

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS Minutes of Meeting March 21, 2017

The Board of Morgan County Commissioners met on Tuesday, March 21, 2017 at 9:07 a.m. with Chairman James Zwetzig, Commissioner Laura Teague and Commissioner Mark Arndt in attendance. Chairman James Zwetzig called the meeting to order and asked Morgan County Tourism Manager Kristine Rodine and her sister, Skyler to lead the meeting in the Pledge of Allegiance.

ADOPTION OF THE AGENDA

Commissioner Teague made a motion to adopt the agenda as written, with Commissioner Arndt seconding the motion. Motion carried 3-0.

CONSENT AGENDA

Ratify the Board of County Commissioners approval of meeting minutes dated March 14, 2017
Ratify the Board of County Commissioners approval of Contract 2017 CNT 069, Standard Glass Co, pit repair on unit #456, Term of Contract March 13, 2017 until completed
Ratify the Board of County Commissioners approval of Contract 2017 CNT 070, Standard Glass Co, repair & replacement of auto/equipment glass, Term of Contract March 13, 2017 through December 31, 2017
Ratify the Board of County Commissioners approval of Contract 2017 CNT 071, Faris Machinery, initial evaluation for repairs to unit #404, Term of Contract March 13, 2017 until completed
Ratify the Board of County Commissioners approval of Contract 2017 CNT 072, Morgan County DHS, office space/support for VA Officer, Term of Contract January 1, 2017 through December 31, 2017
Ratify the Board of County Commissioners approval of Contract 2017 CNT 073, MJ's Garage Service, repair overhead door at Landfill, Term of Contract March 11, 2017 until completed
Ratify the Board of County Commissioners approval of Contract 2017 CNT 074, D & J Electric, Inc, on call electrical, Term of Contract April 1, 2017 through March 31, 2018
Ratify the Board of County Commissioners approval of the appointment of Dan Scalise as the Veterans Service Officer
Ratify the Board of County Commissioners approval of assignment of debt collections to State Collection, Client #162138, #162154, #162056, #160406, #162058, #162118, #162207, #161718, #162093, #161782, #161685, #162043, #161864, #161927, #161880, #162140, #162053, #162146, #161269, #161924, #161921, #162117, #161977, #161901, #162337, #162009
Ratify Chairman Jim Zwetzig's signature for assignment of debt collection to Wakefield and Associates for Morgan County Ambulance Service client #081794

At this time, Chairman Zwetzig asked to remove consent agenda item number 8, the approval to appoint Dan Scalise as the Veterans Service Officer and move it to the County Official and department head reports.

Commissioner Arndt made a motion to approve all items on the Consent Agenda as amended. Commissioner Teague seconded the motion and motion carried 3-0.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of Approval – RIGHT OF WAY - 2017 PMT 09 – Morgan County Quality Water District

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2017 PMT 09, with Morgan County Quality Water District. Mr. Goodman stated this right of way permit is to trench on County Road W at the southeast corner of County Road 21 and County Road W, for the purpose of installing a valve on an existing water main. He stated the fees are attached in the amount of \$50.00 and the location has been inspected.

Commissioner Teague made a motion to approve Right of Way Permit 2017 PMT 09 with Morgan County Quality Water District as outlined by Morgan County Road Supervisor John Goodman on the permit and authorized the Chair to sign. Commissioner Arndt seconded the motion and motion carried 3-0.

Consideration of Approval – RIGHT OF WAY - 2017 PMT 10 – Morgan County Quality Water District

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2017 PMT 10, with Morgan County Quality Water District. Mr. Goodman stated this right of way permit is to trench on County Road W, in the right of way, approximately 250 feet east of Highway 52 in the borrow ditch on north side of County Road W, for the purpose of installing a 10" gate valve on an existing water main. He stated the fees are attached in the amount of \$50.00 and the location has been inspected. Discussion ensued as to the term to use in this matter, as Mr. Goodman stated he sees this as excavating, not trenching, with the Board in agreement that the terminology as indicated in this permit is appropriate.

Commissioner Arndt made a motion to approve Right of Way Permit 2017 PMT 10 with Morgan County Quality Water District as outlined by Morgan County Road Supervisor John Goodman on the permit and authorized the Chair to sign. Commissioner Teague seconded the motion and motion carried 3-0.

Consideration of Approval – RIGHT OF WAY - 2017 PMT 11 – Morgan County Quality Water District

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2017

2 COMMISSIONERS PROCEEDINGS

PMT 11, with Morgan County Quality Water District. Mr. Goodman stated this right of way permit is to trench south of right of way on County Road 19.5 at a point 223 feet east of County Road 19.5 on the south side of County Road T.5 connecting to the existing 2" main located in the borrow ditch approximately 3 feet south of the south edge of pavement, for the purpose of installing new service at #2904. He stated the fees are attached in the amount of \$50.00 and the location has been inspected.

