

COMMISSIONERS PROCEEDINGS 1

**BOARD OF COUNTY COMMISSIONERS
Morgan County Board of Social/Human Services
Minutes of Meeting
April 16, 2024**

As reflected in posted agenda:

To participate in the Citizen's Comment Period you must connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/88057408507> If you cannot connect via Zoom, you may submit written public comment to morgancountybcc@co.morgan.co.us by email by 4 p.m. on Monday April 15, 2024.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/88057408507> listen via phone, please dial: 1-312-626-6799, Meeting ID: 880 5740 8507

To watch and/or listen to the meeting but not participate, you may do so by connecting via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/88057408507> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 880 5740 8507

The Board of Morgan County Commissioners met on Tuesday, April 16, 2024 at 9:09 a.m. with Chairman Mark Arndt, Commissioner Jon Becker and Commissioner Gordon Westhoff in attendance.

At this time, the Board convened as the Morgan County Board of Social/Human Services. Chairman Arndt noted that Jacque Frenier, Morgan County Department of Human Services Director, and Accounting Manager Susan Nitzel were present.

Consideration of Approval –DHS Minutes dated March 19, 2024

Chairman Arndt presented for review and approval the Department of Human Services Minutes dated March 19, 2024. A motion was made by Commissioner Westhoff to approve the minutes as presented with Commissioner Becker seconding the motion. The motion carried 3-0.

Consideration of Approval – DHS WARRANTS – February 2024

Susan Nitzel, Accounting Manager presented to the Board for their review and approval of the Department of Human Services Warrants for the month of February 2024. Ms. Nitzel summarized the operating warrants as being a total of \$368,319.91 for operating costs and direct deposits for payroll were \$212,328.00, which totaled \$580,647.91. Ms. Nitzel stated that they spent \$70,000 more the property and that liability insurance was paid along with the worker's compensation insurance.

Commissioner Becker made the motion to approve the warrants as presented for February 2024 in the amount of \$580,647.91 as presented and authorized the Chairman to sign with Commissioner Westhoff seconding the motion. Motion carried 3-0.

Consideration of Approval – DHS CERTIFICATION OF PROVIDER AND VENDOR BENEFIT AUTHORIZATIONS – February 2024

Susan Nitzel, Accounting Manager presented to the Board for their review and approval the Department of Human Services Certification of Provider and Vendor Benefit Authorizations for February 2024. Ms. Nitzel summarized the Certification of Provider and Vendor Benefit Authorizations indicating the monthly total of \$1,010,091.84. Ms. Nitzel stated from there was an increase of \$125,000 from January that was in the LEAP program, child care and foster care. There was a decrease from last year of \$320,000 that is mostly in the food stamp program.

Commissioner Westhoff made the motion to approve the Certification of Provider and Vendor Benefits as presented for February 2024 in the amount of \$1,010,091.84 as presented and authorized the Chairman to sign, with Commissioner Becker seconding the motion. Motion carried 3-0.

Ms. Freiner stated that April is Child Abuse Awareness and the month of May is Foster Care month.

There being no further business, the Board stood in recess at 9:14 a.m.

Respectfully Submitted,

Kevin Strauch
Clerk to the Board

**THE BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO**

s/ Mark A. Arndt
Mark A. Arndt, Chairman

s/ Jon J. Becker
Jon J. Becker, Commissioner

s/ Gordon H. Westhoff
Gordon H. Westhoff, Commissioner

2COMMISSIONERS PROCEEDINGS

s/ Jacque Frenier
Jacque Frenier, Human Services Director

(SEAL)
ATTEST:

s/ Kevin Strauch
Kevin Strauch

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS
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The Board of Morgan County Commissioners met Tuesday, April 2, 2024 at 9:00 a.m. Chairman Mark Arndt Commissioner Jon Becker and Commissioner Gordon Westhoff were in attendance. Chairman Arndt asked Morgan County Sheriff Operations Commander Shauna Barbee to lead the meeting in the Pledge of Allegiance.

Chairman Arndt explained that they will be changing the agenda to have the Morgan County Sheriff swearing in before the Department of Human Service meeting.

Swearing in of Morgan County Sheriff's Commander, Shauna Barbee

Morgan County Sheriff Dave Martin swore in Shauna Barbee to Operations Commander.

Reconvened 9:15

CITIZEN'S COMMENT

There was no citizen comment provided.

CONSENT AGENDA

1. Ratify the Board of County Commissioners approval of meeting minutes dated April 2, 2024
2. Ratify the Board of County Commissioners approval of Contract **2024 CNT 036**, Stericycle, Inc. (Shred-It), term of Contract March 1, 2024 through February 28, 2025.
3. Ratify the Board of County Commissioners approval on assignment of debt collections to Wakefield and Associates, Client #232070, #232088, #232526A, #231390A, #231380, #232950.
4. Ratify the Board of County Commissioners approval of Contract **2024 CNT 039**, Experian, term of Contract April 16, 2024 through April 15, 2024.
5. Ratify the Board of County Commissioners approval of Contract **2024 CNT 040**, Bear Communications, Inc., term of Contract April 1, 2024 through March 31, 2025.
6. Ratify the Board of County Commissioners approval of Contract **2024 CNT 026**, Cactus Promotions, LLC, term of Contract April 1, 2024 through March 31, 2025.

At this time, Commissioner Becker made a motion to approve items 1-6 as presented; Commissioner Westhoff seconded the motion. The motion carried 3-0.

UNFINISHED BUSINESS

There was no unfinished business.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of Approval – Morgan County Treasurer and Public Trustee Quarterly Report, 1st Quarter

Morgan County Treasurer and Public Trustee, Robert Sagel presented to the Board the Treasurer and Public Trustee 1st Quarter Report. Mr. Sagel summarized the report and provided documentation reflecting the data.

Consideration of Approval – Bid Tabulation and Award, RFP 2024-0404-001 Morgan County Justice Center SW Parking Lot Replacement

Morgan County Building Maintenance Supervisor, Michael Cox, presented to the Board for approval, Bid Tabulation and Award RFP 2024-0404-001 Morgan County Justice Center SW Parking Lot Replacement. Mr. Cox explained that he received six bids; first bid was from Denver Pro Concrete in the amount of \$219,500.00, second bid was from Metro Pavers, Inc. in the amount of \$239,250.00, third bid was from Chato's in the amount of \$176,373.00, fourth bid was from Duck Down Masonry and Title in the amount of \$280,000.00, fifth bid was from

2 COMMISSIONERS PROCEEDINGS

A-1 Chipseal Co. in the amount of \$181,451.00 and the last bid was from TLM Constructors, Inc. in the amount of \$172,315.00. Mr. Cox further summarized each bid in detail.

