

MORGAN COUNTY PLANNING COMMISSION
July 10, 2017 MINUTES

The Morgan County Planning Commission met on Monday, July 10, 2017, at 7:00 p.m. in the Assembly Room of the Morgan County Administration Building. Answering roll call was: Pete Krohn, Bob Elrick, Dave Musgrave, Robert Pennington, and Mike Bailey. Also present were Pam Cherry, Planning Administrator; and Jody Meyer, Planning Assistant.

The meeting was called to order by Chairman Robert Pennington.

It was moved by Dave Musgrave and seconded by Mike Bailey to approve the minutes of the May 8, 2017 meeting as presented. Motion carried 5-0.

It was moved by Mike Bailey and seconded by Dave Musgrave to approve the minutes of the June 12, 2017 discussion meeting as presented. Motion carried 5-0.

It was moved by Bob Elrick and seconded by Pete Krohn to approve the agenda as corrected to move the Potthoff Exemption Application under Old Business, not Other Business. Motion carried 5-0.

Robert Pennington reviewed the hearing process for tonight's hearing.

NEW BUSINESS:

OPEN PUBLIC HEARING

APPLICANT: Eddy Melendez

LANDOWNER: Cargill Meat Solutions Corporation

This application is for a Conditional Use Permit, Morgan County Zoning Regulations, Section 3-340(AA) and (EE) to pave a dirt parking lot for Cargill Meat Solutions Corporation consisting of a 4.98 acre lot in two phases, to be used for storage and staging area for empty semi-trucks and trailers. The property is located in the North½ of Section 8 Township 3 North, Range 57 West of the 6th P.M., Morgan County, Colorado, located at 1505 E Burlington Ave., Fort Morgan, Colorado 80701.

Chad Cox of Western Engineering, Paul Peake of Cargill Meat Solutions Corporation and Eddy Melendez, contractor were present to represent this application.

Pam Cherry, Planning and Zoning Administrator, read the file summary as follows:

The property is zoned Light Industrial and has been used by Cargill as a staging area for trucks for many years. In the Light Industrial Zone District Section 3-340(AA) states that Public and Private parking lots and Section 3-340(EE) Storage and Warehousing Facilities each require the Conditional Use process to be followed. The parcel is located within the Fort Morgan Rural Fire District and property taxes are current.

All required documents for the application are included in the file:

Exhibit A – Right to Farm Policy has been signed;

Exhibit B – Proof of ownership in the form of a current title commitment (Equity Title);

Exhibit C – Narrative describing project and purpose of request;

1. To pave 4.98 acres of a 49 acre parcel;
2. Used in excess of thirty years for staging of box vans that transport meat;
3. Phase 1 - 2.78 acres to be paved;
4. Phase 2 – an additional 1.2 acres to the south;
5. On the east property line (Barlow Road) will be a swale/retention basin constructed in compliance with the drainage plan approved by the City of Fort Morgan until the south outfall is constructed;
6. Entire lot will be secured with an 8-foot chain link fence (requires a variance over 6 feet);

Exhibit D – Narrative of how project relates to adjacent uses

1. Paving and grading/drainage plan will alleviate the water runoff from the property, the intersection Barlow and Gateway experiences flooding with minimal rain;

Exhibit E – Narrative with detailed explanation of how project complies with criteria

1. Plan drawings comply with content requirements of the County and City regulations;
2. Runoff will be retained onsite based on a 25-year storm as defined by Brad Curtis, City of Fort Morgan;

Exhibit F – Proposed length of time permit is desired

1. Construction is anticipated to take 45 days
2. This is for permanent storage for empty box van trailers and shag trucks;

Exhibit G - Proof of utility services;

Exhibit H – Permit for Access approved by the City of Fort Morgan;

Exhibit I - Easements required

1. Entire proposal is contained on Cargill property, easements are not necessary;

Exhibit K – Statements from the two adjoining land owners (Wood and Lefever) stating approval of project;

Exhibit L – Site plan drawn to scale with pertinent information;

Exhibit N – Application fee has been paid;

Exhibit O – Drainage Plan that has been approved by the City of Fort Morgan

**To be discussed during hearing:
2-315 Conditional Use Permit Criteria**

The following criteria will be used by the Planning Administrator and, if need be, the Planning Commission and the Board of County Commissioners when reviewing an application for a Conditional Use Permit.

- (A) The application documents are complete and present a clear picture of how uses are to be arranged on the site.**
- (B) The site plan conforms to the design standard of these Regulations.**
- (C) There are no off-site impacts imposed by the conditional use proposed that require additional infrastructure (utilities, drainage, and roads) or upgrades by the County or Special Districts.**

(D) The use proposed is compatible with the surrounding uses and adequately buffered as necessary.

Pam Cherry recommended approval of the Conditional Use to permit the paving of the property in two phases. Phase 1 will pave 2.78 acres; Phase 2 will pave an additional 1.2 acres of the 46.95 acres parcel. The storage is to be used for storage and staging of empty box vans and shuttle vehicles related to Cargill operations.