Commissioner Teague made a motion to approve Right of Way Permit 2017 PMT 11 with Morgan County Quality Water District as outlined by Morgan County Road Supervisor John Goodman on the permit and authorized the Chair to sign. Commissioner Arndt seconded the motion and motion carried 3-0.

Presentation – Northeast Colorado Travel Region

Morgan County Tourism Marketing Manager Kristine Rodine presented to the board representing the Northeast Colorado Travel Region as the President. She stated they have been meeting with city and county leaders in the six counties explaining the purpose of the travel region stating the sole purpose is that of promoting northeastern Colorado for tourism. She stated the six counties that are included in this travel region are Logan, Phillips, Sedgwick, Washington, Morgan and Yuma Counties. She explained the budget being in the amount of \$8600.00, stating these dollars are being stretched to be made worthwhile covering the entire region. They have participated in the International Expo, putting together a northeast travel guide which is a full color guide they will be partnering with the State Tourism Board as well as Colorado Life Magazine. These will be placed in the local hotels, local travel center, chambers and such. They would like to pull people off of I-80 and keep them in the I-76 corridor.

The travel region that has been in existence since 1989, is still going and is going very well, they do have new ideas, a new board and they are very excited about what they are working on and what they can provide each county as a region as a whole.

Ms. Rodine reported that fishing and hunting activities have created 26,000 jobs in small and rural communities, which is largely reflected in our region given tourism in this area allows for such great hunting and fishing opportunities. Ms. Rodine stated a total of 2.8 billion dollars in revenue from tourism has been collected by the State of Colorado from licensing and other dollars being spent within the State. Upon being questioned by Chairman Teague what the numbers would be for fishing only, Ms. Rodine was unable to provide the dollar amount. Ms. Rodine stated that these numbers are close to those numbers being reflected in the ski industry and they are working with the state to reflect Eastern Colorado as an area which is building tourism for the State of Colorado as much as those areas representing the ski industry.

Chairman Zwetzig asked of the 2.8 billion dollars collected statewide if there was a way to determine what amount comes from the lakes and areas in northeastern Colorado, with Ms. Rodine stating she should be able to obtain that information.

Discussion followed regarding a couple of lakes that have had to be shut down due to funding not being received for zebra mussel checks given the problems that these areas have experienced.

Commissioner Teague spoke about concerns by local reservoir operators, regarding the zebra shell mussel, as polluting our lakes and causing severe damage and the affect that it can create on infrastructures in the agricultural industry.

Discussion followed as to the real threat of the State Parks being closed down given the concerns regarding zebra mussels, with Jackson Lake Village resident Robert Worthman, who is the President of Jackson Lake Homeowner Association, speaking to the board regarding his communications with Brad Jackson, Ranger for Jackson Lake, and the fact the program for inspecting for mussels was canceled but he has now been informed that there will be funding provided for this upcoming season. He explained that they do have their own program in which they send individuals who obtain their license to inspect and they man their own boat ramp for the property owner association.

The Board asked Mr. Worthman to provide updates to them regarding the status of Jackson Lake State Park.

Ms. Rodine stated she will be providing additional information as it comes available.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated March 17, 2017 through March 28, 2017 with changes.

At this time, Chairman Zwetzig brought forward consent agenda item number 8, the approval of the appointment of Dan Scalise as the Veterans Service Officer for Morgan County, with Commissioner Teague stating that previously Stan Gray who was the County's Veteran's Service Officer who has passed away, the Board interviewed five applicants last week and the decision has been made to appoint Mr. Scalise as the Veterans Service Officer who has a good understanding of this program who also served as the interim officer.

Commissioner Teague made the motion to appoint Dan Scalise as the Veterans Service Officer for Morgan County with Commissioner Arndt seconding the motion. Chairman Zwetzig noted that all the applicants presented well and could have done the job well, but it was determined that Mr. Scalise was the best candidate for the position. At this time the motion carried 3-0.

COMMISSIONERS PROCEEDINGS 3

UNFINISHED BUSINESS

Consideration of Approval – Petition for Annexation - City of Fort Morgan

Chairman Zwetzig presented to the board a Petition for Annexation with City of Fort Morgan and Morgan County. Chairman Zwetzig asked Mr. Brad Curtis, City of Fort Morgan Engineer to come forward and explain this request to ensure the County

Brad Curtis, Engineering, Public Works Director, City of Fort Morgan, stated that at this point, as far as the concern given the status of the petition, he is not sure how far these concerns can be shared at this evening's meeting. He stated that whether or not these concerns would be grandfathered, and he is not in position to provide approval, whether or not the County would be able to continue as they have been, if it is not of conforming use, there are a couple of options that could be done at this point, at this time they could pull the parcel of land out and leave it in the County, explaining the time it has taken in discussing this annexation to include the ball parks, where they have been working closely with the School District, as well as the fact they would be working with the County further, and they could change their annexation plan to exclude the County's property. Chairman Zwetzig stated that his concern is regarding the communications tower, the storage of supplies, at the building located there which is considered the civil defense building.