At this time, Mr. Cox recommended the bid be awarded to the lowest bidder TLM Constructors, Inc. in the amount of \$172,315.00.

Commissioner Westhoff made a motion to accept the Bid Tabulation and Award RFP 2024-0404-001 Morgan County Justice Center SW Parking Lot Replacement to TLM Constructors, Inc. in the amount of \$172,315.00, as recommended by Morgan County Building Maintenance Supervisor, Michael Cox, with Commissioner Becker seconding the motion. At this time motion carried 3-0.

Consideration of Approval – Bid Tabulation, Award and Lease Agreement RFP 2024-0404-002 1 Share Jackson Lake Reservoir Water

Morgan County Administrative Services Manager, Mindi Cloyd presented to the Board RFP 2024-0404-002 1 Share Jackson Lake Reservoir Water Bid Tabulation, Award and Lease Agreement. Ms. Cloyd stated that they received one bid from Fort Morgan Water Company, LTD in the amount of \$501.00.

At this time, Ms. Cloyd recommended the bid be awarded to Fort Morgan Water Company, LTD in the amount of \$501.00. She stated that it is a one-year lease from January 1, 2024 through December 31, 2024.

Commissioner Becker made the motion to approve the bid award RFP 2024-0404-002 1 Share Jackson Lake Reservoir Water Bid Tabulation, Award and Lease Agreement in the amount of \$501.00, a one-year lease with the term dates of January 1, 2024 through December 31, 2024 to Fort Morgan Water Company, LTD as recommended by Morgan County Administrative Services Manager Mindi Cloyd. Commissioner Westhoff seconded the motion and motion carried 3-0.

Consideration of Approval – 2024 BCC 17 A Resolution Approving a Two-Lot Minor Subdivision, Known as Cheri K. Johnson Minor Subdivision

MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

RESOLUTION 2024 BCC 17

A RESOLUTION GRANTING A TWO-LOT MINOR SUBDIVISION, KNOWN AS CHERI K. JOHNSON MINOR SUBDIVISION, LOCATED IN THE S½NW¼ AND IN THE NE¼SW¼ OF SECTION 28, TOWNSHIP 4 NORTH, RANGE 58 WEST OF THE 6TH OF P.M., MORGAN COUNTY, COLORADO

WHEREAS, Cheri K. Johnson (the “Owner”) owns property located in the S½NW¼ and in the NE¼SW¼ of Section 28, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado, (the “Property”);

WHEREAS, Ryan L. Johnson and Jamia J. Johnson (the “Applicants”) applied for a two-lot minor subdivision pursuant to the County’s Subdivision Regulations (“Application”);

WHEREAS, on February 27, 2024, the Morgan County Planning Commission held a duly noticed public hearing on the application;

WHEREAS, during the public hearing, the Planning Commission received testimony and evidence from the Applicant, Morgan County staff and the public and recommended approval;

WHEREAS, on March 5, 2024, the Board of County Commissioners (“Board”) held a duly noticed public hearing on the Application;

WHEREAS, during the public hearing, the Board received testimony and evidence from the Applicant, Morgan County staff and the public; and

WHEREAS, the Board desires to approve the Application.

COMMISSIONERS PROCEEDINGS 3

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, COLORADO:

1. FINDINGS OF FACT

The Board, having reviewed the application, all information provided and testimony heard, finds that:

- A. The application documents are complete and represent how the subdivision will be laid out including infrastructure, easements and access.
- B. The subdivision is in conformance with the Morgan County Comprehensive Plan and there is access to established public infrastructure.
- C. The subdivision is compatible with surrounding land uses.

2. GENERAL PROVISIONS

- A. Any past, present, or future drainage problems on this site are the responsibility of the landowner and their successors and not that of Morgan County.
- B. Morgan County is not responsible for the quantity or quality of water supplied to this subdivision.

3. APPROVAL

The Board hereby approves the Cheri K. Johnson Minor Subdivision, located in the S1/2NW1/4 and in the NE1/4SW1/4 of Section 28, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado.

DATED this 16th day of April, 2024, *nunc pro tunc* March 5, 2024.

**THE BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO**

s/ Mark A. Arndt
Mark A. Arndt, Chairman

s/ Jon J. Becker
Jon J. Becker, Commissioner

s/ Gordon H. Westhoff
Gordon H. Westhoff, Commissioner

(SEAL)
ATTEST:

s/ Kevin Strauch
Kevin Strauch

Nicole Hay, Morgan County Planning and Zoning Administrator, presented to the Board Resolution 2024 BCC 17 A Resolution Approving a Two-Lot Minor Subdivision, Known as Cheri K. Johnson Minor Subdivision. Ms. Hay stated that on February 27, 2024, the Planning Commission held a public hearing on an application submitted by Ryan Johnson for a 2-lot Minor Subdivision to be known as Cheri K. Johnson Minor Subdivision, located in the W1/2NW1/4 and in the NE1/4SW1/4 of Section 28, Township 4 North, Range 58 West of the 6th PM, Morgan County, Colorado. The Planning Commission recommended approval on a vote of 6 in favor and 0 opposed. On March 5, 2024, the Board of County Commissioners considered the application and approved it on a vote of 3-0. Resolution 2024 BCC 17 reflects the outcome of that hearing.

Commissioner Westhoff made a to motion approve Resolution Consideration of Approval 2024 BCC 17 A Resolution Approving a Two-Lot Minor Subdivision, Known as Cheri K. Johnson Minor Subdivision as presented by Nicole Hay, Morgan County Planning and Zoning Administrator, signing nunc pro tunc. Commissioner Becker seconded the motion and motion carried 3-0.

4 COMMISSIONERS PROCEEDINGS

South Platte Solar LLC Renewal Application and Consideration of Approval of 2024 BCC 18 – An application for the renewal of the previously approved special use permit granted by Resolution 2023 BCC 37 for a battery energy storage system and a resolution granting a two-year renewal for the special use permit to South Platte Solar, LLC granted by Resolution 2023 BCC 37.

MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

RESOLUTIO N 2024 BCC 18

A RESOLUTION GRANTING A TWO YEAR RENEWAL FOR THE SPECIAL USE PERMIT TO SOUTH PLATTE SOLAR, LLC FOR A BATTERY ENERGY STORAGE SYSTEM LOCATED IN THE SE 1/4 OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 57 WEST OF THE 6TH P.M., MORGAN COUNTY, COLORADO

WHEREAS, South Platte Solar, LLC (the "Applicant"), has an existing special use permit granted by Resolution 2023 BCC 37 ("Permit") for a battery energy storage system located in the SE1/4 Section 24, Township 3 North, Range 57 West of the 6^h P.M., Morgan County, Colorado ("Property");

WHEREAS, the Applicant has applied for a two-year renewal of the special use permit granted by Resolution 2023 BCC 37 as per Section 4-880 of the Morgan County Zoning Regulations;

WHEREAS, on April 16, 2024, at a public meeting, the Board of County Commissioners (the "Board") reviewed and considered the Application; and

WHEREAS, the Board desires to approve the Application.

NOW, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, COLORADO:

1. APPROVAL.

The Application is hereby granted. The Permit is valid for an additional period of two years to August 15, 2028. All conditions of approval through Resolution 2023 BCC 37 shall remain in full effect. Any further extensions to the term of the Permit shall be governed by the provisions of the Morgan County Zoning Regulations.

DATED this 16th day of April, 2024.

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/ Mark A. Arndt
Mark A. Arndt, Chairman

s/ Jon J. Becker
Jon J. Becker, Commissioner

s/ Gordon H. Westhoff
Gordon H. Westhoff, Commissioner

(SEAL)

ATTEST:

s/ Kevin Strauch
Kevin Strauch

Nicole Hay, Morgan County Planning and Zoning Administrator, presented to the Board South Platte Solar LLC Renewal Application and Consideration of Approval of 2024 BCC 18 – An application for the renewal of the previously approved special use permit granted by Resolution 2023 BCC 37 for a battery energy storage system and a

COMMISSIONERS PROCEEDINGS 5

resolution granting a two-year renewal for the special use permit to South Platte Solar, LLC granted by Resolution 2023 BCC 37. Ms. Hay stated that this application is for a two-year renewal for the special use permit granted by resolution 2023 BCC 37 to South Platte Solar, LLC on August 15, 2023. The special use permit was granted to allow for a battery energy storage system. The permitted area is located in the SE1/4 of Section 24, Township 3 North, Range 57 West of the 6 th PM, Morgan County, Colorado. Due to unforeseen circumstances, the applicant, South Platte Solar, LLC is requesting an additional two years as per Section 4-880 of the Morgan County Zoning regulations. This requested extension would ensure project construction completion in a reasonable timeframe. If approved, the permit would be valid for an additional period of two years to August 15, 2028. All conditions of approval through Resolution 2023 BCC 37 shall remain in full effect.

Commissioner Becker made a motion approve Resolution Consideration of Approval of the South Platte Solar LLC Renewal Application and Consideration of Approval of 2024 BCC 18 – An application for the renewal of the previously approved special use permit granted by Resolution 2023 BCC 37 for a battery energy storage system and a resolution granting a two year renewal for the special use permit to South Platte Solar, LLC granted by Resolution 2023 BCC 37 as presented by Nicole Hay, Morgan County Planning and Zoning Administrator. Commissioner Westhoff seconded the motion and motion carried 3-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Morgan County Clerk and Recorder Kevin Strauch thanked the Board for approving the Experian contract that will help with voter registration security in the election department.

Morgan County Sheriff Dave Martin stated that through the office of behavioral health there is a decrease in funding for county jails that is for jail based behavioral services that is medically assisted treatment, but he has reached out to the opioid council for region four and he has requested funds and he believes Morgan County will be receiving \$35,000 through that entity.

Commissioners reviewed the calendar dated April 12, 2024 through April 23, 2024 with no changes.

Being no further business the meeting was then adjourned at 9:33 a.m.

Respectfully Submitted,

Kevin Strauch
Clerk to the Board

(Minutes ratified April 16, 2024)

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/ Mark A. Arndt
Mark A. Arndt, Chairman

s/ Jon J. Becker
Jon J. Becker, Commissioner

s/ Gordon H. Westhoff
Gordon H. Westhoff, Commissioner

(SEAL)

ATTEST:

s/ Kevin Strauch
Kevin Strauch

PUBLIC HEARING

Chairman Arndt called the hearing to order at 9:40 a.m. on Tuesday, April 16th, 2024 in the Assembly Room of the Morgan County Administration Building.

Chairman Mark Arndt, Commissioner Jon Becker, and Commissioner Gordon Westhoff were present. Planning and Zoning Administrator Nicole Hay, Planning and Zoning Technician Jenafer Santos, IT Specialist Karol Kopetzky, and Morgan County Attorney Kathryn Sellars were also present. It is noted that Sheriff Dave Martin, John Goodman with Morgan County Road and Bridge, and Building Inspector Troy Black were also present for the hearing.

APPLICATION:

Applicants: Tim Naylor and Hannah Dutrow/AGPROfessionals

Landowners: Sandy Hills Family Farms, LLC

Legal Description: A part of the NE¼ of Section 15, a part of the NW¼ of Section 14 and a part of the N½SW¼ of Section 14, all in Township 3 North, Range 59 West of the 6th PM, Morgan County, Colorado. Also known as 15884 Co Rd 10, Fort Morgan, Colorado 80701

Request: Amended Use by Special Review Permit to expand the permitted Sandy Hills Family Dairy confinement operations to 14,245 Animal Units. In addition, they intend to install a heifer operation, composting, and an anaerobic digester facility on the parcel west of the existing operations. They will also install an additional dairy barn, two free stalls, and exercise lots south of the existing dairy operations.

APPLICATION OVERVIEW:

Planning Administrator Nicole Hay read her file summary as follows:

OWNER: Sandy Hills Family Dairy, LLC
APPLICANT: Tim Naylor - AGPROfessionals

This application is for an Amended Special Use Permit to allow for the expansion of an existing permitted Sandy Hills Family Dairy confinement operation (CAFO), formally known as Cactus Acres Holsteins which has been a permitted operation since 1993. An Amended Special Use Permit for an expansion to 5,600 animal units was granted by Resolution 2000 BCC 59 and is included in your packets. The permitted area is located in a part of the NW¼ and the N½SW¼ of Section 14, Township 3 North, Range 59 West of the 6th P.M., Morgan County, Colorado, aka 15884 County Road 10, Fort Morgan, Colorado.

