

MORGAN COUNTY PLANNING COMMISSION
April 8, 2024

The Morgan County Planning Commission met on Monday, April 8, 2024, at 6:00 P.M. in the Assembly Room of the Morgan County Administration Building. The meeting was called to order by Chairman Nathan Troudt.

Chairman, Nathan Troudt, Vice Chairman, Robert Pennington, Erik Mohrlang, Rob Chilson and Dave Musgrave were present. Pete Mercer attended via zoom. Nicole Hay, Planning Director, Cheryl Brindisi, Planning and Zoning Administrative Assistant, Jenafer Santos, Planning and Zoning Technician, and Kathryn Sellars, Morgan County Attorney also attended.

APPROVAL OF AGENDA:

It was moved by **Erik Mohrlang** and seconded by **Dave Musgrave** to approve the Agenda as presented. Motion passed 6-0.

APPROVAL OF MINUTES:

It was moved by **Rob Chilson** to approve the Minutes from the February 27, 2024 Planning Commission meeting. **Erik Mohrlang** seconded. Motion passed 5-0. Robert Pennington abstained.

PROCEDURAL: Chairman **Nathan Troudt** read the hearing process for tonight's meeting.

OLD BUSINESS: NONE

NEW BUSINESS:

**AMENDMENTS TO THE MORGAN COUNTY
ZONING AND SUBDIVISION REGULATIONS**

Included with this staff report are redlines of the proposed changes as outlined below.

Manufactured Homes – Zoning and Subdivision Amendments. The overall purpose of these amendments is to update the County's regulations regarding mobile and manufactured homes. Mobile homes, as defined in the amendments under consideration, are not permitted in Morgan County pursuant to federal law and any existing structures would be considered nonconforming. Manufactured homes are permitted and these proposed amendments will clarify how these types of structures will be regulated.

1. Definitional changes in both the Zoning and Subdivision Regulations. The proposed definitional amendments to the Zoning Regulations will solidify the difference between mobile and manufactured homes. These changes will also confirm that mobile homes are not permitted to be placed in Morgan County. In addition, in both the Zoning and Subdivision Regulations, several terms are proposed for deletion because they are not used, either currently or based upon the other proposed amendments. There are proposed revisions to the definition of RVs and the timing of when an RV used as a dwelling unit or additional bedroom are required to comply with some of the manufactured home standards.

2. Temporary use revisions. Temporary Use changes in sections of the Zoning Regulations to allow for RVs to be used as temporary residences during construction so long as there is a valid building permit. The problem the County has encountered is that residential construction is taking much longer than six months, which is the current limit on temporary use permits. These changes would allow a temporary use permit to be issued for RVs for a period to match the length of the building permit.
3. Manufactured Home Placement Permit. This permit currently exists within the Zoning Regulations, but the permit regulations are lacking in process structure and standards. A portion of the proposed changes would move this permit process into the section of the Zoning Regulations which governs other types of permitting to be more user friendly. The proposed amendments would also clarify the placement of manufactured homes. As outlined in the proposed amendments, manufactured homes can be placed using an anchoring and tie down system or permanently installed using a permanent foundation. Permanent foundations must meet the applicable standards in the County's adopted residential or building code. Anchoring and placement of manufactured homes must meet the installation instructions associated with the manufactured home or in the absence of such standards, the State adopted regulations.
4. Manufactured Home Park Development Permit. Like the manufactured home placement permit, this permit process also currently exists in the Zoning Regulations but through these amendments, it is proposed to be relocated to the permitting section of the Zoning Regulations. The process for this permit currently lacks the detail necessary to apply and process an application and as such, the detail of that application and process are proposed to be added.
5. Manufactured Home Zone and Manufactured Home Park Requirements. The amendments propose that manufactured home parks will be the only residential use in the Manufactured Home Zone. Further, manufactured home parks will be prohibited in all other zones if these amendments are approved. The goal of this change to allow the County to guide this type of development to areas where it is more properly supported by public infrastructure. In addition to updates to the Manufactured Home Zone, these proposed amendments update and revise the minimum standards for development of a manufactured home park, including applicable revisions to Appendix B of the Zoning Regulations.
6. Revisions to Residential Uses by Zone. In conjunction with the proper delineation between manufactured and mobile homes, the County needs to revise the type of residential uses in each zone and address how manufactured homes are treated and regulated in each zone.

