

Posted: _____



TOWN OF WIGGINS

PLANNING & ZONING COMMISSION MEETING

March 14, 2023 AT 7:00 P.M.

304 CENTRAL AVENUE

WIGGINS, CO 80654

NOTE: DUE TO THE LIMITED SEATING CAPACITY, THE PUBLIC IS HIGHLY ENCOURAGED TO ATTEND THE MEETING VIA ZOOM

Use the following link <https://us06web.zoom.us/j/89282044351> for the meeting.

MEETING AGENDA

1. INTRODUCTIONS

1. Call the Meeting to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the Agenda

2. Approval of Minutes

1. Approval of the Minutes from the meeting held on February 14, 2023

3. PUBLIC HEARING (Public Comment will be taken during the hearing)

1. Public Hearing and consideration of a Special Use Review – Thomas Minor Subdivision Lot 1 Boat Storage
 - a. P&Z RESOLUTION 01-2023: A RESOLUTION RECOMMENDING APPROVAL OF A SPECIAL REVIEW USE FOR COW TIPPING, LLC FOR A BOAT & RV STORAGE IN THE THOMAS MINOR SUBDIVISION LOT #1.
 - b. Land Use Application
 - c. Thomas Minor Subdivision Lot 1 Site Plan

IV. CONSIDERATION OF PZ RESOLUTION NO. 02-2023

A Resolution Recommending Approval of an Emergency Ordinance Imposing a Temporary Moratorium on the Issuance of a Building Permit, Special Review Use, or Business License to, or Receipt of any Land Use Application from, any Property Owner or Applicant the Purpose of Which Includes Development, Construction, or Operation of a RV Park or Campground.

1. PZ Resolution 02-2023
2. Draft Ordinance

4. ADJOURNMENT:

1. Closing Remarks by Chairman and/or Commissioners, and Adjournment of the Meeting.



MINUTES OF MEETING

TOWN OF WIGGINS PLANNING AND ZONING COMMISSION February 14, 2023 at 7:00 p.m.

CALL TO ORDER & ROLL CALL:

A meeting of the Planning and Zoning Commission for the Town of Wiggins, Colorado was held on Tuesday, February 14, 2023 in person. The meeting was called to order at 7:07 p.m. by Chairman Jeff Palmer. The following Commissioners answered roll call: Stan Baumgartner, Jerry Avey, Dan Ronning and Jim Musgrave. Staff present was Planning and Zoning Administrator, Hope Becker.

APPROVAL OF AGENDA:

Motion was made by Commissioner Jim Musgrave to approve the agenda as written. Second was made by Commissioner Dan Ronning. Roll Call: Unanimously approved.

APPROVAL OF MINUTES:

Motion was made by Commissioner Stan Baumgartner to approve the minutes from December 22, 2022. Second was made by Commissioner Jim Musgrave. Roll Call: Unanimously approved.

PUBLIC HEARING:

1. PUBLIC HEARING - CONSIDERATION OF A SPECIAL REVIEW USE COW TIPPING, LLC

Staff explained that the applicant needed additional time to complete their application process and requested the Planning and Zoning Commissioners motion to move the hearing to the March 14, 2023 meeting at 7 pm.

Motion was made by Commissioner Dan Ronning move the hearing for the consideration of a special review use for Cow Tipping, LLC to be moved to the March 14, 2023 meeting at 7 pm. Seconded by Commissioner Jim Musgrave. Roll Call: Unanimously approved.

ADJOURNMENT:

Chairman Jeff Palmer, upon receiving no further comments or concerns from the Commissioners, adjourned the meeting at 7:13 pm.

Respectfully submitted:

A handwritten signature in blue ink that reads "Tom Acre".

Tom Acre, Interim Town Clerk



STAFF REPORT

Planning and Zoning Commission March 14, 2023

DATE: March 10, 2023

AGENDA ITEM NUMBER: 3

TOPIC: Public Hearing and Consideration of a Special Review Use Recreation Vehicle Storage

STAFF MEMBER RESPONSIBLE: Hope Becker, Planning & Zoning Administrator

BACKGROUND:

Brady Powers and Robin Sewing have submitted a Special Review Use application for development of a recreational vehicle storage yard located in lot 1 of the Thomas Minor Subdivision.

Lot 1 of the Thomas Minor subdivision consists of vacant land located behind Gateway Realty on Central Avenue and behind Steffen Automotive on North Main Street. The primary entrance to access this lot will be on North Main Street across from the Town sewer plant. The applicants goal is to clean up the area of all trash, junk, and debris with the desire to develop this lot into storage for RV's, campers, boats, and other recreational vehicles.



SUMMARY

COMPREHENSIVE PLAN:

The Comprehensive Plan is predominantly used as a tool providing guidance for Boards and Staff in land use application hearings. It does state an objective of the Town should be to “maintain or improve the current level of services.” (page IV-19) Although a Recreational

Vehicle Storage service will not bring additional sale tax revenue to the Town, it will provide a place of storage for recreational vehicles that Wiggins Community members may not otherwise have available at their private residences.

