

# COMMISSIONERS PROCEEDINGS 1

## BOARD OF COUNTY COMMISSIONERS Minutes of Meeting July 3, 2018

The Board of Morgan County Commissioners met Tuesday, July 3, 2018 at 9:02 a.m. with Chairman Mark Arndt, Commissioner James Zwetzig and Commissioner Laura Teague in attendance. Chairman Arndt Morgan County asked Morgan County Citizen Tim Amen to lead the meeting in the Pledge of Allegiance.

### ADOPTION OF THE AGENDA

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

### CONSENT AGENDA

Ratify the Board of County Commissioners approval of meeting minutes dated June 28, 2018

Ratify the Board of County Commissioners approval on Contract 2018 CNT 159, Moetivations, Inc, services for quality assurance, training and policy writing in the Communications Center, Term of Contract May 30, 2018 through May 29, 2018

Ratify Chairman Mark Arndt's signature on the Board of Equalization Notice that was published in the Fort Morgan Times on June 28<sup>th</sup> and June 29<sup>th</sup>, 2018.

Commissioner Zwetzig made a motion to approve all items on the Consent Agenda as presented. Commissioner Teague seconded the motion and motion carried 3-0.

### GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

**Consideration of Approval – RESOLUTION - 2018 BCC 17 A Resolution of the Board of County Commissioners of Morgan County, Colorado, approving the sale of the property located in the CH Richeson's First Addition to the Town of Orchard**

## MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

### RESOLUTION NO. 2018 BCC 18

#### **A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, COLORADO, APPROVING THE CONVEYANCE OF THE PROPERTY LOCATED IN CH RICHESON'S FIRST ADDITION TO THE TOWN OF ORCHARD**

WHEREAS, in 1997, the Board of County Commissioners of Morgan County vacated certain portions of rights of way within the unincorporated Town of Orchard through Resolution 97 BCC 24 ("Property"), recorded at reception number 762659 in the records of the Morgan County Clerk and Recorder;

WHEREAS, in exchange for that vacation, the petitioners conveyed certain real property to the County in CH Richeson's First Addition to the Town of Orchard, as described in the deed recorded at reception number 762660 in the records of the Morgan County Clerk and Recorder ("Property");

WHEREAS, the deed conveying the Property required that it be used for public road and highway purposes;

WHEREAS, the Property conveyed to the County has never been used for any public purpose or as a public roadway;

WHEREAS, the County has no future plans to use the Property as a public roadway; and

WHEREAS, the Board of County Commissioners, upon request from the property owner adjacent to the Property, has determined that it is the best interest of the County and its citizens to convey the Property to the adjacent property owner.

NOW, THEREFORE, be it resolved by the Morgan County Board of County Commissioners, Colorado, as follows:

1. The Board of County Commissioners of Morgan County expressly finds that the Property has never been used for any public purpose or as a public roadway and therefore, pursuant to C.R.S. § 42-2-203, the Board is not required to comply with the statutory vacation process for public roadways.
2. The Chair of the Board of County Commissioners is authorized to execute a quit claim deed, in substantially the same form as attached as **Exhibit A** hereto.

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APPROVED this 3rd day of July, 2018.

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

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

\_\_\_\_\_  
s/Laura D. Teague  
Laura D. Teague, Commissioner

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

(SEAL)

**ATTEST:**

\_\_\_\_\_  
s/ Susan L. Bailey  
Susan L. Bailey

Morgan County Commissioner Zwetzig presented to the Board for approval, Resolution 2018 BCC 18, a Resolution of the Board of County Commissioners of Morgan County, Colorado, approving the conveyance of the property located in the CH Richeson's First Addition to the Town of Orchard. Commissioner Zwetzig provided a brief summary regarding the property in question.

County Attorney Kathryn Sellars stated the property was conveyed to the County years ago but the property has never been used by the County. At the advice of the County Attorney, Commissioner Zwetzig made a motion to approve Resolution 2018 BCC 18; A Resolution of the Board of County Commissioners of Morgan County, Colorado, approving the sale of the property located in the CH Richeson's First Addition to the Town of Orchard. Commissioner Teague seconded the motion and discussion followed with an amended motion to include amending the resolution language to indicate "conveyance of the property". Commissioner Zwetzig made mention of controversial discussions regarding the alleyway stating the County was in fact noticed in 1968 to appear and failed to do so nor did the County take a position on the matter so the alleyways were vacated and that is when the confusion over the alleyways occurred, noting the County was mistaken to have taken recent action and this will now clarify the County's position in the matter. At this time, the motion carried 3-0.

**Consideration of Approval – RIGHT OF WAY - 2018 PMT 29 – Morgan County Quality Water District**

Morgan County Public Works Bruce Bass presented to the Board for approval, a Right of Way Permit 2018 PMT 29, with Morgan County Quality Water District. Mr. Bass stated this right of way permit is to bore under County Road V (Road Segment 200), starting approximately 2,700 feet east of Highway 39 from the existing 2 inch main in the north right of way of County Road V boring a ¾ inch SDR 9 HDPE under County Road V ending in the south right of way, for the purpose of relocating Tap 206 and installing a blow off valve. He stated the fees are attached in the amount of \$150.00 and Morgan County Road Supervisor John Goodman inspected the location.

Commissioner Teague made a motion to approve Right of Way Permit 2018 PMT 29, with Morgan County Quality Water District as outlined in the narrative of the and noting the fees in the amount of \$150.00 are attached as presented by Morgan County Public Works Bruce Bass and authorized the Chair to sign. Commissioner Zwetzig seconded the motion. At this time, the motion carried 3-0.

**Consideration of Approval – RIGHT OF WAY - 2018 PMT 30 – Morgan County Quality Water District**

Morgan County Public Works Bruce Bass presented to the Board for approval, a Right of Way Permit 2018 PMT 30, with Morgan County Quality Water District. Mr. Bass stated this right of way permit is to bore under County Road 19 (Road Segment 1300), starting approximately 500 feet south of County Road Q.5 from an existing 4 inch PVC main line in the west right of way of County Road 19 boring a ¾ inch SDR 9 HDPE under County Road 19 to the east right of way, for the purpose of installing a new residential water service. He stated the fees are attached in the amount of \$150.00 and Morgan County Road Supervisor John Goodman inspected the location.

Commissioner Teague made a motion to approve Right of Way Permit 2018 PMT 30, with Morgan County Quality Water District as outlined in the narrative of the and noting the fees in the amount of \$150.00 are attached as presented by Morgan County Public Works Bruce Bass and authorized the Chair to sign. Commissioner Zwetzig seconded the motion. At this time, the motion carried 3-0.

**COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS**

Commissioners reviewed the calendar dated June 29, 2018 through July 10, 2018 with changes.

Morgan County Clerk and Recorder Susan Bailey provided updates to the Board regarding the upcoming closure of the Motor Vehicle Department in anticipation of the transition to a software upgrade the State of Colorado Department of Revenue is implementing called DRIVES.

Chairman Arndt updated the Board stating he attended the real estate closing this morning in regards to the recent sale of the Brush Ambulance building.

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## UNFINISHED BUSINESS

There was no unfinished business.

## LIQUOR LICENSES

At this time, the Board of County Commissioners convened as the Morgan County Liquor License Authority in the matters of:

### **Liquor License or 3.2 Beer License Renewal Application – Hotel and Restaurant (County)**

**Licensee: CSO, LLC dba Country Steak Out**

**Operating Manager: Alvina Schrum**

Morgan County Clerk and Recorder Susan Bailey presented to the Board a Liquor License or 3.2 Beer License Renewal Application submitted by Alvina Schrum for CSO, LLC dba Country Steak Out for a Hotel and Restaurant (county) license. Ms. Bailey stated that she has received the necessary documents and all fees have been submitted. Ms. Bailey stated she has had no issues with this licensee and then asked the Morgan County Sheriff's Department to report at which time Under Sheriff Dave Martin indicated he had nothing to report. Ms. Bailey then asked that the Board for approval of this license renewal.

Chairman Arndt opened the matter for public comment at which time no comment followed.

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

A motion was made by Commissioner Teague to approve the liquor license renewal for Alvina Schrum for CSO, LLC dba Country Steak Out and authorized the Chair to sign noting the fees are attached. Commissioner Zwetzig seconded the motion and motion carried 3-0.

## CITIZEN'S COMMENT

There was no citizen comment provided.

At this time, a brief recess was taken until the public hearings scheduled at 9:30 a.m.

## PUBLIC HEARING

Chairman Arndt called the hearing to order at 9:30 a.m. in the Assembly Room of the Morgan County Administration Building. Present were Chairman Mark Arndt, Commissioner Laura Teague and Commissioner James Zwetzig in attendance. Also present was Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry.

Chairman Arndt asked that during today's hearings that everyone be courteous and the board will not be placing a time limit on anyone's discussion, but a maximum of a fifteen minute conversation should be adequate.

**Application is for a minor subdivision to divide a parcel of 2.07 acres into 2 lots. The parcel is located in NW1/4 of Section 26, Township 4 North, Range 60 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, also known as 4482 County Road U, Wiggins, CO 80654**

**Applicant: Todd and Francie Young**

**Landowner: Todd and Monroe Young**

Chairman Arndt asked Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry to present the file at which time Ms. Cherry read aloud the following information.

### **Background Information**

Ms. Cherry stated that this application is for a Minor Subdivision of a 2 acre property located at 4482 County Road U, Wiggins, CO 80654. It is located in the NW<sup>1</sup>/<sub>4</sub> or Section 26 Township 4 N, Range 60W of the 6<sup>th</sup> P.M. Morgan County, Colorado.

Ms. Cherry explained that Todd and Monroe Young as the landowners and Todd and Francie Young as the applicants are requesting approval of the Minor Subdivision to create two lots from one 2.07 acre parcel. Two lots are proposed each being approximately one acre. Each lot will be for residential purposes in the Agriculture Production zone district. The new lot will install a new septic system. The 2 acre parcel currently has a 3/4" water tap; Morgan County Quality Water has approved the replacement of the existing 3/4" tap #0754 with two 5/8" taps, one for each lot.

Ms. Cherry stated that the file contains all documentation required for a Minor Subdivision application. At the present time there are two residential structures on the two acre lot. The existing stick built home was demolished this last weekend and is to be replaced with a manufactured home on the proposed Lot 2. Access will be an existing driveway which has been approved by Road and Bridge. If at a future date, Morgan County Road and Bridge determines a culvert is needed for drainage, or an existing culvert needs repair, the landowner will assume all costs; and the culvert and driveway must meet Morgan County specifications.

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Ms. Cherry explained that all appropriate notice requirements have been completed with no comments received in favor and no comments in opposition. The site of the minor subdivision is not located within the 100-year floodplain. Subject property is located within the Wiggins Rural Fire District. Taxes are current.

Ms. Cherry stated that Planning Commission reviewed this application for a Minor Subdivision at its meeting on June 11, 2018 and unanimously recommends approval of the Young Minor Subdivision.

At this time, Chairman Arndt asked the applicants for comments at which time Mr. Todd Young, 4482 County Road U, Wiggins, Colorado, stated they would like to see this matter move forward as the family is on site at this time.

At this time, Chairman Arndt opened the matter for public comment at which there was no public comment.

At this time, Chairman Arndt moved to discussion and decision. Commissioner Zwetzig asked the question about the statement Ms. Cherry stating there is no opposition or those in favor of the application wanting to note that adjoining landowners have all signed letters that they have no objection to this request as noted by the Planning Administrator. He then asked about the concern referred to the well, with Ms. Cherry stating the State Engineer does not have any record about the well, with Commissioner Zwetzig asking why the well was being discussed, if it is not the source of water supply with Ms. Cherry stating it is not the water supply. There will be two quality water taps serving the two lots.

At this time, a motion was made by Commissioner Teague to approve the application for a minor subdivision to divide a parcel of 2.07 acres into 2 lots. The parcel is located in NW1/4 of Section 26, Township 4 North, Range 60 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, also known as 4482 County Road U, Wiggins, CO 80654, as presented by Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry and authorized a resolution be prepared to be approved at a later date. Commissioner Zwetzig seconded the motion. Commissioner Teague stated she has been vocal in regards to allowing more exemptions and more residential structures being approved in the agricultural areas of the County and stated she stands by her opinions and residential in the agricultural zone is concerning and hopeful the Commissioners in office will stand by the comprehensive plan in place at this time and protect the agricultural zone of Morgan County. At this time, the motion carried 3-0.

**Application is for a special use permit to use property for agricultural production, handling, storage, and processing pursuant to Section 2-325 of the Morgan County Zoning Regulations a use not listed in the Morgan County Zoning Regulation. The parcel is located in the NW1/4NW1/4 of Section 23, Township 4 North, Range 59 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, also known as 20998 County Road 10, Weldona, CO 80653**

**Applicant: BG Land Company, LLC**

**Landowner: BG Land Company, LLC**

Commissioner Teague asked to recues herself at this time as she is currently a party in regards to this application.

Chairman Arndt asked Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry to present the file at which time Ms. Cherry read aloud the following information.

## **Background Information**

Ms. Cherry explained that the property owner has submitted an application for a Special Use Permit for approval to operate an Agricultural Product Handling, Storage and Processing facility to include seed sales and distribution. The property is approximately 4 acres (less than 20 acres) and is located in the NW¼ of the NW¼ of Section 23, T4N, R59W of the 6<sup>th</sup> P.M., Morgan County, Colorado and addressed as 20998 County Road 10. The property is located in the Agriculture Production Zone District.

- a. Pursuant to Section 2-325, any use, not designated as a Use by Right, Accessory Use, Conditional Use and Use by Special Review or not otherwise prohibited in a particular zone, may be approved as a Use by Special Review pursuant to the criteria and procedures as established by these Regulations.
- b. Section 3-175(EE) (Parcels smaller than 20 acres) lists seed sales as a conditional use and will also be permitted under this Special Use permit.

Ms. Cherry stated that this application includes a small scale, pilot program for research and development to identify the most efficient ways to process industrial hemp into commercially viable products including fabrics, hempcrete, paper, particle board, animal bedding and more. Industrial hemp can be used in its entirety stalk, seed and flower; seed will be tested for attributes that will be best suited for the local climate. In addition, hemp oil will be produced on the property. This permit will be applicable to product handling, storage and processing of any agricultural product (not restricted to hemp) permitted in Morgan County. The property is zoned "A" Agriculture Production Zone District.

The processing of raw products into marketable byproducts may be considered an activity related to agriculture. Seed processing requires a conditional use, though is an activity related to agriculture. Sugar beet processing is an agriculture related activity, slaughter houses are agriculture related activities. All of which require special permitting. Throughout the county there are properties that conduct various agriculture related activities that have been in operation for many years, before zoning. When these operations expand or change each will be required to come into compliance zoning regulations through applying for and obtaining the appropriate permit.

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## Criteria – Special Use Permits

Ms. Cherry explained 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.
- (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 regulations, whichever is the strictest.
- (G) The special use proposed is not planned to be developed on a non-conforming parcel.
- (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 and reliability and in the case of human consumption, quantity, quality, and reliability.

## Public Comments/Concerns

Ms. Cherry stated that Wiggins Farms, LLC, the property owner to the south of this parcel, called regarding an existing encroachment from a building located on this parcel. The owner is working with Wiggins Farms, LLC to cure the encroachment through a lease and exemption plat. Wiggins Farms, LLC also indicated they are not concerned about being able to negotiate this agreement with the owner.

## Analysis

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

*Goal. Encourage the preservation of agricultural production land to ensure continuation of this important industry. The project is in compliance with the Morgan County Comprehensive Plan and will diversify the economy to broaden business employment opportunities. The proposed use is compatible with existing land uses and there is an existing access to County Road 10. Morgan County Road and Bridge has approved the location.*

*Comprehensive Plan - Chapter 6: Land Use Planning: Section VI - Agriculture is a highly valued resource in Morgan County. Conservation of agricultural resources and land is paramount and such land and resources must be protected from adverse impacts resulting from uncontrolled and undirected business, commercial, industrial and residential uses. Agriculture areas are established to maintain and promote agriculture as an essential industry in Morgan County. Agriculture zones are established to provide areas for the conduct of agriculture activities and activities related to agriculture and agricultural production with the interferences of other incompatible uses.*

*GOAL: The County will encourage the preservation of agricultural enterprises when considering growth and changes in land use.*

*Policy 10: The County will protect existing agricultural operations, allowing them to continue, while directing growth so as not to restrict private property rights.*

- (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.  
*The survey plat submitted with this application indicates that an existing building is encroaching onto a neighboring property owned by Wiggins Farms, LLC and is not in compliance with the Agriculture Production zone rear setback which is 20 feet. The applicant is working with Wiggins Farms to obtain a lease agreement for this portion of the property until such time that a permanent solution is accomplished.*

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- (D) All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.  
*This use of this facility was previously agricultural in nature, storage and packaging of agricultural products, potatoes and onions. There will be approximately ten employees and onsite parking is available.*
- (E) The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.  
*The agriculture nature of the proposed Special Use is compatible with surrounding uses, buffering from adjacent Agriculture Production zoned property is not necessary.*
- (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 regulations, whichever is the strictest. *This operation will be required to obtain necessary permits from state or federal agencies and remain in compliance with any requirements.*
- (G) The special use proposed is not planned to be developed on a non-conforming parcel.  
*A search for an exemption plat for this parcel was not located. With the adjustment of the property boundary with Wiggins Farms, the property will be in compliance.*
- (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.  
*Expansion of agriculture related businesses in the County is necessary to increase and broaden the employment opportunities and the economy in Morgan County.*
- (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 and reliability and in the case of human consumption, quantity, quality, and reliability.  
*The applicant has submitted Colorado Division of Water Resources permit #28171 as a domestic well. Reclassification of the well through CDWR may be required. As of the date of this report, no comment has been received.*

## Recommendation

Ms. Cherry stated that the Planning Commission reviewed this application at their meeting on June 11, 2018. They unanimously recommend approval to the Board of County Commissioners subject to the following condition:

1. The applicant shall obtain necessary permits and comply with the requirements and conditions of those permits as determined by other governmental agencies with jurisdiction over this operation.

At this time, Chairman Arndt asked the applicants for comments at which time Gary Teague, address being 15366 County Road O, Fort Morgan, CO stated he had no further comments to offer.

At this time, Chairman Arndt opened the matter for public comment at which there was no public comment.

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

Commissioner Zwetzig asked Ms. Cherry the question regarding Mr. Teague and BG Land Company who came before the Board had started the procedure prior to notifying the Planning and Zoning Department, after miscommunication between lessee and planning department staff, and thanked Mr. Teague for complying with this regulation. Commissioner Zwetzig also asked about the letters from adjoining ditch companies, in which Ms. Cherry stated she has received letters in favor of this application from adjoining landowners and ditch companies. It was also asked about the payment of taxes, with Ms. Cherry stating those have been paid in full. Commissioner Zwetzig asked about the issue of how many employees will be employed, with Mr. Teague stating at this time there will be no more than 20 full time employees unless the system would fail. As for the usage of a well, the permit is for a domestic well, and the state usually does the same thing with well permits, they would have to do something with the well classification if the well fails, with Mr. Teague stating a lot of ag use is like this, the well was put in place since 1963 and they have applied with the state to change the use of the well, and would expand what those uses are. He stated they have spoke with the state engineer's office and those necessary to get this permit change approved. Ms. Cherry stated it is allowed for this permit change to be in the process as this has been done in this manner before with other applicants.

Commissioner Zwetzig asked about the encroachment issue, with Mr. Teague stating this has happened over time, where Jensen Farm sold the corner off and kept part of it, and have spoken with Jensen Farms where they thought in the early 80's it had been corrected, but when this was brought to their attention, 8/10 of an acre and it has been surveyed and it has been submitted back to the adjoining landowner and they have a temporary lease which has been obtained and not being negotiated. Commissioner Zwetzig stated it is important to note this information and the lease being in place should take care of this concern, with County Attorney Sellars stating she has not seen the lease.

Mr. Teague stated he personally believes this is a correction of a property line, with Commissioner Zwetzig asking if it will require an exemption, with Ms. Sellars stating the building in question is non-conforming, and Mr. Teague stated nothing has been changed since the early eighties, and what is will be what is. Ms. Sellars stated if the County would want this resolved in another means than a lease being in place that has not been discussed. Mr. Teague stated he believes the permanent fix will be the purchase of the property once the lease is in place and the

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property sells. Discussion followed as to what precedence may be set; there are numerous property line changes that need attention countywide.

Mr. Teague stated he is willing to do whatever is required, but would rather adjust the property line, and would prefer not to have to do an exemption. Ms. Sellars stated that over 35 acres, the County is not able to act on anything, with Commissioner Zwetzig stating he believes it is important to follow the County's exemption process, that this be included and it not be sold as two parcels. Ms. Sellars stated it would be her recommendation to adjust the property line, not requiring two separate processes to follow the exemption process.

Commissioner Zwetzig asked about the work that was done inside the facility, clarifying there would not be any modifications done to the interior, and asking if the inspections have been completed, with Ms. Cherry stating those building permits were not issued by the county. Ms. Cherry explained there has been an electric and plumbing permit applied for and completed by those agencies and she was not certain that her staff has verified that these have been completed. Mr. Teague stated it is his understanding that anything that was to be completed has been completed.

Commissioner Zwetzig expressed his support of the hemp industry in Morgan County at this time, with Chairman Arndt stating this application is not connected to only hemp production, but for all agricultural production.

At this time, a motion was made by Commissioner Zwetzig to approve the application for a special use permit to use property for agricultural production, handling, storage, and processing pursuant to Section 2-325 of the Morgan County Zoning Regulations a use not listed in the Morgan County Zoning Regulation. The parcel is located in the NW1/4NW1/4 of Section 23, Township 4 North, Range 59 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, also known as 20998 County Road 10, Weldona, CO 80653, as presented by Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry and authorized the preparation of the appropriate resolution to be approved at a later date. Chairman Arndt seconded the motion, and motion carried 2-0.

**Application is for a Special Use Permit for a training facility for racing quarter horses and an event facility. The parcel is located in the SW1/4 & W1/2 SE1/4 of Section 11, Township 5, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, also known as South of County Road DD ½ mile on County Road 23.**

**Applicant: Carmen Arevalo  
Landowner: Moreno Racing, Inc.**

Chairman Arndt asked Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry to present the file at which time Ms. Cherry read aloud the following information.

## **Background Information**

Ms. Cherry explained that the applicant, on behalf of the owner, has submitted an application for a Special Use Permit for approval of a Race Track, Race Horse Training and Event Facility. The property is located in the SW¼ and the W½ of the SE¼ of Section 11, T5N, R57W of the 6th Principal Meridian, west of County Road 23, and approximately ½ mile south of County Road DD (28026 County Road 23). The property is 240 acres and located in the Agriculture Production Zone District. Pursuant to Section 3-175(B) animal training, breeding and boarding facilities are conditional uses on properties greater than 20 acres. Morgan County Zoning Regulations do not address the horse racing or event facility portion of the application. The applicant proposes to hold one racing event/one day per month on a Saturday or Sunday where attendance is anticipated to be 600 and parking for an estimated 200 vehicles is necessary. Pursuant to Section 2-325 of the Morgan County Zoning Regulations, any use, not designated as a Use by Right, Accessory Use, Conditional Use, Use by Special Review or not otherwise prohibited in a particular zone, may be approved as Use by Special Review pursuant to the criteria and procedure as established by these Regulations.

Ms. Cherry stated that the applicant has proposed to widen and construct a 300' northbound left turn lane off of County Road 23 to the property to alleviate traffic congestion on days when horse racing events are held. To mitigate impacts on event days the applicant had proposed to:

1. Utilize water trucks for dust mitigation on Roads 23, 24 and Y.
2. Provide additional security and traffic control.
3. Contract with Morgan County Sheriff's Department to have an officer present during events.
4. Hire crews to monitor and pick up trash onsite and nearby roadways.

Ms. Cherry explained that the event center will be developed in phases over a number of years to support quarter horse training, racing, and the race track. A previous owner of the property had constructed the race track and the two existing barns will serve as stables. Future phases of development may include the addition of a pool for horse exercise, grandstands, public restrooms, additional parking, onsite road improvements, additional stables and an improved horse racing track. The initial phase of construction is expected to take 18 months. Future phases may require an amendment to the Special Use Permit prior to development and construction.

Ms. Cherry stated that when events are held, the applicant will bring in water stations and provide portable restroom facilities. There is the potential for crowd noise on event days. There is overhead electric service and a well onsite (Permit #269443 – for fire protection, ordinary household inside no more than three single family dwellings, watering of poultry, domestic animals and livestock on a farm or a ranch and the irrigation of not more than 1 acre of home gardens and lawn). As of the date of this writing the well permit is in the process of being changed from the previous property owner (Torres) to the applicant, and Ms. Cherry noted this has been completed. The track boundary is located approximately 950' from the property owner to the north, 1,450' from the property owner to the

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east, 2,218' from the property owner to the west, and 218' from the property to the south. There is also a septic system onsite.

## Criteria – Special Use Permits

Ms. Cherry explained 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.

- (B) The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan.  
*The property is in the North Central Planning Area with a goal of encouraging the preservation of agricultural production land to ensure continuation of this important industry. Horse race events will be held one day a month and will preserve the agricultural land.*
- (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.  
*The file was complete and all documentation provided meets requirements.*
- (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.  
*The applicant has mitigated off site impacts. A left turn lane from County Road 23 will be constructed, dust will be mitigated on County Road 23 on event days using water trucks.*
- (E) The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.  
*The closest property line from the racing area is approximately 218 feet from the south property line. No additional buffering is necessary.*
- (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 regulations, whichever is the strictest.  
*The applicant has proposed mitigation measures to address impacts.*
- (G) The special use proposed is not planned to be developed on a non-conforming parcel.  
*The parcel is about 240 acres and 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.  
*Racing events held last year were well attended indicating a public need for the project. Applicant has provided proof of adequate financial resources to implement the plan, paid fees and review costs.*
- (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 and reliability and in the case of human consumption, quantity, quality, and reliability.  
*Applicant proposes to provide water stations for each event.*

Additional information since the Planning Commission hearing was summarized as to the Well permit #269443 has been transferred to the applicant; Ms. Cherry stated this information was included in the board's packets. She summarized the water uses permitted include fire protection, ordinary household purposes inside not more than three single family dwellings, the watering of poultry, domestic animals and livestock on a farm or ranch and the irrigation of not more than one acre of home gardens and lawns.

## Public Comments/Concerns

Ms. Cherry stated that racing events held on the property in mid-2017 caused concern with area property owners and other Morgan County residents and solutions proposed by the applicant:

1. Public accesses resulting from heavy traffic queuing, access to adjacent properties, impedance to farm equipment to access private lands.  
*Applicant proposes to construct a 300' left turn lane (west) so farm equipment is able to proceed without encountering traffic delays. Road and Bridge are supportive of this proposal.*
2. Traffic control – Direct traffic to and from project site – parking control  
*Applicant proposes to hire traffic flaggers on days when events are held. Traffic travelling south is not anticipated to cause or encounter congestion. Addition of a 14' wide 300' long turn lane for northbound traffic will alleviate traffic congestion.*
3. Maintenance of public roadways – rutting due to heavy traffic  
*Applicant proposes to repair ruts, provide millings/gravel for roadway repair, addition of culverts to access point to maintain natural drainage paths across the roadways.*



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4. Dust control from heavy traffic on dirt roadways  
*Dust suppression with water trucks or other approved alternatives*
5. Life safety – fire control and fire department site access  
*Fire department official in attendance during events that will be paid for by the applicant, fire suppression devices onsite as determined by the fire marshal*
6. Life safety – preventing illegal activities  
*Attendance by area law enforcement officers that will be paid for by the applicant*
7. Trash disposal services  
*Trash disposal services to be provided onsite for events, clean-up details will be paid by the applicant for adjacent roadways.*

## **Analysis**

Ms. Cherry explained that the surrounding properties are zoned Agriculture Production. The property has been used for horse racing in the past. Expansion of the event facility is a possibility in future phases of development. This is an unpopulated area of the county and interference with other property owners and their activities have been mitigated with roadway improvements to be constructed solely at the cost of the applicant and activities to be performed by the applicant on event days. The application states that County Road 23 will be widened to accommodate a left turn lane to the property and it will be watered on event days to reduce dust. Private security and trash pickup and removal will be conducted on event days. These mitigation measures should resolve concerns by other citizens in the area.

Ms. Cherry stated that the project is in compliance with the Morgan County Comprehensive Plan and will diversify the economy to broaden business employment opportunities. The proposed use is compatible with existing land uses and there is access to existing County Road 23 and is proposed to be modified as described above. Morgan County Road and Bridge has approved the location and a 60' width for the proposed driveway and recommends that watering of County Road 23 from County Road Y north to the site is sufficient dust mitigation.

## **Recommended Conditions**

At the applicant's sole expense construction of the left turn lane as recommended in a traffic letter dated April 18, 2018 is required to be constructed prior to an event being held. The owner shall coordinate with Morgan County Road and Bridge Department and comply with all requirements of that Department.

On event days the applicant, at its sole expense, shall provide adequate dust control on County Road 23 from Road Y north to the property entrance on event days.

The Applicant, at its sole expense, shall provide adequate trash collection and disposal for events, including trash collection along County Roads in the vicinity of the property. All trash must be collected and properly disposed of within 24 hours following the conclusion of an event.

Fire control shall be conducted in accordance with recommendations of the Fire Marshall.

Adequate law enforcement and/or security shall be provided during each event, at the sole expense of the owner.

Private traffic control shall be provided for each event, at the sole expense of the owner.

## **Planning Commission Recommendations**

Ms. Cherry stated that on June 11, 2018 Planning Commission considered Moreno Racing's Special Use application. They suggested three additional conditions on this permit:

1. The use of directional signage on event days to aid attendees in locating the property.
2. A limitation of four events the first year to be held between June and September.
3. A review will be conducted by the Planning Administrator of the Special Use permit after five years of operation. At the end of that five years, the Planning Administrator will determine if a review hearing is warranted or that the permit to become permanent.

Planning Commission unanimously recommended approval of this application subject to the conditions listed. At this time Ms. Cherry recommend approval of the Moreno Racing, Inc. application subject to the original six conditions and Planning Commission's additional three conditions with the exception of the limitation on the number of events to be increased to eight per calendar year.

Commissioner Teague asked about the driveway application and the information provided as to a 60 foot driveway explaining she did not see a signed document by the road and bridge department. Ms. Cherry stated the recommendation came from the traffic engineer, with Commissioner Teague stating it indicates it was approved by the Road and Bridge department, with Ms. Cherry stating there may have been an email from the road and bridge department that may be missing from the packet.

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Chairman Arndt asked about the Fire Marshall responding with Ms. Cherry stating she has not received any comments as of this time, further explaining that very often these agencies fail to respond. Commissioner Teague clarified that the appropriate agency was contacted with Ms Cherry stating yes.

Chairman Arndt asked those present representing the application if they had any comments at which time Carmen Arevalo, address being 15050 Zuni Street, Broomfield, Colorado, Scott Lucas, representing R&R Engineers, 710 West Colfax Avenue, Denver, Colorado and Corando Lozano, a contractor for the project, address being 13453 Riely Peak Road, Conifer, Colorado all introduced themselves. Ms. Arevalo stated the information provided by Ms. Cherry was covered in full and further stated their intent for this project is to provide a horse training facility since the Arapahoe County Training Facility has recently closed. She stated she currently has eleven horses they are trying to find a location for training and believes that Morgan County is the place to locate this type of facility. She further stated she and her husband own one in Texas called the Diamond D Ranch which is similar to what they are proposing.

Ms. Arevalo explained that the facility here in Morgan County will be both a training facility and an event center, where training and racing will take place at the same time and is hopeful to get a permit at a later date for timing like they currently have in Texas. She stated when they bought the property the race track was already there, and Chairman Arndt asked if the facility was permitted for racing, with Ms Cherry stating it was not.

Chairman Arndt asked the question how to place a turn lane on a dirt road to be marked and identified, with Ms. Cherry stating there is enough room to put in a turn lane given the width of the roadway, and again stated that she has an email related to the 60 foot right of way.

Commissioner Teague asked about the fire suppression devices being provided with Ms. Arevalo stating they will have water trucks on site which will mitigate issues in case of an emergency and will use for dust control as well. They will also have an ambulance on site. Chairman Arndt stated he has a real concern about range fires in these types of areas as once a fire starts; it tends to get out of control quickly. Discussion followed as to soil erosion, and dust mitigation asking about the soil stabilization stating he feels it is very fragile land.

Mr. Lozano stated what they have done is taken 2-3 inches of dirt and put down road base for the vehicles and for any piles of dirt they can see what the requirements are for Morgan County and do whether it is blankets in the area, they can do these things with the company they own, can take a look at what is needed in this area and do this whether it be straw mulch or blankets. Commissioner Teague stated that according to the application, there is already a big blowout that can be seen from the county roadway and asked what they are doing about this issue, with Ms. Arevalo stating that is the parking lot and that should not be any dust. Commissioner Teague stated she believed the parking lot is already covered with road base, with Ms. Arevalo stating it is covered with road base and there is not dust. Discussion followed in regards to C.W. Scott and what he has observed and he has made recommendations.

Ms. Cherry stated that C.W. Scott did meet onsite and he was to provide some comments and recommendations but they have not seen anything further as of this date.

Mr. Lozano stated he is able to comply with whatever the County would want to have put in place. Chairman Arndt commented the area in concern is where the excavator was sitting and just to the left of that area.

Commissioner Teague asked about the well permit and how they plan to water the horses and the number of people that will attend. Ms. Cherry stated this is being considered a farm or ranch and the well would suffice. A water station is a water tank as clarified by Ms. Arevalo. Mr. Lozano stated instead of a water truck, it is a water tank, with Commissioner Teague asking about the water stations, with Ms. Arevalo stating drinking stations will not be provided, everyone will be required to bring their own drinking water. Commissioner Teague asked that it be noted drinking stations will not be provided.

Chairman Arndt asked about the plans for sanitary and bathroom stations, with Ms Arevalo stating for now those will be portable, in the future, they hope to make them more permanent.

Commissioner Teague asked about law enforcement support, with Ms. Arevalo stating they have spoken with the Sheriff's Department and they have indicated they are short handed, but they will be able to provide security from private agencies.

Commissioner Teague asked about information she has received regarding it being advertised there is an event planned for July 28<sup>th</sup>, with Ms. Arevalo stating that is not correct.

Chairman Arndt asked Ms. Cherry about the comprehensive plan with the kind of roads that are in this area, how the Planning Commission came to the conclusion that the amount of traffic fits this area. Ms. Cherry stated this is a farming related activity, they are training horses, and stated the primary focus of the property is the training of the horses, and stated a planning commission board member made this statement.

Commissioner Teague stated the application speaks mainly to the event side of the matter with the applicant stating they are trying to get a facility to train the horses, and then the event would occur. He stated that if they should bring in people to the facility to run their horses, they are trying to make it to where the horses compete with each other and train here and then go elsewhere for the larger racing events. He stated they are helping them to build the horse to make it more acceptable to the larger racing facilities.

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Chairman Arndt stated he believes this is looking at two different operations, a training operation is totally different than an event operation explaining that an event operation creates issues for traffic numbers, and stated the training facility may be a good fit for this area, but the event portion may not and those are the things he will be looking at.

Mr. Lozano stated they are looking at 8 days for the event side stating that he believes there will be more traffic the remainder of the 365 days per year, than what will be on those 8 days, being once per month. He believes they can mitigate the issues, fix the facilities, make it right for the County given it is just once a month

At this time, Chairman Arndt opened the matter for public comment asking for anyone who would like to speak in favor of the application.

Those speaking in favor of the application were Debbie Boyd, address of 2935 East Danbury Road, Kings Arizona Steve Morrison, address of 26472 County Road 26, Brush, Colorado and Jesus Sanchez, address of 15509 Lamb Avenue, Fort Lupton Colorado. Each individual explained their reasons for being in favor of the application.

Chairman Arndt then asked for anyone who would be opposed to the application or concerns.

Dave Martin, Morgan County Undersheriff, expressed his concerns, stating through his training and experience, dealing with this type of industry, brings many ancillary problems, stating the traffic and trash, indicating they had received complaints from other neighbors of the trash and other nuisances. He then spoke about the drugging of animals, the illegal gambling, the cruelty of animals, the dog fighting, the cock fighting, where there is no one watching and no regulation. Mr. Martin stated he has trouble staffing his shifts and does not have extra people that he can hire out for these types of events. At this time, he urged the Board to not approve this application, stating when you bring more than one thousand people into this location; it creates ancillary issues for the County.

At this time, several individuals provided comments in opposition to the application including Dickey Smith, 28886 County Road 23, Brush, Colorado; Ed Wilgenburg, 24268 Morgan County Road 21, Fort Morgan, Colorado; Hal Brown, 1502 26<sup>th</sup> Street, Greeley, Colorado; Nevin McConnell, 28677 County Road 21, Fort Morgan, Colorado; Bill McConnell, 29676 County Road 21, Fort Morgan, Colorado; Kelly Carmin, 25103 County Road 23, Fort Morgan, Colorado; Martin Christensen, 22915 County Road 23, Fort Morgan, Colorado; and John Longacre, 20153 County Road Y, Fort Morgan, Colorado. Each individual expressed their concerns in detail regarding the application.

At this time, the applicant was given the opportunity to respond to the public comments that were received. Mr. Lozano provided comments regarding each individual concern that was expressed and stated the applicant is more than happy to provide a resolution for each problem. He stated he understands the concerns expressed stating the list of concerns that have been shared can be fixed and the fact it is not a deal breaker and stated he believes they can make the facility right, if it has to do with security, trash, fire mitigation, he stated these items are concerns he would have as well, but sees good stuff coming out of Morgan County, stating revenue to the County could be a benefit. He stated that he does not believe the issue that was raised regarding those with tinted windows is something that should be considered, feeling this is stereotyping and asked the Board to take this into consideration. He further stated Moreno Racing has a top reputation in the State of Colorado as well as California, stating they do not allow this to happen in the facilities they currently operate, and will not allow it to happen here in Morgan County. He spoke about the Sheriff being understaffed, and the fact this could provide income to the Sheriff's office allowing staff to possibly receive additional pay for security services where they would then spend those dollars here in the County.

He further stated they follow any erosion and excavation process that occurs in the State and the County. He stated he does not believe the holes are as large as individuals are saying they are, and they are willing to core the area to see what is located there, and if there are water tanks, they will find out if there are water tanks. He stated the comment about "blasting", they do not know how to blast, and does not understand some of the accusations that are being made. They want to have a facility to train and board horses, and to do this one day a month to make these horses productive for they are hopeful the people coming into the area for these events are going to come here and be righteous and do the right thing, they don't want anything bad to happen to this community. They want to help this industry to allow these people to come and train their horses in high altitude and this community provides the perfect setting for this type of facility. He stated they believe they are placing this in an area where the impact is limited and are sorry it is affecting these individuals but want to do everything within their power and legally to make this work. He stated this helps other people and helps Morgan County.

He further stated he understands it is open range, but people are living in this open range, just like any other property in the State of Colorado and stated this is open range for them as the applicant and this is an opportunity to do something good for themselves and their families. He further stated they will try to mitigate any issues that may harm their families and the community's families and stated the application is spending a great deal of money to make this happen and is taking on a great deal of risk to make this project successful and asked the board to give the applicant the opportunity to prove to the County they can make this work.

Commissioner Teague asked about the site plan a small proposed stable, and feels there is no ability to house horses on the facility a proposed. Ms. Arevalo commented about the existing site plan with the Board reviewing their packets and asked about the existing buildings, with the applicant stating nothing has been taken out, with Mr. Lozano stated in the first 18 months they will rebuild facilities like that, but are waiting to be sure they can do that. Commissioner Teague stated when they have a confined animal feedlot, they are required to notify what is going to be put on the site and why is there nothing that indicates what there will be on the site as to site design and site plan. Ms. Cherry stated what is in their packet at this time is what they have at this time, with Commissioner Teague stating so there is nothing that indicates where they are going to place facilities, with Ms. Cherry stating that is correct.

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Chairman Arndt asked to clarify what they are referencing as horse boarding, with Ms. Arevalo indicating the horse boarding will remain on the same place as the existing buildings as was provided in an old picture prior to this hearing. Mr. Lozano stated if there is anything missing in the application, they would be happy to provide anything they need. The applicant provided a site plan, which shows the existing buildings, and the proposed location of the buildings for the future.

Commissioner Teague made mention about states that are attempting to shut down these types of events and asked if they could provide comments about this information. She stated this creates questions in her mind as to how they will manage if betting occurs, animal abuse, and other issues mentioned. Ms. Arevalo stated she is not going to risk her horses into a facility where they are not safe and if there is illegal activities going on as they have a lot of money financed in their horses, around \$50,000. Commissioner Teague spoke about being told from Yuma County Commissioners the issues they have experienced as to activities that took place in Yuma County. Mr. Lozano asked if they have had any races like this there, with Commissioner Teague stating this board has been told there has been a race where 5,000 people have showed up and the fee that is charged for races that occur and issues.

Commissioner Teague explained due to that event being that way Yuma County charges a \$25,000 non refundable deposit for these types of events to cover any costs they may incur.

Hector M. Villalobos, 15050 Zuni Street Broomfield, Colorado stated he is an owner and what he is seeing here is they are confused indicating the training facility is to train horses and have a match where two horses will race against each other and learn how to race against another horse. Mr. Villalobos stated drugs are not allowed and there will be testing for that at each match. With their culture the problem is if there are fifty horses and are eighty owners they will each bring their families so that will make a large crowd. The owners can bring their own beer; they are looking into having more security to lessen the beer and the trash. He has done the work himself clearing the area for the parking lot and adding base and cleaning the area of trash that was left from the previous owner. He stated he tried to get a permit to move the dirt but a permit was not required due to it being three inches or less that he was moving. The hill that the neighbors are saying he made was there when they purchased the property and a survey will prove that, the elevation will be the same from eth first survey to one done today. He feels that the neighbors do not like him and think he will be the same as the previous owner and they are not giving him a chance. The only complaint that he has heard from any of the owners was that they do not want the taxes to increase.

Mr. Lozano stated he has known the applicants for 13 years when he was employed by them and they completed one million dollars of work. He stated that the facility is a risk and they are willing to do what is right and staff wants to make it a top notch facility. Mr. Villalobos stated that they are not trained on putting out fires but they are willing to learn and be trained since that is a concern of one of the neighbors.

Commissioner Zwetzig stated the reason we are here is for a land use regulation and if the use is compatible with the land. He is concerned with the number of vehicles and the number of people that could be attending. Regarding an animal confinement facility, it is regulated as to how many animal units are allowed and feels there should be animal unit requirement in this case as well. He further stated he does not believe this is an ag related business. Commissioner Zwetzig stated he believes this is one of the better maintained roads in the County due to a Morgan County employee living on that road and he is the one that maintains it for the County. The road issues would have to be mitigated before he could support the event.

Mr. Lozano stated they have motor graders that they can do work on the road. Commissioner Zwetzig stated that the road is major concern and the road may even end up needing to be paved. He stated that a turning lane does not make sense to him since they will be crossing traffic to turn in.

Mr. Lozano stated that the county can tell them that how the road needs to be and if there needs to be a turning lane, they will do it. If there is rain on the day of the event, they will cancel the event.

Commissioner Zwetzig stated that Morgan County does have large events naming stock car racing and motocross racing that people attend. They are loud and there are a large amount of vehicles and people that attend but the road condition is mitigated in both of these areas. He feels that the road needs to be mitigated and if the applicant is willing to do that, there should be discussion of such.

Commissioner Zwetzig stated that there still is an issue with if there is a road right of way there as he does not think that a thirty feet easement that is there is would work for either a horse facility or the event. Mr. Villalobos stated there is a thirty feet right of way on his side and thirty feet right of way on the other side. Commissioner Zwetzig stated that access is an exclusive thirty-foot easement on the neighbor's property. There was discussion on the County's position on roads in the County.

Commissioner Zwetzig asked what they predict the numbers of people that would attend would be, with Ms. Arevalo stating it depends on how many horses are being trained and that are ready to race indicating the most would be 600 people which would be about 40-50 horses.

Commissioner Zwetzig asked Ms. Cherry if this special use requires drainage study, with Ms. Cherry stating no but if they add buildings they would need one.

Ms. Arevalo explained that they own a ranch in Lone Oak, Texas, with 96 stables they bought recently. The facility will be the same in Morgan County as it is in Texas. She explained that all states have different regulations. Commissioner Zwetzig stated that under the land use regulations any conditions as far as the road that it indicate "failure to reduce impacts" there will need to be more discussion to reduce the impacts. He stated that there is not enough information to decide on it.

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Commissioner Zwetzig asked Ms. Arevalo about the racing times with her stating that traffic control will start at 8 am and the training will be at 10 am. The traffic control says 6-8am and she stated that would be for the staff not for the race. Ms. Arevalo stated there are no rodeo activities going on now, but maybe later on. Ms. Cherry stated that they would have to amend their special use permit add rodeo.

Commissioner Zwetzig asked the applicants that on single event days how will they help with the neighbors being able to get out of their driveways, with Ms. Arevalo stating they do not see there being a problem and they can have flaggers on the day of the event to help.

Commissioner Zwetzig asked if there was any information about the Highway 52 races with Mr. McConnell explaining there were races 10-12 years ago about 20 miles outside of Fort Morgan and the people that lived in the area there was damage to driveways with trash.

Commissioner Teague stated she feels roads are of concern stating the road could be paved but that makes it more expensive for the county citizens to maintain long term. She stated there are requirements regarding water that has to be adequate, quality and quantity they maybe 600 people or more and there is a water well source listed as a domestic and farm animal use. She is not sure if that is for commercial horse use as she does not believe that is does and knows that it will not work for 600 people and that is not what the current well permit states. Also, fire suppression is a concern and she understands how fragile the sand hills are and it takes 20-30 years to rehabilitate. There is concern from the neighbors about range damage. There is also an issue with sewage on a previous application the septic system had to be inspected and it had to be inspected has that been looked it to. Ms. Cherry stated that the applicant has spoken to Mel Bustos and they plan to have porta- potties for events. Commissioners Teague stated that 90 horses will require labor and will the septic system just work for it being a training facility only with Ms. Cherry stating that has not been looked into. Commissioners Teague stated that they have heard from law enforcement and asked about the comment of there being an ambulance on site, Ms. Arevalo explained that they have spoken with numerous ambulance companies in Colorado.

Ms. Arevalo stated they have a water meter that they have from the city of Fort Morgan that they will use and they will truck the water to their facility. As they train they always have lots of water. In the future there could be a living facility that would house five people.

Commissioner Zwetzig stated that the County does not have a fire marshal indicating that is the responsibility of the sheriff and the application states he has been contacted and in fact has not, indicating it was Mr. Zink that they have been speaking to.

Commissioner Zwetzig stated that he needs to be convinced that the road can handle the event.

Chairman Arndt stated that they discuss the option of phases being put in place asking if it is possible for the two to be separated as to first having the training and later the events or do they go together. He stated his question is can you have a training facility without having the 600 people attending the event, with Ms. Arevalo stating that if the trainers are going to take time and come out to use the facility they are going to invite people to come and it will appear that they are having an event taking place and that is when the neighbors will start to complain. She stated they have not been at the property since last year and people are saying things that are not true about what is going on.

Ms. Arevalo stated she has been notified by Ms. Cherry that there have been complaints. Most of the people and neighbors that are complaining were not even aware of anything going on and stated it was one neighbor that was calling and telling everyone. The problem is as soon as you give us the permit and people will be there, with her culture there will be a lot of people. A lot of the horses are very expensive so there will be multiple owners, so at the end there will numerous people attending. So they have decided to get the permit for the facility and the racing instead of having complaints for having a event and people saying they do not have a permit to do so. They would like to know what they can do they try their best to clean up the trash; she knows they are not perfect but most of the things being said are not true. She would like to suggest that they have pickup trucks with cameras and they will run the cameras over the property before the event and then again after the event to be sure that the property and surrounding areas are put back to the same as it was before the race. She is upset by the comments that the neighbors are saying they are not bad people. They have hard working people and not all Hispanic people are bad. They have a dream and they are trying to make everything right and do what they have to do to make a great facility for everyone. She can prove that the hill was there before and she can prove that there is nothing underground. They cleaned the property of all the trash and junk that was left from the previous owner they never complained about them cleaning the mess. She would like to have the chance to show the board they can do it and do it right.

Chairman Arndt stated that it is the board's obligation to make sure this fits the land use regulations. He does not want the applicants to think that the comments about the Hispanic music will be taken into consideration as it will only be based only on what regulations require stating there are many questions that the board still has.

Commissioner Zwetzig asked Ms. Sellers what procedurally the board can do and what the options at this time are. With Ms. Sellers stating that you and make your decision today to approve or deny you can continue the public hearing to a date certain in the future and go over the questions that they still have and during that time county staff can work with the applicant and have discussions. You can also close the public hearing and you have 15 days to make a decision.

Commissioner Zwetzig asked if they would like to find out more details and questions would it be given to the staff and the staff would work with the applicant. In other words they would not be in an open hearing and until they

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reconvened with Ms. Sellers stating that is correct. Commissioner Zwetzig stated that the board would not have any correspondence with the applicants with Ms. Sellers in agreement. If you close the public hearing there is a possibility that you can come back in an open meeting and it would be only be between the board not the applicant or the public. Commissioner Zwetzig asked if it is continued then it can be opened back up with Ms. Sellers stating that is correct.

Chairman Arndt if it is continued for more information for staff to gather they don't have to have a date certain and then when the information is gathered then the date certain can be announced. Ms. Sellers explained she would prefer there be a date certain sat and it can always be continued again if that need be rather than when we the information is ready we will let you know it is easier for the applicant and the public to know.

Commissioner Teague stated that we have zones in the County to put uses in the appropriate zones and this use the event needs better roads, water that can serve the event, appropriate protection from fire, sewage, law enforcement, etc. They continue to state that they need to move events where infrastructure if that appropriate, she stated that this can be a big event and its needs those infrastructure in place and it is not out in the ag country. She is ready to make a decision today and she feels there are other zones that would be better for this event.

Commissioner Zwetzig stated that Morgan County is zoned too much agriculture; there are subdivisions in the ag zone. He does agree that there are better areas for this event to take place in.

Commissioner Zwetzig stated that he heard the applicant did ask that the board work with them on the issues and maybe the board thinks that this will not work and there will be a huge expensive to met the requirements.

Chairman Arndt stated that he hopes that the applicant understands his question that if the training facility versus the event and as the property owner you should be able to control the number and what happens on your land. Do you start out with a training facility and get that done then work towards a special permit event once a year. Right now when he thinks about the event and the site of where it is he cannot see it working.

Commissioner Zwetzig made a motion to continue the hearing to August 14th, at 9:30, with Commissioner Teague seconding the motion, motion carried 2-1

Being no further business the meeting was then adjourned at 12:36 p.m.

Respectfully Submitted,

Susan L. Bailey  
Clerk to the Board  
(Minutes ratified July 17, 2018)

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

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

\_\_\_\_\_  
s/Laura D. Teague  
Laura D. Teague, Commissioner

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

(SEAL)

**ATTEST:**

\_\_\_\_\_  
s/ Susan L. Bailey  
Susan L. Bailey