Discussion followed, they do have regulations in towers as they are allowed, but are typically through a special use, and Mr. Curtis would have to state right now, separate from the annexation, working on zoning and that could be something they could work with the County on. He stated that they may need to look at more in depth of what the County's property consists of and look at a different type of transitional zoning that would provide more flexibility to the County of use. He spoke about schools being allowed in any type of zoning regardless of annexation and they would be happy to provide the County with the information. As for shooting abilities, is this something that would be allowed as asked by Chairman Zwetzig, with Mr. Curtis stating this is a small area to allow this type of function, and it has been used as a training facility for both the City and the County. Commissioner Teague asked if it would be appropriate for the Board to attend the City Council meeting and make statement of their concerns, with Mr. Curtis stating they could do so, and make the comment. He stated right now where the petition is presented, he is not sure about making changes latitude to where the matter sits at this time in the process. He stated there are deadlines and time frames they are required to follow given the process has already started. Discussion followed as to the unknowns at this point without conferring with legal counsel. He stated that it may take a separate annexation agreement that relates to the property itself and then tie to the County Clerk and Recorder's Office given the petition is not a recorded document. Mr. Curtis stated that typically with a petition they only need 50 percent of individuals to sign off as it is not required to acquire 100 percent, with Chairman Zwetzig stating the County wants to work with the City in this matter and not create costly changes, only wanting to share their concerns to be sure the County is able to retain the building and its capabilities as they stand now.

Commissioner Arndt asked if it would be appropriate to send a letter for the Council to review that the County is allowed to continue to operate for the good of both the City and County with Mr. Curtis stating that would be appropriate and that it may be something the City could look at when they work on the zoning of this area.

Discussion followed that if the County should not act on this matter that the petition would probably be pulled and the process would begin again. Discussion followed with the Board working towards a resolution to be able to approve this petition of annexation but be able to express the current concerns.

Commissioner Arndt made a motion to approve the Petition of Annexation with the City of Fort Morgan with the condition that the County is satisfied with the conditions and authorized the Chair to attend the City Council meeting this evening to speak on behalf of the Board. Commissioner Teague seconded the motion and motion carried 3-0.

CITIZEN'S COMMENT

There was no citizen's comment.

At this time, the Board moved into the Public Hearing matters on the agenda as follows:

PUBLIC HEARING

Application is for a Variance to Section 5-115(A)(3) of the Morgan County Zoning Regulations to reduce the minimum front yard in the "A" Agriculture Production Zone from the required 30 feet to 0 feet to place a row of grain bins adjacent to County Road 3. The property is located in the SW1/4 of Section 15 Township 6N Range 60W of the 6th P.M., Morgan County, Colorado. The property is also known as 33176 County Road 3, Orchard CO 80649.

Chairman Zwetzig called the hearing to order at 9:48 a.m. in the Assembly Room of the Morgan County Administration Building. Present were Chairman James Zwetzig, Commissioner Laura Teague and Commissioner Mark Arndt in attendance. Also present were Pam Cherry, Planning Administrator and Cary Wickstrom representing Patricia and Donald Wickstrom for Wickstrom, Inc. the applicants.

APPLICANT: Wickstrom, Inc.

LANDOWNERS: Patricia and Donald Wickstrom

Planning Administrator Pam Cherry presented the file stating this is an Application for a Variance to Section

4 COMMISSIONERS PROCEEDINGS

5-115(A)(3) of the Morgan County Zoning Regulations to reduce the minimum front yard in the "A" Agriculture Production Zone from the required 30 feet to 0 feet to place a row of grain bins adjacent to County Road 3. The property is located in the SW1/4 of Section 15 Township 6 N Range 60W of the 6th P.M., Morgan County, Colorado. The property is also known as: 33176 Road 3, Orchard, Colorado 80649.

Ms. Cherry explained that the file contains:

- a. Proof of Ownership;
- b. Site Plan;
- c. Statement demonstrating special conditions of the property;
- d. Morgan County Right to Farm policy.

She stated all appropriate notices have been completed. Subject property is zoned "A" Agriculture Production Zone, and has been used by Wickstrom, Inc. presently vacant. Site is not in the floodplain. Subject property is located within the Raymer-Stoneham Fire District. Taxes are current.

Ms. Cherry explained her evaluation as the Wickstrom's have operated their business on this property for many years. Currently there is a need to expand the business. The proposed location of the grain bins is directly adjacent to the road and is the best option available as per Ms. Cherry. At this time Ms. Cherry recommend approval of the Variance from Section 5-1 15(A)(3) to reduce the required setback of 30 feet to 0 feet.