Subdivision Amendments – Plat Requirements, Shared Access and Shared Wells

1. Final Plat Drawing Amendments.
 - a. The purpose of this proposed amendment is to eliminate the lien holder certificate from a plat, except in cases where property is being dedicated to the County for

maintenance. The only time, and it is rare, that the County accepts property as part of a subdivision is for roads. The County is not necessarily concerned as to whether an owner is in conformity with the applicable deed of trust when a subdivision is approved. That burden is on the owner to ensure compliance. Further, while getting sign off from a local bank is relatively easy, with national banks, the process is nearly impossible and causes significant delays in recording.

- b. The second amendment is to ensure certain notes are placed on the plat regarding water and drainage.
2. Shared Access and Shared Wells. The proposed amendments revise the requirements related to shared access and shared wells for different types of subdivisions. The proposed shared access acknowledgement is also in your packet. The County has encountered issues with both shared access and shared wells. The advantages to allowing shared access is that it results in less connections to a County road. However, the owners of property which is subject to shared access need to ensure that their responsibilities are clearly defined. The County does not want to be involved in that private arrangement but wants adequate notice to be provided to future purchases that there is shared access. As such, the proposed amendments required the execution of a shared access acknowledgment that will be recorded with the plat. However, with shared wells, the proposed amendments require that the owner submitted a shared well agreement so the County can ensure that parties have established responsibilities in a way that ensures access to the well for all future owners in the subdivision. That agreement will also be recorded with plat.
3. Amended Plat – Minor Revision. The proposed amendments make a minor revision to the approval of an amendment plat. Instead of having the approving resolution designate the renamed or renumbered lots, that information will be on the plat.

Nicole Hay
Morgan County Planning Director

Morgan County Attorney, Kathryn Sellars explained to the Planning Commission the purpose of the proposed amendments to the Zoning and Subdivision Regulations: Amendments relating to Manufactured Homes for tonight’s hearing.

PLANNING COMMISSION DISCUSSION: MANUFACTURED HOMES – ZONING AND SUBDIVISION AMENDMENTS

Robert Pennington asked for clarity of conformity for a recreational vehicle as mentioned in Section 1-750 Recreational Vehicle (RV) subsection (A).

Kathryn Sellars explained that it would need to be tied down and skirted in accordance to manufactured home requirements.

The Planning Commission discussed and agreed to change the 180 days to 90 days in Section 1-750 Recreational Vehicle (RV) subsection (A).

Robert Pennington discussed permanent and engineered foundation requirements for manufactured homes in various zones.

Kathryn Sellars explained the various zones and types of allowed uses for manufactured homes on permanent and engineered foundations.

Robert Pennington suggested to change the terminology to be consistent in all zoning districts regarding single family homes or dwellings.

Dave Musgrave asked about height allowance for buildings in various zoning districts.

Pete Mercer asked for clarity of who dictates the need for a permanent foundation in a manufactured home park.

There was further discussion on this from **Kathryn Sellars** and **Robert Pennington**.

Robert Pennington described the process of how a manufactured home could be tied down.

Nicole Hay explained that we generally receive engineered foundation plans for manufactured home placements.

It was moved by **Robert Pennington** and seconded by **Dave Musgrave** to approve the Manufactured Homes – Zoning and Subdivision Amendments as presented. Motion passed 6-0.

Morgan County Planning Director, Nicole Hay explained to the Planning Commission the purpose of the proposed Subdivision Amendments regarding Plat Requirements, Shared Access and Shared Wells for tonight's hearing.

PLANNING COMMISSION DISCUSSION: SUBDIVISION AMENDMENTS – PLAT REQUIREMENTS, SHARED ACCESS AND SHARED WELLS

There was discussion regarding if an easement for a shared well would run with the land.

Nathan Troudt asked for clarification about Section 6-170 (J) and accountability for water supplied.

Kathryn Sellars explained the current regulation structure for proof of water during the building process.

It was moved by **Erik Mohrlang** and seconded by **Rob Chilson** to approve the Subdivision Amendments – Plat Requirements, Shared Access and Shared Wells as presented. Motion passed 6-0.

These proposed zoning and subdivision amendment changes will move forward to the Board of County Commissioners on April 16th, 2024.

Rob Chilson motioned to adjourn the meeting. **Robert Pennington** seconded that motion.

Motion passed 6-0.

Meeting was adjourned at 7:00 P.M.

Respectfully Submitted,

Cheryl Brindisi

Planning and Zoning Planning Administrative Assistant