

MORGAN COUNTY PLANNING COMMISSION
May 8, 2017 MINUTES

The Morgan County Planning Commission met on Monday, May 8, 2017, at 7:00 p.m. in the Assembly Room of the Morgan County Administration Building. Answering roll call was: Joe Ewertz, Bob Elrick, Robert Pennington, Mike Bailey, and Nathan Troudt. Also present were Pam Cherry, Planning Administrator; and Jody Meyer, 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 April 10, 2017 meeting as presented. Motion carried 5-0.

Joe Ewertz wanted to have further discussion on the meeting with the Commissioners on May 1, 2017. **It was moved by Joe Ewertz and seconded by Bob Elrick to approve the agenda and add discussion on the Commissioner meeting. Motion carried 5-0.**

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

NEW BUSINESS:

OPEN PUBLIC HEARING

SPECIAL USE PERMIT

APPLICANT: MORGAN SAND AND GRAVEL – WESTHOFF PIT M1977-094
LANDOWNER: MORGAN SAND AND GRAVEL

Greg Westhoff was present to represent this application for Morgan Sand & Gravel.

Pam Cherry, Planning Administrator, read the following file summary.

Background Information

The subject property is located in the Section 34, Township 5 North, Range 58 West of the 6th P.M., aka 21215 Highway 52, Fort Morgan, CO 80701.

This application is to amend a Special Use permit that was granted for Morgan Sand and Gravel in 2008 for mining of 40 acres which is nearly completely mined. This amendment will add 36.4 acres to the original permit for a total of 76 acres.

There is a reclamation plan that has been approved by the Colorado Division of Reclamation, Mining and Safety. In addition, a Stormwater Discharge permit from the Colorado Water Quality Control Commission is not required for this operation. There is also a Fugitive Dust permit and Air Pollution Notice (APEN) from the Colorado Air Pollution Control Division. State and water trucks will be used when necessary to minimize impacts from dust.

The nearest residence is 1.5 miles from the pit. This will not cause issues with noise due to the crushing portion of the operation. The pit is not visible to any towns or residential uses.

Comments either in support or opposition for expansion of the mining operation have not been received by our offices.

Utilities – Public utilities are not required for this use.

Access – The existing access will be used for this land use.

The Amended Special Use is required in the “A” Zone per Section 3-180 (G) Mineral resource development and extraction operations and facilities (including quarrying and sand and gravel pit).

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 subject to:

1. When mining operations are complete on the currently permitted property reclamation will begin in compliance with the plan approved by the Colorado Board of Reclamation.
2. When mining operations are complete on this parcel the Reclamation Plan will be followed as approved by the State Board of Reclamation.
3. If groundwater is exposed notification will be provided to the State Department of Water Resources, Board of Reclamation and Morgan County Planning.
4. The mining operation will remain in compliance with the Fugitive Dust permit and Air Pollution Emission Notice. Water trucks will be utilized for control when necessary.
5. Reports of purchase of water for use on the site are required to be submitted to the State.

Greg Westhoff said Morgan County Sand & Gravel has been in business since 1972 and he recently bought it from the family. He noted one change to the application being the slope calculation in the reclamation. He told the Board that the State used a drone to capture the maps etc. of the property and he is just waiting on the Reclamation Bond.

Bob Elrick asked how long the added 36 acres will last for mining. Greg Westhoff said approximately 10-15 years. He would probably start on this new site at the end of this summer.

Greg Westhoff said he has to notify and disclose to the State where he bought water from. Elevations were discussed for the pit. Reclamation was discussed and Greg Westhoff said the State inspects the property once a year. The recycle business is on a separate 40-acre parcel.