This request is for an expansion into a part of the NE¼ of Section 15, Township 3 North, Range 59 West of the 6th P.M. and an animal expansion to 14,245 animal units or 14,500 head, which includes calves, dry cows, milking cows, and heifers. With this amended special use permit, they intend to install the heifer operation, composting, and an anaerobic digester facility on the parcel west of the existing operations. They will also install an additional dairy barn, two free stalls, and exercise lots south of the existing dairy operations. The property is zoned Agriculture Production Fort Morgan Fire District and partially in the Wiggin Fire District on the west side of County Road 10.

The applicant also submitted a variance application for a reduction of setback for the feeding operation from occupied structures. The variance application was considered by the Board of Adjustment in a public hearing on August 21, 2023. That request was granted by Resolution 2023 BOA 02 and is also included in your packets.

Also, included in your packets is a letter from Morgan County Quality Water stating they will have no problem providing water. A letter from Bijou Irrigation requesting conditions including any run-off should

slope away from the ditch, a 60 foot setback from the edge of the ditch for buildings and corrals to allow for maintenance, and proven ability to contain run off that might occur.

Referral responses from XCEL, CDOT, CDPHE, and the Town of Wiggins are also included in your packets.

Planning Commission Meeting

This application was considered by the Planning Commission in a public hearing on September 11, 2023.

The Planning Commission recommended conditional approval on a vote of 7 in favor and 0 opposed. Condition #1 below was recommended by Planning Commission.

Additional Information Received After Planning Commission Hearing

The Planning Commission raised the issue of traffic on County Road Q and particularly a turn lane. The Owner was utilizing direct access from County Road Q. Please note that the narrative submitted with the application only states access is from County Road 10. Upon further review by the County, it was determined the current dairy does not have authority to use County Road Q as direct access onto the property and there is no record that the County was informed by the property owner that it was using that access. Morgan County Road & Bridge Department has determined the access off of County Road Q is possible. However, that access raised traffic and safety issues (outlined further below) the Department will not issue a driveway permit until a decision on the Application has been made by the Board of County Commissioners.

As a result of the direct access off of County Road Q and the location of the scale on the property, truck traffic queues along westbound County Road Q during silage season in September. A traffic study was required to address the impacts of dairy traffic and other traffic on County Road Q including the necessity for turn lanes off of County Road Q onto County Road 10, the property's other access. The traffic study only addressed silage deliveries. Although the owner does not currently anticipate deliveries of haylage, those deliveries would likely cause the same traffic and safety issue during that delivery season. In addition, it has recently come to the County's attention that the Owner is using an unpermitted access off of County Road Q on the northwest corner of the project site and property located in Section 15. The Applicant will be proposing this as another access to the property, but Road & Bridge has not reviewed this proposal.

The County's third party consultant, HDR Engineering, reviewed the Applicant's traffic study and made a site visit to County Road Q. A memo from HDR with recommendations is included in the packet.

The Applicant submitted a revised site plan to include traffic circulation on-site to address the traffic impacts and use of the scale on the property. The Applicant, the applicant's traffic engineer, Morgan County Road & Bridge Department, Morgan County Planning Department, and John Seyer, a traffic engineer for HDR had a discussion regarding possible solutions to the queuing on County Road Q during silage season. After the discussion and review of the on-site circulation plan, HDR agreed that the proposed circulation may alleviate the impacts on County Road Q. Due the safety concerns for other traffic on County Road Q, the Road and Bridge Department's preference is that the Applicant construct double turn lanes at County Road Q and County Road 10, a westbound left hand turn lane and eastbound right turn lane. The direct access from County Road Q would not be permitted.

The Commissioners have several options in addressing the issue of traffic on County Road Q:

1. Permit access from County Road Q with no requirement for turn lanes or traffic circulation related to truck traffic during silage season deliveries.
2. Permit access from County Road Q subject to a proposed condition to address the evaluation of the traffic circulation pattern during silage season or alternatively, allow the traffic circulation to be the mitigation of traffic without further evaluation.
3. Require double turn lanes on County Road Q onto County Road 10 and not permit access from County Road Q directly onto the property.

Regarding option #2 above, the suggested condition would be as follows:

The circulation pattern for truck delivery of silage as shown on the site plan, dated April 10, 2024 shall be implemented by the Applicant during silage season. For the first three (3) years after the approval of this Permit, the Applicant shall contact Road & Bridge Department at least two (2) days prior to the beginning of truck deliveries during silage season. The Road & Bridge Department should observe the traffic circulation pattern, at various times, to determine whether it is alleviating traffic and safety concerns. If the Road & Bridge Department determines that the circulation pattern is not being complied with or that the pattern is not alleviating the traffic and safety concerns, it shall report such observations to the Planning Department. The Planning Department shall set the matter for a public hearing before the Planning Commission for review and recommendation to the Board of County Commissioners and then for a public hearing before the Board of County Commissioners for a final decision. Nothing in this condition should be deemed to prevent the County from observing the traffic impacts of the direct access from County Road Q onto the property at any time.

In reviewing this application, the Planning Commission and Board of County Commissioners are required to make a finding that the criteria for granting a Use by Special Review in Section 2-395 of the Morgan County Zoning Regulations has been met.

Section 2-395 Special Use Permit Criteria:

- A. The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan. Specifically:

The property is located in the southwestern planning area as defined by the Morgan County Comprehensive Plan. In this area Comprehensive Plan goals include:

Encourage the preservation of agricultural production land to ensure continuation of this important industry. The facility is an agricultural business related to the dairy industry. The property use is necessary in Morgan County to preserve the agricultural economic base historically attributed to the area.

- 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 Section 2-420 and Section 4-200 of the Morgan County Zoning Regulations.
- D. All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.

The Commissioners' ultimate finding regarding the off-site impact of traffic during the silage season deliveries will determine whether a condition is required to mitigate such impacts. Proposed use impacts upon existing uses and the environment are detailed in the included Nutrient Management Plan and Nuisance Plan.

