNTY.

CURVE	START	END	LENGTH	CHORD	RADIUS	BEARING	DELTA
C1	115.89	228.95	228.95	716.00	130°22'38"	183°24'21"	
C2	44.40	88.41	88.15	130.00	131°24'38"	19°46'47"	
C3	15.00	31.56	31.55	15.00	130°00'00"	89°59'59"	
C4	83.13	166.39	167.14	130.00	130°40'45"	75°37'38"	
C5	86.78	173.56	173.37	866.00	146°22'28"	179°24'24"	

**ZONE AREA**

RR-1 1.35 ACRES 58,748 SF

RR-2 2.62 ACRES 113,525 SF

**VICINITY MAP**  
1" = 1/4" SCALE

**OWNERS/DEVELOPER**  
CHAD SHUPE  
844 EAST WHITEHALL WAY  
LAYTON UT 84040  
(801) 690-1058

**MORGAN COUNTY SURVEYOR**

I HEREBY CERTIFY THAT THE MORGAN COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS PLAT FOR MATHEMATICAL CORRECTNESS, SECTION CORNER DATA AND FOR HARMONY WITH LOTS AND MONUMENTS ON RECORD IN THE MORGAN COUNTY OFFICES. THE APPROVAL OF THIS PLAT BY THE MORGAN COUNTY SURVEYOR DOES NOT RELIEVE THE DESIGNATED LAND SURVEYOR WHO EXECUTES THIS PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED THEREWITH.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

\_\_\_\_\_  
MORGAN COUNTY SURVEYOR

**BOUNDARY DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 22, T4N, R2E, SLB&M, U.S. SURVEY, MORGAN COUNTY, UTAH, NORTH RANGE 2 EAST SALT LAKE BASIN AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING AT A POINT SOUTH 09°07'49" EAST 156.14 FEET AND WEST 16.08 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 22, TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF PATTERSON DRIVE 1200 WEST; THENCE NORTH 7°26'48" WEST 22.67 FEET; THENCE NORTH 07°27'07" WEST 176.07 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF ORCHARD WAY 1300 WEST; THENCE EASTERLY 88°13'00" WEST 116.10 FEET; THENCE SOUTHWESTERLY 88°13'00" WEST 116.10 FEET ALONG THE ARC OF A 1000 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS NORTH 45°02'02" EAST 194.29 FEET); THENCE NORTH 37°15'45" WEST 116.10 FEET; THENCE NORTHEASTERLY 194.29 FEET ALONG THE ARC OF A 1200 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS NORTH 04°04'04" EAST 14.34 FEET); THENCE SOUTH 46°02'48" EAST 81.64 FEET; THENCE SOUTHWESTERLY 22.66 FEET ALONG THE ARC OF A 1600 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS SOUTH 12°05'04" WEST 21.41 FEET); TO THE WESTERLY RIGHT-OF-WAY LINE OF PATTERSON DRIVE; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING (55) COURSES: THENCE SOUTH 02°30'41" WEST 284.15 FEET; THENCE SOUTHWESTERLY 8.84 FEET ALONG THE ARC OF A 3400 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS SOUTH 31°34'28" WEST 84.13 FEET); THENCE SOUTH 89°07'07" WEST 16.08 FEET; THENCE SOUTHWESTERLY 22.66 FEET ALONG THE ARC OF A 1600 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS SOUTH 07°02'07" WEST 22.66 FEET); THENCE SOUTH 07°48'07" WEST 16.37 FEET TO THE POINT OF BEGINNING.

CONTAINS 172,700 SQ. FT. OR 3.96 ACRES.

**MORGAN COUNTY COUNCIL APPROVAL AND ACCEPTANCE**

PRESENTED TO THE MORGAN COUNTY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014 AT WHICH THIS SUBDIVISION AND THE OWNER'S DEDICATION WAS APPROVED AND ACCEPTED.

COUNCIL CHAIRMAN \_\_\_\_\_

ATTEST: COUNTY CLERK \_\_\_\_\_

**HIDDEN HOLLOW WATER COMPANY**

APPROVED AS TO FORM \_\_\_\_\_ THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

\_\_\_\_\_  
WATER COMPANY PRESIDENT

**WESPER-MORGAN HEALTH DEPARTMENT**

WASTE DISPOSAL SYSTEM AND CULINARY WATER SYSTEM APPROVAL \_\_\_\_\_ THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

\_\_\_\_\_  
DISTRICT SHERIFF

**MORGAN COUNTY PLANNING COMMISSION**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2014 BY THE \_\_\_\_\_ PLANNING COMMISSION.