OPEN PUBLIC COMMENT:

Those in FAVOR: None
Those in OPPOSITION: None

CLOSE OF PUBLIC COMMENT

It was moved by Nathan Troudt and seconded by Mike Bailey to **APPROVE** an Application from Morgan Sand & Gravel (Westhoff Pit M1977-094) as Applicant and landowner to Amend a Special Use Permit granted in 2008 for mining of 40 acres. This amendment will add 36.4 acres to the original permit for a total of 76 acres. The subject property is located in the NE1/4 of Section 34, Township 5 North, Range 58 West of the 6th P.M., aka 21215 Highway 52, Fort Morgan, CO 80701. This will be sent on to the Board of County Commissioners with the following conditions:

1. When mining operations are complete on the currently permitted property reclamation will begin in compliance with the plan approved by the Colorado Board of Reclamation.
2. When mining operations are complete on this parcel the Reclamation Plan will be followed as approved by the State Board of Reclamation.
3. If groundwater is exposed notification will be provided to the State Department of Water Resources, Board of Reclamation and Morgan County Planning.
4. The mining operation will remain in compliance with the Fugitive Dust permit and Air Pollution Emission Notice. Water trucks will be utilized for control when necessary.
5. Reports of purchase of water for use on the site are required to be submitted to the State.

Motion carried 5-0.

REPLAT OF SUBDIVISION
APPLICANT: REBECCA A. SCHMIDT
LANDOWNER: REBECCA A. SCHMIDT

Rebecca A. Schmidt was present to represent this application.

Pam Cherry, Planning Administrator, read the following file summary.

Background Information

The subject property to be replatted includes Lots 7 and 8, Block 3, Hedges Addition to the Town of Orchard with an address of 22769 Dunreath Ave, Orchard, CO 80649.

The property is zoned RCR, Rural Community Residential. There are two contiguous lots that the applicant proposes to combine into one lot. There is an existing mobile home on the

property that will be removed and replaced with a new modular home. There is an existing Morgan County Quality Water tap serving the home. There is an existing septic system on the property that will be used for the new home.

Seventy-eight (78) property owners in the 1,320 foot notification area received notices of the application. No objections or inquiries have been received referencing this application. Pam said she did receive one call on this application, but they had no concerns.

Access – The file contains a letter from Road and Bridge that an additional driveway to the new lot is approved; there is an existing driveway on the developed lot.

Pam Cherry recommended approval of the replat on the condition that prior to the issuance of a building permit:

- 1.) If the bulk regulations i.e. setbacks for the RCR zone cannot be met, an application for a variance will be submitted. Administrative approval can be granted if the reduction of setbacks is no more than thirty percent (30%).
- 2.) If, at a future date Morgan County determines a culvert is needed for drainage, or any existing culvert needs repaired, the landowner will assume all costs; and culvert and driveway must meet Morgan County specifications. This may require a forty foot (40') driveway. Culvert may be installed by others, but the culvert must be pre-approved by the County.
- 3.) If existing Onsite Wastewater Treatment System fails to operate properly, the owner shall obtain from the Northeast Colorado Health Department an application for a permit to repair the OTWS in compliance with all regulations.

Rebecca Schmidt said she is attempting to remove the double wide and replace with a new modular. She understands why the replat is needed. Robert Pennington wanted to know why they were even hearing this replat application. Pam Cherry explained that the structure would be straddling the lot line of these two lots and we need to address the regulations by working on new amendments and meeting setback requirements.

OPEN PUBLIC COMMENT:

Those in FAVOR: None

Those in OPPOSITION or WITH CONCERNS:

Gary Haynes, 1531 Second Street, Orchard, explained that Second Street does not run through to his property. If he can make that happen, he would like to open that road which also runs by Rebecca Schmidt's property. He was told by the County they cannot do anything at this time. He was told to check with Dick Early from Road and Bridge and also check with Rebecca Schmidt as they have a garden and other things located on the roadway which would need to be removed before that street could be open. Rebecca said she understood Mr. Haynes concern.

CLOSE OF PUBLIC COMMENT

It was moved by Bob Elrick and seconded by Joe Ewertz to APPROVE a Replat of Subdivision Application to combine Lots 7 and 8, Block 3, Hedges Addition to the Town of Orchard with an address of 22769 Dunreath Ave, Orchard, CO 80649 into one (1) lot. This will be sent on to the Board of County Commissioners with the following conditions:

- 1.) If the bulk regulations i.e. setbacks for the RCR zone cannot be met, an application for a variance will be submitted. Administrative approval can be granted if the reduction of setbacks is no more than thirty percent (30%).
- 2.) If, at a future date Morgan County determines a culvert is needed for drainage, or any existing culvert needs repaired, the landowner will assume all costs; and culvert and driveway must meet Morgan County specifications. This may require a forty foot (40') driveway. Culvert may be installed by others, but the culvert must be pre-approved by the County.
- 3.) If existing Onsite Wastewater Treatment System fails to operate properly, the owner shall obtain from the Northeast Colorado Health Department an application for a permit to repair the OTWS in compliance with all regulations.