- E. The special use proposed has been made compatible with the surrounding uses and is adequately buffered as determined by the County.
A variance was granted from existing residences located within 1,320 feet of the proposed site. Other adjacent uses include pasture and dry farmland.
- F. The special use poses only the minimum amount of risk to the public health, safety and welfare as set by either federal, state or county regulation, whichever is the strictest.
Subject to the implementation of the Nuisance Control Plan, the application satisfies these criteria.
- G. The special use proposed is not planned to be developed on a non-conforming parcel.
The proposed Special use is located on a conforming parcel.
- H. The applicant has adequately documented a public need for the project, all pertinent technical information, adequate financial resources to implement it, and has paid all fees and review costs levied by the County for application processing and review.
The existing dairy operation supplies milk for consumption and to local processing facilities to be made into other food products.
- I. For any special use requiring a supply of water for human consumption that the applicant has demonstrated a source of water which is adequate for the proposed use in terms of quantity, quality, and reliability. For any special use which does not require a supply of water for human consumption, an adequate source of water for the proposed use in terms of quantity and reliability must be obtained prior to commencement of the use.
Water will be provided by Morgan County Quality Water

Sandy Hills Family Dairy requesting an additional 5 years of vesting in addition for a total of 8 years. The added vesting will allow for growth to occur as the dairy is able to make and coordinate the improvements.

The following conditions are recommended for the special use permit:

1. The digester approved with this Permit may only process plant and animal materials originating from the permitted area of this SUP. No plant and animal materials originating from outside the permitted area shall be processed through the digester, until a separate special use permit is approved by the County.
2. The unpermitted access off of County Road Q on the northwest corner off the Owner's property in Section 15 shall be closed unless approved by Morgan County Road and Bridge.
3. Any run-off should slope away from the Bijou Canal, a 60 foot setback from the edge of the Canal for buildings and corrals to allow for maintenance, and proven ability to contain run off that might occur.

4. The Owner shall be responsible for the payment of all costs and fees incurred by the County associated with this Permit pursuant to Sec. 2-160 of the Morgan County Zoning Regulations. The County shall invoice the Applicant for costs and fees and payment will be due by the Owner within thirty (30) days of the date of the invoice. Failure to pay may result in enforcement actions by the County and revocation of this Permit.
5. All other third-party permits, approvals and authorizations required under other applicable law will be obtained prior to the commencement of any expansion of the existing CAFO under this Permit.
6. The Board of County Commissioners retains continuing jurisdiction over this Permit to ensure compliance with this Permit and the Morgan County Zoning Regulations. County Representatives are authorized to inspect the Property at any reasonable time upon notice to the appropriate Owner.
7. This approval is conditioned on compliance with all information and representations contained in the Application and presented by the Applicant and Owner, which are incorporated into this Resolution.
8. The Applicant shall comply and ensure compliance by third parties with all requirements, conditions and standards set forth herein. Noncompliance shall be grounds for revocation of this permit by the Morgan County Board of Commissioners after notice and hearing.

Nicole Hay,
Morgan County Planning Administrator

DISCUSSION: Board of County Commissioners to applicant:

At this time, Chairman Arndt asked the applicant if there is anything they would like to add to the application. Tim Naylor with AGPROfessionals presented this application to the Board of County Commissioners.

Commissioner Becker asked if their traffic plan would eliminate any parking off of Co Rd Q?

Tim Naylor answered that it would.

Commissioner Westhoff asked when the milk trucks pull in off of Co Rd Q, where do they load the milk?

Tim Naylor stated at the parlor.

Commissioner Becker asked if their traffic counts were done throughout the entire day?

Tim Naylor answered yes, and the information supplied to them in the example was during peak hours.

Commissioner Westhoff asked if there were any specs from CDOT regarding the length of a required turn lane?

Tim Naylor stated he does not have specifics, but it's based on speed.

Chairman Arndt asked if the truckers could come off of Co Rd 10 and go to the scales?

Tim Naylor, "I believe you could, but it's a pretty winding route to get there. We would have to re-locate the scale."

Commissioner Westhoff asked what the distance is from the scale and Co Rd Q?

Tim Naylor said they can have 1 truck at the scale and 2 stacked behind at one time.

Chairman Arndt explained his last question, noting that it may be cheaper for the applicants to move the scale to use access off of Co Rd 10 rather than build turn lanes.

Jim Goedert, 15682 Co Rd 10 Fort Morgan, mentioned that trucks that enter off of Co Rd Q to the scale, get emptied, and then loop around the dairy and exit back onto Co Rd Q from Co Rd 10.

Commissioner Westhoff asked if the driveway that they are using off of Co Rd Q was a ditch road?

Tim Naylor stated it may have been back in the day. He is unsure how it is not in County records as it has been used since the initial approval of the dairy.

Commissioner Becker asked the applicants to explain the other access that they want down the road.

Tim Naylor stated there is a driveway that is on the Hansen property, and they are using a separate access. There are actually two accesses there.

Nicole Hay noted that access for the Hansen property has a driveway permit. She is unsure if it sits close to that boundary line or not.

Commissioner Westhoff asked how the applicants are going to enforce the circular motion of the silage trucks during silage season?

Tim Naylor stated they will have to talk to the truck drivers and there will be signs posted.

Marie Goedert, 15682 Co Rd 10 Fort Morgan, noted that every year before they start silage they have a meeting by the scale house that all drivers are required to attend where they go over the procedures.

Commissioner Westhoff asked if there was enough room on the east side of the silage pile for the trucks to maneuver through there?

Tim Naylor said there should be.

Chairman Arndt asked if in the year 2000, was there anything mentioned about access?

Attorney Kathryn Sellars doesn't believe so.

PUBLIC COMMENT OPEN:

Walter Longacre, 10348 Co Rd Q Fort Morgan, stated there are concerns with the traffic. The trucks have to turn wide on Co Rd Q. He mentioned he may want to see a bypass for the trucks. He is in favor of the expansion otherwise.

PUBLIC COMMENT CLOSED:

BOARD OF COUNTY COMMISSIONER COMMENTS:

Commissioner Becker asked Sheriff Dave Martin if the trucks being parked on Co Rd Q waiting to get into the dairy is a legal issue?

Sheriff Dave Martin stated he was not aware of any issues of this happening last year. To him, parking is getting out of your vehicle and leaving it unattended. If you are sitting in your truck and you are waiting to turn, that's not considered parking.

Commissioner Westhoff asked John Goodman with Road and Bridge asked if Co Rd 10 be expanded?

John Goodman stated he believes so, and there should be a right of way there. He would have to look into if there was a culvert already there.

Tim Naylor mentioned the main line comes up that road so there is an easement for Quality Water.

Chairman Arndt asked John Goodman if the driveway off of Co Rd Q was identified when the County did driveway inventories?

John Goodman doesn't believe so. He would have to look in the system if it was permitted or not.

Chairman Arndt noted that he doesn't consider that driveway an illegal driveway.