LAND DEVELOPMENT CODE (LDC):

Zoning –Thomas Minor Subdivision is zoned Commercial District.

Section 2.10.C.1 – Special Review uses allowed in the Business District in Section 3.7.4 with exception of multi-family and single-family dwellings are allowed.

- A. Section 2.09.C.16 (Business District Special Review) allows “recreational vehicle storage yards” by special review.

Section 3.02 Commercial and Industrial Use Performance Standards

The Thomas Minor Subdivisions are located in the Commercial District Zone; therefore, the Planning and Zoning Commission need to take into consideration if the proposed development will cause an increase in glare and heat, vibration, lights, smoke, odors, noise, and fugitive dust.

The Walton and Thomas Minor Subdivisions are also located on the edge of Town limits. Interstate 76 is directly north of the property, the Town’s sewer plant is directly west of the property, and open space to the east of the property. There is a small residential subdivision to the southwest of the subdivision and a couple of businesses to the south.

Appendix 11 – Sign Permit Submission Requirements and Standards

Brandd RV Park would place signage along North Main Street and possible one sign on Central Avenue. They would be required to follow the requirements and standards for signage as stated in the LDC.

STAFF ANALYSIS

The Thomas Minor Subdivision is zoned Commercial District. Recreational Vehicle Storage Yards are listed as a Special Review Use in the Business District. The LDC indicates that Special Review uses allowed in the Business District may also be used in the Commercial District as a Special Review Use.

The Special Review Use application is for the area highlighted in blue that would be a fenced in area dedicated to recreational vehicle / boat storage. The lot will remain in its natural vegetative state and will be groomed to remain in compliance with Health and Safety standards for weed control. The applicants have an active fence permit to install 6’ privacy fence with one primary entrance/exit located on the north west side of the property allowing customers to use the publi access entry from North Main Street. There will also be an emergency exit established on the



southeast side of the lot; providing accessibility to emergency personnell from the access easement off of Central Avenue.

Fire Department Review: Fire Chief John Pachek voiced concerns regarding the continued use of natural vegetation verses hardsurfacing. However, he also stated that natural vegetation would not prevent the Fire Department from responding to emergency calls to this lot. Chief Pachek also stated concerns regarding some parking spaces potentially blocking secondary emergency exits and access to the west yard lane. The site plan will need to be amened to reflect the deletion of these particular parking spaces. There needs to be a 20' secondary emergency exit located off the Central Avenue access easement. There needs to be a 20' rear property set back in the middle of the rear property line to allow emergency vehicles to access the west lot lane from the emergency access.

Town Engineer Review: Town Engineer, David Hach, responded with comments indicating that as long as the historical, physical characteristics of the land does not change then there would be no need to request and review a grading plan. However, a grading plan and permit would be required if the applicant should choose to hard surface the lot in the future as this would change the historical stormwater flows of the lot.

Town Attorney Review: The Town Attorney, Melinda Culley, responded with comments that provide changes that need to be made to the site plan for recording purposes. The changes included adding signature blocks for the purpose of recording and adding a title to the site plan to identify the project. These changes are included to the resolution as conditions of approval of the special review.

The approved special review use will be recorded with the Morgan County Clerk and Recorder. There is no system in place that allows Town Staff to keep track of all property owners. Theoretically, the approval of this Special Review Use would follow a land title search with the county office records. In addition, the owners of the Recreation Vehicle Storage Yard will be required to apply for a Business License which will also help staff keep track of ownership changes.

OPTIONS AVAILABLE TO THE PLANNING & ZONING COMMISSION:

- The Planning & Zoning Commission may make a recommendation of approval to the Board of Trustees by approving the Resolution as presented by staff for their consideration.
- The Planning & Zoning Commission may make a recommendation of approval to the Board of Trustees by approving the Resolution with conditions.
- The Planning & Zoning Commission may amend the Resolution to reflect a decision to not recommend the special review use to the Board of Trustees.

MOTION FOR APPROVAL:

I make the motion to approve a P&Z Resolution 01-2023 Recommending approval of a special review use for Cow Tipping, LLC for a recreational vehicle storage yard in Lot 1 of the Thomas Minor Subdivision.

ACTION REQUIRED:

Motion, Second, Roll-Call, Vote.

(Resolutions require affirmative votes from the majority of Planning & Zoning Commission members present.)

