

MORGAN COUNTY PLANNING COMMISSION
August 10, 2020 MINUTES

The Morgan County Planning Commission met on Monday, August 10, 2020, at 7:00 p.m. in the Assembly Room of the Morgan County Administration Building. Answering roll call was: Robert Pennington, Mike Erker and Allyn Wind were present; and Nathan Troudt, Terry Rutenbeck, and Clay Miller appeared remotely by the Zoom platform. Also present in person were Pam Cherry, Planning Administrator, and Jody Meyer, Planning Assistant. Jeff Parker, Morgan County Attorney attended remotely by Zoom. Also present in person was Karol Kopetsky, Morgan County IT Administrator.

The meeting was called to order by Chairman Nathan Troudt.

It is noted that this Planning Commission meeting for August 10, 2020 was held in person with an option to attend remotely through the Zoom platform.

Approval of Minutes: May 13, 2020

It was moved by Robert Pennington and seconded by Mike Erker to approve the July 13, 2020 minutes as presented. Motion carried 5-0 with Allyn Wind recusing himself as he was not in attendance on July 13, 2020.

Approval of Agenda:

It was moved by Mike Erker and seconded by Allyn Wind to approve the Agenda as presented. Motion carried 6-0.

Chairman Nathan Troudt read the review process for tonight's meeting.

NEW BUSINESS:

Applications:

APPLICANT: Lindsey Deganhart
LANDOWNER: Kimberlee Deganhart

Legal Description:

Deganhart Minor Subdivision in the S½ of Section 34, Township 5 North, Range 59 West of the 6th P.M. Morgan County, Colorado, addressed as 9681 County Road Y.

Request: Minor Subdivision to create 2 lots; Lot 1 is 112.83 acres with improvements and Lot 2 is vacant with 2.65 acres to be used as a residential building site.

Lindsey Deganhart was present to represent this application.

Pam Cherry read her file summary as follows:

This application is for the Deganhart Minor Subdivision in the S½ of Section 34, Township 5 North, Range 59 West of the 6th P.M. Morgan County, Colorado. The property is located north and west of the intersection of County Road 10 and County Road Y and addressed as 9681 County Road Y. The property is currently undeveloped and the lots will be residential and agricultural uses in the Agriculture Production zone district.

Lindsey Deganhart as applicant is requesting approval of a minor subdivision that will plat 115.48 acres into two lots, Lot 1 is 112.83 acres, Lot 2 is 2.65 acres, Assessor's parcel number 0973-340-00-019. There is an existing home with a small storage shed, lean-to and a 1-car garage on the proposed lot 1. All the existing structures exceed setback requirement from the lot lines to be created by this plat. There has been a series of five exemptions from the original parcel, which has resulted in the requirement for a subdivision process.

In reviewing an application for a minor subdivision the Planning Commission and the Board of County Commissioners shall apply the following criteria as listed from Section 8-195 of the Morgan County Subdivision Regulations:

- (A) Whether the application documents are complete and present a clear picture of how the subdivision is to be laid out including all infrastructure, easements, and access.
The application documents are complete

	Lot 1	Lot 2
Water	Quality Water Tap 1835	Quality Water Tap _____
Septic	NE Colo Health – no objection – existing septic	NE Colo Health – no objection – new septic
Access (3)	Road and Bridge – Existing	Road and Bridge – ok new
Fire	Wiggins Rural Fire	Wiggins Rural Fire
Soil map	Provided	Provided
Ext Svc	No AU proposed at this time	2 AU proposed at this time
Minerals	Not severed	Not severed
R-T-F	Complete	Complete

- (B) Whether the proposed subdivision is consistent with the Morgan County Comprehensive Plan.
The subdivision is located in the northwest planning area.

Chapter 2.II.C. 1., County Wide

Goals: Encourage the development where the proposed development is compatible with existing land uses – other exempted properties, minor subdivisions and small acreage properties are in the area.

There is access to existing infrastructure, Quality Water and County Roads.

- (C) Whether the proposed subdivision is compatible with surrounding land uses and is adequately buffered as needed.

There is Rural Community Residential lots that adjoin Lot 1 in the southwest corner of the property. The remainder of the adjacent properties are zoned Agriculture Production. The property will maintain the Agriculture Production zone district.

County Road Y borders the property on the south, County Road 10 on the east; County Road 9.5 to the west which is maintained by Road and Bridge south of a private road sign and is adjacent to proposed lot 2, to the south is a 150' buffer strip between Lot 2 and the smaller lots of a Rural Community Residential zone and the Town of Weldona.

All appropriate notice requirements have been completed with no comments received as of July 31, 2020. Forty-four property owners within 1,320 feet were notified of the application; there have not been comments, either in favor or opposed.

Comments from referral agencies:

Xcel Energy requests communication with them regarding possible easement needs.

