

MORGAN COUNTY PLANNING COMMISSION
August 13, 2018 MINUTES

The Morgan County Planning Commission met on Monday, August 13, 2018 at 7:00 p.m. in the Assembly Room of the Morgan County Administration Building. Answering roll call was: Robert Pennington, Pete Krohn, Bob Elrick, Joe Ewertz, Dave Musgrave, Mike Erker and Nathan Troudt. Also present were Pam Cherry, Planning Administrator; Jody Meyer, Planning Assistant; Andrea Hill Planning Clerk; and Kathryn Sellars, Morgan County Attorney.

The meeting was called to order by Chairman Joe Ewertz.

JUNE 18, 2018 MINUTES:

Corrections to the June 18, 2018 minutes regarding the Empire Dairy Special Use Application were as follows:

1. Nathan Troudt clarified that he had asked Baesslers when their house was built and no definite answer was given.
2. Joe Ewertz clarified that Monica Mika was not an attorney but was representing the Baesslers.
3. Joe Ewertz wanted more discussion clarification on the animal unit numbers for Empire Dairy.

It was moved by Nathan Troudt and seconded by Bob Elrick to approve the June 18, 2018 minutes as amended. Motion carried 7-0.

JULY 9, 2018 MINUTES: It was moved by Nathan Troudt and seconded by Robert Pennington to approve the July 9, 2018 minutes as presented. Motion carried 7-0.

AGENDA: It was moved by Robert Pennington and seconded by Mike Bailey to approve the agenda as presented. Motion carried 7-0.

NEW BUSINESS:

APPLICANT: Tye Maag – Your Choice Meats
OWNER: Tye, Ernest and Chase Maag

Tye Maag and Chase Maag were present to represent this application.

Pam Cherry read her file summary as follows:

Application Overview

This application was submitted by Tye Maag as applicant and Tye, Ernest and Chase Maag as property owners for a Special Use Permit to permit a custom slaughter plant that will also process, cure and smoke beef, pigs, lamb and goats. The applicant has previously used another processing facility to smoke the meat and that business has decided that they cannot handle the capacity of meat that Your Choice Meats is sending to them. To increase efficiency Your Choice wishes to expand their business to include meat processing services.

The parcel of this application is 1045-32-000-001 that is 20 acres in size and addressed as 18935 County Road 2, Wiggins, CO 80654. The property is located north of Highway 34 and on the west side of County Road 2. The property is zoned Agriculture Production and located in the NE¼ of the NE¼ of Section 32, Township 4 North, Range 60 West of the 6th P.M. Morgan County, Colorado.

a. Pursuant to Section 2-325 of the Morgan County Zoning Regulations, 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 3-180 (V) Slaughter Houses are listed as a Use by Special Review. Processing, curing and smoking of meats are not listed and are also processed as a Use by Special Review.

The smoke house is an electric self-contained unit that uses pellets and a smoke generator pipe that transports the smoke to the smoke house.

Your Choice Meats has been in operation since the early 1970's and has provided slaughter services since that time. It is a business that provides a needed service to the public. The file includes an exhibit stating that they are located with 1,300 feet of a CAFO and understand that this may result in additional traffic, noise and smells.

Public Comments/Concerns

As of August 2, 2018 no comments have been received either in favor or opposition to this application.

Criteria for review of Use by Special Review permits and Planning Administrator's analysis

Pursuant to Section 2-345 of the Morgan County Zoning Regulations 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.

The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan. The property is located in the northwest planning area as defined by the Morgan County Comprehensive Plan. In this area of Morgan County uses that are compatible with dairy and feeding operations are encouraged. A slaughter house, meat processing and smoking would be considered compatible.

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 how the uses are to be arranged on the 20 acre site.

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 Sections 3-620 through 3-710.

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 will be minimal. All surrounding properties are zoned Agriculture Production. An increase in traffic is not anticipated with the addition of the smoke house.

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

Buffering from adjacent agricultural uses is not necessary as many of the surrounding uses are also agricultural and compatible.

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.

The addition of a smoke house and meat process will not change the risk to public health safety and welfare. Some of the services provided on the property have been supplied for many years.

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

This parcel is not a non-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 is demonstrated by the use of the property for a portion of the uses on the property that have been there for many years. The addition of the smoke house will expand the services provided by Your Choice Meats. The applicant has paid all fees and costs and taxes are current.

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.

