

MORGAN COUNTY PLANNING COMMISSION
March 13, 2017 MINUTES

The Morgan County Planning Commission met on Monday, March 13, 2017, at 7:00 p.m. in the Assembly Room of the Morgan County Administration Building. Answering roll call was: Joe Ewertz, Pete Krohn, Bob Elrick, Dave Musgrave, Robert Pennington, Mike Bailey, and Nathan Troudt. Also present were Pam Cherry, Planning Administrator; Jody Meyer, Planning Assistant; and Laurie Cromwell, Planning Assistant.

The meeting was called to order by Chairman Robert Pennington.

It was moved by Nathan Troudt and seconded by Joe Ewertz to approve the minutes of the October 11, 2016 meeting as presented. Motion carried 7-0.

It was moved by Joe Ewertz and seconded by Nathan Troudt to approve the agenda as corrected to move the Election of Officers as the first item of business. Motion carried 7-0.

NEW BUSINESS:

Election of Officers for 2017

The Board elected officers, a chairman and a vice chairman, for 2017 as follows:

It was moved by Joe Ewertz and seconded by Bob Elrick to appoint Robert Pennington as Chairman of the Planning Commission. Motion carried with a unanimous vote by the board 7-0.

It was moved by Bob Elrick and seconded by Nathan Troudt to appoint Joe Ewertz as Vice Chairman of the Planning Commission. Motion carried with a unanimous vote by the board 7-0.

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

OPEN PUBLIC HEARING

SPECIAL USE PERMIT

APPLICANT: PIONEER WIRELINE SERVICES, LLC

LANDOWNER: J.L. DUCKWORTH AND FRANCINE R. DUCKWORTH

Dan Hazel, OSHA Compliance Manager, was present by way of a conference call as he could not attend this meeting. Also present was Wade Elmore, representing Pioneer Wireline to help answer any questions on this application.

Pam Cherry read the file summary as follows:

Background Information

The subject property is located in the SE1/4 of Section 6, Township 3 North, Range 58 West of the 6th P.M., aka 17061 Co Rd 13, Fort Morgan, CO 80701.

Four acres of the 159 acre Duckworth property will be leased by Pioneer Wireline Services, LLC (Lease Agreement with Larry Duckworth for a 5-year term) to store additional loaded perforating guns in an approved ATF loaded gun storage area to accommodate the high demand of these guns in the oil and gas field. The ATF allows only a small amount of loaded guns to be stored according to the 27 CFR 555.22 alternate methods or procedures and 27 CFR 555.205 movement of explosive materials. Pioneer will need to store additional loaded guns in an offsite secure location in order to keep up with increase of work demands. The closet residential structure to either pad is 1000', others are further, County Road 13 is approximately 1,100 feet from the closest pad.

A 30'x30' storage pad will be covered with road base and enclosed with a 6' chain link fence and an additional 4' fence on the inside for additional security. Another 20'x20' magazine storage pad will be covered with road base and wrapped with a 6' chain link fence. Entrance to both pads will be by a manual gate with tumbler locks.

Pioneer Wireline operates under strict regulations by the ATF. Environmental impacts to adjacent properties from noise, dust or traffic are not anticipated. Pioneer will meet all explosive requirements in accordance with Colorado State Division of Oil and Public Safety 4.6 and ATF explosive law and regulations as well as regulations that apply explicitly to the movement and transport of explosive materials.

Water – The proposed use does not require a water supply. In case of fire, there would be an explosion so would not be safe for emergency response for the purpose of fire suppression. Property will be posted to notify emergency response of no fire suppression due to safety reasons.

Utilities – Public utilities are not required for this use.

Access – There is a letter from Morgan County Road and Bridge allowing an access off of County Road 13.

Soils – VcD Valent sand with 3-9% slopes are present at the proposed pad sites.

Fire Protection – Fort Morgan Rural Fire Protection District with support from other departments when and if necessary.

Morgan County Sheriff – Does not anticipate a significant impact on law enforcement services.

Federal Explosives License/Permit and State of Colorado Purchaser, Transportation, Well Perforation Permit and Storage Permit were included with the application.

The Special Use is required in the “A” Zone per Section 3-180 (F) Oil well drilling operations equipment storage yards, oil tank fields. This use is for storage of equipment for use in the oil fields which supports the industry.

All appropriate notices, posting, and publication requirements have been met. Appropriate fees have been paid for application and review. The subject property is located within the Fort Morgan Rural Fire District. Taxes are current. The subject property is zoned “A” Agriculture Production District and the proposed site of the facility is not located in the floodplain.

Pam Cherry recommended approval of the application with one condition:

1. All federal and state regulations for this facility will be followed.

Representatives answered questions:

Security – two chain link fences (one 6ft. one 4 ft.) with barbed wire will be placed around this facility - it looks like a cage. It cannot be easily broken into. The State audit requirements have been met by ATF. No cameras on site. Personnel are there on a daily basis.

There were many questions from the Planning Commission such as magazine size, the number of pounds of explosives (200 lbs),

Structure is prebuilt and the pad will be built on site. The assembly process was reviewed. The original Permit for this type of business was pulled in 2008 and is located in Hy-Plains Subdivision.

PUBLIC COMMENT:

Speaking in Favor:

Sandy Coyle, 17530 Co Rd 12, FM, borders this property had general questions. She asked about the overall footprint of this site. There was detailed discussion about how these loaded perforated guns were put together. She was concerned about grass fires. Dan Hazel explained that grass will be mowed around the site to keep it clear. It won't explode.