**TOWN OF WIGGINS
P&Z RESOLUTION NO. 01-2023**

**A RESOLUTION RECOMMENDING APPROVAL OF A SPECIAL REVIEW USE FOR COW TIPPING,
LLC FOR A RECREATIONAL VEHICLE STORAGE YARD LOCATED IN LOT 1 OF THE THOMAS
MINOR SUBDIVISION**

WHEREAS, there has been submitted to the Planning and Zoning Commission of the Town of Wiggins an application for a Recreational Vehicle Storage Yard in Lot 1 of the Thomas Minor Subdivision; and,

WHEREAS, the Planning Commission has reviewed the criteria for special review uses set forth in the Town's Land Development Code, and finds that with conditions:

- a. The proposed use is in harmony and compatible with the character of the surrounding neighborhood;
- b. The proposed use is consistent with the Town's comprehensive plan;
- c. The proposed will not have a material adverse effect on Town capital improvement programs;
- d. The proposed use will not result in an over-intensive use of the land;
- e. The proposed use will not result in undue traffic congestion or hazards;
- f. The proposed use will not cause significant air, water or noise pollution;
- g. The proposed use will not require a level of community facilities and services greater than that available; and
- h. The proposed use shall not be detrimental to the health, safety or welfare of current or future inhabitants of the Town; and

WHEREAS, all materials related to this application have been reviewed by Town Staff and found to be in compliance with the Town of Wiggins Land Development Code, and related Town ordinances, regulations, and policies; and

WHEREAS, after a duly-noticed public hearing, at which evidence and testimony were entered into the record, the Wiggins Planning and Zoning Commission finds that the proposed special review use should be approved subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF WIGGINS, COLORADO, AS FOLLOWS:

Section 1. The Planning and Zoning Commission hereby recommends approval for a special review use for Cow Tipping, LLC for a recreational vehicle storage yard in Lot 1 of the Thomas Minor Subdivision, subject to the following conditions:

1. The site plan shall be amended to address the Wiggins Rural Fire District's comments regarding the emergency access points and an additional access lane.

2. The access easements located off of Central Avenue and North Main Street must remain open and clear of obstructions.

3. Site plan shall be amended to address the Town Attorney's comments regarding the signature blocks for recording purposes.

4. The approved special review use will be recorded with the Morgan County Clerk and Recorder's office by the Town for the purpose of creating a land use record for future owners.

INTRODUCED, RECOMMENDED, AND RESOLVED THIS 14TH DAY OF MARCH, 2023.

TOWN OF WIGGINS, COLORADO

Jeffrey Palmer, Chairman

ATTEST:

Tom Acre, Interim Town Clerk



Town of Wiggins
Planning & Zoning Department
 304 E Central Avenue * Wiggins, CO 80654
 Phone: (970) 483-6161 * Fax: (970) 483-7364
<http://townofwiggins.colorado.gov>

LAND USE APPLICATION

Please fill form out completely. Incomplete applications will not be processed.

STAFF USE ONLY		
FILE NAME: Cow Tipping, LLC-Recreational Vehicle Storage		
FILE NO:	DATE SUBMITTED: Amended 03/08/2023	FEES PAID: \$250.00 paid hb

Project Name: Brannnd Recreational Storage

Project Physical Address (if applicable):

Project Description: Lot 1 Thomas Sub .76 acres+/- will become boat storage with 6' privacy fence along neighbors remaining fence will be 6' chain link. Entering off of Main through an automatic gate. No change to the existing surface.

Legal Description: (Attach legal description if Metes & Bounds)

Subdivision Name: (If applicable) Thomas Minor Sub Lot 1

Filing No. _____ **Lot No.** _____ **Block No.** _____ **Section** _____ **Township** _____ **Range** _____

PROPERTY OWNER (Attach separate sheets if multiple)	AUTHORIZED REPRESENTATIVE
Name/Company: Cow Tipping LLC.	Company/Firm:
Contact Person: Brady Powers, Robon Sewing	Contact Person:
Address: 10756 CR 20	Address:
City/State/Zip: Ft. Lupton, CO 80621	City/State/Zip:
Phone: 970-581-9909	Phone:
Email: brannndcattleco@gmail.com	Email:
MINERAL RIGHTS OWNER (Attach separate sheets if multiple)	MINERAL LEASE OWNER (Attach separate sheets if multiple)
Name/Company:	Name/Company:
Address:	Address:
City/State/Zip:	City/State/Zip:
LAND-USE & SUMMARY INFORMATION	
Present Zoning: Commercial	Gross Site Density (du/ac):
Proposed Zoning: Commercial	# Lots/Units Proposed:
Gross Acreage: .76+/-	

SERVICE PROVIDERS	
Electric: Morgan County REA	Gas: XCEL
Special District:	Fire District: Wiggins
Water: (If other than Town)	Sewer: (If other than Town)

DEVELOPMENT REVIEW FEES	
ANNEXATION	
<input type="checkbox"/> Annexation	\$3,500.00
<input type="checkbox"/> Disconnection	\$500.00

MAJOR SUBDIVISION		ZONING / REZONING / SPECIAL REVIEW	
<input type="checkbox"/> Preliminary Development Plan	\$3,500.00	<input type="checkbox"/> Rezoning	\$3,500.00
<input type="checkbox"/> Final Development Plan (Res)	\$3,000.00	<input checked="" type="checkbox"/> Special Use	\$250.00
<input type="checkbox"/> Final Development Plan (Comm)	\$4,000.00	<input type="checkbox"/> Conditional Use	\$250.00