Chairman Zwetzig asked how many variances similar to this request, with Ms. Meyer stating there have been three, and Chairman Zwetzig asked if this could be approved administratively in the future so these are not having to be presented to the Board.

At this time, applicant Cary Wickstrom stated the information has been relayed in its entirety and had nothing further to present. He stated this is the third time to present to the Board regarding this type of request.

At this time, Chairman Zwetzig opened the matter for public comment at which there was no public comment.

At this time, Chairman Zwetzig moved to discussion and decision with Dustin Heid, Morgan County Planning and Zoning, has been on the property twice to inspect where the location of the grain bin will be located. He stated the location of this proposed grain bin is basically a driveway that is known as County Road 3, with Mr. Wickstrom stating the State would not agree to vacate this roadway, but it is used solely for the purpose of accessing the Wickstrom's property. Mr. Heid also indicated he would not have any issue with this proposed variance and would not object to administratively approving these types of matters.

Discussion followed as to how to handle these matters in the future with Commissioner Arndt recommending there be two separate motions be brought forward today. Chairman Zwetzig suggested that the Board consider a future resolution whereas this type of variance regarding the placement of additional grain bins is approved administratively, and not require the applicant to appear for hearing with the Board of County Commissioners each time.

At this time, a motion was made by Commissioner Arndt to approve the application to grant a variance to Section 5-115(A)(3) of the Morgan County Zoning Regulations to reduce the minimum front yard in the "A" Agriculture Production Zone from the required 30 feet to 0 feet to place a row of grain bins adjacent to County Road 3. The property is located in the SW1/4 of Section 15 Township 6N Range 60W of the 6th P.M., Morgan County, Colorado. The property is also known as 33176 County Road 3, Orchard CO 80649 and Chairman Teague seconded the motion. Chairman Zwetzig asked that it be noted that the Board has spoken with the Road and Bridge department and they have no objection to this variance being approved. Commissioner Teague asked to amend the motion to authorize the preparation of a resolution granting this approval, at which time the motion was amended to include the preparation of a resolution to grant the approval of this variance and motion as amended carried 3-0.

Application is for a Variance to Section 5-115(A)(3) of the Morgan County Zoning Regulations in the "JLV" Jackson Lake Village Zone. This is a request to reduce the required side setback from 7.5 feet to 5.25 feet and the rear setback from 20 feet to 15 feet for the purpose of constructing a 15" X 44" carport and a 19" X 20" two-story storage shed. The property is located in the Jackson Lake RV Park Subdivision Lots 341 and 342 and otherwise known as 25402 County Road 3, Lot 342, Weldona CO 80653 in the W1/2 of the NW1/4 of Section 27 Township 5N, R60W of the 6th P.M., Morgan County, Colorado. The property is also known as 341 Sioux Circle, Weldona CO 80653.

APPLICANT: Stan and Gale Friesen

LANDOWNERS: Stan and Gale Friesen Revocable Trust

Planning Administrator Pam Cherry asked to speak generally about Jackson Lake Village to provide background information to the Board. She stated she made her first visit to Jackson Lake Village last week and stated there is maximum lot coverage of 35 percent, and indicated that the following applications currently do not require the percentage nor could the County figure it until yesterday.

Each lot has been measured explaining that each lot is over 40 percent at this time, and the maximum allowed in Jackson Lake is 35 percent, and she wanted the Board to be made aware of this information. Commissioner Teague asked Ms. Cherry her opinion about any lot, whether or not they are located in Jackson Lake Village or not, if they should exceed the maximum lot coverage by structures, given it is usually put in place for drainage concerns. She stated that she was able to do this through the GIS mapping where she received the lot area coverage. Discussion followed with whether or not the Board will be considering the right criteria, with Ms. Cherry stating these applications were filed regarding setbacks and explained that there may be a need to amend the County's zoning

COMMISSIONERS PROCEEDINGS 5

regulations and the Board has not considered lot coverage in the past so there is not the data there for review. Ms. Cherry stated that it is important to look at this lot coverage as it is connected to drainage issues, and further explained other regulations that are in place. She stated that she would like to first look into the lot coverage by structure information.

Discussion followed as to the fact Jackson Lake Village is covered by its own homeowner association regulations and the fact that the drainage probably drains back into Jackson Lake, and Ms. Cherry stated that this is basically so, and feels that the initial intent was to allow homeowners space given this 35 percent maximum lot coverage being in place but this requirement has not remained in place over time. At this time, Dustin Heid, Building Inspector, International Fire Code does require a ten foot clearance between any structure to be able to abate any fire that may transfer between one structure and another. What the County sees from residents at Jackson Lake are requests for variances that do go over this ten foot rule for International Fire Code. He stated the 35 percent lot coverage was a good implementation of an idea they had for originally establishing Jackson Lake Village to maintain that fire distance. Drainage, there are parts of Jackson Lake that do not drain directly into the lake, but the majority of it does drain back into the lake as per Mr. Heid. Ms. Cherry stated that with the ten foot separation is not only two separate properties; it is within the same property. Chairman Zwetzig asked that these general comments be made as part of the following three applications.