Commissioner Westhoff and John Goodman discussed the logistics of the turn lanes and acceleration lanes.

Commissioner Becker asked if they have looked at any other options to bring the trucks in and loop them around the property?

Tim Naylor answered they have looked at other options, the one presented is the preferred option. They would be using the access off of Co Rd Q for their milk trucks that enter the dairy on a daily basis.

Chairman Arndt stated that Co Rd Q is a farm-to-market road and there may be some impacts to traffic, but there is only so much the applicant can do. The dairy is the market.

Commissioner Becker noted that as this expansion doubles, there will be a lot more silage trucks. There is still an obligation to have safe traffic on these roads. The bridge creates a problem because you can't expand the roads near that. He asked Tim Naylor to confirm that with the expansion, he can still fit enough trucks circling around there that the trucks are not waiting on Co Rd Q?

Tim Naylor answered that there will be the same impact now as there will be in the future. It will just take 3 weeks instead of 2.

Commissioner Becker asked what happens when the chopper starts moving faster and we need more semis sitting out to keep up with it? He has concerns about the traffic coming across there. What happens if there is more traffic?

Tim Naylor answered that it may be worth putting up some warning signage during silage season.

Commissioner Westhoff believes the bridge is a problem. He believes the milk trucks should follow the silage trucks by exiting off of Co Rd 10.

Commissioner Becker agrees with Chairman Arndt that more than likely there were some permissions to go on it. He asked the applicants if they would ever be emptying the milk trucks?

Jim Goedert said if they ever did that, they would put another scale up on a new parlor for that.

Commissioner Becker mentioned the possibility of having a condition that if there were a certain amount of accidents this application would be revisited.

Attorney Kathryn Sellars stated they can always craft a condition that will trigger a future review, and there is one in the staff report. You have to be very specific on how that trigger is going to happen. You can usually pull an applicant back in regarding traffic safety, but there will have to be evidence of that safety issue.

Chairman Arndt asked John Goodman his thoughts on the applicants only using the access from Co Rd Q to be an incoming access point and using the access from Co Rd 10 as an outgoing point.

John Goodman asked the applicants how many trucks they could stack from Co Rd Q to the scale?

Tim Naylor stated 2-3. The trucks would be turning around on the property to alleviate the stacking on Co Rd Q.

Commissioner Becker asked if option No. 2 which was supplied in the staff report something they were opposed to? He has concerns about Road and Bridge being the ones to observe this. He believes their option with looping the trucks is going to work, and option No. 2 leaves some room to observe and problem solve if any issues arise.

John Goodman has concerns about staffing at the Road and Bridge to be able to do these observations. He doesn't see it as a problem if they are going to stack that many trucks. If there are more trucks, they will have to shove them to the south to get them off the road.

Tim Naylor asked what happens if there is a truck that is waiting to turn into the dairy?

Attorney Kathryn Sellars noted for the record that the Commissioners can approve their circulation plan without the 3-year observation period.

Chairman Arndt stated they have 8 years for completion due to their vesting request of an additional 5 years.

Attorney Kathryn Sellars clarified that the vested rights are there to protect the property owner from a change in regulations. If the County doesn't change any regulations that negatively impact them, they can take as long as they'd like to complete their expansion.

Commissioner Becker moved to approve the Special Use Permit for the applicant being AGPROfessionals, landowners being Sandy Hills Family Dairy, legal description as presented with the conditions as presented by Director Hay with the 1 addition of Option 2 for the road Q access.

Commissioner Westhoff seconded.

Chairman Arndt clarified that this includes all conditions that are in the file.

Motion carries 3-0.

Commissioner Westhoff moved to approve the vesting for the 8 years for the continuance for this growth activity vesting the rights.

Commissioner Becker seconded.

Chairman Arndt clarified that the motion was moved and seconded to approve the request for a vesting of rights for a total of 8 years.

Motion carries 3-0.

RECESS AT 11:40 A.M.
PUBLIC HEARING CONTINUED FROM RECESS AT 11:55 A.M.

REGULATION AMENDMENTS OVERVIEW:

Planning Administrator Nicole Hay read her file summary as follows:

AMENDMENTS
MORGAN COUNTY ZONING AND SUBDIVISION REGULATIONS

Included with this staff report are redlines of the proposed changes as outlined below.

Manufactured Homes – Zoning and Subdivision Amendments. The overall purpose of these amendments is to update the County’s regulations regarding mobile and manufactured homes. Mobile homes, as defined in the amendments under consideration, are not permitted in Morgan County pursuant to federal law and any existing structures would be considered nonconforming. Manufactured homes are permitted and these proposed amendments will clarify how these types of structures will be regulated.

1. Definitional changes in both the Zoning and Subdivision Regulations. The proposed definitional amendments to the Zoning Regulations will solidify the difference between mobile and manufactured homes. These changes will also confirm that mobile homes are not permitted to be placed in Morgan County. In addition, in both the Zoning and Subdivision Regulations, several terms are proposed for deletion because they are not used, either currently or based upon the other proposed amendments. There are proposed revisions to the definition of RVs and the timing of when an RV used as a dwelling unit or additional bedroom are required to comply with some of the manufactured home standards.
2. Temporary use revisions. Temporary Use changes in sections of the Zoning Regulations to allow for RVs to be used as temporary residences during construction so long as there is a valid building permit. The problem the County has encountered is that residential construction is taking much longer than six months, which is the current limit on temporary use permits. These changes would allow a temporary use permit to be issued for RVs for a period to match the length of the building permit.
3. Manufactured Home Placement Permit. This permit currently exists within the Zoning Regulations, but the permit regulations are lacking in process structure and standards. A portion of the proposed changes would move this permit process into the section of the Zoning Regulations which governs other types of permitting to be more user friendly. The proposed amendments would also clarify the placement of manufactured homes. As outlined in the proposed amendments, manufactured homes can be placed using an anchoring and tie down system or permanently installed using a permanent foundation. Permanent foundations must meet the applicable standards in the County’s adopted residential or building code. Anchoring and placement of manufactured homes must meet the installation instructions associated with the manufactured home or in the absence of such standards, the State adopted regulations.