\_\_\_\_\_  
CHAIRMAN

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

APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2014.

\_\_\_\_\_  
MORGAN COUNTY ATTORNEY

**ACKNOWLEDGMENT**

STATE OF UTAH )  
COUNTY OF MORGAN ) SS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014,

PERSONALLY APPEARED BEFORE ME, CHAD SHUPE & MARCI SHUPE, THE SIGNERS OF THE ABOVE OWNERS DEDICATION, WHO SOLEMNLY ACKNOWLEDGED TO ME THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

\_\_\_\_\_  
NOTARY PUBLIC

RESIDING AT \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

**OWNERS ACKNOWLEDGMENT OF RESPONSIBILITY**

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE TRACTS OF LAND CONTAINED WITHIN THE SUBDIVISION BOUNDARY DESCRIBED HEREON, ACKNOWLEDGE THAT FAILURE OF THE LOCAL JURISDICTION OR PLANNING COMMISSION TO OBSERVE OR RECORD ANY SAID EASEMENTS OR UNDESIRABLE CONDITIONS, OR TO RECORDED DENIAL OF ANY SAID EASEMENTS OR UNDESIRABLE CONDITIONS, OR TO RECORDED ANY SAID EASEMENTS OR UNDESIRABLE CONDITIONS SHALL NOT RELIEVE THE UNDERSIGNED OWNERS FROM OUR RESPONSIBILITY FOR THE CONDITIONS OR DAMAGES RESULTING THEREFROM, AND SHALL NOT RESULT IN THE LOCAL JURISDICTION OR PLANNING COMMISSION BEING HELD RESPONSIBLE FOR THE CONDITIONS OR DAMAGES RESULTING THEREFROM.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

OF \_\_\_\_\_ SIGNED \_\_\_\_\_ SIGNED \_\_\_\_\_

**OWNERS DEDICATION**

WE, THE UNDERSIGNED OWNERS OF THE HEREON DESCRIBED TRACT OF LAND, HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AS SHOWN ON THIS PLAT AND HAVE SAID TRACT HIDDEN HOLLOW RANCH 1st AMENDMENT AND HEREBY DEDICATE, GRANT AND CONFIRM TO MORGAN COUNTY, THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS EASEMENTS FOR PUBLIC UTILITY AND DRAINAGE PURPOSES AS SHOWN HEREON, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINE AND DRAINAGE AS MAY BE AUTHORIZED BY MORGAN COUNTY.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

\_\_\_\_\_  
CHAD SHUPE

\_\_\_\_\_  
MARCI SHUPE

Prepared By: Gardner Engineering

8970 SOUTH ADAMS AVE. TURNPIKE  
OGDEN, UT 84405  
(801) 478-0202

REVISED 11-2-2014

**COUNTY RECORDER NO.** \_\_\_\_\_

STATE OF UTAH, COUNTY OF \_\_\_\_\_

RECORDED AND FILED AT THE REQUEST OF \_\_\_\_\_

DATE \_\_\_\_\_

FILE NO. \_\_\_\_\_

INDEX \_\_\_\_\_

FILED \_\_\_\_\_

FILED \_\_\_\_\_ COUNTY RECORDER

Wright's Meadow PRUD Extension Request  
June 26, 2014

Applicant: David Wright  
Owner: Same  
Project Location: approximately 2845 N Morgan Valley Drive  
Request: Extension of Preliminary Plat approval  
Date of Previous Approval: April 17, 2008 (Concept Plan approval)  
June 18, 2013 (County Council – Preliminary Plat approval)

Staff Recommendation

County Staff is recommending approval of the requested preliminary plat extension approval based on the following findings:

1. That the applicant has requested an extension of an approved preliminary plat.
2. That the application – when it was approved – met the ordinances, standards, and guidelines as applied for preliminary plat approval, with conditions listed in Exhibit B.
3. That the approved preliminary plat is in keeping with the goals and objectives of the Future Land Use Map and General Plan of Morgan County.

