

# **AMENDED AGENDA**

## **MORGAN CITY PLANNING COMMISSION MEETING September 19<sup>th</sup>, 2023– 7:00 pm Morgan, Utah**

The Planning Commission meeting will be held in-person on Tuesday, September 19<sup>th</sup>, 2023, at 7:00pm in the City Council room located at 90 W. Young Street.

The public meeting will be live streamed on YouTube and a recording available on [morgancityut.org](http://morgancityut.org).

### **7:00 p.m. PLANNING COMMISSION GENERAL SESSION MEETING MINUTES**

August 15<sup>th</sup>, 2023.

### **AGENDA ITEMS**

- ITEM #1** Draft Ordinance Review-Accessory Dwelling Units.
- ITEM #2** Discussion-Short-Term Rentals.
- ITEM #3** Rural Opportunities Grant-update.
- ITEM #4** Discussion-Sensitive Lands Ordinance
- ITEM #5** Discussion-Annexation Petition of 54.17 acres of Property Located at Approximately 555 West Old Highway Road, 936 and 1075 North 700 East, and 1050 North 600 West, Morgan, Utah, as Requested by Lisa C. Preece

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and service) during this meeting should notify the Morgan City Office, 801-829-3461, at least twenty-four hours prior to the meeting. This meeting will be held electronically. Please contact the Morgan City office to participate.

**Posted this 13<sup>th</sup> day of September 2023**

Denise Woods, City Recorder

# Planning Commission Meeting

**Minutes of Morgan City Planning Commission GENERAL meeting held in open public session on August 15<sup>th</sup>, 2023, at 7 p.m. with the WORK session starting at 6:30 pm.**

## MINUTES

AUGUST 15<sup>th</sup>, 2023

7:00 PM

MORGAN CITY COUNCIL ROOM

MEETING CALLED BY	Chair, Nathan McClellan
MEMBERS	In-person: Wes Woods, Ray Little, Mark Francis. Electronically: Jay Ackett.
EXCUSED	Justin Rees, Erin Bott and Lance Prescott.
CITY STAFF	In-person: City Planner, Jake Young; City Recorder, Denise Woods. Electronically: Planning Legal Counsel, Steve Garside.
OTHERS PRESENT	Justin Westmoreland
INTRODUCTION	Chair, Nathan McClellan welcomed those in attendance. Mr. McClellan advised the group that the meeting will be a video as well as audio recording. That the video and audio will be on the Morgan City website as well as you tube account and will be a permanent record.

## **WORK SESSION 6:30pm**

Nathan opened the work session reviewing the agenda and then turned the time over to City Planner, Jake Young. The first item of the public hearing is regarding a change in the City Standards that was adopted by the City Council and the subsequent change in the Land Use Ordinance to be consistent as the standards. Items #2 and #3 are Historical sign design review.

The sign for Larry's to go meets the requirements of both Historical Design and signage Ordinance. The sign for Morgan Nutrition does not meet the height requirement of 10 feet for an attached sign. Jake indicated the owner of the building asked for an exception. As per City Legal Attorney, Steve Garside an appeal would be difficult as this is not an interpretation disagreement and is a provision in the code. The other option is that the Commission could recommend a change in the Ordinance. Jake stated staff reached out to the applicant with this information and asked for a revised site plan adhering to the code and we did not receive a new plan. Nathan asked if the applicant had an issue moving the sign four feet higher on the building to meet code. The upper portion of the façade of the building is a thin veneer brick with a gap and then cement. The owner indicated they tried to attach signage and it didn't work as well as being worried about the long-term effect. Nathan stated the determination seems to be plain forward but like the idea of the applicant knowing their options. Nathan feels there is some sort of way to attach. Wes Woods asked if the applicant was applying the sign themselves and that the applicant could investigate a sign company that are professions who could come up with a good way of attaching the sign instead of the applicant attaching the sign. Jake indicated as you are traveling down Commercial Street, there is a consistency of all the signs, that the signs are above the doors and main floor windows and now there would be one sign at eye level. Also, having a sign that low is not good for business when the sign can not be seen by freeway or street traffic. Jay Ackett stated with signs, a-frames and temporary signs that are street height can be clustered and ghetto type. Nathan concluded that the question is are they in compliance or not. As presented, the application is not in compliance in accordance with the Sign Ordinance.

Jake Young moved onto item #5 regarding Commercial Street parking. Jake asked for at least 15 minutes during the general session for a brief discussion since there were only a few minutes left in the work session. It is the understand

of staff that business owners would like to have a little bit of turnover on the parking that is up against the north or business frontage parking. Morgan does not have a parking code for key spots telling us how to do parking management and so if there are fines involved, a code needs to be in place.

Wes Woods asked who they are trying to stop from parking in the key locations. Jake stated not necessarily to stop parking but to have something like a 15- or 30-minute max parking. Jake asked staff to comment on the complaint. Staff stated it was one business owner and on his reviews for his restaurant, comments were that they had to park down the street to just pick up a to-go order and would like a designated spot. The owner then approached the building inspector and asked if the city would consider to-go parking. Jake told staff that maximum time would be more appropriate as Commercial Street is public and cannot be specific to businesses. Wes Woods stated he has this problem at his store location. His frustration is the people parking in the key spots are normally the employees and owners. Wes stated it is common sense to leave the key parking for customers. Nathan stated he agreed that employees and owners should have common sense when it comes to parking and then legislation takes over and his concern is creating an ordinance to be more proactive and yet could create more of an issue. Are we making a bigger deal out of the parking by creating an ordinance as even through the busy Morgan County Fair, there's ample parking. The commission is concerned with enforcement and talked about enforcement verse honor system.

