

**AGENDA**  
**MORGAN COUNTY BOARD OF COUNTY COMMISSIONERS**  
**ASSEMBLY ROOM, ADMINISTRATION BUILDING**  
**231 ENSIGN STREET, FORT MORGAN, CO 80701**  
**TUESDAY, JANUARY 5, 2021**

**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/82504333521> If you cannot connect via Zoom, you may submit written public comment to [morgancountybcc@co.morgan.co.us](mailto:morgancountybcc@co.morgan.co.us) by email by 4 p.m. on Monday January 4, 2021.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/82504333521> to listen via phone, please dial: 1-312-626-6799, Meeting ID: 825 0433 3521

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/82504333521> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 825 0433 3521

**9:00 A.M.**

**A. WELCOME – CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

Commissioner Arndt  
Commissioner Becker  
Commissioner Zwetzig

**B. CITIZEN'S COMMENT PERIOD**

Citizens are invited to speak to the Commissioners on non-agenda items. There is a 3 minute time limit per person, unless otherwise noted by the Chairman. Please note that no formal action will be taken on these items during this time due to the open meeting law provision; however, they may be placed on future posted agenda if action is required.

**C. ADOPTION OF THE AGENDA**

**D. CONSENT AGENDA**

All matters under the consent agenda are considered to be routine by the Board of County Commissioners and will be enacted with a single vote. There will be no separate discussion of

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Prepared By: Karla Powell, Administrative Services Manager  
Agenda Posted On Thursday December 31, 2020 @ 3:00 P.M.

these items. If discussion is deemed necessary, any Board member may ask that the item be removed from the Consent Agenda and considered separately:

1. Ratify the Board of County Commissioners approval of meeting minutes dated December 22, 2020
2. Ratify the Board of County Commissioners approval of Contract 2020 CNT 146, Viaero Wireless, Term of Contract December 2, 2020 through December 1, 2021
3. Ratify the Board of County Commissioners approval of Contract 2021 CNT 007, Front Range Pest Control, Term of Contract January 1, 2021 through December 31, 2021
4. Ratify the Board of County Commissioners approval of Contract 2021 CNT 008, Progressive Therapy Services, P.C., Term of Contract January 1, 2021 through December 31, 2021
5. Ratify Chairman Mark Arndt's signature on December 24, 2020 Stormwater Inspection Form, signed January 4, 2021
6. Ratify the Board of County Commissioners approval on January 1, 2021 Morgan County Salary Increases Memo dated December 31, 2020

#### **E. GENERAL BUSINESS AND ADMINISTRATIVE ITEMS**

1. Consideration of Approval - **Morgan County Tourism Panel Appointment of Andrew Stieb, Rodeway Inn Representative** (Tourism Marketing Manager, Kristin Clifford-Basil)
2. Consideration of Approval – **Resolution 2021 BCC 01 Chapin Dairy Two, LLC** (Pam Cherry, Planning and Zoning Administrator)

#### **F. UNFINISHED BUSINESS**

#### **G. COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS**

1. Commissioners Calendar for week of January 1, 2021 through January 12, 2021
2. Road Report

**9:30 AM**

#### **H. PUBLIC HEARING**

1. Consideration of Approval – 2020 BCC 41 A Resolution Amending Certain Sections Of The Morgan County Zoning Regulations Concerning Setbacks-continued from December 8, 2020 (Planning and Zoning Administrator, Pam Cherry)
2. Consideration Of Amendment To The Morgan County Zoning Regulations Concerning The Commercial And Industrial Zoning Districts (Kathryn Sellars, Morgan County Attorney)
3. Consideration Of Amendment To The Morgan County Zoning Regulations Concerning The Non-Conforming And Permitted Single Family Dwellings (Kathryn Sellars, Morgan County Attorney)
4. Consideration Of Amendment To The Morgan County Zoning Regulations Concerning The Permitting Processes And Submittal Requirements (Kathryn Sellars, Morgan County Attorney)

#### **ADJOURNMENT**

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## MORGAN COUNTY BOARD OF COUNTY COMMISSIONERS

### CERTIFICATE OF APPOINTMENT

This is to certify the Morgan County Board of County Commissioners has appointed:

**Andrew Stieb**, Rodeway Inn, Representative

this 5th day of January, 2021, to serve on the Morgan County Tourism Panel Board. This appointment will expire on December 31, 2021.

