

MORGAN COUNTY PLANNING COMMISSION
October 16, 2017 MINUTES

The Morgan County Planning Commission met on Monday, October 16, 2017 at 7:00 p.m. in the Assembly Room of the Morgan County Administration Building. Answering roll call was: Joe Ewertz, Robert Pennington, Dave Musgrave, Mike Bailey and Nathan Troudt. Also present were Pam Cherry, Planning Administrator; Jody Meyer, and Laurie Cromwell, Planning Assistants. Invited guests were Board of Adjustments members Viola Bristol-Johnson, Allyn Wind, and Mike Erker.

The meeting was called to order by Chairman Robert Pennington.

It was moved by Nathan Troudt and seconded by Joe Ewertz to approve the minutes of the September 11, 2017 meeting as presented. Motion carried 5-0.

It was moved by Joe Ewertz and seconded by Mike Bailey to approve the agenda as presented. Motion carried 5-0.

NEW BUSINESS:

Morgan County Zoning And Subdivision Regulations Amendments

Mike Erker, Allyn Wind, and Viola Bristol-Johnson participated in discussion on these amendments. They are either Board Members of the Board of Adjustments or Alternates for the Planning Commission Board. There was no other public attendance to speak in favor of or in opposition to these amendments.

1. A RESOLUTION AMENDING THE MORGAN COUNTY SUBDIVISION REGULATIONS ESTABLISHING A PROCESS TO AMEND SUBDIVISION EXEMPTIONS

Pam Cherry presented her summary as follows:

The purpose of this proposed amendment is to establish a process to amend previously approved Subdivision Exemptions. At the present time an amendment to an exemption requires that the Subdivision Exemption process be repeated. For example, there are occasions when an amendment is reasonable to adjust a property line because of a sprinkler encroaching on the adjoining property, or an owner wants to make the initial exemption larger. The minimum parcel size of the larger property will be required to be 35 acres or larger as has been practiced.

Pam Cherry requested recommendation of approval to be referred to the Board of County Commissioners for this resolution.

See attached Exhibit A.

Discussion – The Board wanted more clarification on this amendment. Pam Cherry explained that this amendment will give more clarity to the regulations and that it will add an avenue for Amendments to Subdivision Exemptions.

** See November PC Minutes for correction to 5. Resolution amending various sections Morgan County Zoning Regulations concerning the use of pipelines for wastewater.*

It was moved by Joe Ewertz and seconded by Dave Musgrave to APPROVE the amendment of the Morgan County Subdivision Regulations Establishing a Process to Amend Subdivision Exemptions as presented in Exhibit A, and send it on to the County Commissioners. Motion carried 5-0.

2. A RESOLUTION AMENDING THE MORGAN COUNTY ZONING REGULATIONS REGARDING THE APPLICABILITY OF ZONING PERMITS

Pam Cherry presented her summary as follows:

The purpose of this proposed amendment is to clarify the applicability of the zoning permit requirements under the Morgan County Zoning Regulations. All structures that are uses by right and over 120 square feet in area and roofed require the application and issuance of a county issued permit. Uses by right that are not subject to the County’s building or mobile home placement requirement need a zoning permit for use or operation. Granting of Special Use Permits are determined by the Board of County Commissioners in a public hearing based on findings for compliance with specific criteria of Section 2-345 of the Zoning Regulations.

Pam Cherry requested recommendation of approval to be referred to the Board of County Commissioners for this resolution.

See attached Exhibit B.

Discussion – Pam Cherry reviewed the changes with Planning Commission. Fees: Mike Erker thought that we should raise the permit fees; Allyn Wind thought it was more of a service the County provides. Pam Cherry said it is a service to the developers. How do our fees fit in with other Counties? There was discussion on on ditch easements and Allyn Wind was worried that the ditch companies weren’t getting notified of building projects. What is a proper setback for a structure being built near a ditch? Viola Bristol-Johnson said the ditch always changes and you can’t control the flow, cave-ins, etc. so it is hard to set a defined setback. Most ditch companies will tell you as far as maintenance “whatever it takes” – there is usually no defined number for the setback distance. Not all ditch easements are recorded.

It was moved by Joe Ewertz and seconded by Nathan Troudt to TABLE this Resolution Amending the Morgan County Zoning Regulations Regarding the Applicability of Zoning Permits as presented in Exhibit B until more information is received from the ditch companies. Motion carried 5-0.