MINOR SUBDIVISION		SITE SPECIFIC (COMMERCIAL)	
<input type="checkbox"/> Minor Subdivision	\$2,500.00	<input type="checkbox"/> Commercial Infill Final Dev Plan	\$3,500.00

VARIANCE		VACATION		BOUNDARY LINE / LOT MERGERS	
<input type="checkbox"/> Residential		<input type="checkbox"/> Vacation of	\$1,000.00	<input type="checkbox"/> Boundary Line Adj / Lot Merger	\$350.00
<input type="checkbox"/> Commercial					

The undersigned is fully aware of the request/proposal being made and the actions being initiated on the referenced property. The undersigned understands that the application must be found to be complete by the Town of Wiggins before the request can officially be accepted and the development review process initiated. The undersigned is aware that the applicant is fully responsible for all reasonable costs associated with the review of the application/request being made to the Town of Wiggins. By this acknowledgement, the undersigned hereby certify that the above information is true and correct.

Property Owner Signature:  Date: 3-8-2023

Property Owner Signature:  Date: 3-8-2023

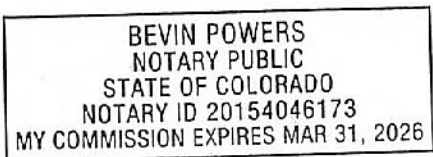
STATE OF COLORADO)
) ss.
 County of Lincoln)

The foregoing instrument was acknowledged before me this 8th day of March, 2023.

By 

My commission expires: March 31, 2026

Witness my hand and official seal.



Notary Public

SITE PLAN

LOT 1 OF WIGGINS - WALTON MINOR SUBDIVISION - CORRECTED PLAT AND LOTS 1 AND 3, THOMAS MINOR SUBDIVISION, BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 NORTH, RANGE 60 WEST OF THE 6TH P.M., COUNTY OF MORGAN, STATE OF COLORADO

LEGAL DESCRIPTION

(PROVIDED BY EQUITY TITLE ASSOCIATES II, LLC TITLE COMMITMENT FILE NO. 56848, DATED APRIL 1, 2022)

LOT 1 OF WIGGINS - WALTON MINOR SUBDIVISION, ACCORDING TO THE CORRECTED PLAT THEREOF, COUNTY OF MORGAN, STATE OF COLORADO.

AND

LOTS 1 AND 3 OF THOMAS MINOR SUBDIVISION, ACCORDING TO THE RECORDED PLAT THEREOF, COUNTY OF MORGAN, STATE OF COLORADO.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 9.99 ACRES, MORE OR LESS AND IS SUBJECT TO RECORDED EASEMENTS AND RIGHTS OF WAY.

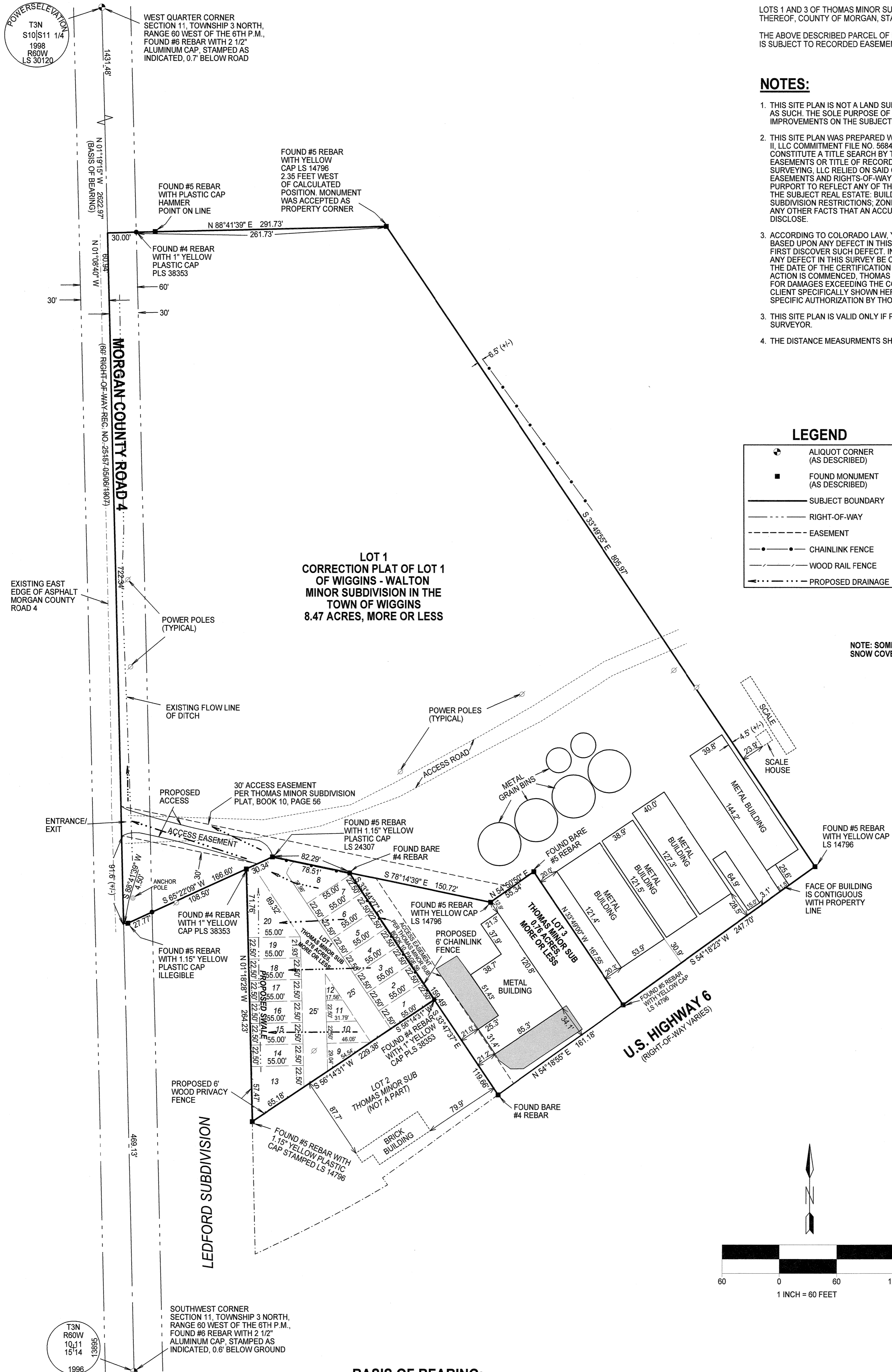
NOTES:

1. THIS SITE PLAN IS NOT A LAND SURVEY PLAT AND SHOULD NOT BE CONSTRUED AS SUCH. THE SOLE PURPOSE OF THIS SITE PLAN IS TO SHOW EXISTING IMPROVEMENTS ON THE SUBJECT LOTS.
2. THIS SITE PLAN WAS PREPARED WITH THE BENEFIT OF EQUITY TITLE ASSOCIATES II, LLC COMMITMENT FILE NO. 56848, DATED APRIL 1, 2022 AND DOES NOT CONSTITUTE A TITLE SEARCH BY THOMAS LAND SURVEYING, LLC. TO DETERMINE EASEMENTS OR TITLE OF RECORD, AT CLIENTS REQUEST, THOMAS LAND SURVEYING, LLC RELIED ON SAID COMMITMENT, EXCLUSIVELY. FOR ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD, THIS SITE PLAN DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: BUILDING SETBACK LINES, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, ZONING OR OTHER LAND-USE REGULATIONS; AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
3. ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SITE PLAN WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON. IN THE EVENT LEGAL ACTION IS COMMENCED, THOMAS LAND SURVEYING, LLC WILL NOT BE LIABLE FOR DAMAGES EXCEEDING THE COST OF THIS SURVEY AND THEN ONLY TO THE CLIENT SPECIFICALLY SHOWN HEREON OR TO ANY PERSON, OR ENTITY, GIVEN SPECIFIC AUTHORIZATION BY THOMAS LAND SURVEYING, LLC.
3. THIS SITE PLAN IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
4. THE DISTANCE MEASUREMENTS SHOWN HEREON ARE U.S. SURVEY FOOT.

LEGEND

	ALIQUOT CORNER (AS DESCRIBED)
	FOUND MONUMENT (AS DESCRIBED)
	SUBJECT BOUNDARY
	RIGHT-OF-WAY
	EASEMENT
	CHAINLINK FENCE
	WOOD RAIL FENCE
	PROPOSED DRAINAGE

NOTE: SOME CONCRETE IS NOT DEPICTED DUE TO SNOW COVER AT THE TIME OF FIELDWORK.



LOT 1 CORRECTION PLAT OF LOT 1 OF WIGGINS - WALTON MINOR SUBDIVISION IN THE TOWN OF WIGGINS 8.47 ACRES, MORE OR LESS

BASIS OF BEARING:

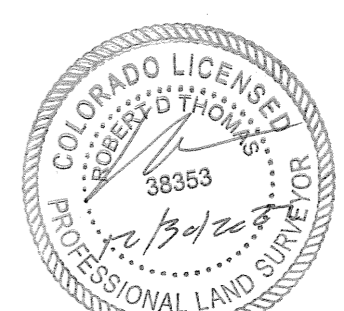
THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 NORTH, RANGE 60 WEST OF THE 6TH P.M., IS ASSUMED TO BEAR NORTH 01°19'15" WEST AND IS MONUMENTED AS INDICATED.