4. Manufactured Home Park Development Permit. Like the manufactured home placement permit, this permit process also currently exists in the Zoning Regulations but through these amendments, it is proposed to be relocated to the permitting section of the Zoning Regulations. The process for this permit currently lacks the detail necessary to apply and process an application and as such, the detail of that application and process are proposed to be added.
5. Manufactured Home Zone and Manufactured Home Park Requirements. The amendments propose that manufactured home parks will be the only residential use in the Manufactured Home Zone. Further, manufactured home parks will be prohibited in all other zones if these amendments are approved. The goal of this change to allow the County to guide this type of development to areas where it is more properly supported by public infrastructure. In addition to updates to the Manufactured Home Zone, these proposed amendments update and revise the minimum standards for development of a manufactured home park, including applicable revisions to Appendix B of the Zoning Regulations.
6. Revisions to Residential Uses by Zone. In conjunction with the proper delineation between manufactured and mobile homes, the County needs to revise the type of residential uses in each zone and address how manufactured homes are treated and regulated in each zone.

The Planning Commission recommended approval with the following recommended changes made at a work session held on February 12, 2024 and a public hearing held on April 8, 2024:

1. Manufactured Home Definitions

- a. Deletion of the permitted conversion of an RV to a manufactured home and to reduce the number of days of allowed occupancy of a RV from 180 to 90 days. See Sec. 1-750.
- b. Removal of the maintenance provisions applicable to manufactured homes, which included removal of the home if not maintained, on the basis that the County does not regulate property maintenance for non-manufactured homes.

2. Manufactured Home Placement Permit

- a. Addition of the following: “capable of withstanding hail and wind and approved by the County Building Department” to Section 2-350(C), Skirting. This recommendation was made to further clarify the type of material that should be used for skirting.
- b. Removal of the following language from Sec. 2-350(D), Foundation: If a site-specific soils report is not provided, an "open hole" inspection shall be conducted by an architect or engineer licensed by the State. Subsequent to that inspection, a written letter bearing the architect's or engineer's stamp shall be presented to and approved by the Building Department prior to backfilling around the foundation. Dirt shall be sloped away from the house at a minimum grade of two percent (2%). Finished grade against the home shall be a minimum of six (6) inches and a maximum of twelve (12) inches below the exterior siding. The

crawlspace shall meet the requirements for ventilation and access openings as found in Section R408 of the IRC.

This language is not currently in the Zoning Regulations and added in the initial draft of the proposed amendments. PC's concern was that it was additionally burdensome and unnecessary.

- c. Removal of previous section 4-685, Cabanas and Awnings, because it was unnecessary.

3. Manufactured Home Zone and Manufactured Home Park Requirements

- a. Removal of the paving requirement for all manufactured home parks and revert back to the original language of requiring paving if more than 30 spaces are in the park. PC's position that it was too onerous to require paving for smaller manufactured home parks. See Sec. 4-640(C).
- b. Reducing the trigger for paved walkways from 40 to 30 spaces to match the recommendation for paved roads. See Sec. 4-645.
- c. Removal of the central storage provisions that currently exist in the Zoning Regulations. See Sec. 4-655.
- d. Removal of the minimum acreage for a site which is currently 10 acres. See Sec. 4-610. PC's position was that the density requirements in Sec. 4-620 were sufficient and the minimum acreage was not necessary.

4. Revisions to Residential Uses by Zone

- a. Rural Residential. Allow manufactured homes as a use by right, rather than the current categorization of a conditional use and to remove the requirement for a permanent foundation. PC's position was that there did not seem to be a policy basis to treat manufactured homes differently in the Rural Residential Zone than site built. This would also match the categorization of single-family dwelling units in Estate Residential, also recommended by PC. PC recommended the removal of manufactured homes as conditional use, allowing manufactured homes with or without a permanent foundation as a use by right in Estate Residential.
- b. Moderate Density Residential. Removal of site built requirement from the use by right.
- c. High Density Residential. Removal of the site built requirement from single family dwellings as a conditional use.

The Board of County Commissioners conducted a work session on the amendments and directed staff to provide language regarding the occupancy of RVs in Sec. 1-750(A) and the connection to water and sewer in Sec. 4-615.

The proposed language is as follows:

Sec. 1.-750(A): Any recreational vehicle, *not located in a permitted campground or recreational vehicle park*, which is used as a ~~residence dwelling unit~~, on the same site, ~~for 180 days~~ or is regularly used as an additional bedroom for a residence ~~shall be considered to be a mobile home~~ for 90 days or more, shall require a conditional use permit. The requirement for a conditional use permit does not apply to RVs subject to a valid temporary use permit issued by the Planning Administrator pursuant to these Zoning Regulations.

Sec. 4-615. Utilities.

~~All manufactured home parks must be connected to a public water and sewer system. Manufactured homes parks may utilize public sewer or private septic systems. The use of a private septic system requires the submission of documentation that the septic system will comply with applicable law and regulations and that the Health Department has preliminary approved the use of a septic system. The use of public sewer system requires the submission of documentation that the public sanitation utility can serve the park. Manufactured home parks may utilize a public or private water supply. The use of private water supply shall require the submission of documentation that the water supply is adequate for the proposed use in terms of quantity, quality, and reliability and that the proposed water system meets all requirements imposed by the state regulatory agencies in its design. The use of public water system requires the submission of documentation that the public water utility can serve the park. The property owner shall remain responsible for the operation and maintenance of any private septic system and/or private water system serving the park.~~

Nicole Hay
Morgan County Planning Director

BOARD OF COUNTY COMMISSIONER DISCUSSION:

Chairman Arndt asked for clarification that mobile homes are not to be permitted in any place in Morgan County.

Attorney Kathryn Sellars clarified that under federal law, it is prohibited to place a mobile home anywhere in the United States. It wouldn't allow any new mobile homes to come in, meaning pre-HUD manufactured homes. Mobile homes that currently exist in Morgan County would just become non-confirming structures. They would be allowed to continue until they are either moved or destroyed.

Commissioner Westhoff asked if CDPHE gets involved regarding the quality of water?

Attorney Kathryn Sellars said it depends on the design of the system. A private system will have to comply with CDPHE requirements for its design to ensure the quality of the water is satisfactory.

Section 1 – File Summary

Attorney Kathryn Sellars explained the definitional changes in the regulations and informed the Board what the Planning Commission's recommendations were.

Chairman Arndt asked if the Board was in agreeance with moving the timeframe for an RV from 180 days to 90 days?

Commissioner Becker stated there is still an enforcement issue. It has to be moved to a separate parcel, not the same parcel.

Attorney Kathryn Sellars mentioned that the use of an RV with a valid building permit would go through a Temporary Use Permit process.

Chairman Arndt asked what the difference is between a relative staying for the summer versus someone building a house?

