

MORGAN COUNTY PLANNING COMMISSION
March 8, 2021 MINUTES

The Morgan County Planning Commission met on Monday, March 8, 2021, at 7:00 p.m. in the Assembly Room of the Morgan County Administration Building. The meeting was called to order by Chairman Nathan Troudt.

Robert Pennington, Allyn Wind and Dave Musgrave were present. Nathan Troudt, Terry Rutenbeck, Pete Mercer and Clay Miller attended remotely via the Zoom platform. Also present were Pam Cherry, Planning Administrator, Ashia Boteler, Planning Clerk, Charlotte Bolduc, Planning Technician, and Karol Kopetsky, Morgan County IT Administrator.

It is noted that this Planning Commission meeting for March 8, 2021 was held in person with an option to attend remotely through the Zoom platform.

APPROVAL OF MINUTES: December 14, 2021

It was moved by Robert Pennington and seconded by Terry Rutenbeck to approve the December 14, 2021 minutes as presented. Motion carried 5-0 with Allyn Wind and Dave Musgrave recusing themselves as they were not in attendance on December 14, 2021.

APPROVAL OF AGENDA:

It was moved by Robert Pennington and seconded by Pete Mercer to approve the Agenda as amended, changing the order to Kauffman presenting first, then Wulf to follow. Motion carried 7-0.

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

OLD BUSINESS:

No old business.

NEW BUSINESS:

APPLICATION:

Applicant: Daniel L. and Sharon K. Kauffman

Landowner: Daniel L. and Sharon K. Kauffman

Reason- Special Use application to allow a winery with related uses to include a tasting room, wine sales and wine manufacture.

Daniel L. and Sharon K. Kauffman, 16985 County Road 21, Fort Morgan, 80701 presented the application.

APPLICATION OVERVIEW:

Pam Cherry, Planning Administrator, read her file summary as follows:

Daniel L. and Sharon K. Kauffman, as applicants and landowners have submitted an application for a special use permit for an existing, non-conforming use of property as a winery to include sales room, tastings, and events. The vineyard is a use by right as an agricultural use in the agriculture production zone district. The property was recently granted an amendment to an exemption that increased the area of the parcel from 1.92 acres to 5.67 acres. The property is located in the NE¼ of Section 9, Township 3 North, Range 57 West of the 6th P.M. and addressed as 16985 County Road 21, Fort Morgan, CO.

The property is zoned Agriculture Production and has been used for residential purposes and the winery was started about two years ago. The property is not in compliance with zoning regulations which does not permit the processing of agricultural products in the Agriculture Production zone district.

Kauffman's began planting grape vines for wine making in 2018 with additional vines added in 2019 and 2020. A State Limited Winery License has been obtained and excise taxes are filed with the state on a monthly basis to the Alcohol and Tobacco Tax and trade Bureau. A 60x80x16 building has been constructed to store equipment, to increase the wine production area and bonded area with a sales room, added.

Wine that is produced will be sold onsite as well as in a local liquor store. This is a boutique winery that will produce small vintages of wine, 10-15 cases per vintage.

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 northeast planning area.

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 expanding agricultural processing in the county.

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.

This project is located adjacent to existing infrastructure, roads and Morgan County Quality Water. The project is compatible with the surrounding agricultural uses.

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

This project will not impact the preservation of agriculture production lands. This project will expand agricultural production in the county.

Chapter 5

5.IX.

Goal – To preserve the manmade and natural environment in order to enhance the quality of life in Morgan County and to make environment considerations part of the land use decision-making process.

This project will preserve the natural environment and enhance the quality of life in Morgan County.

(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.

(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.

(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.

The parcel is conforming.

(H) 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.

(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.

Daniel L. and Sharon K. Kauffman presented the application as landowners....

In 2018 we started planting grape vines for the purpose of wine making on the 5.67 acres. We have added additional vines in 2019 and 2020. We obtained our Federal Limited Winery Permit and obtained our State Limited Winery License in September of 2019 with a bonded area designated. We file Excise Tax reports to the State of Colorado monthly and on an annual basis to the TTB.(Alcohol and Tobacco Tax and Trade Bureau) Sales tax is reported quarterly to the State of Colorado.

Grape vines are planted under a drip irrigation system being watered weekly. The plants are stressed to encourage root growth of up to 30 feet.

We source grapes from the LODI area in California which we pick up in Denver.

We are a boutique winery producing small vintages of wine, 10-15 cases per vintage. The desire is to produce a local product that is enjoyed by the community and others.

DISCUSSION:

There was discussion on vineyard acreage – 3/4ths of an acre currently, 3 acres at most. Vine roots up to 30' deep, deeper roots give more flavor.

There was discussion on the usage of irrigation water usage rather than quality water, 2 taps from MCQW...

There was discussion on the Kraft Dairy pipeline easement...

There was discussion on occupancy of building and size of event. Fort Morgan fire departments occupancy – small events less than 100 people.

PUBLIC COMMENT OPEN:

No one present in person or via Zoom from the public for comment in support or opposition.

PUBLIC COMMENT CLOSED:

Robert Pennington asked Pam Cherry if there were any opposition...Pam stated there was one phone call from a person asking about traffic impacts.