3. A RESOLUTION AMENDING THE MORGAN COUNTY ZONING REGULATIONS REGARDING THE ACCESSORY STRUCTURES

Pam Cherry presented her summary as follows:

The purpose of this proposed amendment is to clarify the Morgan County Zoning Regulations as they regulate accessory buildings and structures. The current regulations refer to accessory structures as subordinate to the use-by-right on the property. This implies that the accessory structure would be smaller in size than the primary use, which in many cases is a residential building. All references to an accessory structure as being subordinate have been removed from the regulations. There are many cases throughout Morgan County where accessory structures are larger than the residential structure. As an example, as the code currently reads, a 4,000 square foot home would be permitted to have one 400 square foot shed exclusive of a garage.

Upon adoption of this resolution, the size of the accessory structure would be limited by the Zone District Bulk Requirements and Special Design Standard Chart, Section 3-650, Table 1 of Appendix B, not the residential structure square footage. Lot coverage limitations currently range between 10% and 75% depending on the zone district classification of the property.

The proposed Resolution will maintain the requirement for a drainage plan for buildings 5000 sq. ft. and more in size as determined by the Planning Administrator.

Pam Cherry requested recommendation of approval to be referred to the Board of County Commissioners for this resolution.

See attached Exhibit C.

Discussion - Just general discussion and noting their agreement on using the lot coverage. There was no one present to speak in favor or in opposition to these amendments.

It was moved by Joe Ewertz and seconded by Nathan Troudt to APPROVE the amendments to the Morgan County Zoning Regulations Regarding the Size of Accessory Structures, Requirements for Accessory Uses and Structures and Lot Coverage in the Agriculture Production Zone, as presented in Exhibit C, and send it on to the County Commissioners. Motion carried 5-0.

4. A RESOLUTION AMENDING THE MORGAN COUNTY ZONING REGULATIONS TO ALLOW FOR USES NOT LISTED WITHIN A DESIGNATED ZONE DISTRICT TO BE SUBJECT TO THE SPECIAL USE REGULATIONS

Pam Cherry presented her summary as follows:

The purpose of this proposed amendment is to clarify the Morgan County Zoning Regulations as they regulate specific designated uses. The current regulations have conflicting information. Section 2-325 Prohibited Uses of the Zoning Regulations states “Any use not designated as a Use by Right, Accessory Use, Conditional Use or Use by Special Review in a particular zone shall be considered a prohibited use in that zone.” Traditionally, Morgan County has processed Special Use applications for uses not designated in the regulations.

I request your recommendation of approval to be referred to the Board of County Commissioners for this resolution.

See attached Exhibit D.

Discussion – General discussion.

It was moved by Joe Ewertz and seconded by Dave Musgrave to APPROVE the Amendment to Section 2-325 of the Morgan County Zoning Regulations to Allow for Uses Not Listed within the Designated Zone Districts to Be subject To the Special Use Regulations as presented in Exhibit D, and send it on to the County Commissioners. Motion carried 5-0.

5. A RESOLUTION AMENDING VARIOUS SECTIONS MORGAN COUNTY ZONING REGULATIONS CONCERNING THE USE OF PIPELINES FOR WASTEWATER

Pam Cherry presented her summary as follows:

The purpose of this proposed amendment is to clarify the Morgan County Zoning Regulations as they regulate pipelines for transport of wastewater. The current regulations allow all wastewater lines as a use by right in all zone districts. It was not the intent for the previous resolution to include industrial waste from oil and gas operations. All sections of the Zoning Regulations that refer to pipelines for transport of water have been corrected to except produced water from oil and gas operations.

Pam Cherry requested recommendation of approval to be referred to the Board of County Commissioners for this resolution.

See attached Exhibit E.

Discussion – Joe Ewertz wasn't sure about this amendment. He felt that other bad stuff could go through the pipeline besides oil and gas wastewater. Nathan Troudt talked about harmful nitrates. Mike Erker asked what the true definition of "hazard" meant. Should the word "hazard" be added? Joe Ewertz thought they should have some control and use some discretion on what is allowed to go through the pipes.

It was moved by Joe Ewertz and seconded by Nathan Troudt to DENY this Resolution amending various sections of the Morgan County Zoning Regulations concerning the use of pipelines for wastewater as written. The regulation we have now is not appropriate and should be replaced with wording so the County can have more control through analysis testing or other means that the Planning Administrator deems appropriate at the time. Motion carried 5-0.

There being no further business, the meeting was adjourned.

Respectfully submitted,
Jody Meyer, Planning Assistant