Planning Administrator Pam Cherry presented the file stating this is an Application is for a Variance to Section 5-115(A)(3) of the Morgan County Zoning Regulations in the "JLV" Jackson Lake Village Zone. This is a request to reduce the required side setback from 7.5 feet to 5.25 feet and the rear setback from 20 feet to 15 feet for the purpose of constructing a 15" X 44" carport and a 19" X 20" two-story storage shed. The property is located in the Jackson Lake RV Park Subdivision Lots 341 and 342 and otherwise known as 25402 County Road 3, Lot 342, Weldona CO 80653 in the W1/2 of the NW1/4 of Section 27 Township 5N, R60W of the 6th P.M., Morgan County, Colorado. The property is also known as 341 Sioux Circle, Weldona CO 80653.

Ms. Cherry explained to the Board that the file contains:

- a. Proof of Ownership;
- b. Site Plan;
- c. Statement demonstrating special conditions of the property;
- d. Morgan County Right to Farm policy;
- e. Approval of the Jackson Lake Property Owners Association.

Ms. Cherry stated all appropriate notices have been completed. Subject property is zoned "JLV" Jackson Lake Village. Site is not in the floodplain. Subject property is located within the Wiggins Fire District. Taxes are current.

Ms. Cherry stated her evaluation of Jackson Lake Village is that many have had many similar variances granted. There are many carport/garage shed structures that do not meet setback regulations and have been granted variances.

At this time Ms. Cherry recommend approval of the Variance from Section 5-115(A)(3) to reduce the required side setback of 7.5 feet to 5.25 feet and rear setback reduction from 20 feet to 15 feet with conditions:

- a. Receipt of updated title work or Ownership and Encumbrance Statement;
- b. Storage shed will not be used as a dwelling unit.
- c. Variance from Maximum Lot Coverage percentage

At this time the applicants Stan and Gale Friesen, with Stan Friesen, Jr., who stated he was present to represent his parents, stated the application presented was correct. He stated that he was not aware of the 35 percent maximum lot coverage rule.

These two lots were purchased three years ago at an amount of \$180,000 and have invested over \$100,000 more indicating these lots will be in the top 5 or 10 residences regarding value in this area. He further stated that falling back in time, perhaps there needs to be some line drawn in the sand that says something about these grandfather clauses and how future development should be conducted.

Ms. Cherry stated that their existing lot coverage is at 1,656 square feet, and this application is being submitted for an additional of 1,197 square feet totaling 2,853 feet which results in lot coverage of 40 percent. Commissioner Teague stated that she does not recall the Commissioner's office ever hearing of complaints regarding drainage concerns with Ms. Meyer stating she has not heard of any.

At this time, Chairman Zwetzig opened the matter for public comment at which there was no public comment. Bob Worthman, property owner of Jackson Lake and President of Homeowners Association, the 35 percent was put in place at the time people were bringing RV's and trailers to leave on the property, with now property owners having built structures and explained that there is one individual who has expressed several issues that have been there ongoing, who was the President of the Association in the past, but has not filed any complaints, and spoke of a carport that has been brought into question that has been there for years. He further spoke about the issues that are being expressed is due to him being elected as the new President. He stated he has pictures of carports in the area, other structures that have been placed there and have been there for a very long time. He stated that they are willing to meet with the County to set rules in how they want to proceed in the future, and want to start making things be completed in the proper order.

6 COMMISSIONERS PROCEEDINGS

Ms. Cherry stated there is another regulation which is one conditional use per lot in Jackson Lake Village rules, part of Morgan County's code, explaining that rule to the Board.

Gene Alloway, Jackson Lake resident, stated his parents have been there 30 years and they have built a 2 story garage which takes up 70 percent of the lot and has concerns about enforcing something new when it has been allowed in the past.

Commissioner Teague asked the general question if there are drainage issues between the lots with Eva Alloway, resident of Jackson Lake Village, stating not they are aware of, stating they have placed drainage pipes that go into the greenbelt area and this was the first thing they did when they purchased their home. She stated that in 2013 when every place flooded within the village, they did have some issues and she explained further. Mr. Alloway stated that the one time it did occur in the greenbelt, he stated they have sump pumps and other equipment for any flooding or serious drainage issues that may occur, they would take care of this matter and he is now the maintenance supervisor at this time.

At this time, there was no further public comment.

