

**MORGAN COUNTY PLANNING COMMISSION**  
**July 8, 2019 MINUTES**

The Morgan County Planning Commission met on Monday, July 8, 2019 at 7:00 p.m. in the Assembly Room of the Morgan County Administration Building. Answering roll call was: Robert Pennington, Allyn Wind, Terry Rutenbeck, Nathan Troudt, Dave Musgrave, Mike Bailey and Clay Miller. Also present were Pam Cherry, Planning Administrator, Jody Meyer, Planning Assistant; and Shannon Shields, Planning Clerk and Ruth Goff, Morgan County Attorney.

The meeting was called to order by Chairman Nathan Troudt.

May 13, 2019 minutes:

**It was moved by Robert Pennington and seconded by Mike Bailey to approve the May 13, 2019 minutes as presented. Motion carried 7-0.**

June 10, 2019 minutes:

**It was moved by Robert Pennington and seconded by Mike Bailey to approve the June 10, 2019 minutes as presented. Motion carried 7-0.**

Agenda:

Nathan Troudt proposed to review New Business first and Old Business second. **It was moved Robert Pennington and seconded by Clayton Miller to approve the Agenda as proposed. Motion carried 7-0.**

Nathan reviewed the Process that will be used for this hearing.

**NEW BUSINESS:**

Nathan Troudt presented the following:

**Jared and Jamie Bodine** - Applicants and Landowners

**Legal Description** - approximately 5 acres of the Southeast corner of Parcel #1 (1225-170-01-002) and 20 acres in the North half of Parcel #2 (1225-170-00-005)

Parcel #1 is located in Lot 2, Endsley Minor Subdivision, being a portion of the N1/2 of Section 17, Township 3 North, Range 59 West of the 6<sup>th</sup> p.m., Morgan County, Colorado. Parcel #2 is located in the SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> of Section 17, Township 3 North, Range 59 West of the 6<sup>th</sup> p.m., Morgan County, Colorado, aka 7550 Co Rd Q, Wiggins, CO 80654.

**Reason** - Special Use Permit for a shop and equipment storage for applicants Roadway Safety Solution business.

Jared and Jamie Bodine, applicants were present to represent their application.

Pam Cherry read her file summary as follows:

**APPLICANT and LANDOWNER: Jared and Jamie Bodine**

**Application Overview**

This application is for a Special Use Permit to allow for a shop and equipment storage used in

applicant's business, Roadway Safety Solutions, on five acres of the southeast corner of parcel 1225-170-01-002 and the north half (twenty acres) of parcel #1225-170-00-005, a forty acre parcel. This is not an application to change the zoning of the property to commercial. The twenty-five acres is located in the NE¼ of Section 17, Township 3 North, Range 59 West of the 6<sup>th</sup> P.M., Morgan County, and addressed as 7550 County Road 8, Wiggins, Colorado 80654. The property is zoned Agriculture Production where equipment storage not associated with agriculture is not designated as a land use in the Agriculture Production zone district. Section 2-325 of the Morgan County Zoning Regulations states: *Any use, not designated as a Use by Right, Accessory Use, Conditional Use, Use by Special Review or not otherwise prohibited in a particular zone, may be approved as Use by Special Review pursuant to the criteria and procedure as established by these Regulations.*

### **Citizen comments**

There were forty-one property owners notified of this application. Feedback received from those notified were related to setbacks from the equipment storage area to the adjoining properties, the construction of a concrete structure for use as a shooting platform without a permit and the use as a personal shooting range.

### **Criteria – Special Use Permits**

Special use permits are governed under Sec. 2-430 of the County's Zoning Regulations. Under that section, special use permits are subject to the following criteria to be used by the Planning Commission and the Board of County Commissioners when reviewing an application for a Special Use Permit:

### **Analysis**

*The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan.*

The property is located in the southwest planning area as defined by the Morgan County Comprehensive Plan. In this area Comprehensive Plan goals include:

- a. Encourage the preservation of agricultural production land to ensure continuation of this important industry.

This request will not modify the land and is in the North Kiowa Bijou a closed basin.

This is a use that does not require water service.

*All the application documents are complete and present a clear picture of how uses are to be arranged on the site or within Morgan County.*

The application is complete and presents a clear picture of the location of the 25 acres of property that will be used for the special use to permit the shop and equipment storage.

*The Site Plan conforms to the district design standards of these Regulations.*

The Site Plan meets the district design standards of the Morgan County Zoning Regulations pursuant to Section 3-650 Bulk Regulations.