The commission along with staff discussed item #4 ADU's. Jake stated there was a meeting with staff regarding the draft ordinance and he will go through those recommended changes in the general session. Staff also talked to emergency services and the post office regarding ADU's.

## **GENERAL SESSION 7:00pm**

### **MINUTES JULY 18<sup>TH</sup>, 2023, PLANNING COMMISSION MEETING**

<b>DISCUSSION</b>	No discussion on the minutes.
<b>MOTION</b>	Ray Little moved to approve the Planning Commission minutes for July 18 <sup>th</sup> , 2023, as presented. Second: Wes Woods Unanimous

### **ITEM #1 PUBLIC HEARING-AMENDING ORDINANCE 10-30-040 ACCESS REQUIREMENTS**

<b>OPEN PUBLIC HEARING</b>	Nathan McClellan declared the Public Hearing amending Ordinance 10-30-040 Access Requirements opened.
<b>DISCUSSION/ PUBLIC COMMENT</b>	The City Council reviewed and approved amendments to the City Standards at the June 27 <sup>th</sup> , 2023, City Council meeting. The amendment to the width of driveways in the City Standards prompted an amendment to the Land Use Ordinance 10-30-040 access requirements to be consistent with the adopted City Standards. 10-30-040 (B) 4. There shall be not more than two driveways, the total width of which does not exceed one-half of the linear frontage of the lot, or fifty feet ( <u>amended to thirty-six feet</u> ), whichever is less.  The commission along with staff discussed roadways, driveway width verses parking on property, etc. Nathan called for public comment. No public comment.
<b>CLOSE PUBLIC HEARING AND MOTION</b>	Wes Woods moved to close the Public Hearing amending Ordinance 10-30-040 Access Requirements and to send a positive recommendation of the amendment to the City Council for consideration. Second: Mark Francis No discussion on the motion Unanimous

**ITEM #2****HISTORIC OVERLAY REVIEW-SIGNAGE FOR MORGAN  
NUTRITION-101 COMMERCIAL STREET**

<b>DISCUSSION</b>	<p>The sign application is in the Historical Overlay Zone. Signage design is to be reviewed by the Planning Commission for compliance with the code. Nathan turned the time over to Planner, Jake Young to introduce the application and give the staff's perspective and recommendation.</p> <p>Jake stated the sign is for Morgan Nutrition at 101 Commercial Street. Jake pulled up the staffing notes which included the application, review, photos, and findings. Mr. Young continued with the sign design and site plan showing the location of the attached sign. The sign meets the ordinance in terms of sign size and design. The sign application does not meet the sign ordinance and Historical Overlay requirements in terms of the sign must be hung at least 10' above sidewalk. Jake stated that staff did reach out to the applicant regarding the placement height not meeting code and the applicant indicated they were having difficulty installing higher as the façade is a veneer brick with a gap and then has concrete. The ordinance does allow for signage in the windows but of course, those would be smaller. The staff report does not recommend approval because it does not meet the ordinance for height. However, the applicant can change the location and come back with the revised submittal.</p> <p>Nathan reiterated the main item is that the sign placement does not meet the 10 feet minimum height requirement above sidewalk for attached signage. Nathan stated that during the work session, the commission discussed options. As for the current ordinance, the height is something that the commission cannot grant an exception on regardless of how the commission feels about the application. The commission can go through the process of amending the sign ordinance if the commission feels there is an undue burden on the height requirement. The other option is for the applicant to resubmit a site plan complying to the code which includes the minimum height requirement.</p> <p>Nathan opened a discussion with the commission. Ray Little asked legal staff that in some cases, if an application is denied, the applicant could not resubmit for a one-year period. In some situations, it is better to table or take non-action. Steve Garside indicated Mr. Little is correct but in this case the waiting period does not apply, and the requirement Mr. Little is referring to is on a zoning change application. Wes Woods asked if staff could recommend the applicant to reach out to a professional sign company to help them with options of mounting the sign on the veneer. Jake stated that could be in the motion. Jake also mentioned that the owner asked for a variance to the code. Jake indicated he went through the code as well as received advice from Steve Garside and there is not a sign variance option. A appeal is for an interpretation disagreement and the height minimum is a provision in the code. Mark Francis commented on the option of changing the code stating the ordinance is in place and everybody else has complied. Once we start changing the code or making an exception, just creates problems. Currently, most buildings have signage higher and at a uniformed height which is appealing.</p> <p>There was no applicant representative present.</p>
<b>MOTION</b>	<p>Mark Francis moved to deny the applicant on signage for Morgan Nutrition at 101 Commercial Street as presented for noncompliance with the code and a recommendation for the applicant to reach out to a professional sign company to assist.</p> <p>Second: Ray Little</p> <p>Discussion on the motion: Jay Ackett asked if there should be reference to the specific denial reason being that of noncompliance of the minimum height of 10 feet and the commission felt that was not necessary. No amendment to the motion.</p> <p>Unanimous</p>