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Mark A Arndt, Chairman

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Jon J. Becker, Commissioner

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James P. Zwetzig, Commissioner

**RESOLUTION  
2021 BCC 01**

**A RESOLUTION GRANTING CHAPIN DAIRY TWO, LLC AN AMENDMENT TO USE BY SPECIAL REVIEW PERMIT, BY AMENDING RESOLUTION 2005 BCC 63, FOR A LIVESTOCK CONFINEMENT FACILITY LOCATED IN ON A PORTION OF PROPERTY IN SW ¼, SECTION 26, TOWNSHIP 5 NORTH, RANGE 56 WEST OF THE 6<sup>TH</sup> P.M., WITH AN ADDRESS OF 28253 COUNTY ROAD Z, MORGAN COUNTY, COLORADO**

**WHEREAS**, Chapin Dairy Two, LLC (the “Owner”) owns property located in the SW1/4, Section 26, Township 5 North, Range 56 West of the 6<sup>th</sup> P.M., with an address of 28253 County Road Z, Snyder, Colorado (the “Property”);

**WHEREAS**, in 2005, Morgan County approved a use by special review permit for a livestock confinement facility through Resolution 2005 BCC 63 for up to 857.5 animal units to be operated and located within a specific area on the Property (the “Permitted Area”);

**WHEREAS**, Riverside Milk, LLC (the “Applicant”) has applied for an amendment to the existing special use permit to increase the number of animal units to 3,500 and to construct a cross-ventilated barn (the “Application”) to be located on the Property;

**WHEREAS**, on October 15, 2019, after holding a duly noticed public hearing, the Morgan County Planning Commission recommended that the Application be approved with certain conditions;

**WHEREAS**, on November 12, 2019, the Board of County Commissioners of Morgan County, Colorado held a public hearing on the Application;

**WHEREAS**, notice of the public hearing before the Board of County Commissioners was properly published and the notice was properly posted at the Property;

**WHEREAS**, during the public hearing, the Board of County Commissioners received testimony and evidence from staff, the Applicant, the Owner and the public; and

**WHEREAS**, after considering all relevant testimony and evidence, the Board of County Commissioners desires to approve the Application, subject to certain conditions set forth herein.

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

**1. APPROVAL.**

The Application is hereby granted, subject to the conditions set forth herein. This Resolution shall constitute the special use permit (hereinafter referred to as this

“Resolution” or the “Permit”) for the Property and specifically the area shown as the Permitted Area in Exhibit T2 of the Application and attached hereto as **Exhibit A**.

## **2. FINDINGS OF FACT.**

Subject to the Applicant meeting and complying with all conditions set forth herein, the following findings are made:

- a. The use and location are in conformance with the Morgan County Comprehensive Plan. The Property is located in the northeast planning area according to the Morgan County Comprehensive Plan. This area is recognized as being primarily irrigated farm ground. Specifically, the amendment furthers a goal of the Morgan County Comprehensive Plan for the northeast planning area by protecting an existing agriculture operation by allowing an existing dairy to grow and implement new technology to make its operation more efficient and respond to market demands.
- b. Subject to the condition below to submit an approved fire protection and mitigation plan, the application is complete and presents a clear picture of how the use is to be arranged on the site.
- c. The site conforms to the district design standards of the Morgan County Zoning Regulations. The residence on the exempt parcel adjacent to the Permitted Area was approved as a variance by the Morgan County Board of Adjustment on September 16, 2019.
- d. Subject to the conditions imposed herein, all on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures through the representations by the Applicant and Owner in the Application and the statement made during the hearing before the Board of County Commissioners. Any potential effect on property values, as raised through public testimony, are found to be too speculative and effected by other variables, unrelated by the livestock confinement facility on the Property, to be addressed through this Permit.
- e. The special use is compatible with surrounding uses and is adequately buffered from any incompatible uses by distance and topography. The Permitted Area, originally approved through the existing use by special review permit, is not increasing as a result of this Application and as a result, the distance between the Permitted Area and any residences within the vicinity is unchanged by this Application.
- f. Subject to the conditions imposed herein, the amendment poses only the minimum amount of risk to the public health, safety and welfare, subject to the conditions below. The specific circumstances of this amendment, namely the increased animal units and the new cross-ventilated barn, have not been demonstrated to increase the risks to the public health, safety and welfare.