MOTION:

It was moved by Pete Mercer and seconded by Allyn Wind to approve this special use application.

Motion carried 7-0.

APPLICATION:

Applicant and Landowners:

a. Matthew Wulf and Tiffany Wulf

Legal Description: A parcel of land in the NW ¼ of Section 3, Township 3 North, Range 58 West of the 6th P.M. Morgan County, also known as Lot 2 of the Pickens West No 2 Minor Subdivision, Fort Morgan, addressed as 17792 Co Rd 15 Lot #3, Fort Morgan, CO 80701; and

Request: Replat to decrease Lot 2 of Pickens West No 2, from 27 acres to 16.34 acres

b. Joshua Duane Bristol and Ashley Nicole Bristol

Legal Description: A parcel of land in the NW ¼ of Section 3, Township 3 North, Range 58 West of the 6th P.M. Morgan County, also known as Lot 1 of the Pickens West No 2 Minor Subdivision, Fort Morgan, addressed as 17594 Co Rd 15, Fort Morgan, CO 80701

Request: Replat to increase Pickens West, Lot 1 from 5.7 acres to 11.53 acres; and

c. Raul Delgadillo

Legal Description: A parcel of land in the NW ¼ of Section 3, Township 3 North, Range 58 West of the 6th P.M. Morgan County, also known as Lot 2 of the Pickens West Minor Subdivision, Fort Morgan, addressed as 17696 Co Rd 15, Fort Morgan, CO 80701

Request: Replat to increase Lot 2 of Pickens West Subdivision from 5.0 acres to 10.09 acres.

Matthew Wulf, 17792 Co Rd 15 Lot #3, Fort Morgan, CO 80701 presented this application as a landowner.

APPLICATION OVERVIEW:

Pam Cherry, Planning Administrator, read her file summary as follows:

This application is for the Tradesman Minor Subdivision, a replat of Lot 2 Pickens West Minor Subdivision and of Lots 1 and 2 of Pickens West No. 2 Minor Subdivision and a replat of Lots 3 and 4 of the Pickens West Minor Subdivision located in the W ½ of the NW ¼ of Section 3, Township 3 North Range 58 West of the 6th. P.M. Morgan County, Colorado.

The property is located on County Road 15 between Hwy 34 and County Road S with addresses of:

1. Wulf - 17792 County Road 15 Lot #3, Fort Morgan – 1227-030-04-002

2. Delgadillo - 17696 County Road 15, Fort Morgan – 1227-030-03-002
3. Bristol - 17594 County Road 15, Fort Morgan – 1227-030-04-001

The applicants and landowners are requesting a Replat to decrease Lot 1 of Pickens West Minor, Lot 2 from 27 acres to 16.34 acres (Wulf). Approximately five acres will be added to Pickens West No.2 Minor, Lot 2 (Delgadillo) to become 10.09 acres. Approximately five acres will be added to Pickens West No. 2 Minor, Lot 1 to become 11.53 acres. Neither subdivision has adopted restrictive covenants.

The Wulf and Delgadillo are developed with homes and other structures. The Bristol property is currently undeveloped, to be developed as residential in the future. The property is zoned Agriculture Production and all structures meet the setback requirements of the district.

In reviewing an application for a replat of a subdivision Planning Commission and the Board of County Commissioners shall apply the following criteria as listed from Section 10-400 of the Morgan County Subdivision Regulations:

- (1) The replat complies with these standards and regulations, and the original conditions of approval.
- (2) Nonconforming lots are not created, and in the case of nonconforming lots, the nonconformity is not increased.
- (3) The replat is in keeping with the purpose and intent of the Subdivision Regulations.
- (4) Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with these Subdivision Regulations.
- (5) The approval will not adversely affect the public health, safety, and welfare.

All appropriate notice requirements have been completed with no comments received as of February 24, 2021. Thirty-five property owners within 1,320 feet were notified of the application; comments have not been received either in support or opposed.

Matthew Wulf presented the application representing the landowners...

The land is being subdivided to allow the owners to add land to their existing property.

The Subdivision is compatible with surrounding land use and is adequately buffered as needed.

DISCUSSION:

There was discussion on why this minor subdivision was not done administratively...BCC requested all minor subdivision go to hearing.

There was discussion on naming the subdivision Tradesman, rather than Pickens West...Tradesman will simplify the name problem.

There was discussion on addressing problems with emergency services, will be re-addressing... Addresses will be revised on completion of this project.

There was discussion on any covenant...Loose covenants.

PUBLIC COMMENT OPEN:

No one present in person or via Zoom from the public for comment in support or opposition.

PUBLIC COMMENT CLOSED:

MOTION:

It was moved by Terry Rutenbeck and seconded by Clayton Miller to approve this replat subdivision application.

Motion carried 6-0 with Dave Musgrave recused himself.

ADJOURN:

It was moved by Nathan Troudt and seconded by Pete Mercer to adjourn this meeting. Motion carried 7-0. Meeting adjourned at 7:50 p.m.

Respectfully Submitted,
Ashia Boteler, Planning Clerk