At this time, Chairman Zwetzig moved to discussion and decision. At this time, Dustin Heid, Building Inspector, reiterated what Ms. Cherry mentioned before as the original intent of Jackson Lake village having gone far past what was intended for this area as a weekend getaway for RV's and mobile homes and this has since changed. The actual zoning and regulations that are currently in place for Jackson Lake Village do not apply any longer and given they have a great group of individuals who could commence regulations for the association work together to put a plan in place for what this area is now being utilized for.

Commissioner Arndt stated that he does not want anyone to believe that this was brought forward by a resident at Jackson Lake Village, it was brought forward by the Planning Administrator Pam Cherry. He stated that comments by Mr. Heid were correct, that it started as a weekend getaway and that is part of what happened when the zoning regulations came in, and that is why there is a special set of regulations given how difficult that was given how different the area is. He does not believe it is a good idea to look at the 35 percent lot coverage by structures at this time, but does believe it would be a good idea to sit down and meet with the association and try to resolve the issues that have arose.

At this time, a motion was made by Commissioner Arndt to approve the application of the variance to Section 5-115(A)(3) of the Morgan County Zoning Regulations in the "JLV" Jackson Lake Village Zone as presented by Planning Administrator Pam Cherry and includes the authorization to prepare the necessary resolution outlining this approval. Commissioner Teague seconded the motion. Discussion followed with Planning Administrator Pam Cherry stating she is in agreement with approving the setback requirements but there is another regulation that has been ignored for years and is not being reviewed as a part of this matter. At this time, the motion carried 3-0.

Application is for a Variance to the minimum front yard regulations to build a two-story 20x20 garage. The first floor will be used as a garage; the second floor will be used for storage and a playroom for family members. The applicants are requesting a reduction from the required 25 feet to 10 feet front setbacks as required by Section 3-615(G) of the Zoning Regulations for Jackson Lake Village. The property is described as Lots 100 and 101 of Jackson Lake Recreational Vehicle Park Subdivision and zoned Jackson Lake Village (JLV). The property is also known as 101 Cherokee Road, Weldona CO 80653.

**APPLICANT: Gene and Eva Alloway
LANDOWNERS: Gene and Eva Alloway**

Planning Administrator Pam Cherry presented the file stating this is an Application is for a Variance to the minimum front yard regulations to build a two-story 20x20 garage. The first floor will be used as a garage; the second floor will be used for storage and a playroom for family members. The applicants are requesting a reduction from the required 25 feet to 10 feet front setbacks as required by Section 3-615(G) of the Zoning Regulations for Jackson Lake Village. The property is described as Lots 100 and 101 of Jackson Lake Recreational Vehicle Park Subdivision and zoned Jackson Lake Village (JLV). The property is also known as 101 Cherokee Road, Weldona CO 80653.

Ms. Cherry explained what the file contains:

- a. Quit Claim Deed dated November 6, 2015;
- b. Site Plan showing existing house and proposed 20' x 20' garage location;
- c. Applicant's statement of special conditions that cause the need for the variance;
- d. No objections were received from adjoining owners;
- e. Approval from the Jackson Lake Property Owners Association;

Ms Cherry explained her evaluation, as there have been many similar projects in Jackson Lake that have been approved previously. The garage will provide storage for cars, removing some vehicles from the street. Ms. Cherry indicated the existing lot coverage is 4,849 square feet, and the current structure is 1,630 square feet with the application for a garage structure of 400 square feet, making the total structure being 2,031 which would then be 41 percent lot coverage.

At this time Ms. Cherry recommended the approval subject to contions:

1. The second story of the garage will not be used as a residence.

COMMISSIONERS PROCEEDINGS 7

At this time the applicants Gene and Eva Alloway, stated they have six children and two grandchildren with a home of this size and there is the need for a place for them to sleep on the weekends. He stated they were planning to use the upstairs of the garage design for the weekends. Ms. Cherry stated that building requirements for a dwelling versus a garage, if they are planning to use a garage for living quarters, there needs to be a separation for structure given fire codes. Mr. Alloway explained he has done research as to what would be required for sleeping quarters as to the structure and stated his parents have the same type of garage and use it for overflow.

Treat the lot as a single lot, even though there are two lots with Commissioner Teague stating the secondary dwelling regulation being consistent throughout the county, with Ms. Cherry stating it requires a special process.

At this time, Chairman Zwetzig opened the matter for public comment at which there was no public comment.

At this time, Chairman Zwetzig moved to discussion and decision with Chairman Zwetzig asking if this is being considered by the admission of the applicant that there will be sleeping quarters within this structure, with Ms. Cherry stating this is the first she had heard of this that it had been presented as being used for storage and a playroom. Mr. Alloway stated that he would believe a playroom would be the same as sleeping quarters.

Mr. Heid stated that a dwelling unit would have to comply with the 2009 code, explaining it would require a square footage requirement, as well as a bathroom facility, and this structure could not meet the minimum size requirement for an actual dwelling, so the only way to make this work would be to attach to the home and make it an addition and it is currently not part of the plan. Mr. Heid stated he would like that this not be referred to as sleeping quarters as this would not be an appropriate definition for this dwelling.