*All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.*

Impacts to surrounding properties have been mitigated by distance from adjoining properties.

*The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.*

Buffering from adjacent properties is provided by distance.

*The special use poses only the minimum amount of risk to the public health, safety and welfare as set by federal, state or county regulations, whichever is the strictest.*

A portion of this use has been operating in this location since 2013 and does not pose risk to public health, safety and welfare as set by federal, state or county regulations.

*The special use proposed is not planned to be developed on a non-conforming parcel.*

The proposed amendment is located on a conforming parcel.

*The applicant has adequately documented a public need for the project, all pertinent technical information, and adequate financial resources to implement it, and has paid all fees and review costs levied by the County for application processing and review.*

The public need for the project has been demonstrated with the growth that Roadway Safety Solutions has experienced.

*For any special use requiring a supply of water that the applicant has demonstrated a source of water which is adequate for the proposed use in terms of quantity and reliability and in the case of human consumption, quantity, quality, and reliability.*

A water supply is not necessary for the workshop and equipment storage use.

### **Recommendation**

Pam Cherry recommended approval of this application subject to:

1. The workshop and equipment storage shall be limited to the twenty-five acres designated in the application.
2. Storage of the equipment within the permitted area shall abide by a 100-foot setback.
3. Operation and/or charging of all equipment shall be limited to daylight hours.
4. Any increase in the area needed for the workshop and equipment storage will require an amendment to this permit.
5. Six or eight foot tall privacy fencing shall be constructed on the boundary of the area (100' setback) to be used for storage.

Applicant, Jamie Bodine stated her name and address, 7550 CO Rd Q, Wiggins, CO 80654. She stated that what Pam had said had covered everything pretty much. They just wanted to run their business as they have been since 2013. Terry Rutenbeck asked if the business was a 24 hour business and said he did not agree with the fencing condition stated by Pam. Jared and Jamie Bodine stated that it was not a 24 hour business and very rarely did they work at night. Jared did state that the generators on the machines turn on by their self to recharge the signs and sometimes that happens at night. He stated they could not afford the fencing; it would be cheaper to move than to fence the area. The area was too costly to fence. 400 feet of fence would cost \$13,000.00; the part that needs to be fenced is triple the price and that does not include the columns that would have to be placed to separate the sections. They have been running a business in Morgan County since 2003 and they have been operating Roadway Safety Solutions since 2013 at their present location. He stated they just wanted to run their business as they had been prior to the complaints of one neighbor. He stated that developers have put in a subdivision of houses neighboring them and there has never been a problem until one neighbor moved in and started lodging complaints. He said there was no way the people buying houses were unable to see the equipment for their business before agreeing to purchase their homes in that location. He said that they just learned of the special use permit in April and immediately started the process. Pam inserted into the conversation that they have been very cooperative and have gone out of their way to provide anything necessary to make sure everything went through

as needed. Pam Cherry stated this was all brought on by one individual. Pam Cherry also brought up at that time limiting the business to daylight hours. Jamie and Jared stated they don't work at night or if so, it is very rare. Nathan Troutd asked did the developers not take into consideration that there would be an issue. Jared Bodine stated that yes the developers took it into consideration, but as he stated before the people buying the homes knew the equipment was there before they purchased the land and home. Jared stated the developers of the subdivision knew when they were building homes that the Bodines had a business and the equipment necessary for that business on their property while building the homes and were fine with it. He also said that 90% of their equipment was stored offsite at other locations where they are being used on the Front Range. Nathan asked him to define the equipment. Jared stated that there were: message boards, barricades, 2 skid steers, and 2 dump trucks. Jared Bodine said he had lined the signs up on his boundary near Jason Hagen's property line. Pam Cherry noted that Stable Ridge PD was approved in 2006.

Robert Pennington asked about the traffic flow. Bodine answered that there was rarely any traffic caused by their business. Occasionally someone coming in to pick up a sign or get some paperwork, but not a steady flow of traffic. Robert asked about the buffer of the 50-100 ft. setback being asked for on the east and west side. Pam Cherry expanded on that topic and explained it would be on the east and west side of the 20 acre parcel and Ruth Goff, Morgan County attorney, said to the Bodines that those parcels on the east and west were platted to be a subdivision so they should think carefully about putting that extra 50-100 ft. buffer between them and the other homes to be built in the future. Ruth Goff stated there was no point in having a fence and setbacks. Both Jamie and Jared Bodine stated they were okay with the 100 ft. buffer. Pam Cherry clarified that it would be just on the 20 acre parcel not the 5 acre parcel.

