

**MORGAN COUNTY BOARD OF ADJUSTMENTS AND APPEALS**  
**September 16, 2019**  
**MINUTES**

The Morgan County Board of Adjustments met on Monday, September 16, 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:** 08-19-19

**Motion was made by Mike Erker and seconded by Viola Johnson to approve the minutes of the August 19, 2019 hearing. Motion carried 5-0.**

**Agenda:**

**It was moved by Charlie Ruyle and seconded by Mike Erker to accept the agenda as presented. Motion carried 5-0.**

Allyn Wind read the procedural rules for this hearing.

NEW BUSINESS:

**OWNER: Chapin Dairy Two, LLC**  
**APPLICANT: Chapin Dairy Two, LLC**

Anne Best-Johnson of Paragon Consulting Group and Foy Chapin representing Riverside Milk, LLC/Chapin Dairy Two, LLC, were present to represent this application.

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

Chapin Dairy Two, LLC, represented by Anne Best-Johnson of Paragon Consulting Group on behalf of Riverside Milk, LLC 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 operations in the Agriculture Production zone district. The minimum setback to a animal confinement facility is 1,320 feet for residences without a Special Use Permit. The property is addressed as 28253 County Road Z, Snyder, CO 80750 with a parcel number of 0979-26-000-0004 located in the SW¼ of Section 26, Township 5 North, Range 56 West, of the 6<sup>th</sup> P.M. Morgan County, Colorado.

Property owner Chapin Two, LLC is requesting to decrease the setback requirement from 1,320 feet to 875' for an existing home that is located on an exemption parcel, currently owned and occupied by family of the dairy owner.

Three 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, referral agencies were notified of the application.

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:

*Strict application of the regulations will result in peculiar or exceptional hardship. The home has been in the current location for many years, is owned by the dairy and occupied by family of the dairy owner.*

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

*There is an exceptional situation; the home has been in this location for many years and is owned by the dairy.*

- (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.*

- (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 do not specify that owners of feeding operations can have residential structure within the 1,320 foot setback from the footprint. 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 residential structure, 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.

Anne Best-Johnson said she really had nothing to add to Pam Cherry's review, but she did give a short slide presentation to the Board. She wanted to clarify that dairy owners are not exempt from variances for residences within a 1320 ft. setback. Pam Cherry said the Regulations are being looked at and may change to

allow a residence on the same parcel as a livestock facility , within 1,320 feet if on the without having to get a variance.

OPEN PUBLIC TESTIMONY

Those in favor – no one present

Those in opposition – no one present

PUBLIC TESTIMONY CLOSED

It was moved by Viola Johnson and seconded by Mike Erker to approve 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 operations in the Agriculture Production zone district. The minimum setback to an animal confinement facility is 1,320 feet for residences without a Special Use Permit. The property is addressed as ~~28253~~-28485 County Road Z, Snyder, CO 80750 with a parcel number of 0979-26-000-0004 located in the SW¼ of Section 26, Township 5 North, Range 56 West, of the 6<sup>th</sup> P.M. Morgan County, Colorado.

~~Section 4-200(A)~~–Roll call vote was taken. Motion carried with a vote of 5-0.

It was moved by Mike Erker and seconded by Charlie Ruyle to have Chairman Allyn Wind sign the Resolution when finalized for this application. Motion carried 5-0.

As there was no more business to come before the board, it was moved moved by Mike Erker and Seconded by Charlie Ruyle to adjourn the meeting at approximately 5:50 P.M. Motion carried 5-0.

Respectfully submitted,

Jody Meyer, Planning Assistant