Suggested conditions:

1. Prior to recording of the plat, the Morgan County Quality Water tap will be paid in full.
2. Applicant to coordinate with Xcel Energy on the need for easements.

Lindsey Deganhart, applicant, said she is currently living with her mom and the exemption is being created so she can have her own home. A minor subdivision is required as all exemptions on the property have been used. Lindsey said she contacted the State regarding the well and hasn't heard back. She also contacted Xcel

regarding a comment on the possible need for easements due to utility lines. Mr. Wind said she needed to be careful before they dig.

Lindsey Deganhart was asked why she was leaving a buffer to the south of the proposed new lot. She wanted to leave the buffer as an access back to the county road.

There was discussion of mineral rights and severed rights.

PUBLIC COMMENT OPEN

Those speaking in favor: None present or on Zoom line

Those speaking in opposition: None present or on Zoom line

PUBLIC COMMENT CLOSED

It was moved by Allyn Wind and seconded by Mike Erker to approve this application and send it on to the Board of Morgan County Commissioners with following conditions listed in Pam Cherry's File Summary:

- 1. Prior to recording of the plat, the Morgan County Quality Water tap will be paid in full.**
- 2. Applicant to coordinate with Xcel Energy on the need for easements.**

Motion carried 6-0.

**APPLICANTS: AGPROfessionals
LANDOWNERS: Innovative Properties, Ltd.**

Legal Description:

The application is for two adjacent parcels owned by Innovative Properties, 1223-322-00-007 (Parcel 1) and 1223-322-00-003 (Parcel 2). Parcel 1 is 38.48 acres, Parcel 2 is 1.5 acres both located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 22 Township 3 North, Range 60 West of the 6th P.M. Morgan County, Colorado addressed as 14026 County Road 3, Wiggins, CO 80654.

Request: Application for a Special Use Permit for approval of a commercial construction shop and storage facility.

Shannon Toomey from AGPROfessionals representing Innovative Properties Ltd. was present through the Zoom platform to represent this application.

Application Overview

Pam Cherry, Planning Administrator, read her File Summary noting 2 conditions:

Innovative Properties as landowner and AGPROfessionals as applicant's consultant have submitted an application for a Special Use Permit for approval of a commercial construction shop and storage facility. The application is for two adjacent parcels owned by Innovative Properties, 1223-322-00-007 (Parcel 1) and 1223-322-00-003 (Parcel 2).

The property is zoned Agriculture Production Parcel 1 is 38.48 acres, Parcel 2 is 1.5 acres both located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 22 Township 3 North, Range 60 West of the 6th P.M. Morgan County, Colorado addressed as 14026 County Road 3, Wiggins, CO 80654.

Parcel 1 will be used for outside storage and the existing gravel rock area to be used for storage will be expanded. Parcel 2 is a residential structure that will be used for an office. The applicant estimates a total of seven acres will be used for the facility.

- a. Pursuant to Section 2-325, any use, not designated as a Use by Right, Accessory Use, Conditional Use and Use by Special Review or not otherwise prohibited in a particular zone, may be approved as a Use by Special Review pursuant to the criteria and procedures as established by these Regulations.
- b. Pursuant to Section 3-175, Parcels smaller than 20 acres does not list storage of oil field equipment and maintenance as a Use by Right, Conditional Use or Use by Special Review.

Criteria – Special Use Permits

The following criteria are to be used by the Planning Commission and the Board of County Commissioners when reviewing an application for a Special Use Permit.

- (A) 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 of the west activity center.

Chapter 2

2.II.A - Economic Development

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

This project will support economic development by providing a location for equipment storage and service while providing an estimated six full-time employment positions.

2.II.C

Goal To encourage development where it is in proximity to the activity centers, compatible with existing land use, and there is access to established public infrastructure.

Agriculture Production zoning is on all sides of the property. Morgan County REA operates a substation to the west of the property. The property is located adjacent to existing infrastructure, roads and Morgan County Quality Water.

Goal The County will encourage the preservation of agriculture production lands in balance with pressure for land use changes to higher intensity development.

Because this project is adjacent to other similar uses and proposes to use the existing farm ground as buffer, this supports the preservation of agriculture.

- (B) 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.

- (C) The Site Plan conforms to the district design standards of these Regulations.
The entire property is within the 100 year floodplain, floodplain permitting will be required for any development on the property. Make note of floodplain on the plans.