#### PUBLIC COMMENT OPEN:

Favor:

Jennifer Ferguson, 3768 CO Rd P, Wiggins, CO 80654. She is in favor of this application. She has no issue with their business. Jamie and Jared are good people that work well with all. She said if you didn't want to be near a business, then why would you buy a house near one. People should move elsewhere if it's that big of a problem for them.

Alex Craig, 7819 Rd P.3, Wiggins, CO 80654. Lives directly Southeast of Bodine. I'm in favor of this application. This is all because of one individual neighbor. The HOA has no issues with this. All of the equipment that sits there has been there since I bought my house. I've talked to the developers and they're fine with it.

Jim Groves, 7850 Rd P.3, Wiggins, CO 80654. Lives across road from Alex Craig. He said minimal traffic. There is very low traffic, there's one truck and pickup during daytime at most. No traffic impact to the neighborhood. The letter from Kate Hagen was just her stirring the pot. Mr. Groves took his dog for drive and was confronted by Mr. Hagan who told him he had no business in that part of the subdivision and was trying to incite him to get out of his truck. He had to call sheriff's department on Hagan.

Opposed: No one spoke in opposition of this application.

#### PUBLIC COMMENTS CLOSED

Dave Musgrave asked where the shooting range is located. Jared Bodine said it faces west. Jamie Bodine explained the shooting range started as a 4-H Project with their kids as a small metal target range

and that's all it is. It's just a small, private area of 4-5 targets that Jared and their sons use for 4-H practice.

**It was then moved by Terry Rutenbeck and seconded by Dave Musgrave to recommend approval of this Special Use Application for Jamie and Jared Bodine as landowners for a shop and equipment storage for Roadway Safety Solution business. Business is approximately 5 acres of the Southeast corner of Parcel #1 (1225-170-01-002) and 20 acres in the North half of Parcel #2 (1225-170-00-005). Parcel #1 is located in Lot 2, Endsley Minor Subdivision, being a portion of the N1/2 of Section 17, Township 3 North, Range 59 West of the 6<sup>th</sup> p.m., Morgan County, Colorado. Parcel #2 is located in the SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> of Section 17, Township 3 North, Range 59 West of the 6<sup>th</sup> p.m., Morgan County, Colorado, aka 7550 Co Rd Q, Wiggins, CO 80654. Motion of approval on the following conditions:**

1. 100 feet setbacks on the east and west sides of the 20 acre portion.
2. Operation and/or charging of all equipment shall be limited to hours between 6 a.m. – 9 p.m.
3. The workshop and equipment storage shall be limited to the twenty-five acres designated in the application.
4. Any increase in the area needed for the workshop and equipment storage will require an amendment to this permit.
5. Equipment stored shall be used in the operation of Roadway Safety Solutions business.

**Motion carried 7-0.**

### **OLD BUSINESS:**

#### **Proposed Amendments to the Morgan County Zoning and Subdivision Regulations**

1. Proposed amendments to the Morgan County **Subdivision** Regulations regarding Planned Unit Developments and Major Subdivision in various Chapters and Sections.
2. Proposed amendments to the Morgan County **Zoning** Regulations regarding private covenants and developments plans for Planned Developments in various Chapters and Sections.

Pam read the following:

At the last meeting of the Planning Commission on May 13, 2019 there was an item on the agenda for amendment to the Zoning and Subdivision Regulations.

Planning Commission continued this agenda item until July 8, 2019 to allow sufficient time to review the proposed amendments. The county attorney was also requested to make suggested changes provided at the June meeting within the document they will review.

In your packets are two different documents related to this change. The first is a redline document to show what is being deleted, changed or added to the regulations. This amendment effects both the zoning and subdivision regulations.

The second document is the draft resolution which, when approved by the Board of County Commissioners, will be recorded to finalize the changes.

Mike Bailey asked if the Board of County Commissioners looked over the documents. Pam responded yes that they had and were waiting for the Planning Commission to look it over. Pam also stated mainly the changes were the portions highlighted in yellow that were discussed in the last meeting. There was a brief general discussion about the County attorneys having looked over it and put it together correctly.

**It was moved by Robert Pennington and Allyn Wind seconded it to recommend approval to the Board of County Commissioners of the Proposed Amendments to the Morgan County Zoning and Subdivision Regulations as presented. Motion carried 7-0.**

**There being no further business, the meeting was adjourned by motion from Terry Rutenbeck and second by Allyn Wind. Motion carried 7-0.**

Respectfully submitted,

Shannon Shields,  
Planning Clerk