Background and Analysis

Mr. Wright originally applied for a PRUD subdivision preliminary plat in 2010. This was approved by the County Council on June 18, 2013 (see attached approval letter – Exhibit B; and approved preliminary plat – Exhibit C). One June 18, 2014, the applicant provided a letter requesting an extension of the approved preliminary plat (see Exhibit D).

According to Chapter 44 Section 44-11 (Validity of Preliminary Plat Approval) subsection A notes that: "An approved preliminary plat is valid for one (1) year. The Planning Commission may grant a one year extension of the preliminary plat, provided the plat still complies with all applicable ordinances. No person or entity obtains a vested right to develop the property by reason of obtaining preliminary plat approval." This is the language that was in force when the project was initially begun, and the PRUD ordinance was still valid when the application process was begun. Since that time, several ordinances have been changed, including the elimination of the PRUD ordinance; however, this project is still viable under the previous approvals.

If the Planning Commission decides to grant the extension, the same conditions of approval will apply and the applicant will be responsible for all outstanding items as noted in that approval.

## Model Motion

Sample Motion for *approval* – “I move we approve the extension of the Wright’s Meadow PRUD preliminary plat approval based on the findings in the staff report dated June 26, 2014.”

Sample Motion for *approval with conditions* – “I move we approve the extension of the Wright’s Meadow PRUD preliminary plat approval based on the findings in the staff report dated June 26, 2014, *with the following conditions:*”

1. List any additional findings and conditions...

Sample Motion for *denial* – “I move we deny the extension of the Wright’s Meadow PRUD preliminary plat approval based on the findings in the staff report dated June 26, 2014, *subject to the following findings:*”

1. List any additional findings...

## Supporting Information

Exhibit A: Vicinity Map

Exhibit B: County Council Approval (including conditions)

Exhibit C: Approved Preliminary Plat

Exhibit D: Applicant’s Letter Requesting Extension

## Staff Contact

Bill Cobabe, AICP

801-845-4059

[bcobabe@morgan-county.net](mailto:bcobabe@morgan-county.net)

Exhibit A: Vicinity Map



Exhibit B: County Council Approval (including conditions)



July 23, 2013

David Wright  
2827 North Morgan Valley Drive  
Morgan, UT 84050

RE: Wright's Meadow PRUD Preliminary Plat; File #8.096

Dear Mr. Wright,

On June 18, 2013, the Morgan County Council made final approval of the Wright's Meadow PRUD Preliminary Plat, located at approximately 2872 N Morgan Valley Drive. Approval was made with the following conditions and findings:

Conditions:

1. That an updated title report be submitted with the final plat application.
2. That a will serve letter from Rocky Mountain Power is submitted with the final plat application and that the signature blocks for utility companies not required to sign the plat are removed from the final plat.
3. That well log information from at least one constructed well in the subdivision is submitted for the County Engineer's review and approval in accordance with adopted laws.
4. That all water right information is submitted with final plat application for the County Engineer's review and approval in accordance with adopted laws.
5. That a storm water drainage plan is submitted for the review and approval of the County Engineer with the final plat application, with all necessary easements for storage and drainage lines shown on the plat.
6. That the addressing plan for the final plat is amended to require a lane name for the shared private drive and all addressing is referenced from that lane. The addressing plan shall also include a street sign proposal that can be approved by the Public Facilities Director.
7. That the final plat includes a signature block for the County Surveyor.
8. That all construction drawings and details are reviewed and approved in compliance with County ordinances upon final plat submittal.
9. That an access easement from the neighboring property shall be secured for the purposes of use, operation, and maintenance of the access to the four lot subdivision, together with indication of responsibility for maintenance of the access. The final plat shall indicate the recorded easement's entry in the County Recorder's Office.
10. That the final plat is amended to adequately provide for the 50% required open space in a manner that complies with adopted ordinances.
11. That "Parcel A" is either more appropriately described as either open space area or in lot area.

12. That the final plat application include the conservation plan for open space preservation in compliance with MCC §16-20-030 (2007).
13. That clarification of the purpose for the apparent 20 foot easement depth that runs along the northwest boundary of lot two and intersects with the easement dedicated for Dalton Creek Ditch Company is provided on the final plat.
14. That clarification of the Dalton Creek Ditch Company's right of way through "Parcel A" is provided with the final plat submittal, and that such right of way is shown on the plat as an access easement with a delineated width, as may be applicable or necessary.
15. That the proposed shared private drive is constructed to support a 75,000lbs fire apparatus.
16. That all new homes in the subdivision are reviewed and approved by the local Fire Official for the potential need for fire suppression systems.
17. That all other local, state, and federal laws are upheld.