SURVEYOR'S CERTIFICATE

I, ROBERT D. THOMAS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY TO BRADY AND ROBIN SEWING THAT THIS SITE PLAN WAS PREPARED BY ME, OR UNDER MY PERSONAL SUPERVISION, AND THAT THIS SITE PLAN IS AN ACCURATE REPRESENTATION THEREOF, BASED UPON MY KNOWLEDGE, INFORMATION AND BELIEF. I FURTHER CERTIFY THAT THE SURVEY AND THIS PLAT COMPLY WITH ALL APPLICABLE RULES, REGULATIONS, AND LAWS OF THE STATE OF COLORADO, STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESS OR IMPLIED.

ROBERT D. THOMAS
COLORADO PROFESSIONAL LAND SURVEYOR #38353
ON BEHALF OF THOMAS LAND SURVEYING, LLC

DATE: 12/3/2022



PROPOSED ACCESS

PER THOMAS MINOR SUBDIVISION PLAT, BOOK 10, PAGE 56

ACCESS EASEMENT

FOUND #5 REBAR WITH 1.15" YELLOW PLASTIC CAP LS 24307

FOUND BARE #4 REBAR

91.6' (±)
S 88°41'39" W
4.50'

ANCHOR POLE
S 65°22'09" W
108.50'

166.60'
30.34'

82.29'
78.51'

S 78°14'39" E 150.0'

FOUND #4 REBAR WITH 1" YELLOW CAP PLS 38353

FOUND #5 REBAR WITH YELLOW PLASTIC CAP LS 14796

FOUND #5 REBAR WITH 1.15" YELLOW PLASTIC CAP ILLEGIBLE

PROPOSED 6" CH FENCE

N 01°18'28" W 264.23'

PROPOSED SWALE

THOMAS MINOR SUB
LOT 1
0.78 ACRES,
MORE OR LESS

THOMAS MINOR SUB
LOT 2
PER THOMAS MINOR SUB PLAT, BOOK 10, PAGE 56

- 20 89.32'
- 19 55.00'
- 18 55.00'
- 17 55.00'
- 16 55.00'
- 15 55.00'
- 14 55.00'
- 13 57.47'

- 8 22.50'
- 7 55.00'
- 6 55.00'
- 5 55.00'
- 4 55.00'
- 3 55.00'
- 2 55.00'
- 1 55.00'
- 12 17.96'
- 11 31.79'
- 10 46.05'
- 9 54.54'
- 8 29.04'

PROPOSED 6" WOOD PRIVACY FENCE

FOUND #4 REBAR WITH 1" YELLOW CAP PLS 38353

LOT 2 THOMAS MINOR SUB (NOT A PART)

NO

FOUND

PICK



Wiggins Rural Fire Protection District

Wiggins, Colorado

Goodrich Station
24150 2nd Street
Orchard, CO 80649
970-645-1000

Wiggins Station
701 Central Avenue
Wiggins, CO 80654
970-483-6666

Hoyt Station
4929 MCR 5
Wiggins, CO 80654
970-483-5555

To whom it may concern,

In regards to the Branned Boat/RV Storage items the Wiggins Rural Fire Protection District would like to see:

1. An emergency access point will need to be created to allow emergency vehicles into the lot from the road access. Preferably, the southeast corner of the lot- opposite the main entrance. Emergency access must be a minimum of 10' wide.
2. A lane will need to be created on the south side of the lot allowing emergency vehicles to get to the west end of the lot.
3. A Knox Box would be preferable as all the Knox Box keys are the same in our district, allowing each emergency vehicle the ability to enter premises through the main gate. Number codes/keys can get changed without any notice/updates to Wiggins Rural Fire Protection District.



Melinda A. Culley
(303) 298-1601 tel
(303) 298-1627 fax
melinda@kellypc.com

MEMORANDUM

TO: Hope Becker, Planning and Zoning Administrator
Town of Wiggins

FROM: Melinda A. Culley /s/

DATE: January 12, 2023

RE: RV Storage

I reviewed the site plan for the RV storage area and have the following comments:

1. Provide a current title commitment/report for the property so that ownership can be confirmed.
2. Add a title to the document that identifies the name of the project.
3. You may want to require a separate sheet specific to the lot being developed that shows more site details.
4. If landscaping will be provided, add to the plans. Consider adding an example of the fencing that will be installed.
5. Identify the surfacing material of the access drives and parking area.
6. Add the following signature blocks:

OWNERSHIP

We the undersigned, being Owner(s) of the land herein described located in the Town of Wiggins, County of Morgan, State of Colorado, hereby submit these plans and agree to perform under the terms noted hereon.



STAFF REPORT

Planning and Zoning Commission

March 14, 2023

DATE: March 9, 2023

AGENDA ITEM NUMBER: 4

TOPIC: Discussion on Emergency RV Park and Campground Temporary Moratorium

STAFF MEMBER RESPONSIBLE: Hope Becker, Planning & Zoning Administrator

BACKGROUND:

The Planning and Zoning Commission has met in the last three work session meetings to discuss and create RV Park guidelines that may be used for the Town's Land Development Code once the results from the Comprehensive Plan and Three Mile Plan can advise the best placement of a RV Park Zone.

