



**MORGAN COUNTY  
PLANNING AND BUILDING DEPARTMENT  
MORGAN COUNTY PLANNING COMMISSION**

**FILE SUMMARY  
September 16, 2020  
September 21, 2020 (meeting date)**

**APPLICANTS: Wagon Wheel Homes, LLC  
LANDOWNER: Wagon Wheel Homes, LLC**

**Application Overview**

Wagon Wheel Homes, LLC, as landowner, has submitted an application for a special use permit for an existing, non-conforming mobile home park in order to permit the removal and installation of new mobile homes. The property is approximately 2.38 acres (less than 20 acres) in the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  Section 3, Township 3 North, Range 57 West of the 6<sup>th</sup> P.M. Morgan County, Colorado and addressed as 21589 CO RD R, Fort Morgan, Colorado.

The property is zoned Agriculture Production and has been used as a mobile home park prior to the adoption of the County's Zoning Regulations which would have required a permit for the mobile home park. As a result, the mobile home park is a non-conforming use. In addition to the use of property being non-conforming, many of the mobile homes currently on the property are also non-conforming as having been installed prior to the requirement to obtain certain permits and prior to the regulation that did not permit as a use by right multiple mobile homes on one property in the Agriculture Production. All homes are currently on a rent basis. The applicant proposes to sell mobile homes and rent space, and continue to rent the other homes. The underlying real property cannot be sold unless the property is subdivided pursuant to the County's Subdivision Regulations.

The property has a long history with Morgan County. In 1994, the Board of County Commissioners denied a special use permit to a previous owner of the property to build an off-site waste treatment facility. The previous owner and the County litigated whether the off-site waste treatment facility was an expansion of the non-conforming use. The Morgan County District Court found that was the case.

Earlier this year, the County issued stop work orders because of construction work on one of the stick built buildings and two of the mobile homes which was being performed without the

requisite County permits. Additionally, a new home was brought onto the property in violation of several provisions of the Morgan County Zoning Regulations and building codes. Additionally, State of Colorado permits have not been obtained for plumbing and electrical work that has occurred on the property. After the stop work orders were issued, the County also issued a Notice of Violation in May.

In response to those stop work orders and Notice of Violation, the owner submitted the special use permit application.

### **Analysis and Applicable Regulations**

Under the County's Zoning Regulations related to non-conforming uses, the owner is not permitted to expand the mobile home park or replace any old mobile homes with newer mobile homes. Further, the owner is not permitted to repair the existing mobile home if the values of those repairs are more than 50% of the value of the mobile home. Due to the age of the mobile homes, most needed repairs are well over 50% of the value of the mobile home. Because a mobile home park is not a use-by-right, a conditional use or a use by special review in the Agriculture Production zone district a special use permit is required to allow such activities. See Sec. 2-175, 2-230, and 2-325, Morgan County Zoning Regulations (attached to this summary).

#### Criteria – Special Use Permits

The following criteria are to be used by the Planning Commission and the Board of County Commissioners when reviewing an application for a Special Use Permit.

- (A) The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan. The property is located in the northeast planning area.

#### Chapter 2

##### 2.II.A - Economic Development

Goal – Diversify the economy in Morgan County to broaden business employment opportunities for residents and to further economic growth.

*This project will support economic development by offering affordable residential options for local workers.*

##### 2.II.C

Goal - To encourage development where it is in proximity to the activity centers, compatible with existing land use, and there is access to established public infrastructure.

*This project is located adjacent to existing infrastructure, roads and Morgan County Quality Water. The project is not compatible with the surrounding agricultural uses.*

Goal - The County will encourage the preservation of agriculture production lands in balance with pressure for land use changes to higher intensity development.

*This project will not impact the preservation of agriculture production lands. It will create an area where the land use change will increase the intensity of land use and the density of the area, creating more demand on public infrastructure.*

Goal – Improve Morgan County’s image by dealing with community design issues in relation to land use.

*While the surrounding agricultural uses provide a natural buffer to area farming operations and residential uses it will have an impact on property owners in the vicinity that have long understood that the non-conforming use would not expand. Often this sort of use results in the creation of a nuisance that may be required to be addressed through enforcement as it is in this case.*

- (B) All the application documents are complete and present a clear picture of how uses are to be arranged on the site or within Morgan County.
- (C) The Site Plan conforms to the district design standards of these Regulations.
- (D) All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.  
*Offsite impacts include visual and traffic/infrastructure that have not been addressed in this plan, enhanced mitigation measures are not proposed. The majority of the homes are in poor condition and have needed maintenance for many years. Repairs and/or replacement of the units are necessary. Fencing and landscaping the perimeter would lessen the visual impact of this project. If approved, including landscape and fencing for buffer would reduce the impact.*
- (E) The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.  
*The addition of privacy fencing and landscaping would reduce the visual impact of the mobile home park, but has not been proposed.*
- (F) The special use poses only the minimum amount of risk to the public health, safety and welfare as set by federal, state or county regulation, whichever is the strictest.  
*Level of risk based on increase in traffic to the property is difficult to measure, though increased occupancy will increase traffic and increase risk to farmers that use County Road S, a road utilized for the transport of equipment and other normal traffic upon the road in the area.*

*Wagon Wheel Mobile Home Park has begun to perform long needed maintenance on the property, without county or state permits. The work that has been done is long overdue; to continue improvements and maintenance on the property a Special Use Permit is required.*

*Colorado Department of Public Health and Environment and the Northeast Colorado Health Department are in contact with the applicant on the needed improvements to the septic system which should be completed, if this project is approved, prior to any additional homes being brought onsite or occupied.*

- (G) The special use proposed is not planned to be developed on a non-conforming parcel.  
*The parcel is conforming.*

- (H) The applicant has adequately documented a public need for the project, all pertinent technical information, and adequate financial resources to implement it, and has paid all fees and review costs levied by the County for application processing and review. *There is a need for affordable housing in Morgan County. The applicant owns the property and mobile homes outright.*
- (I) For any special use requiring a supply of water that the applicant has demonstrated a source of water which is adequate for the proposed use in terms of quantity and reliability and in the case of human consumption, quantity, quality, and reliability. *Morgan County Quality Water provides water to the property and homes. In addition, there is an existing well 333-WCB and decreed as Schwindt Well #1 in Division 1 water court case no. W2676.*

### **Recommendation and conditions**

Suggested conditions if Planning Commission recommends approval to the County Commissioners:

1. The applicant shall obtain necessary permits and comply with the requirements and conditions of those permits as determined by other governmental agencies with jurisdiction over this operation.
2. The septic/waste treatment system shall be installed prior to sales, placement or occupation of additional homes.
3. Submit plans for onsite lighting and service buildings.
4. Re-permit and transfer ownership of the existing well through the State Engineer's office.
5. Construct six foot privacy fencing along the north, east and west property lines.
6. Add landscape to south side for buffer purposes without impeding line of sight for motor vehicles.

*Pam Cherry*

Pam Cherry, MPA, CFM  
Planning, Zoning and Floodplain Administrator