**ITEM #3****HISTORIC OVERLAY REVIEW-SIGNAGE FOR LARRY'S SPRING CHICKEN TO GO-185 COMMERCIAL STREET**

<b>DISCUSSION</b>	<p>Nathan stated that this item is a similar application as the prior agenda item. The application is for a sign design/code review for Larry's Spring Chicken to go at 185 Commercial Street. Nathan turned the time over to Planner, Jake Young for staff review, comments and recommendation.</p> <p>Jake began stating the property is located at 185 Commercial Street which is in the Central Commercial zoning designation as well as located within the Historical Overlay zone area. Jake presented a screen shot of the building along with the application, staff review comments and recommendation. The commission is reviewing this application to comply with requirements of the Historical Overlay Zone Ordinance. Jake indicated the to go restaurant is up and running and the graphic provided by the applicant sign company meets all the requirements in terms of height and material. The lighting already exists and when previously installed through another applicant, is in compliance. The sign is metal with a vinyl graphic covering. Upon staff's review of the application, the sign meets the requirement of the code for signage and recommends approval as presented. Nathan asked the color scheme and if those colors are in compliance. Jake stated the application does meet the color scheme and is aware that the commission has had debate on terms of color. There is a specific palate for the color of the buildings and the ordinance reference for signage is to complement the façade of the building. There are provisions for some signs and in this cast, would not be applicable. Mark Francis stated as he looked at the sign with the old pickup and the chosen colors, everything shouts historical. Jake mentioned the grant for a Commercial Street downtown plan and ordinance update which will kick off soon with the great opportunity for new ideas and input. Jake stated there is a representative of the applicant present and can answer any questions from the commission.</p> <p>Nathan invited the applicant representative to address the commission and comment on anything he would like to add to the discussion. Justin Westmoreland is from the sign company and did not have anything additional information to add to the application. The commission did not have any questions, for Mr. Westmorland.</p>
<b>MOTION</b>	<p>Mark Francis moved to approve the signage for Larry's Spring Chicken to go at 185 Commercial Street as presented. Second: Wes Woods No discussion on the motion Unanimous</p>

**ITEM #4****DRAFT ORDINANCE REVIEW-ACCESSORY DWELLING UNITS**

<b>DISCUSSION</b>	<p>Nathan stated this item before the commission had been discussed in previous planning commission meetings with respect to the Ordinance for Accessory Dwelling Units (ADU). The review last month had several changes and those changes have been incorporated in the draft document before the commission. The commission along with staff will continue the discussion. Nathan turned the time over to Jake Young.</p> <p>Jake started with a quick run-through of the changes discussed in the previous meetings. Jake had shared the live document via a pdf which did not show the underline and markups. Next meeting, he will share the link to the live document for review. Jake stated that the live document shows the changes, comments from legal counsel, and staff. Once the commission has done a thorough review, he will send out a clean version prior to a public hearing. Jake stated, since the last meeting he had a meeting with working staff to review the working component of the ordinance which Jake shared. The commission discussed utilities, parking, square footage, etc.</p>
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**ITEM #5                      DISCUSSION-COMMERCIAL STREET PARKING**

<b>DISCUSSION</b>	<p>Nathan indicated some of the business owners are concerned with parking for their customers. For example, stopping at a restaurant and picking up a to-go order or dining in and having to park farther away than is preferred. Nathan stated that Commercial Street parking is public parking and does not belong to any individual businesses. The question is what the city should do or if anything to address the parking concern.</p> <p>Jake stated that parking can not be designated specifically to the business such as a sign with the business name or to-go parking for and the business name. The city can choose to place time limiting signage on some of the parking stalls. The commission along with staff discussed time length, how many stalls, impact, etc. The commission asked how many complaints/concerns were driving the discussion. There was one restaurant owner stating to the code enforcement officer that a negative review of his restaurant has that the patron had to park down the street for their to-go order.</p> <p>The conclusion from the commission was that no action would be taken at this time. That to alleviate customer parking on the south side of Commercial Street and in front of the businesses, the commission asked staff for a letter to be sent to the property owners as well as the business owners asking that employee parking be on the north side or train track side of Commercial Street and/or if the property had on street parking, have employees use those stalls.</p>
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**ADJOURNMENT:**

This meeting was adjourned at 9:15 pm.

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Teresa Shope, Secretary

These minutes were approved at the \_\_\_\_\_ Meeting.


## **Purpose**

1. Accessory Dwelling Units (ADUs) in single-family residential zones are an essential tool in the overall housing goals and needs of City. ADUs allow for alternative and flexible housing options in owner-occupied single-family residential neighborhoods. The purposes of the ADU standards of this code are to:
  1. Create new housing units while respecting the appearance, neighborhood character, and scale of single-family residential development.
  2. Provide more housing choices in residential zones.
  3. Allow more efficient use of existing streets, utilities, homes, and large underutilized yards.
  4. Provide housing options for family caregivers, adult children, aging parents, newly established households, and families seeking flexible housing solutions.
  5. Offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods and obtain extra income, security, companionship, and services.
  6. Broaden the range of affordable housing options throughout the City.
  7. Comply with State codes and land use laws.