Further discussion followed with Mr. Heid stating it is not the County's opinion to enforce where people are sleeping on a continual basis, if this were to be a dwelling for long term then it would be of an issue to the County. A playroom is not considered as a dwelling and would be defined differently indicating there are other locations within the county that would include those things such as man caves, and other uses and believes that a playroom would fit this definition.

No structures, to indicate compliance with the fire code, with Mr. Alloway stating there is 8 feet, with Commissioner Teague stating that has been one concern shared by local fire authorities that it would be difficult to fight a fire if something should occur. Further discussion followed as to the layout of the property in question and the safety concerns the Alloways' have for their family.

Commissioner Arndt asked if this has been applied in any other Jackson Lake matter, with Commissioner Teague stating the Board has received generalized comments in the past, and that this should be another consideration the Board should look at moving towards in future revisions to the regulations.

Ms. Alloway asked in order to have this approved, would it be a good idea to have the fire proof walls installed, with Mr. Heid answering the question that any step that property owners take towards making their property meet fire mitigation, is accepted, but it has not been the County's position to make property owners go over and beyond what the regulations are.

Chairman Zwetzig suggested that property owners meet with the Planning and Zoning staff to prepare a plan that will work for all county property owners and to place a moratorium on any new variances being requested until there is indeed a plan in place.

Mr. Alloway stated that given the shape of the lots in Jackson Lake Village makes it almost impossible to meet the setback requirements with Chairman Zwetzig stating that things have changed, and the County needs to look into how best to serve these citizens within this area. The County should not have to make decisions that we continue doing the same thing because it has been done that way in the past and it would be best to re-evaluate

At this time, a motion was made by Commissioner Teague to approve the application for variance to the minimum front yard regulations to build a two-story 20x20 garage. The first floor will be used as a garage; the second floor will be used for storage and a playroom for family members. The applicants are requesting a reduction from the required 25 feet to 10 feet front setbacks as required by Section 3-615(G) of the Zoning Regulations for Jackson Lake Village. The property is described as Lots 100 and 101 of Jackson Lake Recreational Vehicle Park Subdivision and zoned Jackson Lake Village (JLV). The property is also known as 101 Cherokee Road, Weldona CO 80653 and authorize the resolution be prepared to reflect this approval. Commissioner Arndt seconded the motion and motion carried 3-0.

Application is for a Variance to Section 5-115(A)(3) of the Morgan County Zoning Regulations in the "JLV" Jackson Lake Village Zone. This is a request to reduce the required front setback from 25 feet to 8 feet AND also reduce the required 7.5 foot side setback to 3 feet 4 inches for the purpose of constructing an 18'x25' carport. The property is located in the Jackson Lake RV Park Subdivision Lots 239 and 240 and otherwise knows as 25402 County Road 3, Lot 240, Weldona CO 80653 in the W1/2 of the NW1/4 of Section 27 Township 5N, R60W of the 6th P.M., Morgan County, Colorado. The property is also known as 240 Pueblo Circle, Weldona CO 80653.

**APPLICANT: Robert and Vanessa Worthman
LANDOWNERS: Robert and Vanessa Worthman**

Planning Administrator Pam Cherry presented the file stating this is an Application is for a Variance to Section 5-115(A)(3) of the Morgan County Zoning Regulations in the "JLV" Jackson Lake Village Zone. This is a request to

8 COMMISSIONERS PROCEEDINGS

reduce the required front setback from 25 feet to 8 feet AND also reduce the required 7.5 foot side setback to 3 feet 4 inches for the purpose of constructing an 18'x25' carport. The property is located in the Jackson Lake RV Park Subdivision Lots 239 and 240 and otherwise known as 25402 County Road 3, Lot 240, Weldona CO 80653 in the W1/2 of the NW1/4 of Section 27 Township 5N, R60W of the 6th P.M., Morgan County, Colorado. The property is also known as 240 Pueblo Circle, Weldona CO 80653.

Ms. Cherry stated what the file contains:

- a. Proof of Ownership;
- b. Site Plan;
- c. Statement demonstrating special conditions of the property;
- d. Morgan County Right to Farm policy.

Ms. Cherry explained that all appropriate notices have been completed. Subject property is zoned "JLV" Jackson Lake Village. Site is not in the floodplain. Subject property is located within the Wiggins Fire District. Taxes are current.

Ms. Cherry's evaluation is that Jackson Lake Village has had many similar variances granted. . Cherry stated their current lot is 6,323 square feet, with the existing structures of 2,094 square feet and a proposed 450 square feet structure to total 2,544 square feet making this lot at 40 percent lot coverage.