Attorney Kathryn Sellars stated that the relative presumably will only be here for the summer. The issue is people using them long term and having a quality place to reside that's safe during the seasons.

Commissioner Westhoff is concerned about how the County will know when an RV is there, when their timeframe will be up, and when their timeframe started.

Attorney Kathryn Sellars stated that the County is complaint-driven.

Chairman Arndt suggested having a permit that costs \$5.00 and has to be renewed every 30 days for a maximum of 180 days. They would be able to buy the entire 180 days right off the bat as well.

The Board of County Commissioners discussed all subsections of Section 1 in the File Summary. It was amended to have a \$5.00 30-day temporary use permit for the occupancy of an RV for a maximum of 180 days. They agreed with the Planning Commission's recommendations for subsection (b).

Section 2 – File Summary

Attorney Kathryn Sellars explained the Planning Commission recommendations regarding the Manufactured Home Placement Permit

Commissioner Becker asked if he would be able to put a piece of plywood to be used for skirting?

Building Inspector Troy Black informed the Board that it would need to be fire rated per HUD regulations.

Commissioner Becker asked if we are just matching HUD requirements?

Commissioner Westhoff asked if he painted his plywood would that be sufficient?

Troy Black said yes it can be painted.

Attorney Kathryn Sellars explained Planning Commission's recommendation for language removal regarding soils reports.

Troy Black noted that soils reports are not required for a site-built home.

Commissioner Becker asked if they don't have a foundation that is engineered, there must be an "open hole" inspection done on it, and the inspector isn't doing that?

Troy Black stated no he is not; we don't have anyone at the County who is doing that so it's falling on the contractor. He then described the differences between a permanent foundation and a placement foundation.

Attorney Kathryn Sellars asked the Board if they want the foundation to be designed by a licensed Colorado Engineer in the definition? Do you want to take Planning Commission's recommendation to remove the site specific soils report language?

Commissioner Becker stated that it should be changed for all homes, not just manufactured homes.

Attorney Kathryn Sellars mentioned that if the County amends its building code, it would have to come up to the current building code and all of the energy codes.

Commissioner Becker asked if this issue has been coming up?

Troy Black stated that it hasn't really been an issue, there has just been some confusion regarding a manufactured home being permanently fixed to the land when people want to purge it. He makes everyone putting in a new home, whether it's a site built or a manufactured home, submit some sort of foundation plan.

Attorney Kathryn Sellars clarified that they will remove the language as recommended by Planning Commission and leave the definition of permanent foundation.

The Board of County Commissioners discussed all subsections of Section 2 in the File Summary and agreed with all of Planning Commission's recommendations.

Section 3 – File Summary

Attorney Kathryn Sellars explained the Planning Commission recommendations regarding the Manufactured Home Zone and Manufactured Home Park Requirements.

The Board of County Commissioners discussed all subsections of Section 3 in the File Summary and agreed with Planning Commission's recommendation on subsections (a), (b), and (d). They decided to add back in the regulation regarding the central storage provisions which was listed in subsection (c).

Section 4 – File Summary

Attorney Kathryn Sellars explained the Planning Commission recommendations regarding the Revisions to Residential Uses by Zone.

The Board of County Commissioners discussed all subsections of Section 4 in the File Summary and agreed with Planning Commission's recommendations on all subsections while adding the removal of a permanent foundation requirement for single-family manufactured homes.

PUBLIC COMMENT OPEN: None

PUBLIC COMMENT CLOSED:

Commissioner Westhoff moved to approve the Zoning and Subdivision Regulations, the amendments to manufactured homes as directed by the Commissioners.

Commissioner Becker seconded.

Motion carries 3-0.

Planning Administrator Nicole Hay read her file summary as follows:

**AMENDMENTS
MORGAN COUNTY SUBDIVISION REGULATIONS**

Included with this staff report are redlines of the proposed changes as outlined below.

Subdivision Amendments – Plat Requirements, Shared Access and Shared Wells

1. Final Plat Drawing Amendments.
 - a. The purpose of this proposed amendment is to eliminate the lien holder certificate from a plat, except in cases where property is being dedicated to the County for maintenance. The only time, and it is rare, that the County accepts property as part of a subdivision is for roads. The County is not necessarily concerned as to whether an owner is in conformity with the applicable deed of trust when a subdivision is approved. That burden is on the owner to ensure compliance. Further, while getting sign off from a local bank is relatively easy, with national banks, the process is nearly impossible and causes significant delays in recording.
 - b. The second amendment is to ensure certain notes are placed on the plat regarding water and drainage.
2. Shared Access and Shared Wells. The proposed amendments revise the requirements related to shared access and shared wells for different types of subdivisions. The proposed shared access acknowledgement is also in your packet. The County has encountered issues with both shared access and shared wells. The advantages to allowing shared access is that it results in less connections to a County road. However, the owners of property which is subject to shared access need to ensure that their responsibilities are clearly defined. The County does not want to be involved in that private arrangement but wants adequate notice to be provided to future purchases that there is shared access. As such, the proposed amendments required the execution of a shared access acknowledgment that will be recorded with the plat. However, with shared wells, the

proposed amendments require that the owner submitted a shared well agreement so the County can ensure that parties have established responsibilities in a way that ensures access to the well for all future owners in the subdivision. That agreement will also be recorded with plat.

- 3. Amended Plat – Minor Revision. The proposed amendments make a minor revision to the approval of an amendment plat. Instead of having the approving resolution designate the renamed or renumbered lots, that information will be on the plat.

The Planning Commission recommended approval at a public hearing held on April 8, 2024 on a vote of 6 in favor and 0 opposed.

Nicole Hay
Morgan County Planning Director

PUBLIC COMMENT OPEN: None
PUBLIC COMMENT CLOSED:

BOARD OF COUNTY COMMISSIONER DISCUSSION: None
Commissioner Becker moved to adopt the amendments to the Subdivision Regulations as presented.
Commissioner Westhoff seconded.
Motion carries 3-0.

Being no further business the meeting was then adjourned at 1:14 p.m.

Respectfully Submitted,
Jenafer Santos
Planning Technician

THE BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO

_____ s/ Mark A. Arndt

Mark A. Arndt, Chairman

_____ s/ Jon J. Becker

Jon J. Becker, Commissioner

_____ s/ Gordon H. Westhoff

Gordon H. Westhoff, Commissioner

(SEAL)

ATTEST:

_____ s/ Kevin Strauch

Kevin Strauch