Findings:

1. The nature of the subdivision is in conformance with the current and future land uses of the area.
2. The subdivision proposal conforms to current zoning ordinances generally.
3. The listed conditions will bring the subdivision into strict compliance with vested subdivision requirements.
4. With the listed conditions harmful impact of the subdivision can be mitigated.
5. The private shared addressing requirement promoted the Health safety and welfare of the residents.

This letter is intended as a courtesy to document the status of your project. The official minutes from the County Council meeting are available in the office of the Morgan County Clerk. If you have further questions, please contact me at [cdewert@morgan-county.net](mailto:cdewert@morgan-county.net) or 801-845-4059.

Respectfully,



Charles Ewert, MPA  
Department Director



Exhibit C: Applicant's Letter Requesting Extension

June 18, 2014

To

Morgan Co. Planner & Planning Committee,

We would like an extension for  
Wright's Meadow P.R.U.D. due to recent  
events with the Land Conservancy Corp.  
(Ogden Valley) we intended to work  
with.

Thank you for your  
patience

David L. Wright

RECEIVED

JUN 18 2014

Morgan County

*file*

Improvements Exemption Ordinance Revision  
Public Hearing  
June 26, 2014

Applicant: Morgan County  
Request: Revision of Improvements Exemption Ordinance (Section 8-12-44 (D)(2))  
Date of Previous Hearing: N/A

### Background and Analysis

Small subdivisions requiring no additional County infrastructure improvements – including roadways, utilities, etc. – represent a continuing concern for property owners and developers. These subdivisions, involving 10 lots or fewer, are often initiated by small property owners who wish to subdivide the parcels for more of a personal interest than a large-scale land developer.

State law requires counties to allow for these kinds of subdivisions involving 10 lots or fewer. Our current county code allows for only eight lots. The proposed ordinance revision would make the necessary adjustment. Further, this revision would change the language of the ordinance from an “exception”, requiring County Council approval after Planning Commission recommendation, and would make the determination a staff-level determination. This “exemption” would only be applicable in multiple use, forestry, agricultural, and rural residential zoning districts. The subdivision would then follow the regular small subdivision process, which involves a staff-level approval.

Language is added to the Code which allows Staff to forward the application to the Planning Commission for review and recommendation, and the County Council for decision in cases where the application represents a large amount of complexity, potential conflict, or a particularly contentious application is considered.

### Model Motion

Sample Motion for *approval* – “I move we recommend approval of the revised Small Subdivision Ordinance (Section 8-12-44 (D)(2)) with the revisions noted in the staff report dated June 26, 2014.”

Sample Motion for *approval with conditions* – “I move we recommend approval of the revised Small Subdivision Ordinance (Section 8-12-44 (D)(2)) with the revisions noted in the staff report dated June 26, 2014, *with the following conditions:*”

1. List any additional findings and conditions...

Sample Motion for *denial* – “I move we recommend denial of the revised Small Subdivision Ordinance (Section 8-12-44 (D)(2)) with the revisions noted in the staff report dated June 12, 2014, *subject to the following findings.*”

1. List any additional findings...

#### Supporting Information

Exhibit A: Draft Revised Ordinance Section 8-12-53/-54 “Small Subdivision”

#### Staff Contact

Bill Cobabe, AICP

801-845-4059

[bcobabe@morgan-county.net](mailto:bcobabe@morgan-county.net)

Exhibit A: Proposed Revised Ordinance

Note – deletions are in ~~strikethrough~~; additions are in **bold**

**Section 8-12-44 (D)(2)**

2. Improvements ~~Exception~~ **Exemption in Certain Zones:** ~~The county council~~ **County Staff** may, after receiving recommendation from the county engineer and planning commission, provide an improvements ~~exception~~ **exemption** for certain street improvement requirements. Residential subdivisions of ~~eight (8) lots or less~~ **ten (10) lots or fewer** in the multiple use, forestry, agricultural, and rural residential zoning districts may receive a special ~~exception~~ **exemption** from the requirement to improve infrastructure deficiencies along the frontage of existing infrastructure. This ~~exception~~ **exemption** shall only be available for those properties abutting existing adequately sized public streets sufficient for safe two-way vehicle traffic with adequate shoulders, as indicated in this subsection ~~(D)(2)~~ and as determined by ~~the county engineer~~ **County Staff**, but shall not be available when the subdivision boundary is within three hundred feet (300') of infrastructure previously installed.

