

MORGAN COUNTY PLANNING COMMISSION
October 7, 2019 MINUTES

The Morgan County Planning Commission met on Monday, October 7, 2019 at 7:00 p.m. in the Assembly Room of the Morgan County Administration Building. Answering roll call was: Robert Pennington, Allyn Wind, Terry Rutenbeck, Nathan Troutd, Dave Musgrave, Mike Bailey and Mike Erker. Also present were Pam Cherry, Planning Administrator; and Jody Meyer, Planning Assistant, and Shannon Shields, Planning Clerk. Also present was Kathryn Sellars, Morgan County Attorney.

The meeting was called to order by Chairman Nathan Troutd.

September 9, 2019 minutes:

It was moved by Robert Pennington and seconded by Mike Bailey to approve the September 9, 2019 minutes as presented. Motion carried 5-0 with Allyn Wind and Mike Erker abstaining from voting as they were not present at the September 9th meeting.

Agenda:

It was moved by Robert Pennington and seconded by Pete Mercer to approve the Agenda as presented. Motion carried 7-0.

Nathan reviewed the Process that will be used for this hearing.

NEW BUSINESS:

Proposed Amendments to the Morgan County Subdivision Regulations:

Regarding various sections and the addition of a new Chapter 10 regarding Boundary Line Adjustments, Amended Plats, Plat Correction, Plat Vacations and Correction Plats

Kathryn Sellars reviewed this amendment with the Board stating they were adding abbreviated processes to the regulations.

Terry Rutenbeck asked if the property has to be in compliance before they are brought before the committee for an application.

Kathryn Sellars – The property can't be in an enforcement action which is triggered by a Notice of Violation. If A Notice of Violation has not been received by the landowner, the application can be heard. She said taxes have to be paid also before the application can be heard.

Pam Cherry – Confirmed what Kathryn Sellars said and also the County Planning and Zoning Office would need a signed complaint to start the process which is an internal policy.

Kathryn Sellars that is not necessarily true; if Pam were to see something blatantly obvious, then she could issue a Notice of Violation. The Board wanted her to confirm with BCC about this policy– Sheriff would deliver if it was a criminal matter otherwise Pam and Dustin Heid, Building Inspector, could deliver.

Dave Musgrave – Do a cheat sheet to let people know when they come in for applications that these are some things the County will look for at when reviewing a file.

Mike Bailey – what are the consequences when a complaint comes in.

Pam Cherry said the County wants P&Z to go out and work the offender to help them decide how to bring the property back into compliance.

On routine complaints (not necessarily dealing with an application) Kathryn Sellars said the County is not pro-active, they do reactive enforcements; they wait for a complaint. They can do enforcements, some may go to court.

Nathan Troudt – is the complainant name revealed to the landowner?

Kathryn Sellars said it's a signed complaint, which is a public record.

Pam said there is a box on the complaint form to remain anonymous; however there is a disclosure on the form that says it is subject to a CORA request.

Kathryn Sellars – If you are reviewing an application that you think has problems, you can always restrict the application / or place a condition on approval. Pam Cherry said the Board can bring up issues at the Planning Commission hearing.

Amendments:

Robert Pennington asked for clarification on second page of your summary #2 Amended Plat, second to last sentence says “For example a lot consolidation will require a plat, but a plat note change note will not require a change” is confusing.

Kathryn Sellars said a “plat note” change is when you want some wording removed from the plat. There was discussion regarding moving a changing boundary lines.

Robert Pennington thought having to go through the process again was unnecessary.

Kathryn Sellars said the new plat tracts property descriptions and that is why you do have to go through process.

Robert Pennington thought it could be simplified.

Robert Pennington - Red line #3 – defining of a “legal lot”.

Kathryn Sellars wanted to have a clear definition of this in the Regulations.

Robert Pennington – Red line #6, Section 8-105, third sentence – What is “relativity minimal impact”?

Kathryn Sellars – This is dealing with minor Subdivision regulations (four or less lots). It is really a purpose statement of what minor subdivisions are and they have minimal impact compared to bigger subdivisions.

Pam Cherry – can do a more extensive review as well.

Kathryn Sellars said understands how Robert interpreted the statement and she can tweak that if they would like to.

Robert Pennington – Lot line adjustments - why do they need new title policy?

Kathryn Sellars and Pam Cherry – could do O&E.

Pam Cherry said an O&E doesn't go through the Exceptions. The updated policy makes the County more aware by telling us about easements, ditches and utilities.

Robert thought there could be easier, less minimal impact, to get through the process without spending so much money.

Allyn Wind didn't agree; he wants to know if the legal is correct.
Robert Pennington said a title policy isn't a survey.

Robert Pennington – Red line #10(B) page 3 regarding Applicability.

Kathryn Sellars said this would be the amended thought process. Boundary line adjustment is strictly for parcels that have not been through the subdivision process. Robert Pennington – How much are the fees for boundary line adjustments. Pam Cherry – not established yet. She welcomed suggestions and noted they would have to consider prep time and reviewing the packet.

Robert Pennington – Page 5, 10-200(B)(4) Vacation of any right of way – what is this saying.

Kathryn Sellars – Vacate right of way or Lot 1 – include in right of way. This will usually happen when the right of way is internal to the subdivided lot. A new amended plat has to be done to show the new amended lot line which would then include the right of way. This would also apply to private roads.

Robert Pennington – Page 6, #3 – insurance policy or title policy? What kind of insurance policy?

Kathryn Sellars – It would be an insurance policy that has been updated or new within 30 days of purchasing a home.

Robert Pennington – Page 12, 10-500(B) Applicability – This process is only available to property within an approved subdivision plat “shall be required to vacate a plat”.

Kathryn Sellars – This is saying you have to have the original plat but if you are changing only lines say between 2 lots in a 5 lot subdivision, you do not have to show all lines in the lots not being re-platted? Kathryn Sellars – she will clarify this statement.

Nathan Troudt read the hearing process that will be used for the evening.

PUBLIC TESTIMONY OPEN

There was no one present to speak in favor of or in opposition to these amendments.

PUBLIC TESTIMONY CLOSED

It was moved by Robert Pennington and seconded by Terry Rutenbeck to recommend APPROVAL of these Proposed Amendments to the Morgan County Subdivision Regulations regarding various sections and the addition of a new Chapter 10 regarding Boundary Line Adjustments, Amended Plats, Plat Correction, Plat Vacations and Correction Plats and send them on to the Board of County Commissioners for their review. Motion carried 7-0.

There being no further business, the meeting was adjourned with a motion by Dave Musgrave and second by Mike Bailey. Motion carried 7-0.

Respectfully submitted,

Jody Meyer, Planning Assistant