## **Interpretation**

It is the intent of the City that the adoption of this ordinance shall not be understood as increasing the residential lot/unit density of the underlying zone designation. An ADU shall always be an accessory to the principal dwelling.

## **Applicability**

1. Lots are eligible for an accessory dwelling unit if:
  1. The property is owner-occupied as defined in this ordinance.
  2. The use of the lot at the time of application and at any time thereafter is single-family residential.
  3. The lot is in an R (residential) or A (agriculture) zone.
  4. Greater than 6,000 square feet 

## **Definitions**

1. **Accessory Dwelling Unit (ADU)** An ADU is an independent habitable living unit with a kitchen, bath facilities, sleeping quarters, and its own entryway (to the outside). ADUs do not include motor homes, fifth-wheels, travel trailers, campers, or other housing units on wheels. ADUs require a permanent foundation.

2. **Internal Accessory Dwelling Unit (IADU)** means an Accessory Dwelling Unit created within the primary dwelling footprint. IADUs are created within an existing footprint of a home. The attached garages are part of the dwelling footprint. ADUs require a permanent foundation.

3. **Attached Accessory Dwelling Unit (AADU)** means an Accessory Dwelling Unit that is constructed directly as part of the existing primary dwelling home. ADUs require a permanent foundation.

**4. Detached Accessory Dwelling Unit (DADU).** A DADU is an independent habitable living unit with a kitchen, bath facilities, sleeping quarters, and its own entryway (to the outside), which is separate from the primary dwelling unit. Detached Accessory Dwelling Units may be stand-alone or located over detached garages. DADUs do not include motor homes, fifth-wheels, travel trailers, campers, or other housing units on wheels. ADUs require a permanent foundation.

**ADU Uses**

Table 1

Zones	Use	Permitted or Conditional Use	Use Limitations or Specific Standards
A, RR, R-1-20, R 1-12, R-1-10, C*	Internal/Attached ADU	Permitted	See Design Standards
A, RR, R-1-20, R 1-12, R-1-10	Detached ADU	Permitted	See Design Standards

**\*New residential homes are not allowed in Commercial Zones. Internal ADUs would only be allowed for existing residential in Commercial zones as a non-conforming use. Attached and Detached ADUS are not permitted in Commercial zones.**



### **Permitted And Conditional Uses And Limitations**

Internal ADUs are permitted use as set forth in the Utah Code. Internal and Attached ADUs are both classified as Attached ADUs in this ordinance.

### **ADU Application**

1. Application shall be submitted to the City Planning Department and must include, at a minimum, the following:
  1. Documentation that demonstrates the property is owner-occupied. ~~The~~ The owner's name must be on the County's property records directly or via legal documentation proving ownership.
  2. A properly scaled site plan and floor plans of all buildings on the lot. Plans shall include all existing and proposed buildings and driveways.
  3. If located within the Sensitive Lands District, a Plot Plan complete with grading will be reviewed by City Staff.
    1. If located within a Flood Plain, the City's ordinance applies (Title 1). City Staff will review plans.
  4. Fee. The initial application fee for any ADU shall be paid. The payment of a partial application fee or the submittal of plans for a pre-submittal review shall not constitute a complete application. Fees shall be as set forth in the City's fee schedule.
  5. Only applications deemed complete by the City Staff shall be processed. Complete applications include appropriate application forms, signatures, and documents.
2. The application review shall, at a minimum, consist of the following:
  1. CityStaff shall administer an application review procedure in which the proposed use and site development plan is evaluated for compliance with all applicable ordinances and codes.
  2. Referral of the application to all affected entities.
  3. Staff reviewing the application may involve other City Departments for additional considerations or conditions to meet all applicable standards adequately.
3. City staff shall present in writing a determination of the review's outcome.
4. If City staff determines that an accessory dwelling unit complies with the provision
5. s of this chapter, then a notice of compliance shall be recorded on the property at the Morgan County Recorder's Office.
  1. Notices that demonstrate compliance with the City's land use regulations and state statute shall include, at a minimum, the following:
    1. a description of the primary dwelling;
    2. a statement that the primary dwelling or lot contains an ADU;
    3. a statement that the ADU may only be used in accordance with the City's land use regulations.
  2. An approval application may be appealed through \_\_\_\_\_.

### **Standards for all ADUs (Attached and Detached)**

1. An accessory dwelling unit as a standalone unit shall not be sold separately or subdivided from the principal dwelling unit or lot. All ordinances and subdivision ordinances apply to any and all subdivisions.
2. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, Flood Plain ordinance, and any other applicable codes. When a new ADU is proposed in an existing single-family dwelling, the entire ADU shall be compliant with all applicable standards.
3. Detached or Attached ADUs in Sensitive Lands areas will be reviewed by City staff.
4. The installation of separate utility meters is prohibited.
5. Setbacks for Attached ADUs shall be the same as the main structure.
6. Design Standards. The ADU, attached or detached, shall incorporate at least one of the exterior materials used in the principal dwelling for twenty-five percent (25%) of all facades of the structure. The ADU must have a pitched roof unless the principal dwelling has a flat roof, in which case an ADU may have a flat roof or a pitched roof. The ADU shall maintain the same colors of the primary dwelling for at least sixty percent (60%) of all facades.
7. The outside entrance of the ADU must have a sidewalk to the driveway parking area.
8. Detached ADUs are prohibited on flag lots. An IADU/AADU may be located on a flag lot.
9. ADUs may not be built within a recorded easement.
10. The use of renting ADUs requires a business permit. All ADU landowners who are renting ADUs must obtain a business permit (annually). The business permit must be renewed annually and may be revoked for landowners failing to comply with City ordinances.
11. No more than one family may rent the ADU at any time.