The development of the RV Park Zone District zone is with the purpose to create the guidelines in preparation for approval about the same time the new Comprehensive Plan is approved. The Planning and Zoning Commissioners recognize that the Town does not currently have a designated area in Town that could be considered a RV Park Zone District and desires to wait for the results of the Comprehensive Plan study to determine the best placement of such a zone.

SUMMARY

In the February 14, 2023 work session, the Planning and Zoning Commissioners agreed that placing a temporary moratorium on Land Development Code applications and special review uses would be in the best interest of the Town until the results of the upcoming Comprehensive Plan study may influence the Planning and Zoning Commissions recommendations as to where a RV Park Zone should be placed.

A moratorium is a temporary suspension of an activity or law until future consideration warrants lifting the suspension. This ordinance has been drafted as an emergency ordinance, which means it becomes effective immediately if approved by 3/4s of the Board of Trustee members. If the Board of Trustees do not adopt this draft as an emergency ordinance, then it will not become effective for 30 days after publication which means that an individual could try to submit an application during this 30-day period and have the right to a hearing with the Planning and Zoning Commission and the Board of Trustees.

OPTIONS AVAILABLE TO THE PLANNING & ZONING COMMISSION:

- The Planning & Zoning Commission may recommend the draft Ordinance to the Board of Trustees by approving the Resolution as presented by staff for their consideration.
- The Planning & Zoning Commission may recommend the draft Ordinance to the Board of Trustees by approving the Resolution with conditions.
- The Planning & Zoning Commission may disapprove the draft Ordinance to the Board of Trustees by approving amending the Resolution to reflect disapproval.

MOTION FOR APPROVAL:

I make the motion to approve a Resolution Recommending Approval of an Emergency Ordinance Imposing a Temporary Moratorium on the Issuance of a Building Permit, Special Review Use, or Business License to, or Receipt of any Land Use Application From, any Property Owner or Applicant the purpose of which includes Development, Construction, or Operation of a RV Park or Campground.

ACTION REQUIRED:

Motion, Second, Roll-Call, Vote.

(Resolutions require affirmative votes from the majority of Planning & Zoning Commission members present.)

**TOWN OF WIGGINS
P&Z RESOLUTION NO. 02-2023**

A RESOLUTION RECOMMENDING APPROVAL OF AN EMERGENCY ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE ISSUANCE OF A BUILDING PERMIT, SPECIAL REVIEW USE, OR BUSINESS LICENSE TO, OR RECEIPT OF ANY LAND USE APPLICATION FROM, ANY PROPERTY OWNER OR APPLICANT THE PURPOSE OF WHICH INCLUDES DEVELOPMENT, CONSTRUCTION, OR OPERATION OF A RV PARK OR CAMPGROUND

WHEREAS, there has been proposed an emergency ordinance imposing a temporary moratorium on the issuance of building permits, special review use permits or new business licenses to, or the receipt of land uses application from, any applicant the purpose of which includes development, construction or operation of a RV park or campground; and

WHEREAS, the Wiggins Planning Commission has held a public meeting to consider the proposed ordinance; and

WHEREAS, the Wiggins Planning Commission finds that the proposed ordinance should be approved in essentially the same form as accompanies this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF WIGGINS, COLORADO:

Section 1. The Wiggins Planning Commission hereby recommends approval of a proposed ordinance imposing a temporary moratorium on the issuance of a building permit, special review use, or business license to, or receipt of any land use application from, any property owner or applicant the purpose of which includes development, construction, or operation of a RV park or campground.

INTRODUCED, READ AND ADOPTED THIS 14TH day of MARCH, 2023.

TOWN OF WIGGINS

ATTEST:

Jeffrey Palmer, Chairperson

Tom Acre, Interim Town Clerk

**TOWN OF WIGGINS
ORDINANCE NO. XX-2023**

AN EMERGENCY ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE ISSUANCE OF A BUILDING PERMIT, SPECIAL REVIEW USE, OR BUSINESS LICENSE TO, OR RECEIPT OF ANY LAND USE APPLICATION FROM, ANY PROPERTY OWNER OR APPLICANT THE PURPOSE OF WHICH INCLUDES DEVELOPMENT, CONSTRUCTION, OR OPERATION OF A RV PARK OR CAMPGROUND

WHEREAS, the Town regulates the construction of buildings and other structures located within the Town pursuant to Ordinance No. 01-2022; and

WHEREAS, the Town regulates trades, professions, businesses and occupations conducted within the Town pursuant to Ordinance 05-2015; and

WHEREAS, the Town regulates the use and subdivision of land pursuant to the Wiggins Land Development Code; and

WHEREAS, the Wiggins Land Development Code currently lists campgrounds and RV parks as a special review use in the Commercial zone district, but otherwise provides very few regulations applicable to campgrounds and RV parks; and

WHEREAS, RV ownership has reached record levels in the past ten years due to a number of factors, including the COVID-19 pandemic, high housing costs, and increasing opportunities for remote work that allow some workers to perform their jobs from anywhere; and

WHEREAS, the use of RVs as temporary housing for workers in the oil and gas fields and the railroad industry has also increased; and

WHEREAS, the Board of Trustees finds and determines it is of critical importance to the Town and its residents that the Board of Trustees examine the important policy considerations presented by the location of RV parks and campgrounds within the Town; and

WHEREAS, the Town of Wiggins has retained the services of Rick Engineering Company to prepare an updated Comprehensive Plan and Three Mile Plan Study and to provide recommendations for future land use and development in the Town, which work is estimated to be completed and approved by the Planning Commission and Board of Trustees in early 2024; and

WHEREAS, the Board of Trustees finds the work to be completed by Rick Engineering Company will be beneficial in making decisions about the location of RV parks and campgrounds within the Town of Wiggins; and

WHEREAS, in order to protect the public health, safety and general welfare of the inhabitants of the Town, the Board of Trustees hereby finds and determines that it is necessary

and appropriate to impose a temporary moratorium on the issuance of building permits, special review use permits or new business licenses to, or the receipt of land uses application from, any applicant the purpose of which includes development, construction or operation of a RV park or campground, during this time the Town shall consider amendments to the Town of Wiggins Land Development Code concerning the same and any regulations that may permit new or additional RV parks or campgrounds without negatively impacting the Town and its residents; and

WHEREAS, the Board of Trustees finds and declares it has the power and authority to adopt this ordinance pursuant to C.R.S. § 29-20-101, *et seq.* (the Local Government Land Use Control Enabling Act), C.R.S. § 31-23-301, *et seq.* (concerning municipal zoning powers), C.R.S. § 31-15-103 (concerning municipal police powers), C.R.S. § 31-15-401 (concerning municipal police powers), C.R.S. § 31-15-501 (concerning municipal authority to regulate businesses), and C.R.S. § 31-15-601 (concerning municipal building regulations); and

WHEREAS, an emergency exists because the Board of Trustees finds and determines it is of critical importance to the Town and its residents that such ordinance, resolutions, rules and regulations be applied to all applications to develop, construct or operate new or additional RV parks and/or campgrounds within the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF WIGGINS, COLORADO:

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Board of Trustees.

Section 2. Upon the effective date of this ordinance, and until **March 31, 2024**, no application for approval of a building permit, new business license, or land use approval, including but not limited to any special review use permit, zoning, subdivision, or site plan application, filed by or on behalf of any business or landowner whose purpose includes development, construction or operation of a RV park or campground shall be received, reviewed, approved or otherwise acted upon, unless otherwise provided in this ordinance. For purposes of this moratorium, the terms “campground,” “camping unit” and “recreational vehicle (RV)” shall have the same definitions as provided in the Wiggins Land Development Code and shall be considered synonymous with camp site, encampments, tent sites or tent grounds, and similar terms used to describe this use.

Section 3. The restrictions contained in this ordinance shall not be construed to affect any applications for a building permit, business license, or any land use approval for which complete applications were filed prior to the effective date of the moratorium.

Section 4. Any person who submitted a complete application for a building permit, business license, or land use approval to construct, develop or operate a RV Park or campground prior to the effective date of the moratorium, and who believes that application of the temporary moratorium to such application would be legally invalid, may file with the Board of Trustees a

request for an exemption from the moratorium. The request shall be in writing and fully set forth the reasons why the exemption should be granted. The Board of Trustees may grant the exemption if it finds that application of the moratorium would be legally invalid under the facts presented.

Section 5. The provisions of this ordinance are temporary in nature and may be repealed by subsequent legislative enactment. The temporary moratorium established by this ordinance shall terminate as of **March 31, 2024** unless sooner repealed.

Section 6. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 7. The repeal or modification of any provision of any prior ordinance by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 8. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 9. The Board of Trustees herewith finds, determines and declares that this emergency ordinance is genuinely and urgently necessary for the immediate preservation of the public health, safety and welfare and is a matter on which immediate action is genuinely and urgently necessary because the Land Development Code does not adequately regulate RV parks and campgrounds. Therefore, the Board of Trustees herewith further finds, determines and declares that it is necessary for this emergency ordinance to take effect immediately upon adoption, provided the same has been adopted and signed by the Mayor and approved by three-fourths of the entire Board of Trustees.

INTRODUCED, READ, ADOPTED BY AT LEAST SIX AFFIRMATIVE VOTES, AND ORDERED PUBLISHED AND POSTED IN FULL THIS ____ day of _____, 2023.

TOWN OF WIGGINS

Chris Franzen, Mayor

ATTEST:

Tom Acre, Interim Town Clerk

DRAFT