- g. The amendment to the special use will not be located on a nonconforming parcel of land.
- h. The Applicant has adequately documented a public need for the project in the form of increased economic development and support for an existing agricultural operation. The Applicant has submitted all pertinent technical information, has demonstrated that it has adequate financial resources to implement the project, and has paid all County fees and review costs. The technology that will be implemented as part of the cross-ventilated barn and the barn itself will make the milking process more efficient in order to improve the Owner's operations.
- i. The Applicant has demonstrated a source of water which is adequate for the proposed use in terms of quantity and reliability. Morgan County Quality Water has approved an additional two tap equivalents for the amendment to the special use.

### **3. CONDITIONS.**

The approval of the use by special review is conditioned upon the following:

- a. Animal units are limited to 3,500 units.
- b. This approval is conditioned on the Owner's compliance with all information and representations contained in the Application and presented by the Applicant and the Owner, which are incorporated into this Resolution. In particular, but not by way of limitation, the Owner shall follow and comply with all nuisance control measures set out in the Riverside Milk Facility Management Plan, dated August 12, 2019, and Nuisance Mitigation Plan, as prepared by Paragon Consulting Group and submitted with the Application.
- c. The Owner shall remain in compliance with all regulatory agencies having jurisdiction over the livestock confinement operation.
- d. The Owner shall not commence operations which are the subject of the Application until it has received approval from all federal and state agencies with jurisdiction over the livestock confinement operation and all required permits have been issued.
- e. Prior to commencement of operations which are the subject of the Application, the Owner shall submit a fire protection and mitigation plan, approved by the Hillrose Fire Protection District, to the County.
- f. No processed water from the livestock confinement operations shall be disposed on the Property through the use of sprinkler end guns.
- g. The Owner will shut off the irrigation pipe that flows onto the property directly to the south of the Property, across County Road Z. The owner of the property to the south

gave express approval of this condition and this action by the Owner at the hearing on November 12, 2019.

**4. GENERAL PROVISIONS.**

- a. 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 Owner.
- b. The Owner shall comply and ensure compliance by third parties with all requirements, conditions and design standards set forth herein. Noncompliance shall be grounds for revocation of this permit by the Morgan County Board of Commissioners after notice and hearing.
- c. This Resolution shall supersede Resolution 2005 BCC 63.

**DATED** this \_\_\_\_ day of \_\_\_\_\_, 2021, *nunc pro tunc* 12th day of November 2019

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

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Mark A. Arndt, Chair

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Jon J. Becker, Commissioner

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James P. Zwetzig, Commissioner

**ATTEST:**

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Susan Bailey, Clerk to the Board

# COMMISSIONERS CALENDAR

January 1, 2021 through January 12, 2021

January 1, 2021		Morgan County Offices Closed in Observance of New Year's Day
January 4, 2021	9:30 a.m. 10:30 a.m. 11:45 p.m.	Office Meeting Building Maintenance Department Meeting Human Resources Department Meeting
January 5, 2021	9:00 a.m.  9:30 a.m. 10:30 a.m. 11:30 a.m. 12:30 p.m. 2:00 p.m.	Board of County Commissioners Meeting (Assembly Room) (Please check <a href="https://morgancounty.colorado.gov/">https://morgancounty.colorado.gov/</a> for meeting options.) Public Hearing- Permitting/Drawing Amendments Sheriff's Office Department Meeting Emergency Management Department Meeting Finance Department Meeting Planning & Zoning Department Meeting
January 6, 2021	12:00 p.m.	Public Works Department Meeting
January 7, 2021	9:00 a.m. 12:00 p.m.	County Attorney Office Hours Open House for Commissioner Zwetzig-Come & Go 12-2pm
January 8, 2021		No Meetings Scheduled
January 11, 2021	10:30 a.m. 12:00 p.m.	Office Meeting Human Resources Department Meeting
January 12, 2021	7:00 a.m. 9:00 a.m.  1:00 p.m.	Wiggins Business Alliance (Arndt) Board of County Commissioners Meeting (Assembly Room) (Please check <a href="https://morgancounty.colorado.gov/">https://morgancounty.colorado.gov/</a> for meeting options.) Comm Board / 911 Authority Meeting (Becker)

*Unless otherwise noted, all meetings with department heads and other non-BOCC elected officials listed above may include an update on the status of the department, a general discussion of projects, any matters or concerns that the County needs to address, and activities and operations of the department.*

***Department meetings may be by conference call or virtual meeting upon request.***

CALENDAR SUBJECT TO CHANGE DUE TO AGREEABLE CANCELLATIONS AND/OR WALK IN BUSINESS

**\*\*All meetings are held in the Commissioner's Office located at 218 West Kiowa Avenue, Fort Morgan unless otherwise noted**

Posted 12/31/2020 @4:00 P.M. by Karla Powell, Administrative Services Manager

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

**RESOLUTION NO. 2020 BCC 41**

**A RESOLUTION AMENDING CERTAIN SECTION OF THE MORGAN COUNTY  
ZONING REGULATIONS CONCERNING SETBACKS**

WHEREAS, the Board of County Commissioners desires to create and clarify how setbacks are measured and what encroachments may be made into setbacks;

WHEREAS, on November 9, 2020, the Planning Commission held a duly noticed public hearing on the proposed amendments and recommended approval;

WHEREAS, on December 8, 2020, the Board of County Commissioners held a duly noticed public hearing on the proposed amendments;

WHEREAS, the Board of County Commissioners has complied with all relevant provisions for amending the Morgan County Subdivision Regulations; and

WHEREAS, after considering public testimony received and the recommendation of the Planning Commission, the Board of County Commissioners finds these amendments to be in the best interest of the citizens of Morgan County.

NOW THEREFORE BE IT RESOLVED by the Morgan County Board of County Commissioners as follows:

Section 1. Section 1-420 of the Morgan County Zoning Regulations is hereby amended to read as follows:

**1-420 Encroachment:** A placement of a structure, building, part of a building, sign, or fence upon the land or easement of another, or into required setbacks.

Section 2. Section 1-600 of the Morgan County Zoning Regulations is hereby amended to read as follows:

**1-600 Lot, Width:** The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front and rear lot lines; or at the rear line of the required front setback on irregularly shaped lots.

Section 3. Section 1-785 of the Morgan County Zoning Regulations is hereby amended to read as follows:

**1-785 Setback:** The minimum horizontal distance required, in any given zoning district, to be maintained free of man-made structures between a property line and the nearest exterior point of a building or structure or between two uses or structures.

Section 4. Sections 1-925, 2-110 and 2-115 of the Morgan County Zoning Regulations are hereby deleted.

Section 5. Sections 1-930, 1-935 and 1-940 of the Morgan County Zoning Regulations are hereby amended to read as follows:

**1-930 Setback, Front:** The distance extending across the full width of the lot between the front lot line and the nearest exterior point of a building or structure.

**1-935 Setback, Rear:** The distance extending across the full width of the lot between the rear lot line and the nearest exterior point of a building or structure.

**1-940 Setback, Side:** The distance extending from the front to the rear yard between the side lot and the nearest exterior point of a building or structure.

Section 6. Section 3-570(B)(2) of the Morgan County Zoning Regulations is hereby amended to read as follows:

No specific setback or lot size requirements shall be imposed, other than those provided herein, in the PD provided that the spirit and intent of this section are complied with in the Final PD Plan. The Commission may determine that certain setbacks and spacing be required within all or a portion of a PD for safety reasons.

Section 7. Section 3-630 of the Morgan County Zoning Regulations is hereby repealed and reenacted as follows:

### **3-630 Minimum Setbacks**

- (A) Required Setbacks. No building, structure, or lot shall be developed, used, or occupied unless the minimum setback requirements in the district bulk requirements and other requirements under these Regulations are met. Unless otherwise expressly provided in these Regulations, setbacks shall be measured from the property line. For setbacks where the abutting road is an easement, the setback shall be measured from the centerline of the easement with the additional distances set forth in subsection C of this Section added to the required setback in Table 1, Appendix B. For section line road easements which have not been constructed by the County and have not been vacated pursuant to C.R.S. § 43-2-303, setbacks shall be measured from the section line which is the centerline of the easement, adding a distance of thirty (30) feet to the required setback in Table 1, Appendix B.
- (B) Setbacks from state and federal highways are 75 feet from the right-of-way centerline.
- (C) Setbacks from highways, county roads and all other streets and roads:

- (1) Setbacks from Morgan County roads, which are identified and classified on the Morgan County Road Classification Map, shall be measured from the right-of-way centerline, as follows:

Road Classification	Measurement from right-of-way centerline
Arterial	50 feet
Major collector	30 feet
Minor collector	30 feet
Local, numbered county roads	30 feet

(D) Additional Setback Requirements.

For streams, creeks, and rivers, the minimum required setback is 50 feet from the bank high-water line. This section shall only apply to streams, creeks and rivers identified on the U.S.G.S. quadrangle map. For irrigation ditches, the minimum required setback is 75 feet from the centerline of the ditch. The setbacks in this subsection shall govern over any other setbacks established in these Regulations.

(E) Allowed Projections into Setbacks.

- (1) Cornices, canopies, eaves, fireplaces, wing walls or similar architectural features may extend into a required setback not more than three feet (3').
- (2) Open, unenclosed, uncovered porches at ground level may not extend into a required setback more than four feet (4').
- (3) Open, unenclosed, uncovered patios, decks, and porches greater than two feet (2') above ground level shall not extend into a required setback more than three feet (3').
- (4) No part of a setback required for a building shall be included as part of a setback for another building.

(F) Exemptions to Setback Requirements

- (1) Fences, screening, and buffering.

Section 8. Section 3-645 of the Morgan County Zoning Regulations is hereby repealed and reenacted as follows:

**3-645 Encroachment**

Except as provided by these Regulations or by agreement, encroachments are not permitted.

Section 9. The amendments to Appendix B, Table 1 of the Morgan County Zoning Regulations should be made:

- a. The term “structure setback” should be revised to read “Primary Structure Minimum Setback.”
- b. The term “front” under setbacks should be revised to read “Front (street)”.
- c. Appendix B, Table 1, should be amended by a new row titled “Accessory Structure Minimum Setback” with a rear setback designated as being 10 feet in all zones where the setback is larger. Front and side setbacks for accessory structures shall be the same as the setback for primary structures.
- d. A new footnote shall be added to “Front (street)” to read as follows: Front setbacks apply to all street frontages, including corner lots or double frontage lots.
- e. A new footnote shall be added to read as follows: “Setbacks are also governed by the regulations in Sec. 3-630 of these Regulations.”

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

BOARD OF COUNTY COMMISSIONERS  
MORGAN COUNTY, COLORADO

\_\_\_\_\_  
Mark A. Arndt, Chairman

\_\_\_\_\_  
James P. Zwetzig, Commissioner

\_\_\_\_\_  
Jon J. Becker, Commissioner

ATTEST:  
(SEAL)

\_\_\_\_\_  
Susan Bailey, Clerk to the Board