

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS Minutes of Meeting April 6, 2021

As reflected in posted agenda:

The County Will Be Abiding By the Social Distancing Requirements in Public Health Order 20-28 for This Meeting. Due To Limited Space In The Assembly Room, Remote Attendance Is Encouraged. If You Have Any Questions Regarding Attending The Meeting, Please Contact Karla Powell At 970-542-3500. To participate in the Citizen's Comment Period you must connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/88912779964> If you cannot connect via Zoom, you may submit written public comment to morgancountybce@co.morgan.co.us by email by 4 p.m. on Monday April 5, 2021.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/88912779964> to listen via phone, please dial: 1-312-626-6799, Meeting ID: 889 1277 9964

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/88912779964> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 889 1277 9964

The Board of Morgan County Commissioners met Tuesday, April 6, 2021 at 9:01 a.m. with Chairman Mark Arndt, Commissioner Jon Becker and Commissioner Gordon Westhoff in attendance. Chairman Arndt asked Morgan County citizen Sharon Kauffman, to lead the meeting in the Pledge of Allegiance.

CITIZEN'S COMMENT

There was no citizen comment provided.

ADOPTION OF THE AGENDA

Commissioner Westhoff made a motion to adopt the agenda as presented, with Commissioner Becker seconding the motion. Motion carried 3-0.

CONSENT AGENDA

1. Ratify the Board of County Commissioners approval of meeting minutes dated March 30, 2021
2. Ratify Chairman Mark Arndt's signature on Veteran's Affairs Report for March 2021 signed April 1, 2021
3. Ratify Chairman Mark Arndt's signature on ACI New Product Add Request signed April 1, 2021

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

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

There was no general business or administrative items.

UNFINISHED BUSINESS

There was no unfinished business.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated April 2, 2021 through April 13, 2021 with no changes.

Commissioner Arndt provided the weekly road and bridge report ending April 2, 2021.

At this time, this portion of the meeting was adjourned and continued with the public hearing as posted.

PUBLIC HEARING

Chairman Arndt called the hearing to order at 9:06 a.m. in the Assembly Room of the Morgan County Administration Building. Present were Chairman Mark Arndt, Commissioner Jon Becker, Commissioner Gordon Westhoff, Morgan County Planning Zoning Director Pam Cherry and County Attorney Kathryn Sellars appearing remotely.

1. APPLICANT AND LANDOWNERS:

- a. **Matthew and Tiffany Wulf** as applicant and landowner

Legal Description: A parcel of land in the NW ¼ of Section 3, Township 3 North, Range 58 West of the 6th P.M. Morgan County, also known as Lot 2 of the Pickens West No 2 Minor Subdivision, Fort Morgan, addressed as 17792 Co Rd 15 Lot #3, Fort Morgan, CO 80701; and

Request: Replat to decrease Lot 2 of Pickens West No 2, from 27 acres to 16.34 acres.

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b. Joshua Duane Bristol and Ashley Nicole Bristol

Legal Description: A parcel of land in the NW ¼ of Section 3, Township 3 North, Range 58 West of the 6th P.M. Morgan County, also known as Lot 1 of the Pickens West No 2 Minor Subdivision, Fort Morgan, addressed as 17594 Co Rd 15, Fort Morgan, CO 80701

Request: Replat to increase Pickens West, Lot 1 from 5.7 acres to 11.53 acres; and

c. Raul Delgadillo

Legal Description: A parcel of land in the NW ¼ of Section 3, Township 3 North, Range 58 West of the 6th P.M. Morgan County, also known as Lot 2 of the Pickens West Minor Subdivision, Fort Morgan, addressed as 17696 Co Rd 15, Fort Morgan, CO 80701

Request: Replat to increase Lot 2 of Pickens West Subdivision from 5.0 acres to 10.09 acres.

Ms. Cherry stated this application was considered by the Planning Commission on March 8, 2021 and received a unanimous recommendation of approval, without any conditions.

Ms. Cherry explained that that application is for the Tradesman Minor Subdivision, a replat of Lot 2 Pickens West Minor Subdivision and of Lots 1 and 2 of Pickens West No. 2 Minor Subdivision and a replat of Lots 3 and 4 of the Pickens West Minor Subdivision located in the W ½ of the NW ¼ of Section 3, Township 3 North Range 58 West of the 6th. P.M. Morgan County, Colorado.