Motion carried 5-0.

**EXEMPTION FROM SUBDIVISION AND SPECIAL USE PERMIT
APPLICANT: ROB AND PATTI SEIBER
LANDOWNER: ROB AND EDITH SEIBER**

Rob and Patti Seiber were present to represent this application.

Pam Cherry, Planning Administrator, read the following file summary.

Background Information

There are two applications for this property:

- 1.) Exemption from the Subdivision Regulations for 4.955 acres located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 33, Township 4 North, Range 60 West of the 6th P.M., Morgan County, Colorado. Property is also known as 18600 Co Rd 2, Wiggins, CO 80654.
- 2.) Special Use to locate a residence within 1,320 feet of a Confined Animal Feeding Operation.

This amendment is to create a new 4.955 acre parcel from the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 33, Township 4 North, Range 60 West of the 6th P.M.

Nine property owners in the 1,320 foot notification area received notices of the applications and this hearing. There have not been any objections or inquiries. The existing Seiber Dairy is on the property from which this parcel is being exempted; the dairy is a family business. The exemption process is necessary to obtain a mortgage for an addition and improvements to the existing home.

Water will be provided by Morgan County Quality Water from an existing tap which has been transferred from Rob and Edith Seiber to Rob and Patti Seiber. There is an existing Onsite Wastewater System on the property.

All appropriate notices, postings and publication requirements have been met. Property is zoned "A" Agriculture Production. Any new construction will be required to be built in compliance with all Morgan County regulations.

Pam Cherry recommended approval of the Subdivision Exemption subject to:

- 1.) If, at a future date Morgan County determines a culvert is needed for drainage, or any existing culvert needs repaired, the landowner will assume all costs; and culvert and driveway must meet Morgan County specifications. This may require a forty foot (40') driveway. Culvert may be installed by others, but the culvert must be pre-approved by the County.

Pam Cherry recommended approval of the Special Use to locate a residential property within 1,320 of a Confined Animal Feeding Operation.

Rob Seiber and Patti Seiber wanted to separate their home from the dairy. They have their own water tap for the house. They did not have a definite footage from their residence to the dairy. They said an ILC was prepared, but one was not found in the file.

Robert Pennington noted the condition on the Road and Bridge letter.

OPEN PUBLIC COMMENT:

Those in FAVOR: None

Those in OPPOSITION: None

CLOSE OF PUBLIC COMMENT

It was moved by Joe Ewertz and seconded by Bob Elrick to APPROVE an Application from Robert L. and Patti Seiber for a Special Use Permit for a residence located within 1320' from an existing Confined Animal Feeding Operation being located in the SW¹/₄NW¹/₄ and the N¹/₂NW¹/₄ of Section 33, Township 4 North, Range 60 West of the 6th P.M., Morgan County, Colorado. Property is also known as 18600 Co Rd 2, Wiggins, CO 80654. This application will be sent on to the Board of County Commissioners. Motion carried 5-0.

It was moved by Joe Ewertz and seconded by Mike Bailey to APPROVE an Application from Robert L. and Patti Seiber as applicants and Robert E. and Edith Seiber as landowners for an Exemption from Subdivision Regulations to create a 4.955 acre parcel being located in the SW¹/₄NW¹/₄ and the N¹/₂NW¹/₄ of Section 33, Township 4 North, Range 60 West of the 6th P.M., Morgan County, Colorado. Property is also known as 18600 Co Rd 2, Wiggins, CO 80654. This application will be sent on to the Board of County Commissioners with the following condition: If, at a future date Morgan County

determines a culvert is needed for drainage, or any existing culvert needs repaired, the landowner will assume all costs; and culvert and driveway must meet Morgan County specifications. This may require a forty foot (40') driveway. Culvert may be installed by others, but the culvert must be pre-approved by the County. Motion carried 5-0.

OTHER BUSINESS:

Fee Schedule: Pam Cherry stated we were working on revising the fee schedule.

General Discussion: The Board reviewed the meeting with the Commissioners on May 1, 2017. They all thought it was very productive and having training was a good idea.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jody Meyer, Planning Assistant