- (D) All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.
- (E) The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.
The project proposes to preserve the adjacent farm ground of approximately 31 acres to provide a buffer to properties further north. County Road O provides a buffer to the agriculture uses to the south and east.
- (F) The special use poses only the minimum amount of risk to the public health, safety and welfare as set by federal, state or county regulation, whichever is the strictest.
- (G) The special use proposed is not planned to be developed on a non-conforming parcel.
This operation proposes the use of two properties, Parcel 1, is farm ground of approximately 38 acres of which approximately 6 acres will be permitted under this Special Use application for outside storage and equipment maintenance. Parcel 2 has an existing home on it that will be used as an office.
- (H) The applicant has adequately documented a public need for the project, all pertinent technical information, adequate financial resources to implement it, and has paid all fees and review costs levied by the County for application processing and review.
Storage is necessary for storage of this sort of equipment due to the recent economic decline.
- (I) 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.
There is an existing Morgan County Quality Water tap on the property that will be monitored for possible increase to a commercial tap.

Recommendation and conditions

Suggested conditions if Planning Commission recommends approval to the County Commissioners:

1. The applicant shall obtain necessary permits and comply with the requirements and conditions of those permits as determined by other governmental agencies with jurisdiction over this operation.
2. A surveyed drawing shall be required for recording purposes to delineate/define the boundary of the area to be used for storage on Parcel 1.

Pam Cherry said that three phone calls of opposition were received today; and pictures were taken which showed asphalt was being applied in the floodplain area without floodplain development permit.

Shannon Toomey of AGPROfessionals said they were operating out of the shop in the Town of Wiggins. Ms. Toomey said they brought in oil and gas equipment onto the property. There are 2 lots on this land. One being 1.5 acres and the other being 38.4 acres. They want to use the home as an office and expand the gravel area to cover about 3 more acres for a total of 6 to 7 acres to be used by the storage of equipment, shop and office. The remainder 33 acres will remain agriculture. This provides a buffer to the north, west and east. They will establish landscaping from Co Rd 3. The shop is for

storage and repair; hours of business would be 7 am to 6 pm with 6 fulltime employees. There is an existing water tap and upgrade to a commercial tap may be required.

Mike Erker asked about where employees will be stationed: 2 in the field, 2 on site, and 1 owner. No need to enlarge shop at this time.

Nathan Troudt said this Special Use is not approved yet (referring back to having equipment on the parcel already). Shannon Toomey stated they moved equipment in there out of necessity and that the Special Use was already in the process. A floodplain permit would be obtained upon approval of the Special Use. The applicant purchased the property in January 2020.

Robert Pennington asked about runoff. Pam Cherry said they are not increasing impermeable area. Ms. Toomey said drainage runs to the north and be absorbed into the farm ground.

OPEN PUBLIC COMMENT:

Those in favor: No one present or on zoom line spoke.

Those in opposition:

Josh Dreier, 14506 Co Rd 3, Wiggins, CO, lives to the north of this parcel. Concerns were property value, 50 light towers – tanks, runoff will go to the east, dumping of dirt, traffic, site was sold as a residential site. There is an oilfield in Weld County and they started to move equipment on this parcel as soon as they bought it. This is not an agriculture business and the property is not zoned commercial.

Hannah Christen, Co Rd 3, Wiggins, CO, had the following concerns: Storm water permits, storage of fuel tanks on site, floodplain issues, and assuming it was ok to bring in equipment.

CLOSE OF PUBLIC COMMENT:

Shannon Toomey of AgPro addressed concerns: Noise isn't an issue, dirt fill was something Shannon didn't know, moving equipment onto the property was out of necessity. Visual screening of some sort for equipment.

Nathan Troudt asked if the landowner had contacted any of the neighbors first about this project. Shannon Toomey said no contact was made. Robert Pennington asked if the floodplain permitting process has even been started. Shannon Toomey said no. Pam Cherry said there was a preapplication meeting back in February and floodplain issues were discussed and they were encouraged to look into that matter.

Terry Rutenbeck said there are at least 6 different commercial businesses in the area – you might assume it would be okay to have a commercial business on this parcel. Mike Erker agreed.

Clayton Miller asked for clarification and Pam Cherry said floodplain and potentially a Storm Water permit would be needed if you disturb more than an acre of ground.

Nathan asked why the applicant, Dennis Jackson, owner of Innovative Properties was not present at the meeting. Shannon had told the applicant that he was not necessary and could attend remotely.

It was moved by Mike Erker and seconded by Robert Pennington to recommend approval of this Special Use Application to the Board of County Commissioners with the following conditions:

1. The applicant shall obtain necessary permits and comply with the requirements and conditions of those permits as determined by other governmental agencies with jurisdiction over this operation.
2. A surveyed drawing shall be required for recording purposes to delineate/define the boundary of the area to be used for storage on Parcel 1.

Motion carried 4-2 with 4 in favor and 2 opposed.

There was discussion about whether ¼ mile is enough notification area.

It was moved by Allyn Wind and seconded by Mike Erker to adjourn this meeting. Motion carried 6-0.

Jody Meyer
Planning Assistant