Ms. Cherry stated the property is located on County Road 15 between Highway 34 and County Road S with addresses of:

1. Wulf - 17792 County Road 15 LT #3, Fort Morgan – 1227-030-04-002
2. Delgadillo - 17696 County Road 15, Fort Morgan – 1227-030-03-002
3. Bristol - 17594 County Road 15, Fort Morgan – 1227-030-04-001

Ms. Cherry explained the applicants and landowners are requesting a Replat to decrease Lot 1 of Pickens West Minor, Lot 2 from 27 acres to 16.34 acres (Wulf). Approximately five acres will be added to Pickens West No.2 Minor, Lot 2 (Delgadillo) to become 10.09 acres. Approximately five acres will be added to Pickens West No. 2 Minor, Lot 1 to become 11.53 acres. Neither subdivision has adopted restrictive covenants.

Subdivision	Property Owner	Existing Acres	Results
Pickens West, Lot 2	Wulf	27	16.34
Pickens West 2, Lot 2	Delgadillo	5	10.09
Pickens West 2, Lot 1	Bristol	5.7	11.53

Ms. Cherry explained the Wulf and Delgadillo lots are developed with homes and other structures. The Bristol property is currently undeveloped, to be developed as residential in the future. The property is zoned Agriculture Production and all structures meet the setback requirements of the district.

Ms. Cherry stated that in reviewing an application for a replat of a subdivision Planning Commission and the Board of County Commissioners shall apply the following criteria as listed from Section 10-400 of the Morgan County Subdivision Regulations:

- (1) The replat complies with these standards and regulations, and the original conditions of approval.
- (2) Nonconforming lots are not created, and in the case of nonconforming lots, the nonconformity is not increased.
- (3) The replat is in keeping with the purpose and intent of the Subdivision Regulations.
- (4) Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with these Subdivision Regulations.
- (5) The approval will not adversely affect the public health, safety, and welfare.

	Wulf	Delgadillo	Bristol
Water	Quality Water Tap 2737	Quality Water Tap 2695	Quality Water Tap 2800
Septic	M 12-024	M 07-024	M 20-054 – New system
Access (3)	Existing	Existing	Existing
Fire	Fort Morgan Rural Fire	Fort Morgan Rural Fire	Fort Morgan Rural Fire
Soil map	Provided	Provided	Provided
R-T-F	Complete	Complete	Complete

Ms. Cherry explained all appropriate notice requirements have been completed with no comments received as of this date. Thirty-five property owners within 1,320 feet were notified of the application; comments have not been received either in support or opposed.

Ms. Cherry stated at the Planning Commission meeting on March 8, 2021 and recommended approval of the Tradesman Minor Subdivision on a vote of 6 in favor and one member was recused.

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At this time, Chairman Arndt asked if the applicant had any further information to add at which time the applicant stated his name as being Matthew Wulf, 17792 County Road 17, Lot #3, Fort Morgan, CO stated he had nothing further to add.

Chairman Arndt asked if there was anyone in the audience present who wished to make public comment in opposition or in favor of the application, noting no public comment and closed the public comment portion at this time.

Chairman Arndt asked County Attorney Kathryn Sellars if she had anything to add at which time she indicated she did not.

At this time, Chairman Arndt moved into discussion and decision.

Commissioner Becker made a motion to approve the requests from Matthew and Tiffany Wulf to decrease Lot 2 of Pickens West No 2, from 27 acres to 16.34 acres, Joshua Duane and Ashley Nicole Bristol to increase Pickens West, Lot 1 from 5.7 acres to 11.53 acres and Raul Delgadillo to increase Lot 2 of Pickens West Subdivision from 5.0 acres to 10.09 acres for a replat of Pickens West and Pickens West 2 and as presented by Morgan County Planning Zoning Director Pam Cherry. The motion was seconded by Commissioner Westhoff. Chairman Arndt asked if this is also a rename of the original subdivision, with Ms. Cherry stating it is also a rename of the subdivision to Tradesman Minor Subdivision. At this time, the motion carried 3-0.

2. APPLICANT AND LANDOWNERS:

APPLICANT: Daniel L. and Sharon K. Kauffman

LANDOWNERS: Daniel L. and Sharon K. Kauffman

Legal Description: A parcel of land in the N ½ of the NE ¼ of Section 9, Township 3 North, Range 57 West of the 6th p.m., Morgan County, addressed as 16985 County Road 21, Fort Morgan, 80701

Request: Special Use application to allow a winery with related uses to include a tasting room, wine sales and wine manufacture.

Chairman Arndt asked the applicant to come forward at which time, Dan and Sharon Kauffman, applicants, stated their address being 16985 County Road 21, Fort Morgan, CO 80701.

Application Overview

Ms. Cherry stated this application was considered by the Planning Commission on March 8, 2021 and received a unanimous recommendation of approval. There was an error in my original summary, the use is not non-conforming, it is a use not permitted in the Agriculture Production zone district.