### **Development Standards For Attached Accessory Dwelling Units**

1. Internal ADUs are regulated under Utah Code Ann. 10-9a-530, and additionally, Attached/Internal ADUs shall;
  1. Be prohibited on lots less than 6,000 square feet or less;
  2. Have one off-street parking stall for the Internal ADU. Parking shall be asphalt or concrete. The existing home must continue to meet the required parking.
  3. Not change the appearance of the primary dwelling as a single-family dwelling;
  4. Be prohibited from having separate utility meters from the primary dwelling and
  5. Be prohibited in a mobile home or manufactured home (
  6. ADU additions or remodels must match the home in architectural styles, materials, form, and colors. The attached ADU/remodel would require an architectural floor plan and color elevation drawings in addition to standard building plans.

## **Development Standards For Detached Accessory Dwelling Units**

Table 2

1. A Detached ADU shall be a permanent structure. Trailers, mobile homes, and other portable structures, especially structures with wheels shall not be permitted as a Detached ADU.
2. Exterior lighting shall provide illumination directed downward. Light source shall not be visible from adjacent properties.
3. Parking shall be in a garage or 8 feet from an adjacent property or not visible from an adjacent property unless utilizing a driveway in the front yard.
4. Detached ADUs shall not be built on slopes of 30% or greater.
5. Detached ADU setbacks shall be according to Table 2. Exterior stairways and landing shall not encroach into a setback.
6. Rentals of ADUs shall be according to the City's rental ordinances.
7. ADU additions or remodels are required to match the home in architectural styles, materials, form, and colors. Detached would require an architectural floor plan and color elevation drawings, in addition to standard building plans.
8. All Detached ADUs require their own building permit even if building both units at the same time.

### **Detached ADU Standards**

Table 2

Minimum Lot Size	10,000 square feet
Front Setback	DADU must be located 5 feet behind the front façade of the primary dwelling unit
Side setback (internal)	7 feet
Side setback (corner)	15 feet
Rear Setback	10 feet
Distance from fire hydrant	Detached ADU shall not be greater than 250 feet from the fire hydrant.
Parking stalls	Two additional stalls beyond what is required for primary dwelling unit according to zoning ordinance  Consider one per bedroom.
Height	25'
Size	The main floor of the Detached ADU shall not be greater than existing square footage of the Primary

	Dwelling main floor (living area). The maximum main floor square footage shall not exceed 1200 square feet.
Occupancy Limit	One family
Maintaining open space/Lot coverage	See maximum lot coverage per ordinance.

**Building separation (reference). I need to check with building department on this item.**

### **Termination**

If a property owner is found to be in violation of this title the City may revoke the use of an ADU on the property.

### **Addressing**

A separate address for all ADUs shall be established by the City. Typically, an Attached ADU shall have the same address as the primary residence with addition of the letter B and a Detached ADU shall have the letter C added to it. ADUs shall use a PO Box for mail service delivery.

### **Enforcement And Noticing**

1. In addition to any other legal or equitable remedies available to a municipality, City may hold a lien against a property that contains an internal accessory dwelling unit if:
  1. The owner of the property violates any provisions of this Title, and any other applicable section of the code;
  2. City provides a written notice of violation.
  3. The owner of the property fails to cure the violation within the time period prescribed in the written notice.
  4. City provides a written notice of lien in accordance with the section.
  5. City records a copy of the written notice of lien with the County Recorder.
2. The written notice of violation shall:
  1. Describe the specific violation;
  2. Provide the owner of the ADU a reasonable opportunity to cure the violation that is:
    1. No less than 14 days after the day on which the City sends the written notice of violation if the violation results from the owner renting or offering to rent the ADU as a short-term rental; or
    2. No less than 30 days after the day the municipality sends the written notice of violation for any other violation.
  3. State that if the owner of the property fails to cure the violation within the time period described above, the municipality may hold a lien against the property in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
  4. Notify the owner of the property:

1. That the owner of the property may file an appeal of the notice of violation within ten (10) business days after the day on which the written notice of violation is postmarked or posted on the property; and
  2. Of the name and address of the City office where the owner of the property may file the written objection;
5. Be mailed to:
  1. The property's owner of record; and
  2. Any other individual designated to receive notice in the owner's license or permit records; and
6. Be posted on the property.
3. The written notice of lien shall:
  1. Comply with Utah Code Ann. Section 38-12-102;
  2. State that the property is subject to a lien;
  3. Specify the lien amount, in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
  4. Be mailed to:
    1. The property's owner of record; and
    2. Any other individual designated to receive notice in the owner's license or permit records; and
  5. Be posted on the property.
4. Appeals. A property owner that receives a written notice of violation or a written notice of lien may file an appeal in accordance with City's appeal process.
  1. If the owner of property files a written objection to a notice of violation, City may not record a lien until a hearing is held to determine that the specific violation occurred.
  2. If City determines at the hearing that the specific violation has occurred, City may impose a lien in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.
  3. If the owner of property cures a violation within the time period prescribed in the written notice of violation, City may not hold a lien against the property or impose any penalty or fee on the owner in relation to the specific violation described in the written notice of violation.
5. Upon issuing a permit or business license for an ADU, the City may record a notice in the office of the Morgan County Recorder. Upon recording a notice, the City shall deliver a copy of the notice to the property owner via First Class Mail. The notice shall include:
  1. A description of the primary dwelling;
  2. A statement that the primary dwelling contains an ADU; and
  3. A statement that the ADU may only be used in accordance with City ordinances.

### **Existing Buildings**

1. The property owner shall have the burden of establishing that the building was legally created. City staff shall review the application in the following procedure:

1. The owner or applicant seeking determination shall apply with the City and pay all applicable fees, including any additional fees incurred resulting from staff providing research.
2. Application shall include evidence that clearly establishes the existing building lawfully existed at the time it was created.
3. Acceptable evidence may include:
  1. Historical zoning maps clearly identifying the use and structure existed.
  2. Historical zoning code supporting historical zoning maps.
  3. Previously issued building permits.
  4. Previously issued conditional use permits.
  5. Documentation supporting a variance was granted or issued for the use or structure.
  6. Aerial imagery that clearly establishes use or structure existed.
  7. Court Orders or Judgements.
  8. Affidavits from previous property owners attesting to the use/structure.
  9. Evidence of utility connections.
  10. A building inspection that certifies that the building or structure was compliant with the codes in effect of the time it was built.
  11. A building inspection certifying that the structure/ADU meets all building codes and safety measures.
4. The Owner has the burden of making the ADU to make it complying with City and Building Codes.





**COPY**

## MORGAN CITY

90 West Young Street  
Morgan, UT 84050  
801.829.3461

### ANNEXATION PETITION

(Submit to City Recorder's Office)

**PETITION TITLE:** Preece Annexation  
555 W. old Hwy Rd., 936 N. 700 E.  
**PROPERTY LOCATION:** 1075 N. 200 E., 1050 N. 600 W. **ACREAGE:** 54.17

#### AFFECTED PROPERTY OWNER NAMES:

#### PROPERTY ADDRESS:

#### PARCEL ID#:

(within Annexation Area):

<u>Lisa C. Preece</u>	<u>555 W. old Hwy Rd.</u>	<u>00-0001-9479</u>
<u>Shaun D. Preece</u>	<u>555 W. old Hwy Rd.</u>	<u>00-0001-9479</u>
<u>Waylon S. Preece</u>	<u>936 N. 700 E</u>	<u>00-0001-9461</u>
<u>Blake Rousler</u>	<u>1075 N. 200 E</u>	<u>00-0001-9453</u>
<u>Jeffrey D. Christensen (Trustee)</u>	<u>1050 N. 600 W</u>	<u>00-0001-9487</u>
<u>Heather C. Phasm (Trustee)</u>	<u>1050 North 600 West</u>	<u>00-0001-9487</u>

Attach additional sheet as needed

#### MAIN CONTACT PERSON:

(It is the Main Contact's responsibility to notify/inform other property owners of any notifications or information received regarding this Annexation Petition)

Name: Lisa C. Preece Phone: 801-391-9368  
Mailing Address: 1050 N. 600 W. City: Morgan  
State: Utah Zip: 84050 Email: lpreece80@gmail.com

#### INCLUDE WITH THIS PETITION (in accordance with UCA §10-2-403):

1. A copy of the Notice of Intent to File an Annexation Petition sent to affected entities as required, the date the notice was sent, and a list of the affected entities to which notice was sent.
2. Signature page(s) (must include the required statement) of property owners that are within the proposed annexation area.
3. One 24" x 36" accurate and recordable (mylar) map, prepared by a licensed surveyor, of the area proposed for annexation. Mylar copy must be stamped by the surveyor and meet the requirements of UCA§ 17-23-20(4).
4. Four 11" x 17" paper copies of the map prepared by the licensed surveyor.
5. Electronic copy of prepared map sent to [dwoods@morgancityut.org](mailto:dwoods@morgancityut.org)
6. A legal property description in word format sent to: [dwoods@morgancityut.org](mailto:dwoods@morgancityut.org)
7. On the date of filing with the City Recorder, deliver or mail a copy of petition (including paper copy of map)  
To Morgan County Recorder

**Signature of Applicant:** Lisa C. Preece 8/31/2023  
**Date Submitted**

#### Applicant Information (If different than Main Contact):

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip: \_\_\_\_\_ Email: \_\_\_\_\_





PETITION MAIN CONTACT PERSON: Lisa C. Preece

**OFFICIAL PROPERTY OWNER(S) SIGNATURE PAGE**  
**OF ANNEXATION PETITION**

*(This Official Signature Page may be duplicated as needed for circulation when obtaining signatures)*

**NOTICE TO PROPERTY OWNERS:**

*There will be no public election on the annexation proposed by this petition because Utah law does not provide for an annexation to be approved by voters at a public election.*