Such an ~~exception~~ **exemption** may be granted upon finding that requiring the full street infrastructure improvements are not roughly proportional, in nature or extent, to the impact of the development on the community; is not beneficial to the county; or may be detrimental to the neighboring property abutting the development; and that the waived improvements are not necessary at this time to protect the public's health, safety, and welfare.

Usage of this subsection for an ~~exception~~ **exemption** to the required infrastructure standards shall not be utilized to circumvent the need for infrastructure improvements by adding additional building lots to the subdivision at a later time. Any amendment to such a subdivision shall adequately address the requirements for improved infrastructure as provided elsewhere in this chapter.

**County staff may, based on potential conflict, complexity, or contention of the proposed subdivision, forward the application to the Planning Commission for review and the County Council for decision.**

For the purposes of this subsection:

AN EXISTING ADEQUATELY SIZED PUBLIC STREET SUFFICIENT FOR SAFE TWO-WAY VEHICLE TRAFFIC:

- a. A street that has been established as a public right of way for a minimum period of ten (10) years; and
- b. A street that has a minimum asphalted width of twenty two feet (22').

INFRASTRUCTURE PREVIOUSLY INSTALLED: Any street infrastructure component installed or required to be installed by the county. Pavement width, curb, gutter, sidewalks, and park strips may be treated as separate components. The requirement to provide for each shall depend on the existence of each component previously improved within three hundred feet (300') of the subdivision boundaries. In all cases where each component of new infrastructure is required, it shall be installed pursuant to adopted standards.

Small Subdivision Ordinance Revision  
Public Hearing  
June 26, 2014

Applicant: Morgan County  
Request: Revision of Small Subdivision Ordinance  
Date of Previous Hearing: N/A

### Background and Analysis

Small subdivisions requiring no additional County infrastructure improvements – including roadways, utilities, etc. – represent a continuing concern for property owners and developers. These subdivisions, involving 10 lots or fewer, are often initiated by small property owners who wish to subdivide the parcels for more of a personal interest than a large-scale land developer.

State law requires counties to allow for these kinds of subdivisions involving 10 lots or fewer. Our current county code allows for only eight lots. The proposed ordinance revision would make the necessary adjustment. The proposed ordinance change also modifies the language regarding where a small subdivision could be considered. Specifically, subdivisions of land in an existing subdivision would not be a part of the definition of eligible projects for this Section.

### Model Motion

Sample Motion for a *approval* – “I move we recommend approval of the revised Small Subdivision Ordinance (Section 8-12-53 and -54) with the revisions noted in the staff report dated June 12, 2014.”

Sample Motion for *approval with conditions* – “I move we recommend approval of the revised Small Subdivision Ordinance (Section 8-12-53 and -54) with the revisions noted in the staff report dated June 12, 2014, *with the following conditions:*”

1. List any additional findings and conditions...

Sample Motion for *denial* – “I move we recommend denial of the revised Small Subdivision Ordinance (Section 8-12-53 and -54) with the revisions noted in the staff report dated June 12, 2014, *subject to the following findings:*”

1. List any additional findings...

Supporting Information

Exhibit A: Draft Revised Ordinance Section 8-12-53/-54 "Small Subdivision"

Staff Contact

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8-12-53: SMALL SUBDIVISIONS:

A "small subdivision" shall be defined as a subdivision of ~~eight (8) or fewer~~ **ten (10)** lots **or fewer** from a parcel which meets the following criteria:

- A. The parcel proposed to be subdivided currently has the zoning designation required for the minimum lot sizes proposed.
- B. All lots have acceptable access to a public street, either by direct frontage or through access by an approved private street. Public and private street standards must meet standard county cross sections and adopted specifications, and the requirements of this title.
- C. Each lot within the proposed subdivision must meet the frontage, width and area requirements of the zone district in which it is to be located.
- D. The proposed lots are not part of a ~~platted~~ **an existing** subdivision.