Speaking in Opposition:

Alan Bergman, 17252 Co Rd 13, FM, was concerned about lighting and road maintenance. Dan Hazel said they use a pickup and trailer to drive the roads so they were not so concerned about muddy roads. Dan also said the site is grounded with lightning rods.

CLOSE PUBLIC HEARING

It was moved by Joe Ewertz and seconded by Mike Bailey to APPROVE an Application from Pioneer Wireline Services, LLC as applicant and J.L. Duckworth and Francine R. Duckworth as landowners for a Special Use Permit to store additional loaded perforating guns in an approved ATF loaded gun storage area and send it on to the Morgan County Board of Commissioners. The subject property is located in the SE1/4 of

Section 6, Township 3 North, Range 58 West of the 6th P.M., aka 17061 Co Rd 13, Fort Morgan, CO 80701. Motion carried 7-0.

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.

It is noted that Joe Ewertz, Planning Commission, recused himself from hearing this application.

Craig Potthoff was present to represent this application.

Pam Cherry, Planning Administrator, read the File Summary as follows:

Craig Gerhard Potthoff as applicant and landowner is requesting this Exemption from Subdivision to create a parcel to sell as a home site. Contract is included in the file.

The file contains a will serve letter from the Northeast Colorado Health Department for the proposed onsite waste water disposal system. The proposed parcel is served by Morgan County Quality Water District Tap #2814. Access to the property is from County Road H, a semi-circle driveway will not be allowed.

Soils on the parcel are listed as BvA; not limited for construction purposes.

All appropriate notices have been completed. Subject property is zoned "A" Agriculture Production Zone, and is presently vacant. Site is not in the floodplain. Subject property is located within the Wiggins Rural Fire District. Taxes are current.

Objections to the exemption have been received from three property owners in the notification area. Two of the owner's objections included drainage issues and property values, the third objection did not specify a reason.

Planning Administrator Evaluation:
Chapter 9 – Subdivision Exemption Regulations

9-145 – Natural Hazards Area

In areas determined to have significant flood, fire, geological or other natural hazards, the Planning Commission and the Board of County Commissioners may, in the interest of public safety, require applicants to submit for review, plans to eliminate or reduced hazards to a reasonable level. Such plans may include, but are not limited to engineering designs, fuel modification emergency water systems, etc.

The exempted property has drainage issues that were documented by two objecting parties. There is Google imagery included with the packet that shows a significant ponding on the

southeast corner on the five acres to be exempted and appears it may be 30-40% of the five-acre site. Consider a reconfiguration of the 5-acres so drainage issues do not impact as much of the site.

9-157 – The Morgan County Planning Administrator may approve an exemption if the criteria of Section 9-180 are met.

Section 9-180(F) - All areas of the proposal which may involve soil or topographical conditions presenting hazards or requiring special precautions shall be identified by the applicant and the proposed use of these areas shall be found to be compatible with such conditions.

Section 9-180(L) The applicant must demonstrate that there is a present need for such exemption. Exhibit “O” narrative is to provide a proposal summary addressing need, purpose and reasons for the request. The narrative states: “This five acre parcel is to be created for the purpose of providing a home site for the Danley family.”

The application must include:

Exhibit “L” – Plat map must show the designated 40 acre parcel the Exemption is being taken from.

The plat map provided does not meet the requirement as it does not show the 40 acres from which the 5 acres is being exempted.

Recommendation for approval subject to conditions:

1. This exemption is the only one permitted on this 40-acre parcel.
2. Plat map should be revised to show the 40-acre boundary with the 5-acre exemption shown with distances and bearings.
3. Reconfiguration of the 5-acres

Craig Potthoff, 711 Custer, Brush, CO 80723, did not add additional information from what the Planning Administrator read.

Craig Potthoff said water does pool at the corner of Co Rd 6 and H. He doesn’t see a problem with exemption being approved. Not much of a drainage issue. The problem could be a blocked culvert about 250ft. to 300 ft. north of the exemption site. Potthoff said he has owned this property since 2013. Planning Commission wanted to know if the buyers were aware of the drainage problem. Potthoff did mention that the potential buyers withdrew their contract (interest rates).

OPEN PUBLIC COMMENT:

Those in FAVOR: None

Those in OPPOSITION:

Jim Gabel, 6159 Co Rd H, Wiggins, lives east of this parcel, just across the road. He owns 160 acres and has a cow/calf operation (120 cows and 100-150 calves). He was concerned with new buyers not liking his animal operation. He counted 8 homes on the property right now. This property drains to the Southeast corner. A culvert is there – it drains onto his property – but needs fixed.

Bob Elrick mentioned the Right to Farm Policy.

Joe Ewertz, said he was neutral on this application. He is fine with splitting it off. He discussed the Comprehensive Plan – planting trees – should be addressed at the County level. Discussion on trash – County doesn't do anything; too many animal units/over populated. Enforce the Rules.

CLOSE OF PUBLIC COMMENT:

Nathan Troudt asked Potthoff if he had talked to Mr. Gabel. Potthoff said no – he didn't realize there was a problem until tonight.

It was moved by Bob Elrick and seconded by Dave Musgrave to APPROVE this Application for Exemption from Subdivision of 5 acres for Craig Potthoff, owner and applicant, located in the SE1/4 of Section 25, Township 2 North, Range 60 West of the 6th P.M., Morgan County, Colorado, aka 05971 County Road H, Wiggins, Colorado 80654 with the following conditions:

- 1. Plat map should be revised to show the 40-acre boundary with the 5-acre exemption shown with distances and bearings and area of exemption.**
- 2. An additional fee of \$200 is needed on this application because it went to hearing.**

Motion carried 6-0.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jody Meyer, Planning Assistant