

MORGAN COUNTY BOARD OF ADJUSTMENTS AND APPEALS
August 19, 2019
MINUTES

The Morgan County Board of Adjustments met on Monday, August 19, 2019, at 5:30 p.m. in the Assembly Room of the Morgan County Administration Building. Answering roll call was: Allyn Wind, Charlie Ruyle, Mike Erker, 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: 07-15-19

Allyn Wind thought it would be best to remove the “Note paragraph” on pages 3&4 from the July 15th minutes. **Motion was made by Charlie Ruyle and seconded by Mike Erker to approve the minutes of the July 15, 2019 hearing as corrected by deleting the “Note paragraph” on pages 3&4. Motion carried 4-0.**

Agenda:

It was moved by Charlie Ruyle and seconded by Viola Johnson to accept the agenda as presented. Motion carried 4-0.

Allyn Wind read the procedural rules for this hearing.

NEW BUSINESS:

OWNER: Western Sugar Cooperative
APPLICANT: Mike Skeans

Mike Skeans, Vice President and Edward Dardon, Plant Manager from Western Sugar Cooperative were present to represent this application.

Pam Cherry read her file summary as follows:

Mike Skeans on behalf of Western Sugar Cooperative has submitted this application for a variance to Section 3-650 Table 1 of Appendix B, Zone District Bulk Requirements of the Morgan County Zoning Regulations regarding maximum height of structure in the Heavy Industrial zone district. The maximum height in the district is sixty (60') feet. The property is addressed as 18317 Highway 144, Fort Morgan, CO 80701 with a parcel numbers of 1039-310-00-009 located in the SW¹/₄ of Section 31, Township 4 North, Range 57 West, of the 6th P.M. Morgan County, Colorado.

Western Sugar Cooperative is requesting to increase the maximum height from 60 feet to eighty-five feet (85') to allow for the construction of a wastewater treatment tank. The tank has been designed by Veolia Engineering that is a leader in the field of sugar beet process water treatment. The State of Colorado has required Western Sugar to design a new system for treatment of the discharge water.

Approximately twenty-eight adjacent landowners were identified and notified of this request. Section 5-200(B) of the Morgan County zoning regulations states that adjacent owners shall be notified of the request prior to the hearing. In addition, approximately thirty referral agencies were notified of the application.

As of the date of this report one comment has been received from Fort Morgan Fire requesting additional information on the tank and its location. The applicant is to meet with them early the week of August 12. There have been no further comments either in support or opposition.

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:

Strict application of the regulations will result in peculiar or exceptional hardship. Western Sugar is requesting this variance in response to the Colorado Department of Public Health and Environment.

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

The Colorado Department of Public Health and Environment are requiring Western Sugar to improve the beet processing to address odor.

- (3) The hardship is not self-imposed;
The hardship is due to requirement by the Colorado Department of Public Health and Environment requirements.

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

If granted the variance will not adversely affect the use of adjacent property.

- (5) That the variance, if granted, is in keeping with the intent of these Zoning Regulations and the Morgan County's Comprehensive Plan; and
Morgan County Zoning regulations recognize the need to increase maximum heights in the Heavy Industrial Zone district. The proposed tank has been engineered to address odors that have occurred.

Goals of the Morgan County Comprehensive Plan:

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

If approved, this variance will support the growth of Western Sugar which provides employment opportunities for residents of 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 sugar beet industry in numerous counties.

c. Improve Morgan County's image by dealing with community design issues in relation to land use.

Morgan County is cooperating with citizens, Western Sugar and the Colorado Department of Public Health and Environment to address design issues related to the plant.

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

The variance for the construction of a new wastewater tank, if granted, will improve the health safety and welfare of the citizens of Morgan County.

Pam Cherry recommended approval of this variance request.

Mike Skeans , Western Sugar Cooperative, explained to the Board of Adjustments that this tank is vital to meet the demands of the CDPHE. He brought with him a drawing of the site layout for the Board. This is phase I of II. This tank is a proven quality tank that is made for this type of system.

It is noted that Julie Padilla, Planning Commission Board member, joined the meeting.

Allyn Wind asked about the red arrow shown on the site map and Mike Skeans said it was a 1320 ft. radius of landowners that they had referenced at one time but they found out notification could be adjoining landowners. Really nothing to do with application. Mike Skeans said the construction schedule will take about a year from when they start to end. They are waiting on the City of Fort Morgan and CDPHE to conclude their contracts so Western Sugar is on hold with the project until commitments are made. Edward Dardon, Plant Manager, said they are improving several parts of the plant which they reviewed while awaiting the go ahead from the City and CDPHE.

Mike Skeans said the goal is to start the foundations this fall and place the tank in the spring. If negotiations don't work out between Western Sugar and the City, and the City and CDPHE, they would have to find a place for affluent water to go.

Viola Johnson asked about the Fire Department's concern in one of the emails. Mike Skeans stated that he met with Jon Zink, Fire Department, and they are going to leave sufficient area for access by emergency equipment.

OPEN PUBLIC TESTIMONY

Those in favor – no one present

Those in opposition – no one present

PUBLIC TESTIMONY CLOSED

It was moved by Mike Erker and seconded by Charles Ruyle to approve this Application for a Variance to Section 3-650 Table 1 of Appendix B, Zone District Bulk Requirements of the Morgan County Zoning Regulations regarding maximum height of structure in the Heavy Industrial zone district to go from 60 ft. to 85 ft. to allow for the construction of a wastewater treatment tank and also to approve Resolution #2019 BOA 005 regarding Western Sugar Cooperative. Roll call vote was taken. Motion carried with a vote of 5-0.

Review Resolution 2019 BOA 04 regarding Snyder Bible Church Pam Cherry noted that there should be an item 2(b) stating that a Combination Agreement shall be granted prior to start of construction.

It was moved by Charlie Ruyle and seconded by Mike Erker to authorize Allyn Wind to sign Resolution 2019 BOA 04 approving variance requests to reduce the front setback from 25 feet to 21.37 feet and increase lot coverage from 35% to 40.4% on property located in the N1/2 of the SE1/4 of the NW1/4 of Section 12, Township 4 North, Range 56 West of the 6th P.M. Morgan County, Colorado with a Street address of 22622 Fisher Avenue, Snyder, Colorado. Motion carried 5-0.

As there was no more business to come before the board, Allyn Wind declared the meeting adjourned at approximately 5:53 P.M.

Respectfully submitted,

Jody Meyer, Planning Assistant