Suggested conditions:

1. The site will be graded and retention/detention constructed in compliance with City of Fort Morgan approved drainage plans;

Paul Peake from Cargill Meat Solutions Corporation noted the dirt lot will be much improved and better for runoff after paving.

Eddy Melendez noted that not all of it will be concreted. There will be a swale to catch water; it will be dirt to percolate water into the ground. It was noted that the City water line will not be covered up with concrete. The concrete will be 8” thick, #4 rebar, and 18” on center.

PUBLIC COMMENT:

Speaking in Favor: None

Speaking in Opposition: None

CLOSE PUBLIC HEARING

It was moved by Bob Elrick and seconded by Mike Bailey to APPROVE an Application for a Conditional Use Permit to Section 3-340(AA) and (EE) of the Morgan County Zoning Regulations to pave the dirt parking lot for Cargill Meat Solutions Corporation consisting of a 4.98 acre lot out of a 46.95 acre parcel in two phases, to be used for storage and staging area for empty semi-trucks and trailers and send it on to the Morgan County Board of Commissioners. The subject property is located in the North¹/₂ of Section 8 Township 3 North, Range 57 West of the 6th P.M., Morgan County, Colorado, located at 1505 E Burlington Ave., Fort Morgan, Colorado 80701. Motion carried 5-0.

OLD BUSINESS:

APPLICANT: Craig Gerhard Potthoff

LANDOWNER: Same

Application for Exemption from Subdivision of 5.0 acres located in the SE1/4 of Section 25, Township 2 North, Range 60 West of the 6th P.M., Morgan County, Colorado. The property will be known as: 05971 County Road H, Wiggins, Colorado 80654.

Craig Potthoff was present to represent this application.

Pam Cherry explained that this was not a public hearing but for discussion only. She said the Board of County Commissioners heard the application on April 4, 2017, and requested it go back to the Planning Commission to reconsider drainage issues and/or reconfiguring of the parcel. Pam read an email from Dick Early of Road and Bridge who recommended replacing a culvert and possibly using fill to help alleviate the drainage issue.

Craig Potthoff, 711 Custer, Brush, CO 80723, told the Planning Commission that he did not make any changes to his original application. He reminded the Planning Commission that they had recommended approval of the Exemption but the Board of County Commissioners are concerned with water drainage issues and it was being sent back to this Board. Craig Potthoff said he contacted Dick Early of Road and Bridge.

The Planning Commission thought it should be the landowners' responsibility to install and pay for culverts and that any debris be removed. The barrow ditch work is handled by the County. There was additional discussion.

Craig Potthoff noted that the parcel does not puddle all the time.

Robert Pennington disagreed with the County Commissioners sending this application back to Planning Commission.

It was the recommended by Road and Bridge to place an 18" culvert in the first driveway and to remove material from ditch in front of house. Using fill dirt and placing a culvert were discussed noting this would be the responsibility of the landowner – maybe this could be worked out with the County. There was discussion about a bad culvert being on the neighboring parcel to the north of this site off of Co Rd 6. Bob Elrick thought the installation of the culvert should be installed by the County and should be the paid for by Mr. Potthoff.

OTHER MATTERS:

1. Fee Schedule (see attached)

The Planning Commission reviewed the proposed Fee Schedule in June, 2017 and had proposed to the County Commissioners a sliding rate hike of 3-5% every year over the next 5 years. Pam said the Board of County Commissioners did not like that suggestion and instead wanted to deal with it on a year to year basis. Some members thought the developers should pay their fair share of fees instead of it coming out of the County Fund. Robert Pennington would like to see the numbers proving the need for the increase in rates. Bob Elrick opposed any fee increase. Pam Cherry will pass this on to the Commissioners.

2. Amendments to Morgan County Zoning and Subdivision Regulations (see attached)

Pam Cherry read the proposed Subdivision Regulation to have a Combination of Contiguous Lots or Parcels along with a proposed "new" definition of a Combination Agreement. Pam explained that the County does not have a process to combine lots that are owned by the same landowner. Public Comment: Harold Schreiner, 115 Cedar St, Log Lane Village, was present

and showed the Planning Commission an example of his property in which he would like to combine two lots in order to place a new home and still meet setbacks.

Bob Elrick said he was all for simplicity. Pam Cherry noted that no survey would be required but a Combination Agreement would be prepared and recorded. The Planning Commission was in favor of this amendment.

3. Amendments to Morgan County Zoning Regulations (see attached)

Pam Cherry reviewed the proposed Amendments to the Zoning Regulations regarding the addition of new subsections for “pipelines, and accessory structures that transport water for domestic, commercial and/or industrial use.” Pam said this is for pipelines transporting water going across private property as a Use by Right. The Planning Commission was in favor of this amendment.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jody Meyer, Planning Assistant