*If you sign this petition in favor of this proposed annexation and later decide that you do not support the petition, you may withdraw your signature by submitting a signed, written withdrawal with the Morgan City Recorder.*

***If you choose to withdraw your signature, you shall do so no later than 30 days after Morgan City receives notice that the petition has been certified.***

**PLEASE INDICATE YOUR POSITION ON THIS ANNEXATION REQUEST & PROVIDE SIGNATURE VERIFICATION.**

IN FAVOR	NOT IN FAVOR	Signature	Name	Property Address or Parcel ID
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Lisa C. Preece</u>	<u>Lisa C. Preece</u>	<u>555 W. old Hwy Rd.</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Shaun D. Preece</u>	<u>Shaun D. Preece</u>	<u>936 N 700 E</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Waylon S. Preece</u>	<u>Waylon S. Preece</u>	<u>00-0001-9461</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Eugenia H. Rowser</u>	<u>Eugenia H. Rowser</u>	<u>1075 N. 700 E.</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Blake E. Rowser</u>	<u>Blake E. Rowser</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Arlene S. Christensen</u>	<u>ARLENE S. CHRISTENSEN</u>	<u>00-0001-9487</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Deanne C. Johnson</u>	<u>Deanne C. Johnson</u>	<u>00-0001-9487</u>



PETITION MAIN CONTACT PERSON: \_\_\_\_\_

PHONE: \_\_\_\_\_

## OFFICIAL PROPERTY OWNER(S) SIGNATURE PAGE OF ANNEXATION PETITION

(This Official Signature Page may be duplicated as needed for circulation when obtaining signatures)

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### PLEASE INDICATE YOUR POSITION ON THIS ANNEXATION REQUEST & PROVIDE SIGNATURE VERIFICATION.

IN FAVOR    NOT IN FAVOR



Deanne C. Johnson  
Signature (Trustee)

Signature

Deanne C. Johnson  
Name (Trustee)

00-0001-9438  
Property Address or Parcel ID

IN FAVOR    NOT IN FAVOR



ARLENE S. CHRISTENSEN  
Signature (Trustee)

Signature

ARLENE S. CHRISTENSEN  
Name (Trustee)

00-0001-9438  
Property Address or Parcel ID

IN FAVOR    NOT IN FAVOR



Deanne C. Johnson  
Signature (Trustee)

Signature

Deanne C. Johnson  
Name (Trustee)

00-0001-9495  
Property Address or Parcel ID

IN FAVOR    NOT IN FAVOR



ARLENE S. CHRISTENSEN  
Signature (Trustee)

Signature

ARLENE S. CHRISTENSEN  
Name (Trustee)

00-0001-9495  
Property Address or Parcel ID

IN FAVOR    NOT IN FAVOR



Signature

Name

\_\_\_\_\_  
Property Address or Parcel ID

Lisa C. Preece  
801-391-9368

**NOTICE OF INTENT TO ANNEX**

I hereby indicates the intent to annex the following described real property into the city limits of Morgan, Utah:

**LEGAL DESCRIPTION:**

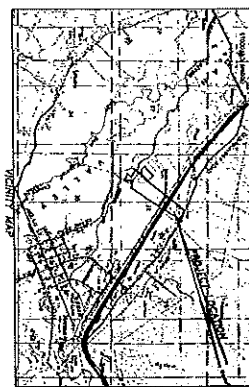
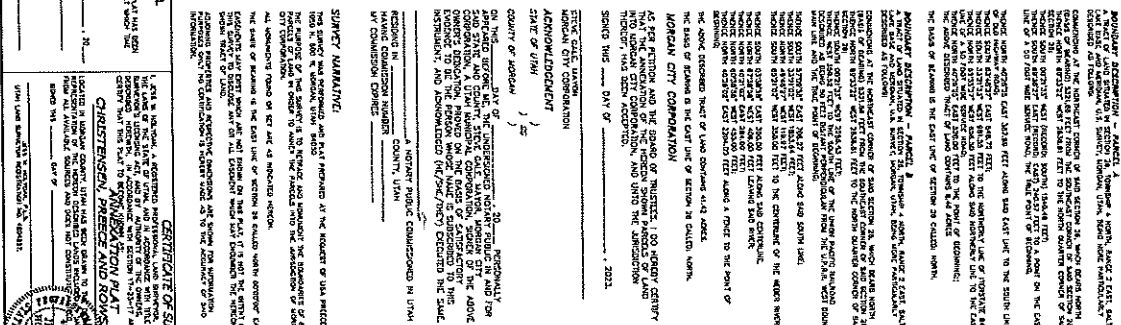
\*\*\*  
0000

*Back page* is a map indicating the location of the area intending to be annexed.