At this time Ms. Cherry recommended the approval of the Variance from Section 5-115(A) (3) to reduce the required front setback of 25 feet to 8 feet and the side setback of 7.5 feet to 3 feet 4 inches subject to:

- a. Receipt of updated title work or Ownership and Encumbrance Statement being submitted which has been received as of this date

At this time the applicant, Robert Worthman, stated that he is sorry that he is here under these conditions, that it was his thought that there were no setbacks necessary for a carport and unfortunately had already built the structure and explained further that he needed this for storage for his vehicle, and uses this carport for his car and Jet Ski. He requests that this variance be approved and he is more than willing to work with the County on future revisions to the regulations.

Chairman Zwetzig asked that this matter include the general comments that were received at the onset of these hearings and these comments be applied to this matter as well.

At this time, Chairman Zwetzig opened the matter for public comment at which time he read aloud a written statement received by the Planning and Zoning Department dated March 18, 2017 asking that it be noted as part of this hearing. This statement was signed by "concerned citizens of Morgan County living at Jackson Lake Village" and hand delivered to staff by Chuck Hickson.

Gene Alloway, residing at Lot 101, Jackson Lake Village, stated that the carport Mr. Worthman has put in place is a nice improvement to the area and is in favor of this application.

At this time, Chairman Zwetzig moved to discussion and decision, with Ms. Cherry stating this applicant did build this carport prior to obtaining permits, with code allowing the County to charge double the fee for filing for permits and she would recommend that he be assessed double the fee.

Mr. Heid stated that there is a concern with citizens building without a prior permit and approval and explained his concerns about the fact that there is greenbelt area that is affected as well as problems it creates for the assessor's office and safety as well. He urged those residents of Jackson Lake to speak with staff in the Planning and Zoning Department as it is necessary to mitigate issues at Jackson Lake Village. Ms. Cherry again stated she believes it is appropriate to charge the double fee for this permit and it needs to be noted that those residing in Jackson Lake Village how important it is to work together and meet further with these residents to try and fix what has occurred.

Mr. Worthman is willing to provide documentation about any moratorium that may be put in place by the County with Chairman Zwetzig stating if the County would pass this moratorium, he is appreciative of this offer.

Commissioner Teague asked if the Board should assess double fees, how that puts the Board in a bit different situation, with Ms. Cherry stating this application is a little different, as he did build without the permit. Commissioner Teague stated if the County would then go and look into other structures being built or having been built, how the County would determine how to assess the fees at that time. Ms. Cherry believes that given Mr. Worthman having been the president of the association, he should know the rules. Mr. Heid stated the permit fees would be \$50.00 multiplied by two, which would make it \$100.00.

Gene Alloway asked if the correct amount of fees being \$62.50 as he believed those had been increased. Mr. Heid stated the new fee schedule has yet to be adopted, so the previous fee of \$50.00 would be the actual fee. Mr. Alloway stated that he would disagree with this amount, as it was written on his building permit of \$62.50 and Jody Meyer stated that as far as she knows, those fees have not been adopted as of yet.

Commissioner Arndt stated that for discussion purposes he does not have any issue with requiring the applicant to pay double the application fee stating he believes that it is much lower than requiring the applicant to tear the structure down.

COMMISSIONERS PROCEEDINGS 9

At this time, a motion was made by Commissioner Arndt to approve the applicant's request for a variance to Section 5-115(A) (3) of the Morgan County Zoning Regulations in the "JLV" Jackson Lake Village Zone. This is a request to reduce the required front setback from 25 feet to 8 feet AND also reduce the required 7.5 foot side setback to 3 feet 4 inches for the purpose of constructing an 18'x25' carport. The property is located in the Jackson Lake RV Park Subdivision Lots 239 and 240 and otherwise known as 25402 County Road 3, Lot 240, Weldona CO 80653 in the W1/2 of the NW1/4 of Section 27 Township 5N, R60W of the 6th P.M., Morgan County, Colorado. The property is also known as 240 Pueblo Circle, Weldona CO 80653 and require the applicant to pay double the permit fee noting this structure was built prior to the permit being approved and authorized the resolution be prepared to reflect approval of this matter. Commissioner Teague seconded the motion and motion carried 3-0.

Chairman Zwetzig asked to note concerning some past actions taken by the Planning and Zoning Commission, where construction had been completed prior to a permit being approved, and the fact that there have been subsequent complaints filed and the Board asked that the Planning Administrator make contact with those responsible from Western Sugar to ensure that these complaints are being handled appropriately.

Being no further business, the meeting was adjourned at 11:13 a. m.

Respectfully Submitted,
Susan L. Bailey
Clerk to the Board

(Minutes ratified March 28, 2017)

**THE BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO**

s/ James P. Zwetzig
James P. Zwetzig, Chairman

s/Laura D. Teague
Laura D. Teague, Commissioner

s/ Mark A. Arndt
Mark A. Arndt, Commissioner

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey