

MORGAN COUNTY BOARD OF ADJUSTMENTS AND APPEALS
March 16, 2020
MINUTES

The Morgan County Board of Adjustments met on Monday, March 16, 2020, at 5:30 p.m. in the Assembly Room of the Morgan County Administration Building. Answering roll call was: Allyn Wind, Charlie Ruyle, Jason Enfante, Julie Padilla and Viola Johnson. Also present were Pam Cherry, Planning Administrator, and Jody Meyer, Planning Assistant and Shannon Shields, Planning Clerk.

The meeting was called to order by Chairman Allyn Wind.

Minutes: 12-16-19

Motion was made by Viola Johnson and seconded by Charles Ruyle to approve the minutes of the December 16, 2019 hearing. Motion carried 4-0. Jason Enfante did not vote due to not attending December 16, 2019 meeting.

Election of new officers:

It was moved by Charles Ruyle and seconded by Viola Johnson to nominate Allyn Wind as Chairman. Motion carried 5-0.

It was moved by Charles Ruyle and seconded by Julie Padilla to nominate Viola Johnson as Vice Chairman. Motion carried 5-0.

Agenda:

It was moved by Viola Johnson and seconded by Charles Ruyle to accept the agenda with the addition of the Election of Officers and the Resolution of Approval for 4X Ranch. Motion carried 5-0.

Allyn Wind read the procedural rules for this hearing.

NEW BUSINESS:

OWNERS and APPLICANTS:

Cody Millar /Four X Ranch, Inc. as applicant
Four X Ranch, Inc. as landowner

Legal Description: A parcel located in the N1/2NE1/4 of Section 15, Township 4 North, Range 57 West of the 6th PM, Morgan County, Colorado.

Reason: Zoning Variance application to locate a livestock confinement facility less than 1,320 feet to an occupied structure and to hold 600 animal units. Section 3-650, Bulk Regulations and Appendix B, Table 1 of the Morgan County Zoning Regulations.

Cody Millar was present to represent this application.

Pam Cherry, Planning Administrator, read her File Summary as follows:

On October 21, 2019 the Board of Adjustment approved the first request for a variance to setback requirements for a confined animal feeding operation to an occupied structure. At that meeting this board approved a condition

that this additional property would be included in the application so a second application would not be necessary. The county attorney requested that this second application be submitted.

4X Ranch, represented by Cody Millar has submitted this application for a variance to Section 3-650 Table 1, Note (d) of Appendix B, Zone District Bulk Requirements of the Morgan County Zoning Regulations regarding minimum setback for a residential structure to a confined animal feeding operation in the Agriculture Production zone district. The minimum setback from an animal confinement facility to an occupied structure is 1,320 feet. There is an existing business that is approximately 933 feet from the proposed footprint for the feeding operation. The variance request is to reduce the setback 387 feet from the regulation requirement.

The property is located immediately south of County Road W and west of County Road 22, Fort Morgan, CO 80701 with a parcel number of 1039-15-000-0001 located in the N½ of the NE¼ of Section 15, Township 4 North, Range 57 West, of the 6th P.M. Morgan County, Colorado.

Twelve property owners were identified and notified within the notification area of the application and hearing. As of the date of this report, no comments have been received.

In reviewing this application the Board of Adjustment is required to make a finding that the criteria for granting a variance in Section 5-220(B) of the Morgan County Zoning Regulations have been satisfied:

- (1) The strict application of the applicable regulation results in peculiar and exceptional practice difficulties or exception and undue hardship on the owner due to:

The varying elevations of the property engineers assisted in determining the best location on the eighty acres that would meet the requirements of the property owner.

- (2) Exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property; and

There is an exceptional situation; due to the topography of the property.

- (3) The hardship is not self-imposed;

- (4) The variance, if granted, will not adversely affect the use of adjacent property as permitted under these Regulations;

The variance will not adversely affect the use of adjacent property; this property is currently a shooting range that will no longer be used once the feeding operation commences.

- (5) That the variance, if granted, is in keeping with the intent of these Zoning Regulations and the Morgan County's Comprehensive Plan; and

The zoning regulations provide for variance requests to the required 1,320 foot setback for feeding operations.

The Comprehensive Plan encourages the growth of the agriculture industry in the county.

Goals of the Morgan County Comprehensive Plan:

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

If approved, this variance will support the continuance of agriculture business in the county.

b. The county will encourage the preservation of agriculture production lands in balance with pressures for land use changes to higher intensity development.

If approved, this variance will encourage the preservation of the agriculture industry in the county.

(6) That the variance, if granted, does not adversely affect the health, safety, and welfare of the citizens of Morgan County.

The variance to permit a variation from setback for the feeding operation, if granted, will not adversely affect the health, safety and welfare of the citizens of Morgan County.

Pam Cherry recommended approval of this variance request.

Cody Millar – 22251 CO Rd 23, Fort Morgan, CO 80701. Had no additional comments to make.

PUBLIC COMMENT OPEN:

No one present to speak in favor or opposition of application.

PUBLIC COMMENT CLOSED

It was moved by Viola Johnson and seconded by Charles Ruyle to approve this application from 4X Ranch for a variance to Section 3-650 Table 1, Note (d) of Appendix B, Zone District Bulk Requirements of the Morgan County Zoning Regulations regarding minimum setback for a residential structure to a confined animal feeding operation in the Agriculture Production zone district to reduce the setback 387 feet from the regulation requirement located in the N½ of the NE¼ of Section 15, Township 4 North, Range 57 West, of the 6th P.M. Morgan County, Colorado. Roll call vote was taken. Motion carried 5-0.

Approval of Resolution: Four X Ranch – 2020 BOA 01

Motion was made to approve Resolution 2020 BOA 01 as presented by Charles Ruyle and was seconded by Jason Enfante. Roll call vote taken and Motion carried 5-0.

Adjourn:

It was moved by Charlie Ruyle and seconded by Julie Padilla to adjourn. Motion carried 5-0.

Respectfully submitted,

Shannon Shields, Planning Clerk