Daniel L. and Sharon K. Kauffman, as applicants and landowners have submitted an application for a special use permit for an existing use of property as a winery to include sales room, tastings, and events. The vineyard is a use by right as an agricultural use in the agriculture production zone district but a sales room, tastings and events uses require a special use permit. The property was recently granted an amendment to an exemption that increased the area of the parcel from 1.92 acres to 5.67 acres. The property is located in the NE¼ of Section 9, Township 3 North, Range 57 West of the 6th P.M. and addressed as 16985 County Road 21, Fort Morgan, CO.

Ms. Cherry stated the property is zoned Agriculture Production and has been used for residential purposes and the winery was started about two years ago. The property is not in compliance with zoning regulations which does not permit the processing of agricultural products in the Agriculture Production zone district.

Ms. Cherry explained the Kauffman's began planting grape vines for wine making in 2018 with additional vines added in 2019 and 2020. A State Limited Winery License has been obtained and excise taxes are filed with the state on a monthly basis to the Alcohol and Tobacco Tax and Trade Bureau. A 60x80x16 building has been constructed to store equipment, to increase the wine production area and bonded area with a sales room, added.

Ms. Cherry stated wine that is produced will be sold onsite as well as in a local liquor store. This is a boutique winery that will produce small vintages of wine, 10-15 cases per vintage.

Criteria – Special Use Permits

Ms. Cherry explained that the following criteria are to be used by the Planning Commission and the Board of County Commissioners when reviewing an application for a Special Use Permit.

(A) The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan. The property is located in the northeast planning area.

Chapter 2

2.II.A - Economic Development

Goal – Diversify the economy in Morgan County to broaden business employment opportunities for residents and to further economic growth.

This project will support economic development by expanding agricultural processing in the county.

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2.II.C

Goal - To encourage development where it is in proximity to the activity centers, compatible with existing land use, and there is access to established public infrastructure.

This project is located adjacent to existing infrastructure, roads and Morgan County Quality Water. The project is compatible with the surrounding agricultural uses.

Goal - The County will encourage the preservation of agriculture production lands in balance with pressure for land use changes to higher intensity development.

This project will not impact the preservation of agriculture production lands. This project will expand agricultural production in the county.

Chapter 5

5.IX.

Goal – To preserve the manmade and natural environment in order to enhance the quality of life in Morgan County and to make environment considerations part of the land use decision making process.

This project will preserve the natural environment and enhance the quality of life in Morgan County.

(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 these Regulations.

(D) All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.

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

(F) The special use poses only the minimum amount of risk to the public health, safety and welfare as set by federal, state or county regulation, whichever is the strictest.

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

(H) The applicant has adequately documented a public need for the project, all pertinent technical information, and adequate financial resources to implement it, and has paid all fees and review costs levied by the County for application processing and review.

(I) For any special use requiring a supply of water that the applicant has demonstrated a source of water which is adequate for the proposed use in terms of quantity, quality and reliability and in the case of human consumption, quantity, quality, and reliability.

Ms. Cherry stated all appropriate notice requirements have been completed.

Ms. Cherry explained the Planning Commission considered this application at their meeting on March 8, 2021 and a unanimous recommendation for approval was made.

Chairman Arndt asked if County Attorney Kathryn Sellars had any further comments, with Ms. Sellars stating no.

At this time, Chairman Arndt asked if the applicant had any further information to add at which time the applicant, Sharon Kauffman stated they had nothing further to add. At this time, Ms. Kauffman provided a background of their proposed hobby and passion.

Chairman Arndt asked if there was anyone in the audience present who wished to make public comment in opposition or in favor of the application, noting there was no one either in the audience or online wishing to speak.

At this time, Chairman Arndt closed the public comment portion.

At this time, Chairman Arndt moved into discussion and decision.

Commissioner Westhoff made a motion to approve Special Use application to allow a winery as presented by Sharon and Dan Kauffman with Commissioner Becker seconding the motion. Chairman Arndt asked to clarify the motion at which time, Commissioner Becker read aloud the winery would be approved with related uses to include a tasting room, wine sales and wine manufacture, including events and storage with the applicant and landowner being Daniel L. and Sharon K. Kauffman in the N ½ of the NE ¼ of Section 9, Township 3 North, Range 57 West of the 6th p.m., Morgan County, addressed as 16985 County Road 21, Fort Morgan, 80701 as presented by Morgan County Planning Zoning Director Pam Cherry. Commissioner Westhoff amended his motion to include the stated information and Commissioner Becker seconded the amended motion. At this time, the motion carried 3-0.

Being no further business the meeting was then adjourned at 9:38 a.m.

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Respectfully Submitted,

Susan L. Bailey
Clerk to the Board

(Minutes ratified April 20, 2021)

**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/ Susan L. Bailey
Susan L. Bailey