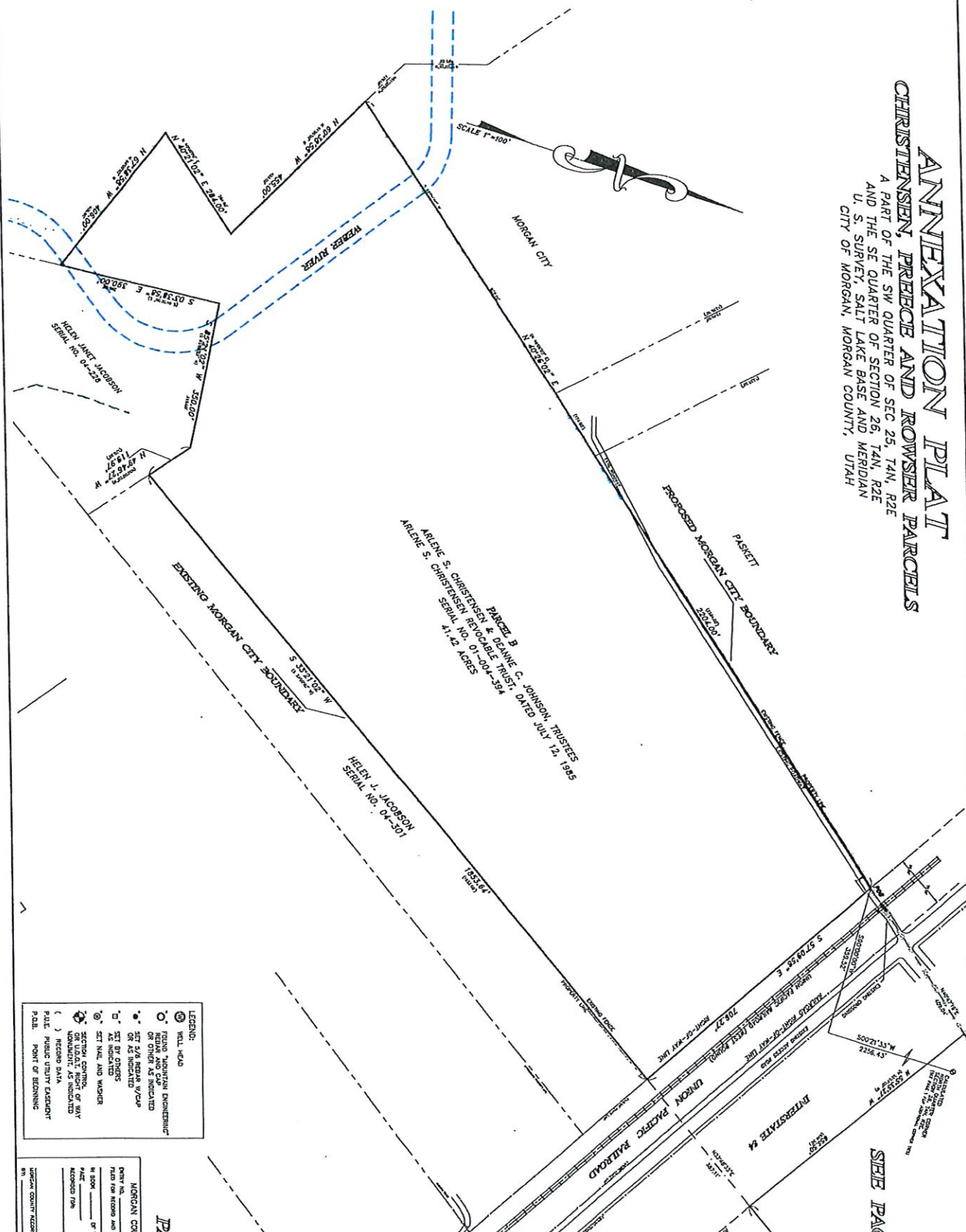
This Notice of Intent to Annex has been sent this 30 day of August, 2023 to the following affected entities, pursuant to UCA §10-2-401(2)(a) and §10-2-401(1)(a):

Morgan City Recorder	P.O. Box 1085	Morgan	Utah	84050
Morgan County Recorder	P.O. Box 886	Morgan	Utah	84050
Morgan County Clerk	P.O. Box 886	Morgan	Utah	84050
Morgan County Assessor	P.O. Box 886	Morgan	Utah	84050
Morgan County Fire Department	P.O. Box 886	Morgan	Utah	84050
Morgan County Sheriff's Department	P.O. Box 886	Morgan	Utah	84050
Dominion Energy Attn: Annexations	P.O. Box 45433	Salt Lake City	Utah	84145

BY: Lisa C. Preece  
Printed Name: Lisa C. Preece  
Title: Main Contact

[illegible]





SEE PAGE 1

PAGE 2

**ANNEXATION PLAT**  
**CHRISTENSEN, PREECE AND ROWSER PARCELS**  
A PART OF THE SW QUARTER OF SEC 25, T4N, R2E  
AND THE SE QUARTER OF SECTION 26, T4N, R2E  
SALT LAKE BASE AND MERIDIAN, U.S. SURVEY  
MORGAN CITY, MORGAN COUNTY, UTAH

LISA PREECE,

MC 23-YU

RESIDUAL IN  
KLM  
DRAWN BY  
KLM  
DATE  
AUGUST, 2023

REVISIONS		
DATE	BY	COMMENTS
04/23	JWI	REVISED PER JOURNALING



**MOUNTAIN ENGINEERING**  
2250 W. OLD HIGHWAY ROAD  
P. O. BOX 309  
MORGAN, UTAH 84050  
TEL (801) 876-3978 email: [mountainengineering@compuserve.com](mailto:mountainengineering@compuserve.com)