The property has an existing Quality Water tap and has been issued a permit from the Northeast Colorado Health Department for an engineered septic system.

Staff Comments

None received as of August 2, 2018.

Recommendation

Pam Cherry's recommendation to the Planning Commission is to recommend approval of this application to the Board of County Commissioners subject to 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.

Tye Maag explained that the smoker will allow them to cure their own hams and bacon on site. Without the smoker and processing they could not handle fair animals. Chase Maag added that they handle fresh meats and cooked meats. Maag noted they would use the smoker about 2-days a week. Chase Maag said it takes about 40 minutes to smoke 500 lbs. of meat. The smoker is a walk-in, computerized to keep records for each cycle. It is a USDA and State inspected facility and also inspected by the Colorado Health Department.

PUBLIC COMMENTS OPEN:

In Favor: No one

In Opposition: No one

PUBLIC COMMENTS CLOSED

It was moved by Mike Bailey and seconded by Nathan Troudt to approve this Special Use Permit as presented for a custom slaughter plant that will also process, cure and smoke beef, pigs, lamb and goats with Tye Maag, Ernest Maag and Chase Maag as landowners and Tye Maag/Your Choice Meats as applicant and send it along to the Board of County Commissioners along with Pam Cherry's condition listed below. Said parcel is zoned Agriculture Production and located in the NE¹/₄ of the NE¹/₄ of Section 32, Township 4 North, Range 60 West of the 6th P.M. Morgan County, Colorado, aka 18935 County Road 2, Wiggins, CO 80654. This approval is conditioned upon the following:

- 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.**

Motion carried 7-0.

Old Business:

Morgan County Zoning Regulation Amendments

Proposed Amendments to the Morgan County Zoning Regulations regarding Commercial Mobile Radio Service (CMRS), – tabled from the July 9th, 2018 meeting.

A RESOLUTION AMENDING VARIOUS SECTIONS MORGAN COUNTY ZONING REGULATIONS CONCERNING WIRELESS SERVICE FACILITIES

Pam Cherry informed the Planning Commission that changes were made to the amendments since the July meeting and after meeting with Jon Becker and the attorney for Viaero about some of the language that was in the previous draft. In your packets you have the previous draft, regulations we have in place now, and the new revised amendments.

Kathryn Sellars, Morgan County Attorney, presented the new draft of the amendments to the Planning Commission (see attached) and noted the strike-out format. Jon Becker was present to represent Viaero Wireless regarding the new amendments. Kathryn Sellars thanked Jon for his contribution to these amendments and said he was better able to explain about the industry portion.

Jon Becker, representing Viaero, talked to the Planning Commission regarding co-location. He explained how the wind and size of the tower affected placement. It takes 6-8 months to process the agreements for vacation and construction of a tower. Mr. Becker showed a slide presentation of different styles of towers and why they were designed for certain areas. There was discussion on small cell facilities. The new regulations will allow small cell towers as a Use by Right in the Morgan County Zoning Regulations.

Jon Becker talked about the Height Limit in 4-715(G) which states forty (40) feet. He requested this be raised to a sixty (60) ft. height limitation.

PUBLIC COMMENTS OPEN

Those in favor: none

Those opposed: none

PUBLIC COMMENTS CLOSED

It was moved Mike Bailey and seconded by Nathan Troudt to approve the proposed Amendments to the Morgan County Zoning Regulations regarding Commercial Mobile Radio Service (CMRS), as presented and amended to change the height limit from 40 ft. to 60 ft. in Section 4-715(G) Standards for all WSF's, and send it on to the Board of County Commissioners. Motion carried 7-0.

UPDATE ON BCC DECISIONS:

Pam Cherry reviewed the hearing decisions made by the Board of County Commissioners on the following applications: Moreno Training Facility and Green Brothers/McAtee. Pam Cherry said Moreno Horse Training asked for the continuance to do more research background information as request by the applicant. Joe Ewertz asked about disallowance of out-of-county waste regarding Oil and Gas Regulations and Kathryn Sellars said the Board of Commissioners did not agree with the Planning Commission's recommendation. Joe asked if this was State regulated and we have to accept it. Kathryn said it was an undetermined area of law that you cannot prohibit out-of-county E&P (exploration and production) waste from coming in. She was not aware of any State statue.

OTHER MATTERS:

Rena Baessler read a letter to the Planning Commission regarding the Empire Dairy Amended Special Use Application. She thanked them for their decision on this application.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jody Meyer, Planning Assistant